



*New Directions In Planning, Design & Engineering*

# **UNIVERSITY HIGHLAND LIMITED PARTNERSHIP**

## **COMPREHENSIVE PLAN AMENDMENT**

**Response to 4-6-10 Staff Comments**

**And Supplemental Information**

PREPARED FOR:

**NM Development Group**  
9130 Galleria Court, Suite 316  
Naples, Florida 34109

PREPARED BY:

**WilsonMiller, Inc.**  
3200 Bailey Lane, Suite 200  
Naples, Florida 34105

and

**Pavese Law Firm**  
1833 Hendry Street  
Fort Myers, Florida 33901

**RECEIVED**

APR 23 2010

*one*  
**COMMUNITY DEVELOPMENT**

CPA 2010-00002

April, 2010



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, 2020.

|                              | <u>Current<br/>Suburban</u> | <u>Proposed<br/>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.*

A handwritten signature in blue ink, appearing to read "Margaret Perry".

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



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.

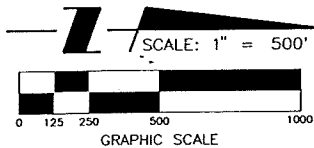
WilsonMiller, Inc.

Registered Engineers and Land Surveyors

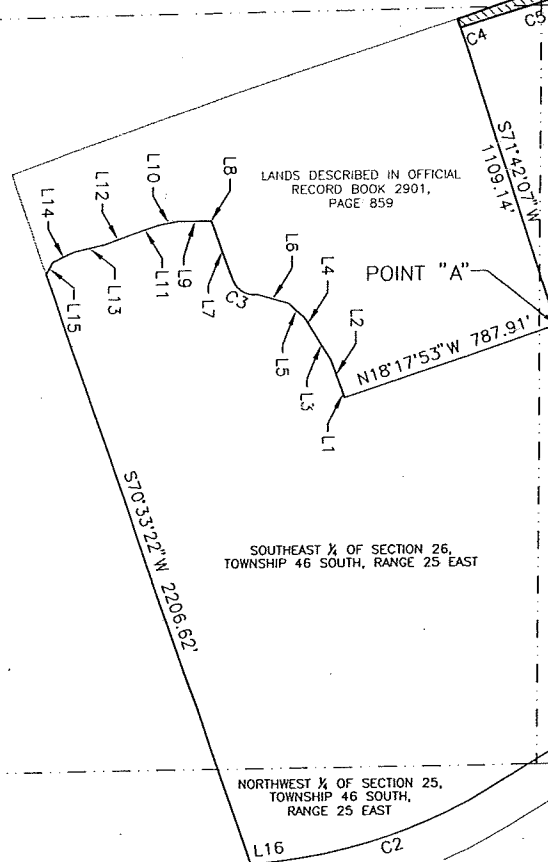
By: Michael H. Maxwell Date 04/06/2010  
Michael H. Maxwell, Professional Surveyor and Mapper #LS4650

Ref: 2K-315A

Not valid unless embossed with the Professional's seal.



SOUTHWEST 1/4 OF SECTION 26,  
TOWNSHIP 46 SOUTH, RANGE 25 EAST



| CURVE TABLE |          |           |           |         |               |          |
|-------------|----------|-----------|-----------|---------|---------------|----------|
| CURVE       | LENGTH   | RADIUS    | DELTA     | TANGENT | CHORD BEARING | CHORD    |
| C1          | 1073.77' | 1985.00'  | 30°59'37" | 550.37  | S15°14'50"E   | 1060.72' |
| C2          | 768.64'  | 1835.00'  | 24°00'00" | 390.04  | S18°44'39"E   | 763.04'  |
| C3          | 108.06'  | 80.00'    | 77°23'31" | 64.08   | N30°33'30"E   | 100.03'  |
| C4          | 82.88'   | 35918.50' | 0°07'56"  | 41.44   | N16°38'50"W   | 82.88'   |
| C5          | 369.14'  | 15081.49' | 1°24'09"  | 184.58  | N16°52'41"W   | 369.13'  |
| C6          | 828.89'  | 15071.50' | 3°09'04"  | 414.55  | N19°09'21"W   | 828.79'  |
| C7          | 743.11'  | 35896.14' | 1°11'10"  | 371.57  | N20°05'33"W   | 743.09'  |
| C8          | 765.90'  | 3506.50'  | 12°30'53" | 384.48  | N83°37'38"E   | 764.38'  |
| C9          | 512.73'  | 5375.00'  | 5°27'56"  | 256.56  | N80°06'06"E   | 512.54'  |

| LINE TABLE |         |             |
|------------|---------|-------------|
| LINE       | LENGTH  | BEARING     |
| L1         | 30.06   | N70°28'40"E |
| L2         | 112.24  | N68°15'14"E |
| L3         | 124.90  | N58°27'44"E |
| L4         | 50.38   | N58°07'13"E |
| L5         | 75.68   | N41°14'47"E |
| L6         | 116.07  | N16°01'19"E |
| L7         | 221.19  | N69°15'14"E |
| L8         | 4.37    | N31°30'22"E |
| L9         | 113.28  | N00°34'45"W |
| L10        | 65.81   | N10°45'16"W |
| L11        | 106.45  | N18°09'29"W |
| L12        | 97.07   | N20°09'25"W |
| L13        | 110.09  | N13°20'01"W |
| L14        | 85.91   | N24°02'56"W |
| L15        | 47.93   | N62°14'40"W |
| L16        | 109.71  | S06°44'39"E |
| L17        | 321.73  | S77°22'16"W |
| L18        | 343.03  | N18°18'02"W |
| L19        | 885.92  | S89°45'10"E |
| L20        | 2034.77 | S89°44'35"E |
| L21        | 8.23    | S70°32'57"W |

PARCEL DESCRIBED  
208.41 ACRES +/-

NORTHEAST 1/4 OF SECTION 26,  
TOWNSHIP 46 SOUTH, RANGE 25 EAST

SECTION 26  
SECTION 25

P.O.C.  
NORTHEAST CORNER OF  
SECTION 26, TOWNSHIP 46  
SOUTH, RANGE 25 EAST

## SURVEYOR'S REPORT/NOTES

- BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 46 SOUTH, RANGE 25 EAST, BEING NORTH 89°44'39" WEST PER STATE PLANE COORDINATE SYSTEM FLORIDA WEST ZONE.
- ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF, UNLESS OTHERWISE NOTED.
- THIS SKETCH MAY HAVE BEEN REDUCED.
- NOT VALID WITHOUT ACCOMPANYING DESCRIPTION, REFERENCE WILSONMILLER DOCUMENT #217795.
- DISCREPANCIES WITH THE PARENT PARCEL LEGAL AND PARCEL 106 LEGAL (INSTRUMENT #2006000069199 & 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

STATE PLANE COORDINATES FLA WEST ZONE 83/90

P.O.B. = N=769016.7509 E=729902.5154

POINT "A" = N=766526.0880 E=729036.8988

## LEGEND

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  
MICHAEL H. MAXWELL, PROFESSIONAL SURVEYOR AND MAPPER LS#4650

4-09-10  
DATE

\*\* NOT A SURVEY \*\*

CLIENT: UNIVERSITY HIGHLAND LIMITED PARTNERS

**WilsonMiller**

Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants

WilsonMiller, Inc.

3200 Bailey Lane, Suite 200 • Naples, Florida 34105-6507 • Phone 239-646-4040 • Fax 239-263-6494 • Web Site www.wilsonmiller.com

| ACTIVITY     | INITIALS | EMP. NO. | DATE     |
|--------------|----------|----------|----------|
| DRAWN BY:    | WAG      | 831      | 02/02/10 |
| CHECKED BY:  | MHM      | 204      | 02/02/10 |
| COMPUTED BY: |          |          |          |

|           |                   |                 |      |      |      |             |                  |
|-----------|-------------------|-----------------|------|------|------|-------------|------------------|
| DATE:     | HORIZONTAL SCALE: | VERTICAL SCALE: | SEC: | TWP: | RGE: | FIELD BOOK: | FIELD BOOK PAGE: |
| FEB. 2010 | 1" = 500'         |                 | 26   | 46   | 25   |             |                  |

TITLE:

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

|       |               |               |                 |
|-------|---------------|---------------|-----------------|
| TASK: | PROJECT NO.:  | SHEET NUMBER: | DRAWING NUMBER: |
| 22400 | 03247-003-001 | 1 OF 1        | 2K-315A         |

EXHIBIT D

C 960609

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:

  
Anna B. Little, Deputy Clerk  
Clerk of Court

Approved As  
To Form.

By 

County Attorney

WITNESSES:

1st Witness

James T. Humphrey  
Printed Name

Michelle W. Adams  
2nd Witness

MICHELE ADAMS  
Printed Name

WITNESSES:

1st Witness

James T. Humphrey  
Printed Name

Michelle W. Adams  
2nd Witness

MICHELE ADAMS  
Printed Name

STATE OF FLORIDA )

COUNTY OF LEE )

The foregoing instrument was acknowledged before me this 19<sup>th</sup> 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:

OFFICIAL NOTARY SEAL  
MICHELE ADAMS  
NOTARY PUBLIC STATE OF FLORIDA  
COMMISSION NO. CC332705  
MY COMMISSION EXP. JULY 18, 1998

G:\document\zoning\t&t 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 W. 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 2621.90 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 2685.44 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 25, FOR A DISTANCE OF 685.04 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. 18° 17' 53.4" E., ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 3919.11 FEET; THENCE RUN S. 19° 26' 35" 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. 25° 00' 43" E., ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 205.99 FEET; THENCE RUN S. 26° 52' 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 304.07 FEET; THENCE RUN N. 63° 15' 55" E., ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 648.17 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° 11' 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 5702.67 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: 791.22 ACRES, MORE OR LESS.



1898

[illegible]

