

PREMIER/SOM FT. MYERS LLC

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Aventura, FL 33180

Mary Gibbs, Director
Lee County Community Development
1500 Monroe Street
Ft. Myers, FL 33901

RE: Lee County proposed EAR amendments to the Lee Plan
Policy 1.4.3 – Tradeport
Henigar & Ray – best environmental management practices

Dear Ms Gibbs,

Please accept this letter as notice of objection to the continued inclusion of what are referred to as the Henigar & Ray best environmental management practice (H&R BMP's) requirements under Policy 1.4.3 – Tradeport of the Lee Plan. We understand that these and other proposed EAR amendments to the Lee Plan will be considered by the Local Planning Agency on Monday, March 25, 2013.

I'm writing on behalf of Premier/SOM Ft Myers LLC (Premier), owner/developer of a 225 acre approved planned industrial development known as Premier Airport Park, situated along the southern boundary of the Southwest Florida International Airport (SWFIA) and to the immediate west of Airport Haul Road.

The current wording of Policy 1.4.3 (which is essentially the same as previously provided under Lee Plan Policy 1.2.2) includes the following requirements:

Because this area is located within the Six Mile Cypress Basin and is also a primary point of entry into Lee County, special environmental and design review guidelines will be applied to its development to maintain the appearance of this area as a primary point of entry into Lee County.

Property in Section 1 and the east ½ of Section 2, Township 46 South, Range 25 East, and in Section 6, Township 46 South, Range 26 East, must be rezoned to a planned development zoning category prior to any development other than the construction of essential public services. During the rezoning process, the best environmental management practices identified on pages 43 and 44 of the July 28, 1993 Henigar & Ray study entitled, "Groundwater Resource Protection Study" will be presumed necessary to protect potential groundwater resources in the area. (Modified Policy 1.2.2)

Premier Airport Park is situated within the area identified in Lee Plan Policy 1.4.3 subject to compliance with the H&R BMP's. The most recent zoning amendment (Z-12-001) for Premier Airport Park (DCI2011-00005) was approved by the Lee County Board of County Commissioners (BOCC) on April 16, 2012. This and all previous zoning approvals for Premier Airport Park were based upon strict and voluntary compliance with the recommended H&R BMP's. In addition, Premier has carried out all water level and water quality monitoring and reporting obligations as required by zoning and/or development order approvals.

The question at hand is why are the H&R BMP recommendations necessary and required ONLY for the two and one-half property sections identified in Policy 1.4.3 – Tradeport, and not required for any other commercial/industrial areas of the Tradeport and/or Six Mile Cypress Basin area in Lee County.

If the H&R BMP's are truly necessary and appropriate to protect water resources within the Tradeport and/or Six Mile Cypress Basin, then the H&R BMP's should be applied uniformly to all such commercial/industrial areas of the county where anticipated uses create the potential for adverse impacts to water resources.

We would respectfully point out that on December 4, 2007 the Lee County Board of County Commission approved Ordinance No. 07-35 known as the Wellfield Protection Rule (Wellfield Rule). The intent of the Wellfield Rule was to "safeguard the public health, safety and welfare of the residents of the county by... prohibiting or regulating hazardous substances, toxic substances or sanitary hazards within identified protection zones surrounding such wellfields..."

The Wellfield Rule sets forth guidelines for development activities within established travel time contours (distances from the wellfields for water to travel over certain time frames – six months, one year, five years and ten years), with the more restrictive requirements located closer to each wellfield area. Ironically it appears that all areas identified as currently being subject to H&R BMP's under Policy 1.4.3 are located outside (i.e. beyond) the limits of the 10-year travel time contour of any public wellfield with the exception of a small area at the extreme southwest corner of the west part of the east half of Sect 2, Twp 46S, Rng 25E which is located within the 10-year travel time contour of the LCU Bartow (San Carlos) wellfield. That is to say, the specific areas identified for special H&R BMP regulations under Policy 1.4.3 are essentially outside and beyond the limits of added protection or control required by the Wellfield Rule.

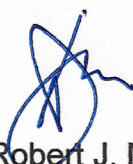
We recognize and support Lee County's continuing efforts to provide for a reasonable level of protection to water resources either being used now or with the possibility of being used in the future. As such, if Lee County wishes to apply some or all of the H&R BMP's, beyond those restrictions included in the Wellfield Rule and any applicable SFWMD and FDEP permit regulations, so as to provide a higher level of protection of water resources, then we would suggest that the County should then do so uniformly for the entire Tradeport Area and the entire contributory area for the Six Mile Cypress Basin (which includes other Lee Plan land use areas) - including the Southwest Florida International Airport, and especially the non-aviation uses at the airport.

Applying more stringent groundwater protection standards such as the H&R BMP's to a limited area as indentified under Policy 1.4.3 is inconsistent with fair and equitable environmental and water resources planning considerations, and may be seen as unreasonable, unnecessary and discriminatory. We are not aware of any documented reasons to continue to require such additional standards strictly to the identified areas as opposed to some or all other areas within the Tradeport and/or Six Mile Cypress Basin which are planned for commercial/industrial development and which have equal or greater potential to create adverse impacts to water resources within Lee County.

Thank you for your consideration. We remain interested in and committed to cooperating with Lee County in implementing comprehensive and coordinated plans for long term growth that are environmentally sound and economically practical.

Respectfully submitted,

Premier/SOM Ft. Myers, LLC



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Director of Planning and Engineering

- cc. Paul O'Connor
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