



Protecting Southwest Florida's unique natural environment and quality of life ... now and forever.

February 3, 2015

Paul O'Connor, Director
Lee County Community Development
Division of Planning
1500 Monroe Street
Fort Myers, FL. 33901

(Letter sent via email)

RE: Wildblue (CPA 2014-00004)

Dear Mr. O'Connor:

On behalf of the Conservancy of Southwest Florida and our over 6,000 supporting families who value our unique and sensitive wildlife and water resources, we share the following comments regarding Private Equity Group's (PEG) application for an amendment to the Lee Plan within the Density Reduction /Groundwater Resource area . Since PEG's initial submittal for the WildBlue Lee Plan Amendment in April 2014, the Conservancy has continued to review the application materials, meet with the applicant and provide comments and feedback on this proposal. Our goal is to ensure that if Lee County approves this amendment, the increase in density be consistent with the existing DR/GR policies and focused on protection and restoration of natural resources.

We first want to acknowledge that since our initial meeting, PEG has made significant environmental improvements to the proposed amendment, including but not limited to, commitment to restore flowways, additional wildlife crossings, and a re-configuration of the development footprint that will increase connectivity. However, the Conservancy is still concerned that some of the proposed policies in the amendment may, as currently written, be inconsistent with the underlying intent of the DR/GR, which was to preserve and restore identified natural resources and agricultural lands by directing growth to compact, mixed-use areas. It is important that any new policies created to facilitate the envisioned WildBlue development demonstrate that they are consistent with, and provide enhancement to, the existing DR/GR overlay. While the Conservancy will continue to work with PEG to resolve these outstanding issues, we believe it is important to share them with staff, as you will be completing your sufficiency review of the amendment this week. The following provides our remaining concerns:

1. Applicability of "Environmental Enhancement and Preservation Overlay Communities" to other parcels

Although PEG is confident that no other parcels will qualify for the "Environmental Enhancement and Preservation Overlay" today, we remain concerned that other properties in the future could be eligible under their proposed language. This is of concern, since the proposed restoration activities for WildBlue are specific to that identified project and might not be appropriate for other projects. Therefore, we have proposed the following language to PEG for Policy 1.7.14.5:

“Environmental Enhancement and Preservation Overlay Communities:” Property that includes all of the following:

- An approved IPD (or equivalent form of approval for mining if such activity was approved prior to the implementation of the IPD process) as of (month/date/year to correspond to the implementation date of the CPA), and
- Existing approved development orders for development greater than a single-family residence as of (month/date/year to correspond to the implementation date of the CPA), and
- A minimum of 500 acres of natural resources onsite that would qualify for enhancement and preservation through activities above and beyond what is already required through existing permits and approvals as of (month/date/year to correspond to the implementation date of the CPA) and that have the potential to damage surface and sub-surface water resources, impact habitat, and encroach on environmentally important land should development occur in accordance with those approvals.

Such parcels may be granted additional densities, consistent with the provisions contained in Policy 33.3.3.4, as an incentive to reduce these potential impacts or to encourage significant environmental enhancement and preservation of natural resources if strict criteria improving the adverse impacts are followed.

In order to reduce the possibility of other parcels qualifying for the overlay, we feel it is important that the proposed policy includes a date that corresponds with the implementation of the Comprehensive Plan Amendment. We ask staff to consider proposing the inclusion of this language, or language similar, in your final sufficiency review of this amendment.

2. Increased density must be tied to environmental benefits that are in excess of what is required through existing permits and approvals

The foundational intent of the DR/GR Overlay is to take density from large parcels and cluster it into small, mixed-use projects. Increases in density were to be derived from participation in the TDR program. However, the Conservancy understands that the TDR program is not as viable as we had hoped. As an alternative, the Conservancy had initially proposed that environmental improvements for the new “Environmental and Enhancement Preservation Overlay” are quantifiably tied to increases in density. As an example, “X” environmental off-site benefit equates to “X” number of units. Through meetings with PEG and staff, we understand that this approach may be seen as arbitrary and therefore not desirable for Wildblue. However, we do believe that it is imperative that benefits to the entire DR/GR system are a component of the Comp Plan Amendment. The language should clearly state for Policy 33.3.3.4 that increases in density are granted for specific environmental benefits that are in excess of what is already required through existing permits and approvals. Specifically, increased density will be granted for those regional benefits that maintain large-scale ecosystem integrity and restoration in the DR/GR.

3. Extinguish Density of out-parcels

In a recent meeting between PEG and the Conservancy, PEG offered to extinguish all residential and commercial density on three out-parcels owned by Alico East Fund, LLC. The Conservancy applauded PEG for this decision, as this would ensure that adjacent parcels owned by Alico East are not intended for future development. Also, the elimination of the density on the out-parcels would provide further justification for increased density on the Wildblue site. PEG agreed to extinguish density on the following parcels:

- (1) Northwest Park (488± acres) which is the lake/park donation offered the County
- (2) Alico North parcel (580± acres) which is located north of Alico Road
- (3) "Southwest farm field" parcel (107 acres)

The Conservancy recently reviewed the "Draft Alico East Fund Development Agreement," revised on 11/05/2014. While we appreciate that Alico East Fund has agreed to extinguish residential use and density on the NW Lake parcel, there is no supporting documentation or agreements that reference an agreement to extinguish density on the North parcel or the southwest farm field. The Conservancy believes that deed restrictions or agreements that extinguish the density on those two parcels should be drafted prior to approval of the CPA.

Furthermore, there needs to be assurances that the County will accept the NW Lake/park as a donation since the donation is mentioned in Policy 33.3.3.4ii as an environmental benefit deserving of additional density.

Thank you again for the opportunity to comment on PEG's proposed Comprehensive Plan Amendment. We ask that staff consider our concerns and proposed language as part of your final sufficiency review. We believe the revisions the Conservancy has proposed in this letter will serve to better protect and enhance vital lands, groundwater resources, and sensitive habitats in the DR/GR, if future development should occur. Please contact us at (239)430-4267 if you have any questions or if you would like to further discuss these issues.

Sincerely,



Nicole Johnson
Director of Governmental Relations



April Olson
Growth Management Specialist

Cc:

Becky Sweigert, Principal Environmental Planner
Brandon Dunn, Principal Planner
Don Schrottenboer, President of Real Estate, Private Equity Group