

Hock, Donna M.

From: Dunn, Brandon**Sent:** Wednesday, January 20, 2010 3:21 PM

To: Bill Horner, Lee County Port Authority; Bill Lombardo, Fire Chief South Trail; Bill Van Helden, Fire Chief Cape Coral; Bud Elliott, Fire Chief Iona McGregor; Campbell, Gerald; Charles Barry, Fire Chief Useppa Island; Clark, Roger; Collins, Donna Marie; Daltry, Wayne; Danny Duncan, Fire Chief Sanibel; Dave Lindsay, East County Water Control District; David Bradley, Fire Chief Matlacha; David Duncan, Fire Chief Fort Myers Shores; David Edmonds, Fire Chief Boca Grande; Dawn Gordon, Lee County School Board; Dickerson, Kim (Mary); Donald Adams Sr, Fire Chief Lehigh Acres; Eckenrode, Peter; Ed Howell, Fire Chief Port Authority; Fredyma, John; Griffith, Douglas; Hock, Donna M.; Horsting, Michael; Houck, Pamela; Jay Halverson, Fire Chief Captiva; Joey Tiner, Fire Chief Alva; Johnson, Frederic; Karuna-Muni, Anura; Ken Dobson, Fire Chief Fort Myers; Kevin Ferrell, Sheriffs Office; Larry Nisbet, Fire Chief Bayshore; Lavender, James; Lee, Samuel; Lis, Carol; Loveland, David; Maguire, Karen L; Manzo, Barbara; Meurer, Douglas; Mike Becker, Fire Chief Fort Myers Beach; Miller, Janet; Moore, James; Myers, Steve; Natale Ippolito, Fire Chief San Carlos Park; Newman, William; Noe, Susan; Olson, Cathy; Ottolini, Roland; P. H. Kinsey Jr, Fire Chief Bonita Springs; Paul DeArmond, Fire Chief Tice; Pavese, Michael; Price, Robert; Richard Pepper, Fire Chief Upper Captiva; Roberts, Rickey; Sajgo, Gloria; Sampson, Lindsey; Scott Vanderbrook, Fire Chief Estero; Stewart, Robert; Sweigert, Rebecca; Terry Pye, Fire Chief North Fort Myers; Wayne Gale, Director Mosquito Control; Wegis, Howard; Wilson, John; Wu, Lili; Zettel, Mary

Cc: Noble, Matthew; O Connor, Paul; Burris, Richard; Blackwell, Peter**Subject:** Comprehensive Plan Amendment Review - CPA2010-01

Planning staff is asking for your help in review of the above referenced proposed amendment to the Lee Plan.

The referenced CPA2010-01 is a proposed privately initiated Lee County Comprehensive Plan amendment, titled by the Applicant as Florida Gulf Coast Technology and Research Park.

The Florida Gulf Coast Technology and Research Park amendment is a text amendment, associated with a Development of Regional Impact (DRI), to permit non-ancillary Community and Regional retail commercial uses in the Tradeport Future Land Use Category when specific conditions are met. In addition, the proposed amendment would also clarify that public and quasi public community facilities and recreational uses would be permitted in the Tradeport Future Land Use Category, but would require those uses to be reviewed as part of a planned development.

Please review the proposal for CPA2010-01 (a link is provided below), and provide comments concerning how the proposed amendment will affect your budget, operations, or other responsibilities that your agency/department is concerned with. Comments should be provided no later than February 3, 2010.

<http://www3.leegov.com/dcd/PlanAmendments/DRI/CPA201001A1.pdf>

Thank you,

Brandon D Dunn

Development Review Representative

bdunn@leegov.com

239.533.8585 ext. 48809

Dunn, Brandon

From: Newman, William
Sent: Friday, January 22, 2010 4:45 PM
To: Dunn, Brandon
Subject: RE: Comprehensive Plan Amendment Review - CPA2010-01

Brandon:
 The applicant does not indicate potential solid waste generation or how it will be handled.

Bill Newman
 Operations Manager
 Solid Waste Division
 (239) 533-8000

From: Dunn, Brandon
Sent: Wednesday, January 20, 2010 3:21 PM
To: Bill Horner, Lee County Port Authority; Bill Lombardo, Fire Chief South Trail; Bill Van Helden, Fire Chief Cape Coral; Bud Elliott, Fire Chief Iona McGregor; Campbell, Gerald; Charles Barry, Fire Chief Useppa Island; Clark, Roger; Collins, Donna Marie; Daltry, Wayne; Danny Duncan, Fire Chief Sanibel; Dave Lindsay, East County Water Control District; David Bradley, Fire Chief Matlacha; David Duncan, Fire Chief Fort Myers Shores; David Edmonds, Fire Chief Boca Grande; Dawn Gordon, Lee County School Board; Dickerson, Kim (Mary); Donald Adams Sr, Fire Chief Lehigh Acres; Eckenrode, Peter; Ed Howell, Fire Chief Port Authority; Fredyma, John; Griffith, Douglas; Hock, Donna M.; Horsting, Michael; Houck, Pamela; Jay Halverson, Fire Chief Captiva; Joey Tiner, Fire Chief Alva; Johnson, Frederic; Karuna-Muni, Anura; Ken Dobson, Fire Chief Fort Myers; Kevin Ferrell, Sheriffs Office; Larry Nisbet, Fire Chief Bayshore; Lavender, James; Lee, Samuel; Lis, Carol; Loveland, David; Maguire, Karen L; Manzo, Barbara; Meurer, Douglas; Mike Becker, Fire Chief Fort Myers Beach; Miller, Janet; Moore, James; Myers, Steve; Natale Ippolito, Fire Chief San Carlos Park; Newman, William; Noe, Susan; Olson, Cathy; Ottolini, Roland; P. H. Kinsey Jr, Fire Chief Bonita Springs; Paul DeArmond, Fire Chief Tice; Pavese, Michael; Price, Robert; Richard Pepper, Fire Chief Upper Captiva; Roberts, Rickey; Sajgo, Gloria; Sampson, Lindsey; Scott Vanderbrook, Fire Chief Estero; Stewart, Robert; Sweigert, Rebecca; Terry Pye, Fire Chief North Fort Myers; Wayne Gale, Director Mosquito Control; Wegis, Howard; Wilson, John; Wu, Lili; Zettel, Mary
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<http://www3.leegov.com/dcd/PlanAmendments/DRI/CPA201001A1.pdf>

Thank you,

Brandon D Dunn

Development Review Representative

bdunn@leegov.com

239.533.8585 ext. 48809

Mike Scott
Office of the Sheriff



State of Florida
County of Lee

January 25, 2010

Brandon Dunn
Lee County Community Development

1500 Monroe St.
Ft Myers, Fl 33901

Reference to Project: Florida Gulf Coast Technology and Research Park DRI

Dear Mr. Dunn

The Comprehensive Plan Amendment (CPA 2010-01) identified as the Florida Gulf Coast Technology Research Park, would not affect the ability of the Lee County Sheriff's Office to provide core services at this time.

At the time of application for a Development Order or building permit, the applicant shall provide a Crime Prevention Through Environmental Design (CPTED) report to the Lee County Sheriff's Office for review and comments.

Please contact Kevin Farrell, Community Program Coordinator of the Crime Prevention Unit at 477-2821 with copies of your plans.

A handwritten signature in black ink, appearing to read "Major Gene Sims".

Major Gene Sims
Lee County Sheriff's Office
14750 Six Mile Cypress Pkwy
Fort Myers, Fl 33912
239-477-1424 (Office)

RECEIVED
JAN 27 2010
COMMUNITY DEVELOPMENT

SCANNED



Dunn, Brandon

From: Dickerson, Kim (Mary)
Sent: Monday, February 01, 2010 4:23 PM
To: Dunn, Brandon
Cc: Wilson, John
Subject: RE: Comprehensive Plan Amendment Review - CPA2010-01

Hi Brandon,

At the present time, LCEMS does not have any initial concerns with the ability to provide service to this area as it pertains to the proposed plan that has been submitted. We will be able to provide service with our current operational deployment structure.

Kim Dickerson, EMT-P, RN, MBA
EMS Operations Chief
Lee County Emergency Medical Services
14752 Ben Pratt/Six Mile Cypress Parkway
Fort Myers, FL 33912
Phone: 239-533-3961
Fax: 239-485-2607
Email: kdickerson@leegov.com
Website: www.lee-ems.com

This e-mail message and attachments hereto are intended only for use by the addressee(s) named herein and may contain confidential information including Protected Health Information. If you are not the intended recipient of this e-mail message, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments hereto, is strictly prohibited. If you receive this e-mail in error, you must immediately notify this office at (239) 533-3961 and permanently delete the original message, attachments and any copies thereof and destroy any printouts of this e-mail message and its attachments.

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To: Bill Horner, Lee County Port Authority; Bill Lombardo, Fire Chief South Trail; Bill Van Helden, Fire Chief Cape Coral; Bud Elliott, Fire Chief Iona McGregor; Campbell, Gerald; Charles Barry, Fire Chief Useppa Island; Clark, Roger; Collins, Donna Marie; Daltry, Wayne; Danny Duncan, Fire Chief Sanibel; Dave Lindsay, East County Water Control District; David Bradley, Fire Chief Matlacha; David Duncan, Fire Chief Fort Myers Shores; David Edmonds, Fire Chief Boca Grande; Dawn Gordon, Lee County School Board; Dickerson, Kim (Mary); Donald Adams Sr, Fire Chief Lehigh Acres; Eckenrode, Peter; Ed Howell, Fire Chief Port Authority; Fredyma, John; Griffith, Douglas; Hock, Donna M.; Horsting, Michael; Houck, Pamela; Jay Halverson, Fire Chief Captiva; Joey Tiner, Fire Chief Alva; Johnson, Frederic; Karuna-Muni, Anura; Ken Dobson, Fire Chief Fort Myers; Kevin Ferrell, Sheriffs Office; Larry Nisbet, Fire Chief Bayshore; Lavender, James; Lee, Samuel; Lis, Carol; Loveland, David; Maguire, Karen L; Manzo, Barbara; Meurer, Douglas; Mike Becker, Fire Chief Fort Myers Beach; Miller, Janet; Moore, James; Myers, Steve; Natale Ippolito, Fire Chief San Carlos Park; Newman, William; Noe, Susan; Olson, Cathy; Ottolini, Roland; P. H. Kinsey Jr, Fire Chief Bonita Springs; Paul DeArmond, Fire Chief Tice; Pavese, Michael; Price, Robert; Richard Pepper, Fire Chief Upper Captiva; Roberts, Rickey; Sajgo, Gloria; Sampson, Lindsey; Scott Vanderbrook, Fire Chief Estero; Stewart, Robert; Sweigert, Rebecca; Terry Pye, Fire Chief North Fort Myers; Wayne Gale, Director Mosquito Control; Wegis, Howard; Wilson, John; Wu, Lili; Zettel, Mary
Cc: Noble, Matthew; O Connor, Paul; Burris, Richard; Blackwell, Peter
Subject: Comprehensive Plan Amendment Review - CPA2010-01

2/25/2010

Planning staff is asking for your help in review of the above referenced proposed amendment to the Lee Plan.

