LEE COUNTY
SOUTHWEST FLORIDA

LOCAL PLANNING AGENCY
ADMINISTRATION EAST BUILDING
2201 SECOND STREET, FORT MYERS, FL 33901
ROOM 118 (FIRST FLOOR)
MONDAY, FEBRUARY 27, 2017
8:30 AM

AGENDA

1. Call to Order/Review of Affidavit of Publication/Pledge of Allegiance

2. Public Forum

3. Election of Officers

4. Approval of Minutes – December 19, 2016

5. Lee Plan Amendment

   A. CPA2016-00011 – Centerplace
   Amend Lee Plan Policy 1.1.9, Goal 18, and Table 1(a) to remove site specific requirements for Area 9 of the University Community. Also amend Lee Plan Map 1, Page 2 to identify the subject property in the correct community planning area.

   B. CPA2014-00008 – Overriding Public Necessity Definition (COUNTY INITIATED) Amend the Lee Plan to provide clarification of the overriding public necessity requirement found in Objective 17.1, Objective 20.1, Policy 21.1.5, and Policy 26.2.2 with regards to the Buckingham, Caloosahatchee Shores, Alva, and Bayshore community plans.

   C. CPA2016-00006 – Troyer Brothers Map 14 Amendment
   Amend Map 14 to add lands within the Troyer Brothers property to the Future Limerock Mining Overlay. The Troyer Brothers property is approximately 1,804 acres, located in Southeast Lee County about 7 miles to the east of Daniels/Gunnery Road on the south side of State Route 82.

   D. CPA2016-00010 – Troyer Brothers Conservation Lands
   Request to amend the future land use map from DRGR to Conservation Lands.

6. Other Business

   A. Sunniland/Nine Mile Run Drainage Improvement Project

B. Administrative Code 13-2 (Procedures for Appeal of LPA Decisions)

7. Adjournment – Next Meeting Date: March 27, 2017

A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.

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 Janet Miller (239) 533-8583, Florida Relay Service 711, or jmiller@leegov.com. Accommodations will be provided at no cost to the requestor. Requests should be made five days in advance.

The agenda can be accessed at the following link approximately 7 days prior to the meeting: http://www.leegov.com/dcd/events

A direct link to the plan amendment documents:
CPA2016-00011
CPA2014-00008
CPA2016-00006
CPA2016-00010

MINUTES REPORT
LOCAL PLANNING AGENCY
DECEMBER 19, 2016

MEMBERS PRESENT:

Noel Andress (Chair)
John Cassani
Dennis Church
Jim Green (Vice Chair)
Gary Tasman

MEMBERS ABSENT:

Stan Stouder
Roger Strelow

STAFF PRESENT:

Nathan Beals, Utilities
Neysa Borkert, Assistant Cty. Atty.
Brandon Dunn, Planning Section
Andy Getch, Infrastructure Planning
Anura Karuna-Muni, Natural Resources
Dave Loveland, DCD Director
Doug Meurer, Assistant County Manager
Janet Miller, Recording Secretary
Mikki Rozdolski, Planning Manager
David Wagley, Infrastructure Planning
Lili Wu, Infrastructure Planning

Agenda Item 1 – Call to Order, Review of Affidavit of Publication/Pledge of Allegiance

Ms. Neysa Borkert, Assistant County Attorney, certified the affidavit of publication and stated it was legally sufficient as to form and content.

Agenda Item 2 – Public Forum - None

Agenda Item 3 – Approval of Minutes – August 22, 2016

Mr. Green made a motion to approve the August 22, 2016 LPA meeting minutes, seconded by Mr. Tasman. The motion was called and passed 5-0.

Agenda Item 4 – Bonita Beach Road Controlled Access Resolution

Ms. Borkert announced that the Bonita Beach Road Controlled Access Resolution is being continued to the February 27, 2017 LPA meeting. She explained the County wanted to provide more time for some stakeholders to review it.

The LPA asked Janet Miller, Recording Secretary, to come forward. They presented her with flowers, a card, and read a Resolution into the record. Ms. Miller thanked the LPA and stated that it was an honor and pleasure to serve them.

Agenda Item 5 – Lee Plan Amendments

For the audio recordings for today's meeting, go to the following link.

http://www.leegov.com/dcd/committees/committeesearch

Once the page pulls up, click on the blue hyperlink that says "Local Planning Agency (LPA)."

A. CPA2016-00003 – Pepperland Ranch

Mr. Loveland stated the applicant would present first, followed by staff's presentation.

Mr. Robert Cooper from the law firm of Hahn Loeser & Parks LLP stated he was representing the applicant, Pepperland LLC, for the Pepperland Ranch project. He explained they were requesting an amendment to Lee Plan Map 17 (Southeast DR/GR Residential Overlay) to designate approximately 637.5 acres of property along Corkscrew Road as an environmental enhancement and preservation community. They are also requesting an amendment to Lee Plan Maps 6 and 7 to include property within the future potable sewer service areas. This request is concurrent with the rezoning of the property, which is permitted under the Florida Statutes.

Mr. Matthew Noble, AICP reviewed the land use and planning aspects of the project along with a PowerPoint presentation.

Due to a question by Mr. Church, Mr. Noble confirmed that in Lee County a project under 1 unit per acre is not considered "Urban." If it is over 1 unit per acre, it is considered to be "Urban."

Mr. Church asked about 700 units being placed on 637 acres. With that scenario, would it still not be considered "Urban." Mr. Noble stated that the project must be looked at in its totality. There will be additional acres that would have conservation easements on them that would extinguish those development rights that are getting transferred.

Due to a question by Mr. Green, Mr. Noble clarified that even though he mentioned a mining permit being in place, there would not be any mining taking place prior or during the development.

Mr. Shane Johnson, Sr. Econologist with Passarella & Associates, discussed the environmental aspects of the project, in particular indigenous vegetation, wetlands, and listed species. His review was part of the PowerPoint presentation.

Due to a question by Mr. Church, Mr. Johnson reviewed the indigenous upland restoration, planting schedule, and the methodology used.

Mr. Church asked if there would be an irrigation system included in the planning.

Mr. Johnson stated that as part of County staff's request, the management plan includes an irrigation schedule. This will be part of the zoning application.

When the water components were being discussed, Mr. Andress asked if the consultants had looked at the other projects located around this property to see how they are going to connect along with what is being proposed today.

Mr. Johnson stated they had looked at The Place at Corkscrew and noted they have a flowway system that aligns nicely with the northwest portion of this project.

Due to a question by Mr. Andress, Mr. Johnson stated he did not have the details on the wildlife corridor and how they will get the wildlife across the highway. This issue will get addressed as the project gets further along in the process.

Mr. Andress stated he had concerns because the Corkscrew Road Study is not completed.

Mr. Church asked which habitat Pepperland Ranch falls within.

Mr. Johnson stated there was both a primary and secondary zone on this project. There is a very small portion of the primary zone which is within the project's proposed restoration area.

Mr. Tasman stated that in anticipating how flowways and the wildlife corridor would move south down in the future to connect to the panther preserve area, he wondered if the consultants for this project were looking at land to the south and trying to line it up there.

Mr. Andress stated that if we are going to have a regional benefit for a wildlife corridor, there needs to be some connectivity. Whether there are private lands or not, there needs to be a coordinated effort so that we can have connectivity.

Mr. Johnson stated they did have dialog with the owners of the private property, but it was prior to them submitting an application.

Mr. Cassani referred to the term "restoration." He agreed there was some potential for restoration, but he was not in agreement with how "restoration" is defined. To him, improving a highly degraded site is not necessarily restoration in terms of historic vegetation cover, groundwater use, etc.

Mr. Johnson stated that in coming up with the basis of defining "restoration," they used histkoric aerials and looked at historic water levels on the property. They also looked at hydrologic indicators within the existing cypress areas. He felt "restoration" was an appropriate term because this site is predominately agriculture. From looking at historic aerials, there were wetlands on the property.

Mr. Cassani asked if the definition meets the provisions of the Comprehensive Plan language.

Mr. Johnson felt that the plan they have proposed is sufficient. He continued with his presentation and reviewed the restoration plan itself as well as wetland and upland restoration.

Mr. Cassani asked if they were achieving the functions of a wetland as it is being proposed.

Mr. Johnson stated they work cooperatively with their Civil Engineer and the Water Science professionals on the project team to make sure that the grading contours being proposed are going to maintain the water levels that are proposed on the project site specifically for the fresh water marsh system.

Mr. Cassani stated he was concerned with the withdrawal quantities for replenishing the stormwater lakes in terms of: 1) What aquifer is it coming from? 2) Where is the volume coming from? 3) How does the aquifer being targeted affect the surface water features and configurations? He did not understand how they could make their conclusions without knowing more about how the whole system operates in a hydrologic context.

Mr. Andress noted the proposal mentions restoring habitat for wading birds which requires surface water. However, he is uncertain how this is achievable because of the residential component.

Mr. Kirk Martin, PG, President from Water Sciences Association reviewed the water resources aspects of the project along with the PowerPoint presentation.

Mr. Andress referred to surface water quality and asked if they were proposing any type of filter marsh at the southwest corner of the property before it leaves the property.

Mr. Martin stated this could be addressed by Mr. David Underhill who handled the design; however, he noted there was an internal lake system for a water quality treatment. There is also the discharge to the onsite preserves and finally offsite.

Mr. Church referred to slide 58 where there is an arrow in the top left corner near the 24.8 on the Corkscrew Farms property. He asked if that was their outfall structure.

Mr. Martin stated there were two outfalls for that property. The main one is on the southwest corner of the property. Both of the outfalls go to Corkscrew Road and flows west. There is potential to provide a flowway connection.

Mr. Tasman referred to the southwest corner and asked where the water flows from there. He asked if there was a ditch to the west.

Mr. Martin stated the water flows south. That area is the existing discharge for the farm field. Their project is basically taking the same discharge point, but reducing the amount of discharge by over half. He reviewed this further with the LPA.

Mr. Andress referred to the Corkscrew Farms project and noted that when it was under review one of the major weaknesses in the proposal was that it did not include any conveyance mechanism to convey that water from the north side of the road to the south side of the road. This is why he feels the Corkscrew Road study is so important. It will show where the culverts and wildlife crossings will be. He did not see how we could achieve our long range goal for connectivity when we do not know where these structures are going to be in terms of the design of the road.

Mr. Martin stated that in their case, they were making the provision so that wherever the connection occurs and wherever the culverts get placed, this project will accommodate a place to put them.

Ms. Borkert stated the County Attorney's office is in the process of developing a Flowway Easement Agreement where the points along the southern and northern boundary lines can be changed based on the study. The easement essentially allows the County to match up points on the north and south to ensure that we have a connection all the way through. She believed the same type of requirement will be put on this property at the zoning process. At the Development Order stage, it becomes a conditional Development Order, which will get worked on at that time.

Mr. Andress expressed concerns over promises made by the other two applicants (WildBlue/Corkscrew Farms) in restoration. The two projects combined total approximately $15 million in commitments. He asked what provisions are made by the County to ensure that these commitments take place in a timely manner.

Ms. Borkert stated that Development Services staff would need to discuss the specifics of the phasing requirements and scheduling. However, she noted that certain timelines must be met by applicants in order for their project to proceed.

Mr. Cassani asked for clarification that they were withdrawing groundwater to replenish the lakes to supply irrigation.

Mr. Martin stated they used stormwater harvesting to the extent possible.

Mr. Cassani asked if the current project was entitled to use as much water as the AG operation uses now.

Mr. Martin stated there was no entitlement in Florida water withdrawal. You must prove a reasonable demand and show that you will not have adverse impacts. They only have an allocation for the demand they can prove and nothing more.

Mr. David Underhill, Jr., PE from Banks Engineering stated he was the civil engineer for this project and was charged with designing the surface water management system. He reviewed the engineering aspects of the project and the surface water management plan along with the PowerPoint presentation.

Mr. Church referred to Slide 69 and asked for confirmation that the main outfall will be located in the lower left corner into the ditch along Six L's Road for the entire project and if the elevations were such that if the connection point changed the flow would move to that new proposed outfall point.

Mr. Underhill stated that was correct. He referred to an earlier slide reviewed by Mr. Johnson. He reviewed how the water would flow. He noted the arrows on the slide show where you could potentially have some onsite inflows in the future as well as an area where you could connect if a link to the south is established.

Due to a question by Mr. Church, Mr. Underhill confirmed their stage elevations could accommodate additional flow from offsite. He reviewed this further with the LPA.

Mr. Church referred to the northeast corner and noted there was a pipe in that area. He asked if it could be tied into this project's system.

Mr. Underhill stated it could be tied into the system on the west side. Right now, given the limitation on the outfall to what is existing and having to protect the downstream properties, the project cannot take any additional water until links to the south are established.

Mr. Church noted that the project "Verdana" seemed to be critical to this project in order for them to take on any additional water.

Mr. Tasman asked if they could take some water from outside this project area since they have reduced the discharge.

Mr. Underhill stated his recommendation would be to provide the additional protections to the downstream properties until such time that those offsite links are established.

Mr. Cassani asked about off-site impacts from this project.

Mr. Underhill stated they had looked at the entire residential area to the south as part of their water management permitting that is underway with the District. They have done extensive modeling on the entire system to the south to show and demonstrate that there are no adverse impacts. Regarding nutrient loading, they have estimated the existing condition. They modeled the onsite condition.

Mr. Andress stated his concern was the legacy chemicals that have been used for many years on an agricultural operation. If you restore the hydrology of the system, you are going to have some loading come from the phosphates and nitrogen that are legacy in the soil.

Mr. Underhill stated they had come up with a system that provides the best removal for the project, which includes a pretreatment component. Based on the recent Harper studies, approximately half of the nutrients from the development area will be removed. After that process, it will go into the lake system, which will remove approximately 40%. There will also be a series of cascading links so that each time you go through a lake it flows to the next. Retention ponds are there so that the onsite treatment for the development area is first rate. He also stated that the discharge on site will be to a 300 acre wetland where there is a control structure located in the south. This means they will be storing the water again through this entire 300 acre onsite wetland before it is discharged.

Mr. Cassani asked if they had done a Phase 1 and Phase 2 assessment on the site in terms of arsenic or lead.

Mr. Underhill stated that although he was not in charge of that he was aware that it had been done and there were no issues.

Mr. Andress stated this project is outside the Lee County Urban Service Area in terms of utilities. He noted that when Lee County did their Utility Study, this area was not included. He asked: 1) How much additional capacity is there in the current plan? 2) Will the line be a size large enough to include the additional capacity needed for this project as well as WildBlue and Corkscrew Farms without having to build a new sewer line? 3) Who is going to be responsible for it? Mr. Andress stated that the staff report was inconclusive as to these questions.

Mr. Underhill stated the plant has capacity today, so he did not believe there was a specific trigger from any region to require it to expand. He explained they would not keep the capacity there and then expand because it was not in the study. As they continue through the review process, those details on the design will be worked out and there will definitely be offsite main extensions required.

Mr. Church asked if there would be discussion during the zoning process about shared utility extension costs or if they would be "piggy backing" on what Corkscrew Farms is doing.

Mr. Underhill stated they were not tied to Corkscrew Farms. If nothing can be worked out, they can build a side by side system. It will be based on their entire system.

The Board took a 10 minute recess and reconvened at 10:35 a.m.

Mr. Andress announced that if anyone from the public wanted to receive future information on today's Comprehensive Plan amendment, they needed to fill out the sign-in sheet on the clipboard located on the counter. Staff will collect it at the end of the meeting and send them information electronically.

Mr. Ted Treesh from TR Transportation consultants stated he had prepared the transportation analysis. He reviewed it with the LPA along with the PowerPoint presentation.

The LPA did not have any questions of Mr. Treesh.

Mr. Andress referred to the Traffic Impact Study for WildBlue and Corkscrew Farms and noted that they only had to look at the impacts within a 3 mile radius. Neither project had to take into consideration the failed segments of that road already at the interstate and Ben Hill Griffin Parkway. He was glad to see that Pepperland Ranch would be part of the Corkscrew Road Study. However, the scope of this study has not been determined yet. Since the study has not been conducted yet and the scope has not been determined, he felt it was premature to review this project at this juncture.

Mr. Brian Farrar, applicant and President of BCF Management Group, LLC reviewed the areas where he was in agreement with staff's findings. He also summarized the benefits of this project.

Mr. Church referred to Slide 80 where it lists the Comparison 20/20 Conservation Value as $18,548,763.75. He asked about the methodology used to determine that figure.

Mr. Farrar referred to earlier testimony from Mr. Noble about an appraisal that was done for the Conservation 20/20 land north of this property. It was prepared in 2012.

Due to another question by Mr. Church, Mr. Farrar confirmed that the building impact fee is at the current reduced rate.

Mr. Brandon Dunn reviewed his staff report along with a PowerPoint presentation.

Mr. Church referred to a comment made by the applicant earlier that 700 units is not considered "Urban" based on the Florida Statutes. He asked if staff agreed that the State Statute should be applied in this case.

Mr. Dunn stated that the State Statute lists "Non-Urban" as less than 1 unit per acre. If the applicant were to come in and ask that additional units be placed on the 637.5 acres, the project would be larger than 637.5 acres because it would also consist of the properties that the units were being transferred from. It would meet State Statutes and our Comprehensive Plan.

Due to questions about the scope of the Transportation Study, Mr. Loveland explained that the study will be phased. The first step will involve the consultant helping define the scope of the study. The second step will be to actually conduct the study. He believed the study could be done in the time frame indicated, which is July of 2017. The end result will be to identify the overall transportation needs for the area including potential crossings for both water flow and wildlife and identify what the contributions will be from different properties. He referred to the figure of $1,600 per unit that has been mentioned several times today and noted that this figure has not been agreed to by staff for this project. It was agreed to for WildBlue and Corkscrew Farms (The Place) because they were early in the process before the County committed to doing the Transportation Study. However, any subsequent properties in that area will be subject to the results of the study in terms of what proportionate share over and above impact fees they may be required to contribute. There will be a significant public involvement component as part of the scope.

Due to a question by Mr. Andress, Mr. Nathan Bealls, Principal Planner for Lee County Utilities, discussed the Wastewater Study. He stated that the Three Oaks plant can be expanded, but a new plant is ideal.

Due to questions on the cost of an expansion, Mr. Beals stated that the current impact fees account for incremental increases to plant capacity. It also includes future improvements.

Mr. Andress asked if staff would be looking at the capacity of their existing service lines to see what has to happen in order for them to handle additional capacity.

Mr. Beals explained that it would be determined with each development. Where the system stands currently, the projects will have to run their own parallel system because the County does not own any of the lines that have been installed. He believed there were sufficient right-of-ways for the pipes to be installed. Mr. Beals stated that staff looked at the overlay area as a whole as well as the Southeast Lee County Planning Community. They evaluated what potential flows would need future service and came up with a worst case scenario on potential plant capacity needs.

Mr. Andress asked if any provision was made to provide reused water to some of the projects in that area.

Mr. Beals stated it was not intended to send reuse water to the EEPO because the projects are required to include irrigation and proper use of their water within the development. However, staff is evaluating their reuse available capacity in the Three Oaks area.

Mr. Andress asked if we would need additional deep wells to provide additional water for the County's system.

Mr. Beals stated it is not needed at this time because the water capacity is adequate. That part of the equation is not an issue.

Mr. Loveland noted that proportionate share was mentioned in relation to wastewater. He clarified that the proportionate share discussion is strictly related to the transportation issues and funding potential. If utilities are needed for a specific development site, the developer is responsible for running the lines to their property and ensuring the proper size of the pipes. Regarding plant capacity and new plants, this study was only done for planning purposes to identify where they might need to consider expansions or new plants because that has to get factored into their rate process and potential bonding.

Mr. Andress asked if the cost could potentially be passed onto either the tax payer or the current rate payers.

Mr. Meurer stated this would not be the case. He referred to the slide showing the County and Regional Financial Benefits. The LCU Connection Fees are $3,570,000.00. The county has both wastewater and water connection fees. These fees are "capacity reservation." It costs between $2,500 to $2,700 for both the water connection and a wastewater connection. The money then resides in a fund that is available to increase capacity at some future date when needed.

Discussion ensued regarding timing and amount of fees related to utility expansion and proportionate share obligations for transportation improvements.

Mr. Andress opened this item for public comment. Public input was received by William Lytell (opposed), Dan DeLisi (in favor), Peter Cangialosi, he read comments by Don Eslick into the record (opposed), Patty Whitehead (opposed), Neil Scheffler (opposed), Kevin Erwin (opposed), Peter Cangialosi (opposed), Michael Langella (opposed), Sean McCabe (opposed), Gregg Cross (opposed), and Jack Ott (neutral).

The public portion of the meeting was closed.

Mr. Green asked if staff would respond to Mr. Erwin's comments regarding the DR/GR study and how he feels we have not kept on track with that.

Mr. Karuna-Muni stated staff did look at groundwater, surface water, and water quality. In terms of groundwater, he referred to the presentation by Kirk Martin. He explained that they are increasing the storage area by mostly removing the wells on the property. This will help raise the groundwater levels. From a surface water point, the County is working with Corkscrew Farms aka "The Place" to secure easements so that in the future the County can connect that flowway. Once we have all the easements, we will work from the downstream to its upstream; otherwise, we are going to flood people in the north. Once we secure all the easements, the County will come in and connect the flowway from the

downstream to the north. From the water quality standpoint, the County will require monitoring of discharge of the property and we will make sure they meet the state water quality standards.

Mr. Green asked if it was staff's opinion that the water outflow from the property will increase or decrease compared to the current level.

Mr. Karuna-Muni stated the applicant is required by permit to maintain the same level of discharge.

Mr. Green asked for confirmation that there would not be any flooding to the south that would be higher than the current norm.

Mr. Karuna-Muni stated that was correct as long as they maintain the same level of existing conditions.

Mr. Cassani felt this was a good project that improves the static condition that occurs there. He stated the applicants, their consultants, and staff are honorable and professional people. However, he had some uncertainty about the process and the decision thresholds involved in this process. He referred to a memorandum from the Division of Natural Resources that says, "…no significant impacts on present or future water resources are expected as a result from the change." The memorandum also lists seven concerns that are going to be addressed and resolved during the Zoning approval process. Mr. Cassani felt it was premature to move this project along when we do not know the outcome of those subsequent approval processes.

Mr. Church referred to Mr. Cassani's comment that these concerns will not get answered until other processes take place. He noted that Policy 33.3.4.2a. states that the approval is subject to a rezone process. Under that rezone process, it lists all the items that need to be addressed. Mr. Church noted that as the LPA of the Comprehensive Plan, the LPA is not obligated to have the resolutions to those issues. He referred to discussion about the downstream increase and asked what the permit requires regarding the area south of the outfall. In other words, will they verify that the applicant has a cross section that can take that water even though it is not part of the applicant's property?

Mr. Underhill stated there is currently a farm permit on the property that has a permitted discharge rate down the 6L ditch at about 30 CFS. As part of their approval process, the applicant will be required to prove they do not have any downstream impacts. Mr. Underhill noted they had surveyed and modeled the entire ditch system and are confident they do not have any downstream impacts. If there were any downstream impacts, they would be obligated to clean the ditch out or adjust their flows.

Mr. Church felt the applicant addressed the intent of the overlay. He noted there is nothing new being proposed that was not discussed when Corkscrew Farms was under review. The overlay was adopted and the applicant did address the flexibility of an outfall and a connection. Although there are concerns that there is not a Master Plan, their plan still provides that if the County ever does have a coordinated flow plan, they are set up for that. Mr. Church stated he had looked at the application on the website for the next Comprehensive Plan amendment coming in and they provided the same sort of connectivity, so he was not too concerned with that aspect of the project. Although the utility items are not specific enough, he was confident that they would not be able to develop without utilities, so he was not too concerned with this aspect either. Mr. Church stated he was concerned with the transportation aspect because Corkscrew Road is already very congested. It is going to get worse. When it comes time to make a motion, Mr. Church stated he was prepared to recommend approval with one stipulation that in no case should the proportionate share be less than the impact fees as recommended by the most recent Duncan study. This will hold the applicant to some standard.

Mr. Tasman stated the applicant did a good job to create flexibility for the flowways and the future flowway alignment. Staff put up a particular map that showed the preservation and where the flowways could be placed. The applicant is adhering to that with the flexibility. Mr. Tasman stated he did have concerns with the traffic issue, but felt it was too early to put any limitations on what any type of obligation by the applicant. It will have to be worked out with the County as it has in the past. He believed that the market would determine when that road is going to be so bad that no one wants to live out there. He was in favor of leaving it to the market and letting this applicant and future applicants improve the property, flowways, and the environmental situation out there by proceeding.

Mr. Green agreed with comments by Mr. Tasman. He felt part of the discussion taking place at today's meeting are not issues for the LPA to discuss. It is not part of what is before the LPA this morning. The charge before the LPA this morning is to deem whether or not this project is acceptable with the Comprehensive Plan. Mr. Green felt the proposal was an acceptable balance between the factors and attributes that impact our quality of life.

Mr. Andress stated he had serious issues with the connectivity of wildlife and also the hydrology of the area. Both WildBlue and Corkscrew Farms were approved without having the answers to many questions. He felt the County might have to use eminent domain to connect the different flowways. Otherwise, we are going to create problems upstream and downstream. Although he is not opposed to a development on this property, he was not prepared to make a motion to recommend transmittal until we have the Corkscrew Overlay Area Wastewater Master Plan completed. He also felt it was unfair to the developer who is hoping to be treated the same as the other two projects that were approved by paying $1,600 per unit, but those costs could be escalated to $10,000 per unit when the actual numbers come in on what is needed to improve that road. In addition, over 80% of the voters have stated they support preserving land in Lee County. This means the DRGR area will be the only open space for preservation. Mr. Andress was in favor of waiting until the studies (Corkscrew Overlay Area Wastewater Master Plan and Corkscrew Road Study) are complete so that he can make informed decisions that benefit the developer and citizens of Lee County.

Mr. Green stated these were all good points, but it is not up to the LPA to decide whether the developer takes the risk of not knowing what the allocation is. To him, that is the developer's choice. He was in favor of focusing on the LPA's job of determining whether the proposal is consistent with the Lee Plan.

Mr. Green made a motion to recommend transmittal of CPA2016-00003, Pepperland Ranch, and find it consistent with the Lee Plan, seconded by Mr. Tasman. The motion was called and passed 3-2. Mr. Tasman, Mr. Church, and Mr. Green were in favor. Mr. Andress and Mr. Cassani were opposed.

Agenda Item 6 – Other Business

A. 2016 Southeast Lee County DR/GR Mining Study

Mr. Tasman stated he would not be able to stay for this presentation as he had to get back to the office. He left at 12:10 p.m.

Ms. Rozdolski stated this item was informational only; therefore, staff did not require a vote from the LPA. She noted this item would be presented before the Board of County Commissioners at their regular meeting scheduled for tomorrow.

Ms. Alexis Crespo, Vice President of Planning for Waldrop Engineering, reviewed the DR/GR Mining Study along with a PowerPoint presentation. She went over the Study Overview, Supply Methodology, Mine Inventory, Supply Summary, Demand Methodology, Demand Results, and Conclusions.

During LPA discussion, several members asked questions about the methodology.

Mr. Church noted that normally when items are brought before the LPA there is more time for the Commissioners to review comments by staff and the LPA. There is normally a month or two involved in the process, yet in this instance, the item is going to the Commissioners tomorrow.

Ms. Rozdolski stated it was scheduled on the Board of County Commissioners' regular agenda. It is not a Comprehensive Plan Amendment so it does not go through a normal review process.

Mr. Andress opened this item for public comment. Public input was received from: Peter Cangialosi (opposed), Neil Scheffler (opposed), and Sean McCabe (opposed). The public portion of the meeting was closed.

Mr. Church referred to the various mining lawsuits that have occurred. He asked if Dover Kohl's methodology was found to be legally sufficient.

Ms. Borkert stated lawsuits take place all the time, but they do not necessarily cover specifics of the study.

Mr. Green stated it seemed as if there are an abundance of questions regarding this Mining study and that it is controversial, if not faulty. If the LPA is in agreement with this statement, then they have an obligation to not only inform the Commissioners, but to also suggest something to help resolve this.

Mr. Andress suggested making a recommendation that the Mining Study be re-evaluated because there appears to be major deficiencies. The Study, as is, should not be moved forward or used in any formal way.

Mr. Green made a motion to recommend that the Commissioners have the Mining Study re-evaluated before moving forward and adopting it in any meaningful way because there is much controversy over the methodology, seconded by Mr. Andress.

Due to a question by Mr. Cassani, Mr. Andress confirmed that they were recommending an independent review of the methodology.

Mr. Church stated that, based on discussion today, there were four items the consultant should address: 1) the Florida Geological Survey Study; 2) the legal standing of the Spikowski methodology; 3) the Dover Kohl methodology for using new growth instead of total population; and 4) look at what other jurisdictions have done.

The LPA agreed that the Mining Study should be evaluated further to include these items.

The motion was called and passed 4-0.

B. LPA Appointments

Mr. Andress made a motion to recommend that the Board of County Commissioners consider, beginning in 2018, to rotate the LPA appointments on a chronological basis starting with districts 1 and 2, seconded by Mr. Green. The motion was called and passed 4-0.

Agenda Item 7 – Adjournment – Next Meeting Date: January 23, 2017

The next Local Planning Agency meeting is being held at 8:30 a.m. in the Administration East Building, Room 118, First Floor, 2201 Second Street, Fort Myers, FL 33901.

The meeting adjourned at 12:45 p.m.

CPA2016-00011

CENTERPLACE

COMPREHENSIVE PLAN AMENDMENT

CPA2016-11
Centerplace

Privately Sponsored Amendment

Local Planning Agency

Staff Report

2/27/2016

STAFF REPORT
COMPREHENSIVE PLAN AMENDMENT
CPA2016-03

✓	**Text Amendment**
✓	**Map Amendment**

	This Document Contains the Following Reviews
✓	**Staff Review**
	Local Planning Agency Review and Recommendation
	Board of County Commissioners Hearing for Transmittal
	Staff Response to Review Agencies' Comments
	Board of County Commissioners Hearing for Adoption

Staff Report Publication Date: February 17, 2016

PART I
APPLICATION SUMMARY

A. PROJECT NAME:
Centerplace

B. APPLICANT/REPRESENTATIVES:
Alico West Fund, LLC/Mr. Don Schrotenboer
Henderson Franklin/Mr. Charles Basinait
Morris Depew/Ms. Tina Ekblad

C. REQUEST:
Amend Lee Plan Map 1 Page 2 of 8 to identify the subject property in the San Carlos community planning area. Amend Lee Plan Policy 1.1.9, Goal 18 and Table 1(a) to remove site specific requirements for Area 9 of the University Community to accommodate a Mixed Use Community in the University Community future land use category.

D. CONCURRENT APPLICATION REVIEW:
The Centerplace comprehensive plan amendment was filed by Alico West Fund, LLC on September 19, 2016. The applicant has also filed a companion rezoning application that is being reviewed concurrently with the plan amendment application. DCI2016-00017 was filed on September 23, 2016 seeking to rezone 886± acres from Compact Community Planned Development (CCPD) to Mixed Use Planned Development (MPD) to permit the development of a mixed us community with residential and commercial uses.

Florida Statutes Chapter 163.3184(12) provides that "At the request of an applicant, a local government shall consider an application for zoning changes that would be required to

properly enact any proposed plan amendment transmitted pursuant to this subsection." This requires Lee County to take into account the concurrent rezoning request.

PART II
RECOMMENDATION and FINDINGS OF FACT

A. RECOMMENDATION:

After thorough review and consideration of the numerous factors discussed in this report, staff is recommending that the following amendments as modified by staff be ***transmitted*** to the state reviewing agencies.

- Amend Map 1 page 2 of 8: Special Treatment Area to change the Planning Community of the property from Southeast Lee County to San Carlos; and,
- Amend Policy 1.1.9 to change approval by the Florida Gulf Coast University (FGCU) Board of Trustees to the FGCU President or their designee; and,
- Amend Goal 18, University Community, to allow development of a mixed use community in Area 9 without the site specific requirement of a compact community; and,
- Amend Table 1(a) to remove a footnote regarding "clustered densities".

Attachment #1 contains the existing and revised maps as well as proposed text amendments as proposed by Staff in strike through and underline.

B. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The University Community future land use category was adopted to support Florida Gulf Coast University (FGCU).
- The University Community requires development be designed to enhance and support the University.
- The subject property was designated to University Community on March 14, 2011.
- The subject property is zoned for a Compact Community Planned Development.
- Alico West Fund, LLC donated 40 acres in the southern portion of the property to Florida Gulf Coast University.
- Alico West Fund, LLC donated right-of-way to widen Alico Road and for the proposed County Road 95.
- The Board of County Commissioners directed staff to eliminate the Compact Communities Planned Development regulations (chapter 32) from the Land Development Code.
- The proposed amendments, as modified by Staff, will allow the property to utilize the mixed use planned development zoning category and be designed in a manner that support the University.

PART III
PROPERTY INFORMATION

A. PROPERTY CONDITIONS, INFRASTRUCTURE AND SERVICES

1. EXISTING CONDITIONS:

SIZE OF PROPERTY: 886± Acres.

PROPERTY LOCATION: The property is located south of Alico Road, beginning approximately ¼ mile east of Ben-Hill Griffin Parkway.

EXISTING USE OF LAND: The property is currently vacant and highly disturbed from previous mining activities.

CURRENT ZONING: The property is zoned CCPD.

CURRENT FUTURE LAND USE CATEGORY: University Community and Wetlands.

2. INFRASTRUCTURE AND SERVICES:

FIRE PROTECTION SERVICE:
The San Carlos Park Fire Protection and Rescue Service District provided a letter to the applicant dated April 5, 2016 stating they are able to serve the proposed development.

EMERGENCY MEDICAL SERVICES (EMS): Lee County EMS is the primary EMS transport agency for coverage at this location which approximately 3 miles south of this project. There is a second EMS station within 7 miles of the proposed project. These locations are projected to be able to meet existing service standards, as required in County Ordinance 08-16, and no additional impacts are anticipated at this time.

LAW ENFORCEMENT: The proposed amendment does not affect the ability of the Lee County Sheriff's Office to provide core services as this time. Service will be provided primarily from the South District Office in Bonita Springs.

SCHOOL IMPACTS: The subject property is located in the South Choice Zone, Sub Zone S-2. There should be no impact on classroom needs based on the number of already approved.

SOLID WASTE: The Lee County Solid Waste is capable of providing solid waste collection service. The subject site is located in solid waste Service Area 3. Disposal of solid waste from this development will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill.

MASS TRANSIT: LeeTran does not currently serve the subject site.

- The closest route (Route 60) is more than seven miles away.
- The property is partially within ¼ mile of the fixed route buffer and the ¾ mile of the ADA Service Corridor.

- The current Transit Development Plan (TDP) identifies the need for enhanced and additional transit services; however, the additional service remains unfunded.

WATER AND SEWER: The subject site is located within the Lee County Water and Sewer Future Service Areas as identified on Maps 6 and 7 of the Lee Plan. Water and Sewer services are currently in place and capacity is available. There is adequate capacity to serve the proposed development based on the prior approval, plus this amendment results in a reduction of overall commercial intensity. Therefore, adequate level of service is available to provide potable water and sanitary sewer to support this project.

There is an existing 24" water line and 16" water line located on the north side of Alico Road. In addition there is a 16" water line on the west side of Ben Hill Griffin Pkwy. Any of these water lines could potentially serve as a point of connection or multiple points of connection to the potable water system.

There is an existing 12" sanitary sewer force main on the south side of Alico Road and on the east side of Ben Hill Griffin Parkway. that could serve as a potential point of connection to the sanitary sewer system.

B. FUTURE LAND USE DESIGNATION:

The subject property's future land use category is primarily University Community with scattered Wetlands. The subject property is identified as Area 9. This land was previously an aggregate mine and was not originally included in the University Community area because it was not consistent with the desired University uses.

The University Community future land use category was initially adopted into the Lee Plan and Future Land Use Map on October 27, 1992 by Ordinance 92-47. The descriptor policy, Policy 1.1.9, and Goal 18, University Community, provide generalized descriptions of development envisioned to surround Florida Gulf Coast University.

The University Community area was expanded in 2010 to include Area 9. This was accomplished through an amendment to the Lee Plan adopted on October 20, 2010 by Ordinance 10-40, which adopted CPA2009-00001, Alico West. This amendment included specific design criteria for the development of Area 9.

C. SURROUNDING PROPERTIES:

South and West of the subject site, on the opposite side of the old mine pit lake is the Miromar Lakes residential community. This community is located in the University Community future land use category and is zoned as a MPD.

East of the subject site, across an existing Florida Power and Light easement and County Road 951 right-of-way are lands within the DR/GR future land use category with AG-2 zoning. The site directly to the east is vacated property owned by Lee County and has been previously mined.

North of the subject site, is Alico Road. North of Alico Road is the Tradeport future land use category and properties zoned AG-2. Further north of the parcels to the immediate north is the Southwest Florida Regional International Airport.

PART IV
STAFF DISCUSSION AND ANALYSIS

The requested amendments will allow residential and commercial development of the property provided in the companion rezoning case. The proposed amendments do not increase allowable density or intensity of the property. The requests will decrease the amount of available office, retail, and research and development square footage for this property. Also, zoning level detail regarding the future development specific to the subject property included in the Comprehensive Plan will be removed.

Many of these specific requirements were included as conditions of the existing CCPD zoning (Z-14-035) and will be recommended as conditions with the future mixed plan development. The applicant has held meetings with representatives of FGCU to discuss the proposed development and no objections have been noted.

Since 2011 when the property, known as Centerplace, was designated University Community and rezoned various land donations from Alico West Fund, LLC have occurred. Those donations include: 40 acres donated to FGCU in the southern portion of the property; Alico Road right-of-way to widen Alico Road; right-of-way for County Road 951; and an agreement to accept stormwater from Alico Road into the Centerplace stormwater system has been finalized.

Consistent with Policy 18.1.16, the recommended amendments will allow development of the Centerplace property that enhances and supports the University. A multi-modal connection will be provided from the subject property to Florida Gulf Coast University. The Master Concept Plan for the concurrent planned development rezoning demonstrates that multi-family residential available for university housing has been located immediately adjacent to the multi-modal connection facilitating student and resident mobility and eliminating trips on the County's roadway network. The ±40-acre parcel donated to FGCU is for expansion of their academic campus, located immediately adjacent to Centerplace, and provides opportunities for interconnectivity and walkability between FGCU and Centerplace. The commercial, office, research and development facilities, recreational amenities, and variety of residential types proposed on Centerplace will support the increased need for housing, retail, service, leisure, and employment anticipated for the continued growth of FGCU.

TRANSPORTATION/TRAFFIC:
Alico Road, from Ben Hill Griffith Parkway to Airport Haul Road, is currently an east/west two lane undivided arterial roadway that will be widened by the County to four lanes in year 2018. Accesses to the property will be from Alico Road.

CPA submittals require a short range (5 years) and long range (20+ years) level of service (LOS) analysis. The five year analysis indicates that in the three mile study area all the roadway segment are anticipated to operate at or better than the adopted LOS standard in year 2021.

The Long Range 2040 Horizon LOS analysis indicates that two roadway segments within the study area are expected to operate below the adopted LOS standard in year 2040. Alico Road from Three Oaks Parkway to I-75 and I-75 from Alico Road to Corkscrew Road are projected to operate below the LOS standard without and with the CPA in year 2040. Therefore, based on

the submitted data and analysis, there are no required modifications to the adopted Lee County 2040 Cost Feasible Plan network as a result of this application.

PROPOSED AMENDMENTS:
The proposed revisions to the existing language with staff's recommendations are provided below. Strike through represents language to be removed and underline is language to be added to the Comprehensive Plan.

Applicant's Proposed Language:

POLICY 1.1.9: The University Community land use category provides for Florida's 10th University, Florida Gulf Coast University (FGCU), and for associated support development. The location and timing of development within this area must be coordinated with the development of the University and the provision of necessary infrastructure. All development within the University Community must be designed to enhance and support the University. In addition to all other applicable regulations, development within the University Community will be subject to cooperative master planning with, and approval by, the Florida Gulf Coast University ~~Board of Trustees~~ President or their designee.

Prior to development in the University Community land use category, there will be established a Conceptual Master Plan which includes a generalized land use plan and a multi-objective water management plan. These plans will be developed through a cooperative effort between the property owner, Lee County, and South Florida Water Management District.

Within the University Community are two distinct sub-categories: University Campus and the University Village. The University Window overlay, although not a true sub-category, is a distinct component of the total university environment. Together these functions provide the opportunity for a diversity of viable mixed use centers. Overall residential development within the University Village will not exceed 6,510 dwelling units. None of the 6,510 dwelling units may be used on or transferred to lands located outside of the University Community land use boundaries as they exist on October 20, 2010. Clustered densities within the area may reach ~~fifteen~~ thirty-five (35) units per acre to accommodate university housing. The overall average intensity of non-residential development within the University Village will be limited to ~~10,000 square feet of building~~ maximum floor area ratio of 1.0 per non-residential acre allowed pursuant to Map 16 and Table 1(b). Specific policies related to the University Community are included within the Lee Plan under Goal 18. (Added by Ordinance No. 92-47, Amended by Ordinance No. 94-30, 98-09, 00-22, 10-40)

Staff language:

POLICY 1.1.9: The University Community land use category provides for Florida's 10th University, Florida Gulf Coast University (FGCU), and for associated support development. The location and timing of development within this area must be coordinated with the development of the University and the provision of necessary infrastructure. All development within the University Community must be designed to enhance and support the University. In addition to all other applicable regulations, development within the University Community will be subject to cooperative master planning with, and approval by, the Florida Gulf Coast University ~~Board of Trustees~~ President or their designee.

Prior to development in the University Community land use category, there will be established a Conceptual Master Plan which includes a generalized land use plan and a multi-objective water management plan. These plans will be developed through a cooperative effort between the property owner, Lee County, and South Florida Water Management District.

Within the University Community are two distinct sub-categories: University Campus and the University Village. The University Window overlay, although not a true sub-category, is a distinct component of the total university environment. Together these functions provide the opportunity for a diversity of viable mixed use centers. Overall residential development within the University Village will not exceed 6,510 dwelling units. None of the 6,510 dwelling units may be used on or transferred to lands located outside of the University Community land use boundaries as they exist on October 20, 2010. ~~Clustered densities within the area may reach fifteen units per acre to accommodate university housing. The overall average intensity of nonresidential development within the University Village will be limited to 10,000 square feet of building per non-residential acre allowed pursuant to Map 16 and Table 1(b).~~ Specific policies related to the University Community are ~~included within the Lee Plan under~~ provided in Goal 18. (Added by Ordinance No. 92-47, Amended by Ordinance No. 94-30, 98-09, 00-22, 10-40)

Staff recommends eliminating the restrictive language related to clustering of residential units and floor area ration limitation of commercial. The existing language is no longer necessary and the companion rezoning case can demonstrate the appropriate form of design. This language is otherwise unique to this policy and is unnecessary to accomplish mixed use development that supports the University Community.

GOAL 18: UNIVERSITY COMMUNITY. In order to ensure that development within the University Community land use category protects and enhances the ability of Florida's ~~tenth~~ 10th university to provide secondary education as described in the Mission Statement of that institution and to assure that land uses or development activities do not interfere with, disrupt, or impede the efficient operation of that institution the following Objectives and Policies will apply to all development within the University Community land use category. The Application (Volume 1 of 2) (1992) and the Support Document (Volume 2 of 2) (1992) to the Amendment to the Lee County Comprehensive Plan for the University Community is incorporated by reference herein as a resource and information document. (Added by Ordinance No. 92-47, Amended by Ordinance No. 94-30, 00-22)

POLICY 18.1.5: In order to create a cohesive community, site design within the University Community must utilize alternative modes of transportation such as pedestrian networks, mass transit opportunities, sidewalks, bike paths and similar facilities. Site design must link related land uses through the use of alternative modes of transportation thus reducing automobile traffic within the University Community. The county will work cooperatively with the University on these matters as the University proceeds through the Campus Master Plan Process.

~~Prior to~~ As part of the local Development Order approval for primary infrastructure installation on property within Area 9, of the University Community, the developer must demonstrate that the proposed plan of development supports pedestrian, bicycle and transit opportunities. A multi-modal interconnection between the property and the FGCU campus must be provided at no cost to Lee County, consistent with Lee Plan Policy 18.1.16.7. ~~The owner/developers must dedicate the right-of-way for the 951 extension between Alico Road and Corkscrew Road to Lee County prior to rezoning approval. The value of the right-of-way on the date of dedication must not reflect the added value of the lands changed from DR/GR to University Community by virtue of CPA 2009-01. The county will issue road impact fee credits for the dedication.~~ (Amended by Ordinance No. 94-30, 00-22, 10-40, 14-03)

The proposed amendment to Policy 18.1.5 eliminates language related to the dedication of right-of-way for the future County Road 951 Extension. Alico West Fund, LLC. has already

completed this donation. The existing language is no longer necessary. Staff agrees with the applicant's proposed changes.

> **POLICY 18.1.8:** ~~All currently permitted mining activities within the University Community area will be allowed to continue until such time as the university opens.~~ Agricultural activity including but not limited to tree farms, nurseries, or agricultural research facilities will be permitted within the University Community. (Amended by Ordinance No. 00-22)

The proposed amendment to Policy 18.1.8 eliminates the reference to permitted mining operations, which were allowed to continue until such time as the university opened. Since the university is now open and the mining operations on the site have ceased, this statement is no longer valid and can be deleted. Staff agrees with the applicant's proposed changes.

> **POLICY 18.1.9:** Prior to the commencement of development within the University Community land use category, an area-wide Conceptual Water Management Master Plan must be submitted to and approved by Lee County and South Florida Water Management District staff. This water management plan will be integrated with the Conceptual Master Plan and be prepared through a cooperative effort between the property owner, Lee County, and South Florida Water Management District. This master plan will ensure that the water management design of any development within the University Community will maintain or improve the currently existing quality and quantity of groundwater recharge. This plan must be consistent with the drainage basin studies that were prepared by Johnson Engineering, and approved by the SFWMD. Lee County will amend the county land development regulations to require all new development to be consistent with the appropriate basin study. ~~Development of Regional Impact, zoning and Development Order approvals within the University Community Area 9 must provide an environmental assessment that includes a fines relocation/disposal plan to be implemented at the time of development of the property.~~ Prior to zoning or Development Order approval on any portion of Area 9, the developer must demonstrate through modeling, accepted by Lee County staff, that the proposed development will not create significant impacts on present or future water resources. (Amended by Ordinance No. 94-30, 00-22, 10-40)

The proposed amendment to Policy 18.1.9 deletes the reference to the need for an environmental assessment inclusive of a fines relocation/disposal plan. No fines will be relocated or disposed of off-site. Therefore, a relocation/disposal plan as part of the environmental assessment within Area 9 (aka Centerplace) is no longer applicable. Staff agrees with the applicant's proposed changes.

> **POLICY 18.1.12:** To encourage a variety of wildlife habitats and university study sites, special consideration will be given in the Conceptual Master Plan to the preservation of portions of the most pristine and diverse wildlife habitat areas (such as, pine flatwoods, palmetto prairies, and major cypress slough systems) as an incentive to reduce, on a one-for-one basis, open space requirements in other developments within the University Community. The implementation of this policy will occur at the time of zoning and development review. ~~The development of the lands in Area 9 at the county's request, may include the construction of a rookery island, funded by the developer, within the existing mining lake that separates the Area 9 property from the Miromar Lakes residential community. The rookery island would provide wildlife habitat and would be made available to FGCU for use as an environmental study site.~~ (Amended by Ordinance No. 94-30, 00-22, Relocated by Ordinance No. 07-12, Amended by Ordinance No. 10-40)

The proposed amendment to Policy 18.1.12 eliminates language related to the development of a rookery island within the existing mining lake in Area 9. Due to the subject property's location within the 10,000 foot Wildlife Buffer from the Southwest Florida International Airport, the

attraction of wildlife is not encouraged on the subject property due to potential conflict. This revision was supported by the Lee County Port Authority staff as well. The existing language has been removed. Staff agrees with the applicant's proposed changes.

POLICY 18.1.16: For those lands in Area 9, all development must be designed to enhance and support the University. All rezonings in this area must include a specific finding that the proposed uses qualify as Associated Support Development, as that term is defined in the glossary. The final design and components will be determined as part of the rezoning process and must be consistent with the following development standards:

1. **Mixed Use:** Development must incorporate a mix of uses (multiple types of residential development along with non-residential development) ~~be in the Traditional Neighborhood Development form, as defined in the Glossary section of the Lee Plan,~~ and be consistent with the intent of Goals 4 ~~Sustainable Development Design of the Lee Plan~~, and 18 and, Policy 1.1.9. Development on Alico West, Area 9, must be rezoned to a ~~Compact~~ Pplanned ~~D~~development as specified by the Lee County Land Development Code~~, recognizing there may be significant deviations to accommodate the proposed development~~. The following ~~minimum and~~ maximum development parameters per use are approved for Area 9, subject to transportation mitigation requirements:

   Residential: ~~Minimum 800 Units,~~ A maximum of 1,950 units;
   Retail: ~~Minimum 400,000 square feet~~, A maximum of 200,000 square feet~~ 543,000 square feet (Retail maximum may be reduced, to no less than the 200,000 square feet, to allow additional Office or Research and Development square feet at a 1 to 1 rate.)~~;

   Office/Research/Development: ~~Minimum 400,000 square feet,~~ A maximum of 140,000 ~~918,000~~ square feet ~~(additional Office/Research/Development square feet may be added to the maximum if the maximum retail is reduced as described in the Retail parameters above~~;

   ~~Donation Site to University: Minimum 40,000 Square feet~~; and

   Hotel: ~~Minimum 0 rooms, maximum~~ 250 rooms.

~~3.~~**2. Density:** To ensure the creation of a development that has sufficient residential mass to support the proposed ~~main street town center~~ non-residential intensity, while providing a mixture of housing types to meet the needs and accommodate the varying lifestyles of persons related directly and indirectly to the University as required by policy 18.1.2, the total project ~~net density within the residential component area of Area 9 must be a minimum of 5 units per acre, but~~ must not ~~to~~ exceed a total of 1,950 dwelling units.

~~4.~~**3. ~~Retail Uses:~~ Non-residential Uses**: ~~The total retail floor for Area 9 will not exceed a maximum of 543,000 square feet. Retail uses should be approximately sized to enhance FGCU and private residential development in the area. While individual structures may be larger in size, the maximum floor area limitations for single user retail stores are as follows:~~

   ~~a. One (1) grocery store may be constructed to a maximum of 45,00~~

   ~~b. Up to two (2) retail stores may be constructed not exceeding a total of 60,000 square feet per store, with no more than 30,000 square feet per floor;~~

c. Up to three (3) retail stores may be constructed not exceeding 30,000 square feet per store; and

d. At build out, at least 50 % of all finished retail square footage must be utilized by retail stores smaller than 10,000 square feet but may be contained in multi-use buildings.

The Site Location Standards described in Goal 6 of the Lee Plan are not applicable to University Community Area 9. Specific location of non-residential uses, design details, and intensities of non-residential uses will be reviewed during the rezoning process to determine compliance with the requirements of applicable Lee Plan provisions, including but not limited to compatibility, mix of uses, civic spaces, recreation and open space, interconnectivity, and multi-modal design elements.

5.4. Office, Research and Development Facilities: Research and development facilities and office buildings are encouraged, which will attract the targeted industries as established by the State of Florida and by Lee County to create economic diversity and to create synergy between FGCU and private facilities. As required by policy 18.1.1, the emphasis will be on University related scientific research and high technology development activities but may also include and allow a diversity of activities that support the University and private development within Area 9 in keeping with the predominant land uses as established by Policy 18.2.2.

7.5. Connectivity to FGCU: To further implement Policy 18.1.5 relative to alternative modes of transportation, Area 9 will be designed with a connection to the easterly portion FGCU. This connection will be a pedestrian-friendly multi-modal facility, with traffic calming, multi-use paths, and student safety features other pedestrian oriented safety features. The connection to FGCU must be included in the local development order prior to commencement of vertical development on Area 9 this connection must be in place.

8.6. Pedestrian Friendly Design: The development will be designed as a pedestrian-friendly community. with student safety features, In areas targeted and marketed as student housing, as well as retail, office, and research and development areas, will include pedestrian oriented design features, including traffic calming, sidewalks on both sides of the road system, and facilities to accommodate the FGCU Eagle Express, Lee Tran, and other alternative modes of transportation.

10.7. Parking: Parking in Area 9 should be screened and minimized to the furthest extent possible in order to create a walkable community that considers the needs of pedestrians and recognizes the possibility for internal trip capture. Parking may be minimized by using on-street parking, shared parking, or structured parking. All parking must be consistent with the requirements identified below:

A. Within the Town Center/Core Area of Area 9 parking requirements are as follows:

1. A minimum of 50% of the required parking will be contained in parking structures.
2. A maximum of 25% of the parking required for the Town Center/Core Area may be surface parking lots, in an area no greater than 10 acres. The 10 acres will not include any water management features of the development.
3. A minimum of 25% of the required parking would be on street parking in a TND design.
4. Off street surface parking must be located to minimize the presence of the surface parking facility by shielding the parking areas with liner buildings, courtyards and

~~buffers. Further, the developer is encouraged to reduce the amount of surface parking by designing the development in a manner that promotes shared parking agreements, mixed uses, internal trip capture, and alternative modes of transportation such as transit, biking and walking, whenever possible.~~

~~B. Within the remainder of the Area 9 on street parking may be provided to offset off street parking requirements. Off street parking must be located to minimize the presence of any surface parking facilities by shielding such parking with liner buildings, courtyards~~

~~C. Deviations from the number of parking spaces required by the Land Development Code may be appropriate in Area 9.~~

~~8.~~11. **Residential Uses:** Single-family residential units and zero lot line units, as defined in the Land Development Code, will be limited to a maximum 25% of the total approved dwelling ~~195~~ units in the planned development. ~~All single family residential units and zero lot line units must be constructed on lots smaller than 6,500 square feet.~~

~~12.~~9. ~~**Entertainment District**~~ **Town Square:** Area 9 may contain public and private entertainment venues, including but not limited to facilities such as ~~amphitheaters,~~ theaters, bars and cocktail lounges, restaurants, bowling alleys, batting cages, arcades, as well as passive recreation facilities.

~~13.~~10. **Landscaping**: All plantings used in buffers and landscaping must be ~~installed using xeriscape principles. Xeriscape principles include water conservation through drought tolerant landscaping, the use of appropriate plant material, mulching, and the reduction of turf areas. All development must hook up to water re-use lines when they become available. At~~ at least 75 percent ~~of all landscaping must be~~ native ~~landscaping~~. Irrigation must be provided through a central irrigation system that complies with the Lee County Water Conservation Ordinance. Irrigation control boxes and wells are prohibited on individual residential lots.

~~15.~~11. **Florida Gulf Coast University Participation:** The owner or agent for Development of Regional Impact or planned development rezoning requests must conduct two meetings with the President of FGCU or his designees and will provide detailed information to such representatives at those meetings relating to the Site Plan and Master Concept Plan for any proposed development within Area 9. The developer must invite Lee County zoning and planning staff to participate in such meetings. These meetings must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meetings, list of attendees; a summary of the concerns or issues that were raised at the meetings; and a proposal of how the applicant will respond to any issues that were raised.

~~16.~~12. **Stormwater Retention for adjacent transportation facilities:** Area 9 will accommodate stormwater detention/retention requirements for the Alico Road widening and County Road 951 extension adjacent to the property, if constructed.

This policy has numerous parts, all specifically related to the future development of Area 9. The proposed amendments support the elimination of zoning level details as well as adjust the development parameters for development of the property. The amendment will also have the effect of lowering the overall intensity of the proposed development to a level that can

reasonably be supported by the proposed maximum residential density and ensuring safe and efficient mobility for all modes of transportation between Centerplace and FGCU. Staff agrees with the applicant's proposed changes.

> **POLICY 18.2.3:** The University Window Overlay includes the area within 100 feet on both sides of the right-of-way of the following roadway segments:
>
> ~~**Treeline Avenue**~~ **Ben Hill Griffin Pkwy** From Alico Road to Corkscrew Road
> **Alico Road** From I-75 to ~~Future Extension of County Road 951~~ Ben Hill Griffin Pkwy
> **Corkscrew Road** From I-75 to ~~Treeline Avenue~~ Ben Hill Griffin Pkwy
> ~~**Koreshan Boulevard**~~ **Estero Pkwy** From I-75 to ~~Treeline Avenue~~ Ben Hill Griffin Pkwy
>
> With input from affected property owners, Lee County and the Florida Gulf Coast University Board of Trustees will develop mutually agreed upon standards for the University Window addressing landscaping, signage and architectural features visible from the designated roadway segments.

The applicant is proposing to remove the University Window Overlay landscaping requirements for their portion of the property which abuts Alico Road. **Staff does not recommend eliminating** the overlay between I75 and County Road 951 on Alico Road. This landscaping requirement was included to provide a mutual and consistent landscape within the area. The landscaping selected along Alico Road should be consistent with the landscaping referenced in the mutually agreed upon standards for landscaping, signage and architectural features. Since the subject property will be developed with mixed uses that support the FGCU and that will have internal access to FGCU. Therefore, it is appropriate and consistent for the University Community future land use category that the overlay for landscaping, signage and architectural features be required along Alico Road to CR 951.The University Window Overlay should remain in place on Alico Road between Ben Hill Griffin and the future extension of CR 951.

Comprehensive Plan Amendment Table 1(a) Amendment:
The applicant included an amendment to Table 1(a) to revise footnote 9 regarding the clustering of densities; however, as previously discussed, staff is eliminating this same restrictive language from Policy 1.1.9 as shown in Attachment 1. Therefore, staff recommends the second sentence of footnote 9 be stricken as shown below.

> *Note 9 states: Overall average density for the University Village sub-district must not exceed 2.5 du/acre. ~~Clustered densities within the area may reach 15 du/acre to accommodate university housing.~~*

PART V
CONCLUSION

The proposed Comprehensive Plan Amendment continues to promote the Goals, Objectives and Policies of the Lee Plan and is consistent with its vision regarding development within the University Community Future Land Use Category. The proposed amendments, and concurrent Planned Development rezoning, will not negatively impact the surrounding uses and will continue to enhance and support development surrounding Florida Gulf Coast University and the University itself.

The applicant has filed a companion rezoning request for a mixed use planned development, DCI20016-00017, for a mixed use development. As demonstrated by the Master Concept Plan

proposed conditions, and Schedule of Uses included in the concurrent planned development request, the property is proposed to be developed with a mix of housing types as well as commercial uses supporting the faculty, administration, staff and students at Florida Gulf Coast University. The proposed diverse land uses proposed as part of the planned development are integrated with a multi-modal transportation system of pedestrian, bicycle, transit, and automobile networks. The proposed CPA amendments, as modified by staff, will facilitate the property being rezoned and developed consistent with University Community future land use category.

Text Amendments:

POLICY 1.1.9: The University Community land use category provides for Florida's 10th University, Florida Gulf Coast University (FGCU), and for associated support development. The location and timing of development within this area must be coordinated with the development of the University and the provision of necessary infrastructure. All development within the University Community must be designed to enhance and support the University. In addition to all other applicable regulations, development within the University Community will be subject to cooperative master planning with, and approval by, the Florida Gulf Coast University ~~Board of Trustees~~ President or their designee.

Prior to development in the University Community land use category, there will be established a Conceptual Master Plan which includes a generalized land use plan and a multi-objective water management plan. These plans will be developed through a cooperative effort between the property owner, Lee County, and South Florida Water Management District.

Within the University Community are two distinct sub-categories: University Campus and the University Village. The University Window overlay, although not a true sub-category, is a distinct component of the total university environment. Together these functions provide the opportunity for a diversity of viable mixed use centers. Overall residential development within the University Village will not exceed 6,510 dwelling units. None of the 6,510 dwelling units may be used on or transferred to lands located outside of the University Community land use boundaries as they exist on October 20, 2010. ~~Clustered densities are encouraged within the area may reach fifteen units per acre to accommodate university housing. The overall average intensity of nonresidential development within the University Village will be limited to 10,000 square feet of building per non-residential acre allowed pursuant to Map 16 and Table 1(b).~~ Specific policies related to the University Community are ~~included within the Lee Plan under~~ provided in Goal 18. (Added by Ordinance No. 92-47, Amended by Ordinance No. 94-30, 98-09, 00-22, 10-40)

GOAL 18: UNIVERSITY COMMUNITY. In order to ensure that development within the University Community land use category protects and enhances the ability of Florida's ~~tenth~~ 10th university to provide secondary education as described in the Mission Statement of that institution and to assure that land uses or development activities do not interfere with, disrupt, or impede the efficient operation of that institution the following Objectives and Policies will apply to all development within the University Community land use category. The Application (Volume 1 of 2) (1992) and the Support Document (Volume 2 of 2) (1992) to the Amendment to the Lee County Comprehensive Plan for the University Community is incorporated by reference herein as a resource and information document. (Added by Ordinance No. 92-47, Amended by Ordinance No. 94-30, 00-22)

POLICY 18.1.5: In order to create a cohesive community, site design within the University Community must utilize alternative modes of transportation such as pedestrian networks, mass transit opportunities, sidewalks, bike paths and similar facilities. Site design must link related land uses through the use of alternative modes of transportation thus reducing automobile traffic within the University Community. The county will work cooperatively with the University on these matters as the University proceeds through the Campus Master Plan Process.

~~Prior to~~ As part of the local Development Order approval for primary infrastructure installation on property within Area 9, of the University Community, the developer must demonstrate that the proposed plan of development supports pedestrian, bicycle and transit opportunities. A multi-modal interconnection between the property and the FGCU campus must be provided at no cost to Lee County, consistent with Lee Plan Policy 18.1.16.7. ~~The owner/developers must dedicate the right of way for the 951 extension between Alico Road and Corkscrew Road to Lee County prior to rezoning approval. The value of the right of way on the date of dedication must not reflect the added value of the lands changed from DR/GR to University Community by virtue of CPA 2009-01. The county will issue road impact fee credits for the dedication.~~ (Amended by Ordinance No. 94-30, 00-22, 10-40, 14-03)

POLICY 18.1.8: ~~All currently permitted mining activities within the University Community area will be allowed to continue until such time as the university opens.~~ Agricultural activity including but not limited to tree farms, nurseries, or agricultural research facilities will be permitted within the University Community. (Amended by Ordinance No. 00-22)

POLICY 18.1.9: Prior to the commencement of development within the University Community land use category, an area-wide Conceptual Water Management Master Plan must be submitted to and approved by Lee County and South Florida Water Management District staff. This water management plan will be integrated with the Conceptual Master Plan and be prepared through a cooperative effort between the property owner, Lee County, and South Florida Water Management District. This master plan will ensure that the water management design of any development within the University Community will maintain or improve the currently existing quality and quantity of groundwater recharge. This plan must be consistent with the drainage basin studies that were prepared by Johnson Engineering, and approved by the SFWMD. Lee County will amend the county land development regulations to require all new development to be consistent with the appropriate basin study. ~~Development of Regional Impact, zoning and Development Order approvals within the University Community Area 9 must provide an environmental assessment that includes a fines relocation/disposal plan to be implemented at the time of development of the property.~~ Prior to zoning or Development Order approval on any portion of Area 9, the developer must demonstrate through modeling, accepted by Lee County staff, that the proposed development will not create significant impacts on present or future water resources. (Amended by Ordinance No. 94-30, 00-22, 10-40)

POLICY 18.1.12: To encourage a variety of wildlife habitats and university study sites, special consideration will be given in the Conceptual Master Plan to the preservation of portions of the most pristine and diverse wildlife habitat areas (such as, pine flatwoods, palmetto prairies, and major cypress slough systems) as an incentive to reduce, on a one-for-one basis, open space requirements in other developments within the University Community. The implementation of this policy will occur at the time of zoning and development review. ~~The development of the lands in Area 9 at the county's request, may include the construction of a rookery island, funded by the developer, within the existing mining lake that separates the Area 9 property from the Miromar Lakes residential community. The rookery island would provide wildlife habitat and would be made available to FGCU for use as an environmental study site.~~ (Amended by Ordinance No. 94-30, 00-22, Relocated by Ordinance No. 07-12, Amended by Ordinance No. 10-40)

POLICY 18.1.16: For those lands in Area 9, all development must be designed to enhance and support the University. All rezonings in this area must include a specific finding that the proposed uses qualify as Associated Support Development, as that term is defined in the glossary. The final design and components will be determined as part of the rezoning process and must be consistent with the following development standards:

1. **Mixed Use:** Development must incorporate a mix of uses (multiple types of residential development along with non-residential development) ~~be in the Traditional Neighborhood Development form, as defined in the Glossary section of the Lee Plan,~~ and be consistent with the intent of Goals 4 ~~Sustainable Development Design of the Lee Plan~~, and 18 and, Policy 1.1.9. Development on Alico West, Area 9, must be rezoned to a ~~Compact~~ ~~P~~planned ~~D~~development as specified by the Lee County Land Development Code~~, recognizing there may be significant deviations to accommodate the proposed development~~. The following ~~minimum and~~ maximum development parameters per use are approved for Area 9, subject to transportation mitigation requirements:

   Residential: ~~Minimum 800 Units,~~ A maximum of 1,950 units;
   Retail: ~~Minimum 400,000 square feet~~, A maximum of 200,000 square feet~~ 543,000 square feet (Retail maximum may be reduced, to no less than the 200,000 square feet, to allow additional Office or Research and Development square feet at a 1 to 1 rate.)~~;

   Office/Research/Development: ~~Minimum 400,000 square feet,~~ A maximum of 140,000 ~~918,000~~ square feet ~~(additional Office/Research/Development square feet may be added to the maximum if the maximum retail is reduced as described in the Retail parameters above~~;

   ~~Donation Site to University: Minimum 40,000 Square feet~~; and

   Hotel: ~~Minimum 0 rooms, maximum~~ 250 rooms.

~~3.~~**2. Density:** To ensure the creation of a development that has sufficient residential mass to support the proposed ~~main street town center~~ non-residential intensity, while providing a mixture of housing types to meet the needs and accommodate the varying lifestyles of persons related directly and indirectly to the University as required by policy 18.1.2, the total project ~~net density within the residential component area of Area 9 must be a minimum of 5 units per acre, but~~ must not ~~to~~ exceed a total of 1,950 dwelling units.

~~4.~~**3. ~~Retail Uses:~~ Non-residential Uses**: ~~The total retail floor for Area 9 will not exceed a maximum of 543,000 square feet. Retail uses should be approximately sized to enhance FGCU and private residential development in the area. While individual structures may be larger in size, the maximum floor area limitations for single user retail stores are as follows:~~

   ~~a. One (1) grocery store may be constructed to a maximum of 45,00~~

   ~~b. Up to two (2) retail stores may be constructed not exceeding a total of 60,000 square feet per store, with no more than 30,000 square feet per floor;~~

~~c. Up to three (3) retail stores may be constructed not exceeding 30,000 square feet per store; and~~

~~d. At build out, at least 50 % of all finished retail square footage must be utilized by retail stores smaller than 10,000 square feet but may be contained in multi-use buildings.~~

~~The Site Location Standards described in Goal 6 of the Lee Plan are not applicable to University Community Area 9.~~ Specific location of non-residential uses, design details, and intensities of non-residential uses will be reviewed during the rezoning process to determine compliance with the requirements of applicable Lee Plan provisions, including but not limited to compatibility, mix of uses, civic spaces, recreation and open space, interconnectivity, and multi-modal design elements.

~~5.~~4. **Office, Research and Development Facilities**: Research and development facilities and office buildings are encouraged, which will attract the targeted industries as established by the State of Florida and by Lee County to create economic diversity and to create synergy between FGCU and private facilities. As required by policy 18.1.1, the emphasis will be on University related scientific research and high technology development activities but may also include and allow a diversity of activities that support the University and private development within Area 9 in keeping with the predominant land uses as established by Policy 18.2.2.

~~7.~~5. **Connectivity to FGCU:** To further implement Policy 18.1.5 relative to alternative modes of transportation, Area 9 will be designed with a connection to ~~the easterly portion~~ FGCU. This connection will be a pedestrian-friendly multi-modal facility, with traffic calming, multi-use paths, and ~~student safety features~~ other pedestrian oriented safety features. The connection to FGCU must be included in the local development order prior to commencement of vertical development ~~on Area 9 this connection must be in place~~.

~~8.~~6. **Pedestrian Friendly Design:** The development will be designed as a pedestrian-friendly community. ~~with student safety features~~, In areas targeted and marketed as student housing, as well as retail, office, and research and development areas, will include pedestrian oriented design features, including traffic calming, sidewalks on both sides of the road system, and facilities to accommodate the FGCU Eagle Express, Lee Tran, and other alternative modes of transportation.

~~10.~~7. **Parking:** Parking in Area 9 should be screened and minimized to the furthest extent possible in order to create a walkable community that considers the needs of pedestrians and recognizes the possibility for internal trip capture. Parking may be minimized by using on-street parking, shared parking, or structured parking. ~~All parking must be consistent with the requirements identified below:~~

~~A. Within the Town Center/Core Area of Area 9 parking requirements are as follows:~~

~~1. A minimum of 50% of the required parking will be contained in parking structures.~~
~~2. A maximum of 25% of the parking required for the Town Center/Core Area may be surface parking lots, in an area no greater than 10 acres. The 10 acres will not include any water management features of the development.~~

3. A minimum of 25% of the required parking would be on street parking in a TND design.
4. Off-street surface parking must be located to minimize the presence of the surface parking facility by shielding the parking areas with liner buildings, courtyards and buffers. Further, the developer is encouraged to reduce the amount of surface parking by designing the development in a manner that promotes shared parking agreements, mixed uses, internal trip capture, and alternative modes of transportation such as transit, biking and walking, whenever possible.

B. Within the remainder of the Area 9 on-street parking may be provided to offset off-street parking requirements. Off-street parking must be located to minimize the presence of any surface parking facilities by shielding such parking with liner buildings, courtyards

C. Deviations from the number of parking spaces required by the Land Development Code may be appropriate in Area 9.

8.11. Residential Uses: Single-family residential units and zero lot line units, as defined in the Land Development Code, will be limited to a maximum 25% of the total approved dwelling 195 units in the planned development. All single-family residential units and zero lot line units must be constructed on lots smaller than 6,500 square feet.

12.9. Entertainment District Town Square: Area 9 may contain public and private entertainment venues, including but not limited to facilities such as amphitheaters, theaters, bars and cocktail lounges, restaurants, bowling alleys, batting cages, arcades, as well as passive recreation facilities.

13.10. Landscaping: All plantings used in buffers and landscaping must be installed using xeriscape principles. Xeriscape principles include water conservation through drought tolerant landscaping, the use of appropriate plant material, mulching, and the reduction of turf areas. All development must hook up to water re-use lines when they become available. At least 75 percent of all landscaping must be native landscaping. Irrigation must be provided through a central irrigation system that complies with the Lee County Water Conservation Ordinance. Irrigation control boxes and wells are prohibited on individual residential lots.

15.11. Florida Gulf Coast University Participation: The owner or agent for Development of Regional Impact or planned development rezoning requests must conduct two meetings with the President of FGCU or his designees and will provide detailed information to such representatives at those meetings relating to the Site Plan and Master Concept Plan for any proposed development within Area 9. The developer must invite Lee County zoning and planning staff to participate in such meetings. These meetings must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meetings, list of attendees; a summary of the concerns or issues that were raised at the meetings; and a proposal of how the applicant will respond to any issues that were raised.

~~16.~~12. **Stormwater Retention for adjacent transportation facilities:** Area 9 will accommodate stormwater detention/retention requirements for the Alico Road widening and County Road 951 extension adjacent to the property, if constructed.

POLICY 18.2.3: The University Window Overlay includes the area within 100 feet on both sides of the right-of-way of the following roadway segments:

~~**Treeline Avenue**~~ **Ben Hill Griffin Parkway** From Alico Road to Corkscrew Road
Alico Road From I-75 to Future Extension of County Road 951
Corkscrew Road From I-75 to ~~Treeline Avenue~~ Ben Hill Griffin Parkway
~~**Koreshan Boulevard**~~ **Estero Pkwy** From I-75 to ~~Treeline Avenue~~ Ben Hill Griffin Parkway

With input from affected property owners, Lee County and the Florida Gulf Coast University Board of Trustees will develop mutually agreed upon standards for the University Window addressing landscaping, signage and architectural features visible from the designated roadway segments.

TABLE 1(a)

SUMMARY OF RESIDENTIAL DENSITIES[1]

FUTURE LAND USE CATEGORY	STANDARD OR BASE DENSITY RANGE		BONUS DENSITY
	MINIMUM[2] (Dwelling Units per Gross Acre)	MAXIMUM (Dwelling Units per Gross Acre)	MAXIMUM TOTAL DENSITY[3] (Dwelling Units per Gross Acre)
Intensive Development[14]	8	14	22
General Interchange[2]	8	14	22
Central Urban [15]	4	10	15
Urban Community[4,5,16]	1	6	10
Suburban [17]	1	6	No Bonus
Outlying Suburban	1	3	No Bonus
Sub-Outlying Suburban	1	2	No Bonus
Rural[10]	No Minimum	1	No Bonus
Outer Islands	No Minimum	1	No Bonus
Rural Community Preserve[6]	No Minimum	1	No Bonus
Open Lands[7]	No Minimum	1 du/5 acres	No Bonus
Density Reduction/Groundwater Resource	No Minimum	1 du/10 acres	No Bonus
Wetlands[8]	No Minimum	1 du/20 acres	No Bonus
New Community	1	6	No Bonus
University Community[9]	1	2.5	No Bonus
Destination Resort Mixed Use Water Dependent[11]	6	9.36	No Bonus
Burnt Store Marina Village[12]	No Minimum	160 Dwelling Units; 145 Hotel Units	No Bonus
Coastal Rural[18]	No Minimum	1 du/2.7 acres	No Bonus

CLARIFICATIONS AND EXCEPTIONS

[1]See the glossary in Chapter XII for the full definition of "density".

[2]Except in the General Interchange future land use category adherence to minimum densities is not mandatory but is recommended to promote compact development.

[3]These maximum densities may be permitted by transferring density from non-contiguous land through the provisions of the Bonus Density Program identified in chapter 2 of the Land Development Code.

[4]Within the Future Urban Areas of Pine Island Center, rezonings that will allow in excess of 3 dwelling units per gross acre must "acquire" the density above 3 dwelling units per gross acre utilizing TDUs that were created from Greater Pine Island (see Objective 14.6), or transfer dwelling units in accordance with Policy 14.3.4.

[5]In all cases on Gasparilla Island, the maximum density must not exceed 3 du/acre.

[6]Within the Buckingham area, new residential lots must have a minimum of 43,560 square feet.

[7]The maximum density of 1 unit per 5 acres can only be approved through the planned development process (see Policy 1.4.4), except in the approximately 135 acres of land lying east of US41 and north of Alico Road in the northwest corner of Section 5, Township 46, Range 25.

[8]Higher densities may be allowed under the following circumstances where wetlands are preserve on the subject site:

(a) If the dwelling units are relocated off-site through the provision of Transfer of Development Rights Ordinance (86-18, as amended or replaced); or

(b) Dwelling units may be relocated to developable contiguous uplands designated Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, Sub-Outlying Suburban, from preserved freshwater wetlands at the same underlying density as permitted for those uplands. Impacted wetlands will be calculated at the standard Wetlands density of 1 dwelling units per 20 acres. Planned Developments or Development Orders approved prior to October 20, 2010 are permitted the density approved prior to the adoption of CPA2008-18.

[9]Overall average density for the University Village sub-district must not exceed 2.5 du/acre. ~~Clustered densities within the area may reach 15 du/acre to accommodate university housing.~~

[10]In the Rural category located in Section 24, Township 43 South, Range 23 East and south of Gator Slough, the maximum density is 1 du/2.25 acres.

[11]Overall number of residential dwelling units is limited to 271 units in the Destination Resort Mixed Use Water Dependent district.

[12]The residential dwelling units and hotel development portions of this redevelopment project must be located outside of the designated Coastal High Hazard Area in accordance with Lee Plan, Map 5.

[13]See Policies 33.3.2, 33.3.3, and 33.3.4 for potential density adjustments resulting from concentration or transfer of development rights.

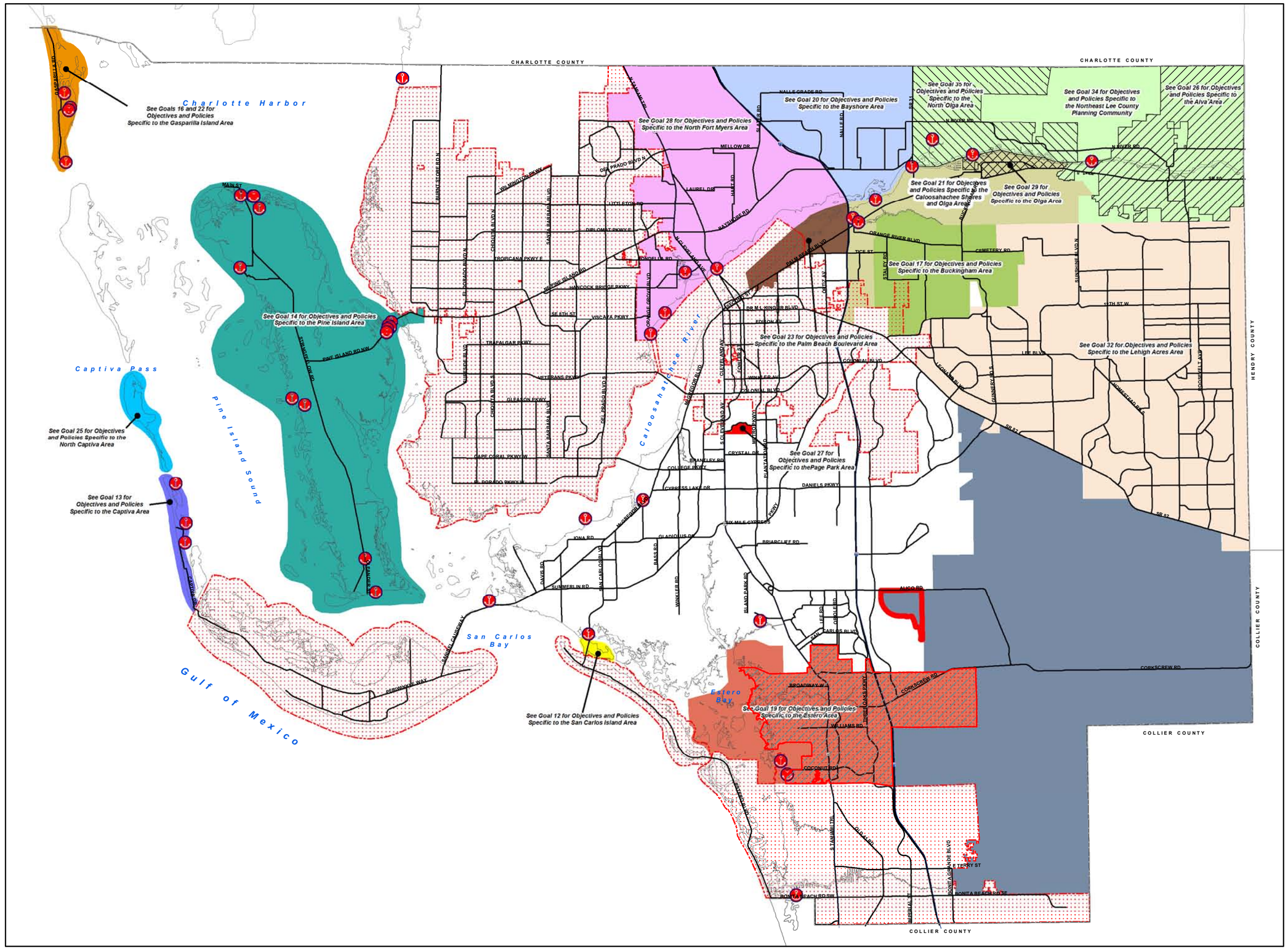
[14] The maximum total density may be increased to 30 du/acre utilizing Greater Pine Island TDUs.

[15] The maximum total density may be increased to 20 du/acre utilizing Greater Pine Island TDUs.

[16] The maximum total density may be increased to 15 du/acre utilizing Greater Pine Island TDUs.

[17] The maximum total density may be up to 8 du/acre when utilizing Greater Pine Island TDUs.

[18] The standard maximum density is 1 du/2.7 acres unless the "Adjusted Maximum Density" of 1 du/acre is achieved in accordance with requirements of Policy 1.4.7 and Chapter 33 of the Land Development Code.



SPECIAL TREATMENT AREAS

Community Planning Areas

- Bayshore
- Boca Grande
- Buckingham
- Caloosahatchee Shores
  - Olga
- Captiva
- Estero
- Greater Pine Island
- Lehigh Acres
- North Captiva
- North Fort Myers
- Northeast Lee County
  - Alva
  - North Olga
- Page Park
- San Carlos Island
- Southeast Lee County
- Palm Beach Boulevard
- City Limits

Adopted by Ord. 89-02, 1/31/1989
Amended by Ordinance Nos.
02-02, 03-01, 03-02, 03-04, 03-21, 07-09, 08-05, 09-07, 09-08, 09-09, 09-10, 09-11, 10-16, 11-14, 11-21, 11-24

Water Dependent Overlay
See Maps 2 and 12 for Details

Adopted by Ord. 89-02, 1/31/1989
Amended by Ordinance Nos.
91-19, 92-35, 00-22, 02-03, 08-05

CPA2016-00011
CENTERPLACE

Remove from Southeast Lee County

LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

N W E S

1 0.5 0 1 2 3 4
Miles

Map Generated: February 2017
City Limits current to date of map generation

Lee Plan Map 1
Page 2 of 8

MORRIS DEPEW
ENGINEERS · PLANNERS · SURVEYORS
LANDSCAPE ARCHITECTS

2891 Center Pointe Drive Unit 100 | Fort Myers, Florida 33916
Phone (239) 337-3993 | Toll Free (866) 337-7341
www.morris-depew.com

Original Signature Pages Included

CenterPlace

Comprehensive Plan Amendment Application



Lee County Board of County Commissioners
Department of Community Development
Division of Planning
Post Office Box 398
Fort Myers, FL 33902-0398
Telephone: (239) 533-8585
FAX: (239) 485-8344

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

PROJECT NAME: CenterPlace

PROJECT SUMMARY:
Text Amendment to Policy 1.1.9 and Goal 18
Map Amendment to Lee Plan Map 1 Page 2 of 8

Plan Amendment Type: ☒ Normal ☐ Small Scale ☐ DRI

APPLICANT – PLEASE NOTE:

Answer all questions completely and accurately. Please print or type responses. If additional space is needed, number and attach additional sheets. The total number of sheets in your application is: _____

Submit **6** copies of the complete application and amendment support documentation, including maps, to the Lee County Division of Planning. Up to 90 additional copies will be required for Local Planning Agency, Board of County Commissioners hearings and the Department of Community Affairs' packages. Staff will notify the applicant prior to each hearing or mail out.

I, the undersigned owner or authorized representative, hereby submit this application and the attached amendment support documentation. The information and documents provided are complete and accurate to the best of my knowledge.

Signature of Owner or Authorized Representative

9.6.2016
Date

Donald Schrotenboer, President
Printed Name of Owner or Authorized Representative

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2891 Center Pointe Drive Unit 100 | Fort Myers, Florida 33916
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CenterPlace

Comprehensive Plan Amendment Application

Application, Authorizations, and Property Information

- Application
- Property Data Sheet
- Letter of Authorization
- Disclosure of Interest
- Affidavit of Authorization
- Additional Agents
- Division of Corporations-Alico West Fund LLC
- Boundary Survey
- Deed

I. **APPLICANT/AGENT/OWNER INFORMATION** (Name, address and qualification of additional planners, architects, engineers, environmental consultants, and other professionals providing information contained in this application.)

Applicant: Alico West Fund, LLC
Address: 12800 University Drive, Suite 275
City, State, Zip: Fort Myers, FL 33907
Phone Number: 239-590-9066 Email: don@pegfl.net

Agent*: Tina M. Ekblad, MPA, AICP, LEED AP
Address: 2891 Center Pointe Drive Suite 100
City, State, Zip: Fort Myers, FL 33916
Phone Number: 239-337-3993 Email: tekblad@m-da.com

Owner(s) of Record: Alico West Fund, LLC
Address: 12800 University Drive Suite, 275
City, State, Zip: Fort Myers, FL 33907
Phone Number: 239-590-9066 Email: don@pegfl.net

* This will be the person contacted for all business relative to the application.

II. REQUESTED CHANGE

A. TYPE: (Check appropriate type)

☒ Text Amendment
☒ Future Land Use Map Series Amendment (Maps 1 thru 24)
List Number(s) of Map(s) to be amended: Map 1 page 2 of 8

1. Future Land Use Map amendments require the submittal of a complete list, map, and two sets of mailing labels of all property owners and their mailing addresses, for all property within 500 feet of the perimeter of the subject parcel. An additional set of mailing labels is required if your request includes a change to the Future Land Use Map (Map 1, page 1). The list and mailing labels may be obtained from the Property Appraisers office. The map must reference by number or other symbol the names of the surrounding property owners list. The applicant is responsible for the accuracy of the list and map.

   At least 15 days before the Local Planning Agency (LPA) hearing, the applicant will be responsible for posting signs on the subject property, supplied by the Division of Planning, indicating the action requested, the date of the LPA hearing, and the case number. An affidavit of compliance with the posting requirements must be submitted to the Division of Planning prior to the LPA hearing. The signs must be maintained until after the final Board adoption hearing when a final decision is rendered.

III. PROPERTY SIZE AND LOCATION OF AFFECTED PROPERTY (for amendments affecting development potential of property)

A. Property Location:

1. Site Address: 11840 Alico Road, Fort Myers, FL 33913
2. STRAP(s): See attached spreadsheet

B. Property Information:

Total Acreage of Property: 886 AC

Total Acreage included in Request: 886 AC

Total Uplands:

Total Wetlands:

Current Zoning: Compact Community Planned Development

Current Future Land Use Designation: University Community, Wetlands

Area of each Existing Future Land Use Category: 609.7 AC University Community, 13.3 AC Wetlands

Existing Land Use: Vacant

C. State if the subject property is located in one of the following areas and if so how does the proposed change affect the area:

Lehigh Acres Commercial Overlay: N/A

Airport Noise Zone 2 or 3: See Narrative

Acquisition Area: N/A

Joint Planning Agreement Area (adjoining other jurisdictional lands): N/A

Community Redevelopment Area: N/A

D. Proposed change for the subject property:

Proposed Text Amendment for Policies affecting the property. Proposed Map Amendment for Special Treatment areas to reflect current conditions.

E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM**:

Residential Units/Density	1,950 DU
Commercial intensity	Retail 543,000 SF
	Office & R&D 918,000 SF
	Hotel 250 rooms
Industrial intensity	N/A

** Per existing Policy 18.1.16

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density	1,950 DU
Commercial intensity	Retail 200,000 SF
	Office & R&D 140,000 SF
	Hotel Rooms 250
Industrial intensity	N/A

IV. AMENDMENT SUPPORT DOCUMENTATION

At a minimum, the application shall include the following support data and analysis. These items are based on comprehensive plan amendment submittal requirements of the State of Florida, Department of Community Affairs, and policies contained in the Lee County Comprehensive Plan. Support documentation provided by the applicant will be used by staff as a basis for evaluating this request. To assist in the preparation of amendment packets, the applicant is encouraged to provide all data and analysis electronically. (Please contact the Division of Planning for currently accepted formats.)

A. General Information and Maps

NOTE: For each map submitted, the applicant will be required to provide a reduced map (8.5" x 11") for inclusion in public hearing packets.

The following pertains to all proposed amendments that will affect the development potential of properties (unless otherwise specified).

1. Provide any proposed text changes.

2. Provide a current Future Land Use Map at an appropriate scale showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.

3. Provide a proposed Future Land Use Map at an appropriate scale showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.

4. Map and describe existing land *uses* (not designations) of the subject property and surrounding properties. Description should discuss consistency of current uses with the proposed changes.

5. Map and describe existing zoning of the subject property and surrounding properties.

6. The certified legal description(s) and certified sketch of the description for the property subject to the requested change. A metes and bounds legal description must be submitted specifically describing the entire perimeter boundary of the property with accurate bearings and distances for every line. The sketch must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment) with two coordinates, one coordinate being the point of beginning and the other an opposing corner. If the subject property contains wetlands or the proposed amendment includes more than one land use category a metes and bounds legal description, as described above, must be submitted in addition to the perimeter boundary of the property for each wetland or future land use category.

7. A copy of the deed(s) for the property subject to the requested change.

8. An aerial map showing the subject property and surrounding properties.

9. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner.

B. Public Facilities Impacts

NOTE: The applicant must calculate public facilities impacts based on a maximum development scenario (see Part II.H.).

1. Traffic Circulation Analysis: The analysis is intended to determine the effect of the land use change on the Financially Feasible Transportation Plan/Map 3A (20-year horizon) and on the Capital Improvements Element (5-year horizon). Toward that end, an applicant must submit the following information:

Long Range – 20-year Horizon:

a. Working with Planning Division staff, identify the traffic analysis zone (TAZ) or zones that the subject property is in and the socio-economic data forecasts for that zone or zones;
b. Determine whether the requested change requires a modification to the socio-economic data forecasts for the host zone or zones. The land uses for the proposed change should be expressed in the same format as the socio-economic forecasts (number of units by type/number of employees by type/etc.);
c. If no modification of the forecasts is required, then no further analysis for the long range horizon is necessary. If modification is required, make the change and provide to Planning Division staff, for forwarding to DOT staff. DOT staff will rerun the FSUTMS model on the current adopted Financially Feasible Plan network and determine whether network modifications are necessary, based on a review of projected roadway conditions within a 3-mile radius of the site;
d. If no modifications to the network are required, then no further analysis for the long range horizon is necessary. If modifications are necessary, DOT staff will determine the scope and cost of those modifications and the effect on the financial feasibility of the plan;
e. An inability to accommodate the necessary modifications within the financially feasible limits of the plan will be a basis for denial of the requested land use change;
f. If the proposal is based on a specific development plan, then the site plan should indicate how facilities from the current adopted Financially Feasible Plan and/or the Official Trafficways Map will be accommodated.

Short Range – 5-year CIP horizon:

a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediated development plan, identify the existing roadways serving the site and within a 3-mile radius (indicate laneage, functional classification, current LOS, and LOS standard);
b. Identify the major road improvements within the 3-mile study area funded through the construction phase in adopted CIP's (County or Cities) and the State's adopted Five-Year Work Program;
   Projected 2030 LOS under proposed designation (calculate anticipated number of trips and distribution on roadway network, and identify resulting changes to the projected LOS);
c. For the five-year horizon, identify the projected roadway conditions (volumes and levels of service) on the roads within the 3-mile study area with the programmed improvements in place, with and without the proposed development project. A methodology meeting with DOT staff prior to submittal is required to reach agreement on the projection methodology;
d. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.

2. Provide an existing and future conditions analysis for (see Policy 95.1.3):
   a. Sanitary Sewer
   b. Potable Water
   c. Surface Water/Drainage Basins
   d. Parks, Recreation, and Open Space
   e. Public Schools.

   Analysis should include (but is not limited to) the following (see the Lee County Concurrency Management Report):
   - Franchise Area, Basin, or District in which the property is located;
   - Current LOS, and LOS standard of facilities serving the site;
   - Projected 2030 LOS under existing designation;
   - Projected 2030 LOS under proposed designation;
   - Existing infrastructure, if any, in the immediate area with the potential to serve the subject property.
   - Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements; and
   - Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (state if these revisions are included in this amendment).
   - Provide a letter of service availability from the appropriate utility for sanitary sewer and potable water.

   In addition to the above analysis for Potable Water:
   - Determine the availability of water supply within the franchise area using the current water use allocation (Consumptive Use Permit) based on the annual average daily withdrawal rate.
   - Include the current demand and the projected demand under the existing designation, and the projected demand under the proposed designation.
   - Include the availability of treatment facilities and transmission lines for reclaimed water for irrigation.
   - Include any other water conservation measures that will be applied to the site (see Goal 54).

3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including:
   a. Fire protection with adequate response times;
   b. Emergency medical service (EMS) provisions;
   c. Law enforcement;
   d. Solid Waste;
   e. Mass Transit; and
   f. Schools.

In reference to above, the applicant should supply the responding agency with the information from Section's II and III for their evaluation. This application should include the applicant's correspondence to the responding agency.

C. Environmental Impacts

   Provide an overall analysis of the character of the subject property and surrounding properties, and assess the site's suitability for the proposed use upon the following:

1. A map of the Plant Communities as defined by the Florida Land Use Cover and Classification system (FLUCCS).

2. A map and description of the soils found on the property (identify the source of the information).

3. A topographic map depicting the property boundaries and 100-year flood prone areas indicated (as identified by FEMA).

4. A map delineating the property boundaries on the Flood Insurance Rate Map effective August 2008.

5. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.

6. A table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, state or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as FLUCCS map).

D. Impacts on Historic Resources

List all historic resources (including structure, districts, and/or archeologically sensitive areas) and provide an analysis of the proposed change's impact on these resources. The following should be included with the analysis:

1. A map of any historic districts and/or sites, listed on the Florida Master Site File, which are located on the subject property or adjacent properties.

2. A map showing the subject property location on the archeological sensitivity map for Lee County.

E. Internal Consistency with the Lee Plan

1. Discuss how the proposal affects established Lee County population projections, Table 1(b) (Planning Community Year 2030 Allocations), and the total population capacity of the Lee Plan Future Land Use Map.

2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.

3. Describe how the proposal affects adjacent local governments and their comprehensive plans.

4. List State Policy Plan and Regional Policy Plan goals and policies which are relevant to this plan amendment.

F. Additional Requirements for Specific Future Land Use Amendments

1. Requests involving Industrial and/or categories targeted by the Lee Plan as employment centers (to or from)
   a. State whether the site is accessible to arterial roadways, rail lines, and cargo airport terminals,
   b. Provide data and analysis required by Policy 2.4.4,
   c. The affect of the proposed change on county's industrial employment goal specifically policy 7.1.4.

2. Requests moving lands from a Non-Urban Area to a Future Urban Area

   a. Demonstrate why the proposed change does not constitute Urban Sprawl. Indicators of sprawl may include, but are not limited to: low-intensity, low-density, or single-use development; 'leap-frog' type development; radial, strip, isolated or ribbon pattern type development; a failure to protect or conserve natural resources or agricultural land; limited accessibility; the loss of large amounts of functional open space; and the installation of costly and duplicative infrastructure when opportunities for infill and redevelopment exist.

3. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.

4. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.

G. Justify the proposed amendment based upon sound planning principles
Be sure to support all conclusions made in this justification with adequate data and analysis.

H. Planning Communities/Community Plan Area Requirements
If located in one of the following planning communities/community plan areas, provide a meeting summary document of the required public informational session.

- ☒ Not Applicable
- ☐ Alva Community Plan area [Lee Plan Objective 26.7]
- ☐ Buckingham Planning Community [Lee Plan Objective 17.7]
- ☐ Caloosahatchee Shores Community Plan area [Lee Plan Objective 21.6]
- ☐ Captiva Planning Community [Lee Plan Policy 13.1.8]
- ☐ North Captiva Community Plan area [Lee Plan Policy 25.6.2]
- ☐ Estero Planning Community [Lee Plan Objective 19.5]
- ☐ Lehigh Acres Planning Community [Lee Plan Objective 32.12]
- ☐ Northeast Lee County Planning Community [Lee Plan Objective 34.5]
- ☐ North Fort Myers Planning Community [Lee Plan Policy 28.6.1]
- ☐ North Olga Community Plan area [Lee Plan Objective 35.10]
- ☐ Page Park Community Plan area [Lee Plan Policy 27.10.1]
- ☐ Palm Beach Boulevard Community Plan area [Lee Plan Objective 23.5]
- ☐ Pine Island Planning Community [Lee Plan Objective 14.7]

AFFIDAVIT

I, Donald Schrotenboer, President certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.

Signature of Applicant

9.7.2016
Date

Donald Schrotenboer
Printed Name of Applicant

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 9-7-16 (date) by Donald Schrotenboer, (name of person providing oath or affirmation), who is personally known to me or who has produced n/a (type of identification) as identification.

Signature of Notary Public

Michelle A. Preiss
(Name typed, printed or stamped)

MICHELLE A. PREISS
MY COMMISSION EXPIRES
December 15, 2017
#FF 075706
Bonded thru
Troy Fain - Insurance
NOTARY PUBLIC, STATE OF FLORIDA

CenterPlace
Comprehensive Plan Amendment

STRAP Number	Date of Purchase	Owner	Future Land Use	Zoning
07-46-26-00-00001.0050	7/25/2012	Alico West Fund LLC 12800 University Dr., Ste 275 Fort Myers, FL 33907	University Community	Compact Community Planned Development
11-46-25-00-00001.0000	7/25/2012	Alico West Fund LLC 12800 University Dr., Ste 275 Fort Myers, FL 33907	University Community	Compact Community Planned Development
12-46-25-00-00001.0000	7/25/2012	Alico West Fund LLC 12800 University Dr., Ste 275 Fort Myers, FL 33907	University Community	Compact Community Planned Development
13-46-25-00-00001.0070	7/25/2012	Alico West Fund LLC 12800 University Dr., Ste 275 Fort Myers, FL 33907	University Community	Compact Community Planned Development
11-46-25-00-00001.0170		Alico West Fund LLC 12800 University Dr., Ste 275 Fort Myers, FL 33907	University Community	Compact Community Planned Development
18-46-26-00-00001.0010	7/25/2012	Alico West Fund LLC 12800 University Dr., Ste 275 Fort Myers, FL 33907	University Community	Compact Community Planned Development
12-46-25-00-00001.0050		Alico West Fund LLC 12800 University Dr., Ste 275 Fort Myers, FL 33908	University Community	Compact Community Planned Development

MORRIS DEPEW
ENGINEERS · PLANNERS · SURVEYORS
LANDSCAPE ARCHITECTS

2891 Center Pointe Drive Unit 100 | Fort Myers, Florida 33916
Phone (239) 337-3993 | Toll Free (866) 337-7341
www.morris-depew.com

LETTER OF AUTHORIZATION

TO WHOM IT MAY CONCERN:

PLEASE BE ADVISED THAT I (WE) AM (ARE) THE FEE SIMPLE PROPERTY OWNER(S)/AUTHORIZED REPRESENTATIVE OF THE PROPERTY DESCRIBED BELOW AND THAT MORRIS-DEPEW ASSOCIATES, INC. AND HENDERSON-FRANKLIN, HAVE BEEN AUTHORIZED TO REPRESENT ME (US) FOR THE BELOW REFERENCED PARCEL(S) IN ALL MATTERS PERTAINING TO THE COMPREHENSIVE PLAN & MIXED USE PLANNED DEVELOPMENT REZONING APPLICATION. THIS AUTHORITY TO REPRESENT MY (OUR) INTEREST INCLUDES ANY AND ALL DOCUMENTS REQUIRED BY THE PLANNING OR PERMITTING REQUESTS SUBMITTED ON MY (OUR) BEHALF BY MORRIS-DEPEW ASSOCIATES, INC.

STRAP NUMBER OR LEGAL DESCRIPTION:

STRAPS#: 07-46-26-00-00001.0050, 11-46-25-00-00001.0000, 11-46-25-00-00001.0170, 12-46-25-00-00001.0000, 12-46-25-00-00001.0050, 13-46-25-00-00001.0070, 18-46-26-00-00001.0010

Donald R. Schrotenboer, President

OWNER NAME

SIGNATURE

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 6 day of Sept, 2016, by Donald R Schrotenboer, who is personally known to me or has produced _____ as identification and did not take an oath.

My Commission Expires:

MICHELLE A. PREISS
MY COMMISSION EXPIRES
December 15, 2017
#FF 075706
Bonded thru Troy Fain - Insurance
NOTARY PUBLIC, STATE OF FLORIDA

Michelle A Preiss

Notary Public

(Seal)

Michelle A Preiss

DISCLOSURE OF INTEREST
AFFIDAVIT

BEFORE ME this day appeared Donald R. Schrotenboer, who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at 11840 Alico Road, Fort Myers, FL 33913 and is the subject of an Application for zoning action (hereinafter the "Property").

2. That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.

[OPTIONAL PROVISION IF APPLICANT IS CONTRACT PURCHASER: In addition, I am familiar with the individuals that have an ownership interest in the legal entity that is under contract to purchase the Property.]

3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.

4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.

5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.

6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

Name and Address	Percentage of Ownership
N/A	

Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.

Property Owner

Donald R. Schrotenboer
Print Name

************NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS************
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 9-16-16 (date) by Donald R Schrotenboer, Pres. (name of person providing oath or affirmation), who is personally known to me or who has produced n/a (type of identification) as identification.

STAMP/SEAL

MICHELLE A. PREISS
MY COMMISSION EXPIRES
December 15, 2017
#FF 075706
Bonded thru
Troy Fain - Insurance
NOTARY PUBLIC, STATE OF FLORIDA

Michelle A Preiss
Signature of Notary Public

AFFIDAVIT OF AUTHORIZATION

APPLICATION IS SIGNED BY INDIVIDUAL OWNER, APPLICANT, CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, Donald R. Schrotenboer (name), as President (owner/title) of Alico West Fund, LLC (company/property), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Notes:

- *If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.*
- *If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.)., then the documents should typically be signed by the Company's "Managing Member."*
- *If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.*
- *If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.*
- *If the applicant is a trustee, then they must include their title of "trustee."*
- *In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.*

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.

_____ 9.6.2016

Signature **Date**

**************NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS**************
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 9-6-16 (date) by Donald R Schrotenboer, Pres (name of person providing oath or affirmation), who is personally known to me or who has produced n/a (type of identification) as identification.

STAMP/SEAL

MICHELLE A. PREISS
MY COMMISSION EXPIRES
December 15, 2017
#FF 075706
Bonded thru
Troy Fain-Insurance
NOTARY PUBLIC, STATE OF FLORIDA

Michelle A. P

Signature of Notary Public

FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS

Detail by Entity Name

Florida Limited Liability Company

ALICO WEST FUND, LLC

Filing Information

Document Number	L12000086373
FEI/EIN Number	46-0822486
Date Filed	06/29/2012
State	FL
Status	ACTIVE

Principal Address

12800 UNIVERSITY DRIVE
SUITE 275
FT. MYERS, FL 33907

Mailing Address

12800 UNIVERSITY DRIVE
SUITE 275
FT. MYERS, FL 33907

Registered Agent Name & Address

preiss, michelle a
12800 UNIVERSITY DRIVE
SUITE 275
FT. MYERS, FL 33907

Name Changed: 04/25/2013

Address Changed: 04/25/2013

Authorized Person(s) Detail

Name & Address

Title CFO

DOUGLAS, CAROL A
12800 UNIVERSITY DRIVE
SUITE 275
FT. MYERS, FL 33907

Title VP, Secretary

preiss, michelle a

12800 UNIVERSITY DRIVE
SUITE 275
FT. MYERS, FL 33907

Title CEO, President

SCHROTENBOER, DONALD R
12800 UNIVERSITY DRIVE
SUITE 275
FT. MYERS, FL 33907

Annual Reports

Report Year	Filed Date
2013	04/25/2013
2014	03/26/2014
2015	03/19/2015

Document Images

03/19/2015 -- ANNUAL REPORT	View image in PDF format
03/26/2014 -- ANNUAL REPORT	View image in PDF format
09/06/2013 -- AMENDED ANNUAL REPORT	View image in PDF format
04/25/2013 -- ANNUAL REPORT	View image in PDF format
06/29/2012 -- Florida Limited Liability	View image in PDF format

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State of Florida, Department of State

ADDITIONAL AGENTS

Company Name:	David Plummer and Associates, Inc.		
Contact Person:	Mark J. Gillis, AICP		
Address:	2149 McGregor Boulevard		
City, State, Zip:	Fort Myers, FL 33901		
Phone Number:	(239) 332-2617	Email:	(239) 332-2617

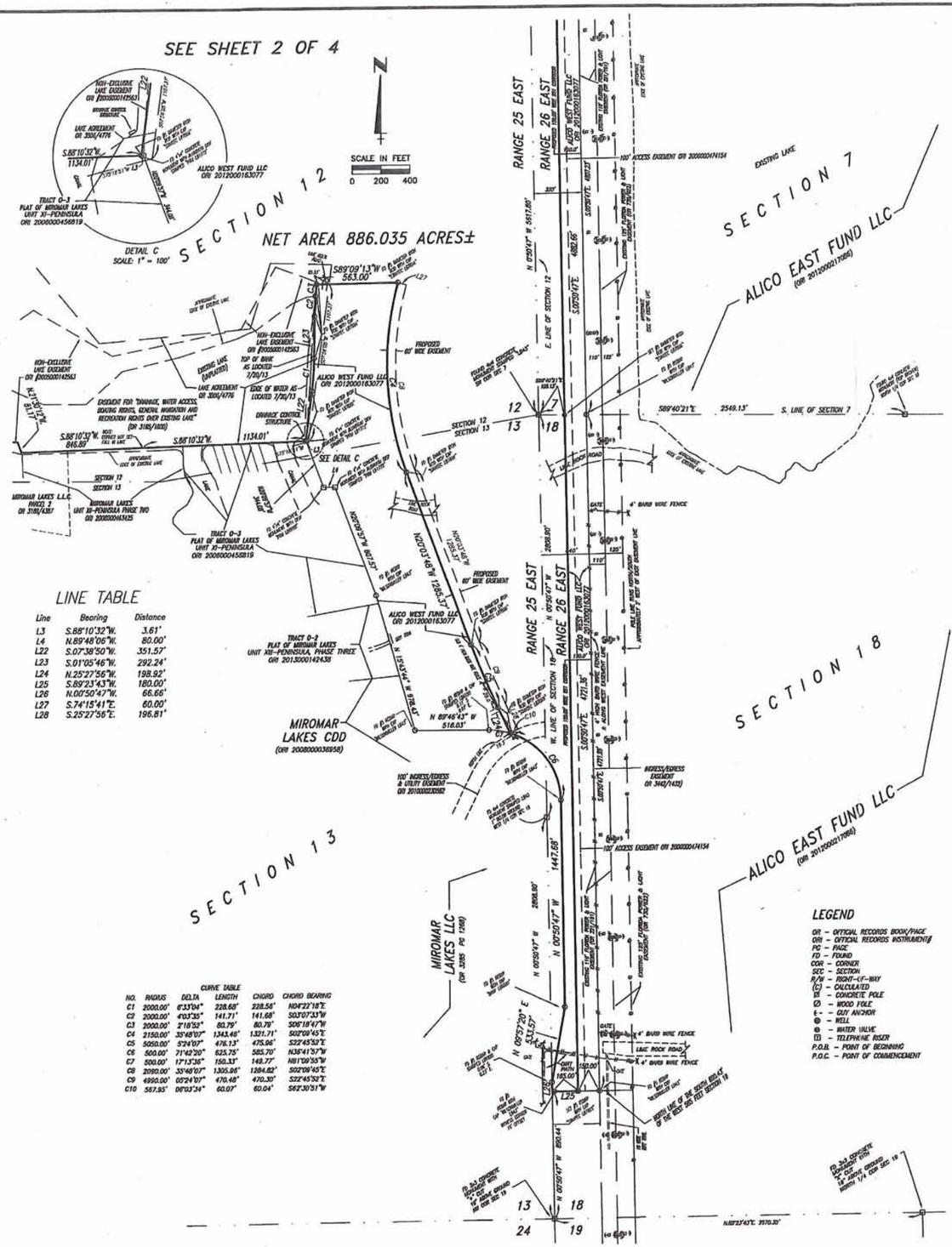
Company Name:	Henderson, Franklin, Starnes & Holt, P.A.		
Contact Person:	Charles Basinait		
Address:	1715 Monroe Street		
City, State, Zip:	Fort Myers, FL 33902		
Phone Number:	(239) 344-1204	Email:	(239) 344-1204

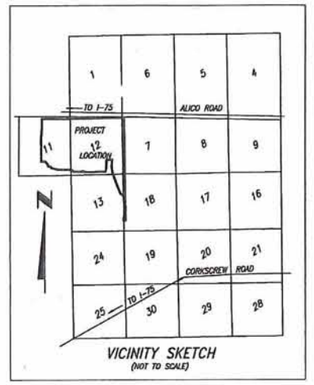
Company Name:	Water Science Associates		
Contact Person:	W. Kirk Martin, P.G.		
Address:	13620 Metropolis Avenue, Suite 110		
City, State, Zip:	Fort Myers, FL 33912		
Phone Number:	(239) 204-5301	Email:	(239) 218-1043

Company Name:			
Contact Person:			
Address:			
City, State, Zip:			
Phone Number:		Email:	

Company Name:			
Contact Person:			
Address:			
City, State, Zip:			
Phone Number:		Email:	

Company Name:			
Contact Person:			
Address:			
City, State, Zip:			
Phone Number:		Email:	





LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTIONS 11, 12 AND 13, TOWNSHIP 46 SOUTH, RANGE 25 EAST AND SECTIONS 7 AND 18, TOWNSHIP 46 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, LYING SOUTH OF ALICO ROAD, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE WEST LINE OF A FLORIDA POWER & LIGHT EASEMENT (110 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 221, PAGE 191 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND THE MAINTAINED SOUTH RIGHT-OF-WAY LINE OF ALICO ROAD (100 FEET WIDE); THENCE, ALONG THE WEST LINE OF SAID FLORIDA POWER & LIGHT EASEMENT (110 FEET WIDE), S.00°50'47"E., 75.00 FEET TO AN INTERSECTION WITH A LINE LYING 75.00 FEET SOUTH OF AND PARALLEL WITH THE AFOREMENTIONED SOUTH LINE OF ALICO ROAD (100 FEET WIDE); THENCE, ALONG SAID PARALLEL LINE, S.89°09'13"W., 150.00 FEET TO THE POINT OF BEGINNING; THENCE, ALONG A LINE LYING 150.00 FEET WEST OF AND PARALLEL WITH THE WEST LINE OF THE AFOREMENTIONED FLORIDA POWER & LIGHT EASEMENT FOR THE FOLLOWING TWO (2) COURSES:

1. S.00°50'47"E., 4,807.23 FEET;
2. S.00°50'47"E., 4,721.36 FEET;

TO AN INTERSECTION WITH NORTH LINE OF THE SOUTH 800.43 FEET OF THE WEST 585 FEET OF THE AFOREMENTIONED SECTION 18; THENCE, ALONG SAID NORTH LINE, S.89°23'43"E., 180.00 FEET; THENCE, ALONG THE WEST LINE OF THE SOUTHWEST ONE-QUARTER OF THE AFOREMENTIONED SECTION 18, N.00°50'47"W., 66.66 FEET; THENCE N.05°57'20"E., 533.57 FEET; THENCE N.00°50'47"W., 1,447.68 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A TANGENT CIRCULAR CURVE CONCAVE TO THE SOUTHWEST HAVING FOR ITS ELEMENTS A RADIUS OF 500.00 FEET, A CENTRAL ANGLE OF 71°43'29", A CHORD DISTANCE OF 585.70 FEET, A CHORD BEARING OF N.35°41'57"W., AN ARC DISTANCE OF 625.75 FEET; THENCE N.25°27'56"W., 198.92 FEET; THENCE ALONG THE ARC OF A TANGENT CIRCULAR CURVE CONCAVE TO THE NORTHEAST HAVING FOR ITS ELEMENTS A RADIUS OF 5,050.00 FEET, A CENTRAL ANGLE OF 05°24'07", A CHORD DISTANCE OF 475.96 FEET, A CHORD BEARING OF N.32°45'52"W., AN ARC DISTANCE OF 476.13 FEET; THENCE N.29°03'48"W., 1,285.37 FEET; THENCE ALONG THE ARC OF A TANGENT CIRCULAR CURVE CONCAVE TO THE EAST HAVING FOR ITS ELEMENTS A RADIUS OF 2,150.00 FEET, A CENTRAL ANGLE OF 35°48'07", A CHORD DISTANCE OF 1,321.71 FEET, A CHORD BEARING OF N.02°09'45"W., AN ARC DISTANCE OF 1,343.46 FEET; THENCE S.89°09'13"W., 563.00 FEET; THENCE, ALONG THE ARC OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE EAST HAVING FOR ITS ELEMENTS A RADIUS OF 2,000.00 FEET, A CENTRAL ANGLE OF 02°18'52", A CHORD DISTANCE OF 80.79 FEET, A CHORD BEARING OF S.05°18'47"W., AN ARC DISTANCE OF 80.79 FEET; THENCE CONTINUE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 04°03'35", A DISTANCE OF 141.71 FEET; THENCE S.01°05'46"W., 292.24 FEET; THENCE ALONG THE ARC OF A TANGENT CIRCULAR CURVE CONCAVE TO THE WEST HAVING FOR ITS ELEMENTS A RADIUS OF 2,000.00 FEET, A CENTRAL ANGLE OF 06°33'04", A CHORD DISTANCE OF 228.56 FEET, A CHORD BEARING OF S.04°22'18"W., AN ARC DISTANCE OF 228.68 FEET; THENCE S.07°38'50"W., 351.57 FEET; THENCE S.88°10'32"W., 1134.01 FEET;

THENCE, ALONG THE BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3165, PAGE 1800 OF THE AFOREMENTIONED PUBLIC RECORDS FOR THE FOLLOWING SIXTEEN (16) COURSES:

1. S.88°10'32"W., 846.89 FEET;
2. N.01°30'12"W., 81.17 FEET;
3. S.88°02'24"W., 812.22 FEET;
4. N.87°09'14"W., 499.81 FEET;
5. N.18°42'28"W., 157.73 FEET;
6. N.88°10'15"W., 1,363.08 FEET;
7. N.77°09'26"W., 573.01 FEET;
8. N.24°26'31"W., 150.17 FEET;
9. N.88°53'26"W., 218.94 FEET;
10. N.19°01'18"W., 248.77 FEET;
11. N.67°48'12"W., 322.81 FEET;
12. S.88°47'46"W., 378.79 FEET;
13. N.00°16'17"W., 606.52 FEET;
14. N.00°39'26"W., 1,432.24 FEET;
15. N.04°16'45"E., 1091.78 FEET;
16. N.01°00'21"W., 832.93 FEET;

TO AN INTERSECTION WITH THE WESTERLY EXTENSION OF A LINE LYING 75.00 FEET SOUTH OF AND PARALLEL WITH THE SOUTH RIGHT-OF-WAY OF ALICO ROAD (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 38, PAGE 175 OF THE AFOREMENTIONED PUBLIC RECORDS; THENCE, ALONG SAID PARALLEL LINE FOR THE FOLLOWING TWO (2) COURSES:

1. S.89°43'01"E., 2,243.03 FEET;
2. N.88°58'53"E., 2,674.00 FEET;

THENCE, ALONG A LINE LYING 75.00 FEET SOUTH OF AND PARALLEL WITH THE SOUTH RIGHT-OF-WAY OF ALICO ROAD 100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 399, PAGE 334 OF THE AFOREMENTIONED PUBLIC RECORDS FOR THE FOLLOWING TWO (2) COURSES:

1. N.89°27'27"E., 2,597.29 FEET;
2. N.88°59'33"E., 180.15 FEET

TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 886.035 ACRES, MORE OR LESS.

