

**LEE COUNTY BOARD OF COUNTY COMMISSIONERS
LEE PLAN AMENDMENTS TRANSMITTAL HEARING**

**COMMISSION CHAMBERS
2120 MAIN STREET**

**MAY 20, 2015
9:30 A.M.**

AGENDA

1. Call to Order; Certification of Affidavit of Publication
2. CPA2014-09: Policy 18.1.16 Text Change: Text change to Policy 18.1.16 Paragraph 1 (Mixed Use)
 - A. Staff Presentation
 - B. Applicant's Presentation
 - C. Public Comment
 - D. Board Consideration and Motion
3. CPA2014-04: WildBlue (Alico East): Text and map amendments to establish an environmental restoration overlay within the Density Reduction Groundwater Resource future land use category. The amendment is requesting a maximum density of 1,100 dwelling units, including amenities such as clubhouses, a private marina and other recreational uses, and up to 40,000 square feet of commercial.
 - A. Staff Presentation
 - B. Applicant's Presentation
 - C. Public Comment
 - D. Board Consideration and Motion
4. Motion to Adjourn

CPA2014-00009

POLICY 18.1.16

TEXT CHANGE

**CPA2014-09
POLICY 18.1.16 TEXT
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

Privately Sponsored Application
and Staff Analysis

**BoCC Public Hearing Document
For the
May 20, 2015 Transmittal Hearing**

*Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(239) 533-8585*

May 6, 2015

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2014-09**

Text Amendment

Map Amendment

This Document Contains the Following Reviews	
<input checked="" type="checkbox"/>	Staff Review
<input checked="" type="checkbox"/>	Local Planning Agency Review and Recommendation
	Board of County Commissioners Hearing for Transmittal
	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: February 13, 2015

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVES:

Barbara Heine

2. REQUEST:

Amend Policy 18.1.16 to remove language that acknowledges that significant deviations may be made from Chapter 32 of the Land Development Code to accommodate development of a Compact Planned Development within Area 9 of the University Community.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

Staff recommends that the Board of County Commissioners *not transmit* the proposed amendment to the Future Land Use Element of the Lee Plan.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The proposed privately initiated amendment to the Lee Plan was received on November 18, 2014.
- Policy 18.1.16 is specific to one property within the University Community Future Land Use Category, which is currently owned by Alico West Fund LLC.
- Policy 18.1.16, as currently written, acknowledges that the developer of the Alico West Area 9 property may need deviations from the Land Development Code to accommodate development.
- Florida Statute 163.3194 requires that all development be consistent with the Comprehensive Plan. Lee Plan Policy 18.1.16 has been reviewed by the state reviewing agencies and has been determined to be consistent with applicable Florida Statutes and the Lee Plan.
- Deviations from Chapter 32 of the Land Development Code could continue to be permitted even if the provision regarding “significant deviations” was deleted.
- Section 32-502(d) and (e) of the Land Development Code allows for deviations from the Land Development Code.

C. BACKGROUND INFORMATION

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, which adopted PAM/T 92-02, Florida’s Tenth University. This Lee Plan amendment adopted the University Community future land use category descriptor policy, Policy 1.1.9, and Goal 20 (later renumbered to Goal 18): University Community, which provided generalized descriptions of the development that was anticipated to surround what is now Florida Gulf Coast University.

The University Community area was expanded in 2010 to include a 9th area. This was accomplished through an amendment to the Lee Plan adopted on October 20, 2010 by Ordinance 10-40 (Attachment 1), which adopted CPA2009-00001, Alico West. The Alico West Lee Plan amendment included details about the development of Area 9 of the University Community. The property that was the subject of Area 9 was previously an aggregate mine and was not originally included in the University Community area because it was not consistent with the desired uses. A South Florida Water Management District (SFWMD) Environmental Resource Permit (ERP) dated January 12, 2015 states that there are approximately 70 acres of wetlands on the lands that were added to the University Community.

Pursuant to Policy 18.1.16, development within Area 9 must be achieved under a Compact Planned Development rezoning and meet the requirements of Chapter 32 of the Land Development Code. Compact Planned Developments utilize a form based code.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

The Subject Lee Plan text amendment proposes to amend Policy 18.1.16 of the Lee Plan as shown below in strike through formatting:

***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 be in the Traditional Neighborhood Development form, as defined in the Glossary section of the Lee Plan, and consistent with the intent of Goal 4: Sustainable Development Design of the Lee Plan. 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 1,950 units;

Retail: Minimum 200,000 square feet, maximum 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 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.

Policy 18.1.16 is specific to Area 9 of the University Community, which was created as a result of CPA2009-00001, Alico West. As previously stated, development within Area 9 of the University Community is required to be rezoned as a Compact Planned Development

utilizing Chapter 32 of the Land Development Code. Because this form of development approval has not previously been utilized at the scale anticipated within Area 9 of the University Community, the applicant of CPA2009-00001 requested that the Lee Plan acknowledge significant deviations may be required to accommodate the form of development required by the Land Development Code. The adoption of Lee Plan Policy 18.1.16 did not create a mechanism to permit deviations from the Land Development Code; therefore deleting the portion as proposed by the applicant would not remove the ability of a developer to request deviations.

The approval process for a Compact Planned Development as outlined in the Chapter 32 of the Land Development Code allows for deviations to be requested from Chapter 32 as well as Chapters 10 and 34 as provided below:

*(d) **Deviations From Chapter 32** An applicant must clearly identify deviations requested from the specific standards of chapter 32. The Board of County Commissioners will decide whether to accept, modify, or reject each proposed deviation during the planned development rezoning process based on a determination as to the consistency of each deviation with this chapter, good planning practice for compact communities, and the deviation criteria in chapters 10 and 34. Potential deviations specific to compact communities include the following:*

(1) Modified block standards (section 32-225).

(2) For street types shown in article II, modified cross-sections (section 32-226) and/or modified streetscape standards (section 32-227).

(3) Additional street types, accompanied by proposed cross-sections (section 32-226) and streetscape standards (section 32-227).

(4) For lots types shown in article II, modified transect zone assignments (table 32-241), modified property development regulations (table 32-243), and/or modified use regulations (table 32-244).

(5) Additional lot types, accompanied by allowable transect zone assignments (table 32-241), proposed property development regulations (table 32-243), and proposed use regulations (table 32-244).

*(e) **Deviations From Other Chapters.** Deviations from other chapters of this Code may be requested as provided in chapters 10 and 34.*

(Ord. No. 10-25 , § 3, 6-8-10)

Consistent with Land Development Code Section 32-502 (d) and (e), Policy 18.1.16 acknowledges that the developer of the Alico West property may receive deviations from the Land Development Code. However, Policy 18.1.16 does not allow for deviations from the Lee Plan consistent with Florida Statute 163.3194, which requires that all development shall be consistent with the local Comprehensive Plans. Lee Plan Policy has been reviewed by the state reviewing agencies and has been determined to be consistent with applicable Florida Statutes and the Lee Plan.

CONSISTENCY WITH THE LEE PLAN

The proposed amendment would not impact consistency with the Lee Plan. However staff finds that the intent of the language that is proposed for deletion under the subject application was clear at the time CPA2009-00001, Alico West, was adopted. The intent, at the request of the Alico West applicant, was to provide flexibility within the Compact Planned Development zoning process necessary to assure that the resulting development of Area 9 of the University Community was able to provide associated support development to Florida Gulf Coast University while remaining consistent with Policy 18.1.16 of the Lee Plan.

CONSISTENCY WITH FEDERAL AND STATE REQUIREMENTS

The amendment would not have any impact on federal or state requirements.

B. STAFF RECOMMENDATION

Staff recommends that the Board of County Commissioners *not transmit* the proposed amendment to the Future Land Use Element of the Lee Plan. In addition, the County Attorney's office objects to the request and recommends that the Board not transmit the proposed amendment due to the fact the amendment would apply to a specific property that is not owned by the applicant for CPA2014-00009.

**PART III - LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: February 23, 2015

A. LOCAL PLANNING AGENCY REVIEW

Staff gave a brief presentation regarding the proposed amendment, making a recommendation that the BOCC not transmit the proposed amendment. One Member of the LPA asked a question about the ownership of the affected property. The County Attorney's Office provided a response clarifying that the applicant did not own the affected property.

The applicant provided background information and outlined the proposed amendment. The applicant provided a handout that was distributed during the meeting (Attachment 2).

A representative for the affected property addressed the LPA concerning the proposed amendment. The representative requested that the LPA recommend non-transmittal to the BOCC. No other public input was received, so the public portion segment was closed.

One member of the LPA noted that he would be abstaining from a vote on this item because he had performed some land management work for the affected property's owner.

Please see attached minutes from the February 23, 2015 LPA Hearing for more details (Attachment 3).

A motion was made that the LPA recommend the BOCC *not transmit* the proposed change. The motion was called and passed 5-0.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

The LPA agreed with staff and recommends that the Lee County Board of County Commissioners *not transmit* the proposed Lee Plan amendment.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The LPA accepted the basis and recommended findings of fact as advanced by staff.

C. VOTE:

NOEL ANDRESS	<u>AYE</u>
TIMOTHY BROWN	<u>AYE</u>
DENNIS CHURCH	<u>AYE</u>
JIM GREEN	<u>ABSENT</u>
RICK JOYCE	<u>ABSTAIN</u>
DAVID MULICKA	<u>AYE</u>
GARY TASMAN	<u>AYE</u>

**PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: May 20, 2015

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

BRIAN HAMMAN	_____
LARRY KIKER	_____
FRANK MANN	_____
JOHN MANNING	_____
CECIL L PENDERGRASS	_____

ATTACHMENT 1

LEE COUNTY ORDINANCE NO. 10-40
(Alico West)
(CPA2009-00001)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2009-00001 (PERTAINING TO ALICO WEST) APPROVED DURING THE COUNTY'S 2009/2010 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED TEXT, TABLE 1b, AND FUTURE LAND USE MAP SERIES MAPS 1, 6, 7, AND 16; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Comprehensive Plan ("Lee Plan") Policy 2.4.1. and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners ("Board"); and,

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ("LPA") held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on May 24, 2010; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on June 16, 2010. At that hearing, the Board approved a motion to send, and did later send, proposed amendment CPA2009-00001 pertaining to Alico West to the Department of Community Affairs ("DCA") for review and comment; and,

WHEREAS, at the June 16, 2010 meeting, the Board announced its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report." DCA issued their ORC report on August 27, 2010; and,

WHEREAS, on October 20, 2010, the Board held a public hearing and adopted the proposed amendment to the Lee Plan set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed text, table, and map amendments to the Lee Plan. The purpose of this ordinance is to adopt the amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "2009/2010 Regular Amendment Cycle, Alico West Ordinance."**

SECTION TWO: ADOPTION OF LEE COUNTY'S 2009/2010 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting text, tables, and map amendments, as revised by the Board on October 20, 2010, known as CPA2009-00001 Alico West.

The amendments consist of revisions to certain Policies and Table 1b (Year 2030 Acreage Allocation) set forth in Exhibits A and B respectively. Underscored text in those exhibits represents additions to the Lee Plan. Strike-through text represents deletions from the Lee Plan.

The substance of the amendments to the Future Land Use Map Series include:

Map 1: The reclassification of property from Density Reduction Groundwater Resource to University Community.

Map 6: The inclusion of property in the Future Water Service Area.

Map 7: The inclusion of property in the Future Sewer Service Area.

Map 16: Reassignment of property from the Southeast Lee County to the San Carlos Planning Community.

Proposed amendments to text, tables, and Future Land Use Map Series are attached as Exhibits A (Text), B (Table 1b), C (Map 1), D (Map 6), E (Map 7) and F (Map 16).

The corresponding Staff Reports and Analysis, along with all attachments for this amendment are adopted as "Support Documentation" for the Lee Plan.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

SECTION FOUR: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

SECTION FIVE: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

SECTION SIX: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administrative Commission finding the amendment in compliance with Section 163.3184(9), Florida Statutes, or until the Administrative Commission issues a final order determining the adopted amendment to be in compliance in accordance with 163.3184(10), Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status. A copy of such resolution

will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

THE FOREGOING ORDINANCE was offered by Commissioner Manning, who moved its adoption. The motion was seconded by Commissioner Judah. The vote was as follows:

John E. Manning	Aye
Brian Bigelow	Nay
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DONE AND ADOPTED this 20th day of October 2010.

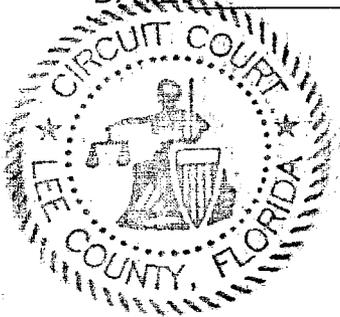
ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: *Lisa L. Pierce*
Deputy Clerk

BY: *Tammara Hall*
Tammara Hall, Chair

DATE: 10/20/10



Approved as to form by:

Donna Marie Collins
Donna Marie Collins
County Attorney's Office

- Exhibit A: Policy Text Amendments
- Exhibit B: Amendment to Table 1(b) (Year 2030 Acreage Allocation Table)
- Exhibit C1: Future Land Use Map Series: Map 1 (property as DR/GR)
(Former - prior to Amendment)
- Exhibit C2: Future Land Use Map Series: Map 1(property as University Community)(Adopted by BOCC on 10-20-10)
- Exhibit D1: Future Land Use Map Series: Map 6 Water Service Area (former)
- Exhibit D2: Future Land Use Map Series: Map 6 Water Service Area (Adopted by BOCC on 10-20-10)
- Exhibit E1: Future Land Use Map Series: Map 7 Sewer Service Area (former)

- Exhibit E2: Future Land Use Map Series: Map 7 Sewer Service Area (Adopted by BOCC on 10-20-10)
- Exhibit F1: Future Land Use Map Series: Map 16 Planning Community (former)
- Exhibit F2: Future Land Use Map Series: Map 16 Planning Community (Adopted by BOCC on 10-20-10)

EXHIBIT A
Policy 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 Board of Regents of the State University System Florida Gulf Coast University Board of Trustees.

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 average density for the University Village will not exceed 6,510 dwelling units^{2.5} units per acre. 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 (insert here the date of adoption of CPA 2009-01). Clustered densities within the area may reach fifteen 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 area 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.

POLICY 1.3.5: The University Village Interchange land use category is designed to accommodate both interchange land uses and non-residential land uses related to the University. Development within this interchange area may or may not be related to, or justified by the land use needs of the University. Land uses allowed within this area include those allowed in the Industrial Commercial Interchange category and the associated support development allowed in the University Village. The overall average intensity of non-residential development will be limited to 10,000 square feet of building area per non-residential acre allowed pursuant to Map 16 and Table 1(b). See the definition of Associated Support Development in the Glossary. Cooperative master planning and approval by the Board of Regents Florida Gulf Coast University Board of Trustees will be required prior to development within this land use category. Additionally, any development within this land use category which meets or exceeds the Development of Regional Impact thresholds, either alone or through aggregation, must conform to the requirements of Chapter 380 F.S.

GOAL 6: Commercial Land Uses to POLICY 6.1.2, paragraph 8 contain no proposed changes.

- (9) The location standards in this policy are not applicable in the Interchange land use category, or in Lehigh Acres where commercial uses are permitted in accordance with Goal 32, or within the Captiva community in the areas identified by Policy 13.2.1., or in Area 9 of the University Community Conceptual Master Plan.

POLICY 6.1.2, paragraph 10 to POLICY 6.1.2, paragraph 13 contain no proposed changes.

GOAL 18: University Community to POLICY 18.1.3 contain no proposed changes.

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-average density of 2.5 units an acre will be maintained. The regulations will provide a mechanism for clustering densities within the University Community.

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 local Development Order approval 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. The owner/developers must dedicate the right of way for the 951 extension between Alico Road and Corkscrew Road to Lee County prior to Development of Regional Impact Development Order 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.

POLICY 18.1.6 to POLICY 18.1.8 contain no 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.

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.

POLICY 18.1.11 contains no 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.

POLICY 18.1.13 to POLICY 18.1.15 contain no 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 DRI/rezoning process and must be consistent with the following development standards:

1. Mixed Use: Development must be in the Traditional Neighborhood Development form, as defined in the Glossary section of the Lee Plan, and consistent with the intent of Goal 4: Sustainable Development Design of the Lee Plan. Development on 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 1,950 units;

Retail Minimum 200,000 square feet, maximum 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 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 use 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:

<u>Retail /Commercial:</u>	<u>50% MIN</u>
<u>Office / Employment:</u>	<u>25% MIN</u>
<u>Public, Institutional & Civic:</u>	<u>5% MIN</u>

3. **Density:** To ensure the creation of a development that has sufficient residential mass to support the proposed 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 not to exceed a total of 1,950 dwelling units.

4. **Retail 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.

5. **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 DRI 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.

- 7. 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 safety features. Prior to vertical development on Area 9 this connection must be in place.
- 8. Pedestrian Friendly Design:** The development will be designed as a pedestrian-friendly community with student safety features, including traffic calming, sidewalks on both sides of the road system, safety call boxes, and facilities to accommodate the FGCU Eagle Express 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. Parking:** Parking in Area 9 should be 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 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. **Residential Uses:** Single-family residential units and zero lot line units, as defined in the Land Development Code, will each be limited to 195 units. All single-family residential units and zero lot line units must be constructed on lots smaller than 6,500 square feet.
 12. **Entertainment District:** 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. **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. Florida Gulf Coast University Participation:** The owner or agent for any 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. 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 within five years of the comprehensive plan amendment for Area 9, including the 40 acre parcel to be donated to FGCU, is 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 after the first five years or beyond these limitations must address transportation deficiencies through one or more of the mitigation options afforded by the DRI process.

OBJECTIVE 18.2 to POLICY 18.2.2 contain no 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	From Alico Road to Corkscrew Road
Alico Road	From I-75 to Treeline Avenue <u>the Future Extension of County Road 951</u>
Corkscrew Road	From I-75 to Treeline Avenue
Koreshan Boulevard <u>Estero Parkway</u>	From I-75 to Treeline Avenue

With input from affected property owners, Lee County and the ~~Board of Regents~~ 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.

POLICY 38.1.8: The County may pursue a joint funding mechanism (such as an MSTU/MSBU) to pay for the widening of Alico Road east of Ben Hill Griffin Parkway to encourage economic development in the Alico Road area. Properties that generate traffic on the segment of Alico Road east of Ben Hill Griffin Parkway that have not already fully mitigated traffic impacts will be required to participate in the funding mechanism. Participation will be creditable against future road impact fees or DRI proportionate share obligations consistent with County regulations. Property that was subject to CPA2009-01 will donate 75 feet of right-of-way along the entire frontage of Alico Road. The donation of right-of-way along Alico Road will not be creditable against road impact fees or DRI proportionate share obligations.

Exhibit B
Amendment to Table 1(b)

TABLE 1(b)
Year 2030 Allocations

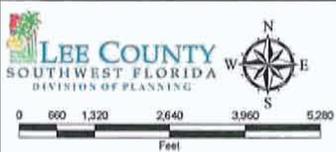
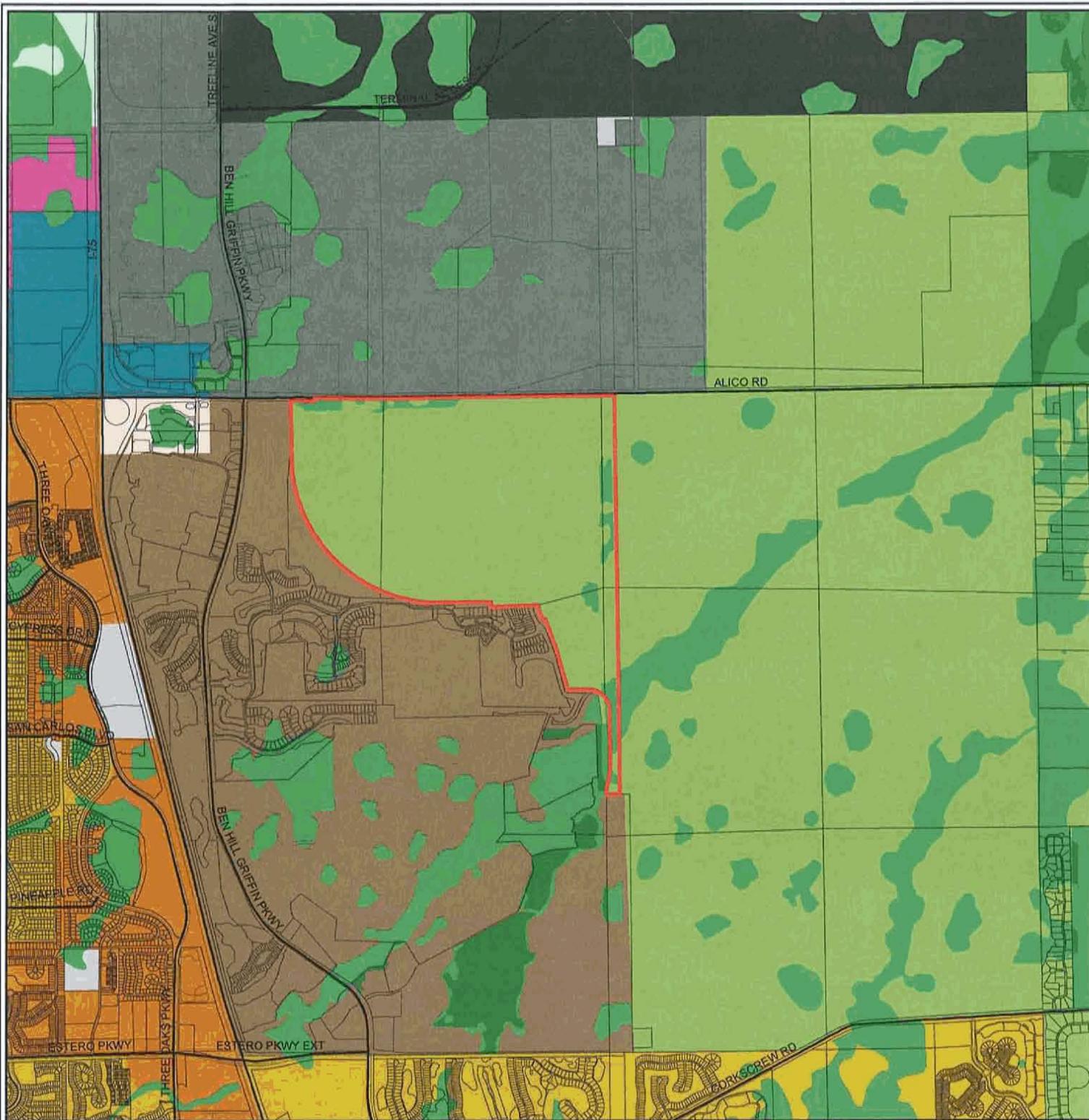
Future Land Use Classification	Lee County Totals	Alva	Boca Grande	Bonita Springs	Fort Myers Shores	Burnt Store	Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway/Airport	Daniels Parkway	Iona/McGregor
	Intensive Development	1,325	0	0	0	20	0	27	0	250	0	0	0
Central Urban	14,787	0	0	0	225	0	0	0	230	0	0	0	375
Urban Community	18,622	520	485	0	637	0	0	0	0	0	0	0	850
Suburban	16,623	0	0	0	1,810	0	0	0	85	0	0	0	2,488
Outlying Suburban	4,105	30	0	0	40	20	2	500	0	0	0	1,700	377
Sub-Outlying Suburban	1,531	0	0	0	367	0	0	0	0	0	0	0	0
Industrial Development	79	0	0	0	0	0	0	0	39	0	20	0	5
Public Facilities	1	0	0	0	0	0	0	1	0	0	0	0	0
University Community	850	0	0	0	0	0	0	0	0	0	0	0	0
Destination Resort Mixed Use Water Dependent	8	0	0	0	0	0	0	0	0	0	0	0	8
Burnt Store Marina Village	4	0	0	0	0	4	0	0	0	0	0	0	0
Industrial Interchange	0	0	0	0	0	0	0	0	0	0	0	0	0
General Interchange	42	0	0	0	0	0	0	0	0	0	0	2	0
General/Commercial Interchange	0	0	0	0	0	0	0	0	0	0	0	0	0
Industrial/Commercial Interchange	0	0	0	0	0	0	0	0	0	0	0	0	0
University Village Interchange	0	0	0	0	0	0	0	0	0	0	0	0	0
New Community	900	0	0	0	0	0	0	0	0	0	900	0	0
Airport	0	0	0	0	0	0	0	0	0	0	0	0	0
Tradeport	9	0	0	0	0	0	0	0	0	0	9	0	0
Rural	8,320	1,948	0	0	1,400	636	0	0	0	0	0	1,500	0
Rural Community Preserve	3,046	0	0	0	0	0	0	0	0	0	0	0	0
Coastal Rural	1,300	0	0	0	0	0	0	0	0	0	0	0	0
Outer Islands	202	5	0	0	1	0	0	150	0	0	0	0	1
Open Lands	2,805	250	0	0	0	590	0	0	0	0	0	120	0
Density Reduction/Groundwater Resourse	6,905	711	0	0	0	0	0	0	0	0	94	0	0
Conservation Lands Uplands	0	0	0	0	0	0	0	0	0	0	0	0	0
Wetlands	0	0	0	0	0	0	0	0	0	0	0	0	0
Conservation Lands Wetlands	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Residential	81,464	3,464	485	0	4,500	1,250	29	651	604	0	1,023	3,322	4,104
Commercial	12,763	57	52	0	400	50	17	125	150	0	1,100	440	1,100
Industrial	6,620	26	3	0	400	5	26	0	300	0	3,100	10	320
Non Regulatory Allocations													
Public	82,591	7,100	421	0	2,000	7,000	20	1,961	350	0	7,500	2,416	3,550
Active Agriculture	24,957	5,100	0	0	550	150	0	0	0	0	0	20	0
Passive Agriculture	45,859	13,549	0	0	2,500	109	0	0	0	0	1,491	20	0
Conservation (wetlands)	82,119	2,214	611	0	1,142	3,236	133	1,603	748	0	2,809	1,719	9,306
Vacant	21,722	1,953	0	0	226	931	34	0	45	22	300	20	975
Total	358,095	33,463	1,572	0	11,718	12,731	259	4,340	2,197	0	17,323	7,967	19,355
Population Distribution*	495,000	5,090	1,531	0	30,861	3,270	225	530	5,744	0	11,582	16,488	34,538

* Population for Unincorporated Area of Lee County

TABLE 1(b)
Year 2030 Allocations

Future Land Use Classification	San Carlos			Sanibel	South Fort Myers	Pine Island	Lehigh Acres	Southeast Lee County		North Fort Myers	Buckingham	Estero	Bayshore
	Existing	Proposed						Existing	Proposed				
Intensive Development	0	0	0	0	660	3	0	0	0	365	0	0	0
Central Urban	47	17	0	0	3,140	0	8,200	0	0	2,600	0	0	0
Urban Community	4,000	1,000	0	0	860	500	13,269	0	0	0	51	450	0
Suburban	1,975	1,975	0	0	1,200	675	0	0	0	6,690	0	1,700	0
Outlying Suburban	0	0	0	0	0	600	0	0	0	382	0	454	0
Sub-Outlying Suburban	25	25	0	0	0	0	0	0	0	140	49	0	950
Industrial Development	5	5	0	0	10	0	0	0	0	0	0	0	0
Public Facilities	0	0	0	0	0	0	0	0	0	0	0	0	0
University Community	850	850	0	0	0	0	0	0	0	0	0	0	0
Destination Resort Mixed Use Water Dependent	0	0	0	0	0	0	0	0	0	0	0	0	0
Burnt Store Marina Village	0	0	0	0	0	0	0	0	0	0	0	0	0
Industrial Interchange	0	0	0	0	0	0	0	0	0	0	0	0	0
General Interchange	0	0	0	0	0	0	0	45	15	7	0	6	12
General/Commercial Interchange	0	0	0	0	0	0	0	0	0	0	0	0	0
Industrial/Commercial Interchange	0	0	0	0	0	0	0	0	0	0	0	0	0
University Village Interchange	0	0	0	0	0	0	0	0	0	0	0	0	0
New Community	0	0	0	0	0	0	0	0	0	0	0	0	0
Airport	0	0	0	0	0	0	0	0	0	0	0	0	0
Tradeport	0	0	0	0	0	0	0	0	0	0	0	0	0
Rural	90	90	0	0	0	190	14	0	0	500	57	635	1,350
Rural Community Preserve	0	0	0	0	0	0	0	0	0	0	3,046	0	0
Coastal Rural	0	0	0	0	0	1,300	0	0	0	0	0	0	0
Outer Islands	0	0	0	0	0	45	0	0	0	0	0	0	0
Open Lands	0	0	0	0	0	0	0	0	0	45	0	0	1,800
Density Reduction/Groundwater Resource	0	0	0	0	0	0	0	4,000	4,000	0	0	0	2,100
Conservation Lands Uplands	0	0	0	0	0	0	0	0	0	0	0	0	0
Wetlands	0	0	0	0	0	0	0	0	0	0	0	0	0
Conservation Lands Wetlands	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Residential	3,962	3,962	0	0	5,870	3,313	21,483	4,046	4,015	10,729	3,203	3,245	6,212
Commercial	4,044	1,944	0	0	2,100	226	1,420	38	38	1,687	18	1,700	139
Industrial	460	450	0	0	900	64	300	66	65	554	5	87	5
Non-Regulatory Allocations													
Public	2,660	3,059	0	0	3,500	2,100	15,000	42,000	12,000	4,000	2,114	7,000	1,500
Active Agriculture	0	0	0	0	0	2,400	0	45,404	14,352	200	411	125	900
Passive Agriculture	0	0	0	0	0	815	0	48,000	18,000	1,556	3,619	200	4,000
Conservation (wetlands)	2,798	2,969	0	0	188	14,767	1,496	31,530	31,359	1,317	381	5,068	882
Vacant	244	594	0	0	309	3,781	7,377	500	500	2,060	1,278	809	530
Total	42,058	12,978	0	0	12,867	27,466	47,076	81,249	80,329	22,103	11,029	18,234	14,168
Population Distribution*	36,963	36,963	0	0	58,363	13,265	164,702	4,270	1,270	70,659	6,114	25,395	8,410

* Population for Unincorporated Area of Lee County



Map Generated May 2010



FUTURE URBAN AREAS

- Intensive Development
- Central Urban
- Urban Community
- Suburban
- Outlying Suburban
- Sub-Outlying Suburban
- Commercial
- Industrial Development
- Public Facilities
- University Community
- Burnt Store Marina Village
- Destination Resort Mixed Use Water Dependent

INTERCHANGE AREAS

- Industrial Interchange
- General Interchange
- General Commercial Interchange
- Industrial/Commercial Interchange
- University Village Interchange

NEW COMMUNITY

- New Community

AIRPORT AREAS

- Tradeport
- Airport
- MiddleRowSpacer

NON-URBAN AREAS

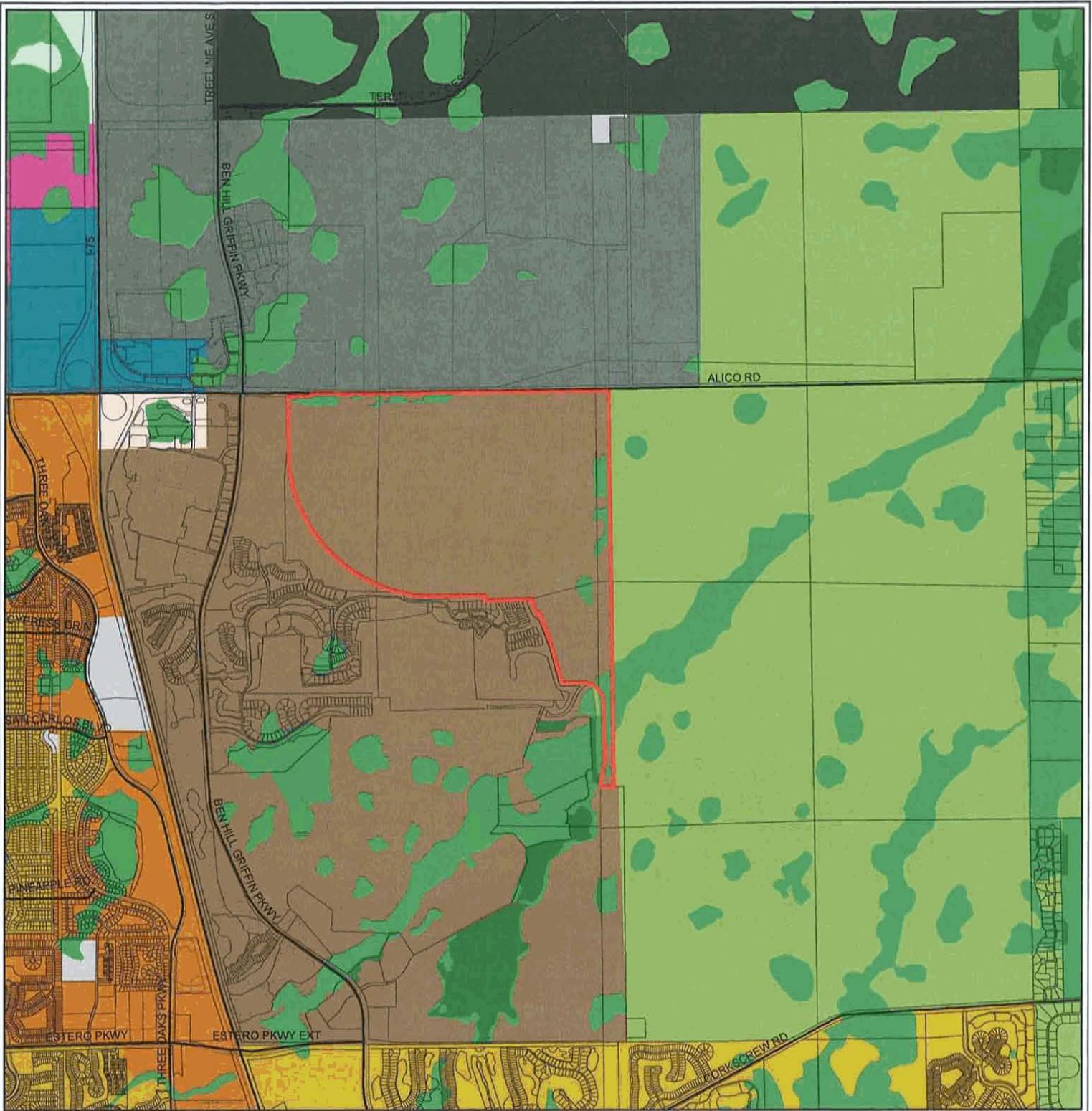
- Rural
- Rural Community Preserve
- Coastal Rural
- Outer Island
- Open Lands
- Density Reduction / Groundwater Resource
- Conservation Lands Upland

ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)

- Wetlands
- Conservation Lands Wetland
- CPA20009-00001
- Subject Property

CPA2009-00001 - ALICO WEST

Exhibit C1
 Future Land Use Map Series Map 1
 (Former - prior to Amendment)

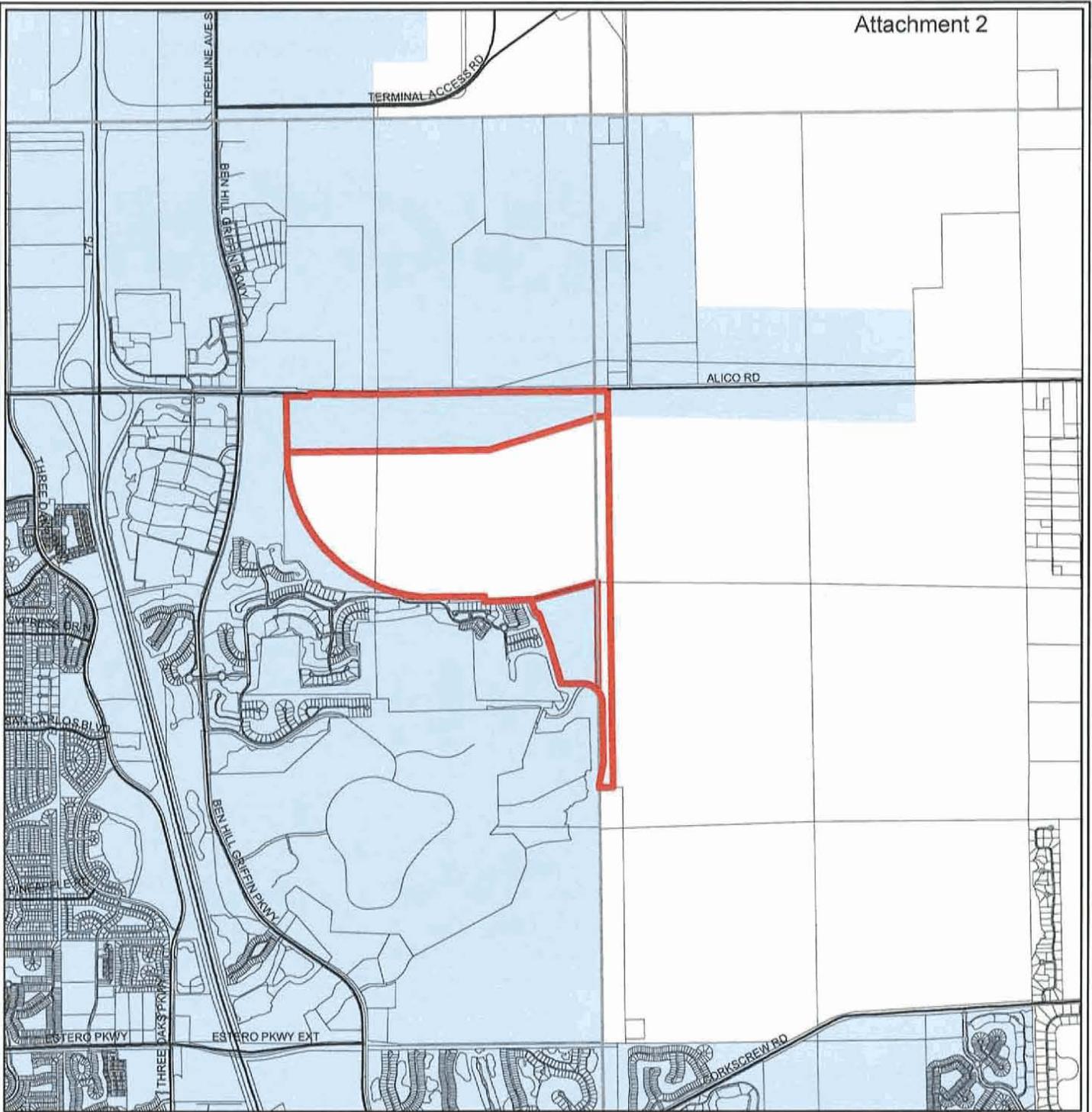


LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

Map Generated May 2010

<p>FUTURE URBAN AREAS</p> <ul style="list-style-type: none"> Intensive Development Central Urban Urban Community Suburban Outlying Suburban Sub-Outlying Suburban Commercial Industrial Development Public Facilities University Community Burnt Store Marina Village Destination Resort Mixed Use Water Dependent 	<p>INTERCHANGE AREAS</p> <ul style="list-style-type: none"> Industrial Interchange General Interchange General Commercial Interchange Industrial/Commercial Interchange University Village Interchange <p>NEW COMMUNITY</p> <ul style="list-style-type: none"> New Community <p>AIRPORT AREAS</p> <ul style="list-style-type: none"> Tradeport Airport MiddleRowSpacer 	<p>NON-URBAN AREAS</p> <ul style="list-style-type: none"> Rural Rural Community Preserve Coastal Rural Outer Island Open Lands Density Reduction / Groundwater Resource Conservation Lands Upland <p>ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)</p> <ul style="list-style-type: none"> Wetlands Conservation Lands Wetland <p>CPA20009-00001</p> <ul style="list-style-type: none"> Subject Property
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CPA2009-00001 - ALICO WEST



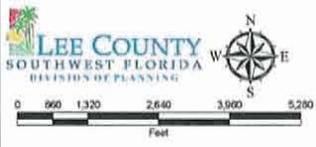
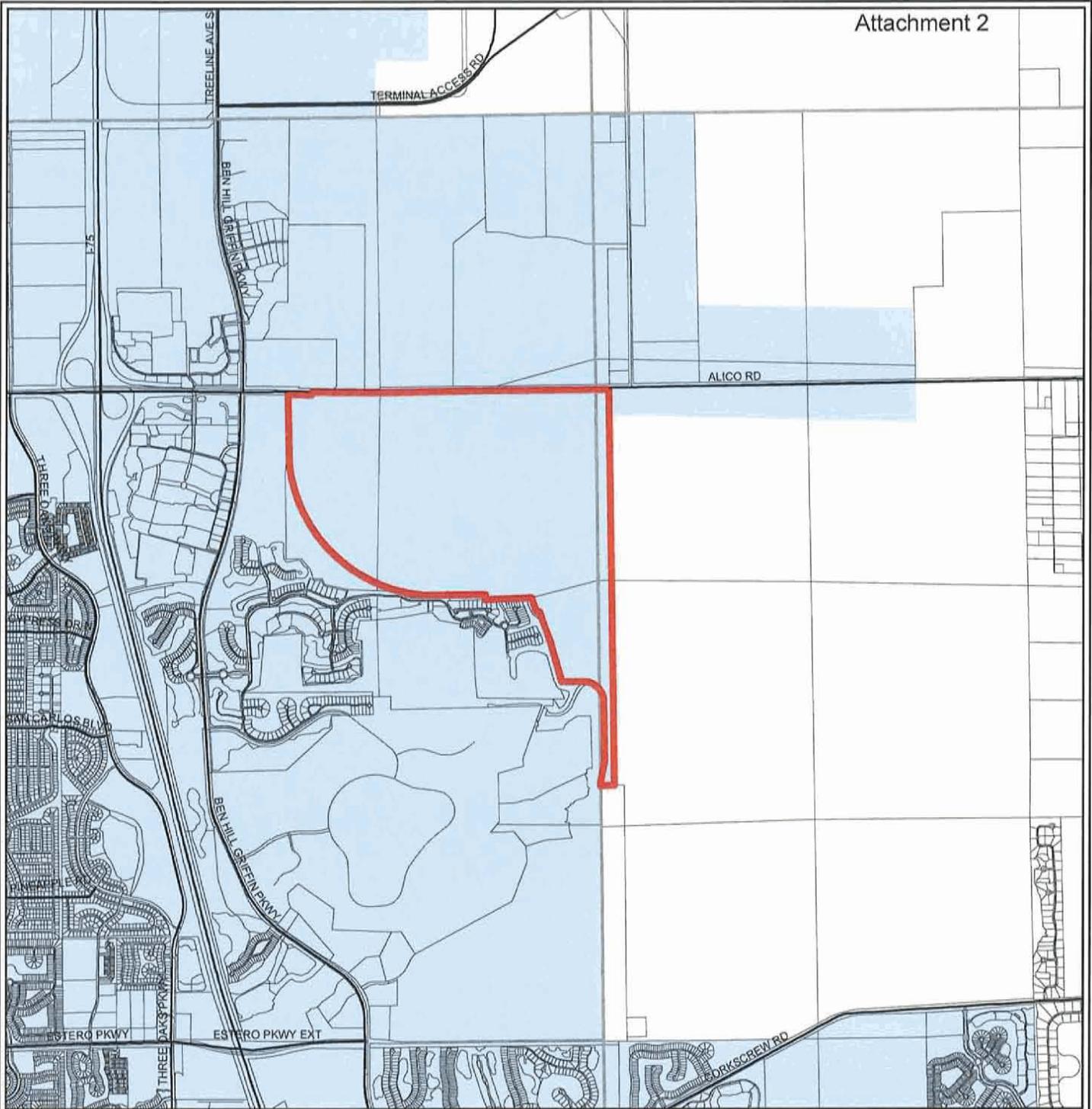
Map Generated May 2010



CPA2009-00001 - ALICO WEST FUTURE WATER SERVICE AREA

Exhibit D1
Future Land Use Map Series Map 6 Water Service
Area (Former - prior to Amendment)

-  Future Water Service Area
-  Subject Property



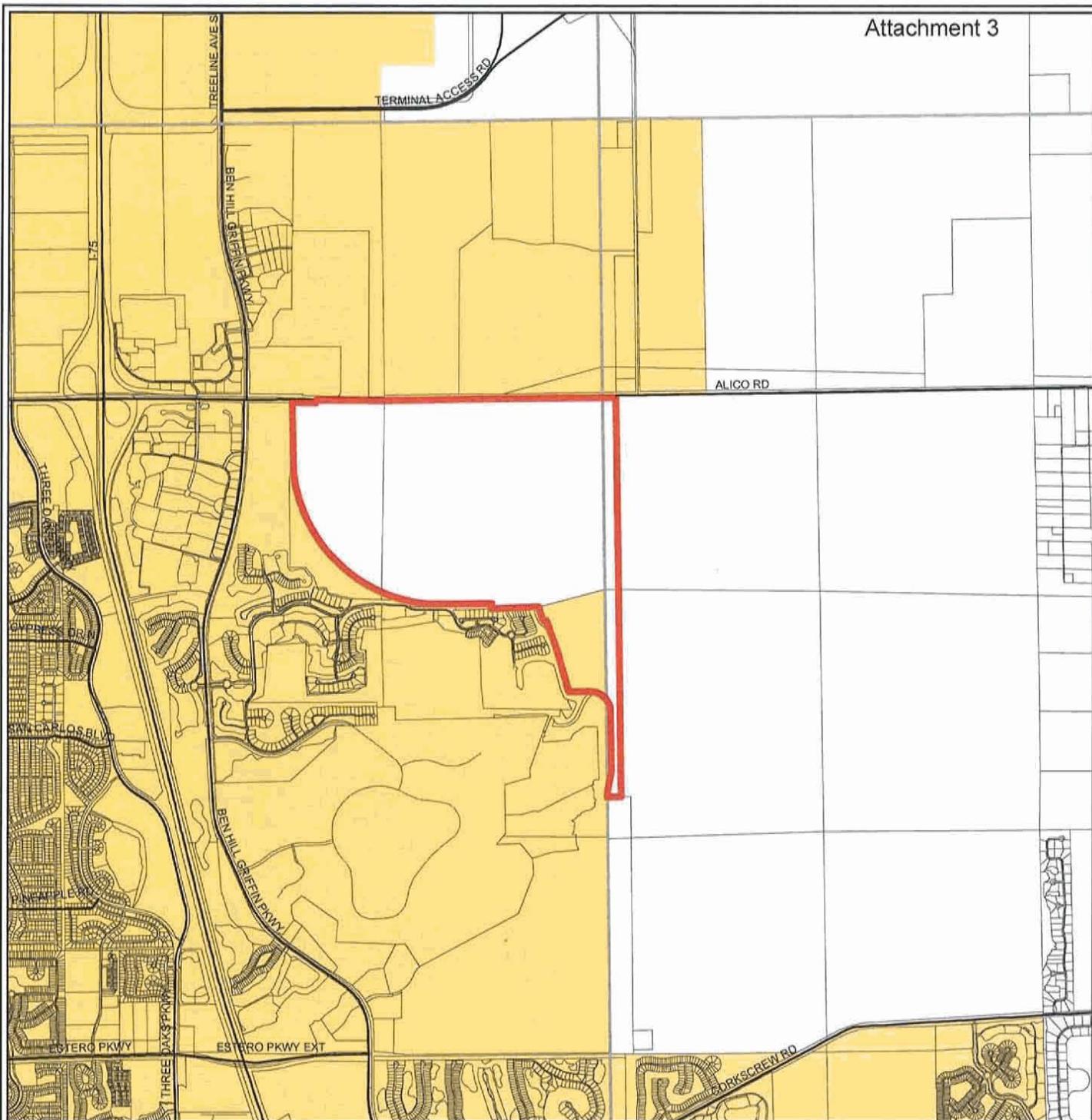
Map Generated May 2010



CPA2009-00001 - ALICO WEST FUTURE WATER SERVICE AREA

Exhibit D2
Future Land Use Map Series Map 6 Water Service
Area Adopted by BOCC 10-20-10

-  Future Water Service Area
-  Subject Property



**CPA2009-00001 - ALICO WEST
FUTURE SEWER SERVICE AREA**

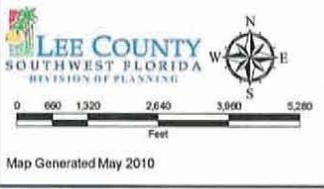
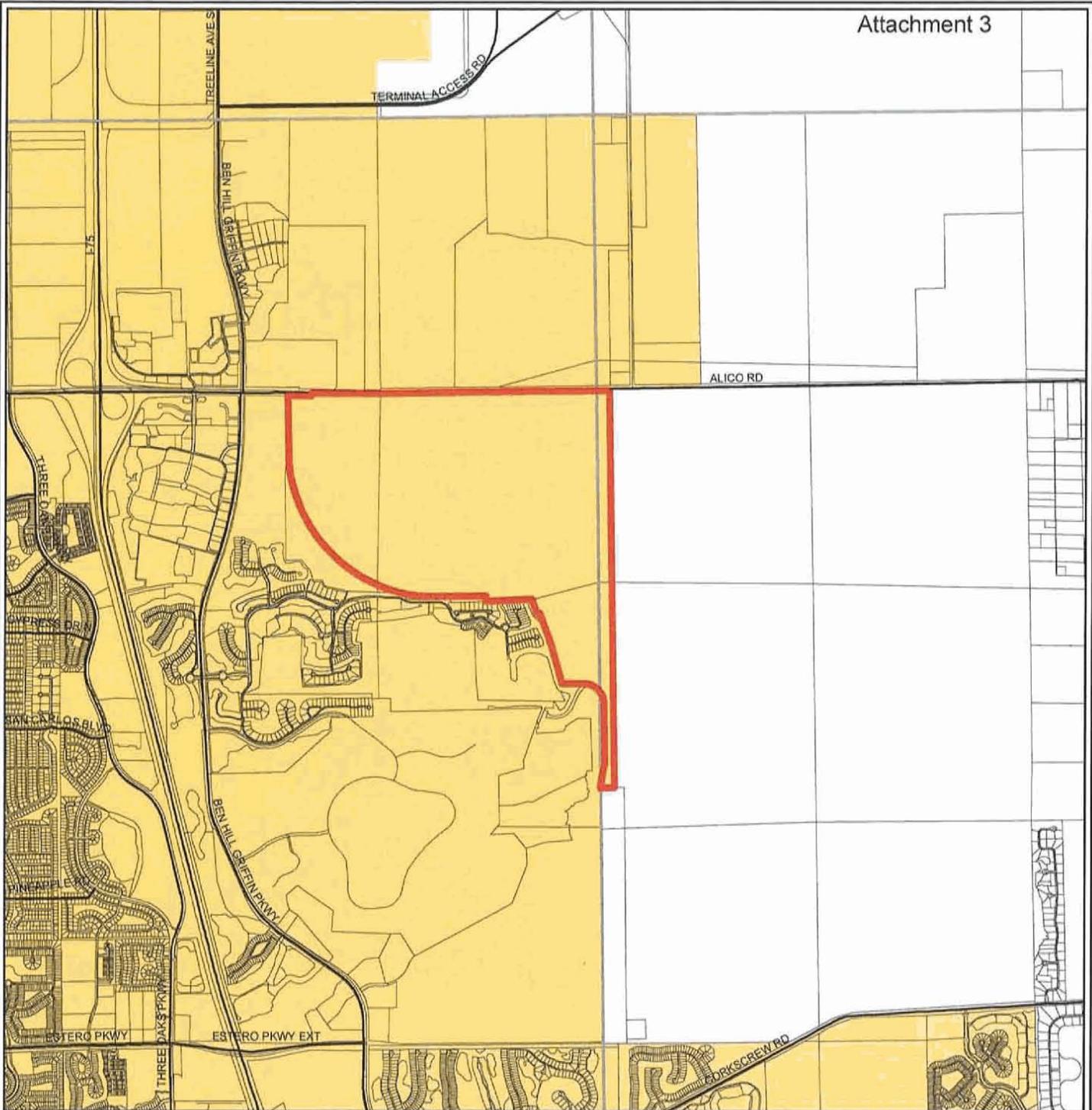
Exhibit E1
Future Land Use Map Series Map 7 Sewer Service
Area (Former - prior to Amendment)



Map Generated May 2010



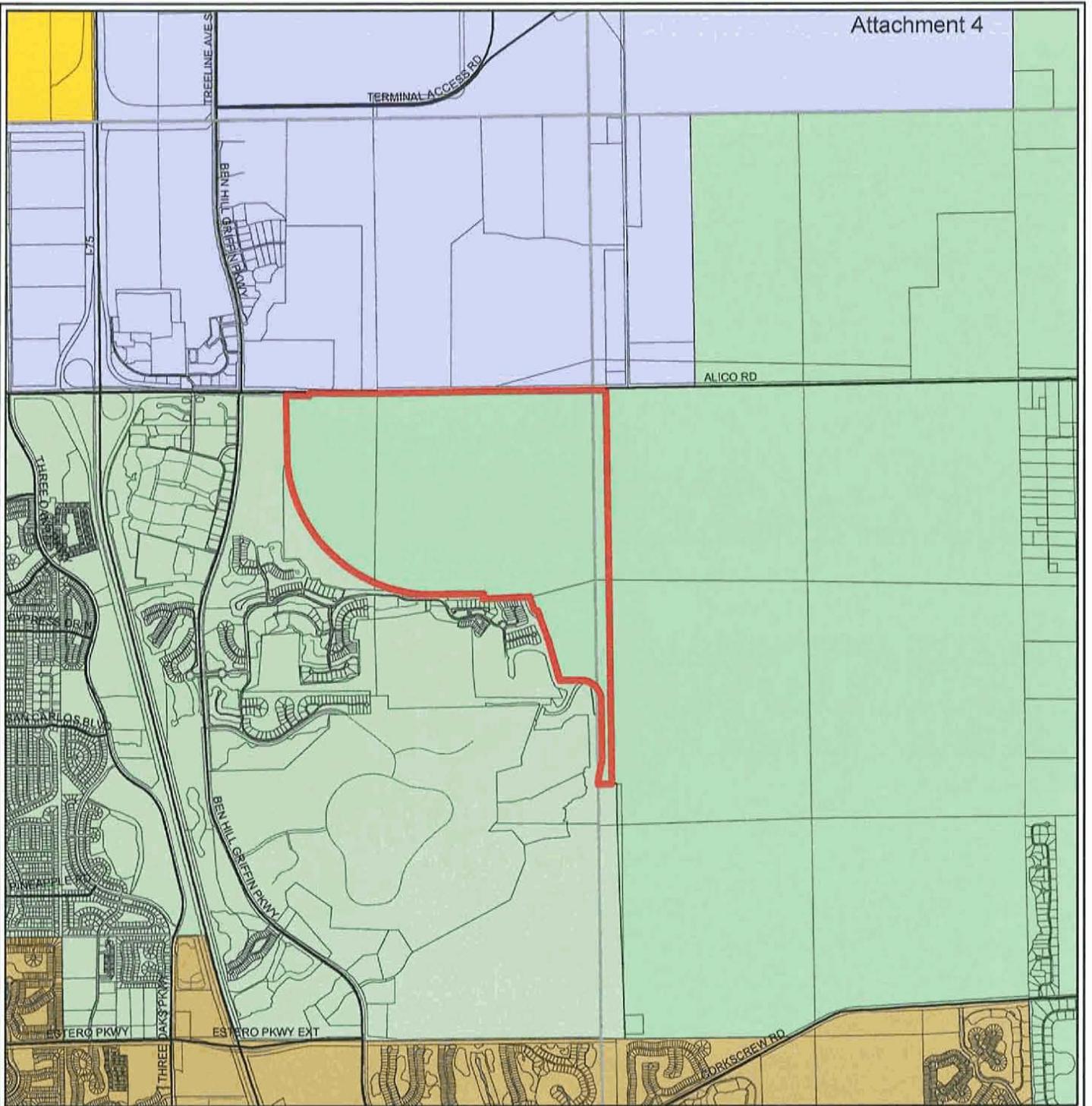
- Future Sewer Service Area
- Subject Property



CPA2009-00001 - ALICO WEST FUTURE SEWER SERVICE AREA

Exhibit E2
Future Land Use Map Series Map 7 Sewer Service
Area Adopted by BOCC 10-20-10

- Future Sewer Service Area
- Subject Property

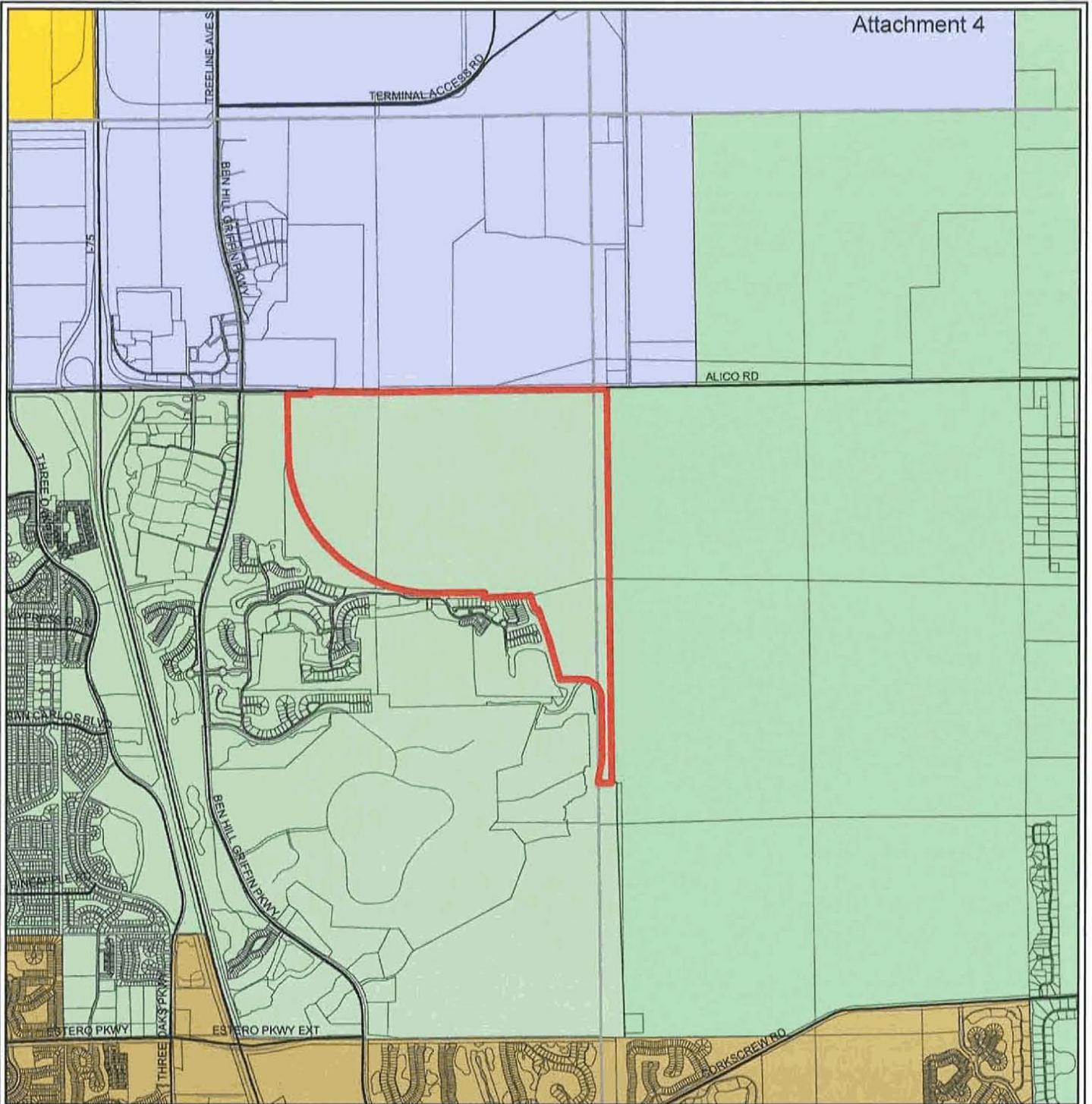


**CPA2009-00001 - ALICO WEST
PLANNING COMMUNITY MAP 16**

Map Generated May 2010

- | | | |
|-----------------------|----------------------|--------------------------|
| 01. Alva | 09. Fort Myers Beach | 17. Lehigh Acres |
| 02. Boca Grande* | 10. Gateway/Airport | 18. Southeast Lee County |
| 03. Bonita Springs | 11. Daniels Parkway | 19. North Fort Myers |
| 04. Fort Myers Shores | 12. Iona/McGregor | 20. Buckingham* |
| 05. Burnt Store | 13. San Carlos | 21. Estero* |
| 06. Cape Coral | 14. Sanibel | 22. Bayshore* |
| 07. Captiva | 15. South Fort Myers | Subject Property |
| 08. Fort Myers | 16. Pine Island* | |





LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

Map Generated May 2010



CPA2009-00001 - ALICO WEST PLANNING COMMUNITY MAP 16

- | | | |
|-----------------------|----------------------|--------------------------|
| 01. Alva | 09. Fort Myers Beach | 17. Lehigh Acres |
| 02. Boca Grande* | 10. Gateway/Airport | 18. Southeast Lee County |
| 03. Bonita Springs | 11. Daniels Parkway | 19. North Fort Myers |
| 04. Fort Myers Shores | 12. Iona/McGregor | 20. Buckingham* |
| 05. Burnt Store | 13. San Carlos | 21. Estero* |
| 06. Cape Coral | 14. Sanibel | 22. Bayshore* |
| 07. Captiva | 15. South Fort Myers | Subject Property |
| 08. Fort Myers | 16. Pine Island* | |

STATE OF FLORIDA

COUNTY OF LEE

I Charlie Green, Clerk of Circuit Court, Lee County, Florida, and ex-Officio Clerk of the Board of County Commissioners, Lee County, Florida, do hereby certify that the above and foregoing, is a true and correct copy of Ordinance No. 10-40, adopted by the Board of Lee County Commissioners, at their meeting held on the 20th day of October, 2010 and same filed in the Clerk's Office.

Given under my hand and seal, at Fort Myers, Florida, this 21st day of October 2010.

CHARLIE GREEN,
Clerk of Circuit Court
Lee County, Florida

By: *Lisa A. Pierce*
Deputy Clerk



ATTACHMENT 2

DOCUMENTS REFERENCED

**IN SUPPORT OF TEXT AMENDMENT
CPA2014-00009**

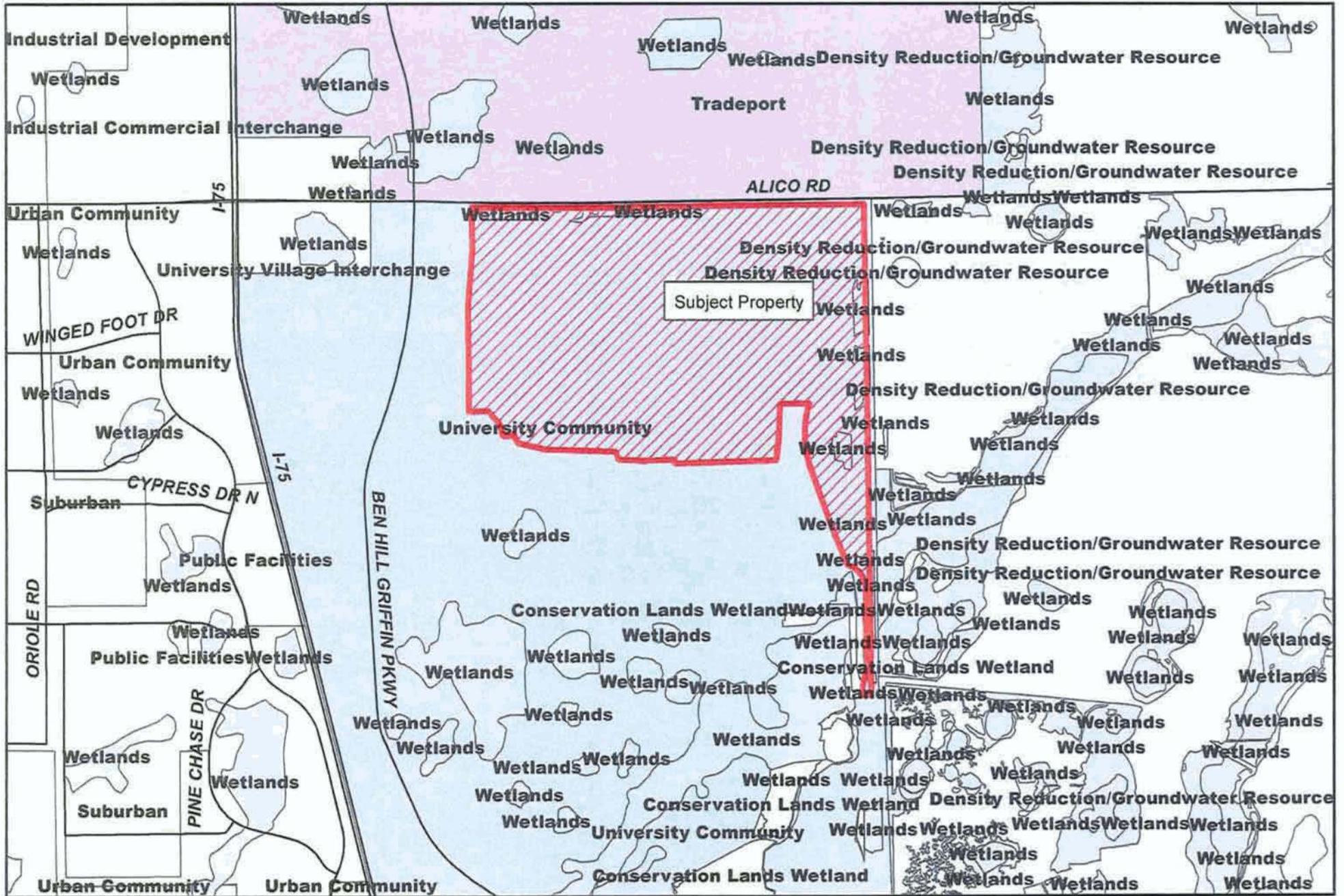
FEBRUARY 23, 2015

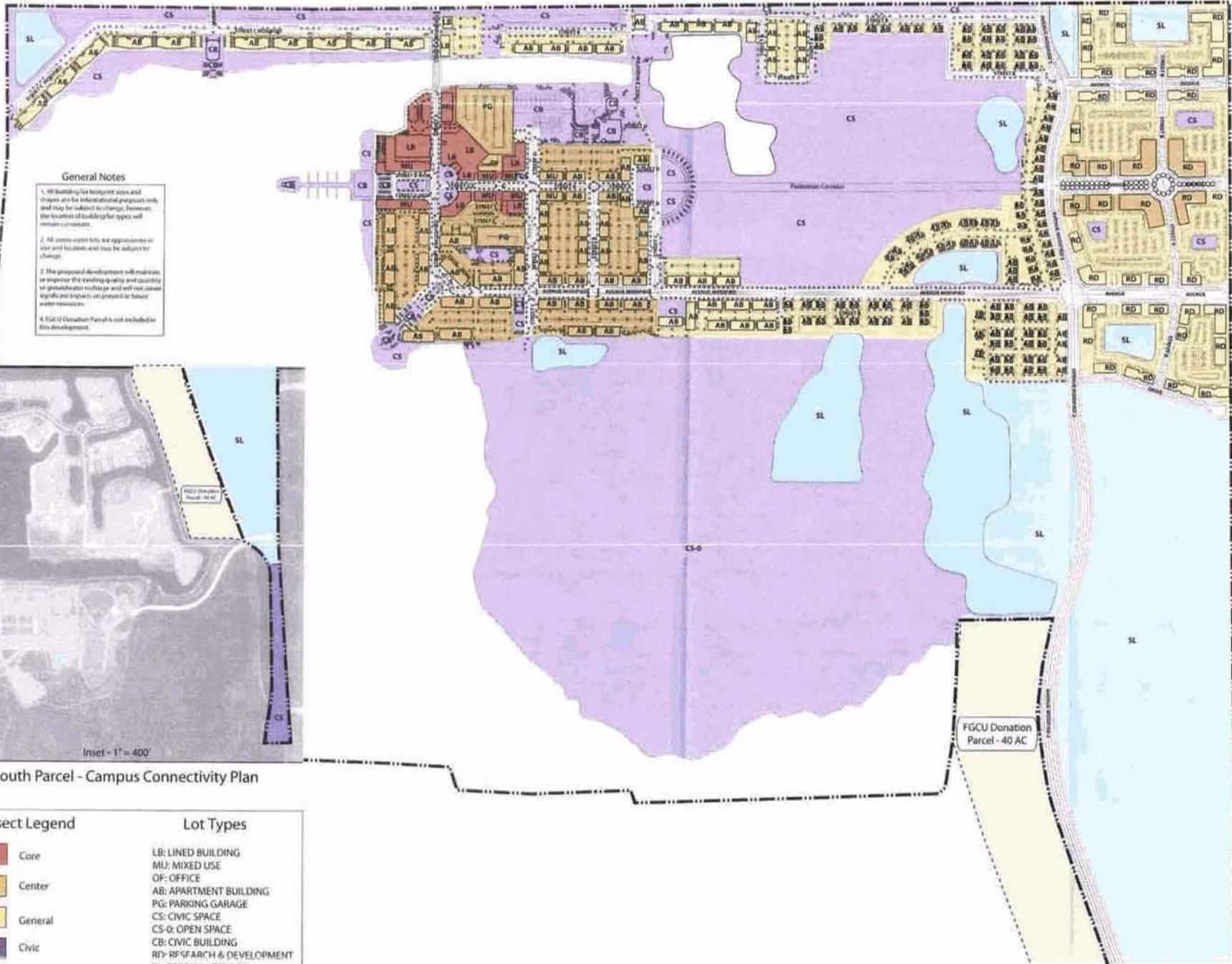
Local Planning Agency
February 23, 2015 Meeting

LEE PLAN AMENDMENT: CPA2014-00009

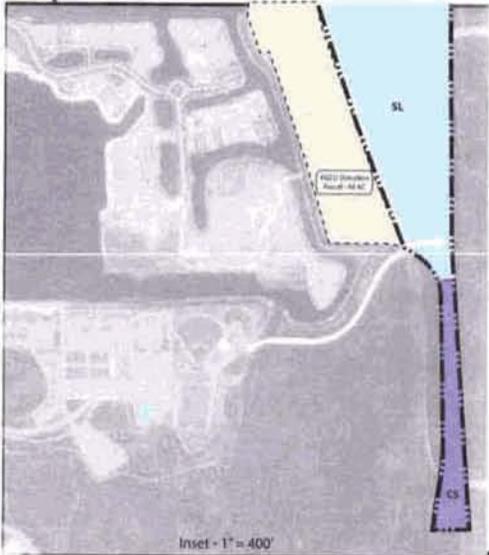
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- General Notes**
1. All building footprints, access and drives are for informational purposes only and may be subject to change. However, the location of buildings by type will remain consistent.
 2. All storm water lots, size approximations or size and location may be subject to change.
 3. The proposed development will maintain or improve the existing quality and quantity of groundwater recharge and will not cause significant impacts on present or future water resources.
 4. FGCU Donation Parcel is not included in this development.



South Parcel - Campus Connectivity Plan

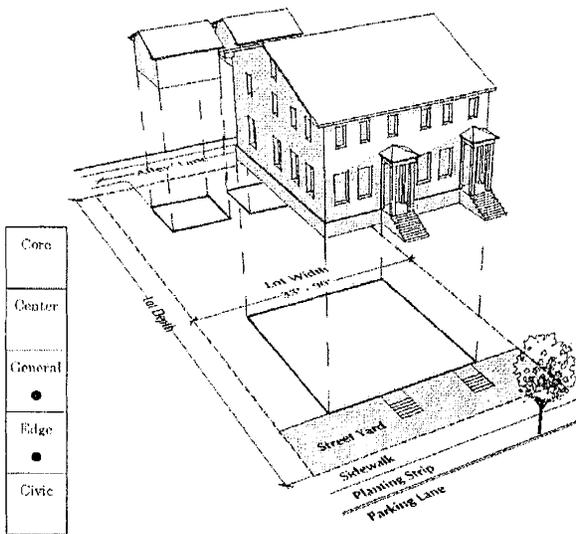
Transect Legend		Lot Types	
	Core	LB: LINED BUILDING	
	Center	MU: MIXED USE	
	General	OF: OFFICE	
	Civic	AB: APARTMENT BUILDING	
	Stormwater	PG: PARKING GARAGE	
		CS: CIVIC SPACE	
		CS-0: OPEN SPACE	
		CB: CIVIC BUILDING	
		RT: RESEARCH & DEVELOPMENT	
		SL: STORMWATER LOT	

Detailed Regulating Plan

02/20/2014 | Scale: 1" = 200'

**Lee County
Land Development Code
Chapter 32**

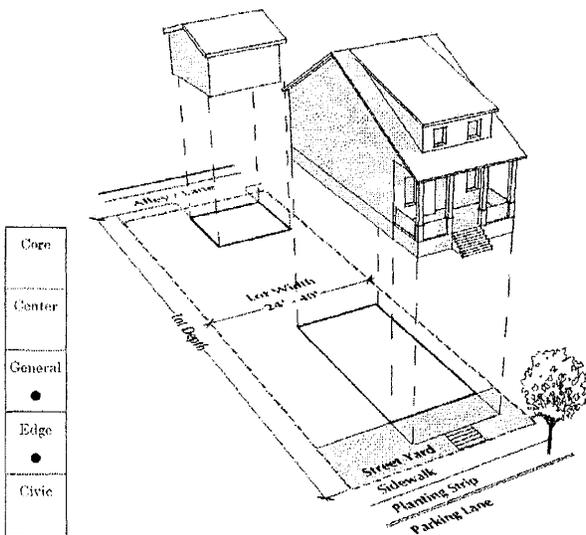
Duplex Lot (DU)



Character Examples



Cottage House Lot (CH)

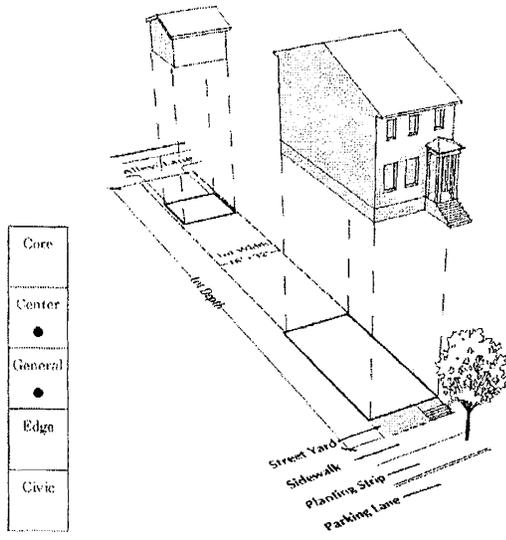


Character Examples



Figure 32-242(e)

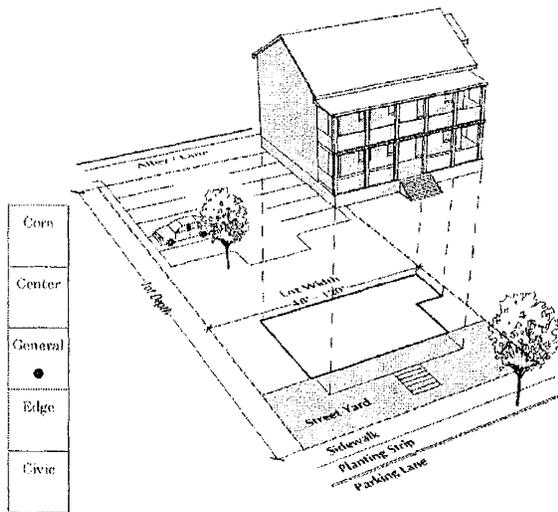
Rowhouse Building Lot (RH)



Character Examples



Apartment House Lot (AH)



Character Examples

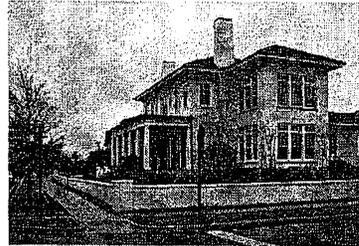
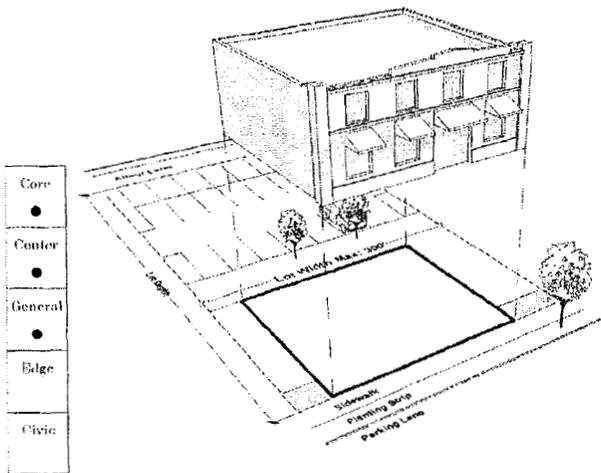
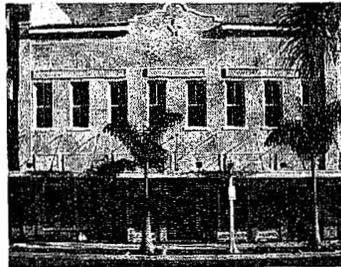
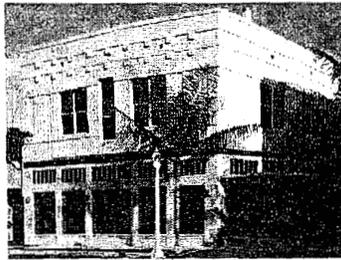


Figure 32-242(d)

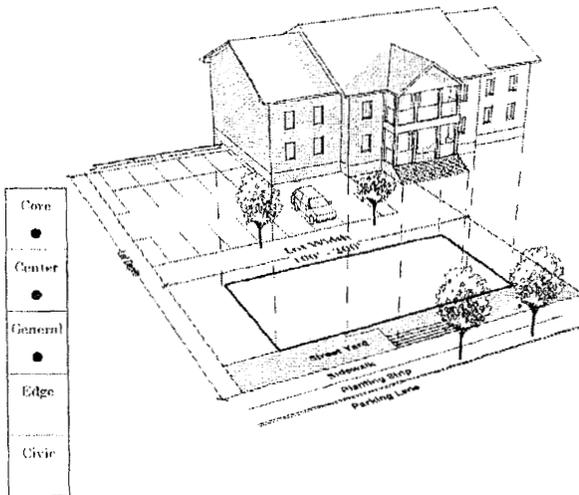
Mixed-Use Building Lot (MU)



Character Examples



Apartment Building Lot (AB)



Character Examples

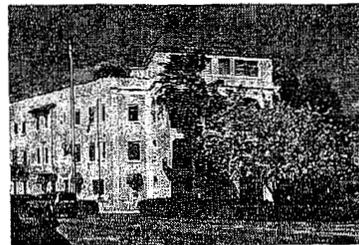


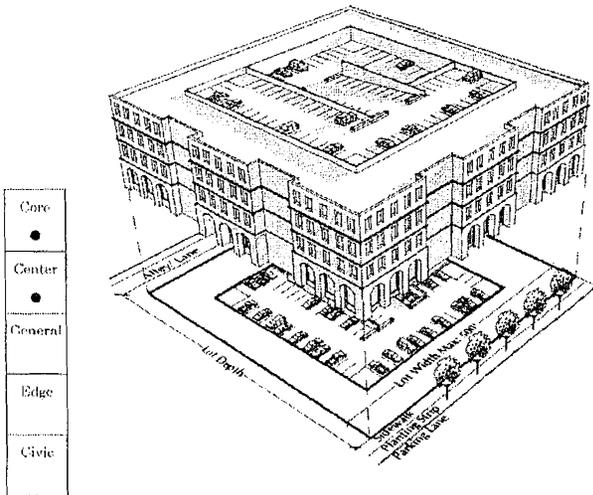
Figure 32-242(b)

Lee County, FL Land Development Code

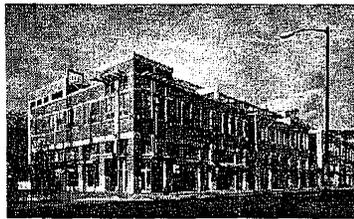
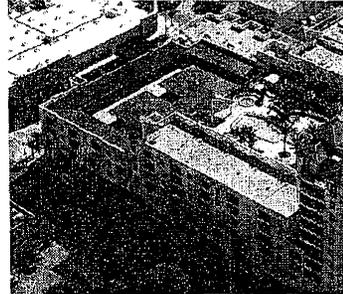
Sec. 32-242. - Placement of buildings on lots.

Lot types and proper building placement for each lot type are illustrated in figures 32-242(a)—(g). Some of the property development regulations from table 32-243 are shown on these figures; refer to table 32-243 for complete details. Character examples are provided for each lot type for illustrative purposes only; the dimensions in table 32-243 control for regulatory purposes.

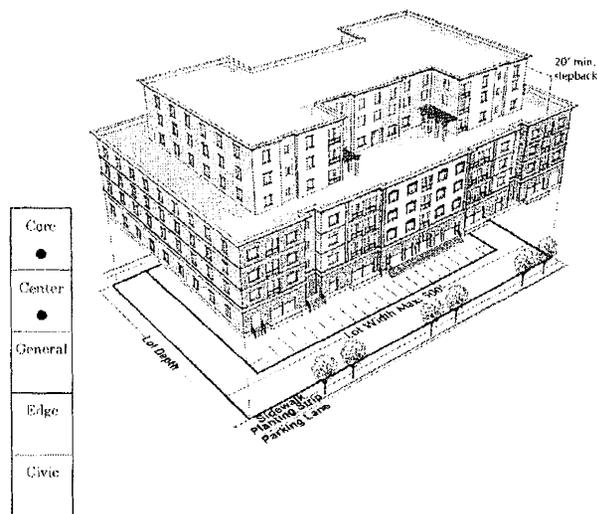
Lined Building Lot (LB)



Character Examples



Pedestal Building Lot (PB)



Character Examples

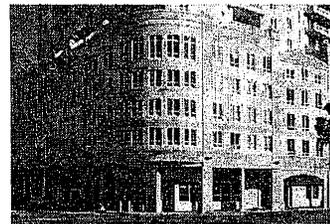
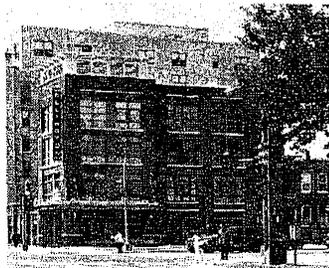


Figure 32-242(a)

Lee Plan Text References

TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) - A form of development that creates mixed-use, mixed-income neighborhoods that are compact, diverse and walkable. (Added by Ordinance No. 07-14)

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)

1. **Mixed Use:** Development must be in the Traditional Neighborhood Development form, as defined in the Glossary section of the Lee Plan, and consistent with the intent of Goal 4: Sustainable Development Design of the Lee Plan.

2. **Main Street Town Center:** The development must provide an area for a main street town center that is supportive of FGCU, with mixed use 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.

POLICY 1.5.1: Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 114 of this plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII of this plan. (Amended by Ordinance No. 94-30)

POLICY 114.1.1: Development in wetlands is limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions. The maximum density in the Wetlands category is one unit per 20 acres, except that one single family residence will be permitted on lots meeting the standards in Chapter XIII of this plan.

POLICY 114.1.2: The county's wetlands protection regulations will be consistent with the following:

4. Every reasonable effort will be required to avoid or minimize adverse impacts on wetlands through the clustering of development and other site planning techniques. On- or off-site mitigation will only be permitted in accordance with applicable state standards.

Referenced from the DCI2013-00023 Staff Report

14. Deviation from Number of Building Floors

Deviation from Section 32-243 which requires lined building lots to have a minimum height of 2 stories to allow 30% of the retail lined building lots to have one story.

Staff recommends **approval** of this deviation. The request for one story buildings is to be able to provide a stepped height transition into the CenterPlace development from Alico Road and from the adjacent, surrounding 2 story multi-family residential to the Town Center.

18. Deviation from Minimum dwelling Units

Deviation from Section 32-274(4)b. which requires at least 10 dwelling units per acre within all Core Transect Zones **to allow no dwelling units.**

Staff recommends **approval** of this deviation. CenterPlace has been designed to consider the interaction between uses, residents, and visitors at the build out of the project. The Core Transect has been designed to represent the most intense uses within the proposed project. The Core Transect has been designed consistent with traditional neighborhood development to promote on-street activities, gathering spaces, and public access.

28. Deviation to Allow no Residential in Mixed Use Building Lots

Deviation from Section 32-241(d)(3) which defines a Mixed Use Building Lot as a lot located and designed to accommodate a multi-story building with multiple dwellings in upper stories and various commercial uses in any story **to allow no dwelling units in the upper stories.**

Staff recommends **approval** of this deviation. The Core and Center Transects have been designed to represent the more intense uses. The Central Core is proposed to capture most intense uses on-site and the buildings as proposed do not mix uses vertically. Rather various commercial uses will occur vertically within a mixed use building. This proposal is still consistent with traditional neighborhood development and will promote on-street activities, gathering spaces, and public access. To ensure these activities do not disturb the proposed residents, the Apartment Buildings are proposed proximate to the Core but buffered from the activities within the Core by placement and orientation.

Excerpts Referenced

1 LEE COUNTY HEARING EXAMINER
 2
 3 VOLUME I OF III
 4 PAGES 1-269
 5 CASE NO. DCI2013-00023
 6 APPLICANT: ALICO WEST FUND, LLC IN
 7 REFERENCE TO CENTERPLACE
 8
 9 Transcript of Proceedings before Donna Marie
 10 Collins, Deputy Hearing Examiner, 1500 Monroe
 11 Street, Fort Myers, Florida, on July 23, 2014,
 12 commencing at 9:00 a.m.; July 24, 2014, commencing
 13 at 9:00 a.m.; and July 25, 2014, commencing at
 14 1:30 p.m.
 15
 16 APPEARANCES:
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 18 Lee County, Florida
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JULY 24, 2014, DAY TWO OF HEARING

HEARING EXAMINER: Please, everyone again, if you can't hear or you're having any trouble hearing or understanding, please raise your hand so we can address that immediately.

Good morning, Donna Marie Collins, Hearing Examiner. Today is the second day of hearing in the CenterPlace case. The date is July 24th, 2014.

MR. BASINAIT: Good morning.

HEARING EXAMINER: Good morning.

MR. BASINAIT: We have David Depew as our next witness.

MR. DEPEW: Good morning, madam hearing examiner. I was sworn yesterday. I assume I'm still under oath.

HEARING EXAMINER: Yes.

MR. DEPEW: My name is David Depew. I am a planner. I'm representing the applicant. My resume is on file, and I appear before you today in my guise as an expert in planning and zoning issues which I have been certified in as an expert in this forum on many occasions in the past and would seek such certification once more.

HEARING EXAMINER: Okay. Proceed.

(Mr. Depew still speaking; below)

9

1 as part of the county's future through this
2 process.

3 We talked at some length about the site plans
4 that are associated with this. I want to make a
5 couple of points about these, and what I would
6 like to do that as well is ask the hearing
7 examiner as you're looking at this to keep in mind
8 the Chapter 32 requirements.

9 This is really the first large project that's
10 come in under Chapter 32, and as such, and we'll
11 get into this in a little bit more detail, as
12 such, it's exposed some of the challenges
13 associated with Chapter 32, and as such, the
14 interesting elements of Chapter 32 that we've been
15 working through with staff over time have, I
16 think, created a unique awareness on the part of
17 not only the applicant but also the staff of some
18 of the elements of Chapter 32 that are going to
19 ultimately be addressed over time.

20 First and probably most significant in terms
21 of how Chapter 32 relates to this particular
22 project is that Chapter 32 and the compact
23 community code is oriented towards single family,
24 and much of the effort in Chapter 32 to describe
25 the land form that is intended to evolve deals

(Mr. Depew still speaking; below)

10

1 with different kinds of single family
2 configurations with regard to lots and alleys and
3 detached garages and rear-entry residences and lot
4 sizes and lot perimeters and front porches and
5 front yard setbacks, things like that, so the
6 residential component is slanted very strongly
7 toward single family.

8 This project doesn't have any single family in
9 it at the moment. This is all multi-family in one
10 form or another, and in fact, the comprehensive
11 plan provisions, which again, we'll talk about in
12 a little bit more detail, I'm just trying to set
13 the stage for some of this, the comprehensive plan
14 components associated with this project have a
15 serious restriction on the amount of single family
16 that you can put on this project. They strongly
17 orient it towards multi-family.

18 When we first put this together under the
19 comprehensive plan amendment back in 2009 and
20 2010, that wasn't fully appreciated, I think, but
21 what's happened as a result of that is that -- and
22 happily, everybody agreed that the language in the
23 designation suggested that deviations might indeed
24 be necessary, but what's happened as we worked
25 through this, and I would commend staff, they've

13

(Mr. Depew is still speaking; below)

1 development itself along with the geometry of the
2 lake, you see the development itself stretching
3 here along Alico Road, then clustering around the
4 town center area, and ultimately coming over here
5 to the research and development area with a
6 variety of different residential types, and yet by
7 doing this, even though it has stretched out a
8 bit, we've also attempted to provide very strong
9 interconnections from a variety of sources, both
10 pedestrian connections and bicycle connections,
11 but also shuttle and transit connections as well
12 as automobile connections.

13 The Chapter 32 requires a series of plans that
14 ultimately control what development is going to
15 take place on a subject property, and it does that
16 by putting in various types of transects. In this
17 instance, we have a core transect which is this
18 red color. We have a center transect which is
19 this orange, and then we have a general transect
20 which is the yellow.

21 We've had to add the R and D, sorry, that's a
22 civic one there. We've had to -- I'll go back to
23 regulating plan. Whoops. We talk about -- we're
24 going to talk about the R and D, but we've got a
25 civic transect, and then finally we have a storm

20

(Mr. Depew still speaking; below)

1 and go through these as quickly as I can. A lot
2 of these we're got going to spend a lot of time
3 on. These two, they're fairly standard.

4 The illustrative plan and the detailed
5 regulating plan, I believe we've got new dates on
6 those, but, you know, again, we'll use whatever
7 the latest dates are, and clearly, this is the
8 development application here of limitation of the
9 development.

10 The conditions talk about the schedule of
11 uses. I talked about the certain kinds of
12 buildings. The schedule of uses, and this is
13 what's so different about Chapter 32. Instead of
14 saying we're going to have and have this long list
15 of uses, what they do is they tell you certain
16 kinds of buildings have certain kinds of uses, so
17 that's why it looks like this, and again, Chapter
18 32, there's a table in there, and it basically
19 says, you know, for line buildings, you get all
20 the uses in RM-2 and CC and blah, blah, and all
21 these different things, so that's how they've got
22 them done rather than have them set out like they
23 do in Chapter 34 with these long tables with
24 different kind of uses in them.

25 So what I've tried to do here is just simply

21

(Mr. Depew still speaking; below)

1 go on what staff has been saying, but I've also,
2 when we get to apartment buildings, attempted to
3 modify those uses somewhat and drop down, and I
4 believe that the staff is in agreement with us,
5 drop some of the uses that you would normally see
6 in an apartment building type of setting out of
7 that particular type of use.

8 So for lined buildings, which are generally
9 the buildings that you'll find in the core and
10 center transects, the uses that are intended to go
11 in those, and remember that we're promoting these
12 mixed uses, are all the RM-2 uses, attached
13 dwelling units, live/work units, all uses allowed
14 in community commercial, hotel/motel, all uses
15 allowed in CF-2 and all uses allowed in CF-3.
16 CF-2 being community facilities two and community
17 facilities three.

18 Similarly, in the mixed use buildings, it's
19 the same, almost the same set of uses. It drops
20 out the hotel/motel uses. I'm sorry, it leaves in
21 hotel/motel uses, but -- so it's all the same set
22 of uses, so there's really not much difference in
23 terms of line buildings and mixed use buildings,
24 and again, those are the buildings you find in the
25 core and center transects, so, you know, those are

28

(Mr. Depew still speaking; below)

1 regulations as part of the set of conditions that
2 you're going to be reviewing, and again, what's
3 happened in Chapter 32 is they give you a chart
4 that provides you with all the various different
5 types of uses and the various lot areas, lot
6 widths, frontage percentages, lot coverage, and
7 all the other characteristics that you see across
8 here on this particular table.

9 This has been modified in order to use the
10 uses that we proposed in this particular project,
11 so we have the line, the mixed use, the apartment,
12 R and D, and all of the various uses that you see
13 there on that table, and then what we've done is
14 we've come across the table and provided
15 characteristics for each one of the elements that
16 you see on the table as you go through.

17 And what this is intended to do is to go along
18 with all the various uses and tell you how
19 ultimately you're going to develop this particular
20 piece of property, and in this particular
21 instance, we show the core, the center, and the
22 general transects as to where things are going.

23 We've also included the research and
24 development lots and civic buildings and all the
25 other stuff over here under lot type, and so

29

(Mr. Depew still speaking; below)

1 that's where -- what happens is you start to blend
2 back together the elements of these steps for
3 different plans and show how the development is
4 going to look ultimately in anyone of the given
5 transects or anyone of the given lot types, and so
6 --

7 HEARING EXAMINER: There's a reduction in the
8 height, I understand, in the core and center area?

9 MS. MONTGOMERY: Please speak into the
10 microphone again, please.

11 MR. DEPEW: Yes, ma'am. There's a reduction
12 in height in a couple of the transects, and
13 there's an increase in height in one or two of the
14 transects as well.

15 So if you compare this to the chart that's in
16 Chapter 32, it's a little bit different when you
17 got over into these areas here, especially in
18 these two, the core and center for the lined
19 building and I believe the mixed use building, and
20 then when you get to the apartment building in the
21 general transect, it's a little bit taller. So
22 that's -- those are the basic differences.

23 Additionally, as you see, we've got an
24 asterisk in a couple of the locations, and those
25 areas we're talking about the potential of up to

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1 opportunity, not just for me, but for the county,
2 for the developer, all parties involved. I was
3 immediately interested in it.

4 I understood that the code was new. I read
5 through the code cover to cover, I'll say multiple
6 times, and read a lot of things within that code
7 that I've read in many other codes before. There
8 were some differences.

9 Knowing that the county had just adopted this
10 code, we had several, I'll call, meeting slash
11 workshops with the county at various stages of the
12 evolution of the plan, and during those meetings,

13 I tried my best to communicate that there were
14 some issues with the code in terms of things that
15 were missing, things that we needed to address to
16 make our project even more successful. So I think
17 in certain regards, we've actually helped improve,
18 you know, improve upon the code in the design of
19 our project.

20 This slide really speaks to my first meeting
21 with the client actually here in Fort Myers, and
22 these were some images that I had pulled very
23 early on in the design process, probably before
24 pen even went to paper to talk about the urban
25 design considerations. Knowing we had to design

(Mr. Depew still speaking; below)

50

1 center, and we think we've tried to do that in
2 accordance with that.

3 These town center minimum areas and units,
4 again, are out of the comprehensive plan. We
5 believe we've met all of these criteria, and we
6 think that this is all a part of the design that
7 we ended up having to implement on this particular
8 site, and you know, frankly it's one of the
9 reasons that project looks like it does because
10 these particular criteria are in there.

11 The single family and zero lot line number
12 limitations. As I indicated to you in my
13 prefatory remarks, the single-family residential
14 and zero lot line units are limited to 195 units
15 out of the total. So we've got 1,950 units and
16 195 of them can be single family. Well, we don't
17 have any single family in here at this point, so
18 but you see what happens when you get -- when you
19 look at that Chapter 32, you'll see there's an
20 awful lot of effort that's been expended on
21 showing how you're going to fit single family
22 cottage style, Celebration, Watercolor, Seaside
23 type units into a compact community.

24 We don't have that in this thing. It's not
25 that kind of animal. It's a different sort of

(Mr. Depew still speaking; below)

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1 animal, and the design is reflective of that, and
2 candidly, the number of deviations that are
3 requested are reflective of that as well, and of
4 the fact that the compact community code, which is
5 really the first major project that's come in
6 under that, and we're still evolving that.

7 So excavation of fines. Again, this is all
8 about protecting water quality. Discharge into
9 the attenuation lake is prohibited, and anything
10 that we -- anything we excavate of fine materials
11 have to be handled properly and not discharged
12 into the attenuation lakes.

13 Dedicate 951 extension. There was some
14 discussion about this because the original
15 language on this was about all the way down to
16 Corkscrew Road, but this project doesn't control
17 all the way down the Corkscrew Road, so all we can
18 do is give you to the end of the project, and
19 that's -- so that's what that does.

20 We talked about perimeter setback and
21 buffering requirements, and the condition requires
22 a 45-foot building setback on the northwest corner
23 of the site where it abuts Miromar Lakes. I'm
24 relatively certain you're going to get some
25 testimony about that later today, but that's this

74

(Mr. Depew is still speaking; below)

1 intended as part of the location of these
2 transects and of the compact code.

3 29 requires four different lot types within
4 the general and center lot types with no one lot
5 type representing more than 60 percent. What
6 we're doing is trying to modify this so that we
7 have three different lot types in the general and
8 center transect, and we think this is consistent
9 with what's going on.

10 Again, the inherent bias towards the detached
11 single-family development that you find in Chapter
12 32 causes a development like this that has
13 basically only multi-family, not single family, to
14 lack one of the lot types that you would normally
15 anticipate or normally was anticipated by the
16 drafters of Chapter 32, and as such, we simply
17 have to request a deviation to only have three
18 different lot types in the general and center
19 transects because we don't have enough lot types
20 in those areas based on the fact that it's only
21 multi-family.

22 Almost done with this part.

23 Deviation 30 is one to allow 20 percent of the
24 individual lake and shoreline to consist of
25 bulkheads, riprap, geotex tubes, or other

97

(Mr. Depew still speaking; below)

1 talked about this, and the fines management plan
2 is to be implemented as part of the development of
3 the property.

4 The CenterPlace has worked very closely with
5 staff. There were really more meetings than I can
6 remember with staff and with natural resources
7 staff specifically to make sure that we do not
8 create any negative impacts on present or future
9 water resources.

10 For Policy 18.1.10, the design has been
11 undertaken consistent with the FGCU master plan.
12 We believe that all the various criteria that you
13 can find in the master plan will address those
14 issues.

15 18.1.11. We have clearly made infrastructure
16 connections and interconnections between
17 CenterPlace and FGCU. We have had a number of
18 meetings coordinating those interconnections with
19 the university, and you've heard from
20 representatives of the university already.

21 We are not providing any septic tanks
22 consistent with 18.1.13.

23 We are providing extension of utilities at our
24 -- on our dime consistent with 18.1.4.

25 At 18.1.15, we are attempting to comply as we

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1 because you're a low talker

2 MR. BADAMTCHIAN: Sorry. I'll try to speak
3 louder.

4 Good afternoon, my name is Chahram
5 Badamtchian. I'm from the county zoning. I was
6 recognized as expert in zoning and land use
7 issues. I would like to be recognized as such at
8 this time.

9 HEARING EXAMINER: Yes, please proceed.

10 MR. BASINAIT: No objection.

11 MR. BADAMTCHIAN: Thank you. Well, I was
12 prepared to have a slide show with 96 slides, but
13 unfortunately, you ruled that we should not bring
14 up issues already discussed, so it's going to be
15 very brief.

16 This is a rezone to compact planned
17 development. This is the second rezone compact
18 planned development in Lee County. The first one
19 was three-quarter of an acre in size.

20 Unfortunately, I was the planner on that one, and
21 that's the reason I'm the planner on this one.
22 And this one is 886 acres.

23 HEARING EXAMINER: I could see why. They're
24 so similar.

25 MR. BADAMTCHIAN: And as was already

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1 mentioned, they're asking for 1,950 residential
2 dwelling units, 250 hotel rooms, and 246,400
3 square feet of commercial retail, 100,000 square
4 feet of office, and 300,000 square feet of
5 research and development.

6 The master concept plan that goes with the
7 regular zoning is not applicable here, so we have
8 illustrative plans, and we have detailed
9 regulating plans, and we have basically transects
10 that was already explained, so I'm not going to
11 labor over it.

12 They are proposing five different transects
13 and nine different lot types, and they are
14 requesting this in the form of a compact
15 development because of the Lee Plan amendment
16 which required them to develop this project as a
17 transit oriented or traditional neighborhood
18 design. And that's why they are going with the
19 compact community.

20 When staff reviewed this request, they are
21 asking for 31 deviations and most of them because
22 of our code has some glitches and some issues. It
23 was never tested for a large project, and after
24 this, we may need to amend our code a little bit
25 to make it work properly. That's the reason for

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1 MR. DUNN: There's been some discussion about
2 how this is a unique set of provisions within the
3 plan, and I kind of would like to explain why, why
4 this is different.

5 Prior to CPA 2009-01 or ordinance 10-40, the
6 subject property was in the DR/GR. Utilizing the
7 DR/GR future land use category, the subject
8 property could have been approved for
9 approximately 88 single-family dwelling units and
10 no commercial.

11 When the applicant initially approached staff
12 about the proposed redesignation to university
13 community, staff identified this as an opportunity
14 to achieve some of the goals of the university
15 community that had not been realized by the then
16 -- this is back in 2009/2010 -- existing plan
17 development.

18 Staff also had two general concerns. These
19 are big picture concerns. There were some other
20 concerns, but the big picture concerns really
21 helped shape the Lee Plan amendments that were
22 adopted by ordinance 10-40. These include the
23 development -- that the development would take the
24 same form as other development within the
25 university community, and therefore, not truly

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(Mr. Dunn still speaking; below)

1 provide the associated support development for
2 FGCU that Lee County was looking for, and also,
3 that the subject property was at the time located
4 in the DR/GR.

5 It was these two concerns that necessitated
6 the expansive Lee Plan amendments to address the
7 concerns that the majority of the -- to address
8 those concerns. The majority of the amendments,
9 specifically Policy 10.1.16, deal with the subject
10 site's design and impacts to the Lee County's
11 water resources.

12 The design related provisions included
13 specific requirements for parking design,
14 multimodal interconnections, maximums and minimums
15 for different uses such as commercial and
16 residential, a limitation on single-family homes,
17 a prohibition on a golf course, and a requirement
18 to utilize compact PD rezoning.

19 Although it should be noted that significant
20 deviations from Chapter 32, the compact PD may be
21 granted based on Policy 10.1.16.1 in order to
22 accommodate the proposed development.

23 There were other design things that were also
24 identified within the plans.

25 The provisions that addressed impacts to Lee

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1 program.

2 MR. BADAMTCHIAN: You're talking about those
3 1,100 and something.

4 MR. ELGIN: 1,140 in phase one, yes.

5 MR. BADAMTCHIAN: The remainder, there's no
6 footnote saying rental housing.

7 MR. ELGIN: There is a footnote that says
8 rental housing. Would you like me? I mean, I'm
9 just reading from the application.

10 If there's another definition to apartment
11 that's not footnoted rental housing, then I'll be
12 more than happy to hear that and clarify my
13 comments earlier that led me to that conclusion.

14 MR. BADAMTCHIAN: The footnote says student
15 housing, has a number next to it. At the bottom,
16 it says rental housing. Then it has multi-family
17 and townhouse, multi-family, and those do not have
18 the note saying rental housing. Only that student
19 housing has rental.

20 MR. ELGIN: But student housing is listed as
21 1,140, multi-family is at 320, and town center
22 multi-family is at 165, so if student housing is
23 1,140, I'm not sure what you're suggesting.

24 MR. BADAMTCHIAN: What I'm saying, it's not a
25 rental community. Because it has a large student

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1 housing, large number of student housing, but the
2 remainder is not -- is not designated as rental
3 housing.

4 MR. ELGIN: Looking at that schedule, could
5 you tell me what the percentage of student housing
6 would be on the project? I don't know the answer
7 to that. If I've read it inappropriately, then I
8 apologize, but I'd like you to clarify what I've
9 read and what that number is. I don't know.

10 MR. BADAMTCHIAN: I would say 55, 60 percent
11 student housing, but the remaining 40 --

12 MR. ELGIN: Which is 1,140 out of the 1,950
13 which is denoted as rental housing.

14 MR. BADAMTCHIAN: Correct. Those are the
15 student housing. I'm talking about the remaining
16 eight, nine hundred units.

17 MR. ELGIN: Okay.

18 MR. BADAMTCHIAN: There's no footnote saying
19 those are student housing or rental housing.

20 HEARING EXAMINER: Chahram, this might be
21 something that would be better addressed during
22 your rebuttal.

23 MR. BADAMTCHIAN: It's not a rental community
24 per se. It's a community with student housing.

25 MR. ELGIN: If you're over 50 percent, would

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1 MR. BASINAIT: Dave, skip over that. I think
2 we have sufficient testimony in the record of
3 that.

4 MR. DEPEW: I'm going to skip on to the next
5 element. That's natural resources. We've had
6 plenty of talk about that. Again, I think we're
7 not going to address any of those because we've
8 already talked about that. I'll let that
9 particular slide stand for itself.

10 We've had a fair amount of talk about the
11 noise and the amplified music. I don't think I
12 need to go into that. We have made some
13 modifications as a result of the input, but in
14 some of those other elements, we think that the
15 restrictions proposed by Miromar and some of the
16 residents are simply not reflective of the current
17 student profiles that are found at FGCU.

18 Additionally, the lighting, we've modified
19 some of the lighting by limiting the elevated
20 beach to 12 feet and the pier lighting to 42
21 inches. Some of the other elements, we think,
22 simply do not consider the elements that are
23 confined -- found in --

24 HEARING EXAMINER: Did you skip a slide?

25 MR. DEPEW: I'm sorry?

**BoCC
ADOPTION
DOCUMENT
FOR
CPA2009-00001**

**CPA2009-01
ALICO WEST
PRIVATELY SPONSORED
AMENDMENT TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

Privately Sponsored Application
and Staff Analysis

BoCC Adoption Document

*Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(239) 533-8585*

October 20, 2010

**PART III - LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: **May 24, 2010**

A. LOCAL PLANNING AGENCY REVIEW

Staff gave a presentation to the Local Planning Agency concerning the proposed Lee Plan Amendment. Staff stated that this was a difficult decision because the proposed amendment was to redesignate DR/GR lands to University Community. However staff stated that this site was unique which would allow this site to be differentiated from other properties within the DR/GR and also provided opportunities that would not be available on other properties now or in the future. Members of the Local Planning Agency asked questions of staff and made comments about improvements that could be made to the proposed amendment. This was followed with a presentation by the applicant's consultants, which detailed the applicant's proposal and discussed issues that the applicant was not in agreement with staff. These included the proposed policies limiting the Retail Uses and Parking. One member of the LPA asked why this project should not be required to use the TDR program that was being developed in the DR/GR lands. Other general comments were made by members of the Local Planning Agency.

Two members of the public addressed the Local Planning Agency concerning this amendment. They expressed concerns included chipping away at the DR/GR, and the costs that the county may incur due to the proposed project.

Following the public comments, general discussion ensued between the members of the Local Planning Agency. These comments included the generous benefits that the applicant would receive from these entitlements and the minimum benefits that the county would receive if the proposed amendment were to be adopted. Also discussed were the unresolved issues of retail development and parking. The Local Planning Agency requested that the applicant and staff continue to work on the retail uses and parking issues and provide additional findings of fact about the benefit to Florida Gulf Coast University, the University Community density, and impacts to the water recharge value. A motion was made to continue this item until June 7, 2010 to allow time for resolution of these issues.

DATE OF PUBLIC HEARING: **June 7, 2010**

A. LOCAL PLANNING AGENCY REVIEW

Staff presented a modified recommendation and findings of fact to the Local Planning agency. The modified recommendation included revised provisions for the parking and retail use requirements, as well as a few additional changes that were made to be consistent with other aspects of the Lee Plan. One member of the public addressed the LPA and expressed concern about the effect the proposal would have on water recharge rates of the property.

Following the public comment the members of the Local Planning Agency asked questions of staff and provided general comments about the proposal. One member of the LPA suggested that the public participation provision should be modified to require that the Florida Gulf Coast University invite staff to the meetings that are required prior to development of the site. Staff agrees with this concept, as it would assure that development of the site would take the anticipated form. However, staff would recommend that the meetings, as written in the proposed text amendments are the responsibility of the developer, therefore staff is proposing the following modifications to the public participation provision in strikethrough and double underline:

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- 15. Florida Gulf Coast University Participation: The owner or agent for any Development of Regional Impact or Planned Development rezoning request must conduct two meetings with the President of FGCU and/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, Alico West. The developer must invite Lee County encourages 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.

One member of the Local Planning agency recommended that the proposed development should be subject to the Compact Communities provisions that are currently being advanced by Lee County, this was later included in the motion. Staff concurs with this, and proposes that the Compact Communities request could be accommodated with the following revisions to the mixed use provision of the proposed text amendments:

- 1. Mixed Use: Development must be in the Traditional Neighborhood Development form, as defined in the Glossary section of the Lee Plan, and consistent with the intent of Goal 4: Sustainable Development Design of the Lee Plan. Development on Alico West, Area 9, must be rezoned to a Compact Planned Development as specified by the Lee County Land Development Code.

The LPA suggested that if the development was developed in a compact form that lands that were unused could be reverted to DR/GR and Wetlands during the Development of Regional Impact (DRI) process to lessen the affect of removing lands from the DR/GR. Staff understands the view of the LPA, but believes that these issues will be addressed during the review and approval of the required Development of Regional Impact and will be sufficiently addressed by the DRI development order.

A motion was made to recommend that the Board of County Commissioners transmit the proposed amendment as recommended by staff. The motion failed 3-4.

A second motion was made to recommend that the Board of County Commissioners transmit the amendment with staff's recommendations; the LPA recommendations, including the modified provisions shown above; and modify the future land use categories following the adoption of the DRI. The motion passed 5-2.

An additional motion was made that directed staff to convey to the Board of County Commissioners the need for a policy to articulate mitigation measures that should be required when removing lands from the DR/GR. The motion passed 5-2.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

The Local Planning Agency recommends that the Board of County Commissioners transmit the amendment with staff's recommendations, including modified provisions for compact communities, have Florida Gulf Coast University include County staff in site development meetings, and modify the future land use categories following adoption of the DRI.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The Local Planning Agency accepted the findings of fact as advanced by staff.

C. VOTE:

NOEL ANDRESS	<u>AYE</u>
CINDY BUTLER	<u>AYE</u>
CARIE CALL	<u>AYE</u>
WAYNE DALTRY	<u>AYE</u>
JIM GREEN	<u>AYE</u>
MITCH HUTCHCRAFT	<u>NAY</u>
RONALD INGE	<u>NAY</u>

**PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: June 16, 2010

A. BOARD REVIEW:

Staff provided a brief presentation addressing the proposed comprehensive plan amendment. This was followed by a presentation from the Applicant's consultants, and a representative from the Florida Gulf Coast University. The applicant proposed two policy revisions as related to staff recommendation. These included revisions to Policy 1.1.9 of the Lee Plan and revisions to proposed Policy 18.1.16, paragraph 1 and a new paragraph 16. The latter two both addressed and were meant to replace the requirement to comply with the Compact Communities Code.

There were 12 members of the public who addressed the Board of County Commissioners concerning the proposed amendment. The members of the public were evenly divided on this project, with six against the development and six who favored the development. The most cited reasons for opposition of the development was removal of DR/GR lands and environmental reasons. The most cited reasons for support of the development was benefits to FGCU and environmental reasons.

The Board of County Commissioners started off their discussion on the item by showing support for the type of development proposed, but also expressed concern regarding the removal of lands from the DR/GR.

One Commissioner stated that several additional requirements were needed. These included a commitment by the applicant for conservation easements across the property to the east. The second requirement was a donation of 75 feet for right-of-way on the south side of Alico Road. Another suggested requirement for the property would be to store stormwater for the improvements that would be made to Alico Road and potential County Road 951. The Commission supported the applicant-proposed revision to Policy 1.1.9, which would prohibit any further transfer of dwelling units that had been allocated to the University Community land use category to adjacent DR/GR lands.

Staff expressed support for the revision proposed by the applicant to Lee Plan Policy 1.1.9. The Policy, with the applicants proposed revisions shown in double underline, would read as follows:

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 Board of Regents of the State University System Florida Gulf Coast University Board of Trustees.

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 average density for the University Village will not exceed 6,510 dwelling units^{2.5} units per acre. 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 (insert here the date of adoption of CPA 2009-01). Clustered densities within the area may reach fifteen 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 area 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.

Staff was asked by the Board of County Commissioners if the language suggested by the applicant concerning the compact communities would work. Staff stated that the changes proposed by the applicant to the Compact Communities requirement were not necessary due to the flexibility built into Lee County's Compact Communities Code. Staff expressed support for the recommendation made by the LPA. The Board requested that staff revise proposed Lee Plan Policy 18.1.16 Paragraph 1, to clarify that significant deviations may be necessary, as follows:

1. Mixed Use: Development must be in the Traditional Neighborhood Development form, as defined in the Glossary section of the Lee Plan, and consistent with the intent of Goal 4: Sustainable Development Design of the Lee Plan. 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 Board of County Commissioners also requested that the landscaping requirements include a requirement to have no less than 75 percent native vegetation.

There was a motion to transmit the proposed amendment including: 1) revisions to Policy 1.1.9 and proposed Policy 18.1.16, paragraph 1; 2) a requirement for the developer to donate 75 feet of right-of-way along the property's boundary along Alico Road; 3) a requirement for the site to accommodate the stormwater runoff associated with future improvements to Alico Road and future County Road 951; and, 4) a requirement that 75 percent of the xeriscape landscaping must consist of native species.

One member did not support the motion expressing concern over removing lands from the DR/GR.

The Motion was approved 3 to 1.

B. CHANGES REQUESTED BY THE BOARD OF COUNTY COMMISSIONERS

To accommodate the changes that were transmitted by the Board of County Commissioners, staff is making the changes, shown with double underline, to the proposed amendment, as shown below:

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 Board of Regents of the State University System Florida Gulf Coast University Board of Trustees.

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 average density for the University Village will not exceed 6,510 dwelling units 2.5 units per acre. 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 (insert here the date of adoption of CPA 2009-01). Clustered densities within the area may reach fifteen 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 area 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.

POLICY 18.1.16: For those lands in Area 9, Alico West, 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 DRI/rezoning process and must be consistent with the following development standards:

- 1. Mixed Use: Development must be in the Traditional Neighborhood Development form, as defined in the Glossary section of the Lee Plan, and consistent with the intent of Goal 4: Sustainable Development Design of the Lee Plan. 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.

No changes are proposed to paragraphs 2 through 12.

- 13. 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.

No changes are proposed to paragraphs 14 and 15.

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

POLICY 38.1.8: The County may pursue a joint funding mechanism (such as an MSTU/MSBU) to pay for the widening of Alico Road east of Ben Hill Griffin Parkway to encourage economic development in the Alico Road area. Properties that generate traffic on the segment of Alico Road east of Ben Hill Griffin Parkway that have not already fully mitigated traffic impacts will be required to participate in the funding mechanism. Participation will be creditable against future road impact fee or DRI proportionate share obligations consistent with County regulations. Property that was subject to CPA2009-01 will donate 75 feet of right-of-way along the entire frontage of Alico Road. The donation of right-of-way along Alico Road will not be creditable against road impact fees or DRI proportionate share obligations.

C. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

The Board of County Commissioners transmitted the proposed amendment including the revisions decided above.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The Board of County Commissioners accepted the findings of fact as advanced by staff and the LPA.

D. VOTE:

BRIAN BIGELOW	_____	NAY
TAMMARA HALL	_____	AYE
VACANT	_____	
RAY JUDAH	_____	AYE
FRANKLIN B. MANN	_____	AYE

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: **August 27, 2010**

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

The Florida Department of Community Affairs (DCA) Objection, Recommendation, and Comments (ORC) Report contained the following concerning this proposed amendment:

The proposed amendment includes the following: (1) change 919.5 acres (Alico West parcel) on the Future Land Use Map (FLUM) from Density Reduction/Groundwater Resource (DR/GR) to University Community; (2) text amendments to the Future Land Use Element and Transportation Element; (3) amendments to FLUM Maps 6 and 7 to include the subject parcel in the Lee County future water service area and future sewer service area; and (4) amendment to FLUM Map 16 to move the subject parcel from the Southeast Lee County Planning Community into the San Carlos Planning Community. The Department raises the following objections to the proposed Amendment CPA2009-01:

1. Objection (Land Use): *The proposed amendment Future Land Use Element Policy 18.1.16 requires that development on the subject Alico West property must provide an area for a main street town center that is supportive of Florida Gulf Coast University with mixed use development. The proposed amendment allows a mix of residential and non-residential uses (retail, research and development; and office) within the 350 acre developable portion of the Alico West parcel. Proposed Policy 18.1.6 does not establish meaningful and predictable guidelines and standards defining the minimum size (acres) of the main street town center, the percentage distribution of mix among the land uses within the main street town center, and the percentage distribution of mix among the land uses for the overall 350 acre developable portion.*

Rules 95-5.005(6); 9J-5.006(3)(c) 1 ; and 9J-5.006(4)(c), Florida Administrative Code (F.A.C.); and Section 163.3 177(6)(a), Florida Statutes (F.S.).

Recommendation: *Revise the policy to establish meaningful and predictable guidelines and standards defining: (1) the minimum size (acres) of the main street town center; (2) the percentage distribution of mix among the land uses within the main street town center; and (3) the percentage distribution of mix among the land uses for the overall 350 acre developable portion.*

2. Objection (Planning Communities; FLUM Allocation Table 1(b)): *The Lee County Comprehensive Plan divides the County into Planning Communities as depicted on FLUM Map 16 (Planning Communities), and the currently adopted Future Land Use Element Policy 1.7.6 establishes an Acreage Allocation Table 1(b), which identifies the total number of acres in each Planning Community and allocates acreage amounts of residential, commercial, and industrial development for year 2030 for each Planning Community. The amendment proposes to move the subject Alico West parcel from the Southeast Lee County Planning Community into the San Carlos Planning Community by amending FLUM Map 16. However, the amendment does not propose to amend the Acreage Allocation Table 1(b) to revise the total number of acres in the Southeast Lee County Planning Community and San Carlos Planning Community to reflect the proposed FLUM*

Rules 9J-5.005(2)(a), (j), and (6); 9J-5.006(2)(a), and (3)(b)1.; 93-5.016(1)(a), (2), (3)(b)1., and (4)(a) and (b); 95-5.019(2), (3), (4), and (5)(b)2, F.A.C.; and Sections 163.3 177(6)(a), (6)(b), and (6)(c); and 163.3 177(2), (3), (a)? and (10)(e), F.S.

Recommendation: *Support the amendment with a transportation analysis based on the maximum development potential of the amendment (and growth in background trips) that addresses the transportation facilities that are needed to achieve and maintain the adopted level of service standards of roads and demonstrates coordination of any needed transportation facility improvements with the Transportation Element, Capital Improvements Element, plans and programs of the Florida Department of Transportation, and the Metropolitan Planning Organization Long Range Transportation Plan and Transportation Improvement Program. Revise the amendment, Future Transportation Map, and Capital Improvements Element (Five year Schedule of Capital Improvements, and policies if needed) to be supported by and consistent with the data and analysis. If road improvements are needed to address deficiencies in the short-term (five-year) planning time frame, the improvements should be included in the Capital Improvements Element Five-year Schedule of Capital Improvements. If public facilities are projected to be deficient in the long-term planning time frame, the County should maintain in the adopted portion of the Capital Improvements Element a list of the improvements that are projected to be needed in the planning time frame but beyond the five years covered by the adopted Capital Improvements Schedule. This list need not include any cost estimates for the improvements. The County must use this list when it adopts the mandatory annual update of the Capital Improvements Schedule. Improvements needed to achieve and maintain adopted level of service standards within the next five years should be moved from the list into the financially feasible five-year schedule, along with a cost estimate.*

B. STAFF RESPONSE

The applicant submitted a response that included additional analysis and revised language to address the concerns raised by DCA. Staff assisted the applicant with the response to ensure that DCA's concerns were addressed and to ensure that the site is developed as a Mixed Use Center serving the university community. The full response to DCA is attached to the Staff Report, entitled "Response to Objections, Recommendations and Comments for Lee County Amendment 10-2, Alico West CPA." A summary of the Response is provided below. The applicant's proposed policy revisions have been slightly modified to remove the word "shall" and replaces them with another word such as will or must where appropriate.

DCA's first concern is that Policy 18.1.16 does not establish meaningful and predictable guidelines and standards to define the main street town center and the overall development. The applicant and staff have collaborated to address this concern by adding language to proposed Policy 18.1.16.1. The additional language establishes the minimum and maximum development permitted on the Alico West property. Proposed Policy 18.1.16.1 has been revised as follows:

1. Mixed Use: Development must be in the Traditional Neighborhood Development form, as defined in the Glossary section of the Lee Plan, and consistent with the intent of Goal 4: Sustainable Development Design of the Lee Plan. 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:

<u>Residential</u>	<u>Minimum 800 units, maximum 1,950 units;</u>
<u>Retail</u>	<u>Minimum 200,000 square feet, maximum 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.);</u>
<u>Office/Research/Development</u>	<u>Minimum 400,000 square feet, maximum of 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);</u>
<u>Donation Site to University</u>	<u>Minimum 40,000 square feet, maximum 400,000 square feet; and</u>
<u>Hotel</u>	<u>Minimum 0 rooms, maximum 250 rooms.</u>

BRIAN BIGELOW	<u>NAY</u>
TAMMARA HALL	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
FRANKLIN B. MANN	<u>AYE</u>
JOHN MANNING	<u>AYE</u>

The applicant has revised Proposed Policy 18.1.16.2: Main Street Town Center to identify the percentage mix of commercial uses within the Main Street Town Center, as requested by the DCA. Proposed Policy 18.1.16.2 has been revised as follows:

- 2. **Main Street Town Center:** The development must provide an area for a main street town center that is supportive of FGCU, with mixed use 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:

<u>Retail /Commercial:</u>	<u>50% MIN</u>
<u>Office / Employment:</u>	<u>25% MIN</u>
<u>Public, Institutional & Civic:</u>	<u>5% MIN</u>

DCA's second concern is that the amendment did not revise Acreage Allocation Table 1(b) to reflect the proposed FLUM amendment. DCA found that the proposed amendment would cause an internal inconsistency between Policy 1.7.6 and the Acreage Allocation Table 1(b) unless the number of acres in the Southeast Lee County and the San Carlos Planning Communities were revised. Staff has acknowledged that this needs to be corrected, or there would be an internal inconsistency. Staff provided a response to the applicant with the necessary revisions to Table 1(b) of the Lee Plan. The plan amendment has been revised to reflect adjustments to the acreage totals to address DCA's second objection.

Planning Community Year 2030 Allocations Table – Table 1(b) has now been revised to re-allocate 920 acres from the Southeast Lee County to the San Carlos Planning Community. The Conservation (wetlands) allocation will be adjusted by moving 171 acres from the Southeast Lee County to the San

ATTACHMENT 3

MINUTES REPORT LOCAL PLANNING AGENCY FEBRUARY 23, 2015

MEMBERS PRESENT:

Noel Andress (Vice Chair)
Timothy Brown
Dennis Church

Rick Joyce (Chair)
David Mulicka
Gary Tasman

MEMBERS ABSENT:

Jim Green

STAFF PRESENT:

Neysa Borkert, County Atty. Off.
Brandon Dunn, Planning
Andy Getch, DOT

Mary Gibbs, DCD Director
Michael Jacob, Managing Asst. Cty. Atty.
Janet Miller, Recording Secretary

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

Mr. Joyce, Chair, called the meeting to order at 8:30 a.m. in the Board Chambers of the Old Lee County Courthouse, 2120 Main Street, Fort Myers, FL 33901.

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

Mr. Joyce announced that a request had been made to move Agenda Item 5 - Lee Plan Amendment - CPA2014-00009 (Policy 18.1.16 Text Change) ahead of Agenda Item 4 (Roads and Schools Impact Fee Studies). He noted that staff did not oppose this change or have any concerns with it. The reason for the request was that the two attorneys involved with the Lee Plan Amendment have a hearing later this morning. The LPA agreed to grant the request.

Agenda Item 2 – Public Forum - None

Agenda Item 3 – Approval of Minutes – January 26, 2015

Mr. Joyce noted an error on the top of the first page. David Mulicka was present and Jim Ink's name needed to be removed.

Mr. Andress made a motion to approve the January 26, 2015 meeting minutes with the above corrections, seconded by Mr. Brown. The motion was called and passed 6-0.

Agenda Item 5 – Lee Plan Amendments

CPA2014-00009 – Policy 18.1.16 Text Change

Mr. Dunn, planner for this case, stated the following:

- This is a proposed amendment to amend Policy 18.1.16 of the Lee Plan. This policy was adopted as part of CPA2009-00001 (known as the Alico West Amendment). Their request was to redesignate approximately 900 acres of land from DRGR to University Community.

- University Community lands are generally located in proximity to FGCU and are required to have development that supports and enhances the University. To ensure that the lands being added to the University Community would develop in ways that supported and enhanced the University, it was required that the Alico West property would be rezoned as a Compact Planned Development which utilizes a form based code.
- At the time Policy 18.1.16 was adopted, it included language acknowledging that there would be flexibility during the implementation of that code by including the phrase *“recognizing there may be significant deviations to accommodate the proposed development.”*
- The current case CPA2014-09 is a private amendment to remove that phrase from Policy 18.1.16 of the Lee Plan.
- Staff recommends that the BOCC *not transmit* because the proposed amendment would not have the affect desired by the applicant. In addition, Policy 18.1.16 of the Lee Plan is applicable to one specific property within Lee County which is not controlled by the applicant.

Mr. Church referred to Item III on Page 3 of the application, which says ***“PROPERTY SIZE AND LOCATION OF AFFECTED PROPERTY.”*** To him, this means the applicant wants this change to occur on property which is actually a lot in Miromar Lakes that has a deed associated with it. Although he understood what the applicant was trying to do, he noted the application is specific to one property that is not even subject to this policy.

Mr. Jacob concurred that the applicant has no interest in the actual property that is subject to the case. From the County Attorney’s standpoint, it is not sufficient. He noted that, unfortunately, the County’s Comprehensive Plan does not preclude someone from filing this request yet it also does not allow the County to grant it.

Ms. Barbara Heine, applicant, provided background information and outlined her reasons for her application request along with a handout that was distributed during the meeting (attached). For the specifics of this presentation, please listen to the audio at the following link:

<http://www.leegov.com/gov/dept/dcd/Planning/Amendments/Pages/amendment.aspx?aid=649>

Mr. Joyce opened this item for public comment.

Mr. Charles Basinait, Attorney with Henderson Franklin Starnes and Holt, stated his firm was representing the interest of Alico West Fund LLC, which is a subsidiary of Private Equity Group. He gave a rebuttal to her application request and requested that the LPA recommend non-transmittal to the BOCC.

Mr. Andress asked for a status to the 25 acre Town Center which was supposed to be an integral part of the project.

Mr. Basinait stated there was a 25 acre Town Center on the site and that it was an integral part of the project. He noted it was located in the northwest corner of the property, not the portion of the project that runs along Alico Road. This 25 acre site has a hotel convention center, green space, restaurants, office space, and residential units. In addition, a cinema is planned for the future.

No other public input was received, so the public portion segment was closed.

Mr. Joyce noted that he would be abstaining from a vote on this item because he had performed some land management work for the owner. He filed the appropriate Voting Conflict Form - 8B (attached).

Mr. Andress stated that many times the LPA has deliberations at these meetings in an attempt to vet changes in policy as fully as possible. In this instance, the language that was inserted at the BOCC level was never vetted in front of the LPA even though it is a major policy change for that area. He felt this should have been vetted during an LPA meeting before it went on to the County Commissioners. As a result, he felt a change was made without any discussion before the LPA. He noted that the LPA donates their time as volunteers, yet many times their comments do not get incorporated into the final report that goes to the BOCC. He expressed concern with that and hoped we would no longer be continuing in that direction. **However, due to the legality of this issue and the fact that the change is not being proposed by the property owner, he made a motion that the LPA recommend the BOCC *not transmit* the proposed change, seconded by Mr. Church. The motion was called and passed 5-0. Mr. Joyce abstained.**

Agenda Item 4 – Review of Roads and Schools Impact Fee Studies
Ordinance Amending Land Development Code Chapter 2

Ms. Gibbs, DCD Director, stated the following:

- Two years ago, the Board of County Commissioners (BOCC) reduced the impact fee collection rate by 80% in order to stimulate development and economic activity. This reduction will end on March 13, 2015 and the impact fee collection rates will revert back to 100% unless there is further action by the BOCC.
- Last September, the Commissioners directed staff to have the consultant update the studies for roads and schools because they had not been updated in three years. The County's ordinance requires they be updated every three years. The Board wants to see the updated information before making a decision in March.
- Two public hearings have been scheduled. The first one is scheduled for March 3rd and will be for the purpose of looking at the fee schedule itself. The fee schedule is Chapter 2 of the Land Development Code, which is the 100% collection rate. Florida law says the County must use the most recent localized data. The second public hearing will be to discuss what should be done with the collection rate. The County is not required to collect 100% and may choose to pick a different percentage.
- What staff is presenting to the LPA today is the methodology the consultant used that went into setting the 100% rate. The LPA can determine whether or not it is consistent with the Comprehensive Plan. The collection rate is a BOCC policy decision so the LPA will not need to vote on that. Staff has been taking this item to various committees in order to collect input for the Board.

Ms. Gibbs introduced the consultant, Clancy Mullen from Duncan and Associates.

Mr. Mullen reviewed the studies along with a PowerPoint presentation (attached) and was available for questions.

Mr. Church asked for clarification that the capital costs per student in the study was ascertained by taking a number of different school districts, adding up their capital construction costs, and dividing it by the number of students.

Mr. Mullen confirmed this was correct. He noted they had not looked at other school districts. They only looked at Lee County. In addition, the State has guidelines on the maximum of what a student station should cost. Lee County is well under those guidelines.

Mr. Church referred to Item (10) on Page 5 under Section 2-264 and noted there was verbiage in this section that will allow impact fees to be used for other things besides building roads. He asked if there had been any metric on the cost of non-vehicular miles traveled. In other words, what does it cost for a person on a bicycle or if we are building those facilities.

Mr. Mullen stated the Florida Department of Transportation has developed some standards for capacity of bicycle and pedestrian facilities; however, he did not take that into consideration or try to factor that into the formula. The formula is based on recent improvements or planned improvements in Lee County that have added lanes to roads. This allows you to get a clear connection between the cost and how many vehicle miles of capacity are added. He noted that all counties in Florida have the ability to use impact fee money for other kinds of improvements to roadways, for example, intersection improvements. You need complex modeling to figure out how many vehicle miles of capacity will be added. It is generally accepted that it does add capacity. Since it is a growth induced need, impact fee money is typically spent on it. Lee County has also historically spent about 5% of road impact fee money on improvements to bicycle and pedestrian improvements that are unrelated to strictly a road project. For instance, a roadway might exist, but it was not built with sidewalks or bike lanes adjacent to it. Those can be retrofitted with some of the impact fee money.

Mr. Andress asked how this updated data is going to be used when setting the fee.

Mr. Mullen stated the data is supposed to be used to calculate the fee. The fees that the communities calculate can be less than the amount the data indicates, but the data provides a maximum fee that can be charged, so the County and its communities cannot charge more than that maximum fee.

Ms. Gibbs also noted that this most recent localized data will be adopted into Chapter 2 of the Land Development Code. The fee schedule that is a part of Chapter 2 will show the 100% figures.

Mr. Andress referred to an earlier report that recommended an 85% charge on impact fees.

Ms. Gibbs clarified that the 85% figure was discussed at a BOCC workshop in January. The figure was for traffic.

Mr. Getch explained that staff had asked the BOCC what their transportation priorities were. In response, the Board outlined four roadway segments. The 85% figure is the amount of impact fees that would need to be collected in order to maintain those four priority projects in the CIP. He noted that any reduction from 100% is going to reduce something out of the CIP.

Mr. Andress asked what would happen if the County does not collect those fees. In other words, where would the revenue come from to deal with the congestion on the roads if we did not make the improvements recommended by Lee County DOT?

Mr. Getch stated that would be a policy decision by the BOCC. There are other funding options.

Mr. Andress stated he felt there was a lot of misunderstanding in the community because he believed that the 20% rate is currently funding 15% of the CIP for transportation. If we go to the 100% rate, we will be funding 80% of the transportation CIP. There are people who believe hardly any of the impact fees collected actually fund transportation. He wanted to clarify that this statement is false and that a 100% rate would fund 80% of the transportation CIP. The gas tax and other sources can be used as well so that growth pays for growth. If this is not done, we will not have the revenue sources from either an increase in taxes or other revenue sources to make up this shortfall.

Mr. Tasman stated he never believed impact fees were the correct way to pay for that growth. He did not feel it made sense to adversely affect the builders and developers that are providing the housing that we most want such as workforce and professional types of housing. These types of housing are impacted by the increase in the impact fees. The most active part of this housing market is the \$100,000 to \$200,000 price range. The margins on these homes are not enough to cover the projected increases of the impact fees even at 45%. Therefore, we should find another source of income. We will end up building houses that people cannot afford or not build homes at all which will be devastating to the community.

Mr. Andress stated reasons he did not feel impact fees would be a deterrent to future construction of Lee County.

Ms. Borkert clarified that the LPA was looking at changes to Chapter 2 of the Land Development Code and their consistency with the Comprehensive Plan. The ordinance that was provided as a supplement in the package would be a policy decision made by the BOCC. The LPA will not be voting on the ordinance and the collection rate will not be in the Land Development Code.

Ms. Gibbs stated the only reason she included the ordinances in the LPA meeting packet was so that the LPA would be apprised of everything that was taking place.

Mr. Joyce opened this item for public comment.

Ms. Ami Desamours, Assistant Superintendent for Business and Finance, stated she was representing the School District of Lee County. She noted the School District is very supportive of the County's work and she appreciated that the LPA was treating this issue seriously. She stated her office would be willing to provide any information/data that might be needed. Ms. Desamours stated that their Board Chair spoke at the last BOCC meeting and was on record as saying that the restoration of impact fees are very important to the School District. It has been noted on record that they have a Capital Funding crisis due to the loss of funds that has taken place over the past five years. Due to growth in the area, the School District is in need of three schools over the next five years with no revenue source to complete this. Therefore, every revenue source is important to them.

Mr. Marc Mora, Director of Planning, Growth, and School Capacity for the School District, stated that in addition to the three schools needed over the next five years, the School District also needs 24 schools over the next 20 years. The School district has 22 buildable sites currently and 31 total properties. Some of them are adjacent to current properties enabling the School District to expand some of the campuses. However, there is a shortfall of sites because some of the properties owned by the School District do not fit where the growth is occurring now. Since demographics shift, the School District is always looking for new school sites. He also reiterated that the School District would offer support if needed in terms of data.

Mr. Joe Cameratta stated he was a land developer in Southwest Florida (mainly residential communities). He felt certain housing developments should be factored into the data because there are age restricted communities and other developments that have seniors in them who are only in the area seasonally. Neither group typically has children with them. Therefore, they impact roads and schools differently than other communities yet everyone pays the same impact fee for any residential community.

Mr. Mullen stated there was a provision in the ordinance where you can do an independent assessment. If you are deed restricted and 55 years or older, you do not have to pay impact fees for schools and roads. You basically pay an average impact. Since neighborhoods change over the years, you cannot say that there are mainly older people in a particular community. A new housing unit will have multiple occupants over the years so the County looks for the long term impact.

Ms. Gibbs referred to the clarifying language in Section 2-264 (10) and noted a couple of the committees did not like this language. One committee felt the impact fees should only be used for roads and not for bike paths. However, the Bicycle and Pedestrian Advisory Committee will be sending a letter to the BOCC stating not enough funds are being spent on bike paths.

Mr. Church referred to Number (10) on Page 5 of the Ordinance, under Section 2-264 and recommended removing the words *“by providing alternative travel modes and.”* He also recommended adding a sentence that reads *“Before allocations for such improvements shall be made, those improvements will be reviewed on a case by case basis demonstrating effectiveness at providing capacity improvements.”* Therefore, Item (10) will read as follows:

(10) Alternative roadway capacity improvements that accommodate vehicle trips ~~*by providing alternative travel modes and*~~ by taking pedestrians, bicyclists, and buses out of travel lanes including, but not limited to, sidewalks and other pedestrian improvements, bikeways, and bus pull out lanes along arterial and collector roads. *Before allocations for such improvements shall be made, those improvements will be reviewed on a case by case basis demonstrating effectiveness at providing capacity improvements.*

Mr. Church stated that his concern was that the current verbiage gives “cart blanche” on how to use impact fees. For instance, they could conceivably be used to buy buses and bus pull offs. Mr. Church stated he was not opposed to those uses, but he wanted to add some language in here so that the impact fees would be judiciously used.

Ms. Borkert felt the sentence that Mr. Church added deals with the actual use of funds. Therefore, she suggested it be located under Section 2-270 (Use of Funds). She explained that Section 2-264 basically defines what Capital Improvements are. The definition of a Capital Improvement will include these alternative roadway improvements.

Mr. Church stated he did not object to it being located in Section 2-270.

Mr. Church made a motion to: 1) approve the revised impact fee schedule and modify this ordinance such that line (10) under Capital Improvements deletes the words *by providing alternative travel modes and*; 2) Add a sentence under Section 2-270 to be placed after the second sentence so that it will read as follows, *“Such improvements must increase roadway capacity and be of the type made necessary by the new development.” “Before allocations for such improvements shall be made, those improvements will be reviewed on a case by case basis demonstrating effectiveness at providing capacity improvement.”* and, 3) find that it is consistent with the Comprehensive Plan, seconded by Mr. Address. The motion was called and passed 6-0.

Agenda Item 6 – Other Business

Impact Fee Comparison – Lee, Charlotte, Collier

Mr. Brown asked what the impact fee value was compared to Charlotte and Collier County.

Ms. Gibbs stated that at the 100% rate, Charlotte County is considerably lower. They are similar to what Lee County has now. Collier County is much higher. In fact, she noted that Collier County is one of the highest in the state.

Mr. Church asked if Charlotte County was lower in the base or in what they are charging.

Mr. Andress stated Charlotte County is lower in the base and noted that, despite this, they are not getting much permit activity in their area.

Agenda Item 7 – Adjournment

The next Local Planning Agency meeting is scheduled for Monday, March 23, 2015, at 8:30 a.m. in the Board Chambers, Old Lee County Courthouse, 2120 Main Street, Fort Myers, FL 33901.

Mr. Andress made a motion to adjourn. The meeting adjourned at 10:20 a.m.



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: TEXT CHANGE

PROJECT SUMMARY: TEXT CHANGE

Plan Amendment Cycle: [X] 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: 14

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

Printed Name of Owner or Authorized Representative: BARBARA HEINE

Date: 11-17-14

RECEIVED
NOV 18 2014

COMMUNITY DEVELOPMENT
CPA2014-00009

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: BARBARA HEINE
Address: 11711 VIA SAVONA CT
City, State, Zip: MIROMAR LAKES FL 33913
Phone Number: 239-641-0178 Email: BHEINE@projectsanddesign.com

Agent*: _____
Address: _____
City, State, Zip: _____
Phone Number: _____ Email: _____

Owner(s) of Record: BARBARA + FREDERICK HEINE
Address: SAME AS ABOVE
City, State, Zip: _____
Phone Number: _____ Email: _____

* 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: _____

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: 11711 VIA SAVONA CT MIROMAR LAKES FL 33913
2. STRAP(s): 1346-25-03-00000.0160

B. Property Information:

Total Acreage of Property: 2.5
Total Acreage included in Request: N/A
Total Uplands: _____
Total Wetlands: _____
Current Zoning: RESIDENTIAL - UNIVERSITY COMMUNITY
Current Future Land Use Designation: UNIVERSITY OVERLAY - UNIVERSITY COMMUNITY - RESIDENTIAL
Area of each Existing Future Land Use Category: N/A
Existing Land Use: RESIDENTIAL

N/A

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: _____
Airport Noise Zone 2 or 3: _____
Acquisition Area: _____
Joint Planning Agreement Area (adjoining other jurisdictional lands): _____
Community Redevelopment Area: _____

D. Proposed change for the subject property:

N/A

E. Potential development of the subject property:

N/A

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density _____
Commercial intensity _____
Industrial intensity _____

N/A

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density _____
Commercial intensity _____
Industrial intensity _____

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. *SEE ATTACHMENT*
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. *SEE LINK ON ATTACHMENT*
- N/A* 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.
- N/A* 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.
- N/A* 5. Map and describe existing zoning of the subject property and surrounding properties.
- N/A* 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. *SEE ATTACHED*
8. An aerial map showing the subject property and surrounding properties. *SEE ATTACHMENT*
9. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner.

N/A

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.

N/A

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).

N/A

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

N/A

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. **SEE ATTACHMENT**

N/A

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. **SEE ATTACHMENT**

N/A

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. *SEE ATTACHMENT*
- 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, BARBARA HEINE, 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.

Barbara Heine
Signature of Applicant

11-17-14
Date

BARBARA HEINE
Printed Name of Applicant

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 11/17/2014 (date) by Barbara Heine (name of person providing oath or affirmation), who is personally known to me or who has produced Fl. Driver's License (type of identification) as identification.

Alfred J. Dinicola, Jr.
Signature of Notary Public

ALFRED J. D. NICOLA, JR.
(Name typed, printed or stamped)



Subject: HEINE - Text Change Amendment Attachment to Application

A. General Information:

1. Text Change

POLICY 18.1.16.1 :

Mixed Use: ... 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.~~

2. See included link to Lee County FLUM. No changes.

http://www.leegov.com/gov/dept/dcd/Documents/Maps/LeePlan/Map01_01.pdf

(Link provided to assist in electronic filing request.)

5. My property is located in the University Overlay, University Community, residential area just north of the college. The surrounding areas are residential, University Village, DRGR and wetlands.

8. Aerial map link:

<http://www.bing.com/maps/default.aspx?name=11711+Via+Savona+Ct%2c+Miromar+Lakes%2c+FL+33913&where1=26.47727,-81.76715&lvl=14&FORM=INFOCM>

E. Internal Consistency with the Lee Plan

2. The removal of the text relating to "significant deviations" allows the specificity and intended meaning of all goals and policies in the Lee Plan to be understood, including the definitions of traditional neighborhood development, associated support development and University Community. It enables the specifics of Goal 4 for a sustainable development design of the Lee Plan, Chapter 32 of the compact plan development code and Policy 18 to be understood by removing ambiguity and arbitrary interpretation. A predicible outcome can be sought or measured.

4. 163.3177 (1) The comprehensive plan shall provide the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects community commitments to implement the plan and its elements. These principles and strategies shall guide future decisions in a consistent manner... The plan shall establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations.

G. Proposal Justification - Sound planning principle require that plan language be specific and not ambiguous. A predicible outcome should be expected by following the policies that have been planned. Language must advance compatibility with the comprehensive plan. The removal of the text allowing for significant deviation enables that development can be carried out as planners planned.

Prepared by and return to:

M. Francesca Passeri
Salvatori, Wood, Buckel, Carmichael & Lottes
9132 Strada Place Fourth Floor
Naples, FL 34108
Consideration: \$.70
Folio No. 13-46-25-03-00000.0160

[Space Above This Line For Recording Data]

Special Warranty Deed

This Special Warranty Deed made this 6th day of May, 2014, between **Barbara Heine, a married woman, joined by her husband, Frederick Heine**, whose address is **11711 Via Savona Ct., Miromar Lakes, FL 33913** GRANTOR, and **Barbara Heine and Frederick Heine, wife and husband**, whose post office address is **11711 Via Savona Ct., Miromar Lakes, FL 33913**, GRANTEE.

Witnesseth, that said grantor, for and in consideration of the sum **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 grantees heirs and assigns forever, the following described land, situate, lying and being in **Lee County, Florida**, to-wit:

Lot 16, Miromar Lakes Unit XIII-Costa Amalfi, according to the plat thereof as recorded in Instrument No. 2008000338718, Public Records of Lee County, Florida, together with Grantor's interest in a certain Ingress and Egress Easement recorded in Instrument No. 2011000174476.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, and subject to property taxes for the year 2014 and all subsequent years.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under grantors.

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:

Robert M. Buckel
Witness Name: ROBERT M. BUCKEL
As to Both

Jodi L Hanes
Witness Name: JODI L HANES
As to Both

Barbara Heine
Barbara Heine

Frederick Heine
Frederick Heine

STATE OF FLORIDA
COUNTY OF COLLIER

SWORN TO and subscribed before me this 6th day of May, 2014, by **Barbara Heine and Frederick Heine, who are personally known to me or who have produced** _____ as identification, and who did take an oath.

(SEAL)

Renee Dunn
Notary Public - Signature
Print Name: _____
My Commission Expires: _____

Prolaw: 977746



Parcel ID No.: 13-46-25-03-00000.0160

To be returned to:
Cheryl Hoffmann
Miromar Title Company, LLC
10801 Corkscrew Road
Suite 305
Estero, FL 33928
(239) 390-5100

Above space reserved for Clerk's office

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED made this 29th day of September 2009, by **Miromar Lakes LLC**, a Florida limited liability company, whose mailing address is, 10801 Corkscrew Road, Suite 305, Estero, FL 33928, as Grantor to **Barbara Heine**, A Married Person, whose mailing address is 2 Dolphin Lane, W. Islip, NY 11795, as Grantee;

WITNESSETH: The Grantor, for and in consideration of the sum of TEN and NO/100 (\$10.00) DOLLARS, and other good and valuable consideration, the receipt of which is acknowledged, grants, bargains, sells, conveys and confirms unto the Grantee and its heirs and assigns forever, all that certain parcel of land situated in the County of Lee, State of Florida, more particularly described as follows:

Lot 16, Miromar Lakes Unit XIII-Costa Amalfi, according to the plat thereof as recorded in Instrument No. 2008000338718, of the Public Records of Lee County, Florida.

SUBJECT TO taxes for the year 2009 and subsequent years.

FURTHER SUBJECT TO the covenants, easements, restrictions and other matters of public record.

Parcel No. 13-46-25-03-00000.0160

TOGETHER WITH all tenements, hereditaments and appurtenances, with every privilege, right, title, interest and estate, remainder and easements belonging or in anywise appertaining to it.

AND the Grantor covenants to the Grantee that at the time of delivering this Special Warranty Deed it is lawfully seized of the premises, that it has good right and lawful authority to sell and convey it; and the Grantor fully warrants the title to the land, and will defend it against lawful claims of all persons whomsoever claiming by, through or under the Grantor but against no others.

This property is taken subject to the Declaration of Covenants, Conditions, Restrictions and Easements

for the Miromar Lakes Master Association, Inc., recorded in OR Book 3343, page 0294-0434, Public Records of Lee County, Florida, as supplemented and amended.

The Grantor has executed this special warranty deed as of the day and year first written above.

Signed, and delivered in the presence of:

Cheryl A. Hoffmann
Signature of witness

CHERYL A HOFFMANN

Legibly print name of witness

Miromar Lakes, LLC , A Florida limited liability company
By: Miromar Development Corporation, Inc., a Florida corporation
Its Managing Member

By: *[Signature]*
Jerry Schmoyer, Vice President

Address: 10801 Corkscrew Road, Suite 305, Estero, FL 33928

Linda S. Davis
Signature of witness

LINDA S. DAVIS
Legibly print name of witness

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was acknowledged before me this 29th day of September 2009, by **Jerry Schmoyer**, as Vice President of Miromar Development Corporation, Inc., a Florida Corporation, on behalf of the Corporation which is the Managing Member of Miromar Lakes, LLC , a Florida limited liability company, who is personally known to me or has produced _____ as identification.

My commission expires:

Cheryl A. Hoffmann
Signature of Notary Public

CHERYL A HOFFMANN

Legibly Print Name of Notary Public



Cheryl A. Hoffmann
Commission # DD506006
Expires February 14, 2010
Rounded Tray Fam Insurance, Inc. 800-385-7019

(NOTARY SEAL)

Print

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Ad

YAHOO!
MAPS

11711 Via Savona Ct, Fort Myers, FL 33913-7868

Enter notes here

255



When using any driving directions or map, it is a good idea to double check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning

FUTURE LAND USE MAP

This map is a general representation of the Future Land Use Map as adopted by the Board of County Commissioners On September 17, 1990

Revised By:

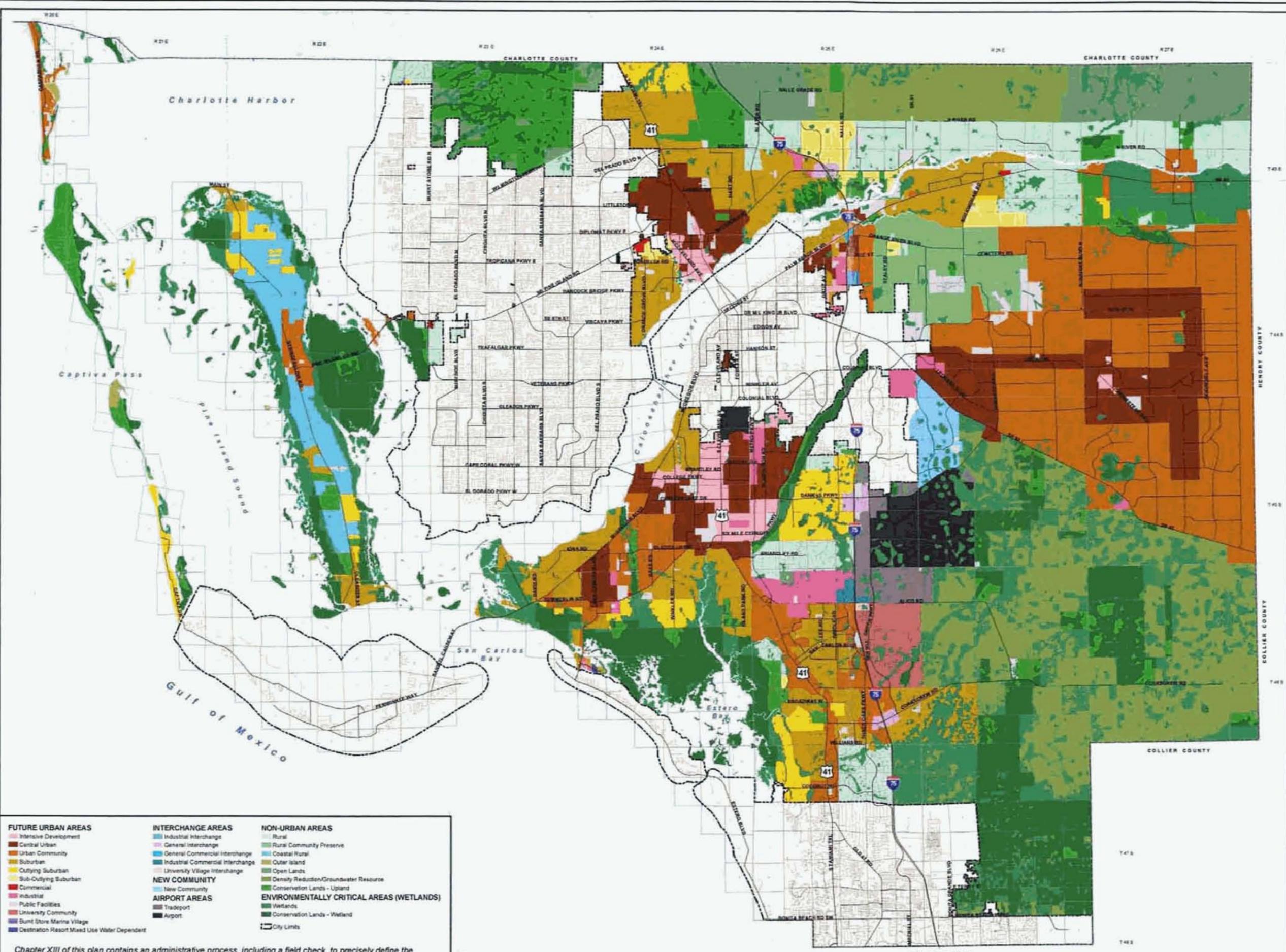
ADOPTING ORDINANCE	DATE OF ADOPTION	EFFECTIVE DATE
89-02	10/1/1989	3/1/1993
90-09	3/7/1990	3/14/1990
90-43	8/2/1990	8/17/1990
90-44	8/12/1990	8/17/1990
91-10	4/9/1991	4/10/1991
91-19	7/9/1991	7/10/1991
92-35	9/7/1992	9/16/1992
92-41	9/15/1992	9/21/1992
92-47	10/21/1992	11/6/1992
92-48	10/21/1992	11/6/1992
93-31	12/9/1992	12/21/1992
93-05	2/22/1993	2/26/1993
93-25	9/29/1993	1/24/1994
94-23	8/23/1994	1/14/1994
94-29	10/25/1994	1/9/1995
94-30	11/1/1994	1/25/1995
95-27	12/29/1995	1/20/1996
96-19	10/21/1996	11/21/1996
97-05	3/5/1997	4/21/1997
97-17	8/26/1997	9/30/1997
97-13	8/24/1997	10/21/1997
97-22	11/25/1997	12/29/1997
98-02	1/13/1998	2/12/1998
98-08	9/3/1998	10/21/1998
99-02	4/13/1999	2/4/2000
99-08	11/24/1999	12/25/1999
99-15	11/23/1999	1/19/2000
99-16	11/22/1999	1/19/2000
99-17	11/22/1999	1/19/2000
99-18	11/22/1999	1/19/2000
99-19	11/22/1999	1/23/1999
00-01	5/4/2000	6/26/2000
00-18	8/8/2000	9/9/2000
00-22	11/9/2000	12/29/2000
01-24	12/18/2001	1/12/2002
02-01, 01, 04, 05, 06	1/16/2002	3/27/2002
02-29	1/21/2002	1/9/2003
03-01, 02, 03, 04, 05, 06, 07	1/9/2003	4/9/2003
03-12	5/6/2003	6/9/2003
03-19, 03-20, 03-21	10/29/2003	1/21/2004
03-26	12/19/2003	3/12/2004
04-14	8/26/2004	12/7/2004
04-15	9/22/2004	1/22/2004
05-19, 05-21	7/12/2005	9/19/2005
06-29	1/12/2006	11/15/2006
07-07	4/24/2007	5/24/2007
07-08	4/24/2007	5/24/2007
07-09 thru 07-18	5/16/2007	8/13/2007
08-04	3/11/2008	4/11/2008
08-05	3/11/2008	4/11/2008
08-06 thru 08-17	2/25/2009	5/15/2009
10-03, 11, 12, 18	3/3/2010	6/4/2010
10-19	3/3/2010	1/19/2011 perla
10-27	6/16/2010	7/19/2010
10-34 thru 13-59	1/30/2010	1/5/2011
10-33	1/18/2010	1/11/2011
10-40	1/29/2010	3/14/2011
11-15, 11-17	6/26/2011	1/11/2011
12-12	6/16/2014	7/16/2014

2. Please see the Lee Plan for additional information regarding special restrictions, overlays, or allowances in addition to the requirements of the land use categories.
 3. The Planning Community Map and Acreage Allocation Table (see Map 16 and Table 10) and Policies 1.1.1 and 2.2.2 depicts the proposed distribution, extent, and location of generalized land use for the year 2020. Acreage totals are provided for lands in each Planning Community in unincorporated Lee County.