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Thank you,

Brandon D Dunn

Development Review Representative

bdunn@leegov.com

239.533.8585 ext. 48809

Dunn, Brandon

From: Gordon, Dawn [DawnMGo@LeeSchools.net]
Sent: Tuesday, February 02, 2010 3:14 PM
To: Dunn, Brandon
Subject: RE: Comprehensive Plan Amendment Review - CPA2010-01
Attachments: CPA2010-01 Comp Plan Amendment Review.doc

Brandon,

The response is attached. If you have any questions please call me.

Dawn Gordon
 Community Development Planner
 Planning, Growth & School Capacity
 Lee County School District
 3308 Canal St. Fort Myers, FL 33916
 Phone (239)479-5661 Fax (239)479-5667

From: Dunn, Brandon [mailto:BDunn@leegov.com]
Sent: Wednesday, January 20, 2010 3:21 PM
To: Bill Horner, Lee County Port Authority; Bill Lombardo, Fire Chief South Trail; Bill Van Helden, Fire Chief Cape Coral; Bud Elliott, Fire Chief Iona McGregor; Campbell, Gerald; Charles Barry, Fire Chief Useppa Island; Clark, Roger; Collins, Donna Marie; Daltry, Wayne; Danny Duncan, Fire Chief Sanibel; Dave Lindsay, East County Water Control District; David Bradley, Fire Chief Matlacha; David Duncan, Fire Chief Fort Myers Shores; David Edmonds, Fire Chief Boca Grande; Gordon, Dawn; Dickerson, Kim (Mary); Donald Adams Sr, Fire Chief Lehigh Acres; Eckenrode, Peter; Ed Howell, Fire Chief Port Authority; Fredyma, John; Griffith, Douglas; Hock, Donna M.; Horsting, Michael; Houck, Pamela; Jay Halverson, Fire Chief Captiva; Joey Tiner, Fire Chief Alva; Johnson, Frederic; Karuna-Muni, Anura; Ken Dobson, Fire Chief Fort Myers; Kevin Ferrell, Sheriffs Office; Larry Nisbet, Fire Chief Bayshore; Lavender, James; Lee, Samuel; Lis, Carol; Loveland, David; Maguire, Karen L; Manzo, Barbara; Meurer, Douglas; Mike Becker, Fire Chief Fort Myers Beach; Miller, Janet; Moore, James; Myers, Steve; Natale Ippolito, Fire Chief San Carlos Park; Newman, William; Noe, Susan; Olson, Cathy; Ottolini, Roland; P. H. Kinsey Jr, Fire Chief Bonita Springs; Paul DeArmond, Fire Chief Tice; Pavese, Michael; Price, Robert; Richard Pepper, Fire Chief Upper Captiva; Roberts, Rickey; Sajgo, Gloria; Sampson, Lindsey; Scott Vanderbrook, Fire Chief Estero; Stewart, Robert; Sweigert, Rebecca; Terry Pye, Fire Chief North Fort Myers; Wayne Gale, Director Mosquito Control; Wegis, Howard; Wilson, John; Wu, Lili; Zettel, Mary
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2/25/2010

that your agency/department is concerned with. Comments should be provided no later than February 3, 2010.

<http://www3.leegov.com/dcd/PlanAmendments/DRI/CPA201001A1.pdf>

Thank you,

Brandon D Dunn

Development Review Representative

bdunn@leegov.com

239.533.8585 ext. 48809

Dunn, Brandon

From: Horsting, Michael
Sent: Friday, February 12, 2010 9:32 AM
To: Dunn, Brandon
Subject: RE: Comprehensive Plan Amendment Review - CPA2010-01

Brandon,

I know I'm past the due date on this one...I'm trying to get caught up on things.

Anyway, for what it's worth, I see no reference to alternative transportation modes, transit, bike or pedestrian. There's no analysis of them from the LRTP standpoint of the Transit Development Plan. There's no request for availability of, or future impacts on transit service. There's also no reference to compliance with the LeePlan regarding transit.

Thanks,

Mike Horsting, AICP
 Principal Planner - Lee County Transit
 239-533-0333 tel

Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure. Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

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Planning staff is asking for your help in review of the above referenced proposed amendment to the Lee Plan.

The referenced CPA2010-01 is a proposed privately initiated Lee County Comprehensive Plan

2/25/2010

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<http://www3.leegov.com/dcd/PlanAmendments/DRI/CPA201001A1.pdf>

Thank you,

Brandon D Dunn

Development Review Representative

bdunn@leegov.com

239.533.8585 ext. 48809



LEE COUNTY
SOUTHWEST FLORIDA
BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Karen B. Hawes
County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing Examiner

March 04, 2010

MR D WAYNE ARNOLD
Q. GRADY MINOR & ASSOCIATES
3800 VIA DEL REY
BONITA SPRINGS, FL 34135

Re: FLORIDA GULF COAST TECH & RESE
CPA2010-00001
CPT Application (Text)

Dear MR D WAYNE ARNOLD:

Planning staff finds the above mentioned submittal is insufficient and further information is needed. The following comments pertain to the section of the application indicated.

II B. SUMMARY OF REQUEST

Please correct the DRI acreage to make it consistent with the acreage reported in Part III(B): Property Information.

III B. a. Property Information, Total Acreage of Property

The application for CPA 2010-00001 depicts a different boundary and acreage for the DRI then what is depicted as the boundary in the DRI file. The acreage for DRI 2007-00002 is \pm 489 acres and a portion of the 100-acres proposed in CPA 2010-00001 lies outside of the DRI boundary, whereas the boundary indicated in the CPA for the DRI is \pm 726 acres and includes the entire 100-acres proposed in the CPA. Please clarify the discrepancy. If the applicant is proposing to increase the boundary for the DRI, please depict the current boundary for the DRI and what is proposed to be added with the CPA

IV A. 2. General Information and Maps, Existing Future Land Use Map

The application depicts \pm 52.41 acres of wetlands located onsite and of these \pm 22.39 acres are in the Wetlands future land use category; per 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.

IV B. 2. a. Public Facilities Impacts, Provide an Existing and Future Conditions Analysis for, Sanitary Sewer

A sufficiency review of the Sanitary Sewer analysis will be forthcoming.

IV B. 2. b. Public Facilities Impacts, Provide an Existing and Future Conditions Analysis for, Potable Water

A sufficiency review of the Potable Water analysis will be forthcoming.

IV B. 3. a. Public Facilities Impacts, Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including, Fire protection with adequate response times

Please provide a letter from the San Carlos Fire District that states the district is able to provide the site with adequate response times.

IV B. 3. d. Public Facilities Impacts, Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including, Solid Waste

Please provide a letter from Lee County Division of Solid Waste that states they will be able to serve the proposed development.

Please Note that the following comment was also provided by the Solid Waste Division: The applicant does not indicate potential solid waste generation or how it will be handled.

IV B. 3. e. Public Facilities Impacts, Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including, Mass Transit

Please provide a letter from the LeeTran that states they have no objection to the proposed developments.

Please Note that the following comment was also provided by LeeTran staff: There is no reference to alternative transportation modes, transit, bike or pedestrian. There is no analysis of them from the Long Range Transportation Plan standpoint of the Transit Development Plan. There is no request for availability of, or future impacts on transit service. There is also no reference to compliance with the LeePlan regarding transit.

IV B. 3. f. Public Facilities Impacts, Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including, Public Schools

Please provide a letter from the Lee County School District that states the district is able to provide the site with adequate response times.

IV C. 6. Environmental Impacts, A table of plant communities by FLUCCS

Acceptance of the plant communities by FLUCCS is pending site inspection for verification.

MR D WAYNE ARNOLD
FLORIDA GULF COAST TECH & RESE
CPA2010-00001
March 04, 2010
Page: 3

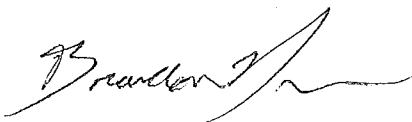
Miscellaneous Comments

Please address the following comments.

- 1) The applicant is proposing text language change for the Tradeport Future Land Use. If the language change is for Tradeport as a category, what is the significance of depicting the 100-acres?
- 2) The application for the South Florida Water Management District (SFWMD) indicates Project Land Use as Residential and Commercial and the Comprehensive Plan Amendment CPA2010-00001 application indicates Industrial and Commercial. Please clarify the discrepancy between the SFWMD application and Lee County application.
- 3) The application is internally inconsistent. The Summary of Request under Part II.B specifically references 103 acres within the Tradeport Future Land Use Category. However, the actual language proposed in Exhibit IV.A.1 of the application proposes changes to the Tradeport Future Land Use Category descriptor policy without explicit reference to a particular location. Therefore there must be an analysis of how the proposed text change would affect other properties within the Tradeport Future Land Use Category. Without such an analysis the proposed Policy 1.2.2.1 must be clarified to limit the proposed changes to a specific property.

If I can be of any assistance or if you have any questions, please do not hesitate to call me at (239) 533-8585.

Sincerely,
DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division



Brandon D Dunn, Development Service Representative

Cc: Planning file: CPA2010-00001

**STAFF REPORT
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ENVIRONMENTAL SCIENCES**

Date: May 28, 2010
To: Brandon Dunn, Planner
From: Doug Griffith, Environmental Planner 
Phone: (239)533-8323
e-mail: dgriffith@leegov.com
Project: Florida Gulf Coast Technology and Research Park
Case: CPA2010-00001

PROJECT:

The applicant has submitted this privately initiated Lee Plan amendment in conjunction with a Development of Regional Impact (DRI) application #DRI2007-00002. The DRI encompasses approximately ±727 acres of property located at the northeast quadrant of the intersection of Ben Hill Griffin Parkway and Alico Road. The property which is the subject of this Lee Plan amendment is approximately ±103 acres and is located within the overall ±727 acre parcel which is in the Tradeport and Wetlands Future Land Use Category. The Amendment proposes to modify the Tradeport Policy 1.2.2 by establishing criteria under which community and regional retail commercial development may occur in conjunction with industrial, office and research and development if developed as a single project. Under the existing Future Land Use, Ancillary retail and Corner Store commercial uses, intended to support the surrounding business and industrial land uses, are allowed if they are part of a Planned Development. The applicant is requesting more intense retail than is permitted in the Tradeport Land Use Category.

