



Southwest Florida Regional Planning

www.swfrpc.org

1926 Victoria Avenue

Fort Myers, FL 33901

Phone: (239) 338-2550

Fax: (239) 338-2560

COUNCIL MEETING AGENDA



MEETING NOTICE

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.

August 14, 2014

9:00am – 11:30am

1	INVOCATION	
2	PLEDGE OF ALLEGIANCE	
3	ROLL CALL	
4	PUBLIC COMMENTS	
5	AGENDA	Page 1
6	MINUTES OF THE JUNE 19, 2014 MEETING (Will be presented at the September Meeting)	
7	DIRECTOR'S REPORT	
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Two or more members of the Charlotte Harbor National Estuary Program may be in attendance and may discuss matters that could come before the 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 the Southwest Florida Regional Planning Council 48 hours prior to the meeting by calling (239) 338-2550; if you are hearing or speech impaired call (800) 955-8770 Voice/(800) 955-8771 TDD.



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17	ADJOURN	

NEXT SWFRPC MEETING DATE: September 18, 2014

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.

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SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL MEMBERSHIP

CHAIR..... Councilwoman Teresa Heitmann
 VICE CHAIR..... **Mr. Robert “Bob” Mulhere**
 SECRETARY..... Mr. Don McCormick
 TREASURER..... Councilman Forrest Banks

CHARLOTTE COUNTY

Commissioner Tricia Duffy, Charlotte Co BCC
 Commissioner Chris Constance, Charlotte Co BCC
 Councilwoman Nancy Prafke, City of Punta Gorda
 Ms. Suzanne Graham, Governor Appointee
 Mr. Donald McCormick, Governor Appointee

GLADES COUNTY

Commissioner Donna Storter-Long, Glades Co BCC
 Commissioner Russell Echols, Glades Co BCC
 Councilwoman Pat Lucas, City of Moore Haven
 Mr. Thomas C. Perry, Governor Appointee

LEE COUNTY

Commissioner Frank Mann, Lee Co BCC
 Commissioner Brian Hamman, Lee Co BCC
 Councilman Jim Burch, City of Cape Coral
 Vice Mayor Doug Congress, City of Sanibel
 Councilman Forrest Banks, City of Fort Myers
 Mayor Anita Cereceda, Town of Fort Myers Beach
 (City of Bonita Springs Vacancy)
 Ms. Laura Holquist, Governor Appointee
 (Gubernatorial Appointee Vacancy)

COLLIER COUNTY

Commissioner Tim Nance, Collier Co BCC
 Commissioner Georgia Hiller, Collier Co BCC
 Councilwoman Teresa Heitmann, City of Naples
 (City of Marco Island Vacancy)
 Mr. **Robert “Bob” Mulhere**, Governor Appointee
 Mr. Alan D. Reynolds, Governor Appointee

HENDRY COUNTY

Commissioner Karson Turner, Hendry Co BCC
 Commissioner Don Davis, Hendry Co BCC
 Mayor Phillip Roland, City of Clewiston
 Commissioner Daniel Akin, City of LaBelle
 Mr. Mel Karau, Governor Appointee

SARASOTA COUNTY

Commissioner Carolyn Mason, Sarasota Co BCC
 Commissioner Charles Hines, Sarasota Co BCC
 Vice-Mayor Rhonda DiFranco, City of North Port
 Councilman Kit McKeon, City of Venice
 Vice-Mayor Willie Shaw, City of Sarasota
 (Gubernatorial Appointee Vacancy)
 Mr. Felipe Colón, Governor Appointee

EX-OFFICIO MEMBERS

Phil Flood, SFWMD
 Jon Iglehart, FDEP
 Melissa Dickens, SWFWMD
 Carmen Monroy, FDOT

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL STAFF

MARGARET WUERSTLE.....EXECUTIVE DIRECTOR
 SEAN McCABE.....LEGAL COUNSEL

James Beever
 Lisa Beever
 David Crawford
 Liz Donley

Nancy Doyle
 John L. Gibbons
 Nichole Gwinnett
 Rebekah Harp

Maran Hilgendorf
 Judy Ott
 Jennifer Pellechio
 Timothy Walker

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

AMD A -Application for Master Development Approval

BE BR - 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

DEO - Department of Economic Opportunity

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

FAR - Florida Administrative Register (formerly 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

NADO – National Association of Development Organizations

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

RFI – Request for Invitation

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 Plan

USDA - US Department of Agriculture

WMD - Water Management District (SFWMD and SWFWMD)



Apalachee • Central Florida
 East Central Florida • North Central Florida
 Northeast Florida • South Florida • Southwest Florida
 Tampa Bay • Treasure Coast • West Florida • Withlacoochee

104 West Jefferson Street, Tallahassee, FL 32301-1713 • 850.224.3427

Regional Planning Council Functions and Programs

March 4, 2011

- **Economic Development Districts:** Regional planning councils are designated as Economic Development Districts by the U. S. Economic Development Administration. From January 2003 to August 2010, the U. S. Economic Development Administration invested \$66 million in 60 projects in the State of Florida to create/retain 13,700 jobs and leverage \$1 billion in private capital investment. Regional planning councils provide technical support to businesses and economic developers to promote regional job creation strategies.
- **Emergency Preparedness and Statewide Regional Evacuation:** Regional planning councils have special expertise in emergency planning and were the first in the nation to prepare a Statewide Regional Evacuation Study using a uniform report format and transportation evacuation modeling program. Regional planning councils have been preparing regional evacuation plans since 1981. Products in addition to evacuation studies include Post Disaster Redevelopment Plans, Hazard Mitigation Plans, Continuity of Operations Plans and Business Disaster Planning Kits.
- **Local Emergency Planning:** Local Emergency Planning Committees are staffed by regional planning councils and provide a direct relationship between the State and local businesses. Regional planning councils provide thousands of hours of training to local first responders annually. Local businesses have developed a trusted working relationship with regional planning council staff.
- **Homeland Security:** Regional planning council staff is a source of low cost, high quality planning and training experts that support counties and State agencies when developing a training course or exercise. Regional planning councils provide cost effective training to first responders, both public and private, in the areas of Hazardous Materials, Hazardous Waste, Incident Command, Disaster Response, Pre- and Post-Disaster Planning, Continuity of Operations and Governance. Several regional planning councils house Regional Domestic Security Task Force planners.
- **Multipurpose Regional Organizations:** Regional planning councils are Florida's only multipurpose regional entities that plan for and coordinate intergovernmental solutions on multi-jurisdictional issues, support regional economic development and provide assistance to local governments.
- **Problem Solving Forum:** Issues of major importance are often the subject of regional planning council-sponsored workshops. Regional planning councils have convened regional summits and workshops on issues such as workforce housing, response to hurricanes, visioning and job creation.
- **Implementation of Community Planning:** Regional planning councils develop and maintain Strategic Regional Policy Plans to guide growth and development focusing on economic development, emergency preparedness, transportation, affordable housing and resources of regional significance. In addition, regional planning councils provide coordination and review of various programs such as Local Government Comprehensive Plans, Developments of Regional Impact and Power Plant Ten-year Siting Plans. Regional planning council reviewers have the local knowledge to conduct reviews efficiently and provide State agencies reliable local insight.

- **Local Government Assistance:** Regional planning councils are also a significant source of cost effective, high quality planning experts for communities, providing technical assistance in areas such as: grant writing, mapping, community planning, plan review, procurement, dispute resolution, economic development, marketing, statistical analysis, and information technology. Several regional planning councils provide staff for transportation planning organizations, natural resource planning and emergency preparedness planning.
- **Return on Investment:** Every dollar invested by the State through annual appropriation in regional planning councils generates 11 dollars in local, federal and private direct investment to meet regional needs.
- **Quality Communities Generate Economic Development:** Businesses and individuals choose locations based on the quality of life they offer. Regional planning councils help regions compete nationally and globally for investment and skilled personnel.
- **Multidisciplinary Viewpoint:** Regional planning councils provide a comprehensive, multidisciplinary view of issues and a forum to address regional issues cooperatively. Potential impacts on the community from development activities are vetted to achieve win-win solutions as council members represent business, government and citizen interests.
- **Coordinators and Conveners:** Regional planning councils provide a forum for regional collaboration to solve problems and reduce costly inter-jurisdictional disputes.
- **Federal Consistency Review:** Regional planning councils provide required Federal Consistency Review, ensuring access to hundreds of millions of federal infrastructure and economic development investment dollars annually.
- **Economies of Scale:** Regional planning councils provide a cost-effective source of technical assistance to local governments, small businesses and non-profits.
- **Regional Approach:** Cost savings are realized in transportation, land use and infrastructure when addressed regionally. A regional approach promotes vibrant economies while reducing unproductive competition among local communities.
- **Sustainable Communities:** Federal funding is targeted to regions that can demonstrate they have a strong framework for regional cooperation.
- **Economic Data and Analysis:** Regional planning councils are equipped with state of the art econometric software and have the ability to provide objective economic analysis on policy and investment decisions.
- **Small Quantity Hazardous Waste Generators:** The Small Quantity Generator program ensures the proper handling and disposal of hazardous waste generated at the county level. Often smaller counties cannot afford to maintain a program without imposing large fees on local businesses. Many counties have lowered or eliminated fees, because regional planning council programs realize economies of scale, provide businesses a local contact regarding compliance questions and assistance and provide training and information regarding management of hazardous waste.
- **Regional Visioning and Strategic Planning:** Regional planning councils are conveners of regional visions that link economic development, infrastructure, environment, land use and transportation into long term investment plans. Strategic planning for communities and organizations defines actions critical to successful change and resource investments.
- **Geographic Information Systems and Data Clearinghouse:** Regional planning councils are leaders in geographic information systems mapping and data support systems. Many local governments rely on regional planning councils for these services.

