

Memo

To: Paul O'Connor, Planning Director

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

Date: June 14, 2010

Subject: **CPA 2010-02 (University Highlands)**

The Department of Transportation has reviewed the above-referenced privately-initiated comprehensive plan amendment, submitted in conjunction with a DRI application. The request is to change the land use designation for approximately 208.4 acres on the west side of Ben Hill Griffin Parkway south of the Estero Parkway Extension from "Suburban" to "Urban Community". The property is part of the Timberland & Tiburon DRI. The development parameters that are being applied for through the DRI amendment are 1,300 multi-family residential units, 100,000 square feet of general office space, 50,000 square feet of medical office space, 99,384 square feet of retail commercial uses, and 200 hotel units; however, for purposes of the comprehensive plan traffic analysis, the applicant assumed the 1,300 multi-family residential units and 1,120,000 square feet of retail commercial uses as a "worst case" scenario associated with the land use change. The applicant noted that the "worst case" scenario is highly unlikely and may not even be possible given the development acreage of the site. Although there are some roadway segments in the area that are projected to fail by 2030, both with and without the land use modification, the land use change doesn't really allow much more development than could already be built under the existing designation (part of the applicant's interest in the change was more height). The area is also served by multiple major arterials and non-highway modes of transportation (actually making it appropriate for mixed uses and intensification), and the property is part of an already-established DRI with a specific mitigation plan to cover its proportionate share obligation, through the payment of road impact fees and contributions to the Corkscrew Road Service Area (CRSA) special assessment. Therefore, DOT staff concludes the projected negative conditions are off-set and recommends the amendment be transmitted.

Analysis of Impacts - 2030

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 "worst case" development parameters to the zonal data for existing traffic analysis zone (TAZ) 1380, and ran the FSUTMS travel demand model. Based on the model runs on the financially feasible plan network, two 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:

I-75 from Bonita Beach Road to Corkscrew Road
I-75 from Corkscrew Road to Alico Road

In addition, two more roadway segments are projected to exceed their adopted level of service standard in 2030 with the addition of this “worst case” land use change. They are:

Ben Hill Griffin Parkway from FGCU Entrance to College Club Drive
Three Oaks Parkway from Williams Road to Corkscrew Road

Applicant's Proposed Mitigation

The applicant's consultant suggests that the CPA's traffic impacts will be fully mitigated through the Timberland & Tiburon DRI, which as noted requires the payment of road impact fees and the CRSA contribution to address the proportionate share obligation. The applicant's consultant estimates that the “worst case” scenario would generate about \$20.5 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.

2014 Analysis

The applicant's consultant also performed an analysis of the project impacts for the year 2014, using historic growth rates for the background traffic (2% a year increase) and the model for the project traffic. DOT staff agrees with the applicant's conclusion that all the study area roadway segments will operate at or better than adopted level of service standards with and without the CPA in year 2014.

Median Opening Changes

Although perhaps more of an issue for the University Highlands DRI than this CPA, DOT staff has a concern about the project's access to the approved median openings on Ben Hill Griffin Parkway. The median openings and allowed movements on Ben Hill Griffin Parkway were established when the right-of-way was provided to the County back in 1996. Since then, a new full-movement median opening with a traffic signal has been established just north of the project site, as part of the Estero Parkway Extension. When this University Highlands site was under consideration as a potential location for the new Red Sox spring training stadium, DOT staff had noted that the full median opening just to the south of the Estero Parkway Extension needed to be changed to only allow right-in/right-out and directional left-in movements. The next median opening to the south from there, which currently has limited movements allowed, could then become a full-movement opening. This would allow for better spacing of the full-movement openings, which are candidates for future traffic signals. The applicant accepted the need to change the full median opening to a right-in/right-out/directional left-in movement during the Red Sox stadium discussions. This modification must be implemented as part of the proposed intensification of the land use classification to Urban Community.

Conclusions

While the projected roadway failures in 2030 both with and without the CPA would normally be a cause for concern and could lead to a recommendation of non-transmittal absent a financial commitment to make the necessary improvements. DOT staff concludes that the project impacts will be adequately addressed for the following reasons: (1) the land use change is not really different than what is already allowed, and the “worst case” scenario is unlikely to be realized; (2) the site is part of a long-established DRI that already has a specific traffic mitigation plan in

place, involving the payment of road impact fees and the payment of the CRSA special assessment; and (3) this site actually makes sense as a location for infill and mixed use development. Therefore, LCDOT staff recommends 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

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

Date: May 27, 2010

To: Brandon Dunn, Planner

From: Aaron Martin, Environmental Planner

Phone: (239)533-8522

e-mail: amartin@leegov.com

PLS for ADM

Project: University Highlands

Case: CPA2010-00002

PROJECT:

The applicant is requesting to amend the Future Land Use Map (FLUM) from Suburban and Wetlands to Urban Community and Wetlands to allow for the development of 1300 dwelling units, 150,000 sq ft of general office (with up to 50,000 sq ft of medical), 99,384 sq ft of commercial, and a 200 room hotel.

PROJECT SITE:

The site is approximately 208.4 acres in size and is located between I-75 and Ben Hill Griffin Pkwy just north of and adjacent to the Miromar Outlet Mall and Germain Arena. The site is zoned MPD and currently has a Future Land Use Category of Suburban and Wetland. The MPD zoning is part of an overall Timberland and Tiburon (T&T) development of regional impact (DRI) that was done in 1995 (DRI #7-8384-46). The majority of the 812.4 acre T&T DRI has been developed with this being the only remaining undeveloped portion. Originally, this portion of the DRI was to be developed as a residential community with a 200 room hotel and limited commercial square footage (approximately 12,384 sq ft). The applicant has proposed an amendment to the current DRI/DCI (DRI2010-00001 and DCI2010-00005) to allow for the development of 1300 dwelling units, 150,000 sq ft of general office (with up to 50,000 sq ft of medical), 99,384 sq ft of commercial, and a 200 room hotel.

ENVIRONMENTAL ASSESSMENT:

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 Wilson Miller, Inc. in March 2010. The assessment and a Florida Land Use, Cover and Classification System (FLUCCS) map was submitted by the applicant. County Staff conducted a site inspection on March 19, 2010 which confirmed the applicants species survey and FLUCCS map.

The site is comprised of: 1.2 acres Pine Flatwoods with 10-24% exotic coverage FLUCCS 411E1, 2.92 acres Pine Flatwoods with 25-49% exotic coverage FLUCCS 411E2, 40.11 acres Pine Flatwoods with 50-75% exotic coverage FLUCCS 411E3, 7.12 acres Pine Flatwoods with 76-100% exotic coverage FLUCCS 411E4, 2.91 acres Ditches FLUCCS 513, 13.98 acres Stormwater Management Lake FLUCCS 527, 20.87 acres Exotic Wetland Hardwoods FLUCCS 619, 75.39 acres Hydric Pine Flatwoods with 50-75% exotic coverage FLUCCS 625E3, 32.56 acres Hydric Pine Flatwoods with 76-100% exotic coverage FLUCCS 625E4, 0.79 acres Spoil Areas FLUCCS 743 and 743E3, 9.36 acres Roads and Rights of Ways FLUCCS 814, and 1.21 acres Primitive Trails FLUCCS 8146.

Within the 411 FLUCCS community the canopy vegetation is slash pine (*Pinus elliotti*), live oak (*Quercus virginiana*), cabbage palm (*Sabal palmetto*), and scattered melaleuca (*Melaleuca quinquenervia*). The midstory contains scattered Brazilian pepper (*Schinus terebinthifolius*), stagger bush (*Lyonia* sp.), gallberry (*Ilex glabra*), myrsine (*Rapanea punctata*), saltbush (*Baccharis* sp.), and wax myrtle (*Myrica cerifera*). The ground cover is dominated by saw palmetto (*Serenoa repens*), and also contains species such as wire grass (*Artistida stricta*), grapevine (*Vitis rotundifolia*), and greenbriar (*Smilax glauca*).

Within the 625 FLUCCS community the canopy vegetation is slash pine (*Pinus elliotti*), laurel oak (*Quercus laurifolia*), cabbage palm (*Sabal palmetto*), bald cypress (*Taxodium distichum*), and scattered melaleuca (*Melaleuca quinquenervia*). The midstory contains scattered Brazilian pepper (*Schinus terebinthifolius*), dahoon holly (*Ilex cassine*), myrsine (*Rapanea punctata*), and wax myrtle (*Myrica cerifera*). The ground cover contains some scattered saw palmetto (*Serenoa repens*), and also contains species such as wire grass (*Artistida stricta*), muhly grass (*Muhlenbergia* spp.), and love grass (*Eragrotis* spp.).

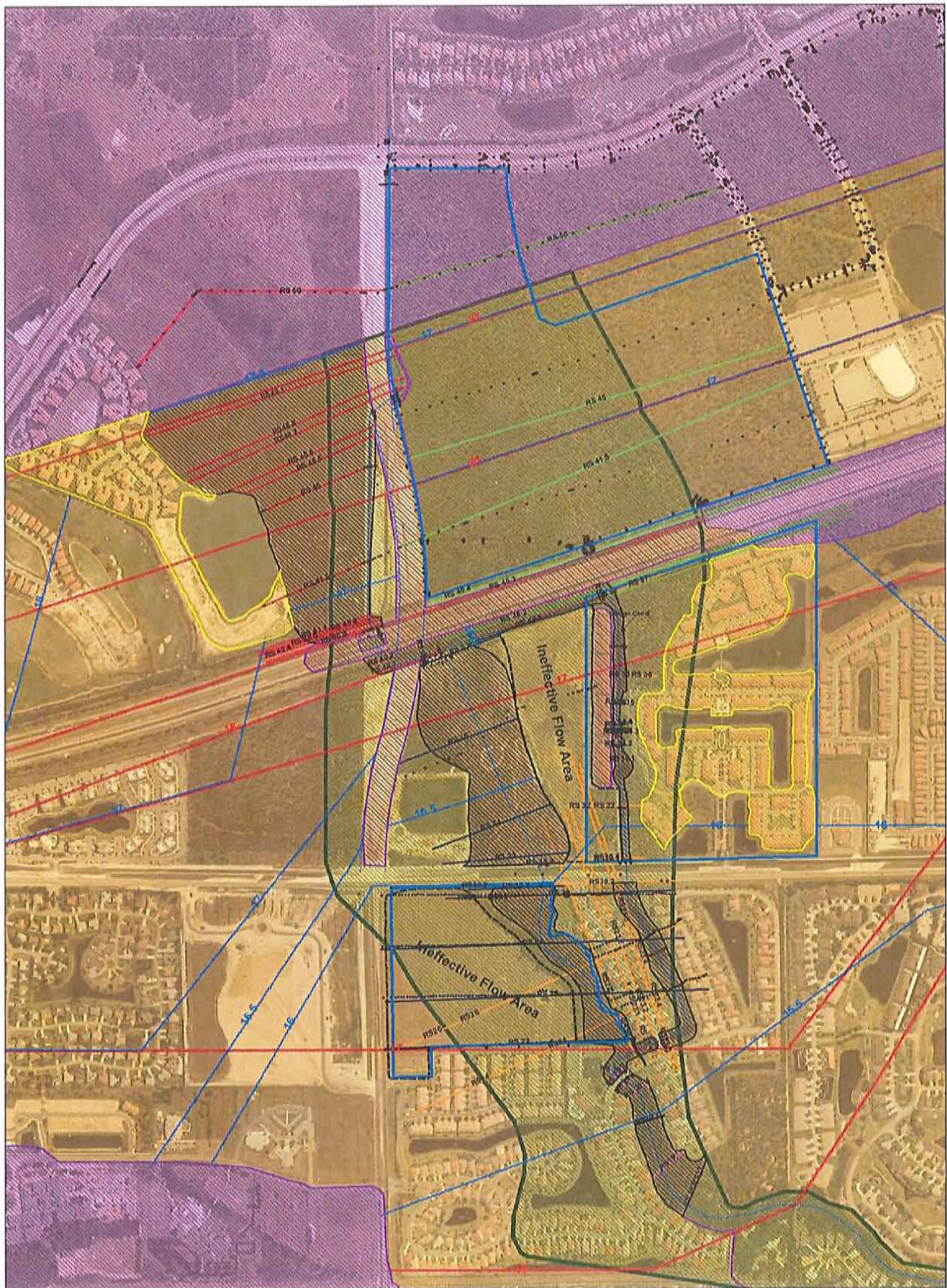
Listed species identified on site included gopher tortoise, tricolored heron, little blue heron, snowy egret, white ibis, wood stork, and american alligator. There are an estimated one to two gopher tortoises on site, along the edge of an upland trail. Given the wet nature of the site and the location of the burrows along an upland trail it is believed that these tortoises were placed on the site illegally. The applicant has indicated in their current DRI/DCI request that they will be relocating these tortoises offsite given the lack of suitable habitat on site. In addition, approximately 132.9 acres of the property is located within the panther primary zone. At time of local development this site will have to undergo a section 7 consultation with FWS and address any required mitigation.

WETLANDS:

The only wetlands shown on the current FLUM is a 0.3 acre wetland along the north property line. The proposed FLUM demonstrates that same wetland area as remaining in its current land use category. The site overall contains approximately 133 acres of jurisdictional wetlands per the Army Corp of Engineers (ACOE) and the South Florida Water Management District (SFWMD). **Lee Plan 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. Consequently, the wetlands on this site have become degraded over time due to surrounding development and changes in hydrologic connections. Because of the road construction, the surface water flow in this area has been rerouted along the roads through the drainage ditches, severely impacting the function of the wetlands on site and allowing for increased exotic infestation.

In addition to the surrounding development and impacts to surface water flow, the site has been previously permitted to be impacted by both the ACOE and the SFWMD. Development of the entire DRI, including the subject property, was reviewed and conceptually approved by SFWMD as part of ERP Permit No. 36-018171-S in 1991. The SFWMD ERP Permit No. 36-01871-S was extended on July 9, 2009 until May 22, 2011. In addition the applicant has applied for a modification of this site to allow the new proposed development parameters as discussed previously to be permitted. In addition to the SFWMD ERP permit, the development of this site was previously reviewed and approved by the ACOE in 1993 as part of a Section 404 Individual Permit No. 1993-2371-IP. This ACOE permit expired in May of 2006 and the applicant has reapplied for a new permit (Application No. SAJ-2009-01116-IP-MJD) which is currently under review.



- Legend - Proposed**
- Projects
 - All Survey
 - WM Survey
 - Ineffective Flow Areas
 - Proposed 62 PCT Annual Chance Flood Hazard (Shaded X)
 - Proposed X (Unshaded X)
 - Proposed EPE with Tabasco to Effective
 - Proposed Floodway
 - Proposed Floodway Tabasco to Effective
 - Center of Conveyance
 - HECRAS Estero Flowway Cross Section
 - HECRAS Rockyway FC Cross Section
 - HECRAS Rockyway to RS Cross Section
 - HECRAS 175 Canal Cross Section
 - HECRAS East of 175 Cross Section
 - HECRAS Estero Parkway Cross Section



- Effective FEMA**
- Effective EPE
 - Effective Floodway
 - Effective FLD_HAZ_AR
 - 62 PCT ANNUAL CHANCE FLOOD HAZARD
 - AE
 - X

H&H Study of Estero River Floodway Boundary (Elevations - NAVD) Topographic Work Map Case Number 09-04-1104P

1 inch = 300 feet

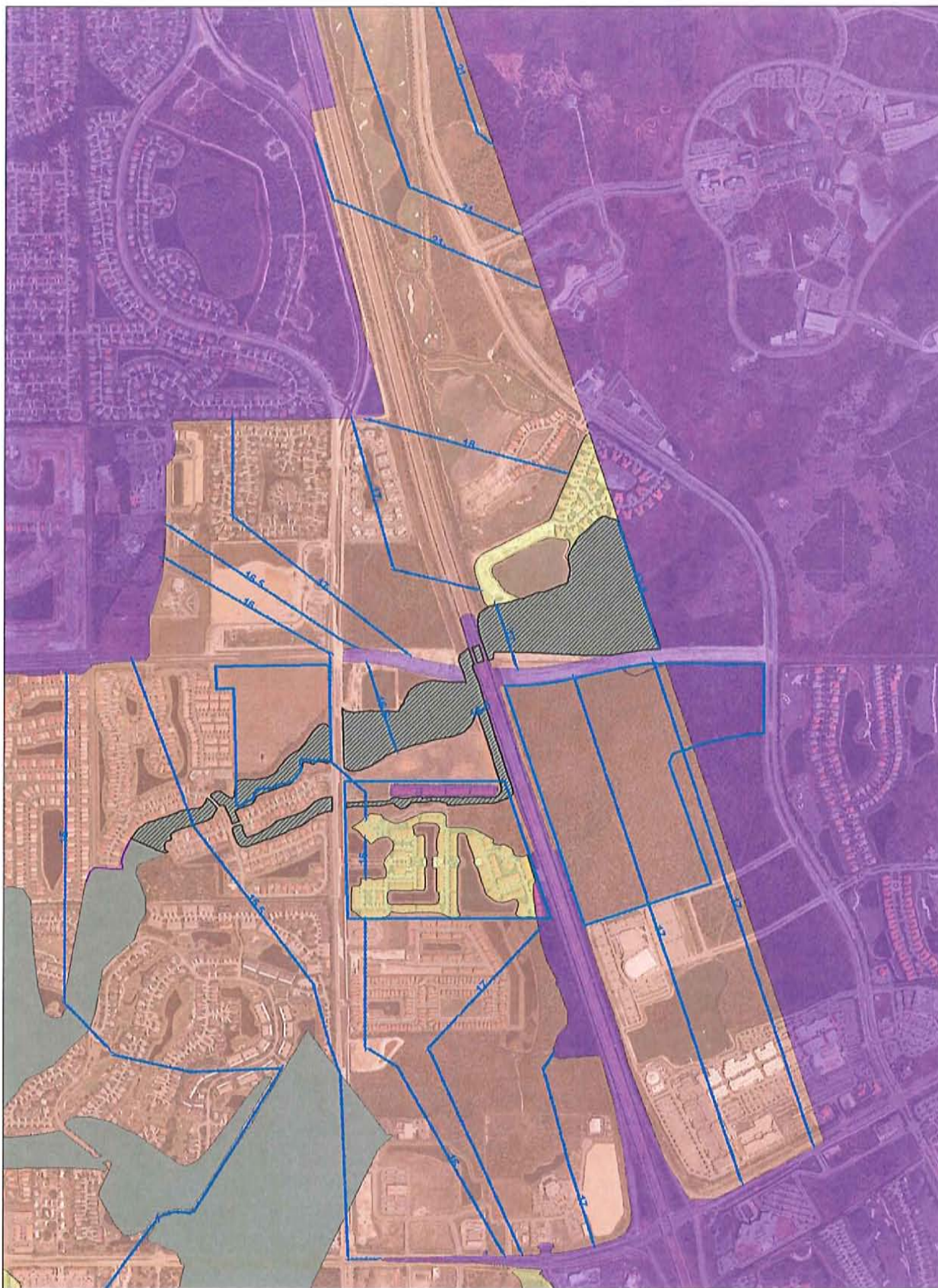
0 250 500 1,000 Feet



Revised 5/2010
11/2009

Richard S. Tomarelli, P.E.
PE# 15233

Map 1



- Legend - Proposed**
- Projects
 - Proposed BFE with Tiebacks to Effective
 - Proposed Floodway Tieback to Effective
 - Proposed Changed Floodway
 - Proposed_FLD_HAZ_AR_4_2010
 - 0-2 PCT ANNUAL CHANCE FLOOD HAZARD
 - AE
 - X
 - Floodway



1 inch = 500 feet

0 245 490 980 Feet

H&H Study of Estero River

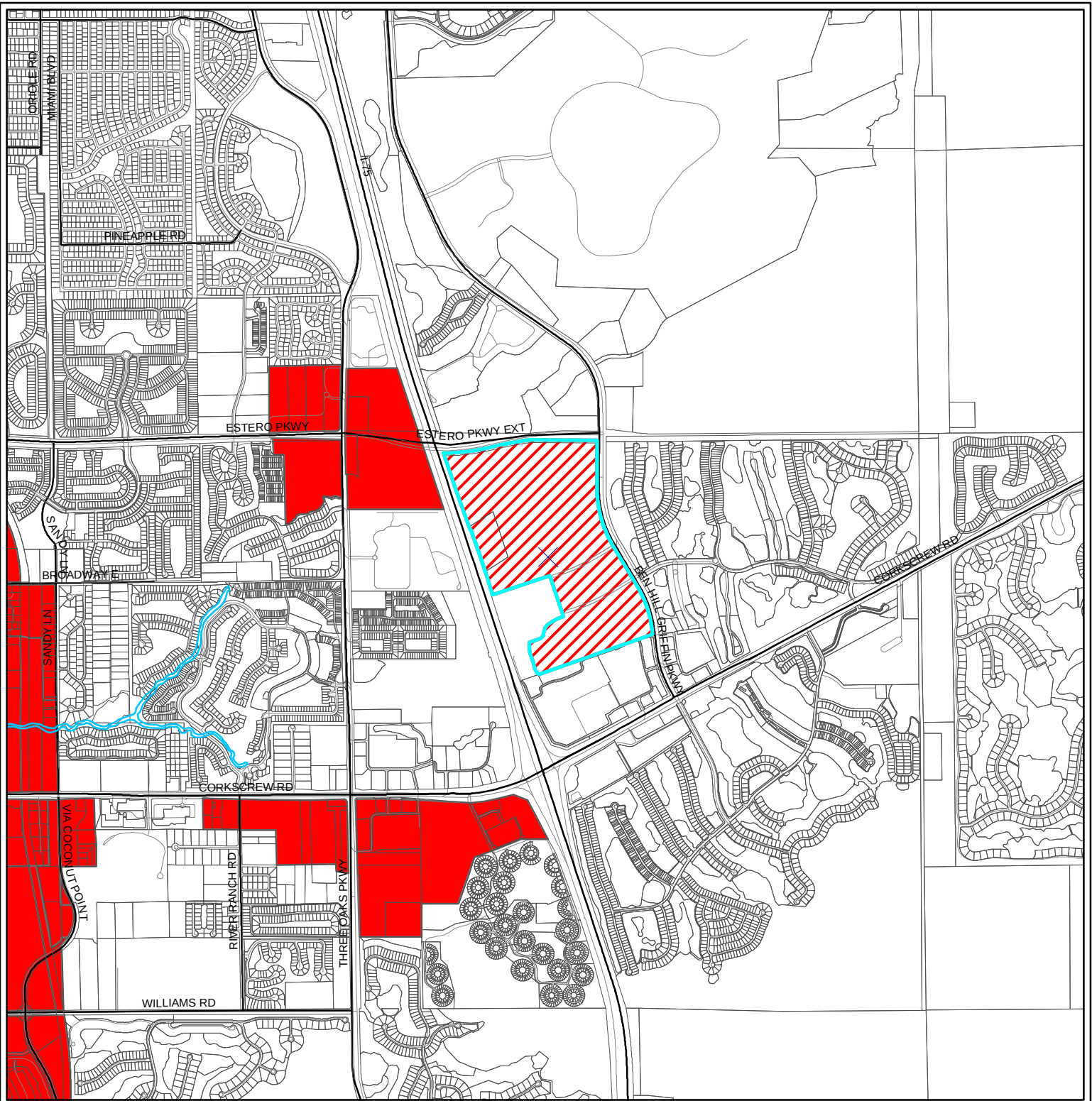
Proposed FEMA FIRM
(Elevations - NAVD)
Topographic Work Map
Case Number 09-04-1104P



Revised 5/2010
11/2009

Richard S. Tomasello, P.E.
P.E. # 15233

Map 2



Map Generated June 2010

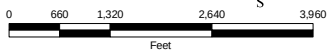
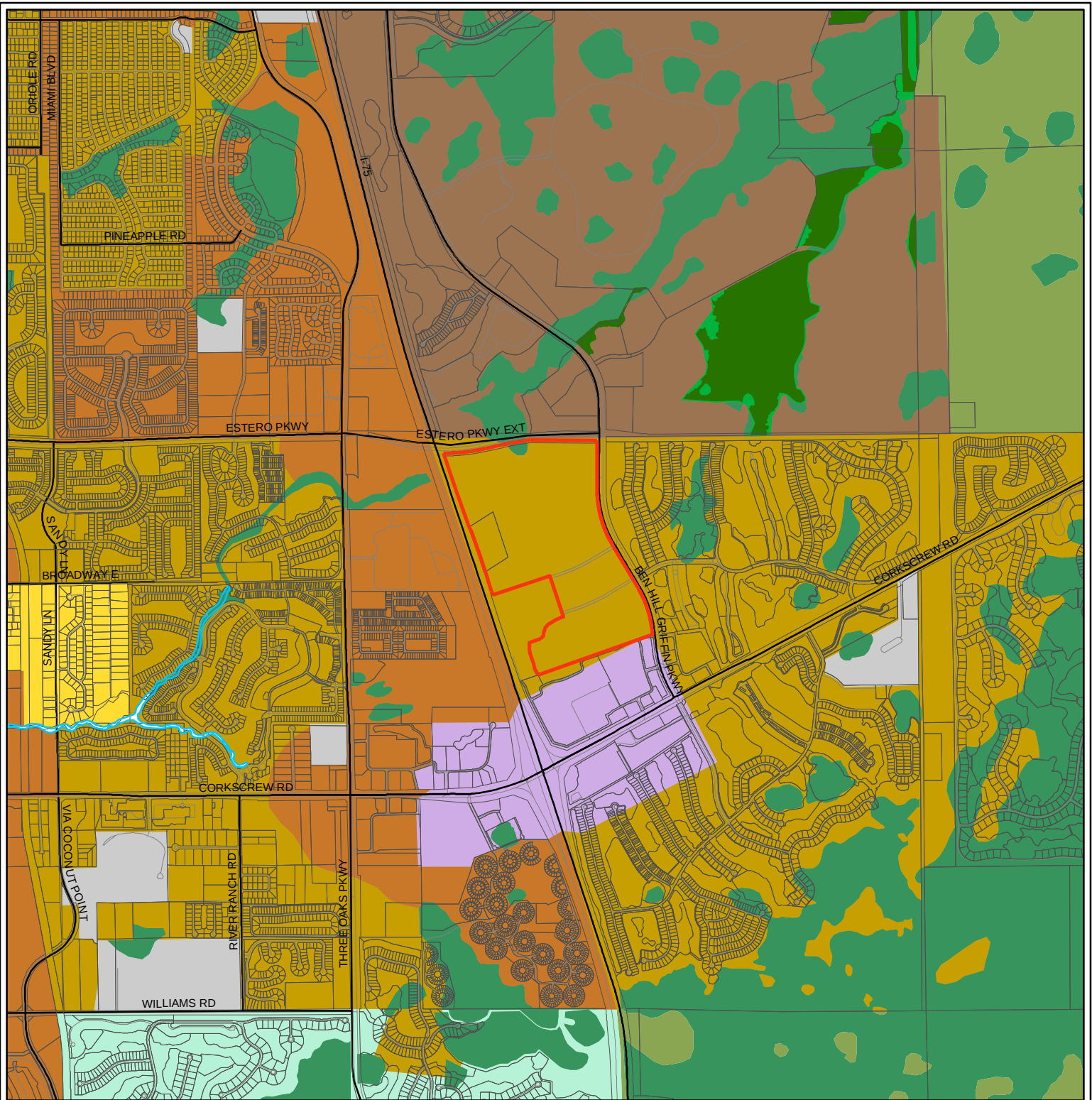


Mixed Use Overlay

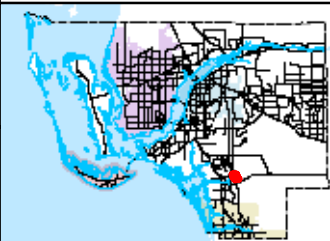
 Proposed Mixed Use Overlay Addition

 Adopted Mixed Use Overlay

CPA2010-00002 - UNIVERSITY HIGHLANDS PROPOSED MIXED USE OVERLAY



Map Generated June 2010



FUTURE URBAN AREAS

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

INTERCHANGE AREAS

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

NEW COMMUNITY

- New Community

AIRPORT AREAS

- Tradeport
- Airport

NON-URBAN AREAS

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

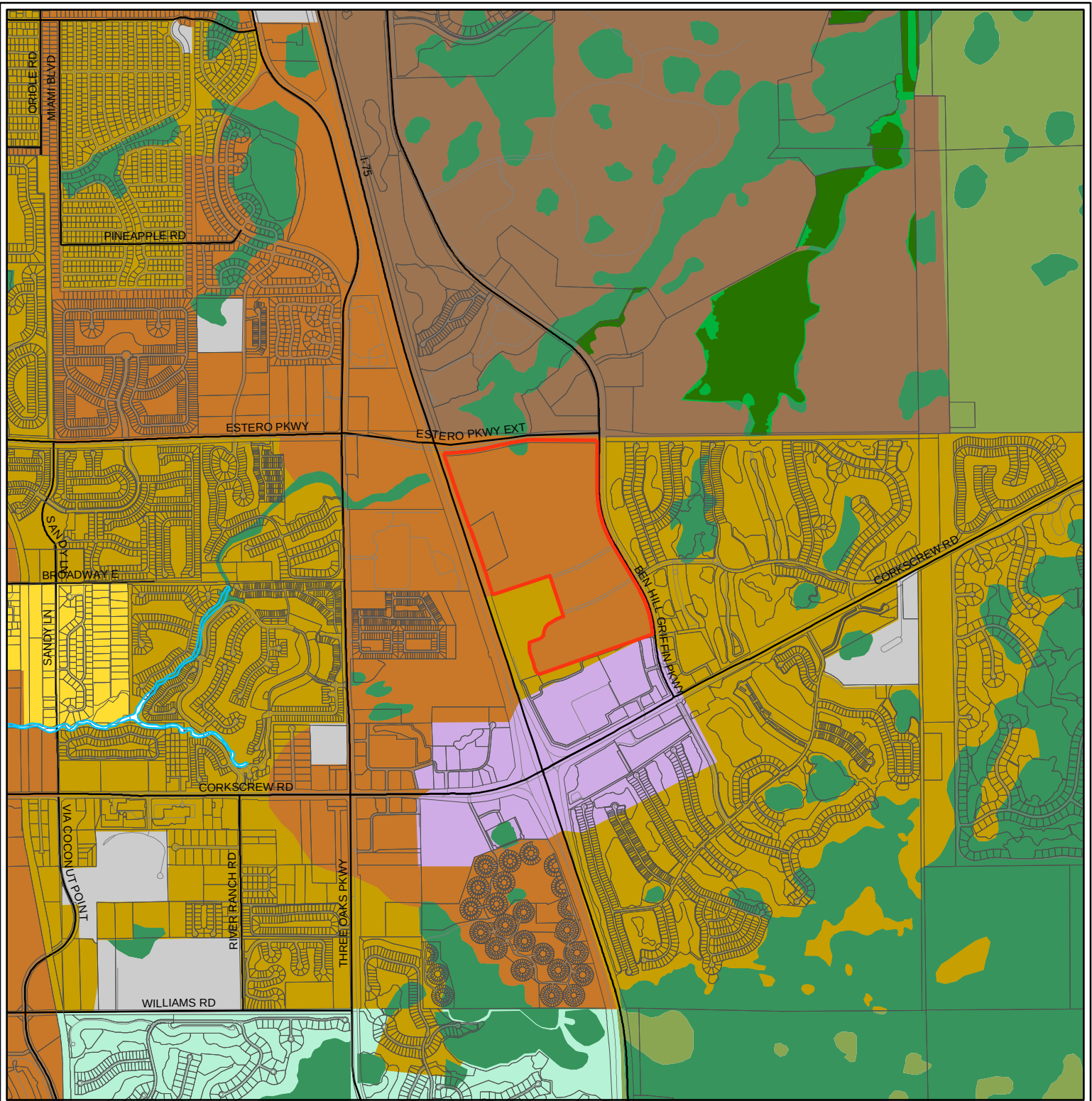
ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)

- Wetlands
- Conservation Lands Wetland

CPA2010-00002

Subject Property

CPA2010-00002 - UNIVERSITY HIGHLANDS EXISTING FUTURE LAND USE DESIGNATIONS



Map Generated June 2010

FUTURE URBAN AREAS - Intensive Development - Central Urban - Urban Community - Suburban - Outlying Suburban - Sub-Outlying Suburban - Commercial - Industrial Development - Public Facilities - University Community - Burnt Store Marina Village - Destination Resort Mixed Use Water Dependent	INTERCHANGE AREAS - Industrial Interchange - General Interchange - General Commercial Interchange - Industrial/Commercial Interchange - University Village Interchange NEW COMMUNITY - New Community AIRPORT AREAS - Tradeport - Airport	NON-URBAN AREAS - Rural - Rural Community Preserve - Coastal Rural - Outer Island - Open Lands - Density Reduction / Groundwater Resource - Conservation Lands Upland ENVIRONMENTALLY CRITICAL AREAS (WETLANDS) - Wetlands - Conservation Lands Wetland CPA2010-00002 - Subject Property
---	---	---

CPA2010-00002 - UNIVERSITY HIGHLANDS

PROPOSED FUTURE LAND USE DESIGNATIONS

Page 2 of 2

UNIVERSITY HIGHLAND LIMITED PARTNERSHIP

COMPREHENSIVE PLAN AMENDMENT

Table of Contents

Application for a Comprehensive Plan Amendment
Response letter to Brandon Dunn dated April 23, 2010
Variance Report (Property Owner List)
Current Future Land Use Map
Proposed Future Land Use Map
Existing Land Use Exhibit
Existing Zoning Exhibit
Legal Description and Sketch
Quitclaim Deed
Aerial Exhibit
Traffic Study
Public Facilities Impact Analysis (including Service Provider Letters)
Environmental Supplement
1996 Corps Agreement
Blue Sheet No. 20000222
March 4, 2005 Memo from Lee County Division of Lands to Lee County Parks and Recreation
SFWMD Permit #36-01871-S
Portion of SFWMD ERP Permit (sheet 3B of 8)

RECEIVED
MAY 20 2010
COMMUNITY DEVELOPMENT



Lee County Board of County Commissioners
Department of Community Development
Division of Planning
Post Office Box 398
Fort Myers, FL 33902-0398
Telephone: (239) 533-8585
FAX: (239) 485-8319

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D _____

REC'D BY: _____

APPLICATION FEE _____

TIDEMARK NO: _____

THE FOLLOWING VERIFIED:

Zoning ☐

Commissioner District ☐

Designation on FLUM ☐

(To be completed by Planning Staff)

Plan Amendment Cycle: ☐ Normal ☐ Small Scale ☒ DRI ☐ Emergency

Request No: _____

APPLICANT PLEASE NOTE:

Answer all questions completely and accurately. Please print or type responses. If additional space is needed, number and attach additional sheets. The total number of sheets in your application is: 105

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

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

3-15-10

DATE



SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

I. APPLICANT/AGENT/OWNER INFORMATION

University Highland Limited Partnership

APPLICANT

9130 Galleria Court, Suite 316

ADDRESS

Naples

FL

34109

CITY

STATE

ZIP

781-431-1030

781-431-1422

TELEPHONE NUMBER

FAX NUMBER

WilsonMiller, Inc. (Margaret Perry) / Pavese Law Firm (Neale Montgomery)

AGENT*

3200 Bailey Lane, Suite 200 / 1833 Hendry Street

ADDRESS

Naples / Fort Myers

FL

34105 / 33901

CITY

STATE

ZIP

239-649-4040 / 239-336-6235

239-643-5716 / 239-332-2243

TELEPHONE NUMBER

FAX NUMBER

University Highland Limited Partnership

OWNER(s) OF RECORD

9130 Galleria Court, Suite 316

ADDRESS

Naples

FL

34109

CITY

STATE

ZIP

781-431-1030

781-431-1422

TELEPHONE NUMBER

FAX NUMBER

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

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

Mr. Albert F. Moscato, Jr.
NM Development Group
9130 Galleria Court, Suite 316
Naples, FL 34103

Mr. Ron Talone
David Plummer and Associates
2271 McGregor Blvd., Suite 200
Fort Myers, FL 33901

Mr. John English
WilsonMiller, Inc.
3200 Bailey Lane, Suite 200
Naples, FL 34105

Mr. Stuart Miller
WilsonMiller, Inc.
3200 Bailey Lane, Suite 200
Naples, FL 34105

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

A. TYPE: (Check appropriate type)

☐ Text Amendment

☒ Future Land Use Map Series Amendment
(Maps 1 thru 22)

List Number(s) of Map(s) to be amended:
Map 1

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

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

B. SUMMARY OF REQUEST (Brief explanation):

The applicant is requesting a Future Land Use Map amendment to redesignate 208.4 acres of property currently designated as Suburban to Urban Community.

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

A. Property Location:

1. Site Address: Ben Hill Griffin Parkway, Estero, FL 33928
2. STRAP(s): 26-46-25-00-00001.1020

B. Property Information

Total Acreage of Property: 208.4 acres

Total Acreage included in Request: 208.4 acres

Total Uplands: 208.1 acres

Total Wetlands: 0.3 acres

Current Zoning: Mixed Use Planned Development

Current Future Land Use Designation: Suburban

Area of each Existing Future Land Use Category: 100%

Existing Land Use: Parcel is vacant and includes an existing stormwater lake.

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

Lehigh Acres Commercial Overlay: N/A

Airport Noise Zone 2 or 3: N/A

Acquisition Area: N/A

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

Community Redevelopment Area: N/A

D. Proposed change for the subject property:

Change land use designation from Suburban to Urban Community

E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density 6 units per acre

Commercial intensity N/A

Industrial intensity N/A

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density 6 units per acre

Commercial intensity N/A

Industrial intensity N/A

Please see attached Preliminary Density and Intensity Calculations. Applicant is not requesting bonus density which is allowed in the Urban Community; maximum density requested is 6 units per acre.

IV. AMENDMENT SUPPORT DOCUMENTATION

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

A. General Information and Maps

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

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

1. Provide any proposed text changes.

N/A; no text changes are proposed.

2. Provide a current Future Land Use Map at an appropriate scale showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.
3. Provide a proposed Future Land Use Map at an appropriate scale showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.
4. Map and describe existing land *uses* (not designations) of the subject property and surrounding properties. Description should discuss consistency of current uses with the proposed changes.
5. Map and describe existing zoning of the subject property and surrounding properties.
6. The certified legal description(s) and certified sketch of the description for the property subject to the requested change. A metes and bounds legal description must be submitted specifically describing the entire perimeter boundary of the property with accurate bearings and distances for every line. The sketch must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment) with two coordinates, one coordinate being the point of beginning and the other an opposing corner. If the subject property contains wetlands or the proposed

amendment includes more than one land use category a metes and bounds legal description, as described above, must be submitted in addition to the perimeter boundary of the property for each wetland or future land use category.

7. A copy of the deed(s) for the property subject to the requested change.
8. An aerial map showing the subject property and surrounding properties.
9. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner.

N/A

B. Public Facilities Impacts

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

1. Traffic Circulation Analysis – Please see information contained in the Traffic Analysis Tab

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

Long Range – 20-year Horizon:

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

- f. If the proposal is based on a specific development plan, then the site plan should indicate how facilities from the current adopted Financially Feasible Plan and/or the Official Trafficways Map will be accommodated.

Short Range – 5-year CIP horizon:

- a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediated development plan, identify the existing roadways serving the site and within a 3-mile radius (indicate laneage, functional classification, current LOS, and LOS standard);
 - b. Identify the major road improvements within the 3-mile study area funded through the construction phase in adopted CIP's (County or Cities) and the State's adopted Five-Year Work Program;
Projected 2030 LOS under proposed designation (calculate anticipated number of trips and distribution on roadway network, and identify resulting changes to the projected LOS);
 - c. For the five-year horizon, identify the projected roadway conditions (volumes and levels of service) on the roads within the 3-mile study area with the programmed improvements in place, with and without the proposed development project. A methodology meeting with DOT staff prior to submittal is required to reach agreement on the projection methodology;
 - d. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.
2. Provide an existing and future conditions analysis for (see Policy 95.1.3):
Please see information contained in the Public Facilities Analysis tab
 - a. Sanitary Sewer
 - b. Potable Water
 - c. Surface Water/Drainage Basins
 - d. Parks, Recreation, and Open Space
 - e. Public Schools.

Analysis should include (but is not limited to) the following (see the Lee County Concurrency Management Report):

- Franchise Area, Basin, or District in which the property is located;
- Current LOS, and LOS standard of facilities serving the site;
- Projected 2030 LOS under existing designation;
- Projected 2030 LOS under proposed designation;
- Existing infrastructure, if any, in the immediate area with the potential to serve the subject property.
- Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements; and
- Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (state if these revisions are included in this amendment).
- Provide a letter of service availability from the appropriate utility for sanitary sewer and potable water.

In addition to the above analysis for Potable Water:

- Determine the availability of water supply within the franchise area using the current water use allocation (Consumptive Use Permit) based on the annual average daily withdrawal rate.
 - Include the current demand and the projected demand under the existing designation, and the projected demand under the proposed designation.
 - Include the availability of treatment facilities and transmission lines for reclaimed water for irrigation.
 - Include any other water conservation measures that will be applied to the site (see Goal 54).
3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including:
- a. Fire protection with adequate response times;
 - b. Emergency medical service (EMS) provisions;
 - c. Law enforcement;
 - d. Solid Waste;
 - e. Mass Transit; and
 - f. Schools.

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

C. Environmental Impacts – **Please see information contained in the Environmental/Historic Impacts tab**

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

1. A map of the Plant Communities as defined by the Florida Land Use Cover and Classification system (FLUCCS).
2. A map and description of the soils found on the property (identify the source of the information).
3. A topographic map depicting the property boundaries and 100-year flood prone areas indicated (as identified by FEMA).
4. A map delineating the property boundaries on the Flood Insurance Rate Map effective August 2008.
5. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.
6. A table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, state or local agencies as endangered,

threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as FLUCCS map).

D. Impacts on Historic Resources – Please see information contained in the Environmental/Historic Impacts tab

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

1. A map of any historic districts and/or sites, listed on the Florida Master Site File, which are located on the subject property or adjacent properties.
2. A map showing the subject property location on the archeological sensitivity map for Lee County.

E. Internal Consistency with the Lee Plan

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

The proposal does not affect the Lee County population projections, Table 1(b)(Planning Community Year 2030 Allocations. The property is located in the Suburban land use category which permits a maximum of 6 units per acre. The property will be changed from the Suburban land use category to the Urban Community category which permits a maximum of 6 units an acre in the standard density range, with the potential for bonus density up to 10 units per acre. The applicant has agreed to include a notation in the plan amendment that indicates that the subject property is not entitled to the bonus density. Thus the potential population accommodation remains the same. Furthermore, Policy 1.7.2. identifies a "Development of Regional Impact overlay", and indicates that it is an informational tool showing all of the county property subject to Development Orders issued pursuant to Chapter 380, F.S. If one refers to Lee Plan Map 1, page 3 of 6, one will see all of the DRIs identified on the map and the Timberland and Tiburon DRI is identified as development number 63 on the Map. While Policy 1.7.2. submits that the information is purely informational, the county does consider approved developments, particularly Developments of Regional Impact when it develops and modifies Table 1(b). Table 1(b) took the approved density in the Timberland and Tiburon DRI in consideration when the Table 1(b), Planning Community Year 2030 Allocations was created. Lastly, the Timberland and Tiburon DRI was approved prior to the adoption of any planning community maps and allocation tables. Section 163.3167(8), F.S. provides, "Nothing in this act shall limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to Chapter 380 or who has been issued a final local development order and development has commenced and is continuing

in good faith.” A Notice of Proposed Change application has been submitted to all of the agencies, but the application is not seeking an increase in residential density. Therefore, there is no impact on Table 1(b).

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

N/A; none of the goals and objectives of the Lee Plan are affected by this proposed Future Land Use Map change.

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

N/A; the proposed Future Land Use Map change does not affect adjacent local governments or their comprehensive plans.

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

N/A; none of the State Policy Plan and Regional Policy Plan goals and policies are relevant to this proposed Future Land Use Map change.

F. Additional Requirements for Specific Future Land Use Amendments

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

N/A

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

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

N/A

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

N/A

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

N/A

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

The entire Timberland and Tiburon DRI is currently located in three land use categories, General Interchange, Suburban and Wetlands. The Miromar Outlets to the south are located in General Interchange, the Publix shopping center and Grandezza are located in the Suburban and Wetland future land use categories. The subject 208.4 acres are located in the Suburban future land use category. At this juncture, the subject property is clearly infill development, as all properties north of Corkscrew Road, south of Daniels Road, west of Ben Hill Griffin Parkway, and east of I-75 are in a more intensive land use category. The area has become decidedly less residential, and the subject property finds itself surrounded on three sides by major arterial roadways, one of which is an elevated roadway. Florida Gulf Coast University was not contemplated at the time the Timberland and Tiburon DRI was originally approved. The Suburban designation is described as being on the fringe of either Central Urban or Urban Community areas, as is the case with the subject property. The parcel is surrounded on three sides by three different land use designations, isolating this property from similarly situated Suburban lands. To the north are Estero Parkway and the University Community Future Land Use designation, to the west is I-75 and the Urban Community Future Land Use designation and to the south is the Miromar Outlets and the General Interchange Future Land Use designation. Directly across Ben Hill Griffin Parkway to the east is the balance of the subject DRI which is developed with the Grandezza community, is located in the Suburban Future Land Use designation, and is separated from the balance of the DRI areas by a substantial landscape berm. Based upon sound planning principles, it makes sense to designate the subject property Urban Community.

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

Item 1: Fee Schedule

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

AFFIDAVIT

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

David W. Nassif
Signature of owner or owner-authorized agent

3-11-10

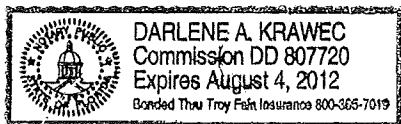
Date

David W. Nassif
Typed or printed name

STATE OF FLORIDA)
COUNTY OF COLLIER)

The foregoing instrument was certified and subscribed before me this 11th day of March 2010,
by David W. Nassif, who is personally known to me or who has produced
FL ID Lic as identification.

(SEAL)



Darlene Krawec
Signature of notary public

Darlene A. Krawec
Printed name of notary public

Density and Intensity Calculations

The project was originally approved via Resolution **Z-97-010** for the Timberland and Tiburon MPD and is subject to DRI Development Order # 07-8384-46. Approved:

2,895 dwelling units
90,000 sq. ft. of commercial square footage (790,000 sq. ft. DRI total)
200 hotel rooms

The commercial may be increased by 30,000 sq. ft. and office by 50,000 sq. ft. provided a corresponding reduction of residential is proposed as stated Resolution Z-97-010, Condition 2 (page 7 of 15).

The project was amended by the following resolutions;

Z-97-072, Approved:

7,950 seat sports arena and a 5,000 sq. ft. Group II, Restaurant
A reduction of 375 dwelling units for a total of 2,520 dwelling units allowed
A reduction of 2,000 sq. ft. to 88,000 (MPD only, 788,000 sq. ft. DRI total)

Z-98-020, Approved:

An amendment to the MCP and to allow for a realignment of the project's internal street system.

ADD200-0109, Approved:

An amendment to allow for an additional 22,000 sq. ft. of commercial area
A reduction of 150 dwelling units (approved administratively per Resolution Z-97-010, Condition 2 (page 7 of 15)).

Z-02-034, Approved:

The addition of a 127-acre parcel and 400 dwelling units.
Delete the Adult Congregate Living Facility use.
Relocation of the hotel use.

Project Totals

Z-97-010 as subsequently amended (above)

2,335 dwelling units
118,000 square feet of commercial
7,950 seat sports arena with a 5,000 sq. ft. Group II Restaurant.
200 Hotel units

Undeveloped for Timberland and Tiburon MPD

Dwelling Units remaining = 1,356

Commercial Square footage = 12,384 sq. ft. (7,384 sq.ft. + 5,000 sq. ft. Group II Restaurant)

200 Hotel Units

Proposed Development Parameters for Timberland and Tiburon 9th MPD Amendment

Dwelling Units = 2,279 (A decrease of 56 units)

General office = 150,000 sq. ft. of which 50,000 sq. ft. can be medical office (an increase of 150,000 sq. ft.)

Commercial Use = 210,000 sq. ft. (an increase of 87,000 sq. ft.)

7,950 seat sports arena (No change)

Hotel Units = 200 (No change)

Proposed Development Parameters for UHLP Site

Dwelling Units = 1,300

General office = 150,000 sq. ft. of which 50,000 sq. ft. can be medical office

Commercial (Retail) Use = 99,384 sq. ft.

Hotel Units = 200



April 23, 2010

Mr. Brandon D. Dunn
Development Service Representative
Lee County Department of Community Development
PO Box 398
Fort Myers, FL 33902

Subject: University Highland LP
CPA2010-00002
CPTM Application (Text/Map)
Response to County Staff Comments dated April 6, 2010

Dear Mr. Dunn:

We have reviewed the comments from County staff members contained in your letter dated April 6, 2010. Staff comments are listed below and our responses are provided in **bold**. Six (6) copies of this letter and all exhibits are included with this submittal.

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.

III A. 2. Property Location, STRAP (s)

The project boundaries shown throughout the application also identify Parcel# 26-46-25-00-00001.1040 as being part of the proposed project. However this parcel is owned by the Florida Department of Transportation. Please clarify if this parcel is to be included in this Comprehensive Plan Amendment.

Response: The subject parcel is to be included in this Comprehensive Plan Amendment. The applicant has requested that an updated boundary survey be provided for the MPD amendment application at a later date upon finalization of the shared use pond agreement with FDOT. It is anticipated that the property subject to the Order of Taking will be deeded back to UHLP and UHLP will grant the State an easement for a lake in a different location that is subject to joint use. FDOT and UHLP agreed to postpone the valuation phase of the hearing to enable the parties to reach an agreement. The engineers have provided extensive information to FDOT and their outside engineers to enable FDOT to evaluate the adequacy of the proposed pond. This information has been reviewed and accepted by the outside consultant. Several iterations of the agreement have been reviewed by the parties. The work on the agreement was put on hold until the engineers were satisfied with the technical aspects of the pond. Once this agreement is finalized, the boundary survey will be updated to reflect what is anticipated to be a grant of easement to FDOT and the title certificate will also be updated to reflect the easement for the shared use pond.

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

3200 Bailey Lane Suite 200 Naples, Florida 34105

800.649.4336

239.649.4040

F. 239.643.5716

WilsonMiller.com



There seems to be some inconsistency with the reported size of the subject property. The application identifies the acreage to be 208.4 under Part III B. However, the legal description provided by WilsonMiller indicates that the site is 220.095 acres. Please identify and or explain the discrepancies in the size of the subject site.

Response: The legal description originally provided indicates 220.095 acres; however, the actual area affected is 208.4 acres since 10.47 acres will be removed for the Estero Parkway right-of-way, and 1.21 acres will be removed for I-75 right-of-way. Included with this submittal is an updated legal description and sketch indicating 208.4 acres.

III E. 2. a. Potential development of the Subject Property, Calculation of maximum allowable development under proposed FLUM, Residential Units/Density

Part III E of the application concerning the potential development of the site has been left blank for potential Commercial and Industrial intensities. Relying on the parameters established within an existing or proposed DRI is not sufficient for a proposed Comprehensive Plan Amendment. Lee County Planning Division Staff feels that the worst case scenario would be 1,120,000 square feet of commercial development and 1,300 residential dwelling units. Please use these development parameters to perform your impact analysis to public facilities.

Response: After receipt of the review comments from the County, follow up conversations occurred with staff to be sure the applicant would provide the information needed by the review staff. During an April 7, 2010 meeting between Lee County staff and representatives of the applicant, it was agreed that a CPA traffic study would be prepared by the applicant consistent with the Lee County Application for a Comprehensive Plan Amendment. It was also agreed that the County staff would provide the applicant with the "worst case" scenario for this Property under the proposed Urban Community land use category, as well as under the current Suburban land use category.

The County staff provided the applicant with the "worst case" scenario for the University Highland Property under the proposed Urban Community land use category in a letter from you dated April 6, 2010. The applicant wasn't certain what the comparison should be, and the staff graciously provided the applicant with the "worst case" scenario for the current Suburban land use category in an e-mail from you dated April 13, 2010.

	<u>Current Suburban</u>	<u>Proposed Urban Community</u>
Residential units	0 units	1,300 units (all MF)
Retail development	220,000 sq. ft.	1,120,000 sq. ft.
<u>Office development</u>	<u>1,000,000 sq. ft.</u>	<u>0 sq. ft.</u>
Total commercial development	1,220,000 sq. ft.	1,120,000 sq. ft.

The applicant undertook the analyses using the "worst case" scenarios to facilitate review and approval of the Comprehensive Plan Amendment. The applicant is concerned that DCA and the Estero community may mistakenly believe the applicant intends to develop the property to the "worst case" scenario or that they may believe that it is physically possible. The applicant has considerable reservations about the feasibility of the "worst case" scenario under either the Suburban land use category or the University Community land use category. The applicant is particularly concerned about the feasibility of the "worst case" scenario for the Urban Community land use category and submits that it would be physically challenging and potentially impossible. Furthermore, the applicant is currently processing a DRI Notice of Proposed Change (NOPC) that limits development on the UHLP site to the following parameters: 1,300 multi-family residential units; 99,384 square feet of retail; 100,000 square feet of general office; 50,000 square feet of medical office; and 200 hotel rooms. These commercial figures are much lower and more realistic than those assumed in the "worst case" scenario under Urban Community.

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

IV A. 3. General Information and Maps, Proposed Future Land Use Map

The South Florida Water Management District (SFWMD) and the Army Corps of Engineers (ACOE) have identified large portions of this site that contain jurisdictional wetlands (133.25 acres of the total site). These wetlands are not demonstrated on the proposed Future Land Use Map amendment. Per Objective 114.1 "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. Furthermore, Policy 114.1.3 states that the Future Land Use Map shows the approximate boundaries of wetlands in Lee County. The map will be updated as needed based on the definitions in this plan and new information. Therefore, given the definition of wetlands per Objective 114.1 and the 133.25 acres of jurisdictional wetlands identified on the site the Future Land Use Map must be amended to identify the Wetlands land use category on site per Policy 114.1.3. However, should permits be in place from the proper state and federal agencies to allow impacts to these wetlands then please provide copies of all information and a narrative describing the status of these permits and any proposed mitigation for the impacts. Note the small 0.3 acre wetland on the site to be preserved must be shown in the Wetlands future land use category.

Response: The subject parcel is the last remaining parcel within the approved and vested Timberland & Tiburon, Ltd., Development of Regional Impact (DRI) State DRI #7-8384-46 and Lee County MPD Resolution Z-98-020 which was most recently amended on January 19, 2007. The project was reviewed and approved by SFWMD as part of ERP Permit No. 36-018171-S. The SFWMD ERP permit has been modified several times and the application has recently submitted a proposed permit modification on March 9, 2009. The project was also reviewed and approved by the U.S. Army Corps of Engineers (Corps). However, the Corps Section 404 Individual Permit No. 1993-2371-IP has expired.

Thus, in October 2009 the applicant submitted a new Section 404 Individual Permit application to the Corps. The Public Notice was issued in November 2009.

The expired Corps permit incorporates the terms of a June 19, 1996 agreement between the developer and Lee County. The 1996 agreement requires the developer to pay, as off-site mitigation, Environmental Assessments of \$1,700.00 per developed acre (up to \$1,200,000.00 in total) as a condition of local development order approval. This agreement is included with this submittal. All of the developed property paid the assessment in accordance with the agreement and the duly adopted DRI DO.

The agreement between the County and the developer was based on the terms and conditions of the expired Corps permit. Due to the fact that the Corps permit expired, the subject property can not be developed in accordance with Permit #199302371. The property must be developed in accordance with a new Corps permit, and the new permit will specify the required mitigation. The DRI Development Order should be amended to amend the current mitigation requirement, and to reflect the new mitigation that will be required by the Corps. It is anticipated that the new mitigation will be more extensive and expensive than the old mitigation. The agreement should be amended to adjust the legal description to reflect the properties whose mitigation was the subject of the agreement.

According to the March 4, 2005 memo, on April 4, 2000 (See attached Blue Sheet No. 20000222) the Lee County BoCC approved the transfer of acreage acquired by Lee County pursuant to Conservation Lands Project No. 8800 to the T & T Mitigation Project No. 8830. The DRI DO provides that the mitigation payments were to be made as the property developed.

Attached is a copy of the March 4, 2005 memorandum from Lee County Division of County Lands to Lee County Parks and Recreation. Based on the agreement between Timberland and Tiburon, the total environmental assessment amount is \$1,200,000. As of March 2005 the Timberland and Tiburon Mitigation fund had \$ 825,331. It is our understanding that all funds have been paid with the exception of the UHLP site. The DRI DO provides that the mitigation payments were to be made as the property developed. It is our understanding, based on the county records, that the mitigation payments were made for all of the property in the T and T DRI.

Although no signs of the Florida panther or telemetry points have been observed on the site the applicant is going to provide the required Panther Habitat Units (PHUs) for impacts to areas designated as panther habitat. It is anticipated that the impacts to low quality Corps wetlands and habitat within the Panther Focus area will be mitigated via the purchase of wetland mitigation credits from an approved wetland mitigation bank and PHUs will be obtained via an approved wetland mitigation bank and an approved habitat conservation bank. The financial cost and the environmental benefit of the proposed

mitigation are significantly higher than the original mitigation of \$ 1,700 per net developable acre.

The remaining portion of the one acre SFWMD wetland, which was partially impacted by Estero Parkway Flyover, is proposed to be preserved. The proposed Future Land Use Map (FLUM) has been revised to show the 0.3 acre SFWMD wetland preserve (wetland W-5). A copy of valid SFWMD ERP Permit No. 36-018171-S is attached. Also attached is a copy of the Wetland Identification Map labeled as Exhibit 7 in the original SFWMD ERP Permit. The Wetland Identification Map depicts the location of wetland W-5.

The development of the subject property is in-fill development that has no connection to adjacent wildlife habitat. The severe melaleuca infestation results in a site that provides limited wildlife value. The higher quality wetlands within the T & T DRI are located east of Ben Hill Griffin Parkway and have been preserved and protected under a conservation easement. The mitigation for the entire DRI was evaluated and located per the DRI DO east of Ben Hill Griffin Parkway. According to the existing SFWMD ERP permit and DRI a total of 33.59 acres (2.35 acres of uplands, 30.51 acres of enhanced wetlands and 0.73 acres of restored/ created wetlands) of preserve were required. According to the Lee County Property Appraiser, the Grande Oak portion of the DRI has a total of 41.3 acres of areas designated as conservation. However, this area did not include the far eastern portion of the DRI which also has an area designated as conservation. According to the Lee County Property Appraiser there is a total of 54.9 acres of wetlands and associated uplands designated as conservation within the Timberland and Tiburon DRI. This exceeds the required 33.59 acres of SFWMD wetland and upland preserve required for the DRI.

According to Section 163.3167 (8), F.S. "Nothing in this act shall limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to chapter 380 or who has been issued a final local development order and development has commenced and is continuing in good faith." The DRI for this property was approved and has been modified over the years. The proposed development areas, with the exception of the 0.3 acre preserve, are vested under the existing DRI and SFWMD ERP permit.

The county's definition of wetlands was not adopted until 1994, after the DRI, Lee County Development Order and after the SFWMD permit was approved. According to Policy 114.1.2 in accordance with F.S. 163.3184 (6)(C), the County will not undertake an independent review of the impacts to wetlands resulting from development in wetlands that is specifically authorized by a DEP or SFWMD dredge and fill permit or exemption. Policy 114.2.1.3 provides that the County will incorporate all of the terms of the SFWMD permit.