BEARINGS HEREIN ARE BASED ON THE NORTH LINE OF THE NORTHWEST ONE-QUARTER OF SECTION 12, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING N.88°58'53"E.

SURVEYOR'S NOTES

THIS SURVEY DRAWING IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

THE PROJECT WAS SURVEYED USING THE RURAL CLASSIFICATION AS DEFINED IN CHAPTER 5J-17.052 OF THE FLORIDA ADMINISTRATIVE CODE. THE MINIMUM RELATIVE DISTANCE ACCURACY REQUIRED FOR THIS CLASSIFICATION IS 1 FOOT IN 5,000 FEET. FIELD MEASUREMENTS WERE FOUND TO EXCEED THE MINIMUM REQUIREMENTS.

BEARINGS SHOWN ON THE ATTACHED MAP OF BOUNDARY SURVEY ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM (NORTH AMERICAN DATUM OF 1983 / 1990 ADJUSTMENT – NAD83/90) FLORIDA WEST ZONE, FIXING THE BEARING OF THE NORTH LINE OF THE NORTHWEST ONE-QUARTER OF SECTION 12, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS N88°58'53"E.

OWNERSHIP AND PUBLIC RECORDS CITATIONS SHOWN FOR ADJOINERS ON THE ATTACHED MAP WERE OBTAINED FROM THE RECORDS OF THE LEE COUNTY PROPERTY APPRAISER.

THE ALIGNMENT AND RIGHT-OF-WAY FOR ALICO ROAD THROUGH SECTION 7, WAS TAKEN FROM A RIGHT-OF-WAY SURVEY PREPARED BY DUANE VALL AND ASSOC., INC. DATED JULY 1, 1977. THIS MAP WAS PROVIDED TO THE SURVEYOR BY LEE COUNTY DEPARTMENT OF TRANSPORTATION AS THE BEST AVAILABLE INFORMATION ON THE ALIGNMENT OF ALICO ROAD. THE ALIGNMENT OF ALICO ROAD THROUGH SECTIONS 11 AND 12 WERE BASED ON DEEDS RECORDED IN OR 309/334 AND IN OR 3032/3888.

THE PROJECT AREA APPEARS TO LIE OUTSIDE THE AREA OF THE 100-YEAR FLOOD ZONE ACCORDING TO THE FLOOD INSURANCE RATE MAP (F.I.R.M.) INDEX FOR COMMUNITY #125124 DATED AUGUST 28, 2008.

NO INTERIOR OR ADJOINING IMPROVEMENTS OR FEATURES (BUILDINGS, DITCHES, PONDS, LAKES, WETLANDS, FENCES, ROADS, STOCKPILES OR TRAILS, ETC.) WERE FIELD LOCATED EXCEPT THOSE IMPROVEMENTS AND FEATURES THAT CROSS THE BOUNDARY.

NO UNDERGROUND ENCROACHMENTS AND/OR UTILITIES, FOUNDATIONS OR OTHER FACILITIES WERE LOCATED AS A PART OF THIS SURVEY. HAZARDOUS WASTE SITES, IF ANY, WERE NOT LOCATED OR SHOWN HEREON.

THIS BOUNDARY SURVEY DOES NOT PURPORT TO DELINEATE THE REGULATORY JURISDICTION OF ANY FEDERAL, STATE OR LOCAL AGENCY.

A LARGE PORTION OF THE PROJECT BOUNDARY WITHIN SECTIONS 11 AND 12 FALLS WITHIN A LAKE. WITNESS MONUMENTS WERE SET ALONG THE BOUNDARY IN THIS AREA.

EDGES OF THE EXISTING LAKES SHOWN HEREON WERE DIGITIZED USING 2012 AERIAL PHOTOGRAPHY PUBLISHED BY THE LEE COUNTY PROPERTY APPRAISER. THE LAKE EDGES ARE SHOWN GRAPHICALLY FOR REFERENCE PURPOSES ONLY.

LEGAL ACCESS TO THE PROPERTY FROM ALICO ROAD HAS NOT BEEN DETERMINED.

PHYSICAL ACCESS TO THE SUBJECT PARCEL FROM ALICO ROAD IS VIA UNIMPROVED ROADS AND TRAILS THAT CROSS A 75 FOOT WIDE STRIP OF LAND OWNED BY ALICO WEST FUND LLC.

LAND TITLE INFORMATION SHOWN AND REFERRED TO HEREIN WAS TAKEN FROM CHICAGO TITLE INSURANCE COMPANY OWNERSHIP AND ENCUMBRANCE REPORT, ORDER NO. 4644682, DATED FEBRUARY 21, 2014. RESTRICTIONS, EASEMENTS AND OTHER ENTRANCES FROM SAID REPORT ARE LISTED BELOW.

EXCEPTION #1 – EASEMENT AGREEMENT BETWEEN ALICO, INC. AND BOARD OF REGENTS (BOR) FOR THE STATE OF FLORIDA RECORDED IN OR BOOK 2497, PAGE 1589. THE EASEMENT APPEARS TO ENCUMBER THE LANDS LYING IN SECTIONS 11 AND 12. WHILE THE EASEMENT AGREEMENT GRANTS "EXCLUSIVE CONTROL" TO THE BOR IN THE AREA OF THE FRONTAGE SELECTED BY THE BOR?, IT DOES NOT DESIGNATE WHAT SPECIFICALLY COMPRISES THE SELECTED FRONTAGE. THEREFORE, THE ENTIRE AREA OF THE EASEMENT CANNOT BE DETERMINED. PER OR 3506/4776 A 450' STRIP OVER THE SOUTH LAKE, IN THE AREA OF THE FOCU PROPERTY, IS DESIGNATED AS "BOR EXCLUSIVE AREA". THIS STRIP IS SHOWN ON SHEET 4.

EXCEPTION #2 – DECLARATION OF RESTRICTIONS RECORDED IN OR 2497/1574 AFFECTS THAT PORTION OF THE SUBJECT PARCEL LYING IN SECTION 13.

EXCEPTION #3 – EASEMENTS RECORDED IN OR 3165/1800 AFFECT PORTIONS OF THE SUBJECT PROPERTY AND ARE DEPICTED HEREON. PARCEL 8 REFERENCED IN THE ABOVE DOCUMENT LIES SUBSTANTIALLY SOUTH AND WEST OF THE SUBJECT PROPERTY AND THEREFORE IS NOT SHOWN WITHIN THE LIMITS OF THIS DRAWING.

EXCEPTION #4 – BEING A GRANT OF NON-EXCLUSIVE LAKE EASEMENT AS RECORDED IN INSTRUMENT #2005000142563 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AFFECTS THE LAKE AREA OF THE SUBJECT PARCEL LYING IN SECTIONS 11 & 12. THE LOCATION OF THE 100' LAKE MAINTENANCE & MAINTENANCE EASEMENT IS SHOWN ON SHEET 4. THE LAKE CONNECTION EASEMENT, ALSO IDENTIFIED AS PARCEL 7 IN OR 3165/1800, IS SHOWN HEREON.

EXCEPTION #5 – BEING A GRANT OF LICENSE AS RECORDED IN OFFICIAL RECORDS INSTRUMENT 2005000142694 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA INCLUDES THE AREA OF THE SUBJECT PARCEL LYING WITHIN SECTIONS 11 & 12. SINCE NO PORTION OF THE LANDS ENCUMBERED BY THIS DOCUMENT WAS DESCRIBED BY A LEGAL DESCRIPTION (OTHER THAN FINES AREA), THESE AREAS ARE SHOWN APPROXIMATELY ON SHEET 4 HEREIN AS ADAPTED FROM THE DOCUMENT.

EXCEPTION #6 – A 100' WIDE EASEMENT FOR INGRESS AND EGRESS RECORDED IN OR 2006000474154, LIES OUTSIDE OF THE SUBJECT PROPERTY AND IS SHOWN HEREON.

EXCEPTION #7 – ENVIRONMENTAL RESOURCE OR SURFACE WATER MANAGEMENT PERMIT, RECORDED IN OR 2007000241756, DOES NOT AFFECT THE SUBJECT PROPERTY, BUT DOES OVERLAY THE OFFSITE EASEMENTS BENEFITING THE SUBJECT PROPERTY THAT ARE LISTED IN OR 3165/1800.

EXCEPTION #8 – A 100' WIDE INGRESS, EGRESS AND UTILITY EASEMENT AGREEMENT, RECORDED IN OR 2001000023562, AFFECTS A PORTION OF THE SUBJECT PROPERTY LYING IN SECTION 13 AND IS SHOWN HEREON.

EXCEPTION #9 – DECLARATION OF RESTRICTIONS RECORDED IN INSTRUMENT #2011000069180, AFFECTS ALL SUBJECT PARCEL EXCEPT THAT PORTION OF OF THE LAKE LYING IN SECTIONS 11 AND 12 AS DEPICTED ON SHEET 3 OF HEREOF.

EXCEPTION #10 –DECLARATION OF RESTRICTIONS, RECORDED IN OR 2013000218323, AFFECTS ALL OF THE SUBJECT PARCEL.

SURVEYOR'S CERTIFICATION

WE HEREBY CERTIFY TO THE BEST OF OUR KNOWLEDGE AND BELIEF THAT THIS DRAWING IS A TRUE AND CORRECT REPRESENTATION OF THE BOUNDARY SURVEY OF THE REAL PROPERTY DESCRIBED HEREON. WE FURTHER CERTIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF CHAPTER 5J-17.052, FLORIDA ADMINISTRATIVE CODE.

STANTEC CONSULTING SERVICES, INC
LICENSED BUSINESS NO. LB7866

MARK D. HANES
PROFESSIONAL SURVEYOR & MAPPER NO. LS5312
STATE OF FLORIDA
LAST DATE OF FIELD SURVEY: JANUARY 31, 2014.

Saved: 2/28/2014 11:24:02 AM MHANES | Plotted: 2/28/2014 11:24:47 AM MHANES | V:\2156\active\215611570\survey\Tech 201 CenterPlace\drawing\215611570-su01.dwg Layout1

REV NO	REVISION:	DATE	DRAWN BY	EXP. NO.	CHECKED BY	EXP. NO.
1	REVISED SURVEYOR'S NOTES. REMOVED NOTE REGARDING POINTS OF ENTRY. UPDATED REFERENCE TO TITLE WORK.	2/28/14	MDH	1233		

ACTIVITY	INITIALS	EXP. NO.	DATE
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FIELD BOOK: 652	PAGE: 3, 24-26		

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CHECKED BY:	MDH		1/14
CLOSED BY:			
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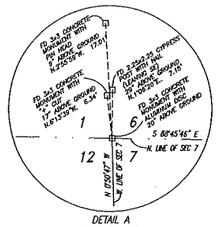
Stantec
3800 Colonial Boulevard, Suite 100, Fort Myers, FL 33966
Phone 239-939-1020 • Fax 239-939-3412
Certificate of Authorization #27013 • www.stantec.com
Licensed Business Number 7866

TITLE: BOUNDARY SURVEY – CENTERPLACE CCPD
SEC 11, 12, 13 TWP. 46 S, RGE. 25 E
SEC 7 & 18, TWP. 46S, RGE. 26E
LEE COUNTY, FLORIDA

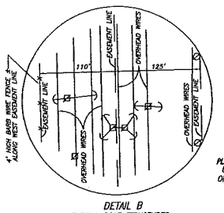
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HORIZONTAL SCALE: 1" = 400'
VERTICAL SCALE: N/A
SEC. TWP. RGE.: 455 25E/26E

CLIENT: PRIVATE EQUITY GROUP, LLC
12800 UNIVERSITY DRIVE, SUITE 275
FORT MYERS, FL 33907
(239) 590-9066

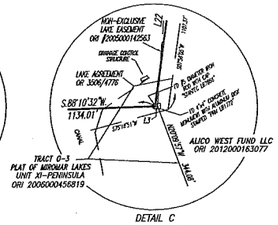
PROJECT	TASK	SHEET NUMBER	DRAWING NUMBER
215611570	201	1 OF 4	215611570-01



DETAIL A
SCALE: 1" = 10'



DETAIL B
TYPICAL POLE STRUCTURES
NOT TO SCALE



DETAIL C
SCALE: 1" = 100'

LINE TABLE

Line	Bearing	Distance
L1	S.00°50'47"E.	75.00'
L2	N.88°59'33"E.	150.00'
L3	S.88°10'32"W.	3.61'
L4	N.89°48'06"W.	80.00'
L5	S.00°51'00"E.	50.00'
L6	S.00°46'53"E.	50.00'
L7	N.88°33'02"E.	46.45'
L8	S.62°57'51"E.	106.46'
L9	S.40°29'53"E.	378.49'
L10	S.23°52'35"W.	323.41'

LINE TABLE

Line	Bearing	Distance
L11	S.81°27'09"W.	345.69'
L12	S.24°03'43"W.	287.94'
L13	S.52°15'53"W.	422.72'
L14	S.72°53'42"W.	414.80'
L15	S.25°33'33"E.	184.80'
L16	S.14°47'53"W.	131.02'
L17	S.75°51'46"E.	89.37'
L18	S.00°39'05"W.	31.66'
L19	S.62°40'44"W.	179.40'
L20	S.87°56'05"W.	189.26'
L21	S.01°25'26"W.	209.55'

LINE TABLE

Line	Bearing	Distance
L22	S.07°38'50"W.	351.57'
L23	S.01°05'46"W.	292.24'
L24	N.25°27'56"W.	198.92'
L25	S.89°23'43"W.	180.00'
L26	N.00°50'47"W.	66.66'
L27	S.74°15'41"E.	60.00'
L28	S.25°27'56"E.	196.81'
L29	N.00°16'59"E.	60.28'
L30	N.88°59'33"E.	330.06'

SCALE IN FEET
0 200 400

LEGEND

ORI – OFFICIAL RECORDS INSTRUMENT#
OR – OFFICIAL RECORDS BOOK/PAGE
PG – PAGE
FD – FOUND
COR – CORNER
SEC – SECTION
R/W – RIGHT-OF-WAY
(C) – CALCULATED
(D) – DEED
RCP – REINFORCED CONCRETE PIPE
⊠ – CONCRETE POLE
Ø – WOOD POLE
← – GUY ANCHOR
⊕ – WELL
⊗ – WATER VALVE
T – TELEPHONE RISER
P.O.B. – POINT OF BEGINNING
P.O.C. – POINT OF COMMENCEMENT

P.O.C.
INTERSECTION OF THE WEST LINE OF A 110' WIDE FLORIDA POWER & LIGHT EASEMENT (OR 221/101) AND THE MAINTAINED SOUTH RIGHT-OF-WAY LINE OF ALICO ROAD 100' WIDE

P.O.B.
SET 5/8 DIAMETER IRON ROD WITH CAP STAMPED LB7866

NET AREA 886.035 ACRES±

NOTE:
SEE SHEET 3 OF 4
FOR DETAIL OF LAKE EASEMENT
RECORDED IN OR 3506/4776
SEE SHEET 4 OF 4 FOR DETAIL
ON EASEMENTS RECORDED IN
OR 3165/1800, ORI 2005000142563
AND ORI 2005000142684

SEE SHEET 1 OF 4

CURVE TABLE

NO.	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C1	2000.00'	6°33'54"	228.68'	228.56'	N04°22'18"E
C2	2000.00'	4°03'35"	141.71'	141.68'	S03°07'33"W
C3	2000.00'	2°18'32"	80.79'	80.78'	S06°16'47"W
C4	2150.00'	35°48'07"	1343.46'	1321.71'	S02°06'45"E
C8	2050.00'	35°48'07"	1305.96'	1284.82'	S02°06'45"E

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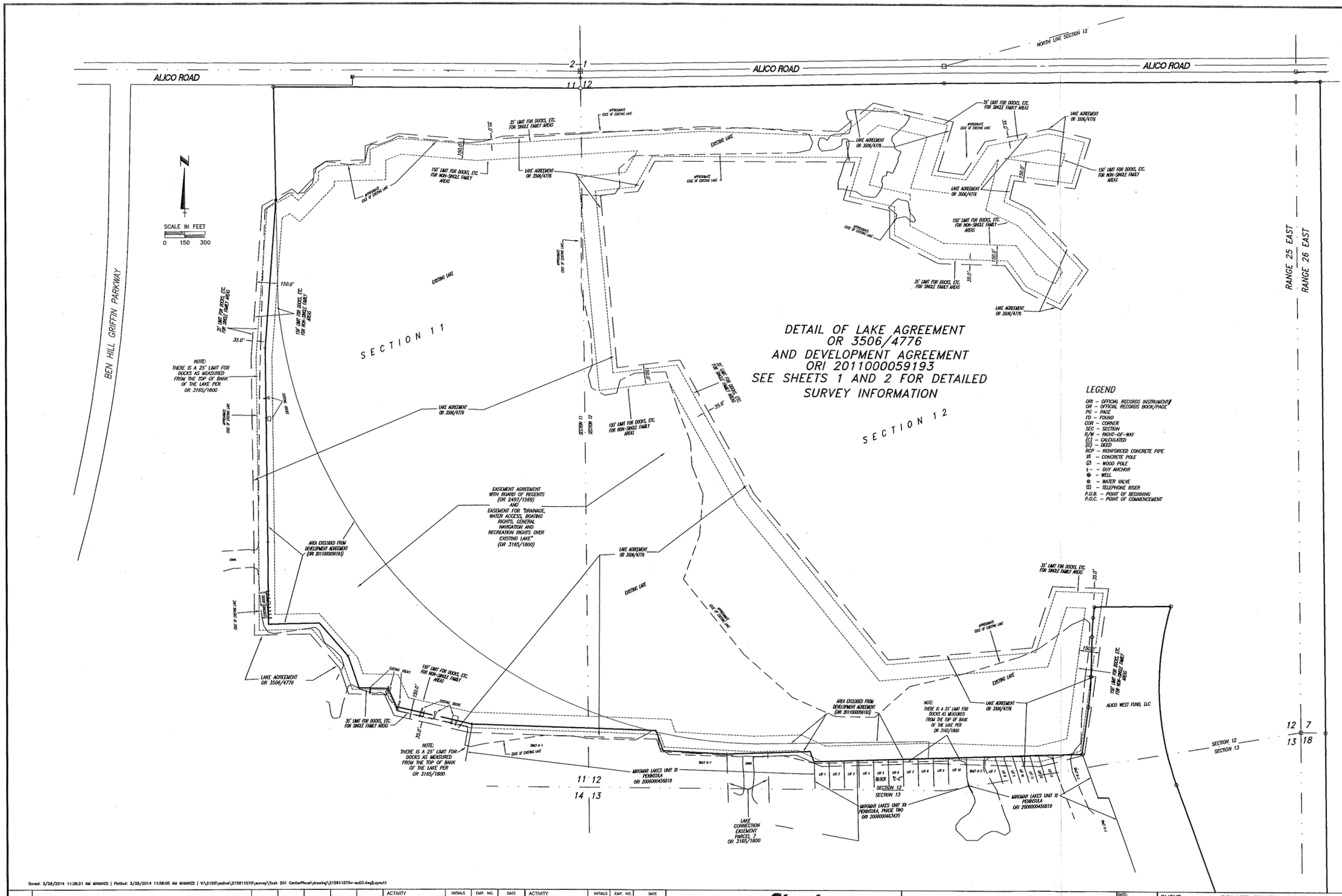
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CLOSED BY:			
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3800 Colonial Boulevard, Suite 100, Fort Myers, FL 33966
Phone 239-939-1020 • Fax 239-939-3412
Certificate of Authorization #27013 • www.stantec.com
Licensed Business Number 7866

TITLE:
BOUNDARY SURVEY – CENTERPLACE CCPD
SEC 11, 12, 13 TWP. 46 S, RGE. 25 E
SEC 7 & 18, TWP. 46S, RGE. 26E
LEE COUNTY, FLORIDA

DATE:	CLIENT:
01/31/14	PRIVATE EQUITY GROUP, LLC
HORIZONTAL SCALE: 1" = 400'	12800 UNIVERSITY DRIVE, SUITE 275
VERTICAL SCALE: N/A	FORT MYERS, FL 33907
	(239) 590-9086

SEC: TWP: RGE:	PIN:	TASK:	SHEET NUMBER:	DRAWING NUMBER:
45S 25E/26E	215611570	201	2 OF 4	215611570-02



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ACTIVITY	INITIALS	EMP. NO.	DATE
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FIELD BOOK: 652	PAGE: 3, 24–26		

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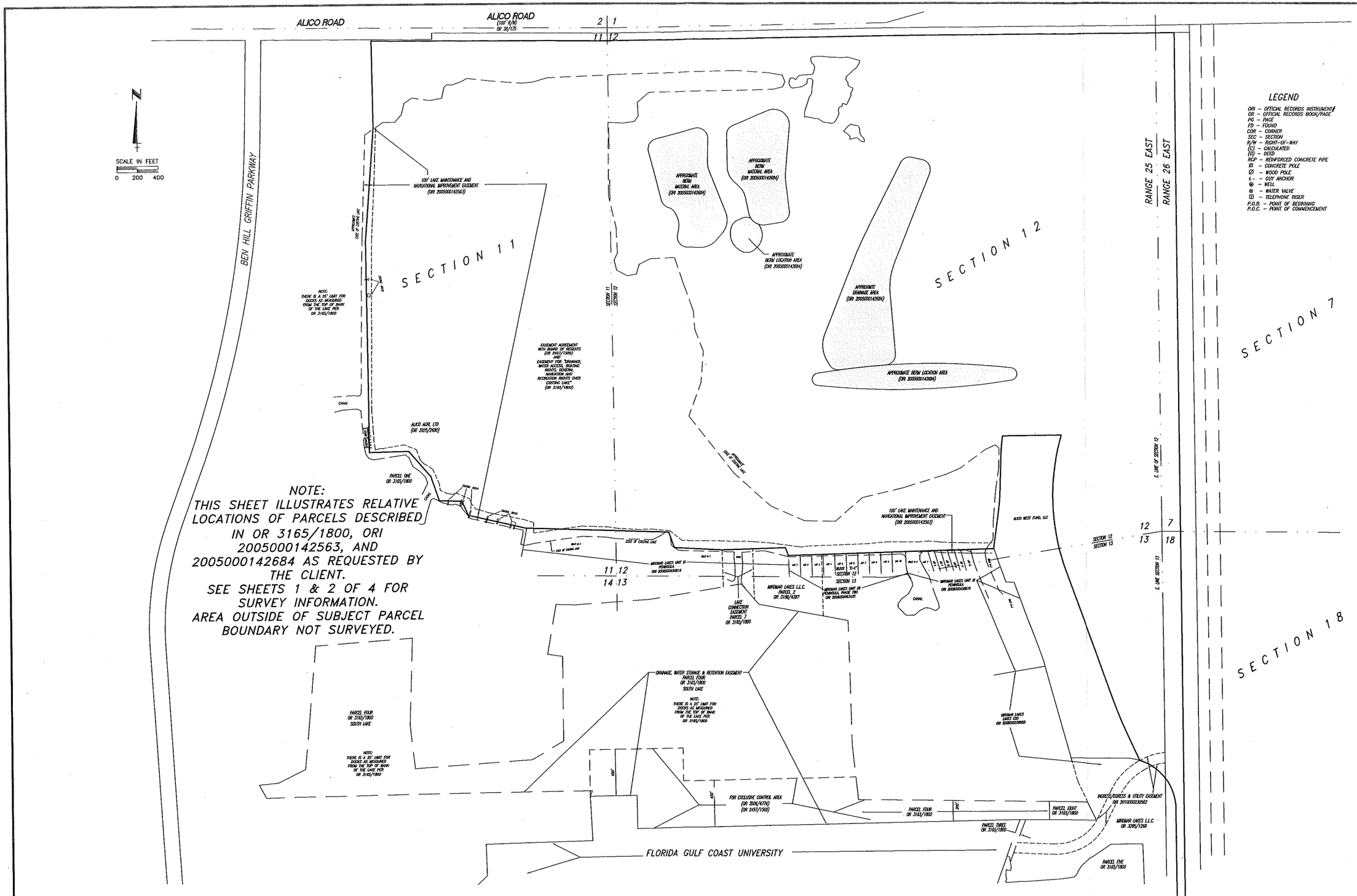
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SEC 7 & 18, TWP. 46S, RGE. 26E
LEE COUNTY, FLORIDA

DATE:	01/31/14
HORIZONTAL SCALE:	1" = 400'
VERTICAL SCALE:	N/A
SEC: TWP: RGE:	45S 25E/26E

CLIENT: PRIVATE EQUITY GROUP, LLC
12800 UNIVERSITY DRIVE, SUITE 275
FORT MYERS, FL 33907
(239) 590-9066

PIN:	TASK:	SHEET NUMBER:	DRAWING NUMBER:
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FIELD BOOK: 652	PAGE: 3, 24–26		

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DRAWN BY:	DPG		1/14
CHECKED BY:	MDH		1/14
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REF: SM–215610977			215610979 LD

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TITLE:
BOUNDARY SURVEY – CENTERPLACE CCPD
SEC 11, 12, 13 TWP. 46 S, RGE. 25 E
SEC 7 & 18, TWP. 46S, RGE. 26E
LEE COUNTY, FLORIDA

DATE:	01/31/14
HORIZONTAL SCALE:	1" = 400'
VERTICAL SCALE:	N/A
SEC: TWP: RGE:	45S 25E/26E

CLIENT: PRIVATE EQUITY GROUP, LLC
12800 UNIVERSITY DRIVE, SUITE 275
FORT MYERS, FL 33907
(239) 590-9066

PIN:	TASK:	SHEET NUMBER:	DRAWING NUMBER:
215611570	201	4 or 4	215611570-04

INSTR # 2012000163077, Doc Type D, Pages 4, Recorded 07/25/2012 at 03:31 PM, Charlie Green, Lee County Clerk of Circuit Court, Deed Doc. D $49000.00 Rec. Fee $35.50 Deputy Clerk AKLESH

Prepared by and return to:
Thomas H. Gunderson
Attorney at Law
HENDERSON, FRANKLIN, STARNES & HOLT, P.A.
1715 Monroe St. P. O. Box 280
Fort Myers, FL 33902
239-344-1100
File Number: **THG Alico West**
Will Call No.: **35**

Parcel Identification No. **11-46-25-00-00001.0000**
12-46-25-00-00001.0000
13-46-25-00-00001.0070
07-46-26-00-00001.0050
18-46-26-00-00001.0010

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Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this **25th** day of **July, 2012** between **Alico-Agri, LTD, a/k/a Alico Agri, LTD, a Florida limited partnership** whose post office address is **10070 Daniels Interstate Court, Suite 100, Fort Myers, FL 33913** of the County of **Lee**, State of **Florida**, grantor*, and **Alico West Fund, LLC, a Florida limited liability company** whose post office address is **12800 University Drive, Suite 275, Fort Myers, FL 33907** of the County of **Lee**, State of **Florida**, grantee*.

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Lee County, Florida**, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO

Subject to taxes for 2012 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Name: Denise Blair

Witness Name: Steven Lewis

Alico-Agri, LTD, a/k/a Alico Agri, LTD

By: Alico, Inc., a Florida corporation, as General Partner

By: _____
JD Alexander, Chief Executive Officer and President

(Corporate Seal)

DoubleTime®

State of Florida
County of Lee

The foregoing instrument was acknowledged before me this 24th day of July, 2012 by JD Alexander, Chief Executive Officer and President of Alico, Inc., a Florida corporation, as General Partner, of Alico-Agri, LTD, a/k/a Alico Agri, LTD on behalf of the corporation and the partnership. He [✓] is personally known to me or [_] has produced _____ as identification.

[Notary Seal]

A. DENISE PLAIR
MY COMMISSION # DD 820151
EXPIRES: January 4, 2013
Bonded Thru Notary Public Underwriters

A. Denise Plair
Notary Public

Printed Name: A. Denise Plair

My Commission Expires: 1-4-2013

Exhibit A

WEST PARCEL

A parcel of land lying in Sections 11, 12 and 13, Township 46 South, Range 25 East and Sections 7 and 18, Township 46 South, Range 26 East, Lee County, Florida, lying south of Alico Road, and being more particularly described as follows:

BEGIN at the intersection of the West line of a Florida Power & Light easement (110 feet wide) as described in Official Records Book 221, page 191 of the Public Records of Lee County, Florida, and the maintained South right-of-way line of Alico Road (100 feet wide); thence, along the West line of said Florida Power & Light Easement (110 feet wide) for the following two (2) courses:

1. S. 00° 50'47" E., 4,882.66 feet;
2. S. 00° 50'47" E., 4,721.99 feet;

to an intersection with North line of the South 890.43 feet of the West 565 feet of the aforementioned Section 18; thence, along said North line S.89° 23'43"W., 330.00 feet; thence, along the West line of the Southwest one-quarter of the aforementioned Section 18, N.00 ° 50'47"W., 66.66 feet; thence N.09° 57'20"E., 533.57 feet; thence N.00° 50'47"W., 1,447.68 feet to a point of curvature; thence, along the arc of a tangent circular curve concave to Southwest, having for its elements a radius 500.00 feet, a central angle of 88° 55'56", a chord distance of 700.49 feet, a chord bearing of N.45° 18'45"W., an arc distance of 776.08 feet; thence N.89° 46'43"W., 516.03 feet; thence, along the lands described in Official Records Book 3345, page 818 of the aforementioned Public Records for the following five (5) courses:

1. N. 15° 43'44"W., 978.43 feet;
2. N. 20° 09'57" W., 807.57 feet;
3. N. 89° 48'06" W., 80.00 feet;
4. N. 20° 09'57"W., 344.08 feet;
5. S. 88° 10'32" W., 1,137.62 feet;

Thence, along the boundary of lands described in Official Records Book 3165, Page 1800, of the aforementioned public records for the following sixteen (16) courses:
1. S.88°10'32"W, 846.89 feet;
2. N.21°30'12"W., 81.17 feet;
3. S.88°02'24"W., 612.22 feet
4. N.87°09'14"W., 469.81 feet
5. N.19°42'28"W., 157.73 feet
6. N.88°10'15"W., 1,363.08 feet;
7. N.77°09'26"W., 573.01 feet
8. N.24°26'51"W., 150.17 feet;
9. N.88°53'28"W., 216.94 feet;
10. N.19°01'18"W., 249.77 feet
11. N.40°48'12"W., 322.81 feet
12. S.88°47'46"W., 376.79 feet;
13. N.00°16'17"W., 606.52 feet
14. N.00°39'26"W., 1,432.24 feet;
15. N.04°19'45"E., 1,091.78 feet
16. N.01°00'21"W., 847.76 feet;

to an intersection with the South right-of-way line of Alico Road as described in Official Records Book 3032, page 3888 of the aforementioned Public Records; thence, along said South right-of-way line for the following two (2) courses:

DoubleTime®

Exhibit A
(Continued)

1. S. 89° 42'24" E., 576.53 feet;
2. N. 00° 16'59" E., 60.28. feet;

thence, along the South right-of-way line of Alico Road as described in Official Records Book 38, page 175 of the aforementioned Public Records for the following two (2) courses:

1. S. 89° 43'01" E., 1,665.99 feet;
2. N. 88° 58'52" E., 2,673.46 feet;

thence, along the South right-of-way line of Alico Road as described in Official Records Book 399, page 334 of the aforementioned Public Records for the following two (2) courses:

1. N. 89° 27'22" E., 2,597.29 feet;
2. N. 88 ° 59'33" E., 330.06 feet;

to the POINT OF BEGINNING.

Bearings herein are based on the Florida State Plane Coordinate System (North American Datum of 1983 / 1990 adjustment - NAD83/90) Florida West Zone, fixing the north line of the northwest one-quarter of Section 12, Township 46 South, Range 25 East, Lee County, Florida, as N88° 58'52"E.

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CenterPlace

Comprehensive Plan Amendment Application

Application Waiver and Requested Items

- Application Waiver PRE2016-00230
- SFWMD Jurisdictional Wetland Determination
- Protected Species Survey
- ERP Permit
- Recorded Conservation Easements
- 3rd Party Conservation Easements
- Soils and Topography Maps

LEE COUNTY
SOUTHWEST FLORIDA
BOARD OF COUNTY COMMISSIONERS

Telephone # (239) 533-8585

John E. 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

August 18, 2016

Ms. Tina Ekblad
2891 Center Pointe Drive, Unit 100
Fort Myers, FL 33916

RE: CenterPlace CPA – Application Waiver
PRE2016-00230

Dear Ms. Ekblad:

I am writing in response to your request dated August 9, 2016 for waivers from certain requirements of Comprehensive Plan Amendment application requirements. Your request from Application Section IV part C is approved so long as one (1) copy of each of the following is provided as part of the application submittal:

- Environmental Impacts Report/Survey prepared by Passarella and Associates (2013)
- SFWMD Jurisdictional Wetland Determination
- Environmental Resource Permit 36-03568-P-05
- Recorded Conservation Easements: Documents and Map showing locations and legal boundaries
- Soils and Topographic Maps (most recent available)

It is our intent to keep a complete file for each Comprehensive Plan Amendment case and we thank you for your cooperation.

If you have any questions, please do not hesitate to contact me.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Planning Section

Mikki Rozdolski
Manager

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Regulation Division

September 30, 2013

Alico West Fund, LLC
C/O Don Schrotenboer
12800 University Drive
Suite 275
Fort Myers, FL 33907

Dear Mr. Schrotenboer:

Subject: **Correction to our permit dated** June 13, 2013
Permit No. 36-00009-IF
Application Number 120409-7
Project Name: Alico West- Informal Wetland Determination
Location: Lee County

This is to inform you that our Informal Wetland Determination dated June 13, 2013, has been revised to show the correct the jurisdictional wetland acreage to reflect 101.02 acres instead of 101.62 acres. The file of record has been revised to reflect this change.

Should you have any questions or comments do not hesitate to contact the Jewelene Harris of the Regulation Division, at (239) 338-2929 x 7752.

Sincerely,

Dan Waters, P.E.
Service Center Administrator
South Florida Water Management District

Enclosure: Revised Informal Wetland Determination

c: Matthew Brosious, Passarella & Associates, Inc.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Regulation Division

CORRECTED COPY

June 13, 2013

Alico West Fund, LLC
C/O Don Schrotenboer
12800 University Drive
Suite 275
Fort Myers, FL 33907

Subject: **Alico West – Informal Wetland Determination**
Environmental Resource Permit Application No. 120409-7
Permit No. 36-00009-IF
Lee County

Dear Mr. Schrotenboer:

The District offers the following in response to your request for a determination of the jurisdictional wetland and other surface water (OSW) boundaries located within the subject property. Jewelene S. Harris, of the Natural Resource Management Division, conducted site inspections on May 3, 2012 and May 15, 2012 with Matthew Brosious of Passarella & Associates, Inc.

The project boundaries shown on the attached aerial exhibits define the area that was inspected. The project consists of approximately 971.56 acres. Based on the information provided and the results of the site inspection, 101.02 acres of jurisdictional wetlands and 362.48 acres of jurisdictional other surface waters as defined in Chapter 62-340, Florida Administrative Code (FAC) have been identified on the original property inspected. The onsite habitats consist of cypress wetlands, hydric pine flatwoods, wet prairies, freshwater marshes, lakes that resulted from mining operations, and mining areas. The following exhibits are attached: Location Map (Exhibit 1.0), FLUCCS Map with descriptions (Exhibit 2.0), Soils Map (Exhibit 3.0), and a signed aerial showing the location of onsite wetlands (Exhibit 4.0).

This correspondence is an informal jurisdictional wetland determination pursuant to Section 373.421(6), Florida Statutes and Rule 62-312.040(7), FAC. It does not bind the District, its agents or employees, nor does it convey any legal rights, expressed or implied. Persons

6/13/13

obtaining this informal jurisdictional determination are not entitled to rely upon it for purposes of compliance with provision of law or District rules. A binding jurisdictional determination may be obtained by submitting an application to the South Florida Water Management District.

Sincerely,

Laura Layman

Laura P. Layman
Section Leader
South Florida Water Management District

Cc: Matthew Brosious, Passarella & Associates, Inc.
Tunis McElwain, USACE

NOTICE OF RIGHTS

As required by Sections 120.569(1), and 120.60(3), Fla. Stat., following is notice of the opportunities which may be available for administrative hearing or judicial review when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Not all the legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

RIGHT TO REQUEST ADMINISTRATIVE HEARING

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

Filing Instructions

The Petition must be filed with the Office of the District Clerk of the SFWMD. Filings with the District Clerk may be made by mail, hand-delivery or facsimile. **Filings by e-mail will not be accepted.** Any person wishing to receive a clerked copy with the date and time stamped must provide an additional copy. A petition for administrative hearing is deemed filed upon receipt during normal business hours by the District Clerk at SFWMD headquarters in West Palm Beach, Florida. Any document received by the office of the SFWMD Clerk after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day. Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the SFWMD Clerk, P.O. Box 24680, West Palm Beach, Florida 33416.
- Filings by hand-delivery must be delivered to the Office of the SFWMD Clerk. **Delivery of a petition to the SFWMD's security desk does not constitute filing. To ensure proper filing, it will be necessary to request the SFWMD's security officer to contact the Clerk's office.** An employee of the SFWMD's Clerk's office will receive and file the petition.
- Filings by facsimile must be transmitted to the SFWMD Clerk's Office at (561) 682-6010. Pursuant to Subsections 28-106.104(7), (8) and (9), Fla. Admin. Code, a party who files a document by facsimile represents that the original physically signed document will be retained by that party for the duration of that proceeding and of any subsequent appeal or subsequent proceeding in that cause. Any party who elects to file any document by facsimile shall be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the clerk as a result. The filing date for a document filed by facsimile shall be the date the SFWMD Clerk receives the complete document.

Initiation of an Administrative Hearing
Pursuant to Rules 28-106.201 and 28-106.301, Fla. Admin. Code, initiation of an administrative hearing shall be made by written petition to the SFWMD in legible form and on 8 and 1/2 by 11 inch white paper. All petitions shall contain:

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

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

If the District takes action with substantially different impacts on water resources from the notice of intended agency decision, the persons who may be substantially affected shall have an additional point of entry pursuant to Rule 28-106.111, Fla. Admin. Code, unless otherwise provided by law.

Mediation
The procedures for pursuing mediation are set forth in Section 120.573, Fla. Stat., and Rules 28-106.111 and 28-106.401-.405, Fla. Admin. Code. The SFWMD is not proposing mediation for this agency action under Section 120.573, Fla. Stat., at this time.

RIGHT TO SEEK JUDICIAL REVIEW
Pursuant to Sections 120.60(3) and 120.68, Fla. Stat., a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the SFWMD Clerk within 30 days of rendering of the final SFWMD action.

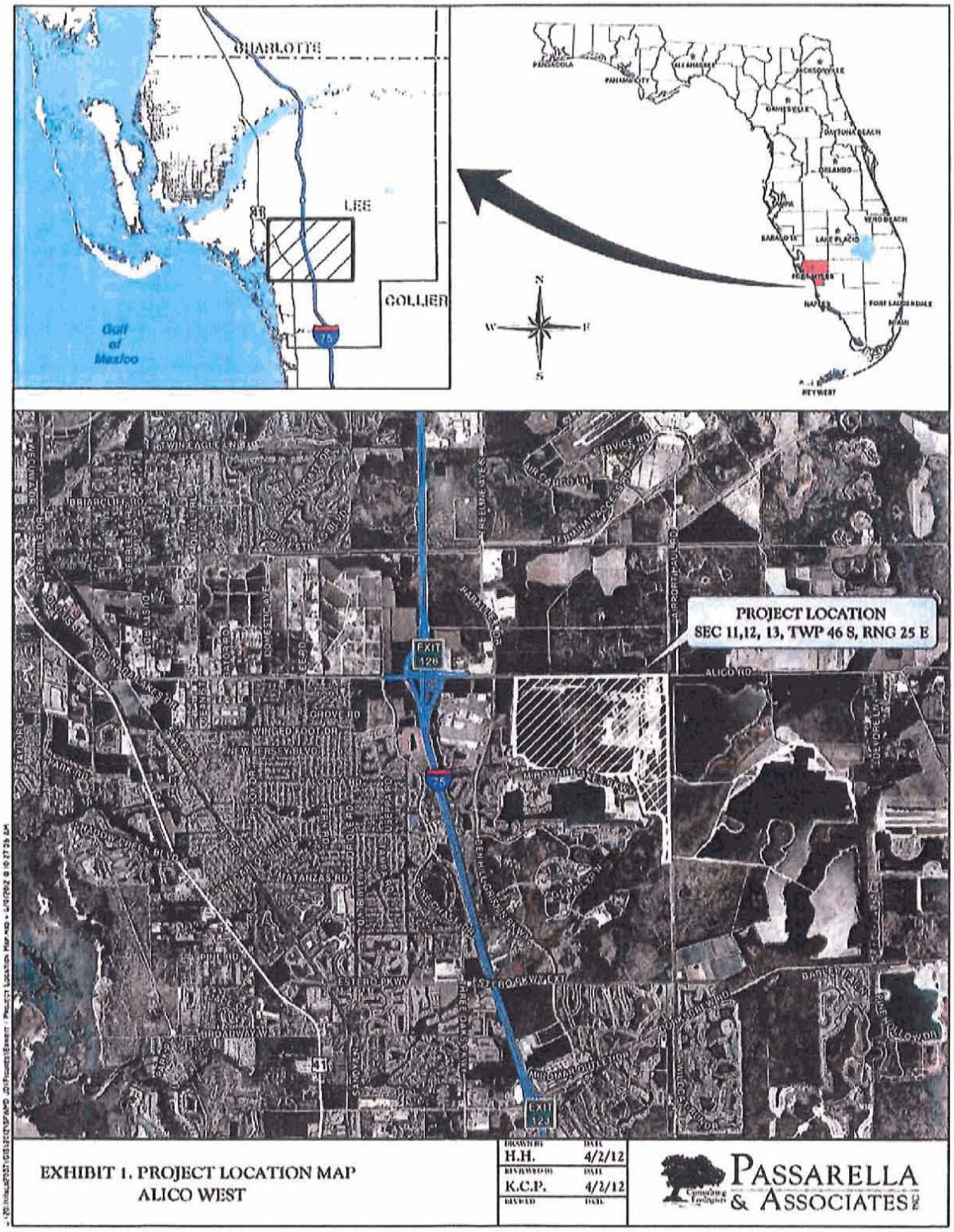
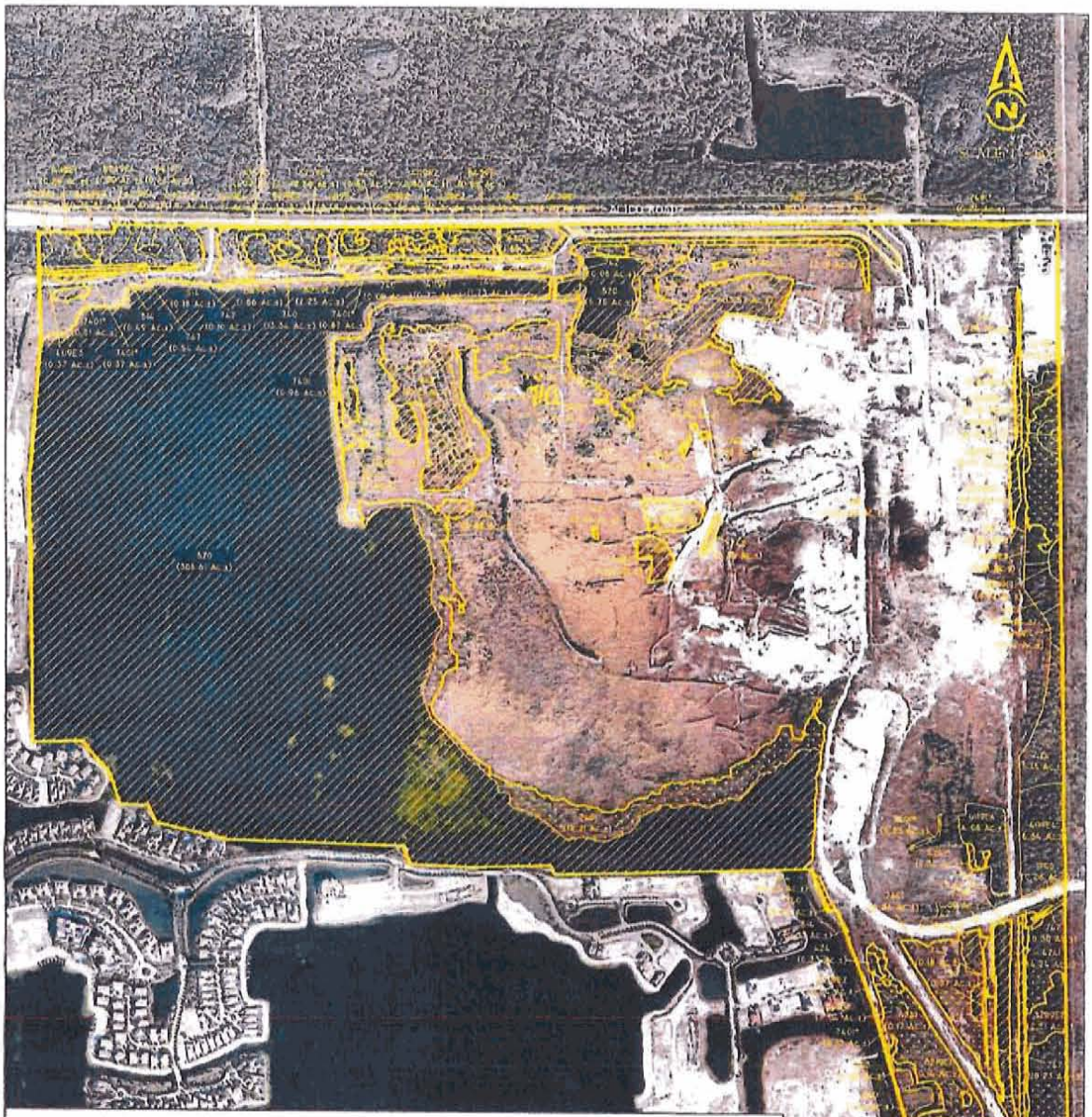


EXHIBIT 1. PROJECT LOCATION MAP
ALICO WEST

DRAWN BY	DATE
H.H.	4/2/12
REVIEWED BY	DATE
K.C.P.	4/2/12
APPROVED	DATE

PASSARELLA & ASSOCIATES, INC.
Consulting Engineers

Exhibit No 1.0
Application No. 120409-7
Page 1 of 1



FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
160	MINING OPERATIONS	446.29 Ac ±	45.9%
3259 E3	SHRUB AND BRUSHLAND, DISTURBED (25-49% EXOTICS)	2.51 Ac ±	0.3%
3319 E1	PALMETTO PRAIRIE, DISTURBED (0-24% EXOTICS)	2.39 Ac ±	0.2%
3319 E2	PALMETTO PRAIRIE, DISTURBED (25-49% EXOTICS)	0.41 Ac ±	0.0%
4119 E1	PINE FLATWOODS, DISTURBED (0-24% EXOTICS)	1.03 Ac ±	0.1%
4119 E2	PINE FLATWOODS, DISTURBED (25-49% EXOTICS)	1.97 Ac ±	0.2%
4119 E3	PINE FLATWOODS, DISTURBED (50-75% EXOTICS)	2.29 Ac ±	0.2%
4119 E4	PINE FLATWOODS, DISTURBED (76-100% EXOTICS)	11.62 Ac ±	1.2%
4159 E2	PINE, DISTURBED (25-49% EXOTICS)	0.19 Ac ±	0.0%
4159 E3	PINE, DISTURBED (50-75% EXOTICS)	1.08 Ac ±	0.1%
424	MELALEUCA	7.39 Ac ±	0.8%
4241	MELALEUCA, HYDRIC	7.24 Ac ±	0.7%
4241*	MELALEUCA, OSW	0.32 Ac ±	0.0%
4340 E1	HARDWOOD-CONIFER MIXED, DISTURBED (0-24% EXOTICS)	0.87 Ac ±	0.1%
514	DITCH	0.60 Ac ±	0.1%
520	LAKE	314.70 Ac ±	32.4%
6219 E2	CYPRESS, DISTURBED (25-49% EXOTICS)	1.93 Ac ±	0.2%
6219 E4	CYPRESS, DISTURBED (76-100% EXOTICS)	3.03 Ac ±	0.3%
6249 E2	CYPRESS-PINE-CABBAGE PALM, DISTURBED (25-49% EXOTICS)	3.01 Ac ±	0.3%
6249 E3	CYPRESS-PINE-CABBAGE PALM, DISTURBED (50-75% EXOTICS)	5.14 Ac ±	0.5%
6249 E4	CYPRESS-PINE-CABBAGE PALM, DISTURBED (76-100% EXOTICS)	10.99 Ac ±	1.1%
6259 E2	PINE, HYDRIC, DISTURBED (25-49% EXOTICS)	2.34 Ac ±	0.2%
6259 E3	PINE, HYDRIC, DISTURBED (50-75% EXOTICS)	2.58 Ac ±	0.3%
6259 E4	PINE, HYDRIC, DISTURBED (76-100% EXOTICS)	6.43 Ac ±	0.6%
6419 E1	FRESHWATER MARSH, DISTURBED (0-24% EXOTICS)	0.22 Ac ±	0.0%
6439 E1	WET PRAIRIES, DISTURBED (0-24% EXOTICS)	14.05 Ac ±	1.4%
6439 E3	WET PRAIRIES, DISTURBED (50-75% EXOTICS)	1.86 Ac ±	0.2%
740	DISTURBED LAND	0.31 Ac ±	0.1%
7401	DISTURBED LAND, HYDRIC	43.24 Ac ±	4.5%
7401*	DISTURBED LAND, OSW	6.24 Ac ±	0.6%
742	BORROW AREA	34.53 Ac ±	3.6%
743	SPOIL AREA	7.51 Ac ±	0.8%
747	BERM	6.26 Ac ±	0.7%
814	ROAD	1.76 Ac ±	0.2%
	TOTAL	971.56 Ac ±	100.0%

LEGEND

SFWMD WETLANDS (101.02 Ac ±)

SFWMD "OTHER SURFACE WATERS" (362.48 Ac ±)

SURVEYED WETLAND LINE

NOTES:
AERIAL PHOTOGRAPHS PROVIDED BY THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF JANUARY 2012

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

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

WETLAND LINES PER MORRIS-DEPEW DRAWING NO 1081 WETLANDS WITH TRANSECTS TO PASSARELLA WITH MISSING WETLANDS DWG DATED JUNE 26, 2012

PROPERTY BOUNDARY PER WILSON-MILLER DRAWING NO. 0253-342002 DWG AND NO. 0253-342304 DATED DECEMBER 15, 2006 AND PROVIDED TO PASSARELLA & ASSOCIATES BY CLIENT

DRAWN BY: H.H.	DATE: 6/26/12
CHECKED BY: M.B	DATE: 6/26/12

13620 Metropolis Avenue
Suite 200
Fort Myers, Florida 33912
Phone (239) 274-0067
Fax (239) 274-0069

PASSARELLA & ASSOCIATES

ALICO WEST
AERIAL WITH FLUCFCS AND WETLAND MAP

DRAWING NO. 11ALD2037

Exhibit No. 2.0
Application No. 120409-7
Page 1 of 6

ALICO WEST
FLUCFCS DESCRIPTIONS

The following Florida Land Use, Cover and Forms Classification System (FLUCFCS) descriptions include the vegetative index per 62-340.450 Florida Administrative Code. The following abbreviations are used: obligate (OBL), facultative wet (FACW), facultative (FAC), and upland (U).

Mining Operations (FLUCFCS Code 168)
This former mining area occupies 446.25± acres or 45.9 percent of the property. The mining operation ceased in 2007. Portions remain devoid of vegetation and other portions have re-vegetated with weedy vegetation common to disturbed areas. Where present, the canopy consists of widely scattered melaleuca (*Melaleuca quinquenervia*) (FAC), lead tree (*Leucaena leucocephala*) (U), Australian pine (*Casuarina* sp.) (U), and live oak (*Quercus virginiana*) (U). The sub-canopy is similar to the canopy with scattered wax myrtle (*Myrica cerifera*) (FAC) and willow (*Salix caroliniana*) (OBL). The ground cover is dominated by cogongrass (*Imperata cylindrica*) (U) and spermacoce (*Spemacoce verticilatta*) (U).

Shrub and Brushland, Disturbed (25-49% Exotics) (FLUCFCS Code 3209 E2)
This upland community occupies 2.51± acres or 0.3 percent of the property. The canopy is open with scattered melaleuca (FAC). The sub-canopy contains wax myrtle (FAC), saltbush (*Baccharis halimifolia*) (FAC), slash pine (*Pinus elliottii*) (U), melaleuca (FAC), and Brazilian pepper (*Schinus terebinthifolius*) (FAC). The ground cover includes saw palmetto (*Serenoa repens*) (U), broomsedge (*Andropogon virginicus*) (FAC), melaleuca (FAC), bracken fern (*Pteridium aquilinum*) (U), bermudagrass (*Cynodon dactylon*) (U), and spermacoce (U).

Palmetto Prairie, Disturbed (0-24% Exotics) (FLUCFCS Code 3219 E1)
This upland community occupies 2.39± acres or 0.2 percent of the property. The canopy contains scattered slash pine and melaleuca. The sub-canopy consists of slash pine, melaleuca, wax myrtle, and Brazilian pepper. The ground cover is dominated by saw palmetto.

Palmetto Prairie, Disturbed (25-49% Exotics) (FLUCFCS Code 3219 E2)
This upland community occupies 0.41± acre or less than 0.1 percent of the property. The vegetation composition in this community is similar to FLUCFCS Code 3219 E1, except Brazilian pepper and melaleuca are more common.

Pine Flatwoods, Disturbed (0-24% Exotics) (FLUCFCS Code 4119 E1)
This upland community occupies 1.03± acres or 0.1 percent of the property. The canopy contains slash pine (FAC) and melaleuca (FAC). The sub-canopy contains myrsine (*Rapanea punctata*) (FAC), melaleuca (FAC), cabbage palm (*Sabal palmetto*) (FAC), and Brazilian pepper (FAC). The ground cover includes saw palmetto (U), spermacoce (U), Brazilian pepper (FAC), bracken fern (U), wiregrass (*Aristida stricta*) (FAC), gulfdune paspalum (*Paspalum monostachyum*) (OBL).

Pine Flatwoods, Disturbed (25-49% Exotics) (FLUCFCS Code 4119 E2)
This upland community occupies 1.67± acres or 0.2 percent of the property. The vegetation composition in this community is similar to FLUCFCS Code 4119 E1, except Brazilian pepper and melaleuca are more common.

Pine Flatwoods, Disturbed (50-75% Exotics) (FLUCFCS Code 4119 E3)
This upland community occupies 2.29± acres or 0.2 percent of the property. The vegetation composition in this community is similar to FLUCFCS Code 4119 E2, except Brazilian pepper and melaleuca are more common.

Pine Flatwoods, Disturbed (76-100% Exotics) (FLUCFCS Code 4119 E4)
This upland community occupies 11.89± acres or 1.2 percent of the property. The vegetation composition in this community is similar to FLUCFCS Code 4119 E3, except Brazilian pepper and melaleuca are more common.

Pine, Disturbed (25-49% Exotics) (FLUCFCS Code 4159 E2)
This upland community occupies 0.19± acre or less than 0.1 percent of the property. The canopy contains slash pine (FAC) and melaleuca (FAC). The sub-canopy contains myrsine (FAC), melaleuca (FAC), cabbage palm (FAC), and Brazilian pepper (FAC). The ground cover includes spermacoce (U), Brazilian pepper (FAC), bracken fern (U), wiregrass (FAC), gulfdune paspalum (OBL).

Pine, Disturbed (50-75% Exotics) (FLUCFCS Code 4159 E3)
This upland community occupies 1.08± acres or 0.1 percent of the property. The vegetation composition in this community is similar to FLUCFCS Code 4119 E2, except Brazilian pepper and melaleuca are more common.

Melaleuca (FLUCFCS Code 424)
This upland community occupies 7.34± acres or 0.8 percent of the property. The canopy and sub-canopy are dominated by melaleuca (FAC) with scattered slash pine (FAC) and Brazilian pepper (FAC). The ground cover includes bermudagrass (U) with scattered saw palmetto (U) and Brazilian pepper (FAC).

Melaleuca, Hydric (FLUCFCS Code 4241)
This wetland area occupies 7.24± acres or 0.7 percent of the property. The canopy is dominated by melaleuca (FAC). The sub-canopy contains melaleuca (FAC) with scattered slash pine (FAC). The ground cover includes muhlygrass (*Muhlenbergia capillaris*) (OBL), Asiatic pennywort (*Centella asiatica*) (FACW), torpedograss (*Panicum repens*) (FACW), broomsedge (FAC), Brazilian pepper (FAC), yellow-eyed grass (*Xyris* sp.) (OBL), fingergrass (*Eustachys petraea*) (FAC), little blue maidencane (*Amphicarpum muhlenbergianum*) (FACW), nutrush (*Scleria* sp.) (U), beaksedge (*Rhynchospora microcarpa*) (OBL), and knotroot foxtail (*Setaria parviflora*) (FAC).

Melaleuca, OSW (FLUCFCS Code 4241)
This area occupies 0.32± acres or less than 0.1 percent of the property. The vegetation composition in this area is similar to Melaleuca, Hydric (FLUCFCS Code 4241). The steep side slopes differentiates this area from Melaleuca, Hydric.

Hardwood/Conifer Mixed, Disturbed (0-24% Exotics) (FLUCFCS Code 4349 E1)
This upland community occupies 0.57+ acre or 0.1 percent of the property. The canopy consists of slash pine (FAC) and swamp bay (*Persea palustris*) (OBL). The sub-canopy consists of myrsine (FAC), swamp bay (OBL), Brazilian pepper (FAC), melaleuca (FAC), and cocoplum (*Chrysobalanus icaco*) (FACW). The ground cover includes saw palmetto (U), bracken fern (U), with scattered swamp fern (*Blechnum serrulatum*) (FACW).

Ditch (FLUCFCS Code 514)
This open water area occupies 6.60± acres or 0.7 percent of the property. The canopy is open. The sub-canopy contains scattered primrose willow (*Ludwigia peruviana*) (OBL). The ground cover includes torpedograss (FACW), cattail (*Typha* sp.) (OBL), maidencane (*Panicum hemitomon*) (OBL), and paragrass (*Urochloa mutica*) (U).

Lake (FLUCFCS Code 520)
This open water area occupies 314.79± acres or 32.4 percent of the property. The margins of the lake are lined with cattail (OBL). The canopy and sub-canopy are open.

Cypress, Disturbed (25-49% Exotics) (FLUCFCS Code 6219 E2)
This wetland community type occupies 1.93± acres or 0.2 percent of the property. The canopy contains bald cypress (*Taxodium distichum*) (OBL) and melaleuca (FAC). The sub-canopy consists of bald cypress (OBL), wax myrtle (FAC), Brazilian pepper (FAC), cabbage palm (FAC), cocoplum (FACW), and swamp bay (OBL). The ground cover includes swamp fern (FACW), Asiatic pennywort (FACW), maidencane (OBL), torpedograss (FACW), frog fruit (*Phyla nodiflora*) (FAC), water pennywort (*Hydrocotyle umbellata*) (FACW), bog hemp (*Boehmeria cylindrica*) (OBL), loosestrife (*Lythrum alatum*) (OBL), climbing hempvine (*Mikania scandens*) (U), and leather fern (*Acrostichum danaeifolium*) (OBL).

Cypress, Disturbed (76-100% Exotics) (FLUCFCS Code 6219 E4)
This wetland community type occupies 3.00± acres or 0.3 percent of the property. The vegetation composition in this community is similar to FLUCFCS Code 6219 E2, except Brazilian pepper and melaleuca are more common.

Cypress/Pine/Cabbage Palm, Disturbed (25-49% Exotics) (FLUCFCS Code 6249 E2)
This wetland community type occupies 3.01± acres or 0.3 percent of the property. The canopy consists of slash pine (U), bald cypress (OBL), melaleuca (FAC), and scattered cabbage palm (FAC). The sub-canopy consists of slash pine (U), bald cypress (OBL), melaleuca (FAC), wax myrtle (FAC), and Brazilian pepper (FAC). The ground cover includes white-top sedge (*Rhynchospora colorata*) (FACW), knotroot foxtail (FAC), beaksedge (OBL), little blue maidencane (FACW), rosy camphorweed (*Pluchea rosea*) (FACW), pineland heliotrope (*Heliotropium polyphyllum*) (FAC), and Leavenworth's tickseed (*Coreopsis leavenworthii*) (FACW).

Exhibit No. 2.0
Application No. 120409-7
Page 4 of 6

Cypress/Pine/Cabbage Palm, Disturbed (50-75% Exotics) (FLUCFCS Code 6249 E3)
This wetland community type occupies 5.14± acres or 0.5 percent of the property. The vegetation composition in this community is similar to FLUCFCS Code 6249 E2, except Brazilian pepper and melaleuca are more common.

Cypress/Pine/Cabbage Palm, Disturbed (76-100% Exotics) (FLUCFCS Code 6249 E4)
This wetland community type occupies 10.95± acres or 1.1 percent of the property. The vegetation composition in this community is similar to FLUCFCS Code 6249 E3, except Brazilian pepper and melaleuca are more common.

Pine, Hydric, Disturbed (25-49% Exotics) (FLUCFCS Code 6259 E2)
This wetland community type occupies 2.34± acres or 0.2 percent of the property. The canopy consists of slash pine (U) and melaleuca (U). The sub-canopy consists of slash pine (U), melaleuca (FAC), wax myrtle (FAC), and Brazilian pepper (FAC). The ground cover includes white-top sedge (FACW), knotroot foxtail (FAC), beaksedge (OBL), little blue maidencane (FACW), rosy camphorweed (FACW), pineland heliotrope (FAC), torpedograss (FACW), Leavenworth's tickseed (FACW), and gulfdune paspalum (OBL).

Pine, Hydric, Disturbed (50-75% Exotics) (FLUCFCS Code 6259 E3)
This wetland community type occupies 2.58± acres or 0.3 percent of the property. The vegetation composition in this community is similar to FLUCFCS Code 6259 E2, except Brazilian pepper and melaleuca are more common.

Pine, Hydric, Disturbed (76-100% Exotics) (FLUCFCS Code 6259 E4)
This wetland community type occupies 5.43± acres or 0.6 percent of the property. The vegetation composition in this community is similar to FLUCFCS Code 6259 E3, except Brazilian pepper and melaleuca are more common.

Freshwater Marsh, Disturbed (0-24% Exotics) (FLUCFCS Code 6419 E1)
This wetland community type occupies 0.22± acre or less than 0.1 percent of the property. The canopy is open. The sub-canopy contains willow (OBL). The ground cover includes cattail (OBL), maidencane (OBL), and fireflag (*Thalia geniculata*) (OBL).

Wet Prairies, Disturbed (0-24% Exotics) (FLUCFCS Code 6439 E1)
This wetland community type occupies 14.08± acres or 1.4 percent of the property. The canopy is open. The sub-canopy consists of melaleuca (FAC), wax myrtle (FAC), and slash pine (U). The ground cover includes gulfdune paspalum (OBL), knotroot foxtail (FAC), beaksedge (OBL), pineland heliotrope (FAC), torpedograss (FACW), rosy camphorweed (FACW), sand cordgrass (*Spartina bakeri*) (FACW), bushy bluestem (*Andropogon glomeratus*) (FACW), and scattered saw palmetto (U).

Wet Prairies, Disturbed (50-75% Exotics) (FLUCFCS Code 6439 E3)
This wetland community type occupies 1.86± acres or 0.2 percent of the property. The vegetation composition in this community is similar to FLUCFCS Code 6439 E1, except melaleuca and torpedograss are more common.

Disturbed Land (FLUCFCS Code 740)
This upland area occupies 20.31± acres or 2.1 percent of the property. The canopy and sub-canopy cover are mostly open with melaleuca, Brazilian pepper, and slash pine. The ground cover includes frog fruit (FAC), bahiagrass (*Paspalum notatum*) (U), beggar-ticks (*Bidens alba*) (U), big carpetgrass (*Axonopus furcatus*) (FAC), cogongrass (U), and richardia (*Richardia* sp.) (U), and spermacoce (U).

Disturbed Land, Hydric (FLUCFCS Code 7401)
This wetland area occupies 43.24± acres or 4.5 percent of the property. The canopy and sub-canopy are mostly open with scattered melaleuca (FAC), slash pine (U), and wax myrtle (FAC). The ground cover includes torpedograss (FACW), beaksedge (OBL), white-top sedge (FACW), knotroot foxtail (FAC), rosy camphorweed (FACW), Leavenworth's tickseed (FACW), frog fruit (FAC), dog fennel (*Eupatorium capillifolium*) (FAC), and yellow-eyed grass (OBL).

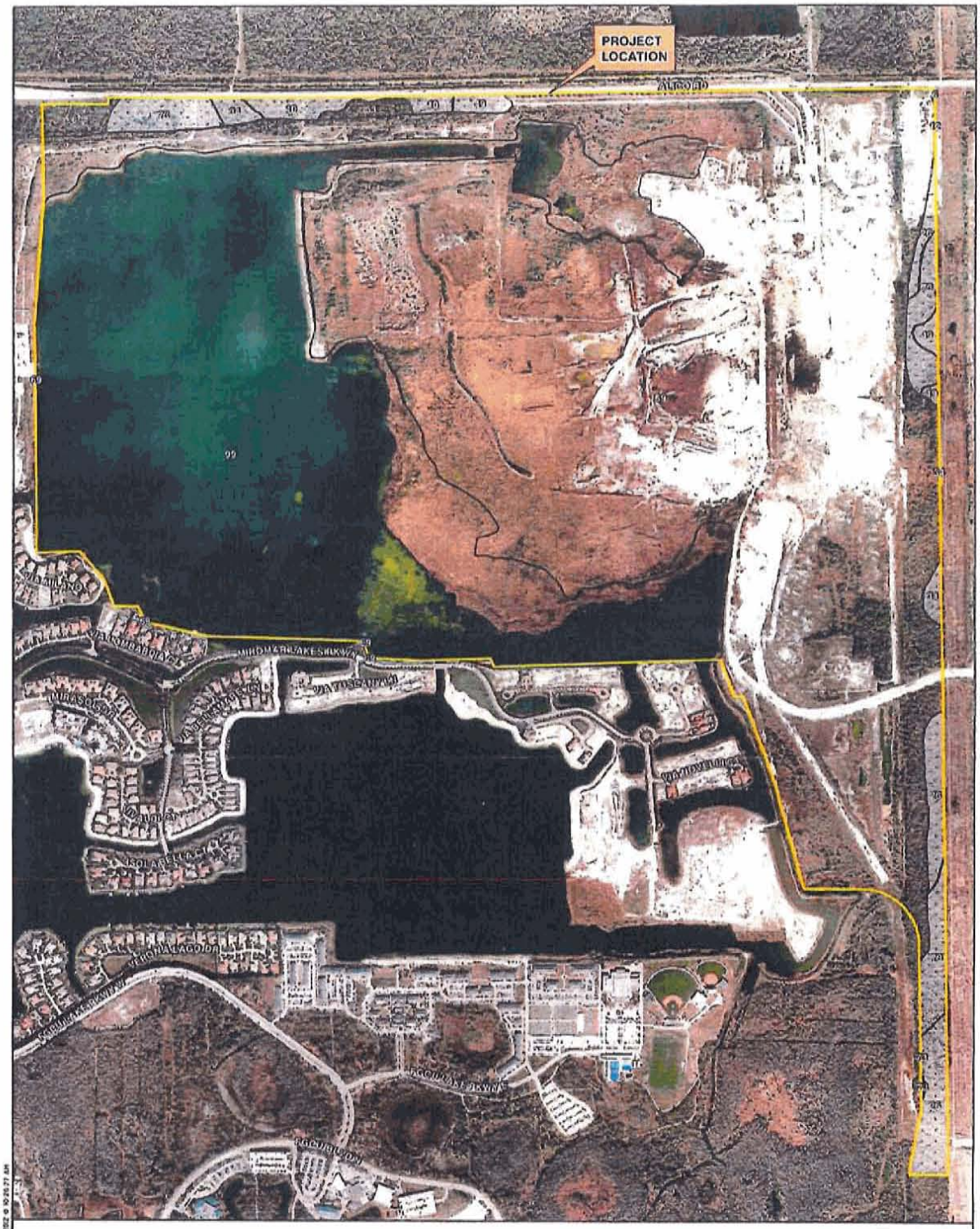
Disturbed Land, OSW (FLUCFCS Code 7401)
This wet area occupies 6.24± acres or less than 0.6 percent of the property. The canopy and sub-canopy are open and the ground cover is dominated by cattails. The steep side slopes and presence of cattail differentiates this area from Disturbed Land, Hydric.

Borrow Area (FLUCFCS Code 742)
This open water area occupies 34.53± acres or 3.6 percent of the property. The canopy and sub-canopy cover are open. The ground cover includes cattail (OBL) and torpedograss (FACW).

Spoil Area (FLUCFCS Code 743)
This upland area occupies 2.01± acres or 0.2 percent of the property. The canopy contains of melaleuca (FAC). The sub-canopy consists of Brazilian pepper (FAC), myrsine (FAC), and cabbage palm (FAC). The ground cover includes saw palmetto (U), broomsedge (FAC), Brazilian pepper (FAC), and bermudagrass (U).

Berm (FLUCFCS Code 747)
This upland area occupies 6.36± acres or 0.7 percent of the property. The canopy consists of scattered slash pine (U), melaleuca (FAC), cabbage palm (FAC), and laurel oak (*Quercus laurifolia*) (FACW). The sub-canopy consists of wax myrtle (FAC), slash pine (U), and Brazilian pepper (FAC). The ground cover is mostly open with scattered saw palmetto (U) and spermacoce (U).

Road (FLUCFCS Code 814)
This upland area occupies 1.76± acres or 0.2 percent of the property. This classification consists of a paved road and an elevated gravel road.



LEGEND

ALICO WEST

HYDRIC

Soil Unit	Description	Hydric
6	HALLANDALE FINE SAND	NO
10	POMPANO FINE SAND	YES
12	PELDA FINE SAND	YES
28	PINEDA FINE SAND	YES
32	OLDSMAR SAND	NO
34	MALABAR FINE SAND	YES
43	PELDA FINE SAND, DEPRESSIONAL	YES
63	MATLACHA GRAVELLY FINE SAND	NO
73	PINEDA FINE SAND, DEPRESSIONAL	YES
99	WATER	UNRANKED

N

W E

S

0 500 1,000 1,500 2,000

Feet

NOTES

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF FEBRUARY-MARCH 20[illegible].

PROPERTY BOUNDARY PER WILSON MILLER DRAWING NO. 0253-342002.DWG AND NO. 0253-342004 DATED DECEMBER 18, 2006 AND PROVIDED TO PASSARELLA & ASSOCIATES BY CLIENT.

SOILS MAPPING WAS ACQUIRED FROM THE FLORIDA GEOGRAPHIC DATA LIBRARY WEBSITE OCTOBER 2007 AND CREATED BY THE NATURAL RESOURCES CONSERVATION SERVICE 1999.

DESIGNED	DATE
P.F.	4/2/12
REVIEWED BY	DATE
K.C.P.	4/2/12
REVISED	DATE

13620 Metropolis Avenue
Suite 200
Fort Myers, Florida 33912
Phone (239) 274-0067
Fax (239) 274-0069

PASSARELLA & ASSOCIATES, LLC

ALICO WEST

SOILS MAP

DRAWING No. 11ALD2037

SHEET No. EXHIBIT 2

Exhibit No. 3.0
Application No. 120409-7
Page 1 of 1

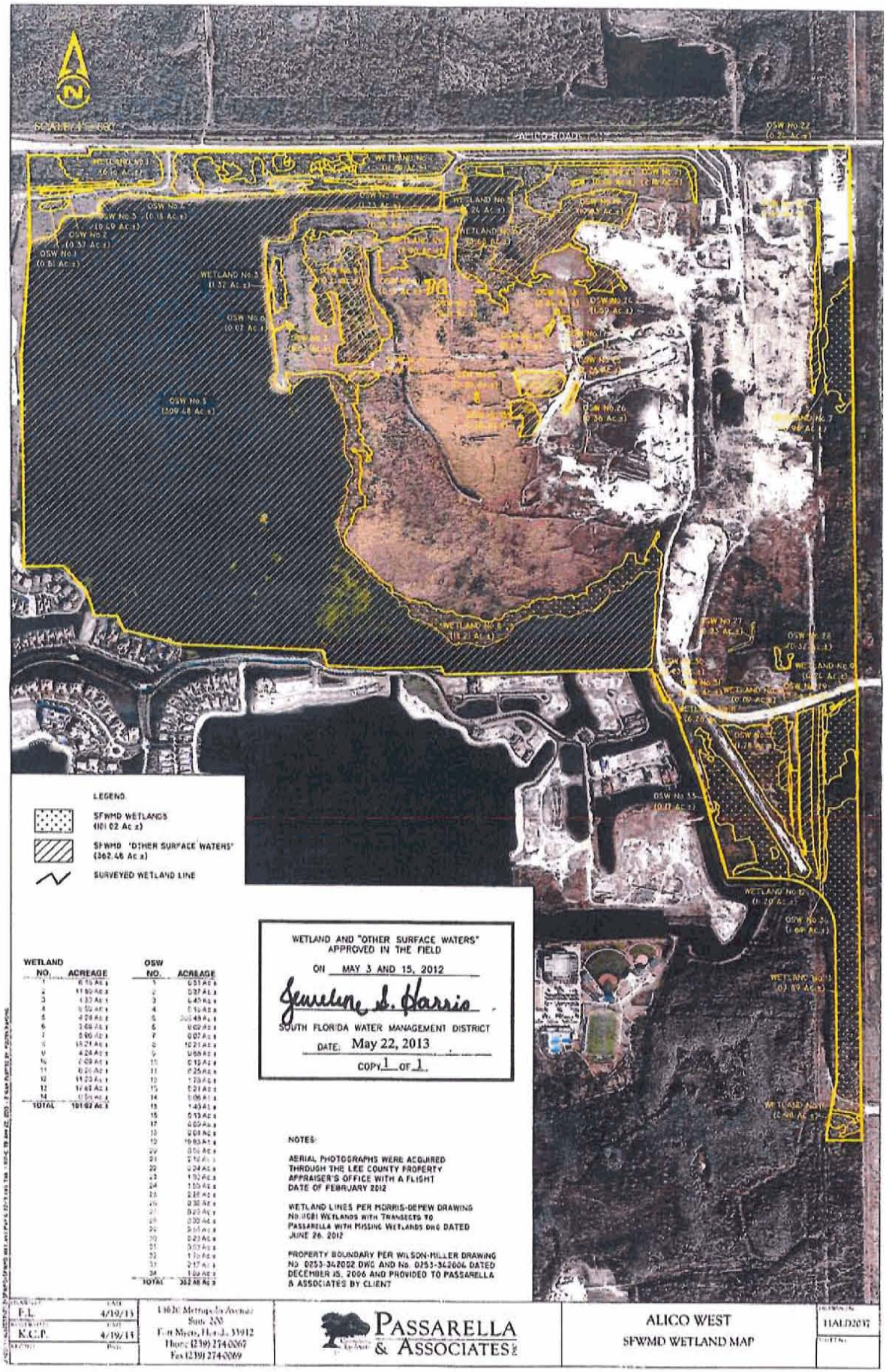


Exhibit No. 4.0
Application No. 120409-7
Page 1 of 1

FORM 80157
Rev. 07/09

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE
PERMIT MODIFICATION NO. 36-03568-P-05
DATE ISSUED: JANUARY 12, 2015

PERMITTEE: ALICO WEST FUND L L C
(CENTERPLACE)
12800 UNIVERSITY DRIVE SUITE 275.
FORT MYERS, FL 33907

ORIGINAL PERMIT ISSUED: JUNE 10, 1999

ORIGINAL PROJECT DESCRIPTION: AUTHORIZATION FOR CONCEPTUAL APPROVAL OF A SURFACE WATER MANAGEMENT SYSTEM SERVING 1481.1 ACRES OF RESIDENTIAL, COMMERCIAL, AND GOLF COURSE DEVELOPMENT WITHIN MIROMAR LAKES.

APPROVED MODIFICATION: CONCEPTUAL AUTHORIZATION OF 115.97 ACRES AND CONSTRUCTION AND OPERATION OF 364.12 ACRES FOR A PROJECT KNOWN AS CENTERPLACE.

PROJECT LOCATION: LEE COUNTY , SECTION 11,12, 13 TWP 46S RGE 25E

PERMIT DURATION: See Special Condition No:1.

This is to notify you of the District's agency action concerning Permit Application No. 140124-13, dated January 24, 2014. This action is taken pursuant to the provisions of Chapter 373, Part IV, Florida Statutes (F.S.).

Based on the information provided, District rules have been adhered to and an Environmental Resource Permit Modification is in effect for this project subject to:

1. Not receiving a filed request for an administrative hearing pursuant to Section 120.57 and Section 120.569, or request a judicial review pursuant Section 120.68, Florida Statutes.
2. The attached 18 General Conditions.
3. The attached 29 Special Conditions.
4. The attached 3 Exhibits.

Should you object to these conditions, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. Should you wish to object to the proposed agency action or file a petition, please provide written objections, petitions and/or waivers to:

Office of the District Clerk
South Florida Water Management District
Post Office Box 24680
West Palm Beach, FL 33416-4680
e-mail: clerk@sfwmd.gov

Please contact this office if you have any questions concerning this matter. If we do not hear from you in accordance with the "Notice of Rights", we will assume that you concur with the District's action.

CERTIFICATION OF SERVICE

I HEREBY CERTIFY THAT this written notice has been mailed or electronically submitted to the Permittee (and the persons listed on the attached distribution list) this 13th day of January, 2015, in accordance with Section 120.60(3), F.S. Notice was also electronically posted on this date through a link on the home page of the District's website (my.sfwmd.gov/ePermitting).

By _____
DEPUTY CLERK
SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Attachments

EXHIBIT B

SPECIAL CONDITIONS

1. The conceptual phase of this permit shall expire on January 12, 2035.
   The construction phase of this permit shall expire on January 12, 2020.

2. Operation of the stormwater management system shall be the responsibility of the Property Owners Association. Within one year of permit issuance or concurrent with the engineering certification of construction completion, whichever comes first, the permittee shall submit a copy of the recorded deed restrictions (or declaration of condominium, if applicable), a copy of the filed articles of incorporation, and a copy of the certificate of incorporation for the association.

3. Discharge Facilities:

   Basin: Basin 10, Structure: CS 10-1
   1-5" W X 2" H RECTANGULAR ORIFICE with invert at elev. 18' NGVD 29.
   1-36" W X 79" L drop inlet with crest at elev. 18.9' NGVD 29.
   Receiving body : Lake 5/6
   Control elev : 18 feet NGVD 29.

   Basin: Basin 10, Structure: CS 10-2
   1-52" W X 70" L drop inlet with crest at elev. 19.5' NGVD 29.
   Receiving body : Lake 10-1
   Control elev : 18 feet NGVD 29.

   Basin: Basin 11, Structure: CS 11-1
   1-11.7" W X 12" H RECTANGULAR NOTCH with invert at elev. 18' NGVD 29.
   1-36" W X 79" L drop inlet with crest at elev. 19' NGVD 29.
   Receiving body : Lake 5/6
   Control elev : 18 feet NGVD 29.

   Basin: Basin 11, Structure: CS 11-2
   1-180" WIDE BROAD CRESTED weir with crest at elev. 19' NGVD 29.
   1-11" W X 12" H RECTANGULAR NOTCH weir with crest at elev. 18' NGVD 29.
   Receiving body : Lake 5/6
   Control elev : 18 feet NGVD 29.

   Basin: Basin 11, Structure: CS 11-3
   1-11.7" W X 12" H RECTANGULAR NOTCH weir with crest at elev. 18' NGVD 29.
   1-180" WIDE BROAD CRESTED weir with crest at elev. 19' NGVD 29.
   Receiving body : Lake 5/6
   Control elev : 18 feet NGVD 29.

   Basin: Basin 11, Structure: CS 11-4
   1-52" W X 70" L drop inlet with crest at elev. 19.5' NGVD 29.
   Receiving body : Lake 11-2
   Control elev : 18 feet NGVD 29.

   Basin: Basin 11, Structure: CS 11-5
   1-52" W X 70" L drop inlet with crest at elev. 19.5' NGVD 29.
   Receiving body : Lake 11-8
   Control elev : 18 feet NGVD 29.

   Basin: Basin 11, Structure: CS 11-6
   1-52" W X 70" L drop inlet with crest at elev. 19.5' NGVD 29.
   Receiving body : Lake 11-9

Control elev : 18 feet NGVD 29.

4. Lake side slopes shall be no steeper than 4:1 (horizontal:vertical) to a depth of two feet below the control elevation. Side slopes shall be nurtured or planted from 2 feet below to 1 foot above control elevation to insure vegetative growth, unless shown on the plans.

5. A stable, permanent and accessible elevation reference shall be established on or within one hundred (100) feet of all permitted discharge structures no later than the submission of the certification report. The location of the elevation reference must be noted on or with the certification report.

6. Minimum building floor elevation:
BASIN: Basin 10 - 22.00 feet NGVD 29.
BASIN: Basin 11 - 22.00 feet NGVD 29.

7. Minimum parking lot elevation:
Basin: Basin 10 - 20.00 feet NGVD 29.
Basin: Basin 11 - 20.00 feet NGVD 29.

8. Prior to construction of future phases, any docking facilities, or boat ramps, a permit modification will be required. Plans and calculations shall be submitted to demonstrate compliance with the land use and site grading assumptions made in this application.

9. The exhibits and special conditions in this permit apply only to this application. They do not supersede or delete any requirements for other applications covered in Permit No. 36-03568-P unless otherwise specified herein.

10. The permittee shall utilize the criteria contained in the Construction Pollution Prevention Plan (Exhibit No. 2.1) and on the applicable approved construction drawings for the duration of the project's construction activities.

11. The Urban Stormwater Management Plan shall be implemented in accordance with Exhibit No. 2.2.

12. A turbidity control plan shall be implemented during construction of the proposed development. The turbidity control plan will include the use of best management practices such as turbidity curtains, monitoring of turbidity levels, and construction of facilities during periods when the potential for the generation of turbidity is minimized.

    Turbidity curtains will consist of weighted skirts that extend to the bottom of the lake and shall be properly installed to isolate adjacent waters from active work areas that are adjacent to Lake 5/6 North. The floating turbidity curtains shall be maintained and shall remain in place in any active work area until the construction in the work area is complete and monitoring of turbidity has been completed as described below. The Permittee shall be responsible for ensuring that turbidity control devices are inspected daily and maintained in good working order so that there are no violations of state water quality standards outside of the turbidity screens.

    A water quality monitoring program during construction of all proposed waterward facilities shall be implemented as outlined below:

    Construction of Waterward Facilities Adjacent to Lake 5/6 North
    Waterward facilities include, but are not limited to, the following: beaches, bulkheads, retaining walls, seawalls, riprap shoreline, shoreline stabilization, and future docking/boating facilities constructed within or immediately adjacent to Lake 5/6 North.

    Turbidity shall be expressed in NTUs. Background samples shall be taken within Lake 5/6 North at a location that is a minimum of 200 feet waterward of the turbidity curtains. Compliance samples shall be taken a maximum of 5 feet waterward of the turbidity curtain. Samples shall be taken twice daily, with at least a four-hour interval between samples. Samples must be taken during any day with active construction of waterward facilities and are required to be taken at the location of the construction of the waterward facilities. If the active waterward construction is occurring in a

segment of the shoreline of Lake 5/6

North that is greater than 750 feet in length, multiple samples will be required with a maximum spacing between sample locations of 750 feet.

Monitoring shall begin on the first day of active construction for all waterward facilities. If a compliance sample has a value that is greater than 29 NTUs above the background sample, construction shall cease and District compliance staff shall be notified immediately. Construction of the waterward facilities shall not resume until corrective measures have been implemented and compliance samples have returned to a maximum of 29 NTUs above measured background samples for consecutive samples with a minimum of four hours between sample periods.

All monitoring data shall be maintained on site in a record log and will be available to District staff during regular business hours.

The log should include the following information:

1) permit and application number
2) dates of active work of waterward facilities
3) dates of sampling and analysis
4) statement describing methods used in collection, handling, storage and analysis of the samples
5) a map indicating the sampling locations
6) a statement by the individual responsible for implementation of the samplings program concerning authenticity, precision, limits of detection and accuracy of the data
7) time samples are taken
8) depth of waterbody
9) depth of sample
10) antecedent weather conditions
11) wind direction and velocity.

Following either the completion or suspension of construction in a work areas adjacent to Lake 5/6 North, the turbidity curtains are required to be maintained in place until for a period of seven consecutive days.

** Construction of Outfall Swales **
Construction of the outfall swales from Lake 11-3 and 11-6 to Lake 5/6 North will either occur in dry soils or will incorporate the turbidity controls described below. For the purpose of this special condition, dry soils construction is considered to be times when the stage within Lake 5/6 North at the terminus of the outfall swale is at or below elevation 15.5 feet-NGVD (six inches below the proposed swale bottom). If construction of the outfall swales is performed in non-dry conditions, turbidity monitoring will be required for any time when there is a direct hydrologic connection between the outfall swale and Lake 5/6 North. When required, turbidity monitoring for the outfall swales will be performed following the same procedures (sample locations, criteria and frequency) as required for the waterward construction.

** On-site Lake Excavation **
Dewatering of the on-site lakes for construction will be conducted in accordance with the requirements of the water use permit (SFWMD Application No. 141113-12). The hydraulic connection of any on-site lake to Lake 5/6 North or to a downstream lake within Centerplace that is hydraulically connected to Lake 5/6 will not occur until the measured turbidity level within the excavated on-site lake is at a maximum of 29 NTUs above background levels for a period of seven consecutive days following the completion of construction. The background level shall be measured at a location in Lake 5/6 North that is 200 feet waterward of the point of connection to Lake 5/6 North and the compliance sample shall be taken at a maximum of five feet upstream of the lake control structure or pipe interconnect location.

13. The permittee shall comply with applicable state water quality standards including:

a)62-302.500 - Minimum criteria for all surface waters at all places and all times;
b)62-302.510 - Surface waters: general criteria
c)62-302.560 - Class III waters; recreation, propagation and maintenance of a healthy, well balanced population of fish and wildlife;
d)62-302.600 - Classified waters.

14. Prior to the commencement of construction, the permittee shall conduct a pre-construction meeting with field representatives, contractors and District staff. The purpose of the meeting will be to discuss construction methods and sequencing, including type and location of turbidity and erosion controls to be implemented during construction, mobilization and staging of contractor equipment, phasing of construction, methods of vegetation clearing (including methods of nuisance/exotic vegetation removal will be discussed), coordination with other entities on adjacent construction projects, wetland/buffer protection methods, and endangered species protection with the permittee and contractors. The permittee shall contact District Environmental Resource Compliance staff from the Lower West Coast Service Center at 239-338-2929 to schedule the pre-construction meeting.

15. A modification to Permit No. 36-02881-S will be required prior to the construction of the 0.13 acres of direct and secondary wetland impacts associated with the connection of the proposed access road into the existing conservation easement on the property of Florida Gulf Coast University. Mitigation for said wetland impacts has been authorized and provided under this application.

16. Any docking/boat ramp facility proposed in the future shall require approval by the District through a modification to the existing Environmental Resource Permit. The permittee is also advised to notify potential unit owners that purchase of a unit does not imply that any onsite docking facilities will be available in the future.

17. The District reserves the right to require remedial measures to be taken by the permittee if monitoring or other information demonstrates that adverse impacts to onsite or offsite wetlands, upland conservation areas or buffers, or other surface waters have occurred due to project related activities.

18. A mitigation program for CenterPlace shall be implemented in accordance with Exhibit Nos.3.2 and 3.3. The permittee shall preserve and enhance 4.21 acres of wetlands and 0.59 acres of uplands onsite. In addition, 12.87 credits from Panther Island Mitigation Bank and 0.52 freshwater forested credits from Big Cypress Mitigation Bank are also required to fully offset this project's wetland impacts.

19. A maintenance program shall be implemented in accordance with Exhibit No. 3.3 for the preserved and enhanced wetland and upland areas on a regular basis to ensure the integrity and viability of those areas as permitted. Maintenance shall be conducted in perpetuity to ensure that the conservation areas are maintained free from Category 1 and Category 2 exotic vegetation (as defined by the Florida Exotic Pest Plant Council) immediately following a maintenance activity. Maintenance in perpetuity shall also insure that conservation areas, including buffers, maintain the species and coverage of native, desirable vegetation specified in the permit. Coverage of exotic and nuisance plant species shall not exceed 5% of total cover between maintenance activities. In addition, the permittee shall manage the conservation areas such that exotic/nuisance plant species do not dominate any one section of those areas.

20. Prior to the commencement of construction, the perimeter of protected on-site wetland preservation areas shall be staked/roped/fenced to prevent encroachment into the protected areas. Using Global Positioning System (GPS) technology, the perimeter of the preserve area(s) shall be identified for future reference. The data shall be differentially corrected and accurate to less than a meter (+/- one meter or better). Electronic copies of the GPS data shall be provided to the District's Environmental Resource Compliance staff. The permittee shall notify the District's Environmental Resource Compliance staff in writing upon completion of staking/roping/fencing and schedule an inspection of this work. The staking/roping/fencing shall be subject to District staff approval. The permittee shall modify the staking/roping/fencing if District staff determines that it is insufficient or is not in conformance with the intent of this permit. The staking/roping/fencing shall remain in place until all adjacent construction activities are complete.

21. Endangered species, threatened species and/or species of special concern have been observed onsite and/or the

project contains suitable habitat for these species. It shall be the permittee's responsibility to coordinate with the Florida Fish and Wildlife Conservation Commission and/or the U.S. Fish and Wildlife Service for appropriate guidance, recommendations and/or necessary permits to avoid impacts to listed species. The applicant shall comply with the listed species management plans outlined in Exhibit 3.7, and these documents shall be incorporated into the Property Owners Association/Operating Entity Documents. The Property Owners Association/Operating Entity shall be responsible for enforcing the terms and conditions of these management plans.

22. Activities associated with the implementation of the mitigation, monitoring and maintenance plan(s) shall be completed in accordance with the work schedule attached as Exhibit No. 3.6. Any deviation from these time frames will require prior approval from the District's Environmental Resource Compliance staff. Such requests must be made in writing and shall include (1) reason for the change, (2) proposed start/finish and/or completion dates; and (3) progress report on the status of the project development or mitigation effort.

23. Prior to the commencement of construction and in conformance with the work schedule in Exhibit 3.6, the permittee shall provide an original letter of credit in the amount of $65,521.00 to ensure the permittee's financial ability and commitment to complete the proposed mitigation, monitoring and maintenance plan as shown on Exhibit Nos. 3.2 and 3.3. The financial assurance shall be in substantial conformance with Exhibit No. 3.11. The financial assurance shall be in effect for the entire period of the mitigation and monitoring program. Notification to the District by the financial institution or surety that the financial assurance will not be renewed or is no longer in effect shall constitute non-compliance with the permit.

    Should the permit be transferred from the construction to operational phase prior to the completion of the mitigation and monitoring program, it will be incumbent upon the original permittee to either keep the existing financial assurance in force or provide replacement financial assurance in the name of the operational entity. The existing financial assurance cannot be released until a replacement document is received and accepted by the District.

24. A monitoring program shall be implemented in accordance with Exhibit Nos. 3.2 and 3.3. The monitoring program shall extend for a period of 5 years with annual reports submitted to District staff. At the end of the first monitoring period the mitigation area shall contain an 80% survival of planted vegetation. The 80% survival rate shall be maintained throughout the remainder of the monitoring program, with replanting as necessary. If native wetland, transitional, and upland species do not achieve an 80% coverage within the initial two years of the monitoring program, native species shall be planted in accordance with the maintenance program. At the end of the 5 year monitoring program the entire mitigation area shall contain an 80% survival of planted vegetation and an 80% coverage of desirable obligate and facultative wetland species.

25. Prior to April 1, 2015 and prior to the commencement of construction, whichever occurs first, the permittee shall submit the following via ePermitting or to the Environmental Compliance staff at the local District office:
    -One certified copy of the recorded conservation easement document including exhibits.
    -A CD or DVD containing the easement data in a digital ESRI Geodatabase (mdb), ESRI Shapefile (shp) or AutoCAD Drawing Interchange (dxf) file format using Florida State Plane coordinate system, East Zone (3601), Datum NAD83, HARN with the map units in feet.
    -A map depicting the Conservation Easement over the best available satellite or aerial imagery.
    -Form 1001 ERP REG: Title, Possession, and Lien Affidavit, fully executed by the owner and notarized.
    The recorded easement shall utilize the form attached as Exhibit Nos. 3.8 and 3.9. This Exhibit may not be modified. The easement must be free of mortgages, liens, easements or other encumbrances or interests in the easement which District staff states are contrary to the intent of the easement. In the event it is later determined that there are encumbrances or interests in the easement which the District determines are contrary to the intent of the easement, the permittee shall be required to provide release or subordination of such encumbrances or interests.

26. Permanent physical markers designating the preserve status of the wetland preservation areas and buffer zones shall be placed at the intersection of the buffer and each lot line. These markers shall be maintained in perpetuity.

27. Prior to commencement of construction and in accordance with the work schedule in Exhibit No. 3.6, the permittee shall

submit documentation that 0.52 freshwater forested credits have been deducted from the official agency ledger for Big Cypress Mitigation Bank.

The 12.87 credits from Panther Island Mitigation Bank have already been purchased, as outlined on Exhibit 3.4.

28. Structural buffers shall be established where the proposed development borders preserve areas, as outlined in Exhibit 3.3 and on Exhibit 2.0. The structural buffers will consist of a berm, with the backslope of the berm adjacent to the preserves planted with native shrub and groundcover species. The plant species to be installed are outlined on Table 2 of Exhibit 3.3.

29. If construction activities within the 3.92 acre access easement are proposed after May 27, 2017, the permittee shall provide written authorization from FGCU to demonstrate that the permittee has sufficient property interest to construct the proposed facilities within the easement area.

GENERAL CONDITIONS

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized shall subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S. (2012).

2. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with Rule 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the "State of Florida Erosion and Sediment Control Designer and Reviewer Manual" (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the "Florida Stormwater Erosion and Sedimentation Control Inspector's Manual" (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.

4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice" indicating the expected start and completion dates. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.

5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.

6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
   a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex- "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit"[Form 62-330.310(3)]; or
   b. For all other activities- "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].
   c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.

7. If the final operation and maintenance entity is a third party:
   a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as-built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Applicant's Handbook Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
   b. Within 30 days of submittal of the as- built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.

8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.

9. This permit does not:
   a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified

herein or in Chapter 62-330, F.A.C.;
b. Convey to the permittee or create in the permittee any interest in real property;
c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.

10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.

11. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.

12. The permittee shall notify the Agency in writing:
a. Immediately if any previously submitted information is discovered to be inaccurate; and
b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.

14. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.

17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.

18. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.

NOTICE OF RIGHTS

As required by Sections 120.569(1), and 120.60(3), Fla. Stat., the following is notice of the opportunities which may be available for administrative hearing or judicial review when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Not all the legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

RIGHT TO REQUEST ADMINISTRATIVE HEARING

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

FILING INSTRUCTIONS

The Petition must be filed with the Office of the District Clerk of the SFWMD. Filings with the District Clerk may be made by mail, hand-delivery, or e-mail. **Filings by facsimile will not be accepted after October 1, 2014.** A petition for administrative hearing or other document is deemed filed upon receipt during normal business hours by the District Clerk at SFWMD headquarters in West Palm Beach, Florida. Any document received by the office of the District Clerk after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day. Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the District Clerk, P.O. Box 24680, West Palm Beach, Florida 33416.
- Filings by hand-delivery must be delivered to the Office of the District Clerk. **Delivery of a petition to the SFWMD's security desk does not constitute filing. To ensure proper filing, it will be necessary to request the SFWMD's security officer to contact the Clerk's office.** An employee of the SFWMD's Clerk's office will receive and file the petition.
- Filings by e-mail must be transmitted to the District Clerk's Office at clerk@sfwmd.gov. The filing date for a document transmitted by electronic mail shall be the date the District Clerk receives the complete document. A party who files a document by e-mail shall (1) represent that the original physically signed document will be retained by that party for the duration of the proceeding and of any subsequent appeal or subsequent proceeding in that cause and that the party shall produce it upon the request of other parties; and (2) be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed.

INITIATION OF AN ADMINISTRATIVE HEARING

Pursuant to Rules 28-106.201 and 28-106.301, Fla. Admin. Code, initiation of an administrative hearing shall be made by written petition to the SFWMD in legible form and on 8 and 1/2 by 11 inch white paper. All petitions shall contain:

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

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

If the SFWMD takes action with substantially different impacts on water resources from the notice of intended agency decision, the persons who may be substantially affected shall have an additional point of entry pursuant to Rule 28-106.111, Fla. Admin. Code, unless otherwise provided by law.

MEDIATION

The procedures for pursuing mediation are set forth in Section 120.573, Fla. Stat., and Rules 28-106.111 and 28-106.401-.405, Fla. Admin. Code. The SFWMD is not proposing mediation for this agency action under Section 120.573, Fla. Stat., at this time.

RIGHT TO SEEK JUDICIAL REVIEW

Pursuant to Sections 120.60(3) and 120.68, Fla. Stat., a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the District Clerk within 30 days of rendering of the final SFWMD action.

CENTERPLACE
LEE COUNTY PROTECTED SPECIES SURVEY

December 2013

Prepared For:

Alico West Fund, LLC
12800 University Drive, Suite 275
Fort Myers, Florida 33907
(239) 590-9066

Prepared By:

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Fort Myers, Florida 33912
(239) 274-0067

Exhibit 10-B2
Project No. 11ALD2037

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INTRODUCTION

This report documents the Lee County protected species survey (PSS) conducted by Passarella & Associates, Inc. (PAI) on the 887.02± acre CenterPlace (Project). The purpose of the survey was to review the property for protected species in accordance with Lee County Land Development Code (LDC) Chapter 10, Article III, Division 8 (Protection of Habitat) Standards.

The Project is located in Sections 11, 12, and 13; Township 46 South; Range 25 East, Lee County (Figure 1). The Project is surrounded by Alico Road and undeveloped forested land to the north; an inactive mining operation and undeveloped land to the east; undeveloped land, the Miromar Lakes community, and Florida Gulf Coast University to the south; and Gulf Coast Town Center and Ben Hill Griffin Parkway to the west.

The majority of the project site is highly disturbed due to previous mining activities. Excavation activities commenced on the site in the early 1970s and the majority of the site was disturbed by 1980. Mining activities recently ceased on the property and the processing plant and offices have been dismantled. Large piles of mined material remain stockpiled on the site and varying degrees of fines have been deposited in the lakes. Many of these areas have been left to revegetate naturally and now contain a variety of weedy and exotic plant species. Most notable of these species are melaleuca (*Melaleuca quinquenervia*) and cogongrass (*Imperata cylindrica*).

LAND USES AND VEGETATION ASSOCIATIONS

The vegetation mapping for the Project was conducted using February to March 2011 Lee County rectified aerials. Groundtruthing to map the vegetative communities was conducted on February 7 and 8, 2012 utilizing the Florida Land Use, Cover and Forms Classification System (FLUCFCS) Levels III and IV (Florida Department of Transportation 1999). Level IV FLUCFCS was utilized to denote hydrological conditions and disturbance. "E" codes were used to identify levels of exotic infestation (i.e., melaleuca and Brazilian pepper (*Schinus terebinthifolius*)). AutoCAD Map 3D 2013 software was used to determine the acreage of each mapping area, produce summaries, and generate the FLUCFCS map. Table 1 provides a breakdown of the FLUCFCS codes by acreage, while a description of each of the classifications follows. The FLUCFCS map with acreages is provided as Figure 2 and Appendix A.

A total of 34 vegetative associations and land uses (i.e., FLUCFCS codes) were identified on the property. Table 1 provides the breakdown of the FLUCFCS codes by acreage, while a description of each of the classifications follows.

Table 1. Existing Land Use and Cover Summary

FLUCFCS Code	Description	Acreage	Percent of Total
168	Mining Operations	413.68	46.6
3209 E2	Shrub and Brushland, Disturbed (25-49% Exotics)	1.05	0.1
3219 E1	Palmetto Prairie, Disturbed (0-24% Exotics)	1.90	0.2

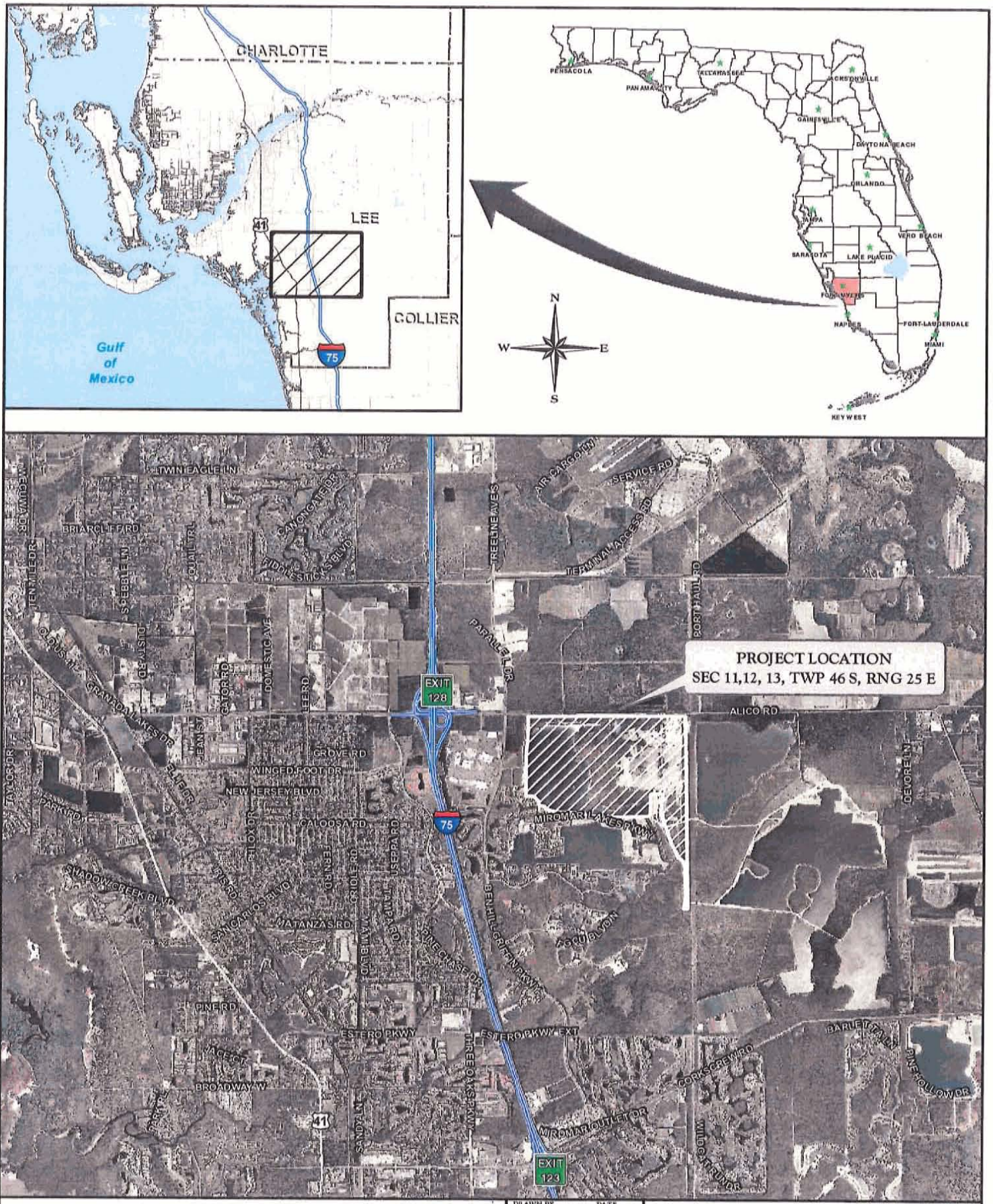
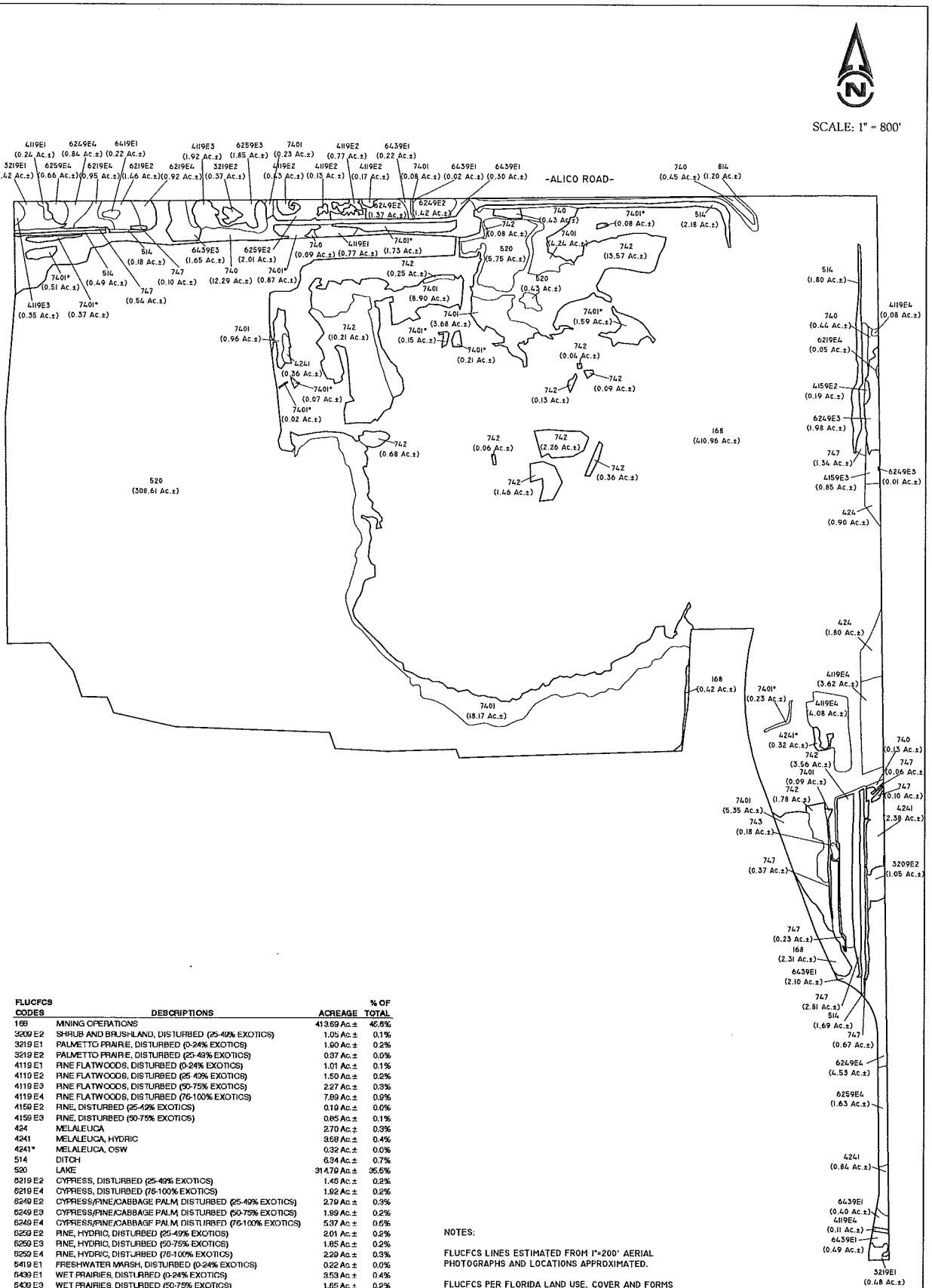


FIGURE 1. PROJECT LOCATION MAP
CENTERPLACE

DRAWN BY: H.H.	DATE: 4/2/12
REVIEWED BY: K.C.P.	DATE: 4/2/12
REVISED: H.H.	DATE: 12/18/13

PASSARELLA & ASSOCIATES, INC.

J:\2011\11AUG\2037\GIS\2012\PSS\FIGURES\FIGURE 1 PROJECT LOCATION MAP 12-18-13.MXD - 12/18/2013 @ 11:04:04 AM



FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
169	MINING OPERATIONS	413.69 Ac.±	46.6%
3209 E2	SHRUB AND BRUSHLAND, DISTURBED (25-49% EXOTICS)	1.05 Ac.±	0.1%
3219 E1	PALMETTO PRAIRIE, DISTURBED (0-24% EXOTICS)	1.90 Ac.±	0.2%
3219 E2	PALMETTO PRAIRIE, DISTURBED (25-49% EXOTICS)	0.97 Ac.±	0.0%
4119 E1	PINE FLATWOODS, DISTURBED (0-24% EXOTICS)	1.01 Ac.±	0.1%
4119 E2	PINE FLATWOODS, DISTURBED (25-49% EXOTICS)	1.50 Ac.±	0.2%
4119 E3	PINE FLATWOODS, DISTURBED (50-75% EXOTICS)	2.27 Ac.±	0.3%
4119 E4	PINE FLATWOODS, DISTURBED (76-100% EXOTICS)	7.89 Ac.±	0.9%
4159 E2	PINE, DISTURBED (25-49% EXOTICS)	0.19 Ac.±	0.0%
4159 E3	PINE, DISTURBED (50-75% EXOTICS)	0.85 Ac.±	0.1%
424	MELALEUCA	2.70 Ac.±	0.3%
4241	MELALEUCA, HYDRIC	3.68 Ac.±	0.4%
4241*	MELALEUCA, OSW	0.32 Ac.±	0.0%
514	DITCH	6.34 Ac.±	0.7%
520	LAKE	314.79 Ac.±	35.5%
6219 E2	CYPRESS, DISTURBED (25-49% EXOTICS)	1.46 Ac.±	0.2%
6219 E4	CYPRESS, DISTURBED (76-100% EXOTICS)	1.92 Ac.±	0.2%
6249 E2	CYPRESS/PINE/CABBAGE PALM, DISTURBED (25-49% EXOTICS)	2.79 Ac.±	0.3%
6249 E3	CYPRESS/PINE/CABBAGE PALM, DISTURBED (50-75% EXOTICS)	1.99 Ac.±	0.2%
6249 E4	CYPRESS/PINE/CABBAGE PALM, DISTURBED (76-100% EXOTICS)	5.37 Ac.±	0.6%
6259 E2	PINE, HYDRIC, DISTURBED (25-49% EXOTICS)	2.01 Ac.±	0.2%
6259 E3	PINE, HYDRIC, DISTURBED (50-75% EXOTICS)	1.85 Ac.±	0.2%
6259 E4	PINE, HYDRIC, DISTURBED (76-100% EXOTICS)	2.29 Ac.±	0.3%
6419 E1	FRESHWATER MARSH, DISTURBED (0-24% EXOTICS)	0.22 Ac.±	0.0%
6439 E1	WET PRAIRIES, DISTURBED (0-24% EXOTICS)	3.53 Ac.±	0.4%
6439 E3	WET PRAIRIES, DISTURBED (50-75% EXOTICS)	1.65 Ac.±	0.2%
740	DISTURBED LAND	13.83 Ac.±	1.6%
7401	DISTURBED LAND, HYDRIC	41.70 Ac.±	4.7%
7401*	DISTURBED LAND, OSW	5.83 Ac.±	0.7%
742	BORROW AREA	34.53 Ac.±	3.9%
743	SPOIL AREA	0.18 Ac.±	0.0%
747	BERM	6.22 Ac.±	0.7%
814	ROAD	1.20 Ac.±	0.1%
	TOTAL	887.02 Ac.±	100.0%

NOTES:

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

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

UPLAND/WETLAND LIMITS PER MORRIS-DEPEW DRAWING No.11081 WETLANDS WITH TRANSECTS TO PASSARELLA WITH MISSING WETLANDS.DWG DATED JUNE 26, 2012.

PROPERTY BOUNDARY PER BARRACO & ASSOCIATES DRAWING No.23115A00-OPT5.DWG DATED DECEMBER 16, 2013.

