



**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**  
**Thursday, December 17, 2009 at 9:00 am**

**Southwest Florida Regional Planning Council**  
**1<sup>st</sup> Floor Conference Room**  
**1926 Victoria Avenue**  
**Fort Myers, FL 33905**

**AGENDA**

**Mission Statement**

***To work together across neighboring communities to consistently protect and improve the unique and relatively unspoiled character of the physical, economic and social worlds we share...for the benefit of our future generations.***

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL – Ms. Nichole Gwinnett**

- |   |                 |
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| <b>3. CONSENT AGENDA</b>  | <b>Page 24</b>  |
| a) Intergovernmental Coordination and Review  | <b>Page 26</b>  |
| b) Financial Statement for November 30, 2009  | <b>Page 31</b>  |
| c) Toll-Rattlesnake DRI – Request for Sufficiency Response Extension                              | <b>Page 46</b>  |
| d) Florida Gulf Coast Technology & Research Park DRI – Request for Sufficiency Response Extension | <b>Page 50</b>  |
| e) Lee County Comprehensive Plan Amendment (DCA 09-1ER)   | <b>Page 54</b>  |
| f) SWFRPC Fixed Assets Removal  | <b>Page 122</b> |
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| <b>4. LEE COUNTY RED SOX BALL PARK TRAINING FACILITY DRI STAFF ASSESSMENT</b>                     | <b>Page 125</b> |
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| <b>5. ADMINISTRATIVE ISSUES</b>   | <b>Page 126</b> |
| a) 2010 Nominations Committee - <b>Acting Chair Mick Denham</b>                                   | <b>Page 128</b> |
| b) Lower West Coast Watershed Implementation Committee – <b>Mr. James Beaver</b>                  | <b>Page 130</b> |
| - State Stormwater Standards  |                 |
| - DEP Designated Issues   |                 |

Two or more members of the Peace River Basin Management Advisory Committee and Charlotte Harbor National Estuary Program may be in attendance and may discuss matters that could come before the Peace River Basin Management Advisory Committee and Charlotte Harbor National Estuary Program, respectively, for consideration.

In accordance with the Americans with Disabilities Act (ADA), any person requiring special accommodations to participate in this meeting should contact Ms. Deborah Kooi at the Southwest Florida Regional Planning Council 48 hours prior to the meeting by calling (239) 338-2550 #210; if you are hearing or speech impaired call (800) 955-8770 Voice/(800) 955-8771 TDD. Or email [dkooi@swfrpc.org](mailto:dkooi@swfrpc.org).

**6. REGIONAL ISSUES**

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- a) SWFRPC Resolution in Support of the Construction of Large Scale Photovoltaic Electronic Generating Facilities and the Development of Renewable Energy Standards within the State of Florida – **Mr. Ken Heatherington**
- b) 2009 NADO Innovation Awards – **Mr. Ken Heatherington**
- c) Other Regional Issues

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**7. PUBLIC COMMENTS**

**8. DIRECTOR'S COMMENTS**

**9. STATE AGENCIES COMMENTS/REPORTS**

**10. COUNCIL ATTORNEY'S COMMENTS**

**11. COUNCIL MEMBERS' COMMENTS**

**12. ADJOURN**

**NEXT MEETING DATE  
January 21, 2010 or January 28, 2010**



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## **SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL (SWFRPC) ACRONYMS**

ABM - Agency for Bay Management - Estero Bay Agency on Bay Management

ADA - Application for Development Approval

ADA - Americans with Disabilities Act

AMDA -Application for Master Development Approval

BEER - Bureau of Economic Business and Research at the University of Florida

BLID - Binding Letter of DRI Status

BLIM - Binding Letter of Modification to a DRI with Vested Rights

BLIVR -Binding Letter of Vested Rights Status

BPCC -Bicycle/Pedestrian Coordinating Committee

CAC - Citizens Advisory Committee

CAO - City/County Administrator Officers

CDBG - Community Development Block Grant

CDC - Certified Development Corporation (a.k.a. RDC)

CEDS - Comprehensive Economic Development Strategy (a.k.a. OEDP)

CHNEP - Charlotte Harbor National Estuary Program

CTC - Community Transportation Coordinator

CTD - Commission for the Transportation Disadvantaged

CUTR - Center for Urban Transportation Research

DCA - Department of Community Affairs

DEP - Department of Environmental Protection

DO - Development Order

DOPA - Designated Official Planning Agency (i.e. MPO, RPC, County, etc.)

**EDA - Economic Development Administration**

**EDC - Economic Development Coalition**

**EDD - Economic Development District**

**EPA – Environmental Protection Agency**

**FAC - Florida Association of Counties**

**FACTS - Florida Association of CTCs**

**FAW - Florida Administrative Weekly**

**FCTS - Florida Coordinated Transportation System**

**FDC&F -Florida Department of Children and Families (a.k.a. HRS)**

**FDEA - Florida Department of Elder Affairs**

**FDLES - Florida Department of Labor and Employment Security**

**FDOT - Florida Department of Transportation**

**FHREDI - Florida Heartland Rural Economic Development Initiative**

**FIAM – Fiscal Impact Analysis Model**

**FLC - Florida League of Cities**

**FQD - Florida Quality Development**

**FRCA -Florida Regional Planning Councils Association**

**FTA - Florida Transit Association**

**IC&R - Intergovernmental Coordination and Review**

**IFAS - Institute of Food and Agricultural Sciences at the University of Florida**

**JLCB - Joint Local Coordinating Boards of Glades & Hendry Counties**

**JPA - Joint Participation Agreement**

**JSA - Joint Service Area of Glades & Hendry Counties**

**LCB - Local Coordinating Board for the Transportation Disadvantaged**

LEPC - Local Emergency Planning Committee

MOA - Memorandum of Agreement

MPO - Metropolitan Planning Organization

MPOAC - Metropolitan Planning Organization Advisory Council

MPOCAC - Metropolitan Planning Organization Citizens Advisory Committee

MPOTAC - Metropolitan Planning Organization Technical Advisory Committee

NARC - National Association of Regional Councils

NOPC - Notice of Proposed Change

OEDP - Overall Economic Development Program

PDA - Preliminary Development Agreement

REMI – Regional Economic Modeling Incorporated

RFB - Request for Bids

RFP - Request for Proposals

RPC - Regional Planning Council

SHIP - State Housing Initiatives Partnership

SRPP – Strategic Regional Policy Plan

TAC - Technical Advisory Committee

TDC - Transportation Disadvantaged Commission (a.k.a. CTD)

TDPN - Transportation Disadvantaged Planners Network

TDSP - Transportation Disadvantaged Service Plans

USDA - US Department of Agriculture

WMD - Water Management District (SFWMD and SWFWMD)

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

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Minutes

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**MINUTES OF THE  
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL  
NOVEMBER 19, 2009**

The regular meeting of the **Southwest Florida Regional Planning Council** was held on **November 19, 2009** at the Southwest Florida Regional Planning Council - 1<sup>st</sup> Floor Conference Room at 1926 Victoria Avenue in Fort Myers, Florida. In the absence of the Acting Chair Mayor Denham, **Acting Vice Chair Charles Kiester** called the meeting to order at **9:00 a.m.** **Commissioner Butch Jones** led an invocation and the Pledge of Allegiance. Senior Administrative Staff Nichole Gwinnett conducted the roll call.

**MEMBERS PRESENT**

- Charlotte County:** Councilman Don McCormick, Commissioner Tricia Duffy, Commissioner Robert Skidmore, Mr. Alan LeBeau, Ms. Andrea Messina
- Collier County:** Councilman Charles Kiester, Commissioner Frank Halas, Mr. Bob Mulhere
- Glades County:** Commissioner Kenneth “Butch” Jones, Commissioner Paul Beck, Dr. Edward Elkowitz
- Hendry County:** Mayor Paul Puletti, Mr. Melvin Karau
- Lee County:** Commissioner Tammy Hall, Commissioner Ray Judah, Ms. Laura Holquist, Councilman Forrest Banks, Mayor John Sullivan, Councilman Tom Babcock, Mr. Paul Pass
- Sarasota County:** Commissioner Shannon Staub (alt. for Commissioner Jon Thaxton), Commissioner Carolyn Mason, Commissioner Tom Jones, Councilman Ernie Zavodnyik
- Ex-Officio Members:** Ms. Dianne Davies - SWFWMD, Mr. Jon Iglehart - FDEP, Mr. John Morgan (alt. for Mr. Phil Flood - SFWMD), Mr. Johnny Limbaugh - FDOT

**MEMBERS ABSENT**

- Charlotte County:** None
- Collier County:** Commissioner Jim Coletta, Councilwoman Teresa Heitmann
- Glades County:** Councilman Michael Brantley
- Hendry County:** Commissioner Tristan Chapman, Commissioner Karson Turner, Mayor Mali Chamness

**Lee County:** Mayor Mick Denham, Councilman John Spear

**Sarasota County:** Mr. George Mazzarantani, Mr. David Farley

**Ex-Officio Membership:** Ms. Tammie Nemecek - EDC of Collier County

## INTRODUCTIONS

Acting Vice Chair Kiester introduced new members of the Council: Mayor John Sullivan, City of Cape Coral and Councilman Forrest Banks, City of Fort Myers. He also introduced: Ms. Sarah Hines, Southwest Florida Regional Director from US Senator George LeMieux Office; Ms. Leah Valenti, Deputy District Director from US Congressman Thomas Rooney's Office; and Ms. Kara A. Moore, District Director from US Congressman Connie Mack's Office.

## AGENDA ITEM #1 AGENDA

Mr. Heatherington noted that there were two walk-on items to the agenda: Consent Agenda Item #3(j) Hazardous Materials Emergency Preparedness (HMEP) Planning and Training Grant - Walk-On Item and Agenda Item #6(d) 2010 Legislative Priorities Walk-On Item.

**Mayor Sullivan moved and Commissioner Hall seconded to approve the agenda as amended. The motion carried unanimously.**

## AGENDA ITEM #2 MINUTES OF OCTOBER 15, 2009

Councilman Zavodnyik stated that he had the following change to the minutes, on page 5 in the last paragraph which should read: "Councilman Zavodnyik addressed the offshore drilling resolution which the Convocation of Governments of Sarasota County comprised of Longboat Key, City of Sarasota, City of North Port, City of Venice, and Sarasota County Board of County Commissioners had adopted and was emailed to the members previous to the meeting for their review. He then requested that it be placed on the Council's November agenda for discussion."

**Councilman McCormick moved and Councilman Zavodnyik seconded to approve the minutes of October 15, 2009 as amended. The motion carried unanimously.**

## AGENDA ITEM #3 CONSENT AGENDA

Acting Vice Chair Kiester noted that Agenda Item #3(f) Babcock Ranch Master Development Order DRI - NOPC was to be pulled for discussion purposes.

**Commissioner Staub moved and Councilman McCormick seconded to approve the balance of the consent agenda: Agenda Item #3(a) Intergovernmental Coordination and Review; Agenda Item #3(b) Financial Statement for October 31, 2009; Agenda Item #3(c)**

**Estero Bay Watershed Public Symposium Report; Agenda Item #3(d) Review of the Revised Glades & Hendry Joint TD Bylaws ; Agenda Item #3(e) City of Venice Comprehensive Plan Amendment (DCA 09-1ER); Agenda Item #3(g) University Town Center (formerly Sarasota Interstate Park of Commerce) DRI - NOPC; Agenda Item #3(h) The Fountains DRI - Sufficiency Response Extension; Agenda Item #3(i) North Port Gardens DRI - Sufficiency Response Extension; and Walk-On Agenda Item #3(j) Hazardous Materials Emergency Preparedness (HMEP) Planning and Training Grant. The motion carried unanimously.**

**AGENDA ITEM #3(f)  
Babcock Ranch Master Development Order DRI - NOPC**

Mr. Dan Trescott of staff reviewed the item as presented.

Mr. LeBeau referred to Mr. Trescott's statement of taking the traffic study/impact out and making it a separate issue and come back with an amendment, he then stated that he feels that it has been the problem with Southwest Florida; that "we need to take the blinders off and look at the total picture." Mr. Trescott explained that the master traffic study is reviewing everything. It is a regional model and it includes everything within six counties and all he is saying is to do that because everything gets bogged down in traffic and it then holds up everything else in the application.

Commissioner Halas asked for staff's opinion on what they feel is going to happen when it is sent up to DCA. Mr. Trescott explained that DCA has already been working with staff and they haven't been very happy and that is why staff has required the NOPC. Commissioner Halas then stated that he agrees with Mr. LeBeau and that we need to look at the big picture and make sure that all of the issues are addressed. He then asked who is responsible for the major traffic impact costs (proportionate fair share, impact fees by both counties, etc.). Mr. Trescott explained that he believed that the applicant is going to pay for most of the transportation impacts.

Mr. Jim Paulmann of WilsonMiller, who represents the applicant, clarified the traffic study issue relative to the NOPC. He explained that it was DCA's recommendation that the applicant go through the NOPC process so that there is consistency between the master development order and the incremental development order that would be approved. The reason for that is when the project moved forward with the traffic study at the time of the MDO adoption, it was anticipated that the regional model that FDOT, District 1 was putting together was not going to be available; and it was recognized by the agencies along with applicant and Council that the approach would to move the project forward and to have the applicant (Plummer and Associates), put a model together and have that methodology approved by the regional agencies. But what happened was that the market slowed and when the increment was ready for submittal the FDOT regional modal was completed, so the agencies stated to the applicant that they preferred that the regional model be used, which what was done and DCA stated that they also agreed, but that there was a consistency issue with the MDO, so DCA said process the NOPC, which provides that consistency stating that the regional model is going to be used instead of the model designed by Plummer and Associates.

**Commissioner Skidmore moved and Commissioner Duffy seconded to recommend approval of staff's recommendations.**

Commissioner Judah stated that there is going to be a long discussion related to both transportation and water issues under Agenda Item #4 Babcock Ranch Increment I DRI, but under the NOPC he doesn't want to lose sight of what Babcock is attempting to accomplish with the 75 megawatt photovoltaic electronic generating facility, which is very commendable. It is his understanding that it is all predicated on the legislature passing its energy bill to facilitate the ability of Babcock to put in-place the 75 megawatt photovoltaic electronic generating facility, which we all support. He asked to hear from the Babcock representatives so the Council recognizes the importance of conveying the message to the state legislature as to the importance of moving the energy bill through the legislative process and to allow for these kinds of innovative approaches to provide for alternative energy.

Mr. Ryan Fair, Manager of Project Development for FPL explained that he is also the lead developer for the DeSoto 75 megawatt solar facility at Babcock. He stated that what Commissioner Judah had stated is very critical for Florida's solar future. The DeSoto project received national acclaim where President Obama attended the commissioning of the facility. The facility is a 25 megawatt facility just north in DeSoto County on FPL owned land and the ability for that project to take place and move forward was an act of the State Legislature HB7133, that allowed 110 megawatts to be built in the State of Florida and of those 110 megawatts, FPL is building three projects, DeSoto being a solar photovoltaic site that is currently the nation's largest. There is one also being built at NASA and also a solar thermal facility is being built in Martin County. What is key about this legislation is that it was a onetime opportunity that allowed for large scale utilities to being able to build these types of projects in the State of Florida. There is no other legislation that allows that to continue, and in order for FPL to do a project like Babcock Ranch, which is going to be three times the size of the DeSoto facility and will be the largest solar photovoltaic in the world, the legislature needs to pass legislation to move these types of projects forward. Incidentally, HB7133 there was another part of the bill which had the Public Service Commission and the State Legislature to investigate the idea of a renewable portfolio standard that would allow a long term continuous industry-wide build out of solar, it would not just be on a large utility scale but it would also allow for roof top solar and other types of applications to take place. This is critical in the Babcock Ranch overall project because Babcock Ranch is not just looking at just one facility they are looking to make this really an energy efficient and smart city.

Commissioner Judah stated that he feels that FPL needs to be commended for their efforts with DeSoto and Martin Counties and also NASA. He said the legislature has a cap that needs to be broken to give innovative developments like Babcock Ranch an opportunity and throughout the State of Florida, so he is hoping that on the heels of moving forward with the Babcock Ranch project approval that we will then support a resolution to our state legislators to support a state wide energy bill that encourages and advocates the importance of providing for large scale solar energy facilities within the State of Florida.

Acting Vice Chair Kiester stated that Walk-On Agenda Item #6(d) 2010 Legislative Priorities includes listing priorities and strategies for the legislature to focus on and it lists the issues that are currently being discussed.

Dr. Elkowitz asked what happens after the master development plan is approved and the traffic survey doesn't meet its requirements, where do we go from there. Mr. Trescott explained that we are not approving anymore other than phase one/increment one. Dr. Elkowitz said that but now you have the master development plan and then you are going to do a survey on the traffic impacts and what if the master development plan doesn't fit into the traffic survey, where do we go from there. Mr. Trescott explained that the traffic analysis is going to be reviewed as a NOPC to the master development plan and he assumes that staff could take away development. Dr. Elkowitz stated that there is that assumption that we have to re-examine the master development plan, so in other words we are "putting the cart before the horse." Mr. Trescott replied yes, but with Increment I staff is recommending specific road improvements.

Commissioner Judah stated that the 2010 Legislative Priorities do not address the large scale solar energy facilities, so he suggested having a separate resolution for the Council's consideration at the appropriate time.

Mr. LeBeau stated that he agrees with Dr. Elkowitz because there are roads in Charlotte County that go under water during the rainy season and now you are adding all of this traffic to those roads and he doesn't see anything being done to address those issues. Then there is the issue with the sheet flow that comes off of Babcock Ranch and no one has addressed that issue. He feels that the road issue needs to be addressed first.

Commissioner Judah stated that unfortunately there is a misunderstanding, Lee County has sent its message loud and clear to Kitson and Partners and also to Charlotte County, that they wanted to see conditions incorporated in the master development approval, that will absolutely mandate that those roads are in-place and paid for by Kitson and Partners and special assessment district. Mr. LeBeau stated that Charlotte County should make sure that the same thing is done.

Commissioner Skidmore stated that Charlotte County would also not want to jump on the development rights by Kitson and Partners so they would want to see the Babcock Ranch project move forward.

Commissioner Staub referred to staff's recommended actions and pointed out that it is procedural where we have to do this in order to proceed to the next agenda item.

Commissioner Halas stated that he wants to make it understood that the parties of both Lee and Charlotte Counties understand the total ramifications.

**The motion passed with two opposed.**

**Commissioner Judah moved and Ms. Messina seconded to prepare a resolution for the Chair's signature to send to the State Legislature, Governor, President of the Senate, and Speaker of the House, to support the flexibility of incorporating the Energy Bill that will allow for large scale photovoltaic electronic generating facilities and renewable energy standards to be built in the State of Florida.**

Commissioner Judah stated that there is already a draft resolution pending and he will forward it to staff.

Commissioner Duffy announced that Charlotte County had a renewable energy workshop that was very successful where there were federal representatives from DOE and the discussion included what different states were doing to promote renewable energy and how California, Nevada and Arizona are way ahead of Florida. At the end of the workshop they realized that the legislators were in attendance so a mini workshop has been scheduled for Monday, November 23<sup>rd</sup> at 1:30 pm at the Charlotte Harbor Event and Conference Center and there will also be CDs available.

**The motion carried unanimously.**

**AGENDA ITEM #4  
BABCOCK RANCH INCREMENT I DRI STAFF ASSESSMENT**

Mr. Trescott of staff reviewed the item as presented.

Mr. LeBeau asked where is the water stored onsite. Mr. Trescott replied that staff is requiring a 100 year/3 day storm event which is what Sarasota County requires, and staff has tried to get other counties within the region to do the same because it does reduce offsite flooding significantly by even more than four times the storage. The water management district requires a 25 year/3 day event, so staff's proposal is much greater storage.

Mr. LeBeau asked what kind of storage system will be put in place. Mr. Trescott explained that the water will be stored in lakes and wetlands. Mr. LeBeau asked how much impervious area will be added to the project. Mr. Trescott stated that the agricultural operations discharge more water offsite than development.

Mr. Jim Beever of staff explained the surface water management system with new retention standards for the Babcock Ranch project. Basically, how agricultural operations works in this part of Florida is it tries to retain as much water as possible during the dry season and discharges water that it does not need during the wet season. So the agriculture operations on the site basically reduce the flows to downstream areas during the dry season and increase flows during the wet season. Residential development of this design, with a surface water management system, creates a series of retention lakes systems which are not currently on the site and the water will be stored into those areas. The overall uses of that water in those lakes are for reuse on the site, so they are doing their irrigation from their storm water system. Each time you move water through these systems you increase the evapotranspiration and quite a bit of the water is lost to the atmosphere through the evaporation processes. At the same time they set new water control structures, approved by SFWMD, which will be at a higher level for the residential development than they are for the current agricultural operations.

Commissioner Halas asked where does the water go after the retention ponds are full is there a natural drainage system that will handle the extra water. Mr. Beever replied that ultimately the Caloosahatchee River receives all of the water from the site. The water is transported to the Caloosahatchee River through two major stream systems, Trout Creek and Telegraph Creek, and for Increment I it will primarily be through the Trout Creek system. He then explained that there is also a wetland area to the north known as Curry Lake and it receives and absorbs a lot of the water that would come off from Increment I also. He also explained that it is not a natural system

today so it is not a natural sheet flow system at this point, what they do in agriculture is they interconnect all of the wetlands through a series of agricultural ditches and those ditches move water much more quickly to the stream systems than they do under natural sheet flow.

Ms. Holquist asked if the development is going to improve the water runoff on the site because it is going to correct what has happened through agricultural uses of the land previously and it is going to put it back to more of a natural state; but if only the first phase of the development happens will that also take place over long term. Mr. Beever explained that in the total master development plan it does all interconnect into a fully integrated system, but it is important in these early developments that they be consistent within themselves; and potentially retain more than they would in the final, because when you have the other capacities built later you would then be able to deal with that further down the site. But for right now, they are going to want to try to keep more in the first increment and then as later increments come in place then you can fit the puzzle pieces together.

Dr. Elkowitz asked what is being done with the solid waste and where it is being disposed of, because he doesn't see it addressed within the staff assessment. Mr. Trescott explained that the solid waste issue was addressed in the mater application. He stated that there was no need to conduct further analysis on solid waste because it was addressed in the master application and it is all being taken to the Charlotte County Landfill.

Commissioner Duffy noted that the Charlotte County Landfill has approximately 20 years left and it can accommodate the solid waste from the Babcock Ranch Community.

**Commissioner Skidmore moved and Commissioner Duffy seconded to recommend Conditional Approval of Babcock Ranch Increment I DRI to be further conditioned on a finding of consistency with the local government comprehensive plan by the Charlotte County Board of County Commissioners.**

Commissioner Judah stated that he would like to hear from Lee County's staff which has comments on the written record pertaining to both the water and transportation issues. He wanted to make sure that hearing from staff, that if those conditions that were reported to the Council are incorporated as conditions into the increment today. Mr. Trescott explained that staff did attach Lee County's letter and have addressed their conditions.

Commissioner Halas stated that Charlotte County may need to look at this issue seriously when it was stated that their landfill still has 20 years left, he suggested that there is now a great opportunity to address recycling and be made mandatory that at least 80% of the goods stay out of the landfill and go into recycling. Mr. Trescott explained that it is part of the development order condition.

Mr. Roland Ottolini Director of Lee County Division of Natural Resources stated that he would like the Council to consider a few changes to the conditions on page 3 of "Staff's Recommendations" under Item 2, condition "L" for "Stormwater, Water Quality and Floodplain." He explained that Lee County had entered into a Settlement Agreement with Babcock Ranch which addresses Lee County's concerns of surface water impacts for the proposed development. Lee County is concerned with the volume, timing and distribution of flows coming off the proposed development and how that may affect Lee County, not only just for the 100 year event

but for the full array of storm events from the annual wet season-dry season to the 100 year or so. In part of that agreement, they have agreed to develop several models; natural systems model, existing conditions model, and a future build out model that will address the hydrological impacts. The ultimate goal was to, after development; try to achieve something closer to a natural system than what is out there today. He stated that he is not asking for anymore than what has already been agreed to in the agreement, so he would like for the Council to consider those changes in the staff's recommendation language.

Commissioner Staub asked Mr. Heatherington if staff is now putting conditions that have been settled by lawsuits in increments stipulations. Mr. Heatherington explained that he was under the understanding that when staff had the conversation with Lee County that the settlement agreement was not going to be part of the DRI development conditions, because it was part of the permit process. Commissioner Staub stated it used to be that if there was a settlement agreement it was a civil issue, and it was between the parties listed in the agreement and it did not have to be included in what was sent to DCA.

Mr. Ottolini stated that the recommended changes are relatively small and referred to page 3, under condition "L." He suggested adding "Owl Creek" to the receiving waters and also "25 year, 5 year, and annual wet season-dry season storm events."

Commissioner Skidmore stated that he would like to entertain a motion not to accept any additional comments or changes.

Mr. Ottolini explained that these recommendations are things that the applicant has agreed to do and he feels that it would be valuable to this Council's understanding if there has been a lot discussion of the potential impacts of receiving waters, which Lee County is basically going to bear the brunt of all of the outfall from Increment I and future phases.

Commissioner Hall asked Council staff if they have any issues from a staff perspective with what Lee County is asking to be the modification of language. Mr. Trescott replied that what is being asked for is already in the master development order and this particular increment doesn't drain into Owl Creek, so he doesn't see the need to change the increment at this point.

Commissioner Hall stated that since it is already in the master development order is there any harm in bringing it down into the increment and repeat in all of the increments.

Mr. Beaver explained that staff has no objection to listing the other storm events. He also explained that he feels that when dealing with increments that staff be specific to which drainages that are affected, so there is a master condition which relates to this overall study, that was staff's recommendation and it should be incorporated by reference, anything that is in the master gets incorporated to the increment; but specifically for this increment, we should have these analyses of the many different storm events that Lee County is interested in within these particular watersheds and have it done pre-development; because the study could influence significantly the ERP permit from the water management district.

Dr. Elkowitz stated that he was handed the master plan for waste management and no where within the plan does it state about developing its own waste management system, but it does state that the Class 1 material will be disposed of in Charlotte County; it doesn't address hazardous waste or any other waste. Mr. Trescott explained that hazardous waste is handled by special handlers.

Commissioner Duffy stated that Charlotte County has a very good working relationship with Kitson and Partners and everything that she has seen as far as plans for Babcock Ranch has been everything that they can do to protect the environment regarding renewable energy and the solar plant, recycling, etc. In many cases they have exceeded the requirements for all different categories of this development; they have worked closely with the Council and SFWMD. The SFWMD has made recommendations and added requirements which Kitson and Partners have willingly adopted those requirements.

Mr. Trescott explained that as part of Increment I, staff received a letter from the landfill operator and the hauler stating that they can handle the waste. Dr. Elkowitz stated that the entire letter is stating is that the hauler will take responsibility under state, federal and local laws, but what he is asking for is for the applicant to place within the plan exactly which landfill will be handling all of the solid waste, hazardous waste, etc.

Commissioner Staub asked Mr. Beever that when he referred to all weather events and pre-development was included, was it made clear to the applicant. Mr. Beever replied that it was included because the typical analysis is done with regard to a storm water permit which looks at your current conditions and your future conditions; but does not do a strong examination of what the conditions were on the site prior to the alterations which were made to the site that are currently existing. This is an important factor with regards to the overall water management on this site. The applicant was aware that the Council was interested in it since it is something that the Council expressed over two years ago. Also, the 100 year storm event has been a recommendation that the Council has with regard to the resolutions that have been adopted in terms of our storm water resolutions of the Lower West Coast Watershed Committee.

Commissioner Skidmore stated that you dealing with a moving target, the applicant is trying to move ahead with phase one and it should be the Council's job to help facilitate that and not become a bureaucratic power ploy and an extra level of bureaucratic scrutiny that doesn't need to exist.

Commissioner Staub asked if the language that is being requested to be included in the staff's recommendations are already included in the settlement agreement regarding the storm events.

Commissioner Judah requested that Lee County's Land Use Attorney, Ms. Donna Marie Collins answer that question.

Ms. Collins explained that the information that Lee County is requesting to be included in the recommendation of approval for this project, has been addressed on a grander staked scale as part of the litigation settlement, that allowed this project to go forward because there was a challenge where Lee County claimed it wasn't consistent with the Charlotte County Plan; and after many months and a lot discussion, a settlement was reached where they agreed to do an array of items

over and above what was originally approved. What has happened now, is we are now adopting an increment and one argument is to say is that you don't have to restate anything in the increment; because it is already covered in the master or in the settlement agreement, but that is not really true because to the extent, they are not really consistent an ambiguity is created and ambiguities cause delay. She then stated that to answer Commissioner Staub's question is yes, the language that is being requested have been extracted from the settlement agreement.

Mr. Rob Bernsson, Attorney At Law representing Kitson and Babcock stated that he was aware of Lee County's comments since they were made through Council staff. Since the Council goes through the process at staff level, to go through all of the comments and bring forward recommendations to the Council, those conditions that they feel are appropriate to be contained in the recommendation for either approval or denial. What you have before you today is a recommendation for approval from Council staff that have evaluated all of the comments outside of this forum, but through their routine process of which they look at the comments. Many of the issues are covered in the master development order, and one of things that have been stated by DCA is that they will have issues with the development order where they are inconsistent. So where we have language already in the master development order that deals with the various creeks, to change that language in an increment puts the applicant at risk of having DCA finding the development order inconsistent with the master and that is why a master development order is done, in order to put those conditions in place up front. The staff reviewed Lee County's comments and included the appropriate comments in their staff recommendation. We are committed to working with both the transportation issues and the other issues as we move forward, up until the very day of adoption by Charlotte County. We continue a dialog with all the parties working together, including Lee County, FDOT, DCA, RPC, and Charlotte County. The work has been done behind the scenes to get to this point and to keep the project moving forward.

Mr. LeBeau asked Mr. Bernsson if the applicant would be willing to have the recommendations amended. Mr. Bernsson replied no.

Mr. Frank Mann, also Lee County Commissioner for District 5 which covers the northeastern portion of Lee County, he stated that he has been a lifelong resident of Lee County and the interests of both Charlotte and Lee Counties when it comes to the Babcock Ranch project are vastly different. Charlotte County will enjoy the ad valorem tax increase and impact fees they desperately need it, but Lee County will enjoy the impacts from the project. Lee County's DOT staff had recently come up with a figure of \$800 million in road impacts at build out for the project and even if the developer pays for those impacts, that is a huge human impact on Lee County, particularly the part that he represents. He stated that the nearest grocery store to the project is six miles straight down SR31, which is where everyone is going to go for years until they can finally afford to put the first grocery store in Babcock, and that impact alone on SR31 has been estimated and agreed to by state and county planners as to be having a potential impact as needing to expand SR31 at buildout 12 to 14 lanes.

### Public Speakers

Mr. Robert Quillen of North Olga Association spoke of his support for the Babcock Ranch project.

Mr. Tom Mulling of North Olga Association spoke of his support for the Babcock Ranch project.

Mr. Dennis Van Roekel of North Olga Association spoke of his support for the Babcock Ranch project.

Mr. Nick Armeda spoke of his support for the Babcock Ranch project.

Mr. Joseph Sterlacci spoke of his support for the Babcock Ranch project.

Ms. Carla Palmer spoke of her support for staff's recommendations.

Ms. Deborah Liftig spoke of her support for the Babcock Ranch project.

Mr. Andy Getch of Lee County Department of Transportation spoke of his support for staff's recommendations.

Mr. Steven Brodtkin stated that he is strongly against the Babcock Ranch project due to the road and drainage issues.

Ms. Debbie Jackow stated that she is strongly against the Babcock Ranch project due to the impacts of the Bayshore and Alva communities.

Commissioner Halas asked how the solid waste issue is going to be addressed. Mr. Trescott explained that the incremental application requires a letter from the landfill hauler and landfill indicating that they accept the waste, which has been done.

Dr. Elkowitz stated that Charlotte County had discussions of putting a landfill on the four corners that impacts Glades, Lee, Hendry, and Charlotte Counties, so all he is asking for is an exact place where the waste is going to be dumped.

Commissioner Duffy explained that there was a proposal by Omni Waste to build a regional landfill and the Charlotte County BOCC unanimously voted it down approximately two years ago and there are no more plans for any other landfill in or near Glades County and the Babcock waste will be going to the Charlotte County landfill on Zemel Road in western Charlotte County.

Commissioner Skidmore stated that Omni Waste did challenge the decision and lost.

**The motion passed after a roll call vote of 13 to 10.**

#### **AGENDA ITEM #5(a)**

#### **DOE Grant Opportunity – Retrofit Ramp-up and General Innovation Fund Programs**

Mr. David Hutchinson gave an overview of the item.

Mr. Heatherington suggested that the grant go before the Council's Climate and Energy Committee for their input. Mr. Hutchinson stated that he agrees that the committee should be involved in the grant process.

**Commissioner Judah moved and Commissioner Hall seconded to authorize staff to move forward with the DOE Grant Opportunity. The motion passed unanimously.**

**AGENDA ITEM #6(a)  
Offshore Drilling**

Councilman Zavodnyik explained that at the Council's August Retreat it was decided to have offshore drilling as one of the Council's priorities. He also noted that at the Sarasota Convocation which was held in Venice on September 29<sup>th</sup>, the offshore drilling resolution was adopted. He stated that he feels that it is incumbent upon the Council to take a leadership position and tell our legislative delegation what we feel should be done regarding drilling in the gulf.

**Councilman Zavodnyik moved and Commissioner Judah seconded to add to Walk-on Item #6(d) Legislative Priorities that under "Natural Resource Issues including Water, Air, Energy and Climate" a sixth item would state "the Southwest Florida Regional Planning Council opposes oil and gas drilling in the territorial waters of the State."**

Commissioner Beck stated that there are currently studies being done and he would be opposed to moving forward with a motion at this time until the studies are completed and we know what the ramifications are.

Dr. Elkowitz stated that he opposes the letter with the way that it is written. He then stated that he didn't mind Sarasota County stating that they don't want offshore drilling off their coastline, but he doesn't feel that it behooves the Council to state it is for the whole State of Florida. He then referred to the news article that he had distributed entitled "Will Russia Drill Off Florida's Coast?"

Commissioner Judah stated that ocean currents know no political boundaries and he feels that the Sarasota Convocation resolution is a very appropriate message that needs to be sent to the State legislature that is prime to face a very critical decision on influence from special interests and that is "big oil." He explained that Lee County is currently working on finalizing a deal with a company that converts algae to ethanol and have worked out a long term agreement with another company that converts grease to bio-diesel. There is a multitude of alternatives and options as opposed to move forward and jeopardize a \$60 billion tourism industry that relies on a good clean environmental feature such as Florida's coastline.

Commissioner Staub referred to Dr. Elkowitz's news article and stated that the article was referring to the federal waters and Russia will not be drilling within the state waters off of Florida's coast unless the state legislature allows it. She then stated that what concerns her is that even looking at the oil spill possibilities, let's look at the economics; what the proponents are saying is that Florida is going to receive billions of dollars per year from the drilling, but if you look at the states that already have oil drilling off their coast they have never received billions of dollars. She then said that she feels that for both our economy and environment it is important to send the letter.

Commissioner Tom Jones stated that the City of North Port has already endorsed the Sarasota Convocation resolution and it was also introduced and approved at the Manasota League of Cities meeting.

Mr. Karau stated that if it is not economically feasible then why the foreign countries are doing it. He believes that Brazil received a grant from the U.S. government to drill for oil with an exclusive contract with Russia.

Commissioner Tom Jones explained that if you go on the Department of Energy's website they have estimated that if the oil drilling is completed in the state waters all over the State of Florida, it will have the impact of less than 1 percent of the needs of our oil through 2030 and that 1 percent is only a small percentage of the 7 percent that we provide of our own oil.

Mr. Mulhere stated that he is opposed to offshore drilling, but he asked the Council if it is premature before seeing the outcome of the analysis to make a recommendation.

Acting Vice Chair Kiester asked when is the analysis due to be completed. Commissioner Staub replied in January.

Councilman Babcock explained that different areas receive the storm water and the people and they are sustainable, but they don't have a beach so they their rides are to Fort Myers Beach and that is why the quality of the water around Fort Myers Beach is very important for the economic conditions for all of Southwest Florida.

Mr. Pass stated that he agrees with Commissioner Judah and he then gave an overview comparison of Florida's beaches with Texas, Louisiana, Alabama, etc. and how the tar balls affects them.

Commissioner Staub stated that we have been told by the legislators, particularly in the Florida House, that they want to hear from us now.

Commissioner Mason stated that if communities have not been letting their opinions be heard prior to the study, and then it would have been pushed through the legislature, so she agrees that the Council needs to send a message to the legislature that we don't support offshore drilling.

**The motion carried with four opposed.**

#### **AGENDA ITEM #6(b) Intermodal Logistics Center Status Report**

Mr. Limbaugh gave an update status report. He explained that the Port of Palm Beach is moving ahead with their selection process and they are accepting comments from FDOT; they are also asking the four applicants to provide financial information and on December 17<sup>th</sup>, as long as there isn't any further change, the Port of Palm Beach will make a selection for the site.

Commissioner Judah asked why the Port of Palm Beach makes the final decision. Mr. Limbaugh explained that since it is their process, they can select the site and they have stated that they don't need FDOT funds or SIS funds to fund their projects. It is no different than the Lee County Port Authority moving forward with an RFP process.

Commissioner Judah stated that if the Governor's Office, FDOT, SFWMD, DCA, and FDEP all oppose the selected site, then he doesn't believe that it is going to work out to the Port of Palm Beach advantage.

Mr. Pass stated that the Governor's Office, FDOT, SFWMD, DCA, and FDEP have been asked to take control of the selection process because the decision should not be made by the Port of Palm Beach and they have all respectively declined.

Mayor Puletti explained that Mr. Pass's statement is correct, if the wrong selection is made, he expects that there will be several court challenges.

Commissioner Beck stated that there were several people who went to Tallahassee and it appears that FDOT and the Florida Chamber will be conducting two independent studies on traffic and the economic impacts. During the process, it was reported that the Governor had preferred it to be in Jefferson County, where the Jefferson County Board of County Commissioners had approved for the University of Florida build a satellite campus in the county. The University of Florida's response was we had no intention of building a satellite campus in Jefferson County. He then stated that he feels that the Port of Palm Beach can do whatever they want to, although they may get a port in of an intermodal district facility the main drawing card and state support will go towards where the studies state is the best area, which he feels will be either Glades or Hendry area and it will be a tremendous economic benefit.

Commissioner Butch Jones stated that one site that the Port of Palm Beach is interested in has raised a lot of environmental concerns due to it being in the direct path of the flow way.

Dr. Elkowitz stated that the Council has gone on record on finding out what other states are involved in the process, because he is under the impression that Texas and Georgia are in consideration and Florida is in competition with those other states.

Mr. Heatherington stated that the other possible sites are Atlanta, Savannah, Jacksonville, etc.

Dr. Elkowitz stated that he is under the impression that Texas is the leading state in the process because they are in the center of country that can go east and west where Florida is only on the east corridor. He asked that staff to review the issue and find out what other states are involved in the issue/process.

**AGENDA ITEM #6(c)**  
**Other Regional Issues - Southeast Florida Regional Climate Change Compact**

Mr. Heatherington reviewed the item as presented.

**WALK-ON AGENDA ITEM #6(d)**  
**2010 Legislative Priorities**

Mr. Heatherington reviewed the item as presented in the handout. He also noted that the priorities were amended as recommended in the discussion in Agenda Item #6(a) Offshore Drilling to add a sixth item under "Natural Resource Issues including Water, Air, Energy and

Climate” a sixth item that would state “the Southwest Florida Regional Planning Council opposes oil and gas drilling in the territorial waters of the State.”

**Commissioner Judah moved Ms. Messina seconded to approve the 2010 Legislative Priorities as amended. The motion passed unanimously.**

Mr. Pass asked if the Council is tied the same way elected officials are about opposing or being able to spend money to oppose a referendum item such as the hometown democracy issue.

Counsel Donley explained that there is some discussion among the regional planning councils about the applicability of the rule about spending public dollars to oppose specific legislation. She said that she is hoping that it will be worked out within the next month or so, because the Florida Regional Councils Association (FRCA) first came out with saying that we couldn't come out specifically opposing legislation or anything coming before consideration and two weeks later they said yes, that we could. Our process in the past has been to give the information to the Council members as educational and then let the members make decisions.

Mr. Pass stated that if hometown democracy passes it will have major impacts, then there won't be any funding for the Council or any other entity for two years because there will be zero outside investment coming into the State of Florida.

#### **AGENDA ITEM #7 PUBLIC COMMENTS**

No public comments were made at this time.

#### **AGENDA ITEM #8 DIRECTOR'S COMMENTS**

Mr. Heatherington announced that staff has finalized the lease agreement for parking spaces in exchange for storage space with the State Probation Office.

Mr. Heatherington announced that native plant landscape in front of the Council's offices which were paid for by a CHNEP micro-grant.

#### **AGENDA ITEM #9 STATE AGENCIES COMMENTS/REPORTS**

FDEP - Mr. Iglehart announced that the CHNEP will be holding their annual Nature Festival on Saturday, November 21<sup>st</sup> from 10-3 at the Charlotte Sports Park.

SFWMD - Mr. Morgan announced that on December 18<sup>th</sup> at 9:30 am at the Estero Recreational Center the SFWMD will be hosting a workshop to discuss the update of the Lower West Coast Water Supply Plan.

**AGENDA ITEM #10  
COUNCIL ATTORNEY'S COMMENTS**

Counsel Donley announced the CHNEP's 2010 calendar has been published and distributed as a handout. She explained that there is a limited supply available and to contact CHNEP staff for copies.

**AGENDA ITEM #11  
COUNCILMEMBERS' COMMENTS**

No members' comments were made at this time.

**AGENDA ITEM #12  
ADJOURN**

The meeting adjourned at 11:50 a.m.

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Commissioner Paul Beck, Secretary

The meeting was duly advertised in the November 6, 2009 issue of the **FLORIDA ADMINISTRATIVE WEEKLY**, Volume 35, Number 44.

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

3

Consent Agenda

3

3

## CONSENT AGENDA

### **Agenda Item #3(a) – Intergovernmental Coordination and Review**

Approve administrative action on clearinghouse review items.

### **Agenda Item #3(b) – Financial Statement for November 30, 2009**

Approve the financial statement for November 30, 2009 as presented.

### **Agenda Item #3(c) – Toll-Rattlesnake DRI – Request for Sufficiency Response Extension**

Approve the request for extension.

### **Agenda Item #3(d) – Florida Gulf Coast Technology & Research Park DRI – Request for Sufficiency Response Extension**

Approve the request for extension.

### **Agenda Item #3(e) – Lee County Comprehensive Plan Amendment (DCA 09-1ER)**

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

### **Agenda Item #3(f) – SWFRPC Fixed Assets Removal**

Review the attached list of surplus items to be disposed of and authorize staff to follow the proper procedures within the Computer Disposal Policy.

**RECOMMENDED ACTION:** Approve consent agenda as presented.

12/2009

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

3a

Intergovernmental  
Coordination & Review

3a

3a

## **Project Review and Coordination Regional Clearinghouse Review**

The attached report summarizes the project notifications received from various governmental and non-governmental agencies seeking federal assistance or permits for the period beginning November 1, 2009 and ending November 30, 2009.

The staff of the Southwest Florida Regional Planning Council reviews various proposals, Notifications of Intent, Preapplications, permit applications, and Environmental Impact Statements for compliance with regional goals, objectives, and policies of the Regional Comprehensive Policy Plan. The staff reviews such items in accordance with the Florida Intergovernmental Coordination and Review Process (Chapter 29I-5, F.A.C.) and adopted regional clearinghouse procedures.

Council staff reviews projects under the following four designations:

Less Than Regionally Significant and Consistent - no further review of the project can be expected from Council.

Less Than Regionally Significant and Inconsistent - Council does not find the project to be of regional importance, but notes certain concerns as part of its continued monitoring for cumulative impacts within the noted goal areas.

Regionally Significant and Consistent - Project is of regional importance and appears to be consistent with Regional goals, objectives and policies.

Regionally Significant and Inconsistent - Project is of regional importance and appears not to be consistent with Regional goals, objectives, and policies. Council will oppose the project as submitted, but is willing to participate in any efforts to modify the project to mitigate the concerns.

The report includes the SWFRPC number, the applicant name, project description, location, funding or permitting agency, and the amount of federal funding, when applicable. It also includes the comments provided by staff to the applicant and to the State Clearinghouse (Office of Planning and Budgeting) in Tallahassee.

**RECOMMENDED ACTION:** Approval of the administrative action on Clearinghouse Review items.

12/2009



# ICR Council - 2000/09

SWFRPC #	Name1	Name2	Location	Project Description	Funding Agent	Funding Amount	Council Comments
2009-036	Mr. Rich Weingarten	Charlotte County Transit	Charlotte County	Charlotte County Transit - FTA Grant - USC Section 5316 Grant Application - To provide operating and administrative assistance in the amount of \$31,200.	Federal Transit Administration	\$62,400.00	Regionally Significant and Consistent
2009-037	Mr. Rich Weingarten	Charlotte County Transit	Charlotte County	Charlotte County Transit - FTA Grant - 49 USC 5316 Grant Application - To provide operating and administrative assistance in the amount of \$17,500.	Federal Transit Administration	\$35,000.00	Regionally Significant and Consistent
2009-038	Mr. Rich Weingarten	Charlotte County Transit	Charlotte County	Charlotte County Transit - FTA Grant - 49 USC 5310 Grant Application - To provide capital assistance in the amount of \$139,355.20.	Federal Transit Administration	\$174,194.00	Regionally Significant and Consistent
2009-039	Mr. Rich Weingarten	Charlotte County Transit	Charlotte County	Charlotte County Transit - FTA Grant - 49 USC Section 5311 Grant Application - To provide operating and capital assistance in the amount of \$147,098.	Federal Transit Administration	\$98,400.00	Regionally Significant and Consistent

## *Review in Progress*

<i>SWFRPC #</i>	<i>First Name</i>	<i>Last Name</i>	<i>Location</i>	<i>Project Description</i>	<i>Funding Agent</i>	<i>Funding Amount</i>	<i>Council Comments</i>
2009-040			Charlotte County	D&G Dominion - Dept. of Housing and Urban Development (HUD) - Mortgage Insurance Nursing Homes - Construction of Rotonda West Assisted Living Facility - Englewood, Charlotte County, Florida.			Review in Progress
2009-041			Lee County	Lee County Transit - 2010 USC Section 5311 Non-Urbanized Area Formula Program Grant Application - Rural Operating Assistance for Lee County, Florida.	FTA	\$617,068.00	Review in Progress
2009-042			Collier County	Collier County Transportation Services Division - 5311 Grant Application - Operating assistance to offset cost of transportation provided in the non-urbanized areas of Collier County, Florida.	FTA	\$532,000.00	Review in Progress
2009-043			Collier County	Collier County Transportation Services Division - 5310 Grant Application - Capital assistance to replace paratransit vehicles that have outlived their useful life.	FTA	\$474,630.00	Review in Progress

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

3b

Financial Statement

For November 30, 2009

3b

3b

**MONTHLY FINANCIAL CONTENTS**  
**For the month ending November 30, 2009**

	<b>Pages</b>
<b>Financial Reports:</b>	
Balance Sheet - Governmental Types and Account Groups	1
Balance Sheet - Assets, Liabilities and Capital	2
Income Statement - Combined	3
This page is a comparison of the budget and actual for the current month as well as the year to date figures. It also includes the net income for both the month and the year to date. The last column of the report reflects the percentage spent of the budget in each expense line as well as the overall total.	
<b>Explanation of Council's Financial at current month end including:</b>	<b>4</b>
- Percentage of Budget Spent for RPC, MPO, and NEP and any predicted expenses as to percentages not within acceptable range. There may be further comments on the breakdown of actual expenses.	
- Net income at current month end	
- Graphs showing the distribution of revenues and expenses	
- Any other notes felt needed at this time	
<b>Amendments</b>	<b>5</b>
As requested, amendments will be made as needed throughout the year rather than at year end as previously accepted.	
<b>Breakdown of actual expenses for the RPC, MPO, NEP including</b>	
- percentages and any amendments requested.	
- Please note that the Budget on the Income Statement on page 3 will not reflect any amendments, if needed, until they are actually approved.	
Combined RPC/MPO/NEP	6
NEP	7
MPO	8
RPC Total	9
RPC by Project	10
<b>Income statement - Comparison of current year vs. prior year</b>	<b>11</b>
This page is a comparison of the actual figures for the current month and year to date to the previous year's figures. It also includes the net income for both years.	

At the request of our auditors, we are also including a bank reconciliation for the current month and a general ledger reflecting our other bank balances.

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL  
COMBINED BALANCE SHEET -  
GOVERNMENTAL FUND TYPES AND ACCOUNT GROUPS  
November-09**

	Governmental Fund Types		Account Groups		Totals
	General Fund	Special Revenue Fund	General Fixed Assets	General Long-Term Debt	(Memorandum Only)
<b>ASSETS AND OTHER DEBIT</b>					
Cash and cash equivalents	\$ 136,786	\$ -	\$ -	\$ -	\$ 136,786
Investments	512,447	-	-	-	512,447
Receivables - grants and contracts	-	447,922	-	-	447,922
Receivables - other	-	-	-	-	-
Due from other funds	-	(208,594)	-	-	(208,594)
Other assets	880	-	-	-	880
Property and equipment, net	-	-	1,619,940	-	1,619,940
Amount to be provided for retirement of general long-term debt	-	-	-	1,336,103	1,336,103
<b>TOTAL ASSETS AND OTHER DEBIT</b>	<b>\$ 650,113</b>	<b>\$ 239,328</b>	<b>\$ 1,619,940</b>	<b>\$ 1,336,103</b>	<b>\$ 3,845,485</b>
<b>LIABILITIES, FUND EQUITY AND OTHER CREDIT</b>					
<b>LIABILITIES</b>					
Accounts payable and accrued expenses	\$ 17,269	\$ -	\$ -	\$ -	\$ 17,269
Retainage payable	46,194	-	-	-	46,194
Due to other governments	-	-	-	-	-
Due to other funds	(208,594)	-	-	-	(208,594)
Deferred revenue - grants and contracts	-	239,328	-	-	239,328
Accrued compensated absences	-	-	-	71,257	71,257
Notes payable	-	-	-	1,264,846	1,264,846
<b>TOTAL LIABILITIES</b>	<b>(145,131)</b>	<b>239,328</b>	<b>-</b>	<b>1,336,103</b>	<b>1,430,301</b>
<b>FUND EQUITY AND OTHER CREDIT</b>					
Investment in general fixed assets	-	-	1,619,940	-	1,619,940
Fund balance					
Reserved, designated	644,000	-	-	-	644,000
Unreserved, undesignated	151,244	-	-	-	151,244
<b>TOTAL FUND EQUITY AND OTHER CREDIT</b>	<b>795,244</b>	<b>-</b>	<b>1,619,940</b>	<b>-</b>	<b>2,415,184</b>
<b>TOTAL LIABILITIES, FUND EQUITY AND OTHER CREDIT</b>	<b>\$ 650,113</b>	<b>\$ 239,328</b>	<b>\$ 1,619,940</b>	<b>\$ 1,336,103</b>	<b>\$ 3,845,485</b>

SWFRPC  
Balance Sheet  
November 30, 2009

ASSETS

Current Assets		
Cash - Bank of America Oper.	\$	136,585.59
Cash - FL Local Gov't Pool		501,505.73
Cash - FL Gov't Pool-Fund B		10,941.48
Petty Cash		200.00
Accounts Receivable		322,289.97
Accounts Receivable-Assessment		30,448.58
Accounts Receivable-MPO		95,183.41
Bulk Mail Prepaid Postage		880.30
Amount t.b.p. for L.T.L.-Leave		71,257.44
Amount t.b.p. for L.T.Debt		1,264,845.80
		<hr/>
Total Current Assets		2,434,138.30
Property and Equipment		
Property, Furniture & Equip		2,018,567.66
Accumulated Depreciation		(398,627.57)
		<hr/>
Total Property and Equipment		1,619,940.09
		<hr/>
Total Assets	\$	<u>4,054,078.39</u>

LIABILITIES AND CAPITAL

Current Liabilities		
Retainage Payable	\$	46,193.87
Deferred Income		239,328.45
Retirement Fund Payable		16,784.45
United way Payable		304.00
Accrued Annual Leave		71,257.44
Long Term Debt - Bank of Am.		1,264,845.80
LEPC Contintency Fund		180.44
		<hr/>
Total Current Liabilities		1,638,894.45
		<hr/>
Total Liabilities		1,638,894.45
Capital		
Fund Balance-Unrestricted		11,718.67
Fund Balance-Restricted		644,000.00
Fund Balance-Fixed Assests		1,619,940.09
Net Income		139,525.18
		<hr/>
Total Capital		2,415,183.94
		<hr/>
Total Liabilities & Capital	\$	<u>4,054,078.39</u>

SWFRPC  
Income Statement  
Compared with Budget  
For the Two Months Ending November 30, 2009

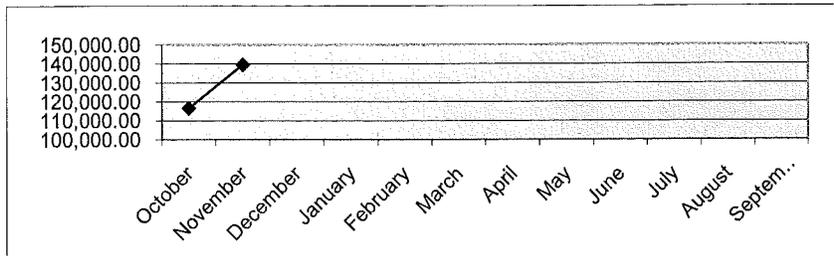
	Current Month Actual	Current Month	Year to Date Actual	Year to Date Budget	% Spent
<b>Revenues</b>					
Total Revenues	230,265.65	306,044	546,396.78	3,672,533	14.88
<b>Expenses</b>					
Salaries Expense	129,392.94	139,805	221,186.90	1,677,662	13.18
FICA Expense	9,272.42	10,167	16,125.99	122,000	13.22
Retirement Expense	13,485.36	13,833	9,777.75	166,000	5.89
Health Insurance Expense	13,469.74	15,000	30,656.98	180,000	17.03
Workers Comp. Expense	424.00	667	848.00	8,000	10.60
Grant/Consulting Expense	600.60	3,333	600.60	40,000	1.50
NEP-Contractual	0.00	10,104	(11,310.00)	121,250	(9.33)
MPO-Contractual	21,893.53	4,890	695.21	58,683	1.18
Audit Services Expense	5,000.00	3,917	8,916.00	47,000	18.97
Travel Expense	820.91	4,000	3,750.08	48,000	7.81
Telephone Expense	355.36	1,058	972.26	12,700	7.66
Postage / Shipping Expense	4,079.97	2,500	4,136.35	30,000	13.79
Storage Unit Rental	0.00	250	224.00	3,000	7.47
Equipment Rental Expense	2,651.00	2,933	5,577.95	35,200	15.85
Insurance Expense	550.66	2,917	14,543.64	35,000	41.55
Repair/Maint. Expense	1,509.00	1,667	2,391.47	20,000	11.96
Printing/Reproduction Expense	18,135.50	6,208	22,228.35	74,500	29.84
Utilities (Elec, Water, Gar)	2,343.05	2,083	2,343.05	25,000	9.37
Advertising/Legal Notices Exp	1,032.30	838	1,156.25	10,050	11.50
Other Misc. Expense	437.54	167	472.54	2,000	23.63
Office Supplies Expense	948.59	1,917	1,823.24	23,000	7.93
Computer Related Expense	0.00	3,167	8,400.00	38,000	22.11
Publication Expense	0.00	333	32.96	4,000	0.82
Prof. Develop./Dues Expense	2,607.00	2,792	23,553.00	33,500	70.31
Meetings/Events Expense	9,978.25	3,667	13,935.17	44,000	31.67
Capitol Outlay Expense	0.00	3,167	2,542.02	38,000	6.69
Capitol Outlay - Building	0.00	833	0.00	10,000	0.00
Long Term Debt	10,645.92	10,667	21,291.84	128,000	16.63
Reserve for Operations Expense	0.00	53,166	0.00	637,988	0.00
Total Expenses	249,633.64	306,044	406,871.60	3,672,533	11.08
Net Income	\$ (19,367.99)	0	\$ 139,525.18	\$ 0	0.00

As stated when submitting Annual Budget:  
Both CHNEP and MPO are multi-year budgets - Therefore total budget may appear high  
For annual RPC Budget vs. Actual only - see page 9

The next few pages are a breakdown of actual expenses for each project in Special Revenues as well as in general operations. Included in these pages, as requested, are percentages for each line item and an overall percentage spent by the RPC, NEP, and MPO.

- The overall percentage of the Budget spent is 13.41%
- The percentage of the RPC Budget spent is 18.17%
- The percentage of the MPO Budget spent is 9.38%
- The percentage of the NEP Budget spent is 10.20%

For the month ending November 30, 2009 **\$139,525** is our net income.