IV B. 1. Traffic Circulation Analysis

The Traffic Study submitted for the Comprehensive Plan Amendment (CPA) review was for the T & T DRI NOPC Traffic Analysis. This analysis does not meet the traffic analysis requirements of a CPA review. A new CPA traffic study must be provided for review.

Response: Included with this submittal is a Comprehensive Plan Amendment traffic study.

IV B. 2. Public Facilities Analysis

Please provide an analysis of the impacts to public facilities, including traffic circulation, which takes into account the potential development parameters established with staff, as discussed in the sufficiency review of Part III E of this letter.

Response: Included with this submittal is an updated public facilities analysis.

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 Estero Fire District that states the district is able to provide the site with adequate protection.

Response: A letter from Phillip Green, Division Chief of Prevention, Estero Fire Rescue, stating that Estero Fire Rescue will serve the site is included with this submittal.

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

Please provide a letter from the Lee County Sheriff's Department that states they are able to provide the site with adequate coverage.

Response: Included with this submittal is a letter from Major Gene Sims, Special Operations Bureau, Lee County Sheriff's Office, dated April 21, 2010.

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 are able to provide service to the subject site.

Response: Included with this submittal is a letter from Michael Horsting, Principal Planner, Lee County Transit, and an e-mail response to this letter from Dan Waters.

IV C. 1. Environmental Impacts, A map of the Plant Communities Acceptance of FLUCCS is pending site visit by staff for verification.

Response: Understood.

IV C. 3. Environmental Impacts, A topographic map

IV C. 4. Environmental Impacts, A map delineating the property boundaries on the Flood Insurance Rate Map effective August 2008.

County records show that approximately 27 percent of the subject site is located within a FEMA identified flowway, which would allow for no fill within those areas. Has a letter of map correction been done through FEMA? Please provide a revised flowways/FEMA map demonstrating the current FEMA floodway. The map provided indicates the corrected FEMA floodways but staff is unsure if this was ever corrected. Please also provide a narrative indicating the status of any corrections to the FEMA floodway.

Response: A Letter of Map Revision (LOMR) has been submitted to correct the location of the FEMA Floodway from where it has been currently designated on the UHLP site to its actual location in the Stewart Cypress Slough (the regional flowway north of the UHLP site). FEMA's designation of a floodway on the UHLP Site was based on outdated and incorrect information. The FEMA designation did not properly account for homes, roadways, and improved surface water management systems that isolate the UHLP site from the regional flowway. The existing development surrounding and within the Timberland and Tiburon DRI, such as Grandezza, prevent flow from offsite areas from entering the UHLP site. The property owner has provided FEMA a summary of the physical features that were not accounted for in FEMA's incorrect designation and a corrected model that reflects the actual physical site conditions. The property owner anticipates that the correction of the map will be adopted by FEMA in the coming months.

Miscellaneous Comments

1) Please note that the property is traversed by an Emergency Communications Corridor used by Lee County. The height of structures may be limited within this corridor. No action is required by the applicant in connection with this as part of the proposed Comprehensive Plan Amendment, but county staff feels that the applicant should be aware of this communications corridor.

Response: Understood.

2) The CPA application reflects the applicant's intention to include a notation in plan amendment indicating that the subject property will not be entitled to bonus density, even though bonus density is permissible in the requested Urban Community Future Land Use Category. The statement is repeated throughout the application as each of the public facilities impacted by the proposed amendment is analyzed.

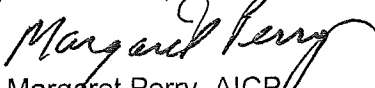
The request to reduce the number of potential residential units on this site may not be in the best interests of the county. Given the property's proximity to the DR/GR, and the characteristic of the area as an emerging activity center, with proper site design and layout the property may be suitable as a receiving area for TDRs created in the DR/GR or to receive bonus densities through other methodologies established by Lee County. Reducing the residential development entitlements would unnecessarily restrict the ability to transfer units or to allow bonus densities on this site. The transfer of TDRs from the DR/GR or allowance of bonus densities for this site would also be impaired by the applicant's request to reduce the approved number of dwelling units as part of the DRI NOPC.

Response: The applicant understands staff comment on this item; however, we are not sure the site will ever be designated as a receiving area or of the eventual outcome of the TDR program. The applicant would prefer not to include any bonus density and to permit a maximum density of six units per acre, which would be more palatable to the Estero community. If after further evaluation the staff wants to recommend the bonus densities to the board and can provide the justification the applicant won't object to the county's suggestion. If the inclusion of bonus densities would cause the application to be delayed or create additional costs then the applicant would have concerns.

Thank you for providing us the opportunity to address staff comments. We look forward to continued coordination and cooperation as this Lee Plan amendment application goes through the review process.

Sincerely,

WilsonMiller, Inc.



Margaret Perry, AICP
Senior Project Manager

cc: Al Moscato
Neale Montgomery
John English
Ron Talone

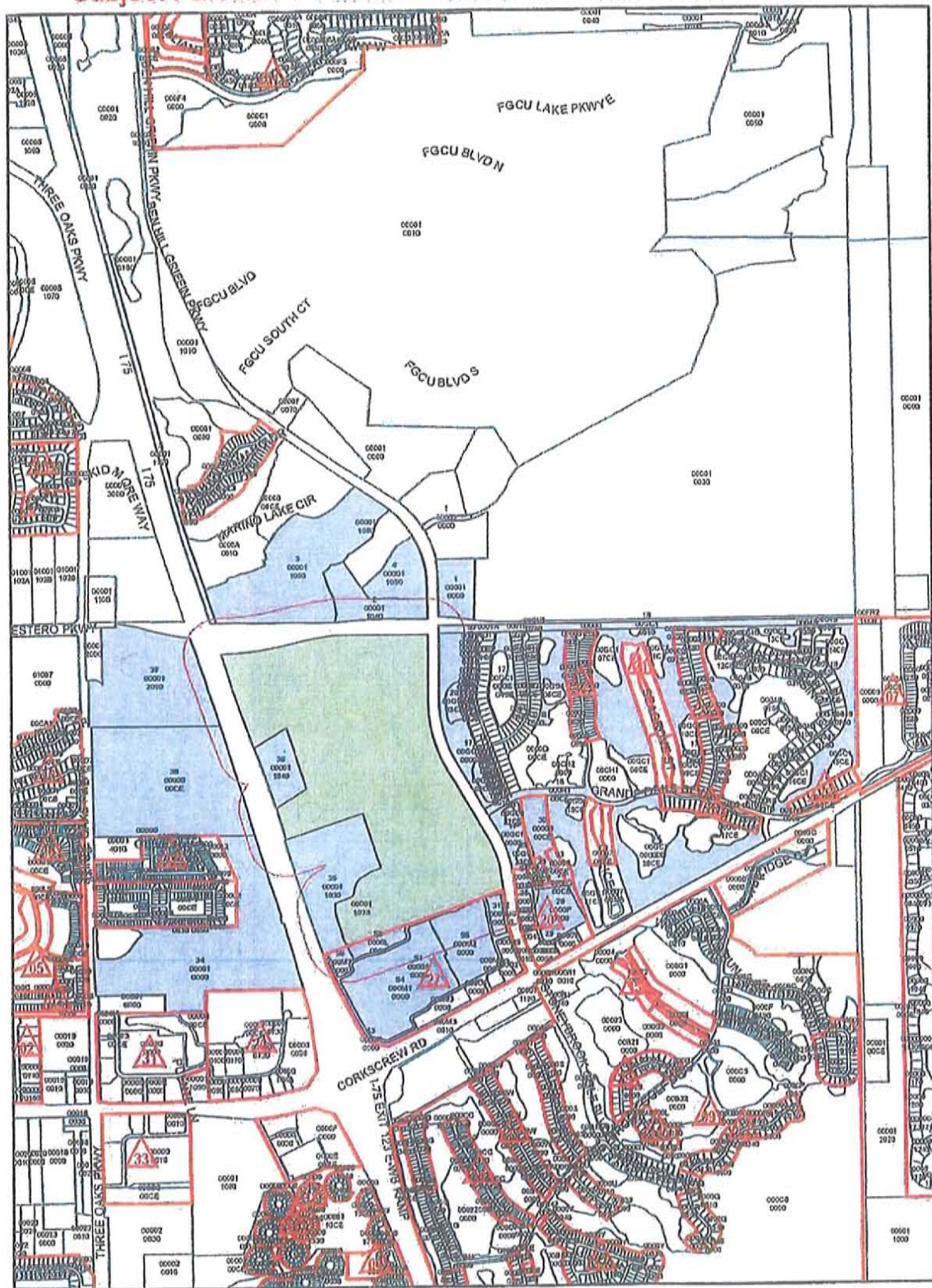
Attachments for UHLP Lee Plan Amendment Applicant Responses (in order as mentioned in responses):

1. Updated legal description and sketch
2. 1996 Corps Agreement
3. Blue sheet No. 20000222
4. March 4, 2005 memo from Lee County Division of Lands to Lee County Parks and Recreation
5. Updated proposed Future Land Use map showing .3 acre area as wetlands
6. SFWMD ERP Permit #36-018171-S
7. Portion of SFWMD ERP permit (sheet 3B of 8)
8. Traffic study
9. Updated public facilities analysis
10. Letter from Estero Fire district dated March 15, 2010
11. Letter from Lee County Sheriff's Office dated April 21, 2010
12. Letter from Lee County Transit dated April 21, 2010
13. E-mail from Dan Waters to Lee County Transit
14. FEMA/flow way map

VARIANCE REPORT

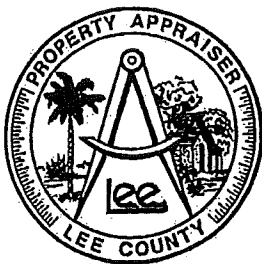
2/16/2010

Subject Parcels : 1 Affected Parcels : 56 Buffer Distance : 500 ft



26-46-25-00-00001.1020

2,100 1,050 0 2,100 Feet



Lee County Property Appraiser

Kenneth M. Wilkinson, C.F.A.

GIS Department / Map Room

Phone: (239) 533-6159 • Fax: (239) 533-6139 • eMail: MapRoom@LeePA.org

VARIANCE REPORT

Date of Report: February 16, 2010
Buffer Distance: 500 ft
Parcels Affected: 56
Subject Parcel: 26-46-25-00-00001.1020

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
MIROMAR LAKES LLC 10801 CORKSCREW RD STE 305 ESTERO FL 33928	23-46-25-00-00001.0000 BEN HILL GRIFFIN PKWY MIROMAR LAKES FL 33913	PARCEL LYING IN SW 1/4 OF SECT SOUTH OF TREELINE RD LESS RD R/W DESC IN INST #2008000315421	1
MIROMAR LAKES LLC 10801 CORKSCREW RD STE 305 ESTERO FL 33928	23-46-25-00-00001.1040 RESERVED MIROMAR LAKES FL 33913	PARCEL LYING IN THE SW 1/4 OF SECT DESC IN OR 3380 PG 797 AKA AREA D LESS OR 4161/3976 + OR 4236/1965 LESS ROW DESC IN INST#2006-227387	2
MIROMAR LAKES CDD WRATHELL HART HUNT ASSOCIATES 6131 LYONS RD STE 100 COCONUT CREEK FL 33073	23-46-25-00-00001.1050 RESERVED MIROMAR LAKES FL 33913	PARCEL LYING IN THE SW 1/4 OF SECT DESC IN OR 3165 PG 1800 C2 CONSERVATION AREA INST 2005-167714 LESS ROW DESC IN INST#2006-227387	3
SOUTH WEST DISTRICT FLORIDA 2049-B N HONORE AVE SARASOTA FL 34235	23-46-25-00-00001.1090 ACCESS UNDETERMINED FORT MYERS FL 33913	PARL LYING IN SW 1/4 OF SECT DESC IN OR 4236/1965	4
MIROMAR LAKES CDD WRATHELL HART HUNT ASSOCIATES 6131 LYONS RD STE 100 COCONUT CREEK FL 33073	23-46-25-00-00001.1120 ACCESS UNDETERMINED MIROMAR LAKES FL 33913	PARCEL LYING IN THE SW 1/4 OF SECT DESC INST#2006-301183	5
NOTESTINE PATRICK A + CAROL R 20194 BUTTERMERE CT ESTERO FL 33928	25-46-25-16-0001A.0010 20194 BUTTERMERE CT ESTERO FL 33928	GRANDE OAK S/D PB 67 PGS 15 THRU 36 TR 1A LOT 1	6
SCHUCHMAN MYRON L + ROBYNE B 20188 BUTTERMERE CT ESTERO FL 33928	25-46-25-16-0001A.0020 20188 BUTTERMERE CT ESTERO FL 33928	GRANDE OAK S/D PB 67 PGS 15 THRU 36 TR 1A LT 2	7
LUCAS LEONARD J + YVONNE M 20182 BUTTERMERE CT ESTERO FL 33928	25-46-25-16-0001A.0030 20182 BUTTERMERE CT ESTERO FL 33928	GRANDE OAK S/D PB 67 PGS 15 THRU 36 TR 1A LT 3	8
LANG JOHNNY D + JOANN C TR 20176 BUTTERMERE CT ESTERO FL 33928	25-46-25-16-0001A.0040 20176 BUTTERMERE CT ESTERO FL 33928	GRANDE OAK S/D PB 67 PGS 15 THRU 36 TR 1A LOT 4	9
LIPSCHULTZ DAVID H + BETTY SUE 5225 GRANDVIEW SQUARE #306 EDINA MN 55436	25-46-25-16-0001A.0050 20170 BUTTERMERE CT ESTERO FL 33928	GRANDE OAK S/D PB 67 PGS 15 THRU 36 TR 1A LT 5	10
CRAIGHAN PETER + JOYCE 1 BROSELEY AVE CULCHETH 'ARRINGTON WA34AH UNITED KINGDOM	25-46-25-16-0001A.0060 20164 BUTTERMERE CT ESTERO FL 33928	GRANDE OAK S/D PB 67 PGS 15 THRU 36 TR 1A LT 6	11
MOORE FREDA A + 20160 BUTTERMERE CT ESTERO FL 33928	25-46-25-16-0001A.0070 20160 BUTTERMERE CT ESTERO FL 33928	GRANDE OAK S/D PB 67 PGS 15 THRU 36 TR 1A LT 7	12

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>Map Index</u>
SKOV MICHAEL C TR 20154 BUTTERMERE CT ESTERO FL 33928	25-46-25-16-0001A.0080 20154 BUTTERMERE CT ESTERO FL 33928	GRANDE OAK S/D PB 67 PGS 15 THRU 36 TR 1A LT 8	13
MURPHY JEANNE R TR 20148 BUTTERMERE CT ESTERO FL 33928	25-46-25-16-0001A.0090 20148 BUTTERMERE CT ESTERO FL 33928	GRANDE OAK S/D PB 67 PGS 15 THRU 36 TR 1A LOT 9	14
WERTHMANN CAROL J + THOMAS S 2433 WEMBLY LN TROY MI 48084	25-46-25-16-0001A.0100 20142 BUTTERMERE CT ESTERO FL 33928	GRANDE OAK S/D PB 67 PGS 15 THRU 36 TR 1A LT 10	15
FLORIDA DEVELOPMENT PARTNERS 11481 GRANDE OAK BLVD ESTERO FL 33928	25-46-25-16-000R1.00CE RIGHT OF WAY ESTERO FL 33928	GRANDE OAK S/D PB 67 PGS 15 THRU 36 TRACT R-1	16
FLORIDA DEVELOPMENT PARTNERS 11481 GRANDE OAK BLVD ESTERO FL 33928	25-46-25-16-00GC1.0000 GOLF COURSE FL	GRANDE OAK S/D PB 67 PGS 15-36 TRACTS GC-1 THRU GC-4 + TRACT GC GRANDE OAK TR 6 PB 71 PGS 71-73 LESS OR 3356/4028 + INST#2006-178885 LESS LAKES DESC IN INST #2009000246714	17
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	25-46-25-16-00GC1.0010 ACCESS UNDETERMINED ESTERO FL 33928	GRANDE OAK S/D PB 67 PGS 15-36 N 75FT OF TRACT GC-1 + C-4 AS DESC IN INST#2006-178885	18
GRANDEZZA MASTER PROPERTY 20301 GRAND OAKS SHOPPES #118 PMB #61 ESTERO FL 33928	25-46-25-16-00GC1.02CE SUBMERGED ESTERO FL 33928	GRANDE OAK S/D PB 67 PGS 15-36 PT OF TRACT GC-1 DESC AS LAKE 1-2 IN INST #2009000246714	19
GRANDEZZA MASTER PROPERTY 20301 GRAND OAKS SHOPPES #118 PMB #61 ESTERO FL 33928	25-46-25-16-00GC1.03CE SUBMERGED ESTERO FL 33928	GRANDE OAK S/D PB 67 PGS 15-36 PT OF TRACT GC-1 DESC AS LAKE 1-3 IN INST #2009000246714	20
GRANDEZZA MASTER PROPERTY 20301 GRAND OAKS SHOPPES #118 PMB #61 ESTERO FL 33928	25-46-25-16-00GC1.22CE SUBMERGED ESTERO FL 33928	GRANDE OAK S/D PB 67 PGS 15-36 PT OF TRACT GC-1 DESC AS LAKE 1-22 IN INST #2009000246714	21
GRANDEZZA MASTER PROPERTY 20301 GRAND OAKS SHOPPES #118 PMB #61 ESTERO FL 33928	25-46-25-16-00GC1.23CE SUBMERGED ESTERO FL 33928	GRANDE OAK S/D PB 67 PGS 15-36 PT OF TRACT GC-1 DESC AS LAKE 1-23 IN INST #2009000246714	22
FLORIDA DEVELOPMENT PARTNERS 11481 GRANDE OAK BLVD ESTERO FL 33928	25-46-25-19-000GC.0000 GRANDE OAK SHOPPES BLVD ESTERO FL 33928	GRANDE OAK TRACT 8 PB 68 PG 85 TRACT GC GOLF COURSE + WATER MANAGEMENT	23
BB&T PROPERTY TAX DEPARTMENT PO BOX 167 WINSTON SALEM NC 27102	25-46-25-20-00000.0010 20280 GRANDE OAK SHOPPES BLVD FL	SHOPPES AT GRANDE OAK PB 69 PGS 31-34 LOT 1	24
PLANET OF THE PETS LLC 5455 JAEGER RD NAPLES FL 34109	25-46-25-20-00000.0020 20290 GRANDE OAK SHOPPES BLVD FL	SHOPPES AT GRANDE OAK PB 69 PGS 31-34 LOT 2	25
CORKSCREW EAST ENERGY LLC 9000 SHERIDAN ST STE 136 PEMBROKE PINES FL 33024	25-46-25-20-00000.0030 20300 GRANDE OAK SHOPPES BLVD FL	SHOPPES AT GRANDE OAK PB 69 PGS 31-34 LOT 3	26
REGENCY REALTY GROUP INC PROPERTY TAX DEPARTMENT PO BOX 790830 SAN ANTONIO TX 78279	25-46-25-20-0000D.00CE COMMON ELEMENT ESTERO FL 33928	SHOPPES AT GRANDE OAK PB 69 PGS 31-34 TRACT D	27
REGENCY REALTY GROUP INC PROPERTY TAX DEPARTMENT PO BOX 790830 SAN ANTONIO TX 78279	25-46-25-20-0000P.0000 20301-321 GRANDE OAK SHOPPES BLVD ESTERO FL	SHOPPES AT GRANDE OAK PB 69 PGS 31-34 TRACT P	28

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
REGENCY REALTY GROUP INC PROPERTY TAX DEPARTMENT PO BOX 790830 SAN ANTONIO TX 78279	25-46-25-20-0000R.00CE RIGHT OF WAY FL	SHOPPES AT GRANDE OAK PB 69 PGS 31-34 TRACT R	29
AVALON AT GRANDEZZA COMMONS STERLING PROPERTY SERVICES 27180 BAY LANDING DR STE 4 BONITA SPRINGS FL 34135	25-46-25-25-00000.00CE 20300 BURNSIDE PL ESTERO FL 33928	AVALON III AT GRANDEZZA DESC IN OR 3684/4400+4408/708 + OR 4541/716 + OR 4565 PG 1928 COMMON ELEMENTS	30
MIROMAR OUTLET PARKING EAST LC 10801 CORKSCREW RD #305 ESTERO FL 33928	25-46-25-27-000M6.0000 ACCESS UNDETERMINED ESTERO FL 33928	MIROMAR FACTORY OUTLET DESC IN PB 77 PG 41 PORT OF LOT M-6 LESS INST#2008000097344	31
UNIVERSITY SQUARE CDD GOODLETTE COLEMAN JOHNSON YOVA 4001 TAMiami TRL N STE 300 NAPLES FL 34103	25-46-25-27-000M6.0010 COMMON ELEMENT ESTERO FL 33928	MIROMAR FACTORY OUTLET DESC IN PB 77 PG 41 PORT OF LOT M-6 AS DESC IN INST#2008000097344	32
AVALON AT GRANDEZZA COMMONS 27180 BAY LANDING DR STE 4 BONITA SPRINGS FL 34135	25-46-25-29-00000.00CE AVALON III @ GRANDEZZA ESTERO FL 33928	REPLAT OF GRANDE OAK TRACT 8 S/D PB 67 PGS 15-36 REPLAT OF GRANDE OAK PB 68 PG 83 TRACT 8 AS DESC IN OR 4725 PG 843 COMMON ELEMENTS	33
LEE COUNTY DIST SCHOOL BOARD 2855 COLONIAL BLVD FORT MYERS FL 33966	26-46-25-00-00001.0000 ACCESS UNDETERMINED ESTERO FL 33928	PARL IN SW 1/4 W OF I-75 LESS R R/W + 1.100 TO 1.600 + LESS RD R/W DESC IN INST 2005-60436 + LESS PARCEL DESC IN INST # 2007000335061 LESS R/W DESC IN INST #2008000194952	34
KTB FLORIDA SPORTS 11000 EVERBLADES PKWY ESTERO FL 33928	26-46-25-00-00001.1030 11000 EVERBLADES PKWY ESTERO FL 33928	PARL LYING WLY OF TREELINE DR + ELY OF I-75 DESC OR 2901 PG 859 LESS RD R/W DESC IN INST#2009000301415	35
STATE OF FL DOT PO BOX 1249 BARTOW FL 33831	26-46-25-00-00001.1040 ACCESS UNDETERMINED ESTERO FL 33928	PAR IN N 1/2 OF SEC 26 T 46 R 25 E OF I-75 LESS R/W AS DESC IN INST #2009000063112	36
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	26-46-25-00-00001.2010 ACCESS UNDETERMINED FL	PARL LYING IN NW 1/4 OF SECT DESC OR 3865/2798 LESS OR 4432 PG 2670	37
VILLAGIO 20101 ESTERO GARDENS CIR #101 ESTERO FL 33928	26-46-25-01-00000.00CE 20251 ESTERO GARDENS CIR ESTERO FL 33928	VILLAGIO CONDO DESC IN OR 4253 PG 4271+ 4253/4397 +4286/2654+4322/2684+4330/379 4+ 4342/4404+4372/1454 +4419/2736 +4448/2979+4490/1592 +4539/1748LESS ROW OR 4591/4071+ ROW OR 4591/4066 COMMON ELEMENT SEE NOTE	38
MCBRIDE RONALD E + SHARON W 20100 BUTTERMERE CT ESTERO FL 33928	26-46-25-16-0001A.0170 20100 BUTTERMERE CT ESTERO FL 33928	GRANDE OAK S/D PB 67 PGS 15 THRU 36 TR 1A LOT 17	39
DOWNES LUIS N + CHRISTINE M 4539 ELEANOR DR LONG GROVE IL 60047	26-46-25-16-0001A.0180 20094 BUTTERMERE CT ESTERO FL 33928	GRANDE OAK S/D PB 67 PGS 15 THRU 36 TR 1A LOT 18	40
FARIS NABEEL W + ILENE 32910 PLYMOUTH RD LIVONIA MI 48150	26-46-25-16-0001A.0190 20088 BUTTERMERE CT ESTERO FL 33928	GRANDE OAK S/D PB 67 PGS 15 THRU 36 TR 1A LOT 19	41
LACY GEORGINA C TR + PO BOX 5316 WAKEFIELD RI 02880	26-46-25-16-0001A.0200 20082 BUTTERMERE CT ESTERO FL 33928	GRANDE OAK S/D PB 67 PGS 15 THRU 36 TR 1A LT 20	42
ZITO MARY B 1655 PERSIMMON DR ST CHARLES IL 60174	26-46-25-16-0001A.0210 20076 BUTTERMERE CT ESTERO FL 33928	GRANDE OAK S/D PB 67 PGS 15 THRU 36 TR 1A LT 21	43

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
GILLIS ROBERT B + CHRISTIANE 43551 CHARDONNAY STERLING HEIGHTS MI 48314	26-46-25-16-0001A.0220 20070 BUTTERMERE CT ESTERO FL 33928	GRANDE OAK S/D PB 67 PGS 15 THRU 36 TR 1A LT 22	44
NAISH DAVID + PENNY EAGLE HOUSE THE ST CHILCOMPTON BATH BA34HB UNITED KINGDOM	26-46-25-16-0001A.0230 20064 BUTTERMERE CT ESTERO FL 33928	GRANDE OAK S/D PB 67 PGS 15 THRU 36 TR 1A LT 23	45
GORMAN THOMAS J + MARLE 20060 BUTTERMERE CT ESTERO FL 33928	26-46-25-16-0001A.0240 20060 BUTTERMERE CT ESTERO FL 33928	GRANDE OAK S/D PB 67 PGS 15 THRU 36 TR 1A LT 24	46
GRESS JOAN M 19783 MARKWARD CROSSING ESTERO FL 33928	26-46-25-16-0001A.0270 20042 BUTTERMERE CT ESTERO FL 33928	GRANDE OAK S/D PB 67 PGS 15 THRU 36 TR 1A LT 27	47
DAGOSTINO THOMAS C + JACKLYN M 17 COURT ST STE 600 BUFFALO NY 14202	26-46-25-16-0001A.0280 20036 BUTTERMERE CT ESTERO FL 33928	GRANDE OAK S/D PB 67 PGS 15 THRU 36 TR 1A LT 28	48
HARVEY JAMES R + JUDY K 20030 BUTTERMERE CT ESTERO FL 33928	26-46-25-16-0001A.0290 20030 BUTTERMERE CT ESTERO FL 33928	GRANDE OAK S/D PB 67 PGS 15 THRU 36 TR 1A LT 29	49
IRWIN MARTIN KEITH + ANNE 14 PORTLAND SQUARE APT N POTLAND LOFTS BRISTOL BS28SJ UNITED KINGDOM	26-46-25-16-0001A.0300 20024 BUTTERMERE CT ESTERO FL 33928	GRANDE OAK S/D PB 67 PGS 15 THRU 36 TR 1A LT 30	50
UNIVERSITY SQUARE CDD WRATHELL HART HUNT ASSOCIATES 6131 LYONS RD STE 100 COCONUT CREEK FL 33073	26-46-25-27-0000A.0000 ACCESS UNDETERMINED ESTERO FL 33928	MIROMAR FACTORY OUTLET DESC IN PB 77 PG 41 TRACT A	51
UNIVERSITY SQUARE CDD WRATHELL HART HUNT ASSOCIATES 6131 LYONS RD STE 100 COCONUT CREEK FL 33073	26-46-25-27-0000L.0000 ACCESS UNDETERMINED ESTERO FL 33928	MIROMAR FACTORY OUTLET DESC IN PB 77 PG 41 TRACT L	52
UNIVERSITY SQUARE CDD WRATHELL HART HUNT ASSOCIATES 6131 LYONS RD STE 100 COCONUT CREEK FL 33073	26-46-25-27-0000P.0000 MIROMAR FACTORY OUTLET TRACT P ESTERO FL 33928	MIROMAR FACTORY OUTLET DESC IN PB 77 PG 41 TRACT P	53
MIROMAR OUTLET WEST LLC 10801 CORKSCREW RD #305 ESTERO FL 33928	26-46-25-27-000M1.0000 10801 CORKSCREW RD ESTERO FL 33928	MIROMAR FACTORY OUTLET DESC IN PB 77 PG 41 LOT M-1	54
MIROMAR OUTLET EAST LLC MIROMAR DEVELOPMENT CORP 10801 CORKSCREW ROAD #305 ESTERO FL 33928	26-46-25-27-000M2.0000 10801 CORKSCREW RD ESTERO FL 33928	MIROMAR FACTORY OUTLET DESC IN PB 77 PG 41 LOT M-2	55
MIROMAR OUTLET PARKING WEST LC 10801 CORKSCREW RD #305 ESTERO FL 33928	26-46-25-27-000M7.0000 ACCESS UNDETERMINED ESTERO FL 33928	MIROMAR FACTORY OUTLET DESC IN PB 77 PG 41 LOT M-7	56

56 RECORDS PRINTED

23-46-25-00-00001.0000
MIROMAR LAKES LLC
10801 CORKSCREW RD STE 305
ESTERO, FL 33928

23-46-25-00-00001.1050
MIROMAR LAKES CDD
WRATHELL HART HUNT ASSOCIATES
6131 LYONS RD STE 100
COCONUT CREEK, FL 33073

23-46-25-00-00001.1120
MIROMAR LAKES CDD
WRATHELL HART HUNT ASSOCIATES
6131 LYONS RD STE 100
COCONUT CREEK, FL 33073

25-46-25-16-0001A.0020
SCHUCHMAN MYRON L + ROBYNE B
20188 BUTTERMERE CT
ESTERO, FL 33928

25-46-25-16-0001A.0040
LANG JOHNNY D + JOANN C TR
20176 BUTTERMERE CT
ESTERO, FL 33928

25-46-25-16-0001A.0060
CRAIGHAN PETER + JOYCE
1 BROSELEY AVE
CULCHETH
WARRINGTON WA34AH,
UNITED KINGDOM

25-46-25-16-0001A.0080
SKOV MICHAEL C TR
20154 BUTTERMERE CT
ESTERO, FL 33928

25-46-25-16-0001A.0100
WERTHMANN CAROL J + THOMAS S
2433 WEMBLY LN
TROY, MI 48084

25-46-25-16-00GC1.0000
FLORIDA DEVELOPMENT PARTNERS
11481 GRANDE OAK BLVD
ESTERO, FL 33928

25-46-25-16-00GC1.02CE
GRANDEZZA MASTER PROPERTY
20301 GRAND OAKS SHOPPES #118
PMB #61
ESTERO, FL 33928

23-46-25-00-00001.1040
MIROMAR LAKES LLC
10801 CORKSCREW RD STE 305
ESTERO, FL 33928

23-46-25-00-00001.1090
SOUTH WEST DISTRICT FLORIDA
2049-B N HONORE AVE
SARASOTA, FL 34235

25-46-25-16-0001A.0010
NOTESTINE PATRICK A + CAROL R
20194 BUTTERMERE CT
ESTERO, FL 33928

25-46-25-16-0001A.0030
LUCAS LEONARD J + YVONNE M
20182 BUTTERMERE CT
ESTERO, FL 33928

25-46-25-16-0001A.0050
LIPSCHULTZ DAVID H + BETTY SUE
5225 GRANDVIEW SQUARE #306
EDINA, MN 55436

25-46-25-16-0001A.0070
MOORE FRED A +
20160 BUTTERMERE CT
ESTERO, FL 33928

25-46-25-16-0001A.0090
MURPHY JEANNE R TR
20148 BUTTERMERE CT
ESTERO, FL 33928

25-46-25-16-000R1.00CE
FLORIDA DEVELOPMENT PARTNERS
11481 GRANDE OAK BLVD
ESTERO, FL 33928

25-46-25-16-00GC1.0010
LEE COUNTY
PO BOX 398
FORT MYERS, FL 33902

25-46-25-16-00GC1.03CE
GRANDEZZA MASTER PROPERTY
20301 GRAND OAKS SHOPPES #118
PMB #61
ESTERO, FL 33928

25-46-25-16-00GC1.22CE
GRANDEZZA MASTER PROPERTY
20301 GRAND OAKS SHOPPES #118
PMB #61
ESTERO, FL 33928

25-46-25-19-000GC.0000
FLORIDA DEVELOPMENT PARTNERS
11481 GRANDE OAK BLVD
ESTERO, FL 33928

25-46-25-20-00000.0020
PLANET OF THE PETS LLC
5455 JAEGER RD
NAPLES, FL 34109

25-46-25-20-0000D.00CE
REGENCY REALTY GROUP INC
PROPERTY TAX DEPARTMENT
PO BOX 790830
SAN ANTONIO, TX 78279

25-46-25-20-0000R.00CE
REGENCY REALTY GROUP INC
PROPERTY TAX DEPARTMENT
PO BOX 790830
SAN ANTONIO, TX 78279

25-46-25-27-000M6.0000
MIROMAR OUTLET PARKING EAST LC
10801 CORKSCREW RD #305
ESTERO, FL 33928

25-46-25-29-00000.00CE
AVALON AT GRANDEZZA COMMONS
27180 BAY LANDING DR STE 4
BONITA SPRINGS, FL 34135

26-46-25-00-00001.1030
KTB FLORIDA SPORTS
11000 EVERBLADES PKWY
ESTERO, FL 33928

26-46-25-00-00001.2010
LEE COUNTY
PO BOX 398
FORT MYERS, FL 33902

26-46-25-16-0001A.0170
MCBRIDE RONALD E + SHARON W
20100 BUTTERMERE CT
ESTERO, FL 33928

25-46-25-16-00GC1.23CE
GRANDEZZA MASTER PROPERTY
20301 GRAND OAKS SHOPPES #118
PMB #61
ESTERO, FL 33928

25-46-25-20-00000.0010
BB&T
PROPERTY TAX DEPARTMENT
PO BOX 167
WINSTON SALEM, NC 27102

25-46-25-20-00000.0030
CORKSCREW EAST ENERGY LLC
9000 SHERIDAN ST STE 136
PEMBROKE PINES, FL 33024

25-46-25-20-0000P.0000
REGENCY REALTY GROUP INC
PROPERTY TAX DEPARTMENT
PO BOX 790830
SAN ANTONIO, TX 78279

25-46-25-25-00000.00CE
AVALON AT GRANDEZZA COMMONS
STERLING PROPERTY SERVICES
27180 BAY LANDING DR STE 4
BONITA SPRINGS, FL 34135

25-46-25-27-000M6.0010
UNIVERSITY SQUARE CDD
GOODLETTE COLEMAN JOHNSON YOVA
4001 TAMiami TRL N STE 300
NAPLES, FL 34103

26-46-25-00-00001.0000
LEE COUNTY DIST SCHOOL BOARD
2855 COLONIAL BLVD
FORT MYERS, FL 33966

26-46-25-00-00001.1040
STATE OF FL DOT
PO BOX 1249
BARTOW, FL 33831

26-46-25-01-00000.00CE
VILLAGIO
20101 ESTERO GARDENS CIR #101
ESTERO, FL 33928

26-46-25-16-0001A.0180
DOWNES LUIS N + CHRISTINE M
4539 ELEANOR DR
LONG GROVE, IL 60047

26-46-25-16-0001A.0190
FARIS NABEEL W + ILENE
32910 PLYMOUTH RD
LIVONIA, MI 48150

26-46-25-16-0001A.0210
ZITO MARY B
1655 PERSIMMON DR
ST CHARLES, IL 60174

26-46-25-16-0001A.0230
NAISH DAVID + PENNY
EAGLE HOUSE
THE ST
CHILCOMPTON
BATH BA34HB
UNITED KINGDOM

26-46-25-16-0001A.0270
GRESS JOAN M
19783 MARKWARD CROSSING
ESTERO, FL 33928

26-46-25-16-0001A.0290
HARVEY JAMES R + JUDY K
20030 BUTTERMERE CT
ESTERO, FL 33928

26-46-25-27-0000A.0000
UNIVERSITY SQUARE CDD
WRATHELL HART HUNT ASSOCIATES
6131 LYONS RD STE 100
COCONUT CREEK, FL 33073

26-46-25-27-0000P.0000
UNIVERSITY SQUARE CDD
WRATHELL HART HUNT ASSOCIATES
6131 LYONS RD STE 100
COCONUT CREEK, FL 33073

26-46-25-27-000M2.0000
MIROMAR OUTLET EAST LLC
MIROMAR DEVELOPMENT CORP
10801 CORKSCREW ROAD #305
ESTERO, FL 33928

26-46-25-16-0001A.0200
LACY GEORGINA C TR +
PO BOX 5316
WAKEFIELD, RI 02880

26-46-25-16-0001A.0220
GILLIS ROBERT B + CHRISTIANE
43551 CHARDONNAY
STERLING HEIGHTS, MI 48314

26-46-25-16-0001A.0240
GORMAN THOMAS J + MARLE
20060 BUTTERMERE CT
ESTERO, FL 33928

26-46-25-16-0001A.0280
DAGOSTINO THOMAS C + JACKLYN M
17 COURT ST STE 600
BUFFALO, NY 14202

26-46-25-16-0001A.0300
IRWIN MARTIN KEITH + ANNE
14 PORTLAND SQUARE APT N
POTLAND LOFTS
BRISTOL BS28SJ,
UNITED KINGDOM

26-46-25-27-0000L.0000
UNIVERSITY SQUARE CDD
WRATHELL HART HUNT ASSOCIATES
6131 LYONS RD STE 100
COCONUT CREEK, FL 33073

26-46-25-27-000M1.0000
MIROMAR OUTLET WEST LLC
10801 CORKSCREW RD #305
ESTERO, FL 33928

26-46-25-27-000M7.0000
MIROMAR OUTLET PARKING WEST LC
10801 CORKSCREW RD #305
ESTERO, FL 33928

23-46-25-00-00001.0000
MIROMAR LAKES LLC
10801 CORKSCREW RD STE 305
ESTERO, FL 33928

23-46-25-00-00001.1050
MIROMAR LAKES CDD
WRATHELL HART HUNT ASSOCIATES
6131 LYONS RD STE 100
COCONUT CREEK, FL 33073

23-46-25-00-00001.1120
MIROMAR LAKES CDD
WRATHELL HART HUNT ASSOCIATES
6131 LYONS RD STE 100
COCONUT CREEK, FL 33073

25-46-25-16-0001A.0020
SCHUCHMAN MYRON L + ROBYNE B
20188 BUTTERMERE CT
ESTERO, FL 33928

25-46-25-16-0001A.0040
LANG JOHNNY D + JOANN C TR
20176 BUTTERMERE CT
ESTERO, FL 33928

25-46-25-16-0001A.0060
CRAIGHAN PETER + JOYCE
1 BROSELEY AVE
CULCHETH
WARRINGTON WA34AH,
UNITED KINGDOM

25-46-25-16-0001A.0080
SKOV MICHAEL C TR
20154 BUTTERMERE CT
ESTERO, FL 33928

25-46-25-16-0001A.0100
WERTHMANN CAROL J + THOMAS S
2433 WEMBLY LN
TROY, MI 48084

25-46-25-16-00GC1.0000
FLORIDA DEVELOPMENT PARTNERS
11481 GRANDE OAK BLVD
ESTERO, FL 33928

25-46-25-16-00GC1.02CE
GRANDEZZA MASTER PROPERTY
20301 GRAND OAKS SHOPPES #118
PMB #61
ESTERO, FL 33928

23-46-25-00-00001.1040
MIROMAR LAKES LLC
10801 CORKSCREW RD STE 305
ESTERO, FL 33928

23-46-25-00-00001.1090
SOUTH WEST DISTRICT FLORIDA
2049-B N HONORE AVE
SARASOTA, FL 34235

25-46-25-16-0001A.0010
NOTESTINE PATRICK A + CAROL R
20194 BUTTERMERE CT
ESTERO, FL 33928

25-46-25-16-0001A.0030
LUCAS LEONARD J + YVONNE M
20182 BUTTERMERE CT
ESTERO, FL 33928

25-46-25-16-0001A.0050
LIPSCHULTZ DAVID H + BETTY SUE
5225 GRANDVIEW SQUARE #306
EDINA, MN 55436

25-46-25-16-0001A.0070
MOORE FREDA A +
20160 BUTTERMERE CT
ESTERO, FL 33928

25-46-25-16-0001A.0090
MURPHY JEANNE R TR
20148 BUTTERMERE CT
ESTERO, FL 33928

25-46-25-16-000R1.00CE
FLORIDA DEVELOPMENT PARTNERS
11481 GRANDE OAK BLVD
ESTERO, FL 33928

25-46-25-16-00GC1.0010
LEE COUNTY
PO BOX 398
FORT MYERS, FL 33902

25-46-25-16-00GC1.03CE
GRANDEZZA MASTER PROPERTY
20301 GRAND OAKS SHOPPES #118
PMB #61
ESTERO, FL 33928

25-46-25-16-00GC1.22CE
GRANDEZZA MASTER PROPERTY
20301 GRAND OAKS SHOPPES #118
PMB #61
ESTERO, FL 33928

25-46-25-19-000GC.0000
FLORIDA DEVELOPMENT PARTNERS
11481 GRANDE OAK BLVD
ESTERO, FL 33928

25-46-25-20-00000.0020
PLANET OF THE PETS LLC
5455 JAEGER RD
NAPLES, FL 34109

25-46-25-20-0000D.00CE
REGENCY REALTY GROUP INC
PROPERTY TAX DEPARTMENT
PO BOX 790830
SAN ANTONIO, TX 78279

25-46-25-20-0000R.00CE
REGENCY REALTY GROUP INC
PROPERTY TAX DEPARTMENT
PO BOX 790830
SAN ANTONIO, TX 78279

25-46-25-27-000M6.0000
MIROMAR OUTLET PARKING EAST LC
10801 CORKSCREW RD #305
ESTERO, FL 33928

25-46-25-29-00000.00CE
AVALON AT GRANDEZZA COMMONS
27180 BAY LANDING DR STE 4
BONITA SPRINGS, FL 34135

26-46-25-00-00001.1030
KTB FLORIDA SPORTS
11000 EVERBLADES PKWY
ESTERO, FL 33928

26-46-25-00-00001.2010
LEE COUNTY
PO BOX 398
FORT MYERS, FL 33902

26-46-25-16-0001A.0170
MCBRIDE RONALD E + SHARON W
20100 BUTTERMERE CT
ESTERO, FL 33928

25-46-25-16-00GC1.23CE
GRANDEZZA MASTER PROPERTY
20301 GRAND OAKS SHOPPES #118
PMB #61
ESTERO, FL 33928

25-46-25-20-00000.0010
BB&T
PROPERTY TAX DEPARTMENT
PO BOX 167
WINSTON SALEM, NC 27102

25-46-25-20-00000.0030
CORKSCREW EAST ENERGY LLC
9000 SHERIDAN ST STE 136
PEMBROKE PINES, FL 33024

25-46-25-20-0000P.0000
REGENCY REALTY GROUP INC
PROPERTY TAX DEPARTMENT
PO BOX 790830
SAN ANTONIO, TX 78279

25-46-25-25-00000.00CE
AVALON AT GRANDEZZA COMMONS
STERLING PROPERTY SERVICES
27180 BAY LANDING DR STE 4
BONITA SPRINGS, FL 34135

25-46-25-27-000M6.0010
UNIVERSITY SQUARE CDD
GOODLETTE COLEMAN JOHNSON YOVA
4001 TAMiami TRL N STE 300
NAPLES, FL 34103

26-46-25-00-00001.0000
LEE COUNTY DIST SCHOOL BOARD
2855 COLONIAL BLVD
FORT MYERS, FL 33966

26-46-25-00-00001.1040
STATE OF FL DOT
PO BOX 1249
BARTOW, FL 33831

26-46-25-01-00000.00CE
VILLAGIO
20101 ESTERO GARDENS CIR #101
ESTERO, FL 33928

26-46-25-16-0001A.0180
DOWNES LUIS N + CHRISTINE M
4539 ELEANOR DR
LONG GROVE, IL 60047

26-46-25-16-0001A.0190
FARIS NABEEL W + ILENE
32910 PLYMOUTH RD
LIVONIA, MI 48150

26-46-25-16-0001A.0200
LACY GEORGINA C TR +
PO BOX 5316
WAKEFIELD, RI 02880

26-46-25-16-0001A.0210
ZITO MARY B
1655 PERSIMMON DR
ST CHARLES, IL 60174

26-46-25-16-0001A.0220
GILLIS ROBERT B + CHRISTIANE
43551 CHARDONNAY
STERLING HEIGHTS, MI 48314

26-46-25-16-0001A.0230
NAISH DAVID + PENNY
EAGLE HOUSE
THE ST
CHILCOMPTON
BATH BA34HB_____
UNITED KINGDOM

26-46-25-16-0001A.0240
GORMAN THOMAS J + MARLE
20060 BUTTERMERE CT
ESTERO, FL 33928

26-46-25-16-0001A.0270
GRESS JOAN M
19783 MARKWARD CROSSING
ESTERO, FL 33928

26-46-25-16-0001A.0280
DAGOSTINO THOMAS C + JACKLYN M
17 COURT ST STE 600
BUFFALO, NY 14202

26-46-25-16-0001A.0290
HARVEY JAMES R + JUDY K
20030 BUTTERMERE CT
ESTERO, FL 33928

26-46-25-16-0001A.0300
IRWIN MARTIN KEITH + ANNE
14 PORTLAND SQUARE APT N
POTLAND LOFTS
BRISTOL BS28SJ,
UNITED KINGDOM

26-46-25-27-0000A.0000
UNIVERSITY SQUARE CDD
WRATHELL HART HUNT ASSOCIATES
6131 LYONS RD STE 100
COCONUT CREEK, FL 33073

26-46-25-27-0000L.0000
UNIVERSITY SQUARE CDD
WRATHELL HART HUNT ASSOCIATES
6131 LYONS RD STE 100
COCONUT CREEK, FL 33073

26-46-25-27-0000P.0000
UNIVERSITY SQUARE CDD
WRATHELL HART HUNT ASSOCIATES
6131 LYONS RD STE 100
COCONUT CREEK, FL 33073

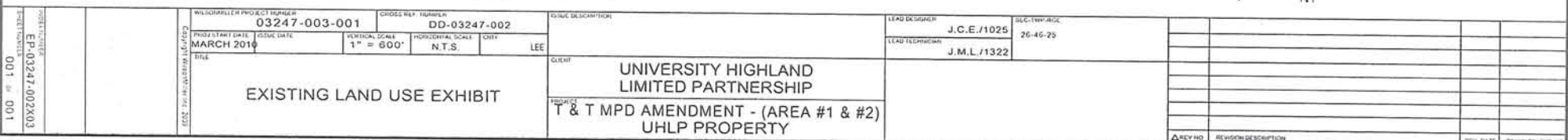
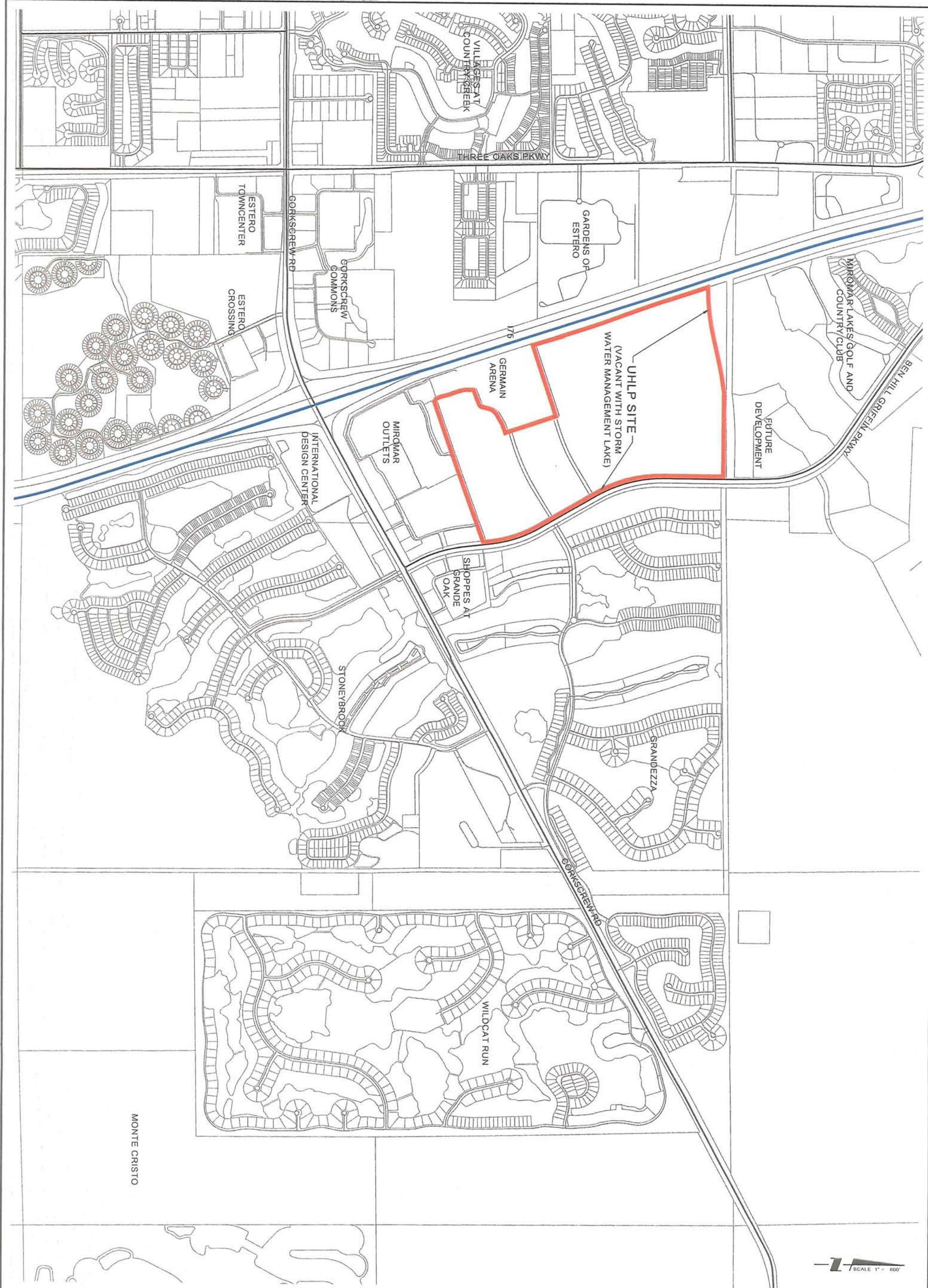
26-46-25-27-000M1.0000
MIROMAR OUTLET WEST LLC
10801 CORKSCREW RD #305
ESTERO, FL 33928

26-46-25-27-000M2.0000
MIROMAR OUTLET EAST LLC
MIROMAR DEVELOPMENT CORP
10801 CORKSCREW ROAD #305
ESTERO, FL 33928

26-46-25-27-000M7.0000
MIROMAR OUTLET PARKING WEST LC
10801 CORKSCREW RD #305
ESTERO, FL 33928

[illegible]

[illegible]





A parcel of land located in Sections 25 and 26, Township 46 South, Range 25 East, Lee County, Florida, being more particularly described as follows:
(University Highland Parcel less and excepting
Parcel 103A and Parcel 106)

Commence at the Northeast corner of Section 26, Township 46 South, Range 25 East, Lee County, Florida;

Thence run North 89° 44'39" West, along the North line of the Northeast quarter of said Section 26 for a distance of 651.54 feet to a point on the Westerly right of way line of Ben Hill Griffin Parkway, a 150.00 foot right of way as the same is recorded in O.R. Book 2745, page 1550 through 1554 of the Public Records of Lee County, Florida.

Thence along said right of way South 00° 14'58" West 75.00 feet to the Point of Beginning;

Thence continue along said right of way South 00°14'58" West 885.54 feet;

Thence continue along said right of way 1,073.77 feet along the arc of a non-tangential circular curve concave east having a radius of 1,985.00 feet through a central angle of 30°59'37" and being subtended by a chord which bears South 15°14'50" East 1,060.72 feet;

Thence continue along said right of way South 30°44'39" East 954.33 feet;

Thence continue along said right of way 768.64 feet along the arc of a circular curve concave west having a radius of 1,835.00 feet through a central angle of 24°00'00" and being subtended by a chord which bears South 18°44'39" East 763.04 feet;

Thence continue along said right of way South 06°44'39" East 109.71 feet;

Thence leaving said right of way South 70°33'22" West 2,206.62 feet;

Thence North 62°14'40" West 47.93 feet;

Thence North 24°07'56" West 85.91 feet;

Thence North 13°20'01" West 110.09 feet;

Thence North 20°09'25" West 97.07 feet;

Thence North 18°09'29" West 106.45 feet;

Thence North 10°45'16" West 65.81 feet;

Thence North 00°34'45" West 113.28 feet;

Thence North 31°30'22" East 4.37 feet;

Thence North 69°15'14" East 221.19 feet;

Thence 108.06 feet along the arc of a non-tangential circular curve concave northwest having a radius of 80.00 feet through a central angle of 77°23'31" and being subtended by a chord which bears North 30°33'30" East 100.03 feet;

Thence North 16°01'19" East 116.07 feet;

Thence North 41°14'47" East 75.68 feet;

Thence North 58°07'13" East 50.38 feet;

Thence North 58°27'44" East 124.90 feet;

Thence North 69°15'14" East 112.24 feet;

Thence North 70°28'40" East 30.06 feet;

Thence North 18°17'53" West 787.91 feet;

Thence South 71°42'07" West 1,109.14 feet to the easterly line of parcel 103A as recorded in instrument #2009000063112, public records of Lee County, Florida.



Thence along said easterly line for the following five (5) described courses;

- 1) 82.88 feet along the arc of a non-tangential circular curve concave east having a radius of 35,918.50 feet through a central angle of 00°07'56" and being subtended by a chord which bears North 16°38'50" West 82.88 feet;
- 2) 369.14 feet along the arc of a non-tangential circular curve concave west having a radius of 15,081.49 feet through a central angle of 01°24'09" and being subtended by a chord which bears North 16°52'41" West 369.13 feet;
- 3) South 70°32'57" West 8.23 feet;
- 4) 828.89 feet along the arc of a non-tangential circular curve concave west having a radius of 15,071.50 feet through a central angle of 03°09'04" and being subtended by a chord which bears North 19°09'21" West 828.79 feet;
- 5) 743.11 feet along the arc of a non-tangential circular curve concave east having a radius of 35,896.14 feet through a central angle of 01°11'10" and being subtended by a chord which bears North 20°05'33" West 743.09 feet to a point of the east right of way of Interstate I-75 (State Road 93).

Thence along said east right of way North 18°17'53" West 727.20 feet to a point on the south line of parcel 106 as recorded in instrument #2006000069199, public records of Lee County, Florida;

Thence along the southerly line of said parcel 106 for the following four (4) described courses;

- 1) 765.90 feet along the arc of a non-tangential circular curve concave north having a radius of 3,506.50 feet through a central angle of 12°30'53" and being subtended by a chord which bears North 83°37'38" East 764.38 feet;
- 2) North 77°22'12" East 321.73 feet;
- 3) 512.73 feet along the arc of a non-tangential circular curve concave south having a radius of 5,375.00 feet through a central angle of 05°27'56" and being subtended by a chord which bears North 80°06'06" East 512.54 feet;
- 4) South 89°44'39" East 1,234.40 feet to the west right of way line of said Ben Hill Griffin Parkway and the POINT OF BEGINNING.

Containing 208.41 acres, more or less.

Bearings are based on the North line of the Northeast ¼ of Section 26, Township 46 South, Range 25 East, Lee County, Florida, being North 89°44'39" West.

Certificate of authorization #LB-43.

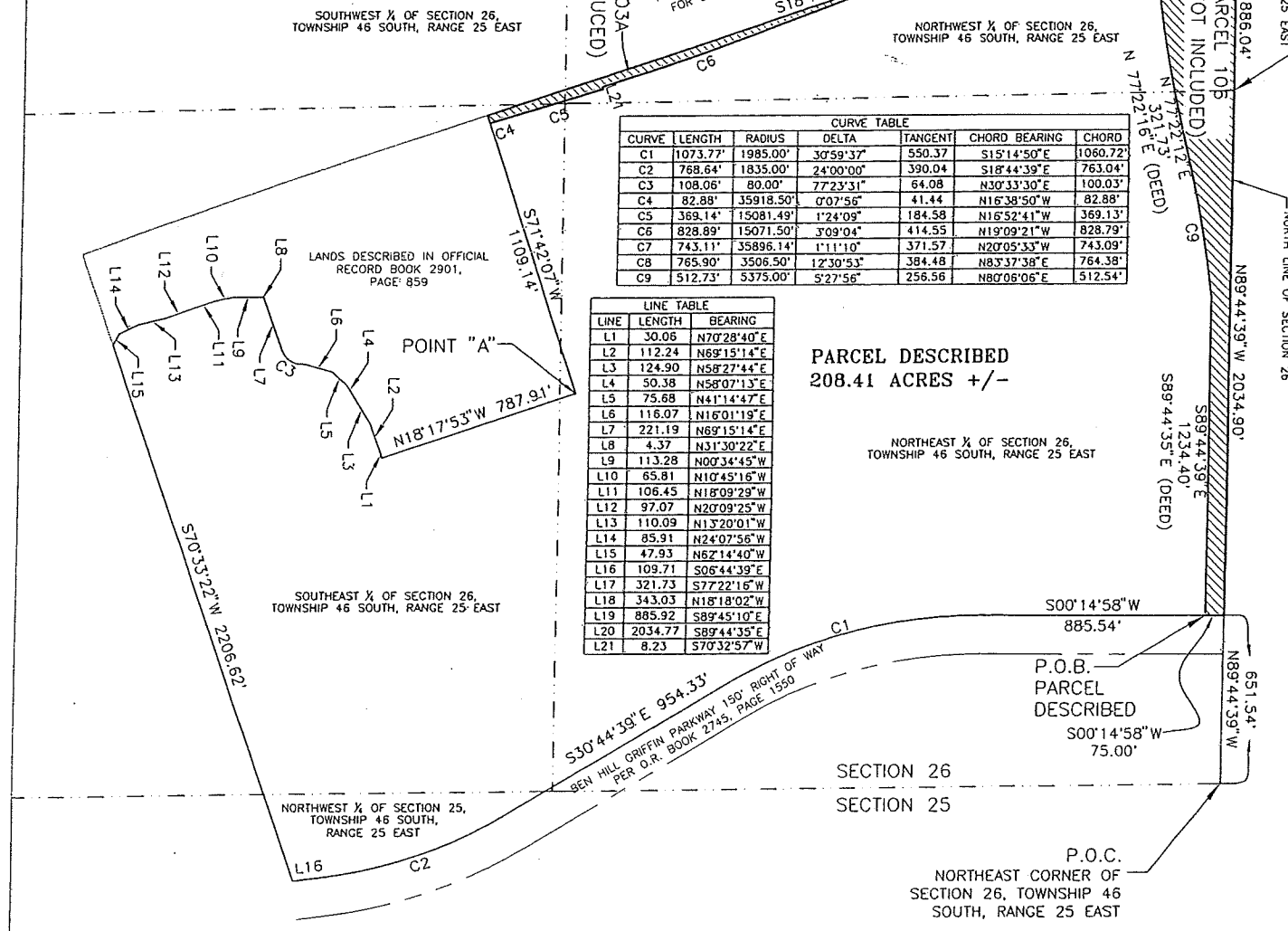
WilsonMiller, Inc.