PROJECT SITE:

The overall project is located on the north east corner of Ben Hill Griffin Parkway and Alico Road. Surrounding properties include: The Southwest Florida International Airport to the north, an approved undeveloped Industrial Planned Development (IPD) known as Premier Airport Park to the east and northeast, Airport Technology Mixed Use Planned Development (MPD) to the west and northwest, Ben Hill Griffin Parkway and an approved undeveloped MPD known as Jetway Tradeport to the west and Alico Road and Miromar Lakes to the south.

ENVIRONMENTAL ASSESSMENT:

The applicant has an approved Environmental Resource Permit (ERP) from South Florida Water Management District (SFWMD) for the Florida Gulf Coast Technology and Research Park project. The SFWMD, ERP application for Florida Gulf Coast Technology and Research Park depicts ±1048 acres for the proposed project. In the Florida Gulf Coast Technology and Research Park Development of Regional Impact (DRI) application #DRI2007-00002 the acreage is ±727 acres. In the ERP it was noted that the wetland boundaries were field delineated by Passarella and Associates

Inc. and formerly verified by (SFWMD) in 2003. Wilson Miller Inc. conducted a vegetative community assessment on the ±1048 acres and verified habitat quality and FLUCCS in January 2004.

A vegetative community assessment and protected species survey for Lee County listed species meeting the requirements of Lee County Land Development Code (LDC) Section 10-473 was conducted by Boylan Environmental Consultants, Inc. on the ±103 acre site. The property was field verified by ES Staff on April 1, 2010. The assessment and a Florida Land Use, Cover and Classification System (FLUCCS) map was submitted by the applicant:

The vegetative communities located on the property are primarily composed of Pine Flatwoods (FLUCCS 411), Hydric Pine Flatwoods (FLUCCS 625), Cypress Wetlands (FLUCCS 621), Cypress-Pine-Sabal Palm (FLUCCS 624) and Exotic Wetland Hardwoods (FLUCCS 619). Noted native vegetation onsite included South Florida Slash Pine (*Pinus elliotti var densa*), Sabal Palm (*Sabal palmetto*), Bald Cypress (*Taxodium distichum*), Laurel Oak (*Quercus laurifolia*), Pop Ash (*Fraxinus caroliniana*), Swamp Bay (*Persea palustris*) and Dahoon Holly (*Ilex cassine*). Various epiphyte were scattered throughout this area including the listed Wild pine (*Tillandsia balbisiana*), Golden Polypody (*Phlebodium aureum*), Shoestring Fern (*Vittaria lineata*) and Florida Butterfly Orchid (*Encyclia tampensis*). Exotic vegetation predominately melaleuca (*Melaleuca quinquenervia*) and Brazilian pepper (*Schinus terebinthifolius*) was found throughout the site in various densities. There are ±52.41 acres of wetlands within the ±103 acres included in this Comprehensive Plan Amendment.

ES Staff conducted a site inspection on April 1, 2010 for the ±103 acre portion of the project and observed the following:

The site was heavily vegetated with scattered grassy areas. Exotic coverage varied throughout the site with the heaviest coverage located in the central portion of the site, lessening towards the western and eastern property lines. In the north-eastern portion of the property staff observed a cypress dominated wetland with melaleuca along the fringe but, with little to no exotics in the central portion of the area. Staff noted large bald cypress, pop ash and various airplant throughout this wetland community. The hydrological conditions were favorable with water levels at the time of the site inspection between two and three feet in depth. There is a flowway located onsite in the western portion of the property that had a significant volume of water flow at the time of the site inspection.

INDIGENOUS:

The project is located within the Six Mile Cypress/Ten Mile Canal Watershed, the future land use is Tradeport and Wetlands and the project is adjacent to the Density Reduction Groundwater Recharge (DRGR). There are special environmental and design review guidelines for the Tradeport land use category that with the impacts proposed and the intensity of the requested use staff is concerned will not be met. The entire ±103 acre project is covered in vegetation, exotics dominate in some areas; however, other areas are dominated by indigenous vegetation with limited to no exotic coverage. Indigenous areas include pine flatwoods, cypress-pine-sabal palm, hydric pine flatwoods, and cypress dominated wetlands. The wetland located in the north-eastern portion of the site had little in the way of exotics and was dominated by bald cypress (*Taxodium distichum*) with laurel oak (*Quercus laurifolia*), pop ash (*Fraxinus caroliniana*), swamp bay (*Persea palustris*) and dahoon

holly (*Ilex cassine*). Various epiphyte were scattered throughout this area including the listed Wild pine (*Tillandsia balbisiana*), golden polypody (*Phlebodium aureum*), shoestring fern (*Vittaria lineata*) and Florida butterfly orchid (*Encyclia tampensis*).

A majority of the wetlands are to be impacted with no indigenous preservation consistent with the Tradeport land use category being proposed by the applicant.

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 Wilson Miller Inc. in January of 2004 on the ± 1048 acre parent parcel which included the ± 103 acres being requested with this application. An updated survey was conducted on the ± 103 acre site by Boylan Environmental Consultants, Inc. in December 2009 and again in January 2010. The survey was field verified by ES Staff on April 1, 2010. Listed species observed by Boylan Environmental Consultants, Inc on the ±103 acre site included the Little Blue Heron (*Egretta caerulea*) and the epiphyte Wild pine (*Tillandsia balbisiana*), no other listed species were observed. However, the survey conducted by Wilson Miller, that incorporated the larger parent parcel (1048 acres), observed additional listed species. The additional listed species observed on the overall project have the potential to occur on the ±103 acre site, therefore ES Staff has identified the species observed by Wilson Miller. These species include:

The American Alligator (*Alligator mississippiensis*) is listed as a Species of Special Concern (SSC) by the Florida Fish and Wildlife Conservation Commission (FWC) and as Threatened by The Fish and Wildlife Service (FWS) because of its similarity to the American crocodile. Two American alligator were observed by Boylan Environmental Inc in a borrow area, and there is the potential for the alligator to utilize the wetlands and borrow area onsite.

Big Cypress Fox Squirrel (*Sciurus niger avicennia*) is listed as Threatened by FWC and its distribution is believed to be limited to an area south of the Caloosahatchee river and west to the Everglades. A Big Cypress fox Squirrel was observed in the cypress wetlands in the southwestern portion of the parent parcel site. Several stick like structures were also observed that are associated with the Big Cypress Fox Squirrel.

Gopher Tortoise (*Gopherus polyphemus*) is listed as threatened by the FWC. Two gopher tortoise burrows were observed east of the project on the parent parcel.

Several Species of wading bird were observed utilizing the site throughout the parent parcel.

Listed Plant Species include:

Stiff Leafed Wild Pine (*Tillandsia fasciculata*), The Wild Pine (*Tillandsia balbisiana*), fuzzy-wuzzy (*Tillandsia pruinosa*), Giant Wild Pine (*Tillandsia utriculata*), Butterfly Orchid (*Encyclia tampensis*), and Giant Leather Fern (*Acrostichum aureum*). These species were observed scattered throughout the site.

The project is located within the Florida Panther (*Puma concolor*) Primary Zone and as such

consultation with FWS has been initiated. According to the applicant, consultation with FWS has specified that compensation for impacts to habitat for the Florida panther will be accomplished through off site mitigation.

ENVIRONMENTAL FEATURES:

Objective 114.1 States:

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.

A majority of the ± 52 acres of wetlands located onsite are proposed for impact by the project. Of major hydrological importance is a flowway that has offsite connectivity. The origins of the flowway lies outside the boundaries of the ±103 acre parcel, the flowway originates northeast of the subject property, on the parent parcel, with conveyance through the property along the western property line. The flowway also has hydrological connectivity to the southwest, traveling under Ben Hill Griffin Parkway, then offsite to the adjacent property where it is proposed for restoration. The applicant is proposing to impact a portion of the flowway which has the potential to increase velocity during major storm events causing downstream flooding. Policy 60.5.3 states: the County encourages the preservation of existing natural flow-ways and the restoration of historic natural flow-ways. Compaction of the flowway can also increase sediment and turbidity causing water quality concerns for downstream property-owners.

The cypress dominated wetland located in the north-eastern portion of the property is also proposed for impact. Preservation of this wetland would make an excellent addition to the project as an aesthetic feature and would aid in storm water management, aquifer recharge and flood control. The wetland could be incorporated into the projects storm water management system, the management system can then maintain the hydrology and function of the wetland and the wetland can assist in storm water management, flood control and water quality.

The project is located within the Six Mile Cypress/Ten Mile Canal Watershed and the project's Future Land Use is Tradeport and Wetlands. There are special environmental and design review guidelines for the Tradeport Land Use Category. Lee Plan Policy 1.2.2 includes language for environmental concerns: Because this area is located within the Six Mile Cypress Basin and is also a primary point of entry into Lee County, special environmental and design review guidelines will be applied to its development to maintain the appearance of this area as a primary point of entry into Lee County. Tradeport is adjacent to the DRGR and as such, Policy 1.2.2: includes language for the protection of ground water resources stating that: during the rezoning process, the best environmental management practices identified on pages 43 and 44 of the July 28, 1993 Henigar & Ray study entitled, "Groundwater Resource Protection Study" will be necessary to protect potential groundwater resources in the area.

The applicant is proposing wetland impacts to a majority of the ±100 acres portion of the DRI

proposed in this text amendment. These wetland impacts are inconsistent with the following Goals, Objectives, and Policies of the Lee Plan:

Lee Plan 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.

Preservation or the incorporation of wetlands into the storm water management system will assist with ground water recharge.

Lee Plan Objective 60.4: Critical Areas. The Six Mile Cypress Basin (as defined in Chapter 10 of the Land Development Code) and the Density Reduction/Groundwater Resource land use category are both identified as “critical areas for surface water management.” The county will maintain existing regulations to protect the unique environmental and water resource values of these areas.

Lee Plan 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.

Lee Plan Policy 60.5.2: The County encourages new developments to design their surface water management system to incorporate existing wetland systems.

Incorporating wetlands into Storm Water Management Systems benefits water quality, water recharge/infiltration, water storage and the hydrology of the wetland. The applicant is proposing impacts to the cypress wetland located in the north-central portion of the project.

Lee Plan Policy 60.5.3: The County encourages the preservation of existing natural flow-ways and the restoration of historic natural flow-ways.

The project will impact a significant portion of the flowway located in the western section of the property. The Lee Plan encourages the preservation and restoration of natural flowways. The impacts proposed to the flowway is inconsistent with Lee Plan Goal 60 and Policy 60.5.3.

Lee Plan Goal 61: Protection of Water Resources. To protect the county's water resources through the application of innovative and sound methods of surface water management and by ensuring that the public and private construction, operation, and maintenance of surface water management systems are consistent with the need to protect receiving waters.