MISSISSIPPI RIVER IS

ZONING COUNTER

5

PROJECT # \_\_\_\_\_  
PROJECT TYPE \_\_\_\_\_

CONFIDENTIAL

LESSON

COU COUS / 0124 2222

三

W  
WILLIAM

UTILITIES

CO. 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22nd, 23rd, 24th, 25th, 26th, 27th, 28th, 29th, 30th, 31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st, 42nd, 43rd, 44th, 45th, 46th, 47th, 48th, 49th, 50th, 51st, 52nd, 53rd, 54th, 55th, 56th, 57th, 58th, 59th, 60th, 61st, 62nd, 63rd, 64th, 65th, 66th, 67th, 68th, 69th, 70th, 71st, 72nd, 73rd, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd, 84th, 85th, 86th, 87th, 88th, 89th, 90th, 91st, 92nd, 93rd, 94th, 95th, 96th, 97th, 98th, 99th, 100th, 101st, 102nd, 103rd, 104th, 105th, 106th, 107th, 108th, 109th, 110th, 111th, 112th, 113th, 114th, 115th, 116th, 117th, 118th, 119th, 120th, 121st, 122nd, 123rd, 124th, 125th, 126th, 127th, 128th, 129th, 130th, 131st, 132nd, 133rd, 134th, 135th, 136th, 137th, 138th, 139th, 140th, 141st, 142nd, 143rd, 144th, 145th, 146th, 147th, 148th, 149th, 150th, 151st, 152nd, 153rd, 154th, 155th, 156th, 157th, 158th, 159th, 160th, 161st, 162nd, 163rd, 164th, 165th, 166th, 167th, 168th, 169th, 170th, 171st, 172nd, 173rd, 174th, 175th, 176th, 177th, 178th, 179th, 180th, 181st, 182nd, 183rd, 184th, 185th, 186th, 187th, 188th, 189th, 190th, 191st, 192nd, 193rd, 194th, 195th, 196th, 197th, 198th, 199th, 200th, 201st, 202nd, 203rd, 204th, 205th, 206th, 207th, 208th, 209th, 210th, 211th, 212th, 213th, 214th, 215th, 216th, 217th, 218th, 219th, 220th, 221st, 222nd, 223rd, 224th, 225th, 226th, 227th, 228th, 229th, 230th, 231st, 232nd, 233rd, 234th, 235th, 236th, 237th, 238th, 239th, 240th, 241st, 242nd, 243rd, 244th, 245th, 246th, 247th, 248th, 249th, 250th, 251st, 252nd, 253rd, 254th, 255th, 256th, 257th, 258th, 259th, 260th, 261st, 262nd, 263rd, 264th, 265th, 266th, 267th, 268th, 269th, 270th, 271st, 272nd, 273rd, 274th, 275th, 276th, 277th, 278th, 279th, 280th, 281st, 282nd, 283rd, 284th, 285th, 286th, 287th, 288th, 289th, 290th, 291st, 292nd, 293rd, 294th, 295th, 296th, 297th, 298th, 299th, 300th, 301st, 302nd, 303rd, 304th, 305th, 306th, 307th, 308th, 309th, 310th, 311th, 312th, 313th, 314th, 315th, 316th, 317th, 318th, 319th, 320th, 321st, 322nd, 323rd, 324th, 325th, 326th, 327th, 328th, 329th, 330th, 331st, 332nd, 333rd, 334th, 335th, 336th, 337th, 338th, 339th, 340th, 341st, 342nd, 343rd, 344th, 345th, 346th, 347th, 348th, 349th, 350th, 351st, 352nd, 353rd, 354th, 355th, 356th, 357th, 358th, 359th, 360th, 361st, 362nd, 363rd, 364th, 365th, 366th, 367th, 368th, 369th, 370th, 371st, 372nd, 373rd, 374th, 375th, 376th, 377th, 378th, 379th, 380th, 381st, 382nd, 383rd, 384th, 385th, 386th, 387th, 388th, 389th, 390th, 391st, 392nd, 393rd, 394th, 395th, 396th, 397th, 398th, 399th, 400th, 401st, 402nd, 403rd, 404th, 405th, 406th, 407th, 408th, 409th, 410th, 411th, 412th, 413th, 414th, 415th, 416th, 417th, 418th, 419th, 420th, 421st, 422nd, 423rd, 424th, 425th, 426th, 427th, 428th, 429th, 430th, 431st, 432nd, 433rd, 434th, 435th, 436th, 437th, 438th, 439th, 440th, 441st, 442nd, 443rd, 444th, 445th, 446th, 447th, 448th, 449th, 450th, 451st, 452nd, 453rd, 454th, 455th, 456th, 457th, 458th, 459th, 460th, 461st, 462nd, 463rd, 464th, 465th, 466th, 467th, 468th, 469th, 470th, 471st, 472nd, 473rd, 474th, 475th, 476th, 477th, 478th, 479th, 480th, 481st, 482nd, 483rd, 484th, 485th, 486th, 487th, 488th, 489th, 490th, 491st, 492nd, 493rd, 494th, 495th, 496th, 497th, 498th, 499th, 500th, 501st, 502nd, 503rd, 504th, 505th, 506th, 507th, 508th, 509th, 510th, 511th, 512th, 513th, 514th, 515th, 516th, 517th, 518th, 519th, 520th, 521st, 522nd, 523rd, 524th, 525th, 526th, 527th, 528th, 529th, 530th, 531st, 532nd, 533rd, 534th, 535th, 536th, 537th, 538th, 539th, 540th, 541st, 542nd, 543rd, 544th, 545th, 546th, 547th, 548th, 549th, 550th, 551st, 552nd, 553rd, 554th, 555th, 556th, 557th, 558th, 559th, 560th, 561st, 562nd, 563rd, 564th, 565th, 566th, 567th, 568th, 569th, 570th, 571st, 572nd, 573rd, 574th, 575th, 576th, 577th, 578th, 579th, 580th, 581st, 582nd, 583rd, 584th, 585th, 586th, 587th, 588th, 589th, 590th, 591st, 592nd, 593rd, 594th, 595th, 596th, 597th, 598th, 599th, 600th, 601st, 602nd, 603rd, 604th, 605th, 606th, 607th, 608th, 609th, 610th, 611th, 612th, 613th, 614th, 615th, 616th, 617th, 618th, 619th, 620th, 621st, 622nd, 623rd, 624th, 625th, 626th, 627th, 628th, 629th, 630th, 631st, 632nd, 633rd, 634th, 635th, 636th, 637th, 638th, 639th, 640th, 641st, 642nd, 643rd, 644th, 645th, 646th, 647th, 648th, 649th, 650th, 651st, 652nd, 653rd, 654th, 655th, 656th, 657th, 658th, 659th, 660th, 661st, 662nd, 663rd, 664th, 665th, 666th, 667th, 668th, 669th, 670th, 671st, 672nd, 673rd, 674th, 675th, 676th, 677th, 678th, 679th, 680th, 681st, 682nd, 683rd, 684th, 685th, 686th, 687th, 688th, 689th, 690th, 691st, 692nd, 693rd, 694th, 695th, 696th, 697th, 698th, 699th, 700th, 701st, 702nd, 703rd, 704th, 705th, 706th, 707th

H  
H

LOCATIONS 711C

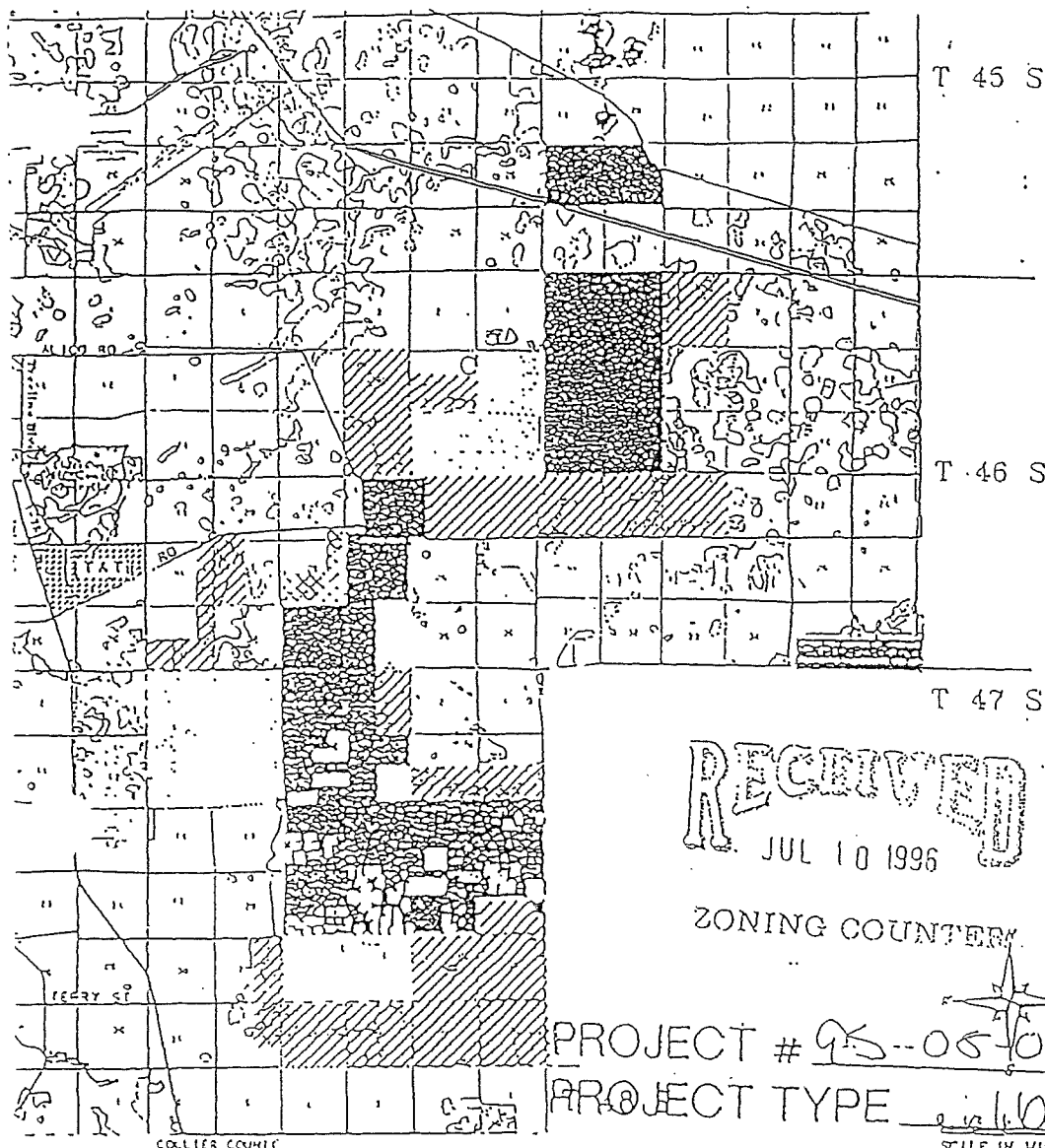
of the year

SCALE: 1" = 1000'

XXI.

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. =       |



010 022 3411:39

COUNTY

RECEIVED  
JUL 10 1996

ZONING COUNTER

PROJECT # 95-05-002 042 0211

PROJECT TYPE in 1.0 2

SCALE IN MILES

Land Acquisition Target Areas Map

for

Timberland & Tiburon

Feb. 6, 1995



WETLANDS (NOT IN CONSERVATION LANDS)  
(SOURCE: FOOT PLACES 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 & LAND ACQUISITION TARGET AREAS

Southern Biomas, EIS  
5236 Coronado Pkwy, Suite A  
P. O. Box 517 Cape Coral, FL 33914  
TEL (941) 549-5400 FAX (941) 549-7400

**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

**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. |       |                 |                |
|                     |            |                | 5/10                  | 3/14 | 1/3/11     | 3/11 |       |                 |                |

**10. COMMISSION ACTION:**

- ☒ APPROVED  
☐ DENIED  
☐ DEFERRED  
☐ OTHER

RECEIVED BY  
COUNTY ADMIN.  
3/3/00  
2:00pm  
COUNTY ADMIN. DPR  
FORWARDED TO:  
3/17/00  
11:00 AM

REC'D.  
BY CO. ATTY.  
3/23/2000  
2:00pm  
CO. ATTY.  
FORWARDED TO:  
3/23/00 11:15  
4/5/00

**Legend**

- Site 93
- Greater Imperial Marsh
- Local Roads
- Panther Mitigation (completed)
- Wetland and Panther Mitigation (ongoing)

Imperial Marsh Preserve - Site 93

ARKSGREW

0 200 400 1,000 1,600 2,000 Feet

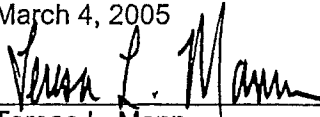
NORTH

Scale: 1/4" = 100 Feet  
Imperial Marsh Preserve  
Imperial National Wildlife Refuge  
Map Prepared: Dec 1998  
By: Imperial National Wildlife Refuge



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  
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.

