



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

August 30, 2010

RECEIVED
SEP 01 2010

COMMUNITY DEVELOPMENT

The Honorable Tammy Hall, Chair
Lee County Board of County Commissioners
Post Office Box 398
Fort Myers, Florida 33902-0398

Dear Chair Hall:

The Department has completed its review of the proposed Comprehensive Plan Amendment for Lee County (DCA 10-D2), which was received on July 1, 2010. Based on Chapter 163, Florida Statutes (F.S.), we have prepared the attached report, which outlines our findings concerning the amendment. It is particularly important that the County address the objection set forth in our review report so that these issues can be successfully resolved prior to adoption. We have also included a copy of local, regional and state agency comments for your consideration. The Department has identified issues with Amendment CPA2010-02 regarding the coordination of land use planning with transportation planning and capital improvements planning. The issues identified in the attached report should be addressed before adoption of the plan amendments.

Because the plan amendment is related to a development of regional impact, the County may not hold a public hearing on the application for development approval or the comprehensive plan amendment sooner than 30 days from receipt of this letter pursuant to Section 380.06(6)(b)5., F.S. The 60 day time period for local governments to adopt, adopt with changes, or not adopt plan amendments pursuant to Section 163.3184(7), F.S., shall not apply to this concurrent plan amendment. For your assistance, our report outlines procedures for final adoption and transmittal.

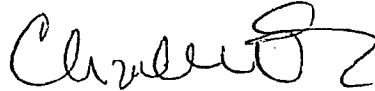
2555 SHUMARD OAK BOULEVARD ♦ TALLAHASSEE, FL 32399-2100
850-488-8466 (p) ♦ 850-921-0781 (f) ♦ Website: www.dca.state.fl.us

♦ COMMUNITY PLANNING 850-488-2356 (p) 850-488-3309 (f) ♦ FLORIDA COMMUNITIES TRUST 850-922-2207 (p) 850-921-1747 (f) ♦
♦ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) ♦

The Honorable Tammy Hall, Chair
August 30, 2010
Page 2

If you, or your staff, have any questions or if we may be of further assistance as you formulate your response to this Report, please contact Scott Rogers, Principal Planner, at (850) 922-1758, or Brenda Winningham, Regional Planning Administrator, at (850) 487-4545.

Sincerely yours,



Charles Gauthier, AICP
Director, Division of Community Planning

CG/sr

Enclosures: Objections, Recommendations and Comments Report
Review Agency Comments

cc: Ken Heatherington, Executive Director, Southwest Florida Regional Planning
Council
Paul O'Connor, AICP, Lee County Planning Director

TRANSMITTAL PROCEDURES

The process for adoption of local comprehensive plan amendments is outlined in Section 163.3184, Florida Statutes (F.S.), and Rule 9J-11.011, Florida Administrative Code (F.A.C.).

Within ten working days of the date of adoption, the County must submit the following to the Department:

- Three copies of the adopted comprehensive plan amendment;
- A copy of the adoption ordinance;
- A listing of additional changes not previously reviewed;
- A listing of findings by the local governing body, if any, which were not included in the ordinance; and
- A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council's review of the amendment, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to Executive Director of the Southwest Florida Regional Planning Council.

Please be advised that the Florida legislature amended Section 163.3184(8)(b), F.S., requiring the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by the law to furnish to the Department the names and addresses of the citizens requesting this information. This list is to be submitted at the time of transmittal of the adopted plan amendment (a sample Information Sheet is attached for your use).

NOTICE OF REVISIONS TO PROCESSING PROCEDURES

Effective Date of Revisions to Rule 9J-11 Florida Administrative Code

The Department has revised the procedures for submitting comprehensive plan amendments. These new procedures became effective May 12, 2010.

Reason for Revisions

The revisions implement statutory changes to Chapter 163, Part II, Florida Statutes, related to allowable exemptions from the twice per calendar year limitations and prohibitions that may affect adoption of comprehensive plan amendments. In addition, changes were made to clarify plan amendment submittal requirements based on the Department's recent experience.

Highlight of Revisions

The revised procedures relate to the submittal of proposed and adopted comprehensive plan amendments, including small scale amendments, and a revised RPM-BSP-EXEMPT REVIEW Form used when submitting exempt and small scale amendments. The major revisions to Rule 9J-11, include 1) the deletion of the requirements to submit replacement pages and a revised table of contents to the comprehensive plan; 2) an update to the allowable exemptions to the twice per calendar year limitation; 3) an update to the statutory prohibitions that may affect adoption of comprehensive plan amendments; 4) clarification on the submittal of the de minimis impact report associated with the capital improvement annual update amendment; 5) a requirement that all future land use map amendments be submitted in color format; and 6) the revised RPM-BSP-EXEMPT REVIEW Form to address affordable housing and Areas of Critical State Concern.

Effect of Revisions

The revisions improve the overall comprehensive plan amendment process by helping local governments prepare and submit complete plan amendment packages. The rule provides the local government with a complete list of statutory exemptions and a complete list of possible prohibitions to the amendment process. In addition, the revised rule clarifies submittal requirements and this increases the likelihood that a submittal package will be initially determined complete.

Location of Revisions

The revisions are located on the Division of Community Planning's website to assist local governments with the submittal of their comprehensive plan amendment packages and may be viewed at "Submitting Comprehensive Plan Amendments and Developments of Regional Impact" <http://www.dca.state.fl.us/fdcp/dcp/Procedures/index.cfm>.

Additional Information

Ray Eubanks, Plan Processing Administrator

(850) 922-1767

ray.eubanks@dca.state.fl.us

DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS AND COMMENTS
FOR
LEE COUNTY
AMENDMENT 10-D2

August 30, 2010
Division of Community Planning
Bureau of Local Planning

This report is prepared pursuant to Rule 9J-11.010, F.A.C.

INTRODUCTION

The following objections, recommendations and comments are based upon the Department's review of the Lee County proposed comprehensive plan amendment, pursuant to Section 163.3184, Florida Statutes (F.S.).

The objections relate to specific requirements of relevant portions of Chapter 9J-5, Florida Administrative Code (F.A.C.), and Chapter 163, Part II, F.S. The objections include a recommendation of approaches that might be taken to address the cited objections. Other approaches may be more suitable in specific situations. Some of these objections may have initially been raised by one of the other external review agencies. If there is a difference between the Department's objection and the external agency advisory objection or comment, the Department's objection would take precedence.

The County should address each of these objections when the amendment is resubmitted for our compliance review. Objections that are not addressed may result in a determination that the amendment is not in compliance. The Department may have raised an objection regarding missing data and analysis items that the County considers not applicable to its amendment. If that is the case, a statement, justifying its non-applicability, pursuant to Rule 9J-5.002(2), F.A.C., must be submitted. The Department will make a determination on the non-applicability of the requirement, and if the justification is sufficient, the objection will be considered addressed.

The comments that follow the objections and recommendations are advisory in nature. Comments will not form the basis of a determination of non-compliance. They are included to call attention to items raised by our reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

Appended to the back of the Department's report are the comment letters from the other state review agencies and other agencies. These comments are advisory to the Department and may not form the basis of Departmental objections unless they appear under the "Objections" heading in this report.

**OBJECTIONS, RECOMMENDATIONS AND COMMENTS
FOR
LEE COUNTY
AMENDMENT 10-D2**

I. CONSISTENCY WITH CHAPTER 163, PART II, F.S., AND RULE 9J-5, F.A.C.

The proposed Amendment 10-D2 (CPA2010-02) is for the Timberland and Tiburon Development of Regional Impact.

A. Amendment CPA2010-02: The proposed amendment consists of the following: (1) change 208.9 acres from Suburban to Urban Community and Mixed Use Overlay on the Future Land Use Map (FLUM); and (2) amend Future Land Use Element Policy 1.1.4 to require that utilization of the density bonus on the subject amendment parcel must be through the County's transfer of development rights program. The Department raises the following objections to the proposed Amendment CPA2010-02:

1. **Objection (Transportation Planning):** The amendment does not coordinate land use planning with transportation planning and capital improvements planning. A Traffic Study was provided with the plan amendment, and the Traffic Study analyzes the impacts on roadway level of service for the long-term planning timeframe of year 2030. The Traffic Study concludes that four segments will not meet the adopted level of service standards for the year 2030 long-term: (1) I-75 from Bonita Beach Road to Corkscrew Road; (2) I-75 from Corkscrew Road to Alico Road; (3) Ben Hill Griffin Parkway from FGCU Entrance to College Club Drive; and (4) Three Oaks Parkway from Williams Road to Corkscrew Road. The Traffic Study identifies the road improvements that are needed as follows: (1) widen to 10 or 12 lanes I-75; (2) widen to 6 lanes Ben Hill Griffin Parkway from FGCU Entrance to College Club Drive; and (3) widen to 6 lanes Three Oaks Parkway from Williams Road to Corkscrew Road. The amendment does not coordinate the long-term road improvements that are needed to maintain the adopted roadway level of service standards with the Future Transportation Map (by depicting such road improvements on the Map) and Capital Improvements Element (by including the road improvements that are needed in the long-term in a policy in the adopted portion of the Capital Improvements Element).

Rules 9J-5.005(2)(a), (5), and (6); 9J-5.006(2)(a), and (3)(b)1.; 9J-5.016(1)(a), (3)(b)1., and (4)(b); 9J-5.019(3)(h), (3)(i), (4)(b)2., and (5)(b)2., F.A.C.; and Sections 163.3177(6)(a), (6)(b), and (6)(j); and 163.3177(2), (3), (8), and (10)(e), F.S.