Map Generated: July 18, 2014

Lee Plan Map 1
Page 1 of 8



FUTURE URBAN AREAS	INTERCHANGE AREAS	NON-URBAN AREAS
Intensive Development	Industrial Interchange	Rural
Central Urban	General Interchange	Rural Community Preserve
Urban Community	General Commercial Interchange	Coastal Rural
Suburban	Industrial Commercial Interchange	Outer Islands
Outlying Suburban	University Village Interchange	Open Lands
Sub-Outlying Suburban		Density Reduction/Groundwater Resource
Commercial		Conservation Lands - Upland
Industrial		Conservation Lands - Wetland
Public Facilities		City Limits
University Community		
Burnt Store Marina Village		
Destination Resort/Mixed Use/Water Dependent		
	NEW COMMUNITY	
	New Community	
	AIRPORT AREAS	
	Tradeport	
	Airport	

Chapter XIII of this plan contains an administrative process, including a field check, to precisely define the boundaries of a wetland area, and to correct any such boundaries that are based on clear factual error.

CPA2014-00004

WILDBLUE

(ALICO EAST)

**CPA 2014-04
WILDBLUE
PRIVATELY SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

Privately Sponsored Application
and Staff Analysis

**BoCC Public Hearing Document
For the
May 20, 2015 Transmittal Hearing**

*Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(239) 533-8585*

May 6, 2015

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2014-04**

Text Amendment

Map Amendment

This Document Contains the Following Reviews	
<input checked="" type="checkbox"/>	Staff Review
<input checked="" type="checkbox"/>	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: April 17, 2015

PART I – EXECUTIVE SUMMARY

This report contains an analysis and recommendation for a proposed Comprehensive Plan amendment for property located in the Density Reduction/Groundwater Resource (DR/GR) future land use category. The amendment, titled WildBlue, is located East of Florida Gulf Coast University, South of Alico Road and North of Corkscrew Road. The request proposes increased density and intensity on approximately 2,960 acres which was formerly used as a limestone mine. The property has been highly impacted by the previous excavation activities. The site currently consists of large lakes, uplands impacted by the previous site activities, farm fields, and wetlands that are part of a significant flowway feeding into the Estero River.

The DR/GR was established in 1990 with two specific purposes, the protection of surface and sub-surface water resources and a reduction of the total carrying capacity of the Future Land Use Map. A more detailed history of the DR/GR land use category is contained in the Background Information section of this report. Future Land Use Map amendments in this area of the DR/GR that increase the current allowable density or intensity of land use are discouraged by the County's Comprehensive Plan, the Lee Plan, and specific criteria for the review of such amendments are contained in Policy 2.4.3.

The subject property currently has two approved Development Orders (DO). The first allows for the construction of a residential development with 332 dwelling units. The second DO is for a

27-hole standalone golf course. The impacts of these allowable uses were considered in the analysis of this proposal.

The amendment is requesting a maximum density of 1,100 dwelling units, including amenities such as clubhouses, a private marina and other recreational uses, and up to 40,000 square feet of accessory commercial. In exchange for this additional density and intensity the amendment is proposing the protection, conservation, enhancement and/or restoration of natural resources such as flowways and indigenous habitats, protection of panther habitat, and/or other community and regional benefits on a smaller development footprint with less flowway impacts than the previously approved development orders.

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

PART II - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVES:

Private Equity Group / Henderson, Franklin, Starnes & Holt,
P.A., Morris-Depew Associates, Inc.

2. REQUEST:

1. Amend the Lee Plan to establish an 'Environmental Enhancement and Preservation Overlay' within the Density Reduction/Groundwater Resource Future Land Use Category, promoting restoration, enhancement and preservation of natural resources on properties with previous mining activity and approved residential uses.
2. Amend the Future Land Use Map Series, Maps 6 and 7. 'Lee County Utilities Future Water & Sanitary Sewer Service Areas' to place the WildBlue property within the Service Areas.
3. Amend Map 17 to incorporate the Environmental Restoration Overlay, placing the WildBlue subject property within that Overlay.
4. Amend Map 17 to remove the Mixed Use Community Designation on a portion of the subject property.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

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

Reasons to support this recommended transmittal include: restoration of the Stewart Cypress Slough, a regional flowway along the western side of the property; preservation of wildlife habitat that connects large areas of publicly owned conservation areas; and, continued protection of the DR/GR as an area that can provide substantial groundwater recharge to aquifers suitable for wellfield development.

In summary, staff recommends that the text of the Future Land Use Element be amended to incorporate an Environmental Restoration Overlay for the DR/GR land use category. To accomplish this, staff recommends the following changes.

TEXT:

Amend Policies 1.4.5; 1.7.13; Objective 33.3; and, add new Policies 33.3.4 and 38.1.9 along with the subsequent renumbering of the remaining policies.

MAPS:

Amend Maps 6: Future Water Service Areas; and Map 7: Future Sewer Service Areas to add the subject property;
Amend Map 17: Southeast DR/GR Residential Overlay to add a new Environmental Restoration Overlay.

Attachment #1 contains these modifications, shown in strikethrough and underline format as it relates to the existing Lee Plan, along with the revised maps.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Lee County Division of Natural Resources finds that no significant impacts on present or future water resources will result from the change (as required by Policy 2.4.2 of the Lee Plan).
- The Density Reduction/Groundwater Resources future land use category was adopted to protect groundwater resources.
- The proposed “Environmental Enhancement and Preservation Overlay” targets critical restoration areas, requires enhanced development standards and provides predictable density incentives, furthering the County’s goals for the Southeast DR/GR.
- The Environmental Enhancement and Preservation Overlay provides a methodology to address transportation impacts of increased development in the Southeast DR/GR.
- There are sufficient public facilities and services to serve the proposed development.

C. PROJECT SUMMARY DISCUSSION:

The WildBlue Comprehensive Plan Amendment was filed by Private Equity Group on April 14, 2014. The applicant has also filed a companion rezoning application that is being reviewed concurrently with the plan amendment application by the Lee County Zoning Division.

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.”

The applicant has provided in part that the requested Comprehensive Plan Amendment is to allow higher residential densities so that the extension of central water and sewer service and restoration of the Stewart Cypress slough, a regional flowway, would be cost feasible. The applicant is requesting a total of 1,000 residential units through the rezoning request. The concurrent rezoning, DCI2014-00009, would be required to demonstrate consistency with the Lee Plan, including the proposed amendments to Goal 33 for Southeast Lee County.

Staff has been working with the applicant to determine the best approach to meet both the County's goals for the DR/GR future land use category and the development proposed by the applicant. Based on this, the applicant has revised their proposed text amendments from language that specifically addressed their property to language that promotes the provision of regional benefits through the enhancement of major flowways and restoration of native habitat.

D. BACKGROUND INFORMATION

1. EXISTING CONDITIONS:

SIZE OF PROPERTY: 2,960.2 Acres.

PROPERTY LOCATION: The subject property is located between Alico Road and Corkscrew Road, approximately 3 miles east of I-75.

EXISTING USE OF LAND: The subject property is currently vacant. It contains three previously mined lakes.

CURRENT ZONING: Agricultural (AG-2)

CURRENT FUTURE LAND USE CATEGORY: Density Reduction / Groundwater Resource (DR/GR) and Wetlands.

2. INFRASTRUCTURE AND SERVICES:

FIRE: San Carlos Park Fire Protection and Rescue Service District.

EMS: Lee County EMS service area.

LAW ENFORCEMENT: Lee County Sheriff's Office.

SOLID WASTE: The subject site is located in solid waste Service Area 3.

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

WATER AND SEWER: The subject site is not currently 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 service is available adjacent to the subject property.

3. SURROUNDING FUTURE LAND USE, ZONING, AND EXISTING LAND USES

The surrounding future land use categories are: Density Reduction/Groundwater Resource (DR/GR), Tradeport, University Community, Suburban, Conservation Lands, and Wetlands.

More specifically, the property to the west is in the University Community future land use category. While this western boundary is currently mostly undeveloped, the southern portion is part of the Mirormar Lakes Development of Regional Impact. The central and northern portion of this boundary abuts the Center Place property, which was recently approved as a Compact Community Planned Development. The property to the south is in the Suburban future land use category. Developments on this boundary include and the Preserve at Corkscrew.

The lands designated DR/GR are located immediately to the east, as well as to the north of the subject property, on the north side of Alico Road. The DR/GR lands to the north include an active limerock mine. The DR/GR property along the eastern property line can be divided into three distinct areas. Near the northeast and southeast corners are existing residential uses with approvals that do not meet current DR/GR density standards. Near the middle of the eastern boundary is another active limerock mine, West Lakes Excavation. To the south, in the Suburban future land use category, are relatively higher density residential developments that are either completed, under construction, approved, or under review. These include Wildcat Run, Grandezza, The Preserve at Corkscrew, Bella Terra, and Monte Cristo. All of these southern properties are located within the newly incorporated Village of Estero. There are also Conservation Lands located to the northeast of the subject site that are part of the Wild Turkey Strand Preserve. It is anticipated that the Conservation Lands will remain vacant.

PART III - STAFF ANALYSIS

A. STAFF DISCUSSION

COMPREHENSIVE PLAN BACKGROUND:

Density Reduction/Groundwater Resource

The subject property's future land use category is Density Reduction/Groundwater Resource (DR/GR). DR/GR was originally incorporated into the Lee Plan as part of the implementation of the 1990 Stipulated Settlement Agreement between Lee County and the Florida Department of Community Affairs (DCA). The Settlement Agreement required that the Future Land Use Map be amended to lower the allowable density in a new water resource category to one dwelling unit per ten acres in three specified areas of the County. The three areas were described as:

...most non-urban land east of Interstate 75, southeast of the airport, and south of State Road 82; all non-urban land located north of the City of Cape Coral between Burnt Store Road and U.S. 41; and, all non-urban land lying east of U.S. 41 and bounded on the south by a line lying two miles south of the Charlotte County line.

There were two underlying reasons for the adoption of this new future land use category. The first was the County's desire to protect the shallow aquifers that could be used to produce much

of the County's potable water needs. The second reason was in response to the state concern that the Future Land Use Map allowed considerably more density, accommodating considerably more population, than the Planning Horizon of 2010. This reduction of density, one tenth of the original density of 1 dwelling unit per acre, was included in the settlement agreement to reduce the carrying capacity of the County's overall Future Land Use Map.

At the time, Lee County's main interest was in protecting the water resources of the County. Prior to the adoption of the Stipulated Settlement Agreement, the Lee County Division of Natural Resources proposed to protect the shallow aquifers, in part, with an amendment to the Future Land Use Map. This amendment, Plan Amendment Map/Text 89-19 (PAM/T 89-19), was initiated by the Board of County Commissioners on May 3, 1989. The staff proposal was for the creation of a new future land use category for the southeast area of the county called "Groundwater Resource." In order to protect the shallow aquifers, the amendment proposed a reduction in density from one dwelling unit per acre to one dwelling unit per five acres. The Local Planning Agency reviewed the proposal on September 14, 1989 and recommended that the Board of County Commissioners adopt the proposed map amendment. This amendment, along with others, was scheduled to go to the Board of County Commissioners public transmittal hearings on October 24 and 25, 1989. Prior to those public hearings the terms of the Stipulated Settlement Agreement were reached. This proposed amendment was folded into the settlement as an integral part. The pending round of amendments was put on hold and the County began the process of implementing the agreement.

In addition to the water resource goals of Lee County, the DCA was concerned with the carrying capacity of the Future Land Use Map in relation to the Planning Horizon of the Lee Plan. The allowable density was further reduced to one dwelling unit per ten acres and additional lands were added to the new future land use category. These changes were included to partially address the carrying capacity problem of the Future Land Use Map. These additional changes ultimately led to the inclusion of the words "Density Reduction" in the title of the Policy. The Board of County Commissioners adopted the Stipulated Settlement Agreement plan amendment in September of 1990. The DCA issued its Notice of Intent to find the amendment in compliance in late October 1990.

Southeast Lee County Planning Study

Lee County has further delineated appropriate land uses in the southeast portion of the DR/GR through plan amendment CPA2008-06. This amendment was initiated to provide a balance between several conflicting land uses such as limerock mining, agriculture, residential development, and lands held for conservation purposes.

Lee Plan Goal 33 and the subsequent Objectives and Policies were supported by backup documentation that included the July 2008 Dover, Kohl & Partners' Prospects for Southeast Lee County and the July 2008 Dover, Kohl & Partners' Natural Resource Strategies for Southeast Lee County.

The Dover Kohl Study, Natural Resource Strategies for Southeast Lee County introduced the current Priority Restoration Strategies areas that are currently identified on Map 1, Page 4 of 8 of the Lee Plan. The 2009 Dover Kohl Study, Natural Resource Strategies also provided that

“conservation goals should include the following to protect and enhance the natural resources within the DR/GR:

- 1. Maintaining and enhancing the surface and groundwater resources;*
- 2. Avoiding further loss of wetlands, and requiring any loss of wetlands within the DR/GR to be mitigated within the DR/GR;*
- 3. Expanding the existing shallow and sandstone aquifer monitoring well system to be used as a resource management tool;*
- 4. Restoring historic flow-ways;*
- 5. Providing connectivity between larger, regionally significant preserves for mammal and herpetofaunal movement;*
- 6. Planning for public potable water well withdrawals to insure natural systems are not harmed;*
- 7. Restoration of historic ecosystems;*
- 8. Maintaining and enhancing woodstork foraging areas; and*
- 9. Maintaining and enhancing agricultural operations.*

CPA2008-06, led to the adoption of Goal 33: Southeast Lee County. Goal 33 reiterated the importance of water resources in the southeast portion of the county and also introduced the protection of natural habitat as part of the planning goal for this portion of the county. Objective 33.2 and 33.3 allow some flexibility to cluster or concentrate development rights in order to protect water resources and wildlife habitats. Increased density through Transferable Density Rights is also contemplated in relation to the goals of the Lee Plan adopted as part of CPA2008-06.

In addition, the following maps were amended or added to the Lee Plan as a result of the planning effort. A Future Limerock Mining Overlay, Map 14, Priority Restoration Strategy areas, Map 1, Page 4 of 8, and Historic Surface and Groundwater Levels, Map 25. Also adopted was Map 17, Southeast DR/GR Residential Overlay. This map depicts the location of new mixed use communities, golf course communities, as well as existing acreage subdivisions. The Mixed-Use Communities as well as the Rural Golf Course Community are locations that are intended to incorporate Transfer Development Rights (TDRs) and develop at densities above the standard density range of the DR/GR. These maps were adopted on March 3, 2010.

Existing Natural Resource Strategy for Southeast Lee County

The natural resources strategy adopted into the Lee Plan through the Dover Kohl Study sought to incentivize the protection and restoration of strategic areas. This was accomplished by establishing a new Transfer of Development Rights (TDR) strategy. The strategy identifies priority areas within the DR/GR for the creation of TDRs. These areas have been assigned appropriate multipliers, which are intended to incentivize the preservation of areas “critical to restore surface and groundwater levels and to connect existing corridors or conservation areas.” Receiving areas were also identified that allow the voluntary concentration of these rights into new mixed use communities, identified on Lee Plan Map 17. The Board of County

Commissioners adopted the current TDR strategy on March 3, 2010. To date, no TDRs have been created from lands in Southeast DR/GR.

DEVELOPMENT HISTORY

Mining Activities

The property is zoned Agriculture (AG-2) zoning. In 1986, with the approval of Resolution Z-86-062 a Special Exception was granted to allow a general excavation. This Special Exception included the entire mining area, while the approval of the General Excavation Permit was limited to specific Phases. (Approval of the Special Exception allowed the property to have a General Excavation Permit. This permit allowed the mining activities to occur within specific Phases.) Expansion of mining activities to other Phases had to obtain a new General Excavation Permit through the Special Exception process.

Over time other Special Exceptions were granted allowing excavation operations on other Phases. The excavation operations began along the south side of Alico Road and proceeded south and east.

On September 11, 1989, Resolution Z-89-054 was approved by the Board of County Commissioners rezoning 29.5 acres of land to Industrial Planned Development to expand mining operations south of the areas allowed for mining under the 1986 Special Exception approval.

REZ 2006-0046 (Resolution Number Z-07-062) was approved on December 3, 2007 rezoning the 29.5 acres from Industrial Planned Development to back to Agriculture (AG-2).

Active Development Orders

During the final phases of the mining operations, a previous owner received Development Order approval (DOS2004-00334) for a residential subdivision consistent with the DR/GR future land use category and the property's current AG-2 zoning district. This DO included additional lands, the lake to the northwest of this proposal and a 500 acre parcel to the north of Alico Road, that are not included in this application. The first Phase of the project was a residential subdivision for 192 large residential lots around the previously mined lakes. Additional phases allowed for an additional 140 dwelling units, for a total of 332 dwelling units. The approved residential development included private well and septic systems for each residential lot. The Development Order, which had an Environmental Resource Permit (ERP) from the South Florida Water Management District, proposed to have an internal roadway network that crossed the subject sites flowways in five separate locations. In addition to the flowway crossings, the DO and the ERP permitted the physical relocation of the Stewart Cypress Slough, a regionally significant flowway. This relocation proposed to move the slough several hundred feet to the north to provide lakefront residential lots. In addition to the residential development, the southwest corner of the site also has a previously approved DO that includes a standalone golf course with up to 27 holes and the typical golf course amenities.

UTILITIES

The DR/GR future land use category limits density to a maximum of 1 dwelling unit for every 10 acres and the Wetlands category limits density to 1 dwelling unit per 20 acres. These low densities would normally discourage the extension of public water and sewer services to the

individual residential lots. Providing these utilities is not a requirement of the Lee Plan, nor is it usually cost feasible to expand utilities to such low density areas.

The subject property is, however, adjacent to infrastructure that currently provides water and sewer service to nearby development. The proximity to the water and sewer service provides an opportunity to eliminate the private wells and septic systems that would be necessary with the existing DO. This is particularly important at this location because the subject property contains sensitive lands within the Southeast DR/GR, particularly portions of the Stewart Cypress Slough and areas that are within the 5 and 10 year protection zones of the Lee County Corkscrew Wellfield. Placing up to 332 dwelling units in this location on individual wells and septic tanks could cause adverse impacts to the water table aquifer as well as the sandstone aquifer. The elimination of these well and septic systems will further protect these valuable resources.

ENVIRONMENTAL ENHANCEMENT AND PRESEVATION OVERLAY AND LEE PLAN CONSISTENCY

In accordance with Policy 2.4.3, increasing density and intensity increases in the DR/GR is discouraged without the use of TDRs created within Southeast Lee County. Land owners and developers in Southeast Lee County have stated that the current TDR based strategy is not financially feasible. While the TDR strategy may still be able to provide benefits in Southeast Lee County it has not to date been effective for large scale ecosystem preservation as originally intended. The applicant and staff have discussed on numerous occasions the best methodology to address all of the goals and concerns that have been identified in southeast Lee County and along the Corkscrew and Alico Road corridors. The 2009 Dover Kohl study recommended that Lee County “Expand the methods of insuring long-term protection and enhancement of the natural resources with the DR/GR by 2012.”

Working together the applicant and staff have developed a new strategy in the area that includes three main components. The components of the new strategy include:

1. Targeting strategic areas that can “provide critical connections to other conservation lands that serve as the backbone for water resource management and wildlife movement within the DR/GR,” consistent with Policy 33.2.3 of the Lee Plan;
2. Requiring the development to be designed with the land, consistent with Goal 4: Sustainable Development Design and numerous other Goals, Objectives, and Policies of the Lee Plan; and,
3. Providing a predictable way to assign appropriate increases in density as an incentive to offset the cost of the improvements thereby achieving these longstanding goals of for the Southeast DR/GR.

With these three overall objectives in mind the applicant and staff worked together to develop the “Environmental Enhancement and Preservation Overlay.” The proposed Environmental Enhancement and Preservation Overlay represents a new strategy that has the ability to achieve the County’s goals that are articulated in the Lee Plan as well as the goals that were identified in the 2009 Dover Kohl Study, Natural Resource Strategies, as identified above. Each of the components of the Environmental Enhancement and Preservation Overlay is described in greater detail below.

To incorporate the Environmental Enhancement and Preservation Overlay into the Lee Plan staff recommends that the Board of County Commissioners adopt the following text amendments. The text amendments are discussed below in terms of the three components of the proposed overlay. Additional amendments are also needed to update cross-references as well as to renumber subsequent policies. A complete codification of the recommended text amendments are attached to the staff report as Attachment 1.

Target critical restoration areas and minimizing new impacts:

The first component of the proposed Environmental Enhancement and Preservation Overlay is to identify lands that can provide strategic regional benefits while minimizing new and adverse impacts that would be inconsistent with Lee County's goals for Southeast Lee County. To achieve this staff recommends that the Lee Plan should be amended to include the following provisions:

POLICY 33.3.4: Properties that provide a significant regional hydrological and wildlife connection have the potential to improve, preserve, and restore regional surface and groundwater resources and indigenous wildlife habitats. These properties, located along Corkscrew and Alico Roads, can provide important hydrological connections to the Flint Pen Strand and the Stewart Cypress Slough as well as important wildlife habitat connections between existing CREW and Lee County properties. As an incentive to improve, preserve, and restore regional surface and groundwater resources and wildlife habitat of state and federally listed species additional densities and accessory commercial uses will be granted if the project is found consistent with and demonstrates through a Planned Development rezoning the following.

1. These properties lands are within the "Environmental Enhancement and Preservation Communities" overlay as designated on Map 17 of the Plan. Properties Lands eligible for the Environmental Enhancement and Preservation Communities overlay must be consistent with one of the criteria below;
 - a. Properties Lands located west of Lee County 20/20 Imperial Marsh Preserve (Corkscrew Tract), and within one mile north or south of Corkscrew Road.
 - b. Properties Lands located west of the intersection of Alico Road and Corkscrew Road must be located north of Corkscrew Road and south of Alico Road.

The above provisions are consistent with the existing Lee Plan as well as the support documentation that was provided when Lee Plan Goal 33 was adopted. Objective 33.2 of the Lee Plan encourages the use of an overlay designation on land in Southeast Lee County *"that is most critical toward restoring historic surface and groundwater levels and for improving the protection of other natural resources such as wetlands and wildlife habitat."* Policy 33.2.1 provides that *"staff will work with landowners who are interested in voluntarily restoring native habitats and landowners who are required to conduct restoration based upon land use changes."* Policy 33.2.2 and Policy 33.2.3 are specific to the Priority Restoration Areas Tier 1 through Tier 7 within Southeast Lee County. Policy 33.2.2 states that this overlay is to *"be utilized as the basis for incentives,"* and Policy 33.2.3 begins by stating that *"It is in southwest Florida's interest for*

public and nonprofit agencies to actively pursue acquisition of partial or full interest in land within the Tier 1 areas in this overlay through direct purchase; partnerships with other government agencies; long-term purchase agreements; right of first refusal contracts; land swaps; and other appropriate means.” Policy 33.2.3 goes on to state “The county will consider incentives for private landowners to maintain and improve water resources and natural ecosystems on properties within Tier 2 through Tier 7, including but not limited to acquiring agricultural or conservation easements...”

Although not identified on Lee Plan Map1, Page 4 as a Tier in the priority restoration strategy, the subject property has been identified in previous studies. In 2004 the historic flowway and habitat corridors on the subject property were identified as “Proposed Mitigation/Restoration/Preservation Sites” in the Lee County Master Mitigation Plan. In 2008 hydrologic improvements were identified on the property as part of a long-range restoration strategy (Dover, Kohl & Partners, July 2008, Prospects for Southeast Lee County, Page 4.11). The 2008 Dover Kohl study states that “*Flowways east of the mining corridor would receive a higher degree of protection than those to the west, but an extreme effort would be made to restore flows to the Estero River despite the present hydrologic impacts. These strategies would take generations to accomplish and would require intensive cooperation with landowners and ultimate acquisition of vast tracts from willing sellers.*” These previous studies make clear that restoration of the subject property’s historic flowway and wildlife corridor has the potential to provide regional benefits to Lee County. Through the concurrent rezoning application the applicant has shown restoration of the Stewart Cypress Slough, which is the headwaters of the Estero River. In addition the Master Concept Plan shows the protection of a wildlife connection along the eastern portion of the property. The applicant has requested additional dwelling units to offset the increased costs of the improvements that will be carried out on the subject site.

In addition to identifying lands that can provide strategic regional hydrologic and wildlife habitat benefits, the first component of the proposed overlay is also consistent with Goal 41: Community and Environmental Impacts, and Objective 41.2 of the Lee Plan’s Transportation Element. Objective 41.2 states that “New and expanded transportation facilities will continue to be aligned and designed to protect environmentally sensitive areas.” Limiting the potential overlay to areas that are adjacent to existing Lee County transportation facilities such as Corkscrew and Alico Roads makes the proposed overlay consistent with Lee Plan Goal 41 as new county transportation facilities that may affect this environmentally sensitive area would not be required.

Require enhanced development design to get increased density at time of rezoning.

The proposed Environmental Enhancement and Preservation Overlay is an incentive based overlay. The second component of the overlay is to identify enhanced criteria to be used at the time of rezoning to assure that the proposed development meets existing Lee Plan goals, objectives, policies and supporting studies for Southeast Lee County. As previously stated the 2009 Dover Kohl Study, Natural Resource Strategies also provided that “*conservation goals should include the following to protect and enhance the natural resources within the DR/GR:*

- 1. Maintaining and enhancing the surface and groundwater resources;*

2. *Avoiding further loss of wetlands, and requiring any loss of wetlands within the DR/GR to be mitigated within the DR/GR;*
3. *Expanding the existing shallow and sandstone aquifer monitoring well system to be used as a resource management tool;*
4. *Restoring historic flow-ways;*
5. *Providing connectivity between larger, regionally significant preserves for mammal and herpetofaunal movement;*
6. *Planning for public potable water well withdrawals to insure natural systems are not harmed;*
7. *Restoration of historic ecosystems;*
8. *Maintaining and enhancing woodstork foraging areas; and*
9. *Maintaining and enhancing agricultural operations.*

With these existing goals in mind staff recommends that the Lee Plan should be amended to include the following provisions:

2. The property is rezoned to a Planned Development that meets the following:
 - a. Planned Development must include a minimum of 60 percent open space, not including previously mined lakes, which will be used to accommodate the following:
 1. Restore and accommodate existing and historic regional flowways where they currently or previously existed;
 2. Restore and accommodate existing and historic groundwater levels;
 3. Restore and preserve wetlands;
 4. Restore and preserve indigenous upland habitats;
 5. Provide critical wildlife connections to adjacent conservation areas; and
 6. Provide 100' foot buffer along Corkscrew Road East of Alico Road.
 - b. Includes an enhanced lake management plan, that:
 1. Applies best management practices for fertilizers and pesticides;
 2. Provides erosion control and bank stabilization; and
 3. Establishes lake maintenance requirements.
 - c. Develop a site specific ecological and hydrological restoration plan which includes at a minimum the following: preliminary excavation and grading plans, analysis of hydrological improvements and water budget narrative, replanting plan, habitat restoration plan, success criteria, long term monitoring and maintenance.
 - d. Preservation areas must be platted in separate tracts and dedicated to an appropriate maintenance entity. For projects larger than 1,000 acres a Community Development District (CDD) or a master home owners association must be created, that will accept responsibility for perpetually maintaining the preservation requirements identified in the Planned Development, prior to issuance of certificate of compliance (CC) for first local development order.

- e. Record a Conservation Easement for a minimum of 55 percent of the planned development, not including previously mined lakes, to be dedicated to the appropriate maintenance entity that provides Lee County, or some other public agency acceptable to Lee County, with third party enforcement rights.
- f. Indigenous management plans must address human-wildlife coexistence.
- g. Uses Florida Friendly Plantings with low irrigation requirements in Common Elements.
- h. The stormwater management system must demonstrate through design or other means that water leaving the development meets state and federal water quality standards. The developer must obtain authorization from the Division of Natural Resources prior to discharge stormwater from the development into the County's MS4 system directly or indirectly.
- i. Elimination of any agricultural row crop uses at time of first development order.
- j. Protects Public wells through compliance with the requirements of the Well Field Protection Ordinance.
- k. Each Planned Development within the Overlay will be required to mitigate the traffic impacts of the Planned Development and provide its proportionate share of the needed roadway improvements in accordance with Administrative Code 13-16. The proportionate share amount can be offset, in accordance with AC13-16, by the dedication of needed right of way or the construction of improvements that would measurably lessen the need for roadway improvements, or by payment of impact fees, or use of impact fee credits, or as otherwise set forth in a written agreement between Lee County and the Developer. Prior to a final determination of a Project's proportionate share amount, compliance may be met through an enforceable instrument that obligates the property owners within a Planned Development to pay the Project's proportionate share, with said instrument being recorded prior to the issuance of any Development Order.
- l. Connect to public water and sewer service. Connect to reclaimed water if available at time of development order approval.
- m. Obtain written verification as to adequate public services for the Planned Development, from the sheriff, EMS, fire district, and Lee County School District.
- n. Demonstrate that the proposed rezoning will not result in significant detrimental impacts on present or future water resources.

The above provisions are consistent with the existing Lee Plan. The DR/GR descriptor policy, Policy 1.4.5, was amended with CPA2008-06. The policy requires a rezoning or development

order must demonstrate compatibility with maintaining surface and groundwater levels at historic levels. The applicant has demonstrated that the proposed increase in density, including the required use of public water and sewer service will maintain surface and groundwater levels. The recent amendments to Policy 1.4.5, paragraph 2, also acknowledge that in certain circumstances it may be beneficial to allow for increased density. This paragraph in part provides this:

Permitted land uses include agriculture, natural resource extraction and related facilities, conservation uses, public and private recreation facilities, and residential uses at a maximum density of one dwelling unit per ten acres (1 du/10 acres). See Policies 33.3.2, 33.3.3 and 33.3.4 for potential density adjustments resulting from concentration or transfer of development rights.

The proposed Environmental Enhancement and Preservation Overlay, including the proposed provisions that allow for increased density, is consistent with the intent of Lee Plan Policy 1.4.5, to protect water resources.

Objective 2.4 addresses the Future Land Use Map amendments. Policies 2.4.2 and 2.4.3 specifically address amendments that would increase the allowable density or intensity of land uses within the Southeast DR/GR. Policy 2.4.2 requires the Board of County Commissioners make a formal finding that “no significant impacts on present or future water resources will result from the change.” To assist in making this finding, Policy 2.4.3 requires additional information for any amendment that will increase the density or intensity of the DR/GR future land use category. These four pieces of additional data that are required are discussed in the following paragraphs.

Policy 2.4.3 specifically states that “amendments to the existing DR/GR areas south of SR 82 east of I-75, excluding areas designated by the Port Authority as needed for airport expansion, which increase the current allowable density or intensity of land use will be discouraged by the county.” However Policy 2.4.3 also provides that there are four specific requirements for applicants seeking such an amendment. The four requirements are as follows:

1. *analyze the proposed allowable land uses to determine the availability of irrigation and domestic water sources; and,*
2. *identify potential irrigation and domestic water sources, consistent with the Regional Water Supply Plan. Since regional water suppliers cannot obtain permits consistent with the planning time frame of the Lee Plan, water sources do not have to be currently permitted and available, but they must be reasonably capable of being permitted; and,*
3. *present data and analysis that the proposed land uses will not cause any significant harm to present and future public water resources; and,*
4. *supply data and analysis specifically addressing the urban sprawl criteria listed in Rule 9J- 5.006(5) (g), (h), (i) and (j), FAC.*

The applicant has supplied the analysis as required in #1 above (see application materials). As proposed by the applicant, the source of the domestic water is Lee County Utilities, eliminating the need for multiple private wells which would draw down from the potable water tables below the property. Irrigation water for the residential units would be supplied by a master irrigation system that will draw from the existing mining lakes. The master irrigation system will allow greater control of irrigation water resulting in less use than would be allowed by individual private wells. The applicant has presented the required data to the Lee County Division of Natural Resources. The Division of Natural Resources has found that *“no significant impacts on present or future water resources will result from the change.”* (See attached letter from the Division of Natural Resources)

The proposed Overlay will require a minimum of 60 percent of the subject property to be protected and restored. There are substantial costs for restoration and maintenance of existing or historic groundwater and surface water resources, and wildlife habitat. The Overlay allows an incentive to developers who are willing to meet the restoration and maintenance and other design requirements. The Wildblue development as proposed by the applicant will preserve a total of 1,329 acres of land. The applicant has estimated that the average cost per acre of restoration and 5 years of maintenance will be approximately \$5,590. Through the incentives provided by the proposed Overlay the preservation and restoration of the Stewart Cypress Slough and the wildlife habitat connecting regionally significant preserves will be accomplished at no costs to the county.

The proposed provisions of the Overlay’s second component are also consistent with Lee Plan Objective 107.1, Policy 1071.1, Policy 107.2.8 and Policy 107.11.4. Objective 107.1 of the Lee Plan provides that Lee County will *“implement a resource management program that ensures the long-term protection and enhancement of the natural upland and wetland habitats through the retention of interconnected, functioning, and maintainable hydroecological systems where the remaining wetlands and uplands function as a productive unit resembling the original landscape.”* Policy 107.1.1 states that County agencies will recommend standards to the Board of County Commissioners for approval of development and conservation that will protect and integrate wetlands. The second component of the Overlay proposes specific standards and criteria that will be reviewed by the Board of County commissioners through a required Planned Development. The proposed overlay is consistent with Policy 107.2.8 of the Lee Plan, which encourages Lee County to *“Promote the long-term maintenance of natural systems through such instruments as conservation easements, transfer of development rights, restrictive zoning, and public acquisition.”* The proposed overlay expands upon the use of conservation easements as a way to ensure long-term maintenance of the onsite natural system. The proposed overlay is consistent with Policy 107.11.4 which encourages the use of buffers and open space to *“protect and expand upon the Corkscrew Regional Ecosystem Watershed Greenway, a regionally significant greenway with priority panther habitat.”*

Provide Predictable Density incentives.

The third component of the proposed Environmental Enhancement and Preservation Overlay is to provide a predictable way to assign density incentives to the subject property as well as other properties which may be eligible to be included in the proposed overlay in the future. Having a predictable way to assign incentive density within the overlay is important to Lee County to be

able to plan for future provision of utilities and other services such as transportation, EMS, sheriff, and fire protection. To achieve this staff recommends that the Lee Plan should be amended to include the following provisions:

3. In recognition of the preservation, enhancement, and protection of regional flowways and natural habitat corridors, the interconnection with existing off-site conservation areas, and the significant enhancement, preservation and protection of these lands additional density may be approved through Planned Developments meeting the criteria and requirements outlined above as follows:
 - a. Other lands within the Environmental Enhancement and Preservation Overlay meeting the requirements above will be permitted a maximum density of 1 unit per 3 acres.
 - b. Density in the Environmental Enhancement and Preservation Overlay will be based upon the acreage of the entire planned development (i.e. all areas within the boundary of the planned development whether uplands, wetlands, or lake will be calculated at the density provided above.
 - c. Additional dwelling units may be approved in the Planned Development meeting the requirements above if transferred from other Southeast Lee County lands located outside of the Planned Development at the standard density of 1 unit per 10 acres for DR/GR lands and 1 unit per 20 acres for Wetlands future land use category if density rights are extinguished through an instrument acceptable to the County Attorney's Office.

Policy 33.2.2 and Policy 33.2.3 provide that the Priority Restoration Strategy Tiers should be “*utilized as the basis for incentives.*” With this in mind, and considering previous efforts Lee County has put into the study of Southeast Lee County, the proposed overlay seeks to add to the current strategy. The proposed Overlay utilizes the Priority Restoration Strategy Tiers as a basis to determine incentive densities. The proposed Environmental Enhancement and Preservation Overlay provides an incentive to protect and restore those areas that “*provide critical connections to other conservation lands that serve as the backbone for water resource management and wildlife movement within the DR/GR.*” As previously stated, Policy 33.2.3 identifies tiers 1 and 2 as being the most important areas to restore. However, it should be noted that all lands within the DR/GR were not evaluated at the time the Tiers system was developed. Specifically previously mined areas and areas with existing approved residential development orders were not evaluated even though these sites may have the ability to provide strategic benefits consistent with Policy 33.2.3.

As previously stated, the applicant has submitted a rezoning request concurrent with the plan amendment application. Lee County staff has conducted a preliminary review of the proposed concurrent rezoning case, including the proposed restoration and hydrologic improvements to the subject site, and finds the proposed development to be consistent with Lee Plan Policy 33.2.1, Objective 60.4, Objective 60.5, Policy 60.5.1, Policy 60.5.2, and Policy 60.5.3, which relate to conservation lands, flowways, green infrastructure, and preservation. Additionally, staff has

found that the proposed development, based on the proposed restoration and preservation of the wetlands and uplands that are adjacent and connected to the Flint Pen Strand, is consistent with the following: Lee Plan Objective 61.2; Objective 77.3; Policy 107.2.10; Policy 107.2.13; Policy 107.3.1; and, Objective 114.1.

TRANSPORTATION/TRAFFIC CIRCULATION IMPACTS

The proposed amendment was reviewed by the Department of Community Development traffic engineer and the Lee County Department of Transportation. LCDOT provided a memo dated March 31, 2015. That memo, in part, provided the following comments:

This project has frontage on Alico Road and Corkscrew Road. Both are County maintained arterials. The application area western boundary is adjacent to a portion of the planned extension of County Road 951. There are future right-of-way needs in the vicinity of the subject application area for both CR 951 from Corkscrew Road to Alico Road, and for Alico Road 4-laning from CR 951 extension/Airport Haul Road to Greenmeadow Road.

There are specific transportation analysis requirements in the CPA application for a five-year short-range and a twenty-year long-range analysis of conditions. The long range analysis corresponds with the MPO transportation model and planned roadway network in the Lee Plan. Analysis requirements are specified on pages 5 and 6 of the CPA application form and are contained in the subject application. LCDOT staff finds that the submitted March 11, 2014 traffic study is consistent with CPA application requirements.

The traffic study indicates that with the project, all road segments in the study area will meet or exceed the adopted level of service (LOS) issues in the five-year analysis. However, the long-range (20 year) analysis indicates four road segments will operate at LOS “F”. The analysis was based on the socio-economic data and MPO 2035 Highway Cost Feasible Plan network used for Lee Plan Map 3A.

Table 2: Road segments operating at LOS “F” both without and with the proposed project

<i>Roadway Segment</i>	<i>From</i>	<i>To</i>
<i>Corkscrew Road</i>	<i>I-75</i>	<i>Ben Hill Griffin Parkway</i>
<i>Corkscrew Road</i>	<i>Ben Hill Griffin Parkway</i>	<i>future CR 951 Extension</i>
<i>Ben Hill Griffin Parkway</i>	<i>Estero Parkway</i>	<i>FGCU Boulevard</i>
<i>Ben Hill Griffin Parkway</i>	<i>FGCU Boulevard</i>	<i>College Club Drive</i>

Table 2 identifies two roadway segments that are not contemplated in the Lee Plan Map 3A. Both Corkscrew Road from Ben Hill Griffin Parkway to the future CR 951 extension and Ben Hill Griffin Parkway from Estero Parkway to FGCU Boulevard are not depicted.

While the traffic study indicates Corkscrew Road will operate at an acceptable LOS from future CR 951 Extension to Alico Road, LCDOT staff is concerned that Corkscrew Road

cannot accommodate the traffic from this project, and other nearby approved and proposed projects. As a result a deficiency may be created on Corkscrew Road, as well as consideration to accelerate other area road widening projects.

WildBlue also has submitted a zoning application, DCI2014-00009. The zoning traffic study indicates WildBlue will add 400 peak hour, peak direction trips to Corkscrew Road east of Ben Hill Griffin Parkway. This development is not contemplated in the socioeconomic data used as the basis for the current LRTP. Corkscrew Shores (DOS2013-00034), Preserve at Corkscrew (DOS2011-00002), and Bella Terra (multiple DOS cases) have approved development orders and are under construction. These area projects are not fully reflected in the socioeconomic data for the current LRTP. The 2014 Concurrency Report forecasts an additional 430 peak hour, peak directional traffic volume on this segment. Since the data was compiled for the concurrency report, there have been additional dwelling units permitted.

In order to address the possible LOS deficiency staff is recommending that the following Policy be incorporated into the Lee Plan:

POLICY 38.1.9: Lee County will complete a study by July 1, 2017, with input from property owners, to determine the improvements necessary to address increased density within the Environmental Enhancement and Preservation Overlay (See Policy 33.3.4). The study will include a financing strategy for the identified improvements, including participation in a Proportionate Fair Share Program.

ENVIRONMENTAL CONSIDERATIONS

Lee County Division of Environmental Sciences provided a staff report to the Lee County Planning Division on April 10, 2015. This report concludes the following:

The DR/GR was created with specific conservation goals. Per the “Prospects for Southeast Lee County” report published in July 2008 these goals included: Maintaining and enhancing the surface and groundwater resources; Avoiding further loss of wetlands, and requiring any loss of wetlands within the DR/GR to be mitigated within the DR/GR; Restoring historic flowways; Providing connectivity between large, regionally significant preserves for mammal and herpefaunal movement; Restoration of historic ecosystems; and maintaining and enhancing wood stork foraging areas. These recommendations were incorporated into the Lee Plan upon creation of the Southeast Lee County Planning Community. Goal 33 and objective 33.2 discuss the DR/GR area as an area set aside for protection of natural resources including both water resources and preserve/habitat. Policy 33.2.1 and 33.2.3 discuss the importance and value of connecting corridors and conservation areas to allow for flowway connections and wildlife movement through preservation, restoration, and long term protection measures such as conservation easements. Objective 107.1, Policy 107.1.2, and Policy 107.2.8 discuss how the county will work with applicants to promote long term protection and enhancement of upland and wetland habitats through preservation of large interconnected systems and the formation of conservation easements over these areas. Finally, Policy 107.11.4 discusses how the county will work with applicants to protect and expand upon the Corkscrew Regional Ecosystem Watershed Greenway.

The Wild Blue project is proposing to improve, preserve, and restore 1329 acres of the

overall 2960 acre site as conservation easements. These preservation areas consist of both wetland and upland habitats as well as agricultural fields that will be restored back to native habitat. The preserves also will be regraded in some areas to promote and restore historic flowways through the site, and in addition crossing of flowways have been reduced over previous development approvals. The preservation areas are designed to connect and provide a corridor for wildlife to move through the site by providing 8'x10' wildlife crossings under all proposed roads that traverse the preserves and by lining up the preserve areas with adjacent preserves to the north and south of the subject property as well as the proposed future Corkscrew Road wildlife underpass. This will allow for large mammal movement for species such as the Florida Panther which currently use the site for movement throughout the county (see ES Staff Exhibit 5). Any impacts that do occur to wetlands are proposed to be mitigated onsite through these preservation/restoration areas keeping mitigation efforts within the DR/GR. A CDD or other bondable entity will be created to ensure the long term maintenance of these preserve areas. Lake bank slopes within the existing mine lakes will be restored and planted per the current Land Development Code standards providing foraging areas for wading birds including wood storks. As the project is proposed it is consistent with the intent of the DR/GR and the Lee Plan.

NATURAL RESOURCES

Lee County Division of Natural Resources provided written comments to the Lee County Planning Division in a memorandum dated March 30, 2015. The Division of Natural Resources found that:

“It is our understanding that the proposed amendment will reduce the impacts to groundwater resources by replacing Sandstone domestic and irrigation wells with potable water supplied by Lee County Utilities and irrigation supply from the onsite lake system. Although the number of units has increased, the change in source of water and the reduction in irrigated area provide a net overall benefit to groundwater levels when compared to existing approvals in place. Furthermore, the proposed amendment provides increased flow-way restoration and preservation.

One of the conservation goals listed in the Dover Kohl study was to maintain and enhance surface and groundwater resources. This goal is achieved by using lake water for irrigation, providing potable water from Lee County Utilities, elimination of septic systems, and restoration of regional flow way to function as headwaters of Stewart Cypress Slough. Further, incorporation of a monitoring well network will provide a tool for managing natural system and work towards achieving some other goals listed in the Dover Kohl study.”

The memorandum provided by the Department of Natural Resources also included a list of items that will need to be addressed through site design and should be conditions of the pending zoning and development order approvals. These conditions are as follows:

- 1. The project utilizes the onsite lake system as the sole central irrigation source, and maintains the potable supply provided from Lee County Utilities. Therefore removing any stress on groundwater sources.*

2. *Promotes wellfield protection by requiring HOA employ only licensed landscape professionals as required by Lee County Landscape Ordinance.*
3. *Regional flowway known as the Stewart Cypress Slough has been highly impacted by alterations to drainage both off-site and on-site of the WildBlue project site. The applicant must commit to the restoration and enhancement of the flowway and slough systems.*
4. *A Lake Management Plan and a Surface Water and Groundwater Monitoring Plan have been provided by the applicant. Among other issues, the plans address issues related to maintenance of water levels and littoral plants in the lake along with monitoring for maintaining quality water standards on existing lakes. The HOA will be required to provide perpetual monitoring and management of the lakes.*

Furthermore, as required by Lee Plan Policies 2.4.2 and 2.4.3 the Division of Natural Resources found that “no significant impacts on present or future water resources will result from the change.” The complete Division of Natural Resources’ correspondence is attached to this Staff Report.

FEMA FLOODWAY ISSUE

County records show that the subject site is not located within a FEMA identified floodway.

HISTORIC RESOURCES

A Cultural Resource Assessment was completed for the subject site in September of 2013. The 2013 assessment concurred with two previous assessments that had been completed in 1994 and 2002 by Janus Research. These assessments found that no significant archeological or historical resources on the subject property.

The assessment cautioned that “*The large size of the property affords the possibility that isolated archeological material may occur on the parcel. If such materials are encountered during ground-disturbing activities then the consultant archeologist and the Florida Division of Historic Resources should be notified. If human remains are found then the provisions of Florida Statutes 872.05 will apply.*”

Portions of this site are within the level 2 sensitivity areas for archeological and historic resources. Prior to Development Order approval a Certificate to Dig will be required.

SCHOOL IMPACTS

The Lee County School District provided correspondence to the Lee County Division of Planning dated April 28, 2014 stating that “Currently within the School District there are sufficient seats available to serve this need.”

SOLID WASTE

The Lee County Solid Waste Division provided correspondence to the applicant on February 24, 2014 stating that they are capable of providing solid waste collection service for the proposed project. Lee County Solid Waste Division also stated that “*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

Lee County Transit provided the applicant a letter dated March 7, 2014 stating the following:

- *Currently, the nearest LeeTran fixed-route transit service is located about 0.80 mile from the western boundary of the proposed development project along Ben Hill Griffin Pkwy. This is Rt. 60, an east-west circulator going from US41 and Constitution Blvd to Gulf Coast Town Center.*
- *LeeTran does not plan to extend service to this area at anytime during the 10 year horizon of the Transit Development Plan.*

EMERGENCY MEDICAL SERVICES (EMS)

Lee County EMS provided a memo dated May 7, 2014 stating they have concerns about being able to accommodate the additional development proposed on the subject property.

The primary ambulance for this project location is Medic 25, with Medic 21 providing backup as necessary. These two ambulance locations are too far away from the community's access from Alico and Corkscrew Roads, and would not allow us to adequately serve the project as required in County Ordinance 08-16.

Compliance with the service standards outlined in county ordinance would require an additional EMS station in that vicinity. We do not currently have plans for expansion of service in this area.

To address this concern the applicant has proposed that up to 8 acres of land can be donated to Lee County to be used for Emergency Management Services. While this donation does not fully address the service standard issue, the Board of County Commissioners could accept it as sufficient mitigation.

POLICE

The Lee County Sheriff's Office provided a letter to the applicant dated February 19, 2014 stating that the proposed Lee Plan amendment “this agency does not object to the Comprehensive Plan Amendment application.” The letter went on to say that service would be provided primarily from the South District Office in Bonita Springs.

FIRE

The San Carlos Park Fire Protection and Rescue Service District provided a letter to the applicant dated February 28, 2014 stating they serve the proposed development.

UTILITIES

Lee County Utilities provided correspondence to the applicant on June 4, 2014 stating that there is adequate capacity to serve the proposed development. Lee County Utilities Letter of Availability is attached to this staff report. Lee County Utilities also stated that potable water

service will be provided through the Corkscrew Water Treatment Plant, and that sanitary sewer service will be provided through the Three Oaks Wastewater Treatment Plant. Additional analysis will be performed in both the rezoning and development order processes.

Lee County Utilities also provided the following concerning the future capacity of the Three Oaks Wastewater Treatment Plant:

LCU has recent completed a study of the Three Oaks WWTP service area which included a flow projection to the facility based on the facility's current service area. This study was completed by a Consultant. Even though the Wild Blue development is not currently within the Three Oaks WWTP service area, LCU instructed the Consultant to include the flow that is projected to be generated by Wild Blue into the projected flow. LCU did so in anticipation of the development's approval. The projected flow analysis, completed by the Consultant, indicates that the annual average daily flow to the Three Oaks WWTP will not exceed the permitted capacity until sometime between 2035 and 2040. However, given the wastewater flow to the Three Oaks WWTP is projected to exceed the permitted capacity in the future, LCU has initiated a study to identify options for treatment of wastewater flows that are projected to be generated within the Three Oaks WWTP service area. This study is currently underway.

SOILS

The applicant has provided a description of the soils that are found on site. For a detailed description please see the application materials.

B. CONCLUSIONS

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

PART IV - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: April 27, 2015

A. LOCAL PLANNING AGENCY REVIEW

Staff gave a brief presentation regarding the proposed amendment, making a recommendation that the BOCC transmit the proposed amendment. This was followed by a presentation from the applicant, and the applicant's consultants. The applicants presentation specifically addressed the site's history and environmental impacts, site and regional hydrology, transportation, consistency with the Lee Plan, and regional and financial benefits to Lee County.

Eight members of the public addressed the LPA concerning the proposed amendment. The speakers were in favor of the proposed amendment. However, concerns that were identified by the public included traffic on Corkscrew Road and panther movement within the DR/GR. One member of the public, a representative of the Conservancy of Southwest Florida, requested a minor change to the proposed text amendment to clarify the intent of the overlay as follows:

POLICY 33.3.4: Properties that provide a significant regional hydrological and wildlife connection have the potential to improve, preserve, and restore regional surface and groundwater resources and indigenous wildlife habitats. These properties, located along Corkscrew and Alico Roads, can provide important hydrological connections to the Flint Pen Strand and the Stewart Cypress Slough as well as important wildlife habitat connections between existing CREW and Lee County properties. As an incentive to improve, preserve, and restore regional surface and groundwater resources and wildlife habitat of state and federally listed species additional densities and accessory commercial uses will be granted if the project is found consistent with and demonstrates through a Planned Development rezoning the following.

1. These properties lands are within the "Environmental Enhancement and Preservation Communities" overlay as designated on Map 17 of the Plan. Properties Lands eligible for the Environmental Enhancement and Preservation Communities overlay must be consistent with one of the criteria below;
 - a. Properties Lands located west of Lee County 20/20 Imperial Marsh Preserve (Corkscrew Tract), and within one mile north or south of Corkscrew Road.
 - b. Properties Lands located west of the intersection of Alico Road and Corkscrew Road must be located north of Corkscrew Road and south of Alico Road.

The applicant and staff agreed with the proposed change.

One member of the LPA asked for clarification from the County Attorney's Office about the procedure that would be followed for the proposed development. Another member of the LPA asked several questions of the applicant concerning site hydrology, panther movement, traffic movement, density extinguishment, and proportionate share of improvements necessary for traffic improvements.

One member noted that he would be abstaining from a vote on this item because he had performed some land management work for the affected property's owner.

A motion was made that the LPA recommend the BOCC *transmit* staff's recommendation, including the Conservancy of Southwest Florida's proposed change. The motion was called and passed 6-0.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

The LPA agreed with staff and recommends that the Lee County Board of County Commissioners *transmit* the proposed Lee Plan amendment.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The LPA accepted the basis and recommended findings of fact as advanced by staff.

C. VOTE:

NOEL ANDRESS	<u>AYE</u>
TIMOTHY BROWN	<u>AYE</u>
DENNIS CHURCH	<u>AYE</u>
JIM GREEN	<u>AYE</u>
RICK JOYCE	<u>ABSTAIN</u>
DAVID MULICKA	<u>AYE</u>
GARY TASMAN	<u>AYE</u>

**PART V - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: May 20, 2015

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

BRIAN HAMMAN	_____
LARRY KIKER	_____
FRANK MANN	_____
JOHN MANNING	_____
CECIL L PENDERGRASS	_____

Text Amendments:**Future Land Use Element**

POLICY 1.4.5: The Density Reduction/Groundwater Resource (DR/GR) land use category includes upland areas that provide substantial recharge to aquifers most suitable for future wellfield development. These areas also are the most favorable locations for physical withdrawal of water from those aquifers. Only minimal public facilities exist or are programmed.

1. New land uses in these areas that require rezoning or a development order must demonstrate compatibility with maintaining surface and groundwater levels at their historic levels (except as provided in Policies 33.1.3 and 33.3.4~~5~~) utilizing hydrologic modeling, the incorporation of increased storage capacity, and inclusion of green infrastructure. The modeling must also show that no adverse impacts will result to properties located upstream, downstream, as well as adjacent to the site. Offsite mitigation may be utilized, and may be required, to demonstrate this compatibility. Evidence as to historic levels may be submitted during the rezoning or development review processes.
2. Permitted land uses include agriculture, natural resource extraction and related facilities, conservation uses, public and private recreation facilities, and residential uses at a maximum density of one dwelling unit per ten acres (1 du/10 acres). See Policies 33.3.2, 33.3.3, 33.3.4, ~~and~~ 33.3.5, and 33.3.6 for potential density adjustments resulting from concentration or transfer of development rights.
 - a. For residential development, also see Objective 33.3 and following policies. Commercial and civic uses can be incorporated into Mixed-Use Communities to the extent specifically provided in those policies
 - b. Individual residential parcels may contain up to two acres of Wetlands without losing the right to have a dwelling unit, provided that no alterations are made to those wetland areas.
 - c. The Future Limerock Mining overlay (Map 14) identifies sufficient land near the traditional Alico Road industrial corridor for continued limerock mining to meet regional demands through the Lee Plan's planning horizon (currently 2030). See Objective 33.1 and following policies.
3. Private Recreational Facilities may be permitted in accordance with the site locational requirements and design standards, as further defined in Goal 16. No Private recreational facilities may occur within the DR/GR land use category without a rezoning to an appropriate planned development zoning category, and compliance with the Private Recreation Facilities performance standards, contained in Goal 16 of the Lee Plan.

(Amended by Ordinance No. 91-19, 94-30, 99-16, 02-02, 10-20, 12-24)

POLICY 1.7.13: The Southeast Density Reduction/Groundwater Resource overlay (Map 17) is described in Policies 33.3.1 through 33.3.4~~5~~. This overlay affects only Southeast Lee County and identifies ~~four~~ five types of land:

1. “Existing Acreage Subdivisions”: existing rural residential subdivisions that should be protected from adverse external impacts such as natural resource extraction.
2. “Rural Golf Course Communities” potential locations for the concentration of development rights on property zoned Private Recreational Facilities Planned Development and located in the Southeast Density Reduction/Groundwater Resource area.
3. “Mixed-Use Communities” locations where this concentration of development rights from large contiguous tracts with the Density Reduction/Groundwater Resource area that can be supplemented by transfer of development rights from non-contiguous tracts in the Southeast Density Reduction/Groundwater Resource area. See Objective 33.3 and following policies.
4. “Improved Residential Communities:” Property with existing residential approvals that are inconsistent with the Southeast Density Reduction/Groundwater Resource area that could be improved environmentally.
5. “Environmental Enhancement and Preservation Communities:” Properties adjacent to Corkscrew and Alico Roads that have the potential to improve and restore important regional hydrological and wildlife connections.

(Added by Ordinance No. 10-19, Amended by Ordinance No. 12-24, Renumbered by Ordinance No. 14-10)

POLICY 33.2.1: Large-scale ecosystem integrity in Southeast Lee County should be maintained and restored. Protection and/or restoration of land is of even higher value when it connects existing corridors and conservation areas. Restoration is also highly desirable when it can be achieved in conjunction with other uses on privately owned land including agriculture. Lee County Natural Resources, Conservation 20/20, and Environmental Sciences staff will work with landowners who are interested in voluntarily restoring native habitats and landowners who are required to conduct restoration based upon land use changes. The parameters for the required restoration will be established in the Land Development Code by 2012 or within planned development zoning approvals as established in Objective 33.3. (Added by Ordinance No. 10-19)

OBJECTIVE 33.3: RESIDENTIAL AND MIXED-USE DEVELOPMENT. Designate on a Future Land Use Map overlay areas that should be protected from adverse impacts of mining (Existing Acreage Subdivisions), specific locations for concentrating existing development rights on large tracts (Mixed-Use Communities), specific properties which provide opportunities to protect, preserve, and restore strategic regional hydrological and wildlife connections (Environmental Enhancement and Preservation Communities), and vacant properties with existing residential approvals that are inconsistent with the density Reduction/Groundwater Resource future land use category (Improved Residential Communities). (Added by Ordinance No. 10-43, Amended by Ordinance No.12-24)

POLICY 33.3.4: Properties that provide a significant regional hydrological and wildlife connection have the potential to improve, preserve, and restore regional surface and groundwater resources and indigenous wildlife habitats. These properties, located along Corkscrew and Alico Roads, can provide important hydrological connections to the Flint Pen Strand and the Stewart Cypress Slough as well as important wildlife habitat connections between existing CREW and Lee County properties. As an incentive to improve, preserve, and restore regional surface and groundwater resources and wildlife habitat of state and federally listed species additional densities and accessory commercial uses will be granted if the project is found consistent with and demonstrates through a Planned Development rezoning the following.

1. These properties lands are within the “Environmental Enhancement and Preservation Communities” overlay as designated on Map 17 of the Plan. Properties Lands eligible for the Environmental Enhancement and Preservation Communities overlay must be consistent with one of the criteria below;
 - a. Properties Lands located west of Lee County 20/20 Imperial Marsh Preserve (Corkscrew Tract), and within one mile north or south of Corkscrew Road.
 - b. Properties Lands located west of the intersection of Alico Road and Corkscrew Road must be located north of Corkscrew Road and south of Alico Road.
2. The property is rezoned to a Planned Development that meets the following:
 - a. Planned Development must include a minimum of 60 percent open space, not including previously mined lakes, which will be used to accommodate the following:
 1. Restore and accommodate existing and historic regional flowways where they currently or previously existed;
 2. Restore and accommodate existing and historic groundwater levels;
 3. Restore and preserve wetlands;
 4. Restore and preserve indigenous upland habitats;
 5. Provide critical wildlife connections to adjacent conservation areas; and
 6. Provide 100’ foot buffer along Corkscrew Road East of Alico Road.
 - b. Includes an enhanced lake management plan, that:
 1. Applies best management practices for fertilizers and pesticides;
 2. Provides erosion control and bank stabilization; and
 3. Establishes lake maintenance requirements.
 - c. Develop a site specific ecological and hydrological restoration plan which includes at a minimum the following: preliminary excavation and grading plans, analysis of hydrological improvements and water budget narrative, replanting plan, habitat restoration plan, success criteria, long term monitoring and maintenance.
 - d. Preservation areas must be platted in separate tracts and dedicated to an appropriate maintenance entity. For projects larger than 1,000 acres a Community Development District (CDD) or a master home owners association must be created, that will accept

responsibility for perpetually maintaining the preservation requirements identified in the Planned Development, prior to issuance of certificate of compliance (CC) for first local development order.

- e. Record a Conservation Easement for a minimum of 55 percent of the planned development, not including previously mined lakes, to be dedicated to the appropriate maintenance entity that provides Lee County, or some other public agency acceptable to Lee County, with third party enforcement rights.
- f. Indigenous management plans must address human-wildlife coexistence.
- g. Uses Florida Friendly Plantings with low irrigation requirements in Common Elements.
- h. The stormwater management system must demonstrate through design or other means that water leaving the development meets state and federal water quality standards. The developer must obtain authorization from the Division of Natural Resources prior to discharge stormwater from the development into the County's MS4 system directly or indirectly.
- i. Elimination of any agricultural row crop uses at time of first development order.
- j. Protects Public wells through compliance with the requirements of the Well Field Protection Ordinance.
- k. Each Planned Development within the Overlay will be required to mitigate the traffic impacts of the Planned Development and provide its proportionate share of the needed roadway improvements in accordance with Administrative Code 13-16. The proportionate share amount can be offset, in accordance with AC13-16, by the dedication of needed right of way or the construction of improvements that would measurably lessen the need for roadway improvements, or by payment of impact fees, or use of impact fee credits, or as otherwise set forth in a written agreement between Lee County and the Developer. Prior to a final determination of a Project's proportionate share amount, compliance may be met through an enforceable instrument that obligates the property owners within a Planned Development to pay the Project's proportionate share, with said instrument being recorded prior to the issuance of any Development Order.
- l. Connect to public water and sewer service. Connect to reclaimed water if available at time of development order approval.
- m. Obtain written verification as to adequate public services for the Planned Development, from the sheriff, EMS, fire district, and Lee County School District.
- n. Demonstrate that the proposed rezoning will not result in significant detrimental impacts on present or future water resources.

3. In recognition of the preservation, enhancement, and protection of regional flowways and natural habitat corridors, the interconnection with existing off-site conservation areas, and the significant enhancement, preservation and protection of these lands additional density may be approved through Planned Developments meeting the criteria and requirements outlined above as follows:
 - a. Other lands within the Environmental Enhancement and Preservation Overlay meeting the requirements above will be permitted a maximum density of 1 unit per 3 acres.
 - b. Density in the Environmental Enhancement and Preservation Overlay will be based upon the acreage of the entire planned development (i.e. all areas within the boundary of the planned development whether uplands, wetlands, or lake will be calculated at the density provided above.
 - c. Additional dwelling units may be approved in the Planned Development meeting the requirements above if transferred from other Southeast Lee County lands located outside of the Planned Development at the standard density of 1 unit per 10 acres for DR/GR lands and 1 unit per 20 acres for Wetlands future land use category if density rights are extinguished through an instrument acceptable to the County Attorney's Office.

POLICY 33.3.45: Owners of major DR/GR tracts without the ability to construct a Mixed-Use Community on their own land are encouraged to transfer their residential development rights to Future Urban Areas (see Objective 1.1), specifically the Mixed-Use Overlay, the Lehigh Acres Specialized Mixed-Use Nodes, and any Lee Plan designation that allows bonus density (see Table 1(a)), or to future Mixed-Use Communities, Rural Golf Course Communities, or Improved Residential Communities on land so designated on Map 17. These transfers would avoid unnecessary travel for future residents, increase housing diversity and commercial opportunities for nearby Lehigh Acres, protect existing agricultural or natural lands, and allow the conservation of larger contiguous tracts of land.

1. To these ends, Lee County will establish a program that will allow and encourage the transfer of upland and wetland development rights (TDR) to designated TDR receiving areas. This program will also allow limited development in accordance with Policy 16.2.6 and 16.2.7.
2. Within the Mixed-Use Communities shown on Map 17, significant commercial and civic uses are required. Each Mixed-Use Community adjoining S.R. 82 must be designed to include non-residential uses not only to serve its residents but also to begin offsetting the shortage of non-residential uses in adjoining Lehigh Acres. At a minimum, each community adjoining S.R. 82 must designate at least 10% of its developable land into zones for non-residential uses. Specific requirements for incorporating these uses into Mixed-Use Communities are set forth in the Land Development Code.
3. Mixed-Use Communities must be served by central water and wastewater services. All Mixed-Use Communities were added to the future water and sewer service areas for Lee County Utilities (Lee Plan Maps 6 and 7) in 2010. Development approvals for each community are contingent on availability of adequate capacity at the central plants and on developer-provided upgrades to distribution and collection systems to connect to the existing

systems. Lee County Utilities has the plant capacity at this time to serve full build-out of all Mixed-Use Communities. Lee County acknowledges that the Three Oaks wastewater treatment plant does not have sufficient capacity to serve all anticipated growth within its future service area through the year 2030. Lee County commits to expand that facility or build an additional facility to meet wastewater demands. One of these improvements will be included in a future capital improvements program to ensure that sufficient capacity will be available to serve the Mixed-Use Communities and the additional development anticipated through the year 2030.

4. Development approvals for Mixed-Use Communities are contingent on adequate capacity in the public school system (see Goal 67).
5. Lee County encourages landowners to concentrate development rights from contiguous DR/GR property under common ownership or control.
6. Lee County encourages the creation of TDR credits from Southeast DR/GR lands and the transfer of those credits to all other designated receiving areas, including:
 - a. Other Mixed-Use Communities;
 - b. Rural Golf Course Communities;
 - c. Improved Residential Communities
 - d. Future Urban Area (see Objective 1.1);
 - e. Mixed-Use Overlay;
 - f. Lehigh Acres Specialized Mixed-Use Nodes;
 - g. Lee Plan designation that allow bonus density (see Table 1(a)); and,
 - h. Incorporated municipalities that have formally agreed to accept TDR credits.

(Added by Ordinance No. 10-43, Renumbered and Amended by Ordinance No. 12-24, Amended by Ordinance No. 14-09)

POLICY 33.3.56: The new TDR program will have the following characteristics:

1. This program will be in addition to the existing wetland TDR program described in Article IV of Chapter 2 of the Land Development Code.
2. The preferred receiving locations for the transfer of TDRs are within designated Future Urban Areas due to their proximity to public infrastructure and urban amenities (see Objective 1.1), specifically the Mixed Use Overlay, the Lehigh Acres Specialized Mixed Use Nodes, and the future urban land use categories that allow bonus density (see Table 1(a)). The only sites in the DR/GR area permitted to receive transferred development rights are Mixed-Use Communities or Rural Golf Course Communities, Improved Residential Communities as shown on Map 17.
3. TDR credits will be available from sending areas as follows:
 - a. One TDR credit may be created for each allowable dwelling unit attributable to sending parcels within the Southeast DR/GR area. As an incentive for permanently protecting indigenous native uplands, one extra dwelling unit will be allowed for each five acres of preserved or restored indigenous native uplands.
 - b. As an additional incentive for protecting certain priority restoration lands (see Policy 33.2.3.2), each TDR credit created pursuant to the preceding subsection will qualify for up to two additional TDR credits if the credits are created from land in Tiers 1, 2, 3 or the

southern two miles of Tiers 5, 6 or 7, as shown on the DR/GR Priority Restoration overlay.

4. The maximum number of TDR credits that can be created from the Southeast DR/GR lands is 9,000.
5. No more than 2,000 dwelling units can be placed on receiving parcels within the Southeast DR/GR Mixed-Use Communities through the TDR credit program.
6. TDR Credits may be redeemed in designated TDR receiving areas as follows:
 - a. In Mixed-Use Communities in DR/GR areas, each TDR credit may be redeemed for a maximum of one dwelling unit plus a maximum of 800 square feet of non-residential floor area.
 - b. In Rural Golf Course Communities, see Policy 16.2.7.
 - c. In the Future Urban Areas described in paragraph 2. above, each TDR credit may be redeemed for a maximum of two dwelling units. In these Future Urban Areas, the redemption of TDR credits cannot allow densities to exceed the maximum bonus density specified in Table 1(a). TDR credits may not be redeemed for non-residential floor area in these Future Urban Areas.
 - d. Redemption of TDR credits within incorporated municipalities may be allowed where interlocal agreements set forth the specific terms of any allowable transfers and where the redemption allows development that is consistent with the municipality's comprehensive plan. As in the County's Future Urban Areas, each TDR credit may be redeemed for a maximum of two dwelling units.
7. When severing development rights from a tract of land in anticipation of transfer to another tract, a landowner must execute a perpetual conservation easement on the tract that acknowledges the severance of development rights and explicitly states one of the following options:
 - a. Continued agricultural uses will be permitted;
 - b. Conservation uses only;
 - c. Conservation use and restoration of the property; or
 - d. some combination of the above options.

(Added by Ordinance No. 10-43, Renumbered and Amended by Ordinance 12-24)

POLICY 33.3.67: The Land Development Code will be amended within one year to specify procedures for concentrating existing development rights on large tracts, for transferring development rights between landowners, for seeking approval of additional acreage subdivisions, and for incorporating commercial and civic uses into Mixed-Use Communities as designated on Map 17. (Added by Ordinance No. 10-19, Renumbered by Ordinance 12-24)

POLICY 33.3.78: By 2012 Lee County will evaluate the establishment and funding of a DR/GR TDR bank that will offer to purchase development rights for resale in the TDR system. The purpose of this program is to give potential sellers the opportunity to sell rights even if no developer is ready to use them and to give potential development applicants the opportunity to obtain the necessary rights without seeking them on the open market. (Added by Ordinance No. 10-19, Renumbered by Ordinance 12-24)

Transportation Element

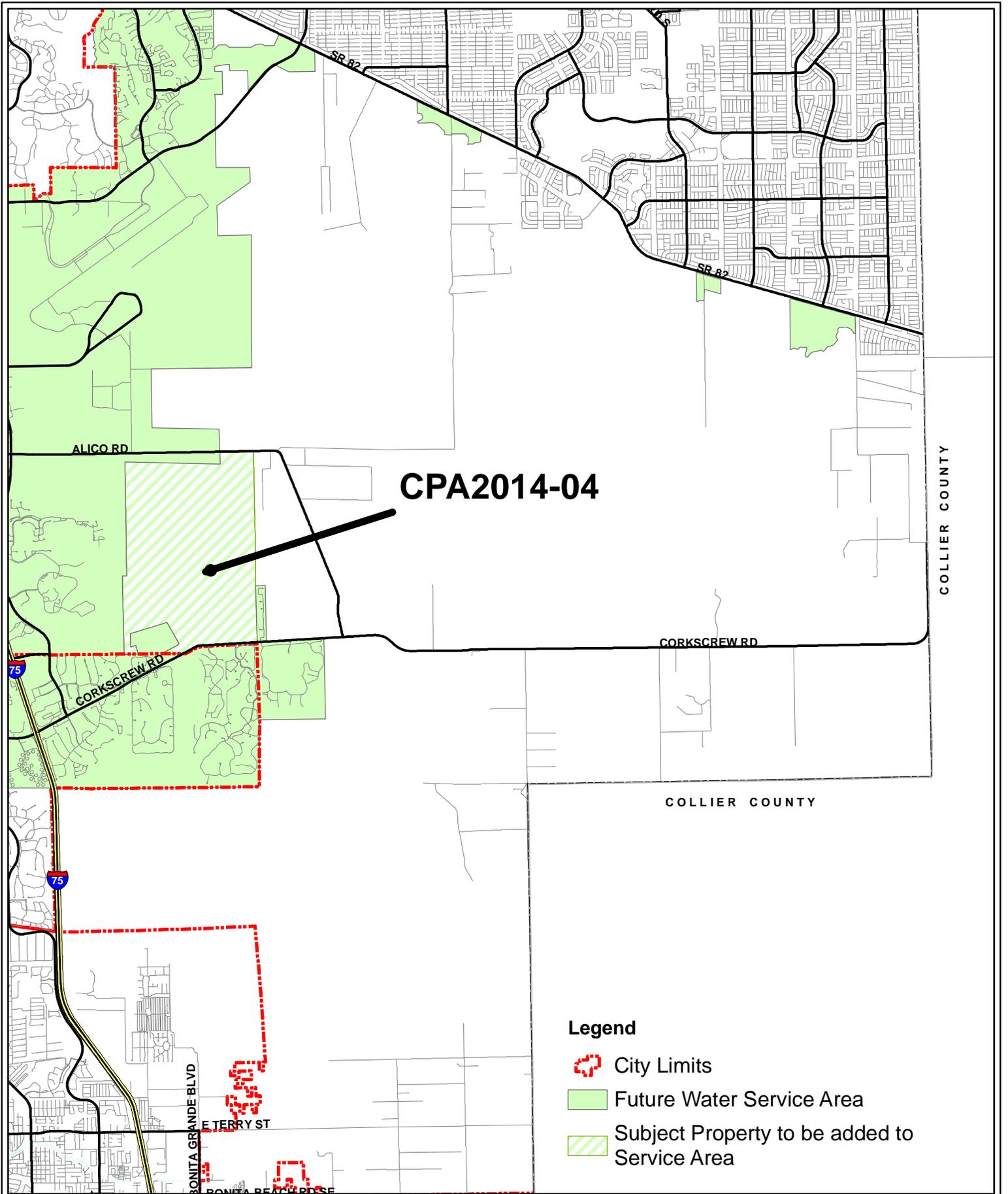
POLICY 38.1.9: Lee County will complete a study by July 1, 2017, with input from property owners, to determine the improvements necessary to address increased density within the Environmental Enhancement and Preservation Overlay (See Policy 33.3.4). The study will include a financing strategy for the identified improvements, including participation in a Proportionate Fair Share Program.

Map Amendments:

Map 6: Future Water Service Areas

Map 7: Future Sanitary Sewer Service Areas

Map 17: Southeast DR/GR Residential Overlay

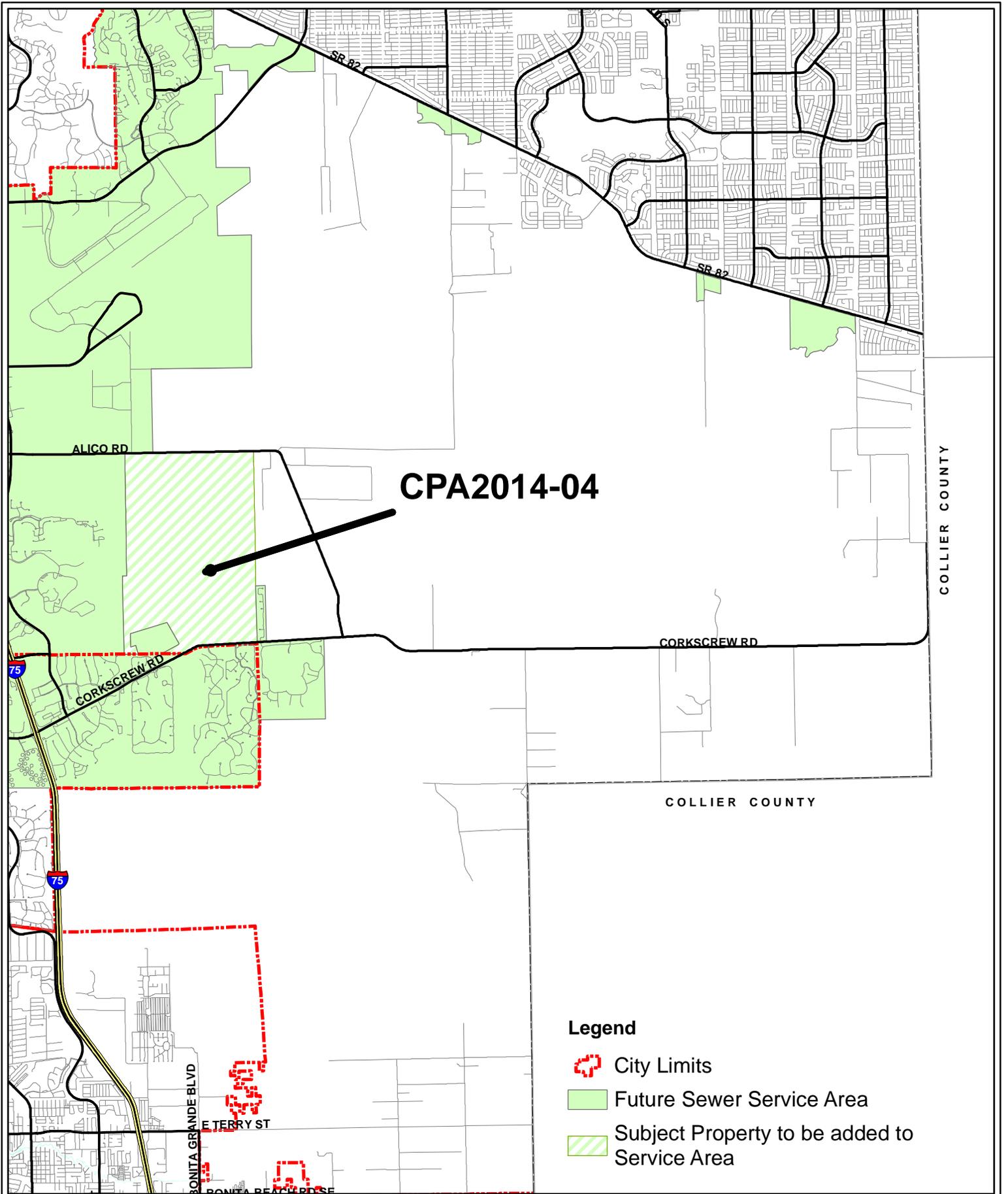


CPA2014-04

Legend

-  City Limits
-  Future Water Service Area
-  Subject Property to be added to Service Area





Legend

-  City Limits
-  Future Sewer Service Area
-  Subject Property to be added to Service Area


LEE COUNTY
 SOUTHWEST FLORIDA
 DIVISION OF PLANNING



 W N E S

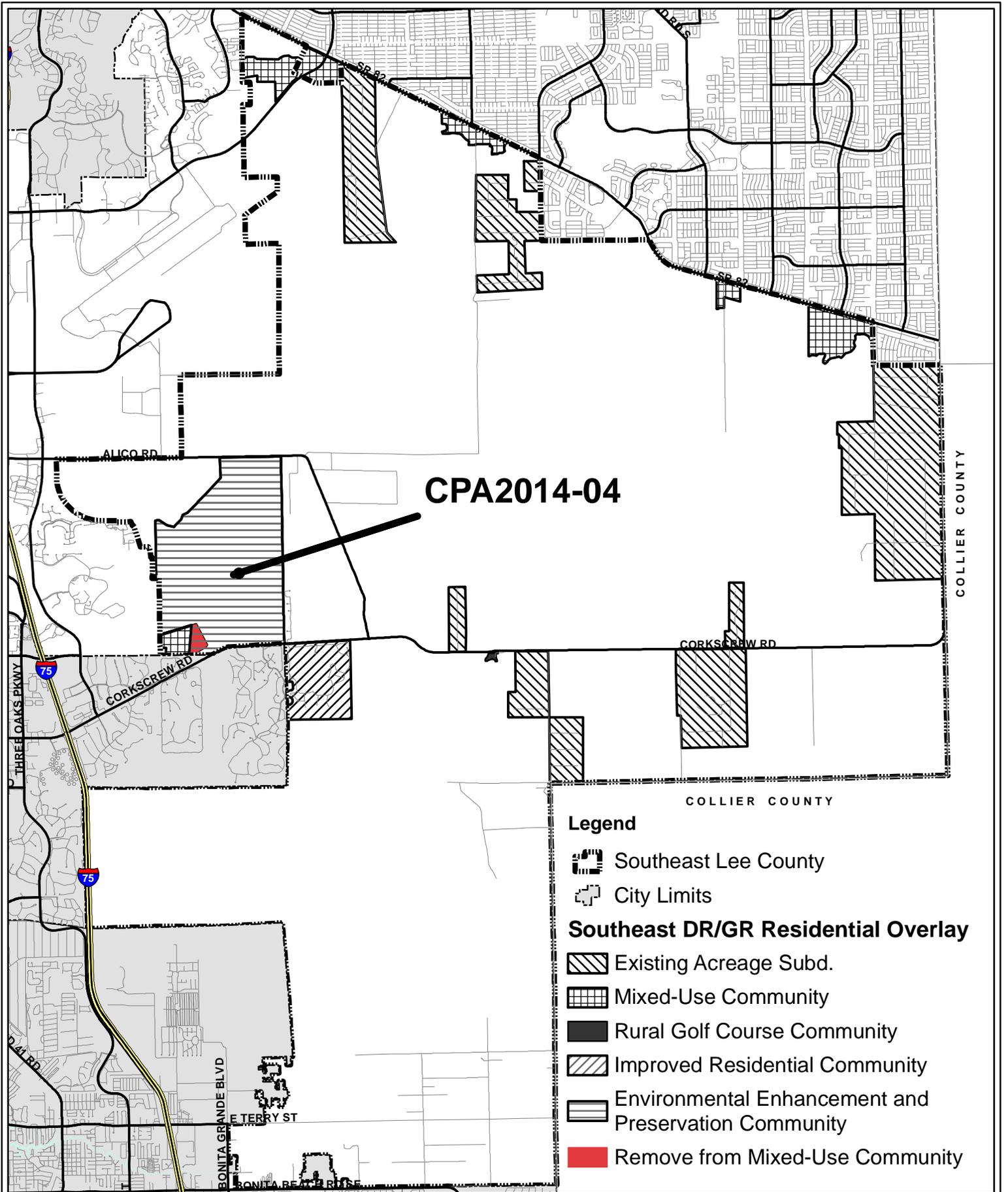


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Map Generated April 2015



CPA2014-00004 - WILD BLUE
LEE PLAN MAP 7
 LEE COUNTY UTILITIES
 FUTURE SEWER SERVICE AREAS



Legend

- Southeast Lee County
- City Limits
- Southeast DR/GR Residential Overlay**
 - Existing Acreage Subd.
 - Mixed-Use Community
 - Rural Golf Course Community
 - Improved Residential Community
 - Environmental Enhancement and Preservation Community
 - Remove from Mixed-Use Community

LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

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Map Generated April 2015



CPA2014-00004 - WILD BLUE
LEE PLAN MAP 17
SOUTHEAST DR/GR RESIDENTIAL OVERLAY



THE SCHOOL DISTRICT OF LEE COUNTY

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DISTRICT 2

DON H. ARMSTRONG
DISTRICT 4

NANCY J. GRAHAM, Ed.D
SUPERINTENDENT

KEITH B. MARTIN, ESQ.
BOARD ATTORNEY

April 28, 2014

Brandon Dunn, Senior Planner
Lee County Division of Planning
1500 Monroe Street
Fort Myers, Florida 33902-0398

RE: Wildblue
Case # CPA2014-00004

Dear Mr. Dunn:

This letter is in response to your request dated April 15, 2014 for the WildBlue proposed development for sufficiency comments in reference to the educational impact. This proposed development is located in the South Choice Zone, Sub Zones S-2 and S-3.

The Developers request states there is a possibility of 1,100 single-family dwellings. With regard to the inter-local agreement for school concurrency the generation rates are created from the type of dwelling unit and further broken down by grade level.

For single-family the generation rate is .292 with the following break-down, .146 for elementary, .070 for middle and .076 for high. A total of 322 school-aged children would be generated and utilized for the purpose of determining sufficient capacity to serve the development. Currently within the School District there are sufficient seats available to serve this need.

Thank you for your attention to this issue. If I may be of further assistance, please call me at (239) 337-8142.

Sincerely,

Dawn Huff, Long Range Planner
Planning Department

LEE COUNTY SCHOOL DISTRICT'S SCHOOL CONCURRENCY ANALYSIS

REVIEWING AUTHORITY Lee School District
NAME/CASE # WildBlue/CPA2014-00004
OWNER/AGENT Alico East Fund LLC
ITEM DESCRIPTION All impacts in South CSA, sub areas S2 and S3

LOCATION East of I75 on Alico Rd and Corkscrew Rd
ACRES 3600 +/-
CURRENT FLU Density Reduction/Ground Water Resource (DRGR) & Wetlands
CURRENT ZONING Agricultural (AG2) and Private Recreational Facilities Planned Development (PRFPD)

PROPOSED DWELLING UNITS BY TYPE

Single Family	Multi Family	Mobile Home
1100	0	0

STUDENT GENERATION

Student Generation Rates				
	SF	MF	MH	Projected Students
Elementary School	0.146			160.60
Middle School	0.07			77.00
High School	0.076			83.60

Source: Lee County School District, April 28, 2014 letter

CSA SCHOOL NAME 2017/18

	CSA Capacity (1)	CSA Projected Enrollment (2)	CSA Available Capacity	Projected Impact of Project	Available Capacity W/Impact	LOS is 100% Perm FISH Capacity	Adjacent CSA Available Capacity w/Impact
South CSA, Elementary	12,229	11,185	1,044	161	883	93%	
South CSA, Middle	5,621	5,156	465	77	388	93%	
South CSA, High	8,021	8,294	-273	84	-357	104%	

(1) Permanent Capacity as defined in the Interlocal Agreement and adopted in the five (5) years of the School District's Five Year Plan

(2) Projected Enrollment per the five (5) years of the School District's Five Year Plan plus any reserved capacity (development has a valid finding of capacity)

Prepared by: Dawn Huff, Long Range Planner



LEE COUNTY
SOUTHWEST FLORIDA
BOARD OF COUNTY COMMISSIONERS



John E. Manning
District One

May 7, 2014

Cecil L. Pendergrass
District Two

Lauren R. Hennessey
2891 Center Pointe Drive
Unit 100
Fort Myers, Florida 33916

Larry Kiker
District Three

Brian Hamman
District Four

Frank Mann
District Five

Re: Letter of Service Availability

Roger Desjarlais
County Manager

Ms. Hennessey,

Richard Wm. Wesch
County Attorney

I am in receipt of your letter dated February 19, 2014, requesting a Letter of Service Availability for the Wild Blue project in southeastern Lee County.

Donna Marie Collins
Hearing Examiner

Lee County Emergency Medical Services is the primary EMS transport agency responsible for coverage at the location you have identified. Because we currently serve this area, we evaluated response times in this vicinity to simulate the anticipated response and modeled GIS data on access in to the project location.

The primary ambulance for this project location is Medic 25, with Medic 21 providing backup as necessary. These two ambulance locations are too far away from the community's access from Alico and Corkscrew Roads, and would not allow us to adequately serve the project as required in County Ordinance 08-16. Compliance with the service standards outlined in county ordinance would require an additional EMS station in that vicinity. We do not currently have plans for expansion of service in this area.

It is our analysis that the service availability for the proposed development of this property is not adequate at this time. Should the plans change, especially access in to the community, a new analysis of this impact would be required.

If you have any questions, please contact me at (239) 533-3961.

Sincerely,

Benjamin Abes
Deputy Chief, Operations
Division of Emergency Medical Services

**MEMORANDUM
FROM
PUBLIC WORKS
Natural Resources Division**

Date: March 30, 2015

TO: Paul O'Connor
Director, Planning Division

From: Roland Ottolini 
Director, Natural
Resources Division

SUBJECT: CPA2014-00004 WildBlue Comp Plan Amendment

Natural Resources staff has reviewed the information provided by the applicant including the Hydrogeologic and Groundwater Analysis for the WildBlue project in Lee County, Florida, submitted by Morris Depew and Associates on January 25, 2012.

It is our understanding that the proposed amendment will reduce the impacts to groundwater resources by replacing Sandstone domestic and irrigation wells with potable water supplied by Lee County Utilities and irrigation supply from the on-site lake system. Although the number of units has increased, the change in source of water and the reduction in irrigated area provide a net overall benefit to groundwater levels when compared to existing approvals in place. Furthermore, the proposed amendment provides increased flow-way restoration and preservation.

One of the conservation goals listed in the Dover Kohl study was to maintain and enhance surface and groundwater resources. This goal is achieved by using lake water for irrigation, providing potable water from Lee County Utilities, elimination of septic systems, and restoration of regional flow way to function as headwaters of Stewart Cypress Slough. Further, incorporation of a monitoring well network will provide a tool for managing natural system and work towards achieving some other goals listed in the Dover Kohl study.

The following items shall be addressed in the development order phase:

- 1) The project utilizes the onsite lake system as the sole central irrigation source, and maintains the potable supply provided from Lee County Utilities. Therefore removing any stress on groundwater sources.

- 2) Promotes wellfield protection by requiring HOA employ only licensed landscape professionals as required by Lee County Landscape Ordinance.
- 3) Regional flowway known as the Stewart Cypress Slough has been highly impacted by alterations to drainage both off-site and on-site of the Wild Blue project site. The applicant must commit to the restoration and enhancement of the flowway and slough systems.
- 4) A Lake Management Plan and a Surface Water and Groundwater Monitoring Plan have been provided by the applicant. Among other issues, the plans address issues related to maintenance of water levels and littoral plants in the lake along with monitoring for maintaining quality water standards on existing lakes. The HOA will be required to provide perpetual monitoring and management of the lakes.

Based on the information provided and given the above concerns are addressed in the development order phase, the Lee County Division of Natural Resources finds that no significant impacts on water resources will result from the proposed development. The Division of Natural Resources staff recommends that the Board of County Commissioners make a formal finding that no significant impacts on present or future water resources will result from changing the Future Land Use Category, as required in Lee Plan Policy 2.4.2 and Policy 2.4.3. This memo does not intend to relieve the applicant from complying with any other part of the Lee Plan.

Memo

To: Brandon Dunn, Principal Planner
Planning Division

From: Andy Getch, Planning Manager
LCDOT

ALG

Date: March 31, 2015 Revised from March 2, 2015 memo

Subject: WildBlue (CPA2014-00004)

LCDOT staff has reviewed the subject application. The application proposes an Environmental Restoration Overlay option within the DRGR Future Land Use Category. The existing FLUM designation of DRGR would allow 247 residential dwelling units in the subject area. The proposed Environmental Restoration Overlay would allow 1,100 residential dwelling units and 40,000 square feet of commercial uses. The following table lists planned highway improvements in the area:

Table 1: Lee Plan Map 3A Area Improvements

Roadway segment	From	To	Improvement	Plan Status
Alico Road	Ben Hill Griffin Parkway	CR 951 Extension	2 to 4 lanes	CIP 2016/17
Alico Road	CR 951 Extension	Greenmeadow Road	2 to 4 lanes	Cost Feasible 2026-2035*
Ben Hill Griffin Parkway	FGCU Boulevard	College Club Drive	4 to 6 lanes	MPO Needs
Corkscrew Road	Three Oaks Parkway	Ben Hill Griffin Parkway	4 to 6 lanes	MPO Needs
CR 951 Extension	Corkscrew Rd	Alico Road @ Airport Haul Road	New 4 lanes	Cost Feasible 2026-2035*
East-West Access Road	Ben Hill Griffin Parkway	Airport Haul Road	New 2 lanes	Cost Feasible 2016-2025*
I-75	Collier County line	Dr Martin Luther King Jr. Boulevard (SR 82)	4 to 6 lanes	MPO Needs

*Based on the Lee County Metropolitan Planning Organization (MPO) 2035 Long Range Transportation Plan (LRTP). The LRTP is in the process of being updated by the MPO.

Map 3A of the Lee Plan had identified Corkscrew Road 4-laning from Ben Hill Griffin to west of Alico Road as a financially feasible project in the 1990's. Corkscrew Road 4-laning became a reserve (or needs) project in the early 2000's. At that time Map 3A also included an extension of Estero Parkway (fka Koreshan Boulevard) from Ben Hill Griffin Parkway to Corkscrew Road as a reserve project. The evaluation of Estero Parkway extension east of Ben Hill Griffin Parkway became connected with the CR 951 Preliminary Development and Environmental Study in the mid 2000's. Neither project is on the current MPO LRTP or Lee Plan Map 3A. The MPO LRTP is in the process of being updated for the year 2040.

This project has frontage on Alico Road and Corkscrew Road. Both are County maintained arterials. The application area western boundary is adjacent to a portion of the planned extension of County Road 951. There are future right-of-way needs in the vicinity of the subject application area for both CR 951 from Corkscrew Road to Alico Road, and for Alico Road 4-laning from CR 951 extension/Airport Haul Road to Greenmeadow Road.

The Lee Tran Transit Development Plan does not identify existing or planned public transit routes in walking distance of the proposed project. There are no existing sidewalks or bike lanes along the application area frontage of Alico Road and Corkscrew Road. Lee Plan Map 3D-1, Lee County Bikeway/Walkways Facility Plan, shows future sidewalks on both Alico Road and Corkscrew Road and future bike lanes on Corkscrew Road.

There are specific transportation analysis requirements in the CPA application for a five-year short-range and a twenty-year long-range analysis of conditions. The long range analysis corresponds with the MPO transportation model and planned roadway network in the Lee Plan. Analysis requirements are specified on pages 5 and 6 of the CPA application form and are contained in the subject application. LCDOT staff finds that the submitted March 11, 2014 traffic study is consistent with CPA application requirements.

The traffic study indicates that with the project, all road segments in the study area will meet or exceed the adopted level of service (LOS) issues in the five-year analysis. However, the long-range (20 year) analysis indicates four road segments will operate at LOS "F". The analysis was based on the socio-economic data and MPO 2035 Highway Cost Feasible Plan network used for Lee Plan Map 3A.

Table 2: Road segments operating at LOS "F" both without and with the proposed project

Roadway Segment	From	To
Corkscrew Road	I-75	Ben Hill Griffin Parkway
Corkscrew Road	Ben Hill Griffin Parkway	future CR 951 Extension
Ben Hill Griffin Parkway	Estero Parkway	FGCU Boulevard
Ben Hill Griffin Parkway	FGCU Boulevard	College Club Drive

Table 2 identifies two roadway segments that are not contemplated in the LeePlan Map 3A. Both Corkscrew Road from Ben Hill Griffin Parkway to the future CR 951 extension and Ben Hill Griffin Parkway from Estero Parkway to FGCU Boulevard are not depicted.

While the traffic study indicates Corkscrew Road will operate at an acceptable LOS from future CR 951 Extension to Alico Road, LCDOT staff is concerned that Corkscrew Road cannot accommodate the traffic from this project, and other nearby approved and proposed projects. As a result a deficiency may be created on Corkscrew Road, as well as consideration to accelerate other area road widening projects. See F.S. 163.3180:

163.3180 Concurrency.—

(h) 4. As used in this subsection, the term “transportation deficiency” means a facility or facilities on which the adopted level-of-service standard is exceeded by the existing, committed, and vested trips, plus additional projected background trips from any source other than the development project under review, and trips that are forecast by established traffic standards, including traffic modeling, consistent with the University of Florida’s Bureau of Economic and Business Research medium population projections. Additional projected background trips are to be coincident with the particular stage or phase of development under review.

(i) If a local government elects to repeal transportation concurrency, it is encouraged to adopt an alternative mobility funding system that uses one or more of the tools and techniques identified in paragraph (f). Any alternative mobility funding system adopted may not be used to deny, time, or phase an application for site plan approval, plat approval, final subdivision approval, building permits, or the functional equivalent of such approvals provided that the developer agrees to pay for the development’s identified transportation impacts via the funding mechanism implemented by the local government. The revenue from the funding mechanism used in the alternative system must be used to implement the needs of the local government’s plan which serves as the basis for the fee imposed. A mobility fee-based funding system must comply with the dual rational nexus test applicable to impact fees. An alternative system that is not mobility fee-based shall not be applied in a manner that imposes upon new development any responsibility for funding an existing transportation deficiency as defined in paragraph (h).

Traffic count station #249 is on Corkscrew Road east of Stoneybrook Golf Drive. At that location, the Average Annual Daily Traffic (AADT) was 13,000 in 2013 and 15,780 in the year 2014. Based on current data, the peak hour peak season peak directional traffic volume is 759.

WildBlue also has submitted a zoning application, DCI2014-00009. The zoning traffic study indicates WildBlue will add 400 peak hour, peak direction trips to Corkscrew Road east of Ben Hill Griffin Parkway. This development is not contemplated in the socioeconomic data used as the basis for the current LRTP. Corkscrew Shores (DOS2013-00034), Preserve at Corkscrew (DOS2011-00002), and Bella Terra (multiple DOS cases) have approved development orders and are under construction. These area projects are not fully reflected in the socioeconomic data for the current LRTP. The 2014 Concurrency Report forecasts an additional 430 peak hour, peak directional traffic

volume on this segment. Since the data was compiled for the concurrency report, there have been additional dwelling units permitted.

Two other current applications under CPA and Zoning review estimate additional traffic volumes to this roadway segment. Adding the volumes from Corkscrew Crossing (DCI2014-00022) and Corkscrew Farms (DCI2015-00004/CPA2015-00001) traffic studies substantially increases the traffic volume (by 756 in the peak hour, peak direction) on Corkscrew Road east of Ben Hill Griffin Parkway.

The March 11, 2014 CPA analysis utilized service volumes (1722, 1640) as an uninterrupted flow facility. This assumes Corkscrew Road will have no traffic signals east of Ben Hill Griffin Parkway. Installation of traffic signals in the future would substantially reduce the roadway service volume. The CPA used a service volume of 900 for the segment from Ben Hill Griffin Parkway to CR 951. Likely future locations for traffic signals are at the intersections of Corkscrew Road with CR 951 and the intersection of Corkscrew Road with Alico Road, when signal warrants are determined to have been met. Traffic signals at private development entrance(s) are also a possibility.

The March 11, 2014 traffic study was performed consistent with the CPA requirements and the approved methodology. However, approved and proposed area projects, including WildBlue, will require additional operational and traffic analysis to determine the cumulative effect of area development and any developer contributions or additional transportation mitigation beyond roads impact fees. The purpose of this analysis is to identify timing of current planned improvements and any additional area improvements to Corkscrew Road east of Ben Hill Griffin Parkway, Estero Parkway extension east of Ben Hill Griffin Parkway, Alico Road from CR 951 to Greenmeadow Road and CR 951 from Corkscrew Road to Alico Road.

LW/AG



Lee County

Southwest Florida

INTEROFFICE MEMORANDUM
PUBLIC WORKS
UTILITIES

DATE: April 1, 2015

TO: Brandon Dunn

FROM: Howard Wegis

SUBJECT: CPA2014-00004 Wild Blue / LCU Treatment Capacity to Provide Service

This memo is intended to supplement information previously provided to the Lee County Planning Department regarding Lee County Utilities' (LCU) available potable water and sanitary sewer treatment capacity to provide service to the proposed Wild Blue development in S.E. Lee County. More specifically, it is intended to supplement information provided in the form of a sufficiency review checklist sent to Brandon Dunn via e-mail on April 25 2014 and a letter addressing water and wastewater availability from LCU to the applicant's representative dated June 4, 2014 which was included in the applicant's submittal of additional information dated June 17, 2014.

Potable Water:

LCU's current total combined water treatment capacity is 45.9 million gallons per day (MGD). The Green Meadows Water Treatment Plant (WTP) is in the process of being expanded from 9.00 MGD to 14.00 MGD which will bring the total combined treatment capacity of the water system to 50.9 MGD. The projected water system demand included in LCU's Integrated Water Resource Master Plan indicates a total water system demand of 37.04 MGD annual average daily flow (AADF) in the year 2030. This represents a surplus capacity of 13.86 MGD. The 2014 annual average daily demand in LCU's water system was 23.21 MGD. The 2014 maximum month average daily demand in LCU's water system was 26.8 MGD. Based on the information presented above there is sufficient water treatment capacity to serve the proposed development.

Sanitary Sewer:

The current permitted treatment capacity of the Three Oaks Wastewater Treatment Plant (WWTP) is 6.0 MGD. The annual average daily flow to the Three Oaks WWTP in 2014 was 2.71 MGD. There currently is capacity at the Three Oaks WWTP to provide service to the proposed development. Regarding sufficient treatment capacity in the future, the following should be noted.

April 1, 2015
Brandon Dunn
Page Two

LCU has recently completed a study of the Three Oaks WWTP service area which included a flow projection to the facility based on the facility's current service area. This study was completed by a Consultant. Even though the Wild Blue development is not currently within the Three Oaks WWTP service area, LCU instructed the Consultant to include the flow that is projected to be generated by Wild Blue into the projected flow. LCU did so in anticipation of the development's approval. The projected flow analysis, completed by the Consultant, indicates that the annual average daily flow to the Three Oaks WWTP will not exceed the permitted capacity until sometime between 2035 and 2040. However, given the wastewater flow to the Three Oaks WWTP is projected to exceed the permitted capacity in the future, LCU has initiated a study to identify options for treatment of wastewater flows that are projected to be generated within the Three Oaks WWTP service area. This study is currently underway.

cc: Tom Mamott, DLCU
Rand Edelstein, DLCU
Thom Osterhout, DLCU

**MEMORANDUM
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ENVIRONMENTAL SCIENCES**

Date: April 28, 2015

To: Brandon Dunn, Principal Planner

From: Becky Sweigert, Principal Environmental Planner
Phone: (239)533-8552
E-mail: rsweigert@leegov.com

Aaron Martin, Environmental Planner
Phone: (239)533-8522
E-mail: amartin@leegov.com

Project: Wild Blue
Case: CPA2014-00004
Strap: 18-46-26-00-00001.0000 & et al.

PROJECT:

The applicant is requesting to amend the Lee Plan and Future Land Use Map to establish an Environmental Enhancement and Preservation Overlay within the Density Reduction Groundwater Resource (DR/GR) Future Land Use Category to allow the development of 1,100 residential dwelling units and 40,000 SF of accessory commercial floor area.

PROJECT SITE:

The amendment area is approximately 2,960 acres in size located between Alico and Corkscrew Road east of I-75 in Sections 7, 8, 17, 18, 19, and 20. The site is currently zoned agricultural (AG-2) and Private Recreational Facility Planned development (PRFPD). The surrounding land use categories consist of University Community to the west, Suburban to the south, DR/GR & Wetlands to the east and north. The subject property was the location of a limerock mine ZAB-86-062 in 1986 with an expansion approved by special exception SEZ2000-00034 in 2000. The mine closed in 2008 with a total of 4 mine pits being dug. The only reclamation that has taken place up to this point is within a portion of the northwest lake closest to Alico Rd. This property also has approval for a large lot single family subdivision (DOS2004-00334) and a separate private golf course facility (DOS2006-00163) have. Both of these development order approvals are still active but no development has commenced on the property.

As the site exists today there is an active development order (DOS2004-00334) on the AG-2 portion of the site for a residential community which was calculated based on the DR/GR residential density of one unit per ten acres. This community contains 192 single family lots consisting of large lot sizes of one acre or greater. These lots are proposed to be serviced by well

and septic. In addition, to the single family lots there is approximately 220.9 acres of preservation areas identified on the approved development order. This development order also anticipated a future residential phase with additional units and an additional 646.8 acres of conservation area. It should be noted that this development order utilized density from Section 5 on the north side of Alico Rd. and the 488 acre northwest corner of the site which is being offered by the applicant as a donation piece to the county as part of the current application.

Located on the PRFPD portion of this property there is an active development order (DOS2006-00163) on the site for a private golf course facility. This golf course was permitted to comply with specific land development code (LDC 34-941) requirements for development of golf course facilities in the DR/GR. This development order approval included the preservation of 156.30 acres of wetlands and uplands in accordance with zoning resolution Z-02-039.

ENVIRONMENTAL ASSESSMENT:

The site consists of: 1,189.11 acres of existing mine, lakes, and ditches; 83.59 acres of disturbed land, borrow areas, spoil areas, berms, and transmission lines; 184.15 acres of palmetto prairie; 322.73 acres of pine flatwoods; 19.81 acres of pine forest; 260.93 acres of Brazilian pepper and melaleuca; 2.12 acres of wax myrtle; 27.13 acres of mixed hardwood forest; 1.75 acres of willow; 163.03 acres of cypress; 218.36 acres of cypress/pine/cabbage palm; 254.68 acres of hydric pine; 78.53 acres of wetland forest, prairie, and marsh; and 0.01 acres of created littoral zone.

A vegetative community assessment Lee County Land Development Code (LDC) Section 10-473 was conducted by Passarella & Associates, Inc. in January 2013. The assessment and a Florida Land Use, Cover and Classification System (FLUCCS) map was submitted by the applicant. County Staff conducted a site inspection on June 10, 2014 and verified the findings of the applicant's consultant. There are approximately 977.86 acres of state verified jurisdictional wetlands on the site (per SFWMD ERP No. 36-05075-P). The site contains 458.17 acres of indigenous wetlands and 419.45 acres of indigenous uplands (indigenous areas are defined as indigenous plant communities that contain less than 75% exotic species coverage). The site is located at the headwaters of the Estero Bay estuary and contains flowways which are part of the Stewart Cypress Slough. The submittal of the environmental assessment by the applicant is consistent with the following Lee Plan Standard.

Standard 11.4: In any case where there exists or there is the probability of environmentally sensitive areas (as identified by Lee County, the Corps of Engineers, Department of Environmental Protection, SFWMD, or other applicable regulatory agency), the developer/applicant must prepare an environmental assessment that examines the existing conditions, addresses the environmental problems, and proposes means and mechanisms to protect, conserve, or preserve the environmental and natural resources.

PROTECTED SPECIES:

A protected species survey for Lee County listed species meeting the requirements of Lee County Land Development Code (LDC) Section 10-473 was conducted by Passarella &

Associates, Inc. in April and May 2013. The survey was submitted by the applicant. The site contains the following listed species: American Alligator (*alligator mississippiensis*), Gopher Tortoise (*Gopherus polyphemus*), Little Blue Heron (*Egretta caerulea*), Florida Black Bear (*Ursus americanus floridanus*), and Florida Panther (*Puma concolor coryi*). This site is located within the primary panther zone and telemetry points of collared panthers have been recorded on the site (ES Staff Exhibit 1).

PROPOSED OVERLAY:

The applicant is proposing the creation of an Environmental Enhancement and Preservation Overlay. This amendment to the Lee Plan would leave the property in the DR/GR and Wetlands Future Land Use Category. The overlay would be applicable to properties that meet identified prerequisites located within the proposed text amendment. This would be incentive based language that would allow for increased density on the site where the project improves, preserves, and restores regional surface water and groundwater resources and indigenous wildlife habitats. The applicant is proposing the following regional benefits to allow for an 1100 residential units development and 40,000 SF of accessory commercial area:

- Preservation of 1329 acres of land to be placed into a conservation easement (ES Staff Exhibit 1). This results in 64% open space not including the previously mined lake. This is an increase over the 1024 acres of preserves as shown on the currently approved development orders for the golf course and residential community and an increase over the 40% open space currently required by the LDC.
- Enhancement and restoration of the preservation lands. This will include removal of exotic species, restoration of highly infested exotic areas, creation of wetlands within existing disturbed areas,
- Regrading and creation of flowways in the northeast corner of the site to restore historic flows through the Stewart Cypress Slough,
- Extinguishment of density rights off of 488 acres that may be donated to Lee County for the purposes of parks and recreation as well as essential services such as fire and EMS,
- Reduction in the amount of wetland impacts and crossings of onsite flowways in comparison to existing approvals. The existing approvals for the lower residential development allow for 380 acres of wetland impacts and 5 flowway crossings verse 211 acres of wetland impacts and 3 flowway crossings proposed,
- Enhanced lake reclamation to include lake banks sloped at 6:1 ratios and increased littoral plantings over what was originally required for the mine reclamation and prior development order approvals,
- Preservation of water resources through reductions in water use allocation and the use of native plants to reduce irrigation,
- Connection to sewer and water instead of the currently approved well and septic use.

ENVIRONMENTAL CONCERNS:

- The increased in density can have a negative impact on the wildlife in the area through items such as light pollution, human wildlife interactions, and limitations on wildlife movement.
 - o To address these issues the applicant is proposing the following: 8'x10' box

culverts for wildlife movement under each of the three roads that cross the proposed preserves; preservation and enhancement/restoration/creation of the major wildlife corridors through the site (ES Staff Exhibit 2); limitations through zoning conditions and HOA docs on direct lighting into the preserves; fencing where proposed residential lots directly abut a preserve area and linear lakes to separate preserve areas from the residential lots; and a human wildlife coexistence plan which includes education efforts and bear proof trash receptacles.

- The project will result in an increase in traffic on both Alico Road and Corkscrew Road. 10,550 daily trips will be generated on both roads with 7,650 of those trips occurring on Corkscrew Road. This may result to increased road mortality with wildlife that is attempting to cross the road.
 - o Currently, a wildlife underpass is being permitted through Lee County DOT for Corkscrew Road. This underpass will line up with the proposed preserve on the projects south side as well as preserves located on the south side of Corkscrew Road. This wildlife crossing will include a total of 1000 feet of fencing running east and west on both sides of Corkscrew Road to funnel wildlife into the crossing. This will help to mitigate the proposed increase in automobile trips, however the timing of this improvements and how it relates to the timing of the proposed development is not known at this time. Additionally, an increase in 2,900 trips per day are anticipated for Alico Road and there are no wildlife crossings proposed at this time for this road. However, it should be noted that the proposed site does eliminate one of the access points on Alico Road that was part of the existing development approvals on site.
- The project is located at the head of the Estero Bay estuary and contains flowways from the Stewart Cypress Slough (ES Staff Exhibit 3). The existing mine activities have impacted these over time and the increase in density could have a negative effect on the water flow and quality.
 - o To address these issues the applicant is proposing the following: restoration of flows through habitat restoration; exotic removal and regrading in the NE corner of the site; reducing slough crossings and providing culverts under crossings to ensure water flow; utilizing the lakes as a central irrigation source, elimination of well and septic; limitations of herbicide, pesticide, and fertilizer applications through HOA docs; the use of native plants as conditioned by the zoning and HOA docs to reduce irrigation demands; implementation of water quality monitoring programs; and limitations on the lake which only allow the use of 4 stroke boat motors.
- The proposed improvements and enhancements to the site have the potential to occur over a long period of time as the community is constructed.
 - o To address this issue the applicant has proposed a phasing plan to be approved as part of the rezoning application (ES Staff Exhibit 4). This phasing plan proposes a maximum 9 phases spread over 9 years for the improvements/enhancements to occur. It should be noted that 9 years is the maximum and should the development occur at a faster rate this phasing schedule could be accelerated. The plan has been developed to provide the first phase in the NE corner of the site which will

include regrading to restore historic flows through this area. The next phase includes the preserve located along the south property line where the proposed wildlife crossing under Corkscrew Road will occur. By providing these areas in the first two phases offsite benefits such as protection of wildlife movement onto the site and restoring historic flows can be achieved relatively quickly.

- The site is proposing 1329 acres of preservation. These preserves will include exotic removal and in some cases regrading and replanting. Over time these areas will need continual maintenance to ensure that the restoration plants are surviving, the flowways are being maintained, and the areas are maintained free of exotic infestation.
 - o To address this issue the applicant is proposing to plat these preserves in separate tracts and dedicate these tracts to an appropriate maintenance entity. A Community Development District (CDD) or master home owners association must be created. This group will accept the responsibility for perpetual maintenance of the preserve areas.

CONCLUSIONS:

The DR/GR was created with specific conservation goals. Per the “Prospects for Southeast Lee County” report published in July 2008 these goals included: Maintaining and enhancing the surface and groundwater resources; Avoiding further loss of wetlands, and requiring any loss of wetlands within the DR/GR to be mitigated within the DR/GR; Restoring historic flowways; Providing connectivity between large, regionally significant preserves for mammal and herpefaunal movement; Restoration of historic ecosystems; and maintaining and enhancing wood stork foraging areas. These recommendations were incorporated into the LeePlan upon creation of the Southeast Lee County Planning Community. Goal 33 and objective 33.2 discuss the DR/GR area as an area set aside for protection of natural resources including both water resources and preserve/habitat. Policy 33.2.1 and 33.2.3 discuss the importance and value of connecting corridors and conservation areas to allow for flowway connections and wildlife movement through preservation, restoration, and long term protection measures such as conservation easements. Objective 107.1, Policy 107.1.2, and Policy 107.2.8 discuss how the county will work with applicants to promote long term protection and enhancement of upland and wetland habitats through preservation of large interconnected systems and the formation of conservation easements over these areas. Finally, Policy 107.11.4 discusses how the county will work with applicants to protect and expand upon the Corkscrew Regional Ecosystem Watershed Greenway.

The Wild Blue project is proposing to improve, preserve, and restore 1329 acres of the overall 2960 acre site as conservation easements. These preservation areas consist of both wetland and upland habitats as well as agricultural fields that will be restored back to native habitat. The preserves also will be regraded in some areas to promote and restore historic flowways through the site, and in addition crossing of flowways have been reduced over previous development approvals. The preservation areas are designed to connect and provide a corridor for wildlife to move through the site by providing 8’x10’ wildlife crossings under all proposed roads that traverse the preserves and by lining up the preserve areas with adjacent preserves to the north and south of the subject property as well as the proposed future Corkscrew Road wildlife

underpass. This will allow for large mammal movement for species such as the Florida Panther which currently use the site for movement throughout the county (see ES Staff Exhibit 5). Any impacts that do occur to wetlands are proposed to be mitigated onsite through these preservation/restoration areas keeping mitigation efforts within the DR/GR. A CDD or other bondable entity will be created to ensure the long term maintenance of these preserve areas. Lake bank slopes within the existing mine lakes will be restored and planted per the current Land Development Code standards providing foraging areas for wading birds including wood storks. As the project is proposed it is consistent with the intent of the DR/GR and the LeePlan.

The following LeePlan goals, objectives, and policies support staff's analysis and findings:

GOAL 33: SOUTHEAST LEE COUNTY. To protect natural resources in accordance with the County's 1990 designation of Southeast Lee County as a groundwater resource area, augmented through a comprehensive planning process that culminated in the 2008 report, Prospects for Southeast Lee County. To achieve this goal, it is necessary to address the inherent conflict between retaining shallow aquifers for long-term water storage and extracting the aquifer's limestone for processing into construction aggregate. The best overall balance between these demands will be achieved through a pair of complementary strategies: consolidating future mining in the traditional Alico Road industrial corridor while initiating a long-term restoration program to the east and south to benefit water resources and protect natural habitat. Residential and commercial development will not be significantly increased except where development rights are being explicitly concentrated by this plan. Agriculture uses may continue, and environmental restoration may begin. This goal and subsequent objectives and policies apply to Southeast Lee County as depicted on Map 1, Page 2.

OBJECTIVE 33.2: WATER, HABITAT, AND OTHER NATURAL RESOURCES. Designate on a Future Land Use Map overlay the land in Southeast Lee County that is most critical toward restoring historic surface and groundwater levels and for improving the protection of other natural resources such as wetlands and wildlife habitat.

POLICY 33.2.1: Large-scale ecosystem integrity in Southeast Lee County should be maintained and restored. Protection and/or restoration of land is of even higher value when it connects existing corridors and conservation areas. Restoration is also highly desirable when it can be achieved in conjunction with other uses on privately owned land including agriculture. Lee County Natural Resources, Conservation 20/20, and Environmental Sciences staff will work with landowners who are interested in voluntarily restoring native habitats and landowners who are required to conduct restoration based upon land use changes. The parameters for the required restoration will be established in the Land Development Code by 2012.

POLICY 33.2.3: It is in southwest Florida's interest for public and nonprofit agencies to actively pursue acquisition of partial or full interest in land within the Tier 1 areas in this overlay through direct purchase; partnerships with other government agencies; long-term purchase agreements; right of first refusal contracts; land swaps; and other appropriate means. These lands would provide critical connections to other conservation lands that serve as the backbone for water resource management and wildlife movement within the DR/GR. Tier 2 lands are of equal ecological and water resource importance as Tier 1 but have better potential to remain in productive agricultural use as described in Policies 33.2.5 and 33.2.6. Tier 3 lands and the southern two miles of Tiers 5, 6, and 7 can provide an important wildlife connection to

conservation lands in Collier County and an anticipated regional habitat link to the Okaloacoochee Slough State Forest.

GOAL 60: COORDINATED SURFACE WATER MANAGEMENT AND LAND USE PLANNING ON A WATERSHED BASIS. To protect or improve the quality of receiving waters and surrounding natural areas and the functions of natural groundwater aquifer recharge areas while also providing flood protection for existing and future development.

OBJECTIVE 107.1: RESOURCE MANAGEMENT PLAN. The county will continue to implement a resource management program that ensures the long-term protection and enhancement of the natural upland and wetland habitats through the retention of interconnected, functioning, and maintainable hydroecological systems where the remaining wetlands and uplands function as a productive unit resembling the original landscape.

POLICY 107.1.2: To increase protection of natural resources, the County will promote the formation of a public/private management team to coordinate area wide conservation easements.

POLICY 107.2.8: Promote the long-term maintenance of natural systems through such instruments as conservation easements, transfer of development rights, restrictive zoning, and public acquisition.

POLICY 107.11.4: The county will continue to protect and expand upon the Corkscrew Regional Ecosystem Watershed Greenway, a regionally significant greenway with priority panther habitat, through continued participation in land acquisition programs and land management activities and through buffer and open space requirements of the Land Development Code.

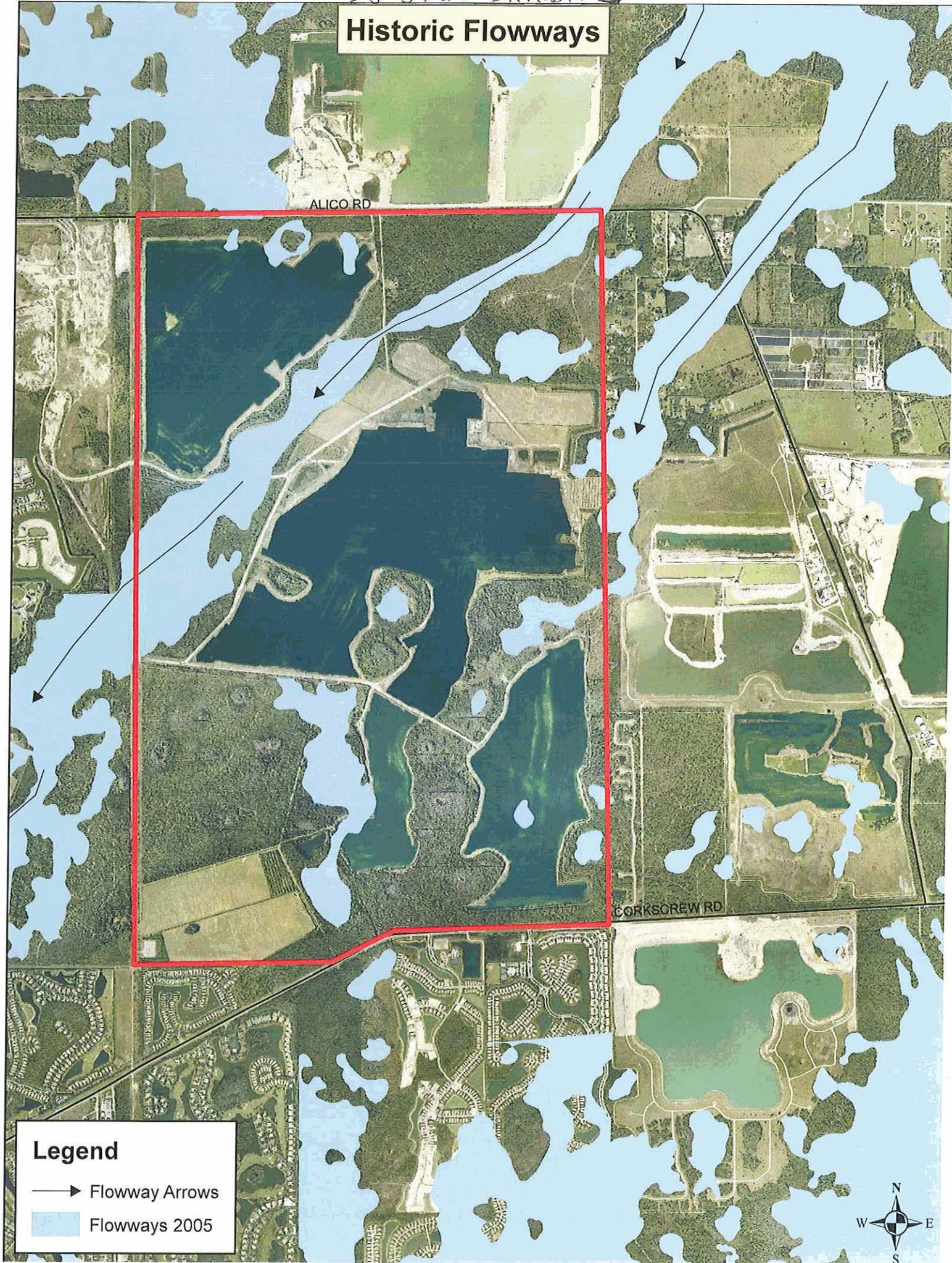
Historic Flowways

ALICO RD

CORKSGREW RD

Legend

- ▶ Flowway Arrows
- Flowways 2005



**WILDBLUE
MITIGATION ACTIVITY SCHEDULE
BY MITIGATION AREA**

December 2014

Activities associated with the implementation of the wetland mitigation, monitoring, and maintenance shall be in accordance with the following work schedule. Mitigation Areas are listed in the sequence that the mitigation work is anticipated to occur.

Proposed Completion Date	Mitigation Activity
Mitigation Area GJ (346± Acres)	
January 31, 2016	Submit Baseline Monitoring Report
February 1, 2016	Commence Enhancement Activities
June 30, 2016	Complete Enhancement Activities
August 31, 2016	Submit Time-Zero Monitoring Report
August 31, 2017	Submit First Annual Monitoring Report
August 31, 2018	Submit Second Annual Monitoring Report
August 31, 2019	Submit Third Annual Monitoring Report
August 31, 2020	Submit Fourth Annual Monitoring Report
August 31, 2021	Submit Fifth Annual Monitoring Report
Mitigation Area I (189± Acres)	
January 31, 2017	Submit Baseline Monitoring Report
February 1, 2017	Commence Enhancement Activities
June 30, 2017	Complete Enhancement Activities
August 31, 2017	Submit Time-Zero Monitoring Report
August 31, 2018	Submit First Annual Monitoring Report
August 31, 2019	Submit Second Annual Monitoring Report
August 31, 2020	Submit Third Annual Monitoring Report
August 31, 2021	Submit Fourth Annual Monitoring Report
August 31, 2022	Submit Fifth Annual Monitoring Report
Mitigation Area F (355± Acres)	
January 31, 2018	Submit Baseline Monitoring Report
February 1, 2018	Commence Enhancement Activities
June 30, 2018	Complete Enhancement Activities
August 31, 2018	Submit Time-Zero Monitoring Report
August 31, 2019	Submit First Annual Monitoring Report

**WILDBLUE
MITIGATION ACTIVITY SCHEDULE
BY MITIGATION AREA**

December 2014

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August 31, 2019	Submit Second Annual Monitoring Report
August 31, 2020	Submit Third Annual Monitoring Report
August 31, 2021	Submit Fourth Annual Monitoring Report
August 31, 2022	Submit Fifth Annual Monitoring Report
Mitigation Area F (355± Acres)	
January 31, 2018	Submit Baseline Monitoring Report
February 1, 2018	Commence Enhancement Activities
June 30, 2018	Complete Enhancement Activities
August 31, 2018	Submit Time-Zero Monitoring Report
August 31, 2019	Submit First Annual Monitoring Report

Mitigation Activity Schedule by Mitigation Area (Continued)

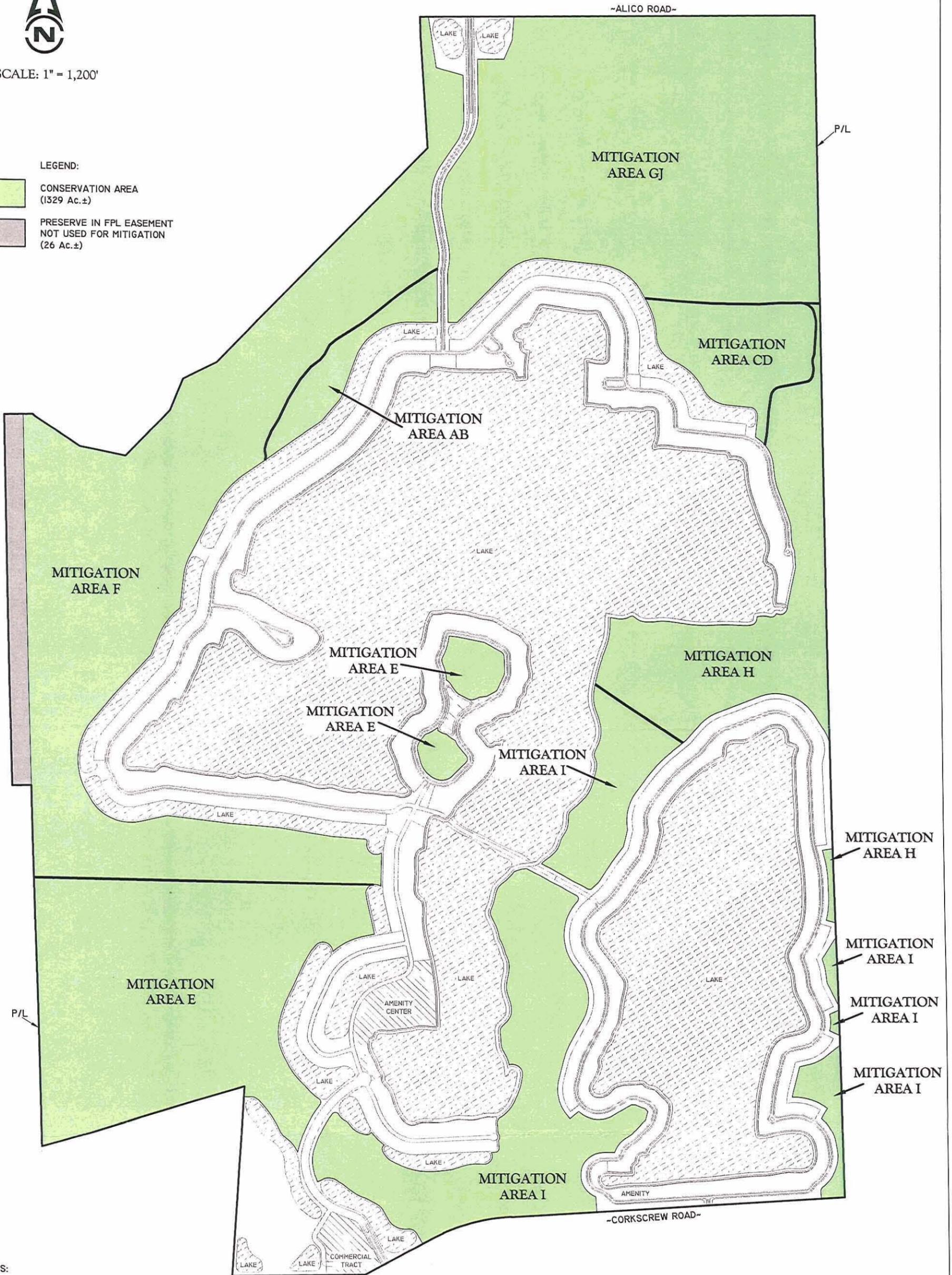
Proposed Completion Date	Mitigation Activity
Mitigation Area CD (50± Acres) (Continued)	
August 31, 2024	Submit Third Annual Monitoring Report
August 31, 2025	Submit Fourth Annual Monitoring Report
August 31, 2026	Submit Fifth Annual Monitoring Report
Mitigation Area AB (25± Acres)	
January 31, 2022	Submit Baseline Monitoring Report
February 1, 2022	Commence Enhancement Activities
June 30, 2022	Complete Enhancement Activities
August 31, 2022	Submit Time-Zero Monitoring Report
August 31, 2023	Submit First Annual Monitoring Report
August 31, 2024	Submit Second Annual Monitoring Report
August 31, 2025	Submit Third Annual Monitoring Report
August 31, 2026	Submit Fourth Annual Monitoring Report
August 31, 2027	Submit Fifth Annual Monitoring Report



SCALE: 1" = 1,200'

LEGEND:

-  CONSERVATION AREA
(1329 Ac.±)
-  PRESERVE IN FPL EASEMENT
NOT USED FOR MITIGATION
(26 Ac.±)



NOTES:

PROPERTY BOUNDARY PER BANKS ENGINEERING INC, DRAWING NO. 2843_WILDBLUE.DWG DATED FEBRUARY 28, 2014.

MASTER CONCEPT PLAN PER MORRIS DEPEW INC. DRAWING NO. 12037 2014-12-17 MASTER CONCEPT PLAN.DWG DATED DECEMBER 17, 2014.

LAKE LIMITS PER STOUTENCRAMER, INC. DRAWING NO. ALICO LAKES-BENCHMARKS.DWG DATED JULY 10, 2013.

J:\2014\12\17\2014\ZONING RESPONSE\MITIGATION AREAS MAP 12-18-14.dwg TAB: 11X7-H DEC 18, 2014 - 11:28AM PLOTTED BY: HOLDEN HARDING

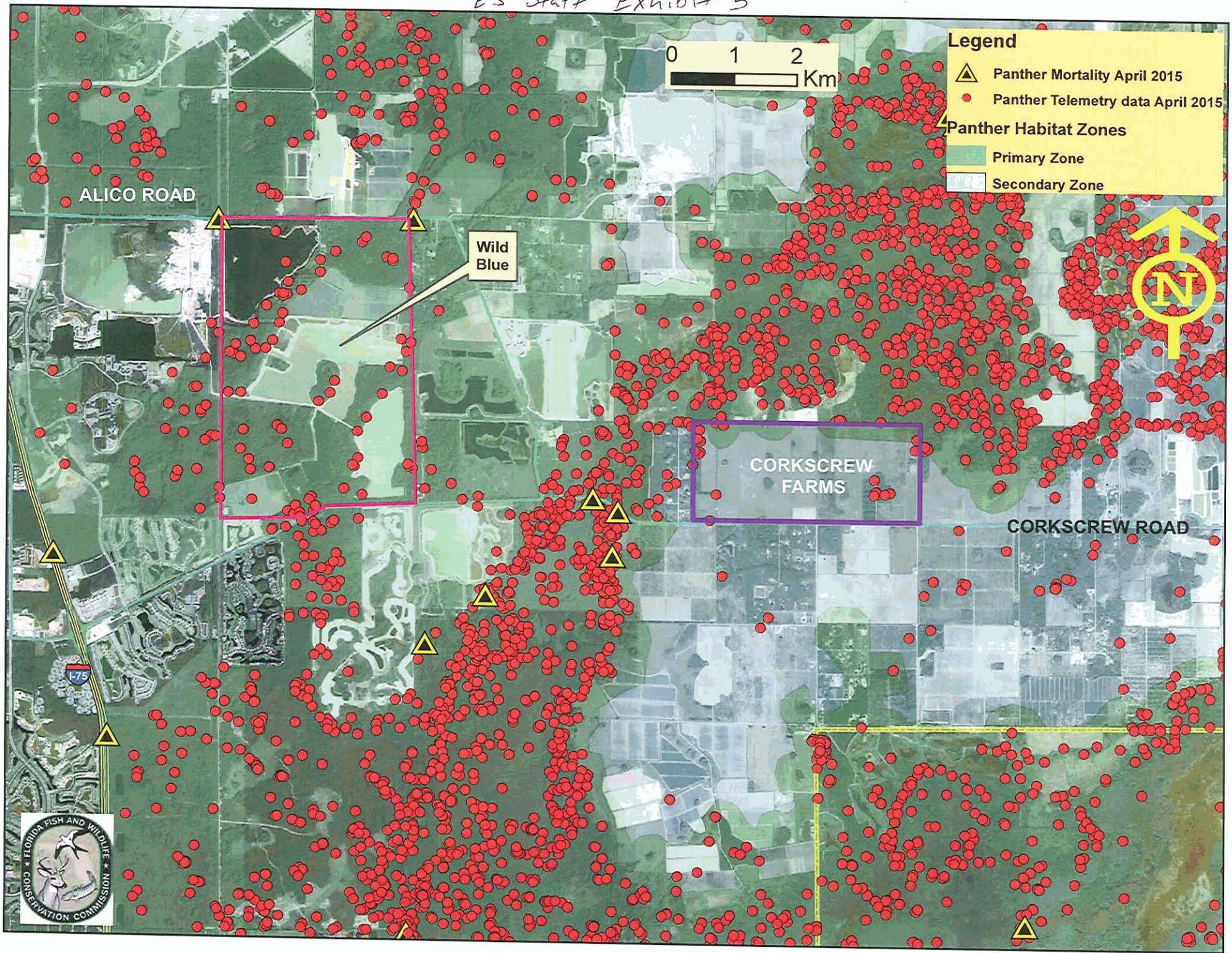
DRAWN BY	DATE	13620 Metropolis Avenue Suite 200 Fort Myers, Florida 33912 Phone (239) 274-0067 Fax (239) 274-0069
H.H.	12/11/14	
REVIEWED BY	DATE	
K.C.P.	12/11/14	
REVISED	DATE	
H.H.	12/17/14	

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



WILDBLUE
MITIGATION AREAS MAP

DRAWING No.	12PEG2120
SHEET No.	



Legend

- Panther Mortality April 2015
- Panther Telemetry data April 2015

Panther Habitat Zones

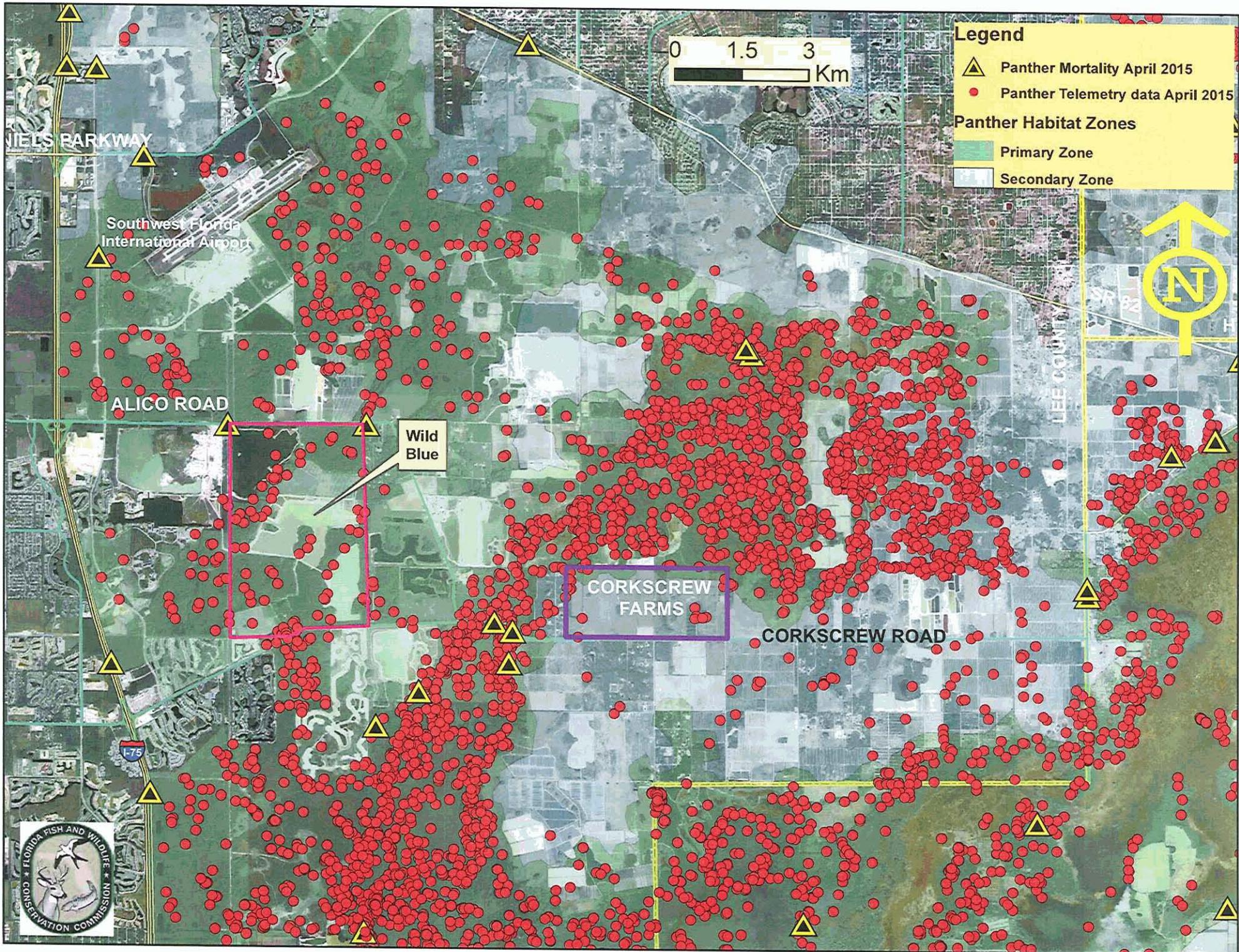
- Primary Zone
- Secondary Zone



Wild Blue

CORKSCREW FARMS







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

(To be completed at time of intake)

DATE REC'D: _____ REC'D BY: _____

APPLICATION FEE: _____ TIDEMARK NO: _____

THE FOLLOWING VERIFIED:

Zoning Commissioner District

Designation on FLUM

(To be completed by Planning Staff)

Plan Amendment Cycle: Normal Small Scale DRI Emergency

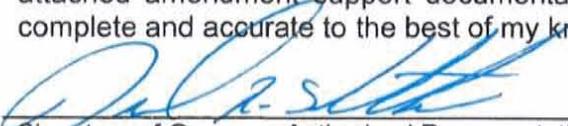
Request No: _____

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

3.24.2014

 Date

Donald R. Schrottenboer

 Printed Name of Owner or Authorized Representative

I. APPLICANT/AGENT/OWNER INFORMATION

Applicant: Alico East Fund, LLC
Address: 12800 University Drive, Suite 275
City, State, Zip: Fort Myers, Florida 33907
Phone Number: 239-590-9066 Fax Number: _____
Email: Don@pegfl.net

Agent*: Morris-Depew Associates, Inc.
Address: Metro Center 1- 2891 Center Pointe Drive, unit 100
City, State, Zip: Fort Myers, Florida 33916
Phone Number: 239-337-3993 Fax Number: 239-337-3994
Email: Planning@m-da.com

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

Name, address and qualification of additional planners, architects, engineers, environmental consultants, and other professionals providing information contained in this application.

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

II. REQUESTED CHANGE (Please see Item 1 for Fee Schedule)

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:

6, 7, 17

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.

B. SUMMARY OF REQUEST (Brief explanation):

Text and Map Amendments to establish an Environmental Restoration Overlay within the

Density Reduction Groundwater Resource Future Land Use Category

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

A. Property Location:

- 1. Site Address: Please see attached sheet
- 2. STRAP(s): Please see attached sheet

B. Property Information:

Total Acreage of Property: 2,960 acres

Total Acreage included in Request: 2,960 acres

Total Uplands: 1,982 acres

Total Wetlands: 978 acres

Current Zoning: AG-2 and PRFPD

Current Future Land Use Designation: _____

Area of each Existing Future Land Use Category:

	Density	Reduction/Ground	Water
	Resource &	Wetland	

Existing Land Use: Inactive Mine/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: N/A

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:

Include WildBlue in proposed Environmental Restoration Overlay

E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density 247

Commercial intensity N/A

Industrial intensity N/A

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density 1,100 per amendment to Policy 33.3.4

Commercial intensity 40,000 Square Feet

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 socioeconomic data forecasts for the host zone or zones. The land uses for the proposed change should be expressed in the same format as the socioeconomic 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 immediate 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.

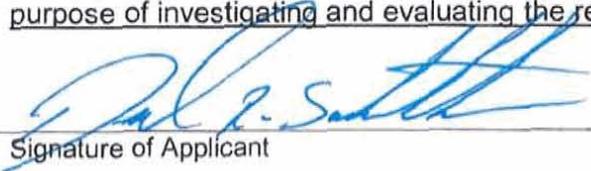
G. Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis.

Item 1: Fee Schedule

Map Amendment Flat Fee	\$2,000.00 each
Map Amendment > 20 Acres	\$2,000.00 and \$20.00 per 10 acres
Small Scale Amendment (10 acres or less)	\$1,500.00 each
Text Amendment Flat Fee	\$2,500.00 each

AFFIDAVIT

I, Donald R. Schrottenboer, 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

3.24.2014
Date

Donald R. Schrottenboer
Printed Name of Applicant

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 3-26-14 (date) by Donald R. Schrottenboer (name of person providing oath or affirmation), who is personally known to me or who has produced n/9 (type of identification) as identification.


Signature of Notary Public

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



WildBlue Regional Benefits: Executive Summary

Project Benefit	Permitted Development	WildBlue	Comments
Development Acreage	3,552 Acres	2,960 Acres	16.7% reduction
Development Footprint	1,403 Acres	754 Acres	46.3% reduction
Wetland Impacts	380 Acres	211 Acres	44.5% reduction/enhanced preservation efforts
Overall Preservation	968 Acres	1,329 Acres	37.3% increase; over \$7M in restoration & enhancements
Uplands Conservation Easement	163 Acres	484 Acres	196% increase
Slough Crossings	Standard	Enhanced	Improved regional wildlife & surface water connectivity 488 acres donated for Lee County Regional Park
Regional Park	No	Yes	
Slough Relocation	Yes	No	WildBlue removes residential adjacent to Stewart Slough and preserves historic slough footprint
Slough/Corridor Restoration	Yes	Enhanced	Mining haul roads removed to improve wildlife habitat connectivity and sheet flow
Northeast Flowway Enhancements	No	Yes	Enhancement of NE corner of slough system
Wildlife Corridors	Yes	Enhanced	WildBlue provides larger corridor at location of permitted wildlife crossing under Corkscrew Road; pinch points eliminated & greater regional linkages promoted
Restoration of Farm Fields to Pine Flatwoods	No	Yes	51 acres; backfilling ditches, re-grading, & replanting
Exotic Removal	809 Acres	1,170 Acres	44.6% increase
Supplemental Plantings	521 Acres	633 Acres	21.5% increase
Wood Stork Habitat Creation	No	Yes	94 acres of farm fields restored to marsh; protected species management plan included
Primary Panther Habitat Preservation	963 Acres	1,262 Acres	31% increase
Stormwater	Standard	Enhanced	Enhanced stormwater treatment
Storage	Standard	Enhanced	Wild Lake accepts inflows from slough during extreme storm events to help reduce flood stages in the sloughs
Detention	Standard	Enhanced	Wild Lake accepts flows from development during extreme storm events to help reduce flood stages in the slough
Discharges	Standard	Enhanced	Directed to on-site preserves to maximize wetland hydroperiods throughout the slough systems
Lakes	Standard	Enhanced	Cascading lake system to promote desirable slough hydration and mimic regional groundwater gradient
Water Use, Irrigation	633.7 MGY / 85.16 MGM	546 MGY / 73 MGM	14% reduction in onsite water use; individual wells prohibited
Water Use, Potable	20 MGY / 2.2 MGM	0/0	100% reduction compared to existing approved development
Recharge	Standard	Enhanced	46.3% reduction in development footprint; enhanced groundwater recharge
Central Water	No	Yes	Elimination of competing water use; improved regional water control by LCU
Central Sewer	No	Yes	Elimination of septic systems and reduction in potential pollution sources
Central Irrigation	No	Yes	From existing permitted lake system; central management of irrigation use; elimination of homeowner control and individual irrigation wells
Central Fertilizer & Pesticide Control	No	Yes	Central management of fertilizers & pesticides; prohibition of applications by Individual homeowners



Regional Benefits

The ±2,960 acre WildBlue project, located within southeastern Lee County, has been designed to provide significant regional environmental benefits within the Estero Bay Watershed and the Density Reduction/Groundwater Resource (DR/GR) Future Land Use area. When compared to the existing development approvals or the standard Lee County regulatory requirements, the development design provides significantly enhanced design elements over that which had been previously permitted or that which would be required by a strict reading of the Lee County Land Development Code. The proposed text amendment proposes to establish a performance overlay known as the 'Environmental Enhancement and Preservation Overlay' (EEPO) which promotes the preservation, protection, restoration and enhancement of WildBlue's on-site natural resources. The WildBlue project promotes environmentally responsible development through privately funded restoration and preservation of 1,329± acres, comprised of two regionally significant flow-ways/wildlife corridors that traverse the property. Over **\$7,000,000** in restoration and enhancement costs have been pledged as part of the development program to connect regionally significant flowways that under existing development approvals would not have been fully restored and enhanced.

Restoration and preservation of the two flow-ways/corridors will benefit regional surface water flows, connecting significant elements of Lee County's flow-way system through the site. Additionally, groundwater recharge and wildlife movement within the Estero Bay Watershed will be improved through a 46.3% reduction in the development footprint (1,403 acres in the prior approved development plan versus 754 acres for WildBlue). Currently, flow-ways on the site are highly degraded as a result of exotic infestation, agricultural operations, and mining activities. The removal of existing haul road crossings, ditch/dike drainage features, and exotic species, as well as re-grading and replanting with native vegetation under the WildBlue plan, will help restore natural habitats, historic water levels, and surface water flows across the site thus improving regional sheet flow and water quality within the headwaters of the Estero River and ultimately Estero Bay. The magnitude and extent of this restoration and enhancement program are well beyond that which was previously permitted or required by the County's Land Development Code (LDC). Development acreage on the south side of Alico Road has been reduced from 3,552 acres to 2,960 acres, with an additional 488 acres having been set aside on WildBlue's northwest corner to be dedicated to Lee County for infrastructure improvements and use as a regional park.



Figure 1: WildBlue & Existing/Proposed Regional Flowways

WildBlue's restoration and protection plan for these two flow-ways/wildlife corridors will link the existing conservation lands to the north and proposed conservation lands to the south. Previous plans for development of the site included a relocation of the northerly Stewart Cypress Slough, and the placement



Figure 2: WildBlue & Lee County/Regional Historic Flowways

of dwelling units adjacent to the preserve areas. The proposed habitat preservation under the WildBlue plan will provide a regional benefit to wildlife movement by restoring and protecting the two corridors on the property. These corridors will provide a regional connection between the Lee County 20/20 Wild Turkey Strand Preserve and private conservation lands to the north, and existing private conservation lands and environmental lands slated for acquisition as part of the Corkscrew Regional Ecosystem Watershed (CREW) Flint Pen Strand to the south. The restoration and preservation of the southern corridor on WildBlue was designed to align with the proposed wildlife crossing under Corkscrew Road, which has been permitted by the Lee County Department of

Transportation.

The proposed development plan clusters the requested single family development around the existing mining lakes and disturbed portions of the property, significantly reducing the development footprint and wetland impacts of the existing Lee County Development Order (DO) and South Florida Water Management District (SFWMD) permit. WildBlue places $\pm 1,329$ acres in a perpetual conservation easement, a 37.3% increase over the currently approved development on the site, which was only ± 968 acres. Implementing Lee Plan Goal 33 and Policy 33.3.4.2(a) and (c), the proposed preservation provides increased conservation areas and greater restoration activities than routinely required by the SFWMD to compensate for the project's wetland impacts. The WildBlue proposal, increases preserve area, eliminates the existing approved golf course, decreases the number of flow-way/wildlife corridor crossings from five (5) to two (2), reduces wetland impacts by 44.5% – from 380 acres to 211 acres. WildBlue also provides for buffering between the restored Stewart Cypress Slough, the wildlife corridors and habitat restoration areas and the proposed residential development in order to minimize human-wildlife interactions when compared to the existing DO and SFWMD approvals. The 1,329 \pm acres of preserved area includes 484 acres of upland conservation (a 191% increase) compared to 163 acres in the existing permitted development; all of the preservation areas will be placed in perpetual conservation easements granted to the SFWMD with third party enforcement rights to Lee County, and maintained in perpetuity. This will be one of the largest conservation efforts ever provided by a private developer in Lee County.

GOAL 33: SOUTHEAST LEE COUNTY. To protect natural resources in accordance with the County's 1990 designation of Southeast Lee County as a groundwater resource area, augmented through a comprehensive planning process that culminated in the 2008 report, *Prospects for Southeast Lee County*. To achieve this goal, it is necessary to address the inherent conflict between retaining shallow aquifers for long-term water storage and extracting the aquifer's limestone for processing into construction aggregate. The best overall balance between these demands will be achieved through a pair of complementary strategies: consolidating future mining in the traditional Alico Road industrial corridor while initiating a long-term restoration program to the east and south to benefit water resources and protect natural habitat. Residential and commercial development will not be significantly increased except where development rights are being explicitly concentrated by this plan. Agriculture uses may continue, and environmental restoration may begin. This goal and subsequent objectives and policies apply to Southeast Lee County as depicted on Map 1, Page 2. (Added by Ordinance No. 10-20)

POLICY 33.3.4: Properties that provide a significant regional hydrological and wildlife connection that have the potential to improve, preserve and restore regional surface and groundwater resources and indigenous wildlife habitats. As an incentive to improve, preserve, and restore regional surface and groundwater resources and wildlife habitat of state and federally listed species additional densities and accessory commercial uses will be granted if the project is found consistent with and demonstrates [such] through a Planned Development rezoning.

The on-site flow-ways/wildlife corridors previously served as regional corridors for the movement of wildlife, before these areas became degraded with exotic vegetation and impacted by historical mining

activities. A substantial part of the commitment of the WildBlue application is the restoration and enhancement of these historic flow-ways/wildlife corridors. Restoration and enhancement activities include:

1. Indigenous vegetation preservation and enhancement through the removal of exotics and supplemental plantings where required. Approximately 1,170 acres of exotic removal are programmed as part of the development, a 44.6% increase over the 809 acres provided for by the existing approved development.
2. Upland restoration through removal of the perimeter berms and ditches around existing farm fields and replanting with native upland species. This will provide an additional 59 acres of pine flatwoods that had not been scheduled to occur under existing development approvals.
3. Wetland creation through re-grading of existing farm fields to wetland elevations and planting with native wetland species to provide an additional 94 acres of managed wood stork habitat. This wetland creation is not required under the existing development permits.
4. Wetland hydrological restoration through the removal and/or reconstruction of existing haul roads that cross the sloughs, re-grading these areas to match adjacent wetlands elevations and planting with native wetland species. Although this amounts to a relatively small area, the removal and/or reconstruction of the existing crossings will improve wildlife and surface water movement across the site along with creating additional avian foraging areas. Under the existing approved development plan construction of the slough crossings were not consistent with generally accepted standards for protection of wildlife (e.g. wide overpasses to facilitate large mammal movements), yet they were deemed consistent with adopted County policies. The removal and/or reconstruction of those approved crossings, when compared to the WildBlue development plan, represents a significant improvement over the prior development program.
5. Enhancing and restoring the on-site flow-ways/wildlife corridors and linking with off-site flow-ways/wildlife corridors to improve a regional historic flow-ways and wildlife corridors, providing habitat connectivity that should have immediate benefits to the overall ecologic values for the region. Given the continuity proposed by the WildBlue development plan, compared to the existing approved development plan and its compartmentalization of development tracts with interconnecting roadways crossing sloughs and wildlife corridors, this revised design represents a significant improvement in habitat restoration, preservation, and interconnectedness.
6. Increasing groundwater recharge by reducing on-site water use, retaining water on-site longer, and maintaining large open areas.

***POLICY 33.3.4:** Properties that provide a significant regional hydrological and wildlife connection that have the potential to improve, preserve and restore regional surface and groundwater resources and indigenous wildlife habitats. As an incentive to improve, preserve, and restore regional surface and groundwater resources and wildlife habitat of state and federally listed species additional densities and accessory commercial uses will be granted if the project is found consistent with and demonstrates [such] through a Planned Development rezoning.*

Through these mechanisms, the proposed WildBlue development protects and enhances the hydrology of the existing, historic flow-ways beyond that which is found in the existing approved development, and, by implication, that which has been required historically under the provisions of the Lee Plan. The proposed development plan also provides greater facilitation in the movement of surface water and wildlife while improving the quality of receiving waters, surrounding natural areas and the function of natural groundwater aquifer recharge areas in a manner that exceeds the historic interpretation of Lee Plan Policy 33.3.4.2(a) and (c).

The proposed development plan has been designed to minimize impacts by preserving high quality, contiguous native vegetation, providing habitat for wildlife and retaining connectivity of the two sloughs that traverse the property. The proposed site plan establishes ±1,329 acres of wetland/upland conservation areas, which includes retaining and protecting the existing historic location of the Stewart

Cypress Slough in the northern portion of the property rather than relocating the slough as approved in the current SFWMD and Development Order. As a consequence the proposed site plan better implements Lee Plan policies 60.1.2 and 60.5.6 than does the existing approved development plan. Additionally, the northeast portion of the property, where the Stewart Cypress Slough crosses the property line, will see an enhanced restoration effort that will lower the existing topography and provide added marsh areas to the Slough system. These efforts, along with the restoration and enhancement undertaken on the southerly slough, which directs surface water and provides a wildlife corridor between Alico Road to the North and Corkscrew Road to the South. Again, the historic implementation efforts undertaken in support of the Lee Plan (i.e. Objectives 107.3 and 107.11 and policies 60.1.2 and 60.5.6) are surpassed when the development plans for WildBlue are compared with the existing approved development.