Agenda Item

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Director's Report

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--- Agenda --- Item

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SWFRPC's FY 2014-15
Budget and Workplan

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BUILDING RESILIENCY

(adjective) able to withstand or recover quickly from difficult conditions



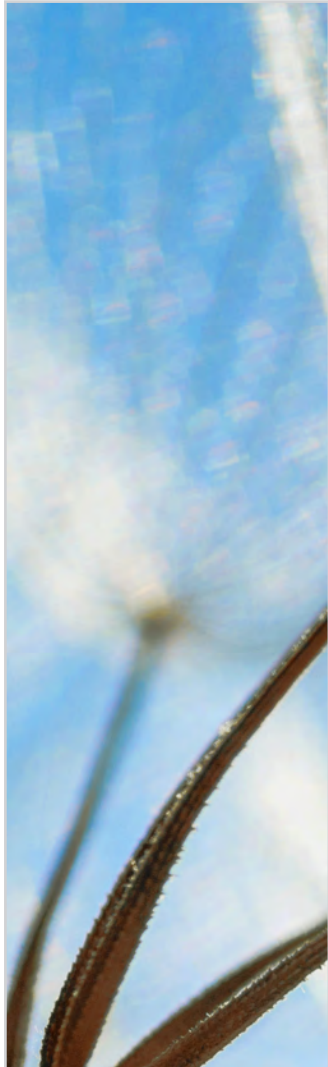
FISCAL YEAR 2014 - 2015

WORKPLAN AND BUDGET

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

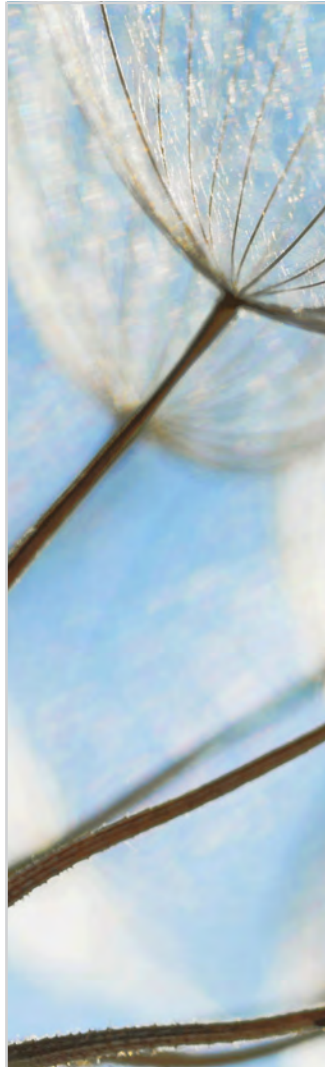
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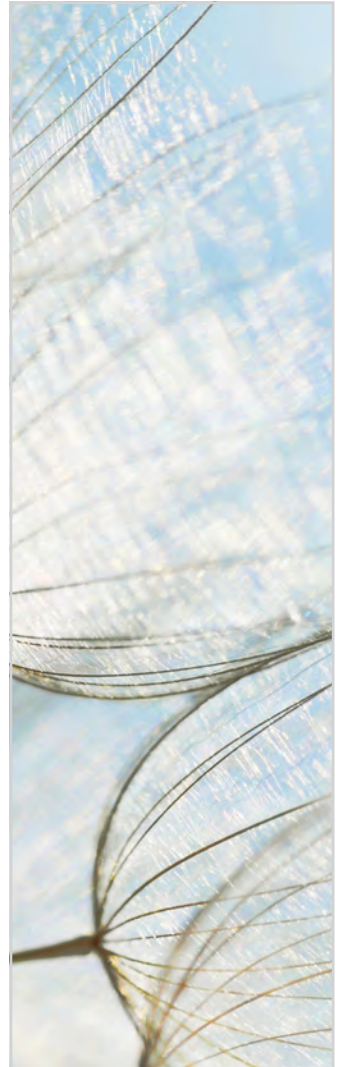
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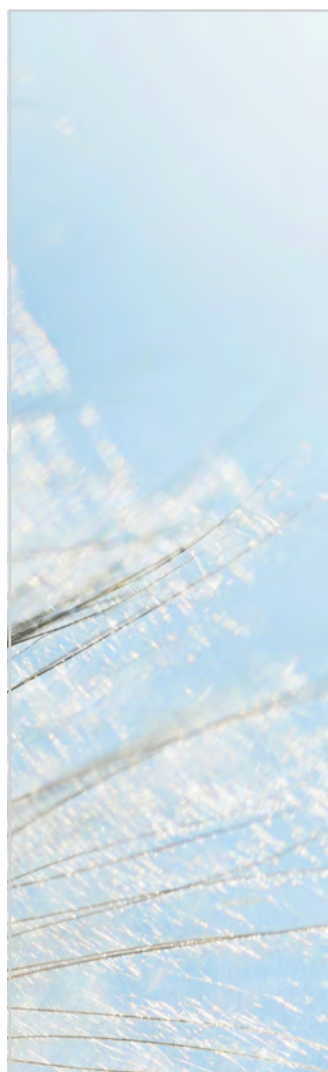
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PRIORITY 01
BUILDING
RESILIENCY



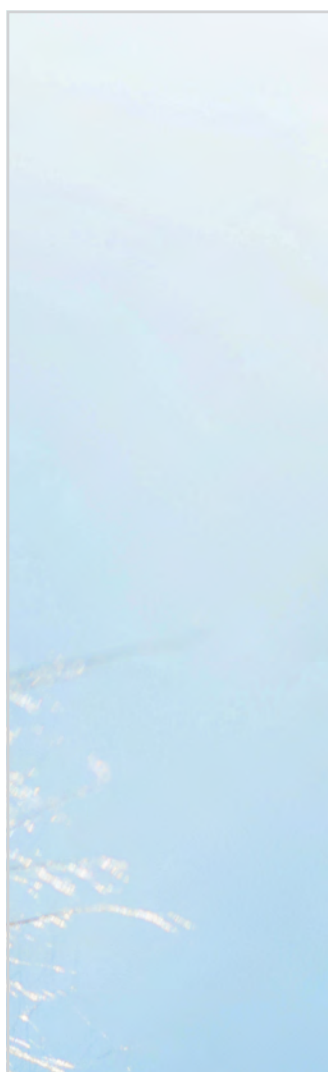
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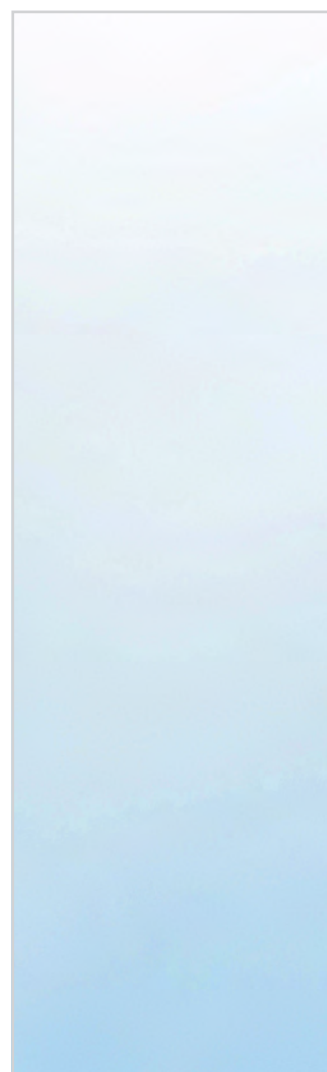
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BUDGET

MESSAGE

Over the last three years, the journey of the Southwest Florida Regional Planning Council has been tumultuous but progressively improving. We have transitioned programs to align with the needs of our communities while stabilizing operations. Our recovery can be evidenced by a positive fund balance at the end of each year and an increasing reserve balance. It is now time to build on this successful foundation and branch out with nontraditional programs that will support and enhance the public assets that sustain our communities.

Fiscal Year 2014-2015 will focus on *Building Resiliency*. Resiliency is the ability to anticipate risk, limit impact, and bounce back rapidly in the face of turbulent change. Resilient communities are the foundation of the Southwest Florida region. Whether our communities need to recover from a major storm event, withstand the loss of a business, or deal with crime and safety issues, we will work with our 22 local governments to ensure that they can respond to and recover quickly from whatever unique challenges, disruptive crisis or vulnerability that may arise. The SWFRPC can provide expert resources for emergency management, evacuation planning and studies, hazardous materials training, sea level rise, climate change, economic development issues, and geographic information, as well as general technical assistance. Working with our stakeholders, committees, elected officials and national experts, the SWFRPC will focus on providing programs and reliable information to ensure resilient, livable communities in the Southwest Florida region.

As we build community resiliency, we will continue to promote economic development in four specific areas: Arts and Culture, Agricultural Sustainability and Food Security, Manufacturing Competitiveness and Brownfield Redevelopment. Significant progress was made in the previous year in these four program areas. We will continue to focus and expand upon the work we started last year. These are programs that require multiple phases and attention for several years. As we continue our focus on these four areas, we will remain open and flexible to the changes, challenges and opportunities that the current economic recovery may present and adapt to these challenges, ensuring that the SWFRPC remains a trusted source for reliable information and technical analysis.

The strength of the SWFRPC also depends on our ability to meet our fundamental obligations. Therefore, along with



economic development and building community resiliency, our priorities must include continued success in addressing our fundamental obligations, as follows:

- **Regulatory Responsibilities:** Developments of Regional Impact, Notices of Proposed Change, Substantial Deviations, Monitoring Reports, and Comprehensive Plan Amendment Reviews;
- **Regional Planning:** Development of Plans and Strategies, Best Practices on local issues, Project Facilitation;
- **Emergency Management:** Hazardous Waste Site Inspections, Chemical Inventories, Government and Emergency Responder Trainings; Emergency Management Planning;
- **Environmental Research, Planning and Education:** Research on environmental issues that impact the economic viability of our region and public education;
- **Transportation Planning:** Administration of the Transportation Disabled program in Hendry and Glades Counties, Research and Preparation of studies

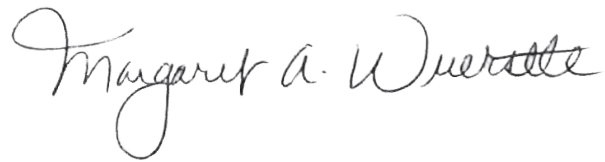
- on public transit connectivity;
- **Public Outreach:** Council Orientations, Partnership Development, Regional Collaboration and Public Education;
- **Clearinghouse & Technical Assistance:** Research and Grant Writing, GIS Mapping & Modeling, Demographic Analysis, Economic Views, REMI Economic Modeling and data/information assistance;
- **Enhanced Administration:** Solid financial reporting, operations and policies, Financial management of programs and resources, Skilled Human Resources, and Building maintenance.