Recommendation: Support the amendment with a long-term transportation analysis based on the maximum development potential of the amendment (and growth in background trips) that addresses the transportation facilities that are needed to achieve and maintain the

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

II. CONSISTENCY WITH STATE COMPREHENSIVE PLAN

Objection: The proposed Comprehensive Plan amendments related to the objections raised above are not consistent with and do not further the following provisions of the State Comprehensive Plan (Chapter 187, Florida Statutes) for the reasons noted in the objections raised above in Section I:

- (a) Goal 15.a (Land Use); Policies 15.b.1, 15.b.3, and 15.b.6; (the amendments related to Objection 1);
- (b) Goal 17.a (Public Facilities); Policy 17.b.7; (the amendments related to Objection 1);
- (c) Goal 19.a (Transportation); Policies 19.b.3, 19.b.9, and 19.b.13; (the amendments related to Objection 1); and
- (d) Goal 25.a (Plan Implementation); Policy 25.b.7; (the amendments related to Objection 1).

Recommendation: Revise the plan amendments as recommended for the objections raised above.



"Massey, Lawrence"
<Lawrence.Massey@dot.state.fl.us>
08/05/2010 04:06 PM

To "DCPexternalagencycomments@dca.state.fl.us"
<DCPexternalagencycomments@dca.state.fl.us>
cc "scott.rogers@dca.state.fl.us"
<scott.rogers@dca.state.fl.us>, "Limbaugh, Johnny"
<Johnny.Limbaugh@dot.state.fl.us>, "Cahill, Maria"
bcc
Subject Lee County 10D-2 Proposed Comprehensive Plan
Amendments - Revised FDOT Comments

Dear Ray,

FDOT requests that the comments previously submitted by the department on August 2, 2010 be withdrawn and replaced with the revised comments in the letter attached herein and dated August 5, 2010. Thank you for giving FDOT the opportunity to review and comment on the above referenced proposed comprehensive plan amendment.

If you or your staff have any questions or would like to discuss the department's concerns, please let me know.

Respectfully,

Lawrence Massey
Growth Management Coordinator
Florida Department of Transportation
District One, Southwest Area Urban Office
at the Southwest Interagency Facility for Transportation
10041 Daniels Parkway
Fort Myers, FL 33913
(239) 461-4300



Fax: (239) 338-2353 080510_Lee_County_10D-1_Proposed_CPA_Revised_FDOT_Comments.pdf

RECEIVED
SEP 01 2010

COMMUNITY DEVELOPMENT



Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

10041 Daniels Parkway
Fort Myers, FL 33913

STEPHANIE C. KOPELOUSOS
SECRETARY

August 5, 2010

Mr. Ray Eubanks
Plan Review and Processing Administrator
Department of Community Affairs (DCA)
Division of Community Planning
2555 Shumard Oaks Blvd.
Tallahassee, FL 32399

RE: Lee County 10D-1 Proposed Comprehensive Plan Amendments – FDOT Comments

Dear Mr. Eubanks:

The Florida Department of Transportation, District 1, has reviewed the proposed version of the Lee County 10D-1 comprehensive plan amendment. The submittal consists of text amendments initiated by the Florida Gulf Coast Research and Technology Park Development of Regional Impact (DRI), which is currently undergoing a 5th Sufficiency review. This letter offers comments on the proposed amendments.

TEXT AMENDMENTS

Based upon recommendations from County staff, the Board of County Commissioners approved an alternative version of the text amendments which were transmitted to DCA and the review agencies for comment. Additionally, the department notes that the traffic study dated January 11, 2010, and most of the applicant's other supporting materials accompanying the amendments, are not relevant because they pertain to the text amendments originally proposed by the applicant, and not the text amendments approved by the Lee County Board of County Commissioners (LCBCC).

The text amendments approved by the LCBCC modify language in Policy 1.2.2 of the Future Land Use Element regarding the Tradeport future land use category. The new text in Policy 1.2.2 would allow stand-alone retail commercial uses "*intended to support and complement the surrounding business and industrial land uses*" on 1 acre out of every 10 Tradeport and preserved wetland acres. These stand-alone retail commercial uses must be approved as part of a DRI or a Planned Development (PD). New text in the policy, as well as the staff report, appears to distinguish the stand-alone retail commercial from the "ancillary retail" currently allowed by the policy.

The department offers the following comments on this amendment:

FDOT Comment 1: The January 11, 2010, traffic study should be replaced with a traffic study that analyzes the increase in maximum development potential of Tradeport acreage resulting from the text amendments approved by the LCBCC. The department is concerned that the revised study should consider the following issues:

Mr. Ray Eubanks

Lee County 10D-1 Proposed Comprehensive Plan Amendments – FDOT Comments

August 5, 2010


Page 2 of 2

- a. Per discussions the department held with county staff, the Florida Gulf Coast Research and Technology Park DRI includes 727 acres currently designated Tradeport and Wetlands of which there are 583 acres of Tradeport. The text amendment as approved by the LCBCC allows 1 acre of retail commercial for each 10 acres designated Tradeport. It is unclear, at this point, how much of the potentially developable 58.3 acres of retail commercial will be allowed under this plan. The applicable floor area ratio (FAR) is undefined so the resultant retail commercial could significantly exceed the 700,000 square feet of retail commercial assumed in the originally submitted requested text amendments analyzed by the applicant (*and also found in the Fourth Sufficiency DRI development plan*). The department recommends that the county provide a maximum FAR for the Tradeport designation as part of the proposed text amendment.
- b. Other properties designated Tradeport within the county may be entitled to develop an increased amount of retail commercial if the text amendments approved by the LCBCC are found in compliance. Therefore, analysis should be submitted to address the near- and long-term transportation impacts of allowing an increased amount of retail commercial in Tradeport lands countywide.

FDOT Comment 2: The department notes that as part of the ongoing review of the DRI application for development approval related to this comprehensive plan amendment, several significantly impacted state roadway segments (*including Strategic Intermodal System (SIS) roadways*) have been identified as not meeting the adopted transportation Level of Service standard in the year of DRI build-out 2022. Needed near-term mitigation projects identified through the DRI process should be reflected in the county's 5-year schedule of capital improvements. Potential long-term mitigation projects identified through the DRI process should be coordinated with the Future Transportation Map and the Long Range Transportation Plan.

If you have any questions or need additional information, please contact me at (239) 461-4300 or lawrence.massey@dot.state.fl.us.

Sincerely,



Lawrence Massey
District 1 Growth Management Coordinator

LLM/lhm/ka



"Suber, Tracy"
<Tracy.Suber@fldoe.org>
08/23/2010 09:53 AM

To "Huff, Dawn" <DawnMHu@LeeSchools.net>
cc <Brenda.Winningham@dca.state.fl.us>,
<Scott.Rogers@dca.state.fl.us>
bcc
Subject RE: CPA201002 (Lee 10D-2)

Thanks, again, for your help, Dawn. I spoke with Chip this morning. The original development order (Sept 2002) and subsequent amendments approved up to 2335 dwelling units. This amendment would reduce the cap on dwelling units to 2279. Given the original DO date, the development is exempt from school concurrency under Section 39, Chapter 2005-290, Laws of Florida. With the reduction in units, I won't be making any comments to DCA.

Tracy D. Suber
Growth Management and Facilities Policy Liaison
Office of Educational Facilities
Florida Department of Education
325 West Gaines Street, Suite 1014
Tallahassee, Florida 32399-0400
850-245-9312
tracy.suber@fldoe.org
<http://www.fldoe.org/edfacil/>

From: Huff, Dawn [mailto:DawnMHu@LeeSchools.net]
Sent: Friday, August 20, 2010 4:00 PM
To: Suber, Tracy
Subject: CPA201002

Tracy,

Here is the response for CPA201002. Let me know if you find out anything different.

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



CPA201002A1-TIMBERLAND-TIBURON.DOC



THE SCHOOL DISTRICT OF LEE COUNTY

2855 COLONIAL BLVD. ♦ FORT MYERS, FLORIDA 33966-1012 ♦ (239) 334-1102 ♦ WWW.LEESCHOOLS.NET

JEANNE S. DOZIER
CHAIRMAN, DISTRICT 2
JANE E. KUCKEL, PH.D.
VICE CHAIRMAN, DISTRICT 3
ROBERT D. CHILMONIK
DISTRICT 1
STEVEN K. TEUBER, J.D.
DISTRICT 4
ELINOR C. SCRICCA, PH.D.
DISTRICT 5
JAMES W. BROWDER, ED.D.
SUPERINTENDENT
KEITH B. MARTIN, ESQ.
BOARD ATTORNEY

March 22, 2010

Mr. Brandon Dunn
Lee County Development Services Division
P.O. Box 398
Fort Myers, FL 33902-0398

RE: Comprehensive Plan Amendment Review
Case # CPA2010-02

Dear Mr. Dunn:

This letter is in response to your request dated March 17, 2010 for the Comprehensive Plan Amendment Review with regard to educational impact. This proposed structure is located in the South Choice Zone, Sub Zone S3.

After reviewing the submittal, the project has no impact on classroom needs based on the applicant's indication that this is an extension of time and a possible decrease in units.

Thank you for your attention to this issue. If I may be of further assistance, please call me at (239) 479-5661.