The restoration and preservation of the southeast wildlife corridor was designed to align with the proposed crossing under Corkscrew Road which has been permitted by Lee County Department of Transportation. Together, the two flow-ways/wildlife corridors will be managed as inter-connected habitat for listed species. Development has been limited to one side of each of the two flow-ways/wildlife corridors. The on-site flow-ways/wildlife corridors establish a link to off-site lands by providing a regional connection between Lee County 20/20 Wild Turkey Strand Preserve and private conservation lands to the north, and existing private conservation and environmental lands slated for acquisition as part of the Corkscrew Regional Ecosystem Watershed (CREW) Flint Pen Strand to the south. The preservation and restoration of these corridors will provide for better regional water flow and wildlife movement, when

OBJECTIVE 107.11: FLORIDA PANTHER AND BLACK BEAR. County staff will develop measures to protect the Florida panther and black bear through greenbelt and acquisition strategies. (Amended by Ordinance No. 92-48, 00-22)

POLICY 107.11.2: Encourage state land acquisition programs to include known panther and black bear corridors. The corridor boundaries will include wetlands, upland buffers, and nearby vegetative communities which are particularly beneficial to the Florida panther and black bear (such as high palmetto and oak hammocks). (Amended by Ordinance No. 94-30, 00-22)

POLICY 107.11.4: The county will continue to protect and expand upon the Corkscrew Regional Ecosystem Watershed Greenway, a regionally significant greenway with priority panther habitat, through continued participation in land acquisition programs and land management activities and through buffer and open space requirements of the Land Development Code. (Amended by Ordinance No. 98-09)

POLICY 117.1.8: The county will support the acquisition and protection of the Flint Pen Strand as a major water detention and aquifer recharge area. (See also Policy 107.11.4.) (Amended by Ordinance No. 94-30, 00-22)

compared to the existing approved development and as encouraged by Lee Plan Policies 107.11.2, 107.11.4, and 117.1.8. The enhancement activities for the flow-ways/wildlife corridors will result in a reduction of the number of slough crossings, remove a pinch point from one of the wildlife corridors, eliminate the canal crossing and provide buffering of the flow-ways/wildlife corridors with water management lakes and fencing to minimize human-wildlife interactions as opposed to the existing Development Order and South Florida Water Management approvals.

Within the Southeast Lee County Community Plan, Goal 33, the Lee Plan encourages the preservation of indigenous native uplands in addition to the restoration of flow-ways and corridors. The WildBlue development plan will protect, under permanent conservation easement, approximately 484± acres of uplands, which includes the restoration of 59± acres of existing farm fields to pine flatwoods habitat. Proposed upland restoration activities consist of the backfilling of ditches and berms, grading, and replanting with native upland species as encouraged by Policy 107.3.1.

POLICY 107.3.1: Encourage upland preservation in and around preserved wetlands to provide habitat diversity, enhance edge effect, and promote wildlife conservation.

OBJECTIVE 114.1: *The natural functions of wetlands and wetland systems will be protected and conserved through the enforcement of the county's wetland protection regulations and the goals, objectives, and policies in this plan. "Wetlands" include all of those lands, whether shown on the Future Land Use Map or not, that are identified as wetlands in accordance with F.S. 373.019(17) through the use of the unified state delineation methodology described in FAC Chapter 17-340, as ratified and amended by F.S. 373.4211. (Amended by Ordinance No. 94-30, 00-22)*

OBJECTIVE 107.10: WOODSTORK. *Lee County will maintain regulatory measures to protect the wood stork's feeding and roosting areas and habitat. (Amended by Ordinance No. 94-30, 00-22)*

POLICY 107.10.3: *The county will encourage the creation of wood stork feeding areas in mandatory littoral shelf design, construction, and planting. (Amended by Ordinance No. 94-30, 00-22)*

The proposed plans for the WildBlue property also include the removal of exotics and protection of approximately 745± acres of wetlands, of which 468± acres will include supplemental plantings, consistent with Objective 114.1. In addition, 94± acres of the existing upland farm fields, berms and ditches will be transformed into herbaceous wetlands. This effort will create wood stork feeding areas, as encouraged by Objective 107.10 and Policy 107.10.3. The preservation and enhancement of the uplands and wetlands are in excess of the current DO and SFWMD permit approvals and the requirements of the SFWMD.

The grading plan for the herbaceous wetlands to be created includes the establishment of wading bird foraging habitat. These areas will be graded to varying depths to allow the concentration of prey for the wood stork and other wading birds at alternating times of the year as water levels seasonally rise and recede. Furthermore, the WildBlue plan includes additional wetland restoration through the removal, grading and replanting of mining haul roads and berms and ditches constructed in wetlands. Restoration of these wetland areas will improve sheet flow within the flow-way and provide additional foraging areas for the wood stork. A management plan for wading birds, including the wood stork, has been included in the Protected Species Management and Human-Wildlife Coexistence Plans that are part of the WildBlue applications for entitlements with Lee County. Such plans were not a part of the existing development approvals, and provide for added long-term regional benefits in terms of establishing habitat management and preservation parameters associated with a collective effort by the residents and property owners of the development.

Water Resources

In the 1940s, large scale agricultural operations created ditch/dike drainage and irrigation systems north and south of Alico Road thus greatly reducing surface water flows in the slough systems during the dry season while increasing water flows during the wet season. Additionally, Alico Road has created a substantial alteration of the slough systems by capturing surface water flows from the northeast that should naturally continue to the southwest within the slough system, but are instead conveyed westward via the Alico Road drainage ditch system. Starting in the 1980's aggregate mining activities included cuts for haul roads through the slough that promoted the infestation of exotic vegetation and impeded normal water flows. In addition to the mining haul roads that were constructed, more complex agricultural ditching, diking, and irrigation system conveyances were developed as part of the changing landscape created by the mining activities. WildBlue proposes to remove these features and restore a more natural surface water system; a 46.3% reduction in the development footprint, as compared to the existing permitted development, will create better opportunities for groundwater recharge and the resultant regional benefits that will accrue from greater volumes of water reaching the surficial aquifer.

In addition to the environmental benefits of preserving the two flow-ways/wildlife corridors, the proposed design also provides a net benefit for water resources by modifying water use, water supply and water quality to reduce demands below historic and current permitted levels. The subject property contains two large lakes from the former rock mining operation and two regionally significant sloughs that transect the property. A number of design and control features are proposed for WildBlue that will protect and enhance the quality of water in the lakes and regional slough systems, maintain surface and groundwater levels and increase groundwater recharge over current conditions or past uses. These elements include

collection, treatment and conveyance of stormwater elements within the project's water management system, centralized control over the application of fertilizers and pesticides as well as over the application of irrigation water, along with the prohibition of private potable water wells and septic systems.

Specific elements of the project that go beyond what is generally required by the SFWMD are listed below.

1. Design of a surface water management system that:
 - a. Provides for areas for enhanced treatment of stormwater runoff;
 - b. Retains water on site for longer periods than provided under past land use practices to improve water quality and increase groundwater recharge;
 - c. Focuses treated stormwater discharges to the on-site slough systems to help in the restoration of the historic flows and levels;
 - d. Allows overflow into Wild Lake in high rainfall events to reduce flood stages in the Slough; and
 - e. Provides for a stepped linear lake system that mimics historic flow-way gradients which had been diminished by past agricultural and mining activities.
2. The proposed development plan results in a 14% reduction in irrigation water use from individual irrigation wells as compared to the existing permitted development, and provides for a 100% reduction in on-site potable water wells by providing connection to Lee County Utilities central water supply system.
3. Maintenance of the large open areas on the site facilitate onsite water detention, water levels, and groundwater recharge.

The proposed stormwater system will collect and detain all of the stormwater generated on the site. Treatment of the stormwater will be provided through various wet and dry detention elements, which include but are not limited to, filtration marshes, wetlands, lakes with littoral plantings, and other soft design features promoted by Objective 60.5. The existing on-site mining lakes will not be incorporated into the primary storage or treatment of stormwater from the proposed development. Seasonal water elevations for the flow-ways/wildlife corridor will be maintained by routing surface water flows from the proposed development areas through the stormwater management facilities into the wetlands. Only in high rainfall events will any stormwater be directed into the central lake (Wild Lake). This will help to better control discharge volumes into the slough systems and water flow off-site through the regional flowway system in a more natural fashion. All of these features represent a higher standard of implementation of applicable Lee Plan policies compared to the historic application of those policies as evidenced by the existing approved development program.

POLICY 1.4.5: *The Density Reduction/Groundwater Resource (DR/GR) land use category includes upland areas that provide substantial recharge to aquifers most suitable for future wellfield development. These areas also are the most favorable locations for physical withdrawal of water from those aquifers. Only minimal public facilities exist or are programmed. New land uses in these areas that require rezoning or a development order must demonstrate compatibility with maintaining surface and groundwater levels at their historic levels (except as provided in Policies 33.1.3 and 33.3.4) utilizing hydrologic modeling, the incorporation of increased storage capacity, and inclusion of green infrastructure. The modeling must also show that no adverse impacts will result to properties located upstream, downstream, as well as adjacent to the site. Offsite mitigation may be utilized, and may be required, to demonstrate this compatibility. Evidence as to historic levels may be submitted during the rezoning or development review processes.*

OBJECTIVE 60.5: INCORPORATION OF GREEN INFRASTRUCTURE INTO THE SURFACE WATER MANAGEMENT SYSTEM. *The long-term benefits of incorporating green infrastructure as part of the surface water management system include improved water quality, improved air quality, improved water recharge/infiltration, water storage, wildlife habitat, recreational opportunities, and visual relief within the urban environment. (Added by Ordinance No. 03-06).*

GOAL 117: WATER RESOURCES. *To conserve, manage, and protect the natural hydrologic system of Lee County to insure continued water resource availability. (Amended by Ordinance No. 94-30)*

OBJECTIVE 117.1: WATER SUPPLIES. *Insure water supplies of sufficient quantity and quality to meet the present and projected demands of all consumers and the environment, based on the capacity of the natural systems.*

POLICY 117.1.1: *Natural water system features which are essential for detention, purification, runoff, recharge, and maintenance of stream flows and groundwater levels shall be identified, protected, and managed.*

POLICY 117.1.4: *Development designs must provide for maintaining surface water flows, groundwater levels, and lake levels at or above existing conditions. (Amended by Ordinance No. 00-22)*

POLICY 117.1.8: *The county will support the acquisition and protection of the Flint Pen Strand as a major water detention and aquifer recharge area. (See also Policy 107.11.4.) (Amended by Ordinance No. 94-30, 00-22)*

Control elevations will be established based on the elevations of biological indicators of wetland water levels. These design features ensure that surface water levels within the flow-ways/wildlife corridors and other preserved wetlands are maintained and the length of inundation is improved. To that end, the proposed WildBlue stormwater management system is designed in excess of SFWMD requirements to enhance the treatment of stormwater runoff, focus treated stormwater discharge to the onsite flow-ways, and establish a stepped linear lake system to restore historic water flows and levels and better mimic historic gradients. Collectively, the stormwater management system and flow-ways/wildlife corridors will better replicate historic surface and groundwater levels, increase overall stormwater storage capacity, and will have beneficial impacts on water resources as they relate to surrounding properties when compared to the existing approved development plan. Using Goal 117, Objective 117.1 and Policies 1.4.5, 117.1.1, 117.1.4, and 117.1.8 of the Lee Plan as a guideline, these enhanced features will better implement the County's efforts to protect groundwater, wellfield operation, and minimize nutrient loadings in stormwater runoff than either the existing approved development permits or the historic implementation efforts associated with these Lee Plan policies. Also, at the request of the Lee County Division of Natural Resources, the stormwater management system has been designed to permit excess stormwater from the flow-ways, in high rainfall events such as hurricanes, to be discharged into Wild Lake. This will result in a more managed overall conveyance of the regional flow-way, preserve healthy hydroperiods within wetland systems, and allow better control of outfall volumes after such an event (all of which is in excess of current regulatory provisions and historic Lee Plan implementation efforts).

Beyond the commitment to restore and enhance the historic flowways/wildlife corridor, the WildBlue project has committed to extending central public utilities to the site, providing regional benefits that include the elimination of potential groundwater pollution sources, greater efficiency in utilization of irrigation resources, greater opportunities for aquifer recharge, and a reduction in the areas of the development to be irrigated as a result of the reduced development footprint. Establishing a central sewer system will eliminate septic tank discharges in the area, improving water quality and providing an increased level of protection to the surrounding Lee County Utilities (LCU) wellfields as compared to the existing approved development. Supplying potable water from the nearby LCU water treatment plant will remove a competing water use from the freshwater aquifers and allow for additional control and planning over area water resources by LCU. Recent changes in State of Florida consumptive use permitting rules allow for increases in public utility water allocations when it can be demonstrated that the utility is providing water that offsets an otherwise allowable and competing use. This modification will provide clear regional benefits as compared to the existing permitted development plan.

Additionally, LCU has a robust wellfield management program developed over many years in conjunction with SFWMD that includes multiple aquifer sources, redundant production wells in each aquifer, and an effective water level and wetland monitoring program. This allows for active management of water sources as well as the magnitude and distribution of water withdrawals, while also minimizing adverse impacts to the aquifer system and the surface water system. Elimination of on-site potable water wells increases the level of control that LCU has over groundwater withdrawals and resulting impacts,

GOAL 63: GROUNDWATER. To protect the county's groundwater supplies from those activities having the potential for depleting or degrading those supplies.

OBJECTIVE 63.1: WELLFIELD PROTECTION. The county will maintain a wellfield protection ordinance to provide regulations protecting the quality of water flowing into potable water wellfields. (Amended by Ordinance No. 94-30, 00-22)

GOAL 115: WATER QUALITY AND WASTEWATER. To ensure that water quality is maintained or improved for the protection of the environment and people of Lee County.

POLICY 115.1.2: New development and additions to existing development must not degrade surface and ground water quality. (Amended by Ordinance No. 00-22)

POLICY 115.1.3: The design, construction, and maintenance of artificial drainage systems must provide for detention or detention areas and vegetated swale systems that minimize nutrient loading and pollution of freshwater and estuarine systems. (Amended by Ordinance No. 00-22)

providing for more effective management of the water resources in the area. Such improved control exceeds historic Lee Plan implementation efforts in this area of natural resource protection.

In addition to providing central utilities and implementing an enhanced stormwater management system, WildBlue has committed to conditions requiring central irrigation and controlled application of fertilizers and pesticides. Individual homeowners will be prohibited from applying fertilizers and pesticides (insecticides, nematicides, herbicides, etc.). The application of these substances will be centralized and controlled by the homeowners association(s) and will also comply with Lee County Ordinance No. 08-08. This restriction will provide greater protection of water quality since applications of fertilizers and pesticides will be centralized and will also follow procedures and criteria of the Lee County ordinance. Deeds and Covenants will be recorded for the proposed development prohibiting the application of fertilizers or pesticides by individual homeowners ultimately providing a higher level of consistency with Goals 63 and 115 and Policies 115.1.2, 115.1.3 than historic Lee Plan implementation efforts.

The irrigation of residential lots and common areas will be centrally controlled to meet applicable water use permits, local ordinances, and periodic water use restrictions. Irrigation will be directly withdrawn from the large existing lakes on-site providing an efficient and low impact method of water withdrawal that will not harm present and future public water resources. This development design provides a higher level of resource protection than that which has historically been undertaken pursuant to Policy 2.4.3 of the Lee Plan. Additionally, the large lake storage volume will minimize the potential impacts to surface and groundwater levels and ensure availability of water for irrigation, design elements that are not just consistent with Lee Plan Policy 2.4.2's requirement that no significant impacts will result, but will actually provide positive benefits to aquifer storage and recharge beyond that which is envisioned in the Policy. Individual homeowners will not have the ability to override irrigation times or quantities. Central control of the irrigation system will provide a more efficient use of the available resources related to water use and water quality as compared to the existing approved development. The proposed development plan clusters the residential units into a smaller development footprint, significantly reducing the acreage needing to be irrigated by approximately 14% from the existing Development Order and South Florida Water Management District permits and up to 17% when the volume of potable water provided by LCU is factored in. Deeds and Covenants will be recorded for the proposed development to prohibit the use of individual irrigation wells and timers. The parameters of this

POLICY 2.4.2: All proposed changes to the Future Land Use Map in critical areas for future potable water supply (Bonita Springs as described in Policy 1.7.10; Lehigh Acres as described in Policy 54.1.9; and all land in the Density Reduction/ Groundwater Resource land use category) will be subject to a special review by the staff of Lee County. This review will analyze the proposed land uses to determine the short-term and long-term availability of irrigation and domestic water sources, and will assess whether the proposed land uses would cause any significant impact on present or future water resources. If the Board of County Commissioners wishes to approve any such changes to the Future Land Use Map, it must make a formal finding that no significant impacts on present or future water resources will result from the change. (Amended by Ordinance No. 92-47, 94-30, 00-22, 02-02)

POLICY 2.4.3: Future Land Use Map Amendments to the existing DR/GR areas south of SR 82 east of I-75, excluding areas designated by the Port Authority as needed for airport expansion, which increase the current allowable density or intensity of land use will be discouraged by the county. It is Lee County's policy not to approve further urban designations there for the same reasons that supported its 1990 decision to establish this category. In addition to satisfying the requirements in 163 Part II Florida Statutes, Rule 9J-5 of the Florida Administrative Code, the Strategic Regional Policy Plan, the State Comprehensive Plan, and all of the criteria in the Lee Plan, applicants seeking such an amendment must:

1. analyze the proposed allowable land uses to determine the availability of irrigation and domestic water sources; and,
2. identify potential irrigation and domestic water sources, consistent with the Regional Water Supply Plan. Since regional water suppliers cannot obtain permits consistent with the planning time frame of the Lee Plan, water sources do not have to be currently permitted and available, but they must be reasonably capable of being permitted; and,
3. present data and analysis that the proposed land uses will not cause any significant harm to present and future public water resources; and,
4. supply data and analysis specifically addressing the urban sprawl criteria listed in Rule 9J-5.006(5) (g), (h), (i) and (j), FAC.

During the transmittal and adoption process, the Board of County Commissioners must review the application for all these analytical requirements and make a finding that the amendment complies with all of them. (Added by Ordinance No. 97-05)



development program far exceed those of the existing permitted development in providing for regional benefits in terms of water conservation and preservation of surface and subsurface water quality.

The WildBlue proposal exceeds site development standards for stormwater management systems and environmental preserves in a manner that improves connectivity among critical regional systems well beyond that which is provided for in the existing approved development or that which is reflected in historic Lee Plan implementation efforts. The property, with the proposed enhancements will link County and private conservation areas to the North with existing private conservation lands in the south, improving regional sheet flow, establishing wildlife corridors, restoring more natural historic surface water flows and increasing the water quality of the Estero River headwaters.

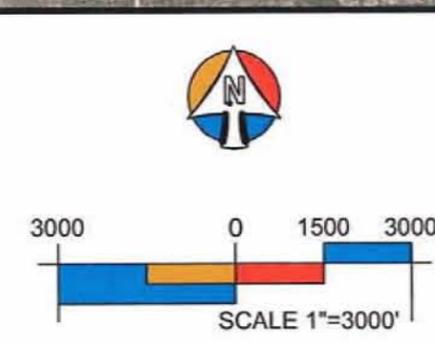
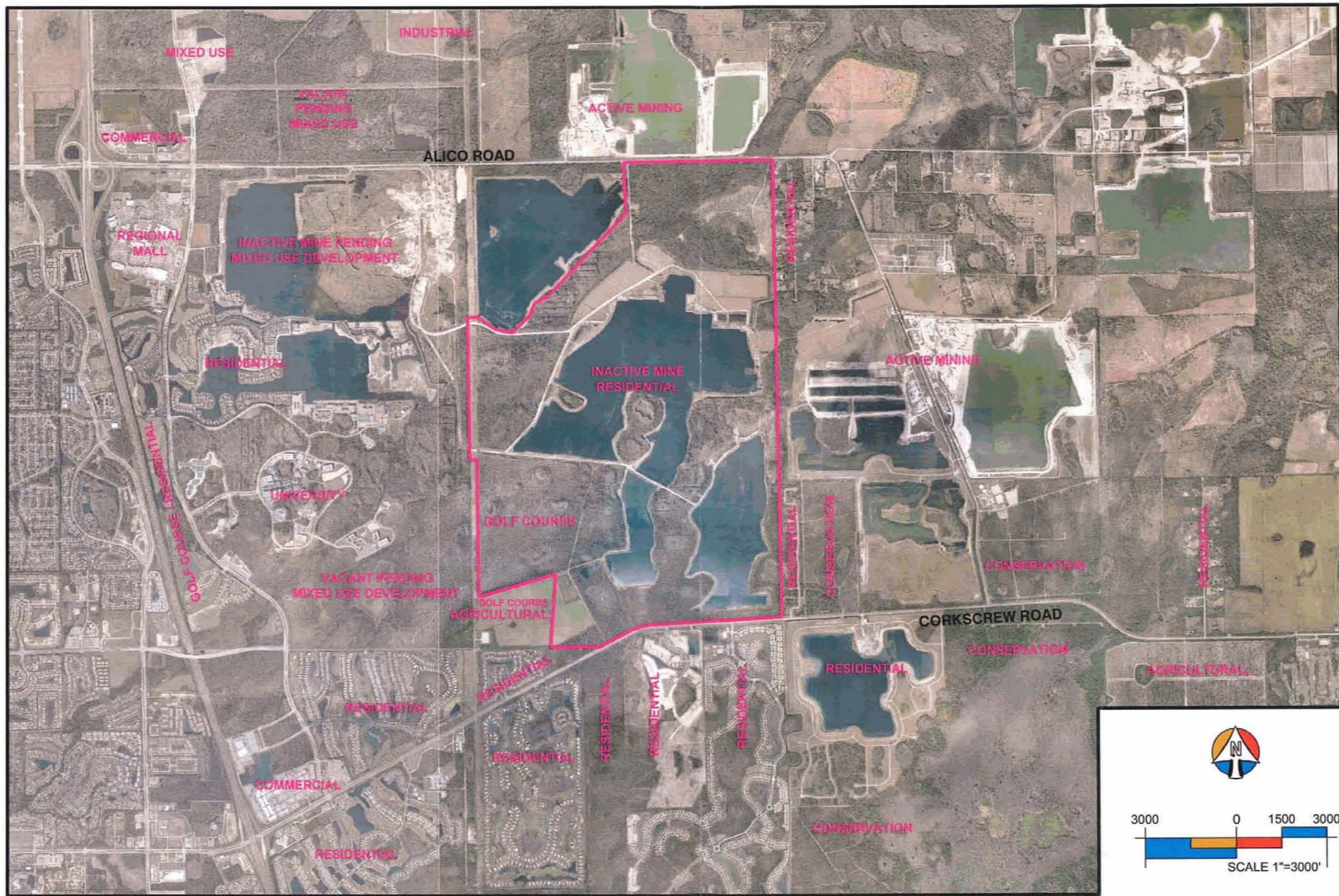
The WildBlue property has two flow-ways/wildlife corridors. The system in the northern portion of the property, the Stewart Cypress Slough, would be retained in its current configuration and enhanced through the elimination of exotics, removal of haul roads/crossings of the slough, and ditch/dike drainage systems under the proposed development plan. The existing permitted development proposed to relocate this Slough in order to establish residential development areas adjacent to the lakes and abutting the relocated Slough. While such a re-design is possible under the historic Lee Plan implementation interpretations, it is clear that such massive dislocation of this natural feature would be better avoided. The proposed design eliminates this relocation and provides buffers, greater than that normally anticipated by Lee Plan Policies and applicable codes, between the residential activities and the Slough. This is a major improvement in site design and reflects the developer's commitment to the environmental values to be re-established on the subject property.

The southern system is also a slough, and serves to promote additional wildlife movement. As is the case with the Stewart Cypress Slough, the southern flowway/wildlife corridor will receive enhancements and design modifications to create greater functionality than the existing approved development plan. Upon completion, these enhancements will provide regional connectivity between the Lee County 20/20 Wild Turkey Strand Preserve and private conservation lands to the north with existing private conservation and environmental lands slated for acquisition as part of the Corkscrew Regional Ecosystem Watershed (CREW) and Flint Pen Strand to the south. These enhancements will also promote regional benefits for stormwater and groundwater flows. The large open preserves (1,329 acres of preservation lands) are incorporated into the stormwater management system, and will facilitate detention of stormwater, increasing water levels and promoting groundwater recharge. All of these consequences resulting from the implementation of the WildBlue development plan create a greater realization of the applicable Lee Plan Policies that that which has historically been implemented by Lee County in pursuit of its planning aspirations.

The regional connections of the flow-ways/wildlife corridors improves regional sheet flow and water quality within the headwaters of the Estero River. The stormwater management system proposed for WildBlue provides enhanced water quality and focuses discharge to the existing flowways/wildlife corridors to restore historic water levels. The system has the added benefit of serving as a buffer to minimize human-wildlife interactions, providing separation and buffering in excess of that which is found in historic efforts to implement the Lee Plan and far exceeds the protection found in the existing approved development. Flowways, littoral shelves, filtration marshes, wetlands, and other "soft" features are incorporated into the stormwater management system to provide added support to the County's encouragement for Green Infrastructure.



The proposed environmental and water resources enhancements for the WildBlue development plan support re-creation and restoration of historic flowways, promote the establishment of wildlife corridors, increase aquifer recharge, connect regional greenways and improve surface and ground water quality. All of these improvements exceed the measurable criteria found in the Lee Plan and have been incorporated into the conditions that will be attached to the approval of the Lee Plan amendment, rezoning request, and development agreement. These improvements also represent activities that exceed conditions of the current existing approved Lee County development and SFWMD permits for the property as well as exceeding, in many cases, the current regulatory regime that governs development of DR/GR lands.



REVISIONS

• Fort Myers
 • Tallahassee
 • Gainesville
 2001 Center Pointe Drive
 Fort Myers, Florida 33916
 Phone: 813-335-3000
 Fax: 813-335-7541
MORRIS DEPEW
 ENGINEERS • PLANNERS • SURVEYORS
 LANDSCAPE ARCHITECTS
 FL CA NO. 0522 P.E. CERT. NO. LD0061 FL C020000330

Existing Land Use
 WildBlue Comprehensive Plan Amendment
 Alico East Fund, LLC
 Lee County, Florida

MOA PROJECT:	12037
DESIGNED BY:	TME
DRAWN BY:	ALR
DATE:	03-05-2014
SHEET	1



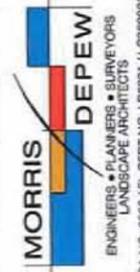
Alico Road

Corkscrew Road



REVISIONS

• Fort Myers
 • Tallahassee
 • Gainesville
 2881 Center Pointe Drive
 Unit 100
 Fort Myers, Florida 33916
 Phone: (813) 337-3984
 Fax: (813) 337-3984
 Toll free: 888-337-7741
 FL. CA. NO. 6532 / EL. CERT. NO. LB8881 / LC20000330



LOCATION MAP

Wildblue
Fort Myers, Florida

MDA PROJECT:
12037

CHECKED BY: ALR
DRAWN BY: ALR

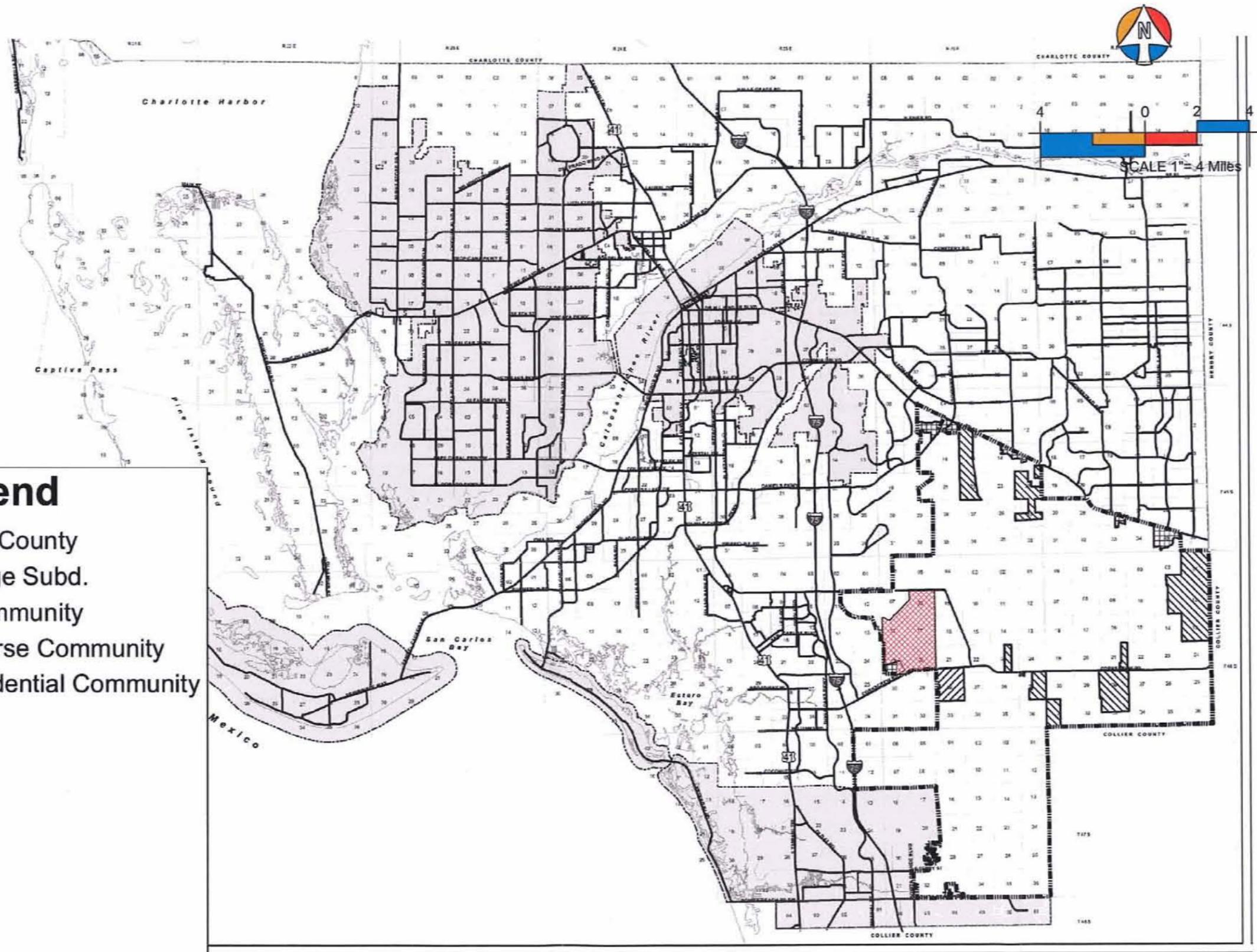
DATE:
01-07-2014

SHEET
1

3/28/2014 0:\1\2037 - Allico East\DWG\Planning\DWG\Wid\blue\12037 2014-03-05 Lee Plan Map17.dwg

Legend

-  Southeast Lee County
-  Existing Acreage Subd.
-  Mixed-Use Community
-  Rural Golf Course Community
-  Improved Residential Community
-  County Line
-  Section Lines
-  Major Roads
-  Minor Roads
-  City Limits
-  Environmental Overlay



REVISIONS

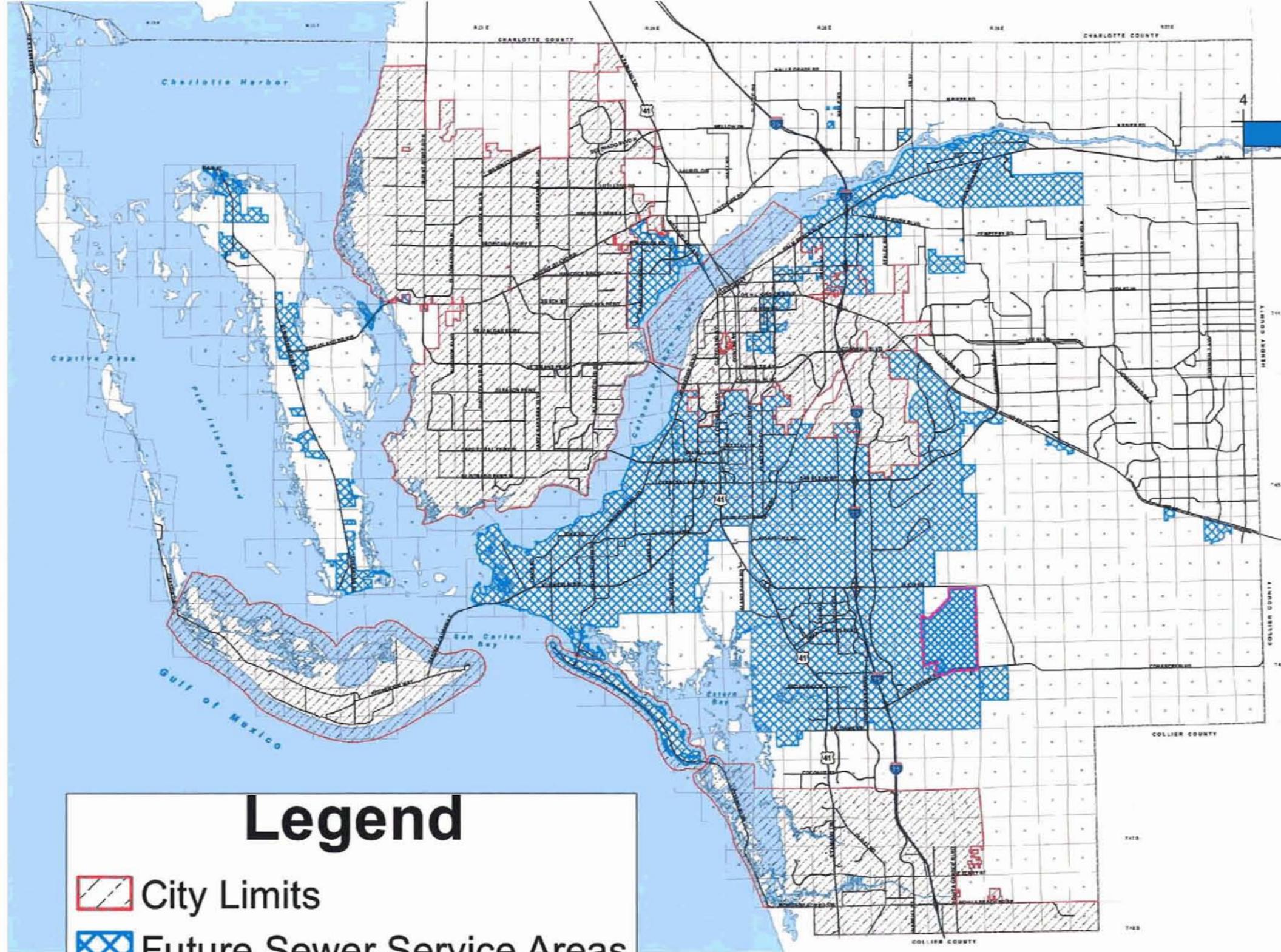


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 • Miami
 • Tampa
 • St. Petersburg
 • Sarasota
 • Ft. Lauderdale
 • West Palm Beach
 • Broward County
 • Palm Beach County
 • Volusia County
 • Alachua County
 • Marion County
 • Duval County
 • Santa Fe County
 • Alachua County
 • Marion County
 • Duval County
 • Santa Fe County

DR/GR Residential Overlay Map 17

Allico East Fund, LLC
Lee County, Florida

MOA PROJECT:	12037
DESIGNED BY:	TME
DRAWN BY:	ALR
DATE:	03-05-2014
SHEET:	1



Legend

- City Limits
- Future Sewer Service Areas

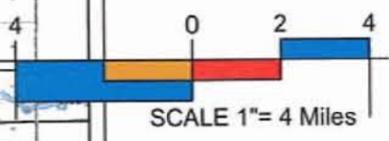
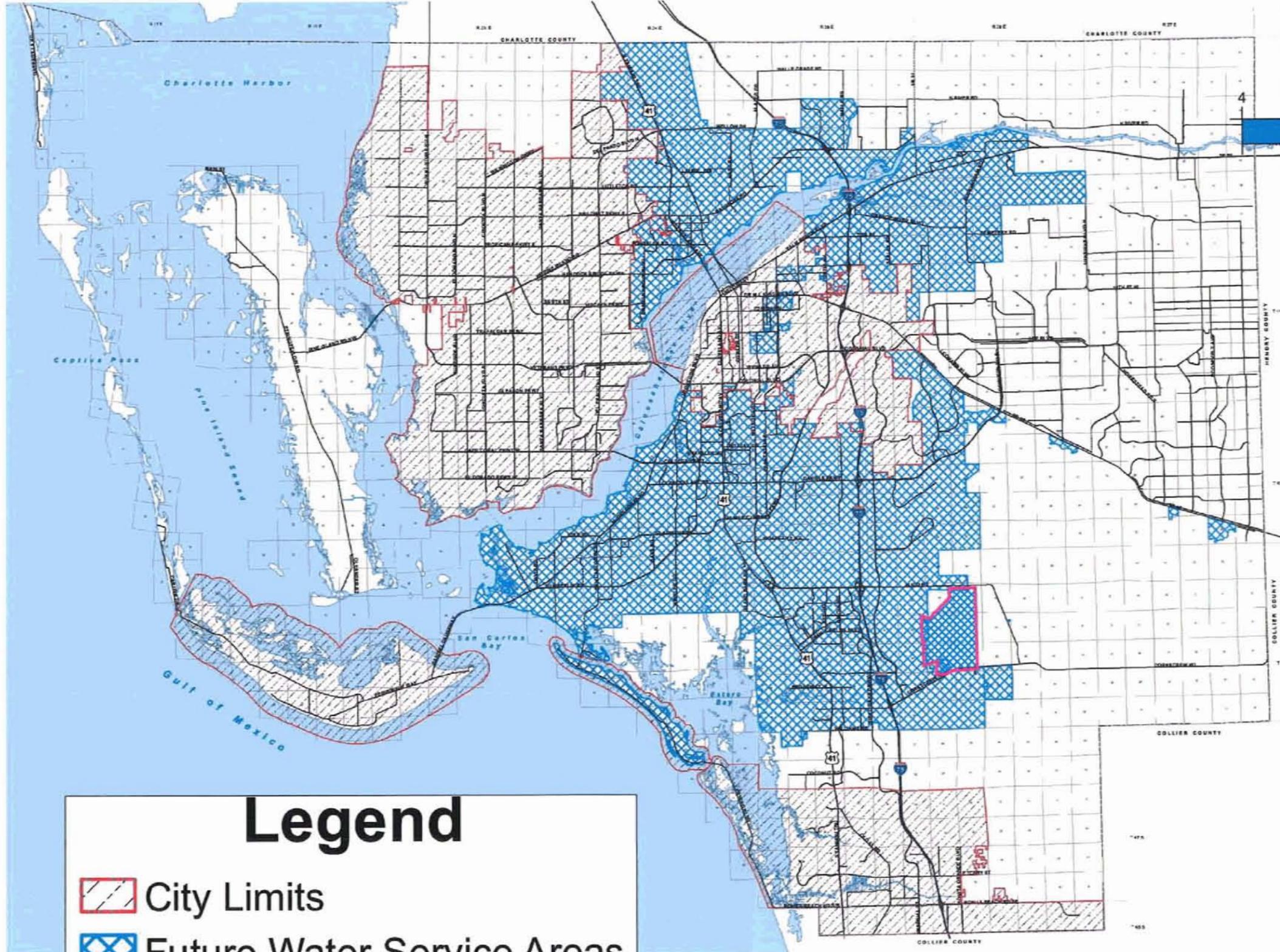
REVISIONS

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ENGINEERING ARCHITECTURE
 1100 N. W. 13th Ave., Suite 200
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 Fax: 954.347.2000
 www.morrisdepew.com

Future Sewer Service Area Map 7
 WildBlue Comprehensive Plan Amendment
 Allico East Fund, LLC
 Lee County, Florida

NDA PROJECT:	12037
DESIGNED BY:	TME
DRAWN BY:	ALR
DATE:	03-05-2014
SHEET:	1



Legend

City Limits
 Future Water Service Areas

REVISIONS

• Fort Myers
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 • Orlando
 • Jacksonville
 • Miami
 • Tampa
 • St. Petersburg
 • Pensacola
 • Panama City
 • Tallahassee
 • Jacksonville
 • Orlando
 • Tampa
 • St. Petersburg
 • Pensacola
 • Panama City

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 WWW.MORRISDEPEW.COM

Future Water Service Area Map 6
 WildBlue Comprehensive Plan Amendment
 Alico East Fund, LLC
 Lee County, Florida

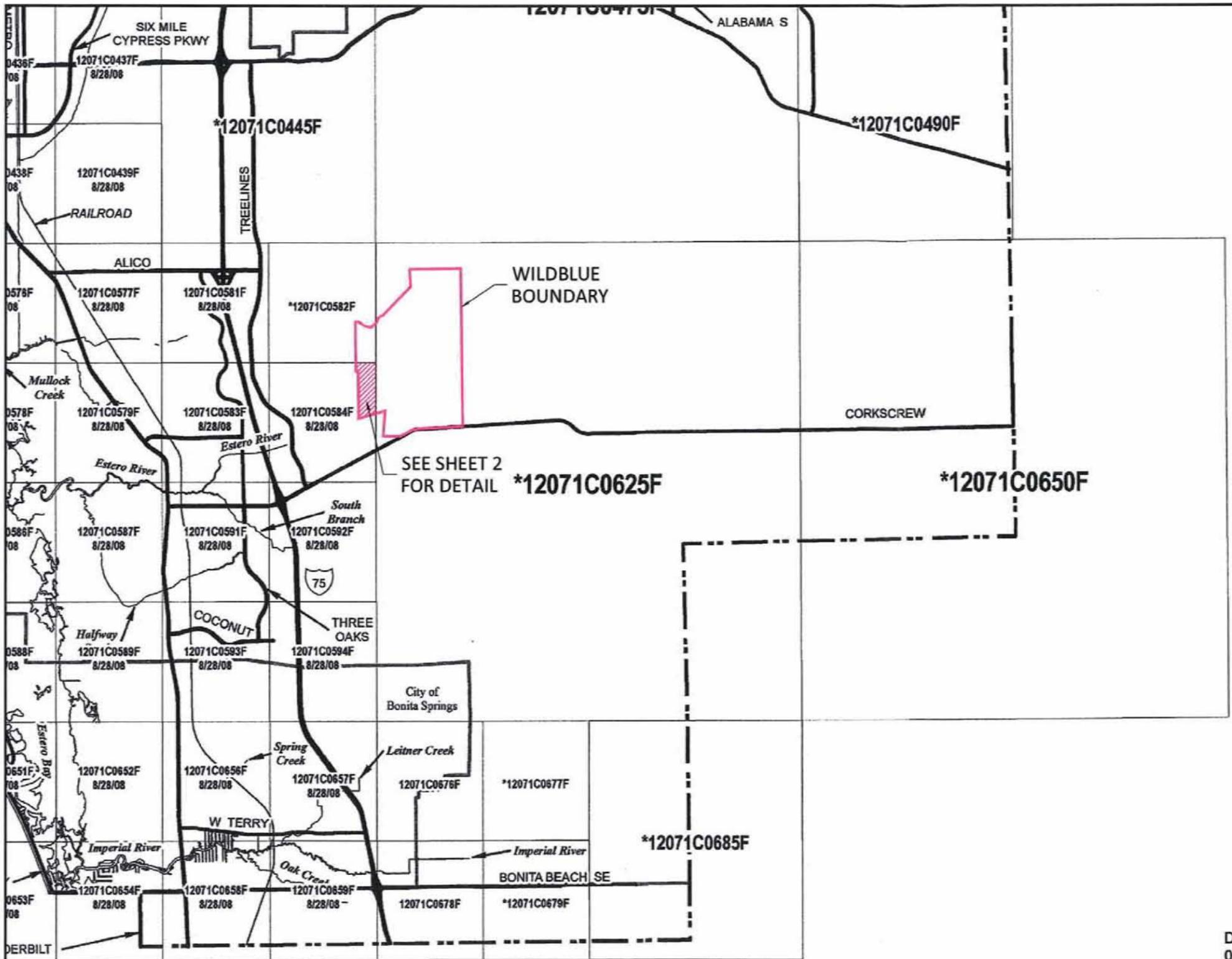
MCA PROJECT:	12037
DESIGNED BY:	TME
DRAWN BY:	ALR
DATE:	03-05-2014
SHEET:	1

ALICO ROAD



CORKSCREW ROAD

WILDBLUE TOPOGRAPHIC MAP
(DATUM: NAVD88)



FIRM EXHIBIT
SHEET 1 OF 2

Designated CBRS Areas
0184, 0192, 0194*, 0203
0351, 0352, 0353, 0354
0502, 0506, 0507, 0508
0534, 0537, 0541, 0551
0569, 0588, 0589, 0651

*Panel Not Printed



NFP

NATIONAL FLOOD INSURANCE PROGRAM

MAP INDEX

FIRM
FLOOD INSURANCE RATE MAP

LEE COUNTY,
FLORIDA
AND INCORPORATED AREAS
(See Listing of Communities table)

MAP INDEX

PANELS PRINTED: 17, 19, 26, 38, 40, 65, 70, 95,
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MAP NUMBER
12071CIND0A

EFFECTIVE DATE
AUGUST 28, 2008


Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

NOTES TO USERS

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources or small sluts. The community map repository should be consulted for possible updated or additional flood hazard information.

To obtain more detailed information in areas where Base Flood Elevations (BFEs) and/or Floodways have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

Coastal Base Flood Elevations shown on this map apply only to landward of 0.7 North American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Stillwater Elevations table in the Flood Insurance Study report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations table should be used for construction and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the floodways were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by flood control structures. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures for this jurisdiction.

The projection used in the preparation of this map was Florida State Plane west zone (FIPSZONE 902). The horizontal datum was NAD 83. GR503 spheroid. Differences in datum, spheroid, projection or State Plane zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same vertical datum. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at <http://www.ngs.noaa.gov> or contact the National Geodetic Survey at the following address:

NGS Information Services
NOAA, NWS12
National Geodetic Survey
SSM-C-1, 80202
1315 East-West Highway
Silver Spring, Maryland 20910-3282
(301) 713-3242

To obtain current elevation, description, and/or location information for bench marks shown on this map, please contact the Information Services Branch of the National Geodetic Survey at (301) 713-3242, or visit its website at <http://www.ssd.noaa.gov>.

Base map information shown on this FIRM was provided in digital format by the Lee County GIS Department. The most current information was constructed based on orthophotography produced at a scale of 1"=100' from aerial imagery from 1998 and updated using orthophotography from 2002 and 2005. The surface water features were also constructed based on orthophotography produced at a scale of 1"=100' from aerial imagery from 1998.

This map reflects more detailed and up-to-date stream channel configurations than those shown on the previous FIRM for this jurisdiction. The floodplains and floodways that were transferred from the previous FIRM may have been adjusted to conform to these new stream channel configurations. As a result, the Flood Profiles and Floodway Data tables in the Flood Insurance Study report (which contain authoritative hydraulic data) may reflect stream channel changes that differ from what is shown on this map.

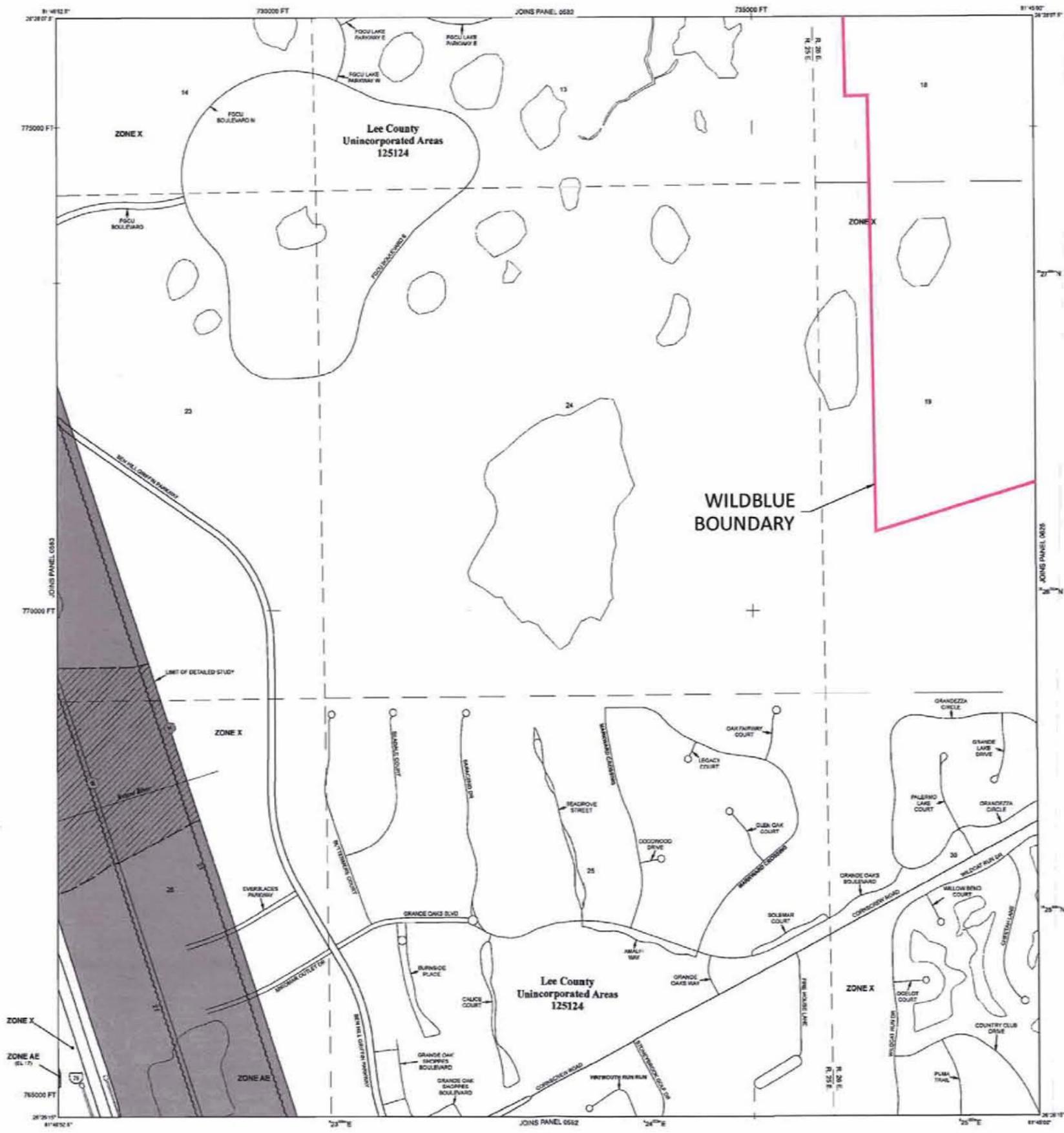
Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred after this map was published, map users should contact appropriate community officials to verify current corporate limit locations.

Please refer to the separately printed Map Index for an overview map of the county showing the layout of map panels, community map repository addresses, and a Listing of Communities table containing National Flood Insurance Program dates for each community as well as a listing of the panels on which each community is located.

Contact the FEMA Map Service Center at 1-800-358-6161 for information on available products associated with this FIRM. Available products may include previously issued Letters of Map Change, a Flood Insurance Study report, and/or digital versions of this map. The FEMA Map Service Center may also be reached by Fax at 1-800-358-9620 and its website at <http://www.fema.gov>.

If you have questions about this map or questions concerning the National Flood Insurance Program in general, please call 1-877-FEMA-MAP (1-877-366-2627) or visit the FEMA website at <http://www.fema.gov>.

FIRM EXHIBIT
SHEET 2 OF 2



LEGEND

SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual flood (100 year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, AV, V, and VE. The base flood elevation is the water surface elevation of the 1% annual chance flood.

ZONE A No Base Flood Elevations determined.

ZONE AE Base Flood Elevations determined.

ZONE AH Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.

ZONE AO Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of sheet flow, velocities also determined.

ZONE AR Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently destroyed. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.

ZONE AV Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.

ZONE V Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.

ZONE VE Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AF

The floodway is the channel of a stream plus any adjacent floodways that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

ZONE X Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 1% annual chance flood.

OTHER AREAS

ZONE B Areas determined to be outside the 0.2% annual chance floodplain.

ZONE D Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPAs)

OPAs are normally located within or adjacent to Special Flood Hazard Areas:

- Reservoir boundary
- Floodway boundary
- Zone D boundary
- CBRS and OPA boundary
- Boundary dividing Special Flood Hazard Area and boundary (SBH) Special Flood Hazard Area of adjacent Base Flood Elevation, flood depths or flood velocities
- Base Flood Elevation line and value, elevation in feet
- Base Flood Elevation value where within same elevation in feet

* Referenced to the North American Vertical Datum of 1988

- One section line
- Transfer line

87°07'40" 32°22'30"

Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere

1000 meter Universal Transverse Mercator grid values, zone 17

800000 FT

000010

Search mark (see explanation in Notes to Users section of this FIRM panel)

1:5

One Mile

MAP REPOSITORY

Refer to Index of Map Repositories on Map Index

EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP

August 28, 2008

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL

For community map revision history prior to community mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-458-6022.

MAP SCALE 1" = 500'

0 500 1000 FEET
0 500 1000 METERS

NFP **PANEL 0584F**

FIRM
FLOOD INSURANCE RATE MAP

LEE COUNTY, FLORIDA AND UNINCORPORATED AREAS

PANEL 584 OF 685
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
LEE COUNTY	0584	584	F

Notice to User: The Map Number shown below should be used when placing map orders. The Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER 12071C0584F

EFFECTIVE DATE AUGUST 28, 2008

Federal Emergency Management Agency



Comprehensive Plan Amendment Project Request

WildBlue is a ±2,960 acre proposed residential community with supporting neighborhood commercial located between Alico and Corkscrew Road East of I-75. The property is a former limerock mine located within the Density Reduction/Groundwater Resource Future Land Use Category in Sections 7, 8, 17, 18, 19 and 20. The property is bounded by Alico Road to the north, Corkscrew Road to the South, an FPL transmission line to the west, and the active University West Lakes mine operation and large lot residential activity along Devore Lane and Corkscrew Ranch to the east. While mining is no longer occurring, the property was highly impacted by excavation activities. Large lakes, stockpiled material and agricultural areas exist on-site along with some undeveloped lands.

The Lee Plan states that the DR/GR category seeks to maintain surface and groundwater levels at their historic levels. Residential development is a permitted use, with a standard density of one (1) dwelling unit per ten (10) upland acres; potential density adjustments above the standard 1/10 dwelling unit per acre can occur through the concentration or transfer of development rights. The property is also within the Southeast Lee County Planning Community, an area that Goal 33 of the Lee Plan states is important for the protection of natural resources within the county.

Since the cessation of mining activities on the WildBlue site, a large lot single family subdivision and private golf course facility were approved in separate applications for portions of the property. These approvals are still active, although development has not yet occurred. The existing approvals on the WildBlue property, consisting of the former mining activity, a residential subdivision, and a 27-hole golf course, represent what the current owner now believes is a fragmented approach to site development, lacking a concentration of development impacts within the already disturbed areas. While the density of these approvals meets the 1du/10ac of the DR/GR, the use of well and septic may be in conflict with the desire to maintain the quality and quantity of surface and groundwater at their historic levels as envisioned by Policy 1.4.5. Additionally, there are significant additional opportunities for flowway restoration, habitat preservation, and natural resource protection that could be undertaken if accompanied by the use of incentives, which would enable enhancement, restoration and added protection of natural resources to become economically feasible.

The project request seeks to promote the restoration and development of the subject property in a manner that is consistent with vision of the Density Reduction/Groundwater Resource Future Land Use Category and Southeast Lee County Planning Community. The amendment requests are as follows:

1. Amend Policy 1.4.5 to incorporate the revised Policy 33.3.4 and new Policy 33.3.6.
2. Amend Policy 1.7.13 to establish an Environmental Enhancement and Preservation Overlay within the Density Reduction/Groundwater Resource Future Land Use Category to promote the improvement and restoration of important regional hydrological and wildlife connections.
3. Amend Objective 33.3 to incorporate the general intent of the Environmental Enhancement and Preservation Overlay.
4. Establish Policy 33.3.4 to implement the Environmental Enhancement and Preservation Overlay.
5. Amend the Future Land Use Map Series, Maps 6 and 7. 'Lee County Utilities Future Water & Sanitary Sewer Service Areas' to place the property within the Service Areas.
6. Amend Map 17 to incorporate the Environmental Enhancement and Preservation Overlay and subject property.
7. Amend Map 17 to eliminate a portion of the property from the Mixed Use Community.

The request will create a performance based overlay specifically tailored to the WildBlue property, promoting development of the site in a manner that preserves, protects, and enhances the natural resources on the property, provides connectivity with adjoining natural areas, and implements the intent of the applicable Lee Plan Goals, Objectives, and Policies.

Existing Conditions

The subject property was the location of a limerock mine approved by ZAB-86-62 in 1986 with an expansion approved by special exception in 2000. Since the closure of the mine, both a large lot single family subdivision and a separate private golf course facility have been approved for the property. These approvals are still active, yet development on the property has not commenced. The property is located within the DR/GR Future Land Use area and the Southeast Lee County Planning Community, as described below.

Policy 1.4.5: The Density Reduction/Groundwater Resource (DR/GR) land use category includes upland areas that provide substantial recharge to aquifers most suitable for future wellfield development. These areas also are the most favorable locations for physical withdrawal of water from those aquifers. Only minimal public facilities exist or are programmed.

1. *New land uses in these areas that require rezoning or a development order must demonstrate compatibility with maintaining surface and groundwater levels at their historic levels (except as provided in Policy 33.1.3 and 33.3.4) utilizing hydrologic modeling, the incorporation of increased storage capacity, and inclusion of green infrastructure. The modeling must also show that no adverse impacts will result to properties located upstream, downstream, as well as adjacent to the site. Off-site mitigation may be utilized, and may be required, to demonstrate this compatibility. Evidence as to historic levels may be submitted during the rezoning or development review processes.*
2. *Permitted land uses include agriculture, natural resource extraction and related facilities, conservation uses public and private recreation facilities, and residential uses are a*

maximum density of one dwelling unit per ten acres (1 du/10 acres). See Policies 33.3.2, 33.3.3, 33.3.4, ~~and~~ 33.3.5, and 33.3.6 for potential density adjustments resulting from concentration or transfer of development rights.

- a. For residential development, also see Objective 33.3 and following policies. Commercial and civic uses can be incorporated into Mixed-Use Communities to the extent specifically provided in those policies.*
 - b. Individual residential parcels may contain up to two acres of Wetlands without losing the right to have a dwelling unit, provided that no alternations are made to those wetland areas.*
 - c. The Future Limerock Mining Overlay (Map 14) identifies sufficient land near the traditional Alico Road industrial corridor for continued limerock mining to meet regional demands through the Lee Plan's planning horizon (currently 2030) See Objective 33.1 and following policies.*
- 3. Private Recreational Facilities may be permitted in accordance with the site locational requirements and design standards, as further defined in goal 16. No private recreational facilities may occur within the DR/GR land use category without a rezoning to an appropriate planned development zoning category, and compliance with the Private Recreation Facilities performance standards, contained in Goal 16 of the Lee Plan.*

GOAL 33: SOUTHEAST LEE COUNTY. *To protect natural resources in accordance with the County's 1990 designation of Southeast Lee County as a groundwater resource area, augmented through a comprehensive planning process that culminated in the 2008 report, Prospects for Southeast Lee County. To achieve this goal, it is necessary to address the inherent conflict between regaining shallow aquifers for long-term storage and extracting the aquifer's limestone for processing into construction aggregate. The best overall balance between these demands will be achieved through a pair of complementary strategies; consolidating future mining in the traditional Alico Road industrial corridor while initiating a long-term restoration program to the east and south to benefit water resources and protect natural habitat. Residential and commercial development will not be significantly increased except where development rights are being explicitly concentrated by this plan. Agriculture uses may continue, and environmental restoration may begin. This goal and subsequent objectives and policies apply to Southeast Lee County as depicted on Map 1, Page 2.*

Consistent with the density permitted within the DR/GR FLU, the property is eligible for 247 single family dwelling units. However, the existing approvals provide for the individual lots to be serviced by independent, single user potable water wells and septic systems. While the density of these approvals meets the 1/10 dwelling unit per acre limit of the DR/GR, the use of well and septic for this many dwelling units raises concerns in the context of the intent and vision of the DR/GR as described by Policy 1.4.5., Goal 33 and its supporting Objectives and Policies, and the Southeast Lee County Planning Community Vision Statement.

Proposed Request

The requested text amendment would leave the property within the DR/GR Future Land Use Category by creating an Environmental Enhancement and Preservation Overlay to address the preservation, protection, restoration and enhancement of natural resources. The proposed amendment will also safeguard the public potable water supplies associated with development of individual wells and septic systems under the current development proposal. The Environmental Enhancement and Preservation Overlay would provide flexibility to analyze and tailor the redevelopment of properties within the Southeast Lee Planning Community that have a significant potential impact upon regional water and natural resources. The Environmental Enhancement and Preservation Overlay would be applicable to properties that meet identified prerequisites, undergo a planned development rezoning to meet specific and unique redevelopment criteria, and are large enough to have a potential significant impact upon surface water, groundwater, and natural resources within the DR/GR.

Proposed Text Amendment

POLICY 1.7.13: The Southeast Density Reduction/Groundwater Resource overlay (Map 17) is described in Policies 33.3.1 through 33.3.45. This overlay affects only Southeast Lee County and identifies ~~four~~ five types of land:

1. "Existing Acreage Subdivisions": existing rural residential subdivisions that should be protected from adverse external impacts such as natural resource extraction.
2. "Rural Golf Course Communities" potential locations for the concentration of development rights on property zoned Private Recreational Facilities Planned Development and located in the Southeast Density Reduction/Groundwater Resource area.
3. "Mixed-Use Communities" locations where this concentration of development rights from large contiguous tracts with the Density Reduction/Groundwater Resource area that can be supplemented by transfer of development rights from non-contiguous tracts in the Southeast Density Reduction/Groundwater Resource area. See Objective 33.3 and following policies.
4. "Improved Residential Communities:" Property with existing residential approvals that are inconsistent with the Southeast Density Reduction/Groundwater Resource area that could be improved environmentally.
5. "Environmental Enhancement and Preservation Overlay:" Properties adjacent to Corkscrew and Alico Road that have the potential to improve and restore important regional hydrological and wildlife connections.

POLICY 33.2.1: Large-scale ecosystem integrity in Southeast Lee County should be maintained and restored. Protection and/or restoration of land is of even higher value when it connects existing corridors and conservation areas. Restoration is also highly desirable when it can be achieved in conjunction with other uses on privately owned land including agriculture. Lee County Natural Resources, Conservation 20/20, and Environmental Sciences staff will work with landowners who are interested in voluntarily restoring native habitats and landowners who are required to conduct restoration based upon land use changes. The parameters for the required

restoration will be established in the Land Development Code by 2012 or within specific planned development zoning approvals.

OBJECTIVE 33.3: RESIDENTIAL AND MIXED-USE DEVELOPMENT. Designate on a Future Land Use Map overlay areas that should be protected from adverse impacts of mining (Existing Acreage Subdivisions), specific locations for concentrating existing development rights on large tracts (Mixed-Use Communities), specific properties which provide opportunities to protect, preserve, and restore strategic regional hydrological and wildlife connections (Environmental Enhancement and Preservation Overlay), and vacant properties with existing residential approvals that are inconsistent with the density Reduction/Groundwater Resource future land use category (Improved Residential Communities).

POLICY 33.3.4: Properties that provide a significant regional hydrological and wildlife connection that have the potential to improve, preserve, and restore regional surface and groundwater resources and indigenous wildlife habitats. These properties, located along Corkscrew and Alico Roads, can provide important hydrological and wildlife habitat connections between existing conservation areas. As an incentive to improve, preserve, and restore regional surface and groundwater resources and wildlife habitat of state and federally listed species additional densities and accessory commercial uses will be granted if the project is found consistent with and demonstrates through a Planned Development rezoning the following.

1. These properties are within the “Environmental Enhancement and Preservation Overlay” as designated on Map 17 of the Plan :
2. The property is rezoned to a Planned Development (PD) that meets the following where applicable:
 - a. Clustered Planned Development must include a minimum of 60 percent open space, not including previously mined lakes, which will be used to accommodate the following:
 1. Restore and accommodate existing and historic general flowways;
 2. Restore and accommodate existing and historic groundwater levels;
 3. Restore and preserve wetlands;
 4. Restore and preserve indigenous upland habitats; and
 5. Provide critical wildlife connections to adjacent conservation areas.
 - b. Includes an enhanced lake management plan that :
 1. Applies best management practices for fertilizers and pesticides;
 2. Provides erosion control and bank stabilization; and
 3. Establishes lake maintenance requirements
 - c. Develop a site specific ecological and hydrological restoration plan which includes at a minimum the following: excavation and grading plans, analysis of hydrological improvements and water budget, replanting plan, habitat restoration plan, success criteria, long term monitoring and maintenance.
 - d. Preservation areas must be platted in separate tracts and dedicated to an appropriate maintenance entity. For projects larger than 1,000 acres a Community Development District (CDD) or a master home owners association must be created, that will accept

- responsibility for perpetually maintaining the preservation requirements identified in the Planned Development, prior to issuance of certificate of compliance (CC) for first local development order.
- e. Record a Conservation Easement dedicated to the appropriate maintenance entity that provides Lee County, or some other public agency acceptable to Lee County, with third party enforcement rights.
 - f. Indigenous management plans must incorporate a human-wildlife coexistence plan.
 - g. Uses Florida Friendly Plantings with low irrigation requirements in Common Elements
 - h. Provide a minimum of 1.5 inches of water quality treatment for the developed areas of the project. In addition, stormwater runoff must be directed into treatment areas that provide additional storage of 0.5 inches of runoff for the developed area.
 - i. Elimination of any agricultural uses.
 - j. Protects Public wells through compliance with the requirements of the Well Field Protection Ordinance.
 - k. Each Planned Development within the Overlay will be required to mitigate the traffic impacts of the Planned Development and provide its proportionate share of the needed roadway improvements in accordance with Administrative Code 13-16. The proportionate fair-share amount may be offset, separately or collectively, as follows: (a) full payment of road impact fees attributable to the approved development up front (to facilitate pipelined improvements by the County); (b) dedication or grant of property necessary to achieve the transportation improvements; (c) construction of all or a portion of the transportation infrastructure improvements necessary to serve the approved Planned Development; or, (d) as otherwise set forth in a written agreement between the County and developer. Compliance may be met through an enforceable instrument to be recorded prior to the issuance of the first development order allowing vertical construction within a Planned Development.
 - l. Connect to public water and sewer services, and must connect to reclaimed water when available.
 - m. Obtain written verification as to adequate public services for the Planned Development, from the sheriff, EMS and fire district.
 - n. Demonstrate that the proposed rezoning will not result in significant detrimental impacts on present or future water resources.
3. In recognition of the preservation, enhancement and protection of regional flowways and natural habitat corridors, the interconnection with existing off-site conservation areas, and the significant enhancement, preservation and protection of these lands additional density may be approved through Planned Developments meeting the criteria and requirements outline above as follows:
- a. Lands within the Environmental Enhancement and Preservation Overlay, meeting the requirements above will be permitted a maximum density of 1 unit per 3 acres.
 - b. Density in the Environmental Enhancement and Preservation Overlay will be based upon the acreage of the entire planned development (i.e. all areas within the boundary of the planned development whether uplands, wetlands, or lake will be calculated at the density provided above.

c. Additional dwelling units may be approved in a Planned Development meeting the requirements above if transferred from other Southeast Lee County lands located outside of the Planned Development at the standard density of 1 unit per 10 acres for DR/GR lands and 1 unit per 20 acres for Wetlands future land use category if density rights are extinguished through and instrument acceptable to the County Attorney's Office.

4. Because the density increase within the Environmental Enhancement and Preservation Overlay has not been fully accounted for in the County's transportation planning efforts, by July 1, 2017 the County will complete a study, with input from property owners within the Environmental Enhancement and Preservation Overlay, to determine the improvements necessary to address density in the DR/GR and develop a financing strategy for the identified improvements.

Discussion

The subject property is proposed to preserve 1,329 acres, which includes two regionally significant flow-ways/wildlife corridors consistent with the Environmental Enhancement and Preservation Overlay as outlined in Policy 33.3.4. A request is included to eliminate the Mixed Use Community designation on a portion of the subject property to be consistent with the criteria. The property is adjacent to Urban Future Land Use Categories; University Community and Suburban are located to the West and South respectively. There are approximately 5,000 feet of frontage along Alico Road and 4,500 feet of frontage along Corkscrew Road, adequate distance to provide the 2 required direct accesses to an arterial roadway. Lee County Utility facilities exist adjacent to the proposed development. The requested map amendments would include the subject property within the Lee County Utilities Service Area with the intent of extending potable water and sanitary sewer services to the proposed development. Providing a connection to central utilities will remove the potential impacts of wells and septic systems from the WildBlue site. The Public Facilities Impact Analysis included as an attachment to this application demonstrates that sufficient capacity exists within the Lee County Utilities system to serve the proposed development.

The applicant has submitted a companion planned development rezoning application to rezone the property to a Mixed Use Planned Development. The application for the MPD promotes the water resource goals of the DR/GR and will increase conservation areas to include a restoration and maintenance plan, promote lake reclamation elements, and includes recreational amenities while demonstrating a net benefit for water resources as compared to the existing approvals.

Consistent with Policy 33.3.4 item 2, the MPD application will provide a significant regional hydrological wildlife connection with the potential to improve, preserve and restore regional surface and groundwater resources and indigenous wildlife through the following items.

Policy 33.3.4.2 Item a. Clustered Planned Development with 60% Open Space

A concurrent Mixed Use Planned Development application has been submitted and outlines the proposed design of the project, clustering the proposed development and providing community and regional benefits related to the protection, preservation, and enhancement of natural resources on-site. The proposed development plan, as demonstrated in the MPD Master Concept Plan, clusters the single family residential development and commercial uses around the existing mining lakes in the central and southeastern portion of the site and within the portions of the property previously disturbed by mining activities. The comparison chart below demonstrates that the proposed development footprint is reduced ±754 acres, wetland impacts are reduced by ±169 acres, the number of slough crossings are reduced from 5 to 2 and the area committed to perpetual conservation has increased by ±361 acres as compared to the existing approvals relating to the Ginn plan.

	Ginn Development Order (Lago)	WildBlue Proposed MPD
Total Project	3,552 ac	2,960 ac
Development Footprint	1,403 ac	754 ac
Wetland Impacts	380 ac	<u>211</u> ac
On-Site Wetlands Connected to a Flowway	480 ac	<u>576</u> ac
Preserve Committed to Easement	968 ac	<u>1,329</u> ac
Preserve Committed to Primary Panther Habitat	963 ac	<u>1,262</u> ac
Slough Crossings	5	<u>2</u>

The subject property currently includes disturbed native upland and wetland habitat, including two flowways. One that extends from the northeast to the southwest of the property and one that extends from the northeast to the south central portion of the site. The sloughs previously served as regional corridors for the movement of wildlife and are proposed to be restored, enhanced, and protected by the development plan to provide for the movement of surface water and wildlife. The northern flow-way is the most prominent and is known as the Stewart Cypress Slough. The southerly flowway, while nameless, also serves to direct surface water and provide a wildlife corridor between Alico Road to the north and Corkscrew Road to the south. The proposed development plan will protect, preserve, and enhance these flowways and ±576 acres of wetlands connected to the flowways in perpetuity. Restoration and enhancement efforts will occur in these areas to address previous impacts from road crossings, agricultural ditching, uncontrolled fire, mining operations, and exotic infestation.

Restoration and preservation of the two flow-ways/corridors will benefit regional surface water flows, connecting significant elements of Lee County’s flow-way system through the site. The proposed restoration and protection plan for these two flow-way/wildlife corridors will establish

a regional connection between the Lee County 20/20 Wild Turkey Strand Preserve and private conservation lands to the north and existing private conservation lands and environmental lands slated for acquisition as part of the Corkscrew Regional Ecosystem Watershed (CREW) Flint Pen Strand to the south. The restoration and preservation of the southern corridor was designed to align with the proposed wildlife crossing under Corkscrew Road, which has been permitted by the Lee County Department of Transportation. Additionally, groundwater recharge and wildlife movement within the Estero Bay Watershed will be improved through a 46.3% reduction in the development footprint between the previous development approvals and the proposed WildBlue development. The magnitude and extent of this restoration and enhancement program are well beyond that which previously permitted or required.

The proposed surface water management system will incorporate the two existing on-site flowways which connect to off-site systems. The proposed system will improve the quality of receiving waters and surrounding natural areas as well as the function of natural groundwater aquifer recharge areas while also potentially assisting with flood protection for existing and future development.

Approximately 1,329 acres (which includes 9.9 acres from Instrument No. 2006000336079 and 4.98 acres from Instrument No. 2006000336078) or 45% of the subject property are proposed to be preserved and committed to a perpetual conservation easement; ±633 acres of enhancement activities will also occur to address habitat establishment, restoration and improvement. These efforts are committed within the planned development request which will address the method, timing and scope of the improvements.

Preservation Element	Acres
On-Site Conservation	<u>1,329</u>
Preserved Primary Zone Panther Habitat	<u>1,262</u>
Preserved Wetlands connected to On-Site Flowways	<u>576</u>
Wetland and Upland Enhancement	<u>633</u>
Upland Restoration	<u>59</u>
Wetland Creation	94
Wetland Restoration	6

The subject property is within an area of primary panther habitat, and the proposed protection, preservation, and enhancement efforts associated with the development plan will preserve ±1,262 acres of primary panther habitat. The primary panther habitat is a subset of the ±1,329 acre total to be placed in a perpetual conservation easement. The chart above outlines the acreage associated with each preservation element.

Policy 33.3.4.2 Item b. Enhanced Lake Management

The proposed WildBlue development plan incorporates two existing on-site lakes totaling ±872 acres. As detailed by the Water Science Associates report, additional water management lakes are proposed to provide treatment of stormwater. To further ensure water quality, Florida Friendly Plantings and central pest and fertilizer services for all common elements will be utilized. Centralizing pest and fertilizer control will further protect water quality as all applications will be conducted by a professional certified in compliance with Lee County Ordinance 08-08, the Lee County Landscape & Fertilizer Best Management Practice Ordinance. Provisions will be included in the deed restriction and/or Home Owners Association documents to address these restrictions.

Reclamation of the lake banks is proposed consistent with the existing applicable regulations. The proposed reclamation would reduce impacts to additional areas and native indigenous vegetation surrounding the existing lake banks. The required lake maintenance easement will be provided between the lake and the proposed residential lots to provide adequate access for future maintenance. A detailed lake maintenance plan will be established as a part of the MPD process.

Policy 33.3.4.2 Item d. Preservation Areas & Item e. Conservation Easements

The proposed Comprehensive Plan Amendment and companion Mixed Use Planned Development places ±1,329 acres in a perpetual conservation easement, a 37% increase over the currently approved development on the site, which was only ±968 acres. Implementing Lee Plan Goal 33 and Policy 33.3.4.2.a, the proposed preservation provides increased conservation areas and greater restoration activities than routinely required by the SFWMD to compensate for the project's wetland impacts. The WildBlue proposal, increases preserve area, eliminates the existing approved golf course, decreases the number of flow-way/wildlife corridor crossings from five (5) to two (2), reduces wetland impacts by 44.5% – from 380 acres to 211 acres. WildBlue also provides for buffering between the restored Stewart Cypress Slough, the wildlife corridors and habitat restoration areas and the proposed residential development in order to minimize human-wildlife interactions when compared to the existing DO and SFWMD approvals. The 1,329± acres of preserved area includes 484 acres of upland conservation (a 197% increase) compared to 163 acres in the existing permitted development; all of the preservation areas will be placed in perpetual conservation easements granted to the SFWMD with third party enforcement rights to Lee County, and maintained in perpetuity. Due to the size of the preservation area, it is agreed that a Community Development District (CDD) or a master homeowners associate must be created to accept responsibility for perpetually maintain the preservation areas.

Policy 33.3.4.2 Item f. Indigenous Management Plan

The development design of the WildBlue Community promotes clustered development, enabling ±1,329 acres of the subject property to be preserved. The Indigenous Management Plan, prepared by Passarella and Associates, identifies the methods to be associated with Indigenous Preservation and Enhancement, a monitoring report and proposed signage. The plan also

identifies the acreage associated with each preservation and enhancement activity. It should be noted that project meets the indigenous vegetation requirements of a planned development without the proposed enhancement activities.

A Protected Species and Human Wildlife Co-existence Plan have been submitted as part of the proposed Comprehensive Plan Amendment Application identifying the methods by which the future residents of the proposed development will be educated about the various wildlife they may come in contact with on the WildBlue property. The plan also identifies the protections methods that will be implemented during construction and after completion of the proposed residential development.

Policy 33.3.4.2. Item g. Florida Friendly Plantings

The WildBlue proposal will utilize Florida Friendly Plantings and establish central pest and fertilizer services for all landscaped areas. Florida Friendly landscaping designs utilize native indigenous species, enhancing existing indigenous habitat and reducing the demand for irrigation. Centralizing pest and fertilizer control will further protect water quality as all applications will be conducted in compliance with the Lee County Landscape & Fertilizer Best Management Practice Ordinance. These commitments will reduce water dependence, improve water quality standards, and re-establish indigenous species on the WildBlue site.

Policy 33.3.3.2 Item j. Protect Public Wells

The proposed planned development will provide enhanced protection to Lee County's public water supply wells. The project will extend public utilities, provide a central irrigation system, and limit the control of fertilizers and related chemicals through the homeowners association. These improvements will protect public potable water supplies and reduce demands upon aquifers that have the potential to supply public water supply wells. The use of native plant materials, a practice known as Florida Friendly Plantings, will reduce water dependence and usage. The proposed surface water management system, which includes two existing on-site flowways, will connect to off-site systems, improve the quality of receiving waters and the function of natural groundwater aquifer recharge areas. The project design also clusters development to previously impacted areas and reduces the impervious area of existing approvals.

Policy 33.3.4.2. Item i. Agricultural Uses

Any existing agricultural uses on the subject property shall cease upon the approval of the concurrent mixed use planned development zoning request.

Policy 33.3.4.2. Item l. Public Water and Sewer Service

The proposed development plan for WildBlue commits to extending central utility services for use on the subject property. Two map amendments are proposed in the companion Comprehensive Plan Amendment to extend the future service boundary for Lee County Utilities to the subject property. Currently potable water and sanitary sewer services are located adjacent to the subject property. Utilizing central service for utilities will eliminate the construction of

individual wells and septic systems on the site and enhance protection to Lee County's public water supply wells through the reduction of drawdown and potential impacts to groundwater resources as outlined in the attached analysis prepared by Water Science Associates.

Policy 33.3.4.2. Item m. Adequate Public Services

The applicant continues to coordinate with the appropriate public service providers.

Policy 33.3.4.2 Item n. Present and Future Water Resources

The requested MPD will incorporate a number of conditions that will create benefits for water resources relative to the existing Ginn approvals.

Individual irrigation control boxes or wells will be eliminated by this development proposal. WildBlue is committing to provide irrigation through a central irrigation system that draws water from the on-site lakes. Provisions prohibiting individual systems will be included in the deed restrictions and/or Home Owners Association documents to address this commitment. Currently, the County's re-use system does not have sufficient reclaimed water capacity to meet the demands of the proposed project. However, the proposed MPD has a reduced development footprint of ±754 acres as compared to the ±1,403 acre development footprint of the existing Ginn approval resulting in a substantial reduction in irrigation water use. Establishing a central irrigation system provides greater control over water usage than individual service to each lot and will result in a reduction of overall water use.

Conclusions

By meeting planned development rezoning requirements, the proposal would be eligible for additional density as described in proposed Policy 33.3.4.2.3. Through the concurrent planned development request, a maximum of 40,000 SF of commercial intensity is proposed for the subject property to promote accessory commercial uses in support of the proposed residential community. A maximum of 1,100 dwelling units are proposed for the development on the subject property, as noted above, in a clustered and significantly smaller development envelope than the currently approved development plan. In addition to conserving 1,329 acres on-site, the applicant is proposing to donate 488 acres – property that was formerly a part of the Ginn/Lago development – to Lee County for the purposes of infrastructure improvements and a Regional Park, located northwest and adjacent to the WildBlue project. The proposal also includes the extinguishment of density on three adjacent parcels, the existing 107 acre farmfield to the Southwest, the 488 northwest parcel, and an existing 579 acre mining site to the North as previously described. Together these parcels and their associated agreements will extinguish 110 units within the DR/GR FLU Category. In exchange for these significant and valuable preservation, conservation, and enhancement efforts, the applicant is requesting 743 additional density units (including the density transfer) above the 247 dwelling units already permitted by right for the subject property.

The proposed amendment to the Comprehensive Plan represents a unique opportunity to provide for significant community and regional benefits. The proposed text amendment restricts

the application of the Environmental Enhancement and Preservation Overlay to properties with the ability to provide significant regional hydrological and wildlife connections; no new development areas are being permitted or allowed in the DR/GR designated areas by virtue of this amendment. Compliance with the development allocation table, Table-1b is also part of the Overlay amendment, and no additional modifications to that table will be required by the proposal. The proposed Environmental Enhancement and Preservation Overlay will assist in mitigating impacts to DR/GR lands, while at the same time treating each situation individually in order to assess the unique characteristics associated with each property and previous development activities. In order to provide overall compatibility with the DR/GR and implement provisions for the protection of groundwater and aquifer recharge qualities, the proposed overlay will retain the protections inherent in the DR/GR category while advancing the public interest through significant protection, preservation, and enhancement of natural resources.

The Lee Plan Policy requirement for a planned development rezoning process provides enhanced protection to Lee County's public water supply wells through the elimination of individual wells and septic systems to be constructed on the site. The proposed overlay will implement the provisions of Objective 2.4 and its attendant, applicable policies, which mandate the extension of public utilities, improvements to recharge opportunities, control of fertilizers and related chemicals, improvements to water quality standards, and a demonstration that public potable water supplies will be protected. Inclusion of requirements for reductions in irrigation water and use of reclaimed water, where available, also serves to reduce demands upon aquifers that have the potential to supply public water supply wells. Similarly, the mandate for use of native plant materials works to reduce water dependence and helps re-establish indigenous species within the DR/GR. The overlay also provides the opportunity and requirement to coordinate surface water management systems with the concept of improving the quality of receiving waters and surrounding natural areas as well as the function of natural groundwater aquifer recharge areas while also providing flood protection for existing and future development, consistent with Goal 60 of the Lee Plan.

The proposed project provides conservation lands, clusters the residential uses on already impacted portions of the site, and establishes a community that is sustainable and compatible with the existing, surrounding residential uses. Specific limitations are proposed through the application of the overlay criteria and incentive calculations. These limitations will also cap the requested density at 1,100 dwelling units. In addition to addressing the amount of density to be accommodated by the subject property, the proposed amendment prohibits the construction of individual potable water well and septic systems as is currently possible according to the existing approvals. Lee County Utilities has confirmed it will provide central water and sewer to the site and irrigation will be provided by the on-site lakes. (Currently reuse water is not available to the site; the system does not have the reclaimed water to meet that added demand.) The expansion of central water and sewer will serve to minimize any concerns about increased drawdown and water quality issues while protecting natural resources.

The proposal density provides a step-down transition from the residential intensity of Miromar Lakes and CenterPlace to the west and the large lot residential to the East. By virtue of the existing approvals on the site and surrounding conditions, the proposal cannot be considered urban sprawl or expansion. The proposed development directs development toward the existing impacted footprint of the previous mining operation to establish a well-designed residential community with a mix of uses to support future residents. The proposed Master Concept Plan of the companion Planned Development rezoning application demonstrates a clustered development footprint that reduces impacts and preserves the on-site natural resources on-site. Public utilities exist adjacent and proximate to the subject property providing for the efficient extension of public service while reducing drawdown and potential impacts to the groundwater resources. Recreational amenities are included in the proposed site design and approximately ±488 acres are proposed to be donated to provide additional recreational opportunities to current and future residents. These conditions meet at least four of the criteria delineated in Section 163.3177(6)(a)9.b. of the Florida Statutes, as a development pattern that discourages urban sprawl. Therefore, it must be concluded that the proposed development does not qualify as urban sprawl.

The consolidation of the development footprint provides for an essential component to the development plan, the preservation and enhancement of native Florida ecosystems to improve compatibility with the conservation lands and Stewart Cypress Slough. The amendments require the enhancement activities and conservation easements to be approved and implemented in conjunction with the development process for the property. The proposed development plan for the property has been created to reduce impacts to wetlands and associated vegetation on site, utilizing them as an amenity instead. The wetlands and associated habitat will connect to the existing approved stormwater management system.



Comprehensive Plan Amendment Text Amendment

POLICY 1.4.5: The Density Reduction/Groundwater Resource (DR/GR) land use category includes upland areas that provide substantial recharge to aquifers most suitable for future wellfield development. These areas also are the most favorable locations for physical withdrawal of water from those aquifers. Only minimal public facilities exist or are programmed.

1. New land uses in these areas that require rezoning or a development order must demonstrate compatibility with maintaining surface and groundwater levels at their historic levels (except as provided in Policies 33.1.3 and 33.3.45) utilizing hydrologic modeling, the incorporation of increased storage capacity, and inclusion of green infrastructure. The modeling must also show that no adverse impacts will result to properties located upstream, downstream, as well as adjacent to the site. Offsite mitigation may be utilized, and may be required, to demonstrate this compatibility. Evidence as to historic levels may be submitted during the rezoning or development review processes.
2. Permitted land uses include agriculture, natural resource extraction and related facilities, conservation uses, public and private recreation facilities, and residential uses at a maximum density of one dwelling unit per ten acres (1 du/10 acres). See Policies 33.3.2, 33.3.3, 33.3.4, ~~and~~ 33.3.5, and 33.3.6 for potential density adjustments resulting from concentration or transfer of development rights.
 - a. For residential development, also see Objective 33.3 and following policies. Commercial and civic uses can be incorporated into Mixed-Use Communities to the extent specifically provided in those policies
 - b. Individual residential parcels may contain up to two acres of Wetlands without losing the right to have a dwelling unit, provided that no alterations are made to those wetland areas.
 - c. The Future Limerock Mining overlay (Map 14) identifies sufficient land near the traditional Alico Road industrial corridor for continued limerock mining to meet regional demands through the Lee Plan's planning horizon (currently 2030). See Objective 33.1 and following policies.
3. Private Recreational Facilities may be permitted in accordance with the site locational requirements and design standards, as further defined in Goal 16. No Private recreational facilities may occur within the DR/GR land use category without a rezoning to an appropriate

planned development zoning category, and compliance with the Private Recreation Facilities performance standards, contained in Goal 16 of the Lee Plan.

(Amended by Ordinance No. 91-19, 94-30, 99-16, 02-02, 10-20, 12-24)

POLICY 1.7.13: The Southeast Density Reduction/Groundwater Resource overlay (Map 17) is described in Policies 33.3.1 through 33.3.45. This overlay affects only Southeast Lee County and identifies ~~four~~ five types of land:

1. "Existing Acreage Subdivisions": existing rural residential subdivisions that should be protected from adverse external impacts such as natural resource extraction.
2. "Rural Golf Course Communities" potential locations for the concentration of development rights on property zoned Private Recreational Facilities Planned Development and located in the Southeast Density Reduction/Groundwater Resource area.
3. "Mixed-Use Communities" locations where this concentration of development rights from large contiguous tracts with the Density Reduction/Groundwater Resource area that can be supplemented by transfer of development rights from non-contiguous tracts in the Southeast Density Reduction/Groundwater Resource area. See Objective 33.3 and following policies.
4. "Improved Residential Communities:" Property with existing residential approvals that are inconsistent with the Southeast Density Reduction/Groundwater Resource area that could be improved environmentally.
5. "Environmental Enhancement and Preservation Overlay:" Properties adjacent to Corkscrew and Alico Roads that have the potential to improve and restore important regional hydrological and wildlife connections.

(Added by Ordinance No. 10-19, Amended by Ordinance No. 12-24, Renumbered by Ordinance No. 14-10)

POLICY 33.2.1: Large-scale ecosystem integrity in Southeast Lee County should be maintained and restored. Protection and/or restoration of land is of even higher value when it connects existing corridors and conservation areas. Restoration is also highly desirable when it can be achieved in conjunction with other uses on privately owned land including agriculture. Lee County Natural Resources, Conservation 20/20, and Environmental Sciences staff will work with landowners who are interested in voluntarily restoring native habitats and landowners who are required to conduct restoration based upon land use changes. The parameters for the required restoration will be established in the Land Development Code by 2012 or within specific planned development zoning approvals. (Added by Ordinance No. 10-19)

OBJECTIVE 33.3: RESIDENTIAL AND MIXED-USE DEVELOPMENT. Designate on a Future Land Use Map overlay areas that should be protected from adverse impacts of mining (Existing Acreage

Subdivisions), specific locations for concentrating existing development rights on large tracts (Mixed-Use Communities), specific properties which provide opportunities to protect, preserve, and restore strategic regional hydrological and wildlife connections (Environmental Enhancement and Preservation Overlay), and vacant properties with existing residential approvals that are inconsistent with the density Reduction/Groundwater Resource future land use category (Improved Residential Communities). (Added by Ordinance No. 10-43, Amended by Ordinance No.12-24)

POLICY 33.3.4: Properties that provide a significant regional hydrological and wildlife connection that have the potential to improve, preserve, and restore regional surface and groundwater resources and indigenous wildlife habitats. These properties, located along Corkscrew and Alico Roads, can provide important hydrological and wildlife habitat connections between existing conservation areas. As an incentive to improve, preserve, and restore regional surface and groundwater resources and wildlife habitat of state and federally listed species additional densities and accessory commercial uses will be granted if the project is found consistent with and demonstrates through a Planned Development rezoning the following.

1. These properties are within the “Environmental Enhancement and Preservation Overlay” as designated on Map 17 of the Plan;
2. The property is rezoned to a Planned Development that meets the following where applicable:
 - a. Clustered Planned Development must include a minimum of 60 percent open space, not including previously mined lakes, which will be used to accommodate the following:
 1. Restore and accommodate existing and historic regional flowways;
 2. Restore and accommodate existing and historic groundwater levels;
 3. Restore and preserve wetlands;
 4. Restore and preserve indigenous upland habitats; and
 5. Provide critical wildlife connections to adjacent conservation areas.
 - b. Includes an enhanced lake management plan, that:
 1. Applies best management practices for fertilizers and pesticides;
 2. Provides erosion control and bank stabilization; and
 3. Establishes lake maintenance requirements.
 - c. Develop a site specific ecological and hydrological restoration plan which includes at a minimum the following: excavation and grading plans, analysis of hydrological improvements and water budget, replanting plan, habitat restoration plan, success criteria, long term monitoring and maintenance.
 - d. Preservation areas must be platted in separate tracts and dedicated to an appropriate maintenance entity. For projects larger than 1,000 acres a Community Development District (CDD) or a master home owners association must be created, that will accept

responsibility for perpetually maintaining the preservation requirements identified in the Planned Development, prior to issuance of certificate of compliance (CC) for first local development order.

- e. Record a Conservation Easement dedicated to the appropriate maintenance entity that provides Lee County, or some other public agency acceptable to Lee County, with third party enforcement rights.
- f. Indigenous management plans must address human-wildlife coexistence.
- g. Uses Florida Friendly Plantings with low irrigation requirements in Common Elements.
- h. Provide a minimum of 1.5 inches of water quality treatment for the developed areas of the project. In addition, stormwater runoff must be directed into treatment areas that provide additional storage for 0.5 inches of runoff for the developed area.
- i. Elimination of any agricultural uses.
- j. Protects Public wells through compliance with the requirements of the Well Field Protection Ordinance.
- k. Each Planned Development within the Overlay will be required to mitigate the traffic impacts of the Planned Development and provide its proportionate share of the needed roadway improvements in accordance with Administrative Code 13-16. The proportionate fair-share amount may be offset, separately or collectively, as follows: (a) full payment of road impact fees attributable to the approved development up front (to facilitate pipelined improvements by the County); (b) dedication or grant of property necessary to achieve the transportation improvements; (c) construction of all or a portion of the transportation infrastructure improvements necessary to serve the approved Planned Development; or, (d) as otherwise set forth in a written agreement between the County and developer. Compliance may be met through an enforceable instrument to be recorded prior to the issuance of the first development order allowing vertical construction within a Planned Development.
- l. Connect to public water and sewer service, and must connect to reclaimed water when available.
- m. Obtain written verification as to adequate public services for the Planned Development, from the sheriff, EMS and fire district.
- n. Demonstrate that the proposed rezoning will not result in significant detrimental impacts on present or future water resources.

3. In recognition of the preservation, enhancement, and protection of regional flowways and natural habitat corridors, the interconnection with existing off-site conservation areas, and the significant enhancement, preservation and protection of these lands additional density may be approved through Planned Developments meeting the criteria and requirements outlined above as follows:
 - a. Lands within the Environmental Enhancement and Preservation Overlay meeting the requirements above will be permitted a maximum density of 1 unit per 3 acres.
 - b. Density in the Environmental Enhancement and Preservation Overlay will be based upon the acreage of the entire planned development (i.e. all areas within the boundary of the planned development whether uplands, wetlands, or lake will be calculated at the density provided above.
 - c. Additional dwelling units may be approved in a the Planned Development meeting the requirements above if transferred from other Southeast Lee County lands located outside of the Planned Development at the standard density of 1 unit per 10 acres for DR/GR lands and 1 unit per 20 acres for Wetlands future land use category if density rights are extinguished through an instrument acceptable to the County Attorney's Office.

4. Because the density increase within the Environmental Enhancement and Preservation Overlay has not been fully accounted for in the County's transportation planning efforts, by July 1, 2017 the County will complete a study, with input from property owners within the Environmental Enhancement and Preservation Overlay, to determine the improvements necessary to address density in the DR/GR and develop a financing strategy for the identified improvements.

Note: Existing Lee Plan Policies 33.3.4 through 33.3.7 would need to be renumbered to accommodate the proposed amendment.



Comprehensive Plan Amendment Lee Plan Compliance

WildBlue is a ±2,960 acre proposed residential community with supporting neighborhood commercial located between Alico and Corkscrew Roads East of I-75. The property is a former limerock mine located within the Density Reduction/Groundwater Resource Future Land Use Category in Sections 7, 8, 17, 18, 19 and 20 of Lee County, Florida. The property is bounded by Alico Road to the north, Corkscrew Road to the South, an active mining operation and scattered residential activity to the east, and an FPL transmission line to the west. While mining is no longer occurring, the property was significantly impacted by these activities over the past three decades.

The project seeks to promote the redevelopment of the subject property in a manner that is consistent with the vision of the Density Reduction/Groundwater Resource Future Land Use Category and Southeast Lee County Planning Community. The requests are as follows:

1. Amend Policy 1.4.5 to incorporate the revised Policy 33.3.4 and new Policy 33.3.6.
2. Amend Policy 1.7.13 to establish an Environmental Enhancement and Preservation Overlay within the Density Reduction/Groundwater Resource Future Land Use Category to promote the improvement and restoration of important regional hydrological and wildlife connections.
3. Amend Objective 33.3 to incorporate the general intent of the Environmental Enhancement and Preservation Overlay.
4. Establish Policy 33.3.4 to implement the Environmental Enhancement and Preservation Overlay.
5. Amend the Future Land Use Map Series, Maps 6 and 7. 'Lee County Utilities Future Water & Sanitary Sewer Service Areas' to place the property within the Service Areas.
6. Amend Map 17 to incorporate the Environmental Enhancement and Preservation Overlay and subject property.
7. Amend Map 17 to eliminate a portion of the property from the Mixed Use Community

The request will create a performance based overlay promoting the redevelopment of properties located along Corkscrew and Alico Roads in a manner that protects the natural resources on the property and possesses greater consistency with the purpose and intent of the applicable Lee Plan Goals, Objectives, and Policies, for the subject property than the currently approved Ginn/Lago development plan. The proposed development of the subject property provides greater habitat restoration and protection, less development impacts, and design parameters that better reflect the applicant's desire to protect and enhance natural features.

The subject property is located within the DR/GR Future Land Use and the Southeast Lee County Planning Community. That Future Land Use category is as described below.

Policy 1.4.5: *The Density Reduction/Groundwater Resource (DR/GR) land use category includes upland areas that provide substantial recharge to aquifers most suitable for future wellfield development. These areas also are the most favorable locations for physical withdrawal of water from those aquifers. Only minimal public facilities exist or are programmed.*

1. *New land uses in these areas that require rezoning or a development order must demonstrate compatibility with maintaining surface and groundwater levels at their historic levels (except as provided in Policy 33.1.3 and 33.3.4) utilizing hydrologic modeling, the incorporation of increased storage capacity, and inclusion of green infrastructure. The modeling must also show that no adverse impacts will result to properties located upstream, downstream, as well as adjacent to the site. Off-site mitigation may be utilized, and may be required, to demonstrate this compatibility. Evidence as to historic levels may be submitted during the rezoning or development review processes.*
2. *Permitted land uses include agriculture, natural resource extraction and related facilities, conservation uses public and private recreation facilities, and residential uses at a maximum density of one dwelling unit per ten acres (1 du/10 acres). See Policies 33.3.2, 33.3.3, 33.3.4, ~~and~~ 33.3.5, and 33.3.6 for potential density adjustments resulting from concentration or transfer of development rights.*
 - a. *For residential development, also see Objective 33.3 and following policies. Commercial and civic uses can be incorporated into Mixed-Use Communities to the extent specifically provided in those policies.*
 - b. *Individual residential parcels may contain up to two acres of Wetlands without losing the right to have a dwelling unit, provided that no alternations are made to those wetland areas.*
 - c. *The Future Limerock Mining Overlay (Map 14) identifies sufficient land near the traditional Alico Road industrial corridor for continued limerock mining to meet regional demands through the Lee Plan’s planning horizon (currently 2030) See Objective 33.1 and following policies.*
3. *Private Recreational Facilities may be permitted in accordance with the site locational requirements and design standards, as further defined in goal 16. No private recreational facilities may occur within the DR/GR land use category without a rezoning to an appropriate planned development zoning category, and compliance with the Private Recreation Facilities performance standards, contained in Goal 16 of the Lee Plan.*

Consistent with the DR/GR FLU, the property is eligible for 247 single family dwelling units. The existing approvals provide for the individual lots to be serviced by independent, single user potable water wells and septic systems. While the density of these approvals meets the 1du/10ac of the DR/GR, the use of well and septic is potentially incompatible with the intent and vision of the DR/GR as envisioned by Policy 1.4.5. and the Southeast Lee County Planning Community as envisioned by Goal 33 and its supporting Objectives and Policies. Goal 33 of the Lee Plan states, in part, “The best overall balance between these demands will be achieved through a pair of complementary strategies: consolidating future mining in the traditional Alico Road industrial

corridor while **initiating a long-term restoration program** to the east and south to benefit water resources and protect natural habitat. Residential and commercial development will not be significantly increased **except where development rights are being explicitly concentrated by this plan** [emphasis added].” This amendment proposes to not only initiate a long-term habitat restoration program, but it also concentrates residential density on a development footprint significantly smaller than that already approved for the Ginn/Lago development. The proposed amendment demonstrates compatibility with maintaining surface and groundwater levels at historic levels, and protects both the quality and quantity of water resources found on the subject property. The detailed supporting documentation provided by Water Science Associates demonstrates that the requested density, including the required use of public water and sewer service, will preserve surface and groundwater levels.

The proposed request is consistent with the provisions of Lee Plan Table 1(b). The subject property is located within the Southeast Lee County Planning Community, which is allocated ±4,000 acres for residential use in the DR/GR Future Land Use Category. Information obtained from Lee County Community Development indicates there are ±1,906 acres remaining for residential uses within the DR/GR FLU. The proposed development will utilize ±754 acres for development and supporting infrastructure. As a result, there is sufficient residential acreage remaining to accommodate the proposed development; the request is consistent with Lee Plan Table 1(b).

Lee Plan Objective 2.4 and its supporting policies specifically address comprehensive plan amendments that request an increase in the allowable density or intensity within the DR/GR. Policy 2.4.3 provides four specific requirements that applicants seeking amendments of this type must address.

- 1. Analyze the proposed allowable land uses to determine the availability of irrigation and domestic water sources; and*
- 2. Identify potential irrigation and domestic water sources, consistent with the Regional Water Supply Plan. Since regional water supplier cannot obtain permits consistent with the planning time frame of the Lee Plan, water sources do not have to be currently permitted and available, but they must be reasonably capable of being permitted; and*
- 3. Present data and analysis that the proposed land uses will not cause any significant harm to present and future water resources; and*
- 4. Supply data and analysis specifically addressing the urban sprawl criteria listed in Rule 9J-5.006(5)(g), (h), (i) and (j), FAC.*

An analysis has been conducted by Water Science Associates indicating that irrigation for the subject property will be a central system that draws from the existing on-site lakes. A central system provides greater control of irrigation water and will result in lower water use than will individual private well system. The analysis includes the necessary data and analysis to demonstrate that the proposal will not cause harm to present or future water resources. The

proposed development will connect to central water and sewer to be provided by Lee County Utilities. A letter of availability has been requested from Lee County Utilities. The public facilities impact analysis demonstrates there is adequate capacity available to serve the proposed development. The connection to central utilities would eliminate the currently permitted and approved individual potable water wells and septic systems.

The existing approved single family residential units on 1 acre lots – part of the Ginn/Lago development program – is a suburban form of development. The requested amendment would not add acreage to the development footprint, and in fact reduces the overall impacts by ±649 acres. As demonstrated by the Master Concept Plan submitted with the concurrent planned development request, the development footprint is ±754 acres, compared to ±1,403 acres proposed for development under the Ginn/Lago development plan. There is a ±169 acre reduction in wetland impacts. In addition to reducing impacts, the current proposal includes the donation of 488 acres to Lee County for the purpose of infrastructure improvements and a Regional Park, located to the northwest of and adjacent to the WildBlue project. The proposal also includes the extinguishment of density on three adjacent parcels. To the Southwest of the WildBlue project is an existing 107 acre farmfield. This property will have a restrictive covenant placed on it to extinguish the density. The 488 acre park is to be provided to Lee County via a Developer's Agreement which will also extinguish density on this parcel. To the North is an existing 579 acre mining site, which will have a restrictive covenant placed on it made to the benefit of Lee County and to extinguish the density on the property. Together, these three parcels and their associated covenants and agreements will extinguish 110 units within the Density Reduction Groundwater Resource Future Land Use and transfer to the subject property.

The property is within the Southeast Lee County Planning Community. The intent of the Southeast Lee County Planning Community is to protect natural resources while concentrating development as demonstrated by Goal 33.

Goal 33: SOUTHEAST LEE COUNTY. *To protect natural resources in accordance with the County's 1990 designation of Southeast Lee County as a groundwater resource area, augmented through a comprehensive planning process that culminated in the 2008 report, Prospects for Southeast Lee County. To achieve this goal, it is necessary to address the inherent conflict between retaining shallow aquifers for long-term water storage and extracting the aquifer's limestone for processing into construction aggregate. The best overall balance between these demands will be achieved through a pair of complementary strategies: consolidating future mining in the traditional Alico Road industrial corridor while initiating a long-term restoration program to the east and south to benefit water resources and protect natural habitat. Residential and commercial development will be significantly increased except where development rights are being explicitly concentrated by this plan. Agriculture uses may continue, and environmental restoration may begin. This goal and subsequent objectives and policies apply to Southeast Lee County as depicted on Map 1, Page 2.*

Consistent with Goal 33, and its supporting objectives and policies, the proposed development plan clusters the requested residential density around the southeast and central mining lakes and reduces the development footprint from the existing approvals. As demonstrated by the Master Concept Plan of the concurrent planned development, 1,329 acres of natural resources (which includes 9.9 acres from Instrument No. 2006000336079 and 4.98 acres from Instrument No. 2006000336078) on the site are proposed to be placed into conservation.

As promoted by Objective 33.3 and its supporting policies the proposed comprehensive plan amendment will cluster development rights, preserving water resources and natural habitat. The Lee Plan amendment requests additional density be granted by following strict criteria to preserve, restore, and enhance the natural resources on-site.

OBJECTIVE 33.3: RESIDENTIAL AND MIXED-USE DEVELOPMENT. *Designate on a Future Land Use Map overlay areas that should be protected from adverse impacts of mining (existing acreage subdivisions), specific locations for concentrating existing development rights on large tracts (Mixed-Use Communities), specific properties which provide opportunities to protect, preserve, and restore strategic regional hydrological and wildlife connections (Environmental Enhancement and Preservation Overlay) and vacant properties with existing residential approvals that are inconsistent with the Density Reduction/Groundwater Resource future land use category (Improved Residential Communities).*

An amendment to this Objective and Policy 33.3.4 are proposed to address the conditions of the subject property. The Environmental Enhancement and Preservation Overlay is proposed to promote the environmental restoration and preservation of regional hydrological and wildlife connections within the Density Reduction Groundwater Resource FLU.

The proposed comprehensive plan amendment enables a development plan that reduces potential impacts to the Lee County potable water supply, permits maintaining historic surface and groundwater levels, improves the protection of natural resources, and conserves regional flow-ways and native habitat.

The proposed development plan will require connection to Lee County Utility facilities for potable water and sanitary sewer service. This will eliminate the individual domestic self-supply wells and individual onsite sewage treatment and disposal systems (septic systems) that would have been required for the currently approved residential development. As demonstrated within the report provided by Water Science Associates, eliminating these individual connections will significantly reduce drawdown in the vicinity of existing public supply wells and reduce impacts to the aquifer. In addition to protecting groundwater resources, the proposal also protects surface water resources. The clustered development pattern proposed enables the preservation and enhancement of significant flow-ways, connecting to existing off-site conservation areas, including the Stewart Slough. The design of the proposed development, as demonstrated in the

concurrent planned development, is consistent with Objectives 33.2 and its supporting policies as well as Objectives 60.5, 61.2 and policies 60.1.1, 60.1.2, 60.1.3, and 60.5.3. Additionally, the establishment of the Stewart Slough connection and the large mammal wildlife corridor is consistent with the intent of Lee Plan objectives 107.1 and 107.11, along with policies 107.1.1, 107.11.2, and 107.11.3.

OBJECTIVE 33.2: WATER, HABITAT, AND OTHER NATURAL RESOURCES. *Designate on a Future Land Use Map overlay the land in Southeast Lee County that is most critical toward restoring historic surface and groundwater levels and for improving the protection of other natural resources such as wetlands and wildlife habitat.*

POLICY 60.1.1: *Develop surface water management systems in such a manner as to protect or enhance the groundwater table as a possible source of potable water.*

POLICY 60.1.2: *Incorporate, utilize, and where practicable restore natural surface water flow-ways and associated habitats.*

POLICY 60.1.3: *The county will examine steps necessary to restore principal flow-way systems, if feasible, to assure the continued environmental function, value, and use of natural surface water flow-ways and associated wetland systems.*

OBJECTIVE 60.5: INCORPORATION OF GREEN INFRASTRUCTURE INTO THE SURFACE WATER MANAGEMENT SYSTEM. *The long-term benefits of incorporating green infrastructure as part of the surface water management system include improved water quality, improved air quality, improved water recharge/infiltration, water storage, wildlife habitat, recreational opportunities, and visual relief within the urban environment.*

POLICY 60.5.3: *The County encourages the preservation of existing natural flow-ways and the restoration of historic natural flow-ways.*

OBJECTIVE 61.2: MIMICKING THE FUNCTIONS OF NATURAL SYSTEMS. *Support a surface water management strategy that relies on natural features (flow-ways, sloughs, strands, etc.) and natural systems to receive and otherwise manage storm and surface water.*

OBJECTIVE 107.1: RESOURCE MANAGEMENT PLAN. *The county will continue to implement a resource management program that ensures the long-term protection and enhancement of the natural upland and wetland habitats through the retention of interconnected, functioning, and maintainable hydro-ecological systems where the remaining wetlands and uplands function as a productive unit resembling the original landscape.*

POLICY 107.1.1: *County agencies implementing the natural resources management program will be responsible for the following:*

- 1. Identifying upland and wetland habitats/systems most suitable for protection, enhancement, reclamation, and conservation.*
- 2. Recommending standards to the Board of County Commissioners for Board approval for development and conservation that will protect and integrate wetlands (as defined in Objective 114.1) and significant areas of Rare and Unique upland habitats (as defined in Objective 104.1).*
- 3. Preparing standards for wetland and rare and unique upland mitigation.*
- 4. Conducting a sensitive lands acquisition program, which will consist of the following elements (see also Policy 107.2.8):*
 - a. A comprehensive inventory of environmentally sensitive lands will be maintained and expanded as new data becomes available.*
 - b. Environmentally sensitive lands will include wetlands (as defined in Objective 114.1); important plant communities (as identified by Objective 107.2); critical habitat for listed wildlife species (see also Objective 107.8 and Policies 107.4.1, 107.4.2, 107.10.4, and 107.11.2); environmentally sensitive coastal planning areas (as defined in Policy 113.1.5); natural waterways; important water resources (as defined in Policy 117.1.1); storm and flood hazard areas; and Rare and Unique uplands (as defined in Objective 104.1).*
 - c. Beginning in 1997, the county will adopt and implement a program to acquire and manage lands critical to water supply, flood protection, wildlife habitat, and passive recreation. The program will be funded by an ad valorem tax of up to 0.50 (1/2) mil annually for a period not to exceed seven years. A fifteen member advisory group to be called the Conservation Lands Acquisition and Stewardship Advisory Committee (CLASAC) will develop and implement the program. Ten percent of the funds will be used to manage the lands acquired.*
 - d. The county will take full advantage of opportunities to cooperatively acquire and manage sensitive lands and to leverage other funding sources by working with state land acquisition and land management agencies such as the Florida Communities Trust and the Florida Game and Fresh Water Fish Commission and by participating in state land acquisition programs such as the Save Our Rivers program and the Conservation and Recreational Lands program. Priority should be given to acquiring and otherwise protecting properties which are adjacent to or in close proximity to existing preservation areas, with emphasis on maintaining opportunities for a regional greenways system that may include a mix of flow ways, areas subject to flooding, native habitats, recreational trails and wildlife corridors.*
 - e. The county (or other appropriate agency) will prepare a management plan for each acquired site for the long term maintenance and*

enhancement of its health and environmental integrity. The management plan will address any necessary people management (e.g., fences and signage to prevent incompatible uses such as off road vehicle use and hunting); surface water management and restoration; ecosystems restoration; litter control; fire management; invasive exotic plant and animal control; and, where appropriate, compatible recreational use facilities. The plan will also address how maintenance will be funded.

- f. The county will encourage the establishment of and provide assistance to community based land trusts, whose purpose is the preservation and protection of Lee County's natural resources.*
- g. The County will build upon the Conservation 20/20 program for funding a green infrastructure and natural functions program, which will be within the County CIP program.*
- 5. Maintaining a central clearinghouse for all environmental studies and recommendations by both public and private organizations.*
- 6. Compiling, maintaining and regularly updating county mapping of vegetation communities; listed species habitat and sitings; and water resources including watersheds, floodplains, wetlands, aquifers, and surface water features.*
- 7. Preparing recommendations for maintaining or restoring the desired seasonal base flows and water quality after reviewing monitoring data.*
- 8. Coordinating in the preparation of plans with the municipalities, South Florida Water Management District, and Southwest Florida Water Management District to better control flows of freshwater and reduce pollutant discharges into the Lee County coastal waters.*
- 9. Providing an annual progress report to the county commission on the resource management program. The report should address the adequacy of the program and land use regulations to protect and enhance these natural systems.*
- 10. Providing on an as needed basis a report to the County Commission on the status of wetlands and rare and unique uplands.*

OBJECTIVE 107.11: FLORIDA PANTHER AND BLACK BEAR. *County staff will develop measures to protect the Florida panther and black bear through greenbelt and acquisition strategies.*

POLICY 107.11.2: *Encourage state land acquisition programs to include known panther and black bear corridors. The corridor boundaries will include wetlands, upland buffers, and nearby vegetative communities which are particularly beneficial to the Florida panther and black bear (such as high palmetto and oak hammocks).*

POLICY 107.11.3: Lee County will inform Collier and Charlotte counties as to Lee County corridor acquisition projects to encourage a regional approach to corridor acquisition.

In addition to reducing impacts to surface and ground water, the proposed development design will also reduce impacts to natural resources. As demonstrated by the companion planned development rezoning application, the proposed development area is clustered around the two existing lakes in areas that have been impacted by the previous mining activity. This design leaves 1,329 acres of the site available for perpetual conservation. A portion of the area being conserved is a flow-way that will connect to existing conservation off-site to form the larger Stewart Cypress Slough system. The proposal includes enhancement of the native habitat within this area to address exotic infestation, agricultural ditches, previous farming activities, and other impacts. The property between the central and southeast development areas to be preserved will primarily be utilized to create an enhanced wildlife corridor. This area will also undergo enhancement and preservation to address exotic infestation and any impacts from the previous activities on site. Other areas outside the flow-way and wildlife corridor are also proposed to be improved, and as a result, ±633 acres of enhancement activities are proposed. The concurrent planned development rezoning application will address the method and timings of the improvements.

These activities are consistent with Goals 77, 107, and 114 and the supporting objectives and policies.

GOAL 77: DEVELOPMENT DESIGN REQUIREMENTS. To require new development to provide adequate open space for improved aesthetic appearance, visual relief, environmental quality, preservation of existing native trees and plant communities, and the planting of required vegetation.

Goal 107: RESOURCE PROTECTION. To manage the county's wetland and upland ecosystems so as to maintain and enhance native habitats, floral and faunal species diversity, water quality, and natural surface water characteristics.

GOAL 114: WETLAND. To maintain and enforce a regulator program for development in wetlands that is cost-effective, complements federal and state permitting processes, and protects the fragile ecological characteristics of wetland systems.

The 2,960 acre WildBlue property has historically been impacted by previous agricultural and mining activities. The currently approved residential community and golf course would continue to impact the natural resources of the property and surrounding area. The proposed text amendment will establish a new Environmental Enhancement and Preservation Overlay. It will promote redevelopment of the property providing increased protection of the groundwater,

surface water, flow-ways, wildlife corridor, and other natural resources, consistent with the vision of the Density Reduction/Groundwater Resource Future Land Use Category and Southeast Lee County Planning Community. The proposed text amendment and companion planned development zoning are consistent with the Lee Plan and demonstrate sound planning principles.



Comprehensive Plan Amendment Public Facilities Impacts Analysis

WildBlue is a former limerock mine located in Southeast Lee County. The subject property is currently vacant and the proposed Comprehensive Plan seeks to redevelop the property in a manner consistent with the intent of the Density Reduction Groundwater Resource Future Land Use Category and Southeast Lee County Planning Community.

Sanitary Sewer- Lee County Utilities – Three Oaks Wastewater Treatment Plant

The subject property is located between Corkscrew and Alico Roads and the proposed development would be serviced by the Three Oaks Regional Sewage Treatment Plant. The plant has a permitted treatment capacity of 6,000,000 GPD. The Level of Service (LOS) Standard for Sanitary Sewer is 200 gallons per day per residential connection and .1 gallons per day for retail per square foot of floor space.

According to the November 2013 Lee County Concurrency Report, the Three Oaks Wastewater Treatment Plant had an actual average daily flow of 3,181,000 Gallons Per Day (GPD) in 2011 and 3,249,000 GPD in 2012. The estimated average daily flow for 2013 is 3,325,000 GPD. Projected average daily flow for 2014 is 3,400,000 GPD. As demonstrated below, the anticipated needs of the proposed project are well within the remaining 2,600,000 GPD capacity of the Three Oaks Regional Wastewater Treatment Plant. The 2013 Lee County Concurrency Report states there are "there are no apparent sanitary sewer concurrency Level of Service problems anticipated in 2013 and beyond, as projected."

Existing Sanitary Sewer Use - 0

Proposed Sanitary Sewer Use

Residential: 1,100 single family homes X 200 gallons = 220,000 gallons

Retail: 40,000 sf X .1 GPD=4,000 GPD

Total GPD= 224,000 GPD

The amendment results in an increase demand of 224,000 GPD

Potable Water- Lee County Utilities- Pinewoods Water Treatment Plant

The site is located between Corkscrew and Alico Roads and the proposed development will be serviced by the Pinewoods Water Treatment Plant. The plant has a design capacity of 5,300,000 GPD. The LOS standard for Potable Water is 250 gallons per residential connection and .1 gallons for retail per day per square foot of floor space.

According to the November 2013 Lee County Concurrency Report, the actual daily flows for 2011 were 3,420,000 GPD and 3,235,000 GPD for 2012. The estimated average daily flow for 2013 is 4,045,500 GPD and the projected average daily flow for 2014 is 4,115,250 GPD. The anticipated needs of the proposed project are well within the remaining 1,184,750 GPD capacity of the Pinewoods Water Treatment Plant. The 2013 Lee County Concurrency Report states “there are no apparent potable water concurrency Level of Service problems anticipated in 2013 and beyond, as projected.” A potable water transmission line exists along Corkscrew Road adjacent to the subject property to provide a point of connection

Existing Potable Water - 0

Proposed Potable Water Use

Residential: 1,100 single family homes X 250 gallons = 275,000 gallons
Retail: 40,000 sf X .1 GPD=4,000 GPD
Total GPD= 279,000 GPD

The amendment results in an increased demand of 279,000 GPD

The Lee County Utilities Consumptive Use Permit #36-0003-W for public water supply was renewed by the South Florida Water management District on June 15, 2011 and remains in effect until 2031. The permit stipulates:

Annual Allocation shall not exceed 12,508 Million Gallons (MG)
Monthly Allocation shall not exceed 1,355 MG

There is more than adequate Water Treatment Plant capacity based on the 2013 Concurrency Inventory within the Consumptive Use Permit monthly allocation to service the proposed project

Solid Waste- Lee County Waste to Energy Facility

The subject property does not currently utilize services related to solid waste. The LOS standard for Solid Waste is 7 pounds per capita per day. The current facility capacity is 1,836 tons per day and 569,619 tons per year.

The proposed development would result in an increased additional amount of 19,635 lbs per day or 9.82 tons per day of additional solid waste. The anticipated needs of the proposed amendment are well within the remaining capacity of the current facility and in compliance with the LOS standard set forth in The Lee Plan.

Existing Solid Waste Generation: 0

Proposed Solid Waste Generation:



1,100 dwelling units @ 2.55 persons per unit= 2,805 persons
2,805 persons @ 7 lbs. per day = 19,635 lbs./day (9.82 tons/day)
The amendment results in an increased demand of 9.82 tons per day

Surface Water Management- South Florida Water Management District

LOS Standard = Lee Plan Policy 60.3.1 establishes that existing infrastructure for unincorporated Lee County will be sufficient to prevent the flooding of designated evacuation routes on Map 15 from the 25-year, 3 day storm event for more than 24 hours.

The proposed development will comply with the existing infrastructure standards of Lee Plan Policy 60.3.1, as described below, and be designed to SFWMD standards (to detain or retain excess stormwater to match the predevelopment discharge rate for the 25-year, 3-day storm event [rainfall]).

“Stormwater discharges from development must meet relevant water quality and surface water management standards as set forth in Chapters 17-3, 17-40, and 17-302, and rule 40E-4, F.A.C. The development will be designed to avoid increased flooding of surrounding areas. Development must be designed to minimize increases of discharge to public water management infrastructure (or to evapotranspiration) that exceed historic rates, to approximate the natural surface water systems in terms of rate, hydroperiod, basin and quality, and to eliminate the disruption of wetlands and flow-ways, whose preservation is deemed in the public interest.”

The 2013 concurrency report confirms that all new development receiving approval from SFWMD in compliance with Florida Statutes and Administrative Code will be deemed concurrent with the surface water management level of service standards set forth in the Lee Plan. The proposed development has already undergone permitting with the South Florida Water Management District (SFWMD). Permit No. 36-05075-P was approved in 2005 and is still active. To accommodate the proposed amendment, this permit will be amended as necessary and will meet the level of service standard described in the Lee Plan.

Parks, Recreation and Open Space- Lee County Parks and Recreation/State of Florida

The Lee Plan measures the minimum acceptable Level of Service for Parks, Recreation, and Open Space by two standards, Regional Parks and Community Parks.

The 2013 Lee County Concurrency report states there are 3,145 acres of Regional Parks operated by Lee County. One new facility is planned within the fiscal year, increasing the inventory by 15 acres. Five additional parks are proposed in the future, which will increase the inventory by 844 acres.

The report also states:

“The 7,220 acres of Regional Parks currently operated by the County, City, State and Federal Governments is sufficient to meet the Level of Service Standard of six (6) acres per 1,000 total seasonal population in the County for the year 2012 and will continue to do so at least through the year 2018 as currently projected. The Regional Park acreage also meets the Desired Level of Service Standard of eight (8) acres per 1,000 total seasonal County population in 2012 and will continue to do so at least through the year 2018 as currently projected.”

Existing Regional Parks Service: 0

Proposed Regional Parks Service:

6 acres per 1,000 seasonal population

1,100 dwelling units X 2.55 people per household = 2,805 people

2,805 people/1,000 seasonal population = 2.85

2.85 X 6 acres = 15.3 acres

Due to the additional 2,805 people the amendment will bring to the area, a minimum of 15.3 acres of Regional Parks must be available to meet the Level of Service Standard. At present, the Regional Park acreage within the County is in excess of the minimum Level of Service Standard. The Lee County Concurrency Report states this current acreage of Regional Parks is adequate to meet the projected Level of Service Standard through 2018.

The 2013 Lee County Concurrency report states that there are 897 acres of existing Community Parks within unincorporated Lee County. The report also states there are an additional 74 acres of community parks planned within the 2013/2014 fiscal year and beyond. The subject property is located within Community Parks District 48 (Estero/San Carlos, Three Oaks Community Park). There is a cumulative total of 132 acres of Community Parks within this district.

Existing Community Parks Service: 0

Proposed Community Park Service:

2 acres per 1,000 seasonal population.

1,100 units X 2.55 people per household = 2,805 people

2,805 persons/1,000 seasonal population = 2.85

2.85 X 2 acres = 5.7 acres

Due to the additional 2,805 people the amendment will bring to the area, a minimum of 5.7 acres of Community Parks must be available to meet the Level of Service Standard. At present, the acreage of community parks within the Estero/San Carlos/Three Oaks Community Park Benefit District is in excess of the minimum the Level of Service Standard. The Lee County Concurrency Report states this current acreage of Community Parks is adequate to meet the projected Level of Service Standard through 2018.

The WildBlue proposal includes the donation of approximately 488 acres to Lee County Parks and Recreation. The acreage of the donation is more than adequate to meet the level of service increase created by the project in the future should it be determined the existing facilities do not have adequate capacity.

Public School

The proposed development property is within the South Student Assignment Zone and is divided by S-2 and S-3.

LOS Standard = Elementary, Middle and High School LOS is 100% of Permanent FISH capacity as adjusted by the School Board annually to account for measurable programmatic changes.

Existing Students: 0

Proposed Students:

1,100 dwelling units X 0.292 students/household = 321 students

Lee District School Board- South Zone, S-2

Elementary Schools (Rayma Page, San Carlos Park, Three Oaks Elementary)

Actual Enrollment 2013 =2,498 FISH Capacity = 2,603
Seats Available=105

Middle Schools (Lexington, Three Oaks Middle)

Actual Enrollment 2013=1,830 FISH Capacity=2,017
Seats Available=187

High Schools (South Fort Myers High)

Actual Enrollment 2013=1,782 FISH Capacity=1,973
Seats Available=191

Lee District School Board- South Zone, S-3



Elementary Schools (Bonita Springs, Pinewoods, Spring Creek Elementary)

Actual Enrollment 2013=2,022 FISH Capacity=2,339
Seats Available=317

Middle Schools (Bonita Springs Middle)

Actual Enrollment 2013=737 FISH Capacity=891
Seats Available=154

High Schools (Estero High)

Actual Enrollment 2013=1,612 FISH Capacity=1,618
Seats Available=6

The proposed Comprehensive Plan Amendment results in the addition of 321 students. Capacity is available for South Zone 2 and South Zone 3 to meet the demand of the proposed development.



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, STARNES & HOLT P.A. HAVE BEEN AUTHORIZED TO REPRESENT ME (US) FOR THE BELOW REFERENCED PARCEL(S) IN ALL MATTERS PERTAINING TO THE COMPREHENSIVE PLAN AMENDMENT & MIXED USE PLANNED DEVELOPMENT 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#: 20-46-26-00-00001.0000; 19-46-26-00-00001.0000; 18-46-26-00-00001.0000; 17-46-26-00-00001.0000; 08-46-26-00-00001.0000; 07-46-26-00-00001.0000

ALICO East Fund, LLC

OWNER NAME

[Signature]
SIGNATURE DONALD R. SCHRÖTENBOER
RESIDENT

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 26th day of march, 2014, by Don Schrotenboer who is personally known to me or has produced n/a as identification and did not take an oath.

My Commission Expires



(Seal)

[Signature]
Notary Public

Michelle A. Preiss
Notary Printed Name

ADDITIONAL AGENTS

Company Name:	Henderson, Franklin, Starnes & Holt, P.A		
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Phone Number:	239-939-5490	Email:	TLehnert@bankseng.com

Company Name:	Passarella & Associates, Inc.		
Contact Person:	Kenneth C. Passarella & Cheryl Rolph		
Address:	13260 Metropolis Ave., Suite 200		
City, State, Zip:	Fort Myers, Florida 33912		
Phone Number:	239-332-2617	Email:	kenp@passarella.net & cherylr@passarella.net

Company Name:	Stantec Consulting Services, Inc		
Contact Person:	Mark D. Haines PSM		
Address:	3800 Colonial Blvd., Suite 100		
City, State, Zip:	Fort Myers, Florida 33966		
Phone Number:	239-939-1020 Ext 263	Email:	Mark.haines@stantec.com

FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS



Detail by Entity Name

Florida Limited Liability Company

ALICO EAST FUND, LLC

Filing Information

Document Number	L12000085912
FEI/EIN Number	46-0842937
Date Filed	06/29/2012
State	FL
Status	ACTIVE

Principal Address

12800 UNIVERSITY DRIVE, SUITE 275
FORT MYERS, FL 33907

Mailing Address

12800 UNIVERSITY DRIVE, SUITE 275
FORT MYERS, FL 33907

Registered Agent Name & Address

preiss, michelle a
1715 MONROE STREET
FORT MYERS, FL 33901

Name Changed: 04/25/2013

Authorized Person(s) Detail

Name & Address

Title COO

baum, howard
12800 UNIVERSITY DRIVE, SUITE 275
FORT MYERS, FL 33907

Title CFO, VP, T

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

Title VP, S

PREISS, MICHELLE A

12800 UNIVERSITY DRIVE, SUITE 275
FORT MYERS, FL 33907

Title VP

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

Title VP, General Counsel

BOKAN, ANDREW A
12800 UNIVERSITY DRIVE, SUITE 275
FORT MYERS, FL 33907

Title VP

MORRIS, GREGORY
12800 UNIVERSITY DRIVE, SUITE 275
FORT MYERS, FL 33907

Title VP

BOKAN, AMANDA
12800 UNIVERSITY DRIVE, SUITE 275
FORT MYERS, FL 33907

Annual Reports

Report Year	Filed Date
2013	04/25/2013
2013	09/06/2013

Document Images

[09/06/2013 -- AMENDED ANNUAL REPORT](#)

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[04/25/2013 -- ANNUAL REPORT](#)

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[06/29/2012 -- Florida Limited Liability](#)

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**Comprehensive Plan Amendment
Parcel List**

STRAP #	Address	Owner	Date Purchased
07-46-26-00-00001.0000	12030 Alico Road	Alico East Fund, LLC	10/03/2012
08-46-26-00-00001.0000	13500 Alico Road	Alico East Fund, LLC	10/03/2012
18-46-26-00-00001.0000	Access Undetermined	Alico East Fund, LLC	10/03/2012
17-46-26-00-00001.0000	Access Undetermined	Alico East Fund, LLC	10/03/2012
19-46-26-00-00001.0000	Access Undetermined	Alico East Fund, LLC	10/03/2012
20-46-26-00-00001.0000	Access Undetermined	Alico East Fund, LLC	10/03/2012

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 Allico East
Will Call No.: 35

Parcel Identification No. 07-46-26-00-00001.0000
08-46-26-00-00001.0000
17-46-26-00-00001.0000
18-46-26-00-00001.0000
19-46-26-00-00001.0000
20-46-26-00-00001.0000

(Space Above This Line For Recording Data)

Warranty Deed

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

This Indenture made this 3rd day of October, 2012 between Allico-Agri, LTD, a/k/a Allico 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 Allico East 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.

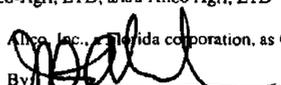
* "Grantor" and "Grantee" are used for singular or plural, as context requires.

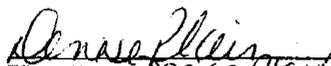
In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

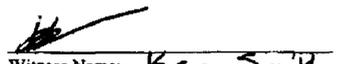
Signed, sealed and delivered in our presence:

Allico-Agri, LTD, a/k/a Allico Agri, LTD

By: Allico, Inc., Florida corporation, as General Partner

By: 
JD Alexander, Chief Executive Officer and President


Witness Name: Denise Platt

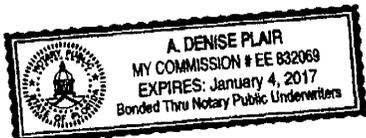

Witness Name: Ken Smith

(Corporate Seal)

State of Florida
County of Lee

The foregoing instrument was acknowledged before me this 3rd day of October, 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
Notary Public

Printed Name: A Denise Plair

My Commission Expires: 1-4-17

Exhibit A

SOUTH PARCEL

A PARCEL OF LAND LYING IN SECTIONS 7, 8, 17, 18, 19 AND 20, 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 SAID MAINTAINED SOUTH RIGHT-OF-WAY LINE OF ALICO ROAD, N.88°59'33"E., 10,137.08 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 8; THENCE, ALONG SAID EAST LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 8, S.01°05'22"E., 2,311.14 FEET; THENCE, ALONG THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 8, S.01°05'17"E., 2,643.61 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 8; THENCE, ALONG THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 17, S.00°53'05"E., 2,806.42 FEET; THENCE, ALONG THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 17, S.00°55'01"E., 2,805.88 FEET TO THE NORTHEAST CORNER OF THE AFOREMENTIONED SECTION 20; THENCE, ALONG THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 20, S.01°09'17"E., 2,639.23 FEET; THENCE, ALONG THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 20, S.01°09'17"E., 1,733.42 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY OF CORKSCREW ROAD DESCRIBED AS PARCEL 102B IN OFFICIAL RECORDS INSTRUMENT #2008000174785 OF THE AFOREMENTIONED PUBLIC RECORDS; THENCE, ALONG SAID NORTHERLY RIGHT-OF-WAY S.86°32'28"W., 4,155.04 FEET; THENCE, CONTINUE, ALONG SAID NORTHERLY RIGHT-OF-WAY DESCRIBED AS PARCEL 102B-SE IN OFFICIAL RECORDS INSTRUMENT #2008000174785 OF THE AFOREMENTIONED PUBLIC RECORDS, FOR THE FOLLOWING THREE (3) COURSES:

1. N.03°40'07"W., 5.00 FEET;
2. S.86°32'28"W, 18.98 FEET;
3. ALONG THE ARC OF A TANGENT CIRCULAR CURVE CONCAVE SOUTHERLY, HAVING FOR ITS ELEMENTS A RADIUS OF 2385.00 FEET, A CENTRAL ANGLE OF 11°47'38", A CHORD DISTANCE OF 490.07 FEET, A CHORD BEARING OF S.80°39'49"W., AN ARC DISTANCE OF 490.93 FEET;

THENCE, CONTINUE, ALONG SAID NORTHERLY RIGHT-OF-WAY OF CORKSCREW ROAD AND ALONG THE ARC OF A CIRCULAR CURVE CONCAVE SOUTHERLY, HAVING FOR ITS ELEMENTS A RADIUS OF 870.17 FEET, A CENTRAL ANGLE OF 3°07'09", A CHORD DISTANCE OF 47.37 FEET, A CHORD BEARING OF S.74°15'44"W., AN ARC DISTANCE OF 47.37 FEET; THENCE, CONTINUE, ALONG SAID NORTHERLY RIGHT-OF-WAY DESCRIBED AS PARCEL 102A-SE IN OFFICIAL RECORDS INSTRUMENT #2008000174785 OF THE AFOREMENTIONED PUBLIC RECORDS FOR THE FOLLOWING TWO (2) COURSES:

1. ALONG THE ARC OF A NON-TANGENT CIRCULAR CURVE CONCAVE SOUTHERLY, HAVING FOR ITS ELEMENTS A RADIUS OF 2385.00 FEET, A CENTRAL ANGLE OF 7°42'54", A CHORD DISTANCE OF 320.90 FEET, A CHORD BEARING OF S.69°46'02"W., AN ARC DISTANCE OF 321.15 FEET;
2. S.24°05'25"E., 5.00 FEET;

THENCE, CONTINUE, ALONG THE NORTHERLY RIGHT-OF-WAY OF CORKSCREW ROAD DESCRIBED AS PARCEL 102-A, IN OFFICIAL RECORDS INSTRUMENT #2008000174785, OF THE AFOREMENTIONED PUBLIC RECORDS FOR THE FOLLOWING TWO (2) COURSES:

Exhibit A (Continued)

1. ALONG THE ARC OF A NON-TANGENT CIRCULAR CURVE CONCAVE SOUTHERLY, HAVING FOR ITS ELEMENTS A RADIUS OF 2380.00 FEET, A CENTRAL ANGLE OF 4°07'35", A CHORD DISTANCE OF 171.37 FEET, A CHORD BEARING OF S.63°50'47"W., AN ARC DISTANCE OF 171.41 FEET;
2. S.61°47'00"W., 933.33 FEET

TO AN INTERSECTION WITH THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF THE AFOREMENTIONED SECTION 19; THENCE, ALONG THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 19, S.89°22'06"W., 1,926.72 FEET; THENCE, ALONG THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 19, S.89°21'56"W., 2,042.53 FEET TO THE EAST LINE OF A FLORIDA POWER & LIGHT EASEMENT (125 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 730, PAGE 622 OF THE AFOREMENTIONED PUBLIC RECORDS; THENCE, ALONG THE EAST LINE OF SAID EASEMENT, N.00°48'26"W., 100.00 FEET; THENCE ALONG THE BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3442, PAGE 1430 OF THE AFOREMENTIONED PUBLIC RECORDS FOR THE FOLLOWING THREE (3) COURSES:

1. N.89°21'56"E., 466.69 FEET;
2. N.00°48'26"W., 466.69 FEET;
3. S.89°21'56"W., 466.69 FEET

TO THE EAST LINE OF A FLORIDA POWER & LIGHT EASEMENT (125 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 730, PAGE 622 OF THE AFOREMENTIONED PUBLIC RECORDS; THENCE, ALONG THE EAST LINE OF SAID EASEMENT FOR THE FOLLOWING THREE (3) COURSES:

1. N.00°48'26"W., 2,079.13 FEET;
2. N.00°50'13"W., 2,639.97 FEET;
3. N.00°50'47"W., 888.10 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., 235.00 FEET TO AN INTERSECTION WITH THE WEST LINE OF A FLORIDA POWER & LIGHT EASEMENT (110 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 221, PAGE 191 OF THE AFOREMENTIONED PUBLIC RECORDS; THENCE, ALONG THE WEST LINE OF SAID EASEMENT, N.00°50'47"W., 9,604.65 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 South line of the Southwest one-quarter of Section 19, Township 46 South, Range 26 East, Lee County, Florida, as S.89° 21'56"W.

To: Lee County Board of County Commissioners

Chicago Title Insurance Company

OWNERSHIP AND ENCUMBRANCE REPORT

Order No.: 4718744

Customer Reference: WildBlue

This will serve to certify that Chicago Title Insurance Company has caused to be made a search of the Public Records of Lee County, Florida, ("Public Records") as contained in the office of the Clerk of the Circuit Court of said County, from January 01, 1984, through May 23, 2014 at 8:00 AM, as to the following described real property lying and being in the aforesaid County, to-wit:

A parcel of land lying in Sections 7, 8, 17, 18, 19 and 20, 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 said maintained South right-of-way line of Alico Road, N.88°59'33"E., 5232.33 feet to the POINT OF BEGINNING; thence, continue, along said South line N.88°59'33"E., 4904.75 feet an intersection with the East line of the Northeast one-quarter of said Section 8; thence, along said East line of the Northeast one-quarter of Section 8, S.01°05'22"E., 2,311.14 feet; thence, along the East line of the Southeast one-quarter of said Section 8, S.01°05'17"E., 2,643.61 feet to the Southeast corner of said Section 8; thence, along the East line of the Northeast one-quarter of said Section 17, S.00°53'05"E., 2,806.42 feet; thence, along the East line of the Southeast one-quarter of said Section 17, S.00°55'01"E., 2,805.88 feet to the Northeast corner of the aforementioned Section 20; thence, along the East line of the Northeast one-quarter of said Section 20, S.01°09'17"E., 2,639.23 feet; thence, along the East line of the Southeast one-quarter of said Section 20, S.01°09'17"E., 1,733.42 feet to an intersection with the Northerly right-of-way of Corkscrew Road described as parcel 102B in Official Records Instrument #2008000174785 of the aforementioned public records; thence, along said Northerly right-of-way S.86°32'28"W., 4,155.04 feet; thence, continue, along said Northerly right-of-way described as Parcel 102B-SE in Official Records Instrument #2008000174785 of the aforementioned public records, for the following three (3) courses:

1. N.03°40'07"W., 5.00 feet;
2. S.86°32'28"W., 18.98 feet;
3. along the arc of a tangent circular curve concave Southerly, having for its elements a radius of 2385.00 feet, a central angle of 11°47'38", a chord distance of 490.07 feet, a chord bearing of S.80°39'49"W., an arc distance of 490.93 feet;

thence, continue, along said Northerly right-of-way of Corkscrew Road and along the arc of a circular curve concave Southerly, having for its elements a radius of 870.17 feet, a central angle of 3°07'09", a chord distance of 47.37 feet, a chord bearing of S.74°15'44"W., an arc distance of 47.37 feet; thence, continue, along said Northerly right-of-way of Corkscrew

Road described as Parcel 102A-SE in Official Records Instrument #2008000174785 of the aforementioned public records for the following two (2) courses:

1. along the arc of a non-tangent circular curve concave Southerly, having for its elements a radius of 2385.00 feet, a central angle of 7°42'54", a chord distance of 320.90 feet, a chord bearing of S.69°46'02"W., an arc distance of 321.15 feet;
2. S.24°05'25"E., 5.00 feet;

thence, continue, along said Northerly right-of-way of Corkscrew Road described as Parcel 102-A, in Official Records Instrument #2008000174785, of the aforementioned public records for the following two (2) courses:

1. along the arc of a non-tangent circular curve concave Southerly, having for its elements a radius of 2380.00 feet, a central angle of 4°07'35", a chord distance of 171.37 feet, a chord bearing of S.63°50'47"W., an arc distance of 171.41 feet;
2. S.61°47'00"W., 933.33 feet

to an intersection with the South line of the Southeast one-quarter of the aforementioned Section 19; thence, along said South line, S.89°22'06"W., 1,649.18 feet; thence N.04°16'08"E., 2,407.10 feet; thence, S.73°15'13"W., 2,634.32 feet to the East line of a Florida Power & Light easement (125 feet wide) as described in Official Records Book 730, page 622 of the aforementioned public records; thence, along the East line of said easement for the following three (3) courses:

1. N.00°48'26"W., 978.60 feet;
2. N.00°50'13"W., 2639.97 feet;
3. N.00°50'47"W., 888.10 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., 235.00 feet to an intersection with the West line of a Florida Power & Light Easement (110 feet wide) as described in Official Records Book 221, page 191 of the aforementioned public records; thence, along said West line, N.00°50'47"W., 4644.62 feet; thence, leaving said West line N.89°09'13"E., 352.36 feet; thence, S.49°04'56"E., 32.52 feet; thence, S.56°00'04"E., 671.79 feet; thence, S.78°37'05"E., 581.08 feet; thence, N.43°48'39"E., 800.00 feet; thence, N.22°12'13"E., 426.30 feet; thence, N.63°23'30"E., 468.41 feet; thence, N.43°48'39"E., 3780.80 feet; thence, N.03°42'39"W., 1427.54 feet; thence, N.01°00'27"W., 223.27 feet to the POINT OF BEGINNING.

Said parcel contains 2960.03 acres, more or less.

As of the effective date of this Report, the Public Records show the Fee Simple title owner(s) to the above-described real property is/are:

Alico East Fund, LLC, a Florida limited liability company

by virtue of that Warranty Deed recorded in Instrument Number 2012000217086.

The following liens against the said real property recorded in the aforesaid Public Records have been found:

None

The following restrictions, easements and other encumbrances, with the exception of mortgages and liens, against the said real property recorded in the aforesaid Public Records have been found:

1. Easement granted to Florida Power and Light Company by instrument recorded in Official Records Book 221, Page 191, modification recorded in Official Records Book 3442 page 1432 and Memorandum of Right-of-Way Consent Agreement recorded in Official Records Instrument Number 2006000366926, Public Records of Lee County, Florida.
2. Easement granted to Florida Power and Light Company by instrument recorded in Official Records Book 730, Page 622 and Memorandum of Right-of-Way Consent Agreement recorded in Official Records Instrument Number 2006000366926, Public Records of Lee County, Florida.
3. Easement granted to Florida Power and Light Company by instrument recorded in Official Records Book 2104, Page 1152, Public Records of Lee County, Florida.
4. Deed of Conservation Easement recorded in Official Records Instrument Number 2006000336078, Public Records of Lee County, Florida.
5. Deed of Conservation Easement recorded in Official Records Instrument Number 2006000336079, Public Records of Lee County, Florida.
6. Notice of Development Order Approval recorded in Official Records Instrument Number 2009000023384, Public Records of Lee County, Florida.
7. Notice of Environmental Resource or Surface Water Management Permit recorded in Official Records Instrument Number 2011000053510, Public Records of Lee County, Florida.
8. Declaration of Restrictions recorded in Official Records Instrument Number 2013000219323, Public Records of Lee County, Florida.

Public Records shall be defined herein as those records currently established under the Florida Statutes for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without knowledge.

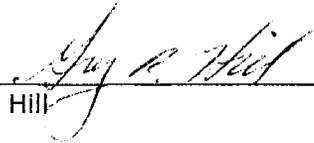
This Report shows only matters disclosed in the aforesaid Public Records, and it does not purport to insure or guarantee the validity or sufficiency of any documents noted herein; nor have the contents of any such documents been examined for references to other liens or encumbrances. This Report is not to be construed as an opinion, warranty, or guarantee of title, or as a title insurance policy; and its effective date shall be the date above specified through which the Public Records were searched. This Report is being provided for the use and benefit of the Certified Party only, and it may not be used or relied upon by any other party. This Report may not be used by a Chicago Title Insurance Company agent for the purpose of issuing a Chicago Title Insurance Company title insurance commitment or policy.

In accordance with Florida Statutes Section 627.7843, the liability Chicago Title Insurance Company may sustain for providing incorrect information in this Report shall be the actual loss or damage of the Certified Party named above up to a maximum amount of \$1,000.00.

Order No.: 4718744
Customer Reference: WildBlue

IN WITNESS WHEREOF, Chicago Title Insurance Company has caused this Report to be issued in accordance with its By-Laws.

Chicago Title Insurance Company



Greg R. Hill



Stantec Consulting Services Inc.
3800 Colonial Blvd., Suite 100
Fort Myers FL 33966
Tel: (239) 939-1020
Fax: (239) 939-3412

**LEGAL DESCRIPTION
WILDBLUE PD
SECTIONS 7, 8, 17, 18, 19 & 20
TOWNSHIP 46 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA**

A parcel of land lying in Sections 7, 8, 17, 18, 19 and 20, 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 said maintained South right-of-way line of Alico Road, N.88°59'33"E., 5232.33 feet to the **POINT OF BEGINNING**; thence, continue, along said South line N.88°59'33"E., 4904.75 feet an intersection with the East line of the Northeast one-quarter of said Section 8; thence, along said East line of the Northeast one-quarter of Section 8, S.01°05'22"E., 2,311.14 feet; thence, along the East line of the Southeast one-quarter of said Section 8, S.01°05'17"E., 2,643.61 feet to the Southeast corner of said Section 8; thence, along the East line of the Northeast one-quarter of said Section 17, S.00°53'05"E., 2,806.42 feet; thence, along the East line of the Southeast one-quarter of said Section 17, S.00°55'01"E., 2,805.88 feet to the Northeast corner of the aforementioned Section 20; thence, along the East line of the Northeast one-quarter of said Section 20, S.01°09'17"E., 2,639.23 feet; thence, along the East line of the Southeast one-quarter of said Section 20, S.01°09'17"E., 1,733.42 feet to an intersection with the Northerly right-of-way of Corkscrew Road described as parcel 102B in Official Records Instrument #2008000174785 of the aforementioned public records; thence, along said Northerly right-of-way S.86°32'28"W., 4,155.04 feet; thence, continue, along said Northerly right-of-way described as Parcel 102B-SE in Official Records Instrument #2008000174785 of the aforementioned public records, for the following three (3) courses:

1. N.03°40'07"W., 5.00 feet;
2. S.86°32'28"W, 18.98 feet;
3. along the arc of a tangent circular curve concave Southerly, having for its elements a radius of 2385.00 feet, a central angle of 11°47'38", a chord distance of 490.07 feet, a chord bearing of S.80°39'49"W., an arc distance of 490.93 feet;



Reference: WildBlue

thence, continue, along said Northerly right-of-way of Corkscrew Road and along the arc of a circular curve concave Southerly, having for its elements a radius of 870.17 feet, a central angle of $3^{\circ}07'09''$, a chord distance of 47.37 feet, a chord bearing of $S.74^{\circ}15'44''W.$, an arc distance of 47.37 feet; thence, continue, along said Northerly right-of-way of Corkscrew Road described as Parcel 102A-SE in Official Records Instrument #2008000174785 of the aforementioned public records for the following two (2) courses:

1. along the arc of a non-tangent circular curve concave Southerly, having for its elements a radius of 2385.00 feet, a central angle of $7^{\circ}42'54''$, a chord distance of 320.90 feet, a chord bearing of $S.69^{\circ}46'02''W.$, an arc distance of 321.15 feet;
2. $S.24^{\circ}05'25''E.$, 5.00 feet;

thence, continue, along said Northerly right-of-way of Corkscrew Road described as Parcel 102-A, in Official Records Instrument #2008000174785, of the aforementioned public records for the following two (2) courses:

1. along the arc of a non-tangent circular curve concave Southerly, having for its elements a radius of 2380.00 feet, a central angle of $4^{\circ}07'35''$, a chord distance of 171.37 feet, a chord bearing of $S.63^{\circ}50'47''W.$, an arc distance of 171.41 feet;
2. $S.61^{\circ}47'00''W.$, 933.33 feet

to an intersection with the South line of the Southeast one-quarter of the aforementioned Section 19; thence, along said South line, $S.89^{\circ}22'06''W.$, 1,649.18 feet; thence $N.04^{\circ}16'08''E.$, 2,407.10 feet; thence, $S.73^{\circ}15'13''W.$, 2,634.32 feet to the East line of a Florida Power & Light easement (125 feet wide) as described in Official Records Book 730, page 622 of the aforementioned public records; thence, along the East line of said easement for the following three (3) courses:

1. $N.00^{\circ}48'26''W.$, 978.60 feet;
2. $N.00^{\circ}50'13''W.$, 2639.97 feet;
3. $N.00^{\circ}50'47''W.$, 888.10 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 $S.89^{\circ}23'43''W.$, 235.00 feet to an intersection with the West line of a Florida Power & Light Easement (110 feet wide) as described in Official Records Book 221, page 191 of the aforementioned public records; thence, along said West line, $N.00^{\circ}50'47''W.$, 4644.62 feet; thence, leaving said West line $N.89^{\circ}09'13''E.$, 352.36 feet; thence, $S.49^{\circ}04'56''E.$, 32.52 feet; thence, $S.56^{\circ}00'04''E.$, 671.79 feet; thence, $S.78^{\circ}37'05''E.$, 581.08 feet; thence, $N.43^{\circ}48'39''E.$, 800.00 feet;



February 3, 2014
Page 3 of 3

Reference: WildBlue

thence, N.22°12'13"E., 426.30 feet; thence, N.63°23'30"E., 468.41 feet; thence, N.43°48'39"E., 3780.80 feet; thence, N.03°42'39"W., 1427.54 feet; thence, N.01°00'27"W., 223.27 feet to the **POINT OF BEGINNING**.

Said parcel contains 2960.03 acres, more or less.

SEE ATTACHED SKETCH.

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 South line of the Southwest one-quarter of Section 19, Township 46 South, Range 26 East, Lee County, Florida, as S.89°21'56"W.

This description is not complete and valid without the attached sketch and the signature and raised seal of a Florida licensed Surveyor and Mapper.

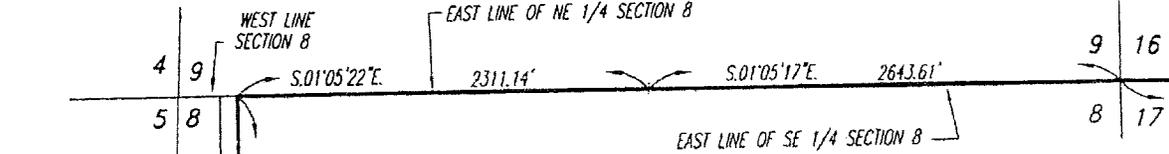
Prepared by:

Stantec Consulting Services, Inc.
Licensed Business No. LB7866
State of Florida

Mark D. Haines
Professional Surveyor No. LS5312
State of Florida

2/3/14
Date:

Proj: 215611466
Date: February 3, 2014
File: v:\2156\active\215611466\survey\task_300_wildblue_pd_legal\docs\veg_private_equity_group_wildblue_pd_20140131.docx



LINE TABLE

Line	Bearing	Distance
L1	N.01°06'08"W	443.23'
L2	N.00°48'26"W	100.00'
L3	N.89°21'56"E	466.69'
L4	N.00°48'26"W	466.69'
L5	S.89°21'56"W	466.69'
L6	S.00°48'26"E	466.69'
L7	S.89°23'43"W	235.00'
L8	N.00°50'47"W	888.10'
L9	S.49°04'56"E	32.52'

SURVEYOR'S NOTES:

BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 19, TOWNSHIP 46 SOUTH, RANGE 26 EAST LEE COUNTY, FLORIDA, BEING S.89°21'56"W.

THIS SKETCH DOES NOT PURPORT TO DEPICT THE REGULATORY JURISDICTION OF ANY FEDERAL, STATE OR LOCAL AGENCY.

CORNER MONUMENTS WERE NOT SET IN CONJUNCTION WITH THE PREPARATION OF THIS SKETCH.

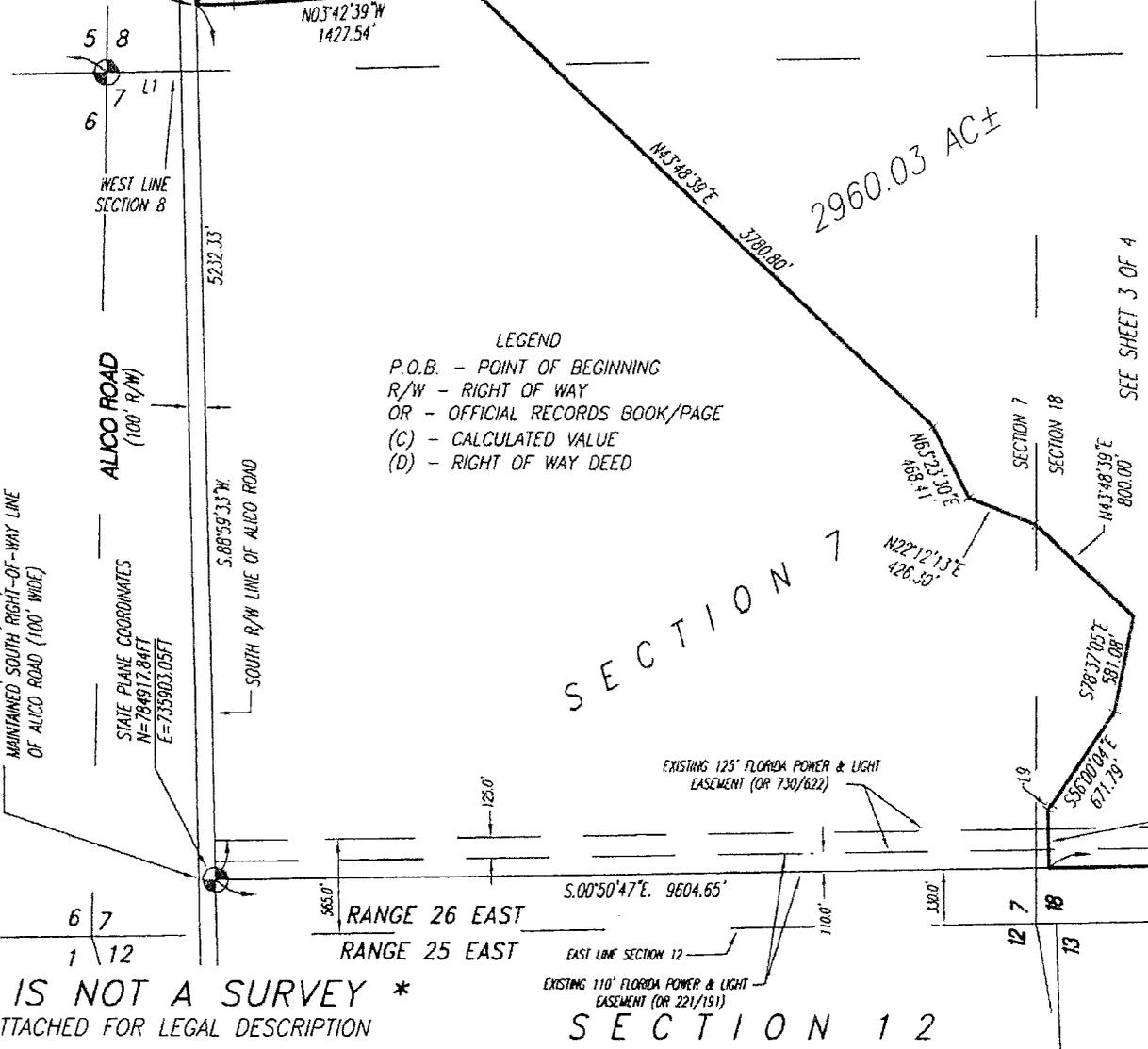
STATE PLANE COORDINATES SHOWN HEREON ARE BASED ON THE NORTH AMERICAN DATUM OF 1983/1990 ADJUSTMENT (NAD 83/90), FLORIDA WEST ZONE.