Lee Plan Objective 61.2: Mimicking the Functions of Natural System. 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 61.2: The project proposes impacts to a majority of the wetlands. This is inconsistent with the Lee Plan. Incorporating wetlands into the storm water management system preserves indigenous vegetation, promotes preservation of wildlife habitat and can be used as an aesthetic feature to promote utilization of natural features and green infrastructure for storm water management.

CONCLUSION:

The applicant is requesting retail at a higher intensity, for the ±103 acre portion of the DRI, than what is allowed in the Tradeport land use category. A majority of the wetlands are proposed for impact and limited indigenous vegetation is to be offered for preservation. The property is located within the Six Mile Cypress Watershed and is a primary point of entry into Lee County. Per Policy 1.2.2 special environmental and design review guidelines are required. Revising this policy language to allow more retail will require more pavement and less green space. This is inconsistent with Tradeport land use and does not support the preservation of environmental features.

Memo

To: Paul O'Connor, Planning Director

From: David Loveland, Public Works Operations Manager, Planning *JMK*

Date: June 11, 2010

Subject: **CPA 2010-01 (Florida Gulf Coast Technology & Research Park)**

The Department of Transportation has reviewed the above-referenced privately-initiated comprehensive plan amendment, submitted in conjunction with a DRI application, to modify the "Tradeport" land use designation for approximately 103 acres on the north side of Alico Road east of Ben Hill Griffin Parkway to allow significantly more commercial development than otherwise would be allowed. The applicant has asked that this change allow an additional 700,000 square feet of regional and community commercial/retail space by 2030 for purposes of the traffic analysis (half of that for the 2014 analysis). A significant number of roadways in the area are projected to fail by 2030, both with and without the land use modification, and there is no specific mitigation plan to address those failures or larger public benefit being provided by the applicant to off-set the failures and justify this modification of critical "Tradeport" lands in the heart of the "Research Diamond." Therefore, DOT staff recommends the amendment not be transmitted.

Analysis of Impacts

In order to analyze the impact of this proposal on the Lee County MPO's 2030 Financially Feasible Plan, the applicant's consultant added the employment associated with 700,000 square feet of commercial (1,750 employees) to the zonal data for existing traffic analysis zone (TAZ) 1387, and ran the FSUTMS travel demand model. Based on the model runs on the financially feasible plan network, six roadway segments within a 3-mile radius of the site are projected to exceed their adopted level of service standard in 2030 with or without this amendment. They are:

Alico Road from Three Oaks Parkway to I-75
Ben Hill Griffin Parkway from Alico Road to FGCTRP Entrance
Ben Hill Griffin Parkway from FGCTRP Entrance to Terminal Access Road
Treeline Avenue from Terminal Access Road to Daniels Parkway
I-75 from Corkscrew Road to Alico Road
I-75 from Alico Road to Daniels Parkway

Applicant's Proposed Mitigation

The applicant's consultant estimates that the project will generate \$7.7 million in road impact fees under today's rate schedule, and suggests that these payments can be used to fund whatever

improvements are found to be necessary to support general growth in the area. The DRI proportionate share amount has not yet been determined, as the DRI analysis is not yet sufficient and the DRI impacts not yet agreed upon. The consultant suggests that since this development is not currently anticipated in future growth forecasts that all impact fees generated would be new revenues beyond the 2030 revenue forecasts. That approach ignores the fact that future road impact fee revenue forecasts are not site-specific, and does not really address the issue of the needed improvements being financially feasible and reasonably expected to be in place not only when the impacts of the development arrive, but in the horizon year of the plan. It also does not account for the potential reduction or repeal of road impact fees in the future, options that have been discussed in the current economic downturn.

Needed Infrastructure Commitments

Section B.1.e of the County’s comprehensive plan amendment application states that “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.” Normally, the County would look for a specific financial commitment from an applicant to make the necessary improvements by the 2030 time frame, otherwise DOT staff would recommend denial under these circumstances. Without a financial commitment, we cannot say that there is sufficient infrastructure planned to accommodate future growth, including the amended land use. There have been some limited instances where the County has allowed such amendments to move forward based on their specific circumstances; examples include there being no real roadway solution and the applicant making a commitment to fund alternative modes of transportation, or there being a site-specific condition put in the comprehensive plan that limits the amount of development until the needed improvements are incorporated into the financially feasible plan.

Also the MPO’s long range plan is currently being updated and extended to the year 2035, so the list of improvements that are or will be in the financially feasible plan is somewhat in flux. However, in this case, we are looking at a proposed land use modification in an area where there are expected to be significant roadway improvement needs, and the applicant has offered the payment of impact fees and no other solution.

Based on the MPO’s 2030 Plan, as adopted in December, 2005 and last amended in March, 2006, the needed improvements and their costs are:

<u>Segment</u>	<u>Current</u>	<u>Needed</u>	<u>Cost</u>
Alico Rd., Three Oaks-I-75	6L	Alico Expwy.	\$603,111,223
Ben Hill Griffin Pkwy, Alico Rd.-Terminal	4L	I-75 10L	See below
Treeline Ave, Terminal-Daniels	4L	I-75 10L	See below
I-75, Corkscrew.-Alico	6L	12L	\$77,514,291*
I-75, Alico-Daniels	6L	10L	<u>\$78,302,569*</u>
TOTAL			\$758,928,083

**Pro-rated cost of larger project based on segment length*

The MPO plan does not identify improvements to Ben Hill Griffin Parkway/Treeline Avenue between Alico Road and Daniels Parkway, because the widening of this road is not anticipated to

be needed once I-75 is widened to ten lanes. One complicating factor in regards to the future widening of I-75 is that the Florida Legislature established the Southwest Florida Expressway Authority in 2003 and gave it the specific objective of expanding the interstate through the addition of tolled express lanes in portions of Lee and Collier Counties. Both the Expressway Authority and the Florida Turnpike Enterprise conducted preliminary toll feasibility studies and determined that a 10-lane interstate project could be supported by toll revenues and financially feasible, but only if there were 6 tolled express lanes and 4 non-tolled general use lanes. At the same time, FDOT secured Federal funding to move forward with 6-laning I-75 from Golden Gate Parkway in Collier County to Colonial Boulevard in Lee County. This project was recently completed. The added lanes were not tolled, and it may be difficult in the future (legally and politically) to toll lanes that are not specialty lanes (for example, HOV lanes) or were not tolled in the past. That means the implementation of a 10-lane project made up of 6 tolled express lanes and 4 non-tolled general use lanes may not be feasible in the future, and other configurations may not be feasible as toll-supported projects. With the recent completion of the 6-laning and the reduction in demand on the interstate due to the current economic downturn, the need for additional lanes has been pushed farther into the future. The Expressway Authority has recently decided to pursue its dissolution.

Alico Road

The FSUTMS computerized travel demand model used to analyze the impact of this comprehensive plan change is a system-wide model that sometimes does not realistically reflect what might happen at a given site. This plan amendment only affects a portion of the Florida Gulf Coast Technology & Research Park DRI, adding 700,000 square feet of commercial to the growth parameters for TAZ 1387 with centroid connections from the TAZ to both Ben Hill Griffin Parkway and Alico Road. The model has loaded the majority of the trips from this TAZ to Ben Hill Griffin Parkway, which results in the two-lane piece of Alico Road east of Ben Hill Griffin Parkway not being shown as failing in the 2030 horizon. However, the TAZ 1387 growth parameters don't include the full level of development proposed for the Florida Gulf Coast Technology & Research Park DRI, with a buildout year of 2022. The model also doesn't reflect the access set-up envisioned in the DRI Master Plan, with one driveway connection to Ben Hill Griffin Parkway and seven driveway connections proposed onto Alico Road (six of which access the 103-acre parcel that is the subject of this plan amendment). Other comprehensive plan amendments, zoning and local development order approvals in the area have shown the two-lane piece of Alico Road between Ben Hill Griffin Parkway and Airport Haul Road as failing in the not-too-distant future with the addition of their development traffic. It is reasonable to expect that this DRI will also have that effect. The conversion of light industrial lands in the Tradeport category to something that would accommodate regional and community commercial development (and thereby increasing the trip generation potential) would only exacerbate that potential problem.

Alico Road is also an industrial corridor with significant truck traffic, including the majority of the mining traffic coming from the limited mining areas off of Alico Road allowed by the DR/GR plan amendments and code changes. Modifying 103 acres of Tradeport to allow more commercial development would cause more of a mixing of traffic types than we would otherwise expect, and could create the kind of safety concerns that are frequently noted by users of

Corkscrew Road to the south, particularly without the widening of Alico Road. On a two-lane undivided road segment such as Alico Road between Ben Hill Griffin Parkway and Airport Haul Road, there is no median so there is no limitation on the movements coming in and out of the seven entrances the applicant has proposed. This could create numerous conflict points with fully-loaded trucks that have difficulty slowing down, in terms of left turns across their path or right turns in front of them.

The MPO's 2030 Needs Plan does not include the widening of Alico Road east of Ben Hill Griffin Parkway; instead it includes the Alico Expressway to the north as a parallel improvement that addresses the demand. The Alico Expressway now appears to be an unlikely improvement given development patterns in the area, and LCDOT staff expects that the on-going update of the MPO plan to 2035 will drop the Expressway project and add the widening of existing Alico Road and its extension up to SR 82 (which was the subject of a recent County corridor alignment study). Whether the widening of Alico Road ends up in the new 2035 Financially Feasible Plan or the Needs Plan remains to be seen. However, in recognition of the importance of widening Alico Road in encouraging alternative energy research and development activities in this area and eliminating obstacles to their establishment, the County is proposing to fund the preliminary engineering/design/permitting effort for the four-laning of Alico Road from Ben Hill Griffin Parkway to Airport Haul Road in its CIP. Unfortunately, severely declining transportation revenues do not allow the County to fund the right-of-way and construction phases at this time.

Whether through this comprehensive plan amendment process (if approved) or the DRI process, the applicant should be required to address the need for future widening of Alico Road between Ben Hill Griffin Parkway and Airport Haul Road, the entire length of which this applicant owns frontage. The applicant could commit to pipeline his DRI proportionate share to the improvements, and/or provide right-of-way for the roadway widening and/or water treatment, or make a commitment to take the roadway drainage into the site drainage. The various land owners have not yet developed a cooperative approach to dealing with the issue. The County may consider the establishment of some sort of funding mechanism for the property owners in the area to help pay for the road widening and other infrastructure needs (i.e., water and sewer lines), such as an MSTU. Such a mechanism could allow for credits against future impact fees or DRI proportionate share obligations. This property owner should be required to participate in any such funding mechanism established by the County in the future.

Summary

Consistent with the requirements of the County's comprehensive plan amendment application, the lack of a specific financial commitment from the applicant to make the necessary roadway improvements by the 2030 time frame causes LCDOT staff to recommend not transmitting this amendment.