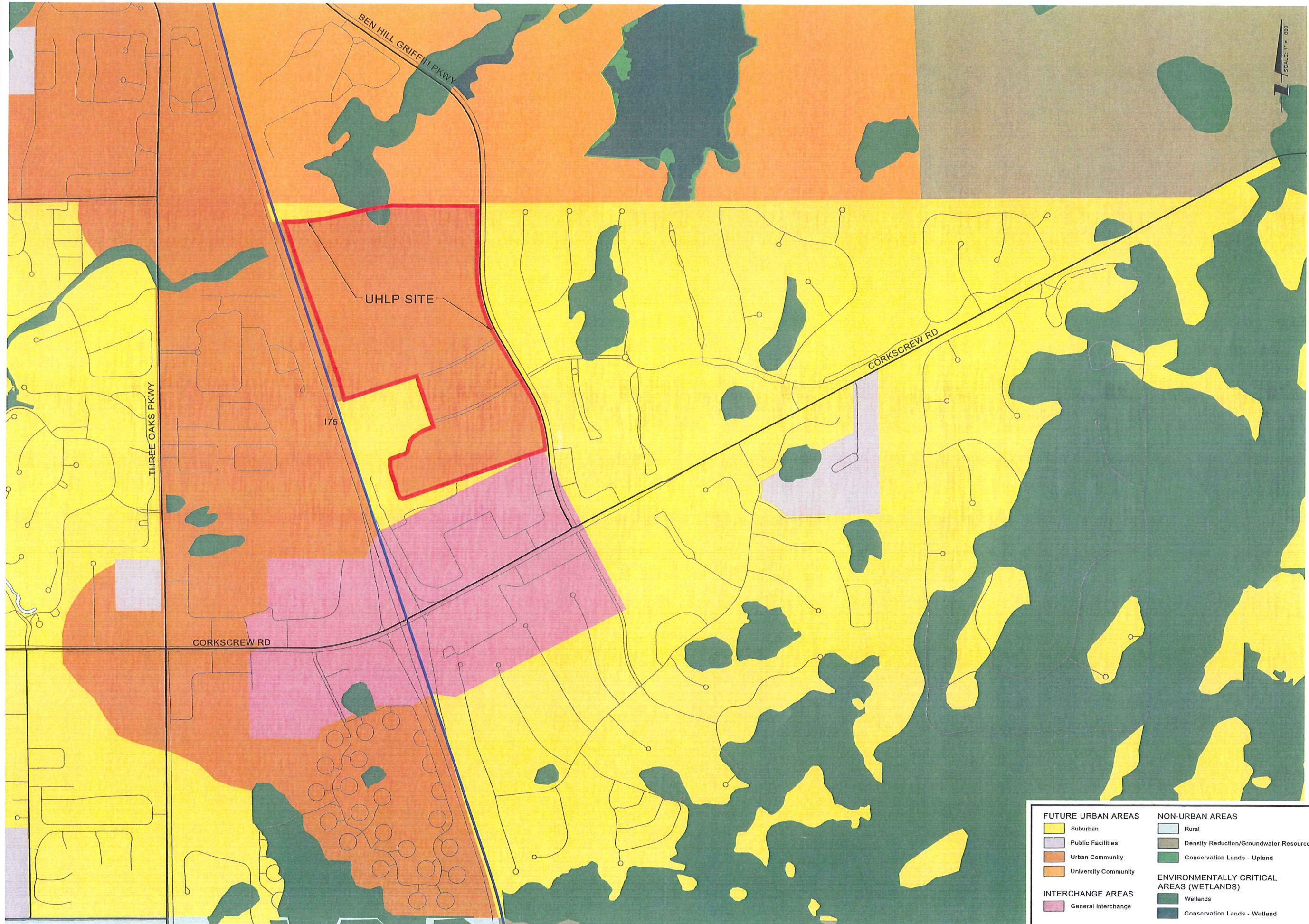
Please review and advise via e-mail or memorandum whether the above is acceptable, so that we can finalize this matter. This issue will also be presented to CLASAC at the April 14, 2005 meeting.

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



S:\0247-003-001\0247-003-001.dwg | Plotter: HP DesignJet 1000 | Plot Date: 03/24/2011 1:51:13 PM | User: JLDHTEL | K:\P\0247-003-001\0247-003-001.dwg | Layer: 0247-003-001-001



|                           |  |
|---------------------------|--|
| <b>FUTURE URBAN AREAS</b> | <b>NON-URBAN AREAS</b>                           |
| Suburban                  | Rural  |
| Public Facilities         | Density Reduction/Groundwater Resource           |
| Urban Community           | Conservation Lands - Upland                      |
| University Community      | <b>ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)</b> |
| <b>INTERCHANGE AREAS</b>  | Wetlands   |
| General Interchange       | Conservation Lands - Wetland                     |

|                                 |                                   |   |                                |   |                  |
|---------------------------------|-----------------------------------|---|--------------------------------|---|------------------|
| PROJECT NUMBER<br>0247-003-001  | CROSS REF. NUMBER<br>0247-003-002 | ISSUE DESCRIPTION<br>UNIVERSITY HIGHLAND LIMITED PARTNERSHIP<br>T & T MPD AMENDMENT - (AREA #1 & #2)<br>UHLP PROPERTY | LEAD DESIGNER<br>J.C.E./1025   | SECTION NUMBER<br>26-46-25  | DATE<br>2/1/2011 |
| PROJECT DATE<br>MARCH 2011      | PROJECT SCALE<br>1" = 600'        | PROJECT TYPE<br>N.T.S.  | LEAD TECHNICIAN<br>J.M.L./1322 | SECTION DESCRIPTION<br>UNIVERSITY HIGHLAND LIMITED PARTNERSHIP<br>T & T MPD AMENDMENT - (AREA #1 & #2)<br>UHLP PROPERTY | DATE<br>2/1/2011 |
| INDEX NUMBER<br>EP-03247-002X02 | SHEET NUMBER<br>001 of 001        |   |                                |   |                  |





## South Florida Water Management District

P.O. Box 24680 • 3301 Gun Club Road • West Palm Beach, FL 33416-4680 • (407) 888-8800 • FL WATS 1-800-432-2045

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

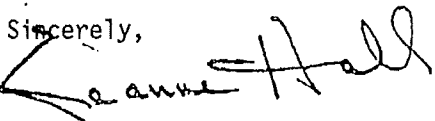
At its March 14, 1991 meeting, the Governing Board of this District gave Conceptual Approval to your surface water management plan, and authorized issuance of a Surface Water Management Permit, subject to the attached 12 limiting conditions and 17 special conditions. The permit will be mailed under separate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

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

### Governing Board:

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

Fritz Sieln - 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  $\pm$  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 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 ROADSHALL 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 IN-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. 25W

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 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  $\pm$  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 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.
- HT 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.
- 5 4. Dunwoody Unit 1 (Page 7, Paragraph 1) was listed as postponed to the  
423-5 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  
65-5 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  
1-5 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) 880-8800 • 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

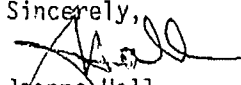
"Notice of Rights" addresses the procedures to be followed if you desire a public hearing or further review of the proposed agency action. You are advised, however, to be prepared to defend your position regarding the permit application when it is considered by the Governing Board for final agency action, 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

WFB

CERTIFIED MAIL # P 281 825 255  
RETURN RECEIPT REQUESTED

### Governing Board:

Les F. Garner, Chairman • Fort Myers  
Alan A. Jason, Vice Chairman • Key Biscayne  
Ennio 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 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 petition 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.

Implemented 120.53(1), 120.57 F.S.

Revised 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 I-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 I-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 I-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 I-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

APPLICATION REVIEWER: Janet Strutzel SUPERVISOR/CHECKER: Terrie Bates  
ENVIRONMENTAL: Stuart Bradow  
DIVISION DIRECTOR: Stuart Bradow DATE: 2/26/91

SURFACE WATER MANAGEMENT  
DIVISION APPROVAL

APPLICATION REVIEWER: Clyde Dabbs SUPERVISOR/CHECKER: Craig Medlock  
TECHNICAL: Clyde Dabb  
WATER QUALITY: Clyde Dabb  
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)

AUTHORIZING: DATE ISSUED: February 14, 1991  
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) 686-8800 • FL WATS 1-800-432-2045

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  
Goran A. Jason, Vice Chairman - Key Biscayne  
Jensio Milian - 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*

170300  
11/90

This Notice of Rights is intended to inform the recipient of the administrative and judicial review which may be available as indicated 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 of 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 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.

10E-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.

Authority 373.044, 373.113 F.S.

Amended 120.53(1), 120.57 F.S.

History --- 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 GB

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

reas will be maintained to keep these areas free of melaleuca, brazilian pepper, downy 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               |
| Pasture      | 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

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 | 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.