Registered Engineers and Land Surveyors

By: Michael H. Maxwell Date 04/06/2010
Michael H. Maxwell, Professional Surveyor and Mapper #LS4650

Ref: 2K-315A

Not valid unless embossed with the Professional's seal.



1. BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHEAST ¼ OF SECTION 26, TOWNSHIP 46 SOUTH, RANGE 25 EAST, BEING NORTH 89°44'39" WEST PER STATE PLANE COORDINATE SYSTEM FLORIDA WEST ZONE.
2. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF, UNLESS OTHERWISE NOTED.
3. THIS SKETCH MAY HAVE BEEN REDUCED.
4. NOT VALID WITHOUT ACCOMPANYING DESCRIPTION, REFERENCE WILSONMILLER DOCUMENT #217795.
5. DISCREPANCIES WITH THE PARENT PARCEL LEGAL AND PARCEL 106 LEGAL (INSTRUMENT #2006000063199 & PARCEL 103A LEGAL (INSTRUMENT #2009000063112), PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

N89°44'35"W 651.52' TO PARCEL 106 POINT OF BEGINNING.
N89°44'39"W 651.54' TO PARENT PARCEL POINT OF BEGINNING.
BOTH LEGAL DESCRIPTIONS CALL FOR THE SAME LINE AND THE SAME RIGHT-OF-WAY.
C8 EXTENDED CURVE TO INTERSECT WITH EAST RIGHT OF WAY OF I-75. AND MATCH PARENT PARCEL.
DEED: ARC LENGTH = 765.62, CHORD = 764.10
DELTA = 12°30'36", CHORD BEARING = S83°37'34"W
C4 EXTENDED CURVE TO MATCH SOUTH LINE OF PARENT PARCEL
DEED: ARC LENGTH = 83.83

POINT "A" = N=766526.0880 E=729036.8988

POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
 INDICATES PARCEL 103A and 106
RIGHT OF WAY TAKES

PREPARED FOR: UNIVERSITY HIGHLAND LIMITED PARTNERSHIP
FOR THE BENEFIT OF: UNIVERSITY HIGHLAND LIMITED PARTNERSHIP
CERTIFICATE OF AUTHORIZATION #LB-43
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A
FLORIDA LICENSED SURVEYOR AND MAPPER.

WILSONMILLER, INC.
REGISTERED ENGINEERS AND LAND SURVEYORS
3200 BAILEY LANE, SUITE 200, (239) 263-6408
NAPLES, FLORIDA 34105

BY: Michael H. Maxwell 4-09-10
MICHAEL H. MAXWELL, PROFESSIONAL SURVEYOR AND MAPPER LS#4650 DATE

**** NOT A SURVEY ****

3200 Bailey Lane, Suite 200 • Naples, Florida 34105-8507 • Phone 239-649-4040 • Fax 239-263-6494 • Web-Site www.xrisomiller.com

SKETCH AND DESCRIPTION
A PORTION OF SECTIONS 25 & 26,
TOWNSHIP 46 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

ACTIVITY				INITIALS				EMP. NO.				DATE				TOWNSHIP 48 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA																			
DRAWN BY:				WAG				831				02/02/10				3200 Bailey Lane, Suite 200 • Naples, Florida 34105-5507 • Phone 239-649-4040 • Fax 239-263-6494 • Web Site www.wilsonmiller.com																			
CHECKED BY:				MHM				204				02/02/10				DATE:		HORIZONTAL SCALE:		VERTICAL SCALE:		SEC: TWP: RGE:		FIELD BOOK:		FIELD BOOK PAGE:		TASK:		PROJECT NO.:		SHEET NUMBER:		DRAWING NUMBER:	
COMPUTED BY:																FEB. 2010		1" = 500'				26 46 25						22400		03247-003-001		1 OF 1		2K-315A	

This Instrument was Prepared by:
DAVID P. HOPSTETTER, ESQ.
Young, van Assenderp & Varnadoe, P.A.
301 Laurel Oak Dr., Suite 300
Naples, FL 34109

4629054

Documentary Tax Pd. \$.70
Intangible Tax Pd.
CHARLIE GREEN, CLERK, LEE COUNTY
By Betty Cruz Deputy Clerk

0R3115 P60790

QUITCLAIM DEED

19.58
.70
THIS QUITCLAIM DEED made and executed this 29th day of March, 1999, by TIBURON LIMITED, a Florida limited partnership, and TIMBERLAND LIMITED, a Florida limited partnership, herein collectively called the "Quitclaimor", to UNIVERSITY HIGHLAND LIMITED PARTNERSHIP, a Florida limited partnership, whose address is 365 Fifth Avenue South, Suite 201, Naples, FL 34102, herein called the "Quitclaimee":

(Wherever used herein the terms "Quitclaimor" and "Quitclaimee" include all the parties to this instrument and their heirs, legal representatives and assigns)

WITNESSETH: That Quitclaimor, for and in consideration of the sum of \$10.00, in hand paid by the Quitclaimee, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto Quitclaimee forever, all the right, title, interest, claim and demand which Quitclaimor has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Collier, State of Florida, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of Quitclaimor either in law or equity, to the only proper use, benefit and behoof of Quitclaimee forever.

IN WITNESS WHEREOF the Quitclaimor has executed these presents the day and year first above written.

Signed, sealed and delivered
in the presence of:

WITNESSES:

TIMBERLAND, LTD, a Florida
limited partnership

By: Gulf Coast Realty
Management Corporation, a
Florida Corporation

By: [Signature]
Fereydoon Rabii, as Executive
Vice President

As Managing General Partner of the
Partnership with full authority on its behalf

[Signature]
Signature

Richard C. Grant
Printed Name

[Signature]
Signature

OTU FLARM
Printed Name

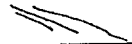
RECORDED BY
BETTY CRUZ, D.C.

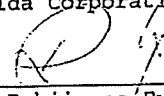
0R3115 P60791

WITNESSES:

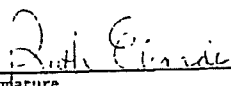
TIBURON, LTD, a Florida
limited partnership

By: Gulf Coast Realty
Management Corporation, a
Florida Corporation


Signature
Richard C. Grant
Printed Name

By: 
Fereydoon Rabii, as Executive
Vice President

As Managing General Partner of the
Partnership with full authority on its behalf


Signature
RUTH ELARD
Printed Name

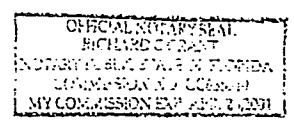
STATE OF FLORIDA
COUNTY OF COLLIER

§
§

2. The foregoing instrument was acknowledged before me this
day of March, 1998, by Fereydoon Rabii, as Executive Vice
President of Gulf Coast Realty Management Corporation, a Florida
corporation, as general partner of TIMBERLAND, LTD, a Florida
limited partnership, and as general partner of TIBURON, LTD, a
Florida limited partnership, on behalf of such partnerships. He
is ☒ personally known to me or ☐ has produced _____
as identification.


Print Name: Richard C. Grant
NOTARY PUBLIC
Commission Number:

G:\users\DPH\ANT\TIBURON\QUITCLDEED.wpd



SEE DEEDS RECORDED IN O.R. BOOK 3061 AT PAGES 0048 & 0053, WHERE DOCUMENTARY
STAMPS WERE PREVIOUSLY PAID ON THIS TRANSFER.

PROPERTY DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTIONS 25 AND 26, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 26, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.89°44'39"W., ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 26, FOR A DISTANCE OF 651.54 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF TREELINE DRIVE, A 150.00 FOOT RIGHT-OF-WAY AS THE SAME IS RECORDED IN O.R. BOOK 2745 AT PAGES 1550 THROUGH 1554 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N.89°44'39"W., ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 26, FOR A DISTANCE OF 2034.90 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 26; THENCE RUN N.89°45'24"W., ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 26, FOR A DISTANCE OF 886.04 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF I-75 (STATE ROAD NO. 93) AS THE SAME IS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR STATE ROAD NO. 93 (I-75), LEE COUNTY, SECTION 12075-2402, LAST REVISED 1/16/81; THENCE RUN S.18°17'53.4"E., ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 3093.31 FEET; THENCE RUN N.71°42'07"E. FOR A DISTANCE OF 1141.51 FEET; THENCE RUN S.18°17'53.4"E. FOR A DISTANCE OF 787.91 FEET; THENCE RUN S.70°28'40"W., FOR A DISTANCE OF 30.06 FEET; THENCE RUN S.69°15'14"W. FOR A DISTANCE OF 112.24 FEET; THENCE RUN S.58°27'44"W. FOR A DISTANCE OF 124.90 FEET; THENCE RUN S.58°07'13"W. FOR A DISTANCE OF 50.38 FEET; THENCE RUN S.41°14'47"W. FOR A DISTANCE OF 75.68 FEET; THENCE RUN S.16°01'19"W. FOR A DISTANCE OF 116.07 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE NORTHERLY, WHOSE RADIUS POINT BEARS S.81°51'54"W. A DISTANCE OF 80.00 FEET THEREFROM; THENCE RUN SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 80.00 FEET THROUGH A CENTRAL ANGLE OF 77°23'20", SUBTENDED BY A CHORD OF 100.03 FEET AT A BEARING OF S.30°33'34"W., FOR A DISTANCE OF 108.06 FEET TO THE END OF SAID CURVE; THENCE RUN S.69°15'14"W. FOR A DISTANCE OF 221.19 FEET; THENCE RUN S.31°30'22"W. FOR A DISTANCE OF 4.37 FEET; THENCE RUN S.00°34'45"E. FOR A DISTANCE OF 113.28 FEET; THENCE RUN S.10°45'16"E. FOR A DISTANCE OF 65.81 FEET; THENCE RUN S.18°09'29"E. FOR A DISTANCE OF 106.45 FEET; THENCE RUN S.20°09'25"E. FOR A DISTANCE OF 97.07 FEET; THENCE RUN S.13°20'01"E. FOR A DISTANCE OF 110.09 FEET; THENCE RUN S.24°07'56"E. FOR A DISTANCE OF 85.91 FEET; THENCE RUN S.62°14'40"E. FOR A DISTANCE OF 47.93 FEET; THENCE RUN N.70°33'22"E., FOR A DISTANCE OF 2206.62 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID TREELINE DRIVE; THENCE RUN N.06°44'39"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 109.71 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1835.00 FEET, THROUGH A CENTRAL ANGLE OF 24°00'00", SUBTENDED BY A CHORD OF 763.03 FEET AT A BEARING OF N.18°44'39"W., FOR A DISTANCE OF 768.64 FEET TO THE END OF SAID CURVE; THENCE RUN N.30°44'39"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 954.33 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHEASTERLY; THENCE RUN NORTHERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1985.00 FEET, THROUGH A CENTRAL ANGLE OF 30°59'37", SUBTENDED BY A CHORD OF 1060.72 FEET AT A BEARING OF N.15°14'50"W., FOR A DISTANCE OF 1073.77 FEET TO THE END OF SAID CURVE; THENCE RUN N.00°14'58"E., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 960.53 FEET TO THE POINT OF BEGINNING; CONTAINING 220.095 ACRES, MORE OR LESS.

OR3115 P60792

PROPERTY DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTIONS 25 AND 26, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SECTION 25, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.89°28'17"W., ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 25, FOR A DISTANCE OF 2625.10 FEET TO THE NORTH 1/4 CORNER OF SAID SECTION 25; THENCE RUN S.89°28'07"W., ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 25, FOR A DISTANCE OF 2624.90 FEET TO THE NORTHWEST CORNER OF SAID SECTION 25; THENCE RUN N.89°44'39"W., ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, FOR A DISTANCE OF 501.54 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF TREELINE DRIVE, A 150.00 FOOT RIGHT-OF-WAY, AS THE SAME IS RECORDED IN O.R. BOOK 2745 AT PAGES 1550 THROUGH 1554 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S.00°14'58"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 960.51 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHEASTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1835.00 FEET, THROUGH A CENTRAL ANGLE OF 30°59'37", SUBTENDED BY A CHORD OF 980.57 FEET AT A BEARING OF S.15°14'50"E., FOR A DISTANCE OF 992.63 FEET TO THE END OF SAID CURVE; THENCE RUN S.30°44'39"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 954.33 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1985.00 FEET, THROUGH A CENTRAL ANGLE OF 24°00'00", SUBTENDED BY A CHORD OF 825.41 FEET AT A BEARING OF S.18°44'39"E.; FOR A DISTANCE OF 831.47 FEET TO THE END OF SAID CURVE; THENCE RUN S.06°44'39"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 390.46 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHEASTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1835.00 FEET, THROUGH A CENTRAL ANGLE OF 21°28'45", SUBTENDED BY A CHORD OF 683.89 FEET AT A BEARING OF S.17°29'02"E., FOR A DISTANCE OF 687.91 FEET TO THE END OF SAID CURVE; THENCE RUN S.28°13'24"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 155.93 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD, A 150.00 FOOT RIGHT-OF-WAY, AS THE SAME IS RECORDED IN O.R. BOOK 2768 AT PAGES 76 THROUGH 81 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.61°46'36"E., ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD, FOR A DISTANCE OF 2551.34 FEET; THENCE RUN S.28°13'24"E., ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD, FOR A DISTANCE OF 50.00 FEET; THENCE RUN N.61°46'36"E., ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD, FOR A DISTANCE OF 2475.99 FEET TO A POINT ON THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 25; THENCE RUN N.00°48'28"W., ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 25, FOR A DISTANCE OF 2398.97 FEET TO THE POINT OF BEGINNING, CONTAINING 447.271 ACRES, MORE OR LESS.

DR3115 P80793

CHARLIE GREEN, CLERK
LEE COUNTY, FL
99 MAY 10 AM 8:50

**TIMBERLAND & TIBURON DRI/
UNIVERSITY HIGHLAND
COMPREHENSIVE PLAN AMENDMENT
TRAFFIC STUDY**

Project #10515

April 23, 2010

**Prepared by:
DAVID PLUMMER & ASSOCIATES, INC.
2271 McGregor Boulevard, Suite 200
Fort Myers, Florida 33901**



TIMBERLAND & TIBURON DRI/UNIVERSITY HIGHLAND
COMPREHENSIVE PLAN AMENDMENT
TRAFFIC STUDY

Introduction

University Highland (hereafter referred to as the Property) is the undeveloped portion of the approved Timberland & Tiburon DRI. University Highland, which is located in Lee County west of Ben Hill Griffin Parkway and south of Estero Parkway (Exhibit 1), will be developed as a mixed use development, with a variety of residential, retail and office development.

The Property is currently designated in the Lee Plan as Suburban land use category. The proposed Comprehensive Plan Amendment (CPA) requests a change of this Property from Suburban to Urban Community land use category.

This report provides the traffic study in support of the Comprehensive Plan Amendment (CPA) application. As explained below, this CPA Traffic Study demonstrates that no changes in the Transportation Element or the Capital Improvements Element of the Lee Plan are necessary due to the proposed CPA.

Methodology

During a March 31, 2010 meeting between Lee County staff and representatives of the applicant, it was agreed that a CPA traffic study would be prepared by the applicant consistent with the Lee County Application for a Comprehensive Plan Amendment. It was also agreed that the County staff would estimate the “worst case” scenario for this Property under the proposed Urban Community land use category, as well as under the current Suburban land use category.

The County staff provided the applicant with the “worst case” scenario for the University Highland Property under the proposed Urban Community land use category in a letter from Mr. Brandon Dunn dated April 6, 2010. The staff then provided the applicant with the “worst case” scenario under the current Suburban land use category in an e-mail from Brandon Dunn dated April 13, 2020.

	<u>Current Suburban</u>	<u>Proposed Urban Community</u>
Residential units	0 units	1,300 units (all MF)
Retail development	220,000 sq. ft.	1,120,000 sq. ft.
<u>Office development</u>	<u>1,000,000 sq. ft.</u>	<u>0 sq. ft.</u>
Total commercial development	1,220,000 sq. ft.	1,120,000 sq. ft.

The applicant agreed to evaluate these “worst case” scenarios to facilitate review and approval of the Comprehensive Plan Amendment. It should be recognized, however, that the “worst case” scenario under the Urban Community land use category is highly unlikely and may not even be possible, given the developable acreage on the site. Furthermore, the applicant is currently processing a DRI Notice of Proposed Change (NOPC) that would allow the following uses in University Highland: 1,300 multifamily residential units; 99,384 sq. ft. of retail; 100,000 sq. ft. of general office; 50,000 sq. ft. of medical office; and 200 hotel rooms. These commercial figures are much lower and more realistic than those assumed in the “worst case” scenario under Urban Community.

As agreed during the March 31, 2010 meeting with the staff, the CPA Traffic Study has been prepared consistent with the Lee County Application for a Comprehensive Plan Amendment, Section B.1, Traffic Circulation Analysis (Appendix A).

- The traffic impacts of the Property under both the current Suburban land use category and the proposed Urban Community land use category were evaluated and compared.
- The study area for the CPA analysis includes the roadway segments within a 3-mile radius from the property, consistent with Lee County requirements.
- The long-term horizon year analyses were based on the Lee County MPO 2030 zonal data projections and the 2030 LRTP financially-feasible roadway network. The Lee County FSUTMS travel model was run without (Suburban) and with (Urban Community) the proposed Plan Amendment.
- The five-year horizon year (2014) analyses assumed that only a small portion of the 2030 build-out, “worst case” land uses will be in place by 2014, due to current economic conditions.
- The 2014 analyses were based on the current E+C network and growth trends based on historic traffic counts. The travel model derived CPA volumes (trip generation/distribution/assignment) were added to the growth-trend derived background traffic volumes to establish 2014 traffic conditions with the CPA.
- Based on the comparative analysis, improvements needed as a result of the proposed CPA were identified under both long-term (2030) and five-year horizon (2014) conditions.

Existing Roadway Network

The existing roadway network in the vicinity of the Property is depicted in Exhibit 1. As shown in Exhibit 1, there are several major roadways serving the Property including Corkscrew Road, Estero Parkway, Ben Hill Griffin Parkway and I-75.

Corkscrew Road is a County-maintained four-lane, east-west arterial connecting US 41 to I-75 and Ben Hill Griffin Parkway. It becomes a two-lane road east of Ben Hill Griffin Parkway to SR 82 in Collier County.

Estero Parkway is a County-maintained four-lane, east-west arterial connecting US 41 to Ben Hill Griffin Parkway. The bridge over I-75 was recently completed.

Ben Hill Griffin Parkway is a County-maintained four and six-lane, north-south arterial connecting several area attractions including the Miromar Outlets, Germain Arena, Florida Gulf Coast University, Gulf Coast Town Center and the Southwest Florida International Airport.

I-75 is a State-maintained freeway along the west coast of Florida connecting Naples, Fort Myers, Punta Gorda and Port Charlotte with Sarasota, Bradenton, and Tampa to the north. The section of I-75 from Golden Gate Parkway in Collier County to Colonial Boulevard in Lee County has recently been widened from four to six lanes.

Scheduled Roadway Improvements

Scheduled road improvements in the Lee County Capital Improvement Program are shown on a map produced by the Lee County DOT and titled Major Road Improvements Programmed Through Construction Phase, F.Y. 2009/10 – 2013/14. This map is provided in Appendix B.

Some of the more important roadway projects in the general vicinity of the Property include the following.

- Six-lane widening of Metro Parkway from Daniels Parkway to Six Mile Cypress Parkway – Under Construction.
- Six-lane Metro Parkway Extension from Six Mile Cypress Parkway to US 41/Alico Road – Under Construction.
- Six-lane widening of US 41 between San Carlos Boulevard and Corkscrew Road – Construction in FY 10/11.
- Six-lane widening of I-75 from Colonial Boulevard to SR 82 – Fiscal Year 2009/2010.
- Alico-Green Meadows Corridor Study from Alico Road at Green Meadows Road to SR 82 – Under Study.
- CR 951 Extension PD&E study for new four-lane road from Immokalee Road in Collier County to Alico Road – Under Study.

In addition to the above, the Summary of Major Road Projects Programmed by Lee County – FY 09/10 to FY 13/14 (also included in Appendix B) identifies the new four-lane Three Oaks Parkway Extension from north of Alico Road to Daniels Parkway beyond the Five Year Work Program (for the six to ten year time period).

Planned Roadway Improvements

The Lee County Metropolitan Planning Organization (MPO) developed the Lee County 2030 Long Range Transportation Plan (LRTP). The 2030 LRTP Highway Element Map is included in

Appendix C. This map identifies improvements that are considered Financially Feasible Projects and improvements that are Contingent Upon Additional Funding.

The Financially Feasible Projects include those improvements that are considered affordable, given revenue projections through 2030. The projects in the general vicinity of the Property that are identified as Financially Feasible Projects include the following.

- Two-lane Sandy Lane Extension North from Corkscrew Road to San Carlos Boulevard.
- Four-lane Sandy Lane Extension South from Pelican Colony Boulevard to Old 41.
- New I-75 Airport Interchange and Collector-Distributor road system serving the Southwest Florida International Airport (SWFIA) via 2-lane collector-distributor roads on each side of I-75 from Alico Road to north of the Airport.

The improvements that are identified as Contingent Upon Additional Funding are those improvements that were found to be needed by 2030, but may not be affordable, given revenue projections through 2030. The projects in the general vicinity of the Property that are identified as Contingent Upon Additional Funding include the following.

- New four-lane Alico Expressway from Summerlin Road to SR 82.
- CR 951 Extension as a new four-lane, limited access highway from the Collier County Line to the Alico Expressway.
- New interchange on CR 951 Extension at the Alico Expressway.
- Twelve-lane widening of I-75 from Bonita Beach Road to Alico Road.
- Ten-lane widening of I-75 from Alico Road to SR 82.
- Six-lane widening of Ben Hill Griffin Parkway from FGCU Boulevard to College Club Drive.
- Six-lane widening of Three Oaks Parkway from Coconut Road to Estero Parkway.

Land Use Assumptions

As explained under Methodology, the following land use assumptions, which represent “worst case” scenarios, were provided by the County staff for purposes of this CPA Traffic Study.

2030 Land Use Assumptions

	<u>Current Suburban</u>	<u>Proposed Urban Community</u>
Residential units	0 units	1,300 units (all MF)
Retail development	220,000 sq. ft.	1,120,000 sq. ft.
<u>Office development</u>	<u>1,000,000 sq. ft.</u>	<u>0 sq. ft.</u>
Total commercial development	1,220,000 sq. ft.	1,120,000 sq. ft.

The “worst case” Suburban land use assumptions were used in the analysis of future 2030 traffic conditions without the proposed CPA. The “worst case” Urban Community land use assumptions were used in the analysis of future 2030 traffic conditions with the proposed CPA.

The five-year horizon year (2014) analyses assumed that only a small portion of the 2030 build-out, “worst case” land uses will be in place by 2014, due to current economic conditions. The assumed land uses for 2014 under each scenario are as follows:

2014 Land Use Assumptions

	<u>Current Suburban</u>	<u>Proposed Urban Community</u>
Residential units	0 units	400 units (all MF)
Retail development	10,000 sq. ft.	50,000 sq. ft.
<u>Office development</u>	<u>50,000 sq. ft.</u>	<u>0 sq. ft.</u>
Total commercial development	60,000 sq. ft.	50,000 sq. ft.

The Suburban land use assumptions were used in the analysis of future 2014 traffic conditions without the proposed CPA. The Urban Community land use assumptions were used in the analysis of future 2014 traffic conditions with the proposed CPA.

Property Access

The Property has frontage on both Estero Parkway and Ben Hill Griffin Parkway. Therefore, the Property will have access onto both Estero Parkway and Ben Hill Griffin Parkway.

Level of Service Standards

Roadway level of service (LOS) standards generally vary depending upon whether the road is a State or County road and whether the road is in an urban or rural area. Furthermore, State roads on the Florida Intrastate Highway System (FIHS) generally have more stringent LOS standards than other roads.

DCA rules require that Florida DOT LOS standards, rather than local standards, apply on FIHS roads. For non-FIHS State roads and County roads, the LOS standards adopted in the local government comprehensive plans apply.

The LOS standard on I-75, which is on the State FIHS, is LOS “D”. For all the County roads, the County’s adopted LOS standard is LOS “E”.

2030 Long Range Transportation Plan (LRTP) Analysis

DPA downloaded the latest 2030 Financially Feasible Plan travel model data from the MPO website for use in this study. The adopted Lee County MPO travel model was used to run comparative travel model assignments, both with and without the proposed CPA, under the adopted Lee County 2030 Financially-Feasible Plan. For these assignments, the future year 2030 road network included only projects identified as Financially Feasible in the MPO 2030 Highway Element. Therefore, the projects that were identified as needed, but Contingent Upon Additional Funding, were not included in the network.

After review, the following changes were made to the MPO adopted 2030 FSUTMS roadway network to correctly reflect the adopted 2030 Financially-Feasible Plan.

- The number of lanes on Ben Hill Griffin Parkway/Treeline Avenue was changed from six to four lanes between Alico Road and Daniels Parkway.
- The number of lanes on Corkscrew Road was changed from six to four lanes between Three Oaks Parkway and Ben Hill Griffin Parkway.

The Lee County MPO's 2030 socioeconomic data projections were used for both of these travel model assignments. For the travel model assignments both without and with the CPA, the MPO zonal data were used without revision for all Traffic Analysis Zones, except University Highland (TAZ 1380).

As required by Lee County, the study area included roadway segments within a three-mile radius of the Property.

2030 Traffic Conditions Without the CPA

The adopted Lee County MPO travel model was used to run a 2030 travel model assignment without the proposed CPA under the adopted Lee County 2030 Financially-Feasible Plan. The "worst case" 2030 Suburban land use assumptions were used for this travel model assignment, as recommended by staff. In this assignment, the Suburban land uses in University Highland generated approximately 26,200 peak season, weekday daily trips in 2030.

Exhibit 2 provides the results of the 2030 travel model assignment without the proposed CPA. The following segments are projected to exceed the adopted level of service standard in 2030 without the proposed CPA.

Deficient Roadway Segments – 2030 Without CPA

<u>Roadway</u>	<u>From</u>	<u>To</u>
I-75	Bonita Beach Road Corkscrew Road	Corkscrew Road Alico Road
Ben Hill Griffin Parkway	FGCU Entrance	College Club Drive
Three Oaks Parkway	Williams Road	Corkscrew Road

The adopted MPO 2030 Plan identifies ten and twelve-lane widening of I-75 from Bonita Beach Road to SR 82 as needed but Contingent Upon Additional Funding. In addition, the MPO 2030 Plan identifies the six-lane widening of Ben Hill Griffin Parkway from the FGCU Entrance to College Club Drive and Three Oaks Parkway from Williams Road to Corkscrew Road as needed, but Contingent Upon Additional Funding.

Since all four of these improvements are identified in the MPO 2030 Plan as needed, but Contingent Upon Additional Funding, it is clear that all four of these improvements may be needed whether or not the proposed CPA is approved.

2030 Traffic Conditions with the CPA

The adopted Lee County MPO travel model was used to run a 2030 travel model assignment with the proposed CPA under the adopted Lee County 2030 Financially-Feasible Plan. The “worst case” 2030 Urban Community land use assumptions were used for this travel model assignment, as recommended by staff. In this assignment, the CPA generates approximately 29,850 peak season, weekday daily trips in 2030, an increase of approximately 3,650 daily trips.

Exhibit 3 provides the results of the 2030 travel model assignment with the proposed CPA. As identified below, the 2030 travel model assignment with the proposed CPA identified the same deficient roadway segments that were previously identified in the analysis of future 2030 traffic conditions without the proposed CPA. No additional roadway segments are deficient with the proposed CPA.

Deficient Roadway Segments – 2030 With CPA

<u>Roadway</u>	<u>From</u>	<u>To</u>
I-75	Bonita Beach Road Corkscrew Road	Corkscrew Road Alico Road
Ben Hill Griffin Parkway	FGCU Entrance	College Club Drive
Three Oaks Parkway	Williams Road	Corkscrew Road

Since the same roadway segments were identified as deficient both without and with the proposed CPA, those deficiencies are not a result of the CPA. As noted in the previous section of this report, improvements to all four of these road segments were identified in the MPO 2030 Plan as needed, but Contingent Upon Additional Funding. Therefore, these improvements will be needed whether or not the CPA is approved. No changes are needed in the Transportation Element of the Lee Plan due to this proposed CPA.

It should be noted that the identified LOS deficiency on Ben Hill Griffin Parkway from the FGCU Entrance to College Club Drive is very marginal, both with and without the proposed CPA. The volume/capacity ratio in the peak direction is 1.02 without the proposed CPA and 1.01 with the proposed CPA. This road segment should be monitored over time to confirm whether or not widening will actually be needed.

Traffic Mitigation

A comparison of Exhibits 2 and 3 shows that the proposed CPA has a negligible impact on 2030 traffic conditions in the study area. No additional improvements are needed. Therefore, no traffic mitigation is necessary due to the CPA.

As a reminder, University Highland's traffic impacts will be fully mitigated through the Timberland & Tiburon DRI. The land uses within University Highland will mitigate external transportation impacts through the payment of roads impact fees (in accordance with Lee County's roads impact fee ordinance), other revenues (such as ad valorem taxes, gas taxes, sales taxes and the like), and other CRSA commitments, as per the approved Timberland & Tiburon DRI Development Order.

As shown in Exhibits 4a and 4b, using the County's "worst case" land use assumptions, DPA has estimated that development in University Highland under the proposed Urban Community land use designation would generate approximately \$20.5 million in roads impact fees alone, compared to approximately \$9.7 million in road impact fees under the current Suburban land use designation. That is an increase of nearly \$11 million in road impact fee revenues, based on the County's "worst case" scenario. These additional revenues can help make these needed improvements, which are needed whether or not the CPA is approved, financially-feasible.

These additional road impact fee revenues can be used by the County to fund whatever road improvements are found to be necessary to support general growth in the area, including this CPA. Specifically, the additional road impact fee revenues can be used to widen Ben Hill Griffin Parkway to six lanes between the FGCU entrance and College Club Drive, if it is found to be necessary.

Development within the CPA will be responsible for providing site-related improvements within the development and at the development's entrances, including turn lanes and signalization, as needed.

Timing of Improvements

Any development as part of the proposed CPA will be subject to review and approval. Detailed DRI traffic studies will be required and, if necessary, conditions of approval will be established before such approval would be granted. Therefore, the actual timing of the identified improvements will be established during the review and approval of specific DRI development plans.

2014 Short-Range (Capital Improvement Program) Analysis

As required in the Lee County Application for a Comprehensive Plan Amendment, a short-range analysis was performed in addition to the 2030 LRTP analysis. The purpose of the short-range analysis is to identify additional improvements that may be needed on the roadway network, beyond those programmed in the short-range (five-year) horizon, due to the proposed development.

The short-range analysis was performed coincident with the current Lee County Capital Improvement Program (CIP) horizon year of 2014, using the current existing network plus improvements scheduled in the 5-year CIP or FDOT Work Program and, reflecting the 2014 land uses listed above under Land Use Assumptions.

The Lee County MPO socio-economic data used in developing the LRTP are not reflective of the current economic downturn. As discussed and agreed upon during recent meetings with the County staff, historic traffic growth rates, which are more appropriate for short-range projections, were used to develop the 2014 background traffic. The calculation of the historic growth rates is documented in Appendix D. Since traffic counts in the study area have declined over the last few years, DPA used a minimum traffic increase of 2% per year, to be conservative.

The 2014 University Highland traffic under each scenario was then estimated using the travel model and added to the 2014 background traffic to estimate overall traffic volumes in 2014.

2014 Traffic Conditions Without the CPA

Using the 2014 assumptions provided above under Land Use Assumptions, DPA used the Lee County E+C travel model assignment to project University Highland traffic (trip generation/distribution/assignment) under the current Suburban land use designation. In this assignment, the Suburban land uses in University Highland generated approximately 1,300 peak season, weekday daily trips in 2014. The travel model-derived University Highland volumes were then added to the projected 2014 background traffic volumes to derive the future total 2014 traffic volumes without the proposed CPA, Exhibit 5.

As shown in Exhibit 5, all the study area roadway segments are anticipated to operate at or better than the adopted LOS standard in 2014.

2014 Traffic Conditions With CPA

Using the 2014 assumptions provided above under Land Use Assumptions, DPA used the Lee County E+C travel model assignment to project University Highland traffic (trip generation/distribution/assignment) under the proposed Urban Community land use designation. In this assignment, the Urban Community land uses in University Highland generated approximately 2,500 peak season, weekday daily trips in 2014. The travel model-derived University Highland volumes were then added to the projected 2014 background traffic volumes to derive the total future 2014 traffic volumes with the proposed CPA, Exhibit 6.

As shown in Exhibit 6, all the study area roadway segments will operate at or better than adopted LOS standard with the CPA. Therefore, it can be concluded that no additional improvements to the roadway network are needed, beyond those already programmed in the short-range (five-year) CIP. No changes are needed in the Capital Improvements Element of the Lee Plan due to the proposed CPA.

Traffic Mitigation

A comparison of Exhibits 5 and 6 shows that the proposed CPA has a negligible impact on 2014 traffic conditions in the study area. No additional improvements are needed. Therefore, no traffic mitigation is necessary due to the CPA.

As a reminder, University Highland's traffic impacts will be fully mitigated through the Timberland & Tiburon DRI. The land uses within University Highland will mitigate external transportation impacts through the payment of roads impact fees (in accordance with Lee County's roads impact fee ordinance), other revenues (such as ad valorem taxes, gas taxes, sales taxes and the like), and other CRSA commitments, as per the approved Timberland & Tiburon DRI Development Order.

As shown in Exhibit 7a and 7b, DPA has estimated that development in University Highland under the proposed Urban Community land use designation would generate approximately \$3.1 million in roads impact fees alone, compared to approximately \$0.5 million in road impact fees under the current Suburban land use designation. That is an increase of approximately \$2.6 million in road impact fee revenues.

These additional road impact fee revenues can be used by the County to fund whatever road improvements are found to be necessary to support general growth in the area, including this CPA.

Development within the CPA will be responsible for providing site-related improvements within the development and at the development's entrances, including turn lanes and signalization, as needed.

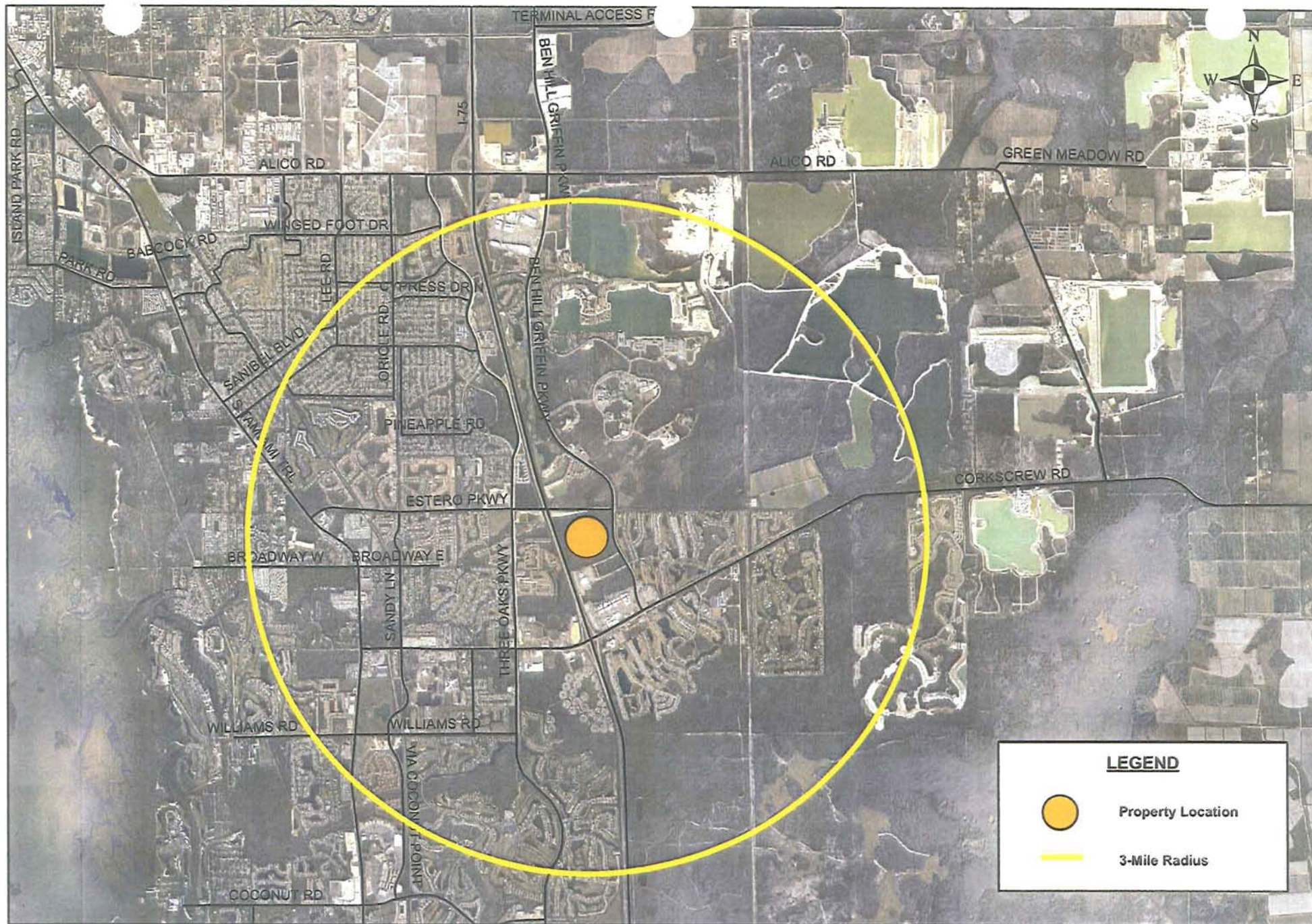


EXHIBIT 2
TIMBERLAND & TIBURON DRI/UNIVERSITY HIGHLAND
COMPREHENSIVE PLAN AMENDMENT TRAFFIC STUDY, #10515
FUTURE 2030 TRAFFIC CONDITIONS WITHOUT CPA
DIRECTIONAL PEAK HOUR (K100), PEAK SEASON

		(6)										(2)													
		FSUTMS (7)										Directional Service Volumes													
		(1)	(3)		PSWDT	PSWDT		(5)	Two-Way		(5)	Directional													
ROADWAY	FROM	TO	# of Lanes	LOS	(4) PCS #	Without CPA	/AADT Factor	2030 AADT	K100 Factor	Peak Hr. Volume	D100 NE	SW	Peak Hr. Vol. NE	SW	LOS "A"	LOS "B"	LOS "C"	LOS "D"	LOS "E"	LOS	V/C	LOS			
																					Std	NE	SW	NE	SW
=====																									
BEN HILL GRIFFIN PKWY	CORKSCREW ROAD	UNIVERSITY HIGHLAND	4	E	60	26,545	1.257	21,123	0.0976	2,062	0.54	0.46	1,113	949	260	1,570	1,900	1,970	1,970	1,970	0.56	0.48	B	B	
	UNIVERSITY HIGHLAND	ESTERO PARKWAY	4	E	60	24,934	1.257	19,841	0.0976	1,936	0.54	0.46	1,045	891	260	1,570	1,900	1,970	1,970	1,970	0.53	0.45	B	B	
	ESTERO PKWY	FGCU ENTRANCE	4	E	60	40,329	1.257	32,092	0.0976	3,132	0.54	0.46	1,691	1,441	270	1,610	1,970	1,970	2,040	2,040	0.83	0.71	C	B	
	FGCU ENTRANCE	COLLEGE CLUB DR	4	E	60	49,594	1.257	39,465	0.0976	3,852	0.54	0.46	2,080	1,772	270	1,610	1,970	1,970	2,040	2,040	1.02	0.87	F	C	
	COLLEGE CLUB DR	ALICO ROAD	6	E	60	55,904	1.257	44,486	0.0976	4,342	0.54	0.46	2,345	1,997	410	2,480	2,970	3,070	3,070	3,070	0.76	0.65	B	B	
CORKSCREW RD	US 41	THREE OAKS PKWY	4	E	15	31,864	1.227	25,976	0.0924	2,400	0.50	0.50	1,200	1,200	260	1,570	1,900	1,970	1,970	1,970	0.61	0.61	B	B	
	THREE OAKS PKWY	I-75	4	E	15	33,220	1.227	27,082	0.0924	2,502	0.50	0.50	1,251	1,251	260	1,570	1,900	1,970	1,970	1,970	0.64	0.64	B	B	
	I-75	MIROMAR OUTLETS	4	E	15	32,948	1.227	26,860	0.0924	2,482	0.50	0.50	1,241	1,241	260	1,570	1,900	1,970	1,970	1,970	0.63	0.63	B	B	
	MIROMAR OUTLETS	BEN HILL GRIFFIN PKWY	4	E	15	31,254	1.227	25,479	0.0924	2,354	0.50	0.50	1,177	1,177	260	1,570	1,900	1,970	1,970	1,970	0.60	0.60	B	B	
	BEN HILL GRIFFIN PKWY	WILDCAT RUN DR	2	E	15	13,340	1.227	10,875	0.0924	1,005	0.50	0.50	503	502	0	210	720	880	920	920	0.55	0.55	C	C	
	WILDCAT RUN DR	ALICO RD	2	E	15	13,592	1.227	11,080	0.0924	1,024	0.50	0.50	512	512	0	210	720	880	920	920	0.56	0.56	C	C	
ESTERO PARKWAY	US 41	THREE OAKS PKWY	4	E	15	14,689	1.227	11,975	0.0924	1,106	0.50	0.50	553	553	260	1,570	1,900	1,970	1,970	1,970	0.28	0.28	B	B	
	THREE OAKS PKWY	UNIVERSITY HIGHLAND	4	E	15	39,974	1.227	32,588	0.0924	3,011	0.50	0.50	1,506	1,505	260	1,570	1,900	1,970	1,970	1,970	0.76	0.76	B	B	
	UNIVERSITY HIGHLAND	BEN HILL GRIFFIN PKWY	4	E	15	25,585	1.227	20,857	0.0924	1,927	0.50	0.50	964	963	260	1,570	1,900	1,970	1,970	1,970	0.49	0.49	B	B	
I-75	BONITA BEACH RD	CORKSCREW RD	6	D	FDOT	170,575	1.099	155,209	0.0907	14,077	0.56	0.44	7,854	6,223	0	3,300	4,580	5,580	6,200	5,580	1.41	1.12	F	F	
	CORKSCREW RD	ALICO RD	6	D	FDOT	162,943	1.099	148,265	0.0907	13,448	0.56	0.44	7,503	5,945	0	3,300	4,580	5,580	6,200	5,580	1.34	1.07	F	E	
THREE OAKS PARKWAY	COCONUT RD	WILLIAMS RD	4	E	25	40,872	1.163	35,134	0.0929	3,264	0.53	0.47	1,730	1,534	260	1,570	1,900	1,970	1,970	1,970	0.88	0.78	C	B	
	WILLIAMS RD	CORKSCREW RD	4	E	25	49,500	1.163	42,550	0.0929	3,953	0.53	0.47	2,095	1,858	260	1,570	1,900	1,970	1,970	1,970	1.06	0.94	F	C	
	CORKSCREW RD	ESTERO PARKWAY	4	E	25	41,792	1.163	35,924	0.0929	3,337	0.53	0.47	1,769	1,568	260	1,570	1,900	1,970	1,970	1,970	0.90	0.80	C	B	
	ESTERO PKWY	SAN CARLOS BLVD	4	E	25	31,426	1.163	27,014	0.0929	2,510	0.53	0.47	1,330	1,180	260	1,570	1,900	1,970	1,970	1,970	0.68	0.60	B	B	
	SAN CARLOS BLVD	ALICO RD	4	E	25	31,629	1.163	27,188	0.0929	2,526	0.53	0.47	1,339	1,187	260	1,570	1,900	1,970	1,970	1,970	0.68	0.60	B	B	

Footnotes:

- (1) 2030 financially-feasible number of lanes.
- (2) Lee County Generalized Service Volumes (January, 2009). FDOT Generalized Service Volumes for I-75.
- (3) Lee County roadway LOS standard. I-75 based on FDOT FHHS LOS standard.
- (4) Based on Lee County 2009 Traffic Count Report. I-75 based on FDOT 2008 AADT traffic information.
- (5) Adjustment factors based on Lee County 2009 Traffic Count Report. I-75 based on FDOT 2008 traffic information.
- (6) Peak season traffic volumes based on FSUTMS travel model assignment.
- (7) PSADT/AADT factor based on Lee County 2009 permanent count station data. I-75 based on Lee Countywide PSF from FDOT data.

EXHIBIT 3

TIMBERLAND & TIBURON DRI/UNIVERSITY HIGHLAND

COMPREHENSIVE PLAN AMENDMENT TRAFFIC STUDY, #10515

FUTURE 2030 TRAFFIC CONDITIONS WITH CPA

DIRECTIONAL PEAK HOUR (K100), PEAK SEASON

		(6)										(7)										(2)									
		FSUTMS										Directional Service Volumes																			
		(1) (3)		PSWDT		PSWDT		(5) Two-Way		(5) Directional		LOS "A"		LOS "B"		LOS "C"		LOS "D"		LOS "E"		LOS		V/C		LOS					
ROADWAY	FROM	TO	# of Lanes	Std	LOS	PCS #	CPA	Factor	2030 AADT	K100 Factor	Peak Hr. Volume	D100 NE	SW	Peak Hr. Vol. NE	SW	LOS "A"	LOS "B"	LOS "C"	LOS "D"	LOS "E"	LOS	Std	NE	SW	NE	SW					
=====																															
BEN HILL GRIFFIN PKWY	CORKSCREW ROAD	UNIVERSITY HIGHLAND	4	E	60			27,392	1.257	21,797	0.0976	2,127	0.54	0.46	1,149	978	260	1,570	1,900	1,970	1,970	1,970	0.58	0.50	B	B					
	UNIVERSITY HIGHLAND	ESTERO PARKWAY	4	E	60			24,765	1.257	19,707	0.0976	1,923	0.54	0.46	1,038	885	260	1,570	1,900	1,970	1,970	1,970	0.53	0.45	B	B					
	ESTERO PKWY	FCCU ENTRANCE	4	E	60			40,127	1.257	31,931	0.0976	3,116	0.54	0.46	1,683	1,433	270	1,610	1,970	1,970	2,040	2,040	0.83	0.70	C	B					
	FCCU ENTRANCE	COLLEGE CLUB DR	4	E	60			49,050	1.257	39,032	0.0976	3,810	0.54	0.46	2,057	1,753	270	1,610	1,970	1,970	2,040	2,040	1.01	0.86	F	C					
	COLLEGE CLUB DR	ALICO ROAD	6	E	60			55,819	1.257	44,418	0.0976	4,335	0.54	0.46	2,341	1,994	410	2,480	2,970	3,070	3,070	3,070	0.76	0.65	B	B					
CORKSCREW RD	US 41	THREE OAKS PKWY	4	E	15			31,525	1.227	25,700	0.0924	2,375	0.50	0.50	1,188	1,187	260	1,570	1,900	1,970	1,970	1,970	0.60	0.60	B	B					
	THREE OAKS PKWY	I-75	4	E	15			33,498	1.227	27,308	0.0924	2,523	0.50	0.50	1,262	1,261	260	1,570	1,900	1,970	1,970	1,970	0.64	0.64	B	B					
	I-75	MIROMAR OUTLETS	4	E	15			34,000	1.227	27,717	0.0924	2,561	0.50	0.50	1,281	1,280	260	1,570	1,900	1,970	1,970	1,970	0.65	0.65	B	B					
	MIROMAR OUTLETS	BEN HILL GRIFFIN PKWY	4	E	15			32,296	1.227	26,328	0.0924	2,433	0.50	0.50	1,217	1,216	260	1,570	1,900	1,970	1,970	1,970	0.62	0.62	B	B					
	BEN HILL GRIFFIN PKWY	WILDCAT RUN DR	2	E	15			13,364	1.227	10,895	0.0924	1,007	0.50	0.50	504	503	0	210	720	880	920	920	0.55	0.55	C	C					
	WILDCAT RUN DR	ALICO RD	2	E	15			13,516	1.227	11,100	0.0924	1,026	0.50	0.50	513	513	0	210	720	880	920	920	0.56	0.56	C	C					
ESTERO PARKWAY	US 41	THREE OAKS PKWY	4	E	15			15,080	1.227	12,293	0.0924	1,136	0.50	0.50	568	568	260	1,570	1,900	1,970	1,970	1,970	0.29	0.29	B	B					
	THREE OAKS PKWY	UNIVERSITY HIGHLAND	4	E	15			40,855	1.227	33,306	0.0924	3,077	0.50	0.50	1,539	1,538	260	1,570	1,900	1,970	1,970	1,970	0.78	0.78	B	B					
	UNIVERSITY HIGHLAND	BEN HILL GRIFFIN PKWY	4	E	15			25,058	1.227	20,428	0.0924	1,888	0.50	0.50	944	944	260	1,570	1,900	1,970	1,970	1,970	0.48	0.48	B	B					
I-75	BONITA BEACH RD	CORKSCREW RD	6	D	FDOT			170,884	1.099	155,490	0.0907	14,103	0.56	0.44	7,868	6,235	0	3,300	4,580	5,580	6,200	5,580	1.41	1.12	F	F					
	CORKSCREW RD	ALICO RD	6	D	FDOT			163,014	1.099	148,329	0.0907	13,453	0.56	0.44	7,505	5,948	0	3,300	4,580	5,580	6,200	5,580	1.34	1.07	F	E					
THREE OAKS PARKWAY	COCONUT RD	WILLIAMS RD	4	E	25			41,256	1.163	35,464	0.0929	3,295	0.53	0.47	1,746	1,549	260	1,570	1,900	1,970	1,970	1,970	0.89	0.79	C	B					
	WILLIAMS RD	CORKSCREW RD	4	E	25			50,082	1.163	43,050	0.0929	3,999	0.53	0.47	2,119	1,880	260	1,570	1,900	1,970	1,970	1,970	1.08	0.95	F	C					
	CORKSCREW RD	ESTERO PARKWAY	4	E	25			42,390	1.163	36,438	0.0929	3,385	0.53	0.47	1,794	1,591	260	1,570	1,900	1,970	1,970	1,970	0.91	0.81	C	C					
	ESTERO PKWY	SAN CARLOS BLVD	4	E	25			31,897	1.163	27,419	0.0929	2,547	0.53	0.47	1,350	1,197	260	1,570	1,900	1,970	1,970	1,970	0.69	0.61	B	B					
	SAN CARLOS BLVD	ALICO RD	4	E	25			31,632	1.163	27,191	0.0929	2,526	0.53	0.47	1,339	1,187	260	1,570	1,900	1,970	1,970	1,970	0.68	0.60	B	B					

Footnotes:

- (1) 2030 financially-feasible number of lanes.
- (2) Lee County Generalized Service Volumes (January, 2009). FDOT Generalized Service Volumes for I-75.
- (3) Lee County roadway LOS standard. I-75 based on FDOT FHHS LOS standard.
- (4) Based on Lee County 2009 Traffic Count Report. I-75 based on FDOT 2008 AADT traffic information.
- (5) Adjustment factors based on Lee County 2009 Traffic Count Report. I-75 based on FDOT 2008 traffic information.
- (6) Peak season traffic volumes based on FSUTMS travel model assignment.
- (7) PSADT/AADT factor based on Lee County 2009 permanent count station data. I-75 based on Lee Countywide PSF from FDOT data.

EXHIBIT 4a
TIMBERLAND & TIBURON DRI/UNIVERSITY HIGHLAND
COMPREHENSIVE PLAN AMEDMENT TRAFFIC STUDY, #10515
ROADS IMPACT FEE ASSESSMENT - BUILDOUT

WITHOUT COMPREHENSIVE PLAN AMENDMENT

		(1)	
	<u>Size</u>	<u>Fee Rate /Unit</u>	<u>Amount</u>
Residential:	Single-Family - Detached	0	\$8,976 /d.u.
	Multiple Family Building	0	\$6,297 /d.u.
	Duplex/Two-Family/Townhouse	0	\$6,297 /d.u.
	Hotel / Motel Room/Time-share	0	\$5,172 /room
	Mobile Home	0	\$4,686 /d.u.
	Elder /Disabled Housing	0	\$3,261 /site
	Adult Cong. Living Facility (ACLF)	0	\$2,025 /d.u.
	Recreational Vehicle Site	0	\$4,686 /site
Office:	General Office	1,000,000	\$7,305 /1,000 s.f.
	Medical Office	0	\$24,126 /1,000 s.f.
	Hospital	0	\$11,736 /1,000 s.f.
	Nursing Home	0	\$4,071 /1,000 s.f.
	Church	0	\$4,575 /1,000 s.f.
	Day Care Center	0	\$12,840 /1,000 s.f.
	Elementary / Sec. School (Private)	0	\$2,223 /1,000 s.f.
Industrial:	Industrial Park	0	\$6,195 /1,000 s.f.
	Warehouse	0	\$4,416 /1,000 s.f.
	Mini-Warehouse	0	\$1,587 /1,000 s.f.
	Mine	0	\$1,587 /Cubic Yard
Retail: (GFA)	Shopping Center	220,000	\$10,983 /1,000 s.f.
	Bank	0	\$25,134 /1,000 s.f.
	Car Wash, Self Service	0	\$5,262 /Stall
	Convenience Store w/Gas Sales	0	\$40,305 /1,000 s.f.
	Golf Course (open to public)	0	\$2,697 /acre
	Movie Theater	0	\$23,220 /1,000 s.f.
	Restaurant, Fast Food	0	\$44,337 /1,000 s.f.
	Restaurant, Standard	0	\$20,337 /1,000 s.f.

\$9,721,260

Footnotes:

(1) Based on the adopted Lee County Ordinance 08-24, Roads Impact Fee Schedule.

EXHIBIT 4b
TIMBERLAND & TIBURON DRI/UNIVERSITY HIGHLAND
COMPREHENSIVE PLAN AMEDMENT TRAFFIC STUDY, #10515
ROADS IMPACT FEE ASSESSMENT - BUILDOUT

WITH COMPREHENSIVE PLAN AMENDMENT

		(1)	
	<u>Size</u>	<u>Fee Rate /Unit</u>	<u>Amount</u>
Residential:	Single-Family - Detached	0	\$8,976 /d.u.
	Multiple Family Building	1,300	\$6,297 /d.u.
	Duplex/Two-Family/Townhouse	0	\$6,297 /d.u.
	Hotel / Motel Room/Time-share	0	\$5,172 /room
	Mobile Home	0	\$4,686 /d.u.
	Elder /Disabled Housing	0	\$3,261 /site
	Adult Cong. Living Facility (ACLF)	0	\$2,025 /d.u.
	Recreational Vehicle Site	0	\$4,686 /site
Office:	General Office	0	\$7,305 /1,000 s.f.
	Medical Office	0	\$24,126 /1,000 s.f.
	Hospital	0	\$11,736 /1,000 s.f.
	Nursing Home	0	\$4,071 /1,000 s.f.
	Church	0	\$4,575 /1,000 s.f.
	Day Care Center	0	\$12,840 /1,000 s.f.
	Elementary / Sec. School (Private)	0	\$2,223 /1,000 s.f.
Industrial:	Industrial Park	0	\$6,195 /1,000 s.f.
	Warehouse	0	\$4,416 /1,000 s.f.
	Mini-Warehouse	0	\$1,587 /1,000 s.f.
	Mine	0	\$1,587 /Cubic Yard
Retail: (GFA)	Shopping Center	1,120,000	\$10,983 /1,000 s.f.
	Bank	0	\$25,134 /1,000 s.f.
	Car Wash, Self Service	0	\$5,262 /Stall
	Convenience Store w/Gas Sales	0	\$40,305 /1,000 s.f.
	Golf Course (open to public)	0	\$2,697 /acre
	Movie Theater	0	\$23,220 /1,000 s.f.
	Restaurant, Fast Food	0	\$44,337 /1,000 s.f.
	Restaurant, Standard	0	\$20,337 /1,000 s.f.

\$20,487,060

Footnotes:

(1) Based on the adopted Lee County Ordinance 08-24, Roads Impact Fee Schedule.

EXHIBIT 5
TIMBERLAND & TIBURON DRI/UNIVERSITY HIGHLAND
COMPREHENSIVE PLAN AMENDMENT TRAFFIC STUDY, #10515
FUTURE 2014 TRAFFIC CONDITIONS WITHOUT CPA
DIRECTIONAL PEAK HOUR (K100), PEAK SEASON

[illegible]

Footnotes:

- (1) Existing plus committed number of lanes.
- (2) Lee County roadway LOS standard. I-75 based on FDOT FHHS LOS standard.
- (3) Based on Lee County 2009 Traffic Count Report. I-75 based on FDOT 2008 AADT traffic information.
- (4) Negative growth from 2006 to 2009 (Appendix D). Therefore, minimum 2% growth per year.
- (5) Growth factor for 5 years (from 2009 to 2014).
- (6) Peak season traffic volumes based on FSUTMS travel model assignment.
- (7) Lee County Generalized Service Volumes (January, 2009). FDOT Generalized Service Volumes for I-75.