Please let me know if you need any additional information.

cc: Donna Marie Collins, Chief Assistant County Attorney
Brandon Dunn, Senior Planner, LCDCD



Civil Engineers • Land Surveyors • Planners • Landscape Architects

August 25, 2010

Mr. Paul O'Connor, AICP
Director of Planning
Lee County Community Development
1500 Monroe Street
Fort Myers, FL 33901

Re: CPA-2010-01, Tradeport Future Land Use Amendment

Dear Mr. O'Connor:

As the authorized representative for CPA-2010-01, which is a privately initiated Lee Plan amendment filed concurrent with DRI-2007-00002, we would like to request that staff schedule the Tradeport text change as part of the County's pending 2009/2010 regular comprehensive plan amendment cycle scheduled for October 20, 2010. The proposed text amendment as transmitted to the State of Florida, is in a form supportable by both the staff and applicant, with minor adjustments, and represents revisions that are beneficial to the entire Tradeport future land use category.

In the event that the Board of County Commissioners does not support the general amendment, it our understanding that the privately initiated amendment can be heard as part of the DRI/MPD public hearings.

Please contact either Neale Montgomery or me if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads 'D. Wayne Arnold'.

D. Wayne Arnold, AICP


c: Neale Montgomery
Larry Fineberg

MEMORANDUM

FROM
THE DEPARTMENT OF
COMMUNITY DEVELOPMENT
DIVISION OF PLANNING

DATE: September 16, 2010

TO: Mr. Chip Block, AICP
Principal Planner, Division of
Zoning

FROM: 
Matthew A. Noble, AICP
Principal Planner, Division of
Planning

RE: **Florida Gulf Coast Research and Technology Park DRI/DCI
DRI2007-00002 and DCI2007-00036
Division of Planning Substantive Comments**

INTRODUCTION

Lee County Planning staff has reviewed the rezoning application and Master Concept Plan for the Florida Gulf Coast Research and Technology Park Development of Regional Impact (DRI), DRI2007-00002/DCI2007-00036. The proposed project consists of 727 acres of land located on the north side of Alico Road, between Ben Hill Griffin Parkway and Airport Haul Road, and south of the Southwest Florida International Airport (SWFIA). The applicant is requesting 650,000 square feet of retail commercial floor area with a wide range of uses; 400,000 square feet of office, 50,000 square feet of medical office; 3,897,000 square feet of industrial and research and development uses; and 240 hotel/motel units. The applicant has provided a generalized Master Concept Plan with limited details. There are numerous Goals, Objectives, and Policies of the Lee Plan that require specific conditions and design considerations to determine compliance with the Lee Plan. Neither Map H for the DRI, or the Master Concept Plan for the Development of County Impact (DCI) provide the level of detail that is needed to make a determination of compliance, therefore staff has proposed conditions that if implemented would create a development that is consistent with the Lee Plan. Planning staff finds this project can be made consistent with the Lee Plan, and recommends that the DRI and DCI applications be **approved with staff recommended conditions**.

Surrounding Land Uses and Developments

The surrounding Future Land Use categories consist of Airport, Tradeport, Density Reduction/Groundwater Resource (DR/GR), and University Community. Airport designated lands occur to the north of the 727 acre DRI, and are directly adjacent to the subject site. The Tradeport designation is directly adjacent to the subject site on the north and east and is also located west across the Ben Hill Griffin Parkway right-of-way. Density Reduction/Groundwater Resource and University Community lands are located south of the proposal across the Alico Road right-of-way.

The application materials and staff review reveal a variety of approved DRIs, Developments of County Impacts, and planned developments in close proximity to the subject site. Staff acknowledges the fact that the site is surrounded by approved and proposed development.

South of the subject property are lands within the Density Reduction/Groundwater Resource Future Land Use Category. The property directly south of the site is a former aggregate mine site with AG-2 and IL zoning. This old mine site is the subject of a separate proposed Lee Plan Amendment known as Alico West, CPA2009-01. The applicant in this case is proposing to re-designate 919 acres of DR/GR lands to University Community.

Also south of the subject site are lands that are currently in the University Community future land use category. These lands include a commercial component of the Miromar Lakes DRI with approval for up to 250,000 square feet of retail uses, 340,000 square feet of office uses, and 450 hotel rooms.

The Gulf Coast Town Center regional mall, in the University Community future land use category, is located southwest of the subject site, on the opposite corner of the Alico Road and Ben Hill Griffin Parkway intersection. This relatively large property was approved as a DRI and zoned as a Mixed Use Planned Development (MPD). The Gulf Coast Town Center has approvals for 1,916,000 square feet of retail uses and 250 hotel rooms, and is nearing build out.

West of the subject site is the Jetway MPD, which is currently under construction and has approvals for 120,000 square feet of commercial retail space, 75,000 square feet of commercial office space and 300 hotel rooms. This development is located in the Tradeport and Industrial Commercial Interchange future land use categories.

North of the subject site is the Southwest Florida International Airport. In addition to the traditional airport uses the Airport approvals include 225,000 square feet of office uses and 300 hotel rooms. To the north of the existing runway, the County is hoping to foster research and development activities within the "Madden Research Loop" on the Airport property.

East of the subject site is the Premier Airport Park. The Premier Airport Park is zoned as an Industrial Planned Development (IPD) and consists of 225.71 acres. The Premier Airport Park has approvals for up to 1,680,000 square feet of industrial uses. Also east of the subject property is approximately 351 acres owned by the applicant zoned AG-2. Further east is the Innovation Hub

(IHUB). The IHUB is zoned MPD, and consists of approximately 241 acres. The IHUB has been approved for 240,000 square feet of retail, and 960,000 square feet of industrial. It should be noted that only 50,000 square feet of the commercial uses permitted in the IHUB development are permitted to be “free standing.”

History of Future Land Use Category

The subject property was designated Open Lands and Wetlands by the original Lee County Future Land Use Map, adopted in 1984. Open Lands was established as a non-urban future land use category with a density range of 1 dwelling unit per 5 acres to 1 dwelling unit per acre. The Open Lands land use category was to be sparsely developed and provide viable agricultural areas for Lee County. The Open Lands designation was retired by the County in 1990 (This category was subsequently revived and applied to lands north of the Caloosahatchie River). In accordance with the stipulated settlement that brought the 1990 Lee Plan into compliance, the Density Reduction/Groundwater Resource (DR/GR) designation was introduced, and the property was changed to DR/GR and Wetlands.

The DR/GR was a new category that was applied to all uplands that were currently designated Rural or Open Lands that lie north of the future urban areas of Bonita Springs, east of I-75, southeast of the Southwest Florida International Airport, and south of State Route 82. In addition to reducing the countywide density, the DR/GR land use designation’s intent is to protect and restrict development on areas that provide substantial recharge to aquifers most suitable for future wellfield development.

Following the siting of the Florida Gulf Coast University, and given the area’s proximity to the Southwest Florida International Airport (SWFIA) and Interstate 75, Lee County amended the Future Land Use Map to designate the subject site’s future land use category to Airport Commerce and Wetlands on November 1, 1994 (effective on July 25, 1996). The Airport Commerce Future Land Use Category was subsequently renamed the Tradeport Future Land Use Category on September 22, 2004 following a request of the Lee County Port Authority.

Lee County recognized the economic potential of the lands south of the SWFIA, north of Alico Road, but also recognized the environmental importance of the lands that were being removed from the DR/GR future land use category. This is reflected in Policy 1.2.2 of the Lee Plan, which describes the Tradeport future land use category.

As part of CPA2007-55, the Tradeport land use category was modified to allow Corner Store commercial uses. This amendment also removed some of the restrictions that applied to “ancillary retail commercial uses.” Staff, in the review of CPA2007-55, concluded that the allowance of ancillary commercial uses and corner stores within the Tradeport future land use category would facilitate the development of Research and Development parks sought by the Economic Development Office in the Industrial Development and Tradeport future land use categories. Prior to the 2007 plan amendments, the Tradeport future land use category had permitted 1,000 square feet of ancillary retail uses for each acre. Unfortunately this plan amendment did not provide a

clear definition for ancillary retail commercial uses. In addition, the amendment removed the 1,000 square feet per acre limit for ancillary retail commercial uses. This created uncertainty about the permitted uses among both staff and the development community.

Concurrent Lee Plan Amendment/General Compatibility with the Tradeport Category

On January 11, 2010, the applicant submitted a DRI related comprehensive plan text amendment seeking language in the Tradeport category to accommodate regional and community retail development on 103 acres of the 727 acre subject site. This proposed amendment is known locally as CPA2010-01.

Staff recognized that the previous 2007 Lee Plan amendment had created a level of uncertainty. However, rather than just resolving this issue for one particular property owner, staff decided that it would be best to resolve this issue for the entire land use category. Staff therefore, did not support the applicant's request, but did recommend a revision to address this issue.

The staff recommended Lee Plan amendment clarifies the meaning of ancillary retail uses and establishes an upper limit for "stand alone" retail commercial uses. CPA2010-01 was scheduled for a transmittal hearing before the Board of County Commissioners on June 23rd, 2010. Following the transmittal hearing, staff has proposed additional language to protect uplands that support wetlands or protect occupied species habitat. The proposed amendment to Policy 1.2.2 is as follows:

POLICY 1.2.2: The Tradeport areas are commercial and industrial lands adjacent to the airport needed to accommodate projected growth through the year 2030. These areas will include developments consisting of light manufacturing or assembly, warehousing, and distribution facilities; research and development activities; laboratories; ground transportation and airport-related terminals or transfer facilities; hotels/motels, meeting facilities; and office uses. Stand alone retail commercial uses intended to support and compliment the surrounding business and industrial land uses are permitted if they are approved as part of a Development of Regional Impact (DRI) or Planned Development rezoning. Stand alone retail commercial uses are limited to 1 acre out of every 10 Tradeport and preserved wetland acres within the project. To provide an incentive to preserve upland habitat, Developments of Regional Impact or Planned Developments may also receive additional stand alone retail acres at the rate of 1 additional acre out of every 10 acres of preserved and enhanced uplands within the project that protect wetlands, flowways or occupied listed species habitat. Ancillary retail and Corner Store commercial uses, related directly to the sale of products manufactured or services provided in the Tradeport intended to support the surrounding business and industrial land uses, are allowed if they are part of a Planned Development. Future development in this category is encouraged to include a mixture of land uses as described in Policy 2.12.2. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan. Caretaker residences are not permitted in the Airport Noise Zone B. Because this area is located

within the Six Mile Cypress Basin and is also a primary point of entry into Lee County, special environmental and design review guidelines will be applied to its development to maintain the appearance of this area as a primary point of entry into Lee County. Property in Section 1 and the east ½ of Section 2, Township 46 South, Range 25 East, and in Section 6, Township 46 South, Range 26 East, must be rezoned to a planned development zoning category prior to any development other than the construction of essential public services. During the rezoning process, the best environmental management practices identified on pages 43 and 44 of the July 28, 1993 Henigar & Ray study entitled, "Groundwater Resource Protection Study" will be rebuttably presumed to be necessary to protect potential groundwater resources in the area.