J:\2011\11ALD2037\DWGS\FIGURE 2 FLUCFCS MAP 12-18-13.dwg Tab: Figure 2 Dec 18, 2013 - HUMAN PLOTTED BY: PHILIPE LEMES

DRAWN BY	DATE
H.H.	6/26/12
REVIEWED BY	DATE
M.B.	6/26/12
REVISED	DATE
H.H.	12/18/13

13620 Metropolis Avenue
Suite 200
Fort Myers, Florida 33912
Phone (239) 274-0067
Fax (239) 274-0069

PASSARELLA & ASSOCIATES INC

CENTERPLACE

FLUCFCS MAP

DRAWING No.	11ALD2037
SHEET No.	FIGURE 2

Table 1. (Continued)

FLUCFCS Code	Description	Acreage	Percent of Total
3219 E2	Palmetto Prairie, Disturbed (25-49% Exotics)	0.37	<0.1
4119 E1	Pine Flatwoods, Disturbed (0-24% Exotics)	1.01	0.1
4119 E2	Pine Flatwoods, Disturbed (25-49% Exotics)	1.50	0.3
4119 E3	Pine Flatwoods, Disturbed (50-75% Exotics)	2.27	0.3
4119 E4	Pine Flatwoods, Disturbed (76-100% Exotics)	7.89	0.9
4159 E2	Pine, Disturbed (25-49% Exotics)	0.19	<0.1
4159 E3	Pine, Disturbed (50-75% Exotics)	0.85	0.1
424	Melaleuca	2.70	0.3
4241	Melaleuca, Hydric	3.58	0.4
4241*	Melaleuca, OSW	0.32	<0.1
514	Ditch	6.34	0.7
520	Lake	314.79	35.5
6219 E2	Cypress, Disturbed (25-49% Exotics)	1.46	0.2
6219 E4	Cypress, Disturbed (76-100% Exotics)	1.92	0.2
6249 E2	Cypress/Pine/Cabbage Palm, Disturbed (25-49% Exotics)	2.79	0.3
6249 E3	Cypress/Pine/Cabbage Palm, Disturbed (50-75% Exotics)	1.99	0.2
6249 E4	Cypress/Pine/Cabbage Palm, Disturbed (76-100% Exotics)	5.38	0.6
6259 E2	Pine, Hydric, Disturbed (25-49% Exotics)	2.01	0.2
6259 E3	Pine, Hydric, Disturbed (50-75% Exotics)	1.85	0.2
6259 E4	Pine, Hydric, Disturbed (76-100% Exotics)	2.29	0.3
6419 E1	Freshwater Marsh, Disturbed (0-24% Exotics)	0.22	<0.1
6439 E1	Wet Prairies, Disturbed (0-24% Exotics)	3.53	0.4
6439 E3	Wet Prairies, Disturbed (50-75% Exotics)	1.65	0.2
740	Disturbed Land	13.83	1.6
7401	Disturbed Land, Hydric	41.70	4.7
7401*	Disturbed Land, OSW	5.83	0.7
742	Borrow Area	34.53	3.9
743	Spoil Area	0.18	<0.1
747	Berm	6.22	0.7
814	Road	1.20	0.1
Total		**887.02**	**100.0**

Mining Operations (FLUCFCS Code 168)
This former mining area occupies 413.68± acres or 46.6 percent of the property. The mining operation ceased in 2007 and was left to re-vegetate via natural recruitment. The canopy is mostly open with scattered melaleuca, lead tree (*Leucaena leucocephala*), Australian pine (*Casuarina* sp.), and live oak (*Quercus virginiana*). The sub-canopy is similar to the canopy with scattered wax myrtle (*Myrica cerifera*) and Carolina willow (*Salix caroliniana*). The ground cover is dominated by cogongrass and spermacoce (*Spemacoce verticilatta*).

Shrub and Brushland, Disturbed (25-49% Exotics) (FLUCFCS Code 3209 E2)
This community occupies 1.05± acres or 0.1 percent of the property. The canopy is open with scattered melaleuca. The sub-canopy contains wax myrtle, saltbush (*Baccharis halimifolia*), slash pine (*Pinus elliottii*), melaleuca, and Brazilian pepper. The ground cover includes saw palmetto (*Serenoa repens*), broomsedge (*Andropogon virginicus*), melaleuca, bracken fern (*Pteridium aquilinum*), Bermuda grass (*Cynodon dactylon*), and spermacoce.

Palmetto Prairie, Disturbed (0-24% Exotics) (FLUCFCS Code 3219 E1)
This community occupies 1.90± acres or 0.2 percent of the property. The canopy contains scattered slash pine and melaleuca. The sub-canopy consists of slash pine, melaleuca, wax myrtle, and Brazilian pepper. The ground cover is dominated by saw palmetto.

Palmetto Prairie, Disturbed (25-49% Exotics) (FLUCFCS Code 3219 E2)
This community occupies 0.37± acre or less than 0.1 percent of the property. The vegetation composition in this community is similar to FLUCFCS Code 3219 E1, except Brazilian pepper and melaleuca are more common.

Pine Flatwoods, Disturbed (0-24% Exotics) (FLUCFCS Code 4119 E1)
This community occupies 1.01± acres or 0.1 percent of the property. The canopy contains slash pine and melaleuca. The sub-canopy contains myrsine (*Myrsine cubana*), melaleuca, cabbage palm (*Sabal palmetto*), and Brazilian pepper. The ground cover includes saw palmetto, spermacoce, Brazilian pepper, bracken fern, wiregrass (*Aristida stricta*), and gulfdune paspalum (*Paspalum monostachyum*).

Pine Flatwoods, Disturbed (25-49% Exotics) (FLUCFCS Code 4119 E2)
This community occupies 1.50± acres or 0.2 percent of the property. The vegetation composition in this community is similar to FLUCFCS Code 4119 E1, except Brazilian pepper and melaleuca are more common.

Pine Flatwoods, Disturbed (50-75% Exotics) (FLUCFCS Code 4119 E3)
This community occupies 2.27± acres or 0.3 percent of the property. The vegetation composition in this community is similar to FLUCFCS Code 4119 E2, except Brazilian pepper and melaleuca are more common.

Pine Flatwoods, Disturbed (76-100% Exotics) (FLUCFCS Code 4119 E4)
This community occupies 7.89± acres or 0.9 percent of the property. The vegetation composition in this community is similar to FLUCFCS Code 4119 E3, except Brazilian pepper and melaleuca are more common.

Pine, Disturbed (25-49% Exotics) (FLUCFCS Code 4159 E2)
This community occupies 0.19± acre or less than 0.1 percent of the property. The canopy contains slash pine and melaleuca. The sub-canopy consists of Brazilian pepper, melaleuca, slash pine, and myrsine. The ground cover includes wiregrass, spermacoce, cogongrass, and scattered saw palmetto.

Pine, Disturbed (50-75% Exotics) (FLUCFCS Code 4159 E3)
This community occupies 0.85± acre or 0.1 percent of the property. The vegetation composition in this community is similar to FLUCFCS Code 4159 E2, except melaleuca, Brazilian pepper, and cogongrass are more common.

Melaleuca (FLUCFCS Code 424)
This community occupies 2.70± acres or 0.8 percent of the property. The canopy and sub-canopy are dominated by melaleuca with scattered slash pine and Brazilian pepper. The ground cover includes Bermuda grass with scattered saw palmetto and Brazilian pepper.

Melaleuca, Hydric (FLUCFCS Code 4241)
This community occupies 3.58± acres or 0.4 percent of the property. The canopy is dominated by melaleuca. The sub-canopy contains melaleuca with scattered slash pine. The ground cover includes muhlygrass (*Muhlenbergia capillaris*), Asiatic pennywort (*Centella asiatica*), torpedograss (*Panicum repens*), broomsedge, Brazilian pepper, yellow-eyed grass (*Xyris* sp.), fingergrass (*Eustachys* sp.), little blue maidencane (*Amphicarpum muhlenbergianum*), nutrush (*Scleria* sp.), beaksedge (*Rhynchospora microcarpa*), and knotroot foxtail (*Setaria parviflora*).

Melaleuca, OSW (FLUCFCS Code 4241)
This community occupies 0.32± acre or less than 0.1 percent of the property. The canopy is dominated by melaleuca. The sub-canopy contains melaleuca with scattered slash pine. The ground cover includes muhlygrass, Asiatic pennywort, torpedograss, broomsedge, Brazilian pepper, yellow-eyed grass, fingergrass, little blue maidencane, nutrush, beaksedge, and knotroot foxtail.

Ditch (FLUCFCS Code 514)
Ditches occupy 6.34± acres or 0.7 percent of the property. The canopy is open. The sub-canopy contains scattered primrose willow (*Ludwigia peruviana*). The ground cover includes torpedograss, cattail (*Typha* sp.), maidencane (*Panicum hemitomon*), and paragrass (*Urochloa mutica*).

Lake (FLUCFCS Code 520)
Lakes occupy 314.79± acres or 35.5 percent of the property. The margins of the lake are lined with cattail. The canopy and sub-canopy are open.

Cypress, Disturbed (25-49% Exotics) (FLUCFCS Code 6219 E2)
This community type occupies 1.46± acres or 0.2 percent of the property. The canopy contains bald cypress (*Taxodium distichum*) and melaleuca. The sub-canopy consists of bald cypress, wax myrtle, Brazilian pepper, cabbage palm, cocoplum, and swamp bay (*Persea palustris*). The ground cover includes swamp fern, Asiatic pennywort, maidencane, torpedograss, carpetweed

(*Phyla nodiflora*), water pennywort (*Hydrocotyle umbellata*), bog hemp (*Boehmeria cylindrica*), loosestrife (*Lythrum alatum*), climbing hempvine (*Mikania scandens*), and leather fern (*Acrostichum danaeifoilum*).

Cypress, Disturbed (76-100% Exotics) (FLUCFCS Code 6219 E4)
This community type occupies 1.92± acres or 0.2 percent of the property. The vegetation composition in this community is similar to FLUCFCS Code 6219 E2, except Brazilian pepper and melaleuca are more common.

Cypress/Pine/Cabbage Palm, Disturbed (25-49% Exotics) (FLUCFCS Code 6249 E2)
This community type occupies 2.79± acres or 0.3 percent of the property. The canopy consists of slash pine, bald cypress, melaleuca, and scattered cabbage palm. The sub-canopy consists of slash pine, bald cypress, melaleuca, wax myrtle, and Brazilian pepper. The ground cover includes white-top sedge (*Rhynchospora colorata*), knotroot foxtail, beaksedge, little blue maidencane, rosy camphorweed (*Pluchea rosea*), pineland heliotrope (*Heliotropium polyphyllum*), and Leavenworth's tickseed (*Coreopsis leavenworthii*).

Cypress/Pine/Cabbage Palm, Disturbed (50-75% Exotics) (FLUCFCS Code 6249 E3)
This community type occupies 1.99± acres or 0.2 percent of the property. The vegetation composition in this community is similar to FLUCFCS Code 6249 E2, except Brazilian pepper and melaleuca are more common.

Cypress/Pine/Cabbage Palm, Disturbed (76-100% Exotics) (FLUCFCS Code 6249 E4)
This community type occupies 5.38± acres or 0.6 percent of the property. The vegetation composition in this community is similar to FLUCFCS Code 6249 E3, except Brazilian pepper and melaleuca are more common.

Pine, Hydric, Disturbed (25-49% Exotics) (FLUCFCS Code 6259 E2)
This community type occupies 2.01± acres or 0.2 percent of the property. The canopy consists of slash pine and melaleuca. The sub-canopy consists of slash pine, melaleuca, wax myrtle, and Brazilian pepper. The ground cover includes white-top sedge, knotroot foxtail, beaksedge, little blue maidencane, rosy camphorweed, pineland heliotrope, torpedograss, Leavenworth's tickseed, and gulfdune paspalum.

Pine, Hydric, Disturbed (50-75% Exotics) (FLUCFCS Code 6259 E3)
This community type occupies 1.85± acres or 0.2 percent of the property. The vegetation composition in this community is similar to FLUCFCS Code 6259 E2, except Brazilian pepper and melaleuca are more common.

Pine, Hydric, Disturbed (76-100% Exotics) (FLUCFCS Code 6259 E4)
This community type occupies 2.29± acres or 0.3 percent of the property. The vegetation composition in this community is similar to FLUCFCS Code 6259 E3, except Brazilian pepper and melaleuca are more common.

Freshwater Marsh, Disturbed (0-24% Exotics) (FLUCFCS Code 6419 E1)
This community type occupies 0.22± acre or less than 0.1 percent of the property. The canopy is open. The sub-canopy contains Carolina willow. The ground cover includes cattail, maidencane, and fireflag (*Thalia geniculata*).

Wet Prairies, Disturbed (0-24% Exotics) (FLUCFCS Code 6439 E1)
This community type occupies 3.53± acres or 0.4 percent of the property. The canopy is open. The sub-canopy consists of melaleuca, wax myrtle, and slash pine. The ground cover includes gulfdune paspalum, knotroot foxtail, beaksedge, pineland heliotrope, torpedograss, rosy camphorweed, sand cordgrass (*Spartina bakeri*), bushy bluestem (*Andropogon glomeratus*), and scattered saw palmetto.

Wet Prairies, Disturbed (50-75% Exotics) (FLUCFCS Code 6439 E3)
This community type occupies 1.65± acres or 0.2 percent of the property. The vegetation composition in this community is similar to FLUCFCS Code 6439 E1, except melaleuca and torpedograss are more common.

Disturbed Land (FLUCFCS Code 740)
This area occupies 13.83± acres or 1.6 percent of the property. The canopy and sub-canopy cover are mostly open with melaleuca, Brazilian pepper, and slash pine. The ground cover includes carpetweed, bahiagrass (*Paspalum notatum*), beggar-ticks (*Bidens alba*), big carpetgrass (*Axonopus furcatus*), cogongrass, richardia (*Richardia* sp.), and spermacoce.

Disturbed Land, Hydric (FLUCFCS Code 7401)
This area occupies 41.70± acres or 4.7 percent of the property. The canopy and sub-canopy are mostly open with scattered melaleuca, slash pine, and wax myrtle. The ground cover includes torpedograss, beaksedge, white-top sedge, knotroot foxtail, rosy camphorweed, Leavenworth's tickseed, carpetweed, dog fennel (*Eupatorium capillifolium*), rush (*Juncus* sp.), and yellow-eyed grass.

Disturbed Land, OSW (FLUCFCS Code 7401)
This area occupies 5.83± acres or 0.7 percent of the property. The canopy and sub-canopy are mostly open with scattered melaleuca, slash pine, and wax myrtle. The ground cover includes torpedograss, beaksedge, white-top sedge, knotroot foxtail, rosy camphorweed, Leavenworth's tickseed, carpetweed, dog fennel, rush, and yellow-eyed grass.

Borrow Area (FLUCFCS Code 742)
This area occupies 34.53± acres or 3.9 percent of the property. The canopy and sub-canopy cover are open. The ground cover includes cattail and torpedograss.

Spoil Area (FLUCFCS Code 743)
This area occupies 0.18± acre or less than 0.1 percent of the property. The canopy consists of melaleuca. The sub-canopy consists of Brazilian pepper, myrsine, and cabbage palm. The ground cover includes saw palmetto, broomsedge, Brazilian pepper, and Bermuda grass.

Berm (FLUCFCS Code 747)
This area occupies 6.22± acres or 0.7 percent of the property. The canopy consists of scattered Carolina willow, slash pine, melaleuca, cabbage palm, and laurel oak (*Quercus laurifolia*). The sub-canopy consists of wax myrtle, slash pine, and Brazilian pepper. The ground cover is mostly open with scattered saw palmetto and spermacoce.

Road (FLUCFCS Code 814)
Roads occupy 1.20± acres or 0.1 percent of the property. This classification consists of a paved road and an elevated gravel road.

METHODOLOGY AND DISCUSSION

Surveys for Lee County protected species are based on the presence of specific vegetation associations and habitat types as outlined in Appendix H of the LDC. The frequency of transects performed in these habitats were designed to meet the 80 percent minimum coverage requirement. Cursory surveys were also conducted in those habitats not technically required to be surveyed per the LDC. However, based on past experience and conversations with Lee County Division of Environmental Sciences staff, these areas were reviewed for certain protected species as a precautionary measure. Table 2 outlines those protected species that may inhabit or utilize a particular vegetation association.

Table 2. Potential Lee County Protected Species by Habitat Type

FLUCFCS Code and Description		Potential Protected Species
3209 E2	Shrub and Brushland, Disturbed (25-49% Exotics)	Eastern Indigo Snake (*Drymarchon corais couperi*)
		Gopher Frog (*Rana capito*)
		Gopher Tortoise (*Gopherus polyphemus*)
		Crested Caracara (*Caracara cheriway*)
		Florida Sandhill Crane (*Grus canadensis pratensis*)[1]
3219 E1 3219 E2	Palmetto Prairie, Disturbed (0-49% Exotics)	Southeastern American Kestrel (*Falco sparverius paulus*)
		Florida Black Bear (*Ursus americanus floridanus*)
		Beautiful Pawpaw (*Deeringothamnus pulchellus*)
		Curtis Milkweed (*Asclepias curtissii*)
		Fakahatchee Burmannia (*Burmannia flava*)
		Florida Coontie (Zamia floridana)

Table 2. (Continued)

FLUCFCS Code and Description		Potential Protected Species
4119 E1 4119 E2 4119 E3 4119 E4*	Pine Flatwoods, Disturbed (0-100% Exotics)	Eastern Indigo Snake (*Drymarchon corais couperi*)
		Gopher Frog (*Rana capito)*
		Gopher Tortoise (*Gopherus polyphemus*)[2]
		Red-Cockaded Woodpecker (*Picoides borealis*)
		Southeastern American Kestrel (*Falco sparverius paulus*)
4159 E2 4159 E3	Pine, Disturbed (25-75% Exotics)	Big Cypress Fox Squirrel (*Sciurus niger avicennia*)
		Florida Black Bear (*Ursus americanus floridanus*)
		Florida Panther (*Puma concolor coryi*)
		Beautiful Pawpaw (*Deeringothamnus pulchellus*)
		Fakahatchee Burmannia (*Burmannia flava*)
		Florida Coontie (*Zamia floridana*)
		Satinleaf (*Crysophyllum olivaeforme*)
424*	Melaleuca	Big Cypress Fox Squirrel (*Sciurus niger avicennia*)
4241*	Melaleuca, Hydric Melaleuca, OSW	Little Blue Heron (*Egretta caerulea*)
		Snowy Egret (*Egretta thula*)
		Tri-Colored Heron (*Egretta tricolor*)
		Big Cypress Fox Squirrel (*Sciurus niger avicennia*)
514 520	Ditch Lake	American Alligator (*Alligator mississippiensis*)
		Limpkin (*Aramus guarauna*)
		Little Blue Heron (*Egretta caerulea*)
		Reddish Egret (*Egretta rufescens*)
		Roseate spoonbill (*Ajaia ajaja*)
		Snail Kite (*Rostrhamus sociabilis*)
		Snowy Egret (*Egretta thula*)
		Tri-Colored Heron (*Egretta tricolor*)
		Everglades Mink (*Mustela vison evergladensis*)
6219 E2 6219 E4*	Cypress, Disturbed (25-100% Exotics)	American Alligator (*Alligator mississippiensis*)
		Gopher Frog (*Rana capito*)
		Arctic Peregrine Falcon (*Falco peregrinus tundrius*)
		Limpkin (*Aramus guarauna*)

Table 2. (Continued)

FLUCFCS Code and Description		Potential Protected Species
6219 E2 6219 E4* (Continued)	Cypress, Disturbed (25-100% Exotics)	Little Blue Heron (*Egretta caerulea*)
		Snowy Egret (*Egretta thula*)
		Tri-Colored Heron (*Egretta tricolor*)
		Wood Stork (*Mycteria americana*)
		Big Cypress Fox Squirrel (*Sciurus niger avicennia*)
		Everglades Mink (*Mustela vison evergladensis*)
		Florida Black Bear (*Ursus americanus floridanus*)
		Florida Panther (*Puma concolor coryi*)
6249 E2 6249 E3 6249 E4*	Cypress/Pine/Cabbage Palm, Disturbed (25-100% Exotics)	Gopher Frog (*Rana capito*)
		Arctic Peregrine Falcon (*Falco peregrinus tundrius*)
		Little Blue Heron (*Egretta caerulea*)
		Red-Cockaded Woodpecker (*Picoides borealis*)
		Snowy Egret (*Egretta thula*)
		Tri-Colored Heron (*Egretta tricolor*)
		Big Cypress Fox Squirrel (*Sciurus niger avicennia*)
		Everglades Mink (*Mustela vison evergladensis*)
		Florida Black Bear (*Ursus americanus floridanus*)
		Florida Panther (*Puma concolor coryi*)
6259 E2 6259 E3 6259 E4*	Pine, Hydric, Disturbed (25-100% Exotics)	Gopher Frog (*Rana capito*)
		Arctic Peregrine Falcon (*Falco peregrinus tundrius*)
		Little Blue Heron (*Egretta caerulea*)
		Red-Cockaded Woodpecker (*Picoides borealis*)
		Snowy Egret (*Egretta thula*)
		Tri-Colored Heron (*Egretta tricolor*)
		Big Cypress Fox Squirrel (*Sciurus niger avicennia*)
		Everglades Mink (*Mustela vison evergladensis*)
6419 E1	Freshwater Marsh, Disturbed (0-24% Exotics)	American Alligator (*Alligator mississippiensis*)
		Florida Sandhill Crane (*Grus canadensis pratensis*)
		Limpkin (*Aramus guarauna*)
		Little Blue Heron (*Egretta caerulea*)
		Reddish Egret (*Egretta rufescens*)

Table 2. (Continued)

FLUCFCS Code and Description		Potential Protected Species
6419 E1 (Continued)	Freshwater Marsh, Disturbed (0-24% Exotics)	Snail Kite (*Rhostramus sociobilis*)
		Snowy Egret (*Egretta thula*)
		Tri-Colored Heron (*Egretta tricolor*)
		Wood Stork (*Mycteria americana*)
		Everglades Mink (*Mustela vison evergladensis*)
6439 E1 6439 E3	Wet Prairies, Disturbed (0-24%; 50-75% Exotics)	Limpkin (*Aramus guarauna*)
		Little Blue Heron (*Egretta caerulea*)
		Reddish Egret (*Egretta rufescens*)
		Snail Kite (*Rhostramus sociobilis*)
		Snowy Egret (*Egretta thula*)
740*	Disturbed Land	Gopher Tortoise (*Gopherus polyphemus*)
7401*	Disturbed Land, Hydric Disturbed Land, OSW	Florida Sandhill Crane (*Grus canadensis pratensis*)[3]
		Florida Panther (*Puma concolor coryi*)[1]
742*	Borrow Area	American Alligator (*Alligator mississippiensis*)
		Limpkin (*Aramus guarauna*)
		Little Blue Heron (*Egretta caerulea*)
		Reddish Egret (*Egretta rufescens*)
		Roseate spoonbill (*Ajaia ajaja*)
		Snowy Egret (*Egretta thula*)
		Tri-Colored Heron (*Egretta tricolor*)
		Everglades Mink (*Mustela vison evergladensis*)
743	Spoil Area	Gopher Tortoise (*Gopherus polyphemus*)
747*	Berm	Gopher Tortoise (*Gopherus polyphemus*)
814	Road	N/A

[1]Only when associated with large adjacent woodlands.
[2]Mesic and xeric 411 only.
[3] Only when associated with vegetated non-forested wetlands.
*Habitat surveyed for the species noted, although not required per the LDC.
N/A = Not Applicable

The PSS for the Project was conducted by PAI on February 8 and 9, 2012. Surveys were conducted during the daylight hours. Weather conditions on-site at the start of each day during the survey period are summarized in Table 3. The type of survey utilized for the PSS included meandering pedestrian transects, per WilsonMiller, Inc. methodology, previously approved by Lee County. The edges of the historical mining lakes were surveyed for species listed by Appendix H of the LDC as occurring in the FLUCFCS series 500.

Table 3. Survey Weather Conditions

Survey Date	Weather Conditions
February 8, 2012	Temperatures in the mid 60's, overcast, winds NE 5-10 mph
February 9, 2012	Temperatures in the mid 60's, partly cloudy, winds NE 5-10 mph

Visibility in the surveyed habitats varied due to the density of vegetation. A summary of the limits of visibility, number, length of transects walked, and percent of coverage by habitat type is provided in Table 4. These summaries are not provided for habitats not technically required to be surveyed per the LDC, unless a Lee County protected species was observed within that habitat. As a precautionary measure, habitats that exceeded 75 percent coverage by exotic species were surveyed, but transect length, average visibility, and percent coverage were not calculated, unless a Lee County protected species was observed within that habitat (Table 4).

Table 4. Summary of Habitat Coverage

FLUCFCS Code	Description	Total Area (Acres)	Transect Length (Feet)	Average Visibility (Feet)[1]	Percent Coverage
168	Mining Operations	413.68	--	--	--
3209 E2	Shrub and Brushland, Disturbed (25-49% Exotics)	1.05	732	25	80
3219 E1	Palmetto Prairie, Disturbed (0-24% Exotics)	1.90	1,324	25	80
3219 E2	Palmetto Prairie, Disturbed (25-49% Exotics)	0.37	258	25	80
4119 E1	Pine Flatwoods, Disturbed (0-24% Exotics)	1.01	704	25	80
4119 E2	Pine Flatwoods, Disturbed (25-49% Exotics)	1.50	1,045	25	80
4119 E3	Pine Flatwoods, Disturbed (50-75% Exotics)	2.27	1,582	25	80
4119 E4*	Pine Flatwoods, Disturbed (76-100% Exotics)	7.89	2,750	25	80
4159 E2	Pine, Disturbed (25-49% Exotics)	0.19	66	50	80
4159 E3	Pine, Disturbed (50-75% Exotics)	0.85	296	50	80
424*	Melaleuca	2.70	--	--	--
4241*	Melaleuca, Hydric	3.58	--	--	--
4241*	Melaleuca, OSW	0.32	--	--	--

Table 4. (Continued)

FLUCFCS Code	Description	Total Area (Acres)	Transect Length (Feet)	Average Visibility (Feet)[1]	Percent Coverage
514	Ditch	6.34		100	80
520	Lake[2]	314.79	6,856	100	10
6219 E2	Cypress, Disturbed (25-49% Exotics)	1.46	509	50	80
6219 E4*	Cypress, Disturbed (76-100% Exotics)	1.92	669	50	80
6249 E2	Cypress/Pine/Cabbage Palm, Disturbed (25-49% Exotics)	2.79	972	50	80
6249 E3	Cypress/Pine/Cabbage Palm, Disturbed (50-75% Exotics)	1.99	693	50	80
6249 E4*	Cypress/Pine/Cabbage Palm, Disturbed (76-100% Exotics)	5.38	1,875	50	80
6259 E2	Pine, Hydric, Disturbed (25-49% Exotics)	2.01	700	50	80
6259 E3	Pine, Hydric, Disturbed (50-75% Exotics)	1.85	645	50	80
6259 E4*	Pine, Hydric, Disturbed (76-100% Exotics)	2.29	532	50	80
6419 E1	Freshwater Marsh, Disturbed (0-24% Exotics)	0.22	51	75	80
6439 E1	Wet Prairies, Disturbed (0-24% Exotics)	3.53	820	75	80
6439 E3	Wet Prairies, Disturbed (50-75% Exotics)	1.65	383	75	80
740*	Disturbed Land	13.83	2,410	100	80
7401*	Disturbed Land, Hydric	41.70	7,266	100	80
7401*	Disturbed Land, OSW	5.83	1,016	100	80
742*	Borrow Area	34.53	--	--	-
743	Spoil Area	0.18	63	50	80
747*	Berm	6.22	--	--	--
814*	Road	1.20	--	--	--
Total		**887.02**	--	--	--

[1]Average visibility to one side of transect.
[2]Only lake margins surveyed.
*Habitat surveyed as a precautionary measure, although not required per the LDC.

SURVEY RESULTS

During the surveys, a total of four Lee County protected species were documented on the Project site (Figure 3). An aerial photograph with the survey transects and protected species observations are provided as Appendix A.

The protected wildlife species documented by PAI included one American alligator (*Alligator mississippiensis*), one little blue heron (*Egretta caerulea*), one Florida black bear (*Ursus americanus floridanus*), and sign of the Florida panther (*Puma concolor coryi*).

The American alligator observed during the survey was basking along the edge of the lake. The American alligator is listed as a species of special concern by the Florida Fish and Wildlife Conservation Commission (FWCC) and a threatened species by the U.S. Fish and Wildlife Service (USFWS), due to similarity of appearance to the American crocodile (*Crocodylus acutus*).

The little blue heron observed during the survey was foraging along the lake edge. The little blue heron is listed as a species of special concern by the State of Florida.

The Florida black bear observed during the survey was lying within a disturbed land, hydric area. In addition, three Florida black bear scratch trees were observed on the central portion of the site. The Florida black bear is listed as threatened by the FWCC.

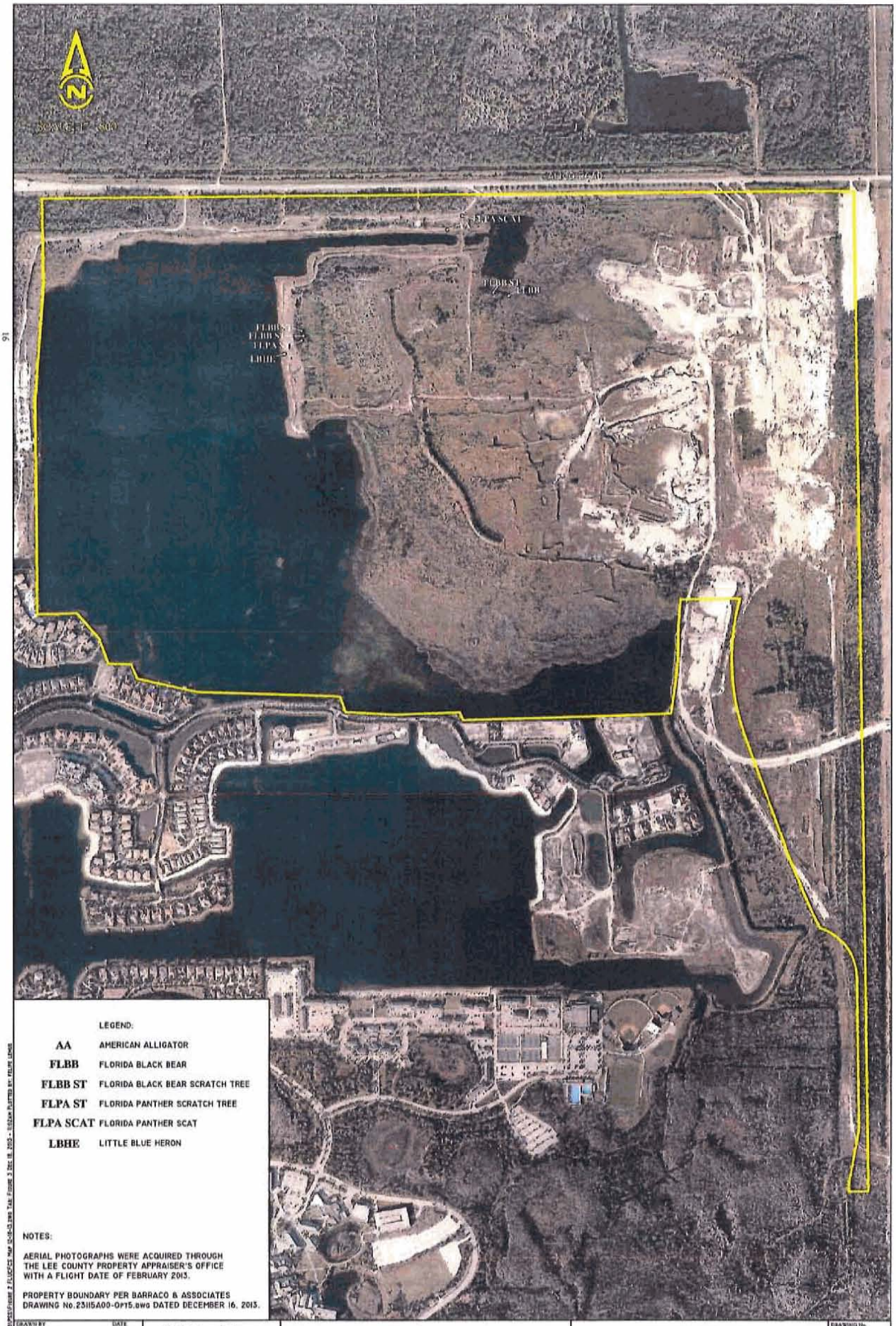
While no direct observations of the Florida panther occurred, sign of their presence was documented. Florida panther scat was observed in one location in the north-central portion of the site. In addition, one Florida panther scratch tree was observed near the central portion of the site. The Florida panther is listed as an endangered species by the FWCC and the USFWS.

No Lee County protected plant species were documented on-site. However, occurrences of the State listed plant species pinepink (*Bletia purpurea*) was identified on-site. This species is listed as threatened by the State of Florida.

ABUNDANCE OF PROTECTED SPECIES OBSERVED

Density calculations are provided for each Lee County protected species documented within each habitat type. Separate calculations will be provided if more than one of the same protected species is observed within different habitat types. Please note that density estimates for wildlife species will only be provided for direct sightings. Density calculations will not be provided for protected plant species unless there is a carrying capacity for that species. Therefore, while signs and/or tracks were observed for the Florida panther, no density calculation is provided as the species was not directly observed.

The Lee County protected species abundance calculations are provided in Table 5, while Table 6 summarizes the protected species survey findings.



LEGEND:	
AA	AMERICAN ALLIGATOR
FLBB	FLORIDA BLACK BEAR
FLBB ST	FLORIDA BLACK BEAR SCRATCH TREE
FLPA ST	FLORIDA PANTHER SCRATCH TREE
FLPA SCAT	FLORIDA PANTHER SCAT
LBHE	LITTLE BLUE HERON

NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF FEBRUARY 2013.

PROPERTY BOUNDARY PER BARRACO & ASSOCIATES DRAWING No.23115A00-Op15.dwg DATED DECEMBER 16, 2013.

DRAWN BY: P.F./F.L.	DATE: 6/26/12
REVIEWED BY: M.B.	DATE: 6/26/12
REVISED: H.H.	DATE: 12/18/13

13620 Metropolis Avenue
Suite 200
Fort Myers, Florida 33912
Phone (239) 274-0067
Fax (239) 274-0069

PASSARELLA & ASSOCIATES, INC.

CENTERPLACE

AERIAL WITH PROTECTED SPECIES LOCATIONS

DRAWING No. 11ALD2037

SHEET No. FIGURE 3

Table 5. Lee County Protected Species Abundance Calculations

Protected Species Density:

$$= \{n/[L_1(W_1+W_2)]\}(43{,}560\ ft^2/ac.)$$

where n = Number of individuals observed
L_1 = Length of transect (feet)
W_1 = Distance of visibility to the right of transect (feet)
W_2 = Distance of visibility to the left of transect (feet)

American Alligator

FLUCFCS Code 520

= {1 / [(6,856 ft.) (100 ft. + 100 ft.)]}(43,560)
= {1 / 1,371,200}(43,560)
= $\{7.29 \times 10^{-7}\}(43{,}560)$
= 0.03 American alligator/acre

Little Blue Heron

FLUCFCS Code 520

= {1 / [(6,856 ft.) (100 ft. + 100 ft.)]}(43,560)
= {1 / 1,371,200}(43,560)
= $\{7.29 \times 10^{-7}\}(43{,}560)$
= 0.03 Little blue heron/acre

Florida Black Bear

FLUCFCS Code 7401

= {1 / [(7,266 ft.) (100 ft. + 100 ft.)]}(43,560)
= {1 / 1,473,800}(43,560)
= $\{6.88 \times 10^{-7}\}(43{,}560)$
= 0.02 Florida black bear/acre

Table 6. Lee County Protected Species Survey Summary

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Present	Absent	Density (Per Acre)
Reptiles					
American Alligator (*Alligator mississippiensis*)	514	80		X	
	520	10	X		0.03
	6219 E2	80		X	
	6419 E1	80		X	
	742	60		X	
Eastern Indigo Snake (*Drymarchon corais couperi*)	3209 E2	80		X	
	3219 E1	80		X	
	3219 E2	80		X	
	4119 E1	80		X	
	4119 E2	80		X	
	4119 E3	80		X	
	4159 E2	80		X	
	4159 E3	80		X	
Gopher Frog (*Rana capito*)	3209 E2	80		X	
	3219 E1	80		X	
	3219 E2	80		X	
	4119 E1	80		X	
	4119 E2	80		X	
	4119 E3	80		X	
	4159 E2	80		X	
	4159 E3	80		X	
	6219 E2	80		X	
	6249 E2	80		X	
	6249 E3	80		X	
	6259 E2	80		X	
	6259 E3	80		X	
Gopher Tortoise (*Gopherus polyphemus*)	3219 E1	80		X	
	3219 E2	80		X	
	4119 E1	80		X	
	4119 E2	80		X	
	4119 E3	80		X	
	4159 E2	80		X	
	4159 E3	80		X	
	743	60		X	
Birds					
Arctic Peregrine Falcon (*Falco peregrinus tundrius*)	6219 E2	80		X	
	6249 E2	80		X	

Table 6. (Continued)

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Present	Absent	Density (Per Acre)
Birds (Continued)					
Arctic Peregrine Falcon (*Falco peregrinus tundrius*) (Continued)	6249 E3	80		X	
	6259 E2	80		X	
	6259 E3	80		X	
Crested Caracara (*Caracara cheriway*)	3209 E2	80		X	
	3219 E1	80		X	
	3219 E2	80		X	
Florida Sandhill Crane (*Grus canadensis pratensis*)	3209 E2	80		X	
	3219 E1	80		X	
	3219 E2	80		X	
	6419 E1	80		X	
Limpkin (*Aramus guarauna*)	514	80		X	
	520	10		X	
	6219 E2	80		X	
	6419 E1	80		X	
	6439 E1	80		X	
	6439 E2	80		X	
	6439 E3	80		X	
Little Blue Heron (*Egretta caerulea*)	514	80		X	
	520	10	X		0.03
	6219 E2	80		X	
	6249 E2	80		X	
	6249 E3	80		X	
	6259 E2	80		X	
	6259 E3	80		X	
	6419 E1	80		X	
	6439 E1	80		X	
	6439 E2	80		X	
	6439 E3	80		X	
Red-Cockaded Woodpecker (*Picoides borealis*)	4119 E1	80		X	
	4119 E2	80		X	
	4119 E3	80		X	
	4159 E2	80		X	
	4159 E3	80		X	
	6249 E2	80		X	
	6249 E3	80		X	
	6259 E2	80		X	
	6259 E3	80		X	

Table 6. (Continued)

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Present	Absent	Density (Per Acre)
Birds (Continued)					
Reddish Egret (*Egretta rufescens*)	514	80		X	
	520	10		X	
	6419 E1	80		X	
	6439 E1	80		X	
	6439 E2	80		X	
	6439 E3	80		X	
Roseate Spoonbill (*Ajaia ajaja*)	514	80		X	
	520	10		X	
Snail Kite (*Rhostramus sociobilis*)	6419 E1	80		X	
	6439 E1	80		X	
	6439 E2	80		X	
	6439 E3	80		X	
Snowy Egret (*Egretta thula*)	514	80		X	
	520	10		X	
	6219 E2	80		X	
	6249 E2	80		X	
	6249 E3	80		X	
	6259 E2	80		X	
	6259 E3	80		X	
	6419 E1	80		X	
	6439 E1	80		X	
	6439 E2	80		X	
	6439 E3	80		X	
Southeastern American Kestrel (*Falco sparverius paulus*)	3209 E2	80		X	
	3219 E1	80		X	
	3219 E2	80		X	
	4119 E1	80		X	
	4119 E2	80		X	
	4119 E3	80		X	
	4159 E2	80		X	
	4159 E3	80		X	
Tri-Colored Heron (*Egretta tricolor*)	514	80		X	
	520	10		X	
	6219 E2	80		X	
	6249 E2	80		X	
	6249 E3	80		X	
	6259 E2	80		X	
	6259 E3	80		X	

Table 6. (Continued)

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Present	Absent	Density (Per Acre)
Birds (Continued)					
Tri-Colored Heron (*Egretta tricolor*) (Continued)	6419 E1	80		X	
	6439 E1	80		X	
	6439 E2	80		X	
	6439 E3	80		X	
Wood Stork (*Mycteria americana*)	6219 E2	80		X	
	6419 E1	80		X	
	6439 E1	80		X	
	6439 E2	80		X	
	6439 E3	80		X	
Mammals					
Big Cypress Fox Squirrel (*Sciurus niger avicennia*)	4119 E1	80		X	
	4119 E2	80		X	
	4119 E3	80		X	
	4159 E2	80		X	
	4159 E3	80		X	
	6219 E2	80		X	
	6249 E2	80		X	
	6249 E3	80		X	
	6259 E2	80		X	
	6259 E3	80		X	
Everglades Mink (*Mustela vison evergladensis*)	514	80		X	
	520	10		X	
	6219 E2	80		X	
	6249 E2	80		X	
	6249 E3	80		X	
	6259 E2	80		X	
	6259 E3	80		X	
	6419 E1	80		X	
	6439 E1	80		X	
	6439 E2	80		X	
	6439 E3	80		X	
Florida Black Bear (*Ursus americanus floridanus*)	3209 E2	80		X	
	3219 E1	80		X	
	3219 E2	80		X	
	4119 E1	80		X	
	4119 E2	80		X	
	4119 E3	80		X	
	4159 E2	80		X	

Table 6. (Continued)

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Present	Absent	Density (Per Acre)
Mammals (Continued)					
Florida Black Bear (*Ursus americanus floridanus*) (Continued)	4159 E3	80		X	
	6219 E2	80		X	
	6249 E2	80		X	
	6249 E3	80		X	
	7401*		X		0.02
Florida Panther (*Puma concolor coryi*)	4119 E1	80		X	
	4119 E2	80		X	
	4119 E3	80		X	
	4159 E2	80		X	
	4159 E3	80		X	
	6219 E2	80		X	
	6249 E2	80		X	
	6249 E3	80		X	
	7401*		X		N/A
Plants					
Beautiful Pawpaw (*Deeringothamnus pulchellus*)	3209 E2	80		X	
	3219 E1	80		X	
	3219 E2	80		X	
	4119 E1	80		X	
	4119 E2	80		X	
	4119 E3	80		X	
	4159 E2	80		X	
	4159 E3	80		X	
Curtis Milkweed (*Asclepias curtissii*)	3209 E2	80		X	
	3219 E1	80		X	
	3219 E2	80		X	
Fakahatchee Burmannia (*Burmannia flava*)	3209 E2	80		X	
	3219 E1	80		X	
	3219 E2	80		X	
	4119 E1	80		X	
	4119 E2	80		X	
	4119 E3	80		X	
	4159 E2	80		X	
	4159 E3	80		X	
Florida Coontie (*Zamia floridana*)	3209 E2	80		X	
	3219 E1	80		X	
	3219 E2	80		X	
	4119 E1	80		X	
	4119 E2	80		X	

Table 6. (Continued)

Protected Species	FLUCFCS Code/Area	Percent Area Surveyed	Present	Absent	Density (Per Acre)
Plants (Continued)					
Florida Coontie (*Zamia floridana*) (Continued)	4119 E3	80		X	
	4159 E2	80		X	
	4159 E3	80		X	
Satinleaf (*Crysophyllum olivaeforme*)	4119 E1	80		X	
	4119 E2	80		X	
	4119 E3	80		X	
	4159 E2	80		X	
	4159 E3	80		X	

*FLUCFCS Code added to species habitat list based upon observations during survey.
N/A = Not Applicable

MANAGEMENT PLAN

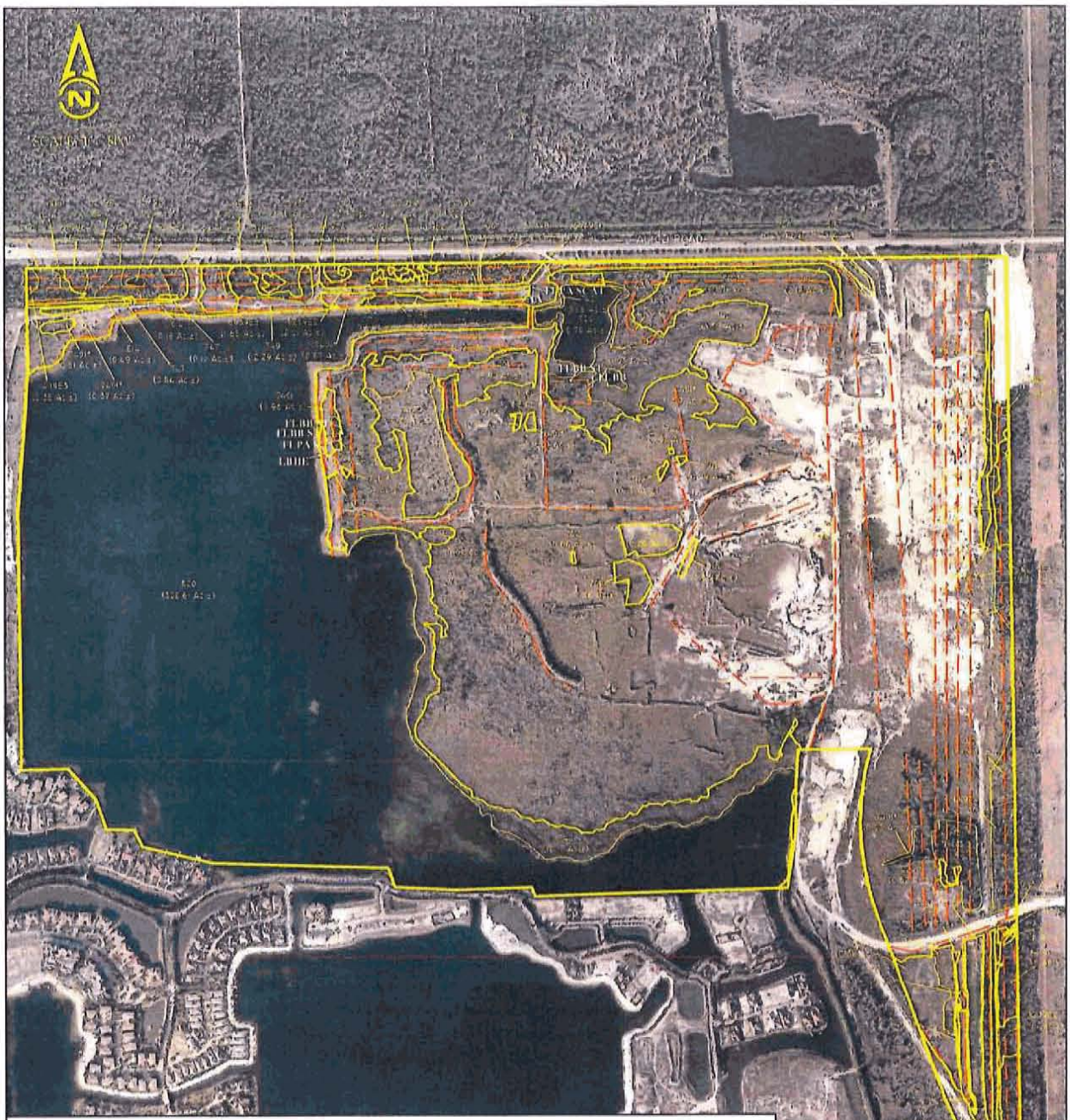
Prior to the issuance of a Development Order, a protected species management plan per LDC 10-474 will be prepared and submitted for review and approval by the Division of Environmental Sciences for the protected species documented on the Project site.

REFERENCES

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

APPENDIX A

AERIAL WITH FLUCFCS, SURVEY TRANSECTS, AND SPECIES LOCATIONS MAP



FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
169	MINING OPERATIONS	413.69 Ac.±	46.0%
3209 E2	SHRUB AND BRUSHLAND, DISTURBED (25-49% EXOTICS)	1.05 Ac.±	0.1%
3219 E1	PALMETTO PRAIRIE, DISTURBED (0-24% EXOTICS)	1.90 Ac.±	0.2%
3219 E2	PALMETTO PRAIRIE, DISTURBED (25-49% EXOTICS)	0.37 Ac.±	0.0%
4119 E1	PINE FLATWOODS, DISTURBED (0-24% EXOTICS)	1.01 Ac.±	0.1%
4119 E2	PINE FLATWOODS, DISTURBED (25-49% EXOTICS)	1.50 Ac.±	0.2%
4119 E3	PINE FLATWOODS, DISTURBED (50-75% EXOTICS)	2.27 Ac.±	0.3%
4119 E4	PINE FLATWOODS, DISTURBED (76-100% EXOTICS)	7.89 Ac.±	0.9%
4150 E2	PINE, DISTURBED (25-49% EXOTICS)	0.19 Ac.±	0.0%
4150 E3	PINE, DISTURBED (50-75% EXOTICS)	0.95 Ac.±	0.1%
424	MELALEUCA	2.70 Ac.±	0.3%
4241	MELALEUCA, HYDRIC	3.58 Ac.±	0.4%
4241*	MELALEUCA, OSW	0.02 Ac.±	0.0%
514	DITCH	6.34 Ac.±	0.7%
520	LAKE	314.79 Ac.±	35.5%
6219 E2	CYPRESS, DISTURBED (25-49% EXOTICS)	1.40 Ac.±	0.2%
6219 E4	CYPRESS, DISTURBED (76-100% EXOTICS)	1.92 Ac.±	0.2%
6249 E2	CYPRESS/PINE/CABBAGE PALM, DISTURBED (25-49% EXOTICS)	2.79 Ac.±	0.3%
6249 E3	CYPRESS/PINE/CABBAGE PALM, DISTURBED (50-75% EXOTICS)	1.99 Ac.±	0.2%
6249 E4	CYPRESS/PINE/CABBAGE PALM, DISTURBED (76-100% EXOTICS)	5.37 Ac.±	0.6%
6259 E2	PINE, HYDRIC, DISTURBED (25-49% EXOTICS)	2.01 Ac.±	0.2%
6259 E3	PINE, HYDRIC, DISTURBED (50-75% EXOTICS)	1.85 Ac.±	0.2%
6259 E4	PINE, HYDRIC, DISTURBED (76-100% EXOTICS)	2.29 Ac.±	0.3%
6419 E1	FRESHWATER MARSH, DISTURBED (0-24% EXOTICS)	0.22 Ac.±	0.0%
6439 E1	WET PRAIRIES, DISTURBED (0-24% EXOTICS)	3.53 Ac.±	0.4%
6439 E3	WET PRAIRIES, DISTURBED (50-75% EXOTICS)	1.65 Ac.±	0.2%
740	DISTURBED LAND	13.83 Ac.±	1.6%
7401	DISTURBED LAND, HYDRIC	41.70 Ac.±	4.7%
7401*	DISTURBED LAND, OSW	5.89 Ac.±	0.7%
742	BORROW AREA	34.53 Ac.±	3.9%
743	SPOIL AREA	0.18 Ac.±	0.0%
747	BERM	6.22 Ac.±	0.7%
814	ROAD	1.20 Ac.±	0.1%
	TOTAL	897.02 Ac.±	100.0%

LEGEND:

AA	AMERICAN ALLIGATOR
FLBB	FLORIDA BLACK BEAR
FLBB ST	FLORIDA BLACK BEAR SCRATCH TREE
FLPA ST	FLORIDA PANTHER SCRATCH TREE
FLPA SCAT	FLORIDA PANTHER SCAT
LBHE	LITTLE BLUE HERON
— —	APPROXIMATE LOCATION OF WALKED SURVEY TRANSECTS

NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF FEBRUARY 2013.

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

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

UPLAND/WETLAND LIMITS PER MORRIS-DEPEW DRAWING No. 11081 WETLANDS WITH TRANSECTS TO PASSARELLA WITH MISSING WETLANDS.DWG DATED JUNE 26, 2012.

PROPERTY BOUNDARY PER BARRACO & ASSOCIATES DRAWING No. 23115A00-0P15.DWG DATED DECEMBER 16, 2013.

DRAWN BY	DATE
P.F./F.L.	6/26/12
REVIEWED BY	DATE
M.B.	6/26/12
REVISED	DATE
H.H.	12/18/13

13620 Metropolis Avenue
Suite 200
Fort Myers, Florida 33912
Phone (239) 274-0067
Fax (239) 274-0069

PASSARELLA & ASSOCIATES, INC.

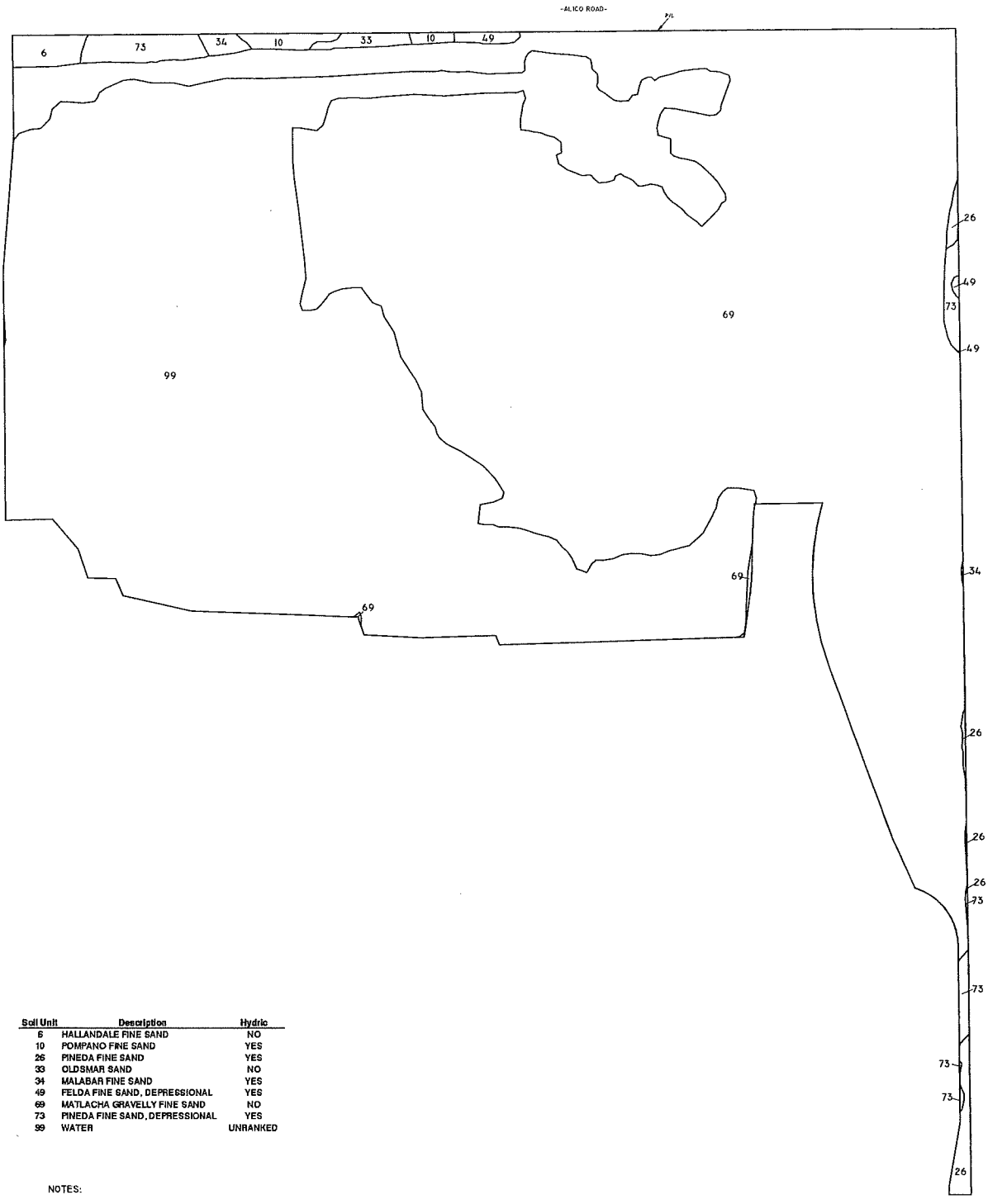
CENTERPLACE

AERIAL WITH FLUCFCS, SURVEY TRANSECTS, AND SPECIES LOCATIONS MAP

DRAWING No. 11ALD2037

SHEET No. APPENDIX A

SCALE: 1" = 800'



Soil Unit	Description	Hydric
6	HALLANDALE FINE SAND	NO
10	POMPANO FINE SAND	YES
26	PINEDA FINE SAND	YES
33	OLDSMAR SAND	NO
34	MALABAR FINE SAND	YES
49	FELDA FINE SAND, DEPRESSIONAL	YES
69	MATLACHA GRAVELLY FINE SAND	NO
73	PINEDA FINE SAND, DEPRESSIONAL	YES
99	WATER	UNRANKED

NOTES:

SOILS MAPPING WAS ACQUIRED FROM THE FLORIDA GEOGRAPHIC DATA LIBRARY WEBSITE OCTOBER 2007 AND CREATED BY THE NATURAL RESOURCES CONSERVATION SERVICE 1990.

PROPERTY BOUNDARY PER BARRACO & ASSOCIATES DRAWING NO.23115A00-OPT5.DWG DATED DECEMBER 16, 2013.

J:\2011\11ALD2037\2013\County Zoning Application\NE Sec\ Mar 12-06-13.dwg Tab: 10E7-M Dec 18, 2013 - 11:11am Plotted by: Holden Harding

DRAWN BY	DATE
F.L.	12/16/13
REVIEWED BY	DATE
M.B.	12/16/13
REVISED	DATE
K.C.P.	12/16/13

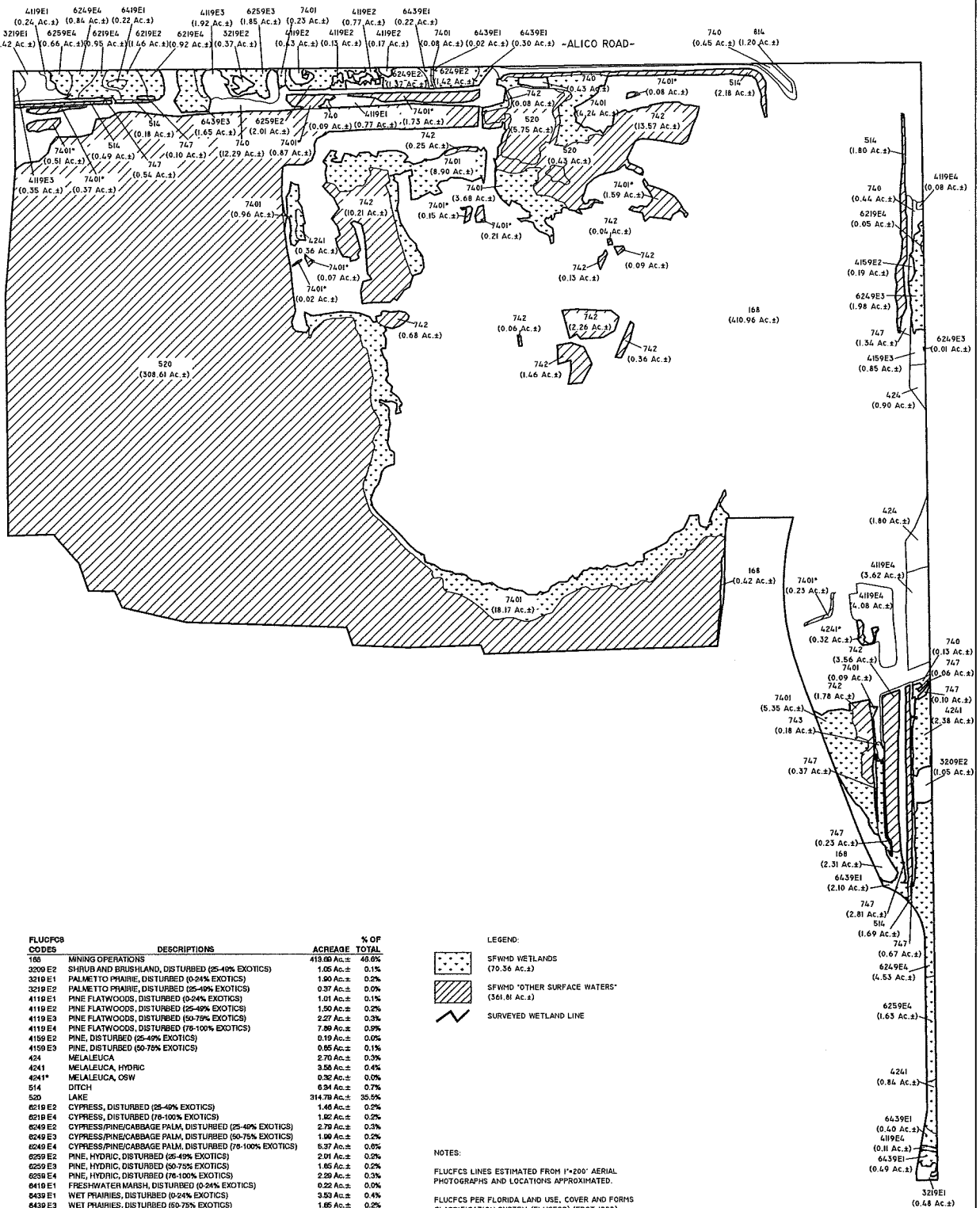
13620 Metropolis Avenue
Suite 200
Fort Myers, Florida 33912
Phone (239) 274-0067
Fax (239) 274-0069

PASSARELLA & ASSOCIATES INC

CENTERPLACE
SOILS MAP

DRAWING No. 11ALD2037
SHEET No. 10-E

SCALE: 1" = 800'



FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
168	MINING OPERATIONS	413.69 Ac.±	46.6%
3209 E2	SHRUB AND BRUSHLAND, DISTURBED (25-49% EXOTICS)	1.05 Ac.±	0.1%
3219 E1	PALMETTO PRAIRIE, DISTURBED (0-24% EXOTICS)	1.90 Ac.±	0.2%
3219 E2	PALMETTO PRAIRIE, DISTURBED (25-49% EXOTICS)	0.37 Ac.±	0.0%
4119 E1	PINE FLATWOODS, DISTURBED (0-24% EXOTICS)	1.01 Ac.±	0.1%
4119 E2	PINE FLATWOODS, DISTURBED (25-49% EXOTICS)	1.50 Ac.±	0.2%
4119 E3	PINE FLATWOODS, DISTURBED (50-75% EXOTICS)	2.27 Ac.±	0.3%
4119 E4	PINE FLATWOODS, DISTURBED (76-100% EXOTICS)	7.89 Ac.±	0.9%
4159 E2	PINE, DISTURBED (25-49% EXOTICS)	0.19 Ac.±	0.0%
4159 E3	PINE, DISTURBED (50-75% EXOTICS)	0.85 Ac.±	0.1%
424	MELALEUCA	2.70 Ac.±	0.3%
4241	MELALEUCA, HYDRIC	3.58 Ac.±	0.4%
4241*	MELALEUCA, OSW	0.32 Ac.±	0.0%
514	DITCH	6.34 Ac.±	0.7%
520	LAKE	314.79 Ac.±	35.5%
6219 E2	CYPRESS, DISTURBED (25-49% EXOTICS)	1.46 Ac.±	0.2%
6219 E4	CYPRESS, DISTURBED (76-100% EXOTICS)	1.92 Ac.±	0.2%
6249 E2	CYPRESS/PINE/CABBAGE PALM, DISTURBED (25-49% EXOTICS)	2.79 Ac.±	0.3%
6249 E3	CYPRESS/PINE/CABBAGE PALM, DISTURBED (50-75% EXOTICS)	1.99 Ac.±	0.2%
6249 E4	CYPRESS/PINE/CABBAGE PALM, DISTURBED (76-100% EXOTICS)	5.37 Ac.±	0.6%
6259 E2	PINE, HYDRIC, DISTURBED (25-49% EXOTICS)	2.01 Ac.±	0.2%
6259 E3	PINE, HYDRIC, DISTURBED (50-75% EXOTICS)	1.65 Ac.±	0.2%
6259 E4	PINE, HYDRIC, DISTURBED (76-100% EXOTICS)	2.29 Ac.±	0.3%
6419 E1	FRESHWATER MARSH, DISTURBED (0-24% EXOTICS)	0.22 Ac.±	0.0%
6439 E1	WET PRAIRIES, DISTURBED (0-24% EXOTICS)	3.53 Ac.±	0.4%
6439 E3	WET PRAIRIES, DISTURBED (50-75% EXOTICS)	1.85 Ac.±	0.2%
740	DISTURBED LAND	13.83 Ac.±	1.6%
7401	DISTURBED LAND, HYDRIC	41.70 Ac.±	4.7%
7401*	DISTURBED LAND, OSW	5.83 Ac.±	0.7%
742	BORROW AREA	34.53 Ac.±	3.9%
743	SPOIL AREA	0.18 Ac.±	0.0%
747	BERM	6.22 Ac.±	0.7%
814	ROAD	1.20 Ac.±	0.1%
	TOTAL	887.02 Ac.±	100.0%

LEGEND:

SFWMD WETLANDS (70.36 Ac.±)

SFWMD "OTHER SURFACE WATERS" (361.81 Ac.±)

SURVEYED WETLAND LINE

NOTES:

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

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

UPLAND/WETLAND LIMITS PER MORRIS-DEPEW DRAWING NO.11081 WETLANDS WITH TRANSECTS TO PASSARELLA WITH MISSING WETLANDS.DWG DATED JUNE 26, 2012.

PROPERTY BOUNDARY PER BARRACO & ASSOCIATES DRAWING No.23115A00-0P15.DWG DATED DECEMBER 16, 2013.

J:\2011\11ALD037\CAD\County Zoning Application\FLUCFCS and WETLANDS Map 12-16-13.dwg, Tab: 10(F)-H DEC 16, 2013 - 1:27pm PLOTTED BY: HOLDEN HARDING

DRAWN BY	DATE
H.H.	12/17/13
REVIEWED BY	DATE
M.B.	12/17/13
REVISED	DATE

13620 Metropolis Avenue
Suite 200
Fort Myers, Florida 33912
Phone (239) 274-0067
Fax (239) 274-0069

PASSARELLA & ASSOCIATES, INC.

CENTERPLACE

FLUCFCS AND WETLANDS MAP

DRAWING No.	11ALD2037
SHEET No.	10-F

DEED OF CONSERVATION EASEMENT
STANDARD

Prepared by:
Stephen A. Walker, Esquire
Lewis, Longman & Walker, P.A.
515 N. Flagler Drive, Suite 1500
West Palm Beach, FL 33401

INSTR # 2016000096489, Pages 13
Doc Type EAS, Recorded 05/05/2016 at 09:38 AM,
Linda Doggett, Lee County Clerk of Circuit Court
Rec. Fee $112.00
Deputy Clerk CMASSEY
#1

Return original or certified recorded document to:
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406

THIS DEED OF CONSERVATION EASEMENT is given this 5th day of November, 2014 by ALICO WEST FUND, LLC (Grantor") whose mailing address is 12800 University Drive, Suite 275, Fort Myers, Florida 33907 to SOUTH FLORIDA WATER MANAGEMENT DISTRICT ("Grantee"). As used herein, the term "Grantor" shall include any and all heirs, successors or assigns of the Grantor, and all subsequent owners of the "Conservation Easement Area" (as hereinafter defined) and the term "Grantee" shall include any successor or assignee of Grantee.

WITNESSETH

WHEREAS, the Grantor is the fee simple owner of certain lands situated in Lee County, Florida, and more specifically described on the location map in Exhibit "A" attached hereto and incorporated herein (the "Property"); and

WHEREAS, Permit No. 36-03568-P ("Permit") and any modifications thereto issued by the Grantee authorizes certain activities which could affect wetlands or other surface waters in or of the State of Florida; and

WHEREAS, the Grantor, in consideration of the consent granted by the Permit or other good and valuable consideration provided to Grantor, is agreeable to granting and securing to the Grantee a perpetual Conservation Easement as defined in Section 704.06, Florida Statutes (F.S.), over the area of the Property described on Exhibit "B" ("Conservation Easement Area"); and

WHEREAS, Grantor grants this Conservation Easement as a condition of the Permit, solely to off-set or prevent adverse impacts to natural resources, fish and wildlife, and wetland functions; and

WHEREAS, Grantor desires to preserve the Conservation Easement Area in perpetuity in its natural condition, or, in accordance with the Permit, in an enhanced, restored, or created condition; and

NOW, THEREFORE, in consideration of the issuance of the Permit to construct and operate the permitted activity, and as an inducement to Grantee in issuing the Permit, together with other good and valuable consideration provided to the Grantor, the adequacy and receipt of which are hereby acknowledged, Grantor hereby voluntarily grants, creates, conveys, and establishes a perpetual Conservation Easement for and in favor of the Grantee upon the area of the Property described on Exhibit "B" which shall run with the land and be binding upon the Grantor, and shall remain in full force and effect forever.

The scope, nature, and character of this Conservation Easement shall be as follows:

1. Recitals. The recitals hereinabove set forth are true and correct and are hereby

incorporated into and made a part of this Conservation Easement.

2. Purpose. It is the purpose of this Conservation Easement to retain land or water areas in their existing, natural, vegetative, hydrologic, scenic, open or wooded condition and to retain such areas as suitable habitat for fish, plants, or wildlife in accordance with Section 704.06, F.S. Those wetland and upland areas included in this Conservation Easement which are to be preserved, enhanced, restored, or created pursuant to the Permit (or any modification thereto) and any Management Plan attached hereto as Exhibit "C" ("Management Plan") which has been approved in writing by the Grantee, shall be retained and maintained in the preserved, enhanced, restored, or created condition required by the Permit (or any modification thereto).

To carry out this purpose, the following rights are conveyed to Grantee by this easement:

a. To enter upon the Conservation Easement Area at reasonable times with any necessary equipment or vehicles to inspect, determine compliance with the covenants and prohibitions contained in this easement, and to enforce the rights herein granted in a manner that will not unreasonably interfere with the use and quiet enjoyment of the Conservation Easement Area by Grantor at the time of such entry; and

b. To proceed at law or in equity to enforce the provision of this Conservation Easement and the covenants set forth herein, to prevent the occurrence of any of the prohibited activities set forth herein, and to require the restoration of such areas or features of the Conservation Easement Area that may be damaged by any activity or use that is inconsistent with this Conservation Easement.

3. Prohibited Uses. Except for activities that are permitted or required by the Permit (or any modification thereto) (which may include restoration, creation, enhancement, maintenance, and monitoring activities, or surface water management improvements) or other activities described herein or in the Management Plan (if any), any activity on or use of the Conservation Easement area inconsistent with the purpose of this Conservation Easement is prohibited. Without limiting the generality of the foregoing, the following activities are expressly prohibited in or on the Conservation Easement area:

a. Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground;

b. Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials;

c. Removing, destroying or trimming trees, shrubs, or other vegetation, except:

i. The removal of dead trees and shrubs or leaning trees that could cause damage property is authorized;

ii. The destruction and removal of noxious, nuisance or exotic invasive plant species as listed on the most recent Florida Exotic Pest Plant Council's List of Invasive Species is authorized;

iii. Activities authorized by the Permit or described in the Management Plan or otherwise approved in writing by the Grantee are authorized; and

iv. Activities conducted in accordance with a wildfire mitigation plan developed with the Florida Forest Service that has been approved in writing by the Grantee are authorized. No later than thirty (30) days before commencing any activities to implement the approved wildfire mitigation plan, Grantor shall notify the Grantee in writing of its intent to commence such activities. All such activities may only be completed during the time period for which the Grantee approved the plan;

d. Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface;

e. Surface use except for purposes that permit the land or water area to remain in its natural, restored, enhanced, or created condition;

f. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation including, but not limited to, ditching, diking, clearing, and fencing;

g. Acts or uses detrimental to such aforementioned retention of land or water areas; and

h. Acts or uses which are detrimental to the preservation of the structural integrity or physical appearance of sites or properties having historical, archaeological, or cultural significance.

4. Grantor's Reserved Rights. Grantor reserves all rights as owner of the Conservation Easement Area, including the right to engage or to permit or invite others to engage in all uses of the Conservation Easement Area that are not prohibited herein and which are not inconsistent with the Permit (or any modification thereto), Management Plan, or the intent and purposes of this Conservation Easement.

5. No Dedication. No right of access by the general public to any portion of the Conservation Easement Area is conveyed by this Conservation Easement.

6. Grantee's Liability. Grantee's liability is limited as provided in Subsection 704.06(10) and Section 768.28, F.S. Additionally, Grantee shall not be responsible for any costs or liabilities related to the operation, upkeep, or maintenance of the Conservation Easement Area.

7. Enforcement. Enforcement of the terms, provisions and restrictions of this Conservation Easement shall be at the reasonable discretion of Grantee, and any forbearance on behalf of Grantee to exercise its rights hereunder in the event of any breach hereof by Grantor, shall not be deemed or construed to be a waiver of Grantee's rights hereunder. Grantee shall not be obligated to Grantor, or to any other person or entity, to enforce the provisions of this Conservation Easement.

8. Taxes. When perpetual maintenance is required by the Permit, Grantor shall pay before delinquency any and all taxes, assessments, fees, and charges of whatever description levied on or assessed by competent authority on the Conservation Easement Area, and shall furnish the Grantee with satisfactory evidence of payment upon request.

9. Assignment. Grantee will hold this Conservation Easement exclusively for conservation purposes. Grantee will not assign its rights and obligations under this Conservation Easement except to another organization or entity qualified to hold such interests under the applicable state laws.

10. Severability. If any provision of this Conservation Easement or the application thereof to any person or circumstances is found to be invalid, the remainder of the provisions of this Conservation Easement shall not be affected thereby, as long as the purpose of the Conservation Easement is preserved.

11. Terms and Restrictions. Grantor shall insert the terms and restrictions of this Conservation Easement in any subsequent deed or other legal instrument by which Grantor divests itself of any interest in the Conservation Easement.

12. Written Notice. All notices, consents, approvals or other communications hereunder shall be in writing and shall be deemed properly given if sent by United States certified mail, return receipt requested, addressed to the appropriate party or successor-in-interest.

13. Modifications. This Conservation Easement may be amended, altered, released or revoked only by written agreement between the parties hereto or their heirs, assigns or successors-in-interest, which shall be filed in the public records in Lee County, Florida.

14. Recordation. Grantor shall record this Conservation Easement in timely fashion in the Official Records of Lee County, Florida, and shall rerecord it at any time Grantee may require to preserve its rights. Grantor shall pay all recording costs and taxes necessary to record this Conservation Easement in the public records. Grantor will hold Grantee harmless from any recording costs or taxes necessary to record this Conservation Easement in the public records.

TO HAVE AND TO HOLD unto Grantee forever. The covenants, terms, conditions, restrictions and purposes imposed with this Conservation Easement shall be binding upon Grantor, and shall continue as a servitude running in perpetuity with the Conservation Easement Area.

Grantor hereby covenants with Grantee that Grantor is lawfully seized of said Conservation Easement Area in fee simple; that the Conservation Easement is free and clear of all encumbrances that are inconsistent with the terms of this Conservation Easement; all mortgages and liens on the Conservation Easement area, if any, have been subordinated to this Conservation Easement; that Grantor has good right and lawful authority to convey this Conservation Easement; and that it hereby fully warrants and defends record title to the Conservation Easement Area hereby conveyed against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, ALICO WEST FUND, LLC ("Grantor") has hereunto set its authorized hand this 5th day of November, 2014_.

_____,

☐ A Florida corporation or ☒ Limited Liability Company (*choose one*)

By: _____
(Signature)

Name: Donald R. Schrotenboer
(Print)

Title: President

Signed, sealed and delivered in our presence as witnesses:

By: _____
(Signature)

Name: Howard Bam
(Print)

By: _____
(Signature)

Name: Andrew Bokan
(Print)

STATE OF FLORIDA

COUNTY OF Lee

On this 5th day of November, 2014, before me, the undersigned notary public, personally appeared Donald R. Schrotenboer, the person who subscribed to the foregoing instrument, as the President (title), of ALICO WEST FUND, LLC ☐ (corporation), a Florida corporation, or ☒ Limited Liability Company (*choose one*) and acknowledged that he/she executed the same on behalf of said ☐ corporation, or ☒ _

limited liability co. (*choose one*) and the he/she was duly authorized to do so. He/She is personally known to me or has produced a _____ (state) driver's license as identification.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

NOTARY PUBLIC, STATE OF FLORIDA

Michelle A

(Signature)

Michelle A. Preiss

(Name)

My Commission Expires: 12-15-17



JOINDER, CONSENT AND SUBORDINATION

For Ten Dollars ($10.00) and other good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, ALICO WEST FUND, LLC the entity to which the real property described on Exhibit "B" attached hereto ("Conservation Easement Area"), has been dedicated by virtue of ALICO WEST FUND, LLC, hereby joins in, consents to and subordinates its interest in the above referenced Plat dedication, to the foregoing Conservation Easement, executed by in favor of the South Florida Water Management District applicable to the Conservation Easement, as said Conservation Easement may be modified, amended, and assigned from time to time, with the intent that the Plat dedication shall be subject and subordinate to the Conservation Easement.

IN WITNESS WHEREOF, this Joinder, Consent and Subordination is made this 3rd day of November, 2014.

By: _____ _____
(Signature)

Name: Donald R. Schroetenboer
Title: President
(Print)

WITNESSES:

By: _____ By: Angela M. Baggett
(Signature) (Signature)

Name: Gary Morris Name: Angela M. Baggett
(Print) (Print)

STATE OF FLORIDA
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 3rd day of November, 2014, by Donald R. Schroetenboer (print name), as President (title) on behalf of the limited liability company (Alico West Fund LLC, Grantor of the conservation Easement). He/She is personally known to me or has produced a _____ (state) driver's license as identification.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

NOTARY PUBLIC, STATE OF FLORIDA

_____ michelle A. Preiss
(Signature) (Name)

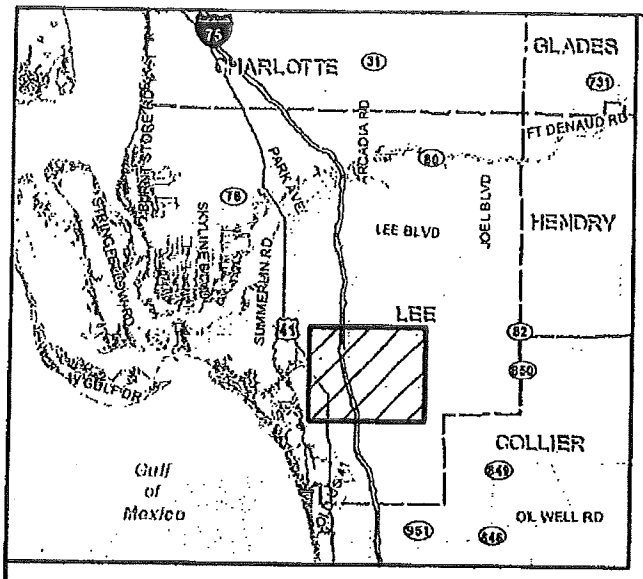
My Commission Expires: 12-15-17

MICHELLE A. PREISS
MY COMMISSION EXPIRES
December 15, 2017
FF 075706
NOTARY PUBLIC, STATE OF FLORIDA

00408055-1

EXHIBIT A

[LOCATION MAP]



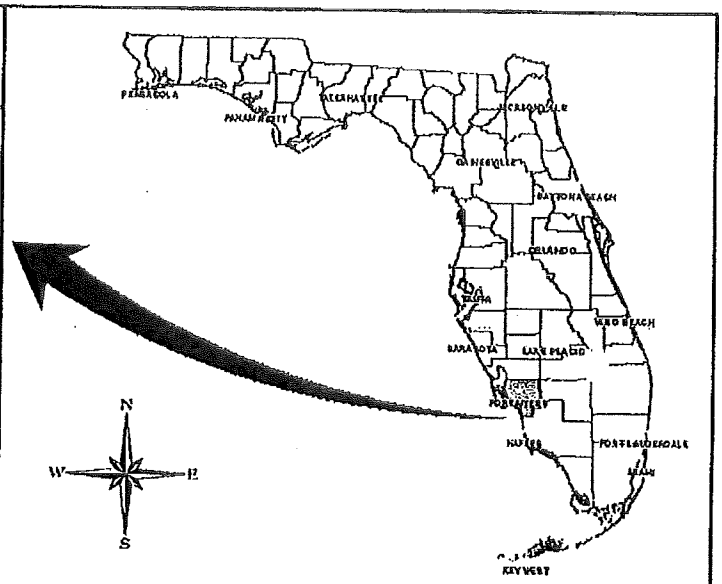




EXHIBIT A. PROJECT LOCATION MAP
CENTERPLACE

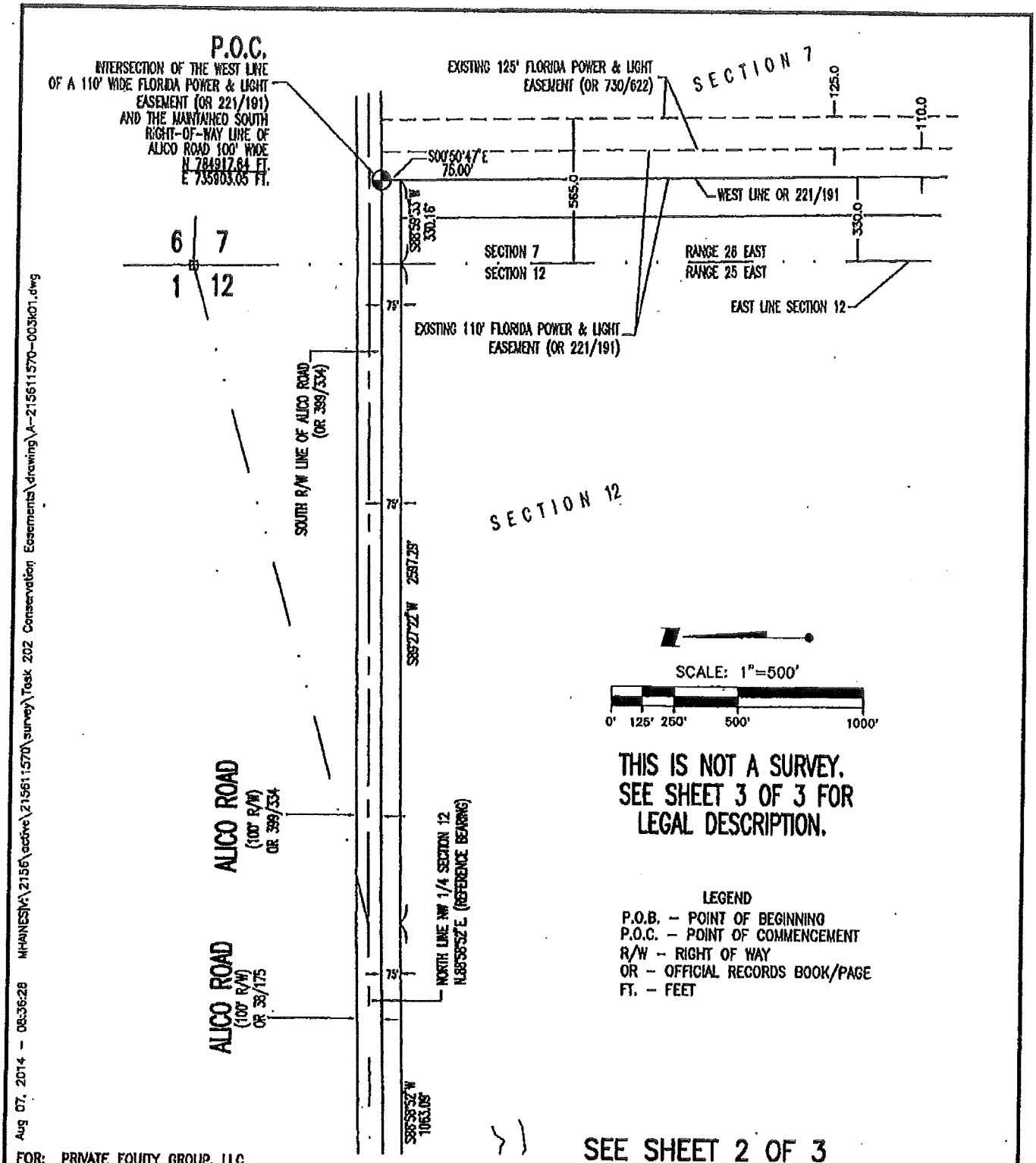
DRAWN BY	DATE
H.H.	11/14/13
REVIEWED BY	DATE
K.C.P.	11/14/13
REVISED	DATE

PASSARELLA & ASSOCIATES

EXHIBIT B

[LEGAL DESCRIPTION AND SKETCH OF CONSERVATION EASEMENT AREA]

Exhibit B



Aug 07, 2014 - 08:36:28 MHANES\M:\2156\active\215611570\survey\Task 202 Conservation Easements\drawing\A-215611570-003K01.dwg

SEE SHEET 2 OF 3

FOR: PRIVATE EQUITY GROUP, LLC

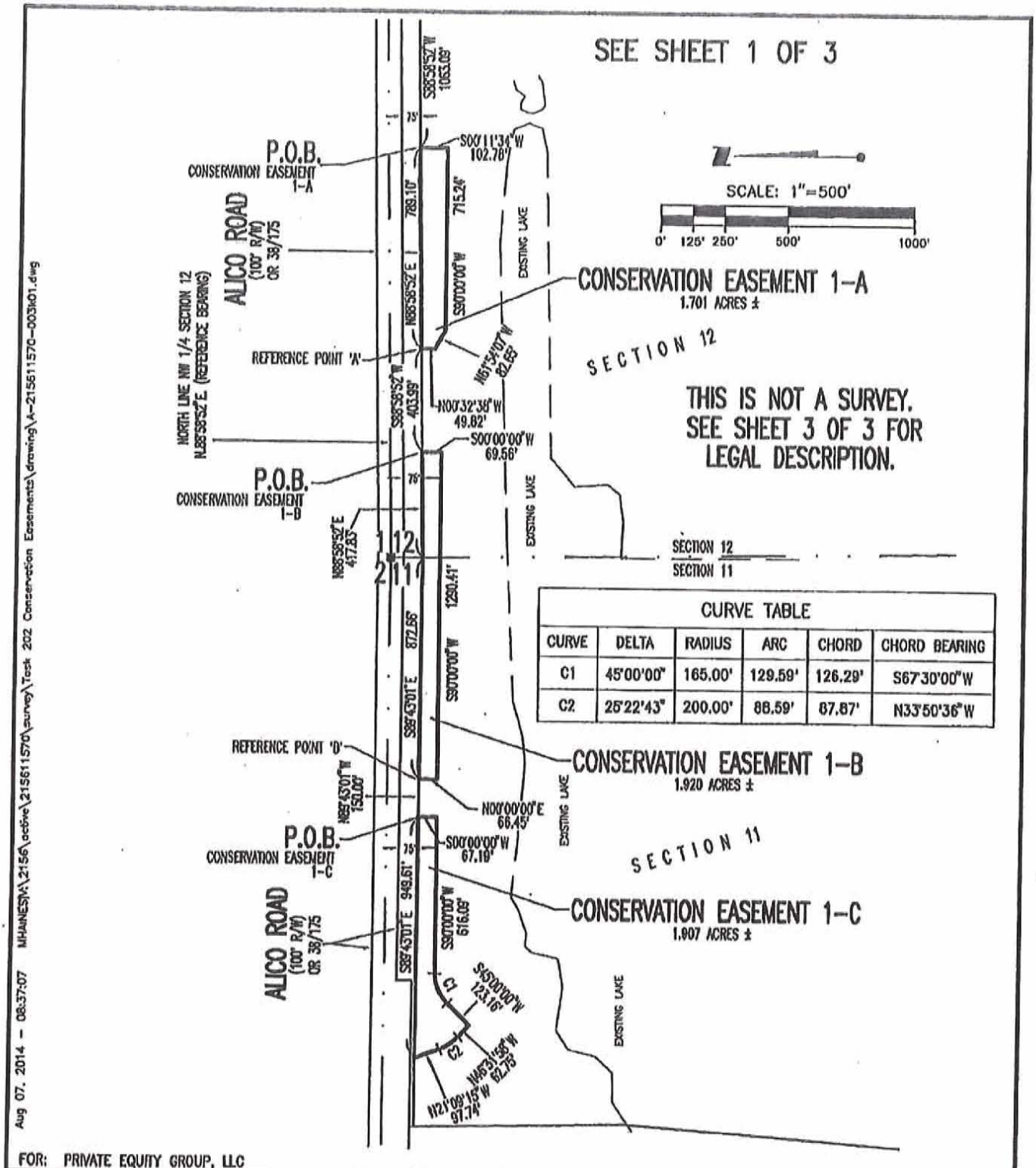
SKETCH TO ACCOMPANY LEGAL DESCRIPTION
CENTERPLACE CCPD – CONSERVATION EASEMENT NO. 1
SECTIONS 11 & 12, TOWNSHIP 46S., RANGE 25E.,
LEE COUNTY, FLORIDA

Stantec
3200 Colonial Blvd., Suite 100, Fort Myers, FL 33966
Phone 239-939-1020 • Fax 239-939-2412
Certificate of Authorization #7913 • License Business No. LB7865 • www.stantec.com

TASK CODE:	DRAWN BY:	CHKED BY:	CAD FILE:	PROJECT NO:	SHEET	DRAWING INDEX NO:	REV:
202	MDH	MDH		215611570	1 OF 3	A-215611570-003K01	

Exhibit B

Exhibit B



CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CHORD	CHORD BEARING
C1	45°00'00"	165.00'	129.59'	126.29'	S67°30'00"W
C2	25°22'43"	200.00'	88.59'	87.87'	N33°50'36"W

Aug 07, 2014 - 08:37:07 M:\AINESVA\2156\active\215611570\survey\Task 202 Conservation Easements\drawing\A-215611570-003K01.dwg

FOR: PRIVATE EQUITY GROUP, LLC

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
CENTERPLACE CCPD – CONSERVATION EASEMENT NO. 1
SECTIONS 11 & 12, TOWNSHIP 46S., RANGE 25E.,
LEE COUNTY, FLORIDA

Stantec

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Phone 239-939-1020 • Fax 239-939-2412
Certificate of Authorization #27013 • Licensed Business No. LB7000 • www.stantec.com

TASK CODE:	DRAWN BY:	CHKED BY:	CAD FILE:	PROJECT NO:	SHEET	DRAWING INDEX NO:	REV:
202	MDH	MDH		215611570	2 OF 3	A-215611570-003K01	

Exhibit B

Exhibit B

LEGAL DESCRIPTION

THREE NON-CONTIGUOUS PARCELS OF LAND LYING IN SECTIONS 11 AND 12, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, LYING SOUTH OF ALICO ROAD, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL NO. 1-A

COMMENCE AT THE INTERSECTION OF THE WEST LINE OF A FLORIDA POWER & LIGHT EASEMENT (110 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 221, PAGE 191 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND THE MAINTAINED SOUTH RIGHT-OF-WAY LINE OF ALICO ROAD (100 FEET WIDE); THENCE, ALONG THE WEST LINE OF SAID FLORIDA POWER & LIGHT EASEMENT, S.00°50'47"E., 75.00 FEET TO AN INTERSECTION WITH A LINE LYING 75.00 FEET SOUTH OF AND PARALLEL WITH THE AFOREMENTIONED SOUTH LINE OF ALICO ROAD (100 FEET WIDE); THENCE, ALONG SAID PARALLEL LINE S.88°59'35"W., 330.16 FEET; THENCE, ALONG A LINE LYING 75.00 FEET SOUTH OF AND PARALLEL WITH THE SOUTH RIGHT-OF-WAY OF ALICO ROAD (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 399, PAGE 334 OF THE AFOREMENTIONED PUBLIC RECORDS, S.89°27'22"W., 2,597.29 FEET; THENCE, ALONG A LINE LYING 75.00 FEET SOUTH OF AND PARALLEL WITH THE SOUTH RIGHT-OF-WAY OF ALICO ROAD (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 38, PAGE 175 OF THE AFOREMENTIONED PUBLIC RECORDS, S.88°58'52"W., 1,063.09 FEET TO THE POINT OF BEGINNING; THENCE, S.00°11'34"W., 102.78 FEET; THENCE S.90°00'00"W., 715.24 FEET; THENCE N.61°54'07"W., 82.65 FEET; THENCE N.00°32'38"W., 49.82 FEET TO A POINT HEREIN REFERRED TO AS REFERENCE POINT 'A'; THENCE, ALONG THE AFOREMENTIONED PARALLEL LINE, N.88°58'52"E., 789.10 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

PARCEL NO. 1-B

COMMENCE AT THE AFOREMENTIONED REFERENCE POINT 'A'; THENCE, ALONG A LINE LYING 75.00 SOUTH OF AND PARALLEL WITH THE SOUTH RIGHT-OF-WAY OF ALICO ROAD (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 38, PAGE 175 OF THE AFOREMENTIONED PUBLIC RECORDS, S.88°58'52"W., 403.99 FEET TO THE POINT OF BEGINNING; THENCE, S.00°00'00"W, 69.56 FEET; THENCE S.90°00'00"W, 1,290.41 FEET; THENCE N.00°00'00"E, 66.45 FEET TO A POINT LYING ON THE AFOREMENTIONED PARALLEL LINE (SAID POINT ALSO HEREIN REFERRED TO AS REFERENCE POINT 'B'); THENCE, ALONG THE AFOREMENTIONED PARALLEL LINE FOR THE FOLLOWING TWO (2) COURSES:

1. S.89°43'01"E., 872.66 FEET;
2. N.88°58'52"E., 417.83 FEET

TO THE POINT OF BEGINNING.

TOGETHER WITH:

PARCEL 1-C

COMMENCE AT THE AFOREMENTIONED REFERENCE POINT 'B'; THENCE, ALONG A LINE LYING 75.00 FEET SOUTH OF AND PARALLEL WITH THE SOUTH RIGHT-OF-WAY OF ALICO ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 38, PAGE 175 OF THE AFOREMENTIONED PUBLIC RECORDS, N.89°43'01"W., 150.00 TO THE POINT OF BEGINNING; THENCE S.00°00'00"W, 67.19 FEET; THENCE S.90°00'00"W, 616.09 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A TANGENT CIRCULAR CURVE CONCAVE TO THE SOUTHEAST HAVING FOR ITS ELEMENTS A RADIUS OF 165.00 FEET, A CENTRAL ANGLE OF 45°00'00"; A CHORD DISTANCE OF 126.29 FEET, A CHORD BEARING OF S.67°30'00"W., AN ARC DISTANCE OF 129.59 FEET; THENCE S.45°00'00W., 123.16 FEET; THENCE N.46°31'58"W., 62.75 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A TANGENT CIRCULAR CURVE CONCAVE TO THE NORTHEAST HAVING FOR ITS ELEMENTS A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 25°22'43"; A CHORD DISTANCE OF 87.87 FEET, A CHORD BEARING OF N.33°50'36"W., AN ARC DISTANCE OF 88.59 FEET; THENCE N.21°09'15"W., 97.74 FEET; THENCE, ALONG THE AFOREMENTIONED PARALLEL LINE S.89°43'01"E., 949.61 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCELS CONTAIN A NET AREA OF 5.528 ACRES, MORE OR LESS.

THIS IS NOT A SURVEY.

SEE SHEETS 1 AND 2 OF 3 FOR SKETCH OF DESCRIPTION.

SURVEYOR'S NOTES

THIS SKETCH AND LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

CORNER MONUMENTS WERE NOT PLACED IN CONJUNCTION WITH THE PREPARATION OF THIS SKETCH.

THIS SKETCH DOES NOT PURPORT TO DELINEATE THE REGULATORY JURISDICTION OF ANY FEDERAL, STATE OR LOCAL AGENCY.

BEARINGS HEREON ARE BASED ON THE NORTH LINE OF THE NORTHWEST ONE-QUARTER OF SECTION 12, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA BEING N.88°59'52"E.

COORDINATES SHOWN HEREON ARE IN FEET AND ARE BASED ON THE STATE PLANE COORDINATE SYSTEM, FLORIDA WEST ZONE.

SURVEYOR'S CERTIFICATION

WE HEREBY CERTIFY TO THE BEST OF OUR KNOWLEDGE AND BELIEF THAT THIS SKETCH AND LEGAL DESCRIPTION WERE PREPARED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF CHAPTER 5J-17.050, FLORIDA ADMINISTRATIVE CODE.

STANTEC CONSULTING SERVICES, INC.
LICENSED BUSINESS NO. LB 7866
STATE OF FLORIDA

MARK D. HAINES
PROFESSIONAL SURVEYOR AND MAPPER NO. LS5312
STATE OF FLORIDA

DATE: AUGUST 5, 2014

Aug 07, 2014 - 08:25:38 MHAINES\N:\2156\active\215611570\survey\Task 202 Conservation Easements\drawing\A-215611570-003K01.dwg

FOR: PRIVATE EQUITY GROUP, LLC

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
CENTERPLACE CCPD – CONSERVATION EASEMENT NO. 1
SECTIONS 11 & 12, TOWNSHIP 46S., RANGE 25E.,
LEE COUNTY, FLORIDA

Stantec
3500 Colonial Blvd., Suite 100, Fort Myers, FL 33966
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202	MDH	MDH		215611570	3 OF 3	A-215611570-003K01	

Exhibit B

EXHIBIT C

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LeeClerk.ORG

LINDA DOGGETT : CLERK OF COURT
2115 Second Street
P.O. Box 2278
Fort Myers, FL 33902
(239) 533-5007

Lee County - DBLive Transaction #: **102333348**
Receipt #: **2290869**
Cashier Date: **5/5/2016 9:38:59 AM**
(CMASSEY)

Print Date: 5/5/2016 9:39:00 AM

Customer Information	Transaction Information	Payment Summary
(HFSH) HENDERSON, FRANKLIN, STARNES & HOLT, PA P.O. BOX 280 FORT MYERS, FL 33902-0280 Escrow Balance: $698.87	DateReceived: 05/05/2016 Source Code: Ft. Myers Office Q Code: Over the Counter Return Code: Over the Counter Trans Type: Recording Agent Ref Num:	Total Fees $112.00 Total Payments $112.00

1 Payments

CHECK 589456	$112.00

1 Recorded Items

(EAS) Easement — *CFN:2016000096489 Date:5/5/2016 9:38:56 AM From: ALICO WEST FUND LLC To: SOUTH FLORIDA WATER MANAGEMENT DISTRICT*

Recording @ 1st=$10 Add'l=$8.50 ea.	13	$112.00
Indexing @ 1st 4 Names Free, Addt'l=$1 ea.	2	$0.00
Deed Doc Stamps @ $0.70 per $100	0	$0.00

0 Search Items

0 Miscellaneous Items

PASSIVE DEED OF CONSERVATION EASEMENT WITH THIRD PARTY BENEFICIARY RIGHTS TO USACE AND USFWS

INSTR # 2016000096470, Pages 14
Doc Type EAS, Recorded 05/05/2016 at 09:35 AM,
Linda Doggett, Lee County Clerk of Circuit Court
Rec. Fee $120.50
Deputy Clerk CMASSEY
#1

Prepared by:
Steve Lewis, Esquire
Lewis, Longman & Walker, P.A.
2600 Centennial Place, Suite 100
Tallahassee, FL 32308

Return original or certified recorded document to:
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, Florida 33406

THIS DEED OF CONSERVATION EASEMENT is given this 3rd day of NOVEMBER, 2014, by ALICO WEST FUND, LLC ("Grantor") whose mailing address is 12800 University Drive, Suite 275, Ft. Myers, FL 33907, to South Florida Water Management District ("Grantee") with third party enforcement rights to the U.S. Army Corps of Engineers and U.S. Fish and Wildlife Service ("Third Party Beneficiaries"). As used herein, the term "Grantor" shall include any and all heirs, successors or assigns of the Grantor, and all subsequent owners of the "Conservation Easement Area" (as hereinafter defined); the term "Grantee" shall include any successor or assignee of Grantee; and the term "Third Party Beneficiary" shall include any successor or assignee of the Third Party Beneficiaries.

WITNESSETH

WHEREAS, the Grantor is the fee simple owner of certain lands situated in Lee County, Florida, and more specifically described on the location map in Exhibit "A" attached hereto and incorporated herein (the "Property"); and

WHEREAS, Permit No. 36-03568-P ("Permit") and any modifications thereto issued by the Grantee authorizes certain activities which could affect wetlands or other surface waters in or of the State of Florida; and

WHEREAS, the U.S. Army Corps of Engineers Permit No. SAJ-2012-01031 (SP-MJD) (Corps Permit) authorizes certain activities in the waters of the United States and requires this site protection instrument over the lands identified in Exhibit "B" as mitigation for such activities;

WHEREAS, the U.S. Fish and Wildlife Service maintains that the Property possesses or is capable of possessing ecological and habitat values that benefit endangered, threatened, or other species (collectively "Conservation Values") of great importance to the people of the State of Florida and the United States; and

WHEREAS, the Grantor, in consideration of the consent granted by the Permit or other good and valuable consideration provided to Grantor, is agreeable to granting and securing to the Grantee a perpetual Conservation Easement as defined in Section 704.06, Florida Statutes (F.S.), over the area of the Property described on Exhibit "B". ("Conservation Easement Area"); and

WHEREAS, Grantor grants this Conservation Easement as a condition of the Permit, solely to off-set or prevent adverse impacts to natural resources, fish and wildlife, and wetland functions; and

WHEREAS, Grantor desires to preserve the Conservation Easement Area in perpetuity in its natural condition, or, in accordance with the Permit, in an enhanced, restored, or created condition; and

NOW, THEREFORE, in consideration of the issuance of the Permit to construct and operate the permitted activity, and as an inducement to Grantee in issuing the Permit, together with other good and

valuable consideration provided to the Grantor, the adequacy and receipt of which are hereby acknowledged, Grantor hereby voluntarily grants, creates, conveys, and establishes a perpetual Conservation Easement for and in favor of the Grantee upon the Conservation Easement Area which shall run with the land and be binding upon the Grantor, and shall remain in full force and effect forever.

The scope, nature, and character of this Conservation Easement shall be as follows:

1. Recitals. The recitals hereinabove set forth are true and correct and are hereby incorporated into and made a part of this Conservation Easement.

2. Purpose. It is the purpose of this Conservation Easement to retain land or water areas in their existing, natural, vegetative, hydrologic, scenic, open or wooded condition and to retain such areas as suitable habitat for fish, plants, or wildlife in accordance with Section 704.06, F.S. Those wetland and upland areas included in this Conservation Easement which are to be preserved, enhanced, restored, or created pursuant to the Permit (or any modification thereto) which has been approved in writing by the Grantee, shall be retained and maintained in the preserved, enhanced, restored, or created condition required by the Permit (or any modification thereto).

To carry out this purpose, the following rights are conveyed to Grantee by this easement:

a. To enter upon the Conservation Easement Area at reasonable times with any necessary equipment or vehicles to inspect, determine compliance with the covenants and prohibitions contained in this easement, and to enforce the rights herein granted in a manner that will not unreasonably interfere with the use and quiet enjoyment of the Conservation Easement Area by Grantor at the time of such entry; and

b. To proceed at law or in equity to enforce the provision of this Conservation Easement and the covenants set forth herein, to prevent the occurrence of any of the prohibited activities set forth herein, and to require the restoration of such areas or features of the Conservation Easement Area that may be damaged by any activity or use that is inconsistent with this Conservation Easement.

3. Prohibited Uses. Except for activities that are permitted or required by the Permit (or any modification thereto) (which may include restoration, creation, enhancement, maintenance, and monitoring activities, or surface water management improvements) or other activities described herein or in the Management Plan (if any) any activity on or use of the Conservation Easement area inconsistent with the purpose of this Conservation Easement is prohibited. Without limiting the generality of the foregoing, the following activities are expressly prohibited in or on the Conservation Easement Area (except as authorized or required by the Permit (or any modification thereof) or which has been approved in writing by the Grantee):

a. Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground;

b. Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials;

c. Removing, destroying or trimming trees, shrubs, or other vegetation, except:

i. The removal of dead trees and shrubs or leaning trees that could cause damage property is authorized;

ii. The destruction and removal of noxious, nuisance or exotic invasive plant species as listed on the most recent Florida Exotic Pest Plant Council's List of Invasive Species is authorized;

iii. Activities authorized by the Permit, or otherwise approved in writing by the Grantee are authorized; and

iv. Activities conducted in accordance with a wildfire mitigation plan developed with the Florida Forest Service that has been approved in writing by the Grantee are authorized. No later than thirty (30) days before commencing any activities to implement the approved wildfire mitigation plan, Grantor shall notify the Grantee in writing of its intent to commence such activities. All such activities may only be completed during the time period for which the Grantee approved the plan;

d. Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface;

e. Surface use except for purposes that permit the land or water area to remain in its natural, restored, enhanced, or created condition;

f. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation including, but not limited to, ditching, diking, clearing, and fencing;

g. Acts or uses detrimental to such aforementioned retention of land or water areas; and

h. Acts or uses which are detrimental to the preservation of the structural integrity or physical appearance of sites or properties having historical, archaeological, or cultural significance.

4. Grantor's Reserved Rights. Grantor reserves all rights as owner of the Conservation Easement Area, including the right to engage or to permit or invite others to engage in all uses of the Conservation Easement Area that are not prohibited herein and which are not inconsistent with the Permit (or any modification thereto), as amended from time to time, or the intent and purposes of this Conservation Easement.

5. Rights of the U.S. Army Corps of Engineers ("Corps") and U.S. Fish and Wildlife Service ("Service"). The Corps and Service, as third-party beneficiaries, shall have the right to enforce the terms and conditions of this Conservation Easement, including:

a. The right to take action to preserve and protect the environmental value of the Conservation Easement Area;

b. The right to prevent any activity on or use of the Conservation Easement Area that is inconsistent with the purpose of this Conservation Easement, and to require the restoration of areas or features of the Conservation Easement Area that may be damaged by any inconsistent activity or use;

c. The right to enter upon and inspect the Conservation Easement Area in a reasonable manner and at reasonable times to determine if Grantor or its successors and assigns are complying with the covenants and prohibitions contained in this Conservation Easement; and

d. The right to enforce this Conservation Easement by injunction or proceed at law or in equity to enforce the provisions of this Conservation Easement and the covenants set forth herein, to prevent the occurrence of any of the prohibited activities set forth herein, and the right to require Grantor, or its successors or assigns, to restore such areas or features of the Conservation Easement Area that may be damaged by any inconsistent activity or use or unauthorized activities.

The Grantor, including their successors or assigns, shall provide the Corps and Service at least 60 days advance notice in writing before any action is taken to amend, alter, release, or revoke this Conservation Easement. The Grantee shall provide reasonable notice and an opportunity to comment or

object to the release or amendment to the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service. The Grantee shall consider any comments or objections from the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service when making the final decision to release or amend this Conservation Easement.

6. Grantee's and Third Party Beneficiaries' Liability. Grantee's liability is limited as provided in Subsection 704.06(10) and Section 768.28, F.S. Additionally, Grantee and Third Party Beneficiaries shall not be responsible for any costs or liabilities related to the operation, upkeep, or maintenance of the Conservation Easement Area.

7. Enforcement. Enforcement of the terms, provisions and restrictions of this Conservation Easement shall be at the reasonable discretion of Grantee, and any forbearance on behalf of Grantee to exercise its rights hereunder in the event of any breach hereof by Grantor, shall not be deemed or construed to be a waiver of Grantee's rights hereunder. Grantee shall not be obligated to Grantor, or to any other person or entity, to enforce the provisions of this Conservation Easement.

8. Third Party Beneficiaries' Enforcement Rights. The Third Party Beneficiaries' of this Conservation Easement shall have all the rights of the Grantee under this Conservation Easement, including third party enforcement rights of the terms, provisions and restrictions of this Conservation Easement. Third Party Beneficiaries' enforcement of the terms, provisions and restrictions shall be at the discretion of the Third Party Beneficiaries, and any forbearance on behalf of the Third Party Beneficiaries to exercise its rights hereunder in the event of any breach hereof by Grantor, shall not be deemed or construed to be a waiver of Third Party Beneficiaries' rights hereunder. Third Party Beneficiaries shall not be obligated to Grantor, or to any other person or entity, to enforce the provisions of this Conservation Easement.

9. Taxes. When perpetual maintenance is required by the Permit, Grantor shall pay before delinquency any and all taxes, assessments, fees, and charges of whatever description levied on or assessed by competent authority on the Conservation Easement Area, and shall furnish the Grantee with satisfactory evidence of payment upon request.

10. Assignment. Grantee will hold this Conservation Easement exclusively for conservation purposes. Grantee will not assign its rights and obligations under this Conservation Easement except to another organization or entity qualified to hold such interests under the applicable state laws.

11. Severability. If any provision of this Conservation Easement or the application thereof to any person or circumstances is found to be invalid, the remainder of the provisions of this Conservation Easement shall not be affected thereby, as long as the purpose of the Conservation Easement is preserved.

12. Terms and Restrictions. Grantor shall insert the terms and restrictions of this Conservation Easement (or incorporate the terms and restrictions by reference) in any subsequent deed or other legal instrument by which Grantor divests itself of any interest in the Conservation Easement. Grantor further agrees to give written notice to Grantee and Third Party Beneficiaries of the transfer of any interest at least twenty (20) days prior to the date of such transfer. Grantor shall provide a photocopy of the recorded deed or legal instrument to the Grantee and Third Party Beneficiaries, together with the requisite notice of permit transfer. The failure of the Grantor to perform any act required by this paragraph shall not impair the validity of this Conservation Easement or limit its enforcement in any way.

13. Written Notice. All notices, consents, approvals or other communications hereunder shall be in writing and shall be deemed properly given if sent by United States certified mail, return receipt requested, addressed to the appropriate party or successor-in-interest.

14. Modifications. This Conservation Easement may be amended, altered, released or revoked only by written agreement between the parties hereto or their heirs, assigns or successors-in-interest, which shall be filed in the public records in Lee County, Florida.

15. Passive Recreational Facilities. Grantor reserves all rights as owner of the Conservation Easement Area, including the right to engage in uses of the Conservation Easement Area that are not prohibited by the Permit (including any modification thereto) as amended from time to time, and that are not inconsistent with any rule of the Grantee, and the intent and purposes of this Conservation Easement. Passive recreational uses that are not contrary to the purpose of this Conservation Easement may be constructed with the following limitations:

a. The Grantor may conduct limited vegetation removal but only to the extent necessary to construct boardwalks, mulched walking trails, observation platforms or other pervious or pile supported structures which have been approved in advance in the Permit (including any modification thereto).

b. The construction and use of the approved passive recreational facilities shall be subject to the following conditions:

i. Grantor shall minimize and avoid, to the fullest extent possible, impact to any wetland or upland buffer areas within the Conservation Easement Area and shall avoid materially diverting the direction of the natural surface water flow in such area;

ii. Such facilities and improvements shall be constructed and maintained utilizing Best Management Practices;

iii. Adequate containers for litter disposal shall be situated adjacent to such facilities and improvements and periodic inspections shall be instituted by the maintenance entity, to clean any litter from the area surrounding the facilities and improvements;

iv. This Conservation Easement shall not constitute authorization for the construction and operation of the passive recreational facilities. Any such work shall be subject to all applicable federal, state, and local permitting requirements.

16. Recordation. Grantor shall record this Conservation Easement in timely fashion in the Official Records of Lee County, Florida, and shall rerecord it at any time Grantee may require to preserve its rights. Grantor shall pay all recording costs and taxes necessary to record this Conservation Easement in the public records. Grantor will hold Grantee harmless from any recording costs or taxes necessary to record this Conservation Easement in the public records.

TO HAVE AND TO HOLD unto Grantee forever. The covenants, terms, conditions, restrictions and purposes imposed with this Conservation Easement shall be binding upon Grantor, and shall continue as a servitude running in perpetuity with the Conservation Easement Area.

Grantor hereby covenants with Grantee that Grantor is lawfully seized of said Conservation Easement Area in fee simple; that the Conservation Easement is free and clear of all encumbrances that are inconsistent with the terms of this Conservation Easement; all mortgages and liens on the Conservation Easement area, if any, have been subordinated to this Conservation Easement; that Grantor has good right and lawful authority to convey this Conservation Easement; and that it hereby fully warrants and defends record title to the Conservation Easement Area hereby conveyed against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, ALICO WEST FUND, LLC ("Grantor") has hereunto set its authorized hand this 3rd day of November, 2014.
☐ A Florida corporation or ☒ Limited liability company (*choose one*)

By: _____
(Signature)

Name: Donald R Schrotenboer
(Print)

Title: President

Signed, sealed and delivered in our presence as witnesses:

By: _____
(Signature)

Name: Gary Morris
(Print)

By: Angela M. Baggett
(Signature)

Name: Angela M. Baggett
(Print)

STATE OF FLORIDA
COUNTY OF Lee

On this 3rd day of November, 2014, before me, the undersigned notary public, personally appeared Donald R Schrotenboer the person who subscribed to the foregoing instrument, as the President (title), of Alico West Fund LLC ☐ (corporation), a Florida corporation, or ☒ limited liability company (choose one) and acknowledged that he/she executed the same on behalf of said ☐ corporation, or ☒ limited liability company (*choose one*) and the he/she was duly authorized to do so. He/She is personally known to me or has produced a _____ (state) driver's license as identification.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

NOTARY PUBLIC, STATE OF FLORIDA

_____
(Signature)

Michelle A. Preiss
(Name)

My Commission Expires: 12-15-17

MICHELLE A. PREISS
MY COMMISSION EXPIRES
December 15, 2017
#FF 075706
Bonded thru Troy Fain - Insurance
NOTARY PUBLIC, STATE OF FLORIDA

00408055-1

JOINDER, CONSENT AND SUBORDINATION

For Ten Dollars ($10.00) and other good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, ALICO WEST FUND, LLC the entity to which the real property described on Exhibit "B" attached hereto ("Conservation Easement Area"), has been dedicated by virtue of ALICO WEST FUND, LLC, hereby joins in, consents to and subordinates its interest in the above referenced Plat dedication, to the foregoing Conservation Easement, executed by in favor of the South Florida Water Management District applicable to the Conservation Easement, as said Conservation Easement may be modified, amended, and assigned from time to time, with the intent that the Plat dedication shall be subject and subordinate to the Conservation Easement.

IN WITNESS WHEREOF, this Joinder, Consent and Subordination is made this 3rd day of November, 2014.

By: _____
(Signature)

Name: Donald R. Schrotenboer
Title: President
(Print)

WITNESSES:

By: _____
(Signature)

Name: Greg Morris
(Print)

By: _____
(Signature)

Name: Angela M. Baggett
(Print)

STATE OF FLORIDA
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 3rd day of November, 2014, by Donald R. Schrotenboer (print name), as president (title) on behalf of the limited liability company (Alico West Fund LLC, Grantor of the conservation Easement). He/She is personally known to me or has produced a _____ (state) driver's license as identification.
IN WITNESS WHEREOF, I hereunto set my hand and official seal.