P.O.B.
STATE PLANE COORDINATES
N=785009.85FT
E=741134.58FT

P.O.C.
INTERSECTION OF THE WEST LINE OF A 110' WIDE FLORIDA POWER & LIGHT EASEMENT (OR 221/191) AND THE MAINTAINED SOUTH RIGHT-OF-WAY LINE OF ALICO ROAD (100' WIDE)

STATE PLANE COORDINATES
N=784917.84FT
E=735903.05FT

- LEGEND**
- P.O.B. - POINT OF BEGINNING
 - R/W - RIGHT OF WAY
 - OR - OFFICIAL RECORDS BOOK/PAGE
 - (C) - CALCULATED VALUE
 - (D) - RIGHT OF WAY DEED



*** THIS IS NOT A SURVEY ***
SEE ATTACHED FOR LEGAL DESCRIPTION

FOR: PRIVATE EQUITY GROUP, LLC

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
WILDBLUE
SECTIONS 7,8,17,18,18 & 20, TOWNSHIP 46 S.,
RANGE 26 E., LEE COUNTY, FLORIDA



STANTEC CONSULTING SERVICES, INC. - CERTIFICATE OF AUTHORIZATION NO. LB 7866
3800 Colonial Blvd. Suite 100 Fort Myers, Florida 33916 Phone 239-939-1020 Fax 239-939-3412

TASK CODE: 300	DRAWN BY: MDH	CHKD BY: MDH	CAD FILE:	PROJECT NO: 215611466	SHEET 1 OF 4	DRAWING INDEX NO: A-215611466-300-k01	REV: 1
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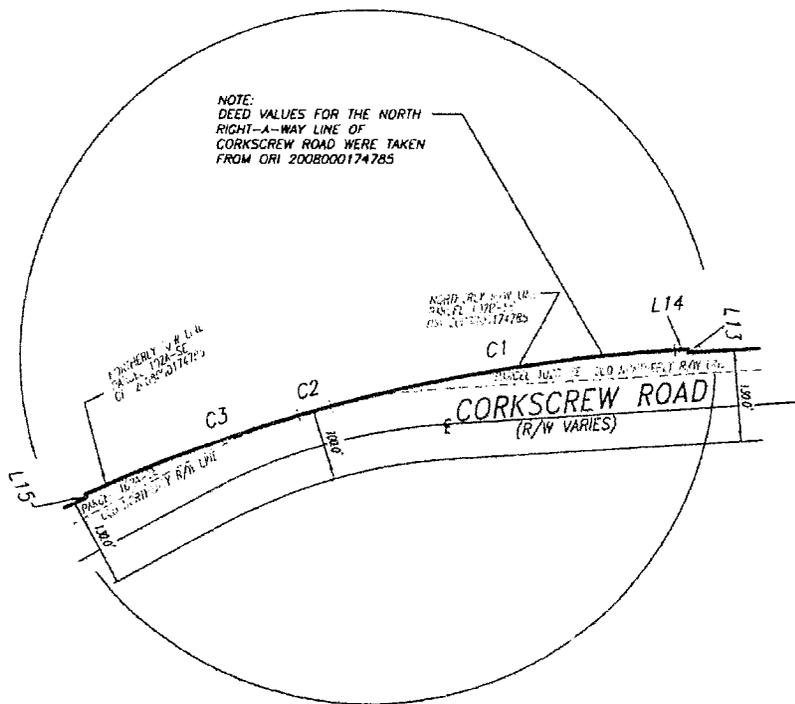
* THIS IS NOT A SURVEY *
SEE ATTACHED FOR LEGAL DESCRIPTION

CURVE TABLE

NO.	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C1	2385.00'(C)	11°47'38"(C)	490.93'(C)	490.07'(C)	S80°39'49"W(C)
	2385.00'(D)	11°46'21"(D)	490.05'(D)	489.19'(D)	S80°39'28"W(D)
C2	870.17'(C)	3°07'09"(C)	47.37'(C)	47.37'(C)	S74°15'44"W(C)
C3	2385.00'(C)	7°42'54"(C)	321.15'(C)	320.90'(C)	S69°46'02"W(C)
	2385.00'(D)	7°39'07"(D)	318.52'(D)	318.29'(D)	S69°43'45"W(D)
C4	2380.00'(C)	4°07'35"(C)	171.41'(C)	171.37'(C)	S63°50'47"W(C)

LINE TABLE

Line	Bearing	Distance
L13	N.03°40'07"W.(C) N.03°42'13"W.(D)	5.00'(C&D)
L14	S.86°32'28"W.(C) S.86°32'39"W.(D)	18.98'(C&D)
L15	S.24°05'25"E.(C) S.24°05'48"E.(D)	5.00'(C&D)



DETAIL A
SCALE: 1" = 250'

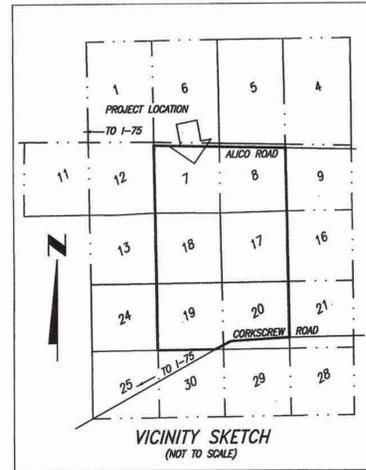
FOR: PRIVATE EQUITY GROUP, LLC

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
WILDBLUE
SECTIONS 7,8,17,18,18 & 20, TOWNSHIP 46 S.,
RANGE 26 E., LEE COUNTY, FLORIDA



STANTEC CONSULTING SERVICES, INC. • CERTIFICATE OF AUTHORIZATION NO. LB 7866
3800 Colonial Blvd. Suite 100 Fort Myers, Florida 33916 Phone 239-939-1020 Fax 239-939-3412

TASK CODE: 300	DRAWN BY: MDH	CHKD BY: MDH	CAD FILE:	PROJECT NO: 215611466	SHEET 4 OF 4	DRAWING INDEX NO. A-215611466-300-k01	REV: 1
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LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTIONS 7, 8, 17, 18, 19 AND 20, 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 SAID MAINTAINED SOUTH RIGHT-OF-WAY LINE OF ALICO ROAD, N.89°59'33"E., 10,137.09 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 8; THENCE, ALONG SAID EAST LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 8, S.01°05'22"E., 2,311.14 FEET; THENCE, ALONG THE EAST LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 8, S.01°05'17"E., 2,643.61 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 8; THENCE, ALONG THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 17, S.00°55'07"E., 2,805.42 FEET; THENCE, ALONG THE EAST LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 17, S.00°55'01"E., 2,805.88 FEET TO THE NORTHEAST CORNER OF THE AFOREMENTIONED SECTION 20; THENCE, ALONG THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 20, S.01°09'17"E., 2,639.23 FEET; THENCE, ALONG THE EAST LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 20, S.01°09'17"E., 1,733.42 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY OF CORKSCREW ROAD DESCRIBED AS PARCEL 102B IN OFFICIAL RECORDS INSTRUMENT #2008000174785 OF THE AFOREMENTIONED PUBLIC RECORDS; THENCE, ALONG SAID NORTHERLY RIGHT-OF-WAY S.86°32'28"W., 4,155.04 FEET; THENCE, CONTINUE, ALONG SAID NORTHERLY RIGHT-OF-WAY DESCRIBED AS PARCEL 102B-SE IN OFFICIAL RECORDS INSTRUMENT #2008000174785 OF THE AFOREMENTIONED PUBLIC RECORDS, FOR THE FOLLOWING THREE (3) COURSES:

1. N.03°40'07"W., 5.00 FEET;
2. S.86°32'28"W., 18.98 FEET;
3. ALONG THE ARC OF A TANGENT CIRCULAR CURVE CONCAVE SOUTHERLY, HAVING FOR ITS ELEMENTS A RADIUS OF 2,385.00 FEET, A CENTRAL ANGLE OF 11°47'38", A CHORD DISTANCE OF 490.07 FEET, A CHORD BEARING OF S.80°39'49"W., AN ARC DISTANCE OF 490.93 FEET;

THENCE, CONTINUE, ALONG SAID NORTHERLY RIGHT-OF-WAY OF CORKSCREW ROAD AND ALONG THE ARC OF A CIRCULAR CURVE CONCAVE SOUTHERLY, HAVING FOR ITS ELEMENTS A RADIUS OF 870.17 FEET, A CENTRAL ANGLE OF 3°07'09", A CHORD DISTANCE OF 47.37 FEET, A CHORD BEARING OF S.74°15'44"W., AN ARC DISTANCE OF 47.37 FEET; THENCE, CONTINUE, ALONG SAID NORTHERLY RIGHT-OF-WAY DESCRIBED AS PARCEL 102A-SE IN OFFICIAL RECORDS INSTRUMENT #2008000174785 OF THE AFOREMENTIONED PUBLIC RECORDS FOR THE FOLLOWING TWO (2) COURSES:

1. ALONG THE ARC OF A NON-TANGENT CIRCULAR CURVE CONCAVE SOUTHERLY, HAVING FOR ITS ELEMENTS A RADIUS OF 2,385.00 FEET, A CENTRAL ANGLE OF 7°42'54", A CHORD DISTANCE OF 320.90 FEET, A CHORD BEARING OF S.89°48'02"W., AN ARC DISTANCE OF 321.15 FEET;
2. S.24°05'25"E., 5.00 FEET;

THENCE, CONTINUE, ALONG THE NORTHERLY RIGHT-OF-WAY OF CORKSCREW ROAD DESCRIBED AS PARCEL 102-A IN OFFICIAL RECORDS INSTRUMENT #2008000174785, OF THE AFOREMENTIONED PUBLIC RECORDS FOR THE FOLLOWING TWO (2) COURSES:

1. ALONG THE ARC OF A NON-TANGENT CIRCULAR CURVE CONCAVE SOUTHERLY, HAVING FOR ITS ELEMENTS A RADIUS OF 2,380.00 FEET, A CENTRAL ANGLE OF 4°07'35", A CHORD DISTANCE OF 171.37 FEET, A CHORD BEARING OF S.63°50'47"W., AN ARC DISTANCE OF 171.41 FEET;
2. S.61°47'00"W., 933.33 FEET

TO AN INTERSECTION WITH THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF THE AFOREMENTIONED SECTION 19; THENCE, ALONG THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 19, S.89°22'06"W., 1,926.72 FEET; THENCE, ALONG THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 19, S.89°21'56"W., 2,042.83 FEET TO THE EAST LINE OF A FLORIDA POWER & LIGHT EASEMENT (125 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 730, PAGE 622 OF THE AFOREMENTIONED PUBLIC RECORDS; THENCE, ALONG THE EAST LINE OF SAID EASEMENT, N.00°48'26"W., 100.00 FEET; THENCE, ALONG THE BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3442, PAGE 1430 OF THE AFOREMENTIONED PUBLIC RECORDS FOR THE FOLLOWING THREE (3) COURSES:

1. N.89°21'56"E., 466.89 FEET;
2. N.00°48'26"W., 466.89 FEET;
3. S.89°21'56"W., 466.89 FEET

TO THE EAST LINE OF A FLORIDA POWER & LIGHT EASEMENT (125 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 730, PAGE 622 OF THE AFOREMENTIONED PUBLIC RECORDS; THENCE, ALONG THE EAST LINE OF SAID EASEMENT FOR THE FOLLOWING THREE (3) COURSES:

1. N.00°48'26"W., 2,079.13 FEET;
2. N.00°50'13"W., 2,639.97 FEET;
3. N.00°50'47"W., 888.10 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., 235.00 FEET TO AN INTERSECTION WITH THE WEST LINE OF A FLORIDA POWER & LIGHT EASEMENT (110 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 221, PAGE 191 OF THE AFOREMENTIONED PUBLIC RECORDS; THENCE, ALONG THE WEST LINE OF SAID EASEMENT, N.00°50'47"W., 9,604.65 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 3,555.74 ACRES, MORE OR LESS.

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 HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM (NORTH AMERICAN DATUM OF 1983 / 1980 ADJUSTMENT - NAD83/80) FLORIDA WEST ZONE, FIXING THE BEARING OF THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 19, TOWNSHIP 46 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, AS S.89°21'56"W.

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 SECTIONS 7 AND 8, WAS TAKEN FROM A RIGHT-OF-WAY SURVEY PREPARED BY DUANE HALL 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 AND RIGHT-OF-WAY FOR CORKSCREW ROAD WAS TAKEN FROM A RIGHT-OF-WAY MAP PREPARED BY HOLE, MONTES AND ASSOCIATES, INC. DATED FEBRUARY 1980. THIS MAP WAS PROVIDED TO THE SURVEYOR BY LEE COUNTY DEPARTMENT OF TRANSPORTATION AS THE BEST AVAILABLE INFORMATION ON CORKSCREW ROAD. ADDITIONAL RIGHT-OF-WAY TAKING FOR CORKSCREW ROAD, RECORDED IN ORI 2008000174785, IS SHOWN HEREON.

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 OR TRAILS, ETC.) WERE FIELD LOCATED EXCEPT AS SHOWN HEREON.

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.

THE EXISTING HAUL ROAD EASEMENT IN SECTION 18 SHOWN GRAPHICALLY HEREON WAS CREATED TO ALLOW FOR A RE-ALIGNMENT OF THE EXISTING HAUL ROAD. THIS EASEMENT IS RECORDED IN OR BOOK 3285, PAGE 1212.

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.

THERE ARE SEVERAL TRAILS AND LIME ROCK AND/OR PAVED ROADS WHICH ENTER AND EXIT THE PROPERTY. TWO LARGE LIME ROCK HAUL ROADS, ENTER THE PARCEL ALONG THE WEST LINE OF SECTION 18. POINTS OF ENTRY FOR SUBSTANTIAL ROADS HAVE BEEN SHOWN HEREON. NO INTERIOR ROADS OR TRAILS WERE LOCATED AS A PART OF THIS SURVEY.

THE FLORIDA POWER & LIGHT (FPL) EASEMENT, FOR THE LARGE POWER TRANSMISSION LINE IN SECTIONS 7, 18 AND 19 IS GATED AND FENCED ALONG PORTIONS OF ITS LENGTH WITHIN THE PROJECT.

THE TOP OF BANK OF THE DITCH LOCATED ALONG SOUTH LINE OF SECTION 19 (AS SHOWN ON SHEET 4 OF 4) EXTENDS INTO THE SUBJECT PARCEL. DITCH APPEARS TO HAVE BEEN CONSTRUCTED AS A PART OF THE SURFACE WATER MANAGEMENT SYSTEM FOR THE ADJOINING DEVELOPMENT.

THERE IS AN EASEMENT BENEFITTING FLORIDA POWER & LIGHT RECORDED IN OR 2217/1270 THAT AFFECTS THE SUBJECT PARCEL IN SECTION 7 SOUTH OF ALICO ROAD AND HAS BEEN SHOWN HEREON.

LAND TITLE INFORMATION SHOWN AND REFERRED TO HEREIN WAS TAKEN FROM CHICAGO TITLE INSURANCE COMPANY OWNERSHIP AND ENCUMBRANCE REPORT, ORDER NO. 4718744 UPDATED THROUGH MAY 23, 2014. RESTRICTIONS, EASEMENTS AND ENCUMBRANCES LISTED IN SAID REPORT AND THAT AFFECT THE SUBJECT PARCEL ARE LISTED BELOW.

1. EASEMENTS BENEFITTING FLORIDA POWER & LIGHT AS RECORDED IN OR 221/191, OR 3442/1432 AND MEMORANDUM RECORDED IN OR 200800036826 AFFECT THE SUBJECT PARCEL AND ARE SHOWN HEREON.
2. EASEMENT BENEFITTING FLORIDA POWER & LIGHT AS RECORDED IN OR 730/622 AND MEMORANDUM RECORDED IN OR 200800036826 AFFECT THE SUBJECT PARCEL AND ARE SHOWN HEREON.
3. EASEMENT BENEFITTING FLORIDA POWER & LIGHT RECORDED IN OR 2104/1152 AFFECTS THE SUBJECT PARCEL IN SECTION 8 SOUTH OF ALICO ROAD AND HAS BEEN SHOWN HEREON.
4. CONSERVATION EASEMENT RECORDED IN ORI 2008000338078 LIES IN SECTIONS 7 AND 18 AND IS SHOWN HEREON.
5. CONSERVATION EASEMENT RECORDED IN ORI 2008000338079 LIES IN SECTION 7 AND 18 AND IS SHOWN HEREON.
6. NOTICE OF DEVELOPMENT ORDER RECORDED IN ORI 2008000023384 AFFECTS A PORTION OF THE SUBJECT PROPERTY IN SECTION 19 AND IS SHOWN HEREON.
7. NOTICE OF ENVIRONMENTAL RESOURCE PERMIT RECORDED IN ORI 2011000023310 AFFECTS ALL OF THE SUBJECT PROPERTY.
8. DECLARATION OF RESTRICTIONS RECORDED IN ORI 2013000219323 AFFECTS ALL OF THE SUBJECT PROPERTY.

LEGEND

- ORI - OFFICIAL RECORDS INSTRUMENT#
- OR - OFFICIAL RECORDS BOOK/PAGE
- PD - PAGE
- FD - FOUND
- COR - CORNER
- SEC - SECTION
- R/W - RIGHT-OF-WAY
- (C) - CALCULATED
- (D) - DEED
- RCF - REINFORCED CONCRETE PIPE
- CP - CONCRETE POLE
- WP - WOOD POLE
- GA - GUY ANCHOR
- W - WELL
- WV - WATER VALVE
- TR - TELEPHONE RISER
- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- OH - FIRE HYDRANT
- EH - ELECTRIC HAND HOLE
- CTV - CABLE TV RISER
- WM - WATER METER
- FENCE AS NOTED

NOTE: SEE SHEETS 2, 3 AND 4 OF 4 FOR MAP OF SURVEY.

Jun 09, 2014 - 10:59:56 M:\NAME3\2156\active\215610978\survey\drawing\215610978-001001_south_wb\blue.dwg

NO.	REVISION	DATE	DRAWN BY	EMP. NO.	CHECKED BY	EMP. NO.
8	REVISE SURVEYOR'S NOTES REGARDING REFERENCE TO ONE REPORT ONLY. NO FIELD UPDATE.	06/09/14	MDH		MDH	
7	ADD LIMITS OF PROPOSED WELDRUE PD TO SHEETS 2, 3 AND 4. NO FIELD UPDATE.	03/04/14	MDH		MDH	
6	REVISED FOR COMMENTS - BASIS OF BEARINGS	08/03/12	MDH		MDH	
5	REVISED TO INCLUDE ONLY PORTION LYING SOUTH OF ALICO ROAD.	02/03/12	MDH		MDH	
4	UPDATE SURVEY	06/13/12	DPG		MDH	
3	REVISED CERTIFICATION ONLY	7/12/08	JAP	1918		
2	REVISED CERTIFICATION ONLY	6/29/08	SFE	1148		
1	UPDATE SURVEY	6/9/08	DPG	945	MDH	1223
1	ADD CERTIFICATION TO DRAWING. NO FIELD UPDATE.	6/2/08	MDH	1223		

ACTIVITY	INITIALS	EMP. NO.	DATE	ACTIVITY	INITIALS	EMP. NO.	DATE
SENT TO:				COMPUTED BY:	DPG	1099	9/03
FIELD BOOK:	GPS17441			DRAWN BY:	EMH	1704	9/10/03
PAGE:	62-64/13-17			CHECKED BY:	MDH	1223	9/03
				CLOSED BY:			

WilsonMiller Stantec

WilsonMiller, Inc. - FL Lic# LC-000070 • WilsonMiller, Inc. - Certificate of Authorization #43
 2881 Woodloch Drive Suite 200 • Fort Myers, Florida 33907-0000 • Phone 239-939-8200 • Fax 239-939-8402

TITLE: BOUNDARY SURVEY
 ALICO EAST PARCEL
 SECS. 7, 8, 17, 18, 19 & 20, TWP. 46S, RGE. 26E
 LEE COUNTY, FLORIDA

DATE: 6/13/12	CLIENT: PRIVATE EQUITY GROUP, LLC
HORIZONTAL SCALE: 1" = 400'	12800 UNIVERSITY WOODS SUITE 275
VERTICAL SCALE: N/A	FORT MYERS, FL 33907
SEC: 7	PHONE: (239) 590-9066
TWP: RGE: 45S 26E	PIN: 215610978
	TASK: 200
	SHEET NUMBER: 1 of 4
	DRAWING NUMBER: SM-215610978-001

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.

WILSONMILLER, INC.
 (A WHOLLY OWNED SUBSIDIARY OF STANTEC CONSULTING SERVICES, INC.)
 LICENSED BUSINESS NO. 1843
 STATE OF FLORIDA
 PROFESSIONAL SURVEYOR & MAPPER NO. LS5312
 EAST DATE OF FIELD SURVEY: JUNE 13, 2012.

DATE: 6/13/12
 CLIENT: PRIVATE EQUITY GROUP, LLC
 12800 UNIVERSITY WOODS SUITE 275
 FORT MYERS, FL 33907
 PHONE: (239) 590-9066
 PIN: 215610978
 TASK: 200
 SHEET NUMBER: 1 of 4
 DRAWING NUMBER: SM-215610978-001

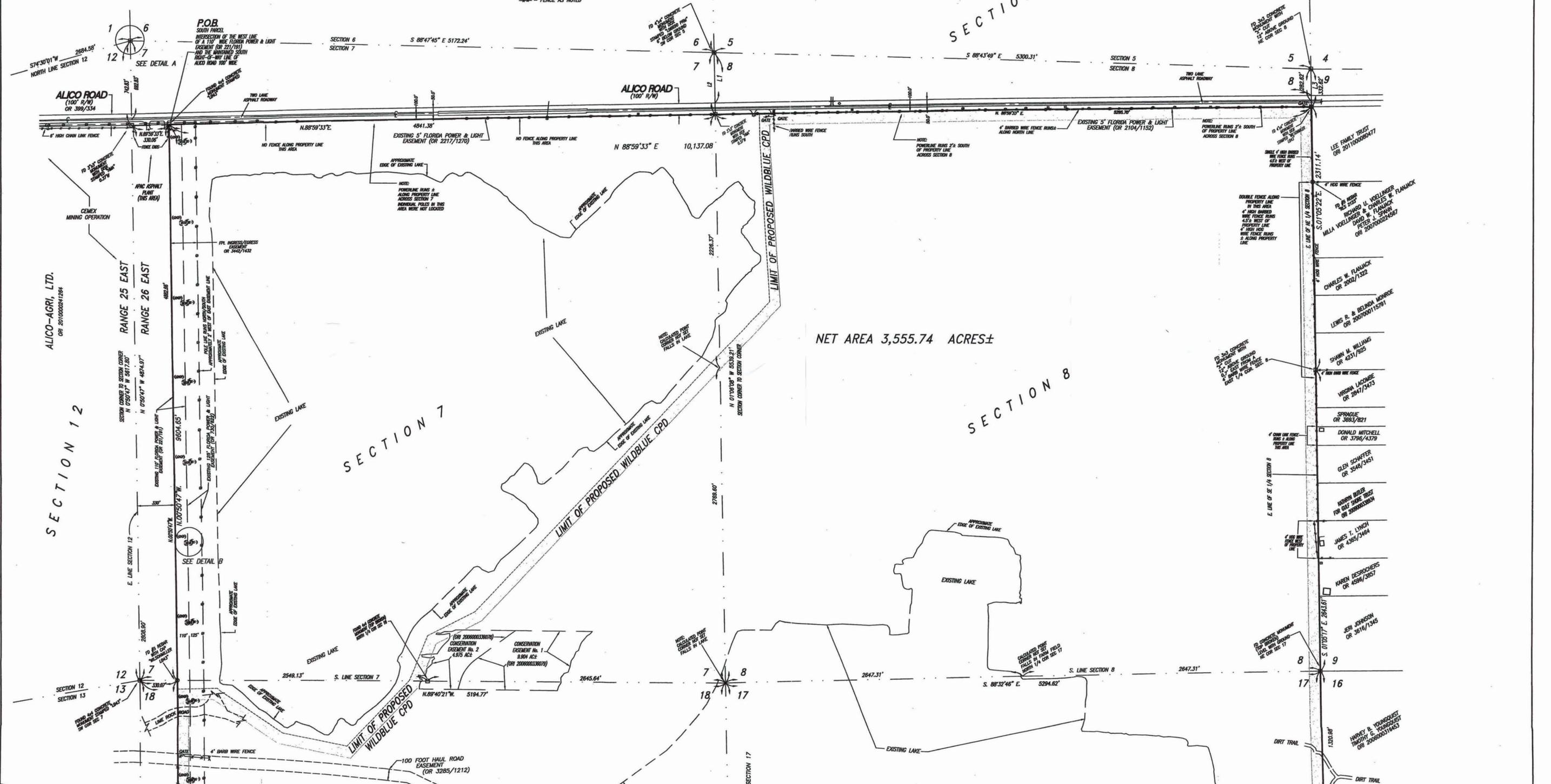
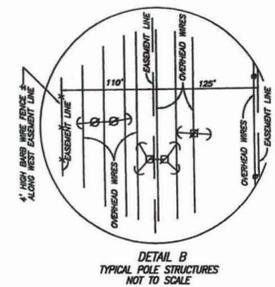
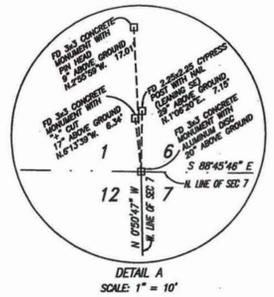
LINE TABLE

Line	Bearing	Distance
L1	S.01°06'08"E	443.23'
L2	N.01°06'08"W	543.23'
L3	N.01°05'22"W	232.62'
L4	S.00°46'53"E	50.00'
L5	N.00°16'59"E	80.28'
L6	S.89°48'06"E	80.00'

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
- CP - CONCRETE POLE
- WP - WOOD POLE
- GA - GUY ANCHOR
- W - WELL
- WV - WATER VALVE
- TR - TELEPHONE RISER
- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- FH - FIRE HYDRANT
- EH - ELECTRIC HAND HOLE
- CTV - CABLE TV RISER
- WM - WATER METER
- FENCE AS NOTED

SCALE IN FEET
0 200 400



NET AREA 3,555.74 ACRES±

SEE SHEET 3 OF 4

Drawn: 3/4/2014 8:40:19 AM MMB:MS | Plotted: 3/4/2014 8:50:10 AM MMB:MS | V:\2156\active\215610978\survey\drawing\215610978-001002_south_wildblue.dwg\layout1

REV. NO.	REVISION	DATE	DRAWN BY	EMP. NO.	CHECKED BY	EMP. NO.
4	ADD PROPOSED WILDBLUE CPD LIMITS TO DRAWING. NO FIELD UPDATE.	03/03/14	MDH			
3	UPDATE SURVEY	06/21/12	DPG		MDH	
2	UPDATE SURVEY	06/05	DPG	915	MDH	1223
1	UPDATE CONVEYANCE TO DRAWING. NO FIELD UPDATE.	02/05	MDH		1223	

ACTIVITY	INITIALS	EMP. NO.	DATE	ACTIVITY	INITIALS	EMP. NO.	DATE
SENT TO:				COMPUTED BY:	DPG	1089	9/03
FIELD BOOK:	GPS1/441			DRAWN BY:	EML	1704	9/10/03
	PAGE:	62-64/13-17		CHECKED BY:	MDH	1223	9/03
				CLOSED BY:			

Wilson Miller Stantec

Wilson Miller, Inc. - P.L.L.C. 20000000 - Wilson Miller, Inc. - Certificate of Authorization #43
2001 Wildblue Circle, Suite 100 - Fort Myers, Florida 33907-0000 - Phone: 239-939-9100 - Fax: 239-939-9102

TITLE: BOUNDARY SURVEY
ALICO EAST PARCEL
SECS. 7, 8, 17, 18, 19 & 20, TWP. 46S, RGE. 26E
LEE COUNTY, FLORIDA

DATE	CLIENT	PROJECT	SHEET NUMBER	DRAWING NUMBER
08/13/12 <td>PRIVATE EQUITY GROUP, LLC <td>12800 UNIVERSITY DRIVE, SUITE 275 FORT MYERS, FL 33907 (239) 590-9086</td> <td>2 OF 4</td> <td>SM-215610978-002</td> </td>	PRIVATE EQUITY GROUP, LLC <td>12800 UNIVERSITY DRIVE, SUITE 275 FORT MYERS, FL 33907 (239) 590-9086</td> <td>2 OF 4</td> <td>SM-215610978-002</td>	12800 UNIVERSITY DRIVE, SUITE 275 FORT MYERS, FL 33907 (239) 590-9086	2 OF 4	SM-215610978-002

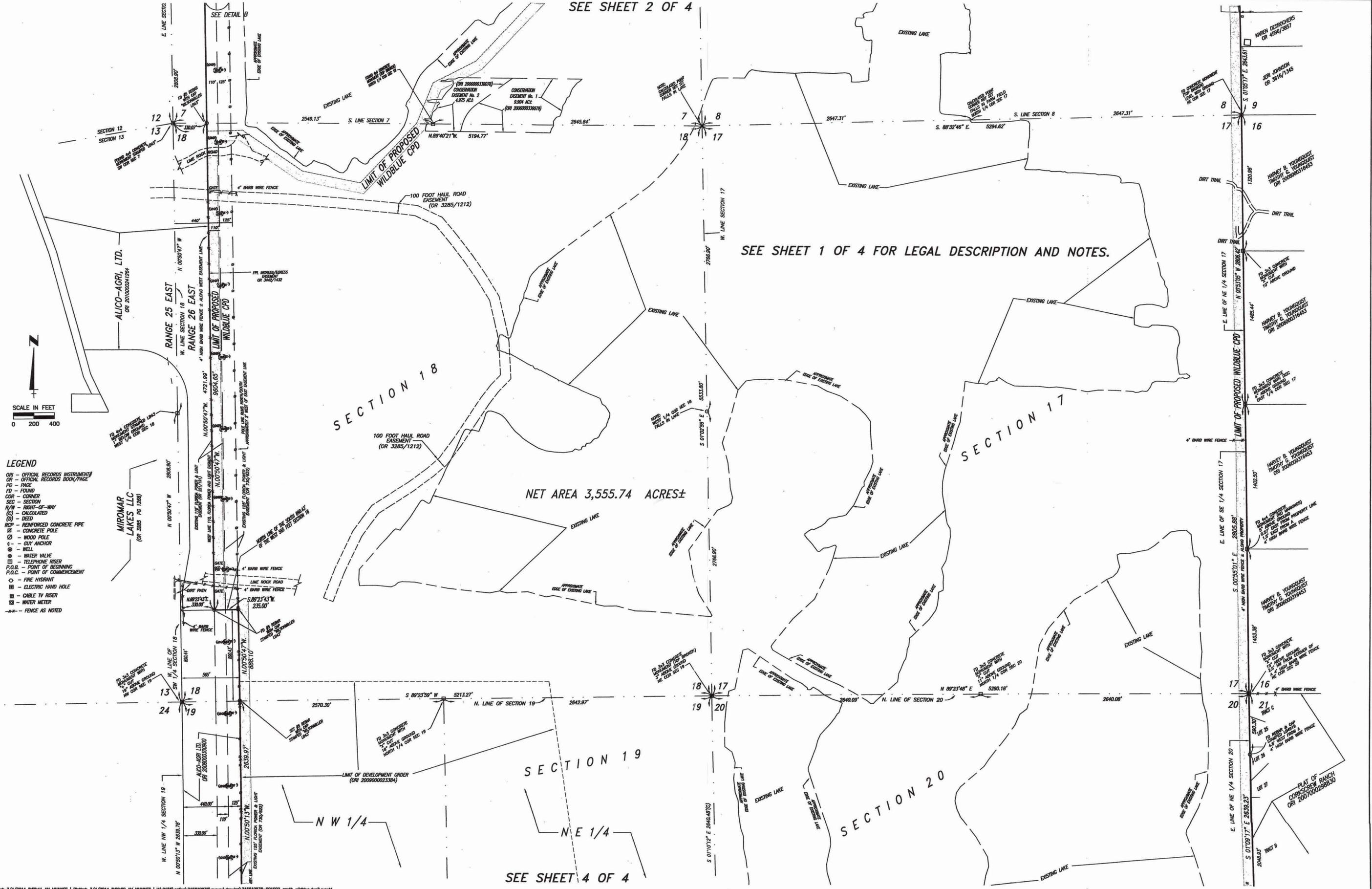
SEE SHEET 2 OF 4

SEE SHEET 1 OF 4 FOR LEGAL DESCRIPTION AND NOTES.

NET AREA 3,555.74 ACRES±

SEE SHEET 4 OF 4

- LEGEND**
- OR - OFFICIAL RECORDS INSTRUMENT#
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 - PD - PAGE
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 - - FIRE HYDRANT
 - EH - ELECTRIC HAND HOLE
 - CR - CABLE TV RISER
 - WM - WATER METER
 - FENCE AS NOTED



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REV. NO.	REVISION	DATE	DRAWN BY	EMP. NO.	CHECKED BY	EMP. NO.
1	ADDED PROPOSED WILDBLUE CPD LIMITS TO DRAWING. NO FIELD UPDATE.	02/03/14	MHW			
2	UPDATE SURVEY	06/21/12	DPG		MHW	
3	UPDATE SURVEY	09/05	DPG	1099	MHW	1223
4	UPDATE CORRECTION TO DRAWING. NO FIELD UPDATE.	02/05	MHW			

ACTIVITY	INITIALS	EMP. NO.	DATE	ACTIVITY	INITIALS	EMP. NO.	DATE
SENT TO:				COMPUTED BY:	DPG	1099	9/03
FIELD BOOK:	GPS1/441			DRAWN BY:	EML	1704	9/10/03
				CHECKED BY:	MDH	1223	9/03
				CLOSED BY:			

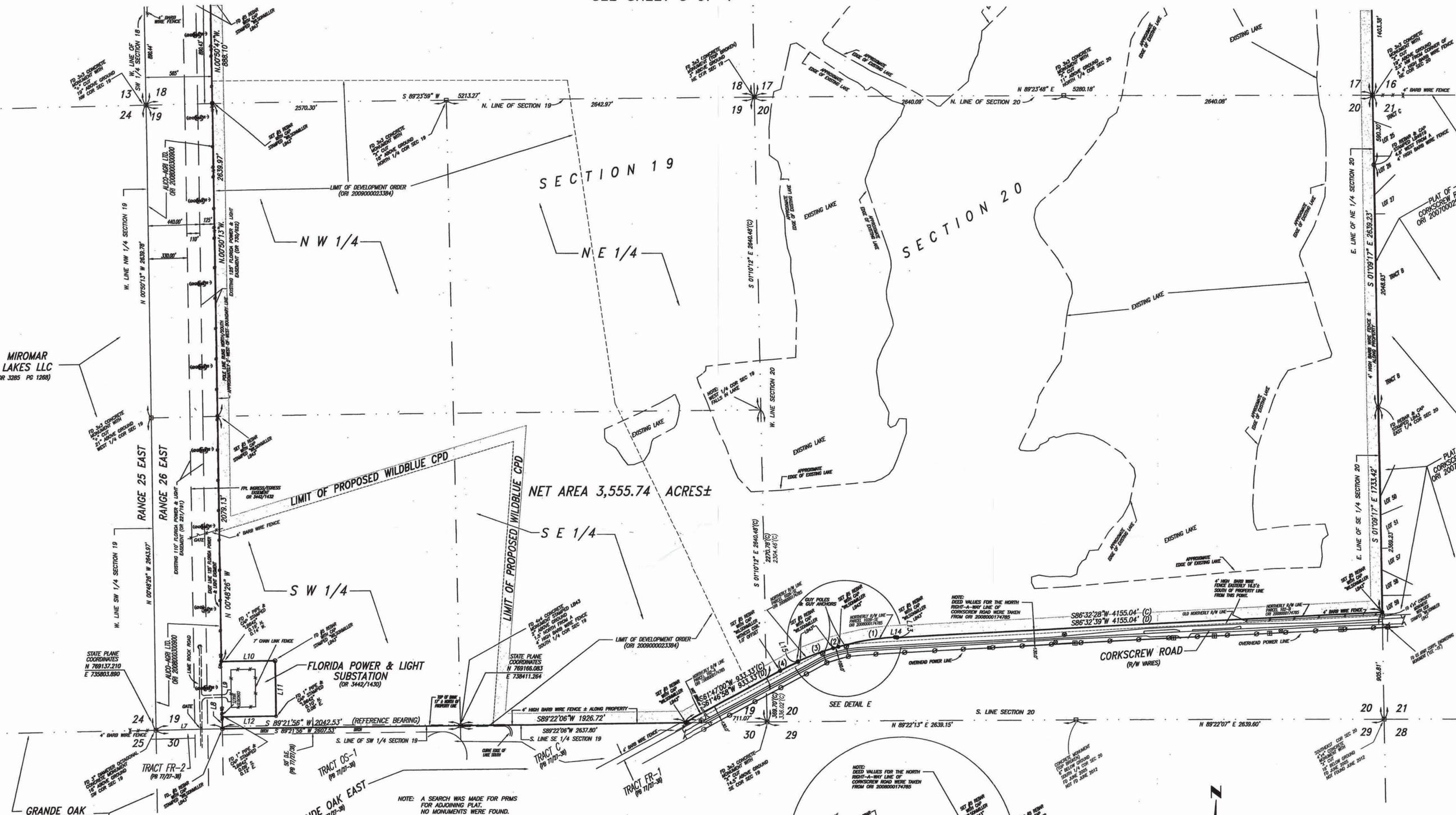
WilsonMiller Stantec

WilsonMiller - FL Lic# LC-000070 • Stantec - Certificate of Authorization #43
2501 Woodloch Drive, Suite 300 - Fort Myers, Florida 33901-4000 • Phone 239-939-4200 • Fax 239-939-4042

TITLE: BOUNDARY SURVEY
ALICO EAST PARCEL
SECS. 7, 8, 17, 18, 19 & 20, TWP. 46S, RGE. 26E
LEE COUNTY, FLORIDA

DATE	CIENT:	PROJECT	SHEET NUMBER	DRAWING NUMBER
06/13/12 <td>PRIVATE EQUITY GROUP, LLC 12800 UNIVERSITY DRIVE, SUITE 275 FORT MYERS, FL 33907 (239) 590-9066</td> <td>200</td> <td>3 of 4</td> <td>SM-215610978-002</td>	PRIVATE EQUITY GROUP, LLC 12800 UNIVERSITY DRIVE, SUITE 275 FORT MYERS, FL 33907 (239) 590-9066	200	3 of 4	SM-215610978-002

MIROMAR LAKES LLC
(OR 3285 PG 1268)



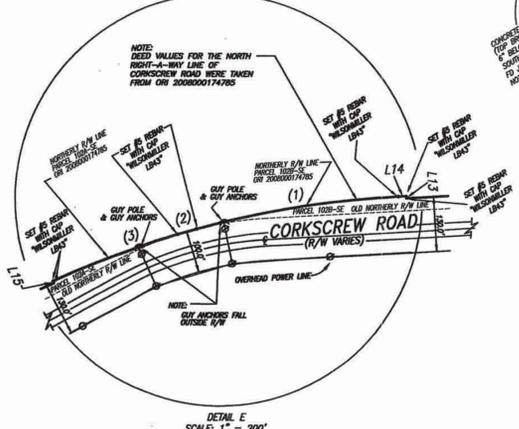
CURVE TABLE

NO.	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C1	2385.00(C)	11°47'38"(C)	490.93(C)	490.07(C)	S80°39'49"W(C)
					2385.00(D)
C2	870.17(C)	3°07'09"(C)	47.37(C)	47.37(C)	S74°15'44"W(C)
C3	2385.00(C)	7°42'54"(C)	321.15(C)	320.90(C)	S69°46'02"W(C)
					2385.00(D)
C4	2380.00(C)	4°07'35"(C)	171.41(C)	171.37(C)	S63°50'47"W(C)

LINE TABLE

Line	Bearing	Distance
L7	N.89°21'56"E.	565.00'
L8	N.00°48'26"W.	100.00'
L9	S.00°48'26"E.	466.69'
L10	S.89°21'56"W.	466.69'
L11	N.00°48'26"W.	466.69'
L12	N.89°21'56"E.	466.69'
L13	N.03°40'07"W.(C)	5.00'(C&D)
	N.03°42'13"W.(D)	
L14	S.86°32'28"W.(C)	18.98'(C&D)
	S.86°32'39"W.(D)	
L15	S.24°05'25"E.(C)	5.00'(C&D)
	S.24°05'48"E.(D)	

SEE SHEET 1 OF 4 FOR LEGAL DESCRIPTION AND NOTES.



- LEGEND**
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 - - CABLE TV RISER
 - - WATER METER
 - *- FENCE AS NOTED

4 ADD PROPOSED WILDBLUE CPD LIMITS TO DRAWING. NO FIELD UPDATE. 05/03/14 MDH		ACTIVITY: 215610978 LD		DATE: 9/03	
3 UPDATE SURVEY. 06/21/12 DPG		ACTIVITY: 1704		DATE: 9/10/03	
2 UPDATE SURVEY. 07/05 DPG		ACTIVITY: 1223		DATE: 9/03	
1 UPDATE SURVEY. 07/05 MDH		ACTIVITY: 1223		DATE: 9/03	
1 UPDATE SURVEY. 07/05 MDH		ACTIVITY: 1223		DATE: 9/03	

ACTIVITY: 215610978 LD SENT TO: DPG FIELD BOOK: GPS1/441 PAGE: 62-64/13-17	ACTIVITY: 1704 DRAWN BY: EML CHECKED BY: MDH CLOSED BY:	DATE: 9/03 DATE: 9/10/03 DATE: 9/03
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TITLE: BOUNDARY SURVEY ALICO EAST PARCEL SECS. 7, 8, 17, 18, 19 & 20, TWP. 46S, RGE. 26E LEE COUNTY, FLORIDA	DATE: 06/13/12 HORIZONTAL SCALE: 1" = 400' VERTICAL SCALE: N/A SEC. TWP. RGE.: 45S 26E	CLIENT: PRIVATE EQUITY GROUP, LLC 12800 UNIVERSITY DRIVE, SUITE 275 FORT MYERS, FL 33907 (239) 590-9086	SHEET NUMBER: 200 DRAWING NUMBER: SM-215610978-002
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LEE COUNTY
SOUTHWEST FLORIDA
BOARD OF COUNTY COMMISSIONERS

6035 Landing View Road
Fort Myers, FL 33907
Phone: 239-533-0319
Fax: 239-931-6804

John E. Manning
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District Two

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Brian Hamman
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County Attorney

Donna Marie Collins
Hearing Examiner

March 7, 2014

Lauren R. Hennessey
Planning Technician
Morris Depew
2891 Center Point Drive
Unit 100
Fort Myers, FL 33916

**RE: WildBlue – Comprehensive Plan Amendment
Letter of Service Availability**

Dear Ms. Hennessey,

LeeTran has reviewed your request for services availability concerning the WildBlue development project.

LeeTran currently has no fixed-route transit service in this area. This area also lies outside of our paratransit services boundary. According to LeeTran's Transit Development Plan, there are no plans for service expansion in this area.

Currently, the nearest LeeTran fixed-route transit service is located about 0.80 mile from the western boundary of the proposed development project along Ben Hill Griffin Pkwy. This is Rt. 60, an east-west circulator going from US 41 and Constitution Blvd to Gulf Coast Town Center. I am attaching a map of this route service in relation to the proposed development.

If you have any questions or require further information, please feel free to contact me at (239) 533-0319 or at ABielawska@leegov.com.

Sincerely,

Anna Bielawska
Planner
Lee County Transit



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

February 28, 2014

Morris-Depew Associates, Inc.
Mrs. Lauren R. Hennessey
Planning Technician
2891 Center Pointe Drive, Unit 100
Fort Myers, FL 33916

Re: WildBlue

Dear Mrs. Hennessey,

Thank you for this opportunity to inform you about our fire district. The San Carlos Park Fire Protection and Rescue Service District is one of 17 Special Fire Districts in Lee County. The Insurance Service Office (ISO) currently rates our department with a Property Protection Class (PPC) of 3/9. The district consists of a 52 square mile area with 3 stations staffed 24/7 with 45 full time firefighters, which also provide non-transport Advanced Life Support (ALS) services, and supported by an administrative staff.

The property's in question, WildBlue, is within the jurisdiction of the San Carlos Park Fire District, and is located approximately 2.8 miles from our station 53 located at 19591 Ben Hill Griffin Pkwy. With a response time of less than 3 minutes.

We are able to provide fire suppression and emergency medical services to the proposed development, as well as fire prevention, and public education service. If you require additional information, please do not hesitate to contact my office at (239) 267.7525. Trusting this meets with your approval, I remain,

Yours in Service,

A handwritten signature in black ink, appearing to read "David Cambareri".

David Cambareri,
Fire Chief

RECEIVED MAR 04 2014



THE SCHOOL DISTRICT OF LEE COUNTY

2855 COLONIAL BLVD. ♦ FORT MYERS, FLORIDA 33966 ♦ WWW.LEESCHOOLS.NET

DAWN HUFF
LONG RANGE PLANNER
239-337-8142
DAWNMHU@LEESCHOOLS.NET

THOMAS SCOTT
CHAIRMAN, DISTRICT 5
CATHLEEN O'DANIEL MORGAN
VICE CHAIRMAN, DISTRICT 3
MARY FISCHER
DISTRICT 1
JEANNE S. DOZIER
DISTRICT 2
DON H. ARMSTRONG
DISTRICT 4
NANCY J. GRAHAM, ED.D
SUPERINTENDENT
KEITH B. MARTIN, ESQ.
BOARD ATTORNEY

February 24, 2014

Lauren Hennessey
Planning Technician
2891 Center Pointe Dr. #100
Fort Myers, FL 33916

RE: WildBlue

Dear Ms. Hennessey:

This letter is in response to your request dated February 19, 2014 for the WildBlue proposed development for sufficiency comments in reference to the educational impact. This proposed development is located in the South Choice Zone, Sub Zones S-2 and S-3.

The Developers request states there is a possibility of 1,000 single-family dwellings. With regard to the inter-local agreement for school concurrency the generation rates are created from the type of dwelling unit and further broken down by grade level.

For single-family the generation rate is .292 with the following break-down, .146 for elementary, .070 for middle and .076 for high. A total of 292 school-aged children would be generated and utilized for the purpose of determining sufficient capacity to serve the development. Currently within the School District there are sufficient seats available to serve this need.

Thank you for your attention to this issue. If I may be of further assistance, please call me at (239) 337-8142.

Sincerely,

A handwritten signature in blue ink that reads "Dawn Huff".

Dawn Huff, Long Range Planner
Planning Department

LEE COUNTY SCHOOL DISTRICT'S SCHOOL CONCURRENCY ANALYSIS

REVIEWING AUTHORITY Lee School District
NAME WildBlue
OWNER/AGENT Alico East Fund LLC
ITEM DESCRIPTION All impacts in South CSA, sub areas S2 and S3

LOCATION East of I75 on Alico Rd and Corkscrew Rd
ACRES 3600 +/-
CURRENT FLU Density Reduction/Ground Water Resource (DRGR) & Wetlands
CURRENT ZONING Agricultural (AG2) and Private Recreational Facilities Planned Development (PRFPD)

PROPOSED DWELLING UNITS BY TYPE

Single Family	Multi Family	Mobile Home
1000	0	0

STUDENT GENERATION

Student Generation Rates			
SF	MF	MH	Projected Students
0.146			146.00
0.07			70.00
0.076			76.00

Source: Lee County School District, February 24, 2014 letter

CSA SCHOOL NAME 2017/18

CSA Capacity (1)	CSA Projected Enrollment (2)	CSA Available Capacity	Projected Impact of Project	Available Capacity W/Impact	LOS is 100% Perm FISH Capacity	Adjacent CSA Available Capacity w/Impact
12,229	11,185	1,044	146	898	93%	
5,621	5,156	465	70	395	93%	
8,021	8,294	-273	76	-349	104%	

(1) Permanent Capacity as defined in the Interlocal Agreement and adopted in the five (5) years of the School District's Five Year Plan
 (2) Projected Enrollment per the five (5) years of the School District's Five Year Plan plus any reserved capacity (development has a valid finding of capacity)

Prepared by: Dawn Huff, Long Range Planner

Mike Scott
Office of the Sheriff



State of Florida
County of Lee

February 19, 2014

Ms. Lauren R. Hennessey
Morris Depew Associates, Inc.
Metro Center 1
2891 Center Point Drive, Unit 100
Fort Myers, Fl. 33916

Ms. Hennessey,

The proposed development that includes the following strap numbers 07-46-26-00-00001.0000, 08-46-26-00-00001.0000, 17-46-26-00-00001.0000, 18-46-26-00-00001.000, 19-46-26-00-00001.0000 and 20-46-26-00-00001.0000 does not affect the ability of the Lee County Sheriff's Office to provide core services at this time.

As such, this agency does not object to the Comprehensive Plan Amendment application for this location to build a minimum of 1,000 single dwelling units and 56,500 square feet of retail commercial. We will provide law enforcement services primarily from our South District office in Bonita Springs.

At the time of application for new development orders or building permits, the applicant shall 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 contact Crime Prevention Practitioner Trisha Bissler at 477-1801 with any questions regarding the CPTED study.

Respectfully,

A handwritten signature in black ink, appearing to read "Kathryn Rairden", with the date "03/14/14" written in the bottom right corner of the signature.

Kathryn Rairden,
Major, Patrol Bureau

RECEIVED FEB 24 2014





LEE COUNTY
SOUTHWEST FLORIDA
BOARD OF COUNTY COMMISSIONERS

RECEIVED FEB 26 2014

John E. Manning
District One

February 24, 2014

Cecil L. Pendergrass
District Two

Larry Kiker
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
Hearing Examiner

Ms. Lauren Hennessey
Planning Technician
Morris Depew Associates, Inc.
2891 Center Pointe Dr., Unit 100
Fort Myers, FL 33916

SUBJECT: Wild Blue – Letter of Availability

Dear Ms. Hennessey:

The Lee County Solid Waste Division is capable of providing solid waste collection service for the planned residential units and retail commercial establishments proposed for Wild Blue Planned Development located South of Alico Road and bordering Mirromar Lakes and Florida Gulf Coast University to the East through our 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.

Additionally, please review the Solid Waste Ordinance (11-27) which defines those residential dwelling units that are eligible to receive curbside residential collection service and those defined as multi-family and/or commercial dwellings.

If you have any questions, please call me at (239) 533-8000.

Sincerely,



Brigitte Kantor
Operations Manager
Solid Waste Division

Cc: Alan Fleming, Environmental Specialist Sr.



RECEIVED MAY 12 2014

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

May 7, 2014

Lauren R. Hennessey
2891 Center Pointe Drive
Unit 100
Fort Myers, Florida 33916

Re: Letter of Service Availability

Ms. Hennessey,

I am in receipt of your letter dated February 19, 2014, requesting a Letter of Service Availability for the Wild Blue project in southeastern Lee County.

Lee County Emergency Medical Services is the primary EMS transport agency responsible for coverage at the location you have identified. Because we currently serve this area, we evaluated response times in this vicinity to simulate the anticipated response and modeled GIS data on access in to the project location.

The primary ambulance for this project location is Medic 25, with Medic 21 providing backup as necessary. These two ambulance locations are too far away from the community's access from Alico and Corkscrew Roads, and would not allow us to adequately serve the project as required in County Ordinance 08-16. Compliance with the service standards outlined in county ordinance would require an additional EMS station in that vicinity. We do not currently have plans for expansion of service in this area.

It is our analysis that the service availability for the proposed development of this property is not adequate at this time. Should the plans change, especially access in to the community, a new analysis of this impact would be required.

If you have any questions, please contact me at (239) 533-3961.

Sincerely,

A handwritten signature in black ink, appearing to read "Benjamin Abes".

Benjamin Abes
Deputy Chief, Operations
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 | (866) 337-7341
www.morris-depew.com

May, 20, 2014

Deputy Chief Benjamin Abes
Lee County Division of Emergency Medical Services
P. O. Box 398
Fort Myers, FL 33902-0398

Subject: Letter of Service Availability dated May 7, 2014, WildBlue (MDAI #12037)

Dear Deputy Chief Abes:

This letter is in response to your letter dated May 7, 2014 to Lauren R. Hennessey inquiring about a Letter of Service Availability for the WildBlue development located in SE Lee County. I am somewhat confused regarding the response as it appears to be inconsistent with responses received for other development projects in the area. Thus, I am writing this letter in an attempt to clarify my understanding of Lee County's position on the matter.

Section VII, Paragraph B, Ordinance 08-16 states, "The County will rely on fractile response time reliability for this evaluation. It will be the goal of the Certificate Holder(s) within Lee County to comply with a turnout or out of chute time of one (1) minute (60 seconds) day time and two (2) minutes (120 seconds) night time and a response time of eight (8) minutes (59 seconds) (for a total of 539 seconds) or less at the ninetieth (90) percentile for high acuity calls for service classified as "Delta" or "Echo" under the Medical Priority Dispatch System." However, this section appears to be one in which evaluation standards are proposed for an application of COPCN. Paragraph C goes on to state, "The County may not recommend for approval a request for an ALS transport or BLS Transport COPCN for any geographical area in which the current ALS or BLS transport service providers' fractile response time reliability is considered to be acceptable."

The issue in question is not whether a new service is to be provided, nor is it an application for a COPCN. The question is whether Lee County EMS can provide service to a new development for which the proposed entrances are located on Corkscrew Road, are ± 1 mile, $\pm 1 \frac{2}{3}$ mile, and $2 \frac{1}{3}$ mile to the east of the

intersection of Firehouse Lane and Corkscrew Road, the location of Estero Fire District Station #44, or ± 3 miles east of LCEMS Station 13. It is noted that 2 of these proposed entrances are closer than the entrance to the Bella Terra development and all 3 are closer than the Corkscrew Woods/Corkscrew Shores development (see attached aerial photograph). Also attached please find a copy of a letter received in September, 2011, regarding the Corkscrew Woods development. As noted above, the WildBlue development access points are all closer than the access point for Corkscrew Woods, yet for the Corkscrew Woods development Lee County EMS indicated that it, "...has no initial concerns with the ability to provide service to this area." Given what appears to be a discrepancy between these 2 projects, I am concerned that Morris-Depew Associates did not adequately communicated what we were requesting for the WildBlue development.

Pursuant to Lee County's requirement for a letter of availability of service, our request is for a letter similar to the one Chief Dickerson provided in 2011. If you feel that Chief Dickerson issued his letter in error, or if you believe that you cannot currently issue such a letter, could you please call me so that we could sit down and discuss options for provision of service that will meet any concerns you might have.

Thank you in advance for your kind consideration.

Sincerely,
Morris-Depew Associates, Inc.



David W. Depew, PhD, AICP, LEED AP
President

Cc: Don Schrottenboer
Charles Basinait, Esq.



Lee County
Southwest Florida

Statement of Initial Review

Lee County Emergency Medical Services (LCEMS) has performed a preliminary review of the project referenced herein. Based upon the limited amount of information provided, LCEMS has no initial concerns with the ability to provide service to this project.

The Comprehensive Plan Amendment Application is for Corkscrew Woodlands in Estero, FL, proposing to add 771 single family residences to the already vested 254 lots.

The two closest locations servicing this area are: LCEMS Station 21, located at 21510 Three Oaks Parkway, which is approximately 3.4 miles away, and LCEMS Station 13, located at 25001 South Tamiami Trail, which is approximately 6.2 miles away.

This statement does not indicate that any plans have been received, it just identifies that Lee County EMS has no initial concerns with the ability to provide service to this area.


(Signature)

EMS Chief / Deputy Director of Public Safety
(Title)

Kim Dickerson
(Printed Name)

September 27, 2011
(Date)



Kim Dickerson, EMT-P, RN, MB
Deputy Director, Lee County Public Safety
Chief, Lee County Emergency Medical Services
14752 Ben Pratt/Six Mile Cypress Parkway
Fort Myers, FL 33912
Phone: 239-533-3911
Fax: 239-485-2605
Email: kdickerson@leegov.com
Website: www.lee-ems.com





LEE COUNTY
SOUTHWEST FLORIDA
BOARD OF COUNTY COMMISSIONERS

June 4, 2014

John E. Manning
District One

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District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
Hearing Examiner

Danielle Grossenbaugh
Morris-Depew Associates, Inc.
2891 Center Pointe Drive., Unit 100
Fort Myers, FL 33916

RE: Potable Water and Wastewater Availability
'Wildblue' Development – Comprehensive Plan Amendment
Strap Numbers: 07, 08, 17, 18, 19, & 20-46-26-00-00001.0000

Dear Ms. Grossenbaugh,

Potable water and wastewater lines are in operation in the vicinity of the proposed project mentioned above. However, this project is located outside our future water and sewer service areas as indicated on Maps 6 and 7 of the Lee County Comprehensive Plan. In order to provide service to the subject parcels, the Lee County Comprehensive Plan will need to be amended. In addition, developer funded system enhancements including but not limited to line extensions will be required.

Your firm has indicated that this project will consist of 40,000 sq. ft. of commercial/retail use and 1,100 single-family residential units, with an estimated flow demand of approximately 279,000 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and wastewater service as estimated above.

Availability of potable water and wastewater service is contingent upon approval of the aforementioned comprehensive plan amendment and 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 Corkscrew Water Treatment Plant. Sanitary sewer service will be provided by through our Three Oaks Wastewater Treatment Plant.

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 water and wastewater service to be utilized for a Lee County Comprehensive Plan (Lee Plan) Amendment for this project Only. Individual letters of availability will be required for the purpose of obtaining regulatory permits as well as building permits.

Sincerely,

LEE COUNTY UTILITIES


Pam Keyes, P.E.
Director
Lee County Utilities
1500 Monroe St.
Ft. Myers, FL 33901
Phone: 239-533-8544
Email Address: PKeyes@leegov.com



24° DIP

30° DIP

30° DIP PR-230

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AMSCO RD

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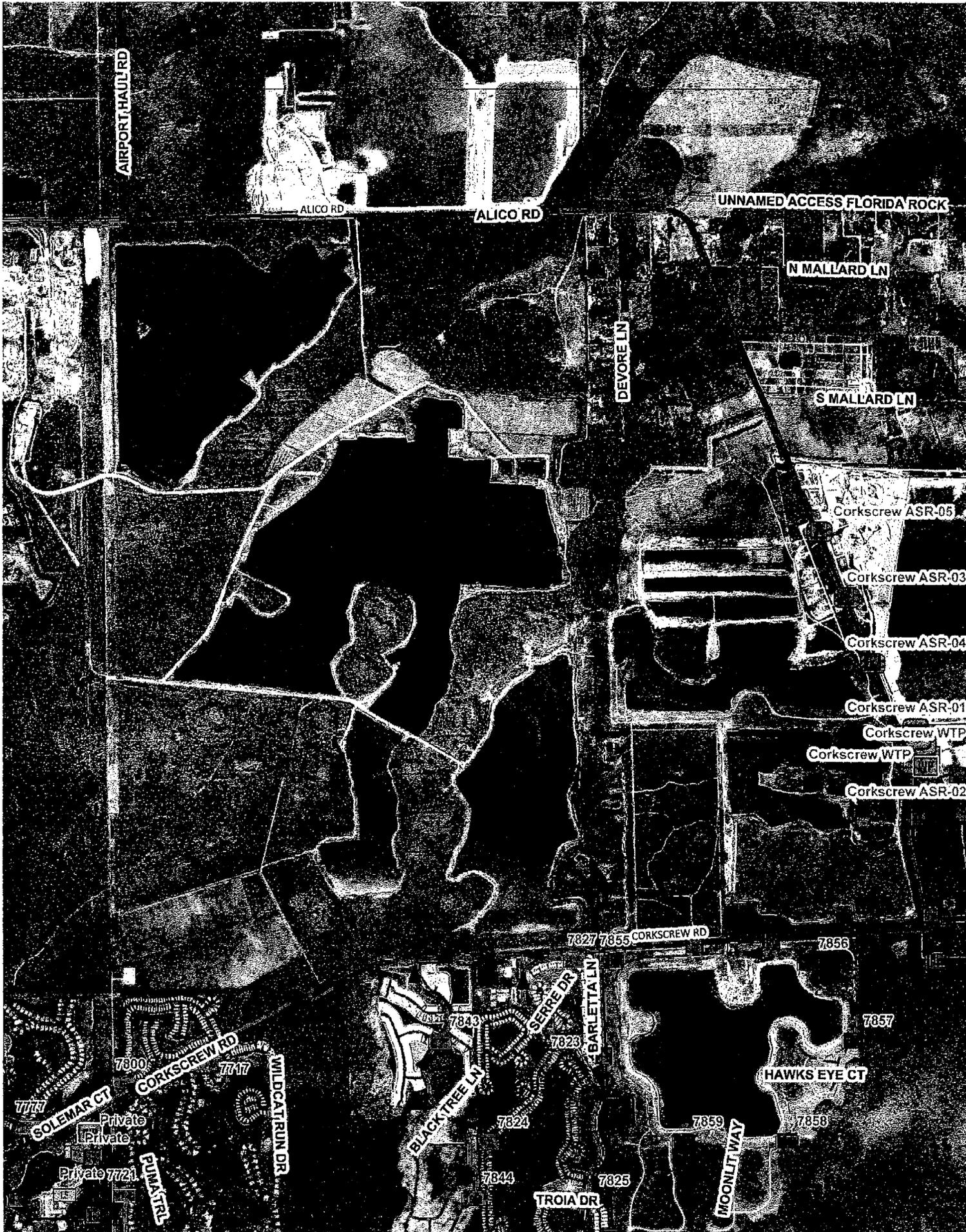
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24° DIP CL-51

PANTHER ISLAND BLVD

DEVORE LN





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.

February 18, 2014



Lauren Hennessey
Morris-Depew Associates, Inc.
2891 Center Point Drive, Unit 100 Fort Myers, FL 33916
Phone: 239-337-3993
Fax: 239-337-3994

In response to your inquiry of February 18, 2014 the Florida Master Site File lists no previously recorded cultural resources in the following parcels of Lee County:

T46S R26E Sections 7, 8, 17, 18, 19 & 20

When interpreting the results of this search, please consider the following information:

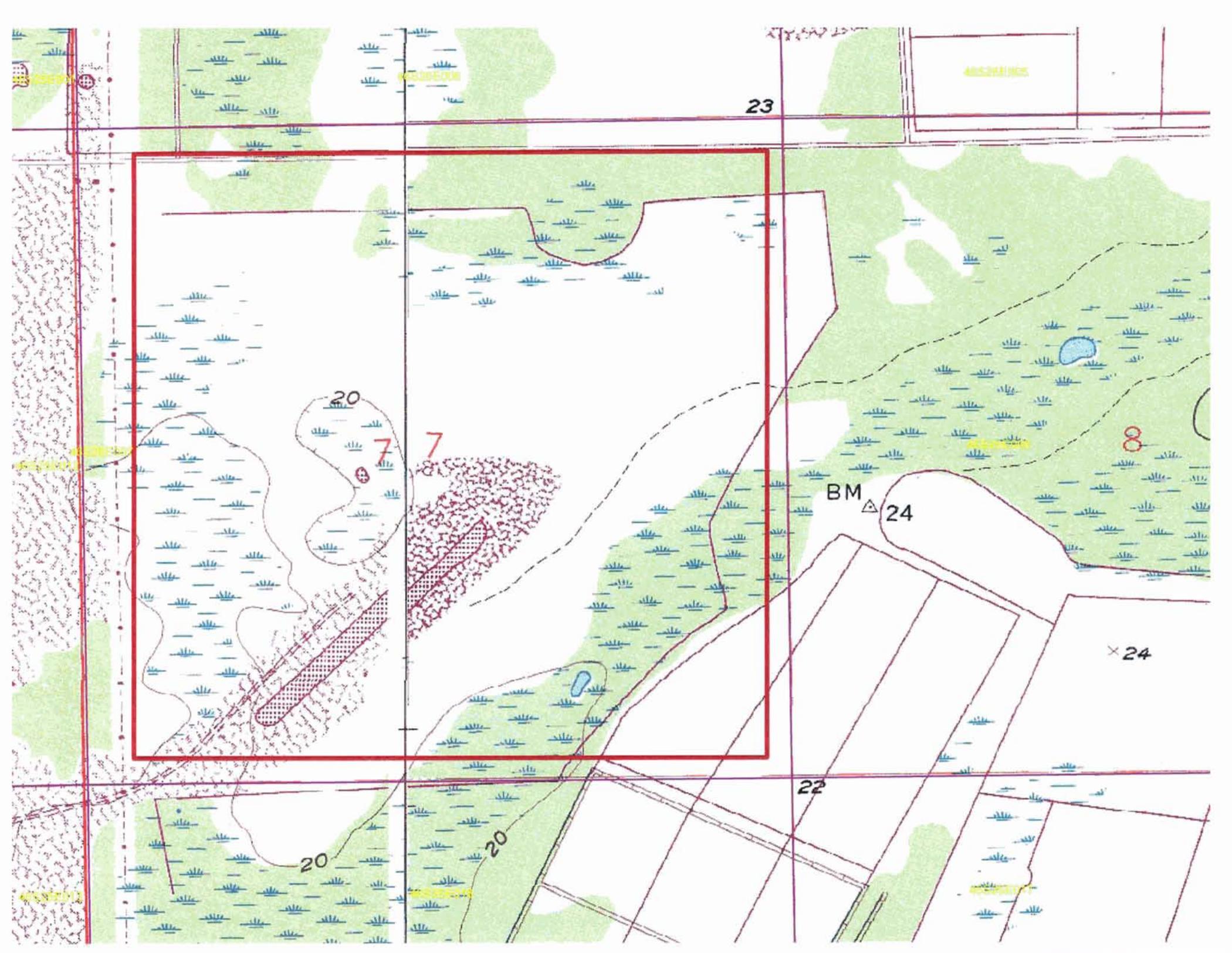
- **This search area may contain *unrecorded* archaeological sites, historical structures or other resources even if previously surveyed for cultural resources.**
- **Federal, state and local laws require formal environmental review for most projects. This search DOES NOT constitute such a review. If your project falls under these laws, you should contact the Compliance and Review Section of the Division of Historical Resources at 850-245-6333.**

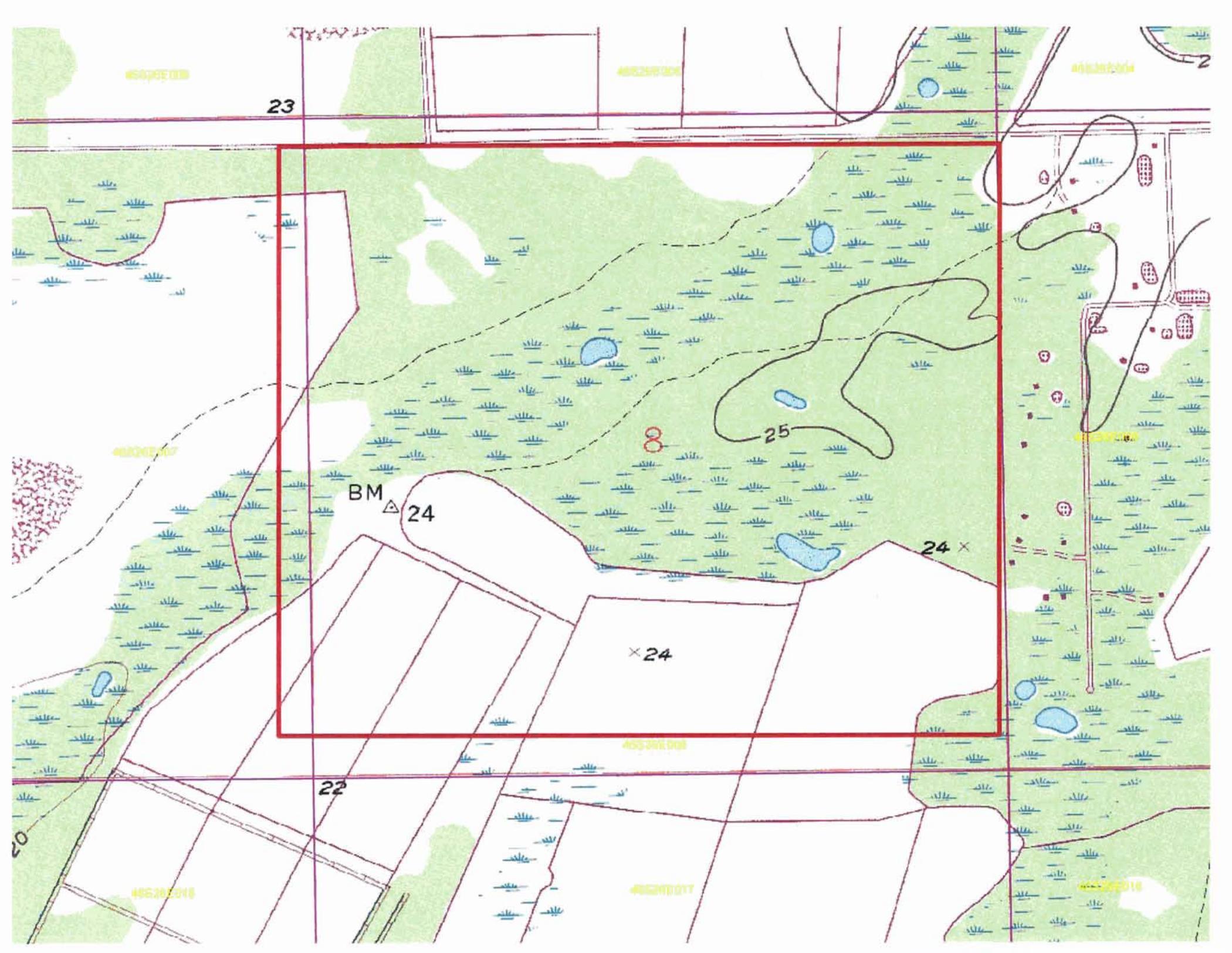
Please do not hesitate to contact us if you have any questions regarding the results of this search.

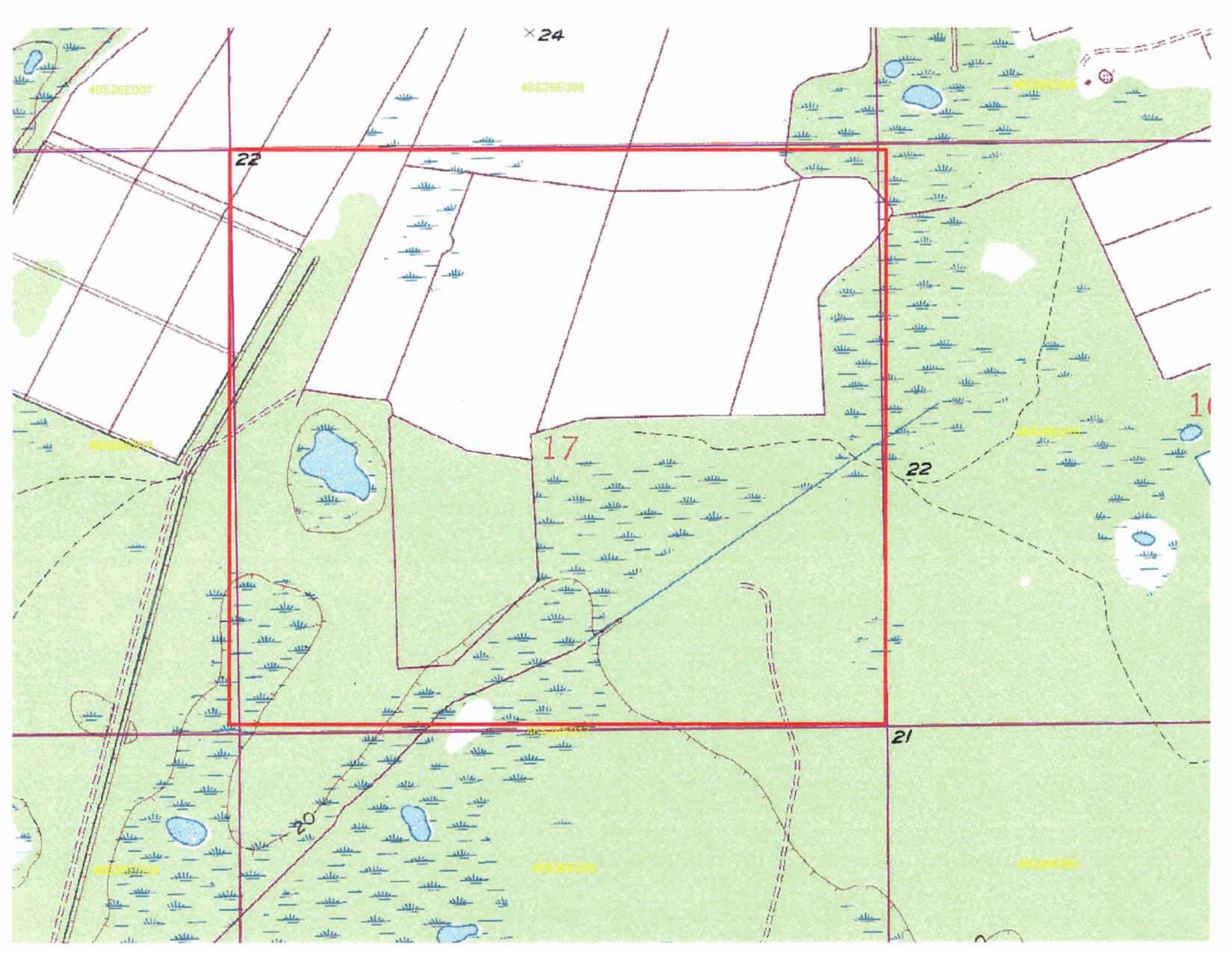
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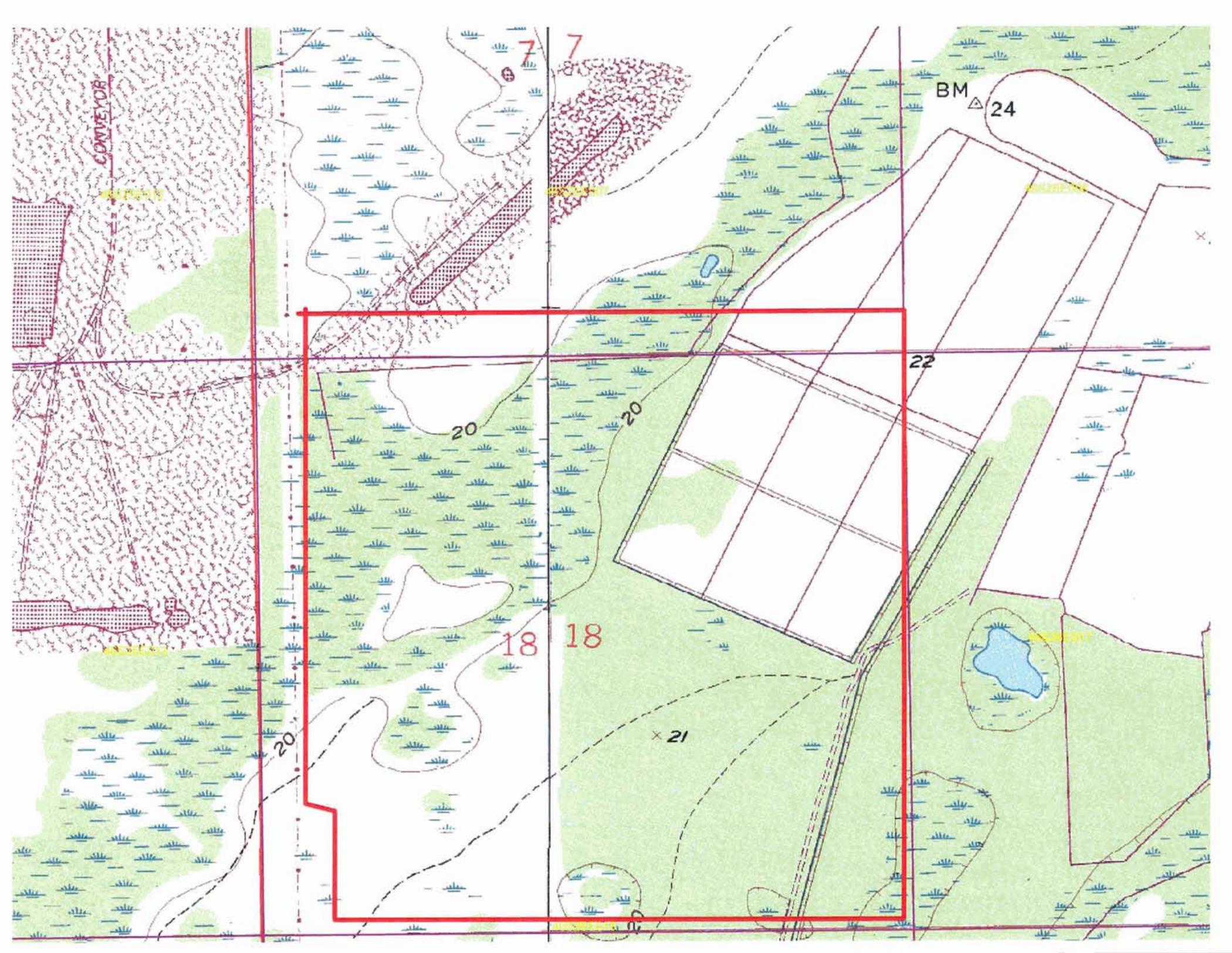
Mary G. Berman

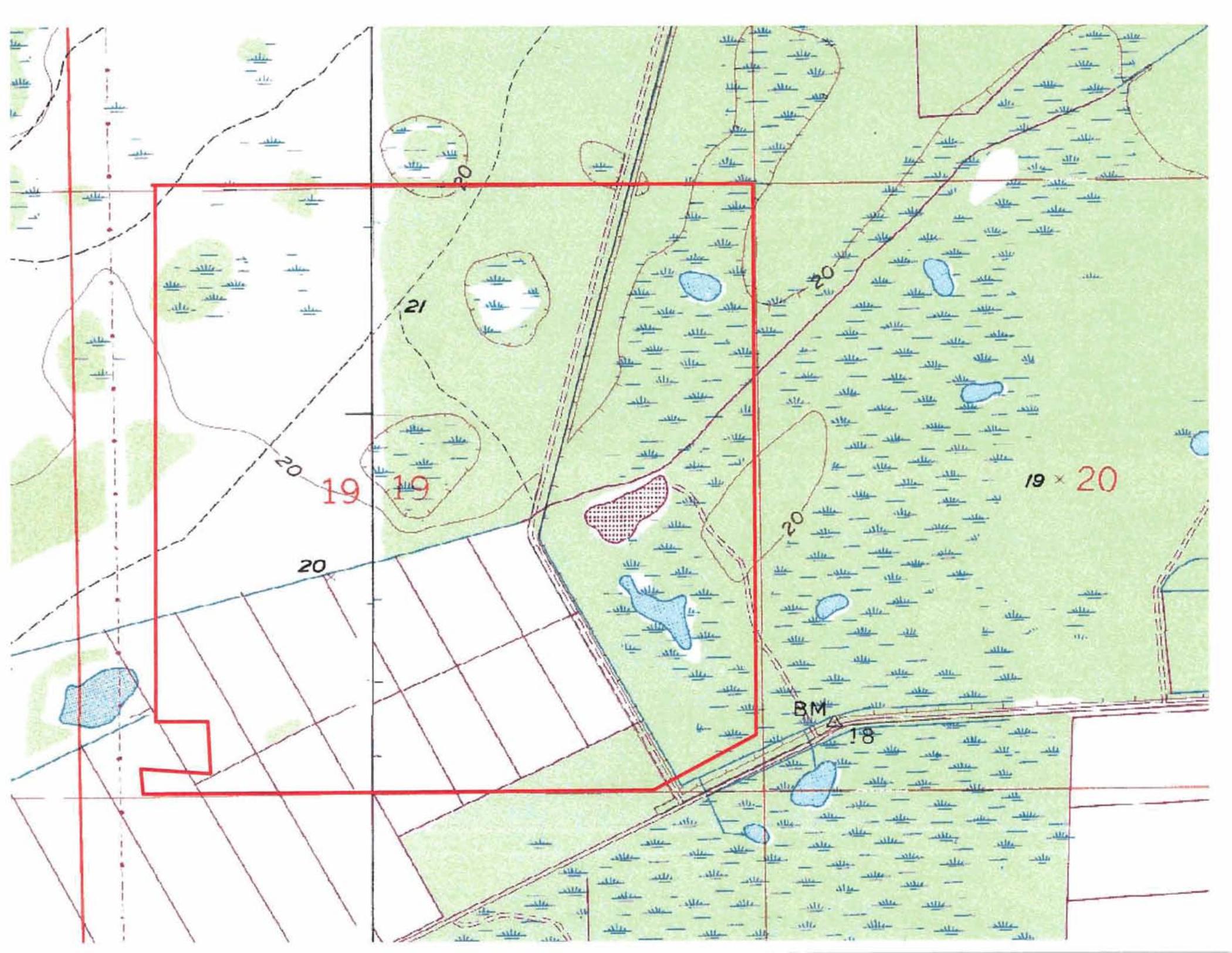
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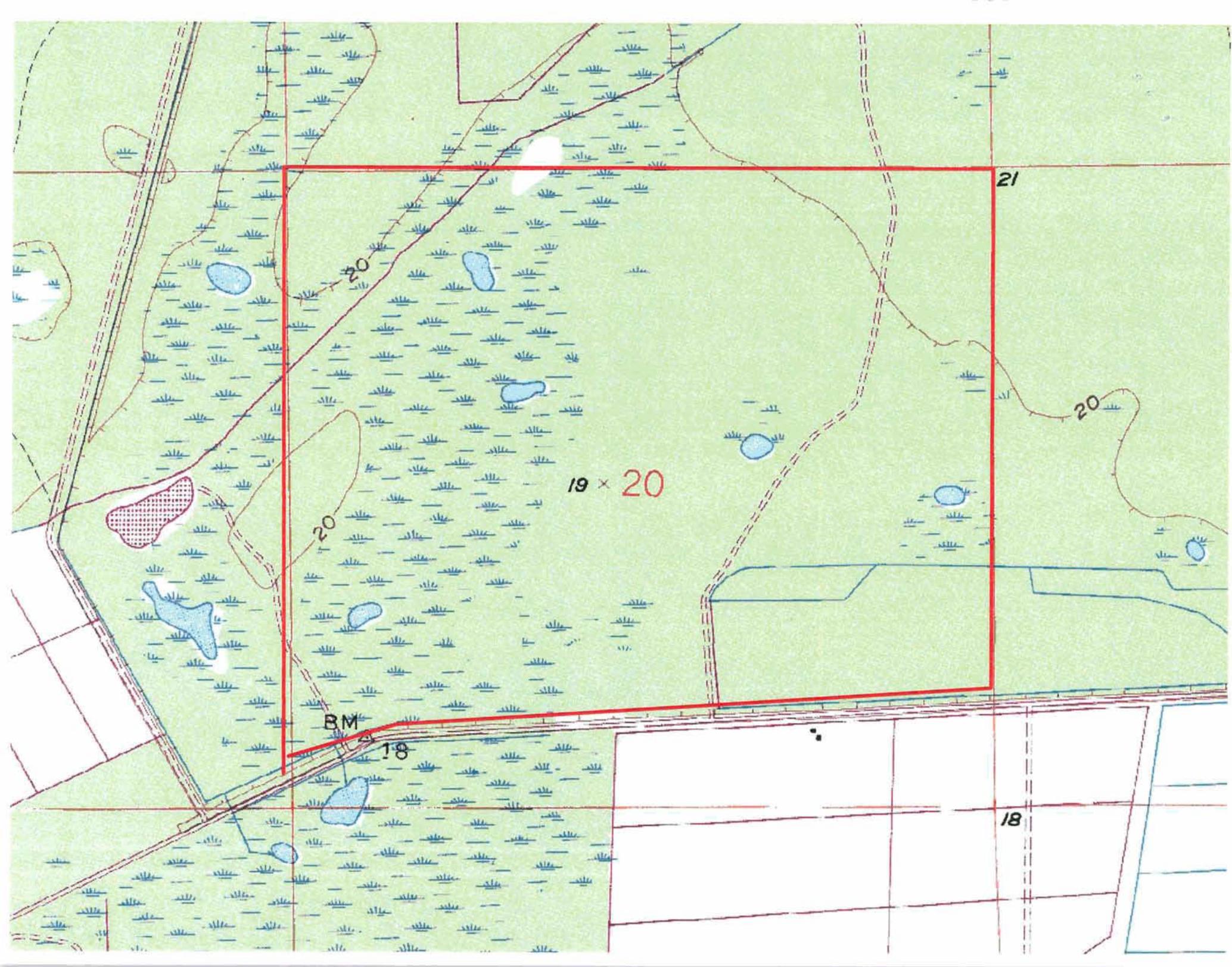












WILDBLUE DEVELOPMENT

HYDROGEOLOGIC SETTING REPORT

MARCH 2014

PREPARED FOR:



Alico East Fund, LLC
12800 University Drive, Suite 275
Fort Myers, Florida 33907

Water Science Associates

23150 FASHION DRIVE, SUITE 233
ESTERO, FLORIDA 33928

PREPARED BY:

A handwritten signature in blue ink, appearing to read "W Kirk Martin".

W KIRK MARTIN, P.G.
SENIOR HYDROGEOLOGIST/PRINCIPAL

A handwritten signature in blue ink, appearing to read "Brian K. Barnes".

BRIAN K. BARNES
SENIOR SCIENTIST/PRINCIPAL

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TABLE

Table 1	Summary of Maximum Monthly and Annual Irrigation Allocations
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EXHIBITS

Exhibit A	Water Quality Parameters Included in the Surface Water and Groundwater Monitoring Plan
Exhibit B	Summary of Field Analysis Measured During Baseline Testing on March 4, 2014

SECTION A INTRODUCTION

The WildBlue development is located in Lee County, Florida, approximately two miles east of Interstate 75, between Corkscrew Road and Alico Road, specifically within Sections 7, 8, 17-20, Township 46 South, Range 26 East. The project area is located within the Estero Bay Watershed and has historically been used for agriculture and aggregate mining.

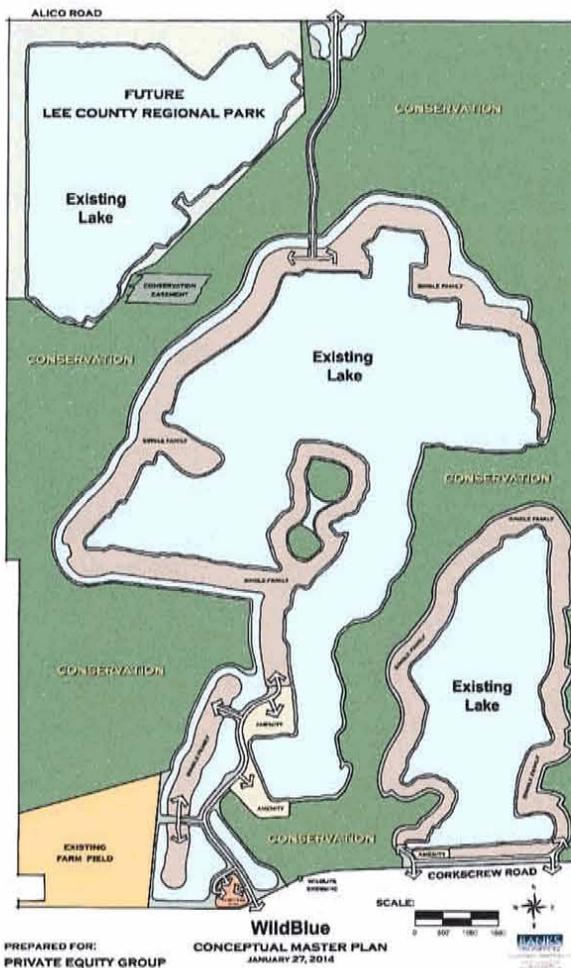


Figure 1. Conceptual Site Plan

228 acre lake located in the southeast corner of the site. The lakes on-site average approximately 40 feet in depth. The Alico East (Ginn) project currently permitted on the site included the northwestern borrow pit lake and a farm field at the southwestern corner of the site. The proposed WildBlue project will not include the northwestern lake or a portion of the farm field at the southwestern portion of the site (see Figure 1). The proposed WildBlue project will include the central and southeastern lakes, single family residential lots surrounding the lakes, restored flow-ways and wetland preserves, and common areas associated with the residential development (Figure 1).

The proposed WildBlue project falls within the currently permitted Alico East project but does not include the entire Alico East project. The existing northwestern borrow pit lake will be conveyed to Lee County. The proposed golf course at the southwestern corner of the site will not be developed. A portion of the former golf course site will be included in WildBlue and the remainder will be used as a tree farm and ultimately may serve as an urban farming site. The parcels that will be removed from the WildBlue project are included in this report to enable comparison of historic and currently permitted land uses with the proposed land uses at WildBlue with respect to potential impacts to water resources.

Agricultural production on the site began in the 1950's and continued into 2013. Aggregate mining operations began in the 1980's and continued until the late 2000's. As a result of the mining activity, three large borrow pit lakes currently exist on the site including a 368 acre lake in the northwest corner of the site, a 644 acre lake located in the central and southern part of the site, and a

The purpose of this report is to provide analysis regarding water resources for the proposed development of WildBlue to satisfy Goals, Policies, and Objectives of the "Lee Plan 2013 Codification, as Amended through September 2013" (Lee Plan). The project falls within the Density Reduction/Groundwater Resource (DR/GR) area of Southeastern Lee County.

Policy 1.4.5 of the Lee Plan requires new land uses in the DR/GR: *"to demonstrate compatibility with maintaining surface and groundwater levels at their historic levels (except as provided in Policies 33.1.3 and 33.3.4) utilizing hydrologic modeling, the incorporation of increased storage capacity, and inclusion of green infrastructure. The modeling must also show that no adverse impacts will result to properties located upstream, downstream, as well as adjacent to the site. Offsite mitigation may be utilized, and may be required, to demonstrate this compatibility. Evidence as to historic levels may be submitted during the rezoning or development review processes."*

Policy 2.4.2 of the Lee Plan indicates that the project *"will be subject to a special review by the staff of Lee County. This review will analyze the proposed land uses to determine the short-term and long-term availability of irrigation and domestic water sources, and will assess whether the proposed land uses would cause any significant impact on present or future water resources"* for projects proposing land use changes within the DR/GR.

Policy 2.4.3 requires in part, that applicants for land use changes within the DR/GR: *"1. analyze the proposed allowable land uses to determine the availability of irrigation and domestic water sources; and, 2. identify potential irrigation and domestic water sources, consistent with the Regional Water Supply Plan ...; and, 3. present data and analysis that the proposed land uses will not cause any significant harm to present and future public water resources;"*

In addition to the above Policies, Goals 115 (Water Quality and Wastewater) and 117 (Water Resources) of the Lee Plan address requirements, policies, and objectives for new developments to achieve during Comprehensive Plan Amendments. Specific to water resource management and potential water use associated with the project, Goal 115 requires facilities *"To ensure that water quality is maintained or improved for the protection of the environment and people of Lee County."* Objective 115.1 requires facilities under Comprehensive Plan Amendment to *"Maintain high water quality, meeting or exceeding state and federal water quality standards."*

Goal 117 requires developments *"To conserve, manage, and protect the natural hydrologic system of Lee County to insure continued water resource availability. (Amended by Ordinance No. 94-30)."* Objective 117.1 requires facilities to *"Insure water supplies of sufficient quantity and quality to meet the present and projected demands of all consumers and the environment, based on the capacity of the natural systems."*

The above goals, policies and objectives are relevant to this project as they require a developer to consider water resources, water use, water supply, and water quality issues that the development must address for approval. The applicant has carefully considered these requirements in their project design resulting in a project that reduces demands on water resources below historic and currently permitted uses and meets all of the criteria of the Lee Plan for water supply, water management, water levels, and water quality. The sections below provide the analysis and assessment to address Lee Plan Goals, Policies, and Objectives.

SECTION B PERMITTING HISTORY

SOUTH FLORIDA WATER MANAGEMENT DISTRICT PERMIT

The project has been in use for agricultural production since the late 1950's and aggregate mining since the 1980's. The project site has maintained various water use permits for irrigation through the South Florida Water Management District (SFWMD) since 1979. The project was initially permitted (WUP No. 36-00102-W) for agricultural irrigation via the Water Table Aquifer for 1,000 acres with an annual allocation of 417 million gallons per year (MGY). This permit was modified multiple times to increase and decrease the acreage in active production with corresponding changes in water supply allocations. In 2005, an additional water use permit (WUP No. 36-05078-W) was obtained for irrigation of single family residential lots associated with the Alico East project. That water use permit was subsequently modified in 2007 for the addition of an 18-hole golf course.

The SFWMD currently permits irrigation allocations at the project site under two active permits. Water Use Permit 36-00102-W for Alico East Farm allows for irrigation of 248 acres of small vegetables from the on-site lakes with allocations of 242 MGY and 47.4 million gallons per month (MGM). Water Use Permit 36-05078-W for Alico East Development and Golf Course provides for water use for on-site lake withdrawals for irrigation of 419 acres of turf and 74 acres of golf course with an allocation of 634 MGY and 85.16 MGM. However, based on a 2006 agreement with Lee County, as the agricultural operations decline, Water Use Permit 36-00102-W will be modified to reflect the reduction in agricultural use as the residential and golf course projects are developed so that at no time will the total water use allocation for the project site exceed the current allocations in Water Use Permit 36-05078-W of 634 MGY and 85.16 MGM.

LEE COUNTY DEVELOPMENT ORDERS

Development Order (DO) DOS2004-0334, approved by Lee County in 2004 for the Alico East project, grants approval to construct a residential development on the site consisting of 192 single family residential lots (with planned expansion to 332 residential lots), the necessary infrastructure to support the residential development, along with continuation of mining and agricultural activities. The DO for residential development includes the installation of individual domestic self-supply wells and individual onsite sewage treatment and disposal systems (septic tanks) for each residential lot. In addition DOS2006-00163 was approved by Lee County in 2006 for clearing and grubbing, lake excavation, lake interconnect installation, bulk filling and road construction in connection with the development of an 18-hole golf course in the southwest portion of the project site. Zoning for a 27-hole golf course was previously approved for this portion of the project site.

SECTION C

WATER RESOURCES**SURFACE WATER RESOURCES**

The project site has a high concentration of surface water resources including the large borrow pits remaining from the former rock mining operations and two regionally significant sloughs that transect the site. The borrow pit lakes are large, deep, and encompass about one-third the property. Lake depth ranges from less than 5 feet to over 45 feet with the majority of the lake area having an average depth of about 40 feet. The lakes will be used for recreational purposes and irrigation water supply by the WildBlue community. Lake water quality has been monitored for the adjacent developments and has been shown to meet conditions for Class II recreational uses as defined by the Florida Department of Environmental Protection (FDEP). The entire lake depth falls within the Water Table Aquifer (see description below). The lake is recharged directly by rainfall and from run-on from surrounding land areas. Losses from the lake occur by way of direct evaporation.

The applicant has instituted surface water and groundwater monitoring to obtain baseline surface water and groundwater quality conditions followed by scheduled surface water and groundwater sampling and analysis. Parameters that are included in the monitoring plan are outlined in Exhibit A. Laboratory analysis is not yet available, but field parameters measured during the baseline sampling event on March 3, 2014 are provided as Exhibit B. Results of field testing of samples collected for preliminary baseline sampling of surface water and groundwater at the site indicate that overall water quality is very good. Turbidity in the lakes was very low. Other parameters tested, such as temperature, conductivity, dissolved oxygen and pH were measured in ranges acceptable under FAC guidelines 62-302 for Class II and Class III fresh water.

A number of design and control features are planned for the WildBlue project to protect and enhance the quality of water in the lakes and adjacent slough systems. These elements include collection, treatment, and conveyance of stormwater within the project water management system, control over the application of fertilizers and pesticides, and control over the application of irrigation water.

The project will prohibit the application of fertilizers and pesticides (insecticides, nematicides, herbicides, etc.) by individual homeowners. The application of these substances will be centralized and controlled by the homeowners association(s) and will follow Lee County Ordinance No. 08-08. This restriction will provide greater protection of water quality since applications of fertilizers and pesticides will follow procedures and criteria of the Lee County ordinance.

Similarly, the irrigation of residential lots and common areas will be centrally controlled to meet conditions of applicable water use permits, local ordinances, and periodic water use restrictions. Individual homeowners will not have the ability to override irrigation times or quantities. Central control of irrigation water use will provide efficient use of the available resources and compliance with applicable regulations on water use and water quality.

The stormwater management system will include the collection and detention of all stormwater generated on the site, and will provide stormwater treatment through various wet and dry detention elements within the development footprint that meet or

exceed water quality requirements of the South Florida Water Management District, the Florida Department of Environmental Protection, and Lee County.

GROUNDWATER RESOURCES

The hydrostratigraphy underlying WildBlue is typical for central Lee County with a series of aquifers and confining beds occupying the Surficial, Intermediate, and Floridan Aquifer Systems. Figure 2 provides a schematic showing the groundwater sources in Lee County. In general, freshwater sources are the Water Table, the Sandstone, and the Mid-Hawthorn Aquifers. Brackish and saline water sources include the Lower Hawthorn Aquifer and underlying sections of the Upper Floridan Aquifer. Four primary aquifers are of significance beneath the WildBlue site and are described below in order of increasing depth from land surface. These are the Water Table, the Sandstone, the Mid-Hawthorn, and the Lower Hawthorn Aquifers. Due to an absence of confinement, the Lower Tamiami Aquifer does not exist beneath the WildBlue property and deeper underlying aquifers are too saline for potential use at the site. The primary sources of information used to characterize the groundwater resources include recent regional groundwater flow models that are based on key databases and sources of information from Lee County, South Florida Water Management District, and U. S. Geological Society.

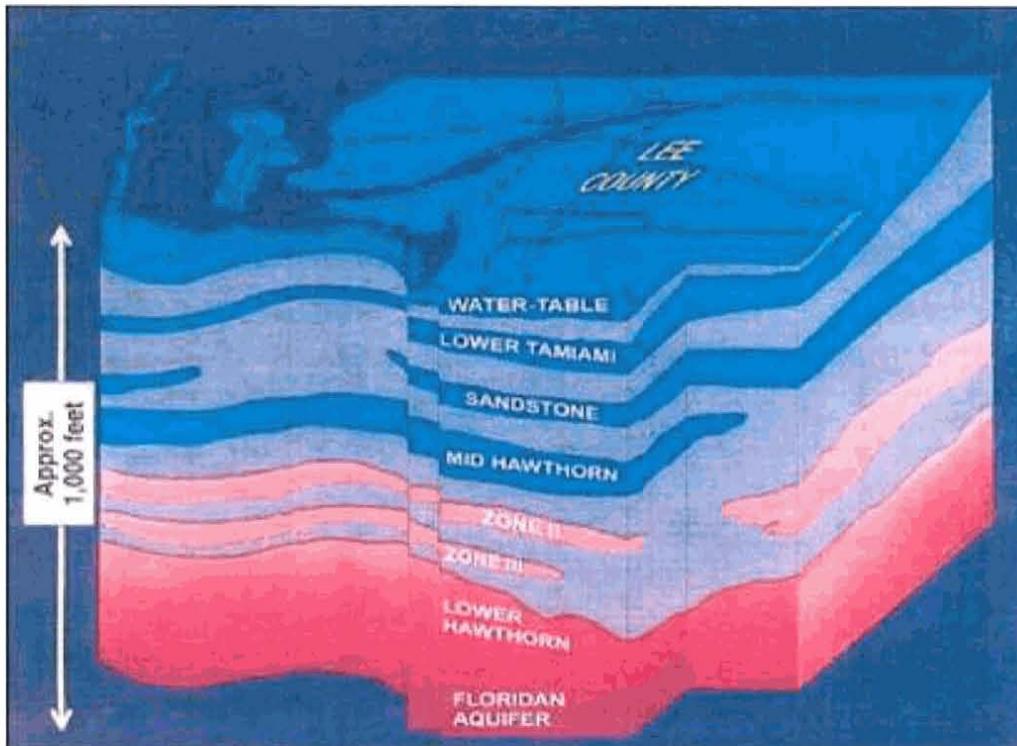


Figure 2. Aquifer System Underlying Lee County (Lee County Integrated Water Masterplan)

Water Table Aquifer

The Water Table aquifer is an unconfined aquifer that covers all of Lee County. The aquifer is defined as occurring at or near land surface downward to the top of the first regional confining bed. Beneath the WildBlue project, the thickness of the aquifer is variable, generally being thinner in the northwest portions of the site and becoming thicker moving to the southeast. In the northwest portions of the property near Alico Road the Water Table Aquifer is roughly 30 feet thick increasing in thickness to about 80 feet in the southeast portions of the site along Corkscrew Road. The thickness of this aquifer generally increases to the east and south on the subject property. Confining beds consisting of low permeable clays and silts of the Peace River Formation are encountered at the base of the Water Table Aquifer. The aquifer consists of 10 to 15 feet of sand, shell and marl overlying 20 to 70 feet of porous limestone beneath the WildBlue property. The limestone portions of the aquifer typically have a moderate to high permeability making the aquifer suitable for medium to large capacity water production wells. The aquifer is used for public water supply by Lee County Utilities as well as for domestic self-supply and irrigation of agricultural and landscaping foliage. Use of the aquifer is typically limited by the potential for impacts to natural wetland areas from drawdowns in the aquifer water level. The aquifer is recharged directly by rainfall with discharges occurring by way of evaporation and transpiration and by pumpage from wells. Groundwater flow and levels in the aquifer fluctuate seasonally in response to climatic conditions but can also be impacted by local and regional drainage features. Water quality in the aquifer is generally very good and useful for both drinking water and irrigation water needs although high concentrations of naturally occurring iron and organic material are commonly reported.

Sandstone Aquifer

The Sandstone Aquifer is separated from the Water Table Aquifer by 20 to 70 feet of marine clay and silt that constitutes the Peace River confining beds. The confining beds thickness generally increases to the west in the vicinity of the site. Beneath the WildBlue project, the depth to the Sandstone Aquifer varies significantly. The dip demonstrated by the Water Table aquifer is generally followed by the depth to the top of the Sandstone Aquifer. The topography across the site is relatively flat, ranging from about 19 feet NGVD to about 25 feet NGVD. The depth to the Sandstone Aquifer is about 70 feet BGS (-50 feet NGVD) in the northwest portions of the site and about 100 feet BGS (-80 feet NGVD) in the southern vicinity of the site. It is the uppermost aquifer in the Intermediate Aquifer System and consists of unconsolidated sands and poorly consolidated sandstone. The unit varies in thickness at the project site, ranging from a minimum of about 60 feet thick in the western portions to about 100 feet thick to the northeast. The Sandstone aquifer is considered a freshwater source although there are large areas, especially in the southwestern portions of Lee County and areas near and parallel to the Caloosahatchee River where there are elevated salinity levels which may limit the usefulness of the aquifer for public supply. Salinities however, are generally always low enough for general irrigation supply. Productivity of the aquifer is moderate to low but it does provide large quantities of water for public water supply by Lee County Utilities, for domestic self-supply in eastern Lee County and for agricultural irrigation in eastern Lee and western Hendry Counties. The aquifer is recharged where overlying confining beds are thin or absent in Hendry and Glades

County or where there is large use of the aquifer that induces increased recharge directly from the Water Table Aquifer through the overlying confining beds. Discharge from the aquifer generally occurs as pumpage from wells. Large fluctuations in seasonal water levels are common due to the heavy use of the aquifer with wet season levels near their historic highs but dry season water levels often at depths of 50 feet or more. For this reason, the aquifer is considered a source of limited availability although opportunities for seasonal use and storage may be considered.

Mid-Hawthorn Aquifer

The Mid-Hawthorn Aquifer is the lowermost aquifer in the Intermediate Aquifer System in Lee County. It consists of moderate to low permeable limestones of the Arcadia Formation and is separated from the overlying Sandstone Aquifer and underlying Lower Hawthorn Aquifer by thick clay confining beds of the Peace River and Arcadia Formations. It has moderate to low yield characteristics that limit its use for large capacity water supply. However, it has use as a limited supply water source for domestic self-supply and small commercial or irrigation use. Lee County Utilities uses the aquifer for aquifer storage and recovery (ASR) to store seasonally available water in wet summer months to meet peak season demands in dryer winter and spring periods. In general, the Mid-Hawthorn Aquifer is a lower yield, discontinuous water bearing unit that has utility as a limited supply resource or for seasonal storage in an ASR system. It exists as a sequence of interbedded limestones and marls occurring between depths of 200 to 500 feet BGS at the project site, becoming deeper moving from the northwest to the southeast. The aquifer is recharged north of Lee County where the aquifer is much nearer to land surface and the overlying confinement is thin or nonexistent. Much of the Mid-Hawthorn Aquifer is fresh in northwestern and central Lee County but salinities increase southward to chloride concentrations of over 1000 mg/l. The unit is mostly absent in eastern Lee County

Lower Hawthorn Aquifer

The Lower Hawthorn Aquifer is the uppermost water bearing unit in the Upper Floridan Aquifer System. The aquifer has good yield potential but contains brackish water that is only useful for irrigation if blended with other freshwater resources and is only useful for public water supply using reverse osmosis or other desalination technologies. The aquifer exists beneath the WildBlue development at depths ranging between 450 and 800 feet. The aquifer is recharged in the central Florida highlands area between Tampa and Orlando. In general, the South Florida Water Management District supports increased use of the Lower Hawthorn/Upper Floridan aquifer especially for public water supply use. Competing users are few although as further development of the source progresses, the potential for user competition will increase. The primary issue with use of the Lower Hawthorn Aquifer is the potential for degradation of water quality with time and increased use. In addition to being a source of water, the Lower Hawthorn Aquifer can potentially be used as a storage zone for ASR.

SECTION D

WATER DEMANDS AND WATER SUPPLY

Water demands at the project site will consist of in-house potable water and outside irrigation uses. It is anticipated that potable water demands and sanitary sewer service at WildBlue will be provided by Lee County Utilities and irrigation demands will be met with onsite sources. The concept plans for WildBlue include single family residential housing with lots developed primarily along the perimeters of the former mine lakes. The natural flow ways/sloughs generally trending from the northeast to the southwest across the site will be preserved and enhanced.

To meet irrigation demands for the project, direct withdrawals from the large borrow pit lakes are proposed. The lake withdrawals will provide an efficient and low impact method for tapping the Water Table Aquifer underlying the project site. Lake volume storage will minimize potential impacts to surface and groundwater levels. The project has a long history of permitted withdrawals for agricultural production that are larger than the proposed irrigation demands for the WildBlue project. The historic agricultural withdrawals have not resulted in adverse impacts to the aquifer system (see Section E Impact Assessments). The projected dry season drawdown attributed to irrigation withdrawals in lake and groundwater levels is minimal and would not result in adverse impacts to the aquifer system, area wetlands, or existing water users in the area.

IRRIGATION WATER

The SFWMD currently permits water use at the project area under two active permits (WUP No. 36-00102-W and 36-05078-W). Water Use Permit 36-00102-W for Alico East Farm allows for irrigation of 248 acres of small vegetables from the on-site lakes with allocations of 242 MGY and 47.4 MGM. Water Use Permit 36-05078-W for Alico East Development and Golf Course provides for on-site lake withdrawals for irrigation of 419 acres of turf and 74.4 acres of golf course with an allocation of 633.7 MGY and 85.16 MGM. During previous permitting, the applicant agreed to reduce allocations from WUP No. 36-00102-W to correspond to reductions in agricultural operations. Also, a previous agreement with Lee County limits total allocations for the project site to 633.7 MGY or 85.16 MGM.

The proposed site plan changes will result in replacement of the golf course by a nursery or tree farm, and changes to the number and size of lots. The existing approved development order will be modified to increase the number and reduce the size of the residential lots, significantly reduce the development footprint, remove the golf course as an approved use, eliminate the northwest lake and a portion of the southwest farm field from the project.

Based upon the proposed site plan, the estimated irrigated acreage for lawn and landscaping will be about 350 acres and the tree farm will irrigate approximately 104 acres. The resulting allocations, based on the SFWMD modified Blaney-Criddle calculation will be 449.5 MGY and 60.4 MGM for residential irrigation demands and 95.6 MGY and 12.8 MGM for tree farm irrigation demands. The tree farm facility will not require any water use allocations above those currently permitted for the golf course. Refer to Table 1 for a summary of current and proposed irrigation water demands.

Table 1. Summary of Maximum Monthly and Annual Irrigation Allocations.

Land Use Type	Currently Permitted	Proposed Allocation	Net Reduction	% Reduction
Residential Landscaping	72 MGM / 538 MGY	60 MGM / 450 MGY	-12 MGM / -88 MGY	17% / 16%
Golf Course / Tree Farm	13 MGM / 96 MGY	13 MGM / 96 MGY	0 MGM / 0 MGY	0% / 0%
Total	85 MGM / 634 MGY	73 MGM / 546 MGY	-12 MGM / -88 MGY	14% / 14%

The irrigation water demand calculations indicate that the proposed WildBlue project would have an irrigation water demand of about 546 MGY and 73 MGM representing a reduction in annual irrigation water demand from the currently permitted irrigation water allocations of about 14%.

POTABLE WATER

The currently approved residential parcels within the Alico East (Ginn) property are projected to include individual domestic self-supply wells and individual onsite sewage treatment and disposal systems (septic tanks) for each of the platted lots. Individual domestic self-supply wells and onsite sewage treatment and disposal systems have been and are currently used in many rural areas. However, it is well established that centralized water and sewer systems provide a number of advantages for public health and safety, environmental protection, and regional water management.

In the absence of central water and sewer services, the most likely sources of water and the only freshwater resources available to supply individual parcel water supply wells at WildBlue are the Water Table Aquifer and the Sandstone Aquifer. Individual domestic supply wells located on each parcel would tap one of these aquifer sources. Individual on-site sewage treatment and disposal systems located on each parcel would discharge partially treated wastewater to the Water Table Aquifer.

The WildBlue project lies within the franchise area of Lee County Utilities (LCU) and central water and sewer service currently exist on the south side of Corkscrew Road immediately adjacent to WildBlue. A high capacity potable water line currently runs past the property and a sewer collection force main is currently under construction to serve the properties on the south side of Corkscrew Road. Water and wastewater treatment facilities owned and operated by LCU have adequate capacity to meet the water and sewer service demands of the WildBlue project according to the most recent county facilities reports.

Both the Water Table and Sandstone Aquifers are used extensively by LCU at the Corkscrew and Pinewoods Water Treatment Plants (WTP). Both aquifers are also considered sources of limited availability by the South Florida Water Management District (SFWMD). The Pinewoods WTP is located about one-half mile southwest of WildBlue and the Corkscrew WTP is located approximately one mile east of the project (Figure 3). The public supply wellfields that feed the LCU water treatment facilities lie to the south,



Figure 3. Locations of Lee County Utilities Water Treatment Plants in Proximity to the Project Site

east, and southwest of the project site and are generally within a one to two mile radius of the subject site. Due to the proximity of the public supply wells, the southeast corner of the WildBlue project lies within the established protection zones of the LCU wellfields (Figure 4). WildBlue falls within Zone 3 (5-year travel time) and Zone 4 (10-year travel time) of Lee County’s Wellfield Protection Ordinance (Ordinance No. 07-35) for both the Water Table Aquifer and the Sandstone Aquifer.

Details for Zone 3 include:

- Prohibition of the use, handling, production or storage of regulated substances (per Section 14-208) unless a valid operating permit is obtained.
- Prohibition of wastewater effluent, liquid waste, and solid waste disposal.
- Operating permits must be renewed annually.
- Stormwater and surface water discharged must meet SFWMD and FDEP rules.

Details for Zone 4 include:

- Activity or land use involving the use, handling, production, or storage of regulated substances (per Section 14-209) is prohibited unless a valid operating permit is obtained.
- Operating permits must be renewed annually.
- Stormwater and surface water discharged must meet SFWMD and FDEP rules.

The proposed project will meet provisions and restrictions outlined in the Wellfield Protection Ordinance.

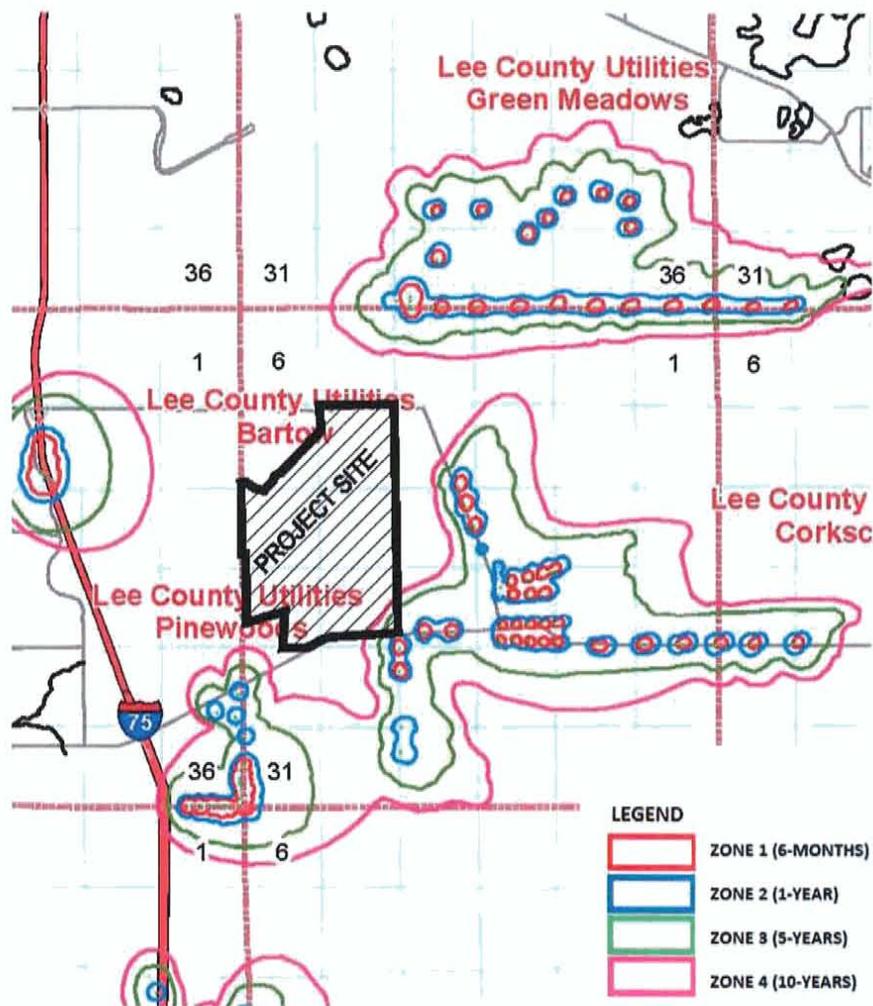


Figure 4. Excerpt of Lee County Wellfield Protection Zone Map

Provision of central public utilities to the WildBlue project will provide a number of benefits. Supplying potable water to the project from the nearby LCU water treatment facilities will remove a competing water use from the freshwater aquifers and allow for additional control and planning over area water resources by LCU. Recent changes in State of

Florida consumptive use permitting rules allow for increases in public utility water allocations when it can be demonstrated that the utility is providing water that offsets an otherwise allowable and competing use. Additionally, LCU has a robust wellfield management program developed over many years and through numerous negotiations with the SFWMD that includes multiple aquifer sources, redundant production wells in each aquifer, and an effective water level and wetland monitoring program that allows for active management of the sources and the magnitude and distribution of water withdrawals based on minimizing adverse impacts to the aquifer system, the surface environment, and existing legal users. Elimination of a nearby competing user of water increases the level of control that LCU has over groundwater withdrawals and resulting impacts and provides for more effective management of the limited water resources of the area.

Similarly, provision of a central sewer system will eliminate septic tank discharges in the area providing a higher level of protection to the existing LCU wellfields. Septic systems have been proven to be reliable and effective at minimizing adverse impacts to water quality in rural areas where appropriate underlying geology and adequate spacing provide for good attenuation of wastewater discharges. However, elimination of individual septic tank discharges would provide for an additional level of protection for LCU water supply sources. Additionally, LCU has a high quality irrigation water supply program to reuse treated wastewater for irrigation within critical water poor areas of the county. Whereas in the past, treated wastewater was often seen as a disposal liability to utility systems, in systems like LCU with an effective irrigation water supply program, treated wastewater can be a valuable revenue stream with market pricing potential that provides a means for more effective total water management.

The existing approved potable water demand for the project was estimated using a county-wide average of 2.44 persons per household (U.S. Census Bureau, 2010) and a per capita water use rate of 118 gallons per day (gpd) per person (SFWMD Water Use Permit for Lee County Utilities 36-00003-W), the 192 unit development could potentially serve a population of approximately 470 persons and require approximately 55,280 gallons per day (gpd) for daily water use or approximately 20 MGY. A conservative peaking factor of 1.3 can be applied to estimate a peak month (drought) value of 2.2 MGM of potable water demand. With supply of potable water service for WildBlue from LCU, a reduction in on site potable water use of 20 MGY and 2.2 MGM can be realized.

SECTION E

IMPACT ASSESSMENTS**GROUNDWATER AND SURFACE WATER FLOW MODELING**

Groundwater and surface water modeling was previously completed at the project site during SFWMD permitting of the Alico East (Ginn) project. During permitting efforts for the 2006 irrigation permit modification, modeling was completed to represent drawdown associated with irrigation withdrawals from the large lake systems. The SFWMD approved an analytic drawdown solution (Guo, 1997) that simulated surface water withdrawals from the existing borrow pits that calculated the drawdown in the adjacent aquifer system. Results of the modeling indicated that withdrawal of 85.16 MGM from the lakes resulted in the 0.1-foot contour of drawdown to extend less than 200 feet from the edge of the lake system under extreme drought conditions of no recharge to the lake for a period of 90 days.

Results of surface water and groundwater modeling at the project site indicate that allocations of water for irrigation purposes at pumpage rates far in excess of those proposed for the WildBlue project do not result in adverse drawdown impacts.

WATER LEVEL ASSESSMENT

Water Science Associates reviewed hydrographs of nearby monitoring wells maintained



Figure 5. Location of Nearby LCDNR Monitoring Wells

by Lee County Division of Natural Resources (LCDNR), shown on Figure 5. The nearest wells to the project site are 46A-GW5 (located near the northwestern corner of the site), 47A-GW-1 (located near the south-central portion of the site), and 47A-GW5 (located near the northeastern portion of the site). We reviewed available data between 1990 and 2007 from well 47A-GW1 and between 1990 and 2010 from wells 46A-GW5 and 47A-GW5.

Water levels in well 46A-GW5 (Figure 6) range from a dry season low of about 14 feet NAVD to a wet season high of about 21 feet NAVD. Water levels in well 47A-GW1 (Figure 7) range from a dry season low of about 12 feet NAVD to a wet season high of about 17 feet NAVD. Water levels in well 47A-GW5 (Figure 8) range from a dry season low of about 16 feet NAVD to a wet season high of about 24 feet NAVD. The historic water level trends in wells 46A-GW5 and 47A-GW1 show stable conditions or even increasing water levels over time despite the level of agricultural and mining activities occurring in the area over the period of record. The water level trend in well 47A-GW5 indicates a more complex record with an apparent declining trend from 1992 to 1996 followed by an apparent upward trend from 1997 to 2003 with a significant water level decline from 2004 to 2008 followed by an apparent water level recovery through 2010.

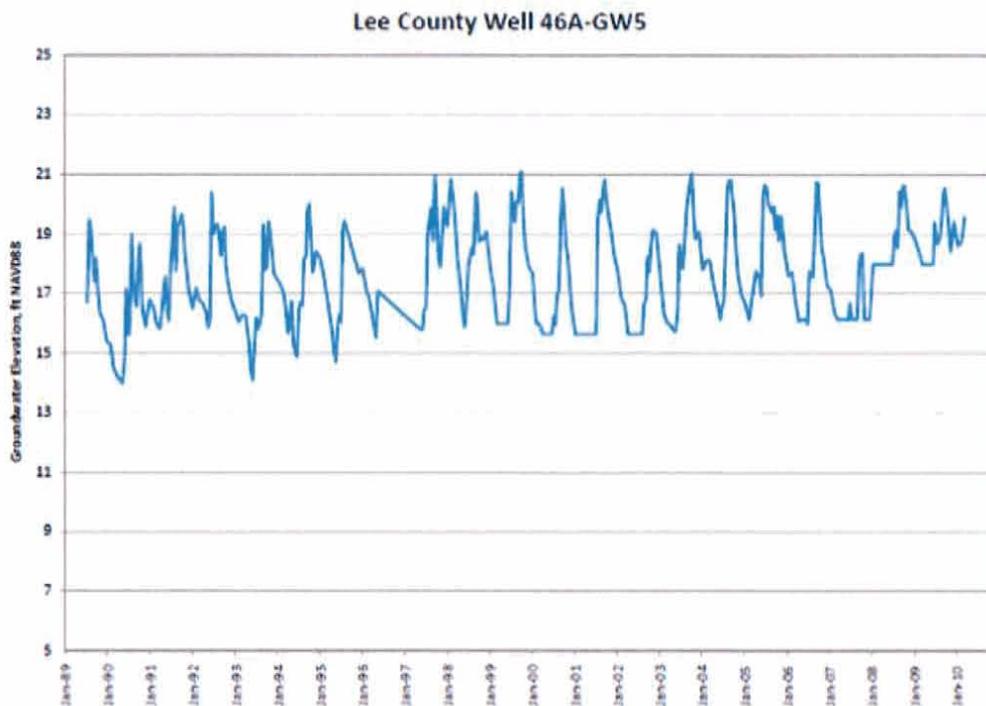


Figure 6. Hydrograph of LCDNR Well 46A-GW5.

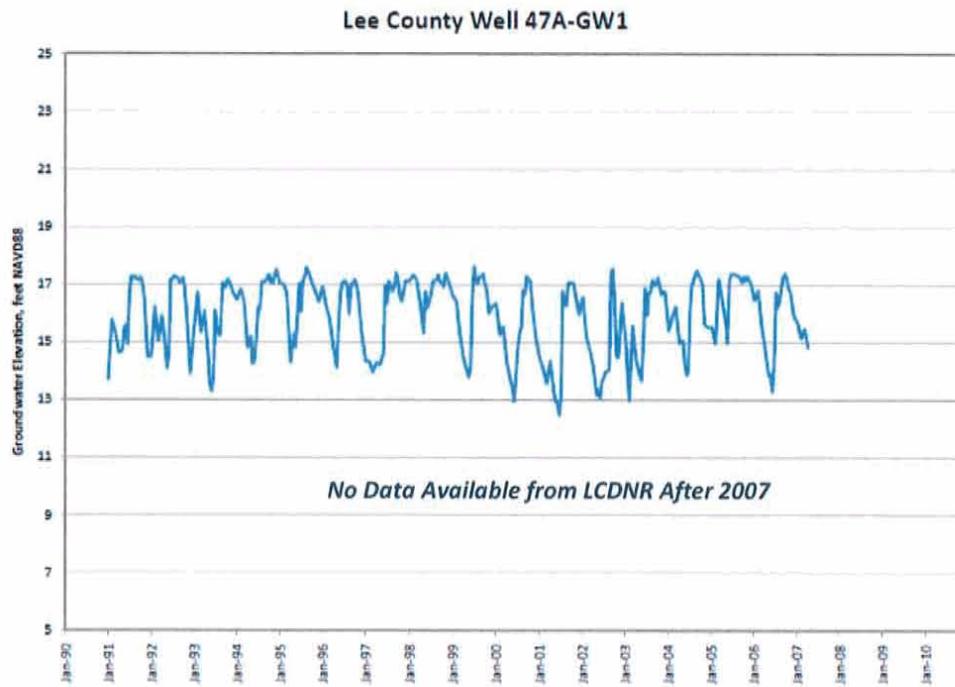


Figure 7. Hydrograph of LCDNR Well 47A-GW1.

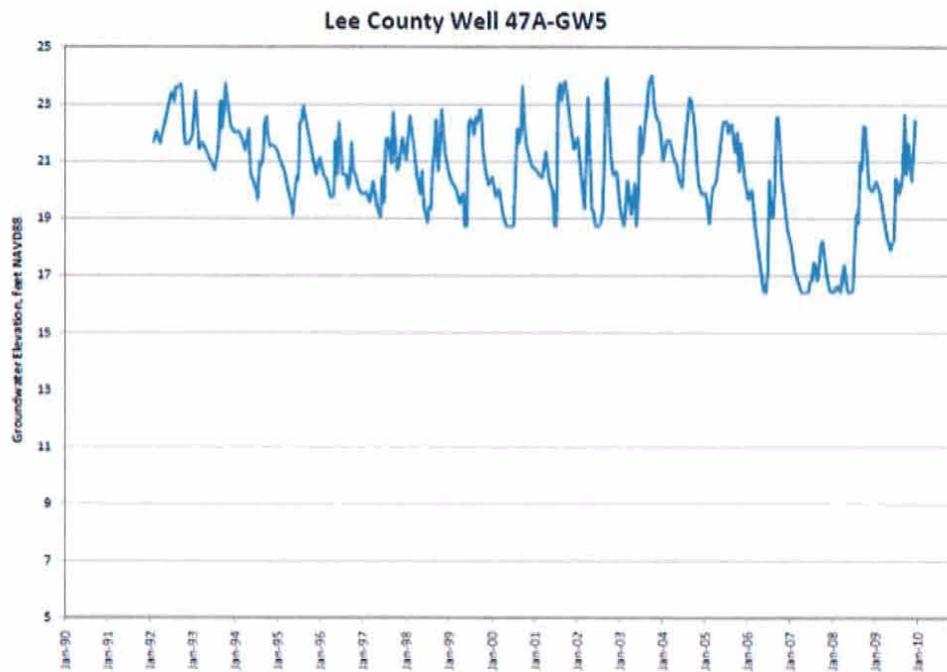


Figure 8. Hydrograph of LCDNR Well 47A-GW5.

Analyses of historical aerial photographs show that large scale agricultural operations dominated the area during the apparent downtrend from 1992 to 1996 but diminished substantially during the apparent upward trend from 1997 to 2003 as they are replaced by aggregate mining activities. The sharp downward trend from 2004 to 2008 does not appear to be directly associated with any apparent large scale land use changes as aggregate mining dominates the area landscape by 2004 and no new development of significance is apparent at that time. The sharp decline however, does correspond with drainage improvements to Alico Road associated with expansion of the Southwest Florida International Airport. The apparent recovery of water levels after 2008 may correspond to the placement of a ditch block in the Alico Road drainage system that maintains water in the Stewart Cypress Slough as it crosses Alico Road from north to south rather than allowing water to drain westward along Alico Road.

Significant agricultural pumping has been occurring in the area of these monitoring wells for many years and agricultural cultivation onsite is evident on aerial photographs from as early as 1958. Aerial photographs that show historic land use are provided as Figure 9 (1980), Figure 10 (1995), Figure 11 (2004), and Figure 12 (2012). Review of the 1995 aerial photograph shows up to 450 acres in cultivation onsite, which would correspond to estimated water use of 86 MGM. By 2004, at least 50% of this farmland had been mined and was no longer in cultivation. Over the period of 1990 to 2008 substantial areas of the site and surrounding area were mined. However, despite the extensive mining activities and changes in agricultural intensity, review of the area hydrographs indicate no significant water level changes in the area.



Figure 9. 1980 Aerial Photograph



Figure 10. 1995 Aerial Photograph



Figure 11. 2004 Aerial Photograph



Figure 12. 2012 Aerial Photograph

SECTION F CONCLUSIONS

This hydrogeologic assessment included evaluation of information and data to assess potential impacts of a proposed development at the WildBlue project. The facility is a proposed residential development that will include residences, the existing lake system, additional stormwater management lakes, flow-way preserves, and common areas. The facility includes a parcel that was previously permitted as a golf course, a portion of which will be included in WildBlue and a portion of which that will be modified to a tree farm or nursery, and a parcel containing a former borrow pit that will be conveyed to Lee County for use as a park with opportunities for improved regional water quality and quantity management. This report provided analysis regarding water resources for the proposed development to satisfy Goals, Policies, and Objectives of the "Lee Plan 2013 Codification, as Amended through September 2013" (Lee Plan). The project falls within the Density Reduction/Groundwater Resource (DR/GR) area of Southeastern Lee County.

Analysis and review of the permitting history and site development, surface water and groundwater resources, water management and water supply and demand needs, options for potable and non-potable water supplies, and potential impact assessments to water levels and natural resources and water storage, has resulted in the following conclusions.

- The proposed project will maintain or improve surface and groundwater levels at their historic levels and result in increased storage capacity pursuant to Policy 1.4.5 of the Lee Plan.
- The project will have no adverse impacts on water resources to properties located upstream, downstream, or adjacent to the site pursuant to Policy 1.4.5 of the Lee Plan.
- The proposed project has determined the availability of irrigation and domestic water sources, identified potential irrigation and domestic water sources consistent with the Regional Water Supply Plan, and demonstrated that the proposed land uses will not cause any significant harm to present and future public water resources pursuant to Policy 2.4.3 of the Lee Plan.
- The proposed project will ensure that water quality is maintained or improved for the protection of the environment and people of Lee County pursuant to Goal 115 of the Lee Plan.
- The proposed project will maintain high water quality, meeting or exceeding state and federal water quality standards pursuant to Objective 115.1 of the Lee Plan.
- The proposed project will conserve, manage, and protect the natural hydrologic system of Lee County to insure continued water resource availability pursuant to Goal 117 of the Lee Plan.
- The proposed project plan has insured water supplies of sufficient quantity and quality to meet the present and projected demands of all consumers and the

environment, based on the capacity of the natural systems pursuant to Objective 117.1 of the Lee Plan.

- The proposed project represents less demand on water resources than historic and currently permitted uses.
- Historic withdrawals of surface water for agriculture have not resulted in adverse impacts to the aquifer system indicating that the system can accommodate proposed site water use which is less than historic uses.
- The irrigation water demand for the proposed WildBlue project will result in a reduction in total annual water demand from the currently permitted irrigation water allocations of about 14% and up to 17% when the volume of potable water to be provided by LCU is factored in.

EXHIBIT A

Water Quality Parameters Included in the Surface
Water and Groundwater Monitoring Plan

Table 1. Summary of Groundwater and Surface Water Sampling Parameters

GROUNDWATER				
PARAMETER	UNITS	BASELINE	SEMI-ANNUAL	ANALYSIS TYPE
Total Kjeldahl Nitrogen (TKN)	mg/L as N	x	x	Laboratory
Ammonia as Nitrogen	mg/L as N	x	x	Laboratory
Nitrite+Nitrate as Nitrogen (NOX)	mg/L as N	x	x	Laboratory
Nitrite	mg/L as N	x		Laboratory
Nitrate	mg/L as N	x		Laboratory
Total Phosphorus	mg/L as P	x	x	Laboratory
Total Organic Carbon (TOC)	mg/L	x	x	Laboratory
Chloride	mg/L	x	x	Laboratory
Sulfate	mg/L	x	x	Laboratory
Total Dissolved Solids (TDS)	mg/L	x	x	Laboratory
Iron	mg/L	x	x	Laboratory
Florida PRO	mg/L	x		Laboratory
Temperature	C	x	x	Field
Specific Conductance	mhos/cm	x	x	Field
pH	pH units	x	x	Field
SURFACE WATER				
Total Kjeldahl Nitrogen (TKN)	mg/L as N	x	x	Laboratory
Ammonia as Nitrogen	mg/L as N	x	x	Laboratory
Nitrite	mg/L as N	x	x	Laboratory
Nitrate	mg/L as N	x	x	Laboratory
Nitrite+Nitrate as Nitrogen (NOX)	mg/L as N	x	x	Laboratory
Total Phosphorus	mg/L as P	x	x	Laboratory
Alkalinity	mg/L as CaCO3	x	x	Laboratory
Chloride	mg/L	x	x	Laboratory
Sulfate	mg/L	x	x	Laboratory
Florida PRO	mg/L	x		Laboratory
Cadmium by 200.7	g/L	x		Laboratory
Chlorophyll a	mg/L	x		Laboratory
Pheophytin	mg/L	x		Laboratory
Biochemical Oxygen Demand	mg/L	x	x	Laboratory
Color	PCU	x	x	Laboratory
Copper	g/L	x		Laboratory
Enterococci	CFU	x		Laboratory
Fecal coliform	CFU	x		Laboratory
Orthophosphate (dissolved)	mg/L as P	x	x	Laboratory
Lead	g/L	x		Laboratory
Silica	mg/L	x		Laboratory
Total Nitrogen	mg/L	x	x	Laboratory
Total Suspended Solids (TSS)	mg/L	x	x	Laboratory
Total Organic Carbon	mg/L	x	x	Laboratory
Zinc	mg/L	x		Laboratory
Temperature	C	x	x	Field
Specific Conductance	mhos/cm	x	x	Field
pH	pH units	x	x	Field
Turbidity	NTU	x	x	Field
Dissolved Oxygen (DO)	mg/L	x	x	Field
Stage	ft NGVD	x	x	Field/Recorder
Water Table Elevation	ft NGVD	x	x	Field/Recorder

EXHIBIT B

**Summary of Field Analysis Measured During
Baseline Testing on March 4, 2014**

Wild Blue Preliminary Water Quality Testing								
Field Data								
Location	Time	Parameter						
		Depth (Ft.)	Temperature (°C)	DO (mg/l)	Conductivity (umhos/cm)	Salinity (ppt)	pH	Turbidity (NTU)
Lake 2 Surface	15:00	1.0	23.6	8.78	313.0	0.15	8.23	0.00
Lake 2 Middle	14:10	12.2	22.8	8.87	312.3	0.15	8.46	0.01
Lake 2 Bottom	14:30	24.5	22.7	8.99	313.6	0.15	8.87	0.06
Lake 3 Surface	16:30	1.0	23.7	8.73	334.2	0.16	8.31	0.02
Lake 3 Middle	16:15	14.5	23.4	8.67	334.1	0.16	8.28	0.00
Lake 3 Bottom	16:00	29.0	23.4	8.41	333.3	0.16	8.39	0.00
MW-6	13:20	3.5	21.9	3.28	461.0	N/A	6.67	42.50
MW-6A	12:48	5.9	24.8	1.37	344.3	N/A	7.98	32.01
MW-14	18:25	3.3	21.2	6.43	697.0	N/A	6.41	12.87
MW-14	18:18	5.6	24.2	1.83	559.0	N/A	7.08	66.40

Note: Well depth to water is from top of casing

Note: Lake depth to water is from water surface



Water Science Associates

PROJECT NAME: WILDBLUE

PROJECT NUMBER: 1013-1

DATE: DECEMBER 17, 2014

FIGURE 2. MAP SHOWING SURFACE WATER AND GROUNDWATER MONITORING LOCATIONS.

Table 1. Summary of Groundwater and Surface Water Sampling Parameters

GROUNDWATER				
PARAMETER	UNITS	BASELINE	QUARTERLY	ANALYSIS TYPE
Total Kjeldahl Nitrogen (TKN)	mg/L as N	x	x	Laboratory
Ammonia as Nitrogen	mg/L as N	x	x	Laboratory
Nitrite+Nitrate as Nitrogen (NOX)	mg/L as N	x	x	Laboratory
Nitrite	mg/L as N	x		Laboratory
Nitrate	mg/L as N	x		Laboratory
Total Phosphorus	mg/L as P	x	x	Laboratory
Total Organic Carbon (TOC)	mg/L	x	x	Laboratory
Chloride	mg/L	x	x	Laboratory
Sulfate	mg/L	x	x	Laboratory
Total Dissolved Solids (TDS)	mg/L	x	x	Laboratory
Iron	mg/L	x	x	Laboratory
Florida PRO	mg/L	x		Laboratory
Temperature	C	x	x	Field
Specific Conductance	mhos/cm	x	x	Field
pH	pH units	x	x	Field
SURFACE WATER				
Total Kjeldahl Nitrogen (TKN)	mg/L as N	x	x	Laboratory
Ammonia as Nitrogen	mg/L as N	x	x	Laboratory
Nitrite	mg/L as N	x	x	Laboratory
Nitrate	mg/L as N	x	x	Laboratory
Nitrite+Nitrate as Nitrogen (NOX)	mg/L as N	x	x	Laboratory
Total Phosphorus	mg/L as P	x	x	Laboratory
Alkalinity	mg/L as CaCO ₃	x	x	Laboratory
Chloride	mg/L	x	x	Laboratory
Sulfate	mg/L	x	x	Laboratory
Florida PRO	mg/L	x		Laboratory
Cadmium by 200.7	g/L	x		Laboratory
Chlorophyll a	mg/L	x		Laboratory
Pheophytin	mg/L	x		Laboratory
Biochemical Oxygen Demand	mg/L	x	x	Laboratory
Color	PCU	x	x	Laboratory
Copper	g/L	x		Laboratory
Enterococci	CFU	x		Laboratory
Fecal coliform	CFU	x		Laboratory
Orthophosphate (dissolved)	mg/L as P	x	x	Laboratory
Lead	g/L	x		Laboratory
Silica	mg/L	x		Laboratory
Total Nitrogen	mg/L	x	x	Laboratory
Total Suspended Solids (TSS)	mg/L	x	x	Laboratory
Total Organic Carbon	mg/L	x	x	Laboratory
Zinc	mg/L	x		Laboratory
Temperature	C	x	x	Field
Specific Conductance	mhos/cm	x	x	Field
pH	pH units	x	x	Field
Turbidity	NTU	x	x	Field
Dissolved Oxygen (DO)	mg/L	x	x	Field
Stage	ft NGVD	x	x	Field/Recorder
Water Table Elevation	ft NGVD	x	x	Field/Recorder

LAKE MAINTENANCE PLAN

WILDBLUE DEVELOPMENT LEE COUNTY, FLORIDA

CPA 2014-00004 Text/Map Amendment
DCI 2014-00009 Major Plan Deviation

Prepared for:



Alico East Fund, LLC
12800 University Drive, Suite 275
Fort Myers, Florida 33907

FEBRUARY 2015

BACKGROUND

1. PROJECT LOCATION

The WildBlue development is located in Lee County, Florida, approximately two miles east of Interstate 75, between Corkscrew Road and Alico Road, specifically within Sections 7, 8, 17-20, Township 46 South, Range 26 East (Figure 1). The project area is located within the Estero Bay Watershed and has historically been used for agriculture and aggregate mining.

2. PROJECT DESCRIPTION

The proposed WildBlue project is a planned residential development that will include large existing onsite lakes and natural areas. As a result of previous mining activity, three large borrow pit lakes currently exist on site including Upper Wild Blue Lake located in the central portion of the site, Lower Wild Blue Lake located at the southern portion of the site, and Blue Lake located in the southeast corner of the site. Refer to Figure 2 for the location and designation of lakes.

3. PURPOSE

The Lake Maintenance Plan includes general measures to be employed to address potential nuisance species, erosion, and pollution. The plan may be further refined during the Development Order process.

LAKE MAINTENANCE PLAN

1. INTRODUCTION

In response to the comments received from Lee County Staff and in compliance with Comprehensive Plan Amendment CPA2014-00004, Policy 33.3.3.2.e, the following items are proposed as the Lake Maintenance Plan. It is expected that the details of this maintenance plan will be further refined through the forthcoming Development Order process for the WildBlue subdivision. A copy of the final plan that is completed during the Development Order process will be recorded in the public record in compliance with Section 10-329(d)(5) of the Land Development Code.

2. EXOTIC AND NUISANCE PLANTS

Removal and control of exotic and nuisance plants must be managed in perpetuity. Exotic and nuisance plants will be managed through a maintenance contract with a licensed contractor to provide such services. Two visits per year with the purpose of exotic removal will be conducted. After the initial clearing of the development tracts, exotics are to be maintained/removed through hand clearing or appropriate herbicide treatments by a licensed applicator on an as needed basis. Herbicides shall be labeled for use in water areas and are not to be detrimental to littoral plantings.

3. LITTORAL VEGETATION

Required littoral vegetation must remain in a healthy and vigorous state in perpetuity. The use of trimming, mowing, and herbicides to remove littoral plants is prohibited. Contractors performing landscape or lake maintenance work will be notified that trimming, mowing and use of herbicides to remove littoral plants is prohibited. Appropriate native lake littoral plantings are expected to grow in their natural state. A planting plan for littorals will be provided at the time of the Development Order.

4. SURFACE RUNOFF TO PREVENT LAKE BANK EROSION

Lee County Staff requested demonstration as to how surface water runoff quantities and flow velocities will be controlled to prevent bank erosion, including but not limited to, routing roof drains away from lake shorelines.

Stormwater quality and quantity treatment will be provided for the development through a system of wet and dry detention areas. The intent of the stormwater system is to include stormwater management lakes that provide attenuation and treatment that will be located along the perimeter of the developable area at Upper and Lower WildBlue Lakes. Stormwater will then be directed to the adjacent flow-way rather than to Upper and Lower WildBlue Lakes. After treatment, water from this stormwater lake system will be discharged to the natural system as sheet flow to aid in maintaining the natural hydrology. The project's stormwater system will meet or exceed the standards for quality and quantity treatment of stormwater as outlined and regulated by SFWMD and Lee County.

A stormwater management system exists on-site. This system is proposed to be altered as necessary at the time of Development Order for the subdivision. Alterations will be permitted and

approved by the South Florida Water Management District. It is expected that roof drains will be located in a manner that limits velocity and direct run off into the existing lake. The exact direction and flow of surface water is to be determined in coordination with the South Florida Water Management District permitting process.

5. EDUCATIONAL MATERIALS

Educational materials will be developed and provided to all residents describing the purpose and function of the bank slope and littoral areas. A narrative summary explaining the benefits of littoral plantings including the requirements that the littoral plantings with the lake shall remain in perpetuity, will be provided through educational pamphlets and/or a newsletter to the residents of the subdivision. The materials will also explain to the individual property owners their responsibilities with respect to compliance with bank slope and littoral area management plans. Educational materials may take the form of signs and brochures and will be refined during the Development Order process.

6. BEST MANAGEMENT PRACTICES FOR FERTILIZERS AND PESTICIDES

The WildBlue Community through a homeowners association or other controlling entity will provide centralized control of all landscaping maintenance including application of fertilizers and pesticides to all landscaped areas within the WildBlue Community. In compliance with Lee County Fertilizer Ordinance 08-08, it is expected that a contract will be executed by the future homeowners association with a company that has at least one person certified in Best Management Practices and be registered with Lee County Tax Collector. Fertilizers containing nitrogen and/or phosphorus will not be applied from June 1st to September 30th and will not exceed application limits provided in the Lee County Fertilizer Ordinance. Furthermore, fertilizer shall not be applied in or within 10 feet from the top of bank from the lake. These practices are not expected to apply to newly established landscaping or reclaimed water that may be used on site. Educational materials distributed to residents will include a summary of fertilizer and pesticide best management practices.

7. EROSION CONTROL AND BANK STABILIZATION

The WildBlue Community has three existing lakes as a result of previous mining activity. The Master Concept Plan includes a 20 foot easement along the lake bank separate from the abutting lots to provide access to the lake bank and littoral vegetation for maintenance purposes. The specific parameters (vegetation type, spacing, etc) of the littoral plantings and lake bank maintenance shall be incorporated into the final enhanced lake management plan to be completed at the time of Development Order. It is expected that littoral plantings will be provided along the bank of the lake for stabilization purposes and a planting plan will be submitted as part of the Development Order process. The Master Concept Plan currently requests a deviation in one location along the central lake to permit the existing on-site conditions, all other slopes will be provided consistent with the Land Development Code. The developer acknowledges that backfilling is not allowed. Should additional shoreline stabilization determined to be necessary, a proposal will be developed by a professional engineer and submitted for review at the time of Development Order.

8. PROTECTION OF PUBLIC WELLS

A portion of the WildBlue Community is located within Wellfield Protection Zones. Therefore regulated substances stored on-site will not exceed the limitations included in Section 14-208 of the Land Development Code. The community will connect to central water and sewer facilities eliminating risks related to liquid and solid waste disposal. A break in these facilities will be reported to the Division of Natural Resources within 24 hours of discovery as required by Section 14-214 of the Land Development Code. Stormwater and/or surface water discharge will conform to South Florida Water Management District and Florida Department of Environmental Protection rules and regulations.

9. IRRIGATION WATER SUPPLY

Covenant documents applicable to all owners, HOA, or other governing entities for the project will provide for central control of irrigation water supply and use throughout the development to ensure compliance with all applicable regulations and conditions of the community water use permit. Furthermore, covenant documents will prohibit the use of individual irrigation wells in the community.

10. BOATING USE IN BLUE LAKE

The southeastern corner of the southernmost lake in the WildBlue Community lies within a Wellhead Protection Zone. For this reason, the community will place limits on boating activities in Blue Lake, to include:

- No fuel storage on Blue Lake
- No mechanical repair facilities on Blue Lake
- Boat motors will be limited to 4-stroke only
- Automated bilge discharge pumps will be prohibited
- A spill response plan will be developed during the Development Order process
- A boater's education program will be developed

11. WATER LEVEL AND WATER QUALITY MONITORING

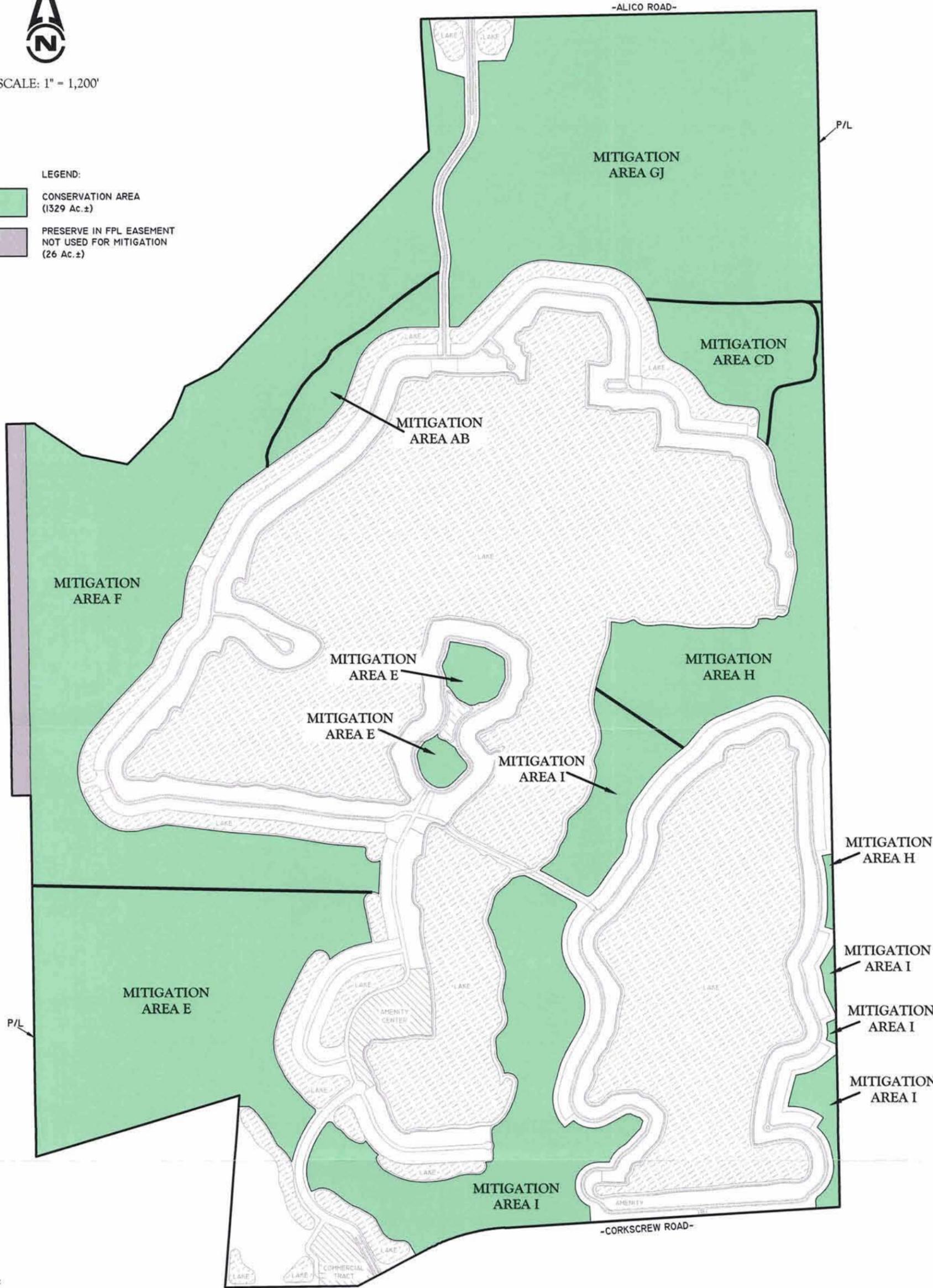
A proposed Surface Water and Groundwater Monitoring Plan will include quarterly water quality testing and download of electronic water level measurements. Refer to the monitoring plan for locations of sampling sites, and surface water and groundwater level recording stations. The monitoring plan will be further refined during the Development Order process and will address potential water level and contamination issues of the onsite lakes.



SCALE: 1" = 1,200'

LEGEND:

- CONSERVATION AREA
(1329 Ac.±)
- PRESERVE IN FPL EASEMENT
NOT USED FOR MITIGATION
(26 Ac.±)



NOTES:

PROPERTY BOUNDARY PER BANKS ENGINEERING INC, DRAWING NO. 2843_WILDBLUE.DWG DATED FEBRUARY 28, 2014.

MASTER CONCEPT PLAN PER MORRIS DEPEW INC. DRAWING NO. 12037 2014-12-17 MASTER CONCEPT PLAN.DWG DATED DECEMBER 17, 2014.

LAKE LIMITS PER STOUTENCRAMER, INC. DRAWING NO. ALICO LAKES-BENCHMARKS.DWG DATED JULY 10, 2013.

J:\2012\12\22\2014\Zoning Response\Mitigation Areas Map 12-18-14.dwg TAB: 05844 PLOTTED BY: HOLDEN HARDING

DRAWN BY	DATE
H.H.	12/11/14
REVIEWED BY	DATE
K.C.P.	12/11/14
REVISED	DATE
H.H.	12/17/14

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



WILDBLUE
MITIGATION AREAS MAP

DRAWING No.	12PEG2120
SHEET No.	

**WILDBLUE
MITIGATION ACTIVITY SCHEDULE
BY MITIGATION AREA**

December 2014

Activities associated with the implementation of the wetland mitigation, monitoring, and maintenance shall be in accordance with the following work schedule. Mitigation Areas are listed in the sequence that the mitigation work is anticipated to occur.