Sincerely,

Dawn Gordon, Community Development Planner
Planning Department



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

July 30, 2010

Ray Eubanks, Administrator
Plan Review and DRI Processing
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Dear Mr. Eubanks:

**Subject: Lee County, DCA #10D-2
Comments on Proposed Comprehensive Plan Amendment Package**

The South Florida Water Management District (District) has completed its review of the developer proposed University Highland amendment in Lee County (County). The proposed amendment to the Lee County comprehensive plan includes land use changes to an existing 208.4 acre parcel that is part of the Timberland and Tiburon Development of Regional Impact (DRI). The proposed change is from Suburban to Urban-Community land use category and would increase the potential commercial intensity of the property. We have the following recommendations, which we request you incorporate into your response to the County:

Water Supply:

- **Clarify the maximum amount of development allowed by the proposed land use change, and the resulting cumulative potable water supply demands at maximum allowable development. Alternately, include development caps as part of the comprehensive plan amendment.** The amendment package is based on a DRI development plan of 1,300 dwelling units, 150,000 square feet of general and medical office, 99,384 square feet of retail, and a 200 room hotel. However, it does not appear that this amount represents the maximum development allowed by the proposed amendment. As currently written, the proposed amendment appears to allow up to 2,084 dwelling units, and an unknown amount of non-residential development that exceeds one million square feet and may be as high as 18 million square feet. Depending on the maximum amount of non-residential development allowed, potable water supply demands estimated by the District range from approximately 0.7 million gallons per day (MGD) to over 2 MGD.
- **Demonstrate that the maximum allowable potable water demands for the entire area impacted by the proposed text change, together with other approved land use demands within the same service area(s), will not exceed either the permitted allocation or the existing/planned capacities of the intended water treatment facility(ies).** As indicated in the amendment package, the Pinewood water treatment plant is within approximately 0.8 MGD of its capacity, and the addition of the site's demands may exceed the plant's capacity, especially when other approved but undeveloped land uses within the service area are taken into account. If the described interconnections between other nearby Lee County utilities are intended to be used on a routine, daily basis, provide

Mr. Ray Eubanks, Administrator

July 30, 2010

Page 2

information demonstrating that the other interconnected Lee County utilities can provide the volume of water anticipated to be needed beyond the allocation or capacity of the Pinewood facility, given all other commitments within their interconnected service areas.

- **Provide an analysis of the total irrigation demands and address the availability of proposed irrigation supply sources.** The amendment site is located in an area that has elevated chloride levels and limited groundwater availability from the Sandstone Aquifer. The utility has indicated that all reuse water is already being used and not available at this time for this development. The site has a pending landscaping consumptive use permit (CUP) application with the District that addresses approximately half of the site's future irrigation demands from the Sandstone Aquifer and blending with the existing Germain Arena stormwater lake. The amendment package needs to quantify the amount of irrigation demands for the entire site, address the proposed sources of irrigation supply and the resulting lake chloride levels, document recent Sandstone chloride level trends in the area, and demonstrate that use of the Sandstone Aquifer for irrigation supply is sustainable.

The District offers its technical assistance to Lee County and the Department of Community Affairs in developing sound, sustainable solutions to meet the County's future water supply needs and protect the region's water resources. For assistance or additional information, please contact Henry Bittaker at (561) 682-6792 or hbittak@sfwmd.gov.

Sincerely,



Rod Braun
Director

Intergovernmental Policy and Planning Division
South Florida Water Management District

- c: Henry Bittaker, SFWMD
Ken Heatherington, SWFRPC
Doug Muerer, Lee County Utilities
Paul O'Connor, Lee County
Jim Quinn, DEP
Brenda Winningham, DCA



Neale Montgomery
<NealeMontgomery@Pavesel
aw.com>

08/09/2010 06:00 PM

To "Noble, Matthew" <MNoble@leegov.com>, Daniel Waters
<daniel.waters@stantec.com>

cc "Scott.Rogers@dca.state.fl.us"
<Scott.Rogers@dca.state.fl.us>

bcc

Subject

Hi Matt and Scott,

Henry expressed a concern about whether or not there is sufficient irrigation water. The attached letter indicates that the District has reviewed the technical data for the water use permit and the information is satisfactory. The district won't issue the permit until the ERP review is complete which we anticipate will occur in the near future. I am hopeful that irrigation water will not be an issue in the ORC. If DCA needs more data and analysis we can provide you with a copy of the water use application.

Please let me know if this will be an issue and if you want a copy of the application file.



Neale 100601-12_RAI_08032010_658515.pdf

SCANNED 08/04/2010 11:30 AM



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

August 3, 2010

Doug Wells
CDM
12501 World Plaza Lane #51
Fort Myers, FL 33907

Dear Mr. Wells:

Subject: Water Use Permit Application No. 100601-12
Project: University Highland LP
County: Lee, Section 26/T46S/R25E

A review of the application for the above project indicates that no additional information will be required in order to complete the evaluation, pursuant to Rule 40E-1.603, Florida Administrative Code (FAC).

Application No. 100309-2 for an Environmental Resources Permit (ERP) for the project's surface water management system is still under review and has not been declared complete. Please be advised that because of the inseparable nature of water use and surface water management on your project, your application for either will not be considered complete until all information for both is complete. If during the review of application No. 100309-2 changes are made that effect the water use permit application please submit those changes so that they may be incorporated in the water use permit. Due to recent changes in Basis of Review for Water Use Permits (BOR), especially Criteria 3.3.1, "Wetlands and Other Surface Waters" the changes or determinations made during the review of the ERP permit may have an effect on the review of the water use application.

Should you have any questions regarding this application or this letter, please contact me at (800) 432-2045 ext. 2774 or (561) 682-2774. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Thushari Liyanage".

Thushari Liyanage
Staff Hydrogeologist
Water Use Regulation Division
Water Supply Department

c: David Nassif

SCANNED 08/04/2010 11:50 PM

Project Name: University Highland LP
Application No. 100601-12
August 3, 2010

- c: David Nassif
University Highland LP
9130 Galleria Court, STE 316
Naples, FL 34109

- bc: Water Use Day File
Thushari Liyanage
Jewelene S. Harris/ ENV Reviewer
Jéssica White, P.E./ SWM Reviewer



FLORIDA DEPARTMENT OF STATE
Dawn K. Roberts
Interim Secretary of State
DIVISION OF HISTORICAL RESOURCES

August 2, 2010

Mr. Ray Eubanks
Department of Community Affairs
Bureau of State Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Re: Historic Preservation Review of the Lee County 10D-2 Comprehensive Plan
Amendment

Dear Mr. Eubanks:

According to this agency's responsibilities under Section 163, *Florida Statutes*, and Chapter 9J-5, *Florida Administrative Code*, we reviewed the above document to determine if data regarding historic resources were given sufficient consideration in the request to amend the Lee County Comprehensive Plan.

We reviewed a proposed amendment to the Future Land Use Map for the Timberland and Tiburon DRI to consider the potential effects of this action on historic resources. Our cursory review indicates that the project area falls within the Lee County archaeological high probability area. It is the county's responsibility to ensure that the proposed revision will not have an adverse effect on significant archaeological or historic resources.

If you have any questions regarding our comments, please feel free to contact Susan M. Harp of the Division's Compliance Review staff at 850.245.6333.

Sincerely,

Laura A. Kammerer, Historic Preservationist Supervisor
Compliance Review Section
Bureau of Historic Preservation

xc: Ms. Brenda Winningham

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

Director's Office
850.245.6300 • FAX: 245.6436

Archaeological Research
850.245.6414 • FAX: 245.6452

Historic Preservation
850.245.6333 • FAX: 245.6437



Southwest Florida Regional Planning Council

1926 Victoria Avenue, Fort Myers, Florida 33901-3414
(239)338-2550 FAX (239)338-2560 SUNCOM (239)748-2550

9 BW

RECEIVED

AUG 10 2010

DIVISION OF
COMMUNITY PLANNING

RECEIVED

AUG 9 2010

DIVISION OF
COMMUNITY PLANNING

July 30, 2010

Mr. Ray Eubanks
Plan Review and Processing Administrator
Department of Community Affairs
Bureau of State Planning
Plan Processing Section
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Re: Lee County / DCA 10D-2

Dear Mr. Eubanks:

Staff of the Southwest Florida Regional Planning Council reviewed the proposed University Highlands amendment (DCA 10D-2) to the Lee County Comprehensive Plan. The review was performed according to the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act.

The Council will review the proposed amendments at its September 16, 2010 meeting. Council staff has recommended that the Council approve its recommendations as found in the attached official staff report. If the Council's action differs from staff recommendation, we will notify you.

Sincerely,
Southwest Florida Regional Planning Council

Kenneth Heatherington
Kenneth Heatherington
Executive Director

KH/DEC
Attachment

Cc: Paul O'Connor, AICP, Director, Lee County

**LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS
LEE COUNTY**

The Council staff has reviewed a proposed amendment to the Lee County Comprehensive Plan (DCA 10D-2). These amendments were developed under the Local Government Comprehensive Planning and Land Development Regulation Act. A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. A location map is provided as Attachment III.

Staff review of the proposed amendments was based on whether they were likely to be of regional concern. This was determined through assessment of the following factors:

1. Location--in or near a regional resource or regional activity center, such that it impacts the regional resource or facility; on or within one mile of a county boundary; generally applied to sites of five acres or more; size alone is not necessarily a determinant of regional significance;
2. Magnitude--equal to or greater than the county threshold for a development of regional impact of the same type (a DRI-related amendment is considered regionally significant); and
3. Character--of a unique type or use, a use of regional significance, or a change in the local comprehensive plan that could be applied throughout the local jurisdiction; updates, editorial revisions, etc. are not regionally significant.