FINAL APPROVED BY GB

FEB 14 1991

7

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 GS

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

FED 14 1991

ITEM I-1

EXHIBIT 2

APPROVED BY C3  
FEB 14 1991  
WPB

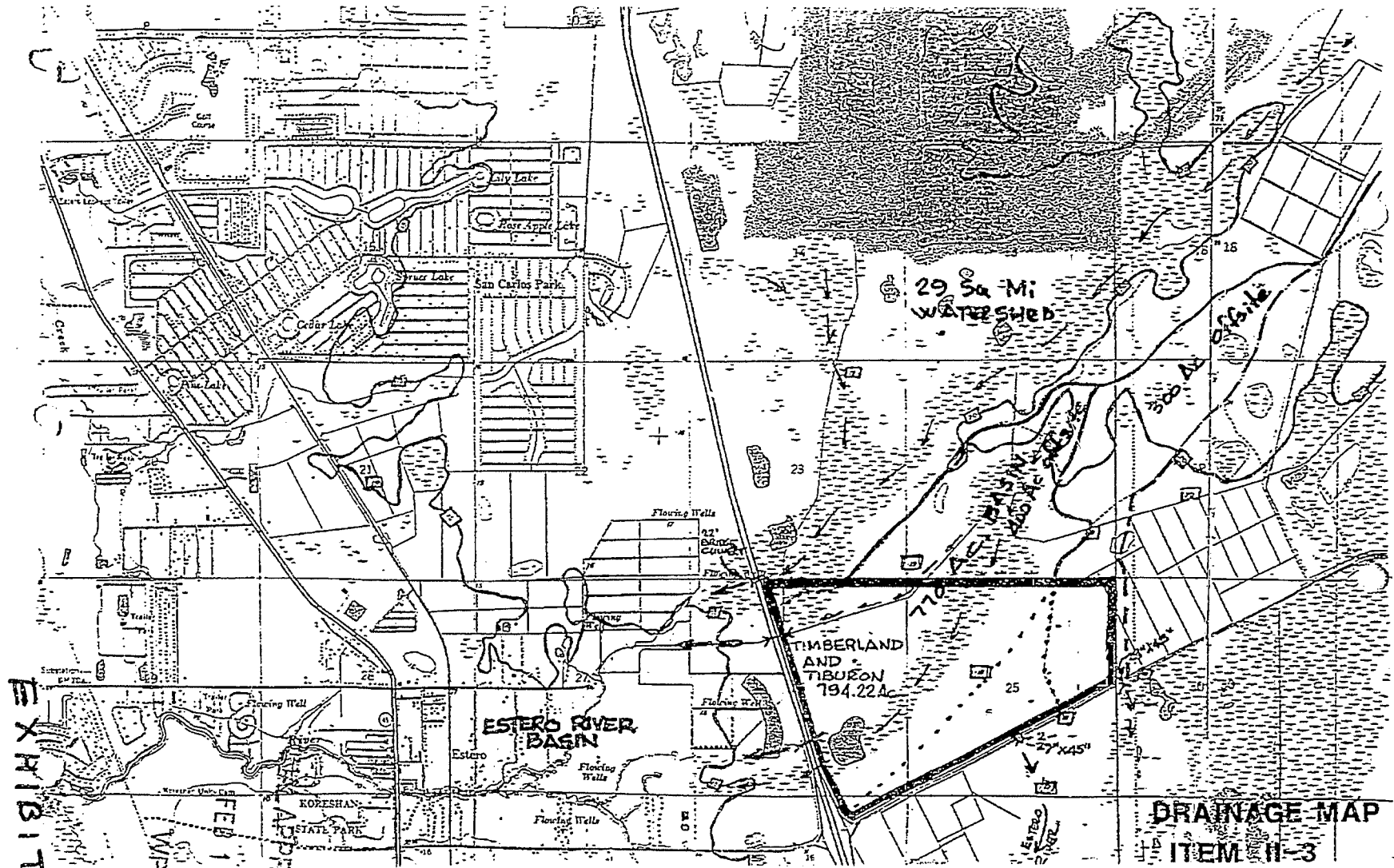
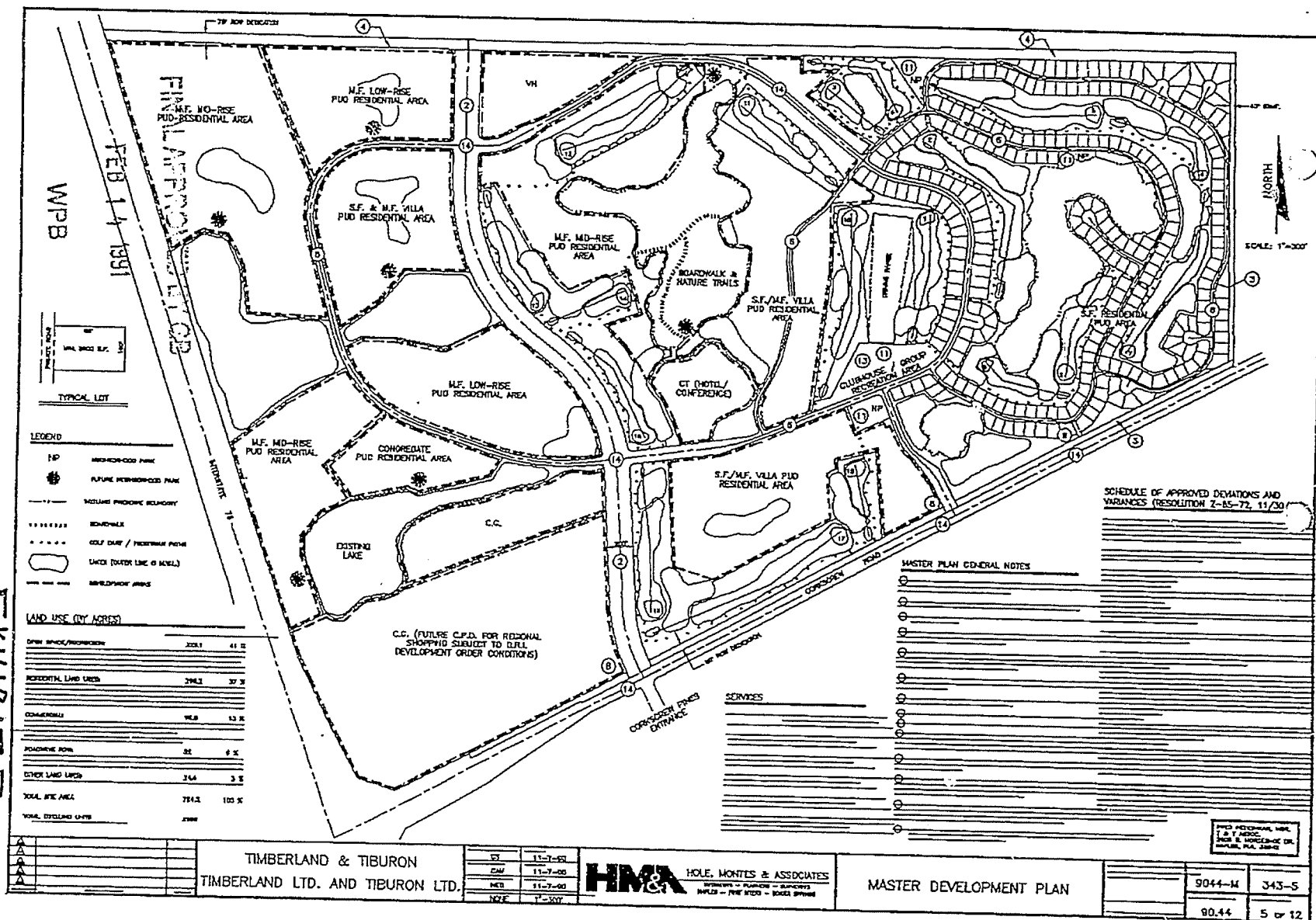


EXHIBIT 3







**MASTER DRAINAGE PLAN**

**WATER MANAGEMENT SUMMARY**

| Basin       | Area (Ac) | Perimeter (Miles) | Drainage Area (Ac) | Drainage Area (Ac) @ 0.25% Slope | Drainage Area (Ac) @ 0.5% Slope | Drainage Area (Ac) @ 1.0% Slope |
|-------------|-----------|-------------------|--------------------|----------------------------------|---------------------------------|---------------------------------|
| Basin One   | 107.65    | 17.8              | 107.65             | 107.65                           | 107.65                          | 107.65                          |
| Basin Two   | 32.53     | 17.8              | 32.53              | 32.53                            | 32.53                           | 32.53                           |
| Basin Three | 32.53     | 17.8              | 32.53              | 32.53                            | 32.53                           | 32.53                           |

**NOTES:** SEE SHEETS 11 AND 12 FOR DRAINAGE DETAILS.

**REVISIONS:**

| NO. | DATE    | DESCRIPTION    |
|-----|---------|----------------|
| 1   | 11-7-90 | INITIAL DESIGN |
| 2   | 11-7-90 | REVISED DESIGN |
| 3   | 11-7-90 | REVISED DESIGN |
| 4   | 11-7-90 | REVISED DESIGN |

**TIMBERLAND & TIBURON**  
TIMBERLAND LTD. AND TIBURON LTD.

**HMA** HOLE, MONTES & ASSOCIATES  
ENGINEERS - PLANNERS - SURVEYORS  
10000 - 10000 - 10000

**9044-0** **343-5**  
**90.44** **5** OF **12**

FEB 14 1991  
WPB

WFB

LEGEND

SEWAGE MAIN BOUNDARY  
WETLAND PRESERVE BOUNDARY  
LATER FOURTH LINE 11 FIELD  
PROPERTY DEP W/ MARSHALL  
PROPERTY COOK BUSH  
PROPOSED CORNER, STRUCTURE  
SEWAGE PUMP  
PROPOSED 100'-WIDE  
EXISTING ELEVATION (DRAIN)  
PROPOSED ELEVATION (NEW)

WELAND PRESERVE SOCIETY

**LOWER SOURCE LINE IN WELLS**

FRONTIERE NOV 19/ 1960-61

WOMEN DO NOT KNOW

TRANSPORT CONTROL STRUCTURES

**END OF PAGE**

**Keywords:** child sexual abuse; disclosure; social support

**DOI: 10.1002/for**

**Keywords:** *child abuse, child sexual abuse, child sexual exploitation, child sexual abuse, child sexual exploitation, child sexual abuse, child sexual exploitation*

NOTE: SEE SHEETS 11 AND 12 FOR DRAINAGE DETAILS.

TIMBERLAND & TIBURON  
TIMBERLAND LTD. AND TIBURON LTD.

TIMBERLAND LTD. AND TIBURON LTD.

|     |         |
|-----|---------|
| JCS | 11-7-90 |
| CAW | 11-7-90 |
| NCB | 11-7-90 |
| NOF | 11-7-90 |

|      |       |
|------|-------|
| DATE | 1994  |
| TIME | 10:00 |

|    |         |
|----|---------|
| NO | 11-7-60 |
|----|---------|

|     |      |
|-----|------|
| 104 | 1-20 |
|-----|------|

**HMA** HOLE, MONTE & ASSOCIATES  
ENGINEERS - PLANNERS - SURVEYORS  
MAPS - THE VIEW - DESIGN BUILDING

HOLE, MONTE & ASSOCIATES  
ENGINEERS - PLANNERS - ARCHITECTS  
INTERIOR - FINE VISION - BOLD IDEAS

---

MASTER DRAINAGE PLAN

|        |       |
|--------|-------|
| 9044-D | 343-8 |
|--------|-------|

|       |         |
|-------|---------|
| 90.44 | 8 of 12 |
|-------|---------|

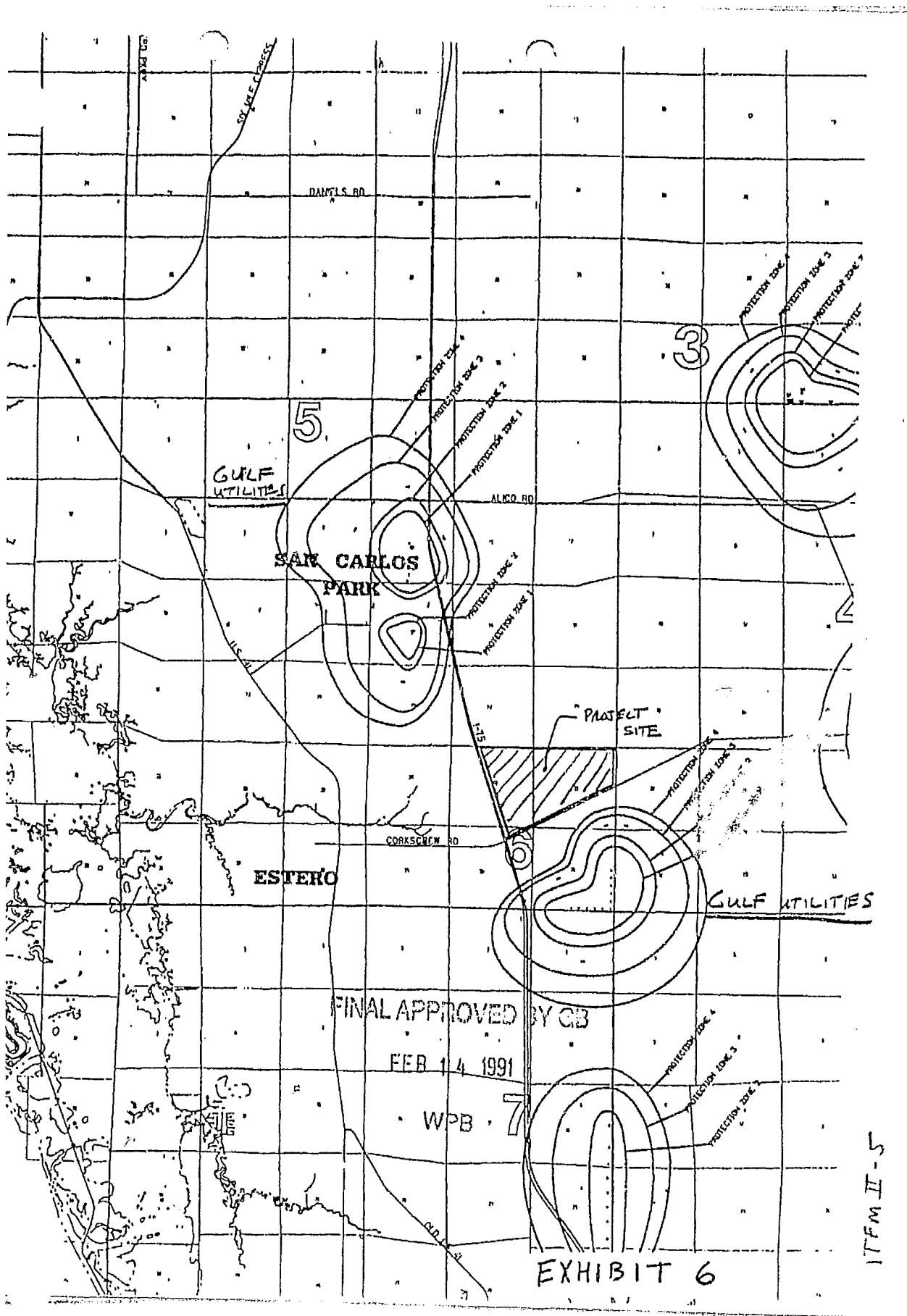
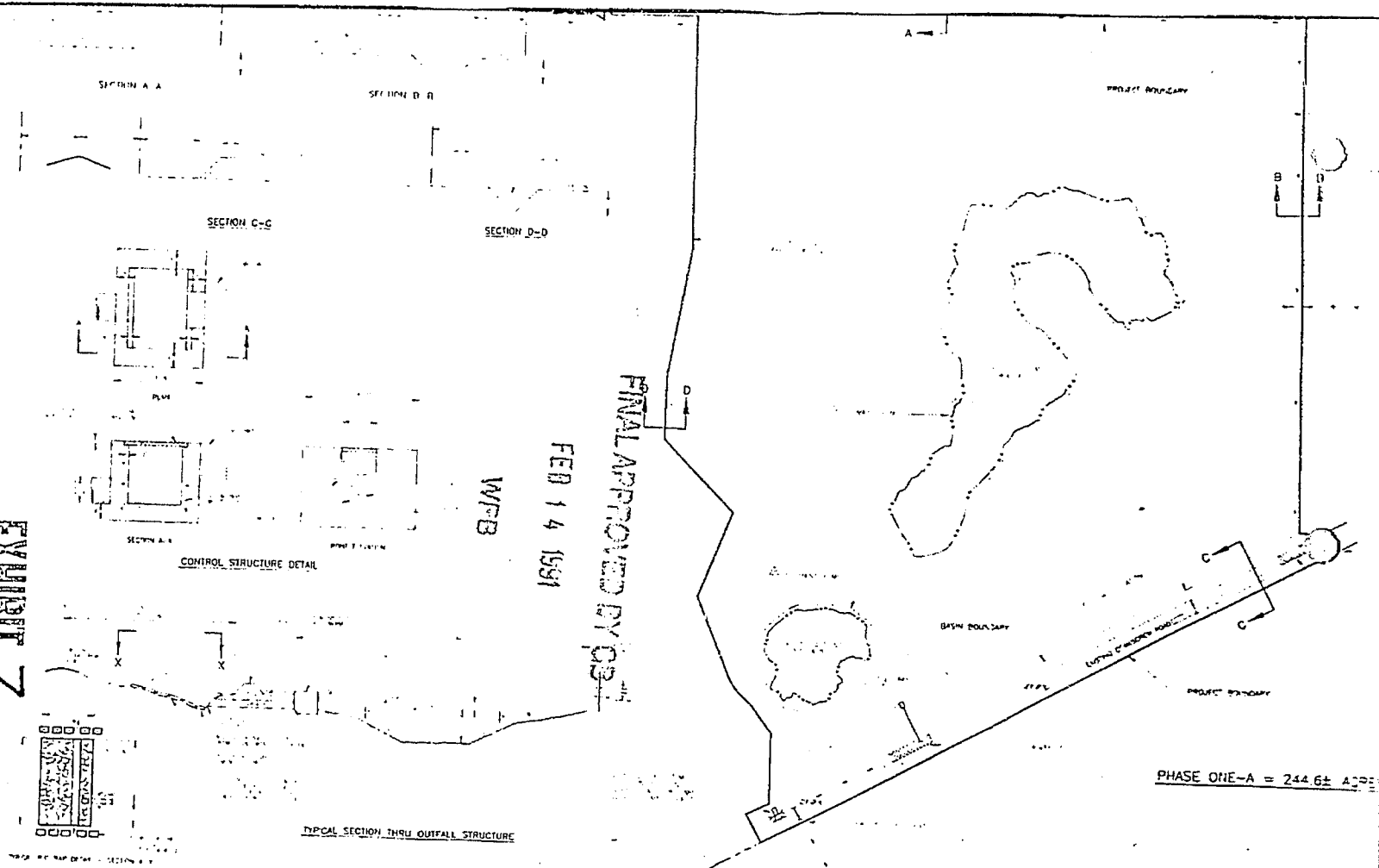