EXHIBIT 6

TIMBERLAND & TIBURON DR/UNIVERSITY HIGHLAND
COMPREHENSIVE PLAN AMENDMENT TRAFFIC STUDY, #10515
FUTURE 2014 TRAFFIC CONDITIONS WITH CPA
DIRECTIONAL PEAK HOUR (K100), PEAK SEASON

(6)																(2)															
																Directional Service Volumes															
																(3)				Directional											
																D100		Peak Hr. Vol.		LOS "A" LOS "B" LOS "C" LOS "D" LOS "E"						LOS		V/C		LOS	
ROADWAY	FROM	TO	Lanes	Sta	PCS #	AADT	Rate	Growth Factor	2014 AADT	PSWDT	2014 AADT	Factor	Two-Way Volume	NE	SW	NE	SW	LOS "A"	LOS "B"	LOS "C"	LOS "D"	LOS "E"	LOS	Std	NE	SW	NE	SW			
=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====		
BEN HILL GRIFFIN PKWY	CORKSCREW ROAD	UNIVERSITY HIGHLAND	4	E	60	18,800	2.00%	1.10	20,680	742	21,422	0.0976	2,091	0.54	0.46	1,129	962	260	1,570	1,900	1,970	1,970	1,970	0.57	0.49	B	B	B			
	UNIVERSITY HIGHLAND	ESTERO PARKWAY	4	E	60	18,800	2.00%	1.10	20,680	360	21,040	0.0976	2,054	0.54	0.46	1,109	945	260	1,570	1,900	1,970	1,970	1,970	0.56	0.48	B	B	B			
	ESTERO PKWY	FGCU ENTRANCE	4	E	60	18,800	2.00%	1.10	20,680	360	21,040	0.0976	2,054	0.54	0.46	1,109	945	270	1,610	1,970	1,970	2,040	2,040	0.54	0.46	B	B	B			
	FGCU ENTRANCE	COLLEGE CLUB DR	4	E	60	15,300	2.00%	1.10	16,830	234	17,064	0.0976	1,665	0.54	0.46	899	766	270	1,610	1,970	1,970	2,040	2,040	0.44	0.38	B	B	B			
	COLLEGE CLUB DR	ALICO ROAD	6	E	60	15,300	2.00%	1.10	16,830	172	17,002	0.0976	1,659	0.54	0.46	896	763	410	2,480	2,970	3,070	3,070	3,070	0.29	0.25	B	B	B			
CORKSCREW RD	US 41	THREE OAKS PKWY	4	E	15	13,800	2.00%	1.10	15,180	251	15,431	0.0924	1,426	0.50	0.50	713	713	260	1,570	1,900	1,970	1,970	1,970	0.36	0.36	B	B	B			
	THREE OAKS PKWY	I-75	4	E	15	27,300	2.00%	1.10	30,030	22	30,052	0.0924	2,777	0.50	0.50	1,389	1,388	260	1,570	1,900	1,970	1,970	1,970	0.71	0.70	B	B	B			
	I-75	MIROMAR OUTLETS	4	E	15	10,900	2.00%	1.10	11,990	640	12,630	0.0924	1,167	0.50	0.50	584	583	260	1,570	1,900	1,970	1,970	1,970	0.30	0.30	B	B	B			
	MIROMAR OUTLETS	BEN HILL GRIFFIN PKWY	4	E	15	10,900	2.00%	1.10	11,990	640	12,630	0.0924	1,167	0.50	0.50	584	583	260	1,570	1,900	1,970	1,970	1,970	0.30	0.30	B	B	B			
	BEN HILL GRIFFIN PKWY	WILDCAT RUN DR	2	E	15	2,900	2.00%	1.10	3,190	58	3,248	0.0924	300	0.50	0.50	150	150	0	210	720	880	920	920	0.16	0.16	B	B	B			
	WILDCAT RUN DR	ALICO RD	2	E	15	2,900	2.00%	1.10	3,190	58	3,248	0.0924	300	0.50	0.50	150	150	0	210	720	880	920	920	0.16	0.16	B	B	B			
ESTERO PARKWAY	US 41	THREE OAKS PKWY	4	E	15	8,300	2.00%	1.10	9,130	349	9,479	0.0924	876	0.50	0.50	438	438	260	1,570	1,900	1,970	1,970	1,970	0.22	0.22	B	B	B			
	THREE OAKS PKWY	UNIVERSITY HIGHLAND	4	E	15	9,100	2.00%	1.10	10,010	1,351	11,361	0.0924	1,050	0.50	0.50	525	525	260	1,570	1,900	1,970	1,970	1,970	0.27	0.27	B	B	B			
	UNIVERSITY HIGHLAND	BEN HILL GRIFFIN PKWY	4	E	15	9,100	2.00%	1.10	10,010	0	10,010	0.0924	925	0.50	0.50	463	462	260	1,570	1,900	1,970	1,970	1,970	0.24	0.23	B	B	B			
I-75	BONITA BEACH RD	CORKSCREW RD	6	D	FDOT	70,000	2.00%	1.10	77,000	459	77,459	0.0907	7,026	0.56	0.44	3,920	3,106	0	3,300	4,580	5,580	6,200	5,580	0.70	0.56	C	B	B			
	CORKSCREW RD	ALICO RD	6	D	FDOT	71,000	2.00%	1.10	78,100	159	78,259	0.0907	7,098	0.56	0.44	3,960	3,138	0	3,300	4,580	5,580	6,200	5,580	0.71	0.56	C	B	B			
THREE OAKS PARKWAY	COCONUT RD	WILLIAMS RD	4	E	25	15,700	2.67%	1.13	17,796	152	17,948	0.0929	1,667	0.53	0.47	884	783	260	1,570	1,900	1,970	1,970	1,970	0.45	0.40	B	B	B			
	WILLIAMS RD	CORKSCREW RD	4	E	25	15,700	2.67%	1.13	17,796	158	17,954	0.0929	1,668	0.53	0.47	884	784	260	1,570	1,900	1,970	1,970	1,970	0.45	0.40	B	B	B			
	CORKSCREW RD	ESTERO PARKWAY	4	E	25	15,100	2.67%	1.13	17,116	452	17,568	0.0929	1,632	0.53	0.47	865	767	260	1,570	1,900	1,970	1,970	1,970	0.44	0.39	B	B	B			
	ESTERO PKWY	SAN CARLOS BLVD	4	E	25	15,100	2.67%	1.13	17,116	541	17,657	0.0929	1,640	0.53	0.47	869	771	260	1,570	1,900	1,970	1,970	1,970	0.44	0.39	B	B	B			
	SAN CARLOS BLVD	ALICO RD	4	E	25	15,100	2.67%	1.13	17,116	396	17,512	0.0929	1,627	0.53	0.47	862	765	260	1,570	1,900	1,970	1,970	1,970	0.44	0.39	B	B	B			

Footnotes:

- (1) Existing plus committed number of lanes.
- (2) Lee County roadway LOS standard. I-75 based on FDOT FHHS LOS standard.
- (3) Based on Lee County 2009 Traffic Count Report. I-75 based on FDOT 2008 AADT traffic information.
- (4) Negative growth from 2006 to 2009 (Appendix D). Therefore, minimum 2% growth per year.
- (5) Growth factor for 5 years (from 2009 to 2014).
- (6) Peak season traffic volumes based on FSUTMS travel model assignment.
- (7) Lee County Generalized Service Volumes (January, 2009). FDOT Generalized Service Volumes for I-75.

EXHIBIT 7a
TIMBERLAND & TIBURON DRI/UNIVERSITY HIGHLAND
COMPREHENSIVE PLAN AMEDMENT TRAFFIC STUDY, #10515
ROADS IMPACT FEE ASSESSMENT - 2014

WITHOUT COMPREHENSIVE PLAN AMENDMENT

		⁽¹⁾	
	<u>Size</u>	<u>Fee Rate /Unit</u>	<u>Amount</u>
Residential:	Single-Family - Detached	0 \$8,976 /d.u.	\$0
	Multiple Family Building	0 \$6,297 /d.u.	\$0
	Duplex/Two-Family/Townhouse	0 \$6,297 /d.u.	\$0
	Hotel / Motel Room/Time-share	0 \$5,172 /room	\$0
	Mobile Home	0 \$4,686 /d.u.	\$0
	Elder /Disabled Housing	0 \$3,261 /site	\$0
	Adult Cong. Living Facility (ACLF)	0 \$2,025 /d.u.	\$0
	Recreational Vehicle Site	0 \$4,686 /site	\$0
Office:	General Office	50,000 \$7,305 /1,000 s.f.	\$365,250
	Medical Office	0 \$24,126 /1,000 s.f.	\$0
	Hospital	0 \$11,736 /1,000 s.f.	\$0
	Nursing Home	0 \$4,071 /1,000 s.f.	\$0
	Church	0 \$4,575 /1,000 s.f.	\$0
	Day Care Center	0 \$12,840 /1,000 s.f.	\$0
	Elementary / Sec. School (Private)	0 \$2,223 /1,000 s.f.	\$0
Industrial:	Industrial Park	0 \$6,195 /1,000 s.f.	\$0
	Warehouse	0 \$4,416 /1,000 s.f.	\$0
	Mini-Warehouse	0 \$1,587 /1,000 s.f.	\$0
	Mine	0 \$1,587 /Cubic Yard	\$0.00
Retail: (GFA)	Shopping Center	10,000 \$10,983 /1,000 s.f.	\$109,830
	Bank	0 \$25,134 /1,000 s.f.	\$0
	Car Wash, Self Service	0 \$5,262 /Stall	\$0
	Convenience Store w/Gas Sales	0 \$40,305 /1,000 s.f.	\$0
	Golf Course (open to public)	0 \$2,697 /acre	\$0
	Movie Theater	0 \$23,220 /1,000 s.f.	\$0
	Restaurant, Fast Food	0 \$44,337 /1,000 s.f.	\$0
	Restaurant, Standard	0 \$20,337 /1,000 s.f.	\$0

\$475,080

Footnotes:

(1) Based on the adopted Lee County Ordinance 08-24, Roads Impact Fee Schedule.

EXHIBIT 7b
TIMBERLAND & TIBURON DRI/UNIVERSITY HIGHLAND
COMPREHENSIVE PLAN AMEDMENT TRAFFIC STUDY, #10515
ROADS IMPACT FEE ASSESSMENT - 2014

WITH COMPREHENSIVE PLAN AMENDMENT

		(1)	
	<u>Size</u>	<u>Fee Rate /Unit</u>	<u>Amount</u>
Residential:	Single-Family - Detached	0	\$8,976 /d.u.
	Multiple Family Building	400	\$6,297 /d.u.
	Duplex/Two-Family/Townhouse	0	\$6,297 /d.u.
	Hotel / Motel Room/Time-share	0	\$5,172 /room
	Mobile Home	0	\$4,686 /d.u.
	Elder /Disabled Housing	0	\$3,261 /site
	Adult Cong. Living Facility (ACLF)	0	\$2,025 /d.u.
	Recreational Vehicle Site	0	\$4,686 /site
Office:	General Office	0	\$7,305 /1,000 s.f.
	Medical Office	0	\$24,126 /1,000 s.f.
	Hospital	0	\$11,736 /1,000 s.f.
	Nursing Home	0	\$4,071 /1,000 s.f.
	Church	0	\$4,575 /1,000 s.f.
	Day Care Center	0	\$12,840 /1,000 s.f.
	Elementary / Sec. School (Private)	0	\$2,223 /1,000 s.f.
Industrial:	Industrial Park	0	\$6,195 /1,000 s.f.
	Warehouse	0	\$4,416 /1,000 s.f.
	Mini-Warehouse	0	\$1,587 /1,000 s.f.
	Mine	0	\$1,587 /Cubic Yard
Retail: (GFA)	Shopping Center	50,000	\$10,983 /1,000 s.f.
	Bank	0	\$25,134 /1,000 s.f.
	Car Wash, Self Service	0	\$5,262 /Stall
	Convenience Store w/Gas Sales	0	\$40,305 /1,000 s.f.
	Golf Course (open to public)	0	\$2,697 /acre
	Movie Theater	0	\$23,220 /1,000 s.f.
	Restaurant, Fast Food	0	\$44,337 /1,000 s.f.
	Restaurant, Standard	0	\$20,337 /1,000 s.f.

\$3,067,950

Footnotes:

(1) Based on the adopted Lee County Ordinance 08-24, Roads Impact Fee Schedule.

APPENDIX A

LEE COUNTY APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT





Lee County Board of County Commissioners
Department of Community Development
Division of Planning
Post Office Box 398
Fort Myers, FL 33902-0398
Telephone: (239) 533-8585
FAX: (239) 485-8319

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D _____ REC'D BY: _____

APPLICATION FEE _____ TIDEMARK NO: _____

THE FOLLOWING VERIFIED:

Zoning ☐ Commissioner District ☐

Designation on FLUM ☐

(To be completed by Planning Staff)

Plan Amendment Cycle: ☐ Normal ☐ Small Scale ☐ DRI ☐ Emergency

Request No: _____

APPLICANT PLEASE NOTE:

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

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

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

DATE SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

7. A copy of the deed(s) for the property subject to the requested change.
8. An aerial map showing the subject property and surrounding properties.
9. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner.

B. Public Facilities Impacts

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

1. Traffic Circulation Analysis

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

Long Range – 20-year Horizon:

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

Short Range – 5-year CIP horizon:

- a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediated development plan, identify the existing

- roadways serving the site and within a 3-mile radius (indicate laneage, functional classification, current LOS, and LOS standard);
- b. Identify the major road improvements within the 3-mile study area funded through the construction phase in adopted CIP's (County or Cities) and the State's adopted Five-Year Work Program;
Projected 2030 LOS under proposed designation (calculate anticipated number of trips and distribution on roadway network, and identify resulting changes to the projected LOS);
 - c. For the five-year horizon, identify the projected roadway conditions (volumes and levels of service) on the roads within the 3-mile study area with the programmed improvements in place, with and without the proposed development project. A methodology meeting with DOT staff prior to submittal is required to reach agreement on the projection methodology;
 - d. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.
2. Provide an existing and future conditions analysis for (see Policy 95.1.3):
- a. Sanitary Sewer
 - b. Potable Water
 - c. Surface Water/Drainage Basins
 - d. Parks, Recreation, and Open Space
 - e. Public Schools.

Analysis should include (but is not limited to) the following (see the Lee County Concurrency Management Report):

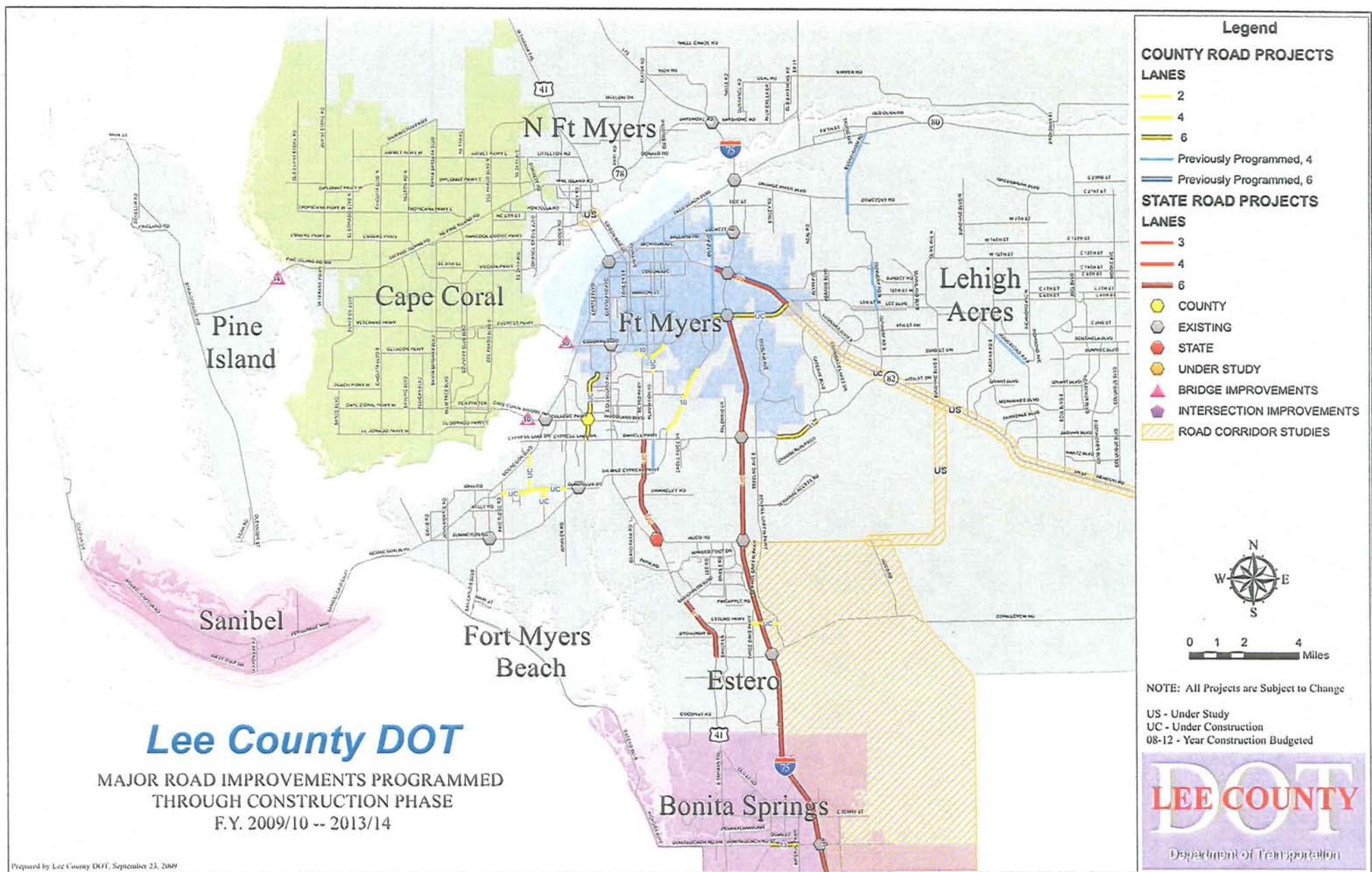
- Franchise Area, Basin, or District in which the property is located;
- Current LOS, and LOS standard of facilities serving the site;
- Projected 2030 LOS under existing designation;
- Projected 2030 LOS under proposed designation;
- Existing infrastructure, if any, in the immediate area with the potential to serve the subject property.
- Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements; and
- Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (state if these revisions are included in this amendment).
- Provide a letter of service availability from the appropriate utility for sanitary sewer and potable water.

In addition to the above analysis for Potable Water:

- Determine the availability of water supply within the franchise area using the current water use allocation (Consumptive Use Permit) based on the annual average daily withdrawal rate.
- Include the current demand and the projected demand under the existing designation, and the projected demand under the proposed designation.

APPENDIX B

LEE COUNTY DOT
FIVE YEAR WORK PROGRAM FY 2009/10 – 2013/14



SUMMARY OF MAJOR ROAD PROJECTS PROGRAMMED BY LEE COUNTY - FY 09/10 TO FY 13/14 (as adopted 9/17/09)

COMM DIST.	PROJ. NUMBER	PROJECT NAME	LENGTH (MILES)	FY 98-08 PRIOR EXP.	FY08/09 BUDGET	09/10	10/11	11/12	12/13	13/14	5-YEAR TOTAL	6-10	PROJECT TOTAL	FUTURE REVENUE SOURCE	PROJECT MANAGER
5	204030	Alico Road Multi-Laning Additional work beyond 6L on maintenance access to Fiddlesticks Canal		16,102,750 ALL	1,800,803 ALL	0	400,000 CST	0	0	0	400,000	0	18,303,553	GT	Don DeBerry, 533-8503 ddeberry@leegov.com
5	205034	Alico-Green Meadows Corridor Study (<i>UNDERWAY</i>) Feasibility/alignment study for arterial extension from end of Alico Rd up Green Meadows Dr. to SR 82 opposite Sunshine Blvd.	7.00	476,189 PRELIM	0	0	0	0	0	1,500,000 ROW	1,500,000	52,950,000 ALL	54,926,189	GT	Sarah Clarke, 533-8718 sclarke@leegov.com
All	206002	Bicycle/Pedestrian Facilities Annual project for facilities on existing County-maintained roads		12,640,508 DES/CST	2,778,129 DES/CST	240,000 CST	623,000 DES/CST	27,000 CST	490,000 DES/CST	1,550,000 CST	2,930,000	3,700,000 CST	22,048,637	IF/GT	Vickie Griffin, 533-8580 griffiv@leegov.com
1	206047	Boca Grande Master Drainage Project (<i>CST COMPLETE</i>) Development of master plan and implementation in 9 phases GFRTF Loan Repayment - Principal (\$1,000,000) GFRTF Loan Repayment - Interest (2%)		1,696,843 DES/CST 250,000 41,220	49,034 CST 250,000 37,500	0	0	0	0	0	0	0	1,745,877	GT/IF21	Eyra Cash, 533-8562 ecash@leegov.com
3	205720	Bonita Beach Road Phase II 6L, Old 41 to Lime St. (Jointly funded per interlocal agreement) GFRTF Loan Repayment - Principal (\$3,250,000) GFRTF Loan Repayment - Interest (2%)	0.90	2,027,548 DES/ROW	2,052,451 ROW/PM	0	0	0	6,500,000 CST	366,000 LS 0	6,866,000	0	10,945,999	IF24/CITY/AV IF24	Eyra Cash, 533-8562 ecash@leegov.com
3	205723	Bonita Beach Road Phase III 6L widening, W. of US 41 to Old 41	2.00	462,543 DES/PM	1,757,457 DES/PM	0	0	0	0	0	0	26,000,000 ROW/CST	28,220,000	IF24/CITY/AV	Eyra Cash, 533-8562 ecash@leegov.com
1,4	204088	Burnt Store Road 4L SR 78 (Pine Island Road) to Van Buren Parkway	3.60	5,323,744 DES/ROW	1,516,861 DES/ROW	2,500,000 ROW	2,500,000 ROW	0	0	0	5,000,000	24,400,000 CST/LS	36,240,605	SURP. TOLLS	Mike Rigby, 533-8513 mrigsby@leegov.com
2	205601	Cape/Midpoint Plaza Reconstruction Reconstruction of toll plazas to modernize and reflect 1-way tolling		3,049,178 DES/CST	8,807,100 DES/CST	0	0	0	0	0	0	0	11,856,278	SURP. TOLLS	Paul Wingard, 533-8545 wingarpw@leegov.com
2	206064	Colonial @ Metro Queue Jump Tolled grade separation		1,041,876 DES/PM	955,211 DES/PM	0	0	0	0	0	0	40,200,000 ROW/CST	42,197,087	NEW TOLLS	Sarah Clarke, 533-8718 sclarke@leegov.com
5	204054	Colonial Boulevard/Six Mile to SR 82 (<i>CST UNDERWAY</i>) 6L widening, plus interstate access improvements (includes \$1,000,000 from City of Fort Myers and \$4.7 million in State TRIP funds)	2.65	9,052,800 DES/ROW	20,898,770 CST	0	0	829,000 LS	0	0	829,000	0	30,780,570	IF23/CITY/AV TRIP/AV	Mike Rigby, 533-8513 mrigsby@leegov.com
2	205054	Colonial Expressway 4 elevated express lanes, McGregor Blvd. to Metro Pkwy.		1,854,744 PD&E/PM	2,811,188 PD&E/PM	0	0	0	0	0	0	595,884,068 ALL	600,550,000	SURP/NEV TOLLS	Sarah Clarke, 533-8718 sclarke@leegov.com
2	205035	Communications Plant Updates Installation of fiber optics from Billys Creek to downtown and RTMC		175,155 DES/CST	209,844 CST	0	0	0	0	0	0	900,000 CST	1,284,999	GT	Earl Salley, 533-9500 salleyer@leegov.com
3,5	204078	CR 951 Extension PD&E (<i>UNDERWAY</i>) Study for new 4L, Immokalee Rd. (Collier Co.) to Alico Rd. GFRTF Loan Repayment - Principal (\$2,800,000) GFRTF Loan Repayment - Interest (2%)	15.00	5,939,181 PD&E/PM ROW 2,800,000 1,165,553	662,674 ROW 2,800,000 1,165,553	0	0	0	0	0	0	0	6,601,855	IF25	Don DeBerry, 533-8503 ddeberry@leegov.com
3,5	204097	CR 951 Extension New 4L expressway, Bonita Beach Rd. to Alico Rd. GFRTF Loan Repayment - Principal (\$22,500,000) GFRTF Loan Repayment - Interest (2%)	11.50	22,500,000 ROW 1,000,000 225,000	0 ROW 1,000,000 225,000	1,000,000 ROW 0 430,000	0 0 0 430,000	0 0 0 430,000	0 0 0 430,000	0 0 0 430,000	1,000,000 0 0 2,150,000	0 0 0 2,375,000	23,500,000	GT	Don DeBerry, 533-8503 ddeberry@leegov.com
All	206066	Countywide Signal Retiming Complete signal system retiming and timing updates		209,590 CST	645,910 CST	0	100,000 CST	200,000 CST	0	0	300,000	0	1,155,500	FDOT	Earl Salley, 533-9500 salleyer@leegov.com
5		Daniels 6L/Chamberlin-Gateway 6L widening, Chamberlin Pkwy. to Gateway Blvd. GFRTF Loan Repayment - Principal (\$4,500,000) GFRTF Loan Repayment - Interest (2%)	1.70	0	0	500,000 DES	4,500,000 CST	0	0	0	5,000,000	0	5,000,000	GT/LOAN	Don DeBerry, 533-8503 ddeberry@leegov.com
4	205062	Del Prado ROW Reimbursement of land acquisition by Cape Coral south of SR 78		196 ROW	0	3,999,804 ROW	0	0	0	0	3,999,804	0	4,000,000	IF5/IF22	Don DeBerry, 533-8503 ddeberry@leegov.com
2		e-ARCS Replacement Funds for complete replacement due to technology changes		0	0	0	0	0	0	8,700,000 DES	8,700,000	0	8,700,000	SURP. TOLLS	Paul Wingard, 533-8545 wingarpw@leegov.com

SUMMARY OF MAJOR ROAD PROJECTS PROGRAMMED BY LEE COUNTY - FY 09/10 TO FY 13/14 (as adopted 9/17/09)

3	205067	Estero Blvd. Improvements Phased improvements to County roadway in Town (PRELIMINARY EVALUATION COMPLETED, ROW SURVEY UNDER- WAY, GRANT FUNDS IN 10 AND 11 FOR INTERIM IMPROVEMENTS TO BE DETERMINED WITH TOWN, SIDEWALK IMPROVEMENTS FUNDED SEPARATELY THROUGH BIKE-PED PROGRAM)	6.00	563,920 DES/PM	1,036,080 DES/PM	300,000 DES	1,400,000 CST	0	0	0	1,700,000	0	3,300,000	GT/TOWN GRANT	Rob Phelan, 533-8594 phelanrk@leegov.com
5	205021	Estero Parkway Extension (CST UNDERWAY) New 4L, Three Oaks Pkwy. to Ben Hill Griffin Pkwy., including prelim. phases for 2L ext. from Ben Hill Griffin Pkwy. to Corkscrew Rd. GFRTF Loan Repayment - Principal (\$18,100,000) GFRTF Loan Repayment - Interest (2%)	0.70	29,896,549 ALL	26,206,510 CST	0	0	350,000 LS	0	0	350,000	0	56,453,059	IF24/IF25	Nicole Maxey, 985-1200
					3,600,000 1,823,389	2,173,607 261,000	2,382,072 217,528	2,432,072 169,886	2,498,292 121,245	2,584,776 71,279	12,070,819 840,938		15,670,819 2,664,327	IF24	
3	204083	Gladiolus Widening (CST UNDERWAY) 4L Pine Ridge Rd. to Bass Rd., 6L Bass Rd. to Winkler Rd., plus 4L Bass Rd. from Healthpark to Gladiolus and A&W Bulb Rd. overlay/sidewalk	2.30	5,883,481 ALL	17,304,586 CST	0	0	150,000 LS	1,000,000 LS	0	1,150,000	0	24,338,067	IF4/IF24/ GT/AV	Mike Rigsby, 533-8513 mrigsby@leegov.com
4	205721	Hancock Bridge Pkwy. Ext. (CORRIDOR STUDY UNDERWAY) 4L Extension, from US 41 to Bus. 41.		1,033 PRELIM	318,966 PRELIM	0	0	0	0	0	0	64,580,000 ALL	64,899,999	IF22	Sarah Clarke, 533-8718 sclarke@leegov.com
5	205063	Homestead 4L/Sunrise-Alabama (DES UNDERWAY) 4L widening, south of Sunrise Blvd. to Alabama Rd. GFRTF Loan Repayment - Principal (\$3,400,000) GFRTF Loan Repayment - Interest (2%)	2.25	1,760,185 DES/PM	539,813 DES/PM	1,000,000 ROW	3,400,000 ROW	0	0	0	4,400,000	15,810,000 ROW/CST	22,509,998	IF23/LOAN	Sarah Clarke, 533-8718 sclarke@leegov.com
					0	0	0	0	0	0	0	0	0	IF23	
					0	0	0	68,000	68,000	68,000	204,000	204,000			
2,3,5	205036	I-75 Complimentary ITS Deployment ITS installation on County roads adjacent to interstate		39,900 CST	1,160,100 DES/CST	0	0	0	0	0	0	0	1,200,000	GT/CIGP	Earl Salley, 533-9500 salleyer@leegov.com
2	205068	Luckett Rd 4L/Ortiz to I-75 (DES UNDERWAY WITH ORTIZ) 4L widening	0.46	538,832 ROW	611,168 ROW/PM	0	0	0	0	0	0	5,854,000 ROW/CST	7,004,000	IF23/AV	Eyra Cash, 533-8562 ecash@leegov.com
1	205904	Matlacha Pass Bridge Replacement (COUNTY EXPLORING BUILD/FINANCE OPTION AS MEANS TO ADVANCE CST)		2,884,657 DES/ROW	558,646 DES/PM	200,000 MIT	0	0	0	26,500,000 CST	26,700,000	0	30,143,303	GT/IF22	Don DeBerry, 533-8503 ddeberry@leegov.com
5	205069	Meadow Road Upgrade Reconstruct as reverse frontage road, Wallace Rd. to Naples Ave.	10.17	0	0	0	0	0	0	0	0	7,750,000 ALL	7,750,000	IF23	Don DeBerry, 533-8503 ddeberry@leegov.com
2		North Airport Rd. Ext. 2L Extension, end of existing road to Metro Parkway GFRTF Loan Repayment - Principal (\$3,315,000) GFRTF Loan Repayment - Interest (2%)	0.62	0	0	3,315,000 ALL	0	0	0	0	3,315,000	0	3,315,000	LOAN	Sarah Clarke, 533-8718 sclarke@leegov.com
					0	0	500,000	500,000	500,000	500,000	2,000,000	2,000,000	IF23		
					0	0	66,300	56,300	46,300	36,300	205,200	205,200			
2		Ortiz 4L/Colonial-MLK 4L widening, Colonial Blvd. to SR 82 (Dr. Martin Luther King, Jr. Blvd.)	1.73	0	0	0	0	0	0	0	0	11,041,000 ALL	11,041,000	IF23/AV	Eyra Cash, 533-8562 ecash@leegov.com
2	205056	Ortiz 4L/Luckett-SR 80 4L widening, Luckett Rd. to SR 80 (Palm Beach Blvd.) GFRTF Loan Repayment - Principal (\$1,300,000) GFRTF Loan Repayment - Interest (2%)	1.33	5,311,598 DES/ROW	5,827,284 DES/ROW	0	1,300,000 ROW	0	0	0	1,300,000	10,959,000 CST	23,397,882	IF23/LOAN	Eyra Cash, 533-8562 ecash@leegov.com
					0	0	0	0	0	0	0	0	0	IF23	
					0	0	0	26,000	26,000	26,000	78,000	78,000			
2	204072	Ortiz 4L/MLK-Luckett 4L widening, SR 82 (Dr. Martin Luther King, Jr. Blvd.) to Luckett Rd. GFRTF Loan Repayment - Principal (\$1,300,000) GFRTF Loan Repayment - Interest (2%)	1.25	6,779,413 DES/ROW	2,338,233 DES/ROW	0	1,300,000 ROW	0	0	0	1,300,000	9,953,000 CST	20,370,646	IF23/AV	Eyra Cash, 533-8562 ecash@leegov.com
					0	0	0	0	0	0	0	0	0	IF23	
					0	0	0	26,000	26,000	26,000	78,000	78,000			
1	206751	Pine Island ITS Fiber optic/ITS equipment installation along Pine Island Road		15,325 DES	5,675 DES	0	0	0	0	0	0	389,000 CST	410,000	PS/GT	Earl Salley, 533-9500 salleyer@leegov.com
2	204065	Plantation Ext./Idlewild to Colonial (CST UNDERWAY) New 4L	1.00	4,832,641 DES/ROW	4,045,698 ALL	0	0	0	0	0	0	0	8,878,339	IF23/AV	Mike Rigsby, 533-8513 mrigsby@leegov.com
1,4	206068	SeGo Implementation New transponders and related readers, software upgrades		198,909 CST	1,052,638 CST	0	0	0	0	0	0	0	1,251,547	SURPLUS TOLLS	Paul Wingard, 533-8545 wingarpw@leegov.com

SUMMARY OF MAJOR ROAD PROJECTS PROGRAMMED BY LEE COUNTY - FY 09/10 TO FY 13/14 (as adopted 9/17/09)																
2	204604	Six Mile Cypress Pkwy 4L N. of Daniels Pkwy. to S. of Winkler Ext.	2.30	1,032,835 DES/PM	533,273 DES/PM	7,500,000 CST/CEI	0	0	0	0	0	7,500,000	1,500,000 LS	10,566,108	ARRA/IF23 TRIP/AV	Mike Rigsby, 533-8513 mrigsby@leegov.com
2,3,5	206007	Summerlin/Boyscout-Cypress Lake (CST UNDERWAY) 6L widening, including overpass at College Parkway	2.60	11,776,675 ALL	27,005,961 ALL	0	0	0	0	0	0	0	0	38,782,636	IF23/AV	Sarah Clarke, 533-8718 sclarke@leegov.com
5	204053	Three Oaks Parkway Extension North New 4L, N. of Alico Rd. to Daniels Pkwy.	3.50	5,403,791 DES/ROW	6,940,630 DES/ROW	0	0	0	0	0	0	0	35,036,883 ROW/CST	47,381,304	IF24	Eyra Cash, 533-8562 ecash@leegov.com
5	204081	Three Oaks Parkway Widening (CST UNDERWAY) 4L widening, Corkscrew Rd. to Alico Rd. GFRTF Loan Repayment - Principal (\$5,500,000) GFRTF Loan Repayment - Interest (5%)	4.60	25,061,411 ALL 1,375,000 275,000	3,534,422 ALL 1,375,000 206,250	0 1,375,000 55,000	0 1,375,000 27,500	0 0 0	0 0 0	0 0 0	0 2,750,000 82,500	0 5,500,000 563,750	28,595,833	IF24/GT/ AV GT	Nicole Maxey, 985-1200	
1,4	205039	VES Implementation of Vehicle Enforcement System at toll bridges		1,587,196 CST	1,175,656 CST	0	0	0	0	0	0	0	0	2,762,852	SURPLUS TOLLS	Paul Wingard, 533-8545 wingarpw@leegov.com
1,4		Veterans/Santa Barbara Overpass Grade separation at intersection		0	0	2,250,000 DES	0	0	0	0	0	2,250,000	30,000,000 CST	32,250,000	SURPLUS TOLLS	Sarah Clarke, 479-8718 sclarke@leegov.com
TOTAL			85.16										\$86,489,804	\$936,906,951	\$1,354,658,722	

NOTE: Budget figures represent estimates for programming purposes. All dollar figures are subject to adjustment. Program year represents when funds are available, not necessarily when phase started or completed.
Totals exclude deleted (shaded) projects.

KEY (PHASES): PRELIM = Preliminary Study; PD&E = Project Development & Environmental Study; DES = Design; ROW = Right-of-Way Acquisition; CST = Construction; CEI = Construction Engineering Inspection; PM = Project Management; LS = Landscaping;
MIT = Mitigation

KEY (FUNDS): IF23 = Road Impact Fees from District 23; GT = Local Option Gas Taxes; CITY = City funds; PS = Public Safety funds; FDOT = Florida Dept. of Transportation; AV = Ad Valorem

APPENDIX C
LEE COUNTY MPO
2030 LRTP HIGHWAY ELEMENT MAP

APPENDIX D
GROWTH RATE CALCULATIONS

		(1) Historic Traffic Counts				Growth Rate
		<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2006 - 2009</u>
<u>BHG Pkwy Growth Rate (S of Alico Road)</u>						
BHG	S of Alico Road	20300	26800	21200	15300	-8.21%
	N of Corkscrew Road	20500	26200	20300	18800	-2.76%
Total		40800	53000	41500	34100	-5.47%
<u>Corkscrew Road Growth Rate (US 41 to BHG)</u>						
Corkscrew Rd	E of US 41	17700	19200	15400	13800	-7.34%
	W of I-75	29400		32700	27300	-2.38%
	E of I-75	13500	14900	12900	10900	-6.42%
Total		60600	34100	61000	52000	-4.73%
<u>Three Oaks Parkway Growth Rate (Coconut Road to Alico Road)</u>						
Three Oaks Pkwy	S of Corkscrew Road	13400	14000	17700	15700	5.72%
	N of Corkscrew Road	15100	18000		15100	0.00%
Total		28500	32000	17700	30800	2.69%
<u>I-75 Growth Rate (Bonita Beach Road to Alico Road)</u>						
I-75	S of Corkscrew Road	84000	81500	70000		-8.33%
	S of Alico Road	78000	72000	71000		-4.49%
Total		162000	153500	141000		-6.48%

(1) Based on the Lee County Traffic Count Report 2009. I-75 based on the FDOT Traffic Information 2008.

**University Highland Limited Partnership
Public Facilities Impact Analysis
Revised April, 2010**

Sanitary Sewer – Lee County Utilities – Three Oaks Wastewater Treatment Plant

Current LOS Standard (per the LEE Plan)

200 gallons per day / ERC

Current Facility Capacity (per the 2009 Lee County Concurrency Report)

6,000,000 gallons per day (Three Oaks WWTP)

Potential Impacts

The proposed Comprehensive Plan Amendment and Land Use change from Suburban to Urban Community will not have a significant impact on Lee County Utilities' Sanitary Sewer system. The property is located in the Suburban Land Use category which permits a maximum of 6 units per acre. The property will be changed from the Suburban Land Use category to the Urban Community category which permits a maximum of 6 units an acre in the standard density range, with the potential for bonus density up to 10 units per acre. The applicant has agreed to include a notation in the plan amendment that indicates that the subject property is not entitled to the bonus density. At the request of Lee County staff, for the purposes of this analysis, the applicant has agreed to evaluate a maximum potential use of 1,300 multifamily residential units and 1,120,000 square feet of retail / office use.

Summary

The site is located in the Lee County Utilities Franchise area and will be served by the Three Oaks Regional Wastewater Treatment Plant (WWTP). The WWTP was recently expanded from 3,000,000 gpd to 6,000,000 gpd. According to the 2009 Lee County Concurrency Report, the estimated projected 2010 daily flows to the plant are 2,900,000 gpd. The Three Oaks WWTP therefore has sufficient capacity for the estimated sanitary sewer generation of 533,000 GPD for the project. Existing sanitary sewer lines are located adjacent to the site within the Ben Hill Griffin Parkway right-of-way and the existing access roads to Germain Arena. The existing force main adjacent to the site within the Ben Hill Griffin

Parkway right-of-way conveys wastewater north to an east-west line that conveys wastewater west under the I-75 right-of-way to Three Oaks Regional Wastewater Treatment Plant. Per conversations with Lee County Utilities, improvements to the existing lines will be required prior to the commencement of development of the site. The improvements to the existing lines have been recognized in the Lee County Utilities Capital Improvement Plan (CIP); the construction of a parallel line to resolve the capacity issue was included in the 5-year CIP, however a lack of funding has placed the project on hold.

With the recent plant upgrades, sufficient treatment capacity exists to accommodate the development. Capacity within the transmission lines is not adequate and a parallel line must be constructed from Ben Hill Griffin Parkway to the plant.

Potable Water – Lee County Utilities – Pinewoods Water Treatment Plant

Current LOS Standard (per the LEE Plan)

250 gallons per day / ERC

Current Facility Capacity (per the 2009 Lee County Concurrency Report)

5,300,000 gallons per day (Pinewoods WTP)

Potential Impacts

The proposed Comprehensive Plan Future Land Use Map Amendment from Suburban to Urban Community will not have a significant impact on Lee County Utilities' Potable Waters system. The property is located in the Suburban Land Use category which permits a maximum of 6 units per acre. The property will be changed from the Suburban Land Use category to the Urban Community category which permits a maximum of 6 units an acre in the standard density range, with the potential for bonus density up to 10 units per acre. The applicant has agreed to include a notation in the plan amendment that indicates that the subject property is not entitled to the bonus density. At the request of Lee County staff, for the purposes of this analysis, the applicant has agreed to evaluate a maximum potential use of 1,300 multifamily residential units and 1,120,000 square feet of retail / office use.

SFWMD Water Use Permit No. 36-00122-W was originally issued in March 1979 to San Carlos Utilities. The permit was subsequently renewed, modified, and re-

issued to successor utilities including Lee County Utilities. The water use permit was last modified in September 2004 to allocate the withdrawals to the Pinewoods WTP. The permit allows for a maximum monthly allocation of 216,900,000 gallons (approximately 7,230,000 GPD).

The proposed project will employ the water conservation measures identified in the approved Timberland and Tiburon DRI. The water conservation measures will include water closets with a maximum flush of 1.6 gallons and shower heads with a maximum flow rate of 2.5 gallons per minute (at a pressure of 60 psi). Per previous conversations with Lee County Utilities, there is not a sufficient supply of reclaimed water available to be used for irrigation at the site. Prior to development of the site, the property owner will submit an application for a Water Use Permit to SFWMD to request withdrawals of groundwater for irrigation use at the site. To minimize the amount of water required for irrigation, the landscaping installed at the site will include native plants and trees that reduce the requirements for water, fertilizer, maintenance, and other needs compared to other non-native plant material.

Summary

The site is located in the Lee County Utilities Franchise area and would be served by the Pinewoods Water Treatment Plant (WTP). The WTP has a design capacity of 5,300,000 GPD. According to the 2009 Lee County Concurrency Report, the estimated projected 2010 daily flows to the Pinewoods WTP are 4,500,000 GPD. The Pinewoods WTP therefore has sufficient capacity for the estimated potable water demand of 553,800 GPD generated by the project. Per conversations with the plant operator, the Pinewoods WTP is manifolded to the Green Meadows and Corkscrew WTPs; Green Meadows WTP has an excess capacity of 2,200,000 GPD and the Corkscrew WTP has an excess capacity of 2,800,000 GPD above the estimated projected 2010 potable water demands. Existing potable water lines are located adjacent to the site within the Ben Hill Griffin Parkway right-of-way and the existing access roads to Germain Arena. At the time of Lee County Development Order permitting, hydraulic calculations will be performed to size the potable water distribution mains within the project site and to evaluate the effect on the LCU system.

Surface Water Management – South Florida Water Management District

Current LOS Standard (per the LEE Plan)

25 Year, 3 Day Storm Event (Inundation for Less than 24 Hours)

Current Facility Capacity (per the 2009 Lee County Concurrency Report)

Per the 2009 Concurrency Report, all of the 48 watersheds within Lee County satisfy the Level of Service requirements for evacuation routes.

Summary

The project has a conceptual Environmental Resource Permit (ERP) approval from the South Florida Water Management District (SFWMD); the project was approved as part of the Timberland and Tiburon ERP (ERP No. 36-01871-S). An application for Construction and Operation approval for the proposed development of the site has been submitted to SFWMD. Per the 2009 Concurrency Report, all new developments which receive approval from the South Florida Water Management District and that comply with standards in Chapters 17-3, 17-40, and 17-302 of the Florida Statutes and Rule 40E-4 of the Florida Administrative Code, will be deemed concurrent with the surface water management level of service standards set forth in the Lee Plan. The project will therefore be concurrent with the surface water management level of service standards of the Lee Plan.

Parks, Recreation and Open Space

Current Regional Parks LOS Standard (per THE LEE PLAN)

6 acres per 1000 seasonal population.

Current Community Parks LOS Standard (per the 2009 Lee County Concurrency Report)

0.8 acres per 1000 permanent population.

Potential Impacts

The proposed Future Land Use (FLU) Map change does not impact Lee County Parks. The property is located in the Suburban land use category which permits a maximum of 6 units per acre. The property will be changed from the Suburban land use category to the Urban Community category which permits a maximum of 6 units per acre in the standard density range, with the potential for bonus density up to 10 units per acre. The applicant has agreed to include a notation in the plan amendment that indicates that the subject property is not entitled to the

bonus density. Thus the potential population accommodation remains the same. Furthermore, Policy 1.7.2. identifies a "Development of Regional Impact overlay", and indicates that it is an informational tool showing all of the county property subject to Development Orders issued pursuant to Chapter 380, F.S. If one refers to Lee Plan Map 1, page 3 of 6, one will see all of the DRIs identified on the map and the Timberland and Tiburon DRI is identified as development number 63 on the Map. While Policy 1.7.2. submits that the information is purely informational, the County does consider approved developments, particularly Developments of Regional Impact when it develops and modifies Lee County population projections, Table 1(b). Table 1(b) took the approved density in the Timberland and Tiburon DRI in consideration when the Table 1(b), Planning Community Year 2030 Allocations was created. Lastly, the Timberland and Tiburon DRI was approved prior to the adoption of any planning community maps and allocation tables. Section 163.3167(8), F.S. provides, "Nothing in this act shall limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to Chapter 380 or who has been issued a final local development order and development has commenced and is continuing in good faith." A Notice of Proposed Change application has been submitted to all of the agencies, but the application is not seeking an increase in residential density. The Timberland and Tiburon DRI was adopted prior to the concurrency provisions regarding parks, and the project should be vested and not subject to the concurrency requirements. The development will be paying impact fees for parks. Therefore, there is no impact on Lee County Parks.

Summary

This amendment will not result in any additional demand on Lee County Community Parks. This site is located in Community Park Benefit District 48 – Estero/San Carlos/Three Oaks. According to the 2009 Lee County Concurrency Report, there are 131 acres of Community parks within the District, and that "the 'Regulatory' standard (44.5 acres in 2008) and the 'Desired' standard (111.3 acres in 2008) were met in 2008 and will continue to be met through the year 2014." No additional Community Parks are required.

This amendment will not result in any additional demand on Lee County Regional Parks. There are currently 7,112 acres of existing Regional Parks within Lee County. According to the 2009 Lee County Concurrency Report "The 7,112 acres of existing Regional Parks currently operated by the County, City, State, and Federal governments is sufficient to meet the 'Regulatory Level of Service Standard' of six (6) acres per 1,000 total seasonal population in the county for

the year 2008 and will continue to do so at least through the year 2014 as currently projected. In addition, the Regional Park acreage met the 'Desired Level of Service Standard' of eight (8) acres per 1,000 total seasonal County population in 2008 and will continue to do so at least through the year 2014 as currently projected."

Exhibit

Reference the enclosed exhibit depicting Parks and Recreation opportunities in proximity to the UHLP property.

Public Schools – South Zone, Subzone S2

Current LOS Standard (per THE LEE PLAN)

100% of the Permanent Inventory of Public Schools (FISH) capacity.

South Zone, Subzone S2 Schools Capacity (per the 2009 Lee County Concurrency Report)

Elementary Schools (Rayma Page, San Carlos Park, Three Oaks)

Projected 2009-2010 FISH Capacity = 2,646

Available Capacity = 361

Middle Schools (Lexington, Three Oaks)

Projected 2009-2010 FISH Capacity = 2,017

Available Capacity = 349

High Schools (South Ft. Myers)

Projected 2009-2010 FISH Capacity = 1,924

Available Capacity = 520

Potential Impacts

The proposed Future Land Use (FLU) Map change does not impact Lee County Public Schools. The property is located in the Suburban land use category which permits a maximum of 6 units per acre. The property will be changed from the Suburban land use category to the Urban Community category which permits a maximum of 6 units per acre in the standard density range, with the potential for bonus density up to 10 units per acre. The applicant has agreed to include a notation in the plan amendment that indicates that the subject property is not entitled to the bonus density. Thus the potential population accommodation remains the same. Furthermore, Policy 1.7.2. identifies a "Development of Regional Impact overlay", and indicates that it is an informational tool showing all of the county property subject to Development Orders issued pursuant to Chapter 380, F.S. If one refers to Lee Plan Map 1, page 3 of 6, one will see all of the DRIs identified on the map and the Timberland and Tiburon DRI is identified as development number 63 on the Map. While Policy 1.7.2. submits that the information is purely informational, the County does consider approved developments, particularly Developments of Regional Impact when it develops and modifies Lee County population projections, Table 1(b). Table 1(b) took the approved density in the Timberland and Tiburon DRI in consideration when the Table 1(b), Planning Community Year 2030 Allocations was created. Lastly, the Timberland and Tiburon DRI was approved prior to the adoption of any planning community maps and allocation tables. Section 163.3167(8), F.S. provides, "Nothing in this act shall limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to Chapter 380 or who has been issued a final local development order and development has commenced and is continuing in good faith." A Notice of Proposed Change application has been submitted to all of the agencies, but the application is not seeking an increase in residential density. The development currently has impact fee credits for advance payments made for public schools. Therefore, there is no impact on Lee County Public Schools.

Summary

The existing Lee County Public Schools facilities are meeting adopted LOS Standards, and currently have sufficient capacity. This property is part of an approved and vested DRI, for which public schools impact fees have been paid. As mentioned above the proposed change will not increase residential density on the subject property. Therefore, there is no impact on Lee County Public Schools as a result of this Amendment.

Exhibit

Reference the enclosed exhibit from the Lee County Concurrency Report depicting Student Assignment Zones for 2008-2009.

Solid Waste – Lee County Waste to Energy Facility

Current LOS Standard (per THE LEE PLAN)

7 lbs/day/capita

Current Facility Capacity (per the 2009 Lee County Concurrency Report)

1,836 tons/day (670,140 tons/year)

Potential Impacts

The proposed Future Land Use (FLU) Map change does not impact Lee County Solid Waste Facilities. The property is located in the Suburban land use category which permits a maximum of 6 units per acre. The property will be changed from the Suburban land use category to the Urban Community category which permits a maximum of 6 units per acre in the standard density range, with the potential for bonus density up to 10 units per acre. The applicant has agreed to include a notation in the plan amendment that indicates that the subject property is not entitled to the bonus density. Thus the potential population accommodation remains the same. Furthermore, Policy 1.7.2. identifies a "Development of Regional Impact overlay", and indicates that it is an informational tool showing all of the county property subject to Development Orders issued pursuant to Chapter 380, F.S. If one refers to Lee Plan Map 1, page 3 of 6, one will see all of the DRIs identified on the map and the Timberland and Tiburon DRI is identified as development number 63 on the Map. While Policy 1.7.2. submits that the information is purely informational, the County does consider approved developments, particularly Developments of Regional Impact when it develops and modifies Lee County population projections, Table 1(b). Table 1(b) took the approved density in the Timberland and Tiburon DRI in consideration when the Table 1(b), Planning Community Year 2030 Allocations was created. Lastly, the Timberland and Tiburon DRI was approved prior to the adoption of any planning community maps and allocation tables. Section 163.3167(8), F.S. provides, "Nothing in this act shall limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to Chapter 380 or who has been issued

a final local development order and development has commenced and is continuing in good faith." A Notice of Proposed Change application has been submitted to all of the agencies, but the application is not seeking an increase in residential density.

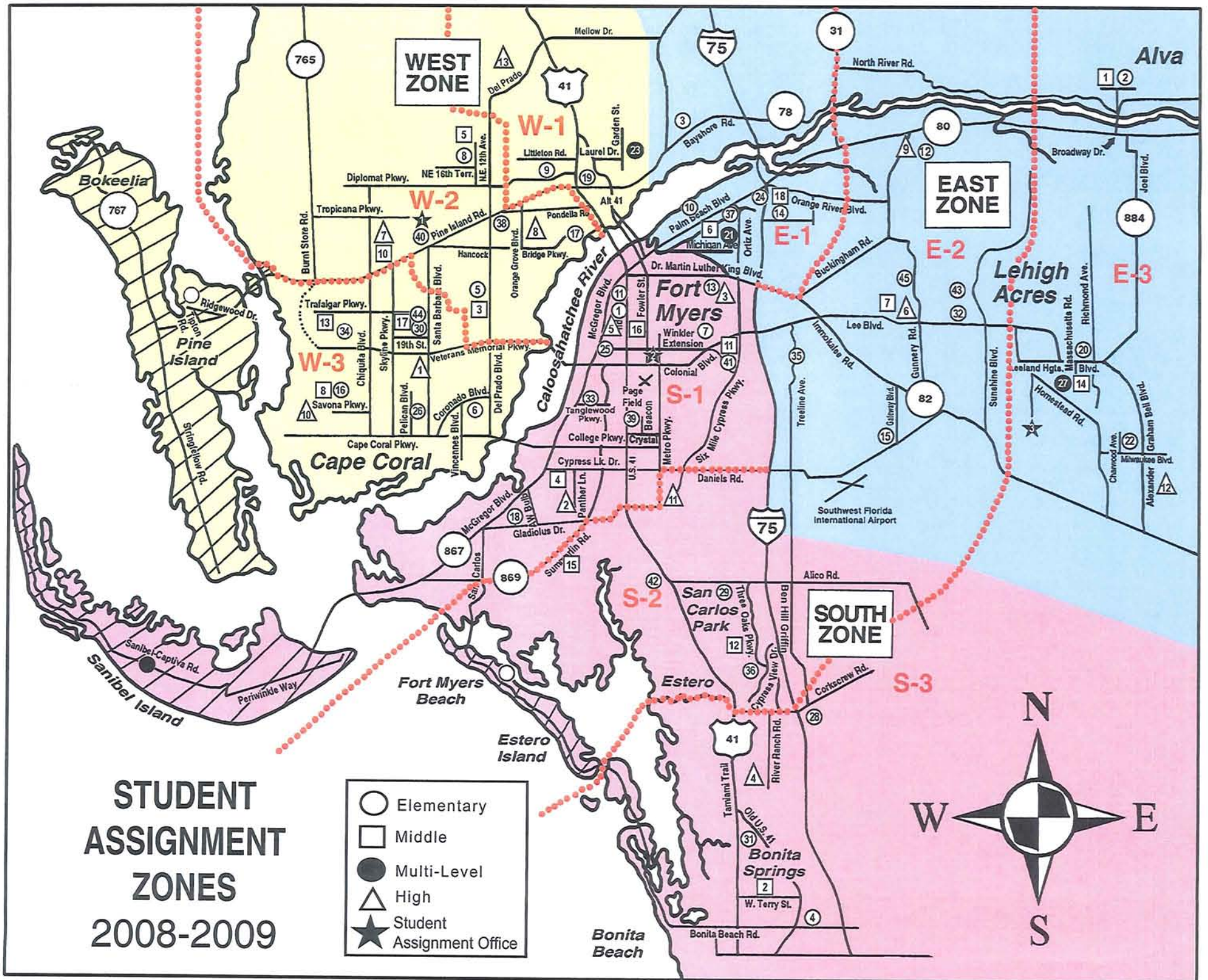
Summary

Per the 2009 Lee County Concurrency Report "All unincorporated areas of Lee County are Concurrent with the Level of Service standard set forth in THE LEE PLAN for Solid Waste. As mentioned above the proposed change will not increase residential density on the subject property. Therefore, there is no impact on Lee County Solid Waste facilities as a result of this Amendment.



WILSON/JACKER PROJECT NUMBER 03247-003-001		CROSS REF. NUMBER DD-03247-002		ISSUE DESCRIPTION		LEAD DESIGNER J.C.E./1025		SEC-TWP-RGL 26-46-25	
PROJ. START DATE MARCH 2010		ISSUE DATE MARCH 2010		VERTICAL SCALE 1" = 2000'		HORIZONTAL SCALE N.T.S.		CLIENT LEE	
PROJECT NUMBER EP-03247-002X06		PROJECT TITLE LEE COUNTY PARK LOCATION EXHIBIT		PROJECT DESCRIPTION UNIVERSITY HIGHLAND LIMITED PARTNERSHIP COMPREHENSIVE PLAN AMENDMENT UHLP PROPERTY		LEAD TECH/REG J.M.L./1322		REVISION NO.	
DATE 001 of 001		DATE 001 of 001		DATE 001 of 001		DATE 001 of 001		DATE 001 of 001	

THE SCHOOL DISTRICT OF LEE COUNTY



Free school bus transportation is provided for students who live beyond two miles from their assigned school. Students residing in barrier island boundary areas of Fort Myers Beach, and Pine Island will attend their barrier island elementary school. Students residing in barrier island boundary area of Sanibel Island will attend their barrier island elementary and middle school.

WEST ZONE Student Assignment Office		SOUTH ZONE Student Assignment Office		EAST ZONE Student Assignment Office	
Cape Coral	1	Fort Myers	2	Lehigh Acres	3
Elementary Schools		Elementary Schools		Elementary Schools	
Caloosa (U)	5	Allen Park	1	Alva	2
Cape	6	Bonita Springs (U) (A)	4	Bayshore (U)	3
Diplomat (U)	8	Colonial (U)	7	Edgewood Academy (U)	10
Gulf	16	Edison Park (A)	11	G. Weaver Higgs	45
Hancock Creek	17	Franklin Park (T)(U)	13	Gateway	15
Hector A. Cafferata, Jr. (U)	40	Heights (IB)	18	Harns Marsh	43
J. Colin English (U)	19	Orangewood	25	Lehigh	20
Littleton (U)	9	Pinewoods	28	Manatee	14
NFM Academy for the Arts (K-8) (A) (U)	23	Ray V. Pottorf	41	Michigan International (K-8) (IB)	21
Patriot	44	Rayma C. Page (U)	42	Mirror Lakes (U)	22
Pelican	26	San Carlos Park (U) (A)	29	Orange River	24
Skyline	30	Spring Creek (U)	31	Riverhall (U)	12
Trafalgar (U)	34	Tanglewood Riverside	33	Sunshine	32
Tropic Isles	38	Three Oaks	36	Tice	37
Middle Schools		Middle Schools		Middle Schools	
Caloosa	3	Bonita Springs	2	Alva	1
Challenger	17	Cypress Lake (A)	4	Lee (IB)	6
Diplomat	5	Fort Myers Middle Academy (U) (T)	16	Lehigh Acres (U)	14
Gulf	8	Lexington (IB)	15	Michigan International (K-8)	21
Mariner	10	Paul Laurence Dunbar	11	Oak Hammock	18
NFM Academy for the Arts (K-8) (A) (U)	23	Three Oaks (U)	12	Varsity Lakes	7
Trafalgar	13	High Schools		High Schools	
High Schools		Cypress Lake (A)	2	Dunbar Zone Magnet (T)	3
Cape Coral (IB)	1	Dunbar (T)	3	East Lee County (C)	12
Ida S. Baker (C)	10	Estero	4	Lehigh Senior (A)	6
Island Coast	13	Fort Myers (IB)	5	Riverdale (IB)	9
Mariner	7	South Fort Myers (C)	11		
North Fort Myers (A)	8				

(A) Arts Program; (C) Comprehensive Program; (IB) International Baccalaureate; (T) Technology Program; (U) this school has a uniform clothing policy



March 12, 2010

Ms. Kim Dickerson
Deputy Chief
Lee County Public Safety / EMS
P.O. Box 398
Fort Myers, FL 33902-0398

**Subject: University Highland Limited Partnership
Comprehensive Plan Amendment
Service Availability Letter Request**

Dear Deputy Chief Dickerson:

Please accept this letter as written request for an Availability of Emergency Medical Services Letter for the University Highland Limited Partnership (UHLP) Site in Estero. The 208.4 acre site is adjacent to Germain Arena and Miromar Outlets, south of Estero Parkway, between Ben Hill Griffin Parkway and I-75 (referenced the attached location map). The site is located in Sections 25 and 26, Township 46 South, Range 25 East in unincorporated Lee County.

The undeveloped site is part of the Timberland and Tiburon DRI and is currently authorized for 1,300 multi-family residential units, commercial, and retail uses. The developer is requesting a Comprehensive Plan Future Land Use Map Amendment to change from the current designation of Suburban to Urban Community. The proposed Future Land Use Map Amendment will not result in an increase in the maximum density above the currently approved levels. Please forward an Availability of Service Letter from your office to accompany the property owner's submittal to Lee County requesting a Comprehensive Plan Future Land Use Map Amendment for the UHLP Site. Please return the Availability of Service Letter to my attention via email (DanielWaters@WilsonMiller.com), fax (239-643-5716), or mail to our office.

If you have any questions or wish to discuss this further, feel free to contract me at our office at (239) 649-4040.

