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COMMUNITY DEVELOPMENT

Reply to
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March 21, 2014

VIA EMAIL & U.S. MAIL

Paul O'Connor
Lee County Community Development
Director of Planning
P.O. Box 398
Ft. Myers, FL 33902-0398

Re: WildBlue

Dear Paul:

I wanted to thank you and Brandon for continuing to meet, discuss, and think about how to integrate WildBlue into the Lee Plan. The proposal, as I am sure you realize, will result in significant regional and community benefits at no cost to the taxpayers of Lee County. These benefits include significant on-site reclamation and enhancement activities, as well as increased conservation areas and connectivity to off-site conservation areas through the re-establishment of the Stewart Cypress Slough and the creation of a large mammal corridor as well as a large donation of land to Lee County for a new regional park to name a few.

We have reviewed and evaluated the proposed TDR option that was discussed at our last meeting. While creative, we believe that the TDR option is a difficult fit given the unique circumstances of the property. For example, the property is under unified control while TDRs, (under the County's TDR programs) are utilized to transfer development rights from one property or owner to another. In this case, the property owner is seeking additional density from onsite lands to make the reclamation, enhancement and donation activities financially affordable and economically practicable. In our opinion the solution is to cluster additional density from the site into areas that best protect the onsite natural resources, flowways, and natural corridors. As such, we do not believe that the proposed activities fit TDR programs that are found in Chapters 2 and 32 of the Lee County Land Development Code. As we understand it, those programs seek to sever development rights from sending land and allow these severed development rights to be utilized on receiving land.

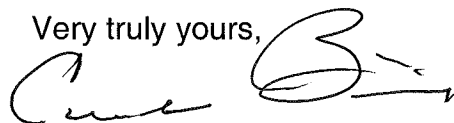
As a further complication, the TDR option does not appear to be consistent with the proposed TDR policy contained in the draft land use element of the Evaluation and Appraisal Report. Proposed Policy 2.3.4 provides that the county will "facilitate the transfer of development rights from property owners with sending sites to property owners with receiving sites." As I mentioned previously in this correspondence the property is one site under unified control, and as such the subject proposal does not meet the intent of this proposed policy.

We also believe that the TDR option would require substantial amendments to Chapter 32 of the Land Development Code. For example, it is arguable that the site is not eligible for the creation of TDR credits per Section 32-303(a) as the land is encumbered by existing development approvals and easements. In addition, the existing TDR credit sending area ratios, as contained in Section 32-305(b), are not sufficient to defray the substantial reclamation, enhancement and donation expenditures that the proposal would require the developer to make. Furthermore, the property is not a recognized TDR receiving site under Section 32-309(a).

Beyond these technical issues, the proposed TDR option does not result in sufficient additional density to offset the significant reclamation and enhancement costs associated with the proposed development. The proposed methodology, using the numbers on your worksheet, results in approximately 748 dwelling units. This is significantly less than the number of necessary dwelling units. Further, this methodology does not appear to take into account, in a meaningful way, the significant donation of land to the community that is proposed.

The applicant is appreciative of all of your efforts in attempting to help us craft a solution to issues associated with development of the WildBlue site. However, we respectfully suggest that the TDR option that you have outlined may prove to be more difficult to implement than our previously discussed Option 1 and is insufficient from a unit count standpoint when all of the development costs are taken into consideration. After lengthy consideration, we are prepared to move forward with this important request using the Option 1 scenario. We are confident that once you have the opportunity to review a complete application, you, and other members of staff, will be in a position to assist and support this venture in a meaningful way in order to make this project a success for the County, the Community and the landowner.

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

Paul O'Connor
March 21, 2014
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CJB/krs
cc: Via Email
Donald Schrottenboer
Brandon Dunn