The applicant is proposing 650,000 square feet of stand alone retail commercial uses; 400,000 square feet of office; 50,000 square feet of medical office; 3,897,000 square feet of industrial and research uses; and 240 hotel/motel units. Planning staff finds the intensities proposed by the applicant are consistent with the proposed Lee Plan amendment. The applicant's August 10th, 2010 resubmittal when viewed against the proposed Lee Plan amendment, would limit the stand alone retail commercial uses to 64.96 acres. This is the result of applying the limitation of 1 acre out of every 10 acres of Tradeport and preserved wetland acres as proposed by the applicant. See table below:

Land Use Summary

Total Area	726.76 acres
Wetlands (State Jurisdictional)	284.32 acres
Tradeport (Uplands)	442.44 acres <i>(total area - wetlands)</i>
Preserved Wetlands	140.31 acres (August 10, 2010 sub.)
Preserved and Enhanced Uplands	66.88 (August 10, 2010 sub.)
Maximum stand alone retail acreage	64.96 acres $((442.44 + 140.31 + 66.88) \times 0.1)$

The applicant is requesting 650,000 square feet of retail uses. When applying this intensity of retail uses to the 64.96 acres that is consistent with the proposed amendment to Policy 1.2.2, staff calculates that the Floor Area Ratio for the retail uses would be 0.229. This is consistent with the Floor Area Ratios of surrounding developments and within the range of a typical shopping center in Lee County. However, Map H and the Master Concept Plan provided by the applicant on August 10, 2010 identifies +/- 134 acres for retail uses. The total amount of retail acres sought by the applicant (134 acres) is inconsistent with the proposed amendment to the Lee Plan that was supported by the applicant at the June 23rd Transmittal Hearing. Planning staff has discussed this inconsistency with the applicant and proposes a that condition should be included with any approval that would limit stand alone retail space to an amount that is consistent with the Tradeport Future Land Use Category. As discussed above , in accordance with the proposed Lee Plan language,

stand alone retail commercial development would be limited to 64.96 acres on the subject site. If the cypress wetlands along Alico Road, which contain 1.87 acres, were preserved as conditioned by staff, an additional 0.19 acres could be used for the stand alone retail uses for a total of 65.15 acres. Therefore, any approval for the DRI and DCI requests must be conditioned to limit the stand alone retail uses to no more than 65.15 acres of the 727 acre subject site if the Alico Road cypress wetlands are preserved.

Gateway Location

In addition to the uses and intensities permitted within the Tradeport future land use category, Policy 1.2.2 contains two other provisions that are applicable to the subject site. Generally these include the “gateway” aspect of the Tradeport future land use category and the environmental sensitivity of the Tradeport lands south of the international airport and north of Alico Road.

The language within Policy 1.2.2 that identifies the gateway aspect of the Tradeport future land use category is in part reproduced below:

***Policy 1.2.2...** Because this area is located within the Six Mile Cypress Basin and is also a primary point of entry into Lee County, special environmental and design review guidelines will be applied to its development to maintain the appearance of this area as a primary point of entry into Lee County.*

This language suggests that additional enhancements and considerations should be given to those design features that enhance the aesthetic and environmental values of the corridors within the Tradeport Area. Enhanced buffers designed to incorporate and preserve areas of indigenous plant species is appropriate to accomplish this goal. Environmental Sciences staff has identified two small cypress wetland areas adjacent to Alico Road that should be incorporated in the Alico Road buffer. At the request of one commissioner, these areas were graphically depicted at the comprehensive plan amendment transmittal hearing (see attached map). This commissioner also asked that the developer donate needed right of way and the ability to take stormwater drainage from an expanded Alico Road.

The Lee Plan, in Objective 60.5, encourages development to incorporate green infrastructure into their surface water management system. This objective contains several Policies, such as Policies 60.5.1 and 60.5.2, worthy of further discussion. These policies are reproduced below:

***POLICY 60.5.1:** The County encourages new developments to design their surface water management systems to incorporate best management practices including, but not limited to, filtration marshes, grassed swales planted with native vegetation, retention/detention lakes with enlarged littoral zones, preserved or restored wetlands, and meandering flow-ways.*

***POLICY 60.5.2:** The County encourages new developments to design their surface water management system to incorporate existing wetland systems.*

The cypress wetland areas along Alico Road that were presented by staff at the comprehensive plan amendment transmittal hearing can be utilized as green infrastructure and can be incorporated in the water management system of both the proposed project and future improvements that are needed for Alico Road.

Goal 77 of the Lee Plan identifies “Development Design Requirements” that are applicable to all types of development. Goal 77 states that new development should consider aesthetic appearance, visual relief, environmental quality, and preservation of existing native trees and plant communities. Specifically Objective 77.3 and Policy 77.3.3 have requirements for preserving native plant communities along rights-of-way. These provisions are reproduced below:

OBJECTIVE 77.3: *New developments must use innovative open space design to preserve existing native vegetation, provide visual relief, and buffer adjacent uses and proposed and/or existing rights-of-way. This objective and subsequent policies are to be implemented through the zoning process.*

POLICY 77.3.3: *The county encourages new developments to incorporate existing native plant communities and/or native trees along proposed and/or existing rights-of-way.*

Objective 77.3 states that “New development must use innovative open space design to preserve existing native vegetation, provide visual relief, and buffer adjacent uses and proposed and/or existing rights-of-way.” Staff has identified “existing native vegetation” along the Alico Road right-of-way that the applicant must incorporate into the right-of-way buffer in order to “provide visual relief, and buffer adjacent uses and proposed and/or existing rights-of-way.”

In addition to the above mentioned Objectives and Policies, the Lee Plan also includes Objective 61.2, Mimicking the Functions of Natural System, that directs the County to “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.” Policy 61.2.4 provides in part that “where feasible within future urban areas, surface water management plans are encouraged that mimic the functions of natural systems.” The subject site is located in a future urban area and the two cypress wetland areas are ideally situated to receive and otherwise manage storm and surface water from both the project and Alico Road.

The Master Concept Plan and Map H, as submitted by the applicant on August 10th, 2010 do not identify the preservation of the existing cypress wetlands along the Alico Road right-of-way. Therefore staff recommends that the Master Concept Plan and Map H should be revised to include the cypress wetlands identified by staff in order to be consistent with Objective 60.5, Policy 60.5.1, Policy 60.5.2, Objective 61.2, Policy 61.2.4, Objective 77.3 and Policy 77.3.3 of the Lee Plan.

The concept of enhanced buffers is further supported by Lee Plan Policy 18.2.3, and the University Window Overlay agreement (OR2934, PG3441). Policy 18.2.3, and the University Window Overlay agreement, further call out this area as a gateway into Lee County and more specifically

a gateway to Florida Gulf Coast University. The University Window Overlay agreement states that *“the appearance of the right-of-way will directly impact the University Window Overlay and the goal of creating and then preserving the community character along the road corridors which lead to the university campus.”* When the University Window Overlay was initially adopted it included Ben Hill Griffin Parkway along the subject site and Alico Road from I-75 to Ben Hill Griffin Parkway. The Board of County Commissioner has recently provided direction through the transmittal of CPA2009-01, Alico West, which proposes to extend the University Window Overlay along Alico Road from Ben Hill Griffin Parkway to the potential County Road 951 alignment. The subject property has frontage along this section of Alico Road and would be affected by the extension of the University Window Overlay.

Due to the proximity to the Southwest Florida International Airport, and Florida Gulf Coast University, this area serves as the primary gateway into Lee County and provides an initial impression of our community to visitors and potential residents. The Master Concept Plan submitted on August 10th, 2010 by the applicant identifies a 20 foot wide buffer along Alico Road and Ben Hill Griffin Parkway. Planning staff does not find that the applicant’s proposed buffer is appropriate along the frontage of Ben Hill Griffin Parkway and Alico Road because this area has been recognized by the Board of County Commissioners as a gateway into Lee County.

Proposed Map H and the Master Concept Plan are not specific as to what uses would be located in the individual areas of the site. For example, they would allow industrial uses in every area of the site including along Alico Road and Ben Hill Griffin Parkway. Stand alone retail commercial uses are proposed on tracts E, F, H, and I. These tracts include a total of 134 acres as previously mentioned. These plans include no building specifics such as individual building sizes, locations, heights, architectural treatments, or lot configuration.

Planning staff recommends a condition of approval be included that requires a minimum 25 or 30 foot buffer along Ben Hill Griffin Parkway and Alico Road. The purpose of this buffer is to provide an appealing drive-by experience for visitors and residents of Lee County, as well as, to assure compatibility with surrounding uses. This type of buffer will also provide opportunities for shaded sidewalks and bike paths, and help shield individuals internal to the site from the traffic and noise from Alico Road and Ben Hill Griffin Parkway. Staff also believes that projects such as this one should include the concept of view corridors and windows in the design of the right of way buffers. Staff has offered the applicant a choice of having a 25 foot buffer or a 30 foot buffer that would allow enough width to provide the developer with flexibility to achieve the design principles of compatibility and visibility. Please see Environmental Science’s memorandum for the specifics of the staff recommended buffer.

The applicant is also proposing a standard 15' Type D buffer along the north side of the property, where it is adjacent to Terminal Access Road. This buffer would not adequately screen the potential back end of industrial buildings that would be visible to all traffic coming to and going from the SWFIA terminal. Planning recommends a condition of approval that would require a buffer that is consistent with the buffer required in the Airport Crossings MPD rezoning case. This

was contained in condition 4(c) of zoning resolution Z-04-069. This condition was placed on the northern buffer for the property adjacent to the subject site along Terminal Access Road. Planning staff is recommending the following buffer for the northern property line on the subject DRI:

The developer must provide a 25-foot wide buffer along the north property line consisting of a four-foot high berm (3:1 slope) with 10 trees per 100 linear foot and a 48-inch high double staggered hedge at time of planting. The hedge must be maintained at a minimum 60-inch height. Required plantings must be located on the top of the berm or near the top of the berm on the north side of the berm.

Consistent buffers along Terminal Access Road will ensure a cohesive landscaping treatment into Lee County along this important gateway road.

Groundwater Resource Protection Study

Although this area of the Tradeport has been recognized as an area for future economic development and diversification, the area also provides vital water recharge areas for the County's potable water supply. Historically the subject site was in the Open Lands future land use category and more recently the Density Reduction/Groundwater Recharge (DR/GR) future land use category. The ecological and economic benefits of the subject site must be carefully balanced. When the subject site, along with other properties south of the SWFIA were redesignated on the Future Land Use Map to the Tradeport future land use category the following text was included that recognized the importance of the ecological function of those properties and made specific requirements that would protect the ecological values of the properties.