Proposed Completion Date	Mitigation Activity
Mitigation Area GJ (346± Acres)	
January 31, 2016	Submit Baseline Monitoring Report
February 1, 2016	Commence Enhancement Activities
June 30, 2016	Complete Enhancement Activities
August 31, 2016	Submit Time-Zero Monitoring Report
August 31, 2017	Submit First Annual Monitoring Report
August 31, 2018	Submit Second Annual Monitoring Report
August 31, 2019	Submit Third Annual Monitoring Report
August 31, 2020	Submit Fourth Annual Monitoring Report
August 31, 2021	Submit Fifth Annual Monitoring Report
Mitigation Area I (189± Acres)	
January 31, 2017	Submit Baseline Monitoring Report
February 1, 2017	Commence Enhancement Activities
June 30, 2017	Complete Enhancement Activities
August 31, 2017	Submit Time-Zero Monitoring Report
August 31, 2018	Submit First Annual Monitoring Report
August 31, 2019	Submit Second Annual Monitoring Report
August 31, 2020	Submit Third Annual Monitoring Report
August 31, 2021	Submit Fourth Annual Monitoring Report
August 31, 2022	Submit Fifth Annual Monitoring Report
Mitigation Area F (355± Acres)	
January 31, 2018	Submit Baseline Monitoring Report
February 1, 2018	Commence Enhancement Activities
June 30, 2018	Complete Enhancement Activities
August 31, 2018	Submit Time-Zero Monitoring Report
August 31, 2019	Submit First Annual Monitoring Report

Mitigation Activity Schedule by Mitigation Area (Continued)

Proposed Completion Date	Mitigation Activity
Mitigation Area F (355± Acres) (Continued)	
August 31, 2020	Submit Second Annual Monitoring Report
August 31, 2021	Submit Third Annual Monitoring Report
August 31, 2022	Submit Fourth Annual Monitoring Report
August 31, 2023	Submit Fifth Annual Monitoring Report
Mitigation Area H (113± Acres)	
January 31, 2019	Submit Baseline Monitoring Report
February 1, 2019	Commence Enhancement Activities
June 30, 2019	Complete Enhancement Activities
August 31, 2019	Submit Time-Zero Monitoring Report
August 31, 2020	Submit First Annual Monitoring Report
August 31, 2021	Submit Second Annual Monitoring Report
August 31, 2022	Submit Third Annual Monitoring Report
August 31, 2023	Submit Fourth Annual Monitoring Report
August 31, 2024	Submit Fifth Annual Monitoring Report
Mitigation Area E (251± Acres)	
January 31, 2020	Submit Baseline Monitoring Report
February 1, 2020	Commence Enhancement Activities
June 30, 2020	Complete Enhancement Activities
August 31, 2020	Submit Time-Zero Monitoring Report
August 31, 2021	Submit First Annual Monitoring Report
August 31, 2022	Submit Second Annual Monitoring Report
August 31, 2023	Submit Third Annual Monitoring Report
August 31, 2024	Submit Fourth Annual Monitoring Report
August 31, 2025	Submit Fifth Annual Monitoring Report
Mitigation Area CD (50± Acres)	
January 31, 2021	Submit Baseline Monitoring Report
February 1, 2021	Commence Enhancement Activities
June 30, 2021	Complete Enhancement Activities
August 31, 2021	Submit Time-Zero Monitoring Report
August 31, 2022	Submit First Annual Monitoring Report
August 31, 2023	Submit Second Annual Monitoring Report

Mitigation Activity Schedule by Mitigation Area (Continued)

Proposed Completion Date	Mitigation Activity
Mitigation Area CD (50± Acres) (Continued)	
August 31, 2024	Submit Third Annual Monitoring Report
August 31, 2025	Submit Fourth Annual Monitoring Report
August 31, 2026	Submit Fifth Annual Monitoring Report
Mitigation Area AB (25± Acres)	
January 31, 2022	Submit Baseline Monitoring Report
February 1, 2022	Commence Enhancement Activities
June 30, 2022	Complete Enhancement Activities
August 31, 2022	Submit Time-Zero Monitoring Report
August 31, 2023	Submit First Annual Monitoring Report
August 31, 2024	Submit Second Annual Monitoring Report
August 31, 2025	Submit Third Annual Monitoring Report
August 31, 2026	Submit Fourth Annual Monitoring Report
August 31, 2027	Submit Fifth Annual Monitoring Report

**WILDBLUE
ENVIRONMENTAL ASSESSMENT**

March 2014

Prepared For:

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INTRODUCTION

An environmental assessment was conducted on WildBlue (Project) to document existing land uses and vegetative cover; document the presence of state jurisdictional wetlands; research potential utilization by wildlife and plant species listed by the Florida Fish and Wildlife Conservation Commission (FWCC), the Florida Department of Agriculture and Consumer Services (FDACS), and the U.S. Fish and Wildlife Service (USFWS) as Threatened, Endangered, or Species of Special Concern; and document listed species utilization on the Project site. The assessment included field surveys to map vegetation communities, an office review of agency records for documented occurrences of listed species on the property, and field surveys to document listed species utilization within the Project. This report summarizes the results of the environmental assessment.

The Project totals 2,960.03± acres and is located in Sections 7, 8, 17, 18, 19, and 20; Township 46 South; Range 26 East; Lee County (Figure 1). The Project is bounded by Alico Road to the north and Corkscrew Road to the south. A Florida Power & Light (FPL) transmission line runs along the western boundary. To the west of the FPL transmission line is an inactive mining operation, the Miromar Lakes residential community, and Florida Gulf Coast University. Low density, single-family residences are adjacent to the Project's northeast corner. To the southeast are active mining and undeveloped lands.

The property historically supported agricultural and mining operations. The property currently consists of an inactive mine site with lakes, stockpiled material, abandoned farm fields, and undeveloped lands. The undeveloped lands consist of highly disturbed native habitats. These native habitat areas include two slough flow-ways which extend northeast to southwest through the site.

The site was previously part of a project known as the Ginn Development. A South Florida Water Management District (SFWMD) Environmental Resource Permit (ERP) was issued for the Ginn Development (ERP No. 36-05075-P) in October 2003. A Lee County Development Order (DOS2004-0034) was approved in December 2006.

LAND USES AND VEGETATION ASSOCIATIONS

The vegetation mapping for the Project was conducted by Passarella & Associates, Inc. (PAI) using February 2012 Lee County rectified aerials. Groundtruthing to map the vegetative communities was conducted in January 2013 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. To identify levels of exotic infestation (i.e., melaleuca (*Melaleuca quinquenervia*) and Brazilian pepper (*Schinus terebinthifolius*)), "E" codes were used. AutoCAD Map 3D 2013 software was used to determine the acreage of each mapping area, produce summaries, and generate the FLUCFCS and wetlands map (Exhibit B). An aerial photograph of the property with an overlay of the FLUCFCS and wetlands map is provided as Exhibit C.

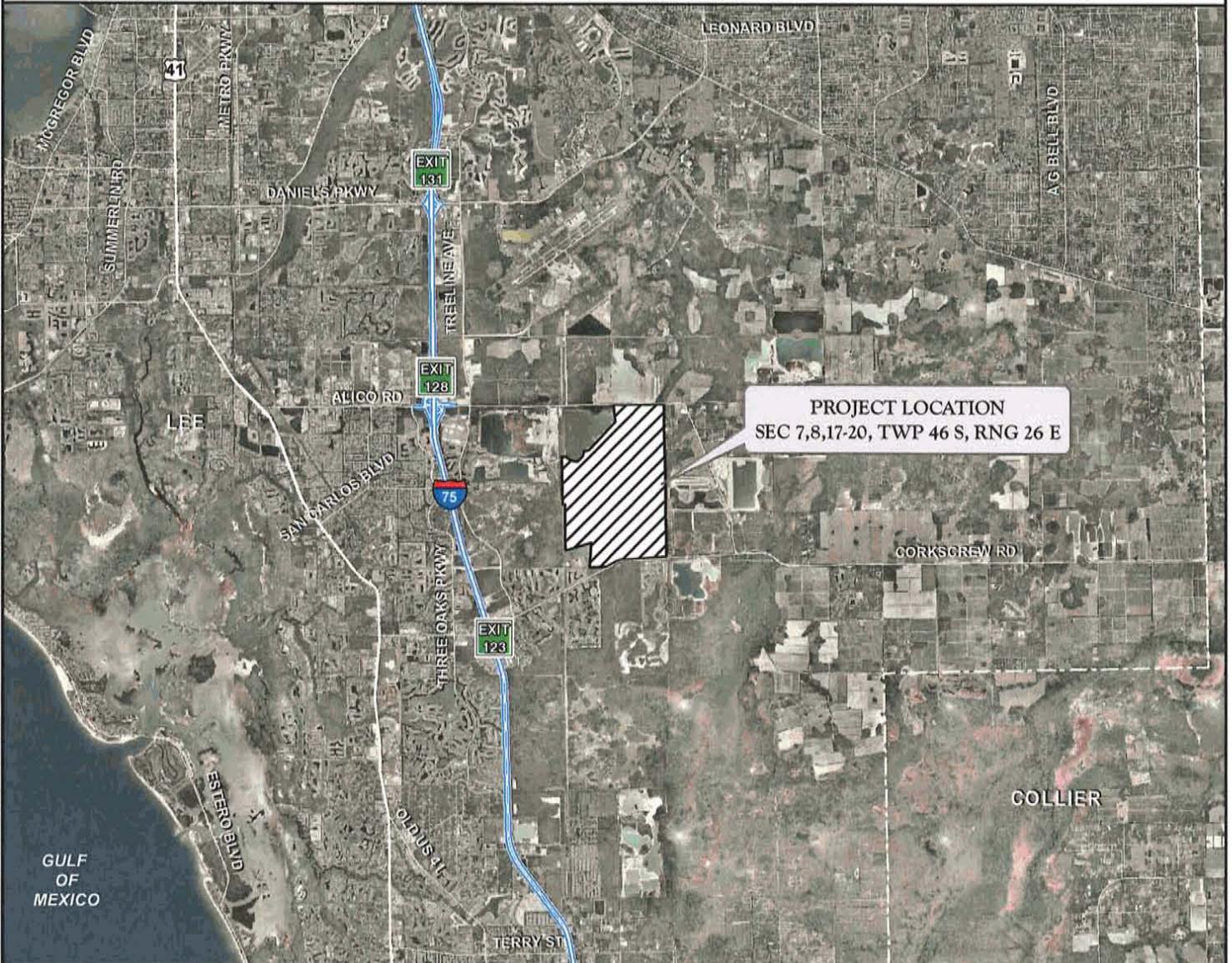
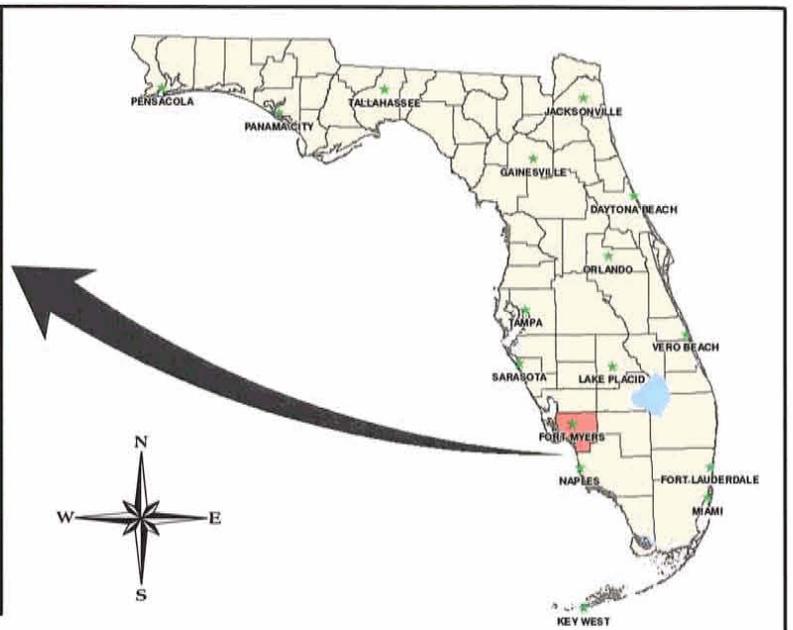
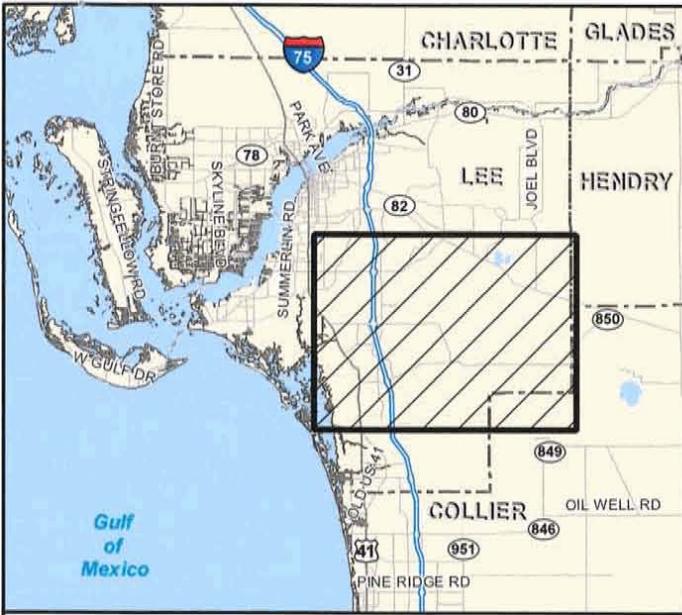


FIGURE 1. PROJECT LOCATION MAP
WILDBLUE

DRAWN BY	DATE
F.L.	3/5/14
REVIEWED BY	DATE
C.G.R.	3/5/14
REVISED	DATE



J:\2012\12\22\2012\COMPREHENSIVE PLAN AMENDMENT\FIGURE1\FIGURE 1 PROJECT LOCATION MAP 3-5-14.MXD - 3/28/2014 @ 11:03:01 AM

A total of 55 vegetative associations and land uses (i.e., FLUCFCS codes) were identified on the property. Excavated lakes and disturbed lands that were part of historic mining operations and agricultural uses occupy 1,400± acres or 47.3 percent of the site. An FPL transmission line easement occupies 26± acres along the site's west boundary. The site contains a variety of disturbed upland and wetland native habitats including two flow-ways which extend northeast to southwest through the site. The sloughs have been impacted by road crossings, agricultural ditching, catastrophic fires, and exotic vegetation infestation. Approximately 261 acres of the undeveloped uplands and wetlands are comprised almost entirely of exotic vegetation, primarily melaleuca. A summary of the FLUCFCS codes with acreage breakdown and description of each FLUCFCS code is presented in Exhibit D. No rare or unique uplands were identified within the Project site.

SOILS

The soils for the property, per the Natural Resource Conservation Service (formerly the Soil Conservation Service), are shown on Exhibit E. A brief description for each soil type per the Soil Survey of Lee County, Florida (Soil Conservation Service 1998) is presented in Exhibit F.

JURISDICTIONAL WETLANDS

The SFWMD jurisdictional wetlands shown on Exhibits B and C were approved by SFWMD ERP No. 36-05075-P, issued in October 2003 for the Ginn Development. The jurisdictional wetlands by FLUCFCS code are summarized in Table 1. SFWMD jurisdictional wetlands constitute a total of 977.86± acres or approximately 33.0 percent of the site. SFWMD "other surface waters" (OSWs) constitute a total of 911.52± acres or approximately 30.8 percent of the site.

Table 1. SFWMD Wetland Acreages by FLUCFCS Code

FLUCFCS Code	Description	SFWMD Jurisdictional Wetlands and OSW (Acres)
4221	Brazilian Pepper, Hydric	3.44
4241	Melaleuca, Hydric	228.29
514	Ditch	24.64
514H	Ditch, Hydric	0.69
520	Lakes	876.45
6189 E1	Willow, Disturbed (0-24% Exotics)	1.51
6189 E2	Willow, Disturbed (25-49% Exotics)	0.24
6219 E1	Cypress, Disturbed (0-24% Exotics)	21.30
6219 E2	Cypress, Disturbed (25-49% Exotics)	62.64
6219 E3	Cypress, Disturbed (50-75% Exotics)	12.06
6219 E4	Cypress, Disturbed (76-100% Exotics)	67.03

Table 1. (Continued)

FLUCFCS Code	Description	SFWMD Jurisdictional Wetlands and OSW (Acres)
6249 E1	Cypress/Pine/Cabbage Palm, Disturbed (0-24% Exotics)	65.00
6249 E2	Cypress/Pine/Cabbage Palm, Disturbed (25-49% Exotics)	45.56
6249 E3	Cypress/Pine/Cabbage Palm, Disturbed (50-75% Exotics)	30.30
6249 E4	Cypress/Pine/Cabbage Palm, Disturbed (76-100% Exotics)	77.50
6259 E1	Hydric Pine, Disturbed (0-24% Exotics)	64.93
6259 E2	Hydric Pine, Disturbed (25-49% Exotics)	23.76
6259 E3	Hydric Pine, Disturbed (50-75% Exotics)	71.78
6259 E4	Hydric Pine, Disturbed (76-100% Exotics)	94.21
6309 E1	Mixed Hardwood/Conifer (Disturbed (0-24% Exotics)	3.58
6319 E2	Wetland Shrub, Disturbed (25-49% Exotics)	31.76
6319 E4	Wetland Shrub, Disturbed (76-100% Exotics)	18.79
6419 E1	Freshwater Marsh, Disturbed (0-24% Exotics)	3.85
6419 E2	Freshwater Marsh, Disturbed (25-49% Exotics)	9.92
6419 E3	Freshwater Marsh, Disturbed (50-75% Exotics)	1.40
6439 E1	Wet Prairie, Disturbed (0-24% Exotics)	5.58
6439 E2	Wet Prairie, Disturbed (25-49% Exotics)	2.51
6439 E3	Wet Prairie, Disturbed (50-75% Exotics)	0.49
6439 E4	Wet Prairie, Disturbed (76-100% Exotics)	0.65
647	Created Littoral Zone	0.01
7401	Disturbed Land, Hydric	4.50
742	Borrow Area	10.42
742H	Borrow Area, Hydric	0.06
8321	Electrical Transmission Line, Hydric	24.53
Total		1,889.38

The prominent wetland features are two flow-ways that extend in a northeast to southwest direction through the Project site. The northern flow-way, the larger of the two sloughs, is known as the Stewart Cypress Slough or the Estero Slough. The southern slough is unnamed. Both sloughs originate northeast of the Project site and continue off-site to the southwest. In addition to the sloughs, there are several wetlands located within the former mining operation and agricultural areas. A U.S. Geological Survey Quadrangle Map is provided as Exhibit G. This map shows the location of some of the wetland systems within the Project.

LISTED SPECIES

Listed wildlife species as listed by the FWCC and the USFWS (FWCC 2013) that have the potential to occur on the Project are listed in Table 2. Listed plant species as listed by the FDACS and the USFWS (FDACS Chapter 5B-40) that have the potential to occur on the Project are listed in Table 3. Information used in assessing the potential occurrence of these species included the Lee County Land Development Code, Field Guide to the Rare Plants of Florida (Chafin 2000), Atlas of Florida Vascular Plants (Wunderlin 2004), and professional experience and knowledge of the geographic region. In addition, the FWCC records for documented listed species were reviewed for listed species records on or adjacent to the property (Exhibit H).

Table 2. Listed Wildlife Species That Could Potentially Occur within WildBlue

Common Name	Scientific Name	Designated Status		Potential Habitats (FLUCFCS Code)
		FWCC	USFWS	
Amphibians and Reptiles				
American Alligator	<i>Alligator mississippiensis</i>	FT(S/A)	T(S/A)	514, 520, 6219, 6419, 6309, 742
Eastern Indigo Snake	<i>Drymarchon corais couperi</i>	FT	T	3219, 4119, 4159, 4349, 6219, 6249, 6259, 6309, 6319
Gopher Frog	<i>Rana capito</i>	SSC	-	3219, 4119, 4159, 4349, 6219, 6249, 6259, 6309
Gopher Tortoise	<i>Gopherus polyphemus</i>	ST	*	168, 212, 3219, 4119, 4159, 4349, 740, 743, 747
Birds				
Crested Caracara	<i>Caracara cheriway</i>	FT	T	212, 3219
Everglade Snail Kite	<i>Rostrhamus sociabilis plumbeus</i>	FE	E	514, 520, 6419, 6439, 742
Florida Burrowing Owl	<i>Athene cunicularia floridana</i>	SSC	-	212, 740
Florida Sandhill Crane	<i>Grus canadensis pratensis</i>	ST	-	212, 3219, 6419, 6439
Limpkin	<i>Aramus guarauna</i>	SSC	-	514, 520, 6189, 6219, 6419, 6439, 647, 742
Red-Cockaded Woodpecker	<i>Picoides borealis</i>	FE	E	4119, 4159, 6249, 6259
Southeastern American Kestrel	<i>Falco sparverius paulus</i>	ST	-	212, 3219, 4119, 4159, 740
Little Blue Heron	<i>Egretta caerulea</i>	SSC	-	514, 520, 6189, 6219, 6249, 6259, 6309, 6319, 6419, 6439, 647, 7401, 742, 8321
Snowy Egret	<i>Egretta thula</i>	SSC	-	
Tri-Colored Heron	<i>Egretta tricolor</i>	SSC	-	
White Ibis	<i>Eudocimus albus</i>	SSC	-	

Table 2. (Continued)

Common Name	Scientific Name	Designated Status		Potential Habitats (FLUCFCS Code)
		FWCC	USFWS	
Birds (Continued)				
Wood Stork	<i>Mycteria americana</i>	FE	E	514, 520, 6189, 6219, 6249, 6259, 6309, 6319, 6419, 6439, 647, 7401, 742, 8321
Mammals				
Big Cypress Fox Squirrel	<i>Sciurus niger avicennia</i>	ST	-	4119, 4159, 424, 4241, 6219, 6249, 6259
Everglades Mink	<i>Neovison vison evergladensis</i>	ST	-	514, 520, 6219, 6249, 6259, 6309, 6419, 6439
Florida Black Bear	<i>Ursus americanus floridanus</i>	**	-	3219, 4119, 4159, 4349, 6219, 6249, 6259, 6309
Florida Bonneted Bat	<i>Eumops floridanus</i>	FE	E	4119, 4159, 4349, 6249, 6259, 6309
Florida Panther	<i>Puma concolor coryi</i>	FE	E	168, 212, 3219, 4119, 4159, 4349, 6219, 6249, 6259, 6309, 6439

FWCC – Florida Fish and Wildlife Conservation Commission

USFWS – U.S. Fish and Wildlife Service

E – Endangered

FE – Federally Endangered

FT – Federally Threatened

FT(S/A) – Federally Threatened due to similarity of appearance

SSC – Species of Special Concern

ST – State Threatened

T – Threatened

T(S/A) – Threatened due to similarity of appearance

*The gopher tortoise is currently listed as a candidate species by the USFWS.

** No longer listed by the FWCC; however, certain protection measures still apply.

American Alligator (*Alligator mississippiensis*)

The American alligator could potentially occur within the open water habitats and native forested and herbaceous wetlands within the site.

Eastern Indigo Snake (*Drymarchon corais couperi*)

The Eastern indigo snake could potentially occur within the native upland and wetland habitats on the Project site. The Eastern indigo snake is typically found in association with populations of gopher tortoise (*Gopherus polyphemus*).

Gopher Frog (*Rana areolata*)

The gopher frog is typically found in association with populations of gopher tortoise. Preferred breeding habitat includes seasonally flooded, grassy ponds and cypress ponds that lack fish populations (Moler 1992).

Gopher Tortoise (*Gopherus polyphemus*)

Potential habitat for gopher tortoises on the Project site includes the palmetto prairies, upland pine habitats, disturbed lands, spoil areas, and berms.

Crested Caracara (*Caracara cheriway*)

Potential foraging habitat for the crested caracara on the Project site includes unimproved pastures, freshwater marshes, wet prairies, and disturbed lands. Its primary habitat in Florida is the native prairie with associated marshes and cabbage palm (*Sabal palmetto*) and cabbage palm-live oak (*Quercus virginiana*) hammocks (Rodgers *et al.* 1996).

Everglade Snail Kite (*Rostrhamus sociabilis plumbeus*)

Potential foraging habitat for the Everglade snail kite includes the edges of lakes and borrow areas, ditches, freshwater marshes, and wet prairies on the Project site.

Florida Burrowing Owl (*Athene cunicularia floridana*)

Potential burrowing owl habitat exists within the unimproved pasture and upland disturbed land on the Project site.

Florida Sandhill Crane (*Grus canadensis pratensis*)

Potential foraging habitat for the Florida sandhill crane may exist within the Project's unimproved pastures, freshwater marshes, wet prairies, and hydric disturbed lands. Preferred sandhill crane habitat includes prairies and shallow marshes dominated by pickerelweed (*Pontedaria cordata*) and maidencane (*Panicum hemitomon*).

Limpkin (*Aramus guarauna*)

Potential habitat for the limpkin on the Project site includes the willow (*Salix* sp.), cypress (*Taxodium distichum*), freshwater marshes, and wet prairie habitats, as well as ditches and the edges of the open water habitats.

Red-Cockaded Woodpecker (RCW) (*Picoides borealis*)

Potential habitat for the RCW on the Project site includes the pine flatwoods pine-cypress, and hydric pine habitats. The nearest recorded RCW colonies are located approximately 6.2 miles north-northwest of the property.

Southeastern American Kestrel (*Falco sparverius paulus*)

Potential foraging habitat for the Southeastern American kestrel on the Project site may exist within the unimproved pastures, palmetto prairies, pine flatwoods, mixed hardwood/conifer habitats, and disturbed lands. Since 1980, observations of Southeastern American kestrel in Florida have occurred primarily in sandhill or sandpine scrub areas of North and Central Florida (Rodgers *et al.* 1996).

Little Blue Heron (*Egretta caerulea*), Snowy Egret (*Egretta thula*), Tri-Colored Heron (*Egretta tricolor*), and White Ibis (*Eudocimus albus*)

Potential foraging habitat for state-listed wading birds within the Project site includes the forested and herbaceous wetlands, as well as ditches and the edges of the open water habitats.

Wood Stork (*Mycteria americana*)

Potential wood stork foraging habitat within the Project site includes the forested and herbaceous wetlands, as well as ditches and the edges of the open water habitats. Almost any wetland depression where fish tend to become concentrated, either through local reproduction by fishes or as a consequence of area drying, may be good for feeding habitat (Rodgers *et al.* 1996).

Big Cypress Fox Squirrel (*Sciurus niger avicennia*)

Potential nesting and foraging habitat for the Big Cypress fox squirrel on the Project site includes the melaleuca, pine flatwoods, mixed hardwood/conifer, cypress, pine-cypress, and hydric pine areas. Dense interiors of mixed cypress-hardwood strands seem to be avoided by fox squirrels (Moler 1992).

Everglades Mink (*Neovison vison evergladensis*)

The Everglades mink inhabits southern Florida and in particular the shallow fresh water marshes of the Everglades and Big Cypress Swamp region. Most sightings and specimens have come from either Collier or Dade County, but the Everglades mink presumably inhabits northern and eastern Monroe County as well (Humphrey 1992). The Everglades mink is listed as a protected species by Lee County and potentially could utilize the open water and wetland habitats on the Project site.

Florida Black Bear (*Ursus americanus floridanus*)

Potential habitat for the Florida black bear includes the native upland and wetland forested habitats on the Project site, particularly the two forested slough systems that bisect the site.

Florida Bonneted Bat (*Eumops floridanus*)

Florida bonneted bats could potentially roost within the forested upland and wetland habitats on the Project site, and/or forage over the herbaceous wetlands and open water areas. The Florida bonneted bat is known to occur in cities and forested areas on both the east and west coasts of South Florida from Charlotte County to Palm Beach County (Marks and Marks 2006, Humphrey 1992).

Florida Panther (*Puma concolor coryi*)

The Project is located almost entirely within the panther primary zone (Kautz *et al.* 2006). Telemetry points from radio-collared panthers have been recorded on the property (Exhibit H).

Table 3. Listed Plant Species That Could Potentially Occur within WildBlue

Common Name	Scientific Name	Designated Status		Potential Location (FLUCFCS Code)
		FDACS	USFWS	
Curtis Milkweed	<i>Asclepias curtisii</i>	E	-	3219
Beautiful Paw-Paw	<i>Deeringothamus pulchellus</i>	E	E	3219, 4119, 4159, 4349
Satinleaf	<i>Chrysophyllum olivaeforme</i>	T	-	4119, 4159, 4349
Pine-Pink Orchid	<i>Bletia purpurea</i>	T	-	4159, 6249, 6259, 6439, 740, 7401

Table 3. (Continued)

Common Name	Scientific Name	Designated Status		Potential Location (FLUCFCS Code)
		FDACS	USFWS	
Fakahatchee Burmanna	<i>Burmanna flava</i>	E	-	3219, 4119, 4159, 4349
Twisted Air Plant	<i>Tillandsia flexuosa</i>	C	-	6219, 6249, 6259, 6309
Florida Coontie	<i>Zamia pumila</i>	C	-	3219, 4119, 4159, 4349

FDACS – Florida Department of Agriculture and Consumer Services

USFWS – U.S. Fish and Wildlife Service

E – Endangered

C – Commercially Exploited

T – Threatened

A Lee County protected species survey was conducted on the Project site on the following dates: April 4, 5, 10, 11, 12, 17, 18, 19, 23, 24, and 30; and May 1 and 2, 2013. Five Lee County protected species and/or their signs (i.e., tracks, scat, burrows) were observed during the surveys. The protected species documented by PAI included 2 American alligators, one inactive American alligator nest, 53 gopher tortoise burrows, 3 little blue herons, and sign of the Florida panther and Florida black bear.

RCW nesting and non-nesting season foraging surveys were conducted on the Project site. The RCW nesting season foraging survey was conducted in May and June 2013. The RCW non-nesting season foraging survey was conducted in November and December 2013. No RCWs or RCW cavities were documented during the foraging surveys.

In addition, an Everglade snail kite survey was conducted during the nesting season for the Project in February and March 2013 to identify snail kite nesting territories, if present. No Everglade snail kites were observed during the surveys. In addition, no nesting or foraging by the snail kite has been documented during other field work conducted on the Project site.

A summary of the listed species observed within the Project is provided in Table 4. The locations of the observed listed species or their signs are depicted in Exhibit I.

Table 4. Listed Wildlife Species Observed within WildBlue

Common Name	Scientific Name	Designated Status		Observed Location (FLUCFCS Code)
		FWCC	USFWS	
American alligator	<i>Alligator mississippiensis</i>	FT(S/A)	T(S/A)	514, 520
Gopher tortoise	<i>Gopherus polyphemus</i>	ST	*	168, 3219 E2, 3219 E4, 4119 E1, 4119 E2, 4119 E3, 4119 E4, 747
Little blue heron	<i>Egretta caerulea</i>	SSC	-	514, 6419 E2

Table 4. (Continued)

Common Name	Scientific Name	Designated Status		Observed Location (FLUCFCS Code)
		FWCC	USFWS	
Florida black bear (sign)	<i>Ursus americanus floridanus</i>	**	-	3219 E2, 4119 E2, 6249 E4
Florida panther (sign)	<i>Puma concolor coryi</i>	FE	E	4241, 6249 E1, 6259 E3

FWCC – Florida Fish and Wildlife Conservation Commission

USFWS – U.S. Fish and Wildlife Service

E – Endangered

FE – Federally Endangered

FT(S/A) – Federally Threatened due to similarity of appearance

SSC – Species of Special Concern

ST – State Threatened

T(S/A) – Threatened due to similarity of appearance

*The gopher tortoise is currently listed as a candidate species by the USFWS.

**No longer listed by the FWCC; however, certain protection measures still apply.

Occurrences of the listed plant species pine-pink orchid (*Bletia purpurea*) were identified on-site. The pine-pink orchid is listed as threatened by the State of Florida and is not federally listed.

SUMMARY

The property historically supported agricultural and mining operations. A total of 55 vegetative associations and land uses (i.e., FLUCFCS types) have been identified on the 2,960.03± acre Project site. Excavated lakes and disturbed lands that were part of historic mining operations and agricultural uses occupy 1,400± acres or 47.3 percent of the site. No rare or unique uplands were identified on the Project site. The site consists of 977.86± acres of SFWMD jurisdictional wetlands and 911.52± acres of OSWs. The prominent wetland features are two flow-ways that extend in a northeast to southwest direction through the Project site.

A Lee County protected species survey was conducted on the Project site in April and May 2013. Five Lee County protected species were observed during the survey. The documented protected wildlife species included the American alligator, gopher tortoise, little blue heron, and signs of the Florida panther and Florida black bear. One listed plant species, the pine-pink orchid, was identified on-site.

In addition to the Lee County protected species survey, RCW nesting and non-nesting season foraging surveys and a survey for the Everglade snail kite were conducted on the Project site. No RCWs, RCW cavity trees, or Everglade snail kites were observed during the surveys.

REFERENCES

- Chafin, Linda G. 2000. Field Guide to the Rare Plants of Florida. Florida Natural Areas Inventory. Tallahassee, Florida.
- Florida Department of Agriculture and Consumer Services. Florida's Federally Listed Plant Species. Chapter 5B-40, F.A.C.
- Florida Department of Transportation. 1999. Florida Land Use, Cover and Forms Classification System. Procedure No. 550-010-001-a. Third Edition.
- Florida Fish and Wildlife Conservation Commission. 2013. Florida's Endangered Species, Threatened Species and Species of Special Concern. Official Lists, Bureau of Non-Game Wildlife, Division of Wildlife. Florida Fish and Wildlife Conservation Commission. Tallahassee, Florida.
- Humphrey, Stephen R. *et al.* 1992. Rare and Endangered Biota of Florida; Volume I. Mammals. University Press of Florida, Gainesville, Florida. 392 pages.
- Kautz, R., R. Kawula, T. Hctor, J. Comiskey, D. Jansen, D. Jennings, J. Kasbohm, F. Mazzotti, R. McBride, L. Richardson, K. Root. 2006. How much is enough? Landscape-scale conservation for the Florida panther. *Biological Conservation*, Volume 130, Issue 1, Pages 118-133.
- Marks, C.S. and G.E. Marks. 2006. Bats of Florida. University Press of Florida, Gainesville, Florida.
- Moler, P.E. 1992. Rare and Endangered Biota of Florida. Volume III. Amphibians and Reptiles. University Press of Florida, Gainesville, Florida.
- Rodgers, J.A, H.W. Kale, and H.T. Smith. 1996. Rare and Endangered Biota of Florida. Volume V. Birds. University Press of Florida, Gainesville, Florida.
- Soils Conservation Service. 1998. Soil Survey of Lee County, Florida.

References (Continued)

Wunderlin, R. P., and B. F. Hansen. 2004. *Atlas of Florida Vascular Plants*. (<http://www.plantatlas.usf.edu/>.) Institute for Systematic Botany, University of South Florida, Tampa.

EXHIBIT A

AERIAL WITH BOUNDARY



J:\2012\12PEG2120\GIS\2014\COMPREHENSIVE PLAN AMENDMENT\FIGURES\EXHIBIT A AERIAL WITH BOUNDARY 3-5-14.HXD - 3/28/2014 @ 10:54:01 AM

LEGEND
 WILDBLUE



NOTES:
 AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF FEBRUARY 2013.
 PROPERTY BOUNDARY PER BANKS ENGINEERING INC, DRAWING NO. 2843_BNDY_CORRECTION.DWG DATED FEBRUARY 14, 2014.

DRAWN BY	DATE
F.L.	3/5/14
REVIEWED BY	DATE
K.C.P.	3/5/14
REVISED	DATE

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WILDBLUE
 AERIAL WITH BOUNDARY

DRAWING No.
12PEG2120
SHEET No.
EXHIBIT A

EXHIBIT B

SFWMD FLUCFCS AND WETLANDS MAP

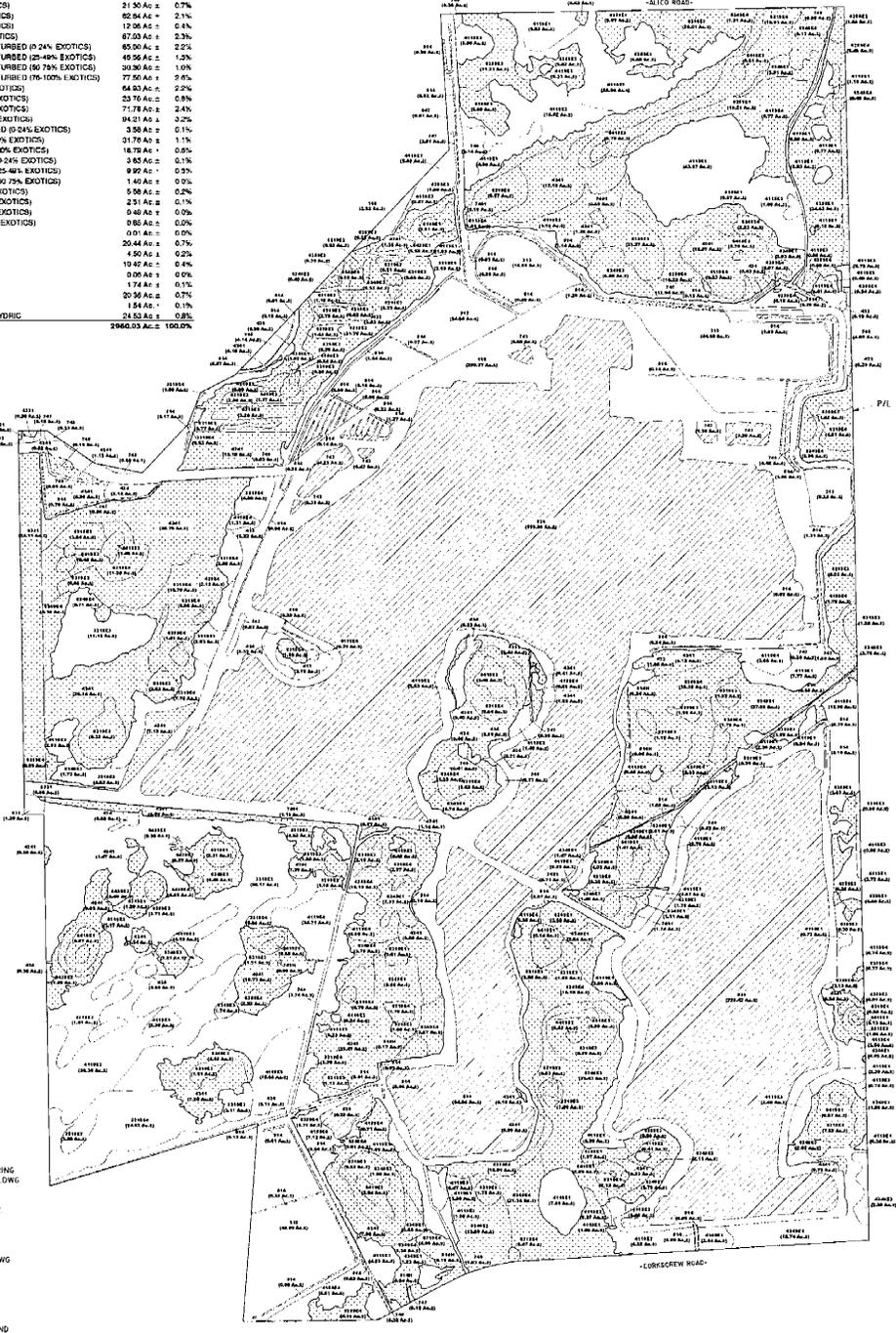
FLUCPCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
100	MINE	267.50 AC ±	0.7%
212	UNHARROWED PASTURE	154.00 AC ±	5.2%
221E1	PALMETTO PRAIRIE, DISTURBED (0-24% EXOTICS)	2.19 AC ±	0.1%
221E2	PALMETTO PRAIRIE, DISTURBED (25-49% EXOTICS)	106.91 AC ±	3.7%
221E3	PALMETTO PRAIRIE, DISTURBED (50-75% EXOTICS)	26.82 AC ±	0.9%
221E4	PALMETTO PRAIRIE, DISTURBED (75-100% EXOTICS)	50.43 AC ±	1.7%
411E1	PINE FLATWOODS, DISTURBED (0-24% EXOTICS)	122.50 AC ±	4.1%
411E2	PINE FLATWOODS, DISTURBED (25-49% EXOTICS)	103.02 AC ±	3.5%
411E3	PINE FLATWOODS, DISTURBED (50-75% EXOTICS)	33.01 AC ±	1.1%
411E4	PINE FLATWOODS, DISTURBED (75-100% EXOTICS)	84.40 AC ±	2.9%
415E2	PINE, DISTURBED (25-49% EXOTICS)	0.27 AC ±	0.0%
415E4	PINE, DISTURBED (75-100% EXOTICS)	19.54 AC ±	0.7%
422	BRAZILIAN PEPPER, HYDRIC	14.83 AC ±	0.5%
422	BRAZILIAN PEPPER, HYDRIC	3.44 AC ±	0.1%
424	MELELEUCA, HYDRIC	14.37 AC ±	0.5%
424	MELELEUCA, HYDRIC	228.29 AC ±	7.7%
430E4	WAX MYRTLE (0-100% EXOTICS)	2.12 AC ±	0.1%
434E1	HARDWOOD-CONIFER MIXED, DISTURBED (0-24% EXOTICS)	22.30 AC ±	0.8%
434E3	HARDWOOD-CONIFER MIXED, DISTURBED (50-75% EXOTICS)	4.74 AC ±	0.2%
514	DITCH	24.94 AC ±	0.8%
514	DITCH, HYDRIC	0.00 AC ±	0.0%
300	LAKES	878.43 AC ±	30.6%
610E1	WILLOW, DISTURBED (0-24% EXOTICS)	1.51 AC ±	0.1%
610E2	WILLOW, DISTURBED (25-49% EXOTICS)	0.24 AC ±	0.0%
621E1	CYPRESS, DISTURBED (0-24% EXOTICS)	21.50 AC ±	0.7%
621E2	CYPRESS, DISTURBED (25-49% EXOTICS)	82.84 AC ±	2.9%
621E3	CYPRESS, DISTURBED (50-75% EXOTICS)	12.06 AC ±	0.4%
621E4	CYPRESS, DISTURBED (75-100% EXOTICS)	87.03 AC ±	3.0%
624E1	CYPRESS/PINE-CABBAGE PALM, DISTURBED (0-24% EXOTICS)	85.90 AC ±	2.9%
624E2	CYPRESS/PINE-CABBAGE PALM, DISTURBED (25-49% EXOTICS)	49.56 AC ±	1.7%
624E3	CYPRESS/PINE-CABBAGE PALM, DISTURBED (50-75% EXOTICS)	30.30 AC ±	1.0%
624E4	CYPRESS/PINE-CABBAGE PALM, DISTURBED (75-100% EXOTICS)	37.50 AC ±	1.3%
625E1	PINE, HYDRIC, DISTURBED (0-24% EXOTICS)	64.43 AC ±	2.2%
625E2	PINE, HYDRIC, DISTURBED (25-49% EXOTICS)	23.76 AC ±	0.8%
625E3	PINE, HYDRIC, DISTURBED (50-75% EXOTICS)	71.78 AC ±	2.5%
625E4	PINE, HYDRIC, DISTURBED (75-100% EXOTICS)	94.21 AC ±	3.2%
630E1	MIXED WETLAND FOREST, DISTURBED (0-24% EXOTICS)	3.58 AC ±	0.1%
631E2	WETLAND SHRUB, DISTURBED (25-49% EXOTICS)	31.78 AC ±	1.1%
631E4	WETLAND SHRUB, DISTURBED (75-100% EXOTICS)	18.79 AC ±	0.6%
641E1	FRESHWATER MARSH, DISTURBED (0-24% EXOTICS)	3.65 AC ±	0.1%
641E2	FRESHWATER MARSH, DISTURBED (25-49% EXOTICS)	9.92 AC ±	0.3%
641E3	FRESHWATER MARSH, DISTURBED (50-75% EXOTICS)	1.40 AC ±	0.0%
643E1	WET PRAIRIES, DISTURBED (0-24% EXOTICS)	5.98 AC ±	0.2%
643E2	WET PRAIRIES, DISTURBED (25-49% EXOTICS)	2.51 AC ±	0.1%
643E3	WET PRAIRIES, DISTURBED (50-75% EXOTICS)	0.40 AC ±	0.0%
643E4	WET PRAIRIES, DISTURBED (75-100% EXOTICS)	0.86 AC ±	0.0%
647	CREATED LITTORAL ZONE	0.01 AC ±	0.0%
740	DISTURBED LAND	20.44 AC ±	0.7%
740	DISTURBED LAND, HYDRIC	4.50 AC ±	0.2%
742	BORROW AREA	19.42 AC ±	0.7%
742	BORROW AREA, HYDRIC	0.00 AC ±	0.0%
743	SPOIL AREA	1.74 AC ±	0.1%
747	BERM	20.56 AC ±	0.7%
802	ELECTRICAL TRANSMISSION LINE	14.44 AC ±	0.5%
802	ELECTRICAL TRANSMISSION LINE, HYDRIC	24.53 AC ±	0.8%
	TOTAL	2966.03 AC ±	100.0%

LEGEND

- SPWMD WETLANDS (977.95 AC ±)
- SPWMD "OTHER SURFACE WATERS" (91.52 AC ±)
- SURVEYED WETLAND LINE

N

SCALE: 1" = 600'



NOTES

PROPERTY BOUNDARY PER BANKS ENGINEERING, INC. DRAWING NO. 7913. BOUNDARY CORRECTION DWG DATED FEBRUARY 14, 2014.

SURVEYED LINES PER STOUTENCRAMER, INC. DRAWING NO. ALICO LAKES LOCATION DWS DATED MAY 20, 2013.

LAWE LIMITS PER STOUTENCRAMER, INC. DRAWING NO. ALICO LAKES-BENCHMARKS DWS DATED JULY 10, 2015.

FLUCPCS LINES ESTIMATED FROM 1"-200" AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

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

DRAWN BY: **FL/H.H.** DATE: **2/14/14**

DESIGNED BY: **K.C.P.** DATE: **2/14/14**

REVISIONS: _____ DATE: _____

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WILDBLUE
SPWMD FLUCPCS AND WETLANDS MAP

DRAWING No: **12PEG2120**

SHEET No: **EXHIBIT B**

EXHIBIT C

AERIAL WITH SFWMD FLUCFCS AND WETLANDS MAP

EXHIBIT D

**EXISTING LAND USE AND COVER SUMMARY TABLE
AND FLUCFCS DESCRIPTIONS**

**WILDBLUE
EXISTING LAND USE AND COVER SUMMARY TABLE
AND FLUCFCS DESCRIPTIONS**

The following table summarizes the Florida Land Use, Cover and Forms Classification System (FLUCFCS) codes and provides an acreage breakdown of the habitat types found on WildBlue (Project), while a description of each of the FLUCFCS classifications follows.

Table 1. Existing Land Use and Cover Summary

FLUCFCS Code	Description	Acreage	Percent of Total
168	Mine	287.33	9.7
212	Unimproved Pasture	154.10	5.2
3219 E1	Palmetto Prairie, Disturbed (0-24% Exotics)	2.19	0.1
3219 E2	Palmetto Prairie, Disturbed (25-49% Exotics)	108.91	3.7
3219 E3	Palmetto Prairie, Disturbed (50-75% Exotics)	22.62	0.8
3219 E4	Palmetto Prairie, Disturbed (76-100% Exotics)	50.43	1.7
4119 E1	Pine Flatwoods, Disturbed (0-24% Exotics)	122.30	4.1
4119 E2	Pine Flatwoods, Disturbed (25-49% Exotics)	103.02	3.5
4119 E3	Pine Flatwoods, Disturbed (50-75% Exotics)	33.01	1.1
4119 E4	Pine Flatwoods, Disturbed (76-100% Exotics)	64.40	2.2
4159 E2	Pine, Disturbed (25-49% Exotics)	0.27	<0.1
4159 E4	Pine, Disturbed (76-100% Exotics)	19.54	0.7
422	Brazilian pepper	14.83	0.5
4221	Brazilian pepper, Hydric	3.44	0.1
424	Melaleuca	14.37	0.5
4241	Melaleuca, Hydric	228.29	7.7
429 E4	Wax Myrtle (76-100% Exotics)	2.12	0.1
4349 E1	Hardwood/Conifer Mixed, Disturbed (0-24% Exotics)	22.39	0.8
4349 E3	Hardwood/Conifer Mixed, Disturbed (50-75% Exotics)	4.74	0.2
514	Ditch	24.64	0.8
514H	Ditch, Hydric	0.69	<0.1
520	Lake	876.45	29.6
6189 E1	Willow, Disturbed (0-24% Exotics)	1.51	0.1
6189 E2	Willow, Disturbed (25-49% Exotics)	0.24	<0.1
6219 E1	Cypress, Disturbed (0-24% Exotics)	21.30	0.7
6219 E2	Cypress, Disturbed (25-49% Exotics)	62.64	2.1

Table 1. (Continued)

FLUCFCS Code	Description	Acreage	Percent of Total
6219 E3	Cypress, Disturbed (50-75% Exotics)	12.06	0.4
6219 E4	Cypress, Disturbed (76-100% Exotics)	67.03	2.3
6249 E1	Cypress/Pine/Cabbage Palm, Disturbed (0-24% Exotics)	65.00	2.2
6249 E2	Cypress/Pine/Cabbage Palm, Disturbed (25-49% Exotics)	45.56	1.5
6249 E3	Cypress/Pine/Cabbage Palm, Disturbed (50-75% Exotics)	30.30	1.0
6249 E4	Cypress/Pine/Cabbage Palm, Disturbed (76-100% Exotics)	77.50	2.6
6259 E1	Pine, Hydric, Disturbed (0-24% Exotics)	64.93	2.2
6259 E2	Pine, Hydric, Disturbed (25-49% Exotics)	23.76	0.8
6259 E3	Pine, Hydric, Disturbed (50-75% Exotics)	71.78	2.4
6259 E4	Pine, Hydric, Disturbed (76-100% Exotics)	94.21	3.2
6309 E1	Mixed Wetland Forest, Disturbed (0-24% Exotics)	3.58	0.1
6319 E2	Wetland Shrub, Disturbed (25-49% Exotics)	31.76	1.1
6319 E4	Wetland Shrub, Disturbed (76-100% Exotics)	18.79	0.6
6419 E1	Freshwater Marsh, Disturbed (0-24% Exotics)	3.85	0.1
6419 E2	Freshwater Marsh, Disturbed (25-49% Exotics)	9.92	0.3
6419 E3	Freshwater Marsh, Disturbed (50-75% Exotics)	1.40	<0.1
6439 E1	Wet Prairies, Disturbed (0-24% Exotics)	5.58	0.2
6439 E2	Wet Prairies, Disturbed (25-49% Exotics)	2.51	0.1
6439 E3	Wet Prairies, Disturbed (50-75% Exotics)	0.49	<0.1
6439 E4	Wet Prairies, Disturbed (76-100% Exotics)	0.65	<0.1
647	Created Littoral Zone	0.01	<0.1
740	Disturbed Land	20.44	0.7
7401	Disturbed Land, Hydric	4.50	0.2
742	Borrow Area	10.42	0.4
742H	Borrow Area, Hydric	0.06	<0.1
743	Spoil Area	1.74	0.1
747	Berm	20.36	0.7
832	Electrical Transmission Line	1.54	0.1
8321	Electrical Transmission Line, Hydric	24.53	0.8
Total		2,960.03	100.0

Mine (FLUCFCS Code 168)

This code denotes areas used for an inactive limerock mining operation. Portions remain devoid of vegetation and other areas have since re-vegetated with various combinations of trees, shrubs, and ground cover species common to disturbed areas. Where present, the canopy consists of scattered melaleuca (*Melaleuca quinquenervia*), lead tree (*Leucaena leucocephala*), Australian pine (*Casuarina equisetifolia*), and live oak (*Quercus virginiana*). The sub-canopy is similar to the canopy with scattered wax myrtle (*Myrica cerifera*) and willow (*Salix caroliniana*). The ground cover is dominated by cogongrass (*Imperata cylindrica*) and spermacoce (*Spermacoce verticillata*).

Unimproved Pasture (FLUCFCS Code 212)

This code is used to identify upland pasture that is no longer maintained or used for cattle grazing. The canopy is open or may contain scattered cabbage palm (*Sabal palmetto*). The sub-canopy consists of cabbage palm, melaleuca, Brazilian pepper (*Schinus terebinthifolius*), and wax myrtle. The ground cover includes bahiagrass (*Paspalum notatum*), dog fennel (*Eupatorium capillifolium*), broomsedge (*Andropogon virginicus*), and horseweed (*Conyza canadensis*).

Palmetto Prairie, Disturbed (0-24% Exotics) (FLUCFCS Code 3219 E1)

The canopy of this upland community contains scattered slash pine (*Pinus elliotti*) and melaleuca. The sub-canopy consists of slash pine, melaleuca, wax myrtle, and Brazilian pepper. The ground cover is dominated by saw palmetto (*Serenoa repens*).

Palmetto Prairie, Disturbed (25-49% Exotics) (FLUCFCS Code 3219 E2)

The vegetation composition of this upland community is similar to FLUCFCS Code 3219 E1 with 25 to 49 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

Palmetto Prairie, Disturbed (50-75% Exotics) (FLUCFCS Code 3219 E3)

The vegetation composition of this upland community is similar to FLUCFCS Code 3219 E1 with 50 to 75 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

Palmetto Prairie, Disturbed (76-100% Exotics) (FLUCFCS Code 3219 E4)

The vegetation composition of this upland community is similar to FLUCFCS Code 3219 E1 with 76 to 100 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

Pine Flatwoods, Disturbed (0-24% Exotics) (FLUCFCS Code 4119 E1)

The canopy of this upland habitat contains slash pine and melaleuca. The sub-canopy contains myrsine (*Myrsine cubana*), melaleuca, cabbage palm, and Brazilian pepper. The ground cover includes saw palmetto, spermacoce, Brazilian pepper, bracken fern (*Pteridium aquilinum*), wiregrass (*Aristida stricta*), and gulfdune paspalum (*Paspalum monostachyum*).

Pine Flatwoods, Disturbed (25-49% Exotics) (FLUCFCS Code 4119 E2)

The vegetation composition of this upland community is similar to FLUCFCS Code 4119 E1 with 25 to 49 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

Pine Flatwoods, Disturbed (50-75% Exotics) (FLUCFCS Code 4119 E3)

The vegetation composition of this upland community is similar to FLUCFCS Code 4119 E1 with 50 to 75 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

Pine Flatwoods, Disturbed (76-100% Exotics) (FLUCFCS Code 4119 E4)

The vegetation composition of this upland community is similar to FLUCFCS Code 4119 E1 with 76 to 100 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

Pine, Disturbed (25-49% Exotics) (FLUCFCS Code 4159 E2)

The canopy of this upland habitat contains slash pine, cabbage palm, laurel oak (*Quercus laurifolia*), and melaleuca. The sub-canopy consists of wax myrtle, slash pine, and Brazilian pepper. The ground cover includes broomsedge, wiregrass, muscadine grapevine (*Vitis rotundifolia*), pennyroyal (*Piloblephis rigida*), chocolateweed (*Melochia corchorifolia*), caesarweed (*Urena lobata*), and scattered saw palmetto.

Pine, Disturbed (76-100% Exotics) (FLUCFCS Code 4159 E4)

The vegetation composition of this upland community is similar to FLUCFCS Code 4159 E2 with 76 to 100 percent melaleuca in the canopy and sub-canopy.

Brazilian Pepper (FLUCFCS Code 422)

The canopy and sub-canopy of this upland area are dominated by Brazilian pepper. The ground cover is typically open.

Brazilian Pepper, Hydric (FLUCFCS Code 4221)

The canopy and sub-canopy of this wetland area are dominated by Brazilian pepper. The ground cover typically contains water pennywort (*Hydrocotyle umbellata*) and Asiatic pennywort (*Centella asiatica*).

Melaleuca (FLUCFCS Code 424)

The canopy and sub-canopy of this upland area are dominated by melaleuca with scattered slash pine, wax myrtle, myrsine, and Brazilian pepper. The ground cover typically includes bermudagrass (*Cynodon dactylon*) with scattered saw palmetto and Brazilian pepper.

Melaleuca, Hydric (FLUCFCS Code 4241)

The canopy of this wetland area is dominated by melaleuca. The sub-canopy contains melaleuca with scattered slash pine, wax myrtle, and myrsine. The ground cover typically includes muhly grass (*Muhlenbergia capillaris*), Asiatic pennywort, torpedograss (*Panicum repens*), broomsedge, yellow-eyed grass (*Xyris* sp.), fingergrass (*Eustachys* sp.), blue maidencane (*Amphicarpum muhlenbergianum*), nutrush (*Scleria* sp.), beaksedge (*Rhynchospora microcarpa*), and knotroot foxtail (*Setaria parviflora*).

Wax Myrtle (76-100% Exotics) (FLUCFCS Code 429 E4)

The canopy of this upland habitat is mostly open with scattered slash pine and melaleuca. The sub-canopy is dominated by wax myrtle with scattered saltbush (*Baccharis halimifolia*), Brazilian pepper, and melaleuca. Ground cover includes scattered torpedograss, dog fennel, muscadine grapevine, and melaleuca.

Hardwood/Conifer Mixed, Disturbed (0-24% Exotics) (FLUCFCS Code 4349 E1)

The canopy of this wetland habitat consists of slash pine, melaleuca, live oak, and cabbage palm. The sub-canopy consists of myrsine, wax myrtle, Brazilian pepper, and melaleuca. The ground cover includes saw palmetto, bracken fern, and muscadine grapevine.

Hardwood/Conifer Mixed, Disturbed (50-75% Exotics) (FLUCFCS Code 4349 E3)

The vegetation composition of this upland community is similar to FLUCFCS Code 4349 E1 with 50 to 75 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

Ditch (FLUCFCS Code 514)

The canopy of this open water area is open. The sub-canopy contains scattered primrose willow (*Ludwigia peruviana*). The ground cover may be open or include torpedograss, cattail (*Typha* sp.), maidencane (*Panicum hemitomon*), and paragrass (*Urochloa mutica*).

Ditch, Hydric (FLUCFCS Code 514H)

These are ditches that occur within wetlands and are counted in the Project's total wetland acreage. In general, these areas have the same vegetation composition as FLUCFCS Code 514.

Lake (FLUCFCS Code 520)

The edges of this open water area are typically lined with cattail and spike rush (*Eleocharis cellulosa*). The canopy and sub-canopy are open.

Willow, Disturbed (0-24% Exotics) (FLUCFCS Code 6189 E1)

The canopy of this wetland habitat is open. The sub-canopy consists of willow, buttonbush (*Cephalanthus occidentalis*), primrose willow, and Brazilian pepper. The ground cover includes maidencane, arrowhead (*Sagittaria lancifolia*), and fireflag (*Thalia geniculata*).

Willow, Disturbed (25-49% Exotics) (FLUCFCS Code 6189 E2)

The vegetation composition in this wetland community is similar to FLUCFCS Code 6189 E1 with 25 to 49 percent Brazilian pepper and primrose willow in the canopy and sub-canopy.

Cypress, Disturbed (0-24% Exotics) (FLUCFCS Code 6219 E1)

The canopy of this wetland habitat contains bald cypress (*Taxodium distichum*) and melaleuca. The sub-canopy consists of bald cypress, wax myrtle, Brazilian pepper, cabbage palm, cocoplum (*Chrysobalanus icaco*), and swamp bay (*Persea palustris*). The ground cover includes swamp fern (*Blechnum serrulatum*), Asiatic pennywort, maidencane, torpedograss, frog-fruit (*Phylla nodiflora*), water pennywort, bog hemp (*Boehmeria cylindrica*), loosestrife (*Lythrum alatum*), and climbing hempvine (*Mikania scandens*).

Cypress, Disturbed (25-49% Exotics) (FLUCFCS Code 6219 E2)

The vegetation composition of this wetland community is similar to FLUCFCS Code 6219 E1 with 25 to 49 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

Cypress, Disturbed (50-75% Exotics) (FLUCFCS Code 6219 E3)

The vegetation composition of this wetland community is similar to FLUCFCS Code 6219 E1 with 50 to 75 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

Cypress, Disturbed (76-100% Exotics) (FLUCFCS Code 6219 E4)

The vegetation composition of this wetland community is similar to FLUCFCS Code 6219 E1 with 76 to 100 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

Cypress/Pine/Cabbage Palm, Disturbed (0-24% Exotics) (FLUCFCS Code 6249 E1)

The canopy of this wetland habitat 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, blue maidencane, rosy camphorweed (*Pluchea rosea*), pineland heliotrope (*Heliotropium polyphyllum*), and Leavenworth's tickseed (*Coreopsis leavenworthii*).

Cypress/Pine/Cabbage Palm, Disturbed (25-49% Exotics) (FLUCFCS Code 6249 E2)

The vegetation composition of this wetland community is similar to FLUCFCS Code 6249 E1 with 25 to 49 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

Cypress/Pine/Cabbage Palm, Disturbed (50-75% Exotics) (FLUCFCS Code 6249 E3)

The vegetation composition of this wetland community is similar to FLUCFCS Code 6249 E1 with 50 to 75 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

Cypress/Pine/Cabbage Palm, Disturbed (76-100% Exotics) (FLUCFCS Code 6249 E4)

The vegetation composition of this wetland community is similar to FLUCFCS Code 6249 E1 with 76 to 100 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

Pine, Hydric, Disturbed (0-24% Exotics) (FLUCFCS Code 6259 E1)

The canopy of this wetland habitat 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, blue maidencane, rosy camphorweed, pineland heliotrope, torpedograss, Leavenworth's tickseed, and gulfdune paspalum.

Pine, Hydric, Disturbed (25-49% Exotics) (FLUCFCS Code 6259 E2)

The vegetation composition of this wetland community is similar to FLUCFCS Code 6259 E1 with 25 to 49 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

Pine, Hydric, Disturbed (50-75% Exotics) (FLUCFCS Code 6259 E3)

The vegetation composition of this wetland community is similar to FLUCFCS Code 6259 E1 with 50 to 75 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

Pine, Hydric, Disturbed (76-100% Exotics) (FLUCFCS Code 6259 E4)

The vegetation composition of this wetland community is similar to FLUCFCS Code 6259 E1 with 76 to 100 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

Mixed Wetland Forest, Disturbed (0-24% Exotics) (FLUCFCS Code 6309 E1)

The canopy of this wetland habitat consists of slash pine, bald cypress, melaleuca, scattered cabbage palm, and laurel oak. The sub-canopy consists of slash pine, bald cypress, melaleuca, wax myrtle, myrsine, and Brazilian pepper. The ground cover includes swamp fern, water pennywort, maidencane, and sawgrass (*Cladium jamaicense*).

Wetland Shrub, Disturbed (25-49% Exotics) (FLUCFCS Code 6319 E2)

The canopy of this wetland habitat is mostly open with scattered slash pine, bald cypress, and melaleuca. The sub-canopy contains wax myrtle, saltbush, slash pine, Brazilian pepper, bald cypress, willow, and melaleuca. Ground cover includes water pennywort, swamp fern, torpedograss, maidencane, and gulfdune paspalum.

Wetland Shrub, Disturbed (76-100% Exotics) (FLUCFCS Code 6319 E4)

The vegetation composition in this wetland community is similar to FLUCFCS Code 6319 E2 with 76 to 100 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

Freshwater Marsh, Disturbed (0-24% Exotics) (FLUCFCS Code 6419 E1)

The canopy of this wetland habitat is typically open. The sub-canopy may contain willow. The ground cover includes maidencane, fireflag, and cattail.

Freshwater Marsh, Disturbed (25-49% Exotics) (FLUCFCS Code 6419 E2)

The vegetation composition of this wetland community is similar to FLUCFCS Code 6419 E1 with 25 to 49 percent coverage by melaleuca, torpedograss, and/or cattail.

Freshwater Marsh, Disturbed (50-75% Exotics) (FLUCFCS Code 6419 E3)

The vegetation composition in this wetland community is similar to FLUCFCS Code 6419 E1 with 50 to 75 percent coverage by melaleuca, torpedograss, and/or cattail.

Wet Prairies, Disturbed (0-24% Exotics) (FLUCFCS Code 6439 E1)

The canopy of this wetland habitat 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 (25-49% Exotics) (FLUCFCS Code 6439 E2)

The vegetation composition of this wetland community is similar to FLUCFCS Code 6439 E1 with 25 to 49 percent coverage by melaleuca and torpedograss.

Wet Prairies, Disturbed (50-75% Exotics) (FLUCFCS Code 6439 E3)

The vegetation composition of this wetland community is similar to FLUCFCS Code 6439 E1 with 50 to 75 percent coverage by melaleuca and torpedograss.

Wet Prairies, Disturbed (76-100% Exotics) (FLUCFCS Code 6439 E4)

The vegetation composition of this wetland community is similar to FLUCFCS Code 6439 E1 with 76 to 100 percent coverage by melaleuca and torpedograss.

Created Littoral Zone (FLUCFCS Code 647)

The canopy and sub-canopy area are mostly open with scattered melaleuca. The ground cover includes torpedograss, spike rush, and cattails.

Disturbed Land (FLUCFCS Code 740)

The canopy and sub-canopy of this upland area are mostly open with melaleuca, Brazilian pepper, and slash pine. The ground cover includes frog-fruit, bahiagrass, beggar-ticks (*Bidens alba*), big carpetgrass (*Axonopus furcatus*), cogongrass, richardia (*Richardia* sp.), and spermacoce.

Disturbed Land, Hydric (FLUCFCS Code 7401)

The canopy and sub-canopy of this wetland area 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, frog-fruit, dog fennel, and yellow-eyed grass.

Borrow Area (FLUCFCS Code 742)

The canopy and sub-canopy cover of this open water area are open. The ground cover includes cattail and torpedograss.

Borrow Area, Hydric (FLUCFCS Code 742H)

These are borrow areas that occur within wetlands and are counted in the Project's total wetland acreage. In general, these areas have the same vegetation composition as FLUCFCS Code 742.

Spoil Area (FLUCFCS Code 743)

The canopy of this upland area consists of melaleuca, and 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)

The canopy of this upland area consists of scattered willow, slash pine, melaleuca, cabbage palm, and laurel oak. The sub-canopy consists of wax myrtle, slash pine, and Brazilian pepper. The ground cover is mostly open with scattered saw palmetto and spermacoce.

Electrical Transmission Lines (FLUCFCS Code 832)

This code denotes an existing electrical power transmission line that borders the west property boundary. The vegetative community is regularly maintained through mowing, and therefore, has no canopy and only a very widely scattered sub-canopy. The ground cover is dominated by bahiagrass with smutgrass (*Sporobolus indicus*) and spermacoce.

Electrical Transmission Lines, Hydric (FLUCFCS Code 8321)

This code denotes portions of the power transmission line area that display wetland characteristics. The vegetative community is regularly maintained by mowing, and therefore, has no canopy and only a very widely scattered sub-canopy. The ground cover includes maidencane, blue maidencane, and pineland heliotrope.

EXHIBIT E

SOILS MAP



J:\2012\12PEG2120\GIS\2014\COMPREHENSIVE PLAN AMENDMENT\FIGURES\EXHIBIT E SOILS MAP 3-5-14.MXD - 3/28/2014 @ 10:59:22 AM

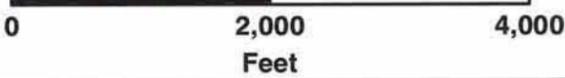
Soil Unit	Description
6	HALLANDALE FINE SAND
9	EUGALLIE SAND
10	POMPANO FINE SAND
12	FELDA FINE SAND
13	BOCA FINE SAND
14	VALKARIA FINE SAND
26	PINEDA FINE SAND
27	POMPANO FINE SAND, DEPRESSIONAL
28	IMMOKALEE SAND
33	OLDSMAR SAND
34	MALABAR FINE SAND
41	VALKARIA FINE SAND, DEPRESSIONAL
42	WABASSO SAND, LIMESTONE SUBSTRATUM
44	MALABAR FINE SAND, DEPRESSIONAL
45	COPELAND SANDY LOAM, DEPRESSIONAL
49	FELDA FINE SAND, DEPRESSIONAL
51	FLORIDANA SAND, DEPRESSIONAL
62	WINDER SAND, DEPRESSIONAL
69	MATLACHA GRAVELLY FINE SAND
73	PINEDA FINE SAND, DEPRESSIONAL
99	WATER

NOTES:

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

ROADWAY NETWORKS WERE ACQUIRED FROM THE FLORIDA GEOGRAPHIC DATA LIBRARY WEBSITE.

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



DRAWN BY F.L.	DATE 3/5/14
REVIEWED BY K.C.P.	DATE 3/5/14
REVISED	DATE

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



WILDBLUE
SOILS MAP

DRAWING No. 12PEG2120
SHEET No. EXHIBIT E

EXHIBIT F

SOILS SUMMARY TABLE AND DESCRIPTIONS

**WILDBLUE
SOILS SUMMARY TABLE AND DESCRIPTIONS**

Table 1. Soils Listed by the Natural Resource Conservation Service on the Project

Mapping Unit	Description
6	Hallandale Fine Sand
9	EauGallie Sand
10	Pompano Fine Sand
12	Felda Fine Sand
13	Boca Fine Sand
14	Valkaria Fine Sand
26	Pineda Fine Sand
27	Pompano Fine Sand, Depressional
28	Immokalee Sand
33	Oldsmar Sand
34	Malabar Fine Sand
41	Valkaria Fine Sand, Depressional
42	Wabasso Sand, Limestone Substratum
44	Malabar Fine Sand, Depressional
45	Copeland Sandy Loam, Depressional
49	Felda Fine Sand, Depressional
51	Floridana Sand, Depressional
62	Winder Sand, Depressional
69	Matlacha Gravelly Fine Sand
73	Pineda Fine Sand, Depressional
99	Water

6 – Hallandale Fine Sand

This is a nearly level, poorly drained soil on low, broad flatwoods areas. Slopes are smooth and range from 0 to 2 percent. Typically, the surface layer is gray fine sand about two inches thick. The subsurface layer is light gray fine sand about 5 inches thick. The substratum is very pale brown fine sand about 5 inches thick. At a depth of 12 inches is fractured limestone bedrock that has solution holes extending to a depth of 25 inches. These solution holes contain mildly alkaline, loamy material. In most years, under natural conditions, the water table is less than 10 inches below the surface for 1 to 3 months. It recedes below the limestone for about 7 months.

9 – EauGallie Sand

This is a nearly level, poorly drained soil on flatwoods. Slopes are smooth to convex and less than 1 percent. Typically, the surface layer is dark gray sand about 4 inches thick. The subsurface layer is sand that is gray in the upper 5 inches and light gray in the lower 13 inches. The subsoil and underlying material are sand, loamy sand, and sandy loam to a depth of 80 inches or more. The upper 5 inches is dark brown sand that is well coated with organic matter. The next 14 inches is dark brown loamy sand. The next 4 inches is pale brown loamy sand. The next 13 inches is light gray sand. The lower 22 inches is light gray sandy loam. In most years,

under natural conditions, the water table is within 10 inches of the surface for 2 to 4 months. It is 10 to 40 inches below the surface for more than 6 months.

10 – Pompano Fine Sand

This is a nearly level, poorly drained soil on sloughs. Slopes are smooth to concave and range from 0 to 1 percent. Typically, the surface layer is dark gray fine sand about 4 inches thick. The underlying layers are light gray, very pale brown, or white fine sand and extend to a depth of 80 inches or more. In most years, under natural conditions, the water table is at a depth of less than 10 inches for 2 to 4 months and at a depth of 10 to 40 inches for about 6 months. It recedes to a depth of more than 40 inches for about 3 months. During periods of high rainfall, the soil is covered by slowly moving water for periods of about 7 to 30 days or more.

12 – Felda Fine Sand

This is a nearly level, poorly drained soil on broad, nearly level sloughs. Slopes are smooth to concave and range from 0 to 2 percent. Typically, the surface layer is dark gray fine sand about 8 inches thick. The subsurface layer is light gray and light brownish gray fine sand about 14 inches thick. The subsoil is light gray loamy fine sand about 16 inches thick and is underlain by gray and light gray fine sand that extends to a depth of 80 inches or more. In most years, under natural conditions, the soil has a water table within 10 inches of the surface for 2 to 4 months. The water table is 10 to 40 inches below the surface for about 6 months. It is more than 40 inches below the surface for about 2 months. During periods of high rainfall, the soil is covered by a shallow layer of slowly moving water for periods of about 7 to 30 days or more.

13 – Boca Fine Sand

This is a nearly level, poorly drained soil on flatwoods. Slopes are smooth and range from 0 to 2 percent. Typically, the surface layer is gray fine sand about 3 inches thick. The subsurface layer is fine sand about 22 inches thick. The upper 11 inches is light gray and the lower 11 inches is very pale brown. The subsoil, about 5 inches thick, is gray fine sandy loam with brownish yellow mottles and calcareous nodules. At a depth of 30 inches is a layer of fractured limestone. In most years, under natural conditions, the water table is within 10 inches of the surface for 2 to 4 months. It recedes below the limestone for about 6 months.

14 – Valkaria Fine Sand

This is a nearly level, poorly drained soil on sloughs. Slopes are smooth to concave and range from 0 to 1 percent. Typically, the surface layer is about 2 inches of dark grayish brown fine sand. The subsurface layer is 5 inches of very pale brown fine sand. The subsoil is loose fine sand to a depth of 80 inches or more. The upper 9 inches is yellow, the next 4 inches is brownish yellow, the next 6 inches is yellowish brown, and the lowermost 54 inches is pale yellow, yellow, brown, and very pale brown. In most years, under natural conditions, the water table is at a depth of less than 10 inches for 1 to 3 months. It is at a depth of 10 to 40 inches for about 6 months and recedes to a depth of more than 40 inches for about 3 months. During periods of high rainfall, the soil is covered by slowly moving water for periods of about 7 to 30 days or more.

26 – Pineda Fine Sand

This is a nearly level, poorly drained soil on sloughs. Slopes are smooth to slightly concave and range from 0 to 1 percent. Typically, the surface layer is black fine sand about 1 inch thick. The subsurface layer is very pale brown fine sand about 4 inches thick. The upper part of the subsoil is brownish yellow fine sand about 8 inches thick. The next 10 inches is strong brown fine sand. The next 6 inches is yellowish brown fine sand. The next 7 inches is light gray fine sand with brownish yellow mottles. The lower part of the subsoil is light brownish gray fine sandy loam with light gray sandy intrusions about 18 inches thick. The substratum is light gray fine sand to a depth of 80 inches or more. In most years, under natural conditions, the water table is within 10 inches of the surface for 2 to 4 months. It is 10 to 40 inches below the surface for more than 6 months, and it recedes to more than 40 inches below the surface during extended dry periods. During periods of high rainfall, the soil is covered by a shallow layer of slowly moving water for periods of about 7 to 30 days or more.

27 – Pompano Fine Sand, Depressional

This is a nearly level, poorly drained soil in depressions. Slopes are concave and less than 1 percent. Typically, the surface layer is gray fine sand about 3 inches thick. The substratum is fine sand to a depth of 80 inches or more. The upper 32 inches is light brownish gray with few, fine, faint yellowish brown mottles. The lower 45 inches is light gray. In most years, under natural conditions, the water table is within 10 inches of the surface for 2 to 4 months and stands above the surface for about 3 months. It is 10 to 40 inches below the surface for more than 5 months.

28 – Immokalee Sand

This is a nearly level, poorly drained soil in flatwoods areas. Slopes are smooth to convex and range from 0 to 2 percent. Typically, the surface layer is black sand about 4 inches thick. The subsurface layer is dark gray sand in the upper 5 inches and light gray sand in the lower 27 inches. The subsoil is sand to a depth of 69 inches. The upper 14 inches is black and firm, the next 5 inches is dark reddish brown, and the lower 14 inches is dark yellowish brown. The substratum is very pale brown sand to a depth of 80 inches or more. In most years, under natural conditions, the water table is within 10 inches of the surface for 1 to 3 months and 10 to 40 inches below the surface for 2 to 6 months. It recedes to a depth of more than 40 inches during extended dry periods.

33 – Oldsmar Sand

This is a nearly level, poorly drained soil on low, broad flatwoods areas. Slopes are smooth to slightly convex and range from 0 to 2 percent. Typically, the surface layer is black sand about 3 inches thick. The subsurface layer is gray and light gray sand about 39 inches thick. The upper part of the subsoil is very dark gray sand about 5 inches thick. The lower part of the subsoil is yellowish brown and mixed light brownish gray and brown fine sandy loam about 11 inches thick. Pale brown sand extends to a depth of 80 inches or more. In most years, under natural conditions, the water table is at a depth of less than 10 inches for 1 to 3 months. It is at a depth of 10 to 40 inches for more than 6 months, and it recedes to a depth of more than 40 inches during extended dry periods.

34 – Malabar Fine Sand

This is a nearly level, poorly drained soil on sloughs. Slopes are smooth to concave and range from 0 to 1 percent. Typically, the surface layer is dark gray fine sand about 5 inches thick. The next 12 inches is light gray and very pale brown fine sand. Below this is a 16-inch layer of light yellowish brown fine sand with yellow mottles and a 9-inch layer of brownish yellow fine sand. The subsoil layer is gray loamy fine sand about 9 inches thick with large yellowish brown mottles. The next 8 inches is gray fine sandy loam with large brownish yellow mottles. Below is light gray loamy fine sand with yellowish brown mottles to a depth of 80 inches or more. In most years, under natural conditions, the water table is at a depth of less than 10 inches for 2 to 4 months. It is at a depth of 10 to 40 inches for more than 6 months, and it recedes to a depth of more than 40 inches during extended dry periods. During periods of high rainfall, the soil is covered by a shallow layer of slowly moving water for periods of about 7 to 30 days or more.

41 – Valkaria Fine Sand, Depressional

This is a nearly level, poorly drained soil in depressions. Slopes are concave and less than 1 percent. Typically, the surface layer is dark gray fine sand about 1 inch thick. The subsurface layer is about 4 inches of light gray fine sand. The subsoil is fine sand about 33 inches thick. The upper 4 inches is brownish yellow, the next 16 inches is yellow, and the lower 13 inches is light yellowish brown. The substratum is pale brown fine sand with few fine faint brown mottles to a depth of 80 inches or more. In most years, under natural conditions, the water table is within 10 inches of the surface for about 6 months, and the soil is ponded for about 3 months. The water table is 10 to 40 inches below the surface most of the rest of the year, except in extended dry periods.

42 – Wabasso Sand, Limestone Substratum

This is a nearly level, poorly drained soil on broad flatwoods. Slopes range from 0 to 2 percent. Typically, the surface layer is black sand about 3 inches thick. The subsurface layer is sand about 16 inches thick. The upper 10 inches is gray, and the lower 6 inches is light gray. The subsoil is about 32 inches thick. The upper 2 inches is dark brown sand that is well coated with organic matter. The next 2 inches is dark reddish brown friable sand. The next 14 inches is brown loose sand with dark brown streaks along root channels. The lower 14 inches is light brownish gray, firm fine sandy loam with light olive brown mottles. A hard, fractured limestone ledge and boulders are at a depth of 51 inches. In most years, under natural conditions, the water table is within 10 inches of the surface for 1 to 3 months. It is 10 to 40 inches below the surface for 2 to 4 months. It is below the limestone during extended dry periods.

44 – Malabar Fine Sand, Depressional

This is a nearly level, poorly drained soil in depressions. Slopes are concave and less than 1 percent. Typically, the surface layer is 4 inches thick. The upper 1 inch is black fine sand that is high in organic matter content. The lower 3 inches is dark gray fine sand. The subsurface layer is at depth of 44 inches. The upper 3 inches is very pale brown. The next 11 inches is yellow, iron-coated sand grains. The next 10 inches is very pale brown with common coatings of iron on the sand grains. The lower 16 inches is light gray. The subsoil is 23 inches of olive gray sandy loam with dark bluish gray mottles. Sandy loam with marl and shell fragments underlies the subsoil. In most years, under natural conditions, the soil is ponded for about 4 to 6 months or more. The water table is 10 to 40 inches below the surface for 4 to 6 months.

45 – Copeland Sandy Loam, Depressional

This is a low, nearly level, very poorly drained soil in depressions. Slopes are concave and less than 1 percent. Typically, the surface layer is about 8 inches of very dark gray sandy loam. The subsoil is very dark gray sandy loam about 12 inches thick. It is underlain by 8 inches of light brownish gray sandy clay loam with soft calcium carbonate throughout. Fractured limestone bedrock is at a depth of 28 inches. Under natural conditions, the water table is above the surface for 3 to 6 months. It is 10 to 40 inches below the surface for about 3 to 6 months.

49 – Felda Fine Sand, Depressional

This is a nearly level, poorly drained soil in depressions. Slopes are concave and less than 1 percent. Typically, the surface layer is gray fine sand about 4 inches thick. The subsurface layers extend to a depth of 35 inches. The upper 13 inches is grayish brown fine sand and the lower 18 inches is light gray fine sand with yellowish brown mottles. The subsoil is about 17 inches thick. The upper 6 inches is gray sandy loam and the lower 11 inches is sandy clay loam with many yellowish brown and strong brown mottles. Below this is light gray fine sand to a depth of 80 inches or more. In most years, under natural conditions, the soil is ponded for about 3 to 6 months or more. The water table is within a depth of 10 to 40 inches for 4 to 6 months.

51 – Floridana Sand, Depressional

This is a nearly level, very poorly drained soil in depressions. Slopes are concave and less than 1 percent. Typically, the surface layer is black sand about 22 inches thick. The subsurface layer is light brownish gray sand about 17 inches thick. The subsoil is olive gray fine sandy loam to a depth of 54 inches. Below the subsoil there is light brownish gray sand with pockets of olive gray loamy sand. In most years, under natural conditions, the water table is above the surface for 3 to 6 months. It is 10 to 40 inches below the surface during extended dry periods.

62 – Winder Sand, Depressional

This is a nearly level, poorly drained soil in depressions. Slopes are concave and range from 0 to 1 percent. Typically, the surface layer is dark gray sand about 3 inches thick. The subsurface layer is light brownish gray sand about 10 inches thick. The next layer, about 3 inches thick, is light gray sand with yellowish brown mottles and intrusions of light brownish gray sandy loam. The subsoil extends to a depth of 29 inches. The upper 7 inches is gray sandy loam with yellowish brown and strong brown mottles. The lower 6 inches is gray sand with yellowish brown mottles. The substratum extends to a depth of 80 inches or more. The upper 6 inches is gray sand with brownish yellow mottles. The next 6 inches is light brownish gray sand with olive mottles. The next 12 inches is greenish gray loamy sand with olive mottles. The next 12 inches is light gray sand with olive yellow mottles. The lower 15 inches is light greenish gray sand. In most years, under natural conditions, the soil is above the surface for 3 to 6 months. It is 10 to 40 inches below the surface during extended dry periods.

69 – Matlacha Gravelly Fine Sand

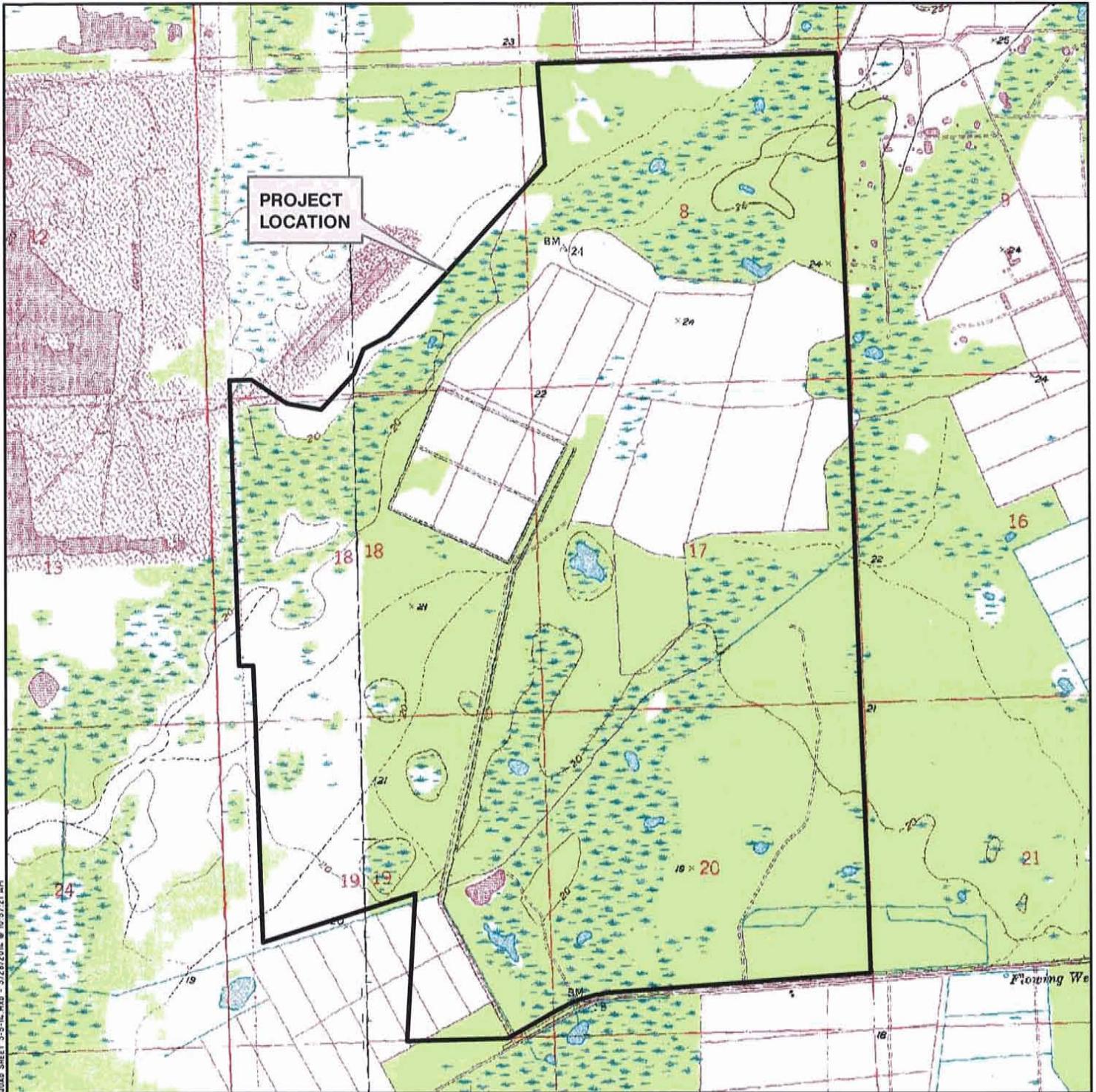
This is a nearly level, somewhat poorly drained soil formed by filling and earthmoving operations. Slopes are smooth to slightly convex and range from 0 to 2 percent. Typically, the surface layer is about 35 inches of black, olive brown, grayish brown, dark brown, light brownish gray, very dark gray, and very pale brown mixed gravelly fine sand and sandy mineral material. The surface layer contains lenses of loamy sand and coated sandy fragments of former

subsoil material with about 25 to 30 percent limestone and shell fragments. Below this, to a depth of 80 inches or more, is undisturbed fine sand. The upper 5 inches is dark gray and the lower 40 inches is light gray with common, medium, distinct dark grayish brown stains along old root channels. The depth to the water table varies with the amount of fill material and the extent of artificial drainage. However; in most years, the water table is 24 to 36 inches below the surface of the fill material for 2 to 4 months. It is more than 60 inches below the surface during extended dry periods.

73 – Pineda Fine Sand, Depressional

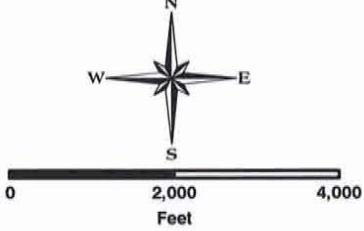
This is a nearly level, very poorly drained soil in depressions. Slopes are concave and less than 1 percent. Typically, the surface layer is dark gray fine sand about 3 inches thick. The subsurface layer is fine sand to a depth of 31 inches. The upper 9 inches is light gray, the next 7 inches is very pale brown with yellowish brown mottles, and the lower 12 inches is brownish yellow with many iron-coated sand grains. The subsoil is fine sandy loam to a depth of 55 inches. The upper 8 inches is gray with very pale brown sandy intrusions and yellowish brown mottles. The lower 16 inches is gray. Below that and extending to a depth of 80 inches is light gray loamy sand. In most years, under natural conditions, the soil is ponded for about 3 to 6 months or more. The water table is within a depth of 10 to 40 inches for 4 to 6 months.

EXHIBIT G
QUAD SHEET



**PROJECT
LOCATION**

LEGEND
 WILDBLUE



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.

**EXHIBIT G. QUAD SHEET
 WILDBLUE**

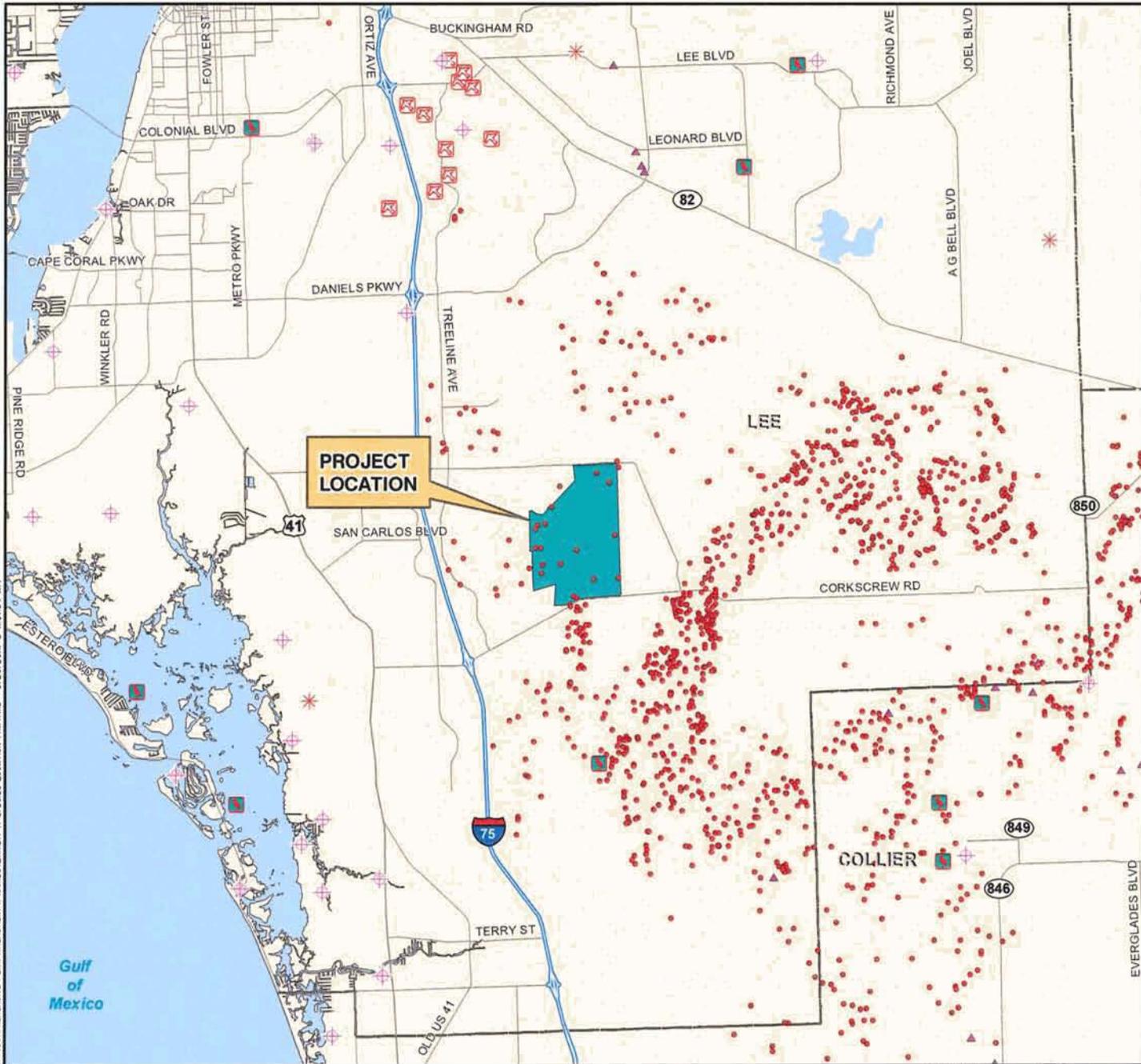
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REVIEWED BY	DATE
K.C.P.	3/7/14
REVISED	DATE



EXHIBIT H

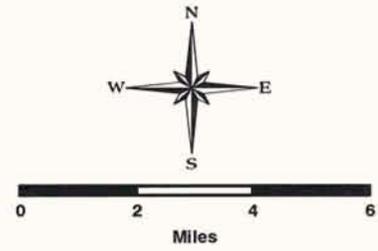
**FWCC DOCUMENTED OCCURRENCES
OF LISTED SPECIES**

J:\2012\FE2\2012\FE2\COMPREHENSIVE PLAN AMENDMENT\FIGURES\EXHIBIT H SPECIES LOCATION MAP.MXD - 3/28/2014 @ 11:01:39 AM



LEGEND

- WILDBLUE
- BALD EAGLE NEST
- FLORIDA PANTHER TELEMTRY
- FWCC BLACK BEAR LOCATIONS
- FWCC RCW LOCATIONS
- FWCC WADING BIRD LOCATIONS
- SCRUB JAY LOCATIONS



NOTES:

EAGLE NEST LOCATIONS WERE ACQUIRED FROM THE FWCC AUGUST 2013.

BLACK BEAR LOCATIONS WERE ACQUIRED FROM THE FWCC AUGUST 2013 AND IS CURRENT TO 2007.

PANTHER TELEMTRY WAS ACQUIRED FROM THE FWCC AUGUST 2013 AND IS CURRENT TO JUNE 2013.

RED COCKADED WOODPECKER LOCATIONS WERE ACQUIRED PER THE FWCC AUGUST 2013.

SCRUB JAY LOCATIONS WERE ACQUIRED FROM THE FWCC AUGUST 2013.

WADING BIRD ROOKERIES WERE ACQUIRED FROM THE FWCC AUGUST 2012 AND ARE CURRENT TO 1999.

**EXHIBIT H. DOCUMENTED OCCURRENCES OF LISTED SPECIES
WILDBLUE**

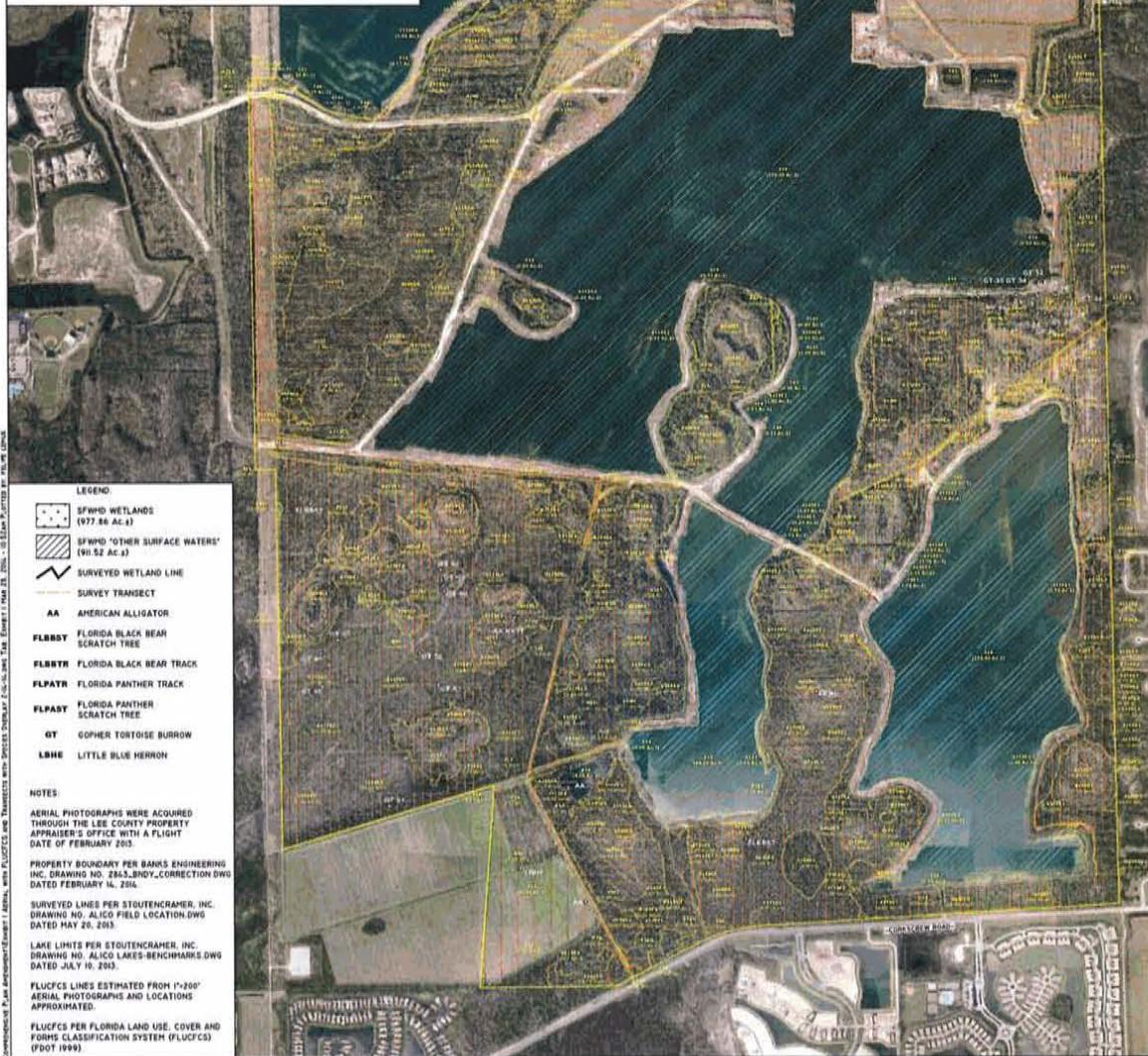
DRAWN BY	DATE
F.L.	3/5/14
REVIEWED BY	DATE
K.C.P.	3/5/14
REVISED	DATE



EXHIBIT I

**AERIAL WITH SFWMD FLUCFCS AND WETLANDS,
SURVEY TRANSECTS, AND SPECIES LOCATION MAP**

FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
188	MINE	287.30 AC.	8.7%
212	UNIMPROVED PASTURE	134.10 AC.	5.2%
2219 E1	PALMETTO PRAIRIE, DISTURBED (0-24% EXOTICS)	2.18 AC.	0.1%
2219 E2	PALMETTO PRAIRIE, DISTURBED (25-49% EXOTICS)	109.51 AC.	3.7%
2219 E3	PALMETTO PRAIRIE, DISTURBED (50-75% EXOTICS)	32.85 AC.	0.8%
2219 E4	PALMETTO PRAIRIE, DISTURBED (76-100% EXOTICS)	80.43 AC.	1.7%
4119 E1	PINE FLATWOODS, DISTURBED (0-24% EXOTICS)	122.90 AC.	4.1%
4119 E2	PINE FLATWOODS, DISTURBED (25-49% EXOTICS)	102.84 AC.	3.5%
4119 E3	PINE FLATWOODS, DISTURBED (50-75% EXOTICS)	33.01 AC.	1.1%
4119 E4	PINE FLATWOODS, DISTURBED (76-100% EXOTICS)	84.40 AC.	2.2%
4120 E2	PINE, DISTURBED (25-49% EXOTICS)	0.57 AC.	0.0%
4120 E4	PINE, DISTURBED (76-100% EXOTICS)	18.54 AC.	0.7%
422	BAZILIAN PEPPER	14.83 AC.	0.6%
4221	BRAZILIAN PEPPER, HYDRIC	3.44 AC.	0.1%
424	MELALEUCA	14.37 AC.	0.5%
4241	MELALEUCA, HYDRIC	229.28 AC.	7.7%
428 E4	WAX MYRTLE (76-100% EXOTICS)	2.12 AC.	0.1%
4348 E1	HARDWOOD/CONIFER MIXED, DISTURBED (0-24% EXOTICS)	22.38 AC.	0.8%
4348 E3	HARDWOOD/CONIFER MIXED, DISTURBED (50-75% EXOTICS)	4.74 AC.	0.2%
514	DITCH	24.84 AC.	0.8%
5141	DITCH HYDRIC	0.88 AC.	0.0%
520	LAKES	878.43 AC.	29.6%
6189 E1	WILLOW, DISTURBED (0-24% EXOTICS)	1.51 AC.	0.1%
6189 E2	WILLOW, DISTURBED (25-49% EXOTICS)	0.24 AC.	0.0%
6219 E1	CYPRESS, DISTURBED (0-24% EXOTICS)	21.50 AC.	0.7%
6219 E2	CYPRESS, DISTURBED (25-49% EXOTICS)	82.54 AC.	2.1%
6219 E3	CYPRESS, DISTURBED (50-75% EXOTICS)	12.06 AC.	0.4%
6219 E4	CYPRESS, DISTURBED (76-100% EXOTICS)	67.02 AC.	2.3%
6248 E1	CYPRESS/PINE/CABBAGE PALM, DISTURBED (0-24% EXOTICS)	65.87 AC.	2.2%
6248 E2	CYPRESS/PINE/CABBAGE PALM, DISTURBED (25-49% EXOTICS)	45.96 AC.	1.5%
6248 E3	CYPRESS/PINE/CABBAGE PALM, DISTURBED (50-75% EXOTICS)	30.50 AC.	1.0%
6248 E4	CYPRESS/PINE/CABBAGE PALM, DISTURBED (76-100% EXOTICS)	77.50 AC.	2.8%
6250 E1	PINE, HYDRIC, DISTURBED (0-24% EXOTICS)	64.88 AC.	2.2%
6250 E2	PINE, HYDRIC, DISTURBED (25-49% EXOTICS)	23.78 AC.	0.8%
6250 E3	PINE, HYDRIC, DISTURBED (50-75% EXOTICS)	71.78 AC.	2.4%
6250 E4	PINE, HYDRIC, DISTURBED (76-100% EXOTICS)	84.21 AC.	3.2%
6309 E1	MIXED WETLAND FOREST, DISTURBED (0-24% EXOTICS)	3.94 AC.	0.1%
6319 E2	WETLAND SHRUB, DISTURBED (25-49% EXOTICS)	31.78 AC.	1.1%
6319 E4	WETLAND SHRUB, DISTURBED (76-100% EXOTICS)	18.78 AC.	0.6%
6419 E1	FRESHWATER MARSH, DISTURBED (0-24% EXOTICS)	3.80 AC.	0.1%
6419 E2	FRESHWATER MARSH, DISTURBED (25-49% EXOTICS)	9.82 AC.	0.3%
6419 E3	FRESHWATER MARSH, DISTURBED (50-75% EXOTICS)	1.40 AC.	0.0%
6420 E1	WET PRAIRIES, DISTURBED (0-24% EXOTICS)	5.94 AC.	0.2%
6420 E2	WET PRAIRIES, DISTURBED (25-49% EXOTICS)	21.18 AC.	0.7%
6420 E3	WET PRAIRIES, DISTURBED (50-75% EXOTICS)	0.48 AC.	0.0%
6420 E4	WET PRAIRIES, DISTURBED (76-100% EXOTICS)	0.89 AC.	0.0%
647	CREATED LITTORAL ZONE	0.91 AC.	0.0%
740	DISTURBED LAND	20.44 AC.	0.7%
7401	DISTURBED LAND, HYDRIC	4.90 AC.	0.2%
742	BORROW AREA	10.42 AC.	0.4%
7421	BORROW AREA, HYDRIC	0.08 AC.	0.0%
743	SPOIL AREA	1.74 AC.	0.1%
747	BERM	20.38 AC.	0.7%
832	ELECTRICAL TRANSMISSION LINE	1.54 AC.	0.1%
8321	ELECTRICAL TRANSMISSION LINE, HYDRIC	28.32 AC.	0.9%
TOTAL		2985.03 AC.	100.0%



LEGEND

- SFWMD WETLANDS (977.84 AC.)
- SFWMD "OTHER SURFACE WATERS" (91.52 AC.)
- SURVEYED WETLAND LINE
- SURVEY TRANSECT
- AA AMERICAN ALLIGATOR
- FLBBST FLORIDA BLACK BEAR SCRATCH TREE
- FLBBTR FLORIDA BLACK BEAR TRACK
- FLPATR FLORIDA PANTHER TRACK
- FLPAST FLORIDA PANTHER SCRATCH TREE
- GT GOPHER TORTOISE BURROW
- 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 BANKS ENGINEERING INC. DRAWING NO. 2843.LANDY-CORRECTION.DWG DATED FEBRUARY 14, 2014.

SURVEYED LINES PER STOUTENCRAMER, INC. DRAWING NO. ALIC0 FIELD LOCATION.DWG DATED MAY 26, 2013.

LAKE LIMITS PER STOUTENCRAMER, INC. DRAWING NO. ALIC0 LAKES-BENCHMARKS.DWG DATED JULY 16, 2013.

FLUCFCS LINES ESTIMATED FROM 1"-300" AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FOOT 1998).

DRAWN BY: **FL/H.H.** DATE: **2/14/14**

DESIGNED BY: **K.C.P.** DATE: **2/14/14**

REVISED: _____ DATE: _____

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WILDBLUE

AERIAL WITH SFWMD FLUCFCS AND WETLANDS,
SURVEY TRANSECTS, AND SPECIES LOCATION MAP

DRAWING NO: **12PEQ2120**

SHEET NO: _____

EXHIBIT **1**

**WILDBLUE
INDIGENOUS PRESERVE MANAGEMENT PLAN**

Revised December 2014

Prepared For:

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1.0 INTRODUCTION

The following outlines the Lee County Indigenous Preserve Management Plan for WildBlue (Project) located in Sections 7, 8, 17, 18, 19, and 20; Township 46 South; Range 26 East; Lee County. The conservation areas total 1,318± acres. The conservation areas are depicted in Appendix A and the following is a breakdown of the preserve acreage:

- 536± acres of indigenous wetlands and uplands;
- 623± acres of wetland and upland enhancement (habitats with greater than 50 percent exotics and open disturbed lands);
- 59± acres of upland restoration from farm fields and mining land;
- 6± acres of wetland restoration through the removal and restoration of a mining haul road, ditches, and berms;
- 94± acres of wetland creation from existing farm fields, berms, and ditches; and
- 11± acres of flow-way enhancement in the northeast portion of the preserve area.

According to Lee County's open space requirements outlined in Land Development Code (LDC) Chapter 10-415, the Project is required to retain 592± acres of indigenous vegetation. The conservation areas, which total 1,329± acres, include 536± acres of existing indigenous wetlands and uplands with less than 50 percent exotic vegetation. To meet the open space requirements, the Project will utilize open space credit for retaining large areas of upland habitat as outlined in LDC Chapter 10-415(b)(3). There are 135± acres of contiguous upland habitats within the indigenous preserve, which will provide an additional credit of 67± acres. Therefore, the total indigenous preserve provided is calculated to be 603± acres. The indigenous wetland and upland habitats will be enhanced through the removal of exotic vegetation.

In addition to enhancing 536± acres of indigenous habitats, approximately 793 acres of additional wetlands and uplands will be enhanced and restored in accordance with the Wetland Mitigation/Monitoring/Maintenance Plan (to be approved as part of South Florida Water Management District (SFWMD) Environmental Resource Permit (ERP) Application No. 140516-10). These 793± acres are comprised of highly disturbed lands and habitats with greater than 50 percent coverage by exotic vegetation. Restoration of these areas is not needed to meet the Lee County indigenous vegetation preserve requirements. Of the 793± acres, 623± acres of wetlands and uplands with greater than 50 percent exotic vegetation, and other open, disturbed areas will be enhanced through exotic removal and supplemental plantings. Approximately 11 acres in the northeast flow-way portion of the preserve area, south of Alico Road culverts, will be cleared of exotics, re-graded and planted with native freshwater marsh vegetation in order to facilitate the flow of water into the site from the north. A total of 59± acres of farm fields and mining lands will be restored to native upland habitat. Also, native herbaceous wetland habitat will be created from 94± acres of upland farm fields, berms, and ditches adjacent to the Stewart Cypress Slough, and 6± acres of mining haul roads and berms that currently bisect the sloughs will be removed and restored to native wetland habitat. Furthermore, 11± acres of flow-way enhancement, consisting of exotic removal, re-

grading, and planting, will be conducted in the northeast portion of the Project's conservation area. The on-site conservation areas, totaling 1,329± acres, will be placed in a conservation easement granted to the SFWMD with third party rights granted to the U.S. Army Corps of Engineers and Lee County.

2.0 EXISTING INDIGENOUS VEGETATION HABITATS

The indigenous wetlands total 275± acres and include willow, cypress, pine-cypress, hydric pine, wetland forested mix, wetland shrub, freshwater marsh, and wet prairie habitats. The indigenous upland habitats total 261± acres and include palmetto prairie, pine flatwoods, and mixed hardwood-conifer habitats. The Project's indigenous vegetation areas are native habitats with less than 50 percent exotics and are identified in Appendix A. Listed below are the Florida Land Use, Cover and Forms Classification System (FLUCFCS) (Florida Department Of Transportation 1999) descriptions of the indigenous wetland and upland habitats proposed for preservation and enhancement.

2.1 Indigenous Wetland Habitats

Willow, Disturbed (0-24% Exotics) (FLUCFCS Code 6189 E1)

The canopy of this wetland habitat is open. The sub-canopy consists of willow (*Salix caroliniana*), buttonbush (*Cephalanthus occidentalis*), primrose willow (*Ludwigia peruviana*), and Brazilian pepper (*Schinus terebinthifolius*). The ground cover includes maidencane (*Panicum hemitomon*), arrowhead (*Sagittaria lancifolia*), and fireflag (*Thalia geniculata*).

Willow, Disturbed (25-49% Exotics) (FLUCFCS Code 6189 E2)

The vegetation composition in this wetland community is similar to FLUCFCS Code 6189 E1 with 25 to 49 percent Brazilian pepper and primrose willow in the canopy and sub-canopy.

Cypress, Disturbed (0-24% Exotics) (FLUCFCS Code 6219 E1)

The canopy of this wetland habitat contains bald cypress (*Taxodium distichum*) and melaleuca (*Melaleuca quinquenervia*). The sub-canopy consists of bald cypress, wax myrtle (*Myrica cerifera*), Brazilian pepper, cabbage palm (*Sabal palmetto*), cocoplum (*Chrysobalanus icaco*), and swamp bay (*Persea palustris*). The ground cover includes swamp fern (*Blechnum serrulatum*), Asiatic pennywort (*Centella asiatica*), maidencane, torpedograss (*Panicum repens*), frog-fruit (*Phyla nodiflora*), water pennywort (*Hydrocotyle umbellata*), bog hemp (*Boehmeria cylindrica*), loosestrife (*Lythrum alatum*), and climbing hempvine (*Mikania scandens*).

Cypress, Disturbed (25-49% Exotics) (FLUCFCS Code 6219 E2)

The vegetation composition of this wetland community is similar to FLUCFCS Code 6219 E1 with 25 to 49 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

Cypress/Pine/Cabbage Palm, Disturbed (0-24% Exotics) (FLUCFCS Code 6249 E1)

The canopy of this wetland habitat consists of slash pine (*Pinus elliottii*), 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 (*Setaria parviflora*), beaksedge (*Rhynchospora microcarpa*), blue maidencane (*Amphicarpum muhlenbergianum*), rosy camphorweed (*Pluchea rosea*), pineland heliotrope (*Heliotropium polyphyllum*), and Leavenworth's tickseed (*Coreopsis leavenworthii*). Small portions of this habitat type on-site are currently being restored per Lee County Compliance Agreement dated July 20, 2012.

Cypress/Pine/Cabbage Palm, Disturbed (25-49% Exotics) (FLUCFCS Code 6249 E2)

The vegetation composition of this wetland community is similar to FLUCFCS Code 6249 E1 with 25 to 49 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy. Small portions of this habitat type on-site are currently being restored per Lee County Compliance Agreement dated July 20, 2012.

Pine, Hydric, Disturbed (0-24% Exotics) (FLUCFCS Code 6259 E1)

The canopy of this wetland habitat 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, blue maidencane, rosy camphorweed, pineland heliotrope, torpedograss, Leavenworth's tickseed, and gulfdune paspalum (*Paspalum monostachyum*). Small portions of this habitat type on-site are currently being restored per Lee County Compliance Agreement dated July 20, 2012.

Pine, Hydric, Disturbed (25-49% Exotics) (FLUCFCS Code 6259 E2)

The vegetation composition of this wetland community is similar to FLUCFCS Code 6259 E1 with 25 to 49 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

Mixed Wetland Forest, Disturbed (0-24% Exotics) (FLUCFCS Code 6309 E1)

The canopy of this wetland habitat consists of slash pine, bald cypress, melaleuca, scattered cabbage palm, and laurel oak (*Quercus laurifolia*). The sub-canopy consists of slash pine, bald cypress, melaleuca, wax myrtle, myrsine (*Myrsine cubana*), and Brazilian pepper. The ground cover includes swamp fern, water pennywort, maidencane, and sawgrass (*Cladium jamaicense*). Small portions of this habitat type on-site are currently being restored per Lee County Compliance Agreement dated July 20, 2012.

Wetland Shrub, Disturbed (25-49% Exotics) (FLUCFCS Code 6319 E2)

The canopy of this wetland habitat is mostly open with scattered slash pine, bald cypress, and melaleuca. The sub-canopy contains wax myrtle, saltbush (*Baccharis halimifolia*), slash pine, Brazilian pepper, bald cypress, willow, and melaleuca. Ground cover includes water pennywort, swamp fern, torpedograss, maidencane, and gulfdune paspalum.

Freshwater Marsh, Disturbed (0-24% Exotics) (FLUCFCS Code 6419 E1)

The canopy of this wetland habitat is typically open. The sub-canopy may contain willow. The ground cover includes maidencane, fireflag, and cattail (*Typha* sp.).

Freshwater Marsh, Disturbed (25-49% Exotics) (FLUCFCS Code 6419 E2)

The vegetation composition of this wetland community is similar to FLUCFCS Code 6419 E1 with 25 to 49 percent coverage by melaleuca, torpedograss, and/or cattail.

Wet Prairies, Disturbed (0-24% Exotics) (FLUCFCS Code 6439 E1)

The canopy of this wetland habitat 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 (*Serenoa repens*).

Wet Prairies, Disturbed (25-49% Exotics) (FLUCFCS Code 6439 E2)

The vegetation composition of this wetland community is similar to FLUCFCS Code 6439 E1 with 25 to 49 percent coverage by melaleuca and torpedograss.

2.2 Indigenous Upland Habitats

Palmetto Prairie, Disturbed (0-24% Exotics) (FLUCFCS Code 3219 E1)

The canopy of this upland community 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)

The vegetation composition of this upland community is similar to FLUCFCS Code 3219 E1 with 25 to 49 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

Pine Flatwoods, Disturbed (0-24% Exotics) (FLUCFCS Code 4119 E1)

The canopy of this upland habitat contains slash pine and melaleuca. The sub-canopy contains myrsine, melaleuca, cabbage palm, and Brazilian pepper. The ground cover includes saw palmetto, spermacoce (*Spermacoce verticillata*), Brazilian pepper, bracken fern (*Pteridium aquilinum*), wiregrass (*Aristida stricta*), and gulfdune paspalum. Portions of this habitat type on-site are currently being restored per Lee County Compliance Agreement dated July 20, 2012.

Pine Flatwoods, Disturbed (25-49% Exotics) (FLUCFCS Code 4119 E2)

The vegetation composition of this upland community is similar to FLUCFCS Code 4119 E1 with 25 to 49 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy. Small portions of this habitat type on-site are currently being restored per Lee County Compliance Agreement dated July 20, 2012.

Pine, Disturbed (25-49% Exotics) (FLUCFCS Code 4159 E2)

The canopy of this upland habitat contains slash pine, cabbage palm, laurel oak, and melaleuca. The sub-canopy consists of wax myrtle, slash pine, and Brazilian pepper. The ground cover includes broomsedge (*Andropogon virginicus*), wiregrass, muscadine grapevine (*Vitis rotundifolia*), pennyroyal (*Piloblephis rigida*), chocolateweed (*Melochia corchorifolia*), caesarweed (*Urena lobata*), and scattered saw palmetto.

Hardwood/Conifer Mixed, Disturbed (0-24% Exotics) (FLUCFCS Code 4349 E1)

The canopy of this wetland habitat consists of slash pine, melaleuca, live oak (*Quercus virginiana*), and cabbage palm. The sub-canopy consists of myrsine, wax myrtle, Brazilian pepper, and melaleuca. The ground cover includes saw palmetto, bracken fern, and muscadine grapevine. Small portions of this habitat type on-site are currently being restored per Lee County Compliance Agreement dated July 20, 2012.

3.0 INDIGENOUS PRESERVATION

3.1 Method and Frequency of Pruning and Trimming

Exotic removal is scheduled to begin after the applicable permits and approvals have been attained. The conservation area has been divided into six separate mitigation areas that correspond to six development areas. The enhancement activities within each mitigation area will be completed concurrently with construction of the corresponding development area. The timing of the work will be in accordance with the mitigation activity schedule to be approved by the SFWMD as part of ERP Application No. 140516-10.

After the initial removal of exotics, semi-annual inspections of the preserves will occur for the first two years. During these inspections, the Project area will be traversed by a qualified ecologist. Locations of nuisance and/or exotic species will be identified for immediate treatment with an appropriate herbicide. Any additional potential problems will also be noted and corrective actions taken. Once exotic/nuisance species levels have been reduced to acceptable limits (i.e., less than five percent cover), inspections of the Project area will be conducted annually.

Maintenance will be conducted in perpetuity to ensure that the conservation areas are free of exotic vegetation (as currently defined by the Florida Exotic Pest Plant Council (EPPC)) immediately following maintenance and that exotic and nuisance species will constitute no more than five percent of total combined cover.

3.2 Methods to Remove and Control Exotic and Nuisance Plants

Exotic and nuisance vegetation will be removed/treated by hand methods where coverage by exotic vegetation is less than 50 percent. Hand treatment will be either felling of exotic trees, hand removal, and herbicide treatment of the stumps; or hand pulling. The hand treatment of exotic and nuisance vegetation will include one or more of the

following methods: (1) cut exotics within 12 inches of ground elevation, hand remove cut vegetation, and treat remaining stump with approved herbicide; (2) girdle standing Brazilian pepper, melaleuca, and Australian pine (*Casuarina equisetifolia*) with diameter at breast height (DBH) greater than 4 inches and apply approved herbicide to cambium; (3) foliar application of approved herbicide to Brazilian pepper, melaleuca saplings, Australian pine, and downy rose-myrtle (*Rhodomyrtus tomentosa*); (4) foliar application of approved herbicide or hand pulling of exotic seedlings; and (5) foliar application of approved herbicide to nuisance grasses.

Where exotics exceed 50 percent, mechanical equipment may be utilized to aid in the removal of exotic species. Existing vehicle trails will be used, as available, to access remote areas of the preserve. All efforts will be made to preserve native trees when conducting the exotic removal with mechanized equipment. To minimize adverse impacts to the ground surface, machinery that exerts a relatively low impact on the ground surface (i.e., tracked skid steer, feller buncher) will be utilized within the mechanical removal areas.

The conservation areas will be monitored for excessive ground cover and sub-canopy growth. Ground cover and sub-canopy growth will be maintained to enhance maximum wildlife use. Prescribed burning will be used as a management tool to maintain the native vegetation communities within the conservation areas. The objectives of prescribed burning will be to aid in the control of exotic vegetation and woody shrubs (i.e., wax myrtle and saltbush), reduce fuel loads and the danger of wildfire, stimulate the growth and diversity of herbaceous vegetation, and improve wildlife habitat. Required permits from the appropriate regulatory authorities will be obtained prior to implementation of prescribed burns.

Exotics to be treated include, but are not limited to, the 21 species of prohibited invasive exotic species listed in Section 10-420(h) of the LDC (Table 1). The preserves will be maintained free of invasive exotics listed in Table 1 in perpetuity.

Table 1. Prohibited Invasive Exotics

Common Name	Scientific Name
Air potato	<i>Dioscorea alata</i>
Australian pines	All <i>Casuarina</i> species
Bishopwood	<i>Bischofia javanica</i>
Brazilian pepper	<i>Schinus terebinthifolius</i>
Carrotwood	<i>Cupaniopsis anacardioides</i>
Chinese tallow	<i>Sapium sebiferum</i>
Cork tree	<i>Thespesia populnea</i>
Cuban laurel fig	<i>Ficus microcarpa</i>
Downy rose-myrtle	<i>Rhodomyrtus tomentosus</i>

Table 1. (Continued)

Common Name	Scientific Name
Earleaf acacia	<i>Acacia auriculiformis</i>
Japanese climbing fern	<i>Lygodium japonicum</i>
Java plum	<i>Syzygium cumini</i>
Melaleuca	<i>Melaleuca quinquenervia</i>
Murray red gum	<i>Eucalyptus camaldulensis</i>
Old World climbing fern	<i>Lygodium microphyllum</i>
Rose apple	<i>Syzygium jambos</i>
Rosewood	<i>Dalbergia sissoo</i>
Tropical soda apple	<i>Solanum viarum</i>
Wedelia	<i>Wedelia trilobata</i>
Weeping fig	<i>Ficus benjamina</i>
Woman's tongue	<i>Albizia lebeck</i>

3.3 Debris Removal

Exotic vegetative debris will be removed from the indigenous preserves within 100 feet of development areas. In areas beyond 100 feet from the development line, and where the density of exotics is less than 50 percent, if it is determined that existing trails into the preserve allow for the removal of exotic debris by truck, then this option may be pursued. If vehicle access is not available, trees greater than four inches DBH will be girdled, treated with approved herbicide and left standing, or vegetative debris will be cut and stacked in piles at approximately 100 foot intervals. If left on the site, smaller cuttings will be stacked butt end to the ground into a nearly vertical position (i.e., teepee method). Larger cuttings will be cut and stacked side by side into an area approximately 6 feet on a side. Cuttings will be stacked perpendicular to the previous layer up to a height of approximately 4 feet (i.e., log cabin method).

4.0 EXISTING NON-INDIGENOUS VEGETATION HABITATS

The following are the existing on-site wetland and upland vegetative communities that are not used in the indigenous vegetation preserve calculations for the Project. Enhancement and restoration activities will be conducted in accordance with the Wetland Mitigation/Monitoring/Maintenance Plan (to be approved as part of SFWMD ERP Application No. 140516-10). Habitats with 50 to 75 percent exotics meet the County's definition of indigenous vegetation. However, they are not included in the indigenous vegetation calculations due to the proposed use of mechanical equipment to aid in the removal of exotics, as preferred by the SFWMD. The areas not used in the indigenous vegetation preserve calculations are identified as "non-indigenous" on the map provided

as Appendix A. Existing non-indigenous wetlands within the conservation areas total 459± acres and non-indigenous uplands total 164± acres.

4.1 Non-Indigenous Wetland Habitats

Brazilian Pepper, Hydric (FLUCFCS Code 4221)

The canopy and sub-canopy of this wetland area are dominated by Brazilian pepper. The ground cover typically contains water pennywort and Asiatic pennywort.

Melaleuca, Hydric (FLUCFCS Code 4241)

The canopy of this wetland area is dominated by melaleuca. The sub-canopy contains melaleuca with scattered slash pine, wax myrtle, and myrsine. The ground cover typically includes muhly grass (*Muhlenbergia capillaris*), Asiatic pennywort, torpedograss, broomsedge, yellow-eyed grass (*Xyris* sp.), fingergrass (*Eustachys* sp.), blue maidencane, nutrush (*Scleria* sp.), beaksedge, and knotroot foxtail. Small portions of this habitat type on-site are currently being restored per Lee County Compliance Agreement dated July 20, 2012.

Cypress, Disturbed (50-75% Exotics) (FLUCFCS Code 6219 E3)

The vegetation composition of this wetland community is similar to FLUCFCS Code 6219 E2 with 50 to 75 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

Cypress, Disturbed (76-100% Exotics) (FLUCFCS Code 6219 E4)

The vegetation composition of this wetland community is similar to FLUCFCS Code 6219 E3 with 76 to 100 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

Cypress/Pine/Cabbage Palm, Disturbed (50-75% Exotics) (FLUCFCS Code 6249 E3)

The vegetation composition of this wetland community is similar to FLUCFCS Code 6249 E2 with 50 to 75 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

Cypress/Pine/Cabbage Palm, Disturbed (76-100% Exotics) (FLUCFCS Code 6249 E4)

The vegetation composition of this wetland community is similar to FLUCFCS Code 6249 E3 with 76 to 100 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

Pine, Hydric, Disturbed (50-75% Exotics) (FLUCFCS Code 6259 E3)

The vegetation composition of this wetland community is similar to FLUCFCS Code 6259 E2 with 50 to 75 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy. Small portions of this habitat type on-site are currently being restored per Lee County Compliance Agreement dated July 20, 2012.

Pine, Hydric, Disturbed (76-100% Exotics) (FLUCFCS Code 6259 E4)

The vegetation composition of this wetland community is similar to FLUCFCS Code 6259 E3 with 76 to 100 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy. Small portions of this habitat type on-site are currently being restored per Lee County Compliance Agreement dated July 20, 2012.

Wetland Shrub, Disturbed (76-100% Exotics) (FLUCFCS Code 6319 E4)

The vegetation composition in this wetland community is similar to FLUCFCS Code 6319 E2 with 76 to 100 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

Freshwater Marsh, Disturbed (50-75% Exotics) (FLUCFCS Code 6419 E3)

The vegetation composition in this wetland community is similar to FLUCFCS Code 6419 E2 with 50 to 75 percent coverage by melaleuca, torpedograss, and/or cattail.

Wet Prairies, Disturbed (50-75% Exotics) (FLUCFCS Code 6439 E3)

The vegetation composition of this wetland community is similar to FLUCFCS Code 6439 E2 with 50 to 75 percent coverage by melaleuca and torpedograss.

Wet Prairies, Disturbed (76-100% Exotics) (FLUCFCS Code 6439 E4)

The vegetation composition of this wetland community is similar to FLUCFCS Code 6439 E3 with 76 to 100 percent coverage by melaleuca and torpedograss.

Disturbed Land, Hydric (FLUCFCS Code 7401)

The canopy and sub-canopy of this wetland area 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, frog-fruit, dog fennel (*Eupatorium capillifolium*), and yellow-eyed grass. Small portions of this habitat type on-site are currently being restored per Lee County Compliance Agreement dated July 20, 2012.

4.2 Non-Indigenous Upland Habitats

Mine (FLUCFCS Code 168)

This code denotes areas used for an inactive limerock mining operation. Portions remain devoid of vegetation and other areas have since re-vegetated with various combinations of trees, shrubs, and ground cover species common to disturbed areas. Where present, the canopy consists of scattered melaleuca, lead tree (*Leucaena leucocephala*), Australian pine, and live oak. The sub-canopy is similar to the canopy with scattered wax myrtle and willow. The ground cover is dominated by cogongrass (*Imperata cylindrica*) and spermacoce.

Unimproved Pasture (FLUCFCS Code 212)

This code is used to identify upland pasture that is no longer maintained or used for cattle grazing. The canopy is open or may contain scattered cabbage palm. The sub-canopy consists of cabbage palm, melaleuca, Brazilian pepper, and wax myrtle. The ground

cover includes bahiagrass (*Paspalum notatum*), dog fennel, broomsedge, and horseweed (*Conyza canadensis*).

Palmetto Prairie, Disturbed (50-75% Exotics) (FLUCFCS Code 3219 E3)

The vegetation composition of this upland community is similar to FLUCFCS Code 3219 E2 with 50 to 75 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

Palmetto Prairie, Disturbed (76-100% Exotics) (FLUCFCS Code 3219 E4)

The vegetation composition of this upland community is similar to FLUCFCS Code 3219 E3 with 76 to 100 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

Pine Flatwoods, Disturbed (50-75% Exotics) (FLUCFCS Code 4119 E3)

The vegetation composition of this upland community is similar to FLUCFCS Code 4119 E2 with 50 to 75 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy. Small portions of this habitat type on-site are currently being restored per Lee County Compliance Agreement dated July 20, 2012.

Pine Flatwoods, Disturbed (76-100% Exotics) (FLUCFCS Code 4119 E4)

The vegetation composition of this upland community is similar to FLUCFCS Code 4119 E3 with 76 to 100 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

Pine, Disturbed (76-100% Exotics) (FLUCFCS Code 4159 E4)

The vegetation composition of this upland community is similar to FLUCFCS Code 4159 E2 with 76 to 100 percent melaleuca in the canopy and sub-canopy. Small portions of this habitat type on-site are currently being restored per Lee County Compliance Agreement dated July 20, 2012.

Brazilian Pepper (FLUCFCS Code 422)

The canopy and sub-canopy of this upland area are dominated by Brazilian pepper. The ground cover is typically open.

Melaleuca (FLUCFCS Code 424)

The canopy and sub-canopy of this upland area are dominated by melaleuca with scattered slash pine, wax myrtle, myrsine, and Brazilian pepper. The ground cover typically includes Bermuda grass (*Cynodon dactylon*) with scattered saw palmetto and Brazilian pepper.

Wax Myrtle (76-100% Exotics) (FLUCFCS Code 429 E4)

The canopy of this upland habitat is mostly open with scattered slash pine and melaleuca. The sub-canopy is dominated by wax myrtle with scattered saltbush, Brazilian pepper, and melaleuca. Ground cover includes scattered torpedograss, dog fennel, muscadine grapevine, and melaleuca.

Hardwood/Conifer Mixed, Disturbed (50-75% Exotics) (FLUCFCS Code 4349 E3)

The vegetation composition of this upland community is similar to FLUCFCS Code 4349 E1 with 50 to 75 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

Disturbed Land (FLUCFCS Code 740)

The canopy and sub-canopy of this upland area are mostly open with melaleuca, Brazilian pepper, and slash pine. The ground cover includes frog-fruit, bahiagrass, beggar-ticks (*Bidens alba*), big carpetgrass (*Axonopus furcatus*), cogongrass, richardia (*Richardia* sp.), and spermacoce.

Spoil Area (FLUCFCS Code 743)

The canopy of this upland area consists of melaleuca, and 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)

The canopy of this upland area consists of scattered willow, slash pine, melaleuca, cabbage palm, and laurel oak. The sub-canopy consists of wax myrtle, slash pine, and Brazilian pepper. The ground cover is mostly open with scattered saw palmetto and spermacoce.

5.0 ENHANCEMENT OF NON-INDIGENOUS AREAS

Wetland and upland enhancement and restoration activities will be conducted in highly disturbed and exotic infested areas on-site in accordance with the Wetland Mitigation/Monitoring/Maintenance Plan (to be approved as part of SFWMD ERP Application No. 140516-10). The locations of these areas are shown on Appendix A.

5.1 Non-Indigenous Wetland and Upland Enhancement

Approximately 623 acres of wetland and upland areas that are not needed to meet the indigenous vegetation requirement will be enhanced by the removal of exotic species and supplemental plantings of native vegetative species. Mechanical equipment may be utilized to assist in the removal of exotic species in these areas. The vegetative debris will be removed from these areas in order to allow for successful supplemental plantings. Existing vehicle trails will be used, as available, to access remote areas of the preserve. All efforts will be made to preserve native trees when conducting the exotic removal with mechanized equipment. To minimize adverse impacts to the ground surface, machinery that exerts a relatively low impact on the ground surface (i.e., tracked skid steer, feller buncher) will be utilized within the mechanical removal areas. The non-indigenous wetland and upland enhancement areas are identified in Appendix A.

Wetland enhancement activities will occur in 459± acres of non-indigenous wetlands. Wetland plantings will be selected to replace the type of native vegetation that occurs in the adjacent or nearby wetland habitats. Wetland tree plantings will include a minimum

of three of the six tree species listed in Table 2, shrub plantings will include a minimum of two of the five species listed in Table 2, and ground cover plantings will include a minimum of six of the ten ground cover species listed in Table 2. The species selected for planting will depend on market availability at the time the plantings are to occur.

Table 2. Supplemental Wetland Planting List

Common Name	Scientific Name	Minimum Height	Minimum Container Size	Planting Instruction (On Center)
Tree Plantings (at least 3 species)				
Cypress	<i>Taxodium sp.</i>	5 ft.	3 gal.	15 ft.
Dahoon Holly	<i>Ilex cassine</i>	5 ft.	3 gal.	15 ft.
Pop Ash	<i>Fraxinus caroliniana</i>	5 ft.	3 gal.	15 ft.
Red Maple	<i>Acer rubrum</i>	5 ft.	3 gal.	15 ft.
Slash Pine	<i>Pinus elliotii</i>	5 ft.	3 gal.	15 ft.
Laurel Oak	<i>Quercus laurifolia</i>	5 ft.	3 gal.	15 ft.
Shrub Plantings (at least 2 species)				
Wax Myrtle	<i>Myrica cerifera</i>	3 ft.	1 gal.	10 ft.
Myrsine	<i>Myrsine cubana</i>	3 ft.	1 gal.	10 ft.
Gallberry	<i>Ilex glabra</i>	3 ft.	1 gal.	10 ft.
Buttonbush	<i>Cephalanthus occidentalis</i>	3 ft.	1 gal.	10 ft.
Pond Apple	<i>Annona glabra</i>	3 ft.	1 gal.	10 ft.
Ground Cover Plantings (at least 6 species)				
Cordgrass	<i>Spartina bakeri</i>	12 in.	2 in.	5 ft.
Wiregrass	<i>Aristida stricta</i>	12 in.	2 in.	5 ft.
Gulfdune Paspalum	<i>Paspalum monostachyum</i>	12 in.	2 in.	5 ft.
Muhly Grass	<i>Muhlenbergia capillaris</i>	12 in.	2 in.	5 ft.
Sawgrass	<i>Cladium jamaicense</i>	12 in.	2 in.	5 ft.
Blue Maidencane	<i>Amphicarpum muhlenbergianum</i>	12 in.	2 in.	5 ft.
Swamp Lily	<i>Crinum americanum</i>	12 in.	2 in.	5 ft.
Maidencane	<i>Panicum hemitomon</i>	12 in.	2 in.	5 ft.
Spikerush	<i>Eleocharis interstincta</i>	12 in.	2 in.	5 ft.
Pickerelweed	<i>Pontederia cordata</i>	12 in.	2 in.	5 ft.

Upland enhancement activities will occur in 164± acres of non-indigenous uplands. Upland plantings will be selected to replace the type of native vegetation that occurs in the adjacent or nearby upland habitats. Upland tree plantings will include a minimum of three of the five tree species listed in Table 3, and ground cover plantings will include a minimum of four of the six ground cover species listed in Table 3. The species selected for planting will depend on market availability at the time the plantings are to occur.

Table 3. Supplemental Upland Planting List

Common Name	Scientific Name	Minimum Height	Minimum Container Size	Planting Instruction (On Center)
Tree Plantings (at least 3 species)				
Slash Pine	<i>Pinus elliottii</i>	6 ft.	3 gal.	15 ft.
Cabbage Palm	<i>Sabal palmetto</i>	6 ft.	3 gal.	15 ft.
Live Oak	<i>Quercus virginiana</i>	6 ft.	3 gal.	15 ft.
Gumbo-Limbo	<i>Bursera simaruba</i>	6 ft.	3 gal.	15 ft.
Dahoon Holly	<i>Ilex cassine</i>	6 ft.	3 gal.	15 ft.
Ground Cover Plantings (at least 4 species)				
Saw Palmetto	<i>Serenoa repens</i>	12 in.	2 in.	5 ft.
Cordgrass	<i>Spartina bakeri</i>	12 in.	2 in.	5 ft.
Muhly Grass	<i>Muhlenbergia capillaris</i>	12 in.	2 in.	5 ft.
Wiregrass	<i>Aristida stricta</i>	12 in.	2 in.	5 ft.
Broomgrass	<i>Andropogon virginicus</i>	12 in.	2 in.	5 ft.
Wild Coffee	<i>Psychotria sp.</i>	12 in.	2 in.	5 ft.

5.2 Upland Restoration

Upland restoration will be conducted in 59± acres of farm fields, mining lands, ditches cut through uplands, and other disturbed lands. Restoration will consist of the removal of fill material, removal of berms and backfilling of ditches, grading, and planting. These areas will be graded, as needed, to match existing upland ground elevations. Once the grading activities are completed, native tree and ground cover plantings will be installed using the plant species and planting specifications listed in Table 3. The goal of the upland restoration is to achieve native plant communities including, but not limited to, pine forest and palmetto prairie.

Seeding to establish upland ground cover may be used as an alternative to installing ground cover plantings within the upland restoration areas. After the ground surface has been mechanically cleared and graded, one to two herbicide applications will be conducted to eliminate undesirable ground cover species. After the herbicide has been successfully applied, the ground surface will be prepared for seeding using a disking and rolling method. Once the ground surface has been fully prepared, seeding with native ground cover will occur in the upland restoration areas. The seed source will be obtained from and applied by a professional experienced with direct seeding as a method of upland restoration. The seed source will be harvested from a local area and will include a mixture of regionally-appropriate native graminoid species. The seed source mixture will include a variety of species to optimize ground cover diversity to the maximum extent possible. Upland tree and shrub species will be planted in accordance with Table 3 after seeding has established a native ground cover. Supplemental ground cover planting will be conducted in accordance with Table 3 in areas where the seeding does not establish appropriately.

5.3 Wetland Restoration – Removal of Haul Roads and Berms

Approximately 6 acres of wetland restoration will be conducted by the removal of an elevated mining haul road that crosses the northern slough and by the removal of berms and backfilling of ditches that were cut through wetlands. The haul road currently occupies 3± acres. The remaining 3± acres of wetland restoration will occur in areas currently occupied by berms, ditches, and other disturbed lands that were historically constructed through wetlands. The locations of the wetland restoration areas are shown on Appendix A.

Restoration will consist of the removal of the fill material, backfilling of ditches where needed, grading, and planting. Prior to grading, the limits of grading will be flagged for review and approval by SFWMD staff. These areas will be graded to match existing ground elevations in the adjacent wetlands. An as-built survey of the graded site will be performed to ensure the desired elevations have been obtained. After review and approval of the final grades by SFWMD staff, the areas will be planted using plant species and planting specifications listed in Table 4. Plantings will be selected to replace the type of native herbaceous vegetation that occurs in the adjacent or nearby wetland habitats. The goal of the removal and restoration of the haul road areas is to achieve native plant communities including, but not limited to, wet prairie and freshwater marsh.

5.4 Wetland Creation

The Project's Wetland Mitigation/Monitoring/Maintenance Plan (to be approved as part of SFWMD ERP Application No. 140516-10) also includes 94± acres of herbaceous wetland creation. Wetlands will be created from existing farm fields, berms and ditches in locations shown on Appendix A. Prior to clearing and grading, the limits of grading will be flagged for review and approval by SFWMD staff. After exotic vegetation has been removed, the cleared areas will be graded to wetland elevations. The grading plan for these areas will include the establishment of wading bird foraging habitat. These areas will be graded to varying depths to allow the concentration of prey for wading birds at alternating times of the year as water levels seasonally rise and recede. If available, a six inch layer of wetland topsoil will be spread on the graded area to achieve final grades. Due to the presence of exotic and nuisance species within the potential donor sites (i.e., impact areas), it is not anticipated wetland topsoil will be available for use in the graded areas. An as-built survey of the graded site will be performed to ensure the desired elevations have been obtained. After review and approval of the final grades by SFWMD staff, the area will be planted using the species and planting specifications listed in Table 4. The species selected for planting will depend on market availability at the time the plantings are to occur.

5.5 Northeast Flow-Way Enhancement

At the request of County staff, the hydrology of the Stewart Slough in the northeast preserve area will be enhanced. Hydrologic enhancement will consist of removing exotics, re-grading, and planting approximately 11 acres of wetlands to facilitate the flow

of water from the Alico Road culverts in the northeast portion of the preserve through the slough system to the southwest. The area to be re-graded and planted currently has greater than 75 percent coverage by exotic vegetation. Following exotic removal, these areas will be re-graded to wetland elevations and planted with native herbaceous vegetation consistent with freshwater marsh systems in Southwest Florida. The location of the flow-way enhancement area is shown on Appendix A.

Prior to grading, the limits of grading will be flagged for review and approval by County and SFWMD staff. These areas will be graded to match existing ground elevations in the adjacent wetlands. An as-built survey of the graded site will be performed to ensure the desired elevations have been obtained. After review and approval of the final grades by staff, the areas will be planted using plant species and planting specifications listed in Table 4. Plantings will be selected to replace the type of native herbaceous vegetation that occurs in the adjacent or nearby wetland habitats.

Table 4. Planting List for Wetland Restoration and Creation Areas

Common Name	Scientific Name	Minimum Height	Minimum Container Size	Planting Density (On Center)
Cordgrass	<i>Spartina bakeri</i>	12 in.	4 in.	3 ft.
Gulfdune Paspalum	<i>Paspalum monostachyum</i>	12 in.	4 in.	3 ft.
Blue Maidencane	<i>Amphicarpum muhlenbergianum</i>	12 in.	2 in.	3 ft.
Maidencane	<i>Panicum hemitomon</i>	12 in.	2 in.	3 ft.
Pickernelweed	<i>Pontederia cordata</i>	12 in.	2 in.	3 ft.
Arrowhead	<i>Sagittaria lancifolia</i>	12 in.	2 in.	3 ft.
Spikerush	<i>Eleocharis interstincta</i>	12 in.	2 in.	3 ft.
Sawgrass	<i>Cladium jamaicense</i>	12 in.	2 in.	3 ft.
Alligator Flag	<i>Thalia geniculata</i>	12 in.	2 in.	3 ft.
Giant Bulrush	<i>Scirpus californicus</i>	12 in.	2 in.	3 ft.
Spatter-Dock	<i>Nyphar luteum</i>	24 in.	1 gal.	15 ft.
Waterlily	<i>Nymphaea odorata</i>	24 in.	1 gal.	15 ft.
Floating-hearts	<i>Nymphoides aquatic</i>	24 in.	1 gal.	15 ft.

6.0 MONITORING REPORTS

A monitoring report documenting the initial condition of the conservation areas will be submitted to Lee County Division of Environmental Sciences (DES) staff prior to development order approval. A similar report will be submitted to DES staff for each mitigation phase after the initial exotic removal and restoration activities have been completed and prior to Certificate of Compliance approval. Reports will also include a brief description of anticipated maintenance work to be conducted over the next year.

The results of quantitative vegetation monitoring conducted in the conservation areas, as well as a list of observed wildlife species, will also be included.

The applicant will submit five annual monitoring reports for each mitigation phase describing the conditions of the conservations areas to DES. The monitoring reports will include mortality of vegetation, estimated causes of mortality, growth of the vegetation and other factors that demonstrate the functional health of the conservations areas, and photograph stations. Periodic inspections will be conducted by Lee County DES staff to ensure the accuracy of the monitoring reports.

7.0 PRESERVE SIGNAGE

Signs identifying the preserve as a “nature preserve area” will be installed along the boundary of the preserve. The signage will include language stating, “No dumping allowed.” The signs will be no closer than ten feet from residential property lines, be limited to a maximum height of four feet and a maximum size of two square feet. The approximate locations of the preserve signs are depicted on Appendix A and a typical preserve sign is attached as Appendix B.

8.0 REFERENCES

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

APPENDIX A

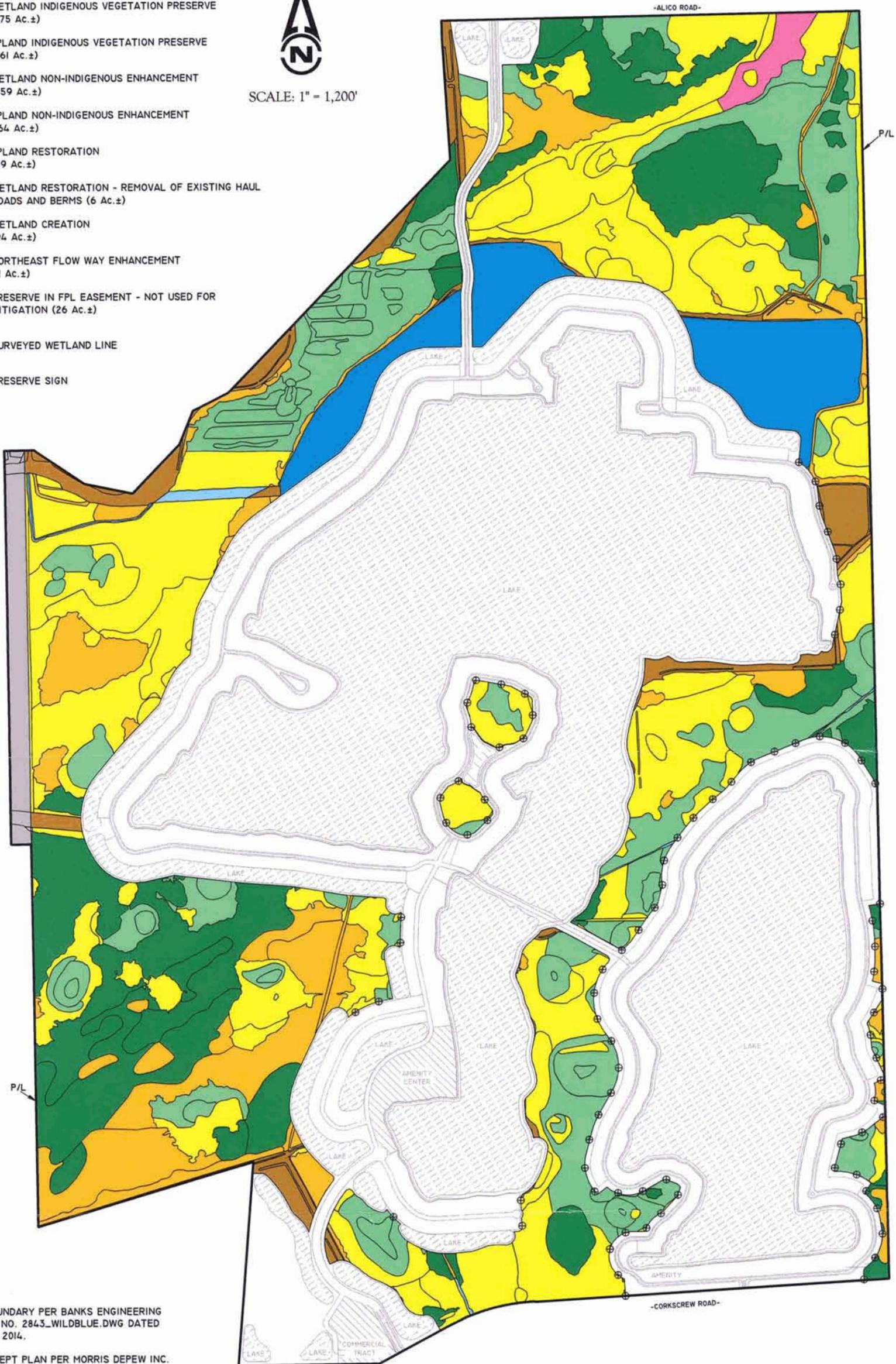
LEE COUNTY INDIGENOUS VEGETATION PLAN

LEGEND:

- WETLAND INDIGENOUS VEGETATION PRESERVE (275 Ac.±)
- UPLAND INDIGENOUS VEGETATION PRESERVE (261 Ac.±)
- WETLAND NON-INDIGENOUS ENHANCEMENT (459 Ac.±)
- UPLAND NON-INDIGENOUS ENHANCEMENT (164 Ac.±)
- UPLAND RESTORATION (59 Ac.±)
- WETLAND RESTORATION - REMOVAL OF EXISTING HAUL ROADS AND BERMS (6 Ac.±)
- WETLAND CREATION (94 Ac.±)
- NORTHEAST FLOW WAY ENHANCEMENT (11 Ac.±)
- PRESERVE IN FPL EASEMENT - NOT USED FOR MITIGATION (26 Ac.±)
- SURVEYED WETLAND LINE
- PRESERVE SIGN



SCALE: 1" = 1,200'



NOTES:

PROPERTY BOUNDARY PER BANKS ENGINEERING INC. DRAWING NO. 2843_WILDBLUE.DWG DATED FEBRUARY 28, 2014.

MASTER CONCEPT PLAN PER MORRIS DEPEW INC. DRAWING NO. 12037 2014-12-17 MASTER CONCEPT PLAN.DWG DATED DECEMBER 17, 2014.

SURVEYED WETLAND LINES PER STOUTENCRAMER, INC. DRAWING NO. ALICO FIELD LOCATION.DWG DATED MAY 20, 2013.

LAKE LIMITS PER STOUTENCRAMER, INC. DRAWING NO. ALICO LAKES-BENCHMARKS.DWG DATED JULY 10, 2013.

J:\2012\12EG2120\INDIGENOUS PRESERVE MANAGEMENT PLAN\APPENDIX A INDIGENOUS PRESERVE MAP 12-18-14.DWG TAB: 11X17-11 DEC 18, 2014 - 11:21AM PLOTTED BY: HOLSEN HARDING

DRAWN BY H.H./F.L.	DATE 3/28/14
REVIEWED BY K.C.P.	DATE 3/28/14
REVISED H.H.	DATE 12/18/14

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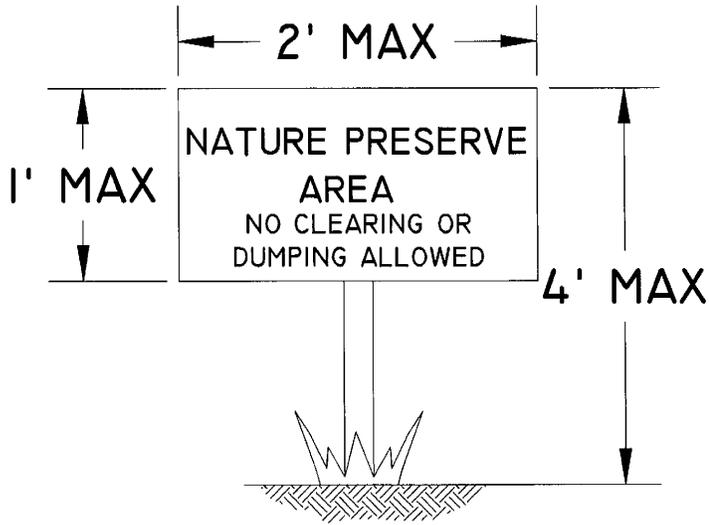
WILDBLUE
LEE COUNTY INDIGENOUS
VEGETATION PLAN

DRAWING No. 12PEG2120
SHEET No. APPENDIX A

APPENDIX B

TYPICAL PRESERVE SIGNAGE

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**TYPICAL
PRESERVE SIGNAGE**
N.T.S.

APPENDIX B. TYPICAL PRESERVE SIGNAGE
WILDBLUE

DRAWN BY	DATE
H.H.	6/2/14
REVIEWED BY	DATE
C.G.R.	6/2/14
REVISED	DATE



**WILDBLUE
PROTECTED SPECIES MANAGEMENT
AND HUMAN-WILDLIFE COEXISTENCE PLAN**

Revised December 2014

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1.0 INTRODUCTION

This report documents the Protected Species Management and Human-Wildlife Coexistence Plan prepared by Passarella & Associates, Inc. (PAI) for WildBlue (Project). The management plan contained in this report pertains to the Eastern indigo snake (*Drymarchon courais couperi*), American alligator (*Alligator mississippiensis*), gopher tortoise (*Gopherus polyphemus*), listed wading birds, Big Cypress fox squirrel (*Sciurus niger avicennia*), Florida black bear (*Ursus americanus floridanus*), and Florida panther (*Puma concolor coryi*).

The Project totals 2,960± acres and is located in Sections 7, 8, 17, 18, 19, and 20; Township 46 South; Range 26 East; Lee County (Appendix A). The Project is bounded by Alico Road to the north and Corkscrew Road to the south. A Florida Power & Light (FPL) transmission line runs along the western boundary. To the west of the FPL transmission line is an inactive mining operation, the Miromar Lakes residential community, and Florida Gulf Coast University. Low density, single-family residences are adjacent to the Project's northeast corner. To the southeast are active mining and undeveloped lands. The property historically supported agricultural and mining operations. The property currently consists of an inactive mine site with lakes, stockpiled material, abandoned farm fields, and undeveloped lands. The undeveloped lands consist of highly disturbed native habitats. These native habitat areas include two slough flow-ways which extend northeast to southwest through the site. The sloughs have been impacted by road crossings, agricultural ditching, catastrophic fires, and exotic vegetation infestation.

2.0 LISTED SPECIES SURVEYS

PAI conducted a Lee County protected species survey (PSS) on the Project site in April and May 2013. The survey was conducted to meet Lee County Land Development Code (LDC) Chapter 10, Article III, Division 8 (Protection of Habitat) standards. Five Lee County protected species were documented during the April and May 2013 survey. The protected species documented included two American alligators, one inactive American alligator nest, 53 gopher tortoise burrows, three little blue herons (*Egretta caerulea*), and sign of the Florida panther and Florida black bear. Squirrel nests were observed during the PSS. However, no Big Cypress fox squirrels were observed utilizing any of the nests nor were any Big Cypress fox squirrels observed on the Project site during the PSS or any other field work (i.e., wetland flagging, Florida Land Use, Cover and Forms Classification System (FLUCFCS) mapping) conducted on-site.

In addition to the PSS, an Everglade snail kite (*Rostrhamus sociabilis plumbeus*) survey was conducted on the Project site in February and March 2013. The survey was conducted according to the guidelines in the Standardized State-Listed Animal Survey procedures for Use in the Review of Southwest Florida Regional Planning Council (SWFRPC) Projects (Beever 2006) to identify nesting territories for the Everglade snail kite. No snail kites or their sign were documented during the survey.

A red-cockaded woodpecker (*Picoides borealis*) (RCW) nesting season foraging survey was conducted on the Project site in May and June 2013, and a non-nesting season foraging survey was conducted in November and December 2013. No RCWs or RCW cavities were documented during the RCW foraging surveys.

Surveys to document utilization of the site by wood storks (*Mycteria americana*) were conducted during the months of February, March and April 2014. One wood stork was observed foraging in a ditch during the survey.

PAI conducted a survey for the Florida bonneted bat (*Eumops floridanus*) in March 2014 using an AnaBat acoustic bat detector. No Florida bonneted bats were documented during the survey.

Table 1 summarizes the listed wildlife species observed during the PSS, Everglade snail kite survey, wood stork survey, and other field work conducted on the Project site.

Table 1. Listed Wildlife Species Observed

Common Name	Scientific Name	Status	
		FWCC	USFWS
Reptiles			
American alligator	<i>Alligator mississippiensis</i>	FT(S/A)	FT(S/A)
Gopher tortoise	<i>Gopherus polyphemus</i>	ST	*
Birds			
Little blue heron	<i>Egretta caerulea</i>	SSC	--
Tri-colored heron	<i>Egretta tricolor</i>	SSC	--
Snowy egret	<i>Egretta thula</i>	SSC	--
White ibis	<i>Eudocimus albus</i>	SSC	--
Wood stork	<i>Mycteria americana</i>	FT	FT
Mammals			
Florida black bear	<i>Ursus americanus floridanus</i>	**	--
Florida panther	<i>Puma concolor coryi</i>	FE	FE

FWCC – Florida Fish and Wildlife Conservation Commission

USFWS – U.S. Fish and Wildlife Service

FE – Federally Endangered

FT(S/A) – Federally Threatened Due to Similarity of Appearance

SSC – Species of Special Concern

ST – State Threatened

* The gopher tortoise is currently listed as a candidate species by the USFWS.