NOTARY PUBLIC, STATE OF FLORIDA

_____
(Signature)

Michelle A. Preiss
(Name)

My Commission Expires: 12-15-17

MICHELLE A. PREISS
MY COMMISSION EXPIRES
December 15, 2017
#FF 075706
Bonded thru
Troy Fain - Insurance
NOTARY PUBLIC, STATE OF FLORIDA

00408055-1

EXHIBIT A

[LOCATION MAP]

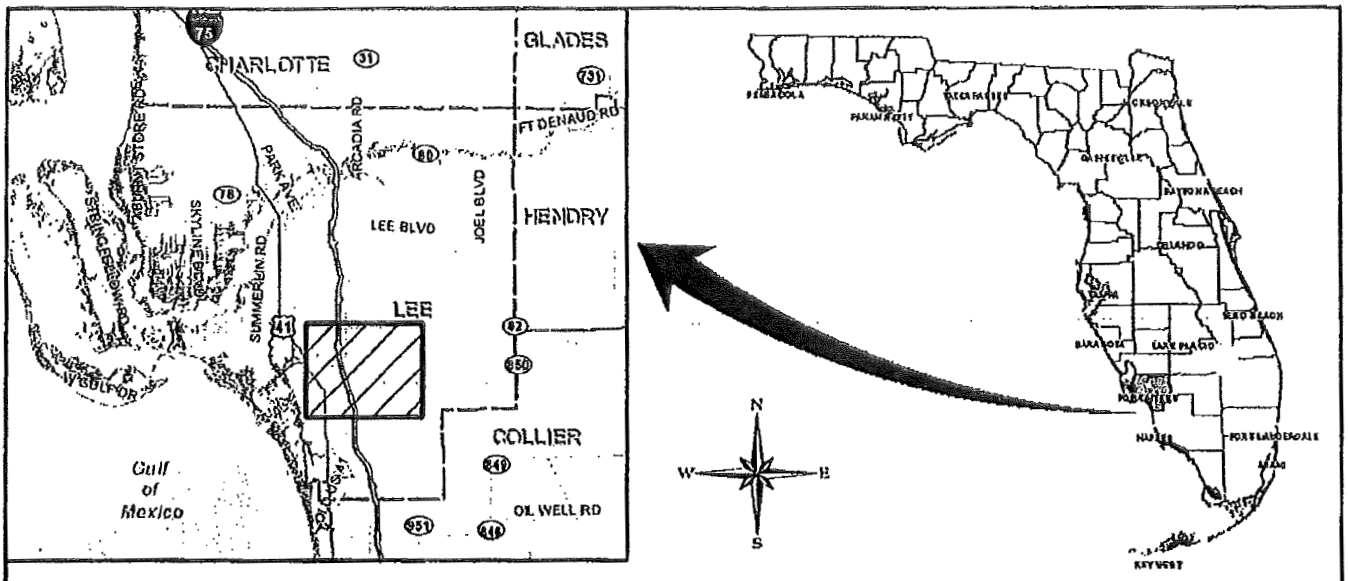




EXHIBIT A. PROJECT LOCATION MAP
CENTERPLACE

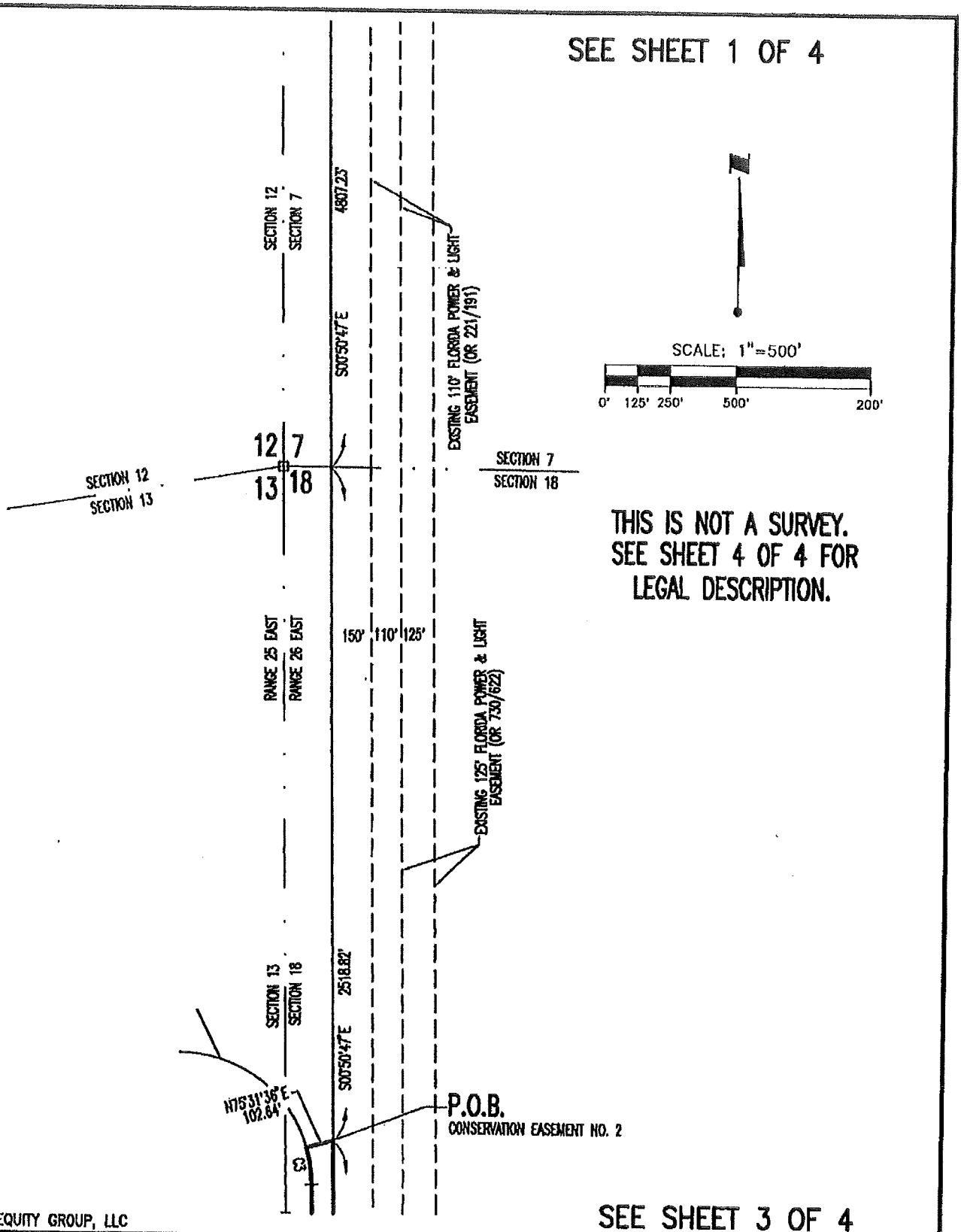
DRAWN BY	DATE
H.H.	11/14/13
REVIEWED BY	DATE
K.C.P.	11/14/13
REVISED	DATE

PASSARELLA & ASSOCIATES

EXHIBIT B

[LEGAL DESCRIPTION AND SKETCH OF CONSERVATION EASEMENT AREA]

EXHIBIT B



Aug 05, 2014 - 09:54:03 GPBROWN\A\2156\active\215611570\survey\Task 202 Conservation Easements\drawing\A-215611570-004K01.dwg

FOR: PRIVATE EQUITY GROUP, LLC

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
CENTERPLACE CCPD – CONSERVATION EASEMENT NO. 2
SECTION 18, TOWNSHIP 46S., RANGE 26E.,
LEE COUNTY, FLORIDA

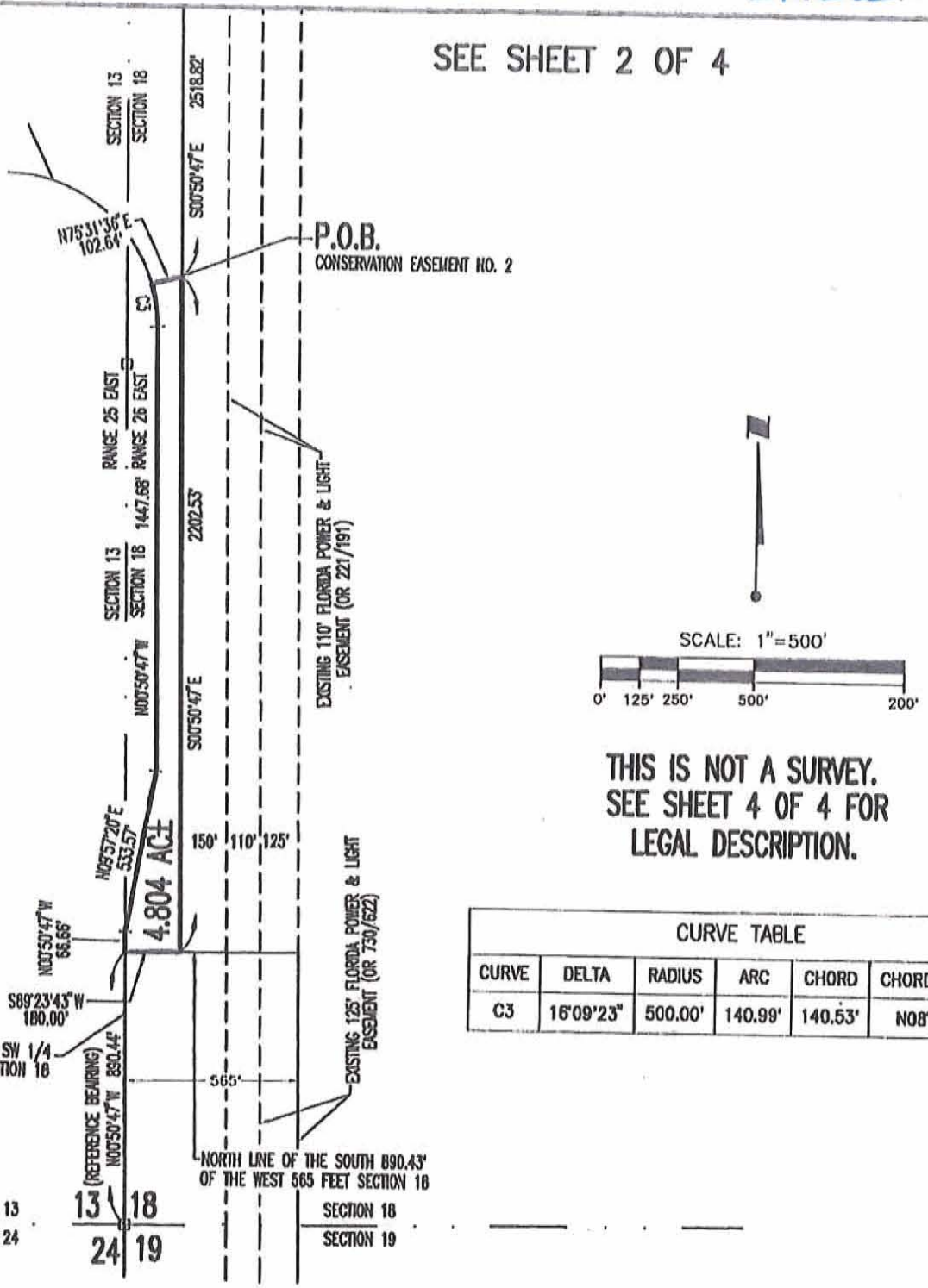
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Phone 239-939-1020 • Fax 239-939-3412
Certificate of Authorization #27013 • Licensed Business No. 187666 • www.stantec.com

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202	MDH	MDH		215611570	2 OF 4	A-215611570-004K01	

EXHIBIT B

EXHIBIT B

SEE SHEET 2 OF 4



THIS IS NOT A SURVEY.
SEE SHEET 4 OF 4 FOR
LEGAL DESCRIPTION.

CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CHORD	CHORD BEARING
C3	16°09'23"	500.00'	140.99'	140.53'	N08°55'28"W

Aug 06, 2014 - 09:54:15 G:\BRCWN\V:\2156\active\215611570\survey\Task 202 Conservation Easements\drawing\A-215611570-004k01.dwg

FOR: PRIVATE EQUITY GROUP, LLC

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
CENTERPLACE CCPD – CONSERVATION EASEMENT NO. 2
SECTION 18, TOWNSHIP 46S., RANGE 26E.,
LEE COUNTY, FLORIDA

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Phone 239.939.1020 • Fax 239.939.2412
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TASK CODE:	DRAWN BY:	CHKED BY:	CAD FILE:	PROJECT NO:	SHEET	DRAWING INDEX NO:	REV:
202	MDH	MDH		215611570	3 OF 4	A-215611570-004K01	

EXHIBIT B

EXHIBIT B

THIS IS NOT A SURVEY.
SEE SHEETS 1, 2 AND 3 OF 4 FOR SKETCH OF DESCRIPTION.

Aug 06, 2014 - 09:54:24 G:\BROWN\A\2156\active\215611570\survey\Task 202 Conservation Easements\drawing\A-215611570-004K01.dwg

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 18, TOWNSHIP 46 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, LYING SOUTH OF ALICO ROAD, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE WEST LINE OF A FLORIDA POWER & LIGHT EASEMENT (110 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 221, PAGE 191 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND THE MAINTAINED SOUTH RIGHT-OF-WAY LINE OF ALICO ROAD (100 FEET WIDE); THENCE, ALONG THE WEST LINE OF SAID FLORIDA POWER & LIGHT EASEMENT (110 FEET WIDE), S.00°50'47"E., 75.00 FEET TO AN INTERSECTION WITH A LINE LYING 75.00 FEET SOUTH OF AND PARALLEL WITH THE AFOREMENTIONED SOUTH LINE OF ALICO ROAD (100 FEET WIDE); THENCE, ALONG SAID PARALLEL LINE, S.88°59'33"W., 150.00 FEET; THENCE, ALONG A LINE LYING 150 FEET WEST OF AND PARALLEL WITH THE WEST LINE OF THE AFOREMENTIONED FLORIDA POWER & LIGHT EASEMENT (110 FEET WIDE) FOR THE FOLLOWING TWO (2) COURSES:

1. S.00°50'47"E. 4,807.23 FEET;
2. S.00°50'47"E. 2518.82 FEET

TO THE POINT OF BEGINNING; THENCE, CONTINUE, S.00°50'47"E., 2,202.53 FEET TO AN INTERSECTION WITH THE NORTH LINE OF THE SOUTH 890.43 FEET OF THE WEST 565 FEET OF THE AFOREMENTIONED SECTION 18; THENCE, ALONG SAID NORTH LINE, S.89°23'43"W., 180.00 FEET; THENCE, ALONG THE WEST LINE OF THE SOUTHWEST ONE-QUARTER OF THE AFOREMENTIONED SECTION 18, N.00°50'47"W., 66.66 FEET; THENCE N.09°57'20"E., 533.57 FEET; THENCE N.00°50'47"W., 1,447.68 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A TANGENT CIRCULAR CURVE CONCAVE TO THE WEST HAVING FOR ITS ELEMENTS A RADIUS OF 500.00 FEET, A CENTRAL ANGLE OF 16°09'23"; A CHORD DISTANCE OF 140.53 FEET, A CHORD BEARING OF N.08°55'28"W., AN ARC DISTANCE OF 140.99 FEET; THENCE N.75°31'36"E., 102.64 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 4.804 ACRES, MORE OR LESS.

SURVEYOR'S NOTES

THIS SKETCH AND LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

CORNER MONUMENTS WERE NOT PLACED IN CONJUNCTION WITH THE PREPARATION OF THIS SKETCH.

THIS SKETCH DOES NOT PURPORT TO DELINEATE THE REGULATORY JURISDICTION OF ANY FEDERAL, STATE OR LOCAL AGENCY.

BEARINGS HEREON ARE BASED ON THE WEST LINE OF THE SW 1/4 OF SECTION 18, TOWNSHIP 46 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA BEING N.00°50'47"W.

COORDINATES SHOWN HEREON ARE IN FEET AND ARE BASED ON THE STATE PLANE COORDINATE SYSTEM, FLORIDA WEST ZONE.

SURVEYOR'S CERTIFICATION

WE HEREBY CERTIFY TO THE BEST OF OUR KNOWLEDGE AND BELIEF THAT THIS SKETCH AND LEGAL DESCRIPTION WAS PREPARED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF CHAPTER 5J-17.050, FLORIDA ADMINISTRATIVE CODE.

STANTEC CONSULTING SERVICES, INC.
LICENSED BUSINESS NO. LB 7866
STATE OF FLORIDA

MARK D. HAINES
PROFESSIONAL SURVEYOR AND MAPPER NO. LS5312
STATE OF FLORIDA

DATE: AUGUST 5, 2014

FOR: PRIVATE EQUITY GROUP, LLC

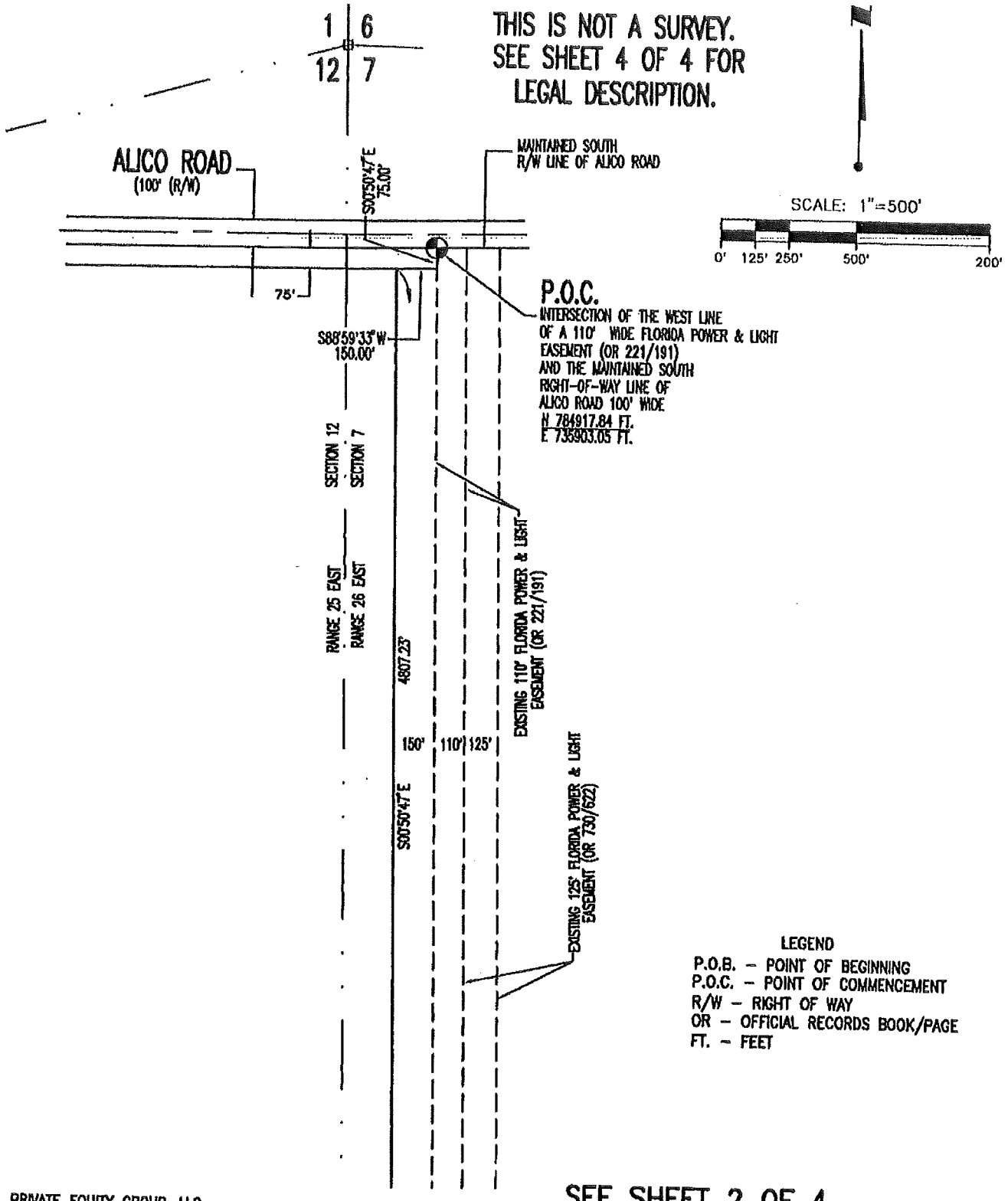
SKETCH TO ACCOMPANY LEGAL DESCRIPTION
CENTERPLACE CCPD – CONSERVATION EASEMENT NO. 2
SECTION 18, TOWNSHIP 46S., RANGE 26E.,
LEE COUNTY, FLORIDA

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TASK CODE:	DRAWN BY:	CHKED BY:	CAD FILE:	PROJECT NO:	SHEET	DRAWING INDEX NO:	REV:
202	MDH	MDH		215611570	4 OF 4	A-215611570-004K01	

EXHIBIT B

Exhibit B



Aug 06, 2014 – 09:53:53 GPBROWN(V:\2156\active\215611570\survey\Task 202 Conservation Easements\drawing\A-215611570-004K01.dwg

FOR: PRIVATE EQUITY GROUP, LLC

SEE SHEET 2 OF 4

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
CENTERPLACE CCPD – CONSERVATION EASEMENT NO. 2
SECTION 18, TOWNSHIP 46S., RANGE 26E.,
LEE COUNTY, FLORIDA

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Certificate of Authorization #27013 • Licensed Business No. LB7856 • www.stantec.com

TASK CODE:	DRAWN BY:	CHKED BY:	CAD FILE:	PROJECT NO:	SHEET	DRAWING INDEX NO:	REV:
202	MDH	MDH		215611570	1 OF 4	A-215611570-004K01	

Exhibit B

LeeClerk.ORG
LINDA DOGGETT : CLERK OF COURT
2115 Second Street
P.O. Box 2278
Fort Myers, FL 33902
(239) 533-5007

Lee County - DBLive Transaction #: **102333328**
Receipt #: **2290850**
Cashier Date: **5/5/2016 9:35:05 AM**
(CMASSEY)

Print Date: 5/5/2016 9:35:07 AM

Customer Information	Transaction Information	Payment Summary	
(HFSH) HENDERSON, FRANKLIN, STARNES & HOLT, PA P.O. BOX 280 FORT MYERS, FL 33902-0280 Escrow Balance: $698.87	DateReceived: 05/05/2016 Source Code: Ft. Myers Office Q Code: Over the Counter Return Code: Over the Counter Trans Type: Recording Agent Ref Num:	Total Fees Total Payments	$120.50 $120.50

1 Payments

CHECK 589457	$120.50

1 Recorded Items

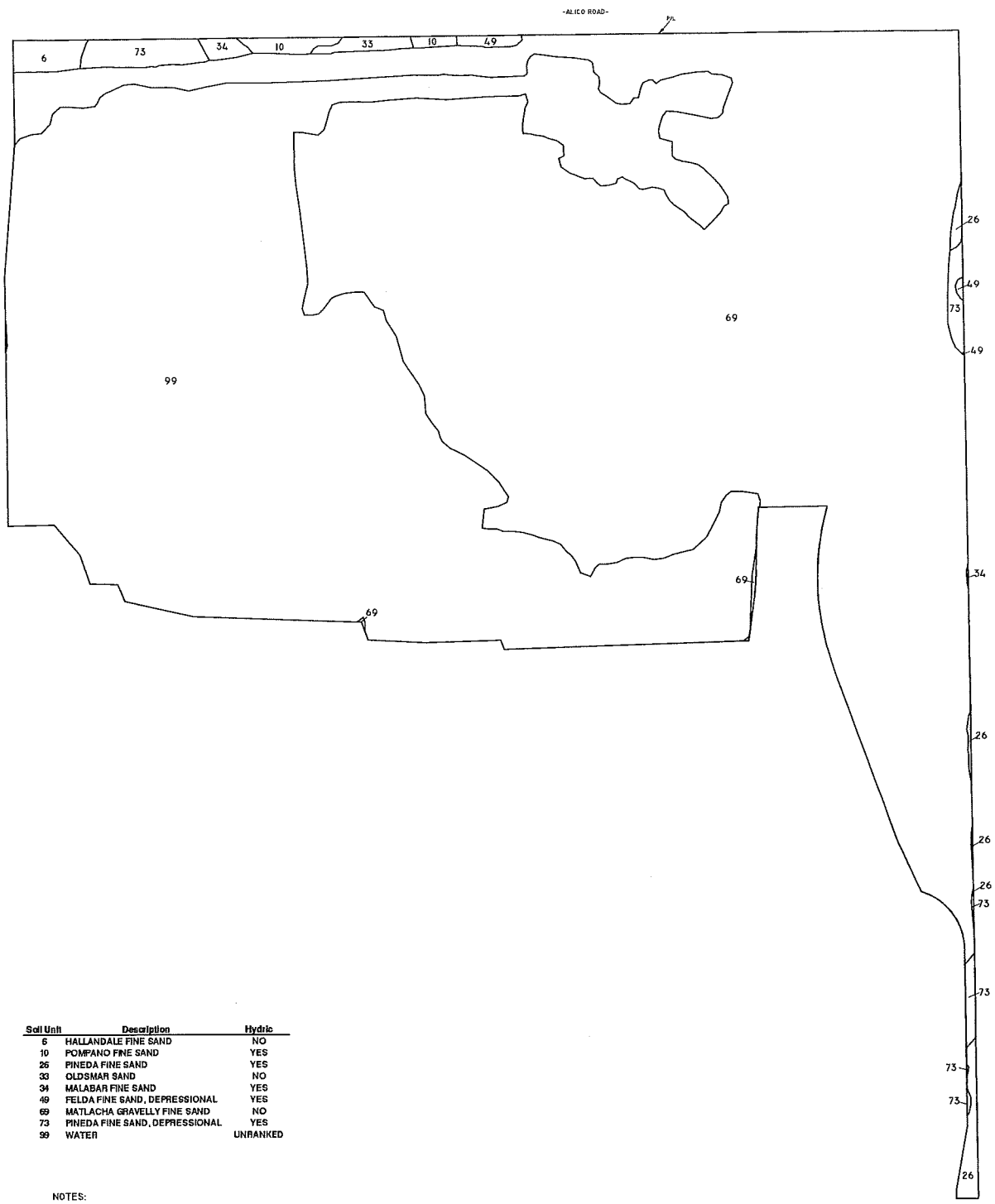
(EAS) Easement — *CFN:2016000096470 Date:5/5/2016 9:35:02 AM From: ALICO WEST FUND LLC To: SOUTH FLORIDA WATER MANAGEMENT DISTRICT*

Recording @ 1st=$10 Add'l=$8.50 ea.	14	$120.50
Indexing @ 1st 4 Names Free, Addt'l=$1 ea.	2	$0.00
Deed Doc Stamps @ $0.70 per $100	0	$0.00

0 Search Items

0 Miscellaneous Items

SCALE: 1" = 800'



Soil Unit	Description	Hydric
6	HALLANDALE FINE SAND	NO
10	POMPANO FINE SAND	YES
26	PINEDA FINE SAND	YES
33	OLDSMAR SAND	NO
34	MALABAR FINE SAND	YES
49	FELDA FINE SAND, DEPRESSIONAL	YES
69	MATLACHA GRAVELLY FINE SAND	NO
73	PINEDA FINE SAND, DEPRESSIONAL	YES
99	WATER	UNRANKED

NOTES:

SOILS MAPPING WAS ACQUIRED FROM THE FLORIDA GEOGRAPHIC DATA LIBRARY WEBSITE OCTOBER 2007 AND CREATED BY THE NATURAL RESOURCES CONSERVATION SERVICE 1990.

PROPERTY BOUNDARY PER BARRACO & ASSOCIATES DRAWING NO.23115A00-OPT5.DWG DATED DECEMBER 16, 2013.

J:\2011\11ALD2037\COS\County Zoning Applications\Site Plan 12-16-13.dwg, TAB: UNTITLED, Dec 18, 2013 - 11:18am, Plotted by: Maureen Hardwick

DRAWN BY	DATE
F.L.	12/16/13
REVIEWED BY	DATE
M.B.	12/16/13
REVISED	DATE
K.C.P.	12/16/13

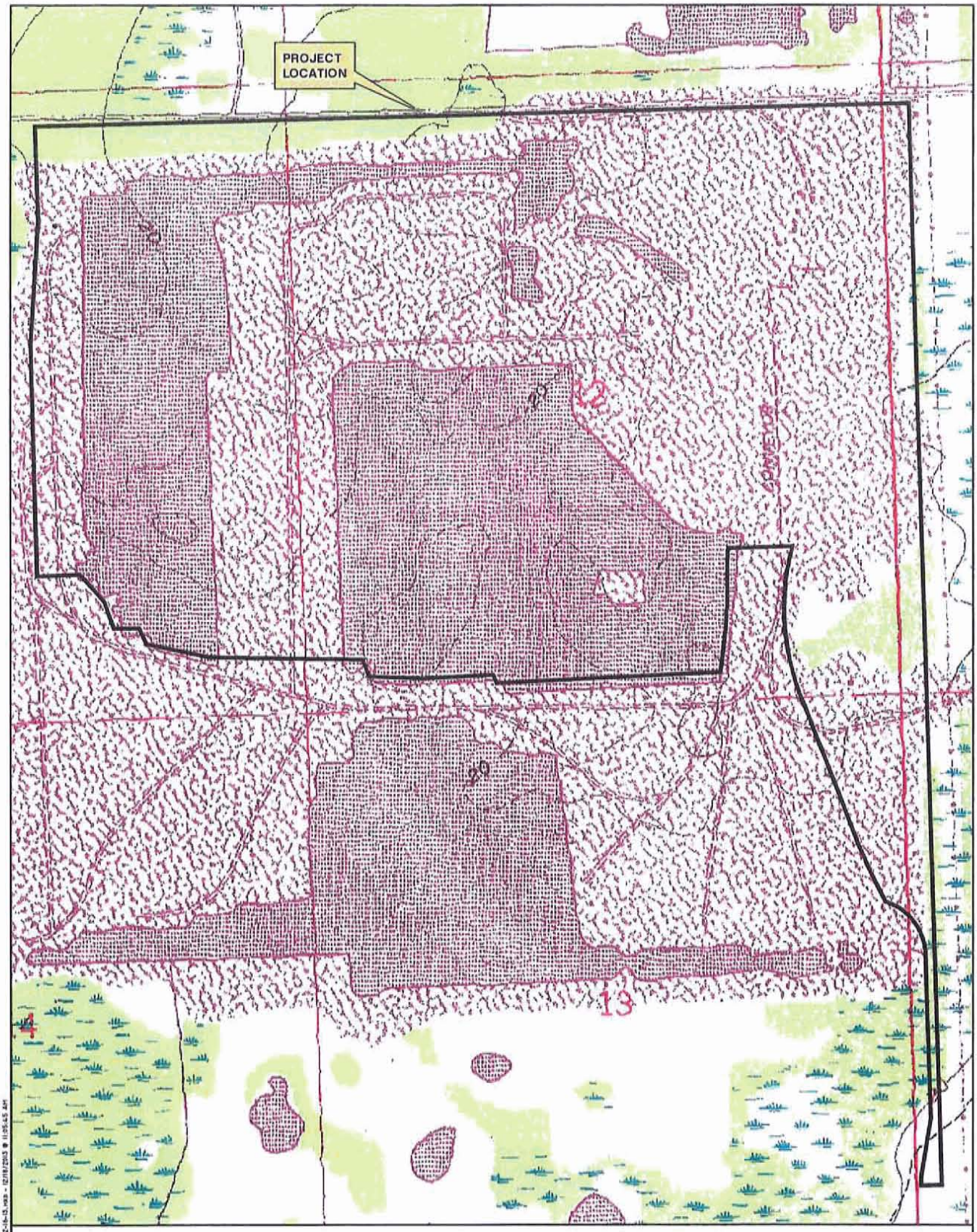
13620 Metropolis Avenue
Suite 200
Fort Myers, Florida 33912
Phone (239) 274-0067
Fax (239) 274-0069

PASSARELLA & ASSOCIATES, INC.

CENTERPLACE

SOILS MAP

DRAWING No.	11ALD2037
SHEET No.	10-E



LEGEND
CENTERPLACE

N
W E
S

0 400 800
Feet

NOTES:

COUNTY INFORMATION AND ROADWAY NETWORKS WERE ACQUIRED FROM THE FLORIDA GEOGRAPHIC DATA LIBRARY WEBSITE.

DIGITAL RASTER GRAPHIC USGS TOPOGRAPHIC QUADRANGLES WERE ACQUIRED FROM THE LAND BOUNDARY INFORMATION SYSTEM (LABINS) WEBSITE JULY 2007.

DRAWN BY	F.L.
DATE	12/16/13
REVIEWED BY	M.B.
DATE	12/16/13
REVISED	K.C.P.
DATE	12/16/13

13620 Metropolis Avenue
Suite 200
Fort Myers, Florida 33912
Phone (239) 274-0067
Fax (239) 274-0069

PASSARELLA & ASSOCIATES INC

CENTERPLACE
QUAD SHEET

DRAWING No. 11ALD2037
SHEET No. 10A

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ENGINEERS · PLANNERS · SURVEYORS
LANDSCAPE ARCHITECTS

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Phone (239) 337-3993 | Toll Free (866) 337-7341
www.morris-depew.com

CenterPlace

Proposed Text Amendments
January 8, 2017

POLICY 1.1.9: The University Community land use category provides for Florida's 10th University, Florida Gulf Coast University (FGCU), and for associated support development. The location and timing of development within this area must be coordinated with the development of the University and the provision of necessary infrastructure. All development within the University Community must be designed to enhance and support the University. In addition to all other applicable regulations, development within the University Community will be subject to cooperative master planning with, and approval by, the Florida Gulf Coast University President or their designee.

Prior to development in the University Community land use category, there will be established a Conceptual Master Plan which includes a generalized land use plan and a multi-objective water management plan. These plans will be developed through a cooperative effort between the property owner, Lee County, and South Florida Water Management District.

Within the University Community are two distinct sub-categories: University Campus and the University Village. The University Window overlay, although not a true sub-category, is a distinct component of the total university environment. Together these functions provide the opportunity for a diversity of viable mixed use centers. Overall residential development within the University Village will not exceed 6,510 dwelling units. None of the 6,510 dwelling units may be used on or transferred to lands located outside of the University Community land use boundaries as they exist on October 20, 2010. Clustered densities within the area may reach thirty-five (35) units per acre to accommodate university housing. The overall average intensity of nonresidential development within the University Village will be limited to a maximum floor area ratio of 1.0 per non-residential acre allowed pursuant to Map 16 and Table 1(b). Specific policies related to the University Community are included within the Lee Plan under Goal 18. (Added by Ordinance No. 92-47, Amended by Ordinance No. 94-30, 98-09, 00-22, 10-40)

GOAL 18: UNIVERSITY COMMUNITY. In order to ensure that development within the University Community land use category protects and enhances the ability of Florida's 10th university to provide secondary education as described in the Mission Statement of that institution and to assure that land uses or development activities do not interfere with, disrupt, or impede the efficient operation of that institution the following Objectives and Policies will apply to all

development within the University Community land use category. The Application (Volume 1 of 2) (1992) and the Support Document (Volume 2 of 2) (1992) to the Amendment to the Lee County Comprehensive Plan for the University Community is incorporated by reference herein as a resource and information document. (Added by Ordinance No. 92-47, Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 18.1: FUTURE LAND USE. In order to ensure that the location and timing of development within the University Community is coordinated with the development of the University and the provision of necessary infrastructure; and, that all associated support development within the University Community is designed to enhance the University; all development within the University Community will be subject to cooperative master planning which must conform to the following policies. (Amended by Ordinance No. 00-22)

POLICY 18.1.1: Lee County will, through public and private economic and business development initiatives, promote the University Community as a catalyst for economic diversification and the promotion of employment throughout Lee County and the Region. Within the University Community land use category, the focus of this endeavor (the emphasis) will be on university related scientific research and high technology development activities. (Amended by Ordinance No. 00-22)

POLICY 18.1.2: The University Community will provide a mix of housing types with densities sufficient to meet the needs of and designed to accommodate the varying lifestyles of students, faculty, administration, other university personnel and employees of the associated support development. (Amended by Ordinance No. 00-22)

POLICY 18.1.3: Lee County will maintain and as necessary adopt appropriate regulations providing for university housing, including student dormitories and boarding houses. (Amended by Ordinance No. 00-22, 07-12)

POLICY 18.1.4: Lee County will maintain and as necessary adopt regulations further defining how densities for individual parcels within the University Community will be determined. The regulations will address how the total number of units will be tallied to ensure that the overall total number of residential units within the University Village do not exceed 6,510 dwelling units. The regulations will provide a mechanism for clustering densities within the University Community. (Amended by Ordinance No. 00-22, 07-12, 10-40)

POLICY 18.1.5: In order to create a cohesive community, site design within the University Community must utilize alternative modes of transportation such as pedestrian networks, mass transit opportunities, sidewalks, bike paths and similar facilities. Site design must link related land uses through the use of alternative modes of transportation thus reducing automobile traffic within the University Community. The county will work cooperatively with the University on these matters as the University proceeds through the Campus Master Plan Process.

As part of the local Development Order approval for primary infrastructure installation on property within Area 9, of the University Community, the developer must demonstrate that the proposed plan of development supports pedestrian, bicycle and transit opportunities. A multi-modal interconnection between the property and the FGCU campus must be provided at no cost to Lee County, consistent with Lee Plan Policy 18.1.16.7. (Amended by Ordinance No. 94-30, 00-22, 10-40, 14-03)

POLICY 18.1.6: Lee County will facilitate mass transit opportunities connecting the University Community to other parts of the county, in accordance with the goals, objectives, and policies of the Mass Transit element. (Amended by Ordinance No. 94-30, 00-22)

POLICY 18.1.7: A diverse mixture of land uses will be encouraged within the University Community. Compatibility will be addressed through project design, including adequate buffering or other performance measures, therefore allowing adjacent appropriate industrial, residential and commercial land uses where such locations represent good planning. In reviewing zoning requests within the University Community, Lee County will consider noise, odor, visual, security and traffic impacts in determining land use compatibility. Because of the required cooperative master planning with and approval by the Board of Regents, the required compatibility review and the requirement that commercial land uses within the University Village be related to the University, development within the University Community will not be subject to the site location standards set forth in Goal 6 of the Lee Plan. (Amended by Ordinance No. 94-30, 00-22)

POLICY 18.1.8: Agricultural activity including but not limited to tree farms, nurseries, or agricultural research facilities will be permitted within the University Community. (Amended by Ordinance No. 00-22)

POLICY 18.1.9: Prior to the commencement of development within the University Community land use category, an area-wide Conceptual Water Management Master Plan must be submitted to and approved by Lee County and South Florida Water Management District staff. This water management plan will be integrated with the Conceptual Master Plan and be prepared through a cooperative effort between the property owner, Lee County, and South Florida Water Management District. This master plan will ensure that the water management design of any development within the University Community will maintain or improve the currently existing quality and quantity of groundwater recharge. This plan must be consistent with the drainage basin studies that were prepared by Johnson Engineering, and approved by the SFWMD. Lee County will amend the county land development regulations to require all new development to be consistent with the appropriate basin study. Prior to zoning or Development Order approval on any portion of Area 9, the developer must demonstrate through modeling, accepted by Lee County staff, that the proposed development will not create significant impacts on present or future water resources. (Amended by Ordinance No. 94-30, 00-22, 10-40)

POLICY 18.1.10: Development within the University Community land use category will be consistent with the Generalized Land Use Map and the eight area descriptions contained on or between pages 6 through 10 of the University Community Conceptual Master Plan, dated April 1994. The University Community Conceptual Master Plan is hereby amended to include a new Area 9 which is east and north of areas 5 and 8 and bounded on the east side by the Florida Power and Light easement and the north by Alico Road. (Amended by Ordinance No. 94-30, 10-40)

POLICY 18.1.11: If not otherwise addressed by the Conceptual Master Plan, the landowner(s) within the University Village will coordinate infrastructure connections and interconnections, including but not limited to roadways, utilities and water management, with the University Campus through the established Board of Regents' master planning, review and approval process. (Amended by Ordinance No. 00-22, Relocated by Ordinance No. 07-12)

POLICY 18.1.12: To encourage a variety of wildlife habitats and university study sites, special consideration will be given in the Conceptual Master Plan to the preservation of portions of the most pristine and diverse wildlife habitat areas (such as, pine flatwoods, palmetto prairies, and major cypress slough systems) as an incentive to reduce, on a one-for-one basis, open space requirements in other developments within the University Community. The implementation of this policy will occur at the time of zoning and development review. (Amended by Ordinance No. 94-30, 00-22, Relocated by Ordinance No. 07-12, Amended by Ordinance No. 10-40)

POLICY 18.1.13: The use of septic tanks will be prohibited except for temporary septic tanks for model homes, construction trailers, and temporary sales offices. Permanent septic tanks will be limited to rest room facilities in golf courses, existing agricultural operations, or any agricultural operation of twenty five acres or more. (Amended by Ordinance No. 00-22, Relocated by Ordinance No. 07-12)

POLICY 18.1.14: The cost for the provision and expansion of facilities for potable water and sanitary sewer that benefits development in the University Community will be borne by those who benefit. Such funding may include (but is not limited to) outright construction by the developer, special taxing or benefit districts, or Uniform Community Development Districts (Chapter 190, F.S.). The cost for these types of improvements will not be born by the county. (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22, Relocated by Ordinance No. 07-12)

POLICY 18.1.15: The cost for the provision and expansion of facilities necessary to comply with the recommendations of the Estero Basin that benefits development in the University Community will be borne by those who benefit. Such funding may include (but is not limited to) outright construction by the developer, special taxing or benefit districts, or Uniform Community Development Districts (Chapter 190, F.S.). The cost for these types of improvements will not be borne by the county. (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22, Relocated by Ordinance No. 07-12)

POLICY 18.1.16: For those lands in Area 9, all development must be designed to enhance and support the University. All rezonings in this area must include a specific finding that the proposed uses qualify as Associated Support Development, as that term is defined in the glossary. The final design and components will be determined as part of the rezoning process and must be consistent with the following development standards:

1. **Mixed Use:** Development must incorporate a mix of uses (multiple types of residential development along with non-residential development), and be consistent with the intent of Goal 4: Sustainable Development Design of the Lee Plan, Policy 1.1.9 and Goal 18: University Community. Development on Alico West, Area 9, must be rezoned to a Planned Development as specified by the Lee County Land Development Code. The following maximum development parameters per use are approved for Area 9, subject to transportation mitigation requirements:

   Residential: a maximum of 1,950 units;
   Retail: a maximum of 200,000 square feet;
   Office/Research/Development: a maximum of 140,000 square feet; and
   Hotel: 250 rooms.

2. **Density:** To ensure the creation of a development that has sufficient residential mass to support the proposed non-residential intensity, while providing a mixture of housing types to meet the needs and accommodate the varying lifestyles of persons related directly and indirectly to the University as required by policy 18.1.2, the total project shall not exceed a total of 1,950 dwelling units.

3. **Non-residential Uses:** The Site Location Standards described in Goal 6 of the Lee Plan are not applicable to University Community Area 9. Specific location of non-residential uses, design details, and intensities of non-residential uses will be reviewed during the rezoning process to determine compliance with the requirements of applicable Lee Plan provisions, including but not limited to compatibility, mix of uses, civic spaces, recreation and open space, interconnectivity, and multi-modal design elements.

4. **Office, Research and Development Facilities**: Research and development facilities and office buildings are encouraged, which will attract the targeted industries as established by the State of Florida and by Lee County to create economic diversity and to create synergy between FGCU and private facilities. As required by policy 18.1.1, the emphasis will be on University related scientific research and high technology development activities but may also include and allow a diversity of activities that support the University and private development within Area 9 in keeping with the predominant land uses as established by Policy 18.2.2.

5. **Connectivity to FGCU:** To further implement Policy 18.1.5 relative to alternative modes of transportation, Area 9 will be designed with a connection to FGCU. This connection will

be a pedestrian-friendly multi-modal facility, with traffic calming, multi-use paths, and other pedestrian oriented safety features. This connection must be included in the local development order prior to commencement of vertical development.

6. **Pedestrian Friendly Design:** The development will be designed as a pedestrian-friendly community, and in areas targeted and marketed as student housing, along with all retail, office, research and development areas, will include pedestrian oriented design features, including traffic calming, sidewalks on both sides of the road system, and facilities to accommodate the FGCU Eagle Express, Lee Tran, and other alternative modes of transportation.

7. **Parking:** Parking in Area 9 should be screened and minimized to the furthest extent possible in order to create a walkable community that considers the needs of pedestrians and recognizes the possibility for internal trip capture. Parking may be minimized by using on-street parking, shared parking, or structured parking.

8. **Residential Uses:** Single-family residential units and zero lot line units, as defined in the Land Development Code, will be limited to not more than 25% of the total approved dwelling units in the planned development.

9. **Town Square:** Area 9 may contain public and private entertainment venues, including but not limited to facilities such as ~~amphitheaters,~~ theaters, bars and cocktail lounges, restaurants, bowling alleys, batting cages, arcades, as well as passive recreation facilities located within or in close proximity to the commercial node of the required Planned Development. All uses must comply with adopted noise abatement and control requirements imposed as part of any zoning approvals to maintain compatibility with existing development.

10. **Landscaping**: All plantings used in buffers and landscaping must be at least 75 percent native. Irrigation must be provided through a central irrigation system that complies with the Lee County Water Conservation Ordinance. Irrigation control boxes and wells are prohibited on individual residential lots.

11. **Florida Gulf Coast University Participation:** The owner or agent for Development of Regional Impact or Planned Development rezoning requests must conduct two meetings with the President of FGCU or his designees and will provide detailed information to such representatives at those meetings relating to the Site Plan and Master Concept Plan for any proposed development within Area 9. The developer must invite Lee County zoning and planning staff to participate in such meetings. These meetings must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meetings, list of attendees; a summary of the concerns

or issues that were raised at the meetings; and a proposal of how the applicant will respond to any issues that were raised.

12. **Stormwater Retention for adjacent transportation facilities:** Area 9 will accommodate stormwater detention/retention requirements for the Alico Road widening and County Road 951 extension adjacent to the property, if constructed.

OBJECTIVE 18.2: UNIVERSITY COMMUNITY SUB-CATEGORIES. The University Community meets an educational infrastructure need for the Southwest Florida five county area by providing the necessary and appropriate land uses to carry out the mission of Florida's 10th University as stated by the Board of Regents. Within the University Community land use category there are two distinct sub-categories: University Campus and the University Village. The University Window overlay is also a part of the University Community land use category. (Amended by Ordinance No. 94-30)

POLICY 18.2.1: The University Campus area provides for the land uses of the University and its related functions. Development within the University Campus will be in accordance with provisions of any development agreement(s) between the Department of Community Affairs and the Board of Regents under the provisions of Chapter 380 F.S. and any other applicable state law. (Amended by Ordinance No. 00-22)

POLICY 18.2.2: The University Village is an area which provides the associated support development and synergism to create a viable University Community. This sub-category allows a mix of land uses related to and justified by the University and its development. Predominant land uses within this area are expected to be residential, commercial, office, public and quasi-public, recreation, and research and development parks. (Amended by Ordinance No. 00-22, 14-03)

POLICY 18.2.3: The University Window Overlay includes the area within 100 feet on both sides of the right-of-way of the following roadway segments:

Ben Hill Griffin Pkwy	From Alico Road to Corkscrew Road
Alico Road	From I-75 to Ben Hill Griffin Pkwy
Corkscrew Road	From I-75 to Ben Hill Griffin Pkwy
Estero Pkwy	From I-75 to Ben Hill Griffin Pkwy

With input from affected property owners, Lee County and the Florida Gulf Coast University Board of Trustees will develop mutually agreed upon standards for the University Window addressing landscaping, signage and architectural features visible from the designated roadway segments. (Amended by Ordinance No. 00-22, 07-12, 10-40)

TABLE1(a) Summary of Residential Densities

Note 9: Overall average density for the University Village sub-district must not exceed 2.5 du/acre. Clustered densities within the area may reach 35 du/acre to accommodate university housing.

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Proposed Text Amendments
November 17, 2016

POLICY 1.1.9: The University Community land use category provides for Florida's 10th University, Florida Gulf Coast University (FGCU), and for associated support development. The location and timing of development within this area must be coordinated with the development of the University and the provision of necessary infrastructure. All development within the University Community must be designed to enhance and support the University. In addition to all other applicable regulations, development within the University Community will be subject to cooperative master planning with, and approval by, the Florida Gulf Coast University ~~Board of Trustees~~ President or their designee.

Prior to development in the University Community land use category, there will be established a Conceptual Master Plan which includes a generalized land use plan and a multi-objective water management plan. These plans will be developed through a cooperative effort between the property owner, Lee County, and South Florida Water Management District.

Within the University Community are two distinct sub-categories: University Campus and the University Village. The University Window overlay, although not a true sub-category, is a distinct component of the total university environment. Together these functions provide the opportunity for a diversity of viable mixed use centers. Overall residential development within the University Village will not exceed 6,510 dwelling units. None of the 6,510 dwelling units may be used on or transferred to lands located outside of the University Community land use boundaries as they exist on October 20, 2010. Clustered densities within the area may reach ~~fifteen~~ thirty-five (35) units per acre to accommodate university housing. The overall average intensity of nonresidential development within the University Village will be limited to a ~~10,000 square feet of building~~ maximum floor area ratio of 1.0 per non-residential acre allowed pursuant to Map 16 and Table 1(b). Specific policies related to the University Community are included within the Lee Plan under Goal 18. (Added by Ordinance No. 92-47, Amended by Ordinance No. 94-30, 98-09, 00-22, 10-40)

GOAL 18: UNIVERSITY COMMUNITY. In order to ensure that development within the University Community land use category protects and enhances the ability of Florida's ~~tenth~~ 10th university to provide secondary education as described in the Mission Statement of that institution and to assure that land uses or development activities do not interfere with, disrupt, or impede the

efficient operation of that institution the following Objectives and Policies will apply to all development within the University Community land use category. The Application (Volume 1 of 2) (1992) and the Support Document (Volume 2 of 2) (1992) to the Amendment to the Lee County Comprehensive Plan for the University Community is incorporated by reference herein as a resource and information document. (Added by Ordinance No. 92-47, Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 18.1: FUTURE LAND USE. In order to ensure that the location and timing of development within the University Community is coordinated with the development of the University and the provision of necessary infrastructure; and, that all associated support development within the University Community is designed to enhance the University; all development within the University Community will be subject to cooperative master planning which must conform to the following policies. (Amended by Ordinance No. 00-22)

POLICY 18.1.1: Lee County will, through public and private economic and business development initiatives, promote the University Community as a catalyst for economic diversification and the promotion of employment throughout Lee County and the Region. Within the University Community land use category, the focus of this endeavor (the emphasis) will be on university related scientific research and high technology development activities. (Amended by Ordinance No. 00-22)

POLICY 18.1.2: The University Community will provide a mix of housing types with densities sufficient to meet the needs of and designed to accommodate the varying lifestyles of students, faculty, administration, other university personnel and employees of the associated support development. (Amended by Ordinance No. 00-22)

POLICY 18.1.3: Lee County will maintain and as necessary adopt appropriate regulations providing for university housing, including student dormitories and boarding houses. (Amended by Ordinance No. 00-22, 07-12)

POLICY 18.1.4: Lee County will maintain and as necessary adopt regulations further defining how densities for individual parcels within the University Community will be determined. The regulations will address how the total number of units will be tallied to ensure that the overall total number of residential units within the University Village do not exceed 6,510 dwelling units. The regulations will provide a mechanism for clustering densities within the University Community. (Amended by Ordinance No. 00-22, 07-12, 10-40)

POLICY 18.1.5: In order to create a cohesive community, site design within the University Community must utilize alternative modes of transportation such as pedestrian networks, mass transit opportunities, sidewalks, bike paths and similar facilities. Site design must link related land uses through the use of alternative modes of transportation thus reducing automobile traffic within the University Community. The county will work cooperatively with the University on these matters as the University proceeds through the Campus Master Plan Process.

~~Prior to~~ As part of the local Development Order approval for primary infrastructure installation on property within Area 9, of the University Community, the developer must demonstrate that the proposed plan of development supports pedestrian, bicycle and transit opportunities. A multi-modal interconnection between the property and the FGCU campus must be provided at no cost to Lee County, consistent with Lee Plan Policy 18.1.16.7. ~~The owner/developers must dedicate the right of way for the 951 extension between Alico Road and Corkscrew Road to Lee County prior to rezoning approval. The value of the right of way on the date of dedication must not reflect the added value of the lands changed from DR/GR to University Community by virtue of CPA 2009-01. The county will issue road impact fee credits for the dedication.~~ (Amended by Ordinance No. 94-30, 00-22, 10-40, 14-03)

POLICY 18.1.6: Lee County will facilitate mass transit opportunities connecting the University Community to other parts of the county, in accordance with the goals, objectives, and policies of the Mass Transit element. (Amended by Ordinance No. 94-30, 00-22)

POLICY 18.1.7: A diverse mixture of land uses will be encouraged within the University Community. Compatibility will be addressed through project design, including adequate buffering or other performance measures, therefore allowing adjacent appropriate industrial, residential and commercial land uses where such locations represent good planning. In reviewing zoning requests within the University Community, Lee County will consider noise, odor, visual, security and traffic impacts in determining land use compatibility. Because of the required cooperative master planning with and approval by the Board of Regents, the required compatibility review and the requirement that commercial land uses within the University Village be related to the University, development within the University Community will not be subject to the site location standards set forth in Goal 6 of the Lee Plan. (Amended by Ordinance No. 94-30, 00-22)

POLICY 18.1.8: ~~All currently permitted mining activities within the University Community area will be allowed to continue until such time as the university opens.~~ Agricultural activity including but not limited to tree farms, nurseries, or agricultural research facilities will be permitted within the University Community. (Amended by Ordinance No. 00-22)

POLICY 18.1.9: Prior to the commencement of development within the University Community land use category, an area-wide Conceptual Water Management Master Plan must be submitted to and approved by Lee County and South Florida Water Management District staff. This water management plan will be integrated with the Conceptual Master Plan and be prepared through a cooperative effort between the property owner, Lee County, and South Florida Water Management District. This master plan will ensure that the water management design of any development within the University Community will maintain or improve the currently existing quality and quantity of groundwater recharge. This plan must be consistent with the drainage basin studies that were prepared by Johnson Engineering, and approved by the SFWMD. Lee County will amend the county land development regulations to require all new development to be consistent with the appropriate basin study.

~~Development of Regional Impact, zoning and Development Order approvals within the University Community Area 9 must provide an environmental assessment that includes a fines relocation/disposal plan to be implemented at the time of development of the property.~~ Prior to zoning or Development Order approval on any portion of Area 9, the developer must demonstrate through modeling, accepted by Lee County staff, that the proposed development will not create significant impacts on present or future water resources. (Amended by Ordinance No. 94-30, 00-22, 10-40)

POLICY 18.1.10: Development within the University Community land use category will be consistent with the Generalized Land Use Map and the eight area descriptions contained on or between pages 6 through 10 of the University Community Conceptual Master Plan, dated April 1994. The University Community Conceptual Master Plan is hereby amended to include a new Area 9 which is east and north of areas 5 and 8 and bounded on the east side by the Florida Power and Light easement and the north by Alico Road. (Amended by Ordinance No. 94-30, 10-40)

POLICY 18.1.11: If not otherwise addressed by the Conceptual Master Plan, the landowner(s) within the University Village will coordinate infrastructure connections and interconnections, including but not limited to roadways, utilities and water management, with the University Campus through the established Board of Regents' master planning, review and approval process. (Amended by Ordinance No. 00-22, Relocated by Ordinance No. 07-12)

POLICY 18.1.12: To encourage a variety of wildlife habitats and university study sites, special consideration will be given in the Conceptual Master Plan to the preservation of portions of the most pristine and diverse wildlife habitat areas (such as, pine flatwoods, palmetto prairies, and major cypress slough systems) as an incentive to reduce, on a one-for-one basis, open space requirements in other developments within the University Community. The implementation of this policy will occur at the time of zoning and development review. ~~The development of the lands in Area 9 at the county's request, may include the construction of a rookery island, funded by the developer, within the existing mining lake that separates the Area 9 property from the Miromar Lakes residential community. The rookery island would provide wildlife habitat and would be made available to FGCU for use as an environmental study site.~~ (Amended by Ordinance No. 94-30, 00-22, Relocated by Ordinance No. 07-12, Amended by Ordinance No. 10-40)

POLICY 18.1.13: The use of septic tanks will be prohibited except for temporary septic tanks for model homes, construction trailers, and temporary sales offices. Permanent septic tanks will be limited to rest room facilities in golf courses, existing agricultural operations, or any agricultural operation of twenty five acres or more. (Amended by Ordinance No. 00-22, Relocated by Ordinance No. 07-12)

POLICY 18.1.14: The cost for the provision and expansion of facilities for potable water and sanitary sewer that benefits development in the University Community will be borne by those who benefit. Such funding may include (but is not limited to) outright construction by the

developer, special taxing or benefit districts, or Uniform Community Development Districts (Chapter 190, F.S.). The cost for these types of improvements will not be born by the county. (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22, Relocated by Ordinance No. 07-12)

POLICY 18.1.15: The cost for the provision and expansion of facilities necessary to comply with the recommendations of the Estero Basin that benefits development in the University Community will be borne by those who benefit. Such funding may include (but is not limited to) outright construction by the developer, special taxing or benefit districts, or Uniform Community Development Districts (Chapter 190, F.S.). The cost for these types of improvements will not be borne by the county. (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22, Relocated by Ordinance No. 07-12)

POLICY 18.1.16: For those lands in Area 9, all development must be designed to enhance and support the University. All rezonings in this area must include a specific finding that the proposed uses qualify as Associated Support Development, as that term is defined in the glossary. The final design and components will be determined as part of the rezoning process and must be consistent with the following development standards:

1. **Mixed Use:** Development must incorporate a mix of uses (multiple types of residential development along with non-residential development), ~~be in the Traditional Neighborhood Development form, as defined in the Glossary section of the Lee Plan,~~ and be consistent with the intent of Goal 4: Sustainable Development Design of the Lee Plan, Policy 1.1.9 and Goal 18: University Community. Development on Alico West, Area 9, must be rezoned to a ~~Compact~~ Planned Development as specified by the Lee County Land Development Code~~, recognizing there may be significant deviations to accommodate the proposed development~~. The following ~~minimum and~~ maximum development parameters per use are approved for Area 9, subject to transportation mitigation requirements:

Residential: ~~Minimum 800 Units,~~ a maximum of 1,950 units;
Retail: ~~Minimum 400,000 square feet~~, a maximum of 200,000 square feet~~ 543,000 square feet (Retail maximum may be reduced, to no less than the 200,000 square feet, to allow additional Office or Research and Development square feet at a 1 to 1 rate.)~~;

Office/Research/Development:~~ Minimum 400,000 square feet,~~ a maximum of 140,000 ~~918,000~~ square feet ~~(additional Office/Research/Development square feet may be added to the maximum if the maximum retail is reduced as described in the Retail parameters above~~;

~~Donation Site to University: Minimum 40,000 Square feet~~; and

Hotel: ~~Minimum 0 rooms, maximum~~ 250 rooms.

~~3.~~2. **Density:** To ensure the creation of a development that has sufficient residential mass to support the proposed ~~main street town center~~ non-residential intensity, while providing a mixture of housing types to meet the needs and accommodate the varying lifestyles of persons related directly and indirectly to the University as required by policy 18.1.2, the total project ~~net density within the residential component area of Area 9 must be a minimum of 5 units per acre, but~~ shall not ~~to~~ exceed a total of 1,950 dwelling units.

~~4.~~3. ~~**Retail Uses:**~~ Non-residential Uses: ~~The total retail floor for Area 9 will not exceed a maximum of 543,000 square feet. Retail uses should be approximately sized to enhance FGCU and private residential development in the area. While individual structures may be larger in size, the maximum floor area limitations for single user retail stores are as follows:~~

~~a. One (1) grocery store may be constructed to a maximum of 45,00~~

~~b. Up to two (2) retail stores may be constructed not exceeding a total of 60,000 square feet per store, with no more than 30,000 square feet per floor;~~

~~c. Up to three (3) retail stores may be constructed not exceeding 30,000 square feet per store; and~~

~~d. At build out, at least 50 % of all finished retail square footage must be utilized by retail stores smaller than 10,000 square feet but may be contained in multi-use buildings.~~

The Site Location Standards described in Goal 6 of the Lee Plan are not applicable to University Community Area 9. Specific location of non-residential uses, design details, and intensities of non-residential uses will be reviewed during the rezoning process to determine compliance with the requirements of applicable Lee Plan provisions, including but not limited to compatibility, mix of uses, civic spaces, recreation and open space, interconnectivity, and multi-modal design elements.

~~5.~~4. **Office, Research and Development Facilities**: Research and development facilities and office buildings are encouraged, which will attract the targeted industries as established by the State of Florida and by Lee County to create economic diversity and to create synergy between FGCU and private facilities. As required by policy 18.1.1, the emphasis will be on University related scientific research and high technology development activities but may also include and allow a diversity of activities that support the University and private development within Area 9 in keeping with the predominant land uses as established by Policy 18.2.2.

~~7.~~5. **Connectivity to FGCU:** To further implement Policy 18.1.5 relative to alternative modes of transportation, Area 9 will be designed with a connection to ~~the easterly portion~~ FGCU. This connection will be a pedestrian-friendly multi-modal facility, with traffic calming, multi-use paths, and ~~student safety features~~ other pedestrian oriented safety

features. This connection must be included in the local development order prior to commencement of vertical development ~~on Area 9 this connection must be in place~~.

~~8.~~6. **Pedestrian Friendly Design:** The development will be designed as a pedestrian-friendly community ~~with student safety features~~, and in areas targeted and marketed as student housing, along with all retail, office, research and development areas, will include pedestrian oriented design features, including traffic calming, sidewalks on both sides of the road system, and facilities to accommodate the FGCU Eagle Express, Lee Tran, and other alternative modes of transportation.

~~10.~~7. **Parking:** Parking in Area 9 should be screened and minimized to the furthest extent possible in order to create a walkable community that considers the needs of pedestrians and recognizes the possibility for internal trip capture. Parking may be minimized by using on-street parking, shared parking, or structured parking. ~~All parking must be consistent with the requirements identified below:~~

~~A. Within the Town Center/Core Area of Area 9 parking requirements are as follows:~~

~~1. A minimum of 50% of the required parking will be contained in parking structures.~~
~~2. A maximum of 25% of the parking required for the Town Center/Core Area may be surface parking lots, in an area no greater than 10 acres. The 10 acres will not include any water management features of the development.~~
~~3. A minimum of 25% of the required parking would be on street parking in a TND design.~~
~~4. Off-street surface parking must be located to minimize the presence of the surface parking facility by shielding the parking areas with liner buildings, courtyards and buffers. Further, the developer is encouraged to reduce the amount of surface parking by designing the development in a manner that promotes shared parking agreements, mixed uses, internal trip capture, and alternative modes of transportation such as transit, biking and walking, whenever possible.~~

~~B. Within the remainder of the Area 9 on-street parking may be provided to offset off-street parking requirements. Off-street parking must be located to minimize the presence of any surface parking facilities by shielding such parking with liner buildings, courtyards~~

~~C. Deviations from the number of parking spaces required by the Land Development Code may be appropriate in Area 9.~~

~~8.~~11. **Residential Uses:** Single-family residential units and zero lot line units, as defined in the Land Development Code, will be limited to not more than 25% of the total approved

dwelling ~~195~~ units in the planned development. ~~All single-family residential units and zero lot line units must be constructed on lots smaller than 6,500 square feet.~~

~~12.~~9. ~~Entertainment District~~ **Town Square:** Area 9 may contain public and private entertainment venues, including but not limited to facilities such as ~~amphitheaters,~~ theaters, bars and cocktail lounges, restaurants, bowling alleys, batting cages, arcades, as well as passive recreation facilities located within or in close proximity to the commercial node of the required Planned Development. All uses must comply with adopted noise abatement and control requirements imposed as part of any zoning approvals to maintain compatibility with existing development.

~~13.~~10. **Landscaping**: All plantings used in buffers and landscaping must be ~~installed using xeriscape principles. Xeriscape principles include water conservation through drought tolerant landscaping, the use of appropriate plant material, mulching, and the reduction of turf areas. All development must hook up to water re-use lines when they become available. At~~ at least 75 percent ~~of all landscaping must be~~ native ~~landscaping~~. Irrigation must be provided through a central irrigation system that complies with the Lee County Water Conservation Ordinance. Irrigation control boxes and wells are prohibited on individual residential lots.

~~15.~~11. **Florida Gulf Coast University Participation:** The owner or agent for Development of Regional Impact or Planned Development rezoning requests must conduct two meetings with the President of FGCU or his designees and will provide detailed information to such representatives at those meetings relating to the Site Plan and Master Concept Plan for any proposed development within Area 9. The developer must invite Lee County zoning and planning staff to participate in such meetings. These meetings must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meetings, list of attendees; a summary of the concerns or issues that were raised at the meetings; and a proposal of how the applicant will respond to any issues that were raised.

~~16.~~12. **Stormwater Retention for adjacent transportation facilities:** Area 9 will accommodate stormwater detention/retention requirements for the Alico Road widening and County Road 951 extension adjacent to the property, if constructed.

OBJECTIVE 18.2: UNIVERSITY COMMUNITY SUB-CATEGORIES. The University Community meets an educational infrastructure need for the Southwest Florida five county area by providing the necessary and appropriate land uses to carry out the mission of Florida's 10th University as stated by the Board of Regents. Within the University Community land use category there are two distinct sub-categories: University Campus and the University Village.

The University Window overlay is also a part of the University Community land use category. (Amended by Ordinance No. 94-30)

POLICY 18.2.1: The University Campus area provides for the land uses of the University and its related functions. Development within the University Campus will be in accordance with provisions of any development agreement(s) between the Department of Community Affairs and the Board of Regents under the provisions of Chapter 380 F.S. and any other applicable state law. (Amended by Ordinance No. 00-22)

POLICY 18.2.2: The University Village is an area which provides the associated support development and synergism to create a viable University Community. This sub-category allows a mix of land uses related to and justified by the University and its development. Predominant land uses within this area are expected to be residential, commercial, office, public and quasi-public, recreation, and research and development parks. (Amended by Ordinance No. 00-22, 14-03)

POLICY 18.2.3: The University Window Overlay includes the area within 100 feet on both sides of the right-of-way of the following roadway segments:

~~**Treeline Avenue**~~ **Ben Hill Griffin Pkwy**	From Alico Road to Corkscrew Road
Alico Road	From I-75 to Ben Hill Griffin Pkwy
Corkscrew Road	From I-75 to Ben Hill Griffin Pkwy
~~**Koreshan Boulevard**~~ **Estero Pkwy**	From I-75 to Ben Hill Griffin Pkwy

With input from affected property owners, Lee County and the Florida Gulf Coast University Board of Trustees will develop mutually agreed upon standards for the University Window addressing landscaping, signage and architectural features visible from the designated roadway segments. (Amended by Ordinance No. 00-22, 07-12, 10-40)

TABLE1(a) Summary of Residential Densities

Note 9: Overall average density for the University Village sub-district must not exceed 2.5 du/acre. Clustered densities within the area may reach ~~15~~ 35 du/acre to accommodate university housing.

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CenterPlace

Comprehensive Plan Amendment Application

Project Narratives

- Project Request and Lee Plan Consistency

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CenterPlace
Comprehensive Plan Amendment
Narrative & Lee Plan Consistency
September 16, 2016

The CenterPlace property is an ±886.03-acre property proposed for a mixed use community located East of I-75, South of Alico Road and North of Florida Gulf Coast University (FGCU), which includes STRAPS: 07-46-26-00-00001.0050; 11-46-25-00-00001.0000; 12-46-25-00-00001.0000; 13-46-25-00-00001.0070; 11-46-25-00-00001.0170; 18-46-26-00-00001.0010; and 12-46-25-00-00001.0050 (See Figure 1). The property is a former limerock mine located within the University Community Future Land Use Category in Sections 11, 12, and 13. The property is bounded by Alico Road to the North, Miromar Lakes to the South and West and an FPL Transmission Line to the East. Since 2008, mining of the property has ceased; the property was highly impacted by the mining activities.



Figure 1. Property Location

Property Background

Since the cessation of mining activities, a Comprehensive Plan Amendment (CPA) establishing the University Community designation on CenterPlace, along with specific policies to be applied within the University Community, and a Compact Community Planned Development rezoning have been approved on the subject property. The CenterPlace property is the property identified as "Area 9" in the Lee Plan. Together these prior approvals established a planned mixed use Community with a density and intensity in a compact development pattern that is not common in Lee County.

The proposed Comprehensive Plan Amendment request will be supported by a concurrent Planned Development Rezoning. Together, these requests seek to establish a more practical vision for the CenterPlace (aka Area 9) property. This vision focuses on consistency with the applicable existing and proposed amended goals, objectives, and policies of the Lee Plan, applying specific requirements of the University Community land use designation, and addressing the detailed development regulations executed via the Planned Development rezoning process.

Specifically, the amendments requested are as follows:

1. A Text Amendment to Policies 1.1.9, 18.1.5, 18.1.8, 18.1.9, 18.1.12, and 18.1.16
2. Map Amendment to Map 1, page 2 of 8 – Special Treatment Areas

The request will permit adjustments to the University Community Future Land Use Category and specific policies related to the CenterPlace (aka Area 9) property that accurately reflect a development pattern consistent with the existing development in this area and the County as a whole. The request will also permit some of the more specific details regarding property development regulations currently within the existing Comprehensive Plan text to be appropriately placed into the concurrent Planned Development rezoning request. Lastly, certain proposed amendments are reflective and supportive of the stipulated Settlement Agreement and Release entered into on July 15, 2016, between Alico West Fund, LLC, Miromar Development and others.

Changed Conditions

Since the time of the initial Comprehensive Plan Amendment and rezoning of the CenterPlace property, various property donations have been made.

1. 40 acres in the southern portion of the property have been donated to Florida Gulf Coast University.
2. Alico Road Right of Way has been donated to support Lee County's Capital Improvement Program to widen Alico Road.
3. Right of Way for the proposed County Road 951 has been donated to support Lee County's desire for a possible future north South connector in this location.
4. An agreement to accept storm water from Alico Road into the CenterPlace storm water system has been finalized.

The property subject to this amendment is the remaining ±886.03 acres owned by Alico West Fund, LLC.

Surrounding Development

The Center Place property is located in an area of the County that has and will continue to experience significant development. Planned Developments abut the CenterPlace property on the East, South, and West boundaries. While the property is adjacent to Alico Road to the North, the land on the North side of Alico Road is within the Tradeport Future Land Use Category, which also promotes a mix of commercial and industrial uses and is experiencing increased development demand in recent years. Farther South of the subject property is Florida Gulf Coast University; the proposed multi-modal interconnection to FGCU will be preserved as part of the proposed development plan.

North

North of the CenterPlace property is the Tradeport Future Land Use category, which permits commercial and industrial uses. Immediately north of Alico Road from the subject property is the pending Florida Gulf Coast Technology DRI and MPD, which is proposing a maximum of 400,000 SF Office and 700,000 SF Retail Commercial, 3,897,000 SF of Industrial and 240 Hotel rooms. This property north of the proposed CenterPlace development, being solely within the Tradeport Future Land Use category, will not be impacted by the proposed CPA due to the fact the proposed CPA is specific to the "Area 9" portion of the University Community Future Land Use category.

West

Immediately west and south of the subject property is the Miromar Lakes DRI and Mixed Use Planned Development, which is approved for 2,600 Residential dwelling units, 250,000 SF of Commercial, 340,000 SF of Office, 450 Hotel rooms, 40,000 SF of Research and Development.

Gulf Coast Town Center is also in the proximity of the subject property, located at the southwest corner of the intersection of Alico Road and Ben Hill Griffin Parkway. Gulf Coast Town Center is an approved Mixed Use Planned Development currently approved for 1,916,000 SF of Commercial, 250 Hotel Rooms, and 600 Multi-family Dwelling Units. However, these dwelling units were transferred to Florida Gulf Coast University for NorthLake Village and do not count against the 6,510 residential dwelling unit maximum of the University Community Future Land Use Category.

Each of these properties are within the University Community Future Land Use; however, the text amendment proposed is specific to the CenterPlace (aka Area 9) property and will not be negatively impacted by the proposed amendment.

South

Directly to the west and stretching around to the southerly side of Center Lake is the Miromar Lakes DRI and more specifically, the Miromar Lakes Beach and Golf Club development. Consisting primarily of single and multi-family development, CenterPlace shares the lake with this development. The amendment to the Lee Plan will not cause additional impacts to surrounding developments as no increased density or intensity of use is being proposed. Further, any proposed development will adhere to those requirements found within the

stipulated Settlement Agreement and Release entered into on July 15, 2016, between the parties identified as "Alico" and "Miromar."

Adjacent to the southeastern "tail" of the subject property is Florida Gulf Coast University. The development on the University Campus closest to the subject property includes Recreational Activities supporting the University's Athletic Teams and campus residents as well as dormitories. The CenterPlace property had previously agreed to provide an interconnection from the subject property to the University and will continue to do so.

East

To the east of the subject property is the WildBlue Community; a Mixed Use Planned Development approved for a maximum of 1,000 dwelling units and 40,000 SF of Commercial. The property is located within the Density Reduction Groundwater Resource Future Land Use category. There will be no negative impacts to WildBlue by virtue of the requested CPA and rezoning of CenterPlace.

Existing Conditions

The property is located within the University Community Future Land Use Category. The request will retain this land use category.

Policy 1.1.9 defines the University Community as the "land use category...for Florida's 10th University, Florida Gulf Coast University (FGCU), and for associated support development." With the University Campus and surrounding areas, future development is envisioned to be mixed use centers with residential density limited to 6,510 dwelling units.

The requested text amendment will retain this intent of the University Community descriptor policy, but also seeks to address the unique characteristics of the subject property and continue to promote the broad vision of the University Community as described in Policy 1.1.9 and Goal 18. No new uses or increases in density are being proposed. In actuality the proposed CPA, specifically Policy 18.1.16 (page 14 of 21), and Planned Development rezoning requests will seek to significantly decrease the amount of available office, retail and research and development square footage for the project.

Amendment to Policy 1.1.9

The CenterPlace property is currently within the University Community Future Land Use category as described by Policy 1.1.9. The CenterPlace property was previously a mining operation, which has rendered portions of the property more expensive to develop. The remaining unimpacted developable acreage, provides an opportunity where proposed residential units, principally multi-family in nature, are clustered as demonstrated by the proposed concurrent Planned Development rezoning Master Concept Plan (MCP). The current language "Clustered densities within the area may reach fifteen units per acre to accommodate university housing" does not permit the necessary clustering of units in a manner that addresses the unique conditions of the property or the 1,950 dwelling units currently approved for the subject property. The requested

text amendment seeks to increase the clustered density per acre in order to address this unique condition with the following change:

> *Clustered densities within the area may reach thirty-five (35) units per acre to accommodate university housing.*

The same situation occurs when commercial development is considered, the remaining developable acreage compared to the requested commercial SF does not permit the necessary clustering of commercial uses. The requested text amendment seeks to increase the clustered intensity of commercial uses to address this unique condition with the following change:

> *The overall average intensity of nonresidential development within the University Village will be limited to a maximum floor area ratio of 1.0 per non-residential acre allowed pursuant to Map 16 and Table 1(b).*

A full copy of the strikethrough/underline of Policy 1.1.9 and all other requested amendments is attached to this application for reference and consideration.

Amendment to Policies supporting Goal 18

At the time of the initial Comprehensive Plan Amendment for the CenterPlace property, the owner of the property was not certain as to the ultimate development outline for the subject site and as a result, zoning level details regarding the future development of the property were provided in the text of the Comprehensive Plan. This ensured future development of the property met the vision and intent of Lee County regardless of property owner or the amount of time that had passed. Because the subject property is being rezoned concurrently with the Lee Plan amendment, and because the property development regulations are more appropriately contained within the zoning resolution, many of the more specific elements of the current Lee Plan language referring to specific development criteria are being proposed for relocation to the rezoning approval.

Policy 18.1.5

The proposed amendment to Policy 18.1.5 eliminates the language related to the dedication of right-of-way for the future County Road 951 Extension. Alico West Fund has already completed the donation of this right-of-way to Lee County for this extension. The existing language is no longer necessary.

Policy 18.1.8

Proposed amendment to Policy 18.1.8 eliminates the reference to permitted mining operations, which were allowed to continue until such time as the university opened. Since the university is now open and the mining operations on the site have ceased, this statement is no longer valid and can be deleted.

Policy 18.1.9

The proposed amendment to Policy 18.1.9 deletes reference to the need for an environmental assessment inclusive of a fines relocation/disposal plan to be implemented at the time of development of the Area 9 (aka CenterPlace) property. This amendment is proposed due to the fact no fines will be relocated or disposed of off-site. Thus, a relocation/disposal plan as part of the environmental assessment within Area 9 (aka CenterPlace) is no longer applicable.

Policy 18.1.12

The proposed amendment to Policy 18.1.12 eliminates the language related to the development of a rookery island within the existing mining lake in Area 9 (aka CenterPlace). Due to the subject property's location within the 10,000-foot Wildlife Buffer from the Southwest Florida International Airport, the attraction of wildlife is not to be encouraged on the subject property due to potential conflict. The existing language has been removed.

Policy 18.1.16

This policy has numerous parts, all specifically related to the future development of Area 9 (aka CenterPlace). The amendments support the elimination of zoning level details as well as the adjustment of the development parameters of the property to reflect the concurrent Planned Development application. The amendment will also have the effect of lowering the overall intensity of the proposed CenterPlace development to a level that can reasonably be supported by the maximum residential density on the subject property and ensuring safe and efficient mobility for all modes of transportation to and from FGCU, which is consistent with the stipulated Settlement Agreement and Release entered into on July 15, 2016.

University Community FLU Development Parameters

Uses	Approved Existing Policy 18.1.16.1 (Maximums)	Proposed Policy 18.1.16.1 (Maximums)	Concurrent Mixed Use Planned Development Request
Residential	1,950 DU	1,950 DU	1,950 DU
Retail	543,000 SF	200,000 SF	200,000 SF
Office	918,000 SF	105,000 SF	75,000 SF
Research & Development	Included in "Office"	Included in "Office"	20,000 SF
Medical Office	Included in "Office"	Included in "Office"	10,000 SF
Hotel	250 Rooms	250 Rooms	250 Rooms

Lee Plan Consistency

The CenterPlace property is currently within the University Community Future Land Use Category and will remain so. The text amendment will not negatively impact the intent of the University Community but rather will ensure that a mix of uses can be appropriately developed on the CenterPlace property.

> ***POLICY 1.1.9:*** *The University Community land use category provides for Florida's ~~tenth~~ 10th University, Florida Gulf Coast University (FGCU), and for associated support development. The location and timing of development within this area must be coordinated with the development of the University and the provision of necessary infrastructure. All development within the University Community must be designed to enhance and support the University. In addition to all other applicable regulations, development within the University Community will be subject to cooperative master planning with, and approval by, the Florida Gulf Coast University ~~Board of Trustees~~ President or their designee.*
>
> *Prior to development in the University Community land use category, there will be established a Conceptual Master Plan which includes a generalized land use plan and a multi-objective water management plan. These plans will be developed through a cooperative effort between the property owner, Lee County, and South Florida Water Management District.*
>
> *Within the University Community are two distinct sub-categories: University Campus and the University Village. The University Window overlay, although not a true sub-category, is a distinct component of the total university environment. Together these functions provide the opportunity for a diversity of viable mixed use centers. Overall residential development within the University Village will not exceed 6,510 dwelling units. None of the 6,510 dwelling units may be used on or transferred to lands located outside of the University Community land use boundaries as they exist on October 20, 2010. Clustered densities within the area may reach ~~fifteen~~ thirty-five (35) units per acre to accommodate university housing. The overall average intensity of nonresidential development within the University Village will be limited to ~~10,000 square feet of building area~~ a maximum floor area ratio of 1.0 per non-residential acre allowed pursuant to Map 16 and Table 1(b). Specific policies related to the University Community are included within the Lee Plan under Goal 18. (Added by Ordinance No. 92-47, Amended by Ordinance No. 94-30, 98-09, 00-22, 10-40)*

As will be demonstrated by the Master Concept Plan and Schedule of Uses to be included in the concurrent Planned Development request, the property is proposed to be developed with a mix of housing types as well as commercial uses supporting the faculty, administration, staff and students at Florida Gulf Coast University. The applicant has held meetings with representatives of Florida Gulf Coast University to discuss the proposed development and no objections have been noted.

> ***OBJECTIVE 2.1: DEVELOPMENT LOCATION.*** *Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent*

development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 2.2: DEVELOPMENT TIMING. *Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance. (Amended by Ordinance No. 94-30, 00-22).*

The CenterPlace property is located in an area of the County that is undergoing rapid development. The property is bounded on three sides by Planned Developments that promote a mix of uses consistent and compatible with the uses proposed for CenterPlace through the concurrent Planned Development Rezoning. The development of the CenterPlace property is appropriately characterized as infill due to the existing surrounding development and approvals as well as the availability of urban services. Further, the development of the site will be complementary to existing projects in the area and will provide associated support development for FGCU by providing housing available to the student population, entertainment/recreational opportunities for students, and a multi-modal interconnection to FGCU.

POLICY 2.12.1: The County encourages and promotes clustered, mixed use development within certain Future Urban Area land use categories to spur cluster development and smart growth within those areas of Lee County where sufficient infrastructure exists to support development, as well as continue to improve the economic well-being of the County; provide for diversified land development; and provide for cohesive, viable, well-integrated, and pedestrian and transit oriented projects. This is intended to encourage development to be consistent with Smart Growth principles. (Added by Ordinance No. 09-06)

The proposed CenterPlace mixed use community, provided for in the proposed Comprehensive Plan Amendments and MCP provided as part of the concurrent Planned Development rezoning, is consistent with Policy 2.12.1 through clustering the residential and commercial/mixed use areas to the extent possible given the unique environmental and topographical features of the property due to impacts by previous mining activities and areas retained for preservation/open space. The proposed diversified land uses as part of the planned development are integrated with a multi-modal transportation system of pedestrian, bicycle, transit, and automobile networks contributing to desired smart growth principles, and are consistent with Policy 2.12.1.

POLICY 4.1.1: *Development designs will be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements. (Amended by Ordinance No. 91-19, 00-22)*

The proposed Comprehensive Plan Amendment and concurrent Planned Development rezoning enable future development of the CenterPlace property to occur in a manner that takes into account the previous mining activity as well as the unique topographic features of the site. As demonstrated by the Master Concept Plan submitted with the concurrent Planned Development, the areas previously identified as preservation will remain intact through this amendment process. Furthermore, the proposed development is located in areas of the property that were disturbed by mining but have soil characteristics that more readily support future development. Those areas that are more expensive and difficult to develop are designated as open space.

> ***POLICY 5.1.5:*** *Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments. (Amended by Ordinance No. 94-30, 99-15, 00-22)*

The concurrent Planned Development Master Concept Plan confirms the proposed development's consistency with this policy. Miromar Lakes is immediately adjacent to the western property boundary and the southern and western portions of CenterLake. The Master Concept Plan demonstrates that these areas of the CenterPlace property are reserved for single-family residential development with only supporting amenities. The multi-family residential uses are located primarily to the north/northeast and far eastern/southeastern portions of the property. The commercial node (Town Center) supporting the office, research and development, retail/entertainments, and hotel uses is in the northeast corner of the site, adjacent to Alico Road and away from the existing residential. The proposed site design also locates the multi-family uses adjacent to the proposed commercial area and the future interconnection with Florida Gulf Coast University. This design ensures the commercial uses and multi-family uses will not negatively impact the existing residential neighborhoods along Center Lake, and that multi-modal options are available between FGCU and the subject property.

> ***OBJECTIVE 6.1:*** *Development approvals for commercial land uses must be consistent with the following policies, the general standards under Goal 11 and other provisions of this plan.*

> ***POLICY 6.1.1:*** *All applications for commercial developments will be reviewed and evaluated as to:*
>
> *a. Traffic and access impacts (rezoning and development orders);*
> *b. Landscaping and detailed site planning (development orders);*
> *c. Screening and buffering (Planned Development rezoning and development orders);*
> *d. Availability and adequacy of services and facilities (rezoning and development orders);*
> *e. Impact on adjacent land uses and surrounding neighborhoods (rezoning);*

f. Proximity to other similar centers (rezoning); and
g. Environmental considerations (rezoning and development orders).

The concurrent Planned Development request addresses the commercial goals, objectives and policies of the Lee Plan. Commercial and multi-family residential uses have been clustered and located away from Center Lake eliminating any impacts to the existing residential. The property has access to Alico Road which is adequate to support the proposed development. The proposed access points align with the improvements proposed to widen Alico Road. The various residential housing types have been located on the property in a manner that is consistent with the clustered location of the proposed commercial development. Students from FGCU will be able to access the CenterPlace property from the required multi-modal interconnection to reach the student housing or the proposed commercial uses. The proposed multi-family units along Alico Road are also located in close proximity to the proposed commercial uses and access will be provided through vehicular as well as pedestrian and bicycle connections. These interconnections will also provide for internal capture, limiting impacts to surrounding roadways and properties. As mentioned above, the previously approved preservation, conservation, and restoration areas will be maintained through the Comprehensive Plan Amendment and Planned Development requests.

GOAL 11: WATER, SEWER, TRAFFIC AND ENVIRONMENTAL REVIEW STANDARDS. *To insure that appropriate water, sewer, traffic and environmental review standards are considered in reviewing rezoning applications and are met prior to the issuance of a county development order.*

The CenterPlace property is located within the service area for Lee County Utilities and a letter of availability was received from Lee County Utilities. A traffic impact statement prepared by David Plummer & Associates, Inc., dated April 22, 2016, is included in this application request. In summary, the analysis concludes the following:

1. No new road improvements are needed as a result of the proposed CPA.
2. The Long Range 20-Year Horizon analysis indicates that no road segments within a three-mile radius of the site are expected to have level of service issues in 2040, either with or without the proposed CPA. Therefore, no modifications to the Lee County MPO 2040 Highway Cost Feasible Plan or Lee Plan Map 3A are needed as a result of the proposed CPA.
3. The Short Range 5-Year CIP Horizon analysis indicates that no road segments within a three-mile radius are expected to have level of service issues in 2021, either with or without the proposed CPA. Therefore, no modifications to the County's five-year work program are needed as a result of the proposed CPA.

As previously mentioned, the existing preserves will not be impacted by the proposed request. Specific to the environmental review, a letter, dated August 9, 2016, was submitted to Lee County Department of Community Development requesting a waiver from the requirements for Comprehensive Plan Amendment Application Section IV part C, to allow the 2013 environmental

impacts report prepared by Passarella and Associates to be sufficient. A letter dated August, 18, 2016, from Lee County Department of Community Development approved the waiver request provided the following documents are submitted with the application:

- Environmental Impacts Report/Survey prepared by Passarella and Associates (2013)
- SFWMD Jurisdictional Wetland Determination
- Environmental Resource Permit 36-03568-P-05
- Recorded Conservation Easements: Documents and Map showing locations and legal boundaries
- Soils and Topographic Maps (most recent available)

All requested documents, as stated above, are provided as part of the complete application submittal package.

The Comprehensive Plan Amendment Application Package includes the following demonstrating consistency with the Standards supporting Goal 11:

1. Public Facilities Impact Analysis
2. Letters of Availability
3. Traffic Impact Statement

POLICY 18.1.1: *Lee County will, through public and private economic and business development initiatives, promote the University Community as a catalyst for economic diversification and the promotion of employment throughout Lee County and the Region. Within the University Community land use category, the focus of this endeavor (the emphasis) will be on university related scientific research and high technology development activities.*

POLICY 18.1.2: *The University Community will provide a mix of housing types with densities sufficient to meet the needs of and designed to accommodate the varying lifestyles of students, faculty, administration, other university personnel and employees of the associated support development.*

The proposed Comprehensive Plan Amendment and concurrent Planned Development promote a mix of housing types including but not limited to; single family and multi-family for a maximum of 1,950 dwelling units consistent with Policy 18.1.1. These units will be supported by Commercial uses as well as Research and Development Uses. Furthermore, the property owner previously donated approximately 40 acres to the University in support of their future growth. The Master Concept Plan submitted with the concurrent Planned Development rezoning application demonstrates that the proposed research and development uses are adjacent to the multi-family housing and in close proximity to the previously donated 40 acres ensuring interconnectivity and consistency with Policy 18.1.1.

POLICY 18.1.4: *Lee County will maintain and as necessary adopt regulations further defining how densities for individual parcels within the University Community will be determined. The*

regulations will address how the total number of units will be tallied to ensure that the overall total number of residential units within the University Village do not exceed 6,510 dwelling units. The regulations will provide a mechanism for clustering densities within the University Community.

There are numerous residential developments within the University Community. The CenterPlace property was previously approved for 1,950 residential dwelling units through CPA2009-0001. The requested Comprehensive Plan Amendment and concurrent rezoning retain this maximum number of residential dwelling units demonstrating compliance with Policy 18.1.4.

POLICY 18.1.5: *In order to create a cohesive community, site design within the University Community must utilize alternative modes of transportation such as pedestrian networks, mass transit opportunities, sidewalks, bike paths and similar facilities. Site design must link related land uses through the use of alternative modes of transportation thus reducing automobile traffic within the University Community. The county will work cooperatively with the University on these matters as the University proceeds through the Campus Master Plan Process.*

~~Prior to~~ As part of the local Development Order approval for primary infrastructure installation on property within Area 9, of the University Community, the developer must demonstrate that the proposed plan of development supports pedestrian, bicycle and transit opportunities. A multi-modal interconnection between the property and the FGCU campus must be provided at no cost to Lee County, consistent with Lee Plan Policy 18.1.16.7. ~~The owner/developers must dedicate the right of way for the 951 extension between Alico Road and Corkscrew Road to Lee County prior to rezoning approval. The value of the right of way on the date of dedication must not reflect the added value of the lands changed from DR/GR to University Community by virtue of CPA 2009-01. The county will issue road impact fee credits for the dedication.~~ (Amended by Ordinance No. 94-30, 00-22, 10-40, 14-03)

The proposed concurrent Mixed Use Planned Development rezoning MCP prepared in conformance with the proposed Comprehensive Plan Amendment provides for a significant right-of-way network consistent with the County's "complete streets" initiative. This will provide the infrastructure for an efficient pedestrian, bicycle, transit, and automobile transportation system throughout the development and opportunities for interconnectivity to adjacent properties and ultimately to the main FGCU campus to the south. Consistency with Policy 18.1.5 will ultimately be accomplished during the local development order approval process. As previously stated, the property owner, Alico West Fund, has already completed the dedication of land to Lee County for the 951 extension. It is this action that results in the desired amendment to Policy 18.1.5 as outlined above.

POLICY 18.1.7: *A diverse mixture of land uses will be encouraged within the University Community. Compatibility will be addressed through project design, including adequate buffering or other performance measures, therefore allowing adjacent appropriate industrial, residential and commercial land uses where such locations represent good planning. In*

reviewing zoning requests within the University Community, Lee County will consider noise, odor, visual, security and traffic impacts in determining land use compatibility. Because of the required cooperative master planning with and approval by the Board of Regents, the required compatibility review and the requirement that commercial land uses within the University Village be related to the University, development within the University Community will not be subject to the site location standards set forth in Goal 6 of the Lee Plan.

The Comprehensive Plan Amendment and concurrent rezoning demonstrate a mix of housing, commercial, and research and development uses proposed for the CenterPlace property. The Master Concept Plan submitted with the proposed concurrent Planned Development rezoning demonstrates these uses are compatible with the adjacent residential development and institutional use. This is accomplished through appropriate project design by properly locating more intense land uses away from residential properties, separating and buffering various uses through landscaping, open spaces and public parks, and providing multi-modal transportation options on the subject property.

POLICY 18.1.9: *Prior to the commencement of development within the University Community land use category, an area-wide Conceptual Water Management Master Plan must be submitted to and approved by Lee County and South Florida Water Management District staff. This water management plan will be integrated with the Conceptual Master Plan and be prepared through a cooperative effort between the property owner, Lee County, and South Florida Water Management District. This master plan will ensure that the water management design of any development within the University Community will maintain or improve the currently existing quality and quantity of groundwater recharge. This plan must be consistent with the drainage basin studies that were prepared by Johnson Engineering, and approved by the SFWMD. Lee County will amend the county land development regulations to require all new development to be consistent with the appropriate basin study.* ~~*Development of Regional Impact, zoning and Development Order approvals within the University Community Area 9 must provide an environmental assessment that includes a fines relocation/disposal plan to be implemented at the time of development of the property.*~~ *Prior to zoning or Development Order approval on any portion of Area 9, the developer must demonstrate through modeling, accepted by Lee County staff, that the proposed development will not create significant impacts on present or future water resources.*

The CenterPlace property was previously approved for mixed use development via a Comprehensive Plan Amendment in 2010 and a Compact Community Planned Development rezoning in 2015. The current request will maintain and/or improve the previously approved storm water management plan for water quantity and quality and impacts on present or future water resources.

POLICY 18.1.11: *If not otherwise addressed by the Conceptual Master Plan, the landowner(s) within the University Village will coordinate infrastructure connections and interconnections, including but not limited to roadways, utilities and water management, with the University*

Campus through the established Board of Regents' master planning, review and approval process.

Alico West Fund has previously participated in capital improvement efforts with Lee County and Florida Gulf Coast University and will continue to do so. Right of Way donations have been made to support the programmed expansion of Alico Road as well as the potential development of County Road 951. A multi-modal interconnection will be provided to Florida Gulf Coast University improving access and reducing trips on surrounding roadways. Funds have also been provided to address expansion of Lee County Utilities to service the CenterPlace property.

POLICY 18.1.12: *To encourage a variety of wildlife habitats and university study sites, special consideration will be given in the Conceptual Master Plan to the preservation of portions of the most pristine and diverse wildlife habitat areas (such as, pine flatwoods, palmetto prairies, and major cypress slough systems) as an incentive to reduce, on a one-for-one basis, open space requirements in other developments within the University Community. The implementation of this policy will occur at the time of zoning and development review.* ~~*The development of the lands in Area 9 at the county's request, may include the construction of a rookery island, funded by the developer, within the existing mining lake that separates the Area 9 property from the Miromar Lakes residential community. The rookery island would provide wildlife habitat and would be made available to FGCU for use as an environmental study site.*~~ *(Amended by Ordinance No. 94-30, 00-22, Relocated by Ordinance No. 07-12, Amended by Ordinance No. 10-40)*

The CenterPlace property is a former limerock mine and as such has been significantly disturbed over time. There are areas of native habitat adjacent to Alico Road and located in the southeastern "tail" of the property. These areas are proposed to be preserved in the current approvals for the property and will continue to be preserved in the requested Comprehensive Plan Amendment and concurrent Planned Development. It is important to note, the preserved habitat in the southeastern "tail" of the property is within the larger Stewart Cypress Slough and creates a link between portions of the Slough preserved off-site.

POLICY 18.1.16: *For those lands in Area 9, all development must be designed to enhance and support the University. All rezonings in this area must include a specific finding that the proposed uses qualify as Associated Support Development, as that term is defined in the glossary. The final design and components will be determined as part of the rezoning process and must be consistent with the following development standards:*

1. Mixed Use*: Development must <u>incorporate a mix of uses (multiple types of residential development along with non-residential development)</u>* ~~*be in the Traditional Neighborhood Development form, as defined in the Glossary section of the Lee Plan*~~*, and <u>be</u> consistent with the intent of Goal 4: Sustainable Development Design of the Lee Plan<u>, Policy 1.1.9 and Goal 18: University Community</u>. Development on Alico West, Area 9, must be rezoned to a* ~~*Compact*~~ *Planned Development as specified by the Lee County Land Development Code*~~*, recognizing there may be significant deviations to accommodate the proposed*~~

~~development~~. The following ~~minimum and~~ maximum development parameters per use are approved for Area 9, subject to transportation mitigation requirements:

Residential: ~~Minimum 800 units, maximum~~ a maximum of 1,950 units;

Retail: ~~Minimum 200,000 square feet, maximum~~ a maximum of 200,000 ~~543,000~~ square feet ~~(Retail maximum may be reduced, to no less than the 200,000 square feet, to allow additional Office or Research and Development square feet at a 1 to 1 rate.)~~;

Office/Research/Development: ~~Minimum 400,000 square feet, maximum of~~ a maximum of 105,000 ~~918,000~~ square feet ~~(additional Office/Research/Development square feet may be added to the maximum if the maximum retail is reduced as described in the Retail parameters above)~~;

~~Donation Site to University: Minimum 40,000 square feet, maximum 400,000 square feet~~; and

Hotel: ~~Minimum 0 rooms, maximum~~ 250 rooms.

~~**2. Main Street Town Center**: The development must provide an area for a main street town center that is supportive of FGCU, with mixed uses development employing the Traditional Neighborhood Development (TND) form as defined in the glossary of the Plan. This portion of the development must contain mixed use buildings but may also contain some single use buildings. The Town Center must be a minimum of 25 Gross Acres. The minimum Residential Units within the area defined as the Town Center will be 200. Commercial Uses, including retail, office, employment, institutional or civic uses within the Town Center must provide a minimum total of 125,000 square feet. Coupled with the applicable Policy Framework, the required minimum percentage of non residential land uses in the Town Center will be as follows:~~

~~Retail / Commercial: 50% MIN~~

~~Office / Employment: 25% MIN~~

~~Public, Institutional & Civic: 5% MIN~~

~~3~~2. **Density**: To ensure the creation of a development that has sufficient residential mass to support the proposed non-residential intensity ~~main street town center~~ while providing a mixture of housing types to meet the needs and accommodate the varying lifestyles of persons related directly and indirectly to the University as required by policy 18.1.2, the total project ~~net density within the residential component area of area 9 must be a minimum of 5 units per acre, but~~ shall not ~~to~~ exceed a total of 1,950 dwelling units.

~~4~~3. ~~**Retail**~~ **Non-residential Uses**: ~~The total retail floor area for Area 9 will not exceed a maximum of 543,000 square feet. Retail uses should be appropriately sized to enhance FGCU and private residential development in the area. While individual structures may be larger in size, the maximum floor area limitations for single user retail stores are as follows:~~

~~a. One (1) grocery store may be constructed to a maximum of 45,000 square feet;~~

~~b. Up to two (2) retail stores may be constructed not exceeding a total of 60,000 square feet per store, with no more than 30,000 square feet per floor;~~

~~c. Up to three (3) retail stores may be constructed not exceeding 30,000 square feet per store; and,~~

~~*d. At build out, at least 50 % of all finished retail square footage must be utilized by retail stores smaller than 10,000 square feet but may be contained in multi-use buildings.*~~

The Site Location Standards described in Goal 6 of the Lee Plan are not applicable to University Community Area 9. Specific location of non-residential uses, design details, and intensities of non-residential uses will be reviewed during the rezoning process to determine compliance with the requirements of applicable Lee Plan provisions, including but not limited to compatibility, mix of uses, civic spaces, recreation and open space, interconnectivity, and multi-modal design elements.

~~*5*~~*4. Office, **Research and Development Facilities**: Research and development facilities and office buildings are encouraged, which will attract the targeted industries as established by the State of Florida and by Lee County to create economic diversity and to create synergy between FGCU and private facilities. As required by policy 18.1.1, the emphasis will be on University related scientific research and high technology development activities but may also include and allow a diversity of activities that support the University and private development within Area 9 in keeping with the predominant land uses as established by Policy 18.2.2.*

~~*6. **Development Acreage**: The previous mining and crushing operations in Area 9 have rendered a large portion of the property unsuitable for development. Some areas that were previously mined have been filled with materials left over from the crushing operations known as fines. These and other activities have left an area of approximately 350 acres that has never been mined that remains suitable for development of structures and other site improvements. Development is therefore limited to this area. The previously impacted areas may only be used for reclamations and development as unoccupied open space. Property may be designated for residential use, non-residential use, or a combination of uses classified as mixed use. Out of the 350 acres available for development, 40 acres of developable land, not including right-of-way which is intended to serve as the connection between Area 9 and FGCU, will be dedicated to FGCU concurrent with rezoning approval. The 40 acres dedicated to FGCU will become part of the FGCU campus and development there will not be calculated against the maximum residential unit count, nor maximum commercial square footage otherwise allowed.*~~

~~*6*~~*5. **Connectivity to FGCU**: To further implement Policy 18.1.5 relative to alternative modes of transportation, Area 9 will be designed with a connection to ~~*the easterly portion of*~~ FGCU. This connection will be a pedestrian-friendly multi-modal facility, with traffic calming, multi-use paths, and ~~*student*~~ other pedestrian oriented safety features. ~~*Prior to vertical development on Area 9 this connection must be in place.*~~ This connection must be included in the local development order prior to commencement of any vertical development.*

~~*7*~~*6. **Pedestrian Friendly Design**: The development will be designed as a pedestrian-friendly community, and in areas targeted and marketed as student housing, along with all retail, office, research and development areas, will include ~~*with student*~~ pedestrian oriented design ~~*safety*~~ features, including traffic calming, sidewalks on both sides of the road system~~*, safety call boxes*~~, and facilities to accommodate the FGCU Eagle Express, Lee Tran, and other alternative modes of transportation.*

~~***9. Golf Course Prohibited**: In order to facilitate a compact design, maximize the use of the developable area within Area 9, and to accomplish the goals established in Policy 18.2.2 to develop and support a viable University Community, Area 9 is prohibited from having a golf course facility.*~~

~~***10**__7__. **Parking**: Parking in Area 9 should be __screened and__ minimized to the furthest extent possible in order to create a walkable community that considers the needs of pedestrians and recognizes the possibility for internal trip capture. Parking may be minimized by using on-street parking, shared parking, or structured parking. ~~All parking must be consistent with the requirements identified below:~~*

~~*A. Within the Town Center/Core Area of Area 9 parking requirements are as follows:*~~

~~*1. A minimum of 50% of the required parking will be contained in parking structures.*~~

~~*2. A maximum of 25% of the parking required for the Town Center/Core Area may be surface parking lots, in an area no greater than 10 acres. The 10 acres will not include any water management features of the development.*~~

~~*3. A minimum of 25% of the required parking would be on street parking in a TND design.*~~

~~*4. A. Off street surface parking must be located to minimize the presence visibility of the surface parking from external roadways facility by shielding the parking areas with liner buildings, courtyards and or buffers. Further, the developer is encouraged to reduce the amount of surface parking by designing the development in a manner that promotes shared parking agreements, mixed uses, internal trip capture, and alternative modes of transportation such as transit, biking and walking, and on street parking opportunities that will serve to offset required on site parking whenever possible.*~~

~~*B. Within the remainder of the Area 9 on street parking may be provided to offset off-street parking requirements. Off street parking must be located to minimize the presence of any surface parking facilities by shielding such parking with liner buildings, courtyards and buffers. Further the developer is encouraged to reduce the amount of surface parking by designing the development in a manner that promotes shared parking agreements, use of on-street parking, mixed uses, internal trip capture, and alternative modes of transportation such as transit, biking and walking, whenever possible.*~~

~~*C. Deviations from the number of parking spaces required by the Land Development Code may be appropriate in Area 9.*~~

~~***11**__8__. **Residential Uses**: Single-family residential units and zero lot line units, as defined in the Land Development Code, will ~~each~~ be limited to ~~195~~ __not more than 25% of the total approved dwelling__ units __in the planned development__. ~~All single-family residential units and zero lot line units must be constructed on lots smaller than 6,500 square feet.~~*

~~***12**__9__. ~~**Entertainment District**~~ **Town Square**: Area 9 may contain public and private entertainment venues, including but not limited to facilities such as ~~amphitheaters~~, theaters, bars and cocktail lounges, restaurants, bowling alleys, batting cages, arcades, as well as passive recreation facilities__, located within or in close proximity to the commercial node of the required Planned Development.__ __All uses must comply with__*

adopted noise abatement and control requirements imposed as part of any zoning approvals to maintain compatibility with existing development.

~~13~~10. **Landscaping**: *All plantings used in buffers and landscaping must be installed using xeriscape principles. Xeriscape principles include water conservation through drought tolerant landscaping, the use of appropriate plant material, mulching, and the reduction of turf areas. All development must hook-up to water re-use lines when they become available. At least 75 percent of all landscaping must be native landscaping.*

~~**14. Reclamation**: Development within Area 9 must include reclamation of the adjacent mine pit, including installation of appropriate littoral zones.~~

~~15~~11. **Florida Gulf Coast University Participation**: *The owner or agent for Development of Regional Impact or Planned Development rezoning requests must conduct two meetings with the President of FGCU or his designees and will provide detailed information to such representatives at those meetings relating to the Site Plan and Master Concept Plan for any proposed development within Area 9. The developer must invite Lee County zoning and planning staff to participate in such meetings. These meetings must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meetings, list of attendees; a summary of the concerns or issues that were raised at the meetings; and a proposal of how the applicant will respond to any issues that were raised.*

~~16~~12. **Stormwater Retention for adjacent transportation facilities**: *Area 9 will accommodate stormwater detention/retention requirements for the Alico Road widening and County Road 951 extension adjacent to the property, if constructed.*

~~**17. Development Within Five Years of Comprehensive Plan Amendment approval: Development in Area 9, including the 40 acre parcel to be donated to FGCU, will be limited as follows: 105,000 square feet of commercial retail development, 45,000 square feet of general office development, 200 residential units of which a maximum of 100 units may be either single family or zero lot line or a combination thereof and 40,000 square feet of development on the University parcel. Approval of Development Orders are prohibited beyond these limitations until the necessary infrastructure is included in the first three years of the Capital Improvement Program.~~

Consistent with Policy 18.1.16 and the recommended amendments as outlined above, the proposed development of the CenterPlace property enhances and supports the University. As previously mentioned, a multi-modal connection will be provided from the subject property to Florida Gulf Coast University. The Master Concept Plan for the concurrent Planned Development rezoning demonstrates that multi-family residential available for university housing has been located immediately adjacent to the multi-modal connection facilitating student and resident mobility and eliminating trips on the roadway network. The ±40-acre parcel donated to FGCU is for the expansion of their academic campus, which is located immediately adjacent to CenterPlace and further promotes interconnectivity and walkability between these primary uses. The remaining commercial, office, research and development facilities, recreational amenities, and a variety of residential types will support the increased housing need, retail and service,

leisure, and employment needs anticipated for the University Community area because of the existence and continued growth of FGCU.

POLICY 18.2.3: *The University Window Overlay includes the area within 100 feet on both sides of the right-of-way of the following roadway segments:*

~~Treeline Avenue~~ Ben Hill Griffin Pkwy *From Alico Road to Corkscrew Road*
Alico Road *From I-75 to ~~Future Extension of County Road 951~~ Ben Hill Griffin Pkwy*
Corkscrew Road *From I-75 to ~~Treeline Avenue~~ Ben Hill Griffin Pkwy*
~~Koreshan Boulevard~~ Estero Pkwy *From I-75 to ~~Treeline Avenue~~ Ben Hill Griffin Pkwy*

With input from affected property owners, Lee County and the Florida Gulf Coast University Board of Trustees will develop mutually agreed upon standards for the University Window addressing landscaping, signage and architectural features visible from the designated roadway segments.

Alico West Fund previously committed to participate in the University Window Overlay and utilize the landscaping and buffering standards as outlined in the recorded agreement. With the proposed text amendments to Policy 18.2.3, see above, the University Window Overlay boundary no longer applies to the CenterPlace development, as CenterPlace is east of Ben Hill Griffin Pkwy. Additionally, Alico West Fund donated property to Lee County for use as public right-of-way for the future Alico Road widening and improvement project. The proposed Alico Road widening and improvement project includes landscaping and a landscape buffer adjacent to the CenterPlace property, thus eliminating the need for any additional buffer landscaping by CenterPlace.

POLICY 40.4.7: *The County will encourage development designs to promote pedestrian and bicycle linkages between abutting residential and non-residential uses such as shops, office and employment centers, civic uses, parks, and schools. (Added by Ordinance No. 07-09)*

The proposed CenterPlace development based on the concurrent rezoning request and MCP provides for a multi-modal transportation system design that ensures linkages between all uses within the mixed use community and also provides the infrastructure and interconnectivity to surrounding properties, especially to the University property directly adjacent and the main campus located within close proximity to CenterPlace.

POLICY 43.1.1*: Provide access for bicycle and pedestrian interface with mass transit, through the linkage of bicycle/pedestrian facilities and bus stops. (Amended by Ordinance No. 99-15, 07-09)*

POLICY 43.1.8: *Develop and maintain convenient public transit between new or expanded urban areas and existing destinations such as central Fort Myers and Cape Coral, other centers of employment, and shopping, medical, educational, and recreation centers.*

POLICY 43.1.10: *Work with the Florida Board of Regents to provide public transit service for Florida Gulf Coast University. (Amended by Ordinance No. 98-09, 99-15)*

OBJECTIVE 43.2: NEW DEVELOPMENT*. Require that large new developments provide convenient access to mass transit.*

The proposed CenterPlace mixed use community is providing a multi-modal transportation system that ensures a safe and effective pedestrian, bicycle, and vehicular network that links to appropriately located Lee Tran public transit and the FGCU's Eagle Express shuttle stops. As a mixed use community, CenterPlace is designed to provide for enhanced residential, employment, and recreational/entertainment opportunities through the proposed research and development and professional/medical office uses as well as, shopping, parks, and open space all to support and enhance the University Community area. It is this type of large new development with planned residential density, non-residential intensity and appropriately designed and required multi-modal infrastructure that will contribute to further mass transit success and reducing vehicular trips on the local road network.

POLICY 115.1.2: *New development and additions to existing development must not degrade surface and ground water quality.*

POLICY 115.1.3: *The design, construction, and maintenance of artificial drainage systems must provide for retention or detention areas and vegetated swale systems that minimize nutrient loading and pollution of freshwater and estuarine systems.*

POLICY 115.1.4: *Developments which have the potential of lowering existing water quality below state and federal water quality standards will provide standardized appropriate monitoring data.*

The proposed CenterPlace development includes a storm water management system to ensure appropriate water quality and control runoff from the property into Center Lake. Alico West Fund is proposing to carry the previously approved conditions related to monitoring forward through the concurrent Planned Development request.

POLICY 135.1.9: *The county will ensure a mix of residential types and designs on a countywide basis by providing for a wide variety of allowable housing densities and types through the planned development process and a sufficiently flexible Future Land Use Map.*

POLICY 158.1.9: *Lee County, in response to current and projected needs of Lee County residents, will encourage a diverse mix of housing types, sizes, prices, and rents by maintaining mixed use land use categories in the Future Land Use Element.*

The proposed CenterPlace development will ensure a mix of residential units. While a proposed Comprehensive Plan text amendment has been requested, the residential portion of CenterPlace continues to include a maximum of 1,950 dwelling units and continues to place a maximum

restriction on the amount of single family units permitted. In addition, the Master Concept Plan submitted with the concurrent Planned Development request demonstrates that single and multi-family as well as student housing are proposed to provide a variety of housing density and types on the subject property. It should also be noted, the proposed Master Concept Plan incorporates the result of the stipulated Settlement Agreement and Release entered into on July 15, 2016, between Alico West Fund, LLC and Miromar Development, among others, which only allows residential development on the property located 250 feet landward of the Center Lake shoreline and limits the density to 3 residential du/acre.

The proposed Comprehensive Plan Amendment continues to promote the Goals, Objectives and Policies of the Lee Plan and is consistent with its vision regarding development within the University Community Future Land Use Category. The proposed amendments, concurrent Planned Development rezoning, and CenterPlace mixed use community will not negatively impact the surrounding uses and will continue to enhance and support development surrounding Florida Gulf Coast University and the University itself.

MORRIS DEPEW
ENGINEERS · PLANNERS · SURVEYORS
LANDSCAPE ARCHITECTS

2891 Center Pointe Drive Unit 100 | Fort Myers, Florida 33916
Phone (239) 337-3993 | Toll Free (866) 337-7341
www.morris-depew.com

CenterPlace

Comprehensive Plan Amendment Application

Variance Report

Lee County Property Appraiser

Kenneth M. Wilkinson, C.F.A.

Map & Data Sales
2480 Thompson Street
Fort Myers, FL 33901

Sales Order #719

Ordered: 9/6/2016
Associate: IdletteW
Printed: 9/6/2016 11:14:35 A

Bill To: Kristen Starnes
Morris-Depew Associates, Inc.
2891 Center Pointe Drive, Suite 100
Fort Myers, FL 33916
KStarnes@M-DA.com
(239) 337-3993

Order Status: Open

Description 1	Description 2	Qty	Price	Ext Price
Variance Report	07-46-26-00-00001.0050, 11-46-25-00-00001.0000, 12-46-25-00-00001.0000, 13-46-25-00-00001.0070, 11-46-25-00-00001.0170, 18-46-26-00-00001.0010, 12-46-25-00-00001.0050	1	$20.00	$20.00
Map Size 8.5" X 11"	8.5 X 11	1	$1.00	$1.00
Labels	Per Sheet	23	$0.50	$11.50
			Subtotal:	$32.50
			TOTAL:	**$32.50**

PAYMENT DUE UPON RECEIPT

Please Make Checks OR Money Order Payable To:
Lee County Property Appraiser

DataServices@LeePA.org
(239) 533-6185

Mailing Address:
PO Box 1546
Fort Myers, FL 33902-1546

MapRoom@LeePA.org
(239) 533-6159

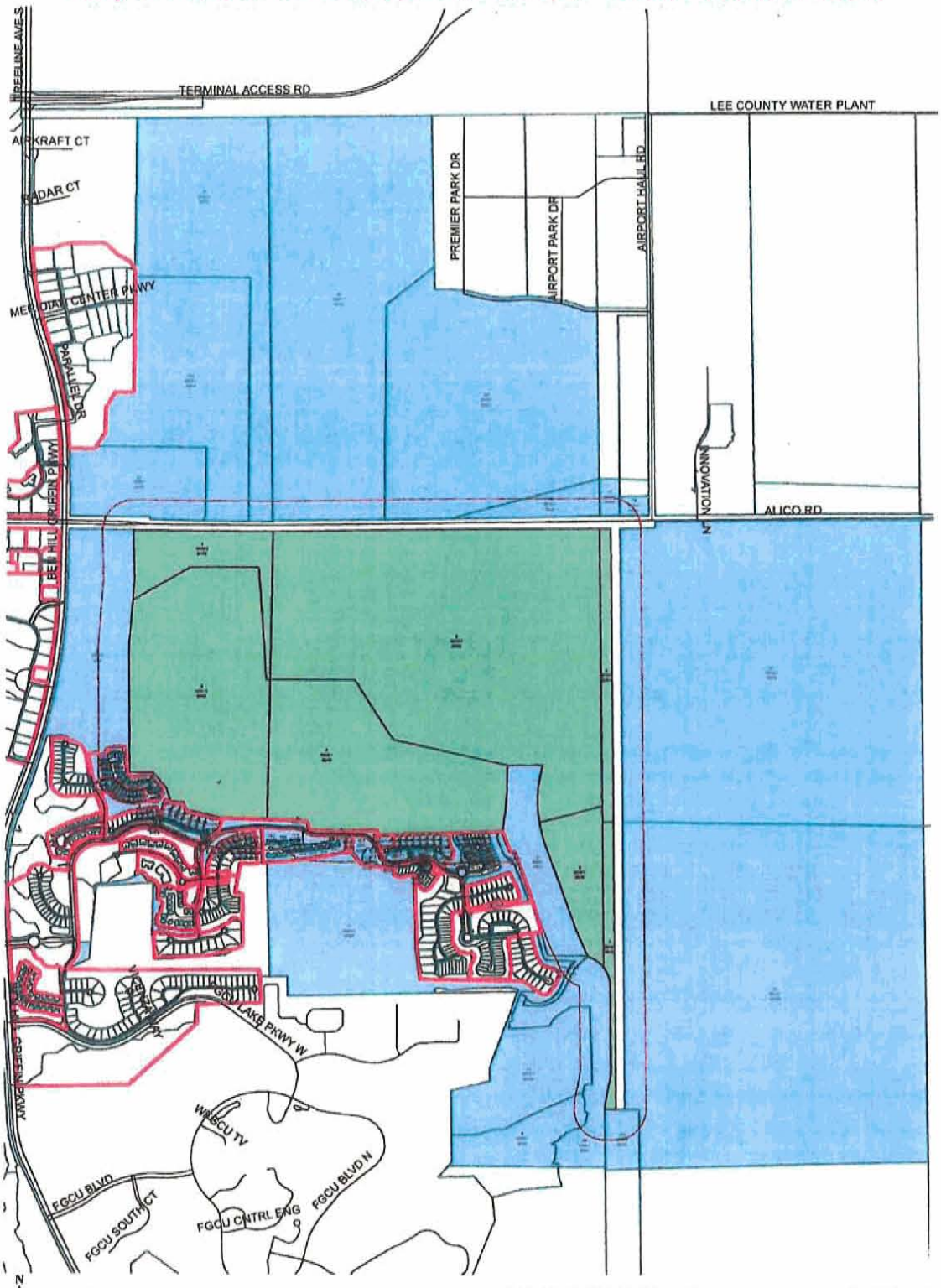
All data is current at time of printing and subject to change without notice. All confidential records have been removed.