A summary of the results of the review follows:

<u>Proposed Amendment</u>	<u>Factors of Regional Significance</u>			
	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	<u>Consistent</u>
CPA 2010-02 University Highlands	yes	yes	yes	(1) regionally significant; and (2) conditionally consistent with SRPP

RECOMMENDED ACTION: Approve staff comments. Authorize staff to forward comments to the Department of Community Affairs and Lee County.

07/10

**LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND
DEVELOPMENT REGULATION ACT**

Local Government Comprehensive Plans

The Act requires each municipal and county government to prepare a comprehensive plan that must include at least the following nine elements:

1. Future Land Use Element;
2. Traffic Circulation Element;
A local government with all or part of its jurisdiction within the urbanized area of a Metropolitan Planning Organization shall prepare and adopt a transportation element to replace the traffic circulation; mass transit; and ports, aviation, and related facilities elements. [9J-5.019(1), FAC]
3. General Sanitary Sewer, Solid Waste, Drainage, and Potable Water and Natural Groundwater Aquifer Recharge Element;
4. Conservation Element;
5. Recreation and Open Space Element;
6. Housing Element;
7. Coastal Management Element for coastal jurisdictions;
8. Intergovernmental Coordination Element; and
9. Capital Improvements Element.

The local government may add optional elements (e.g., community design, redevelopment, safety, historical and scenic preservation, and economic).

All local governments in Southwest Florida have adopted revised plans:

Charlotte County, Punta Gorda
Collier County, Everglades City, Marco Island, Naples
Glades County, Moore Haven
Hendry County, Clewiston, LaBelle
Lee County, Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Sanibel
Sarasota County, Longboat Key, North Port, Sarasota, Venice

Attachment I

Comprehensive Plan Amendments

A local government may amend its plan twice a year. (Amendments related to developments of regional impact, certain small developments, compliance agreements, and the Job Siting Act are not restricted by this limitation.) Six copies of the amendment are sent to the Department of Community Affairs for review. A copy is also sent to the regional planning council, the water management district, the Florida Department of Transportation, and the Florida Department of Environmental Protection.
[s. 163.3184(3)(a)]

The proposed amendment will be reviewed by DCA in two situations. In the first, there must be a written request to DCA. The request for review must be received within forty-five days after transmittal of the proposed amendment. [s. 163.3184(6)(a)] Review can be requested by one of the following:

- the local government that transmits the amendment,
- the regional planning council, or
- an affected person.

In the second situation, DCA can decide to review the proposed amendment without a request. In that case, DCA must give notice within thirty days of transmittal.
[[s. 163.3184(6)(b)]

Within five working days after deciding to conduct a review, DCA must forward copies to various reviewing agencies, including the regional planning council. [s. 163.3184(4)]

Regional Planning Council Review

The regional planning council must submit its comments in writing within thirty days of receipt of the proposed amendment from DCA. It must specify any objections and may make recommendations for changes. The review of the proposed amendment by the regional planning council must be limited to "effects on regional resources or facilities identified in the strategic regional policy plan and extra-jurisdictional impacts which would be inconsistent with the comprehensive plan of the affected local government."
[s. 163.3184(5)]

After receipt of comments from the regional planning council and other reviewing agencies, DCA has thirty days to conduct its own review and determine compliance with state law. Within that thirty-day period, DCA transmits its written comments to the local government.

NOTE: THE ABOVE IS A SIMPLIFIED VERSION OF THE LAW. REFER TO THE STATUTE (CH. 163, FS) AND THE RULE (9J-11, FAC) FOR DETAILS.

**SOUTHWEST FLORIDA
REGIONAL PLANNING COUNCIL
COMPREHENSIVE PLAN AMENDMENT REVIEW**

1. **Local Government Name:**
Lee County
2. **Amendment Number:**
DCA 10D-2
3. **Did the RPC prepare the Plan Amendment: (YES) (NO)**
No
4. **Date DCA Notified RPC that Amendment Package was Complete, if Applicable:**
July 2, 2010
5. **Date Amendment Review must be Completed and Transmitted to DCA:**
July 31, 2010
6. **Date the Review was Transmitted to DCA:**
July 31, 2010
7. **Description of the Amendment:**
This amendment is an applicant initiated request to change the Future Land Use Map (FLUM), Map 1 of the Lee Plan to redesignate 208.4 acres of land from the Suburban land use designation to the Urban Community land use designation.

The County staff recommended that the amendment include the subject site on Map 1, the Mixed Use Overlay. In addition, the County staff recommended that Policy 1.1.4 be amended to add language that would require that any bonus densities for the subject site be achieved through the use of the transfer of development rights program.
8. **Is the Amendment consistent with the Strategic Regional Policy Plan:**
The University Highlands Comprehensive Plan amendment proposed to redesignate 208.4 acre of land from a Suburban land use designation, which permits densities of 1 to 6 dwelling units per acre to an Urban Community land use designation, which permits densities of 1 to 6 dwelling units per acre, with the possibility of receiving bonus densities of up to 10 dwelling units per acre. The applicant is not proposing any text amendments; however, the applicant has stated in their application that they were not seeking the use of any additional densities, through the bonus densities option that can be permitted through the Urban Community future land use designation.

The property that would be subject to this amendment is located in the northwest corner of the Timberland and Tiburon MPD and DRI, which is also being amended through the Notice of Proposed Change (NOPC) process that has been submitted to the Southwest Florida Regional Planning Council to process. The NOPC would allow the proposed amendment changes in the existing DRI.

Under the provisions of the Suburban future land use designation, the applicant would be limited to retail commercial development no greater than that of a neighborhood center. The Urban Community future land use designation would permit retail commercial development up to a Regional Commercial Center based on the site's location at the intersection of two arterial roads. The development parameters that are being applied for through the applicant's NOPC include 1,300 residential dwelling units, 150,000 square feet of office space, 99,384 square feet of retail commercial uses and 200 hotel units.

The subject property was designated Fringe by the original County FLUM that was adopted in 1984. Lands in the Fringe land use designation typically bordered Urban Service Areas. The 1984 Lee Plan recognized that potential development may be appropriate at Urban Community densities at these locations, but approval for such development was wholly based on the provision of necessary infrastructure. The Fringe land use designation was retired by Lee County in the mid-1980s. At that time, the subject site was redesignated to the Suburban future land use designation. The Suburban designation is intended to protect existing or emerging residential neighborhoods, but is not intended to provide the full mix of land uses found in urban areas.

The subject site is currently vacant and is located north of the Germain Arena and the Miromar Outlets shopping center, which are the only properties that borders directly on the site. All the other site boundaries borders on major roadways, including I-75 and two County arterial roadways. According to the County staff one of the primary purposes of the Suburban future land use designation is to "protect existing or emerging neighborhoods." Because of the location, the existing surrounding land uses, and the adjacent transportation network, the main reason for the retention of the Suburban future land use designation is of less of a concern for the subject site.

The applicant is proposing to construct a maximum of 1,300 dwelling units, 150,000 square feet of office space, and 99,384 square feet of retail commercial uses. Based on the County staff analysis, the proposed commercial and residential development could be accommodated in the Suburban future land designation except for the height limitations on the future structures. Section 34-2175(b)(5) of the Lee County Land Development Code limits the height in the Suburban future land use designation to 45 feet or three stories. Given the number of dwelling units the applicant is proposing for the development on the site, it would produce a density of 3.27 dwelling units an acre across the Timberland and Tiburon DRI. According to County staff, the Urban Community designation would be a better category to describe the proposed commercial intensity planned for the site as well as the mixed uses proposed in the DRI.

Council staff agrees with the County staff that the Urban Community future land use designation would be more consistent with the provisions of the Lee Plan. Council staff agrees that the Urban Community designation is better because of the intense existing development that has grown around the site in past years, which includes the Germain Arena, Miromar Outlets, the Florida Gulf Coast University, and expansion of Estero Parkway.

The Grandazza residential community is near the subject site, but it is located on the opposite side of Ben Hill Griffin Parkway, a divided highway. The County staff has stated that protection of the residential areas for commercial development along Ben Hill Griffin Parkway will be provided by requiring placement of the parking lots oriented internally to the site with appropriate landscaping. These requirements are addressed in the DRI, zoning approvals and the Development Order approvals that the County will provide.

The applicant has proposed to limit itself to not using the bonus density that is permitted within the Urban Community designation. County staff stated in their report that the primary reasons the applicant has given for volunteering not to utilize the bonus density is to avoid potential objections from the Florida Department of Community Affairs concerning population accommodation that is expected in the County for the current planning horizon.

The subject site either meets all of the receiving area requirements of the County's existing TDR program or could be made to meet those requires by conditioning the approval of the project. There are currently about 100 TDR units available on the open market. In addition, the County is actively working to establish a TDR program for the DR/GR lands located in the southeastern portion of the County. Once established, additional units would be available and the applicant could help preserve environmental resources further to the east of the subject site. Because the County staff believed that the bonus density option for the property should not be removed outright, County staff has proposed addition language for Policy 1.1.4 that addresses this situation. Council staff agrees and supports the County staff's suggested text amendment.

The County staff report states that the existing infrastructure along Ben Hill Griffin supports the mixed use development and sustainable development design by minimizing the need for major extensions or improvements to the existing infrastructure. Council staff agrees with the County staff and finds that the proposed development is located at a site that is currently served by existing infrastructure.