Building resiliency will help protect our communities' assets, enhance business stability, and create a more stable economic future for our region. The Southwest Florida Regional Planning Council is committed to helping our communities thrive, no matter what happens, and will continue to build resiliency by expanding our expertise and programs to meet the needs of the 22 local governments that comprise the Southwest Florida Region.

Many thanks are owing to the motivated members of the Southwest Florida Regional Council who have devoted their time, talent and wisdom to the Council and its subcommittees. This commitment to the Regional Planning

Council has turned a struggling organization around and helped us create a path to success. Equally important is the cooperation and collaboration provided by so many of our local governments that recognize the value of working regionally. Henry Ford once said, "Coming together is a beginning, keeping together is progress, working together is success." Together we can build resiliency for the enduring prosperity of the Southwest Florida Region.

EXECUTIVE DIRECTOR
Margaret Wuerstle



MISSION

“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.”



2014 ACCOMPLISHMENTS BY FOCUS AREA

FOCUS AREA: ECONOMIC DEVELOPMENT

1. A Business plan for a regional economic development entity in southwest Florida was completed with a DEO grant.
2. Ten meeting were held with the economic development leaders in our region.
3. The federal EDA Economic Development Planning grant was awarded to continue work on the Comprehensive Economic Development Strategy (CEDS) for the region.
4. A grant was submitted to DEO to incorporate economic resiliency into the CEDS document.
5. A grant application was submitted to DEO for Agricultural tours to promote assets and economic development in the City of Labelle.

FOCUS AREA: BROWNFIELD REDEVELOPMENT

1. A Brownfield grant was submitted to EPA for site identification and assessment.
2. Staff partnered with DEP to host the 2nd Annual Brownfield Conference.

FOCUS AREA: ARTS AND CULTURE

1. A logo was developed for the Our Creative Economy project through a grant from VISIT FLORIDA.
2. The public art assets in Lee County were mapped and an interactive map completed through a grant from the Southwest Florida Community Foundation.
3. A DEO grant was submitted to start mapping public art assets in Charlotte County.
4. A grant was submitted to the National Endowment for the Arts to develop a regional plan to enhance public art assets.

W I N N I N G L O G O S



1st Place



2nd Place



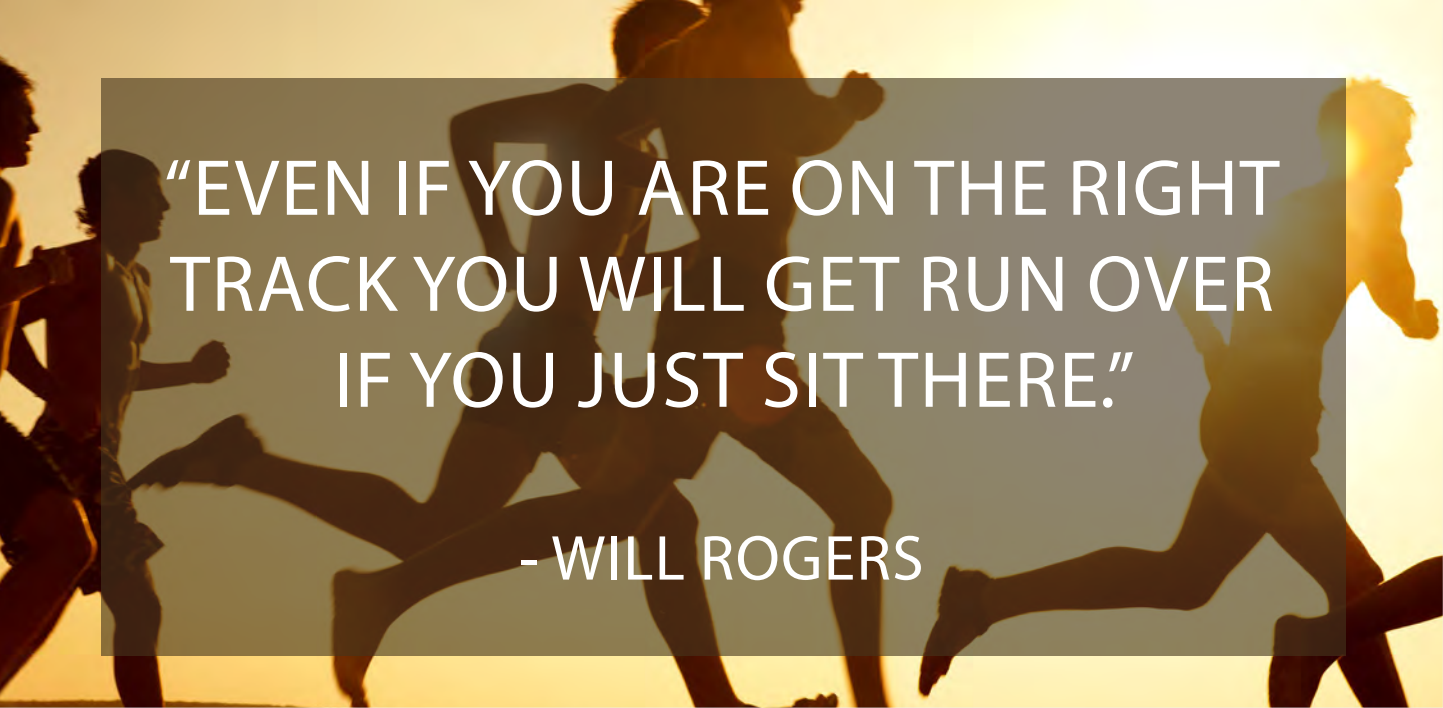
3rd Place

FOCUS AREA: AGRICULTURAL SUSTAINABILITY

1. A Farms-to-School grant was submitted to USDA in collaboration with the Hendry, Collier, Glades and Lee County School Districts along with IFAS, the Gulf Citrus Growers Association, Harry Chapin Food Bank and the Roots Heritage Urban Food HUB to develop a Smart Process Food Hub.
2. A Farms to school grant was submitted to USDA in collaboration with the Hendry, Collier, Glades and Lee County School Districts along with IFAS, the Gulf Citrus Growers Association, Harry Chapin Food Bank and the Roots Heritage Urban Food HUB to create a coordinator position that would identify "opportunity buys" for the school districts.
3. A grant was submitted to USDA for a mobile food vehicle/community garden project through the Roots Heritage Urban Food HUB.

FOCUS AREA: MANUFACTURING COMPETITIVENESS

1. An application was submitted to EDA through the Investing in Manufacturing Communities Partnership Designation. This application resulted in the development of a regional strategy for a medical manufacturing corridor along I-75 from Tampa to Miami.
2. A Manufacturing Competitive grant was submitted to EDA for a cluster analysis for medical manufacturing in the Southwest Florida and the Tampa Bay Regional Planning Council Regions.



"EVEN IF YOU ARE ON THE RIGHT
TRACK YOU WILL GET RUN OVER
IF YOU JUST SIT THERE."

- WILL ROGERS

2014 ACCOMPLISHMENTS FOR OUR FUNDAMENTAL OBLIGATIONS



01 REGULATORY RESPONSIBILITIES

- Nine NOPCs were processed.
- Seventeen Amendments to Comprehensive Plans were processed and approved by the Council.
- Seven DRI Development Order Revisions were processed.
- Nine clearing house Reviews were completed.
- Six hundred and nine Emergency Responders and industry representatives were trained in responding to chemical incidences.
- Housed chemical data for over 1000 chemical sites at the SWFRPC pursuant to the State and Federal Emergency Plan Community Right To Know Act.
- Five workshops were held for both private and public organizations on sheltering in place procedures for chemical and other emergencies.
- Conducted 65 Hazardous waste site inspections.



02 COMMUNITY COLLABORATION

Public outreach and community collaboration are essential to ensure that local governments and the public are kept informed on issues impacting our region and the importance of working together.

1. A Vision and Implementation Plan for the Hendry County Education Improvement Task force was completed through a grant from DEO.
2. 20 presentations were made to various organizations on the programs provided by the SWFRPC and environmental issues in the region including Leadership Bonita Economic Development Day, Collier County Board of Commissioners, LaBelle Rotary, WGCU-FM, Greater LeHigh Acres Chamber of Commerce, Charlotte Co Economic Development Luncheon.



05 ENHANCED ADMINISTRATION

1. The Fiscal Year 2012-2013 audit showed a net income \$165,507. The reserves were at the required levels resulting in an audit that found no material weakness.
2. It is predicted that the 2013-2014 Fiscal Year will end with a net fund balance of over \$100,000.
3. New software for timekeeping and project management has been implemented that allows for more accurate accounting of the cost of doing business.
4. Orientation for new council members is now conducted on an annual basis.



06 GRANTS

Grant funding allows the SWFRPC to provide research, studies, and plans that assist our local governments in meeting their goals. Sixty grant applications were submitted for various projects. Fourteen of the grants were approved totalling \$445,826. Twelve grants are pending totalling \$2,358,450 and 7 grant application are under development. Details on the grants are provided in the work plan under the grants section.