EXHIBIT 7



TIMBERLAND & TIBURON  
TIMBERLAND LTD. AND TIBURON LTD.

HAAS  
HIVAN

CONSTRUCTION PLANS  
PHASE ONE - A

244.6±

TYPICAL CUL-DE-SAC CROSS SECTION

CUL-DE-SAC DETAIL

ROADWAY CROSS SECTION (35' R/W)

TYPICAL LAKE / WETLAND SECTION

TYPICAL OVERLAP / MOORED ISLAND

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

TRANSITION OF TYPE 'E' C&G TO VALLEY GUTTER

GOLF CART / PEDISTRIAN PATH CROSS SECTION

ROADWAY CROSS SECTION (200' R/W)

TYPICAL LOT / WETLAND SECTION

FEB 14 1991

FINAL APPROVED BY C3

EXHIBIT 8

TIMBERLAND & TIBURON  
TIMBERLAND LTD. AND TIBURON LTD.

|     |          |
|-----|----------|
| DES | 10-12-90 |
| CAU | 10-12-90 |
| NEO | 10-12-90 |
| CHK |          |
| APP |          |

**HMA** HOLE, MONTES & ASSOCIATES  
CONSULTING ENGINEERS

DRAINAGE DETAILS

1104  
974

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

1-13



## South Florida Water Management District

Fort Myers Area Office • 2209 Peck Street • Fort Myers, FL 33901 • (813) 532-0300 • 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

For Applicant:

This 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 | Fritz Stein - Belle Glade   | Valerie Boyd - Naples           | John R. Wodraska, Executive Director          |
| Vice Chairman - Key Biscayne | Mike Stout - Windermere     | James E. Nall - Fort Lauderdale | Tifford C. Creel, Deputy Executive Director   |
| Miami                        | Ken Adams - West Palm Beach | Charles W. Causey - Islamorada  | Thomas K. MacVicar, Deputy Executive Director |

Headquarters: P.O. Box 24600 • 3301 Gun Club Road • West Palm Beach, FL 33416-4600 • (407) 686-8800 • Florida WATS 1-800-439-9045

# EXHIBIT 7

| F.U.G.C.S. CODE | DESCRIPTION                                     | WETLAND AREAS |      |      |      |      | WETLAND AREAS TOTALS |
|-----------------|---|---------------|------|------|------|------|----------------------|
|                 |   | W-1           | W-2  | W-3  | W-4  | W-5  |                      |
| 434W            | Shrubland-Pine Wetlands (W.D.P.)                | -             | -    | -    | 0.78 | 1.00 | 1.78                 |
| 424C            | Shrubland-Cypress Forest (B.F.W.M.D.)           | 0.16          | -    | -    | -    | -    | 0.16                 |
| 916             | Cypress Pond (B.F.W.M.D.)                       | -             | 0.48 | 3.88 | -    | -    | 4.44                 |
| 821             | Cypress Forest (B.F.W.M.D.)                     | 2.77          | 2.81 | 3.83 | -    | -    | 9.41                 |
| 824             | Pine-Cypress Association (B.F.W.M.D.)           | 3.89          | -    | -    | -    | -    | 3.89                 |
| 824B            | Pine-Cypress-Shrubland Association (B.F.W.M.D.) | 8.22          | -    | -    | -    | -    | 8.22                 |
| 843BP           | Pine-Shrubland - Wet Prairie (B.F.W.M.D.)       | 2.87          | -    | -    | -    | -    | 2.87                 |
| TOTAL           |   | 17.93         | 3.30 | 7.88 | 0.78 | 1.00 | 30.87                |

LEGEND  
 WETLAND AREA  
 PROPERTY BOUNDARY LINE  
 FLOODS LINE

PRINTED  
FEB 14 1985



SCALE 1" = 100'

|             |          |      |         |
|-------------|----------|------|---------|
| PROJECT NO. | 9044KWIB | DATE | 605-38  |
| PROJECT NO. | 90.44K   | DATE | 38 OF 8 |

WETLAND IDENTIFICATION MAP

**HMA** HOLE, MONTES & ASSOCIATES, INC.  
 ENGINEERS-PLANNERS-SURVEYORS  
 NAPLES-FORT MYERS-BONITA SPRING  
 6303-F Prudential Ct. - Ft. Myers, Fla. 33918

TIMBERLAND and TIBURON

|            |           |
|------------|-----------|
| DATE       | 07/85     |
| BY         | C.J.S.    |
| CHECKED BY | SHC       |
| DATE       | 07/85     |
| SCALE      | 1" = 300' |

|           |      |
|-----------|------|
| REVISIONS | DATE |
|           |      |
|           |      |
|           |      |
|           |      |

A. L. HOLE, L.L. MONTES & ASSOCIATES, INC., 1001 W. 10TH AVE., SUITE 100, FORT MYERS, FL 33901

**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.

|                              | Current<br><u>Suburban</u> | Proposed<br><u>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

|                              | Current<br><u>Suburban</u> | Proposed<br><u>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<br/>Suburban</u> | <u>Proposed<br/>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<br>Corkscrew Road | Corkscrew Road<br>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<br>Corkscrew Road | Corkscrew Road<br>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.