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

The provision of Policy 1.2.2 that is identified above requires that the best environmental management practices identified on pages 43 and 44 of the July 28, 1993 Henigar & Ray study entitled, "Groundwater Resource Protection Study" (attached) will be presumed to be necessary to protect potential groundwater resources in the area. The "best environmental management practices identified in the Henigar & Ray study include limitations on types of uses, stormwater management system requirements, limitations on impervious surfaces, sanitary sewer system requirements, and wellfield protection standards.

The environmental best management practice identified in the Groundwater Resource Protection Study requires limiting uses on the affected properties or requiring that "Best Management Practices" are followed. Uses that were not seen as appropriate at the time involved the storage of

hazardous materials. The application materials submitted by the applicant in May, 2010 included a schedule of uses that contains several uses that are not consistent with the 1993 Groundwater Resource Protection Study. However staff notes that Chapter 62-761, Florida Statute, Underground Storage Tank Systems was amended in 2004, and that the best management practices identified in 1993 Groundwater Resource Protection Study, among other requirements, have become the minimum required standards. These include standards for tightness testing, secondary containment and release detection.

The environmental best practices identified in the 1993 Henigar & Ray study also limited the impervious surface ratio to 0.35 in order to protect the water recharge rates of the area and the functioning of the nearby wellfields. The Master Concept Plan and Map H provided by the applicant are vague, and do not demonstrate compliance with this requirement of the Lee Plan. Planning staff recommends a condition of approval that requires a minimum amount of pervious surface in order to be found consistent with Policy 1.2.2 of the Lee Plan.

The environmental best practices also required that the stormwater management system be designed to retain the first 3 inches of run-off generated from the impervious areas in order to increase the water recharge ability of the area. In an applicant response dated August 10, 2010, the applicant's consultant has stated the proposed project does meet this requirement. Planning staff recommends that any approval require a demonstration prior to the approval of a development order that this requirement is being met. This could be accomplished with the following condition:

The initial development order must include a master stormwater management system for the entire development. The stormwater management system must be wholly contained within the boundaries of the Development of Regional Impact development order. In addition to stormwater management requirements contained in the Land Development Code, the stormwater management system must retain the first three inches of run-off from all impervious surfaces.

It was discussed at the June 23, 2010 transmittal hearing that the project should be designed to accommodate stormwater run-off from an improved Alico Road. Staff offers the following condition to assure that the project's stormwater management system will be designed to accommodate the anticipated run-off from Alico Road:

The stormwater management system must be designed to accommodate stormwater run-off from an improved Alico Road as necessary. The project's stormwater management system design must be coordinated with the PD&E study for the Alico Road Improvements.

Balancing Environmental Impacts with Economic Diversity Goal

The applicant is proposing to impact numerous wetlands. The wetlands that are proposed to be impacted are typically infested with exotic plant species. Potentially there will be some negative impacts to the recharge capability of the subject site. However, the previously discussed condition

should help to address this issue. Staff notes that a total of 144.01 acres of wetlands are proposed to be filled by the project as shown by the Master Concept Plan submitted by the applicant on August 3, 2010. Staff also notes that the proposal conserves 140.31 acres of wetlands. Staff is willing to allow the impacting of more than half of the onsite wetlands to further the county's economic diversification goal in this area of the county. Staff is recommending that an additional 1.87 wetland acres be preserved as part of the Alico Road buffer as previously discussed. Staff finds that the protection of the viable wetlands and flowways should be protected for habitat, recharge and aesthetic values. The proposal does preserve the major flowway features of the site. Staff has asked for additional modifications to the preserve plan to provide further flowway protection as well as for habitat for protected species such as the gopher tortoise. With the exception of the road right of way preserves, the applicant has agreed to these modifications. In addition to the right of way preserves, staff would expect further modifications to address the stormwater design to accommodate the occupied gopher tortoise habitat located in Preserve #5.

It is common practice in Lee County to preserve areas along public right-of-ways to provide additional water recharge areas, aesthetic relief, and habitat for birds and small animals. A unique community character has resulted from the balancing of the environmental and economic benefits of this area of Lee County. Right-of-way buffers often incorporate preserve areas adjacent to public right-of-ways. This creates the sense that development is sensitive to its environmental context as the commercial and industrial developments are built in and amongst environmental features. In addition to the preserve areas shown on the applicant's proposed Master Concept Plan, the development should incorporate the two cypress wetland areas located along Alico Road. Preserving these areas is consistent with the development in the surrounding area, and would provide a natural break from the built environment on the more than one and half miles of frontage owned by the applicant on Alico Road. Given the location of the subject site on Alico Road, preserve areas adjacent to the right-of-way will also provide a transition to the county's rural areas that lie further east.

OTHER LEE PLAN PROVISIONS

There are several additional provisions of the Lee Plan that should be evaluated in light of the proposal. These include provisions of Goal 2, Goal 4, Goal 6, Goal 7, Goal 11. Staff provides a discussion of these Lee Plan provisions and the proposal to determine overall consistency with the Lee Plan.

Goal 2: Growth Management

Goal 2 of the Lee Plan requires that new development should be timed with the provision of infrastructure by government agencies, private utilities, or other sources. Analysis of the transportation infrastructure and the improvements that will be required to serve the subject property and surrounding proposed developments clearly show additional and unmet infrastructure needs. As discussed in the Department of Transportation review memorandum, at some point in the future additional transportation capacity is planned for this area, however there is currently no funds available for the needed improvements.

Objective 2.1, Development Location, promotes contiguous and compact growth patterns through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities. Staff notes that this parcel is located at the intersection of two arterial roadways, and that industrial developments have been approved further east of the subject site. Therefore staff finds that this development should be considered as infill development and that the subject site is an appropriate location for the proposed development.

Objective 2.2, Development Timing, in part, directs new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. The Objective also provides that development orders and permits can only be granted when consistent with Florida Statutes and the county's Concurrency Management Ordinance. Policy 2.2.1, in part, provides that rezonings and development of regional impact proposals will be evaluated as to the availability and proximity of the road network as well as other infrastructure and service issues such as sewer, water, schools, EMS, fire and police.

Staff has identified a potential safety issue with the proposal. The applicant is seeking seven access points onto Alico Road. Staff found that seven access points is not required to provide reasonable access to the subject site. Staff recognizes that each access point adds additional conflict points along the corridor. The recent July 2008 Truck Impact Evaluation, prepared by David Douglas Associates, Inc., indicated that the majority of existing traffic on Alico Road is large trucks associated with the mining activity located along Alico Road. These trucks require longer acceleration and deceleration distances than passenger vehicles leading to potential conflicts. This is further discussed below and in the Department of Transportation review memorandum.

Beyond safety concerns, staff has identified other issues with specific proposed access points. For example, the proposed far eastern access point conflicts with one of the staff proposed cypress wetland preserves located along Alico Road. In the alternative for this particular access point, staff recommends that an interconnect be provided with the applicant's own lands to the east that are not included in these requests.

Staff has also concluded that the proposal's traffic plus the background traffic will exceed the capacity of Alico Road. The proposal also does not include an adequate reliever facility which is a proposed east-west collector facility north of Alico Road. The estimated proportionate share and impact fees from the proposed development are not enough to assure that these improvements are actually constructed. The county currently has not programmed these improvements.

Policy 2.2.2 provides that Map 1 of the Future Land Use Map series indicates the uses and density ranges that will ultimately be permitted on a given parcel. The Policy also states that it is not a guarantee that densities or uses are immediately appropriate, as the map provides for the county's growth over the coming 26 years. This policy also provides that during the rezoning process the

Board of County Commissioners will balance the overall standards and policies of this plan with 3 factors. The first factor is whether a given proposal would further burden already overwhelmed existing and committed public facilities. The DRI development order contains traffic mitigation options which have been reviewed by Department of Transportation staff to assure that the proposed development will provide appropriate mitigation. Given that there are not currently adequate transportation facilities, the approval should be conditioned so that the facility needs can be addressed. Staff notes that per Policy 2.3.2, the cost for the provision and expansion of services and facilities that benefit new development will be borne primarily by those who benefit.

Goal 4: Sustainable Development Design

Goal 4 directs the county to pursue or maintain land development regulations which encourage creative site design and mixed use developments. Objective 4.1 directs the county to maintain the current planned development rezoning process which combines site planning flexibility with rigorous review. Policy 4.1.1 is reproduced below:

***POLICY 4.1.1:** Development designs will be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements.*

Given the limited information provided by the applicant, it is hard to determine the proposals consistency with this policy. For example, given the very general nature of Map H and the Master Concept Plan it is impossible to determine that land uses and structures will be well integrated, properly oriented, and functionally related to the topographic and natural features of the site. In fact, the applicant proposes filling cypress wetland areas along Alico Road, instead of incorporating these natural features into the project's design.

Policy 4.1.2 is reproduced below:

***POLICY 4.1.2:** Development designs will be evaluated to ensure that the internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive effect on the activities and functions contained within or adjacent to the development.*

This policy requires that Lee County staff review development for the efficiency of their internal street system to ensure that there is not a disruptive effect on neighboring activities. Planning staff finds that the proposed internal street system could be made more efficient with additional connections to neighboring properties. There is an opportunity for an internal connection with the adjacent property, Airport Technology MPD. This connection would create a parallel east-west facility to Alico Road, reducing the impacts the development would have on Alico Road. The applicant is not proposing to construct the western portion of this facility located within the DRI. Additionally, the applicant is proposing to not develop the east-west facility in a manner that

provides a direct east-west connection between Ben Hill Griffin Parkway and Airport Haul Road. Staff is recommending that a condition be included that assures that this collector reliever facility be constructed in a manner consistent with the recorded easement.

The application materials submitted August 10, 2010 show seven (7) access points along Alico Road. The proposed access to Alico Road exacerbates the capacity issues on that facility and also is “disruptive” to the neighboring mining uses. Lee County has taken actions over the past several years to encourage mine related traffic to use Alico Road to access I-75. A rock hauler with a full load can weigh approximately 70,000 pounds. The acceleration and stopping distances required for vehicles weighing this much is significantly more than a typical passenger vehicle. Lee County Department of Transportation staff has stated that seven access points do not appear to be required to provide reasonable access to Alico Road, and that each additional access point in a roadway represents an added conflict point. Staff finds that access should be limited to three access points on Alico Road to minimize the truck/passenger vehicle conflict points. Staff finds that limiting access points in this manner will minimize impacts to the nearby mining uses.