03 REGIONAL PLANNING

1. A Regional Coordination Study on Transportation Access for Veterans and their Families was completed through a Veterans Transportation and Community Living Initiative Grant in collaboration with LeeTran.
2. As a result of the finding in the Veterans Study, a grant was submitted to USDOT to develop a public/ private regional connectivity plan in the six county region to address the transportation barriers for veterans as well as the general public.
3. A grant was submitted to DEO to update the Zoning Maps in Hendry County.
4. The Solar Ready II project was funded and is currently underway to assist local governments with best practices for promoting the use of solar energy.
5. The Directional Storm Surge Maps were updated giving county officials a more accurate tool to help evacuate and protect citizens.
6. Florida Planning and Zoning Association presented staff an award for the Florida Energy Resiliency Report.



04 ENVIRONMENTAL RESEARCH PLANNING AND EDUCATION

1. A grant was awarded for a Unified Conservation Easement Mapping and Database project for the State of Florida. The conservation easements for Southwest Florida have been updated and work is underway to update the conservation easements throughout the remainder of the State. Work is expected to be completed in 2015.
2. A \$50,000 grant was awarded by Bonita Springs for a Spring Creek Restoration Plan.
3. Assistance was provided to the City of Punta Gorda for implementation of their Adaptation Plan through a grant from The Nature Conservancy.
4. A study for Estimating and Forecasting Ecosystem Services within Pine Island Sound, Sanibel Island, Captiva Island, North Captiva Island, Cayo Costa Island, Useppa Island, and other Islands of the Sound was completed.
5. A Watershed Analysis of Permitted Coastal Wetland Impacts and Mitigation Assessment Methods within the Charlotte Harbor National Estuary Program was published in *Florida Scientist* 76(2): 311- 328.
6. A Report to the Southwest Florida Audubon Society on the Estimate of the Ecosystem Services of Existing Conservation 2020 Lands in Lee County Florida was completed.
7. A Report to the Collier County Land Acquisition Advisory Committee on the Estimate of the Ecosystem Services of Existing Conservation Collier Lands in Collier County Florida was completed.
8. Fourteen presentations were given to various organizations on issues pertaining to the environment.

07 TECHNICAL ASSISTANCE

Instances of Technical Assistance Provided Included:

- Public Assistance: 45
- Assistance to SWFRPC member governments: 15
- Assistance to governmental entities: 375
- REMI economic models: 3
- Automatic Response System Loaned: 6
- Grant assistance provided for local governments: 17

2014-2015 WORKPLAN PRIORITIES

PRIORITY 01

BUILDING RESILIENCY

Resiliency is the ability to anticipate risk, limit impact, and bounce back rapidly in the face of turbulent change. In many places these risks are projected to increase substantially due to rising sea levels and evolving development patterns, affecting the safety, health and economy of entire communities.

Building Resiliency is rebuilding and protecting economic assets, including downtowns and key industries; targeting growth to safe locations and encouraging walkable, mixed-use design; providing recovery funding and preparedness training to businesses; upgrading infrastructure; encouraging economic diversification; and promoting regional partnerships and coordinated planning.

There is no one-size-fits all approach to building resiliency, because the challenges our communities face vary from place to place. Local governments define their own goals based on local priorities. The following have been identified as some of the priority actions needed in response to predicted future extreme weather, energy, and economic challenges.

1 PREPARE FOR EXTREME WEATHER AND CLIMATE CHANGE

- ◆ Evaluate local vulnerabilities to extreme weather and a changing climate, from heat waves and air pollution to droughts and floods.
- ◆ Adopt and implement preparedness policies that protect vulnerable populations and natural resources from extreme weather and other climate impacts.
- ◆ Assist local communities with climate change mitigation planning.

2 EXPAND RENEWABLES AND ENERGY EFFICIENCY

- ✓ Transition to a renewable energy future to achieve greater energy independence, protect communities from price spikes, and ensure more reliable power during heat waves and other disruptions. Create new jobs in the process.
- ✓ Implement energy efficiency programs that help residents, businesses, and municipal government save money and energy, lower carbon emissions, and reduce demand on the grid during severe weather events.
- ✓ Diversification of energy resources for solar, wind, and bio-fuels.

3 RENEW AND STRENGTHEN INFRASTRUCTURE

- ⌋ Upgrade or protect critical infrastructure against extreme weather and other threats.
- ⌋ Create new models to finance improvements and manage risks to community assets through engagement with the private sector.
- ⌋ Harness innovations in information technology and green infrastructure to optimize performance and reduce costs through more efficient operation.

4 STRENGTHEN THE LOCAL ECONOMY

- \$ Work to retain and attract investment by safeguarding businesses from extreme weather and ensuring reliable access to energy, water, and other key resources.
- \$ Support the private sector in creating more diversified local economies that are more resilient to economic downturn, through job creation in sectors such as clean energy, advanced manufacturing, and local agriculture.
- \$ Work to attract industries to the region that do not permanently extract non-renewable resources.

IN FISCAL YEAR 2014-2015 THE SWFRPC WILL FOCUS ON:

- ➔ **Education and outreach** to our local governments for community resiliency planning.
- ➔ Developing an application for the **National Disaster Resilience Competition**.
- ➔ Identifying funding sources for our local governments to develop **Community Resiliency Plans**.
- ➔ Developing innovative, data-driven, and community led approaches to **recover from disasters and increase resilience** to future threats.
- ➔ Seeking to **lower the cost of solar energy** as an alternative energy source.
- ➔ Assisting local governments in **analyzing local comprehensive plans** to improve community resiliency.

Building the resilience of businesses and regional economies to natural disasters calls for a creative mix of land use, hazard mitigation, capital improvement, economic development, and other approaches. The SWFRPC can provide expert resources for:



Emergency Management



Evacuation Planning & Studies



Hazardous Materials Training



Sea Level Rise



Climate Change



Economic Development Issues



Geographic Information



General Technical Assistance

"Resilient Communities provide the support, knowledge, insight, and encouragement needed to help individuals and communities thrive, no matter what happens."

- RESILIENT COMMUNITIES
<http://www.resilientcommunities.com>

2014-2015 WORKPLAN PRIORITIES

PRIORITY 02

ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT DISTRICT(EDD/CEDS):

We have expanded and improved our skills and outreach efforts as we continue the transition to providing more knowledgeable services in our new role of assisting the implementation of the State Department of Economic Opportunity Five Year Economic Development Strategy. Regional Planning Councils are problem solvers and implementers. Our goal is to convert regional and local plans and strategies into real world actions and results.

- Manage implementation of the CEDS
- Collaborate with existing local Economic Development Agencies
- Improve Collection and Delivery of Economic Data
- Expand Distribution of Economic Views Publication

BROWNFIELD REDEVELOPMENT:

Environmental contamination, whether actual or perceived, is a hindrance to community revitalization. A brownfield site is property which may be complicated by actual or perceived environmental contamination during the expansion, redevelopment, or reuse of the property. The reuse of property is an important component of sound land use policy. Productive reuse of urban land helps prevent the premature development of farmland, open space and natural areas, and reduces the public cost for installing new water, sewer and highway infrastructure

and can be a significant element in community revitalization. Additional benefits of brownfield redevelopment include: eliminating health and safety hazards; eliminating eyesores; bringing new jobs into the community; bringing new investment into the community; increasing the productivity of the land; increasing property values and tax receipts by local and state governments.

- Develop inventory of Brownfield sites within jurisdiction of the SWFRPC
- Identify funding for site assessments and remediation
- Manage the Brownfield Program for the region

OUR CREATIVE ECONOMY:

Southwest Florida has a very diverse, yet too often overlooked, world of public art and cultural venues. Media types range from modern dance, street theater, murals and electronic performance art to Native American exhibits, Holocaust memorials, notable architecture and formal gardens. In 2010, Lee County's non-profit arts and culture industry alone generated \$68.3 million, yielding \$9.4 million in government revenues and 2,000 full-time equivalent jobs. A comprehensive regional strategy for public art and cultural venues would improve awareness of and visits to the region's public art and cultural venues, thereby promoting the arts as a legitimate industry that has a significant impact on our local economies.



- Asset Mapping: Regional workshops to organize research among local governments, art leagues, interested organizations, and the Miccosukee and Seminole tribes for the creation of maps that document existing public art and cultural venues in Charlotte, Lee, Sarasota, Collier, Hendry and Glades Counties.
- Develop a Regional Strategy for Enhancing Public Art
- A Southwest Florida's Public Art and Cultural Venues Field and Tour Guide in both print and electronic media for use on smartphones, etc. sortable by search engines according to categories such as location, medium, and time of year available.

AGRICULTURAL SUSTAINABILITY AND FOOD SECURITY:

Florida's Agriculture Commissioner Adam Putnam recently reported that Florida's agriculture generates about \$100 billion of economic impacts and employs nearly one million people. He described this centuries-old industry as a "critical pillar" of Florida's economy. Florida's agricultural industry needs to be enhanced and supported as a critical pillar of the state's economy to reverse the trend of declining acreage.

- Creation of a working committee consisting of stakeholders from the six county region including the water management districts, IFAS, the Farm Bureau, Natural Resources Conservation Service, local government representatives, and agriculturists.
- Identification of issues including development pressures, farming constraints, diversification, adaptation to climate change, trade and export opportunities, shifts in markets, transportation infrastructure, commodity pipes and financing.



- A Strengths, Weakness, Opportunities, and Threats (SWOT) analysis.
- Mapping of existing agricultural lands.
- Mapping of conservation easements and constraints.
- Research best land use practices for agricultural sustainability.
- Development of recommendations for enhancing and preserving prime agricultural lands.
- Develop programs for addressing food deserts.

MANUFACTURING COMPETITIVENESS:

We must foster favorable conditions for creation of a global high-tech manufacturing network tailored to the central and southwestern counties in Florida. Diversifying the employment base in our region is critical to smooth out the cyclical peaks and valleys of the dominant tourism and construction sectors. Additionally, high tech manufacturing creates significant job multipliers, helping to further diversify the employment base.

- Prepare a manufacturing analysis to determine which employment would be best suited for each county using the REMI PI+ econometric model and Quarterly Census of Employment and Wages (QCEW).
- Prepare inventory and implementation analyses to analyze existing production and identify gaps in the supply chain of the existing and desired employment sectors.
- Refine the I-75 medical manufacturing corridor strategy.
- Prepare a cluster analysis for the medical manufacturing sector.