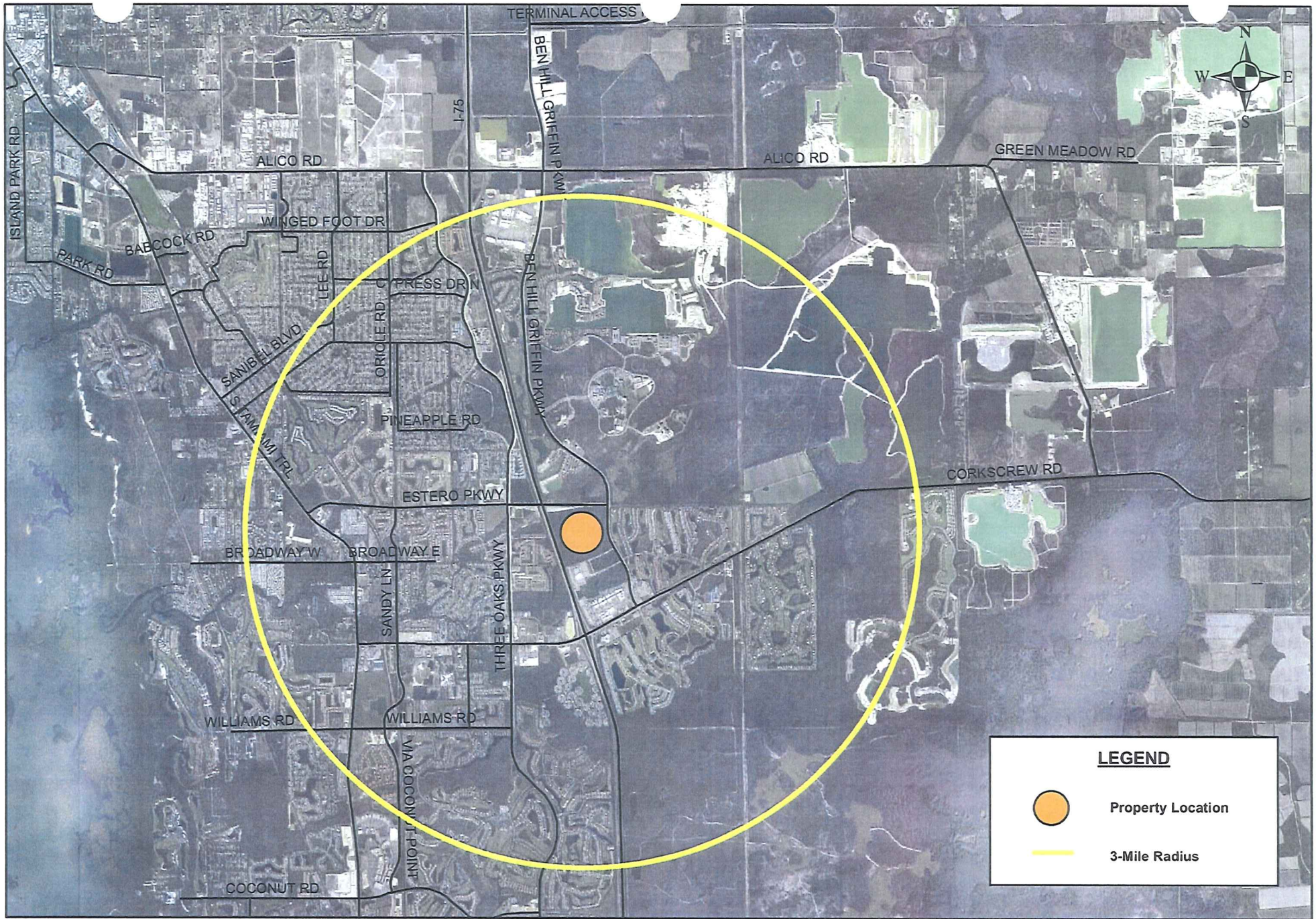




EXHIBIT 2

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

| ROADWAY               |                       | FROM                  |   | TO |      | (6)        |       |         |         |        |      |       |          |       |               |         |       |       |       | (2)                         |       |         |      |         |    |         |    |         |    |         |    |     |    |     |  |     |  |
|-----------------------|-----------------------|-----------------------|---|----|------|------------|-------|---------|---------|--------|------|-------|----------|-------|---------------|---------|-------|-------|-------|-----------------------------|-------|---------|------|---------|----|---------|----|---------|----|---------|----|-----|----|-----|--|-----|--|
|                       |                       |                       |   |    |      | FSUTMS (7) |       |         |         |        |      |       |          |       |               |         |       |       |       | 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 |  |
|                       |                       |                       |   |    |      | # of       | LOS   | (4)     | Without | /AADT  | 2030 | K100  | Peak Hr. | D100  | Peak Hr. Vol. | NE      | SW    | NE    | SW    | NE                          | SW    | NE      | SW   | NE      | SW | NE      | SW | NE      | SW | 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                       | 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                       | 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                       | 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                       | 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                       | 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                       | 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                       | 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                       | 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                       | 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                         | 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                         | 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                       | 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                       | 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                       | 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                       | 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                       | 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 | 280           | 1,570   | 1,900 | 1,970 | 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                       | 1,970 | 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  | 1,789    | 1,568 | 260           | 1,570   | 1,900 | 1,970 | 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                       | 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                       | 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)                   |                       |                       |            |     |       |         |        |         |        |        |         |      |       |                             |         |         |         |         |         |       |      |      |     | (2) |  |  |  |  |  |  |  |  |  |
|-----------------------|-----------------------|-----------------------|------------|-----|-------|---------|--------|---------|--------|--------|---------|------|-------|-----------------------------|---------|---------|---------|---------|---------|-------|------|------|-----|-----|--|--|--|--|--|--|--|--|--|
| FSUTMS (7)            |                       |                       |            |     |       |         |        |         |        |        |         |      |       | Directional Service Volumes |         |         |         |         |         |       |      |      |     |     |  |  |  |  |  |  |  |  |  |
|                       |                       |                       | (1)        | (3) | PSWDT |         | (4)    | With    | PSWDT  | (5)    | Two-Way | (5)  |       | Directional                 |         |         |         |         |         |       |      |      |     |     |  |  |  |  |  |  |  |  |  |
| ROADWAY               | FROM                  | TO                    | # of Lanes | LOS | PCS # | CPA     | Factor | AADT    | Factor | Volume | NE      | SW   | NE    | SW                          | LOS "A" | LOS "B" | LOS "C" | LOS "D" | LOS "E" | LOS   | V/C  | LOS  | LOS |     |  |  |  |  |  |  |  |  |  |
|                       |                       |                       |            |     |       |         |        |         |        |        |         |      |       |                             |         |         |         |         |         |       |      |      |     |     |  |  |  |  |  |  |  |  |  |
| 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           | FGCU 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   |  |  |  |  |  |  |  |  |  |
|                       | FGCU 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    | 13,616  | 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)<br><u>Size</u> <u>Fee Rate /Unit</u> | <u>Amount</u> |
|-------------------------|------------------------------------|-----------|--|---------------|
| <b>Residential:</b>     | 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           |
| <b>Office:</b>          | General Office                     | 1,000,000 | \$7,305 /1,000 s.f.                      | \$7,305,000   |
|                         | 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           |
| <b>Industrial:</b>      | 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        |
| <b>Retail:</b><br>(GFA) | Shopping Center                    | 220,000   | \$10,983 /1,000 s.f.                     | \$2,416,260   |
|                         | 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           |

**\$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**

|                         |                                    | <sup>(1)</sup>        |                      |
|-------------------------|------------------------------------|-----------------------|----------------------|
|                         | <u>Size</u>                        | <u>Fee Rate /Unit</u> | <u>Amount</u>        |
| <b>Residential:</b>     | 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        |
| <b>Office:</b>          | 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.  |
| <b>Industrial:</b>      | 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  |
| <b>Retail:</b><br>(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

| (6) |  |  |  |  |  |  |  |  |  |  |  |  |  | (7)                         |  |  |  |  |  |  |  |  |  |  |  |  |  |
|-----|--|--|--|--|--|--|--|--|--|--|--|--|--|-----------------------------|--|--|--|--|--|--|--|--|--|--|--|--|--|
|     |  |  |  |  |  |  |  |  |  |  |  |  |  | Directional Service Volumes |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |
|     |  |  |  |  |  |  |  |  |  |  |  |  |  |                             |  |  |  |  |  |  |  |  |  |  |  |  |  |

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.



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

### 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>        |
| <b>Residential:</b>     | 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        |
| <b>Office:</b>          | General Office                     | 50,000                | \$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.  |
| <b>Industrial:</b>      | 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  |
| <b>Retail:</b><br>(GFA) | Shopping Center                    | 10,000                | \$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. |

**\$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**

|                         |                                    | <sup>(1)</sup>        |                      |
|-------------------------|------------------------------------|-----------------------|----------------------|
|                         | <u>Size</u>                        | <u>Fee Rate /Unit</u> | <u>Amount</u>        |
| <b>Residential:</b>     | 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        |
| <b>Office:</b>          | 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.  |
|                         |                                    |                       |                      |
| <b>Industrial:</b>      | 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  |
|                         |                                    |                       |                      |
| <b>Retail:</b><br>(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.

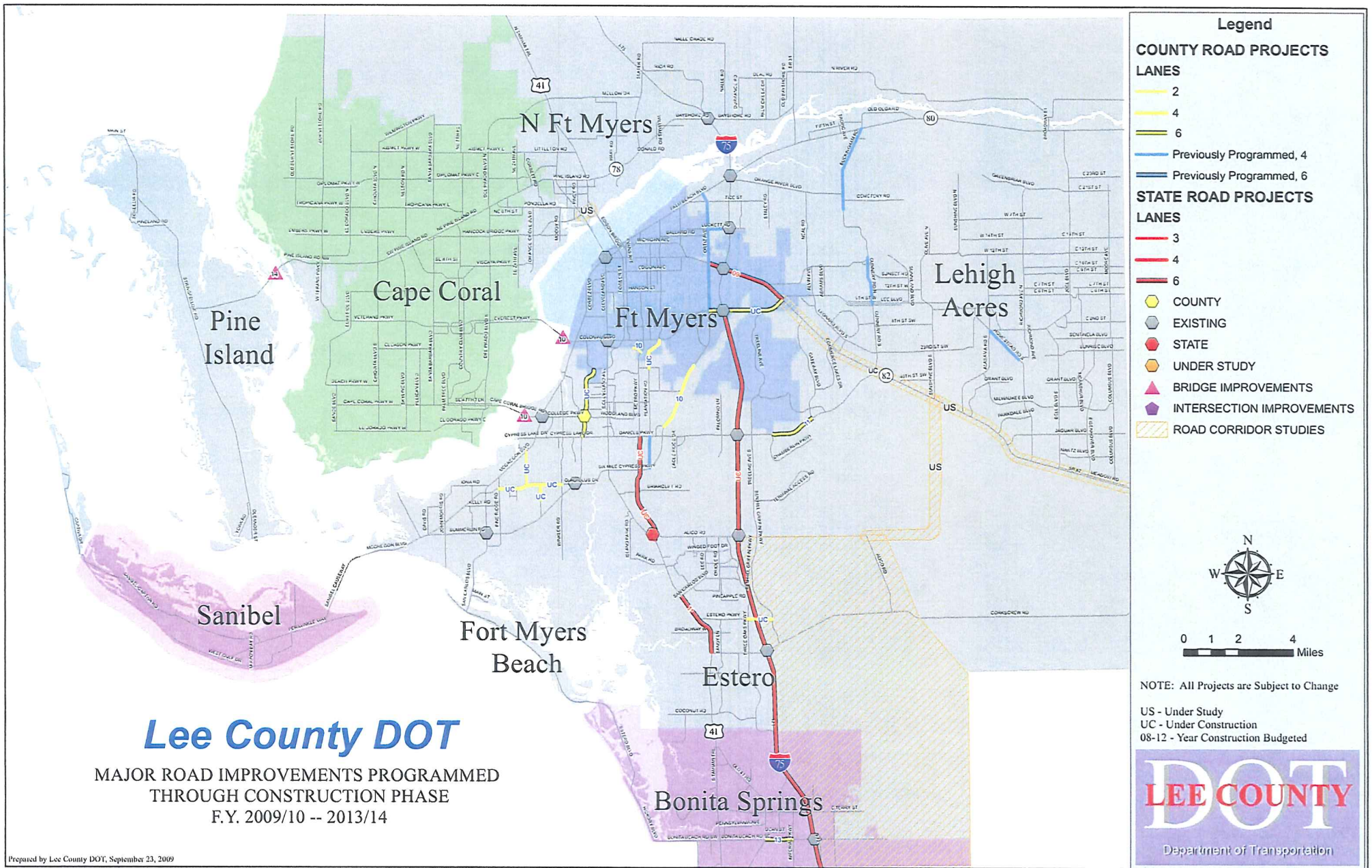
In addition to the above analysis for Potable Water:

- 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<br>Additional work beyond 6L on maintenance access to Fiddlesticks Canal  |                | 16,102,750<br>ALL                         | 1,800,803<br>ALL                         | 0                                | 400,000<br>CST         | 0                      | 0                      | 0                       | 400,000                                  | 0                     | 18,303,553                           | GT                       | Don DeBerry, 533-8503<br>ddeberry@leegov.com   |
| 5          | 205034       | Alico-Green Meadows Corridor Study (UNDERWAY)<br>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<br>PRELIM                         | 0  | 0                                | 0                      | 0                      | 0                      | 1,500,000<br>ROW        | 1,500,000                                | 52,950,000<br>ALL     | 54,926,189                           | GT                       | Sarah Clarke, 533-8718<br>sclarke@leegov.com   |
| All        | 206002       | Bicycle/Pedestrian Facilities<br>Annual project for facilities on existing County-maintained roads  |                | 12,640,508<br>DES/CST                     | 2,778,129<br>DES/CST                     | 240,000<br>CST                   | 623,000<br>DES/CST     | 27,000<br>CST          | 490,000<br>DES/CST     | 1,550,000<br>CST        | 2,930,000                                | 3,700,000<br>CST      | 22,048,637                           | IF/GT                    | Vickie Griffin, 533-8580<br>griffin@leegov.com |
| 1          | 206047       | Boca Grande Master Drainage Project (CST COMPLETE)<br>Development of master plan and implementation in 9 phases<br>GFRTF Loan Repayment - Principal (\$1,000,000)<br>GFRTF Loan Repayment - Interest (2%) |                | 1,696,843<br>DES/CST<br>250,000<br>41,220 | 49,034<br>CST<br>250,000<br>37,500       | 0                                | 0                      | 0                      | 0                      | 0                       | 0<br>500,000<br>15,000                   | 0                     | 1,745,877<br>1,000,000<br>93,720     | GT/IF21<br>GT            | Eyra Cash, 533-8562<br>ecash@leegov.com        |
| 3          | 205720       | Bonita Beach Road Phase II<br>6L, Old 41 to Lime St. (Jointly funded per interlocal agreement)<br>GFRTF Loan Repayment - Principal (\$3,250,000)<br>GFRTF Loan Repayment - Interest (2%)                  | 0.90           | 2,027,548<br>DES/ROW                      | 2,052,451<br>ROW/PM                      | 0                                | 0                      | 0                      | 6,500,000<br>CST       | 366,000<br>LS<br>65,000 | 6,866,000                                | 0                     | 10,945,999                           | IF24/CITY/<br>AV<br>IF24 | Eyra Cash, 533-8562<br>ecash@leegov.com        |
| 3          | 205723       | Bonita Beach Road Phase III<br>6L widening, W. of US 41 to Old 41   | 2.00           | 462,543<br>DES/PM                         | 1,757,457<br>DES/PM                      | 0                                | 0                      | 0                      | 0                      | 0                       | 0  | 26,000,000<br>ROW/CST | 28,220,000                           | IF24/CITY/<br>AV         | Eyra Cash, 533-8562<br>ecash@leegov.com        |
| 1,4        | 204088       | Burnt Store Road 4L<br>SR 78 (Pine Island Road) to Van Buren Parkway  | 3.60           | 5,323,744<br>DES/ROW                      | 1,516,861<br>DES/ROW                     | 2,500,000<br>ROW                 | 2,500,000<br>ROW       | 0                      | 0                      | 0                       | 5,000,000                                | 24,400,000<br>CST/LS  | 36,240,605                           | SURP.<br>TOLLS           | Mike Rigsby, 533-8513<br>mrigsby@leegov.com    |
| 2          | 205601       | Cape/Midpoint Plaza Reconstruction<br>Reconstruction of toll plazas to modernize and reflect 1-way tolling  |                | 3,049,178<br>DES/CST                      | 8,807,100<br>DES/CST                     | 0                                | 0                      | 0                      | 0                      | 0                       | 0  | 0                     | 11,856,278                           | SURP.<br>TOLLS           | Paul Wingard, 533-8545<br>wingarpw@leegov.com  |
| 2          | 206064       | Colonial @ Metro Queue Jump<br>Tolled grade separation  |                | 1,041,876<br>DES/PM                       | 955,211<br>DES/PM                        | 0                                | 0                      | 0                      | 0                      | 0                       | 0  | 40,200,000<br>ROW/CST | 42,197,087                           | NEW<br>TOLLS             | Sarah Clarke, 533-8718<br>sclarke@leegov.com   |
| 5          | 204054       | Colonial Boulevard/Six Mile to SR 82 (CST UNDERWAY)<br>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<br>DES/ROW                      | 20,898,770<br>CST                        | 0                                | 0                      | 829,000<br>LS          | 0                      | 0                       | 829,000                                  | 0                     | 30,780,570                           | IF23/CITY/<br>TRIP/AV    | Mike Rigsby, 533-8513<br>mrigsby@leegov.com    |
| 2          | 205054       | Colonial Expressway<br>4 elevated express lanes, McGregor Blvd. to Metro Pkwy.  |                | 1,854,744<br>PD&E/PM                      | 2,811,188<br>PD&E/PM                     | 0                                | 0                      | 0                      | 0                      | 0                       | 0  | 595,884,068<br>ALL    | 600,550,000                          | SURP/NEW<br>TOLLS        | Sarah Clarke, 533-8718<br>sclarke@leegov.com   |
| 2          | 205035       | Communications Plant Updates<br>Installation of fiber optics from Billys Creek to downtown and RTMC   |                | 175,155<br>DES/CST                        | 209,844<br>CST                           | 0                                | 0                      | 0                      | 0                      | 0                       | 0  | 900,000<br>CST        | 1,284,999                            | GT                       | Earl Salley, 533-9500<br>salleyer@leegov.com   |
| 3,5        | 204078       | CR 951 Extension PD&E (UNDERWAY)<br>Study for new 4L, Immokalee Rd. (Collier Co.) to Alico Rd.<br>GFRTF Loan Repayment - Principal (\$2,800,000)<br>GFRTF Loan Repayment - Interest (2%)                  | 15.00          | 5,939,181<br>PD&E/PM/<br>ROW              | 662,674<br>ROW<br>2,800,000<br>1,165,553 | 0                                | 0                      | 0                      | 0                      | 0                       | 0  | 0                     | 6,601,855<br>2,800,000<br>1,165,553  | IF25<br>IF25             | Don DeBerry, 533-8503<br>ddeberry@leegov.com   |
| 3,5        | 204097       | CR 951 Extension<br>New 4L expressway, Bonita Beach Rd. to Alico Rd.<br>GFRTF Loan Repayment - Principal (\$22,500,000)<br>GFRTF Loan Repayment - Interest (2%)   | 11.50          | 22,500,000<br>ROW                         | 0  | 1,000,000<br>ROW<br>0<br>430,000 | 0<br>0<br>0<br>430,000 | 0<br>0<br>0<br>430,000 | 0<br>0<br>0<br>430,000 | 0<br>0<br>0<br>430,000  | 1,000,000<br>0<br>2,250,000<br>2,150,000 | 0                     | 23,500,000<br>1,000,000<br>2,375,000 | GT<br>IF25               | Don DeBerry, 533-8503<br>ddeberry@leegov.com   |
| All        | 206066       | Countywide Signal Retiming<br>Complete signal system retiming and timing updates  |                | 209,590<br>CST                            | 645,910<br>CST                           | 0                                | 100,000<br>CST         | 200,000<br>CST         | 0                      | 0                       | 300,000                                  | 0                     | 1,155,500                            | FDOT                     | Earl Salley, 533-9500<br>salleyer@leegov.com   |
| 5          |              | Daniels 6L/Chamberlin-Gateway<br>6L widening, Chamberlin Pkwy. to Gateway Blvd.<br>GFRTF Loan Repayment - Principal (\$4,500,000)<br>GFRTF Loan Repayment - Interest (2%)                                 | 1.70           | 0   | 0  | 500,000<br>DES                   | 4,500,000<br>CST       | 0                      | 0                      | 0                       | 5,000,000                                | 0                     | 5,000,000                            | GT/LOAN<br>GT            | Don DeBerry, 533-8503<br>ddeberry@leegov.com   |
| 4          | 205062       | Del Prado ROW<br>Reimbursement of land acquisition by Cape Coral south of SR 78   |                | 196<br>ROW                                | 0  | 3,999,804<br>ROW                 | 0                      | 0                      | 0                      | 0                       | 3,999,804                                | 0                     | 4,000,000                            | IF5/IF22                 | Don DeBerry, 533-8503<br>ddeberry@leegov.com   |
| 2          |              | e-ARCS Replacement<br>Funds for complete replacement due to technology changes  |                | 0   | 0  | 0                                | 0                      | 0                      | 0                      | 8,700,000<br>DES        | 8,700,000                                | 0                     | 8,700,000                            | SURP.<br>TOLLS           | Paul Wingard, 533-8545<br>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<br>Phased improvements to County roadway in Town<br>(PRELIMINARY EVALUATION COMPLETED, ROW SURVEY UNDERWAY, 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<br>DES/PM    | 1,036,080<br>DES/PM    | 300,000<br>DES       | 1,400,000<br>CST     | 0                    | 0                    | 0                   | 1,700,000             | 0                     | 3,300,000               | GT/TOWN<br>GRANT   | Rob Phelan, 533-8594<br>phelanrk@leegov.com    |
| 5     | 205021 | Estero Parkway Extension (CST UNDERWAY)<br>New 4L, Three Oaks Pkwy. to Ben Hill Griffin Pkwy., including prelim. phases for 2L ext. from Ben Hill Griffin Pkwy. to Corkscrew Rd.<br>GFRTF Loan Repayment - Principal (\$18,100,000)<br>GFRTF Loan Repayment - Interest (2%)           | 0.70  | 29,896,549<br>ALL    | 26,206,510<br>CST      | 0                    | 0                    | 350,000<br>LS        | 0                    | 0                   | 350,000               | 0                     | 56,453,059              | IF24/IF25          | Nicole Maxey, 985-1200                         |
|       |        |   |       |                      | 3,600,000<br>1,823,389 | 2,173,607<br>261,000 | 2,382,072<br>217,528 | 2,432,072<br>169,886 | 2,498,292<br>121,245 | 2,584,776<br>71,279 | 12,070,819<br>840,938 | 0                     | 15,670,819<br>2,664,327 | IF24               |  |
| 3     | 204083 | Gladiolus Widening (CST UNDERWAY)<br>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<br>ALL     | 17,304,586<br>CST      | 0                    | 0                    | 150,000<br>LS        | 1,000,000<br>LS      | 0                   | 1,150,000             | 0                     | 24,338,067              | IF4/IF24/<br>GT/AV | Mike Rigsby, 533-8513<br>mrigsby@leegov.com    |
| 4     | 205721 | Hancock Bridge Pkwy. Ext. (CORRIDOR STUDY UNDERWAY)<br>4L Extension, from US 41 to Bus. 41.   |       | 1,033<br>PRELIM      | 318,966<br>PRELIM      | 0                    | 0                    | 0                    | 0                    | 0                   | 0                     | 64,580,000<br>ALL     | 64,899,999              | IF22               | Sarah Clarke, 533-8718<br>sclarke@leegov.com   |
| 5     | 205063 | Homestead 4L/Sunrise-Alabama (DES UNDERWAY)<br>4L widening, south of Sunrise Blvd. to Alabama Rd.<br>GFRTF Loan Repayment - Principal (\$3,400,000)<br>GFRTF Loan Repayment - Interest (2%)   | 2.25  | 1,760,185<br>DES/PM  | 539,813<br>DES/PM      | 1,000,000<br>ROW     | 3,400,000<br>ROW     | 0                    | 0                    | 0                   | 4,400,000             | 15,810,000<br>ROW/CST | 22,509,998              | IF23/LOAN          | Sarah Clarke, 533-8718<br>sclarke@leegov.com   |
|       |        |   |       |                      | 0                      | 0                    | 0                    | 0                    | 0                    | 0                   | 0                     | 0                     | 0                       | IF23               |  |
| 2,3,5 | 205036 | I-75 Complimentary ITS Deployment<br>ITS installation on County roads adjacent to interstate  |       | 39,900<br>CST        | 1,160,100<br>DES/CST   | 0                    | 0                    | 0                    | 0                    | 0                   | 0                     | 0                     | 1,200,000               | GT/CIGP            | Earl Salley, 533-9500<br>salleyer@leegov.com   |
| 2     | 205068 | Luckett Rd 4L/Ortiz to I-75 (DES UNDERWAY WITH ORTIZ)<br>4L widening  | 0.46  | 538,832<br>ROW       | 611,168<br>ROW/PM      | 0                    | 0                    | 0                    | 0                    | 0                   | 0                     | 5,854,000<br>ROW/CST  | 7,004,000               | IF23/AV            | Eyra Cash, 533-8562<br>ecash@leegov.com        |
| 1     | 205904 | Matlacha Pass Bridge Replacement<br>(COUNTY EXPLORING BUILD/FINANCE OPTION AS MEANS TO ADVANCE CST)   |       | 2,884,657<br>DES/ROW | 558,646<br>DES/PM      | 200,000<br>MIT       | 0                    | 0                    | 0                    | 26,500,000<br>CST   | 26,700,000            | 0                     | 30,143,303              | GT/IF22            | Don DeBerry, 533-8503<br>ddeberry@leegov.com   |
| 5     | 205069 | Meadow Road Upgrade<br>Reconstruct as reverse frontage road, Wallace Rd. to Naples Ave.   | 10.17 | 0                    | 0                      | 0                    | 0                    | 0                    | 0                    | 0                   | 0                     | 7,750,000<br>ALL      | 7,750,000               | IF23               | Don DeBerry, 533-8503<br>ddeberry@leegov.com   |
| 2     |        | North Airport Rd. Ext.<br>2L Extension, end of existing road to Metro Parkway<br>GFRTF Loan Repayment - Principal (\$3,315,000)<br>GFRTF Loan Repayment - Interest (2%)   | 0.62  | 0                    | 0                      | 3,315,000<br>ALL     | 0                    | 0                    | 0                    | 0                   | 3,315,000             | 0                     | 3,315,000               | LOAN               | Sarah Clarke, 533-8718<br>sclarke@leegov.com   |
|       |        |   |       |                      | 0                      | 0                    | 500,000              | 500,000              | 500,000              | 500,000             | 2,000,000             | 0                     | 2,000,000               | IF23               |  |
|       |        |   |       |                      | 0                      | 0                    | 66,300               | 56,300               | 46,300               | 36,300              | 205,200               | 0                     | 205,200                 |                    |  |
| 2     |        | Ortiz 4L/Colonial-MLK<br>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<br>ALL     | 11,041,000              | IF23/AV            | Eyra Cash, 533-8562<br>ecash@leegov.com        |
| 2     | 205056 | Ortiz 4L/Luckett-SR 80<br>4L widening, Luckett Rd. to SR 80 (Palm Beach Blvd.)<br>GFRTF Loan Repayment - Principal (\$1,300,000)<br>GFRTF Loan Repayment - Interest (2%)  | 1.33  | 5,311,598<br>DES/ROW | 5,827,284<br>DES/ROW   | 0                    | 1,300,000<br>ROW     | 0                    | 0                    | 0                   | 1,300,000             | 10,959,000<br>CST     | 23,397,882              | IF23/LOAN          | Eyra Cash, 533-8562<br>ecash@leegov.com        |
|       |        |   |       |                      | 0                      | 0                    | 0                    | 0                    | 0                    | 0                   | 0                     | 0                     | 0                       | IF23               |  |
|       |        |   |       |                      | 0                      | 0                    | 0                    | 26,000               | 26,000               | 26,000              | 78,000                | 0                     | 78,000                  |                    |  |
| 2     | 204072 | Ortiz 4L/MLK-Luckett<br>4L widening, SR 82 (Dr. Martin Luther King, Jr. Blvd.) to Luckett Rd.<br>GFRTF Loan Repayment - Principal (\$1,300,000)<br>GFRTF Loan Repayment - Interest (2%)   | 1.25  | 6,779,413<br>DES/ROW | 2,338,233<br>DES/ROW   | 0                    | 1,300,000<br>ROW     | 0                    | 0                    | 0                   | 1,300,000             | 9,953,000<br>CST      | 20,370,646              | IF23/AV            | Eyra Cash, 533-8562<br>ecash@leegov.com        |
|       |        |   |       |                      | 0                      | 0                    | 0                    | 0                    | 0                    | 0                   | 0                     | 0                     | 0                       | IF23               |  |
|       |        |   |       |                      | 0                      | 0                    | 0                    | 26,000               | 26,000               | 26,000              | 78,000                | 0                     | 78,000                  |                    |  |
| 1     | 206751 | Pine Island ITS<br>Fiber optic/ITS equipment installation along Pine Island Road  |       | 15,325<br>DES        | 5,675<br>DES           | 0                    | 0                    | 0                    | 0                    | 0                   | 0                     | 389,000<br>CST        | 410,000                 | PS/GT              | Earl Salley, 533-9500<br>salleyer@leegov.com   |
| 2     | 204065 | Plantation Ext./Idlewild to Colonial (CST UNDERWAY)<br>New 4L   | 1.00  | 4,832,641<br>DES/ROW | 4,045,698<br>ALL       | 0                    | 0                    | 0                    | 0                    | 0                   | 0                     | 0                     | 8,878,339               | IF23/AV            | Mike Rigsby, 533-8513<br>mrigsby@leegov.com    |
| 1,4   | 206068 | SeGo Implementation<br>New transponders and related readers, software upgrades  |       | 198,909<br>CST       | 1,052,638<br>CST       | 0                    | 0                    | 0                    | 0                    | 0                   | 0                     | 0                     | 1,251,547               | SURPLUS<br>TOLLS   | Paul Wingard, 533-8545<br>wingarppw@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<br>N. of Daniels Pkwy. to S. of Winkler Ext.   | 2.30  | 1,032,835<br>DES/PM                       | 533,273<br>DES/PM                        | 7,500,000<br>CST/CEI     | 0                        | 0           | 0           | 0                        | 7,500,000                 | 1,500,000<br>LS       | 10,566,108           | ARRA/IF23<br>TRIP/AV   | Mike Rigsby, 533-8513<br>mrigsby@leegov.com   |  |
| 2,3,5   | 206007 | Summerlin/Boyscout-Cypress Lake (CST UNDERWAY)<br>6L widening, including overpass at College Parkway  | 2.60  | 11,776,675<br>ALL                         | 27,005,961<br>ALL                        | 0                        | 0                        | 0           | 0           | 0                        | 0                         | 0                     | 38,782,636           | IF23/AV                | Sarah Clarke, 533-8718<br>sclarke@leegov.com  |  |
| 5   | 204053 | Three Oaks Parkway Extension North<br>New 4L, N. of Alico Rd. to Daniels Pkwy.  | 3.50  | 5,403,791<br>DES/ROW                      | 6,940,630<br>DES/ROW                     | 0                        | 0                        | 0           | 0           | 0                        | 0                         | 35,036,883<br>ROW/CST | 47,381,304           | IF24                   | Eyra Cash, 533-8562<br>ecash@leegov.com       |  |
| 5   | 204081 | Three Oaks Parkway Widening (CST UNDERWAY)<br>4L widening, Corkscrew Rd. to Alico Rd.<br>GFRTF Loan Repayment - Principal (\$5,500,000)<br>GFRTF Loan Repayment - Interest (5%) | 4.60  | 25,061,411<br>ALL<br>1,375,000<br>275,000 | 3,534,422<br>ALL<br>1,375,000<br>206,250 | 0<br>1,375,000<br>55,000 | 0<br>1,375,000<br>27,500 | 0<br>0<br>0 | 0<br>0<br>0 | 0<br>2,750,000<br>82,500 | 0<br>5,500,000<br>563,750 | 28,595,833            | IF24/GT/<br>AV<br>GT | Nicole Maxey, 985-1200 |   |  |
| 1,4   | 205039 | VES<br>Implementation of Vehicle Enforcement System at toll bridges   |       | 1,587,196<br>CST                          | 1,175,656<br>CST                         | 0                        | 0                        | 0           | 0           | 0                        | 0                         | 0                     | 2,762,852            | SURPLUS<br>TOLLS       | Paul Wingard, 533-8545<br>wingarpw@leegov.com |  |
| 1,4   |        | Veterans/Santa Barbara Overpass<br>Grade separation at intersection   |       | 0   | 0  | 2,250,000<br>DES         | 0                        | 0           | 0           | 0                        | 0                         | 2,250,000             | 30,000,000<br>CST    | 32,250,000             | SURPLUS<br>TOLLS                              | Sarah Clarke, 479-8718<br>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)<br>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%             |
| <b>Total</b>   |                     | <b>40800</b>                   | <b>53000</b>  | <b>41500</b>  | <b>34100</b> | <b>-5.47%</b>      |
| <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%             |
| <b>Total</b>   |                     | <b>60600</b>                   | <b>34100</b>  | <b>61000</b>  | <b>52000</b> | <b>-4.73%</b>      |
| <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%              |
| <b>Total</b>   |                     | <b>28500</b>                   | <b>32000</b>  | <b>17700</b>  | <b>30800</b> | <b>2.69%</b>       |
| <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%             |
| <b>Total</b>   |                     | <b>162000</b>                  | <b>153500</b> | <b>141000</b> |              | <b>-6.48%</b>      |

