

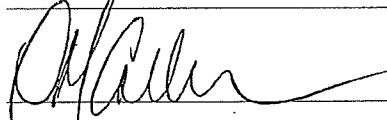
**MEMORANDUM  
FROM THE  
OFFICE OF COUNTY ATTORNEY**

Via E-Mail Only: dunnbd@leegov.com

DATE: January 26, 2010

TO: Brandon Dunn  
Planning Division

FROM:

  
Donna Marie Collins  
Chief Assistant County Attorney

RE: **CPA2009-01 - Alico West 3  
Sponsor: Alico Land Development Inc.  
Text and Map Amendment Sufficiency Review  
2009-2010 Regular Comprehensive Plan Amendment Cycle**

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Thank you for the opportunity to review the contents of the proposed Alico West 3 Comprehensive Plan (Lee Plan) Amendment.

My observations are set forth below:

1. Acreage Breakdown Discrepancies. Pursuant to the narrative submitted with the plan amendment application, the property at issue consists of a total of 919 acres. The narrative describes the property as consisting of 350 acres of uplands and 569 acres of lake. In Section III.B. of the application form, the project acreage is described as 855.8 acres of upland and 63 acres wetland. Project description of acreage should be consistent throughout the application materials.
2. Legal Description. Please have Chick Jakacki verify that the legal description provided accurately depicts 919 acres and that it closes.
3. Proposed Text Changes. The proposed text changes appear to update references. Note that Policy 18.2.3. should be further revised to replace all references to Treeline Avenue with Ben Hill Griffin Parkway.
4. Map Amendment. Request seeks to reclassify over 900 acres from DR/GR to University Community. The suggested assumptions for intensity of land use, coupled with the representations

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relative to the character of the proposed development, will be difficult to realize without mandating a unified plan of development over the non-university related parcels. Also note that once the property is included within the University Community Future Land Use Category, all development must be reviewed as a Development of Regional Impact in accordance with Lee Plan Policy 18.2.2.

5. Internal Consistency with Lee Plan. Development in the University Community Future Land Use Category must incorporate multi-modal connections to the University. This may be addressed in a number of ways, including shuttle, bus-route loops, or other local circulator. In order to be consistent with the directives of the Lee Plan, the County or the developer of this property must be prepared to finance/fund transit alternatives to provide connectivity to the University Campus. Lee Tran has noted in the application materials that currently there are not plans to extend service to the site. This posture may have to be revisited if there is to be a staff recommendation of approval of the amendment. This information should probably be clarified in the application materials.

6. School District Representative necessary at LPA. Since the proposed amendment proposes to increase residential density on the property, it will be necessary to notify the School Board so that they may send a representative to attend the LPA meetings when the subject amendment is on the agenda. [See F.S. 163.3174(1)]

7. Reclamation of Lake Banks. Please verify with the Port Authority staff whether the location of this project requires compliance with the FAA Advisory Circular (AC No. 150/5200-33B) pertaining to discouraging hazardous wildlife attractants near airports.

8. Water Quality Standards for former Mining Lake. It is my recollection from the permitting of the Miromar Lakes project there were heightened water quality standards associated with the former mining lake.

9. Classification of Benderson Property to the North of Alico. This property is the subject of a pending application for Development Approval for Development of Regional Impact. Based on recent meetings with project representatives, there is no longer an intent to pursue an IPD zoning classification for the property. Development of the property will be pursued as a Mixed Use Planned Development.

DMC/amp

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cc via e-mail only:

Paul O'Connor, Director, Planning Division  
Matt Noble, Principal Planner, Planning Division  
John Fredyma, Assistant County Attorney