** No longer listed by the FWCC; however, certain protection measures still apply.

3.0 CONSERVATION AREAS

The Project’s conservation areas will be maintained in accordance with the Wetland Mitigation/Monitoring/Maintenance Plan (to be approved as part of South Florida Water

Management District (SFWMD) Environmental Resource Permit (ERP) Application No. 140516-10). The conservation areas will be managed to provide habitat for listed species. An aerial showing the locations of the conservations areas is provided as Appendix B.

The Project has been designed to minimize impacts to the listed species that have been identified on the property and other listed wildlife species that could potentially utilize the site. The site plan minimizes impacts to the higher quality wetlands and ecologically important sloughs, and limits impacts to the lower quality, exotic infested wetlands. Since the site plan was designed to avoid impacts to the sloughs, the development areas are generally located on the lake edges. Public-owned conservation lands exist to the northeast, east, south and west of the Project site. The Project's on-site preserve areas provide habitat connectivity to these conservation lands which include Corkscrew Regional Ecosystem Watershed lands.

The Project's conservation areas total 1,329± acres, which will be comprised of 845± acres of wetlands and 484± acres of uplands following the completion of the mitigation activities. The wetland habitats consist mostly of hydric pine, pine/cypress, and cypress habitats, with mixed wetland forest, wetland shrub, wet prairie, and marsh communities to a lesser extent. The upland habitats consist of pine flatwoods, palmetto prairie, and mixed hardwood-conifer habitats. The preserve areas will be managed for listed species based on habitat type, and current listed species utilization. Target listed species include the American alligator, gopher tortoise, state-listed wading birds, wood stork, Florida black bear, and Florida panther.

The conservation areas will be placed in a conservation easement or other equivalent deed restriction with inspection, enforcement, and approval rights granted to the SFWMD and the U.S. Army Corps of Engineers. The total preserve area to be placed under conservation easement is 1,329± acres.

4.0 WILDLIFE CROSSING

In order to maintain connectivity of the northern and southern sloughs as wildlife corridors, a total of three wildlife crossings will be installed in the following areas: 1) where the north-south entrance road off of Alico Road bisects the northern slough; 2) where an internal road that connects the southeast lake to the larger Project area crosses the southern slough; and 3) where the entrance road off of Corkscrew Road crosses the corridor connecting the western preserve to Lee County's proposed Corkscrew Road wildlife crossing. An aerial depicting the proposed locations of the wildlife crossings is provided as Appendix B.

The wildlife crossings will be box culverts measuring eight feet high by ten feet wide to accommodate use by large mammals, as well as the passage of small and medium mammals, amphibians, and reptiles. The invert of the wildlife crossings will be at natural grade and the bottom of the box culverts will be buried in and covered with natural soils that mimic the surrounding substrate.

5.0 PERIMETER LAKE BUFFER AND FENCING

The Project site design includes a perimeter lake buffer between the majority of the residential development located around the central lake. The goal of this lake buffer is to limit the potential for large mammal access to the residential area.

Where a lake buffer is not feasible between development and the preserve area, wildlife fencing will be utilized. The wildlife fencing will consist of eight foot chain link fence. The locations of the proposed lake buffer and fencing are depicted on Appendix B.

6.0 EASTERN INDIGO SNAKE MANAGEMENT PLAN

The Eastern indigo snake has not been observed on-site; however, the following plan outlines the protection guidelines that will be implemented for the Eastern indigo snake during clearing operations for the Project. The plan provides educational material and guidelines for construction personnel to follow in case they encounter an Eastern indigo snake. The plan has been prepared following the guidelines established by the U.S. Fish and Wildlife Service (USFWS) for the protection of the Eastern indigo snake.

6.1 Biology

The Eastern indigo is a large, non-poisonous, glossy black snake with smooth iridescent scales. The chin and throat may be rusty or white-blotched. The juvenile snakes are similar to the adults, but may be lighter and exhibit a blotched dorsal pattern. Adults can grow to lengths over eight feet. The Eastern indigo might be confused with the black racer (*Coluber constrictor*), but the black racer exhibits a white or brown throat and is smaller and lighter in build.

The Eastern indigo snake inhabits a range of habitat types including pine flatwoods and wet prairies. Individuals are wide ranging and may utilize an area of 250 acres or more. Eastern indigo snakes are known to shelter in gopher tortoise burrows. The Eastern indigo snake is diurnal (active only during the daytime) and will actively search for prey. Prey may include frogs, snakes, birds, and small mammals. Very little is known of the reproduction of this species in the wild. Breeding is believed to occur during the winter and early spring months with up to 11 large white eggs being deposited in late spring and early summer.

The Eastern indigo snake is a federally threatened species and is listed by the Endangered Species Act (Act). It is unlawful for anyone to injure, harm, harass, or kill this species. Persons who knowingly violate provisions of the Act, that afford this species protection, may be subject to fine and/or imprisonment. Only the Project's qualified biologists may come in contact with or relocate an Eastern indigo snake.

6.2 Habitat Management Plan

The preserve areas will be maintained per the Wetland Mitigation/Monitoring/Maintenance Plan (to be approved as part of SFWMD ERP Application No. 140516-10), and will provide habitat for the Eastern indigo snake.

7.0 AMERICAN ALLIGATOR MANAGEMENT PLAN

The following plan outlines the protection guidelines that will be implemented for the American alligator during and after construction of the Project. The plan identifies the procedures taken, such as the use of signage to avoid feeding or harassing of American alligators located on the property. The American alligator is listed as a Federally-Designated Threatened species (by similarity of appearance) by the State of Florida. Only representatives of the Florida Fish and Wildlife Conservation Commission (FWCC) are empowered to handle nuisance alligators. The plan has been prepared following the guidelines established by Lee County for the protection of the American alligator and per Lee County LDC Section 10-474.

7.1 Biology

The American alligator is a reptile with an elongated, armored, lizard-like body with a muscular flat tail. Adult alligators are dark with a pale underside while juveniles have bright yellow stripes and blotches. The average size for adults is 8.2 feet for females and 11.2 feet for males. The body weight can reach up to one-half ton.

American alligators inhabit all counties in the state of Florida and are most common in the major river drainage basins and large lakes in the central and southern portions of the state. They also can be found in marshes, swamps, ponds, drainage canals, phosphate-mine settling ponds, and ditches. Alligators are tolerant of poor water-quality and occasionally inhabit brackish marshes along the coast. A few even venture into salt water. Individuals are wide ranging and some males may utilize an area of two square miles or more. Individuals of both sexes are most likely to become more active and extend their ranges during the April to May courtship and breeding season. Prey may include frogs, snakes, birds, and small mammals, although alligators are opportunistic feeders and may prey on what is readily available. Larger individuals often prefer carrion to fresh meat.

7.2 Habitat Management Plan

Extensive, high quality American alligator habitat will be provided throughout the property through wetland preservation, enhancement, restoration, and creation. Following the completion of the mitigation program, the conservation areas will consist of 845± acres of wetlands that will serve as potential foraging and nesting habitats. Invasive exotic removal will result in wetland preserves that are more suitable as habitat, and provide suitable habitat for American alligator prey species. The preserve areas will be maintained per the Wetland

Mitigation/Monitoring/Maintenance Plan (to be approved as part of SFWMD ERP Application No. 140516-10).

8.0 GOPHER TORTOISE MANAGEMENT PLAN

The goal of the management plan is to relocate existing gopher tortoises from the development area and maintain suitable gopher tortoise habitat within the on-site conservation areas. This will be accomplished through pre-construction surveys, excavation of burrows and relocation of tortoises from the development area, and the preservation and enhancement of existing upland habitat in the conservation areas. The FWCC Gopher Tortoise Permitting Guidelines will be followed. If the on-site conservation areas meet the FWCC guidelines, tortoises will be relocated on-site. If the on-site conservation areas do not meet FWCC guidelines, then tortoises will be relocated to an FWCC-approved off-site location. Long-term management of the conservation areas will be implemented to ensure that the exotic vegetation does not reinvade the preserves and the gopher tortoise foraging and burrowing habitat is maintained.

8.1 Biology

The gopher tortoise is a large, terrestrial turtle averaging 23 to 28 centimeters (9 to 11 inches) in shell length. Maximum length is around 38 centimeters (15 inches). The gopher tortoise is characterized by stumpy, elephantine hind feet and flattened, shovel-like forelimbs adapted for digging. The tan, brown, or gray carapace (top portion of the shell) is domed and oblong. The plastron (bottom portion of the shell) is somewhat concave in males. Growth annuli may be conspicuous, particularly in juveniles. Hatchlings are approximately 4.4 centimeters (1.7 inches) in length and are yellowish-orange in color.

The gopher tortoise occurs in the Southeastern Coastal Plain of the United States from Eastern Louisiana to Southeastern South Carolina and throughout Florida. In Florida, gopher tortoises occur in portions of all 67 counties. Gopher tortoises inhabit a wide variety of upland vegetative communities. Three environmental conditions are especially important for gopher tortoises: well-drained, sandy soil in which to burrow; adequate low-growing herbaceous ground cover for food; and relatively open sunlit areas for nesting. The gopher tortoise is primarily associated with longleaf pine-scrub oak woodlands (sandhills), but it is also found in sand pine scrub, coastal strands, live oak hammocks, dry prairies, pine flatwoods, and mixed hardwood-pine communities. Disturbed habitats, such as roadsides, fencerows, clearings, and old fields often support relatively high tortoise densities.

Gopher tortoises excavate burrows averaging 4.5 meters (14.8 feet) in length and 2 meters (6.6 feet) in depth and wide enough to allow them to turn around at any point. These burrows provide protection from temperature extremes, desiccation, and predators; and serve as refuges for a variety of other animals. The placement and depth of burrows vary with the soil type, geographic location, and ground water levels. An individual tortoise may use more than one burrow and may excavate new burrows at any time during its life.

Gopher tortoise densities and movements are affected by the amount of herbaceous ground cover present. Generally, feeding activity is confined to within 50 meters (164 feet) of the burrow. Principal foods include grasses, legumes, and grasslike plants of the sedge and aster families. Legumes appear to be particularly important in the diet of juveniles. Fruits such as blackberries, pawpaws, gopher apples, and saw palmetto berries are also consumed.

8.2 Pre-Site Development

The applicant will adhere to the FWCC Gopher Tortoise Permitting Guidelines. Prior to site clearing activities, a Conservation Permit will be obtained from the FWCC for the relocation of gopher tortoises that may be located within the development area. All potentially occupied burrows will be excavated within the limits of construction for the Project. Removal of the vegetation and heavier overburden material will be removed by a backhoe. The finer digging around the burrow will be done by hand with a shovel. All excavation activities will be overseen by a FWCC Authorized Gopher Tortoise Agent.

Gopher tortoises and their commensals will be relocated to the on-site conservation areas or to an FWCC-approved off-site location. If the tortoises are to be relocated on-site, the applicant will obtain a permit from the FWCC authorizing the on-site conservation area as an acceptable relocation area.

Prior to site clearing, silt fencing will be installed around the perimeter of the conservation areas and inspected by SFWMD staff. This temporary fencing will remain in place until adjacent construction activities are complete and will prevent gopher tortoises from entering the construction areas.

8.3 Habitat Management Plan

Uplands within the conservation areas will be maintained to enhance gopher tortoise habitat. Exotic vegetation throughout the preserve area, including the upland habitats, will be removed and/or treated with herbicide, and exotic maintenance will be conducted in perpetuity. In addition, controlled burns of the preserve areas will be conducted in accordance with Section 13.0. Also, selective falling of mid-story hardwood trees may also be implemented at any time within the conservation areas to stimulate the growth of herbaceous ground cover vegetation.

To help deter tortoises from entering the residential yards, the Project's design includes a combination of lake buffers and wildlife fencing as described in Section 5.0.

9.0 WOOD STORK AND WADING BIRD MANAGEMENT PLAN

The following habitat management plan has been prepared for the purpose of addressing the conservation of potential wading bird habitat on the Project. Three little blue herons were observed during the PSS, and it is anticipated that wading birds such as the wood stork, snowy egret (*Egretta thula*), tri-colored heron (*Egretta tricolor*), white ibis (*Eudocimus*

albus), limpkin (*Aramus guarauna*), roseate spoonbill (*Ajaia ajaja*), and Florida sandhill crane (*Grus canadensis pratensis*) may utilize the wetlands on the property.

9.1 Habitat Management Plan

The Project site includes two sloughs that bisect the site from northeast to southwest. Extensive foraging areas will be provided through the preservation of these sloughs and through the enhancement, restoration and creation of wetlands on-site. Enhancement of the existing wetlands in the conservation areas through the removal of invasive exotic plants and the installation of supplemental plantings will result in habitats that are more suitable for wading bird foraging and roosting. In addition to exotic removal and plantings, the Project's wetland mitigation plan proposes the restoration and creation of wetlands from 6± acres of haul roads and other disturbed lands, and 94± acres of farm fields, berms and ditches will within the conservation areas. The grading plan for wetland restoration and creation areas includes the establishment of wading bird foraging habitat. These areas will be graded to varying depths to allow the concentration of prey for wading birds at alternating times of the year as water levels seasonally rise and recede.

In addition, littoral planting areas will be constructed along lake edges and will provide additional foraging habitat for protected wading birds. Lighting from the development portions of the Project will not directly illuminate the preserve habitats to ensure against disturbance.

10.0 BIG CYPRESS FOX SQUIRREL MANAGEMENT PLAN

The following habitat management plan has been prepared for the purpose of addressing the conservation of Big Cypress fox squirrel habitat on the Project and outlines the protection guidelines that will be implemented for the Big Cypress fox squirrel prior to, during, and after construction of the Project. The Big Cypress fox squirrel is listed as threatened by the FWCC. There is no federal listing for the Big Cypress fox squirrel in Florida.

10.1 Biology

The Big Cypress fox squirrel lives and breeds in varied habitats in Southwest Florida including cypress swamps, pine flatwoods, tropical hardwood forests, live oak woods, mangrove forests, and suburban habitats, including golf courses, city parks, and residential areas in native vegetation (Humphrey 1992). Dense cypress/hardwood swamps are avoided. This may be due to the competition for food and habitat with the gray squirrel (*Sciurus carolinensis*). Little data is available on the preferred forage habitat of the Big Cypress fox squirrel. Big Cypress fox squirrels prefer to feed on the male and female cones of slash pine. Cabbage palm fruits, bromeliad buds, and acorns are also important food items. A smaller percentage of the diet may consist of seasonal fruits, berries, and seeds (Humphrey 1992).

Big Cypress fox squirrels often form platform nests in pines, hardwoods, and moss and stick nests in cypress (*Taxodium distichum*), tops of cabbage palms (*Sabal palmetto*), and large

clumps of bromeliads. Cabbage palms and bromeliads are especially important because they can provide immediate shelter, which allows the squirrel to travel over large areas without requiring a daily return to a permanent nesting facility (Humphrey 1992).

Big Cypress fox squirrels are solitary animals. Interaction between animals occurs primarily during mating season. Mating chases occur frequently throughout the months of May through August. During the non-mating season, interactions are infrequent and often occur around food sources. Young remain in the nest for approximately 90 days. Home ranges are 40 hectares or approximately 100 acres for males and 20 hectares or approximately 50 acres for females (Humphrey 1992).

10.2 Pre-Construction Surveys

Although no Big Cypress fox squirrels or verified nests were documented during the PSS conducted in April and May 2013, there is the potential for Big Cypress fox squirrels to utilize the site. As such, a qualified ecologist will be on-site to supervise Big Cypress fox squirrel management and monitoring activities as detailed in this plan. Prior to commencement of construction activities, the preserve areas will be staked in the field and clearly identified with orange silt fencing or an equivalent barrier. The fencing will be inspected by the preserve manager prior to clearing activities. The operation and storage of construction equipment and the stockpiling of fill and construction material will be prohibited within the fenced preserve areas. The fencing identifying the limits of the preserves will be maintained for the duration of construction activities.

Also, prior to commencement of clearing activities, a survey will be conducted in areas to be cleared to identify potential Big Cypress fox squirrel nests. If potential nests are identified within the clearing limits, observations will be conducted to determine if the nests are being utilized by Big Cypress fox squirrels. The FWCC will be notified of nests determined to be utilized by Big Cypress fox squirrels.

No clearing will be conducted within 125 feet of an active Big Cypress fox squirrel nest tree. After completion of nesting and observations document that juvenile squirrels have left the nest, a written request to remove the nest shall be made to the FWCC. After receipt of the written authorization from the FWCC, the nest tree and buffer can then be cleared.

10.3 Habitat Management Plan

The preserve areas will be enhanced and managed per the Wetland Mitigation/Monitoring/Maintenance Plan (to be approved as part of SFWMD ERP Application No. 140516-10), and will provide foraging and nesting habitats for Big Cypress fox squirrels.

11.0 FLORIDA BLACK BEAR MANAGEMENT PLAN

The following habitat management plan has been prepared for the purpose of addressing the conservation of Florida black bear habitat on the Project site. The Florida black bear is not listed by the FWCC or the USFWS. However, the FWCC and the Lee County LDC have

specific management activities for this species.

11.1 Biology

The Florida black bear is a solitary animal that inhabits heavily wooded terrain. They are most often found in large tracts of swamp forest and undisturbed upland forest. Some of the most important habitat types for the black bear include pine flatwoods, hardwood swamps, cypress swamps, cabbage palm forests, sand pine scrub, and mixed hardwood hammocks. Denning often occurs in remote swamps or thickets with dense vegetation. Adult females breed in alternating years during the months of June and July. In Florida, hibernation may be restricted to females producing cubs. Hibernation most often occurs during the winter months. The diet of black bears is highly variable and includes both plants and animals including saw palmetto (*Serenoa repens*), berries, honeybees, ants, armadillo (*Dasypus novemcinctus*), feral hog (*Sus scrofa*), and white-tailed deer (*Odocoileus virginianus*) (Humphrey 1992).

11.2 Habitat Management Plan

Habitat within the Project's conservation areas will be managed for the Florida black bear through the enhancement, restoration, and preservation of uplands and wetlands to provide quality habitat and wildlife corridors for the Florida black bear and associated prey species. Enhancement activities will provide higher quality habitat for the Florida black bear than exist in the currently degraded condition. Public-owned conservation lands exist to the northeast, east, south and west of the Project site. The Project's on-site preserve areas provide habitat connectivity to these conservation lands which include Corkscrew Regional Ecosystem Watershed lands through preservation of the natural slough systems and associated upland habitats on-site. The southern end of the Project's conservation area lines up with Lee County's proposed location for the Corkscrew Road wildlife underpass as shown on Appendix B.

In order to deter the potential for interactions between humans and large mammals, such as the Florida black bear, a lake buffer will be constructed between the conservation areas and residential development on the central lake to deter large mammals from accessing the Project area. Where a lake buffer is not feasible, fencing will be used between development and conservation areas. To provide connectivity of the preserve areas, wildlife crossings will be installed where roads bisect the preserve area. The wildlife crossings will be sized for large mammals as well as small to medium mammals, reptiles, and amphibians. The proposed locations of the wildlife crossings and fencing are depicted on Appendix B.

In addition to habitat enhancement and buffering, lighting from the development portions of the Project will not directly illuminate the preserve habitats to avoid disturbance.

12.0 FLORIDA PANTHER MANAGEMENT PLAN

The following habitat management plan has been prepared for the purpose of addressing the

conservation of Florida panther habitat on the Project site. The Florida panther is listed as endangered by the FWCC and the USFWS.

12.1 Biology

The Florida panther is a large, long-tailed cat with a great deal of color variation: pale brown or rusty upper parts; dull white or buff-colored under parts; and dark brown or blackish tail tip, back of ears, and sides of nose. Mature males have an average weight range between 100 to 150 pounds and measure nearly seven feet from nose to tip of tail. Females are considerably smaller with a weight range of 50 to 100 pounds and measuring about six feet (USFWS 1987). Panthers subsist on a variety of mammalian prey dominated by white-tailed deer, feral hog, and in some areas raccoon (*Procyon lotor*) (Maehr 1988a). Existing data on Florida panther reproduction indicates that breeding occurs throughout the year with a peak in the winter/spring period, a gestation period of around 90 to 95 days, litter sizes of one to four kittens, and a breeding cycle of two years for females successfully raising young to dispersal (which occurs around 18 to 24 months) (Belden 1988, Maehr 1988b).

In terms of population size and occupied range, the Florida panther population is at least stable and at best expanding as evidenced by natality rates exceeding mortality rates and by recent dispersals north of the Caloosahatchee River (Land *et al.* 2000). According to Maehr *et al.* (1991), home ranges average 200 square miles for resident adult males, 75 square miles for adult females, 241 square miles for transient males, and 69 square miles for sub-adult females. Florida panthers inhabit large remote tracts of land with adequate prey and cover and occupy a variety of habitat types including hardwood hammocks, pine flatwoods, mixed hardwood swamps, and cypress swamps. Appropriate cover is an important component of habitats used, especially during hunting, denning, and day-bedding. Recent information based on global positioning system (GPS) telemetry data collected during nocturnal and diurnal periods indicate that forests are the habitats selected by panthers (Land *et al.* 2008).

12.2 Habitat Management Plan

Habitat within the Project's conservation areas will be managed for the Florida panther through the enhancement, restoration, and preservation of uplands and wetlands to provide quality habitat and wildlife corridors for the Florida panther and associated prey species. Enhancement activities will provide higher quality habitat for the Florida panther than exist in the currently degraded condition. Public-owned conservation lands exist to the northeast, east, south and west of the Project site. The Project's on-site preserve areas provide habitat connectivity to these conservation lands which include Corkscrew Regional Ecosystem Watershed lands through preservation of the natural slough systems and associated upland habitats on-site. The southern end of the Project's conservation area lines up with Lee County's proposed location for the Corkscrew Road wildlife underpass as shown on Appendix B.

In order to deter the potential for interactions between humans and large mammals, such as the Florida panther, a lake buffer will be constructed between the conservation areas and residential development on the central lake to deter large mammals from accessing the

Project area. Where a lake buffer is not feasible, fencing will be used between development and conservation areas. To provide connectivity of the preserve areas, wildlife crossings will be installed where roads bisect the preserve area. The wildlife crossings will be sized for large mammals as well as small to medium mammals, reptiles, and amphibians. The proposed locations of the wildlife crossings and fencing are depicted on Appendix B.

In addition to habitat enhancement and buffering, lighting from the development portions of the Project will not directly illuminate the preserve habitats to avoid disturbance.

13.0 PRESCRIBED FIRE

Prescribed burning will be used as a management tool to maintain the native vegetation communities within the conservation areas. Prescribed burns help maintain vegetative communities in their natural state, reduce fuel loads and the danger of wildfire, aid with the eradication and control of exotic and nuisance vegetation species, and improve wildlife habitat. The objectives of prescribed burning in the conservation areas will be to aid in the control of exotic vegetation and woody shrubs (i.e., wax myrtle (*Myrica cerifera*) and saltbush (*Baccharis halimifolia*)), and to stimulate the growth and diversity of herbaceous vegetation.

The burning frequency for the conservation areas will be two to four years, which is consistent with the natural fire regime for mesic flatwoods, wet flatwoods, and wet prairies described by Florida Natural Areas Inventory (FNAI) in the *Guide to the Natural Communities of Florida* (FNAI 2010). The edges of the Project's freshwater marshes and cypress forests will be burned when the fire moves through the adjacent pine and prairie habitats. The fire will be allowed to extinguish naturally within the wetter cypress and marsh habitats.

Prescribed burning is typically conducted during the winter or early spring when temperatures are reduced and wind direction is more constant. The initial burn is anticipated to occur during the late winter. Winter burns are preferred to reduce high fuel loads. Following the initial burn, the season of the year of prescribed burn will vary from late winter burns to early wet season burns in order to increase biodiversity within the site. Changes in annual weather cycles determine when burn permits will be available and burns may be conducted only on the day(s) of Florida Forest Service permission.

Required permits from the appropriate regulatory authorities will be obtained prior to implementation of prescribed burns. Prior to the prescribed burn, the burn prescription will be forwarded to SFWMD compliance staff. Appendix C provides further information regarding prescribed burning.

14.0 HUMAN-WILDLIFE COEXISTENCE PLAN

The following Human-Wildlife Coexistence Plan will be incorporated into the WildBlue homeowners association (HOA) documents.

14.1 Eastern Indigo Snake Human-Wildlife Coexistence Plan

The USFWS's Standard Protection Measures for the Eastern Indigo Snake (August 2013) will be followed prior to and during construction activities. The Standard Protection Measures include the placement of posters at strategic locations on the construction site and along proposed access roads clearly visible to construction staff. The posters include a description and photograph of the Eastern indigo snake, its protection status, and instructions in the event that one is observed. In addition, informational brochures will be provided to all construction staff. The USFWS's Standard Protection Measures, including the poster and brochure can be found at <http://www.fws.gov/verobeach/listedspeciesreptiles.html>. A copy of the brochure is provided in Appendix D.

14.2 American Alligator Human-Wildlife Coexistence Plan

Signs will be posted on the subject property to instruct on-site workers and homeowners not to feed or harass the American alligator. The signs will indicate that the offense is punishable by law. The typical signage is provided as Appendix E.

The FWCC educational brochure entitled "A Guide to Living with Alligators" (Appendix F) will be provided to homeowners and maintenance staff. The brochure can be found at http://myfwc.com/media/152524/Alligator_Brochure.pdf.

Construction personnel and homeowners will be instructed that in the event there is a problem with a persistent nuisance alligator, they will need to contact the FWCC, as that is the only agency empowered to handle nuisance alligators.

14.3 Gopher Tortoise Human-Wildlife Coexistence Plan

The FWCC educational brochure entitled "A guide to living with gopher tortoises" (Appendix G) will be provided to homeowners and maintenance staff. The brochure can be found at http://myfwc.com/media/1329739/GopherTortoise_LivingWithBrochure.pdf.

14.4 Wading Bird Human-Wildlife Coexistence Plan

A brochure prepared by PAI entitled "Wading Bird Informational Pamphlet" (Appendix H) will be provided to homeowners and maintenance staff. The brochure provides wading bird information and methods to prevent human-wading bird interactions. In addition, the brochure informs residents of the need to avoid disturbance around nesting colonies should a colony be identified on the property in the future.

14.5 Big Cypress Fox Squirrel Human-Wildlife Coexistence Plan

Problematic encounters between future residents and Big Cypress fox squirrels are not anticipated. Restricted resident access to the preserves through signage, as well as the typical nest location high within the tree canopy, will ensure against disturbance to fox squirrel nests.

14.6 Florida Black Bear Human-Wildlife Coexistence Plan

The FWCC educational brochure entitled “A guide to living in bear country” (Appendix I) will be provided to homeowners and maintenance staff. This brochure may be found at <http://myfwc.com/wildlifehabitats/managed/bear/brochures/>.

In addition, bear-resistant dumpsters will be used in areas where communal garbage is collected. A list of companies obtained from the FWCC that provide bear-resistant garbage containers for commercial and residential use is provided as Appendix J. Bear resistant receptacles will be required for each residential unit. Please note that Lee County Ordinance No. 11-27 requires individual trash receptacles for residential units of 40 gallons or less in size. In consultation with the local waste disposal company, bear-resistant dumpsters will be purchased from one of the listed companies or another company that is able to provide bear-resistant dumpsters which are compatible with local equipment.

Units that have curbside garbage service will be required to place garbage containers curbside no earlier than the morning of the days of garbage pickup and garbage containers will be returned to their permitted location no later than the evening of the days of garbage pickup. For units with curbside garbage service, all garbage, trash refuse or rubbish will be required to be placed in appropriate garbage containers and stored inside an enclosed area except for the days when there is curbside garbage pickup service. For units without curbside garbage service, all garbage, trash refuse or rubbish will be placed in bear-resistant dumpsters with the lid closed and secured.

14.7 Florida Panther Human-Wildlife Coexistence Plan

The educational brochure entitled “A guide to living with Florida Panthers” (Appendix K), prepared by the FWCC and the USFWS, will be provided to homeowners and maintenance staff. This brochure provides safety tips and instructions for panther encounters. The brochure may be found on the FWCC website located at <http://myfwc.com/conservation/you- conserve/wildlife/panthers/>.

15.0 PRESERVE SIGNAGE

Signage shall be placed around preserve areas to identify and protect the preserves during construction. The signs shall be no closer than ten feet from residential property lines, be limited to a maximum height of four feet and a maximum size of two square feet, and otherwise comply with Section 5.06.00 of the LDC. Signs identifying the preserve as a

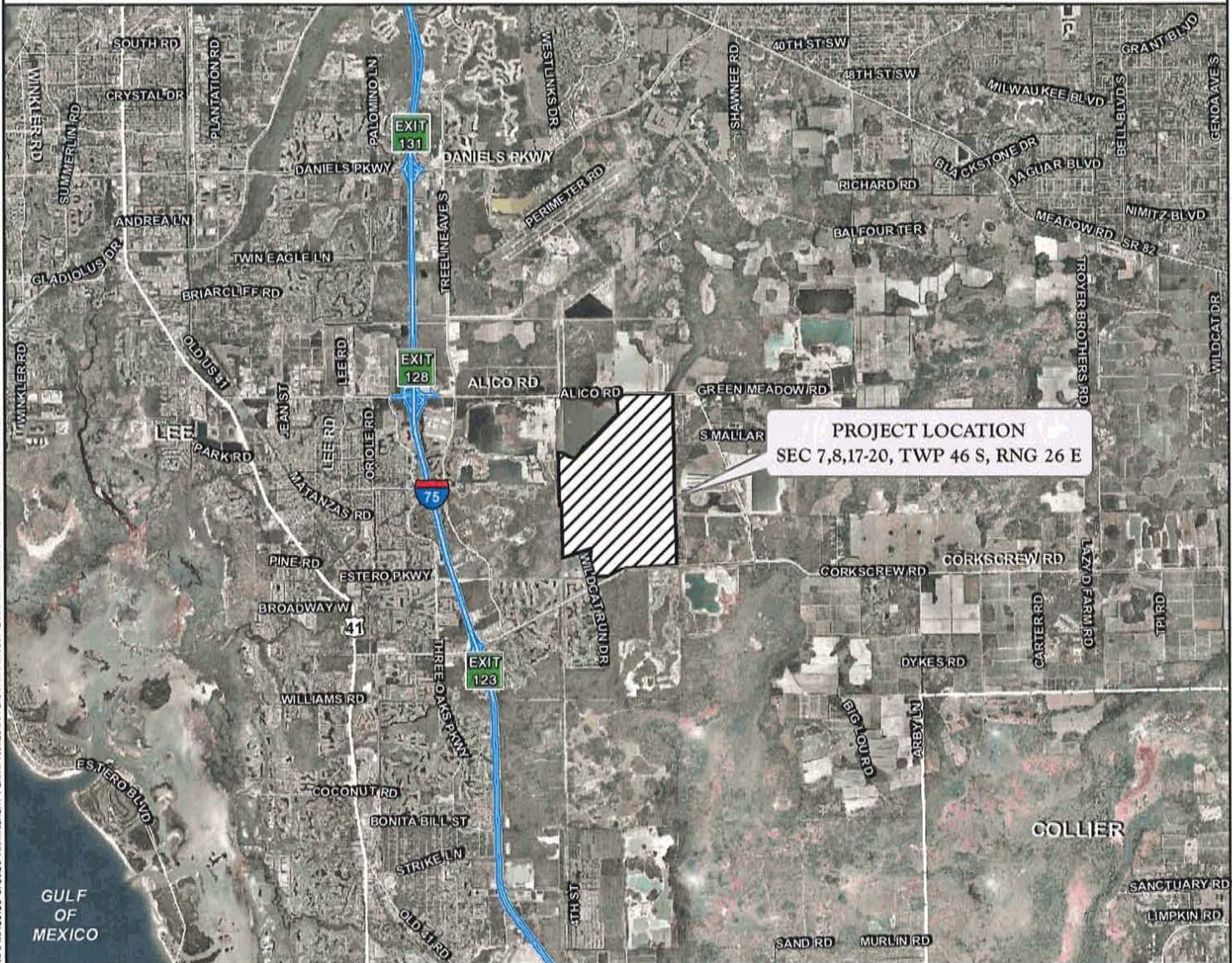
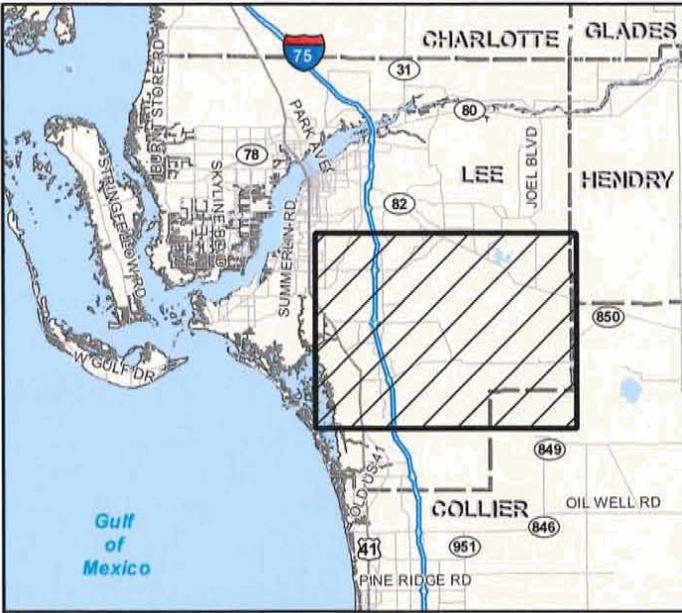
“nature preserve area” will be installed along the boundary of the preserve. The signage should include language stating, “No dumping allowed.” A typical preserve sign is attached as Appendix E.

16.0 REFERENCES

- Beever, J. W. III. 2006. Standardized State-Listed Animal Survey Procedures For Use in the Review of SWFRPC Projects. First Edition.
- Belden, R.C. 1988. The Florida Panther. Pages 514-532 *in* W.J. Chandler (ed) Audubon Wildlife Report. 1988/1989. The National Audubon Society, New York. 817 pages.
- Florida Natural Areas Inventory. 2010. Guide to the natural communities of Florida: 2010 edition. Florida Natural Areas Inventory, Tallahassee, Florida.
- Humphrey, Stephen R. et al. 1992. Rare and Endangered Biota of Florida; Volume I. Mammals. University Press of Florida, Gainesville, FL. 392 pages.
- Land, E.D., M. Lotz, D. Shindle, and S.K. Taylor. 2000. Florida panther genetic restoration and management. Annual report, Study Number 7508. Florida Fish and Wildlife Conservation Commission, Tallahassee, Florida.
- Land E.D., D.B. Shindle, R. J. Kawula, J.F. Benson, M.A. Lotz, D.P. Onorato. 2008. Florida panther habitat selection analysis of concurrent GPS and VHF telemetry data. *Journal of Wildlife Management*: Volume 72, No. 3 pp. 633–639.
- Maehr, D.S. 1988*a*. Florida Panther Movements, Social Organization and Habitat Utilization. Annual Performance Report, 7/1/87-6/30/88, Study No. E-1-12 II-E-2 7502, Florida Game and Fresh Water Fish Commission. 19 pages.
- Maehr, D.S. 1988*b*. Florida Panther Food Habits and Energetics. Annual Performance Report, 7/1/87-6/30/88, Study No. E-1-12 II-E-3 7503, Florida Game and Fresh Water Fish Commission. 4 pages.
- Maehr, D.S., E.D. Land, and J.C. Roof. 1991. Social Ecology of Florida Panthers. *National Geographic Research & Exploration*, 7(4): 414-431.

U.S. Fish and Wildlife Service. 1987. Florida Panther Recovery Plan. Prepared by the Florida Panther Interagency Committee for the U.S. Fish and Wildlife Service, Atlanta, Georgia. 75 pages.

APPENDIX A
PROJECT LOCATION MAP



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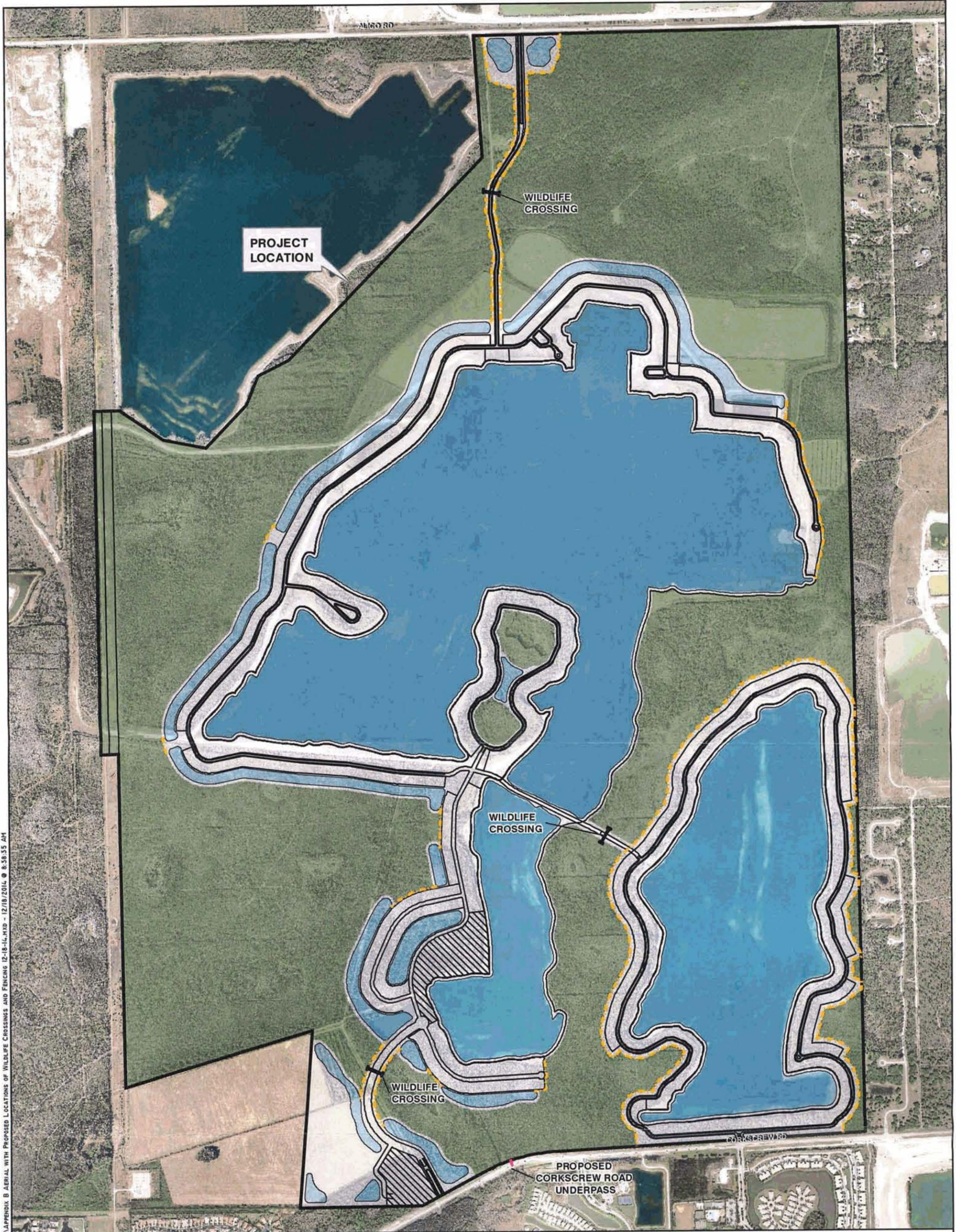
**APPENDIX A. PROJECT LOCATION MAP
WILDBLUE**

DRAWN BY	DATE
H.H.	6/2/14
REVIEWED BY	DATE
C.G.R.	6/2/14
REVISED	DATE



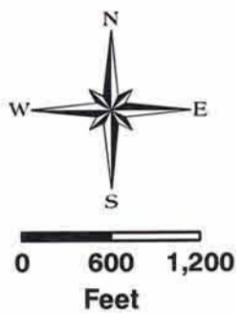
APPENDIX B

AERIAL WITH PROPOSED WILDLIFE CROSSING AND FENCING



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LEGEND	
	WildBlue
	PRESERVE AREAS
	DEVELOPMENT
	LAKES
	WILDLIFE CROSSING
	FENCING
	CORKSCREW ROAD UNDERPASS



NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF JANUARY THROUGH MARCH 2014.

PROPERTY BOUNDARY PER STANTEC, INC. DRAWING NO. ALICO_EAST_SURVEY_SOUTH_PARCEL_215610978. DWG DATED JULY 2, 2012.

MASTER CONCEPT PLAN PER MORRIS DEPEW INC. DRAWING NO. 12037 2014-12-17 MASTER CONCEPT PLAN.DWG DATED DECEMBER 17, 2014.

DRAWN BY	DATE
H.H.	6/2/14
REVIEWED BY	DATE
C.G.R.	6/2/14
REVISED	DATE
H.H.	12/17/14

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



WILDBLUE
AERIAL WITH PROPOSED
WILDLIFE CROSSING
AND FENCING

DRAWING No.	12PEG2120
SHEET No.	APPENDIX B

APPENDIX C
PRESCRIBED BURNING INFORMATION

Florida Landowner Assistance Program

Practice Standard - Prescribed Burning



Definition

The controlled application of fire in accordance with a written prescription for vegetative fuels under specified environmental conditions while following appropriate precautionary measures that insure that the fire is contained to a predetermined area to improve habitat for resident and migratory wildlife species.

Purposes

This practice may be applied as part of a conservation management system to support one or more of the following purposes:

- To improve habitat for various wildlife species, including imperiled species.
- To control invasive and/or exotic vegetation.
- To control plant diseases affecting native vegetation.
- To reduce wildfire hazards.
- To enhance native ground cover plants and seed production.
- To restore and maintain fire dependent ecological sites.

Conditions Where Practice Applies

This practice may be applied on any private land, where deemed needed, to improve overall wildlife habitat conditions.

Criteria

I. General Criteria Applicable to All Purposes

The method(s) of prescribed burning to improve wildlife habitat structure and composition shall be determined by the assigned biologist conducting the Needs Assessment. Application of the prescribed treatment will be based on the GIS analysis, site examination, and local wildlife species present. The landowner shall obtain all necessary burn authorizations and/or permits before implementation of the practice. Planning and application shall comply with all Federal, State, and local laws, rules, and regulations. The procedure, equipment, and number of trained personnel shall be adequate to accomplish the intended purposes as stated in the burn plan. The expected weather conditions, human and vehicular traffic that may be impeded by heat or smoke, liability, and safety and health precautions shall be integrated into the timing, location and expected intensity of the burn. Timing of burning will be commensurate with soil and site conditions to maintain site productivity and minimize effects on soil erosion and soil properties. Firebreak construction and maintenance are not included as a cost-shared treatment.

II. Specific Criteria to Improve Wildlife Habitat

The appropriate season of burning, burning technique, burning frequency, and size of burn shall be selected based on the wildlife habitat needs and site limitations. Where practical, prescribed burning shall be planned and applied in a manner that creates a "patchy" mosaic of burned and unburned vegetation.

III. Specific Criteria to Control Undesirable Vegetation

Prescribed burns to control brush or other undesirable vegetation shall consider the anticipated seed production and re-sprouting response of the targeted species. The frequency and intensity of the planned burn shall be based on the re-growth of the target species, weighed against wildlife habitat considerations. Prescribed burns planned for areas with known infestations of invasive and/or exotic species shall address anticipated response of those species during and following the prescribed burn. Re-establishment of native vegetation shall be planned for burned areas, where needed, to prevent encroachment of undesirable plants, control soil erosion, and restore historic plant communities.

IV. Specific Criteria to Improve Native Plant Production Quantity and/or Quality

Prescribed burns shall be planned to provide optimum benefit to the native plant species of concern. When possible, prescribed burns shall be conducted during periods of adequate soil moisture to encourage desirable plant recovery following the burn. Appropriate protection from livestock, human, and wildlife activities shall be implemented to allow desirable vegetation to recover from the stress of the burn.

Burned areas shall be protected until the vegetation has recovered sufficiently to allow use to be restored without damaging the vegetation.

Considerations

Prescribed burns should be cost-effective and efforts to protect any threatened and endangered species, cultural resources, wildlife habitat, water resources, and identified unique natural areas should be considered. Personal safety should also be considered during all prescribed burning activities. Where practical, the season, frequency, duration, and intensity of prescribed burns should mimic the natural occurrence of fire typical of the ecological community being managed. Consider the use of existing barriers, such as lakes, streams, wetlands, roads, and existing firebreaks in the design and layout of the burn. To minimize smoke related issues, burn frequently under acceptable weather conditions and complete all burns as quickly as practical.

Operation and Maintenance

The following actions shall be carried out to insure that this practice functions as intended throughout its expected life: 1) Evaluations to determine if the stated objectives were met and to improve coordination of future burns, 2) Initial evaluations should be conducted within 2 weeks following the burn, 3) Long term evaluations should be conducted during or after the first growing season following the burn.

Items to consider in these evaluations include:

- a. Were the pre-burn preparations properly completed?
- b. Were the initial objectives met?
- c. Was the burn prescription followed?
- d. Were deviations from the burn prescription documented?
- e. Was the burning technique(s) adequate to meet the planned objectives?
- f. Were weather conditions, fire behavior, and smoke dispersion within the planned limits of the prescription?
- g. What were the effects on the soil, vegetation, water, and wildlife resources?
- h. Did the fire escape the planned area?
- i. How could future burns be improved?
- j. Were the post-burn activities applied correctly to meet the stated purpose or objective of the burn?

APPENDIX D

**EASTERN INDIGO SNAKE
INFORMATIONAL PAMPHLET**

Killing, harming, or harassing indigo snakes is strictly prohibited and punishable under State and Federal Law.

Only individuals currently authorized through an issued Incidental Take Statement in association with a USFWS Biological Opinion, or by a Section 10(a)(1)(A) permit issued by the USFWS, to handle an eastern indigo snake are allowed to do so.

LEGAL STATUS: The eastern indigo snake is classified as a Threatened species by both the USFWS and the Florida Fish and Wildlife Conservation Commission. "Taking" of eastern indigo snakes is prohibited by the Endangered Species Act without a permit. "Take" is defined by the USFWS as an attempt to kill, harm, harass, pursue, hunt, shoot, wound, trap, capture, collect, or engage in any such conduct. Penalties include a maximum fine of \$25,000 for civil violations and up to \$50,000 and/or imprisonment for criminal offenses, if convicted.



August 12, 2013

ATTENTION:
THREATENED EASTERN INDIGO
SNAKES MAY BE PRESENT ON
THIS SITE!!!



Photo: Dirk Stevenson

Please read the following information provided by the U.S. Fish and Wildlife Service to become familiar with standard protection measures for the eastern indigo snake.

**IF YOU SEE A LIVE EASTERN
INDIGO SNAKE ON THE SITE:**

- Cease clearing activities and allow the eastern indigo snake sufficient time to move away from the site without interference.
- Personnel must NOT attempt to touch or handle snake due to protected status.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Immediately notify supervisor or the applicant's designated agent, **and** the appropriate U.S. Fish and Wildlife Service (USFWS) office, with the location information and condition of the snake.
- If the snake is located in a vicinity where continuation of the clearing or construction activities will cause harm to the snake, the activities must halt until such time that a representative of the USFWS returns the call (within one day) with further guidance as to when activities may resume.

**IF YOU SEE A DEAD EASTERN
INDIGO SNAKE ON THE SITE:**

- Cease clearing activities and immediately notify supervisor or the applicant's designated agent, **and** the appropriate USFWS office, with the location information and condition of the snake.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Thoroughly soak the dead snake in water and then freeze the specimen. The appropriate wildlife agency will retrieve the dead snake.

USFWS Florida Field Offices to be contacted if a live or dead eastern indigo snake is encountered:

North Florida ES Office – (904) 731-3336
Panama City ES Office – (850) 769-0552
South Florida ES Office – (772) 562-3909

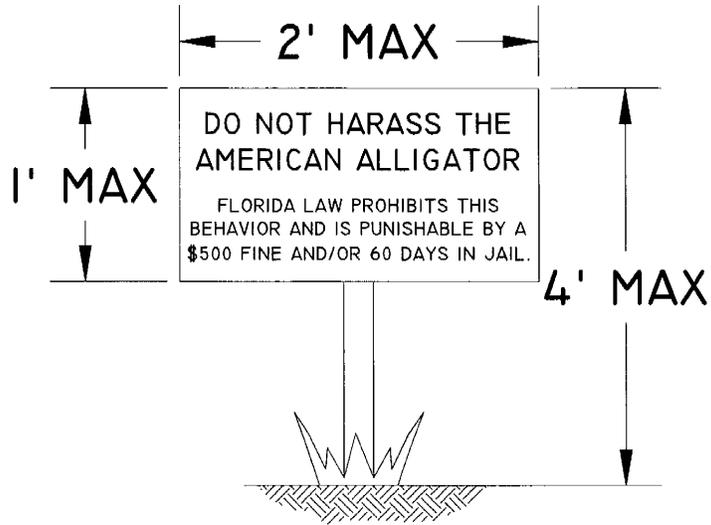
DESCRIPTION: The eastern indigo snake is one of the largest non-venomous snakes in North America, with individuals often reaching up to 8 feet in length. They derive their name from the glossy, blue-black color of their scales above and uniformly slate blue below. Frequently, they have orange to coral reddish coloration in the throat area, yet some specimens have been reported to only have cream coloration on the throat. These snakes are not typically aggressive and will attempt to crawl away when disturbed. Though indigo snakes rarely bite, they should NOT be handled.

SIMILAR SNAKES: The black racer is the only other solid black snake resembling the eastern indigo snake. However, black racers have a white or cream chin, thinner bodies, and WILL BITE if handled.

LIFE HISTORY: The eastern indigo snake occurs in a wide variety of terrestrial habitat types throughout Florida. Although they have a preference for uplands, they also utilize some wetlands and agricultural areas. Eastern indigo snakes will often seek shelter inside gopher tortoise burrows and other below- and above-ground refugia, such as other animal burrows, stumps, roots, and debris piles. Females may lay from 4 - 12 white eggs as early as April through June, with young hatching in late July through October.

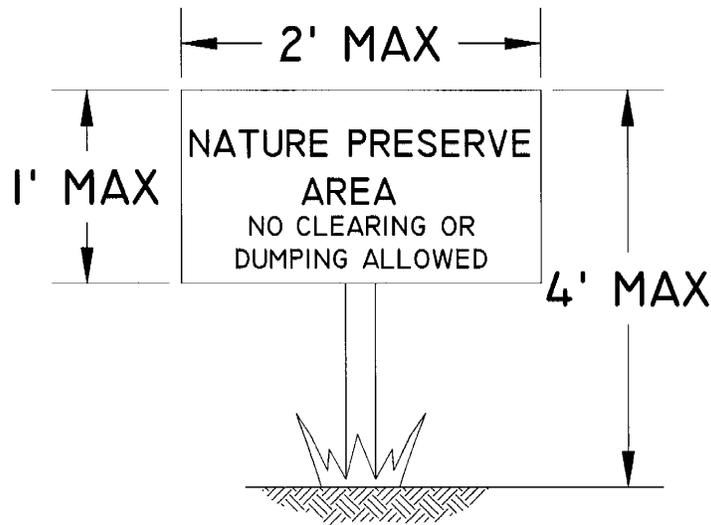
APPENDIX E

**AMERICAN ALLIGATOR MANAGEMENT
AND PRESERVE SIGNAGE**



TYPICAL AMERICAN ALLIGATOR SIGNAGE

N.T.S.



TYPICAL PRESERVE SIGNAGE

N.T.S.

L:\2012\201201\201201\PROJECTED SPECIES MANAGEMENT PLAN\APPENDIX E ALLIGATOR MANAGEMENT AND PRESERVE SIGNAGE DWG TAB 3X11-11 DEC 14, 2014 - 10:55AM PLOTTED BY: HOLGER HASONG

APPENDIX E. AMERICAN ALLIGATOR MANAGEMENT AND PRESERVE SIGNAGE
WILDBLUE

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H.H.	6/2/14
REVIEWED BY	DATE
C.G.R.	6/2/14
REVISED	DATE



APPENDIX F

**AMERICAN ALLIGATOR
INFORMATIONAL PAMPHLET**

■ Never feed alligators – it's dangerous and illegal. When fed, alligators can overcome their natural wariness and learn to associate people with food. When this happens, some of these alligators have to be removed and killed.

■ Dispose of fish scraps in garbage cans at boat ramps and fish camps. Do not throw them into the water. Although you are not intentionally feeding alligators when you do this, the result can be the same.

■ Seek immediate medical attention if you are bitten by an alligator. Alligator bites can result in serious infections.

■ Observe and photograph alligators only from a distance. Remember, they're an important part of Florida's natural history as well as an integral component of aquatic ecosystems.

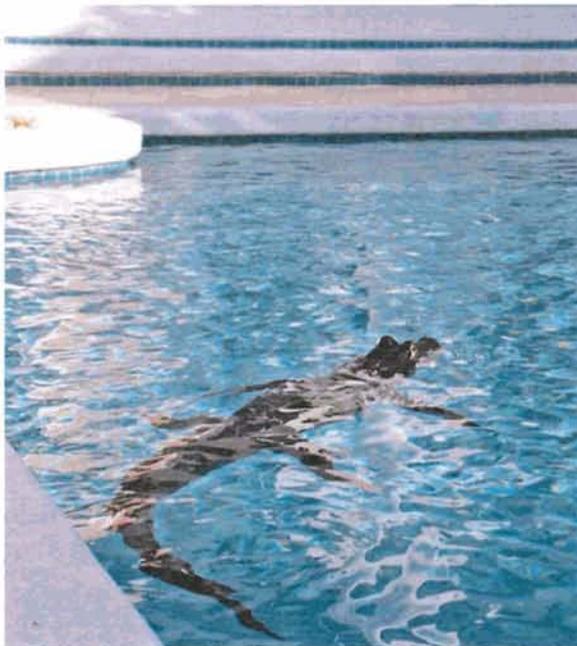


Janice Plain

To report nuisance alligators call
866-FWC-GATOR (866-392-4286).



MyFWC.com/Alligator



Tim Donovan, FWC

Call 866-FWC-GATOR (392-4286) to report nuisance alligators.

A Guide to Living with Alligators



Jamie Feddersen





Lizabeth West, FWC

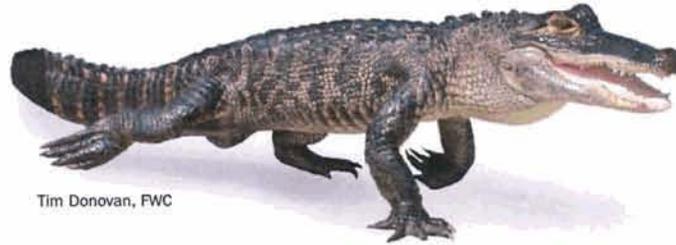
Do not swim outside of posted swimming areas or in waters that may be inhabited by alligators.

Living with Alligators

In Florida, the growing number of people living and recreating near water has led to a steady rise in the number of alligator-related complaints. The majority of these complaints relate to alligators being where they simply aren't wanted. Because of these complaints, the Florida Fish and Wildlife Conservation Commission's Statewide Nuisance Alligator Program permits the killing of approximately 7,000 nuisance alligators each year. Using this approach, and through increased public awareness, the rate of alligator bites on people has remained constant despite the increased potential for alligator-human interactions as Florida's human population has grown.

Alligators are an important part of Florida's landscape and play a valuable role in the ecology of our state's wetlands. Alligators are predators and help keep other aquatic animal populations in balance. A better understanding of the facts and information presented in this brochure will help ensure that people and alligators can continue to coexist.

Visit MyFWC.com/Gators for more information about alligators and the latest nuisance alligator program statistics.



Tim Donovan, FWC

Alligators and People

Alligators are a fundamental part of Florida's wetlands, swamps, rivers and lakes, and they are found in all 67 counties. Florida continues to experience human population growth. Many new residents seek waterfront homes, resulting in increased interactions between people and alligators.

Although most Floridians understand that we have alligators living in our state, the potential for conflict exists. Because of their predatory nature, alligators may target pets and livestock as prey. Unfortunately, people also are occasionally bitten. Since 1948, Florida has averaged about five unprovoked bites per year. During that period, a little more than 300 unprovoked bites to people have been documented in Florida, with 22 resulting in deaths.

In the past 10 years, the Florida Fish and Wildlife Conservation Commission has received an average of nearly 16,000 alligator-related complaints per year. Most of these complaints deal with alligators occurring in places such as backyard ponds, canals, ditches and streams, but other conflicts occur when alligators wander into garages, swimming pools and golf course ponds. Sometimes, alligators come out of the water to bask in the sun or move between wetlands. In many cases, if left alone, these alligators will eventually move on to areas away from people.

Safety Tips

- Generally, alligators less than four feet in length are not large enough to be dangerous unless handled. However, if you encounter any alligator that you believe poses a threat to people, pets or property,

call the Nuisance Alligator Hotline at 866-FWC-GATOR (866-392-4286). Please be aware, nuisance alligators are killed, not relocated.

- Be aware of the possibility of alligators when you are in or near fresh or brackish water. Bites may occur when people do not pay close enough attention to their surroundings when working or recreating near water.
- Do not swim outside of posted swimming areas or in waters that might be inhabited by large alligators.
- Alligators are most active between dusk and dawn. Therefore, avoid swimming at night.
- Dogs and cats are similar in size to the natural prey of alligators. Don't allow pets to swim, exercise or drink in or near waters that may contain alligators. Dogs often attract an alligator's interest, so do not swim with your dog.
- Leave alligators alone. State law prohibits killing, harassing or possessing alligators. Handling even small alligators can result in injury.



Tim Donovan, FWC

A young alligator wanders onto a porch in a residential neighborhood.

APPENDIX G

**GOPHER TORTOISE
INFORMATIONAL PAMPHLET**



Curt Leaman

Gopher tortoise fast facts

- Gopher tortoise burrows average seven feet deep and 15 feet long but may be more than 40 feet long.
- A tortoise may have multiple burrows within the area it spends most of its time.
- Burrow openings are half-moon shaped with the curve at the top, and its size is a fair representation of the size of the tortoise. Burrows with round openings have generally been taken over by an armadillo.
- Adult tortoises are generally 9-11 inches long and weigh 7-9 pounds.
- Females begin to reproduce when they are 9-21 years old (age depends on local conditions); males begin slightly younger.
- They breed March-October but generally dig nests in May and June. One clutch is laid per year with an average of six eggs. Many eggs never hatch because they are eaten by mammals, birds and snakes.
- The biggest threat to the gopher tortoises' long-term survival is loss of habitat.

Wildlife Alert Reward Program

It is against the law to kill, harass or destroy gopher tortoises, their burrows or eggs. If you suspect illegal activity, you can report it anonymously to FWC's Wildlife Alert Hotline at 888-404-3922, 24 hours a day or online at MyFWC.com/law/Alert. You could be eligible for a reward if your information leads to an arrest.



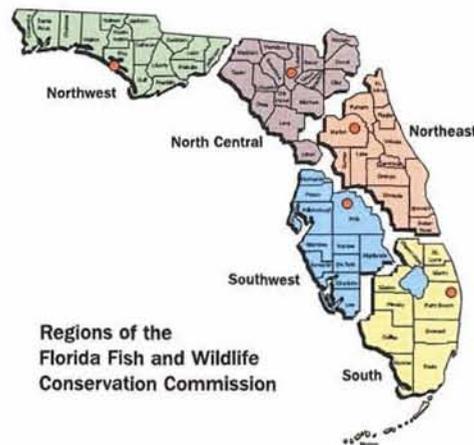
Robert La Follette

Before you bulldoze

Before you clear land, learn the law. Visit MyFWC.com/GopherTortoise or call the gopher tortoise conservation biologist in your region. Request a permitting fact sheet and remember gopher tortoises must be relocated before any land clearing or development takes place. Property owners must obtain permits from the FWC before tortoises can be moved. Depending on the type of permit, you may be permitted to move the tortoises yourself or you may need to contact an authorized agent.

Tips for horse owners

Gopher tortoises often dig their burrows in pastures, which can be a challenge to horse farm owners who are concerned their horses may step into the burrows and be injured. For tips on how to avoid potential horse-tortoise conflicts, visit MyFWC.com/GopherTortoise or call the gopher tortoise conservation biologist in your region.



Regions of the Florida Fish and Wildlife Conservation Commission

Northwest Region
3911 Highway 2321
Panama City, FL 32409-1658
850-265-3676

Southwest Region
3900 Drane Field Road
Lakeland, FL 33811-1299
863-648-3200

North Central Region
3377 East U.S. Highway 90
Lake City, FL 32055-8795
386-758-0525

South Region
8535 Northlake Boulevard
West Palm Beach, FL 33412
561-625-5122

Northeast Region
1239 S.W. 10th Street
Ocala, FL 34471-0323
352-732-1225

For more on any information in this brochure, or for Gopher Tortoise Management Plan or permitting information, please call the gopher tortoise conservation biologist in your region listed above, or call 850-488-3831, or visit MyFWC.com/GopherTortoise.

♻️ printed on recycled paper

A guide to living with gopher tortoises



David Moynahan



Florida Fish and Wildlife
Conservation Commission
MyFWC.com



Chiff Leonard

A keystone species

Wildlife experts call the gopher tortoise a “keystone species” because it is the backbone of the plant and wildlife community in which it lives. Without the tortoise, the populations of more than 350 wildlife species that seek refuge or live in the burrows would be greatly reduced, if not eliminated. The species that depend upon tortoise burrows are called commensals and include the indigo snake, pine snake, gopher frog, opossum, burrowing owl, Florida mouse, gopher cricket and scarab beetle.

Protecting and managing

Gopher tortoises have lived for millions of years, but biologists who study these ancient reptiles are concerned we may lose them entirely unless we do more to protect and conserve them and their rapidly disappearing habitat.

In 2007, the Florida Fish and Wildlife Conservation Commission (FWC) listed the gopher tortoise as a threatened species and created a plan to manage and protect these unique reptiles. The plan is a blueprint of conservation objectives and actions which includes guidelines for landowners whose property contains gopher tortoises, habitat acquisition plans and permitting guidelines all designed to ensure the tortoises’ habitat needs are met now and in the future.

Legal protection

It is against the law to damage, destroy, harass or kill gopher tortoises, their burrows or their eggs. Gopher tortoises must be moved out of harm’s way before any land clearing or development takes place. Permits are required from the FWC before handling or moving tortoises.



Robert La Follette

The gopher tortoise in Florida

Where they live: high and dry

The gopher tortoise (*Gopherus polyphemus*) is a medium size land turtle with large, stumpy hind legs and flattened, shovel-like front legs it uses to dig burrows in sandy soil. These burrows provide a home and refuge for the tortoise and more than 350 species of wild animals and insects that share the same habitat.

Gopher tortoises occur in parts of all 67 counties in Florida, but prefer high, dry, sandy places such as longleaf pine and oak sandhills. They also live in scrub, dry hammocks, pine flatwoods, dry prairies, coastal grasslands and dunes, mixed hardwood-pine communities and a variety of disturbed habitats, such as pasture lands.

What they eat

Gopher tortoises graze naturally on a wide variety of plant types, including broadleaf grasses, wiregrass, prickly pear cactus, wild grape, blackberry, blueberry, beautyberry and many more. They generally feed within about 160 feet of their burrows, but have been known to travel more than twice that distance to meet their foraging and nutritional needs.



Living in your yard

If a gopher tortoise is living in your yard, embrace the opportunity to learn about a threatened species and help the conservation efforts. Here are a few tips:

- Leave the tortoise alone and keep dogs and small children away from it and its burrow.
- Use tortoise-friendly plants to landscape your yard. In addition to providing excellent food for the tortoise, the plants will require very little watering once established. For a list of suitable plants visit MyFWC.com/GopherTortoise.
- Allow the tortoise to come and go freely from your yard. Fencing it in or restricting its movements in any way is against the law.
- It is acceptable to trim tall grass around the burrow if necessary but leave the burrow and mound alone.
- If possible, avoid mowing, digging, driving over or otherwise disturbing the area right around the burrow, which includes the entrance apron and 25 feet beyond the burrow opening.
- Never block the entrance to the burrow, it could harm the tortoise or prevent its exit.
- A burrow should not compromise the integrity of a foundation or mound septic system, but the gopher tortoise conservation biologist in your region can offer you options.

Crossing the road

- Do not take the tortoise with you.
- If it is in the roadway you can move it across the road in the direction in which it was headed. **Do not put your life in danger to move the tortoise.**
- Do not put the tortoise in the water. Gopher tortoises are terrestrial turtles which means they live on land.

Living in your neighborhood

Gopher tortoises and their burrows are often found on undeveloped lots in neighborhoods that were built in gopher tortoise habitat. The last remaining tortoises in a community sometimes take refuge on these habitat islands scattered among home sites. If your neighborhood has some of these reptilian residents, keep the following in mind:

- Before a lot can be developed, any gopher tortoises present must, by law, be moved out of harm’s way before land clearing begins. Property owners must obtain permits from the FWC before moving gopher tortoises.
- If a lot is about to be developed, you can search the online gopher tortoise permitting database at MyFWC.com/GopherTortoise to see if a permit to move the tortoise(s) has been issued. You can also call the gopher tortoise conservation biologist in your region.
- If there is no land clearing or construction activity on the lot, leave the tortoises alone.
- If you suspect a violation has occurred or is about to occur, call the FWC’s toll free Wildlife Alert Hotline at 888-404-3922 or report it online at MyFWC.com/law/Alert.

Sick or injured

- Sometimes it’s better to just leave a sick or injured gopher tortoise alone and let it return to its burrow to heal.
- You may pick up an injured tortoise to transport it for treatment if necessary.
- Call the nearest FWC regional office to find a wildlife rehabilitator in the area or take it to a veterinarian.
- If you think the injury is the result of a violation and you can provide information, call the FWC’s Wildlife Alert Hotline.

Help their future

- Become tortoise-wise: Learn about gopher tortoises and their habitat needs online at MyFWC.com/GopherTortoise and share the information with family, friends and neighbors.
- Support “green spaces” in and around developments – there is still time to save gopher tortoise habitat before it’s gone.

APPENDIX H

WADING BIRD
INFORMATIONAL PAMPHLET

**Action to be taken if you
observe someone
harassing a
wading bird:**

**Promptly notify the FWCC
1-888-404-FWCC**

**Tips for living with
wading birds**

- Do not feed wading birds.
- Keep out of vegetated areas surrounding lakes and marshes.
- Keep pets leashed to avoid coming into contact with wading birds.
- Properly dispose of fishing line to avoid bird entanglement.



Prepared By:

**PASSARELLA
& ASSOCIATES** INC

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

**WADING
BIRD
INFORMATIONAL
PAMPHLET**



WildBlue

Description:

Wading birds are a diverse group of birds which utilize shallow marsh areas as foraging and breeding habitats. They are typically characterized as having long necks, legs and bills, which allows them to feed in shallow water. Wading birds can be found in Florida year round. Examples of wading birds include: great egrets, great blue herons, white ibis', little blue herons and snowy egrets.

Habitat:

Wading birds inhabit all counties in the state of Florida and are most common in the shallow marsh or wetland areas throughout the state. They can also be found in both coastal and inland areas, salt marshes, swamps, ponds, drainage canals, and ditches. Wading birds breed and nest in colonies which consist of various species of other wading birds. Breeding generally occurs just prior to or during the wet season. Stick nests are built in trees or bushes near wetland areas and above the water line.

Wading birds feed in shallow water areas where prey is most concentrated. They feed by spearing prey with their bills or by straining small species out of the water and sediment. Prey may include small fish, invertebrates or other aquatic organisms. Wading birds have also been known to consume snakes, frogs and small rodents.

Protection:

Most wading birds are listed as species of special concern by the State of Florida. Some species such as wood storks are listed as endangered by both the State of Florida and the U.S. Fish and Wildlife Service. It is unlawful for anyone to disturb or take nests or eggs, feed, injure, harm, harass, or kill any wading birds species. Persons who knowingly violate the law may be subject to fines and/or jail time.

If wading birds form a nesting colony on the property in the future, avoid activities within 330 feet of the colony during the nesting season (March 1 to August 1).

APPENDIX I

**FLORIDA BLACK BEAR
INFORMATIONAL PAMPHLET**



Matt Fox

Secure common bear attractants

- Use electric fencing to protect gardens, compost piles, apiaries and livestock.
- Store garbage and recyclables in bear-resistant containers or in a secure area until morning of pick up.
- Feed pets indoors or bring food dishes inside before dark. Store pet and livestock feed in bear-resistant containers.
- Remove bird and wildlife feeders. Ensure the area is free of all seed, corn or other wild animal feed.
- Keep orchards and gardens tidy. Remove rotten fruit and harvest all nuts, fruits and vegetables when ripe.
- Clean meat smokers and barbeque grills with a degreasing detergent. Properly dispose of food remnants after each use.

Learn more about black bears with the Florida Black Bear Curriculum Guide. The guide is designed to educate teachers and students in grades 3-8 and offers a comprehensive series of lessons on Florida's black bear.

To learn more about black bears and for tips on how to reduce bear attractants, as well as instructions for electric fencing, suggestions for bear-resistant containers, information about the Conserve Wildlife license tag or the curriculum guide, visit MyFWC.com/bear.



Jessica Tice

Discouraging bears at home

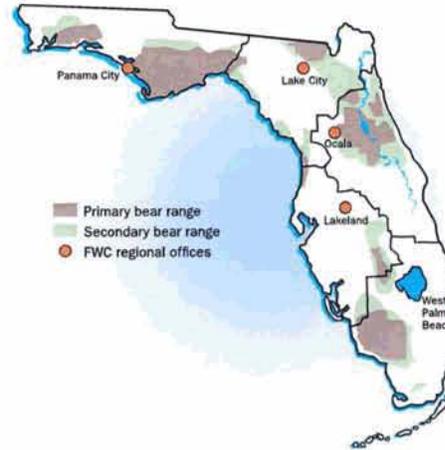
Properly storing or securing residential garbage and other attractants is a proven method of discouraging bears and preventing bear problems around homes, farms and neighborhoods.

The following items attract bears and should be protected by an electric fence, wildlife resistant containers or stored in a secure place, such as a garage or sturdy shed:

- Trash and recycling containers
- Bird and squirrel feeders
- Game feeders
- Pet foods and bowls
- Barbeque grills and smokers
- Pets and small livestock
- Livestock feed
- Compost piles
- Beehives
- Fruit and nut-bearing trees and shrubs

Help conserve black bears by purchasing a Conserve Wildlife license plate at your local tax collector's office or online at BuyAPlate.com.

Bear ranges in Florida



If you are experiencing bear problems, please contact the nearest FWC regional office.

North Central, Lake City	386-758-0525
Northeast, Ocala	352-732-1225
Northwest, Panama City	850-265-3676
South, West Palm Beach	561-625-5122
Southwest, Lakeland	863-648-3200

If you suspect illegal activity, call FWC's Wildlife Alert Hotline at 1-888-404-3922.

Cover photo by Ashley Hockenberry



Florida Fish and Wildlife Conservation Commission

MyFWC.com

printed on recycled paper

A guide to living in bear country



Florida Fish and Wildlife Conservation Commission

MyFWC.com



Ashley Hockenberry

more comfortable around people, that familiarity may become a problem for both people and bears. Those bears are often killed, either by vehicle collisions, illegal shooting or as a result of bear management actions.

People ask why problem bears can't simply be relocated to a "wilderness area where they won't bother anyone." Unfortunately, areas that are large and remote enough for bears to avoid people are rare in Florida. Relocated bears typically leave the new area, either to return to their original home or to leave an area already occupied by other bears. Some bears will wander through unfamiliar areas and cross busy roads, creating a danger to the bear and to motorists. In addition, bears that do remain in the relocation area often exhibit the same behavior, which just shifts the problem to a new location. As a result, relocation is not a desirable or effective solution to bear conflicts. Wildlife biologists can provide technical advice to residents who live in bear country to help them take actions that will discourage bears from becoming a problem. The FWC is committed to ensuring the long-term well-being of the black bear, while addressing the property damage and safety concerns of residents and visitors.

If you live in Florida, you should know

Black bears are at a crossroads in the Sunshine State. Since the 1980s, Florida's bear population has been increasing in most areas of the state while the human population is rapidly expanding. As a result, bears and humans are encountering each other more than ever.

Calls to the Florida Fish and Wildlife Conservation Commission (FWC) about black bear and human encounters have increased from 1,000 in 2001 to over 2,500 in 2008. The most common calls refer to bear sightings and bears in garbage.

The mere presence of a black bear does not represent a problem. In fact, living in bear country can provide unique and rewarding experiences for residents.

However, when black bears have access to pet food, garbage, birdseed, livestock feed or other sources of food, they quickly learn to associate people with food. Bears often are fed by humans, either intentionally or unintentionally. Once they become



Chelsea Thomas



Ashley Hockenberry

If a bear comes into your yard

If you encounter a bear at close range, remain standing upright, back up slowly and speak to the bear in a calm, assertive voice.

- Do not intentionally feed or attract bears. If a bear is eating something on your property, take note of what it is and secure it after the bear has left the area.
- Never approach or surprise a bear. Keep as much distance between you and the bear as possible.
- Make sure you are in a secure area, and the bear has a clear escape route to leave the area; then yell, bang pots and pans or use an air horn to scare the bear away.
- Do not turn your back, play dead, or run from the bear. Back away slowly into a house, car or building.
- Report any bear that is threatening the safety of humans, pets or livestock, or causing property damage, to the FWC (see back panel).

Climbing trees is a bear's natural escape route. If the bear climbs a tree, keep people and pets away. When things quiet down, the bear will come down the tree and leave. This usually happens after dark, when the bear feels safe.

It is illegal to intentionally place food or garbage out that attracts bears and causes conflicts. Anything that attracts dogs, cats or raccoons also will attract bears!

Did you know?

Black bears are shy animals and generally not aggressive towards people. When a bear stands on its hind legs, it is merely trying to get a better view, rather than acting in a threatening way. A bear may huff, snap its jaws and swat the ground if it feels threatened.

Black bears might "bluff charge" when cornered, threatened or stealing food. Stand your ground and then slowly back away. Always respect bears – they are large and powerful wild animals.

The bear facts

Black bears are the only species of bear in Florida and they once roamed the state's entire 34.5 million acres.

- FWC biologists estimate there are 2,500-3,000 black bears in Florida.
- Florida bears are black with a brown muzzle and may have a white chest marking called a blaze.
- Adult black bears weigh 150-400 pounds; males are usually larger than females. The largest male bear on record in Florida weighed 624 pounds; the largest female weighed 342 pounds.
- Female bears have their first litter at about 3½ years of age and generally have one to three cubs every other year.
- In Florida the breeding season runs from June to August and cubs are born about seven months later, in late January or early February.
- Bears of all ages are excellent climbers and will climb trees when they are frightened.
- About 80 percent of a black bear's diet comes from plants (e.g., fruits, nuts, berries), 15 percent from insects and 5 percent from meat.



Ashley Hockenberry

APPENDIX J

**FWCC LIST OF BEAR-RESISTANT
GARBAGE CONTAINERS**



BEAR RESISTANT TRASH CONTAINERS (prices last updated October 2012)



Residential Poly Carts **WITH** automatic locking lids **AND** designed for fully-automated waste pick-up

	Company	Contact Info/ Testing Status	Size	Minimum order	Price <i>per</i> container without shipping	Shipping *To Tallahassee, FL	Estimated Cost per Container ^a
	Kodiak Products	1-800-519-1172 Info@Kodiak-Products.com http://www.kodiak-products.com/ Passed IGBT ^a	96 gallon	1	Contact Kodiak Products	Contact Kodiak Products	\$270.00
			96 gallon	300	Contact Kodiak Products	Contact Kodiak Products	\$237.00

Residential Poly Carts and Cans **WITH** automatic locking lids

	Company	Contact Info/ Testing Status	Size	Minimum order	Price <i>per</i> container without shipping	Shipping *To Tallahassee, FL	Estimated Cost per Container ^a
	Toter, Inc	Statesville, NC 1-800-424-0422 toter@toter.com http://www.toter.com Passed IGBT ^a	96 gallon	50	\$197	\$750 (for minimum 50 cans order)	\$212.00

Residential Poly Carts and Cans *WITH* automatic locking lids

	Company	Contact Info/ Testing Status	Size	Minimum order	Price <i>per</i> container without shipping	Shipping *To Tallahassee, FL	Estimated Cost per Container ^a
	BearSaver	1-800-851-3887 Fax: 909-605-7780 sales@bearsaver.com http://www.bearsaver.com Passed IGBT ^a	32 gallon	20	Contact BearSaver	Contact BearSaver	Contact BearSaver
			65 gallon	20	\$159	\$473	\$182.65
			96 gallon	24	\$170	\$863	\$205.96
	BearProof, Inc.	234 S. Golden Dr. Silt, CO 81652 970-309-2460 Fax: 970-876-0420 Info@BearProofinc.com http://www.bearproofinc.com	32 gallon	1	\$663 each (for 1-4 cans) \$638 each (for 5+ cans)	\$291.59	\$954.59 – 929.59 ^b
			65 gallon	1	\$404 each (for 1-4 cans) \$379 each (for 5+ cans)	\$237.97	\$641.97 – 616.97 ^b
			96 gallon	1	\$416 each (for 1-4 cans) \$391 each (for 5+ cans)	\$265.90	\$947.80 – 656.90 ^b

Residential Poly Carts and Cans *WITHOUT* automatic locking lids

	Company	Contact Info/ Testing Status	Size	Minimum order	Price <i>per</i> container without shipping	Shipping *To Tallahassee, FL	Estimated Cost per Container ^a
	The Growler	Sanford, FL 407-519-0766 dennisbooth@cfl.rr.com http://www.thegrowlercan.com Passed IGBT ^a	32 gallon	1	\$179 (Discounts if buying >3)	Free in central FL or \$34	\$189 in central FL or \$221
			64 gallon	1	\$189 (Discounts if buying >3)	Free in central FL or \$85	\$189 in central FL or \$274
			95 gallon	1	\$209 (Discounts if buying >3)	Free in central FL or \$100	\$209 in central FL or \$309

Residential Poly Carts and Cans *WITHOUT* automatic locking lids

	Company	Contact Info/ Testing Status	Size	Minimum order	Price <i>per</i> container without shipping	Shipping* *To Tallahassee, FL	Estimated Cost per Container ^a ^b
	Solid Waste Systems	7855 E. Lark Dr. Parker, CO 80138 Phone: 303-840-3390/ 1-800-944-7973 Fax: 303-840-3460 solidws@comcast.net http://www.bearproofsystems.com/ Passed IGBTP ^a	65 gallon	1	\$172	\$128	\$300
			95 gallon	1	\$190	\$200	\$390
	BEARicuda Bins	1-877-232-7428 Fax: 860-540-0611 kevin@bearicuda.com http://www.bearicuda.com	32 gallon	1	\$189 each (for 1-3 cans) \$185 each (for 4+ cans)	\$75	\$226.50 – 222.50 ^b
			64 gallon	1	\$199 each (for 1-3 cans) \$165 each (for 4+ cans)	Contact BEARicuda Bins	Contact BEARicuda Bins
			95 gallon	1	\$219 each (for 1-3 cans) \$209 each (for 4+ cans)	\$169	\$303 - \$251.25 ^b
	DAWG, Inc.	25 Lassy Court Terryville, CT 06786 1-800-935-3294 bgalvin@dawginc.com http://www.dawginc.com Passed IGBTP ^a	32 gallon	1	\$183	\$67.50 (for 1 can) \$412 (for 16 cans)	\$250.50 - \$208.75 ^c
			64 gallon	1	\$192	\$158 (for 1 can) \$439 (for 12 cans)	\$350 – 228.60 ^c
			95 gallon	1	\$208	\$186 (for 1 can) \$382 (for 8 cans)	\$394 – \$255.75 ^c

Residential Poly Carts and Cans *WITHOUT* automatic locking lids

	Company	Contact Info/ Testing Status	Size	Minimum order	Price <i>per</i> container without shipping	Shipping* *To Tallahassee, FL	Estimated Cost per Container ^b
	Bear Proofing- R-US	Phone: 704-435-8297/ 704-466-8010 bearproofing.r.us@gmail.com http://bearproofingr-us.com/	96 gallon	1	\$132	\$333 if pre-assembled \$282 with hardware kit	\$465 – 414 ^d

^a Product has passed the [Interagency Grizzly Bear Committee Testing Program](#) (IGBTP) with captive bears at the Living with Wildlife Foundation.

^b The “ Estimated Cost per Container” column is showing = amount for shipping divided by (÷) the minimum amount that has to be purchased plus (+) the price per container. Therefore, it is showing the cost of *one* can. Each company has their own minimum order of cans that has to be purchased. Hence, the price provided in the last column is NOT the total cost of the full order.

^c Costs depend on the amount of cans being purchased (shipping costs decreases the more cans purchased)

^d Costs depend on the “type” of order you place (assembled or with hardware kit)

NOTE: all final prices depend on the amount of cans bought, price of gas at the moment of shipping, and the area where it is being shipped.

Residential Poly Carts and Cans WITH screw on lids

	Company	Contact Info	Size	Minimum order	Price <i>per</i> container without shipping	Shipping* *To Tallahassee, FL	Estimated Cost per Container ^a
	DAWG, Inc.	25 Lassy Court Terryville, CT 06786 Phone: 800-935-3294 bgalvin@dawginc.com http://www.dawginc.com	20 gallon	1	\$38	Contact DAWG, Inc.	Contact DAWG, Inc.
			30 gallon	1	\$62	\$65 (for 1 can) \$461.50 (for 24 cans)	\$124 - \$78.22 ^b
	BEARicuda Bins	Phone: 877-232-7428 Fax: 860-540-0611 kevin@bearicuda.com http://www.bearicuda.com	50 gallon	1	\$235 (for 1-5 cans) \$225 (for 6+ cans)	Contact BEARicuda Bins	Contact BEARicuda Bins
			95 gallon	1	\$265 (for 1-5 cans) \$239 (for 6+ cans)	Contact BEARicuda Bins	Contact BEARicuda Bins
	BEARier Bins	John Burpee 1-888-433-6920 Fax 888-778-5869 info@bearierbins.com	30 gallon	1	\$65	Contact BEARier Bins	Contact BEARier Bins

^a The "Estimated Cost per Container" column is showing = amount for shipping divided by (÷) the minimum amount that has to be purchased plus (+) the price per container. Therefore, it is showing the cost of *one* can.

→ Each company has their own minimum order of cans that has to be purchased. Hence, the price provided in the last column is NOT the total cost of the full order.

NOTE: all final prices depend on the amount of cans bought, price of gas at the moment of shipping, and the area where it is being shipped.

Other Recreational / Residential Trash Storage Containers

See the following companies (listed above) for more options: BearSaver, Bear Proof Inc., Bear Proofing-R-US, Bear Proof Systems

*For shipping costs contact the corresponding company

	Company	Contact Info/ Testing Status	Description	Size	Price <i>per</i> container without shipping
	BearGuard	P.O. Box 89 Tahoe City, CA 96145 Phone/Fax: 530-581-2211 sales@bearguardinfo.com http://www.bearguardinfo.com Passed IGBTP ^a	Metal trashcan enclosure – internal lock with key *closed for the winter months	Holds two 32 gallon round cans	\$1,099
				Holds two 32 gallon rectangular cans	\$999
	Haul-All Equipment Ltd.	1-888-428-5255 Fax: 403-328-9956 sales@haulall.com http://www.haulall.com/contain.htm Passed IGBTP ^a	Metal trashcan enclosure – with automatic latching door	Holds two 32 gallon round cans	Contact company for pricing
	Smoky Metal Works	1014 Old Knoxville Hwy Sevierville, TN 37862 965-908-4248 sam@smokymetalworks.com www.smokymetalworks.com	Wire mesh metal - trashcan enclosure <i>with</i> clip or lock on door	Holds two 32 gallon round cans	\$375

^a Product has passed the Interagency Grizzly Bear Committee Testing Program (IGBTP) with captive bears at the Living with Wildlife Foundation

Animal Resistant Dumpsters

There are many more companies who sell animal resistant dumpsters, this is just a sample.

All companies listed passed the Interagency Grizzly Bear Committee Testing Program with captive bears at the Living with Wildlife Foundation.

For shipping costs, please contact the corresponding company.

	Company	Contact Info/ Testing Status	Description	Design	Price <i>per</i> container without shipping
	<p>Capital Industries, Inc.</p>	<p>5801 Third Avenue South Seattle, WA 98108 1-800-967-8585 / 206-762-8585 Fax: 206-762-5455 sales@capitalind.com http://www.capitalind.com/main/</p>	<p>Metal Containers & Lids</p>	<p>Various - 2, 4, and 6 cubic yard</p>	<p>contact company for pricing</p>
	<p>Haul-All Equipment Ltd.</p>	<p>1-888-428-5255 Fax: 403-328-9956 sales@haulall.com http://www.haulall.com/contain.htm</p>	<p>Metal Containers & Lids</p>	<p>Various - 2, 4, and 6 cubic yard</p>	<p>contact company for pricing</p>

	Company	Contact Info/ Testing Status	Description	Design	Price <i>per</i> container without shipping
	Robertson Enterprises	Robertson Enterprises P.O. Box 1711 Cody, WY 82414 307-587-2925 ext: 12 http://robertsonenterprises.net/	Metal Containers & Lids	Various - 2, 4, and 6 cubic yard	contact company for pricing
	Colorado Correctional Industries	2862 S. Circle Dr. Colorado Springs, CO 80906 1-800-685-7891 http://www.coloradoci.com	Metal Containers & Lids	Various - 2, 4, and 6 cubic yard	contact company for pricing
	Jamestown Advanced	Jamestown Advanced Products Corporation 2855 Girts Rd. Jamestown, NY 14701 1-800-452-0639 http://www.jamestownadvanced.com/	Metal Containers & Lids	Various - 2, 4, and 6 cubic yard	contact company for pricing
	UltraTec.	7278 Justin Way Mentor, OH 44060 1-800-585-8723 http://www.industrialinterface.com/company/waste/987/ultratech-international-inc/	Metal Containers & Lids	Various - 2, 4, and 6 cubic yard	contact company for pricing
	Enterprise Sales	540 Southeast 9th Avenue Ontario, OR 97914-3866 541-889-5541	Metal Containers & Lids	Various - 2, 4, and 6 cubic yard	contact company for pricing

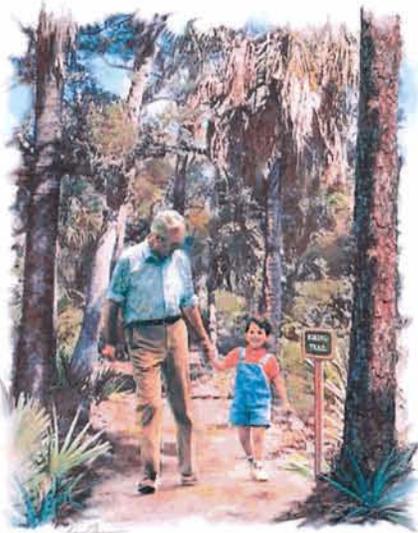
APPENDIX K

**FLORIDA PANTHER
INFORMATIONAL PAMPHLET**

You live in Florida panther country

Florida panthers are reclusive and rarely seen by people. They normally live in remote, undeveloped areas. However, as the number of people in southern Florida grows, there is an increased chance of an encounter with a Florida panther.

This brochure contains some guidelines to help you live safely in Florida panther country.



Keep children within sight and close to you, especially outdoors between dusk and dawn.

If you feel threatened by a panther, or have lost pets or livestock to a panther, please call the Florida Fish and Wildlife Conservation Commission's Wildlife Alert Hotline at 1-888-404-FWCC (3922).

If you see a Florida panther

The Florida panther moves primarily at night. The chances of seeing a panther are slim. But if you live in Florida panther country, you need to know what to do if you see one.

- Keep children within sight and close to you.** Pick up any small children so they don't panic and run. Try to do this without bending over or turning away from the Florida panther.
- Give them space.** Florida panthers typically will avoid a confrontation. Give them a way to escape.
- Do not run.** Running may stimulate a panther's instinct to chase. Stand and face the animal. Make eye contact to let the panther know you are aware of its presence.
- Avoid crouching or bending over.** Squatting or bending makes you look smaller, resembling a prey-sized animal.
- Appear larger.** Make gestures that indicate you are not prey and that you may be a danger to the panther. Raise your arms. Open your jacket. Throw stones, branches or whatever you can reach without crouching or turning your back. Wave your arms slowly and speak firmly in a loud voice.
- Fight back if attacked.** There has never been a reported panther attack in Florida. In western states, where attacks by cougars have occurred very rarely, potential victims have fought back successfully with rocks, sticks, caps, jackets, garden tools and their bare hands. Since large cats usually try to bite the head or neck, try to remain standing and face the animal.



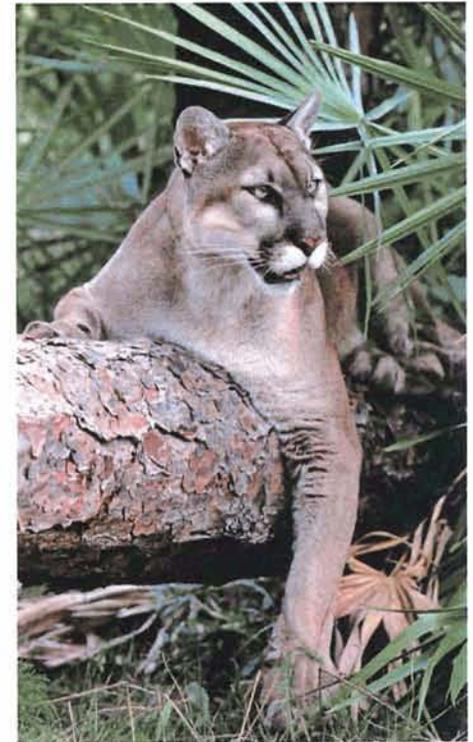
Mark Lutz



Florida Fish and Wildlife
Conservation Commission
620 S. Meridian Street
Tallahassee, FL 32399-1600
MyFWC.com/Panther

printed on recycled paper

A guide to living with Florida Panthers



© Lynn Stone

MyFWC.com/Panther

7 ways to live safely in Florida panther country

While these guidelines are meant to help you live safely in Florida panther habitat, they also apply to living with more commonly encountered wildlife, including raccoons, snakes, bears and alligators.

1. Be alert from dusk 'til dawn (and whenever deer are active)

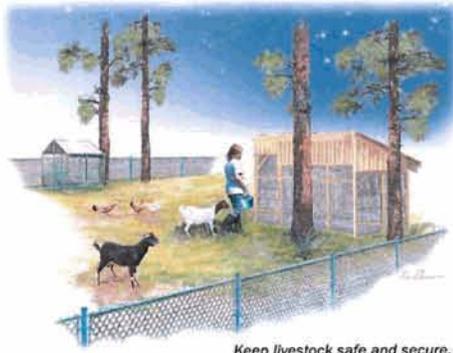
Florida panthers primarily are active at night. Exercise more caution at dawn, dusk or dark.

2. Keep panther prey away

Deer, raccoons, rabbits, armadillos and wild hogs are prey for the Florida panther. By feeding deer or other wildlife, people inadvertently may attract panthers. Do not leave potential wildlife food outside, such as unsecured garbage or pet food. Consider fencing vegetable gardens.

3. Keep pets secure

Free-roaming pets, or pets that are tethered and unfenced, are easy prey for predators, including panthers. Bring pets inside or keep them in a secure and covered kennel at night. Feeding pets outside also may attract raccoons and other panther prey; do not leave uneaten pet food available to wildlife.



Keep livestock safe and secure.

4. Keep domestic livestock secure

Where practical, place chickens, goats, hogs or other livestock in enclosed structures at night. Electric fencing can be an effective predator deterrent.

5. Landscape for safety

Remove dense or low-lying vegetation that would provide hiding places for panthers and other predatory animals near your house.

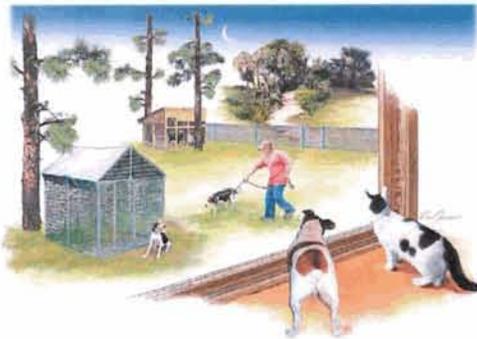
- Remove plants that deer like to eat.
- Choose plants that do not attract deer or other panther prey species. For information on plants that deer do not like to eat, visit edis.ifas.ufl.edu/UW137.
- Appropriate fencing will make your yard or play area uninviting to prey animals such as deer.

6. Consider other deterrents

Outdoor lighting, motion sensors and electric fencing also may deter prey animals and panthers from entering your yard. Outdoor lighting also will make approaching prey and panthers more visible to you.

7. Hike or bike with a friend

When recreating outdoors, it's a good practice to let friends or family know your whereabouts and when you expect to return. Better yet, take a friend with you!



Keep your pets safe and secure. Bring pets inside or keep them in a secure and covered kennel at night.

Florida panther facts

- 🐾 The Florida panther is a subspecies of puma, also known as a mountain lion or cougar. It is the last subspecies still surviving in the eastern United States.
- 🐾 Biologists estimate roughly 100-160 adult and subadult Florida panthers remain in the wild. Most panthers live in southwest Florida, south of the Caloosahatchee River, although some panthers have been documented traveling as far north as central Georgia.
- 🐾 The Florida panther's decline occurred prior to 1950, when it still was legal to hunt panthers. It was listed as endangered in 1967 and is protected under federal and state laws.
- 🐾 Florida panther numbers declined to roughly 30 cats by the early 1980s. Severe inbreeding resulted in many health and physical problems. A genetic restoration project in 1995 was successful in improving the genetic health and vigor of the panther population.
- 🐾 Florida panthers are found primarily in the Big Cypress/Everglades ecosystem in Collier, Lee, Hendry, Monroe and Miami-Dade counties.
- 🐾 Florida panthers' home range sizes vary by sex and by individual. Female home ranges are typically 60-75 square miles whereas males' are typically 160-200 square miles.



FWC panther team

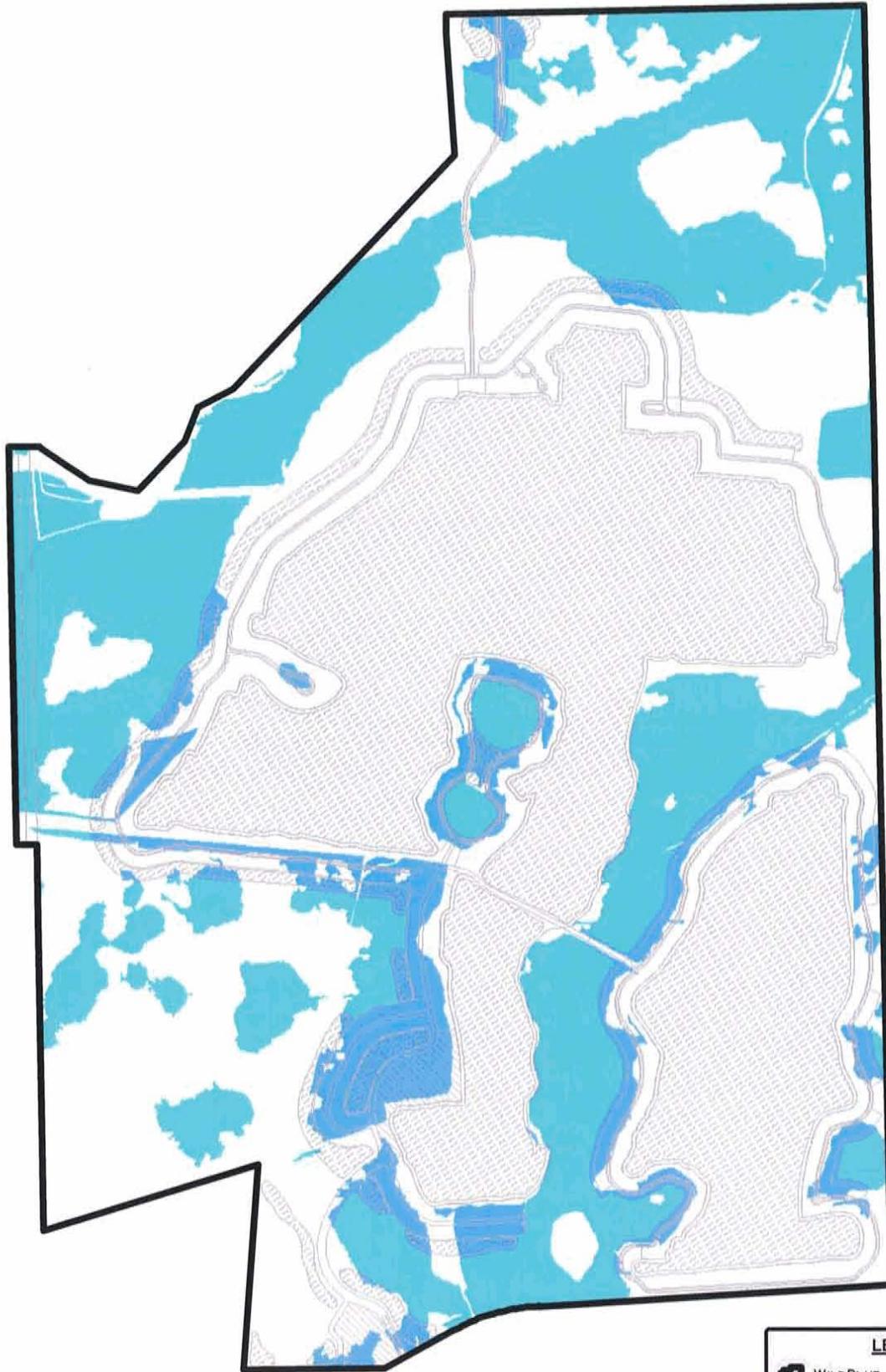
- 🐾 There is no record of a Florida panther attacking a person. Florida panthers are rarely seen.
- 🐾 The biggest threat to the future of the Florida panther is habitat loss. A number of panthers also die each year due to vehicle strikes on roadways.
- 🐾 The Florida panther was chosen as the State Animal of Florida in 1982 by a vote of elementary school students throughout the state.



This brochure was produced through a partnership of the Audubon Society of Florida, Conservancy of Southwest Florida, Defenders of Wildlife, Florida Fish and Wildlife Conservation Commission, Florida Wildlife Federation, Friends of the Florida Panther Refuge, Mountain Lion Foundation, National Park Service, National Wildlife Federation, Seminole Tribe of Florida, University of Florida and the U.S. Fish and Wildlife Service.

Funding provided by the Florida Fish and Wildlife Conservation Commission, Friends of the Florida Panther Refuge and the National Fish and Wildlife Foundation.

J:\2012\PRE2012\GIS\2012\COMPREHENSIVE PLAN AMENDMENT RESPONSE\FIGURES\FIGURE 3B WETLAND IMPACTS (2-18-14).HP - 12/18/2014 @ 10:47:41 AM



LEGEND

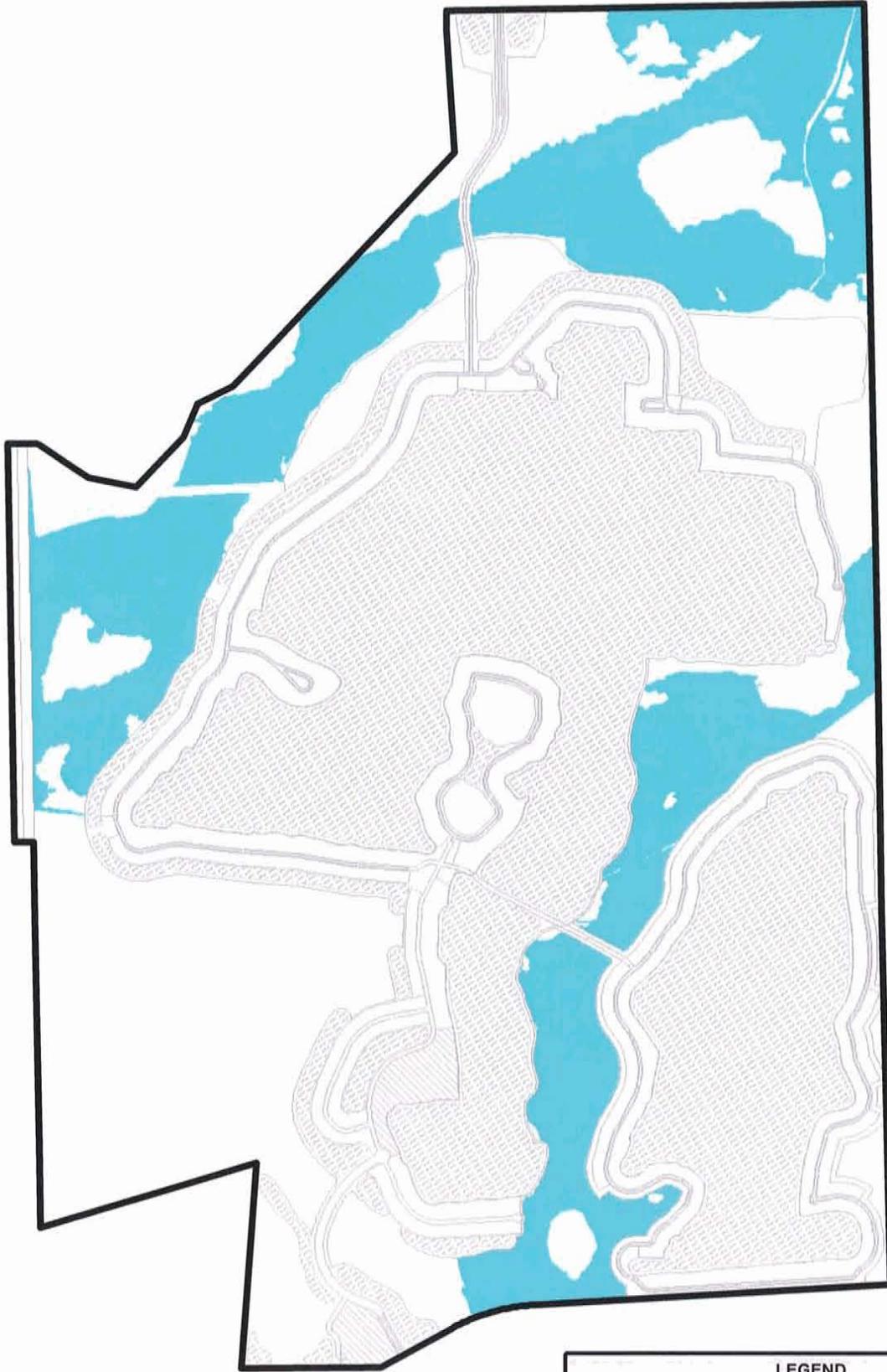
-  WILDBLUE
-  WETLAND IMPACT (211 AC. ±)
-  WETLAND PRESERVE (767 AC. ±)

**FIGURE 3B. WETLAND IMPACT MAP
WILDBLUE**

DRAWN BY	DATE
H.H.	5/29/14
REVIEWED BY	DATE
K.C.P.	5/29/14
REVISED	DATE
H.H.	12/18/14



J:\2012\PE22016\1512016\COMPREHENSIVE PLAN AMENDMENT RESPONSE\FIGURES\FIGURE 4B PRESERVED WETLANDS CONNECTED TO FLOW-WAYS 12-18-14.MXD -- 12/18/2014 @ 11:10:05 AM



LEGEND

-  WILDBLUE
-  PRESERVE WETLANDS CONNECTED TO FLOW-WAYS (576 Ac.±)

FIGURE 4B. PRESERVED WETLANDS CONNECTED TO FLOW-WAYS MAP WILDBLUE

DRAWN BY	DATE
H.H.	5/29/14
REVIEWED BY	DATE
K.C.P.	5/29/14
REVISED	DATE
H.H.	12/18/14



J:\2012\12\FEG2201\GIS\2014\COMPREHENSIVE PLAN AGREEMENT RESPONSE\FIGURES\Figure 5B PRESERVE COMMITTED TO EASEMENT 12-18-14.MXD - 12/24/2014 @ 11:30:38 AM



LEGEND

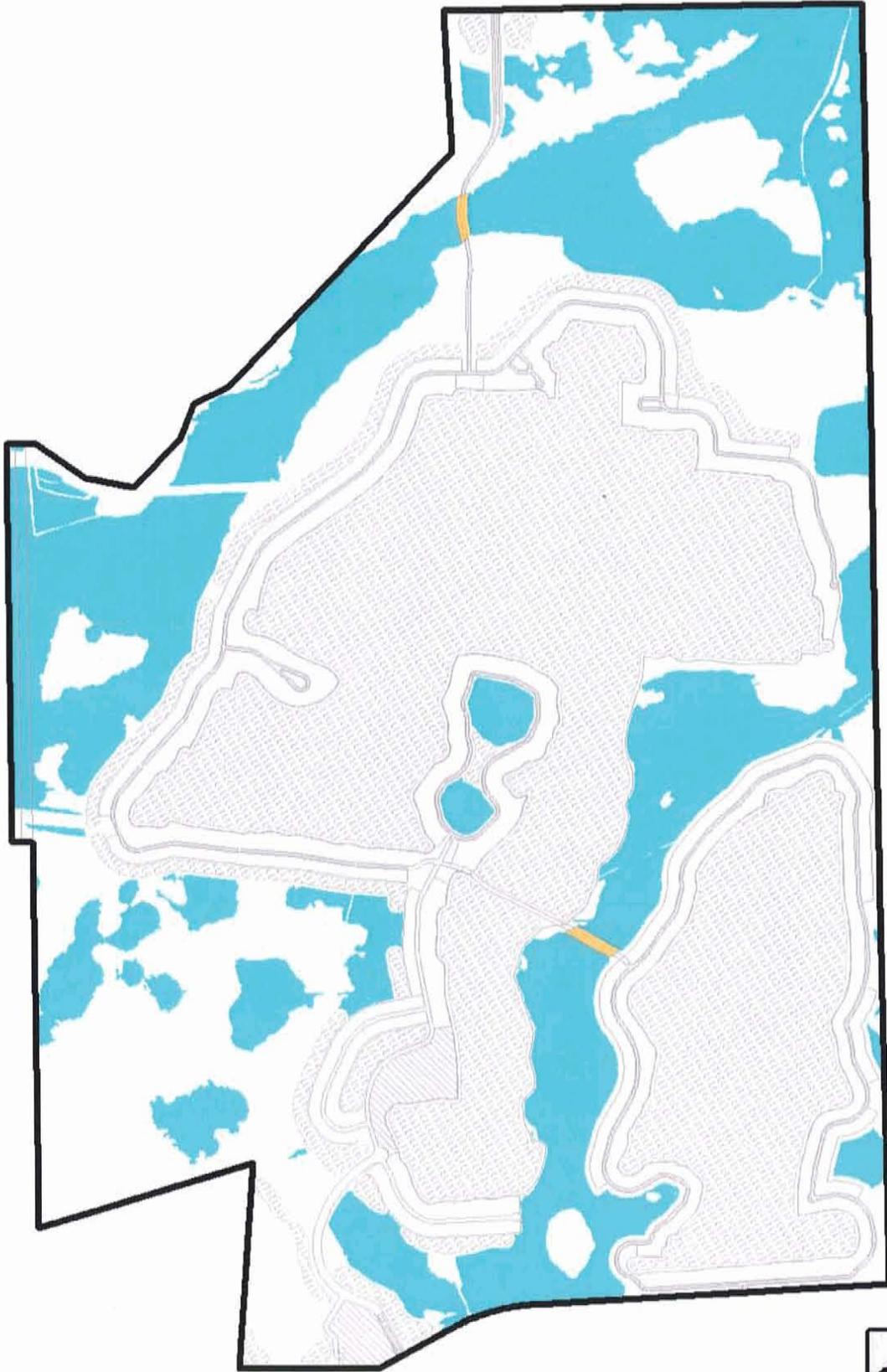
-  WildBlue
-  CONSERVATION AREAS (1,329 Ac.±)

**FIGURE 5B. PRESERVE COMMITTED TO EASEMENT
WILDBLUE**

DRAWN BY	DATE
H.H.	5/29/14
REVIEWED BY	DATE
K.C.P.	5/29/14
REVISED	DATE
H.H.	12/18/14



J:\2012\12\FE42\2012\GIS\2014\COMPREHENSIVE PLAN AMENDMENT RESPONSE FIGURES\FIGURE 6B_SLOUGH CROSSINGS 12-18-14.mxd - 12/18/2014 @ 11:05:55 AM



LEGEND

-  WILDBLUE
-  SLOUGH CROSSINGS
-  WETLAND PRESERVE

**FIGURE 6B. SLOUGH CROSSINGS
WILDBLUE**

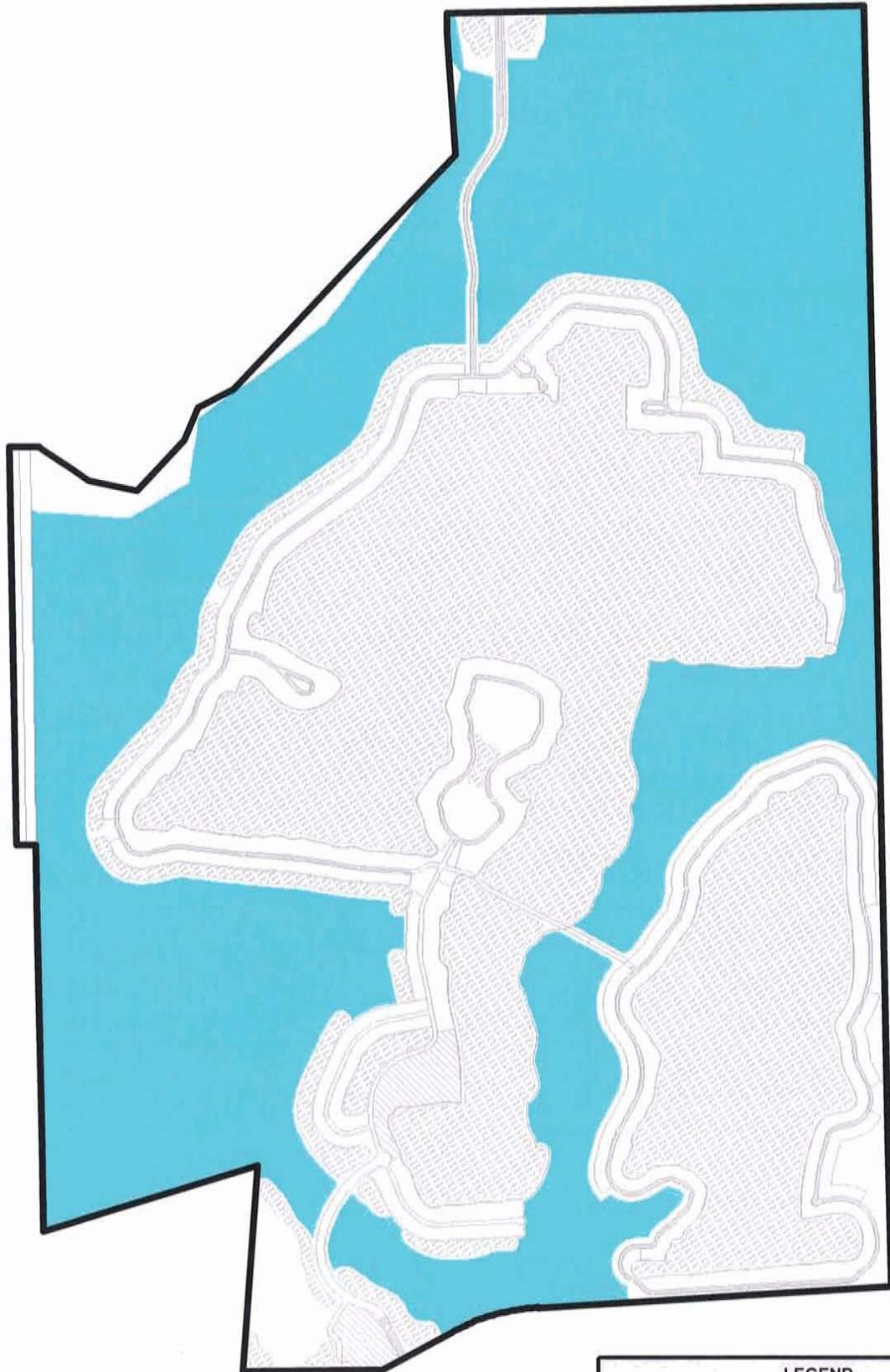
DRAWN BY	DATE
H.H.	5/29/14
REVIEWED BY	DATE
K.C.P.	5/29/14
REVISED	DATE
H.H.	12/18/14



**PASSARELLA
& ASSOCIATES**

Consulting Ecologists

J:\2012\12\FE22\01612014\COMPREHENSIVE PLAN AMENDMENT RESPONSE\FIGURES\FIGURE 7B PRESERVE IN PRIMARY PANTHER HABITAT (2-18-14).MXD - 12/18/2014 @ 11:12:32 AM



LEGEND

-  WILDBLUE
-  PRESERVE IN PRIMARY PANTHER HABITAT (1,262 Ac. ±)

FIGURE 7B. PRESERVE IN PRIMARY PANTHER HABITAT WILDBLUE

DRAWN BY	DATE
H.H.	5/29/14
REVIEWED BY	DATE
K.C.P.	5/29/14
REVISED	DATE
H.H.	12/18/14



J:\2012\PE22016\2014\COMPREHENSIVE PLAN AMENDMENT RESPONSE\FIGURES\FIGURE 8 APPROXIMATE LOCATION OF CORKSCREW ROAD UNDERPASS 12-18-14.MXD - 12/18/2014 @ 11:31:53 AM

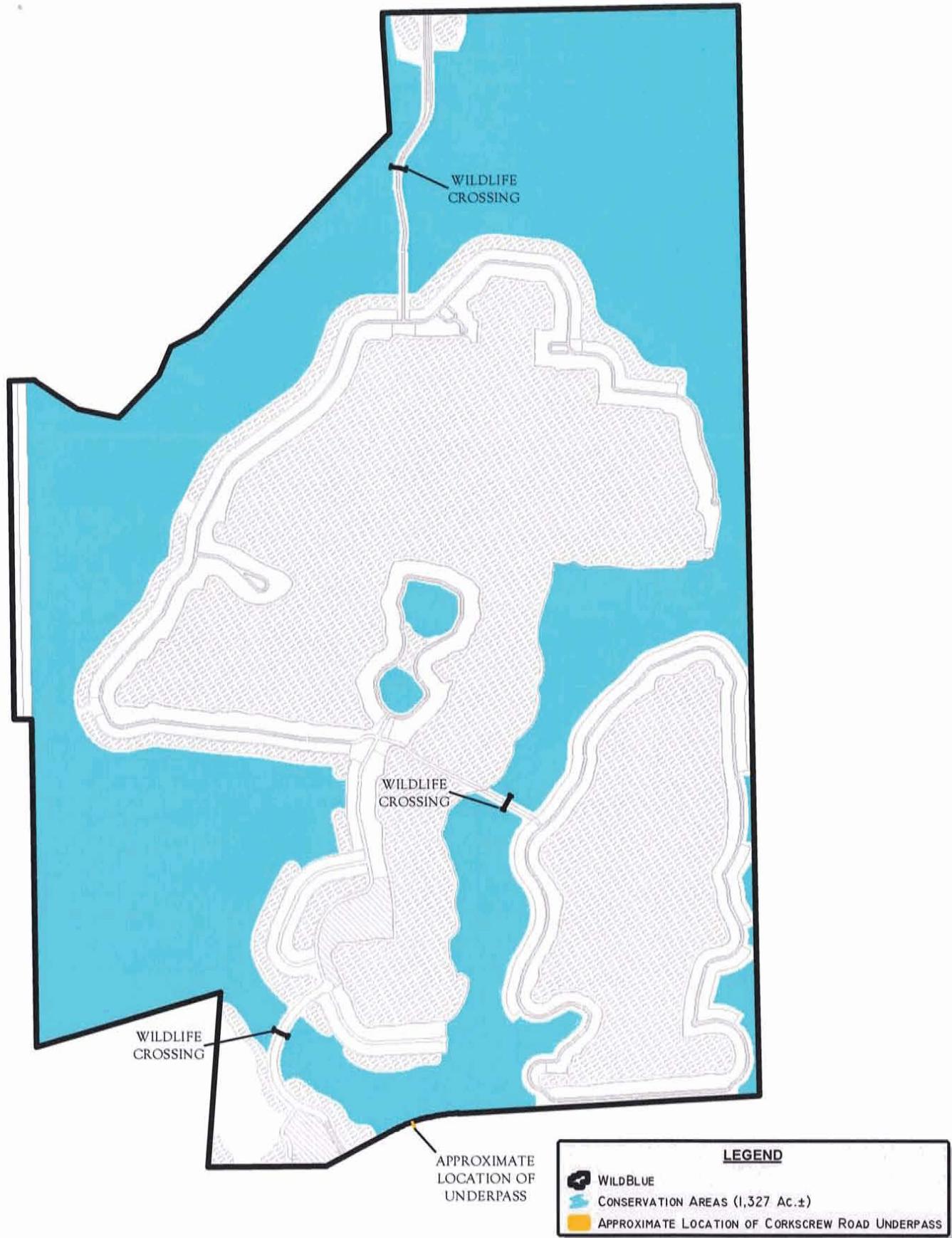
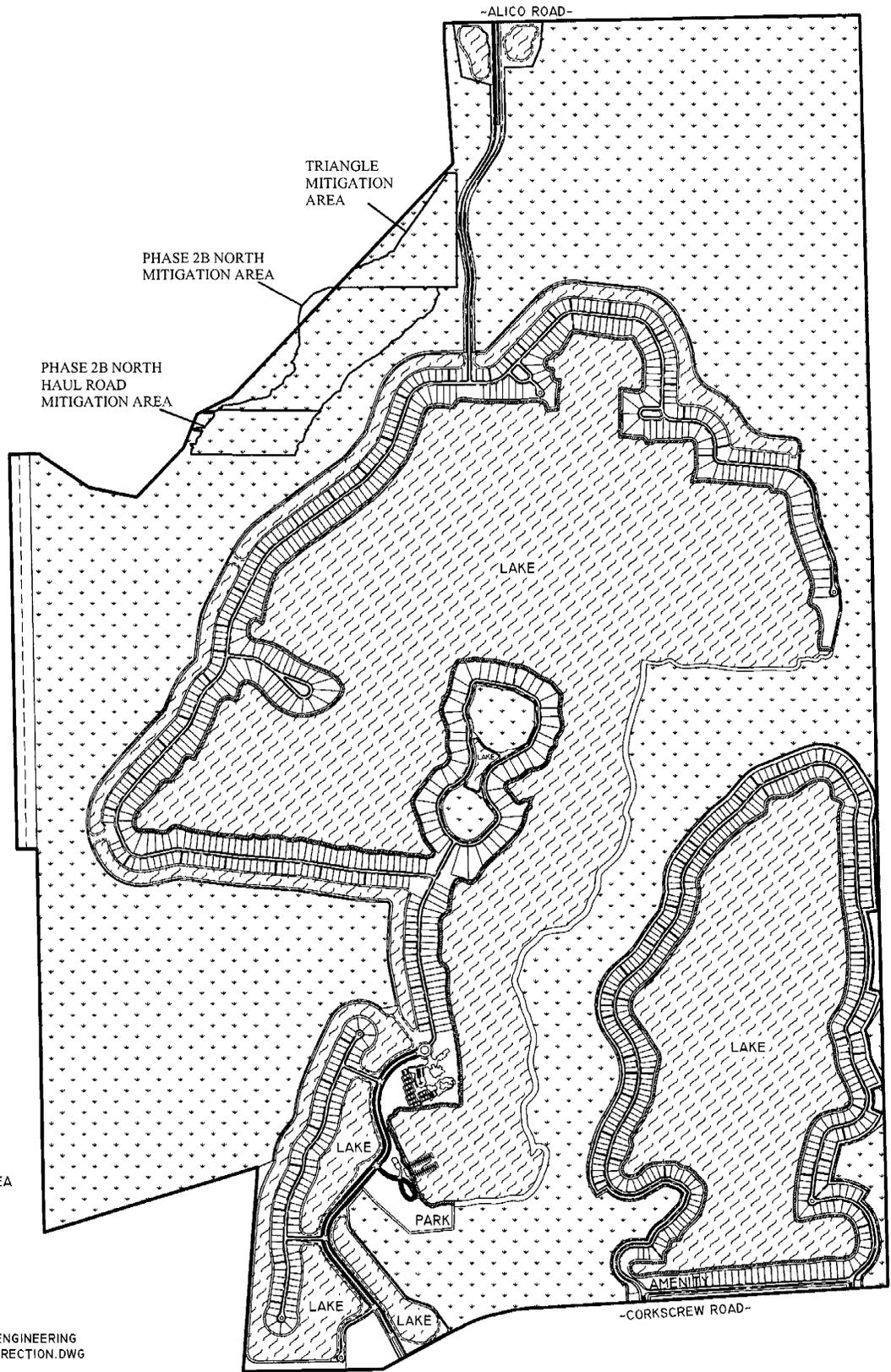


FIGURE 8. APPROXIMATE LOCATION OF CORKSCREW ROAD UNDERPASS WILDBLUE

DRAWN BY	DATE
H.H.	5/29/14
REVIEWED BY	DATE
K.C.P.	5/29/14
REVISED	DATE
H.H.	12/18/14



SCALE: 1" = 1,800'



LEGEND:

 CONSERVATION AREA
(1,317.86 Ac.±)

 LAKE

NOTES:

PROPERTY BOUNDARY PER BANKS ENGINEERING INC. DRAWING NO. 2843_BNDY_CORRECTION.DWG DATED FEBRUARY 14, 2014.

SITE PLAN PER BANKS ENGINEERING INC. DRAWING NO. 2843_BASE.DWG DATED JULY 23, 2014.

J:\2014\2843\2843.DWG 2843_SITING 2843_SITING PREVIOUSLY PERMITTED MITIGATION AREAS.DWG TAB 8/14 AUG 29 2014 11:39AM PLOTTED BY FELICE LORUS

PREVIOUSLY PERMITTED MITIGATION AREAS
WILDBLUE

DRAWN BY	DATE
H.H.	8/5/14
REVIEWED BY	DATE
C.G.R.	8/5/14
REVISED	DATE



WILDBLUE
COMPREHENSIVE PLAN AMENDMENT
TRAFFIC STUDY

Project #12561

March 11, 2014

Prepared by:
DAVID PLUMMER & ASSOCIATES, INC.
2149 McGregor Boulevard
Fort Myers, Florida 33901



WILDBLUE
COMPREHENSIVE PLAN AMENDMENT
TRAFFIC STUDY

Introduction

WildBlue is a planned single-family residential community with a small commercial center and ancillary amenities for WildBlue residents. It is located east of Ben Hill Griffin Parkway, between Alico Road on the north and Corkscrew Road on the south, Exhibit 1. WildBlue will have access to both of these existing roads.

The proposed Comprehensive Plan Amendment (CPA) for WildBlue would allow up to 1,100 single-family residential units, a commercial center of approximately 40,000 sq. ft., and the following private amenities for WildBlue residents only:

- Clubhouse: approximately 13,000 to 14,000 sq. ft., with a 75 to 100 seat restaurant.
- Tennis Courts: approximately 8 to 10 courts.
- Beach Club: approximately 6,000 to 7,000 sq. ft, with a 25 to 30 seat pool/beach café.
- Marina: approximately 32 to 44 slips.

This traffic study is in support of the CPA application. Consistent with Lee County's Application for a Comprehensive Plan Amendment, 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 2035 on the Lee County MPO's 2035 Highway Cost Feasible Plan highway network both with and without the proposed CPA. It has been estimated that the WildBlue property would allow 247 single-family units under the current land use designation. This represents the Future Without CPA scenario.

The Short Range 5-Year CIP Horizon analysis provides an assessment of future road segment traffic conditions in 2019.

Summary of Results

The results of the Long Range 20-Year Horizon analysis and Short Range 5-Year CIP Horizon analysis are as follows.

1. No new road improvements are needed as a result of the proposed CPA.
2. The Long Range 20-Year Horizon analysis indicates that the following road segments may experience level of service issues under the MPO's 2035 Highway Cost Feasible Plan, both without and with the proposed CPA.



- Corkscrew Road from I-75 to Ben Hill Griffin Parkway
 - Corkscrew Road from Ben Hill Griffin Parkway to future CR 951 Extension
 - Ben Hill Griffin Parkway from Estero Parkway to FGCU
 - Ben Hill Griffin Parkway from FGCU to College Club Drive
3. These potential future 2035 roadway deficiencies are not as a result of the proposed CPA, since they are needed without the proposed CPA.
 4. The need for additional lanes on segments of Corkscrew Road and Ben Hill Griffin Parkway is recognized by the MPO in the MPO's 2035 Highway Needs Plan.
 5. The Short Range 5-Year CIP Horizon analysis indicates that no road segments are projected to have level of service issues in 2019, either with or without the proposed CPA.

Transportation Methodology

A draft transportation methodology report dated January 8, 2014 was prepared consistent with Lee County's Application for a Comprehensive Plan Amendment and provided to the Lee County staff prior to the transportation methodology meeting held on January 13, 2014.

This draft methodology was reviewed with Lee County staff during the meeting on January 13, 2014. Those in attendance included representatives of Lee County DOT, Lee County Development Services, Private Equity Group (the applicant), and David Plummer & Associates (the traffic consultant). There was general agreement on the methodology.

The methodology report was subsequently updated based on the discussion during the methodology meeting and resubmitted to the Lee County staff in the revised report dated Revised January 31, 2014.

This traffic study has been prepared consistent with this methodology.

Study Area

In accordance with Lee County's Application for a Comprehensive Plan Amendment, the study should include a review of projected roadway conditions within a 3-mile radius of the site. The study area therefore extends from north of Alico Road to south of Corkscrew Road and from east of WildBlue to I-75, Exhibit 2.

Existing Road Network

The existing roadway network is shown in Exhibit 1.

The primary east-west roads serving the area are Corkscrew Road and Alico Road. The primary north-south roads serving the area are Ben Hill Griffin Parkway/Treeline Avenue and I-75.

Scheduled and Planned Road Improvements

Roadway improvements scheduled in the County's current five year work program were considered scheduled improvements for purposes of the Short Range 5-Year CIP Horizon analysis. These include the following.

- I-75 Airport Direct Connect (Under Construction)
- Alico Road widening to four lanes from Ben Hill Griffin Parkway to Airport Haul Road (Scheduled for Construction)

Roadway improvements included in the MPO's 2035 Highway Cost Feasible Plan were considered planned improvements for purposes of the Long Range 20-Year Horizon analysis.

CPA Development Parameters

WildBlue is anticipated to be a single phase development, with build-out expected in 2021. The horizon year for this study, however, is 2035 for the Long Range 20-Year Horizon analysis and 2019 for the Short Range 5-Year CIP Horizon analysis.

WildBlue's anticipated development program at build-out is summarized below.

- Single-family residential: up to 1,100 units
- General retail: 40,000 sq. ft.
- Clubhouse: 14,000 sq. ft.
- Quality Restaurant: 100 seats
- Tennis Courts: 10 courts
- Beach Club: 7,000 sq. ft., with 30 seat pool/beach cafe
- Marina: 44 slips

Trip Generation

The adopted Lee County MPO travel model was used to estimate the trip generation for the WildBlue property under all scenarios, consistent with all other zones in the MPO travel model.

Three traffic analysis zones were used to represent the WildBlue property: TAZ 839 for the retail center on Corkscrew Road; TAZ 840 for the main portion of WildBlue between Corkscrew Road and Alico Road; and TAZ 841 for the separate parcel on Corkscrew Road containing 382 single-family units.

Worksheets were used to develop the input data for the three WildBlue zones under four scenarios. These are provided in Appendix A.

- Long Range 20-Year Horizon (2035) Without CPA (Appendix A-1)
- Long Range 20-Year Horizon (2035) With CPA (Appendix A-2)
- Short Range 5-Year CIP Horizon (2019) Without CPA (Appendix A-3)
- Short Range 5-Year CIP Horizon (2019) With CPA (Appendix A-4)

The Without CPA scenarios reflected the 247 units allowed on the site under the current designated land use in 2035 and half that number by 2019.

TAZ 842 was added to account for an increase in background traffic on Alico Road due to the approved Alico West CPA.

Long Range 20-Year Horizon (2035) Analysis

The adopted Lee County MPO travel model was used to project future 2035 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 2035 Highway Cost Feasible Plan network.

The FSUTMS input and output files for the travel model assignments can be found on DPA's ftp website at the following link: ftp://ftpfm.dplummer.com/Public/12561_WildBlueCPA. These files will be available for download from the DPA website for approximately two months.

Exhibit 3 shows future traffic conditions in 2035 without the proposed CPA. This assignment assumed 247 single-family units on the WildBlue property (Appendix A-1), reflective of the current land use designation.

As shown in Exhibit 3, four road segments may have level of service issues in 2035 without the proposed CPA.

- Corkscrew Road from I-75 to Ben Hill Griffin Parkway *
- Corkscrew Road from Ben Hill Griffin Parkway to future CR 951 Extension
- Ben Hill Griffin Parkway from Estero Parkway to FGCU
- Ben Hill Griffin Parkway from FGCU to College Club Drive *

* In MPO 2035 Highway Needs Plan

Exhibit 4 shows future traffic conditions in 2035 with the proposed CPA. This assignment assumed 1,100 single-family units, 40,000 sq. ft. of retail and the various amenities on the WildBlue property (Appendix A-2), reflective of the proposed CPA.

As shown in Exhibit 4, the same four road segments may have level of service issues with the proposed CPA. These potential future 2035 roadway deficiencies are not as a result of the CPA,

because they are projected both with and without the CPA. No road segments are projected to have level of service issues as a result of the proposed CPA.

Short Range 5-Year CIP (2019) Analysis

It was agreed during the transportation methodology meeting that traffic growth trends would be used to project background traffic for the short term analysis.

As shown in Exhibit 5, historic AADT volumes from the Lee County 2012 Traffic Count Report were used to develop an initial linear growth rate through 2019 to apply to the latest segment volume count to estimate 2019 background traffic volumes without the CPA. Where the initial growth rate was negative or a positive rate of less than 1%, a default rate of 1% per year was used. Where the growth rate was 1% per year or more, that figure was used. However, as agreed during the methodology meeting, a moderate growth rate of 4% per year was used for Alico Road between Ben Hill Griffin Parkway and Airport Haul Road to account for anticipated development in this corridor.

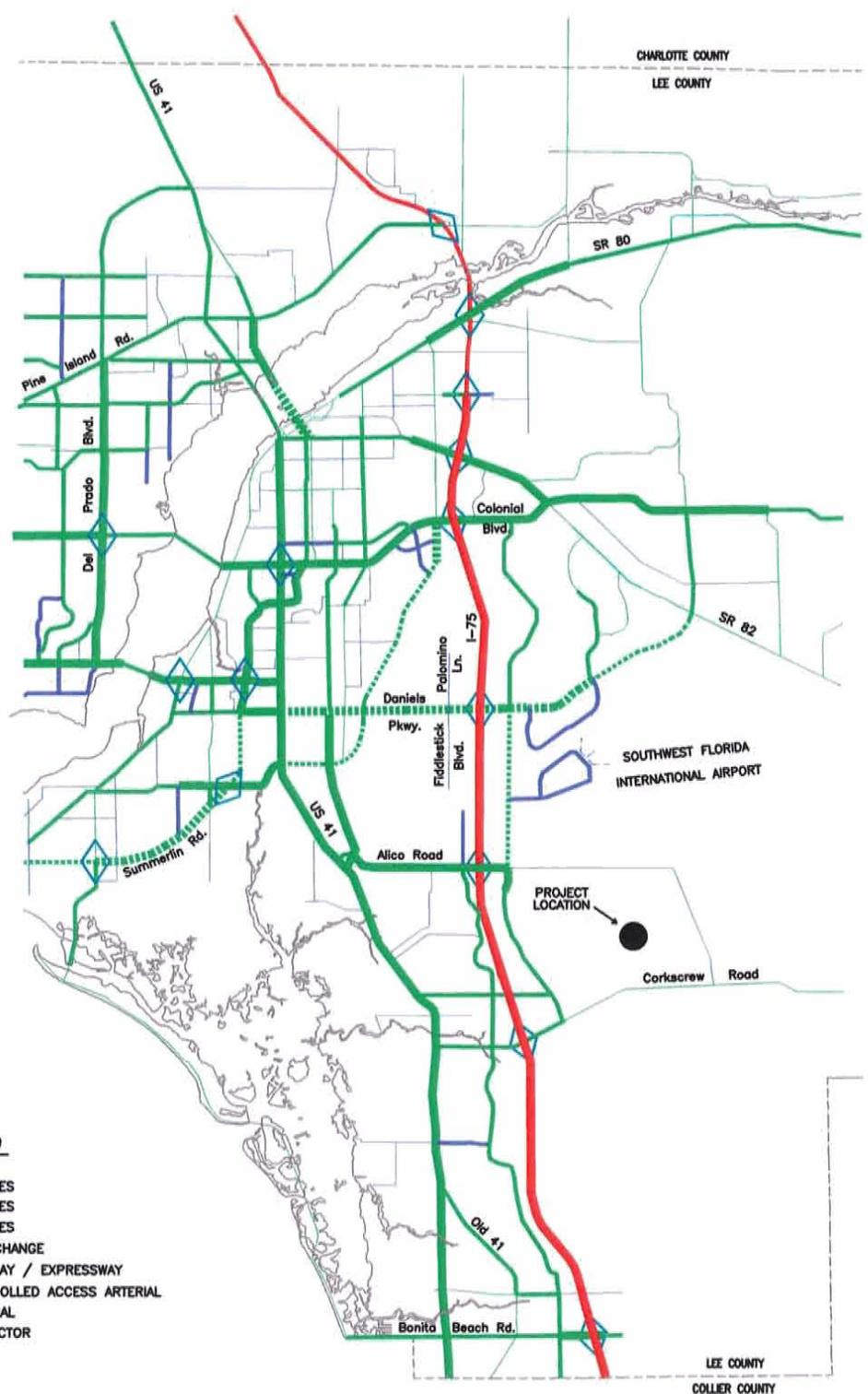
Also as agreed in the methodology meeting, background traffic diversion due to the I-75 Airport Direct Connect project, which is currently under construction, was estimated based on comparative travel model assignments run for the Meridian Center MPD. The impacts of the new interchange were reported on pages 13-14 of the Meridian Center MPD Traffic Impact Statement. The analysis estimated that traffic on Treeline Avenue between Daniels Parkway and Terminal Access Road will decrease by 26% and traffic on Ben Hill Griffin Parkway between Terminal Access Road and Alico Road will decrease by 19%. These figures were used in Exhibit 5 to account for this traffic diversion.

Future 2019 traffic conditions without the CPA are presented in Exhibit 6. The travel model assignment done for WildBlue in this scenario assumed half of the 247 single-family units allowed under the current land use designation would be in place by 2019 (Appendix A-3). The background zonal data for 2019 was interpolated based on the MPO adopted base year (2007) and LRTP horizon year (2035).

No level of service issues are projected in 2019 without the CPA.

Future 2019 traffic conditions with the CPA are presented in Exhibit 7. The travel model assignment done for WildBlue in this scenario assumed half of the 1,100 single-family units and other WildBlue CPA uses would be in place by 2019 (Appendix A-4). The background zonal data for 2019 was interpolated based on the MPO adopted base year (2007) and LRTP horizon year (2035).

As in the Future Without scenario, no level of service issues are projected in 2019 with the CPA. Therefore, no modifications to the County's five year work program are needed as a result of the proposed CPA.



LEGEND

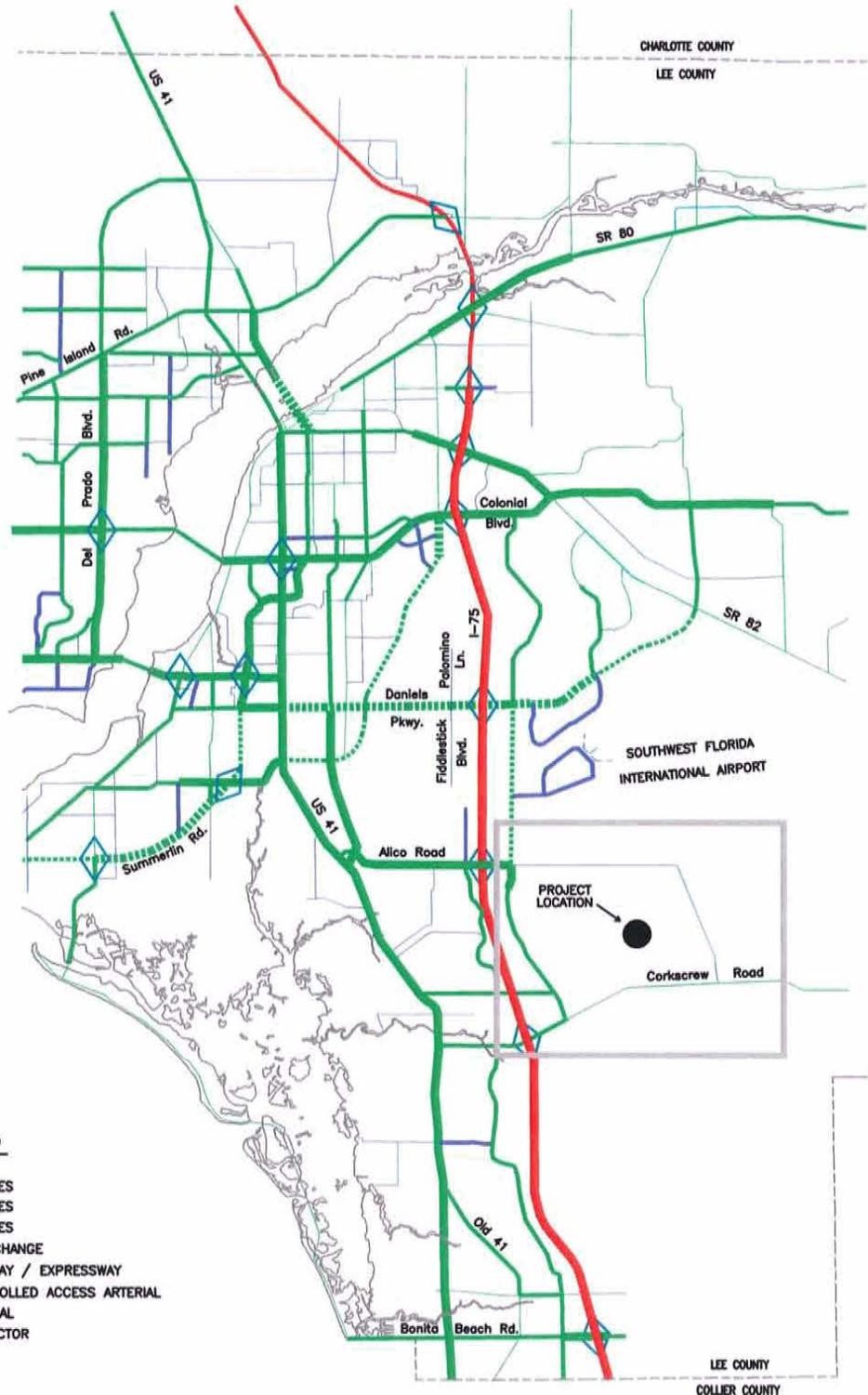
- 2 LANES
- 4 LANES
- 6 LANES
- INTERCHANGE
- FREEWAY / EXPRESSWAY
- CONTROLLED ACCESS ARTERIAL
- ARTERIAL
- COLLECTOR



WILDBLUE CPA
TRAFFIC STUDY

LOCATION

12561/03A/0214



LEGEND

- 2 LANES
- 4 LANES
- 6 LANES
- INTERCHANGE
- FREEWAY / EXPRESSWAY
- CONTROLLED ACCESS ARTERIAL
- ARTERIAL
- COLLECTOR

NOTE (1):
WITHIN A 3-MILE
RADIUS OF SITE



WILDBLUE CPA
TRAFFIC STUDY

STUDY AREA ⁽¹⁾

12561/04A/0214

EXHIBIT 3

WILDBLUE COMPREHENSIVE PLAN AMENDMENT

LONG RANGE 20-YEAR HORIZON ANALYSIS

FUTURE (2035) TRAFFIC CONDITIONS WITHOUT CPA (247 Units)

DIRECTIONAL PEAK HOUR (K100), PEAK SEASON

ROADWAY	FROM	TO	(1) (3)		2035		Two-Way		Directional		(2) Directional Service Volumes					LOS		V/C		LOS				
			# of Lanes	LOS Std	PSWADT Traffic	PSWADT/ AADT	K100 Factor	Peak Hour Volume	NE	SW	Peak Hr. Vol.	NE	SW	LOS "A"	LOS "B"	LOS "C"	LOS "D"	LOS "E"	Std	NE	SW	NE	SW	
ALICO ROAD	I-75	BEN HILL GRIFFIN PKWY	6D	E	64,237	1.20	53,680	0.091	4,885	0.48	0.52	2,345	2,540	0	410	2,840	2,940	2,940	2,940		0.80	0.86	C	C
	BEN HILL GRIFFIN PKWY	AIRPORT HAUL RD / CR 951 EXT.	4D	E	18,192	1.20	15,202	0.091	1,383	0.48	0.52	664	719	0	260	1,840	1,960	1,960	1,960		0.34	0.37	C	C
	AIRPORT HAUL RD / CR 951 EXT.	PROJECT ENTRANCE	4D	E	30,399	1.20	25,403	0.091	2,312	0.48	0.52	1,110	1,202	1,060	1,810	2,560	3,240	3,590	3,590	(4)	0.31	0.33	B	B
	PROJECT ENTRANCE	GREEN MEADOWS RD	4D	E	30,045	1.20	25,107	0.091	2,285	0.48	0.52	1,097	1,188	1,060	1,810	2,560	3,240	3,590	3,590	(4)	0.31	0.33	B	B
BEN HILL GRFFIN PKWY	CORKSCREW RD	ESTERO PKWY	4D	E	29,986	1.29	23,245	0.104	2,417	0.57	0.43	1,378	1,039	0	260	1,840	1,960	1,960	1,960		0.70	0.53	C	C
/ TREELINE AVE	ESTERO PKWY	FGCU ENTRANCE	4D	E	43,078	1.29	33,394	0.104	3,473	0.57	0.43	1,980	1,493	0	260	1,840	1,960	1,960	1,960		1.01	0.76	F	C
	FGCU ENTRANCE	COLLEGE CLUB DR	4D	E	45,998	1.29	35,657	0.104	3,708	0.57	0.43	2,114	1,594	0	260	1,840	1,960	1,960	1,960		1.08	0.81	F	C
	COLLEGE CLUB DR	ALICO RD	6D	E	61,322	1.29	47,536	0.104	4,944	0.57	0.43	2,818	2,126	0	410	2,840	2,940	2,940	2,940		0.96	0.72	C	C
	ALICO RD	TERMINAL ACCESS RD	4D	E	37,880	1.29	29,364	0.104	3,054	0.57	0.43	1,741	1,313	0	270	1,970	2,100	2,100	2,100	(5)	0.83	0.63	C	C
CR 951 EXT.	CORKSCREW RD	ALICO RD	4D	E	20,329	1.20	16,988	0.091	1,546	0.48	0.52	742	804	1,060	1,810	2,560	3,240	3,590	3,590	(4)	0.21	0.22	A	A
	ALICO RD	E / W ACCESS RD	2	E	56	1.20	47	0.091	4	0.48	0.52	2	2	0	0	310	670	740	740	(7)	0.00	0.00	C	C
CORKSCREW RD	EB I-75	BEN HILL GRIFFIN PKWY	2L	E	50,113	1.19	42,112	0.111	4,674	0.51	NA	2,384	NA	0	260	1,840	1,960	1,960	1,960	(6)	1.22	NA	F	NA
	WB I-75	BEN HILL GRIFFIN PKWY	3L	E	50,113	1.19	42,112	0.111	4,674	NA	0.49	NA	2,290	0	410	2,840	2,940	2,940	2,940	(6)	NA	0.78	NA	C
	BEN HILL GRIFFIN PKWY	CR 951 EXT.	2	E	25,797	1.19	21,678	0.111	2,406	0.51	0.49	1,227	1,179	0	147	840	903	903	903	(8)	1.36	1.31	F	F
	CR 951 EXT.	WILDCAT RUN DR	2	E	5,762	1.19	4,842	0.111	537	0.51	0.49	274	263	126	441	882	1,250	1,722	1,722	(9)	0.16	0.15	B	B
	WILDCAT RUN DR	PROJECT WEST ENTRANCE	2	E	5,762	1.19	4,842	0.111	537	0.51	0.49	274	263	120	420	840	1,190	1,640	1,640	(4)	0.17	0.16	B	B
	PROJECT WEST ENTRANCE	PROJECT EAST ENTRANCES	2	E	5,395	1.19	4,534	0.111	503	0.51	0.49	257	246	120	420	840	1,190	1,640	1,640	(4)	0.16	0.15	B	B
	PROJECT EAST ENTRANCES	ALICO RD	2	E	5,031	1.19	4,228	0.111	469	0.51	0.49	239	230	120	420	840	1,190	1,640	1,640	(4)	0.15	0.14	B	B
	ALICO RD	EAST	2	E	7,838	1.19	6,587	0.111	731	0.51	0.49	373	358	120	420	840	1,190	1,640	1,640	(4)	0.23	0.22	B	B
ESTERO PARKWAY	THREE OAKS PKWY	BEN HILL GRIFFIN PKWY	4D	E	39,018	1.19	32,788	0.111	3,639	0.49	0.51	1,783	1,856	0	260	1,840	1,960	1,960	1,960		0.91	0.95	C	D

Footnotes:

- (1) Lee County MPO 2035 Long Range Transportation Plan Highway Cost Feasible Plan number of lanes.
- (2) 2013 Lee County Generalized Peak Hour Service Volumes.
- (3) Lee County roadway LOS standard. I-75 based on FDOT FHHS LOS standard.
- (4) Uninterrupted flow service volumes.
- (5) Controlled access facility service volumes.
- (6) Corkscrew Road 2 lanes eastbound and 3 lanes westbound.
- (7) Collector road service volumes.
- (8) Interrupted flow service volume + 5% for divided median.
- (9) Uninterrupted flow service volume + 5% for divided median.

EXHIBIT 4

WILDBLUE COMPREHENSIVE PLAN AMENDMENT

LONG RANGE 20-YEAR HORIZON ANALYSIS

FUTURE (2035) TRAFFIC CONDITIONS WITH CPA (1,100 Units)

DIRECTIONAL PEAK HOUR (K100), PEAK SEASON

ROADWAY	FROM	TO	(1) (3)		2035					(2)														
			# of Lanes	LOS Std	PSWADT Traffic	PSWADT/ AADT	AADT	K100 Factor	Two-Way Peak Hour		Directional Peak Hr. Vol.		Directional Service Volumes					LOS		V/C		LOS		
									NE	SW	NE	SW	LOS "A"	LOS "B"	LOS "C"	LOS "D"	LOS "E"	Std	NE	SW	NE	SW		
ALICO ROAD	I-75	BEN HILL GRIFFIN PKWY	6D	E	65,344	1.20	54,605	0.091	4,969	0.48	0.52	2,385	2,584	0	410	2,840	2,940	2,940	2,940		0.81	0.88	C	C
	BEN HILL GRIFFIN PKWY	AIRPORT HAUL RD / CR 951 EXT.	4D	E	19,555	1.20	16,341	0.091	1,487	0.48	0.52	714	773	0	260	1,840	1,960	1,960	1,960		0.36	0.39	C	C
	AIRPORT HAUL RD / CR 951 EXT.	PROJECT ENTRANCE	4D	E	31,325	1.20	26,177	0.091	2,382	0.48	0.52	1,143	1,239	1,060	1,810	2,560	3,240	3,590	3,590	(4)	0.32	0.35	B	B
	PROJECT ENTRANCE	GREEN MEADOWS RD	4D	E	29,655	1.20	24,781	0.091	2,255	0.48	0.52	1,082	1,173	1,060	1,810	2,560	3,240	3,590	3,590	(4)	0.30	0.33	B	B
BEN HILL GRIFFIN PKWY	CORKSCREW RD	ESTERO PKWY	4D	E	30,711	1.29	23,807	0.104	2,476	0.57	0.43	1,411	1,065	0	260	1,840	1,960	1,960	1,960		0.72	0.54	C	C
/ TREELINE AVE	ESTERO PKWY	FGCU ENTRANCE	4D	E	43,478	1.29	33,704	0.104	3,505	0.57	0.43	1,998	1,507	0	260	1,840	1,960	1,960	1,960		1.02	0.77	F	C
	FGCU ENTRANCE	COLLEGE CLUB DR	4D	E	46,436	1.29	35,997	0.104	3,744	0.57	0.43	2,134	1,610	0	260	1,840	1,960	1,960	1,960		1.09	0.82	F	C
	COLLEGE CLUB DR	ALICO RD	6D	E	61,936	1.29	48,012	0.104	4,993	0.57	0.43	2,846	2,147	0	410	2,840	2,940	2,940	2,940		0.97	0.73	D	C
	ALICO RD	TERMINAL ACCESS RD	4D	E	37,566	1.29	29,121	0.104	3,029	0.57	0.43	1,727	1,302	0	270	1,970	2,100	2,100	2,100	(5)	0.82	0.62	C	C
CR 951 EXT.	CORKSCREW RD	ALICO RD	4D	E	19,248	1.20	16,085	0.091	1,464	0.48	0.52	703	761	1,060	1,810	2,560	3,240	3,590	3,590	(4)	0.20	0.21	A	A
	ALICO RD	E / W ACCESS RD	2	E	282	1.20	236	0.091	21	0.48	0.52	10	11	0	0	310	670	740	740	(7)	0.01	0.01	C	C
CORKSCREW RD	EB I-75	BEN HILL GRIFFIN PKWY	2L	E	50,326	1.19	42,291	0.111	4,694	0.51	NA	2,394	NA	0	260	1,840	1,960	1,960	1,960	(6)	1.22	NA	F	NA
	WB I-75	BEN HILL GRIFFIN PKWY	3L	E	50,326	1.19	42,291	0.111	4,694	NA	0.49	NA	2,300	0	410	2,840	2,940	2,940	2,940	(6)	NA	0.78	NA	C
	BEN HILL GRIFFIN PKWY	CR 951 EXT.	2	E	27,133	1.19	22,801	0.111	2,531	0.51	0.49	1,291	1,240	0	147	840	903	903	903	(8)	1.43	1.37	F	F
	CR 951 EXT.	WILDCAT RUN DR	2	E	9,369	1.19	7,873	0.111	874	0.51	0.49	446	428	126	441	882	1,250	1,722	1,722	(9)	0.26	0.25	C	B
	WILDCAT RUN DR	PROJECT WEST ENTRANCE	2	E	9,369	1.19	7,873	0.111	874	0.51	0.49	446	428	120	420	840	1,190	1,640	1,640	(4)	0.27	0.26	C	C
	PROJECT WEST ENTRANCE	PROJECT EAST ENTRANCES	2	E	6,824	1.19	5,734	0.111	637	0.51	0.49	325	312	120	420	840	1,190	1,640	1,640	(4)	0.20	0.19	B	B
	PROJECT EAST ENTRANCES	ALICO RD	2	E	5,134	1.19	4,314	0.111	479	0.51	0.49	244	235	120	420	840	1,190	1,640	1,640	(4)	0.15	0.14	B	B
	ALICO RD	EAST	2	E	8,044	1.19	6,760	0.111	750	0.51	0.49	383	368	120	420	840	1,190	1,640	1,640	(4)	0.23	0.22	B	B
ESTERO PARKWAY	THREE OAKS PKWY	BEN HILL GRIFFIN PKWY	4D	E	39,857	1.19	33,493	0.111	3,718	0.49	0.51	1,822	1,896	0	260	1,840	1,960	1,960	1,960		0.93	0.97	C	D

Footnotes:

- (1) Lee County MPO 2035 Long Range Transportation Plan Highway Cost Feasible Plan number of lanes.
- (2) 2013 Lee County Generalized Peak Hour Service Volumes.
- (3) Lee County roadway LOS standard. I-75 based on FDOT FHHS LOS standard.
- (4) Uninterrupted flow service volumes.
- (5) Controlled access facility service volumes.
- (6) Corkscrew Road 2 lanes eastbound and 3 lanes westbound.
- (7) Collector road service volumes.
- (8) Interrupted flow service volume + 5% for divided median.
- (9) Uninterrupted flow service volume + 5% for divided median.