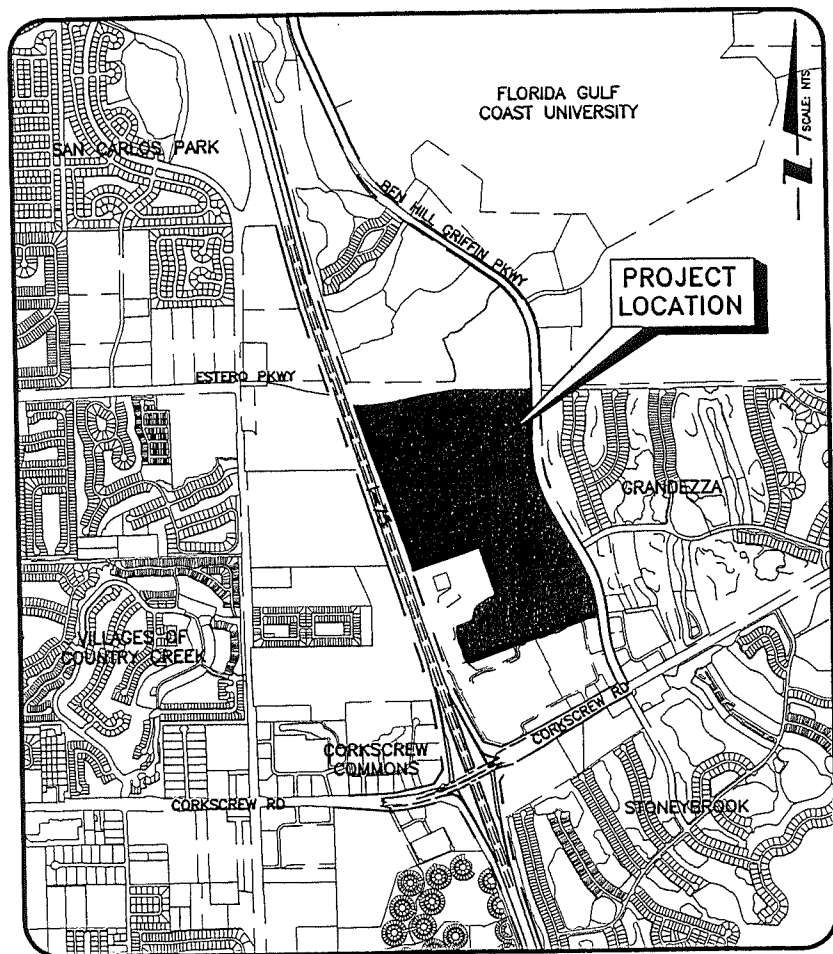
Sincerely,

WilsonMiller, Inc.

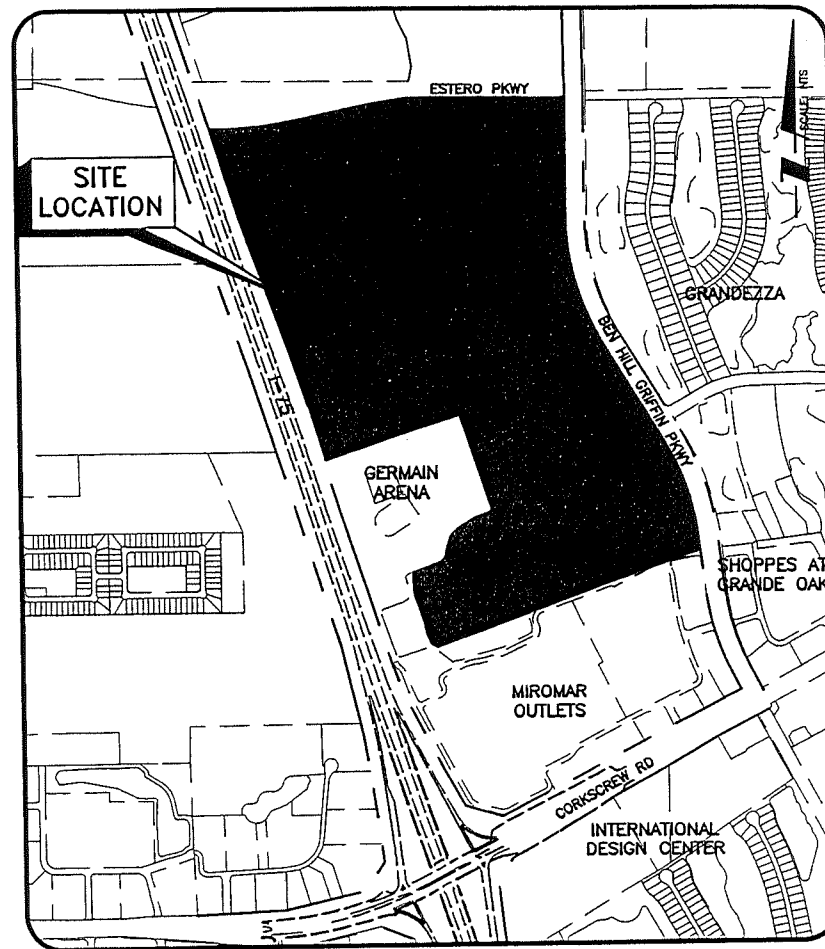
A handwritten signature in black ink, appearing to read 'Dan Waters'.

Dan Waters, PE
Senior Project Manager





LOCATION MAP



SITE MAP



March 12, 2010

Sgt. Stan Howard
Lee County Sheriff's Office
District 4 Sub-Station
8951 Bonita Beach Road
Bonita Springs, FL 34135

**Subject: University Highland Limited Partnership
Comprehensive Plan Amendment
Service Availability Letter Request**

Dear Sergeant Howard:

Please accept this letter as written request for an Availability of Law Enforcement Services Letter for the University Highland Limited Partnership (UHLP) Site in Estero. The 208.4 acre site is adjacent to Germain Arena and Miromar Outlets, south of Estero Parkway, between Ben Hill Griffin Parkway and I-75 (referenced the attached location map). The site is located in Sections 25 and 26, Township 46 South, Range 25 East in unincorporated Lee County.

The undeveloped site is part of the Timberland and Tiburon DRI and is currently authorized for 1,300 multi-family residential units, commercial, and retail uses. The developer is requesting a Comprehensive Plan Future Land Use Map Amendment to change from the current designation of Suburban to Urban Community. The proposed Future Land Use Map Amendment will not result in an increase in the maximum density above the currently approved levels. Please forward an Availability of Service Letter from your office to accompany the property owner's submittal to Lee County requesting a Comprehensive Plan Future Land Use Map Amendment for the UHLP Site. Please return the Availability of Service Letter to my attention via email (DanielWaters@WilsonMiller.com), fax (239-643-5716), or mail to our office.

If you have any questions or wish to discuss this further, feel free to contract me at our office at (239) 649-4040.

Sincerely,

Wilson Miller, Inc.

A handwritten signature in black ink, appearing to read 'Dan Waters', with a stylized flourish extending to the right.

Dan Waters, PE
Senior Project Manager

Enc.

Corporate Office 3200 Bailey Lane Suite 200 Naples, Florida 34105

800.649.4336 239.649.4040 F 239.643.5716

WilsonMiller.com





March 12, 2010

Mr. Philip Green
Fire Marshall
Estero Fire Control and Rescue District
21500 Three Oaks Parkway
Estero, FL 33928

**Subject: University Highland Limited Partnership
Comprehensive Plan Amendment
Service Availability Letter Request**

Dear Fire Marshall Green:

Please accept this letter as written request for an Availability of Fire Protection Services Letter for the University Highland Limited Partnership (UHLP) Site in Estero. The 208.4 acre site is adjacent to Germain Arena and Miromar Outlets, south of Estero Parkway, between Ben Hill Griffin Parkway and I-75 (referenced the attached location map). The site is located in Sections 25 and 26, Township 46 South, Range 25 East in unincorporated Lee County.

The undeveloped site is part of the Timberland and Tiburon DRI and is currently authorized for 1,300 multi-family residential units, commercial, and retail uses. The developer is requesting a Comprehensive Plan Future Land Use Map Amendment to change from the current designation of Suburban to Urban Community. The proposed Future Land Use Map Amendment will not result in an increase in the maximum density above the currently approved levels. Please forward an Availability of Service Letter from your office to accompany the property owner's submittal to Lee County requesting a Comprehensive Plan Future Land Use Map Amendment for the UHLP Site. Please return the Availability of Service Letter to my attention via email (DanielWaters@WilsonMiller.com), fax (239-643-5716), or mail to our office.

If you have any questions or wish to discuss this further, feel free to contract me at our office at (239) 649-4040.

Sincerely,

WilsonMiller, Inc.

Dan Waters, PE
Senior Project Manager

Enc.

Corporate Office 3200 Bailey Lane Suite 200 Naples, Florida 34105

800.649.4336 239.649.4040 F 239.643.5716

WilsonMiller.com





March 12, 2010

Ms. Akia Kittles
WastePro USA
13110 Rickenbacker Parkway
Fort Myers, FL 33913

**Subject: University Highland Limited Partnership
Comprehensive Plan Amendment
Service Availability Letter Request**

Dear Ms. Kittles:

Please accept this letter as written request for an Availability of Solid Waste Disposal Services Letter for the University Highland Limited Partnership (UHLP) Site in Estero. The 208.4 acre site is adjacent to Germain Arena and Miromar Outlets, south of Estero Parkway, between Ben Hill Griffin Parkway and I-75 (referenced the attached location map). The site is located in Sections 25 and 26, Township 46 South, Range 25 East in unincorporated Lee County.

The undeveloped site is part of the Timberland and Tiburon DRI and is currently authorized for 1,300 multi-family residential units, commercial, and retail uses. The developer is requesting a Comprehensive Plan Future Land Use Map Amendment to change from the current designation of Suburban to Urban Community. The proposed Future Land Use Map Amendment will not result in an increase in the maximum density above the currently approved levels. Please forward an Availability of Service Letter from your office to accompany the property owner's submittal to Lee County requesting a Comprehensive Plan Future Land Use Map Amendment for the UHLP Site. Please return the Availability of Service Letter to my attention via email (DanielWaters@WilsonMiller.com), fax (239-643-5716), or mail to our office.

If you have any questions or wish to discuss this further, feel free to contract me at our office at (239) 649-4040.

Sincerely,

Wilson Miller, Inc.

A handwritten signature in black ink, appearing to read 'Dan Waters', written over the company name.

Dan Waters, PE
Senior Project Manager

Enc.





March 12, 2010

Ms. Dawn Gordon
Community Planner
Planning, Growth, and School Capacity
Lee County Public Schools
2855 Colonial Boulevard
Fort Myers, FL 33966

**Subject: University Highland Limited Partnership
Comprehensive Plan Amendment
Service Availability Letter Request**

Dear Ms. Gordon:

Please accept this letter as written request for an Availability of School System Capacity Letter for the University Highland Limited Partnership (UHLP) Site in Estero. The 208.4 acre site is adjacent to Germain Arena and Miromar Outlets, south of Estero Parkway, between Ben Hill Griffin Parkway and I-75 (referenced the attached location map). The site is located in Sections 25 and 26, Township 46 South, Range 25 East in unincorporated Lee County.

The undeveloped site is part of the Timberland and Tiburon DRI and is currently authorized for 1,300 multi-family residential units, commercial, and retail uses. The developer is requesting a Comprehensive Plan Future Land Use Map Amendment to change from the current designation of Suburban to Urban Community. The proposed Future Land Use Map Amendment will not result in an increase in the maximum density above the currently approved levels. Please forward an Availability of Service Letter from your office to accompany the property owner's submittal to Lee County requesting a Comprehensive Plan Future Land Use Map Amendment for the UHLP Site. Please return the Availability of Service Letter to my attention via email (DanielWaters@WilsonMiller.com), fax (239-643-5716), or mail to our office.

If you have any questions or wish to discuss this further, feel free to contract me at our office at (239) 649-4040.

Sincerely,

WilsonMiller, Inc.

A handwritten signature in black ink, appearing to read 'Dan Waters', written over a horizontal line.

Dan Waters, PE
Senior Project Manager

Enc.

Corporate Office 3200 Bailey Lane Suite 200 Naples, Florida 34105

800.649.4336 239.649.4040 F 239.643.5716

WilsonMiller.com





Estero Fire Rescue

21500 Three Oaks Parkway

Estero, Florida 33928

(239) 390.8000

(239) 390.8020 (Fax)

www.esterofire.org

March 15, 2010

Mr. Daniel Waters
WilsonMiller
3200 Bailey Avenue
Suite 200
Naples, Florida 34105

Re: Fire Protection Services Letter

Mr. Waters;

Please accept this letter as confirmation that the property known as University Highland Limited Partnership Site is located within the district boundaries of Estero Fire Rescue. Estero Fire Rescue is responsible for fire protection services for this parcel.

If I may be of any further service in this matter, please feel free to contact me at 239-390-8000.

Respectfully,

Phillip Green
Division Chief of Prevention

"DEDICATED AND DRIVEN FOR THOSE WE SERVE"

Mike Scott
Office of the Sheriff



State of Florida
County of Lee

April 21, 2010

Dan Waters, P.E.
WilsonMiller
3200 Bailey Lane Suite 200
Naples, FL 34105

Mr. Waters,

The proposed University Highland Limited Partnership site in Estero would not affect the ability of the Lee County Sheriff's Office to provide core services at this time. Law enforcement services will be provided from our district office in Bonita Springs.

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

Please address further correspondence to me at the address listed below. Please contact Kevin Farrell, Community Program Coordinator of the Crime Prevention Unit, at 477-2821 with any questions.

Respectfully,

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

Major Gene Sims,
Special Operations Bureau
Lee County Sheriff's Office
14750 Six Mile Cypress Parkway
Fort Myers, FL 33912
(239) 477-1005



14750 Six Mile Cypress Parkway • Fort Myers, Florida 33912-4406 • (239) 477-1000



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 M. Owen
County Attorney

Diana M. Parker
*County Hearing
Examiner*

April 21, 2010

Mr. Dan Waters, PE
Wilson Miller, Inc
3200 Bailey Lane, Suite 200
Naples, FL 34105

**Re: Letter of Service Availability
University Highland Limited Partnership – Future Land Use Map
Amendment**

Mr. Waters:

Lee County Transit received your letter dated April 15, 2010 in reference to the Comprehensive Plan Future Land Use Map Amendment application for the subject site in Estero. This location is within the established Treeline Avenue / Ben Hill Griffin Parkway transit corridor and Lee County currently provides public transportation services through this corridor. We consider the subject property related to this Land Use Map Amendment Application to be within our existing service area.

Our long range planning activities maintain this transit corridor and document the need for additional, enhanced services on the route providing service to this area however funding to enhance the future needed service has not been identified. Until a funding source is identified to enhance service on this corridor, we anticipate today's capacity on this route to not be sufficient to meet the needs of the proposed land use changes the applicant wishes to make along with the other planned development along this corridor.

If you have any questions please contact me at (239) 533-0333 or you can send an e-mail to mhorsting@leegov.com.

Sincerely,

Michael Horsting, AICP
Principal Planner
Lee County Transit

Margaret Perry

From: Daniel Waters
Sent: Thursday, April 22, 2010 2:17 PM
To: Al Moscato; Neale Montgomery
Cc: John English; Margaret Perry
Subject: FW: UHLP Site - Lee Tran Letter

From: Daniel Waters
Sent: Thursday, April 22, 2010 2:15 PM
To: 'Horsting, Michael'
Subject: RE: UHLP Site - Lee Tran Letter

Mike,

Thanks for the quick response. When you have a minute, please give me a call to discuss the service availability. This property is part of an approved DRI and MPD. Per the existing DRI, the site is vested for 1,356 multi-family residential units, 200 hotel rooms, and office and retail uses. Pursuant to the currently approved Suburban land use category, Lee County staff has advised us that the site would be eligible for a maximum potential development intensity of 220,000 sf of retail use and 1,000,000 sf of office use. If the site's land use designation is changed to Urban Community, Lee County staff has asked us to consider a maximum potential development intensity of 1,300 multi-family residential units and 1,120,000 sf of retail use. The applicant is skeptical that the "worst case scenario" we have been asked to evaluate for the maximum potential development intensity is achievable. The applicant would submit that regardless of the land use category, a significant amount of development could occur.

Can you help us to understand what additional enhanced services are needed and whether they would be needed in the future regardless of this proposed change in land use category? Also, what type of funding is needed and is there a core level of service required from a transit standpoint?

We want to make sure that the availability letter you provided considered that the site is already entitled for development and that our request would only modify the type of development potentially available at the site. If you have any statistics on ridership and specifically what percentage of occupancy you are currently experiencing on the route serving Miromar Outlets and the Ben Hill Griffin Parkway corridor, please pass those along.

Thanks again for your help, I look forward to hearing from you.

Dan Waters, P.E.
Senior Project Manager
Associate
WilsonMiller, Inc.
3200 Bailey Lane, Suite 200
Naples, FL 34105
(239) 649-4040
WilsonMiller.com

From: Horsting, Michael [mailto:MHorsting@leegov.com]
Sent: Wednesday, April 21, 2010 9:41 AM
To: Daniel Waters

4/22/2010

Subject: RE: UHLP Site - Lee Tran Letter

See attached, done soon than I thought.

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.

From: Daniel Waters [mailto:DanielWaters@wilsonmiller.com]
Sent: Wednesday, April 21, 2010 9:04 AM
To: Horsting, Michael
Subject: RE: UHLP Site - Lee Tran Letter

Great, we are trying to re-submit to the county Monday so end of the week would be fantastic. Thanks again for your help.

Dan Waters, P.E.
Senior Project Manager
Associate
WilsonMiller, Inc.
3200 Bailey Lane, Suite 200
Naples, FL 34105
(239) 649-4040
WilsonMiller.com

From: Horsting, Michael [mailto:MHorsting@leegov.com]
Sent: Wednesday, April 21, 2010 9:02 AM
To: Daniel Waters
Subject: RE: UHLP Site - Lee Tran Letter

Thanks Dan, I have the letter and attachment you sent and have not questions. I'll get a response out to you this week.

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

From: Daniel Waters [mailto:DanielWaters@wilsonmiller.com]
Sent: Thursday, April 15, 2010 2:09 PM
To: Horsting, Michael
Subject: UHLP Site - Lee Tran Letter

4/22/2010

Mike,

Per our conversation yesterday, attached is the letter describing our proposed project and a map showing the location of the property. This UHLP site is part of the Timberland and Tiburon DRI and is currently approved for multifamily and commercial development. As part of an application to change our comprehensive land use designation from suburban to urban community, the Lee County review staff has asked us to provide a letter from Lee Tran stating that public transit service can be provided to the site. Please forward a letter to our office letting us know if Lee Tran can provide service; if you have any questions or need anything more, please give me a call. Thanks.

Dan Waters, P.E.

Senior Project Manager

Associate

WilsonMiller, Inc.

3200 Bailey Lane, Suite 200

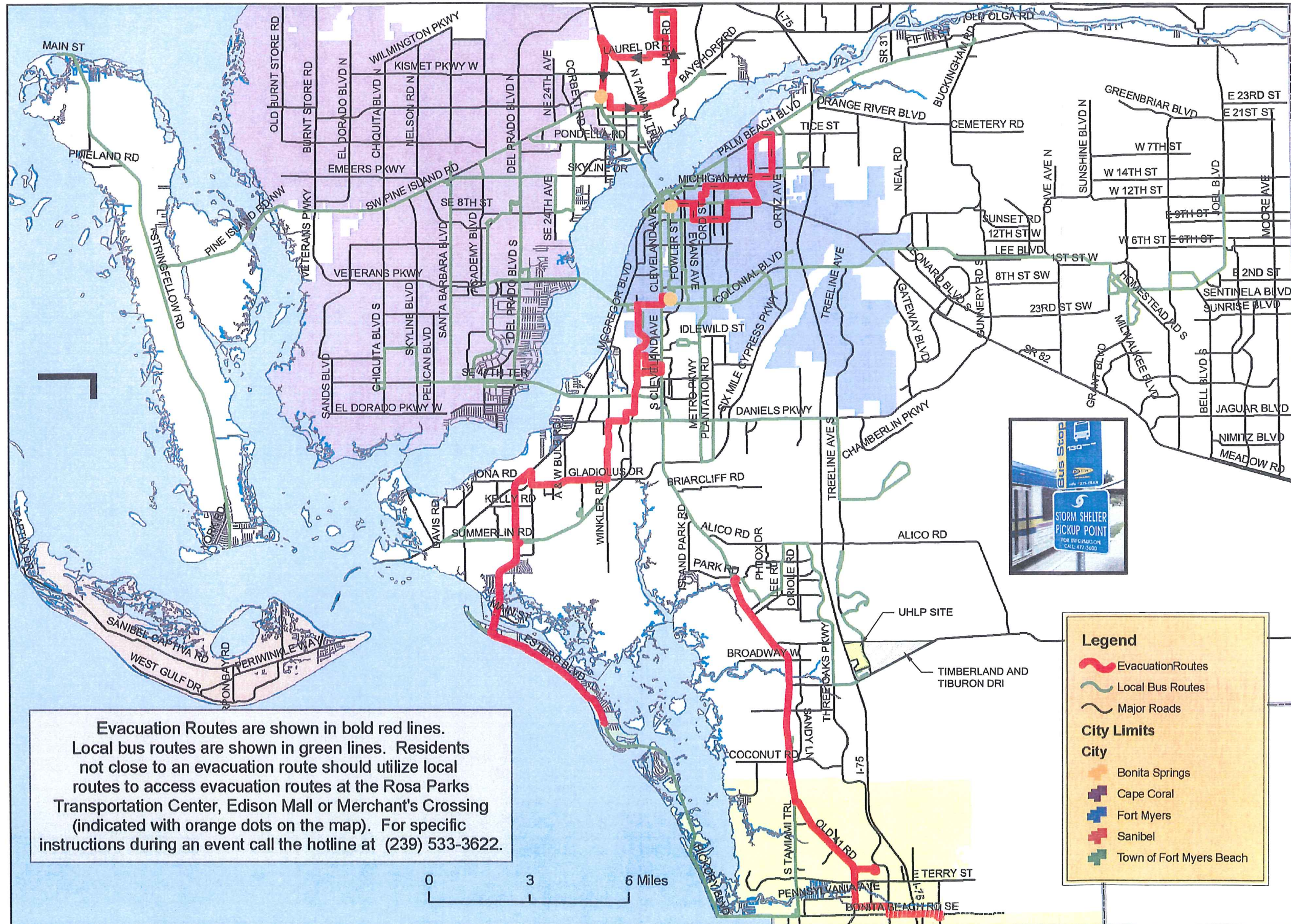
Naples, FL 34105

(239) 649-4040

WilsonMiller.com

<<UHLP Lee Tran Letter.pdf>>

Lee County Transit Emergency Evacuation Routes



COMPREHENSIVE PLAN AMENDMENT

ENVIRONMENTAL SUPPLEMENT

Prepared For:
UNIVERSITY HIGHLAND LIMITED PARTNERSHIP

PREPARED BY:
WILSONMILLER, INC.
3200 BAILEY LANE, SUITE 200
NAPLES, FLORIDA 34105

Submitted To:
Lee County

MARCH 2010

TABLE OF CONTENTS

1.	INTRODUCTION	1
2.	PROPERTY HISTORY	1
3.	EXISTING CONDITIONS	1
3.1.	Topography and Drainage	1
3.2.	Soils	2
3.3.	Vegetation Associations/Land Uses	2
3.4.	Listed Wildlife Species Observed On Site	5
3.5.	Listed Wildlife Species Potentially Present But Not Observed On Site	7
3.6.	Listed Plant Survey	10
4.	PROPOSED CONDITIONS	12
4.1.	Project Description	12
4.2.	Impact Assessment	12

TABLES

Table 1 - Soil Types
Table 2 - Existing Vegetative Associations and Land Use Descriptions
Table 3 - Listed Wildlife Species Observed on UHLP
Table 4 - Non Listed Wildlife Species Observed
Table 5 - Estimated Probability of Occurrence of Non-Observed Listed Wildlife
Table 6 - Listed Plant Species Observed
Table 7 - Protected Plant Species Potentially Present Based on the Habitats Present On-Site

EXHIBITS

Exhibit 1 – Flowway Exhibit (with Existing Topography)
Exhibit 2 – NRCS Soils Map
Exhibit 3 – FLUCCS Map
Exhibit 4 – Lee County Archaeological Sensitivity Map
Exhibit 5 – Listed Species Survey Transect Map
Exhibit 6 – SFWMD Wetlands Map

ATTACHMENTS

Attachment 1 –Big Cypress Fox Squirrel Management Plan

Attachment 2 – Eastern Indigo Snake Management Plan

1. Introduction

University Highland Limited Partnership (UHLP) owns 208.42 acres which is a component of the Timberland and Tiburon Development of Regional Impact (DRI). The Timberland and Tiburon DRI (T and T) approved a mix of uses which include a regional shopping mall, a golf course community, a sports arena, a grocery store anchored center and a residential, hotel, and commercial development. The T and T DRI is located in Section 26, Township 46 South, Range 25 East, Lee County, Florida. The site is bordered by existing development within the DRI. The subject property is flanked on the south by Miromar Outlets, and Germain Arena and on the east, north and west by multi-lane transportation facilities including Ben Hill Griffin Parkway, Estero Parkway, Interstate I – 75 and surrounding development.

2. Property History

Development of the entire DRI, including the subject property was reviewed and conceptually approved by SFWMD as part of ERP Permit No. 36-018171-S. The SFWMD ERP Permit No. 36-018171-S was extended on July 9, 2009 until May 22, 2011. The subject property is the last remaining parcel located within the approved Timberland and Tiburon, Ltd., Development of Regional Impact (DRI) State DRI # 7-8384-46 and Lee County MPD Resolution Z-98-020 which was most recently amended on January 19, 2007.

Development of this in-fill site was previously reviewed and approved by the U.S. Army Corps of Engineers (Corps) as a part of Section 404 Individual Permit No. 1993-2371-IP). The Corps permit expired in May of 2006 and the applicant is under review for re-issuance.

3. Existing Conditions

3.1. Topography and Drainage

Existing elevations within the site typically average between 15.0 and 16.0 ft-NAVD (16.2 to 17.2 NGVD, see attached Flowway Exhibit with existing topography map (Exhibit 1). As mentioned above, the fill placement associated with the construction of the adjacent roadways (Ben Hill Griffin Parkway, Estero Parkway and I-75) and the adjacent development (Miromar Outlets and Germain Arena) has resulted in the UHLP site being bermed off. The development of the adjacent roadways and associated berms has significantly altered the natural, historic sheet flow. The undeveloped portions of the site are now part of the overall Timberland and Tiburon water management system (including Grandezza, Miromar Outlets, the Shoppes at Grande Oak, and Germain Arena). The site

drains to a temporary ditch and then to an existing lake located between Miromar Outlets and Germain Arena that ultimately outfalls to Interstate 75 ROW.

The site is located outside of the Density Reduction Groundwater Resource Area.

3.2. Soils

According to the Natural Resources Conservation Service (NRCS) Soil Survey of Lee County, Florida, the property contains the following soils units. The NRCS soils data overlain with a recent aerial photograph is included as Exhibit 2.

Table 1 – Soil Types

According to the Natural Resources Conservation Service (NRCS) Soil Survey of Lee County, Florida, seven (7) soil units are present within the property. These units, all of which are common to Lee County and southwest Florida include the following:

Map Symbol	Soil Unit Name	Hydric Status
6	Hallandale fine sand	Non-hydric
13	Boca fine sand	Non-hydric
26	Pineda fine sand	Hydric
39	Isles fine sand, depressional	Hydric
44	Malabar fine sand, depressional	Hydric
73	Pineda fine sand, depressional	Hydric
99	Water	

No unique geologic features (e.g., sand dunes, bluffs, sinkholes, springs, etc.), or areas susceptible to subsidence, are known to occur on the property.

3.3. Vegetation Associations/Land Uses

The habitat and vegetation survey included the preparation of a Florida Land Use, Cover and Forms Classification System (FLUCCS) map delineating the major vegetation communities, landforms, and land uses present on the project site. The methods and class descriptions found in the FLUCCS manual (FDOT 1999) were generally followed when delineating and assigning areas to an appropriate FLUCCS category (class) or "code". A FLUCCS map unit is a unique area (or polygon) mapped using a major FLUCCS category code. Plant communities were mapped using direct field observations and aerial photo interpretation. Vegetative and land use mapping was conducted in December 2009 and January 2010. No trees classified as Heritage trees by Lee County are known to occur, nor were observed on-site.

A significant factor when mapping vegetative associations and local habitats is the invasion by the exotic plant species *Melaleuca* (*Melaleuca quinquenervia*) and to a lesser degree Brazilian pepper (*Schinus terebinthifolius*). Four levels of exotic density were mapped by Wilson Miller using photo interpretation and field observations. Code modifiers are appended to the FLUCCS code to indicate the approximate density of *Melaleuca* and/or Brazilian pepper in the canopy or understory, as follows:

E1 = Exotics 10-24%

E2 = Exotics 25-49%

E3 = Exotics 50-75%

E4 = Exotics 75-84%

Existing FLUCCS Habitats

The following paragraphs provide a general description of the vegetative associations of University Highland Site. A detailed description of FLUCCS codes is provided below, and associated acreages are itemized in Table 1.

The Existing Conditions sheets in the permit drawing set depict present conditions on University Highland Site. There are no rare or unique uplands, such as xeric scrub, located at the University Highland site. The vegetation associations are common in the region.

Pine Flatwoods, Saw Palmetto Understory (FLUCCS 411) - These habitats are composed predominately of a slash pine (*Pinus ellioti*) canopy with a ground cover dominated by saw palmetto (*Serenoa repens*). Scattered cabbage palm (*Sabal palmetto*), myrsine (*Rapanea punctata*), wax myrtle (*Myrica cerifera*), saltbush (*Baccharis* sp.), rusty lyonia (*Lyonia ferruginea*), and tough buckthorn (*Bumelia tenax*), are present in the sub canopy.

Pennyroyal (*Satureja rigida*), spiny-leaved sow thistle (*Sonchus asper*), bracken fern (*Pteridium aquilinum*), common tickseed (*Coreopsis leavenworthii*), dog fennel (*Eupatorium capillifolium*), Caesar-weed (*Urena lobata*), wiregrass (*Aristida* spp.), shiny blueberry (*Vaccinium myrsinites*), horrible thistle (*Cirsium horridulum*), camphor weed (*Pluchea* spp.), and lantana (*Lantana camara*) occur in the ground cover stratum. Chocolate weed (*Melochia corchorifolia*), fox tail (*Setaria* spp.), pawpaw (*Deeringothamnus pulchellus*), chalky bluestem (*Andropogon capillipes*) also occur in scattered amounts in the ground cover stratum. Vines include love vine (*Cassytha filiformis*), Virginia creeper (*Parthenocissus quinquefolia*), muscadine grape (*Vitis rotundifolia*), ear-leaf brier (*Smilax auriculata*), catbrier (*Smilax bona-nox*) and poison ivy (*Toxicodendron radicans*). In lower elevations, transitional zones may be found where the saw palmetto clusters form a more reticulated pattern, leaving openings for ground cover species.

Exotics plant species such as melaleuca and Brazilian pepper and to a lesser extent, Java plum are found in varying densities throughout this type of habitat.

Drainage Ditches (FLUCCS 513) - This category includes previously constructed ditches that were constructed primarily for drainage associated with the previous activities on the property.

Stormwater Management Lake (FLUCCS 527) - This category represents a man-made stormwater management lake constructed along Interstate I-75, that provides water quality treatment adjacent development.

Exotic Wetland Hardwoods (FLUCCS 619) - Areas mapped as FLUCCS 619 are wetland melaleuca (*Melaleuca quinquenervia*) monocultures. Dense stands of melaleuca dominate both the canopy and mid-story layers with few other species present. The FLUCCS 619 classification is used to map such areas only where melaleuca exceeds roughly 85 percent of the canopy/midstory cover. The ground cover is commonly very sparse and species diversity is limited, due to the density of melaleuca. Occasional slash pine, cypress, cabbage palms are found within the dense monocultures of melaleuca, but they comprise no significant component of the canopy vegetation in these areas.

In certain areas, melaleuca is not as pervasive and other species may be found in the canopy and/or midstory layers.

Hydric Pine Flatwoods (FLUCCS 625) - These areas typically contain a dominant slash pine canopy with scattered cabbage palm, cypress, and laurel oak (*Quercus laurifolia*). The sub-canopy contains scattered wax myrtle, myrsine, cabbage palm, and dahoon holly (*Ilex cassine*).

Ground cover species include wiregrass, gulf paspalum (*Paspalum monostachyum*), yellow-eyed grass (*Xyris* spp.), love grasses (*Eragrostis* spp.), panic grasses (*Panicum* spp.), muhly grass (*Muhlenbergia* spp.), camphor weed, goobergrass (*Amphicarpum muhlenbergianum*), and Caesar-weed. Saw palmetto, when present, is widely scattered. Vines include muscadine grape, poison ivy, and catbrier. Exotic invaders, such as melaleuca and Brazilian pepper, occur in high levels throughout this habitat and have limited native groundcover and sub canopy species.

Spoil Areas (FLUCCS 743) - These areas consist of earthen berms created from past ditch construction. The berms are typically vegetated with weedy herbaceous pioneer species and Brazilian pepper.

Roads (FLUCCS 814) - This category represents paved asphalt roads and grassed right of ways that were previously constructed.

Primitive Trails (FLUCCS 8146) - This category represents a 4 X 4 trail that runs through the property.

Exhibit 3 provides a FLUCCS map of the property. Table 2 summarizes the acreage of habitats found within the UHLP property.

Table 2 – Existing Vegetative Associations and Land Use Descriptions

FLUCCS CODE	FLUCCS DESCRIPTION	ACRES
411E1	Pine Flatwoods, Saw Palmetto Understory, 10-24% Exotic Cover	1.2
411E2	Pine Flatwoods, Saw Palmetto Understory, 25-49% Exotic Cover	2.92
411E3	Pine Flatwoods, Saw Palmetto Understory, 50- 75% Exotic Cover	40.11
411E4	Pine Flatwoods, Saw Palmetto Understory, >75% Exotic Cover	7.12
513	Ditches	2.91
527	Stormwater Management Lake	13.98
619	Exotic Wetland Hardwoods	20.87
625E3	Hydric Pine Flatwoods, 50-75% Exotic Cover	75.39
625E4	Hydric Pine Flatwoods, >75% Exotic Cover	32.56
743	Spoil Areas	0.44
743E3	Spoil Areas, 50-75 % Exotic Cover	0.35
814	Roads and Right of Ways	9.36
8146	Primitive Trails	1.21
	TOTAL	208.42

- 3.4 **Historical and Archaeological Conditions:** [The approved Timberland and Tiburon, Ltd. Development of Regional Impact (DRI) State DRI # 7-8384-46, and Lee County MPD Resolution Z-98-020, which was most recently amended on January 19, 2007 previously addressed the historical and archaeological component. Attached (Exhibit 4) is a copy of the Lee County Archaeological Sensitivity Map.]

Listed Species

3.4. Listed Wildlife Species Observed On Site

Following is a summary of the listed species observed on site during the listed species survey conducted on December 29 and 30, 2009 and January 4, 5 and 6, 2010. Due to the extremely disturbed conditions on the site resulting from high exotic levels there is very limited habitat remaining on the property that is not significantly infested by melaleuca. Due to the in-fill nature of the site and the absence of corridors to adjacent native habitat there is limited potential habitat present for use by listed wildlife species, other than primarily wading birds and alligator associated with the created stormwater pond and the 1 - 2 gopher tortoises. The site will provide for wading bird and alligator habitat upon completion of the Surface Water Management system for the site.

Despite the poor quality of habitat, Lee County requires listed species pedestrian transects to provide 80% aerial cover of the subject property, except in habitats that are monocultures of exotics. WilsonMiller senior ecologists Tom Trettis and Bruce Layman conducted the listed species survey of the subject property on December 29 and 30, 2009 and January 4, 5, 6 and 26, 2010. Mr. Trettis is an FWC Authorized Gopher Tortoise Agent (Permit No.GTA-09-00076a) supervised the gopher tortoise surveys. An aerial photograph showing the approximate location of the pedestrian listed species transects and listed species location is attached as Exhibit 5.

In addition to the field survey, GIS inquiries regarding listed wildlife species were performed by WilsonMiller using the latest publicly available data sets from the Florida Fish and Wildlife Conservation Commission (FWC) and the Florida Natural Areas Inventory (FNAI). The results of the FNAI inquiry revealed that there were no listed species observations on this property in that database.

According to the FWC database, there are no bald eagle nests located within two (2) miles of the subject property. No other listed species sightings are reported on or adjacent to this property.

The Florida Atlas of Breeding Sites for Herons and Their Allies, dated September 1991, shows the closest known breeding colony occurring within 9 miles to the south of this property. All other known colony sites included in this atlas are located farther than 9 miles from the subject property. Although there is little if any nesting or roosting habitat remaining on the subject property, there is forage and roost habitat present in and adjacent to the stormwater pond that remains on site.

Listed wildlife species observed on-site during these listed species surveys are detailed in Table 3 below.

Table 3 – Listed Wildlife Species Observed on UHLP

Common Name	Scientific Name	Site Habitat by FLUCCS	FWC Status	FWS Status	FDA Status
REPTILES					
American alligator	<i>Alligator mississippiensis</i>	527	SSC	T (S/A)	N/A
Gopher tortoise	<i>Gopherus polyphemus</i>	411	T	NL	
BIRDS					
Tricolored heron	<i>Egretta tricolor</i>	527	SSC	NL	N/A
Little blue heron	<i>Egretta caerulea</i>	527	SSC	NL	N/A

Common Name	Scientific Name	Site Habitat by FLUCCS	FWC Status	FWS Status	FDA Status
Snowy egret	<i>Egretta thula</i>	527	SSC	NL	N/A
White ibis	<i>Eudocimus albus</i>	527	SSC	NL	N/A
Wood stork	<i>Mycteria americana</i>	527	E	E	N/A

FDA = Florida Department of Agriculture and Consumer Services
 FWC = Florida Fish and Wildlife Conservation Commission
 FWS = United States Fish & Wildlife Service
 E = Endangered
 T = Threatened
 C = Commercially Exploited
 NL = Not listed
 NA = Not Applicable

The following listed species were observed during the on site pedestrian transects.

Gopher Tortoise

The gopher tortoise (*Gopherus polyphemus*) is listed as Threatened by FWC and is not listed by FWS. Some suitable habitat (FLUCCS 411) exists on the subject property. Four gopher tortoise burrows were observed on the site adjacent to a man-made trail. It is anticipated that there are one and potentially two tortoises on the site. The tortoises could have been "dumped" on the project site, as it is questionable why they are located in marginal habitat adjacent to an existing trail. An appropriate relocation permit will be obtained from the Florida Fish and Wildlife Conservation Commission prior to development. An updated tortoise survey will also be provided at that time. It is anticipated that the tortoises will be relocated to an offsite regional tortoise bank, where they will be much higher quality and the long term viability will be significantly higher than if they remained on the project site.

Tricolored Heron

A single tricolored heron (*Egretta tricolor*) was observed foraging in the littoral vegetation on the southern shoreline of the stormwater management lake on site. This species is listed by the FWC as a species of special concern, but is a commonly encountered species in this region. No nests of this species were observed during the listed species survey. There is very limited nesting or roosting habitat for tricolored heron on the subject property.

Little Blue Heron

A single little blue heron (*Egretta caerulea*) were observed foraging along the northern littoral shelf of the stormwater management lake. This species is listed as a species of special concern by FWC and is not listed by FWS, but is also regionally abundant. No nests of this species were observed on the site during the listed species survey. There is very limited potential nesting or roosting habitat for little blue heron on the subject property.

Snowy Egret

Several snowy egrets (*Egretta thula*) were observed foraging along the banks of the stormwater management lake. These birds have been classified as a species of special concern by the FWC and are not listed by FWS, but are also a species that are relatively plentiful in southwest Florida. No nests of this species were observed on the site during the listed species survey. There is very limited potential nesting or roosting habitat for snowy egret on the subject property.

White Ibis

Several white ibis (*Eudocimus albus*) were observed foraging within the stormwater management lake. These birds are listed as species of special concern by the FWC and not listed by FWS, but are also a species that are relatively plentiful in southwest Florida. No nests of this species were observed on the site during the listed species survey. There is very limited potential nesting or roosting habitat for white ibis on the subject property.

Wood Stork

A single wood stork (*Mycteria americana*) was observed foraging in the stormwater management lake. Wood storks are known to utilize stormwater management lakes for seasonal foraging. The wood stork is classified as endangered by both the FWC and FWS. No nests of this species were observed on the site during the listed species survey. There is very limited potential nesting or roosting habitat for wood stork on the subject property.

American Alligator

An alligator (*Alligator mississippiensis*) was observed within the stormwater management lake. This species is classified as a species of special concern by the FWC and is classified as threatened by similarity of appearance by the FWS.

Table 4 includes a list of all non-listed wildlife species observed during the species surveys on site.

Table 4 - Non-listed Wildlife Species Observed

Common name	Scientific name
Cuban Anole	<i>Anolis sagrei</i>
Green Anole	<i>Anolis carolinensis</i>
Green Tree Frog	<i>Hyla cinerea</i>
Cuban Tree Frog	<i>Osteopilus septentrionalis</i>
Black Racer	<i>Coluber constrictor</i>
Florida Cooter	<i>Pseudemys floridana</i>
Florida Cottontail Rabbit	<i>Sylvilagus floridanus</i>
Armadillo	<i>Dasypus novemcinctus</i>
Gray Squirrel	<i>Sciurus carolinensis</i>
Raccoon	<i>Procyon lotor</i>
Boat Tailed Grackle	<i>Quiscalus major</i>
Common Grackle	<i>Quiscalus quiscula</i>
Anhinga	<i>Anhinga anhinga</i>
Blue Jay	<i>Cyanocitta cristata</i>
Cardinal	<i>Cardinalis cardinalis</i>
Mosquitofish	<i>Gambusia affinis</i>
Sailfin Mollys	<i>Poecilia latipinna</i>
Largemouth Bass	<i>Micropterus salmoides</i>
Bluegill	<i>Lepomis macrochirus</i>
Crayfish	<i>Procambarus acutus</i>

3.5. Listed Wildlife Species Potentially Present But Not Observed On Site

Following is a discussion of listed wildlife species that have not been confirmed as occurring on the subject property by direct observation, but are considered to be potentially present due to the presence of suitable habitat, confirmed sightings on adjacent sites, etc. These listed wildlife species are considered to have some probability of occurring, based on Lee County Appendix H, and are listed in Table 5 below.

Florida Panther - The FWS will likely initiate a Section 7 Consultation or technical assistance for the Florida panther. Approximately 132.9 acres of the site are located within an area designated as panther Primary Zone. That effort will be coordinated with the Corps and FWS separately from the Environmental Supplement.

Big Cypress Fox Squirrel - The Big Cypress fox squirrel (*Sciurus niger avicennia*) (BCFS) is listed as threatened by FWC and is not listed by FWS. Its distribution is believed to be limited to an area south of the Caloosahatchee River and west to the Everglades. BCFSs are usually associated with FLUCCS codes 411, 621, 624, and 625, some of which are located on the project site. Although no BCFSs were observed on the project site, there is a possibility that this species occurs on-site. Several potential BCFS or gray squirrel daybeds/nests were observed on the site during the listed species survey. It could not be determined whether the daybeds/nests were constructed by gray squirrels or BCFS. A gray squirrel was observed on-site. Although the Big Cypress fox squirrel was not observed on the property a Big Cypress fox squirrel management plan is provided and is designed to protect Big Cypress fox squirrel during land clearing activities.

Wading Bird Species - Several species of listed wading birds have been observed foraging in and adjacent to the man-made stormwater management lake on the subject property. There are other listed wading bird species such as limpkin (*Aramus guarauna*) and roseate spoonbill (*Ajaia ajaja*), that could also potentially use this lake as forage habitat. No nests were observed on the site of any listed wading bird species. There is minimal potential roosting or nesting habitat on the subject property, but there is ample forage habitat on site.

Gopher Frog (*Rana capito*) - The gopher frog is a common burrow commensal species typically found with gopher tortoises. Since there are a small number of gopher tortoise burrows on site, and this property is at the southern end of the gopher frogs' possible home range, there is a potential for the gopher frog to be present. If found, the gopher frog will be relocated concurrently with the gopher tortoise. The gopher frog is listed as a Species of Special Concern by FWC, and is not listed by USFWS.

Eastern Indigo Snake - Although no Eastern Indigo Snake was observed during previous listed species survey nor the current listed species survey nor numerous site inspections an Eastern Indigo Snake (*Drymarchon corais couperi*) Management Plan will be implemented during the construction phase of the project. This will involve distribution of educational pamphlets to the earthwork contractors and periodic site visits during clearing activities by a qualified environmental professional to insure protection of any indigo snakes discovered during construction related activities.

Florida Black Bear - The Florida Black Bear (*Ursus americanus floridanus*) is the largest endemic mammal in Florida and is listed as threatened by FWC, but is not listed by FWS. Florida black bear habitat in Florida has been characterized as consisting of large tracts of undeveloped forests containing diverse vegetation types. Evidence of Florida black bear (*i.e.*, tracks, scat, claw marks) was not observed on the property during field surveys. However, the Florida black bear has a large home range and although unlikely due to the in-fill nature of the site, it could visit the project site. Significant impacts to the bear as a result of the proposed project are not anticipated considering that any use of the project site by bears would represent a very small portion of a much larger home range and that areas adjacent to the project site have already been disturbed and fragmented by I-75, major arterial roadways and regional commercial complexes such as the Miromar Outlet,

thereby reducing the functionality and accessibility of site habitat. No FWC bear telemetry data points have been documented within two (2) mile of the property.

Everglades mink – The everglades mink is listed as threatened by FWC, but is not listed by FWS. The everglades mink is found in ponds and canals. No signs of the Everglades mink was observed and based on the in-fill nature of the site it is not anticipated to utilize the existing storm water management pond.

Red-cockaded Woodpecker - The red-cockaded woodpecker (*Picoides borealis*) (RCW) is listed as Endangered by the FWS and Threatened by the FWC. No RCWs or signs of RCW use were observed during the field surveys. It was determined the limited pine flatwoods habitats on the site are largely of unsuitable quality to support RCWs due to the lack of old growth pine and the high degree of infestation by melaleuca. The absence of large acreages of sapling to seedling dominated pine flatwoods as available forage habitat further reduces the probability of this property being effectively utilized by the red-cockaded woodpecker. No FWC RCW data points are documented occurring within two (2) miles of the property.

Bald Eagle - The bald eagle (*Haliaeetus leucocephalus*) has been delisted from the Endangered Species Act but is still protected by the Migratory Bird Treaty Act and the Golden and Bald Eagle Protection Act. No bald eagles or nests of this species were observed on-site during the listed species survey. No FWC data points for bald eagle nests are located within two (2) miles of the subject property.

Snail Kite – The snail kite (*Rostrhamus sociabilis*) is listed as endangered by FWC and FWS and has the potential to utilize the stormwater management lake for foraging. No nests of this species were observed on the site and very limited potential nesting or roosting habitat exists on the property.

The list of potentially present, but not observed listed species is included in Table 5.

Table 5 - Estimated Probability of Occurrence of Non-Observed Listed Wildlife

Common Name	Scientific Name	Site Habitat By FLUCCS	Status (FWC/FWS)	Estimated Occurrence		
				Probable	Possible	Unlikely
Gopher frog	<i>Gopherus polyphemus</i>	411	SSC/ NL		x	
Roseate Spoonbill	<i>Ajaja ajaja</i>	527	SSC/NL		X	
Limpkin	<i>Aramus guarauna</i>	527	SSC/NL		X	
Southeastern American kestrel	<i>Falco sparverius paulus</i>	411, 625, 743	T/ NL			x
Reddish egret	<i>Egretta rufescens</i>	527	SSC/NL		x	
Bald Eagle	<i>Haliaeetus leucocephalus</i>	411, 625	T/T		X	

Red-cockaded Woodpecker	<i>Picoides borealis</i>	411, 625	SSC/E			X
Snail Kite	<i>Rostrhamus sociabilis</i>	527	E/E			X
Big Cypress Fox Squirrel	<i>Sciurus niger avicennia</i>	411, 625	SSC/NL		X	
Everglades mink	<i>Mustela vison evergladensis</i>	527	T/ NL			X
Florida panther	<i>Felis concolor coryi</i>	411, 625, 619, 743	E/E			X
Florida black bear	<i>Ursus americanus floridanus</i>	411, 619, 625, 743	T / NL			X
Eastern Indigo Snake	<i>Drymarchon corais couperi</i>		T/T		X	

Note: Although each "E" (Exotic) level was not provided in the above table it is assumed that the listed species could be observed in any exotic level designation (E1-E4).

FDA = Florida Department of Agriculture and Consumer Services
 FWC = Florida Fish and Wildlife Conservation Commission
 FWS = United States Fish & Wildlife Service
 E = Endangered
 T = Threatened
 C = Commercially Exploited
 NL = Not listed
 NA = Not Applicable

3.6. Listed Plant Survey

During the course of conducting surveys for listed wildlife species and field mapping vegetative associations, WilsonMiller ecologists searched for plants listed by the Florida Department of Agriculture (FDA) and/or the U.S. Fish and Wildlife Service (FWS). These agencies have categorized the various plant species based upon their relative abundance in natural communities. Those categorizations include "Endangered", "Threatened" and "Commercially Exploited".

There were four (4) species of listed plants (per the FDA list) that were observed on the project site during the field survey including stiff-leaved wild pine (*Tillandsia fasciculata*), reflexed wild pine (*Tillandsia balbisiana*), giant airplant (*Tillandsia urticulata*), and butterfly orchid (*Encyclia tampensis*). These plants species listed by FDA and commonly found in southwest Florida plants.

These plants are listed pursuant to the Preservation of Native Flora of Florida Act. This act prohibits the willful destruction or harvesting of listed plant species, however, parties exempted from the prohibitions include landowners and their agents clearing plants from canals, ditches, survey lines, building sites, or road or other rights-of-way on their own land. The listed plant species observed and their state and federal listed status are provided in Table 6 below.

Table 6 - Listed Plant Species Observed

Common Name	Scientific Name	Status (FDA/FWS)	Habitat by FLUCCS
Reflexed Wild Pine	<i>Tillandsia balbisiana</i>	T/ NL	416
Common Wild Pine	<i>Tillandsia fasciculata</i>	E/ NL	411, 416, 625
Giant Air Plant	<i>Tillandsia utriculata</i>	E/ NL	411, 416
Butterfly Orchid	<i>Encyclia tampensis</i>	C/ NL	625

Note: Although each "E" (Exotic) level was not provided in the above table it is assumed that the listed species could be observed in any exotic level designation (E1-E4).

FWS = United States Fish and Wildlife Service

FDA = Food and Drug Administration

E = Endangered

T = Threatened

C = Commercially Exploited

NL = Not Listed

List of potential species was derived from Appendix H in the Lee County Land Development Code.

Table 7 Protected plant species potentially present based on the habitats present on-site.

Common/Scientific Name	FLUCCS	FDA	USFWS	Observed (Y/N)
Fakahatchee burmannia <i>Burmannia flava</i>	411	E	-	N
Satin leaf <i>Chrysophyllum olivae forme</i>	411	E	-	N
Beautiful paw-paw <i>Deeringothamnus pulchellus</i>	411	E	E	N
Florida coontie <i>Zamia floridana</i>	411	CE	-	N
Reflexed wild pine <i>Tillandsia balbisiana</i>	625	T	T	Y
Common wild pine <i>Tillandsia fasciculata</i>	411, 625	E	E	Y
Giant air plant <i>Tillandsia utriculata</i>	411, 625	E	E	Y
Butterfly orchid <i>Encyclia tampensis</i>	625	C	C	Y

Note: Although each "E" (Exotic) level was not provided in the above table it is assumed that the listed species could be observed in any exotic level designation (E1-E4).

C = Commercially Exploited

E = Endangered

T = Threatened

4. Proposed Conditions

4.1. Project Description

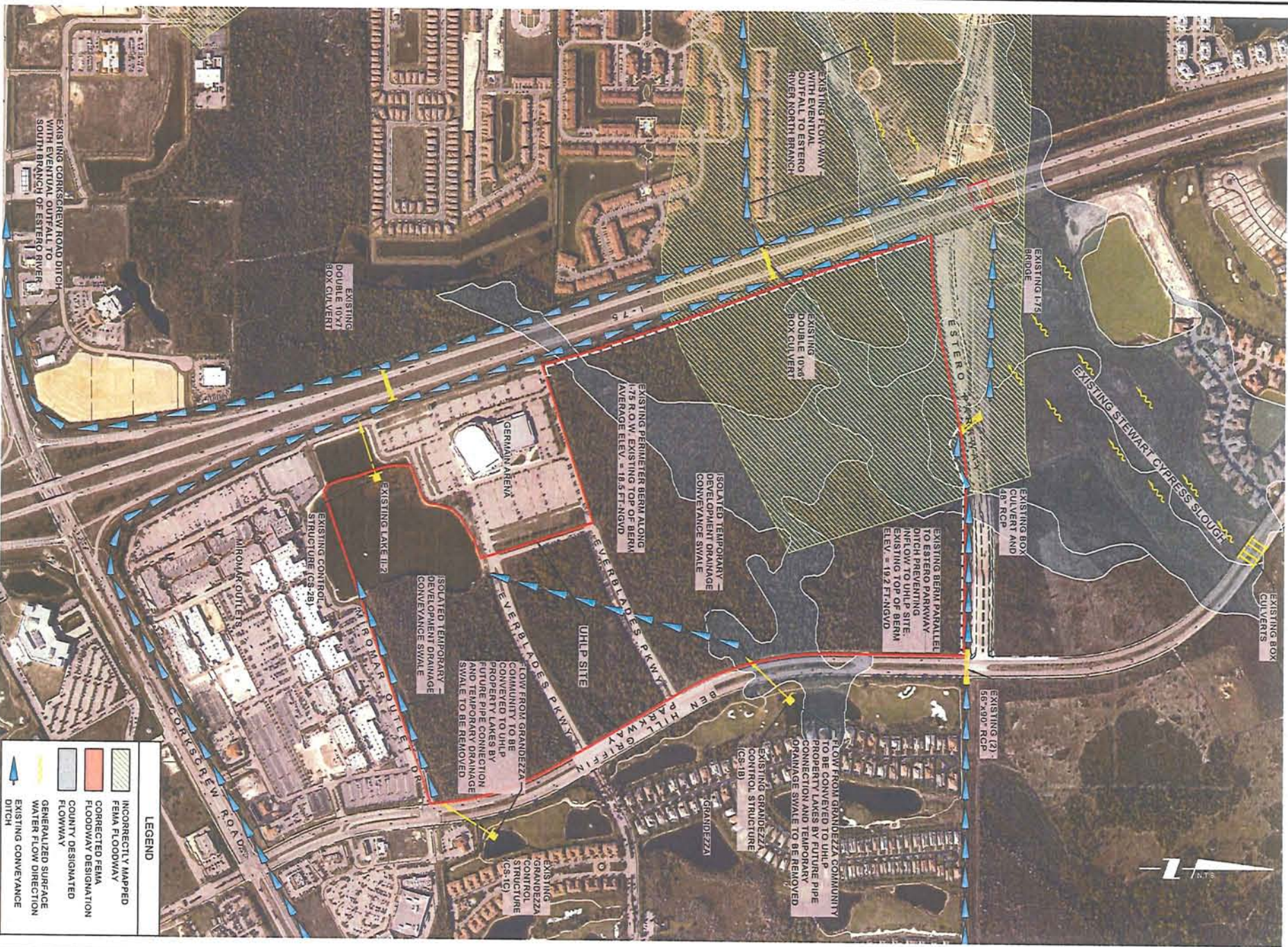
The property is currently approved as a mixed use community including commercial , residential and hotel. These uses are consistent with the current DRI DO, zoning and ERP Permit. The proposed development will include basic infrastructure for stormwater management, utilities, roadways, and parking to support the intended uses. The backbone surface water management system will consist of both wet and dry detention areas and control structures to provide the required water quality and quantity storage volumes. Storm sewer culverts, swales, and overland flow will convey run-off to the storage areas.

4.2. Impact Assessment

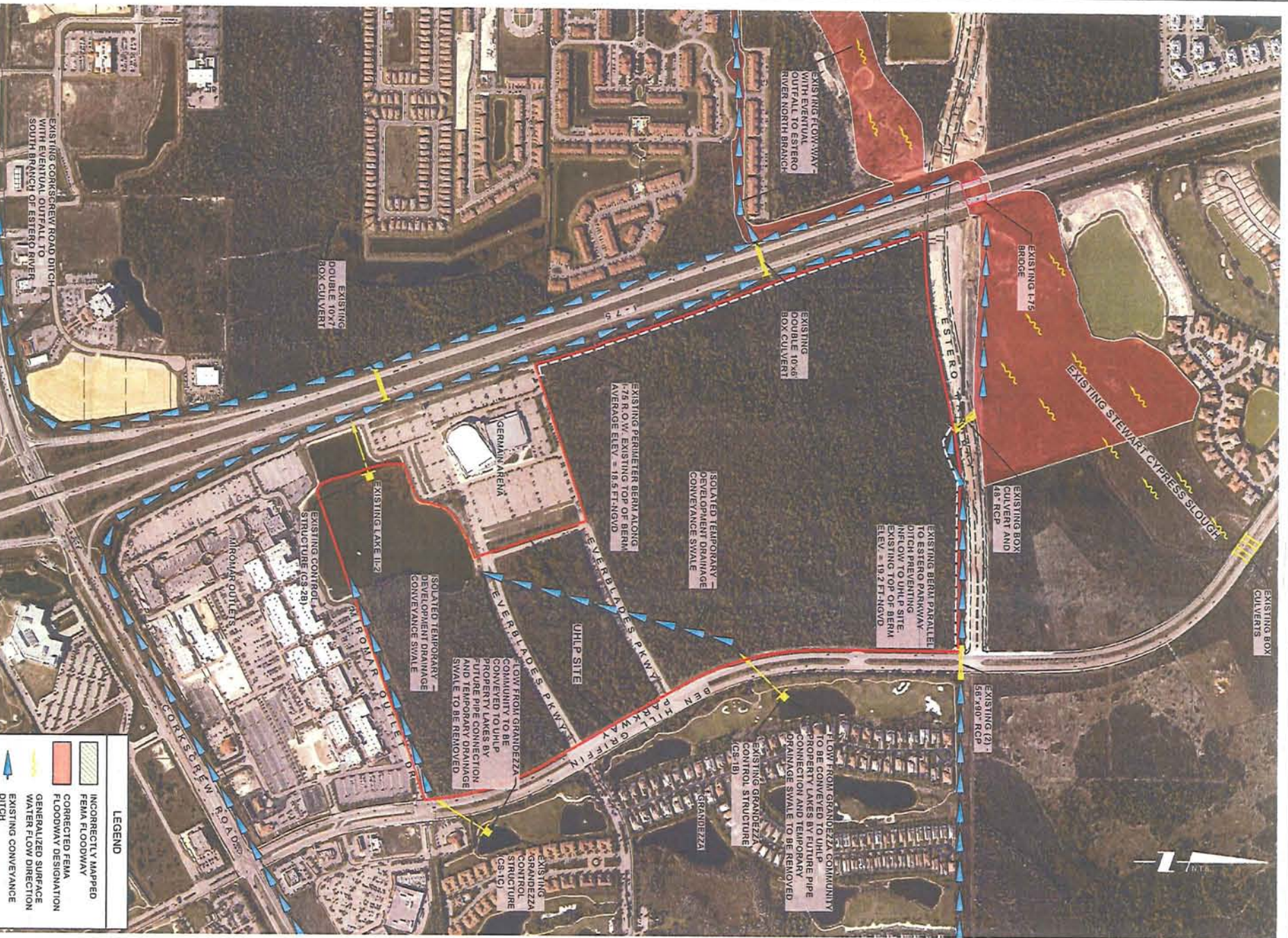
Under the approved DRI master plan and SFWMD ERP Permit there are approximately 0.3 acres of wetlands (See SFWMD wetland Map Exhibit 6) remaining as part of the preserved wetland within the portion of the Timberland and Tiburon DRI west of Ben Hill Griffin Parkway. The original DRI, prior to the permitting and construction of Estero Parkway, proposed a 1 acre preserve. The remaining portion of this low quality wetland was reviewed and the secondary impacts appears to be mitigated as part of the permitting related to the Estero Parkway improvements to the north of University Highland. The development of the subject property is in-fill development that has no connection to adjacent wildlife habitat. The severe melaleuca infestation results in a site that provides limited wildlife value. The higher quality wetlands within the T and T DRI are located east of Ben Hill Griffin Parkway and have been preserved and protected under a conservation easement. The mitigation for the entire DRI was evaluated and located per the DRI DO east of Ben Hill Griffin Parkway. According to the existing SFWMD ERP permit and DRI a total of 33.59 acres (2.35 acres of uplands, 30.51 acres of enhanced wetlands and 0.73 acres of restored/created wetlands) of preserve were required. According to the Lee County Property Appraiser there is a total of 41.3 acres of wetlands and associated uplands protected via a conservation easement within the Timberland and Tiburon DRI. This exceeds the required 33.59 acres of SFWMD wetland and upland preserve required for the DRI.