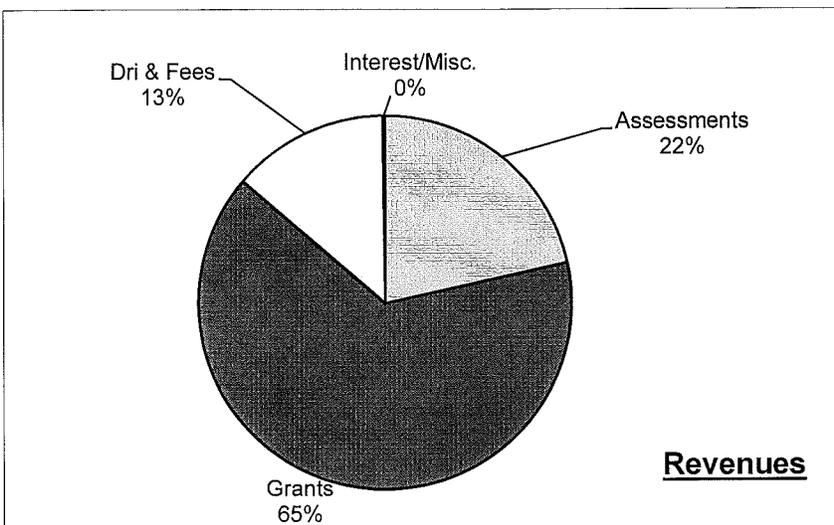


**Net Income (unaudited)**

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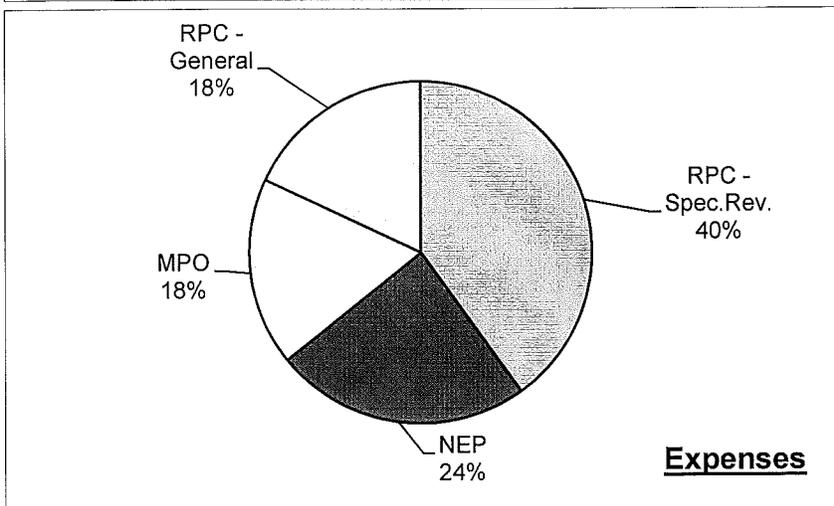
As can be seen in this graph, the net income moves in quarterly cycles. For the month ending November 30, 2009

Total Revenues	546,397
Total Expenses	<u>406,872</u>
Net Income	<u><u>139,525</u></u>



**Revenues**

Assessments	117,638
Grants	353,778
Dri & Fees	73,745
Interest/Misc.	<u>1,236</u>
	<u>546,397</u>



**Expenses**

RPC - Spec.Rev.	163,037
NEP	98,258
MPO	72,278
RPC - General	<u>73,299</u>
	<u>406,872</u>

There are no amendments this month

RPC-MPO-NEP Combined  
Budget vs. Actual  
For the month ending November 30, 2009

	Combined Actual	Combined Adopted Budget	Combined Amended Budget	Combined Total Amendments	Combined Amended Budget	Combined VARIABLE	16.67%	Combined Comments
<b>Revenues</b>								
Membership Dues	117,638	470,552	470,552	0	470,552	352,914	25.00%	
Federal/State/Local Grants	353,778	2,333,993	2,333,993	0	2,333,993	1,980,215	15.16%	
Dir/Monitoring Fees	73,745	200,000	200,000	0	200,000	126,255	36.87%	
Interest And Miscellaneous	1,236	30,000	30,000	0	30,000	28,764	4.12%	
Carry Over Fund Balance		637,988	637,988	0	637,988			
<b>Total Income</b>	<b>546,397</b>	<b>3,672,533</b>	<b>3,672,533</b>	<b>0</b>	<b>3,672,533</b>	<b>2,488,149</b>		
<b>Expenditures</b>								
<b>Direct:</b>								
Salaries	221,187	1,677,662	1,677,662	0	1,677,662	1,456,475	13.18%	
FICA	16,126	122,000	122,000	0	122,000	105,874	13.22%	
Retirement	9,778	166,000	166,000	0	166,000	156,222	5.89%	
Health Insurance	30,657	180,000	180,000	0	180,000	149,343	17.03%	
Workers Compensation	848	8,000	8,000	0	8,000	7,152	10.60%	
<b>Total Personnel</b>	<b>278,596</b>	<b>2,153,662</b>	<b>2,153,662</b>	<b>0</b>	<b>2,153,662</b>	<b>1,875,066</b>		
Legal Fees	0	0	0	0	0	0		
Consultant Fees	601	40,000	40,000	0	40,000	39,399	1.50%	
NEP Contractual	-11,310	121,250	121,250	0	121,250	132,560	-9.33%	
MPO Contractual	695	58,683	58,683	0	58,683	57,988	1.18%	
Audit Fees	8,916	47,000	47,000	0	47,000	38,084	18.97%	
Travel	3,750	48,000	48,000	0	48,000	44,250	7.81%	
Telephone	972	12,700	12,700	0	12,700	11,728	7.66%	
Postage	4,136	30,000	30,000	0	30,000	25,864	13.79%	
Storage Space Rental	224	3,000	3,000	0	3,000	2,776	7.47%	
Equipment Rental	5,578	35,200	35,200	0	35,200	29,622	15.85%	
Insurance	14,544	35,000	35,000	0	35,000	20,456	41.55%	
Repair/Maintenance	2,391	20,000	20,000	0	20,000	17,609	11.96%	
Printing/Reproduction	22,228	74,500	74,500	0	74,500	52,272	29.84%	
Utilities (Elec, Gas, Water)	2,343	25,000	25,000	0	25,000	22,657	9.37%	
Advertising	1,156	10,050	10,050	0	10,050	8,894	11.50%	
Other Miscellaneous	473	2,000	2,000	0	2,000	1,527	23.63%	
Office Supplies	1,823	23,000	23,000	0	23,000	21,177	7.93%	
Computer Related Expenses	8,400	38,000	38,000	0	38,000	29,600	22.11%	
Publications	33	4,000	4,000	0	4,000	3,967	0.82%	
Professional Development	23,553	33,500	33,500	0	33,500	9,947	70.31%	
Meetings/Events	13,935	44,000	44,000	0	44,000	30,065	31.67%	
Capital Outlay-Operations	2,542	38,000	38,000	0	38,000	35,458	6.69%	
Capital Outlay-Building	0	10,000	10,000	0	10,000	10,000	0.00%	
Long Term Debt	21,292	128,000	128,000	0	128,000	106,708	16.63%	
Allocation of Fringe/Indirect		0	0	0	0	0		
Reserve for Operation Expense		637,988	637,988	0	637,988	637,988		
<b>Total Cash Outlays</b>	<b>406,872</b>	<b>3,672,533</b>	<b>3,672,533</b>	<b>0</b>	<b>3,672,533</b>	<b>3,265,661</b>	<b>13.41%</b>	
<b>Net Income/(Loss)</b>	<b>139,525</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		

NEP  
Budget vs. Actual  
For the month ending November 30, 2009

	CHNEP Actual	CHNEP Adopted Budget	NEP Amended Budget	CHNEP Requested Amendments	CHNEP Amended Budget	CHNEP VARIABLE	16.67%	CHNEP Comments
<b>Revenues</b>								
Membership Dues	98,258	963,700	963,700	0	963,700	865,442	10.20%	
Federal/State/Local Grants	0	0	0	0	0	0		
Dir/ Monitoring Fees	0	0	0	0	0	0		
Interest And Miscellaneous	0	0	0	0	0	0		
Carry Over Fund Balance	0	0	0	0	0	0		
<b>Total Income</b>	<b>98,258</b>	<b>963,700</b>	<b>963,700</b>	<b>0</b>	<b>963,700</b>	<b>865,442</b>		
<b>Expenditures</b>								
<b>Direct:</b>								
Salaries	30,960	350,000	350,000		350,000	319,040	8.85%	
FICA	0	0	0		0	0		
Retirement	0	0	0		0	0		
Health Insurance	0	0	0		0	0		
Workers Compensation	0	0	0		0	0		
<b>Total Personnel</b>	<b>30,960</b>	<b>350,000</b>	<b>350,000</b>	<b>0</b>	<b>350,000</b>	<b>319,040</b>		
Legal Fees	0	0	0		0	0		
Consultant Fees	0	0	0		0	0		
NEP Contractual	-11,310	121,250	121,250		121,250	132,560	-9.33%	
IMPO Contractual	0	0	0		0	0		
Audit Fees	0	0	0		0	0		
Travel	595	15,000	15,000		15,000	14,405	3.96%	
Telephone	32	700	700		700	668	4.53%	
Postage	3,840	20,000	20,000		20,000	16,160	19.20%	
Storage Space Rental	103	1,000	1,000		1,000	897	10.30%	
Equipment Rental	0	200	200		200	200	0.00%	
Insurance	551	0	0		0	-551		
Repair/Maintenance	0	0	0		0	0		
Printing/Reproduction	22,180	60,000	60,000		60,000	37,820	36.97%	
Utilities (Elec. Gas, Water)	0	0	0		0	0		
Advertising	0	550	550		550	550	0.00%	
Other Miscellaneous	0	500	500		500	500	0.00%	
Office Supplies	138	3,000	3,000		3,000	2,862	4.61%	
Computer Related Expenses	0	4,000	4,000		4,000	4,000	0.00%	
Publications	0	500	500		500	500	0.00%	
Professional Development	1,245	7,000	7,000		7,000	5,755	17.79%	
Meetings/Events	10,067	30,000	30,000		30,000	19,933	33.56%	
Capital Outlay-Operations	0	15,000	15,000		15,000	15,000	0.00%	
Capital Outlay-Building	0	0	0		0	0		
Long Term Debt	0	0	0		0	0		
Allocation of Fringe/Indirect	39,858	335,000	335,000		335,000	295,142		
Reserve for Operation Expense								
<b>Total Cash Outlays</b>	<b>98,258</b>	<b>963,700</b>	<b>963,700</b>	<b>0</b>	<b>963,700</b>	<b>865,442</b>	<b>10.20%</b>	
<b>Net Income/(Loss)</b>								

MPO  
Budget vs. Actual  
For the month ending November 30, 2009

	MPO Actual	MPO Adopted Budget	MPO Amended Budget	MPO Requested Amendments	MPO Amended Budget	16.67%	MPO Comments
<b>Revenues</b>							
Membership Dues	72,278	770,178	770,178	0	770,178	9.38%	
Federal/State/Local Grants	0	0	0	0	0		
Dir/Monitoring Fees	0	0	0	0	0		
Interest And Miscellaneous	0	0	0	0	0		
Carry Over Fund Balance	0	0	0	0	0		
<b>Total Income</b>	<b>72,278</b>	<b>770,178</b>	<b>770,178</b>	<b>0</b>	<b>770,178</b>		
<b>Expenditures</b>							
<b>Direct:</b>							
Salaries	29,532	300,000	300,000		300,000	9.84%	
FICA	0	0	0		0		
Retirement	0	0	0		0		
Health Insurance	0	0	0		0		
Workers Compensation	0	0	0		0		
<b>Total Personnel</b>	<b>29,532</b>	<b>300,000</b>	<b>300,000</b>	<b>0</b>	<b>300,000</b>		
Legal Fees	0	0	0		0		
Consultant Fees	0	0	0		0		
NEP Contractual	0	0	0		0		
MPO Contractual	695	58,683	58,683		58,683	1.18%	
Audit Fees	0	0	0		0		
Travel	233	8,000	8,000		8,000	2.91%	
Telephone	67	3,000	3,000		3,000	2.22%	
Postage	136	5,000	5,000		5,000	2.72%	
Storage Space Rental	0	0	0		0		
Equipment Rental	0	0	0		0		
Insurance	0	0	0		0		
Repair/Maintenance	0	0	0		0		
Printing/Reproduction	0	6,500	6,500		6,500	0.00%	
Utilities (Elec, Gas, Water)	0	0	0		0		
Advertising	995	7,500	7,500		7,500	13.27%	
Other Miscellaneous	0	500	500		500	0.00%	
Office Supplies	77	5,000	5,000		5,000	1.54%	
Computer Related Expenses	0	2,000	2,000		2,000	0.00%	
Publications	0	1,500	1,500		1,500	0.00%	
Professional Development	52	1,500	1,500		1,500	3.47%	
Meetings/Events	0	2,000	2,000		2,000	0.00%	
Capital Outlay-Operations	2,542	3,000	3,000		3,000	84.73%	
Capital Outlay-Building	0	0	0		0		
Long Term Debt	0	0	0		0		
Allocation of Fringe/Indirect	37,949	365,995	365,995		365,995		
Reserve for Operation Expense							
<b>Total Cash Outlays</b>	<b>72,278</b>	<b>770,178</b>	<b>770,178</b>	<b>0</b>	<b>770,178</b>	<b>9.38%</b>	
<b>Net Income/(Loss)</b>							

Regional Planning Council  
Budget vs. Actual  
For the month ending November 30, 2009

	Total RPC Actual	RPC Adopted Budget	RPC Amended Budget	RPC Requested Amendments	RPC Amended Budget	RPC VARIABLE	16.67%	RPC Comments
<b>Revenues</b>								
Membership Dues	117,638	470,552	470,552		470,552	352,914	25.00%	
Federal/State/Local Grants	183,242	600,115	600,115		600,115	416,873	30.53%	
Dir/Monitoring Fees	73,745	200,000	200,000		200,000	126,255	36.87%	
Interest And Miscellaneous	1,236	30,000	30,000		30,000	28,764	4.12%	
Carry Over Fund Balance		637,988	637,988		637,988	637,988	0.00%	
<b>Total Income</b>	<b>375,861</b>	<b>1,938,655</b>	<b>1,938,655</b>	<b>0</b>	<b>1,938,655</b>	<b>1,562,794</b>		
<b>Expenditures</b>								
<b>Direct:</b>								
Salaries	160,695	1,027,662	1,027,662		1,027,662	866,967	15.64%	
FICA	16,126	122,000	122,000		122,000	105,874	13.22%	
Retirement	9,778	166,000	166,000		166,000	156,222	5.89%	
Health Insurance	30,657	180,000	180,000		180,000	149,343	17.03%	
Workers Compensation	848	8,000	8,000		8,000	7,152	10.60%	
<b>Total Personnel</b>	<b>218,104</b>	<b>1,503,662</b>	<b>1,503,662</b>	<b>0</b>	<b>1,503,662</b>	<b>1,285,558</b>		
Legal Fees	0	0	0		0	0		
Consultant Fees	601	40,000	40,000		40,000	39,399	1.50%	
NEP Contractual	0				0	0		
MPO Contractual	0				0	0		
Audit Fees	8,916	47,000	47,000		47,000	38,084	18.97%	
Travel	2,923	25,000	25,000		25,000	22,077	11.69%	
Telephone	874	9,000	9,000		9,000	8,126	9.71%	
Postage	160	5,000	5,000		5,000	4,840	3.20%	
Storage Space Rental	121	2,000	2,000		2,000	1,879	6.05%	
Equipment Rental	5,578	35,000	35,000		35,000	29,422	15.94%	
Insurance	13,993	35,000	35,000		35,000	21,007	39.98%	
Repair/Maintenance	2,391	20,000	20,000		20,000	17,609	11.96%	
Printing/Reproduction	48	8,000	8,000		8,000	7,952	0.60%	
Utilities (Elec, Gas, Water)	2,343	25,000	25,000		25,000	22,657	9.37%	
Advertising	161	2,000	2,000		2,000	1,839	8.06%	
Other Miscellaneous	473	1,000	1,000		1,000	527	47.25%	
Office Supplies	1,608	15,000	15,000		15,000	13,392	10.72%	
Computer Related Expenses	8,400	32,000	32,000		32,000	23,600	26.25%	
Publications	33	2,000	2,000		2,000	1,967	1.65%	
Professional Development	22,256	25,000	25,000		25,000	2,744	89.02%	
Meetings/Events	3,869	12,000	12,000		12,000	8,131	32.24%	
Capital Outlay-Operations	0	20,000	20,000		20,000	20,000	0.00%	
Capital Outlay-Building	0	10,000	10,000		10,000	10,000	0.00%	
Long Term Debt	21,292	128,000	128,000		128,000	106,708	16.63%	
Allocation of Fringe/Indirect	-77,807	-700,995	-700,995		-700,995	-623,188	11.10%	
Reserve for Operation Expense		637,988	637,988		637,988	637,988		
<b>Total Cash Outlays</b>	<b>236,336</b>	<b>1,938,655</b>	<b>1,938,655</b>	<b>0</b>	<b>1,938,655</b>	<b>1,702,319</b>	<b>18.17%</b>	
<b>Net Income/(Loss)</b>	<b>139,525</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		

Regional Planning Council  
Budget vs. Actual

For the month ending November 30, 2009

	DCA	HMEP/SQ/ EMERG	Economic Developmt.	Hurricane Evac/Sea Level Rise	TDs	DRIs/ NOPCs	Other Contracts	Total RPC Special Rev.	General	Empl.Bene.	Total RPC General	Total RPC Actual
<b>Revenues</b>												
Membership Dues									117,638		117,638	117,638
Federal/State/Local Grants	28,729	56,046	11,526	6,874	3,659		76,408	183,242			0	183,242
Dri/Monitoring Fees						73,745		73,745			0	73,745
Interest And Miscellaneous								0	1,236		1,236	1,236
Carry Over Fund Balance								0			0	0
<b>Total Income</b>	<b>28,729</b>	<b>56,046</b>	<b>11,526</b>	<b>6,874</b>	<b>3,659</b>	<b>73,745</b>	<b>76,408</b>	<b>256,987</b>	<b>118,874</b>	<b>0</b>	<b>118,874</b>	<b>375,861</b>
<b>Expenditures</b>												
<b>Direct:</b>												
Salaries	13,501	0	4,157	2,035	1,582	28,161	18,511	67,946	57,750	34,999	92,749	160,695
FICA	0	0	0	0	0	0	0	0	0	16,126	16,126	16,126
Retirement	0	0	0	0	0	0	0	0	0	9,778	9,778	9,778
Health Insurance	0	0	0	0	0	0	0	0	0	30,657	30,657	30,657
Workers Compensation	0	0	0	0	0	0	0	0	0	848	848	848
<b>Total Personnel</b>	<b>13,501</b>	<b>0</b>	<b>4,157</b>	<b>2,035</b>	<b>1,582</b>	<b>28,161</b>	<b>18,511</b>	<b>67,946</b>	<b>57,750</b>	<b>92,408</b>	<b>150,158</b>	<b>218,104</b>
Legal Fees	0	0	0	0	0	0	0	0	0	0	0	0
Consultant Fees	0	0	0	0	0	0	601	601	0	0	0	601
NEP Contractual	0	0	0	0	0	0	0	0	0	0	0	0
IMPO Contractual	0	0	0	0	0	0	0	0	0	0	0	0
Audit Fees	0	0	0	0	0	0	0	0	8,916	0	8,916	8,916
Travel	410	824	0	0	0	52	816	2,101	822	0	822	2,923
Telephone	0	0	0	0	0	0	0	0	874	0	874	874
Postage	0	0	8	0	0	6	0	15	146	0	146	160
Storage Space Rental	0	0	0	0	0	0	0	0	121	0	121	121
Equipment Rental	0	0	0	0	0	0	0	0	5,578	0	5,578	5,578
Insurance	0	0	0	0	0	0	0	0	13,993	0	13,993	13,993
Repair/Maintenance	0	0	0	0	0	0	0	0	2,391	0	2,391	2,391
Printing/Reproduction	0	0	0	0	0	0	0	0	48	0	48	48
Utilities (Elec. Gas, Water)	0	0	0	0	0	0	0	0	2,343	0	2,343	2,343
Advertising	0	0	0	0	42	0	0	42	119	0	119	161
Other Miscellaneous	0	0	0	0	0	0	0	0	473	0	473	473
Office Supplies	0	0	0	0	0	0	0	0	1,608	0	1,608	1,608
Computer Related Expenses	0	0	0	0	0	0	0	0	8,400	0	8,400	8,400
Publications	0	0	0	0	0	0	0	0	33	0	33	33
Professional Development	0	30	2,000	0	0	0	0	2,030	20,226	0	20,226	22,256
Meetings/Events	0	0	0	0	0	0	3,354	3,354	515	0	515	3,869
Capital Outlay-Operations	0	0	0	0	0	0	0	0	0	0	0	0
Capital Outlay-Building	0	0	0	0	0	0	0	0	21,292	0	21,292	21,292
Long Term Debt	0	0	0	0	0	0	0	0	-164,755	0	-164,755	-77,807
Allocation of Fringe/Indirect	17,387	0	5,361	2,619	2,035	36,266	23,280	86,948				
Reserve for Operation Expense												
<b>Total Cash Outlays</b>	<b>31,299</b>	<b>854</b>	<b>11,526</b>	<b>4,654</b>	<b>3,659</b>	<b>64,485</b>	<b>46,561</b>	<b>163,037</b>	<b>-19,108</b>	<b>92,408</b>	<b>73,299</b>	<b>236,336</b>
<b>Net Income/(Loss)</b>												<b>139,525</b>

SWFRPC  
Income Statement - Two Years  
For the Two Months Ending November 30, 2009

	Current Month This Year	Current Month Last Year	Year to Date This Year	Year to Date Last Year
<b>Revenues</b>				
Total Revenues	230,265.65	297,887.02	546,396.78	596,845.86
<b>Expenses</b>				
Salaries Expense	129,392.94	133,734.54	221,186.90	233,025.79
FICA Expense	9,272.42	9,513.46	16,125.99	21,802.96
Retirement Expense	13,485.36	17,081.21	9,777.75	17,081.21
Health Insurance Expense	13,469.74	15,109.71	30,656.98	46,463.08
Unemployment Comp. Expe	0.00	810.90	0.00	810.90
Workers Comp. Expense	424.00	553.00	848.00	1,106.00
Grant/Consulting Expense	600.60	6,063.00	600.60	12,513.00
NEP-Contractual	0.00	45,140.00	(11,310.00)	42,106.57
MPO-Contractual	21,893.53	0.00	695.21	0.00
Audit Services Expense	5,000.00	0.00	8,916.00	9,000.00
Travel Expense	820.91	3,844.79	3,750.08	6,535.29
Telephone Expense	355.36	621.38	972.26	1,390.39
Postage / Shipping Expense	4,079.97	10,251.76	4,136.35	3,273.49
Storage Unit Rental	0.00	224.00	224.00	672.00
Equipment Rental Expense	2,651.00	3,106.99	5,577.95	6,573.05
Insurance Expense	550.66	0.00	14,543.64	15,446.86
Repair/Maint. Expense	1,509.00	1,877.00	2,391.47	3,056.02
Printing/Reproduction Expen	18,135.50	198.00	22,228.35	(8,660.36)
Utilities (Elec, Water, Gar)	2,343.05	1,819.44	2,343.05	3,667.51
Advertising/Legal Notices Ex	1,032.30	1,218.53	1,156.25	1,714.70
Other Misc. Expense	437.54	415.43	472.54	625.43
Office Supplies Expense	948.59	844.72	1,823.24	3,837.50
Computer Related Expense	0.00	8,774.26	8,400.00	(4,565.52)
Publication Expense	0.00	59.00	32.96	103.85
Prof. Develop./Dues Expens	2,607.00	750.00	23,553.00	18,674.00
Meetings/Events Expense	9,978.25	6,667.64	13,935.17	14,147.77
Capitol Outlay Expense	0.00	0.00	2,542.02	(20,509.00)
Long Term Debt	10,645.92	10,645.92	21,291.84	21,291.84
Total Expenses	249,633.64	279,324.68	406,871.60	451,184.33
Net Income	\$ (19,367.99)	\$ 18,562.34	\$ 139,525.18	\$ 145,661.53

SWFRPC  
Account Reconciliation

As of Nov 30, 2009

101000 - Cash - Bank of America Oper.

Bank Statement Date: November 30, 2009

Filter Criteria includes: Report is printed in Detail Format.

Beginning GL Balance		80,930.61
Add: Cash Receipts		246,937.35
Less: Cash Disbursements		(200,501.53)
Add (Less) Other		(7,856.94)
Ending GL Balance		119,509.49
Ending Bank Balance		136,792.03
Add back deposits in transit		
Total deposits in transit		
(Less) outstanding checks		
	Jun 4, 2009      40875	(61.87)
	Jun 4, 2009      40893	(165.72)
	Jun 30, 2009      40953	(55.18)
	Jul 13, 2009      40990	(237.50)
	Aug 10, 2009      41034	(140.76)
	Sep 10, 2009      41114	(191.88)
	Sep 28, 2009      41165	(19.00)
	Sep 28, 2009      41172	(19.00)
	Sep 30, 2009      41189	(242.08)
	Sep 30, 2009      41202	(220.82)
	Sep 30, 2009      41221	(20.47)
	Oct 8, 2009        41236	(300.00)
	Oct 15, 2009      41270	(3,916.00)
	Oct 29, 2009      41272	(1,450.00)
	Oct 29, 2009      41288	(205.05)
	Oct 29, 2009      41290	(56.73)
	Nov 9, 2009        41336	(850.00)
	Nov 9, 2009        41338	(190.02)
	Nov 19, 2009      41343	(150.00)
	Nov 19, 2009      41347	(80.46)
	Nov 19, 2009      41355	(1,050.00)
	Nov 19, 2009      41356	(5,000.00)
Total outstanding checks		(14,622.54)
Add (Less) Other		
Total other		
Unreconciled difference	(Deposit in Transit)	(2,660.00)
Ending GL Balance		119,509.49

SWFRPC  
General Ledger

For the Period From Nov 1, 2009 to Nov 30, 2009

Filter Criteria includes: 1) IDs: Multiple IDs. Report order is by ID. Report is printed with shortened descriptions and in Summary By Period Format.

Account ID Account Description	Date	Trans Description	Debit Amt	Credit Amt	Balance
101006	11/1/09	Beginning Balance			500,729.92
Cash - FL Local Gov't Pool		Current Period Change	775.81		775.81
	11/30/09	Ending Balance			501,505.73
101006B	11/1/09	Beginning Balance			10,272.25
Cash - FL Gov't Pool-Fund		Current Period Change	8,433.46	7,764.23	669.23
	11/30/09	Ending Balance			10,941.48

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

3c

Toll-Rattlesnake DRI – Request  
For Sufficiency Response  
Extension

3c

3c

### **TOLL-RATTLESNAKE REQUEST FOR SUFFICIENCY RESPONSE EXTENSION**

The applicant's agent for the Toll-Rattlesnake Development of Regional Impact Application for Development Approval (ADA) has requested a 90-day extension to the deadline for responding to the ADA's sufficiency questions. The Florida Administrative Code's DRI Rule 29I-4.001(5) allows the Executive Director of the Regional Planning Council to administratively grant an initial 45-day time extension to any sufficiency response period. The Executive Director granted a 45-day extension to the sufficiency response period on September 19, 2007. The initial extension set the new deadline for sufficiency responses to November 05, 2007.

Subsequent sufficiency response extensions:

<u>Request Received</u>	<u>Prior Deadline</u>	<u>New Deadline</u>	<u>Meeting Date</u>	<u>Council Action</u>
October 01, 2007	November 05, 2007	February 02, 2008	October 18, 2007	Approved
December 13, 2007	February 02, 2008	May 02, 2008	January 17, 2008	Approved
April 08, 2008	May 02, 2008	July 31, 2008	April 17, 2008	Approved
June 04, 2008	July 31, 2008	October 29, 2008	June 19, 2008	Approved
October 07, 2008	October 29, 2008	January 23, 2009	October 16, 2008	Approved
January 05, 2009	January 23, 2009	April 25, 2009	January 15, 2009	Approved
April 01, 2009	April 25, 2009	July 24, 2009	April 16, 2009	Approved
June 01, 2009	July 24, 2009	October 22, 2009	June 18, 2009	Approved
September 29, 2009	October 22, 2009	January 20, 2010	October 15, 2009	Approved

The applicant has submitted another letter requesting a 90-day extension to the sufficiency response period (please see Attachment I). The new proposed deadline for sufficiency responses would be April 20, 2010. The Florida Administrative Code's DRI Rule 29I-4.001(5) states "Any further time extension, beyond the discretionary 45 day time extension, must be formally requested by the applicant and approved by the SWFRPC board at its regular monthly meeting, prior to expiration of the discretionary 45 day extension."

Staff recommends approval of this extension.





December 2, 2009

Mr. Dan Trescott  
DRI Coordinator  
Southwest Florida Regional Planning Council  
1926 Victoria Avenue  
Fort Myers, FL 33901

Re: Toll Rattlesnake Application for Development Approval – 90 Day Extension  
DRI #: 07-506-175

Dear Mr. Trescott:

Please accept this letter as our formal request for placement on the Southwest Florida Regional Planning Council's meeting agenda of December 19, 2009

As agent for the applicant, we wish to seek a 90-day extension for responding to the Application for Development Approval sufficiency comments, from the previously granted 90-day extension that will expire on January 20, 2009. Given that the January RPC Board Meeting will occur after the prior extension date, we must request this matter be addressed during the December RPC Board Meeting. Therefore, if granted, the new response deadline would be April 20, 2010. Please be advised that the settlement agreement between the former property owner and the applicant was finalized in mid-November, and title to the property should be transferred to the new development entity by the first of 2010. This will enable the preparation of the sufficiency response materials.

Please feel free to contact me at (239) 597-0575 if you questions and/or comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert J. Mulhere', is written over a horizontal line.

Robert J. Mulhere, AICP  
Vice President, Director of Planning

cc: David Torres, President, Hacienda Lakes of Naples, LLC  
Richard D. Yovanovich, Goodlette, Coleman & Johnson P.A. - via email

# Agenda Item

3d

Florida Gulf Coast Technology &  
Research Park DRI – Request for  
Sufficiency Response Extension

3d

3d

**FLORIDA GULF COAST TECHNOLOGY AND RESEARCH PARK REQUEST FOR  
SUFFICIENCY RESPONSE EXTENSION**

The applicant's agent for the Florida Gulf Coast Technology and Research Park Development of Regional Impact Application for Development Approval (ADA) has requested a 90-day extension to the deadline for responding to the ADA's sufficiency questions. The Florida Administrative Code's DRI Rule 29I-4.001(5) allows the Executive Director of the Regional Planning Council to administratively grant an initial 45-day time extension to any sufficiency response period. The Executive Director granted a 45-day extension to the sufficiency response period on June 09, 2008. The initial extension set the new deadline for sufficiency responses to July 25, 2008. Subsequent to the granting of the 45-day extension, the applicant's agent submitted a sufficiency response to the Southwest Florida Regional Planning Council. The sufficiency response was reviewed and additional questions were sent to the applicant's agent on July 18, 2008. The 120-day sufficiency response period was set to expire on November 16, 2008.

Subsequent sufficiency response extensions:

<u>Request Received</u>	<u>Prior Deadline</u>	<u>New Deadline</u>	<u>Meeting Date</u>	<u>Council Action</u>
October 10, 2008	November 16, 2008	December 31, 2008	October 16, 2008	Approved
November 10, 2008	December 31, 2008	March 31, 2009	November 20, 2008	Approved
February 24, 2009	March 31, 2009	June 29, 2009	March 19, 2009	Approved
May 13, 2009	June 29, 2009	September 27, 2009	June 18, 2009	Approved
August 28, 2009	September 27, 2009	December 26, 2009	September 17, 2009	Approved

The applicant has submitted another letter requesting a 90-day extension to the sufficiency response period (please see Attachment I). The new proposed deadline for sufficiency responses would be March 26, 2010. The Florida Administrative Code's DRI Rule 29I-4.001(5) states "Any further time extension, beyond the discretionary 45 day time extension, must be formally requested by the applicant and approved by the SWFRPC board at its regular monthly meeting, prior to expiration of the discretionary 45 day extension."

Staff recommends approval of this extension.



# PAVESE LAW FIRM

NEALE MONTGOMERY

Direct dial: (239) 336-6235  
Email: [NealeMontgomery@paveselaw.com](mailto:NealeMontgomery@paveselaw.com)

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1833 Hendry Street, Fort Myers, Florida 33901 | P.O. Drawer 1507, Fort Myers, Florida 33902-1507 | (239) 334-2195 | Fax (239) 332-2243

December 2, 2009

*Sent via U.S. Mail and email transmittal*

Mr. Jason Utley, LEED AP  
Regional Planner/Assistant DRI Coordinator  
Southwest Florida Regional Planning Council  
1926 Victoria Avenue  
Fort Myers, FL 33901

**Re: FLORIDA GULF COAST TECHNOLOGY & RESEARCH PARK DRI  
Case No. 04-0607-178**

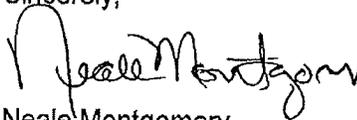
Dear Mr. Utley:

At the Council's meeting held September 17, 2009, an extension of the sufficiency response for the Florida Gulf Coast Technology & Research Park DRI was granted to December 26, 2009.

The Applicant has made some changes in the consultant team and the consultants are working diligently to address the questions posed in the sufficiency. The questions include a request to include additional lands and the Applicant is continuing to work on the plans for the additional lands. Please accept this letter as a request for an additional ninety (90) day extension to the current December 26, 2009, deadline for our client's sufficiency response for the DRI Application. We believe that a plan amendment may be necessary for the additional property you have asked us to include.

Your consideration of this matter is greatly appreciated.

Sincerely,



Neale Montgomery

NM/kc

cc: Mr. Alvin Block, Lee County Planner  
Mr. Bill Murray, Benderson Development

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

3e

Lee County Comprehensive  
Plan Amendment (DCA 09-1ER)

3e

3e

**LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS  
LEE COUNTY**

The Council staff has reviewed a proposed amendment to the Lee County Comprehensive Plan (DCA 09-2). 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. Location maps are 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:

<b><u>Proposed Amendment</u></b>	<b>Factors of Regional Significance</b>			
	<b><u>Location</u></b>	<b><u>Magnitude</u></b>	<b><u>Character</u></b>	<b><u>Consistent</u></b>
<b>CPA 2006-08</b> Babcock Ranch Community	yes	yes	yes	(1) regionally significant; and (2) consistent with SRPP
<b>CPA 2007-49</b> Buckingham Community Plan	yes	yes	yes	(1) procedural (2) regionally significant; and (3) consistent with SRPP

<b><u>Proposed Amendment</u></b>	<b>Factors of Regional Significance</b>			
	<b><u>Location</u></b>	<b><u>Magnitude</u></b>	<b><u>Character</u></b>	<b><u>Consistent</u></b>
<b>CPA 2008-01</b> Lee County Bikeways/ Walkways Facilities Plan	no	no	yes	(1) procedural; (2) regionally significant; and (3) consistent with SRPP
<b>CPA 2008-05</b> Commercial Future Land Use Category Commercial Site Location Standards	no	no	no	(1) procedural; (2) not regionally significant; and (3) consistent with SRPP
<b>CPA 2008-06</b> Implementing DR/GR Study	yes	yes	yes	(1) regionally significant; and (2) consistent with SRPP
<b>CPA 2008-07</b> Lehigh Acres Community Plan	yes	yes	yes	(1) regionally significant; and (2) consistent with SRPP
<b>CPA 2008-08</b> Update Map 6 Future Water Service Lee County Utilities Areas	no	no	no	(1) procedural (2) not regionally (3) consistent with SRPP
<b>CPA 2008-09</b> Update Map 7 Lee County Utilities Future Sewer Service Area	no	no	yes	(1) procedural; (2) regionally significant; and (3) consistent with SRPP
<b>CPA 2008-15</b> Pre-Disaster Buildback	no	no	no	(1) not regionally significant; and (2) consistent with SRPP

<b><u>Proposed Amendment</u></b>	<b>Factors of Regional Significance</b>			<b><u>Consistent</u></b>
	<b><u>Location</u></b>	<b><u>Magnitude</u></b>	<b><u>Character</u></b>	
<b>CPA 2008-16</b> 2020 Financially Feasible Transit Network Map Update	no	no	yes	(1) procedural (2) regionally significant; and (3) consistent with SRPP
<b>CPA 2008-17</b> Commercial Uses Coastal Rural Land Use Category	no	no	no	(1) not regionally significant; and (2) consistent with SRPP
<b>CPA 2008-20</b> Update FLUM to Reflect Annexations	no	no	no	(1) procedural; (2) not regionally significant; and (3) consistent with SRPP
<b>CPA 2008-22</b> Update Conservation Lands	no	no	no	(1) procedural; (2) not regionally significant; and (3) consistent with SRPP
<b>CPA 2008-23</b> Public Facilities Update	no	no	no	(1) procedural; (2) not regionally significant; and (3) consistent with SRPP
<b>CPA 2008-24</b> Update Constrained Roads Table 2(a)	no	no	no	(1) procedural; (2) not regionally significant; and (3) consistent with SRPP
<b>CPA 2008-25</b> Update Map 22 Lee County Greenways Multi-Purpose Recreational Trails	no	no	no	(1) procedural; (2) not regionally significant; and (3) consistent with SRPP

<b><u>Proposed Amendment</u></b>	<b>Factors of Regional Significance</b>			<b><u>Consistent</u></b>
	<b><u>Location</u></b>	<b><u>Magnitude</u></b>	<b><u>Character</u></b>	
CPA 2008-27 Commercial/Industrial Lands Study	no	no	no	(1) not regionally significant; and (2) consistent with SRPP

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

12/09

**Attachment I**

**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.**

**Attachment II**

**SWFRPC COMMENTS**  
**Lee County Comprehensive Plan Amendments**  
**DCA 09-2**

The Lee County amendments submitted for review by the Council contains seventeen amendments to the Lee Plan. These amendments are as follows:

**Proposed Amendment (CPA 2006-8) Babcock Ranch Community**

This proposed amendment is a privately sponsored request by Babcock Property Holdings, LLC to amend the Lee Plan Transportation Element to address the potential transportation impacts from the future development of the Babcock Ranch Community located in Charlotte County. The request proposes to incorporate Objective 36.3 into the Plan. The new Objective supports policies and references tables to document a potential list of road impacts through 2030, the final buildout of the proposed development. The requested amendments also establish a process by which any required road improvements will be added to Lee Plan Map 3A, “2030 Financially Feasible Transportation Plan,” and amends the Lee Plan Capital Improvement Program. Finally, the amendment redefines needed road improvements as individual increments that are analyzed and as development agreements that are executed to address specific improvements.

**Regional Significance and Consistency**

This proposed amendment provides recommended language for the new transportation policies addressing the impacts from the Babcock Ranch Community in Charlotte County. Through meetings with the developer, affected parties and County staff, revised the policy language was developed and considered by the Lee County Board of County Commissioners. In an attempt to reduce concerns that the amendment is in fact adopting specific roadway improvements, the tables that identified possible roadway additions and improvements have been removed. Additional language has been added in this request to emphasize the County’s support of the proposed East-West connector as a priority and to stress transportation/mobility improvements as alternatives to simply widening roadways.

Council staff has reviewed the transportation-related section of the transmitted Lee Comp Plan amendment relevant to Babcock Ranch. Based on that review, Council staff finds that the amendment establishes acceptable processes that will address the long-term impacts of the of Babcock Ranch development on Lee County.

Based on the County staff analysis of the proposed additional language and map changes to the Lee Plan, Council staff finds that the proposed amendment promotes sound planning and produces a coordinated transportation process in this area of the region. Council staff also finds

that the request will significantly impact the regional roadway network in the future to be regionally significant.

Council staff finds that this amendment regionally significant and consistent with and supported by the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

### **Economic Infrastructure**

**Goal 1: A well-maintained social, health, and educational infrastructure to support business and industry.**

**Strategy:** Maintain the physical infrastructure to meet growth demands.

**Action 2:** Assist local governments and state agencies in planning for future support service facilities, before the need arises.

**Action 3:** Review proposed public facilities to ensure their location in urban areas that have in place, or are covered by binding agreements to provide, the resources and facilities for desired growth in an environmentally acceptable manner.

### **Balanced Intermodal/Multimodal System**

**Goal 1: Construct an interconnected multimodal transportation system that supports community goals, increases mobility and enhances Southwest Florida's economic competitiveness.**

**Strategy:** Identify the general transportation system composed of connected corridors, facilities, and services for the effective movement of freight and visitors.

### **Regional Cooperation**

**Goal 5: Develop a cost-effective and financially feasible transportation system that adequately maintains all elements of the transportation system to better preserve and manage the Region's urban and non-urban investment.**

**Strategy:** Develop land use plans and policies that assess the potential for adverse impacts to transportation facilities and protect investment in transportation infrastructure.

**Action 2:** In cooperation with FDOT, local government, and MPOs, collaboratively test coordinated land use and transportation plans.

- Action 3:** Assist FDOT, local government, and the MPOs in designing plans that connect and serve urban communities with an efficient, transit oriented, and multi-modal transportation system.
- Action 4:** Review local government transportation concurrency management systems and planning agreements for mediation provisions addressing transportation impacts to neighboring jurisdictions when requested by the affected local government.
- Action 9:** In cooperation with FDOT, local government, and the MPOs, review transportation plans and projects to direct development in areas where adequate transportation facilities exist or are planned.
- Action 10:** In conjunction with FDOT, local government, and the MPOs, direct transportation investments in such a way so that it contributes to efficient urban and non-urban development throughout the region.
- Action 11:** Enhance economic prosperity and competitiveness through development of a transportation system composed of corridors, facilities, and services for the effective movement of freight and visitors throughout the region.

### **Proposed Amendment (CPA 2007-49) Buckingham Community Plan**

This requested change is a Board of County Commissioners initiated amendment intended to revise the Lee Plan Future Land Use Element to incorporate the recommendations of the Buckingham Community Planning effort. The requested amendments establish a revised Goal and new and revised Objectives and Policies specific to the Buckingham Community. The requests also update Table 1(b), Year 2030 Allocations.

### **Regional Significance and Consistency**

Lee County staff and the representatives of the Buckingham community to amend the Lee Plan to incorporate a revised Goal and too provide new Objectives and Policies. After working with the community, Lee staff provided acceptable language for a new Goal and identified remaining issues. County staff provided a revised Map 16 and with an agreed upon revised Buckingham Community boundary and recommended revisions to Table 1(b) and the Year 2030 Allocations Table. These staff recommendations were reviewed and approved by the LPA. Council staff has reviewed the proposed language for the proposed amendment and supports the County staff recommendations and the LPA findings.

Council staff finds this amendment to be regionally significant, procedural and consistent with the following Goal, Strategy and Actions of the Strategic Regional Policy Plan, July 4, 2002:

## **Livable Communities**

**Goal 4: Livable communities designed to improve quality of life and 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 in cooperation 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 or air, ground, and water resources.

**Action 6:** Working in cooperation with agencies and local governments, insure that new public facilities, facility expansions and additions avoid designated natural resource protection areas.

**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.

**Goal 2: Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide range of housing and employment opportunities.**

**Strategy: Development livable, integrated communities that offer residents a high quality of life.**

**Action 1:** Encourage programs that promote infill development in urban areas to maximize the efficient use of existing infrastructure.

**Action 2:** Work with local governments to promote structures and developments that combine commercial and residential uses as a means of providing housing that is affordable and near employment opportunities.

**Action 3:** Encourage communities that are pedestrian friendly or offer alternative modes of transportation to overcome transportation problems many low-income families face.

**Action 4:** Encourage new housing to be built in higher areas to reduce the need for costly flood insurance.

**Action 5:** Promote the mix of affordable and non-affordable housing to create integrated communities.

**Strategy: Protect existing, well-established neighborhoods and communities and revitalize those experiencing deterioration.**

- Action 1:** Encourage communities to fill existing infrastructure gaps (such as sidewalks, parks, lighting, etc.) in neighborhoods that offer affordable housing.
- Action 2:** Assist communities in identifying neighborhoods that is, or is in danger of, deteriorating.
- Action 3:** Assist communities in their efforts to develop methods for removing or rehabilitating substandard units, abandon or unsafe property, and blighting influences in residential areas and the surrounding neighborhoods.
- Action 6:** Work with local agencies to apply for state or federal programs that assist in community revitalization.
- Action 7:** Encourage communities to focus on troubled areas in a comprehensive method that coordinates programs and services, rather than using a shotgun approach.
- Action 8:** Promote resident involvement in neighborhood planning efforts, so residents are active in making decisions that will affect their areas.

**Proposed Amendment (CPA 2008-01) Lee County Bikeways/Walkways Facilities Plan Map 3D Update**

This proposed change is a Board of County Commissioners initiated amendment to update the Bikeways/Walkways Facilities Plan Map 3D in accordance with the *Unincorporated Bikeways/Walkways Facilities Plan* which consists of the two maps attached to this report. The maps were originally reviewed and approved by the Lee County Bicycle/Pedestrian Advisory Committee.

**Regional Significance and Consistency**

The *Unincorporated Bikeways/Walkways Facilities Plan* included in Map 3D of the Lee Plan identifies both existing bicycle and pedestrian facilities on major roadways in unincorporated Lee County, and proposed (planned) facilities. The bicycle facilities are depicted on the current map as Bike Path/Trail (Class I/Off Road), Bike Lane/Paved Shoulder (Class II/On Road), and Bike route (Class III/On Road). The pedestrian facilities are identified as sidewalks. The current Unincorporated Bikeways/Walkways Facilities Plan, which has not been updated since 1999, was included in the submittal. The Lee Plan and Land Development Code (LDC) references to the map were also provided by the County staff in the submittal.

Council staff has reviewed the requested changes and agrees with the County staff that clearly Map 3D is an integral component of the Count's efforts to expand the availability of bicycle and

pedestrian facilities. Because the map has not been updated since 1999 and changes have occurred in terms of both the inventory of built facilities and the planned future roadway network, changes to the Lee Plan relevant to this issue needed to be made. The County's Bicycle/Pedestrian Advisory Committee worked on changes to Section 10-256 of the County's LDC to clarify and expand the requirements for private developments to provide bicycle/pedestrian facilities, which has resulted in some the Map 3D changes. One key change being made by the County in this request is to provide two new maps, one to reflect the proposed facilities that are needed (Map 3D-1) and one to reflect existing facilities (Map 3D-2). These new maps are intended to help make the Map 3D series easier to read. The maps have also been expanded to include a wider range of facility types, reflecting the current engineering and design trends. Council staff supports the findings of the County staff and recommends approval of the requested amendment.

Council staff also finds this amendment not to be regionally significant, procedural and consistent with and supported by the following Goal, Strategy and Action of the Strategic Regional Policy Plan, July 4, 2002:

### **Livable Communities**

**Goal 2: Livable communities designed to affect behavior, improve quality of life and responsive to community needs.**

**Strategy: Promote through the Council's review function a good environment for driving, walking, bicycling, and public transit using a highly connected network of public streets, green space, and community centers.**

**Actions 4:** Review comprehensive plans and land development regulations for incentives to develop and redevelop using mixed uses, higher densities, shared parking; and improved vehicular, mass transit, pedestrian and bicycle access and travel, as well as providing a variety of affordable residential densities and types.

### **Proposed Amendment (CPA 2008-05) Commercial Future Land Use Category Commercial Site Location Standards**

This proposed change is a Board of County Commissioners initiated amendment intended to revise Policy 6.1.2.9 to add a cross reference exempting the Commercial Future Land Use category from the Lee Plan Commercial Site Location Standard requirements when appropriate site development regulations are incorporated into a planned development.

### **Regional Significance and Consistency**

The Board of County Commissioners adopted a new Commercial Future Land Use Map category in 2007. The Commercial Future Land Use Map category is exempt from site location standards when appropriate site development regulations are incorporated into the required planned

development zoning. County staff did not add the commercial Future Land Use Map category to Policy 6.1.2.9 when the Commercial category was adopted, thereby creating a conflict between the existing Future Land Use description of the subject category and the existing Lee Plan policy.

Because the proposed amendment will bring the existing Lee Commercial Future Land Use Map category into consistency with the Lee Plan by removing the internal Plan conflict, Council staff supports the efforts of the County and recommends approval of the requested amendment as identified by County staff.

Council staff also finds this amendment to be procedural, not regionally significant, and consistent with and supported by the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

### **Economic Infrastructure**

**Goal 1: A well-maintained social, health, and educational infrastructure to support business and industry.**

**Strategy: Maintain the physical infrastructure to meet growth demands.**

- Action 1:** Review plan amendments, development proposal, and clearinghouse items for public facility deficits and encourage mitigation of those deficits.
- Action 2:** Assist local governments and state agencies in planning for future support service facilities, before the need arises.
- Action 3:** Review proposed public facilities to ensure their location in urban areas that have in place, or are covered by binding agreements to provide, the resources and facilities for desired growth in an environmentally acceptable manner.
- Action 4:** Study alternative and assist other entities to study alternatives to encourage land development that maximizes the use, rehabilitation, and re-use of existing facilities, structures, and buildings as an alternative to new construction and development.
- Action 5:** Review proposed public facilities and services to ensure that costs are allocated on the basis of benefits received by existing and future residents.
- Action 6:** Review proposed development to require the developer to install or finance the necessary infrastructure and to provide land for the needed support services.
- Action 7:** Assist local governments to obtain funding to maintain, improve, or expand their infrastructure.

**Strategy: Ensure the adequacy of lands for commercial and industrial centers, with suitable services provided.**

- Action 1:** Map or assist in mapping the appropriate distribution of urban uses for growth.
- Action 2:** Identify existing urban lands and transportation corridors for development or redevelopment, and ensure adequate access and services are provided.
- Action 3:** Include in planning efforts the recognition of lands with natural capacity, accessibility, previous preparation for urban purposes, and adequate public facilities.
- Action 4:** Participate, coordinate, or promote intergovernmental coordination for siting unpopular land uses.
- Action 5:** Review proposed development for increased densities and infill in suitable urban areas.

**Proposed Amendment (CPA 2008-06) Implementing DR/GR Study**

This proposed amendment is a Board of County Commissioners initiated request to incorporate the recommendations of the 2008 *Prospects for Southeast Lee County: Planning for the Density Reduction/Groundwater Resource Area* report. These changes include:

- 1) Amending the Vision Statements for the Gateway/Airport and the Southeast Lee County planning communities;
- 2) Revising Goal 10, Natural Resource Extraction;
- 3) Adding a new Goal 30 with subsequent objectives and policies to regulate limerock mining, natural resources, and clustered mixed-use residential development; authorizing potential density bonuses for Transferable Development Rights (TDRs) to existing urban areas and land designated in the new Mixed-Use Communities overlay;
- 4) Adding industrial acreage allocations for limerock mining to meet local and regional demand;
- 5) Amending the Future Land Use Map Series to modify the Public Facilities and Wetland land use categories;
- 6) Updating the public acquisition overlay;
- 7) Modifying the Private recreational Facilities overlay;
- 8) Designating a Future Limerock Mining Overlay;
- 9) Adding a new map to designate new residential overlays;
- 10) Amending the Agricultural overlay;
- 11) Adding a new map to depict Historical Surface and Groundwater Levels;
- 12) Adding a new map to depict the Priority Restoration overlay;
- 13) Adding a boundary and text for Southeast Lee County; and
- 14) Adding definitions for aggregate, limerock, and public recreation facilities.

## Regional Significance and Consistency

The Density Reduction/Groundwater Resources (DR/GR) Future Land Use designation mostly is found in the southeastern portion of Lee County and impacts over 80,000 acres of land located south of the Southwest Florida International Airport, south and west of SR 82, east of the Florida Gulf Coast University, and north of the Lee-Collier County line. The subject area has a long history related to planning and has been an area of highly contested land use issues that run the full gambit of problems. The DR/GR has significant sporadic residential development, agricultural land used, mining activities, water resources, environmentally important lands and wildlife habitats. All these resources are important to the both County and Regional water resources and future development activities. County staff has provided significant studies and has utilized substantial planning efforts to address these historic planning, development and resource issues. Council staff strongly supports the County's planning efforts found as a basis for these propose amendments.

The DR/GR planning effort officially commenced with the release of the McLane Report in May of 2007. Since that time, all stakeholders and interested parties, including environmental organizations, civic groups, landowners and mining interests have participated in the planning process for this extremely important area in Lee County. Over a two-year period, there were 23 official DR/GR advisory committee meetings and no less than nine public hearings to solicit input on the DR/GR planning effort. Countless technical reports and data sources were utilized in the creation of the DR/GR amendments, resulting in a propose overlay that is comprehensive, data-driven, equitable and defensible. These amendments represent one of the most comprehensive planning efforts ever put forth in Lee County. They are proceeding based upon the Board of County Commission required timeframe for transmittal within this year's growth management plan amendment cycle.

These DR/GR amendments may the County's best change to provide a meaningful framework for planning for the future of Southeast Lee County. Council staff supports the County staff's recommended amendment and requests that five additional policy recommendations be considered with respect to these amendments:

1. Future Limerock Mining Overlay

The policies and accompany map provided in the amendment submittal provides a well-defined process to direct future mining to locations where extraction of aggregate would not result in incompatibility with groundwater recharge, conservation and existing residential land uses. Council staff would suggest that the Future Limerock Overlay provide for Objective 30.1 and its implementing policies, Goal 10, Objective 10.1 and 10.2 and their implementing policies, Map 14, including Area B in an amended Map 14, which contains the eastern 240 acres of the Galvano property.

## 2. Historic Surface and Groundwater Levels Overlay

The Lee Plan currently requires all land uses within the DR/GR to be compatible with “maintaining surface and groundwater levels at their historic level” (FLUE Policy 1.4.5). The difficulty in applying this policy is due to the subjectivity in defining “historic levels” and implementation has been hindered because no specific date for “historic” has been established. The proposed addition to this policy and accompanying map would establish 1953 as the benchmark for “historic” and delineate the surface and groundwater levels at this date. Council staff would support the Dover Kohl and County Definition of Historic Levels for the Surface Groundwater Overlay. (FLUE Policies 1.4.5 and 1.7.14 and Map 24)

## 3. Priority Restoration Overlay

Identification of lands for potential future restoration and/or acquisition is an important planning tool that can be utilized for the DR/GR. The future restoration/acquisition areas and their prioritization as proposed by county staff and Dover Kohl coincide with both currently established public acquisition boundaries and lands that will provide additional environmental benefit and connectivity with public lands. Council staff supports inclusion of the Priority Restoration Overlay. (FLUE Objective 30.2 and its implementing policies and Map 25 - to be replaced by Page 4 of Map 1).

## 4. Transfer of Development Rights (TDR) Program – Directing Mixed Use Development to Appropriate Locations

Council staff supports the utilization of a TDR program that directs development to designated Mixed Use Communities, especially along SR 82. As the County is beginning the 2035 Long Range Transportation Planning process, designation of these two development nodes will allow Lee County to focus future transportation dollars on roads that correspond to future planned developments in this area. Linking land use and transportation planning in this manner will greatly benefit Lee County and Regional planning for the future. Council staff also concurs with County staff and Dover Kohl in recommending that the allowable increase in dwelling units from the TDRs within the DR/GR is limited to 6,000 residential units. (FLUE Policy 1.7.13, Objective 30.3 and its implementing policies, and Map 17 as proposed by the County staff).

## 5. Rural Community Designation at Appropriate Locations and Removal of Edison Farms and Six Ls Farms as a future Rural Community

Council staff supports the County staff recommendation to remove the Rural Community designation from the Edison Farms site, based upon the site’s location within the Corkscrew Regional Ecosystem Watershed (CREW) boundary. Its status as a primary panther habitat, the amount of wetlands contained on the site, and the lack of infrastructure (roads, water and sewer) to adequately support development make the site

inappropriate for future development activities. The Rural Community developments proposed within the Six Ls Farms should also be eliminated, as it is in a Priority 1 restoration area identified in the Erwin Ecological Memorandum and occupies quality panther habitat. Council staff recommends that an overall assessment of the costs and benefits of the Rural Communities designation be conducted to ensure this land use designation can support the development it proposes to generate. (Map 17 as proposed by County staff).

In addition to the changes mentioned above, Council staff provides several additional suggestions for consideration that in Council staff opinion will further provide structure to the DR/GR amendments and County planning efforts:

1. Strengthen FLUE Policy 1.4.5.2.c by adding language that requires density from mine pits be extinguished and density from remaining mine acreages be extinguished or transferred to a Mixed Use Community.
2. Restrict fill dirt pits within the DR/GR to the allowed mining areas of Map 14 – Future Limerock Mining Overlay.
3. Include language that requires minimum standards for zoning or development order approvals for mines and for all required monitoring reports with FLUE Policies 10.2.6 and 10.2.7.
4. Include language in Policy 30.2.3 to provide a Lee County commitment to seek funding and/or other government approval for acquisition, protection and restoration of the lands within the Priority Restoration Areas, as depicted on the proposed amendment of Page 4 of Map 13.

Council staff strongly supports the County's efforts update the Lee Plan with respect to the DR/GR land use designation and finds that the proposed amendments are regionally significant and consistent with and supported by the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

### **Livable Communities**

**Goal 2: Livable communities designed to affect behavior, improve quality of life and responsive to community needs.**

**Strategy: Promote through the Council's review function a good environment for driving, walking, bicycling, and public transit using a highly connected network of public streets, green space, and community centers.**

**Actions 4:** Review comprehensive plans and land development regulations for incentives to develop and redevelop using mixed uses, higher densities, shared parking;

and improved vehicular, mass transit, pedestrian and bicycle access and travel, as well as providing a variety of affordable residential densities and types.

**Strategy: Review projects for impacts on our neighborhoods, commercial centers, and natural areas due to roadway expansions and right-of-way reservations.**

**Actions 1:** Report on comprehensive plans and land development regulations that protect future state, regional, and local public facilities, corridors, and rights-of-way from building encroachment.

**Actions 2:** Depict in the annual report, right-of-way for transportation projects in designated transportation corridors that make effective use of conventional and innovative approaches to protection and acquisition.

**Actions 3:** During the development approval process, assist local government in requiring dedicated right-of-way where there is a relationship between the land use and need for the transportation improvement.

## **Livable Communities**

**Goal 2: Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide range of housing and employment opportunities.**

**Strategy: Development livable, integrated communities that offer residents a high quality of life.**

**Action 1:** Encourage programs that promote infill development in urban areas to maximize the efficient use of existing infrastructure.

**Action 2:** Work with local governments to promote structures and developments that combine commercial and residential uses as a means of providing housing that is affordable and near employment opportunities.

**Action 3:** Encourage communities that are pedestrian friendly or offer alternative modes of transportation to overcome transportation problems many low-income families face.

**Action 4:** Encourage new housing to be built in higher areas to reduce the need for costly flood insurance.

**Action 5:** Promote the mix of affordable and non-affordable housing to create integrated communities.

**Strategy: Protect existing, well-established neighborhoods and communities and revitalize those experiencing deterioration.**

- Action 1:** Encourage communities to fill existing infrastructure gaps (such as sidewalks, parks, lighting, etc.) in neighborhoods that offer affordable housing.
- Action 2:** Assist communities in identifying neighborhoods that is, or is in danger of, deteriorating.
- Action 3:** Assist communities in their efforts to develop methods for removing or rehabilitating substandard units, abandon or unsafe property, and blighting influences in residential areas and the surrounding neighborhoods.
- Action 6:** Work with local agencies to apply for state or federal programs that assist in community revitalization.
- Action 7:** Encourage communities to focus on troubled areas in a comprehensive method that coordinates programs and services, rather than using a shotgun approach.
- Action 8:** Promote resident involvement in neighborhood planning efforts, so residents are active in making decisions that will affect their areas.

**Livable Communities**

**Goal 4: Livable communities designed to improve quality of life and 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 in cooperation 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 or air, ground, and water resources.
- Action 4:** Working in cooperation with agencies and local governments, insure that all mining and borrow operations prepare and implement reclamation programs that restore and ensure long-term sustainability of their watersheds and native habitats.
- 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.

### **Proposed Amendment (CPA 2008-07) Lehigh Acres Community Plan**

This proposed amendment is a Board of County Commissioners initiated request to implement the *Lehigh Acres Comprehensive Planning Study* amending the Future Land Use Element to include Goals, Objectives, and Policies specific to the Lehigh Acres Specialized Mixed-Use Nodes and Commercial Overlay Zones.

### **Regional Significance and Consistency**

The Board of County Commissioners directed County staff by resolution to cooperate with the Lehigh Acres community to pursue Lee County Comprehensive Plan and Land Development Code amendments reflecting the recommendations set forth in the *Lehigh Acres Comprehensive Study*. The Vision for Lehigh Acres as expressed by interested citizens of Lee County has guided the proposed amendments. The vision expressed by the residents stated "...to become a sustainable community of choice, a community that is safe, affordable, connected, well served, livable, attractive, and populated by a diverse and engaged citizenry." Achieving the vision will require overcoming difficult challenges as a result of the platted lands nature of the community, the lack of infrastructure, and the scattered residential development pattern that currently exists. Based on these problems, the community identified the following items that would need to be achieved to obtain the vision:

- 1) Managed/Balanced Growth: Growth is encouraged in areas where a full range of public services are in place or planned, and discouraged in outlying areas lacking in water, sewer, and other basic infrastructure;
- 2) Community Character: Enhance community identity and pride by improving development quality, architectural character and quality, and quality of landscape materials. Integrate parks, open space, greenways, and amenities to enhance quality of life;
- 3) Natural Resource Protection: Reduce the impact of septic systems and provide for adequate groundwater and aquifer recharge. Promote the "greening" of Lehigh Acres, emphasizing the use of native landscape species;
- 4) Efficient Transportation: Upgrade the condition and capacity of the local road system, improve connectivity and apply principles of access management along major roadway corridors. Promote alternatives to auto reliance through transit and improved networks of sidewalks and pedestrian and bicycle trails as part of community greenways; and
- 5) Full Array of Public Services and Facilities: Expedite the staged extension of water and sewer systems, connect lots previously served by on-site septic and wells, and discourage additional development reliant on on-site well and septic systems. Reserve land and promote intergovernmental coordination for the

development of schools, libraries, recreation centers, and other facilities and services necessary for a sustainable community of choice.

In August 2006, Lee County contracted with the firm Wallace Roberts and Todd, LLC (WRT) to develop a Comprehensive Plan for the Lehigh Acres Planning Community to guide future development of all kinds.

The comprehensive evaluation of Lehigh Acres took over two and a half years to complete. The result was a planning document by WRT entitled Lehigh Acres Comprehensive Planning Study dated March 2009. This document was developed in five phases: Framework for Plan Development; Existing Conditions and Trends; Vision for the Future; Alternative Concepts and Scenarios; and, Plan Document. Based on this document, the recommendations that were made resulted in the County's best attempt to implement the Lehigh Acres Plan

Council staff reviewed the proposed changes that will implement the Lehigh Acres Plan and finds that the proposed changes to the Lee Plan relative to Lehigh Acres are regionally significant. Council staff also finds that the proposed amendments are consistent with and supported by the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

### **Regional Cooperation**

**Goal 6: A system of cooperation and coordination for economic development that includes a broad range of public and private participants.**

**Strategy: Promote regional cooperation and coordination for economic development.**

**Action 1:** Promote cooperative arrangements and actions for economic development among business, governmental, and environmental groups, and other public and private entities.

### **Livable Communities**

**Goal 4: Livable communities designed to improve quality of life and 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 in cooperation 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 6:** Working in cooperation with agencies and local governments, insure that new public facilities, facility expansions and additions avoid designated natural resource protection areas.

**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.

**Goal 2: Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide range of housing and employment opportunities.**

**Strategy: Development livable, integrated communities that offer residents a high quality of life.**

**Action 1:** Encourage programs that promote infill development in urban areas to maximize the efficient use of existing infrastructure.

**Action 2:** Work with local governments to promote structures and developments that combine commercial and residential uses as a means of providing housing that is affordable and near employment opportunities.

**Action 3:** Encourage communities that are pedestrian friendly or offer alternative modes of transportation to overcome transportation problems many low-income families face.

**Action 4:** Encourage new housing to be built in higher areas to reduce the need for costly flood insurance.

**Action 5:** Promote the mix of affordable and non-affordable housing to create integrated communities.

**Strategy: Protect existing, well-established neighborhoods and communities and revitalize those experiencing deterioration.**

**Action 1:** Encourage communities to fill existing infrastructure gaps (such as sidewalks, parks, lighting, etc.) in neighborhoods that offer affordable housing.

**Action 2:** Assist communities in identifying neighborhoods that are, or are in danger of, deteriorating.

**Action 3:** Assist communities in their efforts to develop methods for removing or rehabilitating substandard units, abandon or unsafe property, and blighting influences in residential areas and the surrounding neighborhoods.

**Action 6:** Work with local agencies to apply for state or federal programs that assist in community revitalization.

**Action 7:** Encourage communities to focus on troubled areas in a comprehensive method that coordinates programs and services, rather than using a shotgun approach.

**Action 8:** Promote resident involvement in neighborhood planning efforts, so residents are active in making decisions that will affect their areas.

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

**Strategy:** Enhance existing commercial, service, and industrial centers through adequate maintenance and reinvestment.

**Action 3:** Review proposed development to maximize the use, rehabilitation, and reuse of existing infrastructure.

**Proposed Amendment (CPA 2008-08) Update Map 6, Lee County Utilities Future Water Service Areas**

This proposed amendment is a Board of County Commissioners initiated request to update Lee Plan Map 6m Lee County Utilities Future Water Service Areas to add areas currently outside of the Future Water Service Areas and remove areas within the Future Water Service Areas that are served by other utility entities.

**Regional Significance and Consistency**

The Lee County Utilities Future Water Service Areas (Lee Plan Map 6) was first adopted as part of the 1998 Lee Plan. PAT 92-32 amended Policy 31.1.1 (Policy 53.1.1) to reflect that the intent of the was to show areas where Lee County Utilities will ensure service availability when needed rather than where service will be provided regardless of demand. On November 1, 2000, the Lee County Board of County Commissioners adopted PAM 99-04 (Ordinance 00-22) which amended the map to reflect changes in conditions due to utility acquisitions, expansions, and annexations. The map was amended again by Lee County Ordinance 03-19 (CAP2002-00011) to include the majority of the Buckingham Community Planning area within the Lee County Utilities Future Water Service Areas.

The purpose of this amendment is to adjust the Lee County Utilities Future Water Service Areas Map 6 to more accurately reflect the areas of service (current and future). The adjustments to the map included additions of areas where service is currently provided directly or indirectly by Lee County Utilities, and areas where new service may be provided within the future. The service areas map is being contracted in areas where service is or will be provided by the City of Ft. Myers due to annexations or where another utility is currently serving the property.

Council staff has reviewed the proposed map changes and finds that the changes to the Lee Plan Map 6 relative to future utility service areas are procedural, not regionally significant. Council staff also finds that the proposed map changes are consistent with and supported by the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

### **Economic Infrastructure**

**Goal 1: A well-maintained social, health, and educational infrastructure to support business and industry.**

**Strategy: Maintain the physical infrastructure to meet growth demands.**

- Action 1:** Review plan amendments, development proposal, and clearinghouse items for public facility deficits and encourage mitigation of those deficits.
- Action 2:** Assist local governments and state agencies in planning for future support service facilities, before the need arises.
- Action 3:** Review proposed public facilities to ensure their location in urban areas that have in place, or are covered by binding agreements to provide, the resources and facilities for desired growth in an environmentally acceptable manner.

### **Proposed Amendment (CPA 2008-09) Update Map 7, Lee County Utilities Future Sewer Service Area**

This proposed amendment is a Board of County Commissioners initiated request to update Lee Plan Map 7, Lee County Utilities Future Sewer Service Areas to add areas currently outside of the Future Sewer Service Areas and remove areas within the Future Sewer Service Areas that are served by other Utility entities.

### **Regional Significance and Consistency**

The Lee County Utilities Future Sewer Service Areas (Lee Plan Map 7) was first adopted as part of the 1989 Lee Plan. The PAT 92-32 amended Policy 34.1.1 (Policy 56.1.1) to reflect that the intent of the map was to show areas where Lee County Utilities would ensure service availability when needed rather than where service would be provided regardless of demand. On November 1, 2000, the Lee County Board of County Commissioners adopted PAM 99-05 (Ordinance 00-22) which amended the map to reflect changes in conditions due to utility acquisitions, expansions, and annexations. The map was amended by Lee County Ordinance 03-19 (CPA 2002-00011) to include the Gulf Coast Center and Tice Fire Station sites within the Lee county Utilities Future Service Areas. This amendment added language to Objective 17.3 allowing central sewer service within the Buckingham "Rural Community Preserve" to properties identified on Map 7 as Future Sewer Service Areas. In 1996 the State of Florida installed an 8" sewer main along Buckingham Road to serve the Gulf Coast Center site. This line is currently

under utilized by the facility. On October 18, 2007, the Southwest Florida Regional Planning Council passed a resolution with specific recommendations and guidelines to be considered by governmental jurisdictions in Southwest Florida for the regulation and control of treated wastewater discharges containing nitrogen and/or phosphorus. This amendment address that resolution.

The purpose of this amendment is to adjust the Lee county Utilities Future Sewer service Areas (Map 7) to more accurately reflect the areas of service (current and future). The adjustments to the subject map include additions of areas where service is currently provided within the Future Urban Area of Lee County due to environmental issues from onsite wastewater treatment systems. The service areas map is being contracted in areas where service is or will be provided by the City of Fort Myers due to annexations and where another utility has been granted a franchise expansion from the Florida Public Service Commission.

Council staff has reviewed the proposed map changes and finds that the changes to the Lee Plan Map 7 relative to future utility service areas are procedural, not regionally significant. Council staff also finds that the proposed map changes are consistent with and supported by the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

### **Economic Infrastructure**

**Goal 1: A well-maintained social, health, and educational infrastructure to support business and industry.**

**Strategy: Maintain the physical infrastructure to meet growth demands.**

- Action 1:** Review plan amendments, development proposal, and clearinghouse items for public facility deficits and encourage mitigation of those deficits.
- Action 2:** Assist local governments and state agencies in planning for future support service facilities, before the need arises.
- Action 3:** Review proposed public facilities to ensure their location in urban areas that have in place, or are covered by binding agreements to provide, the resources and facilities for desired growth in an environmentally acceptable manner.

### **Proposed Amendment (CPA 2008-15) Pre-Disaster Buildback**

This proposed amendment is a Board of County Commissioners initiated request to add Lee Plan policies to permit pre-disaster buildback of existing multi-family projects that were developed prior to the adoption of the current Lee Plan Standard density limits.

### **Regional Significance and Consistency**

Interested parties approached the County staff to inquire about redeveloping existing multi-family residential areas. In some cases, such as Shell Point Village or on North Key Drive, the multi-family units predate the Lee Plan and have a higher density than is currently permitted for those areas. Since these properties achieved their nonconforming density prior to the adoption of the Lee Plan, they are permitted to retain this density as long as there are no changes to the property. Once a property owner proposed to make changes to the property that would require a rezoning or development order, the property must be brought into conformance with current regulations. This would include removing any residential units in excess of the permitted maximum.

The only exception to this requirement is outlined in Chapter XIII of the Lee Plan under the post-disaster buildback regulations. The existing post-disaster buildback regulations Plan recognize the right of a property owner to rebuild their development if it is destroyed by a natural disaster. It does not apply to the voluntary tearing down of a structure.

Lee Plan Goal 105 concerns the Coastal High Hazard area. The Objectives and Policies in this Goal are intended to maintain lower residential density in order to reduce the possible negative impacts of hurricanes and tropical storm surges. Therefore, much of the Coastal High Hazard areas have been designated with lower density future land use categories. Properties built before the adoption of this future land use categories can and do exceed the maximum permitted residential density.

The County analysis of multi-family residential developments in the County have revealed approximately 38 sites that exceed the standard densities permitted by their designated future land use category and that were built before the adoption of the Lee Plan. If any of these properties were to apply for redevelopment, they would be required to conform to the existing density regulation of the Lee Plan. The subsequent reduction of residential units creates an economic disincentive for the rehabilitation of these multi-family developments. Since this will inhibit owners from improving their properties, over time, this situation may result in the gradual degradation of the properties.

In order to allow landowners who wish to redevelop nonconforming multi-family residences, the propose Lee Plan Policies require that applicants provide full documentation of their existing development on the subject property prior to commencing any onsite modifications. This documentation must be presented to the County staff at a pre-application meeting. This will provide a baseline from which any significant changes in the proposed redevelopment can be measured.

In addition to this requirement, the proposed amendment addresses additional issues associated with the redevelopment of the subject sites. These issues deal with zoning, site design, building height, coastal high hazard area, and utilities. County staff states that by permitting multi-family residences that exceed maximum permitted density to retain their excess units under certain conditions an incentive will be created for the property owners to redevelop the properties that

are currently dilapidated or which become dilapidated in the future. The proposed Lee Plan Goal 5 and Policy changes is intended to mitigate the impacts of excess residential densities.

Based on the review of the proposed submitted materials, Council staff finds that the proposed changes are not regionally significant. In addition, Council staff finds these requests consistent with the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

### **Livable Communities**

**Goal 2: Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide range of housing and employment opportunities.**

**Strategy: Development livable, integrated communities that offer residents a high quality of life.**

**Action 1:** Encourage programs that promote infill development in urban areas to maximize the efficient use of existing infrastructure.

**Action 2:** Work with local governments to promote structures and developments that combine commercial and residential uses as a means of providing housing that is affordable and near employment opportunities.

**Action 3:** Encourage communities that are pedestrian friendly or offer alternative modes of transportation to overcome transportation problems many low-income families face.