The Lee County Department of Transportation (LCDOT) reviewed the proposed amendment and analyzed the worst case scenario for the subject site. The County staff stated in their report that although there are some roadway segments in the area that are projected to fail by 2030, both with and without the requested land use change, the proposed development does not really allow much more development than could be already built under the existing land use designation. The area is also served by multiple major arterials and non-highway modes of transportation and the property is part of an already approved and established DRI with a specific mitigation plan to cover its proportionate share obligation, through the payment of road impact fees and contributions to the Corkscrew Road Serve Area (CRSA) special

assessment. The Lee County DOT staff concluded that the projected negative conditions are off-set and recommended that the amendment be transmitted.

The applicant suggested with respect to transportation impacts that they would be fully mitigated through the Timberland and Tiburon DRI, which as noted requires the payment of road impact fees and the CRSA contribution to address the proportionate share obligations. The applicant estimated in their responses that the worst case scenario that was used by the County staff would generate about \$20.5 million in road impact fees under the current rate schedule and suggested that these payments from the applicant could be used to fund whatever improvements that are found to be necessary in the area.

Based on the information and analyses performed by the County staff and the applicant, LCDOT concluded that the project impacts will be adequately addressed for the following reasons: 1) the land use change is not substantially different than what is already allowed under the existing land use designation and the worst case scenario is not likely to be realized; 2) the site is part of a long-established DRI that has a specific traffic mitigation plan in place, involving the payment of road impact fees and the payment of the CRSA special assessment; 3) the site actually makes sense as a location for infill and mixed use development. Council staff agrees and supports the County staff assessment and findings with respect to the future transportation impacts of the proposed amendment.

The subject site contains listed species and a flowway connection to the Estero River. The County staff reports states that the listed species include gopher tortoise, tricolored heron, little blue heron, snowy egret, white ibis, wood stork, and the American alligator. Given the wet nature of the site and the location of the burrows along an upland trail it is believed that the tortoises were placed on the site illegally, the applicant has indicated in their DRI/DCI request that they will be relocating the tortoises offsite given the lack of suitable habitat on site. In addition, approximately 132.9 acres of the property is located within the panther primary zone. These issues will be addressed at the time of local development of the site when the applicant will be required to undergo a Section 7 consultation with the FWS and address any additional requirements for mitigation.

The only wetlands shown on the FLUM is a 0.3 acre wetland along the northern property line. The proposed FLUM demonstrates that the same wetland area as remaining in its current land use designation. The site overall contains approximately 133 acres of jurisdictional wetlands per the Army Corp of Engineers (ACOE) and the South Florida Water Management District (SFWMD).

Lee Plan Objective 114.1 states that the natural functions of wetlands and wetland systems will be protected and conserved through the enforcement of the County's wetland protection regulations and the goals, objectives and policies in the Lee Plan. Wetlands include all of those lands, whether shown on the FLUM 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 amended.

According to the County staff, the wetlands on this site have become degraded over time due to the surrounding development activities and changes in the site's hydrologic connections. Because of the road construction, the surface water flow in this area has been rerouted along the roads through drainage ditches, severely impacting the function of the wetlands on the site and has allowed for increases in exotic plant infestation in the subject wetlands. Because of these circumstances and the fact that the applicant has obtained an Environmental Resource Permit (ERP) from the SFWMD, and substantial portions of the DRI are already developed, the County staff stated that any revisions to the wetland mapping for the site is not necessary. Council staff would point out that the site is a source of water for the northern branch of the Estero River and important to the health and flows in the river. In addition, the Council staff would point out that there appears to be a culvert under I-75 that allows water to flow to the river. Council staff would request that all reasonable actions be taken to preserve wetlands on the subject site and that the future stormwater associated with the site be directed to the wetlands and then through the culvert and the river beyond.

Based on information provided by the applicant and the County, Council staff agrees and supports the County's conclusions that the location of the subject site and its proximity to existing transportation network and infrastructure facilities creates an opportunity for increased development potential consistent with the Urban Community future land use designation. The surrounding future land use designations and land uses are consistent with the requested development potential that is associated with the Urban Community land use designation. The environment of the subject site has been impacted by surrounding development, including the construction of the surrounding roadway network. Council staff finds that the proposed amendment is regionally significant because it is part of an existing DRI and recommends that requested amendment is conditionally consistent with the Strategic Regional Policy plan and should be approved if the proposed NOPC that is also being reviewed is approved and the impacts of the proposed future development are found to be adequately mitigated.

9. Applicable Strategic Regional Policy Plan Goals, Strategies and Actions:

Economic Development

Livable Communities

Goal 3: A stable economy based on a continuing excellent quality of life.

Strategy: Maintain and improve the natural, historic, cultural, and tourist-related resources as primary regional economic assets.

Action 3: Review proposed development to require that natural and other resources of regional significance are maintained, enhanced, restored, or re-created, as appropriate.

Natural Resources Element

Natural Resource Protection

Goal 2: The diversity and extent of the Region's protected natural systems will increase consistently beyond that existing in 2001.

Strategy: To identify and include within a land conservation or acquisition program, those lands identified as being necessary for the sustainability of Southwest Florida, utilizing all land preservation tools available.

Action 12: Working with the various entities, encourage the establishment of management funding at the time of acquisition and refine existing Management Strategies to insure that the lands acquired are maintained in the natural condition that led to their preservation status. Management strategies should include provisions for fire management.

Livable Communities

Goal 4: Livable communities designed to improve quality of life and to provide for the sustainability of our natural resources.

Strategy: Promote through the Council's review roles community design and development principles that protect the Region's natural resources and provide for an improved quality of life.

Action 1: Working with agencies and local governments provide for the disposal of man's liquid and solid wastes in a manner that will not lead to long-term degradation of air, ground, and water resources.

Action 8: Working with all levels of government within Southwest Florida actively plan for lands that have been acquired for natural resource purposes to be maintained and managed to preserve their environmental integrity.

Action 9: Insure that opportunities for governmental partnerships and public/private partnerships in preserving wildlife habitats are maximized.

10. The effects of the Proposed Amendment on Regional Resources or Facilities Identified in the Strategic Regional Policy Plan:

The proposed changes will have impacts on regional resources and facilities that are identified in the Strategic Regional Policy Plan. These impacts have been reviewed and mitigated through the Timberland and Tiburon DRI and additional reviews done at the zoning and local development order provisions.

11. Extra-Jurisdictional Impacts that would be Inconsistent with the Comprehensive Plan of the Affected Local Government:

While the proposed development that will be allowed by the proposed amendment will have extra-jurisdictional impacts, these impacts have been reviewed and analyzed through the DRI review process and properly mitigated. The extra-jurisdictional impacts have been found by the DRI not to be inconsistent with the locally affected Comprehensive Plan.

Analysis of the effects on the proposed amendments on the following issues to the extent they are addressed in the Strategic Regional Policy Plan on:

12. Compatibility among local plans including, but not limited to, land use and compatibility with military bases:

The proposed development that is being changed by the subject amendment is part of the Timberland and Tiburon DRI. The proposed amendment does not substantially increase the development scenario that could be constructed on the site at the present time. Because the proposed development is part of a DRI the impacts from the future project has been mitigated and has been found by the local government and the DCA as consistent with the local plans. There are no military bases in southwest Florida.

13. Impacts to significant regional resources and facilities identified in the Strategic Regional Policy Plan, including, but not limited to, impacts on groundwater recharge and the availability of water supply:

The proposed amendment does not significantly change the development that could be constructed on the subject site and therefore does not substantially impact groundwater recharge or the availability of water for the region's water supply. Council staff did point out that this site has a connection to the northern tributary of the Estero River via an existing culvert under I-75 and as possible all stormwater from the site should be directed to this outfall in order to maintain water flows to the Estero River, which is an important regional environmental resource that impacts the health of the Estero Bay.

14. Affordable housing issues and designation of adequate sites for affordable housing:

The proposed development will not substantially impact the amount of affordable housing units in the region. The project is subject to the conditions of the Timberland and Tiburon DRI conditions that deal with this issue.

15. Protection of natural resources of regionally significance identified in the Strategic Regional Policy Plan including, but limited to, protection of spring and groundwater resources, and recharge potential:

The proposed development that will result from the proposed amendment will not have an adverse impact to regionally significant natural resources because of the conditions provided in the DRI. Council staff has requested that special attention be provided conditionally to the connection of the property to the tributary to the Estero River. The proposed amendment will not decrease ground water resources or recharge potential on the site. There are no springs on the property and therefore will not require special protections related to this issue.

16. Compatibility with regional transportation corridors and facilities including, but not limited to, roadways, seaports, airports, public transportation systems, high speed rail facilities, and intermodal facilities:

The site is surrounded by regional transportation facilities. The proposed development that will result from the requested amendment has been found to have mitigated its impacts by paying impact fees and contributing to the CRSA. The proposed development will be a mixed use development and could facilitate the implementation of public transportation systems, high speed rail facilities, and intermodal facilities. There are no port related issues associated with the proposed amendment.

17. **Adequacy and compatibility with emergency preparedness plans and local mitigation strategies including, but not limited to, the impacts on and availability of hurricane shelters, maintenance of county hurricane clearance times, and hazard mitigation:**

This proposed amendment will produce development that will impact regional emergency preparedness plans and local mitigation strategies. In addition, the proposed amendment will provide development that will impact the availability of hurricane shelters, the maintenance of county hurricane clearance times, and implementation hazard mitigation plans. These issues have been reviewed, assessed and mitigated in the Timberland and Tiburon DRI.