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VARIANCE REPORT

9/6/2016

Subject Parcels: 12 Affected Parcels: 226 Buffer Distance: 500 ft



11-46-25-00-00001.0000 et al.

2,7602,0701,380 690 0 2,760 Feet

THE INFORMATION CONTAINED IN THIS REPORT IS GOVERNED BY FLORIDA STATUTE 119.071 (GENERAL EXEMPTIONS FROM INSPECTION OR COPYING OF PUBLIC RECORDS).

Lee County Property Appraiser

Kenneth M. Wilkinson, C.F.A.

GIS Department / Map Room

Phone: (239) 533-6159 • Fax: (239) 533-6139 • eMail: MapRoom@LeePA.org

VARIANCE REPORT

Date of Report: 9/6/2016 11:15:47 AM
Buffer Distance: 500 ft
Parcels Affected: 226
Subject Parcels: 11-46-25-00-00001.0000, 11-46-25-00-00001.0170, 12-46-25-00-00001.0000, 12-46-25-00-00001.0050, 13-46-25-00-00001.0070, 07-46-26-00-00001.0050, 18-46-26-00-00001.0010

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
FLORIDA GULF COAST UNIVERSITY GERARD CARRINGTON VP 10501 FGCU BLVD S FORT MYERS, FL 33965	13-46-25-00-00001.0000 ACCESS UNDETERMINED FORT MYERS FL	PARCEL LYING IN SECS 13 + 24 AS DESC IN OR 4635 PG 2358	8
MIROMAR LAKES LLC 10801 CORKSCREW RD STE 305 ESTERO, FL 33928	11-46-25-00-00001.0040 ACCESS UNDETERMINED MIROMAR LAKES FL 33913	PAR LYING W OF BEN HILL GRIFFIN PKWY DESC OR 3165 PG 1800 LESS SPLITS +OR 4535/4064+ 4697/75 + 4672/1318 + OR 4736/182+ SUBDS + LESS OR 4812 PG 1385 + INST 2005-72048 LESS INST #2011-218950 + LESS 2012-132761	9
MIROMAR LAKES LLC 10801 CORKSCREW RD STE 305 ESTERO, FL 33928	14-46-25-00-00001.0020 SUBMERGED MIROMAR LAKES FL 33913	PAR E OF BEN HILL GRIFFIN PKW DESC 3165/1800 LESS SPLITS LESS 4645/851 + 4645/856 + 4645/861 + 4672/1318 + 4736/182 LESS 4812/1385 + 2005-72048 LESS 2006-301183 + 2010-2624 LESS 2011-218950 LESS 2012-132761	10
MIROMAR LAKES CDD JP WARD + ASSOCIATES LLC 513 NE 13TH AVE FORT LAUDERDALE, FL 33301	13-46-25-00-00001.0040 ACCESS UNDETERMINED MIROMAR LAKES FL 33913	PARL LYING IN N 1/2 DESC OR 3165 PG 1800 LESS INST#2008000036958+ LESS INST#2008000269226+ LESS SUB	11
MIROMAR LAKES CDD JP WARD + ASSOCIATES LLC 513 NE 13TH AVE FORT LAUDERDALE, FL 33301	13-46-25-00-00001.0050 ACCESS UNDETERMINED MIROMAR LAKES FL 33913	PARCEL LYING IN SE 1/4 OF SECTION DESC 3165 PG 1800 CONSERVATION EASEMENT INST 2005-167714	12
MSF AUSTIN L LLC 25.25% + 7978 COOPER CREEK BLVD #100 UNIVERSITY PARK, FL 34201	07-46-26-00-00001.0040 ACCESS UNDETERMINED FORT MYERS FL 33913	PARCEL LYING N OF ALICO RD + W OF RD R/W AS DESC IN OR 3532 PG 3888	13
MSF AUSTIN L LLC 25.25% + 7978 COOPER CREEK BLVD #100 UNIVERSITY PARK, FL 34201	07-46-26-00-00001.0010 ACCESS UNDETERMINED FORT MYERS FL 33913	PARCEL LYING N OF ALICO RD + W OF RD R/W AS DESC IN OR 3532 PG 3857	14
MSF AUSTIN L LLC 25.25% + 7978 COOPER CREEK BLVD #100 UNIVERSITY PARK, FL 34201	02-46-25-00-00001.0050 ACCESS UNDETERMINED FORT MYERS FL	PARCEL LYING IN E 1/2 OF SEC AS DESC IN OR 3532 PG 3888 LESS OR 3553 PG 4623 + INST#2007-138173	15
MSF AUSTIN L LLC 25.25% + 7978 COOPER CREEK BLVD #100 UNIVERSITY PARK, FL 34201	12-46-25-00-00001.0020 ACCESS UNDETERMINED FORT MYERS FL	PARCEL LYING N OF ALICO RD AS DESC IN OR 3532 PG 3888	16
MIROMAR LAKES MASTER ASSN INC 10801 CORKSCREW RD STE 305 ESTERO, FL 33928	11-46-25-08-0000A.00CE RIGHT OF WAY MIROMAR LAKES FL 33913	MIROMAR LAKES UT V ISOLA BELLA PB 74 PGS 9-12 TRACT A + TRACT B LESS SUBD	17
MIROMAR LAKES LLC MIROMAR LAKES MASTER ASSN 10801 CORKSCREW RD STE 305 ESTERO, FL 33928	14-46-25-08-0000C.00CE MIROMAR LAKES C/E MIROMAR LAKES FL	MIROMAR LAKES UT V ISOLA BELLA PB 74 PGS 9-12 TRACT C LESS INST 2005-72048 + C.01CE + C.02CE	18

All data is current at time of printing and subject to change without notice.
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OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
MIROMAR LAKES LLC MIROMAR LAKES MASTER ASSN 10801 CORKSCREW RD STE 305 ESTERO, FL 33928	14-46-25-08-0000D.00CE MIROMAR LAKES ISOLA BELLA C/E MIROMAR LAKES FL	MIROMAR LAKES UT V ISOLA BELLA PB 74 PGS 9-12 TRACT D LESS SUBD + D.01CE	19
RIESENBERGER ROBERT E JR + 426 WELLS RD DOYLESTOWN, PA 18901	14-46-25-09-0000A.0050 18060 VIA BELLAMARE LN MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT VI BELLAMARE PB 74 PGS 17-19 BLK A LOT 5	20
LAKHANI ILA TR 218-350 BURNHAMTHORPE RD W MISSISSAUGA, ON L5B 3J1 CANADA	14-46-25-09-0000A.0060 18050 VIA BELLAMARE LN MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT VI BELLAMARE PB 74 PGS 17-19 BLK A LOT 6	21
CRAFT JERRY + GLENDA 18040 VIA BELLAMARE LN FORT MYERS, FL 33913	14-46-25-09-0000A.0070 18040 VIA BELLAMARE LN MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT VI BELLAMARE PB 74 PGS 17-19 BLK A LOT 7	22
AVNER WENDY 18020 VIA BELLAMARE LN MIROMAR LAKES, FL 33913	14-46-25-09-0000A.0080 18020 VIA BELLAMARE LN MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT VI BELLAMARE PB 74 PGS 17-19 BLK A LOT 8	23
BACKUS DOUGLAS A TR + 18010 VIA BELLAMARE LN FORT MYERS, FL 33913	14-46-25-09-0000A.0090 18010 VIA BELLAMARE LN MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT VI BELLAMARE PB 74 PGS 17-19 BLK A LOT 9	24
HARDING CINDY + RICHARD S 10411 VIA LOMBARDIA CT MIROMAR LAKES, FL 33913	14-46-25-09-0000A.0100 18000 VIA BELLAMARE LN MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT VI BELLAMARE PB 74 PGS 17-19 BLK A LOT 10	25
RINDEN SCOTT R + 17990 VIA BELLAMARE LN MIROMAR LAKES, FL 33913	14-46-25-09-0000A.0110 17990 VIA BELLAMARE LN MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT VI BELLAMARE PB 74 PGS 17-19 BLK A LOT 11	26
AIREY JOYCE H + RONALD M TR 2014 FLOUR MILL CT CROWNSVILLE, MD 21032	14-46-25-09-0000A.0120 17980 VIA BELLAMARE LN MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT VI BELLAMARE PB 74 PGS 17-19 BLK A LOT 12	27
NASSIF JOHN M 17981 VIA BELLAMARE LN MIROMAR LAKES, FL 33913	14-46-25-09-0000B.0010 17981 VIA BELLAMARE LN MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT VI BELLAMARE PB 74 PGS 17-19 BLK B LOT 1	28
DRINKWATER DENNIS V TR 13 OLD SALEM PATH GLOUCESTER, MA 01930	14-46-25-09-0000B.0020 17991 VIA BELLAMARE LN MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT VI BELLAMARE PB 74 PGS 17-19 BLK B LOT 2	29
TOWNSEND CAROL 208 BURR RD WESTAMPTON, NJ 08060	14-46-25-09-0000B.0030 18001 VIA BELLAMARE LN MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT VI BELLAMARE PB 74 PGS 17-19 BLK B LOT 3	30
BUNCK TERRI L 18011 VIA BELLAMARE LN MIROMAR LAKES, FL 33913	14-46-25-09-0000B.0040 18011 VIA BELLAMARE LN MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT VI BELLAMARE PB 74 PGS 17-19 BLK B LOT 4	31
MIROMAR LAKES MASTER ASSN INC MIROMAR LAKES MASTER ASSN 10801 CORKSCREW RD STE 305 ESTERO, FL 33928	14-46-25-09-0000A.00CE RIGHT OF WAY MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT VI BELLAMARE PB 74 PGS 17-19 TRACT A LESS OR 4163/686 + A.01CE + INST#2007-247202	32
MIROMAR LAKES LLC MIROMAR LAKES MASTER ASSN 10801 CORKSCREW RD #305 ESTERO, FL 33928	14-46-25-09-0000E.00CE RIGHT OF WAY MIROMAR LAKES FL	MIROMAR LAKES UNIT VI BELLAMARE PB 74 PGS 17-19 TRACT E	33
MSF AUSTIN L LLC 25.25% + 7978 COOPER CREEK BLVD #100 UNIVERSITY PARK, FL 34201	01-46-25-00-00001.0020 ACCESS UNDETERMINED FORT MYERS FL	POR OF SECT 1 DESC IN OR 4175 PG 1293 LESS INST#2007-138174	34
MIROMAR LAKES CDD JP WARD + ASSOCIATES LLC 513 NE 13TH AVE FORT LAUDERDALE, FL 33301	14-46-25-00-00001.0190 SUBMERGED MIROMAR LAKES FL 33913	PARCEL LOCATED IN SECS 11 +14 AS DESC IN OR 4736 PG 182	35
SAUNDERS ROBERT REED + 10590 VIA MILANO DR MIROMAR LAKES, FL 33913	11-46-25-05-00000.0070 10590 VIA MILANO DR MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT X DESC IN INST #2005-10918 LOT 7	36
HALL CLAUDIA 38 SHOREWOOD PL OAKVILLE, ON L6K 3Y4 CANADA	11-46-25-05-00000.0080 10600 VIA MILANO DR MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT X DESC IN INST #2005-10918 LOT 8	37

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STINSON LORRAINE TR 9 FOXFIRE CHASE UXBRIGE, ON L9P 1R4 CANADA	11-46-25-05-00000.0090 10610 VIA MILANO DR MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT X DESC IN INST #2005-10918 LOT 9	38
GAULT JOHN S + KARLEEN A TR 10620 VIA MILANO DR MIROMAR LAKES, FL 33913	11-46-25-05-00000.0100 10620 VIA MILANO DR MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT X DESC IN INST #2005-10918 LOT 10	39
WEBER MICHAEL T + LESLIE G 10630 VIA MILANO MIROMAR LAKES, FL 33913	11-46-25-05-00000.0110 10630 VIA MILANO DR MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT X DESC IN INST #2005-10918 LOT 11	40
WENNER CHARLES G PER REP 10640 VIA MILANO DR MIROMAR LAKES, FL 33913	11-46-25-05-00000.0120 10640 VIA MILANO DR MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT X DESC IN INST #2005-10918 LOT 12	41
MIROMAR LAKES LLC 10801 CORKSCREW RD #305 ESTERO, FL 33928	11-46-25-05-0000R.00CE RIGHT OF WAY MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT X DESC IN INST #2005-10918 TRACT R	42
ARNOLD P THOMPSON TRUST + 10580 VIA MILANO DR MIROMAR LAKES, FL 33913	11-46-25-05-00000.0060 10580 VIA MILANO DR MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT X DESC IN INST #2005-10918 LOT 6	43
FOX STEPHEN + LISA 1110 SIGNAL HILL LN BERWYN, PA 19312	11-46-25-05-00000.0050 10570 VIA MILANO DR MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT X DESC IN INST #2005-10918 LOT 5	44
MILLER VIRGINIA A TR 10560 VIA MILANO MIROMAR LAKES, FL 33913	11-46-25-05-00000.0040 10560 VIA MILANO DR MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT X DESC IN INST #2005-10918 LOT 4	45
ERLENBACH MICHAEL + CONNIE 10550 VIA MILANO DR MIROMAR LAKES, FL 33913	11-46-25-05-00000.0030 10550 VIA MILANO DR MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT X DESC IN INST #2005-10918 LOT 3	46
POPESCU MIRON L/E + 10540 VIA MILANO MIROMAR LAKES, FL 33913	11-46-25-05-00000.0020 10540 VIA MILANO DR MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT X DESC IN INST #2005-10918 LOT 2	47
MIROMAR LAKES MASTER ASSN INC 10801 CORKSCREW RD STE 305 ESTERO, FL 33928	11-46-25-04-0000R.00CE RIGHT OF WAY MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT IX ANACAPRI AND CASTELLI PB 82 PGS 71 TRACT R	48
MIROMAR LAKES LLC 10801 CORKSCREW RD STE 305 ESTERO, FL 33928	11-46-25-04-0000C.00CE MIROMAR LAKES C/E MIROMAR LAKES FL	MIROMAR LAKES UNIT IX ANACAPRI AND CASTELLI PB 82 PG 71 TRACT C LESS 2011000218952	49
MIROMAR LAKES LLC 10801 CORKSCREW RD STE 305 ESTERO, FL 33928	11-46-25-04-0000B.00CE MIROMAR LAKES C/E MIROMAR LAKES FL	MIROMAR LAKES UNIT IX ANACAPRI AND CASTELLI PB 82 PG 71 TRACT B	50
MIROMAR LAKES LLC 10801 CORKSCREW RD STE 305 ESTERO, FL 33928	11-46-25-04-0000A.00CE MIROMAR LAKES C/E MIROMAR LAKES FL	MIROMAR LAKES UNIT IX ANACAPRI AND CASTELLI PB 82 PG 71 TRACT A	51
SANTANA JOHAN + YASMILE TR 10471 VIA LOMBARDIA CT MIROMAR LAKES, FL 33913	11-46-25-04-0000B.0080 10471 VIA LOMBARDIA CT MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT IX ANACAPRI AND CASTELLI PB 82 PG 71 BLK B LOTS 7 + 8 + DOCK ASSIGNMENT	52
MARKEY PATRICK TR + 7954 WINSTON CHURCHILL BLVD HORNBY, ON L0P 1E0 CANADA	11-46-25-04-0000B.0060 10451 VIA LOMBARDIA CT MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT IX ANACAPRI AND CASTELLI PB 82 PG 71 BLK B LT 6 + DOCK ASSIGNMENT	53
LICHY DALE M TR + 10441 VIA LOMBARDIA CT MIROMAR LAKES, FL 33913	11-46-25-04-0000B.0050 10441 VIA LOMBARDIA CT MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT IX ANACAPRI AND CASTELLI PB 82 PG 71 BLK B LOT 5 + RIGHT TO USE DOCK	54
COURTNAGE LARRY J TR + 13609 CALIFORNIA ST STE 500 OMAHA, NE 68154	11-46-25-04-0000B.0040 10431 VIA LOMBARDIA CT MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT IX ANACAPRI AND CASTELLI PB 82 PG 71 BLK B LOT 4 + DOCK ASSIGNMENT	55
BRLAS MARY LAUREN 10421 VIA LOMBARDIA CT MIROMAR LAKES, FL 33913	11-46-25-04-0000B.0030 10421 VIA LOMBARDIA CT MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT IX ANACAPRI AND CASTELLI PB 82 PG 71 BLK B LT 3 + DOCK ASSIGNMENT	56

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HARDING CINDY + RICHARD S 10411 VIA LOMBARDIA CT MIROMAR LAKES, FL 33913	11-46-25-04-0000B.0020 10411 VIA LOMBARDIA CT MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT IX ANACAPRI AND CASTELLI PB 82 PG 71 BLK B LOT 2	57
CONNER MICHAEL + SUSAN 1045 LAURELWOOD BLOOMINGTON, IN 47401	11-46-25-04-0000B.0010 10401 VIA LOMBARDIA CT MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT IX ANACAPRI AND CASTELLI PB 82 PG 71 BLK B LOT 1 + AND DOCK ASSIGNMENT	58
BATOFF JEFFREY S + 750 RIGHTERS MILL RD PENN VALLEY, PA 19072	11-46-25-04-0000A.0040 10361 VIA ANACAPRI CT MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT IX ANACAPRI AND CASTELLI PB 82 PG 71 BLK A LOT 4	59
GILL SCOTT J TR + 10371 VIA ANACAPRI CT MIROMAR LAKES, FL 33913	11-46-25-04-0000A.0030 10371 VIA ANACAPRI CT MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT IX ANACAPRI AND CASTELLI PB 82 PG 71 BLK A LOT 3 + DOCK ASSIGNMENT	60
JACOBSON ANTHONY SCOTT TR + 17634 BALLANTRAE CIR EDEN PRAIRIE, MN 55347	11-46-25-04-0000A.0020 10381 VIA ANACAPRI CT MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT IX ANACAPRI AND CASTELLI PB 82 PG 71 BLK A LOT 2	61
CREEL KEITH E + 751 S BURTON PL ARLINGTON HEIGHTS, IL 60005	11-46-25-04-0000A.0010 10391 VIA ANACAPRI CT MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT IX ANACAPRI AND CASTELLI PB 82 PG 71 BLK A LOT 1	62
MSF AUSTIN L LLC 25.25% + 7978 COOPER CREEK BLVD #100 UNIVERSITY PARK, FL 34201	02-46-25-00-00001.0080 ACCESS UNDETERMINED FORT MYERS FL	PARCEL LYING AT NE CORNER OF BEN HILL GRIFFIN BLVD + ALICO RD DESC OR 3553/4623 LESS R/W OR 3905 PG 2204	63
MIROMAR LAKES LLC 10801 CORKSCREW RD STE 305 ESTERO, FL 33928	13-46-25-00-00001.0060 ACCESS UNDETERMINED MIROMAR LAKES FL 33913	PARL LYING IN E 1/2 AS DESC IN OR 3280 PG 2044 LESS OR 3337 PG 2177 + INST#2008000036958	64
ALICO EAST FUND LLC STE 275 12800 UNIVERSITY DR FORT MYERS, FL 33907	18-46-26-00-00001.0000 ACCESS UNDETERMINED FORT MYERS FL	SEC 18 AS DESC IN OR 4795 PG 2813	65
BELLINI AT MIROMAR LAKES SENTRY MANAGEMENT INC 2180 WEST SR 434 STE 5000 LONGWOOD, FL 32779	11-46-25-07-00000.00CE BELLINI @ MIROMAR LAKES C/E MIROMAR LAKES FL	BELLINI AS DESC IN INST #2007-5277 COMMON ELEMENT	66
ALICO EAST FUND LLC STE 275 12800 UNIVERSITY DR FORT MYERS, FL 33907	07-46-26-00-00001.0000 12030 ALICO RD FORT MYERS FL 33913	SEC 7 AS DESC IN OR 4795 PG 2813 LYING S OF ALICO RD LESS ROW DESC IN INST #2015000137904	67
LB AT MIROMAR LAKES LLC 2210 VANDERBILT BEACH RD #1300 NAPLES, FL 34109	12-46-25-01-00000.0070 18112 VIA PORTOFINO WAY MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT XI DESC IN INST#2006-456819 LOT 7	68
LB AT MIROMAR LAKES LLC 2210 VANDERBILT BEACH RD #1300 NAPLES, FL 34109	12-46-25-01-00000.0080 18108 VIA PORTOFINO WAY MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT XI DESC IN INST#2006-456819 LOT 8	69
LB AT MIROMAR LAKES LLC 2210 VANDERBILT BEACH RD #1300 NAPLES, FL 34109	12-46-25-01-00000.0090 18104 VIA PORTOFINO WAY MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT XI DESC IN INST#2006-456819 LOT 9	70
LB AT MIROMAR LAKES LLC 2210 VANDERBILT BEACH RD #1300 NAPLES, FL 34109	12-46-25-01-00000.0100 18100 VIA PORTOFINO WAY MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT XI DESC IN INST#2006-456819 LOT 10	71
LB AT MIROMAR LAKES LLC 2210 VANDERBILT BEACH RD #1300 NAPLES, FL 34109	12-46-25-01-00000.0110 18101 VIA PORTOFINO WAY MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT XI DESC IN INST#2006-456819 LOT 11	72
LB AT MIROMAR LAKES LLC 2210 VANDERBILT BEACH RD #1300 NAPLES, FL 34109	12-46-25-01-00000.0120 18105 VIA PORTOFINO WAY MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT XI DESC IN INST#2006-456819 LOT 12	73
LB AT MIROMAR LAKES LLC 2210 VANDERBILT BEACH RD #1300 NAPLES, FL 34109	12-46-25-01-00000.0130 18109 VIA PORTOFINO WAY MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT XI DESC IN INST#2006-456819 LOT 13	74
BERG DAVID W + LINDA M 50% + 18136 VIA PORTOFINO WAY MIROMAR LAKES, FL 33913	13-46-25-01-00000.0020 18136 VIA PORTOFINO WAY MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT XI DESC IN INST#2006-456819 LOT 2	75

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NELSON SCOTT A + DIANE L TR 18132 VIA PORTOFINO WAY MIROMAR LAKES, FL 33913	13-46-25-01-00000.0030 18132 VIA PORTOFINO WAY MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT XI DESC IN INST#2006-456819 LOT 3	76
MOONEY BETH E TR 11 COLONY LANE CLEVELAND, OH 44108	13-46-25-01-00000.0040 18128 VIA PORTOFINO WAY MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT XI DESC IN INST#2006-456819 LOT 4	77
MACGREGOR REAL ESTATE LLC 7 HEATHERFIELD LANE AURORA, ON L4G 6K1 CANADA	13-46-25-01-00000.0050 18124 VIA PORTOFINO WAY MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT XI DESC IN INST#2006-456819 LOT 5	78
DIMORA JOHN J + KAREN M 10121 BELLAVISTA CIR # 704 MIROMAR LAKES, FL 33913	13-46-25-01-00000.0060 18120 VIA PORTOFINO WAY MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT XI DESC IN INST#2006-456819 LOT 6	79
LB AT MIROMAR LAKES LLC 2210 VANDERBILT BEACH RD #1300 NAPLES, FL 34109	13-46-25-01-00000.0140 18125 VIA PORTOFINO WAY MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT XI DESC IN INST#2006-456819 LOT 14	80
MORTON JANE E 12880 KELLY GREENS BLVD FORT MYERS, FL 33908	13-46-25-01-00000.0150 18129 VIA PORTOFINO WAY MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT XI DESC IN INST#2006-456819 LOT 15	81
HELLER KAREN A TR 42 COUNTRY CLUB PL BLOOMINGTON, IL 61701	13-46-25-01-00000.0160 18133 VIA PORTOFINO WAY MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT XI DESC IN INST#2006-456819 LOT 16	82
KERRY IAN + 5-3353 LIPTAY AVENUE OAKVILLE, ON L6M 0M6 CANADA	13-46-25-01-00000.0170 18137 VIA PORTOFINO WAY MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT XI DESC IN INST#2006-456819 LOT 17	83
JOHNSON KEVIN J TR 1107 ROUTE 9P SARATOGA SPRINGS, NY 12866	13-46-25-01-00000.0180 18141 VIA PORTOFINO WAY MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT XI DESC IN INST#2006-456819 LOT 18	84
FREITAG ERIK + SUSAN 1010 W CLARENDON RD ARLINGTON HEIGHTS, IL 60004	13-46-25-01-00000.0190 18145 VIA PORTOFINO WAY MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT XI DESC IN INST#2006-456819 LOT 19	85
MIROMAR LAKES CDD JP WARD + ASSOCIATES LLC 513 NE 13TH AVE FORT LAUDERDALE, FL 33301	13-46-25-01-000O2.0000 SUBMERGED MIROMAR LAKES FL	MIROMAR LAKES UNIT XI DESC IN INST#2006-456819 PORT OF TRACT O-2 LESS INST#2008000037004	86
MIROMAR LAKES MASTER ASSN INC 10801 CORKSCREW RD STE 305 ESTERO, FL 33928	13-46-25-01-0000R.00CE RIGHT OF WAY MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT XI DESC IN INST#2006-456819 TRACT R	87
MIROMAR LAKES CDD JP WARD + ASSOCIATES LLC 513 NE 13TH AVE FORT LAUDERDALE, FL 33301	13-46-25-01-000O3.0020 SUBMERGED MIROMAR LAKES FL	MIROMAR LAKES UNIT XIDESC IN INST#2006-456819PORT OF TRACT O-3 +PORT OF PARL LYING IN NE 1/4AS DESC IN INST#2008000036958AKA PARL B-6205 LESS SLY PORT S OF SUB + LESS SUB IN 2013-142438	88
MIROMAR LAKES LLC 10801 CORKSCREW RD STE 305 ESTERO, FL 33928	12-46-25-01-000O1.00CE SUBMERGED MIROMAR LAKES FL	MIROMAR LAKES UNIT XI DESC IN INST#2006-456819 TRACT O-1 LESS SUB LESS PT DESC IN INST #2011000073829	89
LOFTUS PAUL K + BRIDGET K 11720 VIA SORRENTO PL FORT MYERS, FL 33913	12-46-25-02-000CC.0030 11720 VIA SORRENTO PL FORT MYERS FL 33913	MIROMAR LAKES UNIT XII PENINSULA PHASE TWO DESC IN INST#2006-463425 BLK CC LOT 3	90
HUFF LEONA ELIZABETH PO BOX 1112 ESTERO, FL 33929	12-46-25-02-000CC.0040 11730 VIA SORRENTO PL MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT XII PENINSULA PHASE TWO DESC IN INST#2006-463425 BLK CC LOT 4	91
LAGARCE SUSAN M TR 22 LIBERTY WAY UNIT 9D BOSTON, MA 02110	12-46-25-02-000CC.0050 11740 VIA SORRENTO PL MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT XII PENINSULA PHASE TWO DESC IN INST#2006-463425 BLK CC LOT 5	92
RUSSO JAY ROBERT & SANDRA 11750 VIA SORRENTO PL MIROMAR LAKES, FL 33913	12-46-25-02-000CC.0060 11750 VIA SORRENTO PL MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT XII PENINSULA PHASE TWO DESC IN INST#2006-463425 BLK CC LOT 6	93

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THOMPSON WILLIAM + ELAINE TR 26 AVON RD WARREN, NJ 07059	12-46-25-02-000CC.0070 11760 VIA SORRENTO PL MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT XII PENINSULA PHASE TWO DESC IN INST#2006-463425 BLK CC LOT 7	94
EXCEPTIONAL PROPERTIES OF 6628 WILLOW PARK DR NAPLES, FL 34109	12-46-25-02-000CC.0080 11770 VIA SORRENTO PL MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT XII PENINSULA PHASE TWO DESC IN INST#2006-463425 BLK CC LOT 8	95
SORRENTO LOT 9 LLC 1055 CROSSPOINTE DR NAPLES, FL 34110	12-46-25-02-000CC.0090 11780 VIA SORRENTO PL MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT XII PENINSULA PHASE TWO DESC IN INST#2006-463425 BLK CC LOT 9	96
SAMENUK GEORGE + ANN 11790 VIA SORRENTO PL MIROMAR LAKES, FL 33913	12-46-25-02-000CC.0100 11790 VIA SORRENTO PL MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT XII PENINSULA PHASE TWO DESC IN INST#2006-463425 BLK CC LOT 10	97
JOHNSON LANCE E + SUSAN S 11791 VIA SORRENTO PL MIROMAR LAKES, FL 33913	13-46-25-02-000CC.0110 11791 VIA SORRENTO PL MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT XII PENINSULA PHASE TWO DESC IN INST#2006-463425 BLK CC LOT 11	98
POWELL TRACY ANNE + 1150 LAKESHORE RD E OAKVILLE, ON L6J 1L2 CANADA	13-46-25-02-000CC.0120 11781 VIA SORRENTO PL MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT XII PENINSULA PHASE TWO DESC IN INST#2006-463425 BLK CC LOT 12	99
MIROMAR LAKES LLC 10801 CORKSCREW RD STE 305 ESTERO, FL 33928	13-46-25-02-000O1.00CE SUBMERGED MIROMAR LAKES FL	MIROMAR LAKES UNIT XII PENINSULA PHASE TWO DESC IN INST#2006-463425 PORT OF TRACT O- 1 LESS INST#2008000036958 LESS INST#2011000073829	100
MIROMAR LAKES LLC 10801 CORKSCREW RD STE 305 ESTERO, FL 33928	13-46-25-02-000O2.00CE SUBMERGED MIROMAR LAKES FL	MIROMAR LAKES UNIT XII PENINSULA PHASE TWO DESC IN INST#2006-463425 PORT OF TRACT O-2 LESS INST#2008000036958	101
MIROMAR LAKES MASTER ASSN INC 10801 CORKSCREW RD STE 305 ESTERO, FL 33928	13-46-25-02-000RC.00CE RIGHT OF WAY MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT XII PENINSULA PHASE TWO DESC IN INST#2006-463425 TRACT R-C	102
CROCKETT FUND LLC 12800 UNIVERSITY DR STE 275 FORT MYERS, FL 33907	18-46-26-00-00001.0020 ACCESS UNDETERMINED FORT MYERS FL 33913	PARL LYING IN SW 1/4 AS DESC IN INST#2006-474153	103
MSF AUSTIN L LLC 25.25% + 7978 COOPER CREEK BLVD #100 UNIVERSITY PARK, FL 34201	02-46-25-00-00001.005A ACCESS UNDETERMINED FORT MYERS FL 33913	PARCEL LYING IN E 1/2 OF SEC AS DESC IN INST#2007-138173	104
MSF AUSTIN L LLC 25.25% + 7978 COOPER CREEK BLVD #100 UNIVERSITY PARK, FL 34201	01-46-25-00-00001.002A ACCESS UNDETERMINED FORT MYERS FL 33913	POR OF SECT 1 DESC IN INST#2007-138174	105
MIROMAR LAKES CDD JP WARD + ASSOCIATES LLC 513 NE 13TH AVE FORT LAUDERDALE, FL 33301	13-46-25-01-000O2.0010 SUBMERGED MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT XI DESC IN INST#2006-456819 PORT OF TRACT O-2 AS DESC IN INST#2008000037004	106
MIROMAR LAKES CDD JP WARD + ASSOCIATES LLC 513 NE 13TH AVE FORT LAUDERDALE, FL 33301	13-46-25-02-000O1.0010 SUBMERGED MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT XII PENINSULA PHASE TWO DESC IN INST#2006-463425 PORT OF TRACT O- 1 AS DESC IN INST#2008000036958	107
MIROMAR LAKES CDD JP WARD + ASSOCIATES LLC 513 NE 13TH AVE FORT LAUDERDALE, FL 33301	13-46-25-02-000O2.0010 SUBMERGED MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT XII PENINSULA PHASE TWO DESC IN INST#2006-463425 PORT OF TRACT O-2 AS DESC IN INST#2008000036958	108
MIROMAR LAKES CDD JP WARD + ASSOCIATES LLC 513 NE 13TH AVE FORT LAUDERDALE, FL 33301	13-46-25-01-000O3.0010 ACCESS UNDETERMINED MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT XIDESC IN INST#2006-456819PORT OF TRACT O-3 +PORT OF PARL LYING IN NE 1/4AS DESC IN INST#2008000036958AKA PARL B-6206 LESS SLY PORT S OF SUB + LESS SUB IN 2013-142438	109

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MIROMAR LAKES CDD JP WARD + ASSOCIATES LLC 513 NE 13TH AVE FORT LAUDERDALE, FL 33301	12-46-25-00-00001.0030 ACCESS UNDETERMINED MIROMAR LAKES FL 33913	PARCEL LYING IN SW 1/4 OF SW 1/4 OF SECTION + PORT IN NW 1/4 AS DESC IN INST#2008000269233	111
COSTA AMALFI HOMEOWNERS 10801 CORKSCREW RD STE 305 ESTERO, FL 33928	13-46-25-03-000B1.00CE ACCESS UNDETERMINED MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT XIII-COSTA AMALFI AS DESC IN INST# 2008000338718 OPEN TRACT B1	112
COSTA AMALFI HOMEOWNERS 10801 CORKSCREW RD STE 305 ESTERO, FL 33928	13-46-25-03-000B2.00CE ACCESS UNDETERMINED MIROMAR LAKES FL 33913	MIROMAR LAKES UNIT XIII-COSTA AMALFI AS DESC IN INST# 2008000338718 OPEN TRACT B2	113
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MIROMAR LAKES CDD JP WARD + ASSOCIATES LLC 513 NE 13TH AVE FORT LAUDERDALE, FL 33301	11-46-25-04-0000C.0010 SUBMERGED MIROMAR LAKES FL	PORTION OF TRACT C MIROMAR LAKES UNIT IX ANACAPRI AND CASTELLI PB 82 PG 71 AS DESC IN 2011000218952	117
RAVENNA CONDOMINIUM 10471 VIA LOMBARDIA CT FORT MYERS, FL 33913	12-46-25-17-00000.00CE 11000 VIA TUSCANY LN MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DESC IN INST #2012000121857 + 2015000146546 COMMON ELEMENTS	118
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DESALVO C JOSEPH + ELAINE M 11031 VIA TUSCANY LN #301 MIROMAR LAKES, FL 33913	13-46-25-17-00007.0301 11031 VIA TUSCANY LN #301 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DESC IN INST# 2015000031585 BLDG 7 UNIT 301	146
PETERS MARSHA W 11031 VIA TUSCANY LN #302 MIROMAR LAKES, FL 33913	13-46-25-17-00007.0302 11031 VIA TUSCANY LN #302 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DESC IN INST# 2015000031585 BLDG 7 UNIT 302	146
FRIEDRICH JANET S 11000 VIA TUSCANY LN APT 3-101 MIROMAR LAKES, FL 33913	12-46-25-17-00003.0101 11000 VIA TUSCANY LN #101 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DESC IN INST #2012000121857 PH 3 BLDG 3 UNIT 101	147
SIEVERS SCOTT A + KAREN S 25010 MASON ST WATERLOO, NE 68069	12-46-25-17-00003.0102 11000 VIA TUSCANY LN #102 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DESC IN INST #2012000121857 PH 3 BLDG 3 UNIT 102	147
BERWYNLOOPER LLC 1234 SW 53RD TER CAPE CORAL, FL 33914	12-46-25-17-00003.0201 11000 VIA TUSCANY LN #201 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DESC IN INST #2012000121857 PH 3 BLDG 3 UNIT 201	147
INGE RONALD E + 11000 VIA TUSCANY LN #202 MIROMAR LAKES, FL 33913	12-46-25-17-00003.0202 11000 VIA TUSCANY LN #202 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DESC IN INST #2012000121857 PH 3 BLDG 3 UNIT 202	147
KIRLEY JOSHUA 11000 VIA TUSCANY LN #301 MIROMAR LAKES, FL 33913	12-46-25-17-00003.0301 11000 VIA TUSCANY LN #301 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DESC IN INST #2012000121857 PH 3 BLDG 3 UNIT 301	147
KIRLEY JOSHUA 10100 VERONA LAKES LN FORT MYERS, FL 33913	12-46-25-17-00003.0302 11000 VIA TUSCANY LN #302 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DESC IN INST #2012000121857 PH 3 BLDG 3 UNIT 302	147
TM CONDOS LLC 10471 VIA LOMBARDIA CT FORT MYERS, FL 33913	12-46-25-17-00002.0101 11010 VIA TUSCANY LN #101 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DESC IN INST# 2016000077551 PH 2 BLDG 2 UNIT 101	148
POLLACK ROBERT W + PAMELA G 11010 VIA TUSCANY LN #2-102 MIROMAR LAKES, FL 33913	12-46-25-17-00002.0102 11010 VIA TUSCANY LN #102 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DESC IN INST# 2016000077551 PH 2 BLDG 2 UNIT 102	148

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OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
BRUNS ROBERT A III + ROSEMARIE 47154 SUNNYBROOK LN NOVI, MI 48374	12-46-25-17-00002.0201 11010 VIA TUSCANY LN #201 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DESC IN INST# 2016000077551 PH 2 BLDG 2 UNIT 201	148
BASSIN MARC S + 260 W BROADWAY # 4A LONG BEACH, NY 11561	12-46-25-17-00002.0202 11010 VIA TUSCANY LN #202 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DESC IN INST# 2016000077551 PH 2 BLDG 2 UNIT 202	148
BURMYLO GARY + KIM 1230 ARCH ST PH-A PHILADELPHIA, PA 19107	12-46-25-17-00002.0301 11010 VIA TUSCANY LN #301 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DESC IN INST# 2016000077551 PH 2 BLDG 2 UNIT 301	148
TM CONDOS LLC 10471 VIA LOMBARDIA CT FORT MYERS, FL 33913	12-46-25-17-00002.0302 11010 VIA TUSCANY LN #302 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DESC IN INST# 2016000077551 PH 2 BLDG 2 UNIT 302	148
NIELLY MICHAEL F + LISA MARIE 1324 BRIDGEMILL AVE CANTON, GA 30114	13-46-25-17-00008.0101 11041 VIA TUSCANY LN #101 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DESC IN INST # 2015000117685 PH 8 BLDG 8 UNIT 101	149
FEDELI RICHARD TR 11041 VIA TUSCANY LN #8-102 MIROMAR LAKES, FL 33913	13-46-25-17-00008.0102 11041 VIA TUSCANY LN #102 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DESC IN INST # 2015000117685 PH 8 BLDG 8 UNIT 102	149
GASS JOHN B 11041 VIA TUSCANY LN #201 MIROMAR LAKES, FL 33913	13-46-25-17-00008.0201 11041 VIA TUSCANY LN #201 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DESC IN INST # 2015000117685 PH 8 BLDG 8 UNIT 201	149
SAWYER CHARLES W + JANE TR 2421 LONG RIDGE RD REISTERSTOWN, MD 21136	13-46-25-17-00008.0202 11041 VIA TUSCANY LN #202 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DESC IN INST # 2015000117685 PH 8 BLDG 8 UNIT 202	149
MESJAK RICHARD J + VIRGINIA M 11041 VIA TUSCANY LN # 8-301 MIROMAR LAKES, FL 33913	13-46-25-17-00008.0301 11041 VIA TUSCANY LN #301 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DESC IN INST # 2015000117685 PH 8 BLDG 8 UNIT 301	149
RAY LINDA LEE 4030 JOHNS CREEK PKWY SUWANEE, GA 30024	13-46-25-17-00008.0302 11041 VIA TUSCANY LN #302 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DESC IN INST # 2015000117685 PH 8 BLDG 8 UNIT 302	149
MURPHY DAVID W + JEANNE C 11051 VIA TUSCANY LN #101 MIROMAR LAKES, FL 33913	13-46-25-17-00009.0101 11051 VIA TUSCANY LN #101 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DEC IN INST# 2015000188257 PH 9 BLDG 9 UNIT 101	150
DENNIS JOHN A TR + 11051 VIA TUSCANY LN #102 MIROMAR LAKES, FL 33913	13-46-25-17-00009.0102 11051 VIA TUSCANY LN #102 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DEC IN INST# 2015000188257 PH 9 BLDG 9 UNIT 102	150
MERTZ WAYNE W + PATRICIA M 200 DELAWARE AVE #1401 BUFFALO, NY 14202	13-46-25-17-00009.0201 11051 VIA TUSCANY LN #201 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DEC IN INST# 2015000188257 PH 9 BLDG 9 UNIT 201	150
DEMASHKIEH WALID TR 11051 VIA TUSCANY LN # 202 MIROMAR LAKES, FL 33913	13-46-25-17-00009.0202 11051 VIA TUSCANY LN #202 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DEC IN INST# 2015000188257 PH 9 BLDG 9 UNIT 202	150
KLERSY HENRY TR + 8274 PROVENCIA CT FORT MYERS, FL 33912	13-46-25-17-00009.0301 11051 VIA TUSCANY LN #301 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DEC IN INST# 2015000188257 PH 9 BLDG 9 UNIT 301	150
WARNKEY MARK J + MARY M 2235 WHISPERING COVE CIR WESTLAKE, OH 44145	13-46-25-17-00009.0302 11051 VIA TUSCANY LN #302 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DEC IN INST# 2015000188257 PH 9 BLDG 9 UNIT 302	150
TM CONDOS LLC 10471 VIA LOMBARDIA CT FORT MYERS, FL 33913	12-46-25-17-00001.0101 11022 VIA TUSCANY LN #101 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DESC IN INST# 2016000177907 PH 1 BLDG 1 UNIT 101	151
KELLY BONI LEE 11022 VIA TUSCANY LN #102 MIROMAR LAKES, FL 33913	12-46-25-17-00001.0102 11022 VIA TUSCANY LN #102 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DESC IN INST# 2016000177907 PH 1 BLDG 1 UNIT 102	151
WESSENDORF MATTHEW W & 11022 VIA TUSCANY LN #201 MIROMAR LAKES, FL 33913	12-46-25-17-00001.0201 11022 VIA TUSCANY LN #201 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DESC IN INST# 2016000177907 PH 1 BLDG 1 UNIT 201	151
WALLENSTEIN CATHY 210 JACKSON DR CHAGRIN FALLS, OH 44022	12-46-25-17-00001.0202 11022 VIA TUSCANY LN #202 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DESC IN INST# 2016000177907 PH 1 BLDG 1 UNIT 202	151
TM CONDOS LLC 10471 VIA LOMBARDIA CT FORT MYERS, FL 33913	12-46-25-17-00001.0301 11022 VIA TUSCANY LN #301 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DESC IN INST# 2016000177907 PH 1 BLDG 1 UNIT 301	151

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JULES SCHNEIDER REVOCABLE LIVI 75 BELLEVUE AVE RUMSON, NJ 07760	12-46-25-17-00001.0302 11022 VIA TUSCANY LN #302 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DESC IN INST# 2016000177907 PH 1 BLDG 1 UNIT 302	151
MOORE LEO TR PO BOX 1788 FAYETTEVILLE, AR 72702	12-46-25-17-00006.0101 11021 VIA TUSCANY LN #101 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DESC IN INST# 2014000164257 PH 6 BLDG 6 UNIT 101	152
WILCZEWSKI ROBERT J TR + 9435 SHAMROCK RD OMAHA, NE 68114	12-46-25-17-00006.0102 11021 VIA TUSCANY LN #102 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DESC IN INST# 2014000164257 PH 6 BLDG 6 UNIT 102	152
CARREY BERNARD S + VIRGINIA TR 11021 VIA TUSCANY LN # 201 MIROMAR LAKES, FL 33913	12-46-25-17-00006.0201 11021 VIA TUSCANY LN #201 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DESC IN INST# 2014000164257 PH 6 BLDG 6 UNIT 201	152
YOUNGBERG LEE + GLENDA L/E 11021 VIA TUSCANY LN #202 MIROMAR LAKES, FL 33913	12-46-25-17-00006.0202 11021 VIA TUSCANY LN #202 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DESC IN INST# 2014000164257 PH 6 BLDG 6 UNIT 202	152
FORD ROLLIN LEE TR 11021 VIA TUSCANY LN #301 MIROMAR LAKES, FL 33913	12-46-25-17-00006.0301 11021 VIA TUSCANY LN #301 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DESC IN INST# 2014000164257 PH 6 BLDG 6 UNIT 301	152
LUCCI FRANK + DEBORAH L 11021 VIA TUSCANY LN #302 MIROMAR LAKES, FL 33913	12-46-25-17-00006.0302 11021 VIA TUSCANY LN #302 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DESC IN INST# 2014000164257 PH 6 BLDG 6 UNIT 302	152
PETRUZELLO CARMINE + SHANNON 2 HIGHLAND PARK PL RYE, NY 10580	12-46-25-17-00010.0101 11061 VIA TUSCANY LN #101 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DESC IN INST # 2015000271012 PH 10 BLDG 10 UNIT 101	153
BANE RICHARD C + 118 HUNTINGTON AVE #401 BOSTON, MA 02116	12-46-25-17-00010.0102 11061 VIA TUSCANY LN #102 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DESC IN INST # 2015000271012 PH 10 BLDG 10 UNIT 102	153
HOPKINS MARK S + PAMELA K 11061 VIA TUSCANY LN #201 MIROMAR LAKES, FL 33913	12-46-25-17-00010.0201 11061 VIA TUSCANY LN #201 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DESC IN INST # 2015000271012 PH 10 BLDG 10 UNIT 201	153
HILTON ARLYNN CAGAN TR 9136 QUARTZ LN NAPLES, FL 34120	12-46-25-17-00010.0202 11061 VIA TUSCANY LN #202 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DESC IN INST # 2015000271012 PH 10 BLDG 10 UNIT 202	153
KONIKOW MICHAEL + STARR S 11061 VIA TUSCANY LN APT 301 MIROMAR LAKES, FL 33913	12-46-25-17-00010.0301 11061 VIA TUSCANY LN #301 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DESC IN INST # 2015000271012 PH 10 BLDG 10 UNIT 301	153
RICE J JEFFREY + BARBARA A 11061 VIA TUSCANY LN #302 MIROMAR LAKES, FL 33913	12-46-25-17-00010.0302 11061 VIA TUSCANY LN #302 MIROMAR LAKES FL 33913	RAVENNA AT MIROMAR LAKES AS DESC IN INST # 2015000271012 PH 10 BLDG 10 UNIT 302	153

13-46-25-00-00001.0000
FLORIDA GULF COAST UNIVERSITY
GERARD CARRINGTON VP
10501 FGCU BLVD S
FORT MYERS, FL 33965

11-46-25-00-00001.0040
MIROMAR LAKES LLC
10801 CORKSCREW RD STE 305
ESTERO, FL 33928

14-46-25-00-00001.0020
MIROMAR LAKES LLC
10801 CORKSCREW RD STE 305
ESTERO, FL 33928

13-46-25-00-00001.0040
MIROMAR LAKES CDD
JP WARD + ASSOCIATES LLC
513 NE 13TH AVE
FORT LAUDERDALE, FL 33301

13-46-25-00-00001.0050
MIROMAR LAKES CDD
JP WARD + ASSOCIATES LLC
513 NE 13TH AVE
FORT LAUDERDALE, FL 33301

07-46-26-00-00001.0040
MSF AUSTIN L LLC 25.25% +
7978 COOPER CREEK BLVD #100
UNIVERSITY PARK, FL 34201

07-46-26-00-00001.0010
MSF AUSTIN L LLC 25.25% +
7978 COOPER CREEK BLVD #100
UNIVERSITY PARK, FL 34201

02-46-25-00-00001.0050
MSF AUSTIN L LLC 25.25% +
7978 COOPER CREEK BLVD #100
UNIVERSITY PARK, FL 34201

12-46-25-00-00001.0020
MSF AUSTIN L LLC 25.25% +
7978 COOPER CREEK BLVD #100
UNIVERSITY PARK, FL 34201

11-46-25-08-0000A.00CE
MIROMAR LAKES MASTER ASSN INC
10801 CORKSCREW RD STE 305
ESTERO, FL 33928

14-46-25-08-0000C.00CE
MIROMAR LAKES LLC
MIROMAR LAKES MASTER ASSN
10801 CORKSCREW RD STE 305
ESTERO, FL 33928

14-46-25-08-0000D.00CE
MIROMAR LAKES LLC
MIROMAR LAKES MASTER ASSN
10801 CORKSCREW RD STE 305
ESTERO, FL 33928

14-46-25-09-0000A.0050
RIESENBERGER ROBERT E JR +
426 WELLS RD
DOYLESTOWN, PA 18901

14-46-25-09-0000A.0060
LAKHANI ILA TR
218-350 BURNHAMTHORPE RD W
MISSISSAUGA, ON L5B 3J1
CANADA

14-46-25-09-0000A.0070
CRAFT JERRY + GLENDA
18040 VIA BELLAMARE LN
FORT MYERS, FL 33913

14-46-25-09-0000A.0080
AVNER WENDY
18020 VIA BELLAMARE LN
MIROMAR LAKES, FL 33913

14-46-25-09-0000A.0090
BACKUS DOUGLAS A TR +
18010 VIA BELLAMARE LN
FORT MYERS, FL 33913

14-46-25-09-0000A.0100
HARDING CINDY + RICHARD S
10411 VIA LOMBARDIA CT
MIROMAR LAKES, FL 33913

14-46-25-09-0000A.0110
RINDEN SCOTT R +
17990 VIA BELLAMARE LN
MIROMAR LAKES, FL 33913

14-46-25-09-0000A.0120
AIREY JOYCE H + RONALD M TR
2014 FLOUR MILL CT
CROWNSVILLE, MD 21032

14-46-25-09-0000B.0010
NASSIF JOHN M
17981 VIA BELLAMARE LN
MIROMAR LAKES, FL 33913

14-46-25-09-0000B.0020
DRINKWATER DENNIS V TR
13 OLD SALEM PATH
GLOUCESTER, MA 01930

14-46-25-09-0000B.0030
TOWNSEND CAROL
208 BURR RD
WESTAMPTON, NJ 08060

14-46-25-09-0000B.0040
BUNCK TERRI L
18011 VIA BELLAMARE LN
MIROMAR LAKES, FL 33913

14-46-25-09-0000A.00CE
MIROMAR LAKES MASTER ASSN INC
MIROMAR LAKES MASTER ASSN
10801 CORKSCREW RD STE 305
ESTERO, FL 33928

14-46-25-09-0000E.00CE
MIROMAR LAKES LLC
MIROMAR LAKES MASTER ASSN
10801 CORKSCREW RD #305
ESTERO, FL 33928

01-46-25-00-00001.0020
MSF AUSTIN L LLC 25.25% +
7978 COOPER CREEK BLVD #100
UNIVERSITY PARK, FL 34201

14-46-25-00-00001.0190
MIROMAR LAKES CDD
JP WARD + ASSOCIATES LLC
513 NE 13TH AVE
FORT LAUDERDALE, FL 33301

11-46-25-05-00000.0070
SAUNDERS ROBERT REED +
10590 VIA MILANO DR
MIROMAR LAKES, FL 33913

11-46-25-05-00000.0080
HALL CLAUDIA
38 SHOREWOOD PL
OAKVILLE, ON L6K 3Y4
CANADA

11-46-25-05-00000.0090
STINSON LORRAINE TR
9 FOXFIRE CHASE
UXBRIGE, ON L9P 1R4
CANADA

11-46-25-05-00000.0100
GAULT JOHN S + KARLEEN A TR
10620 VIA MILANO DR
MIROMAR LAKES, FL 33913

11-46-25-05-00000.0110
WEBER MICHAEL T + LESLIE G
10630 VIA MILANO
MIROMAR LAKES, FL 33913

11-46-25-05-00000.0120
WENNER CHARLES G PER REP
10640 VIA MILANO DR
MIROMAR LAKES, FL 33913

11-46-25-05-0000R.00CE
MIROMAR LAKES LLC
10801 CORKSCREW RD #305
ESTERO, FL 33928

11-46-25-05-00000.0060
ARNOLD P THOMPSON TRUST +
10580 VIA MILANO DR
MIROMAR LAKES, FL 33913

11-46-25-05-00000.0050
FOX STEPHEN + LISA
1110 SIGNAL HILL LN
BERWYN, PA 19312

11-46-25-05-00000.0040
MILLER VIRGINIA A TR
10560 VIA MILANO
MIROMAR LAKES, FL 33913

11-46-25-05-00000.0030
ERLENBACH MICHAEL + CONNIE
10550 VIA MILANO DR
MIROMAR LAKES, FL 33913

11-46-25-05-00000.0020
POPESCU MIRON L/E +
10540 VIA MILANO
MIROMAR LAKES, FL 33913

11-46-25-04-0000R.00CE
MIROMAR LAKES MASTER ASSN INC
10801 CORKSCREW RD STE 305
ESTERO, FL 33928

11-46-25-04-0000C.00CE
MIROMAR LAKES LLC
10801 CORKSCREW RD STE 305
ESTERO, FL 33928

11-46-25-04-0000B.00CE
MIROMAR LAKES LLC
10801 CORKSCREW RD STE 305
ESTERO, FL 33928

11-46-25-04-0000A.00CE
MIROMAR LAKES LLC
10801 CORKSCREW RD STE 305
ESTERO, FL 33928

11-46-25-04-0000B.0080
SANTANA JOHAN + YASMILE TR
10471 VIA LOMBARDIA CT
MIROMAR LAKES, FL 33913

11-46-25-04-0000B.0060
MARKEY PATRICK TR +
7954 WINSTON CHURCHILL BLVD
HORNBY, ON L0P 1E0
CANADA

11-46-25-04-0000B.0050
LICHY DALE M TR +
10441 VIA LOMBARDIA CT
MIROMAR LAKES, FL 33913

11-46-25-04-0000B.0040
COURTNAGE LARRY J TR +
13609 CALIFORNIA ST STE 500
OMAHA, NE 68154

11-46-25-04-0000B.0030
BRLAS MARY LAUREN
10421 VIA LOMBARDIA CT
MIROMAR LAKES, FL 33913

11-46-25-04-0000B.0020
HARDING CINDY + RICHARD S
10411 VIA LOMBARDIA CT
MIROMAR LAKES, FL 33913

11-46-25-04-0000B.0010
CONNER MICHAEL + SUSAN
1045 LAURELWOOD
BLOOMINGTON, IN 47401

11-46-25-04-0000A.0040
BATOFF JEFFREY S +
750 RIGHTERS MILL RD
PENN VALLEY, PA 19072

11-46-25-04-0000A.0030
GILL SCOTT J TR +
10371 VIA ANACAPRI CT
MIROMAR LAKES, FL 33913

11-46-25-04-0000A.0020
JACOBSON ANTHONY SCOTT TR +
17634 BALLANTRAE CIR
EDEN PRAIRIE, MN 55347

11-46-25-04-0000A.0010
CREEL KEITH E +
751 S BURTON PL
ARLINGTON HEIGHTS, IL 60005

02-46-25-00-00001.0080
MSF AUSTIN L LLC 25.25% +
7978 COOPER CREEK BLVD #100
UNIVERSITY PARK, FL 34201

13-46-25-00-00001.0060
MIROMAR LAKES LLC
10801 CORKSCREW RD STE 305
ESTERO, FL 33928

18-46-26-00-00001.0000
ALICO EAST FUND LLC
STE 275
12800 UNIVERSITY DR
FORT MYERS, FL 33907

11-46-25-07-00000.00CE
BELLINI AT MIROMAR LAKES
SENTRY MANAGEMENT INC
2180 WEST SR 434 STE 5000
LONGWOOD, FL 32779

07-46-26-00-00001.0000
ALICO EAST FUND LLC
STE 275
12800 UNIVERSITY DR
FORT MYERS, FL 33907

12-46-25-01-00000.0070
LB AT MIROMAR LAKES LLC
2210 VANDERBILT BEACH RD #1300
NAPLES, FL 34109

12-46-25-01-00000.0080
LB AT MIROMAR LAKES LLC
2210 VANDERBILT BEACH RD #1300
NAPLES, FL 34109

12-46-25-01-00000.0090
LB AT MIROMAR LAKES LLC
2210 VANDERBILT BEACH RD #1300
NAPLES, FL 34109

12-46-25-01-00000.0100
LB AT MIROMAR LAKES LLC
2210 VANDERBILT BEACH RD #1300
NAPLES, FL 34109

12-46-25-01-00000.0110
LB AT MIROMAR LAKES LLC
2210 VANDERBILT BEACH RD #1300
NAPLES, FL 34109

12-46-25-01-00000.0120
LB AT MIROMAR LAKES LLC
2210 VANDERBILT BEACH RD #1300
NAPLES, FL 34109

12-46-25-01-00000.0130
LB AT MIROMAR LAKES LLC
2210 VANDERBILT BEACH RD #1300
NAPLES, FL 34109

13-46-25-01-00000.0020
BERG DAVID W + LINDA M 50% +
18136 VIA PORTOFINO WAY
MIROMAR LAKES, FL 33913

13-46-25-01-00000.0030
NELSON SCOTT A + DIANE L TR
18132 VIA PORTOFINO WAY
MIROMAR LAKES, FL 33913

13-46-25-01-00000.0040
MOONEY BETH E TR
11 COLONY LANE
CLEVELAND, OH 44108

13-46-25-01-00000.0050
MACGREGOR REAL ESTATE LLC
7 HEATHERFIELD LANE
AURORA, ON L4G 6K1
CANADA

13-46-25-01-00000.0060
DIMORA JOHN J + KAREN M
10121 BELLAVISTA CIR # 704
MIROMAR LAKES, FL 33913

13-46-25-01-00000.0140
LB AT MIROMAR LAKES LLC
2210 VANDERBILT BEACH RD #1300
NAPLES, FL 34109

13-46-25-01-00000.0150
MORTON JANE E
12880 KELLY GREENS BLVD
FORT MYERS, FL 33908

13-46-25-01-00000.0160
HELLER KAREN A TR
42 COUNTRY CLUB PL
BLOOMINGTON, IL 61701

13-46-25-01-00000.0170
KERRY IAN +
5-3353 LIPTAY AVENUE
OAKVILLE, ON L6M 0M6
CANADA

13-46-25-01-00000.0180
JOHNSON KEVIN J TR
1107 ROUTE 9P
SARATOGA SPRINGS, NY 12866

13-46-25-01-00000.0190
FREITAG ERIK + SUSAN
1010 W CLARENDON RD
ARLINGTON HEIGHTS, IL 60004

13-46-25-01-000O2.0000
MIROMAR LAKES CDD
JP WARD + ASSOCIATES LLC
513 NE 13TH AVE
FORT LAUDERDALE, FL 33301

13-46-25-01-0000R.00CE
MIROMAR LAKES MASTER ASSN INC
10801 CORKSCREW RD STE 305
ESTERO, FL 33928

13-46-25-01-000O3.0020
MIROMAR LAKES CDD
JP WARD + ASSOCIATES LLC
513 NE 13TH AVE
FORT LAUDERDALE, FL 33301

12-46-25-01-000O1.00CE
MIROMAR LAKES LLC
10801 CORKSCREW RD STE 305
ESTERO, FL 33928

12-46-25-02-000CC.0030
LOFTUS PAUL K + BRIDGET K
11720 VIA SORRENTO PL
FORT MYERS, FL 33913

12-46-25-02-000CC.0040
HUFF LEONA ELIZABETH
PO BOX 1112
ESTERO, FL 33929

12-46-25-02-000CC.0050
LAGARCE SUSAN M TR
22 LIBERTY WAY UNIT 9D
BOSTON, MA 02110

12-46-25-02-000CC.0060
RUSSO JAY ROBERT & SANDRA
11750 VIA SORRENTO PL
MIROMAR LAKES, FL 33913

12-46-25-02-000CC.0070
THOMPSON WILLIAM + ELAINE TR
26 AVON RD
WARREN, NJ 07059

12-46-25-02-000CC.0080
EXCEPTIONAL PROPERTIES OF
6628 WILLOW PARK DR
NAPLES, FL 34109

12-46-25-02-000CC.0090
SORRENTO LOT 9 LLC
1055 CROSSPOINTE DR
NAPLES, FL 34110

12-46-25-02-000CC.0100
SAMENUK GEORGE + ANN
11790 VIA SORRENTO PL
MIROMAR LAKES, FL 33913

13-46-25-02-000CC.0110
JOHNSON LANCE E + SUSAN S
11791 VIA SORRENTO PL
MIROMAR LAKES, FL 33913

13-46-25-02-000CC.0120
POWELL TRACY ANNE +
1150 LAKESHORE RD E
OAKVILLE, ON L6J 1L2
CANADA

13-46-25-02-000O1.00CE
MIROMAR LAKES LLC
10801 CORKSCREW RD STE 305
ESTERO, FL 33928

13-46-25-02-000O2.00CE
MIROMAR LAKES LLC
10801 CORKSCREW RD STE 305
ESTERO, FL 33928

13-46-25-02-000RC.00CE
MIROMAR LAKES MASTER ASSN INC
10801 CORKSCREW RD STE 305
ESTERO, FL 33928

18-46-26-00-00001.0020
CROCKETT FUND LLC
12800 UNIVERSITY DR STE 275
FORT MYERS, FL 33907

02-46-25-00-00001.005A
MSF AUSTIN L LLC 25.25% +
7978 COOPER CREEK BLVD #100
UNIVERSITY PARK, FL 34201

01-46-25-00-00001.002A
MSF AUSTIN L LLC 25.25% +
7978 COOPER CREEK BLVD #100
UNIVERSITY PARK, FL 34201

13-46-25-01-000O2.0010
MIROMAR LAKES CDD
JP WARD + ASSOCIATES LLC
513 NE 13TH AVE
FORT LAUDERDALE, FL 33301

13-46-25-02-000O1.0010
MIROMAR LAKES CDD
JP WARD + ASSOCIATES LLC
513 NE 13TH AVE
FORT LAUDERDALE, FL 33301

All data is current at time of printing and subject to change without notice.

13-46-25-02-000O2.0010
MIROMAR LAKES CDD
JP WARD + ASSOCIATES LLC
513 NE 13TH AVE
FORT LAUDERDALE, FL 33301

13-46-25-01-000O3.0010
MIROMAR LAKES CDD
JP WARD + ASSOCIATES LLC
513 NE 13TH AVE
FORT LAUDERDALE, FL 33301

12-46-25-04-00000.0010
CRANE ROBERT S III TR
5600 DUBLIN RD
DUBLIN, OH 43017

12-46-25-00-00001.0030
MIROMAR LAKES CDD
JP WARD + ASSOCIATES LLC
513 NE 13TH AVE
FORT LAUDERDALE, FL 33301

13-46-25-03-000B1.00CE
COSTA AMALFI HOMEOWNERS
10801 CORKSCREW RD STE 305
ESTERO, FL 33928

13-46-25-03-000B2.00CE
COSTA AMALFI HOMEOWNERS
10801 CORKSCREW RD STE 305
ESTERO, FL 33928

13-46-25-03-000B3.00CE
COSTA AMALFI HOMEOWNERS
10801 CORKSCREW RD STE 305
ESTERO, FL 33928

13-46-25-03-0000R.00CE
COSTA AMALFI HOMEOWNERS
10801 CORKSCREW RD STE 305
ESTERO, FL 33928

12-46-25-01-000O1.0010
CRANE ROBERT S III TR
5600 DUBLIN RD
DUBLIN, OH 43017

11-46-25-04-0000C.0010
MIROMAR LAKES CDD
JP WARD + ASSOCIATES LLC
513 NE 13TH AVE
FORT LAUDERDALE, FL 33301

12-46-25-17-00000.00CE
RAVENNA CONDOMINIUM
10471 VIA LOMBARDIA CT
FORT MYERS, FL 33913

13-46-25-01-000O3.0030
MIROMAR LAKES CDD
JP WARD + ASSOCIATES LLC
513 NE 13TH AVE
FORT LAUDERDALE, FL 33301

13-46-25-01-000O3.0040
MIROMAR LAKES CDD
JP WARD + ASSOCIATES LLC
513 NE 13TH AVE
FORT LAUDERDALE, FL 33301

13-46-25-00-00001.0110
FLORIDA GULF COAST UNIVERSITY
GERARD CARRINGTON
10501 FGCU BLVD S
FORT MYERS, FL 33965

12-46-25-L4-08001.0000
MIROMAR LAKES LLC
10801 CORKSCREW RD STE 305
ESTERO, FL 33928

13-46-25-L1-08002.0000
MIROMAR LAKES LLC
10801 CORKSCREW RD STE 305
ESTERO, FL 33928

13-46-25-L1-080L1.00CE
MIROMAR LAKES LLC
10801 CORKSCREW RD STE 305
ESTERO, FL 33928

13-46-25-L1-08OS1.00CE
MIROMAR LAKES LLC
10801 CORKSCREW RD STE 305
ESTERO, FL 33928

11-46-25-07-00003.0301
BERG JEFFREY O + ELIZABETH
17750 VIA BELLA ACQUA CT #301
MIROMAR LAKES, FL 33913

11-46-25-07-00003.0302
KEANE JOHN P + SANDRA L
17750 VIA BELLA ACQUA CT # 302
MIROMAR LAKES, FL 33913

11-46-25-07-00003.0303
GENTNER ESTELLE L
241 SURREY RUN
WILLIAMSVILLE, NY 14221

11-46-25-07-00009.0901
THUMPER LLC
7101 W AUGUSTA BLVD
YORKTOWN, IN 47396

11-46-25-07-00009.0902
CAPUTO ANTHONY P + MARY ANN
17771 VIA BELLA ACQUA CT #902
MIROMAR LAKES, FL 33913

11-46-25-07-00009.0903
FAMILLE TOUJOURS LLC
PO BOX 07154
FORT MYERS, FL 33919

11-46-25-07-00010.1001
CREASMAN KENNETH W + LYN A
45505 CAMINO MONZON
TEMECULA, CA 92592

11-46-25-07-00010.1002
BERARDI EDWARD J +
4 WATKINS LN
SOUTHBOROUGH, MA 01772

11-46-25-07-00010.1003
JUMP BRIAN W & KRISTIN K
17781 VIA BELLA ACQUA CT #1003
MIROMAR LAKES, FL 33913

11-46-25-07-00011.1101
MIROMAR LAKES LLC
MIROMAR DEVELOPMENT CORP
10801 CORKSCREW RD STE 305
ESTERO, FL 33928

11-46-25-07-00011.1102
BENNETT JAMES RANDY +
1086 GREENWOOD CT
MEDINA, OH 44256

11-46-25-07-00011.1103
RISSO MICHAEL A + LYNDA C
10561 VIA MILANO DR APT 1103
MIROMAR LAKES, FL 33913

11-46-25-07-00012.1201
EDISON WILLIAM L TR
PO BOX 780128
WICHITA, KS 67278

11-46-25-07-00012.1202
FOLEY JOHN E + MINDY M
1716 MOORELAND DR
LEXINGTON, KY 40502

11-46-25-07-00012.1203
CHESSICK KENNETH C + ELLEN
300 N STATE ST # 5132
CHICAGO, IL 60654

11-46-25-07-00013.1301
MATHWIG JERRY E + KAREN A
9031 AVILA COVE
EDEN PRAIRIE, MN 55347

11-46-25-07-00013.1302
KOVACK THOMAS J + HEIDI
8239 BIBURY LN
DUBLIN, OH 43016

11-46-25-07-00013.1303
GROOMS SAMUEL W & TERESA A
10591 VIA MILANO DR #1303
MIROMAR LAKES, FL 33913

11-46-25-07-00014.1401
MARNOCHA BRIDGET ANN
10601 VIA MILANO DR #1401
MIROMAR LAKES, FL 33913

11-46-25-07-00014.1402
STAHLER DAVID A + DEBORAH K
5537 STRATHAVEN DR
CLEVELAND, OH 44143

11-46-25-07-00014.1403
FREDERICK CONSTANCE L
6536 MARY DRIVE
NORTH ROSE, NY 14516

11-46-25-07-00015.1501
COAR DAVID H +
505 N LAKE SHORE DR
APT 2703
CHICAGO, IL 60611

11-46-25-07-00015.1502
WILSON CLAYTON G
PO BOX 832
LAKE WALES, FL 33859

11-46-25-07-00015.1503
BAECHLE JOHANNA E
10716 MIRASOL DR #602
MIROMAR LAKES, FL 33913

11-46-25-07-00016.1601
BLY TOM C + MARGARET S
5506 LAKESHORE DR
ERIE, PA 16505

11-46-25-07-00016.1602
BROWER MICHAEL + ANTONIETTA
710 SOMERSET ST
FRANKLIN LAKES, NJ 07417

11-46-25-07-00016.1603
DIBIE JACK SPIRO + ELAINE
10631 VIA MILANO DR #1603
MIROMAR LAKES, FL 33913

11-46-25-07-00017.1701
BROWN JAY W + CYNTHIA A +
PO BOX 225
CAPTIVA, FL 33924

11-46-25-07-00017.1702
MURPHY JEANNE MARIE TR
3501 WOODLAND POINTE DR
SAINT JOSEPH, MO 64506

11-46-25-07-00017.1703
CHAMIDES MARYANN
10641 VIA MILANO DR APT 1703
MIROMAR LAKES, FL 33913

11-46-25-07-00018.1801
LAN LLC
4047 ORMOND RD
LOUISVILLE, KY 40207

11-46-25-07-00018.1802
LAN LLC
4047 ORMOND RD
LOUISVILLE, KY 40207

11-46-25-07-00018.1803
BSD INVESTMENTS LLC
900 CHEROKEE RD
LOUISVILLE, KY 40204

11-46-25-07-00019.1901
PIZZUTO MICHAEL A TR
10671 VIA MILANO DR #1901
MIROMAR LAKES, FL 33913

11-46-25-07-00019.1902
REIDY PATRICK J + COLLETTE K
10671 VIA MILANO DR APT 1902
MIROMAR LAKES, FL 33913

11-46-25-07-00019.1903
AKST HYMIE
10671 VIA MILANO DR # 1903
MIROMAR LAKES, FL 33913

11-46-25-07-00004.0401
GIORDANO DAVID + SUSAN
17740 VIA BELLA ACQUA CT #401
MIROMAR LAKES, FL 33913

11-46-25-07-00004.0402
GHELARDI RAYMOND + ELLEN
17740 VIA BELLA ACQUA CT #402
MIROMAR LAKES, FL 33913

11-46-25-07-00004.0403
SKAFF JON S + DINA MARIE
17740 VIA BELLA ACQUA CT # 403
MIROMAR LAKES, FL 33913

11-46-25-07-00005.0501
STONE BRUCE W + MICHELE C
10 OLD JACKSON AVE UNIT 41
HASTINGS ON HUDSON, NY 10706

11-46-25-07-00005.0502
STORCH JAMES G + MARILYN P
17720 VIA BELLA ACQUA CT
MIROMAR LAKES, FL 33913

11-46-25-07-00005.0503
YATES KENNETH R + JACQUELINE L
46 POPLAR POINT RD
EDGEWATER, MD 21037

11-46-25-07-00006.0601
NOCIFORA ELIZABETH A TR
17700 VIA BELLA ACQUA CT # 601
MIROMAR LAKES, FL 33913

11-46-25-07-00006.0602
SPENCE JAMES M TR
444 COURTNEY CIR
SUGAR GROVE, IL 60554

11-46-25-07-00006.0603
ROBERT J RUF TRUST 1/2 +
17700 VIA BELLA ACQUA CT #603
MIROMAR LAKES, FL 33913

11-46-25-07-00007.0701
WE SKI LLC
W277N3028 ROCKY POINT RD
PEWAUKEE, WI 53072

11-46-25-07-00007.0702
CONROY ROBERT J + MARION E
17701 VIA BELLA ACQUA CT #702
MIROMAR LAKES, FL 33913

11-46-25-07-00007.0703
MAURILLO NICHOLAS A JR +
17701 VIA BELLA ACQUA CT #703
MIROMAR LAKES, FL 33913

11-46-25-07-00008.0801
BOILLAT LORI
3019 CLOVER ST
PITTSFORD, NY 14534

11-46-25-07-00008.0802
WIKLUND CRAIG + GAYLA
345 FERNDALE AVE
ROCHESTER, MI 48307

11-46-25-07-00008.0803
SPINGOLA CHARLES E +
131 GROSVENOR DR
BUTLER, PA 16001

11-46-25-07-00001.0101
GAVIN GAIL D
17780 VIA BELLA ACQUA CT # 101
MIROMAR LAKES, FL 33913

11-46-25-07-00001.0102
ALOST II LLC
3169 COMMERCE ST
BLACKSBURG, VA 24060

11-46-25-07-00001.0103
LEWIS DONALD E JR + LESLIE J
8066 CAMDEN WAY
CANFIELD, OH 44406

11-46-25-07-00002.0201
SUCCOP JAMES G TR +
632 HIDDEN OAK DR
JEFFERSON HILLS, PA 15025

11-46-25-07-00002.0202
KALANT DON C SR +
1879 BAY SCOTT CIR STE 108
NAPERVILLE, IL 60564

11-46-25-07-00002.0203
MARRONE PHILIP S
28 OAK BLUFF CT
NAPERVILLE, IL 60565

11-46-25-07-00020.2001
CHERYL L BAKER TRUST
20 BERKSHIRE PARK DR
CHAGRIN FALLS, OH 44022

11-46-25-07-00020.2002
RILEY DIANNE E + GARY W +
227 HWY 20 E
FONTHILL, ON L0S 1E6
CANADA

11-46-25-07-00020.2003
SHAW JEFFREY L + JULIE A
1215 STONEYBROOK DR
WASHINGTON COURT HOUSE, OH 43160

13-46-25-17-00007.0101
MAKSIMOWICZ MARK STEPHEN +
11031 VIA TUSCANY LN #101
MIROMAR LAKES, FL 33913

13-46-25-17-00007.0102
HERNALSTEEN RICHARD F + TERESA
3230 LEGACY CT
WEST BLOOMFIELD, MI 48323

13-46-25-17-00007.0201
COFFEY PETER M
11031 VIA TUSCANY LN
MIROMAR LAKES, FL 33913

13-46-25-17-00007.0202
GOLDBERG MICHAEL S + SHARON TR
11031 VIA TUSCANY LN
MIROMAR LAKES, FL 33913

13-46-25-17-00007.0301
DESALVO C JOSEPH + ELAINE M
11031 VIA TUSCANY LN #301
MIROMAR LAKES, FL 33913

13-46-25-17-00007.0302
PETERS MARSHA W
11031 VIA TUSCANY LN #302
MIROMAR LAKES, FL 33913

12-46-25-17-00003.0101
FRIEDRICH JANET S
11000 VIA TUSCANY LN APT 3-101
MIROMAR LAKES, FL 33913

12-46-25-17-00003.0102
SIEVERS SCOTT A + KAREN S
25010 MASON ST
WATERLOO, NE 68069

12-46-25-17-00003.0201
BERWYNLOOPER LLC
1234 SW 53RD TER
CAPE CORAL, FL 33914

12-46-25-17-00003.0202
INGE RONALD E +
11000 VIA TUSCANY LN #202
MIROMAR LAKES, FL 33913

12-46-25-17-00003.0301
KIRLEY JOSHUA
11000 VIA TUSCANY LN #301
MIROMAR LAKES, FL 33913

12-46-25-17-00003.0302
KIRLEY JOSHUA
10100 VERONA LAKES LN
FORT MYERS, FL 33913

12-46-25-17-00002.0101
TM CONDOS LLC
10471 VIA LOMBARDIA CT
FORT MYERS, FL 33913

12-46-25-17-00002.0102
POLLACK ROBERT W + PAMELA G
11010 VIA TUSCANY LN #2-102
MIROMAR LAKES, FL 33913

12-46-25-17-00002.0201
BRUNS ROBERT A III + ROSEMARIE
47154 SUNNYBROOK LN
NOVI, MI 48374

12-46-25-17-00002.0202
BASSIN MARC S +
260 W BROADWAY # 4A
LONG BEACH, NY 11561

12-46-25-17-00002.0301
BURMYLO GARY + KIM
1230 ARCH ST PH-A
PHILADELPHIA, PA 19107

12-46-25-17-00002.0302
TM CONDOS LLC
10471 VIA LOMBARDIA CT
FORT MYERS, FL 33913

13-46-25-17-00008.0101
NIELLY MICHAEL F + LISA MARIE
1324 BRIDGEMILL AVE
CANTON, GA 30114

13-46-25-17-00008.0102
FEDELI RICHARD TR
11041 VIA TUSCANY LN #8-102
MIROMAR LAKES, FL 33913

13-46-25-17-00008.0201
GASS JOHN B
11041 VIA TUSCANY LN #201
MIROMAR LAKES, FL 33913

13-46-25-17-00008.0202
SAWYER CHARLES W + JANE TR
2421 LONG RIDGE RD
REISTERSTOWN, MD 21136

13-46-25-17-00008.0301
MESJAK RICHARD J + VIRGINIA M
11041 VIA TUSCANY LN # 8-301
MIROMAR LAKES, FL 33913

13-46-25-17-00008.0302
RAY LINDA LEE
4030 JOHNS CREEK PKWY
SUWANEE, GA 30024

13-46-25-17-00009.0101
MURPHY DAVID W + JEANNE C
11051 VIA TUSCANY LN #101
MIROMAR LAKES, FL 33913

13-46-25-17-00009.0102
DENNIS JOHN A TR +
11051 VIA TUSCANY LN #102
MIROMAR LAKES, FL 33913

13-46-25-17-00009.0201
MERTZ WAYNE W + PATRICIA M
200 DELAWARE AVE #1401
BUFFALO, NY 14202

13-46-25-17-00009.0202
DEMASHKIEH WALID TR
11051 VIA TUSCANY LN # 202
MIROMAR LAKES, FL 33913

13-46-25-17-00009.0301
KLERSY HENRY TR +
8274 PROVENCIA CT
FORT MYERS, FL 33912

13-46-25-17-00009.0302
WARNKEY MARK J + MARY M
2235 WHISPERING COVE CIR
WESTLAKE, OH 44145

12-46-25-17-00001.0101
TM CONDOS LLC
10471 VIA LOMBARDIA CT
FORT MYERS, FL 33913

12-46-25-17-00001.0102
KELLY BONI LEE
11022 VIA TUSCANY LN #102
MIROMAR LAKES, FL 33913

12-46-25-17-00001.0201
WESSENDORF MATTHEW W &
11022 VIA TUSCANY LN #201
MIROMAR LAKES, FL 33913

12-46-25-17-00001.0202
WALLENSTEIN CATHY
210 JACKSON DR
CHAGRIN FALLS, OH 44022

12-46-25-17-00001.0301
TM CONDOS LLC
10471 VIA LOMBARDIA CT
FORT MYERS, FL 33913

12-46-25-17-00001.0302
JULES SCHNEIDER REVOCABLE LIVI
75 BELLEVUE AVE
RUMSON, NJ 07760

12-46-25-17-00006.0101
MOORE LEO TR
PO BOX 1788
FAYETTEVILLE, AR 72702

12-46-25-17-00006.0102
WILCZEWSKI ROBERT J TR +
9435 SHAMROCK RD
OMAHA, NE 68114

12-46-25-17-00006.0201
CARREY BERNARD S + VIRGINIA TR
11021 VIA TUSCANY LN # 201
MIROMAR LAKES, FL 33913

12-46-25-17-00006.0202
YOUNGBERG LEE + GLENDA L/E
11021 VIA TUSCANY LN #202
MIROMAR LAKES, FL 33913

12-46-25-17-00006.0301
FORD ROLLIN LEE TR
11021 VIA TUSCANY LN #301
MIROMAR LAKES, FL 33913

12-46-25-17-00006.0302
LUCCI FRANK + DEBORAH L
11021 VIA TUSCANY LN #302
MIROMAR LAKES, FL 33913

All data is current at time of printing and subject to change without notice.

MORRIS DEPEW
ENGINEERS · PLANNERS · SURVEYORS
LANDSCAPE ARCHITECTS

2891 Center Pointe Drive Unit 100 | Fort Myers, Florida 33916
Phone (239) 337-3993 | Toll Free (866) 337-7341
www.morris-depew.com

CenterPlace

Comprehensive Plan Amendment Application

Map Series

- Barraco Topography Map
- MDA Map Series
  - Current & Proposed FLU
  - Existing Land Use
  - Aerial
  - Proposed Lee Plan, Map 1, Page 2 of 8

ALICO ROAD

PROPERTY BOUNDARY

N
W E
S
0 200 400 800
SCALE IN FEET

LEGEND

- 18 NGVD
- 19 NGVD
- 20-25 NGVD
- 25-30 NGVD
- 30-35 NGVD
- 35-40 NGVD
- 40-45 NGVD
- 45-50 NGVD

TOPOGRAPHIC CONTOURS OBTAINED FROM STANTEC

Barraco and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - LANDSCAPE DESIGN
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

PREPARED FOR

PRIVATE EQUITY GROUP, L.L.C.

12800 UNIVERSITY DRIVE
SUITE 275
FORT MYERS, FLORIDA 33907

PHONE (239) 590-9066
FAX (239) 590-9065

PROJECT DESCRIPTION

CenterPlace

PART OF SECTIONS 11, 12, & 13
TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

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FILE NAME	23115X00-TOPOMAP.DWG
LOCATION	J:\23115\DWG\ZONING\
PLOT DATE	TUE, 8-30-2016 - 11:22 AM
PLOT BY	ANGELICA HARDY

CROSS REFERENCED DRAWINGS

BASEPLAN = 23115TOPO.DWG

PLAN REVISIONS

PLAN STATUS

TOPOGRAPHY MAP

PROJECT / FILE NO.	SHEET NUMBER
23115	



PROJECT:

CenterPlace

ADDRESS:

ACCESS TO BE DETERMINED

CLIENT:

PRIVATE EQUITY GROUP

CONSULTANT:

MORRIS DEPEW
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS
FL CA NO. 6532 / FL CERT NO. LB6801 / LC26000330

Fort Myers
2891 Center Pointe Drive
Unit 100
Fort Myers, Florida 33916
(239) 337-3993
Fax: (239) 337-3994
Toll free: 866-337-7341

Tallahassee
113 South Monroe Street
1st Floor
Tallahassee, Florida 32301
Toll free: 866-337-7341

Gainesville
414 SW 140th Terrace
Suite 100
Newberry, FL 32669
(352) 376-5450

Destin
495 Grand Boulevard
Suite 206
Miramar Beach, FL 32550
Toll free: 866-337-7341

REVISIONS	DATE

PROJECT MANAGER:	TME
DRAWING BY:	ALR
JURISDICTION:	LEE COUNTY
DATE:	9/19/2016

SHEET TITLE:

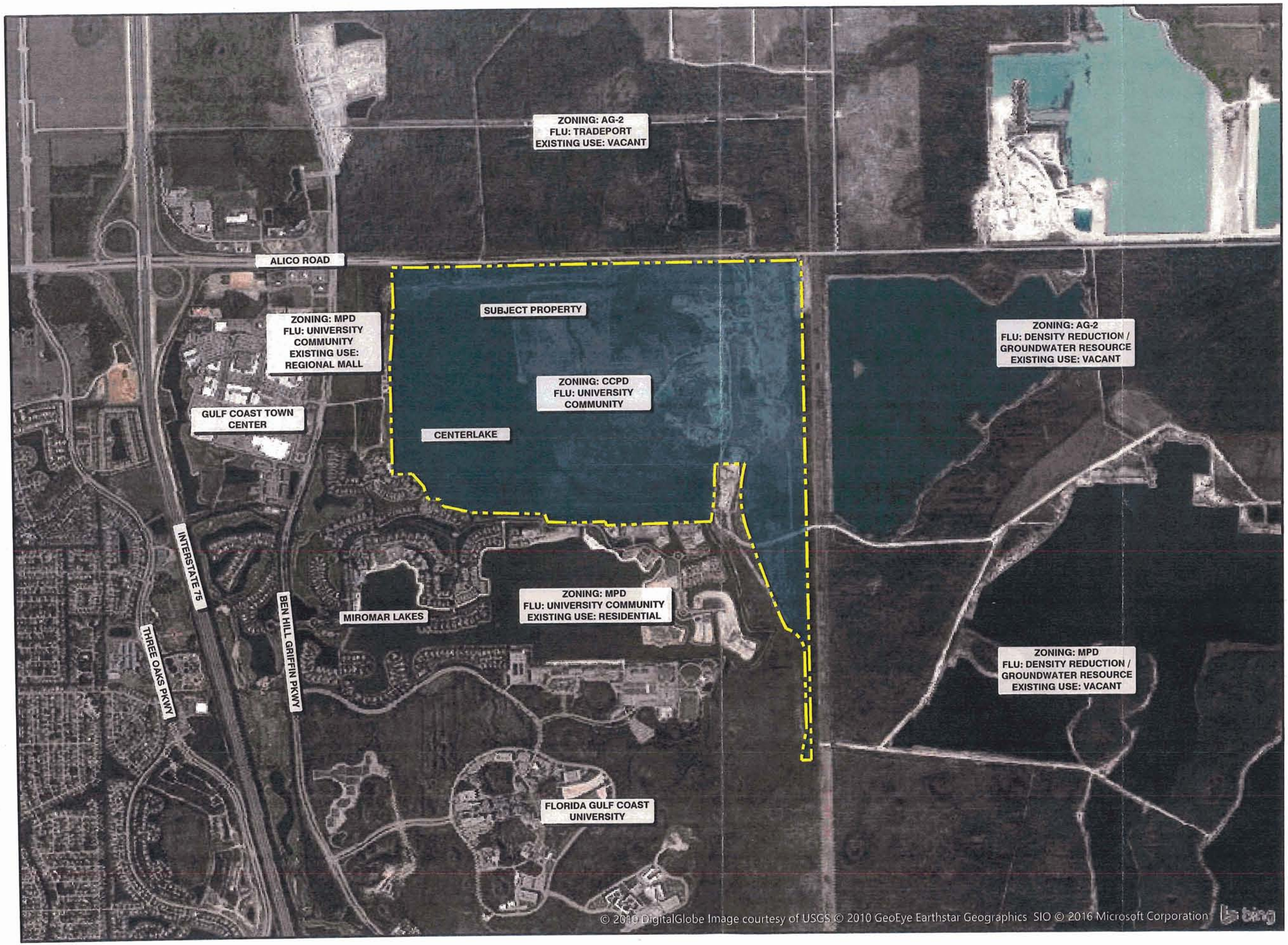
CURRENT & PROPOSED FUTURE LAND USE

SHEET NUMBER: C-101

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SCALE 1"=500'

JOB/FILE NUMBER: 12060

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PROJECT:

CenterPlace

ADDRESS:

ACCESS TO BE DETERMINED

CLIENT:

PRIVATE EQUITY GROUP

CONSULTANT:

MORRIS DEPEW
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS
FL CA NO. 6532 / FL CERT NO. LB6691 / LC26000330

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Suite 100
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(352) 378-3430

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Toll free: 866-337-7341

REVISIONS	DATE

PROJECT MANAGER:	TME
DRAWING BY:	ALR
JURISDICTION:	LEE COUNTY
DATE:	9/16/2016

SHEET TITLE:

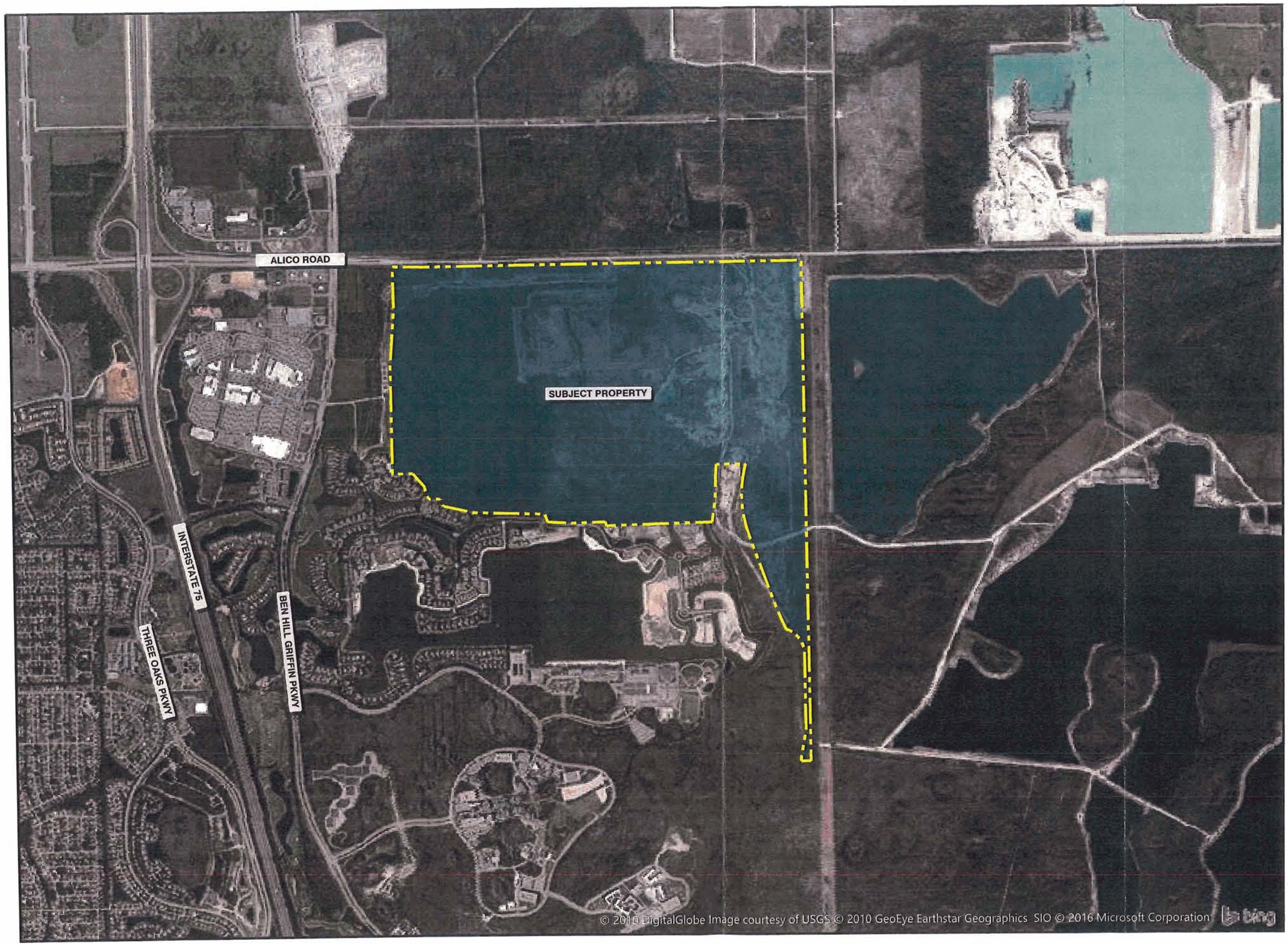
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SHEET NUMBER: C-102

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SCALE 1"=800'

JOB/FILE NUMBER: 12060

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PROJECT:

CenterPlace

ADDRESS:

ACCESS TO BE DETERMINED

CLIENT:

PRIVATE EQUITY GROUP

CONSULTANT:

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REVISIONS	DATE

PROJECT MANAGER:	TME
DRAWING BY:	ALR
JURISDICTION:	LEE COUNTY
DATE:	9/16/2016

SHEET TITLE:

AERIAL

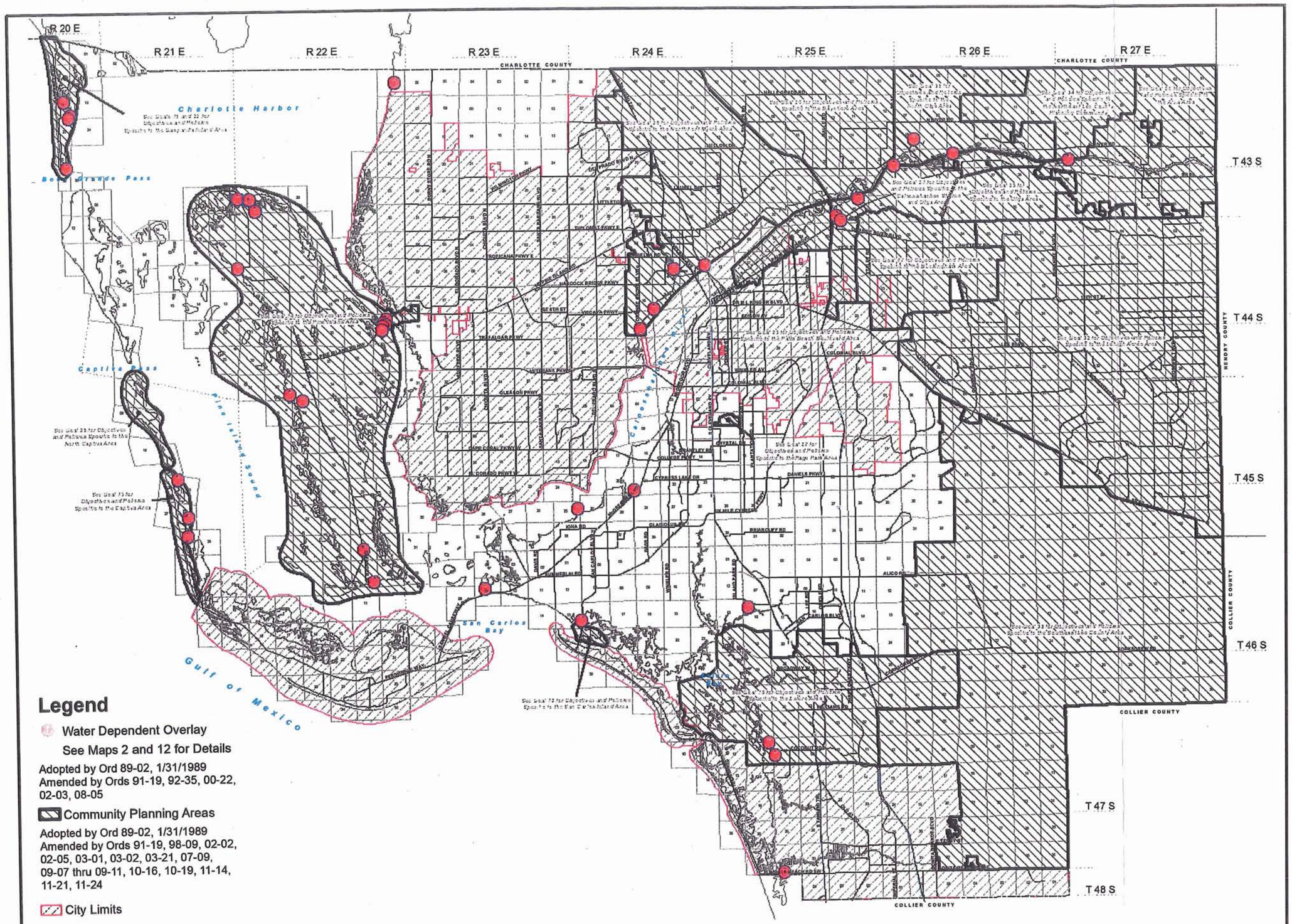
SHEET NUMBER: C-104

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SCALE 1"=800'

JOB/FILE NUMBER: 12060

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R 20 E
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CHARLOTTE COUNTY
T 43 S
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T 46 S
T 47 S
T 48 S
HENDRY COUNTY
COLLIER COUNTY
COLLIER COUNTY
COLLIER COUNTY
Charlotte Harbor
Boca Grande Pass
Captiva Pass
Pine Island Sound
San Carlos Bay
Gulf of Mexico
See Goal 13 for Objectives and Policies Specific to the Captiva Area
See Goal 13 for Objectives and Policies Specific to the North Captiva Area
See Goal 13 for Objectives and Policies Specific to the Gasparilla Area
See Goal 13 for Objectives and Policies Specific to the Mid Pine Island Area
See Goal 13 for Objectives and Policies Specific to the Matlacha Area
See Goal 13 for Objectives and Policies Specific to the San Carlos Island Area
See Goal 27 for Objectives and Policies Specific to the Page Park Area
See Goal 33 for Objectives and Policies Specific to the Buckingham Area
See Goal 33 for Objectives and Policies Specific to the South Fort Myers Area
See Goal 33 for Objectives and Policies Specific to the Estero Area
See Goal 33 for Objectives and Policies Specific to the Bonita Springs Area
See Goal 33 for Objectives and Policies Specific to the Southeast Lee County Area
See Goal 33 for Objectives and Policies Specific to the Lehigh Acres Area
See Goal 33 for Objectives and Policies Specific to the North Fort Myers Area
See Goal 33 for Objectives and Policies Specific to the Alva Area
See Goal 33 for Objectives and Policies Specific to the Olga Area
See Goal 33 for Objectives and Policies Specific to the Boca Grande Area
See Goal 33 for Objectives and Policies Specific to the Pine Island Area
See Goal 33 for Objectives and Policies Specific to the Upper Caloosahatchee Area
See Goal 33 for Objectives and Policies Specific to the Lehigh Area
See Goal 33 for Objectives and Policies Specific to the Southeast Lee County

John Podczerwinsky

From: John Podczerwinsky
Sent: Wednesday, February 08, 2017 12:08 PM
To: 'Getch, Andrew'; 'Wu, Lili'
Cc: 'don@pegfl.net'; 'Charles Basinait'; Mark Gillis
Subject: #15568; CenterPlace CPA Traffic Study Addendum (CPA2016-00011)
Attachments: TrafficStudyAddendum_02082017.pdf

Andy, Wu,

Please find attached the CenterPlace Comprehensive Plan Amendment Traffic Study Addendum, which was prepared as a follow-up to our teleconference yesterday afternoon.

The attached .pdf document includes a summary of the revised development parameters and resulting trip generation estimate, which reflects lower external trips than those generated by the previous development parameters.

To reiterate my request from yesterday, once you have taken a look at the attachment, please provide your concurrence that there is no need to revise the segment analyses that have already been found sufficient for the CPA traffic study.

I plan to stop-by your office to deliver two printed copies of the addendum after lunch, and will be glad to address any other questions you might have at that time.

Thank you for your assistance,

John M. Podczerwinsky, AICP
Project Manager Transportation
DAVID PLUMMER & ASSOCIATES
Transportation • Civil • Structural • Environmental
2149 McGregor Boulevard
Fort Myers, Florida 33901
Phone: 239-332-2617 Fax: 239-332-2645
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CENTERPLACE
COMPREHENSIVE PLAN AMENDMENT
TRAFFIC STUDY ADDENDUM

Project #15568

February 8, 2017

Prepared by:
DAVID PLUMMER & ASSOCIATES, INC.
2149 McGregor Boulevard
Fort Myers, Florida 33901

CENTERPLACE
COMPREHENSIVE PLAN AMENDMENT
TRAFFIC STUDY ADDENDUM

Introduction

CenterPlace is an approved mixed use development located on the south side of Alico Road and east of Ben Hill Griffin Parkway. An application to amend the comprehensive plan (The Lee Plan) to revise the approved development program is currently being processed.

A traffic study dated April 22, 2016 (CenterPlace Comprehensive Plan Amendment Traffic Study) was prepared in support of the Comprehensive Plan Amendment (CPA). The report titled CenterPlace CPA Response To Sufficiency Comments Of October 21, 2016 Lee County Department Of Community Development CPA2016-00011 Traffic Comments and dated November 17, 2016 was provided in response to County sufficiency comments and questions. The application has received sufficiency approval, allowing it to move forward to scheduled hearings at the Local Planning Agency (LPA).

Since being found sufficient, revisions to the development parameters outlined in the initial CPA traffic study have been proposed. Due to the revised development parameters, an update of the trip generation estimate used in the CPA traffic study is necessary in order to identify potential changes to the Project's traffic impacts. Therefore, this addendum to the CenterPlace Comprehensive Plan Amendment Traffic Study, dated April 22, 2016, (and subsequent sufficiency responses dated November 17, 2016), has been prepared in support of the Comprehensive Plan Amendment (CPA) application. This addendum revisits the trip generation estimates for both the Long Range 20-Year Horizon analysis, and the Short Range 5-Year CIP Horizon analysis.

Summary of Conclusions

The results of the updated trip generation analysis are summarized below.

1. The net external trips generated by the revised CenterPlace development parameters represent a reduction in trips when compared to the net external trips generated by the earlier development program. This reduction is found for both the long range and short range parameters.

2. Based on the finding that the revised development program generates fewer external trips than previously analyzed, no update of the road segment analysis is necessary for either the long range or short range analyses. The road segment analysis provided in the previous reports (the initial April 22, 2016 report and the subsequent sufficiency response report dated November 17, 2016) represent a "maximum impact" assessment.

3. No new road improvements are needed as a result of the proposed CPA.

CPA Development Parameters

The development parameters analyzed in the initial CPA traffic study included scenarios for both a long range (2040) analysis and a short range (2021) analysis of the development. Full build-out of CenterPlace was assumed for the long range analysis. The development parameters used in the initial CPA traffic study for both the long range and short range scenarios, as shown in Exhibit 3 of the CenterPlace CPA Transportation Methodology Outline, are included as Appendix A.

The revised development parameters are outlined as follows. The revised development parameters, along with the previously analyzed development parameters, are shown in Exhibit 1 of this addendum.

CenterPlace Revised Development Parameters

Land Use	Short Range	Buildout
Residential		
Single-Family/Zero Lot Line	225 du	487 du
Apartments	600 du	800 du
Other Multi-Family	200 du	663 du
Total	1,025 du	1,950 du
Hotel	----------	250 rooms
Retail	75,000 sq.ft.	200,000 sq.ft.
Office		
General	55,000 sq.ft.	110,000 sq.ft.
Medical	-- sq.ft.	10,000 sq.ft.
Total	55,000 sq.ft.	120,000 sq.ft.
Research & Development	10,000 sq.ft.	20,000 sq.ft.

Trip Generation

Exhibit 2 shows the estimated trip generation for the revised CenterPlace buildout parameters. Exhibit 3 shows the estimated trip generation for the revised CenterPlace short-range development parameters. The trip generation estimates were based on ITE Trip Generation, 9th Edition, using the Online Traffic Impact Study Software (OTISS). The internal capture of trips has been developed consistent with the NCHRP Report 684/8-51 Internal Trip Capture Estimation Tool. The detailed AM peak hour and PM Peak hour OTISS worksheets, which include reductions for internal capture, are included in Appendix B for the long-range, buildout parameters and Appendix C for the short-range, five year parameters.

The trip generation associated with the long-range buildout development program reflected in the initial CPA traffic study (April 22, 2016 traffic study and November 17, 2016 sufficiency response) is derived from Exhibit 3 from the report titled CenterPlace Rezoning Traffic Study, dated Revised November 30, 2016, and included in Appendix D.

The trip generation associated with the short-range, five year analysis as reflected in the initial CPA traffic study (April 22, 2016 traffic study and November 17, 2016 sufficiency response) is shown in Exhibit 4 from the CPA Traffic Study dated April 22, 2016, is included in Appendix E.

As summarized below, the net external trips generated by the revised CenterPlace development parameters, in both the long-range and short-range scenarios, are less than those of the previous development parameters.

Trip Generation Comparison
(Net New External)

	PM Peak	Daily
Long-Range		
Initial Development Program	1,590	20,313
Revised Development Program	1,278	18,562
Short-Range		
Initial Development Program	924	11,290
Revised Development Program	765	9,993

Long-Range & Short-Range Analysis

Based on the findings that the revised development program generates fewer external trips than the previous development program reflected in the CPA traffic study dated April 22, 2016 and the subsequent November 17, 2016 sufficiency response, no update of the road segment analysis is necessary for either the long range or short range analyses. The road segment analysis provided in the previous reports represent a "maximum impact" assessment.

EXHIBIT 1

CENTERPLACE CPA
REVISED DEVELOPMENT PROGRAM

Land Use	Initial Program		Proposed Program	
	Short-Range	Long-Range	Short-Range	Long-Range
Residential (du)				
Apartment	1,000	1,555	600	800
Other Multi-Family	0	120	200	663
Single Family – Zero Lot Line	200	275	225	487
Total	1,200	1,950	1,025	1,950
Hotel (Rooms)	0	250	--	250
Non-Residential				
Retail (Square Feet)	75,000	200,000	75,000	200,000
General Office (Square Feet)	20,000	75,000	55,000	110,000
Research & Development (Square Feet)	10,000	20,000	10,000	20,000
Medical Office (Square Feet)	0	10,000	--	10,000

EXHIBIT 2

CENTERPLACE CPA - REVISED BUILDOUT

ITE TRIP GENERATION
REVISED TRIP GENERATION SCENARIO

			AM PEAK HOUR			PM PEAK HOUR			DAILY
	LUC	SIZE	In	Out	Total	In	Out	Total	Total
Residential									
Apartments	220	800 d.u.	79	317	396	298	160	458	4,972
Internal Capture			2	10	12	130	70	200	1,161
External			77	307	384	168	90	258	3,811
Single Family - Zero Lot Line	210	487 d.u.	88	263	351	275	162	437	4,506
Internal Capture			3	9	12	125	73	198	1,098
External			85	254	339	150	89	239	3,408
Multifamily	230	663 d.u.	40	194	234	190	94	284	3,335
Internal Capture			2	7	9	97	48	145	915
External			38	187	225	93	46	139	2,420
Hotel	310	250 rooms	78	55	133	77	73	150	1,864
Internal Capture			8	5	13	18	17	35	309
External			70	50	120	59	56	115	1,555
Retail	820	200,000 sq. ft.	148	90	238	457	496	953	10,656
Internal Capture			23	14	37	267	289	556	3,937
Pass-by			16	10	26	19	9	28	672
External			109	66	175	171	198	369	6,048
Office	710	110,000 sq. ft.	182	25	207	34	168	202	1,411
Internal Capture			29	4	33	12	57	69	353
External			153	21	174	22	111	133	1,058
Medical Office	720	10,000 sq. ft.	19	5	24	10	27	37	194
Internal Capture			5	1	6	7	20	27	95
External			14	4	18	3	7	10	99
Research & Development	760	20,000 sq. ft.	27	5	32	5	30	35	264
Internal Capture			5	1	6	3	17	20	100
External			22	4	26	2	13	15	164
TOTAL			661	954	1,615	1,346	1,210	2,556	27,202
INTERNAL CAPTURE			77	51	128	659	591	1,250	7,968
DRIVEWAY VOLUME			584	903	1,487	687	619	1,306	19,234
PASS-BY			16	10	26	19	9	28	672
NET NEW EXTERNAL			568	893	1,461	668	610	1,278	18,562
Multi-modal trips to FGCU (10%)			57	89	146	67	61	128	1,856
External trips			511	804	1,315	601	549	1,150	16,706
Percent Peak to Daily					7.9%			6.9%	

Footnotes
(1) ITE Trip Generation, 9th Edition, using OTISS software.

EXHIBIT 3

CENTERPLACE CPA - REVISED SHORT RANGE

ITE TRIP GENERATION
REVISED TRIP GENERATION SCENARIO

			AM PEAK HOUR			PM PEAK HOUR			DAILY
	LUC	SIZE	In	Out	Total	In	Out	Total	Total
Residential									
Apartments	220	600 d.u.	60	238	298	226	122	348	3,760
Internal Capture			1	5	6	65	35	100	578
External			59	233	292	161	87	248	3,182
Single Family - Zero Lot Line	210	225 d.u.	42	125	167	137	81	218	2,215
Internal Capture			1	4	5	58	34	92	501
External			41	121	162	79	47	126	1,714
Multifamily	230	200 d.u.	15	75	90	71	35	106	1,176
Internal Capture			1	3	3	35	17	52	308
External			14	72	86	36	18	54	868
Hotel	310	0 rooms	0	0	0	0	0	0	0
Internal Capture			0	0	0	0	0	0	0
External			0	0	0	0	0	0	0
Retail	820	75,000 sq. ft.	81	50	131	237	257	494	5,633
Internal Capture			10	6	16	122	132	254	1,792
Pass-by			9	6	15	11	6	17	387
External			62	38	100	104	119	223	3,454
Office	710	55,000 sq. ft.	105	14	119	24	116	140	833
Internal Capture			14	2	16	6	31	37	166
External			91	12	103	18	85	103	667
Medical Office	720	0 sq. ft.	0	0	0	0	0	0	0
Internal Capture			0	0	0	0	0	0	0
External			0	0	0	0	0	0	0
Research & Development	760	10,000 sq. ft.	15	3	18	3	17	20	149
Internal Capture			2	0	2	1	8	9	42
External			13	3	16	2	9	11	107
TOTAL			318	505	823	698	628	1,326	13,766
INTERNAL CAPTURE			29	20	48	287	257	544	3,387
DRIVEWAY VOLUME			289	485	775	411	371	782	10,379
PASS-BY			9	6	15	11	6	17	387
NET NEW EXTERNAL			280	479	759	400	365	765	9,993
Multi-modal trips to FGCU (10%)			28	48	76	40	37	77	999
External trips			252	431	683	360	329	689	8,993
Percent Peak to Daily					7.6%			7.7%	

Footnotes
(1) ITE Trip Generation, 9th Edition, using OTISS software.

APPENDIX A

EXHIBIT 3
CENTERPLACE COMPREHENSIVE PLAN AMENDMENT
TRANSPORTATION METHODOLOGY OUTLINE

CENTERPLACE COMPREHENSIVE PLAN AMENDMENT

TRANSPORTATION METHODOLOGY OUTLINE

Project No. 15568

March 7, 2016

Prepared by:
DAVID PLUMMER & ASSOCIATES, INC.
2149 McGregor Boulevard
Fort Myers, Florida 33901

Exhibit 3
Proposed Development Program

Land Use	5 Year	Buildout
Residential		
Apartment	1,000	1,555
Multi-Family (Coach Homes)	0	120
Single Family	200	275
Total:	1,200	1,950
Hotel	0	250
Non-Residential		
Retail	75,000	200,000
Office	20,000	75,000
R&D	10,000	20,000
Medical Office	0	10,000
Total:	105,000	305,000

APPENDIX B

BUILDOUT (2040) OTISS WORKSHEETS
REVISED DEVELOPMENT PROGRAM

AM PEAK

PERIOD SETTING

Analysis Name :	AM Peak Hour		
Project Name :	CenterPlace - Revised Buildout 2	**No :**	15568
Date:	2/7/2017	**City:**	
State/Province:		**Zip/Postal Code:**	
Country:		**Client Name:**	
Analyst's Name:	JP	**Edition:**	ITE-TGM 9th Edition

Land Use	Independent Variable	Size	Time Period	Method	Entry	Exit	Total
220 - Apartment	Dwelling Units	800	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.	Best Fit (LIN) T = 0.49 (X)+3.73	79 20%	317 80%	396
230 - Residential Condominium/Townhouse - 1	Dwelling Units	663	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.	Best Fit (LOG) Ln(T) = 0.8Ln(X) +0.26	40 17%	194 83%	234
310 - Hotel	Rooms	250	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.	Average 0.53	78 59%	55 41%	133
820 - Shopping Center	1000 Sq. Feet Gross Leasable Area	200	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.	Best Fit (LOG) Ln(T) = 0.61Ln(X) +2.24	148 62%	90 38%	238
710 - General Office Building	1000 Sq. Feet Gross Floor Area	110	Weekday, A.M. Peak Hour of Generator	Best Fit (LOG) Ln(T) = 0.8Ln(X) + 1.57	182 88%	25 12%	207
760 - Research and Development Center	1000 Sq. Feet Gross Floor Area	20(0)	Weekday, A.M. Peak Hour of Generator	Best Fit (LOG) Ln(T) = 0.87Ln(X) +0.86	27 84%	5 16%	32
210 - Single-Family Detached Housing	Dwelling Units	487	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.	Best Fit (LIN) T = 0.7 (X)+9.74	88 25%	263 75%	351
720 - Medical-Dental Office Building	1000 Sq. Feet Gross Floor Area	10	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.	Average 2.39	19 79%	5 21%	24

(0) Indicates size out of range.

The time periods do not match.