(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.



## Estero Fire Rescue

21500 Three Oaks Parkway  
Estero, Florida 33928  
(239) 390.8000  
(239) 390.8020 (Fax)  
[www.esterofire.org](http://www.esterofire.org)

March 15, 2010

Mr. Daniel Waters  
Wilson Miller  
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 G. Sims".

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





**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](mailto: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](http://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](http://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 no 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>>





## FLOWWAYS - CURRENT COUNTY MAPPING



ACTUAL SITE CONDITIONS

|  |  |  |  |  |                         |  |  |  |  |   |  |  |  |  |                            |  |  |  |  |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|--|--|--|--|--|-------------------------|--|--|--|--|---|--|--|--|--|----------------------------|--|--|--|--|---|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| WILSONMILLER PROJECT NUMBER<br>03247-003-001 |  |  |  |  |                         |  |  |  |  | CROSS REF. NUMBER<br>DD-03247-002                     |  |  |  |  |                            |  |  |  |  | ISSUE DESCRIPTION                       |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| PROJ START DATE<br>FEB. 2010                 |  |  |  |  | ISSUE DATE<br>FEB. 2010 |  |  |  |  | VERTICAL SCALE<br>1" = 400'                           |  |  |  |  | HORIZONTAL SCALE<br>N.T.S. |  |  |  |  | DATE<br>LEE                             |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| TITLE  |  |  |  |  |                         |  |  |  |  | CLIENT  |  |  |  |  |                            |  |  |  |  | LEAD DESIGNER<br>J.C.E./1025            |  |  |  |  |  |  |  |  |  | SEC NUMBER<br>25-46-25   |  |  |  |  |  |  |  |  |  |
| INDEX NUMBER<br>03247-001X03                 |  |  |  |  |                         |  |  |  |  | SHEET NUMBER<br>001 of 001                            |  |  |  |  |                            |  |  |  |  | LEAD TECHNICIAN<br>J.M.L./1322          |  |  |  |  |  |  |  |  |  | REVISION DESCRIPTION<br>ΔREV. NO.  |  |  |  |  |  |  |  |  |  |
| Copyright Wilson Miller Inc. 2009            |  |  |  |  |                         |  |  |  |  | FLOWWAY EXHIBIT                                       |  |  |  |  |                            |  |  |  |  | UNIVERSITY HIGHLAND LIMITED PARTNERSHIP |  |  |  |  |  |  |  |  |  | New Directions In Planning, Design & Engineering, Since 1956.<br>3200 Bailey Ave. Suite 200 Naples, FL 34109-6307<br>800.643.4326 • 239.644.0400 • F 239.643.5216<br>WilsonMiller, Inc. • Certified in Professional E&P • E.I.C. #14-000716 • www.WilsonMiller.com |  |  |  |  |  |  |  |  |  |
| Copyright Wilson Miller Inc. 2009            |  |  |  |  |                         |  |  |  |  | T & T MPD AMENDMENT - (AREA #1 & #2)<br>UHLP PROPERTY |  |  |  |  |                            |  |  |  |  |   |  |  |  |  |  |  |  |  |  | REVISION DESCRIPTION<br>ΔREV. NO.  |  |  |  |  |  |  |  |  |  |
| Copyright Wilson Miller Inc. 2009            |  |  |  |  |                         |  |  |  |  |   |  |  |  |  |                            |  |  |  |  |   |  |  |  |  |  |  |  |  |  | REVISION DESCRIPTION<br>ΔREV. NO.  |  |  |  |  |  |  |  |  |  |
| Copyright Wilson Miller Inc. 2009            |  |  |  |  |                         |  |  |  |  |   |  |  |  |  |                            |  |  |  |  |   |  |  |  |  |  |  |  |  |  | REVISION DESCRIPTION<br>ΔREV. NO.  |  |  |  |  |  |  |  |  |  |
| Copyright Wilson Miller Inc. 2009            |  |  |  |  |                         |  |  |  |  |   |  |  |  |  |                            |  |  |  |  |   |  |  |  |  |  |  |  |  |  | REVISION DESCRIPTION<br>ΔREV. NO.  |  |  |  |  |  |  |  |  |  |