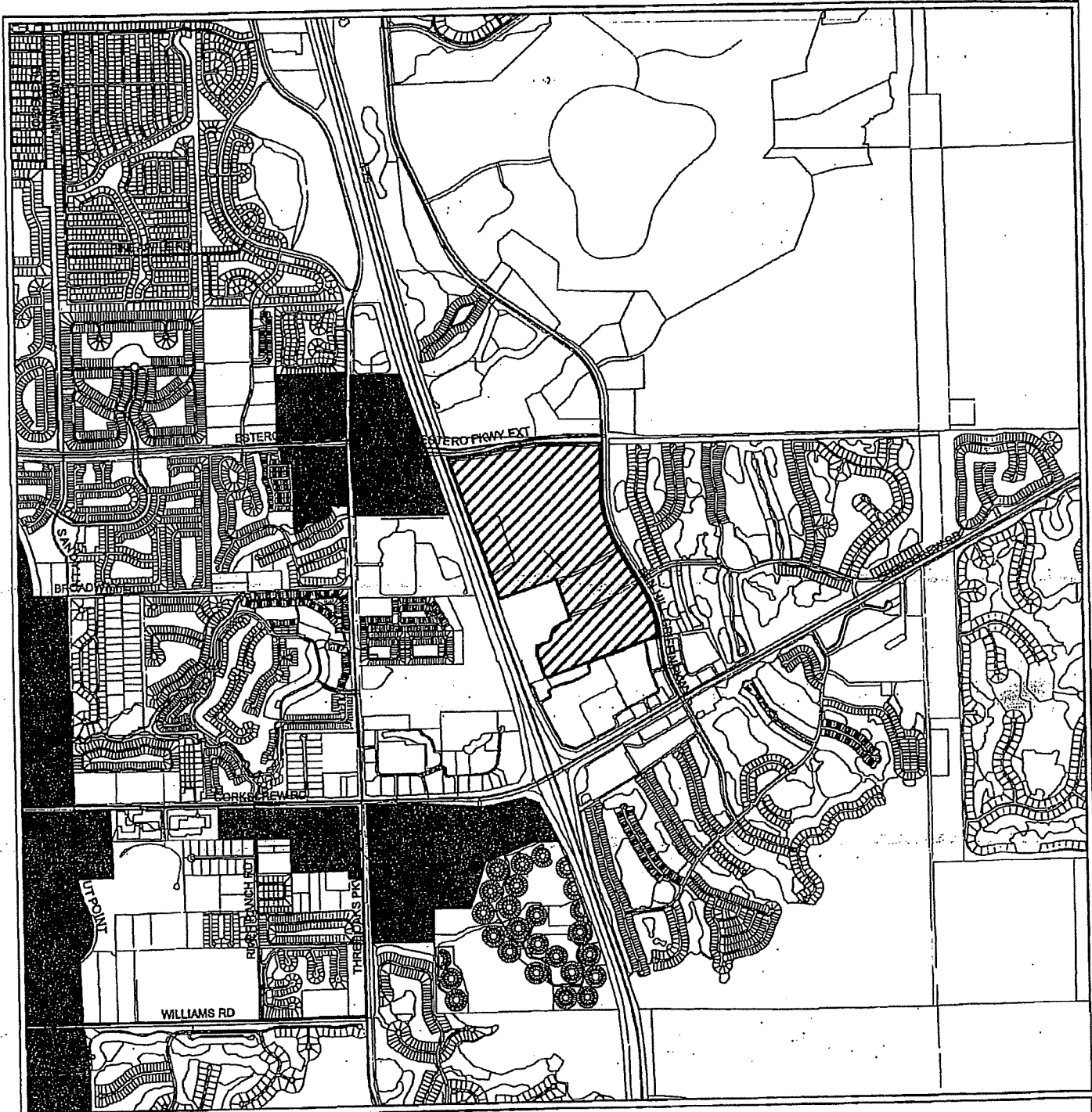
18. **Analysis of the effects of extra-jurisdiction impacts which may be created by the amendment:**

The proposed amendment will allow development that will have extra-jurisdictional impacts in a variety of infrastructure and natural resource issues, however, because the subject development will be located on a parcel of land that is contained in the Timberland and Tiburon DRI. The extra-jurisdictional impacts have been assessed and identified. The DRI Development Order provides conditions for the adequate mitigation of the impacts.