TRAFFIC REDUCTIONS

Land Use	Entry Reduction		Adjusted Entry	Exit Reduction		Adjusted Exit
220 - Apartment	0	%	79	0	%	317
230 - Residential Condominium/Townhouse - 1	0	%	40	0	%	194
310 - Hotel	0	%	78	0	%	55
820 - Shopping Center	0	%	148	0	%	90
710 - General Office Building	0	%	182	0	%	25
760 - Research and Development Center	0	%	27	0	%	5
210 - Single-Family Detached Housing	0	%	88	0	%	263
720 - Medical-Dental Office Building	0	%	19	0	%	5

INTERNAL TRIPS

220 - Apartment

Exit	317	Demand Exit:	0	% (0)	Balanced: 0	Demand Entry:	0	% (0)	Entry	40
Entry	79	Demand Entry:	0	% (0)	Balanced: 0	Demand Exit:	0	% (0)	Exit	194

220 - Apartment — **310 - Hotel**

Exit	317	Demand Exit:	0	% (0)	Balanced: 0	Demand Entry:	0	% (0)	Entry	78
Entry	79	Demand Entry:	0	% (0)	Balanced: 0	Demand Exit:	0	% (0)	Exit	55

220 - Apartment — **820 - Shopping Center**

Exit	317	Demand Exit:	1	% (3)	Balanced: 3	Demand Entry:	17	% (25)	Entry	148
Entry	79	Demand Entry:	2	% (2)	Balanced: 2	Demand Exit:	14	% (13)	Exit	90

220 - Apartment — **710 - General Office Building**

Exit	317	Demand Exit:	2	% (6)	Balanced: 5	Demand Entry:	3	% (5)	Entry	182
Entry	79	Demand Entry:	0	% (0)	Balanced: 0	Demand Exit:	1	% (0)	Exit	25

220 - Apartment — **760 - Research and Development Center**

Exit	317	Demand Exit:	2	% (6)	Balanced: 1	Demand Entry:	3	% (1)	Entry	27
Entry	79	Demand Entry:	0	% (0)	Balanced: 0	Demand Exit:	1	% (0)	Exit	5

220 - Apartment — **210 - Single-Family Detached Housing**

Exit	317	Demand Exit:	0	% (0)	Balanced: 0	Demand Entry:	0	% (0)	Entry 88
Entry	79	Demand Entry:	0	% (0)	Balanced: 0	Demand Exit:	0	% (0)	Exit 263

220 - Apartment | **720 - Medical-Dental Office Building**

Exit	317	Demand Exit:	2	% (6)	Balanced: 1	Demand Entry:	3	% (1)	Entry 19
Entry	79	Demand Entry:	0	% (0)	Balanced: 0	Demand Exit:	1	% (0)	Exit 5

230 - Residential Condominium/Townhouse - 1 | **310 - Hotel**

Exit	194	Demand Exit:	0	% (0)	Balanced: 0	Demand Entry:	0	% (0)	Entry 78
Entry	40	Demand Entry:	0	% (0)	Balanced: 0	Demand Exit:	0	% (0)	Exit 55

230 - Residential Condominium/Townhouse - 1 | **820 - Shopping Center**

Exit	194	Demand Exit:	1	% (2)	Balanced: 2	Demand Entry:	17	% (25)	Entry 148
Entry	40	Demand Entry:	2	% (1)	Balanced: 1	Demand Exit:	14	% (13)	Exit 90

230 - Residential Condominium/Townhouse - 1 | **710 - General Office Building**

Exit	194	Demand Exit:	2	% (4)	Balanced: 4	Demand Entry:	3	% (5)	Entry 182
Entry	40	Demand Entry:	0	% (0)	Balanced: 0	Demand Exit:	1	% (0)	Exit 25

230 - Residential Condominium/Townhouse - 1 | **760 - Research and Development Center**

Exit	194	Demand Exit:	2	% (4)	Balanced: 1	Demand Entry:	3	% (1)	Entry 27
Entry	40	Demand Entry:	0	% (0)	Balanced: 0	Demand Exit:	1	% (0)	Exit 5

230 - Residential Condominium/Townhouse - 1 | **210 - Single-Family Detached Housing**

Exit	194	Demand Exit:	0	% (0)	Balanced: 0	Demand Entry:	0	% (0)	Entry 88
Entry	40	Demand Entry:	0	% (0)	Balanced: 0	Demand Exit:	0	% (0)	Exit 263

230 - Residential Condominium/Townhouse - 1 | **720 - Medical-Dental Office Building**

Exit	194	Demand Exit:	2	% (4)	Balanced: 1	Demand Entry:	3	% (1)	Entry 19
Entry	40	Demand Entry:	0	% (0)	Balanced: 0	Demand Exit:	1	% (0)	Exit 5

310 - Hotel | **820 - Shopping Center**

Exit	55	Demand Exit:	14	% (8)	Balanced: 6	Demand Entry:	4	% (6)	Entry 148
Entry	78	Demand Entry:	0	% (0)	Balanced: 0	Demand Exit:	0	% (0)	Exit 90

310 - Hotel | **710 - General Office Building**

Exit	55	Demand Exit:	75	% (41)	Balanced: 5	Demand Entry:	3	% (5)	Entry 182
Entry	78	Demand Entry:	0	% (0)	Balanced: 0	Demand Exit:	0	% (0)	Exit 25

310 - Hotel

Exit	55	Demand Exit:	75	% (41)	Balanced: 1	Demand Entry:	3	% (1)	Entry	27
Entry	78	Demand Entry:	0	% (0)	Balanced: 0	Demand Exit:	0	% (0)	Exit	5

760 - Research and Development Center

310 - Hotel

Exit	55	Demand Exit:	0	% (0)	Balanced: 0	Demand Entry:	0	% (0)	Entry	88
Entry	78	Demand Entry:	0	% (0)	Balanced: 0	Demand Exit:	0	% (0)	Exit	263

210 - Single-Family Detached Housing

310 - Hotel

Exit	55	Demand Exit:	75	% (41)	Balanced: 1	Demand Entry:	3	% (1)	Entry	19
Entry	78	Demand Entry:	0	% (0)	Balanced: 0	Demand Exit:	0	% (0)	Exit	5

720 - Medical-Dental Office Building

820 - Shopping Center

Exit	90	Demand Exit:	29	% (26)	Balanced: 7	Demand Entry:	4	% (7)	Entry	182
Entry	148	Demand Entry:	32	% (47)	Balanced: 7	Demand Exit:	28	% (7)	Exit	25

710 - General Office Building

820 - Shopping Center

Exit	90	Demand Exit:	29	% (26)	Balanced: 1	Demand Entry:	4	% (1)	Entry	27
Entry	148	Demand Entry:	32	% (47)	Balanced: 1	Demand Exit:	28	% (1)	Exit	5

760 - Research and Development Center

820 - Shopping Center

Exit	90	Demand Exit:	14	% (13)	Balanced: 2	Demand Entry:	2	% (2)	Entry	88
Entry	148	Demand Entry:	17	% (25)	Balanced: 3	Demand Exit:	1	% (3)	Exit	263

210 - Single-Family Detached Housing

820 - Shopping Center

Exit	90	Demand Exit:	29	% (26)	Balanced: 1	Demand Entry:	4	% (1)	Entry	19
Entry	148	Demand Entry:	32	% (47)	Balanced: 1	Demand Exit:	28	% (1)	Exit	5

720 - Medical-Dental Office Building

710 - General Office Building

Exit	25	Demand Exit:	0	% (0)	Balanced: 0	Demand Entry:	0	% (0)	Entry	27
Entry	182	Demand Entry:	0	% (0)	Balanced: 0	Demand Exit:	0	% (0)	Exit	5

760 - Research and Development Center

710 - General Office Building

Exit	25	Demand Exit:	1	% (0)	Balanced: 0	Demand Entry:	0	% (0)	Entry	88
Entry	182	Demand Entry:	3	% (5)	Balanced: 5	Demand Exit:	2	% (5)	Exit	263

210 - Single-Family Detached Housing

710 - General Office Building

Exit	25	Demand Exit:	0	% (0)	Balanced: 0	Demand Entry:	0	% (0)	Entry	19
Entry	182								Exit	5

720 - Medical-Dental Office Building

	Demand Entry:	0	% (0)	Balanced: 0	Demand Exit:	0	% (0)		

760 - Research and Development Center — 210 - Single-Family Detached Housing

Exit	5	Demand Exit:	1	% (0)	Balanced: 0	Demand Entry:	0	% (0)	Entry 88
Entry	27	Demand Entry:	3	% (1)	Balanced: 1	Demand Exit:	2	% (5)	Exit 263

760 - Research and Development Center — 720 - Medical-Dental Office Building

Exit	5	Demand Exit:	0	% (0)	Balanced: 0	Demand Entry:	0	% (0)	Entry 19
Entry	27	Demand Entry:	0	% (0)	Balanced: 0	Demand Exit:	0	% (0)	Exit 5

210 - Single-Family Detached Housing — 720 - Medical-Dental Office Building

Exit	263	Demand Exit:	2	% (5)	Balanced: 1	Demand Entry:	3	% (1)	Entry 19
Entry	88	Demand Entry:	0	% (0)	Balanced: 0	Demand Exit:	1	% (0)	Exit 5

220 - Apartment

	Total Trips	Internal Trips								External Trips
		230 - Residential Condominium/Townhouse - 1	310 - Hotel	820 - Shopping Center	710 - General Office Building	760 - Research and Development Center	210 - Single-Family Detached Housing	720 - Medical-Dental Office Building	Total	
Entry	79 (100%)	0 (0%)	0 (0%)	2 (3%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	2 (3%)	77 (97%)
Exit	317 (100%)	0 (0%)	0 (0%)	3 (1%)	5 (2%)	1 (0%)	0 (0%)	1 (0%)	10 (3%)	307 (97%)
Total	396 (100%)	0 (0%)	0 (0%)	5 (1%)	5 (1%)	1 (0%)	0 (0%)	1 (0%)	12 (3%)	384 (97%)

230 - Residential Condominium/Townhouse - 1

	Total Trips	Internal Trips								External Trips
		220 - Apartment	310 - Hotel	820 - Shopping Center	710 - General Office Building	760 - Research and Development Center	210 - Single-Family Detached Housing	720 - Medical-Dental Office Building	Total	
Entry	40 (100%)	0 (0%)	0 (0%)	1 (3%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	1 (3%)	39 (97%)
Exit	194 (100%)	0 (0%)	0 (0%)	2 (1%)	4 (2%)	1 (1%)	0 (0%)	1 (1%)	8 (4%)	186 (96%)
Total	234 (100%)	0 (0%)	0 (0%)	3 (1%)	4 (2%)	1 (0%)	0 (0%)	1 (0%)	9 (4%)	225 (96%)

310 - Hotel

	Total Trips	Internal Trips								External Trips
		220 - Apartment	230 - Residential Condominium/Townhouse - 1	820 - Shopping Center	710 - General Office Building	760 - Research and Development Center	210 - Single-Family Detached Housing	720 - Medical-Dental Office Building	Total	
Entry	78 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	78 (100%)
Exit	55 (100%)	0 (0%)	0 (0%)	6 (11%)	5 (9%)	1 (2%)	0 (0%)	1 (2%)	13 (24%)	42 (76%)
Total	133 (100%)	0 (0%)	0 (0%)	6 (5%)	5 (4%)	1 (1%)	0 (0%)	1 (1%)	13 (10%)	120 (90%)

820 - Shopping Center

Total Trips	Internal Trips	External Trips

		220 - Apartment	230 - Residential Condominium/Townhouse - 1	310 - Hotel	710 - General Office Building	760 - Research and Development Center	210 - Single-Family Detached Housing	720 - Medical-Dental Office Building	Total	
Entry	148 (100%)	3 (2%)	2 (1%)	6 (4%)	7 (5%)	1 (1%)	3 (2%)	1 (1%)	23 (16%)	125 (84%)
Exit	90 (100%)	2 (2%)	1 (1%)	0 (0%)	7 (8%)	1 (1%)	2 (2%)	1 (1%)	14 (16%)	76 (84%)
Total	238 (100%)	5 (2%)	3 (1%)	6 (3%)	14 (6%)	2 (1%)	5 (2%)	2 (1%)	37 (16%)	201 (84%)

710 - General Office Building

		Internal Trips								
	Total Trips	220 - Apartment	230 - Residential Condominium/Townhouse - 1	310 - Hotel	820 - Shopping Center	760 - Research and Development Center	210 - Single-Family Detached Housing	720 - Medical-Dental Office Building	Total	External Trips
Entry	182 (100%)	5 (3%)	4 (2%)	5 (3%)	7 (4%)	0 (0%)	5 (3%)	0 (0%)	26 (14%)	156 (86%)
Exit	25 (100%)	0 (0%)	0 (0%)	0 (0%)	7 (28%)	0 (0%)	0 (0%)	0 (0%)	7 (28%)	18 (72%)
Total	207 (100%)	5 (2%)	4 (2%)	5 (2%)	14 (7%)	0 (0%)	5 (2%)	0 (0%)	33 (16%)	174 (84%)

760 - Research and Development Center

		Internal Trips								
	Total Trips	220 - Apartment	230 - Residential Condominium/Townhouse - 1	310 - Hotel	820 - Shopping Center	710 - General Office Building	210 - Single-Family Detached Housing	720 - Medical-Dental Office Building	Total	External Trips
Entry	27 (100%)	1 (4%)	1 (4%)	1 (4%)	1 (4%)	0 (0%)	1 (4%)	0 (0%)	5 (19%)	22 (81%)
Exit	5 (100%)	0 (0%)	0 (0%)	0 (0%)	1 (20%)	0 (0%)	0 (0%)	0 (0%)	1 (20%)	4 (80%)
Total	32 (100%)	1 (3%)	1 (3%)	1 (3%)	2 (6%)	0 (0%)	1 (3%)	0 (0%)	6 (19%)	26 (81%)

210 - Single-Family Detached Housing

		Internal Trips								
	Total Trips	220 - Apartment	230 - Residential Condominium/Townhouse - 1	310 - Hotel	820 - Shopping Center	710 - General Office Building	760 - Research and Development Center	720 - Medical-Dental Office Building	Total	External Trips
Entry	88 (100%)	0 (0%)	0 (0%)	0 (0%)	2 (2%)	0 (0%)	0 (0%)	0 (0%)	2 (2%)	86 (98%)
Exit	263 (100%)	0 (0%)	0 (0%)	0 (0%)	3 (1%)	5 (2%)	1 (0%)	1 (0%)	10 (4%)	253 (96%)
Total	351 (100%)	0 (0%)	0 (0%)	0 (0%)	5 (1%)	5 (1%)	1 (0%)	1 (0%)	12 (3%)	339 (97%)

720 - Medical-Dental Office Building

		Internal Trips								
	Total Trips	220 - Apartment	230 - Residential Condominium/Townhouse - 1	310 - Hotel	820 - Shopping Center	710 - General Office Building	760 - Research and Development Center	210 - Single-Family Detached Housing	Total	External Trips
Entry	19 (100%)	1 (5%)	1 (5%)	1 (5%)	1 (5%)	0 (0%)	0 (0%)	1 (5%)	5 (26%)	14 (74%)
Exit	5 (100%)	0 (0%)	0 (0%)	0 (0%)	1 (20%)	0 (0%)	0 (0%)	0 (0%)	1 (20%)	4 (80%)
Total	24 (100%)	1 (4%)	1 (4%)	1 (4%)	2 (8%)	0 (0%)	0 (0%)	1 (4%)	6 (25%)	18 (75%)

EXTERNAL TRIPS

Land Use	External Trips	Pass-by%	Pass-by Trips	Non-pass-by Trips
220 - Apartment	384	0 %	0	384
230 - Residential Condominium/Townhouse - 1	225	0 %	0	225
310 - Hotel	120	0 %	0	120
820 - Shopping Center	201	13 %	26	175
710 - General Office Building	174	0 %	0	174
760 - Research and Development Center	26	0 %	0	26
210 - Single-Family Detached Housing	339	0 %	0	339
720 - Medical-Dental Office Building	18	0 %	0	18

NOTES

Project Notes:

ITE DEVIATION DETAILS

Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.

Landuse	No deviations from ITE.
Methods	No deviations from ITE
External Trips	220 - Apartment ITE does not recommend a particular pass-by% for this case.
	230 - Residential Condominium/Townhouse - 1 ITE does not recommend a particular pass-by% for this case.
	310 - Hotel ITE does not recommend a particular pass-by% for this case.
	820 - Shopping Center ITE does not recommend a particular pass-by% for this case.
	210 - Single-Family Detached Housing ITE does not recommend a particular pass-by% for this case.

Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.

720 - Medical-Dental Office Building
ITE does not recommend a particular pass-by% for this case.

Weekday, A.M. Peak Hour of Generator

Landuse — No deviations from ITE.

Methods — 760 - Research and Development Center
The chosen method (LOG) is not recommended by ITE. ITE recommends Average based on the criterion.

External Trips — 710 - General Office Building
ITE does not recommend a particular pass-by% for this case.

760 - Research and Development Center
ITE does not recommend a particular pass-by% for this case.

SUMMARY

Total Entering	661
Total Exiting	954
Total Entering Reduction	0
Total Exiting Reduction	0
Total Entering Internal Capture Reduction	64
Total Exiting Internal Capture Reduction	64
Total Entering Pass-by Reduction	16
Total Exiting Pass-by Reduction	10
Total Entering Non-Pass-by Trips	581
Total Exiting Non-Pass-by Trips	880

PM PEAK

PERIOD SETTING

Analysis Name :	PM Peak Hour		
Project Name :	CenterPlace - Revised Buildout 2	**No :**	15568
Date:	2/7/2017	**City:**	
State/Province:		**Zip/Postal Code:**	
Country:		**Client Name:**	
Analyst's Name:	JP	**Edition:**	ITE-TGM 9th Edition

Land Use	Independent Variable	Size	Time Period	Method	Entry	Exit	Total
220 - Apartment	Dwelling Units	800	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Best Fit (LIN) T = 0.55 (X)+17.65	298 65%	160 35%	458
230 - Residential Condominium/Townhouse - 1	Dwelling Units	663	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Best Fit (LOG) Ln(T) = 0.82Ln(X) +0.32	190 67%	94 33%	284
310 - Hotel	Rooms	250	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Average 0.6	77 51%	73 49%	150
820 - Shopping Center	1000 Sq. Feet Gross Leasable Area	200	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Best Fit (LOG) Ln(T) = 0.67Ln(X) +3.31	457 48%	496 52%	953
710 - General Office Building	1000 Sq. Feet Gross Floor Area	110	Weekday, P.M. Peak Hour of Generator	Best Fit (LIN) T = 1.12 (X)+78.45	34 17%	168 83%	202
760 - Research and Development Center	1000 Sq. Feet Gross Floor Area	20(0)	Weekday, P.M. Peak Hour of Generator	Best Fit (LOG) Ln(T) = 0.83Ln(X) +1.06	5 14%	30 86%	35
210 - Single-Family Detached Housing	Dwelling Units	487	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Best Fit (LOG) Ln(T) = 0.9Ln(X) +0.51	275 63%	162 37%	437
720 - Medical-Dental Office Building	1000 Sq. Feet Gross Floor Area	10	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Best Fit (LOG) Ln(T) = 0.9Ln(X) +1.53	10 27%	27 73%	37

(0) indicates size out of range.

The time periods do not match.

TRAFFIC REDUCTIONS

Land Use	Entry Reduction		Adjusted Entry	Exit Reduction		Adjusted Exit
220 - Apartment	0	%	298	0	%	160
230 - Residential Condominium/Townhouse - 1	0	%	190	0	%	94
310 - Hotel	0	%	77	0	%	73
820 - Shopping Center	0	%	457	0	%	496
710 - General Office Building	0	%	34	0	%	168
760 - Research and Development Center	0	%	5	0	%	30
210 - Single-Family Detached Housing	0	%	275	0	%	162
720 - Medical-Dental Office Building	0	%	10	0	%	27

INTERNAL TRIPS

220 - Apartment

Exit	160	Demand Exit:	0	% (0)	Balanced: 0	Demand Entry:	0	% (0)	Entry	190
Entry	298	Demand Entry:	0	% (0)	Balanced: 0	Demand Exit:	0	% (0)	Exit	94

220 - Apartment — **310 - Hotel**

Exit	160	Demand Exit:	3	% (5)	Balanced: 5	Demand Entry:	12	% (9)	Entry	77
Entry	298	Demand Entry:	0	% (0)	Balanced: 0	Demand Exit:	2	% (1)	Exit	73

220 - Apartment — **820 - Shopping Center**

Exit	160	Demand Exit:	42	% (67)	Balanced: 46	Demand Entry:	10	% (46)	Entry	457
Entry	298	Demand Entry:	46	% (137)	Balanced: 129	Demand Exit:	26	% (129)	Exit	496

220 - Apartment — **710 - General Office Building**

Exit	160	Demand Exit:	4	% (6)	Balanced: 6	Demand Entry:	57	% (19)	Entry	34
Entry	298	Demand Entry:	4	% (12)	Balanced: 3	Demand Exit:	2	% (3)	Exit	168

220 - Apartment — **760 - Research and Development Center**

Exit	160	Demand Exit:	4	% (6)	Balanced: 3	Demand Entry:	57	% (3)	Entry	5
Entry	298	Demand Entry:	4	% (12)	Balanced: 1	Demand Exit:	2	% (1)	Exit	30

220 - Apartment — **210 - Single-Family Detached Housing**

Exit	160	Entry	275

		Demand Exit:	0	% (0)	Balanced: 0	Demand Entry:	0	% (0)		
Entry	298	Demand Entry:	0	% (0)	Balanced: 0	Demand Exit:	0	% (0)	Exit	162

220 - Apartment | **720 - Medical-Dental Office Building**

Exit	160	Demand Exit:	4	% (6)	Balanced: 6	Demand Entry:	57	% (6)	Entry	10
Entry	298	Demand Entry:	4	% (12)	Balanced: 1	Demand Exit:	2	% (1)	Exit	27

230 - Residential Condominium/Townhouse - 1 | **310 - Hotel**

Exit	94	Demand Exit:	3	% (3)	Balanced: 3	Demand Entry:	12	% (9)	Entry	77
Entry	190	Demand Entry:	0	% (0)	Balanced: 0	Demand Exit:	2	% (1)	Exit	73

230 - Residential Condominium/Townhouse - 1 | **820 - Shopping Center**

Exit	94	Demand Exit:	42	% (39)	Balanced: 39	Demand Entry:	10	% (46)	Entry	457
Entry	190	Demand Entry:	46	% (87)	Balanced: 87	Demand Exit:	26	% (129)	Exit	496

230 - Residential Condominium/Townhouse - 1 | **710 - General Office Building**

Exit	94	Demand Exit:	4	% (4)	Balanced: 4	Demand Entry:	57	% (19)	Entry	34
Entry	190	Demand Entry:	4	% (8)	Balanced: 3	Demand Exit:	2	% (3)	Exit	168

230 - Residential Condominium/Townhouse - 1 | **760 - Research and Development Center**

Exit	94	Demand Exit:	4	% (4)	Balanced: 3	Demand Entry:	57	% (3)	Entry	5
Entry	190	Demand Entry:	4	% (8)	Balanced: 1	Demand Exit:	2	% (1)	Exit	30

230 - Residential Condominium/Townhouse - 1 | **210 - Single-Family Detached Housing**

Exit	94	Demand Exit:	0	% (0)	Balanced: 0	Demand Entry:	0	% (0)	Entry	275
Entry	190	Demand Entry:	0	% (0)	Balanced: 0	Demand Exit:	0	% (0)	Exit	162

230 - Residential Condominium/Townhouse - 1 | **720 - Medical-Dental Office Building**

Exit	94	Demand Exit:	4	% (4)	Balanced: 4	Demand Entry:	57	% (6)	Entry	10
Entry	190	Demand Entry:	4	% (8)	Balanced: 1	Demand Exit:	2	% (1)	Exit	27

310 - Hotel | **820 - Shopping Center**

Exit	73	Demand Exit:	16	% (12)	Balanced: 9	Demand Entry:	2	% (9)	Entry	457
Entry	77	Demand Entry:	17	% (13)	Balanced: 13	Demand Exit:	5	% (25)	Exit	496

310 - Hotel | **710 - General Office Building**

Exit	73	Demand Exit:	0	% (0)	Balanced: 0	Demand Entry:	0	% (0)	Entry	34
Entry	77	Demand Entry:	0	% (0)	Balanced: 0	Demand Exit:	0	% (0)	Exit	168

310 - Hotel						760 - Research and Development Center				
Exit	73	Demand Exit:	0	% (0)	Balanced: 0	Demand Entry:	0	% (0)	Entry	5
Entry	77	Demand Entry:	0	% (0)	Balanced: 0	Demand Exit:	0	% (0)	Exit	30

310 - Hotel						210 - Single-Family Detached Housing				
Exit	73	Demand Exit:	2	% (1)	Balanced: 0	Demand Entry:	0	% (0)	Entry	275
Entry	77	Demand Entry:	12	% (9)	Balanced: 5	Demand Exit:	3	% (5)	Exit	162

310 - Hotel						720 - Medical-Dental Office Building				
Exit	73	Demand Exit:	0	% (0)	Balanced: 0	Demand Entry:	0	% (0)	Entry	10
Entry	77	Demand Entry:	0	% (0)	Balanced: 0	Demand Exit:	0	% (0)	Exit	27

820 - Shopping Center						710 - General Office Building				
Exit	496	Demand Exit:	2	% (10)	Balanced: 10	Demand Entry:	31	% (11)	Entry	34
Entry	457	Demand Entry:	8	% (37)	Balanced: 34	Demand Exit:	20	% (34)	Exit	168

820 - Shopping Center						760 - Research and Development Center				
Exit	496	Demand Exit:	2	% (10)	Balanced: 2	Demand Entry:	31	% (2)	Entry	5
Entry	457	Demand Entry:	8	% (37)	Balanced: 6	Demand Exit:	20	% (6)	Exit	30

820 - Shopping Center						210 - Single-Family Detached Housing				
Exit	496	Demand Exit:	26	% (129)	Balanced: 127	Demand Entry:	46	% (127)	Entry	275
Entry	457	Demand Entry:	10	% (46)	Balanced: 46	Demand Exit:	42	% (68)	Exit	162

820 - Shopping Center						720 - Medical-Dental Office Building				
Exit	496	Demand Exit:	2	% (10)	Balanced: 3	Demand Entry:	31	% (3)	Entry	10
Entry	457	Demand Entry:	8	% (37)	Balanced: 5	Demand Exit:	20	% (5)	Exit	27

710 - General Office Building						760 - Research and Development Center				
Exit	168	Demand Exit:	0	% (0)	Balanced: 0	Demand Entry:	0	% (0)	Entry	5
Entry	34	Demand Entry:	0	% (0)	Balanced: 0	Demand Exit:	0	% (0)	Exit	30

710 - General Office Building						210 - Single-Family Detached Housing				
Exit	168	Demand Exit:	2	% (3)	Balanced: 3	Demand Entry:	4	% (11)	Entry	275
Entry	34	Demand Entry:	57	% (19)	Balanced: 6	Demand Exit:	4	% (6)	Exit	162

710 - General Office Building						720 - Medical-Dental Office Building				
Exit	168	Demand Exit:	0	% (0)	Balanced: 0	Demand Entry:	0	% (0)	Entry	10
Entry	34	Demand Entry:	0	% (0)	Balanced: 0	Demand Exit:	0	% (0)	Exit	27

CENTERPLACE CPA
RESPONSE TO SUFFICIENCY COMMENTS OF OCTOBER 21, 2016
LEE COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT
CPA2016-00011
TRAFFIC COMMENTS

Project # 15568

November 17, 2016

Prepared by:
DAVID PLUMMER & ASSOCIATES
2149 McGregor Boulevard
Fort Myers, Florida 33901

CenterPlace CPA
Response to Sufficiency Comments, October 21, 2016
Lee County Department of Community Development
CPA2016-00011

TRAFFIC COMMENTS:

Comment: 6. Please revise the Traffic Analysis to include a 3 mile radius at 1-75 (north and south of Alico Rd) and Three Oaks Pkwy (north and south of Alico Rd).

Response: The long range 2040 analyses and short range 2021 analyses have been revised to include the requested segments of I-75 north and south of Alico Road and Three Oaks Parkway north and south of Alico Road. The following exhibits have been updated to include the additional road segments. They are included in Attachment S-1A.

Exhibit 2 (Revised) Future (2040) Traffic Conditions Without CPA
Exhibit 3 (Revised) Future (2040) Traffic Conditions With CPA
Exhibit 6 (Revised) Existing (2015) Traffic Conditions
Exhibit 7 (Revised) Future (2021) Traffic Conditions Without Project
Exhibit 8 (Revised) Future (2021) Traffic Conditions With Project

Comment: 7. Table 2 & 3, 2035 Directional Peak hour volume needs to be revised to 2040 since it is an analysis for year 2040.

Response: Long range 2040 analyses presented in Exhibits 2 and 3 referred to year 2035 in the column heading for future directional peak hour volume. It was meant to represent year 2040 rather than 2035. The typographical error has been corrected. Please see Exhibit 2 (Revised) and Exhibit 3 (Revised) in Attachment S-1A.

Comment: 8. The service volume for Alico Rd from Three Oaks Parkway to 1-75 is assumed to be controlled access facility; this is not an acceptable assumption.

Response: We believe the controlled access service volume is appropriate for the segment of Alico Road from Three Oaks Parkway thru the I-75 interchange and to Ben Hill Griffin Parkway. This section of Alico Road is characterized by 3 thru lanes in each direction; separate, segregated lanes parallel to the thru lanes serving the I-75 east and west ramps, where those lanes do not stop at the ramp signals; and only one additional unsignalized access point located east of the I-75 east ramp. For these reasons, we are of the opinion that the service volume on this section of Alico Road is higher than the typical 6-lane divided arterial roadway.

However, to be responsive to the reviewer, the service volume between Three Oaks Parkway and Ben Hill Griffin Parkway has been changed to reflect the typical 6-lane arterial road service volume. When adjusting the service volumes for Alico Road, the service volumes reported in the exhibits have also been updated to reflect the current Lee County generalized and link specific service volumes. The service volumes for I-75 were derived from the FDOT Quality Level of Service Handbook Tables.

The following exhibits have been updated to reflect the adjusted service volumes. They are included in Attachment S-1A.

Exhibit 2 (Revised) Future (2040) Traffic Conditions Without CPA
Exhibit 3 (Revised) Future (2040) Traffic Conditions With CPA
Exhibit 6 (Revised) Existing (2015) Traffic Conditions
Exhibit 7 (Revised) Future (2021) Traffic Conditions Without Project
Exhibit 8 (Revised) Future (2021) Traffic Conditions With Project

The results and conclusions of the updated exhibits and analysis are summarized as follows.

1. In most instances, the projected 2040 traffic volumes are slightly higher without the proposed CPA (with the approved uses) than with the proposed CPA (with the proposed uses). In general, the volume /capacity ratios are the same or slightly higher without the CPA.

2. The Long Range 2040 Horizon analysis indicates that two road segments within the expanded study area are expected to have level of service issues in 2040. These level of service issues are found both without and with the proposed CPA.

3. The roadway segment of Alico Road from Three Oaks Parkway to the I-75 west ramp is projected to operate below the level of service standard without and with the CPA in year 2040. The forecasted traffic volumes in year 2040 just exceed the generalized service volume for the road segment (projected volume of 2,949 to 2,954 compared to a service volume of 2,940). In addition, at the direction of the Lee County reviewer, the Lee County generalized service volume estimate has been applied to this road segment. Given that this section of Alico Road, from Three Oaks Parkway thru the I-75 interchange and to Ben Hill Griffin Parkway, is characterized by 3 thru lanes in each direction; separate, exclusive lanes parallel to the thru lanes serving the I-75 east and west ramps, where those lanes do not stop at the ramp signals; and only one additional unsignalized access point located east of the I-75 east ramp, it is very likely that the actual service volume is higher than the generalized service volume. In fact, the actual service volume is probably closer to that of a controlled access arterial roadway. Therefore, it is very likely that the traffic volumes on this segment of Alico Road are over-stated while the service volume is understated.

4. The segment of I-75 from Alico Road to Corkscrew Road is projected to operate below the level of service standard in year 2040 in the southbound direction. The level of service standard on this roadway is LOS D. As with the segment of Alico Road that is projected to operate below the level of service standard, the forecasted traffic volume on this segment in year 2040 just exceeds the generalized service volume for the road segment (projected volume of 5,573 to 5,580 compared to a service volume of 5,500).

5. No modifications to the Lee County MPO 2040 Highway Cost Feasible Plan or Lee Plan Map 3A are recommended as a result of the proposed CPA.

6. The Short Range 5-Year CIP Horizon analysis indicates that no road segments within the expanded study area are expected to have level of service issues in 2021, either with or without the proposed CPA. Therefore, no modifications to the County's five year work program are needed as a result of the proposed CPA.

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CenterPlace

Comprehensive Plan Amendment Application

Traffic Analysis

CENTERPLACE
COMPREHENSIVE PLAN AMENDMENT
TRAFFIC STUDY

Project #15568

April 22, 2016

Prepared by:
DAVID PLUMMER & ASSOCIATES, INC.
2149 McGregor Boulevard
Fort Myers, Florida 33901

CENTERPLACE
COMPREHENSIVE PLAN AMENDMENT
TRAFFIC STUDY

Introduction

CenterPlace is a planned, mixed use development located on the south side of Alico Road and east of Ben Hill Griffin Parkway, as shown in Exhibit 1. The property, which was rezoned under Resolution No. Z-14-021, is currently approved for a mix of residential and non-residential uses which are detailed in this report.

However, a revised development scenario is proposed, requiring a Comprehensive Plan Amendment. Under the revised development scenario, a reduction in total non-residential square footage is being proposed, in conjunction with an adjustment to the residential unit types, including the addition of single family units.

This traffic study is in support of the Comprehensive Plan Amendment (CPA) application. Consistent with Lee County's Application for a CPA, this CPA traffic study provides both a Long Range 20-Year Horizon analysis and a Short Range 5-Year CIP Horizon analysis.

The Long Range 20-Year Horizon analysis provides a comparison of future road segment traffic conditions in 2040 on the Lee County MPO's 2040 Highway Cost Feasible Plan road network, both with and without the proposed CPA.

The Short Range 5-Year CIP Horizon analysis provides an assessment of future road segment traffic conditions in 2021, both with and without the proposed CPA.

Summary of Conclusions

The results of the Long Range 20-Year Horizon analysis and Short Range 5-Year CIP Horizon analysis are summarized below.

1. No new road improvements are needed as a result of the proposed CPA.

2. The Long Range 20-Year Horizon analysis indicates that no road segments within a three mile radius of the site are expected to have level of service issues in 2040, either with or without the proposed CPA. Therefore, no modifications to the Lee County MPO 2040 Highway Cost Feasible Plan or Lee Plan Map 3A are needed as a result of the proposed CPA.

3. The Short Range 5-Year CIP Horizon analysis indicates that no road segments within a three mile radius are expected to have level of service issues in 2021, either with or

without the proposed CPA. Therefore, no modifications to the County's five year work program are needed as a result of the proposed CPA.

Transportation Methodology

A CPA transportation methodology outline dated March 7, 2016 was prepared consistent with Lee County's Application for a Comprehensive Plan Amendment and provided to the Lee County staff for review and comment. The methodology outline was discussed with the County staff at a methodology meeting held on March 9, 2016.

The CPA methodology outline was accepted by staff with no revisions. No further comments have been received from the staff regarding the methodology. The methodology outline dated March 7, 2016, is included in Appendix A.

This CPA traffic study was prepared consistent with the agreed upon methodology.

Study Area

In accordance with Lee County's Application for a Comprehensive Plan Amendment, the study includes a review of projected roadway conditions within a 3-mile radius of the site. Therefore, the study area extends west on Alico Road to approximately Gator Road, east on Alico Road to N. Mallard Lane, north on Ben Hill Griffin Parkway/Treeline Avenue to north of Terminal Road, and south on Ben Hill Griffin Parkway to FGCU Boulevard.

Existing Road Network

The existing road network is shown in Exhibit 1. The primary east-west road serving the area is Alico Road, which extends from US 41 to Green Meadows Road, then south to Corkscrew Road. Ben Hill Griffin Parkway extends from Corkscrew Road north to Terminal Road, and then Treeline Avenue continues north from Terminal Road to Colonial Boulevard.

Scheduled and Planned Road Improvements

Roadway improvements scheduled for construction within the next three years in the County's current five-year work program were considered committed improvements for purposes of the Short Range 5-Year CIP Horizon analysis. The only committed improvement in the general area is the widening of Alico Road to four lanes from Ben Hill Griffin Parkway to Airport Haul Road, which is scheduled for construction by the County in FY 17/18.

Roadway improvements included in the MPO's 2040 Highway Cost Feasible Plan were considered planned improvements for purposes of the Long Range 20-Year Horizon analysis. The adopted 2040 LRTP Cost Feasible Project List includes the widening of Alico Road to four

lanes from Airport Haul Road to Green Meadow Road and a four-lane Alico Road Extension from that point northeast to SR 82 at Sunshine Boulevard. The Plan also includes a new, two-lane collector road on the north side of Alico Road from Airport Haul Road to Ben Hill Griffin Parkway. Further south, the Plan includes the widening of Corkscrew Road to four lanes from Ben Hill Griffin Parkway to Alico Road.

CPA Development Parameters

CenterPlace will be a mixed use development with build-out anticipated 10-15 years. The horizon years for this study, however, are 2040 for the Long Range 20-Year Horizon analysis and 2021 for the Short Range 5-Year CIP Horizon analysis.

The proposed CPA for CenterPlace would allow up to 1,555 apartments, 120 other multi-family units and 275 single-family residential units, with an amenity center for the residents. Non-commercial uses include 200,000 square feet of retail, 75,000 square feet of general office, 10,000 sq. ft. of medical office, 20,000 square feet of research and development uses, and a 250-room hotel. Full build-out of CenterPlace is assumed for the Long Range 20-Year Horizon analysis.

For the Short Range 5-Year CIP Horizon analysis, it is estimated that 1,000 apartments, and 200 single family units, as well as 75,000 square feet of retail, 20,000 square feet of general office, and 10,000 square feet of research and development uses will be built and generating traffic by 2021. It is assumed that the other multi-family units and medical office uses would not yet be developed.

The approved uses for CenterPlace under the existing land use and zoning include 1,140 apartments, 810 other multifamily units, 250 hotel rooms, 246,400 square feet of commercial retail space, 100,000 square feet of general office, and 300,000 square feet of research and development uses. A 40-acre parcel was also donated to Florida Gulf Coast University (FGCU) as part of that prior rezoning. Full build-out of these approved uses was assumed to be in place and generating traffic for the long range analysis without the proposed CPA.

Trip Generation

The adopted Lee County MPO 2040 travel model was used to estimate the trip generation for CenterPlace for the Long Range 20-Year Horizon (2040) analysis, both with and without the proposed CPA. A single traffic analysis zone, TAZ 5054, was used to represent CenterPlace. This new zone connects with Alico Road, about one and a half miles east of Ben Hill Griffin Parkway and west of Airport Haul Road. The proposed units and employment at build-out of CenterPlace were used as inputs for this zone in the long range analysis with the CPA and the approved units and employment at build-out of CenterPlace were used as inputs for this zone in the long range analysis without the CPA.

Consistent with Section 3.d in the agreed upon CPA methodology, the trip generation for CenterPlace in the Short Range 5-Year CIP Horizon (2021) wase estimated based on ITE Trip Generation, 9th Edition, using the Online Traffic Impact Study Software (OTISS). The ITE trip generation estimates are provided below in the discussion regarding the Short-Range 5-Year CIP Horizon analysis.

Long Range 20-Year Horizon (2040) Analysis

The adopted Lee County MPO travel model was used to project future 2040 traffic conditions, both with and without the proposed CPA. As explained above, the future road network used for these travel model assignments was the Lee County MPO 2040 Highway Cost Feasible Plan network. Full build-out of CenterPlace is reflected in new TAZ 5054.

As discussed during the methodology meeting, for these model assignments, the MPO 2040 model zonal data were adjusted to reflect two new developments along Alico Road: the Innovation Hub (new TAZ 5055) and WildBlue (new TAZ 5056). The Innovation Hub is reflected in TAZ 5055 as the employment at the planned 50,000 sq. ft. research and development facility. WildBlue is represented in TAZ 5056 with 80% of the approved residential units in that development.

The FSUTMS input and output files for the travel model assignments can be found on DPA's ftp website at this link: ftp://ftpfm.dplummer.com/Public/15568 CenterPlace_CPA. These files will be available for download from the DPA website for approximately two months.

The projected 2040 peak season weekday volumes from the model assignments were adjusted to annual average daily traffic (AADT) using peak season factors from Lee County 2015 permanent count station data and then to peak season, peak hour, directional volumes using Lee County 2015 permanent count station adjustment factors. The volumes were then compared to Lee County Generalized Peak Hour Directional Service Volumes (May 2014) to estimate the projected 2040 levels of service on the road segments.

Exhibit 2 shows future traffic conditions in 2040 without the proposed CPA. This assignment reflects full build-out of the approved uses, including 1,140 apartments, 810 other multifamily units, 250 hotel rooms, 246,400 square feet of commercial retail space, 100,000 square feet of general office, and 300,000 square feet of research and development uses. As shown in Exhibit 2, no road segments within the study area are expected to have level of service issues in 2040 without the proposed CPA.

Exhibit 3 shows future traffic conditions in 2040 with the proposed CPA. This assignment reflects full build-out of the proposed uses, included 1,555 apartments, 120 multi-family units, 275 single-family residential units, 200,000 square feet of retail, 75,000 square feet of general office, 10,000 sq. ft. of medical office, 20,000 square feet of research and development, and a 250-room hotel. As shown in Exhibit 3, no road segments within the study area are expected to have level of service issues in 2040 with the proposed CPA.

Therefore, no modifications to the Lee County MPO 2040 Highway Cost Feasible Plan or Lee Plan Map 3A are needed as a result of the proposed CPA.

It should also be noted that the projected 2040 volumes are slightly higher without the proposed CPA (with the approved uses) than with the proposed CPA (with the proposed uses). In addition, the volume/capacity ratios are the same or slightly higher without the CPA.

Short Range 5-Year CIP (2021) Analysis

Consistent with the agreed upon methodology, the trip generation for the Short Range 5-Year CIP analysis was based on the trip generation rates and equations in the Institute of Transportation Engineers (ITE) Trip Generation, 9th Edition, using the Online Traffic Impact Study Software (OTISS).

The OTISS worksheet for the proposed CPA uses in 2021 is provided as Exhibit 4. These trip generation estimates reflect the proposed 1,000 apartments, 200 single family units, 75,000 square feet of retail, 20,000 square feet of general office, and 10,000 square feet of research and development uses expected to be in place and generating traffic by 2021.

Consistent with Section 3.e of the methodology, adjustments were made to account for internal capture among the various residential and non-residential uses. These adjustments and the resultant net new external trips at CenterPlace in 2021 are also shown in Exhibit 4.

The ITE trip generation rates and equations used for this study are shown in Exhibit 5.

Existing traffic conditions are shown in Exhibit 6 as a basis for the short range projections. Existing AADT volumes were taken from the Lee County 2015 Traffic Count Report. These existing counts were adjusted to derive peak season, peak hour, directional volumes using 2015 Lee County permanent count station adjustment factors. The volumes were then compared to Lee County Link-Specific Peak Hour Directional Service Volumes (May 2014) to estimate the existing level of service on the road segments.

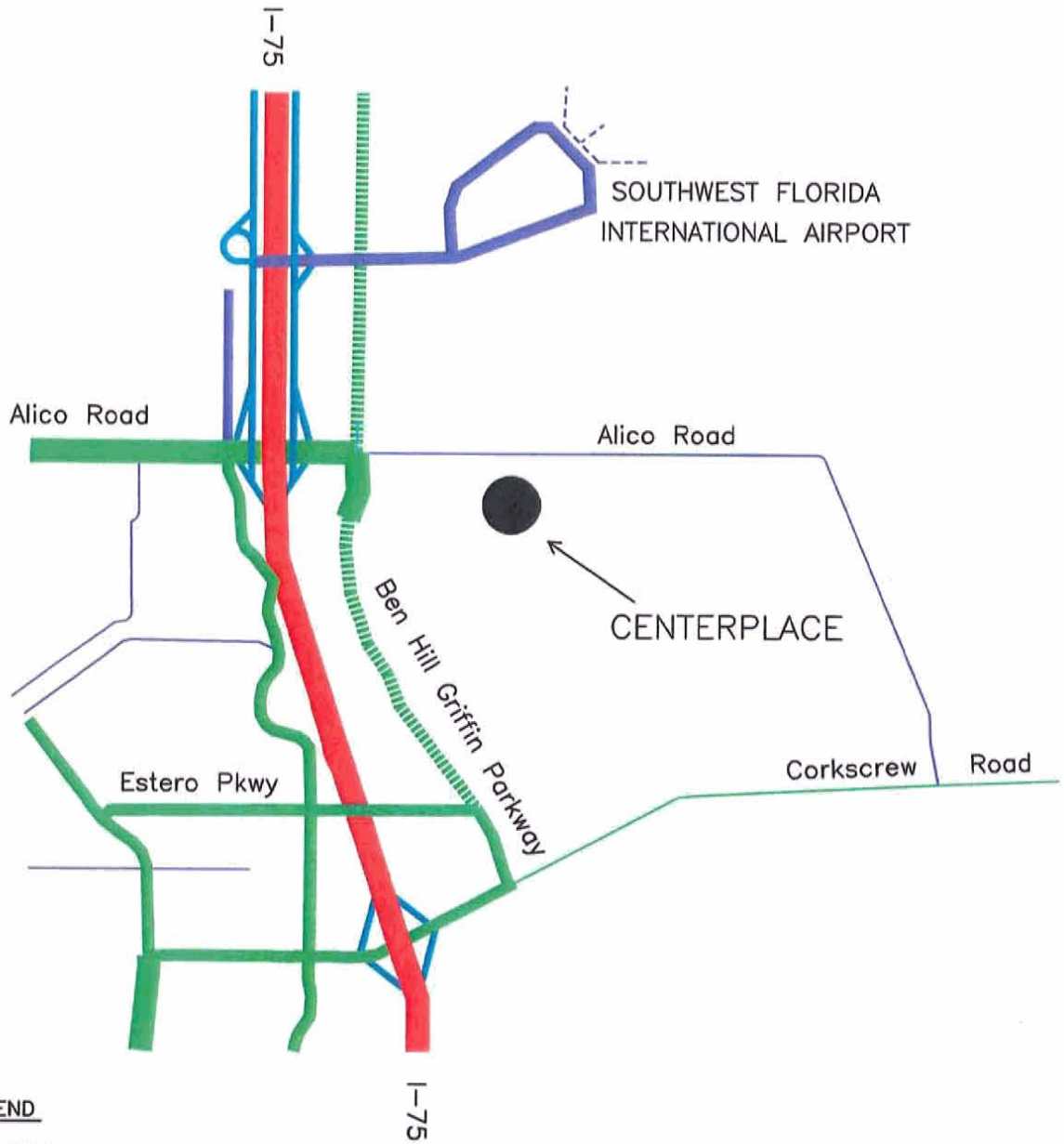
As agreed, historic traffic growth trends were used to project background traffic for the short range analysis. As shown in Appendix B, historic AADT volumes from the Lee County 2015 Traffic Count Report or the Lee County Traffic Count Database System were used to develop growth rates to apply to the latest segment volume counts to estimate 2021 background traffic volumes. The measured growth rates for a number of count stations in the general area were negative. So, a minimum traffic growth rate of 1% per year was used. After reviewing the growth rates in Appendix B, it was decided to use a growth rate of 1% per year for all roads, except for Ben Hill Griffin Parkway south of Alico Road, which has a growth rate of 2% per year.

Consistent with the approved methodology, short range projected volumes from the new WildBlue and Innovation Hub developments were added to the background traffic.

Future 2021 traffic conditions without the proposed CPA (but with the approved uses) are presented in Exhibit 7. No level of service issues are projected in 2021 without the CPA.

Future 2021 traffic conditions with the proposed CPA are presented in Exhibit 8. No level of service issues are projected in 2021 with the CPA.

Therefore, no modifications to the County's five year work program are needed as a result of the proposed CPA.



dpa	CENTERPLACE CPA	LOCATION	15568/02A/0416 1

EXHIBIT 2 (REVISED)

CENTER PLACE CPA, LONG RANGE ANALYSIS

FUTURE (2040) TRAFFIC CONDITIONS WITHOUT CPA

DIRECTIONAL PEAK HOUR (K100), PEAK SEASON

ROADWAY	FROM	TO	(1) # of Lanes	(2) LOS Std	(3) FCS No.	(4) 2040 PSWADT Traffic	(5) PSWADT/ AADT		AADT	(5) K Factor		Two-Way Peak Hour Volume	(5) D100 NE	(5) D100 SW	2040 Directional Peak Hr. Vol. NE	2040 Directional Peak Hr. Vol. SW	(6) Directional Service Volumes LOS "A"	LOS "B"	LOS "C"	LOS "D"	LOS "E"	LOS Std	[12]	V/C NE	V/C SW	LOS NE	LOS SW
ALICO ROAD	GATOR ROAD	THREE OAKS PKWY	6D	E	10	66,791	1.230		54,302	0.100		5,430	0.48	0.52	2,606	2,824	0	400	2,840	2,940	2,940	2,940		0.89	0.96	C	C
	THREE OAKS PKWY	I-75 SB EXIT RAMP	6D	E	10	69,879	1.230		56,812	0.100		5,681	0.48	0.52	2,727	2,954	0	400	2,840	2,940	2,940	2,940	[7]	0.93	1.00	C	F
	I-75 SB EXIT RAMP	I-75 NB EXIT RAMP	6D	E	10	50,751	1.230		41,261	0.100		4,126	0.48	0.52	1,980	2,146	0	400	2,840	2,940	2,940	2,940	[7]	0.67	0.73	C	C
	I-75 NB EXIT RAMP	BEN HILL GRIFFIN PKWY	6D	E	53	34,664	1.363		25,432	0.109		2,772	0.47	0.53	1,303	1,469	0	400	2,840	2,940	2,940	2,940		0.44	0.50	C	C
	BEN HILL GRIFFIN PKWY	CENTER PLACE ENTRANCES	4D	E	53	35,096	1.363		25,749	0.109		2,807	0.47	0.53	1,319	1,488	0	250	1,840	1,960	1,960	1,960		0.67	0.76	C	C
	CENTER PLACE ENTRANCES	AIRPORT HAUL RD	4D	E	53	27,940	1.363		20,499	0.109		2,234	0.47	0.53	1,050	1,184	0	250	1,840	1,960	1,960	1,960		0.54	0.60	C	C
	AIRPORT HAUL RD	WILDBLUE	4D	E	53	29,063	1.363		21,323	0.109		2,324	0.47	0.53	1,092	1,232	0	250	1,840	1,960	1,960	1,960		0.56	0.63	C	C
	WILDBLUE	ALICO EXT	4D	E	53	29,025	1.363		21,295	0.109		2,321	0.47	0.53	1,091	1,230	0	250	1,840	1,960	1,960	1,960		0.56	0.63	C	C
	ALICO EXT	N. MALLARD LN	2	E	61	9,190	1.363		6,742	0.109		735	0.47	0.53	345	390	130	420	850	1,210	1,640	1,640	[8]	0.21	0.24	B	B
I-75	CORKSCREW RD	ALICO RD	6	D	120184	116,522	0.910	[10]	106,035	0.090	[13]	9,543	0.416	0.584	3,970	5,573	0	3,360	4,580	5,500	6,080	5,500		0.72	1.01	C	E
	ALICO RD	DANIELS PKWY	6	D	120055	122,128	0.910	[10]	111,136	0.090	[13]	10,002	0.432	0.568	4,321	5,681	0	4,360	5,580	6,500	7,080	6,500	[11]	0.66	0.87	B	D
THREE OAKS PARKWAY	SAN CARLOS BLVD	ALICO RD	4D	E	25	13,381	1.140		11,738	0.100		1,174	0.59	0.41	693	481	0	250	1,840	1,960	1,960	1,960		0.35	0.25	C	C
	ALICO RD	NORTH	4D	E	25	27,507	1.140		24,129	0.100		2,413	0.59	0.41	1,424	989	0	250	1,840	1,960	1,960	1,960		0.73	0.50	C	C
BEN HILL GRIFFIN PKWY	NORTH OF TERMINAL RD	TERMINAL RD	4D	E	61	25,297	1.240		20,401	0.099		2,020	0.59	0.41	1,192	828	0	270	1,970	2,100	2,100	2,100	[9]	0.57	0.39	C	C
	TERMINAL RD	ALICO ROAD	4D	E	60	18,139	1.543		11,755	0.132		1,552	0.57	0.43	885	667	0	270	1,970	2,100	2,100	2,100	[9]	0.42	0.32	C	C
	ALICO ROAD	COLLEGE CLUB DRIVE	6D	E	60	35,948	1.543		23,297	0.132		3,075	0.57	0.43	1,753	1,322	0	400	2,840	2,940	2,940	2,940		0.60	0.45	C	C
	COLLEGE CLUB DRIVE	FGCU ENTRANCE	4D	E	71	23,331	1.377		16,943	0.122		2,067	0.46	0.54	951	1,116	0	250	1,840	1,960	1,960	1,960		0.49	0.57	C	C

Footnotes:

(1) Lee County MPO 2040 Long Range Transportation Plan Highway Cost Feasible Plan number of lanes.
(2) Roadway LOS standard from The Lee Plan.
(3) Permanent Count Station from Lee County 2015 Traffic Count Report and FDOT station.
(4) PSWDT from 2040 travel model assignment without proposed CPA (current LU designation) on MPO 2040 Cost Feasible Plan road network.
(5) Adjustment factors per Permanent Count Stations in Lee County 2015 Traffic Count Report, except where noted.
(6) Lee County Generalized Peak Hour Service Volumes (April 2016) and FDOT Quality Level of Service Handbook Tables.
(7) 6 lane divided arterial service volume used in the analysis to be responsive to the review comments. However, DPA considers the controlled access facility service volume to be a more appropriate service volume for the segment of Alico Road from Three Oaks Parkway to Ben Hill Griffin Parkway.
(8) Uninterrupted flow service volumes.
(9) Controlled access facility service volumes.
(10) Adjustment factors for State highway based on 2015 Peak Season Factor Category Report.
(11) FDOT Quality Level of Service Handbook Tables with adjustment for "Auxiliary Lane".
(12) LOS standard E except for I-75, which is LOS D.
(13) FDOT KFAC and DFAC from 2015 Historical AADT Report for applicable FDOT count station .

EXHIBIT 3 (REVISED)

CENTER PLACE CPA, LONG RANGE ANALYSIS

FUTURE (2040) TRAFFIC CONDITIONS WITH CPA

DIRECTIONAL PEAK HOUR (K100), PEAK SEASON

ROADWAY	FROM	TO	(1) # of Lanes	(2) LOS Std	(3) PCS No	(4) 2040 PSWADT Traffic	(5) PSWADT/ AADT	AADT	(5) K Factor	(5) Two-Way Peak Hour Volume	(5) D100 NE	(5) D100 SW	2040 Directional Peak Hr. Vol. NE	2040 Directional Peak Hr. Vol. SW	(6) Directional Service Volumes LOS "A"	LOS "B"	LOS "C"	LOS "D"	LOS "E"	LOS Std [12]	V/C NE	V/C SW	LOS NE	LOS SW
ALICO ROAD	GATOR ROAD	THREE OAKS PKWY	6D	E	10	66,460	1.230	54,033	0.100	5,403	0.48	0.52	2,593	2,810	0	400	2,840	2,940	2,940	2,940	0.88	0.96	C	C
	THREE OAKS PKWY	I-75 SB EXIT RAMP	6D	E	10	69,758	1.230	56,714	0.100	5,671	0.48	0.52	2,722	2,949	0	400	2,840	2,940	2,940	2,940 [7]	0.93	1.00	C	F
	I-75 SB EXIT RAMP	I-75 NB EXIT RAMP	6D	E	10	50,399	1.230	40,975	0.100	4,097	0.48	0.52	1,967	2,130	0	400	2,840	2,940	2,940	2,940 [7]	0.67	0.72	C	C
	I-75 NB EXIT RAMP	BEN HILL GRIFFIN PKWY	6D	E	53	34,150	1.363	25,055	0.109	2,731	0.47	0.53	1,284	1,447	0	400	2,840	2,940	2,940	2,940	0.44	0.49	C	C
	BEN HILL GRIFFIN PKWY	CENTER PLACE ENTRANCES	4D	E	53	34,069	1.363	24,996	0.109	2,725	0.47	0.53	1,281	1,444	0	250	1,840	1,960	1,960	1,960	0.65	0.74	C	C
	CENTER PLACE ENTRANCES	AIRPORT HAUL RD	4D	E	53	27,226	1.363	19,975	0.109	2,177	0.47	0.53	1,023	1,154	0	250	1,840	1,960	1,960	1,960	0.52	0.59	C	C
	AIRPORT HAUL RD	WILDBLUE	4D	E	53	28,389	1.363	20,828	0.109	2,270	0.47	0.53	1,067	1,203	0	250	1,840	1,960	1,960	1,960	0.54	0.61	C	C
	WILDBLUE	ALICO EXT	4D	E	53	28,401	1.363	20,837	0.109	2,271	0.47	0.53	1,067	1,204	0	250	1,840	1,960	1,960	1,960	0.54	0.61	C	C
	ALICO EXT	N. MALLARD LN	2	E	61	9,003	1.363	6,605	0.109	720	0.47	0.53	338	382	130	420	850	1,210	1,640	1,640 [8]	0.21	0.23	B	B
I-75	CORKSCREW RD	ALICO RD	6	D	120184	116,649	0.910 [10]	106,151	0.090	9,554	0.416	0.584 [10]	3,974	5,580	0	3,360	4,580	5,500	6,080	5,580	0.72	1.01	C	E
	ALICO RD	DANIELS PKWY	6	D	120055	122,549	0.910 [10]	111,520	0.090	10,037	0.432	0.568 [10]	4,336	5,701	0	4,360	5,580	6,500	7,080	6,500 [11]	0.67	0.88	B	D
THREE OAKS PARKWAY	SAN CARLOS BLVD	ALICO RD	4D	E	25	13,613	1.140	11,941	0.100	1,194	0.59	0.41	704	490	0	250	1,840	1,960	1,960	1,960	0.36	0.25	C	C
	ALICO RD	NORTH	4D	E	25	27,458	1.140	24,086	0.100	2,409	0.59	0.41	1,421	988	0	250	1,840	1,960	1,960	1,960	0.73	0.50	C	C
BEN HILL GRIFFIN PKWY	NORTH OF TERMINAL RD	TERMINAL RD	4D	E	61	25,199	1.240	20,322	0.099	2,012	0.59	0.41	1,187	825	0	250	1,840	1,960	1,960	1,960 [9]	0.61	0.42	C	C
	TERMINAL RD	ALICO ROAD	4D	E	60	17,585	1.543	11,397	0.132	1,504	0.57	0.43	857	647	0	250	1,840	1,960	1,960	1,960 [9]	0.44	0.33	C	C
	ALICO ROAD	COLLEGE CLUB DRIVE	6D	E	60	35,855	1.543	23,237	0.132	3,067	0.57	0.43	1,746	1,319	0	400	2,840	2,940	2,940	2,940	0.59	0.45	C	C
	COLLEGE CLUB DRIVE	FGCU ENTRANCE	4D	E	71	23,198	1.377	16,847	0.122	2,055	0.46	0.54	945	1,110	0	250	1,840	1,960	1,960	1,960	0.48	0.57	C	C

Footnotes:

(1) Lee County MPO 2040 Long Range Transportation Plan Highway Cost Feasible Plan number of lanes.
(2) Roadway LOS standard from The Lee Plan.
(3) Permanent Count Station from Lee County 2015 Traffic Count Report and FDOT station.
(4) PSWDT from 2040 travel model assignment with proposed CPA on MPO 2040 Cost Feasible Plan road network.
(5) Adjustment factors per Permanent Count Stations in Lee County 2015 Traffic Count Report, except where noted.
(6) Lee County Generalized Peak Hour Service Volumes (April 2016) and FDOT Quality Level of Service Handbook Tables.
(7) 6 lane divided arterial service volume used in the analysis to be responsive to the review comments. However, DPA considers the controlled access facility service volume to be more appropriate for the segment of Alico Road from Three Oaks Parkway to Ben Hill Griffin Parkway.
(8) Uninterrupted flow service volumes.
(9) Controlled access facility service volumes.
(10) Adjustment factors for State highway based on 2015 Peak Season Factor Category Report.
(11) FDOT Quality Level of Service Handbook Tables with adjustment for "Auxiliary Lane".
(12) LOS standard E except for I-75, which is LOS D.
(13) FDOT KFAC and DFAC from 2015 Historical AADT Report for applicable FDOT count station .

EXHIBIT 4

CENTERPLACE CPA, SHORT-TERM ANALYSIS
ITE/OTISS TRIP GENERATION ESTIMATES

Project Information	
Project Name:	CenterPlace CPA - 5 Year Analysis
No:	15568
Date:	4/19/2016
City:	
State/Province:	
Zip/Postal Code:	
Country:	
Client Name:	
Analyst's Name:	JP
Edition:	ITE-TGM 9th Edition

Land Use	Size	Weekday		AM Peak Hour		PM Peak Hour	
		Entry	Exit	Entry	Exit	Entry	Exit
220 - Apartment	1000 Dwelling Units	3092	3092	99	395	369	199
Reduction		0	0	0	0	0	0
Internal		0	0	2	5	69	34
Pass-by		0	0	0	0	0	0
Non-pass-by		3092	3092	97	390	300	165
230 - Residential Condominium/Townhouse - 1	0 Dwelling Units	0	0	0	0	0	0
Reduction		0	0	0	0	0	0
Internal		0	0	0	0	0	0
Pass-by		0	0	0	0	0	0
Non-pass-by		0	0	0	0	0	0
310 - Hotel	0 Employees	0	0	0	0	0	0
Reduction		0	0	0	0	0	0
Internal		0	0	0	0	0	0
Pass-by		0	0	0	0	0	0
Non-pass-by		0	0	0	0	0	0
820 - Shopping Center	75 1000 Sq. Feet Gross Leasable Area	2817	2816	81	50	237	257
Reduction		0	0	0	0	0	0
Internal		0	0	8	6	68	130
Pass-by		563	564	9	6	12	9
Non-pass-by		2254	2252	64	38	157	118
710 - General Office Building	20 1000 Sq. Feet Gross Floor Area	193	193	47	6	17	84
Reduction		0	0	0	0	0	0
Internal		0	0	4	2	16	21
Pass-by		0	0	0	0	0	0
Non-pass-by		193	193	43	4	1	63
760 - Research and Development Center	10 1000 Sq. Feet Gross Floor Area	75	74	15	3	3	17
Reduction		0	0	0	0	0	0
Internal		0	0	1	1	5	3
Pass-by		0	0	0	0	0	0
Non-pass-by		75	74	14	2	-2	14
210 - Single-Family Detached Housing	200 Dwelling Units	994	993	38	112	123	73
Reduction		0	0	0	0	0	0
Internal		0	0	1	2	59	29
Pass-by		0	0	0	0	0	0
Non-pass-by		994	993	37	110	64	44
720 - Medical-Dental Office Building	0 1000 Sq. Feet Gross Floor Area	0	0	0	0	0	0
Reduction		0	0	0	0	0	0
Internal		0	0	0	0	0	0
Pass-by		0	0	0	0	0	0
Non-pass-by		0	0	0	0	0	0
Total		7171	7168	280	566	749	630
Total Reduction		0	0	0	0	0	0
Total Internal		0	0	16	16	217	217
Total Pass-by		563	564	9	6	12	9
Total Non-pass-by		6608	6604	255	544	520	404

EXHIBIT 5

CENTERPLACE CPA
ITE/OTISS TRIP GENERATION EQUATIONS

Land Use	Time Period	Variable	Equation*
210 - Single Family	**Weekday**	Dwelling Units	Ln(T) = 0.92Ln(X) + 2.72
	AM Peak Hr	Dwelling Units	T = 0.7(X) + 9.74
	PM Peak Hr	Dwelling Units	Ln(T) = 0.9Ln(X) + 0.51
220 – Apartment	**Weekday**	Dwelling Units	T = 6.06(X) + 123.56
	AM Peak Hr	Dwelling Units	T = 0.49(X) + 3.73
	PM Peak Hr	Dwelling Units	T = 0.55(X) + 17.65
230 – Residential Condominium/Townhouse (Multi-Family)	**Weekday**	Dwelling Units	Ln(T) = 0.87Ln(X) + 2.46
	AM Peak Hr	Dwelling Units	Ln(T) = 0.8Ln(X) + 0.26
	PM Peak Hr	Dwelling Units	Ln(T) = 0.82Ln(X) + 0.32

*-Source: ITE 9th Edition by OTISS.

Land Use	Time Period	Variable	Equation*
310 – Hotel	**Weekday**	Rooms	T = 8.95(X) - 373.16
	AM Peak Hr	Rooms	T = 0.53(X)
	PM Peak Hr	Rooms	T = 0.6(X)

*-Source: ITE 9th Edition by OTISS.

Land Use	Time Period	Variable	Equation*
710 – General Office	**Weekday**	1000 Sq. Ft GFA	Ln(T) = 0.76Ln(X) + 3.68
	AM Peak Hr	1000 Sq. Ft GFA	Ln(T) = 0.8Ln(X) + 1.57
	PM Peak Hr	1000 Sq. Ft GFA	T = 1.12(X) + 78.45
720 – Medical/Dental Office	**Weekday**	1000 Sq. Ft GFA	T = 40.89(X) - 214.97
	AM Peak Hr	1000 Sq. Ft GFA	T = 2.39(X)
	PM Peak Hr	1000 Sq. Ft GFA	Ln(T) = 0.9Ln(X) + 1.53
760 – Research & Development Center	**Weekday**	1000 Sq. Ft GFA	Ln(T) = 0.83Ln(X) + 3.09
	AM Peak Hr	1000 Sq. Ft GFA	Ln(T) = 0.87Ln(X) + 0.86
	PM Peak Hr	1000 Sq. Ft GFA	Ln(T) = 0.83Ln(X) + 1.06
820 – Shopping Center	**Weekday**	1000 Sq. Ft GLA	Ln(T) = 0.65Ln(X) + 5.83
	AM Peak Hr	1000 Sq. Ft GLA	Ln(T) = 0.61Ln(X) + 2.24
	PM Peak Hr	1000 Sq. Ft GLA	Ln(T) = 0.67Ln(X) + 3.31

*-Source: ITE 9th Edition by OTISS.

EXHIBIT 6 (REVISED)

CENTERPLACE CPA. SHORT RANGE ANALYSIS

EXISTING (2015) TRAFFIC CONDITIONS

DIRECTIONAL PEAK HOUR (K100), PEAK SEASON

ROADWAY	FROM	TO	(1) # of Lanes	(2) LOS Std	(3) PCS #	Count Year	(4) Existing AADT	(5) K Factor	Two-Way Peak Hr. Volume	(5) D100 NE	(5) D100 SW	Existing Directional Peak Hr. Vol. NE	Existing Directional Peak Hr. Vol. SW	(6) Directional Service Volumes LOS A	LOS B	LOS C	LOS D	LOS E	LOS Std [10]	V/C NE	V/C SW	LOS NE	LOS SW
ALICO ROAD	GATOR ROAD	THREE OAKS PKWY	6D	E	10	2010	22,700	0.100	2,270	0.48	0.52	1,090	1,180	0	2,960	2,960	2,960	2,960	2,960	0.37	0.40	B	B
	THREE OAKS PKWY	I-75	6D	E	10	2015	41,000	0.100	4,100	0.48	0.52	1,968	2,132	0	2,960	2,960	2,960	2,960	2,960 [7]	0.66	0.72	B	B
	I-75	BEN HILL GRIFFIN PKWY	6D	E	53	2015	25,600	0.109	2,790	0.47	0.53	1,311	1,479	0	2,960	2,960	2,960	2,960	2,960	0.44	0.50	B	B
	BEN HILL GRIFFIN PKWY	CENTERPLACE ENTRANCES	2	E	53	2014	7,500	0.109	818	0.47	0.53	384	434	70	280	540	750	1,100	1,100	0.35	0.39	C	C
	CENTERPLACE ENTRANCES	AIRPORT HAUL RD	2	E	53	2014	7,500	0.109	818	0.47	0.53	384	434	70	280	540	750	1,100	1,100	0.35	0.39	C	C
	AIRPORT HAUL RD	WILDBLUE	2	E	53	2014	1,500	0.109	164	0.47	0.53	77	87	70	280	540	750	1,100	1,100	0.07	0.08	B	B
	WILDBLUE	GREEN MEADOW RD	2	E	53	2010	1,500	0.109	164	0.47	0.53	77	87	70	280	540	750	1,100	1,100	0.07	0.08	B	B
	GREEN MEADOW RD	N. MALLARD LN	2	E	53	2010	1,500	0.109	164	0.47	0.53	77	87	70	280	540	750	1,100	1,100	0.07	0.08	B	B
I-75	CORKSCREW RD	ALICO RD	6	D	120055	2015	93,000	0.090 [11]	8,370	0.432	0.568 [11]	3,616	4,754	0	3,360	4,580	5,500	6,080	5,500	0.66	0.86	C	D
	ALICO RD	DANIELS PKWY	6	D	120184	2015	89,417	0.090 [11]	8,048	0.416	0.584 [11]	3,348	4,700	0	4,360	5,580	6,500	7,080	6,500 [7]	0.52	0.72	B	C
BEN HILL GRFFIN PKWY / TREELINE AVE	NORTH OF TERMINAL RD	TERMINAL RD	4D	E	61	2015	23,800	0.099	2,356	0.59	0.41	1,390	966	1,530	2,980	2,980	2,980	2,980	2,980 [9]	0.47	0.32	A	A
	TERMINAL RD	ALICO RD	4D	E	60	2015	21,100	0.132	2,785	0.57	0.43	1,587	1,198	1,530	2,980	2,980	2,980	2,980	2,980 [9]	0.53	0.40	B	A
	ALICO RD	COLLEGE CLUB DR	6D	E	60	2015	22,900	0.132	3,023	0.57	0.43	1,723	1,300	1,450	3,000	3,000	3,000	3,000	3,000	0.57	0.43	B	A
	COLLEGE CLUB DR	FGCU ENTRANCE	4D	E	71	2015	19,400	0.122	2,367	0.46	0.54	1,089	1,278	940	2,000	2,000	2,000	2,000	2,000	0.54	0.64	B	B
THREE OAKS PARKWAY	SAN CARLOS BLVD	ALICO RD	4D	E	25	2015	12,300	0.093	1,144	0.53	0.47	606	538	650	1,940	1,940	1,940	1,940	1,940	0.31	0.28	A	A
	ALICO RD	NORTH																					

Footnotes:

(1) Existing Number of Lanes
(2) Roadway LOS standard from The Lee Plan.
(3) Permanent Count Station from Lee County 2015 Traffic Count Report and FDOT count stations
(4) Most current AADT volume from Lee County 2015 Traffic Count Report and FDOT count stations as noted.
(5) Adjustment factors from appropriate Permanent Count Station data in Lee County 2015 Traffic Count Report, except as noted.
(6) Lee County Link-Specific Peak Hour Service Volumes (June 2016) and FDOT Quality Level of Service Handbook Tables.
(7) 6 lane divided arterial service volume used in the analysis to be responsive to the review comments. However, DPA considers the controlled access facility service volume to be a more appropriate service volume for the segment of Alico Road from Three Oaks Parkway to Ben Hill Griffin Parkway.
(8) FDOT Quality Level of Service Handbook Tables with adjustment for "Auxiliary Lane".
(9) Controlled access facility service volumes.
(10) LOS standard E except for I-75, which is LOS D.
(11) FDOT KFAC and DFAC from 2015 Historical AADT Report for applicable FDOT count station .

EXHIBIT 7

CENTERPLACE CPA, SHORT RANGE ANALYSIS

FUTURE (2021) TRAFFIC CONDITIONS WITHOUT PROJECT (WITH APPROVED USES)

DIRECTIONAL PEAK HOUR (K100), PEAK SEASON

ROADWAY	FROM	TO	(1) # of Lanes	(2) LOS Std	(3) 2021 Background Directional Peak Hr. Vol. NE	(3) 2021 Background Directional Peak Hr. Vol. SW	(4) WildBlue Directional Peak Hr. Vol. NE	(4) WildBlue Directional Peak Hr. Vol. SW	(5) InnovationHub Directional Peak Hr. Vol. NE	(5) InnovationHub Directional Peak Hr. Vol. SW	Revised 2021 Background Directional Peak Hr. Vol. NE	Revised 2021 Background Directional Peak Hr. Vol. SW	(6) Approved CPA Directional Pk. Hr. Volume %	(6) Approved CPA Directional Pk. Hr. Volume NE	(6) Approved CPA Directional Pk. Hr. Volume SW	(7) Total 2021 Directional Pk. Hr. Volume NE	(7) Total 2021 Directional Pk. Hr. Volume SW	(8) Directional Service Volumes LOS A	LOS B	LOS C	LOS D	STD LOS E		V/C NE	V/C SW	LOS NE	LOS SW
ALICO ROAD	GATOR RD	THREE OAKS PKWY	6D	E	1,210	1,310	13	15	1	12	1,224	1,337	19.7%	91	96	1,315	1,433	0	2,860	2,920	2,920	2,920		0.45	0.49	B	B
	THREE OAKS PKWY	I-75	6D	E	2,086	2,260	15	17	1	13	2,102	2,290	28.6%	133	140	2,235	2,430	0	2,860	2,920	2,920	2,920		0.77	0.83	B	B
	I-75	BEN HILL GRIFFIN PKWY	6D	E	1,390	1,568	23	25	2	17	1,415	1,610	53.6%	249	262	1,663	1,872	0	2,860	2,920	2,920	2,920		0.57	0.64	B	B
	BEN HILL GRIFFIN PKWY	CENTERPLACE ENTRANCES	4D	E	411	464	41	45	3	22	455	531	91.3%	424	446	879	978	240	1,930	1,960	1,960	1,960		0.45	0.50	B	B
	CENTERPLACE ENTRANCES	AIRPORT HAUL RD	4D	E	411	464	41	45	3	22	455	531	2.1%	10	10	465	541	240	1,930	1,960	1,960	1,960		0.24	0.28	B	B
	AIRPORT HAUL RD	WILDBLUE	2	E	85	97	41	45	1	1	127	143	2.1%	10	10	138	152	60	260	520	760	1,100		0.13	0.14	B	B
	WILDBLUE	GREEN MEADOW RD	2	E	85	97	2	2	1	1	88	100	2.1%	10	10	99	109	60	260	520	760	1,100		0.09	0.10	B	B
	GREEN MEADOW RD	N. MALLARD LN	2	E	85	97	2	2	1	1	88	100	1.4%	7	6	95	106	60	260	520	760	1,100		0.09	0.10	B	B
BEN HILL GRFFIN PKWY	NORTH OF TERMINAL RD	TERMINAL RD	4D	E	1,557	1,082	10	8	0	0	1,567	1,090	14.0%	68	65	1,635	1,155	1,260	1,960	1,960	1,960	1,960	(9)	0.83	0.59	B	A
/ TREELINE AVE	TERMINAL RD	ALICO RD	4D	E	1,777	1,342	13	10	1	1	1,791	1,353	14.0%	68	65	1,860	1,418	1,260	1,960	1,960	1,960	1,960	(9)	0.95	0.72	B	B
	ALICO RD	COLLEGE CLUB DR	6D	E	1,930	1,456	13	10	1	4	1,944	1,470	23.0%	107	112	2,050	1,582	370	2,960	2,960	2,960	2,960		0.69	0.53	B	B
	COLLEGE CLUB DR	FGCU ENTRANCE	4D	E	1,220	1,431	8	6	1	3	1,229	1,440	14.1%	65	69	1,294	1,509	240	1,930	1,960	1,960	1,960		0.66	0.77	B	B

ITE Trip Gen - Net New PM

Enter	464
Exit	489
Total	953

Footnotes:

(1) Existing plus Committed Number of Lanes (E+C).
(2) Roadway LOS standard from The Lee Plan.
(3) Existing volume + 1% per year all roads, except for Ben Hill Griffin Parkway south of Alico Rd, which is existing volume + 2% per year.
(4) WildBlue peak hour traffic volumes derived from Exhibit 7 of WildBlue CPA Traffic Study dated March 11, 2014.
(5) InnovationHub peak hour traffic volumes estimated by DPA assuming half of approved floor area in place by 2021.
(6) Percentage trip distribution from Exhibit 9 (Revised) titled "Future (2019) Traffic Conditions with Project" in report titled CenterPlace Rezoning Traffic Study dated March 17, 2014.
(7) ITE estimate of entering and exiting trips assigned to E+C road network based on trip distribution percentages.
(8) Lee County Link-Specific Peak Hour Service Volumes (May 2014).
(9) Controlled access facility.

EXHIBIT 8

CENTERPLACE CPA. SHORT RANGE ANALYSIS

FUTURE (2021) TRAFFIC CONDITIONS WITH PROJECT (WITH PROPOSED USES)
DIRECTIONAL PEAK HOUR (K100), PEAK SEASON

ROADWAY	FROM	TO	(1) # of Lanes	(2) LOS Std	(3) Revised 2021 Background Directional Peak Hr. Vol. NE	(3) SW	(4) Proposed CPA Directional Pk. Hr. Volume %	(5) NE	(5) SW	Total 2021 Directional Pk. Hr. Volume NE	SW	(6) Directional Service Volumes LOS A	LOS B	LOS C	LOS D	STD LOS E		V/C NE	V/C SW	LOS NE	LOS SW
ALICO ROAD	GATOR RD	THREE OAKS PKWY	6D	E	1,224	1,337	19.7%	102	80	1,326	1,416	0	2,860	2,920	2,920	2,920		0.45	0.49	B	B
	THREE OAKS PKWY	I-75	6D	E	2,102	2,290	28.6%	149	116	2,251	2,405	0	2,860	2,920	2,920	2,920		0.77	0.82	B	B
	I-75	BEN HILL GRIFFIN PKWY	6D	E	1,415	1,610	53.6%	279	217	1,693	1,826	0	2,860	2,920	2,920	2,920		0.58	0.63	B	B
	BEN HILL GRIFFIN PKWY	CENTERPLACE ENTRANCES	4D	E	455	531	91.3%	475	369	930	900	240	1,930	1,960	1,960	1,960		0.47	0.46	B	B
	CENTERPLACE ENTRANCES	AIRPORT HAUL RD	4D	E	455	531	2.1%	8	11	463	542	240	1,930	1,960	1,960	1,960		0.24	0.28	B	B
	AIRPORT HAUL RD	WILDBLUE	2	E	127	143	2.1%	8	11	136	153	60	260	520	760	1,100		0.12	0.14	B	B
	WILDBLUE	GREEN MEADOW RD	2	E	88	100	2.1%	8	11	97	110	60	260	520	760	1,100		0.09	0.10	B	B
	GREEN MEADOW RD	N. MALLARD LN	2	E	88	100	1.4%	5	7	94	107	60	260	520	760	1,100		0.09	0.10	B	B
BEN HILL GRFFIN PKWY	NORTH OF TERMINAL RD	TERMINAL RD	4D	E	1,567	1,090	14.0%	57	73	1,623	1,163	1,260	1,960	1,960	1,960	1,960	(7)	0.83	0.59	B	A
/ TREELINE AVE	TERMINAL RD	ALICO RD	4D	E	1,791	1,353	14.0%	57	73	1,848	1,426	1,260	1,960	1,960	1,960	1,960	(7)	0.94	0.73	B	B
	ALICO RD	COLLEGE CLUB DR	6D	E	1,944	1,470	23.0%	120	93	2,063	1,563	370	2,960	2,960	2,960	2,960		0.70	0.53	B	B
	COLLEGE CLUB DR	FGCU ENTRANCE	4D	E	1,229	1,440	14.1%	73	57	1,302	1,497	240	1,930	1,960	1,960	1,960		0.66	0.76	B	B

ITE Trip Gen - Net New

Enter	520
Exit	404
Total	924

Footnotes:

(1) Existing plus Committed Number of Lanes (E+C).
(2) Roadway LOS standard from The Lee Plan.
(3) Carried forward from Without Project exhibit.
(4) Percentage trip distribution from Exhibit 9 (Revised) titled "Future (2019) Traffic Conditions with Project" in report titled CenterPlace Rezoning Traffic Study dated March 17, 2014.
(5) ITE estimate of entering and exiting trips assigned to E+C road network based on trip distribution percentages.
(6) Lee County Link-Specific Peak Hour Service Volumes (May 2014).
(7) Controlled access facility.

APPENDIX A

METHODOLOGY OUTLINE

CENTERPLACE COMPREHENSIVE PLAN AMENDMENT

TRANSPORTATION METHODOLOGY OUTLINE

Project No. 15568

March 7, 2016

Prepared by:
DAVID PLUMMER & ASSOCIATES, INC.
2149 McGregor Boulevard
Fort Myers, Florida 33901

CENTERPLACE COMPREHENSIVE PLAN AMENDMENT
TRANSPORTATION METHODOLOGY OUTLINE

Introduction

CenterPlace is a planned, mixed use development located on the south side of Alico Road and east of Ben Hill Griffin Parkway, as shown in Exhibit 1. The property, rezoned under Resolution No. Z-14-021, is approved for 1,950 residential units, 250 hotel rooms, 246,400 square feet of commercial retail space, 100,000 square feet of general office, and 300,000 square feet of Research and Development uses. A 40-acre parcel was donated to Florida Gulf Coast University (FGCU) as part of that rezoning.

Under the revised development scenario, a reduction in total non-residential square footage is being proposed, in conjunction with an adjustment to the residential unit types, including the addition of single family units.

CenterPlace is anticipated to build out in 2028. However, for Comprehensive Plan Amendment (CPA) purposes, the long-range horizon year for this study is the year 2040, consistent with the Lee County MPO's recently-adopted 2040 Highway Cost Feasible Plan.

This traffic study will be prepared in support of the CPA application for CenterPlace, and will be prepared consistent with Lee County's Application for a Comprehensive Plan Amendment.

Methodology Meeting

A transportation methodology meeting will be held with the Lee County, inclusive of the Department of Community Development and Department of Transportation Staff.

The transportation methodology outline will be distributed prior to the meeting and reviewed during the meeting. The methodology outline will be subsequently updated, as needed, based on the discussion during the methodology meeting.

Methodology

The methodology for the CPA traffic study is summarized below.

1. According to Lee County's Application for a CPA, the study area should include projected roadway conditions within a 3-mile radius of the site. Therefore, the study area will extend west along Alico Road to approximately Gator Road, east along Alico Road to N. Mallard Lane, north along Treeline Avenue to north of Terminal Access Road, and south along Ben Hill Griffin Parkway to FGCU Boulevard.

2. For the required Long Range 20-Year Horizon analysis, peak hour, peak season (K_{100}), directional roadway segment analysis will be provided for the year 2040, based on Lee County travel model assignments, both with and without the CPA.

    a. The adopted Lee County MPO 2040 Highway Cost Feasible Plan travel model, zonal data and road network will be used to project total traffic for future 2040 traffic conditions, both without and with the CPA. The travel model and zonal data will be checked and adjusted, if appropriate, to reflect the recently-approved WildBlue project and other approved developments along Alico Road, including the Innovation Hub (IHub) development.
    b. The trip generation for the 2040 CPA analysis will be established through the adopted Lee County travel model.
    c. For future 2040 traffic conditions without the CPA, the existing approved development program, which is allowed on the property under the current land use designation, will be input into the model zonal data files, using appropriate land use adjustment factors. The approved development program is presented in Exhibit 2.
    d. For future 2040 traffic conditions with the CPA, the proposed residential and non-residential development program, as shown in Exhibit 3 will replace the approved parameters and will be input into the model zonal data files, using appropriate land use adjustment factors.
    e. Total volumes on a road segment will be taken from the nearest link to the CPA to insure that the highest CPA volume is used.
    f. The roadway adjustment factors, service volumes and LOS standards used to estimate levels of service in 2040 will be as described in Section 4 below.
    g. Projected 2040 traffic volumes and levels of service without and with the CPA will be compared.

3. For the Short Range 5-Year CIP Horizon analysis, peak hour, peak season (K_{100}), directional roadway segment analysis will be provided for the year 2021, both with and without the CPA. Background traffic will be based on recent traffic counts and growth trends. CPA traffic will be distributed and assigned on a percentage basis by the Lee County travel model.

    a. The traffic counts reported in the most recent Lee County Traffic Count Report available at the time that the analysis is done will be used to establish base year traffic volumes.
        - The traffic counts reported in the most recent Traffic Count Report will be supplemented, as needed, by AADT traffic counts reported online on the Lee County Traffic Count Database System (TCDS).
    b. Background traffic will be projected to the year 2021 based on recent traffic counts reported in the most recent Lee County Traffic Count Report and historic traffic growth trends developed primarily from the 2005-2015 traffic counts reported in the Traffic Count Report.
        - A minimum annual growth rate of 1% per year will be assumed.

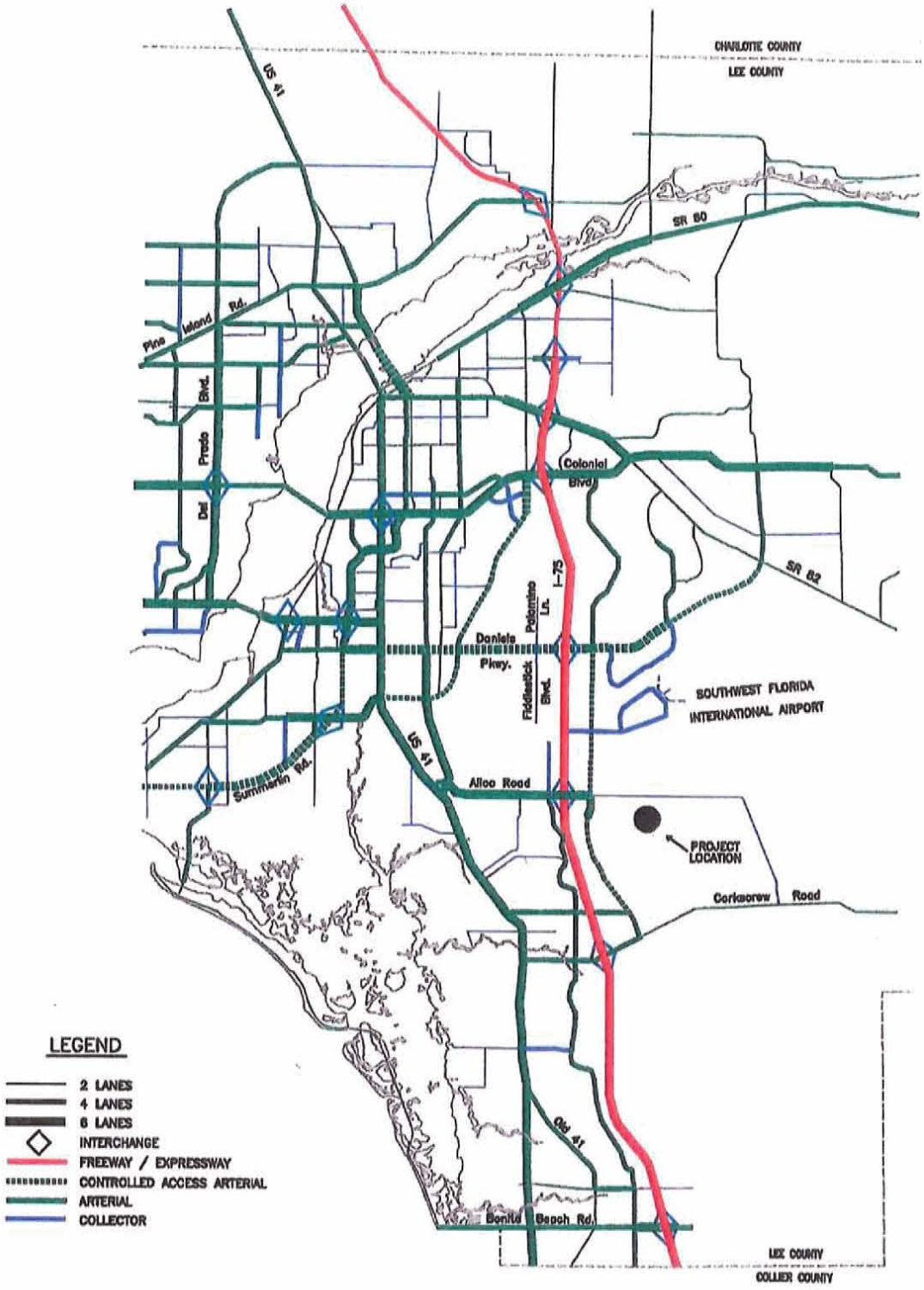
- Adjustments will be made to reflect WildBlue and IHub.

c. The MPO travel model will be used to distribute and assign CPA traffic to road segments.
d. ITE Trip Generation, 9th Edition, will be used to estimate the trip generation associated with the five-year level of development. CPA trip generation will be limited to those parameters expected to be built, occupied and generating traffic by the year 2021. The Short Range development program is presented in Exhibit 3.
e. Appropriate adjustments will be made for internal capture using the NCHRP Report 684/8-51 Internal Trip Capture Estimation Tool.
f. The following recently completed or scheduled road improvements will be included in the E+C network:
    - I-75 Airport Direct Connect
    - Alico Road widening (4LD) from Ben Hill Griffin Parkway to Airport Haul Road (CST FY 17/18)
g. The CPA traffic on each road segment will be added to the background traffic projected using growth trends to estimate total PM peak hour, directional traffic with the CPA in 2021.
h. The roadway adjustment factors, service volumes and LOS standards used to estimate levels of service will be as described in Section 4 below.
i. Projected 2021 traffic volumes and levels of service without and with the CPA will be compared.

4. Levels of service (LOS) on the study area road segments will be estimated for peak season, peak hour (K_{100}), peak direction, using the following adjustment factors, service volumes and LOS standards.

    a. The LOS standards in the The Lee Plan will be used.
    b. Current Lee County K, D and peak season factors for applicable Permanent Count Stations will be used to estimate background road segment peak hour traffic volumes on all roads.
    c. Lee County generalized service volumes (Sept. 2013) will be used for all roads for the Long Range 20-Year Horizon (2040) analysis.
    d. Lee County link-specific service volumes (May 2014) will be used for all roads for the Short Range 5-Year CIP Horizon analysis.

5. The CPA traffic study findings and conclusions, plus supporting documentation, will be submitted to Lee County, along with the corresponding FSUTMS travel model input/output files, for review. The CPA traffic study will, of course, be subject to review and acceptance by Lee County.



dpe	CENTERPLACE COMPREHENSIVE PLAN AMENDMENT	LOCATION	15568/01A/0316 1

Exhibit 2
Approved Development Program

Land Use	Approved
Residential	
Apartment	1,140
Multi-Family (Coach Homes)	320
"Town Center" Multi-Family	490
Total:	1,950
Hotel	250
Non-Residential	
Retail	246,400
Office	100,000
R&D	300,000
Total:	646,400

Exhibit 3
Proposed Development Program

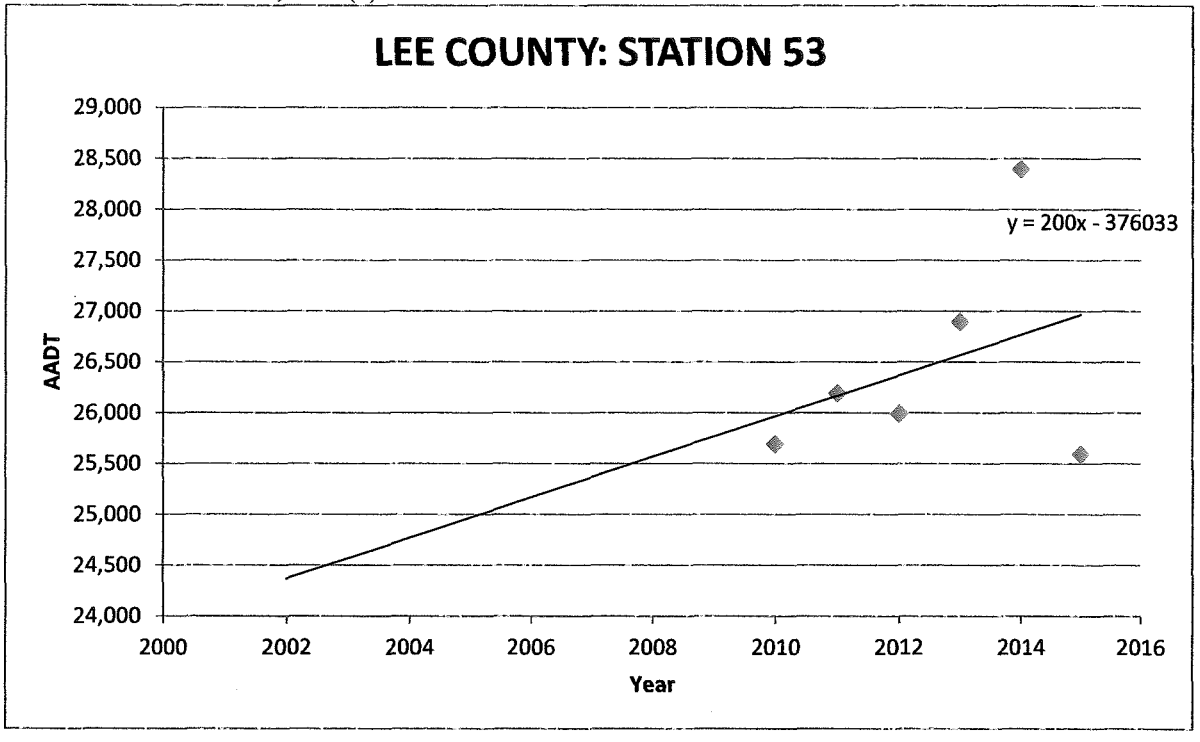
Land Use	5 Year	Buildout
Residential		
Apartment	1,000	1,555
Multi-Family (Coach Homes)	0	120
Single Family	200	275
Total:	1,200	1,950
Hotel	0	250
Non-Residential		
Retail	75,000	200,000
Office	20,000	75,000
R&D	10,000	20,000
Medical Office	0	10,000
Total:	105,000	305,000

APPENDIX B

TRAFFIC GROWTH TREND GRAPHS

ALICO ROAD
LEE COUNTY: STATION 53
ALICO ROAD EAST OF I-75

Year	AADT	Equation		Growth
2002		y_1	x_1	0.82% per year
2003		24,367	2002	
2004				
2005		y_2	x_2	
2006		26,967	2015	
2007				
2008				
2009				
2010	25,700 (1)			
2011	26,200 (1)			
2012	26,000 (1)			
2013	26,900 (1)			
2014	28,400 (1)			
2015	25,600 (1)			

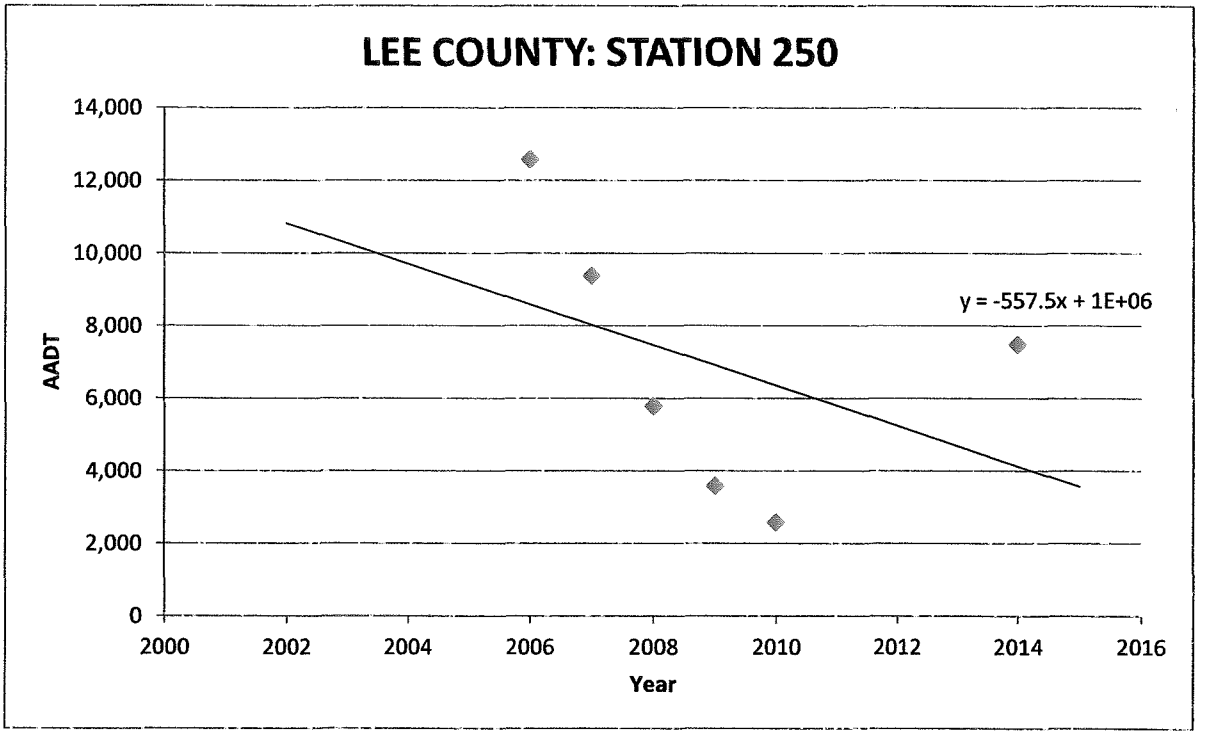


Footnotes:

(1) Historical AADT for Station 53 reported in Lee County 2015 Traffic Count Report: http://www.leegov.com/dot/traffic/trafficcountreports

ALICO ROAD
LEE COUNTY: STATION 205
ALICO ROAD EAST OF BEN HILL GRIFFIN PARKWAY

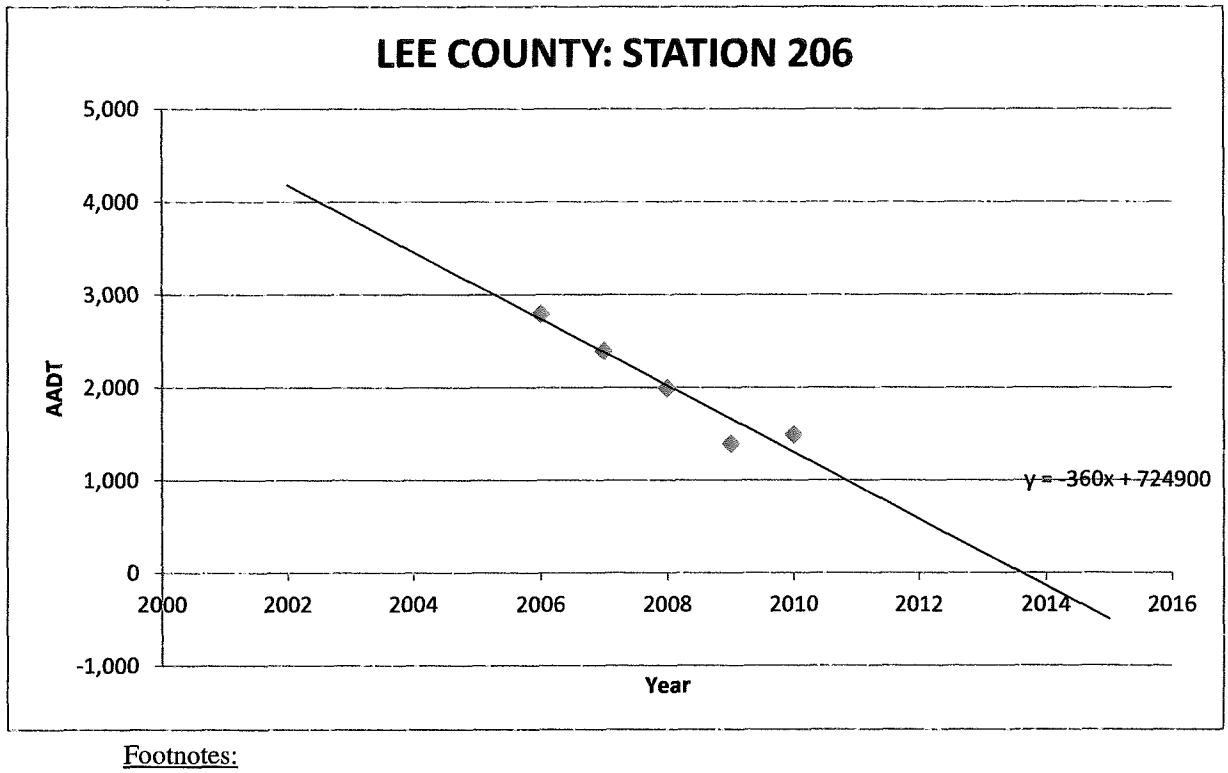
Year	AADT		Equation			Growth
2002			y1	x1		-5.15% per year
2003			10,819		2002	
2004						
2005			y2	x2		
2006	12,600	(1)	3,572		2015	
2007	9,400	(1)				
2008	5,800	(1)				
2009	3,600	(1)				
2010	2,600	(1)				
2011						
2012						
2013						
2014	7,500	(1)				
2015						



Footnotes:
(1) Historical AADT for Station 205 reported in Lee County 2015 Traffic Count Report: http://www.leegov.com/dot/traffic/trafficcountreports

ALICO ROAD
LEE COUNTY: STATION 206
ALICO ROAD NORTH OF CORKSCREW ROAD

Year	AADT		Equation			Growth
2002			y1	x1		-8.61% per year
2003			4,180	2002		
2004						
2005			y2	x2		
2006	2,800	(1)	-500	2015		
2007	2,400	(1)				
2008	2,000	(1)				
2009	1,400	(1)				
2010	1,500	(1)				
2011						
2012						
2013						
2014						
2015						

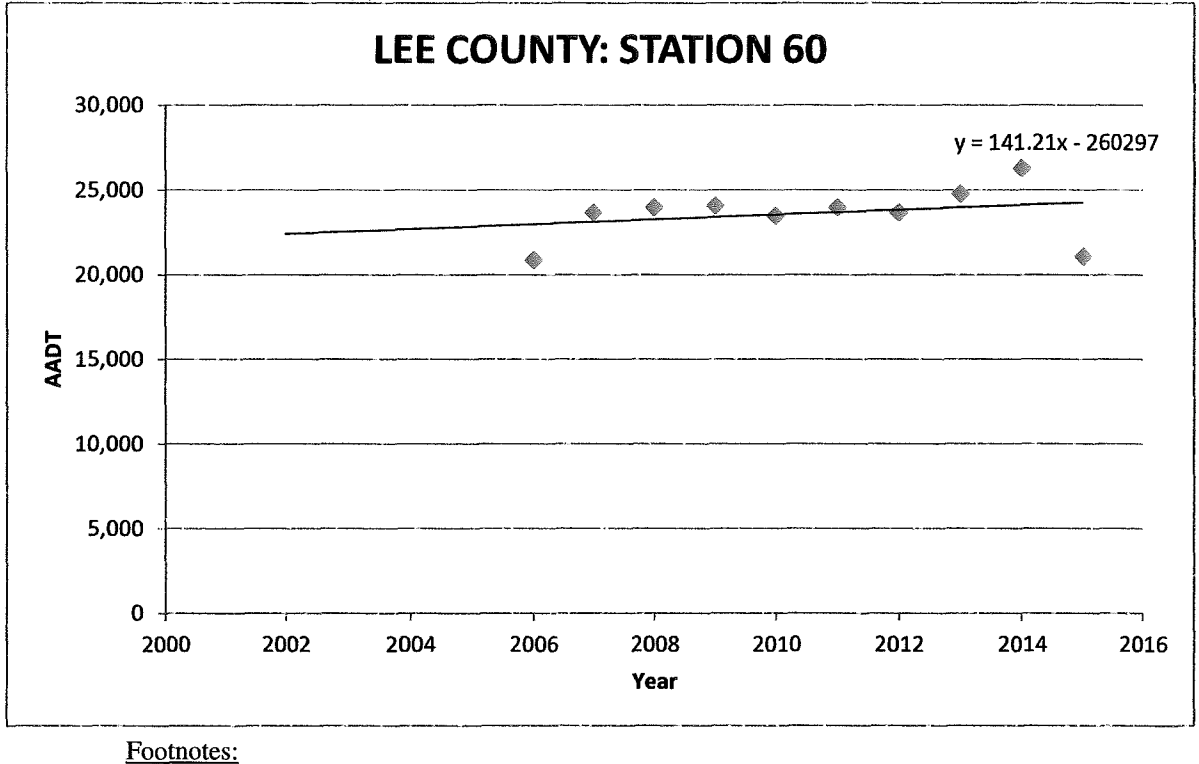


Footnotes:

(1) Historical AADT for Station 206 reported in Lee County Traffic Database System website: http://lee.ms2soft.com/tcds/tsearch.asp?loc=Lee&mod=

BEN HILL GRIFFIN PARKWAY
LEE COUNTY: STATION 60
BEN HILL GRIFFIN PARKWAY SOUTH OF MIDFIELD TERMINAL

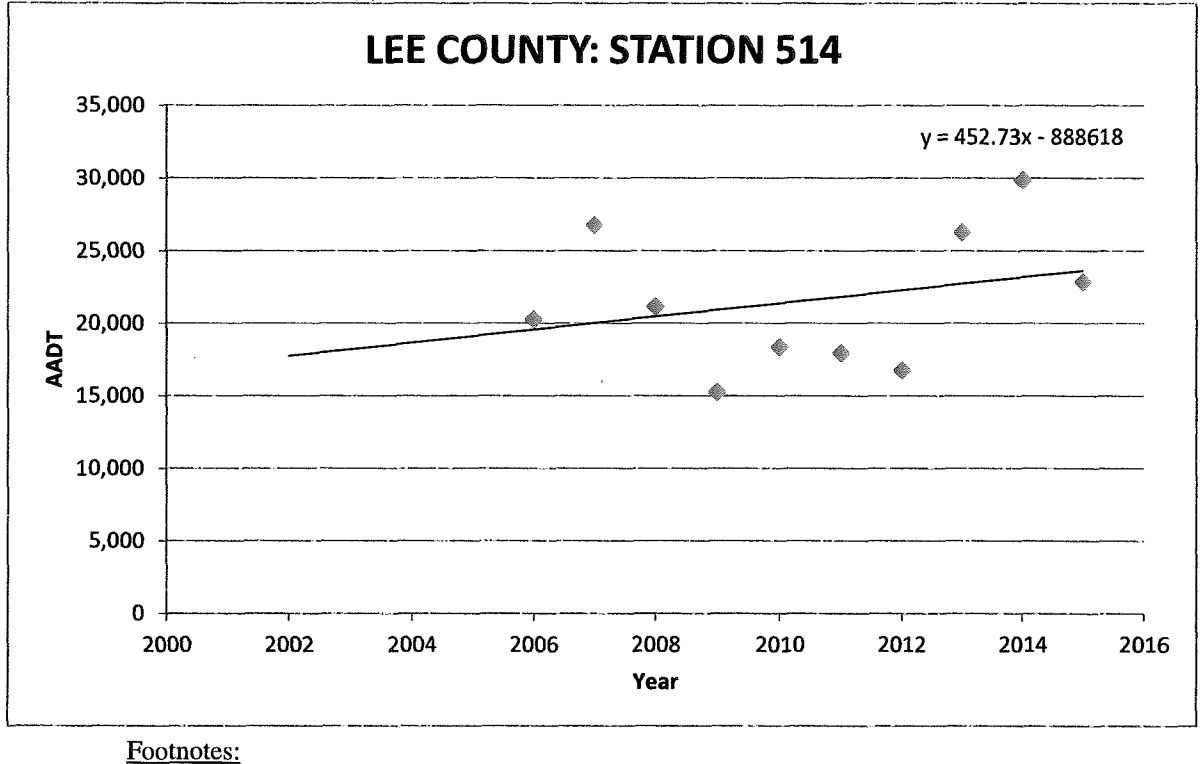
Year	AADT	Equation		Growth
2002		y_1	x_1	0.63% per year
2003		22,410	2002	
2004				
2005		y_2	x_2	
2006	20,900 (1)	24,245	2015	
2007	23,700 (1)			
2008	24,000 (1)			
2009	24,100 (1)			
2010	23,500 (1)			
2011	24,000 (1)			
2012	23,700 (1)			
2013	24,800 (1)			
2014	26,300 (1)			
2015	21,100 (1)			



Footnotes:
(1) Historical AADT for Station 53 reported in Lee County 2015 Traffic Count Report: http://www.leegov.com/dot/traffic/trafficcountreports

BEN HILL GRIFFIN PARKWAY
LEE COUNTY: STATION 514
BEN HILL GRIFFIN PARKWAY SOUTH OF ALICO ROAD

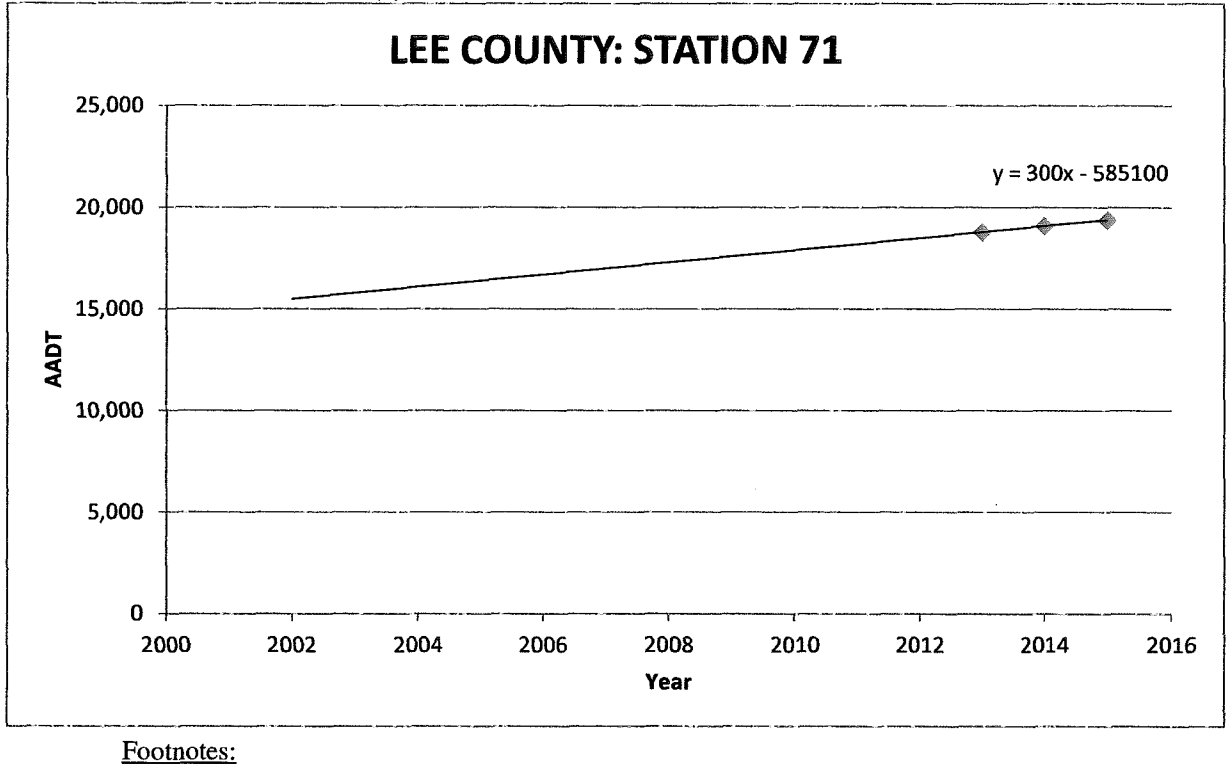
Year	AADT	Equation		Growth
2002		y1	x1	2.55% per year
2003		17,742	2002	
2004				
2005		y2	x2	
2006	20,300 (1)	23,627	2015	
2007	26,800 (1)			
2008	21,200 (1)			
2009	15,300 (1)			
2010	18,400 (1)			
2011	18,000 (1)			
2012	16,800 (1)			
2013	26,300 (1)			
2014	29,900 (1)			
2015	22,900 (1)			



Footnotes:
(1) Historical AADT for Station 205 reported in Lee County 2015 Traffic Count Report: http://www.leegov.com/dot/traffic/trafficcountreports

BEN HILL GRIFFIN PARKWAY
LEE COUNTY: STATION 71
BEN HILL GRIFFIN PARKWAY NORTH OF ESTERO PARKWAY

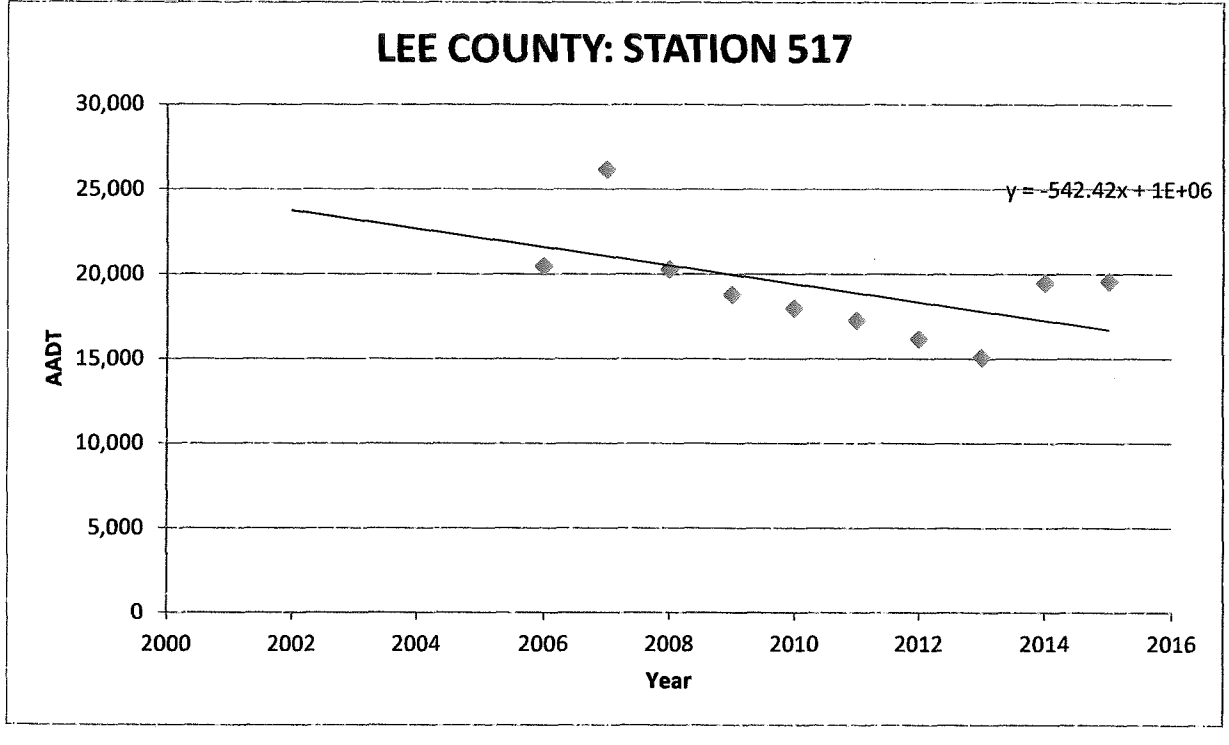
Year	AADT		Equation			Growth
2002			y1	x1		1.94% per year
2003			15,500	2002		
2004						
2005			y2	x2		
2006			19,400	2015		
2007						
2008						
2009						
2010						
2011						
2012						
2013	18,800	(1)				
2014	19,100	(1)				
2015	19,400	(1)				



Footnotes:
(1) Historical AADT for Station 206 reported in Lee County Traffic Database System website: http://lee.ms2soft.com/tcds/tsearch.asp?loc=Lee&mod=

BEN HILL GRIFFIN PARKWAY
LEE COUNTY: STATION 517
BEN HILL GRIFFIN PARKWAY NORTH OF CORKSCREW ROAD

Year	AADT		Equation		Growth
2002			y1 x1		-2.28% per year
2003			23,761	2002	
2004					
2005			y2 x2		
2006	20,500	(1)	16,709	2015	
2007	26,200	(1)			
2008	20,300	(1)			
2009	18,800	(1)			
2010	18,000	(1)			
2011	17,300	(1)			
2012	16,200	(1)			
2013	15,100	(1)			
2014	19,500	(1)			
2015	19,600	(1)			



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CenterPlace

Comprehensive Plan Amendment Application

Historic Resources

- Archaeologic Response and Roster

This record search is for informational purposes only and does NOT constitute a project review. This search only identifies resources recorded at the Florida Master Site File and does NOT provide project approval from the Division of Historical Resources. Contact the Compliance and Review Section of the Division of Historical Resources at 850-245-6333 for project review information.