**Action 4:** Encourage new housing to be built in higher areas to reduce the need for costly flood insurance.

**Action 5:** Promote the mix of affordable and non-affordable housing to create integrated communities.

**Strategy: Protect existing, well-established neighborhoods and communities and revitalize those experiencing deterioration.**

**Action 1:** Encourage communities to fill existing infrastructure gaps (such as sidewalks, parks, lighting, etc.) in neighborhoods that offer affordable housing.

**Action 2:** Assist communities in identifying neighborhoods that are, or are in danger of, deteriorating.

**Action 3:** Assist communities in their efforts to develop methods for removing or rehabilitating substandard units, abandon or unsafe property, and blighting influences in residential areas and the surrounding neighborhoods.

**Action 6:** Work with local agencies to apply for state or federal programs that assist in community revitalization.

**Action 7:** Encourage communities to focus on troubled areas in a comprehensive method that coordinates programs and services, rather than using a shotgun approach.

**Action 8:** Promote resident involvement in neighborhood planning efforts, so residents are active in making decisions that will affect their areas.

### **Proposed Amendment (CPA 2008-16) The 2020 financially Feasible Transit Network Map Update**

This proposed amendment is a Board of County Commissioners initiated request to update Lee Plan Map 3C, The 2020 Financially Feasible Transit Network Map, to change the planning horizon from 2020 to 2030 to be consistent with the adopted Transit Element of the Metropolitan Planning Organization (MPO) 2030 Transportation Plan.

#### **Regional Significance and Consistency**

The 2030 Financial Feasible Transit Map depicts the location of transit facilities which have been identified as financially feasible in the MPO 2030 Transportation Plan. These are facilities which have been identified as being able to be funded by existing and projected revenue sources. Lee Plan Map 3C was not updated as part of CPA 2005-05, which advance the planning horizon for the entire Lee Plan from 2020 to 2030. This happened because CPA 2005-25 was initiated before the MPO adopted its 2030 Transportation Plan.

Florida Statute FS399.175 (7) requires that the MPO develop a long range transportation plan that addresses at least a 20-year planning horizon. The plan must be consistent with future land use elements and the Goals, Objectives and Policies of the Comprehensive Plans of the local governments within the MPO. Further, the MPO Transportation Plan must be considered by the local governments when developing the Transportation Elements of their Comprehensive Plans.

On December 7, 2005 the Lee County MPO adopted the 2030 Transportation Plan. The Transportation Plan includes a Transit Element outlining the processes by which transit needs and funding are to be determined. This process includes a background review and a review of existing

Based on the review, Council staff finds that the plan amendments are procedural, regionally significant. Additionally, Council staff finds these requests consistent with the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

## **Balanced Intermodal/Multimodal System**

**Goal 1: Construct an interconnected multimodal transportation system that supports community goals, increases mobility and enhances Southwest Florida's economic competitiveness.**

**Strategy: Identify the general transportation system composed of connected corridors, facilities, and services for the effective movement of freight and visitors.**

**Strategy: In cooperation with FDOT and the region's airport operators develop a mode balanced plan for people and freight.**

**Actions 1:** Assist the region's airports in planning new improvements that will minimize travel delays and improve ground access for passengers, goods and commercial vehicles.

**Actions 2:** In cooperation with FDOT, local government, and the MPOs, to annually identify airport improvements that optimize Intermodal connections with other transportation modes.

## **Regional Cooperation**

**Goal 5: Develop a cost-effective and financially feasible transportation system that adequately maintains all elements of the transportation system to better preserve and manage the Region's urban and non-urban investment.**

**Strategy: Develop land use plans and policies that assess the potential for adverse impacts to transportation facilities and protect investment in transportation infrastructure.**

**Action 2:** In cooperation with FDOT, local government, and MPOs, collaboratively test coordinated land use and transportation plans.

**Action 3:** Assist FDOT, local government, and the MPOs in designing plans that connect and serve urban communities with an efficient, transit oriented, and multi-modal transportation system.

**Action 4:** Review local government transportation concurrency management systems and planning agreements for mediation provisions addressing transportation impacts to neighboring jurisdictions when requested by the affected local government.

**Action 9:** In cooperation with FDOT, local government, and the MPOs, review transportation plans and projects to direct development in areas where adequate transportation facilities exist or are planned.

**Action 10:** In conjunction with FDOT, local government, and the MPOs, direct transportation investments in such a way so that it contributes to efficient urban and non-urban development throughout the region.

**Action 11:** Enhance economic prosperity and competitiveness through development of a transportation system composed of corridors, facilities, and services for the effective movement of freight and visitors throughout the region.

### **Proposed Amendment (CPA 2008-17) Commercial Uses in the Coastal Rural Future Land Use Category**

This proposed amendment is a Board of County Commissioners initiated request to evaluate and incorporate into the Coastal Rural Future Land Use Category appropriate Lee Plan policy modifications to clarify permitted commercial uses in the Coastal Rural Future Land Use Category.

#### **Regional Significance and Consistency**

In 1989, the first Pine Island Commercial Study was initiated to research, analyze, and quantify commercial zoning needs for Pine Island, and to identify suitable locations for potential future commercial development. This study was conducted in response to a directive by the Board of County Commissioners to develop a means to identify future commercial sites throughout Lee County and was in direct response to issues emerging from two zoning cases that were under review on Pine Island.

Much of the developed area of Pine Island is concentrated in Pine Island Center, with smaller developed areas (villages) at the north and south ends of the Island (Bokeelia and St. James City). The remainder of the island contains smaller, scattered areas of limited development with a small urban area located centrally at Pineland. Based on this development pattern, the study acknowledged the existing commercially zoned parcels, the concentration of commercial uses in Pine Island Center, St. James City, and Bokeelia, and the possibility of the designation of potential commercial nodes on the island.

The study resulted in the adoption of Lee Plan Policies 16.4.1, 16.4.2 and 16.4.3 by the Board of County Commissioners in June 1991. These policies were later superseded by existing Lee Plan Objective 14.4, Policies 14.4.1 and 14.4.2. Twenty years later, the Board has again directed County staff to address clarification of applicable commercial land uses on Pine Island; however, in this case, the amendment is specific to the Coastal Rural Future Land Use category due to issues raised during a rezoning case that would legitimize an existing business.

In 2001, County staff started working with the Greater Pine Island Community, who had developed a new Pine Island Plan to address planning needs specific to the island. Their plan reflected their vision for Pine Island's future growth and development. In 2003, as a result of a two year long planning process and upon receipt of a no objection, recommendations, or comments from DCA concerning the proposed amendments, the Lee Plan changes were adopted by the Board of County Commissioners. This amendment adopted a new Vision Statement, a revised Goal 14, amended subsequent policies specific to Greater Pine Island, amended Objective 1.4 "Non-Urban Areas" by establishing a new "Coastal Rural" future land use category, and amended the Future Land Use Map series to reclassify 157 acres of agricultural lands located between Bokeelia and September Estates from "Outlying Suburban" to "Coastal Rural" and reclassified all land from "Rural" to the new "Coastal Rural" land use category.

On October 2005 the Board of County Commissioners again amended the Lee Plan with an amendment known as the Pine Island Community Plan Compromise. Among other things, this plan amendment restored the 157 acres back to the Outlying Suburban future land use category and, in an effort to maintain flexibility within the Coastal Rural category, added agriculture as a means of regaining density.

The currently requested amendment is intended to further the goal of capturing trips on the island by clarifying the allowable land uses in the Coastal Rural future land use category by defining permitted, minor commercial uses intended to serve island residents and visitors.

The proposed language is the result of a Board of County Commission initiated amendment recognizing the need to clarify permitted commercial uses within the Coastal Rural future land use category. This issue arose when the board was reviewing a rezoning case intended to legitimize a commercial use on a property in the Coastal Rural area that had existed for many years. The provision of basic commercial services is intended by County staff to minimize the number of trips off and onto the island.

Currently, there are no available economic options for adding significant road capacity to Pine Island. There are also no options to widen the existing bridges without serious economic or environmental impacts. Thus limited commercial uses will serve to negate detrimental traffic flows in Matlacha.

Council staff agrees and supports County staff opinion on this issue that limited minor commercial development is required on Pine Island to provide services to residents, which ultimately reduces trip generation to and from the island. Additionally, Council staff agrees with County staff analyses that the benefit of distributing commercial services at different locations on Pine Island to encourage the support and utilization by residents to reduce on island trip lengths are desirable, especially with the proposed planned developments and code requirements found in the Lee Plan and the Land Development Code.

Council staff has reviewed this requested change finds the proposed changes to the Lee Plan are not regional in nature and consistent with the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

## **Livable Communities**

**Goal 2: Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide range of housing and employment opportunities.**

**Strategy: Development livable, integrated communities that offer residents a high quality of life.**

**Action 1:** Encourage programs that promote infill development in urban areas to maximize the efficient use of existing infrastructure.

**Action 2:** Work with local governments to promote structures and developments that combine commercial and residential uses as a means of providing housing that is affordable and near employment opportunities.

**Action 3:** Encourage communities that are pedestrian friendly or offer alternative modes of transportation to overcome transportation problems many low-income families face.

**Action 4:** Encourage new housing to be built in higher areas to reduce the need for costly flood insurance.

**Action 5:** Promote the mix of affordable and non-affordable housing to create integrated communities.

**Strategy: Protect existing, well-established neighborhoods and communities and revitalize those experiencing deterioration.**

**Action 1:** Encourage communities to fill existing infrastructure gaps (such as sidewalks, parks, lighting, etc.) in neighborhoods that offer affordable housing.

**Action 2:** Assist communities in identifying neighborhoods that are, or are in danger of, deteriorating.

**Action 3:** Assist communities in their efforts to develop methods for removing or rehabilitating substandard units, abandon or unsafe property, and blighting influences in residential areas and the surrounding neighborhoods.

**Action 6:** Work with local agencies to apply for state or federal programs that assist in community revitalization.

**Action 7:** Encourage communities to focus on troubled areas in a comprehensive method that coordinates programs and services, rather than using a shotgun approach.

**Action 8:** Promote resident involvement in neighborhood planning efforts, so residents are active in making decisions that will affect their areas.

### **Proposed Amendment (CPA 2008-20) Update FLUM to Reflect Annexations**

This proposed amendment is a Board of County Commissioners initiated request to modify the Lee Plan's Future Land Use Map to reflect City annexations.

### **Regional Significance and Consistency**

The Lee Plan Map 1 of the Future Land Use Map (FLUM) encompasses the entire land area of Lee County. This map regulates property within the unincorporated areas of the County. Within the incorporated areas the intent of this map is to reflect the adopted municipal land use plans as closely as possible using Lee Plan designations. County staff reviewed 54 of the 67 Florida County FLUMs concerning the method of presenting municipal information on the County's FLUM. The County staff found that the Lee Plan map is unique in the depiction of County land use designations within municipalities. Other "countywide" FLUMs have been created where city/county planning agencies are in place. Most counties in Florida show no land use designations within the municipal boundaries. Since local governments continually update their adopted FLUMs, it is difficult for the Lee Plan FLUM to maintain consistency with the municipal maps.

When the Lee Plan FLUM was first adopted in 1984 there were 3 cities in the County and the Lee Plan FLUM contained 18 land use designations. There are now 4 cities and 1 town in Lee County and the Lee Plan FLUM has 29 land use designations (the 2 newest designations have not been reflected on the adopted FLUM). Over time, the number of municipal FLUM designations has also increase. This situation has made it impractical for Lee County to maintain an accurate reflection of the adopted municipal FLUMs on the official Lee County FLUM. County staff therefore has recommended in this amendment that the Lee Plan FLUM be amended to not depict Lee County land use designations on municipally regulated lands.

Council staff has reviewed the requested change to the County's FLUM and finds the proposed changes to the Lee Plan FLUM are procedural, not regional in nature and consistent with the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

### **Economic Infrastructure**

**Goal 1: A well-maintained social, health, and educational infrastructure to support business and industry.**

**Strategy: Maintain the physical infrastructure to meet growth demands.**

- Action 1:** Review plan amendments, development proposal, and clearinghouse items for public facility deficits and encourage mitigation of those deficits.
- Action 2:** Assist local governments and state agencies in planning for future support service facilities, before the need arises.
- Action 4:** Study alternative and assist other entities to study alternatives to encourage land development that maximizes the use, rehabilitation, and re-use of existing facilities, structures, and buildings as an alternative to new construction and development.
- Action 7:** Assist local governments to obtain funding to maintain, improve, or expand their infrastructure.

### **Proposed Amendment (CPA 2008-22) Update Conservation Lands**

This proposed amendment is a Board of County Commissioners initiated request to update the Conservation Land Category on the future Land Use Map.

### **Regional Significance and Consistency**

In June 1998, the Board of County Commissioners adopted Lee Plan Policy 1.4.6 to create the Conservation Lands category and classified approximately 50,000 acres of land in the County in this Future Land Use Map category by adopting Comprehensive Plan Amendment PAT 96-08. In January 2002, the Board adopted amendment CPA 200-09 that included additional new language for Lee Plan Policy 1.4.6. The FLUM was revised annually from 2002 to 2004 to update the Conservation Lands category. Map amendment CPA 2000-09, CPA 2001-15, and CPA 2002-08 changed the land uses of 21,359 acres purchased by the Conservation 2020 program, the State of Florida and the Calusa Land Trust. The annual amendments were postponed until the Evaluation and Appraisal Report (EAR) was completed.

The FLUM was again revised annually from 2007-2009 to update the Conservation Lands categories. Map Amendments CPA 2005-28 and CPA 2006-26 changed the land uses on 8,530 acres purchased by the County through the Conservation 2020 program and lands purchased by the Calusa Land Trust, developments within the City of Fort Myers for conservation easements, and lands acquired for mitigation purposes.

The Conservation Lands FLUM category is for lands that are primarily used to conserve important natural resources, or other conservation uses. Conservation Lands typically include such uses as wildlife preserves, large wetland and upland mitigation areas and banks, natural resource based parks, and water conservation lands such as aquifer recharge areas, flowways, flood prone areas, and wellfields.

This amendment contains lands acquired by the County through the Conservation 2020 program, by the DEP through the Florida Forever program, and the SFWMD through mitigation lands. This amendment also removes lands included in the conservation lands category that were incorrectly designated or have non-compliance land uses.

Council staff has reviewed the submitted lands recommended for the map changes and finds the proposed changes to the Lee Plan are procedural, not regional in nature and consistent with the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

### **Livable Communities**

**Goal 4: Livable communities designed to improve quality of life and 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 in cooperation 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 6:** Working in cooperation with agencies and local governments, insure that new public facilities, facility expansions and additions avoid designated natural resource protection areas.

**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.

### **Natural Resources 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 1:** To help eliminate possible duplication or competition on a tract of land between entities, provide a clearinghouse and inventory of lands included in all land acquisition programs in a central location so various entities can see if any other entities were involved in a specific location. A future Web Site would be a useful tool and provide easy access.

- Action 2:** Support continued acquisition of lands targeted for conservation and recreation by Public Land Acquisition Programs including CARL, SOR, Florida Communities Trust, Lee County CLASC, CREW, WRDA and other efforts in the Region.
- Action 5:** Facilitate and assist in the coordination of all land acquisition programs in the Southwest Florida Region by sponsoring periodic meetings of all public and private initiatives.
- Action 6:** Create a map depicting land that has been set aside for conservation purposes within approved developments (existing conservation easements).

### **Proposed Amendment (CPA 2008-23) Public Facilities Update**

This proposed amendment is a Board of County Commissioners initiated request to amend the Future Land Use Map series, Map 1, by updating the mapped Public Facilities future land use category, adding and/or removing lands to more accurately identify publicly owned lands.

### **Regional Significance and Consistency**

In May 2007, the Board of County Commissioners adopted Lee Plan amendment CPA 2005-29. This amendment was the last time the Board amended the Public facilities future land use category on a countywide basis. The amendment proposed to redesignate parcels throughout the county to a Public Facilities future land use category. The decision was passed on the parcel either being acquired by a public agency to be used as a public facility or the parcel was currently being used as a public facility.

Lee County has acquired additional parcels of land since the last countywide review of the Public Facilities future land use category. Other parcels are owned by the City of Fort Myers or the Regional Planning Council.

Council staff has reviewed the proposed parcels that will have the land use designations changed and finds the proposed changes to the Lee Plan are procedural, not regionally significant and consistent with the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

### **Regional Cooperation**

**Goal 6: A system of cooperation and coordination for economic development that includes a broad range of public and private participants.**

**Strategy: Promote regional cooperation and coordination for economic development.**

**Action 1:** Promote cooperative arrangements and actions for economic development among business, governmental, and environmental groups, and other public and private entities.

**Action 2:** Maintain the designation of the Southwest Florida Regional Planning Council as an Economic Development District.

**Action 3:** Continue to utilize the Southwest Florida Development Coalition in the development and review of economic issues.

**Action 4:** Continue the relationship with the Southwest Florida Regional Development Corporation.

**Strategy: Provide technical assistance to member local governments and other public economic development entities.**

**Action 1:** Develop and distribute economic and demographic information.

**Action 2:** Maintain and expand the SWFRPC library of items about economic development.

**Action 3:** Exchange information through the Southwest Florida Economic Development Coalition, and other workshops, groups, and committees.

**Action 4:** Provide examples of economic elements for local comprehensive plans.

**Action 5:** Review economic proposals, such as plan elements, projects, and grant applications.

**Action 6:** Assist in development and preparation of applications for funding.

### **Proposed Amendment (CPA 2008-24) Update Constrained Roads Table 2(a)**

This proposed amendment is a Board of County Commissioners initiated request to update Table 2(a) of the Lee Plan, Constrained Roads, to include “Historic” as one of the Constrained Conditions for Pine Island Road (Matlacha).

### **Regional Significance and Consistency**

Matlacha was designated as a Historic Resource by the Lee County Historic Preservation Board on November 29, 1990. Pine Island Road NW passes through the Matlacha Historic District and is designated as a Constrained Road. The Constrained Conditions in Table 2(a) of the Lee Plan does not list Historic as one of the conditions for including this stretch of Pine Island Road.

The community of Matlacha lies on a long narrow strip of land along the right-of-way of Pine Island Road (SR 78). The road is lined with tiny one and two room vernacular houses and commercial buildings erected on the remains of the fill created by the construction of the Matlacha Pass Bridge in 1926. Over 25 buildings were recorded along this narrow stretch of roadway. Generally, the buildings are wood frame structures and have been considerably altered over the years. Many of the structures have small docks access the water to the rear of the structure.

The historic resources of Matlacha are significant to Lee County as a concentration rather than on an individual basis. The resource does not raise to the level of a National Register District, however, the character and scale of this tiny fishing village is based on the many small vernacular building. The County has recognized the historic value of Matlacha and designated it a Historical District in the County.

Because Matlacha is designated as a Historic District and Pine Island Road run through the district from Shoreview Drive to Little Pine Island Road, Pine Island Road has been designated as a Constrained Road. The Constrained Conditions on that section of roadway are listed in Table 2(a) of the Lee Plan as ROW, Scenic, Aesthetic, and Environmental. The addition of Historic to the list of Constrained Conditions is appropriate because of the Historic Designation for Matlacha.

Council staff reviewed the requested amendments and finds that the request is procedural, not regional in nature and consistent with the following Goal, Strategy and Action of the Strategic Regional Policy Plan, July 4, 2002:

### **Livable Communities**

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

**Strategy:** Enhance existing commercial, service, and industrial centers through adequate maintenance and reinvestment.

**Action 3:** Review proposed development to maximize the use, rehabilitation, and reuse of existing infrastructure.

### **Proposed Amendment (CPA 2008-25) Update Map 22 the Lee County Greenways Multi-Purpose Recreational Trails Map**

This proposed amendment is a Board of County Commissioners initiated request to update Lee Plan Map 22 to incorporate additional connector trails and blueways, in accordance with the Lee County Multi-Purpose Recreational Trails and Greenways Master Plan.

## Regional Significance and Consistency

The Greenways Master Plan process began in September 2002 with a meeting between the County Parks and Recreation staff and the National Park Service. Parks and Recreation staff has conducted many meetings with interested public groups such as bicycle and equestrian clubs, neighborhood organizations, and area businesses in order to determine the needs and desires of the public in regards to greenways and trails in Lee County. Parks and Recreation staff has met with various governmental agencies in order to better align the proposed Greenways Master Plan with existing governmental trail efforts. In October 2003, the Board of County Commissioners passed a resolution recognizing October as Greenways and Trails Month. The Greenways Master Plan was adopted by the on May 16, 2007 in conjunction with Lee Plan amendment CPA 2005-11.

The proposed Map 22 uses a new graphic style to represent the greenway corridors. This is done to convey the fact that the possible alignment of proposed greenway trails are not precisely fixed. Within a broad corridor, a greenway may take various alignments in order to take advantage of local geography or other opportunities.

One of the changes proposed on the new map is the addition of two stretches of Connector Trails. Connector Trails are internal to Lee County. They connect to the larger system or to specific locations. This is in contrast to the main Greenways system that is intended to connect to trails outside of the County. Where feasible, connector trails within urban areas should be designated as transportation alternatives to motorized uses. The first connector trail is in the Greenbriar Swamp area. It continues as a connector trail that extends southwest from the Lee-Hendry Canal Trail to the Sunshine Trail, a connector trail running along Sunshine Boulevard North. The proposed connector corridor will potentially allow greater access to several conservation areas that lay between Lehigh Acres and the Caloosahatchee River. The second proposed connector trail lays approximately 2.5 miles south of SR 82 and runs roughly parallel to that road. It runs west from where the Captiva-Hendry-Collier Trail greenway corridor turns north away from a Florida Power and Light right-of-way. The proposed connector continues northwest along the power right-of-way before rejoining the Captiva-Hendry-Collier Trail greenway corridor at Daniels Parkway. The additional connector closes a loop in the Captiva-Hendry-Collier Trail greenway corridor.

Several additional blueways are also depicted on the proposed map. Blueways are publicly owned waterways with scenic and recreational qualities and are accessible by the public. Blueways are typically used for kayaking and canoeing. Many of the proposed blueways are on creeks and streams that feed directly into the Caloosahatchee River. In the Alva Area, both Bedman Creek and Spanish Creek are now designated as blueways on the proposed Map 22. Further west on the north shore of the Caloosahatchee River, Trout, Owl, and Otter Creeks are also proposed to be designated as blueways. Just east of the Edison Bridge, on the north shore of the Caloosahatchee, Powell and Marsh Point Creeks are also proposed to be added as blue ways on Map 22. At the mouth of the Caloosahatchee, Shell Creek on the south shore and Jewfish Creek on the north shore are included in this proposal. The last proposed additional blueway is

the Underhill Creek blueway which extends from Pine Island to Cape Coral north of the mouth of the Caloosahatchee River.

The additional proposed connector trails will increase potential hiking and biking access to conservation areas in the eastern portion of the County. The new trails will also increase connectivity in the Greenways System. Adding more blueways will increase the potential number of water access points for the public and improve the overall accessibility of the County's water resources. Use of these facilities will also improve the general overall physical activities of the public and thereby improve the health, safety and welfare of the citizens of the County.

Council staff has reviewed the proposed additions to Map 22 and finds that the proposed changes to the Lee Plan are procedural, not regionally significant and consistent with the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

### **Livable Communities**

**Goal 2: Livable communities designed to affect behavior, improve quality of life and responsive to community needs.**

**Strategy: Promote through the Council's review function a good environment for driving, walking, bicycling, and public transit using a highly connected network of public streets, green space, and community centers.**

**Actions 4:** Review comprehensive plans and land development regulations for incentives to develop and redevelop using mixed uses, higher densities, shared parking; and improved vehicular, mass transit, pedestrian and bicycle access and travel, as well as providing a variety of affordable residential densities and types.

### **Proposed Amendment (CPA 2008-27) Commercial/Industrial Lands Study**

This proposed amendment is a Board of County Commissioners initiated request to continue the evaluation of the recommendations of the Commercial/Industrial Lands Study to further refine the appropriate Lee Plan policies and glossary.

### **Regional Significance and Consistency**

In 2006, the Board of County Commissioners at the request of the Office of Economic Development commissioned a Commercial/Industrial Lands Study to identify appropriate lands for economic development. The study was presented to the Board in 2007. In February 2009, the Board adopted Lee Plan Amendment CPA 2007-55, which amended Lee Plan Objectives and Policies based on the recommendations of the Commercial/Industrial Study. In July 2009, County staff received recommendations from the Economic Development Office of Lee County and the Horizon Council regarding Chapter XI, Economic Element, of the Lee Plan.

The County staff met with member of the Office of Economic Development and with members of the Economic Development Task Force. Two recommendations were made regarding Lee Plan Policy 1.1.7. The first was to add language relating to manufacturing to the first condition. The County staff believed that this would allow greater range of retail sales within industrial developments. The second change was to amend Condition 4 of Policy 1.1.7 by allowing retail and commercial uses in up to 20% of the acreage of each planned development rather than 20% of the acreage designated as Industrial Development in each planning community. This was suggested to eliminate any burden to staff from having to keep a running total of the acres developed in commercial uses.

Two recommendations were also made to amend Lee Plan Policy 1.2.2. the first was to remove the words “Corner Store” from the policy. The second recommendation was to provide for temporary residential uses in connection with research and development activity in the Tradeport Future Land Use Category.

Finally, this amendment made some minor changes to the text to reflect new names or correct scrivener errors.

Council staff finds this requested amendments are changes that will improve economic development within the county, not regional in nature and consistent with the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

### **Economic Infrastructure**

**Goal 1: A well-maintained social, health, and educational infrastructure to support business and industry.**

**Strategy: Ensure the adequacy of lands for commercial and industrial centers, with suitable services provided.**

- Action 1:** Map or assist in mapping the appropriate distribution of urban uses for growth.
- Action 2:** Identify existing urban lands and transportation corridors for development or redevelopment, and ensure adequate access and services are provided.
- Action 3:** Include in planning efforts the recognition of lands with natural capacity, accessibility, previous preparation for urban purposes, and adequate public facilities.
- Action 4:** Participate, coordinate, or promote intergovernmental coordination for siting unpopular land uses.

**Action 5:** Review proposed development for increased densities and infill in suitable urban areas.

### **Livable Communities**

**Action 1:** Promote and assist resource planning programs to incorporate local government population projections and assessments of land consumption.

**Action 2:** Offer mediation and facilitation to resource-based planning programs that have conflicts with land use-based planning programs.

**Strategy:** Enhance existing commercial, service, and industrial centers through adequate maintenance and reinvestment.

**Action 1:** Maintain an inventory of public infrastructure and recommended improvements.

**Action 2:** Review plan amendments, new plans, and land development regulations for incentives to develop and redevelop.

**Action 3:** Review proposed development to maximize the use, rehabilitation, and reuse of existing infrastructure.

**Strategy: Increase the retention and expansion of local business and industry and encourage local entrepreneurial development.**

**Action 1:** Provide services to facilitate entrepreneurship and the development of small and minority-owned business.

**Action 2:** Cooperated with the public and private sectors to maintain information on regional economic development needs.

**Action 3:** Coordinate among learning institutions, employment agencies, and others for training and educational needs.

**Action 4:** Assist in increased use of economic development tools such as enterprise zones, incubator areas for small business formation, and community development corporations.

**Action 5:** Identify and publicize programs for business assistance.

**Action 6:** Identify the needs of local businesses for capital or other assistance and the products they purchase and sell,

## **Conclusion**

Council staff finds that seven (7) of the seventeen proposed amendments requested are regionally significant; ten (10) are not regionally significant. Council staff also found that eleven (11) are procedural. Council staff found that all seventeen (17) of the requested amendments are consistent with the SRPP.

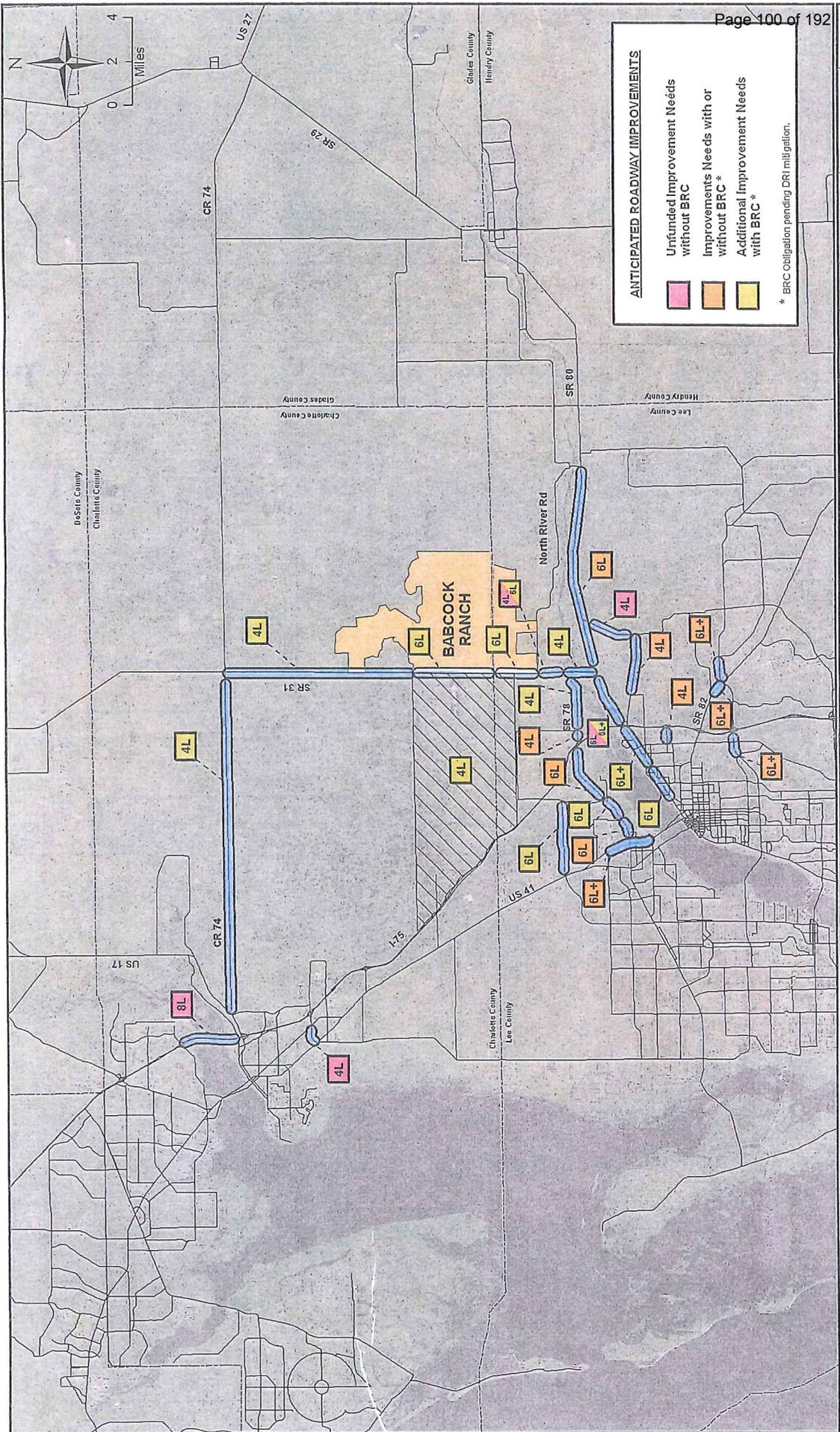


**Attachment III**

# **Maps**

**Lee County  
DCA 09-2**



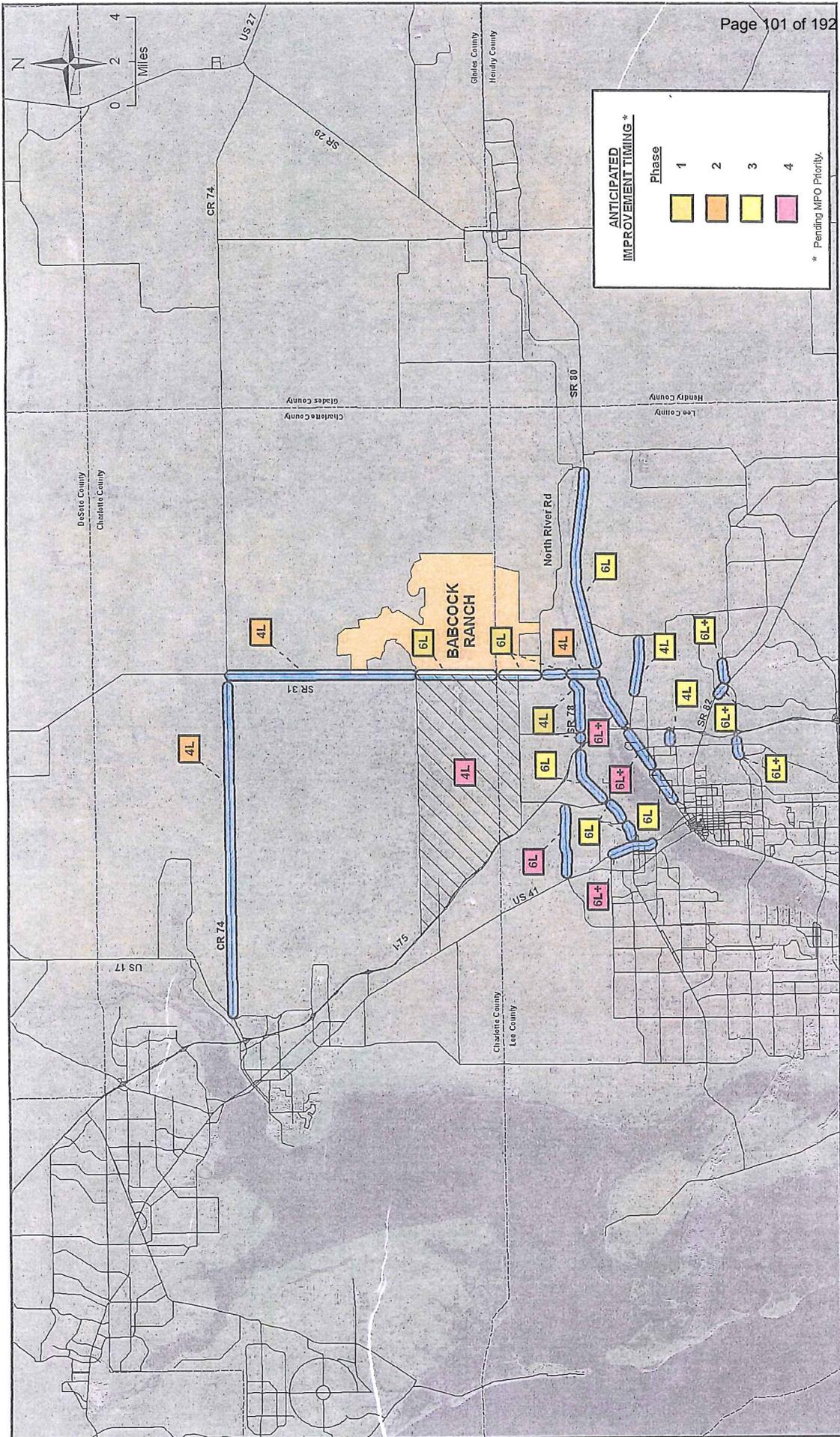


DATE	PROJECT NO.	FILE NO.	EXHIBIT
05/09	08629	04A/0509	CPA-4

ANTICIPATED FINANCIALLY FEASIBLE ROADWAY ADDITIONS TO SUPPORT AREA-WIDE NEEDS COINCIDENT WITH BRC AT 2030

Babcock Ranch Community Comprehensive Plan Amendment





**ANTICIPATED IMPROVEMENT TIMING \***

Phase
1
2
3
4

\* Pending MPO Priority.

**ANTICIPATED PHASING OF FINANCIALLY FEASIBLE ROADWAY ADDITIONS TO SUPPORT AREAWIDE NEEDS COINCIDENT WITH BRC AT 2030**

Babcock Ranch Community Comprehensive Plan Amendment

DATE	05/09	PROJECT NO.	08629	FILE NO.	05A/0509	EXHIBIT	CPA-5
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**CPA2007-00049  
LEE COUNTY  
PLANNING  
COMMUNITIES  
PROPOSED  
Year 2030**

**Planning Communities**

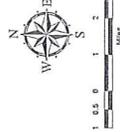
**City Limits**

**Areas Proposed to Change**

1. Alva
2. Boca Grande\*
3. Bonita Springs
4. Fort Myers Shores
5. Burr's Store
6. Cape Coral
7. Cephiva
8. Fort Myers
9. Fort Myers Beach
10. Gateway/Airport
11. Daniel Parkway
12. Iona/McGregor
13. San Carlos
14. Sanibel
15. South Fort Myers
16. Pine Island\*
17. Lehigh Acres
18. Southeast Lee County
19. North Fort Myers
20. Buckingham\*
21. Estero\*
22. Bayshore\*

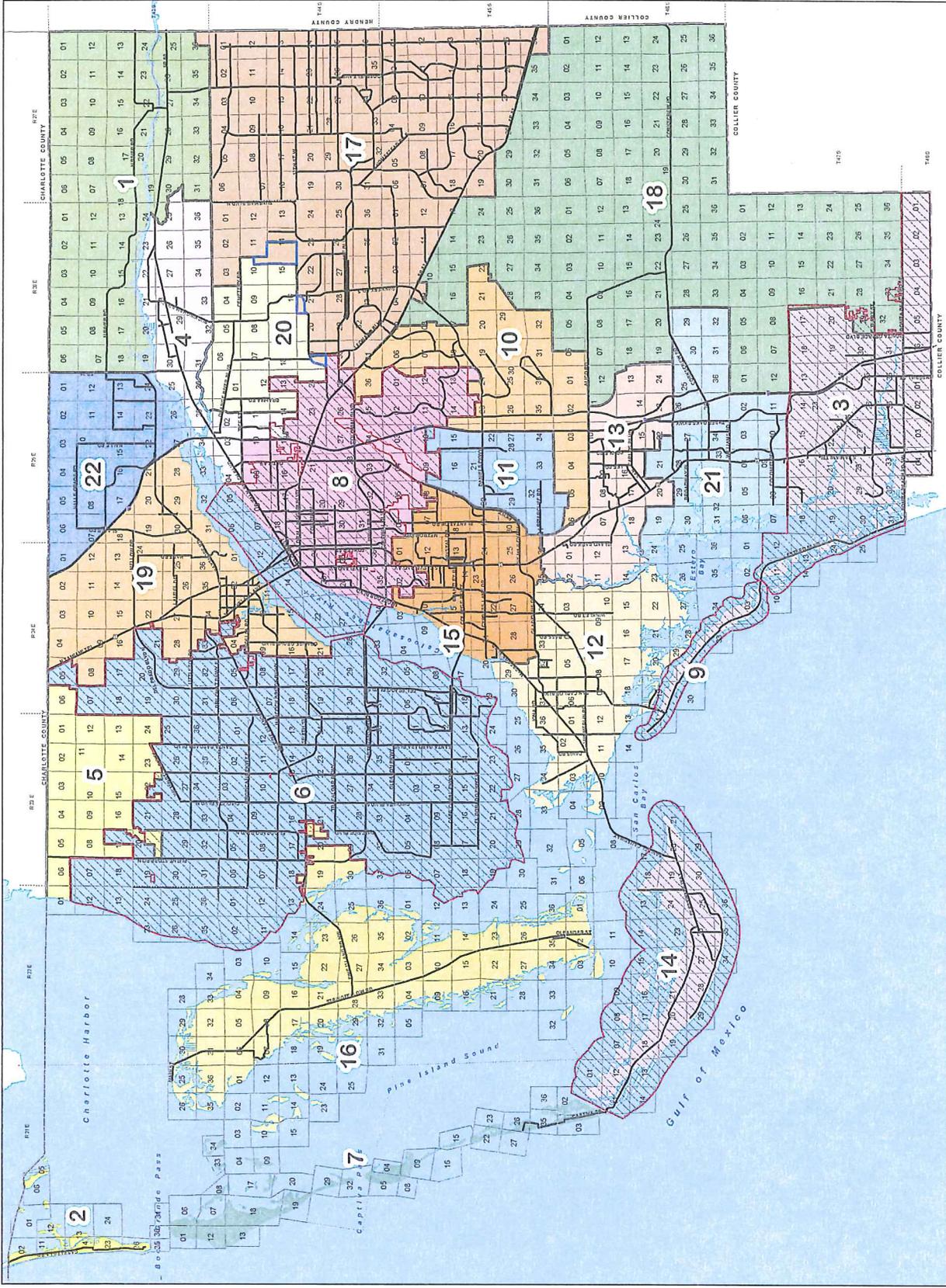
\* Area specific Lee Plan Goals, Objectives, & Policies may apply.

The Planning Communities Map and Acreage Allocation Table (see Table 1(b) and Policies 1.1.1 and 2.2.2) depict the proposed distribution, for the year 2030.



Map Generated: October 2009  
 City Limits current to date of map generation  
 Last Amended: August 13, 2007  
 Appended by Ordinance No. 09-09  
 Amended by Ordinance No. 09-09  
 02-02, 03-01, 03-02, 03-04, 03-21, 07-09, 07-13

**PROPOSED**  
 Lee Plan Map 16



**CPA2007-00049**  
**LEE COUNTY**  
**PLANNING**  
**COMMUNITIES**  
**ADOPTED**  
**Year 2030**

**Planning Communities**

City Limits

Areas Proposed to Change

- 1. Alva
- 2. Boca Grande\*
- 3. Bonita Springs
- 4. Fort Myers Shores
- 5. Burnt Store
- 6. Cape Coral
- 7. Capiva
- 8. Fort Myers
- 9. Fort Myers Beach
- 10. Gateway/Airport
- 11. Daniel Parkway
- 12. Iona/McGregor
- 13. San Carlos
- 14. Sanibel
- 15. South Fort Myers
- 16. Pine Island\*
- 17. Lehigh Acres
- 18. Southeast Lee County
- 19. North Fort Myers
- 20. Buckingham\*
- 21. Estero\*
- 22. Baysshore\*

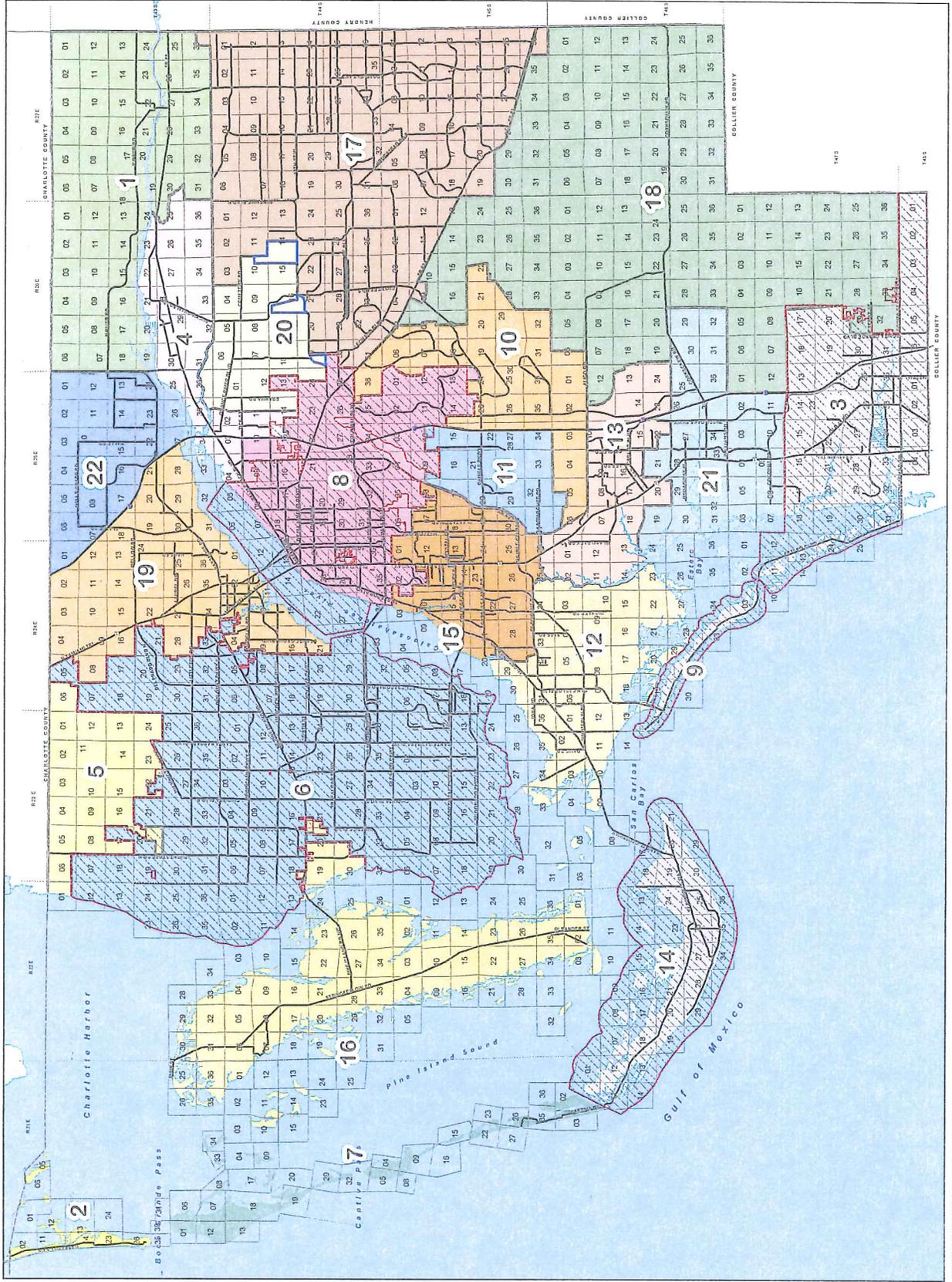
\* Area specific Lee Plan Goals, Objectives, & Policies may apply.

The Planning Communities Map and Acreage Allocation Table (PPA) are shown in the extent, and location of generalized land uses for the year 2030.

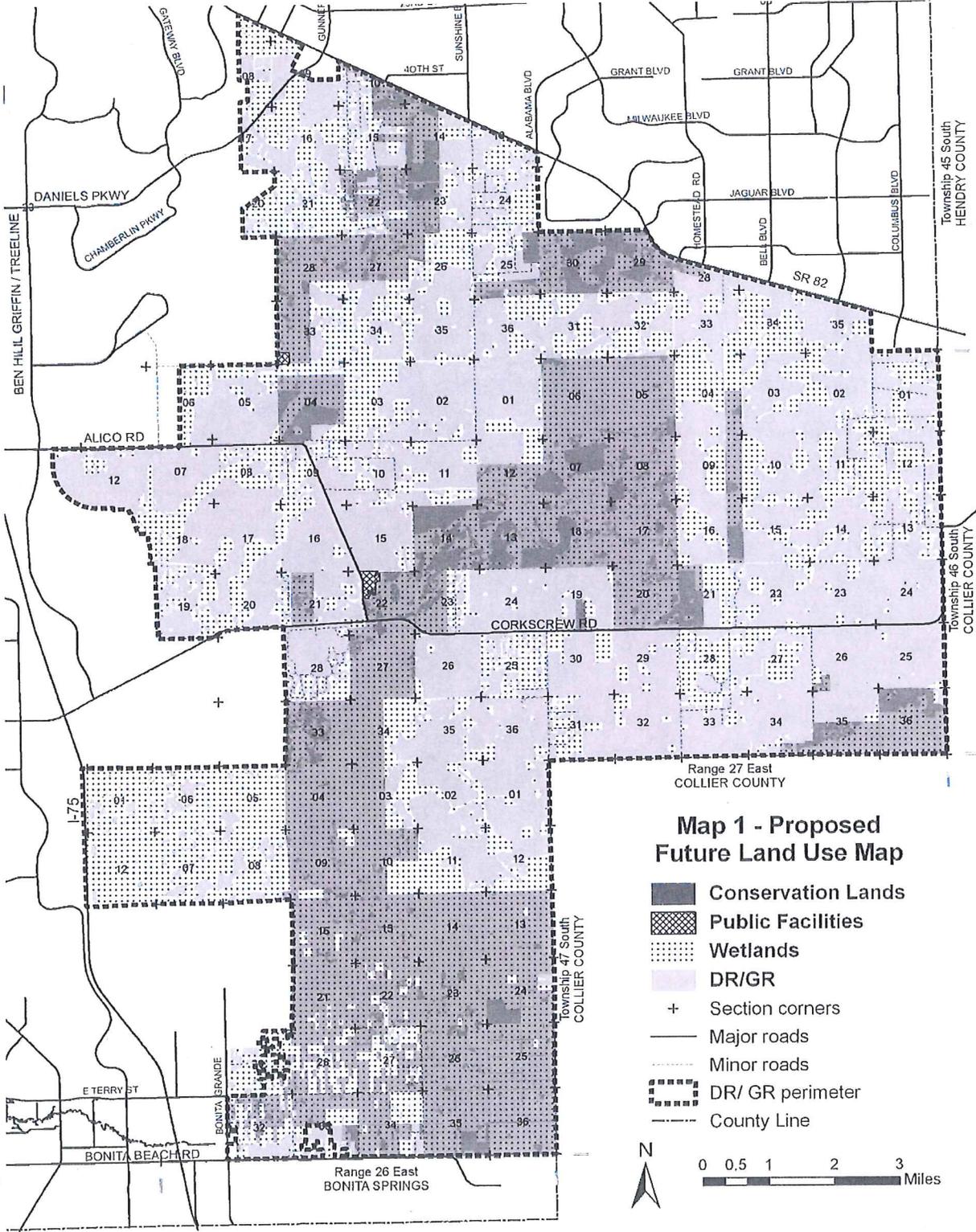


Map Generated: September 2009  
 City Limits current to date of map generation  
 Last Amended: August 13, 2007  
 Adopted by Ordinance No. 98-09  
 Amended by Ordinance No. 02-02, 03-01, 03-02, 03-04, 03-21, 07-09, 07-13

**ADOPTED**  
 Lee Plan Map 16

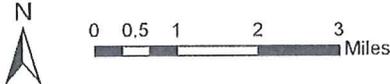


(i) Amend Map 1 of the Future Land Use Map Series to adjust the boundaries of the "Wetlands" and "Conservation Lands" (both uplands and wetlands) designations

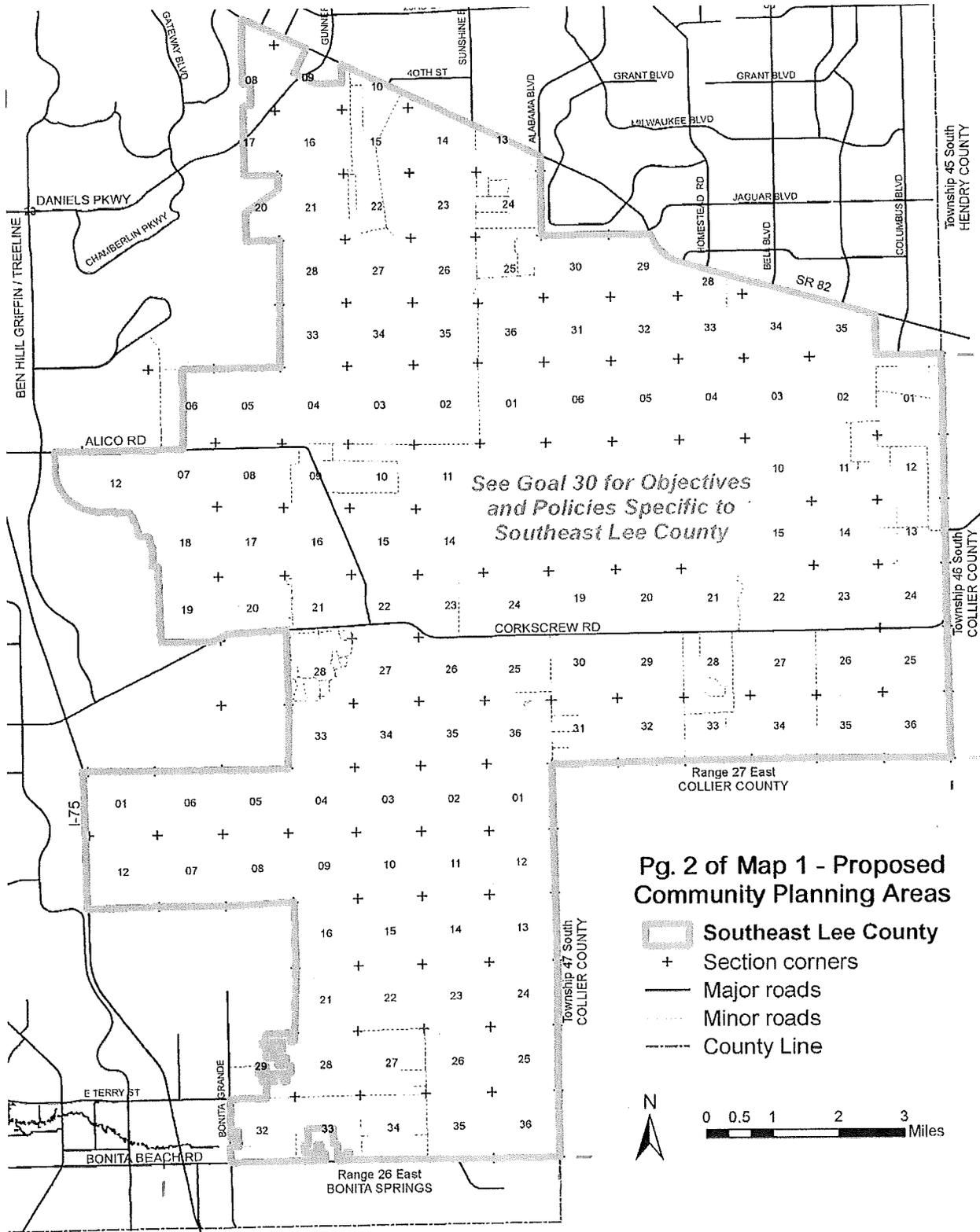


Map 1 - Proposed Future Land Use Map

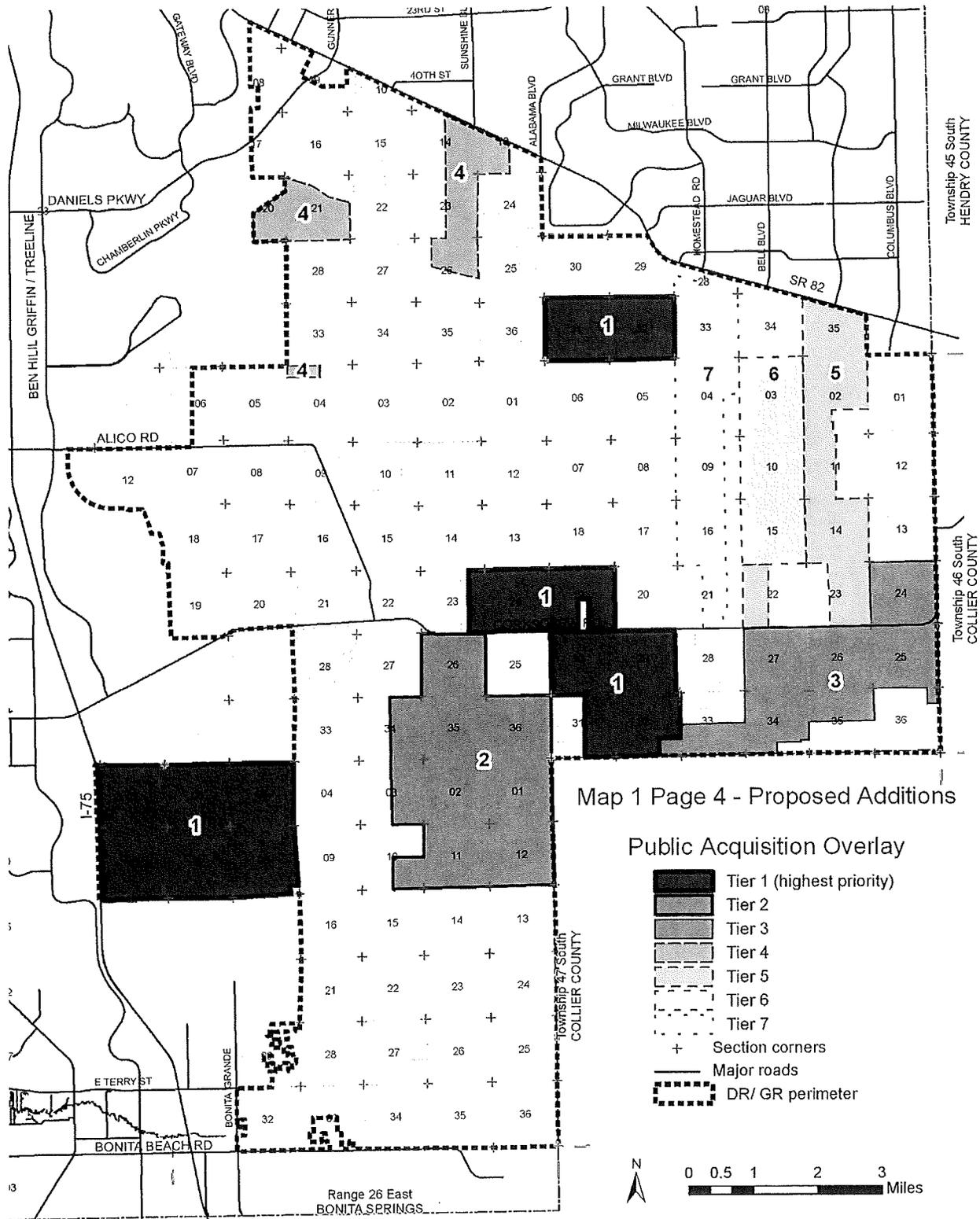
- Conservation Lands
- Public Facilities
- Wetlands
- DR/GR
- Section corners
- Major roads
- Minor roads
- DR/ GR perimeter
- County Line



**(j) Amend Page 2 of Map 1 of the Future Land Use Map Series to add a boundary and text for Southeast Lee County**

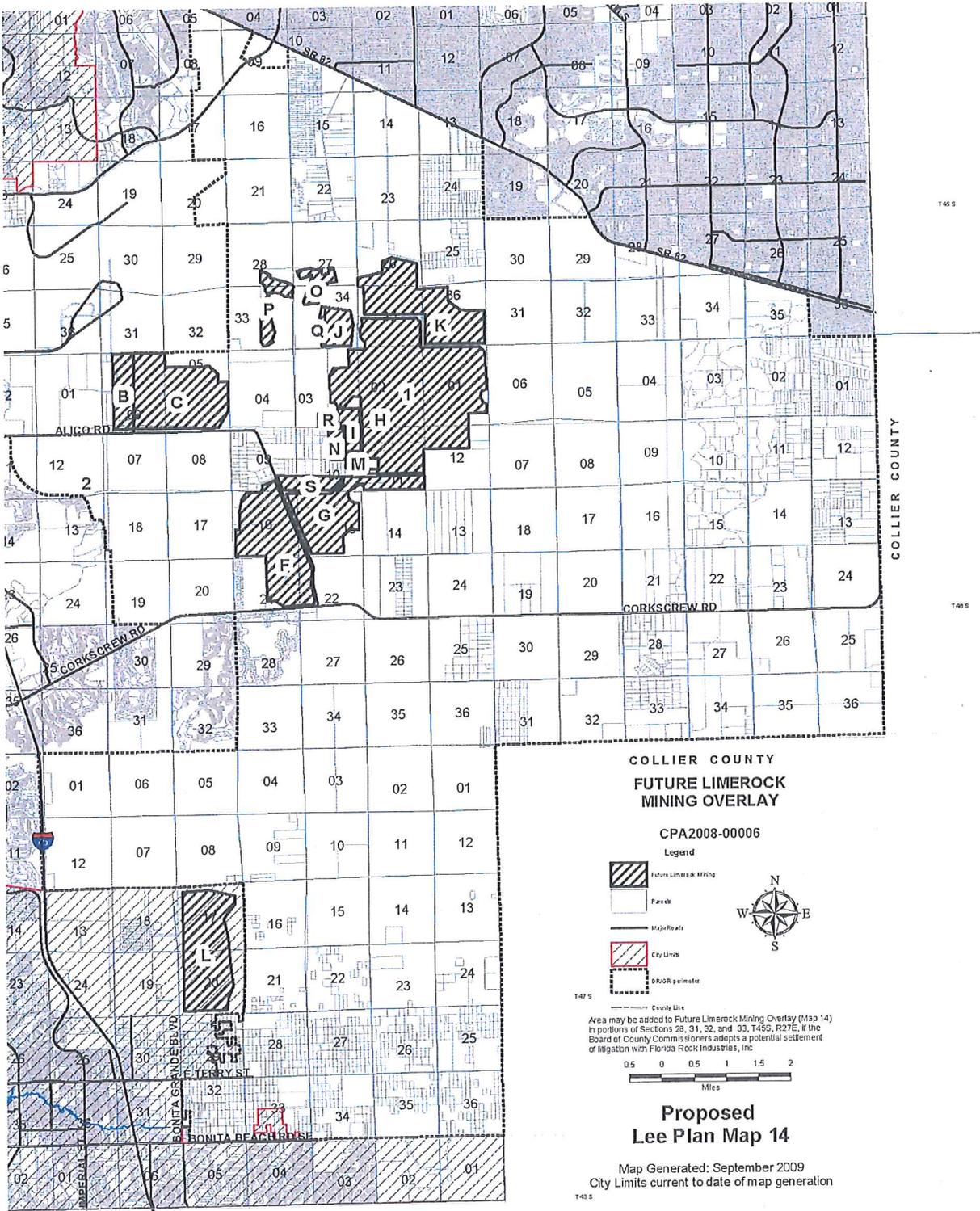


**(k) Amend Page 4 of Map 1 of the Future Land Use Map Series to update the public acquisition overlay in Planning Community #18 only**

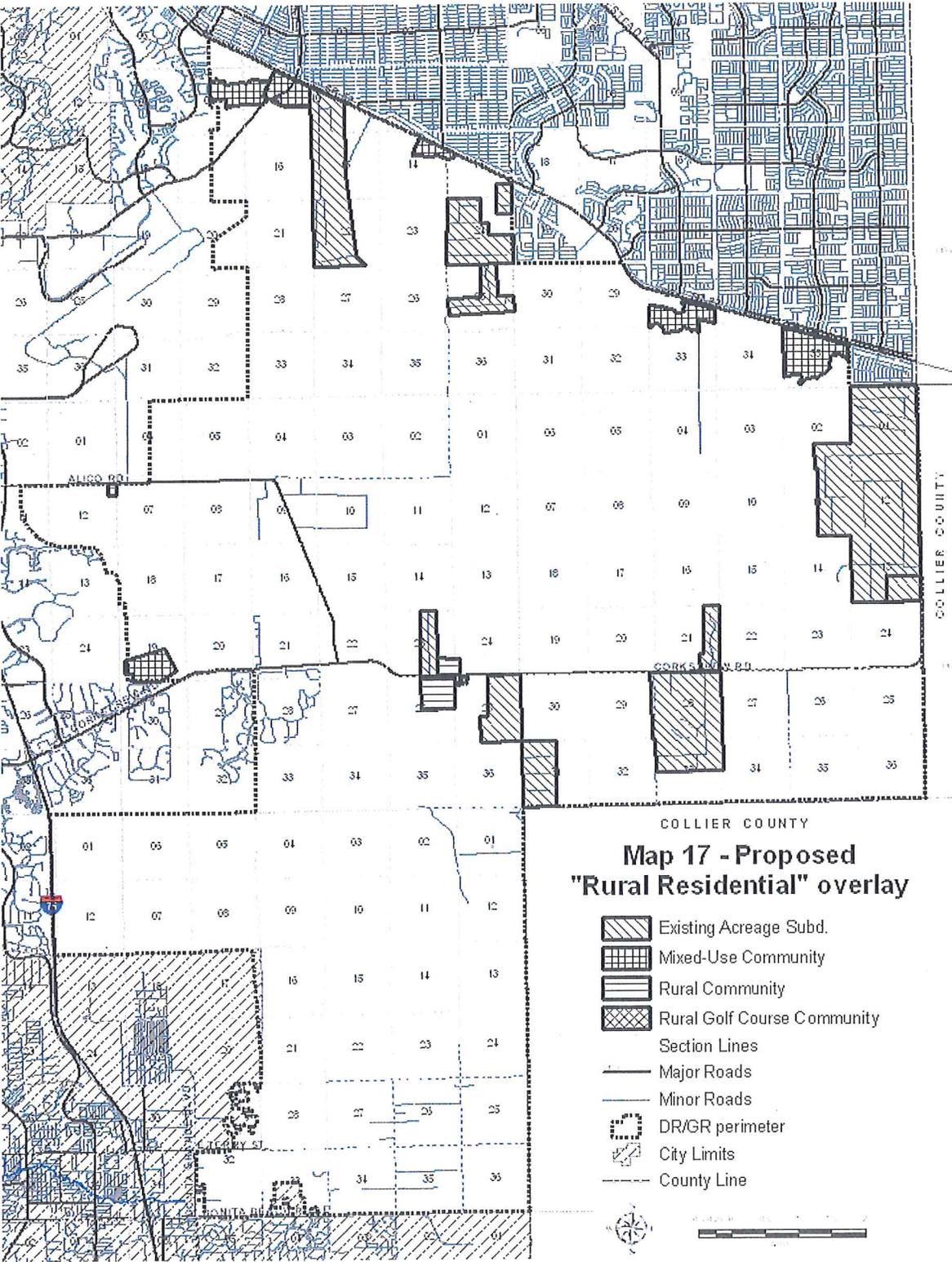




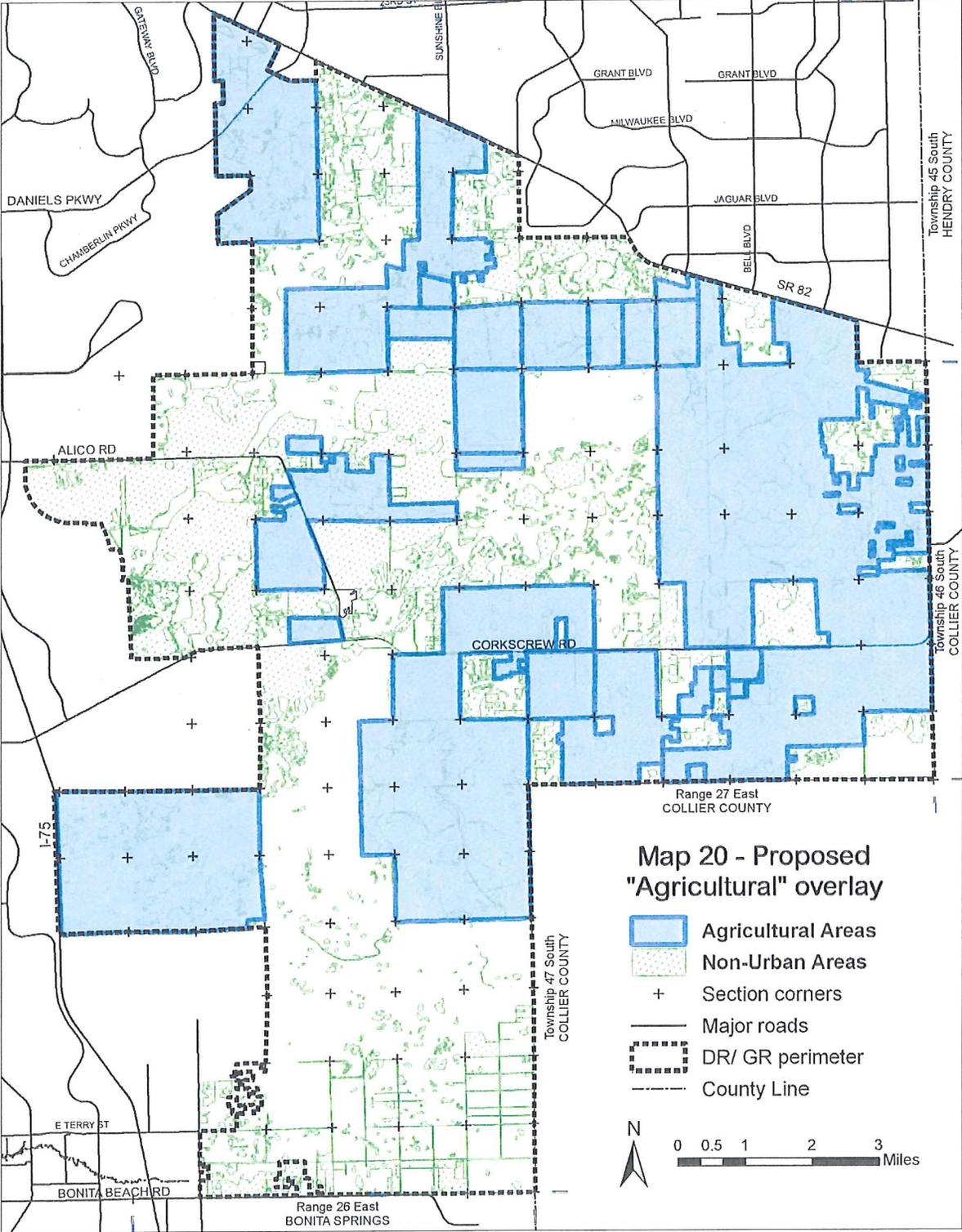
(m) Amend Map 14 of the Future Land Use Map Series to designate a "Future Limerock Mining" overlay



