

Reply to  
Russell P. Schropp  
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September 1, 2009

Mr. Matt Noble, Principal Planner  
Division of Planning  
Lee County Department of Community Development  
P.O. Box 398  
Fort Myers, FL 33902-0398

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COMMUNITY DEVELOPMENT

Re: **Babcock Ranch Community (CPA2006-08)**  
**Applicant Response to the Local Planning Agency**

Dear Mr. Noble:

On behalf of the applicant, Babcock Property Holdings, LLC, we have prepared a response to the Lee County Local Planning Agency's (LPA) recommendation to the Board of County Commissioners (BOCC) not to transmit the amendment request in the above cited case and the associated conditions the LPA attached to its motion. For reference purposes, we have organized the response around the specific provisions of the LPA action and the five (5) issues raised in its motion.

**LPA Action – Recommendation to BOCC Not to Transmit:** The LPA voted by a 5-2 margin to recommend to the BOCC not to transmit the requested amendment pending receipt of further analysis on five specific issues. It appears that a majority of the LPA members viewed the amendment request as some type of development approval for the preliminary 2030 and master road lists. As you know, this amendment deals only with the process by which the impacts on roadways within Lee County from the development of the Babcock Ranch Community (BRC) in Charlotte County will be evaluated and addressed, and how corresponding changes will be made in the Lee Plan and CIP to reflect future funding commitments made by the Babcock Independent Special District (ISD) or other BRC funding mechanism to address those impacts. It does not approve any specific roadway or set of roadway improvements, nor does it identify any roadway as a "committed" improvement.

**LPA Condition #1 – Analysis on Alternate Modes of Transportation:** The LPA motion requested further analysis on the feasibility of using alternate modes of

transportation as part of traffic mitigation for the BRC. Certainly, alternate modes of transportation should be studied as a means for achieving full mobility. However, this plan amendment is not the proper mechanism for conducting and evaluating such a study. The forum and established process for this type of study lies with the governing Metropolitan Planning Organizations (MPOs). The Lee and Charlotte MPOs have the capacity, authority and mechanisms in place – as well as the necessary stakeholder base – to undertake such a study and translate its findings into policy actions.

**LPA Condition #2 – Impact of the Amendment on Lee County Taxpayers:** The LPA requested further analysis regarding the impact of the anticipated road improvements on Lee County taxpayers. Specifically, the LPA motion requested an assessment of the potential impacts associated with (a) operations and maintenance (O&M) of the road segments and (b) the loss of ad valorem tax revenues due to right-of-way (ROW) acquisition required for future roadway improvements. With regard to the potential costs and responsibility for O&M, we believe it would be inappropriate to raise O&M as an issue in the context of this plan amendment since (a) FDOT would be responsible for O&M on state facilities and (b) the Lee Plan focuses on capital improvements and not O&M. With regard to the impact associated with ad valorem tax revenues, such an analysis could not be completed with any degree of confidence at this time since the specific roadway improvements that may be required to address the BRC's impacts simply are not known at this time. Any attempt to quantify these impacts at this stage would be premature and speculative.

**LPA Condition #3 – Developer's Capacity to Pay for Road Improvements:** The LPA requested further analysis on the BRC's capacity to pay for the anticipated road improvements, including resolution of issues associated with the ISD. While the LPA did not identify what specific issues pertaining to the ISD needed resolution, the Applicant would initially respond by stating that the ISD has been lawfully created and is presently functioning. The Applicant is aware of no issues pertaining to the ISD that are in need of resolution, and prior written understandings between the County and the Applicant have recognized the lawful existence of the ISD. Capacity for funding will be covered by future Developer's Agreements, interlocal agreements, or other commitments that the plan amendment recognizes will be entered into between the County and the ISD (or other BRC-related funding mechanism) for the incremental road improvements.

**LPA Condition #4 – Issues to be Addressed with Charlotte County:** The LPA voted to require the applicant to demonstrate that all matters have been completely addressed with Charlotte County. Inter-jurisdictional issues between Lee County and Charlotte County have been addressed through the pending settlement agreement process as well as through prior agreements, such as the Four-party Agreement and the Community Road Planning Agreement.

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**LPA Condition #5 – The Effects of SB 360:** The LPA requested analysis on the impact Senate Bill (SB) 360 will have on the traffic mitigation process outlined in the pending Lee Plan amendment request. None of the provisions of SB 360 appear to apply to this particular plan amendment. Unincorporated Lee County is not a dense urban land area under SB 360 and this plan amendment does not change the land use classification on any property within Lee County, nor does it place any specific road improvements on the 2030 financially feasible highway plan (Lee Plan Map 3A).

Please contact me if you have questions, or if you would like additional information. Thank you for your consideration.

Sincerely,



Russell P. Schropp

RPS/mls

cc:

Babcock Property Holdings, LLC  
David Plummer & Associates, Inc.  
Joseph W. Grubbs, AICP