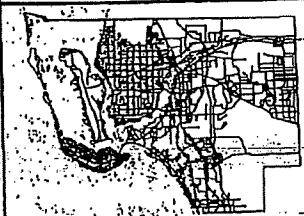
Attachment III

Maps



Lee County
DCA 10D-2



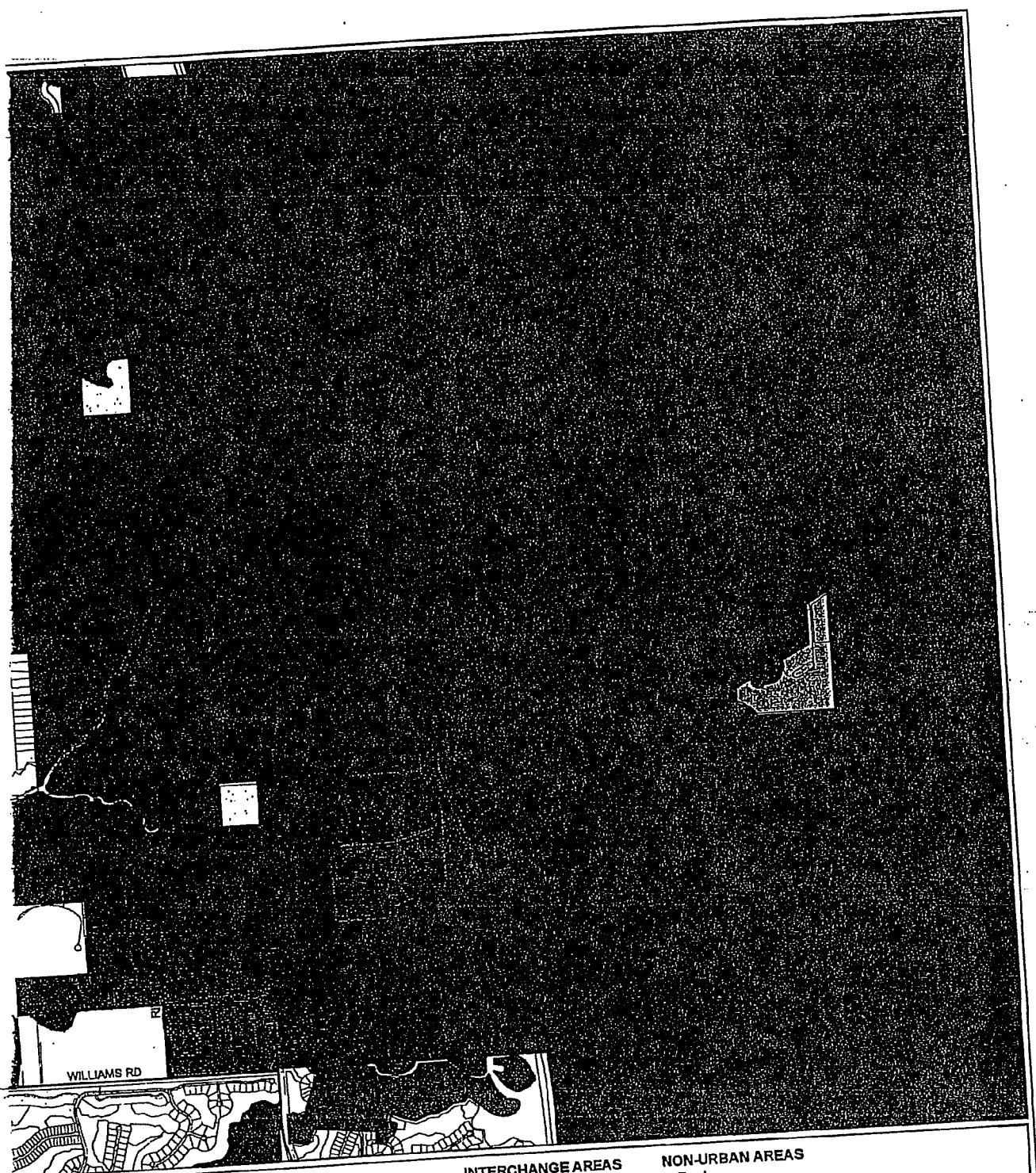
Map Generated June 2010



Mixed Use Overlay

-  Proposed Mixed Use Overlay Addition
-  Adopted Mixed Use Overlay

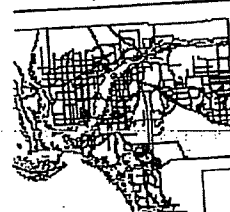
**CPA2010-00002 - UNIVERSITY HIGHLANDS
PROPOSED MIXED USE OVERLAY**



COUNTY
ST FLORIDA
OF PLANNING

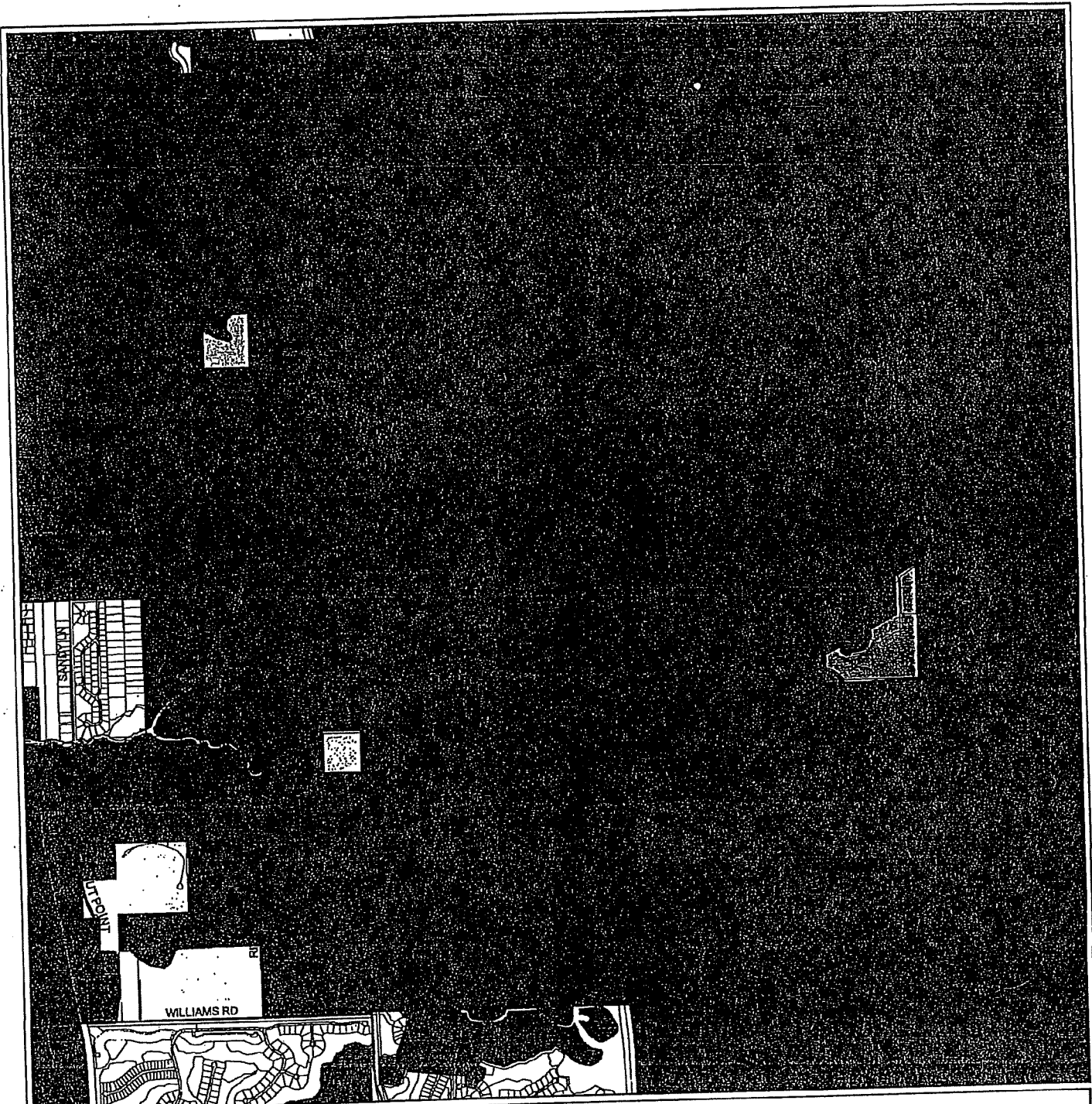
1220 2,840 3,500
Feet

rd June 2010



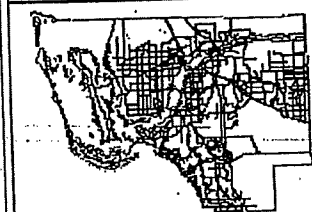
- | | | |
|--|---|--|
| <p>FUTURE URBAN AREAS</p> <ul style="list-style-type: none"> ■ Intensive Development ■ Central Urban ■ Urban Community ■ Suburban ■ Outlying Suburban ■ Sub-Outlying Suburban ■ Commercial ■ Industrial Development ■ Public Facilities ■ University Community ■ Burt Store Marina Village ■ Destination Resort Mixed Use Water Dependent | <p>INTERCHANGE AREAS</p> <ul style="list-style-type: none"> ■ Industrial Interchange ■ General Interchange ■ General Commercial Interchange ■ Industrial/Commercial Interchange ■ University Village Interchange <p>NEW COMMUNITY</p> <ul style="list-style-type: none"> ■ New Community <p>AIRPORT AREAS</p> <ul style="list-style-type: none"> ■ Tradeport ■ Airport | <p>NON-URBAN AREAS</p> <ul style="list-style-type: none"> ■ Rural ■ Rural Community Preserve ■ Coastal Rural ■ Outer Island ■ Open Lands ■ Density Reduction / Groundwater Resource ■ Conservation Lands Upland <p>ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)</p> <ul style="list-style-type: none"> ■ Wetlands ■ Conservation Lands Wetland <p>CPA2010-00002</p> <ul style="list-style-type: none"> ■ Subject Property |
|--|---|--|

**CPA2010-00002 - UNIVERSITY HIGHLANDS
EXISTING FUTURE LAND USE DESIGNATIONS**



LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

Map Generated June 2010



FUTURE URBAN AREAS

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

INTERCHANGE AREAS

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

NEW COMMUNITY

- New Community

AIRPORT AREAS

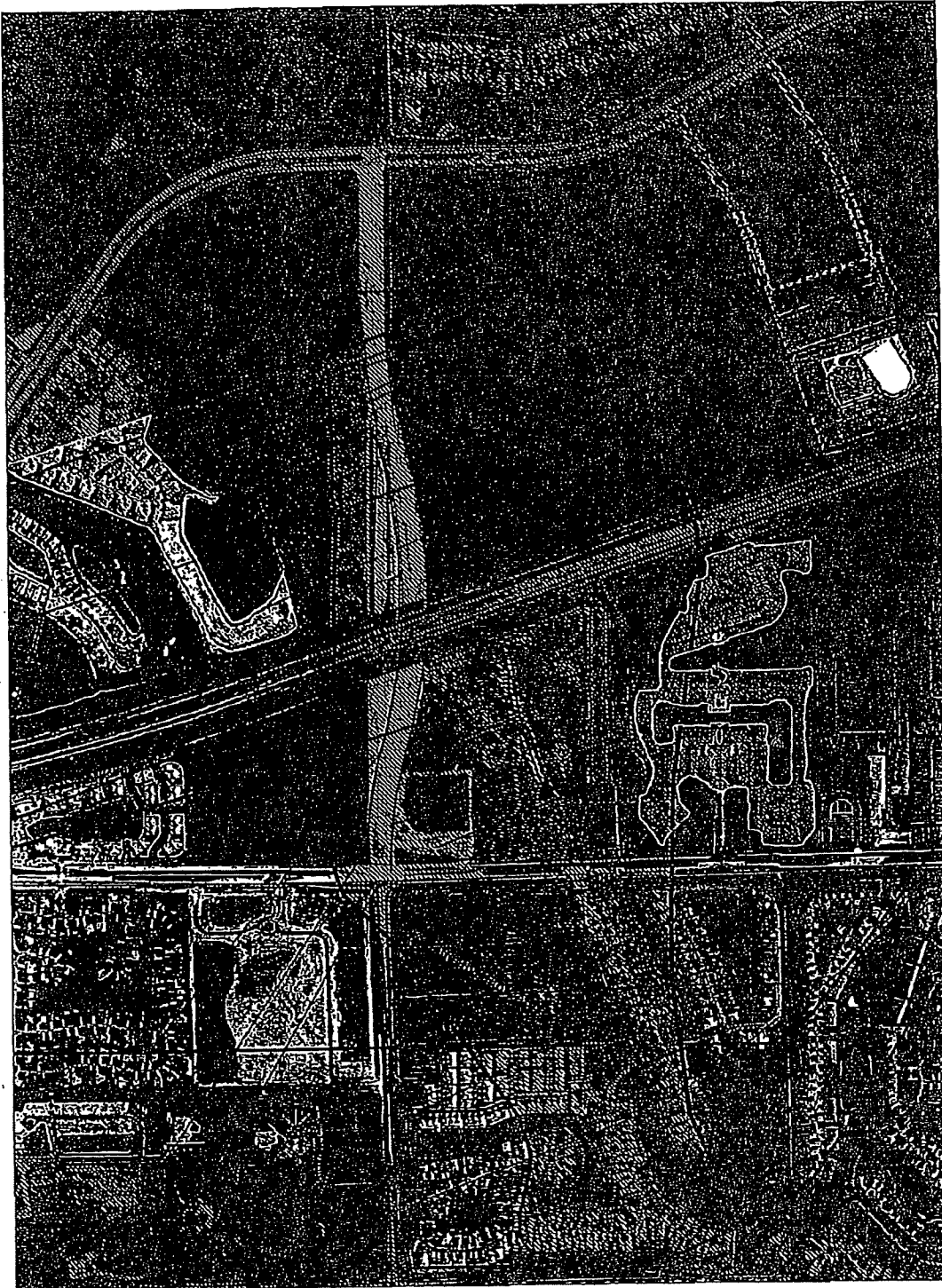
- Tradeport
- Airport

NON-URBAN AREAS

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

ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)