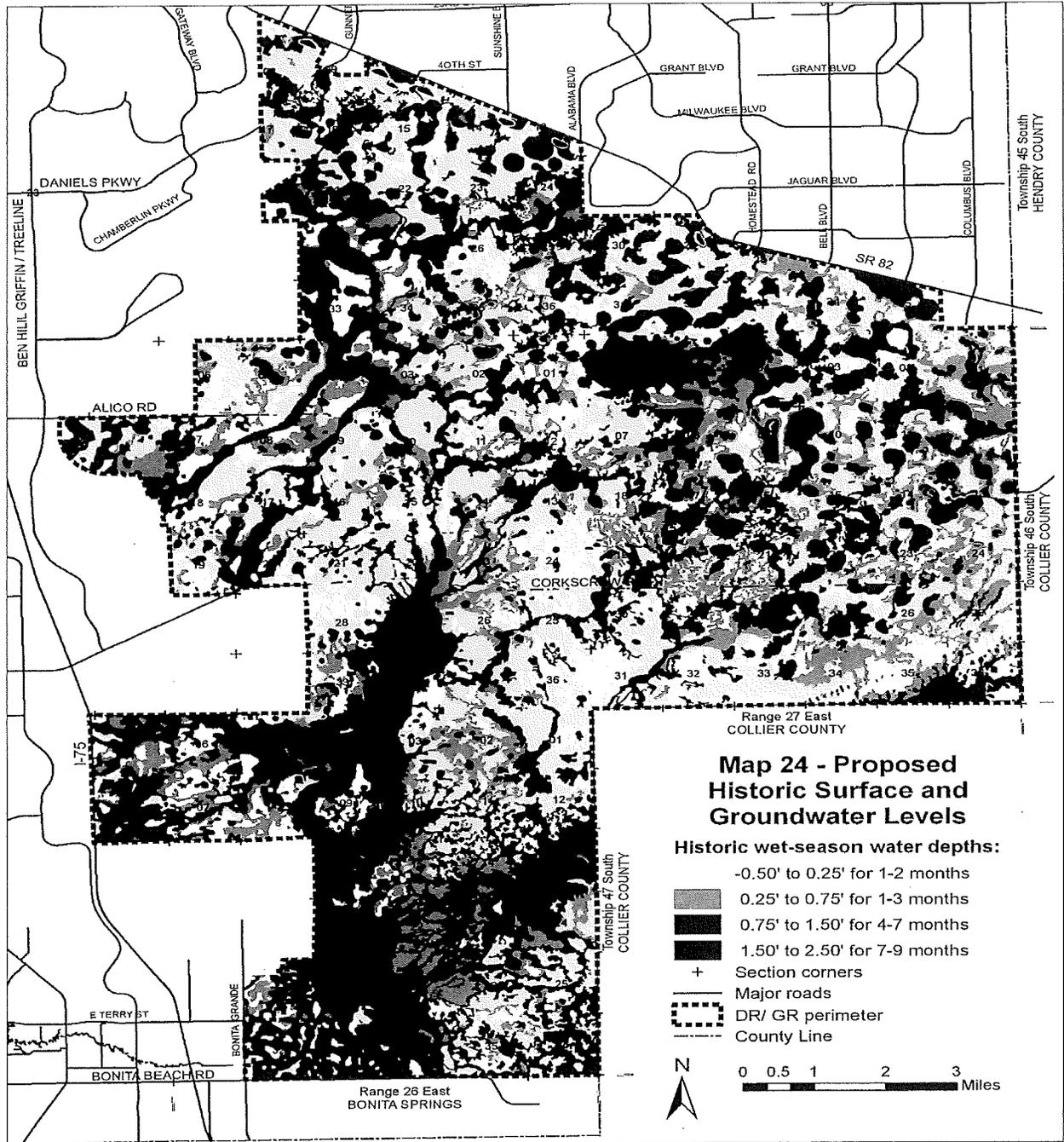
(n) Add a new Map 17 to the Future Land Use Map Series to designate new "Rural Residential" overlays in Planning Community #18 only

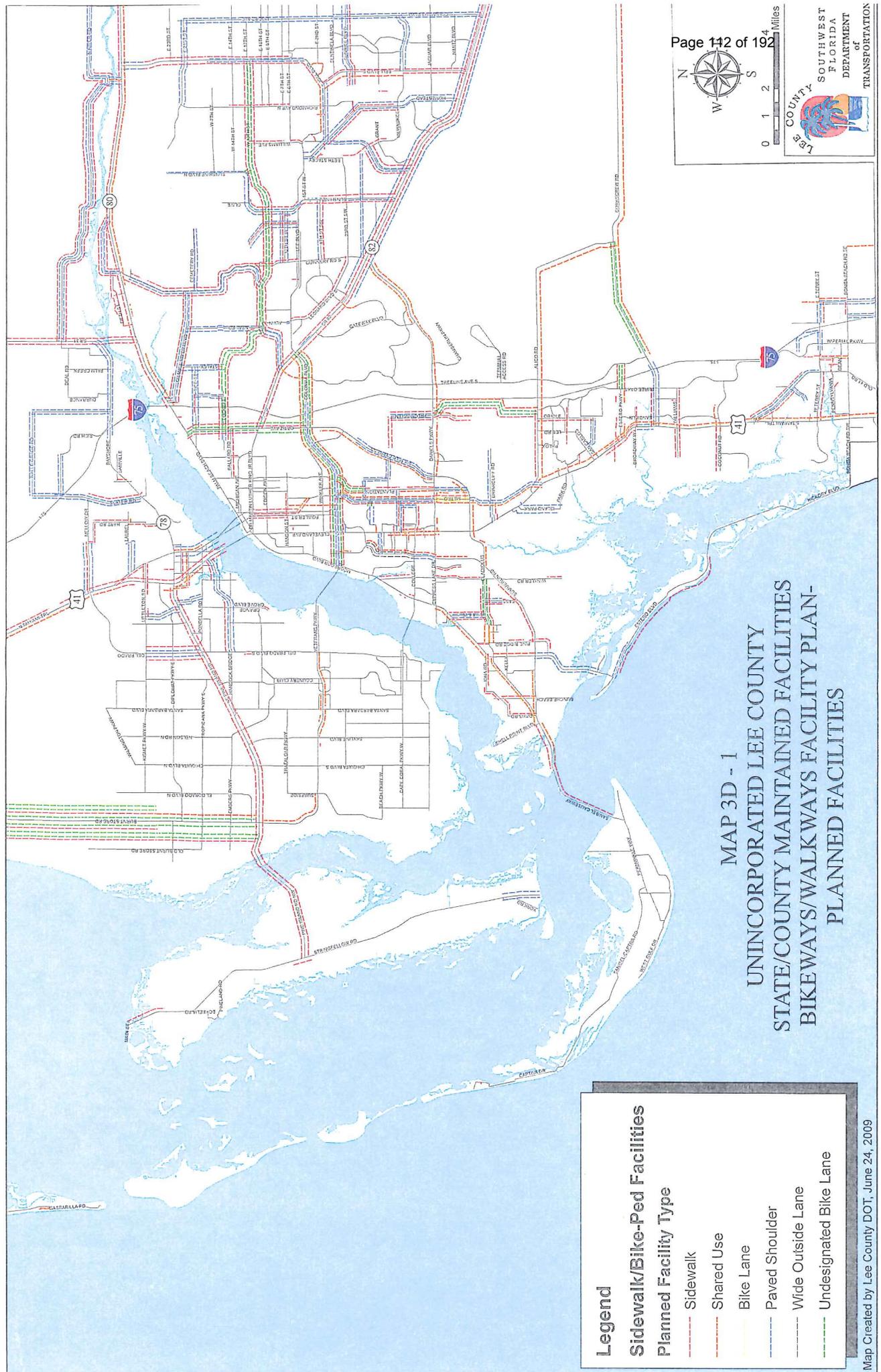


(o) Amend Map 20 of the Future Land Use Map Series, the "Agricultural" overlay to correctly reflect the current extent of contiguous agricultural parcels in Planning Community #18 only



(p) Add a new Map 24 to the Future Land Use Map Series, the “Historic Surface and Groundwater Levels” overlay (Planning Community #18 only)





MAP 3D - 1  
 UNINCORPORATED LEE COUNTY  
 STATE/COUNTY MAINTAINED FACILITIES  
 BIKEWAYS/WALKWAYS FACILITY PLAN-  
 PLANNED FACILITIES

**Legend**

**Sidewalk/Bike-Ped Facilities**

**Planned Facility Type**

- Sidewalk
- Shared Use
- Bike Lane
- Paved Shoulder
- Wide Outside Lane
- Undesignated Bike Lane



MAP 3D - 2  
 UNINCORPORATED LEE COUNTY  
 STATE/COUNTY MAINTAINED FACILITIES  
 BIKEWAYS/WALKWAYS FACILITY PLAN-  
 EXISTING FACILITIES

**Legend**

**Sidewalk/Bike-Ped Facilities Existing Facility Type**

- Sidewalk
- Shared Use
- Bike Lane
- Paved Shoulders
- Wide Outside Lane
- Undesignated Bike Lane

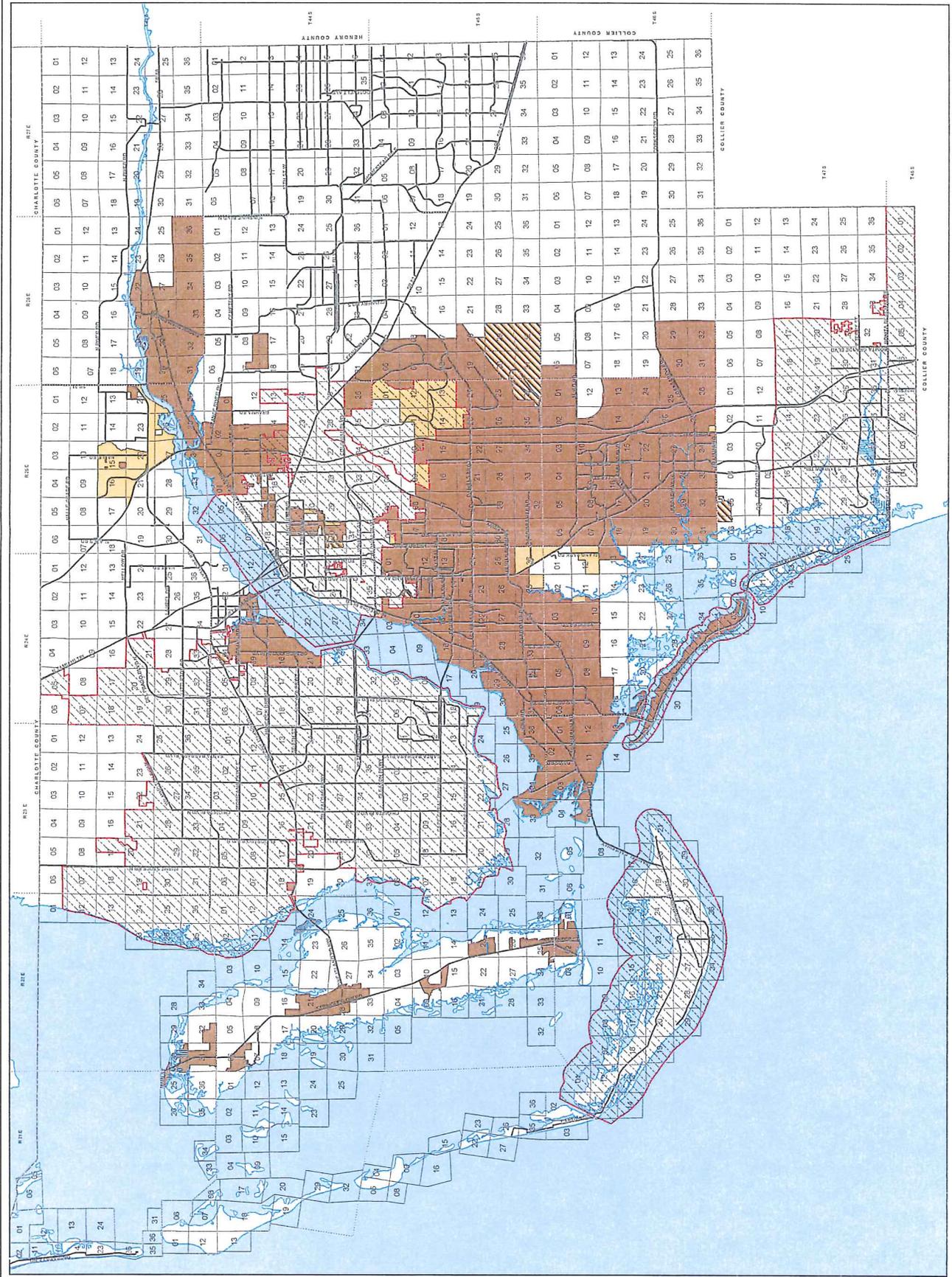
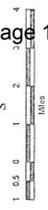


# LEE COUNTY UTILITIES FUTURE SEWER SERVICE AREAS

CPA2008-00009

- Future Sewer Service Area
- ▨ City Limits
- ▨ Sewer Service Area Change
- ▨ Remove from Service Area
- ▨ Add to Service Area

## REVISED STAFF PROPOSAL

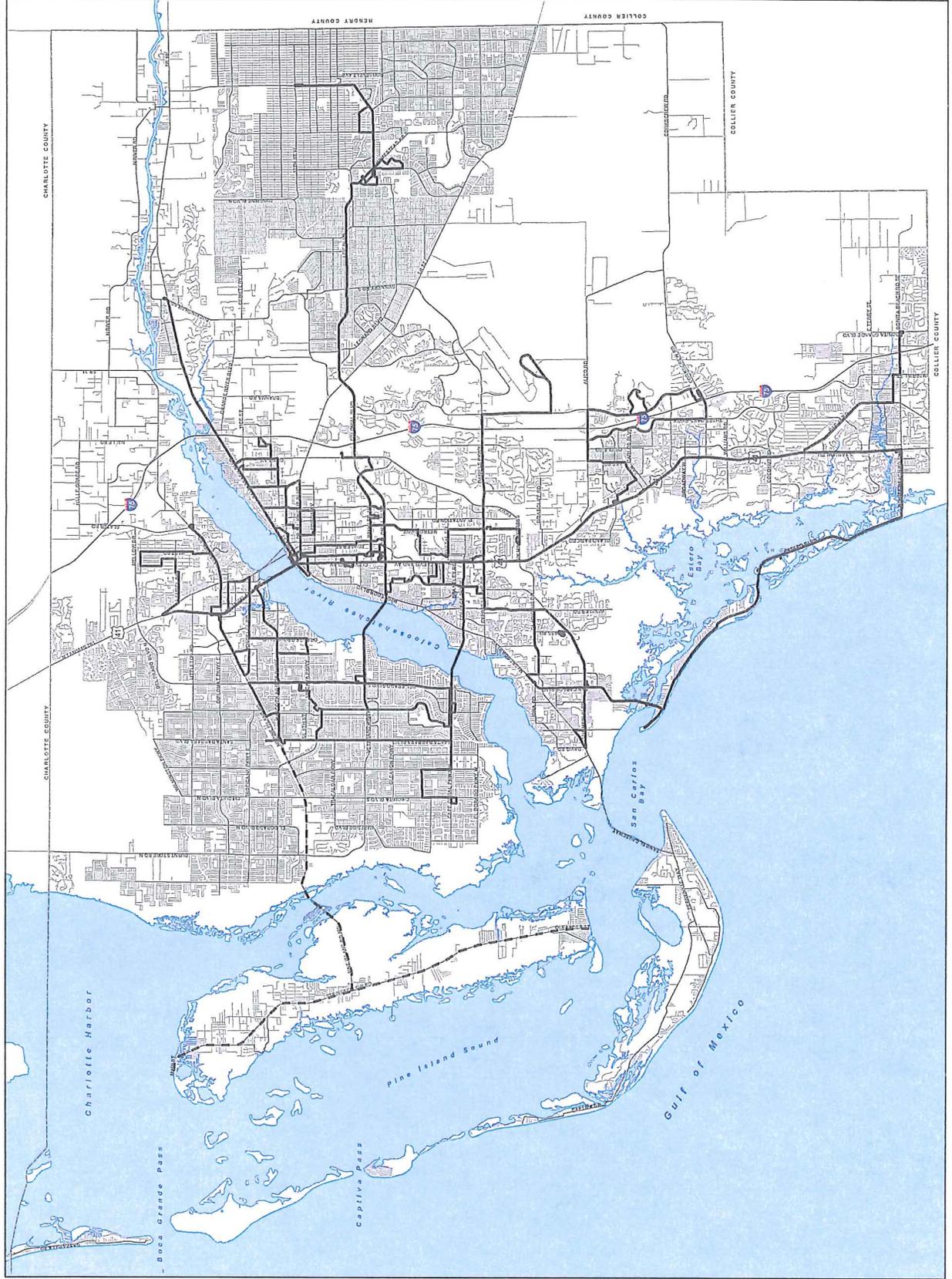


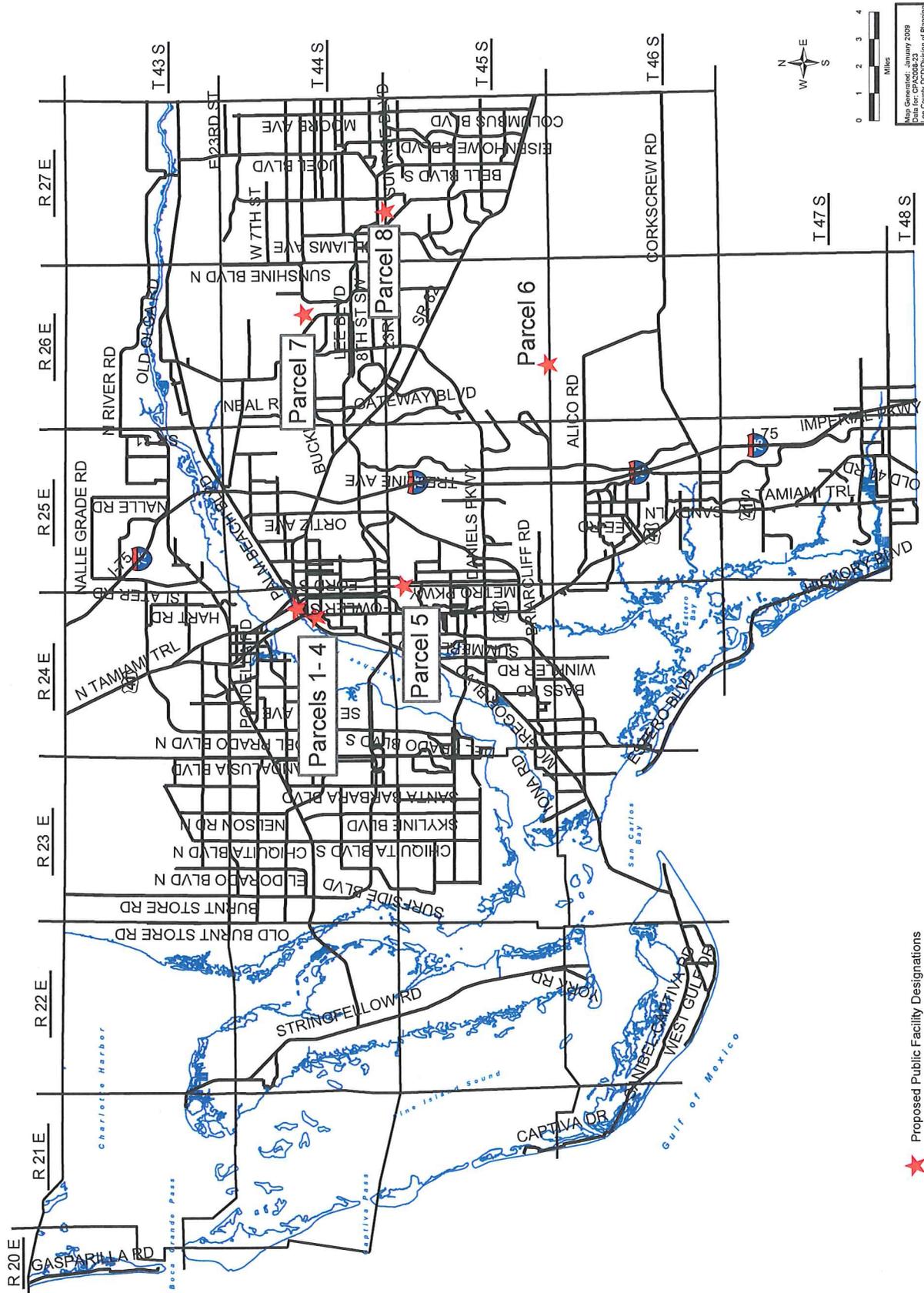
# 2030 Financially Feasible Transit Network

- Regular Routes
- - - Thursday Operation Only



Map Generated: May 2009



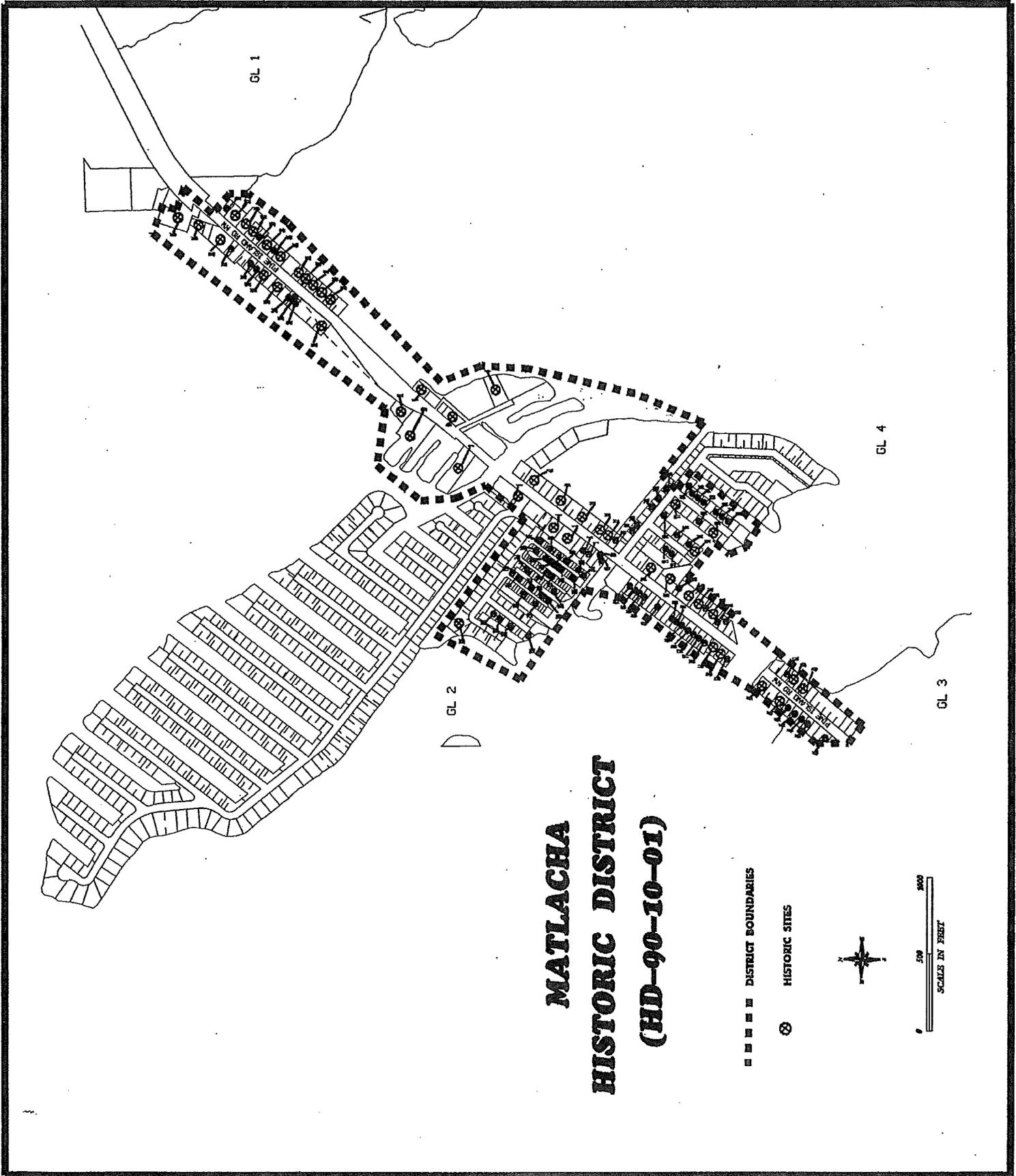


Map Generated: January 2009  
 Lee County DCD/Division of Planning



★ Proposed Public Facility Designations

CPA2008-00023  
 (Sites Proposed to for Designation as Public Facilities)



**MATLACHA  
HISTORIC DISTRICT  
(HD-90-10-01)**

■ ■ ■ ■ DISTRICT BOUNDARIES

⊗ HISTORIC SITES



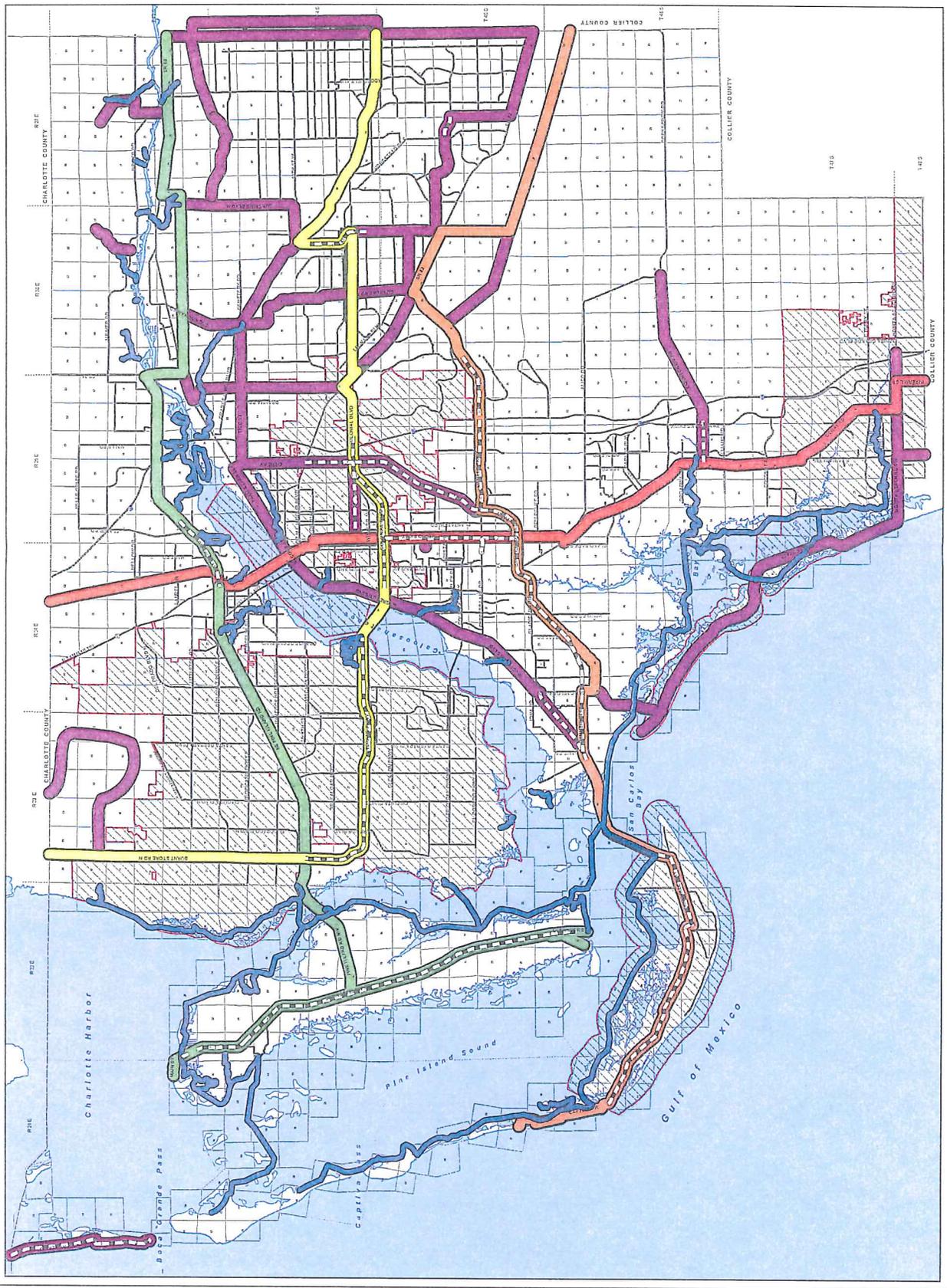
SCALES IN FEET

# LEE COUNTY GREENWAYS MULTI-PURPOSE RECREATIONAL TRAILS MASTER PLAN

- Completed Greenways
- Charlotte-Lee-Collier Trail
- Capiva-Hendry-Collier Trail
- Pine Island-Hendry Trail
- Charlotte-Lee-Hendry Trail
- Connector Trails
- Great Calusa Blueway
- City Limits

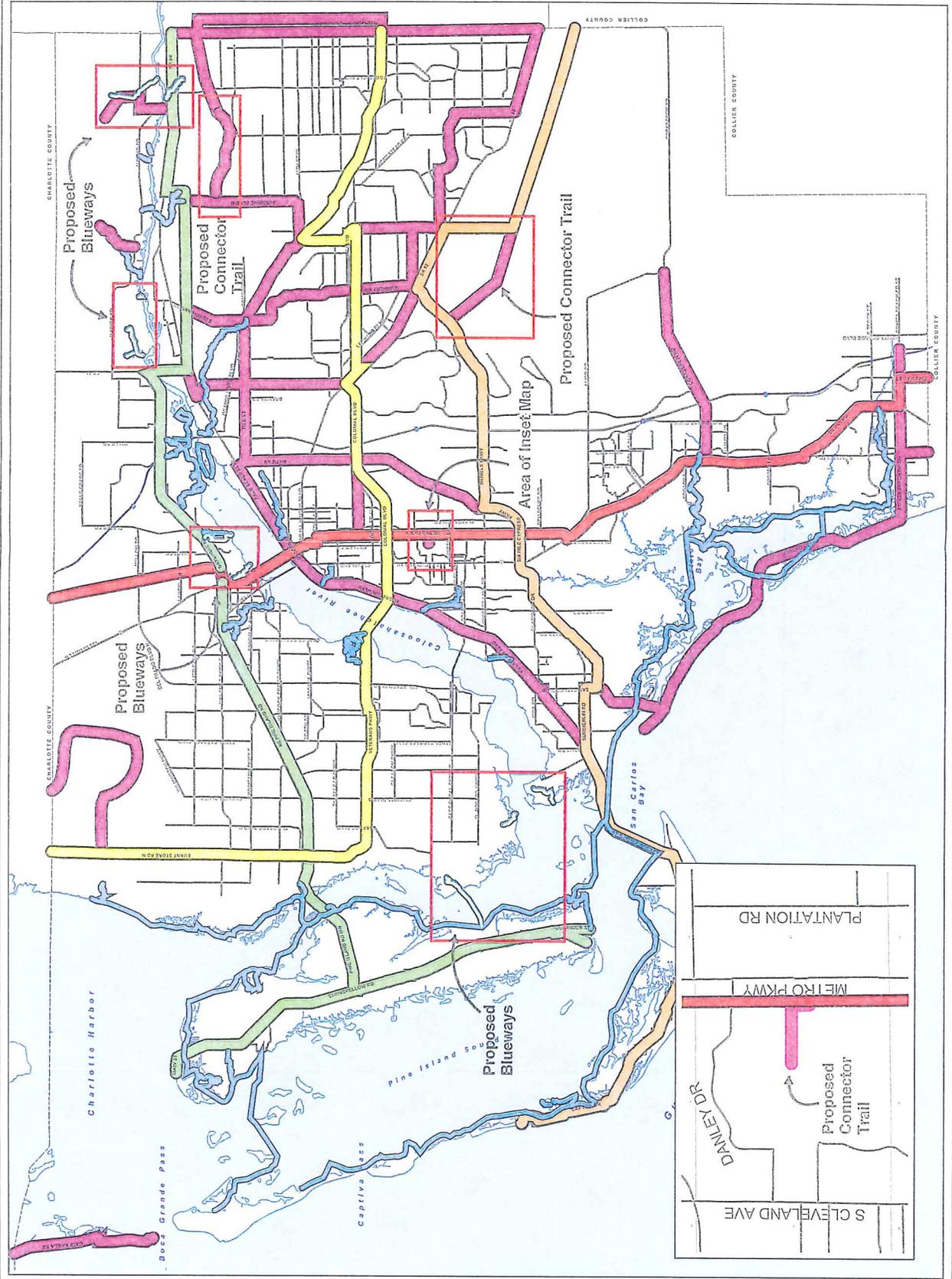
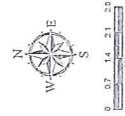


Map Generated: January 2003  
 City Limits current to date of map generation  
 Adopted May 16, 2007  
 Adopted by Ordinance No. 07-09



# CPA2008-25: PROPOSED ADDITIONS TO THE LEE COUNTY GREENWAYS MAP

- Proposed Additions to Blueway
- Greenways
- █ Charlotte-Lee-Collier Trail
  - █ Captiva-Hendry-Collier Trail
  - █ Pine Island-Hendry Trail
  - █ Charlotte-Lee-Hendry Trail
  - █ Connector Trails
  - █ Great Calusa Blueway



\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

3f

SWFRPC Fixed Assets  
Removal

3f

3f

## **SWFRPC FIXED ASSETS REMOVAL**

The attached list has been approved by both the Network Administrator and Executive Director for disposal of surplus equipment. Staff is seeking approval of the Council to dispose of these items and follow the procedures listed in our Computer Disposal Policy.

**RECOMMENDATION ACTION:**

Review the attached list of surplus items to be disposed of and obtain final approval by Council in order to follow procedures in Computer Disposal Policy.

**12/2009**



## Surplus Equipment - December 2009

<b>Computer Towers*</b>					
Inventory #	Make	Model	Purchase Date	Purchase Cost	Reason for Disposal
517	Dell Latitude Notebook	Solo 2150	11/1/2002	\$1,952.00	End of life - no warranty
526	Dell	Optiplex GX260	6/27/2003	\$1,925.00	End of life - no warranty
549	Dell	Optiplex GX280	6/14/2005	\$825.18	End of life - no warranty
539	Dell	Optiplex GX281	8/5/2004	\$985.03	End of life - no warranty
524	Dell	Precision 340	4/1/2003	\$2,488.00	End of life - no warranty

<b>Monitors</b>					
Inventory #	Make	Model	Purchase Date	Purchase Cost	Reason for Disposal
216	Viewsonic	17"	n/a	n/a	End of life

12/4/2009

\*All computers are phased out of our network at 5 years old.

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

4

Lee County Red Sox Ball Park  
Training Facility DRI – Staff  
Assessment

4

4

# STAFF RECOMMENDATIONS

AGENDA ITEM

## DEVELOPMENT OF REGIONAL IMPACT ASSESSMENT FOR THE LEE COUNTY RED SOX BALLPARK & SPRING TRAINING FACILITY DRI # 10-0910-187

The Lee County Red Sox Ballpark & Spring Training Facility project is located immediately north of Daniels Road about two miles east of the I-75 interchange (see page iv for regional location map). The site was originally approved as a DRI in 1989. The name of the DRI at that time was Airside Plaza. The 125 ± acre Airside Plaza is currently approved for 125,400 square feet of retail commercial uses, 150 hotel rooms, 270,000 square feet of office uses, 525,000 square feet of “tech/flex” (an industrial type land uses), and a “swing” land use which could be 40,000 square feet of office/research uses or 150 hotel rooms, depending on market conditions. The original project included 8.3 acres of lakes, 19.0 acres of preserved wetlands and 2.5 acres of road right of way and was to be constructed in two phases over the course of 10 years. The project’s development order was amended twice between 1989 and 2005. During that time, the project was located in Lee County. In September 2006, the City of Fort Myers adopted a new development order for the Airside Project after it was annexed by the City. In July 2009 the City contracted its territorial boundaries effectively de-annexing the project site. The proposed project would have a mix of uses including 50,000 square feet of office use, 150 hotel rooms, 200,000 square feet of retail use, 50,000 square feet of wellness/fitness/rehab athletic performance and sports medicine uses, a baseball stadium with capacity for 12,000 attendees, and 2.5 acres of recreation uses in addition to the stadium area. A South Florida Water Management District Environmental Resource Permit has been issued for the project site. The project, as proposed will be constructed in a single five-year phase with a 2015 buildout date.

### RECOMMENDED ACTION:

The Southwest Florida Regional Planning Council recommends Conditional Approval of Lee County Red Sox Ballpark & Spring Training Facility DRI to be further conditioned on a finding of Consistency with the Local Government Comprehensive Plan by the Lee County Board of County Commissioners.

**DECEMBER 2009**



Southwest Florida Regional Planning Council  
1926 Victoria Avenue, Fort Myers, Florida

**DEVELOPMENT OF REGIONAL  
IMPACT ASSESSMENT  
FOR  
THE LEE COUNTY RED SOX BALLPARK & SPRING  
TRAINING FACILITY  
DRI # 10-0910-187**

**STAFF RECOMMENDATIONS**

**DECEMBER 2009**



Southwest Florida Regional Planning Council  
1926 Victoria Avenue, Fort Myers, Florida

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ACTING VICE CHAIRMAN..... Councilman Charles "Chuck" Kiester  
SECRETARY..... Commissioner Paul Beck  
TREASURER..... Councilman Charles "Chuck" Kiester

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Mr. Jon Iglehart, FDEP  
Ms. Dianne Davies, SWFWMD  
Mr. Johnny Limbaugh, FDOT  
Ms. Tammie Nemecek, EDC of Collier County

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL STAFF**

KEN HEATHERINGTON.....EXECUTIVE DIRECTOR  
DAVID HUTCHINSON...PLANNING DIRECTOR  
LIZ DONLEY.....LEGAL COUNSEL

James Beever  
Lisa Beever  
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Meghan Marion  
Judy Ott  
Jennifer Pellechio  
Brian Raimondo

Don Scott  
Angela Tomlinson  
Daniel L. Trescott  
Gaila Triggs  
Jason Utley  
Timothy Walker  
Janice Yell

PRIMARY STAFF FOR  
THE LEE COUNTY RED SOX BALLPARK & SPRING TRAINING FACILITY DRI REVIEW

Coordinator - Daniel L. Trescott

Reviewers:

Vegetation and Wildlife, Wetlands, Water, Floodplains, Water Supply, Wastewater, Stormwater Management and Historical & Archaeological - James Beaver

Transportation – David Hutchinson

Hurricane Preparedness – Daniel L. Trescott

Affordable Housing, Energy, Solid/Hazardous Waste and Police and Fire Protection, Consistency with Local Comprehensive Plan and Consistency with the Strategic Regional Policy Plan – Jason Utley

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## INTRODUCTION

The Lee County Red Sox Ballpark & Spring Training Facility project is located immediately north of Daniels Road about two miles east of the I-75 interchange. The site was originally approved as a DRI in 1989. The name of the DRI at that time was Airside Plaza. The 125 ± acre Airside Plaza is currently approved for 125,400 square feet of retail commercial uses, 150 hotel rooms, 270,000 square feet of office uses, 525,000 square feet of “tech/flex” (an industrial type land uses), and a “swing” land use which could be 40,000 square feet of office/research uses or 150 hotel rooms, depending on market conditions. The original project included 8.3 acres of lakes, 19.0 acres of preserved wetlands and 2.5 acres of road right of way and was to be constructed in two phases over the course of 10 years. The project’s development order was amended twice between 1989 and 2005. During that time, the project was located in Lee County. In September 2006, the City of Fort Myers adopted a new development order for the Airside Project after it was annexed by the City. In July 2009 the City contracted its territorial boundaries effectively de-annexing the project site. The proposed project would have a mix of uses including 50,000 square feet of office use, 150 hotel rooms, 200,000 square feet of retail use, 50,000 square feet of wellness/fitness/rehab athletic performance and sports medicine uses, a baseball stadium with capacity for 12,000 attendees, and 2.5 acres of recreation uses in addition to the stadium area. A South Florida Water Management District Environmental Resource Permit has been issued for the project site. The project, as proposed will be constructed in a single five-year phase with a 2015 buildout date.

## IMPACT ASSESSMENT AND RECOMMENDATIONS

The impact assessment for the Lee County Red Sox Ballpark and Spring Training Facility Application for Development Approval (ADA) has been prepared by the Southwest Florida Regional Planning Council as required by Chapter 380.06, Florida Statutes. The DRI assessment is largely based on information supplied in the ADA and subsequent sufficiency review rounds. Additional information was obtained by contacting local officials, consulting official plans, and by reviewing reports related to specific issues in the impact assessment. Not all reviewing agencies have issued final comment letters. Review agencies have either had their concerns addressed adequately during the sufficiency review rounds or additional final comment letters will be used to craft the conditions in the local development order.

The Council staff assessment will only address regional issues since the local issues addressed in the original ADA will not change. The regional issues are those that affect more than one jurisdiction. Recommendations made by the staff regarding these issues are formal conditions to be included by the local government in any development order that is issued.

The findings of this evaluation and the Southwest Florida Regional Planning Council's recommendations are intended to assist Lee County in reaching its decision regarding the proposed development. The recommendations are not intended to foreclose or abridge the legal responsibility of local government to act pursuant to applicable local laws and ordinances. Copies of any "Development Order" (an order granting, denying, or granting with conditions an Application for Development permit) issued with regard to the proposed development shall be transmitted to the Southwest Florida Regional Planning Council and the Florida Department of Community Affairs.

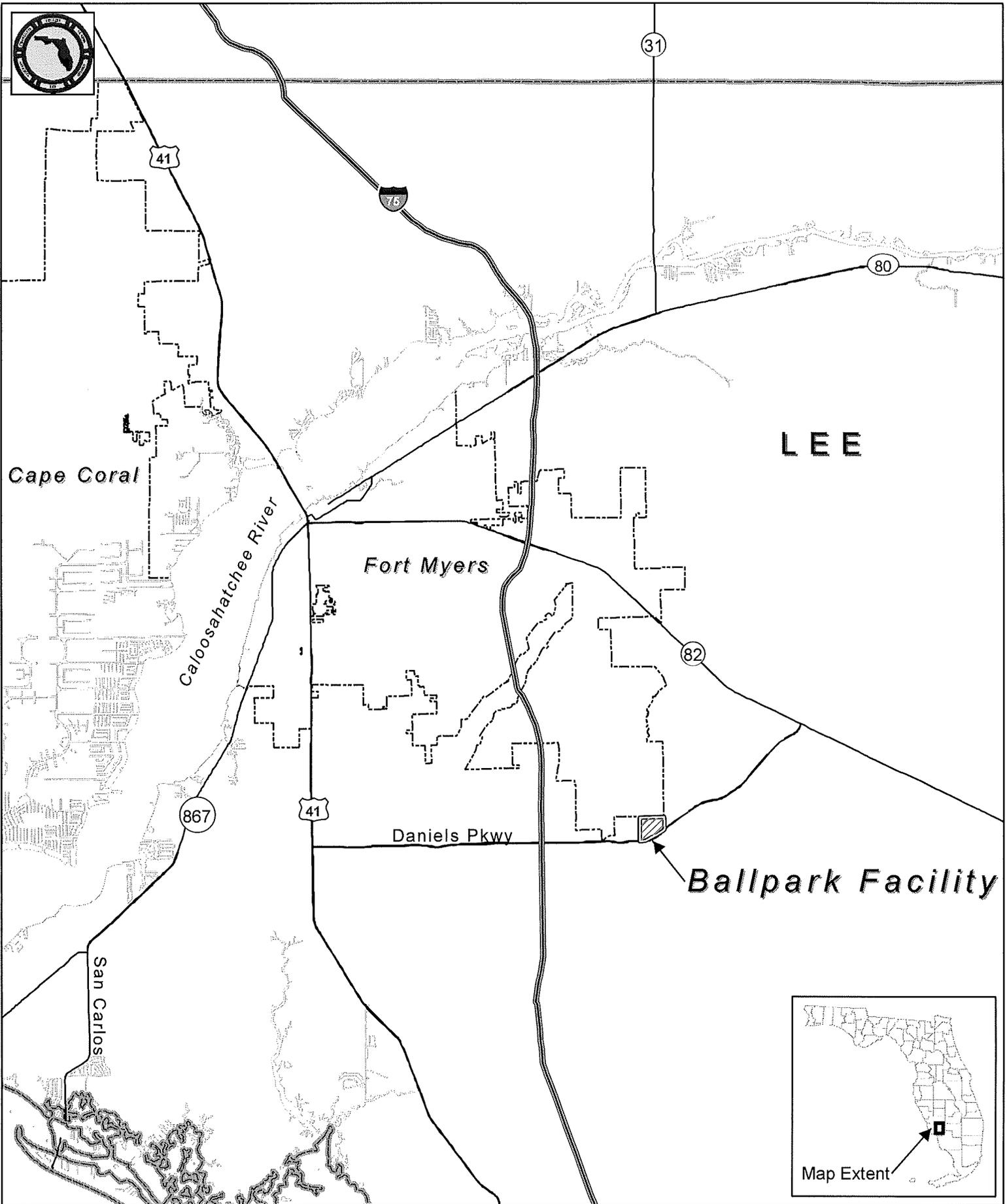
**APPLICANT INFORMATION AND DEVELOPMENT SUMMARY**

**APPLICANT INFORMATION**

Project Name	Lee County Red Sox Ballpark and Spring Training Facility DRI
Applicant	Watermen-Pinnacle, Inc. Mr. Eddy Garcia 265 Sevilla Avenue Coral Gables, Florida 33134
Date on which DRI/ADA was officially accepted	October 19, 2009
Date on which DRI/ADA was found sufficient	December 03, 2009
County DRI Hearing Date	January 06, 2010
Date County Notified SWFRPC of Public Hearing	November 13, 2009
Type of Development	Mixed use consisting of office, hotel, retail, sports medicine, a baseball stadium and recreation uses
Location of Development	Unincorporated Lee County
DRI Threshold	10,000 single performance seats for spectators at an attraction and recreation facility

**Development Summary**

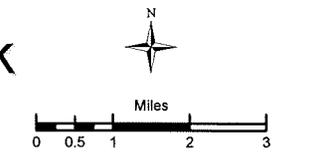
Mixed Use	The proposed project will have a mix of uses including 50,000 square feet of office use, 150 hotel rooms, 200,000 square feet of retail use, 50,000 square feet of wellness/fitness/rehab athletic performance and sports medicine uses, a baseball stadium with capacity for 12,000 attendees, and 2.5 acres of recreation uses in addition to the stadium area.
Total Acres	125 ± acres
Estimated Average Potable Water Demand	The applicant estimates the project will create a demand for 790,000 GPD of water (117,000 GPD of potable water and 673,000 GPD of non-potable water).
Estimated Average Wastewater Demand	The applicant estimates the project will create 113,000 GPD of wastewater.
Estimated Solid Waste Generation	The applicant estimates the project will generate 58.14 cubic yards of solid waste per day or 3.93 tons per day.
Project Construction Period	Five (5) years until 2015



**Legend**

-  Ballpark Facility
-  City Limits

# Lee County Red Sox Ballpark and Spring Training Facility



**Barraco**  
 and Associates, Inc.  
 CIVIL ENGINEERING - LAND SURVEYING  
 LAND PLANNING - LANDSCAPE DESIGN  
 WWW.BARRACO.COM  
 2271 WASHINGTON BLVD., SUITE 100  
 FORT MYERS, FLORIDA 33901  
 PHONE (889) 481-1170  
 FAX (889) 481-1170  
 FLORIDA CERTIFICATE OF AUTHORIZATION  
 PROFESSIONAL ENGINEER - SURVEYING NO. 12422

**WATERMEN  
 PINNACLE  
 INC.**  
 385 SEVILLA AVENUE  
 CORAL GABLES, FLORIDA 33134  
 PHONE (305) 448-8442  
 FAX (305) 448-8442  
 WWW.WATERMENSOURCE.COM

PROJECT DESCRIPTION  
**LEE COUNTY /  
 BOSTON RED  
 SOX BALLPARK  
 AND SPRING  
 TRAINING  
 FACILITY**  
 LEE COUNTY, FLORIDA

THIS PLAN IS PRELIMINARY AND  
 INTENDED FOR CONCEPTUAL  
 DESIGN ONLY. THE EXACT  
 LAYOUT AND LAND USE ANTICIPATED  
 OR DESCRIBED MAY CHANGE  
 SIGNIFICANTLY AS REGULATORY AND  
 REGULATORY CONSTRAINTS  
 AND FOR OPPORTUNITIES  
 ARE IDENTIFIED.  
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FILE NO.	2006-001-COMM-0205
PROJECT	SPRING TRAINING FACILITY
DATE	11/14/06
SCALE	AS SHOWN
DESIGNED BY	WATERMENSOURCE
CHECKED BY	WATERMENSOURCE
DATE	11/14/06

DATE	11/14/06
SCALE	AS SHOWN
DESIGNED BY	WATERMENSOURCE
CHECKED BY	WATERMENSOURCE
DATE	11/14/06

PROJECT FILE NO.	228852
SHEET NUMBER	1



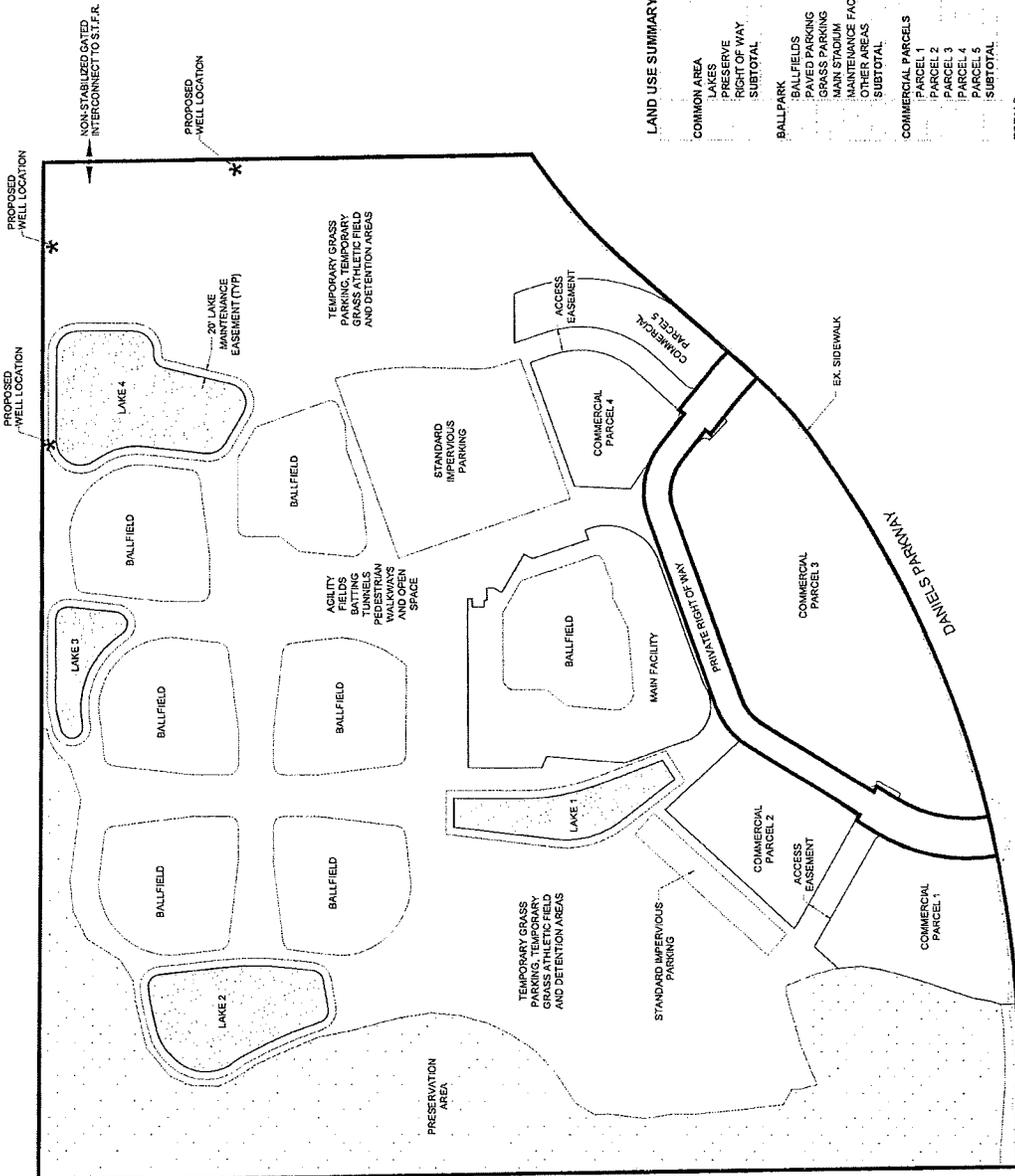
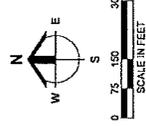
**Barraco**  
and Associates, Inc.  
CIVIL ENGINEERING - LAND SURVEYING  
LAND PLANNING - LANDSCAPE DESIGN  
www.barraco.net  
2771 INDEPENDENT BLVD., SUITE 100  
FORT WORTH, TEXAS 76107-2800  
PHONE (817) 441-3370  
FAX (817) 441-3370  
FLORIDA REGISTERED PROFESSIONAL ENGINEERING 7985 - SURVEYING LICENSE NO. 12004  
REGISTERED IN TX

**WATERMEN  
PINNACLE  
INC.**  
1000 W. WINDY HILL BLVD.  
CORAL GABLES, FLORIDA 33134  
PHONE (305) 444-8842  
FAX (305) 444-8842  
WWW.WATERMENDP.COM

**LEE COUNTY /  
BOSTON RED  
SOX BALLPARK  
AND SPRING  
TRAINING  
FACILITY**

LEE COUNTY, FLORIDA  
THIS PLAN IS PRELIMINARY AND  
INTENDED FOR CONCEPTUAL  
DESIGN AND CONSTRUCTION  
LAYOUT AND LAND USE INTENT  
OR DENSITIES MAY CHANGE  
SIGNIFICANTLY BASED ON SURVEY  
RESULTS, REGULATORY AND  
REGULATORY CONSTRAINTS  
AND/OR OPPORTUNITIES.  
NO WARRANTY IS MADE FOR  
CONSTRUCTION OF THIS PROJECT.  
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INCLUDING PHOTOCOPYING, RECORDING, OR BY  
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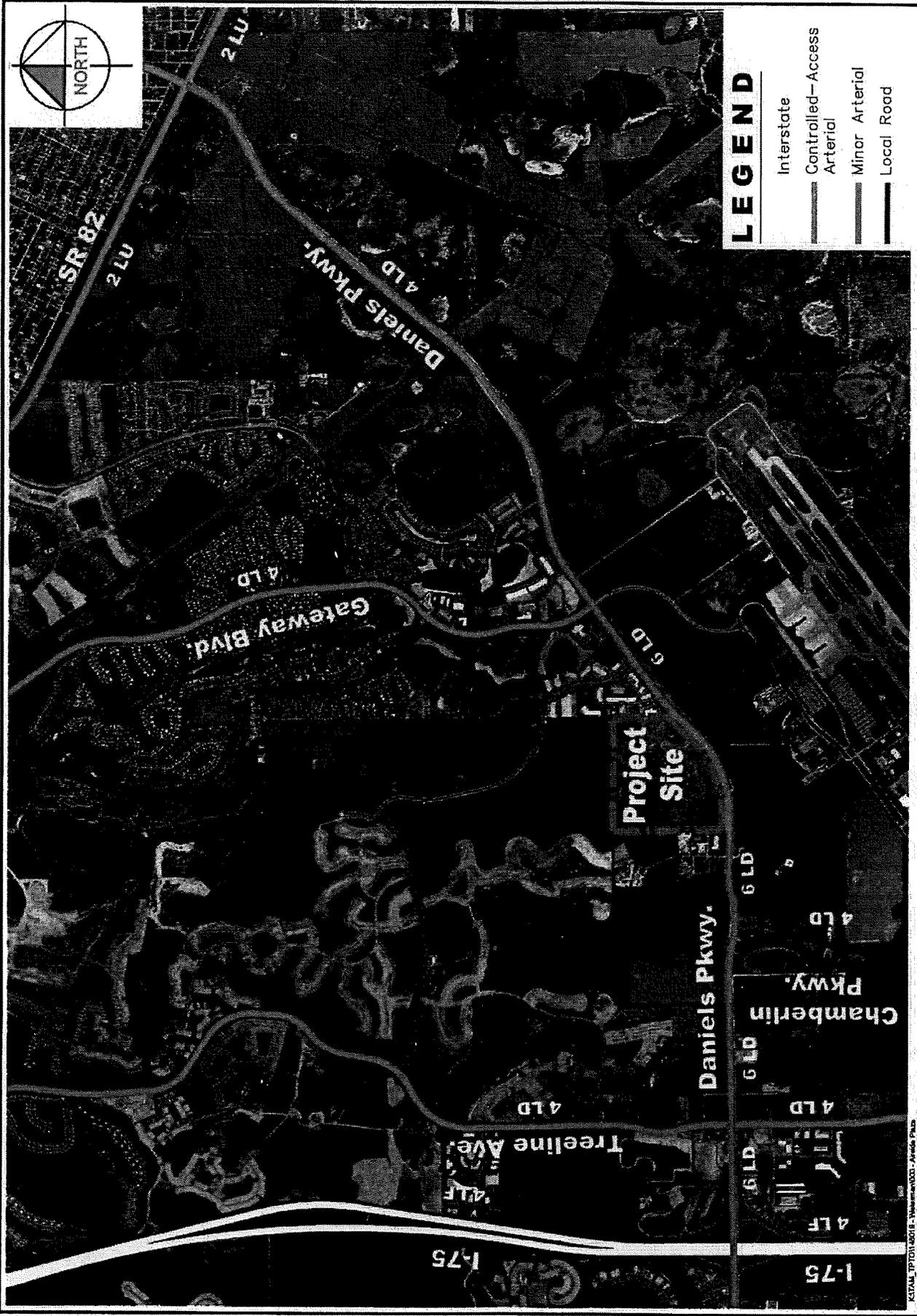
NO.	DESCRIPTION	AREA (ACRES)	PERCENT
1	COMMON AREA	6.67	100%
2	PRESERVE	20.39	100%
3	RIGHT OF WAY	3.20	10%
4	SUBTOTAL	30.26	30%
5	BALLPARK	17.50	100%
6	PAVED PARKING	5.50	0%
7	UNPAVED PARKING	24.00	100%
8	MAIN STADIUM	0.50	0%
9	MAINTENANCE FACILITY	23.16	50%
10	OTHER AREAS	75.86	71%
11	SUBTOTAL	126.12	66%
12	COMMERCIAL PARCELS	3.31	10%
13	PARCEL 1	10.43	100%
14	PARCEL 2	1.04	10%
15	PARCEL 3	1.04	10%
16	PARCEL 4	0.20	10%
17	PARCEL 5	1.61	10%
18	SUBTOTAL	20.00	10%
19	TOTALS	126.12	66%
20	REQUIRED OPEN SPACE	37.84	30%
21	PROVIDED OPEN SPACE	83.46	66%



**LAND USE SUMMARY / OPEN SPACE TABLE (ACRES)**

COMMON AREA	AREA	OPEN SPACE	PCT.
COMMON AREA	6.67	6.67	100%
PRESERVE	20.39	20.39	100%
RIGHT OF WAY	3.20	0.32	10%
SUBTOTAL	30.26	27.38	90%
BALLPARK	17.50	17.50	100%
PAVED PARKING	5.50	0%	0%
UNPAVED PARKING	24.00	24.00	100%
MAIN STADIUM	0.50	0%	0%
MAINTENANCE FACILITY	23.16	11.58	50%
OTHER AREAS	75.86	54.08	71%
SUBTOTAL	126.12	83.46	66%
COMMERCIAL PARCELS	3.31	0.33	10%
PARCEL 1	10.43	1.04	10%
PARCEL 2	1.04	1.04	10%
PARCEL 3	1.04	1.04	10%
PARCEL 4	0.20	0.20	10%
PARCEL 5	1.61	0.16	10%
SUBTOTAL	20.00	2.00	10%
TOTALS	126.12	83.46	66%
REQUIRED OPEN SPACE	37.84	37.84	30%
PROVIDED OPEN SPACE	83.46	83.46	66%

PROJECT / FILE NO. **22852**  
SHEET NUMBER **1**



 Kimley-Horn and Associates, Inc.	Transportation Roadway Network Lee County / Boston Red Sox Ballpark and Spring Training Facility DRI Lee County, Florida	DATE: 09/09 SCALE: NTS MAP: J
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# STAFF RECOMMENDATIONS

## SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL'S STAFF FINDINGS AND RECOMMENDATIONS

### REGIONAL

IT IS THE RECOMMENDATION OF THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL THAT THE APPLICATION FOR DEVELOPMENT APPROVAL SUBMITTED OCTOBER 19, 2009 AND FIRST SUFFICIENCY RESPONSES DATED DECEMBER 01, 2009 IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. AFFORDABLE HOUSING (Refer to Appendix I-A)

The Southwest Florida Regional Planning Council, in recent years, has asked DRI applicants to meet one of three conditions related to affordable housing. The three conditions are: 1) provide an appropriate amount of affordable housing onsite 2) provide an appropriate amount of affordable housing offsite or 3) provide an appropriate financial contribution to the local government to be used for providing affordable housing.

Past DRI applicants have worked with the local jurisdiction in which the project exists to meet one of the three conditions. Lee County has stated that no affordable housing is required for this project due to the reduction of project intensity and limited schedule of the ballpark facility. Council staff encourages the applicant to continue working with Lee County to ensure any project related affordable housing concerns are met prior to issuance of the local development order.