AWARDED GRANTS

GRANT MANAGEMENT

AWARDED GRANTS
AVAILABLE FOR FY 2014-2015
\$445,826

A Visit Florida	\$5,000	H Transportation Disadvantaged	\$38,573
B EPA - Conservation Easements	\$95,944	I Small Area Data - Evac Study *	\$7,000
C Solar Ready II *	\$45,000	J DEM - Title III LEPC	\$40,909
D Glades SQG	\$3,900	K EDA - ED Planning *	\$63,000
E EPA - WQFAM *	\$36,000	L DEM - HMEP Planning	\$20,000
F Estero Bay ABM	\$2,500	M DEM - HMEP Training	\$38,000
G EPA - Saltwater Wetland Loss *	\$30,000	N Spring Creek Restoration *	\$20,000

* Multiple year grant, amount estimate for FY14-15

AWARDED GRANTS

A	B	C	D
Name: Visit Florida	Name: EPA - Mapping Conservation Easements	Name: Solar Ready II	Name: Small Quantity Generators (SQG) Glades County
Amount: \$5,000	Amount: \$95,944	Amount: \$45,000	Amount: \$3,900
Duration: 7/01/2014 to 6/30/2015	Duration: 10/01/2013 to 09/30/2015	Duration: 7/1/2013 to 1/1/2016	Duration: 6/1/2011 to 6/30/2016
Project Manager: Rebekah Harp	Project Manager: Jim Beever	Project Manager: Rebekah Harp	Project Manager: John Gibbons
Deliverable: To develop a video for the Our Creative Economy project.	Deliverable: GIS mapping of all conservation easements in the State of Florida.	Deliverable: Solar friendly best practices for local governments.	Deliverable: Notification, verification, inspection and assessment of potential Hazardous Waste Facilities in Glades County.

E Name: EPA - Water Quality Functional Assessment Method <hr/> Amount: \$36,000 <hr/> Duration: 10/01/2011 to 09/30/2015 <hr/> Project Manager: Jim Beever <hr/> Deliverable: New method for formal acceptance by state as one tool in Basin Management Action Plan arsenal.	F Name: Estero Bay Agency on Bay Management <hr/> Amount: \$2,500 <hr/> Duration: 10/01/2013 to 09/30/2014 <hr/> Project Manager: Jim Beever <hr/> Deliverable: The EBABM collects and maintains data and reviews and comments to regulatory agencies on issues affecting the watershed.	G Name: EPA - Identifying Saltwater Wetland Loss <hr/> Amount: \$30,000 <hr/> Duration: 08/01/2014 to 06/30/2016 <hr/> Project Manager: Jim Beever <hr/> Deliverable: Identifying and diagnosing locations of ongoing and future saltwater wetland loss. Report, transect information, presentations, articles.	H Name: Transportation Disadvantaged - Glades/ Hendry <hr/> Amount: \$38,573 <hr/> Duration: 07/01/2014 to 06/30/2015 <hr/> Project Manager: Nichole Gwinnett <hr/> Deliverable: Update of TDSP, CTC Evaluation, Staff Support, LCB Quarterly Meetings, Committee Meetings, Update By-Laws and Grievance Procedures.
I Name: Small Area Data for the 2014 Hurricane Evacuation Study <hr/> Amount: \$7,000 <hr/> Duration: 07/01/2014 to 12/12/2014 <hr/> Project Manager: Tim Walker <hr/> Deliverable: Data collection for the 2014 Hurricane Evacuation Study.	J Name: DEM - Title III Local Emergency Planning Committee <hr/> Amount: \$40,909 <hr/> Duration: 7/1/2014 to 6/30/2015 <hr/> Project Manager: John Gibbons <hr/> Deliverable: Staff Support, Update LEPC, liaison for SERC, technical assistance during vulnerability, biennial exercise LEPC plan.	K Name: EDA - Economic Development Planning <hr/> Amount: \$63,000 <hr/> Duration: 01/01/2014 to 12/31/2016 <hr/> Project Manager: Jennifer Pellechio <hr/> Deliverable: Develop Regional CEDS Plan, Annual Reporting, and Coordination of CEDS Working Committee.	L Name: DEM - HMEP Planning <hr/> Amount: \$20,000 <hr/> Duration: 07/1/2014 to 09/30/2015 <hr/> Project Manager: John Gibbons <hr/> Deliverable: Allow Local Emergency Planning Committees a tool to implement planning objectives in their jurisdictions.
M Name: DEM - HMEP Training <hr/> Amount: \$38,000 <hr/> Duration: 07/1/2014 to 09/30/2015 <hr/> Project Manager: John Gibbons <hr/> Deliverable: Provide Hazmat training opportunities to emergency responders of the State and Nation.	N Name: Spring Creek Restoration Plan <hr/> Amount: \$20,000 <hr/> Duration: 10/01/2014 to 12/31/2015 <hr/> Project Manager: Jim Beever <hr/> Deliverable: Produce a Restoration Plan that will include plans for restoration of hydrology, water quality, habitat, and navigation using public participation processes.		

PENDING GRANTS

\$2,358,450

A FDEP - RESTORE project	\$500,000	G USDA - Farmers Market	\$97,792
B USDA - Mobile Market	\$298,605	H USDA - Farms to Schools HUB	\$98,729
C DEO - Charlotte County Arts	\$25,000	I USDA - Farms to Schools Coordinator	\$99,848
D DEO - Ag Tours in LaBelle	\$25,000	J Nutritional Oasis	\$15,000
E DEO - Hendry Zoning Mapping	\$25,000	K DEO - CEDS & Resiliency	\$25,000
F USDOT - Transportation Connectivity Plan	\$1,148,476	L EDA - Manufacturing	\$58,257

PENDING GRANTS

A Name: FDEP Resilient and Consistent Coastal Elements for the Gulf Coast (RESTORE project) Amount: \$500,000 Project Manager: Jim Beever Deliverable: Compile, review, and summarize the Coastal Elements of the 23 Florida Gulf Coast Counties' Comprehensive Growth Management Plans for continuity and consistency in natural resource and community infrastructure protection to aid in Gulf of Mexico restoration and resiliency.	B Name: USDA - Mobile Market: A Nutritional Oasis for Food Markets of SWFL Amount: \$298,605 Project Manager: Margaret Wuerstle Deliverable: Address the food desert in the Dunbar neighborhood of the City of Ft. Myers and identify additional food deserts throughout Lee County.	C Name: DEO - Charlotte County Arts Project: Our Creative Economy Asset Mapping Amount: \$25,000 Project Manager: Margaret Wuerstle Deliverable: A field guide to the Public Art in both electronic and print media.	D Name: DEO - Ag Tours to Promote Assets and Economic Development in LaBelle Amount: \$25,000 Project Manager: Nichole Gwinnett Deliverable: City of LaBelle Agriculture Tour Plan.
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E Name: DEO - The Zoning Mapping Project for Hendry County <hr/> Amount: \$25,000 <hr/> Project Manager: Jennifer Pellechio <hr/> Deliverable: Update the framework for zoning in Hendry County. Enhance existing database and update all parcels with 2015 data.	F Name: USDOT - Public/Private Regional Transportation Connectivity Plan <hr/> Amount: \$1,148,476 <hr/> Project Manager: Margaret Wuerstle <hr/> Deliverable: Public/Private Regional Transportation Connectivity Plan.	G Name: USDA - Fort Myers Food Desert Farmer's Market <hr/> Amount: \$97,792 <hr/> Project Manager: Nichole Gwinnett <hr/> Deliverable: Establish year-round daily farm stand and weekend Farmer's Market offering affordable, fresh, local produce.	H Name: USDA - Farms to Schools: Smart Process Food HUB <hr/> Amount: \$98,729 <hr/> Project Manager: Rebekah Harp <hr/> Deliverable: Host regional stakeholder meeting; Hire and train two food service processors; Secure warehouse rental space; Distribute food from HUB to school districts.
I Name: USDA - Farms to Schools: Opportunity Buy Program Coordinator <hr/> Amount: \$99,848 <hr/> Project Manager: Nichole Gwinnett <hr/> Deliverable: Hire coordinator to manage program over a two year period. After stabilization pass to school districts for their continued usage.	J Name: Presbyterian Committee - A Nutritional Oasis for Marginalized Individuals <hr/> Amount: \$15,000 <hr/> Project Manager: Margaret Wuerstle <hr/> Deliverable: Training for individuals released from jail, prison and rehabilitation centers to grow fresh produce to be sold at the farmers market as a means of gaining self sufficiency while helping to address the needs of a food desert in Fort Myers, FL.	K Name: DEO - Incorporate Economic Resiliency into CEDS <hr/> Amount: \$25,000 <hr/> Project Manager: Jennifer Pellechio <hr/> Deliverable: In-depth analysis based on the federal change requirements to the document incorporating economic vulnerabilities as it related to jobs and employers.	L Name: EDA - Advanced Manufacturing in West Central FL: An Ecosystem Analysis Supporting Regional Development <hr/> Amount: \$58,257 <hr/> Project Manager: Jennifer Pellechio <hr/> Deliverable: Develop a SWOT analysis, web survey, and utilize economic modeling.

