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COMMUNITY DEVELOPMENT

Reply to
Charles J. Basinait
Direct Fax Number 239.344.1580
Direct Dial Number 239.344.1204
E-Mail: chanes.basinaid@henlaw.com

April 12, 2010

VIA US MAIL AND E-MAIL

Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, FL 33901

Re: CPA2009-00001/Alico West

Dear Matt:

During the course of our conversations over the past couple of weeks concerning the above referenced comprehensive plan amendment you have asked that I furnish to planning staff some proposed Lee Plan policies that may alleviate some of staff's concerns relating to current Lee Plan Policies 2.4.2. and 2.4.3. Essentially there appears to be a concern that DNR has insufficient information presently to make a finding that no **significant** impacts on present or future water resources will result from the proposed land use change for the subject property from DRGR to University Community (emphasis added). In addition, some questions have been raised as to whether the proposed fines disposal/relocation plan is acceptable.

First of all I would like to stress that the policies in question refer to significant impacts, not just any impact. Further, in Policy 2.4.3.3 it is referred to as significant **harm** to any present and future public water resources, and does not refer to any positive impacts as being problematic (emphasis added). In this vein it should be noted that while DNR may have some concerns with the accuracy of the submitted materials from the applicant about water impacts, those submittals actually delineate significant positive impacts from the proposal and do not indicate negative or harmful impacts of any kind. In addition, as I have indicated to you, and as I believe Michael Jacob will agree, even if DNR were to issue a memo at this juncture stating no significant impacts, they are free to change their position at a later date if the relevant information indicates such. Finally, as we have also discussed, the fines disposal/relocation plan that we have submitted is both financially and environmentally feasible in our estimation. However, we are not saying this is the only plan available nor are we saying that DNR has to ultimately agree with our position on the plan. What we are saying is that our plan is an option but we

obviously understand that before a local development order is issued on this site that an acceptable fines disposal/relocation plan must be submitted to and approved by the County or else we do not get our local DO approval.

Finally, I would like to direct your attention to Lee Plan Policy 18.1.9 wherein it states as follows:

"Prior to the commencement of development within the University Community land use category, an area-wide Conceptual Water Management Master Plan must be submitted to and approved by Lee County and South Florida Water Management District staff. This water management plan will be integrated with the Conceptual Master Plan and be prepared through a cooperative effort between the property owner, Lee County, and South Florida Water Management District. This master plan will insure that the water management design of any development within the University Community will maintain or improve the currently existing quality and quantity of groundwater recharge. This plan must be consistent with the drainage basin studies that were prepared by Johnson Engineering, and approved by the SFWMD. Lee County will amend the county land development regulations to require all new development to be consistent with the appropriate basin study. (Amended by Ordinance No. 94-30,00-22)." (emphasis added).

As you can plainly see from a reading of this policy many of the concerns expressed in Policies 2.4.2. and 2.4.3 are reiterated in Policy 18.1.9 (although using somewhat different language) with the difference between 2.4.2 and 2.4.3 and 18.1.9 being that 18.1.9 actually delineates how the concern will be addressed through the creation of an area-wide Conceptual Water Management Plan. My point is that there are a number of layers of checks and balances built into the system already and merely reclassifying the subject site to University Community does not terminate these protections but rather it enhances them and insures that development of the site will maintain or improve the currently existing quality and quantity of groundwater recharge. Isn't that really the point of Policies 2.4.2 and 2.4.3?

Having said that please find my proposed policy below:

1. Policy 18.1.9.1: Prior to the approval of any local development orders for that portion of the University Community lands known as Alico West and included in the University Community Land Use category pursuant to CPA2009-00001, the developer must submit and receive approval for a fines disposal/relocation plan for the property which is the subject of this policy, if in fact any fines are to be disposed of or relocated pursuant to the proposed development plan. The burden of supplying an acceptable fines disposal/relocation plan lies solely with the developer. Furthermore, once the

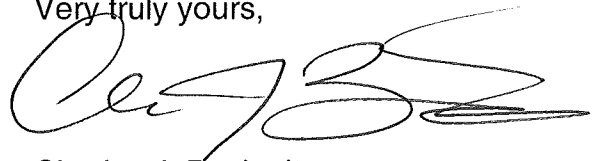
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developer has finalized the development scenario for the subject site then the developer must demonstrate compliance with Policies 2.4.2 , 2.4.3 and 18.1.9 prior to the approval of any local development order for this property.

Upon your review of the above please let me know if I may of further assistance in this matter.

Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Charles J. Basinait', with a stylized flourish at the end.

Charles J. Basinait

CJB/sbm

cc: Don Schrottenboer (via e-mail)
Dennis Gilkey (via e-mail)
Richard Woodruff (via e-mail)
Kirk Martin (via e-mail)
Brad Cook (via e-mail)
Michael Jacob, Esq. (via e-mail)
Brandon Dunn (via e-mail)
Roland Ottolini (via e-mail)
Anura Karuna-Muni (via e-mail)
Tony Pellicier (via e-mail)
Lee Werst (via e-mail)
Sam Lee (via e-mail)