### RECOMMENDATIONS

Any DRI Development Order issued by Lee County shall contain the following provision:

- (1) To satisfy the project's affordable housing impacts cumulatively the applicant shall finalize any appropriate agreements with Lee County prior to the issuance of the development order regarding affordable housing.

2. ENERGY (Refer to Appendix I-B)

The proposed development will be electrically powered and will increase the energy demands of the region.

### RECOMMENDATIONS

Any DRI Development Order issued by Lee County shall contain the following provision:

- (1) The provision of a bicycle/pedestrian system connecting all land uses, to be constructed within the project in such a way that facilities

nonautomotive traffic internal and external to the site. This system is to be constructed in accordance with Lee County standards, and include walking/jogging paths and the extension of the bicycle/pedestrian system along all public streets within the development;

- (2) The provision of bicycle racks or storage facilities in recreational, commercial and office areas which are located closer to the building entrances than non-handicapped parking spaces ;
- (3) The location of bus stops, shelters, and other passenger and system accommodations for a transit system to serve the project area, bus stop locations should at a minimum provide adequate vegetative shading, a bench or other seating, should be located no further than one quarter mile from building entrances and the transit system should have an acceptable level of service during project peak hours;
- (4) The material choices for streets, parking lots, sidewalks, and any other path system should be evaluated in order to reduce the heat island effect. Alternatives to impervious pavement, and the use of open areas, landscaping and shade trees will be an integral component of the design.
- (5) The use of energy-efficient features in window design (e.g., tinting, low solar heat gain coefficients (SHGC) and exterior shading) and use of operable windows and ceiling fans in appropriate structures;
- (6) The installation of energy-efficient appliances and equipment;
- (7) The prohibition of deed restrictions or covenants that would prevent or unnecessarily hamper energy conservation efforts (e.g., building orientation, clotheslines, and solar water heating systems);
- (8) The minimum necessary coverage by asphalt, concrete, rock, and similar substances in streets, parking lots, and other areas to reduce local air temperatures and reflected light and heat;
- (9) Water closets will have a maximum water usage of 1.6 gallons/flush. Showerheads and faucets will have a maximum flow rate of 2.5 gallons/minute at 80 psi water pressure. Faucet aerators will limit flow rates to 0.5 gallons per minute.
- (10) The selection, installation and maintenance of native plants, trees, and other vegetative and landscape design features that can be shown to reduce requirements for water, fertilizer, maintenance, and other needs, compared to non-native exotic plant species;
- (11) The planting of native shade trees to provide shade for all streets, parking areas, recreation areas and building solar heat gain;

- (12) The placement of trees to provide shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months;
- (13) The orientation of structures, to reduce solar heat gain by walls and to utilize the natural cooling effects of the wind;
- (14) The provision for structural shading (e.g., trellises, awnings, and roof overhangs) wherever practical when natural shading cannot be used effectively;
- (15) The inclusion of porch/patio areas in residential units whenever possible;
- (16) The establishment of an architectural review committee and consideration by the project architectural review committee(s) of energy conservation measures (both those noted here and others) to assist builders and tenants in their efforts to achieve greater energy efficiency in the development and compliance with Conditions B.1 through B.15.
- (17) Developer will strive to use innovative irrigation technology, such as drip irrigation, moisture sensors, and micro spray heads to reduce irrigation water use.
- (18) Site development shall comply with the Florida Green Building Coalition Certification Standards or equivalent green building standards.
- (19) All thermostats installed in any structure shall be programmable.
- (20) Lighting for streets, parking, recreation and other public areas shall include energy efficient fluorescent lighting with electronic ballasts or light-emitting diode technology, photovoltaics, low voltage lighting, motion sensors and/or timers on lighting and full cut-off luminaries in fixtures that comply with the International Dark-Sky Association standards.
- (21) All recreational areas as well as the integrated sidewalks, trails, and paths shall include native shade trees where design allows.
- (22) Cool roofing material (roofing materials with a high solar reflectance value) will be used on all newly constructed structures. Green roofs shall be evaluated at the time of building design.
- (23) The United States Green Building Council's Leadership in Energy and Environmental Design (LEED) certification should be given serious consideration for all structures constructed within the DRI.
- (24) The above conditions shall be reported in the annual monitoring report.

**3. SOLID/HAZARDOUS WASTE (Refer to Appendix I-C)**

The proposed development will increase demands on Lee County's and the Southwest Florida region's landfills. The applicant estimates the proposed project will increase the amount of domestic solid waste generation by 58.14 cubic yards per day or 3.93 tons per day.

**RECOMMENDATIONS**

Any Development Order issued by Lee County shall contain the following provision:

- (1) The developer and tenants of the project must investigate methods of reducing solid waste volume at the project, such as recycling, shredding and compaction. At a minimum, the developer will provide recycling facilities and activities in accordance with Lee County Ordinance 07-25 (as may be amended) related to mandatory requirements for recycling commercial/business solid waste.
- (2) The project's hazardous materials management plan must include measures for handling, storing and disposing of hazardous waste generated on-site. Hazardous waste is defined as any material which exhibits toxic, reactive, corrosive and/or ignitable properties.
- (3) The project's hazardous materials management plan must address the issue of hazardous wastewater and, if needed, any pre-treatment action for hazardous wastewater.
- (4) All restaurants within the project will be equipped with grease traps or grease interceptors and will comply with all other requirements of Lee County Ordinance No. 05-02, as same may be amended from time to time.
- (5) Ensure buildings are designed to allow for a designated area to store weekly recyclables (the area should allow room and containers for paper, plastic, metal, glass, and cardboard). The recycling area should also provide room for hazardous materials including florescent lighting bulbs and electronics.
- (6) Evaluate the feasibility of composting organic materials onsite including landscape trimmings and food waste.
- (7) During construction, employ techniques to minimize and divert construction waste from landfills.
- (8) Cool roofing material (roofing materials with a high solar reflectance value) should be considered for all structures. Cool roofing materials tend to be more durable than traditional roofing materials. The increased

durability reduces the construction waste stream from frequency of re-roofing. Green roofs shall be evaluated at the time of building design.

- (9) The United States Green Building Council's Leadership in Energy and Environmental Design (LEED) certification will be evaluated for all structures constructed within the DRI.
- (10) The above conditions shall be reported in the annual monitoring report.

#### **4. POLICE AND FIRE PROTECTION (Refer to Appendix I-D)**

Law enforcement protection will be provided by the Lee County Sheriff's Office. Fire protection will be provided by South Trail Fire and Rescue.

#### **RECOMMENDATIONS**

Any Development Order issued by Lee County shall contain the following provision:

- (1) A non-stabilized gated interconnect between the eastern-most parking area of the ballpark facility and the South Trail Fire Protection and Rescue Service District (STFP&RSD) station located at 12780 Commonwealth Drive will be provided as part of the local development order for the ballpark facility.
- (2) Prior to issuance of a local development order for the ballpark facility, the developer will discuss with the STFP&RSD the potential for an agreement to provide for staffing of a first aid station during Spring Training games and other special events.
- (3) Prior to issuance of the local development order for the ballpark facility, the developer will coordinate with the Lee County Sheriff's Office (LCSO) to prepare and submit a Crime Prevention Through Environmental Design (CPTED) report for review and comment by the LCSO.
- (4) Ensure adequate fire flow will be available to serve this project prior to issuance of the development order.
- (5) During design and construction, employ design techniques and utilize construction materials that will minimize the risk of fire.
- (6) During design and construction, employ design techniques and utilize construction materials that will minimize the risk of crime including the use of site lighting. The site lighting needs of the site for events and crime prevention should be used only for those times necessary and every effort should be taken to minimize light pollution created by site lighting.

**5. VEGETATION, WILDLIFE AND WETLANDS (Refer to Appendix I-E)**

All existing wetlands located within the permitted preserve area will remain in their existing state. No changes in the existing seasonal water elevations are proposed. Exotic removal and preserve maintenance will continue in perpetuity. The wetlands will be placed under a Conservation Easement. The permitted control elevation is being maintained. An existing water management berm is located between the development area and the preserved wetland which provides a structural buffer to the preserve area. The existing lake will be reconfigured. The central existing lake littoral will be eliminated per the FAA's concerns about waterfowl. Off-site compensation for the elimination of the littoral area is proposed to provide approximately 1.8 credits of mitigation at the Lee County's Island Park Regional Mitigation Area. The problem with the mitigation plan is the use of UWAM functional assessment methods on an already existing mitigation site. If UWAM functional assessment methods are applied in sequence the result is a continual diminishment in the amount of required mitigation area since in each step a new inverse ratio of mitigation to impact area is generated. The solution to this problem is to maintain the initial mitigation area as the final amount of mitigation when mitigation needs to be relocated, as in the case for this project.

A variety of secondary and cumulative impacts from traffic with associated small wildlife road-kill, fugitive lighting particularly from stadium and parking lot lighting , fertilizers, oils and greases, stormwater management systems changing hydro-patterns, introduction of exotic landscaping plants, litter, mosquito control and other pesticides, etc., will result from development of the site. The following standard and project specific recommendations reflect the existing development order for the project and protections for regional significant resources.

**RECOMMENDATIONS**

Any Development Order issued by Lee County shall contain the following provision:

- (1) Prior to issuance of a local development order for the ballpark facility, adequate documentation will be provided to Lee County of the placement of approximately 20.39 acres along the western and northern boundaries of the site into Conservation Easement.
- (2) The existing water management lakes on site will be reconfigured or eliminated, and new water management lakes will be excavated consistent with the permit modification issued by the SFWMD. The new lakes will be excavated and landscaped consistent with FAA Advisory Circular 15015200-33B, Hazardous Wildlife Attractants On or Near Airports, resulting in the loss of littoral area from the existing lakes. To mitigate for the loss of this littoral area, the developer will purchase off-site mitigation credits at the Lee County Island Park Regional Mitigation Area in an amount determined by the SFWMD permit modification.

- (3) All necessary best management practices will be utilized during construction to prevent unintended impacts to environmental features on site, including silt fencing to protect wetland areas from impacts resulting from construction.
- (4) Prior to issuance of a local development order for the project, adequate documentation will be provided to Lee County of the placement of the approximately 20.39 acres along the western and northern boundaries of the site into Conservation Easement. The survey of the flagged wetland preservation boundary, the flagged area of wetland encroachment and the areas proposed for wetland creation, shall be subject to approval by the Lee County Department of Community Development (DCD).
- (5) A Mitigation Plan must be submitted prior to final plan approval and will be subject to approval by the DCD. The plan must include the following:
  - i) The exact extent of wetland encroachment and wetland creation.
  - ii) A specific wetland restoration creation plan including a timetable.
  - iii) A specific plan for the removal of all exotic vegetation located within the development, including the upland and wetland preserve areas. The plan must include a maintenance program to control the re-invasion of exotic vegetation on the subject property.
- (6) The existing water management lakes on the site will be reconfigured or eliminated and new water management lakes will be constructed consistent with the permit modification issued by the SFWMD. The new lakes will be constructed and landscaped consistent with the FAA's Advisory Circular 15015200-33B, Hazardous Wildlife Attractants On or Near Airports FAA standards for development adjacent to airports.
- (7) To address mitigation for the loss of existing lake littoral shelves that are a mitigation area for earlier project site development, the developer will purchase off-site mitigation credits at the Lee County Island Park Regional Mitigation Ares. The total acreage of the mitigation will be at least the existing acreage of the lake littoral shelves. There will not be a reduction in mitigation area requirement through the use of a functional assessment methodology that reduces the area of the mitigation off-set even if the SFWMD permit modification specifies this.
- (8) All applicable best management practices will be utilized during construction to prevent impacts to environmental features, including the onsite wetland and upland preservation areas, on-site and off-site water quality and wildlife.
- (9) The USFWS/FWS review and correspondence related to issues of potential Florida panther impacts on the use of Daniels Parkway for

nighttime activities at the facility resulting in increased traffic shall be completed prior to commencement of construction.

**6. WATER, FLOODPLAINS, AND STORMWATER MANAGEMENT (Refer to Appendix I-F)**

The site in its existing condition contains the backbone of the previously permitted water management system including lakes, preserve area, a perimeter berm, and two (2) control structures. This water management system dictates the existing drainage patterns of the site. While requiring reconfiguration of the impervious coverage and stage/storage areas, the proposed water management system will maintain and/or increase the water quality treatment volumes and allowable discharge rates according to the SFWMD requirements. The allowable discharge rate for the new site design shall be maintained at 37 CSM for developments located within the Six Mile Cypress Watershed.

Upon completion of the entitlement and permitting process, the 106+- acre ballpark, practice field, and auxiliary uses will be purchased by Lee County in accordance with the Agreement for Purchase and Sale of Real Estate executed on June 2, 2009. The 106+ acre portion of the subject property will encompass the entire surface water management system, including provisions to fully attenuate and pre-treat runoff from the 20-acre commercial parcels. Therefore, operation and maintenance of the water management system for the entire subject property will be the responsibility of Lee County. A draft resolution detailing the responsibilities for maintenance has been provided. The following standard and project specific recommendations reflect the existing development order for the project and protections for regional significant resources.

**RECOMMENDATIONS**

Any Development Order issued by Lee County shall contain the following provisions:

- (1) The Developer must incorporate the use of water conserving devices as required by State law (§553.14, Florida Statutes).
- (2) At present, the nearest potential source of reclaimed water for irrigation purposes is the Gateway Services District (GSD). However, sufficient reclaimed water is not presently available from the GSD to meet the irrigation demands of the project. Prior to issuance of a local development order for the ballpark facility, the developer will re-evaluate the availability of reclaimed water from the GSD and will utilize reclaimed water for irrigation to the extent it is available. If unavailable, irrigation will be provided to the project in accordance with permits issued by the SFWMD.
- (3) For the purpose of non-potable water conservation, the developer must require, through the use of deed restrictions or other appropriate mechanisms, the utilization of xeriscape principles in the design and

installation of the project's landscaping. Xeriscape principles will be used throughout the project.

- (4) Irrigation may not take place on the site between the hours of 9:00 A.M. and 5:00 P.M., after the establishment of landscaping, to the exclusion of the secondary (treated effluent) system applications. Irrigation of the ballpark and practice fields may occur as reasonably necessary and as permitted under the rules and regulations of the SFWMD.
- (5) Potable water may not be used for non-potable/irrigation demands. Irrigation needs must be met as provided in paragraph 2 above.
- (6) The Developer must obtain all appropriate water use permits and water management permits from the SFWMD and Lee County prior to any on-site construction.
- (7) The developer must utilize the water conservation measures identified in the ADA and sufficiency reports, to the extent not inconsistent with the above requirements.
- (8) The project must connect to the central sewer system operated by the Department of Lee County Utilities. Documentation of adequate capacity to serve the development must be provided with each local development order application.
- (9) All appropriate surface water management and water use permits shall be obtained from SFWMD prior to any construction or site preparation (physical activities) taking place on-site.
- (10) The developer must submit all pertinent surface water management and water use permit submittal documents to the SWFRPC and Lee County at or about the same time as those documents are submitted to the SFWMD for review and comment.
- (11) The developer must participate in any area-wide drainage program directly benefiting the DRI, under the same fiscal terms and conditions as all other benefited properties, in a manner which is consistent with the dictates of §380.06(15)(e)(1), Florida Statutes. The drainage program envisioned by this paragraph is one which is initiated by Lee County or by the SFWMD or by the Applicant, or by a group of benefited property owners.
- (12) The following provisions apply to the potential use and storage of hazardous materials and chemicals within the project:
  - a. Pesticide and fertilizer application and storage on the ballpark and practice field facilities will follow all best management practices for such materials and will follow all applicable manufacturer

directions and specifications, as well as all applicable local, state and federal regulations. Prior to issuance of a local development order for the ballpark or practice fields, the owner/operator of the ballpark facility will prepare a hazardous materials and management plan for review and approval by Lee County Department of Community Development and Division of Emergency Management, the Florida Department of Environmental Protection (FDEP), and the South Florida Water Management District (SFWMD).

- b. No other uses presently proposed for the DRI are expected to use or contain hazardous materials or generate hazardous wastes, with the possible exception of the 50,000 square foot sports performance and athletic training facility. In the event this use, or any other use in the DRI, proposes to use or generate hazardous materials or hazardous wastes (as such are defined in applicable local, state and federal laws and regulations), the developer or operator of the facility must prepare and submit a hazardous materials management plan to Lee County Department of Community Development and Division of Emergency Management, FDEP and SFWMD for review and approval prior to local development order approval.
  - c. If any use anticipates generating bio-hazardous waste as part of its operations, a commitment from a licensed bio-hazardous waste transporter regarding the transporter's ability to serve the project during routine pickup or accidental release will be provided to Lee County prior to issuance of a local development order for the facility.
  - d. Restrictive covenants for the project will include a provision requiring any commercial pool operation (including any pool within a hotel/motel) using chlorine to be equipped with sensors or alarm devices to provide monitoring and warning of potential spills or leaks.
- (13). The developer must implement and maintain an on-going sampling, maintenance and monitoring program for construction and post-construction water quality conditions. The water quality sampling, maintenance, and monitoring program shall be reviewed and is subject to approval by the SFWMD.
- (14) A regularly scheduled program of vacuum sweeping for all parking lot areas shall be implemented to help ensure acceptable stormwater run-off quality.

- (15) All other commitments made by the developer in the Application for Development Approval or subsequent sufficiency rounds, not in conflict with the above recommendations, are incorporated as conditions of this Development Order approval.
- (16) The Developer must obtain all appropriate water management permits from the SFWMD and Lee County prior to any on-site construction.
- (17) The developer must submit all pertinent surface water management submittal documents to Lee County at the same time as those documents are submitted to the SFWMD for review and comment.
- (18) The developer must participate in any area-wide drainage program directly benefiting Lee County Red Sox Ball Park and Spring Training Facility (FKA Airside Plaza DRI), under the same fiscal terms and conditions as all other benefitted properties, in a manner which is consistent with the dictates of §380.06(15)(e)(1), Florida Statutes. The drainage program envisioned by this paragraph is one which is initiated by Lee County or by the SFWMD or by the Applicant, or by a group of benefitted property owners.
- (19) The following provisions apply to the potential use and storage of hazardous materials and chemicals within the project:
  - a. Pesticide and fertilizer application and storage on the ballpark and practice field facilities will follow all best management practices for such materials and chemicals within the project and will follow all applicable manufacturer directions and specifications as well as all applicable local, state, and federal regulations. Prior to issuance of the development order for the ballpark or practice fields the owner/operator of the ballpark facility prepare and submit a hazardous materials management plan to Lee County Department of Community Development and Division of Emergency Management, Florida Department of Environmental Protection (FDEP) and SFWMD for review and approval prior to final Development Order approval.
  - b. No other uses presently proposed for the DRI are expected to use or contain hazardous Materials, the possible exception of the 50,000 square foot performance and athletic training facility. In the event this use, or any other use in the DRI, proposes to use or generate hazardous materials or hazardous wastes (as such are defined in applicable local, state, and federal laws and regulations) the developer or operator of the facility must prepare and submit a hazardous materials management plan to Lee County Department of Community Development and Division of Emergency Management, Florida Department of Environmental Protection

(FDEP) and SFWMD for review and approval prior to final Development Order approval.

- c. If any use anticipates generating bio-hazardous waste as part of its operations a commitment from a licensed bio-hazardous waste transporter regarding the transporter's ability to serve the project during routine pickup or accidental release will be provided to Lee County prior to final Development Order approval.
  - d. Restrictive covenants for the project will include a provision requiring any commercial pool within a hotel/motel using chlorine to be equipped with sensors or alarm devices to provide monitoring and warning of potential spills or leaks.,
- (20) The developer must coordinate with Lee County, FDEP and SFWMD in the on-site placement of storage and transfer facility for all special and hazardous waste generated by the DRI.
  - (21) The developer must implement and maintain an on-going sampling, maintenance and monitoring program for construction and post-construction water quality conditions. The water quality sampling, maintenance, and monitoring program shall be reviewed and is subject to approval by the SFWMD.
  - (22) A regularly scheduled program of vacuum sweeping for all parking lot areas shall be implemented to help ensure acceptable stormwater run-off quality.
  - (23) All other commitments made by the developer in the Application for Development Approval or subsequent sufficiency rounds, not in conflict with the above recommendations, are incorporated as conditions of this Development Order approval.

7. **WATER SUPPLY, AND WASTEWATER MANAGEMENT (Refer to Appendix I-G)**

Potable water will be used to satisfy the domestic demands associated with typical commercial and baseball facility land uses. Non-potable water will be used to satisfy the landscape irrigation demands for the same land uses. The project lies entirely within the Lee County Utilities water and wastewater service area. Potable water and wastewater treatment will be provided by Lee County Utilities. Lee County Utilities (LCU) will operate and maintain the primary potable water and wastewater distribution and treatment systems. A letter confirming service from Lee County Utilities has been provided. Currently, discussions with Gateway Services District are underway to establish the use of reclaimed water for non-potable uses. However, in the event that a reclaimed water supply is not available, on-site wells shall be utilized for non-potable uses. Non-potable water conservation shall be encouraged through the use of xeriscape landscaping principles and plant selection. No septic tanks are proposed for wastewater treatment for

the project. The following standard and project specific recommendations reflect the existing development order for the project and protections for regional significant resources.

### **RECOMMENDATIONS**

Any Development Order issued by Lee County shall contain the following provision:

- (1) The developer must install and maintain a dual piping system for those parts of the project outside the 100-day travel time contour, in order to provide properly treated wastewater effluent to meet irrigation requirements. Any such system should meet all relevant requirements and standards of the South Florida Water Management District, the Florida Department of Environmental Regulation, Lee County, and other pertinent agencies.
- (2) Within the 100-day travel time contour of the potable water wellfield, the following additional regulations apply:
  - (a) No spray irrigation, or other disposal method for sewage effluent may be conducted;
  - (b) Lakes may not be excavated closer than four (4) feet to the limestone portion of the aquifer, as determined by test borings submitted to the Division of Environmental Services at the time of final plan approval;
  - (c) If the limestone is encountered during excavation, it must be covered with four (4) feet of clean sand; and
  - (d) Bulk storage of fuels or pesticides, gasoline stations, and sewage effluent disposal ponds are not permitted.
- (3) Irrigation withdrawals from surface or ground water resources are only permitted for those parts of the project inside the 100-day travel time contour.
- (4) The use, generation, or storage of hazardous materials within the 210-day travel time contour of the wellfield is hereby prohibited in order to protect the potable water wellfield.
- (5) For those areas within the proposed project that are outside the 210-day travel time contour, any use, generation, or storage of hazardous materials should be preceded by the development and approval (by appropriate agencies) of containment features, as well as an emergency response plan in the event a spill occurs.

- (6) Any gasoline station must be located the maximum distance from the wellfield, and designed with an extra bentonite (or comparable) liner outside of the tank to prevent any potential contaminant from entering the aquifer. Monitoring wells must be constructed around such facilities to check the quality of the groundwater on a regular basis.
- (7) Lee County Utilities or its successors and assigns shall provide potable water and wastewater service for the project. Documentation of adequate capacity to serve the development must be provided with each local development order application.
- (8) The lowest quality of water available and acceptable shall be utilized for all non-potable water uses.
- (9) When available either Lee County Utilities or Gateway Services District or its successor or assigns shall provide reclaimed water service for the project. When available reclaimed water shall be the first source of water for landscape irrigation. In the absence of sufficient reclaimed water, the water source will be the lake system with the water replaced with groundwater as permitted by the South Florida Water Management District (SFWMD).
- (10) This project shall require a permit from the SFWMD for non-potable (landscape irrigation) withdrawals. The applicant must meet District criteria in effect at the time of permit application. The general and specific conditions relating to this permit are incorporated as conditions of the DO by reference.
- (11) Irrigation systems for new construction shall comply with County's irrigation and landscaping ordinance, as may be amended from time to time.
- (12) A building permit shall not be issued unless the developer demonstrates that Lee County Utilities has an adequate permitted allocation of potable water and adequate potable water treatment and distribution facilities to meet the demands of the development for which the building permit is being requested.
- (13) The Developer must incorporate the use of water conserving devices as required by State law (§553.14, Florida Statutes). The project shall utilize ultra-low volume water use plumbing fixtures, self-closing and/or metered water faucets, xeriscape landscape techniques, rain-harvesting, water gardens, and other water conserving devices and/or methods. These devices and methods shall meet the criteria outlined in the water conservation plan of the public water supply permit issued to Lee County Utilities by the South Florida Water Management District.

- (14) For the purpose of non-potable water conservation, the developer must require, through the use of deed restrictions, or other equally enforceable methods, the utilization of xeriscape principles in the design and installation of the project's landscaping, where public water or well water would be necessary for irrigation purposes. Xeriscape principles will be used throughout the project.
- (15) Irrigation of green space may not take place on the site between the hours of 9:00 A.M. and 5:00 P.M., after the establishment of landscaping, to the exclusion of the secondary (treated effluent) system applications.
- (16) Irrigation of the ballpark and practice fields will occur as permitted under the rules and regulations of the SFWMD.
- (17) Potable water may not be used for non-potable/irrigation demands. Irrigation needs must be met through on-site lakes and well withdrawals and/or ultimately by the use of treated effluent.
- (18) The Developer must obtain all appropriate water use permits from the SFWMD and Lee County prior to any on-site construction.
- (19) The developer must utilize the water conservation measures identified in the ADA and sufficiency reports, including the use of spray irrigation and xeriscaping. The developer must construct and operate a master irrigation system using spray irrigation treated wastewater, when it is available.
- (20) The developer must submit all pertinent water use permit submittal documents to Lee County at the same time as those documents are submitted to the SFWMD for review and comment.
- (21) When spray irrigation/effluent reuse, the developer, or its successors must obtain all necessary permits from SFWMD for the use of spray irrigation/effluent reuse.
- (22) If hazardous wastewater is generated by the on-site facilities, the project's hazardous materials management plan must address the issue of hazardous wastewater and, if needed, any pre-treatment action for hazardous wastewater.
- (23) All restaurants within the project will be equipped with grease traps or grease interceptors and will comply with all other requirements of Lee County Ordinance No. 05-02 as same may be amended from time to time.

- (24) The developer must, as part of the annual DRI monitoring report required by Chapter 380.06 (18) F.S., submit information concerning the availability of reuse water for irrigation.

**8. TRANSPORTATION (Refer to Appendix I-H)**

This impact assessment for the Lee County Red Sox Ballpark & Spring Training Facility was prepared by the Southwest Florida Regional Planning Council as required by Chapter 380, Florida Statutes. The applicant's Transportation Analysis and sufficiency response provided data and analysis to support the conclusion that the Substantial Deviation proposed will not result in significant and adverse impacts to the transportation network, and that no additional transportation impacts exceeding the impacts projected to occur from the development currently approved for the site are likely to occur. Lee County, FDOT and SWFRPC staff reviewers agree that the Transportation Analysis and sufficiency response provided by the applicant supports the conclusion that the proposed changes to the development order are not expected to result in significant and adverse regional transportation impacts. The following standard and project specific recommendations reflect the existing development order for the project and protections for regionally significant transportation infrastructure and resources.

**RECOMMENDATIONS**

Any Development Order issued by Lee County shall contain the following provision:

- (1) Changes in land uses from the parameters described herein will be required to undergo further DRI review, except as noted herein, unless such changes are determined not to be a substantial deviation pursuant to Section 380.06, F.S.
- (2) The Developer must establish a biennial monitoring program, performed by traffic engineers, to monitor the development's impact upon the area's roadways consistent with these conditions. The monitoring program of the project's development will be designed in cooperation with the LCDOT, the FDOT, and the SWFRPC. These agencies will determine the specific information needed, critical roadway points, and any other necessary information. At a minimum, the monitoring report must contain A.M. and P.M. Peak-Hour traffic counts with turning movements and Critical Movement Analyses or other mutually agreed upon, professionally acceptable Level of Service analyses for all project access points onto Daniels Parkway as well as the following intersections:
  - a. Daniels Parkway at I-75 SB Ramp
  - b. Daniels Parkway at I-75 NB Ramp
  - c. Daniels Parkway at I-75 EB and WB Ramps
  - d. Daniels Parkway at Treeline Avenue
  - e. Daniels Parkway at Chamberlin Parkway
  - f. Daniels Parkway at Gateway Boulevard

- g. Daniels Parkway at SR. 82
- (3) In addition, annual average daily traffic counts and level of service calculations for significantly impacted roadway links including, but not limited to, the following, must be submitted as part of the biennial monitoring report:
- a. Daniels Parkway from:
    - a. 1-75 to Treeline Avenue
    - b. Treeline Avenue to Chamberlin Parkway
    - c. Chamberlin Parkway to DRI Western Access
    - d. DRI Western Access to DRI Eastern Access
    - e. DRI Eastern Access to Gateway Boulevard
    - f. Gateway Boulevard at SR. 82
- (4) The Developer or his representative must submit the first monitoring report to the Lee County Engineer, SWFRPC and FDOT within two years of the issuance of this DRI Development Order. Reports must be submitted biennially until actual or declared buildout of the project. Actual buildout will occur when the developer has constructed the maximum permissible amount of development permitted by this Development Order. Declared buildout will occur if the developer formally declares in writing to all governmental agencies having responsibility for monitoring this DRI, that no more development will be constructed, despite the fact that less than the permissible maximum had been built to date.
- (5) The purpose of the monitoring program is to (1) determine whether the traffic levels projected in the traffic impact assessment are exceeded by actual impacts; and (2) assist Lee County and FDOT in determining the proper timing of necessary roadway improvements.
- (6) The developer must construct, at no cost to Lee County or FDOT, all site related improvements deemed necessary by FDOT and the Lee County Engineer at all project access points onto Daniels Parkway and all site-related improvements required within the DRI. The Developer's obligation for these improvements will include the full costs of design and engineering, utility relocation, right-of-way acquisition (if needed), construction of turn lanes, acceleration and deceleration lanes, construction inspection, contract administration, testing and signalization (as needed and warranted). The alignment, design, signalization and construction schedule for these improvements is subject to the approval of the Lee County Engineer.
- (7) The developer will not be eligible for credits against road impact fees for construction or dedication of rights-of-way associated with improvements

at the projects access points that are site-related pursuant to the Lee County Land Development Code.

- (8) Access points onto Daniels Parkway Extension must be in accordance with the controlled access resolution for Daniels Parkway (Resolution 89-10-11, as amended).
- (9) As mitigation for the impacts of development within the DRI, the Developer must pay the roads impact fee in effect at the time building permits are issued for development within the DRI. These impact fee payments will represent the developer's share for the following roadways (including intersection interchange improvements):
  - a. Daniels Parkway
  - b. -1-75 to Treeline Avenue 8LD or 6LE
  - c. -Treeline Avenue to Chamberlin Parkway 6LD
  - d. -Chamberlin Parkway to Project Site 6LD
  - e. -Project Site to Gateway Boulevard 6LD
  - f. -Gateway Boulevard to SR 82 6LD
- (10) Credits against impact fees will be in accordance with the Land Development Code. If roads impact fees are repealed, reduced or made unenforceable by court action, a substantial deviation will be deemed to have occurred, and the traffic impacts of the DRI must be reanalyzed to determine appropriate alternative mitigation. This DRI Development Order will be amended as appropriate to include the new mitigation prior to the issuance of subsequent building permits.
- (11) Development under this Development Order is subject to compliance with the Lee County concurrency requirements as set forth in the Lee Plan and Lee County Land Development Code Chapter 2.
- (12) Nothing contained in this Development Order exempts this development from participation in the funding, through Municipal Services Benefit Units (MSBU) or other special assessment districts, of improvements to various State and County arterial and collector roads to the degree to which this development generates demand or is benefited.
- (13) The applicant shall coordinate with the Florida Department of Transportation and mitigate significant and adverse impacts to I-75, including interchanges and ramps, which result from the project as indicated by monitoring.
- (14) The applicant will promote transit service through the inclusion of a transit center, bus stops or other appropriate transit access points to stadium and non-stadium uses in site design, consistent with County and/or regional

transit development plans, and will ensure accommodation of and provisions for, and facilitate use of, charter busses and future public transit services.

- (15) Due to the proximity of the site to the Southwest Florida International Airport Surveillance Radar and other airport facilities and aircraft procedures, the applicant must comply with Federal Aviation Regulations (FAR) Part 77 and Lee County Land Development Code (LDC) review requirements for all structures proposed on the site, including: the stadium and other buildings, light poles for the ballpark and parking areas, tall flagpoles and large signs, temporary construction equipment, etc.
- (16) Due to the proximity to the Southwest Florida International Airport, any future plans for aerial spotlights or fireworks displays at the ball park must be coordinated with the Lee County Port Authority and the Federal Aviation Administration (FAA) well before the events, and permission for the events will be dependent on those reviews.
- (17) Reflectivity and Power Interference -- Due to the proximity to the Southwest Florida International Airport, the applicant must comply with requirements of FAR Part 77, Federal Communications Commission (FCC), and Lee County LDC review requirements for frequency coordination of all fixed or mobile commercial radio and television broadcasting studios and vehicles, etc.
- (18) Light Emissions – The applicant must minimize any potential light emissions that might impact the Southwest Florida International Airport Air Traffic Control Tower or aircraft in flight.
- (19) All other transportation-related conditions in the current development order will be included in the new development order and remain in effect, including monitoring requirements, reporting requirements, and requirements to provide multi-modal transportation mobility options within the project and to provide for connecting to off-site bicycle, pedestrian and transit networks.
- (20) Height of Structures -- Due to the proximity of the site to the Airport Surveillance Radar and other airport facilities and aircraft procedures, the applicant must comply with Federal Aviation Regulations (FAR) Part 77 and Lee County Land Development Code (LDC) review requirements for all structures proposed on the site, including: the stadium and other buildings, light poles for the ballpark and parking areas, tall flagpoles and large signs, temporary construction equipment, etc.
- (21) Any future plans for aerial spotlights or fireworks displays at the ball park must be coordinated with the Lee County Port Authority and the Federal

Aviation Administration (FAA) well before the events, and permission for the events will be dependent on those reviews.

- (22) Hazardous Wildlife Attractants -- "Littoral lake slopes, buffers, and landscape vegetation must be in accordance with the FAA's Advisory Circular 150/5200-33B, 'Hazardous Wildlife Attractants On or Near Airports,' and the list of recommended compatible native landscape plants for the airport available from the Lee County Port Authority.
- (23) Reflectivity and Power Interference -- Due to the proximity to the Airport, the applicant must comply with requirements of FAR Part 77, Federal Communications Commission (FCC), and Lee County LDC review requirements for frequency coordination of all fixed or mobile commercial radio and television broadcasting studios and vehicles, etc.
- (24) Light Emissions -- The applicant must minimize any potential light emissions that might impact the Air Traffic Control Tower or aircraft in flight.
- (25) Public Investment -- The proposed Red Sox land uses must not denigrate the past and proposed future investment in the Southwest Florida International Airport.

**9. HURRICANE PREPAREDNESS (Refer to Appendix I-I)**

The 150 hotel rooms are the only land use that would potentially require an evacuation during a hurricane. The project site is located within the category 4/5 zone and as such is outside the hurricane vulnerability zone and SWFRPC Special Hurricane Policy District, which is defined as the category 3 and less zones. However, the applicant has committed to an education, evacuation and shelter plan for the hotel/motel portions of the project and to potential use of the ballpark facility and surrounding parking areas as a staging area for hurricane relief efforts.

**RECOMMENDATIONS**

Any Development Order issued by Lee County shall contain the following provision:

- (1) The developer of any hotel/motel within the DRI shall, subject to review and approval by the Lee County Division of Emergency Management: 1) prepare and implement an education, evacuation and shelter plan for the hotel/motel portions of the project (the plan must be in place prior to the first issuance of certificates of occupancy for the hotel/motel); and 2) coordinate the development or annual update of the plan with Lee County Division of Emergency Management.
- (2) The developer of the ballpark facility shall coordinate with the Director of Lee County Division of Emergency Management regarding potential use

of the ballpark facility and surrounding parking areas as a staging area for hurricane relief efforts.

**10. HISTORICAL AND ARCHAEOLOGICAL SITES (Refer to Appendix I-J)**

It is important to note that no Cultural Resources Survey has been physically performed on the site, prepared by a qualified archeological investigator or approved by the Florida Department of State, Division of Historical Resources (DHR). The original Review for Airside Plaza did not include an on-site survey or review, only an off-site data search of DHR records. At this time no cultural resources eligible for listing on the National Register of Historic Places have been identified on the site and DHR has concluded that the development is unlikely to affect historic properties. The following standard and project specific recommendations reflect the existing development order for the project and protections for regionally significant resources.

**RECOMMENDATIONS**

Any Development Order issued by Lee County shall contain the following provision:

- (1) If any archaeological/historical sites are discovered during the development activities, all work that might cause damage to such sites shall cease immediately, and the Developer shall contact the State Division of Historical Resources (“DHR”), SWFRPC, and Lee County so that a state-certified archaeologist can determine the significance of the findings and recommend appropriate preservation and mitigation actions, as necessary.

**11. CONSISTENCY WITH THE LOCAL COMPREHENSIVE PLAN (Refer to Appendix I-K)**

The applicant asserts the following: the subject property is located in the Tradeport land use category on the Future Land Use Map of the Lee Plan. This classification allows for a wide variety of commercial, office, hotel/motel, retail, business, research, meeting facilities and other non-residential uses consistent with the description of this classification contained within Policy 1.2.2 of the Lee Plan. Public facilities such as the proposed ballpark and practice fields are allowed in the Tradeport land use classification by virtue of the range of uses generally described in Policy 1.2.2. and by virtue of Policy 2.1.3., which allows a wide variety of public and semi-public uses (including franchised quasi-commercial uses in conjunction with a public use) in all land use classifications under the Lee Plan. In addition, the proposed project is generally consistent with many objectives and policies in the Lee Plan as shown on the white pages of this section. The following standard and recommendation reflects the existing development order for the project and protections for regionally significant resources.

**RECOMMENDATIONS**

Any Development Order issued by Lee County shall contain the following provision:

- (1) Prior to any Development Order being issued, Lee County shall ensure the

proposed project is consistent with the Comprehensive Plan and whether the project's phasing is consistent with the County's Concurrency Management Plan.

## 12. **GENERAL CONSIDERATIONS**

In the Lee County Red Sox Ballpark and Spring Training Facility ADA numerous commitments were made by the applicant to mitigate project impacts. Many, but not all of these commitments are listed in this staff assessment. Additionally, the ADA provided a phasing schedule that provided the timing basis for this review. If the applicant significantly alters this phasing schedule, then many of the basic assumptions of this approval could be substantially changed, potentially raising additional regional issues and/or impacts.

### **RECOMMENDATIONS**

Any Development Order issued by Lee County shall contain the following provisions:

- (1) All commitments and impact mitigating actions provided by the applicant within the Application for Development Approval and supplementary documents that are not in conflict with specific conditions for project approval outlined above are officially adopted as conditions for approval.
- (2) The developer shall submit a biennial report on the development of regional impact to Lee County, the Southwest Florida Regional Planning Council, the Department of Community Affairs and all affected permit agencies as required in Subsection 380.06(18), Florida Statutes.
- (3) The development-phasing schedule presented within the ADA and as adjusted to date of development order approval shall be incorporated as a condition of approval. If development order conditions and applicant commitments incorporated within the development order, ADA or sufficiency round responses to mitigate regional impacts are not carried out as indicated to the extent or in accord with the timing schedules specified within the development order and this phasing schedule, then this shall be presumed to be a substantial deviation for the affected regional issue.
- (4) If the local governments, during the course of monitoring the development, can demonstrate that substantial changes in the conditions underlying the approval of the development order has occurred or that the development order was based on substantially inaccurate information provided by the developer, resulting in additional substantial regional impacts, then a substantial deviation shall be deemed to have occurred.
- (5) Pursuant to Chapter 380.06(16), the applicant may be subject to credit for contributions, construction, expansion, or acquisition of public facilities, if the developer is also subject to local ordinances to impact fees or

exactions to meet the same needs. The local government and the developer may enter into a capital contribution front-ending agreement to reimburse the developer for voluntary contributions in excess of the fair share.

- (6) The local development order shall state the land uses approved in gross square feet, acreages and parking (if applicable) consistent with the statewide guidelines and standards in Chapter 380.0651 Florida Statutes.

## APPENDICES

### ANALYSIS OF REGIONAL ISSUES

The Council staff's assessment of the "Red Sox Ballpark and Spring Training Facility DRI" identified twelve issues of regional concern: affordable housing, energy, solid/hazardous waste, police and fire protection, vegetation, wildlife and wetlands (evaluated together), water, floodplains and stormwater management (evaluated together), water supply and wastewater management (evaluated together), transportation, hurricane preparedness, historical and archaeological resources, consistency with the local comprehensive plan and consistency with the strategic regional policy plan.

The SWFRPC staff reports for these issues are attached as Appendix I.

Before formulating the recommendations in the previous section, the SWFRPC staff analyzed the entire local and regional issues discussed in the Red Sox Ballpark and Spring Training Facility application for development approval and the existing Airside development order. As a part of each analysis, the staff determined the project's impacts, any necessary remedial action and the applicant's commitments to a solution. Such determinations were based upon both the calculations and estimates of the applicant, Lee County development review staff and Council staff. Where applicable, support correspondence is included. A draft development order is included in the Appendix II. The Substantial Deviation Monitoring Form is found in Appendix III.

# **APPENDIX I**

## **REGIONAL ISSUES ANALYSIS**

**A. AFFORDABLE HOUSING**

1. Project Impact

The proposed entitlements for the DRI include: 50,000 square feet of office use, 150 hotel rooms, 200,000 square feet of retail use, 50,000 square feet of wellness/fitness/rehab athletic performance and sports medicine uses, a baseball stadium with capacity for 12,000 attendees, 2.5 acres of recreation uses in addition to the stadium area and zero residential dwelling units<sup>1</sup>.

According to a memorandum from the Lee County Department of Community Development Division of Planning (the Department), this project does not need to provide any affordable housing mitigation or further analysis. The Department supports this assertion by recognizing the significant reduction in the project density created by this project. This project will reduce 260,000 square feet of general office space and eliminate 525,000 square feet of tech-flex space. The Department goes on to state that the “ballpark complex, given the limited spring training schedule, will not cause a need for any further affordable housing analysis or mitigation.”<sup>2</sup>

The Southwest Florida Regional Planning Council, in recent years, has asked DRI applicants to meet one of three conditions related to affordable housing. The three conditions are: 1) provide an appropriate amount of affordable housing onsite 2) provide an appropriate amount of affordable housing offsite or 3) provide an appropriate financial contribution to the local government to be used for providing affordable housing.

Past DRI applicants have worked with the local jurisdiction in which the project exists to meet one of the three conditions. Lee County has stated that no affordable housing is required for this project due to the reduction of project intensity and limited schedule of the ballpark facility. Council staff encourages the applicant to continue working with Lee County to ensure any project related affordable housing concerns are met prior to issuance of the local development order.

2. Applicant Commitment

(1) The applicant has proposed no mitigation for affordable housing.

3. Remedial Actions

(1) Finalize any appropriate agreements with Lee County prior to the issuance of the development order regarding affordable housing.

4. References

1. Question 10, Part 1 A-E tab in the applicant's ADA Submittal
2. Memorandum from Matthew A. Noble dated November 20, 2009 included as part of the Red Sox Ballpark & Spring Training Facility 1<sup>st</sup> Round Sufficiency Response

## **B. ENERGY**

### 1. Project Impact

The proposed development will be electrically powered and will increase the energy demands of the region.

### 2. Applicant Commitments

- (1) A bicycle/pedestrian path system connecting all land uses, to be placed along the main project road and local roads within the project. This system must be consistent with local government requirements.
- (2) Bicycle racks or storage facilities in recreational, and commercial areas;
- (3) Cooperation in the location bus stops, shelters, and other passenger and system accommodations for a transit system to serve the project area, if such service becomes available to serve the project area.
- (4) Use of energy-efficient features in window design.
- (5) Use of operable windows and ceiling fans.
- (6) Installation of energy-efficient appliances and equipment.
- (7) Prohibition of deed restrictions or covenants that would prevent or unnecessarily hamper energy conservation efforts (e.g., building orientation, and solar water heating systems);
- (8) Reduction of coverage by asphalt, concrete, rock, and similar substances in streets, parking lots, and other areas to reduce local air temperatures and reflected light and heat.
- (9) Energy-efficient lighting for streets, parking areas, recreation areas, and other interior and exterior public areas.
- (10) Use of water closets with a maximum flush of 3.5 gallons and shower heads and faucets with a maximum flow rate of 3.0 gallons per minute (at 60 pounds of pressure per square inch).
- (11) Native plants, trees, and other vegetative and landscape design features that reduce requirements for water, fertilizer, maintenance, and other needs.

- (12) Native shade trees to provide reasonable shade for all recreation areas, streets and parking areas.
- (13) Placement of trees to provide shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months.
- (14) Orientation of structures, as possible, to reduce solar heat gain by walls and to utilize the natural cooling effects of the wind.
- (15) Structural shading wherever practical when natural shading cannot be used effectively.
- (16) Consideration by the project architectural review committee(s) of energy conservation measures (both those noted here and others) to assist builders and residents in their efforts to achieve greater energy efficiency in the development.

### 3. Remedial Actions

The applicant has expressed a desire to incorporate low impact development design measures<sup>1</sup> and originally stated an intention to apply for the United States Green Building Council's prestigious Leadership in Energy and Environmental Design (LEED) certification<sup>2</sup>. Considering the applicant's desire to incorporate sustainable measures into this project, Southwest Florida Regional Planning Council staff would recommend the following:

- (1) The provision of a bicycle/pedestrian system connecting all land uses, to be constructed within the project in such a way that facilities nonautomotive traffic internal and external to the site. This system is to be constructed in accordance with Lee County standards, and include walking/jogging paths and the extension of the bicycle/pedestrian system along all public streets within the development;
- (2) The provision of bicycle racks or storage facilities in recreational, commercial and office areas which are located closer to the building entrances than non-handicapped parking spaces ;
- (3) The location of bus stops, shelters, and other passenger and system accommodations for a transit system to serve the project area, bus stop locations should at a minimum provide adequate vegetative shading, a bench or other seating, should be located no further than one quarter mile from building entrances and the transit system should have an acceptable level of service during project peak hours;
- (4) The material choices for streets, parking lots, sidewalks, and any other path system should be evaluated in order to reduce the heat island effect.

Alternatives to impervious pavement, and the use of open areas, landscaping and shade trees will be an integral component of the design.

- (5) The use of energy-efficient features in window design (e.g., tinting, low solar heat gain coefficients (SHGC) and exterior shading) and use of operable windows and ceiling fans in appropriate structures;
- (6) The installation of energy-efficient appliances and equipment;
- (7) The prohibition of deed restrictions or covenants that would prevent or unnecessarily hamper energy conservation efforts (e.g., building orientation, clotheslines, and solar water heating systems);
- (8) The minimum necessary coverage by asphalt, concrete, rock, and similar substances in streets, parking lots, and other areas to reduce local air temperatures and reflected light and heat;
- (9) Water closets will have a maximum water usage of 1.6 gallons/flush. Showerheads and faucets will have a maximum flow rate of 2.5 gallons/minute at 80 psi water pressure. Faucet aerators will limit flow rates to 0.5 gallons per minute.
- (10) The selection, installation and maintenance of native plants, trees, and other vegetative and landscape design features that can be shown to reduce requirements for water, fertilizer, maintenance, and other needs, compared to non-native exotic plant species;
- (11) The planting of native shade trees to provide shade for all streets, parking areas, recreation areas and building solar heat gain;
- (12) The placement of trees to provide shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months;
- (13) The orientation of structures, to reduce solar heat gain by walls and to utilize the natural cooling effects of the wind;
- (14) The provision for structural shading (e.g., trellises, awnings, and roof overhangs) wherever practical when natural shading cannot be used effectively;
- (15) The inclusion of porch/patio areas in residential units whenever possible;
- (16) The establishment of an architectural review committee and consideration by the project architectural review committee(s) of energy conservation measures (both those noted here and others) to assist builders and tenants in their efforts to achieve greater energy efficiency in the development and compliance with Conditions B.1 through B.15.

- (17) Developer will strive to use innovative irrigation technology, such as drip irrigation, moisture sensors, and micro spray heads to reduce irrigation water use.
- (18) Site development shall comply with the Florida Green Building Coalition Certification Standards or equivalent green building standards.
- (19) All thermostats installed in any structure shall be programmable.
- (20) Lighting for streets, parking, recreation and other public areas shall include energy efficient fluorescent lighting with electronic ballasts or light-emitting diode technology, photovoltaics, low voltage lighting, motion sensors and/or timers on lighting and full cut-off luminaires in fixtures that comply with the International Dark-Sky Association standards.
- (21) All recreational areas as well as the integrated sidewalks, trails, and paths shall include native shade trees where design allows.
- (22) Cool roofing material (roofing materials with a high solar reflectance value) will be used on all newly constructed structures. Green roofs shall be evaluated at the time of building design.
- (23) The United States Green Building Council's Leadership in Energy and Environmental Design (LEED) certification should be given serious consideration for all structures constructed within the DRI.
- (24) The above conditions shall be reported in the annual monitoring report.

4. References

- 1. Page 6 of 21 in the Red Sox Ballpark & Spring Training Facility First Round Sufficiency Response
- 2. Pre-Application conference with the applicant for the Red Sox Ballpark & Spring Training Facility

C. **SOLID/HAZARDOUS WASTE**

1. **Project Impact**

The proposed development will increase demands on Lee County's and the Southwest Florida region's landfills. The applicant estimates the proposed project will increase the amount of domestic solid waste generation by 58.14 cubic yards per day or 3.93 tons per day.

*Solid Waste Generation*

Land Use	Units	Generation Rate	Domestic Solid Waste	
			Cubic Yards/Day	Tons/Day
General Office	50,000 SF	1 CY/10,000 SF/Day	5.00	0.34
Hotel	150 Rooms	0.1 CY/Room/Week	2.14	0.14
Retail/Commercial	200,000 SF	1 CY/5,000 SF/Day	40.00	2.70
Wellness Facility	50,000 SF	1 CY/10,000 SF/Day	5.00	0.34
Baseball Stadium	12,000 Seats	0.5 CY/1,000 Seats/Day	6.00	0.41
<b>Total</b>			<b>58.14</b>	<b>3.93</b>

The following conversion rates were used:

1 cubic foot = 5 lbs of waste

1 cubic yard = 27 cubic feet

1 cubic yard = 5 lbs times 27 cubic feet = 135 lbs

1 ton = 2,000 lbs = 14.81 cubic yards

2. **Applicant Commitments**

- (1) The developer and tenants of the project must investigate methods of reducing solid waste volume at the project, such as recycling, shredding and compaction. At a minimum, the developer will provide recycling facilities and activities in accordance with Lee County Ordinance 07-25 (as may be amended) related to mandatory requirements for recycling commercial/business solid waste.

- (2) On-site solid waste disposal facilities are prohibited.
- (3) The project's hazardous materials management plan (if required) must include measures for handling, storing and disposing of hazardous waste generated on-site. Hazardous waste is defined as any material which exhibits toxic, reactive, corrosive and/or ignitable properties.
- (4) The project's hazardous materials management plan (if required) must address the issue of hazardous wastewater and, if needed, any pre-treatment action for hazardous wastewater.
- (5) All restaurants within the project will be equipped with grease traps or grease interceptors and will comply with all other requirements of Lee County Ordinance No. 05-02, as same may be amended from time to time.

### 3. Remedial Actions

The applicant has expressed a desire to incorporate low impact development design measures<sup>1</sup> and originally stated an intention to apply for the United States Green Building Council's prestigious Leadership in Energy and Environmental Design (LEED) certification<sup>2</sup>. Considering the applicant's desire to incorporate sustainable measures into this project, Southwest Florida Regional Planning Council staff would recommend the following:

- (1) Ensure buildings are designed to allow for a designated area to store weekly recyclables (the area should allow room and containers for paper, plastic, metal, glass, and cardboard). The recycling area should also provide room for hazardous materials including florescent lighting bulbs and electronics.
- (2) Evaluate the feasibility of composting organic materials onsite including landscape trimmings and food waste.
- (3) During construction, employ techniques to minimize and divert construction waste from landfills.
- (4) Cool roofing material (roofing materials with a high solar reflectance value) should be considered for all structures. Cool roofing materials tend to be more durable than traditional roofing materials. The increased durability reduces the construction waste stream from frequency of re-roofing. Green roofs shall be evaluated at the time of building design.
- (5) The United States Green Building Council's Leadership in Energy and Environmental Design (LEED) certification will be evaluated for all structures constructed within the DRI.

(6) The above conditions shall be reported in the annual monitoring report.

4. References

1. Page 6 of 21 in the Red Sox Ballpark & Spring Training Facility First Round Sufficiency Response
2. Pre-Application conference with the applicant for the Red Sox Ballpark & Spring Training Facility

**D. POLICE AND FIRE PROTECTION**

1. Project Impact

The applicant is not proposing dedication of police or fire services, facilities or sites as part of the development. The applicant asserts that both the police and fire service providers have indicated the level of service required for the proposed development will be available.

Law enforcement protection will be provided by the Lee County Sheriff's Office. The project lies within the Echo District of the Lee County Sheriff's Office. The District headquarters is located approximately 7 miles from the subject property in the North-East corner of the Pinebrook Plaza, immediately to the north of the Bell Tower Mall.

Fire protection will be provided by South Trail Fire and Rescue. South Trail Fire and Rescue Station 62 is located approximately 2 miles from the subject property at 9450 Daniels Parkway. Station 62 houses Engine Company 62, a designated Advanced Life Support Engine<sup>1</sup>.

2. Applicant Commitments

- (1) A non-stabilized gated interconnect between the eastern-most parking area of the ballpark facility and the South Trail Fire Protection and Rescue Service District (STFP&RSD) station located at 12780 Commonwealth Drive will be provided as part of the local development order for the ballpark facility<sup>2</sup>.
- (2) Prior to issuance of a local development order for the ballpark facility, the developer will discuss with the STFP&RSD the potential for an agreement to provide for staffing of a first aid station during Spring Training games and other special events.
- (3) Prior to issuance of the local development order for the ballpark facility, the developer will coordinate with the Lee County Sheriff's Office (LCSO) to prepare and submit a Crime Prevention Through Environmental Design (CPTED) report for review and comment by the LCSO.

3. Remedial Actions

- (1) Ensure adequate fire flow will be available to serve this project prior to issuance of the development order.
- (2) During design and construction, employ design techniques and utilize construction materials that will minimize the risk of fire.
- (3) During design and construction, employ design techniques and utilize construction materials that will minimize the risk of crime including the use of site lighting. The site lighting needs of the site for events and crime prevention should be used only for those times necessary and every effort should be taken to minimize light pollution created by site lighting.

4. References

1. Lee County Red Sox Ballpark and Spring Training Facility ADA Question 25 response by applicant
2. Draft Development Order provided by the applicant on December 01, 2009

## **E. VEGETATION, WILDLIFE AND WETLANDS**

### **1. Project Impact**

#### **Existing Conditions and Background**

The majority of the site, 98.03 acres, has been impacted by past clearing and filling activities. The street patterns have been laid out, a surface water management system and lake have been constructed, and underground utilities have been installed, but no structures have been built. This open area has been maintained by mowing and currently supports minimal cattle grazing. The developed portion of the parcel includes primarily Bahia grass along with spots of ragweed and juvenile melaleuca.

Recorded conservation easements, over dedicated wetland preserves, account for 20.17 acres or 16% of the entire project area. These wetland preserve areas are composed mostly of hydric pine and cypress forest located on the west portion of the parcel. The remaining acreage is an 8.42 acre stormwater management lake system. The preservation area received SFWMD certification after five years of maintenance and monitoring. The preserve area includes predominantly cypress areas with surrounding herbaceous vegetation. The existing cypress preserve areas were linked hydrologically by a wetland creation area in accordance to the SFWMD permit requirements; this creation area includes cypress and herbaceous plantings, which served as a portion of the onsite mitigation.

A Preliminary Threatened and Endangered Species Survey was conducted on the 27, 29, 30 and 31 of March 2008. A total of 15 hours have been spent on site. Survey times were concentrated in the early morning and late evening hours. The survey concluded no listed species were observed on the property. The survey also noted observing a little blue heron flying over the proposed project site. No modification of the preserve will be proposed by the new development plan. An updated Preliminary Threatened and Endangered Species Survey was conducted on the property in March 2009 and no listed species were observed on the property. Review of the property in April 2009 by the US. Fish and Wildlife Service indicated that the site does not provide suitable habitat for the Florida panther and that habitat impacts to the panther are not anticipated by development of the site.

The site contains approximately 19.08 acres of wetlands which encompass approximately 15% of the total site acreage. A map showing the location and acreages was provided as Map F. Wetland lines were approved by the South Florida Water Management and are permitted for the site under permit No. 36-01267-S.

The site has been permitted with the SFWMD under Permit No.36-012674. The wetlands are located within the preserve area as specified in the permit. The preserve/mitigation area has received certification from SFWMD after five years of monitoring and maintenance.

### **Staff Assessment for Vegetation, Wildlife and Wetlands**

Seasonal high and normal pool elevations were determined during the original permitting using environmental indicators including lichen lines on cypress trees within the onsite wetlands. The permitted control elevation is 25.3 feet NGVD. The current conditions in the preserve areas reflect the permitted conditions as noted in the SFWMD permit. All existing wetlands located within the permitted preserve area will remain in their existing state. No changes in the existing seasonal water elevations are proposed. Exotic removal and preserve maintenance will continue in perpetuity. The wetlands will be placed under a Conservation Easement. Exotic removal and preserve maintenance will continue in perpetuity. No changes are proposed to the hydroperiod since the permitted control elevation is being maintained. An existing water management berm is located between the development area and the preserved wetland. This berm provides a structural buffer to the preserve area.

The existing lake will be reconfigured. The central existing lake littoral will be eliminated per the FAA's Advisory Circular 15015200-33B, Hazardous Wildlife Attractants On or Near Airports and to provide for the proposed project site plan. Off-site compensation for the elimination of the littoral area is proposed to provide approximately 1.8 credits of mitigation at the Lee County's Island Park Regional Mitigation Area.

All necessary Best Management Practices will be utilized including silt fencing to protect wetlands areas from impacts resulting from construction. Any new littoral lake slopes, buffers, and landscaped vegetation will be in accordance with the FAA's Advisory Circular 15015200-33B, hazardous Wildlife Attractants On or Near Airports, and the recommended compatible native landscape plants for RSW as noted by the Lee County Port Authority.

As designed the new project will remove the central lake and littoral areas that currently serve as foraging area for listed wading bird species. It is of note that these littoral area are among the best littoral shelf mitigation areas that have been created in southwest Florida. Because of the FAA requirements regarding birds adjacent to airports these feature cannot be retained on-site. The offsite mitigation area at the Island Park Road marsh restoration area is in excellent condition and suitable mitigation. The problem with the mitigation plan is the use of UWAM functional assessment methods on an already existing mitigation site. If UWAM functional assessment methods are applied in sequence the result is a continual diminishment in the amount of required mitigation area since in each step a new inverse ratio of mitigation to impact area is generated. The solution to this

problem is to maintain the initial mitigation area as the final amount of mitigation when mitigation needs to be relocated, as in the case for this project.

Approximately 126 acres of relatively low intensity rangeland agriculture will be converted to developed human uses and eliminate a contiguous landscape that can be currently utilized by rangeland tolerant wildlife. The major remaining forested wetlands on the site will be preserved but shorter hydroperiod shallow freshwater marsh wetlands associated with the central lake will be eliminated. Permanent hydro-period development lakes will be unable to serve significant wildlife functions since the design must be in compliance with FAA restrictions against creation and maintained of such habitats. Clearly this is a cumulative impact of the airport development that has been generated by post-construction changes in requirements on adjacent landowners. The applicant is addressing this impact by use of an appropriate off-site mitigation.

A variety of secondary and cumulative impacts from traffic with associated small wildlife road-kill, fugitive lighting particularly from stadium and parking lot lighting , fertilizers, oils and greases, stormwater management systems changing hydro-patterns, introduction of exotic landscaping plants, litter, mosquito control and other pesticides, etc., will result from development of the site.

The original permit review for the extension of Daniels Parkway east and northward to connect to SR 82 involved a review and assessment of the impact of Daniels Parkway on their recovery of the Florida panther and impacts to Florida panther habitat. The outcome of this review included off-site mitigation and the establishment of signed speed zones in areas east and north of the project site. At the time of the review the traffic patterns and time of day use of the Daniels Parkway were expected to be as a commuter roadway between Lehigh Acres and Fort Myers with peak use during normal rush hours. The new stadium complex can be expected to have a wider variety of time of use that attracts large traffic volumes at other times of the day. During project review the applicant indicated the sports complex will be utilized for many more activities than just Spring Training Season. This is likely to include night activities that could put more traffic on Daniels Parkway in night hours when the potential for negative vehicle and Florida panther interaction could occur. It is important to have the USFWS/FWC review this anticipated change in road use and determine the level of impact if any and what remedial measures might be needed.

## 2. Applicant Commitment

- (1) Prior to issuance of a local development order for the ballpark facility, adequate documentation will be provided to Lee County of the placement of approximately 20.39 acres along the western and northern boundaries of the site into Conservation Easement.

- (2) The existing water management lakes on site will be reconfigured or eliminated, and new water management lakes will be excavated consistent with the permit modification issued by the SFWMD. The new lakes will be excavated and landscaped consistent with FAA Advisory Circular 15015200-33B, Hazardous Wildlife Attractants On or Near Airports, resulting in the loss of littoral area from the existing lakes. To mitigate for the loss of this littoral area, the developer will purchase off-site mitigation credits at the Lee County Island Park Regional Mitigation Area in an amount determined by the SFWMD permit modification.
- (3) All necessary best management practices will be utilized during construction to prevent unintended impacts to environmental features on site, including silt fencing to protect wetland areas from impacts resulting from construction.

### 3. Remedial Actions

- (1) Prior to issuance of a local development order for the project, adequate documentation will be provided to Lee County of the placement of the approximately 20.39 acres along the western and northern boundaries of the site into Conservation Easement. The survey of the flagged wetland preservation boundary, the flagged area of wetland encroachment and the areas proposed for wetland creation, shall be subject to approval by the Lee County Department of Community Development (DCD).
- (2) A Mitigation Plan must be submitted prior to final plan approval and will be subject to approval by the DCD. The plan must include the following:
  - ii) The exact extent of wetland encroachment and wetland creation.
  - iii) A specific wetland restoration creation plan including a timetable.
  - iv) A specific plan for the removal of all exotic vegetation located within the development, including the upland and wetland preserve areas. The plan must include a maintenance program to control the re-invasion of exotic vegetation on the subject property.
- (3) The existing water management lakes on the site will be reconfigured or eliminated and new water management lakes will be constructed consistent with the permit modification issued by the SFWMD. The new lakes will be constructed and landscaped consistent with the FAA's Advisory Circular 15015200-33B, Hazardous Wildlife Attractants On or Near Airports FAA standards for development adjacent to airports.

- (4) To address mitigation for the loss of existing lake littoral shelves that are a mitigation area for earlier project site development, the developer will purchase off-site mitigation credits at the Lee County Island Park Regional Mitigation Areas. The total acreage of the mitigation will be at least the existing acreage of the lake littoral shelves. There will not be a reduction in mitigation area requirement through the use of a functional assessment methodology that reduces the area of the mitigation off-set even if the SFWMD permit modification specifies this.
- (5) All applicable best management practices will be utilized during construction to prevent impacts to environmental features, including the onsite wetland and upland preservation areas, on-site and off-site water quality and wildlife.
- (6) The USFWS/FWS review and correspondence related to issues of potential Florida panther impacts on the use of Daniels Parkway for nighttime activities at the facility resulting in increased traffic shall be completed prior to commencement of construction.

4. References

Questions 12 & 13 of the Red Sox Ballpark and Spring Training Facility Application for Development Approval and subsequent sufficiency responses

## **F. WATER, FLOODPLAINS, AND STORMWATER MANAGEMENT**

### **1. Project Impact**

The property has been cleared, filled, and a surface water management system has been constructed and is in operation in accordance with South Florida Water Management District (SFWMD) Permit No 36-01 267-S. Currently, rainfall sheet flows into the onsite water management lake. After water quality pretreatment and attenuation occurs in the surface water management lake, controlled flows are discharged through an existing control structure to the preserve on the westside of the property, which then conveys water offsite to the west/southwest.

This existing system mimics the historical flow patterns through the same wetland systems. To date there is no apparent potential flooding or erosion problems due to the existing drainage system. Map I of the application for development approval illustrates existing onsite/offsite drainage flows and structures.

Existing hydrologic conditions on the site are limited to existing wetland preserves, storm water management lakes and three underlying aquifer systems. There are no rivers on the site. According to Rule 62-302.700(9), Florida Administrative Code (F.A.C.), no waters within or abutting the site are listed as Outstanding Florida Waters. According to Chapter 258.501, Florida Statutes, (F.S.), Part III, there are no Wild and Scenic Rivers within or abutting the site. According to Chapter 258.39, F.S., Part II, Aquatic Preserves, there are no Aquatic Preserves within or abutting the site. According to Chapter 62-302.400(12) (b), F.A.C., there are no Class I or II Waters within or abutting the site.

The proposed parcel is not located within the 100-year floodplain as identified by the Federal Emergency Management Agency (FEMA) flood plain maps obtained from Lee County, Map index # 12071 CINDOA, Key Sheet. The Key Sheet references the Lee County/Boston Red Sox Ballpark and Spring Training Facility (f.k.a. Airside Plaza DRI) parcel as a "Non-printed Panel that indicates No Special Flood Hazard Area" (1 2071 C0445F).