GRANTS UNDER DEVELOPMENT

\$1,880,000



A NEH - ZombiCon Documentary	\$30,000
B HUD Resiliency Plan	\$600,000
C EPA - FY15 Brownfields	\$600,000
D NEA - Our Creative Economy	\$200,000
E NSF - Long Term Research in Environmental Biology	\$450,000
F Promise Zones	Designation

GRANTS UNDER DEVELOPMENT

A Name: NEH: ZombiCon Documentary Amount: \$30,000 Description: Develop a full length film (20-30 minutes) on the history of ZombiCon. ZombiCon is a Fort Myers festival celebrating pop culture, with some proceeds going to support children's art programs.	B Name: HUD - Statewide Resiliency Plan Amount: \$600,000 Description: Develop vulnerability and resiliency plans for every county in Florida.	C Name: EPA - FY15 Brownfields Amount: \$600,000 Description: Brownfields Assessment Grants provides funds to inventory, characterize, assess, and conduct planning and community involvement related to brown-field sites.	D Name: NEA - Our Town: Our Creative Economy Regional Strategy for Public Art Amount: \$200,000 Description: Map Existing Assets, Develop a Regional Strategy for Enhancing Public Art and Cultural Venues, and Publish SWFL's Public Art and Cultural Venues Tour Guide as a Computer Application.
E Name: NSF - Long Term Research in Environmental Biology Amount: TBD Description: Develop a research program and dataset related to long-term monitoring of sea grass beds.	F Name: Promise Zones Amount: Designation Description: Promise Zone Designation for a struggling region in Southwest Florida to promote revitalization.		

“

IF EVERYONE IS MOVING
FORWARD TOGETHER,
T H E N S U C C E S S
TAKES CARE OF ITSELF.

”

- HENRY FORD



PERFORMANCE MEASURES

■ Priority 01: Building Resiliency
■ Priority 02: Economic Development

■ Regional Planning
■ Emergency Management

PRIORITY 01

BUILDING RESILIENCY	#	DELIVERABLES	Benefit/Value
Public Outreach & Education (# of individuals reached)			
Submission of National Disaster Resilience Competition Application			
# Of communities improving solar energy regulations			
Analysis assistance given to local communities for improving community resiliency in Comp Plans			
Funding opportunities identified for local governments to develop Community Resiliency Plans			

PRIORITY 02

ECONOMIC DEVELOPMENT	#	DELIVERABLES	Benefit/Value
# Of Vital Projects from CEDS Plan Under Development			
Amount of Federal, State and Local investment			
# Of Technical Assistance Requests Completed			
Annual Meeting with EDC Directors			
Our Creative Economy Plan			
Agriculture Sustainability			
Manufacturing Competitiveness			
Brownfields			

FUNDAMENTAL OBLIGATIONS

REGIONAL PLANNING	#	DELIVERABLES	Benefit/Value
# Of DRIS, NOPCs & Substantial Deviations Processed			
# Of Comprehensive Plan Amendments Processed			
# Of Technical Assistance Calls			
Annual Meeting with Planning Directors			
EMERGENCY MANAGEMENT	#	DELIVERABLES	Benefit/Value
# Of Hazardous Waste Site Inspections			
# Of Government/Emergency Responder Trainings			
# Of Chemical Inventory Received			

- Environmental Research, Planning and Education
- Public Outreach
- Grants Clearing House
- Transportation Planning
- Information Services
- Enhanced Administration

FUNDAMENTAL OBLIGATIONS

ENVIRONMENTAL RESEARCH, PLANNING & EDUCATION	#	DELIVERABLES	Benefit/Value
# Of Major Research Studies Completed			
# Of Presentations to Organizations			
TRANSPORTATION PLANNING	#	DELIVERABLES	Benefit/Value
# Of Trips Provided Through TD Program			
PUBLIC OUTREACH	#	DELIVERABLES	Benefit/Value
# Of individuals Attending Educational Workshops			
# Of Presentations Made on RPC Projects and Programs (Speaker's Bureau)			
# Of Contacts with 22 Local Governments			
Orientation Meeting for New SWFRPC Members			
INFORMATION SERVICES	#	DELIVERABLES	
# Maps Requested			
# Data Requests			
# Of Website Views			
# Of Website Project Views			
GRANTS CLEARING HOUSE	#	DELIVERABLES	Benefit/Value
# Of Grants in Development			
# Of Grants Submitted			
# Of Grants Awarded			
# Of Local Governments Assisted with Grants			
Amount of Funding Brought into the Region			
ENHANCED ADMINISTRATION	#	DELIVERABLES	Benefit/Value
Financial Reporting is Transparent			
# Of Grants Completed on Time & On Budget			

CHALLENGES



LACK OF FUNDING FOR TECHNOLOGY UPGRADES

As technology changes we need to stay current. Funding is extremely limited for needed equipment.



BUILDING MAINTENANCE

As funds become available the following items need to be addressed:

- The parking lot needs to be resurfaced.
- The air conditioner needs to be replaced.
- The building needs to be reorganized to allow for rental space.



STAFF EXPERTISE

We are in the process of cross-training staff to cover operations, services and programs in case of an emergency. Due to an aging staff we need to continue to build staff skills and areas of expertise to address retirements.



“

**CHALLENGES ARE WHAT MAKE
LIFE INTERESTING
AND OVERCOMING THEM
IS WHAT MAKES
LIFE MEANINGFUL.**

”

- JOSHUA J. MARINE

BUDGET



22

FY15
Proposed
Budget



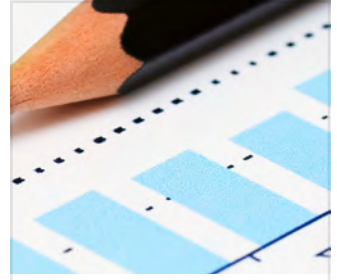
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FY15
Revenue
Sources



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5 Year
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Comparison



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Appendices

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APPENDIX A
Salaries Expenses

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APPENDIX B
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APPENDIX C
Consultant Fees
Expenses

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APPENDIX D
Contractual Expenses

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APPENDIX E
Insurance Expenses

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APPENDIX F
Computer Related Ex-
penses

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APPENDIX G
Organizational Dues &
Membership Expenses

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APPENDIX H
Monthly Financials

FY15 PROPOSED BUDGET

PROPOSED BUDGET

OCTOBER 1, 2014
TO
SEPTEMBER 30, 2015

FY15 PROPOSED BUDGET

Revenues	SWFRPC General Fund	SWFRPC Special Revenue	2015 Budget Totals
Assessments	472,941		472,941
Federal/State Grants		377,796	377,796
Contractual		145,900	145,900
Rental/Interest/Misc	22,500		22,500
Carry Over Fund Balance*	708,484		708,484
Total Income	1,203,925	523,696	1,727,621
Expenditures			
Direct:			
Salaries (A)	307,031	422,494	729,525
FICA	55,809		55,809
Unemployment	-		0
Workers Compensation	2,329		2,329
Retirement	58,766		58,766
Health Insurance (B)	128,579		128,579
Total Personnel Services	552,514	422,494	975,008
Consultant Fees (C)	14500		14,500
Contractual (D)		54396	54,396
Audit Fees	20000	20000	40,000
Travel	6300	18870	25,170
Telephone	5100		5,100
Postage	2750	37	2,787
Equipment Rental	7015		7,015
Insurance (E)	22500		22,500
Repair/Maint. (Grounds/Bldg/Equip)	15000		15,000
Printing/Reproduction	1500	690	2,190
Utilities (Elec, water, garb)	23200		23,200
Advertising	750	1704	2,454
Other Miscellaneous	4500		4,500
Bank Service Charges	2700		2,700
Office Supplies	5000	175	5,175
Computer Related Expenses (F)	27010	60	27,070
Publications	250		250
Dues and Memberships (G)	27000	2700	29,700
Professional Development	9836	420	10,256
Meetings/Events	1303	2150	3,453
Capital Outlay-Operations	7500		7,500
Capital Outlay-Building	35150		35,150
Long Term Debt	128000		128,000
Reserve for Operations Expense	708,484		708,484
Allocation of Fringe/Indirect	(423,937)		-423,937
Total Cash Outlays	1,203,925	523,696	1,727,621
Net Income/Loss	0	-	0

FY15 REVENUE SOURCES

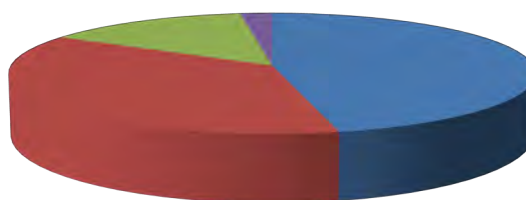
REVENUE SOURCES

OCTOBER 1, 2014

TO

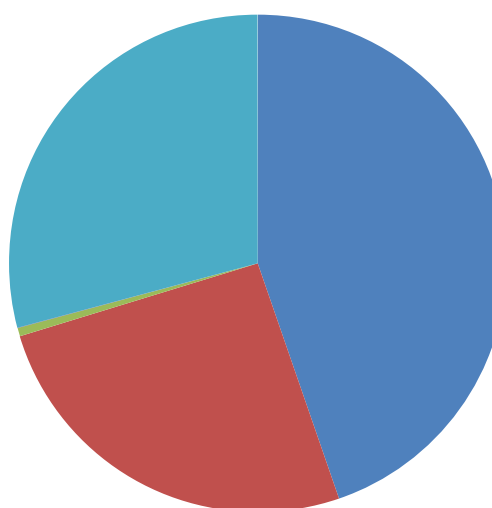
SEPTEMBER 30, 2015

Budget Revenues	Amount
County/City Assessments	472,941
Federal/State Grants	377,796
Contractual	145,900
Misc.	22,500
Total Revenue	1,019,137



- County/City Assessments
- Federal/State Grants
- Contractual
- Misc.