- Wetlands
- Conservation Lands Wetland
- CPA2010-00002
- Subject Property



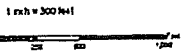
- Legend - Revised**
- [Symbol] Project
 - [Symbol] All Other
 - [Symbol] Flood Area
 - [Symbol] Project Flood Area
 - [Symbol] Project Flood Area - Critical Flood Hazard (PFA-CFH)
 - [Symbol] Project Flood Area - High Flood Hazard (PFA-HFH)
 - [Symbol] Project Flood Area - Low Flood Hazard (PFA-LFH)
 - [Symbol] Project Flood Area - Very Low Flood Hazard (PFA-VLFH)
 - [Symbol] Project Flood Area - Extreme Flood Hazard (PFA-EFH)
 - [Symbol] Project Flood Area - Very Extreme Flood Hazard (PFA-VEFH)



H&H Study of Estero River

Floodway Boundary
(Elevations - NAVD)
Topographic Work Map
Case Number 00-04-1104P

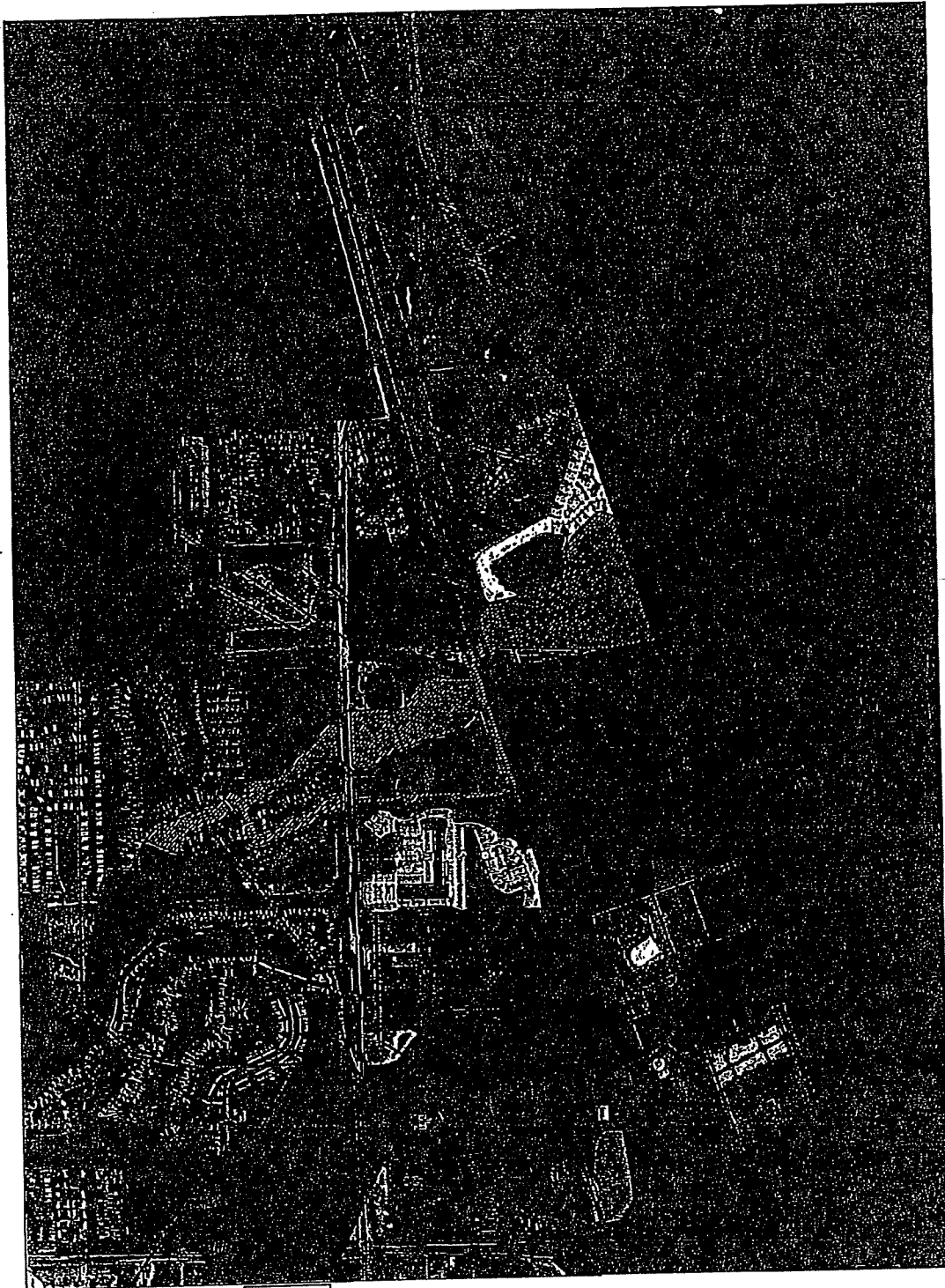
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- [Symbol] FEMA Flood Hazard
 - [Symbol] FEMA Flood Hazard - Critical
 - [Symbol] FEMA Flood Hazard - High
 - [Symbol] FEMA Flood Hazard - Low
 - [Symbol] FEMA Flood Hazard - Very Low
 - [Symbol] FEMA Flood Hazard - Extreme
 - [Symbol] FEMA Flood Hazard - Very Extreme



Revised 5/2010
11/2009

Map 1

Richard S. Toranillo, P.E.
P.E.# 15333



- Legend - Proposed**
- Project
 - Proposed BFE with This Study Effective
 - Proposed Floodway This Study Effective
 - Proposed Channel Floodway
 - 1% PCT AREA CHANCE FLOOD HAZARD
 - NE
 - NE
 - NE
 - Floodway



1 Inch = 500 feet

0 245 400 800 Feet

**H&H Study
of Estero River**
 Proposed FEMA FIRM
 (Beva Forts - NAVD)
 Topographic Work Map
 Case Number 00-04-110-4P

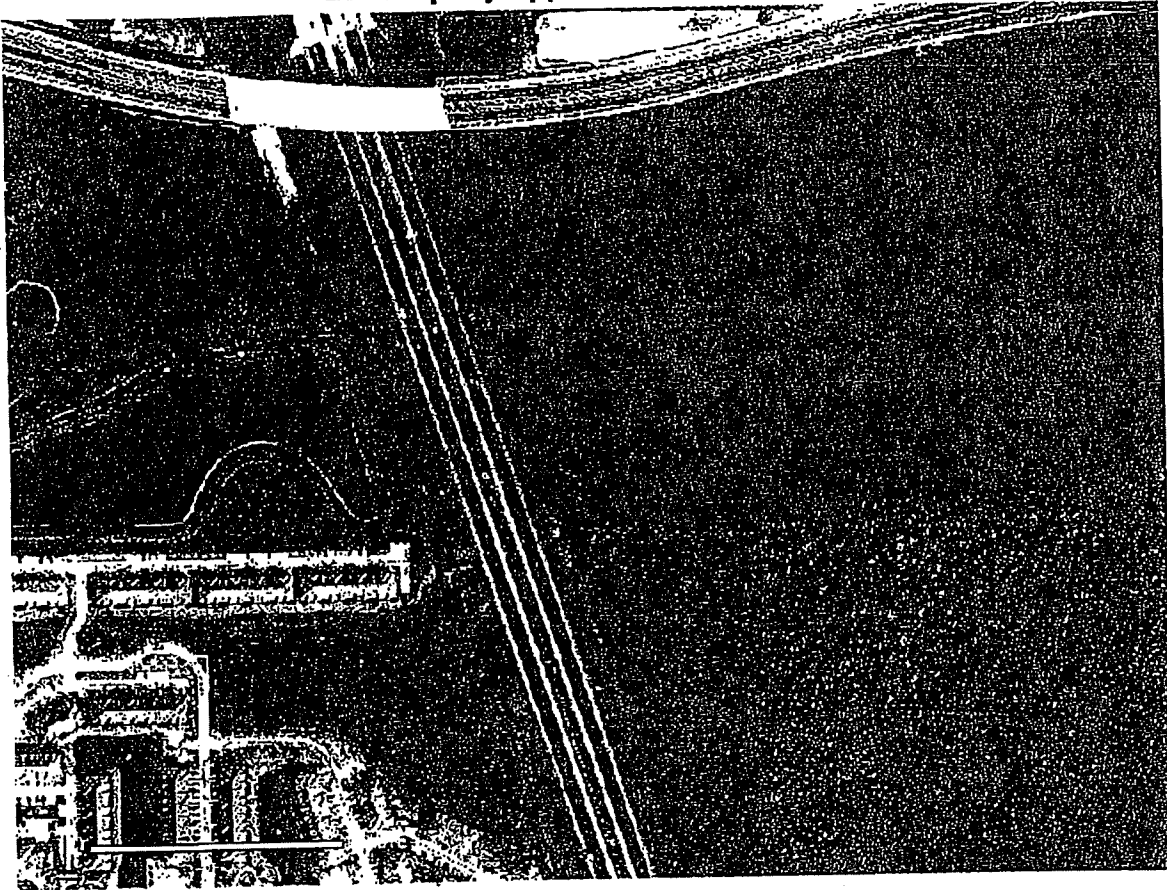


Revised 5/2010
11/2009

Richard S. Tomaszewski, P.E.
P.E.# 13233

Map 2

Lee Property Appraiser Web Tax Map



Aerial Image Set	2010 Hi-Res (1/2 foot)	Map Currency Date	8/4/2010 9:55:44 AM
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