According to the SFWMD Environmental Resource Permit (ERP; 36-01267-S) issued to the site for commercial development, the project site is located in the southeast corner of a drainage sub-basin of approximately 4,800 acres bounded on the west by Six Mile Cypress Slough, south by Daniels Parkway, and east by the Gateway Community.

Runoff in the sub-basin generally flows to the west towards 1-75 and Six Mile Cypress Slough. Stormwater is routed to an existing central 8.3-acre stormwater management lake system via swales and culverts. Discharge from the lake system occurs via control structures and spreader swale to an unnamed wetland on the

western portion of the project site. Runoff then flows to the northwest towards 1-75 and then to an arm of the Six Mile Cypress Slough. For the proposed new Stadium project the existing storm water management lake system will be filled-in and a new storm water management lake system will be permitted and constructed.

Three primary aquifer systems underlie this site: the Surficial Aquifer System, the Intermediate Aquifer System and the Floridan Aquifer System. Freshwater (~250 milligrams per liter [mg/L] chloride) is limited to the Surficial Aquifer System and Intermediate Aquifer System.

According to the Fort Myers Rainfall Station and the Blaney-Criddle Irrigation Model used by the SFWMD, the project site receives an average annual rainfall of 53 inches. Of this total, approximately 40 inches is returned to the atmosphere via evapotranspiration. Typical overland runoff is approximately 10 to 12 inches annually, leaving approximately only 1 to 3 inches available for net recharge to the Surficial aquifer. This amount of recharge is considered low and does not warrant special protection.

Once the site is developed, wet and dry season water levels of the surficial aquifer will be maintained through surface water management facilities. Through the use of best management practices such as water control structures and detention systems, predevelopment hydrology will be maintained in the new development, as required by SFWMD rules and regulations.

Best management practices (BMPs) will be implemented at the site to prevent potential adverse impacts to surface water and groundwater. These BMPs will include the proper timing and minimum applications of slow release fertilizers, pesticides, and herbicides on landscaped areas of the property.

BMPs will be utilized to mitigate potential impacts from stormwater runoff as required by the SFWMD. The BMPs to be employed are discussed- in more detail in the response to Question 19 of the application for development approval, but will include utilization of wet and dry detention ponds.

These features are designed to provide runoff treatment to improve water quality through attenuation by increasing storage detention and travel time prior to off-site discharge.

The applicant is proposing the following to further protect surface and groundwater:

During Construction:

1. Silt fences will be installed on land and floating turbidity curtains will be installed in surface water bodies to protect water quality and will remain in

place until land surface is stabilized.

2. Appropriate turbidity controls will be implemented during any necessary dewatering. These controls may include temporary retention areas that allow entrained sediment to settle prior to discharge. Other potential turbidity controls may include use of agents to flocculate or coagulate sediments.
3. The area of exposed soils will be minimized and will be no larger than necessary for efficient construction operations. In addition, the duration of exposed soil will be minimized. Exposed soil will be stabilized by sodding, seeding, or mulching as soon as practical after construction activities.
4. The applicant will install storm drain inlet protection to limit sedimentation within the storm water management system.

#### Post Construction

1. Nutrient and pesticide management will be performed by minimizing losses to stormwater and maximizing application effectiveness. This will be accomplished by prohibiting application near surface water bodies and avoiding application on impervious areas. In addition, only registered commercial applicators will be allowed to apply fertilizers or pesticides.
2. Dry weather accumulation of pollutants will be removed from primary streets by street sweeping once every other month. Street sweeping will be performed by a licensed vendor using a vacuum-type sweeping device.
3. Identification of storm water management system maintenance issues will be performed through annual inspections of inlets, culverts, outfall structures, bank slope stabilization, and aquatic vegetation. Any required maintenance will be performed to maintain or improve the surface water management system and water quality.

The existing and adopted stormwater management criteria for the project site provides for an existing level of service for a 25 year/3 day storm event (per existing SFWMD Permit #36-01267-S). The water management system and conveyance design are for a 5 year/1 day storm event. The minimum road/paved parking lot elevations (both internal/private) and minimum road elevations (external/public) and the minimum finished floor elevation level of service after project buildout are for 100 year/3 day storm event (Zero Discharge).

In addition all to the standards listed above, the following design criteria and assumptions are incorporated into the proposed Surface Water Management Plan for the Lee County/Boston Red Sox Spring Training Facility:

1. A maximum allowable post-development discharge rate of 37 cubic feet per second per square mile (CSM), per the Lee County Watershed Study for the Six Mile Cypress Slough. This rate is consistent with the existing permit.
2. 25 year/3 day storm event for stage storage, discharge routing analysis of the propose water management system.
3. Minimum road and paved parking elevations will be protected from a 5year/1 day storm event.
4. Minimum finished floor elevations will be protected from a 100 year/3 day storm event with zero discharge.
5. Control elevations will be maintained at the currently permitted elevation of 23.5' NGVD. Proposed control structures shall be designed to maintain this elevation.
6. Primary development stormwater runoff will be directed to onsite detention retention areas, grassed areas, lakes, and the southern preserve area prior to discharge into onsite wetlands in order to provide enhanced water quality treatment.
7. In accordance with nutrient loading treatment methods, stormwater runoff will be treated through a combination of retention facilities prior to discharging offsite.
8. A preliminary stormwater management summary is shown on Map I, identifying basin control elevations, basin areas, on-site preserve area, and discharge points. Please also see the typical cross-sections for the proposed lakes on site.

The site in its existing condition contains the backbone of the previously permitted water management system including lakes, preserve area, a perimeter berm, and two (2) control structures. This water management system dictates the existing drainage patterns of the site. While requiring reconfiguration of the impervious coverage and stage/storage areas, the proposed water management system will maintain and/or increase the water quality treatment volumes and allowable discharge rates according to the SRNMD requirements. The allowable discharge rate for the new site design shall be maintained at 37 CSM for developments located within the Six Mile Cypress Watershed.

All major points of indirect discharge, with identification of receiving waters, are shown on the Master Drainage Plan (Map I).

1. Best Management Practices (BMPs) to insure water quality enhancement of stormwater runoff will be incorporated into the proposed surface water management system. These will include:
  - (a) Control structures designed to detain the required volume runoff in order to allow settling of nutrient pollutants and infiltration to occur.
  - (b) Drop catch basins for closed drainage systems within the development area.
  - (c) Development runoff directed into the proposed swales, grassed areas, and lakes prior to discharge into the on-site preserve.
  - (d) Dry detention/retention areas to provide pretreatment of first %" of runoff from commercial areas.

Upon completion of the entitlement and permitting process, the 106+- acre ballpark, practice field, and auxiliary uses will be purchased by Lee County in accordance with the Agreement for Purchase and Sale of Real Estate executed on June 2, 2009. The 106+ acre portion of the subject property will encompass the entire surface water management system, including provisions to fully attenuate and pre-treat runoff from the 20-acre commercial parcels. Therefore, operation and maintenance of the water management system for the entire subject property will be the responsibility of Lee County. A draft resolution detailing the responsibilities for maintenance is has been provided.

## 2. Applicant Commitments

- (1) The Developer must incorporate the use of water conserving devices as required by State law (§553.14, Florida Statutes).
- (2) At present, the nearest potential source of reclaimed water for irrigation purposes is the Gateway Services District (GSD). However, sufficient reclaimed water is not presently available from the GSD to meet the irrigation demands of the project. Prior to issuance of a local development order for the ballpark facility, the developer will re-evaluate the availability of reclaimed water from the GSD and will utilize reclaimed water for irrigation to the extent it is available. If unavailable, irrigation

will be provided to the project in accordance with permits issued by the SFWMD.

- (3) For the purpose of non-potable water conservation, the developer must require, through the use of deed restrictions or other appropriate mechanisms, the utilization of xeriscape principles in the design and installation of the project's landscaping. Xeriscape principles will be used throughout the project.
- (4) Irrigation may not take place on the site between the hours of 9:00 A.M. and 5:00 P.M., after the establishment of landscaping, to the exclusion of the secondary (treated effluent) system applications. Irrigation of the ballpark and practice fields may occur as reasonably necessary and as permitted under the rules and regulations of the SFWMD.
- (5) Potable water may not be used for non-potable/irrigation demands. Irrigation needs must be met as provided in paragraph 2 above.
- (6) The Developer must obtain all appropriate water use permits and water management permits from the SFWMD and Lee County prior to any on-site construction.
- (7) The developer must utilize the water conservation measures identified in the ADA and sufficiency reports, to the extent not inconsistent with the above requirements.
- (8) The project must connect to the central sewer system operated by the Department of Lee County Utilities. Documentation of adequate capacity to serve the development must be provided with each local development order application.
- (9) All appropriate surface water management and water use permits shall be obtained from SFWMD prior to any construction or site preparation (physical activities) taking place on-site.
- (10) The developer must submit all pertinent surface water management and water use permit submittal documents to the SWFRPC and Lee County at or about the same time as those documents are submitted to the SFWMD for review and comment.
- (11) The developer must participate in any area-wide drainage program directly benefiting the DRI, under the same fiscal terms and conditions as all other benefited properties, in a manner which is consistent with the dictates of §380.06(15)(e)(1), Florida Statutes. The drainage program envisioned by this paragraph is one which is initiated by Lee County or by the SFWMD or by the Applicant, or by a group of benefited property owners.

(12) The following provisions apply to the potential use and storage of hazardous materials and chemicals within the project:

- a. Pesticide and fertilizer application and storage on the ballpark and practice field facilities will follow all best management practices for such materials and will follow all applicable manufacturer directions and specifications, as well as all applicable local, state and federal regulations. Prior to issuance of a local development order for the ballpark or practice fields, the owner/operator of the ballpark facility will prepare a hazardous materials and management plan for review and approval by Lee County Department of Community Development and Division of Emergency Management, the Florida Department of Environmental Protection (FDEP), and the South Florida Water Management District (SFWMD).
- b. No other uses presently proposed for the DRI are expected to use or contain hazardous materials or generate hazardous wastes, with the possible exception of the 50,000 square foot sports performance and athletic training facility. In the event this use, or any other use in the DRI, proposes to use or generate hazardous materials or hazardous wastes (as such are defined in applicable local, state and federal laws and regulations), the developer or operator of the facility must prepare and submit a hazardous materials management plan to Lee County Department of Community Development and Division of Emergency Management, FDEP and SFWMD for review and approval prior to local development order approval.
- c. If any use anticipates generating bio-hazardous waste as part of its operations, a commitment from a licensed bio-hazardous waste transporter regarding the transporter's ability to serve the project during routine pickup or accidental release will be provided to Lee County prior to issuance of a local development order for the facility.
- d. Restrictive covenants for the project will include a provision requiring any commercial pool operation (including any pool within a hotel/motel) using chlorine to be equipped with sensors or alarm devices to provide monitoring and warning of potential spills or leaks.

(13). The developer must implement and maintain an on-going sampling, maintenance and monitoring program for construction and post-construction water quality conditions. The water quality sampling, maintenance, and monitoring program shall be reviewed and is subject to approval by the SFWMD.

- (14) A regularly scheduled program of vacuum sweeping for all parking lot areas shall be implemented to help ensure acceptable stormwater run-off quality.
- (15) All other commitments made by the developer in the Application for Development Approval or subsequent sufficiency rounds, not in conflict with the above recommendations, are incorporated as conditions of this Development Order approval.

3. Remedial Actions

1. The Developer must obtain all appropriate water management permits from the SFWMD and Lee County prior to any on-site construction.
2. The developer must submit all pertinent surface water management submittal documents to Lee County at the same time as those documents are submitted to the SFWMD for review and comment.
3. The developer must participate in any area-wide drainage program directly benefiting Lee County Red Sox Ball Park and Spring Training Facility (FKA Airside Plaza DRI), under the same fiscal terms and conditions as all other benefitted properties, in a manner which is consistent with the dictates of §380.06(15)(e)(1), Florida Statutes. The drainage program envisioned by this paragraph is one which is initiated by Lee County or by the SFWMD or by the Applicant, or by a group of benefitted property owners.
4. The following provisions apply to the potential use and storage of hazardous materials and chemicals within the project:
  - a. Pesticide and fertilizer application and storage on the ballpark and practice field facilities will follow all best management practices for such materials and chemicals within the project and will follow all applicable manufacturer directions and specifications as well as all applicable local, state, and federal regulations. Prior to issuance of the development order for the ballpark or practice fields the owner/operator of the ballpark facility prepare and submit a hazardous materials management plan to Lee County Department of Community Development and Division of Emergency Management, Florida Department of Environmental Protection (FDEP) and SFWMD for review and approval prior to final Development Order approval.

- b. No other uses presently proposed for the DRI are expected to use or contain hazardous Materials, the possible exception of the 50,000 square foot performance and athletic training facility. In the event this use, or any other use in the DRI, proposes to use or generate hazardous materials or hazardous wastes (as such are defined in applicable local, state, and federal laws and regulations) the developer or operator of the facility must prepare and submit a hazardous materials management plan to Lee County Department of Community Development and Division of Emergency Management, Florida Department of Environmental Protection (FDEP) and SFWMD for review and approval prior to final Development Order approval.
  - c. If any use anticipates generating bio-hazardous waste as part of its operations a commitment from a licensed bio-hazardous waste transporter regarding the transporter's ability to serve the project during routine pickup or accidental release will be provided to Lee County prior to final Development Order approval.
  - d. Restrictive covenants for the project will include a provision requiring any commercial pool within a hotel/motel using chlorine to be equipped with sensors or alarm devices to provide monitoring and warning of potential spills or leaks.,
- 5. The developer must coordinate with Lee County, FDEP and SFWMD in the on-site placement of storage and transfer facility for all special and hazardous waste generated by the DRI.
  - 6. The developer must implement and maintain an on-going sampling, maintenance and monitoring program for construction and post-construction water quality conditions. The water quality sampling, maintenance, and monitoring program shall be reviewed and is subject to approval by the SFWMD.
  - 7. A regularly scheduled program of vacuum sweeping for all parking lot areas shall be implemented to help ensure acceptable stormwater run-off quality.
  - 8. All other commitments made by the developer in the Application for Development Approval or subsequent sufficiency rounds, not in conflict with the above recommendations, are incorporated as conditions of this Development Order approval.

4. References

1. Question 14, Red Sox Ballpark and Spring Training Facility ADA
2. Question 16, Red Sox Ballpark and Spring Training Facility ADA
3. Question 18, Red Sox Ballpark and Spring Training Facility ADA
4. Question 19, Red Sox Ballpark and Spring Training Facility ADA

## **G. WATER SUPPLY, AND WASTEWATER MANAGEMENT**

### **1. Project Impact**

Potable water will be used to satisfy the domestic demands associated with typical commercial and baseball facility land uses. Non-potable water will be used to satisfy the landscape irrigation demands for the same land uses.

Potable Water Demand will be 0.117 million gallons per day (MGD), Non-Potable Water Demand will be 0.673 MGD. Therefore Total Water Demand will be 0.790 MGD. Breaking the potable water demand into lands uses the General Office will use 0.0075 MGD, the Hotel will use 0.03 MGD, the Retail/Commercial will use 0.02 MGD, the Wellness Facility will use 0.0075 MGD and the Baseball Facility will use 0.052 MGD

An average non-potable irrigation demand of 0.673 MGD is expected at buildout. Seasonal variations in the non-potable demands are expected to occur due to seasonal variations in rainfall, with non-potable demands greater during the dry season when rainfall is the lowest.

The irrigation areas for the professional baseball fields will be 19.0 acres and the irrigated common green areas will be 44.2 acres. The professional baseball fields will use 0.400 MGD and the common green areas will use 0.273 MGD of non-potable water. The consumption rates for the baseball fields are based upon historical experience for similar USGA sand-based professional baseball field complexes.

The project lies entirely within the Lee County Utilities water service area. Potable water will be provided by Lee County Utilities. Lee County Utilities (LCU) will operate and maintain the primary potable water distribution systems. Lee County will operate and maintain the potable water distribution system. A letter confirming service from Lee County Utilities has been provided.

Currently, discussions with Gateway Services District are underway to establish the use of reclaimed water for non-potable uses. However, in the event that a reclaimed water supply is not available, on-site wells shall be utilized for non-potable uses.

There are no wells existing on the site. Future irrigation water supply will be a combination of groundwater and surface water. Groundwater from either the Sandstone aquifer or Mid-Hawthorn aquifer will be used to recharge the future lake system. The proposed location of the future groundwater wells are shown on Map H. The blended groundwater and surface water will be withdrawn via one surface water pump station to serve the site. Since irrigation water will be withdrawn from the lake system during a limited daily window in accordance

with State rules and County ordinances, groundwater recharge wells may be pumped over a longer period and at a lower rate to replenish lake volumes withdrawn by the surface water pump each day. The Sandstone aquifer is more productive than the Mid-Hawthorn aquifer at the project site. Therefore, it is anticipated that two (2) Sandstone aquifer well or three (3) Mid-Hawthorn aquifer wells will be constructed for irrigation supply. It is anticipated that one additional standby irrigation well will installed at the project site.

Reclaimed water will be used for irrigation provided it becomes available and is economically feasible to use at the site. The nearest provider of reclaimed water is Gateway Services District (GSD). Any additional reclaimed water generated by GSD would likely be supplied to the Gateway community and made available to outside customers only after the entire irrigation demands of the Gateway community had been met. Discussions with GSD are currently underway to determine if excess reclaimed water may be available in the future.

It is not expected that the withdrawal of groundwater at the site will not adversely impact existing legal users due to drawdown interference. Irrigation wells and pump rates will be located and designed to minimize impact to existing legal users. The applicant intends to submit an application for a consumptive water use permit will be submitted to the SFWMD that demonstrates absence of any adverse impact on existing legal users or water sources. Modeling of drawdown resulting from proposed withdrawals will be performed, if required by the SFWMD, during the consumptive water use permitting process.

For the purposes of potable water conservation within the Lee County / Boston Red Sox Ballpark and Spring Training Facility, the utilization of low water-use plumbing fixtures, self-closing and/or metered water faucets, and other water conserving devices shall be encouraged. The reduction in water usage for these plumbing fixtures will vary depending upon the type and manufacturer.

Non-potable water conservation shall be encouraged through the use of xeriscape landscaping principles and plant selection.

Wastewater flows for the project will be Potable Water Demand will be 0.113 MGD. Breaking the wastewater flow volumes into land uses the General Office will generate 0.0075 MGD, the Hotel will generate 0.03 MGD, the Retail/Commercial will generate 0.02 MGD, the Wellness Facility will generate 0.0075 MGD and the Baseball Facility will generate 0.048 MGD.

The project lies entirely within the Lee County Utilities wastewater service area. A letter confirming service from Lee County Utilities has been provided. No septic tanks are proposed for wastewater treatment for the project.

Although non-residential land uses are planned for the Lee County / Boston Red Sox Ballpark and Spring Training Facility, it is anticipated that all wastewater

generated, at any time during construction and at buildout, will be of domestic sewage quality. Commercial users will be required to predict quantity and quality of generated effluent. In the event that their wastes are determined to be incompatible with the treatment facilities serving the project, pre-treatment will be required or other means of compatibility will be developed.

2. Applicant Commitments

- (1) The developer must install and maintain a dual piping system for those parts of the project outside the 100-day travel time contour, in order to provide properly treated wastewater effluent to meet irrigation requirements. Any such system should meet all relevant requirements and standards of the South Florida Water Management District, the Florida Department of Environmental Regulation, Lee County, and other pertinent agencies.
- (2) Within the 100-day travel time contour of the potable water wellfield, the following additional regulations apply:
  - (a) No spray irrigation, or other disposal method for sewage effluent may be conducted;
  - (b) Lakes may not be excavated closer than four (4) feet to the limestone portion of the aquifer, as determined by test borings submitted to the Division of Environmental Services at the time of final plan approval;
  - (c) If the limestone is encountered during excavation, it must be covered with four (4) feet of clean sand; and
  - (d) Bulk storage of fuels or pesticides, gasoline stations, and sewage effluent disposal ponds are not permitted.
- (3) Irrigation withdrawals from surface or ground water resources are only permitted for those parts of the project inside the 100-day travel time contour.
- (4) The use, generation, or storage of hazardous materials within the 210-day travel time contour of the wellfield is hereby prohibited in order to protect the potable water wellfield.
- (5) For those areas within the proposed project that are outside the 210-day travel time contour, any use, generation, or storage of hazardous materials should be preceded by the development and approval (by appropriate agencies) of containment features, as well as an emergency response plan in the event a spill occurs.

- (6) Any gasoline station must be located the maximum distance from the wellfield, and designed with an extra bentonite (or comparable) liner outside of the tank to prevent any potential contaminant from entering the aquifer. Monitoring wells must be constructed around such facilities to check the quality of the groundwater on a regular basis.

### 3. Remedial Actions

1. Lee County Utilities or its successors and assigns shall provide potable water and wastewater service for the project. Documentation of adequate capacity to serve the development must be provided with each local development order application.
2. The lowest quality of water available and acceptable shall be utilized for all non-potable water uses.
3. When available either Lee County Utilities or Gateway Services District or its successor or assigns shall provide reclaimed water service for the project. When available reclaimed water shall be the first source of water for landscape irrigation. In the absence of sufficient reclaimed water, the water source will be the lake system with the water replaced with groundwater as permitted by the South Florida Water Management District (SFWMD).
4. This project shall require a permit from the SFWMD for non-potable (landscape irrigation) withdrawals. The applicant must meet District criteria in effect at the time of permit application. The general and specific conditions relating to this permit are incorporated as conditions of the DO by reference.
5. Irrigation systems for new construction shall comply with County's irrigation and landscaping ordinance, as may be amended from time to time.
6. A building permit shall not be issued unless the developer demonstrates that Lee County Utilities has an adequate permitted allocation of potable water and adequate potable water treatment and distribution facilities to meet the demands of the development for which the building permit is being requested.
7. The Developer must incorporate the use of water conserving devices as required by State law (§553.14, Florida Statutes). The project shall utilize ultra-low volume water use plumbing fixtures, self-closing and/or metered water faucets, xeriscape landscape techniques, rain-harvesting, water gardens, and other water conserving devices and/or methods. These devices and methods shall meet the criteria outlined in the water conservation plan of the public water supply permit issued to Lee County Utilities by the South Florida Water Management District.

8. For the purpose of non-potable water conservation, the developer must require, through the use of deed restrictions, or other equally enforceable methods, the utilization of xeriscape principles in the design and installation of the project's landscaping, where public water or well water would be necessary for irrigation purposes. Xeriscape principles will be used throughout the project.
9. Irrigation of green space may not take place on the site between the hours of 9:00 A.M. and 5:00 P.M., after the establishment of landscaping, to the exclusion of the secondary (treated effluent) system applications.
10. Irrigation of the ballpark and practice fields will occur as permitted under the rules and regulations of the SFWMD.
11. Potable water may not be used for non-potable/irrigation demands. Irrigation needs must be met through on-site lakes and well withdrawals and/or ultimately by the use of treated effluent.
12. The Developer must obtain all appropriate water use permits from the SFWMD and Lee County prior to any on-site construction.
13. The developer must utilize the water conservation measures identified in the ADA and sufficiency reports, including the use of spray irrigation and xeriscaping. The developer must construct and operate a master irrigation system using spray irrigation treated wastewater, when it is available.
14. The developer must submit all pertinent water use permit submittal documents to Lee County at the same time as those documents are submitted to the SFWMD for review and comment.
15. When spray irrigation/effluent reuse, the developer, or its successors must obtain all necessary permits from SFWMD for the use of spray irrigation/effluent reuse.
16. If hazardous wastewater is generated by the on-site facilities, the project's hazardous materials management plan must address the issue of hazardous wastewater and, if needed, any pre-treatment action for hazardous wastewater.
17. All restaurants within the project will be equipped with grease traps or grease interceptors and will comply with all other requirements of Lee County Ordinance No. 05-02 as same may be amended from time to time.
18. The developer must, as part of the annual DRI monitoring report required by Chapter 380.06 (18) F.S., submit information concerning the availability of reuse water for irrigation.

#### 4. References

1. Question 17, Red Sox Ballpark and Spring Training Facility ADA
2. Question 18, Red Sox Ballpark and Spring Training Facility ADA
3. Letters of service from Lee County Utilities

## H. TRANSPORTATION

### 1. PROJECT INVENTORY and IMPACT ASSESSMENT

Lee County Red Sox Ballpark & Spring Training Facility (formerly known as Airside Park) is an approved 125+-acre development of regional impact, located on the north side of Daniels Road approximately two miles east of I-75 in Lee County. The DRI was originally approved for 200,000 square feet of commercial uses, a 150 room hotel/motel, 170,000 square feet of office uses, 500,000 square feet of “tech/flex” (an industrial type of land use), and a “swing” land use which could be 40,000 square feet of office/research uses or 150 hotel/motel rooms. The project was proposed to be built in two phases.

The project’s development order was amended several times between 1989 and 2005. The first NPOC submitted in 1998 extended the buildout of Phase I from February 29, 1993 to February 26, 2001 and Phase II from February 27, 1997 to September 27, 2003. This equated to an extension of eight years for Phase I and six and a half years for Phase II. An extension of seven or more years to a phase end date is presumed to create a substantial deviation according to Chapter 380.06(19)(c), Florida Statutes, and a transportation reanalysis was required. The transportation reanalysis conducted by the SWFRPC determined that no additional roadway segments would be both significantly and adversely impacted as a result of the NPOC, successfully rebutting the presumption of a substantial deviation. Lee County DOT staff concurred with that finding. A resolution approved by the Lee BOCC in 1994 resulted in modification of Condition 3 with an additional condition to remove the requirement to interconnect to Rickenbacker Parkway allowing for the 200,000 square feet of retail to remain as long as the northern stub-out/future connection was provided for additional access to the site. The original trip generation for the previously approved development parameters was established in the February 27, 1989 development order and was amended to add 200,000 square feet of retail use by resolution on March 21, 1994.

A second NPOC submitted in 2003 and approved in 2005 provided a change to the currently approved mix of uses, with the transportation analysis indicating that a reduction in P.M. peak hour trips would result from the change, and no additional significant and adverse impacts would occur and no additional mitigation was required as a result of the change. The Lee County draft development order included in this agenda packet outlines the history of previous changes to the original development order for the Lee County Red Sox Ballpark & Spring Training Facility DRI.

The project is currently approved for 125,400 square feet of retail commercial uses, 150 hotel rooms, 270,000 square feet of office uses, 525,000 square feet of “tech/flex” (an industrial type land uses), and a “swing” land use which could be 40,000 square feet of office/research uses or 150 hotel rooms, depending on market conditions. The proposed change will result in a project mix of uses including 50,000 square feet of office use, 150 hotel rooms, 200,000 square feet of retail use, 50,000

square feet of wellness/fitness/rehab athletic performance and sports medicine uses, a baseball stadium with capacity for 12,000 attendees, and 2.5 acres of recreation uses in addition to the stadium area. The project is now proposed to be constructed in a single five-year phase with a December 26, 2016 buildout date. Note that the Traffic Analysis shows two phases for the purpose of providing information on the impacts of the baseball stadium separately from the impacts of the rest of the development in the DRI.

This impact assessment for the Lee County Red Sox Ballpark & Spring Training Facility was prepared by the Southwest Florida Regional Planning Council as required by Chapter 380, Florida Statutes. The DRI assessment is largely based on information supplied by the applicant in the ADA including one round of sufficiency responses. Additional information was obtained by contacting local officials, state and regional agencies, consulting official plans, and by reviewing reports related to specific issues in the impact assessment. The ADA included a Transportation Analysis prepared by Kimley-Horn and Associates, Inc., with the sufficiency response prepared by TR Transportation consultants, Inc., based on methodology discussions involving the applicant, Lee County, Florida Department of Transportation (FDOT) and the SWFRPC. Lee County, FDOT and SWFRPC staff reviewed the applicant's Transportation Analysis as amended through the single sufficiency round.

The applicant's Transportation Analysis and sufficiency response provided data and analysis to support the conclusion that the Substantial Deviation proposed will not result in significant and adverse impacts to the transportation network, and that no additional transportation impacts exceeding the impacts projected to occur from the development currently approved for the site are likely to occur. Lee County, FDOT and SWFRPC staff reviewers agree that the Transportation Analysis and sufficiency response provided by the applicant supports the conclusion that the proposed changes to the development order are not expected to result in significant and adverse regional transportation impacts.

## **TRIP GENERATION**

The applicant's Transportation Analysis evaluated project trip generation and the impact of the project on the level of service (LOS) on the surrounding roadway network. The Analysis estimates the project will generate 1,420 net new external trip ends in the P.M. peak hour. This is nominally fewer P.M. peak hour trips than the previously projected impacts of the currently approved development, although methodology differences among previous analyses and the current Analysis mean the results are not directly comparable. The Analysis assumed conservative background growth rates of 1.5 percent per year on I-75, 1 percent per year on Daniels Parkway between I-75 and Treeline Avenue, and 4 percent per year for Daniels Parkway between Treeline Avenue and SR 82, and assumed approximately 20 percent internal capture for the project.

The Analysis, which was accepted by Lee County, FDOT, and the SWFRPC indicates the most impacted roadway link will be Daniels Parkway between Chamberlin and the project site (two entrances). This is the only link which the applicant's Analysis indicates may be significantly and adversely impacted by the development, although the Analysis notes that this determination is based on use of Lee County's *Generalized Peak Hour Service Volumes*, and that after the scheduled widening of Daniels Parkway to six lanes the use of service volumes from the more detailed *Link-Specific Service Volumes on Arterials in Lee County* will result in additional capacity and a LOS C for the segment.

The trip generation table for the proposed change, revised as a result of one sufficiency round, is as follows.

**TABLE 21-6**  
**TRIP GENERATION ESTIMATES**  
**RED SOX BALLPARK AND SPRING TRAINING FACILITY DRI**

<b>PHASE I (2012)</b>						
LAND USE	ITE LUC	SIZE	AM PEAK HOUR		PM PEAK HOUR	
			IN	OUT	IN	OUT
Ballpark	--	2,400 persons	--	--	333	3
<b>Total Gross Trips =</b>			--	--	<b>333</b>	<b>3</b>
<b>Total Net, New External Project Trips =</b>			--	--	<b>333</b>	<b>3</b>

<b>PHASE II (2015)</b>						
LAND USE	ITE LUC	SIZE	AM PEAK HOUR		PM PEAK HOUR	
			IN	OUT	IN	OUT
Hotel	310	150 rooms	42	26	47	42
Multipurpose Recreational Facility	435	2.5 acres	3	2	7	7
General Office Building	710	50 ksf	95	13	23	112
Medical-Dental Office Building	720	50 ksf	91	24	41	112
Shopping Center	820	200 ksk	142	90	496	516
Ballpark	--	2,400 persons	--	--	333	3
<b>Total Gross Trips =</b>			<b>372</b>	<b>155</b>	<b>947</b>	<b>792</b>
-Internal/Ballpark Capture Trips =			<u>-29</u>	<u>-15</u>	<u>-237</u>	<u>-143</u>
<b>Total External Trips =</b>			<b>343</b>	<b>140</b>	<b>710</b>	<b>649</b>
-Pass-by Capture Trips =			<u>-41</u>	<u>-26</u>	<u>-134</u>	<u>-139</u>
<b>Total Net, New External Project Trips =</b>			<b>302</b>	<b>114</b>	<b>576</b>	<b>510</b>

Source: ITE *Trip Generation*, 8th Edition (2008) and ITE *Trip Generation Handbook*, 2nd Edition, 2004 for the non-ballpark uses and Lee County traffic counts at Hammond Stadium of four Spring Training games in 2009 for the ballpark.

For comparison, the traffic reanalysis conducted for the 1998 NPOC projected the total p.m. peak hour trip generation for the DRI at buildout to be 1913 trips before reductions based on internal capture and pass-by traffic.

			PM Peak Hour		
		Daily	In	Out	Total
<b>Phase 1 (2001)</b>					
Commercial	75000 square feet	5665	249	270	519
Office	70000 square feet	1009	27	131	158
Hotel *	150 rooms	1338	45	46	91
Office **	0 square feet	0	0	0	0
Tech/Flex:	290000 square feet	---	---	---	---
30% Office	87000 square feet	1193	30	147	177
70% Industrial	203000 square feet	1096	30	95	125
<b>Phase 1 Total</b>		<b>10301</b>	<b>381</b>	<b>689</b>	<b>1070</b>
<b>Phase 2 (2003)</b>					
Commercial	200000 square feet	10645	476	516	992
Office	170000 square feet	1995	46	224	270
Hotel *	150 rooms	1338	45	46	91
Office **	40000 square feet	657	21	103	124
Tech/Flex:	500000 square feet	---	---	---	---
30% Office	150000 square feet	1812	42	205	247
70% Industrial	350000 square feet	1637	45	144	189
<b>Buildout Total</b>		<b>18083</b>	<b>675</b>	<b>1238</b>	<b>1913</b>

The analysis conducted for the 2004 NPOC indicated that the changes approved at that time would result in a reduction of p.m. peak hour trips: total p.m. peak hour trip generation for the DRI at buildout was estimated to be 1,847 trips. Internal capture was estimated to be 2.9 percent. There were estimated to be 256 pass-by trips and net external DRI p.m. peak hour trips were estimated to be 1,537.

Existing Conditions:

**TABLE 21-1  
ROADWAY CHARACTERISTICS  
RED SOX BALLPARK AND SPRING TRAINING FACILITY DRI**

ROADWAY	FROM	TO	EXISTING + COMMITTED LANEAGE	ROADWAY JURISDICTION	FUNCTIONAL CLASSIFICATION	AREA TYPE	LEVEL OF SERVICE STANDARD	LOS STANDARD SERVICE VOLUME <sup>1</sup>	
								NB/EB	SB/WB
<b>Daniels Parkway/ Gunnery Road</b>	Palomino Lane	I-75	6LD	Lee County	Arterial	Urban	E	3,120	3,120
	I-75	Treeline Avenue	6LD	Lee County	Arterial	Urban	E	3,440	3,440
	Treeline Avenue	Chamberlin Parkway	6LD	Lee County	Arterial	Urban	E	3,440	3,440
	Chamberlin Parkway	Project Site	6LD	Lee County	Arterial	Urban	E	3,070	3,070
	Project Site	Gateway Boulevard	6LD	Lee County	Arterial	Urban	E	3,070	3,070
	Gateway Boulevard	SR 82	4LD	Lee County	Arterial	Urban	E	2,280	2,280
	SR 82	Lee Boulevard	4LD	Lee County	Arterial	Urban	E	2,020	2,020
<b>I-75</b>	Colonial Boulevard	Daniels Parkway	6LF	FDOT	Freeway	Urban	D	5,580	5,580
	Daniels Parkway	Colonial Boulevard	6LF	FDOT	Freeway	Urban	D	5,580	5,580
<b>Treeline Avenue</b>	Colonial Boulevard	Daniels Parkway	4LD	Lee County	Arterial	Urban	E	2,060	2,060
	Daniels Parkway	Alico Road	4LD	Lee County	Arterial	Urban	E	2,060	2,060
<b>Chamberlin Parkway</b>	Daniels Parkway	Airport	4LD	Lee County	Collector	Urban	E	1,830	1,830
<b>Gateway Boulevard</b>	Commerce Lakes Drive	Daniels Parkway	4LD	Lee County	Arterial	Urban	E	1,970	1,970
	Daniels Parkway	Airport	4LD	Lee County	Arterial	Urban	E	1,970	1,970
<b>SR 82</b>	Commerce Lakes Drive	Daniels Parkway	2LU	FDOT	Arterial	Rural	C	520	520
	Daniels Parkway	Alabama Road	2LU	FDOT	Arterial	Rural	C	520	520

1- Based upon FDOT's 2009 *Quality/Level of Service Handbook* for I-75 and SR 82 and Lee County's *Link-Specific Service Volumes on Arterials in Lee County (2008 Data)* and *Generalized Peak Hour Directional Service Volumes* for County-maintained roadways.

Current P.M. Peak Hour, Intersection and Interchange/Ramp Level of Service Analyses:

**TABLE 21-3  
2009 PEAK-SEASON P.M. PEAK-HOUR ROADWAY ANALYSIS  
RED SOX BALLPARK AND SPRING TRAINING FACILITY DRI**

ROADWAY	FROM	TO	EXISTING LANEAGE	LOS STANDARD SERVICE VOLUME		PEAK-SEASON TRAFFIC VOLUMES		PEAK-SEASON LOS	
				NB/EB	SB/WB	NB/EB	SB/WB	NB/EB	SB/WB
Daniels Parkway	I-75	Treeline Avenue	6LD	3,440	3,440	2,489	1,991	B	B
	Treeline Avenue	Chamberlin Parkway	6LD	3,440	3,440	2,291	1,464	B	B
	Chamberlin Parkway	Gateway Boulevard	4LD	2,280	2,280	2,296	1,296	F	B

**TABLE 21-4  
2009 PEAK-SEASON INTERSECTION ANALYSIS  
RED SOX BALLPARK AND SPRING TRAINING FACILITY DRI**

INTERSECTION	OPERATION TYPE	AM PEAK-HOUR LOS	PM PEAK-HOUR LOS
Daniels Parkway & I-75 West Ramps (SB)	Signalized	D	C
Daniels Parkway & I-75 East Ramps (NB)	Signalized	B	B
Daniels Parkway & Treeline Avenue	Signalized	--	C
Daniels Parkway & Chamberlin Avenue	Signalized	--	B
Daniels Parkway & Gateway Boulevard	Signalized	--	C

**TABLE 21-5  
2008 PEAK-SEASON INTERCHANGE RAMP/QUEUE ANALYSIS  
RED SOX BALLPARK AND SPRING TRAINING FACILITY DRI**

I-75 & DANIELS PARKWAY INTERCHANGE RAMP MOVEMENT	OPERATION TYPE	AM PEAK-HOUR		PM PEAK-HOUR	
		LOS	QUEUE <sup>2</sup>	LOS	QUEUE <sup>2</sup>
EB-to-NB On Ramp	Merge	A	--	B	--
WB-to-NB On Ramp	Merge	B	--	B	--
SB On Ramp	Merge	B	--	B	--
NB Off Ramp	Diverge	B	875'	B	725'
SB Off Ramp <sup>1</sup>	Diverge	B	545'/615'	B	385'/485'

1- Storage queue lengths given for the SB left-turn and SB right-turn movements, respectively.

2- Available existing storage lengths are approximately 1,200'/lane for the NB left-turn and 830'/lane for the SB left- and right-turn movements.

Future Traffic Conditions with the Project Analyses:

**TABLE 21-7**  
**PHASE I (2012) & PHASE II (2015) PM PEAK-HOUR ROADWAY ANALYSIS**  
**RED SOX BALLPARK AND SPRING TRAINING FACILITY DRI**

PHASE I (2012)																			
ROADWAY	FROM	TO	PEAK-SEASON TRAFFIC VOLUMES		ANNUAL GROWTH RATE	BACKGROUND TRAFFIC VOLUMES		PROJECT TRAFFIC VOLUMES		TOTAL TRAFFIC VOLUMES		LOS STANDARD SERVICE VOLUME		TOTAL TRAFFIC LOS		PROJECT % OF SERVICE VOLUME		CRITICAL LINK?	
			NB/EB	SB/WB		NB/EB	SB/WB	NB/EB	SB/WB	NB/EB	SB/WB	NB/EB	SB/WB	NB/EB	SB/WB	NB/EB	SB/WB	NB/EB	SB/WB
Daniels Parkway	I-75	Treeline Avenue	2,489	1,991	1.0%	2,564	2,051	163	1	2,727	2,052	3,440	3,440	B	B	4.7%	0.0%	NO	NO
	Treeline Avenue	Chamberlin Parkway	2,291	1,464	4.0%	2,566	1,640	203	2	2,769	1,642	3,440	3,440	B	B	5.9%	0.1%	NO	NO
	Chamberlin Parkway	Project Site	2,296	1,296	4.0%	2,572	1,452	230	2	2,801	1,454	3,070	3,070	C	B	7.5%	0.1%	NO	NO
	Project Site	Gateway Boulevard	2,296	1,296	4.0%	2,572	1,452	1	103	2,572	1,555	3,070	3,070	B	B	0.0%	3.4%	NO	NO

PHASE II (2015)																			
ROADWAY	FROM	TO	PEAK-SEASON TRAFFIC VOLUMES		ANNUAL GROWTH RATE	BACKGROUND TRAFFIC VOLUMES		PROJECT TRAFFIC VOLUMES		TOTAL TRAFFIC VOLUMES		LOS STANDARD SERVICE VOLUME		TOTAL TRAFFIC LOS		PROJECT % OF SERVICE VOLUME		CRITICAL LINK?	
			NB/EB	SB/WB		NB/EB	SB/WB	NB/EB	SB/WB	NB/EB	SB/WB	NB/EB	SB/WB	NB/EB	SB/WB	NB/EB	SB/WB	NB/EB	SB/WB
Daniels Parkway	I-75	Treeline Avenue	2,489	1,991	1.0%	2,638	2,110	282	250	2,921	2,360	3,440	3,440	B	B	8.2%	7.3%	NO	NO
	Treeline Avenue	Chamberlin Parkway	2,291	1,464	4.0%	2,841	1,815	352	311	3,192	2,126	3,440	3,440	B	B	10.2%	9.0%	NO	NO
	Chamberlin Parkway	Project Site	2,296	1,296	4.0%	2,847	1,607	398	352	3,245	1,959	3,070	3,070	F/A*	B	13.0%	11.5%	YES*	NO
	Project Site	Gateway Boulevard	2,296	1,296	4.0%	2,847	1,607	158	179	3,005	1,786	3,070	3,070	C	B	5.1%	5.8%	NO	NO

\*LOS based upon detailed Synchro arterial analysis is given for the segment that is shown deficient in the roadway analysis. It should be noted that the service volume for this segment is based upon Lee County's Generalized Peak Hour Directional Service Volumes due to the scheduled widening improvement. It is expected that after the widening is completed, a more detailed Link-Specific Service Volumes for Arterials in Lee County service volume calculation will result in additional roadway capacity, likely similar to that of Daniels Parkway between I-75 and Chamberlin Parkway which would result in a LOS C for the segment.

**TABLE 21-8  
PHASE I (2012) & PHASE II (2015) INTERSECTION ANALYSIS  
RED SOX BALLPARK AND SPRING TRAINING FACILITY DRI**

INTERSECTION	OPERATION TYPE	PHASE I (2012)	PHASE II (2015)	
		PM PEAK-HOUR LOS	AM PEAK-HOUR LOS	PM PEAK-HOUR LOS
Daniels Parkway & I-75 West Ramps (SB)	Signalized	C	D	D
Daniels Parkway & I-75 East Ramps (NB)	Signalized	C	B	B
Daniels Parkway & Treeline Avenue	Signalized	C	--	D
Daniels Parkway & Chamberlin Avenue	Signalized	B	--	B
Daniels Parkway & West Project Driveway	Two-Way STOP	D*	--	F*
Daniels Parkway & East Project Driveway	Two-Way STOP	B*	--	F*
Daniels Parkway & Gateway Boulevard	Signalized	C	--	C

\*LOS given for the cross-street approach of the unsignalized Intersection. The need for potential signalization and/or other improvements at the project driveways will be made at the time of development order approval.

**TABLE 21-9  
PHASE I (2012) & PHASE II (2015) INTERCHANGE RAMP ANALYSIS  
RED SOX BALLPARK AND SPRING TRAINING FACILITY DRI**

I-75 & DANIELS PARKWAY INTERCHANGE RAMP MOVEMENT	OPERATION TYPE	PHASE I (2012)	PHASE II (2015)	
		PM PEAK-HOUR LOS	AM PEAK-HOUR LOS	PM PEAK-HOUR LOS
EB-to-NB On Ramp	Merge	B	A	B
WB-to-NB On Ramp	Merge	B	B	B
SB On Ramp	Merge	B	C	C
NB Off Ramp	Diverge	B	B	C
SB Off Ramp	Diverge	B	B	B

**TABLE 21-10  
PHASE I (2012) & PHASE II (2015) INTERCHANGE QUEUE ANALYSIS  
RED SOX BALLPARK AND SPRING TRAINING FACILITY DRI**

I-75 & DANIELS PARKWAY INTERCHANGE RAMP MOVEMENT	PHASE I (2012) QUEUES <sup>2</sup>	PHASE II (2015) QUEUES <sup>2</sup>	
	PM PEAK-HOUR	AM PEAK-HOUR	PM PEAK-HOUR
NB Off Ramp	735'	925'	755'
SB Off Ramp <sup>1</sup>	435'/495'	615'/645'	475'/505'

1- Storage queue lengths given for the SB left-turn and SB right-turn movements, respectively.

2- Available existing storage lengths are approximately 1,200'/lane for the NB left-turn and 830'/lane for the SB left- and right turn movements.

**TURN LANE CALCULATIONS**  
**Red Sox Ballpark and Spring Training Facility DRI**

Off-Ramp Design Speed      35 mph  
 Peak Factor                      2  
 Vehicle Length                25'

<b>I-75 &amp; DANIELS PARKWAY QUEUE LENGTH REQUIREMENTS</b>					
<b>Southbound Dual Left-Turn Lanes</b> (Existing Length = 830'/lane)	<b>2008 PEAK-SEASON EXISTING</b>		<b>PHASE I (2012)</b>	<b>PHASE II (2015)</b>	
	<b>AM PEAK-HOUR</b>	<b>PM PEAK-HOUR</b>	<b>PM PEAK-HOUR</b>	<b>AM PEAK-HOUR</b>	<b>PM PEAK-HOUR</b>
Turning Traffic Volume (vph)	336	229	279	395	318
Cycle Length (sec)	170	150	150	170	150
Cycles Per Hour	21	24	24	21	24
Vehicles per Cycle	16	10	12	19	13
Average Vehicle Queue	398'	238'	290'	465'	333'
Peak Storage Length	795'	475'	580'	930'	665'
Number of Turning Lanes	2	2	2	2	2
Required Storage per Lane	400'	240'	290'	470'	330'
Required Deceleration Distance	145'	145'	145'	145'	145'
<b>Required Turn Lane Length</b>	<b>545'</b>	<b>385'</b>	<b>435'</b>	<b>615'</b>	<b>475'</b>
<b>Adequate Existing Turn Lane Length?</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
<b>Southbound Dual Right-Turn Lanes</b> (Existing Length = 830'/lane)	<b>2008 PEAK-SEASON EXISTING</b>		<b>PHASE I (2012)</b>	<b>PHASE II (2015)</b>	
	<b>AM PEAK-HOUR</b>	<b>PM PEAK-HOUR</b>	<b>PM PEAK-HOUR</b>	<b>AM PEAK-HOUR</b>	<b>PM PEAK-HOUR</b>
Turning Traffic Volume (vph)	399	323	333	423	342
Cycle Length (sec)	170	150	150	170	150
Cycles Per Hour	21	24	24	21	24
Vehicles per Cycle	19	14	14	20	14
Average Vehicle Queue	470'	338'	348'	500'	358'
Peak Storage Length	940'	675'	695'	1,000'	715'
Number of Turning Lanes	2	2	2	2	2
Required Storage per Lane	470'	340'	350'	500'	360'
Required Deceleration Distance	145'	145'	145'	145'	145'
<b>Required Turn Lane Length</b>	<b>615'</b>	<b>485'</b>	<b>495'</b>	<b>645'</b>	<b>505'</b>
<b>Adequate Existing Turn Lane Length?</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
<b>Northbound Dual Left-Turn Lanes</b> (Existing Length = 1,200'/lane)	<b>2008 PEAK-SEASON EXISTING</b>		<b>PHASE I (2012)</b>	<b>PHASE II (2015)</b>	
	<b>AM PEAK-HOUR</b>	<b>PM PEAK-HOUR</b>	<b>PM PEAK-HOUR</b>	<b>AM PEAK-HOUR</b>	<b>PM PEAK-HOUR</b>
Turning Traffic Volume (vph)	620	551	568	657	584
Cycle Length (sec)	170	150	150	170	150
Cycles Per Hour	21	24	24	21	24
Vehicles per Cycle	29	23	24	31	24
Average Vehicle Queue	733'	575'	593'	775'	608'
Peak Storage Length	1,465'	1,150'	1,185'	1,550'	1,215'
Number of Turning Lanes	2	2	2	2	2
Required Storage per Lane	730'	580'	590'	780'	610'
Required Deceleration Distance	145'	145'	145'	145'	145'
<b>Required Turn Lane Length</b>	<b>875'</b>	<b>725'</b>	<b>735'</b>	<b>925'</b>	<b>755'</b>
<b>Adequate Existing Turn Lane Length?</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>

Significant and Adverse Impacts:  
None anticipated as noted above.

**2. APPLICANT COMMITMENTS**

None required except payment of impact fees to Lee County and as listed in recommendations.

**3. COMMITTED IMPROVEMENTS**

Widening of Daniels Parkway from four to six lanes between Chamberlin and Gateway Blvd

**4. REMEDIAL ACTIONS**

- a) Changes in land uses from the parameters described herein will be required to undergo further DRI review, except as noted herein, unless such changes are determined not to be a substantial deviation pursuant to Section 380.06, F.S.
- b) The Developer must establish a biennial monitoring program, performed by traffic engineers, to monitor the development's impact upon the area's roadways consistent with these conditions. The monitoring program of the project's development will be designed in cooperation with the LCDOT, the FDOT, and the SWFRPC. These agencies will determine the specific information needed, critical roadway points, and any other necessary information. At a minimum, the monitoring report must contain A.M. and P.M. Peak-Hour traffic counts with turning movements and Critical Movement Analyses or other mutually agreed upon, professionally acceptable Level of Service analyses for all project access points onto Daniels Parkway as well as the following intersections:
  - a. Daniels Parkway at 1-75 SB Ramp
  - b. Daniels Parkway at 1-75 NB Ramp
  - c. Daniels Parkway at I-75 EB and WB Ramps
  - d. Daniels Parkway at Treeline Avenue
  - e. Daniels Parkway at Chamberlin Parkway
  - f. Daniels Parkway at Gateway Boulevard
  - g. Daniels Parkway at SR. 82

In addition, annual average daily traffic counts and level of service calculations for significantly impacted roadway links including, but not limited to, the following, must be submitted as part of the biennial monitoring report:

- a. Daniels Parkway from:
- b. 1-75 to Treeline Avenue
- c. Treeline Avenue to Chamberlin Parkway
- d. Chamberlin Parkway to DRI Western Access

- e. DRI Western Access to DRI Eastern Access
  - f. DRI Eastern Access to Gateway Boulevard
  - g. Gateway Boulevard at SR. 82
- c) The Developer or his representative must submit the first monitoring report to the Lee County Engineer, SWFRPC and FDOT within two years of the issuance of this DRI Development Order. Reports must be submitted biennially until actual or declared buildout of the project. Actual buildout will occur when the developer has constructed the maximum permissible amount of development permitted by this Development Order. Declared buildout will occur if the developer formally declares in writing to all governmental agencies having responsibility for monitoring this DRI, that no more development will be constructed, despite the fact that less than the permissible maximum had been built to date.
- d) The purpose of the monitoring program is to (1) determine whether the traffic levels projected in the traffic impact assessment are exceeded by actual impacts; and (2) assist Lee County and FDOT in determining the proper timing of necessary roadway improvements.
- e) The developer must construct, at no cost to Lee County or FDOT, all site related improvements deemed necessary by FDOT and the Lee County Engineer at all project access points onto Daniels Parkway and all site-related improvements required within the DRI. The Developer's obligation for these improvements will include the full costs of design and engineering, utility relocation, right-of-way acquisition (if needed), construction of turn lanes, acceleration and deceleration lanes, construction inspection, contract administration, testing and signalization (as needed and warranted). The alignment, design, signalization and construction schedule for these improvements is subject to the approval of the Lee County Engineer.
- f) The developer will not be eligible for credits against road impact fees for construction or dedication of rights-of-way associated with improvements at the projects access points that are site-related pursuant to the Lee County Land Development Code.
- g) Access points onto Daniels Parkway Extension must be in accordance with the controlled access resolution for Daniels Parkway (Resolution 89-10-11, as amended).
- h) As mitigation for the impacts of development within the DRI, the Developer must pay the roads impact fee in effect at the time building permits are issued for development within the DRI. These impact fee payments will represent the developer's share for the following roadways (including intersection interchange improvements):

- a. Daniels Parkway
  - b. -I-75 to Treeline Avenue 8LD or 6LE
  - c. -Treeline Avenue to Chamberlin Parkway 6LD
  - d. -Chamberlin Parkway to Project Site 6LD
  - e. -Project Site to Gateway Boulevard 6LD
  - f. -Gateway Boulevard to SR 82 6LD
- i) Credits against impact fees will be in accordance with the Land Development Code. If roads impact fees are repealed, reduced or made unenforceable by court action, a substantial deviation will be deemed to have occurred, and the traffic impacts of the DRI must be reanalyzed to determine appropriate alternative mitigation. This DRI Development Order will be amended as appropriate to include the new mitigation prior to the issuance of subsequent building permits.
  - j) Development under this Development Order is subject to compliance with the Lee County concurrency requirements as set forth in the Lee Plan and Lee County Land Development Code Chapter 2.
  - k) Nothing contained in this Development Order exempts this development from participation in the funding, through Municipal Services Benefit Units (MSBU) or other special assessment districts, of improvements to various State and County arterial and collector roads to the degree to which this development generates demand or is benefited.
  - l) The applicant shall coordinate with the Florida Department of Transportation and mitigate significant and adverse impacts to I-75, including interchanges and ramps, which result from the project as indicated by monitoring.
  - m) The applicant will promote transit service through the inclusion of a transit center, bus stops or other appropriate transit access points to stadium and non-stadium uses in site design, consistent with County and/or regional transit development plans and to ensure accommodation of and facilitate use of future transit services.
  - n) Due to the proximity of the site to the Southwest Florida International Airport Surveillance Radar and other airport facilities and aircraft procedures, the applicant must comply with Federal Aviation Regulations (FAR) Part 77 and Lee County Land Development Code (LDC) review requirements for all structures proposed on the site, including: the stadium and other buildings, light poles for the ballpark and parking areas, tall flagpoles and large signs, temporary construction equipment, etc.

- o) Due to the proximity to the Southwest Florida International Airport, any future plans for aerial spotlights or fireworks displays at the ball park must be coordinated with the Lee County Port Authority and the Federal Aviation Administration (FAA) well before the events, and permission for the events will be dependent on those reviews.
- p) Reflectivity and Power Interference -- Due to the proximity to the Southwest Florida International Airport, the applicant must comply with requirements of FAR Part 77, Federal Communications Commission (FCC), and Lee County LDC review requirements for frequency coordination of all fixed or mobile commercial radio and television broadcasting studios and vehicles, etc.
- q) Light Emissions – Due to the proximity to the Southwest Florida International Airport, the applicant must minimize any potential light emissions that might impact the Air Traffic Control Tower or aircraft in flight.
- r) All other transportation-related conditions in the current development order will be included in the new development order and remain in effect, including monitoring requirements, reporting requirements, and requirements to provide multi-modal transportation mobility options within the project and connecting to off-site bicycle, pedestrian and transit networks.

References as noted above.

## I. HURRICANE PREPAREDNESS

### 1. Project Impact

The 150 hotel rooms are the only land use that would potentially require an evacuation during a hurricane. The project site is located within the category 4/5 zone and as such is outside the hurricane vulnerability zone and SWFRPC Special Hurricane Policy District, which is defined as the category 3 and less zones. However, the applicant has committed to an education, evacuation and shelter plan for the hotel/motel portions of the project and to potential use of the ballpark facility and surrounding parking areas as a staging area for hurricane relief efforts.

### 2. Applicant Commitment

1. The developer of any hotel/motel within the DRI must, subject to review and approval by the Lee County Division of Emergency Management: 1) prepare and implement an education, evacuation and shelter plan for the hotel/motel portions of the project (the plan must be in place prior to the first issuance of certificates of occupancy for the hotel/motel); and 2) coordinate the development or annual update of the plan with Lee County Division of Emergency Management<sup>1</sup>.
2. The developer of the ballpark facility will coordinate with the Director of Lee County Division of Emergency Management regarding potential use of the ballpark facility and surrounding parking areas as a staging area for hurricane relief efforts<sup>2</sup>.

### 3. Remedial Actions

None due to applicant commitments.

### 4. References

1. Third Draft Development Order found in Appendix II of this SWFRPC Assessment Report.
2. Ibid.

## J. HISTORICAL AND ARCHAEOLOGICAL SITES

### 1. Project Impact

No archeological surveys have been performed on the site in this or prior DRI reviews. The conclusion that there are no known historical or archaeological sites within the development site is based upon a letter included in the ADA from Florida Department of State Division of Historical Resources (DHR) confirming the site is unlikely to contain such features<sup>1</sup>.

It is important to note that no Cultural Resources Survey has been physically performed on the site, prepared by a qualified archeological investigator or approved by the Florida Department of State, Division of Historical Resources (DHR). The original Review for Airside Plaza did not include an on-site survey or review, only an off-site data search of DHR records<sup>2</sup>. At this time no cultural resources eligible for listing on the National Register of Historic Places have been identified on the site and DHR has concluded that the development is unlikely to affect historic properties.

### 2. Applicant Commitment

- (1) The applicant has not yet made any commitment regarding historical and archeological sites.

### 3. Remedial Actions

- (1) No cultural resources eligible for listing on the National Register of Historic Places were identified within the project site and the DHR has concluded development is unlikely to affect historic properties. No archeological surveys have been performed on the site in this or prior DRI reviews. If any archaeological/historical sites are discovered during the development activities, all work that might cause damage to such sites shall cease immediately, and the Developer shall contact the State Division of Historical Resources ("DHR"), SWFRPC, and Lee County so that a state-certified archaeologist can determine the significance of the findings and recommend appropriate preservation and mitigation actions, as necessary.

### 4. References

1. Question 30, of the Red Sox Ballpark and Spring Training Facility Application for Development Approval including the letter from DHR dated February 04, 2008
2. Original Airside Plaza DRI Review and subsequent NOPC reviews

**K. CONSISTENCY WITH THE LOCAL COMPREHENSIVE PLAN**

1. Project Impact

The subject property is located in the Tradeport land use category on the Future Land Use Map of the Lee Plan. This classification allows for a wide variety of commercial, office, hotel/motel, retail, business, research, meeting facilities and other non-residential uses consistent with the description of this classification contained within Policy 1.2.2 of the Lee Plan. Public facilities such as the proposed ballpark and practice fields are allowed in the Tradeport land use classification by virtue of the range of uses generally described in Policy 1.2.2. and by virtue of Policy 2.1.3., which allows a wide variety of public and semi-public uses (including franchised quasi-commercial uses in conjunction with a public use) in all land use classifications under the Lee Plan. In addition, the proposed project is generally consistent with the following objectives and policies in the Lee Plan<sup>1</sup>:

1. Policy 1.2.2: The proposed uses and intensities are consistent with the Tradeport Land Use category, as noted above.
2. Policy 1.7.2: The property is properly designated as an existing Development of Regional Impact on Map 1, Page 3 of 6, pursuant to this Policy.
3. Policy 1.7.6: The proposed project can be accomplished without any amendments to the 2030 Planning Communities Acreage Allocation Table. Currently available information from Lee County states that there are 932 acres available for commercial development in the Gateway/Airport Planning Community, significantly more than this project will require.
4. Objective 2.1: The property abuts the Gateway development, and is in close proximity to the proposed Madden Research Center and Southwest Florida International Airport. Another development of regional impact (Arborwood DRI) exists to the immediate north, and substantial urban development exists to the west. The request will therefore result in a contiguous and compact growth pattern.
5. Objective 2.2: The various analyses contained in the DRI ADA establish that adequate levels of service can be maintained with the adoption of appropriate conditions within the DRI development order.

6. Policy 4.1.1: The proposed site plan appropriately allocates uses to ensure they are well integrated, properly oriented, and functionally related to the topographic and natural features of the site. The primary environmental feature associated with the site (the wetland along the western and northern boundaries) will continue to be preserved.
7. Policy 4.1.2: The development is designed to provide an internal street system and traffic flow that safely and efficiently accommodates both vehicular and pedestrian movements. The entrances to the project have been located and designed to minimize off site impacts.
8. Objective 6.1: The proposed development will be permitted consistent with this Policy.
9. Policy 6.1.2: The proposed project is consistent with the commercial site location standards established by this policy.
10. Policy 6.1.3: The project currently has planned development and DRI approvals, which will be modified to reflect the proposed uses. The rezoning process will insure proper consideration of the factors listed in this policy.
11. Policy 6.1.4: The project will be compatible with the area and will be served by adequate public facilities. The master concept plan has been designed to orient the more intense commercial and ballpark uses toward the front of the site, and the less intense practice facilities towards the rear so as to insure compatibility with adjacent uses.
12. Policy 6.1.5: As noted above, the proposed site plan is designed to minimize off site transportation impacts. Access has been provided in accordance with the Daniels Parkway controlled access management plan and ordinance. Appropriate acceleration and deceleration lanes will be required at the time of development order. Signalization and intersection improvements will also be determined as part of the development review process.
13. Policy 6.1.6: The proposed development will be architecturally designed to enhance the appearance of structures and parking areas.
14. Policy 6.1.7: The property abuts compatible uses and is not opening new areas to premature, scattered, or strip development.
15. Standards 11.1 and 11.2: As established in this ADA, the project will have access to public water and wastewater facilities.
16. Objective 77.3 and Policy 77.3.1: The proposed project is sensitively designed to provide +/- 20 acre preserve area located along the property boundaries to the north and west. The existing indigenous vegetation

within this preserve area accounts for more than 50 percent of the required open space on the site.

17. Policy 77.3.2: The +/- 20 acre preserve area located on the subject property will account for more than 50 percent of the required open space. The width of this indigenous area is adequate for preservation and allows continued growth and viability of the existing native vegetation.
18. Policy 77.3.4: As a ballpark and spring training facility, the proposed development is designed to incorporate large, contiguous open space areas. The development will meet or exceed the open space requirements and indigenous preserve areas.
19. Policy 77.3.5: An open space design plan will be submitted as required.

The project is undergoing simultaneous rezoning review from Commercial Planned Development to Mixed Use Planned Development to insure compliance with Lee County's land development regulations.

The proposed project will not require an amendment to the Lee Plan.

## 2. Applicant Commitment

The applicant has committed to develop the project consist with the Lee County Comprehensive Plan (the Lee Plan) and the Lee County Land Development Code (LDC).

- A. The project design will comply with the above policies and objectives:

Please see above

## 3. Remedial Actions

None due to applicant commitments above.

## 5. References

1. Lee County Red Sox Ballpark and Spring Training Facility Application for Development Approval

**L. CONSISTENCY WITH THE STRATEGIC REGIONAL POLICY PLAN**

Staff has described regional impacts within the previous section of this report. Staff has then related those impacts to the regional plan DRI review list and has prepared the following plan consistency checklist. Staff finds that without appropriate mitigation actions and conditions the project will have a net negative impact on the regional resources and infrastructure. The regional recommendations presented within this assessment are intended to neutralize the negative and questionable impacts.