Fund Balance	Amount
Iberia Bank - CD	316,665
Local Government Surplus - Fund A	181,168
Local Government Surplus - Fund B	3,850
Petty Cash	200
Bank of America - Operating	206,604
Total Fund Balance	708,487



- Iberia Bank - CD
- Local Government Surplus - Fund A
- Local Government Surplus - Fund B
- Petty Cash
- Bank of America - Operating

FY15 REVENUE SOURCES

General Revenues		Special Revenues	
Rental/Interest/Misc.	22,500	Federal/State Grants	377,796
Assessments	472,941	Contractual	145,900
	495,441		523,696
		Total Revenues	1,019,137
		Prior Year Fund Balance	708,484
		Total Budget	1,727,621

Member	Population	Assessment
Charlotte County	163,679	49,104
Collier County	333,666	100,100
Glades County	12,658	3,797
Hendry County	37,808	11,342
Lee County	518,265	155,480
City of Fort Myers	67,081	20,124
Town of Fort Myers Beach	6,323	1,897
City of Bonita Springs	45,229	13,569
City of Sanibel	6,469	1,941
Sarasota County	385,292	115,588
Total Assessments	1,576,470	472,941.00
Rental/Interest/Misc.		20,000.00
ABM-Sponsorship		2,500.00
Total General Revenues		492,941.00

Special Revenues	Federal/State Grants	Contractual	Total
DEM - Title III	40,909		40,909
DEM-HMEP Planning& Training	58,370		58,370
Economic Development	63,000		63,000
FL CTD-Glades/Hendry TD	38,573		38,573
MARC	45,000		45,000
EPQA-CE	95,944		95,944
EPA-FAMQ	36,000		
City of Bonita Springs- Spring Creek		20,000	
Visit Florida		5,000	
NERRC		7,000	5,000
SQG-Glades		3,900	3,900
DRI/NOPC Fees and Monitoring		60,000	60,000
Total RPC Special Revenues	377,796	95,900	410,696
CHNEP		50,000	
Total Special Revenues	377,796	145,900	523,696

* Assessments based upon official Bureau of Business and Economic Research population estimates.
Assessments are estimated at 30 cents/capita as provided for in the Council's Interlocal Agreement, adopted November 8, 1973.

5 YEAR BUDGET COMPARISON FY 11 -15

5 YEAR BUDGET COMPARISON

FISCAL YEAR 11

TO

FISCAL YEAR 15

5 YEAR BUDGET COMPARISON - FY11 - FY15

	Actual FY 2011	Actual FY 2012	Actual FY 2013	Current FY 2014	Current FY 2014 (Amended)	Proposed Budget FY 2015
Revenues						
Assessments	466,669	459,517	462,218	469,711	469,711	472,941
Federal/State/Local Funds/Contractual	2,591,297	1,890,422	1,839,113	1,479,877	1,587,627	377,796
Contractual						88,400
DRIs	215,357	93,546	42,625	45,000	35,000	60,000
Interest/Misc	14,813	9,565	24,732	20,000	5,000	5,000
Rental Income			28,750	15,000	15,000	15,000
Carry Over Fund Balance	519,868	542,977	708,484	542,977	708,304	708,484
				83,679	33,429	
Total Income	3,808,004	2,996,027	3,105,922	2,656,244	2,854,071	1,727,621
Expenditures						
Direct:						
Salaries - Total	1,785,396	1,165,861	1,006,838	955,552	991,556	729,525
FICA/Workers Comp/Unemployment	135,632	101,321	83,783	76,796	76,796	58,138
Retirement	170,332	60,395	63,019	94,535	94,535	53,766
Health Insurance	176,024	127,272	118,764	138,194	138,190	128,579
Total Personnel Services	2,267,385	1,454,849	1,272,403	1,265,077	1,301,077	970,008
Legal fees				15,000	0	0
Consultant Fees	64,094	59,430	87,014	51,336	51,336	14,500
Contractual						54,396
NEP Contractual	233,995	275,454	326,993	348,358	348,358	0
NEP-Other				26,500	26,500	0
MPO Contractual	246,699	89,523			0	0
Audit Fees	46,220	44,430	43,543	40,000	40,000	40,000
Travel	39,442	32,500	42,369	37,870	47,870	25,170
Telephone	12,093	6,754	8,224	6,540	6,540	5,100
Postage	23,767	30,524	19,925	4,100	4,100	1,787
Equipment Rental	29,253	21,961	7,016	8,750	8,750	7,015
Insurance	19,820	21,559	25,091	22,500	22,500	22,500
Repair/Maint. (Grounds/Bldg/Equip)	20,937	15,668	17,497	15,000	15,000	5,000
Printing/Reproduction	93,224	53,373	73,954	1,500	3,000	2,190
Utilities (Elec, water, garb)	24,411	22,572	22,226	22,000	22,000	23,200
Advertising	16,558	10,018	3,218	3,600	3,600	2,454
Other Miscellaneous	4,491	9,897	3,979	4,500	4,500	1,500
Uncollectable Receivables		19,000				
Bank Service Charges		1,133	2,745	2,280	2,280	2,700
Office Supplies	17,637	13,695	13,870	12,186	12,186	5,175
Computer Related Expenses	56,993	39,155	40,011	38,500	38,500	27,070
Publications	2,476	1,496	226	1,250	1,250	250
Dues and Memberships	38,109		32,659	28,800	28,800	29,700
Professional Development		37,486	3,225	10,120	10,120	7,256
Meetings/Events	54,966	22,333	20,580	3,000	3,000	3,453
Capital Outlay-Operations	8,037	15,056	27,792	4,000	4,000	5,000
Capital Outlay-Building		4,324	8,185	12,500	12,500	24,650
Long Term Debt (Building Loan)	127,751	127,751	127,751	128,000	128,000	128,000
Events			1,436			
Reserve for Operations Expense	519,868	542,977	708,484	542,977	708,304	708,484
Fringe/Indirect Allocation						-423,937
Total Cash Outlays	3,968,226	2,972,919	2,940,415	2,656,244	2,854,071	1,727,621
Net Income/(Loss)	-160,222	23,109	165,507	0	0	0

APPENDIX A

SALARY EXPENSES

APPENDIX A

Position Title Classification	Classification Level	10/1/2014 Salary Range	Hourly Rate	Annual Salary
Executive Director	Exempt	As determined by Council	53.85	\$112,008
Regional Counsel	Exempt	as needed		\$15,000
Deputy Director/Economic Development Program Mgr.	Exempt	31.08 - 42.62	31.70	\$65,936
*Grants Writer (vacant)	Exempt		24.25	\$50,440
Planner IV (Comp Planning)	Exempt	27.53 - 39.89	34.67	\$30,510
Planner IV (Haz Material)	Exempt	27.53 - 39.89	38.68	\$64,364
Planner IV (Environmental)	Exempt	27.53 - 39.89	31.70	\$65,936
Planner III	Exempt	23.00 - 35.72	26.45	\$55,016
Planner II	Exempt	20.07 - 31.74	22.83	\$47,486
Planner I	Exempt	18.90 - 27.31	24.25	\$50,440
GIS Manager	Exempt	20.26 - 32.99	31.08	\$64,646
Administrative Services Coordinator	Exempt	20.26 - 32.99	31.39	\$65,291
Administrative Clerk (vacant)	Hourly	10.50 - 16.44	10.50	\$21,840

Planner IV-Comp Planning through 2/15	\$708,913
Planner IV-Haz mat 32 hour week	3% Increase \$20,612.19
Administrative Clerk (vacant)	\$729,525
Grants Writer (vacant)	

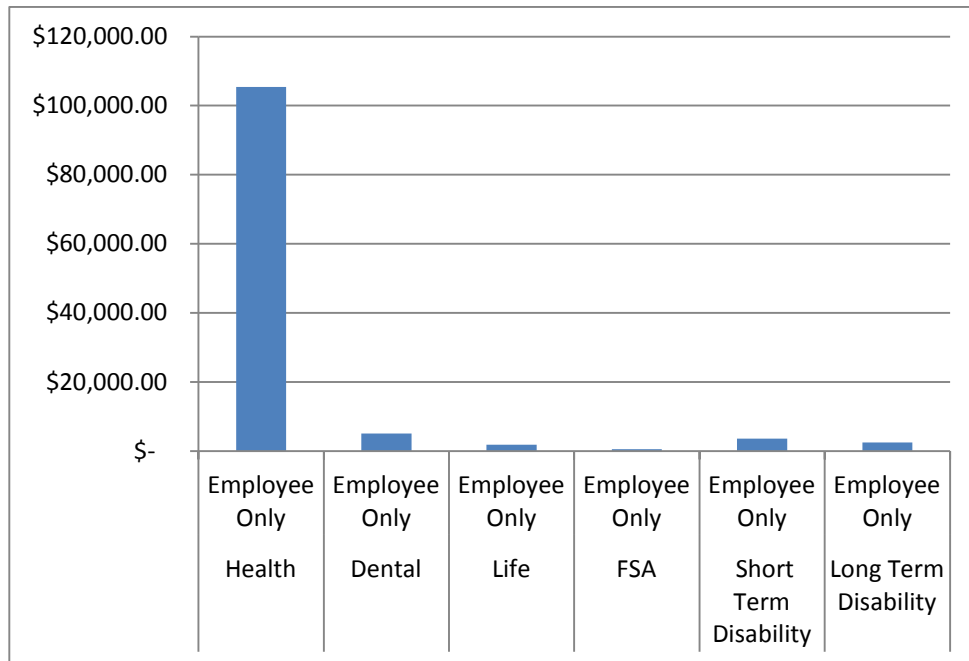
APPENDIX B

HEALTH INSURANCE EXPENSES

APPENDIX B

Budget 2013 Health Insurance Expenses

Insurance	Type	Premium
Health	Employee Only	\$105,408.00
Dental	Employee Only	\$5,092.00
Life	Employee Only	\$1,872.00
FSA	Employee Only	\$540.00
Short Term Disability	Employee Only	\$3,600.00
Long Term Disability	Employee Only	\$2,448.00
Current Rates		
Total		\$118,960.00
Budget Increase		\$128,579.00