March 11, 2016

Florida Master Site File

Jill Henderson
Morris-Depew Associates, Inc.
2891 Center Pointe Drive, Unit 100
Fort Myers, Florida 33916
Phone: (239) 337-3993
Email: jhenderson@m-da.com

In response to your inquiry of March 10, 2016, the Florida Master Site File lists one previously recorded archaeological site and no standing structures found in the following parcels of Lee County:

T46S R25E Sections 11, 12, and 13
T46S R26E Sections 07 and 18

When interpreting the results of our search, please consider the following information:

- **This search area may contain *unrecorded* archaeological sites, historical structures or other resources even if previously surveyed for cultural resources.**
- **Because vandalism and looting are common at Florida sites, we ask that you limit the distribution of location information on archaeological sites.**
- **While many of our records document historically significant resources, the documentation of a resource at the Florida Master Site File does not necessarily mean the resource is historically significant.**
- **Federal, state and local laws require formal environmental review for most projects. This search DOES NOT constitute such a review. If your project falls under these laws, you should contact the Compliance and Review Section of the Division of Historical Resources at 850-245-6333.**

Please do not hesitate to contact us if you have any questions regarding the results of this search.

Sincerely,

Paige Phillips

Paige Phillips
Archaeological Data Analyst
Florida Master Site File
Paige.Phillips@dos.myflorida.com

CenterPlace

Comprehensive Plan Ammendment

Historical Resources Roster

OBJECTID	SiteID	SiteName	SiteType1	SiteType2	SiteType3	SiteType4	SiteType5	SiteType6	Culture1	Culture2	Culture3	Culture4
17556	LL01843	GULF COAST #1	Campsite (prehistoric)	Specialized site for procurement of raw materials	Habitation (prehistoric)	Land-terrestrial	Prehistoric midden(s)	Other	Late Archaic	Glades, 1000 B.C.-A.D. 1700	Glades Ia	Glades Ib

OBJECTID	SiteID	SiteName	Culture5	SurvEval	SurveyNum	ShpoEval	PlotType	Shape_Le	Shape_Area
17556	LL01843	GULF COAST #1	Other	Not Evaluated by Recorder	8197	Not Evaluated by SHPO	NORM	########	0.00000023555

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CenterPlace

Comprehensive Plan Amendment Application

Public Facilities

- Public Facilities Impacts Narrative
- Letters of Availability Requests
- Letter of Availability Responses
  - Lee County Public Schools
  - Lee County EMS
  - San Carlos Park Fire & Rescue
  - Lee County Utilities
  - Lee County Transit
  - Lee County Public Utilities
  - Lee County Sheriff's Office

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CenterPlace

Comprehensive Plan Amendment

Public Facilities Impacts

The requested Comprehensive Plan Amendment is to address the detailed development minimums and maximums included for the CenterPlace Property (aka Area 9) in the Lee Plan. A concurrent Mixed Use Planned Development is proposed to provide details regarding the future development of the property. The proposed development will include residential and non-residential uses. The chart below demonstrates a comparison of the existing available development per the currently adopted Policy 18.1.16 and the proposed development per the proposed concurrent Planned Development. As demonstrated by the table, the proposed development is a decrease in intensity and therefore no negative impacts to public services are expected.

Approved v Proposed Development

	Policy 18.1.16	Proposed Mixed Use Planned Development
RESIDENTIAL		
Dwelling Units	1,950	1,950
COMMERCIAL		
Retail	543,000 SF	200,000 SF
Office	918,000 SF	75,000 SF
Research & Development	Included in Office	20,000 SF
Medical Office	Included in Office	10,000 SF
Hotel	250 Rooms	250 Rooms
TOTAL	1,461,000	305,000

Table 1. Maximum v Proposed Development

Potable Water

The subject property is within the Lee County Utilities service area limits and will be serviced by Green Meadows Water Treatment Plant. According to the 2015 Concurrency Report published October 2015, The Green Meadows Water Treatment Plant has average capacity of 9,000,000 GPD. Is this correctly worded? The Green Meadows Water Treatment Plant has an estimated capacity of 5,300,000 for 2015 and has projected 5,300,000 GPD for 2016.

Maximum Residential Per Policy 18.1.16
1,950 Dwelling Units X 250 GPD = 487,500 GPD

Proposed PD Residential
1,950 Dwelling Units X 250 GPD = 487,500 GPD

Maximum Commercial Per Policy 18.1.16
Retail: 543,000 SF X .15 GPD = 81,450 GPD
Office: 918,000 SF X .15 GPD = 137,700 GPD
Research & Development: Included in Office Calculations
Medical Office: Included in Office Calculations
Hotel: 250 Rooms X 100 GPD = 25,000 GPD
Total: 244,150 GPD

Proposed PD Commercial
Retail: 200,000 SF X .15 GPD = 30,000 GPD
Office: 75,000 SF X .15 GPD = 11,250 GPD
Research & Development: 20,000 SF X .15 GPD = 3,000 GPD
Medical Office: 10,000 SF X .15 GPD = 1,500 GPD
Hotel: 250 Rooms X 100 GPD = 25,000 GPD
Total 70,750 GPD

The impact analysis for potable water used the standards of the Florida Administrative Code 64E-6 and the Lee Plan Policy 95.1.3 consistent with the Lee County Utilities Design Manual. The analysis concludes that the proposed amendment decreases Potable Water demand by 173,400GPD. According to the 2015 Concurrency Report, Green Meadows Treatment Plant had adequate capacity to service the currently approved maximum development and therefore has adequate capacity to service the proposed reduced development.

Sanitary Sewer
The subject property is within the Lee County Utilities service area limits and will be serviced by the Three Oaks Treatment Plant, a major regional treatment plant. According to the Lee County 2015 Concurrency Report published October 2015, the Three Oaks Facility has an average capacity of 6,000,000 GPD. The estimated capacity in 2015 is 3,200,000 GPD and the projected GPD for 2016 is 3,300,000.

Approved Residential Per Policy 18.1.16
1,950 Dwelling Units X 200 GPD = 390,000 GPD

Proposed PD Residential
1,950 Dwelling Units X 200 GPD = 390,000 GPD

Approved Commercial Per Policy 18.1.16
Retail: 543,000 SF X .15 GPD = 81,450 GPD
Office: 918,000 SF X .15 GPD = 137,700 GPD
Research & Development: Included in Office Calculations
Medical Office: Included in Office Calculations
Hotel: 250 Rooms X 100 GPD = 25,000 GPD
Total 244,150 GPD

Proposed PD Commercial Land Use
Retail: 200,000 SF X .15 GPD = 30,000 GPD
Office: 75,000 SF X .15 GPD =11,250 GPD
Research & Development: 20,000 SF X .15 GPD = 3,000 GPD
Medical Office: 10,000 SF X .15 GPD = 1,500 GPD
Hotel: 250 Rooms X 100 GPD = 25,000 GPD
Total 70,750 GPD

The impact analysis utilizes Florida Administrative Code Chapter 64E-6 and the Level of Standards outline in the Lee Plan consistent with the Lee County Utilities Design Standards Manual. The proposed Amendment shows a decrease in demand for Sanitary Sewer by 173,400 GPD. The Three Oaks Treatment Plant has the capacity to service the maximum development outlined in existing Policy 18.1.16 and therefore has the capacity to service the reduced development intensity proposed within the concurrent planned development.

Solid Waste- Lee Count Waste to Energy Facility

LOS Standard= 7 pound/day/capita
Current Facility Capacity=1,836 tons/day

Existing & Proposed PD Residential per Policy 18.1.16
1,950 Dwelling Units X 2.59 persons per unit=5,050.5 persons
5,051 people X 7lbs/day=35,357 lbs.

According to the 2015 Lee County Concurrency Report, all unincorporated areas of Lee County are concurrent with the Level of Service standard set forth in the Lee Plan for solid waste. The residential solid waste will generate 35,357 lbs. per day, the same capacity as projected previously.

Surface Water/Drainage Basins – South Florida Water Management District
According to the Lee Plan Map 18, the subject property is within the Estero River Watershed area. According to the Lee Plan Policy 95.1.3 the LOS Standard for storm water management facilities is a surface water management system designed to SFWMD standards. The proposed development has an Environmental Resource Permit from the South Florida Water Management District ensuring consistency with these requirements.

Regional Parks:
The 2015 Lee County Concurrency report states there are 3,149 acres of regional parks operated by Lee County. No new facilities are planned within the fiscal year. Five additional parks are proposed in the future, which will increase the inventory by 844 acres.

The report also indicates that:

"The 7,235 acres of existing Regional Parks currently operated by the County, City, State and Federal governments is sufficient to meet the non-regulatory "Level of Service Standard" of six (6) acres per 1,000 total seasonal population in the County for the year 2014 and will continue to do so at least through the year 2019 as currently projected. The Regional Park acreage also met the non-regulatory "Desired Level of Service Standard" of eight (8) acres per 1,000 total seasonal County population in 2014 and will continue to do so at least through the year 2019 as currently projected".

Existing & Proposed Regional Parks Level of Service:
6 AC per 1,000 seasonal population
1,950 Dwelling units x 2.59 people per household= 5,051 people
5, 051 people / 1,000 seasonal population = 5.051
5 x 6 AC =30 AC

The 1,950 residential dwelling units proposed in the requested Comprehensive Plan Amendment is the same maximum development as the existing approvals. While the analysis indicates that 30 acres are needed, the five additional parks proposed in the future will address this existing deficit. Additionally, the proposed development of the subject property includes open space, public parks, and recreational amenities.

Community Parks:

The 2015 Lee County Concurrency report states that there are 907 acres of existing Community Parks within unincorporated Lee County. The report also states there are an additional 61 acres of community parks planned within the 2015/2016 fiscal year and beyond. The subject property is located within Community Parks District 53-South. This district currently has 343 acres.

Existing & Proposed Community Park Service:
2 acres per 1,000 seasonal population
1,950 dwelling units x 2.59 people per household = 5,051 people
5,051 people/1,000 seasonal population = 5.051
5 x 2 acres = 10 AC

The 1,950 residential dwelling units proposed in the requested Comprehensive Plan Amendment is the same maximum development as the existing approvals. At present, the acreage of community parks within the South Community Park Benefit District meets the minimum the Level of Service Standard. The Lee County Concurrency Report states the current 907 acres of Community Parks in Lee County is adequate to meet the projected Level of Service Standard through 2019.

Public School:

The proposed development site is within the South Zone, sub-zone S-2. The LOS Standard for Elementary, Middle, and High School is based upon Permanent FISH capacity and is 100% as adjusted by the School Board annually to account for measurable programmatic changes.

Existing and Proposed Students:

1,950 dwelling units x 0.295 students/household = 575

Lee District School Board- South Zone, S-2

Elementary Schools (Rayma Page, San Carlos Park, Three Oaks Elementary)
Actual Enrollment 2015 =2,683 FISH Capacity = 2,729
Seats Available=46

Middle Schools (Lexington, Three Oaks Middle)
Actual Enrollment 2015=1,977 FISH Capacity=2,017
Seats Available=40

High Schools (South Fort Myers High)
Actual Enrollment 2015=1,907 FISH Capacity=1,973
Seats Available=66

The 1,950 residential dwelling units proposed in the requested Comprehensive Plan Amendment is the same maximum development as the existing approvals. There is still adequate capacity within South Zone 2 of the school district to service the proposed development.

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www.morris-depew.com

March 7, 2016

Dawn Huff, Long Range Planner, Planning Department
Lee County Public School District
2855 Colonial Boulevard
Fort Myers, FL 33966

Via E-mail: dawnmhu@leeschools.net

Re: Request for Letter of Availability
CenterPlace (MDA 12060)

Dear Ms. Huff,

The CenterPlace property located east of Ben Hill Griffin and immediately south of Alico Road is seeking a Comprehensive Plan Amendment. The proposed amendment seeks to reduce the development intensity of the subject from the previous approvals to the following:

Proposed Use	Approved Development	Requested Amendment
Residential dwelling units	1,950 du	1,950 du
Retail	246,400 SF	200,000 SF
Office (inc. Medical Office)	100,000 SF	85,000 SF
Research & Development	300,000 SF	20,000 SF
Hotel Rooms	250 Rooms	250 Rooms

Please accept this letter as the request for a Letter of Availability for a Comprehensive Plan Amendment application to be submitted to Lee County. A Letter of Availability from Lee County Public School District is required to demonstrate that the agency is able to provide service, with adequate response times, to the sites included in the application. An aerial of the properties to be included with the Comprehensive Plan Amendment is attached to this letter for reference.

If you have any questions, please feel free to contact me via email or phone.

Thank you,
Morris-Depew Associates, Inc.

Tina M. Ekblad

Tina M. Ekblad, MPA, AICP, LEED AP
Planning Director
239-337-3993
tekblad@m-da.com

THE SCHOOL DISTRICT OF LEE COUNTY

2855 COLONIAL BLVD. ♦ FORT MYERS, FLORIDA 33966 ♦ WWW.LEESCHOOLS.NET

DAWN M HUFF
LONG-RANGE PLANNER
Planning, Growth & School Capacity
Phone: 239-337-8142
FAX: 239-335-1460

STEVEN K. TEUBER
CHAIRMAN, DISTRICT 4
MARY FISCHER
VICE CHAIRMAN, DISTRICT 1
JEANNE S. DOZIER
DISTRICT 2
CATHLEEN O'DANIEL MORGAN
DISTRICT 3
PAMELA H. LARIVIERE
DISTRICT 5
GREGORY K. ADKINS, ED. D.
SUPERINTENDENT
KEITH B. MARTIN, ESQ.
BOARD ATTORNEY

March 17, 2016

Tina Ekblad, MPA, AICP, LEED AP
2891 Center Pointe Dr - Unit 100
Fort Myers, FL 33916

RE: CenterPlace

Dear Ms. Ekblad:

This letter is in response to your request for comments dated March 7, 2016 on CenterPlace in regard to educational impact. This project is located in the South Choice Zone, Sub Zone S-2.

This project should have no impact on classroom needs based on the dwelling units listed were approved within a previous Comprehensive Plan Amendment.

Thank you for your attention to this issue. If I may be of further assistance, please me at 239-337-8142.

Sincerely,

Dawn Huff
Dawn Huff,
Long Range Planner

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www.morris-depew.com

March 7, 2016

Benjamin Abes, Deputy Chief, Operations
Lee County EMS
14752 Six Mile Cypress Pkwy
Fort Myers, FL 33912

Via E-mail: Benjamin.Abes@leegov.com

Re: Request for Letter of Availability
CenterPlace (MDA 12060)

Dear Chief Abes,

The CenterPlace property located east of Ben Hill Griffin and immediately south of Alico Road is seeking a Comprehensive Plan Amendment. The proposed amendment seeks to reduce the development intensity of the subject from the previous approvals to the following:

Proposed Use	Approved Development	Requested Amendment
Residential dwelling units	1,950 du	1,950 du
Retail	246,400 SF	200,000 SF
Office (inc. Medical Office)	100,000 SF	85,000 SF
Research & Development	300,000 SF	20,000 SF
Hotel Rooms	250 Rooms	250 Rooms

Please accept this letter as the request for a Letter of Availability for a Comprehensive Plan Amendment application to be submitted to Lee County. A Letter of Availability from Lee County EMS is required to demonstrate that the agency is able to provide service, with adequate response times, to the sites included in the application. An aerial of the properties to be included with the Comprehensive Plan Amendment is attached to this letter for reference.

If you have any questions, please feel free to contact me via email or phone.

Thank you,
Morris-Depew Associates, Inc.
Tina M. Ekblad

Tina M. Ekblad, MPA, AICP, LEED AP
Planning Director
239-337-3993
tekblad@m-da.com

Lee County
Southwest Florida
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District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
Hearing Examiner

March 18, 2016

Tina Ekblad
Morris Depew
2891 Center Pointe Dr. #100
Fort Myers, FL 33916

Re: Request for Letter of Service Availability

Ms. Ekblad,

I am in receipt of your letter dated March 7, 2016, requesting a Letter of Service Availability for the CenterPlace Comprehensive Plan Amendment. This is a large, mixed-use development located on Alico Road just east of Ben Hill Griffin.

Lee County Emergency Medical Services is the primary EMS transport agency responsible for coverage at the address you have provided. Because we currently serve this area and have a sufficient response data sample, we evaluated response times in this vicinity to simulate the anticipated demand and response.

The primary ambulance for this location is Medic 25, approximately 3 miles south; there is a second EMS station within 7 miles of the proposed location. These locations are projected to be able to meet existing service standards, as required in County Ordinance 08-16, and no additional impacts are anticipated at this time.

It is our opinion that the service availability for the proposed development of this property is adequate at this time. Should the plans change, especially the density, a new analysis of this impact would be required.

Sincerely,

Benjamin Abes
Interim Chief
Division of Emergency Medical Services

MORRIS DEPEW
ENGINEERS · PLANNERS · SURVEYORS
LANDSCAPE ARCHITECTS

2891 Center Pointe Drive Unit 100 | Fort Myers, Florida 33916
Phone (239) 337-3993 | Toll Free (866) 337-7341
www.morris-depew.com

March 7, 2016

David Cambareri, Fire Chief
San Carlos Park Fire Protection & Rescue Service District
19591 Ben Hill Griffin Pkwy.
Fort Myers, FL 33913

Via E-mail: cambareri@sancarlosfire.org

Re: Request for Letter of Availability
CenterPlace (MDA 12060)

Dear Mr. Cambareri,

The CenterPlace property located east of Ben Hill Griffin and immediately south of Alico Road is seeking a Comprehensive Plan Amendment. The proposed amendment seeks to reduce the development intensity of the subject from the previous approvals to the following:

Proposed Use	Approved Development	Requested Amendment
Residential dwelling units	1,950 du	1,950 du
Retail	246,400 SF	200,000 SF
Office (inc. Medical Office)	100,000 SF	85,000 SF
Research & Development	300,000 SF	20,000 SF
Hotel Rooms	250 Rooms	250 Rooms

Please accept this letter as the request for a Letter of Availability for a Comprehensive Plan Amendment application to be submitted to Lee County. A Letter of Availability from San Carlos Park Fire Protection & Rescue Service District is required to demonstrate that the agency is able to provide service, with adequate response times, to the sites included in the application. An aerial of the properties to be included with the Comprehensive Plan Amendment is attached to this letter for reference.

If you have any questions, please feel free to contact me via email or phone.

Thank you,
Morris-Depew Associates, Inc.

Tina M. Ekblad

Tina M. Ekblad, MPA, AICP, LEED AP
Planning Director
239-337-3993
tekblad@m-da.com

San Carlos Park Fire Protection and Rescue Service District

19591 Ben Hill Griffin Parkway • Fort Myers, Florida 33913-8989

Emergency 911
Office 239.267.7525
Fax 239.267.7505

April 5, 2016

Mrs. Tina M. Ekblad, Planning Director
Morris Depew
2891 Center Pointe Drive, Unit 100
Fort Myers, FL 33916

Re: Center Place (MDA 12060) – Comprehensive Plan Amendment Letter of service Availability.

Dear Mrs. Ekblad,

I am in receipt of your letter dated March 7, 2016 regarding your application for a Comprehensive Plan Amendment for property located east of Ben Hill Griffin and immediately south of Alico Road. In your letter, you requested a response from our agency regarding the ability of our agency to serve this future project.

According to your letter, "The applicant seeks to reduce the development intensity of the subject from the previous approvals to the following:

Proposed Use	Approved Development	Requested Amendment
Residential dwelling units	1,950 du	1,950 du
Retail	246,400 SF	200,000 SF
Office (inc. Medical Office)	100,000 SF	85,000 SF
Research & Development	300,000 SF	20,000 SF
Hotel Rooms	250 Rooms	250 Rooms

Below is my response to your request:

Existing facilities, staffing and equipment: I am confident that our present facilities, staffing and equipment will be adequate to serve this future project and the amendments mentioned above. Please note that the San Carlos Park Fire Protection and Rescue Service District has determined the minimum level of radio performance required for effective firefighter communication within buildings.
If determined in the plans review process that such communications are interrupted, the District will accept, where practical, an equivalent method of ensuring effective firefighter communications inside each building, per need, by accepting a one-time payment to the San Carlos Park Fire Protection and Rescue Service District's Wireless Communications Enhancement Fund. This will enable us to deploy vehicle repeaters, maintain them, replace them when necessary and utilize other emerging technologies to ensure mission-critical communications at the least cost to the Taxpayer.

Should you require further information or clarification on anything contained herein, please do not hesitate to contact my office at (239) 267-7525.

Sincerely,

David Cambareri,
Fire Chief

MORRIS DEPEW
ENGINEERS · PLANNERS · SURVEYORS
LANDSCAPE ARCHITECTS

2891 Center Pointe Drive Unit 100 | Fort Myers, Florida 33916
Phone (239) 337-3993 | Toll Free (866) 337-7341
www.morris-depew.com

March 7, 2016

Mary McCormic, Technician Senior
Lee County Utilities
1500 Monroe St., 3rd Floor
Fort Myers, FL 33901

Via E-mail: McCormMM@Leegov.com

Re: Request for Letter of Availability
CenterPlace (MDA 12060)

Dear Mr. McCormic,

The CenterPlace property located east of Ben Hill Griffin and immediately south of Alico Road is seeking a Comprehensive Plan Amendment. The proposed amendment seeks to reduce the development intensity of the subject from the previous approvals to the following:

Proposed Use	Approved Development	Requested Amendment
Residential dwelling units	1,950 du	1,950 du
Retail	246,400 SF	200,000 SF
Office (inc. Medical Office)	100,000 SF	85,000 SF
Research & Development	300,000 SF	20,000 SF
Hotel Rooms	250 Rooms	250 Rooms

Please accept this letter as the request for a Letter of Availability for a Comprehensive Plan Amendment application to be submitted to Lee County. A Letter of Availability from Lee County Utilities is required to demonstrate that the agency is able to provide service, with adequate response times, to the sites included in the application. An aerial of the properties to be included with the Comprehensive Plan Amendment is attached to this letter for reference.

If you have any questions, please feel free to contact me via email or phone.

Thank you,
Morris-Depew Associates, Inc.

Tina M. Ekblad

Tina M. Ekblad, MPA, AICP, LEED AP
Planning Director
239-337-3993
tekblad@m-da.com

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

RECEIVED
DEC 18 2013
BY:

John E. Manning
District One

Cecil L. Pendergrass
District Two

Larry Kiker
District Three

Tammy Hall
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Andrea Fraser
Interim County Attorney

Diana M. Parker
County Hearing Examiner

December 13, 2013

Writer's Direct Dial Number: (239) 533-8531

Lauren R. Hennessey
Morris Depew Associates
2891 Center Pointe Dr., Suite 100
Fort Myers, FL 33916

RE: POTABLE WATER AND WASTEWATER AVAILABILITY
COMPACT COMMUNITIES PLANNED DEVELOPMENT APPLICATION - CENTERPLACE
STRAP #: 11-46-25-00-00001.0000, 12-46-25-00-00001.0000 & 13-46-25-00-00001.0070

Dear Ms Hennessey:

The subject parcels are located within Lee County Utilities Future Service Area as depicted on Maps 6 and/or 7 of the Lee County Comprehensive Land Use Plan. Potable water and sanitary sewer lines are in operation adjacent to and/or in the vicinity of the parcels mentioned above. However, in order to provide service to those parcels, developer funded system enhancements such as line extensions will be required.

Your firm has indicated that this project is proposed as a 'Compact Community' consisting of a mixture of uses including multi-family residential, hotel, office, retail and research and development with an estimated flow demand of approximately 524,640 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

Availability of potable water and sanitary sewer service is contingent upon final acceptance of associated infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our Green Meadows Water Treatment Plant.

Sanitary sewer service will be provided by Lee County Utilities' Three Oaks Wastewater Treatment Plant. The Lee County Utilities' Design Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

Prior to beginning design work on this project, a meeting should be scheduled with Thom Osterhout to determine the best point of connection and discuss requirements for construction.

This is a letter of availability of service only and not a commitment to serve. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

Further, this letter of availability of potable water and sanitary sewer service is to be utilized in obtaining approval of Development Plans associated with your Compact Community Planned Development Application only. Individual letters of availability will be required for the purpose of obtaining building permits.

Sincerely,

LEE COUNTY UTILITIES

Terry A. Kelley
Development Review Representative
UTILITIES ENGINEERING
VIA: EMAIL
Original Mailed 12/13/13

MORRIS DEPEW
ENGINEERS · PLANNERS · SURVEYORS
LANDSCAPE ARCHITECTS

2891 Center Pointe Drive Unit 100 | Fort Myers, Florida 33916
Phone (239) 337-3993 | Toll Free (866) 337-7341
www.morris-depew.com

March 7, 2016

Jeri McCollum, Planner
Lee County Transit
6035 Landing View Road
Fort Myers, FL 33907

Via E-mail: JMcCollum@leegov.com

Re: Request for Letter of Availability
CenterPlace (MDA 12060)

Dear Mr. McCollum,

The CenterPlace property located east of Ben Hill Griffin and immediately south of Alico Road is seeking a Comprehensive Plan Amendment. The proposed amendment seeks to reduce the development intensity of the subject from the previous approvals to the following:

Proposed Use	Approved Development	Requested Amendment
Residential dwelling units	1,950 du	1,950 du
Retail	246,400 SF	200,000 SF
Office (inc. Medical Office)	100,000 SF	85,000 SF
Research & Development	300,000 SF	20,000 SF
Hotel Rooms	250 Rooms	250 Rooms

Please accept this letter as the request for a Letter of Availability for a Comprehensive Plan Amendment application to be submitted to Lee County. A Letter of Availability from Lee County Transit is required to demonstrate that the agency is able to provide service, with adequate response times, to the sites included in the application. An aerial of the properties to be included with the Comprehensive Plan Amendment is attached to this letter for reference.

If you have any questions, please feel free to contact me via email or phone.

Thank you,
Morris-Depew Associates, Inc.

Tina M. Ekblad

Tina M. Ekblad, MPA, AICP, LEED AP
Planning Director
239-337-3993
tekblad@m-da.com

LEE COUNTY
SOUTHWEST FLORIDA
BOARD OF COUNTY COMMISSIONERS

3401 Metro Parkway
Fort Myers, FL 33901
Phone: (239) 533-0319

John E. 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

March 17, 2016

Tina M. Ekblad, MPA, AICP, LEED AP BD+C
Planning Director
Morris Depew Associates
2891 Center Pointe Drive, Unit 100
Fort Myers, FL 33916

RE: CenterPlace
Letter of Service Availability

Dear Ms. Ekblad,

LeeTran has reviewed your request for service availability regarding the CenterPlace development project. After reviewing the site and comparing the location with our existing and planned route locations according to the 2012 Transit Development Plan (TDP), I have determined the following:

- The identified site does partially lie within the ¼ mile fixed-route corridor.
- The identified site does partially lie within the ¾ mile ADA corridor.
- The 2012 TDP does identify the need for enhanced or additional transit services; however, the additional service remains unfunded.

I am attaching a map of our route services in relation to the proposed development. The development would transform the identified property from vacant land to a high-density use. Have there been considerations as to how to incorporate transit into the proposed development?

If you have any questions or require further information, do not hesitate to contact me at (239) 533-0319 or JMcCollum@leegov.com.

Sincerely,

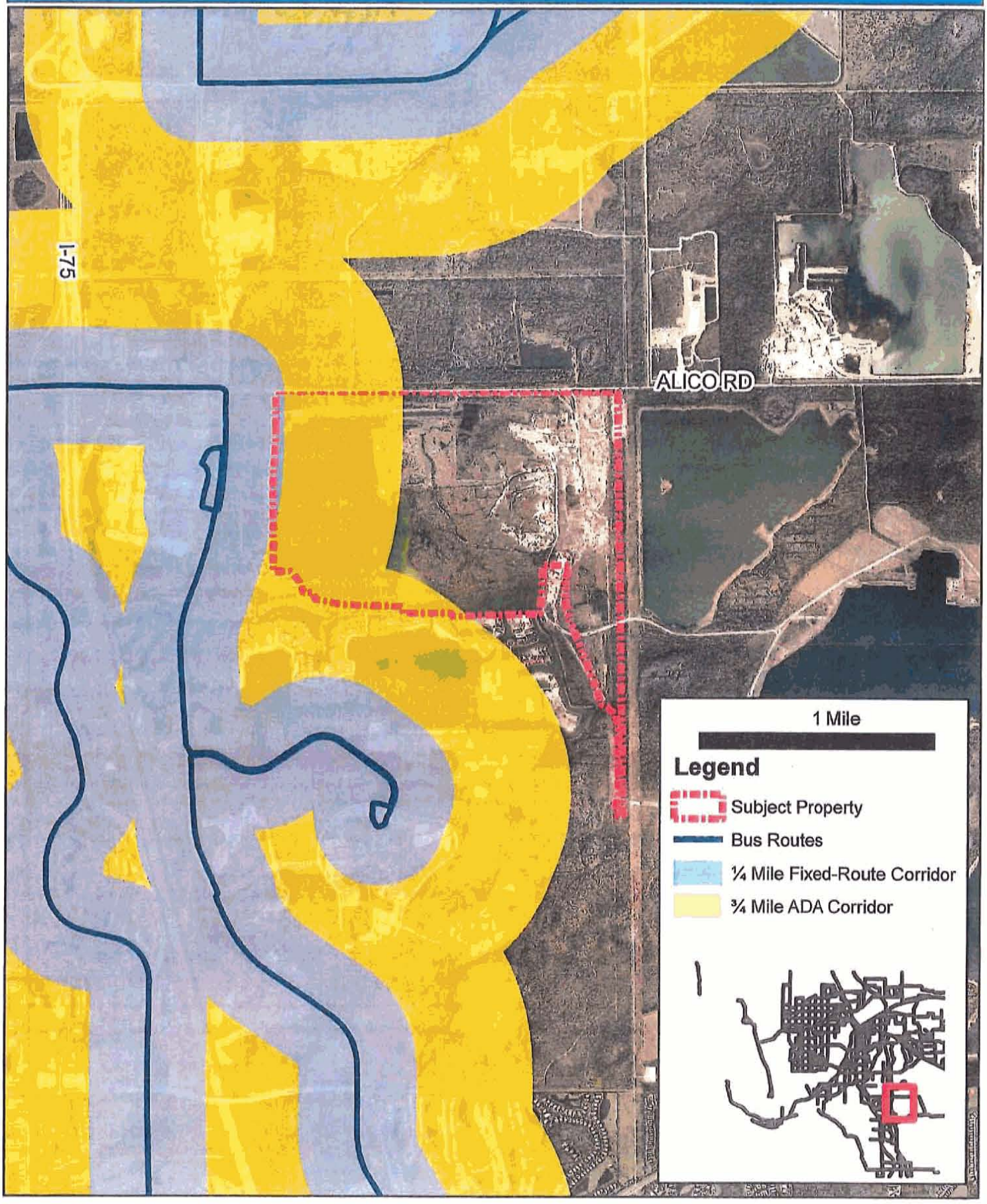
Jerl Levi McCollum
Planner
Lee County Transit

CC: File

Prepared By:
LeeTran
Planning Dept.

LeeTran

Service Availability
CenterPlace



MORRIS DEPEW
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2891 Center Pointe Drive Unit 100 | Fort Myers, Florida 33916
Phone (239) 337-3993 | Toll Free (866) 337-7341
www.morris-depew.com

March 7, 2016

Brigitte Kantor, Solid Waste Operations Manager
Lee County Department of Public Utilities
6431 Topaz Court
Fort Myers, FL 33966

Via E-mail: BKantor@leegov.com

Re: Request for Letter of Availability
CenterPlace (MDA 12060)

Dear Ms. Kantor,

The CenterPlace property located east of Ben Hill Griffin and immediately south of Alico Road is seeking a Comprehensive Plan Amendment. The proposed amendment seeks to reduce the development intensity of the subject from the previous approvals to the following:

Proposed Use	Approved Development	Requested Amendment
Residential dwelling units	1,950 du	1,950 du
Retail	246,400 SF	200,000 SF
Office (inc. Medical Office)	100,000 SF	85,000 SF
Research & Development	300,000 SF	20,000 SF
Hotel Rooms	250 Rooms	250 Rooms

Please accept this letter as the request for a Letter of Availability for a Comprehensive Plan Amendment application to be submitted to Lee County. A Letter of Availability from Lee County Department of Public Utilities is required to demonstrate that the agency is able to provide service, with adequate response times, to the sites included in the application. An aerial of the properties to be included with the Comprehensive Plan Amendment is attached to this letter for reference.

If you have any questions, please feel free to contact me via email or phone.

Thank you,
Morris-Depew Associates, Inc.
Tina M. Ekblad

Tina M. Ekblad, MPA, AICP, LEED AP
Planning Director
239-337-3993
tekblad@m-da.com

LEE COUNTY
SOUTHWEST FLORIDA
BOARD OF COUNTY COMMISSIONERS

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County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
Hearing Examiner

March 17, 2016

Tina M. Ekblad
Morris Depew
2891 Center Pointe Drive, Unit 100
Fort Myers, FL 33916

SUBJECT: **Center Place (MDA 12060)**
STRAP Nos. 11-46-25-00-00001.0000,
12-46-25-00-00001.0000 & 13-46-25-00-00001.0070
Letter of Availability

Dear Ms. Ekblad:

The Lee County Solid Waste Division is capable of providing solid waste collection service for the planned 1,950 residential dwelling units and the various commercial units proposed for business establishments for the proposed Center Place development through Lee County's franchised hauling contractors. Disposal of the solid waste from this development will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities.

Please review Lee County Land Development Code, Chapter 10, Section 261, with requirements for on-site space for placement and servicing of solid waste containers. Solid Waste Ordinance (11-27) defines those residential dwelling units that are eligible to receive curbside residential collection service as 4 or less units and requirements for those identified as multi-family and/or commercial dwellings. It further establishes that Property Owners will be responsible for all future applicable solid waste assessments and fees.

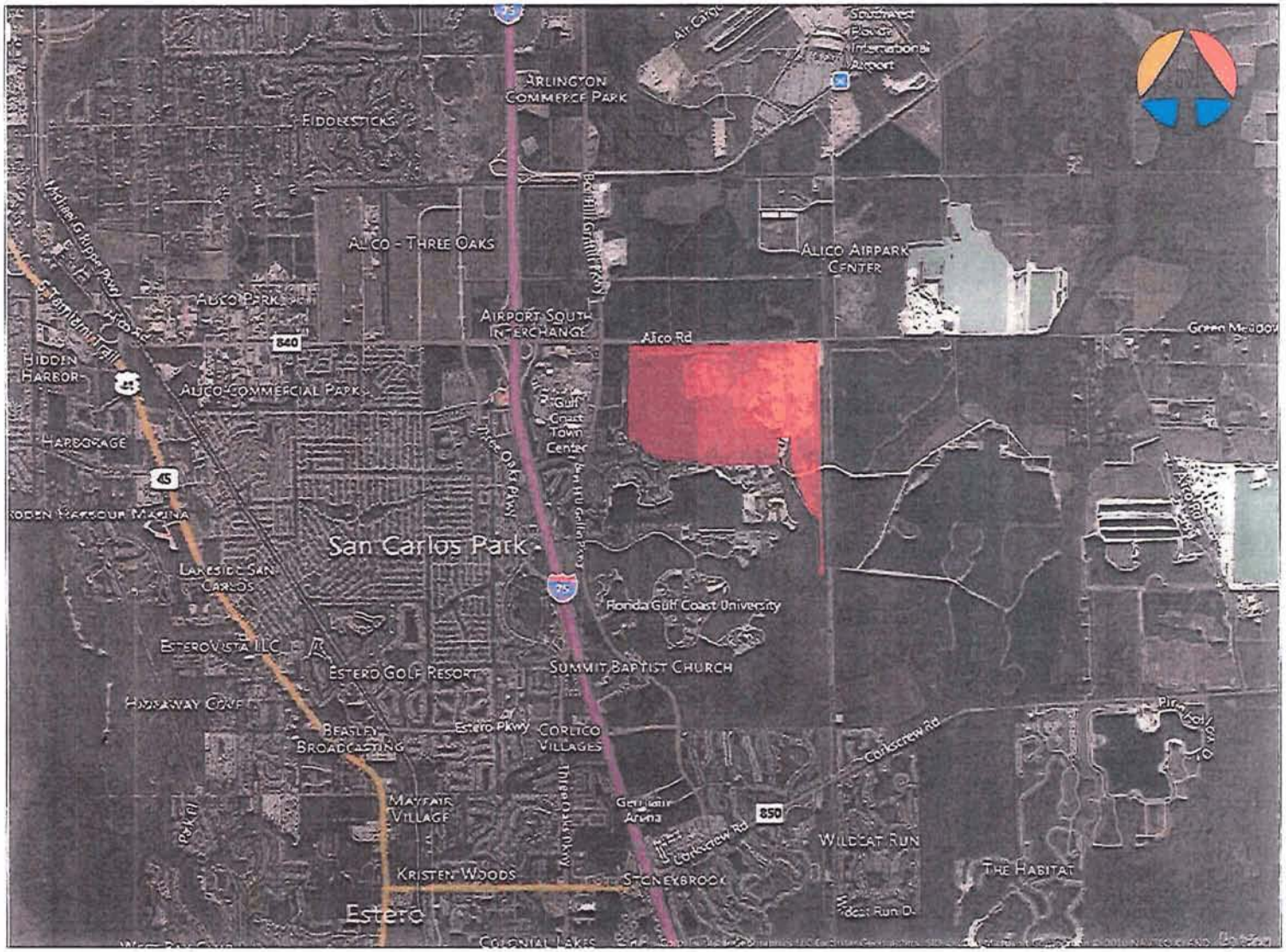
If you have any questions, please call me at (239) 533-8000.

Sincerely,

Brigitte Kantor

Brigitte Kantor
Manager, Public Utilities
Lee County Solid Waste Division

AREA LOCATION MAP



MORRIS DEPEW

CENTERPLACE



MORRIS DEPEW



STRAP	Owner Name	Site Address	Last Trans. Date	Last Trans. Amt	Just Value	Taxable Value
11-46-25-00-00001.0000	ALICO WEST FUND LLC	COLLEGE CLUB DR, FORT MYERS	7-2012	$ 7,000,000	$ 1,092,698	$ 1,092,69

Lee County Property Appraiser

Tax Year

Next Parcel Number Previous Parcel Number Tax Estimator Tax Bills Print

Property Data

STRAP: 11-46-25-00-00001.0000 Folio ID: 10265861

Owner Of Record

ALICO WEST FUND LLC
12800 UNIVERSITY DR STE 275
FORT MYERS FL 33907

Site Address

COLLEGE CLUB DR
FORT MYERS FL 33913

Legal Description

ALL SEC 11 LESS TH N50FT + I-75+1.0010 THRU 1.004+ ADDITIONAL R/W OR 3032 PG 3888 LESS OR 3956/4074 + OR 4161/4145 LESS ROW INST #2015000025953

Classification / DOR Code

VACANT COMMERCIAL / 10

[Tax Map Viewer]



[Pictometry Aerial Viewer]

Current Working Values

Just	1,092,698	As Of	02/04/2016

Attributes

Land Units Of Measure	SF
Units	1078755.50
Frontage	0
Depth	0
Total Number of Buildings	0
Total Bedrooms / Bathrooms	0 / 0
Total Living Area	0
1st Year Building on Tax Roll	0
Historic District	No

Image of Structure



Photo Date October of 2007

+ **Exemptions**

+ **Values (2015 Tax Roll)**

+ **Taxing Authorities**

+ **Sales / Transactions**

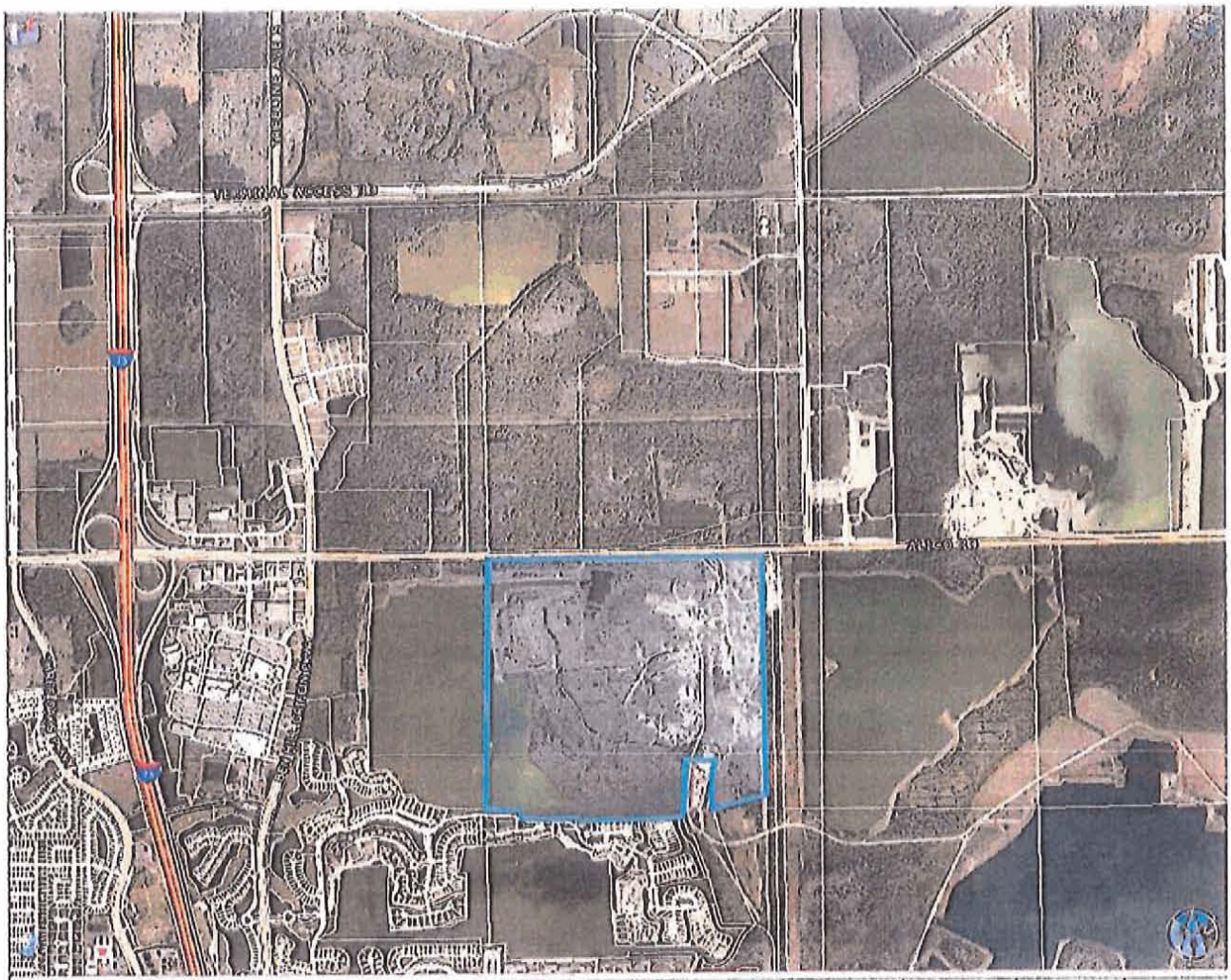
+ **Parcel Numbering History**

+ **Location Information**

+ **Solid Waste (Garbage) Roll Data**

+ **Flood and Storm Information**

+ **Appraisal Details**



STRAP	Owner Name	Site Address	Last Trans. Date	Last Trans. Amt	Just Value	Taxable Value
12-46-25-00-00001.0000	ALICO WEST FUND LLC	11840 ALICO RD, FORT MYERS	7-2012	$ 7,000,000	$ 4,540,958	$ 4,540,95

Lee County Property Appraiser

Tax Year

Next Parcel Number Previous Parcel Number Tax Estimator Tax Bills Print

Property Data

STRAP: 12-46-25-00-00001.0000 Folio ID: 10265864

Owner Of Record

ALICO WEST FUND LLC
12800 UNIVERSITY DR STE 275
FORT MYERS FL 33907

Site Address

11840 ALICO RD
FORT MYERS FL 33913

Legal Description

PARL LOC IN SEC 13 AS DESC IN OR 3925 PG 2680 LESS ROW INST #2015000025953

Classification / DOR Code

VACANT COMMERCIAL / 10

[Tax Map Viewer]



[Pictometry Aerial Viewer]

Current Working Values

Just	6,793,108	As Of	02/26/2016

Attributes

Land Units Of Measure	AC
Units	600.28
Frontage	0
Depth	0
Total Number of Buildings	0
Total Bedrooms / Bathrooms	0 / 0
Total Living Area	0
1st Year Building on Tax Roll	0
Historic District	No

Image of Structure

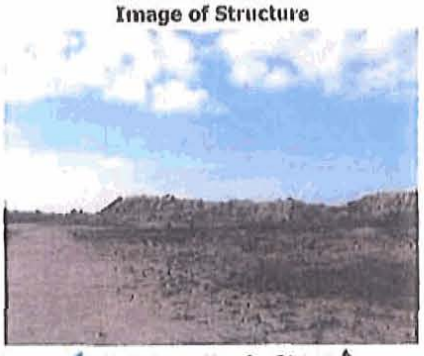


Photo Date March of 2012

+ Exemptions

+ Values (2015 Tax Roll)

+ Taxing Authorities

+ Sales / Transactions

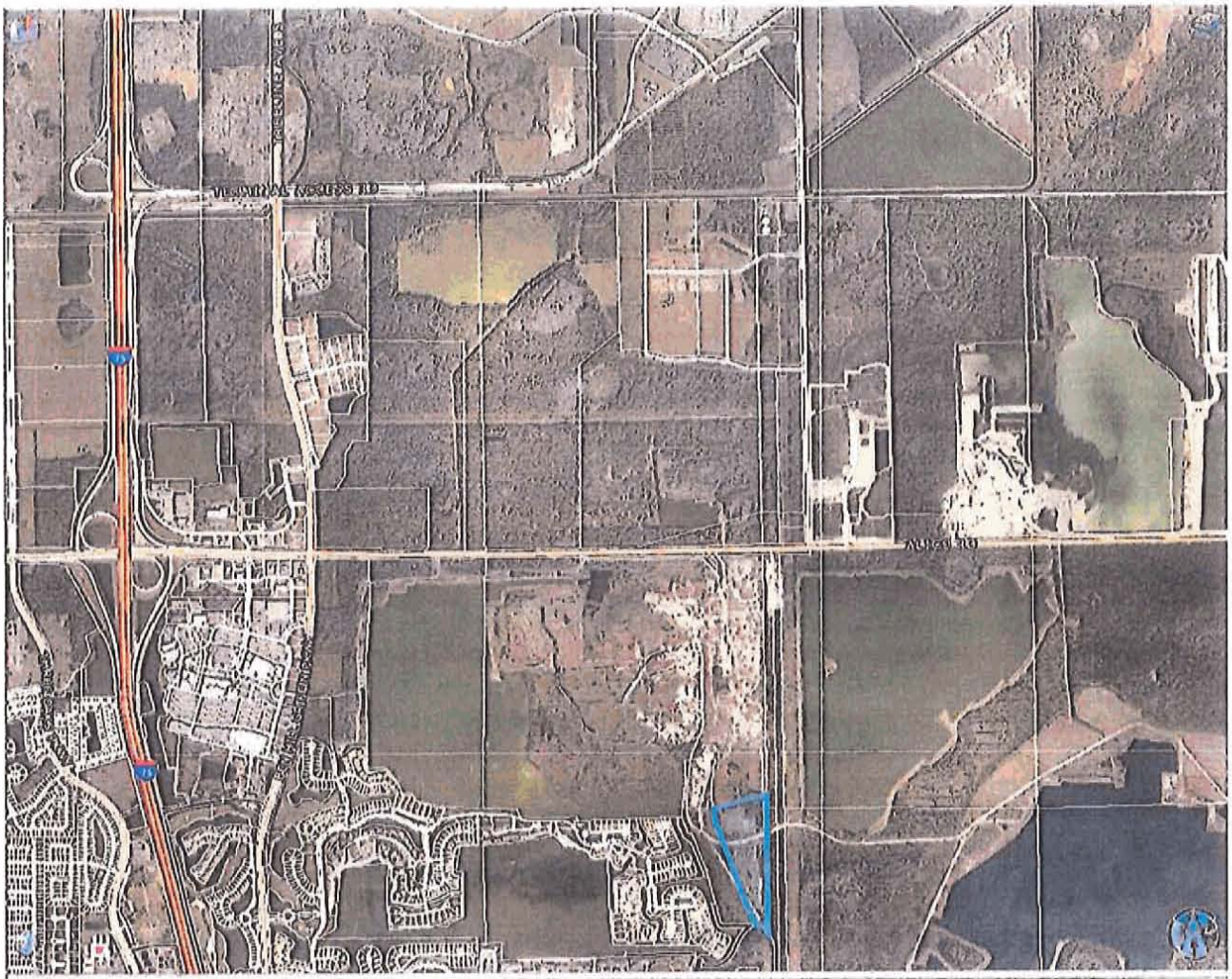
+ Building/Construction Permit Data

+ Parcel Numbering History

+ Location Information

+ Solid Waste (Garbage) Roll Data

+ Flood and Storm Information



STRAP	Owner Name	Site Address	Last Trans. Date	Last Trans. Amt	Just Value	Taxable Value
13-46-25-00-00001.0070	ALICO WEST FUND LLC	ACCESS UNDETERMINED, FORT MYERS	7-2012	$ 7,000,000	$ 369,300	$ 369,300

Lee County
Southwest Florida
BOARD OF COUNTY COMMISSIONERS

John E. Manning
District One

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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

March 17, 2016

Writer's Direct Dial Number: (239) 533-8531

Jill Henderson
Morris Depew Associates
2891 Center Pointe Dr., Suite 100
Fort Myers, FL 33916

RE: POTABLE WATER AND WASTEWATER AVAILABILITY
COMPACT COMMUNITIES PLANNED DEVELOPMENT APPLICATION - CENTERPLACE
STRAP #: 11-46-25-00-00001.0000, 12-46-25-00-00001.0000, 13-46-25-00-00001.0070, 18-46-26-00-00001-0010 & 07-46-26-00-00001-0050

Dear Ms Hennessey:

The subject parcels are located within Lee County Utilities Future Service Area as depicted on Maps 6 and 7 of the Lee County Comprehensive Land Use Plan. Potable water and sanitary sewer lines are in operation adjacent to and/or in the vicinity of the parcels mentioned above. However, in order to provide service to those parcels, developer funded system enhancements such as line extensions will be required.

Your firm has indicated that this project is proposed as a 'Compact Community' consisting of a mixture of uses including single and multi-family residential, hotel, office, retail and research and development with an estimated flow demand of approximately 573,250 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

Availability of potable water and sanitary sewer service is contingent upon final acceptance of associated infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our Pinewood Water Treatment Plant.

Sanitary sewer service will be provided by Lee County Utilities' Three Oaks Wastewater Treatment Plant. The Lee County Utilities' Design Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

Prior to beginning design work on this project, a meeting should be scheduled with Jessica Munoz to determine the best point of connection and discuss requirements for construction.

This is a letter of availability of service only and not a commitment to serve. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

Further, this letter of availability of potable water and sanitary sewer service is to be utilized in obtaining approval of Development Plans associated with your Compact Community Planned Development Application only. Individual letters of availability will be required for the purpose of obtaining building permits.

Sincerely,

LEE COUNTY UTILITIES

Mary McCormic
Technician Senior
UTILITIES ENGINEERING
VIA EMAIL

LEE COUNTY
SOUTHWEST FLORIDA

LEE COUNTY UTILITIES
REQUEST FOR LETTERS OF AVAILABILITY

DATE: MARCH 11, 2016

TO: Mary McCormic
Utilities' Senior Engineering Technician

FROM:
FIRM: MORRIS DEPEW ASSOCIATES
ADDRESS: 2891 CENTER POINTE DRIVE 100
ADDRESS: FORT MYERS, FL 33916 -
PHONE#: (239)337-3993 **FAX:** (239)337-3994
E-MAIL ADDRESS:

PROJECT NAME: CENTERPLACE

PROJECT ID (IF APPLICABLE): 12060

STRAP #:

LOCATION/SITE ADDRESS: 11840 ALICO ROAD, FORT MYERS, FL 33913

PURPOSE OF LETTER:

☐ DEVELOPMENT ORDER SUBMITTAL ☐ FINANCING ☐ EFFLUENT REUSE

☐ PERMITTING OF SURFACE WATER MANAGEMENT (SOUTH FLORIDA WATER MANAGEMENT DISTRICT)

☒ OTHER: (PLEASE SPECIFY) COMPREHENSIVE PLAN AMENDMENT

PLANNED USE:

☒ COMMERCIAL ☐ INDUSTRIAL ☒ RESIDENTIAL - (☒ SINGLE-FAMILY ☒ MULTI-FAMILY)

☐ OTHER: (PLEASE SPECIFY) _____

PLANNED # OF UNITS/BUILDINGS: 1,950

TOTAL SQUARE FOOTAGE (COMMERCIAL/INDUSTRIAL) 305000

AVERAGE ESTIMATED DAILY FLOW (GPD): ~~475,750~~ 573,250 (☒ WATER ☒ WASTE-WATER ☐ REUSE)

PLEASE SHOW CALCULATION USED TO DETERMINE AVERAGE ESTIMATED DAILY FLOW (GPD) PER CRITERIA SET FORTH IN LEE COUNTY UTILITIES OPERATIONS MANUAL, SECTION 5.2: _____

Please See Attached Sheet

Please e-mail the completed form at mccormmm@leegov.com . If you are unable to e-mail the completed form, please fax to (239) 485-8311. If you should have any questions or require assistance, please feel free to call our office at (239) 533-8532.

MORRIS DEPEW
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS

2891 Center Pointe Drive Unit 100 | Fort Myers, Florida 33916
Phone (239) 337-3993 | (866) 337-7341
www.morris-depew.com

Utilities Request for Letter of Availability

Project Name: CenterPlace
CenterPlace is a proposed mixed use development that is currently seeking approval for a Comprehensive Plan Amendment and a Mixed Use Planned Development.

Strap# 11-46-25-00-00001.0000

12-46-25-00-00001.0000

13-46-25-00-00001.0070

18-46-26-00-00001.0070

07-46-26-00-00001.0050

The proposed request represents a reduction from the existing approved development as demonstrated by the chart included in the cover. Lee County Utilities previously issued a Letter of Availability for the existing approved development, attached to this request for reference.

Estimated Daily Flow (GDP)

Single & Multi-family 1,950 Units X ~~200~~ 250 GPD = ~~390,000~~ 487,500 GPD

Retail 200,000 sf X .1 GPD = 20,000 GPD

Office 85,000 sf X.15 GPD = 12,750 GPD

R & D (Research and Development) 20,000 sf .15 GPD = 3,000 GPD

250 Hotel Rooms X 200 GPD = 50,000 GDP

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 533-8532

John E. Manning
District One

Cecil L. Pendergrass
District Two

Larry Kiker
District Three

Vacant
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Andrea R. Fraser
Interim County Attorney

Donna Marie Collins
Hearing Examiner

October 22, 2013

Amber Wilkerson, E.I.
Barraco and Associates, Inc
2271 McGregor Blvd
Fort Myers, FL 33901

RE: Potable Water and Wastewater Availability
Alico West, 11840 Alico Road
STRAP # 12-46-25-00-00001.0000

Dear Ms. Wilkerson:

The subject property is located within Lee County Utilities Future Service Area as depicted on Maps 6 and/or 7 of the Lee County Comprehensive Land Use Plan. Potable water and sanitary sewer lines are in operation adjacent to the property mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions will be required.

Your firm has indicated that this project will consist of 1950 Multi-Family Units, 250 Room Hotel, 1,318,000 Sq Ft Office/Research/Development/University, and 543,000 Sq Ft Retail with an estimated flow demand of approximately 667,000 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

Availability of potable water and sanitary sewer service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our Pinewood Water Treatment Plant.

Sanitary sewer service will be provided by Three Oaks Wastewater Treatment Plant. The Lee County Utilities' Design Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

Further, This Letter Of Availability Of potable water and sanitary sewer Service To Be Utilized For The Permitting Of Surface Water Management Facilities Through The South Florida Management District For This Project Only. Individual Letters Of Availability Will Be Required For The Purpose Of Obtaining Building Permits.

Sincerely,

LEE COUNTY UTILITIES

Mary McCormic
Technician Senior
UTILITIES ENGINEERING

VIA EMAIL
Original Mailed

Mccormic, Mary

From: Jill Henderson [jhenderson@M-DA.com]
Sent: Tuesday, March 15, 2016 9:53 AM
To: Mccormic, Mary; Tina Ekblad
Subject: RE: Letter of Availability Request for the CenterPlace Project
Attachments: 12060 2016-03-1 LOA request for Utilities.pdf

Good morning, Mary

Tina is in a meeting. In her absence, I can address your inquiry. This attached LOA explains that the proposed amendment seeks to reduce the development intensity of the subject property.

I hope this answers your question.

Jill

MORRIS DEPEW

ENGINEERS · PLANNERS · SURVEYORS
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FORT MYERS | GAINESVILLE | TALLAHASSEE | DESTIN

Professional Services Since 1989

Jill Henderson
Administrative Assistant

2891 Center Pointe Drive
Unit 100
Fort Myers, FL 33916
(239) 337-3993 telephone
(866) 337-7341 toll free

Download My vCard

From: Mccormic, Mary [mailto:MMccormic@leegov.com]
Sent: Tuesday, March 15, 2016 9:46 AM
To: Tina Ekblad <tekblad@m-da.com>; Jill Henderson <jhenderson@M-DA.com>
Subject: RE: Letter of Availability Request for the CenterPlace Project

Tina,
LCU provide a letter of availability to you in December 2013.
Thom is asking why you need another letter.

Thank you!
Mary McCormic
Technician Senior
Engineering Development
Lee County Utilities
1500 Monroe Street
Fort Myers, Fl. 33901
mmccormic@leegov.com
Phone 239-533-8532

From: Tina Ekblad [mailto:tekblad@m-da.com]
Sent: Monday, March 14, 2016 4:04 PM
To: Jill Henderson; Mccormic, Mary
Subject: RE: Letter of Availability Request for the CenterPlace Project

Hi Mary,

The requested letter is for a Comprehensive Plan Amendment. We typically don't make decisions about metering until much later in the process. I would say, lets process it as the worst case scenario at 250. Then we have the option to make adjustments later.

Thank you,
Tina

From: Jill Henderson
Sent: Monday, March 14, 2016 3:59 PM
To: Mccormic, Mary <MMccormic@leegov.com>
Cc: Tina Ekblad <tekblad@m-da.com>
Subject: RE: Letter of Availability Request for the CenterPlace Project

Mary,

I will find out and get back to you on this tomorrow.

Thank you.

MORRIS DEPEW

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Professional Services Since 1989

Jill Henderson
Administrative Assistant

2891 Center Pointe Drive
Unit 100
Fort Myers, FL 33916
(239) 337-3993 telephone
(866) 337-7341 toll free

Download My vCard

From: Mccormic, Mary [mailto:MMccormic@leegov.com]
Sent: Monday, March 14, 2016 3:54 PM
To: Jill Henderson <jhenderson@M-DA.com>
Subject: RE: Letter of Availability Request for the CenterPlace Project

Jill,
How will the single and multi-family units be served?
If they will be individually metered, then the flows would be 250 gpd.
If they will be master metered, then the flow would be 200 gpd.
Of can I just assume 250 gpd for all?

Thank you!
Mary McCormic
Technician Senior
Engineering Development
Lee County Utilities
1500 Monroe Street
Fort Myers, Fl. 33901
mmccormic@leegov.com
Phone 239-533-8532

From: Jill Henderson [mailto:jhenderson@M-DA.com]
Sent: Friday, March 11, 2016 10:46 AM
To: Mccormic, Mary
Cc: Tina Ekblad
Subject: Letter of Availability Request for the CenterPlace Project

Good morning, Mary

Attached please find the following documents from our Planning Director, Tina M. Ekblad, for the CenterPlace Project:

1. Letter of Availability (LOA) Request
2. LCU Request for Letters of Availability Form
3. Attachment to this Request for Letters of Availability Form
4. The LOA received from you for the current approval dated 10/22/2013

Please note, this property is formerly known as the Alico West project.

If you have any questions or need anything, please don't hesitate to contact us.

Highest Regards,

Jill Henderson

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Professional Services Since 1989

Jill Henderson
Administrative Assistant

2891 Center Pointe Drive
Unit 100
Fort Myers, FL 33916
(239) 337-3993 telephone
(866) 337-7341 toll free

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2891 Center Pointe Drive Unit 100 | Fort Myers, Florida 33916
Phone (239) 337-3993 | Toll Free (866) 337-7341
www.morris-depew.com

March 7, 2016

Mary McCormic, Technician Senior
Lee County Utilities
1500 Monroe St., 3rd Floor
Fort Myers, FL 33901

Via E-mail: McCormMM@Leegov.com

Re: Request for Letter of Availability
CenterPlace (MDA 12060)

Dear Mr. McCormic,

The CenterPlace property located east of Ben Hill Griffin and immediately south of Alico Road is seeking a Comprehensive Plan Amendment. The proposed amendment seeks to reduce the development intensity of the subject from the previous approvals to the following:

Proposed Use	Approved Development	Requested Amendment
Residential dwelling units	1,950 du	1,950 du
Retail	246,400 SF	200,000 SF
Office (inc. Medical Office)	100,000 SF	85,000 SF
Research & Development	300,000 SF	20,000 SF
Hotel Rooms	250 Rooms	250 Rooms

Please accept this letter as the request for a Letter of Availability for a Comprehensive Plan Amendment application to be submitted to Lee County. A Letter of Availability from Lee County Utilities is required to demonstrate that the agency is able to provide service, with adequate response times, to the sites included in the application. An aerial of the properties to be included with the Comprehensive Plan Amendment is attached to this letter for reference.

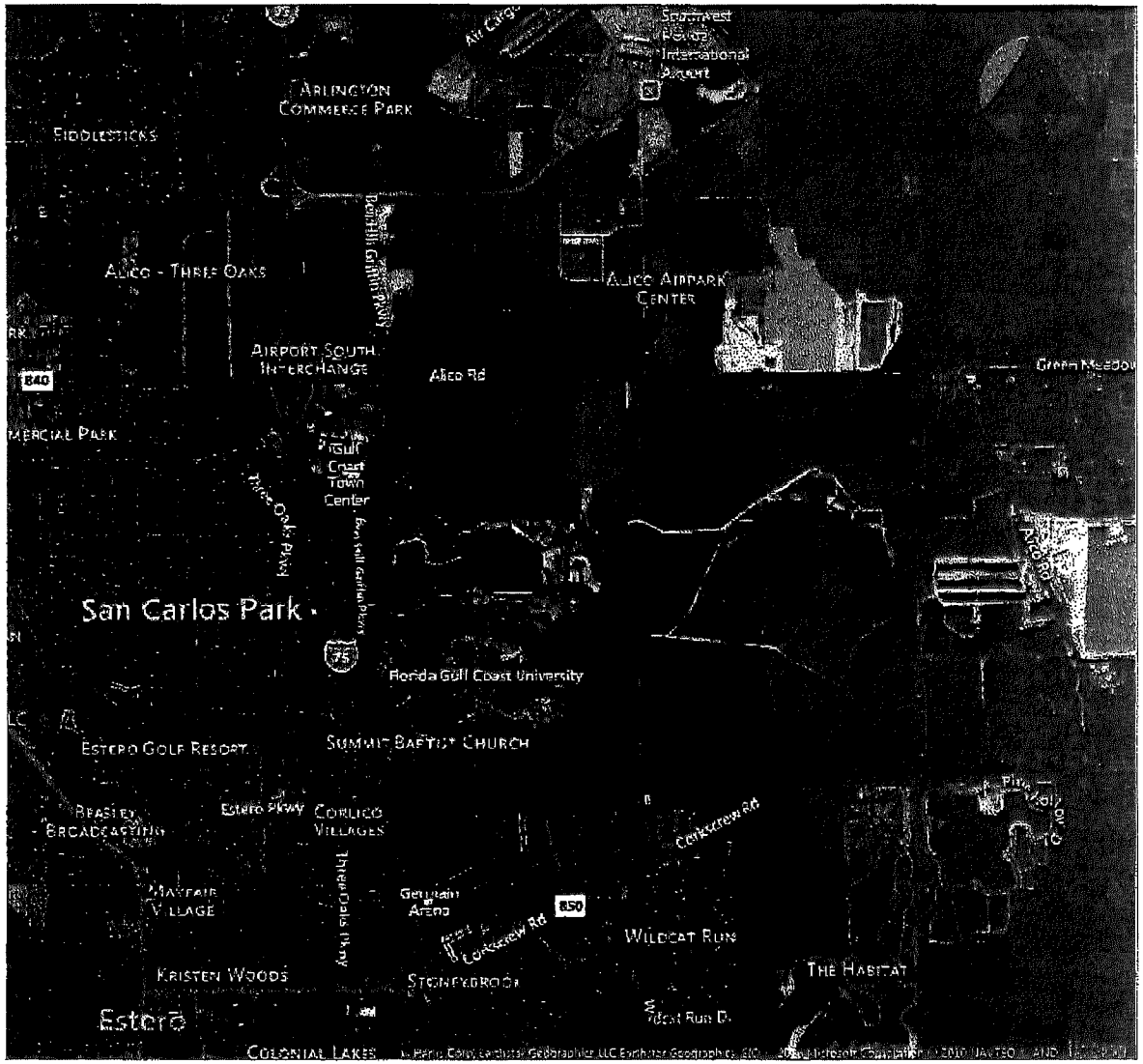
If you have any questions, please feel free to contact me via email or phone.

Thank you,
Morris-Depew Associates, Inc.

Tina M. Ekblad

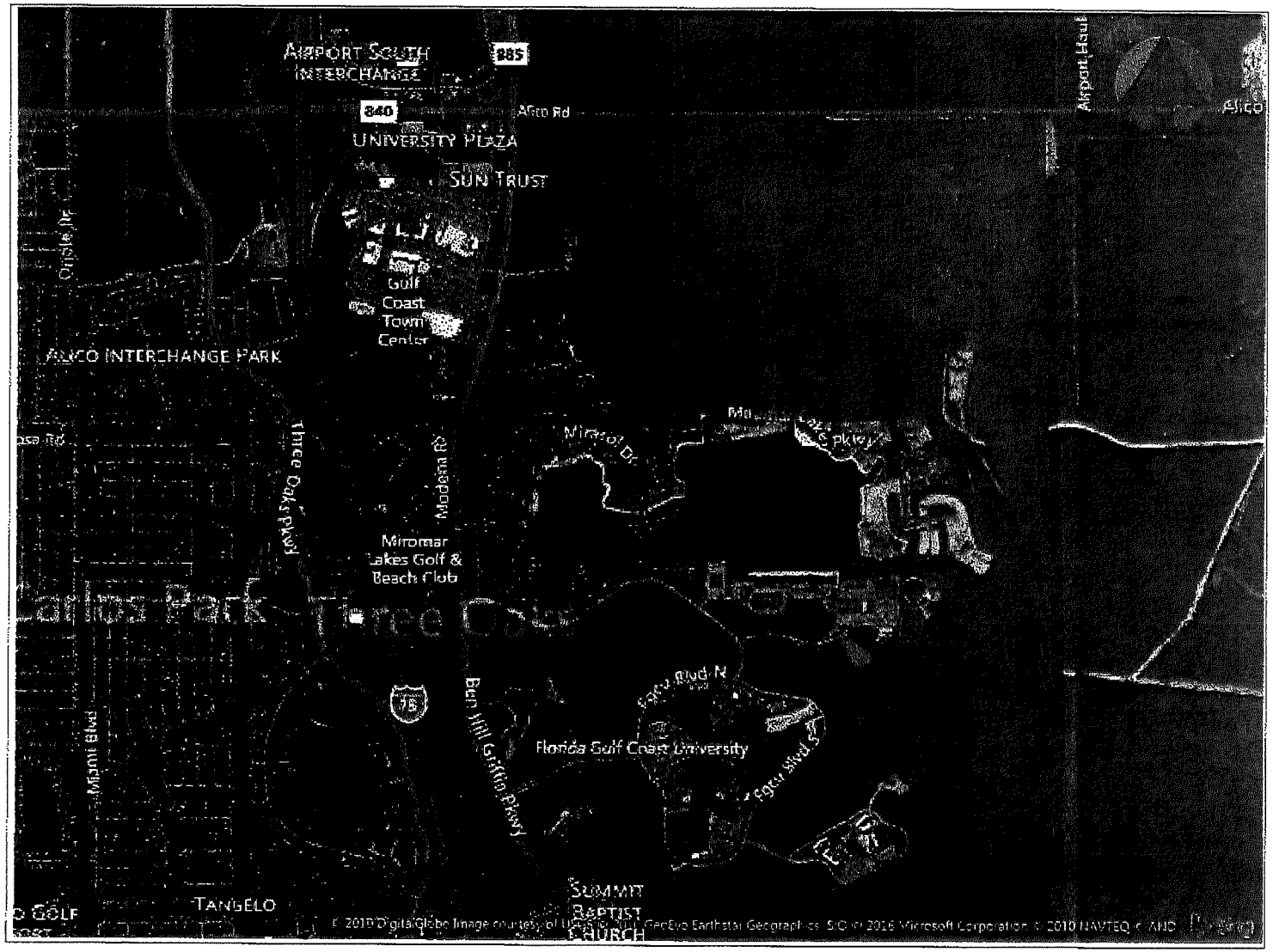
Tina M. Ekblad, MPA, AICP, LEED AP
Planning Director
239-337-3993
tekblad@m-da.com

AREA LOCATION MAP



MORRIS DEPEW

CENTERPLACE



MORRIS DEPEW

Mccormic, Mary

From: Osterhout, Thom
Sent: Tuesday, March 15, 2016 9:57 AM
To: Mccormic, Mary
Subject: RE: Request for Letter of Availability - Centerplace

Okay but update the reduced flow on the spreadsheet.

Thom Osterhout
Senior Manager
Development
Lee County Utilities
1500 Monroe Street
Fort Myers, Florida 33901
(239) 533-8165
tosterhout@leegov.com

From: Mccormic, Mary
Sent: Tuesday, March 15, 2016 9:55 AM
To: Osterhout, Thom
Subject: RE: Request for Letter of Availability - Centerplace

Thom,
The updated letter of availability explains that the proposed amendment seeks to reduce the development intensity of the subject property.

Thank you!
Mary McCormic
Technician Senior
Engineering Development
Lee County Utilities
1500 Monroe Street
Fort Myers, Fl. 33901
mmccormic@leegov.com
Phone 239-533-8532

From: Osterhout, Thom
Sent: Tuesday, March 15, 2016 9:36 AM
To: Mccormic, Mary
Subject: RE: Request for Letter of Availability - Centerplace

Why do they need another one Mary?

Thom Osterhout
Senior Manager
Development
Lee County Utilities
1500 Monroe Street
Fort Myers, Florida 33901

(239) 533-8165
tosterhout@leegov.com

From: Mccormic, Mary
Sent: Tuesday, March 15, 2016 9:35 AM
To: Osterhout, Thom
Subject: RE: Request for Letter of Availability - Centerplace

Thom,
Yes, back in 2013.

Mary McCormic
Technician Senior
Engineering Development
Lee County Utilities
1500 Monroe Street
Fort Myers, Fl. 33901
mmccormic@leegov.com
Phone 239-533-8532

From: Osterhout, Thom
Sent: Tuesday, March 15, 2016 9:23 AM
To: Mccormic, Mary
Subject: RE: Request for Letter of Availability - Centerplace

Did you not already issue one for this property?

Thom Osterhout
Senior Manager
Development
Lee County Utilities
1500 Monroe Street
Fort Myers, Florida 33901
(239) 533-8165
tosterhout@leegov.com

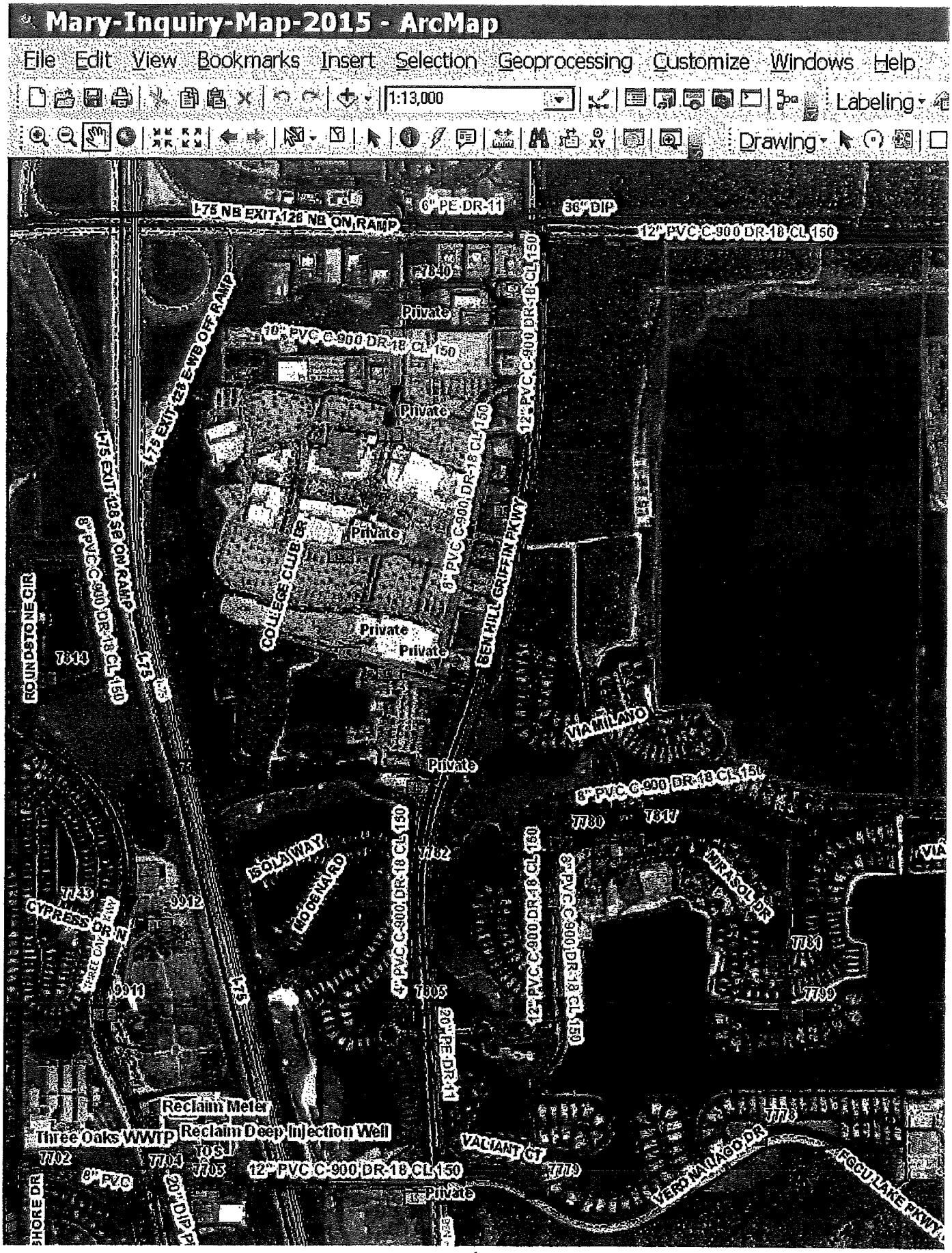
From: Mccormic, Mary
Sent: Monday, March 14, 2016 4:12 PM
To: Osterhout, Thom
Subject: Request for Letter of Availability - Centerplace

Thom,
I have a Letter of Availability Request for **WATER AND WASTEWATER**
Purpose of Letter – **COMPREHESIVE PLAN AMENDMENT**
Project Name – **CENTERPLACE**
Location – **SOUTH SIDE OF ALICO ROAD EAST OF BEN HILL GRIFFIN (SEE LIGHT BLUE HIGHLIGHTED ON MAP BELOW)**
Proposed – **1,950 SINGLE AND MULTI-FAMILY UNITS (487,500 GPD)**

WITH
200,000 SQ. FT. RETAIL (20,000 GPD)
85,000 SQ. FT. OFFICE (12,750 GPD)
20,000 SQ. FT. RESEARCH AND DEVELOPLMENT (3,000 GPD)
250 ROOM HOTEL (50,000 GPD)

Total Estimated Daily Flows – **573,250 GPD**

This request is from Morris Depew Associates, Inc.
Is it okay to write this letter?


Mary-Inquiry-Map-2015 - ArcMap
File Edit View Bookmarks Insert Selection Geoprocessing Customize Windows Help
1:13,000
Labeling
Drawing
I-75 NB EXIT 128 NB ON RAMP
6" PE DR-11
36" DIP
12" PVC C-900 DR-18 CL 150
I-75 EXIT 128 EWB OFF RAMP
I-75 EXIT 128 SB ON RAMP
8" PVC C-900 DR-18 CL 150
10" PVC C-900 DR-18 CL 150
Private
COLLEGE CLUB DR
BEN HILL GRIFFIN PKWY
ROUNDSTONE CIR
VIA MILANO
ISOLA WAY
MODENA RD
CYPRESS DR N
GIRASOL DR
4" PVC C-900 DR-18 CL 150
30" PE DR-11
Reclaim Meter
Reclaim Deep Injection Well
Three Oaks WWTP
VALIANT CT
VERONA GO DR
FOCUS LAKE PKWY
SHORE DR
20" DIP
7840
7814
7762
7743
9912
9911
7805
7780
7811
7784
7799
7778
7779
7702
7704
7703
7805

Thank you!
Mary McCormic
Technician Senior
Engineering Development
Lee County Utilities
1500 Monroe Street
Fort Myers, Fl. 33901
mmccormic@leegov.com
Phone 239-533-8532

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.

MORRIS DEPEW
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2891 Center Pointe Drive Unit 100 | Fort Myers, Florida 33916
Phone (239) 337-3993 | Toll Free (866) 337-7341
www.morris-depew.com

March 7, 2016

Kathy Rairden, Major
Lee County Sherriff's Office, Patrol Bureau
14750 Six Mile Cypress Pkwy
Fort Myers, FL 33912

Via E-mail: KRairden@Sheriffleefl.org

Re: Request for Letter of Availability
CenterPlace (MDA 12060)

Dear Ms. Rairden,

The CenterPlace property located east of Ben Hill Griffin and immediately south of Alico Road is seeking a Comprehensive Plan Amendment. The proposed amendment seeks to reduce the development intensity of the subject from the previous approvals to the following:

Proposed Use	Approved Development	Requested Amendment
Residential dwelling units	1,950 du	1,950 du
Retail	246,400 SF	200,000 SF
Office (inc. Medical Office)	100,000 SF	85,000 SF
Research & Development	300,000 SF	20,000 SF
Hotel Rooms	250 Rooms	250 Rooms

Please accept this letter as the request for a Letter of Availability for a Comprehensive Plan Amendment application to be submitted to Lee County. A Letter of Availability from Lee County Sherriff's Office, Patrol Bureau is required to demonstrate that the agency is able to provide service, with adequate response times, to the sites included in the application. An aerial of the properties to be included with the Comprehensive Plan Amendment is attached to this letter for reference.

If you have any questions, please feel free to contact me via email or phone.

Thank you,
Morris-Depew Associates, Inc.

Tina M. Ekblad

Tina M. Ekblad, MPA, AICP, LEED AP
Planning Director
239-337-3993
tekblad@m-da.com

Mike Scott
Office of the Sheriff

State of Florida
County of Lee

March 23, 2016

Tina M. Ekblad
Morris-Depew Associates, Inc.
2891 Center Pointe Drive, Unit 100
Fort Myers, FL 33916

RE: CenterPlace property

Ms. Ekblad,

The proposed Comprehensive Plan Amendment for the CenterPlace property (MDA 12060) would not affect the ability of the Lee County Sheriff's Office to provide core levels of service at this time. This request reduces the property's development intensity to the following:

Proposed Use	Approved Development	Requested Amendment
Residential dwelling units	1,950 du	1,950 du
Retail	246,000 SF	200,000 SF
Office (inc. medical office)	100,000 SF	85,000 SF
Research and development	300,000 SF	20,000 SF
Hotel rooms	250 rooms	250 rooms

Law enforcement services will be provided from our South District office in Bonita Springs, with supplemental support from City of Bonita Springs contract deputies. As this development builds out, we will factor its impact into our annual manpower review and make adjustments accordingly. At the time of application for a Development Order or building permit, we request that the applicant provide a Crime Prevention Through Environmental Design (CPTED) report done by the applicant and given to the Lee County Sheriff's Office for review and comments.

Please address further correspondence to me at the address listed below. Please contact Community Relations Supervisor Beth Schell at 258-3287 with any questions regarding the CPTED study.

Respectfully,

Major Kathryn Rairden
Lee County Sheriff's Office

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2891 Center Pointe Drive Unit 100 | Fort Myers, Florida 33916
Phone (239) 337-3993 | (866) 337-7341
www.morris-depew.com

November 18, 2016

Becky Sweigert
Principal Environmental Planner
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, FL 33901

Re: Centerplace – CPA2016-00011
1st Resubmittal

Dear Ms. Sweigert,

The purpose of this letter is to provide a response to Lee County Community Development review comments dated October 21, 2016 for the above referenced Comprehensive Plan Amendment Application. We believe that we have adequately addressed the comments provided. Should additional information be required, please do not hesitate to call 239-337-3993 or e-mail: tekblad@m-da.com.

Review/Comment:
APPLICATION MATERIALS COMMENTS:

1. Please provide a standalone document of the proposed text amendments to Policy 1.1.19, Goal 18, Table 1(a) and Table 1(b) in a strike-thru underline format.

Response:
Please see the attached Proposed Text Amendment in Strikethrough Underline format for Policy 1.1.19 and Goal 18.

The applicant notes that Table 1(b) does not need to be amended. For reference, the CenterPlace property is known as Area 9, which has currently approved densities and intensities referenced in the supporting Policies of Goal 18. This development was approved per CPA2009-00001. The maximum residential density currently referenced in Policy 18.1.16 is the same as the density referenced in the requested text amendment. The maximum commercial and research and development intensity is being reduced from the currently approved 543,000 SF and 918,000 SF (respectively) to 200,000 SF and 105,000 (respectively).

Table 1(b) is the Year 2030 allocation for residential, commercial, industrial and "non-regulatory" acreage allocations not density or intensity allocations. The acreage of the subject property remains the same in the currently requested CPA Amendment as it did for CPA2009-00001, 886 acres. This acreage will be allocated to residential, commercial and industrial at the time of development order and will demonstrate consistency with the acreage listed under the

San Carlos Planning Community for these uses. The applicant reminds staff that a significant portion of the 886 acres is the existing mining lake. The applicant also notes the previously approved 1,950 dwelling units is not changing and therefore the population accommodation element of Table 1(b) will also remain as currently published.

Review/Comment:

2. Please include a narrative explaining how the proposed changes apply to lands outside of Area 9 within the University Community Land Use Category, Lee Plan Map 1 Page 2 of 8, Table 1(a) and Table 1(b). The application is lacking a narrative for the proposed changes identified above.

Response:

The only changes that impact lands outside Area 9 (aka CenterPlace) are the clustered densities and intensities proposed to Policy 1.1.9. The applicant notes that these "outside lands" belong to two distinct DRI's both of which are zoned MPD:

- **Miromar Lakes MPD/DRI**
- **Gulf Coast Towne Center MPD/DRI**

For these developments to take advantage of the proposed text amendment, a public hearing amendment to the existing MPD (and potentially the DRI) would be required. At that time, the applicant would suggest these properties must demonstrate through their Lee Plan Consistency arguments how their site development characteristics are as unique as the post mining conditions of the CenterPlace property to take advantage of the maximum densities and intensities listed. In addition to an evaluation of the Master Concept Plan indicating where the clustered densities/intensities and requested height would be located, the 35 units/per acre with the parking, open space and storm water management requirements of Chapter 34 may only be achieved through a traditional multi-family product. A 1.0 FAR with the parking open space and storm water management requirements of Chapter 34 can only be achieved through a multi-story commercial product.

A companion MPD rezoning (DCI2016-00017) has been filed for the CenterPlace property concurrent with this CPA request. The materials included with the PD application discuss the unique conditions of the subject property and identify the location and proposed height of the multi-family and commercial products so as to able to appropriately evaluate the proposed clustering of uses.

Lee Plan Map 1 Page 2 of 8 was included as a proposed amendment at Planning Staff's request at a Tuesday November 3, 2015 meeting. This Map should have been amended as part of CPA2009-00001. It has been included in this amendment as a "clean up" item.

Review/Comment:

3. Is an amendment to Lee Plan Table 1(a) footnote 9 necessary to reflect the requested increase of clustered density may reach 35 du/acre to accommodate university housing? Also, are any changes needed to Table 1(b) to reflect a maximum floor area ratio of 1.0 per non-residential acre?

Response:
Please see the responses to Questions 1 and 2.

Review/Comment:
LEE PLAN CONSISTENCY COMMENT:

4. Please provide consistency with Goal 63, particularly Policy 63.1.2 for Wellfield Protection. A portion of this property lies within the 10-year travel time contour of a public water supply well.

Response:
Please see the attached response from Water Science Associates, Inc.

Review/Comment:
UTILITIES COMMENT:

5. Please see attached comments from Lee County Utilities.

Response:
The applicant has reviewed the letter from Lee County Utilities and has included those comments where a response was necessary.

Review/Comment:
TRAFFIC COMMENTS:

6. Please revise the Traffic Analysis to include a 3-mile radius at I-75 (north and south of Alico Rd) and Three Oaks Pkwy (north and south of Alico Rd).

Response:
Please see the attached analysis from David Plummer and Associates.

Review/Comment:

7. Table 2 & 3, 2035 Directional Peak hour volume needs to be revised to 2040 since it is an analysis for year 2040.

Response:
Please see the attached analysis from David Plummer and Associates.

8. The service volume for Alico Rd from Three Oaks Parkway to I-75 is assumed to be controlled access facility: this is not an acceptable assumption.

Response:
Please see the attached analysis for David Plummer and Associates.

Review/Comment:
MISCELLANOUS COMMENT

9. Why are the legal descriptions different between this CPA and the DCI2016-00017?

Response:
The Applicant's Surveyor, Scott Wheeler has reviewed the legal descriptions for the CPA and the rezoning and has not identified any discrepancies. It is noted that the some of the language

of description is written differently; however the same parcel is described. This is due to 2 different surveyors being responsible for the creation of the 2 separate documents and the drafter of the legal description and sketch was attempting to strengthen the lead in language of his document.

UTILITIES COMPREHESIVE PLAN AMENDMENT
SUFFICENCY REVIEW CHECK LIST
Review/Comment:

1. Existing infrastructure, if any, in the immediate area with the potential to serve the subject property:
   The location of existing infrastructure in the immediate area is not addressed in the application. However, there is an existing 24" water line and 16" water line located on the north side of Alico Road at this location of the subject development. In addition, there is a 16" water line on the west side of Ben Hill Griffin Pkwy. in this area. Any of these water lines could potentially serve as a point of connection or multiple points of connection to the potable water system.

Response:
The applicant notes this comment.

Review/Comment:

2. Determine the availability of water supply within the franchise area using the current water use allocation (Consumptive Use Permit) based on the annual average daily withdrawal rate. The application does not address the availability of water supply within the franchise area using the current water use allocation (Consumptive Use Permit) based on the annual average daily withdrawal rate. However, LCU has sufficient allocations included in Consumptive Use Permits from the SFWMD (permit numbers 36-00003-W and 36-00122-W) to provide potable water service to the subject development.

Response:
The applicant notes this comment.

Review/Comment:

3. Include the availability of treatment facilities and transmission lines for reclaimed water for irrigation:
   The application does not address the availability of reclaimed water from LCU, however there currently reclaimed water is not available near the subject development.
   Include any other water conservation measures that will be applied to the site:
   Water conservation measures is not addressed

Response:
The applicant notes this comment.

Review/Comment:

4. Existing infrastructure, if any, in the immediate area with the potential to serve the subject property:

Specific information regarding existing infrastructure in the immediate area with the potential to serve the subject property is not provided in the application. However, there is an existing 12" sanitary sewer force main on the south side of Alico Road and on the east side of Ben Hill Griffin Pkwy. that could serve as a potential point of connection to the sanitary sewer system.

Response:
The applicant notes this comment.

Review/Comment:

5. Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements:
   The applicant has indicated that the project will be served by the Three Oaks Wastewater Treatment Plant. Improvements to the Three Oaks Wastewater Treatment Plant are programmed in the 5 year CIP. These improvements will provide additional capacity at the Three Oaks WWTP.

Response:
The applicant notes this comment.

We believe that we have provided the information necessary to address the comments received. Should there be additional information required or questions, please do not hesitate to contact any of the additional agents or Morris-Depew Associates.

Sincerely,
MORRIS-DEPEW ASSOCIATES, INC.
Tina M. Ekblad
Tina M. Ekblad, MPA, AICP, LEED AP BD+C
Planning Director

Cc: Mr. Donald Schrotenboer
Mr. Charles Basinait, Esq
Kirk Martin, PG
Mark Gillis
Carl Barraco, PE

Water Science Associates

November 17, 2016

Mr. Charles Basinait, Attorney at Law
Henderson, Franklin, Starnes & Holt, P.A.
1715 Monroe Street
P.O. Box 280
Fort Myers, Florida 33902

RE: Response to Lee County Sufficiency Question 4
CenterPlace Development, Lee County, Florida
CPA2016-00011

Dear Mr. Basinait:

Per your request, Water Science Associates is pleased to respond to Question #4 of a Lee County Sufficiency letter dated October 21, 2016, regarding Comprehensive Plan Amendment CPA2016-00011 for the CenterPlace development. The following includes the Lee County request in bold italics followed by Water Resource Associates' response.

LEE PLAN CONSISTENCY COMMENT:

4. Please provide consistency with Goal 63, particularly Policy 63.1.2 for Wellfield Protection. A portion of this property lies within the 10-year travel time contour of a public water supply well.

A portion of the CenterPlace project falls within the 10-year travel time contour of the former Bartow Wellfield. In a presentation by Lee County Utilities titled "*Water Supply Capacity Development*" dated May 28, 2008 (obtained from www.leegov.com), the Bartow Water Treatment Plant was taken offline in 2003. Further, the Water Use Permit for Public Water Supply for Lee County Utilities (WUP No. 36-00003-W) does not list potable wells at the former Bartow Wellfield. It is our understanding that former potable water supply wells at this facility have been converted to supplement reclaimed water supply. Since wells are no longer used for public water supply the 10-year travel time contour associated with the former Bartow Wellfield no longer applies. Hence, the CenterPlace project does not fall within any travel time contours of current potable water wells.

We appreciate the opportunity to provide our services on your behalf. Please contact us if you have any questions or require additional information.

Yours Sincerely,

W. Kirk Martin, P.G.
Principal Scientist
Water Science Associates, Inc.
Mobile: 239.218.1043
Office: 239.204.5301
Email: kirk@wsaconsult.com

Brian K. Barnes
Principal Scientist
Water Science Associates, Inc.
Mobile: 239.240.6035
Office: 239.204.5302
Email: brian@wsaconsult.com

cc. Mr. Donald Schrotenboer

CPA2014-00008

OVERRIDING PUBLIC NECESSITY DEFINITION

COMPREHENSIVE PLAN AMENDMENT

CPA2014-08

OVERRIDING PUBLIC NECESSITY

County Initiated Amendment

Local Planning Agency

Staff Report

2/27/2017

STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2014-08

✓	**Text Amendment**		**Map Amendment**

	This Document Contains the Following Reviews
✓	**Staff Review**
	Local Planning Agency Review and Recommendation
	Board of County Commissioners Hearing for Transmittal
	Staff Response to Review Agencies' Comments
	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: February 17, 2017

PART I
REQUEST, RECOMMENDATION AND FINDINGS OF FACT

A. COUNTY INITIATED AMENDMENT:

To remove the Overriding Public Necessity (OPN) requirement found in Lee Plan Objectives 17.1 and 20.1 and Policies 21.1.5 and 26.2.2 with regards to the Buckingham, Caloosahatchee Shores, Alva, and Bayshore community plans.

B. RECOMMENDATION:

Staff recommends that the BoCC ***transmit*** amendments that delete the OPN provisions from Lee Plan Objectives 17.1 and 20.1 and Policies 21.1.5 and 26.2.2 in order to address potential legal challenges that extend beyond just defining the term. The proposed amendments are provided in strike-though and underline in Attachment 1.

C. FINDINGS OF FACT:

- The OPN requirements in Objectives 17.1 and 20.1 and Policies 21.1.5 and 26.2.2 do not provide adequate notice of the criteria a property owner must satisfy to permit approval of a future land use amendment.
- There is a lack of clear standards or criteria for providing evidence and demonstrating compliance with OPN.
- The OPN provisions create potential legal challenges to its application based on substantive and due process claims.
- Existing Lee Plan policies are in place and are adequate to provide protection of rural character against the encroachment of inconsistent and incompatible land uses in the Buckingham, Caloosahatchee Shores, Alva, and Bayshore communities.
- Deleting OPN from the Lee Plan in no way precludes the Board from reviewing the compatibility and consistency of future cases in these four communities.

PART II
DISCUSSION AND ANALYSIS

The Buckingham, Caloosahatchee Shores, Alva, and Bayshore community planning areas identified in the Lee Plan contain an OPN provision as a standard for approving density increases on lands within their respective communities. OPN is not a defined term in the Lee Plan and there are no clear standards or criteria for its application. The ambiguity of the OPN provisions creates potential legal challenges to its use. Legal concerns regarding OPN provisions are detailed in a memo from the County Attorney's Office dated January 12, 2017, attached hereto as Exhibit 3. After considering the advice and recommendation of the County Attorney's Office and conducting thorough analysis, it is staff's recommendation that the OPN provisions be deleted from the Lee Plan. There are existing provisions throughout the Lee Plan that provide protections against inconsistent and incompatible development making OPN unnecessary.

The ambiguity of OPN became apparent during the River Hall Comprehensive Plan Amendment proceedings during which the Board directed staff to obtain public input and amend the Lee Plan to define OPN and clarify its application to comprehensive plan amendments.

Staff held a workshop in the Alva, Bayshore, Buckingham and Caloosahatchee Shores communities as provided below:

Buckingham Community February 19, 2015 @6PM Buckingham Farms	Bayshore Community February 10, 2015 @ 6:30PM New Hope Church, N. Fort Myers
Caloosahatchee Shores/ East Lee County Council March 17, 2015 @ 6PM Olga Community Center	Alva Community February 9, 2015 @ 7PM Alva Community Center

Each one of these communities has community-specific OPN language contained in Objective 17.1 (Buckingham), Objective 20.1 (Bayshore), Policy 21.1.5 (Caloosahatchee Shores) and Policy 26.2.2 (Alva). The goal of the workshops was to create a single definition of OPN with criteria for approval that apply to all four communities. This task was proved impossible. Although the four communities agreed on a general definition for OPN, they could not reach a consensus on standards for its application. In general, each community indicated that OPN should be based on the unmet needs of the individual planning community and not based on the overall needs of the residents of Lee County.

The definition submitted by the four communities in a joint letter dated March 14, 2015, attached hereto as Exhibit 2, was as follows:

> *Overriding Public Necessity* - An essential need of the residents of the individual Planning Community as a whole, where the interests of the individual Planning Community are regarded as superior to the interests of individuals and businesses, and when there is a conflict between them, the latter must give way. Increases in density to support services and/or infrastructure (e.g. schools, hospitals, fire and rescue services, water and sewer, etc.) do not qualify as an "overriding public necessity." The requirement of overriding public necessity applies to the actual land use

amendment being requested, not the need for amenities offered, and will be considered only for the actual footprint of the intended use."

Like the existing policy language requiring an OPN, this definition includes vague and ambigous terms as well as regulatory language not appropriate for a definition. The County Attorney's Office memo (Exhibit 3) highlights the challenge of creating a single definition of OPN with a single set of criteria to be applied to all four distinct areas: "For example, what qualifies as an overriding public necessity in Alva may not be an overriding public necessity in Bayshore. Additionally, the criteria for determining OPN in Alva could differ from the criteria in Bayshore, even though the term is defined the same." In order to objectively and consistently apply OPN, specific standards or criteria are mandatory. Without the specificity for how to apply OPN, it remains a nebulous and futile provision that undermines the legal integrity of the Lee Plan.

Beyond the issue of defining OPN, are procedural due process concerns. As written, applicants are required to demonstrate compliance with the OPN standard. The Lee Plan does not provide procedures for providing evidence and demonstrating compliance with OPN. The OPN requirement created a quasi judicial process within a historically legislative forum. As a result, Board decisions regarding OPN must be based on competent substantial evidence and provide applicant's with certain due process rights under state law for quasi judicial proceedings. These concerns are conveyed in the County Attorney's Office memo which asserts, "In short, any decision the Board makes regarding the application of the existing OPN provisions may lead to costly and lengthy legal challenges stemming from unknown criteria."

To overcome the complexities of defining and objectively applying OPN and avoid potential legal challenges, the OPN provisions must be removed from Lee Plan Objective 17.1 (Buckingham), Objective 20.1 (Bayshore), Policy 21.1.5 (Caloosahatchee Shores) and Policy 26.2.2 (Alva). Removing the OPN provisions does not preclude review of compatibility and consistency required by other provisions of the Lee Plan from being applied, such as:

- Objectives 2.1 and 2.2 direct new growth to urban areas in contiguous and compact patterns, in part, to contain urban sprawl. Proposed developments in non-urban areas must demonstrate during the rezoning process consistency with these Objectives.

- Goal 5 contains policies that protect existing residential areas by prohibiting residential uses in areas where flood and other hazards exist and from the encroachment of uses that are potentially destructive to the character and integrity of the residential environment.

- Commercial development is limited in rural areas by Goal 6 to serving the needs of the residents in the immediate area. Compatibility, impact on infrastructure, locating the commercial development at intersections, protecting against premature, scattered, or strip development and encouraging infill development are key to protecting the non-urban areas.

- Goal 9 is to protect existing and potential agricultural lands from the encroachment of incompatible land uses

In addition to the County-wide provisions, each of the four community planning areas has community-specific provisions that address the unique community character of each area. The Lee Plan Goal for each of the four communities is provided, in part, below:

> **GOAL 17: BUCKINGHAM.** To manage the future growth in the Buckingham Community; to preserve the existing rural and agricultural land use pattern; to diversify the choice of housing for Lee County by maintaining and enhancing the historic and rural character; and to protect the unique historical and environmental values of the Buckingham Community.
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> **GOAL 20: BAYSHORE COMMUNITY.** To protect the existing rural residential, agricultural and equestrian-oriented character of the community by maintaining low residential densities and minimal commercial activities, while excluding incompatible uses that are destructive to the character of this rural residential environment.
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> **GOAL 21: CALOOSAHATCHEE SHORES:** To protect the existing character, natural resources and quality of life in Caloosahatchee Shores, while promoting new development, redevelopment and maintaining a more rural identity for the neighborhoods east of I-75 by establishing minimum aesthetic requirements, planning the location and intensity of future commercial and residential uses, and providing incentives for redevelopment, mixed use development and pedestrian safe environments.
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> **GOAL 26: ALVA.** To support and enhance Alva's unique rural, historic, agricultural character and natural environment and resources, including the rural village and surrounding area.

The Alva, Bayshore, Caloosahatchee Shores and Buckingham community plans, with the recommended amendments, are attached hereto as Exhibit 1. This exhibit demonstrates that there are adequate objectives and policies in place without the OPN requirement that further the Goal of each individual community. Striking the OPN requirement from the Lee Plan does not preclude the Board from reviewing future cases for consistency and compatibility with these plans.

PART III
CONCLUSION

There are existing Lee Plan policies in place that are adequate to provide the protections against incompatible uses and urban encroachment into rural areas without needing to define OPN and develop criteria that apply throughout all four communities. The practical approach is to delete the OPN provisions from Lee Plan Objectives 17.1 and 20.1 and Policies 21.1.5 and 26.2.2. By doing so, potential legal liabilities and ambiguity are removed from the Lee Plan.

EXHIBITS:

Exhibit 1 Lee Plan Goals 17, 20, 21 and 26 with proposed amendments
Exhibit 2 Communities' letter dated March 14, 2015
Exhibit 3 County Attorney Memorandum dated January 12, 2017

EXHIBIT 1

LEE PLAN GOALS 17, 20, 21 AND 26 WITH PROPOSED AMENDMENTS

GOAL 17: BUCKINGHAM. To manage the future growth in the Buckingham Community; to preserve the existing rural and agricultural land use pattern; to diversify the choice of housing for Lee County by maintaining and enhancing the historic and rural character; and to protect the unique historical and environmental values of the Buckingham Community. For the purposes of this plan, the precise boundaries of the Buckingham Community are indicated on the Future Land Use Map Series, Map 1, Page 2 of 8, Special Treatment Areas. To help maintain the rural and historic character, and create a visually attractive community, the Buckingham Community will draft and submit amendments to the Lee County Land Development Code to implement the intent of the Buckingham Community objectives and policies for Lee County to review and consider for adoption. (Added by Ordinance No. 91-19, Amended by Ordinance No. 93-25, 94-30, 10-15)

OBJECTIVE 17.1: LAND USE. ~~The primary land use designation for the Buckingham Community is "Rural Community Preserve." Other land use designations exist within the Buckingham Community, such as Rural, Sub-Outlying Suburban, Conservation Lands, and Wetlands. Public Facilities have also been designated as appropriate. No land in the Buckingham Community will be changed to a land use category more intense than Rural Community Preserve (including Public Facilities) unless a finding of overriding public necessity is determined by three members of the Board of County Commissioners. Land use decisions will be guided by preserving the~~ Land uses in the Buckingham Community will be developed in a manner that is consistent with the rural and agricultural land use pattern.

POLICY 17.1.1: No property within the Buckingham Community will be rezoned to RVPD. (Amended by Ordinance No. 00-22, 10-15)

POLICY 17.1.2: The southeast and northeast quadrants of the intersection of Orange River Boulevard and Buckingham Road is designated as the commercial node for the Buckingham Community. With the exception of the uses and the property identified in this policy, no new commercial development will be located outside of this commercial node. All new commercial developments in the node are required to provide a minimum of 30% open space. This commercial node is described as those lands 300 feet eastward from the easterly right-of-way of Buckingham Road and lying between Cemetery Road and a point 300 feet north of the intersection of Buckingham Road and Orange River Boulevard. Commercial uses permitted in agricultural zoning districts, such as Feed and Tack stores, are allowed outside of the commercial node if appropriate zoning approval is granted. Commercial boarding stables throughout the Rural Community Preserve will be allowed to give lessons and clinics if lawfully existing or appropriate zoning approval is granted. Commercial uses are permitted on the property zoned C-1 located at 9140 Buckingham Road. (Amended by Ordinance No. 94-30, 98-09, 00-22, 10-15)

POLICY 17.1.3: Except for those clustered areas approved in accordance with Policy 17.1.5, all lots created in the Rural Community Preserve land use category must have a minimum area of 43,560 square feet, unless a Minimum Use Determination has been issued. Calculation of lot size must exclude any road right-of-way or easement areas, water management areas, and natural water bodies. (Amended by Ordinance No. 00-22, 10-15)

POLICY 17.1.4: Bonus density is prohibited in the Rural Community Preserve. (Added by Ordinance No. 10-15)

POLICY 17.1.5: Clustering of residential development in the Rural Community Preserve requires residential planned development (RPD) zoning. Density in clustered developments will be based on upland acreage. Dwelling units must be located away from the property boundaries. Clustering of residential development is limited in the following fashion:
• Buildings must be set back a minimum of 100 feet from the RPD boundary.
• The RPD must have a minimum of 10 acres in order to cluster homesites.
(Added by Ordinance No. 10-15)

POLICY 17.1.6: When possible, residential development adjacent to the Rural Community Preserve boundary should make appropriate transitions to the community with a graduated increase in density as development moves away from the Rural Community Preserve boundaries. Appropriate buffers will be established for projects adjacent to the Rural Community Preserve. (Added by Ordinance No. 10-15)

POLICY 17.1.7: To preserve the shoreline, a 50 foot set back is required from the Orange River. The setback will be measured from the mean high water line or from the top of bank of the Orange River, whichever is further landward. Docks are exempt from this setback requirement. (Added by Ordinance No. 10-15)

OBJECTIVE 17.2: TRANSPORTATION. Lee County supports the community desire to protect the rural character of the Buckingham Community by keeping the majority of the roadways within the community to two lanes. For purposes of this objective, improvements related to bicycle, pedestrian and equestrian facilities or safety improvements, including but not limited to intersection and turn lane additions or improvements, will not be deemed an expansion of the roadway. (Amended by Ordinance No. 94-30, 99-15, 00-22, 10-15)

POLICY 17.2.1: Future multi-lane expansions within the Buckingham Community will be limited to the four-laning of Buckingham Road (except for the portion of Buckingham Road that is encompassed by the Luckett Road Extension). All other existing roadways within the boundaries of the Buckingham Community will remain in their two-lane configuration. This policy does not include bicycle, pedestrian and equestrian facilities or safety improvements on roadways within the boundaries of the Buckingham Community that may be deemed necessary by the Lee County Department of Transportation. As part of any future expansions of Buckingham Road or segments of Buckingham Road within the boundaries of the Buckingham Community, the Lee County Department of Transportation must have at least one public meeting within the community, and the Lee County Board of County Commissioners must have at least one public meeting after 5:00 p.m. regarding the proposed road expansion. (Added by Ordinance No. 10-15)

POLICY 17.2.2: Future extensions of roadways into or through the boundaries of the Buckingham Community will be limited to the Luckett Road Extension on the alignment and in the configuration as adopted by the Board of County Commissioners on June 3, 2008. During the June 3rd meeting the Board recognized the potential to avoid bisecting the Heritage Lakes parcel by shifting the alignment to the east, and that this could be accomplished if the Heritage Lakes parcel is ultimately acquired through the Conservation 20/20 program. If the Heritage Lakes parcel is acquired, a revision in the alignment will be coordinated with CLASAC. Any proposal to further change the adopted alignment of the Luckett Road Extension within the Buckingham Community (beyond the one discussed above) will require analysis and public input. The Lee County Department of Transportation must have at least one public meeting within the community, and the Lee County Board of County Commissioners must have at least on public meeting after 5:00 p.m. regarding the proposed road changes. The analysis must consider the community's desire to have this alignment as far south as possible, starting east of Pangola, in order to skirt the Buckingham Community. In addition, specific roadway extensions are prohibited as follows:
1. The extension of State Road 31 south of the Orange River is prohibited.

2. The extension of Ellis Road is prohibited.
3. The extension of Staley Road to State Road 82 is prohibited.
4. The extension and connection of Long Road to Ellis Road is prohibited.
5. No new east/west collector roadways will be planned or built within the Rural Community Preserve. (Added by Ordinance No. 10-15)

POLICY 17.2.3: The Lee County Department of Transportation will work with the Buckingham Community to identify issues, propose options, and develop a plan directed at improving safety on roads, limiting the negative effects of traffic, and improving the overall functionality of roads within the Buckingham Community to the extent practicable and consistent with the balance of applicable policies. (Added by Ordinance No. 10-15)

OBJECTIVE 17.3: PUBLIC FACILITIES AND UTILITIES. To protect the rural character of the Buckingham Community, public facilities and utilities will be designed to maintain or enhance the overall rural character of the community.(Amended by Ordinance No. 00-22, 03-19, 10-15)

POLICY 17.3.1: In order to discourage unwanted urban development, central sewer lines will not be extended into the Rural Community Preserve, except to the areas identified by Lee Plan Map 7 as Future Sanitary Sewer Service Areas, the existing Resource Recovery Facility, the adjacent Lee County Parks and Recreation Facility, and any future public facility. Sewer lines may be extended to future public facilities after one or more public meetings are held in the community and a public hearing is held before the Board of County Commissioners. The County may also extend transmission/force mains through the Rural Community Preserve, if necessary. Under no circumstances will the availability of central sewer lines be accepted as justification for a density or intensity increase, or reduction of lot size requirements (except as provided in Policy 17.1.5), within the Rural Community Preserve. The County will consider waivers to Lee County Utility's central sewer mandatory connection requirement in the Buckingham Community. A waiver may not be granted unless the landowner has the approval of the Health Department, and the request is in accordance with section 381.00655(2)(b), F.S. (Added by Ordinance No. 10-15)

POLICY 17.3.2: Central water lines may be extended along roads of the Rural Community Preserve upon request of property owners, with extension and connection fees paid by the person(s) receiving the water service. The County may also extend central water lines through the Rural Community Preserve, if necessary. Extension of public central water lines will require the Lee County Board of County Commissioners to hold at least one public meeting after 5:00 p.m. Connection to this expanded water service network will be on a voluntary basis. Under no circumstances will the availability of central water be accepted as justification for a density or intensity increase, or reduction of lot size requirements (except as provided in Policy 17.1.5), within the Rural Community Preserve. (Added by Ordinance No. 10-15)

POLICY 17.3.3: All new large developments (as defined in chapter 10 of the Land Development Code) must install utilities underground. Utilities include, but are not limited to, electricity, telephone, and cable lines. (Added by Ordinance No. 10-15)

POLICY 17.3.4: East County Water Control District is encouraged to continue to develop and maintain its infrastructure to minimize flooding, manage flows down the Orange River, and improve water quality. In addition, ECWCD is encouraged to work with the Lee County Emergency Operations Center to develop a system to warn residents in advance of large releases of water. (Added by Ordinance No. 10-15)

POLICY 17.3.5: Any development or redevelopment of the property must be developed in a manner

that does not adversely impact the rural community. Any use must provide appropriate separation, buffering, traffic mitigation and control, and environmental protection. (Added by Ordinance No. 10-15)

POLICY 17.3.6: Detention and correctional facilities are prohibited within the Buckingham Community boundaries. (Added by Ordinance No. 10-15)

POLICY 17.3.7: No new landfills or resource recovery facilities are permitted in the Buckingham Community. Expansion of the Resource Recovery facilities located on the County property is permitted, including the introduction of new operations and facilities to address solid waste needs. (Added by Ordinance No. 10-15)

POLICY 17.3.8: Lee County Staff will continue to participate in the selection of proper locations and routes for electrical and natural gas transmission lines, and utilities facilities, such as electrical substations and power plants, by facilitating public input from the affected communities. However, the final determination of location and transmission line routes is determined by the State of Florida. (Added by Ordinance No. 10-15)

OBJECTIVE 17.4: LANDSCAPING, BUFFERING, COMMUNITY AESTHETICS, AND QUALITY OF LIFE. Adequate and appropriate landscaping, open space, and buffering must be provided as a means of protecting and enhancing the Buckingham Community's historic rural character and environmental values from developments, utilities, public services, roads, and land use changes or other improvements. (Added by Ordinance No. 10-15)

POLICY 17.4.1: Essential Service and Community Facilities must provide an appropriate native vegetative buffer to address compatibility issues and to enhance the Buckingham Community's rural and low density residential character. Buffering materials must be designed to enhance and protect the aesthetic values inherent to the Buckingham Community. (Added by Ordinance No. 10-15)

POLICY 17.4.2: Lee County will continue, through Lee County Solid Waste Collection Agreements, to require all current and future solid waste collection contractors to perform weekly litter collection along approximately one and one half miles of Buckingham Road, in the vicinity of the Resource Recovery Facility. (Added by Ordinance No. 10-15)

POLICY 17.4.3: Within the Buckingham Community, residential walls are prohibited as boundaries for housing subdivisions or large residential developments. Berms are allowed in accordance with the Lee County Land Development Code, but must be designed to be undulating. (Added by Ordinance No. 10-15)

POLICY 17.4.4: Residential and commercial lighting must be designed to reduce light pollution and light trespass in the Buckingham Community. (Added by Ordinance No. 10-15)

POLICY 17.4.5: Lee County is discouraged from approving any deviation that would result in a reduction of landscaping, buffering, or signage guidelines. (Added by Ordinance No. 10-15)

OBJECTIVE 17.5: ENVIRONMENT, OPEN SPACE AND PARKS. The Buckingham Community values its rural environment and has a goal of protecting open space for the present and future generations. (Added by Ordinance No. 10-15)

POLICY 17.5.1: Lee County will work with the Buckingham Community to develop a plan for an interconnected system of parks, hiking, and horse riding trails within the Buckingham Community. (Added by Ordinance No. 10-15)

POLICY 17.5.2: The Orange River has areas where it is narrow, with fluctuating levels of water flow and surrounding low density residential uses. Any access to the Orange River, except for single family docks, will be reviewed through the Planned Development zoning process to insure consistency with surrounding areas. Docks, except for single family docks, approved prior to March 3, 2010 may remain but may not be expanded unless the expansion complies with this policy. (Added by Ordinance No. 10-15)

POLICY 17.5.3: The removal of invasive exotic plants, as defined by the state or county, is required for all new development within the Rural Community Preserve. (Added by Ordinance No. 10-15)

OBJECTIVE 17.6: It is the policy of Lee County to protect the historical agricultural uses within the Buckingham Community. These uses include a variety of agricultural applications such as tree farms, citrus farms, stables, cattle, cows, goats, and other livestock and crops of varying sizes. Lee County will accommodate existing agriculture uses into the future. (Added by Ordinance No. 10-15)

POLICY 17.6.1: Lee County will, when asked by the Property Appraiser, advise the Property Appraiser that it is the intent of the Lee Plan to protect and maintain agriculture in the Buckingham Community. (Added by Ordinance No. 10-15)

POLICY 17.6.2: Growing of crops for alternative energy sources on an experimental basis, such as *Jatropha curcas*, will be considered an agricultural use. (Added by Ordinance No. 10-15)

OBJECTIVE 17.7: PUBLIC PARTICIPATION. Lee County will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals that affect the Buckingham Community. (Added by Ordinance No. 10-15)

POLICY 17.7.1: As a courtesy, Lee County will register citizen groups and civic organizations within the Buckingham Planning Community that desire notification of pending review of Land Development Code amendments and Lee Plan amendments. Upon registration, Lee County will provide registered groups with documentation regarding these pending amendments through mail, email, or other electronic means. This notice is a courtesy only and is not jurisdictional. Accordingly, the County's failure to mail/email or to timely provide the notice, or failure of a group to receive notice, will not constitute a defect in notice or bar a public hearing from occurring as scheduled. (Added by Ordinance No. 10-15)

POLICY 17.7.2: The owner or agent of a requested zoning action (planned development, conventional rezoning, special exception, or variance requests) within or adjacent to the Buckingham Planning Community, or with access to Buckingham Road must conduct one public informational session within the Buckingham Community where the agent will provide a general overview of the project for any interested citizens. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space, providing notice of the meeting, and providing security measures as needed. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. (Added by Ordinance No. 10-15)

GOAL 20: BAYSHORE COMMUNITY. To protect the existing rural residential, agricultural and equestrian-oriented character of the community by maintaining low residential densities and minimal commercial activities, while excluding incompatible uses that are destructive to the character of this rural residential environment. For the purposes of this goal and related objectives and policies, the boundaries of the Bayshore Community will be I-75 on the west, SR 31 on the east, the Caloosahatchee River on the south and the Charlotte County line on the north. (Added by Ordinance No. 03-02).