**DRI REVIEW LIST  
SWFRPC ISSUES AND GOALS**

Further SRPP\*

**Regional Issues and Goals**

**1. Affordable Housing**

		YES	NO	SEE COMMENTS
Goal I-1	Housing in the Region will continue to include a wide variety of housing types to accommodate all segments of society in both rural and urban	X		1
Goal I-5	Affordable housing will be built on land that is platted, has infrastructure available or offers other opportunities for reducing the cost of housing or promoting neighborhood revitalization.		X	2
Goal I-7	The housing concerns of special needs populations will be addressed in affordable housing planning.		X	4
Goal I-8	Seasonal workers will be recognized as an essential part of our economy and their housing needs will be included in community programs.		X	4

**2. Economic Development**

Goal II-3	The need for additional education facilities and programs in the Region will be met.		X	4
Goal II-6	All local governments will eliminate deficiencies in public facilities and services and establish properly financed maintenance schedules.	X		2
Goal II-7	The public facilities and services needed for economic development in existing rural communities will continue to improve, consistent with environmental protection.		X	4
Goal II-12	The rural areas of the Region will receive or develop increased and improved opportunities for rural residents.		X	4
Goal II-13	Future water supply sources will be identified and protected.		X	4

## Further SRPP\*

## 2. Economic Development (Cont.)

		YES	NO	SEE COMMENTS
Goal II-14	The natural resources essential to the overall development of the Region will be identified and protected.	X		2
Goal II-16	Access to cultural and historical resources and programs will increase at a faster rate than population growth.		X	4
Goal II-17	There will be no further loss of significant historical and archaeological resources		X	4
Goal II-18	Public access to the beaches and open waters of the Region will continually improve.		X	4
Goal II-21	By 2010, the proportion of the Region's energy supplied by fossil fuels will be reduced over 1990 levels.	X		2
Goal II-22	By 2000, the per capita fossil fuel energy use will be less than that in 1990.	X		2
Goal II-23	The use of solar energy in the Region will increase		X	4
Goal II-24	The centralization of commercial, governmental, retail, residential, and cultural activities within downtown areas shall increase.		X	4
Goal II-25	Expansions of future residential areas will be balanced by the expansion of appropriate trade and service areas that serve the populations of those residential areas.		X	4
Goal II-29	The production and use of alternative energy sources, including conservation, will increase.	X		2

### 3. Emergency Preparedness

Further SRPP\*

		YES	NO	SEE COMMENTS
Goal III-2	Public policy, near shore and island housing costs, and hurricane threat awareness will result in a declining percentage of the Region's population living in Category 1, 2 or 3 storm surge zones.		X	4
Goal III-3	There will be adequate shelter space within each mobile home park outside of the Category 1 surge zone to accommodate those who do not want to evacuate outside their community.		X	4
Goal III-4	There will be designated refuge space in condominium and apartment complexes outside of the Category 2 zone, but within the Category 5 zone.		X	4
Goal III-5	Projected evacuation times will be regularly reduced from 1985 levels, and by 2010, evacuation times will not exceed 18 hours in any part of the Region.	X		2
Goal III-6	Projected shelter deficits will be regularly reduced from 1985 levels, and by 2010; and, the floor level of new shelters will be constructed above the category 3 storm surge level.		X	4
Goal III-14	All sites that generate, use, or store significant amounts of hazardous materials (including wastes) shall have appropriate plans to manage spills or releases, and appropriate procedures for safely disposing unneeded materials	X		2
Goal III-17	95% of emergency calls will receive a response within the recommended response times, and fire service providers will continually upgrade and protect their ISO standards.	X		2

### 4. Natural Resources

Goal IV-2	The diversity and extent of the Region's protected natural systems will increase consistently beyond that existing in 1990.	X		2
Goal IV-6	All effluent will meet or be better than all pertinent state water quality standards	X		2

## Further SRPP\*

## 4. Natural Resources (Cont.)

		YES	NO	SEE COMMENTS
Goal IV-7	Improper disposal of special and hazardous wastes will cease throughout the Region.	X		2
Goal IV-8	Declining trends in quality and quantity of coastal resources will reverse due to the success of pollution control measures and restoration efforts.		X	4
Goal IV-9	Public access to the Region's beaches will be increased, from 1995 on, to meet the demands placed by a growing population, consistent with long-term habitat sustainability.		X	4
Goal IV-10	After 1995, the length of shoreline with dune systems will increase.		X	4
Goal IV-11	After 1995, no further loss of sea turtle nesting sites will occur and available nesting sites will be increased.		X	4
Goal IV-12	Drainage systems will be managed to maintain or restore natural timing, pattern, and quality of freshwater flows of the watershed basin.	X		2
Goal IV-13	100% of the Region will remain as air quality attainment areas for all measured pollutants.	X		2
Goal IV-14	From 1995, all mining operations will be required to have reclamation programs which will be implemented in a timely manner.		X	4
Goal IV-18	By 2010, all lands identified as Priority 1 habitat, south of the Caloosahatchee River and areas formally designated as critical habitat for Florida Panthers will be included in public/private and other voluntary management agreements to maintain and increase the habitat of the Florida Panther and other wide-ranging animal species.	X		2
Goal IV-20	By 1999, all Southwest Florida counties will have proactive marina siting plans consistent with boating needs and environmental protection management.		X	4

## 5. Regional Transportation

		YES	NO	SEE COMMENTS
Goal V-1	Road construction and prioritization programs, and alternative modes analyses, shall ensure that evacuation times in coastal regions will decline with no evacuation times in the Region exceeding 18 hours by 2010.	X		2
Goal V-2	By 2000, takings of structures in right-of-way acquisition will be reduced by 50% on a per mile basis over that of 1990.	X		2
Goal V-3	Local governments will encourage mixed land uses to reduce the need for excessive travel for everyday needs.	X		2
Goal V-4	By 2010, 95% of the Region's roadways will be operating at the adopted LOS of that facility. By 2000, each city of 10,000 population and each urban county will use transportation models as part of their major land use decision process.	X		2
Goal V-5	By 2000, 5% of work trips will be met through transit, carpooling, or other high-occupancy vehicle mode of transportation.	X		2
Goal V-11	Each community shall have reasonable access to a regional transportation system that integrates highway, air, mass transit, and other transportation modes.	X		2
Goal V-12	Transportation planning programs will address the seasonal nature of the Region due to tourism and agricultural production.	X		2

\* The proposed project would likely further the SRPP if implementation of the project would produce progress toward achievement of the regional goal.

**General Comments**

1. The proposed project would likely have a positive effect on the SRPP if the regional conditions outlined in this report are implemented.
2. The proposed project would likely have a neutral effect on the SRPP if the regional conditions outlined in this report are implemented.
3. Less than regionally significant, see local issues section of report.
4. Not applicable for this project or project type.

## **APPENDIX II**

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# **DRAFT DEVELOPMENT ORDER**

THIRD DEVELOPMENT ORDER AMENDMENT<sup>1</sup>

DEVELOPMENT ORDER  
FOR

LEE COUNTY/BOSTON RED SOX BALLPARK AND  
SPRING TRAINING FACILITY DRI

(FORMERLY KNOWN AS  
AIRSIDE PLAZA DRI)

A Development of Regional Impact

State DRI #10-8788-80  
Case #88-11-9 DRI

Let it be known that pursuant to §380.06 of the Florida Statutes, the Board of County Commissioners of Lee County, Florida, heard at a public hearing on February 27, 1989, the original Application for Development Approval for Airside Plaza Development of Regional Impact (DRI), a multi-use development on approximately 126.12 acres of land, to be developed in accordance with the application filed on October 30, 1987, by Dr. David C. Brown; and heard at a public hearing on \_\_\_\_\_, 2010, an Application for Development Approval for a Substantial Deviation to the Airside Plaza DRI, to be known hereafter as the Lee County/Boston Red Sox Ballpark and Spring Training Facility DRI, pursuant to that certain application filed by Watermen-Pinnacle, Inc., dated October 12, 2009.

WHEREAS, the original Development Order was approved on February 27, 1989; and

WHEREAS, the Airside Plaza DRI was subsequently amended on July 19, 1999 to extend the buildout dates of Phase I to February 26, 2001, and Phase 2 to September 27, 2003; establish the termination date as February 27, 2012; and eliminate the drainage agreement; and

WHEREAS, on December 29, 2003, David C. Brown filed a second Notice of Proposed Change to: (a) combine Phases 1 and 2 into a single phase; (b) extend the buildout date to December 31, 2010; (c) expand the uses on the "swing parcel" to include other uses; and (d) revise Map H to eliminate the interconnects with Rickenbach Parkway and the property to the north; and

---

<sup>1</sup> This is a codification and restatement of the DRI Development Orders rendered with respect to the Lee County/Boston Red Sox Ballpark and Spring Training Facility (f/k/a Airside Plaza DRI), including actions taken on February 27, 1989, July 19, 1999, June 6, 2005 and \_\_\_\_\_, 2010.

WHEREAS, the requested amendment, which included an increase and decrease in the mix of uses as well as the extension of the buildout date by seven or more years, was presumed to create a substantial deviation under F.S. §380.06(19)(c), which may be rebutted by clear and convincing evidence; and

WHEREAS, the Board reviewed the proposed amendment to the DRI Development Order and found that the proposed amendment did not constitute a substantial deviation requiring further DRI review; and

WHEREAS, Watermen-Pinnacle, Inc., acquired the property that is the subject of this Development Order and has filed an Application for Development Approval for a substantial deviation to the DRI in order to: (a) change the name of the DRI to the Lee County/Boston Red Sox Ballpark and Spring Training Facility; (b) alter the mix of land uses to include a maximum 12,000 spectator baseball ballpark and complimentary mix of commercial, recreational, hotel and office uses; (c) extend the buildout date for the DRI to 2016 and the termination date for this Development Order to 2022; and (d) revise Map H to reflect a new plan of development for the DRI.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Lee County, Florida, that the Development Order for Airside Plaza DRI is hereby further amended as follows:

I. FINDINGS OF FACT/CONCLUSIONS OF LAW

A. The Airside Plaza DRI will hereafter be known as the Lee County/Boston Red Sox Ballpark and Spring Training Facility DRI ("the DRI" or "the project"). The DRI will be a mixed use development on approximately 126.12 acres located immediately north of Daniels Parkway about two miles east of the 1-75 interchange. The development proposal is to construct: a maximum 12,000 spectator baseball ballpark (and related ancillary facilities including but not limited to concession and souvenir facilities, in-stadium restaurant, locker rooms, training facilities, administrative offices, and parking); a 150-unit hotel/motel; 250,000 square feet of retail/commercial (including a 50,000 square foot sports performance and athletic training facility); 2.5 acres of non-ballpark recreational uses consisting of both indoor and outdoor facilities for youth and adults; and 50,000 square feet of office; all as further detailed in the table attached hereto as Exhibit "A" and the DRI Master Plan (Map H) attached hereto as Exhibit "C.". Also proposed are approximately: 6.67 acres of lakes, 20.39 acres of conservation easement area (including 19.08 acres of preserved wetlands), and 3.20 acres of road right-of-way. Water and sewer service will be supplied by Lee County Utilities. The proposed phasing schedule is attached as Exhibit A. The development buildout date is December 31, 2016.

B. The legal description of the property is as follows:

PARCEL IN THE NORTHEAST QUARTER (NE 1/4)  
SECTION 24, TOWNSHIP 45 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND BEING THE NORTHEAST QUARTER (NE 1/4) OF SECTION 24, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA LYING NORTHERLY OF THE NORTHERLY RIGHT-OF-WAY LINE OF DANIELS ROAD EXTENSION, SAID TRACT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE WEST QUARTER SECTION CORNER OF SAID SECTION 24 RUN S 89° 52' 46" E ALONG THE EAST-WEST QUARTER SECTION LINE OF SAID SECTION FOR 2599.46 FEET TO THE CENTER OF SAID SECTION; THENCE RUN N 00° 55' 00" W ALONG THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 24 AND ALONG THE SOUTHERLY PROJECTION OF THE EAST LINE OF SOUTHWEST REGIONAL COMMERCE AND TRADE CENTER AS RECORDED IN PLAT BOOK 48 AT PAGES 1 THROUGH 3 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA FOR 100.02 FEET TO A POINT ON THE SOUTH LINE OF PART OF DANIELS ROAD EXTENSION (FUEL FARM ACCESS ROAD) AS DESCRIBED IN INSTRUMENT RECORDED IN OFFICIAL RECORD BOOK 1644 AT PAGE 1721, LEE COUNTY RECORDS; THENCE CONTINUE N 00° 55' 00" W ALONG SAID QUARTER SECTION LINE FOR 54.01 FEET TO THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING RUN EASTERLY AND NORTHEASTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID DANIELS ROAD EXTENSION, S 89° 52' 46" E FOR 241.02 FEET TO A POINT OF CURVATURE, EASTERLY AND NORTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT OR RADIUS 2710.79 FEET (DELTA 36° 07' 09") (CHORD BEARING N 72° 03' 40" E) (CHORD 1680.72 FEET) FOR 1708.88 FEET TO A POINT OF TANGENCY, N 54° 00' 05" E FOR 22.22 FEET TO A POINT OF CURVATURE, NORTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 981.06 FEET (DELTA 12° 19' 58") (CHORD BEARING N 47° 50' 06" E) (CHORD 210.77 FEET) FOR 211.17 FEET TO A POINT OF TANGENCY, N 41° 40' 07" E FOR 449.98 FEET TO A POINT OF CURVATURE, NORTHEASTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 1181.06 FEET (DELTA 12° 19' 58") (CHORD BEARING N 47° 50' 06" E) (CHORD 253.73 FEET) FOR 254.22 FEET TO A POINT OF TANGENCY AND N 54° 00' 05" E FOR 93.19 FEET TO THE EAST LINE OF SAID NORTHEAST QUARTER (NE 1/4); THENCE RUN N 00° 55' 36" W ALONG THE EAST LINE OF SAID NORTHEAST QUARTER (NE 1/4) AND ALONG THE WEST LINE OF GATEWAY PHASE 15 AS RECORDED IN PLAT BOOK 53 AT PAGES 15 THROUGH 21 OF SAID PUBLIC RECORDS FOR 1233.07 FEET TO THE NORTHEAST CORNER OF SAID SECTION 24; THENCE RUN N 89° 42' 21" W ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER (NE 1/4) FOR 2596.61 FEET TO THE QUARTER SECTION CORNER ON THE NORTH LINE OF SAID SECTION 24; THENCE RUN S 00° 55' 00" E ALONG THE WEST LINE OF SAID NORTHEAST QUARTER (NE 1/4) AND ALONG THE EAST LINE OF AFOREMENTIONED SOUTHWEST REGIONAL COMMERCE AND TRADE CENTER FOR 2479.49 FEET TO THE POINT OF BEGINNING.

CONTAINING 126.12 ACRES, MORE OR LESS.

C. The subject parcel is currently zoned Commercial Planned Development (CPD), and is being rezoned to Mixed Use Planned Development (MPD) concurrent with adoption of this Development Order.

D. This Application for Development Approval is consistent with the requirements of §380.06, Florida Statutes.

E. The proposed development is not located in an area designated as an Area of Critical State Concern, pursuant to the provisions of §380.05, Florida Statutes.

F. The proposed development does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

G. The proposed Application for Development Approval for this substantial deviation to the DRI was reviewed by the Southwest Florida Regional Planning Council (SWFRPC) and is the subject of the report and recommendations adopted by that body on December 17, 2009, and subsequently forwarded to Lee County pursuant to the provisions of §380.06, Florida Statutes; the development, as proposed in the Application for Development Approval and modified by this Development Order, is consistent with the report and the recommendations of the SWFRPC pursuant to §380.06(11).

H. The proposed conditions below meet the criteria found in §380.06(15)(d), Florida Statutes.

I. The proposed development is consistent with the adopted Lee County Comprehensive Plan.

J. The governing Zoning Resolution is Z-\_\_\_\_\_. This resolution contains additional details and conditions pertaining to the project, and also provides for certain deviations from Lee County property development regulations.

## II. ACTION ON REQUEST AND CONDITIONS OF APPROVAL

NOW, THEREFORE, be it ordained by the Board of County Commissioners of Lee County, Florida, in a public meeting which was duly advertised, constituted and assembled that the requested amendments to the DRI are hereby APPROVED, subject to the following conditions, restrictions, and limitations:

### A. DRAINAGE/WATER QUALITY

Prior to the issuance of a local development order by Lee County, the Developer must provide for the following:

1. All appropriate surface water management and water use permits shall be obtained from SFWMD prior to any construction or site preparation (physical activities) taking place on-site.

2. The developer must submit all pertinent surface water management and water use permit submittal documents to the SWFRPC and Lee County at or about the same time as those documents are submitted to the SFWMD for review and comment.

3. The developer must participate in any area-wide drainage program directly benefiting the DRI, under the same fiscal terms and conditions as all other benefited properties, in a manner which is consistent with the dictates of §380.06(15)(e)(1), Florida Statutes. The drainage program envisioned by this paragraph is one which is initiated by Lee County or by the SFWMD or by the Applicant, or by a group of benefited property owners.

4. The following provisions apply to the potential use and storage of hazardous materials and chemicals within the project:

a. Pesticide and fertilizer application and storage on the ballpark and practice field facilities will follow all best management practices for such materials and will follow all applicable manufacturer directions and specifications, as well as all applicable local, state and federal regulations. Prior to issuance of a local development order for the ballpark or practice fields, the owner/operator of the ballpark facility will prepare a hazardous materials and management plan for review and approval by Lee County Department of Community Development and Division of

Emergency Management, the Florida Department of Environmental Protection (FDEP), and the South Florida Water Management District (SFWMD).

b. No other uses presently proposed for the DRI are expected to use or contain hazardous materials or generate hazardous wastes, with the possible exception of the 50,000 square foot sports performance and athletic training facility. In the event this use, or any other use in the DRI, proposes to use or generate hazardous materials or hazardous wastes (as such are defined in applicable local, state and federal laws and regulations), the developer or operator of the facility must prepare and submit a hazardous materials management plan to Lee County Department of Community Development and Division of Emergency Management, FDEP and SFWMD for review and approval prior to local development order approval.

c. If any use anticipates generating bio-hazardous waste as part of its operations, a commitment from a licensed bio-hazardous waste transporter regarding the transporter's ability to serve the project during routine pickup or accidental release will be provided to Lee County prior to issuance of a local development order for the facility.

d. Restrictive covenants for the project will include a provision requiring any commercial pool operation (including any pool within a hotel/motel) using chlorine to be equipped with sensors or alarm devices to provide monitoring and warning of potential spills or leaks.

5. The developer must implement and maintain an on-going sampling, maintenance and monitoring program for construction and post-construction water quality conditions. The water quality sampling, maintenance, and monitoring program shall be reviewed and is subject to approval by the SFWMD.

6. A regularly scheduled program of vacuum sweeping for all parking lot areas shall be implemented to help ensure acceptable stormwater run-off quality.

7. All other commitments made by the developer in the Application for Development Approval or subsequent sufficiency rounds, not in conflict with the above recommendations, are incorporated as conditions of this Development Order approval.

## B. ENERGY

All site plans or architectural programs must incorporate the following energy conservation features, as applicable, into all site plans and architectural programs, or the property owner/developer must insure that the following features are implemented through deed restrictions and covenants with successors in title. All applications for site plan approvals and building permits must be accompanied by a document detailing proposed compliance with these conditions. If deed restrictions or covenants are utilized to insure compliance, such documents must be approved by the Lee County Attorney's Office prior to recording. If no deed restrictions are approved and recorded, the prior alternative shall be utilized and the following features must be included:

1. A bicycle/pedestrian path system connecting all land uses, to be placed along the main project road and local roads within the project. This system must be consistent with local government requirements.
2. Bicycle racks or storage facilities in recreational and commercial areas.
3. Cooperation in the location of bus stops, shelters, and other passenger and system accommodations for a transit system to serve the project area, if such service becomes available to serve the project area.

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4. Use of energy-efficient features in window design.
5. Use of operable windows and ceiling fans.
6. Installation of energy-efficient appliances and equipment.
7. Prohibition of deed restrictions or covenants that would prevent or unnecessarily hamper energy conservation efforts (e.g., building orientation, and solar water heating systems).
8. Reduction of coverage by asphalt, concrete, rock, and similar substances in streets, parking lots, and other areas to reduce local air temperatures and reflected light and heat.
9. Energy-efficient lighting for streets, parking areas, recreation areas, and other interior and exterior public areas.
10. Use of water closets with a maximum flush of 3.5 gallons and shower heads and faucets with a maximum flow rate of 3.0 gallons per minute (at 60 pounds of pressure per square inch).
11. Native plants, trees, and other vegetation and landscape design features that reduce requirements for water, fertilizer, maintenance, and other needs.
12. Native shade trees to provide reasonable shade for all recreation areas, streets, and parking areas.
13. Placement of trees to provide needed shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months.
14. Orientation of structures, as possible, to reduce solar heat gain by walls and to utilize the natural cooling effects of the wind.
15. Structural shading wherever practical when natural shading cannot be used effectively.

16. Consideration by the project architectural review committee(s) of energy conservation measures (both those noted here and others) to assist builders and residents in their efforts to achieve greater energy efficiency in the development.

The incorporation of these energy conservation measures in this DRI does not preclude the provision of additional energy conservation measures by the developer. It also does not prevent the local government of jurisdiction or any state, regional, or other agency, under whose jurisdiction this project falls, from requiring additional energy measures or measures that may be more stringent.

### C. HURRICANE EVACUATION

1. The developer of any hotel/motel within the DRI must, subject to review and approval by the Lee County Division of Emergency Management: 1) prepare and implement an education, evacuation and shelter plan for the hotel/motel portions of the project (the plan must be in place prior to the first issuance of certificates of occupancy for the hotel/motel); and 2) coordinate the development or annual update of the plan with Lee County Division of Emergency Management.

2. The developer of the ballpark facility will coordinate with the Director of Lee County Division of Emergency Management regarding potential use of the ballpark facility and surrounding parking areas as a staging area for hurricane relief efforts.

### D. TRANSPORTATION

1. The transportation impact assessment is based upon the expected impacts of the proposed land uses and phasing schedule identified in attached Exhibit "A." Changes to the proposed land uses shown in Exhibit "A" may only be approved as follows:

(a) Medical Offices may be substituted for the general office land uses outlined in Exhibit "A" with a condition that the substitution will not cause an increase in net traffic generated by the DRI;

(b) The ballpark facility is limited to 11,000 spectator capacity, but may be expanded to 12,000 without further DRI review upon submission of an updated traffic analysis that demonstrates, to the satisfaction of Lee County Department of Transportation (LCDOT), Florida Department of Transportation (FDOT), and the SWFRPC, that the mitigation specified in Section II.D.6 of this Development Order will be sufficient to address the additional traffic impacts associated with the increased capacity of the ballpark.

(c) The developer may, without the need for further DRI review, convert land uses in accordance with the Land Use Conversion Table attached as Exhibit "D," provided:

(i) the conversion does not require an alteration to Map "H" attached as Exhibit "C;"

(ii) the developer gives thirty (30) days notice of all proposed conversions to Lee County, the SWFRPC, and the Florida Department of Community Affairs; and

(iii) all conversions must be identified in the subsequent monitoring report for the project.

(d) All other changes in land uses from the parameters described in Exhibit "A" will be required to undergo further DRI review, unless such changes are determined not to be a substantial deviation pursuant to Section 380.06, F.S.

2. The current buildout date for the DRI is December 31, 2016.<sup>2</sup> The conditions set forth in Section II.D.6 of this development order will adequately mitigate the projected impacts of the land uses and phasing schedule shown in Exhibit "A".

3. The Developer must establish a biennial monitoring program, performed by traffic engineers, to monitor the development's impact upon the area's roadways consistent with Exhibit "B." The monitoring program of the project's development will be designed in cooperation with the LCDOT, the FDOT, and the SWFRPC. These agencies will determine the specific information needed, critical roadway points, and any other necessary information. At a minimum, the monitoring report must contain A.M. and P.M. Peak-Hour traffic counts with turning movements and Critical Movement Analyses or other mutually agreed upon, professionally acceptable Level of Service analyses for all project access points onto Daniels Parkway as well as the following intersections:

Daniels Parkway at I-75 SB Ramp  
Daniels Parkway at I-75 NB Ramp  
Daniels Parkway at I-75 EB and WB Ramps  
Daniels Parkway at Treeline Avenue  
Daniels Parkway at Chamberlin Parkway  
Daniels Parkway at Gateway Boulevard  
Daniels Parkway at SR. 82

In addition, annual average daily traffic counts and level of service calculations for significantly impacted roadway links including, but not limited to, the following, must be submitted as part of the biennial monitoring report:

Daniels Parkway from:

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<sup>2</sup> The original buildout date was 1997. Through the first DRI DO amendment it was extended to 2003. A transportation analysis was performed and accepted as part of the Second DO amendment in 2005 to rebut the presumption of a substantial deviation based upon an extension of greater than 7 years to extend the buildout date to 2010. The current Third D.O. amendment extends the buildout date to 2016 based upon updated land use parameters and traffic analysis.

1-75 to Treeline Avenue  
Treeline Avenue to Chamberlin Parkway  
Chamberlin Parkway to DRI Western Access  
DRI Western Access to DRI Eastern Access  
DRI Eastern Access to Gateway Boulevard  
Gateway Boulevard at SR. 82

The Developer or his representative must submit the first monitoring report to the Lee County Engineer, SWFRPC and FDOT within two years of the issuance of this DRI Development Order. Reports must be submitted biennially until actual or declared buildout of the project. Actual buildout will occur when the developer has constructed the maximum permissible amount of development permitted by this Development Order. Declared buildout will occur if the developer formally declares in writing to all governmental agencies having responsibility for monitoring this DRI, that no more development will be constructed, despite the fact that less than the permissible maximum had been built to date.

The purpose of the monitoring program is to (1) determine whether the traffic levels projected in the traffic impact assessment are exceeded by actual impacts; and (2) assist Lee County and FDOT in determining the proper timing of necessary roadway improvements.

4. The developer must construct, at no cost to Lee County or FDOT, all site related improvements deemed necessary by FDOT and the Lee County Engineer at all project access points onto Daniels Parkway and all site-related improvements required within the DRI. The Developer's obligation for these improvements will include the full costs of design and engineering, utility relocation, right-of-way acquisition (if needed), construction of turn lanes, acceleration and deceleration lanes, construction inspection, contract administration, testing and signalization (as needed and warranted). The alignment, design, signalization and construction schedule for these improvements is subject to the approval of the Lee County Engineer.

The developer will not be eligible for credits against road impact fees for construction or dedication of rights-of-way associated with improvements at the projects access points that are site-related pursuant to the Lee County Land Development Code.

5. Access points onto Daniels Parkway Extension must be in accordance with the controlled access resolution for Daniels Parkway (Resolution 89-10-11, as amended).

6. As mitigation for the impacts of development within the DRI, the Developer must pay the roads impact fee in effect at the time building permits are issued for development within the DRI. These impact fee payments will represent the developer's share for the following roadways (including intersection interchange improvements):

Daniels Parkway

-1-75 to Treeline Avenue	8LD or 6LE
-Treeline Avenue to Chamberlin Parkway	6LD
-Chamberlin Parkway to Project Site	6LD
-Project Site to Gateway Boulevard	6LD
-Gateway Boulevard to SR 82	6LD

7. Credits against impact fees will be in accordance with the Land Development Code. If roads impact fees are repealed, reduced or made unenforceable by court action, a substantial deviation will be deemed to have occurred, and the traffic impacts of the DRI must be reanalyzed to determine appropriate alternative mitigation. This DRI Development Order will be amended as appropriate to include the new mitigation prior to the issuance of subsequent building permits.

8. Development under this Development Order is subject to compliance with the Lee County concurrency requirements as set forth in the Lee Plan and Lee County Land Development Code Chapter 2.

9. Nothing contained in this Development Order exempts this development from participation in the funding, through Municipal Services Benefit Units (MSBU) or other special assessment districts, of improvements to various State and County arterial and collector roads to the degree to which this development generates demand or is benefited.

E. VEGETATION AND WILDLIFE/WETLANDS

1. Prior to issuance of a local development order for the ballpark facility, adequate documentation will be provided to Lee County of the placement of approximately 20.39 acres along the western and northern boundaries of the site into Conservation Easement.

2. The existing water management lakes on site will be reconfigured or eliminated, and new water management lakes will be excavated consistent with the permit modification issued by the SFWMD. The new lakes will be excavated and landscaped consistent with FAA Advisory Circular 15015200-33B, Hazardous Wildlife Attractants On or Near Airports, resulting in the loss of littoral area from the existing lakes. To mitigate for the loss of this littoral area, the developer will purchase off-site mitigation credits at the Lee County Island Park Regional Mitigation Area in an amount determined by the SFWMD permit modification.

3. All necessary best management practices will be utilized during construction to prevent unintended impacts to environmental features on site, including silt fencing to protect wetland areas from impacts resulting from construction.

F. WATER CONSERVATION/SURFACE WATER MANAGEMENT/WATER SUPPLY

1. The Developer must incorporate the use of water conserving devices as required by State law (§553.14, Florida Statutes).

2. At present, the nearest potential source of reclaimed water for irrigation purposes is the Gateway Services District (GSD). However, sufficient reclaimed water is not presently available from the GSD to meet the irrigation demands of the project. Prior to issuance of a local development order for the ballpark facility, the developer will re-evaluate the availability of reclaimed water from the GSD and will utilize reclaimed water for irrigation to the extent it is available. If unavailable, irrigation will be provided to the project in accordance with permits issued by the SFWMD. .

3. For the purpose of non-potable water conservation, the developer must require, through the use of deed restrictions or other appropriate mechanisms, the utilization of xeriscape principles in the design and installation of the project's landscaping. Xeriscape principles will be used throughout the project.

4. Irrigation may not take place on the site between the hours of 9:00 A.M. and 5:00 P.M., after the establishment of landscaping, to the exclusion of the secondary (treated effluent) system applications. Irrigation of the ballpark and practice fields may occur as reasonably necessary and as permitted under the rules and regulations of the SFWMD.

5. Potable water may not be used for non-potable/irrigation demands. Irrigation needs must be met as provided in paragraph 2 above.

6. The Developer must obtain all appropriate water use permits and water management permits from the SFWMD and Lee County prior to any on-site construction.

7. The developer must utilize the water conservation measures identified in the ADA and sufficiency reports, to the extent not inconsistent with the above requirements.

#### G. SOLID WASTE

1. The developer and tenants of the project must investigate methods of reducing solid waste volume at the project, such as recycling, shredding and compaction. At a minimum, the developer will provide recycling facilities and activities in accordance with Lee County Ordinance 07-25 (as may be amended) related to mandatory requirements for recycling commercial/business solid waste.

2. On-site solid waste disposal facilities are prohibited.

3. The project's hazardous materials management plan (if required, see item II.A.4 Drainage/Water Quality of this Development Order) must include measures for handling, storing and disposing of hazardous waste generated on-site. Hazardous waste is defined as any material which exhibits toxic, reactive, corrosive and/or ignitable properties.

## H. WASTEWATER MANAGEMENT

1. The project must connect to the central sewer system operated by the Department of Lee County Utilities. Documentation of adequate capacity to serve the development must be provided with each local development order application.

2. The project's hazardous materials management plan (if required, see item II.A.4 of this Development Order) must address the issue of hazardous wastewater and, if needed, any pre-treatment action for hazardous wastewater.

3. All restaurants within the project will be equipped with grease traps or grease interceptors and will comply with all other requirements of Lee County Ordinance No. 05-02, as same may be amended from time to time.

## I. FIRE AND LAW ENFORCEMENT

1. A non-stabilized gated interconnect between the eastern-most parking area of the ballpark facility and the South Trail Fire Protection and Rescue Service District (STFP&RSD) station located at 12780 Commonwealth Drive will be provided as part of the local development order for the ballpark facility.

2. Prior to issuance of a local development order for the ballpark facility, the developer will discuss with the STFP&RSD the potential for an agreement to provide for staffing of a first aid station during Spring Training games and other special events.

3. Prior to issuance of the local development order for the ballpark facility, the developer will coordinate with the Lee County Sheriff's Office (LCSO) to prepare and submit a Crime Prevention Through Environmental Design (CPTED) report for review and comment by the LCSO.

## J. COMPREHENSIVE PLAN CONSISTENCY

The subject property is located in the Tradeport land use category on the Future Land Use Map of the Lee County Comprehensive Plan (Lee Plan). There is no defined Tradeport zoning district, and the project is being rezoned to Mixed Use Planned Development (MPD) concurrent with the adoption of this Development Order. The Tradeport land use classification allows for a wide variety of commercial, office, hotel/motel, retail, business, research, meeting facilities and other non-residential uses consistent with the description of this classification contained within Policy 1.2.2 of the Lee Plan. Public facilities such as the proposed ballpark and practice fields are allowed in the Tradeport land use classification by virtue of the range of uses generally described in Policy 1.2.2. and by virtue of Policy 2.1.3., which allows a wide variety of public and semi-public uses (including franchised quasi-commercial uses in conjunction with a public use) in all land use classifications under the Lee Plan. In addition, the proposed project, as conditioned herein, has been determined to be generally consistent with the goals, objectives and policies contained in the Lee Plan.

## K. GENERAL CONSIDERATIONS

1. All commitments and impact mitigating actions provided in the Application for Development Approval (and supplementary documents) that are not in conflict with specific conditions for project approval outlined above are officially adopted as conditions of approval.

2. Pursuant to §380.06(16), the developer may be subject to credit for contributions, construction, expansion or acquisition of public facilities, if the developer is also subject by local ordinances to impact fees or exactions to meet the same needs. The local government and the developer may enter into a capital contribution front-ending agreement to reimburse the developer for voluntary contributions in excess of his fair share.

3. The development phasing schedule presented within the ADA and as adjusted to date in this Amended Development Order approval is incorporated as a condition of approval. If Development Order conditions and developer commitments incorporated within the development order to mitigate regional impacts are not carried out as indicated to the extent or in accordance with the Development Order, then this will be presumed to be a substantial deviation for the affected regional issue.

4. As required by §380.06(18), Florida Statutes, the developer must submit a biennial monitoring report (see Exhibit B) to Lee County, the SWFRPC, and the Department of Community Affairs.

## III. LEGAL EFFECT AND LIMITATIONS OF THIS DEVELOPMENT ORDER, AND ADMINISTRATIVE REQUIREMENTS

1. This Development Order constitutes the Resolution of this Board issued in response to the Application for Development Approval for a Substantial Deviation for the Lee County/Boston Red Sox Ballpark and Spring Training Facility DRI.

2. All commitments and impact mitigating actions volunteered by the developer in the Application for Development Approval and supplementary documents and not in conflict with conditions of stipulations specifically enumerated above are hereby incorporated by reference into this Development Order. These documents include the following:

- (a) Application for Development Approval, dated October 12, 2009;
- (b) DRI sufficiency response, dated December 1, 2009.

3. This Development Order is binding upon the developer(s) and their heirs, assignees or successors in interest. Those portions of this Development Order that clearly apply only to the project developer, including but not limited to the initial construction of capital facilities, is also binding upon any builder/developer who acquires any tract of land within this DRI.

4. It is hereby declared that the terms and conditions set out in this document constitute a basis upon which the developer and County may rely in future actions necessary to implement fully the final development contemplated by this Resolution and Development Order.

5. All conditions, restrictions, stipulations and safeguards contained in this Resolution and Development Order may be enforced by either party hereto by action at law or equity, and all costs of such proceedings; including reasonable attorney's fees, will be paid by the defaulting party.

6. It is understood that any reference herein to any governmental agency will be construed to mean any future instrumentality that may be created and designated as successors in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order.

7. If any portion or section of this Development Order is determined to be invalid, illegal, or unconstitutional, by a court of competent jurisdiction, such decision will not affect the remaining portions or sections of the Development Order, which will remain in full force and effect.

8. The approval granted by this Development Order is limited. The approval does not excuse the developer from compliance with all applicable local or state review and permitting procedures except where otherwise specifically provided. The approval also does not obviate the duty of the developer to comply with any County Ordinance or other regulations adopted after the effective date of this Development Order.

9. Subsequent requests for local development permits do not require further review pursuant to §380.06, Florida Statutes, unless it is found by the Board of County Commissioners, after due notice and hearing, that one or more of the following is present:

(a) A substantial deviation from the terms or conditions of this Development Order, or other changes to the approved development plans that create a reasonable likelihood of adverse regional impacts or other regional impacts not evaluated in the review by the SWFRPC; or

(b) An expiration of the period of effectiveness of this Development Order as provided herein.

Upon a finding that either of the above is present, the Board must order a termination of all development activity in the area of the development affected by such substantial deviation or such expiration of time until the time as a new DRI Application for Development Approval has been submitted, reviewed and approved in accordance with §380.06, Florida Statutes, and all local approvals have been obtained.

10. The deadline for commencing physical development under this Development Order is five years from the date of its adoption, provided that all conditions are met in a timely manner and further provided that this effective period may be extended by the Board upon finding of excusable delay in any proposed development activity and that conditions have not changed sufficiently to warrant further consideration of the development. In the event the developer fails to commence significant physical development of the property identified in the Development Order within five years from the date of adoption of this Development Order, development approval will terminate and the development will be subject to further consideration. Significant physical development includes obtaining a Certificate of Completion or Occupancy on some substantial portion of the project (e.g., water management system or major road system). This Development Order will otherwise terminate December 31, 2022, unless an extension is approved. (This term is based upon the buildout date of 2016 and the recognition that a local development order, which is valid for six years, may be issued in 2016.) An extension may be granted by the Board of County Commissioners if the project has been developing substantially in conformance with the original plans and approval conditions, and if no substantial adverse impact not known to the SWFRPC or to Lee County at the time of their review and approval, have been identified. However, an extension of the date of buildout of a development by five or more years will be presumed to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by substantial, competent evidence at the public hearing held by Lee County. For the purpose of calculating when a buildout date has been exceeded, the time will be tolled during the pendency of administrative and judicial proceedings relating to development permits.

11. The Administrative Director of the Lee County Department of Community Development or his/her designee, is the local official responsible for assuring compliance with this Development Order.

12. The development will not be subject to down-zoning, unit density reduction, or intensity reduction, for ten years following the approval of zoning, unless the County demonstrates that substantial changes have occurred in the conditions underlying the approval of the Development Order including, but not limited to, such factors as finding that the Development Order was based on substantially inaccurate information provided by the developer, or that the change is clearly established by local government to be essential to the public health, safety and welfare.

13. The developer, or his successor(s) in title to the undeveloped portion of the subject property, must submit a report biennially to the Lee County Board of County Commissioners, the SWFRPC, the State land planning agency, and all affected permit agencies. This report must describe the state of development and compliance as of the date of submission, and must be consistent with the rules of the State land planning agency. The biennial report must include information contained in Exhibit B. The first monitoring report must be submitted to the Administrative Director of the Department of Community Development not later than May 1, 2012, and further reporting must be submitted no later than May 1st every two years thereafter. Failure to

comply with this reporting procedure is governed by §380.06(18) Florida Statutes, and the developer must inform any successor in title to any undeveloped portion of the real property covered by this Development Order.

14. Certified copies of this Development Order Amendment will be forwarded to the SWFRPC, the developer, and appropriate state agencies. This Development Order is rendered as of the date of that transmittal, but is not effective until the expiration of the statutory appeals period (45 days from rendition) or until the completion of any appellate proceedings, whichever time is greater. Upon this Development Order becoming effective, the developer must file notice of its adoption in the public records of Lee County as provided in §380.06(15) Florida Statutes.

THE MOTION TO ADOPT the above Development Order was offered by Commissioner Hall and seconded by Commissioner Albion and upon poll of the members present, the vote was as follows:

- Commissioner Robert P. Janes
- Commissioner Brian Bigelow
- Commissioner Ray Judah
- Commissioner Tammy Hall
- Commissioner Frank Mann

DULY PASSED AND ADOPTED this \_\_\_ day of \_\_\_\_\_, 2010.

BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Chairman

ATTEST:  
Charlie Green, Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Donna Marie Collins  
Assistant County Attorney

- Exhibits:
- A: Land Use and Phasing Schedule
  - B: Biennial Monitoring Report
  - C: Map H
  - D: Conversion Table

EXHIBIT A

**LAND USE PARAMETERS AND PHASING\* SCHEDULE**

LAND USES:	AREA:	BUILDOUT (2016)	
		SQUARE FEET	ROOMS
<b>COMMERCIAL/HOTEL/OFFICE</b>	20.0 acres		
Commercial		250,000	
Comm'l Recreational		125,000	
Office		50,000	
Hotel/Motel			150
<b>BALLPARK, PRACTICE FACILITIES, AND ANCILLARY USES</b>	75.86 acres	12,000 spectators**	
<b>OTHER USES:</b>			
Lakes	6.67 acres		
Conservation Easement Area	20.39 acres		
Road Rights-of-way	3.20 acres		
<b>TOTAL LAND AREA:</b>	126.12 acres	<b>TOTAL:</b> 425,000 sf & 150 Hotel rooms, and 12,000 spectator ballpark	

\*A single 5-year phase is anticipated

\*\*Initial construction is limited to 11,000 spectators but may expand to 12,000 spectators pursuant to Section II.D.1.(b) of this Development Order

## EXHIBIT B

### INFORMATION TO BE INCLUDED IN BIENNIAL ANNUAL MONITORING REPORT

- (a) Any changes in the plan of development, or in the representations contained in the ADA, or in the phasing for the reporting year and for the next two years;
- (b) A summary comparison of development activity proposed and actually conducted for the prior two years;
- (c) Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or developer;
- (d) Identification and intended use of lands purchased, leased or optioned by the developer adjacent to the original DRI site since the development order was issued;
- (e) An assessment of the developer's and the local government's compliance with the conditions of approval contained in the DRI development order and the commitments which are contained in the Application for Development Approval and which have been identified by the local government, the Regional Planning Council or the Department of Community Affairs as being significant;
- (f) Any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the prior two years and to be filed during the next two years;
- (g) An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;
- (h) A list of significant local, state and federal permits which have been obtained or which are pending by agency, type of permit, permit number and purpose of each;
- (i) A statement that all persons have been sent copies of the annual report in conformance with Subsection 380.06(14) and (16), Florida Statutes;
- (j) A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the developer pursuant to Subsection 380.06(14)(d), Florida Statutes; and
- (k) Monitoring reports, including
  - (i) Water quality biennial monitoring report (for review by Lee County and SFWMD);

- (ii) Transportation biennial monitoring report (for review by Lee County, FDOT and SWFRPC). Information to be included shall be at a minimum:

- the construction status of all committed improvements;

- background traffic counts on the previously identified roadways;

- project generated traffic on the previously identified roadways;

- levels of service (average annual and peak season) on the previously identified roadways.

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EXHIBIT C

MAP H

EXHIBIT D  
CONVERSION TABLE

[to be provided]

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# **APPENDIX III**

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## **SUBSTANTIAL DEVIATION MONITORING FORM**

**SUBSTANTIAL DEVIATION DETERMINATION LEVELS**

Question	Issue Area	Subject	Measure of Impact	Degree of Significance of Change	Applicability
1-12	General Project Description/Information	Location	Proximity to other local governments	Annexation without equivalent regulations, etc.	Y
		Project Boundaries	Resources not previously reviewed	Ch. 380.06(19)(a), <u>F.S.</u>	Y
		Topography, delineation 100 yr. Flood zone and Hurricane Flood zone	Is it in such zones?	Redesign causing flood zone expansion or greater levels of hurricane evacuees of more than 5% of shelter capacity or 5% of hurricane route LOS 'D'	Y
		Land Use existing and abutting	Land use conflicts with regional resources or other jurisdictions	Ch. 380.06(19)(a), <u>F.S.</u> ; Change in on-site land use to incompatible use	Y
		Master Development Plan	Change of Land Uses	Ch. 380.06(19)(b)16, <u>F.S.</u> ; 15% of acreage to new land use	Y
		Phasing	Concurrency with facility timing	One phase or 5 years, Ch. 380.06(19)(c), <u>F.S.</u>	Y
13	Environmental and Natural Resources	Air Quality	Point or complex source emission permit needed?	Any new point source	Y
14	Environmental and Natural Resources	Land	Hazardous materials storage	New storage, or failure to follow a plan	Y
			Soil suitability; unique features; erosion control	Discovery of unique features; sinkholes forming	Y
15	Environmental and Natural Resources	Water	Aquifer recharge; water quality	Ch. 380.06(19)(d), <u>F.S.</u> ; Violations of water quality and/or permit conditions	Y
16	Environmental and Natural Resources	Wetlands	Loss of wetland acreage	2 acres	Y

**SUBSTANTIAL DEVIATION DETERMINATION LEVELS**

Question	Issue Area	Subject	Measure of Impact	Degree of Significance of Change	Applicability
17	Environmental and Natural Resources	Floodplains	Additional intrusion into 100-year floodplain	5% additional increase	N/A
		Evacuation Time	Increase in evacuation route time to evacuate	5% additional increase	Y
		Shelters	Absorption of 5% of proximate shelter space	5% additional increase	Y
18	Environmental and Natural Resources	Vegetation	Vegetated area in type, acres	Ch. 380.06(19)(b)17, <u>F.S.</u> ; Development of area set aside for preservation, buffers, special habitat	Y
		Listed* Vegetation	Any permanent loss of endangered species	Any new loss areas or species	Y
		Listed* Wildlife	Any permanent loss of endangered species	Any new loss	Y
19	Environmental	Historic and Archaeological sites	Any loss without State overview	Any additional loss	Y
20	Economy	Employment	Housing needs for low and moderate income workers	Increase in needs by 15%	Y
		Salary Ranges	Housing needs	Increase in needs by 15%	Y
		Skills	Education needs for special skills	None	Y
		Seasonality	Housing needs	None	Y
		Agricultural Loss	None	None	N
		On Site Economic Needs (such as shopping)	Onsite reduction that will occur than other can be expected, cause increase in off-site traffic	Ch. 380.06(19)(b)15, <u>F.S.</u> ; Increase in external trips by 15%	Y
		Federal Assistance	None	Failure to get assistance prevents timely provision of facilities	N

**SUBSTANTIAL DEVIATION DETERMINATION LEVELS**

Question	Issue Area	Subject	Measure of Impact	Degree of Significance of Change	Applicability
20 (cond't)	Economy (continued)	Market Studies Taxes and Costs	Absorption Rate Fiscal Soundness	See "Phasing" Failure to pay/see "Phasing"	Y Y
21	Public Facilities: Wastewater Management	Central Service Septic Tanks Spray Irrigation	Meet DER Standards Density; treatment quality Health issues/Water conservation	Failure to provide central service Failure to keep low density/meet treatment quality Unanticipated health issues/Failure to provide	Y Y Y
22	Drainage	Design Storm Receiving Body	As set by WMDs Quality concerns of receiving body	Failure to meet design storm and best management practices Ch. 380.06(19)(d), F.S.; Violations of Water Quality and/or Permit Conditions	Y Y
23	Water Supply	Central Service Provider On Site Provider	Water conservation program Capacity of provider Availability of resource	Failure to enact stated program Capacity of provider exceeded prior to project buildout Failure to receive permission for resource but marketing of property for DRI uses continue	Y Y Y
24	Solid Waste	Lot Sales Hazardous Waste Recycling	Availability of resources for buildout Storage Program Commitment to participate in local sponsored program	Failure to provide resources for buildout Failure to enact a stated program or change of program to improper disposal of wastes Failure to participate	Y Y Y

**SUBSTANTIAL DEVIATION DETERMINATION LEVELS**

Question	Issue Area	Subject	Measure of Impact	Degree of Significance of Change	Applicability
25	Energy	Conservation	Appropriate best practices	Failure to enact stated program	Y
26	Education	School Sites	Reserving sites	Failure to reserve sites	N/A
		Training Needs	Joint financing	Failure to participate in financing	N/A
27	Recreation & Open Space	Facilities and Sites	As related to population needs	Ch. 380.06(19)(b)(13), F.S.; decrease in open space by 5%	Y
28	Health Care	Facility	Meeting community needs	Failure to receive approval for stated uses, or changing the uses, which require certificate of need for more than one county.	Y
		Needs	Capacity of serving facilities (5%)	Increase in need by 5% more of capacity	Y
		Ambulances	Service times	None	Y
29	Police	Police Protection	Service capacities	None	Y
30	Fire	Fire Service	Response times	New type of demand for service that was not stated in DRI that creates need for interlocal agreement which does not exist	Y
			Fire flow	Failure to provide fire flow	Y
31	Transportation	Total Trips	Offsite trip direction, timing volumes	Ch. 380.06(19)(b)15, F.S.; or 5% level of service facility (and facility falls below acceptable LOS standard)	Y
			Capture rate	Same as above	Y
32	Housing	Low and Moderate Buyers	Number proximate to new workers of low and moderate income	Failure to provide low/moderate income housing, if required	N/A
33-34	Specific DRI Information	DRI Type	Specific to DRI type	Ch. 380.06(19)(b) 1.-16, F.S.	N

## **APPENDIX IV**

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# **LEE COUNTY PORT AUTHORITY COMMENTS**



Direct Dial: (239) 590-4618

Fax: (239) 590-4688

December 7, 2009

ROBERT M. BALL, A.A.E.  
EXECUTIVE DIRECTOR

DAVID M. OWEN  
PORT AUTHORITY ATTORNEY

BOARD OF  
PORT COMMISSIONERS

A. BRIAN BIGELOW

TAMMY HALL

BOB JAMES

RAY JUDAH

FRANK MIANN

Jason Utley, LEED AP  
Senior Planner/Assistant DRI Coordinator  
Southwest Florida Regional Planning Council  
1926 Victoria Avenue  
Fort Myers, FL 33901

Dear Jason:

Subject: Proposed Boston Red Sox Stadium  
DRI ADA #DRI2009-0007

The Port Authority appreciates the opportunity to review the proposed Red Sox Ballpark and Training Facility DRI project. We have previously met with Red Sox representatives to discuss their plans and those concerns that we have as the operator of the Southwest Florida International Airport. Please consider the following recommended conditions in your review:

- Height of Structures -- Due to the proximity of the site to the Airport Surveillance Radar and other airport facilities and aircraft procedures, the applicant must comply with Federal Aviation Regulations (FAR) Part 77 and Lee County Land Development Code (LDC) review requirements for all structures proposed on the site, including: the stadium and other buildings, light poles for the ballpark and parking areas, tall flagpoles and large signs, temporary construction equipment, etc.
- Any future plans for aerial spotlights or fireworks displays at the ball park must be coordinated with the Lee County Port Authority and the Federal Aviation Administration (FAA) well before the events, and permission for the events will be dependent on those reviews.
- Hazardous Wildlife Attractants -- "Littoral lake slopes, buffers, and landscape vegetation must be in accordance with the FAA's Advisory Circular 150/5200-33B, 'Hazardous Wildlife Attractants On or Near Airports,' and the list of recommended compatible native landscape plants for the airport available from the Lee County Port Authority.
- Reflectivity and Power Interference -- Due to the proximity to the Airport, the applicant must comply with requirements of FAR Part 77,

**SOUTHWEST FLORIDA INTERNATIONAL AIRPORT**

11000 Terminal Access Road, Suite 8671 Fort Myers, Florida 33913-8899  
[www.flylcpa.com](http://www.flylcpa.com)

Federal Communications Commission (FCC), and Lee County LDC review requirements for frequency coordination of all fixed or mobile commercial radio and television broadcasting studios and vehicles, etc.

- Light Emissions – The applicant must minimize any potential light emissions that might impact the Air Traffic Control Tower or aircraft in flight.
- Public Investment – The proposed Red Sox land uses must not denigrate the past and proposed future investment in the Southwest Florida International Airport.

Please contact me if you need any clarification of these items.

Sincerely,

LEE COUNTY PORT AUTHORITY

A handwritten signature in black ink that reads "William B. Horner". The signature is written in a cursive style with a large, stylized initial "W".

William Horner, AICP  
Manager of Planning

WBH/ams

cc: David Hutchinson, SWFRPC  
Emily Underhill  
Ellen Lindblad

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

5

ADMINISTRATIVE ISSUES

5

5

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

5a

2010 Nominations Committee

5a

5a

5a

## NOMINATIONS COMMITTEE

Section 29I-1.005 of the Rules of the Southwest Florida Regional Planning Council provides:

- "(1) The regular January monthly meeting shall be the Annual Meeting for conducting business and electing.....officers.
- (2) A Nominating Committee comprised of at least three Council Members, each from a different county, shall be appointed by the Chair at the regular December meeting of the Council for the purpose of proposing candidates for all offices for the following year."

**RECOMMENDED ACTION:**

Authorize the Chair to appoint a Nominating Committee.

12/09

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

5b

Lower West Coast Watersheds  
Implementation Committee

5b

5b

## LOWER WEST COAST WATERSHED SUBCOMMITTEE

The Lower West Coast Watershed Subcommittee, which acts as a technical advisory committee to the Southwest Florida Regional Planning Council concerning water quality issues in the region, met on December 3, 2009 to discuss the Florida Department of Environmental Protection (FDEP) proposals for changing the Statewide Stormwater Quality Rule and the Designated Uses and the Surface Water Classification System. Based on substantial discussions during this meeting, the Subcommittee agreed to address these issues by preparing letters to the appropriate FDEP officials that detail the Subcommittee's concerns with the proposed FDEP changes. In the letters, the Subcommittee agreed to support the Statewide Stormwater Quality Rule with some suggested revisions that in the Subcommittee's opinion would improve the proposed rule and to oppose at this time the proposed changes to the FDEP Designated Uses and Surface Water Classification System because the changes are premature since the State does not have numeric nutrient criteria to support the proposed uses.

**RECOMMENDED ACTION:** Review and approve the attached letters to FDEP that support with revisions the suggested changes to the Statewide Stormwater Quality Rule and not to support the proposed changes to the Designated Uses and Surface Water Classification System.





## Southwest Florida Regional Planning Council

Serving Charlotte, Collier, Glades, Hendry, Lee and Sarasota Counties

1926 Victoria Ave, Fort Myers, Florida 33901-3414 (239) 338-2550 FAX (239) 338-2560 www.swfrpc.org

December 7, 2009

Hon. Michael W. Sole  
 FDEP Secretary  
 3900 Commonwealth Boulevard  
 MS 49  
 Tallahassee, FL 32399

Dear Secretary Sole:

The Southwest Florida Regional Planning Council applauds the efforts of the Florida Department of Environmental Protection (FDEP) in developing a Statewide Stormwater Quality Rule. Stormwater runoff is one of the leading causes of non-point source pollution resulting in nutrient impairments of local waters. Florida currently lacks a statewide stormwater rule, which can limit the ability for local governments to adequately address stormwater issues and protect water resources, including water quality.

The proposed rule, Ch. 62-347, F.A.C., creates a regulatory framework and basis of review for Environmental Resource Permits; providing performance standards and design criteria for stormwater quality to be incorporated into the design, construction, alteration, operation, and maintenance of stormwater management systems. The accompanying document, the *Stormwater Quality Applicant's Handbook: Design Requirements for Stormwater Treatment Systems in Florida* provides guidance to potential applicants on available best management practices and design criteria. We feel that 85% nutrient removal efficiency is a good start for a statewide stormwater rule and that the reporting and system maintenance requirements are critical for ensuring that the conditions of permits are met. As with any regulatory program, implementation and enforcement will be critical to ensuring the rule's effectiveness.

While we feel that the overall content of the proposed rule is good, there are several items that should be revised or included in the final version. One of the biggest problems with the current rule is that it only addresses phosphorus and excludes nitrogen, which is often the limiting nutrient in estuaries. The rule assumes that "...treatment efficiencies attained for phosphorus will be sufficient to adequately treat other pollutants that would otherwise cause or contribute to water quality violations."<sup>1</sup> This statement is misleading since the chemical properties of phosphorus are much different than nitrogen. It is often much more difficult and costly to remove nitrogen from stormwater because unlike phosphorus,

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<sup>1</sup> Statewide Stormwater Quality Rule, Chapter 62-347, F.A.C. Draft July 14, 2009

TO: Secretary Michael Sole  
DATE: December 7, 2009  
PAGE: 2  
RE: Statewide Stormwater Quality Rule

a majority of total nitrogen fraction exists in dissolved rather than particulate form.<sup>1</sup> For example, the *Stormwater Quality Applicant's Handbook* describes nutrient removal efficiencies for phosphorus in wet detention ponds having an upper limit of 90%, while maximum removal efficiency for total nitrogen is 45%.<sup>2</sup> This suggests that where wet detention ponds are used as the sole measure for treating stormwater, it is highly likely that they would not achieve 85% removal efficiency for total nitrogen resulting in more nitrogen reaching downstream waters. Without addressing nitrogen specifically, it will be difficult for coastal communities to protect water quality and meet their Total Maximum Daily Load (TMDL) standards.

Wetlands provide valuable ecological benefits including aquifer recharge, flood attenuation, wildlife habitat, and water quality treatment. It is critical that wetland landuse loading values, which are missing from the current version of the *Stormwater Quality Applicant's Handbook*, be accurate in the final rule so that it does not inadvertently provide incentives to develop wetlands. In situations where wetlands are included in treatment systems, applicants should be required to provide reasonable assurances that they will not exceed the assimilative capacity of the wetlands. Exceeding the assimilative capacity wetlands would result in increased nutrient runoff and degradation of natural habitats. In an effort to encourage protection of natural wetlands, incentives or stormwater credits should be provided in a subcategory under Table 12.1 *Summary of Stormwater Credits*. Credits for conservation of natural wetland areas should be rated higher than those where site alteration is required.

The rule recommends, but does not require littoral zone vegetation to be planted in wet detention ponds. Littoral zone plants can be effective tools for removing nutrients and stabilizing shorelines, and can increase the nutrient assimilative capacity of wet detention ponds. In addition, native littoral zone plantings also provide valuable wildlife habitat that can help mitigate impacts of development on those resources. The rule should require that a minimum of 30% of the shoreline of wet detention ponds contain littoral zone vegetation, unless other treatment mechanisms such as floating (harvestable) vegetative islands or other mechanical nutrient removal equipment would preclude the use of littoral zone vegetation. There should also be harvesting (maintenance) and inspection intervals in the manual for vegetated littoral zones. This is a very important part of stormwater management because if a littoral planting or floating island is left unmaintained it diminishes any nutrient removal benefit that could be realized by placing the plants in the first place. It should not only be required as part of the managed system, but maintenance should be required with similar requirements specified in Section 9.9 for Vegetative Buffer maintenance compliance.

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<sup>1</sup> Harper, H. H. 2007. Evaluation of current stormwater design criteria within the state of Florida. Florida Department of Environmental Protection Final Report. FDEP Contract No. S0108

<sup>2</sup> Department of Environmental Protection and Water Management Districts Environmental Resource Permit Stormwater Quality Applicant's Handbook: Design requirements for treatment systems in Florida. Draft July 2009

TO: Secretary Michael Sole  
DATE: December 7, 2009  
PAGE: 3  
RE: Statewide Stormwater Quality Rule

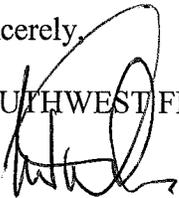
Other technical areas that need to be addressed in the Stormwater *Quality Applicant's Handbook* include the nutrient contributions of reuse irrigation waters in the developed landscape, the recognition of isolated wetlands as nutrient sinks rather than as nutrient run-off contributors, and the use of some existing impaired waters as a reference standard for the nutrient levels of natural wetlands, lakes, and streams.

It is critical that local governments retain the flexibility of local rule to address region-specific issues pertaining to water quality. Paragraph 3(d) of the rule states that "This chapter does not preclude, supersede, or change: (d) the ability of local governments to apply more stringent requirements governing the construction, operation, and maintenance of stormwater management systems."<sup>1</sup> It is critical that the final version of the rule not preempt local governments from implementing more stringent regional-specific stormwater regulations, which may be essential tools for Basin Management Action Plans (BMAP) for achieving TMDLs. In addition, the FDEP should also support efforts by state Water Management Districts to develop special basin rules, which address basin-specific stormwater problems affecting impaired watersheds.

While we realize that a statewide rule will not address all of the state's stormwater issues, we feel that the proposed rule provides a good foundation for stormwater management and along with the state fertilizer rule and local fertilizer ordinances, it will be a valuable tool for achieving water quality goals and meeting Total Maximum Daily Loads (TMDLs).

We thank you for the opportunity to comment on the proposed rule and hope that you will consider including our recommendations in the final version of the rule.

Sincerely,



SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

Mick Denham  
Acting Chair

MD/wg/jwb/je

---

<sup>1</sup> Statewide Stormwater Quality Rule, Chapter 62-347, F.A.C. Draft July 14, 2009





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1926 Victoria Ave, Fort Myers, Florida 33901-3414 (239) 338-2550 FAX (239) 338-2560 www.swfrpc.org

December 8, 2009

Mr. Eric Shaw  
Florida Department of Environmental Protection  
3900 Commonwealth Boulevard  
Tallahassee, FL 32399

Dear Mr. Shaw:

The Lower West Coast Watershed Subcommittee, which acts as technical advisory committee for the Southwest Regional Planning Council (SWFRPC), will at its next meeting recommend that the Council oppose the Florida Department of Environmental Protection (FDEP) proposal for changes to the Designated Uses and Surface Water Classification System.

In July 2009, the Department of Environmental Protection (FDEP) received a petition from the Florida Stormwater Association requesting formal rulemaking to amend the existing waterbody classification structure. The FDEP has initiated a review and states it is undertaking this effort to ensure better protection for our lakes, rivers, springs, estuaries, coastal waters and even artificially created surface waters.

The proposed FDEP designated uses and associated waterbody classification revisions aim to refine the system, changing it from five classes that combine both human uses and aquatic life uses to a new system with seven human use classes and four aquatic life use classes. The changes would also revise the process for reclassifications, and populate the criteria for the existing classes into the new structure.

The Lower West Coast Watershed Subcommittee of the SWFRPC cannot support the draft proposed changes to Florida's Designated Uses and Surface Water Quality Classification System, in their current form, for the following reasons:

The proposed changes are premature since Florida does not have numeric nutrient criteria to support the proposed uses. These criteria are critical for monitoring and enforcement of the water quality standards. If changes are actually needed, any proposed changes should be made after numeric nutrient criteria are established as the basis for creating the designated use categories.

TO: Mr. Eric Shaw  
PAGE: 2  
DATE: December 8, 2009  
RE: Designated Uses and Surface Water Classification System

Additionally, there is no need for a new classification system. The current Designated Uses and Water Quality Classification System already contain mechanisms for addressing unique waterbodies that qualify for additional or less protection.

Florida can better protect its waters without completely restructuring or altering the current designated use structure. Unusual waterbodies that may not necessarily fit within the current Class III classification can be protected under the current system through a Site-Specific Alternative Criteria (SSAC), 62-302.800, FAC or "Use Attainability Analysis" (UAA). Communities with a waterbody that cannot meet swimmable/fishable standards could provide the scientific evidence needed to downgrade that waterbody's use and/or standards if warranted.

Another alternative would be to consider additional 'supplemental classifications' that would work in tandem with the waterbody's existing designated use, as OFW designations currently do. If tailored correctly, 'supplemental classifications' could provide Florida's waters with the precise level of protection needed to ensure clean water for the future. One new principle of merit in the proposed designated use rule is the concept of the proposed Aquatic Life (AL) Uses. The proposal is for four categories and includes **AL 1** for the propagation and maintenance of exceptional aquatic communities that approximate the biological structure and function of natural background. We support the creation of a new category to protect exceptional waters such as natural springs, coral reefs, sea grass beds, oyster bars, productive natural soft bottoms, fish spawning grounds, and old growth wetlands like J.N. "Ding" Darling National Wildlife Refuge the Fakahatchee Strand.

Through these two mechanisms, using existing deviation processes and providing supplemental classifications, Florida can maintain designated uses that promote adequate source control and meet swimmable/fishable standards in accordance with the Clean Water Act, for the enjoyment of all Florida's citizens and its wildlife.

Exceptionally good waterbodies in Florida can be placed under special protection as Outstanding Florida Waters (OFW). OFW are waterbodies that are "designated worthy of special protection because of its natural attributes". The overall goal of OFWs is to protect current water quality levels for the future. For a waterbody to be designated as an OFW it must be approved by the Environmental Regulation Commission (ERC), a seven-member citizens' body appointed by the governor. Once designated as an OFW, no new activities that may lower the waterbodies quality are allowed to be permitted by FDEP. However, activities that were present prior to the designation are "grandfathered" and are allowed to continue. Unlike Class I, II, or III waterbodies, in which "FDEP can issue permits to lower water quality down to the minimum standards for that classification", an OFW cannot have any degrading activity permitted. Florida also uses the Outstanding National Resource

TO: Mr. Eric Shaw  
PAGE: 3  
DATE: December 8, 2009  
RE: Designated Uses and Surface Water Classification System

Waters (ONRW) to help protect waterbodies. Waterbodies, such as Biscayne and Everglades National Park, listed as Outstanding National Resource Waters “shall be protected and maintained to the extent required by the federal Environmental Protection Agency”.

Under the current Designated Uses and Water Quality Classification System, those water bodies that are not meeting state water quality standards and are scientifically demonstrated to be impaired either due to “natural conditions” or because the waterbody is a man-made system not capable of being restored, are able to apply for “Site-Specific Alternative Criteria” (SSAC), 62-302.800, FAC. SSACs are intended to allow waterbodies that are impaired due to natural conditions, irretrievable conditions, or situations along those lines, to be given unique water quality standards different from their respective designated use classifications. Because FDEP does not require natural conditions to be abated, waterbodies that are not meeting state water quality standards due to a natural cause or condition obtaining a SSAC will not be required to attain their original water quality standards. A TMDL or BMAP would also not be required for these situations. This prevents the inefficient use of resources for attempting to clean up waterbodies that cannot be restored. To change a designated use for a waterbody, a “Use Attainability Analysis” (UAA) is also currently available. If a waterbody has never achieved its prior designated use and a scientific assessment indicates that a lower use classification is warranted, a new lower use can be designated for that waterbody. With both SSAC and UAA in current regulatory practice, there are existing regulatory processes to provide flexibility and allow certain water bodies to be exempted from current state water quality standards or designated uses, if justified. These two provisions provide the necessary flexibility within our current system to appropriately deviate from state standards and use classifications where scientifically warranted.

The proposed changes will be costly to state and local governments and will generate significant bureaucratic waste in a time when Florida needs to conserve its financial, human and natural resources. The proposed changes appear to move the strategy for water quality protection and restoration away from source control at the location of the origin of the pollution and place the pollution control burden downstream, requiring the public and local communities to absorb the monitoring and clean up efforts and costs.

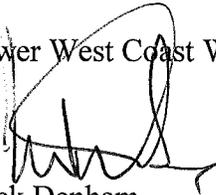
There are still many unanswered questions regarding situations in which a water body of a lower designated use empties into a receiving water body with a higher designated use. There is no defined implementation plan on how downstream waterbodies will be adequately protected from contributing waters in the upper watersheds designated with lower uses.

TO: Mr. Eric Shaw  
PAGE: 4  
DATE: December 8, 2009  
RE: Designated Uses and Surface Water Classification System

Changing the existing designated uses framework will impact progress already made towards Total Maximum Daily Load (TMDL) implementation. State and local governments have already spent significant time and financial resources developing Basin Management Action Plans (BMAPs) and TMDLs for impaired waterbodies throughout Florida. Mid-stream changes to designated use standards could jeopardize local governments' long-term planning efforts and would likely result in delays in implementing BMAPs due to rule challenges or designated use changes from affected parties, incur significant costs at all levels of government, and reduce existing ongoing opportunities to improve water quality for the people and resources of Florida.

Sincerely,

Lower West Coast Watershed Subcommittee of the Southwest Regional Planning Council

A handwritten signature in black ink, appearing to read "Mick Denham", written over a faint circular stamp or watermark.