EXHIBIT 5

WILDBLUE COMPREHENSIVE PLAN AMENDMENT

SHORT RANGE 5-YEAR CIP HORIZON ANALYSIS

AADT GROWTH TRENDS (2004 - 2019)

ROADWAY	FROM	TO	(1)													(2)					(3)			(4)		2019 Bckgrnd Traffic
			AADT													TREND					Annual Rate			Airport Connector		
			2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	Rate	Default	Volume	Percent	Number			
ALICO ROAD	I-75	BEN HILL GRIFFIN PKWY					12,300	20,800	25,700	26,200	26,000	24,707	24,719	24,731	24,743	24,756	24,768	24,780	1.91%	1.91%	29,980	-16%	-4,863	25,117		
	BEN HILL GRIFFIN PKWY	AIRPORT HAUL RD	14,700	13,100	12,600	9,400	5,800	3,600	2,600			4,400	8,851	8,855	8,859	8,864	8,868	8,873	8,877	-2.64%	4.00%	5,808	0%		5,808	
	AIRPORT HAUL RD	PROJECT ENTRANCE	14,700	13,100	12,600	9,400	5,800	3,600	2,600			4,400	8,851	8,855	8,859	8,864	8,868	8,873	8,877	-2.64%	1.00%	4,752	0%		4,752	
	PROJECT ENTRANCE	GREEN MEADOWS RD	14,700	13,100	12,600	9,400	5,800	3,600	2,600			4,400	8,851	8,855	8,859	8,864	8,868	8,873	8,877	-2.64%	1.00%	4,752	0%		4,752	
BEN HILL GRFFIN PKWY	CORKSCREW RD	ESTERO PKWY	10,200	17,200	20,500	26,200	20,300	18,800	18,000	17,300	16,200	19,354	19,364	19,373	19,383	19,393	19,402	19,412	0.92%	1.00%	17,496	0%		17,496		
/ TREELINE AVE	ESTERO PKWY	FGCU ENTRANCE	10,200	17,200	20,500	26,200	20,300	18,800	18,000	17,300	16,200	19,354	19,364	19,373	19,383	19,393	19,402	19,412	0.92%	1.00%	17,496	0%		17,496		
	FGCU ENTRANCE	COLLEGE CLUB DR	8,200		20,300	26,800	21,200	15,300	18,400	18,000	16,800	19,580	19,589	19,599	19,609	19,618	19,628	19,638	-0.25%	1.00%	18,144	0%		18,144		
	COLLEGE CLUB DR	ALICO RD	8,200		20,300	26,800	21,200	15,300	18,400	18,000	16,800	19,580	19,589	19,599	19,609	19,618	19,628	19,638	-0.25%	1.00%	18,144	0%		18,144		
	ALICO RD	TERMINAL ACCESS RD		19,000	20,900	23,700	24,000	24,100	23,500	24,000	23,700	23,461	23,473	23,485	23,496	23,508	23,520	23,531	0.97%	1.00%	25,596	-19%	-4,863	20,733		
CORKSCREW RD	EB I-75	BEN HILL GRIFFIN PKWY	13,300	10,100	13,500	14,900	12,900	10,900	10,400			12,322	12,328	12,334	12,340	12,346	12,352	12,359	-0.47%	1.00%	11,440	0%		11,440		
	WB I-76	BEN HILL GRIFFIN PKWY	13,300	10,100	13,500	14,900	12,900	10,900	10,400			12,322	12,328	12,334	12,340	12,346	12,352	12,359	-0.47%	1.00%	11,440	0%		11,440		
	BEN HILL GRIFFIN PKWY	WILDCAT RUN DR	4,200	3,900	4,600	4,500	3,700	2,900	2,900			3,825	3,827	3,829	3,831	3,833	3,835	3,837	-0.58%	1.00%	3,190	0%		3,190		
	WILDCAT RUN DR	PROJECT WEST ENTRANCE	4,200	3,900	4,600	4,500	3,700	2,900	2,900			3,825	3,827	3,829	3,831	3,833	3,835	3,837	-0.58%	1.00%	3,190	0%		3,190		
	PROJECT WEST ENTRANCE	PROJECT EAST ENTRANCES	4,200	3,900	4,600	4,500	3,700	2,900	2,900			3,825	3,827	3,829	3,831	3,833	3,835	3,837	-0.58%	1.00%	3,190	0%		3,190		
	PROJECT EAST ENTRANCES	ALICO RD	4,200	3,900	4,600	4,500	3,700	2,900	2,900			3,825	3,827	3,829	3,831	3,833	3,835	3,837	-0.58%	1.00%	3,190	0%		3,190		
	ALICO RD	EAST	4,200	3,900	4,600	4,500	3,700	2,900	2,900			3,825	3,827	3,829	3,831	3,833	3,835	3,837	-0.58%	1.00%	3,190	0%		3,190		
ESTERO PARKWAY	THREE OAKS PKWY	BEN HILL GRIFFIN PKWY						9,100	9,400	11,800		10,116	10,121	10,126	10,131	10,136	10,141	10,146	1.15%	1.15%	13,021	0%		13,021		

Footnote:

- (1) Historic AADT volumes from Lee County 2012 Traffic Count Report.
- (2) Linear best fit line, from which an initial growth rate was developed.
- (3) Default growth rate of 1% per year for segments with negative growth rate or positive growth rate less than 1%.
- (4) Traffic diversion due to I-75 Airport Direct Connect estimated based on diversion shown in Meridian Center MPD Traffic Impact Statement.

EXHIBIT 6

WILDBLUE COMPREHENSIVE PLAN AMENDMENT

SHORT RANGE 5-YEAR CIP HORIZON ANALYSIS

FUTURE (2019) TRAFFIC CONDITIONS WITHOUT CPA (124 Units)

DIRECTIONAL PEAK HOUR (K100), PEAK SEASON

ROADWAY	FROM	TO	(1) # of Lanes	(3) LOS Std	2019 Bkgnd Traffic	(4) K100 Factor	Two-Way Peak Hr. Volume	Background				Approved		Total		(2) Directional Service Volumes					LOS		V/C		LOS	
								(4) D100		Directional Peak Hr. Vol.		Approved Traffic	Directional Pk. Hr. Volume		Directional Pk. Hr. Volume		LOS "A"	LOS "B"	LOS "C"	LOS "D"	LOS "E"	Std	NE	SW	NE	SW
								NE	SW	NE	SW	FSUTMS	NE	SW	NE	SW	LOS "A"	LOS "B"	LOS "C"	LOS "D"	LOS "E"					
ALICO ROAD	I-75	BEN HILL GRIFFIN PKWY	6D	E	25,117	0.091	2,286	0.48	0.52	1,097	1,189	115	5	5	1,102	1,194	0	410	2,840	2,940	2,940	2,940	0.37	0.40	C	C
	BEN HILL GRIFFIN PKWY	AIRPORT HAUL RD	4D	E	5,808	0.091	529	0.48	0.52	254	275	206	9	10	263	285	0	260	1,840	1,960	1,960	1,960	0.13	0.14	B	C
	AIRPORT HAUL RD	PROJECT ENTRANCE	2	E	4,752	0.091	432	0.48	0.52	207	225	206	9	10	216	235	120	420	840	1,190	1,640	1,640 (5)	0.13	0.14	B	B
	PROJECT ENTRANCE	GREEN MEADOWS RD	2	E	4,752	0.091	432	0.48	0.52	207	225	9	0	0	207	225	120	420	840	1,190	1,640	1,640 (5)	0.13	0.14	B	B
BEN HILL GRFFIN PKWY	CORKSCREW RD	ESTERO PKWY	4D	E	17,496	0.104	1,820	0.57	0.43	1,037	783	77	5	3	1,042	786	0	260	1,840	1,960	1,960	1,960	0.53	0.40	C	C
/ TREELINE AVE	ESTERO PKWY	FGCU ENTRANCE	4D	E	17,496	0.104	1,820	0.57	0.43	1,037	783	22	1	1	1,038	784	0	260	1,840	1,960	1,960	1,960	0.53	0.40	C	C
	FGCU ENTRANCE	COLLEGE CLUB DR	4D	E	18,144	0.104	1,867	0.57	0.43	1,076	811	28	2	1	1,078	812	0	260	1,840	1,960	1,960	1,960	0.55	0.41	C	C
	COLLEGE CLUB DR	ALICO RD	6D	E	18,144	0.104	1,887	0.57	0.43	1,076	811	48	3	2	1,079	813	0	410	2,840	2,940	2,940	2,940	0.37	0.28	C	C
	ALICO RD	TERMINAL ACCESS RD	4D	E	20,733	0.104	2,156	0.57	0.43	1,229	927	42	2	2	1,231	929	0	270	1,970	2,100	2,100	2,100 (6)	0.59	0.44	C	C
CORKSCREW RD	EB I-75	BEN HILL GRIFFIN PKWY	2L	E	11,440	0.111	1,270	0.51	0.49	648	NA	256	14	14	662	NA	0	260	1,840	1,960	1,960	1,960 (7)	0.33	NA	C	NA
	WB I-75	BEN HILL GRIFFIN PKWY	3L	E	11,440	0.111	1,270	0.51	0.49	NA	665	256	14	14	NA	679	0	440	2,840	2,940	2,940	2,940 (7)	NA	0.23	NA	C
	BEN HILL GRIFFIN PKWY	WILDCAT RUN DR	2	E	3,190	0.111	354	0.51	0.49	181	173	386	22	21	203	194	126	441	882	1,250	1,722	1,722 (8)	0.11	0.10	B	B
	WILDCAT RUN DR	PROJECT WEST ENTRANCE	2	E	3,190	0.111	354	0.51	0.49	181	173	386	22	21	203	194	120	420	840	1,190	1,640	1,640 (5)	0.11	0.11	B	B
	PROJECT WEST ENTRANCE	PROJECT EAST ENTRANCES	2	E	3,190	0.111	354	0.51	0.49	181	173	200	11	11	192	184	120	420	840	1,190	1,640	1,640 (5)	0.11	0.11	B	B
	PROJECT EAST ENTRANCES	ALICO RD	2	E	3,190	0.111	354	0.51	0.49	181	173	10	1	1	182	174	120	420	840	1,190	1,640	1,640 (5)	0.11	0.11	B	B
	ALICO RD	EAST	2	E	3,190	0.111	354	0.51	0.49	181	173	6	0	0	181	173	120	420	840	1,190	1,640	1,640 (5)	0.11	0.11	B	B
ESTERO PARKWAY	THREE OAKS PKWY	BEN HILL GRIFFIN PKWY	4D	E	13,021	0.111	1,445	0.49	0.51	708	737	40	2	2	710	739	0	260	1,840	1,960	1,960	1,960	0.36	0.38	C	C

Footnotes:

- (1) Existing plus Committed Number of Lanes (E+C).
- (2) 2013 Lee County Generalized Peak Hour Service Volumes.
- (3) Lee County roadway LOS standard. I-75 based on FDOT FIHS LOS standard.
- (4) Adjustment factors based on Lee County 2012 Traffic Count Report and FDOT Florida Traffic Online (2012).
- (5) Uninterrupted flow service volumes.
- (6) Controlled access facility service volumes.
- (7) Corkscrew Road 2 lanes eastbound and 3 lanes westbound
- (8) Uninterrupted flow service volumes + 5% for divided median.

FSUTMS

810

EXHIBIT 7

WILDBLUE COMPREHENSIVE PLAN AMENDMENT

SHORT RANGE 5-YEAR CIP HORIZON ANALYSIS

FUTURE (2019) TRAFFIC CONDITIONS WITH CPA (568 Units)

DIRECTIONAL PEAK HOUR (K100), PEAK SEASON

ROADWAY	FROM	TO	(1) # of Lanes	(3) LOS Std	2019 Bckgrnd Traffic	(4) Two-Way K100 Factor	Peak Hr. Volume	(4) D100		2019 Background Directional Peak Hr. Vol.		CPA Traffic FSUTMS	CPA Directional Pk. Hr. Volume		Total Directional Pk. Hr. Volume		(2) Directional Service Volumes					LOS		V/C		LOS	
								NE	SW	NE	SW		NE	SW	NE	SW	LOS "A"	LOS "B"	LOS "C"	LOS "D"	LOS "E"	Std	NE	SW	NE	SW	
ALICO ROAD	I-75	BEN HILL GRIFFIN PKWY	6D	E	25,117	0.091	2,286	0.48	0.52	1,097	1,189	518	23	25	1,120	1,213	0	410	2,840	2,940	2,940	2,940		0.38	0.41	C	C
	BEN HILL GRIFFIN PKWY	AIRPORT HAUL RD	4D	E	5,808	0.091	529	0.48	0.52	254	275	948	41	45	295	320	0	260	1,840	1,960	1,960	1,960		0.15	0.16	C	C
	AIRPORT HAUL RD	PROJECT ENTRANCE	2	E	4,752	0.091	432	0.48	0.52	207	225	948	41	45	249	269	120	420	840	1,190	1,640	1,640	(4)	0.15	0.16	B	B
	PROJECT ENTRANCE	GREEN MEADOWS RD	2	E	4,752	0.091	432	0.48	0.52	207	225	40	2	2	209	227	120	420	840	1,190	1,640	1,640	(4)	0.13	0.14	B	B
BEN HILL GRFFIN PKWY	CORKSCREW RD	ESTERO PKWY	4D	E	17,496	0.104	1,820	0.57	0.43	1,037	783	347	21	16	1,058	798	0	260	1,840	1,960	1,960	1,960		0.54	0.41	C	C
	/ TREELINE AVE	ESTERO PKWY	4D	E	17,496	0.104	1,820	0.57	0.43	1,037	783	100	6	4	1,043	787	0	260	1,840	1,960	1,960	1,960		0.53	0.40	C	C
	FGCU ENTRANCE	COLLEGE CLUB DR	4D	E	18,144	0.104	1,887	0.57	0.43	1,076	811	127	8	6	1,083	817	0	260	1,840	1,960	1,960	1,960		0.55	0.42	C	C
	COLLEGE CLUB DR	ALICO RD	6D	E	18,144	0.104	1,887	0.57	0.43	1,076	811	223	13	10	1,089	821	0	410	2,840	2,940	2,940	2,940		0.37	0.28	C	C
	ALICO RD	TERMINAL ACCESS RD	4D	E	20,733	0.104	2,156	0.57	0.43	1,229	927	214	13	10	1,242	937	0	270	1,970	2,100	2,100	2,100	(5)	0.59	0.45	C	C
CORKSCREW RD	EB I-75	BEN HILL GRIFFIN PKWY	2L	E	11,440	0.111	1,270	0.51	0.49	648	622	1,183	67	64	715	NA	0	260	1,840	1,960	1,960	1,960	(6)	0.36	NA	C	NA
	WB I-75	BEN HILL GRIFFIN PKWY	3L	E	11,440	0.111	1,270	0.51	0.49	648	622	1,183	67	64	NA	687	0	410	2,840	2,940	2,940	2,940	(6)	NA	0.23	NA	C
	BEN HILL GRIFFIN PKWY	WILDCAT RUN DR	2	E	3,190	0.111	354	0.51	0.49	181	173	1,768	100	96	281	270	126	441	882	1,250	1,722	1,722	(7)	0.16	0.16	B	B
	WILDCAT RUN DR	PROJECT WEST ENTRANCE	2	E	3,190	0.111	354	0.51	0.49	181	173	1,768	100	96	281	270	120	420	840	1,190	1,640	1,640	(4)	0.17	0.16	B	B
	PROJECT WEST ENTRANCE	PROJECT EAST ENTRANCES	2	E	3,190	0.111	354	0.51	0.49	181	173	928	53	50	233	224	120	420	840	1,190	1,640	1,640	(4)	0.14	0.14	B	B
	PROJECT EAST ENTRANCES	ALICO RD	2	E	3,190	0.111	354	0.51	0.49	181	173	46	3	3	183	176	120	420	840	1,190	1,640	1,640	(4)	0.11	0.11	B	B
	ALICO RD	EAST	2	E	3,190	0.111	354	0.51	0.49	181	173	28	2	2	182	175	120	420	840	1,190	1,640	1,640	(4)	0.11	0.11	B	B
ESTERO PARKWAY	THREE OAKS PKWY	BEN HILL GRIFFIN PKWY	4D	E	13,021	0.111	1,445	0.49	0.51	708	737	182	10	10	718	747	0	260	1,840	1,960	1,960	1,960		0.37	0.38	C	C

Footnotes:

- (1) Existing plus Committed Number of Lanes (E+C).
- (2) 2013 Lee County Generalized Peak Hour Service Volumes.
- (3) Lee County roadway LOS standard. I-75 based on FDOT FHHS LOS standard.
- (4) Uninterrupted flow service volumes.
- (5) Controlled access facility service volumes.
- (6) Corkscrew Road 2 lanes eastbound and 3 lanes westbound
- (7) Uninterrupted flow service volumes + 5% for divided median.

FSUTMS

2,820

APPENDIX A

TAZ WORKSHEETS FOR MODEL ASSIGNMENTS

APPENDIX A-1

**WILDBLUE CPA
LONG-TERM (20-YEAR) HORIZON**

**PROPOSED DEVELOPMENT SUMMARY (2035)
WITHOUT CPA**

Estero - Lee County

Unit	TAZ	TAZ	TAZ	TAZ	TAZ	TAZ	TAZ	TAZ	TAZ	CPA	
	840 NW	841 SE	839 Retail	842 Alico W	x	x	x	x	x	Total	
Residential											
SF	d.u.	164	83	0	0	0	0	0	0	0	247
MF	d.u.	0	0	0	975	0	0	0	0	0	975
Senior Adult (Det)	d.u.	0	0	0	0	0	0	0	0	0	0
SubTotal		164	83	0	975	0	0	0	0	0	1,222
Hotel	rooms	0	0	0	125	0	0	0	0	0	125
Industrial	sq. ft.	0	0	0	300,000	0	0	0	0	0	300,000
Retail	sq. ft.	0	0	0	247,000	0	0	0	0	0	247,000
Office											
General	sq. ft.	0	0	0	100,000	0	0	0	0	0	100,000
Medical	sq. ft.	0	0	0	0	0	0	0	0	0	0
SubTotal		0	0	0	100,000	0	0	0	0	0	100,000
Recreation											
Golf	holes	18	0	0	0	0	0	0	0	0	18
Community Park	acres	0	0	0	0	0	0	0	0	0	0
Regional Park	acres	0	0	0	0	0	0	0	0	0	0
Recreation Center	sq. ft.	0	0	0	0	0	0	0	0	0	0
Marina	slips	0	0	0	0	0	0	0	0	0	0
Community											
Hospital	beds	0	0	0	0	0	0	0	0	0	0
ALF	units	0	0	0	0	0	0	0	0	0	0
Churches	sq. ft.	0	0	0	0	0	0	0	0	0	0
Elementry School	students	0	0	0	0	0	0	0	0	0	0
Middle School	students	0	0	0	0	0	0	0	0	0	0
High School	students	0	0	0	0	0	0	0	0	0	0
Government/Civic	sq. ft.	0	0	0	0	0	0	0	0	0	0

ZDATA (FSUTMS) POPULATION & EMPLOYMENT ESTIMATE

ZDATA 1

TRACT >>>	per/d.u.	NW	SE	Retail	Alico W	x	x	x	x	x	0	
											CPA	
TAZ >>>		NW									Total	
SF	1.22	Tot. Pop.	200	100	0	0	0	0	0	0	0	300
	2%	PCTVNP										
	2%	PCTVAC										
	1.20	Perm. Pop.	196	99	0	0	0	0	0	0	0	295
MF	1.26	Tot. Pop.	0	0	0	1,230	0	0	0	0	0	1,230
	10%	PCTVNP										
	9%	PCTVAC										
	1.13	Perm. Pop.	0	0	0	1,106	0	0	0	0	0	1,106
Senior Adult	0.00	Tot. Pop.	0	0	0	0	0	0	0	0	0	0
		PCTVNP										
		PCTVAC										

1.00	Perm. Pop.	0	0	0	0	0	0	0	0	0	0
Hotel	occpr/rm										
2.00	Occupants	0	0	0	250	0	0	0	0	0	250

ZDATA 2

<u>Unit</u>		TAZ <u>NW</u>	TAZ <u>SE</u>	TAZ <u>Retail</u>	TAZ <u>Alico W</u>	TAZ <u>x</u>	TAZ <u>x</u>	TAZ <u>x</u>	TAZ <u>x</u>	TAZ <u>x</u>	CPA <u>Total</u>	
Industrial	emp/1k 0.0020	Emplys	0	0	0	600	0	0	0	0	0	600
Commercial												
General Retail	emp/1k 0.0025	Emplys	0	0	0	620	0	0	0	0	0	620
Golf	emp/hole 1.7400	Emplys	30	0	0	0	0	0	0	0	0	30
	SubTotal	Emplys	30	0	0	620	0	0	0	0	0	650
Service												
Hotel	emp/rm 0.9000	Emplys	0	0	0	110	0	0	0	0	0	110
General Office	emp/1k 0.0045	Emplys	0	0	0	450	0	0	0	0	0	450
Medical Office	emp/1k 0.0041	Emplys	0	0	0	0	0	0	0	0	0	0
Community Park	emp/acre 0.2700	Emplys	0	0	0	0	0	0	0	0	0	0
Regional Park	emp/acre 0.2700	Emplys	0	0	0	0	0	0	0	0	0	0
Recreation Center	emp/1k 0.0020	Emplys	0	0	0	0	0	0	0	0	0	0
Marina	emp/slip 0.0100	Emplys	0	0	0	0	0	0	0	0	0	0
Hospital	emp/bed 2.2800	Emplys	0	0	0	0	0	0	0	0	0	0
ALF	emp/unit 0.6480	Emplys	0	0	0	0	0	0	0	0	0	0
Church	emp/1k 0.0010	Emplys	0	0	0	0	0	0	0	0	0	0
Elementary School	emp/studnt 0.0780	Emplys	0	0	0	0	0	0	0	0	0	0
Middle School	emp/studnt 0.1900	Emplys	0	0	0	0	0	0	0	0	0	0
High School	emp/studnt 0.1900	Emplys	0	0	0	0	0	0	0	0	0	0
Government/Civic	emp/1k 0.0045	Emplys	0	0	0	0	0	0	0	0	0	0
	Sub Total	Emplys	0	0	0	560	0	0	0	0	0	560
Total Employment	Total	Emplys	30	0	0	1,780	0	0	0	0	0	1,810

APPENDIX A-2

**WILDBLUE CPA
LONG-TERM (20-YEAR) HORIZON**

**PROPOSED DEVELOPMENT SUMMARY (2035)
WITH CPA**

Estero - Lee County

<u>Unit</u>		<u>TAZ</u> 840 <u>NW</u>	<u>TAZ</u> 841 <u>SE</u>	<u>TAZ</u> 839 <u>Retail</u>	<u>TAZ</u> 842 <u>Alico W</u>	<u>TAZ</u> x	<u>TAZ</u> x	<u>TAZ</u> x	<u>TAZ</u> x	<u>TAZ</u> x	<u>CPA</u> <u>Total</u>
<u>Residential</u>											
SF	d.u.	753	382	0	0	0	0	0	0	0	1,135
MF	d.u.	0	0	0	975	0	0	0	0	0	975
Senior Adult (Det)	d.u.	0	0	0	0	0	0	0	0	0	0
SubTotal		753	382	0	975	0	0	0	0	0	2,110
Hotel	rooms	0	0	0	125	0	0	0	0	0	125
Industrial	sq. ft.	0	0	0	300,000	0	0	0	0	0	300,000
Retail	sq. ft.	0	0	40,000	247,000	0	0	0	0	0	287,000
<u>Office</u>											
General	sq. ft.	0	0	0	100,000	0	0	0	0	0	100,000
Medical	sq. ft.	0	0	0	0	0	0	0	0	0	0
SubTotal		0	0	0	100,000	0	0	0	0	0	100,000
<u>Recreation</u>											
Golf	holes	0	0	0	0	0	0	0	0	0	0
Community Park	acres	0	0	0	0	0	0	0	0	0	0
Regional Park	acres	0	0	0	0	0	0	0	0	0	0
Recreation Center	sq. ft.	21,000	0	0	0	0	0	0	0	0	21,000
Marina	slips	44	0	0	0	0	0	0	0	0	44
<u>Community</u>											
Hospital	beds	0	0	0	0	0	0	0	0	0	0
ALF	units	0	0	0	0	0	0	0	0	0	0
Churches	sq. ft.	0	0	0	0	0	0	0	0	0	0
Elementary School	students	0	0	0	0	0	0	0	0	0	0
Middle School	students	0	0	0	0	0	0	0	0	0	0
High School	students	0	0	0	0	0	0	0	0	0	0
Government/Civic	sq. ft.	0	0	0	0	0	0	0	0	0	0

ZDATA (FSUTMS) POPULATION & EMPLOYMENT ESTIMATE

ZDATA 1

TRACT >>>		NW	SE	Retail	Alico W	x	x	x	x	x	0 CPA Total
TAZ >>>		NW									
SF	per/d.u.										
	1.22	Tot. Pop.	920	470	0	0	0	0	0	0	1,390
	2%	PCTVNP									
	2%	PCTVAC									
1.20	Perm. Pop.	900	460	0	0	0	0	0	0	0	1,360
MF	per/d.u.										
	1.26	Tot. Pop.	0	0	0	1,230	0	0	0	0	1,230
	10%	PCTVNP									
	9%	PCTVAC									
0.90	Perm. Pop.	0	0	0	878	0	0	0	0	0	878
Senior Adult	per/d.u.										
	0.00	Tot. Pop.	0	0	0	0	0	0	0	0	0
		PCTVNP									
		PCTVAC									
1.00	Perm. Pop.	0	0	0	0	0	0	0	0	0	0

Hotel	occpr/m 2.00	Occupants	0	0	0	250	0	0	0	0	0	250
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ZDATA 2

	Unit		TAZ NW	TAZ SE	TAZ Retail	TAZ Alico W	TAZ x	TAZ x	TAZ x	TAZ x	TAZ x	0 CPA Total
Industrial	emp/1k 0.0020	Emplys	0	0	0	600	0	0	0	0	0	600
Commercial												
General Retail	emp/1k 0.0025	Emplys	0	0	100	620	0	0	0	0	0	720
Golf	emp/hole 1.7400	Emplys	0	0	0	0	0	0	0	0	0	0
	SubTotal	Emplys	0	0	100	620	0	0	0	0	0	720
Service												
Hotel	emp/rm 0.9000	Emplys	0	0	0	110	0	0	0	0	0	110
General Office	emp/1k 0.0045	Emplys	0	0	0	450	0	0	0	0	0	450
Medical Office	emp/1k 0.0041	Emplys	0	0	0	0	0	0	0	0	0	0
Community Park	emp/acre 0.2700	Emplys	0	0	0	0	0	0	0	0	0	0
Regional Park	emp/acre 0.2700	Emplys	0	0	0	0	0	0	0	0	0	0
Recreation Center	emp/1k 0.0020	Emplys	40	0	0	0	0	0	0	0	0	40
Marina	emp/slip 0.0100	Emplys	0	0	0	0	0	0	0	0	0	0
Hospital	emp/bed 2.2800	Emplys	0	0	0	0	0	0	0	0	0	0
ALF	emp/unit 0.6480	Emplys	0	0	0	0	0	0	0	0	0	0
Church	emp/1k 0.0010	Emplys	0	0	0	0	0	0	0	0	0	0
Elementary School	emp/studnt 0.0780	Emplys	0	0	0	0	0	0	0	0	0	0
Middle School	emp/studnt 0.1900	Emplys	0	0	0	0	0	0	0	0	0	0
High School	emp/studnt 0.1900	Emplys	0	0	0	0	0	0	0	0	0	0
Government/Civic	emp/1k 0.0045	Emplys	0	0	0	0	0	0	0	0	0	0
	Sub Total	Emplys	40	0	0	560	0	0	0	0	0	600
Total Employment	Total	Emplys	40	0	100	1,780	0	0	0	0	0	1,920

APPENDIX A-3

**WILDBLUE CPA
SHORT-TERM (5-YEAR) HORIZON**

**PROPOSED DEVELOPMENT SUMMARY (2019)
WITHOUT CPA**

Estero - Lee County

<u>Unit</u>		<u>TAZ</u> 840 <u>NW</u>	<u>TAZ</u> 841 <u>SE</u>	<u>TAZ</u> 839 <u>Retail</u>	<u>TAZ</u> 842 <u>Alico W</u>	<u>TAZ</u> x	<u>TAZ</u> x	<u>TAZ</u> x	<u>TAZ</u> x	<u>TAZ</u> x	<u>CPA</u> <u>Total</u>
<u>Residential</u>											
SF	d.u.	82	42	0	0	0	0	0	0	0	124
MF	d.u.	0	0	0	250	0	0	0	0	0	250
Senior Adult (Det)	d.u.	0	0	0	0	0	0	0	0	0	0
SubTotal		82	42	0	250	0	0	0	0	0	374
Hotel	rooms	0	0	0	0	0	0	0	0	0	0
Industrial	sq. ft.	0	0	0	75,000	0	0	0	0	0	75,000
Retail	sq. ft.	0	0	0	62,000	0	0	0	0	0	62,000
<u>Office</u>											
General	sq. ft.	0	0	0	25,000	0	0	0	0	0	25,000
Medical	sq. ft.	0	0	0	0	0	0	0	0	0	0
SubTotal		0	0	0	25,000	0	0	0	0	0	25,000
<u>Recreation</u>											
Golf	holes	18	0	0	0	0	0	0	0	0	18
Community Park	acres	0	0	0	0	0	0	0	0	0	0
Regional Park	acres	0	0	0	0	0	0	0	0	0	0
Recreation Center	sq. ft.	0	0	0	0	0	0	0	0	0	0
Marina	slips	0	0	0	0	0	0	0	0	0	0
<u>Community</u>											
Hospital	beds	0	0	0	0	0	0	0	0	0	0
ALF	units	0	0	0	0	0	0	0	0	0	0
Churches	sq. ft.	0	0	0	0	0	0	0	0	0	0
Elementary School	students	0	0	0	0	0	0	0	0	0	0
Middle School	students	0	0	0	0	0	0	0	0	0	0
High School	students	0	0	0	0	0	0	0	0	0	0
Government/Civic	sq. ft.	0	0	0	0	0	0	0	0	0	0

ZDATA (FSUTMS) POPULATION & EMPLOYMENT ESTIMATE

ZDATA 1

TRACT >>>		NW	SE	Retail	Alico W	x	x	x	x	x	0 CPA Total
TAZ >>>		NW									
SF	per/d.u.										
	1.22 Tot. Pop.	100	50	0	0	0	0	0	0	0	150
	2% PCTVNP 2% PCTVAC										
	1.20 Perm. Pop.	98	50	0	0	0	0	0	0	0	148
MF	per/d.u.										
	1.26 Tot. Pop.	0	0	0	320	0	0	0	0	0	320
	10% PCTVNP 9% PCTVAC										
	1.13 Perm. Pop.	0	0	0	284	0	0	0	0	0	284
Senior Adult	per/d.u.										
	0.00 Tot. Pop.	0	0	0	0	0	0	0	0	0	0
	PCTVNP PCTVAC										
	1.00 Perm. Pop.	0	0	0	0	0	0	0	0	0	0

Hotel	occpr/m 2.00	Occupants	0	0	0	0	0	0	0	0	0
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ZDATA 2

	Unit		TAZ NW	TAZ SE	TAZ Retail	TAZ Alico W	TAZ x	TAZ x	TAZ x	TAZ x	TAZ x	0 CPA Total
Industrial	emp/1k 0.0020	Emplys	0	0	0	150	0	0	0	0	0	150
Commercial												
General Retail	emp/1k 0.0025	Emplys	0	0	0	160	0	0	0	0	0	160
Golf	emp/hole 1.7400	Emplys	30	0	0	0	0	0	0	0	0	30
	SubTotal	Emplys	30	0	0	160	0	0	0	0	0	190
Service												
Hotel	emp/rm 0.9000	Emplys	0	0	0	0	0	0	0	0	0	0
General Office	emp/1k 0.0045	Emplys	0	0	0	110	0	0	0	0	0	110
Medical Office	emp/1k 0.0041	Emplys	0	0	0	0	0	0	0	0	0	0
Community Park	emp/acre 0.2700	Emplys	0	0	0	0	0	0	0	0	0	0
Regional Park	emp/acre 0.2700	Emplys	0	0	0	0	0	0	0	0	0	0
Recreation Center	emp/1k 0.0020	Emplys	0	0	0	0	0	0	0	0	0	0
Marina	emp/slip 0.0100	Emplys	0	0	0	0	0	0	0	0	0	0
Hospital	emp/bed 2.2800	Emplys	0	0	0	0	0	0	0	0	0	0
ALF	emp/unit 0.6480	Emplys	0	0	0	0	0	0	0	0	0	0
Church	emp/1k 0.0010	Emplys	0	0	0	0	0	0	0	0	0	0
Elementary School	emp/studnt 0.0780	Emplys	0	0	0	0	0	0	0	0	0	0
Middle School	emp/studnt 0.1900	Emplys	0	0	0	0	0	0	0	0	0	0
High School	emp/studnt 0.1900	Emplys	0	0	0	0	0	0	0	0	0	0
Government/Civic	emp/1k 0.0045	Emplys	0	0	0	0	0	0	0	0	0	0
	Sub Total	Emplys	0	0	0	110	0	0	0	0	0	110
Total Employment	Total	Emplys	30	0	0	420	0	0	0	0	0	450

APPENDIX A-4

**WILDBLUE CPA
SHORT-TERM (5-YEAR) HORIZON**

**PROPOSED DEVELOPMENT SUMMARY (2019)
WITH CPA**

Estero - Lee County

<u>Unit</u>		<u>TAZ</u> 840 <u>NW</u>	<u>TAZ</u> 841 <u>SE</u>	<u>TAZ</u> 839 <u>Retail</u>	<u>TAZ</u> 842 <u>Alico W</u>	<u>TAZ</u> <u>x</u>	<u>TAZ</u> <u>x</u>	<u>TAZ</u> <u>x</u>	<u>TAZ</u> <u>x</u>	<u>TAZ</u> <u>x</u>	<u>CPA</u> <u>Total</u>
Residential											
SF	d.u.	377	191	0	0	0	0	0	0	0	568
MF	d.u.	0	0	0	250	0	0	0	0	0	250
Senior Adult (Det)	d.u.	0	0	0	0	0	0	0	0	0	0
SubTotal		377	191	0	250	0	0	0	0	0	818
Hotel	rooms	0	0	0	0	0	0	0	0	0	0
Industrial	sq. ft.	0	0	0	75,000	0	0	0	0	0	75,000
Retail	sq. ft.	0	0	20,000	62,000	0	0	0	0	0	82,000
Office											
General	sq. ft.	0	0	0	25,000	0	0	0	0	0	25,000
Medical	sq. ft.	0	0	0	0	0	0	0	0	0	0
SubTotal		0	0	0	25,000	0	0	0	0	0	25,000
Recreation											
Golf	holes	0	0	0	0	0	0	0	0	0	0
Community Park	acres	0	0	0	0	0	0	0	0	0	0
Regional Park	acres	0	0	0	0	0	0	0	0	0	0
Recreation Center	sq. ft.	21,000	0	0	0	0	0	0	0	0	21,000
Marina	slips	44	0	0	0	0	0	0	0	0	44
Community											
Hospital	beds	0	0	0	0	0	0	0	0	0	0
ALF	units	0	0	0	0	0	0	0	0	0	0
Churches	sq. ft.	0	0	0	0	0	0	0	0	0	0
Elementary School	students	0	0	0	0	0	0	0	0	0	0
Middle School	students	0	0	0	0	0	0	0	0	0	0
High School	students	0	0	0	0	0	0	0	0	0	0
Government/Civic	sq. ft.	0	0	0	0	0	0	0	0	0	0

ZDATA (FSUTMS) POPULATION & EMPLOYMENT ESTIMATE

ZDATA 1

TRACT >>>		NW	SE	Retail	Alico W	x	x	x	x	x	0
TAZ >>>		NW									CPA
											Total
SF	per/d.u.										
	1.22	Tot. Pop.	460	230	0	0	0	0	0	0	690
	2%	PCTVNP									
	2%	PCTVAC									
1.20	Perm. Pop.	451	228	0	0	0	0	0	0	679	
MF	per/d.u.										
	1.26	Tot. Pop.	0	0	0	320	0	0	0	0	320
	10%	PCTVNP									
	9%	PCTVAC									
1.13	Perm. Pop.	0	0	0	284	0	0	0	0	284	
Senior Adult	per/d.u.										
	0.00	Tot. Pop.	0	0	0	0	0	0	0	0	0
		PCTVNP									
		PCTVAC									
1.00	Perm. Pop.	0	0	0	0	0	0	0	0	0	

Hotel	occp/rm 2.00	Occupants	0	0	0	0	0	0	0	0	0	0
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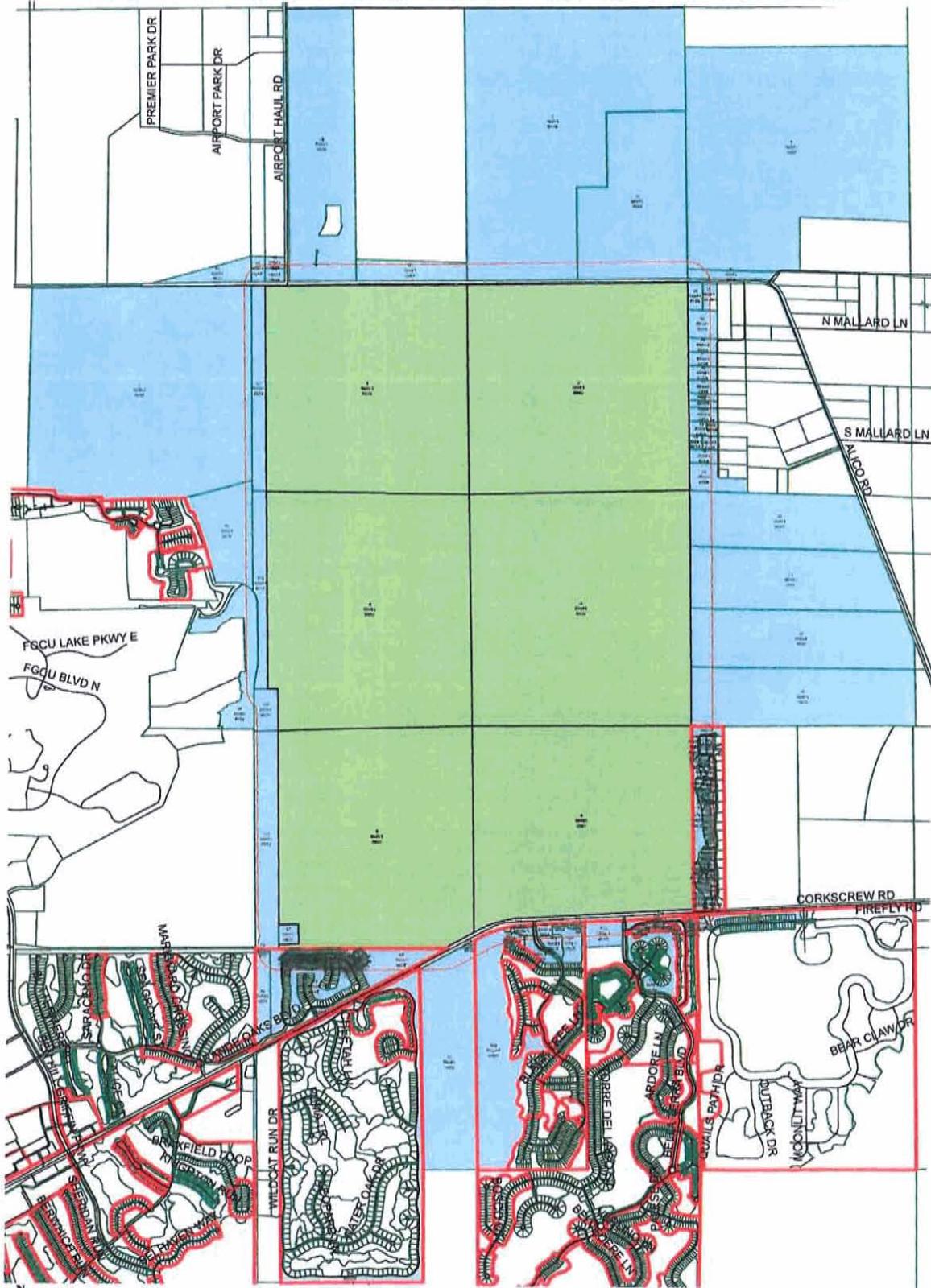
ZDATA 2

	Unit		TAZ <u>NW</u>	TAZ <u>SE</u>	TAZ <u>Retail</u>	TAZ <u>Alico W</u>	TAZ <u>x</u>	TAZ <u>x</u>	TAZ <u>x</u>	TAZ <u>x</u>	TAZ <u>x</u>	0 CPA <u>Total</u>
Industrial	emp/1k 0.0020	Emplys	0	0	0	150	0	0	0	0	0	150
Commercial												
General Retail	emp/1k 0.0025	Emplys	0	0	50	160	0	0	0	0	0	210
Golf	emp/hole 1.7400	Emplys	0	0	0	0	0	0	0	0	0	0
	SubTotal	Emplys	0	0	50	160	0	0	0	0	0	210
Service												
Hotel	emp/rm 0.9000	Emplys	0	0	0	0	0	0	0	0	0	0
General Office	emp/1k 0.0045	Emplys	0	0	0	110	0	0	0	0	0	110
Medical Office	emp/1k 0.0041	Emplys	0	0	0	0	0	0	0	0	0	0
Community Park	emp/acre 0.2700	Emplys	0	0	0	0	0	0	0	0	0	0
Regional Park	emp/acre 0.2700	Emplys	0	0	0	0	0	0	0	0	0	0
Recreation Center	emp/1k 0.0020	Emplys	40	0	0	0	0	0	0	0	0	40
Marina	emp/slip 0.0100	Emplys	0	0	0	0	0	0	0	0	0	0
Hospital	emp/bed 2.2800	Emplys	0	0	0	0	0	0	0	0	0	0
ALF	emp/unit 0.6480	Emplys	0	0	0	0	0	0	0	0	0	0
Church	emp/1k 0.0010	Emplys	0	0	0	0	0	0	0	0	0	0
Elementary School	emp/studnt 0.0780	Emplys	0	0	0	0	0	0	0	0	0	0
Middle School	emp/studnt 0.1900	Emplys	0	0	0	0	0	0	0	0	0	0
High School	emp/studnt 0.1900	Emplys	0	0	0	0	0	0	0	0	0	0
Government/Civic	emp/1k 0.0045	Emplys	0	0	0	0	0	0	0	0	0	0
	Sub Total	Emplys	40	0	0	110	0	0	0	0	0	150
Total Employment	Total	Emplys	40	0	50	420	0	0	0	0	0	510

VARIANCE REPORT

4/8/2014

Subject Parcels: 6 Affected Parcels: 288 Buffer Distance: 500 ft



07-46-26-00-00001.0000 et al.

4,0803,0602,0401,020 0

4,080 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: 4/8/2014 2:13:08 PM
Buffer Distance: 500 ft
Parcels Affected: 288
Subject Parcels: 07-46-26-00-00001.0000, 08-46-26-00-00001.0000,
 17-46-26-00-00001.0000, 18-46-26-00-00001.0000,
 19-46-26-00-00001.0000, 20-46-26-00-00001.0000

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
ALICO WEST FUND LLC 12800 UNIVERSITY DR STE 275 FORT MYERS, FL 33907	12-46-25-00-00001.0000 11840 ALICO RD FORT MYERS FL 33913	ALL SEC 12 LESS THE N 50 FT OF W 1/2 AND LESS OR 3165/1800 + LESS OR 3532 PG 3888	7
LEE COUNTY PO BOX 398 FORT MYERS, FL 33902	04-46-26-00-00001.0000 18990 GREEN MEADOW RD FORT MYERS FL 33913	SEC 4 LESS N 959.405 FT + LESS S 1319.318 FT OF SE 1/4	8
ALICO NORTH FUND LLC PRIVATE EQUITY GROUP LLC STE 275 12800 UNIVERSITY DR FORT MYERS, FL 33907	05-46-26-00-00001.0000 13501 ALICO RD FORT MYERS FL 33913	PARL LOC IN SEC 05 + 08 AS DESC IN OR 4795 PG 2813 LESS PARCEL 2.0000	9
LRA NAPLES LLC LEGAL DEPT 1 HAMMOCK BEACH PKWY FL 2 PALM COAST, FL 32137	05-46-26-00-00002.0000 14011 ALICO RD FORT MYERS FL 33913	PARL IN E 1/2 OF SEC OR 2539/0888	10
DAVEY BONNE M PO BOX 354 EVERGLADES CITY, FL 34139	09-46-26-00-00001.0010 14100 ALICO RD FORT MYERS FL 33913	PARL IN N W 1/4 OF N W 1/4 SEC 9 TWP 46 R 26 DESC IN OR 1213 PG 712 LESS 1.1A	11
LACOMBE VIRGINIA CAROL 17600 DEVORE LN FORT MYERS, FL 33913	09-46-26-00-00001.0110 17600 DEVORE LN FORT MYERS FL 33913	N 1/2 OF NW 1/4 OF NW 1/4 OF S W 1/4	12
BROADHEAD JOHN 355 PAMONA ST LEHIGH ACRES, FL 33974	09-46-26-00-00001.0160 17800 DEVORE LN FORT MYERS FL 33913	S 1/2 OF SW 1/4 OF NW 1/4 OF SW 1/4 LESS E 263.79 FT OF N 165.12 FT	13
MOTLEY ROY JR + SALLY JO 17750 DEVORE LN FORT MYERS, FL 33913	09-46-26-00-00001.016A 17750 DEVORE LN FORT MYERS FL 33913	E 263.79 FT OF N 165.12 FT OF S 1/2 OF SW 1/4 OF NW 1/4 OF SW 1/4	14
LEE COUNTY PO BOX 398 FORT MYERS, FL 33902	09-46-26-00-00001.0170 14201 ALICO RD FORT MYERS FL 33913	POB NW COR OF SEC 9 RUN S 232.62 FT E 1646.41 FT CB S74-01-09E CD 368.57 FT RAD 621.78 N 33-13-16E 303.87 FT W 2178.18 FT TO POB LESS PAR IN SELY COR AS DESC IN OR 3467 PG 3175	15
LEE FAMILY TRUST 5621 HARBORAGE DR FORT MYERS, FL 33908	09-46-26-00-00001.0180 14050 ALICO RD FORT MYERS FL 33913	PARL IN NW 1/4 OF NW 1/4 SEC 9 TWP 46 RG 26 DESC IN OR 1215 PG 1871	16
THOMAS SERGE 8177 GULL LANE FORT MYERS, FL 33967	09-46-26-00-00001.0230 17850 DEVORE LN FORT MYERS FL 33913	N 1/2 OF NW 1/4 OF SW 1/4 OF S W 1/4 LESS OR 2018/4299	17
LYNCH JAMES T + 17870 DEVORE LN FORT MYERS, FL 33913	09-46-26-00-00001.023A 17870 DEVORE LN FORT MYERS FL 33913	W 280 FT OF THE N 1/2 NW 1/4 OF SW 1/4 OF SW 1/4 DESC IN OR 1655 PG 3577	18
DESROCHERS KAREN 17900 DEVORE LN FORT MYERS, FL 33913	09-46-26-00-00001.0260 17900 DEVORE LN FORT MYERS FL 33913	S 1/2 OF N W 1/4 OF S W 1/4 OF S W 1/4	19
WILLIAMS SHAWN M 17520 DEVORE LN FORT MYERS, FL 33913	09-46-26-00-00001.028A 17520 DEVORE LN FORT MYERS FL 33913	PARL IN S 1/2 OF SW 1/4 OF SW 1/4 OF NW 1/4	20

Printed on 4/8/2014 at 2:13:08 PM. All data is current at time of printing and subject to change without notice.
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 (GENERAL EXEMPTIONS FROM INSPECTION OR COPYING OF PUBLIC RECORDS).

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
JOHNSON JERI + 27810 HACIENDA BLVD E #205B BONITA SPRINGS, FL 34135	09-46-26-00-00001.0300 17950 DEVORE LN FORT MYERS FL 33913	S W 1/4 OF S W 1/4 OF S W 1/4 RD EASE OVER E 30 FT + S 1/2 OF SE 1/4 OF SW 1/4 OF SW 1/4 RD EASE OVER W 30 FT	21
SPRAGUE RICHARD A 17630 DEVORE LN FORT MYERS, FL 33913	09-46-26-00-00001.0330 17630 DEVORE LN FORT MYERS FL 33913	FRM W1/4 CRN RN S 495.8TO POB TH E 662.15 TH N 165.2 TH W 662.19 THN S 165.27	22
MITCHELL DONALD R + MARTHA G 17650 DEVORE LN FORT MYERS, FL 33913	09-46-26-00-00001.033A 17650 DEVORE LN FORT MYERS FL 33913	PT OF S1/2 OF NW1/4 OF NW1/4 OF SW1/4 AS DESC OR 2015/4417	23
VOELLINGER RICHARD U + 821 SUNSET VISTA DR FORT MYERS, FL 33919	09-46-26-00-00001.0340 17350 DEVORE LN FORT MYERS FL 33913	PARL IN N W 1/4 SEC 09 TWP 46 RGE 26 DESC IN OR 1312 PG 1297	24
SCHAFFER GLEN + TAMMY M 19150 ACORN RD #103 FORT MYERS, FL 33967	09-46-26-00-00001.0350 17700 DEVORE LN FORT MYERS FL 33913	N 1/2 OF S W 1/4 OF N W 1/4 OF S W 1/4	25
FLANJACK CHARLES W + 1512 BRAMAN AVE FORT MYERS, FL 33901	09-46-26-00-00001.0360 17420 DEVORE LN FORT MYERS FL 33913	S 1/2 OF N W 1/4 OF S W 1/4 OF N W 1/4	26
MONROE LEWIS R + BELINDA 17480 DEVORE LN FORT MYERS, FL 33913	09-46-26-00-00001.0450 17480 DEVORE LN FORT MYERS FL 33913	N 1/2 OF S W 1/4 OF S W 1/4 OF N W 1/4 DESC IN OR 1297 PG 2293	27
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	16-46-26-00-00001.0010 ACCESS UNDETERMINED FORT MYERS FL	PARL IN N 1/2 OF N 1/2 SEC 16 TWP 46 R 26 DESC IN OR 1195 PG 1022	28
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	16-46-26-00-00001.1000 15460 ALICO RD FORT MYERS FL 33913	N 1/2 OF S 1/2 SEC 16 LYING W OF ALICO RD	29
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	16-46-26-00-00001.1020 ACCESS UNDETERMINED FORT MYERS FL	S 1/2 OF S 1/2 SEC 16 DESC IN OR 1506 PG 741	30
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	16-46-26-00-00001.2000 15400-470 ALICO RD FORT MYERS FL 33913	PARL IN N 1/2 SEC 16 TWP 46 RGE 26 DESC IN OR 1231 PG 881	31
TEMPLETON J DEAN TR PO BOX 731 TRAVERSE CITY, MI 49685	19-46-26-00-00001.0010 12970 CORKSCREW RD ESTERO FL 33928	THAT PT OF S E 1/4 OF S E 1/4 LYING SOUTH OF CORKSCREW RD LESS RD ROW DESC IN INST#2006-180859	32
TEMPLETON J DEAN TR PO BOX 731 TRAVERSE CITY, MI 49685	30-46-26-00-00001.2000 12840 CORKSCREW RD ESTERO FL 33928	E 1/2 OF E 1/2 LYING SLY OF CORKSCREW RD LESS RD ROW DESC IN INST#2006-180859	33
WILDCAT RUN COMMUNITY ASSN RICHARD BRADLEY 20300 COUNTRY CLUB DR ESTERO, FL 33928	30-46-26-01-0000B.00CE RIGHT OF WAY ESTERO FL	WILDCAT RUN SUBD PB 36 PG 30 IN SEC 30+31 TRACT B + R/W	34
LEE COUNTY PO BOX 398 FORT MYERS, FL 33902	21-46-26-00-00001.0050 14000 CORKSCREW RD ESTERO FL 33928	PART OF SEC 21 LYING SOUTH OF COUNTY RD LESS PAR 1.0010	35
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	36
FLORIDA POWER + LIGHT CO PROPERTY TAX-PSX-JB 700 UNIVERSE BLVD JUNO BEACH, FL 33408	19-46-26-00-00001.0020 11655 GRANDE OAK BLVD ESTERO FL 33928	N 466.69 FT OF S 566.69 FT OF W 1031.69 FT OF SW 1/4 LESS W 565 FT	37
BACKE JOHN D 27680 MARINA ISLE CT BONITA SPRINGS, FL 34134	06-46-26-00-00001.0030 12451 ALICO RD FORT MYERS FL 33913	PARCEL LYING E OF ROW IN WEST 1/2 OF SECTIONS 6 AS DESC IN OR 3532 PGS 3859 + 3861 + 3863 + PARCEL LYING N OF ALICO RD + E OF ROW IN SEC 7 AS DESC IN OR 3532 PG 3859 LESS #2013000252924	38
MSF AUSTIN L LLC 25.25% + 7978 COOPER CREEK BLVD #100 UNIVERSITY PARK, FL 34201	07-46-26-00-00001.0040 NEED ACCESS DETERMINED FORT MYERS FL 33913	PARCEL LYING N OF ALICO RD + W OF RD R/W AS DESC IN OR 3532 PG 3888	39

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MSF AUSTIN L LLC 25.25% + 7978 COOPER CREEK BLVD #100 UNIVERSITY PARK, FL 34201	07-46-26-00-00001.0020 NEED ACCESS DETERMINED FORT MYERS FL 33913	PARCEL LYING N OF ALICO RD + W OF RD R/W AS DESC IN OR 3532 PG 3855	40
MSF AUSTIN L LLC 25.25% + 7978 COOPER CREEK BLVD #100 UNIVERSITY PARK, FL 34201	07-46-26-00-00001.0010 NEED ACCESS DETERMINED FORT MYERS FL 33913	PARCEL LYING N OF ALICO RD + W OF RD R/W AS DESC IN OR 3532 PG 3857	41
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	42
ALICO WEST FUND LLC 12800 UNIVERSITY DR STE 275 FORT MYERS, FL 33907	13-46-25-00-00001.0070 ACCESS UNDETERMINED FORT MYERS FL	PARL LOC IN SEC 13 AS DESC IN OR 3925 PG 2680	43
LEE COUNTY PO BOX 398 FORT MYERS, FL 33902	30-46-26-07-00009.0000 RESERVED ESTERO FL	GRANDE OAK EAST PB 77 PGS 26-38 TRACT 9	44
LEE COUNTY PO BOX 398 FORT MYERS, FL 33902	30-46-26-07-00FR2.0000 GRANDE OAK EAST ESTERO FL	GRANDE OAK EAST PB 77 PGS 26-38 TRACT FR-2	45
FL DEVELOPMENT PARTNERS LC 4501 TAMiami TRL N STE 300 NAPLES, FL 34103	30-46-26-07-0000R.00CE RIGHT OF WAY ESTERO FL	GRANDE OAK EAST PB 77 PGS 26-38 TRACT R LESS INST#2007-116033	46
GRANDEZZA MASTER POA INC 20301 GRAND OAKS SHOPPES #118 ESTERO, FL 33928	30-46-26-07-0000A.00CE GRANDE OAK EAST C/E ESTERO FL	GRANDE OAK EAST PB 77 PGS 26-38 TRACTS B + OS-1 + C	47
CREIGHTON TIMOTHY P + MARY E 331 WHITFIELD BUFFALO, NY 14220	30-46-26-07-00000.0010 12611 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 1	48
MILLER ROBYN T 50% + 12609 GRANDEZZA CIR ESTERO, FL 33928	30-46-26-07-00000.0020 12609 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 2	49
TOOLEY ALEXANDER J + CLAUDIA J 4462 RIVERVIEW RD BREWERTON, NY 13029	30-46-26-07-00000.0030 12607 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 3	50
ROSSI JOSEPH + THERESA 226 CLIVEDEN AVE GLENSIDE, PA 19038	30-46-26-07-00000.0040 12605 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 4	51
BERMAN SANFORD + JANE 12603 GRANDEZZA CIR ESTERO, FL 33928	30-46-26-07-00000.0050 12603 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 5	52
BRASIL LUIS S + EUGENIA F 135 WHITFORD AVE UNIT #1 PROVIDENCE, RI 02908	30-46-26-07-00000.0060 12601 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 6	53
MCCORMICK STEVEN J 1773 BAYVIEW AVE TORONTO, ON M4G 3C5 CANADA	30-46-26-07-00000.0070 12599 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 7	54
GRANDEZZA PROPERTY LLC PO BOX 1484 BONITA SPRINGS, FL 34133	30-46-26-07-00000.0080 12597 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 8	55
KINGSBURY URSULA M TR 36 VILLAGE RD STE 510 MIDDLETON, MA 01949	30-46-26-07-00000.0090 12595 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 9	56
WILKINS HOMER WESLEY + EILEEN 310 LOCUST ST COBDEN, IL 62920	30-46-26-07-00000.0100 12593 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 10	57
MCCUE WILLIAM + BARBARA 41 W ROYAL OAKS DR BRISTOL, IL 60512	30-46-26-07-00000.0110 12591 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 11	58
MEADE NICOLE 3128 TIBURON DR EAU CLAIRE, WI 54701	30-46-26-07-00000.0120 12589 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 12	59

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HUDACEK STEPHEN + SHARON 217 THOREAU DR MOOSIC, PA 18507	30-46-26-07-00000.0130 12587 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 13	60
FINN ALLAN TR 19910 CHAPEL TER ESTERO, FL 33928	30-46-26-07-00000.0140 12585 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 14	61
LAPIDUS JACK + BARBARA 8 OAKWOOD DR LLOYD HARBOR, NY 11743	30-46-26-07-00000.0150 12583 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 15	62
GOLDSTEIN KENNETH F + DIANA TR 12581 GRANDEZZA CIR ESTERO, FL 33928	30-46-26-07-00000.0160 12581 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 16	63
WALKER RONALD S TR + 62 WOODLAND DR YORKVILLE, IL 60560	30-46-26-07-00000.0170 12579 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 17	64
FULLWOOD MICHAEL L + SUSAN 12577 GRANDEZZA CIR ESTERO, FL 33928	30-46-26-07-00000.0180 12577 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 18	65
KNOLL HOWARD W P + PATRICIA C 41 COUNTRY CLUB CRES UXBRIDGE, ON L9P 0B8 CANADA	30-46-26-07-00000.0190 12575 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 19	66
PIAZZA IGNATIUS + EVA 12573 GRANDEZZA CIR ESTERO, FL 33928	30-46-26-07-00000.0200 12573 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 20	67
KATZ KENNETH H + SUSAN E 12571 GRANDEZZA CIR ESTERO, FL 33928	30-46-26-07-00000.0210 12571 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 21	68
HOWLAND TERRANCE J + KAREN M 12569 GRANDEZZA CIR ESTERO, FL 33928	30-46-26-07-00000.0220 12569 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 22	69
KEANE PAT MULLINAX UNIT 201 8541 VIA GARIBALDI CIR ESTERO, FL 33928	30-46-26-07-00000.0230 12567 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 23	70
NARGENTINO GERARDO 12565 GRANDEZZA CIR ESTERO, FL 33928	30-46-26-07-00000.0240 12565 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 24	71
GARGIULO VINCENZO 12563 GRANDEZZA CIR ESTERO, FL 33928	30-46-26-07-00000.0250 12563 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 25	72
KELLY WILLIAM T + JOY Z 284 SENECA PL WESTFIELD, NJ 07090	30-46-26-07-00000.0260 12561 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 26	73
BRINDLEY RYAN B + ROCHELLE 12559 GRANDEZZA CIR ESTERO, FL 33928	30-46-26-07-00000.0270 12559 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 27	74
OLDHAM TERENCE + MARCIA G 12557 GRANDEZZA CIR ESTERO, FL 33928	30-46-26-07-00000.0280 12557 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 28	75
WITH EINAR + CECILLE 12555 GRANDEZZA CIR ESTERO, FL 33928	30-46-26-07-00000.0290 12555 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 29	76
CORNEIL RICHARD G + JUDITH H 3-505 JARVIS ST LONDON, ON N6K 1X3 CANADA	30-46-26-07-00000.0300 12553 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 30	77
NOWLAN CHRISTOPHER J + LAURIE 7 MELENDY HOLLOW AMHERST, NH 03031	30-46-26-07-00000.0310 20006 MONTESSA CT ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 31	78
SCHARDEIN RICHARD E + LISA L 16431 TAYLORSVILLE RD FISHERVILLE, KY 40023	30-46-26-07-00000.0320 20004 MONTESSA CT ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 32	79

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MCGOVERN BRIAN T 20002 MONTESSA CT ESTERO, FL 33928	30-46-26-07-00000.0330 20002 MONTESSA CT ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 33	80
RNE INVESTMENTS LLC 10162 74TH AVE NW GRIMES, IA 50111	30-46-26-07-00000.0340 20000 MONTESSA CT ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 34	81
SALAZAR PEDRO III + LINDA N 20001 MONTESSA CT ESTERO, FL 33928	30-46-26-07-00000.0350 20001 MONTESSA CT ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 35	82
MALLETTE CHARLENE L TR 20005 MONTESSA CT ESTERO, FL 33928	30-46-26-07-00000.0360 20005 MONTESSA CT ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 36	83
CASEY MICHAEL T 9521 OXBOROUGH CURVE BLOOMINGTON, MN 55437	30-46-26-07-00000.0370 20007 MONTESSA CT ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 37	84
HAMILTON KATHLEEN C 20009 MONTESSA CT ESTERO, FL 33928	30-46-26-07-00000.0380 20009 MONTESSA CT ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 38	85
LOMBARDI JOHN C + NANCY A 20011 MONTESSA CT ESTERO, FL 33928	30-46-26-07-00000.0390 20011 MONTESSA CT ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 39	86
KOLIDA ROBERT TR 5203 PRESERVATION CIR MISSISSAUGA, ON L5M 7T3 CANADA	30-46-26-07-00000.1490 20000 GRANDE LAKE DR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 149	87
CASSAVAR DANIEL 21093 RANGE LANE RD BOWLING GREEN, OH 43402	30-46-26-07-00000.1500 20002 GRANDE LAKE DR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 150	88
PERKINS RONALD E + TINA H 1416 PEACHTREE LN MISHAWAKA, IN 46545	30-46-26-07-00000.1680 20003 GRANDE LAKE DR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 168	89
GRIBLER BRUCE 20001 GRANDE LAKE DR ESTERO, FL 33928	30-46-26-07-00000.1690 20001 GRANDE LAKE DR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 169	90
COPPER PAUL L + CATHY L 2001 EARL DR MERRICK, NY 11566	30-46-26-07-00000.0470 12556 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 47	91
BEINKER DALE J + SHIRLEY 1/2 + 671 COLUMBIA RD #5 WESTLAKE, OH 44145	30-46-26-07-00000.0480 12554 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 48	92
STRAUSER RALPH C + MARY 17995 GREYCLIFF DR CHESTERFIELD, MO 63005	30-46-26-07-00000.0490 12552 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 49	93
PRUES JAMES E JR + KAYLA S 10237 S SILVER PALM DR ESTERO, FL 33928	30-46-26-07-00000.0500 12550 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 50	94
TOMPKINS BRICE + 12548 GRANDEZZA CIR ESTERO, FL 33928	30-46-26-07-00000.0510 12548 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 51	95
WALTERS JACK W + IRINA G 2925 EXETER CT WEST DUNDEE, IL 60118	30-46-26-07-00000.1310 12614 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 131	96
WAGNER ANDREA D 12612 GRANDEZZA CIR ESTERO, FL 33928	30-46-26-07-00000.1320 12612 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 132	97
MCCOY KEVIN J 28 HENKES LN LATHAM, NY 12110	30-46-26-07-00000.1330 12610 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 133	98
QUINN MICHAEL J + JANIS M 12606 GRANDEZZA CIR ESTERO, FL 33928	30-46-26-07-00000.1340 12606 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 134	99

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SAVA FREDERICK G + 2201 WATSON ORCHARD RD MISSISSAUGA, ON L4Y 1Y1 CANADA	30-46-26-07-00000.1350 12602 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 135	100
HUNT MICHAEL T + KATHLEEN A 12598 GRANDEZZA CIR ESTERO, FL 33928	30-46-26-07-00000.1360 12598 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 136	101
RICHARD MAURICE R + THERESA M 12596 GRANDEZZA CIR ESTERO, FL 33928	30-46-26-07-00000.1370 12596 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 137	102
PINTER DAVID W + CHARLENE M TR 201 BOULDER DR LAKE IN THE HILLS, IL 60156	30-46-26-07-00000.1380 12594 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 138	103
SUMMY VERLIN L + LAURA J 5109 PANORAMA DR PANORA, IA 50216	30-46-26-07-00000.1390 12592 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 139	104
COOK CHARLES B + SHIRLEY A 1061 ORCHARD DR MARSHALL, MI 49068	30-46-26-07-00000.1400 12590 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 140	105
COHEE GARY A + SHERRY H 12588 GRANDEZZA CIR ESTERO, FL 33928	30-46-26-07-00000.1410 12588 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 141	106
VOLPE KAREN A 12586 GRANDEZZA CIR ESTERO, FL 33928	30-46-26-07-00000.1420 12586 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 142	107
JOHNSTONE JAMES + KATHLEEN 12584 GRANDEZZA CIR ESTERO, FL 33928	30-46-26-07-00000.1430 12584 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 143	108
MANLEY FREDERICK E + 12582 GRANDEZZA CIR ESTERO, FL 33928	30-46-26-07-00000.1440 12582 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 144	109
PAGEL MARGARET S STE 201 # 288 15275 COLLIER BLVD NAPLES, FL 34119	30-46-26-07-00000.1450 12580 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 145	110
MATHIAS DAVID H + KATHLEEN A N 81 W6995 PINE STREET CEDARBURG, WI 53012	30-46-26-07-00000.1460 12578 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 146	111
MILLER TERRY S 600 LEXINGTON AVE EATON, OH 45320	30-46-26-07-00000.1470 12576 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 147	112
LULAREVIC GUIDO + 1 EAGLE CT GREENLAND, NH 03840	30-46-26-07-00000.1480 12574 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 148	113
RIACHI ROGER J 13477 PROSPECT RD # 105 STRONGSVILLE, OH 44149	30-46-26-07-00000.1510 20004 GRANDE LAKE DR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 151	114
DAVIS CHARLES E + NANCY K 8561 BLUE WATER DR POWELL, OH 43065	30-46-26-07-00000.1520 20006 GRANDE LAKE DR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 152	115
HACK JOHN F JR + MARIAN E 20007 GRANDE LAKE DR ESTERO, FL 33928	30-46-26-07-00000.1660 20007 GRANDE LAKE DR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 166	116
ALBRECHT CHARLES F + DEANNA K 16707 INTERLACHEN BLVD LAKEVILLE, MN 55044	30-46-26-07-00000.1670 20005 GRANDE LAKE DR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 LOT 167	117
HABITAT LAKES LLC 782 NW 42ND AVE STE 630 MIAMI, FL 33126	20-46-26-01-000C1.0000 SITE PLAN NEEDED ESTERO FL 33928	BELLA TERRA UNIT ONE PB 77 PG 84 TRACT C-1	118
BELLA TERRA OF 11691 GATEWAY BLVD STE 203 FORT MYERS, FL 33913	20-46-26-01-000F1.00CE 19958 BARLETTA LN ESTERO FL 33928	BELLA TERRA UNIT ONE PB 77 PG 84 TRACT F-1LESS PORT DESC IN INST #2013000142581 LESS CONDOS	119

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HABITAT CDD 5726 CORPORATE CIR FORT MYERS, FL 33905	29-46-26-01-000L1.0000 SUBMERGED ESTERO FL	BELLA TERRA UNIT ONE PB 77 PG 84 TRACT L-1	120
HABITAT CDD 5726 CORPORATION CIR FORT MYERS, FL 33905	29-46-26-01-000A4.0000 RIGHT OF WAY ESTERO FL	BELLA TERRA UNIT ONE PB 77 PB 84 POR OF TRACT A DESC IN OR 4188/3394	121
CONDOMINIUM V AT BARLETTA ASSN 11691 GATEWAY BLVD STE 203 FORT MYERS, FL 33913	20-46-26-02-00000.00CE CONDOMINIUM @ BARLETTA C/E FORT MYERS FL	CONDOMINIUM V AT BARLETTA DESC IN INST#2006-214070 COMMON ELEMENTS	122
CONDOMINIUM VI AT BARLETTA 11691 GATEWAY BLVD STE 203 FORT MYERS, FL 33913	20-46-26-03-00000.00CE CONDO VI @ BARLETTA C/E ESTERO FL 33928	CONDOMINIUM VI AT BARLETTA DESC IN INST#2006-369514 + 2006-397090 COMMON ELEMENTS	123
CONDOMINIUM VII AT BARLETTA 11691 GATEWAY BLVD STE 203 FORT MYERS, FL 33913	20-46-26-04-00000.00CE CONDOMINIUM VII AT BARLETTA ESTERO FL	CONDOMINIUM VII AT BARLETTA DESC IN INST#2006-421722 COMMON ELEMENT	124
CROCKETT FUND LLC 12800 UNIVERSITY DR STE 275 FORT MYERS, FL 33907	19-46-26-00-00001.0030 ACCESS UNDETERMINED ESTERO FL	PARL LYING IN W 1/2 LESS OR 4795 PG 2813	125
ALICO WEST FUND LLC 12800 UNIVERSITY DR STE 275 FORT MYERS, FL 33907	18-46-26-00-00001.0010 ACCESS UNDETERMINED FORT MYERS FL	PARL LYING IN W 1/2 OF SEC LESS OR 3280 PG 2044 + LESS OR 4795 PG 2813 + LESS INST#2006-474153	126
ALICO WEST FUND LLC 12800 UNIVERSITY DR STE 275 FORT MYERS, FL 33907	07-46-26-00-00001.0050 ACCESS UNDETERMINED FORT MYERS FL 33913	PARL LYING IN W 1/2 OF SEC LESS OR 4795 PG 2813	127
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	128
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-00000.0190 19559 PANTHER ISLAND BLVD ESTERO FL 33928	CORKSCREW RANCH DESC IN INST#2007000298830 LOT 19	129
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-00000.0200 19549 PANTHER ISLAND BLVD FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 LOT 20	130
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-00000.0210 19531 PANTHER ISLAND BLVD FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 LOT 21	131
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-00000.0220 19511 PANTHER ISLAND BLVD FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 LOT 22	132
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-00000.0230 19501 PANTHER ISLAND BLVD FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 LOT 23	133
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-00000.0250 19520 PANTHER ISLAND BLVD FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 LOT 25	134
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-0000C.00CE ACCESS UNDETERMINED FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 TRACT C	135
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-00000.0010 19769 PANTHER ISLAND BLVD FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 LOT 1	136
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-00000.0020 19759 PANTHER ISLAND BLVD FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 LOT 2	137
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-00000.0260 19530 PANTHER ISLAND BLVD FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 LOT 26	138
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-00000.0270 19540 PANTHER ISLAND BLVD FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 LOT 27	139

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YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-00000.0280 19550 PANTHER ISLAND BLVD FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 LOT 28	140
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-00000.0290 19570 PANTHER ISLAND BLVD FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 LOT 29	141
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-00000.0300 14120 ARIVACA CT FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 LOT 30	142
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-00000.0310 14100 ARIVACA CT FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 LOT 31	143
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-00000.0320 14101 ARIVACA CT FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 LOT 32	144
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-00000.0330 14111 ARIVACA CT FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 LOT 33	145
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-00000.0340 CORNER LOT FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 LOT 34	146
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-00000.0350 14120 CALAVERAS CT FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 LOT 35	147
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-00000.0360 14110 CALAVERAS CT FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 LOT 36	148
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-00000.0370 14100 CALAVERAS CT FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 LOT 37	149
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-00000.0380 14111 CALAVERAS CT FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 LOT 38	150
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-00000.0390 CORNER LOT FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 LOT 39	151
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-00000.0400 19630 PANTHER ISLAND BLVD FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 LOT 40	152
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-00000.0410 19640 PANTHER ISLAND BLVD FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 LOT 41	153
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-00000.0420 19650 PANTHER ISLAND BLVD FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 LOT 42	154
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-00000.0430 19660 PANTHER ISLAND BLVD FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 LOT 43	155
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-00000.0440 19670 PANTHER ISLAND BLVD FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 LOT 44	156
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-00000.0450 19680 PANTHER ISLAND BLVD FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 LOT 45	157
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-00000.0460 19690 PANTHER ISLAND BLVD FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 LOT 46	158
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-00000.0470 19700 PANTHER ISLAND BLVD FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 LOT 47	159
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-00000.0480 14120 TURTLE TRACKS CT FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 LOT 48	160

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YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-00000.0490 14110 TURTLE TRACKS CT FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 LOT 49	161
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-00000.0500 14100 TURTLE TRACKS CT FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 LOT 50	162
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-00000.0510 14101 TURTLE TRACKS CT FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 LOT 51	163
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-00000.0520 14111 TURTLE TRACKS CT FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 LOT 52	164
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-00000.0540 19730 PANTHER ISLAND BLVD FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 LOT 54	165
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-00000.0550 19760 PANTHER ISLAND BLVD FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 LOT 55	166
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-00000.0560 19770 PANTHER ISLAND BLVD FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 LOT 56	167
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-00000.0570 19780 PANTHER ISLAND BLVD FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 LOT 57	168
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-00000.0530 CORNER LOT FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 LOT 53	169
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-00000.0580 19790 PANTHER ISLAND BLVD FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 LOT 58	170
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-00000.0590 19800 PANTHER ISLAND BLVD FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 LOT 59	171
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-0000A.00CE RIGHT OF WAY FORT MYERS FL	CORKSCREW RANCH DESC IN INST#2007000298830 TRACT A	172
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-0000E.00CE SUBMERGED LAND FORT MYERS FL	CORKSCREW RANCH DESC IN INST#2007000298830 TRACT E	173
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-0000F.00CE SUBMERGED LAND FORT MYERS FL	CORKSCREW RANCH DESC IN INST#2007000298830 TRACT F	174
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-0000D.00CE SUBMERGED LAND FORT MYERS FL	CORKSCREW RANCH DESC IN INST#2007000298830 TRACT D	175
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-02-0000B.00CE ACCESS UNDETERMINED FORT MYERS FL 33913	CORKSCREW RANCH DESC IN INST#2007000298830 TRACT B	176
LRA NAPLES LLC LEGAL DEPT 1 HAMMOCK BEACH PKWY FL 2 PALM COAST, FL 32137	07-46-26-00-00001.0060 ACCESS UNDETERMINED FORT MYERS FL 33913	SEC 7 AS DESC IN OR 4795 PG 2813 LYING N OF ALICO RD	177
GRANDEZZA MASTER POA INC 20301 GRAND OAKS SHOPPES #118 ESTERO, FL 33928	30-46-26-07-0000A.01CE LAKE FORT MYERS FL 33913	GRANDE OAK EAST PB 77 PGS 26-38 TRACTS L + OS-2	178
GRANDEZZA MASTER POA INC 20301 GRAND OAKS SHOPPES #118 ESTERO, FL 33928	30-46-26-07-0000A.03CE 12551 GRANDEZZA CIR ESTERO FL 33928	GRANDE OAK EAST PB 77 PGS 26-38 TRACT OS-2	179
RCS-CORKSCREW LAND LLC 4954 ROYAL GULF CIR FORT MYERS, FL 33966	20-46-26-21-000B1.00CE PRESERVE AT CORKSCREW COMMON ELEMENT ESTERO FL	PRESERVE AT CORKSCREW DESC IN INST# 2012000094503 TRACT B-1	180

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RCS-CORKSCREW LAND LLC 4954 ROYAL GULF CIR FORT MYERS, FL 33966	20-46-26-21-000B2.00CE PRESERVE AT CORKSCREW COMMON ELEMENT ESTERO FL	PRESERVE AT CORKSCREW DESC IN INST# 2012000094503 TRACT B-2	181
RCS-CORKSCREW LAND LLC 4954 ROYAL GULF CIR FORT MYERS, FL 33966	20-46-26-21-000B3.00CE PRESERVE AT CORKSCREW COMMON ELEMENT ESTERO FL	PRESERVE AT CORKSCREW DESC IN INST# 2012000094503 TRACT B-3	182
RCS-CORKSCREW LAND LLC 4954 ROYAL GULF CIR FORT MYERS, FL 33966	20-46-26-21-000L1.00CE SUBMERGED ESTERO FL	PRESERVE AT CORKSCREW DESC IN INST# 2012000094503 TRACT L-1	183
RCS-CORKSCREW LAND LLC 4954 ROYAL GULF CIR FORT MYERS, FL 33966	20-46-26-21-000L2.00CE SUBMERGED ESTERO FL	PRESERVE AT CORKSCREW DESC IN INST# 2012000094503 TRACT L-2	184
RCS-CORKSCREW LAND LLC 4954 ROYAL GULF CIR FORT MYERS, FL 33966	20-46-26-21-00CA6.0000 CONSERVATION AREA ESTERO FL	PRESERVE AT CORKSCREW DESC IN INST# 2012000094503 TRACT CA-6	185
RCS-CORKSCREW LAND LLC 4954 ROYAL GULF CIR FORT MYERS, FL 33966	20-46-26-21-00CA7.0000 CONSERVATION AREA ESTERO FL	PRESERVE AT CORKSCREW DESC IN INST# 2012000094503 TRACT CA-7	186
RCS-CORKSCREW LAND LLC 4954 ROYAL GULF CIR FORT MYERS, FL 33966	20-46-26-21-000F1.0000 ACCESS UNDETERMINED ESTERO FL	PRESERVE AT CORKSCREW DESC IN INST# 2012000094503 TRACT F-1	187
RCS-CORKSCREW LAND LLC 4954 ROYAL GULF CIR FORT MYERS, FL 33966	29-46-26-21-0000A.00CE RIGHT OF WAY FL	PRESERVE AT CORKSCREW DESC IN INST# 2012000094503 TRACT A	188
RCS-CORKSCREW LAND LLC 4954 ROYAL GULF CIR FORT MYERS, FL 33966	29-46-26-21-000L3.00CE SUBMERGED ESTERO FL	PRESERVE AT CORKSCREW DESC IN INST# 2012000094503 TRACT L-3	189
RCS-CORKSCREW LAND LLC 4954 ROYAL GULF CIR FORT MYERS, FL 33966	29-46-26-21-00CA2.0000 ACCESS UNDETERMINED ESTERO FL	PRESERVE AT CORKSCREW DESC IN INST# 2012000094503 TRACT CA-2	190
MAJKA SUSAN H 147 WESTBROOK DR SWEDESBORO, NJ 08085	20-46-26-22-00000.0350 13410 VILLA DI PRESERVE LN ESTERO FL 33928	PRESERVE AT CORKSCREW UNIT TWO DESC IN INST# 2012000195620 LOT 35	191
PHILLIPS CHRISTOPHER S + 13408 VILLA DI PRESERVE LN ESTERO, FL 33928	20-46-26-22-00000.0360 13408 VILLA DI PRESERVE LN ESTERO FL 33928	PRESERVE AT CORKSCREW UNIT TWO DESC IN INST# 2012000195620 LOT 36	192
SMITH EDWARD L + KARI M 13404 VILLA DI PRESERVE LN ESTERO, FL 33928	20-46-26-22-00000.0370 13404 VILLA DI PRESERVE LN ESTERO FL 33928	PRESERVE AT CORKSCREW UNIT TWO DESC IN INST# 2012000195620 LOT 37	193
RCS-CORKSCREW LAND LLC 4954 ROYAL GULF CIR FORT MYERS, FL 33966	29-46-26-22-000A1.00CE RIGHT OF WAY ESTERO FL	PRESERVE AT CORKSCREW UNIT TWO DESC IN INST# 2012000195620 TRACT A-1 VILLA DI PRESERVE	194
HABITAT CDD 5726 CORPORATION CIR FORT MYERS, FL 33905	20-46-26-01-000F1.0040 RIGHT OF WAY ESTERO FL	BELLA TERRA UNIT ONE PB 77 PG 84 AS DESC IN INST #2013000142582	195
CORKSCREW LAKES LLC 4954 ROYAL GULF CIR FORT MYERS, FL 33966	21-46-26-03-0000A.00CE RIGHT OF WAY ESTERO FL 33928	CORKSCREW SHORES AS DESC IN INST# 2014000052328 TRACT A	196
CORKSCREW LAKES LLC 4954 ROYAL GULF CIR FORT MYERS, FL 33966	21-46-26-03-0000C.00CE 14001/005 WAYSIDE LN ESTERO FL	CORKSCREW SHORES AS DESC IN INST# 2014000052328 TRACT C	197
CORKSCREW LAKES LLC 4954 ROYAL GULF CIR FORT MYERS, FL 33966	21-46-26-03-0000R.00CE 14600 CORKSCREW WOODS CT/17002 WAYSIDE LN ESTERO FL 33928	CORKSCREW SHORES AS DESC IN INST# 2014000052328 TRACT R	198
SANCHEZ TONY + PAULA + 19960 BARLETTA LN #1011 ESTERO, FL 33928	20-46-26-02-00010.1011 19960 BARLETTA LN 1011 ESTERO FL 33928	CONDOMINIUM V AT BARLETTA DESC IN INST#2006-214070 BLDG 10 UNIT 1011	199
MORRELL MARSHA J + ROBERT B TR 6 SCHILLHAMMER RD JERICHO, VT 05465	20-46-26-02-00010.1012 19960 BARLETTA LN 1012 ESTERO FL 33928	CONDOMINIUM V AT BARLETTA DESC IN INST#2006-214070 BLDG 10 UNIT 1012	199

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ANDREWS JOHN C + MARIA 11 SWEETWATER CIR AMBLER, PA 19002	20-46-26-02-00010.1013 19960 BARLETTA LN 1013 ESTERO FL 33928	CONDOMINIUM V AT BARLETTA DESC IN INST#2006-214070 BLDG 10 UNIT 1013	199
TURNER EILEEN T CASEY 194 N SMITH RD WAYMART, PA 18472	20-46-26-02-00010.1014 19960 BARLETTA LN 1014 ESTERO FL 33928	CONDOMINIUM V AT BARLETTA DESC IN INST#2006-214070 BLDG 10 UNIT 1014	199
ZARILLO CHERYL L PO BOX 421 VERNON, NJ 07462	20-46-26-02-00010.1015 19960 BARLETTA LN 1015 ESTERO FL 33928	CONDOMINIUM V AT BARLETTA DESC IN INST#2006-214070 BLDG 10 UNIT 1015	199
MAVREDIS ANGELA + 382 BURNT PINE DR NAPLES, FL 34119	20-46-26-02-00010.1016 19960 BARLETTA LN 1016 ESTERO FL 33928	CONDOMINIUM V AT BARLETTA DESC IN INST#2006-214070 BLDG 10 UNIT 1016	199
BROOKS STEVE L + BARBARA A 1110 EAGLES BROOKE DR LOCUST GROVE, GA 30248	20-46-26-02-00010.1021 19960 BARLETTA LN 1021 ESTERO FL 33928	CONDOMINIUM V AT BARLETTA DESC IN INST#2006-214070 BLDG 10 UNIT 1021	199
MANLEY THOMAS + CATHY 405 RIVERVIEW RD BINGHAMTON, NY 13901	20-46-26-02-00010.1022 19960 BARLETTA LN 1022 ESTERO FL 33928	CONDOMINIUM V AT BARLETTA DESC IN INST#2006-214070 BLDG 10 UNIT 1022	199
HALLER WILLIAM K + DEBRA K 24031 VIA CASTELLA DR APT 1403 BONITA SPRINGS, FL 34134	20-46-26-02-00010.1023 19960 BARLETTA LN 1023 ESTERO FL 33928	CONDOMINIUM V AT BARLETTA DESC IN INST#2006-214070 BLDG 10 UNIT 1023	199
LEMMENES BRIAN + LAURA 14545 S 85TH AVE ORLAND PARK, IL 60462	20-46-26-02-00010.1024 19960 BARLETTA LN 1024 ESTERO FL 33928	CONDOMINIUM V AT BARLETTA DESC IN INST#2006-214070 BLDG 10 UNIT 1024	199
HOFFMAN TERRY + 25 FOREST HILL DR MIDHURST, ON L0L 1X0 CANADA	20-46-26-02-00010.1025 19960 BARLETTA LN 1025 ESTERO FL 33928	CONDOMINIUM V AT BARLETTA DESC IN INST#2006-214070 BLDG 10 UNIT 1025	199
FERA FRANK + YOLANDA TR 8113 FATIMA CT NIAGRA FALLS, ON L2H 2Y8 CANADA	20-46-26-02-00010.1026 19960 BARLETTA LN 1026 ESTERO FL 33928	CONDOMINIUM V AT BARLETTA DESC IN INST#2006-214070 BLDG 10 UNIT 1026	199
GIERHART GREGORY M TR + 833 WHISPER COVE RD SANDY, UT 84094	20-46-26-03-00011.1111 19950 BARLETTA LN 1111 ESTERO FL 33928	CONDOMINIUM VI AT BARLETTA DESC IN INST#2006-369514 BLDG 11 UNIT 1111	200
DE LYON CORAL DE ANNA 19950 BARLETTA LN UNIT 1112 ESTERO, FL 33928	20-46-26-03-00011.1112 19950 BARLETTA LN 1112 ESTERO FL 33928	CONDOMINIUM VI AT BARLETTA DESC IN INST#2006-369514 BLDG 11 UNIT 1112	200
OTTO KAREN 243 WEST END AVE NEW YORK, NY 10023	20-46-26-03-00011.1113 19950 BARLETTA LN 1113 ESTERO FL 33928	CONDOMINIUM VI AT BARLETTA DESC IN INST#2006-369514 BLDG 11 UNIT 1113	200
FINLAY DAVID + 7123 BURNING TREE DR MCHENRY, IL 60050	20-46-26-03-00011.1114 19950 BARLETTA LN 1114 ESTERO FL 33928	CONDOMINIUM VI AT BARLETTA DESC IN INST#2006-369514 BLDG 11 UNIT 1114	200
SCARDINO CHARLES C + THERESA M 119 HAVENSHIRE RD ROCHESTER, NY 14625	20-46-26-03-00011.1115 19950 BARLETTA LN 1115 ESTERO FL 33928	CONDOMINIUM VI AT BARLETTA DESC IN INST#2006-369514 BLDG 11 UNIT 1115	200
ARDIZZONE MICHON DEMAR 19950 BARLETTA LN #1116 ESTERO, FL 33928	20-46-26-03-00011.1116 19950 BARLETTA LN 1116 ESTERO FL 33928	CONDOMINIUM VI AT BARLETTA DESC IN INST#2006-369514 BLDG 11 UNIT 1116	200
BAGAROZZI ANTHONY + JOAN 118 HALGREN CRESENT HAVERSTRAW, NY 10927	20-46-26-03-00011.1121 19950 BARLETTA LN 1121 ESTERO FL 33928	CONDOMINIUM VI AT BARLETTA DESC IN INST#2006-369514 BLDG 11 UNIT 1121	200
FERRER RICARDO 19950 BARLETTA LN #1122 ESTERO, FL 33928	20-46-26-03-00011.1122 19950 BARLETTA LN 1122 ESTERO FL 33928	CONDOMINIUM VI AT BARLETTA DESC IN INST#2006-369514 BLDG 11 UNIT 1122	200
MCINTOSH CLARA M 2586 BELL CIR STEVENSVILLE, MI 49127	20-46-26-03-00011.1123 19950 BARLETTA LN 1123 ESTERO FL 33928	CONDOMINIUM VI AT BARLETTA DESC IN INST#2006-369514 BLDG 11 UNIT 1123	200
FILORAMO FRANK R 19950 BARLETTA LN #1124 ESTERO, FL 33928	20-46-26-03-00011.1124 19950 BARLETTA LN 1124 ESTERO FL 33928	CONDOMINIUM VI AT BARLETTA DESC IN INST#2006-369514 BLDG 11 UNIT 1124	200

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GIG INVESTMENT GROUP LLC 50 STATE RD HINCKLEY, OH 44233	20-46-26-03-00011.1125 19950 BARLETTA LN 1125 ESTERO FL 33928	CONDOMINIUM VI AT BARLETTA DESC IN INST#2006-369514 BLDG 11 UNIT 1125	200
HEMLER CHARLES F JR 1727 EVERGREEN ST SEBRING, FL 33870	20-46-26-03-00011.1126 19950 BARLETTA LN 1126 ESTERO FL 33928	CONDOMINIUM VI AT BARLETTA DESC IN INST#2006-369514 BLDG 11 UNIT 1126	200
SIKORA WILLIAM + KIMBERLY PO BOX 642 BROADALBIN, NY 12025	20-46-26-03-00012.1211 19940 BARLETTA LN 1211 ESTERO FL 33928	CONDOMINIUM VI AT BARLETTA DESC IN INST#2006-369514 BLDG 12 UNIT 1211	201
BEVERAGE AUSTIN J + 19940 BARLETTA LN #1212 ESTERO, FL 33928	20-46-26-03-00012.1212 19940 BARLETTA LN 1212 ESTERO FL 33928	CONDOMINIUM VI AT BARLETTA DESC IN INST#2006-369514 BLDG 12 UNIT 1212	201
LAG PROPERTIES LLC DANIEL W GORSKI 21448 BELLA TERRA BLVD ESTERO, FL 33928	20-46-26-03-00012.1213 19940 BARLETTA LN 1213 ESTERO FL 33928	CONDOMINIUM VI AT BARLETTA DESC IN INST#2006-369514 BLDG 12 UNIT 1213	201
FINLAY DAVID + 7123 BURNING TREE DR MCHENRY, IL 60050	20-46-26-03-00012.1214 19940 BARLETTA LN 1214 ESTERO FL 33928	CONDOMINIUM VI AT BARLETTA DESC IN INST#2006-369514 BLDG 12 UNIT 1214	201
WIEGERT SCOTT + CATHY 5869 NORTHVIEW DR WEST DES MOINES, IA 50266	20-46-26-03-00012.1215 19940 BARLETTA LN 1215 ESTERO FL 33928	CONDOMINIUM VI AT BARLETTA DESC IN INST#2006-369514 BLDG 12 UNIT 1215	201
MCKEANAY RHONA 19940 BARLETTA LN #1216 ESTERO, FL 33928	20-46-26-03-00012.1216 19940 BARLETTA LN 1216 ESTERO FL 33928	CONDOMINIUM VI AT BARLETTA DESC IN INST#2006-369514 BLDG 12 UNIT 1216	201
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04-46-26-00-00001.0000 LEE COUNTY PO BOX 398 FORT MYERS, FL 33902	09-46-26-00-00001.023A LYNCH JAMES T + 17870 DEVORE LN FORT MYERS, FL 33913
05-46-26-00-00001.0000 ALICO NORTH FUND LLC PRIVATE EQUITY GROUP LLC STE 275 12800 UNIVERSITY DR FORT MYERS, FL 33907	09-46-26-00-00001.0260 DESROCHERS KAREN 17900 DEVORE LN FORT MYERS, FL 33913
05-46-26-00-00002.0000 LRA NAPLES LLC LEGAL DEPT 1 HAMMOCK BEACH PKWY FL 2 PALM COAST, FL 32137	09-46-26-00-00001.028A WILLIAMS SHAWN M 17520 DEVORE LN FORT MYERS, FL 33913
09-46-26-00-00001.0010 DAVEY BONNE M PO BOX 354 EVERGLADES CITY, FL 34139	09-46-26-00-00001.0300 JOHNSON JERI + 27810 HACIENDA BLVD E #205B BONITA SPRINGS, FL 34135
09-46-26-00-00001.0110 LACOMBE VIRGINIA CAROL 17600 DEVORE LN FORT MYERS, FL 33913	09-46-26-00-00001.0330 SPRAGUE RICHARD A 17630 DEVORE LN FORT MYERS, FL 33913
09-46-26-00-00001.0160 BROADHEAD JOHN 355 PAMONA ST LEHIGH ACRES, FL 33974	09-46-26-00-00001.033A MITCHELL DONALD R + MARTHA G 17650 DEVORE LN FORT MYERS, FL 33913
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09-46-26-00-00001.0170 LEE COUNTY PO BOX 398 FORT MYERS, FL 33902	09-46-26-00-00001.0350 SCHAFFER GLEN + TAMMY M 19150 ACORN RD #103 FORT MYERS, FL 33967
09-46-26-00-00001.0180 LEE FAMILY TRUST 5621 HARBORAGE DR FORT MYERS, FL 33908	09-46-26-00-00001.0360 FLANJACK CHARLES W + 1512 BRAMAN AVE FORT MYERS, FL 33901

09-46-26-00-00001.0450
MONROE LEWIS R + BELINDA
17480 DEVORE LN
FORT MYERS, FL 33913

19-46-26-00-00001.0020
FLORIDA POWER + LIGHT CO
PROPERTY TAX-PSX-JB
700 UNIVERSE BLVD
JUNO BEACH, FL 33408

16-46-26-00-00001.0010
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

06-46-26-00-00001.0030
BACKE JOHN D
27680 MARINA ISLE CT
BONITA SPRINGS, FL 34134

16-46-26-00-00001.1000
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

07-46-26-00-00001.0040
MSF AUSTIN L LLC 25.25% +
7978 COOPER CREEK BLVD #100
UNIVERSITY PARK, FL 34201

16-46-26-00-00001.1020
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

07-46-26-00-00001.0020
MSF AUSTIN L LLC 25.25% +
7978 COOPER CREEK BLVD #100
UNIVERSITY PARK, FL 34201

16-46-26-00-00001.2000
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

07-46-26-00-00001.0010
MSF AUSTIN L LLC 25.25% +
7978 COOPER CREEK BLVD #100
UNIVERSITY PARK, FL 34201

19-46-26-00-00001.0010
TEMPLETON J DEAN TR
PO BOX 731
TRAVERSE CITY, MI 49685

12-46-25-00-00001.0020
MSF AUSTIN L LLC 25.25% +
7978 COOPER CREEK BLVD #100
UNIVERSITY PARK, FL 34201

30-46-26-00-00001.2000
TEMPLETON J DEAN TR
PO BOX 731
TRAVERSE CITY, MI 49685

13-46-25-00-00001.0070
ALICO WEST FUND LLC
12800 UNIVERSITY DR STE 275
FORT MYERS, FL 33907

30-46-26-01-0000B.00CE
WILDCAT RUN COMMUNITY ASSN
RICHARD BRADLEY
20300 COUNTRY CLUB DR
ESTERO, FL 33928

30-46-26-07-00009.0000
LEE COUNTY
PO BOX 398
FORT MYERS, FL 33902

21-46-26-00-00001.0050
LEE COUNTY
PO BOX 398
FORT MYERS, FL 33902

30-46-26-07-00FR2.0000
LEE COUNTY
PO BOX 398
FORT MYERS, FL 33902

13-46-25-00-00001.0060
MIROMAR LAKES LLC
10801 CORKSCREW RD STE 305
ESTERO, FL 33928

30-46-26-07-0000R.00CE
FL DEVELOPMENT PARTNERS LC
4501 TAMiami TRL N STE 300
NAPLES, FL 34103

30-46-26-07-0000A.00CE
GRANDEZZA MASTER POA INC
20301 GRAND OAKS SHOPPES #118
ESTERO, FL 33928

30-46-26-07-00000.0100
WILKINS HOMER WESLEY + EILEEN
310 LOCUST ST
COBDEN, IL 62920

30-46-26-07-00000.0010
CREIGHTON TIMOTHY P + MARY E
331 WHITFIELD
BUFFALO, NY 14220

30-46-26-07-00000.0110
MCCUE WILLIAM + BARBARA
41 W ROYAL OAKS DR
BRISTOL, IL 60512

30-46-26-07-00000.0020
MILLER ROBYN T 50% +
12609 GRANDEZZA CIR
ESTERO, FL 33928

30-46-26-07-00000.0120
MEADE NICOLE
3128 TIBURON DR
EAU CLAIRE, WI 54701

30-46-26-07-00000.0030
TOOLEY ALEXANDER J + CLAUDIA J
4462 RIVERVIEW RD
BREWERTON, NY 13029

30-46-26-07-00000.0130
HUDACEK STEPHEN + SHARON
217 THOREAU DR
MOOSIC, PA 18507

30-46-26-07-00000.0040
ROSSI JOSEPH + THERESA
226 CLIVEDEN AVE
GLENSIDE, PA 19038

30-46-26-07-00000.0140
FINN ALLAN TR
19910 CHAPEL TER
ESTERO, FL 33928

30-46-26-07-00000.0050
BERMAN SANFORD + JANE
12603 GRANDEZZA CIR
ESTERO, FL 33928

30-46-26-07-00000.0150
LAPIDUS JACK + BARBARA
8 OAKWOOD DR
LLOYD HARBOR, NY 11743

30-46-26-07-00000.0060
BRASIL LUIS S + EUGENIA F
135 WHITFORD AVE UNIT #1
PROVIDENCE, RI 02908

30-46-26-07-00000.0160
GOLDSTEIN KENNETH F + DIANA TR
12581 GRANDEZZA CIR
ESTERO, FL 33928

30-46-26-07-00000.0070
MCCORMICK STEVEN J
1773 BAYVIEW AVE
TORONTO, ON M4G 3C5
CANADA

30-46-26-07-00000.0170
WALKER RONALD S TR +
62 WOODLAND DR
YORKVILLE, IL 60560

30-46-26-07-00000.0080
GRANDEZZA PROPERTY LLC
PO BOX 1484
BONITA SPRINGS, FL 34133

30-46-26-07-00000.0180
FULLWOOD MICHAEL L + SUSAN
12577 GRANDEZZA CIR
ESTERO, FL 33928

30-46-26-07-00000.0090
KINGSBURY URSULA M TR
36 VILLAGE RD STE 510
MIDDLETON, MA 01949

30-46-26-07-00000.0190
KNOLL HOWARD W P + PATRICIA C
41 COUNTRY CLUB CRES
UXBRIDGE, ON L9P 0B8
CANADA

30-46-26-07-00000.0200
PIAZZA IGNATIUS + EVA
12573 GRANDEZZA CIR
ESTERO, FL 33928

30-46-26-07-00000.0300
CORNEIL RICHARD G + JUDITH H
3-505 JARVIS ST
LONDON, ON N6K 1X3
CANADA

30-46-26-07-00000.0210
KATZ KENNETH H + SUSAN E
12571 GRANDEZZA CIR
ESTERO, FL 33928

30-46-26-07-00000.0310
NOWLAN CHRISTOPHER J + LAURIE
7 MELENDY HOLLOW
AMHERST, NH 03031

30-46-26-07-00000.0220
HOWLAND TERRANCE J + KAREN M
12569 GRANDEZZA CIR
ESTERO, FL 33928

30-46-26-07-00000.0320
SCHARDEIN RICHARD E + LISA L
16431 TAYLORSVILLE RD
FISHERVILLE, KY 40023

30-46-26-07-00000.0230
KEANE PAT MULLINAX
UNIT 201
8541 VIA GARIBALDI CIR
ESTERO, FL 33928

30-46-26-07-00000.0330
MCGOVERN BRIAN T
20002 MONTESSA CT
ESTERO, FL 33928

30-46-26-07-00000.0240
NARGENTINO GERARDO
12565 GRANDEZZA CIR
ESTERO, FL 33928

30-46-26-07-00000.0340
RNE INVESTMENTS LLC
10162 74TH AVE NW
GRIMES, IA 50111

30-46-26-07-00000.0250
GARGIULO VINCENZO
12563 GRANDEZZA CIR
ESTERO, FL 33928

30-46-26-07-00000.0350
SALAZAR PEDRO III + LINDA N
20001 MONTESSA CT
ESTERO, FL 33928

30-46-26-07-00000.0260
KELLY WILLIAM T + JOY Z
284 SENECA PL
WESTFIELD, NJ 07090

30-46-26-07-00000.0360
MALLETT CHARLENE L TR
20005 MONTESSA CT
ESTERO, FL 33928

30-46-26-07-00000.0270
BRINDLEY RYAN B + ROCHELLE
12559 GRANDEZZA CIR
ESTERO, FL 33928

30-46-26-07-00000.0370
CASEY MICHAEL T
9521 OXBOROUGH CURVE
BLOOMINGTON, MN 55437

30-46-26-07-00000.0280
OLDHAM TERRENCE + MARCIA G
12557 GRANDEZZA CIR
ESTERO, FL 33928

30-46-26-07-00000.0380
HAMILTON KATHLEEN C
20009 MONTESSA CT
ESTERO, FL 33928

30-46-26-07-00000.0290
WITH EINAR + CECILLE
12555 GRANDEZZA CIR
ESTERO, FL 33928

30-46-26-07-00000.0390
LOMBARDI JOHN C + NANCY A
20011 MONTESSA CT
ESTERO, FL 33928

30-46-26-07-00000.1490 KOLIDA ROBERT TR 5203 PRESERVATION CIR MISSISSAUGA, ON L5M 7T3 CANADA	30-46-26-07-00000.1320 WAGNER ANDREA D 12612 GRANDEZZA CIR ESTERO, FL 33928
30-46-26-07-00000.1500 CASSAVAR DANIEL 21093 RANGE LANE RD BOWLING GREEN, OH 43402	30-46-26-07-00000.1330 MCCOY KEVIN J 28 HENKES LN LATHAM, NY 12110
30-46-26-07-00000.1680 PERKINS RONALD E + TINA H 1416 PEACHTREE LN MISHAWAKA, IN 46545	30-46-26-07-00000.1340 QUINN MICHAEL J + JANIS M 12606 GRANDEZZA CIR ESTERO, FL 33928
30-46-26-07-00000.1690 GRIBLER BRUCE 20001 GRANDE LAKE DR ESTERO, FL 33928	30-46-26-07-00000.1350 SAVA FREDERICK G + 2201 WATSON ORCHARD RD MISSISSAUGA, ON L4Y 1Y1 CANADA
30-46-26-07-00000.0470 COPPER PAUL L + CATHY L 2001 EARL DR MERRICK, NY 11566	30-46-26-07-00000.1360 HUNT MICHAEL T + KATHLEEN A 12598 GRANDEZZA CIR ESTERO, FL 33928
30-46-26-07-00000.0480 BEINKER DALE J + SHIRLEY 1/2 + 671 COLUMBIA RD #5 WESTLAKE, OH 44145	30-46-26-07-00000.1370 RICHARD MAURICE R + THERESA M 12596 GRANDEZZA CIR ESTERO, FL 33928
30-46-26-07-00000.0490 STRAUSER RALPH C + MARY 17995 GREYCLIFF DR CHESTERFIELD, MO 63005	30-46-26-07-00000.1380 PINTER DAVID W + CHARLENE M TR 201 BOULDER DR LAKE IN THE HILLS, IL 60156
30-46-26-07-00000.0500 PRUES JAMES E JR + KAYLA S 10237 S SILVER PALM DR ESTERO, FL 33928	30-46-26-07-00000.1390 SUMMY VERLIN L + LAURA J 5109 PANORAMA DR PANORA, IA 50216
30-46-26-07-00000.0510 TOMPKINS BRICE + 12548 GRANDEZZA CIR ESTERO, FL 33928	30-46-26-07-00000.1400 COOK CHARLES B + SHIRLEY A 1061 ORCHARD DR MARSHALL, MI 49068
30-46-26-07-00000.1310 WALTERS JACK W + IRINA G 2925 EXETER CT WEST DUNDEE, IL 60118	30-46-26-07-00000.1410 COHEE GARY A + SHERRY H 12588 GRANDEZZA CIR ESTERO, FL 33928

30-46-26-07-00000.1420
VOLPE KAREN A
12586 GRANDEZZA CIR
ESTERO, FL 33928

30-46-26-07-00000.1670
ALBRECHT CHARLES F + DEANNA K
16707 INTERLACHEN BLVD
LAKEVILLE, MN 55044

30-46-26-07-00000.1430
JOHNSTONE JAMES + KATHLEEN
12584 GRANDEZZA CIR
ESTERO, FL 33928

20-46-26-01-000C1.0000
HABITAT LAKES LLC
782 NW 42ND AVE STE 630
MIAMI, FL 33126

30-46-26-07-00000.1440
MANLEY FREDERICK E +
12582 GRANDEZZA CIR
ESTERO, FL 33928

20-46-26-01-000F1.00CE
BELLA TERRA OF
11691 GATEWAY BLVD STE 203
FORT MYERS, FL 33913

30-46-26-07-00000.1450
PAGEL MARGARET S
STE 201 # 288
15275 COLLIER BLVD
NAPLES, FL 34119

29-46-26-01-000L1.0000
HABITAT CDD
5726 CORPORATE CIR
FORT MYERS, FL 33905

30-46-26-07-00000.1460
MATHIAS DAVID H + KATHLEEN A
N 81 W6995 PINE STREET
CEDARBURG, WI 53012

29-46-26-01-000A4.0000
HABITAT CDD
5726 CORPORATION CIR
FORT MYERS, FL 33905

30-46-26-07-00000.1470
MILLER TERRY S
600 LEXINGTON AVE
EATON, OH 45320

20-46-26-02-00000.00CE
CONDOMINIUM V AT BARLETTA ASSN
11691 GATEWAY BLVD STE 203
FORT MYERS, FL 33913

30-46-26-07-00000.1480
LULAREVIC GUIDO +
1 EAGLE CT
GREENLAND, NH 03840

20-46-26-03-00000.00CE
CONDOMINIUM VI AT BARLETTA
11691 GATEWAY BLVD STE 203
FORT MYERS, FL 33913

30-46-26-07-00000.1510
RIACHI ROGER J
13477 PROSPECT RD # 105
STRONGSVILLE, OH 44149

20-46-26-04-00000.00CE
CONDOMINIUM VII AT BARLETTA
11691 GATEWAY BLVD STE 203
FORT MYERS, FL 33913

30-46-26-07-00000.1520
DAVIS CHARLES E + NANCY K
8561 BLUE WATER DR
POWELL, OH 43065

19-46-26-00-00001.0030
CROCKETT FUND LLC
12800 UNIVERSITY DR STE 275
FORT MYERS, FL 33907

30-46-26-07-00000.1660
HACK JOHN F JR + MARIAN E
20007 GRANDE LAKE DR
ESTERO, FL 33928

18-46-26-00-00001.0010
ALICO WEST FUND LLC
12800 UNIVERSITY DR STE 275
FORT MYERS, FL 33907

07-46-26-00-00001.0050
ALICO WEST FUND LLC
12800 UNIVERSITY DR STE 275
FORT MYERS, FL 33907

21-46-26-02-00000.0020
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

18-46-26-00-00001.0020
CROCKETT FUND LLC
12800 UNIVERSITY DR STE 275
FORT MYERS, FL 33907

21-46-26-02-00000.0260
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

21-46-26-02-00000.0190
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

21-46-26-02-00000.0270
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

21-46-26-02-00000.0200
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

21-46-26-02-00000.0280
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

21-46-26-02-00000.0210
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

21-46-26-02-00000.0290
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

21-46-26-02-00000.0220
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

21-46-26-02-00000.0300
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

21-46-26-02-00000.0230
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

21-46-26-02-00000.0310
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

21-46-26-02-00000.0250
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

21-46-26-02-00000.0320
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

21-46-26-02-0000C.00CE
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

21-46-26-02-00000.0330
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

21-46-26-02-00000.0010
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

21-46-26-02-00000.0340
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

21-46-26-02-00000.0350
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

21-46-26-02-00000.0450
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

21-46-26-02-00000.0360
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

21-46-26-02-00000.0460
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

21-46-26-02-00000.0370
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

21-46-26-02-00000.0470
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

21-46-26-02-00000.0380
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

21-46-26-02-00000.0480
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

21-46-26-02-00000.0390
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

21-46-26-02-00000.0490
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

21-46-26-02-00000.0400
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

21-46-26-02-00000.0500
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

21-46-26-02-00000.0410
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

21-46-26-02-00000.0510
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

21-46-26-02-00000.0420
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

21-46-26-02-00000.0520
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

21-46-26-02-00000.0430
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

21-46-26-02-00000.0540
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

21-46-26-02-00000.0440
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

21-46-26-02-00000.0550
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

21-46-26-02-00000.0560
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

07-46-26-00-00001.0060
LRA NAPLES LLC
LEGAL DEPT
1 HAMMOCK BEACH PKWY FL 2
PALM COAST, FL 32137

21-46-26-02-00000.0570
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

30-46-26-07-0000A.01CE
GRANDEZZA MASTER POA INC
20301 GRAND OAKS SHOPPES #118
ESTERO, FL 33928

21-46-26-02-00000.0530
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

30-46-26-07-0000A.03CE
GRANDEZZA MASTER POA INC
20301 GRAND OAKS SHOPPES #118
ESTERO, FL 33928

21-46-26-02-00000.0580
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

20-46-26-21-000B1.00CE
RCS-CORKSCREW LAND LLC
4954 ROYAL GULF CIR
FORT MYERS, FL 33966

21-46-26-02-00000.0590
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

20-46-26-21-000B2.00CE
RCS-CORKSCREW LAND LLC
4954 ROYAL GULF CIR
FORT MYERS, FL 33966

21-46-26-02-0000A.00CE
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

20-46-26-21-000B3.00CE
RCS-CORKSCREW LAND LLC
4954 ROYAL GULF CIR
FORT MYERS, FL 33966

21-46-26-02-0000E.00CE
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

20-46-26-21-000L1.00CE
RCS-CORKSCREW LAND LLC
4954 ROYAL GULF CIR
FORT MYERS, FL 33966

21-46-26-02-0000F.00CE
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

20-46-26-21-000L2.00CE
RCS-CORKSCREW LAND LLC
4954 ROYAL GULF CIR
FORT MYERS, FL 33966

21-46-26-02-0000D.00CE
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

20-46-26-21-00CA6.0000
RCS-CORKSCREW LAND LLC
4954 ROYAL GULF CIR
FORT MYERS, FL 33966

21-46-26-02-0000B.00CE
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

20-46-26-21-00CA7.0000
RCS-CORKSCREW LAND LLC
4954 ROYAL GULF CIR
FORT MYERS, FL 33966

20-46-26-21-000F1.0000
RCS-CORKSCREW LAND LLC
4954 ROYAL GULF CIR
FORT MYERS, FL 33966

21-46-26-03-0000C.00CE
CORKSCREW LAKES LLC
4954 ROYAL GULF CIR
FORT MYERS, FL 33966

29-46-26-21-0000A.00CE
RCS-CORKSCREW LAND LLC
4954 ROYAL GULF CIR
FORT MYERS, FL 33966

21-46-26-03-0000R.00CE
CORKSCREW LAKES LLC
4954 ROYAL GULF CIR
FORT MYERS, FL 33966

29-46-26-21-000L3.00CE
RCS-CORKSCREW LAND LLC
4954 ROYAL GULF CIR
FORT MYERS, FL 33966

20-46-26-02-00010.1011
SANCHEZ TONY + PAULA +
19960 BARLETTA LN #1011
ESTERO, FL 33928

29-46-26-21-00CA2.0000
RCS-CORKSCREW LAND LLC
4954 ROYAL GULF CIR
FORT MYERS, FL 33966

20-46-26-02-00010.1012
MORRELL MARSHA J + ROBERT B TR
6 SCHILLHAMMER RD
JERICHO, VT 05465

20-46-26-22-00000.0350
MAJKA SUSAN H
147 WESTBROOK DR
SWEDESBORO, NJ 08085

20-46-26-02-00010.1013
ANDREWS JOHN C + MARIA
11 SWEETWATER CIR
AMBLER, PA 19002

20-46-26-22-00000.0360
PHILLIPS CHRISTOPHER S +
13408 VILLA DI PRESERVE LN
ESTERO, FL 33928

20-46-26-02-00010.1014
TURNER EILEEN T CASEY
194 N SMITH RD
WAYMART, PA 18472

20-46-26-22-00000.0370
SMITH EDWARD L + KARI M
13404 VILLA DI PRESERVE LN
ESTERO, FL 33928

20-46-26-02-00010.1015
ZARILLO CHERYL L
PO BOX 421
VERNON, NJ 07462

29-46-26-22-000A1.00CE
RCS-CORKSCREW LAND LLC
4954 ROYAL GULF CIR
FORT MYERS, FL 33966

20-46-26-02-00010.1016
MAVREDIS ANGELA +
382 BURNT PINE DR
NAPLES, FL 34119

20-46-26-01-000F1.0040
HABITAT CDD
5726 CORPORATION CIR
FORT MYERS, FL 33905

20-46-26-02-00010.1021
BROOKS STEVE L + BARBARA A
1110 EAGLES BROOKE DR
LOCUST GROVE, GA 30248

21-46-26-03-0000A.00CE
CORKSCREW LAKES LLC
4954 ROYAL GULF CIR
FORT MYERS, FL 33966

20-46-26-02-00010.1022
MANLEY THOMAS + CATHY
405 RIIVERVIEW RD
BINGHAMTON, NY 13901

20-46-26-02-00010.1023
HALLER WILLIAM K + DEBRA K
24031 VIA CASTELLA DR APT 1403
BONITA SPRINGS, FL 34134

20-46-26-03-00011.1121
BAGAROZZI ANTHONY + JOAN
118 HALGREN CRESENT
HAVERSTRAW, NY 10927

20-46-26-02-00010.1024
LEMMENES BRIAN + LAURA
14545 S 85TH AVE
ORLAND PARK, IL 60462

20-46-26-03-00011.1122
FERRER RICARDO
19950 BARLETTA LN #1122
ESTERO, FL 33928

20-46-26-02-00010.1025
HOFFMAN TERRY +
25 FOREST HILL DR
MIDHURST, ON L0L 1X0
CANADA

20-46-26-03-00011.1123
MCINTOSH CLARA M
2586 BELL CIR
STEVENSVILLE, MI 49127

20-46-26-02-00010.1026
FERA FRANK + YOLANDA TR
8113 FATIMA CT
NIAGRA FALLS, ON L2H 2Y8
CANADA

20-46-26-03-00011.1124
FILORAMO FRANK R
19950 BARLETTA LN #1124
ESTERO, FL 33928

20-46-26-03-00011.1111
GIERHART GREGORY M TR +
833 WHISPER COVE RD
SANDY, UT 84094

20-46-26-03-00011.1125
GIG INVESTMENT GROUP LLC
50 STATE RD
HINCKLEY, OH 44233

20-46-26-03-00011.1112
DE LYON CORAL DE ANNA
19950 BARLETTA LN UNIT 1112
ESTERO, FL 33928

20-46-26-03-00011.1126
HEMLER CHARLES F JR
1727 EVERGREEN ST
SEBRING, FL 33870

20-46-26-03-00011.1113
OTTO KAREN
243 WEST END AVE
NEW YORK, NY 10023

20-46-26-03-00012.1211
SIKORA WILLIAM + KIMBERLY
PO BOX 642
BROADALBIN, NY 12025

20-46-26-03-00011.1114
FINLAY DAVID +
7123 BURNING TREE DR
MCHENRY, IL 60050

20-46-26-03-00012.1212
BEVERAGE AUSTIN J +
19940 BARLETTA LN #1212
ESTERO, FL 33928

20-46-26-03-00011.1115
SCARDINO CHARLES C + THERESA M
119 HAVENSHIRE RD
ROCHESTER, NY 14625

20-46-26-03-00012.1213
LAG PROPERTIES LLC
DANIEL W GORSKI
21448 BELLA TERRA BLVD
ESTERO, FL 33928

20-46-26-03-00011.1116
ARDIZZONE MICHON DEMAR
19950 BARLETTA LN #1116
ESTERO, FL 33928

20-46-26-03-00012.1214
FINLAY DAVID +
7123 BURNING TREE DR
MCHENRY, IL 60050

20-46-26-03-00012.1215
WIEGERT SCOTT + CATHY
5869 NORTHVIEW DR
WEST DES MOINES, IA 50266

20-46-26-03-00016.1613
FRIERI JEANETTE M TR
4534 N CUMBERLAND AVE # 201
CHICAGO, IL 60656

20-46-26-03-00012.1216
MCKEANNEY RHONA
19940 BARLETTA LN #1216
ESTERO, FL 33928

20-46-26-03-00016.1614
BLANCHETTE JAMES + HEATHER S
5 WARWICK DR
CHELMSFORD, MA 01824

20-46-26-03-00012.1221
MACMILLAN DONALD + MARGARET
21 ELMBANK CRES
OTTAWA, ON K2G 3P8
CANADA

20-46-26-03-00016.1615
DIGGINS TRACY A + BERT D
14 EDDY ST
FAIRHAVEN, MA 02719

20-46-26-03-00012.1222
CASTILLO ALEJANDRO
12650 BUTTONBUSH PL
BONITA SPRINGS, FL 34135

20-46-26-03-00016.1616
ELDER DAVID F JR + MARSHA S
4415 HOLLY TREE DR
LOUISVILLE, KY 40241

20-46-26-03-00012.1223
HOVERKAMP GEORGE V +KRISTINE +
19940 BARLETTA LN # 1223
ESTERO, FL 33928

20-46-26-03-00016.1621
POTTER CLINTON J TR
19961 BARLETTA LN UNIT 1621
ESTERO, FL 33928

20-46-26-03-00012.1224
QUESNEL DIANA
12439 ORMOND RD
WINCHESTER, ON K0C 2K0
CANADA

20-46-26-03-00016.1622
DE ANA CAROLINA LYON
19961 BARLETTA LN UNIT 1622
ESTERO, FL 33928

20-46-26-03-00012.1225
DONTENVILLE PAUL + THERESA
48 LORD BYRON LANE
BUFFALO, NY 14221

20-46-26-03-00016.1623
PROVENZANO JOHN
5810 CANADA ST
LASALLE, ON N9H 1M3
CANADA

20-46-26-03-00012.1226
LUSHINGTON GLENN
9 LAMBOURNE GROVE
MALDON
ESSEX 96,
UNITED KINGDOM

20-46-26-03-00016.1624
BELLA TERRA OF SOUTHWEST
ASSOCIATION LAW GROUP PL
PO BOX 415848
MIAMI BEACH, FL 33141

20-46-26-03-00016.1611
DAVID HUNEALT MEDICINE
65 LARCH ST STE 300A
SUDBURY, ON P3E 1B8
CANADA

20-46-26-03-00016.1625
KAHRS HEIKO + FRAUKE
HEIDSTR 29
27327 MARTFELD,
GERMANY

20-46-26-03-00016.1612
TRUESDALE JACLYN M +
19961 BARLETTA LN UNIT 1612
ESTERO, FL 33928

20-46-26-03-00016.1626
PONICKLY WALTER W + STELLA
19961 BARLETTA LN UNIT 1626
ESTERO, FL 33928

20-46-26-03-00017.1711 CARFORA JUANITA + 521 ADMIRALS CIR PINE BEACH, NJ 08741	20-46-26-03-00017.1725 GANTZ DEBORAH J 9521 PARKVIEW DR PLYMOUTH, IN 46563
20-46-26-03-00017.1712 MALTESE PIETRO + ANNA MARIA 55251 ESTETES LN MACOMB, MI 48042	20-46-26-03-00017.1726 TROYER MICHAEL + VICKI L 15024 SEA HOLLY CT FORT WAYNE, IN 46814
20-46-26-03-00017.1713 BROWN DENNIS M + 21289 BRAXFIELD LOOP ESTERO, FL 33928	20-46-26-04-00013.1311 MCCLAIN GLENN III + MARTHARENE PO BOX 598 CLARKSBURG, NJ 08510
20-46-26-03-00017.1714 HEystack INC 58 COLUMBUS ST AUBURN, NY 13021	20-46-26-04-00013.1312 CHANCE JAMES D + DEANNA R 1485 COUNTY ROAD 1575 ASHLAND, OH 44805
20-46-26-03-00017.1715 WHITMORE ERIC + 3463 SHEPHERD ST NW NORTH CANTON, OH 44720	20-46-26-04-00013.1313 LYON CRUZ + CORAL DE ANA 19930 BARLETTA LN UNIT 1313 ESTERO, FL 33928
20-46-26-03-00017.1716 MCCLAIN GLENN R + DELORES PO BOX 598 CLARKSBURG, NJ 08510	20-46-26-04-00013.1314 PITRELLI VINCENT F + META A 741 GETTYSBURG PL PARAMUS, NJ 07652
20-46-26-03-00017.1721 AVERSANO ANTHONY + MICHELLE L 18 ANDERSON AVE MONROE TOWNSHIP, NJ 08831	20-46-26-04-00013.1315 SCHLABACH GARY F + CYNTHIA A 11822 CARY RD ALDEN, NY 14004
20-46-26-03-00017.1722 LUM ELAINE + 484 OLD TECUMSEH RD TECUMSEH, ON N8N 3S8 CANADA	20-46-26-04-00013.1316 BARLETTA 1316 LLC 15 APPLE BLOSSOM LN COVENTRY, RI 02816
20-46-26-03-00017.1723 BOTELHO NELSON + CECILIA M 20552 TORRE DEL LAGO ST ESTERO, FL 33928	20-46-26-04-00013.1321 BRITT MICHAEL + DONNA 23111 PEMBROOK DR HOLLYWOOD, MD 20636
20-46-26-03-00017.1724 ROCHFORD TERENCE + MIRA 11623 USEPPA CT NAPLES, FL 34110	20-46-26-04-00013.1322 MOURGIS GEORGE + MARIA 1913 SE 40TH ST CAPE CORAL, FL 33904

20-46-26-04-00013.1323
VANOVER LEONARD + CAROL L
20621 ROOKERY DR
ESTERO, FL 33928

20-46-26-04-00014.1421
MACKEY JOHN + BRENDA
46 ELMBANK CRESCENT
NEPEAN, ON K2G 3P6
CANADA

20-46-26-04-00013.1324
PAYNE BRUCE A 1/2 +
10 DEWEY AVE
AMITYVILLE, NY 11701

20-46-26-04-00014.1422
VENOT MANUEL E +
19920 BARLETTA LN UNIT 1422
ESTERO, FL 33928

20-46-26-04-00013.1325
BARCELLONA JENNIFER C
9914 W MILITARY DR #223
SAN ANTONIO, TX 78251

20-46-26-04-00014.1423
19920-1423 BARLETTA LLC
20335 ARDORE LN
ESTERO, FL 33928

20-46-26-04-00013.1326
RODGERS DWIGHT + SUSAN
19930 BARLETTA LN UNIT# 1326
ESTERO, FL 33928

20-46-26-04-00014.1424
ASHWORTH WILLIAM J + JUDITH G
290 ATLANTIC AVE APT 337
EAST ROCKAWAY, NY 11518

20-46-26-04-00014.1411
MURPHY DENNIS L + MARYLYN K
16576 BEAR CUB CT
FORT MYERS, FL 33908

20-46-26-04-00014.1425
KRAFT TIMOTHY JOHN + LEEANN
19920 BARLETTA LN #1425
ESTERO, FL 33928

20-46-26-04-00014.1412
SMALLWOOD DAVID I + SHARON T
312 COOPER ST
CAMBRIDGE, ON N3C 3V5
CANADA

20-46-26-04-00014.1426
MARCUS CHARLES + MARY L/E
3443 WHILABOUT TER
OAKVILLE, ON L6L 0A7
CANADA

20-46-26-04-00014.1413
BOWE KRISTIN + AMY
19296 LA SERENA DR
FORT MYERS, FL 33967

20-46-26-04-00015.1511
LUEERS JAMES D + CATHY J
3941 N MONET CT
ALLISON PARK, PA 15101

20-46-26-04-00014.1414
DEBRUSK DAVID + MARY L/E
19920 BARLETTA LN UNIT 1414
ESTERO, FL 33928

20-46-26-04-00015.1512
SEABROOKE STEPHEN R + VINITI
36 EASTLEIGH ROAD
BARNEHURST
KENT DA7 6LU,
UNITED KINGDOM

20-46-26-04-00014.1415
HOLLAND BRIAN E + EVONNE
140 LAKE SHORE DR
PATCHOGUE, NY 11772

20-46-26-04-00015.1513
MARCOTTE MICHAEL +
311 N BROADWAY
CROOKSTON, MN 56716

20-46-26-04-00014.1416
DENNIS WILFRED E TR +
19920 BARLETTA LN #1416
ESTERO, FL 33928

20-46-26-04-00015.1514
BONACQUISTI FERNANDO +
19910 BARLETTA LN 1514
ESTERO, FL 33928

20-46-26-04-00015.1515
STOHWASSER JOAN V
19910 BARLETTA LN UNIT 1515
ESTERO, FL 33928

20-46-26-04-00015.1516
FERRONE FRANCESCO + DINA +
1243 COVENTRY CT
WINDSOR, ON N8S 2X1
CANADA

20-46-26-04-00015.1521
CONDOMINIUM VII AT BARLETTA
11691 GATEWAY BLVD STE 203
FORT MYERS, FL 33913

20-46-26-04-00015.1522
MCCROSKY JAMES D
19910 BARLETTA LN #1522
ESTERO, FL 33928

20-46-26-04-00015.1523
SMITH IRWIN D JR + PATRICIA A
4141 WINDING WILLOW DR
PALM HARBOR, FL 34683

20-46-26-04-00015.1524
BUNTIX SUZANNE VERA
19910 BARLETTA LN #1524
ESTERO, FL 33928

20-46-26-04-00015.1525
RATHBUN WILLIAM + PATRICIA
1220 ASHWOOD RD
AKRON, OH 44312

20-46-26-04-00015.1526
GRIFFITH JENNAFER
9156 BRENDAN PRESERVE CT
BONITA SPRINGS, FL 34135

ARTICLES OF INCORPORATION
OF
WILDBLUE PROPERTY OWNERS ASSOCIATION, INC.
(A CORPORATION NOT FOR PROFIT)

In compliance with the requirements of the laws of the State of Florida, and for the purpose of forming a corporation not for profit, the undersigned does hereby acknowledge:

1. Name of Corporation. The name of the corporation is WildBlue Property Owners Association, Inc., (“Association”).
2. Principal Office. The principal office of Association is 12800 University Drive, St. 275, Ft. Myers, FL 33907.
3. Registered Agent; Address. The Registered Agent and street address of Registered Agent of the Association is Michelle Preiss, 12800 University Drive, St. 275, Ft. Myers, FL 33907.
4. Definitions. A declaration entitled Declaration of General Protective Covenants and Restrictions for WildBlue (the "Declaration") will be recorded in the Public Records of Lee County, Florida, and shall govern all of the operations of a community to be known as WildBlue. All initially capitalized terms not defined herein shall have the meanings set forth in the Declaration.
5. Purpose of Association. The Association is formed to: (a) provide for ownership, operation, maintenance and preservation of the Common Areas, and improvements thereon; (b) perform the duties delegated to it in the Declaration; (c) administer the interests of Association and the Owners; (d) promote the health and welfare of the Owners.
6. Not for Profit. Association is a not for profit Florida corporation and does not contemplate pecuniary gain to, or profit for, its members.
7. Powers of Association. Association shall, subject to the limitations and reservations set forth in the Declaration, have all the powers, privileges and duties reasonably necessary to discharge its obligations, including all powers listed Chapters 617 and 720, Florida Statutes, and including, but not limited to, the following powers:
 - 7.1 To perform all the duties and obligations of Association set forth in the Declaration and By-Laws, as herein provided.
 - 7.2 To enforce, by legal action or otherwise, the provisions of the Governing Documents, as such term is defined in the Declaration.
 - 7.3 To fix, levy, collect and enforce payment, by any lawful means, of all Assessments pursuant to the terms of the Declaration, these Articles and By-Laws.

7.4 To pay all Operating Costs, including, but not limited to, all licenses, taxes or governmental charges levied or imposed against the property of the Association.

7.5 To acquire (by gift, purchase or otherwise), annex, own, hold, improve, build upon, operate, maintain, convey, grant rights and easements, sell, dedicate, lease, transfer or otherwise dispose of real or personal property (including the Common Areas) in connection with the functions of the Association except as limited by the Declaration.

7.6 To borrow money, and to mortgage, pledge or hypothecate any or all of its real or personal property as security for money or debts incurred.

7.7 To dedicate, grant, license, lease, concession, create easements upon, sell or transfer all or any part of the Common Areas of WildBlue to any public agency, entity, authority, utility or other person or entity for such purposes and subject to such conditions as it determines and as provided in the Declaration.

7.8 To participate in mergers and consolidations with other non-profit corporations organized for the same purposes.

7.9 To adopt, publish, promulgate or enforce rules, regulations, covenants, restrictions or agreements governing the Association, WildBlue, the Common Areas, Lots, and Units as provided in the Declaration and to effectuate all of the purposes for which the Association is organized.

7.10 To have and to exercise any and all powers, rights and privileges which a not-for-profit corporation organized under the laws of the State of Florida may now, or hereafter, have or exercise.

7.11 To employ personnel and retain independent contractors to contract for management of the Association and the Properties as provided in the Declaration and to delegate in such contract all or any part of the powers and duties of the Association.

7.12 To contract for services to be provided to, or for the benefit of, the Association, Owners, the Common Areas, Lots, Units, and WildBlue as provided in the Declaration.

7.13 To establish committees and delegate certain of its functions to those committees.

7.14 To sue or be sued.

7.15 To operate and maintain the Common Areas including, without limitation, the Stormwater System within WildBlue (including, but not limited to, all lakes, retention areas, culverts and related appurtenances, if any) in a manner consistent with the applicable Environmental Permit requirements and applicable SFWMD rules, and to assist in the enforcement of the Declaration which relate to the Stormwater System. The Association shall be responsible for assessing and collecting assessments for the operation, maintenance, and if necessary, repairs of the Stormwater System within WildBlue.

8. Voting Rights. The Association shall have two (2) classes of voting membership.

8.1 Class A. Class A Members are all Owners of Units other than the Declarant as long as the Class B Membership exists. Class A Members have one vote for each Unit owned by such Member.

8.2 Class B. The Class B Member is the Declarant. The Class B Member has the same number of votes as all of the Class A Members combined, plus one. The Class B Membership shall cease and the Declarant's votes shall be calculated in the same manner as the Class A based on the number of Units owned by Declarant upon the earlier to occur of the following events (the "Turnover Date"):

8.2.1. Three (3) months after the conveyance of ninety percent (90%) of the Units by Declarant, as evidenced by the recording of instruments of conveyance of such Units amongst the Public Records of Lee County, or

8.2.2. Upon the Class "B" Member abandoning or deserting its responsibility to maintain and complete the amenities or infrastructure serving the Units as disclosed in the Governing Documents. There is a rebuttable presumption that Declarant has abandoned and deserted the property if Declarant has unpaid Assessments or guaranteed amounts under Section 720.308, Florida Statutes, for a period of more than two (2) years; or

8.2.3. Upon the Class "B" Member filing a petition seeking protection under Chapter 7 of the Federal Bankruptcy Code; or

8.2.4. Upon the Class "B" Member losing title to the Lots and Units through a foreclosure action or the transfer of a deed in lieu of foreclosure, unless the successor owner has accepted an assignment of developer rights and responsibilities first arising after the date of such assignment; or

8.2.5. Upon a receiver for the Class "B" Member being appointed by a circuit court and not being discharged within 30 days after such appointment, unless the court determines within 30 days after such appointment that transfer of control would be detrimental to the Association or the Members; or

8.2.6. When, in its discretion, the Class "B" Member so determines.

Notwithstanding the foregoing, Class "A" Members are entitled to elect at least one (1) member of the Board when fifty percent (50%) of the total number of Units in WildBlue that will ultimately be operated by the Association have been conveyed to Members other than Declarant. On the Turnover Date, Class "A" Members, including Declarant, shall assume control of the Association and elect not less than a majority of the Board. Notwithstanding the foregoing, the Declarant is entitled to elect at least one member of the Board as long as the Declarant holds for sale in the ordinary course of business at least five percent (5%) of the Units that will ultimately be operated by the Association.

9. Board of Directors. Except for any matter in which a vote of the Members is required by the Governing Documents or by Law, the affairs of Association shall be managed and carried out by a Board of Directors with not less than three (3) persons or such greater odd number of

persons, up to seven (7), as the Board of Directors shall from time to time determine. A majority of the Directors in office shall constitute a quorum for the transaction of business. Until the Turnover Date, the initial number of Directors shall be three (3) appointed by Declarant. After the Turnover Date and as long as the Declarant holds for sale in the ordinary course of business at least five percent (5%) of the Units that will ultimately be operated by the Association, the number of Directors may not be increased without Declarant's approval. After the Turnover Date, Members shall be entitled to elect two (2) Directors and the Declarant shall be entitled to appoint one (1) Director as long as the Declarant holds for sale in the ordinary course of business at least five percent (5%) of the Units that will ultimately be operated by the Association. When the Declarant no longer holds for sale in the ordinary course of business at least five percent (5%) of the Units that will ultimately be operated by the Association, the Members shall be entitled to elect all Directors. Directors shall be elected by a plurality vote of the total Voting Interests present in person or by proxy at the annual meeting of the membership as provided by the By-Laws of the Association, and the By-Laws may provide for the method of voting in the election and for removal from office of Directors. Except for Directors appointed by the Declarant, all Directors shall be Members of the Association or shall be authorized representatives, officers, members, partners, managers, employees, trustees, or beneficiaries of those Members who are entities or trusts. The names and addresses of the members of the first Board who shall hold office until their successors are appointed or elected, or until removed, are as follows:

NAME	Address
Donald R. Schrottenboer	12800 University Drive, St. 275, Ft. Myers, Florida 33907
Carol A. Douglas	12800 University Drive, St. 275, Ft. Myers, Florida 33907
Howard Baum	12800 University Drive, St. 275, Ft. Myers, Florida 33907

10. Dissolution. In the event of the dissolution of the Association other than incident to a merger or consolidation, any member may petition the Circuit Court having jurisdiction of the Judicial Circuit of the State of Florida for the appointment of a receiver to manage its affairs of the dissolved Association and to manage the Common Areas, in the place and stead of Association, and to make such provisions as may be necessary for the continued management of the affairs of the dissolved Association and its properties. In addition, if the Association is dissolved, the Stormwater System shall be conveyed to an appropriate agency of local government. If a governmental agency will not accept the Stormwater System, then it must be dedicated to a similar non-profit corporation.

11. Duration. The Association shall have perpetual existence.

12. Amendments.

12.1 General Restrictions on Amendments. Notwithstanding any other provision herein to the contrary, no amendment to these Articles shall affect the rights of Declarant unless such amendment receives the prior written consent of Declarant, as applicable, which may be withheld for any reason whatsoever. If the prior written approval of any governmental entity or agency having jurisdiction is required by applicable law or governmental regulation for any amendment to these Articles, then the prior written consent of such entity or agency must also be obtained. No amendment shall be effective until it filed with the Secretary of State of the State of Florida or such other governmental agency that replaces the Secretary of State as the official governmental agency to which Articles of Incorporation of not-for-profit corporations are filed.

12.2 Amendments Prior to and Including the Turnover Date. Prior to and including the Turnover Date, Declarant shall have the right to amend these Articles as it deems appropriate, without the joinder or consent of any person or entity whatsoever. Declarant's right to amend under this Section is to be construed as broadly as possible. In the event that the Association shall desire to amend these Articles prior to the Turnover Date, the Association must first obtain Declarant's prior written consent to any proposed amendment. If obtained, an amendment identical to that approved by Declarant may be adopted by the Association pursuant to the requirements for amendments from and after the Turnover Date and Declarant shall join in such identical amendment so that its consent to the same will be reflected in the Public Records.

12.3 Amendments After the Turnover Date. After the Turnover Date, but subject to the general restrictions on amendments set forth above; these Articles may be amended:

12.3.1 With the approval of not less than a majority of the total Voting Interests present in person or by proxy at a duly called meeting of the Members in which a quorum is present and approval of not less than two-thirds (66 2/3%) of the Board at a duly called meeting of the Board in which a quorum is present; or

12.3.2 With the approval of not less than two-thirds (66 2/3%) of the total Voting Interests present in person or by proxy at a duly called meeting of the Members in which a quorum is present.

12.4 Notwithstanding the foregoing provisions of this Section 12, there shall be no amendment to these Articles which shall abridge, prejudice, amend or alter the rights of: (i) Declarant, without the prior written consent thereto by Declarant for so long as Declarant holds title to at least one (1) Lot or Unit; or (ii) any Institutional Mortgagee (as said term is defined in the Declaration) without the prior written consent of such Institutional Mortgagee.

13. Limitations.

13.1 Declaration is Paramount. No amendment may be made to these Articles which shall in any manner reduce, amend, affect or modify the terms, conditions, provisions, rights and obligations set forth in the Declaration,

13.2 Rights of Declarant. There shall be no amendment to these Articles which shall abridge, reduce, amend, effect or modify the rights of Declarant prior to the date on which all Units are Developed.

13.3 By-Laws. These Articles shall not be amended in a manner that conflicts with the By-Laws unless the By-Laws are amended to remove such conflict.

14. Incorporator. The name and address of the Incorporator of this corporation is:

Donald R. Schrottenboer

12800 University Drive, Suite 275

Ft. Myers, Florida 33907

15. Officers. The Board shall elect a President, Secretary, Treasurer, and as many Vice Presidents, Assistant Secretaries and Assistant Treasurers as the Board shall from time to time determine. The President and Secretary shall be elected from among the members of the Board; other officers may, but need not be members of the Board. Any two or more offices may be held by the same person, except the offices of President and Secretary. The names and addresses of the Officers who shall serve until their successors are elected by the Board areas follows:

President: Donald R. Schrottenboer
12800 University Drive, Suite 275
Ft. Myers, Florida 33907

Vice President: Howard Baum
12800 University Drive, Suite 275
Ft. Myers, Florida 33907

Secretary/Treasurer: Carol A. Douglas
12800 University Drive, Suite 275
Ft. Myers, Florida 33907

16. Indemnification of Officers and Directors. The Association shall and does hereby indemnify and hold harmless every Director and every Officer their heirs, executors and administrators, against all loss, cost and expenses reasonably incurred in connection with any action, suit or proceeding to which such Director or Officer may be made a party by reason of being or having been a Director or Officer of Association, including reasonable counsel fees and paraprofessional fees at all levels of proceeding. This indemnification shall not apply to matters wherein the Director or Officer shall be finally adjudged in such action, suit or proceeding to be liable for or guilty of gross negligence or willful misconduct. The foregoing rights shall be in addition to, and not exclusive of, all other rights to which such Director or Officers may be entitled.

17. Transactions in Which Directors or Officers are Interested. No contract or transaction between the Association and one (1) or more of its Directors or Officers or Declarant, or between the Association and any other corporation, partnership, Association, or other organization in which one (1) or more of its Officers or Directors are officers, directors or employees or

otherwise interested shall be invalid, void or voidable solely for this reason, or solely because the Officer or Director is present at, or participates in, meetings of the Board thereof which authorized the contract or transaction, or solely because said Officers' or Directors' votes are counted for such purpose. No Director or Officer of Association shall incur liability by reason of the fact that such Director or Officer may be interested in any such contract or transaction, Interested Directors shall disclose the general nature of their interest and may be counted in determining the presence of a quorum at a meeting of the Board which authorized the contract or transaction.

IN WITNESS WHEREOF, for the purpose of forming this corporation under the laws of the State of Florida, the undersigned, being Incorporator of this Association, has executed these Articles of Incorporation as of this ___ day of _____, 20__.

Donald R. Schrotenboer, as
Incorporator

STATE OF FLORIDA)

COUNTY OF _____)

The foregoing instrument was acknowledged before me this ___ day of _____, 20__ by Donald R. Schrotenboer, who is _____ personally known to me or _____ presented _____ as identification.

[SEAL]

Notary Public, State of Florida at large

Printed Name: _____

My Commission Expires: _____

ACCEPTANCE BY REGISTERED AGENT

The undersigned, having been named to accept service of process for the above- stated corporation at the place designated in this certificate, hereby agrees to act in this capacity, and is familiar with, and accepts, the obligations of this position and further agrees to comply with the provisions of all statutes relative to the proper and complete performance of its duties.

Dated this _____ day of _____, 20__.

Michelle Preiss

DECLARATION OF GENERAL PROTECTIVE COVENANTS AND RESTRICTIONS

FOR

WILDBLUE

THIS DECLARATION OF GENERAL PROTECTIVE COVENANTS AND RESTRICTIONS FOR WILDBLUE is made this ___ day of _____, 2014 by Alico East Fund, LLC ("Declarant").

This Declaration is intended to provide a single governance structure and a flexible system of standards and procedures for the overall development, expansion, administration, maintenance and preservation of WildBlue as a master planned community.

ARTICLE I

CREATION OF THE COMMUNITY

1.1. Purpose and Intent

WildBlue is a planned community located in Lee County, Florida. This Declaration provides for the overall development, administration, maintenance and preservation of WildBlue. An integral part of the development is the WildBlue Property Owner's Association, Inc., an association comprised of Owners of real property in the community that functions to own, operate, and/or maintain various common areas and community improvements and to administer and enforce this Declaration and the other Governing Documents referenced in this Declaration.

This document does not and is not intended to create a condominium under Florida law.

1.2. Binding Effect

All property submitted to this Declaration, and any additional property submitted to this Declaration in the future by a Recorded Supplemental Declaration, shall be owned, conveyed and used subject to all of the provisions of this Declaration, which shall run with the title to such property. This Declaration shall be binding upon all Persons having any right, title, or interest in any portion of the Properties (as defined in Article II of this Declaration), their heirs, successors, successors-in-title, and assigns.

This Declaration, as it may be amended, shall remain in effect and shall be enforceable by Declarant, the Association, any aggrieved Owner, and their respective legal representatives, heirs, successors, and assigns, for a term of 30 years from the date this Declaration is Recorded. After such time, this Declaration shall be extended automatically for successive periods of 10 years each, unless an instrument signed by fourths (3/4ths) of the Voting Interests has been Recorded within the year preceding any extension, agreeing to terminate this Declaration, in which case it shall terminate as of the date specified in such instrument.

In any event, if any provision of this Declaration would be unlawful, void, or voidable by reason of any Florida law restricting the period of time that covenants on land may be enforced, such

provision shall expire 90 years after the Recording of this Declaration. Nothing in this section shall be construed to permit termination of any easement created in this Declaration without the consent of the holder of such easement.

WildBlue's Governing Documents create a general framework for the operation of the community. Diagram 1.1 identifies and describes the Governing Documents, each as they may be amended: Some Lots within WildBlue may be subject to additional covenants, restrictions, and easements which a Lot Association may administer. The Association may, but shall not be required to, enforce any such covenants, restrictions, or other instruments applicable to any Lot.

GOVERNING DOCUMENTS	
Declaration (Recorded)	creates obligations which are binding upon the Association and all present and future owners of property in WildBlue
Supplemental Declaration (Recorded)	adds property to WildBlue; may impose additional obligations or restrictions on such property
Articles of Incorporation (filed with Secretary of State)	establishes the Association as a non-profit corporation under Florida law
Bylaws (Board of Directors adopts and the Members approve, when required)	governs the Association's internal affairs, such as voting rights, elections, meetings, officers, etc.
Design Guidelines (Board of Directors adopts)	establishes architectural standards and guidelines for improvements and modifications to Units, including structures, landscaping and other items on Units
Rules and Regulations (Board of Directors adopts)	governs use of property, activities, and conduct within WildBlue
Board Resolutions (Board of Directors adopts)	establishes rules, policies and procedures for internal governance and Association activities; regulates operation and use of Common Area

Diagram 1.1 Governing Documents

Nothing in this section shall preclude any Supplemental Declaration or other Recorded covenants applicable to any portion of the Properties from containing additional restrictions or provisions which are more restrictive than the provisions of this Declaration and, in such case, the more restrictive shall control.

The Governing Documents apply to all Owners and occupants of Units within WildBlue, as well as to their respective tenants, guests, and invitees. Any lease of a Unit shall provide or be deemed to provide that the tenant and all occupants of the leased Unit are bound by and obligated to comply with the Governing Documents.

If there is a conflict or inconsistency between or among the Governing Documents and any such additional covenants or restrictions, or the Governing Documents or policies of any such Lot Association, the Governing Documents shall control to the extent permitted by law. One

Governing Document's lack of a provision with respect to a matter for which provision is made in another governing document shall not be deemed a conflict or inconsistency between such governing documents.

If any court should determine that any provision of this Declaration is invalid, or invalid as applied in a particular instance, such determination shall not affect the validity of other provisions or applications of such provision.

ARTICLE II

DEFINITIONS

The terms used in the Governing Documents shall generally be given their natural, commonly accepted definitions unless otherwise specified. The following terms, when capitalized, are defined as set forth below.

“Annual Assessment”: Assessments levied in accordance with Section 8.3.

“Area of Common Responsibility”: The Common Area, together with such other areas, if any, for which the Association has or assumes responsibility pursuant to the terms of this Declaration, any Supplemental Declaration, or other applicable covenants, contracts, or agreements.

“Articles”: The Articles of Incorporation for WildBlue Property Owner's Association, Inc., as filed with the Secretary of State, as they may be amended.

“Assessed Value”: The value of a Unit as shown on the most recent assessment rolls prepared by the Lee County Property Appraiser.

“Assessment”: Those charges made by the Association from time to time against each Unit within the Properties for the purpose set forth herein.

“Association”: The WildBlue Property Owner's Association, Inc., a Florida not-for-profit corporation, its successors and assigns.

“Board of Directors” or **“Board”**: The body responsible for administration of the Association, selected as provided in the By-Laws and generally serving the same role as the board of directors of a not-for-profit corporation under Florida corporate law.

“Builder”: A person or entity which owns a Unit for sale or lease in the ordinary course of such person's or entity's business.

“By-Laws”: The By-Laws of WildBlue Property Owner's Association, Inc., as they may be amended.

“Common Area”: All real and personal property, including easements, which the Association owns, leases, or otherwise holds possessory or use rights in for common use and enjoyment of the Owners.

“Common Expenses”: The actual and estimated expenses incurred, or anticipated to be incurred, by the Association for the general benefit of the Owners, including any reasonable reserve, as the Board may find necessary and appropriate pursuant to the Governing Documents.

“Community-Wide Standard”: The standard of conduct, maintenance, or other activity generally prevailing at WildBlue, or the minimum standards established pursuant to the Design Guidelines, Rules and Regulations, and Board resolutions, whichever is the highest standard. The Community-Wide Standard may evolve as development progresses and as the needs and desires within WildBlue change.

“Conservation Area or Areas”: Property located throughout WildBlue dedicated on a Plat for conservation purposes, whether or not such property is subject to a Conservation Easement.

“Conservation Easement”: Any easement over Common Areas granted to a governmental agency pursuant to section 704.06, Florida Statutes, as amended from time to time.

“Covenant to Share Costs”: Any agreement that may be entered into between the Association and the owner of the commercial property subject to the Zoning Resolution, or between the Association and a property owner or condominium association established for the commercial property, which allocates cost sharing for any facilities, amenities, or infrastructure shared by the residential and commercial property subject to the Zoning Resolution. Any such Covenant to Share Costs will be Recorded in the Public Records of Lee County, Florida.

“Declarant”: Alico East Fund, LLC, a Florida limited liability company, with a place of business in Lee County, Florida, its successors or assigns of any or all rights under this Declaration, which shall have enumerated powers, rights, and duties as set forth in this Declaration.

“Declaration”: This Declaration of General Protective Covenants and Restrictions for WildBlue, as may be amended from time to time.

“Design Guidelines”: The site planning, landscape, architectural design, and construction guidelines and review procedures adopted pursuant to Article IX, as may be amended.

“Developed”: Property on which all Residential Development Units have been constructed as permitted by the Zoning Resolution and for which Certificates of Completion or Certificates of Occupancy have been issued for all such Units to be constructed thereon.

“End User”: An Owner of a Property Unit who is not the Declarant or a Builder, except as to any Property Unit owned by the Declarant or a Builder for their own use and not offered for sale in the ordinary course of business.

“Environmental Permits”: Those permits, easements, and other forms of approval granted by local, state, or federal governmental entities for activities on or benefiting WildBlue. Environmental Permits include, but shall not be limited to the following:

- permits issued by the South Florida Water Management District
- permits issued by the State of Florida, Department of Environmental Protection
- permits issued by the U.S. Army Corps of Engineers

“Governing Documents”: A collective term referring to this Declaration and any applicable Supplemental Declaration, the By-Laws, the Articles, the Design Guidelines, the Rules and Regulations, and Board resolutions and rules, as they may be amended. In the case of a Lot Association, the Lot Declaration, any Supplemental Declaration, the Articles of Incorporation and By-Laws of the Lot Association, as the same may be amended from time to time.

“Improved Unit”: A Unit upon which a building has been constructed and for which a Certificate of Occupancy has been issued.

“Improvements”: All structures of any kind, including, without limitation, any building, fence, wall, sign, paving, grating, parking and building addition, alteration, screen enclosure, sewer, drain, disposal system, decorative building, recreational facility, boat dock, landscaping, or exterior lighting.

“Initial Reserve Assessment”: Assessments levied in accordance with Section 8.2.

“Lake or Lakes”: Property located throughout WildBlue dedicated on a Plat for lake uses, which Lake or Lakes may or may not be part of the Stormwater System.

“Lot”: Any parcel of land designed for residential development, including but not limited to development such as single family or multi-family homes, condominiums, townhomes, or apartments, or other sub-area development, as designated in a Supplemental Declaration as provided in Section 3.9.

“Lot Association”: Any property owners association, homeowners association, condominium association, or other such entity for any particular Lot.

“Lot Common Area”: All real property including any Improvements and fixtures thereon which are dedicated to, owned by, or leased to or the use of which has been granted to a Lot Association for the common use and enjoyment of its members or the Owners or Residents of a particular Lot.

“Lot Declaration”: Any and all covenants, conditions, restrictions and other provisions imposed by Recorded instrument, applicable to one or more specific Lots, but not to all Lots.

“Lot Expense” or “Lot Expenses”: The actual and estimated expenses which the Association incurs or expects to incur for the benefit of Owners of Units within a particular Lot or Lots, if any, which may include a reasonable reserve for capital repairs and replacements and a reasonable administrative charge, as may specifically be authorized pursuant to this Declaration or in the Supplemental Declaration(s) applicable to such Lot(s).

“Master Development Plan”: The development plan for WildBlue, as set forth on the Master Development Plan, attached as an exhibit to the Zoning Resolution, as the same has been and may be amended, showing the land uses within WildBlue.

“Member” or “Members”: A Person or Persons entitled to membership in the Association as provided in the Governing Documents.

“Ordinance”: Any law, rule, or regulation enacted by a local government with jurisdiction over the Properties.

“Owner”: A record Owner of fee simple title to any Unit located within the Properties, but excluding those having an interest in a Unit merely as security for the performance of an obligation.

“Person”: An individual, corporation, limited liability company, limited liability partnership, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

“Property Unit”: A Property Unit means any dwelling intended for occupancy by one family or household.

“Record,” “Recording,” or “Recorded”: The filing of a legal instrument in the public records of Lee County, Florida, or such other place as may be designated as the official location for recording deeds, plats and similar documents affecting title to real estate.

“Resale Reserve Assessment”: Assessments levied in accordance with Section 8.2.

“Resident” or “Tenant”: The legal occupant of any Unit.

“Residential”: The use of property as a dwelling.

“Rules and Regulations”: Board-adopted rules and regulations which establish administrative procedures for internal Association governance and operating procedures for use of the Properties to the extent necessary to effectuate the intent of this Declaration.

“Special Assessment”: Assessments levied in accordance with Section 8.5.

“Specific Assessment”: Assessments levied in accordance with Section 8.6.

“Stormwater System”: Any portion of real property, improvement, work or features such as swales, ditches, canals, impoundments, berms, ponds, lakes, retention/detention areas, conservation areas, culverts and pumps required or described in any permits issued by the South Florida Water Management District and any other applicable governmental agency for the management and storage of Stormwaters, drainage and flood protection for WildBlue and adjacent areas, including but not limited to South Florida Water Management District Environmental Resource Permit Number _____, as the same may be amended or supplemented from time to time. The Stormwater System may be divided into one or more categories, including without limitation the following:

(a) The “Primary Stormwater System” will generally include those features of the Stormwater System which benefit the Properties as a whole rather than any single Unit or Lot; and

(b) The “Secondary Stormwater System” will generally include that portion of the Stormwater System which has not been designated as Primary Stormwater System and may benefit a portion of the Properties, a Unit, or Lot.

The Stormwater System shall be located on land that is designated as Common Area on any plat of the Properties or portion thereof, or on land owned by the Association, or located on land that is subject to an easement in favor of the Association and its successors.

“Street”: Any street, highway, or other thoroughfare constructed within WildBlue that is dedicated to or owned by the Association or a Lot Association, or dedicated to a governmental agency, whether same is designated as a street, avenue, boulevard, drive, place, court, road, terrace, way, circle, land, walk, or other similar designation.

“Supplemental Declaration”: A Recorded instrument which subjects additional property to this Declaration, designates Lots, and/or imposes additional restrictions and obligations on the land described in such instrument.

“SFWMD”: The South Florida Water Management District, or such successor governmental entity which is created or appointed to take over the duties and responsibilities of issuing Environmental Permits.

“Turnover Date”: Turnover Date is as defined in the By-Laws.

“Unimproved Unit”: A Unit upon which no building has been substantially completed for use or for which no Certificate of Occupancy or Certificate of Completion has been issued by the applicable governmental entity.

“Unit”: A portion of a Lot, whether Improved or Unimproved, which may be independently owned and is intended for development, use, and occupancy for Residential purposes. The term shall refer to the land, if any, which is part of the Unit as well as any improvements thereon. In the case of a Residential building consisting of apartments, condominiums, town homes or other structures containing multiple dwellings, each dwelling shall be deemed to be a separate Unit.

“Voting Interests”: The arrangement established in Article III of this Declaration by which the Owners of each Property Unit collectively are entitled to vote in the Association matters.

“WildBlue” or “Properties”: All real property which is subject to this Declaration.

“Zoning Resolution”: Lee County Zoning Resolution No. _____, establishing a Mixed Use Planned Development zoning classification, approved by the Board of County Commissioners of Lee County, Florida, on _____, as from time to time modified or amended.

ARTICLE III

MEMBERSHIP AND VOTING RIGHTS

3.1. Members; Membership in Recreational Facilities

A. Every Owner shall be a Member of the Association. Membership shall be appurtenant to and may not be separated from ownership of a Unit which is subject to Assessment by the Association. WildBlue may contain recreational facilities including but not limited to pools, tennis facilities, marina facilities, and fitness facilities that require membership in such facilities as a condition of use. The Association may require an Owner of such property to be a member of the entity which owns such a facility as a condition of ownership of a Unit in WildBlue or membership in the Association, or the Association may purchase leaseholds, memberships, or other possessory use interests in such lands or facilities without the consent of the Owners. This Section 3.1 A may not be amended without the consent of the Declarant.