The proposal potentially represents a “disruptive effect” on the nearby mine uses and their trucking operations and does not recognize all of the natural features of the site. Staff finds that Map H and the Master Concept Plan should be revised to reduce the number of access points and preserve the natural features of the site that are adjacent to the Alico Road right-of-way to be consistent with Goal 4, Objective 4.1, Policy 4.1.1, and Policy 4.1.2.

Goal 6: Commercial Land Uses

The applicant is requesting 650,000 square feet of retail commercial uses which is subject to the Commercial Site Location Standards found in Policy 6.1.2 of the Lee Plan. The proposed scale of retail commercial development, 650,000 square feet, requires that the proposed development meets the requirements for a Regional Commercial Center. Policy 6.1.2.4 requires that the development “must be located in such a manner as to provide direct access to two and preferably three arterial roads. Such direct access may be via an internal access road to one or more arterials.”

The applicant is proposing to locate the retail commercial uses at the intersection of Ben Hill Griffin Parkway, an arterial; and Alico Road, also an arterial. The applicant’s proposed Master Concept Plan shows that the development will access both roads through internal access roads. The Master Concept Plan is consistent with the Commercial Site Location Standards identified by Policy 6.1.2 of the Lee Plan.

Goal 7: Industrial Land Uses

The applicant is proposing 650,000 square feet of retail, 400,000 square feet of office uses; 50,000 square feet of medical office; 3,897,000 square feet of industrial and research uses; and 240 hotel/motel units. The proposed project is primarily an industrial/office/research and development project. Policy 7.1.1 of the Lee Plan includes several factors that must be evaluated prior to approval of industrial rezoning applications. Some of these factors include: effect on neighbors and surrounding land uses, buffering and screening, noise and odor. These factors will have direct

off-site impacts. The application materials provide very little detail about the end use of the site, the aesthetics of the buildings on site, the noise or odor that may be generated from the site. Therefore staff finds that it is appropriate to require enhanced buffers that will protect the adjacent properties and roadways, including the Airport Terminal Access Road, from potentially intense or unsightly industrial uses.

Without proper buffers and architectural standards the proposed development could have negative aesthetic impacts on the “gateway” to Lee County. The applicant has not addressed any architectural treatments for any proposed buildings. Staff recommends conditions of approval that require appropriate buffers and architectural standards so that the proposed development will fit into the context of the surrounding developments.

In addition to the requirements of Policy 7.1.1, there are requirements for industrial developments that meet the threshold of a Development of County Impact found in Policy 7.1.2 of the Lee Plan. The proposed development is a Development of County Impact (DCI) and must meet the requirements found below:

1. promote compatibility and screening;
2. reduce dependence on the automobile;
3. promote pedestrian movement within the development;
4. utilize joint parking, access and loading facilities;
5. avoid negative impacts on surrounding land uses and traffic circulation;
6. protect natural resources; and
7. provide necessary facilities and services where they are inadequate to serve the proposed use.

Staff finds that the proposed Map H and Master Concept Plan should be revised in order to demonstrate consistency with the seven (7) items listed above. Each of these items have been discussed within the context of other Lee Plan provisions. For instance, the proposed development will create negative impacts on surrounding land uses and traffic circulation. These impacts could be mitigated or minimized if the site design incorporated an internal east-west drive that paralleled Alico Road, and reduced the number of access points that are proposed for Alico Road. The applicant is not accommodating improvements to Alico Road on these plans. The applicant has not fully pursued other options to reduce p.m. peak hour vehicular trip generation and resulting impacts of the project. Lee County Department of Transportation staff have identified several options such as additional interconnections to adjacent projects, carpooling, and utilization of transit services.

Additionally, staff has identified additional preserve areas that are necessary to protect the County’s water resources, habitat areas, and increased buffering and screening. Map H and the Master Concept Plan should be revised to protect these natural resources. The Lee Plan also justifies the protection of flowways and viable wetlands in Goals 77 and 107 of the Lee Plan.

Also, the creation of preserve areas along public right-of-ways would be consistent with the Lee Plan provisions that have been identified through this review. Policy 1.2.2 states that “Because this area is located within the Six Mile Cypress Basin and is also a primary point of entry into Lee County, special environmental and design review guidelines will be applied to its development to maintain the appearance of this area as a primary point of entry into Lee County”.

The Master Concept Plan and Map H currently do not identify any internal pedestrian circulation. Item #3 above requires that staff review the proposed development in terms of the adequacy of pedestrian movement within the development. Staff has been unable to review this aspect of the development, and finds that the Master Concept Plan and Map H should be revised to identify an adequate internal pedestrian system in order to be consistent with the Lee Plan. Staff also recommends that sidewalks and/or a multi-use path should be incorporated into the internal roadway buffers and require canopy trees to provide shade to those who desire to use these pedestrian facilities.

Goal 11: Water, Sewer, Traffic and Environmental Review Standards

The proposed development is identified on Map 6 as being within the Future Water Service Area, and on Map 7 as being within the Future Sewer Service Area. The applicant has provided a letter of availability for potable water and sewer service from Lee County Utilities. Additional analysis will be needed prior to development order approval. Planning staff finds that the application is consistent with Standard 11.1 and Standard 11.2 of the Lee Plan. The review of the proposed comprehensive plan amendment also demonstrated that adequate water and sewer services are available.

Goal 47 Coordinated System of Aviation Facilities

Goal 47 seeks to develop and maintain a coordinated system of aviation facilities to facilitate the safe, cost-effective, and efficient movement of commerce consistent with community values and economic objectives. Objective 47.2 directs the county and Port Authority to evaluate development proposals for property located within the vicinity of existing aviation facilities to ensure land use compatibility, to preclude obstructions to aircraft operations, and to protect airport capacities. Policy 47.5.4 directs the county to consider land use compatibility when reviewing development proposals within the vicinity of existing or proposed aviation facilities.

The proposal, as contained in the approved South Florida Water Management District Environmental Resource Permit and the draft woodstork management plan, is to provide an increase in the on-site available foraging habitat and opportunities for woodstork and listed wading bird species by the creation of deep water habitats and littoral zones within the proposed lakes. The project site is located immediately south of the Southwest Florida International Airport within the flight path of the future south runway. The concern is for increasing the chances of aircraft-bird strikes.

The Environmental Sciences (ES) staff have reviewed this topic and ES staff find the proposed on-site mitigation to provide an increase in the available forage habitat and opportunities for woodstork

and listed wading bird species is inconsistent with Lee Plan Objective 47.2, Objective 47.5, and Policy 47.5.4. given the project location. ES staff is recommending conditions to address this issue.

Goal 107 Resource Protection

Goal 107 requires the county 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. Staff reviews the suitability of project design with the various plant communities and species habitat in the proposed preserve areas. Policy 107.2.3 prevents water management and development projects from altering or disrupting the natural function of significant natural systems. Objective 107.3 directs Lee County to maintain and enhance the fish and wildlife diversity and distribution within Lee County for the benefit of a balanced ecological system. Policy 107.3.1 provides that Lee County encourages upland preservation in and around preserved wetlands to provide habitat diversity, enhance edge effect, and promote wildlife conservation. Objective 107.4 provides that Lee County will continue to protect habitats of endangered and threatened species and species of special concern in order to maintain or enhance existing population numbers and distribution of listed species. Policy 107.4.4 restricts the use of protected plant and wildlife species habitat to that which is compatible with the requirements of endangered and threatened species and species of special concern. New developments must protect remnants of viable habitats when listed vegetative and wildlife species inhabit a tract slated for development, except where equivalent mitigation is provided. Policy 107.8.1 provides that it is the county's policy to protect gopher tortoise burrows wherever they are found. However, if unavoidable conflicts make on-site protection infeasible, then off-site mitigation may be provided in accordance with Florida Game and Fresh Water Fish Commission requirements.

Staff has worked with the applicant to enlarge the gopher tortoise preserve to preserve additional occupied upland habitat around preserve #4. Preserve # 5 has been added to Map H and the Master Concept Plan. This site contain habitat which is actively used by gopher tortoises. The MCP and Map H do not depict a lake maintenance easement to be provided between lakes and Preserves #4 and #5. Communication with the applicant's representatives revealed that the surface water management system is designed to overflow into the preserve areas which will add water to the preserved gopher tortoise habitat. Staff is concerned that this may alter the suitability of these lands to accommodate the gopher tortoises. Staff found that proposing the storm water system design to allow the lakes to overflow into the adjacent gopher tortoise preserve is inconsistent with Goal 107, Policy 107.2.3, Objective 107.3, Policy 107.3.1, Objective 107.4, Policy 107.4.4, and Policy 107.8.1. A more detailed discussion of this issue is contained in the Environmental Sciences review memorandum.

Summary Comments

Planning staff appreciates and shares the applicant's vision for the area and finds that the subject site is appropriate for the proposed development provided that the unresolved issues can be adequately addressed as part of any approval of the development. These unresolved issues must address the provision of adequate transportation mitigation; compliance with the Lee Plan, including the allowed intensity of development within the Tradeport category; adequately address

environmental issues. Even then, approvals should be limited to only Phase 1 of the development, since the analysis provided from the Department of Transportation was based on Phase 1 of the development.

This site is located at an appropriate location. It is within the future water and sewer service area as depicted on Maps 6 and 7 of the Lee Plan. The subject site also has access to two arterial roads, meeting the Site Location Standards that are required of retail commercial developments of this size. Planning staff finds that the seven (7) access points on Alico Road is excessive and will create conflicts with the mine traffic that must also utilize Alico Road. This is inconsistent with Policy 4.1.2 and Policy 7.1.2 of the Lee Plan. In addition, the proposed east/west collector facility must be modified to provide a direct route from Ben Hill Griffin Parkway to Airport Haul Road.

Planning staff notes that the applicant has also done a good job of protecting the flowway that traverses the subject site. However, staff has identified additional wetlands along Alico Road that would also need to be preserved in order to comply with the Lee Plan. Specifically Objective 77.3 and Policy 77.3.3 have requirements for preserving native plant communities along rights-of-way. Policy 60.5.1 and Policy 60.5.2 also encourages incorporating natural features in stormwater management system. In addition to the right of way preserves, staff would expect further modifications to the project design to provide a stormwater design that accommodates the occupied gopher tortoise habitat located in Preserve #5.

Planning staff also finds that because the Master Concept Plan and Map H are general in nature and that increased and enhanced buffers should be required to assure compatibility with the neighboring sites and surrounding uses. Approval of the Master Concept Plan and Map H as they have been submitted by the applicant would permit industrial uses on all developable areas of the site. The Master Concept Plan and Map H include no building specifics such as architectural standards, individual building sizes, locations, or heights. As discussed in this review the increased and enhanced buffers will also afford the protection and aesthetics of a major “gateway” into Lee County. The “gateway” aspect is an applicable provision of Policy 1.2.2 of the Lee Plan.