Mick Denham  
Chair

MD/wg/jwb/je



## **Southwest Florida Regional Planning Council**

Serving Charlotte, Collier, Glades, Hendry, Lee and Sarasota Counties

1926 Victoria Ave, Fort Myers, Florida 33901-3414 (239) 338-2550 FAX (239) 338-2560 www.swfrpc.org

December 8, 2009

Hon. Michael W. Sole  
 FDEP Secretary  
 3900 Commonwealth Boulevard  
 MS 49  
 Tallahassee, FL 32399

Dear Secretary Sole:

The Lower West Coast Watershed Subcommittee (LWCWS), which acts as technical advisory committee for the Southwest Regional Planning Council (SWFRPC), will at its next meeting recommend that the Council oppose the Florida Department of Environmental Protection (FDEP) proposal for changes to the Designated Uses and Surface Water Classification System. The LWCWS of the SWFRPC cannot support the draft proposed changes to Florida's Designated Uses and Surface Water Quality Classification System, in their current form, for the following reasons:

One new principle of merit in the proposed designated use rule is the concept of the proposed Aquatic Life (AL) Uses. The proposal is for four categories and includes **AL 1** for the propagation and maintenance of exceptional aquatic communities that approximate the biological structure and function of natural background. We support the creation of a new category to protect exceptional waters such as natural springs, coral reefs, sea grass beds, oyster bars, productive natural soft bottoms, fish spawning grounds, and old growth wetlands like J.N. "Ding" Darling National Wildlife Refuge the Fakahatchee Strand.

The proposed changes are premature since Florida does not have numeric nutrient criteria to support the proposed uses. These criteria are critical for monitoring and enforcement of the water quality standards. If changes are actually needed, any proposed changes should be made after numeric nutrient criteria are established as the basis for creating the designated use categories.

There is no need for a new classification system. The current Designated Uses and Water Quality Classification System already contain mechanisms for addressing unique waterbodies that qualify for additional or less protection. Another alternative would be to consider additional 'supplemental classifications' that would work in tandem with the

TO: Hon. Michael W. Sole  
PAGE: 2  
DATE: December 8, 2009  
RE: Designated Uses and Surface Water Classification System

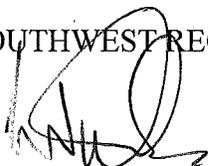
waterbody's existing designated use, as OFW designations currently do. Through these two mechanisms, using existing deviation processes and providing supplemental classifications, Florida can maintain designated uses that promote adequate source control and meet swimmable/fishable standards in accordance with the Clean Water Act, for the enjoyment of all Florida's citizens and its wildlife.

The proposed changes will be costly to state and local governments and will generate significant bureaucratic waste in a time when Florida needs to conserve its financial, human and natural resources. The proposed changes appear to move the strategy for water quality protection and restoration away from source control at the location of the origin of the pollution and place the pollution control burden downstream, requiring the public and local communities to absorb the monitoring and clean up efforts and costs. There are still many unanswered questions regarding situations in which a water body of a lower designated use empties into a receiving water body with a higher designated use. There is no defined implementation plan on how downstream waterbodies will be adequately protected from contributing waters in the upper watersheds designated with lower uses.

Changing the existing designated uses framework will impact progress already made towards Total Maximum Daily Load (TMDL) implementation. State and local governments have already spent significant time and financial resources developing Basin Management Action Plans (BMAPs) and TMDLs for impaired waterbodies throughout Florida. Mid-stream changes to designated use standards could jeopardize local governments' long-term planning efforts and would likely result in delays in implementing BMAPs due to rule challenges or designated use changes from affected parties, incur significant costs at all levels of government, and reduce existing ongoing opportunities to improve water quality for the people and resources of Florida.

Sincerely,

SOUTHWEST REGIONAL PLANNING COUNCIL



Mick Denham  
Acting Chair

MD/wg/jwb/je

CC: Mr. Eric Shaw, FDEP in Tallahassee

Three significant rulemaking activities by FDEP will effect implementation of water quality protection and restoration in southwest Florida.

They are:

- 1. Development of Numeric Nutrient Criteria for Florida's Waters**
- 2. Statewide Stormwater Treatment Rule Development**
- 3. Florida's Surface Water Quality Standards Redefining Designated Uses & Classifications**

### **1. Development of Numeric Nutrient Criteria for Florida's Waters**

<http://www.dep.state.fl.us/water/wqssp/nutrients/>

The State of Florida initiated rulemaking in 2001 to adopt quantitative nutrient water quality standards to facilitate the assessment of designated use attainment for its waters and to provide a better means to protect state waters from the adverse effects of nutrient over enrichment. The addition of excess nutrients, often associated with human alterations to watersheds, can negatively impact waterbody health and interfere with designated uses of waters - by causing noxious tastes and odors in drinking water, producing algal blooms and excessive aquatic weeds in swimming and boating waters, and altering the natural community of flora and fauna.

The Florida Department of Environmental Protection (FDEP) plans to develop numeric criteria for causal variables (phosphorus and nitrogen) and/or response variables (potentially chlorophyll- a and transparency), recognizing the hydrologic variability (waterbody type) and spatial variability (location within Florida) of the nutrient levels of the state's waters, and the variability in ecosystem response to nutrient concentrations. FDEP's preferred approach is to develop cause/effect relationships between nutrients and valued ecological attributes, and to establish nutrient criteria that ensure that the designated uses of Florida's waters are maintained.

Florida currently uses a narrative nutrient standard to guide the management and protection of its waters. Chapter 62-302.530, Florida Administrative Code (FAC), states that "in no case shall nutrient concentrations of body of water be altered so as to cause an imbalance in natural populations of flora or fauna." The narrative criteria also states that (for all waters of the state) "the discharge of nutrients shall continue to be limited as needed to prevent violations of other standards contained in this chapter [Chapter 62-302, FAC]. Man-induced nutrient enrichment (total nitrogen or total phosphorus) shall be considered degradation in relation to the provisions of Sections 62-302.300, 62-302.700, and 62-4.242, F.A.C."

FDEP has relied on this narrative for many years because nutrients are unlike any other "pollutant" regulated by the federal Clean Water Act (CWA). Most water quality criteria are based on a toxicity threshold, evidenced by a dose-response relationship, where higher concentrations can be demonstrated to be harmful, and acceptable concentrations can be established at a level below which adverse responses are elicited (usually in laboratory toxicity tests). In contrast, nutrients are not only present naturally in aquatic systems, they are absolutely

necessary for the proper functioning of biological communities, and are sometimes moderated in their expression by many natural factors.

The FDEP has been actively working with EPA on the development of numeric nutrient criteria for several years. FDEP submitted its initial DRAFT Numeric Nutrient Criteria Development Plan to EPA Region IV in May 2002, and received mutual agreement on the Numeric Nutrient Criteria Development Plan from EPA on July 7, 2004. The FDEP revised its plan in September 2007 to more accurately reflect its evolved strategy and technical approach, and FDEP received mutual agreement on the 2007 revisions from EPA on September 28, 2007. On January 14, 2009, EPA formally determined that numeric nutrient criteria should be established on an expedited schedule. On March 3, 2009 FDEP submitted its Current Numeric Nutrient Criteria Development Plan to EPA Region IV. This revised plan reflects DEP's current approaches and expedited schedule.

To limit nutrient enrichment, Florida will develop nutrient criteria for all waters, guided by recommendations from a Technical Advisory Committee (TAC) composed of technical experts from throughout the state. The TAC will review all available technical information to ensure that the resulting criteria reflect the characteristics and aquatic life use of Florida's diverse waterbodies. Nutrient criteria development is very actively in progress, and this page will contain links to updates of meetings and information.

DEP intends to use electronic mail, as well as a website, to distribute information on the direction and status of numeric nutrient criteria development for Florida's waterbodies. If you would like to be added to the Department's Nutrient Criteria mailing list or for questions regarding the development of the nutrient criteria, please contact DEP's Nutrient Criteria Development Coordinator, Ken Weaver.

#### Currently FDEP

- Is not moving forward with October ERC committee and having parallel state rulemaking. Instead FDEP would rather invest in assisting federal rulemaking effort with the EPA. FDEP has shared all its information (including TAC recommendations) and has weekly teleconferences with EPA.
- There will be another Nutrient TAC in November (date not yet set, they will be reconvening the TAC members to continue to form more recommendations with regard to numeric nutrient criteria development).
- The most controversial criteria thus far have been the stream criteria according to FDEP.

## 2. Statewide Stormwater Treatment Rule Development Documents

[http://www.dep.state.fl.us/water/wetlands/erp/rules/stormwater/rule\\_docs.htm](http://www.dep.state.fl.us/water/wetlands/erp/rules/stormwater/rule_docs.htm)

Beginning in 2006, the Department of Environmental Protection (Department) together with the state's five water management districts, began rule development on a statewide stormwater rule that focuses on providing increased protection of our State's surface and ground waters. Currently, excess nutrients represent the leading cause of impairment in our surface water bodies. Additionally, increasing nitrogen concentrations in ground water and springs are a growing concern. Therefore, it is critically important that stormwater treatment standards are enhanced to provide for increased levels of nutrient removal and better protection of ground water. Further, a statewide regulation will provide consistent best management practice (BMP) design criteria throughout the state.

### Background

The original "statewide" stormwater rule, Chapter 17-25 was adopted by the Environmental Regulation Commission in October 1981 with an effective date of February 1982. This rule was the successor to the state's first stormwater treatment regulations established in Rule 17-4.248 as an interim regulation. When adopted in 1982, performance standard for stormwater treatment was set to 80% average annual load reduction of Total Suspended Solids. BMP design criteria were established, based on Florida field data, which provided a rebuttable presumption that the stormwater discharge did not cause harm to water resources. Although originally implemented statewide by the Department, authority for the Chapter 17-25 stormwater permitting program was delegated to each of the water management districts (excepting the NFWFMD) in the mid-1980s.

In the mid-1990s, the Environmental Reorganization Act provided the water management districts independent authority under Chapter 373, F.S., to regulate stormwater quality under the Environmental Resource Permit program. Accordingly, each of the WMDs promulgated their own stormwater rules. The resultant BMP design criteria adopted by each of the WMDs varied widely, ranging from essentially the same criteria found in Chapter 17-25 (now Chapter 62-25, F.A.C.) to criteria that provided both higher and lesser degrees of treatment.

Additionally, in 1990, the State Water Implementation Rule, Chapter 62-40, F.A.C. was developed and adopted in response to stormwater legislation in 1989. The stormwater program's institutional foundation, goals, and performance standards were clearly set forth in this rule. The stormwater treatment performance standard was revised to read "80% average annual load reduction of pollutants that cause or contribute to violations of water quality standards." While amended from time to time to respond to BMP monitoring results, most of the State's stormwater criteria are based on data predating 1995 and they were never changed to meet the new performance standard. More recently, with the implementation of Florida's Total Maximum Daily Load/watershed restoration program and the Springs Initiative, it has become increasingly clear that increased removal of nutrients from stormwater is critical to protecting Florida's surface and ground waters. Further, research has indicated that current design and performance

criteria do not properly address nutrient loadings resulting from typical stormwater runoff conditions.

The proposed statewide stormwater rule provides for the following broad objectives:

1. To update the ERP water quality treatment rules to increase the effectiveness of new stormwater treatment systems in removing nutrients and reducing nutrient loads, and in decreasing the movement of nutrients into ground waters.
2. To reduce the number of water bodies that become impaired by nutrients from future development (about 45% of Florida's current verified impaired waters are nutrient related).
3. To meet the goal of the Water Resource Implementation Rule, Chapter 62-40, F.A.C, which is to assure that post-development stormwater characteristics do not exceed pre-development stormwater characteristics (peak discharge rate, pollutant load, volume)?
4. To streamline stormwater permitting and make stormwater regulatory requirements more consistent throughout the state (provide a more level playing field).

The proposed performance standard for new stormwater treatment systems is for post-development nutrient loads to not exceed the pre-development nutrient loads. For the purposes of this rule, pre-development is equivalent to undeveloped and is defined as native landscape, not the current existing land use such as row crops or other "developed" condition. Also, nutrients are defined as the more limiting of total nitrogen (TN) and total phosphorus (TP). It is presumed that treating TP and TN will provide adequate treatment for other pollutants.

Under the proposed framework, each project will require a nutrient loading assessment for both the pre-development and post-development condition. This results in each project developing its own unique treatment efficiency goal. This represents a significant departure current rules in which only post-development loading is considered and reduced. Stormwater pond design volumes for retention and detention facilities are derived primarily from values calculated in the report entitled "Evaluation of Current Stormwater Design Criteria within the State of Florida" (Harper and Baker, 2007). Stormwater treatment volumes will vary around the state depending on historical rainfall records, and will also vary in the same location based on pre- and post-development site conditions and land use.

It is proposed to use the "applicant's handbook" platform for establishing BMP criteria. The recently completed Applicant's Handbook for ERP in the Northwest Florida Water Management District has been used initially as the model document.

BMP "treatment trains" may be required in many cases in order to meet the required removal efficiencies. The proposed rule provides a mechanism to calculate the treatment credit associated with successive BMPs that are used in series. Although BMP treatment trains have always been "encouraged" by the agencies, there has not been a methodology established to calculate the appropriate load reduction for such trains.

It is anticipated that reuse or recycling of stormwater may become more commonplace in order to reduce discharge of stormwater volumes and pollutant loads, especially when using wet detention systems. Stormwater reuse may be used in combination with other “traditional” stormwater BMPs. Tables are provided that allow for calculating the amount of treatment credit to be allowed for associated water storage and irrigation rates.

In addition to stormwater reuse, a comprehensive menu of Low Impact Design (LID) concepts is under development. Credits will be established to increase the focus on nonstructural, pollution prevention BMPs as first “car” in the treatment train. These LID concepts include:

- Green roof/cistern/irrigation systems
- Pervious concrete
- Florida Friendly Landscaping/Green Industry BMP Program
- Promotion of natural vegetation on-site to reduce compaction of urban soils/loss of infiltration capacity

Lastly, a section specific to stormwater retrofitting will serve to accelerate stormwater enhancement and restoration projects for existing development.

### **Significant Issues to be Resolved**

Staff members from DEP and the WMDs have met several times in late 2007 and early 2008 to discuss rule concepts and to compile a draft handbook. A number of significant issues have been identified that require resolution prior to moving forward with formal rulemaking. Work groups consisting of DEP and WMD staff have been assigned to each of the issue topics. These work groups will work with the members of the Technical Advisory Committee to address these and other rulemaking issues. Issue papers have been developed by the work groups and are attached.

### 3. Florida's Surface Water Quality Standards Redefining Designated Uses & Classifications

In July 2009, the Department of Environmental Protection (DEP) received a petition from the Florida Stormwater Association requesting formal rulemaking to amend the existing classification structure. The Florida Department of Environmental Protection (DEP) has initiated a review of Florida's current designated uses and associated water body classification system to determine if revisions are needed. DEP states it is undertaking this effort to ensure better protection for our lakes, rivers, springs, estuaries, coastal waters and even artificially created surface waters. <http://www.dep.state.fl.us/secretary/designateduse.htm>

What FDEP is doing with this rulemaking?

Propose to refine the classification system Change from system with 5 classes that combines both human uses and aquatic life uses to a new system with 7 human use classes and 4 aquatic life use classes

Also revising process for reclassifications

Will also populate the criteria for the existing classes into the new structure. New system includes classes that are analogous to old system, but also includes new classes

#### Proposed Human Uses (HU)

- HU 1** Protection of potable water supply suitable for human consumption (following conventional drinking water treatment methods), fish consumption, and full body contact.
- HU 2** Protection of shellfish harvesting for human consumption, fish consumption, and full body contact.
- HU 3** Protection of fish consumption and full body contact.
- HU 4** Protection of fish consumption and incidental human contact.
- HU 5** Protection of fish consumption, but human contact limited or restricted due to unsafe physical conditions.
- HU 6** Protection of waters for crop irrigation or consumption by livestock.
- HU 7** Utility and industrial uses

#### Proposed Aquatic Life (AL) Uses

- AL 1** Propagation and maintenance of aquatic communities that approximate the biological structure and function of natural background.
- AL 2** Propagation and maintenance of a healthy, well-balanced aquatic community with minimal deviation of biological structure and function relative to natural background. (Default)

**AL 3** Protection of an aquatic community with moderate deviation of biological structure and function relative to natural background (habitat and hydrology limitations)

**AL 4** Protection of an aquatic community with substantial deviation of biological structure and function relative to natural background (severe habitat and hydrology limitations)

Designated Uses web links pro and con

<http://www.dep.state.fl.us/secretary/designateduse.htm>

[http://www.dep.state.fl.us/water/wqssp/docs/DUCR/PAC\\_members.pdf](http://www.dep.state.fl.us/water/wqssp/docs/DUCR/PAC_members.pdf)

[http://xlr8.sfwmd.gov/portal/page/portal/pg\\_grp\\_sfwmd\\_governingboard/portlet\\_gb\\_subtab\\_presentations\\_page/tab23985102/rb\\_57\\_carter\\_cwa091009final.pdf](http://xlr8.sfwmd.gov/portal/page/portal/pg_grp_sfwmd_governingboard/portlet_gb_subtab_presentations_page/tab23985102/rb_57_carter_cwa091009final.pdf)

[http://news.caloosahatchee.org/docs/earthlink\\_090911.htm](http://news.caloosahatchee.org/docs/earthlink_090911.htm)

<http://edis.ifas.ufl.edu/ss489>

<http://www.cleanwaternetnetwork-fl.org/index.php?show=50>

<http://www.conservancy.org/Document.Doc?id=247>

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

6

Regional Issues

6

6

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

6a

SWFRPC Resolution #09-04

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**SWFRPC RESOLUTION NO. 2009-04**

**A RESOLUTION BY THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL IN SUPPORT OF THE CONSTRUCTION OF LARGE SCALE PHOTOVOLTAIC ELECTRONIC GENERATING FACILITIES AND THE DEVELOPMENT OF RENEWABLE ENERGY STANDARDS WITHIN THE STATE OF FLORIDA.**

**WHEREAS**, the Southwest Florida Regional Planning Council (Council) supports the construction of a large scale photovoltaic energy project in Florida in order to bring efficient alternative energy sources to benefit communities and the local economy, and

**WHEREAS**, the Council recognizes the benefit of reducing dependence on fossil fuels by developing alternative energy sources, of which solar power is among one of the cleanest and most cost effective, and

**WHEREAS**, the Council recognizes that solar energy can help to enhance Florida's energy future since it is not subject to oil supply disruption or price volatility, and

**WHEREAS**, the Council recognizes the additional number of quality jobs that are created by the construction and operation of solar energy facilities, and

**WHEREAS**, the Council recognizes the enhanced economic benefit to Florida communities of millions of dollars in property taxes generated directly and indirectly by solar energy centers, and

**WHEREAS**, the Council recognizes the environmental benefits associated with large scale solar energy projects; and

**NOW, THEREFORE, BE IT RESOLVED BY THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL** that the Council supports the construction of large scale photovoltaic electronic generating facilities and the development of renewable energy standards and will transmit a copy of this resolution to Governor Charlie Crist, Senate President Jeff Atwater, Speaker of the House, Larry Cretul, and the Southwest Florida Legislative Delegation.

**THIS RESOLUTION WAS DULY PASSED AND ADOPTED THIS 17th DAY OF DECEMBER, 2009.**

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

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Mick Denham, Acting Chair

ATTEST:

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Kenneth Heatherington, Executive Director

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

6b

2009 NADO Innovation Awards

6b

6b

## NADO PRESENTATION AND AWARD

The Southwest Florida Regional Planning Council (SWFRPC) was invited to speak at the National Association of Development Organizations (NADO) Annual Training Conference titled, *Building Platforms for Regional Prosperity*, in Chicago, Tuesday, September 1, 2009. The SWFRPC was asked to present and discuss at the plenary session on **Building an Economically and Environmentally Sustainable Region** the Southwest Florida selection in 2008 as a National Pilot Climate Prosperity Region. Council staff also asked that Dick Fleming, President of Climate Prosperity Project Inc. and Doug Henton, Pilot Communities Coordinator share the stage and present the National Climate Prosperity Project perspective.

NADO's annual training conference is their premier event hosting over 600 economic and community development practitioners and policy makers focusing on regional approaches to development. Because NADO is a membership organization the training agenda is geared towards regional entities. In addition to the conference and networking opportunities, NADO also convened a series of roundtables to discuss emerging federal policy, innovative approaches to promote regional development and an Innovative Awards Reception in which attendees were encouraged to roam the room and stop and visit with representatives of NADO's 2009 Class of Innovation Awardees.

I am proud to announce that the SWFRPC was a member of the 2009 Class of Innovation Awardees. Recognizing the national, regional and local interest in green building and energy efficiency, the SWFRPC became the first government entity in the six-county Southwest Florida Region with a Leadership in Energy and Environmental Design (LEED) Accredited Professional (AP) planner on staff. With the assistance of LEED staff, the Council assists developers and communities with strategies and techniques to reduce their greenhouse gas (GHG) emissions and promote sustainability. While in Chicago the Executive Director hosted the Innovative Award program and received the LEED AP award on behalf of Jason Utley, the SWFRPC staff planner who became the first government certified LEED professional in the Region.

12/09









**Ken Heatherington, Executive Director  
Southwest Florida Regional Planning Council**



***“Building an Economic and Environmentally Sustainable Region”***

**National Association of Development Organizations  
(NADO)**

**Chicago, September 1, 2009**



# Purpose of today's presentation

**Provide a Context for Growth Trends and Challenges;**

**Set the Stage for a Discussion of Regional Visioning Initiatives;**

**Discuss Southwest's Florida's strategy for climate prosperity;**

**Provide an Overview of the Political Landscape and the unique role of RPCs; and**

**To recognize the support and cooperation provided by local government, property owners, education, and business communities.**

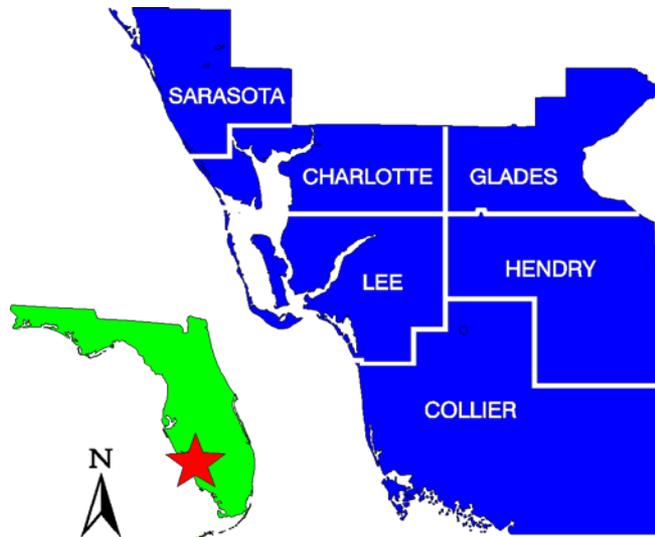
# Southwest Florida Regional Planning Council

- 34 member council
- 24 elected officials, representing 6 counties and 16 cities
- 5 state agency representatives
- 5 gubernatorial appointees representing:
  - Education
  - Business
  - Environment
  - Economic development
- 27 Staff including Administrative Staff and
- The Charlotte Harbor National Estuary Program (CHNEP)
- The Lee County Metropolitan Planning Organization (Lee Co MPO)

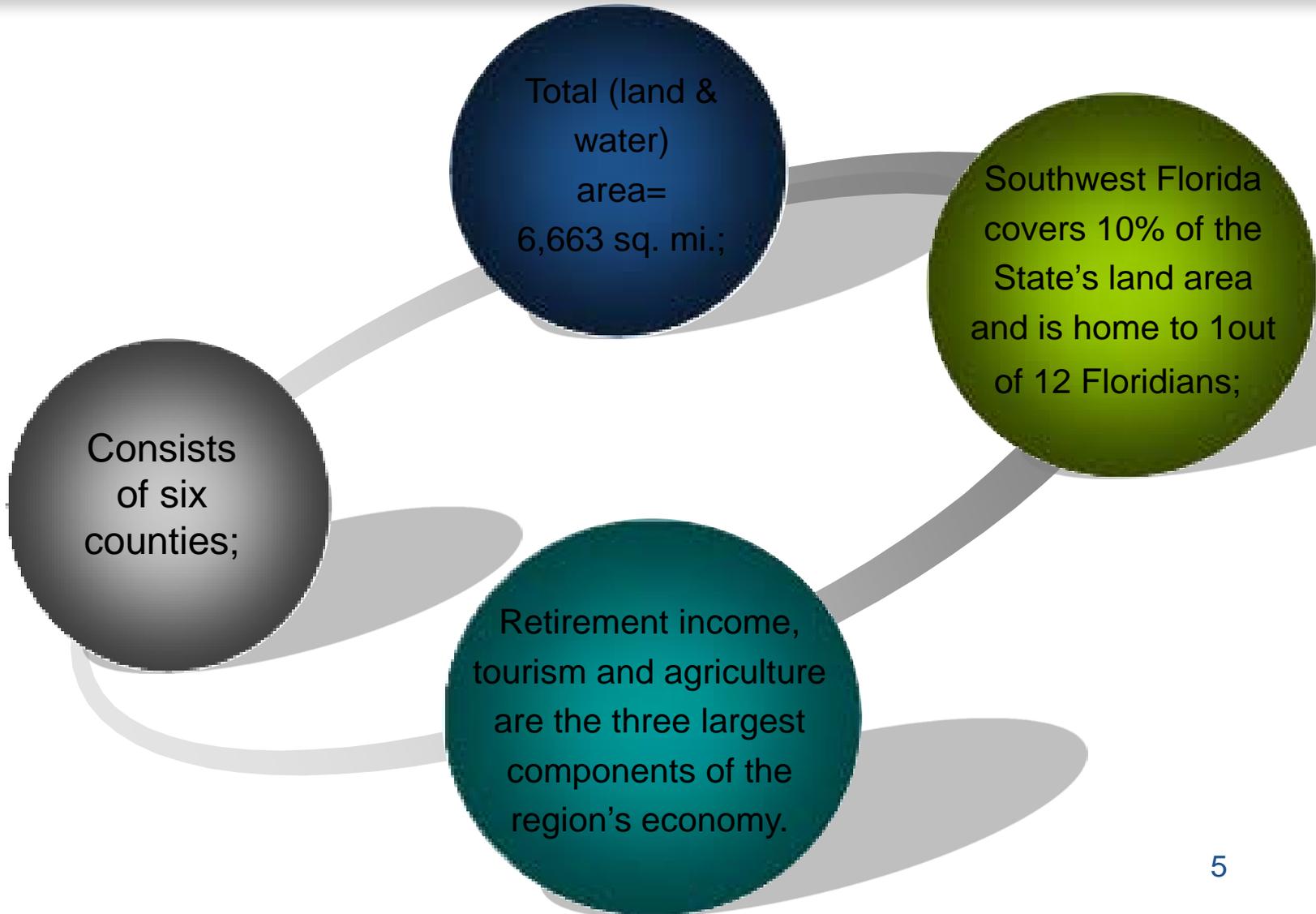


# Southwest Florida Region

Where is Southwest Florida and what is the urgency to act?

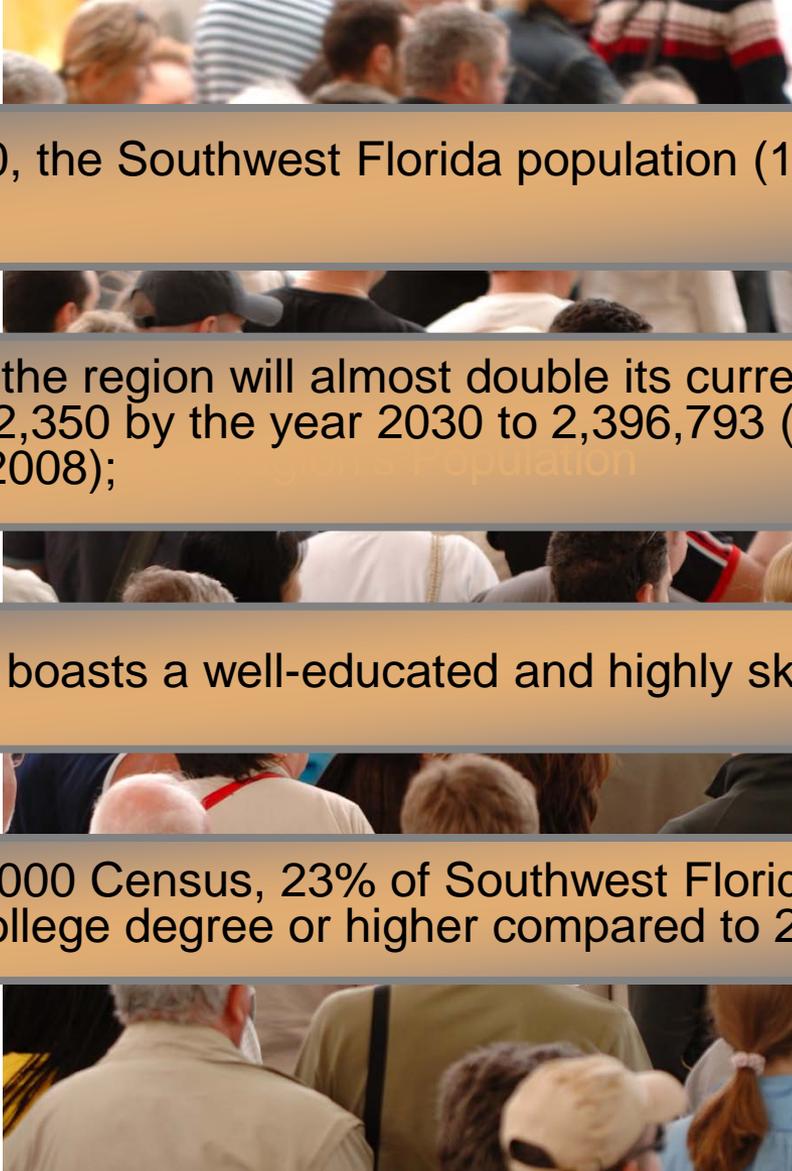


# The Region





# The Regions Population



Since April 1, 2000, the Southwest Florida population (1,206,635) has grown by 28%;

It is projected that the region will almost double its current estimated population of 1,552,350 by the year 2030 to 2,396,793 (BEBR, Vol. 41, Bulletin 151, July,2008);

Southwest Florida boasts a well-educated and highly skilled workforce;

According to the 2000 Census, 23% of Southwest Floridians (age 25 and over) had a college degree or higher compared to 24% in the nation.

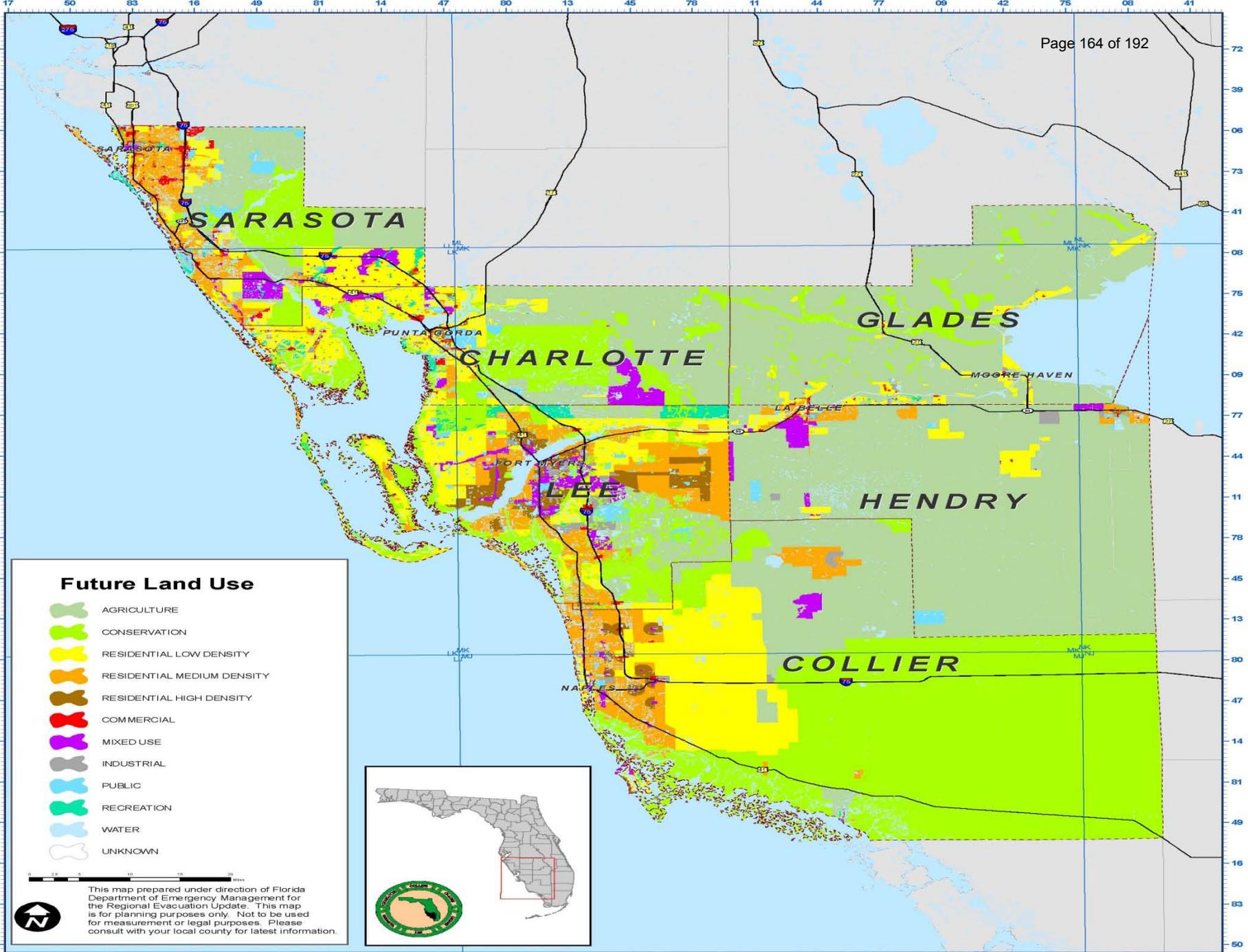


Characterized by a mix of land uses and a historical urban and rural split;

Urban communities stretch along the coastal areas;

Transitioning into large tracts of agricultural lands; and

Is set amongst a network of environmental resources.



### Future Land Use

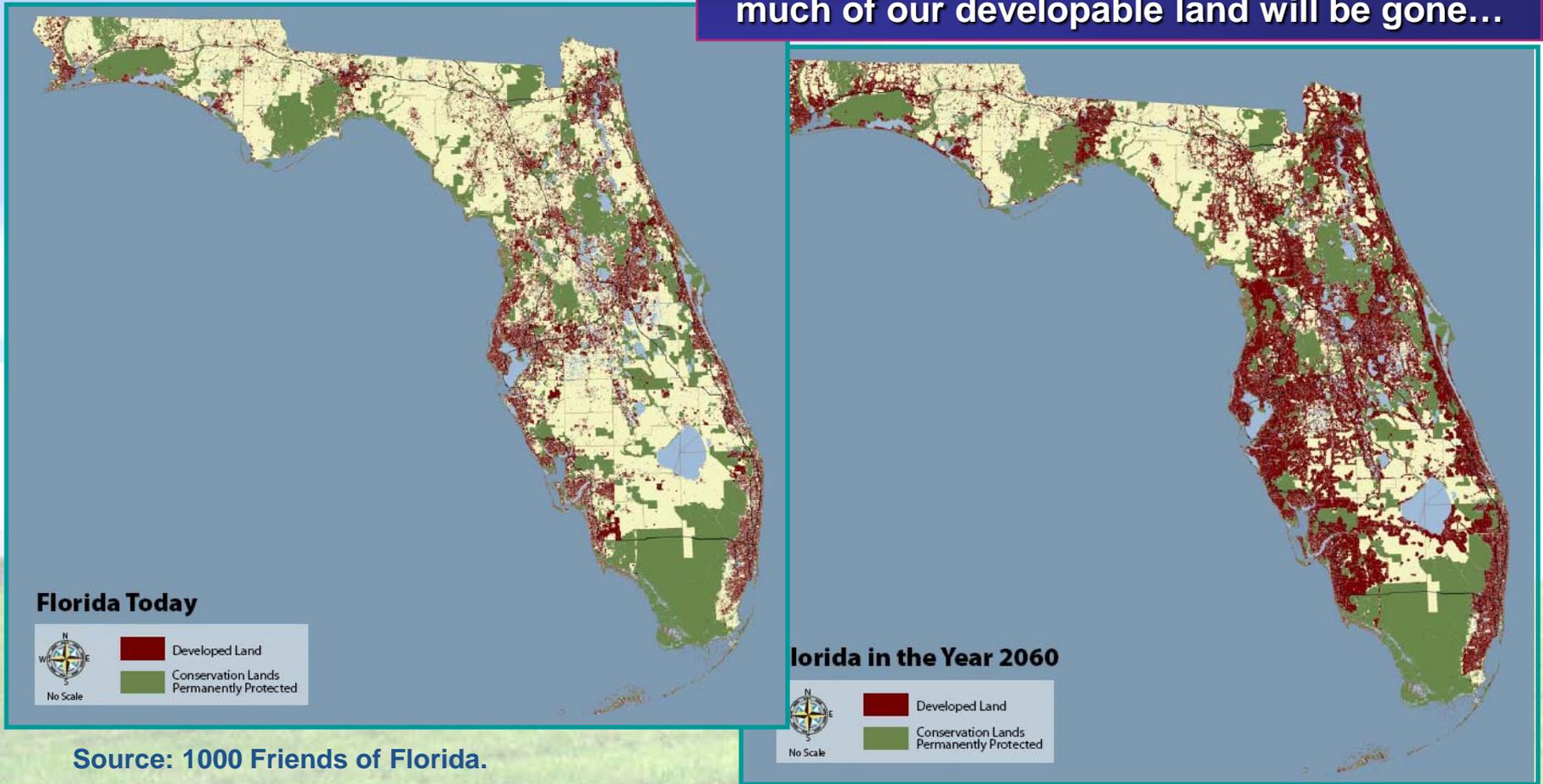
- AGRICULTURE
- CONSERVATION
- RESIDENTIAL LOW DENSITY
- RESIDENTIAL MEDIUM DENSITY
- RESIDENTIAL HIGH DENSITY
- COMMERCIAL
- MIXED USE
- INDUSTRIAL
- PUBLIC
- RECREATION
- WATER
- UNKNOWN

This map prepared under direction of Florida Department of Emergency Management for the Regional Evacuation Update. This map is for planning purposes only. Not to be used for measurement or legal purposes. Please consult with your local county for latest information.



# Today's Choices Will Shape Our Future

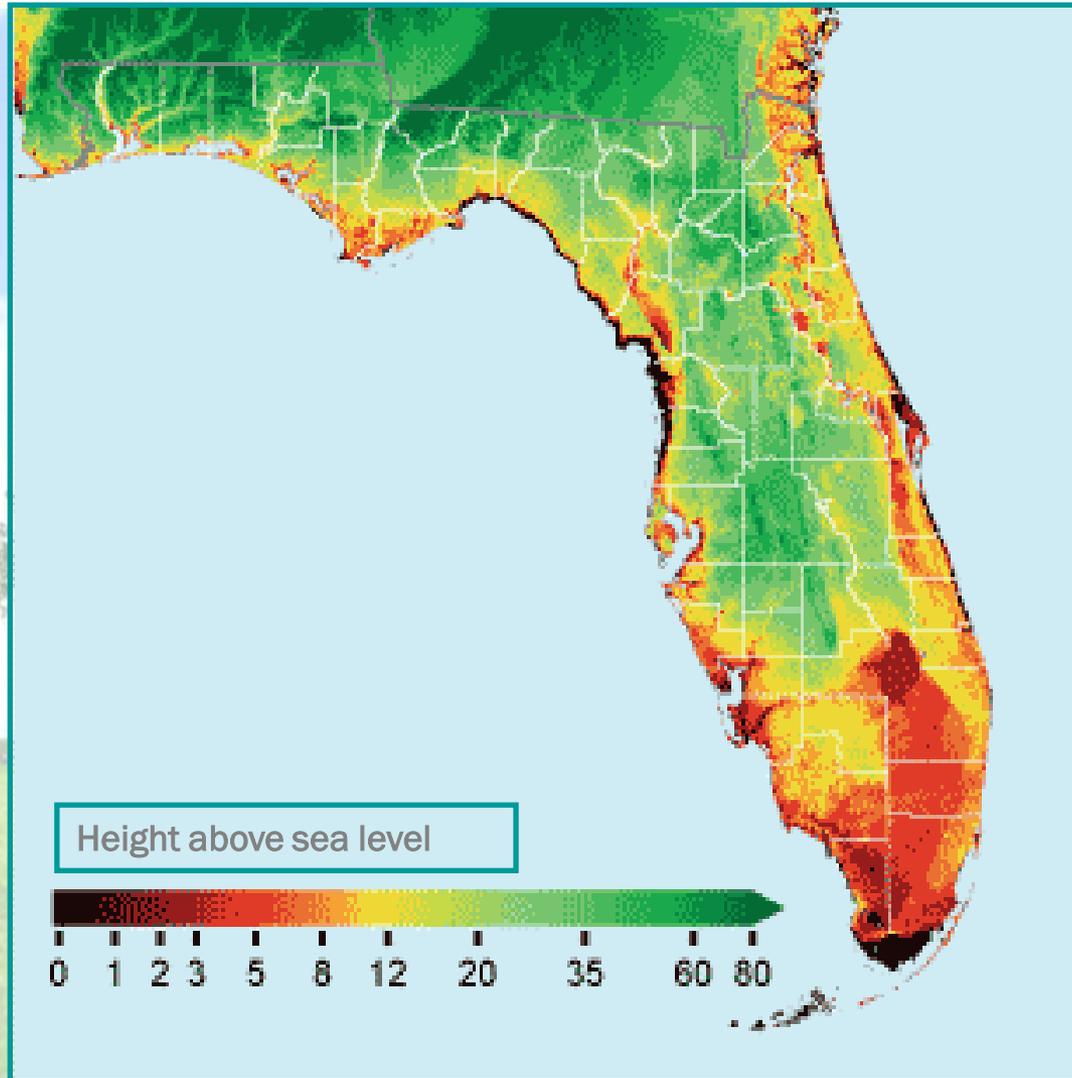
By 2060, if population forecasts hold true, much of our developable land will be gone...



Source: 1000 Friends of Florida.



# Climate Change and Sea Level Rise



Source: Wildlife 2060.



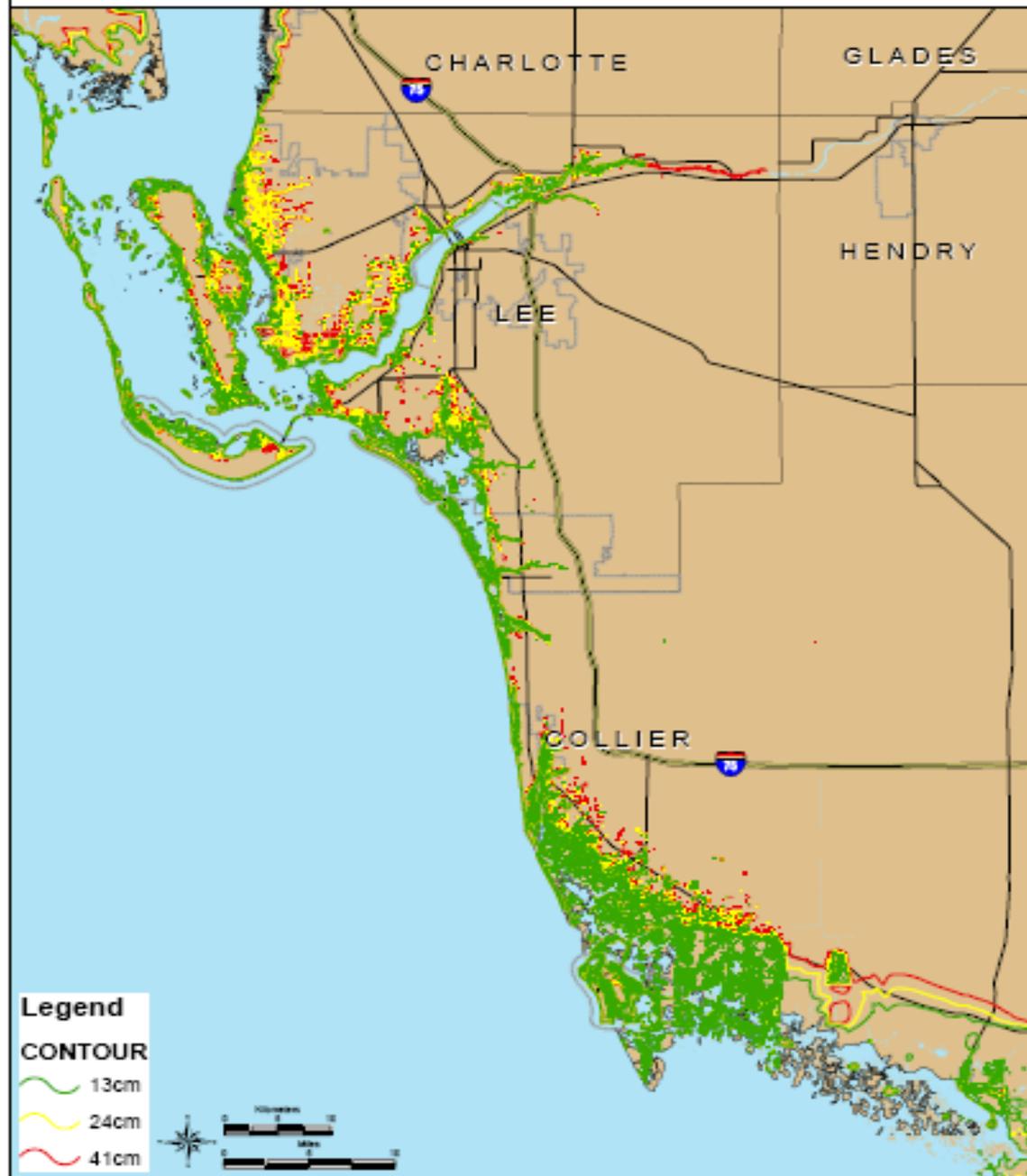
# Obstacles and Impediments

South Florida is on the front line against sea level rise

By 2100, under the best-case prediction of a seven inch sea level rise the Florida Keys would lose about 59,000 acres of land and habitat worth more than \$11 billion

Under a worst case scenario of ocean waters rising 23.2 inches, about 75 percent of the Keys 154,000 acres and nearly 50 percent of its \$43 billion property value could become submerged.

# Estimated Sea Level Rise 2050



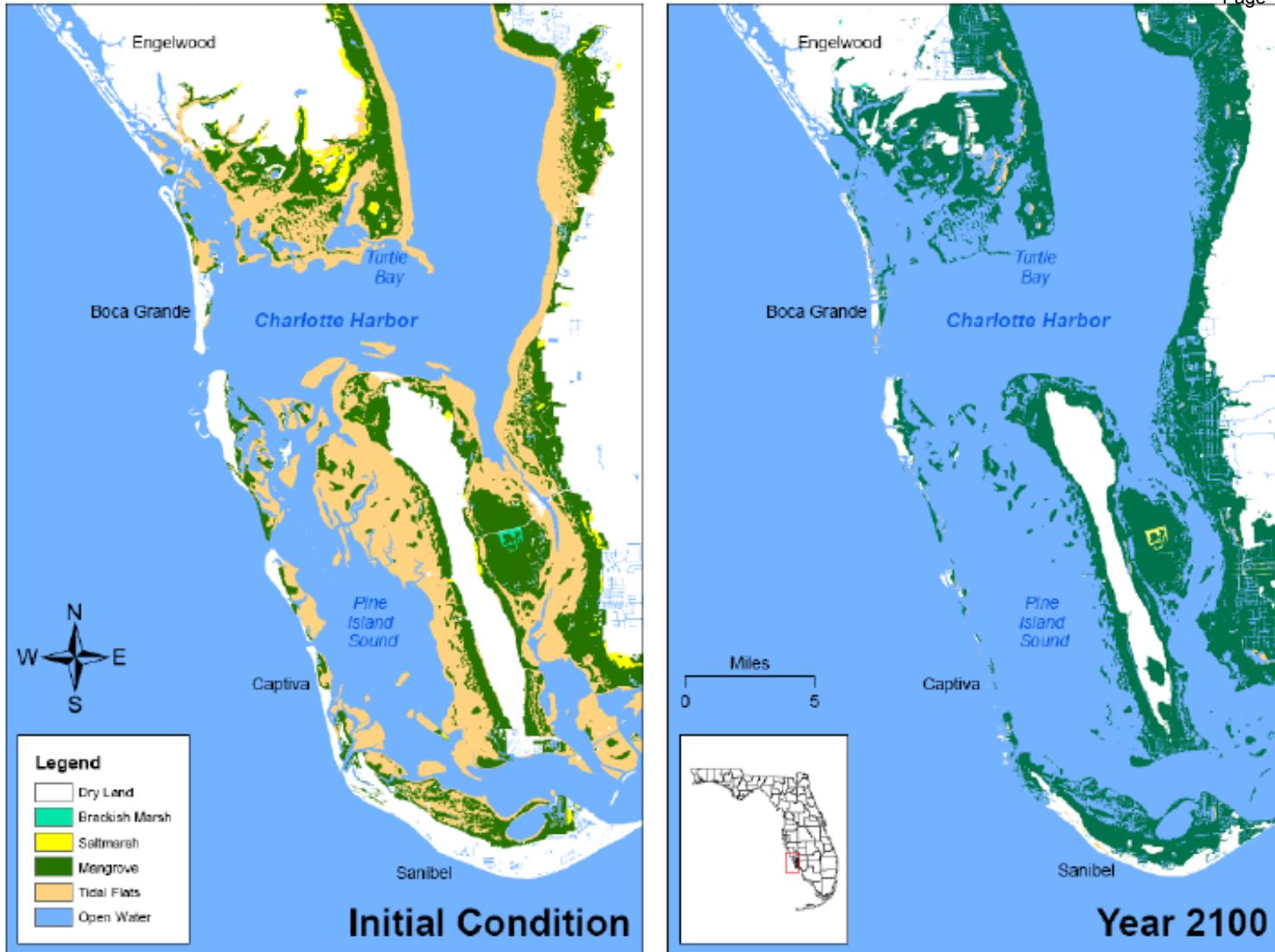
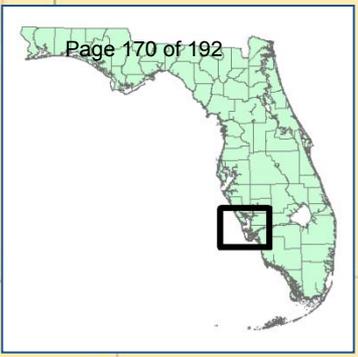
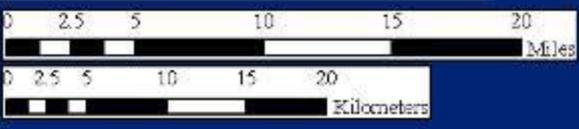


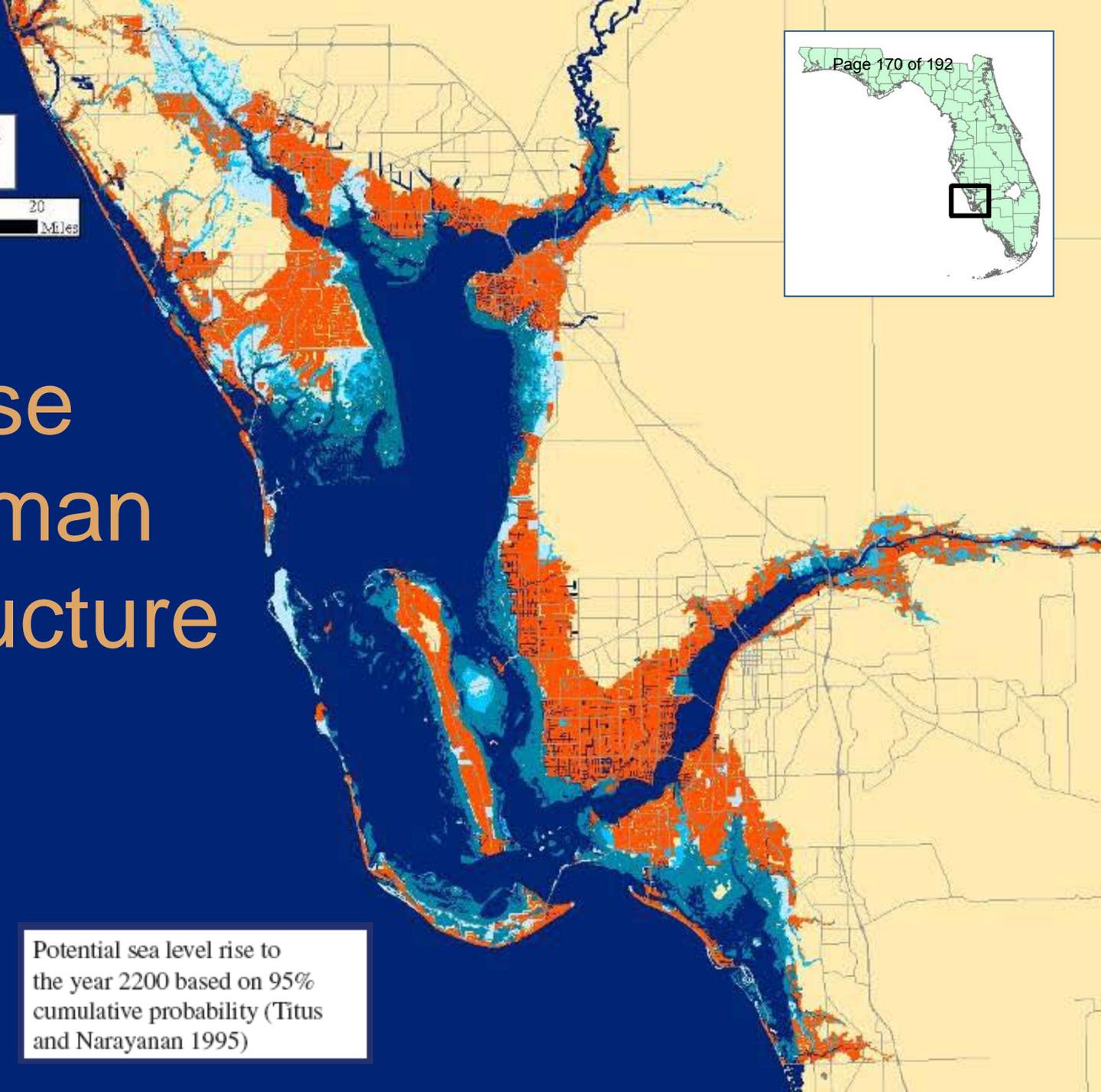
Figure 27: Three-foot contour sea level rise Sea Level Rise in Lower Charlotte Harbor Estuary Year 2100. This is the 5% probability worst case IPCC (2007) scenario.



Source: Southwest Florida Regional Planning Council  
 Charlotte Harbor National Estuary Program  
 Date: April 15, 2008



# Land Use and Human Infrastructure



**Legend**

**Potential Sea Level Rise**

**Underlying Land Uses**

- Tidal Wetlands
- Non-Tidal Wetlands
- Upland Conservation
- Urban
- Roads
- Existing Open Water
- Land Above 10'

Potential sea level rise to the year 2200 based on 95% cumulative probability (Titus and Narayanan 1995)

# Obstacles and Impediments

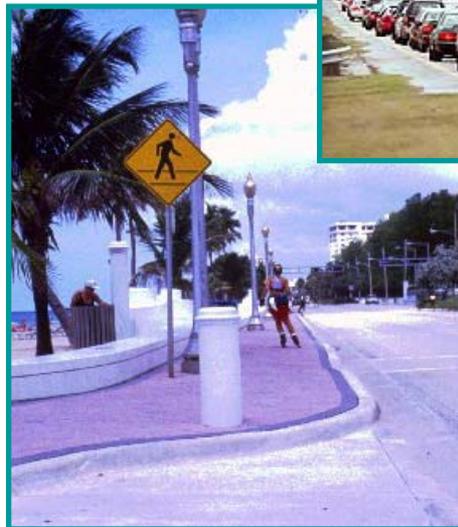
- In the current economic emergency Southwest Florida is one of the hardest hit regions in the country– also known as “Ground Zero”
- Platted Lots
- Lack of transit
- Conflict with other priorities
- Resistance to Change
  - Green House Gas Emissions (GHG) rising
  - Climate change effects require new measures
  - Sea Level Rise and Climate Change



# Key Issues Require Regional Cooperation



- Economic Development
- Education and Workforce
  - Housing
- Transportation
- Conservation
  - Water
  - Energy
- Climate change

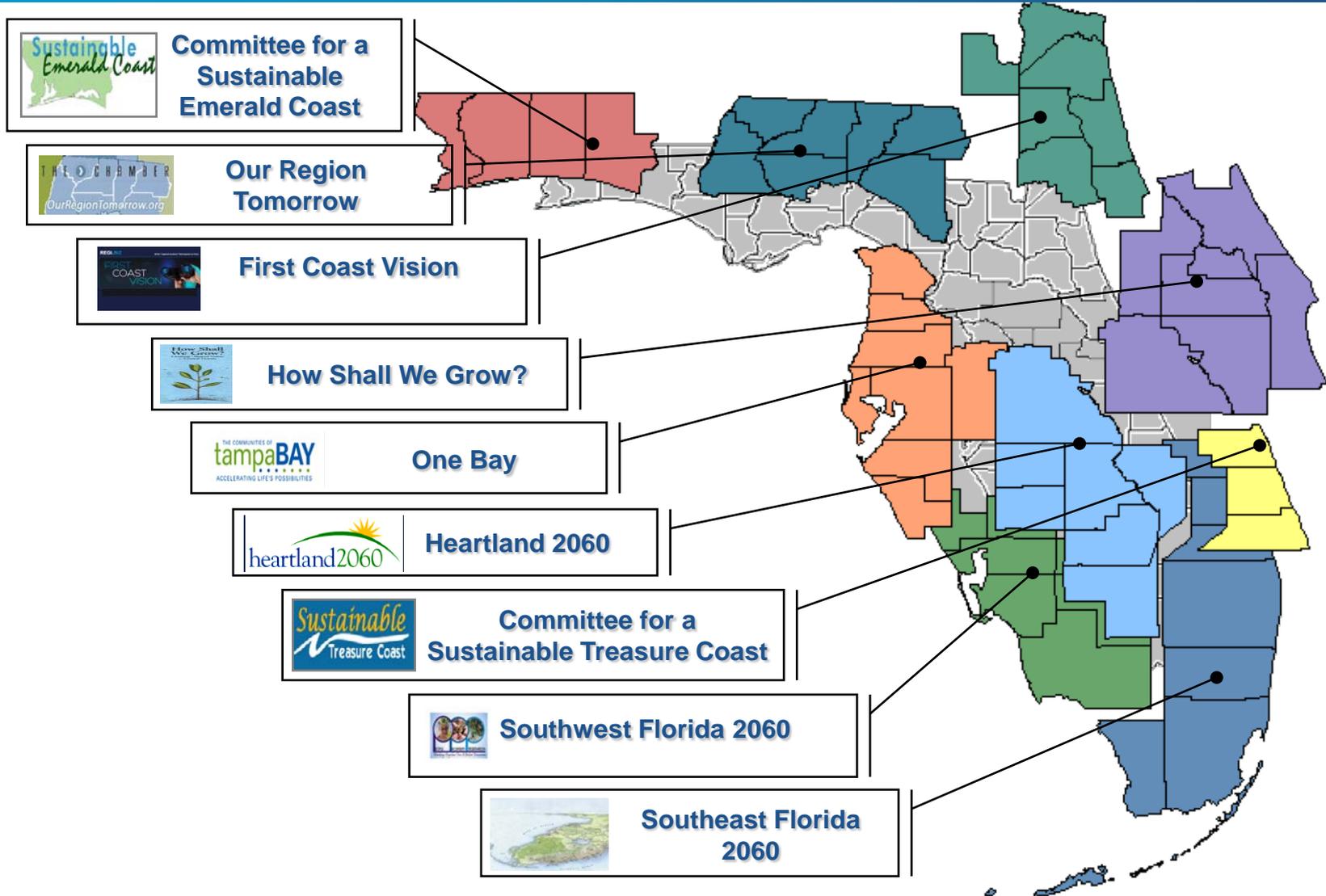


# Examples of Regional Visioning

-  **Portland Metro 2040 Growth Concept (2000)**
-  **Envision Utah (1999)**
-  **Sacramento Area Blueprint (2004)**
-  **Denver Metro Vision 2030 (2005)**
-  **Chicago Metropolis 2020 (1999)**
-  **Central Oklahoma 2020 (1993)**
-  **Envision Central Texas (2004)**
-  **Cumberland Region Tomorrow (2003)**



# Florida's Regional Vision Process



# Regional Visioning

- Many regions are implementing the visioning work done over the last five to ten years.
- What is the new responsible land use paradigm?
- What is Southwest Florida's eco-advantage for tomorrow?
- Look at the region and the impact of climate change through an environmental and economic lens!





# Southwest Florida's Vision



*Working Together For A Better Tomorrow*



# A Multi-Dimensional Approach

Use a variety of approaches to offer a discussion that respects a difference of opinions

Environmental staff discuss eco-system preservation and biological diversity

Other staff discuss the magnitude of efficiency through energy savings

Concerns about energy affordability, energy security and the value of managing greenhouse gas (GHG) emissions all remain and push different interests



# A Multi-Dimensional Approach

Promoting a conversation on long term sustainability and economic diversification by establishing ecological and economic growth strategies

Enhance prospects for prosperity through an investment in natural resources and a green economy

**Educate – Engage – Interact** with the local and regional community



# Climate Prosperity Project

- **Created by Global Urban Development in 2007, with financial support from the Rockefeller Brothers Fund and the Environmental Defense Fund**
- **Based on the proposition that climate change is a great economic opportunity**
- **Southwest Florida Regional Planning Council chosen as the lead agency for the SW Florida Climate Prosperity Strategy**
- **SW Florida Planning Council**
  - **Economic Development Strategy Committee**
  - **Energy and Climate Committee**



# Southwest Florida Strengths

- **Excellent climate**
- **Gateway to the Everglades (globally known brand)**
- **Access to the Gulf Coast**
- **Historically successful economic strategy of:**
  - **Encouraging tourism**
  - **Retirement Income and leading to purchase of 2<sup>nd</sup> homes**
  - **Resulting in people moving to the region when they retire**
- **Economic clusters have been**
  - **Tourism**
  - **Retirement Income**
  - **Construction**
  - **Health care**
  - **Agriculture**
  - **Mining**
  - **Retail**



# Southwest Florida Climate Prosperity Strategic Framework

## Climate Prosperity Strategies have 3 dimensions:

- Green Opportunities
- Green Talent
  - Green Savings

## SW Florida Climate Prosperity Strategy is organized as a set of Initiatives with component Green Programs:

- A Green Savings Initiative with 5 component Green Programs
- A Green Opportunities Initiative with 6 component Green Programs
- A Green Talent Initiative with 3 component Green Programs



# Southwest Florida Climate Prosperity Goals and Outcomes

- **SW Florida Comprehensive Economic Development Strategy includes goals for the Climate Prosperity Strategy:**
  - Attract and retain a cluster of environmentally sustainable and economically efficient businesses
  - Garner long term economic and environmental benefits
  - Increase the earning potential for SW Florida residents and businesses
  - Educate SW Floridians on the economic and environmental benefits of investment in green technologies
  
- **Desired Outcomes:**
  - Green businesses, green jobs, and green profits
  - Environmentally skilled workforce
  - Improved energy efficiency, green savings and reduced greenhouse gas emissions
  - Sustainable business and household practices
  - Environmentally conscious businesses and households
  - Improved quality of life



# SW Florida Green Assets

- **State assets:**
  - Governor's Climate Action Team
  - Florida Solar Energy Center
  - Sustainable Florida – Collins Center
  - Florida Farm to Fuel Initiative
  - Florida BioFuels Association
  
- **Regional assets:**
  - Gulf Coast Chapter of U.S. Green Building Council
  - Center for Environmental and Sustainability Education at Florida Gulf Coast University
  - Florida House Institute for Sustainable Development
  - 3 county and 2 city sustainability programs
  - LEED certified planner on SW Florida Regional Planning Council Staff





# LEED People and LEED Buildings

- **If a person passes USGBC's LEED test, he/she is a LEED Accredited Professional – LEED Accredited**
- **If a building successfully obtains enough points under the LEED framework then the building is LEED Certified.**
- **Winning the NADO Innovation Award**





# What is LEED?



**Leadership in Energy & Environmental Design**



# Future Action Steps

- **Formulate implementation plans for each Green Program in each of the 3 Climate Prosperity Initiatives**
- **Join with partners to implement aspects of the Climate Prosperity Strategy that can be done without additional funding**
- **Pursue additional funding**
- **Constitute a SW Florida Climate Prosperity Network composed of representatives of:**
  - **County and city sustainability programs**
  - **Green Business Partnership**
  - **Developers of Eco-Smart Developments**
  - **Regional green resource organizations**
  - **Statewide sustainability organizations**
- **Form a Green Talent Leadership Group including:**
  - **SW Florida Workforce Investment Board**
  - **Community colleges and universities**
  - **Business representatives**

# Building a Sustainable Region

**Climate  
Prosperity**  
is seeing  
**the opportunity**  
in the  
**challenge!**



"We do not inherit the Earth from our ancestors; we borrow it from our children."

A Native American saying



# The Younger Generation



**GREENPEACE**

# Questions?



**...and thank you!**

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

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Other Regional Issues

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