Wildlife usage on the project site is low, with the exception of the use of the stormwater management lake by the alligator, and the wading birds. This use is directly related to foraging opportunities provided by the stormwater management lake and associated littoral areas. Four gopher tortoise burrows were located along an existing trail. As noted, the surrounding highways on three sides, along with Germain Arena and the Miromar mall inhibit the use of the site by the Florida panther and Florida black bear. The higher quality habitat within the DRI is located east of Ben Hill Griffin Parkway and is protected under a conservation easement.

Exhibit 1 – Flowway Exhibit (with Existing Topography)



FLOWWAYS - CURRENT COUNTY MAPPING



ACTUAL SITE CONDITIONS

WILSONMILLER PROJECT NUMBER 03247-003-001		CROSS REF. NUMBER DD-03247-002		SHEET DESCRIPTION FLOWWAY EXHIBIT	
PROJ. START DATE FEB. 2010		TOWNSHIP N.T.S.		CLIENT UNIVERSITY HIGHLAND LIMITED PARTNERSHIP	
DATE 001 OF 001		SCALE 1" = 400'		T & T MPD AMENDMENT - (AREA #1 & #2)	
001 OF 001		N.T.S.		UHLF PROPERTY	
WILSONMILLER PROJECT NUMBER 03247-003-001		CROSS REF. NUMBER DD-03247-002		SHEET DESCRIPTION FLOWWAY EXHIBIT	
PROJ. START DATE FEB. 2010		TOWNSHIP N.T.S.		CLIENT UNIVERSITY HIGHLAND LIMITED PARTNERSHIP	
DATE 001 OF 001		SCALE 1" = 400'		T & T MPD AMENDMENT - (AREA #1 & #2)	
001 OF 001		N.T.S.		UHLF PROPERTY	
WILSONMILLER PROJECT NUMBER 03247-003-001		CROSS REF. NUMBER DD-03247-002		SHEET DESCRIPTION FLOWWAY EXHIBIT	
PROJ. START DATE FEB. 2010		TOWNSHIP N.T.S.		CLIENT UNIVERSITY HIGHLAND LIMITED PARTNERSHIP	
DATE 001 OF 001		SCALE 1" = 400'		T & T MPD AMENDMENT - (AREA #1 & #2)	
001 OF 001		N.T.S.		UHLF PROPERTY	

Exhibit 2 – NRCS Soils Map

ESTERO PARKWAY CONNECTOR



BEN HILL GRIFFIN PKWY

CORKSCREW

LEGEND

- Boundary
- Hydric Soils
- Symbol, Name**
- 6, Hallandale Fine Sand
- 13, Boca Fine Sand
- 26, Pineda Fine Sand
- 39, Isles Fine Sand, Depressional
- 44, Malabar Fine Sand, Depressional
- 73, Pineda Fine Sand, Depressional
- 99, Water

WilsonMiller
New Directions In Planning, Design & Engineering

Planners, Engineers, Ecologists, Surveyors, GIS Consultants,
Landscape Architects, Transportation Consultants
3200 Bailey Lane, Suite 200
Naples, Florida 34105
TEL: (239) 649-4040
www.wilsonmiller.com GIS@WilsonMiller.com
Offices strategically located to serve our clients



0 200 400
Feet

University Highland Limited Partnership
N.R.C.S. Soils Map

GENERAL NOTES

This exhibit was prepared using GIS data provided by various sources that may include but are not limited to federal, state, district and local agencies. WilsonMiller, Inc. does not warrant data provided by other sources for accuracy or for any particular use that may require accurate information. This map is for informational purposes only and should not be relied upon for a true title search, property appraisal, survey, or for zoning verification.
© Copyright 2002 WilsonMiller, Inc. Unpublished Map/Document in Progress.
Created January 25, 2010
Source: 11/01/2002, UniversityHighlandMS01
11/17/2002, UNLP, Suite 201/0125, v01, 2208.mxd

Exhibit 3 – FLUCCS Map



LEGEND

 Boundary

 FLUCCS

WilsonMiller

New Directions in Planning, Design & Engineering

Planners, Engineers, Ecologists, Surveyors, GIS Consultants,
Landscape Architects, Transportation Consultants

3200 Bailey Lane, Suite 200
Naples, Florida 34105
TEL: (239) 649-4040
www.wilsonmiller.com GIS@WilsonMiller.com

Offices strategically located to serve our clients

FLUCCS	Description	Acres
411E1	Pine Flatwoods,Exotics 10-24%	1.2
411E2	Pine Flatwoods,Exotics 25-49%	2.92
411E3	Pine Flatwoods,Exotics 50-75%	40.11
411E4	Pine Flatwoods,Exotics >75%	7.12
513	Ditches	2.91
522	Lakes	13.98
619	Exotic Wetland Hardwoods	20.87
625E3	Hydric Pine Flatwoods,Exotics 50-75%	75.39
625E4	Hydric Pine Flatwoods,Exotics >75%	32.56
743	Spoil Areas	0.44
743E3	Spoil Areas,Exotics 50-75%	0.35
814	Roads	9.36
8146	Primitive/Trails	1.21
Grand Total		208.42



0

200

400

Feet

University Highland Limited Partnership

FLUCCS Map

GENERAL NOTES

The exhibit was prepared using GIS data provided by various sources that may include but are not limited to federal, state, district and local agencies. WilsonMiller, Inc. does not warrant data provided by other sources for accuracy or for any particular use that may require accurate information. This map is for informational purposes only and should not be used for a final site search, property acquisition, survey, or for zoning verification.

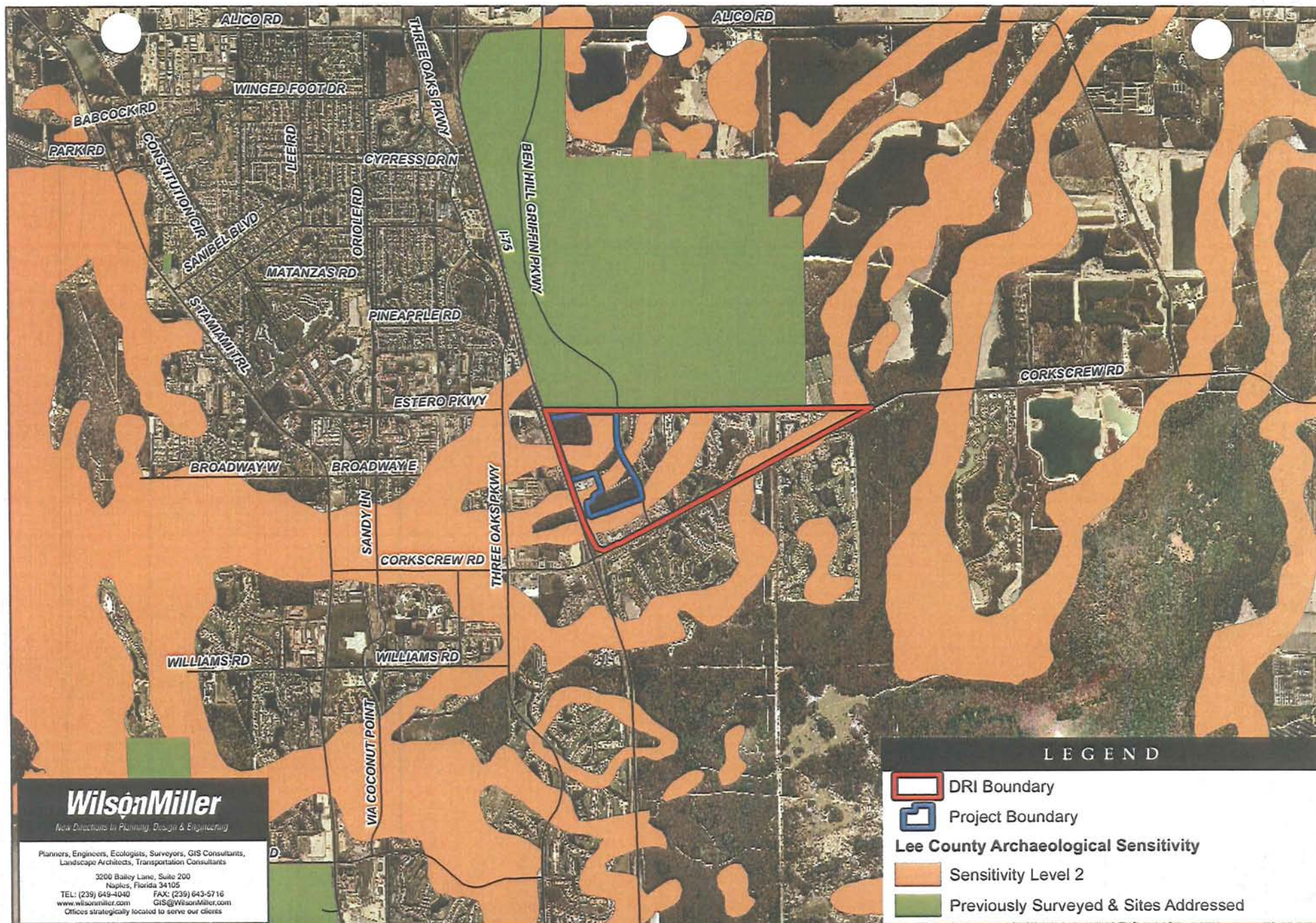
© Copyright 2009 WilsonMiller, Inc. All Rights Reserved. Reproduction is Prohibited.

Created: January 25, 2010

Source: Project 02247, University Highland Limited Partnership

11x1702247 UHLP FLUCCS 2009126_v01 270.mxd

Exhibit 4 – Lee County Archaeological Sensitivity Map



WilsonMiller

New Directions in Planning, Design & Engineering

Planners, Engineers, Ecologists, Surveyors, GIS Consultants,
Landscape Architects, Transportation Consultants

3200 Bailey Lane, Suite 200

Naples, Florida 34105

TEL: (239) 649-4040 FAX: (239) 643-5716

www.wilsonmiller.com GIS@WilsonMiller.com

Offices strategically located to serve our clients

LEGEND



DRI Boundary



Project Boundary

Lee County Archaeological Sensitivity



Sensitivity Level 2



Previously Surveyed & Sites Addressed



University Highland Limited Partnership

Lee County Archaeological Sensitivity Map

GENERAL NOTES

This exhibit was prepared using GIS data provided by various sources that may include but are not limited to federal, state, district and local agencies. WilsonMiller, Inc. does not warrant data provided by other sources for accuracy or for any particular use that may require accurate information. This map is for informational purposes only and should not be substituted for a true title search, property appraisal, survey, or for zoning verification.

© Copyright 2008 WilsonMiller, Inc. Unauthorized Reproduction is Prohibited.

Created: February 16, 2010

Source: T:\Projects\03247_UniversityHighland\06020

03247_001_P_Archaeological 20100710 v02 2308.mxd

Exhibit 5 – Listed Species Survey Transect Map

Exhibit 6 – SFWMD Wetlands Map



GENERAL NOTES

This dataset was prepared using GIS Data provided by various sources that may include data are not limited to federal, state, district and local agencies. Weatherill, Inc. does not warrant data provided by other sources for accuracy or for any particular use that may result from its analysis. This map is for informational purposes only and should not be substituted for a site title search, properly executed, nor used as evidence without further investigation.

© Copyright 2009 Weatherill, Inc. Unauthorized Reproduction is Prohibited.
Revised: March 12, 2010
Source: CityProject0327, University Heights MASH
M1A7069247-SP00042-WV

Contacts

If a dead Eastern indigo snake is found during construction, please contact the following:

Ecological & Water Resources

WilsonMiller

(239) 649-4040

Thomas Trettis or Bruce Layman

A WilsonMiller representative will then contact the following agencies as appropriate.

U.S. Fish and Wildlife Service

(239) 353-2873

Florida Fish and Wildlife Conservation Commission

3941 Tamiami Trail, Suite 3111

Punta Gorda, Florida 33950



**Identification
and
Protection of the**

**EASTERN INDIGO
SNAKE**

Prepared by:

WilsonMiller, Inc.

3200 Bailey Lane, Suite 200

Naples, FL 34105

800.649.4336 wilsonmiller.com

WilsonMiller

WilsonMiller



Introduction and Laws of Protection

The Eastern indigo snake (*Drymarchon corais couperi*) was formerly collected heavily for the pet trade. This activity coupled with the fact that its habitat has been largely fragmented by development has led the Florida Fish and Wildlife Conservation Commission (FWC) and the U.S. Fish and Wildlife Service (FWS) to categorize the species as threatened. It is also protected under the Endangered Species Act of 1973.

There is a slight potential for this snake to be found on-site.

The following information gives a description of the Eastern indigo snake and its habits and also explains what to do if a snake is encountered during construction.

Characteristics

Physical Description: The Eastern indigo snake is the largest of the North American snakes. It is heavy-bodied and uniformly shiny blue-black.

Habitat: In the Southeast, it is found in pine flatwoods, turkey oak and palmetto strands near water. They also reside in gopher tortoises' burrows for protection and warmth.

Mating Habits: This species mates from November to February with hatchlings appearing in late July to October.

Feeding Habits: The Eastern indigo snake is not a constrictor; it immobilizes food with its jaw. It will feed on frogs, small mammals, birds, other snakes, lizards and young turtles.

Defense Mechanisms: When disturbed, the Eastern indigo snake hisses, vibrates its tail and flattens its neck.

Protection Measures

Because the Eastern indigo snake is protected under the Endangered Species Act of 1973, there are civil and criminal penalties for injuring, harming, harassing or killing this species. If an Eastern indigo snake is sighted during construction, the following measures shall be taken:

- Cease construction activity in the area of the sighting immediately;
- Notify a WilsonMiller biologist named on the back of this brochure;
- Allow the Eastern indigo snake sufficient time to move away from the site on its own before resuming construction.



Notice to Contractors and Employees

On the project, all contractors and employees associated with land clearing, grading and construction are required to know that **Eastern Indigo Snakes** may exist in this area and precautions by all employees shall be taken to avoid harm to this protected species.

If an **Eastern Indigo Snake** is found during clearing, grading or construction, **all construction activities in the immediate vicinity of the snake shall cease**. It is required that any snake found be allowed to freely move away from the construction area. Qualified biologists from the U.S. Fish and Wildlife Service, the Florida Fish and Wildlife Conservation Commission, or personnel authorized by a state or federal permit are the only persons permitted to physically handle living or dead Eastern indigo snakes. Any contractor or employee identifying a living Eastern indigo snake is requested to immediately contact:

Ecological & Water Resources, WilsonMiller, Inc.
(239) 649-4040

Tom Trettis or Bruce Layman



*The Big Cypress fox squirrel is
protected under the
Florida Endangered and Threatened
Species Act of 1977.*



**Identification
and
Protection of the**

***BIG CYPRESS*
FOX SQUIRREL**

Prepared by:

WilsonMiller, Inc.
3200 Bailey Lane, Suite 200
Naples, FL 34105
800.649.4336 wilsonmiller.com

WilsonMiller

Introduction and Laws of Protection

The Big Cypress fox squirrel (*Sciurus niger avicennia*) generally occurs south of the Caloosahatchee River and west of the Everglades. This small range, coupled habitat fragmentation, led the Florida Fish and Wildlife Conservation Commission (FWC) to list the species as threatened.

The property contains Big Cypress fox squirrel habitat, so there is potential for this species to occur on site. Gray squirrels may also occur on site, and the nests of these two species cannot be distinguished.

This pamphlet describes the Big Cypress fox squirrel and its habits, and also explains what to do if one is encountered.

Characteristics

Physical Description: The Big Cypress fox squirrel averages 21 inches in total length (head + body + tail). It is typically rust or orange-buff in color with a dark back. The head has a black crown and cheeks, and a white muzzle and white ears/ear tips.

Habitat: This squirrel typically occurs in slash pine flatwoods and cypress forest, with or without cabbage palms and oaks present. This squirrel constructs nest platforms that are composed of leaves, Spanish moss, twigs, pine needles, and strips of cypress bark.

Mating Habits: This species has two distinct breeding seasons: one from early May through August, and a second from late November through January. Females produce one litter per year. Young squirrels have been observed emerging from nests in September and March.

Feeding Habits: Big Cypress fox squirrels consume slash pine seeds, cypress seeds, cabbage and queen palm fruits, bromeliads, acorns, fungi, and other fruits.

Protection Measures

The Big Cypress fox squirrel is protected under the Florida Endangered and Threatened Species Act of 1977 (FL Statute 372.072), there are civil and criminal penalties for injuring, harming, harassing or killing this species.



Fox squirrels can coexist with low-impact types of development projects, including residential and golf course improvements. In order to accommodate this protected species, covenants require that dogs and cats be on leashes when not inside buildings. This squirrel spends a significant portion of the time on or near the ground and is not afraid of people. As a result, free roaming pets can negatively impact the fox squirrel population. Additional, bird feeder enthusiasts are encouraged to use squirrel restrictors on their feeders if they do not desire to feed the squirrels. As noted previously, it is illegal to harm, harass or kill this species, so extermination is not an acceptable means of keeping the feeders squirrel-free.

Questions regarding fox squirrel management or the dos and don'ts of interaction with fox squirrels should be directed to:

Florida Fish and Wildlife Conservation Commission
3941 Tamiami Trail, Suite 3111
Punta Gorda, Florida 33950

EXHIBIT D

C960609

AGREEMENT

This Agreement is entered into between the Board of County Commissioners of Lee County, Florida hereinafter "Lee County", and Timberland, Ltd., a Florida Limited Partnership and Tiburon, Limited, a Florida Limited Partnership hereinafter "T&T".

WITNESSETH

WHEREAS, Lee County is a local government within whose jurisdiction the subject property is located, and whose responsibility is to regulate the development of land within its jurisdiction; and

WHEREAS, T&T is the owner of certain real property located in Lee County, Florida, which is more particularly described in Exhibit "A" attached to this Agreement and incorporated herein by reference (the "Site"); and

WHEREAS, T&T is required to obtain a U.S. Army Corps of Engineers (ACOE) Permit for the jurisdictional wetlands on site; and

WHEREAS, all of the jurisdictional wetland areas are heavily invaded by Melaleuca and other exotic vegetation; and

WHEREAS, this infestation by exotic vegetation generally reduces wildlife habitat values of this property; and

WHEREAS, the T&T property is located outside of the designated panther habitat on the Habitat Preservation Plan prepared for the Florida Panther Interagency Committee; and

WHEREAS, the ACOE supports a policy of creating large regional environmental preserves that have the maximum wildlife and wetland benefits; and

WHEREAS, the acquisition, preservation and management of off-site ecosystems would achieve certain ecological benefits that is not possible through restoration and preservation of the jurisdictional wetlands in their entirety on the site; and

WHEREAS, ACOE has agreed to issue the Department of the Army Permit, being Permit Number 199302371, upon the execution of this Agreement by Lee County and T&T.

NOW THEREFORE, in consideration of the mutual covenants and promises contained herein and in consideration of the benefits to accrue to each of the parties, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. Recitals. All recitals contained above are incorporated herein and are essential elements hereof.

2. The site plan, which has been submitted to the ACOE for permit approval under Section 404 of the Clean Water Act, includes for restoration and preservation the approximately 34 acres of uplands and wetlands that are identified in Exhibit "B" as attached to the Agreement.

3. The net acreage of the site which is to be developed, exclusive of road rights-of-way and environmental preserves, is identified on Exhibit "C", Table of Acreages and totals 705.4 acres.

4. In compensation for the impacts to the ACOE jurisdictional wetlands that are not being preserved on site, and to provide funds for off-site preservation and management of wildlife habitat, the developer agrees to pay to Lee County an "Environmental Assessment" equal to \$1,700.00 for each acre of land within the 705.4 "net" acres identified on Exhibit "C" as it receives a County development order.

5. ACOE has determined that payment of the "Environmental Assessment" fee as provided in paragraph 4 above, along with the on-site restoration and preservation of lands as provided in paragraph 2 above, will be a full, fair, and equitable compensation for the impacts to the ACOE jurisdictional wetlands and associated wildlife habitats that are not being preserved, or restored on site, and as such will constitute fulfillment of developers mitigation requirements for the entire T&T project pursuant to the ACOE permit. The total value of this Environmental Assessment so calculated will be \$1,200,000.00

6. Lee County shall use the proceeds from this Environmental Assessment to acquire lands within the area identified on the map attached as Exhibit "D". The lands so acquired shall be managed by the County in an environmentally responsible manner and in accordance with procedures adopted by the County. The County shall be responsible for determining which specific lands to acquire and the method for such acquisition and management. These actions shall be coordinated with South Florida Water Management District and Lee County programs so that the total area acquired under all such efforts is managed to preserve and enhance their wildlife habitat and other environmental values. Lee County will exert its best effort to spend each fee payment within one year of receipt, either alone or in combination with other land acquisition program funds. Acquired areas will remain in their natural state in perpetuity, either through a legally sufficient conservation easement or other mechanism approved by the ACOE. The acquired areas will not be disturbed by any dredging, filling, law.

clearing, agricultural activities, planting, or any other construction work whatsoever, except as necessary for any necessary restoration or management practices. A small portion of this fee may, as necessary, and with the approval of ACOE be placed in a trust to provide for continued maintenance and management of acquired lands. Within three months of land acquisition, a plan shall be submitted by Lee County or the ultimate manager of the property for restoration and management for approval by the ACOE.

7. A condition of the ACOE permit requires a status report regarding the land acquisition program to be given to ACOE annually. Lee County will provide, annually, to the Permittee the following information which will be forwarded by the Permittee to ACOE together with supplementary information as per ACOE condition:

i) Lee County will provide a description of the location and a brief statement of general vegetative and other environmental features of the lands that have been acquired to date by Lee County using the proceeds from the environmental assessment payment(s).

ii) Lee County will provide a description of the cumulative total of environmental assessment payment(s) received, how they were spent, and actions underway to spend the balance.

8. The Environmental Assessment will be a condition of any Lee County development order approval for developer, and the actual assessment shall be paid before any physical construction occurs on that part of the project for which the development order has been approved. The fee will be assessed on each approved Lee County development order at the rate of \$1,700.00 per acre, for those acres which are shown on Exhibit "C".

9. The Development contemplated by this Agreement is described in the DRI Development Order #7-8384-46 and is consistent with the Lee County Comprehensive Plan.

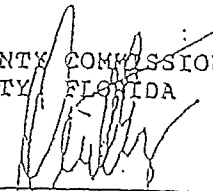
10. This Agreement constitutes the entire agreement of the parties. This Agreement may be modified or amended only by a separate writing entered into between the parties hereto.

11. The date of this Agreement is the date the last party signs and acknowledges this Agreement.

IN WITNESS WHEREOF, the parties, by and through their respective duly authorized undersigned representatives, have executed this Agreement on the date and year below written.

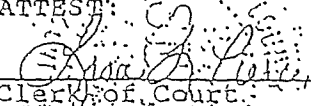
BOARD OF COUNTY COMMISSIONERS
FOR LEE COUNTY, FLORIDA

Date: 6/19/96

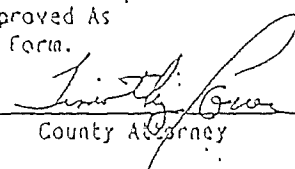
By: 
Chairman or Vice Chairman
Douglas St. Cerny
Printed Name
Chairman
Title

(OFFICIAL SEAL)

ATTEST


Clerk of Court

Approved As
To Form.

By 
County Attorney

WITNESSES:

1st Witness

James T. Humphrey
Printed Name

Michelle Adams
2nd Witness

MICHELE ADAMS
Printed Name

WITNESSES:

1st Witness

James T. Humphrey
Printed Name

Michelle Adams
2nd Witness

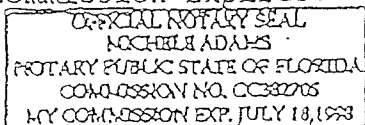
MICHELE ADAMS
Printed Name

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 19th day of June, 1996 by Fereydoon Rabii, Vice President of Gulf Coast Realty Management Corp., a General Partner of Timberland, Ltd., a Florida Limited Partnership and Tiburon Limited, a Florida Limited Partnership. He is personally known to me.

My Commission Expires:



G:\document\zoning\tst 96\agmt.coe

Date: June 19, 1996

GULF COAST REALTY MANAGEMENT CORP.,
a Florida corporation,
General Partner of TIMBERLAND, LTD.,
a Florida Limited Partnership

By:

Fereydoon Rabii
Vice President

Date: June 19, 1996

GULF COAST REALTY MANAGEMENT CORP.,
a Florida corporation, General
Partner of TIBURON LIMITED,
a Florida Limited Partnership

By:

Fereydoon Rabii
Vice President

Michelle Adams
Notary Public

MICHELE ADAMS
Printed Name

PROPERTY DESCRIPTION.

THAT PORTION OF SECTIONS 25, 26 AND 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, LOCATED NORTHERLY OF THE NORTHERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD AND EASTERLY OF I-75 (STATE ROAD NO. 93) BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SECTION 25, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S. 89° 26' 17" W., ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 25, FOR A DISTANCE OF 2525.10 FEET TO THE NORTH 1/4 CORNER OF SAID SECTION 25; THENCE RUN S. 89° 28' 07" W., ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 25, FOR A DISTANCE OF 2621.50 FEET TO THE NORTHWEST CORNER OF SAID SECTION 25; THENCE RUN N. 89° 11' 39" W., ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, FOR A DISTANCE OF 2686.44 FEET TO THE NORTH 1/4 CORNER OF SAID SECTION 25; THENCE RUN N. 89° 45' 24" W., ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 26, FOR A DISTANCE OF 886.04 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF I-75 (STATE ROAD NO. 93) AS THE SAME IS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR STATE ROAD NO. 93 (I-75) FOR LEE COUNTY, SECTION 12075-2402 SHEET 7 OF 9, LAST REVISED 1/16/81; THENCE RUN S. 13° 17' 53.4" E., ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 3819.11 FEET; THENCE RUN S. 19° 26' 38" E., ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 899.21 FEET; THENCE RUN S. 21° 18' 00" E., ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 205.99 FEET; THENCE RUN S. 23° 00' 43" E., ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 205.99 FEET; THENCE RUN S. 26° 32' 05" E., ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 485.03 FEET; THENCE RUN S. 28° 52' 20" E., ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 343.28 FEET; THENCE RUN S. 73° 34' 19" E., ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 304.01 FEET; THENCE RUN N. 63° 15' 55" E., ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 848.17 FEET; THENCE RUN S. 28° 20' 39" E., ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 40.00 FEET; THENCE RUN N. 61° 41' 02" E., ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 973.22 FEET; THENCE RUN S. 28° 13' 21" E., ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 10.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD; THENCE RUN N. 61° 46' 36" E., ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD, FOR A DISTANCE OF 5102.67 FEET TO A POINT ON THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 25; THENCE RUN N. 00° 48' 28" W., ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 25, FOR A DISTANCE OF 2398.97 FEET TO THE POINT OF BEGINNING.

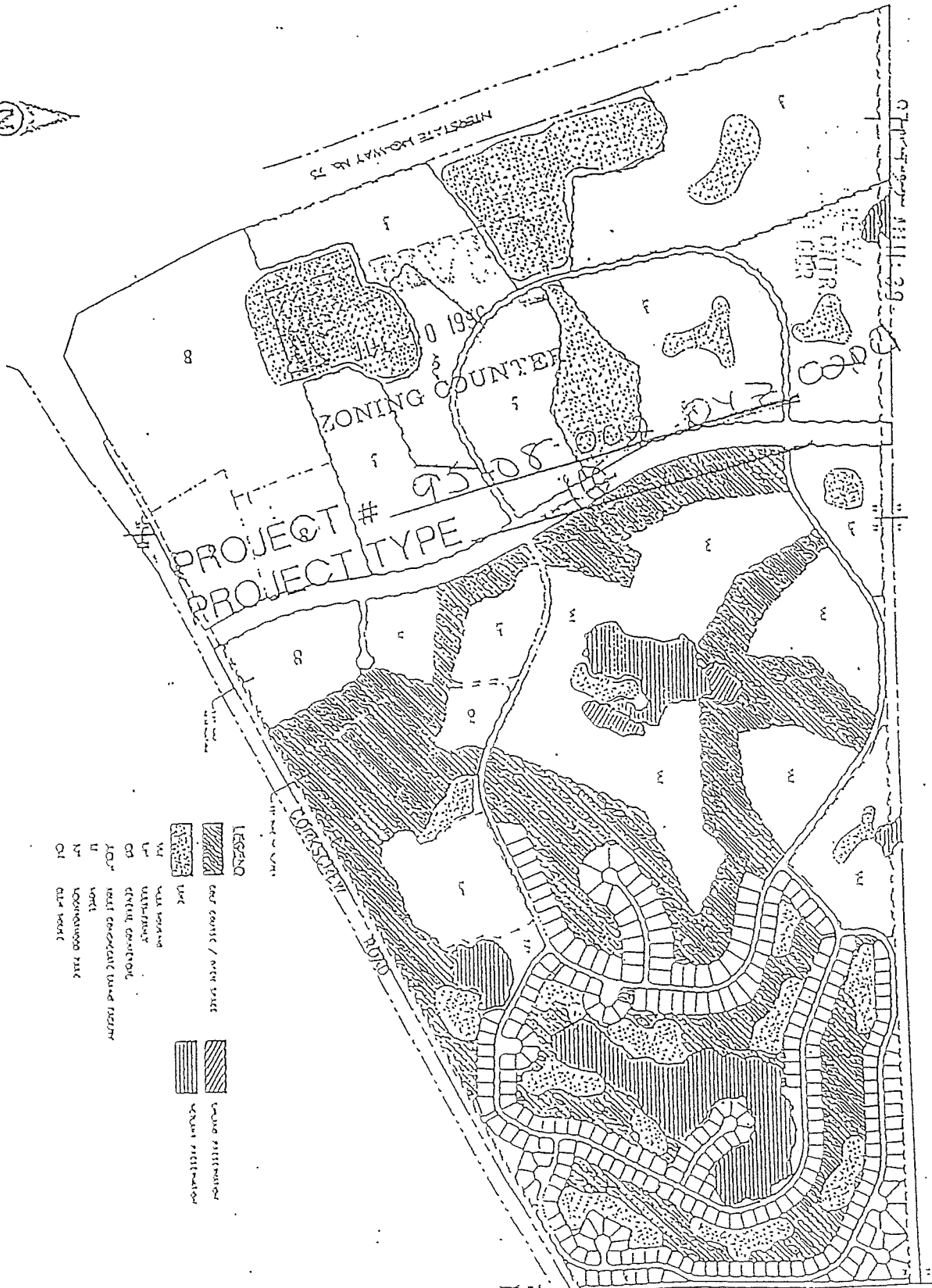
NOTES: BEARINGS SHOWN HEREON REFER TO THOSE AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR STATE ROAD NO. 93 (I-75), LEE COUNTY, SECTION 12075-2402, SHEET 7, REVISED 1/16/81.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

PROPERTY AREA: 794.22 ACRES, MORE OR LESS.

LEE COUNTY PART II

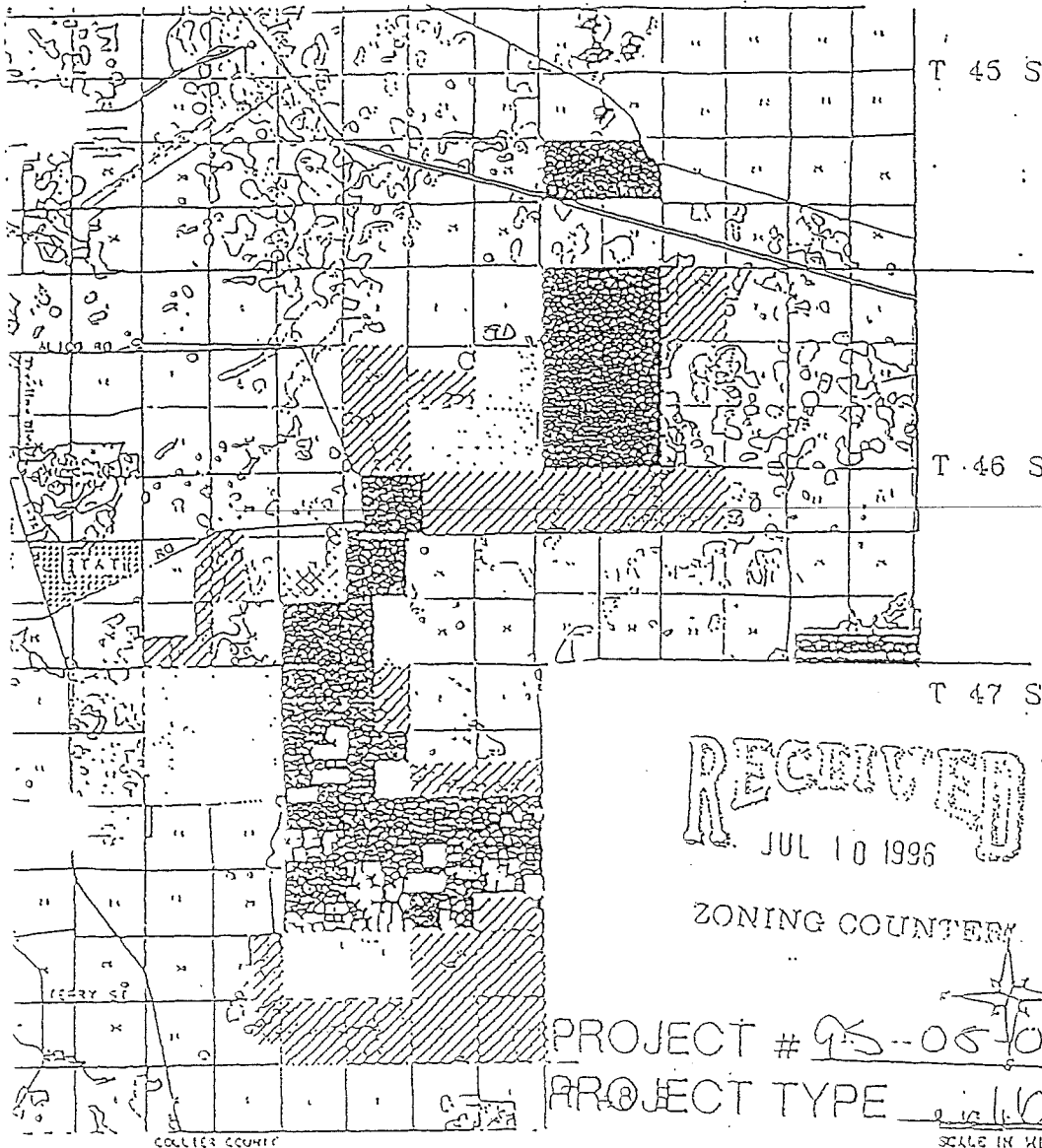
SCALE: 1" = 1000'



- LEGEND**
- CITY CENTER / OFFICE USE
 - URBAN RESIDENTIAL
 - SUBURBAN RESIDENTIAL
 - RURAL RESIDENTIAL
 - FOREST LAND
 - WETLANDS
 - AGRICULTURAL LAND
 - OPEN SPACE
 - WATER
 - TRANSPORTATION
 - INDUSTRIAL
 - COMMERCIAL
 - COMMUNITY CENTER
 - PUBLIC USE
 - UNIMPROVED LAND
 - OTHER

TIMBERLAND & TIBURON
ENVIRONMENTAL ASSESSMENT AREA

Total Property Area	794.2 Ac. ±
Excluded Areas	
Wetland/Upland Preserves	33.6 Ac. ±
R.O.W. (Treeline/Corkscrew/Koreshan)	41.7 Ac. ±
Borrow Pit	<u>13.5 Ac. ±</u>
Sub-Total	88.8 Ac. ±
Total Assessment Area	705.4 Ac. ±



Land Acquisition Target Areas Map

for

Timberland & Tiburon

Feb. 5, 1995



WETLANDS (NOT IN CONSERVATION LANDS)
(SOURCE: FOOT FLUGGS MAPPING, 1990. NOT FIELD VERIFIED)



COUNTY-OWNED CONSERVATION LANDS



OTHER PUBLIC CONSERVATION LANDS



PRIVATELY-OWNED CONSERVATION LANDS



PROPOSED CONSERVATION LANDS



"CONSERVATION AND
RECREATION LANDS" (CARL)
(TO BE ACQUIRED)
(INCOMPLETE ON THIS COPY)



T&T LAND ACQUISITION TARGET AREAS

Southern Biomas, EIS
5225 Coronado Pkwy, Suite A
P. O. Box 517 Cape Coral, FL 33910
TEL (911) 547-5220 FAX (911) 547-1240

REQUESTED MOTION:

ACTION REQUESTED: Approve the transfer of a small amount of acreage acquired by Lee County pursuant to the Conservation Lands, Project No. 8800 to the T&T Mitigation Project, No. 8830; authorize the Division of County Lands to handle and accept all documentation necessary to effectuate all conveyances; authorize transfer of funds from Project 8830 to Project 8800 as acreage is identified.

WHY ACTION IS NECESSARY: The Board must formally approve all real estate conveyances and transfers and utilizations of funding sources.

WHAT ACTION ACCOMPLISHES: The transfer of qualified properties from the Conservation Lands Project to the T&T Mitigation Project and utilization of funds obtained through the T&T Mitigation Agreement as required.

2. DEPARTMENTAL CATEGORY: 17
COMMISSION DISTRICT #:

17A

3. MEETING DATE: 4-4-2000

4. AGENDA

☒ CONSENT
☐ ADMINISTRATIVE
☐ APPEALS
☐ PUBLIC
☐ TIME REQUIRED: _____

5. REQUIREMENT/PURPOSE

(Specify)
☐ STATUTE
☒ ORDINANCE 96-12
☐ ADMIN. CODE
☒ OTHER C960609

6. REQUESTOR OF INFORMATION

A. COMMISSIONER: _____
B. DEPARTMENT: Public Works
C. DIVISION: County Lands
BY: Karen L. W. Forsyth, Director *[Signature]*

7. BACKGROUND: The Division of County Lands is currently involved in the acquisition of properties for the Conservation 2020 Program. County Lands has also been involved in trying to identify environmentally sensitive properties for possible purchase via the T&T (Timberland and Tiburon DRI) Mitigation Agreement. Properties purchased pursuant to this project must be located within a defined geographical area, as previously identified by the committee chaired by former State Rep. Keith Arnold. Currently, this fund has collected \$189,567.00. The Agreement runs through May 20, 2006 and will ultimately collect \$1,200,000.00 once buildout has occurred for the T&T project.

Due to the relatively small amount of funds currently held and the uncertainty as to when, and how much, additional funds will come into the program, it has been extremely difficult to identify and purchase any properties to date. Since the Conservation Lands Program is already well established in the identification of potential properties to be purchased, it has been determined that some sort of collaboration between the two programs would be most beneficial. A legal opinion by the County Attorney's Office has determined that the funding sources, and properties so purchased, must be kept separate and identifiable as part of the program so purchasing it. This also includes future maintenance costs. As a result, co-mingling of funds is not permitted. The Division of County Lands is proposing that a solution to this ongoing problem would be to allow the T&T Mitigation Project to "purchase" properties that have previously been acquired within the defined geographical area of the "Arnold Committee" at the total cost incurred by the Conservation 2020 Program, in essence, reimbursing the Conservation 2020 Program for these properties. In this way, properties purchased have gone through a rigorous screening process as required by both programs and keeps both programs separate and distinct. Properties so purchased would then become "T&T Properties" and be maintained by funds available through that program. Conservation 2020 will be reimbursed 100% for expenses, including, but not limited to the purchase price, closing costs, appraisal fees, survey fees, environmental audit fees, etc. These funds would then go back into the 2020 Project to make additional purchases as approved by the Board.

The Conservation Land Acquisition and Stewardship Advisory Committee (CLASAC) formally endorsed this proposal at its February 24, 2000 meeting.

Staff recommends the Board approve the requested motion.

RECEIVED
APR 05 2000

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL

COUNTY LANDS

DEPARTMENT DIRECTOR	Purchasing	Human Resource	County Administration				OTHER	COUNTY ATTORNEY	COUNTY MANAGER
			BA	AGS	Asst Dir.	Dir.			
			BA	AGS	Asst Dir.	Dir.			

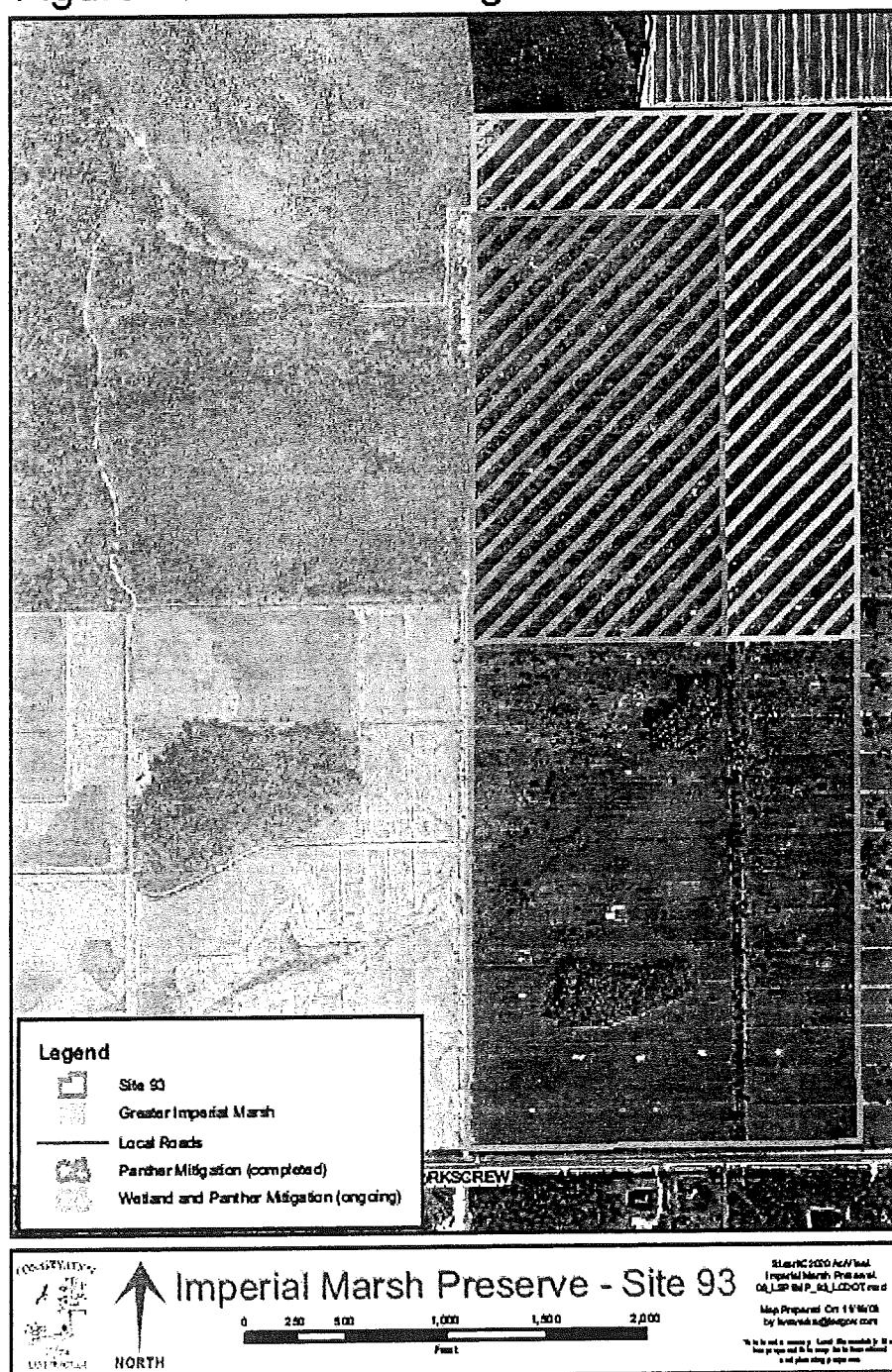
10. COMMISSION ACTION:

☒ APPROVED
☐ DENIED
☐ DEFERRED
☐ OTHER

RECEIVED BY
COUNTY ADMIN.
3/3/00
2:00pm
COUNTY ADMIN. DIR.
FORWARDED TO:
3/3/00
11:00 AM

REC'D.
BY CO. ATTY.
3/3/2000
12:00pm
CO. ATTY.
FORWARDED TO:
3/3/2000
11:00 AM

Figure 49: LCDOT Mitigation



Memorandum
from the
Division of County Lands

To: Anik Smith
Land Stewardship Supervisor
Lee County Parks and Recreation
Conservation 2020

Date: March 4, 2005
From: Teresa L. Mann
Teresa L. Mann
Property Acquisition Agent

SUBJECT: Conservation Lands Program, Site 93

As you know staff has discussed designating a portion of the above property as Timberland and Tiburon Mitigation (T & T) area. Currently the T&T Mitigation Fund (CIP #8830) has \$825,331 of unspent revenue as of 1/21/05. Based on the Agreement between Lee County and T&T, the total environmental assessment amount should be \$1,200,000.

On 4/4/2000 (Blue Sheet No. 20000222) the BoCC approved the transfer of acreage acquired by Lee County pursuant to Conservation Lands Project No. 8800 to the T&T Mitigation Project No. 8830.

We recently met with Betsie Hiatt and she provided us with a map depicting the approximate area on Site 93 that DOT is proposing to utilize for mitigation on the Corkscrew Road Widening Project. Based on this information, we have drawn the proposed DOT mitigation, along with the proposed T&T mitigation area on a copy of the survey of Site 93. We are proposing to designate the South half ($\pm$ 117 acres) of this site as T&T mitigation area. A copy of the survey with these areas shown is attached for your reference.

In accordance with the above-mentioned Blue Sheet, the T&T project is to reimburse for the total cost incurred by the Conservation 2020 Program. The total cost incurred for acquisition on Site 93 is \$5,420.53 per acre. This includes purchase price, closing fees, appraisal, and environmental audit costs. Thus, designating 117 acres x \$5,420.53 would equate to \$634,202.01 that could be transferred to Conservation Lands Program for future acquisitions.

For your reference, attached is a copy of Blue Sheet No. 20000222, survey with mitigation areas shown, Agreement between Lee County and Timberland and Tiburon Limited, and information from the Conservation 2020 database regarding acquisition costs.

Please review and advise via e-mail or memorandum whether the above is acceptable, so that we can finalize this matter. This issue will also be presented to CLASAC at the April 14, 2005 meeting.

Thank you.

cc: Karen L.W. Forsyth, County Lands Director, w/attachments
Roger Clark, Parks and Recreation Land Stewardship Manager, w/attachments
Betsie N. Hiatt, Environmental Manager, LDOT, w/attachments



South Florida Water Management District

P.O. Box 24680 • 3301 Gun Club Road • West Palm Beach, FL 33416-4680 • (407) 688-8800 • FL WATS 1-800-432-2045

CON 24-06

March 19, 1991

PEZESHKAN FRED, MANAGING PARTNER
2606 S HORSESHOE DRIVE
GEN PARTNER TIMBERLAND LTD & TIBURON LTD
NAPLES, FL 33942

Dear Sir:

Subject: Permit Number 36-01871-S
TIMBERLAND & TIBURON, Lee County, SEC 25,26, TWP 46S, RGE 25E

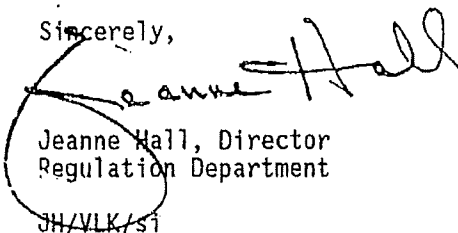
At its March 14, 1991 meeting, the Governing Board of this District gave Conceptual Approval to your surface water management plan, and authorized issuance of a Surface Water Management Permit, subject to the attached 12 limiting conditions and 17 special conditions. The permit will be mailed under separate cover.

The conceptual approval does not constitute a construction permit. It is based upon the information provided by the applicant and may be subject to suspension, revocation or modification in accordance with Rule 40E-4.341 (FAC) if it is later determined that said information is erroneous or false. All future applications for construction submitted pursuant to this conceptual approval will be reviewed pursuant to the provisions of Rule 40E-4.301(3) (FAC).

As construction plans are developed for additional Phases they must be submitted to this District, and no additional construction may begin until written approval has been granted by this District.

If you have any questions concerning this matter, please feel free to call.

Sincerely,


Jeanne Hall, Director
Regulation Department

JH/VLK/sj

cc: HOLE, MONTES & ASSOC.
LEE COUNTY ENGINEER
DER

Governing Board:

Les F. Garner, Chairman - Fort Myers
John A. Jason, Vice Chairman - Key Biscayne
John Millan - Miami

Fritz Steln - Belle Glade
Mike Stout - Windermere
Ken Adams - West Palm Beach

Valerie Boyd - Naples
James E. Nall - Fort Lauderdale
Charles W. Causey - Islamorada

John R. Wodraska, Executive Director
Tilford C. Creel, Deputy Executive Director
Thomas R. MacVicar, Deputy Executive Director

SPECIAL CONDITIONS

1. MINIMUM BUILDING FLOOR ELEVATION (FEET NGVD):

BASIN 1	BASIN 2	BASIN 3
<u>20.5</u>	<u>20.5</u>	<u>19.7</u>

2. MINIMUM ROAD CROWN ELEVATION (FEET NGVD):

BASIN 1	BASIN 2	BASIN 3
<u>19.0</u>	<u>19.0</u>	<u>18.2</u>

3. DISCHARGE FACILITIES

W-1 1 - 18.5" WIDE WEIR WITH A CREST AT ELEVATION 17.0' NGVD AND 160 LF OF 24" BY 38" RCP CULVERT.

W-2 1 - 5.3" WIDE WEIR WITH A CREST AT ELEVATION 17.0' NGVD AND 450 LF OF 18" RCP CULVERT.

W-3 1 - 5.3" WIDE WEIR WITH AN INVERT AT ELEVATION 17.0' NGVD AND 450 LF OF 18" RCP CULVERT.

W-4 1 - 23.1" WIDE WEIR WITH AN INVERT AT ELEVATION 16.2' NGVD AND 400 LF OF 34" BY 53" RCP CULVERT.

W-5 1 - 23.1" WIDE WEIR WITH AN INVERT AT ELEVATION 16.2' NGVD AND 150 LF OF 34" BY 53" RCP CULVERT.

CONTROL ELEVATION (FEET NGVD):

BASIN 1	BASIN 2	BASIN 3
<u>17.0</u>	<u>17.0</u>	<u>16.2</u>

RECEIVING WATER:

BASIN 1	BASIN 2	BASIN 3
ESTERO RIVER	BASIN 3	ESTERO RIVER

4. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY EROSION OR SHOALING PROBLEMS THAT RESULT FROM THE CONSTRUCTION OR OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM.

5. MEASURES SHALL BE TAKEN DURING CONSTRUCTION TO INSURE THAT SEDIMENTATION AND/OR TURBIDITY PROBLEMS ARE NOT CREATED IN THE RECEIVING WATER.
6. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY WATER QUALITY PROBLEMS THAT RESULT FROM THE CONSTRUCTION OR OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM.
7. THE DISTRICT RESERVES THE RIGHT TO REQUIRE THAT WATER QUALITY TREATMENT METHODS BE INCORPORATED INTO THE DRAINAGE SYSTEM IF SUCH MEASURES ARE SHOWN TO BE NECESSARY.
8. OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM WILL BE THE RESPONSIBILITY OF TIMBERLAND, LTD. & TIBURON LTD. PRIOR TO TRANSFER OF TITLE FOR ANY PORTION OF THE PROJECT TO A THIRD PARTY MODIFICATION OF THE PERMIT WILL BE REQUIRED TO VERIFY CONTINUED COMPLIANCE WITH LIMITING CONDITION NO. 8.
9. LAKE SIDE SLOPES SHALL BE 4:1 (HORIZONTAL:VERTICAL) TO A DEPTH OF TWO FEET BELOW THE CONTROL ELEVATION. SIDE SLOPES SHALL BE NURTURED OR PLANTED FROM 2 FEET BELOW TO 1 FOOT ABOVE CONTROL ELEVATION TO INSURE VEGETATIVE GROWTH.
10. PRIOR TO THE INITIATION OF ANY WITHDRAWAL OF WATER (IRRIGATION, DEWATERING, PUBLIC WATER SUPPLY, ETC.), IT WILL BE NECESSARY TO APPLY FOR A WATER USE PERMIT. THE PERMITTEE IS CAUTIONED THAT A MINIMUM OF 90 DAYS IS REQUIRED FOR CONSIDERATION OF THE WATER USE PERMIT APPLICATION. THE PERMITTEE IS CAUTIONED THAT THE ISSUANCE OF A SURFACE WATER MANAGEMENT PERMIT SHALL NOT BE CONSTRUED TO BE A GUARANTEE THAT WATER WILL BE AVAILABLE.
11. THE PERMITTEE SHALL SUBMIT A COPY OF ALL PRELIMINARY PLATS FOR DISTRICT STAFF REVIEW, TO DETERMINE IF SUFFICIENT DRAINAGE AND MAINTENANCE EASEMENTS HAVE BEEN PROVIDED. A COPY OF ALL RECORDED PLATS SHALL BE SUBMITTED WHEN AVAILABLE, TO BE INCLUDED INTO THE PERMIT FILE FOR DOCUMENTATION OF ADEQUATE AND PROPER EASEMENTS FOR THE DRAINAGE FACILITIES AND DEDICATION OF WETLANDS FOR CONSERVATION.
12. AT LEAST 30 DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION, THE SFWMD FIELD ENGINEERING DIVISION SHALL BE NOTIFIED BY THE PERMITTEE OR PROJECT ENGINEER OF THE CONSTRUCTION START DATE.
13. CONSTRUCTION STATUS REPORTS SHALL BE SUBMITTED TO THE SFWMD FIELD ENGINEERING DIVISION ON AN ANNUAL BASIS BEGINNING WITH THE INITIAL COMMENCEMENT OF CONSTRUCTION DATE.
14. WITHIN 30 DAYS OF COMPLETION OF CONSTRUCTION, THE PERMITTEE OR PROJECT ENGINEER SHALL NOTIFY THE SFWMD FIELD ENGINEERING DIVISION OF THAT COMPLETION DATE. THIS NOTIFICATION SHALL INCLUDE CERTIFICATION INFORMATION AS REQUIRED BY STANDARD LIMITING CONDITION NUMBER 4.

15. WETLANDS AND BUFFER ZONES SHALL BE DEDICATED FOR CONSERVATION AND DECLARED COMMON AREAS IN THE DEED RESTRICTIONS, AS WELL AS ON THE PLAT IF THE PROJECT WILL BE PLATTED. RESTRICTIONS FOR USE OF THE CONSERVATION AREAS SHALL STIPULATE:

THE CONSERVATION AREAS ARE HEREBY DECLARED COMMON AREAS, THEY SHALL BE THE PERPETUAL RESPONSIBILITY OF THE ASSOCIATION AND MAY IN NO WAY BE ALTERED FROM THEIR NATURAL STATE. ACTIVITIES PROHIBITED WITHIN THE CONSERVATION AREAS INCLUDE, BUT ARE NOT LIMITED TO: CONSTRUCTION OR PLACING OF BUILDINGS ON OR ABOVE THE GROUND; DUMPING OR PLACING SOIL OR OTHER SUBSTANCES SUCH AS TRASH; REMOVAL OR DESTRUCTION OF TREES, SHRUBS, OR OTHER VEGETATION - WITH THE EXCEPTION OF EXOTIC VEGETATION REMOVAL; EXCAVATION, DREDGING, OR REMOVAL OF SOIL MATERIAL; DIKING OR FENCING; AND ANY OTHER ACTIVITIES DETRIMENTAL TO DRAINAGE, FLOOD CONTROL, WATER CONSERVATION, EROSION CONTROL, OR FISH AND WILDLIFE HABITAT CONSERVATION OR PRESERVATION.

DRAFT COPIES OF SUCH DOCUMENTS SHALL BE SUBMITTED TO DISTRICT STAFF FOR REVIEW. RECORDED COPIES SHALL BE SUBMITTED, WHEN AVAILABLE, TO BE INCLUDED IN THE PERMIT FILE.

16. PRIOR TO CONSTRUCTION IN PHASE 1-A, THE PERMITTEE SHALL SUBMIT DOCUMENTATION WHICH LEGALLY RESERVES THE WATER MANAGEMENT AREAS (INCLUDING A MINIMUM 20 FOOT WIDE MAINTENANCE EASEMENT AROUND THE 2.5 ACRE LAKE IN PHASE 1-A) FOR DRAINAGE PURPOSES. SUBSEQUENT OWNERS OR OTHERS MAY NOT REMOVE SUCH AREAS FROM THEIR INTENDED USE. WATER MANAGEMENT AREAS SHALL BE CONNECTED TO A PUBLIC ROAD OR OTHER LOCATION FROM WHICH OPERATION AND MAINTENANCE ACCESS IS LEGALLY AND PHYSICALLY AVAILABLE AND SHALL BE DECLARED COMMON PROPERTY. SUCH DEDICATION SHALL BE RECORDED IN THE OFFICIAL RECORDS OF THE COUNTY. PROOF OF RECORDATION MUST BE SUBMITTED TO DISTRICT STAFF WHEN AVAILABLE.
17. PRIOR TO CONSTRUCTION IN PHASE 1-A, THE PERMITTEE SHALL FIELD STAKE AND ROPE OFF THAT PORTION OF THE ± 18 ACRE PROTECTED WETLAND (INCLUDING BUFFER ZONES A MINIMUM OF 15' IN WIDTH AND AVERAGING 25' IN WIDTH OVERALL) ADJACENT TO THE 2.5 ACRE LAKE TO BE CONSTRUCTED IN PHASE 1-A. IN ADDITION, THE FIELD STAKING AND ROPING OF THE WETLAND SHALL EXTEND 100 FEET NORTH AND SOUTH OF THE ADJACENT LAKE LIMITS. FIELD STAKING/ROPING SHALL BE APPROVED BY DISTRICT ENVIRONMENTAL STAFF. THE STAKING AND ROPING SHALL REMAIN IN PLACE UNTIL SURROUNDING IMPROVEMENTS HAVE BEEN COMPLETELY CONSTRUCTED TO PREVENT ENCROACHMENT INTO THE CONSERVATION AREAS.