OBJECTIVE 20.1: COMMERCIAL AND INDUSTRIAL LAND USE. Commercial and industrial land uses will be located and developed in a manner consistent with the Bayshore Community rural character. ~~The existing land use designations of the Lee Plan (as of September 30, 2001) are appropriate to achieving the goal of the Bayshore Plan. No land use map amendments to a more intensive category will be permitted after March 11, 2003, unless a finding of overriding public necessity is made by three members of the Board of County Commissioners.~~

POLICY 20.1.1: Retail commercial activity will be limited to the Interstate Interchange designation at Bayshore and I-75, plus minor commercial uses at the intersections of Nalle Road and Bayshore, SR 31 and Bayshore, and SR 31 and Old Bayshore. Non-retail commercial uses are permitted elsewhere consistent with the Lee Plan and the Land Development Code. (Added by Ordinance No. 03-02)

POLICY 20.1.2: Commercial stables or tack and feed stores are exempt from meeting commercial site location standards. The existing 7.1 acre +/- retail commercial center at 10440 Bayshore Road, the 0.66 acre +/- retail commercial property at 19451 SR 31, the 0.83 +/- acre retail commercial property at 17270 Durrance Road, and the 0.36 +/- acre retail commercial property described in resolution Z-72-93, which is part of the property at 6600 Nalle Grade Road, will be deemed consistent with Policy 20.1.1. (Added by Ordinance No. 03-02)

POLICY 20.1.3: No new industrial activities or industrial rezonings are permitted. (Added by Ordinance No. 03-02)

POLICY 20.1.4: No new mining uses or commercial excavations are permitted. (Added by Ordinance No. 03-02)

OBJECTIVE 20.2: TRANSPORTATION. All road improvements within the Bayshore Community considered by the County will address the community's goal to maintain its rural character and give preference to alternatives that allow existing roads to function at their current capacity. (Added by Ordinance No. 03-02)

POLICY 20.2.1: Any expansion of the state arterial roadways should include physically separated provisions for bicyclists/pedestrians. (Added by Ordinance No. 03-02)

POLICY 20.2.2: Road capacity improvements needed within the Bayshore Community to serve demands generated outside the community will be designed to minimize the impacts on the community and its rural character. (Added by Ordinance No. 03-02)

POLICY 20.2.3: If a need to extend Del Prado Boulevard east of I-75 through the Bayshore Community is demonstrated, the corridor evaluation must include alternatives to using the existing Nalle Grade Road alignment. The evaluation will address (but not be limited to) access, safety and community character issues. Alternatives will be presented at evening public workshops within the Bayshore community. (Added by Ordinance No. 03-02)

OBJECTIVE 20.3: SEWER AND WATER. Given the desire to maintain a low residential density, new central sewage service is not economically feasible and is discouraged north of Bayshore Road within the future non-urban land use categories. Central water service for enhanced fire protection will be encouraged where economically feasible. (Added by Ordinance No. 03-02)

POLICY 20.3.1: Central sewage service will be encouraged for existing and future high density and intensity developments south of Bayshore Road within the future urban land use categories and for new developments that are required to provide such service under the provisions of Standard 11.2 of the Lee Plan. (Added by Ordinance No. 03-02)

POLICY 20.3.2: No landowner will be required to connect to central sewer or water utilities or be assessed for same unless a threat to public health can be documented, or if a new development proposes an intensity that exceeds the thresholds in Standards 11.1 and 11.2 of the Lee Plan. (Added by Ordinance No. 03-02)

OBJECTIVE 20.4: PARKS AND RECREATION. The County will explore, with the support of the residents of Bayshore, the feasibility of establishing an equestrian park as the primary recreation facility for this community. (Added by Ordinance No. 03-02)

POLICY 20.4.1: The support of the Bayshore residents may include assistance with development and maintenance of such a recreation facility. (Added by Ordinance No. 03-02)

GOAL 21: CALOOSAHATCHEE SHORES: To protect the existing character, natural resources and quality of life in Caloosahatchee Shores, while promoting new development, redevelopment and maintaining a more rural identity for the neighborhoods east of I-75 by establishing minimum aesthetic requirements, planning the location and intensity of future commercial and residential uses, and providing incentives for redevelopment, mixed use development and pedestrian safe environments. This Goal and subsequent objectives and policies apply to the Caloosahatchee Shores boundaries as depicted on Map 1, page 2 of 8 in the Appendix. (Added by Ordinance No. 03-21)

OBJECTIVE 21.1: COMMUNITY CHARACTER. The Caloosahatchee Shores community will draft and submit regulations, policies and discretionary actions affecting the character and aesthetic appearance of the Caloosahatchee Shores for Lee County to consider for adoption and enforcement to help create a visually attractive community. (Added by Ordinance No. 03-21)

POLICY 21.1.1: By the end of 2007, the Caloosahatchee Shores community will draft and submit regulations for Lee County to review and consider for amendment or adoption as Land Development Code regulations that provide for enhanced landscaping, signage and architectural standards consistent with the Community Vision. (Added by Ordinance No. 03-21, Amended by Ordinance No. 07-12)

POLICY 21.1.2: In order to maintain the Old Florida rural identity for the Caloosahatchee Shores Community, commercial developments are encouraged to use vernacular Florida architectural styles for all buildings. The use of Mediterranean styles of architecture is discouraged. (Added by Ordinance No. 03-21)

POLICY 21.1.3: Lee County is discouraged from approving any deviation that would result in a reduction of landscaping, buffering, signage guidelines or compliance with architectural standards. (Added by Ordinance No. 03-21)

POLICY 21.1.4: By the end of 2007, the Caloosahatchee Shores community will draft enhanced code enforcement standards to be considered by staff for possible inclusion in Chapter 33 of the LDC. (Added by Ordinance No. 07-09)

POLICY 21.1.5: ~~One important aspect of the~~ Protect Caloosahatchee Shores' ~~Community Plan goal is to retain its'~~ rural character from the encroachment of inconsistent and incompatible urban development. ~~and rural land uses where it currently they exist as of May 15, 2009. Therefore no land use map amendments to the remaining rural lands category will be permitted after May 15, 2009, unless a finding of overriding public necessity is made by three members of the Board of County Commissioners.~~

OBJECTIVE 21.2: COMMERCIAL LAND USES. New commercial uses will be limited to properties already zoned for commercial uses as well as commercial centers designated on Map 19, the intersection of I-75 and S.R. 80, the intersection of S.R. 31 and S.R. 80, properties located in the State Route 80 Corridor Overlay District, the Verandah Boulevard commercial node, lands with the Commercial Future Land Use designation, and Future Urban Areas including the central urban and suburban categories adjacent to S.R. 80. New commercial zoning must be approved through the Planned Development rezoning process. Existing and future county regulations, land use interpretations, policies, zoning approvals, and administrative actions should be undertaken in an effort to promote the goal of commercial redevelopment along SR 80 and increased commercial opportunities to service the needs of the Caloosahatchee Shores community and surrounding areas. County regulations should attempt to ensure that commercial areas maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture, lighting and signage. Commercial land uses must be designed to be compatible with and further the

historic character and identity of existing rural Old Florida and Florida Vernacular styles of architecture and the historic identity of Olga. (Added by Ordinance No. 03-21, Amended by Ordinance No. 11-24)

POLICY 21.2.1: To service the retail needs of Caloosahatchee Shores and the surrounding rural communities, the intersection of SR 80 and SR 31, north of SR 80 and east and west of SR 31 are designated as commercial nodes to allow for greater commercial intensity. Commercial nodes are intended for development or redevelopment at Community Commercial levels as defined in Policy 6.1.2 of the Lee Plan. The Verandah Boulevard commercial node is intended for Minor Commercial levels as defined in Policy 6.1.2. Office and residential uses consistent with the Suburban designation are also allowed in this Minor Commercial node. (Added by Ordinance No. 03-21, Amended by Ordinance No. 11-24)

POLICY 21.2.2: In order to protect the rural residential character of Buckingham Road, new retail uses along Buckingham Road outside the commercial node identified on Map 19, will be prohibited. (Added by Ordinance No. 03-21, Amended by Ordinance No. 11-24)

POLICY 21.2.3: The Olga Mall property, 2319 S. Olga Drive, may continue to provide minor commercial retail services for the Olga community. (Added by Ordinance No. 03-21, Amended by Ordinance No. 11-24)

POLICY 21.2.4: Commercial developments within the Caloosahatchee Shores Community must provide interconnect opportunities with adjacent commercial uses in order to minimize access points onto primary road corridors; and residential developments should provide interconnect opportunities with commercial areas, including but not limited to bike paths, pedestrian access ways and equestrian trails. (Added by Ordinance No. 03-21)

POLICY 21.2.5: To promote the redevelopment of commercial uses along SR 80, Commercial uses are encouraged to increase lot depth and size by extending north of SR 80 to First Street. Lee County will encourage the use of First Street as a reverse frontage Road to provide access. This policy hereby adopts Exhibit 1 as a conceptual redevelopment plan for this corridor. (Added by Ordinance No. 03-21)

OBJECTIVE 21.3: RESIDENTIAL USES: Lee County will protect and enhance the residential character of the Caloosahatchee Shores Community by strictly evaluating adjacent uses, natural resources, access and recreational or open space. (Added by Ordinance No. 03-21)

POLICY 21.3.1: By the end of 2007, the Caloosahatchee Shores community will draft and submit regulations and policies for Lee County to review and consider for amendment or adoption as regulations in the Land Development Code to provide for greater buffering between distinctly different adjacent commercial and residential properties, modified however when a project is of mixed use nature. (Added by Ordinance No. 03-21, Amended by Ordinance No. 07-12)

OBJECTIVE 21.4: MIXED USE DEVELOPMENT. Lee County will encourage mixed-use developments in specific areas of the Caloosahatchee Shores planning area through a variety of incentives. (Added by Ordinance No. 03-21)

POLICY 21.4.1: With the exception of mixed-use projects, residential uses fronting SR 80 and Buckingham Road are limited to no more than four dwelling units per acre. (Added by Ordinance No. 03-21)

POLICY 21.4.2: Mixed-use developments, as defined in the Lee Plan, and mixed-use developments containing both commercial and residential uses within the same structure and that provide for an

integration of commercial with residential uses with pedestrian linkages are strongly encouraged at the commercial nodes of SR 80 and SR 31 and SR 80 and Buckingham Road, as well as the commercial strip between First Street and SR 80 in Fort Myers Shores. With the exception of SR 80 and SR 31, which will be allowed densities consistent with the Urban Community future land use designation, mixed-use developments will be limited to six dwelling units per acre at those locations.
•Bicycle & Pedestrian facilities will be provided throughout the development. Connections between all uses are required to facilitate these alternative modes of transportation. When possible, connections to adjacent developments will be provided.
•Vehicular connections between residential and non-residential uses will be provided to facilitate the internal capture of trips. When possible, connections to adjacent developments will be made to provide alternative access to the non-residential components of this development other than the arterial interchange of SR 80 and SR 31. Non-residential components at SR 80 and Buckingham Road should, when possible, provide alternative access off of Buckingham Road and Non-residential components at SR 80 and First Street should, when possible, provide alternative access off of First Street. (Added by Ordinance No. 03-21)

POLICY 21.4.3: Any existing or future regulation in the Land Development Code that is shown by the applicant of a planned development to inhibit the development of a mixed-use project will be given strong consideration for a waiver. By the end of 2007, the Caloosahatchee Shores community will draft and submit regulations and policies for Lee County to review and consider for amendment or adoption as Land Development Code regulations that encourage mixed-use developments. (Added by Ordinance No. 03-21, Amended by Ordinance No. 07-12)

OBJECTIVE 21.5: COMMUNITY FACILITIES/PARKS. Lee County will work with the Caloosahatchee Shores Community to provide and facilitate the provision of a broad mix of Community Facilities. (Added by Ordinance No. 03-21)

POLICY 21.5.1: The Caloosahatchee Shores Community will work with Lee County, the State of Florida and the National Parks Service to provide appropriate passive recreational opportunities, parks, nature, pedestrian and equestrian trails, potentially enhanced by public/private partnerships. This may include easy access, parking, trails, and other non-intrusive uses. (Added by Ordinance No. 03-21)

POLICY 21.5.2: Lee County will work with the community and private landowners to identify opportunities to maintain and enhance public access to the Caloosahatchee River, including access through the Florida Power and Light Plant. All new development of commercial, industrial or public facility properties along the Caloosahatchee River are strongly encouraged to provide for public access to the riverfront. (Added by Ordinance No. 03-21)

POLICY 21.5.3: Lee County will work with the community to ensure that the development of new parks or enhancement of existing parks meets the recreational needs of the community and are integrated into the surrounding developments and open space areas. The concept would be for a park to act as a hub, connected to other open space/recreational opportunities through pedestrian, bicycle or equestrian linkages, either along public rights of way or through adjacent developments. (Added by Ordinance No. 03-21)

POLICY 21.5.4: Lee County Department of Parks and Recreation will work with the residents of the Caloosahatchee Shores to publicize and increase the usage of existing public parks and recreation facilities. (Added by Ordinance No. 03-21)

OBJECTIVE 21.6: PUBLIC PARTICIPATION. Lee County will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals. (Added by Ordinance No.03-21)

POLICY 21.6.1: As a courtesy, Lee County will register citizen groups and civic organizations within the Caloosahatchee Shores Planning Community that desire notification of pending review of Land Development Code amendments and Lee Plan amendments. Upon registration, Lee County will provide registered groups with documentation regarding these pending amendments. This notice is a courtesy only and is not jurisdictional. Accordingly, the county's failure to mail or to timely mail the notice, or failure of a group to receive mailed notice, will not constitute a defect in notice or bar a public hearing from occurring as scheduled. (Added by Ordinance No. 03-21)

POLICY 21.6.2: The Caloosahatchee Shores Community will establish a "document clearing house," where copies of selected zoning submittal documents, staff reports, Hearing Examiner recommendations and resolutions will be provided for public inspection. The County's failure to provide or to timely provide documents to the document clearing house, or failure of the document clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled. (Added by Ordinance No. 03-21)

POLICY 21.6.3: The owner or agent of a requested Lee Plan amendment or zoning action (planned development, conventional rezoning, special exception, or variance requests) within the Caloosahatchee Shores Community must conduct one public informational session where the agent will provide a general overview of the project for any interested citizens. Lee County encourages zoning staff to participate in the public information session. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space, providing notice of the meeting, and providing security measures as needed.Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the public information session; and a proposal for how the applicant will respond to any issues that were raised. (Added by Ordinance No. 03-21, Amended by Ordinance No. 11-24)

GOAL 26: ALVA. To support and enhance Alva's unique rural, historic, agricultural character and natural environment and resources, including the rural village and surrounding area, the boundaries of which are depicted on Map1, page 2 of 8. (Added by Ordinance No. 11-21)

OBJECTIVE 26.1: RURAL CHARACTER. Maintain and enhance the rural character and environment of Alva through planning practices that:
1. Manage growth and protect Alva's rural nature.
2. Maintain agricultural lands and rural land use patterns.
3. Provide needed community facilities, transportation systems, and infrastructure capacity.
4. Protect and enhance native species, ecosystems, habitats, natural resources, and water systems.
5. Preserve Alva's historic places and archaeological sites.
(Added by Ordinance No. 11-21)

POLICY 26.1.1: By 2014, Alva will work with Lee County to evaluate and identify appropriate commercial areas with a focus on the rural village area described under Goal 26 and as identified on Map 1, page 6 of 8. (Added by Ordinance No. 11-21)

POLICY 26.1.2: Alva will work with Lee County to develop sustainable land use practices through which transportation and infrastructure systems, public services, and parks are provided consistent with Alva's rural character. (Added by Ordinance No. 11-21)

POLICY 26.1.3: Alva will work with Lee County to identify appropriate locations for and promote the establishment of community gardens. (Added by Ordinance No. 11-21)

POLICY 26.1.4: New industrial activities or changes of land use that allow future industrial activities, not directly associated with Alva's commercial agriculture, are prohibited in Alva. By 2014, Alva will work with Lee County to establish regulations in the land development code to further this policy. (Added by Ordinance No. 11-21)

POLICY 26.1.5: New natural resource extraction mining activities are prohibited in Alva. By 2014, Alva will work with Lee County to establish regulations in the land development code to further implement this policy. (Added by Ordinance No. 11-21)

POLICY 26.1.6: Outdoor display in excess of one (1) acre and commercial uses that require outdoor display to such an extent are prohibited. (Added by Ordinance No. 11-21)

OBJECTIVE 26.2: RURAL LANDS FRAMEWORK. Provide for the varied residential, commercial, and natural resource needs of Alva's rural lands by establishing a planning framework that serves the area's different users. (Added by Ordinance No. 11-21)

POLICY 26.2.1: Alva will work with Lee County to ensure that future development projects maintain or enhance Alva's rural character by establishing planning policies and land development code standards that are compatible with Alva's vision and guiding principles. (Added by Ordinance No. 11-21)

POLICY 26.2.2: Future ~~L~~land use map amendments that would increase the allowable total density of Alva are discouraged. Future ~~L~~land use map amendments that would decrease the allowable total density of ~~the area~~ Alva and that are otherwise consistent with the objectives and policies of this goal are encouraged. ~~in Alva. No land use amendments to a more intensive category will be permitted unless a finding of overriding public necessity is made by a supermajority of the members of the Board of County Commissioners~~.

POLICY 26.2.3: By 2014, Alva will work with Lee County to promote sustainable residential development patterns and promote Alva's rural character by utilizing rural planning practices to establish land development code requirements that:
1. Limit new residential development clustered in compact, interconnected neighborhoods situated in appropriate locations.
2. Designate appropriate allowed uses.
3. Establish compatible parcel sizes, density, and intensity standards.
4. Conserve natural resources.
5. Provide standards for adequate open space.
6. Maintain commercial agricultural uses.
7. Incorporate green building standards.
8. Identify locations suitable for public services.

(Added by Ordinance No. 11-21)

POLICY 26.2.4: By 2014, utilize the land development code to establish architectural standards that support and enhance Alva's historic rural character and quality of life by:
1. featuring architectural and design themes consistent with Alva's historic architectural styles.
2. Including street graphic standards that address size, location, style, and lighting.

(Added by Ordinance No. 11-21)

POLICY 26.2.5: By 2014, Alva will work with Lee County to establish standards in the land development code that promote economic opportunities, including ecotourism, commercial agriculture, and associated businesses that contribute to Alva's rural character. (Added by Ordinance No. 11-21)

POLICY 26.2.6: By 2014, Alva will work with Lee County to establish design standards in the land development code that:
1. Foster a unique landscape theme for the rights-of-way for North River Road and other county-maintained roads.
2. Address connectivity and separation among differing uses.
3. Preserve native plant communities, including subtropical and tropical hardwood hammock, scrub, and wetlands, to enhance the existing native vegetation and tree canopy.
4. Encourage the removal of exotic species.

(Added by Ordinance No. 11-21)

POLICY 26.2.7: By 2014, Alva will work with Lee County to establish planning policies and development standards in the land development code that promote Alva's commercial agriculture including programs that address:
1. Farm to market demands on the area's roadway infrastructure.
2. Storage of commercial agricultural equipment at a private residence of an individual employed or engaged in an agricultural operation as a permitted use in residential zoning districts in Alva.
3. Maintaining land in commercial agriculture through programs such as farmland trusts and easements.
4. Location of associated packaging, processing, warehousing, and other value-added activities.

(Added by Ordinance No. 11-21)

POLICY 26.2.8: Promote Alva's historic character by utilizing the land development code to:
1. Consider formal local designation of additional historic buildings and districts.
2. Identify potential national or state registered history buildings and districts.
3. Evaluate the effects of county regulations on designated historic districts.
4. Modify regulations, as necessary, to protect both the interests of the historic structures owners and Alva. (Added by Ordinance No. 11-21)

POLICY 26.2.9: By 2014, Alva will work with Lee County to develop and promote innovative rural planning tools, such as purchase and transfer of development rights, to:
1. Maintain commercial agriculture.
2. Conserve and restore agricultural lands, open lands, native vegetated uplands and wetlands.
3. Sustain the rural character of Alva.
(Added by Ordinance No. 11-21)

OBJECTIVE 26.3: RURAL VILLAGE FRAMEWORK. Through cooperative efforts among Alva and Lee County, establish the appropriate regulatory and incentive framework to implement Alva's vision for a mixed-use rural village center in the area depicted on Map 1, page 6 of 8. (Added by Ordinance No. 11-21)

POLICY 26.3.1: Alva will work with Lee County to evaluate and amend the Compact Communities Code, Land Development Code Chapter 32, to establish standards for a mixed-use rural village center that provides for walkable residential areas, appropriately located commercial and professional services, and public resources that meet the area's needs consistent with the Alva vision and guiding statements. Through this code, Alva will describe the form, function, street layout, streetscape, and public spaces of the historic core and sub-areas 1 through 4 (including Charleston Park) of the rural village. (Added by Ordinance No. 11-21)

POLICY 26.3.2: Alva will work with Lee County to consider designating the rural village and areas therein as historic districts. (Added by Ordinance No. 11-21)

POLICY 26.3.3: By 2014, Alva will work with Lee County to establish a maximum height standard in the land development code for the historic core, as depicted on Map 1, Page 6a of 8, that supports the Alva Methodist Church and the Alva School buildings position as dominant features and landmarks of the rural village. (Added by Ordinance No. 11-21)

POLICY 26.3.4: By 2014, Alva will work with Lee County Parks and Recreation Department to explore the feasibility and potential funding for developing and implementing a site improvement plan for the existing boat launch area and facilities on Pearl Street and the Alva Heritage Park on Palm Beach Boulevard and the right-of-way for High Street. (Added by Ordinance No. 11-21)

POLICY 26.3.5: To prevent strip development along Palm Beach Boulevard, the majority of acreage available for commercial development will be located within the rural village, particularly the village center (sub areas 2 and 3). By 2014, Alva will work with Lee County to amend the land development code to accomplish this policy. (Added by Ordinance No. 11-21)

POLICY 26.3.6: Any new development on parcels within the rural village area currently zoned commercial will be evaluated for consistency with the design and use standards of the rural village through the development review process in order to contribute to the overall design concept and be compatible with the village character and adjacent neighborhoods. (Added by Ordinance No. 11-21)

OBJECTIVE 26.4: CONNECTIVITY. Provide appropriate and reasonable access and linkages throughout Alva, while supporting the area's rural character. (Added by Ordinance No. 11-21)

POLICY 26.4.1: Alva will work with Lee County to utilize the Compact Communities Code, Land Development Code Chapter 32, to establish a walkable mixed-use rural village center that provides for the needs of pedestrians, cyclists, equestrian riders, and drivers. Through this code, Alva will describe the form, function, layout, streetscape, and public spaces of roadways and pathways within the historic core

and sub-areas 1 through 4 (including Charleston Park) of the rural village. (Added by Ordinance No. 11-21)

POLICY 26.4.2: By 2014, Alva will work with Lee County to provide for multiple connections to the existing transportation network by establishing land development practices and regulations through which new streets and roads—particularly those in residential areas or rural centers—will be required to interconnect with adjacent land uses. Additionally, the regulations will prohibit entry gates and perimeter walls around residential development. (Added by Ordinance No. 11-21)

POLICY 26.4.3: During all phases of transportation planning and review, Alva will work with Lee County to address roadway transportation needs in a manner that ensures the rural character of the area including:

1. Evaluating the capacity and level of service standards for rural roads.
2. Monitoring traffic levels in coordination with Hendry County.
3. Designating North River Road and other qualifying roads as county scenic roads and obtaining Florida Scenic Highway designation from the State.
4. Farm-to-market functions of rural roadways including North River Road and Palm Beach Boulevard.

(Added by Ordinance No. 11-21)

POLICY 26.4.4: By 2014, Alva will work with Lee County to evaluate funding opportunities and feasibility of creating a multipurpose path to run the entire length of North River Road through Alva. (Added by Ordinance No. 11-21)

OBJECTIVE 26.5: NATURAL RESOURCES AND ENVIRONMENTAL SYSTEMS. Enhance, preserve, protect, and restore the physical integrity, ecological standards, and natural beauty of Alva. (Added by Ordinance No. 11-21)

POLICY 26.5.1: By 2014, Alva will work with Lee County to establish planning policies and development standards that:

1. Promote developments that protect the integrity, stability, and beauty of the natural environment.
2. Maintain wildlife habitat and habitat travel corridors.
3. Require new development and redevelopment to be designed and operated to conserve critical habitats of protected, endangered, and threatened species, and species of special concern.
4. Increase development setbacks from natural areas and surface waters.
5. Establish requirements for natural buffers from parcel lines to development areas.
6. Prohibit developments that would harm protected, endangered, and threatened species or species of special concern.
7. Enhance connectivity to maintain uninterrupted wildlife corridors among, between, and within parcels.
8. Develop surface water management system design standards that incorporate natural flowway corridors, cypress heads, natural lakes, and restore impacted natural surface waters.
9. Evaluate the feasibility and opportunities for an overall surface water management plan.

(Added by Ordinance No. 11-21)

POLICY 26.5.2: Alva will work with Lee County to identify and evaluate land conservation funding opportunities and acquisition priorities to protect vital natural resources, ecosystems, and habitats from the impacts of clear cutting for residential or agricultural purposes. (Added by Ordinance No. 11-21)

POLICY 26.5.3: As a minimum standard, Lee County will require all new development and redevelopment to comply with State of Florida mandated Total Maximum Daily Load (TMDL) requirement for designated water bodies. (Added by Ordinance No. 11-21)

POLICY 26.5.4: New development and redevelopment in or near existing and potential wellfields must:
1. Be designed to minimize the possibility of contaminating groundwater during construction and operation.
2. Comply with the Lee County Wellfield Protection Ordinance.

(Added by Ordinance No. 11-21)

OBJECTIVE 26.6: PUBLIC RESOURCE ACCESS. Increase the opportunity for public access to and enjoyment of the scenic, historic, recreational, and natural resources in Alva. (Added by Ordinance No. 11-21)

POLICY 26.6.1: Alva will work with Lee County to identify opportunities to link public lands, facilities, and recreation areas that minimize disturbance of natural systems and wildlife habitat and incorporate these links into the Greenways Master Plan. (Added by Ordinance No. 11-21)

POLICY 26.6.2: By 2014, Alva will work with Lee County to identify potential public uses for significant historic structures and archaeological sites. (Added by Ordinance No. 11-21)

POLICY 26.6.3: Alva will work with Lee County to identify areas suitable for passive waterdependent/water-related recreational uses and activities, such as canoe and kayak launch areas, boardwalks, jogging paths, fishing platforms, and waterside parks. (Added by Ordinance No. 11- 21)

POLICY 26.6.4: Alva will continue to work with Lee County to evaluate appropriate access and use of Conservation 20/20 lands to support kayaking and canoeing, bird watching, hiking, and other passive recreation related to eco-tourism. Recreational opportunities will be balanced with the protection of natural resources and will comply with the Land Stewardship Plan prepared by the Conservation 20/20 Land Program. (Added by Ordinance No. 11-21)

OBJECTIVE 26.7: PUBLIC PARTICIPATION. Lee County will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, land development code provisions, Lee Plan provisions, and zoning approvals. (Added by Ordinance No. 11-21)

POLICY 26.7.1: As a courtesy, Lee County will register individuals, citizen groups, and civic organizations within Alva who desire notification of pending review of land development code amendments and Lee Plan amendments. Upon registration, Lee County will provide registered groups with documentation regarding these pending amendments. This notice is a courtesy only and is not jurisdictional. Accordingly, the county's failure to mail, email, or to timely mail the notice, or failure of a group to receive mailed notice, will not constitute a defect in notice or bar a public hearing from occurring as scheduled. (Added by Ordinance No. 11-21)

POLICY 26.7.2: As a courtesy, Lee County will notify Alva about public hearings, workshops, and hearings for land development decisions in Alva for the purpose of enabling Alva to participate in and pursue the applicability of the guiding statements for Alva's rural character. (Added by Ordinance No. 11-21)

POLICY 26.7.3: Alva will work with Lee County to establish a document clearing house in Alva where copies of selected zoning submittal documents, staff reports, hearing examiner recommendations and resolutions will be provided for public inspection. The county's failure to provide or to timely provide documents to the document clearing house, or failure of the document clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled. (Added by Ordinance No. 11-21)

POLICY 26.7.4: The owner or agent for any Planned Development of a requested Lee Plan amendment or zoning action (planned development, conventional rezoning, special exception, or variance requests) within Alva must conduct one public informational session where the agent will provide a general overview of the project for any interested citizens. Lee County encourages zoning staff to participate in such the public workshops information session. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space, providing notice of the meeting in Alva, and providing security measures as needed. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the public information session; and a proposal for how the applicant will respond to any issues that were raised. (Added by Ordinance No. 11-21)

POLICY 26.7.5: Alva will work with Lee County to improve its citizens' understanding of natural resources through educational programs on energy conservation, energy efficiency, greenhouse gas emission reductions, solid waste management, hazardous waste, surface water runoff, septic maintenance, water conservation, xeriscaping, green building, cultural resources, history, etc. The site for these programs will be located in Alva. (Added by Ordinance No. 11-21)

POLICY 26.7.6: Alva will work in coordination and partnership with North Olga to implement and achieve the Northeast Lee County vision, goal, objectives, and policies. As part of this effort, Alva will coordinate with North Olga on the review of development efforts that impact the Northeast Lee Planning Community. (Added by Ordinance No. 11-21)

POLICY 26.7.7: Alva will work in coordination and partnership with the other planning communities in the East Lee County area in order to ensure effective collaboration and coordinated planning efforts. (Added by Ordinance No. 11-21)

POLICY 26.7.8: Alva will work with Lee County to coordinate planning efforts with the adjacent counties, and other local, regional, state, and federal agencies to maintain the rural character of Alva. (Added by Ordinance No. 11-21)

3/24/15

Mr. Paul O'Connor

Director Community Development

Lee County Florida

Re: "Overriding Public Necessity" definition

Dear Mr. O'Connor,

The East Lee County Council and its member Community Planning Panels submit the following definition for "Overriding Public Necessity" to be included in the Lee Plan glossary and our Community Plans.

Overriding Public Necessity

An essential need of the residents of the individual Planning Community as a whole, where the interests of the individual Planning Community are regarded as superior to the interests of individuals and businesses, and when there is a conflict between them, the latter must give way. Increases in density to support services and/or infrastructure (e.g. schools, hospitals, fire and rescue service, water and sewer, etc.) do not qualify as an "overriding public necessity". The requirement of overriding public necessity applies to the actual land use amendment being requested, not the need for amenities being offered, and will be considered only for the actual footprint of the intended use.

Thank you,

Ruby Daniels: President Alva, Inc.

T.J. Cannamela: President Buckingham Community Association, Inc.

Ed Kimball: President Caloosahatchee Shores Planning Committee and the ELCC

Steven Brodkin: President Concerned Citizens of Bayshore Community

EXHIBIT 2

MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY

DATE: January 12, 2017

TO: Dave Loveland

Director of Community Development

FROM: Michael D. Jacob
Managing Assistant County Attorney

RE: **CPA2014-00008**
Overriding Public Necessity

On October 7, 2014, the County Attorney's office requested the Board authorize County Staff to amend the Lee Plan to address procedural issues and provide clarification of the overriding public necessity requirement found within several policies. These issues arose during the River Hall proceedings. At that time, the County Attorney's office recommended the Board amend the Lee Plan to provide a definition of "overriding public necessity" and associated text amendments to clarify the application of the overriding public necessity requirement within the Lee Plan. Specifically, the Blue Sheet provided for amendments to the Glossary, Objective 17.1 (Buckingham Community), Objective 20.1 (Bayshore Community), Policy 21.1.5 (Caloosahatchee Shores Community), and Policy 26.2.2 (Alva Community). Following Board authorization, the above referenced Lee Plan case was created.

As you are aware, after approval of the River Hall Plan Amendment and Rezoning applications, certain residents challenged the Board's decision under Chapters 120 and 163, Fla. Stat. The residents incorrectly argued, among other things, that the Board was required to make a finding of overriding public necessity ("OPN") and that the Board's decision in the River Hall case was inconsistent with the Comp Plan for failing to find an OPN.

Subsequent to the October 7, 2014 BoCC hearing and throughout the proceedings initiated by the River Hall opponents, legal concerns were brought to light concerning the OPN provisions that extend beyond just defining the term. Existing OPN provisions create potential legal challenges to its application based on substantive and due process claims that are not isolated to just the River Hall case. In fact, the same legal challenges could also be raised if the OPN requirement is applied under Objective 17.1, Objective 20.1, or Policy 26.2.2.

The primary legal concern is the lack of clear standards or criteria for applying OPN. A County regulation may be found facially invalid under the void-for-vagueness

doctrine if "*the language of the statute [or ordinance] [does not] provide a definite warning of what conduct is required or prohibited, measured by common understanding and practice.*" Kuvin v. City of Coral Gables, 62 So. 3d 625, 639–40 (Fla. 3d DCA 2010) (citing *Jones v. Williams Pawn & Gun, Inc.*, 800 So.2d 267, 270 (Fla. 4th DCA 2001). The vagueness doctrine is designed to "*assure compliance with the due process clause of the United States Constitution.*" *See* Se. Fisheries Ass'n, Inc. v. Dep't of Nat. Res., 453 So. 2d 1351, 1353 (Fla. 1984). Unconstitutionally vague regulations may lead to arbitrary and discriminatory enforcement. Id. An ordinance that is found constitutionally vague is void and unenforceable.

Currently, the OPN requirements in Objective 17.1, Objective 20.1, Policy 21.1.5, and Policy 26.2.2 do not provide adequate notice of the criteria a property owner must satisfy to permit approval of a future land use map amendment. The Board's future application and interpretation of the OPN requirement will be left solely to the discretion of each Board based on the facts present in each case. Such a circumstance "*invites arbitrary and selective enforcement*" that may serve as a deprivation of the rights protected by the due process clause of the Florida and United States Constitutions. *See* Kuvin at 639.

The failure of a property owner to accurately guess the criteria that must be met to satisfy the OPN requirement will lead to the inability of the property owner to acquire the same development rights that similarly situated property owners within the County may acquire. The Board's decision to deny an application in such a case could create legal challenges stemming from the County's failure to provide criteria for its application as well as challenges due to arbitrary and capricious enforcement.[1] If unsuccessful, the OPN requirements may be rendered void and unenforceable. Still further, the Board's decision to approve an application after making a finding of OPN could likely still be challenged under Chapters 120 and 163, Fla. Stat., by opponents and gadfly litigants based on their own definitions and subjective criteria for applying the OPN requirement. As proof of that potential, I draw your attention to the Transcripts of the October 25, 2016 Administration Commission hearing. Attorney General Bondi asked opposing counsel:

> **Q**: "So if we find that the correct standard is that the County must determine if there is an overriding public necessity, you will be disputing that back at the County level?"

[1] In legal challenges based on unconstitutionally vague provisions, the Courts hold that when there is doubt about the vagueness of a statute "the doubt should be resolved 'in favor of the citizen and against the state.'" *See* Brown v. State, 629 So. 2d 841, 843 (Fla. 1994) (citing *State v. Wershow*, 343 So.2d 605, 607-608 (Fla.1977)). Even if it is argued that the OPN requirements are not vague, if there is potential doubt as to vagueness, the case would be ruled in favor of the property owner and invalidate the provision.

> **A**: "Yes. In fact, we had made presentations, taken common dictionary definitions of "overriding," "public," and "necessity" and stating that it did not meet those...."

(Transcripts, Administration Commission Hearing, p 148, 16-24). In short, any decision the Board makes regarding the application of the existing OPN provisions may lead to costly and lengthy legal challenges stemming from unknown criteria.

In addition to the potential vagueness claim, there are procedural due process concerns with the OPN requirements. As written, if the OPN provisions apply, the Lee Plan requires the applicant to demonstrate the existence of an OPN. The very character of the hearing inherently required to demonstrate that the project meets the OPN requirement creates the potential due process issue.

In *Bd. of County Com'rs of Brevard County v. Snyder*, 627 So. 2d 469 (Fla. 1993), the Florida Supreme Court distinguished the types of proceedings that are deemed legislative or quasi judicial. The *Snyder* Court stated "*it is the character of the hearing that determines whether or not board action is legislative or quasi-judicial.*" Bd. of County Com'rs of Brevard County v. Snyder, 627 So. 2d 469, 474 (Fla. 1993)(citing *Coral Reef Nurseries, Inc. v. Babcock Co.*, 410 So.2d 648 (Fla. 3d DCA1982)). If the action "*results in the formulation of a general rule of policy*" it is legislative. If the action concerns the "*application of a general rule of policy*" then it is judicial. Id. at 474. Stated another way, "*a judicial or quasi-judicial act determines the rules of law applicable, and the rights affected by them, in relation to past transactions.*" Id. The Court further went on to state that certain rezoning actions that "*have an impact on a limited number of persons or property owners, on identifiable parties and interests, where the decision is contingent on a fact or facts arrived at from distinct alternatives presented at a hearing, and where the decision can be functionally viewed as policy application, rather than policy setting, are in the nature of ... quasi-judicial action....*" Id.

It is well settled that normal Comprehensive Plan amendments are legislative in nature and therefore subject to different legal standards and procedural requirements. However, simply labeling a decision as legislative because it is part of a Comprehensive Plan amendment is not sufficient to avoid the potential legal issues. As the *Snyder* Court indicated, it is the character of the proceeding and not just the label we place on it that determines whether the case is legislative or quasi judicial.

As we saw in River Hall, the OPN provisions create a bifurcated process wherein the Board must first conduct a hearing to determine whether a project meets the currently undisclosed OPN criteria. The Board's OPN decision is contingent upon the application of a general rule (i.e. OPN-although those criteria are not yet prescribed) to the facts presented to the Board during a hearing. Furthermore, the determination regarding compliance with OPN has "*an impact on a limited number of persons or property owners, on identifiable parties and interests*" and will only apply to a particular

property and set of facts. The Board's determination of whether an applicant has demonstrated compliance with the OPN requirement "*can be functionally viewed as policy application*" and not policy creation. Consequently, the unintended consequence of creating these OPN policies and objectives was the apparent creation of a quasi judicial determination within a historically legislative realm. This result triggers a number of due process concerns.

There are no procedures set out in the Lee Plan for providing evidence and demonstrating compliance with OPN. There are no requirements for the quality of the evidence that must be demonstrated, i.e., whether competent substantial evidence is required. Testimony is not under oath. Expert witnesses are not qualified or accepted to present opinions during their testimony. The applicant is not afforded an opportunity to cross examine witnesses. In fact, currently, there are no procedures that would even require disclosure of the facts supporting the Board's decision regarding OPN.

In a quasi judicial proceeding, to survive challenge, the Board's decision must be supported by competent substantial evidence; the Board must observe the essential requirements of the law; and, the Board must afford the applicant with due process. Florida law is clear on the due process that must be afforded an applicant in a quasi judicial hearing. The applicant "*must be able to present evidence, cross-examine witnesses, and be informed of all the facts upon which the commission acts.*" See Carillon Cmty. Residential v. Seminole County, 45 So. 3d 7, 10 (Fla. 5th DCA 2010)(citing *Kupke v. Orange County,* 838 So.2d 598, 599 (Fla. 5th DCA 2003) (citing *Lee County v. Sunbelt Equities, II, Ltd. Partnership,* 619 So.2d 996 (Fla. 2d DCA 1993))). Application of the OPN provision under the existing Lee Plan will not afford the applicant these essential due process requirements.

Finally, as a practical matter, creating a single definition within the Glossary or set of criteria that are to be applied to four distinct areas has its problems. For example, what qualifies as an overriding public necessity in Alva may not be an overriding public necessity in Bayshore. Consequently, the criteria for approval of a Plan amendment in Alva could differ from the criteria in Bayshore, even though the term is defined the same. In a practical sense, trying to define OPN and develop criteria that apply throughout the four communities is problematic if not impossible.

Based on the foregoing, our Office does not recommend moving forward with transmittal or adoption of the previously recommended draft language concerning OPN. More importantly, we are recommending to Staff and the Board that CPA2014-00008 be revised to strike the OPN requirements from Objective 17.1 (Buckingham Community), Objective 20.1 (Bayshore Community), Policy 21.1.5 (Caloosahatchee Shores

Community), and Policy 26.2.2 (Alva Community).[2] Striking the OPN requirement from the Lee Plan will in no way preclude the Board from reviewing the compatibility and consistency of future cases in these four communities. Existing Lee Plan policies are in place and are adequate to provide the protections that these policies and objectives were apparently designed to address without providing an unnecessary lightning rod for litigation and unduly creating legal liability for the County. If you would like further information or would like to discuss this matter further, please do not hesitate to let me know.

Email Only:
Roger Desjarlais, County Manager
Doug Meurer, Assistant County Manager
Dave Loveland, Director of Community Development
Mikki Rozdolski, Planning Manager
Richard Wesch, County Attorney

[2] Policy 41.2.2 also includes a similar term, "overriding public interest." This policy should also be reviewed for similar revision.

CPA2016-00006

&

CPA2016-00010

TROYER

BROTHERS

COMPREHENSIVE PLAN AMENDMENTS

CPA2016-06

&

CPA2016-10

TROYER BROTHERS

Privately Sponsored Amendments

Local Planning Agency

Staff Report

2/27/2017

STAFF REPORT
COMPREHENSIVE PLAN AMENDMENT
CPA2016-06 & CPA2016-10

✓	**Text Amendment**	✓	**Map Amendment**

	This Document Contains the Following Reviews
✓	**Staff Review**
	Local Planning Agency Review and Recommendation
	Board of County Commissioners Hearing for Transmittal
	Staff Response to Review Agencies' Comments
	Board of County Commissioners Hearing for Adoption

LPA Staff Report Publication Date: February 17, 2017

PART I
APPLICATION SUMMARY

A. PROJECT NAME: Troyer Brothers

B. APPLICANT/REPRESENTATIVES:
Troyer Brothers Florida, Inc
Ms. Susan Stephens, B.C.S, Hopping Green & Sams
Mr. David Depew PhD, AICP, LEED AP, Morris Depew Associates

C. REQUESTS:
Two related applications are addressed in this staff report:

Troyer Brothers Map 14 (CPA2016-06)
Amend Map 14 to add land from within the Troyer Brothers property to the Future Limerock Mining Overlay and corresponding industrial acreage to Table 1(b). The Troyer Brothers property is approximately 1,804± acres.

Troyer Brothers Conservation Lands (CPA2016-10)
Redesignate 453± acres, a portion of the Troyer Brothers property, from DR/GR and Wetlands to Conservation Lands on the Future Land Use Map.

D. CONCURRENT APPLICATION REVIEW:
The Troyer Brothers Map 14 comprehensive plan amendment was filed on April 20, 2016, and the Troyer Brothers Conservation Lands amendment was filed on September 9, 2016. The applicant has also filed a companion rezoning application (DCI2016-00025) that is being reviewed concurrently with the plan amendment applications. DCI2016-00025 was

filed on December 8, 2016 seeking to rezone 1,790± acres from AG-2 to Mine Excavation Planned Development (MEPD) to permit excavation activities.

Florida Statutes Chapter 163.3184(12) provides that "At the request of an applicant, a local government shall consider an application for zoning changes that would be required to properly enact any proposed plan amendment transmitted pursuant to this subsection." This requires Lee County to take into account the concurrent rezoning request.

PART II
RECOMMENDATION

After thorough review and consideration of the factors discussed in the following report, staff is recommending that the following proposed amendments be ***transmitted*** to the state reviewing agencies:

- Amend Map 1: Future Land Use Map to redesignate 453.32 acres from DR/GR and Wetlands to Conservation Lands (uplands and wetlands);
- Amend Map 14: Future Limerock Mining Overlay to add land from within the Troyer Brothers property; and
- Amend Table 1(b) to add industrial acreage to the Southeast Lee County Planning Community.

Attachment #1 contains the existing and revised maps and table.

Although staff is recommending the proposed amendment be transmitted, findings that the mine will be "compatible with maintaining surface and groundwater levels" and that the proposed mine will "minimize or eliminate adverse effects" on surrounding conservation uses cannot be made until the applicant provides the modeling required as part of the concurrent MEPD.

If the modeling demonstrates that the proposed mine does not have adverse impacts on surface and groundwater levels and water quality, findings will be made at the adoption hearing regarding surface and ground levels and effects on conservation lands. If this cannot be demonstrated, the proposed amendment to add land to the Future Limerock Mining Overlay should not be adopted.

PART III
PROPERTY INFORMATION

A. PROPERTY CONDITIONS, INFRASTRUCTURE AND SERVICES

1. EXISTING CONDITIONS:

SIZE OF PROPERTY: 1,804± Acres (907.6 acres will be added to Map 14, and 453.32 acres will be redesignated to the Conservation Lands future land use category).

PROPERTY LOCATION: The subject property is located in Southeast Lee County about 7 miles to the east of Daniels/Gunnery Road on the south side of State Route 82.

CURRENT ZONING AND USE: The property is zoned agricultural (AG-2) to accommodate agricultural row crops and an agricultural processing facility.

CURRENT FUTURE LAND USE CATEGORY: Density Reduction/Groundwater Resource (DR/GR) and Wetlands.

2. INFRASTRUCTURE AND SERVICES:

EMS: Lee County EMS service area.

LAW ENFORCEMENT: The Lee County Sheriff's Office.

FIRE PROTECTION SERVICE: The Lehigh Acres Fire Control & Rescue District is able to provide service to the proposed aggregate mine.

SOLID WASTE: Service Area 3. Disposal of solid waste from this development will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill.

MASS TRANSIT: LeeTran does not serve the subject site.

WATER AND SEWER: The subject property is not located within the Lee County Water and Sewer Future Service Areas as identified on Maps 6 and 7 of the Lee Plan. The anticipated development will not be connected to public water or sewer service, but has adequate wastewater treatment and water supply through well and septic systems.

SCHOOL IMPACTS: The proposed amendment has no impact on classroom needs.

B. PLANNING COMMUNITY and FUTURE LAND USE DESIGNATION:

Southeast Lee County Planning Community

The subject property is in the Southeast Lee County Planning Community. The vision statement for Southeast Lee County states the following:

> "This community consists of regional mining operations, active and passive agricultural uses, public wellfields and water treatment plants, significant contiguous tracts set aside for preservation, a private golf course, and very large lot residential home sites. Through the year 2030, Southeast Lee County will change dramatically. Mining pits will double in size as the northwest portion serves as the major supplier of limerock aggregate for southwest Florida, an activity that continues to generate significant truck traffic especially on Alico Road. The remainder of Southeast Lee County will continue as the county's primary agricultural region and home to its largest (and still expanding) natural preserves. Residential and commercial development will not be significantly increased except in very limited areas where development rights are concentrated by this plan. Some existing farmland will be restored to natural conditions to increase the natural storage of water and to improve wildlife habitat."

While the vision statement for Southeast Lee County does state that the community "consists" of mining operations, it does not state or imply that mining is an appropriate use for all property within the Planning Community. The process of adding land to the Future Limerock Mining Overlay takes into consideration the other uses permitted in Southeast Lee

County in order to locate future mining operations in a way that minimizes or eliminates adverse effects on surrounding land uses and on other natural resources, such as water.

The Southeast Lee County Planning Community has distinct and distinguishable areas. For example, land along the Alico Road Corridor has been used for ongoing mining activity for the past four decades. Land north of the Bonita Beach Road Corridor, east of I-75, are primarily low density residential and have been targeted and acquired for conservation by the South Florida Water Management District (SFWMD). Along Corkscrew Road, east of Alico Road, land has consistently been characterized as rural, consisting of both agricultural and residential uses. Public and private conservation lands are also found throughout southeast Lee County.

Goal 33: Southeast Lee County and Map 14: Future Limerock Overlay

Goal 33 reiterates the importance of water resources and the protection of natural habitat as part of the planning goal for Southeast Lee County.

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Objective 33.1 provides a requirement that new and expanded limerock mines are identified on Map 14. Map 14 identifies Future Limerock Mining areas that provide sufficient lands to meet regional limerock demands. The intent of the map is to minimize the premature or unnecessary impacts of mining on valuable water resources, natural systems, residential areas, and the road system. Policy 33.1.1 acknowledges that over time Map 14 will be expanded as aggregate resources are needed to meet the demand of Lee County and the Southwest Florida Region.

Density Reduction/Groundwater Resource (DR/GR)

The subject property's future land use category is primarily DR/GR and Wetlands. Policy 1.4.5 identifies uses that may be permitted within the DR/GR. These include "agricultural, natural resource extraction and related facilities, conservation uses, public and private recreation facilities, and residential uses." This Policy requires that uses within the DR/GR future land use category "maintain surface and groundwater levels at their historic levels."

C. SURROUNDING PROPERTIES

With the exception of the properties within the Lehigh Acres Planning Community, located north of the subject property, the surrounding properties are located in the DR/GR or Wetlands future land use categories and are zoned AG-2.

West of the subject property are ten sections of land owned by Lee County and is either currently dedicated as mitigation for the Southwest Florida International Airport or intended for future mitigation. A conservation easement dedicated to the SFWMD has been dedicated on six sections of this land. As the airport expands, additional easements will be dedicated and recorded as needed. These properties are zoned AG-2 and are designated as Conservation Lands Uplands and Conservation Land Wetlands on the Future Land Use Map.

Also west of the subject property is a permitted aggregate mine, Florida Rock Mine #2. This property shares a property line with the subject property, is identified on Map 14, and is located in the DR/GR and Wetlands future land use categories. It is zoned Industrial Planned Development (IPD) and is approved for mining.

South of the subject property is the Corkscrew Regional Mitigation Bank, a for-profit mitigation bank on land owned by the SFWMD. West of the mitigation bank are

Conservation 20/20 lands. Southeast of the subject property is the Corkscrew Estates residential subdivision, the only residential area located within one mile of the Troyer Brother's land proposed to be added to Map 14. These properties are designated DR/GR, Wetlands, and Conservation Lands on the Future Land Use Map and are zoned AG-2. Corkscrew Road is approximately one mile south of the proposed Map 14 boundary.

East of the subject property is Conservation 20/20 land known as the Imperial Marsh Galloway Tract and is designated as Conservation Lands on the Future Land Use Map. North of the Galloway Tract is the Sakata Seed Corporation's seed research facility. Further east are agricultural properties currently used for citrus production. These properties are designated DR/GR, Wetlands, and Conservation Lands on the Future Land Use Map and are zoned AG-2.

North of the subject property, across State Route 82, are platted residential and commercial properties within the Lehigh Acres Planning Community. These properties are in the Urban Community future land use category and have commercial (C-2) and residential (RS-1 & RM-2) zoning classifications.

PART IV
DISCUSSION AND ANALYSIS

Lee Plan Goal 33 and its subsequent Objectives and Policies are based on the July 2008 Dover, Kohl & Partners' Prospects for Southeast Lee County (2008 Prospects) and the July 2009 Dover, Kohl & Partners' Natural Resource Strategies for Southeast Lee County (2009 Strategies). These studies underscore the importance of finding a balance between Southeast Lee County's predominate uses – agricultural, resource extraction (water and aggregate), residential, and conservation. While the 2008 study acknowledges possible impacts of mining activities, it also recognizes the need for aggregate limerock materials:

> *"The DR/GR is a central part of one of only six areas in the State of Florida that are believed to contain high quality, sub-surface limestone that can be economically processed for use in road construction. Crushed stone, often known as aggregate, is also an important raw material in the construction of buildings. Aggregate is considered to be a geographically limited essential resource for economic development and growth in Florida."*

In recognizing the need for a balance, Lee County implemented the Future Limerock Mining Overlay through the adoption of Map 14 and Objective 33.1. Objective 33.1 provides that the County will designate on Map 14 sufficient land for continued limerock mining to meet regional demands through the Lee Plan's planning horizon and Policy 33.1.1 recognizes that by allowing rezonings for new and expanded limerock mines only in the areas identified in Map 14, limerock resources will be more fully utilized and the spread of limerock mining impacts will be precluded until such time as there is a clear necessity to do so and Map 14 is amended accordingly. As such, in determining when and where land should be added to the Future Limerock Mining Overlay the **need** for additional land and the **location** of the additional land are required to be evaluated and considered.

Needs Analysis:

The Lee Plan policies and objectives seek to minimize the impacts of limerock mining on valuable water resources, natural systems, residential areas, and the road system. To minimize

these impacts, the Plan ensures that limerock resources in or near existing disturbed areas are more fully utilized and only permits the spread of limerock mining impacts into "*less disturbed environments*" when there is a "*clear necessity*" to do so. The Lee Plan does not define "less disturbed environments" or "clear necessity."

It is Staff's opinion that, at a minimum, a "clear necessity" is demonstrated when there is insufficient land designated on the Future Limerock Mining overlay (Map 14) to meet the regional limerock demands through the applicable Planning horizon. The sufficiency of limerock supply may be demonstrated by individual applicants, the County, or both. The decision on whether a particular property is "less disturbed" or is "in or near existing disturbed areas" will be made on a case-by-case basis and will depend upon the historical use and condition of the property.

Lee Plan Policies requires the County to identify sufficient land for continued limerock mining to meet regional demands through the Lee Plan's planning horizon. See Policies 1.4.5, 1.7.12, 33.1.4, and Objective 33.1. Existing Map 14 identifies lands necessary to meet those demands through the current 2030 Planning horizon.

To ensure the land identified on Map 14 is sufficient to meet regional limerock demands through the Planning horizon, Policy 33.1.4 requires Lee County to "update the parcel-based database of existing land uses described in Policy 1.7.6 at least every seven years to reflect additional data about limerock mining in Southeast Lee County, including mining acreage zoned (project acres and mining pit acreage), pit acreage with active mine operation permits, acreage actually mined, and acreage remaining to be mined." While the current Lee Plan planning horizon is 2030, the Board of County Commissioners has directed staff to make necessary amendments to update the Lee Plan Planning Horizon to 2040. These amendments are anticipated to occur in 2018.

On December 20, 2016, in compliance with Policy 33.1.4, the Board adopted the 2016 Southeast Lee County DR/GR Mining Study. The Study demonstrates that there is insufficient land designated on Map 14 to meet the regional limerock demands through the 2040 Planning horizon. In addition, during the Lee Plan amendment application process, the Applicant provided their own analysis that concluded there is a deficit of limerock supply through the 2030 planning horizon. The Applicant further indicated, assuming all required approvals are obtained, mining excavation would not occur on the subject property prior to 2020, well after the Lee Planning horizon update.

Lee County Staff finds that there is a clear necessity that additional land needs to be added to the Future Limerock Mining Overlay to meet demand through the year 2040. In accordance with the recommendations made in the 2016 Southeast Lee County DR/GR Mining Study, Staff is recommending that the Board review applications on a case-by-case basis for inclusion within the Future Limerock Mining overlay rather than the County initiating its own analysis and unilaterally designating land on Map 14.

Based on the above analysis, Staff finds that there is an inadequate aggregate supply to meet needs for continued growth and redevelopment throughout the region and there is a clear necessity to support adding additional land to Map 14.

Location Analysis:

The subject property was not included on the Future Limerock Mining Overlay, as adopted by the Board of County Commissioners in 2008, because there was not a clear need for the additional aggregate. Now that a need for additional land has been established, the location of the land proposed by the applicant to be added to the Overlay will be evaluated.

The Lee Plan identifies limerock mining as an industrial use and its location must be consistent with Goal 7, Industrial Land Uses, and its subsequent Objectives and Policies. Policy 7.1.3 provides that industrial land uses must be located in areas appropriate to their special needs and constraints. In the case of limerock mining, the following are considered when identifying land to designate on Map 14: availability of limerock materials; access to adequate transportation facilities, and compatibility with surrounding uses, including conservation area. Each of these considerations is discussed in detail below.

Limerock Availability:

It is well documented that limerock is considered to be a geographically limited essential resource. The 2008 Prospects study confirms that limerock is only found in limited locations, including in areas that have already been completely urbanized and in areas outside of the traditional Alico Road mining corridor.

The subject property has limerock materials that could be commercially mined. This is consistent with the Lee County's 2002 Strategic Mining Study which identified known limerock deposits in Southeast Lee County. The subject property is identified as a potential mining area of Lee County in Figure 1 below. ***Staff finds that the subject property is in a geographic area that contains limerock.***

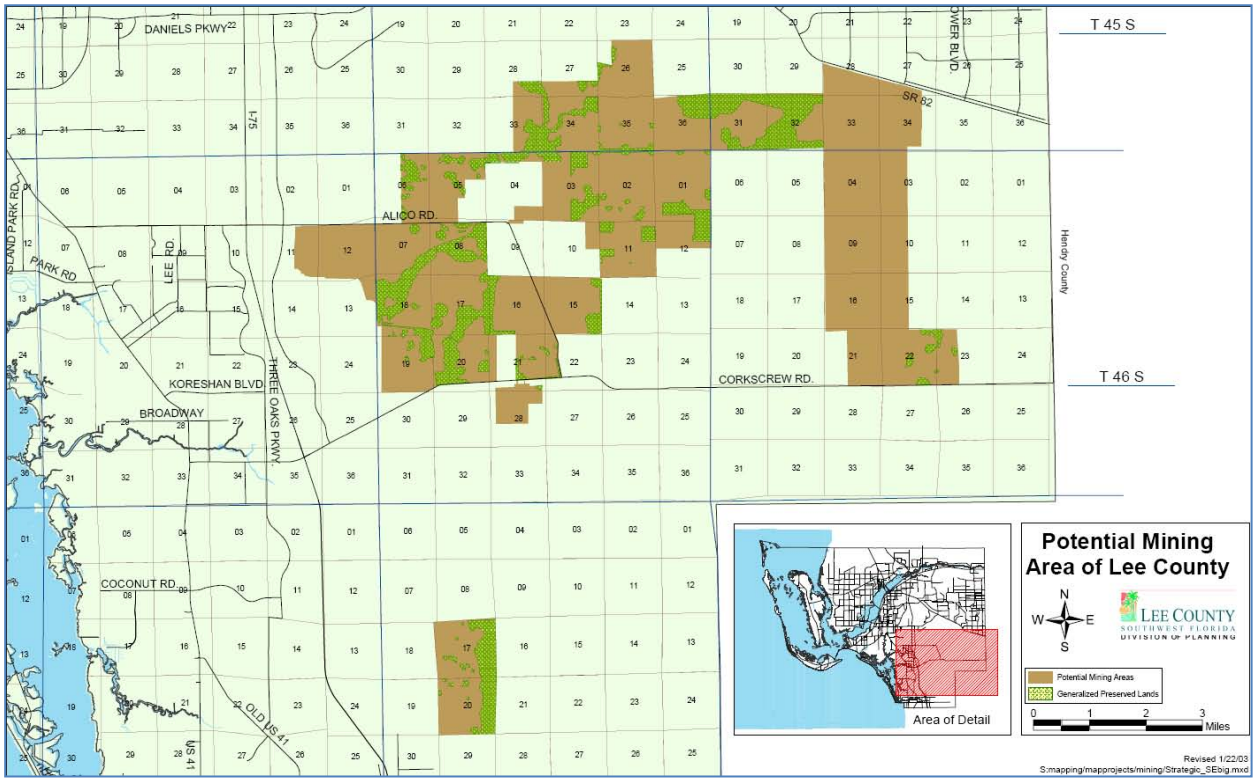


Figure 1: Potential Mining Area of Lee County (2002 Strategic Mining Study). This map identifies limerock deposits in Southeast Lee County known as of 2002.

Transportation Facilities:

Access to adequate transportation facilities must also be evaluated when determining the location for future mines. The application materials provide that the proposed mine will access State Route 82. NO access to Corkscrew Road is proposed. Access locations to the subject property will be verified and likely conditioned through the MEPD zoning process.

The subject site is located on the south side of State Route 82 east of Homestead Road. State Route 82 is currently an east/west two lane undivided arterial roadway on the Strategic Intermodal System maintained by and under the jurisdiction of FDOT. The applicant proposes to use the existing farm operation access to State Route 82.

Lee Plan Map 3A reflects the Lee County Metropolitan Planning Organization (MPO) 2035 Long Range Transportation Plan (LRTP). This map shows six-laning of State Route 82 from Homestead Road to Colonial Boulevard as a cost feasible project, and four-laning of State Route 82 from the Hendry County Line to Homestead Road as a needs plan project.

The MPO 2040 LRTP was adopted in December 2015. The updated LRTP includes the four-laning of State Route 82 from the Hendry County Line to Homestead Road as a cost feasible project. Staff is preparing an amendment to Map 3A to incorporate the MPO's 2040 Cost Feasible and Highway Needs Plans.

The FDOT 5-year work program has multiple projects to widen State Route 82 from Colonial Blvd to County Line.

State Route 82 Improvement Schedule

Segment	Improvement	Construction Funding Year
Colonial Blvd to Shawnee Rd	Widen to 6 lanes	2016/2017
Shawnee Rd to Alabama Rd	Widen to 6 lanes	2021/2022
Alabama Rd to Homestead Rd	Widen to 6 lanes	2017/2018
Homestead Rd to County Line	Widen to 4 lanes	2017/2018

The applicant indicates that a maximum of 3,428,571 tons of recoverable material would be removed from the site on a yearly basis. That will generate 313 trips (passenger-car equivalent trips) in AM peak hour, 205 trips in mid-day peak hour, 46 trip PM peak hour, and 2,092 daily trips.

CPA applications require a short range (5 year) and long range (20+ years) level of service (LOS) analysis. The 5 year analysis indicates that in the three mile study area all the roadway segments are anticipated to operate at or better than the adopted LOS standard in year 2022, with the State Route 82 improvement. Daniels Pkwy south of State Route 82 will be LOS F with and without the project and is outside of the three mile study area radius.

The submitted year 2040 long range transportation LOS analysis indicates the following roadway segments will operate at LOS F with and without the project: (1) State Route 82 from Gateway Blvd to Colonial Blvd; (2) Sunshine Blvd from State Route 82 to SW 23rd ST; (3) Gunnery Road from State Route 82 to Lee Blvd; (4) Daniels Pkwy from State Route 82 to Gateway Blvd. These roadway segments are also outside the three mile radius of the study area. Intersecting street volumes are anticipated to warrant traffic signals at arterial intersections on State Route 82. If traffic signals are installed in the future State Route 82 will operate as an interrupted flow facility. State Route 82 from the project entrance to the Gunnery Rd/Daniels Pkwy intersection will be also at LOS F with and without the project in year 2040.

Based on the submitted data and analysis, there are no required modifications to the adopted Cost Feasible Plan network as a result of this application.

Policy 7.1.5 states that "*the timing and location of industrial development will be permitted only with the availability and adequacy of existing or planned services and facilities"* and Policy 10.1.4 provides that limerock mining operations must have adequate transportation facilities. ***The planned improvements to State Route 82 will assure there will be adequate transportation facilities for a limerock mine at this location. This is consistent with Lee Plan Policies 7.1.5 and 10.1.4.***

Compatibility:

The Lee Plan acknowledges the importance of protecting areas with commercially valuable natural resources, such as limerock, from encroachment of incompatible uses while also considering the impacts of mining on surrounding land uses and other natural resources. This is set forth in Goal 10:

> ***GOAL 10: NATURAL RESOURCE EXTRACTION.*** *To protect areas containing commercially valuable natural resources from incompatible urban development, while insuring that natural resource extraction operations minimize or eliminate adverse effects on surrounding land uses and on other natural resources. (Amended by Ordinance No. 02-02, 10-20)*

The Future Limerock Mining Overlay helps to protect mines from encroachment of incompatible uses by designating on the map locations where mining is permitted to occur and also, through the concurrent zoning review, insures that mining operations are conducted in a manner that minimize or eliminate adverse effects on surrounding land uses and on other natural resources.

As previously discussed, residential and agricultural uses and conservation areas are located within one mile of the proposed Map 14 boundary amendment. A permitted mine, Florida Rock Mine #2, is also located within one mile of the proposed boundary. Compatibility with, and potential impacts on, each of these uses will be considered in the following discussion and analysis to determine if limerock mining on the subject property could be conducted in a manner that has little to no impacts on the surrounding area.

Residential: Policy 5.1.5 requires that existing and future residential areas be protected from the encroachment of uses that are potentially destructive to the character and integrity of the residential environment. The subject property provides one of the best, if not *the* best, opportunity to add additional lands to the Future Limerock Mining Overlay away from residential areas. There are approximately eleven residential lots within one mile of the proposed Map 14 boundary. The residential uses in Southeast Lee County Planning Community are shown in Figure 2. South of the subject property is the Corkscrew Estates subdivision consisting of single-family homes on lots ten acres and larger. The proposed mine boundary is approximately one quarter mile from this subdivision and at least one and one quarter miles to the closest residence south of Corkscrew Road. There are no residential uses immediately east and west of the subject property.

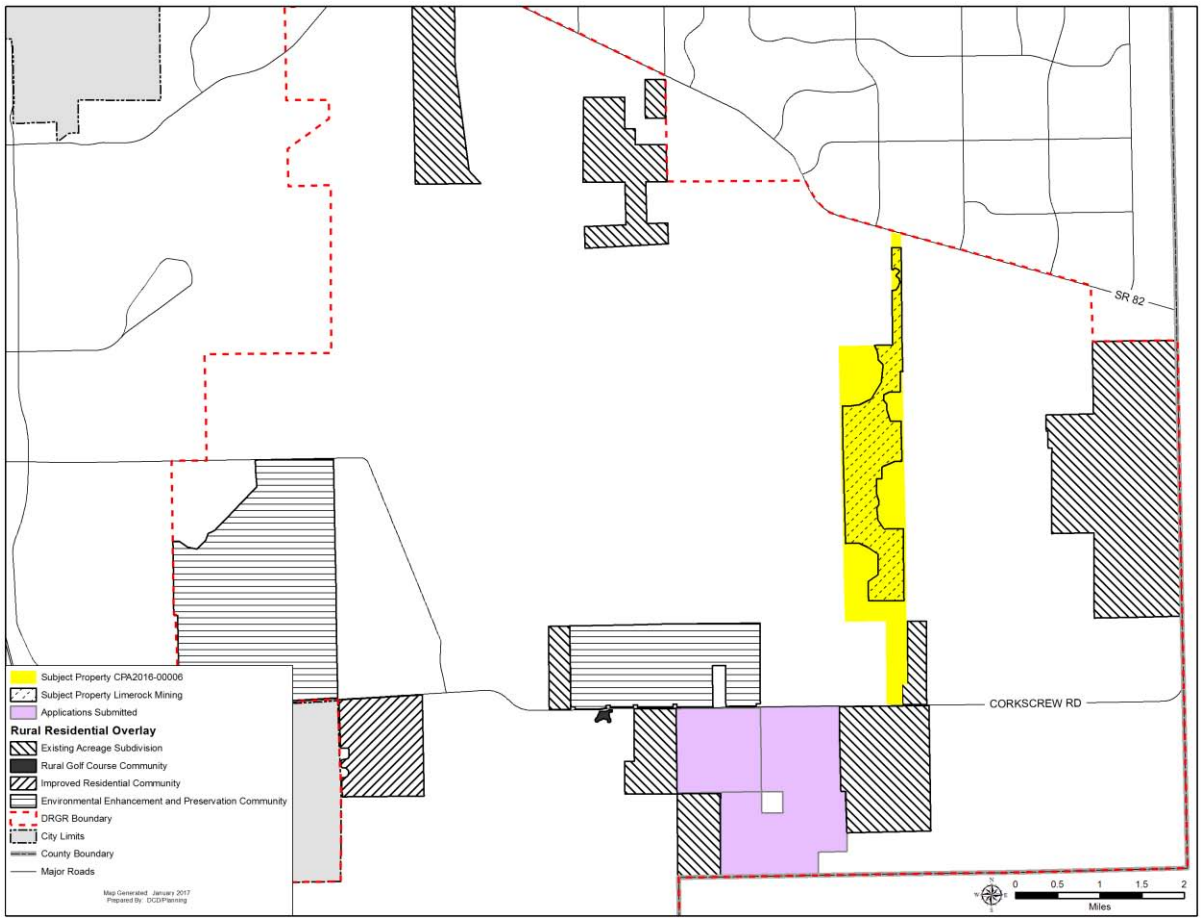


Figure 2: Existing Southeast Lee County residential areas in relation to the subject property.

To the north, across State Route 82, is the Lehigh Planning Community, a growing urban community. The proposed mine boundary is more than one mile south from State Route 82 and even further from residential uses.

Staff finds that it is possible to devise conditions to minimize or eliminate the potential impacts to residential areas that would be caused by proposed mining activities due to the distance between residential uses and the land proposed to be added to Map 14.

Agricultural: Goal 9, Agricultural Land Uses, and Policy 33.1.7 direct Lee County to protect existing and potential agricultural lands from the encroachment of incompatible land uses. While the subject property is currently an active agriculture operation, Policy 9.1.1 provides that no provisions of the Lee Plan may be interpreted to permanently prohibit the conversion of agricultural uses to other land uses.

There are no active agriculture uses adjacent to the proposed mine boundary. The closest active agricultural use to the proposed mine boundary are citrus groves (Old Corkscrew Plantation) approximately a quarter mile away and the Sakata Seed Corporation research facility approximately three quarter miles away. The adjacent conservation lands provide a buffer from potential noise, dust, and hydrology impacts to any existing or potential agricultural

lands. ***Staff finds that the distance between the mining boundary and agricultural uses minimizes potential adverse impacts to agricultural uses within the Southeast Lee County Planning Community.***

Conservation: The subject property is surrounded primarily by environmental conservation areas including Conservation 20/20 property, the County's Airport Mitigation Park, and a privately operated mitigation park. These properties include both uplands and wetlands and are reserved for long range conservation purposes. Assuring that these lands provide ecological functions such as water recharge and wildlife habitats help Lee County meet numerous requirements of the Lee Plan.

Wildlife Habitat: Maintaining viable species habitat is an important aspect of public and private conservation areas because they can be used to mitigate habitat impacts elsewhere that may occur during the construction of necessary capital improvements. One of two conservation areas owned by Lee County adjacent to the subject property is the Airport Mitigation Park which is used to meet State and Federal permitting requirements for impacts to wetlands on Port Authority properties.

Maintaining the adjacent public and private conservation lands, along with the additional 453.32 acres from the subject property that are proposed to be redesignated to Conservation Lands, is consistent with Objective 107.4 and Policy 107.4.2, which are reproduced below:

> ***Objective 107.4: Endangered and Threatened Species in General***. *Lee County will continue to protect habitats of endangered and threatened species and species of special concern in order to maintain or enhance existing population numbers and distributions of listed species.*
>
> ***Policy 107.4.2:*** *Conserve critical habitat of rare and endangered plant and animal species through development review, regulation, incentives, and acquisition.*

The proposed amendment will designate land on Map 14 that is primarily existing agricultural fields. The applicant is proposing to provide the following amounts of preservation and/or restoration:

Wetland and Upland Enhancement and Preservation	525.04 acres
Wetland Restoration	101.43 acres
Natural Habitat/Native Rangeland Restoration	178.92 acres
Southern Troyer Lands Preservation	121.55 acres
TOTAL	926.94 acres

Upon reclamation of the mining area, the subject property will provide corridors for movement of large mammals at the north and south ends of the property where those corridors currently exist. This will minimize adverse effects on wildlife habitat and movement. In addition, approximately 75 acres of littoral shelves will be created within the mining lakes. These improvements will be conditioned as part of the zoning.

Groundwater: Southeast Lee County contains public wellfields which provide over 50 percent of Lee County Utilities' (LCU) potable drinking water. Figure 3 shows the location of the subject property and the areas proposed to be added to Map 14 in relation to the wellfield protection zones. The wellfield protection zones are included in the Lee Plan as Map 8. These wellfields, which are relied on to produce sufficient potable water, are dependent on adequate groundwater levels being maintained.

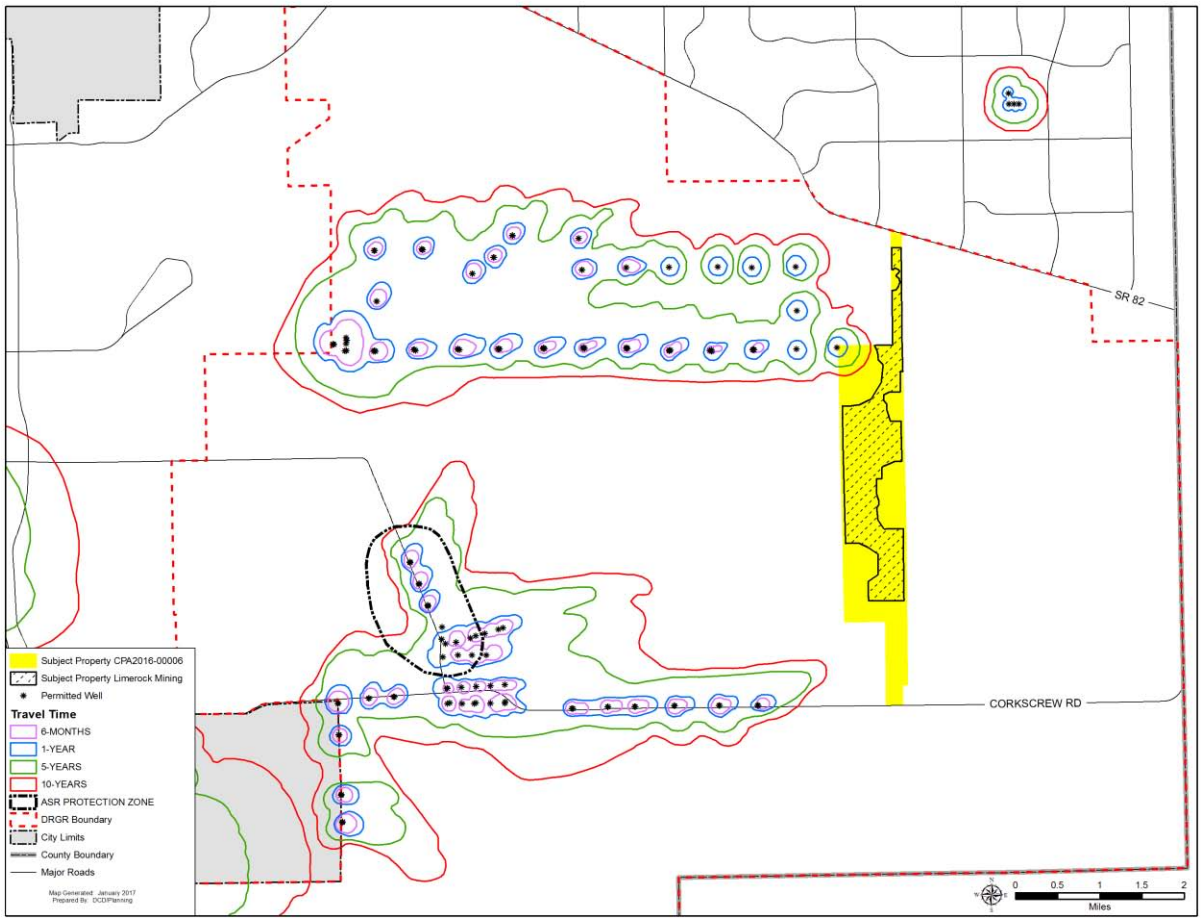


Figure 3: Southeast Lee County Wellfield Protection Zones in relation to the subject property.

Conservation lands provide important groundwater recharge area. In addition to the existing adjacent public and private conservation properties, the 453.32 acres that will be designated Conservations Lands as part of this amendment will provide additional protections for maintaining Southeast Lee County as a groundwater recharge area.

The areas that are proposed to be added to the Future Limerock Mining Overlay are not located within any of wellfield protection zones as shown in Figure 3. The applicant has committed to provide groundwater modeling to determine impacts, if any, of the mine on groundwater resources as part of the rezoning process. If the applicant can demonstrate that the proposed mine will maintain groundwater levels (or those water levels will be restored to a level closer to historic levels), the proposed amendment could be found compatible with maintaining (or improving) groundwater resources. If this is not demonstrated through the concurrent zoning review, the proposed amendment to the Future Limerock Mining Overlay identified on Lee Plan Map 14 should not be adopted.

Surface Water: Figure 4 illustrates the subject properties location at the junction of the Flint Pen Strand, Corkscrew-East, and the Corkscrew-West watershed sub-basins. The proposed mine pits could have impacts to on-site flowways, as discussed below, but would not significantly alter regional surface flows due to its location at the northeastern edge of the Flint Pen Strand and the western edge of the Corkscrew watershed sub-basin.

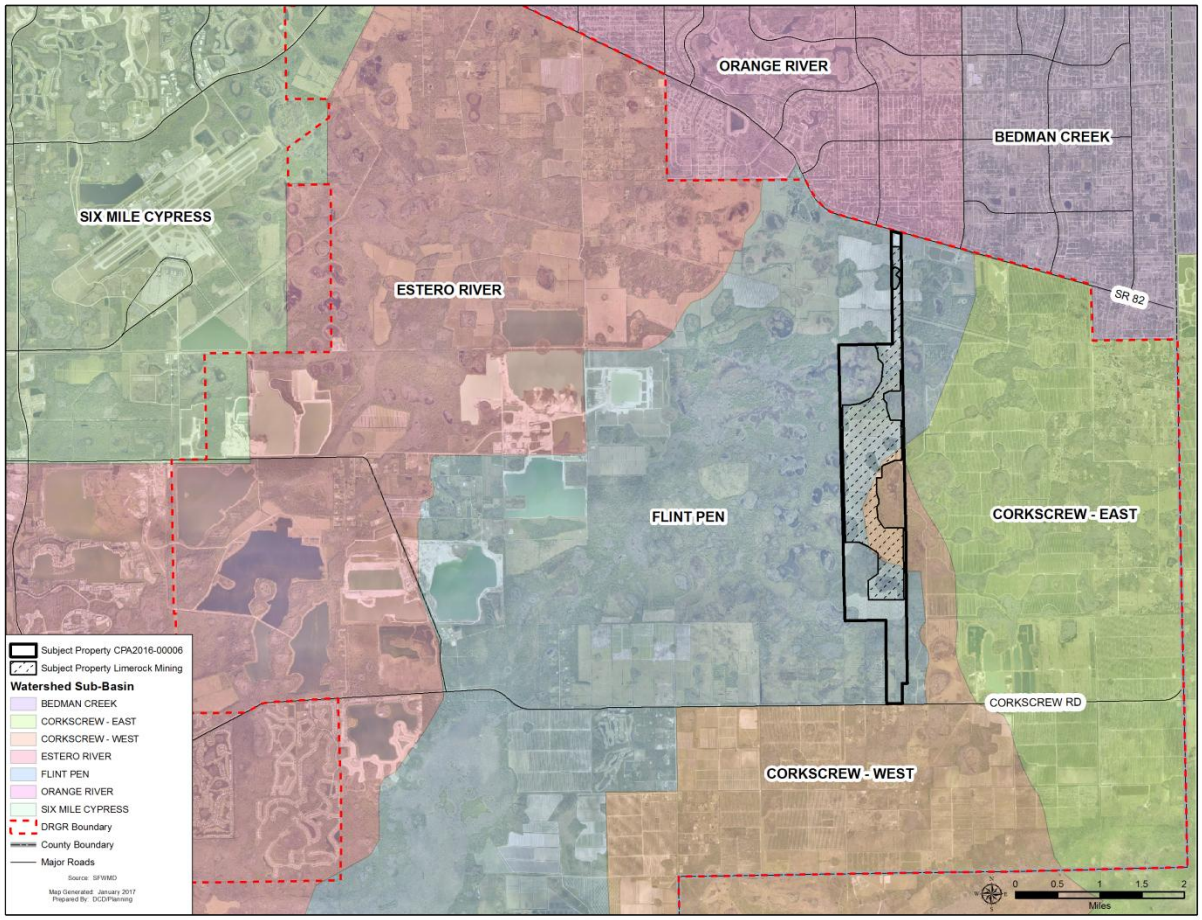


Figure 4: Lee County Watershed Sub-Basins in relation to the subject property.

Of the three watershed sub-basins, the Flint Pen Strand is recognized in Policy 117.1.8 as a significant natural area. Policy 117.1.8 is reproduced below:

> ***POLICY 117.1.8:*** *The county will support the acquisition and protection of the Flint Pen Strand as a major water retention and aquifer recharge area.*

The flowways that traverse Flint Pen Strand are important to its natural function. There are two flowways that have historically crossed the subject site. The northern flowway, which has been altered by the existing farm road, is just north of the proposed processing/operations area. Site visits confirm that this flowway has been severed by the ongoing agricultural activities. This flowway is part of the headwaters for the Flint Pen Strand. The applicant has indicated that the northern flowway will be restored as part of the reclamation process which would benefit the efforts to protect the Flint Pen Strand as an aquifer recharge area. This restoration will be conditioned at zoning.

At the southern end of the proposed mining site is another flowway. This flowway is currently functioning with sheet flow crossing the site from the northeast to southwest. The applicant is not proposing to add the southern flowway to the Future Limerock Mining Overlay so it will not be impacted by mining activities. This is consistent with Policy 107.2.3, which is reproduced below:

POLICY 107.2.3: *Prevent water management and development projects from altering or disrupting the natural function of significant natural systems.*

For the following reasons, staff finds that the location for the proposed aggregate mine on Map 14 would minimize disruption of existing regional surface water flow:

- ***the subject property is at the junction of three sub-basins;***
- ***the areas proposed to be added to the Future Limerock Mining Overlay would not impact the functioning southern flowway; and***
- ***the currently non-functioning northern flowway would be restored.***

Water Quality: The Flint Pen, Corkscrew-West, and Corkscrew-East watershed sub-basins are at the headwaters of the Imperial River Watershed which feeds into Estero Bay. The Estero Bay was Florida's first Aquatic Preserve, is listed as an Outstanding Florida Water, and is an important estuary for Lee County and the State of Florida. Mine processing and operations typically require the use of anti-freeze, toluene, acetone, xylene, benzene, gasoline, diesel, oils and degreasers. These chemicals can adversely impact important ground and surface water resources for Lee County. There are design standards and zoning conditions that can be put in place that protect Lee County's surface and coastal water resources from these hazardous materials.

Maintaining Surface and groundwater are necessary to protect onsite and offsite upland and wetland habitats. Adverse impacts to Southeast Lee County water resources may alter the species habitat and impact the County's investment in nearby conservation/mitigation lands. Numerous Lee Plan provisions, including Goals 60 and 61; Objective 63.2, and; Policies 1.4.5, 2.4.2, 10.1.3, 10.1.4, 60.1.1, 61.1.4, 61.2.6, and 117.1.4 require that Lee County maintain water resources within the DR/GR. The applicant has demonstrated that the proposed mine activities can be designed or conditioned at zoning to be compatible with species habitat/movement, surface water, and water quality.

The subject property's location for mining activity was evaluated based on: the availability of limerock materials; access to adequate transportation facilities; and compatibility with surrounding uses and impacts on other natural resources. ***Through this analysis, staff finds that the subject property contains suitable limerock, has access to adequate transportation facilities, and due to the distance between residential and agricultural areas from the subject property, it is possible to devise conditions to minimize or eliminate the potential impacts to those uses that would be caused by proposed mining activities.***

PART V
CONCLUSIONS

Limerock is an important raw material needed for the continued growth and development of Lee County. The Lee Plan provides that Lee County will assure there are sufficient lands for continued limerock mining to meet Lee County and regional demands.

When considering adding lands to the Future Limerock Mining Overlay Lee County both need and location are considered:

NEED: A clear necessity has been established. There will be a deficit of limerock supply through the year 2040. By adding land to Map 14, property not currently permitted to be mined,

can be considered for mining activities through the MEPD zoning process. The anticipated deficit can be reduced when appropriate approvals are in place and additional mines are permitted.

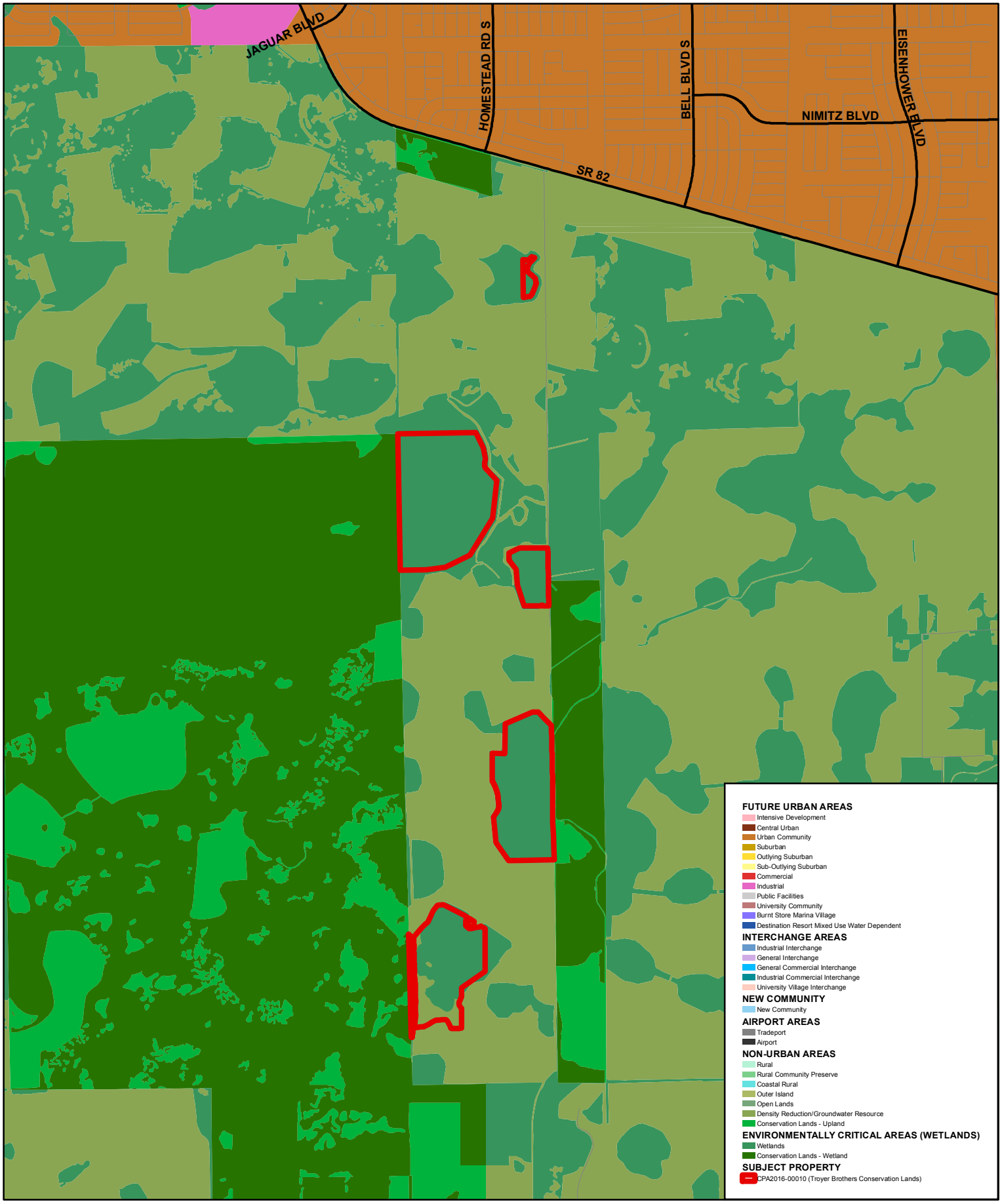
LOCATION: Quality limerock is a geographically limited essential resource. By designating areas on Map 14 for mining activities, areas that contain this resource are protected from the encroachment of uses that may be deemed incompatible.

Staff finds that the request to add land from the subject property to Map 14 for future mining activities (pending appropriate zoning and permitting approvals) is appropriate at this location. However, the applicant has not demonstrated how the proposed mining activities will impact groundwater levels which will ultimately determine compatibility with the adjacent conservation lands. The groundwater modeling must be provided with the concurrent MEPD zoning.

Staff recommends that the Board of County Commissioners transmit the proposed amendments for state review which will also allow for continued review of the zoning application. When the proposed amendment comes back for final adoption, it will be accompanied by the concurrent MEPD. If the applicant can demonstrate through their zoning application that the proposed mine is compatible with surface and groundwater levels (or those water levels will be restored to a level closer to historic levels), water quality, and protection of wildlife habitats and movement, a finding will be made that the proposed amendment would have minimal or no adverse effects on adjacent conservation areas and is therefore compatible. If these are not demonstrated, staff will recommend the proposed amendment to the Future Limerock Mining Overlay identified on Lee Plan Map 14 not be adopted.

ATTACHMENT 1

- **MAP 1, PAGE 1 (CPA2016-00010)**
- **MAP 14 (CPA2016-00006)**
- **TABLE 1(b) (CPA2016-00006)**



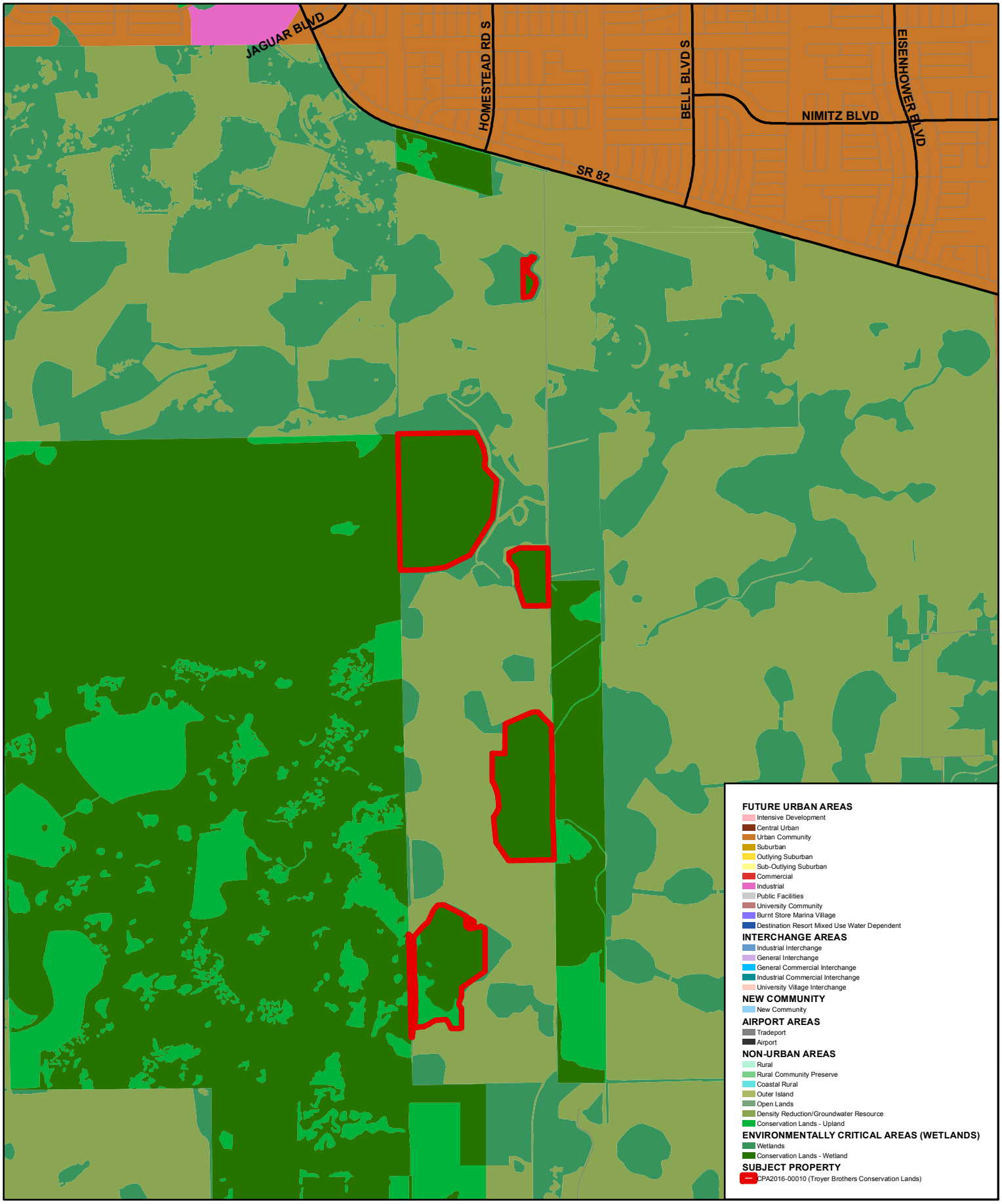
LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

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Map Generated February 2017

CPA2016-00010
Troyer Brothers Conservation Lands
EXISTING LEE PLAN FUTURE LAND USE MAP



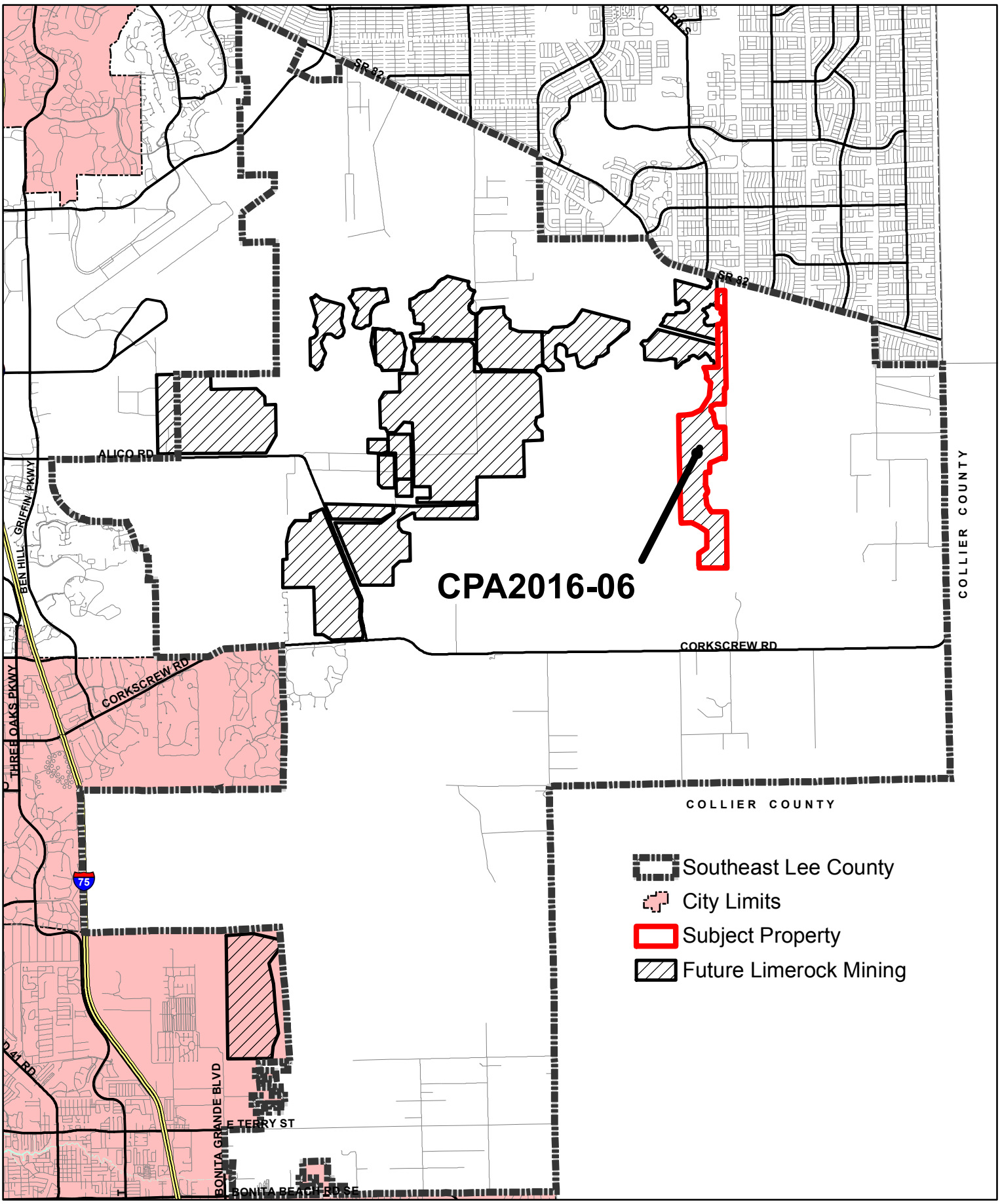
LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

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Map Generated February 2017

CPA2016-00010
Troyer Brothers Conservation Lands
PROPOSED LEE PLAN FUTURE LAND USE MAP



Lee County Southwest Florida

1 0.5 0 1 2
Miles

Map Generated February 2017
Prepared by Lee County DCD/Planning

CPA2016-00006 - TROYER BROTHERS
LEE PLAN MAP 14
FUTURE LIMEROCK MINING OVERLAY

TABLE 1(b)

Year 2030 Allocation

CPA2016-00006

Future Land Use Category		Lee County Totals		Northeast Lee County	Boca Grande	Bonita Springs	Fort Myers Shores	Burnt Store	Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway/ Airport	Daniels Parkway
		Existing	Proposed											
Residential By Future Land Use Category	Intensive Development	~~1,376~~	1,376				20		27		250			
	Central Urban	~~14,801~~	14,801				225				230			
	Urban Community	~~18,084~~	18,084	520	485		637						250	
	Suburban	~~16,623~~	16,623				1,810				85			
	Outlying Suburban	~~3,849~~	3,849	30			40	20	2	500				1,552
	Sub-Outlying Suburban	~~1,548~~	1,548				367							
	Commercial													
	Industrial	~~79~~	79								39		20	
	Public Facilities	~~1~~	1							1				
	University Community	~~850~~	850											
	Destination Resort Mixed Use Water Dependent	~~8~~	8											
	Burnt Store Marina Village	~~4~~	4					4						
	Industrial Interchange													
	General Interchange	~~125~~	125										11	32
	General Commercial Interchange													
	Industrial Commercial Interchange													
	University Village Interchange													
	Mixed Use Interchange													
	New Community	~~900~~	900										900	
	Airport													
	Tradeport	~~9~~	9										9	
	Rural	~~8,313~~	8,313	1,948			1,400	636						1,500
	Rural Community Preserve	~~3,100~~	3,100											
	Coastal Rural	~~1,300~~	1,300											
	Outer Island	~~202~~	202	5			1			150				
	Open Lands	~~2,805~~	2,805	250				590						120
	Density Reduction/ Groundwater Resource	~~6,905~~	6,905	711									94	
	Conservation Lands Upland													
	Wetlands													
	Conservation Lands Wetland													
Unincorporated County Total Residential		~~80,955~~	80,955	3,464	485		4,500	1,250	29	651	604		1,284	3,204
Commercial		~~12,793~~	12,793	57	52		400	50	17	125	150		1,100	440
Industrial		~~13,801~~	14,708	26	3		400	5	26		300		3,100	10
Non Regulatory Allocations														
Public		~~82,313~~	82,313	7,100	421		2,000	7,000	20	1,961	350		7,500	2,477
Active AG		~~17,027~~	16,120	5,100			550	150						20
Passive AG		~~45,585~~	45,585	13,549			2,500	109					1,241	20
Conservation		~~81,933~~	81,933	2,214	611		1,142	3,236	133	1,603	748		2,798	1,733
Vacant		~~22,841~~	22,841	1,953			226	931	34		45		300	136
Total		~~357,248~~	357,248	33,463	1,572		11,718	12,731	259	4,340	2,197		17,323	7,967
Population Distribution (unincorporated Lee County)		~~495,000~~	495,000	5,090	1,531		30,861	3,270	225	530	5,744		15,115	16,375

TABLE 1(b)
Year 2030 Allocation
CPA2016-00006

	Future Land Use Category	Iona/ McGregor	San Carlos	Sanibel	South Fort Myers	Pine Island	Lehigh Acres	Southeast Lee County		North Fort Myers	Buckingham	Estero	Bayshore
								Existing	Proposed				
Residential By Future Land Use Category	Intensive Development				660	3	42			365		9	
	Central Urban	375	17		3,140		8,179			2,600			
	Urban Community	850	1,000		860	500	12,422				110	450	
	Suburban	2,488	1,975		1,200	675				6,690		1,700	
	Outlying Suburban	377				600				382		454	
	Sub-Outlying Suburban		25							140	66		950
	Commercial												
	Industrial	5	5		10								
	Public Facilities												
	University Community		850										
	Destination Resort Mixed Use Water Dependent	8											
	Burnt Store Marina Village												
	Industrial Interchange												
	General Interchange							~~15~~	15	31		6	30
	General Commercial Interchange												
	Industrial Commercial Interchange												
	University Village Interchange												
	Mixed Use Interchange												
	New Community												
	Airport												
	Tradeport												
	Rural		90			190	14			500	50	635	1,350
	Rural Community Preserve										3,100		
	Coastal Rural					1,300							
	Outer Island	1				45							
	Open Lands									45			1,800
	Density Reduction/ Groundwater Resource							~~4,000~~	4,000				2,100
	Conservation Lands Upland												
	Wetlands												
	Conservation Lands Wetland												
Unincorporated County Total Residential		4,104	3,962		5,870	3,313	20,657	~~4,015~~	4,015	10,753	3,326	3,254	6,230
Commercial		1,100	1,944		2,100	226	1,420	~~68~~	68	1,687	18	1,700	139
Industrial		320	450		900	64	300	~~7,246~~	8,153	554	5	87	5
Non Regulatory Allocations													
Public		3,550	3,059		3,500	2,100	15,289	~~12,000~~	12,000	4,000	1,486	7,000	1,500
Active AG						2,400		~~7,171~~	6,264	200	411	125	900
Passive AG						815		~~18,000~~	18,000	1,532	3,619	200	4,000
Conservation		9,306	2,969		188	14,767	1,541	~~31,359~~	31,359	1,317	336	5,068	864
Vacant		975	594		309	3,781	8,697	~~470~~	470	2,060	1,000	800	530
Total		19,355	12,978		12,867	27,466	47,904	~~80,329~~	80,329	22,103	10,201	18,234	14,168
Population Distribution (unincorporated Lee County)		34,538	36,963		58,363	13,265	160,405	~~1,270~~	1,270	71,001	6,117	25,577	8,760

To review the Troyer Brothers application materials, please click the links below:

CPA2016-00006 (Troyer Brothers Map 14 Amendment)

http://www.leegov.com/dcd/Documents/Agendas/LPA/2017/02/CPA2016-00006.pdf

CPA2016-00010 (Troyer Brothers Conservation Lands)

http://www.leegov.com/dcd/Documents/Agendas/LPA/2017/02/CPA2016-00010.pdf

OTHER BUSINESS

MEMORANDUM

FROM
THE DEPARTMENT OF
COMMMUNITY DEVELOPMENT

TO: LPA Members **DATE:** February 17, 2017

FROM: Mikki Rozdolski, Manager
Planning Section

RE: **Easement Request for**
Lee County Drainage Project

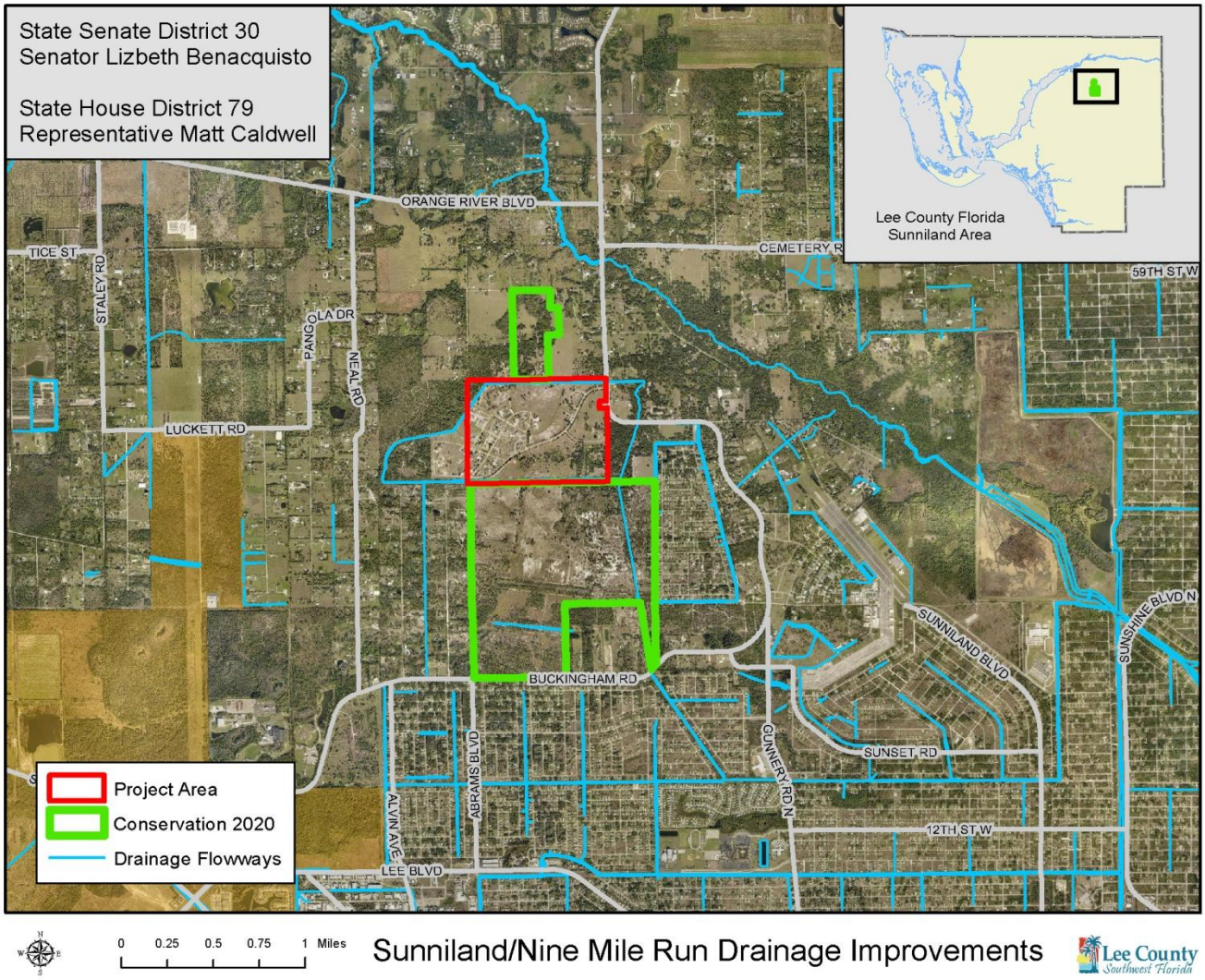
Lee County Division of Natural Resources is working to improve surface water flows prior to entering the Orange River (see attached). In order to make these improvements, Lee County needs to obtain an easement on property owned by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (TIITF).

As part of the application for the easement with TIITF, Lee County must provide a letter from the Local Planning Agency stating that the proposed use of state lands is consistent with the local government comprehensive plan.

Staff is requesting that the Local Planning Agency make a motion allowing the LPA Chairperson to sign a letter (attached) stating the use of the easement being requested is consistent with the Lee Plan.

LEE COUNTY DIVISION OF NATURAL RESOURCES

Sunniland/Nine Mile Run Drainage Improvements



Background

The Sunniland property was formerly a state facility that is now under the ownership and management of the Florida Gulf Coast University. The 2000 acre drainage area for the Nine Mile Run watershed is generally bounded on the north by Orange River and the top bank of Sunniland Canal, on the east and south by Buckingham Road, and on the west by a portion of Pangola Lane. The area is predominately undeveloped or low density rural residential. The canals for the Sunniland/Nine Mile Run were excavated as relatively deep, uniform channels which is drastically different from the shallow digressional flowway system of its prior undisturbed condition. The canals have become overgrown with vegetation and the water control structures in disrepair. **Nine Mile Run is a tributary to the Caloosahatchee River, which has a TMDL for total nitrogen and is currently subject to a State of Florida Basin Management Action Plan.**

The Project

- Replacement of failing water control structures;
- Removal of invasive vegetation;
- Reconnection of flow ways from drainage ditch system to Hickory Swamp and Buckingham Trails Preserve.

Benefit

The repairs will enhance storage in the drainage ditch system, increasing residence time of the water which flows from agricultural areas adjacent to the property. Increased residence time will allow for attenuation, groundwater recharge, and nutrient uptake by plants and mitigate flooding issues on adjacent properties. Lee County will also reconnect the flow ways through the Buckingham Trails Preserve. **This project helps achieve the goals of the Caloosahatchee River Watershed Protection Plan and the Caloosahatchee Estuary Basin Management Action Plan and the Conservation 2020 Land Stewardship Management Plan.**

For more information, please contact:
Kurt Harclerode, Operations Manager
Natural Resources Division
Lee County Government
kharclerode@leegov.com, 239-533-8146

Lee County
Southwest Florida
BOARD OF COUNTY COMMISSIONERS

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 27, 2017

Department of Environmental Protection
Division of State Lands
Bureau of Public Land Administration
3800 Commonwealth Boulevard, MS 130
Tallahassee, Florida 32399-3000

Re: Application to Use State Land
Letter stating proposed use of state lands is Consistent with the local Comprehensive Plan

As required within the application to use state lands, please accept this letter stating that the proposed use of state lands is consistent with the local government comprehensive plan. The easement will allow Lee County to construct and maintain water management facilities that will:

- Enhance drainage/reduce flooding
- Improve water quality before entering the Orange River
- Redirect surface water to a natural flowway.

Policy 17.3.4 specifically addresses managing flows down the Orange River by developing and maintaining infrastructure to minimize flooding and improve water quality.

The Lee Plan contains numerous provisions that generally support improvements to water quality. These include the general Policy 59.1.1, Policy 60.5.5, and Policy 112.1.1. The Lee Plan also contains directions to reduce flooding caused by stormwater surface flows at Goal 59, Objective 59.1, and Policy 107.1.1

Therefore, The Lee County Local Planning Agency has passed a motion stating that the activities proposed within the desired easement are consistent with the Lee County Comprehensive Plan.

Sincerely,

Chairperson of the Local Planning Agency

MEMORANDUM

FROM
THE DEPARTMENT OF
COMMMUNITY DEVELOPMENT

TO: **LPA Members** **DATE:** **February 17, 2017**

FROM: Mikki Rozdolski

Mikki Rozdolski, Manager
Planning Section

RE: Administrative Code 13-2
Procedures for Appeal of LPA Decisions

Administrative Code 13-2 establishes procedures for an appeal of a Local Planning Agency (LPA) decision. This Administrative Code was adopted on October 1, 1986 and last amended on January 4, 1995. Subsequently, Lee County created the Hearing Examiner process and decision-making authority was shifted to the Hearing Examiner.

The Florida Statute 163.3174 and Land Development Code (LDC) Section 34-115 provide that the LPA make recommendations to the Board of County Commissioners regarding amendments to the comprehensive plan and changes to the LDC for consistency with the comprehensive plan. The LPA does not have any decision-making authority; therefore, Administrative Code 13-2 is not necessary. As such, Staff will be requesting that the Board of County Commissioners remove this Administrative Code.

ADMINISTRATIVE CODE
BOARD OF COUNTY COMMISSIONERS

CATEGORY:	**CODE NUMBER:**
Development/Planning/Zoning	AC-13-2
TITLE:	**ADOPTED:** 10/1/86
Procedures for Appeal of LPA Decisions	**AMENDED:** 1/4/95
	ORIGINATING DEPARTMENT: County Administration

PURPOSE/SCOPE:

To establish procedures for appeal of an LPA decision.

POLICY/PROCEDURE:

1. All appeals must be on forms supplied by the Department of Community Development (DCD).
2. Completed appeal forms must include the following:
   a. The date of the LPA decision;
   b. The substance of the LPA decision;
   c. The specific reference to the section, text, or map of the Comprehensive Plan (this includes any goal, objective, policy or cited standard);
   Plan (this includes any goal, objective, policy or cited standard);
   d. A statement explaining the applicant's position;
   e. The applicant's signature.
3. The County Administrator may designate an individual with the authority to appeal on behalf of the administrative staff.
4. With respect to staff appeals of LPA decisions made pursuant to an application filed by a member of the public:
   a. All members of the public who have filed applications requesting an LPA determination are deemed interested parties and as such are entitled to written notice within seven (7) days of the date of the filing of the staff appeal;
   b. The notice must inform the interested party of the date of the hearing and of the right to submit written comments to DCD, and
   c. The LPA will be notified by staff of any appeal of an LPA decision.
5. A hearing on the appeal must be commenced no more than thirty (30) days from the date of filing.
6. The public will be notified of the hearing through the usual published agenda.
7. The Board of County Commissioners must receive all relevant information with regard to the appeal.
8. All interested members of the public are entitled to speak at the hearing.
9. The Board of County Commissioners may consider the written record and any oral testimony in making its decisions.
10. The Board may affirm the decision of the LPA and adopt its interpretation, or the Board may overrule the decision of the LPA specifying the appropriate interpretation.