B. Members' rights, powers, duties, and privileges shall be as set forth in the Governing Documents.

3.2. Voting Rights

Each Owner other than the Declarant is entitled to one vote for each Property Unit owned by such Owner. The total number of Residential Units which may be built in WildBlue is subject to change, but at the time this Declaration has been Recorded, the total number of Residential Units is 1000. Therefore, the total number of Voting Interests in the Association which may be held by Owners other than the Declarant is 1,000. The number of Voting Interests held by the Declarant prior to the Turnover Date is 1,001. If the Declarant changes the number of Residential Units which may be built in WildBlue, as provided in this Declaration, the total number of Voting Interests which may be held by Owners other than the Declarant under this Section shall change accordingly without the need to amend this Declaration and until Turnover, and the total number of Voting Interests held by the Declarant shall be the total number of Voting Interests which may be held by Owners other than the Declarant plus one. If a Lot is Improved, the number of Property Units applicable to such Lot is based on the number of Residential Units constructed on the Lot. If a Lot is not Improved, the number of Property Units applicable to such Lot is based on the number of Residential Units that are permitted to be constructed on the Lot. Unless Declarants assigns a different number of Residential Units to a particular Lot or Lots, it shall be presumed that each single family platted Lot may have only one Residential Unit constructed thereon. For Lots which are not single family platted Lots (if any), Declarant shall assign the number of Residential Units which may be constructed on a Lot prior to the sale of such Lot to a third party.

3.3. Multiple Owners of a Unit

When more than one Person holds an interest in any Unit, all such Persons shall be Members. If a Unit is owned by multiple Persons, such as a husband and wife, any record Owner may vote on behalf of the Unit. If a Unit is owned by a corporation, any officer may vote on behalf of said corporation. If a Unit is owned by a limited liability company, any officer, manager, or managing member may vote on behalf of said company. If a Unit is owned by a partnership, any

general partner may vote on behalf of the partnership. If a Unit is owned in trust, any trustee of a trust shall be entitled to vote. Any person with apparent authority asserting the right to vote on behalf of a Unit owned by an artificial entity shall be conclusively presumed to be entitled to vote on behalf of said Unit, unless the Unit has filed voting instructions with the Association designating some other person entitled to vote. If multiple Owners or non-individual Owners of a Unit cannot agree on a vote, the vote shall not be counted as to the issue upon which disagreement exists. Voting certificates are not necessary.

3.4. Lots

A. Each Supplemental Declaration submitting additional property to this Declaration, may, but shall not be required, to initially assign the submitted property to a specific Lot, which Lot may be then existing or newly created. So long as it has the right to subject additional property to this Declaration pursuant to Article IV, Declarant may unilaterally amend this Declaration or any Supplemental Declaration applicable to additional property subjected to this Declaration by Declarant to redesignate Lot boundaries. However, if the Lot boundaries are altered to (1) add additional property to an existing Lot or (2) combine two or more existing Lots, Declarant shall first receive the consent of Owners of a majority of the Units in affected Lots.

B. The Owners of any Lot, acting either through a Lot Association or if there is no Lot Association, acting as a majority, may request that the Association provide a higher level of service than that which the Association generally provides to all Lots or may request that the Association provide special services for the benefit of Units in such Lot. Upon the affirmative vote, written consent, or a combination thereof, of Owners of a majority of the Voting Interests within the Lot, the Association may, in the discretion of the Association Board of Directors, provide the requested services. The cost of such services, which may include a reasonable administrative charge in such amount as the Board deems appropriate (provided, any such administrative charge shall apply at a uniform rate per Unit to all Lots receiving the same service), shall be assessed against the Units within such Lot as a Lot Assessment.

ARTICLE IV

DECLARANT'S RIGHTS AND POWERS

4.1. Submission of Property to the Declaration

A. The land which may be subjected to this Declaration is described on Exhibit A, attached hereto. Only the land described on Exhibit B, attached hereto is hereby subjected to the provisions of this Declaration by the Recording of this Declaration in the Public Records of Lee County, Florida. The Declarant shall have the right and the power, but neither the duty nor the obligation, in its sole discretion to subject land described in Exhibit A to this Declaration, thereby subjecting such land to the provisions of this Declaration and thereby incorporating such land into the Properties. This right shall continue so long as any of the land described in Exhibit A has not been subjected to this Declaration, even if such date is after the Turnover Date. In addition, prior to the Turnover Date, the Declarant shall have the right and the power, but neither the duty nor the obligation, in its sole discretion, to add any land which is adjacent to the land

described in Exhibit A ("Additional Land"), to the land described in Exhibit A, thereby allowing Declarant to subject such Additional Land to this Declaration.

B. Any Additional Land which is added to Exhibit A and any land which is subjected to this Declaration after the initial recording of this Declaration shall be added or subjected by the Recording of a Supplemental Declaration which describes the Additional Land being added to Exhibit A or the land being subjected to this Declaration, as applicable.

C. If any property described above is not owned by Declarant at the time it is added to Exhibit A or subjected to this Declaration, the Owner of such property must consent and join in the Supplemental Declaration in order for it to be valid.

D. The effect of subjecting land to this Declaration would be to allow for an increase in the number of Lots, Units, the number of potential Members of the Association, the number of Property Units and the total number of votes which could be cast by Members of the Association.

E. The execution and Recording of this Declaration shall not be construed to require Declarant to subject any of the lands described in Exhibit A other than those subjected hereby to the covenants, conditions and restrictions or other provisions of this Declaration or any other Recorded instrument.

4.2. Conveyance of Common Area Property

On or prior to the Turnover Date, the Declarant shall convey title to the Common Area property within WildBlue to the Association, and the Association must accept such conveyance.

4.3 Stormwater System

So long as land described in Exhibit A remains to be Developed and provided that any such modification does not negatively impact the Stormwater System, Declarant shall have the right and the power, but neither the duty nor the obligation, to amend the designation of the Stormwater System, to add or delete features of the Stormwater System, and to modify any permits issued for the Stormwater System as it deems necessary to reflect changes in development plans, changed conditions, governmental requirements, or for any other reason it deems appropriate.

4.4. Environmental Permits; Transfer to Association; Attachment as Exhibit

A. So long as land described in Exhibit A remains to be Developed and provided that any such modification does not negatively impact the Environmental Permits, Declarant shall have the right and the power, but neither the duty nor the obligation, to amend, supplement, or delete from the list of permits, easements, and other forms of approval defined as Environmental Permits under this Declaration.

B. Declarant shall have the right to transfer all Environmental Permits applicable to WildBlue to the Association, and the Association is obligated to accept such transfer, including but not limited to the following Environmental Permits:

1. SFWMD Environmental Resource Permit # _____, and all amendments thereto. The Declarant shall have the right to Record a Supplemental Declaration attaching the SFWMD Environmental Resource Permit when the permit is modified to allow construction of the Stormwater System for WildBlue.

2. ACOE Permit # _____, and all amendments thereto.

4.5. Enforcement and Inaction

A. So long as land remains in WildBlue to be conveyed to an End User, Declarant reserves unto itself the right and the power to enforce the covenants, conditions, restrictions, and other provisions of this Declaration as to the remaining property for development within WildBlue and to delegate or assign either exclusively or nonexclusively any or all of its rights, powers, duties or privileges hereunder to the Association, to any Lot Association, to an Owner, or to any other Person.

B. So long as land remains in WildBlue to be conveyed to an End User Declarant shall have the right and power to enforce the covenants, conditions, restrictions, and other provisions imposed by this Declaration as to the remaining property for development within WildBlue by any proceeding at law or in equity against any Person violating or attempting to violate such provision, to restrain any violation or attempted violation of such provisions, to require performance of such provisions, to recover damages for violations of such provisions and to levy against the land to enforce any lien created by this Declaration. Any Owner who owns a Unit which utilizes any portion of the Stormwater System shall also have the right and power to enforce those covenants, conditions, restrictions, or other provisions imposed by this Declaration pertaining to the use and maintenance of the Stormwater System as it affects the Owner's Unit. Failure by Declarant or by the Association, or by a Lot Association or any other Owner or any other Person to enforce any of such provisions shall in no event be deemed a waiver of their right to do so thereafter. The provisions of this section shall be in addition to any rights that the Declarant, the Association, a Lot Association, or any Owner has under Florida law.

C. The prevailing party in any action to enforce the provisions of this Declaration shall be entitled to recover from the other party reasonable attorney fees, court costs, and any costs or fees resulting from any appellate proceedings. In the event such costs and fees are recoverable against an Owner, any amount which remains due and unpaid shall be a continuing lien upon the Owner's Unit collectible in the manner provided in Article VIII.

4.6. Transfer of Declarant's Rights

The Declarant retains certain Declarant's rights under this Declaration and the other Governing Documents after the Turnover Date. The Association shall assume Declarant's remaining rights and obligations under this Declaration and the Governing Documents when all Units located within WildBlue have been conveyed to an End User.

ARTICLE V

ASSOCIATION'S RIGHTS AND POWERS

The Association shall act through its Board of Directors and the action of the Board of Directors shall be deemed to be the actions of the Association. The Association shall have the following rights, powers, privileges, duties, and obligations.

5.1. Maintenance of the Area of Common Responsibility

A. The Association shall maintain, in accordance with the Community-Wide Standard, the Area of Common Responsibility, which may include, but need not be limited to, the following:

1. All portions of the Common Area and any structures situated thereon.
2. Landscaping and buffers within public rights-of-way within or abutting the Properties.
3. Such portions of any additional property included within the Area of Common Responsibility as may be dictated by this Declaration or any Supplemental Declaration.
4. All Streets, bike paths, and crossovers within any portion of WildBlue which are dedicated to the Association and any streetlights, traffic signs and signals, and informational signs on or over such Streets, bike paths, and crossovers.
5. The Association may maintain other property which it does not own, including, without limitation, property dedicated to the public and portions of a Unit adjacent to a Street or Common Area, if the Board determines that such maintenance is necessary or desirable to maintain the Community-Wide Standard. The Association shall not be liable for any damage or injury occurring on, or arising out of the condition of, property which it does not own except to the extent that it has been negligent in the performance of its maintenance responsibilities.
6. Such security systems, guardhouses, and other security facilities which are operated and maintained for the benefit of the Units within the Properties, except any security system, guardhouse, or security facility established primarily for the benefit of a Lot within the Properties.

All Owners and occupants of a Unit, and their respective guests and invitees, shall be responsible for their own personal safety and the security of their property in WildBlue. The Association may, but shall not be obligated to, maintain or support certain activities within WildBlue designed to enhance the level of safety or security which each person provides for himself and his property. Neither the Association nor Declarant shall in any way be considered insurers or guarantors of safety or security within WildBlue, nor shall either be held liable for any loss or damage by reason of failure to provide adequate security or ineffectiveness of security measures undertaken.

No representation or warranty is made that any systems or measures, including any mechanism or system for limiting access to WildBlue, cannot be compromised or circumvented, nor that any such systems or security measures undertaken will in all cases prevent loss or provide the detection or protection for which the system is designed or intended. Each Owner acknowledges and understands that he/she shall be responsible for informing his/her tenants and all occupants of his/her Unit that the Association, its Board and committees, and Declarant are not insurers or guarantors of security or safety and that each Person within WildBlue assumes all risks of personal injury and loss or damage to property, including Units and the contents of Units, resulting from acts of third parties.

B. The Association shall maintain the facilities and equipment within the Area of Common Responsibility in continuous operation, except for any periods necessary, as determined in the sole discretion of the Board, to perform required maintenance or repairs, unless at least 75% of the Voting Interests voting in person or by proxy at a meeting in which a quorum is present agree vote to discontinue such operation; provided, however, neither the Board nor the Members may vote to discontinue any operation and maintenance required by any Environmental Permits unless the governmental entity which issued such Permit consents thereto. In addition, the Declarant must agree in writing to discontinue such operation as to any Area of Common Responsibility which is adjacent to any land which may be added to WildBlue as specified in Section 4.1, until such property is conveyed to an End User. Except as provided above, the Area of Common Responsibility shall not be reduced by amendment of this Declaration or any other.

C. The costs associated with maintenance, repair, and replacement of the Area of Common Responsibility shall be a Common Expense; provided, the Association may seek reimbursement from the Owner of, or other Persons responsible for, certain portions of the Area of Common Responsibility pursuant to this Declaration, any other Recorded covenants, or agreements with the Owner thereof. Maintenance, repair and replacement of Lot Common Areas or portions of the Area of Common Responsibility which primarily or exclusively benefit a particular Lot, as determined by the Board, shall be a Lot Expense assessed to the Lot or Lots to which the Lot Common Areas or Area of Common Responsibility are assigned, notwithstanding that the Association may be responsible for performing such maintenance hereunder.

5.2. Management of the Common Areas

No nuisance or obnoxious or offensive activity shall be conducted or permitted on any Common Area. Nothing shall be done within the Common Area which may be or become a nuisance to Residents or Members. The Association's authority to manage the Common Areas shall include the right to:

- A. establish Rules and Regulations governing the use of the Common Areas;
- B. charge reasonable admission and other fees or assessments for the use of Common Areas, provided, however, no additional fee or assessment may be charged for access on and through the Common Area roadways;

C. regulate and control the external design and appearance of Common Areas in such a manner as to promote a quality environment in order to foster the attractiveness and functional utility of WildBlue as a place to live, work, and play, including a harmonious relationship among structures, vegetation, and topography;

D. exercise its reasonable discretion to determine what activities or uses of the Common Areas constitute nuisances or obnoxious or offensive activity;

E. suspend, subject to the provisions of Florida law, for a reasonable period of time, the rights of a Member or a Member's tenants, guests, or invitees, or both, to use Common Areas, for any period during which any monetary obligation owed by the Member to the Association remains unpaid, and for a reasonable period during or after any infraction or violation of the Governing Documents. Such suspension of a Member's rights shall not impair the right of a Member or tenant of a Unit from having access to the Unit;

F. suspend the voting rights of a Member for the nonpayment of any Annual Assessment that is delinquent in excess of 90 days;

G. levy fines, in accordance with Florida law, for violations of the Governing Documents. Fines in the amount of \$100.00, or such greater amount provided by Florida law, may be levied on a daily basis for each day of a continuing violation of the Governing Documents and shall not exceed a maximum of \$10,000.00;

H. dedicate or transfer all or any part of the Common Areas to any governmental agency, public authority, or utility;

I. borrow money for the purpose of improving Common Areas and in aid thereof to mortgage the same;

J. take such steps as are reasonably necessary to protect Common Areas against foreclosure;

K. enforce the provisions of the Governing Documents or any other applicable Recorded instrument governing use and enjoyment of the Common Areas;

L. assign maintenance, operational, and repair responsibilities for such portions of the Secondary Stormwater System which are located within a Lot to Lot Associations; and

M. acquire additional property within WildBlue for the administrative use of the Association or for use as Common Areas as determined by the Board and, if such property is not subject to this Declaration, the Board shall Record a Supplemental Declaration subjecting such additional property to the terms of this Declaration.

Except as provided in Article X regarding maintenance of individual property, corrective maintenance of Units, and corrective maintenance of Lot Common Areas; and Article X regarding services to Lot Associations, and for services provided to Lots without a Lot Association, this article shall not be construed to allow or require the Association to manage or

maintain Lot Common Areas dedicated to, owned, leased or otherwise under the control of a Lot Association solely for the use and benefit of Residents of such Lot.

5.3. Maintenance of Landscaping on Lots.

A. The Association may assume, by Board resolution, the obligation to maintain the exterior landscaped portions of Lots within WildBlue, which includes lawn, shrubs, trees, and other landscaping, except for any areas enclosed by fencing or other screening or otherwise not readily accessible from outside of the Units. In the event the Association assumes this responsibility, the Board shall adopt a written maintenance program (“Program”) which shall describe all landscaping activities to be performed by the Association, including but not limited to, mowing, edging, fertilizing, watering, pruning, mulching, as well as maintenance of irrigation systems installed by or on behalf of Declarant or Owners as part of the Lot’s initial Development or Improvement. Unless otherwise stated in the Program, the Association shall have no obligation to remove or replace trees, shrubs, or plant materials of any kind that are dead, diseased, dying, or in any other manner undesirable in their appearance.

B. Regardless of whether a Program is adopted under sub-section A above, the Association shall be responsible for management, maintenance, operation, and control of the application of pesticides and herbicides to both the Common Areas and to the exterior landscaped portions of Lots within WildBlue. The Association shall employ only licensed and qualified personnel to conduct the application of any hazardous material in accordance with all Ordinances and the Rules and Regulations. Owners are not permitted to apply pesticides or herbicides to any landscaped portion of their Lots.

5.4 Management and Maintenance Obligations Arising Under Environmental Permits

The Association shall be responsible for managing, maintaining, monitoring, and performing obligations arising out of any Environmental Permits. Such obligations include:

A. Operating and maintaining the Stormwater System as permitted by the SFWMD and Lee County and to enforce all use restrictions on the Stormwater System created herein. Operation and maintenance and re-inspection reporting shall be performed in accordance with the terms and conditions of the Environmental Resource Permit.

B. Maintaining all lakes, conservation easements, preserved areas, and wetland mitigation areas in accordance with the Environmental Resource Permit and/or the ACOE Permit applicable thereto and if either such Permit requires, the maintenance shall be perpetual.

C. Maintain and continue the groundwater monitoring and reporting program approved by the Lee County Division of Natural Resources (or such successor agency as may be appointed by Lee County).

D. Insuring that there will be no establishment of marinas with refueling facilities on the southeast lake (Blue Lake).

An Owner shall in no way deny or prevent ingress and egress by the Declarant or the Association to areas necessary for performance of such obligations arising under such Environmental

Permits. The right of ingress and egress, and easements therefore, are hereby specifically reserved and created in favor of the Association, any appropriate governmental or quasigovernmental agency that may reasonably require such ingress and egress for purposes related to any Environmental Permits, and Declarant or any Builder until the property described in Section 4.1 is Developed.

5.5. Rule-Making Authority

The Association has the authority, but not the obligation, to adopt reasonable Rules and Regulations for the use of the Common Areas as well as for the internal governance of WildBlue. Examples of such Rules and Regulations shall include, but not be limited to, administrative procedures, traffic regulations, parking restrictions, and rules governing the use of the Common Area. The Board shall exercise business judgment in the enactment, amendment, and enforcement of such Rules and Regulations. These rights shall include, but not be limited to, the right to:

A. Post speed limits on Streets dedicated to the Association and promulgate traffic regulations for use of its Streets and Common Areas. The Association shall also have the power to restrict the type of vehicles which may travel on, or prevent vehicles from traveling on, the Common Areas. (The speed limits and traffic regulations are collectively referred to as “Traffic Regulations.”) The Association shall have the right to establish enforcement mechanisms for violation of the Traffic Regulations, including without limitation, the assessment of fines which shall be collected from violating Members, the removal of vehicles from the Properties, and the suspension of a Member’s rights and easements of enjoyment to the Common Areas.

B. Impose reasonable restrictions on the use of Common Areas, including limitations on the hours of use, the manner of use, the number of Persons that may utilize the Common Area, and other regulations and procedures that the Board determines are necessary and prudent, including the imposition of fines for violations which shall be collected from violating Members, and the suspension of a Member’s rights and easements of enjoyment to the Common Areas.

5.6. Procedures for Fines and Suspensions

In accordance with Florida law, prior to a fine or suspension of rights being imposed for any violation of the Governing Documents, the Member to be fined or suspended shall be provided with notice of the violation and an opportunity for a hearing before a committee appointed by the Board. In the instance of a continuing violation, only one notice and hearing shall be required with regard to the violation. The majority vote of the committee shall determine whether the fine or suspension of rights shall be imposed.

5.7. Insurance

The Association shall maintain insurance on the Common Areas of such types, in such amounts and with such companies as the Association Board of Directors deems appropriate.

A. **Required Coverages.** The Association shall obtain and continue in effect the following types of insurance, if reasonably available, or if not reasonably available, the most nearly equivalent coverages as are reasonably available:

1. Blanket property insurance covering “risks of direct physical loss” on a “special form” basis (or comparable coverage by whatever name denominated) for all insurable Improvements on the Common Areas and within the Area of Common Responsibility to the extent that Association has assumed responsibility in the event of a casualty within the Area of Common Responsibility. If such coverage is not generally available at reasonable cost, then “broad form” coverage may be substituted. All property insurance policies obtained by the Association shall have policy limits sufficient to cover the full replacement cost of the insured improvements under current building ordinances and codes;

2. Commercial general liability insurance insuring the Association and its Members for damage or injury caused by the negligence of the Association or any of its Members, employees, agents, or contractors while acting on its behalf on the Common Areas and on the Area of Common Responsibility to the extent that the Association has assumed responsibility in the event of a claim associated with the Area of Common Responsibility. If generally available at reasonable cost, such coverage (including primary and any umbrella coverage) shall have a limit of at least \$1,000,000.00 per occurrence with respect to bodily injury, personal injury, and property damage; provided, should additional coverage and higher limits be available at reasonable cost which a reasonably prudent person would obtain, the Association may obtain such additional coverages or limits;

3. Workers compensation insurance and employers liability insurance, if and to the extent required by law;

4. Directors and officers liability coverage;

5. Commercial crime insurance, including fidelity insurance covering all Persons responsible for handling Association funds in an amount determined in the Board’s business judgment but not less than an amount equal to one-quarter of the Annual Assessment on all Units plus reserves on hand. Fidelity insurance policies shall contain a waiver of all defenses based upon the exclusion of Persons serving without compensation; and

6. Such additional insurance as the Board, in the exercise of its business judgment, determines advisable.

In addition, the Association shall, if so specified in a Supplemental Declaration applicable to any Lot, obtain and maintain insurance for a Lot Association and Lot Common Areas, which insurance shall comply with the requirements of Section 5.7 A.

Premiums for all insurance on the Common Areas and Area of Common Responsibility shall be Common Expenses. Premiums for insurance for a Lot Association and for Lot Common Areas, if any, shall be Lot Expenses of the Lot(s) to which such Lot Common Areas are assigned unless the Board reasonably determines that other treatment of the premiums is more appropriate.

B. Policy Requirements. The Association shall arrange for an annual review of the sufficiency of its insurance coverage by one or more qualified Persons, at least one of whom must be familiar with insurable replacement costs in Lee County, Florida. All Association policies shall provide for a certificate of insurance to be furnished to the Association and, upon request, to each Member insured. The policies may contain a reasonable deductible, and the

amount thereof shall not be subtracted from the face amount of the policy in determining whether the policy limits satisfy the requirements of Section 5.7A. In the event of an insured loss, the deductible shall be treated as a Common Expense or a Lot Expense in the same manner as the premiums for the applicable insurance coverage. However, if the Board reasonably determines, after notice and an opportunity to be heard in accordance with the By-Laws, that the loss is the result of the negligence or willful misconduct of one or more Owners, their guests, invitees, or lessees, then the Board may assess the full amount of such deductible against such Owner(s) and their Units as a Specific Assessment.

1. All insurance coverage obtained by the Board shall:

(a) be written with a company authorized to do business in Florida which satisfies the requirements of the Federal National Mortgage Association, or such other secondary mortgage market agencies or federal agencies as the Board deems appropriate;

(b) be written in the Association's name as trustee for the benefited parties. Policies on the Common Areas shall be for the benefit of the Association, its Members, and any Mortgagees, as their interests may appear. Policies secured on behalf of a Lot shall be for the benefit of the Lot Association, if any, the Owners of the Lot, and their Mortgagees, as their interests may appear;

(c) not be brought into contribution with insurance purchased by Owners, occupants, or their Mortgagees individually;

(d) contain an inflation guard endorsement;

(e) include an agreed amount endorsement, if the policy contains a co-insurance clause;

(f) provide that each Owner is an insured person under the policy with respect to liability arising out of such Owner's interest in the Common Area as a Member in the Association (provided, this provision shall not be construed as giving an Owner any interest in the Common Area other than that of a Member);

(g) provide a waiver of subrogation under the policy against any Owner or household member of an Owner;

(h) include an endorsement precluding cancellation, invalidation, suspension, or non-renewal by the insurer on account of any one or more individual Owners, or on account of any curable defect or violation without prior written demand to the Association to cure the defect or violation and allowance of a reasonable time to cure; and

(i) include an endorsement precluding cancellation, invalidation, or condition to recovery under the policy on account of any act or omission of any one or more individual Owners, unless such Owner is acting within the scope of its authority on behalf of the Association.

2. In addition, the Board shall use reasonable efforts to secure insurance policies which list the Owners as additional insureds and provide:

(a) a waiver of subrogation as to any claims against the Association's Board, officers, employees, and its manager, the Owners and their tenants, servants, agents, and guests;

(b) a waiver of the insurer's rights to repair and reconstruct instead of paying cash;

(c) an endorsement excluding Owners' individual policies from consideration under any "other insurance" clause;

(d) an endorsement requiring at least 30 days' prior written notice to the Association of any cancellation, substantial modification, or non-renewal;

(e) a cross liability provision; and

(f) a provision vesting in the Board exclusive authority to adjust losses; provided, no Mortgagee having an interest in such losses may be prohibited from participating in the settlement negotiations, if any, related to the loss.

C. Restoring Damaged Improvements. In the event of damage to, or destruction of, Common Area or other property which the Association is obligated to insure, the Board or its duly authorized agent shall file and adjust all insurance claims and obtain reliable and detailed estimates of the cost of repairing or restoring the property to substantially the condition in which it existed prior to the damage, allowing for changes or improvements necessitated by changes in applicable building codes.

1. Damaged improvements on the Common Area shall be repaired or reconstructed unless seventy five percent (75%) of the entire Voting Interests agree in writing that such reconstruction or repair shall not take place. The decision whether or not to reconstruct or repair shall be made within one hundred eighty (180) days after the casualty, provided however that the Board of Directors shall have the authority to extend this period for decision-making, not to exceed three (3) years, to deal with exigencies in communication with Owners caused by natural disasters or other significant casualties, or to deal with delays in obtaining information regarding reconstruction costs or insurance proceeds available for reconstruction. No Mortgagee shall have the right to participate in the determination of whether the damage or destruction to the Common Area shall be repaired or reconstructed.

2. If a decision is made not to restore the damaged improvements, and no alternative improvements are authorized, the affected property shall be cleared of all debris and ruins and thereafter shall be maintained by the Association in a neat and attractive, landscaped condition consistent with the Community-Wide Standard.

3. Any insurance proceeds remaining after paying the costs of repair or reconstruction, or after such settlement as is necessary and appropriate, shall be retained by the Association for the benefit of its Members or the Owners of Units within the insured Lot, as

appropriate, and placed in a capital improvements account. This is a covenant for the benefit of Mortgagees and may be enforced by the Mortgagee of any affected Unit.

4. If insurance proceeds are insufficient to cover the costs of repair or reconstruction, the Board may, without a vote of the Members, levy Special Assessments to cover the shortfall against those Owners responsible for the premiums for the applicable insurance coverage under Section 5.7A.

5.8. Indemnification of Officers, Directors and Others

A. The Association shall indemnify every officer, director, and committee member against all damages and expenses, including attorney fees, reasonably incurred in connection with any action, suit, or other proceeding (including settlement of any suit or proceeding, if approved by the then Board of Directors) to which he or she may be a party by reason of being or having been an officer, director, or committee member except that such obligation to indemnify shall be limited to those actions for which liability is limited under this section, the Articles of Incorporation, and Florida law.

B. The officers, directors, committee members, agents, and employees shall not be liable for any mistake of judgment, negligent or otherwise, except for their own individual willful misfeasance, malfeasance, misconduct, or bad faith. The officers and directors shall have no personal liability with respect to any contract or other commitment made or action taken in good faith on behalf of the Association (except to the extent that such officers or directors may also be Members of the Association).

C. The Association shall indemnify and forever hold each such officer, director, and committee member harmless from any and all liability to others on account of any such contract, commitment or action. This right to indemnification shall not be exclusive of any other rights to which any present or former officer, director, or committee member may be entitled. As a Common Expense, the Association shall maintain general liability and officers' and directors' liability insurance to fund this obligation, if such insurance is reasonably available.

ARTICLE VI

MEMBERS' RIGHTS AND EASEMENTS

6.1. Members' Rights and Easements

Every Member shall have a right of enjoyment and use in and an easement to Association Common Areas, which right and easement shall be appurtenant to and shall pass with the title to every Unit, subject to the rights of the Association under Article V.

6.2. Delegation of Right

A. A Member may delegate his right of use and easement to Common Areas to the members of his family and Tenants who reside the Member's Unit and to the Member's guests, but only to the extent and subject to conditions, limitations, and restrictions as may be provided for in the Governing Documents and in accordance with the Rules and Regulations.

B. Each Member shall be responsible for the actions of any Person to whom the Member has delegated his right of use to the Common Areas. Any infraction of the Association's Rules and Regulations by such Person shall be deemed to be an infraction by such Member for which the Association may impose a fine on such Member.

ARTICLE VII

PROPERTY RIGHTS

7.1. Dedication of Common Areas

Subject to the easements established in this article, the Association's Common Areas whether dedicated to the Association in any Recorded subdivision plat or conveyed to the Association for use as Common Areas, are not dedicated for use by the general public but are reserved for the common use and enjoyment of the Owners or Residents of Units. Notwithstanding the above, Common Areas may be owned by the Association as Common Areas but used by the Association and/or Owners to hold events in which the public may be invited or attend. Use of such Common Areas by the public shall be subject to such rules and regulations as the Board may promulgate from time to time.

7.2. Easements

The following easements are hereby granted and/or reserved over, across and through the Properties:

A. Easements for installation and maintenance of utilities are granted as indicated on the Recorded subdivision plats of the Properties.

B. An easement is hereby granted to each institutional mortgagee for the purpose of access to the Unit subject to its mortgage.

C. Easements are hereby reserved throughout the Common Area, including, without limitation, the Streets, in favor of Declarant and any Builder for their use and the use of their agents, employees, licensees and invitees for the purpose of completing the construction and the sale of existing Units or Units to be Developed by the Declarant and any Builder.

ARTICLE VIII

ASSESSMENTS

8.1. Creation of the Lien and Personal Obligation

A. The Owner of any Unit by acceptance of a deed therefore, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay to the Association:

1. Initial Reserve Assessment or Resale Reserve Assessment, as applicable;
2. Annual Assessments;

3. Special Assessments;
4. Specific Assessments;
5. User fees for any optional facilities or services used by the Owner, any occupant of the Unit or any guests of the Owner or occupant; and
6. Lot Assessments.

B. The Initial Reserve, Resale Reserve, Annual, Special, Specific and Lot Assessments, together with interest and costs and expenses of collection, including reasonable attorney fees, which includes those resulting from any appellate proceedings, shall be a continuing lien upon the Unit against which such assessment is made. Any payments made to satisfy the amount due shall first be applied to interest, attorney fees and costs and expenses of collection and then to the outstanding Assessments due.

C. Each such Assessment, together with interest and costs and expenses of collection, including reasonable attorney fees, which includes those resulting from appellate proceedings, shall be the personal obligation of the Person who is the Owner of the Unit at the time such Assessment falls due, and each Person who becomes the Owner of the Unit, including a purchaser at a judicial sale, shall be jointly and severally liable with his or her predecessor in title for all unpaid Assessments against the predecessor for his or her share of the Assessments, together with interest and costs and expenses of collection, including reasonable attorney fees, which includes those resulting from appellate proceedings, up to the time of the transfer, without prejudice to any right the transferee may have to recover from the transferor the amounts paid by the transferee. Each Owner, by acceptance of a deed for a Unit, is personally covenanting and agreeing to pay any such obligation falling due prior to or during the time of his ownership and such personal obligation shall survive any conveyance.

D. If any first mortgagee or other Person obtains title to a Unit as a result of a foreclosure of a first mortgage or a deed is given in lieu of foreclosure of a first mortgage of record, such acquirer of title, shall be liable for the share of Assessments pertaining to such Unit or chargeable to the former Owner, and which became due prior to the acquisition of title as a result of the foreclosure or deed in lieu of foreclosure of said first mortgage of record as provided in Section 720.3085, Florida Statutes (2013), as amended from time to time.

E. Delinquent Assessments shall bear interest at the maximum rate allowed by Florida law from the date when due until paid.

8.2. Initial Reserve Assessment and Resale Reserve Assessment

A. Initial Reserve Assessment.

1. The Initial Reserve Assessment for each Property Unit shall be paid at the time a Unit is conveyed by the Declarant to an Owner other than a Builder.

2. The amount of such Initial Reserve Assessment shall a fixed amount (which amount may be \$0.00), for each Property Unit but such amount may be different for

Property Units located on different classes of Lots based on the size of the Lot or the types of dwelling units allowed on each class of Lot. The amount of the Initial Reserve Assessment levied against Property Units on each class of Lot shall be determined by the Board. Provided, however, until such amount is changed by the Board, the amount of Initial Reserve Assessment beginning on the date this Declaration is Recorded shall be \$_____ per Property Unit.

3. Initial Reserve Assessments shall be a continuing lien upon each Unit against which the Assessment is made until paid and shall be subject to collection by the Association, as provided in this Declaration, including but not limited to, Sections 8.9 and 8.10.

B. Resale Reserve Assessment.

1. Upon each transfer or conveyance (of any type whatsoever) of a Unit upon which an Initial Reserve Assessment has previously been levied, a Resale Reserve Assessment shall be levied against such Unit. Such Resale Reserve Assessment shall be paid to the Association by the transferee of the Unit and shall be paid upon the closing or other settlement of the transfer or conveyance of the Unit.

2. The amount of such Resale Reserve Assessment shall a fixed amount (which amount may be \$0.00), for each Property Unit but such amount may be different for Property Units located on different classes of Lots based on the size of the Lot or the types of dwelling units allowed on each class of Lot. The amount of the Resale Reserve Assessment levied against Property Units on each class of Lot shall be determined by the Board. Provided, however, until such amount is changed by the Board, the amount of Resale Reserve Assessment beginning on the date this Declaration is Recorded shall be \$_____ per Property Unit.

3. Notwithstanding the above, Resale Reserve Assessments shall not be levied in the following instances;

(a) Conveyance of a Unit by an Owner to a trust, partnership, corporation, limited liability company, or other entity so long as the Owner conveying the Unit, or the Owner's spouse and/or children, owns at least a majority interest in the entity to which the Unit was conveyed and; provided, if the immediately preceding conveyance of the Unit was exempted from payment of the Resale Reserve Assessment pursuant to this subsection, then this subsection shall not apply and the Unit shall be subject to payment of the Resale Reserve Assessment;

(b) Conveyance of a Unit by an Owner or such Owner's estate to the Owner's spouse and/or children; provided, if the immediately preceding conveyance of the Unit was exempted from payment of the Resale Reserve Assessment pursuant to this subsection, then this subsection shall not apply and the Unit shall be subject to payment of the Resale Reserve Assessment; and

(c) Conveyance of an undivided interest in a Unit by the Owner thereof to any then existing co-Owner(s) of such Unit; provided, if the immediately preceding conveyance of the Unit was exempted from payment of the Resale Reserve Assessment pursuant to this subsection, then this subsection shall not apply and the Unit shall be subject to payment of the Resale Reserve Assessment.

3. Resale Reserve Assessments shall be a continuing lien upon each Unit against which the Assessment is made until paid and shall be subject to collection by the Association, as provided in this Declaration, including but not limited to, Sections 8.10 and 8.11.

8.3. Annual Assessment

A. **Purposes:** The Association shall have the power and authority to levy and collect Annual Assessments for purposes of operating the Association, including, but not limited to the following purposes: operation, improvement, maintenance and management of the Association, the Common Areas; operation and maintenance of the Stormwater System; expenses due under any Covenant to Share Costs to which the Association is a party, property taxes and assessments against and insurance coverage for the Common Areas; legal and accounting fees; maintenance of the Streets dedicated to the Association and medians and non-paved areas of Streets dedicated to the public; security costs; management fees; normal repairs and replacements; charges for utilities used upon the Common Areas; cleaning services; expenses and liabilities incurred by the Association in the enforcement of its rights and duties against the Members, Owners or others; maintenance of vacant property; the creation of reasonable reserves; and all other expenses deemed by the Board to be necessary and proper management, maintenance, repair, operation and enforcement.

B. **Levy and Collection:** Prior to the beginning of each fiscal year, the Board shall by Resolution establish the amount of Annual Assessment necessary to fund the budget as approved by the Board. Except as provided in Articles VIII and X of this Declaration, the Annual Assessment shall be levied at a uniform rate for the same type of dwelling units but may be levied at different rates for Property Units located on different classes of Lots based on the types of dwelling units allowed on each class of Lot. The Annual Assessments shall be collectible in advance annually and shall be delinquent on January 1 of the assessment year. The Association shall bill and collect Annual Assessments directly from the Members; provided, in the Board's discretion, the Association may bill each mandatory membership Lot Association based upon the number of Property Units assigned to the Lot which are subject to the Annual Assessment and, in such case, the Lot Association shall be responsible for collecting Annual Assessments from those Members subject to its jurisdiction. All bills shall indicate the amount due and the date of delinquency.

8.4. Commencement of Annual Assessments

Except as provided in Section 8.7 below, Annual Assessments levied under Section 8.3 shall commence on the date the Unit is sold by Declarant to an Owner, with the first Annual Assessment installment due and payable at closing;

8.5. Special Assessments

The Association may also levy, in any assessment year, a Special Assessment applicable to that year only for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, improvement, repair, or replacement of a capital Improvement on the Area of Common Responsibility, including, but not limited to, fixtures and personal property related thereto and any other major unanticipated cost incurred by the Association.

Except as provided in Article X of this Declaration, Special Assessments shall be levied at a uniform rate for the same type of dwelling units but may be levied at different rates for Property Units located on different classes of Lots based on the types of dwelling units allowed on each class of Lot. Special Assessments may be levied against a portion of the property in WildBlue, including any Lot, if the purpose of the Special Assessment benefits only such portion of the property, as determined solely by the Board.

8.6. Specific Assessments

The Association shall also have the power to levy Specific Assessments against a particular Unit or Lot Common Area as follows, and as otherwise provided in this Declaration:

A. to cover the costs, including overhead and administrative costs, of providing services to Units upon request of an Owner pursuant to any menu of special services which may be offered by the Association. Specific Assessments for special services may be levied in advance of the provision of the requested service;

B. to cover costs incurred in bringing the Unit into compliance with the Governing Documents, or costs incurred as a consequence of the conduct of the Owner or occupants of the Unit, their agents, contractors, employees, licensees, invitees, or guests; provided, the Board shall give the Unit Owner prior written notice and an opportunity for a hearing, in accordance with the By-Laws, before levying any Specific Assessment under this subsection B; and

C. to cover costs incurred in bringing Lot Common Areas into compliance with the Governing Documents.

The Association may also levy a Specific Assessment against the Units within any Lot to reimburse the Association for costs incurred in bringing the Lot into compliance with the provisions of the Governing Documents, provided the Board gives prior written notice to the Owners of Units in, or the Lot Representative representing, the Lot and an opportunity for such Owners or Lot Representative to be heard before levying any such Assessment.

8.7. Lot Assessments

A. Lot Special Assessments to Pay for Enhanced Improvements Within Specific Lots: A majority of Unit Owners within a Lot may petition the Board to construct enhanced Improvements on the Common Areas within such Lot. Such Improvements may include, but not necessarily be limited to, brick pavers on the street accessing the Lot. If such Improvements do not increase the Association's maintenance costs within the Lot by more than 10%, then Annual Assessments shall be used for the maintenance of such enhanced Improvements. If such Improvements increase the Association's maintenance costs within the Lot by more than 10%, the increased maintenance costs shall be charged as a Lot Assessment pursuant to Section 8.7 B below. Within sixty (60) days after receiving such petition, the Board shall obtain estimates for the requested Improvements and prepare a separate budget therefor. The Board shall then mail a notice of proposed Lot Special Assessment to each Owner within the Lot as to the amount of Lot Special Assessment required to fund construction of the Improvements, and calling for a vote of the Unit Owners impacted thereby. At the Board's discretion, the vote may be conducted by mail or at the next annual meeting of the Association. If a majority of Unit Owners within the Lot

approve the Lot Special Assessment, it shall be levied against each Unit Owner within the Lot. Notwithstanding the above, (a) the Declarant must approve the Lot Special Assessment if it owns any Unit within the Lot and (ii) if the Declarant owns all of the Units within a Lot, the Declarant may construct the Improvements without a vote and the Lot Special Assessment needed to pay for constructing such Improvement may be collected by the Declarant from the Owners who purchase Units within the Lot. Enhanced Improvements constructed within a particular Lot shall be paid solely through Lot Special Assessments and not be included within Annual Assessments.

B. Lot Assessments to Pay for Enhanced Services Within Specific Lots: A majority of Unit Owners within a Lot may petition the Board to provide a higher level of service than that which the Association generally provides to all Lots, or may request that the Association provide special services for the benefit of all Units in such Lot. Within sixty (60) days after receiving such petition, the Board shall obtain estimates for the requested services and prepare a separate budget therefor. The Board shall then mail a notice of proposed Lot Assessment to each Owner within the Lot as to the amount of Lot Assessment required to pay for such services, and calling for a vote of the Unit Owners impacted thereby. At the Board's discretion, the vote may be conducted by mail or at the next annual meeting of the Association. If a majority of Unit Owners within the Lot approve the Lot Assessment, it shall be levied against each Unit Owner within the Lot. Notwithstanding the above, (a) the Declarant must approve the Lot Assessment if it owns any Unit within the Lot and (b) if the Declarant owns all of the Units within a Lot, the Declarant may request the services without a vote and the Lot Assessment needed to pay for such services may be passed on by the Declarant to the Owners who purchase Units within the Lot. Enhanced services for a particular Lot shall be paid solely through Lot Assessments and not be included within Annual Assessments.

8.8. Declarant Assessment Responsibility

Prior to the Turnover Date, or until such earlier date as indicated by Declarant by a Recorded Supplemental Declaration, the Declarant is excused from payment of its share of the operating expenses and assessments related to its Lots. During such period of time, the Declarant shall be obligated to pay any operating expenses incurred that exceed the assessments receivable from other Members and other income of the Association. After the Turnover Date or such earlier date in which the Declarant Records a Supplemental Declaration, the Declarant shall be responsible for payment of assessments in the same manner as other Owners. As used in this section, the term "operating expenses" does not include depreciation, regardless of how depreciation is treated on the accounting books and records of the Association.

8.9. Exempt and Partially Exempt Property

The following property is exempt from the payment of Assessments:

- A. Any property owned by or leased to the Association.
- B. Common Areas.
- C. Lot Common Areas.
- D. Property owned by a governmental agency and used solely for a public purpose.

8.10. Lien for Assessments

A. If any Assessment, or any installment thereof, is not paid within thirty days following the due date, the Association may declare the entire Assessment immediately due and payable. The Association may at any time thereafter Record a claim of lien against the Unit for which the Assessment was due and bring an action to foreclose the lien in the manner in which mortgages on real property are foreclosed. The Association may also bring an action at law against an Owner to pay his/her personal obligations to the Association.

B. The claim of lien shall include a description of the property encumbered, the Owner's name, the amount then due and the date when due.

C. No Owner shall be relieved of the liability for payment of Assessments because of nonuse or abandonment of a Unit.

D. No Owner may waive or otherwise escape liability for the payments provided for herein by nonuse or abandonment of his Unit.

8.11. Priority and Extinguishment of the Lien

A. The lien herein created is specifically declared to be subordinate and inferior to the lien and operation of any first mortgage encumbering the Unit in question given by the Owner to an institutional mortgagee, provided, however, the provisions of Section 8.1 D. shall continue to apply to such Units. For the purpose of this section, an institutional mortgagee shall be a bank, savings and loan association, insurance company, union pension fund of any agency of the United States government, or any Person given a mortgage insured by the Federal Housing Administration, the Department of Veterans Affairs, Federal National Mortgage Association, or any brand of agency of the United States government or the government of the State of Florida, or Declarant, as to any mortgage held by Declarant on the property described in Section 4.1.

B. In the event the lien herein created is extinguished by the sale or transfer of a Unit pursuant to a foreclosure of a first mortgage, the first mortgagee or other Person who obtains title to a Unit as a result of a foreclosure of a first mortgage or by deed given in lieu of foreclosure of a first mortgage of record shall remain liable for the share of Assessments pertaining to such Unit or chargeable to the former Owner, and which became due prior to the acquisition of title as a result of the foreclosure or deed in lieu of foreclosure of said first mortgage of record as provided in Section 720.3085, Florida Statutes (2014), as amended from time to time. The remaining delinquent Assessments which cannot be collected from the first mortgagee or other Person who obtains title to a Unit as a result of a foreclosure of a first mortgage or deed given in lieu of foreclosure of a first mortgage of record may be reallocated and assessed to all of the Units in WildBlue. The first mortgagee or other Person who obtains title to a Unit as a result of a foreclosure of a first mortgage or deed given in lieu of foreclosure of a first mortgage of record shall not be relieved from liability for, nor the Unit from the lien of, any Assessments arising thereafter.

C. The lien herein created is specifically declared to be superior to any lien created by any Lot Declaration or imposed by any Lot Association.

8.12. Payment of Assessments

Assessments imposed pursuant to this Article VIII shall be paid in such manner and on such dates as the Board may establish. The Board may require advance payment of Assessments at closing of the transfer of title to a Unit and impose special requirements for Owners with a history of delinquent payment. If the Board so elects, Assessments may be paid in two or more installments. Unless the Board otherwise provides, Assessments shall be due and payable in advance on the first day of each fiscal year. If any Owner is delinquent in paying any Assessments or other charges levied on his or her Unit, the Board may require the outstanding balance on all Assessments to be paid in full immediately.

ARTICLE IX

PROPERTY RIGHTS

9.1. Use Restrictions

A. The Properties may be used for those purposes as provided in the Declarant's Zoning Resolution and the Governing Documents. The Zoning Resolution contains certain provisions which allow the Declarant flexibility in assigning and reassigning various land uses to the real property within WildBlue. If there is a use allowed by the Zoning Resolution but not allowed by the Governing Documents, the Governing Documents shall control. Declarant, with the approval of the Owner, if other than Declarant, reserves solely unto itself the right and the power to assign and reassign various land uses to any of the remaining property for development within WildBlue as specified in Section 4.1, and to implement variations from, modifications to, or amendments of the Zoning Resolution and any other governmental plans, land development regulations, development orders and development permits applicable to such property.

B. All fuel and hazardous substances, whether owned by the Association or an Owner, may only be stored in quantities necessary only for its intended use, must be stored indoors, and in sealed and approved containers.

C. The Declarant may impose more specific use restrictions in Lots by recording a Supplemental Declaration applicable to all or specific portions of the Properties. If the property to be subjected to such restrictions is not owned by the Declarant when the Supplemental Declaration is Recorded, the owner(s) of the property must join in the Supplemental Declaration.

9.2. Approval of Plans and Specifications

A. Except as provided in this Section 9.2, no Improvement shall be constructed, altered, planted, removed, or maintained, including Improvements undertaken by any Lot Association, without the prior written approval of the Association regarding (i) the compliance of the Improvements with the Design Guidelines; (ii) the harmony of its exterior design and location in relation to, and its effect upon surrounding structures and the over-all community design; (iii) the character of the exterior materials; and (iv) the quality of the exterior workmanship; provided, flags may be displayed as permitted by the Florida Statutes. Unless a variance has been granted pursuant to the applicable provisions of the Design Guidelines, all

Improvements must comply with the requirements of the Design Guidelines. The Association has the authority to amend or modify the Design Guidelines.

B. Each Owner shall, prior to the commencement of any Improvement, submit such documents and materials as may be required by the Association, including, but not limited to:

1. Initial plans to include a site analysis, schematic landscape plan, floor plans, and exterior elevations; and

2. Final plans to include color and material selections, landscape plan, final site plan, and a complete set of construction plans and specifications.

C. After receipt of each required submittal, the Association shall in writing approve, reject, or approve subject to change, such required plans, proposals and specifications as are submitted to it.

D. If any Improvement is constructed or altered without the prior written approval of the Association, the Owner shall, upon demand of the Association, cause such Improvement to be removed, remodeled, or restored in order to comply with the requirements of this Article IX and the Design Guidelines. The Owner shall be liable for the payment of all costs of such removal or restoration, including all costs and attorney fees incurred by the Association. The costs may also be levied as a Specific Assessment on such Owner's Unit.

E. The Association is specifically empowered to enforce the architectural and landscaping provisions of this Declaration and any Lot Declaration by any legal or equitable remedy. In the event that it becomes necessary to resort to litigation to determine the propriety of any constructed Improvement or to remove any unapproved Improvement, the Association shall be entitled to recovery of court costs, expenses, and attorney fees in connection therewith. In the event that any Owner fails to comply with the architectural and landscape provisions contained herein or in any Lot Declaration the Association may, in addition to all other remedies contained herein, Record against such Owner's Unit a notice stating that the Improvements on the Lot fail to meet the requirements of this Article IX or the Lot Declaration.

F. The Association may impose standards for construction and alteration of Improvements which are greater or more stringent than standards prescribed in applicable building, zoning, or other local development codes. However, the approval, rejection, or withholding of any approval by the Association of the plans, proposals, specifications, and the location of all structures, and the alteration of any structure shall not be construed or interpreted as a representation or determination by the Association that any building, plumbing, or electrical code, or any other applicable governmental regulation or requirement has or has not been properly met by the Owner.

G. Each Owner shall be responsible for obtaining all necessary technical data and for making application to and obtaining the approval of Lee County and any other appropriate governmental agencies prior to commencement of any work or construction. The Association shall be entitled to enter upon any Unit during construction of an Improvement to ensure compliance with approved plans and specification. Neither the Association, the directors or officers of the Association, nor any Person acting on behalf of any of them shall be responsible

for any defects in plans or specifications, nor for defects in any Improvements constructed pursuant thereto.

H. The Association may adopt a schedule of reasonable fees for processing requests for approval. Such fees, if any, shall be payable to the Association at the time that the plans and specifications and other documents are submitted to the Association. The payment of such fees, as well as other expenses of the Association required to be paid by a Unit Owner shall be a Specific Assessment enforceable against the Owner and the Unit as provided hereinabove.

I. Neither the Association, the directors or officers of the Association, nor any Person acting on behalf of any of them, shall be liable for any costs or damages incurred by any Owner within WildBlue or any other party whatsoever, due to any mistakes in judgment, negligence, or any action of the Association in connection with the approval or disapproval of plans and specifications. Each party submitting plans and specifications for approval shall be solely responsible for the sufficiency thereof and for the quality of construction performed pursuant thereto.

J. After the Turnover Date, the provisions of Sections 9.2 A-H shall apply to all property within WildBlue, but as to any property which is not fully Developed, neither Sections 9.2 A-H nor the Design Guidelines in effect as of the Turnover Date may be amended without the written consent of Declarant until such time as such property is fully Developed.

K. Nothing in Section 9.2 J shall prohibit the Association from amending Sections 9.2 A-H or the Design Guidelines for remodeling or reconstruction to be done on property which was fully Developed prior to the Turnover Date or to remodeling or reconstruction done on property Developed after the turnover date to which the provisions of Section 9.2 J applied as to the Improvements located thereon.

9.3. Landscaping

All landscaping on Units must be approved as provided by this Article IX and installed and maintained in a manner consistent with the Governing Documents.

9.4. Maintenance of Premises

All lawns, grassed areas, landscaping, and sprinkler systems and any property, structure, Improvements, and appurtenances located on any Unit shall be installed and maintained pursuant to the provisions of this Article IX, the Design Guidelines, the Rules and Regulations, the Community-Wide Standard, and any other maintenance standards adopted by the Association. Notwithstanding Sections 5.1 A. 1 and 2, all Common Areas or Streets (i) up to the pavement edge of any abutting Streets, or (ii) the waterline of any abutting lakes, canals or Stormwater System, which are not covered by structures, walkways, paved parking facilities, or left in their natural state, shall be maintained by the adjacent Owners as lawn, grassed, or landscape areas with underground sprinkler systems, regardless of ownership of such Common Areas or Streets.

9.5. Stormwater System; Conservation Easements; Wetland Mitigation Areas.

A. Except for construction activities undertaken by Declarant or the Association as required by the Environmental Resource Permit, no other construction activities may be conducted relative to any portion of the Stormwater System. Prohibited activities include, but are not limited to: digging or excavation; depositing fill, debris or any other material or item; constructing or altering any water control structure; or any other construction to modify the Stormwater Management System.

B. The uses allowed on any Conservation Easements shall be limited to those allowed in section 704.06(1), Florida Statutes, as it may be amended from time to time or as delineated by Declarant as a part of the Conservation Easement.

C. Except for activities undertaken by Declarant or the Association as required by the Environmental Resource Permit, in wetland mitigation areas, no vegetation may be removed, cut, trimmed, or sprayed with herbicide unless the South Florida Water Management District has approved such activities.

D. An Owner may not deny or prevent ingress and egress by Declarant or the Association to any portions of the Stormwater System, Conservation Easements, or wetland mitigation areas for construction or maintenance purposes. The right of ingress and egress, and easements therefore are hereby specifically reserved and created in favor of the Declarant and Association and any appropriate governmental or quasi-governmental agency that may reasonably require such ingress and egress.

E. No Lot shall be increased in size by filling in any portion of the Stormwater System, Conservation Easement, wetland mitigation area, or lake, to which such Lot abuts. Owners shall not fill, dike, riprap, block, divert, or change any portion of the Stormwater System, Conservation Easement, wetland mitigation area, or lake without the prior written consent of the Association, and if required by an Environmental Permit, the prior written consent of the governmental agency which granted the permit.

F. The provisions of this Section 9.5 are subject to the Declarant's rights specified in Sections 4.3 and 4.4 and to the extent of any conflict between this Section 9.5 and either Section 4.3 or 4.4, Section 4.3 or 4.4, as applicable, shall prevail.

9.6. Omitted.

9.7. Association's Exculpation

The Association may grant, withhold, or deny its permission or approval in any instance where its permission or approval is permitted or required without liability of any nature to Owner or any other Person for any reason whatsoever, and any permission or approval granted shall be binding upon all Persons.

9.8. Increase in Units; Change in Master Development Plan; Subdivision and Regulation of Land

A. Unless Declarant assigns a different number of dwelling units to a particular Lot or Lots, each platted single family Lot may have one residential dwelling unit constructed

thereon. Declarant may assign the number of dwelling units permitted on all other Lots when such Lot(s) are conveyed to a third party. The number of dwelling units constructed on each Lot shall not be increased by any Owner and shall not be exceeded without the prior express written approval of Declarant, which approval may be denied at the sole discretion of Declarant, so long as any of the land described in Section 4.1 remains to be Developed. In addition, so long as any of the land described in Section 4.1 remains to be Developed, an Owner shall not inaugurate or implement any variation from, modification to, or amendment of the Zoning Resolution or any other governmental plans, land development regulations, development orders, or development permits applicable to WildBlue, or to any Lot or Unit, without the prior written approval of Declarant.

B. Until all the land in WildBlue is Developed, no Unit shall be divided or subdivided without the express written approval of the Declarant, which may impose certain requirements on an Owner to comply with the provisions of the Master Development Plan as a condition of granting approval.

C. No covenant, condition, restriction, or other provision of this Declaration shall be construed in any manner as limiting or preventing any Unit, and the Improvements thereon, from being submitted to a plan of condominium ownership. A condominium shall not be construed as constituting a subdivision of any Unit, provided that the number of Residential Units in the condominium is not greater than the number of Residential Units assigned to the Lot.

9.9. Owner and Member Compliance

A. The provisions of this Declaration shall apply not only to Owners, and Persons to whom an Owner has delegated his right of use to any Common Area and Lot Common Area, if any is created, but also to any other Person occupying an Owner's Unit under lease from the Owner or by permission or invitation of the Owner or his tenants, expressed or implied, licensees, invitees, or guests.

B. Failure of an Owner to notify any Person of the existence of the covenants, conditions, restrictions, and other provisions of this Declaration shall not in any way act to limit or divest the right of the Association, or any Lot Association to enforce the provisions of this Declaration. The Owner shall be responsible for any and all violations of these provisions by his tenants, delegates, licensees, invitees or guests, and by guests, licensees and invitees of his tenants.

ARTICLE X

PROPERTY MAINTENANCE

10.1. Purpose and Authority

The Association shall regulate the maintenance of the Properties and the Improvements thereon for compliance with the Governing Documents and the Community-Wide Standard in order to create and preserve a quality environment for the Owners and occupants of the Properties.

10.2. Maintenance Requirement

A. Maintenance of any of the Association's Common Areas and Improvements thereon shall be in accordance with the Governing Documents, the Community-Wide Standard, and any other covenants, restrictions and guidelines established pursuant to this article and Article IX.

B. The preceding requirements of this section shall also apply to any Unit, any Lot Common Area, or Improvement in the event that a Lot Association fails to perform and enforce effectively comparable maintenance regulation provisions, as determined by the Association. The cost of such maintenance regulation shall be assessed to any such Unit or Lot Association as a Specific Assessment.

10.3. Optional Maintenance of Individual Property

The Association may, but is not required to, offer exterior maintenance for any Unit. Such exterior maintenance may include (without being limited to) the painting, repair, replacement, and care of roofs, gutters, downspouts, the exterior surfaces of buildings and, to the extent exposed to community view, fences, landscaping, walks, and other exterior Improvements. When the Association provides maintenance pursuant to the provisions of this section, the cost may be assessed against such Unit as a Specific Assessment.

10.4. Corrective Maintenance of a Unit

In the event an Owner of any Unit in the Properties shall fail to maintain such Unit and the Improvements situated thereon in compliance with the Governing Documents, the Community-Wide Standard, or any other requirements and guidelines established by the Association or a Lot Association, the Association, after approval by a two-thirds vote of its Board, shall have the right, through its agents and employees, to enter upon said Unit and to repair, maintain, and restore the Unit and the exterior of the building and any other Improvement erected thereon. The cost of such exterior maintenance shall be assessed against such Unit as a Specific Assessment.

10.5. Corrective Maintenance of Lot Common Area

In the event that any Lot Association shall fail in its obligation to maintain any Lot Common Area and/or the Improvements situated thereon in compliance with the Governing Documents, the Community-Wide Standard, or any other requirements and guidelines established by the Association, or by a Lot Association, the Association after approval by a two-thirds vote of its Board, shall have the right, through its agents and employees, to enter upon said Lot Common Area to repair, maintain and restore the Lot Common Area or Improvements thereon. The cost of such maintenance shall be assessed against such Lot Association as a Specific Assessment, notwithstanding section 8.9 C of this Declaration.

10.6. Added Assessments

Any Assessments levied pursuant to Sections 10.3, 10.4, 10.5, or 10.8 shall not be subject to any limitations on Assessments contained in the Governing Documents.

10.7. Entry Rights

Each Owner and each Lot Association shall permit the Association's officers, directors, agents, and employees to enter upon the Owner's or Lot Association's Common Areas at reasonable times, to maintain the Association's Common Areas and easements, to remove refuse, and to provide the maintenance permitted under this article. Such entry shall include the right to use of the Owner's or Lot Association's water, from an outside spigot in reasonable amounts, without compensation to the Owner or Lot Association if used for maintenance on the Owner's Unit, the Association or a Lot Association's Common Areas or the Association or Lot Association's easement immediately contiguous with said premises. This provision shall not be construed as authorizing the entry into any building located on a Unit or on Lot Common Area unless such entry is necessary to perform corrective maintenance pursuant to Sections 10.4 or 10.5.

10.8. Stormwater System Maintenance Duties

A. Pursuant to Section 5.1A.7, the Association shall be the primary entity responsible for the maintenance, operation, and repair of the Primary Stormwater System throughout WildBlue. The Association shall also be the primary entity responsible for maintenance, operation, and repair of such portions of the Secondary Stormwater System within the Properties which are not otherwise assigned to a Lot under Section 10.8B.

B. The Association may assign the duty to maintain, operate, and repair such portions of the Secondary Stormwater System located within a Lot to the Lot Association for such Lot. The maintenance, operation, and repair of the Secondary Stormwater System shall be performed to standards established by the South Florida Water Management District and the Association. In the event a Lot Association shall fail in its obligation to maintain, operate, and repair such portions of the Secondary Stormwater System, the Association shall have the right, after approval by its Board, to enter upon and perform maintenance and operational responsibilities for and, if necessary, repair such portion of the Secondary Stormwater System. The cost of such Association maintenance and/or repair shall be added to and become part of the Lot Association Assessment and be reimbursed by the Lot Association to the Association.

ARTICLE XI

MANAGEMENT SERVICES TO LOT ASSOCIATIONS

11.1. Scope

The Association shall have the right, but not the obligation, to enter into contracts to provide services to any Lot. Such services may include, but are not limited to:

A. Occupant information booklets, newsletters, recreation programs and other community relations activities;

B. Complaint handling, emergency management, record keeping and other general administrative activities;

C. Assessment collection, expense disbursement and other financial operations;

D. Insurance, bond, security services and other risk management activities;

E. Design review and construction inspection of alterations to the property Improvements;

F. Maintenance of Lot Common Areas, the exterior of Units, and the Secondary Stormwater System;

G. Supplementary security.

11.2. Service Agreement

Any such services provided shall be at the option of the Association, the Lot Association, and as contracted by them or otherwise agreed, including reimbursement and compensation therefor.

11.3. Basis of Services

The Association and its officers, committees, employees and contractors shall perform any such services as the agent of the Lot Association being served and in accordance with the Governing Documents, the Lot Declaration, and the programs, budgets and other policies of the Lot Association.

ARTICLE XII

GENERAL PROVISIONS

12.1. Public and Private Utilities and Facilities

A. The Association is hereby authorized and empowered by all of the Owners to act on their behalf to provide or contract with other Persons for the installation of a water plant and supply system, irrigation water system, mosquito control facilities, fire fighting facilities, a gas system, a sewage disposal plant and sanitary sewer system, and any other facilities or services customarily furnished or provided by local governmental agencies and not furnished or provided by the Association pursuant to Article V. The exercise of this authority shall be in the sole discretion of the Association. Owners of Units are not permitted to utilize any outside services if such services are provided by the Association pursuant to this article or Article V.

B. Each Owner shall install, subject to the written approval of the Association, all sewer connections so that direct connections can be made to the nearest Street, alley, main or collection lines and the plan for such sewer connection shall be submitted to the Association for approval prior to commencement of said construction. No Owner shall install any potable or irrigation well or draw irrigation water from any portions of the Stormwater System, Conservation Easement, wetland mitigation area, or lake, without the prior written approval of the Association and if required by an Environmental Permit, permission from the governmental agency which issued such permit. If permission is granted, the Owner may be required to connect to a central potable or irrigation water system when available and thereafter to discontinue any private well or system. The Association, in its sole judgment, shall determine when an Owner must connect to central potable or irrigation water systems and disconnect any private system.

12.2. Enforcement of Governing Documents and Environmental Permits

A. The Association shall have the right and the power to enforce all the covenants, conditions, restrictions, and other provisions of the Governing Documents by any proceeding at law or in equity against any Person violating or attempting to violate such provision, to restrain any violation or attempted violation of such provisions, to require performance of such provisions, to recover damages for violations of such provisions and to levy against the Lots and/or Units to enforce any lien created by this Declaration.

B. The South Florida Water Management District has the right to take enforcement action, including civil action for an injunction and penalties against the Association or any Lot Association, to compel such Association to correct any outstanding problems with the Stormwater System under the responsibility or control of such Association.

C. Failure by the Association, or by a Lot Association or any other Owner or any other Person to enforce any of such provisions shall in no event be deemed a waiver of their right to do so thereafter. The provisions of this section shall be in addition to any rights that the Association, a Lot Association, or any Owner has under Florida law.

D. The prevailing party in any action taken by the Association to enforce the provisions of the governing Documents shall be entitled to recover from the other party reasonable attorney fees, court costs, and any costs or fees resulting from any appellate proceedings. In the event such costs and fees are recoverable against an Owner, any amount which remains due and unpaid shall be a continuing lien upon the Owner's Unit collectible in the manner provided in Article VIII.

E. Nothing in this section shall be construed as prohibiting or preventing any Owner from taking any actions permitted under Florida law to enforce the provisions of the Governing Documents.

12.3. Amendment

Except as otherwise specifically provided elsewhere in this Declaration, prior to the Turnover Date, this Declaration may be amended by the Declarant in its sole discretion, subject only to such limits as imposed by law. After the Turnover Date, this Declaration may be amended only by the affirmative vote or written consent, or any combination thereof, of 75% of the Voting Interests in the Association voting in person or by proxy at a meeting in which a quorum is present, so long as the amendment does not substantially conflict with the Zoning Resolution or so long as such amendment does not eliminate, impair, or modify any of Declarant's rights which remain in effect after the Turnover Date. After the Turnover Date and until all the property described in Section 4.1 is Developed, no amendment that substantially conflicts with the Zoning Resolution or which eliminates, impairs, or modifies any of Declarant's rights which remain in effect after the Turnover Date may be adopted without the vote specified above and with the approval of the Declarant. Notwithstanding the above, any amendment, whether proposed before or after the Turnover Date, which would affect the Stormwater System must be approved by the South Florida Water Management District.

Notwithstanding the above, if any Article, Section, or sub-section in this Declaration requires a higher percentage of votes necessary to amend that specific Article, Section, or sub-section than the percentage specified above, or requires the Declarant's consent or approval, the requirements of such Article, Section, or sub-section shall control.

12.4. Severability

If any covenant, condition, restriction or other provision of this Declaration is held to be invalid in whole or in part by any court of competent jurisdiction, then such holding shall in no way affect the validity of the remaining provisions of this Declaration, all of which shall remain in full force and effect.

12.5. Dissolution

A. In the event of dissolution of the Association, in accordance with the terms of its Articles, each Unit shall continue to be subject to the Annual Assessment specified in Article VIII and each Owner shall continue to be personally obligated to the Association or the successor or assigns of the Association as the case may be, for such Assessment to the extent that such Assessments are required to enable the Association or any such successor or assign acquiring any real property previously owned by the Association to properly maintain, operate, and preserve it. The provisions of this Section 12.5 shall only apply with regard to the maintenance, operation, and preservation of property which has been Association Common Area and continues to be so used for the common use, enjoyment, and benefit of the Owners.

B. In the event of dissolution of the Association, all Owners shall be jointly and severally responsible for the operation and maintenance of the Stormwater System in accordance with the requirements of the Environmental Resource Permit, unless and until an alternate entity assumes responsibility.

12.6. Gender

Whenever in this Declaration the context so requires the singular number shall include the plural, and the converse, and the use of any gender shall be deemed to include all genders.

12.7. Notices

A. **To Declarant.** Notice to Declarant as may be required herein shall be in writing and delivered or mailed to Declarant at its principal place of business as shown by the records of the Secretary of State of Florida, or at any other location designated by Declarant from time to time.

B. **The Association.** Notice to the Association as may be required herein or the By-Laws of the Association shall be in writing and delivered or mailed to the Association at its principal place of business as shown on the records of the Secretary of State of Florida, or at any other location designated by the Association from time to time.

C. **To Owner.** Notice to any Owner of a violation of any of the Governing Documents, or any other notice as may be required herein shall be in writing and shall be delivered or mailed to the Owner at the address shown in the records of the Association.

12.8. Use of Stormwater System

The Declarant reserves the right to grant use of, and access to, some or all of the Stormwater System, to governmental entities, owners or occupants of adjacent property, and other Persons as it may determine in its own discretion or as may be required by the South Florida Water Management District, or any other governmental or quasi governmental entity in so far as is necessary for the development of the properties identified in Section 4.1.

12.9. Construction

The provision of this Declaration shall be liberally interpreted and construed to provide maximum flexibility consistent with the Zoning Resolution and the purposes set forth herein.

12.10. Alternative Dispute Resolution

To the extent required by Florida law, any disputes relating to the enforcement of any covenants contained herein, the amendment of the Governing Documents, or the use of or changes to a Unit or the Common Area shall be submitted to non-binding mediation prior to the filing of any lawsuit.

12.11 Disclosure

A POTENTIAL BUYER SHOULD NOT EXECUTE A SALES CONTRACT OR PURCHASE AGREEMENT UNTIL HE OR SHE HAS RECEIVED AND READ THE DISCLOSURE SUMMARY REQUIRED BY SECTION 720.401, FLORIDA STATUTES. The Owner transferring title to a Unit shall be responsible for obtaining and delivering to the prospective buyer of the Unit the disclosure summary required by Section 720.401, Florida Statutes.

IN WITNESS WHEREOF, the undersigned has executed this Amendment as of the ____ day of _____, 20__.

Signed, sealed, and delivered
In the presence of:

ALICO EAST FUND, LLC
a Florida limited liability company

Witness #1
Printed Name: _____

By: _____
Donald R. Schrottenboer

Witness #2
Printed Name: _____

Its: Vice President

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by Donald R. Schrottenboer, as Vice President of Alico East Fund, LLC, Inc., a Florida limited liability company, on behalf of said company. He is personally known to me or produced _____ as identification.

(Notary Seal)

Printed Name: _____
Notary Public State of Florida
My Commission Expires: _____

EXHIBIT A

LEGAL DESCRIPTION OF WILDBLUE

EXHIBIT B

LEGAL DESCRIPTION OF LAND INITIALLY SUBJECTED

BYLAWS OF
WILDBLUE PROPERTY OWNERS ASSOCIATION, INC.

Section 1. Identification of Association

These are the Bylaws of WildBlue Property Owners Association, Inc. ("Association") as duly adopted by its Board of Directors ("Board"). The Association is a corporation not-for profit, organized pursuant to Chapters 617 and 720, Florida Statutes.

1.1. The principal office and mailing address of the Association shall be for the present at 12800 University Drive, St. 275, Ft. Myers, FL 33907, and thereafter may be located at any place designated by the Board.

1.2. The fiscal year of the Association shall be the calendar year.

1.3. The seal of the Association shall bear the name of the Association, the word "Florida" and the words "Corporation Not-For Profit."

Section 2. Explanation of Terminology

The terms defined in the Articles of Incorporation of the Association ("Articles") as well as in the Declaration of General Protective Covenants and Restrictions for WildBlue ("Declaration") are incorporated herein by reference and shall appear in initial capital letters each time such terms appear in these Bylaws.

Section 3. Membership; Members' Meetings; Voting and Proxies

3.1. The qualification of Members, the manner of their admission to membership in the Association, and the manner of termination of such membership shall be as set forth in the Declaration. The voting rights of Members shall be as set forth in the Articles and the Declaration.

3.2. The Members shall meet annually ("Annual Members' Meeting"). The Annual Members' Meeting shall be held at the office of the Association or at such other place in the County as the Board may determine and on such day and at such time as designated by the Board in the notice of such meeting commencing with the year following the year in which the Articles are filed with the Secretary of State. The purpose of the Annual Members' Meeting shall be to hear reports of the officers, elect members of the Board (when that shall be appropriate as determined by the provisions of the Articles) and transact any other business authorized to be transacted at such Annual Members' Meeting.

3.3. Special meetings (meetings other than the Annual Members' Meeting) of the Members shall be held at any place within the County whenever called by the President or Vice President or by a majority of the Board. A special meeting must be called by such President or Vice President upon receipt of a written request from Members having the right to vote at least

one-third of the total number of votes entitled to be cast by Members at any such special meeting.

3.4. A written notice of each Members' meeting, whether an Annual Members' Meeting or a special meeting (collectively "Meeting"), shall be given to each Member entitled to vote thereat at the address stated on the Deed conveying a Lot or Unit to such Member, or such other address as the Member shall notify the Association of in writing and shall be mailed to the said address not less than fourteen (14) days nor more than forty-five (45) days prior to the date of the Meeting. Proof of such mailing shall be given by the affidavit of the person giving the notice. Any notice given hereunder shall state the time and place of the Meeting and the purposes for which the Meeting is called. The notices of all Annual Members' Meetings shall, in addition, specify the number of Directors of the Association to be designated by Declarant and the number of Directors to be elected by the Members, if applicable. Notwithstanding any provisions hereof to the contrary, notice of any Meeting may be waived before, during or after such Meeting by a Member or by the person entitled to vote for such Member by signing a document setting forth the waiver of such notice.

3.5. The Members may, at the discretion of the Board, act by written response in lieu of a Meeting provided written notice of the matter or matters to be agreed upon is given to the Members or duly waived in accordance with the provisions of these Bylaws. Unless some greater number is required under the Governing Documents and except as to the election of Directors, which shall be accomplished by plurality vote, the decision of a majority of the votes cast by Members as to the matter or matters to be agreed or voted upon shall be binding on the Members provided a quorum is either present at such Meeting or submits a response if action is taken by written response in lieu of a Meeting, as the case may be. The notice with respect to actions to be taken by written response in lieu of a Meeting shall set forth the time period during which the written responses must be received by the Association.

3.6. (a) A quorum of the Members shall consist of Members entitled to cast thirty percent (30%) of the total number of votes of the Members. Limited "Proxies" and general "Proxies" (as hereinafter defined in Paragraph 3.10) may be used to establish a quorum.

(b) When a quorum is present at any Meeting and a question which raises the jurisdiction of such Meeting is presented, the holders of a majority of the voting rights present in person or represented by written Proxy shall be required to decide the question. However, if the question is one upon which a vote other than the majority vote of a quorum is required by express provision of the Governing Documents or by law, then such express provision shall govern and control the required vote on the decision of such question.

3.7. At any Annual Members' Meeting when elections of Directors are to occur, written ballots are to be supplied to Members for such purposes. The Board shall adopt a procedure to be followed for each election, which procedure shall specify if nominations for Directors shall be submitted before the meeting so that absentee ballots may be used or if nominations for Directors will be taken at the Meeting and in which case absentee ballots may not be used. Any procedure adopted by the Board shall require the use of secret ballots. At any Annual

Members' Meeting at which Directors are to be elected, the "Chair" (as hereinafter defined in Paragraph 7.2) shall appoint an "Election Committee" consisting of three (3) Members to supervise the election, count and verify ballots, disqualify votes if such disqualification is justified under the circumstances and certify the results of the election to the Board. The Election Committee shall be able to determine questions within its jurisdiction by plurality vote of all three (3) members, but matters resulting in deadlocked votes of the Election Committee shall be referred to the entire Board for resolution.

3.8. If a quorum is not in attendance at a Meeting, the Members who are present, either in person or by Proxy, may adjourn the Meeting from time to time until a quorum is present with no further notice of such adjourned Meeting being required unless otherwise determined by the Board.

3.9. Minutes of all Meetings shall be kept in a businesslike manner and be available for inspection by the Members and Directors at all reasonable times. The Association shall retain minutes for at least seven (7) years subsequent to the date of the meeting the minutes reflect.

3.10. Voting rights of Members shall be as stated in the Articles with respect to the election of all Boards other than the First Board. Such votes may be cast in person or by Proxy. Proxies may also be used to vote on other agenda items at meetings at which Directors are to be elected, and may also be used to establish a quorum. "Proxy" is defined to mean an instrument containing the appointment of a person who is substituted in the place and stead of the person or authorized representative of an entity entitled to vote. Proxies shall be in writing signed by the person or authorized representative of an entity giving the same and shall be valid only for the particular Meeting designated therein and, if so stated in the Proxy, any adjournments thereof, provided, however, any proxy automatically expires ninety (90) days after the date of the meeting for which it was originally given. A Proxy must be filed with the Secretary of the Association before the appointed time of the Meeting in order to be valid. Any Proxy may be revoked prior to the time a vote is cast in accordance with such Proxy.

3.11. The voting on any matter at a Meeting shall be by secret ballot upon request of the holders of twenty percent (20%) of the votes represented at such Meeting and entitled to be cast on such matter, if such request is made prior to the vote in question.

Section 4. Board; Directors' Meetings

4.1. The business and administration of the Association shall be by its Board.

4.2. The election and, if applicable, designation of Directors shall be conducted in accordance with the Articles. Except for Directors appointed by the Declarant, all Directors shall be Members of the Association or shall be authorized representatives, officers, members, partners, managers, employees, trustees, or beneficiaries of those Members who are entities or trusts.

4.3 (a) Any person elected or designated as a Director shall have all the rights, privileges, duties and obligations of a Director of the Association.

(b) The term of a Director's service shall be as stated in the Articles and, if not so stated, shall extend until the next Annual Members' Meeting and thereafter until his or her successor is duly elected and qualified or until he/she resigns or is removed in the manner elsewhere provided.

4.4. The organizational meeting of a newly elected Board shall be held within ten (10) days of its election at such place and time as shall be fixed by the Directors at the meeting at which they were elected. Provided the organizational meeting is held directly following the Annual Members' Meeting, no further notice of the organizational meeting shall be necessary; if not, however, notice of the organizational meeting shall be given in accordance with Chapter 720, Florida Statutes.

4.5. Regular meetings of the Board may be held at such times and places in the County as shall be determined from time to time by a majority of the Directors. Special meetings of the Board may be called at the discretion of the President or the Vice President. Special meetings must be called by the Secretary at the written request of at least one-third (1/3) of the Directors. Any such special meeting may be held in the County at such time and place as determined by the Directors requesting such meeting or in such other place as all of the Directors shall agree upon.

4.6. Notice of the time and place of regular and special meetings of the Board, or adjournments thereof, shall be given to each Director personally or by mail, telephone or telegraph or electronically transmitted if correctly directed to an electronic mail address at which the Director has consented to receive notice at least three (3) days prior to the day named for such meeting unless such notice is waived before, during or after such meeting. Any Director may waive notice of the meeting in writing before, during or after a meeting and such waiver shall be deemed equivalent to the receipt of notice by such Director.

4.7. Notice of all Board meetings shall be given to the members in accordance with Chapter 720, Florida Statutes.

4.8. A quorum of the Board shall consist of the Directors entitled to cast a majority of the votes of the entire Board. Matters approved by a majority of the Directors present at a meeting at which a quorum is present shall constitute the official acts of the Board, except as may be otherwise specifically provided by law, by the Articles or elsewhere herein. If at any meeting of the Board there shall be less than a quorum present, the majority of those present may adjourn the meeting from time to time until a quorum is present. At any meeting that takes place on account of a previously adjourned meeting, any business which might have been transacted at the meeting as originally called may be transacted. In the case of the adjournment of a meeting, no further notice of the adjourned meeting need be given unless otherwise determined by the Board.

4.9. The presiding officer at all Board meetings shall be the President. In the absence of the President, the Directors shall designate any one of their number to preside.

4.10. Directors' fees, if any, shall be determined by the Members.

4.11. Minutes of all meetings of the Board shall be kept in a businesslike manner and be available for inspection by Members and Directors at all reasonable times.

4.12. Meetings of the Board shall be open to all Members on such terms as the Board may determine but at all times pursuant to, and as limited by Chapter 720, Florida Statutes. The Board may also hold closed meetings to the extent permitted by applicable law, including, by way of example but not by way of limitation, when the discussion at a meeting is governed by attorney-client privilege. Members shall have the right to participate in meetings with reference to all designated agenda items in accordance with, and as limited by, Chapter 720, Florida Statutes, and any rules and regulations promulgated by the Association. In the event a Member conducts himself/herself in a manner detrimental to the carrying on of the meeting, then any Director may expel said Member from the meeting by any reasonable means which may be necessary to accomplish said Member's expulsion. Also, any Director shall have the right to exclude from any meeting of the Board any person who is not able to provide sufficient proof that he/she is a Member or a duly authorized representative, agent or proxy holder of a Member, unless said person has been specifically invited by any of the Directors to participate in such meeting.

4.13. Any action required or permitted to be taken at a meeting of the Directors may be taken without a meeting if a consent in writing, specifically setting forth the action to be taken shall be signed by all the Directors entitled to vote with respect to the subject matter thereof and such consent shall have the same force and effect as a unanimous vote of the Directors, provided, however, whenever assessments are to be considered, they may be considered only at a meeting of the Directors properly noticed in accordance with Chapter 720, Florida Statutes.

Section 5. Powers and Duties of the Board

5.1. Except for any matter in which a vote of the Members is required by the Governing Documents or by law, all of the powers and duties of the Association shall be exercised by the Board. Such powers and duties of the Board shall include, but not be limited to, all powers and duties set forth in the Governing Documents, as well as all of the powers and duties of a director of a corporation not for profit not inconsistent therewith.

5.2. The Association may employ a manager to perform any of the duties, powers or functions of the Association. Notwithstanding the foregoing, the Association may not delegate to the manager the power to conclusively determine whether the Association should make expenditures for capital additions or improvements chargeable against the Association funds. The members of the Board shall not be personally liable for any omission or improper exercise by the manager of any duty, power or function delegated to the manager by

the Association.

Section 6. Late Fees

A Member who fails to timely pay any Assessment shall be charged a late charge by the Association of Twenty-Five and No/100 (\$25.00) Dollars or five percent (5%) of the past due amount, whichever is greater, to defray additional collection costs. This amount is subject to change in the Board's sole discretion. Members shall be responsible to pay all legal fees (including, but not limited to, attorney and paralegal fees and court costs) incurred in connection with the collection of late Assessments whether or not an action at law to collect said Assessments and foreclose the Association's lien has been commenced.

Section 7. Officers of the Association

7.1. Executive officers of the Association shall be the President, who shall be a Director, one or more Vice Presidents, a Treasurer and a Secretary, all of whom shall be elected annually by the Board. Any officer may be removed without cause from office by vote of the Directors at any meeting of the Board. The Board may, from time to time, elect such other officers and assistant officers and designate their powers and duties as the Board shall find to be required to manage the affairs of the Association. One person may hold any two offices simultaneously, except when the functions of such offices are incompatible, but no person shall hold the office of President and any of the following offices simultaneously: Vice President, Secretary or Assistant Secretary or Treasurer or Assistant Treasurer.

7.2. The President shall be the chief executive officer of the Association. He/She shall have all of the powers and duties which are usually vested in the office of the President of an association or a corporation not for profit, including, but not limited to, the power to appoint such committees from among the Members at such times as he/she may, in his or her discretion, determine appropriate to assist in the conduct of the affairs of the Association. If in attendance, the President ("Chair"), shall preside at all meetings of the Board and the Members; provided, however, that the President may appoint a substitute.

7.3. In the absence or disability of the President, the Vice President shall exercise the powers and perform the duties of the President. If there is more than one (1) Vice President, the Board shall designate which Vice President is to perform which duties. The Vice President(s) shall also generally assist the President and exercise such other powers and perform such other duties as shall be prescribed by the Board. In the event there shall be more than one Vice President elected by the Board, then they shall be designated as "First Vice President", "Second Vice President", etc., and shall exercise the powers and perform the duties of the presidency in such order.

7.4. The Secretary shall keep the minutes of all meetings of the Board and the Members, which minutes shall be kept in a businesslike manner and be available for inspection by Members and Directors at all reasonable times. The Secretary shall have custody of the seal of the Association and affix the same to instruments requiring such seal when duly

authorized and directed to do so. The Secretary shall be custodian for the corporate records of the Association, except those of the Treasurer, and shall perform all of the duties incident to the office of Secretary of the Association as may be required by the Board or the President. The Assistant Secretary, if any, shall perform the duties of the Secretary when the Secretary is absent and shall assist the Secretary under the supervision of the Secretary.

7.5. The Treasurer shall have custody of all of the monies of the Association, including funds, securities and evidences of indebtedness. The Treasurer shall keep the assessment rolls and accounts of the Members and shall keep the books of the Association in accordance with good accounting practices and he/she shall perform all of the duties incident to the office of the Treasurer. The Assistant Treasurer, if any, shall perform the duties of the Treasurer when the Treasurer is absent and shall assist the Treasurer under the supervision of the Treasurer.

7.6. The compensation, if any, of the officers and other employees of the Association shall be fixed by the Board. This provision shall not preclude the Board from hiring a Director as an employee of the Association or preclude contracting with a Director or a party affiliated with a Director for the management or performance of contract services for all or any part of WildBlue.

Section 8. Resignations

Any Director or officer may resign his or her post at any time by written resignation, delivered to the President or Secretary, which shall take effect upon its receipt unless a later date is specified in the resignation, in which event the resignation shall be effective from such date unless withdrawn. The acceptance of a resignation shall not be required to make it effective. The conveyance of all Lots or Units owned by any Director or officer (other than appointees of Declarant) shall constitute a written resignation of such Director or officer.

Section 9. Accounting Records; Fiscal Management

9.1. The Association shall prepare financial reports and maintain accounting records in accordance with Chapter 720, Florida Statutes. The accounting records of the Association shall be open to inspection by Members and Institutional Mortgagees or their respective authorized representatives at reasonable times and in accordance with, but subject to the limitations of Chapter 720, Florida Statutes. Such authorization as a representative of a Member must be in writing and signed by the person giving the authorization and dated within sixty (60) days of the date of the inspection. Such records shall include, but not be limited to: (i) a record of all receipts and expenditures; (ii) an account for each Lot or Unit within WildBlue which shall designate the name and address of the Owner thereof, the amount of Assessments charged to the Lot or Unit, the amounts and due dates for payment of same, the amounts paid upon the account and the dates paid, and the balance due; (iii) any tax returns, financial statements and financial reports of the Association; and (iv) any other records that identify, measure, record or communicate financial information.

9.2. The Board shall adopt a Budget of the anticipated Operating Expenses for each forthcoming calendar year (the fiscal year of the Association being the calendar year) at a special meeting of the Board ("Budget Meeting") called for that purpose to be held prior to the end of the fiscal year preceding the year to which the Budget applies. Prior to the Budget Meeting, a proposed Budget for the Operating Expenses shall be prepared by or on behalf of the Board. Within thirty (30) days after adoption of the Budget, a copy thereof shall be furnished to each Member, upon request, and each Member shall be given notice of the Assessment applicable to his or her Lot(s) or Unit(s). The copy of the Budget, if requested, shall be deemed furnished and the notice of the Assessment shall be deemed given upon its delivery or upon its being mailed to the Member at the same address that the notice of the annual meeting is sent.

9.3. In administering the finances of the Association, the following procedures shall govern: (i) the fiscal year shall be the calendar year; (ii) Assessments shall be billed in such intervals as set by the Board in amounts no less than are required to provide funds in advance for payment of all of the anticipated current Operating Expenses and for all unpaid Operating Expenses previously incurred; and (iii) items of Operating Expenses incurred in a calendar year shall be charged against income for the same calendar year regardless of when the bill for such expenses is received. Notwithstanding the foregoing, the Assessments for Operating Expenses and any periodic installments thereof shall be of sufficient magnitude to insure an adequacy and availability of cash to meet all budgeted expenses in any calendar year as such expenses are incurred in accordance with the accrual basis method of accounting.

9.4. No Board shall be required to anticipate revenue from Assessments or expend funds to pay for Operating Expenses not budgeted or which exceeds budgeted items, and no Board is required to engage in deficit spending. Should any deficiency exist which results from there being greater Operating Expenses than monies from Assessments, then such deficits shall be carried into the next succeeding year's Budget as a deficiency or shall be funded through a Special Assessment or an upward adjustment to the Operating Assessment.

9.5. The depository of the Association shall be such bank or banks as designated from time to time by the Board. Withdrawal of monies from such account shall be only by checks signed by the person or persons authorized by the Board.

9.6. A report of the accounts of the Association shall be made in compliance with the financial reporting requirements set forth in Chapter 720, Florida Statutes.

Section 10. Rules and Regulations

At any meeting of the Board, the Board may enact rules and regulations or amend, modify or rescind, in whole or in part, then existing rules and regulations for the operation of WildBlue; provided, however, that such rules and regulations are not inconsistent with the terms or provisions of the Governing Documents. Copies of any rules and regulations promulgated, amended or rescinded shall be mailed or delivered to all Members at the same

address to which notices of annual meetings are sent and shall not take effect until forty-eight (48) hours after such delivery or mailing, or, in the event both forms of notification are used, whichever is later. Notwithstanding the foregoing, when rules and regulations are to regulate the use of a specific portion of the Common Area, they shall be conspicuously posted at such facility and such rules and regulations shall be effective immediately upon such posting. Care shall be taken to insure that posted rules and regulations are conspicuously displayed and easily readable and that posted signs or announcements are designed with a view toward protection from weather and the elements. Posted rules and regulations which are torn down or lost shall be promptly replaced.

Section 11. Parliamentary Rules

The then latest edition of Robert's Rules of Order shall govern the conduct of all meetings of the Members and the Board; provided, however, if such rules of order are in conflict with any of the Governing Documents, Robert's Rules of Order shall yield to the provisions of such instrument.

Section 12. Roster of Members

Each Member shall file with the Association a copy of the deed or other document showing his or her ownership of a Lot or Unit in WildBlue. The Association shall maintain such information. The Association shall also maintain the electronic mailing addresses and numbers designated by those Members consenting to receive notice by electronic transmission. The electronic mailing address and numbers provided by Members to receive notice by electronic transmission shall be removed from Association records when consent to receive notice by electronic transmission is revoked. The Association may rely on the accuracy of all addresses, including electronic addresses, for all purposes until notified in writing of changes therein. Those Members consenting to receive notice by electronic transmission may notify the Association of changes in writing by send in such notice by electronic transmission.

Section 13. Amendment of the Bylaws

13.1. These Bylaws may be amended as hereinafter set forth in this Section 13.

13.2. After the Turnover Date, any Bylaw of the Association may be amended or repealed, and any new Bylaw of the Association may be adopted by either:

- (i) a majority of the total Voting Interests present in person or by proxy at a duly called meeting of the Members in which a quorum is present; or
- (ii) by a vote of not less than two-thirds (66 2/3%) of the Board at a duly called meeting of the Board in which a quorum is present, provided that the Directors shall not have any authority to adopt, amend or repeal any Bylaw if such new Bylaw or such amendment or the repeal of a Bylaw would be inconsistent with any Bylaw previously adopted by the Members.

13.3. Notwithstanding any of the foregoing provisions of this Section 13 to the contrary, until the Turnover Date, all amendments or modifications to these Bylaws and adoption or repeal of Bylaws shall only be made by action of the first board appointed by the Declarant, as described in the Articles, or any successors appointed by the Declarant, which board shall have the power to amend, modify, adopt and repeal any Bylaws without the requirement of any consent, approval or vote of the Members.

13.4. Notwithstanding the foregoing provisions of this Section 13, there shall be no amendment to these Bylaws which shall abridge, prejudice, amend or alter the rights of: (i) Declarant, without the prior written consent thereto by Declarant for so long as Declarant holds title to at least one (1) Lot or Unit; or (ii) any Institutional Mortgagee (as said term is defined in the Declaration) without the prior written consent of such Institutional Mortgagee.

13.5. Any instrument amending, modifying, repealing or adding Bylaws shall identify the particular section or sections affected and give the exact language of such modification, amendment or addition or of the provisions repealed. A copy of each such amendment, modification, repeal or addition attested to by the Secretary or Assistant Secretary of the Association shall be recorded amongst the Public Records of the County.

Section 14. Mediation

Pursuant to Chapter 720, Florida Statutes, for any disputes in which Chapter 720 applies, mandatory mediation before the Department of Business and Professional Regulation ("Department") shall be required prior to institution of court litigation.

Section 15. Recall of Board Members and Election Disputes

Pursuant to Chapter 720, Florida Statutes, mandatory binding arbitration before the Department shall be required for election disputes and disputes involving the recall of any member of the Board. Any member of the Board may be recalled and removed from office as provided for and described in Chapter 720, Florida Statutes.

Section 16. Interpretation

In the case of any conflict between the Articles and these Bylaws, the Articles shall control; and in the case of any conflict between the Declaration and these Bylaws, the Declaration shall control; and in the event of any conflict between the Articles and the Declaration, the Declaration shall control.

Section 17. Notice and Hearing Procedure for Violations of Governing Documents.

17.1 Notice. Members are responsible for any violation of the Governing Documents by the Member, a Member's Guest, or a Member's Tenant. If such a violation occurs, the Association shall notify the Member in writing of the violation and set forth the corrective action to be taken. A fine or suspension of use rights may not be imposed without notice of at least

fourteen (14) days to the Member sought to be fined or suspended and an opportunity for a hearing before a committee of at least three (3) members appointed by the Board who are not officers, directors, or employees of the Association, or the spouse, parent, child, brother or sister of an officer, director, or employee of the Association. If the committee, by majority vote, does not approve a proposed fine or suspension, it may not be imposed. At the Association's option, a fine may be levied on a daily basis in the event of a continuing violation without the necessity of a new hearing.

17.2 Hearing. Should the Member or the Member's Guest or Tenant still be in noncompliance, the noncompliance shall be presented to the Board after which the Board shall hear reasons why a fine should or should not be imposed. A written decision of the Board shall be submitted to the Member not later than twenty-one (21) days after said meeting.

17.3 Payment. A fine shall be paid not later than thirty (30) days after notice of the imposition of the fine.

17.4 Fines. A fine shall be treated as an Assessment subject to the provisions of the collection of Assessments as otherwise set forth in the Governing Documents. All monies received from fines shall be allocated as directed by the Board, subject to the provisions of the Declaration.

17.5 Failure to Pay Assessments. Notice and Hearing as provided in subparagraphs 17.1 and 17.2 above shall not be required with respect to the imposition of suspension of use rights upon any Member or such Member's Guests and Tenants because of such Member's failure to pay Assessments or other charges when due.

17.6 Access. Suspension of use rights to Common Areas shall not impair the right of a Member or such Member's Guests or Tenants to have vehicular and pedestrian ingress to and egress from such Lot and/or Unit, including, but not limited to, the right to park.

The foregoing By-Laws of the WildBlue Property Owners Association, Inc. were adopted by the Board of Directors as of the date of filing the Articles of Incorporation of the Association.

MORRIS

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June 17, 2014

Brandon D. Dunn
Senior Planner
Planning Division
2115 Second Street
Fort Myers, FL 33901

**RE: CPA Insufficiency Letter Dated 5-16-14
WildBlue CPA2014-00004 (MDA #12037)**

Dear Mr. Dunn:

The purpose of this letter is to provide a response to the Planning Division review comments dated May 16, 2014 for the WildBlue Comprehensive Plan Application. Based on the comments received from staff, the proposed text amendment has been revised as well as the project narrative. 6 electronic copies of the concurrent planned development application are also included with this submittal for distribution and review. We believe that we have adequately responded to comments provided and would request a meeting or conference call with staff prior to the publication of a second insufficiency letter.

PLANNING STAFF

III B. a. Property Information, Total Acreage of Property

The total upland and total wetland acreages should add up to the Total Acreage. Please revise the application to correct this. Excavated lakes contained wholly in the subject property should be counted as uplands.

Response:

The property is comprised of 978± acres of wetlands, 35± acres of other surface waters (i.e., agricultural ditches), and 1,947± acres of uplands (including the excavated mining lakes). A revised Comprehensive Plan Amendment Application is attached.

III D. Proposed changes for the Subject Property

Please clarify if the applicant is proposing to place the preserved acres of uplands and wetlands into the conservation land use category?

Response:

No. The applicant is committing to placing 1,318 acres into a perpetual conservation easement. No map amendment will be requested for the proposed development.

III E. 2. a. Potential development of the Subject Property, Calculation of maximum allowable development under proposed FLUM, Residential Units/Density

Please provide the gross density calculation over the non-commercial areas that would result from the proposed amendments to the Lee Plan.

Response:

The Text Amendment requests 1,100 dwelling units and the subject property includes 1,947 acres of uplands and excavated mining lakes. The gross density for the uplands and excavated mining lakes yield .56 units per acre.

It should be noted that that concurrent planned development application further caps the residential units to 1,000 or .51 units per acre.

IV B. 2. Public Facilities Analysis

Please provide a letter from Lee County Utilities stating if they are able to provide adequate service to the proposed development.

Response:

A Letter of Availability was provided by Lee Count Utilities and is attached.

IV B. 3. b. Public Facilities Impacts, Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including, Emergency medical service (EMS) provisions

Please provide a letter from Lee County EMS stating if they are able to provide adequate service to the proposed development.

Response:

We are continuing to coordinate with Lee County EMS regarding service to WildBlue. A Letter of Availability will be provided upon receipt.

IV C. 5. Environmental Impacts, A map delineating wetlands, aquifer recharge areas, and rare & unique uplands

Please clarify if the wetland lines have been verified by a state or federal agency?

Response:

The wetland lines have been verified by the South Florida Water Management District (SFWMD) as part of SFWMD Permit No. 36-05075-P and by the U.S. Army Corps of Engineers (COE) per COE Approved Jurisdictional Determination No. SAJ-2003-10995.

IV E. 2. Internal Consistency with the Lee Plan, List goals and objectives of the Lee Plan. Include an evaluation of all relevant policies under each goal and objective.

Please revise the Lee Plan narrative to address Objective 107.10.

Please revise the application to provide a narrative demonstrating compliance with Policy 33.3.3 Item number 2.

Response:

Lee Plan Objective 107.10 specifically addresses protection measures for the wood stork. A management plan for wading birds, including the wood stork, is provided in the attached Protected Species Management and Human-Wildlife Coexistence Plan. The mitigation plan for the Project includes the enhancement and preservation of 744± acres of on-site wetlands and the enhancement of wetlands through the removal and restoration of 6± acres of existing mining haul roads that bisect the two sloughs on-site. In addition, the mitigation plan proposes the creation of 94± acres of herbaceous wetlands from existing upland farm fields, berms and ditches. The grading plan for these areas includes the establishment of wading bird foraging habitat. These areas will be graded to varying depths to allow the concentration of prey for the wood stork and other wading birds at alternating times of the year as water levels seasonally rise and recede.

A revised Project Narrative is included to address compliance with Policy 33.3.3 Item 2.

Miscellaneous Comments

1. Please provide more information on the restoration that is mentioned in the narrative (i.e. maps demonstrating the location of the restoration, a preliminary restoration plan, etc.)

Response:

Please refer to the attached Indigenous Preserve Management Plan for details on the proposed enhancement, preservation and long term management of natural resources within the Project's conservation areas. Appendix A of the Indigenous Preserve Management Plan depicts the locations of the indigenous vegetation preservation, as well as the enhancement that will be conducted on-site as compensatory wetland mitigation for the SFWMD permit.

The Project's conservation areas total 1,318± acres and include 677± acres of indigenous vegetation, which exceeds the 592± acres of indigenous vegetation preservation that is required for the Project. The remaining 641± acres of non-indigenous vegetation within the conservation areas will be enhanced and placed under a perpetual conservation easement as part of the wetland mitigation plan for the SFWMD and COE permits. However, the 641± acres of enhancement is not needed to meet the Lee County indigenous vegetation preserve requirements. The Project does not need to utilize restoration to meet the indigenous vegetation requirement.

2. Please clarify what is the status of the mine pit reclamation?

Response:

The existing lakes will be reclaimed in accordance with Lee County LDC requirements. This reclamation work will be done along with the residential construction. One area of the existing shoreline in the middle lake that is not adjacent to development will not be reclaimed. The shoreline will remain in its current state. This shoreline is adjacent to the slough preserve, and reclamation would removal of existing native vegetation and increased jurisdictional impacts.

3. Please provide a map that delineates the primary and secondary panther protection zones for the proposed project site.

Response:

Attached is a map that depicts the USFWS Florida panther primary and secondary zones relative to the Project (Figure 1).

4. Please provide a series of maps with hatching depicting the table found on page 8 of the project request which compares the existing Ginn approvals with the proposed development parameters (i.e. development footprint, wetland impacts, total project, preserves, etc ...)

Response:

Attached is a series of maps depicting the acreage comparisons between WildBlue and the Ginn Development site plans that are discussed on Page 8 of the Project Request (Figures 2A and 2B through 7A and 7B).

5. Please provide a map demonstrating the location of the proposed wildlife underpass on Corkscrew Rd in relation to the proposed project.

Response:

Attached is a map that depicts the location of the proposed wildlife underpass on Corkscrew Road in relation to the proposed project (Figure 8).

Legal descriptions are under review. Additional comments may follow.

Please see attached additional correspondence from Lee County Utilities and the Division of Natural Resources.

Planning Division Brandon D Dunn, Senior Planner

Cc: Planning file: CPA2014-00004

NATURAL RESOURCES STAFF

1) POLICY 33.3.3(1): Requires that the applicant provide proof of a lower irrigation demand.

Staff comment:

The applicant states there are two existing water use permits which use on-site lakes as their source. The first permit (36-00102-W) is for agricultural irrigation of 248 acres of small vegetables using a flood/seepage irrigation system, with an annual allocation of 242.26 million gallons. The second permit (36-05078-W) is for the landscape irrigation of 419 acres of turf and 74 acres of golf course using sprinkler irrigation systems, with an annual allocation of 633.89 million gallons. This brings the current total on-site acres under irrigation to 741.

The applicant proposes using the on-site lakes as a source of irrigation supply for the project area. The proposal contains a reduction in the irrigated lands to 350 acres of turf/landscape. Secondly, the proposal converts the golf course (74 acres) to 104 acres of tree farm. This conversion results in a total of 454 irrigated acres with a proposed annual allocation total of 546 million gallons. Staff notes: there is a noticeable difference of project foot print change shown in both water use permits. The reduction in irrigated lands and use should also carry with it the reduction in water use (if there is less land there should be less water used for irrigation). Perhaps the applicant could provide a more detailed explanation of the reduction in usage.

Response:

The total project acreage is decreased from 3,552 acres to 2,960 acres due in part to the donation to Lee County of the lake and surrounding lands totaling 488 acres in the northeast section of the property. This parcel donation is being offered for development of a large regional park but offers other opportunities as well for enhanced regional water management associated with the mine lake and the adjacent Stewart Slough system. However, in addition to the park donation and reduced overall project size, substantial increases are proposed for preserve and conservation, wildlife corridors, and regional flow-way connectivity and enhancement. The acreage of restored on-site flow-ways is increased from 480 acres to 586 acres, the total preserve area is also increased from 953 acres to 1,318 acres, wetland impacts are reduced from

380 acres to 219 acres, panther habitat is increased from 953 acres to 1,245 acres, and overall development footprint is reduced from 1403 acres to 754 acres. These development and environmental improvements result in a significant reduction in projected irrigated acreage and therefore will result in a significant reduction in the permitted water use on the project. Initial calculations indicated a reduction in irrigated acreage from 419 acres to 350 acres which is commensurate with the reduction in total project acreage (approximately 16%). However, as project designs are being refined and water use permit preparations initiated, the applicant is projecting a reduction in irrigated acreage of over 20% from the currently permitted irrigation demands from this property. Note that the golf course will be eliminated and replaced by agricultural use (AG-2) for nursery or urban farming. Although the potential acreage that will be irrigated on this parcel may increase from 74 to 104 acres, the project is committed to maintaining the current allocations and will not request increases in allocations for this parcel than those currently permitted for the golf course.

2) POLICY 33.3.3(2): Requires the applicant provide proof that they eliminate private irrigation wells.

Staff comment: In review of the two existing water use permits associated with this project (36-05078-W and 36-00102-W) there is a common irrigation allocation from the onsite lakes. This project was never permitted for irrigation wells. How would the applicant propose to make an improvement on this requirement?

Response:

Covenant documents (applicable to all owners, HOA, or other governing entities) for the project will prohibit the use of individual wells and septic systems. Furthermore, these covenant documents will prohibit the application of fertilizers or pesticides by individual homeowners. The documents will indicate that these processes are centrally controlled and subject to the provisions contained in the documents.

3) POLICY 33.3.3(3): Requires that the applicant provide proof that they protect public wells by meeting or exceeding the requirements of the Well Field Protection Ordinance.

Staff comment: How will the applicant propose to meet or exceed requirements of the wellfield protection zones 3 and 4 of which this project falls within?

Response:

The proposed development will include Homeowners Association documents, such as Declarations and Covenants that cannot be altered by the Homeowners Association or other entities after incorporation. These documents will insure that the project complies with the provisions of Zones 3 and 4 of the Well Field Protection Ordinance.

Details for Zone 3 include:

- Prohibition of the use, handling, production or storage of regulated substances (per Section 14-208) unless a valid operating permit is obtained.
- Prohibition of wastewater effluent, liquid waste, and solid waste disposal.
- Operating permits must be renewed annually.
- Stormwater and surface water discharged must meet SFWMD and FDEP rules

Details for Zone 4 include:

- Activity or land use involving the use, handling, production, or storage of regulated substances (per Section 14-209) is prohibited unless a valid operating permit is obtained.
- Operating permits must be renewed annually.
- Stormwater and surface water discharged must meet SFWMD and FDEP rules

The Homeowners Association documents will prohibit the use of individual wells or septic systems, along with the prohibition of the application of fertilizers or pesticides by individual homeowners. The documents will indicate that these processes are centrally controlled and subject to the provisions contained in the documents. Supplying potable water to the project from the nearby LCU water treatment facilities will remove a competing water use from the freshwater aquifers and allow for additional control and planning over area water resources by LCU. The provision of a central sewer system will eliminate septic tank discharges in the area providing a higher level of protection to the existing LCU wellfields.

4) POLICY 33.3.3(2)(d)(4): Requires that the applicant provide proof that they will use Florida Friendly Plantings with low irrigation requirements in Common Elements.

Staff comment: The applicant states that they agree to follow this requirement. No proof is provided.

Response:

Pursuant to the requirements of 33.3.3.2 a companion zoning case has been filed to address these items. The applicant expects that a condition requiring the use of Florida Friendly Plants with low irrigation requirement in Common Elements will be incorporated in the zoning resolution. If needed, the applicant will propose such a condition for staff to consider at this time.

A copy of the planned development application and all supporting materials were provided in electronic format with the CPA submittal and insufficiency response package.

5) POLICY 33.3.3(2)(d)(6): Reduces impervious area relative to existing approvals improving opportunities for groundwater recharge.

Staff comment: Compare impervious area between the existing and proposed plans and address any groundwater recharge benefit associated with the change of impervious area.

Response:

The project includes donation of 488 acres to Lee County including the lake and surrounding lands in the northeast section of the property. The development footprint as currently permitted is 1,403 acres. The footprint proposed for WildBlue is for 754 acres. The total preserve area is being increased from 953 acres to 1,318 acres. Based on the previous Environmental Resource Permit (ERP) issued November 10, 2004 for the property (ERP # 36-05075-P, Application # 031031-18) the impervious area for the project was 293.5 acres. ERP Application # 140516-16 to modify ERP # 36-05075-P, submitted May 16, 2014 in support of the new design for the property has a proposed impervious area of 266.43 acres, resulting in a reduction of impervious area. This reduction in impervious area, along with a reduced development footprint, increased the preserve area and land donations will enhance recharge to the water table across the project site.

6) POLICY 33.3.3(2)(d) 7): Designed to accommodate existing or historic flowways.

Staff comment: Identify historic flowways and means, and methods for proposed restoration and enhancements. The historical flow way has long been significantly impaired by regional alterations of drainage patterns including the decades of mining activities at both on- and off-sites. The proposed Comprehensive Plan Amendment talks about "significant opportunities for flow way restoration and natural resources protection that can be undertaken through the use of incentives, but not a specific methodology has been presented. Moreover, no such measures or "incentives" were offered in the currently submitted rezoning application.

Also, demonstrate hydraulic connectivity with off-site corridors

Response:

Regional flowways such as the Stewart Cypress Slough have been highly impacted by alterations to drainage both off-site and on-site of the WildBlue project site. Large scale agricultural operations beginning in the 1940's created ditch and dike drainage and irrigation systems north and south of Alico Road that robbed the slough systems of

water during part of a typical year and likely increased water flows during other parts of the year. Alico Road itself created a substantial alternation of the slough systems by capturing surface water flows coming from the northeast that should naturally continue to the southwest within the slough system and instead conveyed those captured flows westward within the Alico road ditch system. Starting in the 1980's, aggregate mining activities included line cuts through the slough that promoted the infestation of exotic vegetation that impeded normal water flows. Mining haul roads were also constructed and additional and more complex agricultural ditching, diking, and irrigation system conveyances were developed as part of the changing landscape created by the mining activities. A substantial part of the commitment of the WildBlue application is the restoration and enhancement of these former flowways and slough systems. Restoration and enhancement activities include:

- 1) indigenous vegetation preservation and enhancement through removal of exotics and supplemental plantings where required
- 2) upland restoration through removal of the perimeter berms and ditches around existing farm fields and replanting with native upland species
- 3) wetland creation through regrading of existing farm fields to wetland elevations and planting with native wetland species
- 4) wetland and hydrological restoration through the removal of existing haul roads that cross the sloughs, regrading these areas to match adjacent wetland elevations and planting with native wetland species. Details of the proposed restoration and enhancement activities are provided in the attached Indigenous Preserve Management Plan.

7) POLICY 33.3.3(2)(e): Includes an enhanced lake management plan, that addresses at a minimum the following issues:

POLICY 33.3.3(2)(e): (1) Best management practices for fertilizers and pesticides.

POLICY 33.3.3(2)(e): (2) Erosion control and bank stabilization including the proposed boat slips.

POLICY 33.3.3(2)(e): (3) Lake maintenance requirements.

POLICY 33.3.3(2)(e): (4) Public wellfield protection.

Staff comment:

Please provide a lake management plan to address the above issues.

Response:

Pursuant to the requirements of 33.3.3.2 a companion zoning case has been filed to address these items. An Enhanced Lake Management plan has been provided as part of the planned development application to meet these requirements. A copy is of the plan is attached to this response letter for review.

A copy of the planned development application and all supporting materials were provided in electronic format with the CPA submittal and insufficiency response package.

UTILITIES STAFF

Potable Water

Provide a letter of service availability from the appropriate utility:

A letter of service availability from Lee County Utilities is not provided in the application.

Response:

A Letter of Availability was received from Lee County Utilities and is attached for review.

Sanitary Sewer

Provide a letter of service availability from the appropriate utility:

A letter of service availability from Lee County Utilities is not provided in the application.

Response:

A Letter of Availability was received from Lee County Utilities and is attached for review.

Proposed Amendments:

POLICY 1.7.14 and Objective 33.3:

5. “Environmental Restoration Overlay Communities:” Property with previously approved mining activity, approved residential uses, and having the potential for significant environmental restoration and preservation of natural resources.

...and previously mined properties with existing residential approvals and significant restoration and enhanced protection potential for onsite natural resources (Environmental Restoration Overlay).

Question #1: The use of the criteria “approved residential uses” is ambiguous and needs some clarification. Are we restricting this to property that has approved residential zoning? Conventionally zoned Ag property is approved for residential uses, but isn’t zoned for residential uses.

Response:

Please see the attached, revised Text Amendment.

Question #2: Due to the subjective nature of the term “significant environmental restoration,” and the potential use of this overlay in other areas, would the creation of numerical criteria or qualifiers be appropriate here? For example, significant environmental restoration and preservation of natural resources under this Policy may be satisfied if conditions of development approval or development agreement include the minimum restoration of X% or X number of acres of land? That percentage or size of restoration could be determined on a case by case basis and could be tied to the level of previously impacted wetlands or habitat on the site. Also, the addition of qualifiers could allow staff to create criteria for the minimum type of restoration required to trip the “significant” threshold.

Response:

Please see the attached, revised Text Amendment.

Question #3: What is the minimum restoration criteria needed to comply?

Response:

Please see the attached, revised Text Amendment.

Question #4: The language in Policy 1.7.14 and Objective 33.3 are not consistent. The “*potential for significant environmental restoration and preservation*” is different than “*significant restoration and enhanced protection potential...*” Please consider making the language in 33.3 consistent with 1.7.14 (or vice versa).

Response:

Please see the attached, revised Text Amendment.

Proposed Amendment with suggested changes:

POLICY 1.7.15

Re-establishment and restoration of flowways in the DR/GR areas and establishment of wildlife corridors are in the public interest and properties containing significant portions of such will be eligible for consideration for development incentives as further defined herein if owners commit through development conditions or development agreements to their restoration and/or preservation.

Question #1: Is there a better place to put this additional language? The first paragraph in the existing policy deals with the requirements for analysis of historic Surface and

Groundwater Levels. Adding this language to Policy 1.7.15 seems out of place. Would inclusion in 33 be better?

Response:

Please see the attached, revised Text Amendment.

Proposed Amendment with suggested changes:

POLICY 33.2.1: suggested changes:

or ~~the~~ within ~~the~~ specific conditions imposed in planned development zoning approvals resolution or other development permits issued approving development for development of property located within the Environmental Restoration Overlay.

Response:

Please see the attached, revised Text Amendment.

Proposed Amendment:

POLICY 33.3.3:

Properties within the DR/GR that have existing approvals for residential development inconsistent with the current DR/GR density requirements or properties with previous mining activities and residential approvals, that may damage surface and sub-surface water resources, impact habitat, and encroach on environmentally important land if developed consistent with the vested approvals.

Comments:

While primarily an existing provision, this portion of Policy 33.3.3 doesn't appear to be a complete sentence. Is the Policy stating those existing approvals are inconsistent with the current DR/GR if developed in accordance with their current approvals? If so, then I recommend the following changes:

Properties within the DR/GR that have existing approvals for residential development or were subject to previously approved mining activities that include vested development approvals that would be inconsistent with the current DR/GR density requirements and have the potential to damage surface and sub-surface water resources, impact habitat, and encroach on environmentally important land, should development occur in accordance with those approvals, may be granted additional densities as an incentive to

reduce these potential impacts or to encourage significant environmental restoration and preservation of natural resources if strict criteria improving the adverse impacts are followed.

Response:

Please see the attached, revised Text Amendment.

Proposed Amendment:

d. Is not already designated on Lee Plan Map 17 as an Existing Acreage Subdivision or a Mixed Use Community ***unless the property is located within the “Environmental Restoration Overlay.”***

Comments:

It’s not clear why the bolded, proposed language is added in subsection d. Under subsection 1, it provides that the property would be designated as “Environmental Restoration Overlay.”

Response:

Subsection 1 establishes the conditions by which a property may be designated on Map 17. Item d. establishes that a property may have a designation on Lee Plan Map 17 as an Existing Acreage Subdivision or Mixed Use Community AND be within the “Environmental Protection and Enhancement Overlay.” The proposed text amendment is to address a portion of the property having a Mixed Use Overlay and requesting to be within the proposed Environmental Protection and Enhancement Overlay.

Proposed Amendment with suggested changes:

3. Properties meeting the above criteria and requirements and located in the Improved Residential Communities overlay may be permitted additional residential dwelling units in addition to the already existing approvals, but in no case in excess of three (3) dwelling units per DR/GR upland acre. The application for ~~Residential~~ the required Planned Development must identify the source of the additional residential dwelling units from the criteria below. Approval of the rezoning will be conditioned to reflect the source of additional dwelling units:

Question #1: why is the additional language regarding Improved Residential Communities added? Should this be designated as “Environmental Restoration Overlay”?

Response:

Item 3 establishes sources of additional dwelling units for Improved Residential Communities. The proposed text amendment is for clarification that these sources are not applicable to other communities or overlays on Map 17.

Proposed Amendment:

4. Properties located within the “Environmental Restoration Overlay,” depicted on Map 17, must demonstrate the protection, conservation, enhancement and/or restoration of natural resources such as flowways and indigenous habitats, protection of panther habitat, ***and/or other community and regional benefits***. Properties added to Map 17, as part of the “Environmental Restoration Overlay,” will be incentivized based upon the specific merits associated with the reclamation and restoration plans proposed.

Question #1: what type of indigenous habitats are included (endangered, protected species, or all types of habitats)?

Response:

Please see the attached map series provided by Passarella and Associates.

Question #2: As written, the language would require the protection, conservation, enhancement and/or restoration of “other community and regional benefits.” I’m not sure how that is accomplished. Does the drafter intend this to mean and/or provide “other community and regional benefits?” If so, I would recommend the following:

Suggested changes:

4. Properties located within the “Environmental Restoration Overlay,” depicted on Map 17, must demonstrate the protection, conservation, enhancement and/or restoration of natural resources, such as flowways and indigenous habitats, protection of panther habitat, and provide other community and regional benefits. Properties added to Map 17, as part of the “Environmental Restoration Overlay,” ~~will~~ may be incentivized based upon the specific merits associated with the reclamation and restoration plans proposed.

Comments:

Leaving the “or” in the “and/or” would arguably allow an applicant to satisfy the listed items by only providing one of them. For example, the applicant would only have to demonstrate that it is providing a community and regional benefit (ie regional park) and

protection of natural resources would not have to occur (which is not the apparent intent for these amendments).

Response:

Please see the attached, revised Text Amendment.

Proposed Amendment:

i. Provision of ±1,318 acres in a conservation easement, subject to enhancement and/or restoration;

Comments:

First, as written (but not apparently intended), the criteria would be met by a conservation easement that provides that it is subject to enhancement and/or restoration. Next, as stated above, the requirements for restoration should be identified. Likewise, the requirements for enhancement should be spelled out, to the extent possible. At a minimum, the types of activities that would be deemed restoration or enhancement should be listed.

Suggested changes:

- i. Placement of ±1,318 acres [ON THE SUBJECT PARCEL?] into a conservation easement approved by the County;
- ii. Restoration and enhancement of the property placed within the Conservation Easement;

Response:

Please see the attached, revised Text Amendment.

Proposed Amendment:

iv. Provision of enhanced *lake reclamation elements*.

Comments:

As above, lake reclamation elements should be identified.

Response:

Please see the attached, revised Text Amendment.

Proposed Amendment with suggested changes:

c. In recognition of the preservation, enhancement, and protection of ~~WildBlue's~~ flowways and natural habitat corridors, the interconnection with existing off-site conservation areas, and the significant ~~cost of enhancing~~ enhancement and ~~protecting~~ protection of these lands, additional density ~~will~~ may be approved through the planned development zoning process consistent with the following:

Comments:

Adding the "will" language would appear to create an obligation to approve the rezoning regardless of consistency and other zoning considerations. This leads to the rezoning through a Comp Plan amendment concerns that have been raised in other cases and a potential "contract zoning" issue.

Response:

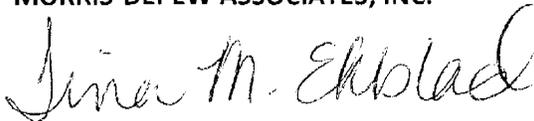
Please see the attached, revised Text Amendment.

Michael D. Jacob
Managing Assistant County Attorney

We believe that we have provided adequate information to Staff's comments to meet the sufficiency requirements. Should it be determined additional information is needed again, we request that a meeting and/or conference call be organized prior to the publication of a second insufficiency letter.

Sincerely,

MORRIS-DEPEW ASSOCIATES, INC.



Tina M. Ekblad, MPA, AICP, LEED AP BD+C
Planning Director

Enclosure:

Cc: Donald Schrotenboer
Charles Basinait, Esq

MORRIS

DEPEW

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October 13, 2014

Mr. Brandon Dunn
Senior Planner
Planning Division
1500 Monroe Street
Fort Myers, FL 33901

**RE: Insufficiency Letter dated July 23, 2014
WILDBLUE CPA2014-00004 – Text/Map Amendment Application (MDA 12037)**

Dear Mr. Dunn:

The purpose of this letter is to provide a response to the review comments dated July 23, 2014 for the above referenced text and map amendment application. We appreciated meeting with County staff September 11, 2014. We received many comments during the meeting and have worked to incorporate responses to those items as part of this sufficiency. We always appreciate interaction with Staff on matters related to this application and would welcome additional calls and emails that will assist us to address any additional concerns or questions that may arise from this package.

Miscellaneous

Please review the following miscellaneous comments and provide additional information as requested

1. It appears that changes were made to the applicant's proposed text in response to the previous insufficiency letter. Please clearly identify any future changes to the applicant's proposed text.

Response: Noted. Minor text changes are proposed at this time as indicated in bold in the last sub-item of the policy language below. A revised copy of the text amendment is included in this submittal.

POLICY 1.7.14: The Southeast Density Reduction/Groundwater Resource overlay (Map 17) is described in Policies 33.3.1 through 33.3.4. This overlay affects only Southeast Lee County and identifies ~~four~~ five types of land:

1. "Existing Acreage Subdivisions": existing rural residential subdivisions that should be protected from adverse external impacts such as natural resource extraction.

2. "Rural Golf Course Communities" potential locations for the concentration of development rights on property zoned Private Recreational Facilities Planned Development and located in the Southeast Density Reduction/Groundwater Resource area.
 3. "Mixed-Use Communities" locations where this concentration of development rights from large contiguous tracts with the Density Reduction/Groundwater Resource area that can be supplemented by transfer of development rights from non-contiguous tracts in the Southeast Density Reduction/Groundwater Resource area. See Objective 33.3 and following policies.
 4. "Improved Residential Communities:" Property with existing residential approvals that are inconsistent with the Southeast Density Reduction/Groundwater Resource area that could be improved environmentally.
 5. "Environmental Enhancement and Preservation Overlay Communities:" Property with previously approved mining activity, existing approved residential development orders for development greater than a single-family residence, and having significant enhancement and preservation potential for onsite natural resources of areas greater than 500 acres.
2. Please provide more detail on the restoration, supplemental planting, exotic removal phasing. The applicant states this will be phased with the development. Please submit a plan or schedule for this restoration.

Response:

The conservation area has been divided into six mitigation areas (Mitigation Areas A through F) that correspond to six development areas (Development Areas A through F). The enhancement and restoration activities within each mitigation area will be completed concurrently with construction of the corresponding development area. The timing of the work will be in accordance with the mitigation activity schedule to be approved by the South Florida Water Management District (SFWMD) as part of Environmental Resource Permit (ERP) Application No. 140516-10. The proposed mitigation activity schedule is attached.

3. Please provide a typical cross section including elevations for the proposed marsh/prairie creation areas and any other creation/restoration areas that are planned to be regraded.

Response:

Please see Sheets E-17 and E-18 of the ERP Environmental Plans (SFWMD Application No. 140516-10) which were provided on a CD to the County's Zoning Division in August 2014.

4. Please continue to provide revised copies of the management plan as revisions are made based on the zoning sufficiency comments.

Response:

Attached is the revised Indigenous Preserve Management Plan.

5. Please see the attached comments from the Division of Natural Resources.

CPA2014-00004 WildBlue (Alico East)

DNR comments

1) POLICY 33.3.3: (1) Requires that the applicant provide proof of a Lower irrigation demand.

Staff comment:

No further response from applicant is required.

2) POLICY 33.3.3: (2) Requires that the applicant provide proof that they Eliminate private irrigation wells.

Applicant Response:

Covenant documents (applicable to all owners, HOA, or other governing entities) for the project will prohibit the use of individual wells and septic systems. Furthermore, these covenant documents will prohibit the application of fertilizers or pesticides by individual homeowners. The documents will indicate that these processes are centrally controlled and subject to the provisions contained in the documents.

Staff comment:

Please provide a condition to the Division of Natural Resources for review that requires no wells be constructed on project for any purposes.

Response:

Section C of the Hydrogeologic Setting Report states;

“The irrigation of residential lots and common areas will be centrally controlled to meet conditions of applicable water use permits, local ordinances, and periodic water use restrictions. Individual homeowners will not have the ability to override irrigation times or quantities. Central control of irrigation water use will provide efficient use of the available resources and compliance with applicable regulations on water use and water quality.”

The applicant proposes the following Deed Restriction/Condition;

“The POA/HOA shall be the entity responsible for management, maintenance, operation, and control of the irrigation of common areas and all individual homeowner

lots. All irrigation water shall be withdrawn from the existing on-site stormwater management lakes in accordance with the water use permit issued by the South Florida Water Management District. Landscape irrigation shall be restricted to the hours and days described in Rule 40E- 24.201, F.A.C., or alternative landscape irrigation conservation measures adopted by local government ordinance in accordance with Rule 40E-24.301, F.A.C.

No wells will be installed at the project site either by the Association or by individual Homeowners. Exemptions to this include existing and additionally necessary monitoring wells necessary for monitoring of hydrology at the project in accordance with Lee County and the South Florida Water Management District. At no time will water be withdrawn from project monitoring wells for irrigation purposes.

The Association shall employ only licensed and qualified personnel to install, control and repair the irrigation system(s) at the project. All irrigation shall be conducted in accordance with all Ordinances, Rules and Regulations. Homeowners will not be permitted to control the irrigation of their lots or any other areas of the project. The Association shall be empowered to maintain and control all irrigation within the community. The Association shall further be empowered to operate and maintain the irrigation system as permitted by the South Florida Water Management District and Lee County and to enforce all use restrictions created herein.”

- 3) POLICY 33.3.3: (3) Requires that the applicant provide proof that they Protect Public wells by meeting or exceeding the requirements of the Well Field Protection Ordinance

Applicant Response:

The proposed development will include Homeowners Association documents, such as Declarations and Covenants that cannot be altered by the Homeowners Association or other entities after incorporation. These documents will insure that the project complies with the provisions of Zones 3 and 4 of the Well Field Protection Ordinance.

Staff comment:

Storage, handling, use or production of certain hazardous or toxic substances at the vicinity of a public water supply well requires a wellfield protection permit. If the project meets the exemptions listed in the ordinance and the project does not require a wellfield protection permit, the applicant is encouraged to propose a condition of approval for consideration by the staff. This condition should also address the creation of marinas and the storage of fuel and mechanic facilities.

Response:

The project will meet exemptions listed in Lee County Ordinance No. 07-35 amending Lee County Land Development Code, Chapter 14, Article III, Regarding Wellfield

Protection. In accordance with Sec. 14-209 of Ordinance No. 07-35, Section C of the Hydrogeologic Setting Report for WildBlue states;

“A number of design and control features are planned for the WildBlue project to protect and enhance the quality of water in the lakes and adjacent slough systems. These elements include collection, treatment, and conveyance of stormwater within the project water management system, control over the application of fertilizers and pesticides, and control over the application of irrigation water.

The project will prohibit the application of fertilizers and pesticides (insecticides, nematicides, herbicides, etc.) by individual homeowners. The application of these substances will be centralized and controlled by the homeowners association(s) and will follow Lee County Ordinance No. 08-08. This restriction will provide greater protection of water quality since applications of fertilizers and pesticides will follow procedures and criteria of the Lee County ordinance.”

We propose the following Deed Restriction/Condition;

“The POA/HOA shall be the entity responsible for management, maintenance, operation, and control of the application of pesticides and herbicides to common areas and individual homeowner lots. The Association shall employ only licensed and qualified personnel to conduct the application of any controlled materials in accordance with all local, state and federal ordinances, rules and regulations. Homeowners will not be permitted to apply pesticides or herbicides to their lawns or any other outside land or building. All Association and Homeowner fuel and hazardous substances must be in quantities necessary only for the intended use and stored indoors and in sealed approved containers.

The Association shall be empowered to maintain all lakes, conservation easements and preserved areas located within the community. The Association shall further be empowered to operate and maintain the surface water management system as permitted by the South Florida Water Management District and Lee County and to enforce all use restrictions created herein.

4) POLICY 33.3.3: (4). Requires that the applicant provide proof that they will Use Florida Friendly Plantings with low irrigation requirements in Common Elements.

Applicant Response:

Pursuant to the requirements of 33.3.3.2 a companion zoning case has been filed to address these items. The applicant expects that a condition requiring the use of Florida Friendly Plants with low irrigation requirement in Common Elements will be incorporated

in the zoning resolution. If needed, the applicant will propose such a condition for staff to consider at this time.

Staff comment:

Please provide a condition to the Division of Natural Resources for review that requires the use of Florida Friendly Plantings which have a low irrigation requirement.

Response:

We propose the following Deed Restriction/Condition;

“The POA/HOA shall be the entity responsible for management, maintenance, operation, and control of the planting and landscaping of the common areas including easements. The Association shall employ only licensed and qualified personnel to conduct the maintenance of and planting of vegetation in accordance with landscape BMPs and any applicable Lee County Ordinances. To the extent practical, only Florida Friendly Plantings that have a low irrigation requirement will be planted or used. The irrigation system controlled by the Association shall be timed with the use of Florida Friendly Plantings taken into account and irrigation water application rates will be monitored appropriately.

To the extent practical, the Developer shall use Florida Friendly Plantings when initially landscaping individual Homeowner lots. The Association shall further encourage Homeowners to maintain the use of Florida Friendly Plantings on individual Homeowner Lots.”

(5) POLICY 33.3.3{2}(d): (6). Reduces impervious area relative to existing approvals improving opportunities for groundwater recharge.

Staff comment:

No further response from applicant is required.

(6) POLICY 33.3.3{2}(d): (7) Designed to accommodate existing or historic flowways." Identify historic flowways and means and methods for any proposed restoration and enhancements. The historical flowway has long been significantly impaired by regional alterations of drainage patterns including the decades of mining activities at both on- and off-sites. The proposed Comprehensive Plan Amendment talks about "significant opportunities for flowway restoration and natural resources protection that can be undertaken through the use of incentives," But not a specific methodology has been presented. Moreover, no such measures or "incentives" were offered in the currently submitted rezoning application.

Also, demonstrate hydraulic connectivity with off-site corridors.

Applicant Response:

Regional flowways such as the Stewart Cypress Slough have been highly impacted by alterations to drainage both off-site and on-site of the Wild Blue project site. Large scale agricultural operations beginning in the 1940's created ditch and dike drainage and irrigation systems north and south of Alico Road that robbed the slough systems of water during part of a typical year and likely increased water flows during other parts of the year. Alico Road itself created a substantial alternation of the slough systems by capturing surface water flows coming from the northeast that should naturally continue to the southwest within the slough system and instead conveyed those captured flows westward within the Alico road ditch system. Starting in the 1980's, aggregate mining activities included line cuts through the slough that promoted the infestation of exotic vegetation that impeded normal water flows. Mining haul roads were also constructed and additional and more complex agricultural ditching, diking, and irrigation system conveyances were developed as part of the changing landscape created by the mining activities. A substantial part of the commitment of the WildBlue application is the restoration and enhancement of these former flowways and slough systems. Restoration and enhancement activities include:

- 1) indigenous vegetation preservation and enhancement through removal of exotics and supplemental plantings where required
- 2) upland restoration through removal of the perimeter berms and ditches around existing farm fields and replanting with native upland species
- 3) wetland creation through regrading of existing farm fields to wetland elevations and planting with native wetland species
- 4) wetland and hydrological restoration through the removal of existing haul roads that cross the sloughs, regrading these areas to match adjacent wetland elevations and planting with native wetland species. Details of the proposed restoration and enhancement activities are provided in the attached Indigenous Preserve Management Plan.

Staff comment:

As discussed during the June 10, 2014 site visit, please consider hydrologic restoration at the northeast preserve area by re-grading the ground surface to restore the deteriorated sheet flow. Recent past observations (by staff) indicate that the storm water on the south ditch of Alico Rd has been virtually blocked by the poor drainage condition at this preserve area. Additional brief site visit after a sizable rainstorm can be scheduled to verify the stagnant water condition at this area.

Response:

As part of the project, additional enhancement of the slough system is proposed in the northeast area of the slough, just south of Alico Road. This area is severely invaded

with exotic vegetation. As part of the hydrologic enhancement of this area, exotic vegetation will be mechanically removed and the stumps removed. This area will then be graded to create a shallow marsh area. This marsh area will help to restore the historic conveyance capacity of the regional slough system that has been impacted by development. The marsh will also help create a diversity of habitat in this important corridor. The attached Indigenous Preserve Management Plan has been revised to include the northeast flowway enhancement.

(7) POLICY 33.3.3(2)(e): Includes an enhanced lake management plan, that addresses at a minimum the following issues:

- 1) Best management practices for fertilizers and pesticides
- 2) Erosion control and bank stabilization including the proposed boat slips
- 3) Lake maintenance requirements
- 4) Public wellfield protection

Applicant Response:

Pursuant to the requirements of 33.3.3.2 a companion zoning case has been filed to address these items. An Enhanced Lake Management plan has been provided as part of the planned development application to meet these requirements. A copy of the plan is attached to this response letter for review.

Staff comment:

The submitted Enhanced Lake Maintenance Plan (DCI 2014 - 00009) states that "the details of the maintenance plan will be refined (and altered as necessary) through the forthcoming development order process". Based on the plan, no further response is required. However, during the development order process, the applicant is required to provide a refined lake management plan for review and approval by the staff.

Response:

The applicant acknowledges that a refined lake management plan will be required at the time of Development Order.

(8) During the June 10, 2014 site visit, a concern was raised on the potential hydraulic impact of the haul road removal plan on the water levels at both north and south lakes (near the SG EX LAKE 2). The applicant indicated that the stage records at the two lakes will be evaluated and submitted to DNR for review. The stage data is yet to be provided and reviewed by DNR. Depending on the water level difference between the two lakes, a further analysis of the potential impact (of removal of the haul road) or a protective measure may be required. Please submit the water level data with appropriate analysis/discussion.

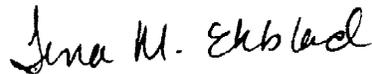
Response:

Groundwater gradients across the site follow the regional trend of high water levels in the northeast generally falling toward the southwest. Natural surface water features in and adjacent to the site such as the Stewart Cypress Slough follow this same general trend of a gentle southwesterly gradient. The natural gradient is evident in groundwater contours prepared for the site from long term water level records in the LCDNR water level data base (Figures 1 and 2). The long term water level data show that the regional gradient of approximately 1 foot per mile is maintained across the project site from northeast to southwest but that the large borrow pits have altered groundwater levels within the project site by generally flattening the groundwater gradient within the site boundaries. Figure 3 contains a hydrograph that includes surface water levels recorded at all four staff gauges at the project from March 19, 2014 to May 14, 2014. The levels displayed on the hydrograph indicate that the surface water levels in the lakes all behave in a very similar fashion with the northwest lake (Lake 1) consistently 0.4 to 0.5 feet above the central lake (Lake 2), the central lake consistently 0.5 to 0.6 feet above Lakes 3 and 4, and Lakes 3 and 4 consistently equal to one another.

We believe that the provided information has addressed the comments provided. Please call 239.337.3993 should any additional detailed be required to find the application sufficient.

Sincerely,

MORRIS-DEPEW ASSOCIATES, INC.



Tina M. Ekblad, MPA, AICP, LEED AP
Planning Director

Enclosure:

Cc: Donald Schrottenboer
Charles Basinait, Esq

January 13, 2015

Mr. Brandon D. Dunn
Principal Planner, Planning Division
Lee County Department of Community Development
P.O. Box 398
Fort Myers, FL 33902-0398

**RE: Insufficiency Letter dated November 10, 2014
WILDBLUE Alico East CPA2014-00004 (Text/Map amendment application)**

Dear Mr. Dunn:

The purpose of this letter is to provide a response to the review comments dated November 10, 2014, for the above referenced comprehensive plan amendment application. We always appreciate interaction with Staff on matters related to this application and welcome additional calls and emails that will assist us to address all the concerns in the most efficient manner to the extent this request can be approved.

Environmental Concerns:

- 1. Please clarify further, the timing of the exotic removal. Staff has concerns that the NE flowway area is designated as the second to last phase, which would put the flowways improvements in this area off until a much later date and would not provide the regional benefit for the area until a later time. Additionally why is area F (18 acres) set aside as its own phase and not included in one of the adjacent phases?*

Response:

As a result of comments received from the South Florida Water Management District (SFWMD), the labelling of the mitigation phases has changed. The SFWMD has requested that the labelling of the mitigation phases correspond to the labelling of the proposed surface water management drainage basins. As such, the mitigation phases have been re-labeled to match the labelling of the proposed drainage basins. In addition, revisions to the Master Concept Plan have been made to address comments received from the County. Please refer to the response to Comment No. 5 below regarding those revisions. The revisions to the Master Concept Plan have

further necessitated revisions to the previously submitted mitigation phases. Attached is a map showing the new phased mitigation plans.

Also attached is a revised mitigation activity schedule with anticipated commencement dates of the enhancement and restoration activities. As requested by County staff, the first phase of the mitigation activities will occur in the northeast corner of the project site. This phase is labelled as "Mitigation Area GJ." Mitigation activities will then be conducted in "Mitigation Area F" which comprises the remainder of the northern flow-way/slough.

2. *Please revise the proposed language for policy 33.3.3 to state a 500 acre minimum and not 200 acres to be consistent with the proposed policy 1.7.14 language.*

Response:

Please see attached "Revised Proposed Text Amendment" dated 12/16/2014.

3. *Please clarify why the survivability criteria was removed from Policy 33.3.3(4) (b).*

Response:

Survivability criteria were removed in order to provide a response consistent with the SFWMD permits. Because the ERP already provides for this element, added language was not deemed necessary.

4. *Please continue to provide revised copies of the management plan as revisions are made based on the zoning sufficiency comments.*

Response:

Attached are the revised Indigenous Preserve Management Plan and the Protected Species Management and Human-Wildlife Coexistence Plan. The plans were updated to reflect the revised site design included in the MPD Application Materials.

5. *During the Sept 11, 2014 meeting, staff raised concerns regarding panther movement. Staff inquired about creating a connection between the Corkscrew Road wildlife Crossing and the western preserve area. Has any further consideration been given to this item?*

Response:

The Master Concept Plan has been revised to include a corridor connecting the southern end of the western conservation area to the location of Lee County's

proposed wildlife crossing under Corkscrew Road. The project's design proposes wildlife crossings where internal roads pass through the conservation areas. In order to maintain connectivity of the preserve areas as wildlife corridors, a total of three wildlife crossings will be installed in the following areas: 1) where the north-south entrance road off of Alico Road bisects the northern slough; 2) where an internal road that connects the southeast lake to the larger project area crosses the southern slough; and 3) where the entrance road off of Corkscrew Road crosses the corridor connecting the western preserve to Lee County's proposed Corkscrew Road wildlife crossing. The Indigenous Preserve Management Plan and the Protected Species Management and Human-Wildlife Coexistence Plan have been revised to reflect the new Master Concept Plan.

In addition to the Indigenous Preserve Management Plan and the Protected Species Management and Human-Wildlife Coexistence Plan, the following figures, previously provided to the Planning Division in June 2014, have been revised to reflect the new Master Concept Plan:

- Wetland Impacts (Figure 3B);
- Preserved Wetlands Connected to Flow-Ways (Figure 4B);
- Preserve Committed to Easement (Figure 5B);
- Slough Crossings (Figure 6B);
- Preserve in Primary Panther Habitat (Figure 7B); and
- Approximate Location of Corkscrew Road Underpass (Figure 8).

Natural Resources Concerns:

1. *Staff requests that the applicant modify the POA/HOA document to include a requirement to continue monitoring in perpetuity both the water quality in the lakes and ground water. The water quality shall be monitored and reported to DNR staff on a quarterly basis. Because of close vicinity of the project to the existing public water supply well, the applicant must provide a contingency plan for dealing with any potential contamination of ground water. The contingency plan must include reporting of accidental spills of contaminants to the Lee County DNR as well as Lee County Utilities. The contingency plan shall also include a mitigation plan for immediate clean up and mitigation, if needed. The subject property is located within 6 month to one year travel time contours of an existing water supply well. The staff has concern for contamination of the public water supply well due to contamination with "Shark Lake" or a spill in an area closer to the existing well. Therefore,*

staff recommends that the applicant introduce a new monitoring well repair between the public water supply well.

Response: The current application is for low density single family homes with the application of lawn care products and irrigation water restricted via centralized control of the property management and subject to the previously submitted Enhanced Lake Management Plan. As such, the applicant does not anticipate any issues with potential contaminants from the proposed land use changes but is committed to provide a meaningful monitoring program and contingency plan to provide County staff with the assurances they are seeking.

The POA/HOA documents have been modified to include a provision for continuance of the approved groundwater and surface water monitoring plan. Pertinent text from the POA/HOA regarding landscaping maintenance, environmental resource permit obligations, lake system management, and continuance of ongoing ground and surface water monitoring is provided below.

POA/HOA Partial Text

5.3. Maintenance of Landscaping on Lots.

A. The Association may assume, by Board resolution, the obligation to maintain the exterior landscaped portions of Lots within WildBlue, which includes lawn, shrubs, trees, and other landscaping, except for any areas enclosed by fencing or other screening or otherwise not readily accessible from outside of the Units. In the event the Association assumes this responsibility, the Board shall adopt a written maintenance program ("Program") which shall describe all landscaping activities to be performed by the Association, including but not limited to, mowing, edging, fertilizing, watering, pruning, mulching, as well as maintenance of irrigation systems installed by or on behalf of Declarant or Owners as part of the Lot's initial Development or Improvement. Unless otherwise stated in the Program, the Association shall have no obligation to remove or replace trees, shrubs, or plant materials of any kind that are dead, diseased, dying, or in any other manner undesirable in their appearance.

B. Regardless of whether a Program is adopted under sub-section A above, the Association shall be responsible for management, maintenance, operation, and control of the application of pesticides and herbicides to both the Common Areas and to the exterior landscaped portions of Lots within WildBlue. The Association shall employ only licensed and qualified personnel

to conduct the application of any hazardous material in accordance with all Ordinances and the Rules and Regulations. Owners are not permitted to apply pesticides or herbicides to any landscaped portion of their Lots.

5.4 Management and Maintenance Obligations Arising Under Environmental Permits

The Association shall be responsible for managing, maintaining, monitoring, and performing obligations arising out of any Environmental Permits. Such obligations include:

A. Operating and maintaining the Stormwater System as permitted by the SFWMD and Lee County and to enforce all use restrictions on the Stormwater System created herein. Operation and maintenance and re-inspection reporting shall be performed in accordance with the terms and conditions of the Environmental Resource Permit.

B. Maintaining all lakes, conservation easements, preserved areas, and wetland mitigation areas in accordance with the Environmental Resource Permit and/or the ACOE Permit applicable thereto and if either such Permit requires, the maintenance shall be perpetual.

C. Maintain and continue the groundwater monitoring and reporting program approved by the Lee County Division of Natural Resources (or such successor agency as may be appointed by Lee County).

D. Insuring that there will be no establishment of marinas with refueling facilities on the southeast lake (Blue Lake).

An Owner shall in no way deny or prevent ingress and egress by the Declarant or the Association to areas necessary for performance of such obligations arising under such Environmental Permits. The right of ingress and egress, and easements therefore, are hereby specifically reserved and created in favor of the Association, any appropriate governmental or quasi-governmental agency that may reasonably require such ingress and egress for purposes related to any Environmental Permits, and Declarant or any Builder until the property described in Section 4.1 is developed.

With regard to a "contingency plan" for potential chemical spills in Blue Lake (formerly known as Shark Lake), the applicant has developed an "Enhanced Lake Maintenance Plan" previously submitted that includes prohibition of fuel

storage, mechanical repairs, or automated bilge pumps in or around Blue Lake and places a limitation on type of boat motors to 4-stroke only. The plan also has specific provisions for erosion control and bank stabilization, maintenance of littoral vegetation, control of surface water runoff, control and management of fertilizers, pesticides and irrigation water, and listing restrictions and reporting requirements of regulated substances within Wellfield Protection Zones. Finally, the plan calls for the development of a spill response plan and boater's education program to be finalized as part of the project development order. An excerpt from the Enhanced Lake Management Plan is provided below:

ENHANCED LAKE MAINTENANCE PLAN (excerpt)

In response to the comments received from Lee County Staff and in compliance with Comprehensive Plan Amendment CPA2014-00004, Policy 33.3.3.2.e, the following items are proposed to be included in the Enhanced Lake Maintenance Plan. It is expected that the details of the maintenance plan will be refined through the forthcoming development order process for the WildBlue subdivision. A copy of the finalized plan will be recorded in the public records in compliance with Section 10-329(d)(5) of the Land Development Code.

The following elements are required to be addressed by the lake maintenance plan as described in Land Development Code Section 10-329(d)(5):

- 1) Identification of the methods to remove and control exotic and nuisance plants in perpetuity.

Exotic and nuisance plants will be maintained through a maintenance contract with a licensed contractor to provide such services. Two visits per year with the purpose of exotic removal will be conducted. After the initial clearing of the development tracts, exotics are to be maintained/removed through hand clearing or appropriate herbicide treatments by a licensed applicator on an as needed basis. Herbicides shall be labeled for use in water areas and are not to be detrimental to littoral plantings.

- 2) Required littoral vegetation must remain in a healthy and vigorous state in perpetuity. The use of trimming, mowing and herbicides to remove littoral plants is prohibited.

Contractors performing landscape or lake maintenance work will be notified that trimming, mowing and use of herbicides to remove littoral plants is prohibited. Appropriate native lake littoral plantings are expected to grow in

their natural state. A planting plan for littorals will be provided at the time of development order.

3) Demonstration as to how surface water runoff quantities and flow velocities will be controlled to prevent bank erosion, including but not limited to, routing roof drains away from lake shorelines.

A stormwater management system exists on-site. This system is proposed to be altered as necessary at the time of development order for the subdivision. Such alterations will be permitted and approved by the South Florida Water Management District. It is expected that roof drains will be located in a manner that limits velocity and direct run off into the existing lake. The exact direction and flow of surface water is to be determined in coordination with the South Florida Water Management District permitting process.

4) Requirements that educational materials be provided to residents describing the purpose and function of the bank slope and littoral areas. The materials must also explain to the individual property owners their responsibilities with respect to compliance with bank slope and littoral area management plans. Educational materials may take the form of signs and brochures.

A narrative summary explaining the benefits of littoral plantings including the requirements that the littoral plantings within the lake shall remain in perpetuity, will be provided through educational pamphlets and/or a newsletter to the residents of the subdivision.

The following items are included to address the specific conditions of CPA2014-00004.

1) Best Management Practices for Fertilizers and Pesticides

The WildBlue Community through a homeowners association or other controlling entity will provide centralized control of all landscaping maintenance including application of fertilizers and pesticides to all landscaped areas within the WildBlue Community. In compliance with Lee County Fertilizer Ordinance 08-08, it is expected that a contract will be executed by the future homeowners association with a company that has at least one person certified in Best Management Practices and be registered with Lee County Tax Collector. Fertilizers containing nitrogen and/or phosphorus will not be applied from June 1st to September 30th and will not

exceed application limits provided in the Lee County Fertilizer Ordinance. Furthermore, fertilizer shall not be applied in or within 10 feet from the top of bank from the lake. These practices are not expected to apply to newly established landscaping or reclaimed water that may be used on site. Educational materials distributed to residents will include a summary of fertilizer and pesticide best management practices.

2) Erosion Control and Bank Stabilization

The WildBlue Community has two existing mining lakes. The Master Concept Plan includes a 20ft easement along the lake bank separate from the abutting lots to provide access to the lake bank and littorals for maintenance purposes. The parameters of the littoral plantings and lake bank maintenance shall be incorporated into the final enhanced lake management plan to be completed at the time of development order. It is expected that littoral plantings will be provided along the bank of the lake for stabilization purposes and a planting plan will be submitted as part of the Development Order process. The Master Concept Plan currently requests a deviation in one location along the central lake to permit the existing on-site conditions, all other slopes will be provided consistent with the Land Development Code. The developer acknowledges that backfilling is not allowed. Should additional shoreline stabilization determined to be necessary, a proposal will be developed by a professional engineer and submitted for review at the time of Development Order.

3) Protection of public wells

A portion of the WildBlue Community is within a Wellfield Protection Zone. Therefore regulated substances stored on-site will not exceed the limitations included in Section 14-208 of the Land Development Code. The community will connect to central water and sewer facilities eliminating risks related to liquid and solid waste disposal. A break in these facilities will be reported to the Division of Natural Resources within 24 hours of discovery as required by Section 14-214 of the Land Development Code. Stormwater and/or surface water discharge will conform to South Florida Water Management District and Florida Department of Environmental Protection rules and regulations.

4) Irrigation Water Supply

A Declaration of Restrictions applicable to all owners, or other governing entities for the project will provide for central control of irrigation water supply and use throughout the development to ensure compliance with all applicable

regulations and conditions of the community water use permit. Furthermore, the Declaration of Restrictions will prohibit the use of individual irrigation wells in the community.

5) Boating Use in "Blue" Lake

The southeastern corner of Blue Lake lies within a Wellhead Protection Zone. For this reason, the WildBlue HOA/POA will place limits on boating activities in the lake (Blue Lake) to include:

No fuel storage on Blue Lake;

No mechanical repair facilities on Blue Lake;

Boat motors will be limited to 4-stroke only;

Automated bilge discharge pumps will be prohibited;

A spill response plan will be developed; and

A boater's education program will be developed.

Finally, as requested by the LCDNR, the applicant's proposed groundwater and surface water monitoring plan described in previous correspondence has been modified to include an additional monitoring well pair (one well each tapping the upper and lower portions of the Water Table Aquifer) to be located in the southeastern portion of the project site between proposed project activities and the existing Lee County Utilities public supply well. This requested well location is very close to existing monitor well pair 14 and 14A making the current monitoring site obsolete. The applicant therefore proposes that the new well pair replace the existing well pair in the monitoring program. Construction of the new monitor well pair will be at the time of development order approval until such time, existing wells 14 and 14A will serve to monitor the southeastern portion of the project site. Monitoring frequency will also be modified from semi-annual to quarterly as requested by LCDNR staff for the first three years at which time applicant requests that the monitoring program be reviewed for possible revision back to a semi-annual program and reduction in number of water quality parameters. A copy of the revised monitoring plan is provided below:

GROUNDWATER AND SURFACE WATER MONITORING PLAN

The revised monitoring system includes quarterly sampling and analyses of surface water and groundwater at the project and recording water levels in the project's large borrow pits (lakes) and in two pairs of groundwater monitoring wells located at monitoring well sites 6/6A and 16/16A. The locations of the groundwater and surface water monitoring stations are shown in the attached Figure and the list of water quality parameters is provided in the attached Table. The monitoring program includes two shallow monitor wells tapping the upper portion of the Water Table Aquifer and two deeper monitor wells into the lower portion of the Water Table Aquifer. All four monitoring wells and the two onsite lake monitoring stations are (or will be) equipped with recording water level transducers set to record every 6 hours. There is also a barometric pressure recorder placed at the project in the vicinity of monitoring well MW-6A. These monitoring stations are provided in addition to the ongoing shallow network of wetland monitoring wells located throughout the property and the regional network of groundwater monitor wells maintained by the Lee County Department of Natural Resources. Monitor wells 6 and 16 are approximately 5 to 6 feet deep. Monitor wells 6A and 16A are located near the corresponding shallow wells but are 30 to 35 feet deep. The surface water monitoring stations include sampling at upper and lower depths of the lakes (approximately 5 feet off the lake bottom and 5 feet below the lake surface). After 3 years of quarterly monitoring, the monitoring program will go to semi-annual sampling and analyses unless results contained within in the 3-year data set shows reasons for continuance of the quarterly program. Additionally, the water quality parameters may be reduced at that time if no water quality issues are identified.

A map of the monitoring locations and spreadsheet of water sampling parameters are attached for reference.

- 2. The proposed hydrologic enhancement plan will be recorded as a part of zoning approval conditions.*

Response:

Noted and understood.

- 3. The applicant's response and accompanied water level measurements demonstrated "consistent" water level difference (0.5 to 0.6) between lakes 2 and 4. However, the potential impact of removing haul road (between the two lakes) has not been addressed nor analyzed. Please provide a quantitative hydraulic/hydrologic analysis of the removal plan. Also, provide protective measures if the analysis alludes to any hydraulic*

and/ or environmental impact. The analysis and possibly the protective measures need to be reviewed by the Division of Natural Resources and approved. The analysis could include, but not limited to, assessment of groundwater contours and determining resulting water levels in lakes before and after removal of haul road.

Response:

Response: As noted in previous correspondence, groundwater gradients across the site continue to follow the regional trend of high water levels in the northeast generally falling toward the southwest despite the onsite influence of the large borrow pits. Natural surface water features in and adjacent to the site such as the Stewart Cypress Slough follow this same general trend of a gentle southwesterly gradient. The natural gradient is evident in groundwater contours prepared for the site from long term water level records in the LCDNR water level data base which show that the regional gradient of approximately 1 foot per mile is maintained across the project site but that the large borrow pits have altered groundwater levels within the project site by generally flattening the groundwater gradient within the site boundaries. This effect from the borrow pits is largely contained on the project site with little evidence that the regional groundwater gradient has been adversely impacted offsite. As noted in the LCDNR concern expressed above, there is however a clear water level gradient of approximately 0.5 feet across the landbridge currently separating the large central lake (WildBlue Lake) from the lower leg of that lake. The project site is currently permitted under a previous project approvals with both Lee County and the SFWMD to remove this landbridge and thereby create one continuous lake in the center of the project site. However, given the potential for impacting water levels within the proposed WildBlue project, the applicant is currently in process of modifying the proposed project land plan to maintain the landbridge separation between the two lakes. Given this change in land plan proposal, we anticipate no adverse impacts to ground or surface water levels or wetland hydroperiods on or adjacent to the project site.

Transportation:

- 1. The county has performed updated counts on the link of Corkscrew Road between Ben Hill Griffin Parkway and Bella Terra. These new counts indicate a 2014 AADT of 15,783. Please be advised that the County's analysis will be based on the updated traffic information.*

Response:

Noted and understood.

Miscellaneous:

- 1. Please provide additional information about the +488 acre property that is to be donated to Lee County for the purposes of Parks and Recreation uses as specified by the proposed amendment to Policy 33.3.3 of the Lee Plan. Has an environmental audit or similar study been completed for this area?*

Response:

Attached are Phase 1 and 2 Environmental Reports conducted by Ardaman and Associates for the entire WildBlue and 488 acre donation parcel as well as an Environmental Assessment as provided by Passarella and Associates.

Please let us know if there is anything else needed for the approval of this request.

Sincerely,

MORRIS-DEPEW ASSOCIATES, INC.



Tina M. Ekblad, MPA, AICP, LEED AP BD+C
Director of Planning

Enclosures:

Mitigation Areas Map

Mitigation Activity Schedule

Text Amendment

Indigenous Preserve Management Plan

Protected Species Management Plan

Figure 3B Wetland Impact

Figure 4B Preserved Wetlands Connected to Flow-Ways

Figure 5B Preserve Committed to Easement

Figure 6B Slough Crossings

Figure 7B Preserve in Primary Panther Habitat

Figure 8 Approximate Location of Corkscrew Road Underpass

Bylaws of WildBlue Property Owners Association, Inc.

Articles of Incorporation

Declaration of General Protective Covenants and Restrictions

Map showing Surface Water and Groundwater Monitoring locations

Table 1. Summary of Groundwater and Surface Water Sampling Parameters
Ardaman & Associates, Inc. Letter
Phase I Environmental Assessment
Phase II Environmental Assessment
Northwest Lake Parcel Environmental Assessment

Cc: Donald Schrotenboer
Charles Basinait, Esq