LIMITING CONDITIONS

1. THE PERMITTEE SHALL PROSECUTE THE WORK AUTHORIZED IN A MANNER SO AS TO MINIMIZE ANY ADVERSE IMPACT OF THE WORKS ON FISH, WILDLIFE, NATURAL ENVIRONMENTAL VALUES, AND WATER QUALITY. THE PERMITTEE SHALL INSTITUTE NECESSARY MEASURES DURING THE CONSTRUCTION PERIOD, INCLUDING FULL COMPACTION OF ANY FILL MATERIAL PLACED AROUND NEWLY INSTALLED STRUCTURES, TO REDUCE EROSION, TURBIDITY, NUTRIENT LOADING AND SEDIMENTATION IN THE RECEIVING WATERS.
2. WATER QUALITY DATA FOR THE WATER DISCHARGED FROM THE PERMITTEE'S PROPERTY OR INTO SURFACE WATERS OF THE STATE SHALL BE SUBMITTED TO THE DISTRICT AS REQUIRED. PARAMETERS TO BE MONITORED MAY INCLUDE THOSE LISTED IN CHAPTER 17-3. IF WATER QUALITY DATA IS REQUIRED, THE PERMITTEE SHALL PROVIDE DATA AS REQUIRED, ON VOLUMES OF WATER DISCHARGED, INCLUDING TOTAL VOLUME DISCHARGED DURING THE DAYS OF SAMPLING AND TOTAL MONTHLY DISCHARGES FROM THE PROPERTY OR INTO SURFACE WATERS OF THE STATE.
3. THE PERMITTEE SHALL COMPLY WITH ALL APPLICABLE LOCAL SUBDIVISION REGULATIONS AND OTHER LOCAL REQUIREMENTS. IN ADDITION THE PERMITTEE SHALL OBTAIN ALL NECESSARY FEDERAL, STATE, LOCAL AND SPECIAL DISTRICT AUTHORIZATIONS PRIOR TO THE START OF ANY CONSTRUCTION OR ALTERATION OF WORKS AUTHORIZED BY THIS PERMIT.
4. THE OPERATION PHASE OF THIS PERMIT SHALL NOT BECOME EFFECTIVE UNTIL A FLORIDA REGISTERED PROFESSIONAL ENGINEER CERTIFIES THAT ALL FACILITIES HAVE BEEN CONSTRUCTED IN ACCORDANCE WITH THE DESIGN APPROVED BY THE DISTRICT. WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION OF THE SURFACE WATER MANAGEMENT SYSTEM, THE PERMITTEE SHALL SUBMIT THE CERTIFICATION AND NOTIFY THE DISTRICT THAT THE FACILITIES ARE READY FOR INSPECTION AND APPROVAL. UPON APPROVAL OF THE COMPLETED SURFACE WATER MANAGEMENT SYSTEM, THE PERMITTEE SHALL REQUEST TRANSFER OF THE PERMIT TO THE RESPONSIBLE ENTITY APPROVED BY THE DISTRICT.
5. ALL ROADSS SHALL BE SET AT OR ABOVE ELEVATIONS REQUIRED BY THE APPLICABLE LOCAL GOVERNMENT FLOOD CRITERIA.
6. ALL BUILDING FLOORS SHALL BE SET AT OR ABOVE ELEVATIONS ACCEPTABLE TO THE APPLICABLE LOCAL GOVERNMENT.
7. OFF-SITE DISCHARGES DURING CONSTRUCTION AND DEVELOPMENT SHALL BE MADE ONLY THROUGH THE FACILITIES AUTHORIZED BY THIS PERMIT. NO ROADWAY OR BUILDING CONSTRUCTION SHALL COMMENCE ON-SITE UNTIL COMPLETION OF THE PERMITTED DISCHARGE STRUCTURE AND DETENTION AREAS. WATER DISCHARGED FROM THE PROJECT SHALL BE THROUGH STRUCTURES HAVING A MECHANISM SUITABLE FOR REGULATING UPSTREAM WATER STAGES. STAGES MAY BE SUBJECT TO OPERATING SCHEDULES SATISFACTORY TO THE DISTRICT.
8. NO CONSTRUCTION AUTHORIZED HEREIN SHALL COMMENCE UNTIL A RESPONSIBLE ENTITY ACCEPTABLE TO THE DISTRICT HAS BEEN ESTABLISHED AND HAS AGREED TO OPERATE AND MAINTAIN THE SYSTEM. THE ENTITY MUST BE PROVIDED WITH SUFFICIENT OWNERSHIP SO THAT IT HAS CONTROL OVER ALL WATER MANAGEMENT FACILITIES AUTHORIZED HEREIN. UPON RECEIPT OF WRITTEN EVIDENCE OF THE SATISFACTION OF THIS CONDITION, THE DISTRICT WILL ISSUE AN AUTHORIZATION TO COMMENCE CONSTRUCTION.
9. THE PERMIT DOES NOT CONVEY TO THE PERMITTEE ANY PROPERTY RIGHT NOR ANY RIGHTS OR PRIVILEGES OTHER THAN THOSE SPECIFIED IN THE PERMIT AND CHAPTER 40E-4, FAC.
10. THE PERMITTEE SHALL HOLD AND SAVE THE DISTRICT HARMLESS FROM ANY AND ALL DAMAGES, CLAIMS, OR LIABILITIES WHICH MAY ARISE BY REASON OF THE CONSTRUCTION, OPERATION, MAINTENANCE OR USE OF ANY FACILITY AUTHORIZED BY THE PERMIT.
11. THIS PERMIT IS ISSUED BASED ON THE APPLICANT'S SUBMITTED INFORMATION WHICH REASONABLY DEMONSTRATES THAT ADVERSE OFF-SITE WATER RESOURCE RELATED IMPACTS WILL NOT BE CAUSED BY THE COMPLETED PERMIT ACTIVITY. IT IS ALSO THE RESPONSIBILITY OF THE PERMITTEE TO INSURE THAT ADVERSE OFF-SITE WATER RESOURCE RELATED IMPACTS DO NOT OCCUR DURING CONSTRUCTION.
12. PRIOR TO DEWATERING, PLANS SHALL BE SUBMITTED TO THE DISTRICT FOR APPROVAL. INFORMATION SHALL INCLUDE AS A MINIMUM: PUMP SIZES, LOCATIONS AND HOURS OF OPERATION FOR EACH PUMP. IF OFF-SITE DISCHARGE IS PROPOSED, OR OFF-SITE ADVERSE IMPACTS ARE EVIDENT, AN INDIVIDUAL WATER USE PERMIT MAY BE REQUIRED. THE PERMITTEE IS CAUTIONED THAT SEVERAL MONTHS MAY BE REQUIRED FOR CONSIDERATION OF THE WATER USE PERMIT APPLICATION.



Form #0113
Rev. 10/89

**South Florida
Water Management District**
CERTIFICATION FOR STORMWATER DISCHARGE

SURFACE WATER MANAGEMENT PERMIT NO. 36-01871-S
(NON-ASSIGNABLE)

DATE ISSUED: March 14, 1991

AUTHORIZING:

CONSTRUCTION AND OPERATION OF A WATER MANAGEMENT SYSTEM
SERVING 244.6 ACRES OF RESIDENTIAL LANDS DISCHARGING
INTO ESTERO RIVER VIA I-75.

LOCATED IN: LEE COUNTY, SECTION 25, 26 TWP. 46S RGE. 25E

ISSUED TO:

Fred Pezeshkan, Managing Partner for T & T Associates
Gen. Partner Timberland, Ltd. & Tiburon Ltd.
(Timberland & Tiburon)
2606 S. Horseshoe Drive
Naples, FL 33942

This Permit is issued pursuant to Application for Permit No. 901109-7 dated Oct. 19, 1990. Permittee agrees to hold and save the South Florida Water Management District and its successors harmless from any and all damages, claims or liabilities which may arise by reason of the construction, operation, maintenance or use of any work or structure involved in the Permit. Said Application, including all plans and specifications attached thereto, as addressed by the Staff Report, is by reference made a part hereof.

This Permit may be revoked or modified at anytime pursuant to the appropriate provisions of Chapter 373, Florida Statutes.

This Permit does not convey to Permittee any property rights or privileges other than those specified herein, nor relieve the Permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by Permittee hereunder shall remain the property of the Permittee.

Within thirty (30) days after the completion of the construction of any work or structure relative to this Permit, the Permittee shall file with the District a written statement of completion on the appropriate form provided by the Board.

SPECIAL CONDITIONS ARE AS FOLLOWS:

SEE SHEETS 2, 3, & 4 OF 5 - 17 SPECIAL CONDITIONS.

SEE SHEET 5 OF 5 - 12 LIMITING CONDITIONS.

FILED WITH THE CLERK OF THE SOUTH
FLORIDA WATER MANAGEMENT DISTRICT

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT, BY ITS
GOVERNING BOARD

ON Original signed by:
BY Vern Kaiser
DEPUTY CLERK

Original signed by
by TONY BURNS
By _____
Assistant Secretary

SPECIAL CONDITIONS

1. MINIMUM BUILDING FLOOR ELEVATION (FEET NGVD):

BASIN 1	BASIN 2	BASIN 3
<u>20.5</u>	<u>20.5</u>	<u>19.7</u>

2. MINIMUM ROAD CROWN ELEVATION (FEET NGVD):

BASIN 1	BASIN 2	BASIN 3
<u>19.0</u>	<u>19.0</u>	<u>18.2</u>

3. DISCHARGE FACILITIES

W-1 1 - 18.5" WIDE WEIR WITH A CREST AT ELEVATION 17.0' NGVD AND 160 LF OF 24" BY 38" RCP CULVERT.

W-2 1 - 5.3" WIDE WEIR WITH A CREST AT ELEVATION 17.0' NGVD AND 450 LF OF 18" RCP CULVERT.

W-3 1 - 5.3" WIDE WEIR WITH AN INVERT AT ELEVATION 17.0' NGVD AND 450 LF OF 18" RCP CULVERT.

W-4 1 - 23.1" WIDE WEIR WITH AN INVERT AT ELEVATION 16.2' NGVD AND 400 LF OF 34" BY 53" RCP CULVERT.

W-5 1 - 23.1" WIDE WEIR WITH AN INVERT AT ELEVATION 16.2' NGVD AND 150 LF OF 34" BY 53" RCP CULVERT.

CONTROL ELEVATION (FEET NGVD):

BASIN 1	BASIN 2	BASIN 3
<u>17.0</u>	<u>17.0</u>	<u>16.2</u>

RECEIVING WATER:

BASIN 1	BASIN 2	BASIN 3
ESTERO RIVER	BASIN 3	ESTERO RIVER

4. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY EROSION OR SHOALING PROBLEMS THAT RESULT FROM THE CONSTRUCTION OR OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM.

5. MEASURES SHALL BE TAKEN DURING CONSTRUCTION TO INSURE THAT SEDIMENTATION AND/OR TURBIDITY PROBLEMS ARE NOT CREATED IN THE RECEIVING WATER.
6. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY WATER QUALITY PROBLEMS THAT RESULT FROM THE CONSTRUCTION OR OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM.
7. THE DISTRICT RESERVES THE RIGHT TO REQUIRE THAT WATER QUALITY TREATMENT METHODS BE INCORPORATED INTO THE DRAINAGE SYSTEM IF SUCH MEASURES ARE SHOWN TO BE NECESSARY.
8. OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM WILL BE THE RESPONSIBILITY OF TIMBERLAND, LTD. & TIBURON LTD. PRIOR TO TRANSFER OF TITLE FOR ANY PORTION OF THE PROJECT TO A THIRD PARTY MODIFICATION OF THE PERMIT WILL BE REQUIRED TO VERIFY CONTINUED COMPLIANCE WITH LIMITING CONDITION NO. 8.
9. LAKE SIDE SLOPES SHALL BE 4:1 (HORIZONTAL:VERTICAL) TO A DEPTH OF TWO FEET BELOW THE CONTROL ELEVATION. SIDE SLOPES SHALL BE NURTURED OR PLANTED FROM 2 FEET BELOW TO 1 FOOT ABOVE CONTROL ELEVATION TO INSURE VEGETATIVE GROWTH.
10. PRIOR TO THE INITIATION OF ANY WITHDRAWAL OF WATER (IRRIGATION, DEWATERING, PUBLIC WATER SUPPLY, ETC.), IT WILL BE NECESSARY TO APPLY FOR A WATER USE PERMIT. THE PERMITTEE IS CAUTIONED THAT A MINIMUM OF 90 DAYS IS REQUIRED FOR CONSIDERATION OF THE WATER USE PERMIT APPLICATION. THE PERMITTEE IS CAUTIONED THAT THE ISSUANCE OF A SURFACE WATER MANAGEMENT PERMIT SHALL NOT BE CONSTRUED TO BE A GUARANTEE THAT WATER WILL BE AVAILABLE.
11. THE PERMITTEE SHALL SUBMIT A COPY OF ALL PRELIMINARY PLATS FOR DISTRICT STAFF REVIEW, TO DETERMINE IF SUFFICIENT DRAINAGE AND MAINTENANCE EASEMENTS HAVE BEEN PROVIDED. A COPY OF ALL RECORDED PLATS SHALL BE SUBMITTED WHEN AVAILABLE, TO BE INCLUDED INTO THE PERMIT FILE FOR DOCUMENTATION OF ADEQUATE AND PROPER EASEMENTS FOR THE DRAINAGE FACILITIES AND DEDICATION OF WETLANDS FOR CONSERVATION.
12. AT LEAST 30 DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION, THE SFWMD FIELD ENGINEERING DIVISION SHALL BE NOTIFIED BY THE PERMITTEE OR PROJECT ENGINEER OF THE CONSTRUCTION START DATE.
13. CONSTRUCTION STATUS REPORTS SHALL BE SUBMITTED TO THE SFWMD FIELD ENGINEERING DIVISION ON AN ANNUAL BASIS BEGINNING WITH THE INITIAL COMMENCEMENT OF CONSTRUCTION DATE.
14. WITHIN 30 DAYS OF COMPLETION OF CONSTRUCTION, THE PERMITTEE OR PROJECT ENGINEER SHALL NOTIFY THE SFWMD FIELD ENGINEERING DIVISION OF THAT COMPLETION DATE. THIS NOTIFICATION SHALL INCLUDE CERTIFICATION INFORMATION AS REQUIRED BY STANDARD LIMITING CONDITION NUMBER 4.

15. WETLANDS AND BUFFER ZONES SHALL BE DEDICATED FOR CONSERVATION AND DECLARED COMMON AREAS IN THE DEED RESTRICTIONS, AS WELL AS ON THE PLAT IF THE PROJECT WILL BE PLATTED. RESTRICTIONS FOR USE OF THE CONSERVATION AREAS SHALL STIPULATE:

THE CONSERVATION AREAS ARE HEREBY DECLARED COMMON AREAS, THEY SHALL BE THE PERPETUAL RESPONSIBILITY OF THE ASSOCIATION AND MAY IN NO WAY BE ALTERED FROM THEIR NATURAL STATE. ACTIVITIES PROHIBITED WITHIN THE CONSERVATION AREAS INCLUDE, BUT ARE NOT LIMITED TO: CONSTRUCTION OR PLACING OF BUILDINGS ON OR ABOVE THE GROUND; DUMPING OR PLACING SOIL OR OTHER SUBSTANCES SUCH AS TRASH; REMOVAL OR DESTRUCTION OF TREES, SHRUBS, OR OTHER VEGETATION - WITH THE EXCEPTION OF EXOTIC VEGETATION REMOVAL; EXCAVATION, DREDGING, OR REMOVAL OF SOIL MATERIAL; DIKING OR FENCING; AND ANY OTHER ACTIVITIES DETRIMENTAL TO DRAINAGE, FLOOD CONTROL, WATER CONSERVATION, EROSION CONTROL, OR FISH AND WILDLIFE HABITAT CONSERVATION OR PRESERVATION.

DRAFT COPIES OF SUCH DOCUMENTS SHALL BE SUBMITTED TO DISTRICT STAFF FOR REVIEW. RECORDED COPIES SHALL BE SUBMITTED, WHEN AVAILABLE, TO BE INCLUDED IN THE PERMIT FILE.

16. PRIOR TO CONSTRUCTION IN PHASE 1-A, THE PERMITTEE SHALL SUBMIT DOCUMENTATION WHICH LEGALLY RESERVES THE WATER MANAGEMENT AREAS (INCLUDING A MINIMUM 20 FOOT WIDE MAINTENANCE EASEMENT AROUND THE 2.5 ACRE LAKE IN PHASE 1-A) FOR DRAINAGE PURPOSES. SUBSEQUENT OWNERS OR OTHERS MAY NOT REMOVE SUCH AREAS FROM THEIR INTENDED USE. WATER MANAGEMENT AREAS SHALL BE CONNECTED TO A PUBLIC ROAD OR OTHER LOCATION FROM WHICH OPERATION AND MAINTENANCE ACCESS IS LEGALLY AND PHYSICALLY AVAILABLE AND SHALL BE DECLARED COMMON PROPERTY. SUCH DEDICATION SHALL BE RECORDED IN THE OFFICIAL RECORDS OF THE COUNTY. PROOF OF RECORDATION MUST BE SUBMITTED TO DISTRICT STAFF WHEN AVAILABLE.
17. PRIOR TO CONSTRUCTION IN PHASE 1-A, THE PERMITTEE SHALL FIELD STAKE AND ROPE OFF THAT PORTION OF THE ± 18 ACRE PROTECTED WETLAND (INCLUDING BUFFER ZONES A MINIMUM OF 15' IN WIDTH AND AVERAGING 25' IN WIDTH OVERALL) ADJACENT TO THE 2.5 ACRE LAKE TO BE CONSTRUCTED IN PHASE 1-A. IN ADDITION, THE FIELD STAKING AND ROPING OF THE WETLAND SHALL EXTEND 100 FEET NORTH AND SOUTH OF THE ADJACENT LAKE LIMITS. FIELD STAKING/ROPING SHALL BE APPROVED BY DISTRICT ENVIRONMENTAL STAFF. THE STAKING AND ROPING SHALL REMAIN IN PLACE UNTIL SURROUNDING IMPROVEMENTS HAVE BEEN COMPLETELY CONSTRUCTED TO PREVENT AN ENCROACHMENT INTO THE CONSERVATION AREAS.

LIMITING CONDITIONS

1. THE PERMITTEE SHALL PROSECUTE THE WORK AUTHORIZED IN A MANNER SO AS TO MINIMIZE ANY ADVERSE IMPACT OF THE WORKS ON FISH, WILDLIFE, NATURAL ENVIRONMENTAL VALUES, AND WATER QUALITY. THE PERMITTEE SHALL INSTITUTE NECESSARY MEASURES DURING THE CONSTRUCTION PERIOD, INCLUDING FULL COMPACTION OF ANY FILL MATERIAL PLACED AROUND NEWLY INSTALLED STRUCTURES, TO REDUCE EROSION, TURBIDITY, NUTRIENT LOADING AND SEDIMENTATION IN THE RECEIVING WATERS.
2. WATER QUALITY DATA FOR THE WATER DISCHARGED FROM THE PERMITTEE'S PROPERTY OR INTO SURFACE WATERS OF THE STATE SHALL BE SUBMITTED TO THE DISTRICT AS REQUIRED. PARAMETERS TO BE MONITORED MAY INCLUDE THOSE LISTED IN CHAPTER 17-3. IF WATER QUALITY DATA IS REQUIRED, THE PERMITTEE SHALL PROVIDE DATA AS REQUIRED, ON VOLUMES OF WATER DISCHARGED, INCLUDING TOTAL VOLUME DISCHARGED DURING THE DAYS OF SAMPLING AND TOTAL MONTHLY DISCHARGES FROM THE PROPERTY OR INTO SURFACE WATERS OF THE STATE.
3. THE PERMITTEE SHALL COMPLY WITH ALL APPLICABLE LOCAL SUBDIVISION REGULATIONS AND OTHER LOCAL REQUIREMENTS. IN ADDITION THE PERMITTEE SHALL OBTAIN ALL NECESSARY FEDERAL, STATE, LOCAL AND SPECIAL DISTRICT AUTHORIZATIONS PRIOR TO THE START OF ANY CONSTRUCTION OR ALTERATION OF WORKS AUTHORIZED BY THIS PERMIT.
4. THE OPERATION PHASE OF THIS PERMIT SHALL NOT BECOME EFFECTIVE UNTIL A FLORIDA REGISTERED PROFESSIONAL ENGINEER CERTIFIES THAT ALL FACILITIES HAVE BEEN CONSTRUCTED IN ACCORDANCE WITH THE DESIGN APPROVED BY THE DISTRICT. WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION OF THE SURFACE WATER MANAGEMENT SYSTEM, THE PERMITTEE SHALL SUBMIT THE CERTIFICATION AND NOTIFY THE DISTRICT THAT THE FACILITIES ARE READY FOR INSPECTION AND APPROVAL. UPON APPROVAL OF THE COMPLETED SURFACE WATER MANAGEMENT SYSTEM, THE PERMITTEE SHALL REQUEST TRANSFER OF THE PERMIT TO THE RESPONSIBLE ENTITY APPROVED BY THE DISTRICT.
5. ALL ROADS SHALL BE SET AT OR ABOVE ELEVATIONS REQUIRED BY THE APPLICABLE LOCAL GOVERNMENT FLOOD CRITERIA.
6. ALL BUILDING FLOORS SHALL BE SET AT OR ABOVE ELEVATIONS ACCEPTABLE TO THE APPLICABLE LOCAL GOVERNMENT.
7. OFF-SITE DISCHARGES DURING CONSTRUCTION AND DEVELOPMENT SHALL BE MADE ONLY THROUGH THE FACILITIES AUTHORIZED BY THIS PERMIT. NO ROADWAY OR BUILDING CONSTRUCTION SHALL COMMENCE ON-SITE UNTIL COMPLETION OF THE PERMITTED DISCHARGE STRUCTURE AND DETENTION AREA. WATER DISCHARGED FROM THE PROJECT SHALL BE THROUGH STRUCTURES HAVING A MECHANISM SUITABLE FOR REGULATING UPSTREAM WATER STAGES. STAGES MAY BE SUBJECT TO OPERATING SCHEDULES SATISFACTORY TO THE DISTRICT.
8. NO CONSTRUCTION AUTHORIZED HEREIN SHALL COMMENCE UNTIL A RESPONSIBLE ENTITY ACCEPTABLE TO THE DISTRICT HAS BEEN ESTABLISHED AND HAS AGREED TO OPERATE AND MAINTAIN THE SYSTEM. THE ENTITY MUST BE PROVIDED WITH SUFFICIENT OWNERSHIP SO THAT IT HAS CONTROL OVER ALL WATER MANAGEMENT FACILITIES AUTHORIZED HEREIN. UPON RECEIPT OF WRITTEN EVIDENCE OF THE SATISFACTION OF THIS CONDITION, THE DISTRICT WILL ISSUE AN AUTHORIZATION TO COMMENCE CONSTRUCTION.
9. THE PERMIT DOES NOT CONVEY TO THE PERMITTEE ANY PROPERTY RIGHT NOR ANY RIGHTS OR PRIVILEGES OTHER THAN THOSE SPECIFIED IN THE PERMIT AND CHAPTER 40E-4, FAC.
10. THE PERMITTEE SHALL HOLD AND SAVE THE DISTRICT HARMLESS FROM ANY AND ALL DAMAGES, CLAIMS, OR LIABILITIES WHICH MAY ARISE BY REASON OF THE CONSTRUCTION, OPERATION, MAINTENANCE OR USE OF ANY FACILITY AUTHORIZED BY THE PERMIT.
11. THIS PERMIT IS ISSUED BASED ON THE APPLICANT'S SUBMITTED INFORMATION WHICH REASONABLY DEMONSTRATES THAT ADVERSE OFF-SITE WATER RESOURCE RELATED IMPACTS WILL NOT BE CAUSED BY THE COMPLETED PERMIT ACTIVITY. IT IS ALSO THE RESPONSIBILITY OF THE PERMITTEE TO INSURE THAT ADVERSE OFF-SITE WATER RESOURCE RELATED IMPACTS DO NOT OCCUR DURING CONSTRUCTION.
12. PRIOR TO DEWATERING, PLANS SHALL BE SUBMITTED TO THE DISTRICT FOR APPROVAL. INFORMATION SHALL INCLUDE AS A MINIMUM: PUMP SIZES, LOCATIONS AND HOURS OF OPERATION FOR EACH PUMP. IF OFF-SITE DISCHARGE IS PROPOSED, OR OFF-SITE ADVERSE IMPACTS ARE EVIDENT, AN INDIVIDUAL WATER USE PERMIT MAY BE REQUIRED. THE PERMITTEE IS CAUTIONED THAT SEVERAL MONTHS MAY BE REQUIRED FOR CONSIDERATION OF THE WATER USE PERMIT APPLICATION.

MEMORANDUM

TO: John R. Wodraska, Executive Director
FROM: Jeanne Hall, Director, Regulation Department
DATE: March 13, 1991
SUBJECT: February Board Minutes

The following changes need to be made to the minutes of the February 14, 1991 meeting in order to reflect actions taken by the Board concerning regulatory matters (Agenda Item 35):

1. Cypress Park West (Page 21, Paragraph 2) was listed as a Surface Water Management/Water Use Permit Application. It should be listed as an amendment to the Cypress Park West Consent Order.
- NT AND 2. Richard Johnson was listed as located on Page 35, Paragraph 3 as a
90-26 Surface Water Management/Water Use Permit Application. It should be listed as being on Page 21, Paragraph 3 as a Consent Order.
3. DOAH CASE #90-005148 NO APPLICATION
Frank LePere (Page 21, Paragraph 4) and Lemuel W. Howard (Page 21, Paragraph 5) were listed as Surface Water Management/Water Use Permit Applications. They should be listed as Consent Orders.
- S 4. Dunwoody Unit 1 (Page 7, Paragraph 1) was listed as postponed to the
423-S March 14 Board meeting. It should be listed as postponed to the April 11 Board meeting.
- 6-1 5. Metrowest Unit 4 (Page 12, Paragraph 3) was listed as added as an
65-S addendum to the Surface Water Management/Water Use Permit Applications. It should be listed as revised by an addendum with approval subject to no objections by February 28.
- 7 6. In addition, the Surface Water Management Permit Application for
1-S Timberland and Tiburon (Page 9, Paragraph 4) was postponed to the March 14 Board meeting. (This was presented orally at the meeting.)

H:AR:si



South Florida Water Management District

P.O. Box 24680 • 3301 Gun Club Road • West Palm Beach, FL 33416-4680 • (407) 886-8800 • FL WATS 1-800-432-2045

CON 24-06

February 28, 1991

Fred Pezeshkan, Managing Partner for T & T Associates
Gen. Partner Timberland, Ltd. & Tiburon Ltd.
2606 S. Horseshoe Drive
Naples, FL 33942

Dear Sir or Madam:

Subject: Addendum to Staff Report dated January 23, 1991, Timberland & Tiburon,
Application No. 901109-7, Lee County, S25,26/T46S/R25E

Enclosed is an addendum to a staff report sent to you on January 28, 1991. It is requested that you read this addendum thoroughly and understand its contents. The recommendations as stated in the staff report and the addendum will be presented to our Governing Board for consideration on March 14, 1991.

Should you wish to object to the staff recommendation or file a petition, please provide written objections, petitions, and/or waivers (refer to the attached "Notice of Rights") to:

Vern Kaiser, Deputy Clerk
South Florida Water Management District
Post Office Box 24680
West Palm Beach, Florida 33416-4680

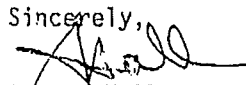
The "Notice of Rights" addresses the procedures to be followed if you desire a public hearing or further review of the proposed agency action. You are advised, however, to be prepared to defend your position regarding the permit application when it is considered by the Governing Board for final agency action, even if you agree with the staff recommendation, as the Governing Board may take final agency action which differs materially from the proposed agency action.

Please contact the District if you have any questions concerning this matter. If we do not hear from you prior to the date on the "Notice of Rights", we will assume you concur with our recommendation.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a "Notice of Rights" has been mailed to the addressee and the persons listed in the attached distribution list not later than 5:00 p.m. this 28th day of February 1991, in accordance with Section 120.63(3), Florida Statutes.

Sincerely,


Jeanne Hall
Director
Regulation Department

FINAL APPROVED BY GB

MAR 14 1991

WPB

CERTIFIED MAIL # P 281 825 255
RETURN RECEIPT REQUESTED

Governing Board:

Les F. Garner, Chairman - Fort Myers
Dan A. Jason, Vice Chairman - Key Biscayne
Enlo Millan - Miami

Fritz Stein - Belle Glade
Mike Stout - Windermere
Ken Adams - West Palm Beach

Valerie Boyd - Naples
James E. Nall - Fort Lauderdale
Charles W. Causey - Islamorada

John R. Wodraska, Executive Director
Tilford C. Creel, Deputy Executive Director
Thomas K. MacVicar, Deputy Executive Director



South Florida Water Management District *Notice Of Rights*

Form #0300
Rev 11/90

This Notice of Rights is intended to inform the recipient of the administrative and judicial review which may be available as mandated by section 120.60(3), Florida Statutes. Be advised that although this notice is intended to be comprehensive, the review procedures set forth herein have been the subject of judicial construction and interpretation which may affect the administrative or judicial review available. Recipients are therefore advised to become familiar with Chapters 120 and 373, Florida Statutes, and the judicial interpretation of the provisions of these chapters.

1. If a substantially affected person objects to the staff's recommendation, that person has the right to request an administrative hearing on the proposed agency action. The substantially affected person may request either a formal or an informal hearing, as set forth below. Failure to comply with the prescribed time periods shall constitute a waiver of the right to a hearing.
2. If the substantially affected person believes that a genuine issue of material fact is in dispute, that person may request a formal hearing pursuant to section 120.57(1), Florida Statutes, by filing a petition for hearing not later than N/A, 1991. The request for a 120.57(1) formal hearing must comply with the requirements of rule 40E-1.521 Florida Administrative Code, a copy of which is attached. Petitions are deemed filed upon receipt by the District. Failure to substantially comply with the provisions of rule 40E-1.521 Florida Administrative Code shall constitute a waiver of the right to a right to a 120.57(1) hearing.
3. If a substantially affected person believes that no issues of material fact are in dispute, that person may request an informal hearing pursuant to section 120.57(2), Florida Statutes, by filing a petition for hearing not later than N/A, 1991. A request for informal hearing shall be considered as a waiver of the right to request a formal section 120.57(1) hearing. A request for a section 120.57(1) formal hearing not in substantial compliance with the provisions of rule 40E-1.521 Florida Administrative Code, may be considered by the District as a request for informal hearing.
4. Pursuant to section 373.114, Florida Statutes, a party to the proceeding below may seek review of a Final Order rendered on the permit application before the Land and Water Adjudicatory Commission, as provided therein. Review under this section is initiated by filing a request for review with the Land and Water Adjudicatory Commission and serving a copy on the Department of Environmental Regulation and any person named in the Order within 20 days after rendering of the District's Order. However, when the order to be reviewed has statewide or regional significance, as determined by the Land and Water Adjudicatory Commission within 60 days after receipt of a request for review, the commission may accept a request for review from any affected person within 30 days after the rendering of the order. Review under section 373.114, Florida Statutes, is limited solely to a determination of consistency with the provisions and purposes of Chapter 373, Florida Statutes. This review is appellate in nature and limited to the record below.
5. A party who is adversely affected by final agency action on the permit application is entitled to judicial review in the District Court of Appeal pursuant to section 120.68, Florida Statutes, as provided therein. Review under section 120.68, Florida Statutes in the District Court of Appeal is initiated by filing a petition in the appropriate District Court of Appeal in accordance with Florida rule of appellate Procedure 9.110. The Notice of Appeal must be filed within 30 days of the final agency action.
6. Section 373.617(2), Florida Statutes, provides:
Any person substantially affected by a final action of any agency with respect to a permit may seek review within 90 days of the rendering of such decision and request monetary damages and other relief in the circuit court in the judicial circuit in which the affected property is located; however, circuit court review shall be confined solely to determining whether final agency action is an unreasonable exercise of the state's police power constituting a taking without just compensation. Review of final agency action for the purpose of determining whether the action is in accordance with existing statutes or rules and based on component substantial evidence shall proceed in accordance with Chapter 120.
7. Please be advised that exhaustion of administrative remedies is generally a prerequisite to appeal to the District Court of Appeal or the seeking of Circuit Court review of final agency action by the District on the permit application. There are, however, exceptions to the exhaustion requirement. The applicant is advised to consult the case law as to the requirements of exhaustion exceptions.

E-1.521 Initiation of Formal Proceedings

(1) Initiation of formal proceedings shall be made by petition to the District. The term petition as used herein includes any application or other document which expresses a request for formal proceedings. Each petition should be typed, typewritten or otherwise duplicated in legible form on white paper or standard legal size. Unless printed, the session shall be on one side of the paper only and lines shall be double-spaced and indented.

(2) All petitions filed under these rules shall contain:

- (a) The name and address of the District and the District's file or identification number, if known;
- (b) The name and address of the petitioner or petitioners;
- (c) An explanation of how each petitioner's substantial interests will be affected by the District's determination;
- (d) A statement of when and how petitioner received notice of the District's decision or intent to render a decision;
- (e) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (f) A concise statement of the ultimate facts which petitioner believes entitle petitioner to the relief sought as well as the rules and statutes which support petitioner's claim for relief;
- (g) A demand for the relief to which the petitioner deems himself entitled; and
- (h) Other information which the petitioner contends is material.

(3) Upon receipt of a petition for formal proceedings, the District shall review the petition for the degree of compliance with subsection (2) and shall accept those petitions in substantial compliance therewith which have been timely and which state a dispute which is within the jurisdiction of the District to resolve. If accepted, the District shall designate a presiding officer. The District shall promptly give written notice to all parties of the action taken on the petition, and shall state with particularity its reasons therefor.

(4) If the District designates a Hearing Officer assigned by the Division of Administrative Hearings as the presiding officer, the District Clerk shall forward the petition and all materials filed with the District to the Division of Administrative Hearings, and shall notify all parties of its action.

Authority 373.044, 373.113 F.S.

Repealed 120.53(1), 120.57 F.S.

History --- New 9-3-81

Amended 16K-1.09(1), 16K-1.112(1) through (3), 16K-1.12

Application No. 901109-7

Timberland & Tiburon

Lee County S25,26/T46S/R25E

Addendum to Staff Report

LAST DATE FOR GOVERNING BOARD ACTION:

March 14, 1991



The purpose of this addendum is to revise Special Conditions #16 and 17 to clarify that they apply to the construction activities being authorized for Phase I-A. Authorizations for future phase construction will contain similar permit conditions which will apply to the phase being permitted.

Special Condition 16 is changed to read as follows:

16. PRIOR TO CONSTRUCTION IN PHASE 1-A, THE PERMITTEE SHALL SUBMIT DOCUMENTATION WHICH LEGALLY RESERVES THE WATER MANAGEMENT AREAS (INCLUDING A MINIMUM 20 FOOT WIDE MAINTENANCE EASEMENT AROUND THE 2.5 ACRE LAKE IN PHASE 1-A) FOR DRAINAGE PURPOSES. SUBSEQUENT OWNERS OR OTHERS MAY NOT REMOVE SUCH AREAS FROM THEIR INTENDED USE. WATER MANAGEMENT AREAS SHALL BE CONNECTED TO A PUBLIC ROAD OR OTHER LOCATION FROM WHICH OPERATION AND MAINTENANCE ACCESS IS LEGALLY AND PHYSICALLY AVAILABLE AND SHALL BE DECLARED COMMON PROPERTY. SUCH DEDICATION SHALL BE RECORDED IN THE OFFICIAL RECORDS OF THE COUNTY. PROOF OF RECORDATION MUST BE SUBMITTED TO DISTRICT STAFF WHEN AVAILABLE.

Special Condition 17 is changed to read as follows:

17. PRIOR TO CONSTRUCTION IN PHASE 1-A, THE PERMITTEE SHALL FIELD STAKE AND ROPE OFF THAT PORTION OF THE $\pm$ 18 ACRE PROTECTED WETLAND (INCLUDING BUFFER ZONES A MINIMUM OF 15' IN WIDTH AND AVERAGING 25' IN WIDTH OVERALL) ADJACENT TO THE 2.5 ACRE LAKE TO BE CONSTRUCTED IN PHASE 1-A. IN ADDITION, THE FIELD STAKING AND ROPING OF THE WETLAND SHALL EXTEND 100 FEET NORTH AND SOUTH OF THE ADJACENT LAKE LIMITS. FIELD STAKING/ROPING SHALL BE APPROVED BY DISTRICT ENVIRONMENTAL STAFF. THE STAKING AND ROPING SHALL REMAIN IN PLACE UNTIL SURROUNDING IMPROVEMENTS HAVE BEEN COMPLETELY CONSTRUCTED TO PREVENT ANY ENCROACHMENT INTO THE CONSERVATION AREAS.

FINAL APPROVED BY GB

MAR 14 1991

WPB

APPLICATION NO. 901109-7
TIMBERLAND & TIBURON
LEE COUNTY

NATURAL RESOURCE MANAGEMENT
DIVISION APPROVAL

ENVIRONMENTAL: Janet Strutzel Terrie Bates
DIVISION DIRECTOR: Stuart Bradow DATE: 2/26/91
Stuart Bradow

SURFACE WATER MANAGEMENT
DIVISION APPROVAL

TECHNICAL Clyde Dabbs Craig Medlock
WATER QUALITY Clyde Dabb Craig Medlock
ASST. DIVISION DIRECTOR: Anthony M. Waterhouse, P.E. DATE: 2/25/91

DRAFT
Subject to Governing
Board Approval

FINAL APPROVED BY GB

MAR 14 1991

WPB

PERMIT DISTRIBUTION LIST
FORT MYERS AREA OFFICE

PROJECT: Timberland & Tiburon

APPLICATION NUMBER: 901109-7

INTERNAL DISTRIBUTION

X Reviewer: C. Dabbs

X S. Anderson
X J. Carnes
X S. Bradow
X B. Colavecchio
X M. Cruz
X K. Johnson
X C. Merriam
X B. Pratt
X P. Rhoads
X M. Slayton-Big Cypress
X R. Mireau
X D. Thatcher
X K. Wallace
X J. Strutzel
X D. Unsell
X A. Waterhouse
X Area Engineer
X Day File
X Enforcement
X Field Representative
X Permit File

GOVERNING BOARD MEMBERS

Mike Stout

DEPT OF ENVIRONMENTAL REGULATION

X Fort Myers
Tallahassee

EXTERNAL DISTRIBUTION

X Applicant:
Timberland & Tiburon

X Applicant's Engineer:
Hole, Montes & Assoc.

Engineer, County of:

- Charlotte
- Collier
- Glades
- Hendry
X - Lee

Engineer, City of:

Local Drainage District:

COUNTY

Collier - Agricultural Agent
Hendry - Bd of County Comm.
(C Atkins)
- Linoel Beatty, Hendry
County Administrator

Lee
X - Dept of Dev. Review
(P Hunt)
X - D.O.T.
X - Water Resources
X - Mosquito Control

OTHER

X K Alvarez - D.N.R.
X Glenn Heath - S.W.F.R.P.C.
X Jim Couch - U.S.E.P.A.

Exhibit 1

FINAL APPROVED BY GB

MAR 14 1991

WPB



Form #0113
Rev. 10/89

**South Florida
Water Management District**
CERTIFICATION FOR STORMWATER DISCHARGE

SURFACE WATER MANAGEMENT PERMIT NO. 36-01871-S
(NON-ASSIGNABLE)

DATE ISSUED: February 14, 1991

AUTHORIZING:

CONSTRUCTION AND OPERATION OF A WATER MANAGEMENT SYSTEM
SERVING 244.6 ACRES OF RESIDENTIAL LANDS DISCHARGING
INTO ESTERO RIVER VIA I-75.

LOCATED IN: LEE COUNTY, SECTION 25.26 TWP. 46S RGE. 25E

ISSUED TO: Fred Pezeshkan, Managing Partner for T & T Associates
Gen. Partner Timberland, Ltd. & Tiburon Ltd.
(Timberland & Tiburon)
2606 S. Horseshoe Drive
Naples, FL 33942

This Permit is issued pursuant to Application for Permit No. 901109-7 dated Oct. 19, 1990. Permittee agrees to hold and save the South Florida Water Management District and its successors harmless from any and all damages, claims or liabilities which may arise by reason of the construction, operation, maintenance or use of any work or structure involved in the Permit. Said Application, including all plans and specifications attached thereto, as addressed by the Staff Report, is by reference made a part hereof.

This Permit may be revoked or modified at anytime pursuant to the appropriate provisions of Chapter 373, Florida Statutes.

This Permit does not convey to Permittee any property rights or privileges other than those specified herein, nor relieve the Permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by Permittee hereunder shall remain the property of the Permittee.

Within thirty (30) days after the completion of the construction of any work or structure relative to this Permit, the Permittee shall file with the District a written statement of completion on the appropriate form provided by the Board.

SPECIAL CONDITIONS ARE AS FOLLOWS:

SEE SHEETS 2, 3 & 4 OF 5 - 17 SPECIAL CONDITIONS.

SEE SHEET 5 OF 5 - 12 LIMITING CONDITIONS.

FILED WITH THE CLERK OF THE SOUTH
FLORIDA WATER MANAGEMENT DISTRICT

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT, BY ITS
GOVERNING BOARD

ON Original signed by:
BY Vern Kaiser
DEPUTY CLERK

Original signed by
TONY BURNS
By _____
Assistant Secretary

SPECIAL CONDITIONS

1. MINIMUM BUILDING FLOOR ELEVATION (FEET NGVD):

BASIN 1	BASIN 2	BASIN 3
<u>20.5</u>	<u>20.5</u>	<u>19.7</u>

2. MINIMUM ROAD CROWN ELEVATION (FEET NGVD):

BASIN 1	BASIN 2	BASIN 3
<u>19.0</u>	<u>19.0</u>	<u>18.2</u>

3. DISCHARGE FACILITIES

W-1 1 - 18.5" WIDE WEIR WITH A CREST AT ELEVATION 17.0' NGVD AND 160 LF OF 24" BY 38" RCP CULVERT.

W-2 1 - 5.3" WIDE WEIR WITH A CREST AT ELEVATION 17.0' NGVD AND 450 LF OF 18" RCP CULVERT.

W-3 1 - 5.3" WIDE WEIR WITH AN INVERT AT ELEVATION 17.0' NGVD AND 450 LF OF 18" RCP CULVERT.

W-4 1 - 23.1" WIDE WEIR WITH AN INVERT AT ELEVATION 16.2' NGVD AND 400 LF OF 34" BY 53" RCP CULVERT.

W-5 1 - 23.1" WIDE WEIR WITH AN INVERT AT ELEVATION 16.2' NGVD AND 150 LF OF 34" BY 53" RCP CULVERT.

CONTROL ELEVATION (FEET NGVD):

BASIN 1	BASIN 2	BASIN 3
<u>17.0</u>	<u>17.0</u>	<u>16.2</u>

RECEIVING WATER:

BASIN 1	BASIN 2	BASIN 3
ESTERO RIVER	BASIN 3	ESTERO RIVER

4. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY EROSION OR SHOALING PROBLEMS THAT RESULT FROM THE CONSTRUCTION OR OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM.

5. MEASURES SHALL BE TAKEN DURING CONSTRUCTION TO INSURE THAT SEDIMENTATION AND/OR TURBIDITY PROBLEMS ARE NOT CREATED IN THE RECEIVING WATER.
6. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY WATER QUALITY PROBLEMS THAT RESULT FROM THE CONSTRUCTION OR OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM.
7. THE DISTRICT RESERVES THE RIGHT TO REQUIRE THAT WATER QUALITY TREATMENT METHODS BE INCORPORATED INTO THE DRAINAGE SYSTEM IF SUCH MEASURES ARE SHOWN TO BE NECESSARY.
8. OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM WILL BE THE RESPONSIBILITY OF TIMBERLAND, LTD. & TIBURON LTD. PRIOR TO TRANSFER OF TITLE FOR ANY PORTION OF THE PROJECT TO A THIRD PARTY MODIFICATION OF THE PERMIT WILL BE REQUIRED TO VERIFY CONTINUED COMPLIANCE WITH LIMITING CONDITION NO. 8.
9. LAKE SIDE SLOPES SHALL BE 4:1 (HORIZONTAL:VERTICAL) TO A DEPTH OF TWO FEET BELOW THE CONTROL ELEVATION. SIDE SLOPES SHALL BE NURTURED OR PLANTED FROM 2 FEET BELOW TO 1 FOOT ABOVE CONTROL ELEVATION TO INSURE VEGETATIVE GROWTH.
10. PRIOR TO THE INITIATION OF ANY WITHDRAWAL OF WATER (IRRIGATION, DEWATERING, PUBLIC WATER SUPPLY, ETC.), IT WILL BE NECESSARY TO APPLY FOR A WATER USE PERMIT. THE PERMITTEE IS CAUTIONED THAT A MINIMUM OF 90 DAYS IS REQUIRED FOR CONSIDERATION OF THE WATER USE PERMIT APPLICATION. THE PERMITTEE IS CAUTIONED THAT THE ISSUANCE OF A SURFACE WATER MANAGEMENT PERMIT SHALL NOT BE CONSTRUED TO BE A GUARANTEE THAT WATER WILL BE AVAILABLE.
11. THE PERMITTEE SHALL SUBMIT A COPY OF ALL PRELIMINARY PLATS FOR DISTRICT STAFF REVIEW, TO DETERMINE IF SUFFICIENT DRAINAGE AND MAINTENANCE EASEMENTS HAVE BEEN PROVIDED. A COPY OF ALL RECORDED PLATS SHALL BE SUBMITTED WHEN AVAILABLE, TO BE INCLUDED INTO THE PERMIT FILE FOR DOCUMENTATION OF ADEQUATE AND PROPER EASEMENTS FOR THE DRAINAGE FACILITIES AND DEDICATION OF WETLANDS FOR CONSERVATION.
12. AT LEAST 30 DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION, THE SFWMD FIELD ENGINEERING DIVISION SHALL BE NOTIFIED BY THE PERMITTEE OR PROJECT ENGINEER OF THE CONSTRUCTION START DATE.
13. CONSTRUCTION STATUS REPORTS SHALL BE SUBMITTED TO THE SFWMD FIELD ENGINEERING DIVISION ON AN ANNUAL BASIS BEGINNING WITH THE INITIAL COMMENCEMENT OF CONSTRUCTION DATE.
14. WITHIN 30 DAYS OF COMPLETION OF CONSTRUCTION, THE PERMITTEE OR PROJECT ENGINEER SHALL NOTIFY THE SFWMD FIELD ENGINEERING DIVISION OF THAT COMPLETION DATE. THIS NOTIFICATION SHALL INCLUDE CERTIFICATION INFORMATION AS REQUIRED BY STANDARD LIMITING CONDITION NUMBER 4.

15. WETLANDS AND BUFFER ZONES SHALL BE DEDICATED FOR CONSERVATION AND DECLARED COMMON AREAS IN THE DEED RESTRICTIONS, AS WELL AS ON THE PLAT IF THE PROJECT WILL BE PLATTED. RESTRICTIONS FOR USE OF THE CONSERVATION AREAS SHALL STIPULATE:

THE CONSERVATION AREAS ARE HEREBY DECLARED COMMON AREAS, THEY SHALL BE THE PERPETUAL RESPONSIBILITY OF THE ASSOCIATION AND MAY IN NO WAY BE ALTERED FROM THEIR NATURAL STATE. ACTIVITIES PROHIBITED WITHIN THE CONSERVATION AREAS INCLUDE, BUT ARE NOT LIMITED TO: CONSTRUCTION OR PLACING OF BUILDINGS ON OR ABOVE THE GROUND; DUMPING OR PLACING SOIL OR OTHER SUBSTANCES SUCH AS TRASH; REMOVAL OR DESTRUCTION OF TREES, SHRUBS, OR OTHER VEGETATION - WITH THE EXCEPTION OF EXOTIC VEGETATION REMOVAL; EXCAVATION, DREDGING, OR REMOVAL OF SOIL MATERIAL; DIKING OR FENCING; AND ANY OTHER ACTIVITIES DETRIMENTAL TO DRAINAGE, FLOOD CONTROL, WATER CONSERVATION, EROSION CONTROL, OR FISH AND WILDLIFE HABITAT CONSERVATION OR PRESERVATION.

DRAFT COPIES OF SUCH DOCUMENTS SHALL BE SUBMITTED TO DISTRICT STAFF FOR REVIEW. RECORDED COPIES SHALL BE SUBMITTED, WHEN AVAILABLE, TO BE INCLUDED IN THE PERMIT FILE.

16. PRIOR TO CONSTRUCTION, THE PERMITTEE SHALL SUBMIT DOCUMENTATION WHICH LEGALLY RESERVES THE WATER MANAGEMENT AREAS (INCLUDING A MINIMUM 20 FOOT WIDE MAINTENANCE EASEMENT) AND WETLANDS (INCLUDING AVERAGE 25 FOOT WIDE BUFFER ZONES) FOR DRAINAGE AND CONSERVATION PURPOSES. SUBSEQUENT OWNERS OR OTHERS MAY NOT REMOVE SUCH AREAS FROM THEIR INTENDED USE. WATER MANAGEMENT AREAS SHALL BE CONNECTED TO A PUBLIC ROAD OR OTHER LOCATION FROM WHICH OPERATION AND MAINTENANCE ACCESS IS LEGALLY AND PHYSICALLY AVAILABLE AND SHALL BE DECLARED COMMON PROPERTY. SUCH DEDICATION SHALL BE RECORDED IN THE OFFICIAL RECORDS OF THE COUNTY. PROOF OF RECORDATION MUST BE SUBMITTED TO DISTRICT STAFF WHEN AVAILABLE.
17. PRIOR TO CONSTRUCTION, THE PERMITTEE SHALL FIELD STAKE AND ROPE OFF THE PROTECTED WETLANDS, INCLUDING AVERAGE 25 FOOT WIDE BUFFER ZONES. FIELD STAKING/ROPING SHALL BE APPROVED BY DISTRICT ENVIRONMENTAL STAFF. THE STAKING AND ROPING SHALL REMAIN IN PLACE UNTIL SURROUNDING IMPROVEMENTS HAVE BEEN COMPLETELY CONSTRUCTED TO PREVENT ANY ENCROACHMENT INTO THE CONSERVATION AREAS.

LIMITING CONDITIONS

1. THE PERMITTEE SHALL PROSECUTE THE WORK AUTHORIZED IN A MANNER SO AS TO MINIMIZE ANY ADVERSE IMPACT OF THE WORKS ON FISH, WILDLIFE, NATURAL ENVIRONMENTAL VALUES, AND WATER QUALITY. THE PERMITTEE SHALL INSTITUTE NECESSARY MEASURES DURING THE CONSTRUCTION PERIOD, INCLUDING FULL COMPACTION OF ANY FILL MATERIAL PLACED AROUND NEWLY INSTALLED STRUCTURES, TO REDUCE EROSION, TURBIDITY, NUTRIENT LOADING AND SEDIMENTATION IN THE RECEIVING WATERS.
2. WATER QUALITY DATA FOR THE WATER DISCHARGED FROM THE PERMITTEE'S PROPERTY OR INTO SURFACE WATERS OF THE STATE SHALL BE SUBMITTED TO THE DISTRICT AS REQUIRED. PARAMETERS TO BE MONITORED MAY INCLUDE THOSE LISTED IN CHAPTER 17-3. IF WATER QUALITY DATA IS REQUIRED, THE PERMITTEE SHALL PROVIDE DATA AS REQUIRED, ON VOLUMES OF WATER DISCHARGED, INCLUDING TOTAL VOLUME DISCHARGED DURING THE DAYS OF SAMPLING AND TOTAL MONTHLY DISCHARGES FROM THE PROPERTY OR INTO SURFACE WATERS OF THE STATE.
3. THE PERMITTEE SHALL COMPLY WITH ALL APPLICABLE LOCAL SUBDIVISION REGULATIONS AND OTHER LOCAL REQUIREMENTS. IN ADDITION THE PERMITTEE SHALL OBTAIN ALL NECESSARY FEDERAL, STATE, LOCAL AND SPECIAL DISTRICT AUTHORIZATIONS PRIOR TO THE START OF ANY CONSTRUCTION OR ALTERATION OF WORKS AUTHORIZED BY THIS PERMIT.
4. THE OPERATION PHASE OF THIS PERMIT SHALL NOT BECOME EFFECTIVE UNTIL A FLORIDA REGISTERED PROFESSIONAL ENGINEER CERTIFIES THAT ALL FACILITIES HAVE BEEN CONSTRUCTED IN ACCORDANCE WITH THE DESIGN APPROVED BY THE DISTRICT. WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION OF THE SURFACE WATER MANAGEMENT SYSTEM, THE PERMITTEE SHALL SUBMIT THE CERTIFICATION AND NOTIFY THE DISTRICT THAT THE FACILITIES ARE READY FOR INSPECTION AND APPROVAL. UPON APPROVAL OF THE COMPLETED SURFACE WATER MANAGEMENT SYSTEM, THE PERMITTEE SHALL REQUEST TRANSFER OF THE PERMIT TO THE RESPONSIBLE ENTITY APPROVED BY THE DISTRICT.
5. ALL ROADS SHALL BE SET AT OR ABOVE ELEVATIONS REQUIRED BY THE APPLICABLE LOCAL GOVERNMENT FLOOD CRITERIA.
6. ALL BUILDING FLOORS SHALL BE SET AT OR ABOVE ELEVATIONS ACCEPTABLE TO THE APPLICABLE LOCAL GOVERNMENT.
7. OFF-SITE DISCHARGES DURING CONSTRUCTION AND DEVELOPMENT SHALL BE MADE ONLY THROUGH THE FACILITIES AUTHORIZED BY THIS PERMIT. NO ROADWAY OR BUILDING CONSTRUCTION SHALL COMMENCE ON-SITE UNTIL COMPLETION OF THE PERMITTED DISCHARGE STRUCTURE AND DETENTION AREAS. WATER DISCHARGED FROM THE PROJECT SHALL BE THROUGH STRUCTURES HAVING A MECHANISM SUITABLE FOR REGULATING UPSTREAM WATER STAGES. STAGES MAY BE SUBJECT TO OPERATING SCHEDULES SATISFACTORY TO THE DISTRICT.
8. NO CONSTRUCTION AUTHORIZED HEREIN SHALL COMMENCE UNTIL A RESPONSIBLE ENTITY ACCEPTABLE TO THE DISTRICT HAS BEEN ESTABLISHED AND HAS AGREED TO OPERATE AND MAINTAIN THE SYSTEM. THE ENTITY MUST BE PROVIDED WITH SUFFICIENT OWNERSHIP SO THAT IT HAS CONTROL OVER ALL WATER MANAGEMENT FACILITIES AUTHORIZED HEREIN. UPON RECEIPT OF WRITTEN EVIDENCE OF THE SATISFACTION OF THIS CONDITION, THE DISTRICT WILL ISSUE AN AUTHORIZATION TO COMMENCE CONSTRUCTION.
9. THE PERMIT DOES NOT CONVEY TO THE PERMITTEE ANY PROPERTY RIGHT NOR ANY RIGHTS OR PRIVILEGES OTHER THAN THOSE SPECIFIED IN THE PERMIT AND CHAPTER 40E-4, FAC.
10. THE PERMITTEE SHALL HOLD AND SAVE THE DISTRICT HARMLESS FROM ANY AND ALL DAMAGES, CLAIMS, OR LIABILITIES WHICH MAY ARISE BY REASON OF THE CONSTRUCTION, OPERATION, MAINTENANCE OR USE OF ANY FACILITY AUTHORIZED BY THE PERMIT.
11. THIS PERMIT IS ISSUED BASED ON THE APPLICANT'S SUBMITTED INFORMATION WHICH REASONABLY DEMONSTRATES THAT ADVERSE OFF-SITE WATER RESOURCE RELATED IMPACTS WILL NOT BE CAUSED BY THE COMPLETED PERMIT ACTIVITY. IT IS ALSO THE RESPONSIBILITY OF THE PERMITTEE TO INSURE THAT ADVERSE OFF-SITE WATER RESOURCE RELATED IMPACTS DO NOT OCCUR DURING CONSTRUCTION.
12. PRIOR TO DEWATERING, PLANS SHALL BE SUBMITTED TO THE DISTRICT FOR APPROVAL. INFORMATION SHALL INCLUDE AS A MINIMUM: PUMP SIZES, LOCATIONS AND HOURS OF OPERATION FOR EACH PUMP. IF OFF-SITE DISCHARGE IS PROPOSED, OR OFF-SITE ADVERSE IMPACTS ARE EVIDENT, AN INDIVIDUAL WATER USE PERMIT MAY BE REQUIRED. THE PERMITTEE IS CAUTIONED THAT SEVERAL MONTHS MAY BE REQUIRED FOR CONSIDERATION OF THE WATER USE PERMIT APPLICATION.



South Florida Water Management District

P.O. Box 24680 • 3301 Gun Club Road • West Palm Beach, FL 33416-4680 • (407) 888-8800 • FL WATS 1-800-432-2015

CON 24-06

January 28, 1991

Fred Pezeshkan, Managing Partner for T&T Assoc.,
Gen. Partner Timberland, Ltd. & Tiburon Ltd.
2606 S. Horseshoe Drive
Naples, Florida 33942

Dear Sir or Madam:

Subject: Application No. 901109-7, Timberland & Tiburon,
Lee County, S25,26/T46S/R25E

Enclosed is a copy of this District's staff report covering the permit application referenced therein. It is requested that you read this staff report thoroughly and understand its contents. The recommendations as stated in the staff report will be presented to our Governing Board for consideration on February 14, 1991.

Should you wish to object to the staff recommendation or file a petition, please provide written objections, petitions and/or waivers (refer to the attached "Notice of Rights") to:

Vern Kaiser, Deputy Clerk
South Florida Water Management District
Post Office Box 24680
West Palm Beach, Florida 33416-4680

The "Notice of Rights" addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. You are advised, however, to be prepared to defend your position regarding the permit application when it is considered by the Governing Board for final agency action, even if you agree with the staff recommendation, as the Governing Board may take final agency action which differs materially from the proposed agency action.

Please contact the District if you have any questions concerning this matter. If we do not hear from you prior to the date on the "Notice of Rights", we will assume you concur with our recommendations.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a "Notice of Rights" has been mailed to the addressee and the persons listed in the attached distribution list not later than 5:00 p.m. this 28th day of January 1991, in accordance with Section 120.60 (3), Florida Statutes.

Sincerely,

Jeanne Hall
Director
Regulation Department

FINAL APPROVED BY GB

FEB 14 1991

WPB

CERTIFIED MAIL #P 505 662 665
RETURN RECEIPT REQUESTED

Governing Board:

James F. Garner, Chairman - Fort Myers
Moran A. Jason, Vice Chairman - Key Biscayne
Arsenio Milian - Miami

Fritz Steln - Belle Glade
Mike Stout - Windermere
Ken Adams - West Palm Beach

Valerie Boyd - Naples
James E. Nall - Fort Lauderdale
Charles W. Causey - Islamorada

John R. Wodraska, Executive Director
Tilford C. Creel, Deputy Executive Director
Thomas K. MacVicar, Deputy Executive Director



South Florida Water Management District

Notice Of Rights

12
1190

This Notice of Rights is intended to inform the recipient of the administrative and judicial review which may be available as mandated by section 120.60(3), Florida Statutes. Be advised that although this notice is intended to be comprehensive, the few procedures set forth herein have been the subject of judicial construction and interpretation which may affect the administrative or judicial review available. Recipients are therefore advised to become familiar with Chapters 120 and 373, Florida Statutes, and the judicial interpretation of the provisions of these chapters.

If a substantially affected person objects to the staff's recommendation, that person has the right to request an administrative hearing on the proposed agency action. The substantially affected person may request either a formal or an informal hearing, as set forth below. Failure to comply with the prescribed time periods shall constitute a waiver of the right to a hearing.

If the substantially affected person believes that a genuine issue of material fact is in dispute, that person may request a formal hearing pursuant to section 120.57(1), Florida Statutes, by filing a petition for hearing not later than February 11, 1991. The request for a 120.57(1) formal hearing must comply with the requirements of rule 40E-1.521 Florida Administrative Code, a copy of which is attached. Petitions are deemed filed upon receipt by the District. Failure to substantially comply with the provisions of rule 40E-1.521 Florida Administrative Code shall constitute a waiver of the right to a 120.57(1) hearing.

If a substantially affected person believes that no issues of material fact are in dispute, that person may request an informal hearing pursuant to section 120.57(2), Florida Statutes, by filing a petition for hearing not later than February 11, 1991. A request for informal hearing shall be considered as a waiver of the right to request a formal section 120.57(1) hearing. A request for a section 120.57(1) formal hearing not in substantial compliance with the provisions of rule 40E-1.521 Florida Administrative Code, may be considered by the District as a request for informal hearing.

Pursuant to section 373.114, Florida Statutes, a party to the proceeding below may seek review of a Final Order rendered on the permit application before the Land and Water Adjudicatory Commission, as provided therein. Review under this section is initiated by filing a request for review with the Land and Water Adjudicatory Commission and filing a copy on the Department of Environmental Regulation and any person named in the Order within 20 days after rendering of the District's Order. However, when the order to be reviewed has statewide or regional significance, as determined by the Land and Water Adjudicatory Commission within 60 days after receipt of a request for review, the commission may accept a request for review from any affected person within 30 days after the rendering of the order. Review under section 373.114, Florida Statutes, is limited solely to a determination of consistency with the provisions and purposes of Chapter 373, Florida Statutes. This review is appellate in nature and limited to the record below.

A party who is adversely affected by final agency action on the permit application is entitled to judicial review in the District Court of Appeal pursuant to section 120.68, Florida Statutes, as provided therein. Review under section 120.68, Florida Statutes in the District Court of Appeal is initiated by filing a petition in the appropriate District Court of Appeal in accordance with Florida rule of appellate Procedure 9.110. The Notice of Appeal must be filed within 30 days of the final agency action.

Section 373.617(2), Florida Statutes, provides:

Any person substantially affected by a final action of any agency with respect to a permit may seek review within 90 days of the rendering of such decision and request monetary damages and other relief in the circuit court in the judicial circuit in which the affected property is located; however, circuit court review shall be confined solely to determining whether final agency action is an unreasonable exercise of the state's police power constituting a taking without just compensation. Review of final agency action for the purpose of determining whether the action is in accordance with existing statutes or rules and based on component substantial evidence shall proceed in accordance with Chapter 120.

Please be advised that exhaustion of administrative remedies is generally a prerequisite to appeal to the District Court of Appeal or the seeking of Circuit Court review of final agency action by the District on the permit application. There are, however, exceptions to the exhaustion requirement. The applicant is advised to consult the case law as to the requirements of exhaustion exceptions.

1.521 Initiation of Formal Proceedings

(1) Initiation of formal proceedings shall be made by petition to the District. The term petition as used herein includes any application or other document which expresses a request for formal proceedings. Each petition should be printed, typewritten or otherwise duplicated in legible form on white paper or standard legal size. Unless printed, the expression shall be on one side of the paper only and lines shall be double-spaced and indented.

(2) All petitions filed under these rules shall contain:

- (a) The name and address of the District and the District's file or identification number, if known;
- (b) The name and address of the petitioner or petitioners;
- (c) An explanation of how each petitioner's substantial interests will be affected by the District's determination;
- (d) A statement of when and how petitioner received notice of the District's decision or intent to render a decision;
- (e) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (f) A concise statement of the ultimate facts which petitioner believes entitle petitioner to the relief sought as well as the rules and statutes which support petitioner's claim for relief;
- (g) A demand for the relief to which the petitioner deems himself entitled; and
- (h) Other information which the petitioner contends is material.

(3) Upon receipt of a petition for formal proceedings, the District shall review the petition for the degree of compliance with subsection (2) and shall accept those petitions in substantial compliance therewith which have been timely filed and which state a dispute which is within the jurisdiction of the District to resolve. If accepted, the District shall designate a presiding officer. The District shall promptly give written notice to all parties of the action taken on the petition, and shall state with particularity its reasons therefor.

(4) If the District designates a Hearing Officer assigned by the Division of Administrative Hearings as the presiding officer, the District Clerk shall forward the petition and all materials filed with the District to the Division of Administrative Hearings, and shall notify all parties of its action.

Specific Authority 373.044, 373.113 F.S.

Amended 120.53(1), 120.57 F.S.

New 9-3-81.

Formerly 16K-1.09(1), 16K-1.112(1) through (3), 16K-1.12

LAST DATE FOR GOVERNING BOARD ACTION: February 14, 1991

DRAFT
Subject to Governing
Board Approval

SURFACE WATER MANAGEMENT STAFF REVIEW SUMMARY

APPLICATION NO.: 901109-7

PROJECT NAME: Timberland & Tiburon

LOCATION: Lee County S25,26/T46/R25

S.F.W.M.D. BASIN: Imperial River

APPLICANT'S NAME AND ADDRESS: Fred Pezeshkan, Managing Partner for T&T Assoc.,
Gen Ptnr. Timberland, Ltd. & Tiburon Ltd.
2606 S. Horseshoe Drive
Naples, Florida 33942

OPERATING ENTITY: Timberland, Ltd. & Tiburon, Ltd.

OWNER/DEVELOPER: Timberland, Ltd. & Tiburon, Ltd.

ENGINEER: Hole, Monte, and Associates, Inc.

ABSTRACT

This application is a request for conceptual approval of a 549.62 acre mixed use development and construction and operation approval of phase 1-A surface water management system to serve 244.6 acres. Staff recommendation is for approval with conditions.

BACKGROUND

Conceptual approval No. 36-90004-S was issued in May of 1980 for a proposed surface water management system to serve the eastern 1/2 of the present site. The system consisted of one drainage basin with an outfall to the south to Corkscrew Road. This permit was allowed to expire. The project is a DRI and received development approval on April 21, 1986. A development plan for the site was previously approved by the South Florida Water Management District under expired permit No. 36-00200-S.

Existing hydrology for the area is shown on Exhibit 2 and has been defined by studies done for Corkscrew Road and I-75.

FINAL APPROVED BY CB

FEB 14 1991

WPB

The Application:

The proposal is for a 794.22 acre mixed use development, consisting of regional retail, residential, golf course, and a hotel/conference center. The site is located in the northeast quadrant of the Interstate 75/Corkscrew Road interchange.

The proposed surface water management system consists of 3 major drainage basins.

Offsite drainage is routed around the perimeter of the project by a system of berms and ditches. There is a bridge and two double box culverts at I-75 to allow discharge to the west. There are pipes under Corkscrew Road which allow drainage to the south.

In each basin the proposed system consists of catch basins, pipes, swales, lakes, wetlands and berms. The catch basins, pipes, and swales collect and transport storm water to a series of interconnected wetlands and lakes which ultimately discharge through gravity control structures.

Basin 2 discharges into Basin 3 so that water is detained twice. Wetlands and swales are used to further improve the quality of discharge.

All control structures are modified concrete inlet boxes that have a weir opening cut in the front that allows discharge into the box then through a concrete pipe to its discharge point. They are equipped with an oil retardant baffle.

Basin 1 discharges via Weir 1 to the north ditch of Corkscrew Road. Basin 2, which is at a higher elevation than Basin 3, discharges through twin structures (Weirs 2 and 3) into Basin 3. Basin 3 discharges through twin structures (Weirs 4 and 5) to the east roadside ditch of I-75. Discharge from Basins, 1, 2 and 3 ultimately sheetflows to the Estero River.

PHASE CONSTRUCTION:

Phase 1-A is a 244.6 acre parcel located on the east side of the parent tract. Proposed construction in Phase 1-A includes a perimeter berm, diversion swales for offsite flows, one lake and the discharge structure. Phase 1-A includes 219.25 acres to remain as pasture.

Allowable Discharge:

The allowable discharge for the site is based on historical discharge of 42 csm or 0.066 cfs/acre. The proposed peak discharge of 46.1 cfs for the 769.47 acre site is acceptable.

FINAL APPROVED BY GB

FEB 14 1991

WPB

Water Quality:

Adverse water quality impacts are not expected as a result of the proposed operation. All drainage from the project will be routed through the reservoir systems prior to discharge off-site. Detention is provided for the first 1" of runoff.

Exhibit 6 illustrates that the proposed development is outside of Gulf Utilities wellfield protection zone 4.

Water Supply: Gulf Utilities

Wastewater Service: Gulf Utilities

ENVIRONMENTAL

The project site is located at the northeastern corner of the intersection of Corkscrew Road and I-75. Three wetlands are located on the project site. Viable wetlands claimed by the District total 25.15 acres. The easternmost wetland consists of a 17.34 acre cypress-pine wetland which is proposed to be preserved in its entirety. To the southwest of the eastern preserve area, immediately north of Corkscrew Road, is a 3.31 acre cypress wetland which is also proposed to be preserved.

In the central segment of the property is a 24.84 acre remnant cypress strand wetland which was historically contiguous to the Estero River. A box culvert located under I-75 maintains the connection for drainage through this historic flowway. Some of the historic flows into the degraded central cypress strand area have been re-routed through a ditch located in the northwestern corner of the property. The applicant proposes to re-locate this ditch into a swale drainage system along the northwestern property boundary which would drain into the box culvert located under I-75.

The 24.84 acre remnant strand is now dominated by melaleuca, with some cypress mixed in. Since the majority of this historic strand consists of a melaleuca monoculture, most of the former strand area is not considered by District environmental staff to be a functional wetland. There is a 4.5 acre viable cypress wetland located within the central segment of the historic strand. This wetland consists of a cypress pond with a healthy cypress fringe. There are two mesic oak hammocks located adjacent to the cypress pond wetland. Melaleuca has invaded up to the cypress fringe area around the cypress pond and around the oak hammocks. The applicant proposes to impact 0.58 acres of this wetland. The wetland impact will be offset by the protection of 2.9 acres of oak hammock uplands adjacent to the cypress pond wetland.

Stormwater runoff from lots roads, and fairways will be directed toward the wetland preserve areas after being pre-treated. Upland buffers, a minimum of 15' in width and an average of 25', will be provided around preserve area wetlands. The applicant proposes to enhance the hydroperiods of the preserve area wetlands. Exotic vegetation will be removed from all of the preserve area wetlands and these

FEB 14 1991

WPB

Areas will be maintained to keep these areas free of melaleuca, brazilian pepper, lowly rose myrtle, and australian pine invasion. Although not required by the District, approximately 18 acres of the non-functional portion of the remnant strand will be preserved in accordance with the requirements of other agencies.

The project as proposed is not anticipated to create significant adverse environmental impacts.

APPLICABLE LAND AREA (in acres)

	<u>Basin 1</u>	<u>Basin 2</u>	<u>Basin 3</u>	<u>Total</u>
Lakes	25.76	19.68	54.63	100.07
Wetlands	22.23	25.07	-	47.30
Clubhouse	4.93****	-	-	4.93
Roads	15.98	10.06	29.50	55.54
Golf Course	54.21	50.00	-	104.21
Open Space	10.70	8.15	34.00	52.85
S.F. Lots	59.20*	-	-	59.20
V.H. Lots	4.51**	82.37***	19.70****	106.58
Hotel	-	10.00****	-	10.00
L.R.	-	29.89***	33.60****	63.49
M.R.	-	-	63.30****	63.30
CH	-	-	12.00****	12.00
CG	-	-	90.00****	90.00
<u>Setbacks</u>				<u>24.75</u>
<u>Total</u>	<u>197.52</u>	<u>235.22</u>	<u>336.73</u>	<u>794.22</u>

	<u>Phase 1A (a)</u>
Lakes	25.35
Structure	219.25
<u>Total</u>	<u>244.60</u>

a Phase 1A construction consists of construction of a perimeter berm, diversion swales for offsite flows, one lake, and construction of Weir W-1.

- **** 70% Impervious
- *** 65% Impervious
- ** 60% Impervious
- * 50% Impervious

- S.F. - single family
- V.H. - villa homes
- L.R. - low rise condominium
- M.R. - mid rise condominium
- CH - commercial adult congregate living
- CG - general commercial

FINAL APPROVED BY GB

FEB 14 1991

WPB

APPLICATION NO. 901109-7
TIMBERLAND & TIBURON
LEE COUNTY

Staff recommends that the following be issued:

A LETTER OF CONCEPTUAL APPROVAL FOR A SURFACE WATER MANAGEMENT SYSTEM TO SERVE A 549.62 ACRE MIXED USE DEVELOPMENT KNOWN AS TIMBERLAND & TIBURON DISCHARGING TO THE ESTERO RIVER VIA OVERLAND FLOW AND FDOT (I-75) DITCH.

AUTHORIZATION FOR CONSTRUCTION AND OPERATION OF A SURFACE WATER MANAGEMENT SYSTEM TO SERVE PHASE 1A, A 244.6 ACRE RESIDENTIAL PROJECT DISCHARGING TO THE ESTERO RIVER VIA I-75.

Based on the information provided, District rules have been adhered to.

Staff recommendation is for approval subject to the attached Standard Limiting and Special Conditions.

NATURAL RESOURCE MANAGEMENT
DIVISION APPROVAL

APPLICATION REVIEWER:

ENVIRONMENTAL: J. Strutzel

SUPERVISOR/CHECKER:

T. Bates 1/13/91

DIVISION DIRECTOR:

Stuart Bradow

DATE: 1-22-91

SURFACE WATER MANAGEMENT
DIVISION APPROVAL

APPLICATION REVIEWER:

TECHNICAL: C. Dabbs

SUPERVISOR/CHECKER:

C. Medlock

WATER QUALITY:

C. Dabbs

C. Medlock

SECTION SUPERVISOR:

Benjamin C. Pratt, P.E., P.L.S.

DATE: 1-14-91

ASST. DIVISION DIRECTOR:

Anthony M. Waterhouse, P.E.

DATE: 1/25/91

FINAL APPROVED BY CB

FEB 14 1991

5

WPB

DRAFT

Subject to Governing
Board Approval

LIMITING CONDITIONS

1. THE PERMITTEE SHALL PROSECUTE THE WORK AUTHORIZED IN A MANNER SO AS TO MINIMIZE ANY ADVERSE IMPACT OF THE WORKS ON FISH, WILDLIFE, NATURAL ENVIRONMENTAL VALUES, AND WATER QUALITY. THE PERMITTEE SHALL INSTITUTE NECESSARY MEASURES DURING THE CONSTRUCTION PERIOD, INCLUDING FULL COMPACTION OF ANY FILL MATERIAL PLACED AROUND NEWLY INSTALLED STRUCTURES, TO REDUCE EROSION, TURBIDITY, NUTRIENT LOADING AND SEDIMENTATION IN THE RECEIVING WATERS.
2. WATER QUALITY DATA FOR THE WATER DISCHARGED FROM THE PERMITTEE'S PROPERTY OR INTO SURFACE WATERS OF THE STATE SHALL BE SUBMITTED TO THE DISTRICT AS REQUIRED. PARAMETERS TO BE MONITORED MAY INCLUDE THOSE LISTED IN CHAPTER 17-3. IF WATER QUALITY DATA IS REQUIRED, THE PERMITTEE SHALL PROVIDE DATA AS REQUIRED, ON VOLUMES OF WATER DISCHARGED, INCLUDING TOTAL VOLUME DISCHARGED DURING THE DAYS OF SAMPLING AND TOTAL MONTHLY DISCHARGES FROM THE PROPERTY OR INTO SURFACE WATERS OF THE STATE.
3. THE PERMITTEE SHALL COMPLY WITH ALL APPLICABLE LOCAL SUBDIVISION REGULATIONS AND OTHER LOCAL REQUIREMENTS. IN ADDITION THE PERMITTEE SHALL OBTAIN ALL NECESSARY FEDERAL, STATE, LOCAL AND SPECIAL DISTRICT AUTHORIZATIONS PRIOR TO THE START OF ANY CONSTRUCTION OR ALTERATION OF WORKS AUTHORIZED BY THIS PERMIT.
4. THE OPERATION PHASE OF THIS PERMIT SHALL NOT BECOME EFFECTIVE UNTIL A FLORIDA REGISTERED PROFESSIONAL ENGINEER CERTIFIES THAT ALL FACILITIES HAVE BEEN CONSTRUCTED IN ACCORDANCE WITH THE DESIGN APPROVED BY THE DISTRICT. WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION OF THE SURFACE WATER MANAGEMENT SYSTEM, THE PERMITTEE SHALL SUBMIT THE CERTIFICATION AND NOTIFY THE DISTRICT THAT THE FACILITIES ARE READY FOR INSPECTION AND APPROVAL. UPON APPROVAL OF THE COMPLETED SURFACE WATER MANAGEMENT SYSTEM, THE PERMITTEE SHALL REQUEST TRANSFER OF THE PERMIT TO THE RESPONSIBLE ENTITY APPROVED BY THE DISTRICT.
5. ALL ROADS SHALL BE SET AT OR ABOVE ELEVATIONS REQUIRED BY THE APPLICABLE LOCAL GOVERNMENT FLOOD CRITERIA.
6. ALL BUILDING FLOORS SHALL BE SET AT OR ABOVE ELEVATIONS ACCEPTABLE TO THE APPLICABLE LOCAL GOVERNMENT.
7. OFF-SITE DISCHARGES DURING CONSTRUCTION AND DEVELOPMENT SHALL BE MADE ONLY THROUGH THE FACILITIES AUTHORIZED BY THIS PERMIT. NO ROADWAY OR BUILDING CONSTRUCTION SHALL COMMENCE ON-SITE UNTIL COMPLETION OF THE PERMITTED DISCHARGE STRUCTURE AND DETENTION AREAS. WATER DISCHARGED FROM THE PROJECT SHALL BE THROUGH STRUCTURES HAVING A MECHANISM SUITABLE FOR REGULATING UPSTREAM WATER STAGES. STAGES MAY BE SUBJECT TO OPERATING SCHEDULES SATISFACTORY TO THE DISTRICT.
8. NO CONSTRUCTION AUTHORIZED HEREIN SHALL COMMENCE UNTIL A RESPONSIBLE ENTITY ACCEPTABLE TO THE DISTRICT HAS BEEN ESTABLISHED AND HAS AGREED TO OPERATE AND MAINTAIN THE SYSTEM. THE ENTITY MUST BE PROVIDED WITH SUFFICIENT OWNERSHIP SO THAT IT HAS CONTROL OVER ALL WATER MANAGEMENT FACILITIES AUTHORIZED HEREIN. UPON RECEIPT OF WRITTEN EVIDENCE OF THE SATISFACTION OF THIS CONDITION, THE DISTRICT WILL ISSUE AN AUTHORIZATION TO COMMENCE CONSTRUCTION.
9. THE PERMIT DOES NOT CONVEY TO THE PERMITTEE ANY PROPERTY RIGHT NOR ANY RIGHTS OR PRIVILEGES OTHER THAN THOSE SPECIFIED IN THE PERMIT AND CHAPTER 40E-4, FAC.
10. THE PERMITTEE SHALL HOLD AND SAVE THE DISTRICT HARMLESS FROM ANY AND ALL DAMAGES, CLAIMS, OR LIABILITIES WHICH MAY ARISE BY REASON OF THE CONSTRUCTION, OPERATION, MAINTENANCE OR USE OF ANY FACILITY AUTHORIZED BY THE PERMIT.
11. THIS PERMIT IS ISSUED BASED ON THE APPLICANT'S SUBMITTED INFORMATION WHICH REASONABLY DEMONSTRATES THAT ADVERSE OFF-SITE WATER RESOURCE RELATED IMPACTS WILL NOT BE CAUSED BY THE COMPLETED PERMIT ACTIVITY. IT IS ALSO THE RESPONSIBILITY OF THE PERMITTEE TO INSURE THAT ADVERSE OFF-SITE WATER RESOURCE RELATED IMPACTS DO NOT OCCUR DURING CONSTRUCTION.
12. PRIOR TO DEWATERING, PLANS SHALL BE SUBMITTED TO THE DISTRICT FOR APPROVAL. INFORMATION SHALL INCLUDE AS A MINIMUM: PUMP SIZES, LOCATIONS AND HOURS OF OPERATION FOR EACH PUMP. IF OFF-SITE DISCHARGE IS PROPOSED, OR OFF-SITE ADVERSE IMPACTS ARE EVIDENT, AN INDIVIDUAL WATER USE PERMIT MAY BE REQUIRED. THE PERMITTEE IS CAUTIONED THAT SEVERAL MONTHS MAY BE REQUIRED FOR CONSIDERATION OF THE WATER USE PERMIT APPLICATION.

FINAL APPROVED BY CB

FEB 14 1991

6

WFB

SPECIAL CONDITIONS

1. MINIMUM BUILDING FLOOR ELEVATION (FEET NGVD):

BASIN 1	BASIN 2	BASIN 3
<u>20.5</u>	<u>20.5</u>	<u>19.7</u>

2. MINIMUM ROAD CROWN ELEVATION (FEET NGVD):

BASIN 1	BASIN 2	BASIN 3
<u>19.0</u>	<u>19.0</u>	<u>18.2</u>

3. DISCHARGE FACILITIES

W-1 1 - 18.5" WIDE WEIR WITH A CREST AT ELEVATION 17.0' NGVD AND 160 LF OF 24" BY 38" RCP CULVERT.

W-2 1 - 5.3" WIDE WEIR WITH A CREST AT ELEVATION 17.0' NGVD AND 450 LF OF 18" RCP CULVERT.

W-3 1 - 5.3" WIDE WEIR WITH AN INVERT AT ELEVATION 17.0' NGVD AND 450 LF OF 18" RCP CULVERT.

W-4 1 - 23.1" WIDE WEIR WITH AN INVERT AT ELEVATION 16.2' NGVD AND 400 LF OF 34" BY 53" RCP CULVERT.

W-5 1 - 23.1" WIDE WEIR WITH AN INVERT AT ELEVATION 16.2' NGVD AND 150 LF OF 34" BY 53" RCP CULVERT.

CONTROL ELEVATION (FEET NGVD):

BASIN 1	BASIN 2	BASIN 3
<u>17.0</u>	<u>17.0</u>	<u>16.2</u>

RECEIVING WATER:

BASIN 1	BASIN 2	BASIN 3
ESTERO RIVER	ESTERO RIVER	ESTERO RIVER

4. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY EROSION OR SHOALING PROBLEMS THAT RESULT FROM THE CONSTRUCTION OR OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM.

FINAL APPROVED BY CB

7

FEB 14 1991

WPB

5. MEASURES SHALL BE TAKEN DURING CONSTRUCTION TO INSURE THAT SEDIMENTATION AND/OR TURBIDITY PROBLEMS ARE NOT CREATED IN THE RECEIVING WATER.
6. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY WATER QUALITY PROBLEMS THAT RESULT FROM THE CONSTRUCTION OR OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM.
7. THE DISTRICT RESERVES THE RIGHT TO REQUIRE THAT WATER QUALITY TREATMENT METHODS BE INCORPORATED INTO THE DRAINAGE SYSTEM IF SUCH MEASURES ARE SHOWN TO BE NECESSARY.
8. OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM WILL BE THE RESPONSIBILITY OF TIMBERLAND, LTD. & TIBURON LTD. PRIOR TO TRANSFER OF TITLE FOR ANY PORTION OF THE PROJECT TO A THIRD PARTY MODIFICATION OF THE PERMIT WILL BE REQUIRED TO VERIFY CONTINUED COMPLIANCE WITH LIMITING CONDITION NO. 8.
9. LAKE SIDE SLOPES SHALL BE 4:1 (HORIZONTAL:VERTICAL) TO A DEPTH OF TWO FEET BELOW THE CONTROL ELEVATION. SIDE SLOPES SHALL BE NURTURED OR PLANTED FROM 2 FEET BELOW TO 1 FOOT ABOVE CONTROL ELEVATION TO INSURE VEGETATIVE GROWTH.
10. PRIOR TO THE INITIATION OF ANY WITHDRAWAL OF WATER (IRRIGATION, DEWATERING, PUBLIC WATER SUPPLY, ETC.), IT WILL BE NECESSARY TO APPLY FOR A WATER USE PERMIT. THE PERMITTEE IS CAUTIONED THAT A MINIMUM OF 90 DAYS IS REQUIRED FOR CONSIDERATION OF THE WATER USE PERMIT APPLICATION. THE PERMITTEE IS CAUTIONED THAT THE ISSUANCE OF A SURFACE WATER MANAGEMENT PERMIT SHALL NOT BE CONSTRUED TO BE A GUARANTEE THAT WATER WILL BE AVAILABLE.
11. THE PERMITTEE SHALL SUBMIT A COPY OF ALL PRELIMINARY PLATS FOR DISTRICT STAFF REVIEW, TO DETERMINE IF SUFFICIENT DRAINAGE AND MAINTENANCE EASEMENTS HAVE BEEN PROVIDED. A COPY OF ALL RECORDED PLATS SHALL BE SUBMITTED WHEN AVAILABLE, TO BE INCLUDED INTO THE PERMIT FILE FOR DOCUMENTATION OF ADEQUATE AND PROPER EASEMENTS FOR THE DRAINAGE FACILITIES AND DEDICATION OF WETLANDS FOR CONSERVATION.
12. AT LEAST 30 DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION, THE SFWMD FIELD ENGINEERING DIVISION SHALL BE NOTIFIED BY THE PERMITTEE OR PROJECT ENGINEER OF THE CONSTRUCTION START DATE.
13. CONSTRUCTION STATUS REPORTS SHALL BE SUBMITTED TO THE SFWMD FIELD ENGINEERING DIVISION ON AN ANNUAL BASIS BEGINNING WITH THE INITIAL COMMENCEMENT OF CONSTRUCTION DATE.
14. WITHIN 30 DAYS OF COMPLETION OF CONSTRUCTION, THE PERMITTEE OR PROJECT ENGINEER SHALL NOTIFY THE SFWMD FIELD ENGINEERING DIVISION OF THAT COMPLETION DATE. THIS NOTIFICATION SHALL INCLUDE CERTIFICATION INFORMATION AS REQUIRED BY STANDARD LIMITING CONDITION NUMBER 4.

FINAL APPROVED BY GB

FEB 14 1991

15. WETLANDS AND BUFFER ZONES SHALL BE DEDICATED FOR CONSERVATION AND DECLARED COMMON AREAS IN THE DEED RESTRICTIONS, AS WELL AS ON THE PLAT IF THE PROJECT WILL BE PLATTED. RESTRICTIONS FOR USE OF THE CONSERVATION AREAS SHALL STIPULATE:

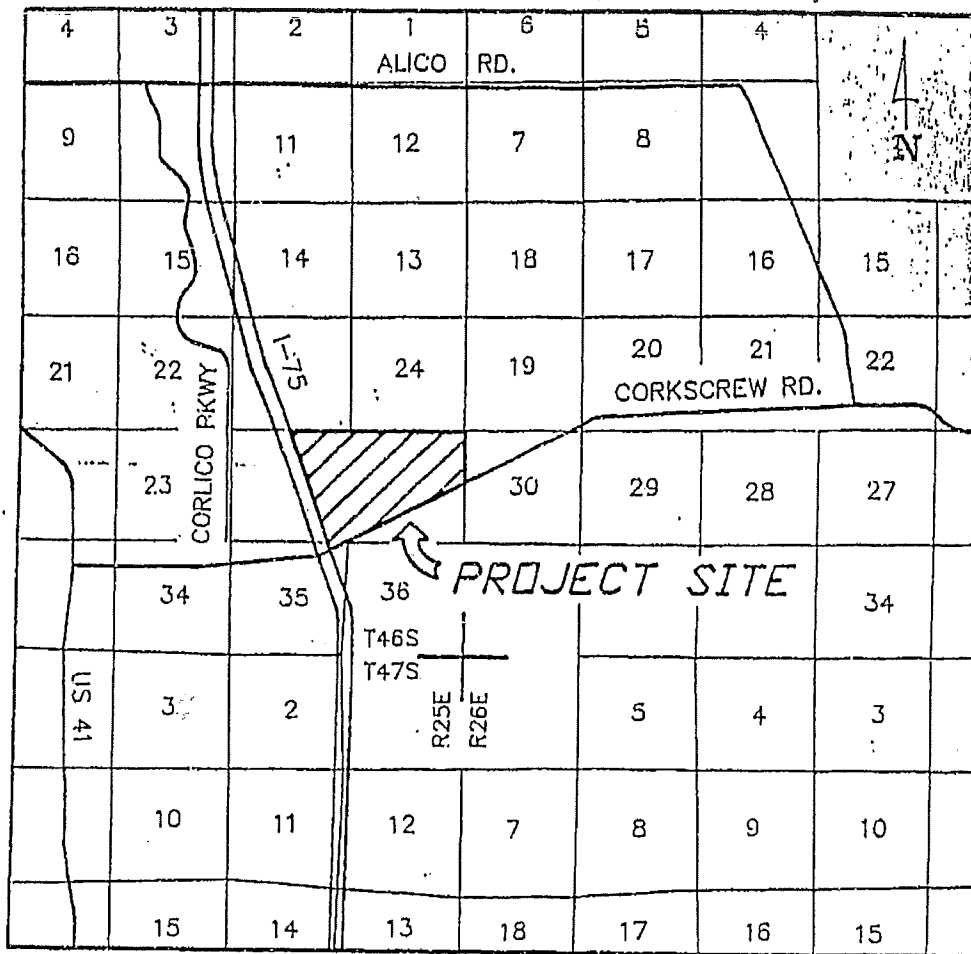
THE CONSERVATION AREAS ARE HEREBY DECLARED COMMON AREAS, THEY SHALL BE THE PERPETUAL RESPONSIBILITY OF THE ASSOCIATION AND MAY IN NO WAY BE ALTERED FROM THEIR NATURAL STATE. ACTIVITIES PROHIBITED WITHIN THE CONSERVATION AREAS INCLUDE, BUT ARE NOT LIMITED TO: CONSTRUCTION OR PLACING OF BUILDINGS ON OR ABOVE THE GROUND; DUMPING OR PLACING SOIL OR OTHER SUBSTANCES SUCH AS TRASH; REMOVAL OR DESTRUCTION OF TREES, SHRUBS, OR OTHER VEGETATION - WITH THE EXCEPTION OF EXOTIC VEGETATION REMOVAL; EXCAVATION, DREDGING, OR REMOVAL OF SOIL MATERIAL; DIKING OR FENCING; AND ANY OTHER ACTIVITIES DETRIMENTAL TO DRAINAGE, FLOOD CONTROL, WATER CONSERVATION, EROSION CONTROL, OR FISH AND WILDLIFE HABITAT CONSERVATION OR PRESERVATION.

DRAFT COPIES OF SUCH DOCUMENTS SHALL BE SUBMITTED TO DISTRICT STAFF FOR REVIEW. RECORDED COPIES SHALL BE SUBMITTED, WHEN AVAILABLE, TO BE INCLUDED IN THE PERMIT FILE.

16. PRIOR TO CONSTRUCTION, THE PERMITTEE SHALL SUBMIT DOCUMENTATION WHICH LEGALLY RESERVES THE WATER MANAGEMENT AREAS (INCLUDING A MINIMUM 20 FOOT WIDE MAINTENANCE EASEMENT) AND WETLANDS (INCLUDING AVERAGE 25 FOOT WIDE BUFFER ZONES) FOR DRAINAGE AND CONSERVATION PURPOSES. SUBSEQUENT OWNERS OR OTHERS MAY NOT REMOVE SUCH AREAS FROM THEIR INTENDED USE. WATER MANAGEMENT AREAS SHALL BE CONNECTED TO A PUBLIC ROAD OR OTHER LOCATION FROM WHICH OPERATION AND MAINTENANCE ACCESS IS LEGALLY AND PHYSICALLY AVAILABLE AND SHALL BE DECLARED COMMON PROPERTY. SUCH DEDICATION SHALL BE RECORDED IN THE OFFICIAL RECORDS OF THE COUNTY. PROOF OF RECORDATION MUST BE SUBMITTED TO DISTRICT STAFF WHEN AVAILABLE.
17. PRIOR TO CONSTRUCTION, THE PERMITTEE SHALL FIELD STAKE AND ROPE OFF THE PROTECTED WETLANDS, INCLUDING AVERAGE 25 FOOT WIDE BUFFER ZONES. FIELD STAKING/ROPING SHALL BE APPROVED BY DISTRICT ENVIRONMENTAL STAFF. THE STAKING AND ROPING SHALL REMAIN IN PLACE UNTIL SURROUNDING IMPROVEMENTS HAVE BEEN COMPLETELY CONSTRUCTED TO PREVENT ANY ENCROACHMENT INTO THE CONSERVATION AREAS.

FINAL APPROVED BY GB

FEB 14 1991



FINAL APPROVED BY CB

FEB 14 1991

WPB



HOLE, MONTES & ASSOCIATES

ENGINEERS - PLANNERS - SURVEYORS
NAPLES - FORT MYERS - BONITA SPRINGS

EXHIBIT I

ITEM I-1

EXHIBIT 3

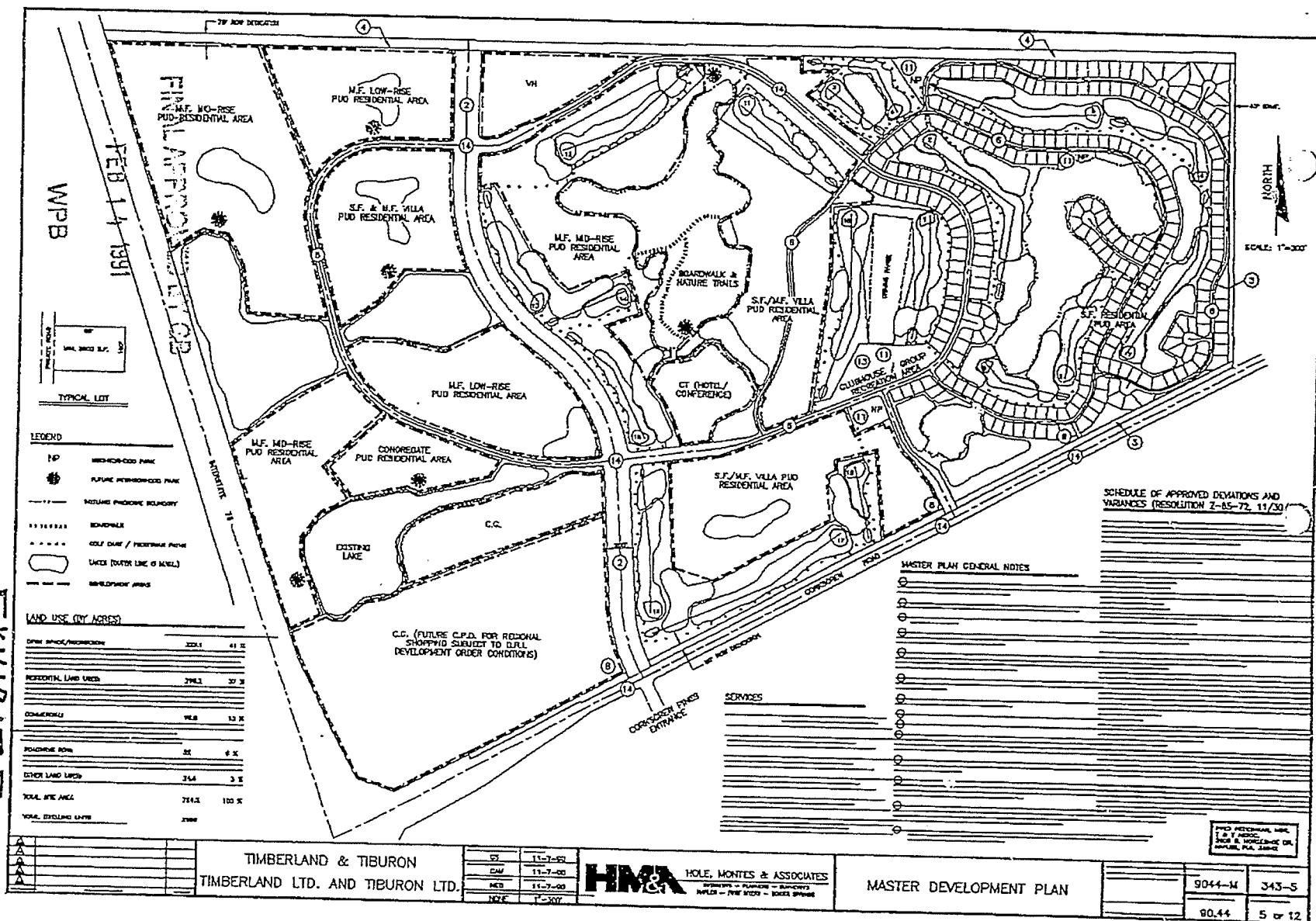
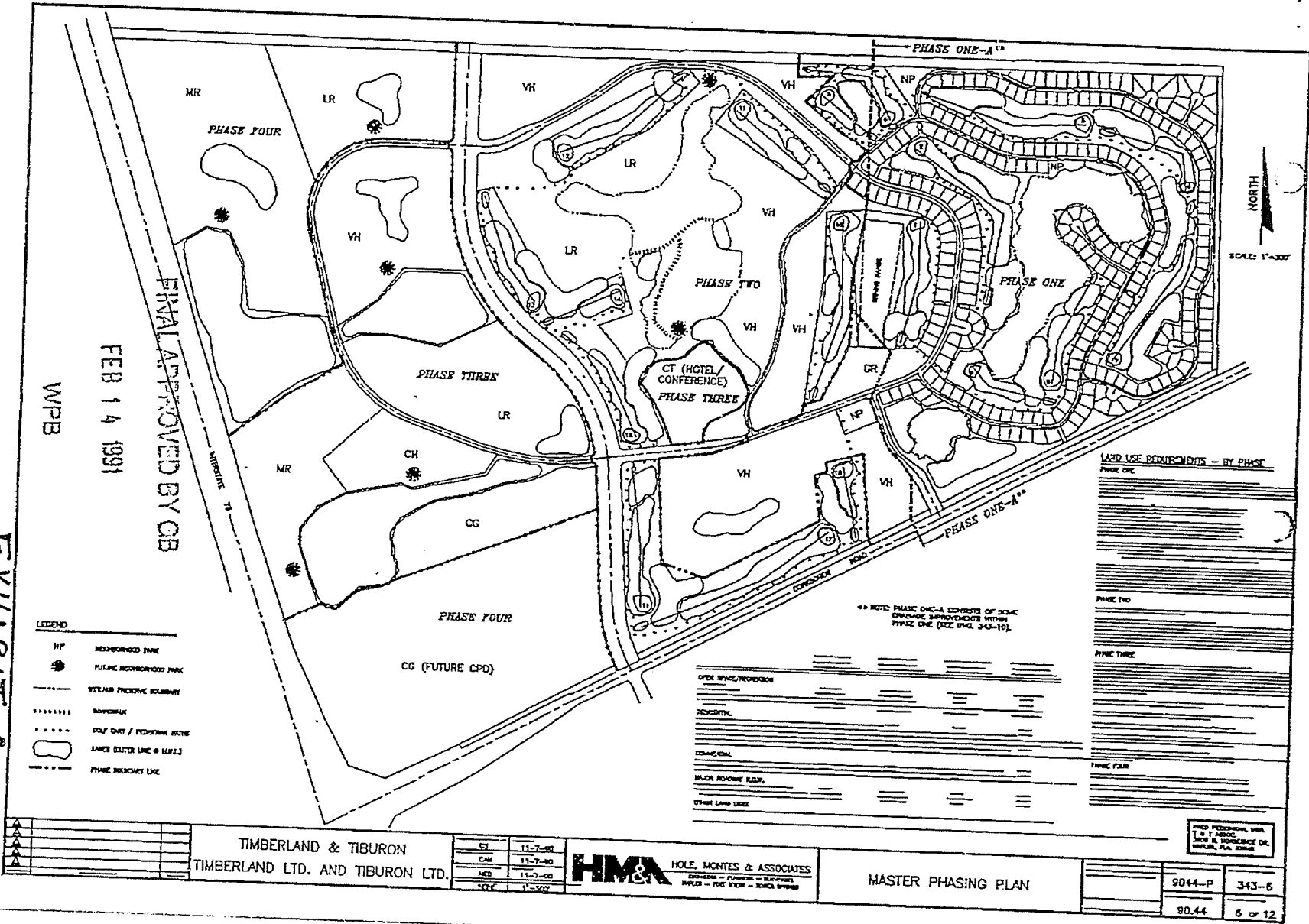
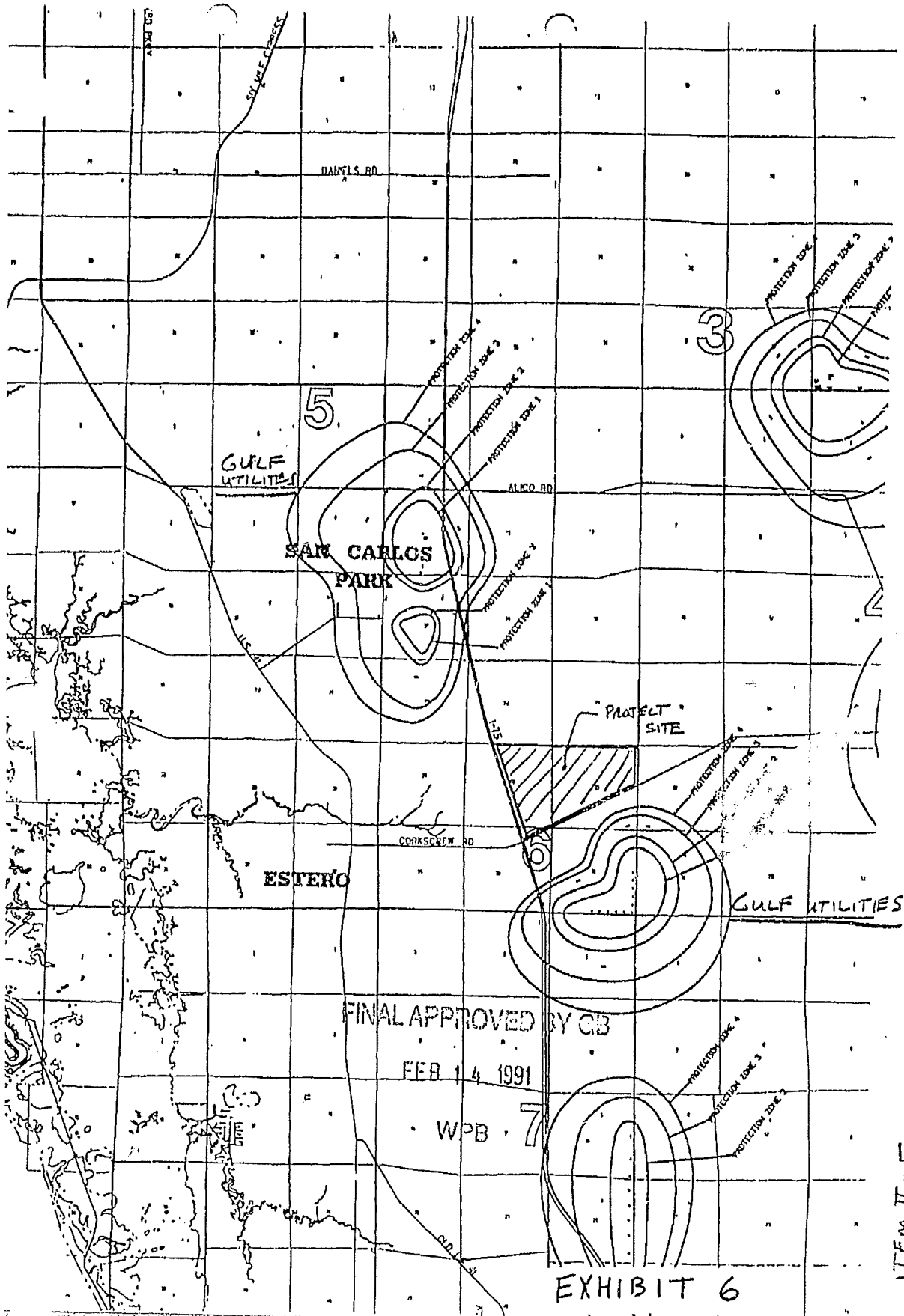


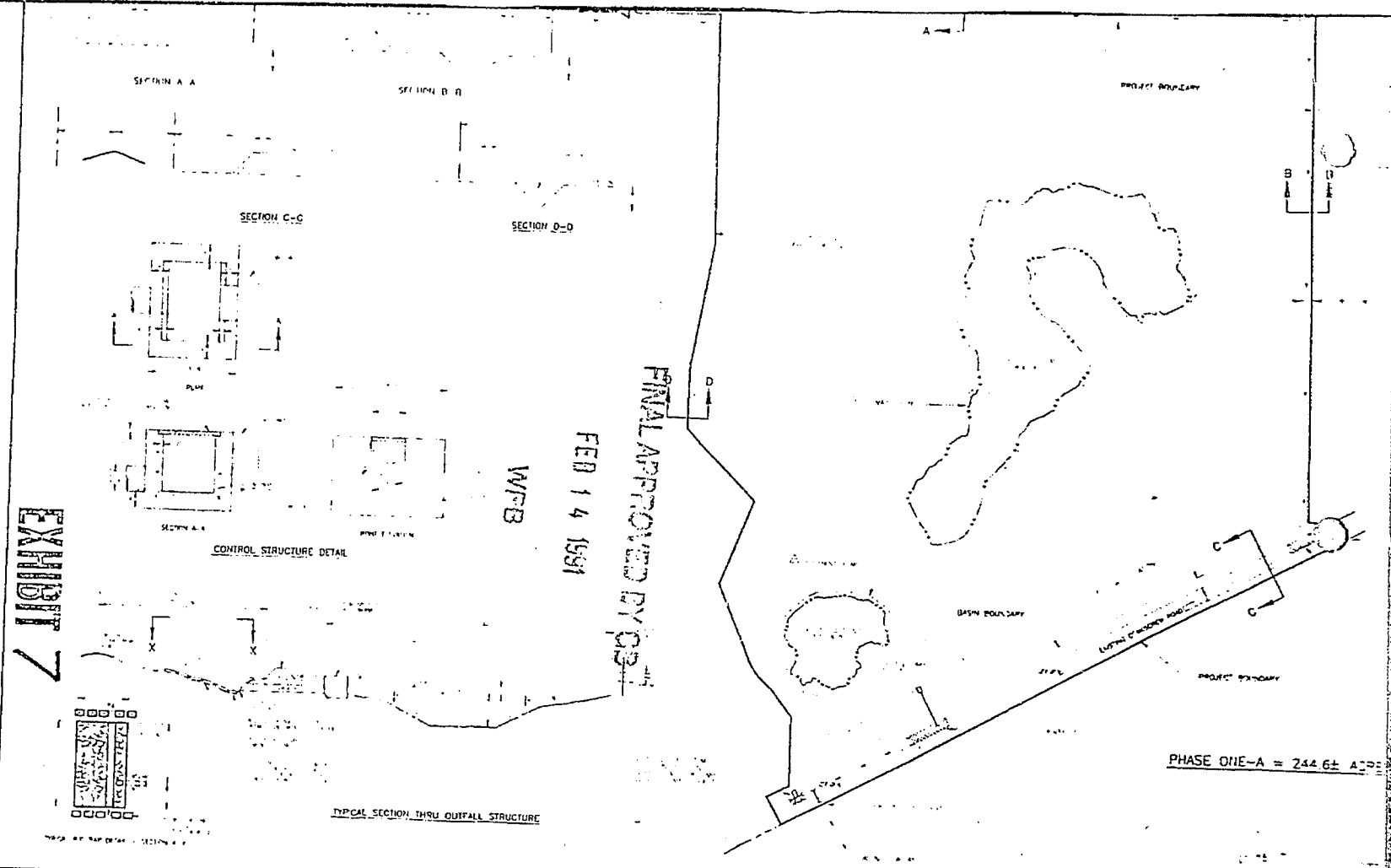
EXHIBIT 4

FINAL APPROVED BY CB
FEB 14 1991
WPB





ITEM II-5



	TIMBERLAND & TIBBETSON TIMBERLAND LTD. AND TIBBETSON LTD.	1. 10 2. 10 3. 10 4. 10		CONSTRUCTION PLANS PHASE ONE - A	1. 44-1-1
--	--	----------------------------------	---	-------------------------------------	-----------

EXHIBIT 8

TYPICAL CUL-DE-SAC CROSS SECTION

CUL-DE-SAC DETAIL

ROADWAY CROSS SECTION (35' R/W)

TYPICAL LAKE / WETLAND SECTION

SECTION THROUGH WETLAND DRAINAGE

ROADWAY CROSS SECTION (50' R/W)

TYPICAL LAKE / GOLF COURSE SECTION

VALLEY GUTTER

ROADWAY CROSS SECTION (100' R/W)

TYPICAL LAKE / LOT SECTION

CONCRETE CURB & GUTTER

ROADWAY CROSS SECTION (200' R/W)

TYPICAL LOT / WETLAND SECTION

TRANSITION OF TYPE "C" C&G TO VALLEY GUTTER

GOLF CART/PEDESTRIAN PATH CROSS SECTION

FEB 14 1991

FINAL APPROVED BY C3

TIMBERLAND & TIBURON
TIMBERLAND LTD. AND TIBURON LTD.

DESIGNED BY	10-12-90
CHECKED BY	10-12-90
IN CHARGE	10-12-90
DATE	10-12-90

HOLE, MONTES & ASSOCIATES

DRAINAGE DETAILS

110' x 92'

PERMIT DISTRIBUTION LIST
FORT MYERS AREA OFFICE

PROJECT: Timberland & Tiburon

APPLICATION NUMBER: 901109-7

INTERNAL DISTRIBUTION

X Reviewer: C. Dabbs
X S. Anderson
X J. Carnes
X S. Bradow
X B. Colavecchio
X M. Cruz
X K. Johnson
X C. Merriam
X B. Pratt
X P. Rhoads
X M. Slayton-Big Cypress
X R. Mireau
X D. Thatcher
X K. Wallace
X J. Strutzel
X D. Unsell
X A. Waterhouse
X Area Engineer
X Day File
X Enforcement
X Field Representative
X Permit File

EXTERNAL DISTRIBUTION

X Applicant:
Timberland & Tiburon
X Applicant's Engineer:
Hole, Montes & Assoc.

Engineer, County of:

- Charlotte
- Collier
- Glades
- Hendry
X - Lee

Engineer, City of:

Local Drainage District:

GOVERNING BOARD MEMBERS

Mike Stout

COUNTY

Collier - Agricultural Agent
Hendry - Bd of County Comm.
(C Atkins)
- Linoel Beatty, Hendry
County Administrator

Lee

X - Dept of Dev. Review
(P Hunt)
X - D.O.T.
X - Water Resources
X - Mosquito Control

OTHER

X K Alvarez - D.N.R.
X Glenn Heath - S.W.F.R.P.C.
X Jim Couch - U.S.E.P.A.

EPT OF ENVIRONMENTAL REGULATION

Fort Myers
Tallahassee

Exhibit 9 FINAL APPROVED BY GB

FEB 14 1991

148



South Florida Water Management District

Fort Myers Area Office • 2200 Peck Street • Fort Myers, FL 33901 • (813) 332-0300 • FL WATS 1-800-248-1201

36-01871-S

CON 24-06

January 23, 1991

Fred Pezeshkan, Managing Partner for T&T Assoc.,
Gen Ptnr. Timberland, Ltd. & Tiburon Ltd.
2606 S. Horseshoe Drive
Naples, Florida 33942

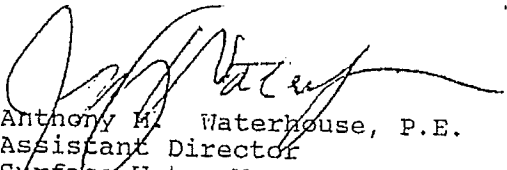
Subject: Notification of Complete Application
Project Name: Timberland & Tiburon
Application #: 901109-7
Sec/Twp/Rge: 25,26/46/25
County: Lee
Board Date: 02/14/91

Dear Applicant:

It is to inform you that your application for a Surface Water Management permit is now complete. Your application will be reviewed by the Governing Board on the above mentioned date or earlier. A copy of the staff report on this application will be sent to you for review prior to the date on which it will be presented to the Governing Board.

Thank you for your cooperation in this matter.

Sincerely,


Anthony M. Waterhouse, P.E.
Assistant Director
Surface Water Management Division
Regulation Department

cc: Glenn Heath, S.W.F.R.P.C.
Jim Couch U.S.E.P.A.
cc: Chip Merriam, Ben Pratt, Area Engineer, Enforcement, Field Rep,
Colavecchio, Day File, Permit File, J. Strutzel, Clyde Dabbs

ng Board
Garner, Chairman - Fort Myers
Jason, Vice Chairman - Key Biscayne
Miami
Fritz Stein - Belle Glade
Mike Stout - Windermere
Ken Adams - West Palm Beach
Valerie Boyd - Naples
James E. Nall - Fort Lauderdale
Charles W. Causey - Islamorada
John R. Wodraska, Executive Director
Tilford C. Creel, Deputy Executive Director
Thomas R. MacVicar, Deputy Executive Director

Headquarters - P.O. Box 24690 • 3301 Gun Club Road • West Palm Beach, FL 33416-4080 • (407) 636-8800 • Florida WATS 1-800-439-9045

EXHIBIT 7

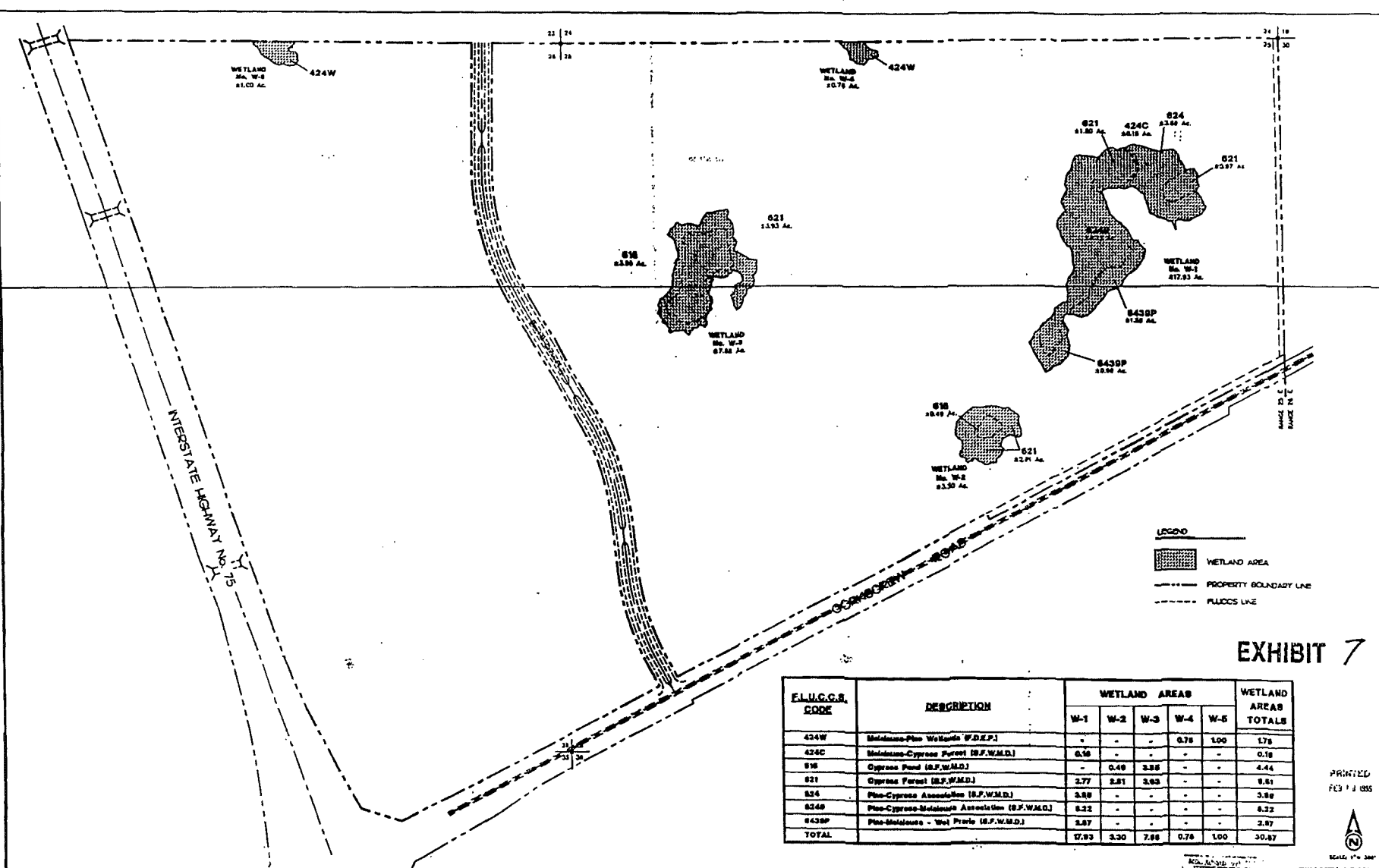
F.L.U.C.C.S. CODE	DESCRIPTION	WETLAND AREAS					WETLAND AREAS TOTALS
		W-1	W-2	W-3	W-4	W-5	
424W	Melaleuca-Pine Wetlands (S.F.W.M.D.)	-	-	-	0.78	1.00	1.78
424C	Melaleuca-Cypress Forest (S.F.W.M.D.)	0.36	-	-	-	-	0.36
616	Cypress Forest (S.F.W.M.D.)	-	0.49	3.88	-	-	4.37
621	Cypress Forest (S.F.W.M.D.)	2.77	2.81	3.63	-	-	9.21
624	Pine-Cypress Association (S.F.W.M.D.)	3.89	-	-	-	-	3.89
624P	Pine-Cypress Association (S.F.W.M.D.)	6.22	-	-	-	-	6.22
643SP	Pine-Melaleuca - Wet Prairie (S.F.W.M.D.)	3.87	-	-	-	-	3.87
TOTAL		17.93	3.30	7.51	0.78	1.00	30.52

LEGEND
 WETLAND AREA
 PROPERTY BOUNDARY LINE
 FLOOD LINE

PRINTED
FEB 11 1985



SCALE: 1" = 300'



TIMBERLAND and TIBURON		PREPARED BY: J.M.S. DATE: 07/78 CHECKED BY: C.J.C. DATE: 07/78 DESIGNED BY: H.E.O./L.W.M. DATE: 07/78 DRAWN BY: H.E.O./L.W.M. DATE: 07/78	HMA HOLE, MONTES & ASSOCIATES, INC. ENGINEERS-PLANNERS-SURVEYORS NAPLES-FORT MYERS-BONITA SPRINGS 8302-F Primmwood Ct. - Ft. Myers, Fla. 33919	WETLAND IDENTIFICATION MAP PROJECT NO. 981001-1 C SHEET NO. 90.44K	REFERENCE NO. 9044KWIB SHEET NO. 606-3B
-------------------------------	--	--	--	---	--