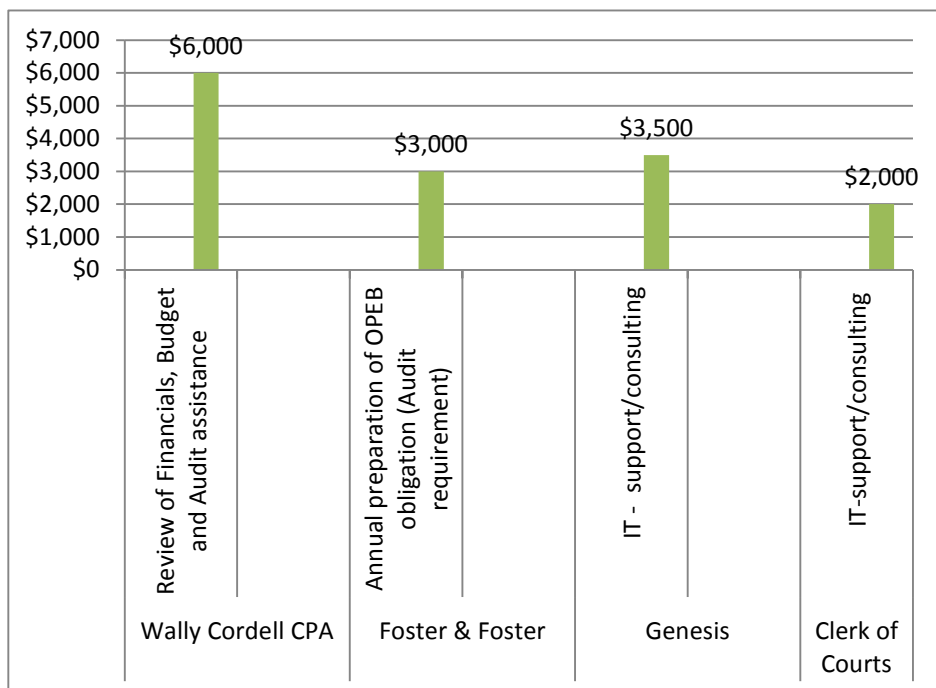
APPENDIX C

CONSULTANT FEES EXPENSES

APPENDIX C

Budget 2014 Consultant Fees Expenses

Name	Description	Amount
Wally Cordell CPA	Review of Financials, Budget and Audit assistance	\$6,000
Foster & Foster	Annual preparation of OPEB obligation (Audit requirement)	\$3,000
Genesis	IT - support/consulting	\$3,500
Clerk of Courts	IT - support/consulting	\$2,000
Total		\$14,500



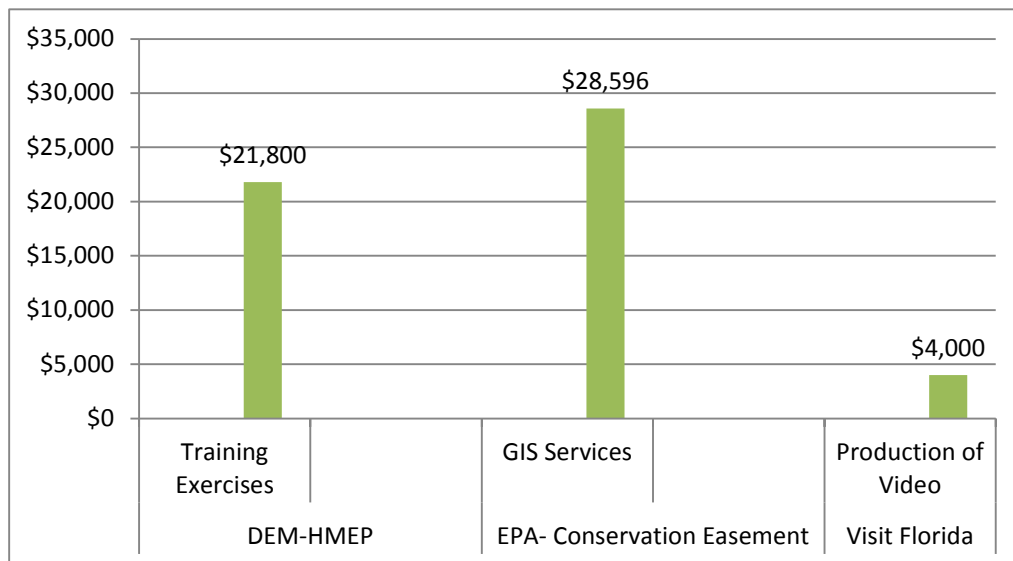
APPENDIX D

CONTRACTUAL EXPENSES

APPENDIX D

Budget 2014 Contractual Expenses

Grant/Project	Description	Amount
DEM-HMEP	Training Exercises	\$21,800
EPA- Conservation Easement	GIS Services	\$28,596
Visit Florida	Production of Video	\$4,000
Total		\$54,396



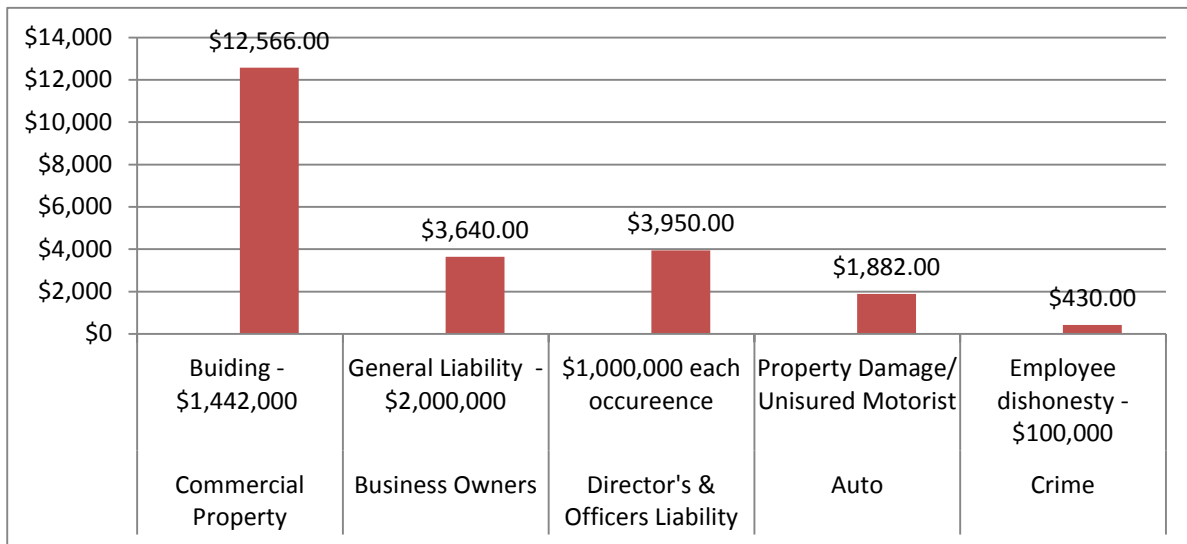
APPENDIX E

INSURANCE EXPENSES

APPENDIX E

Budget 2014 Insurances Expenses

Policy	Description	Premium
Commercial Property	Building - \$1,442,000	\$12,566.00
Business Owners	General Liability -\$2,000,000	\$3,640.00
Director's & Officers Liability	\$1,000,000 each occurrence	\$3,950.00
Auto	Property Damage/ Uninsured Motorist	\$1,882.00
Crime	Employee dishonesty - \$100,000	\$430.00
Total		\$22,468.00

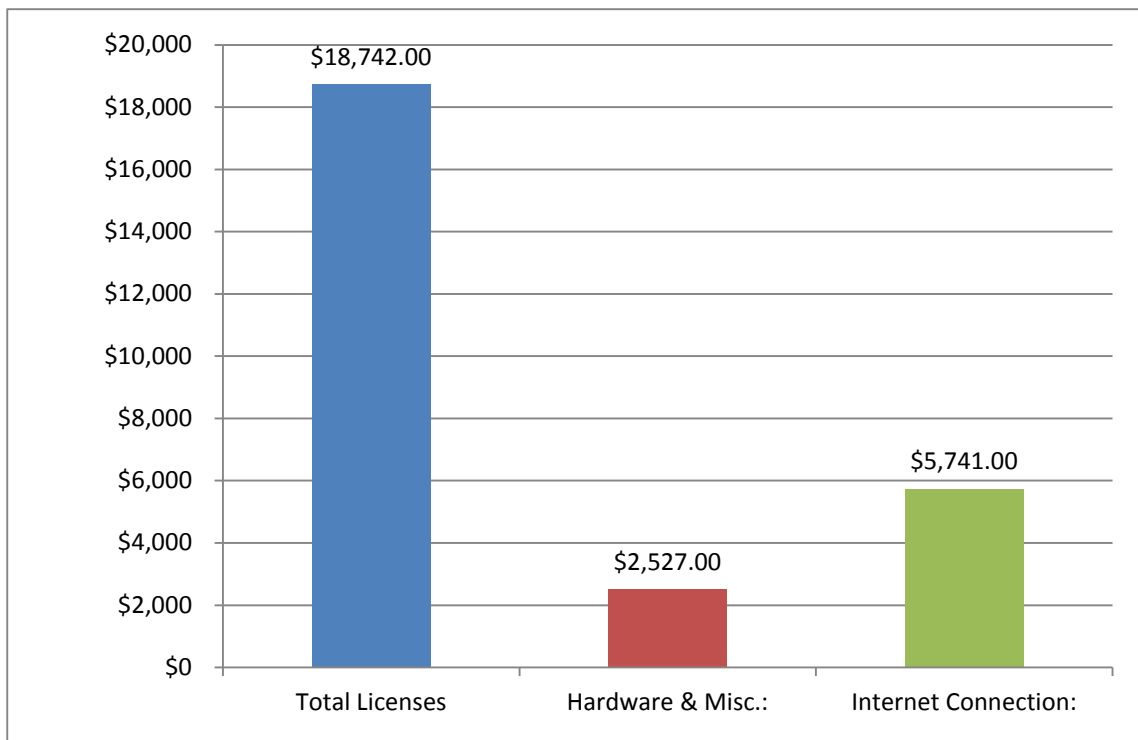


APPENDIX F

COMPUTER RELATED EXPENSES

APPENDIX F**Budget 2014 Computer Related Expenses**

Licenses	Annual Cost
Peachtree (Accounting Software)	\$1,339.00
REMI (Modeling Software)	\$6,903.00
ArcView (GIS)	\$8,300.00
VM	\$1,000.00
Bill Quick	\$1,200.00
Total Licenses	\$18,742.00
Hardware & Misc.:	\$2,527.00
Internet Connection:	\$5,741.00
Total Expenses	\$27,010.00



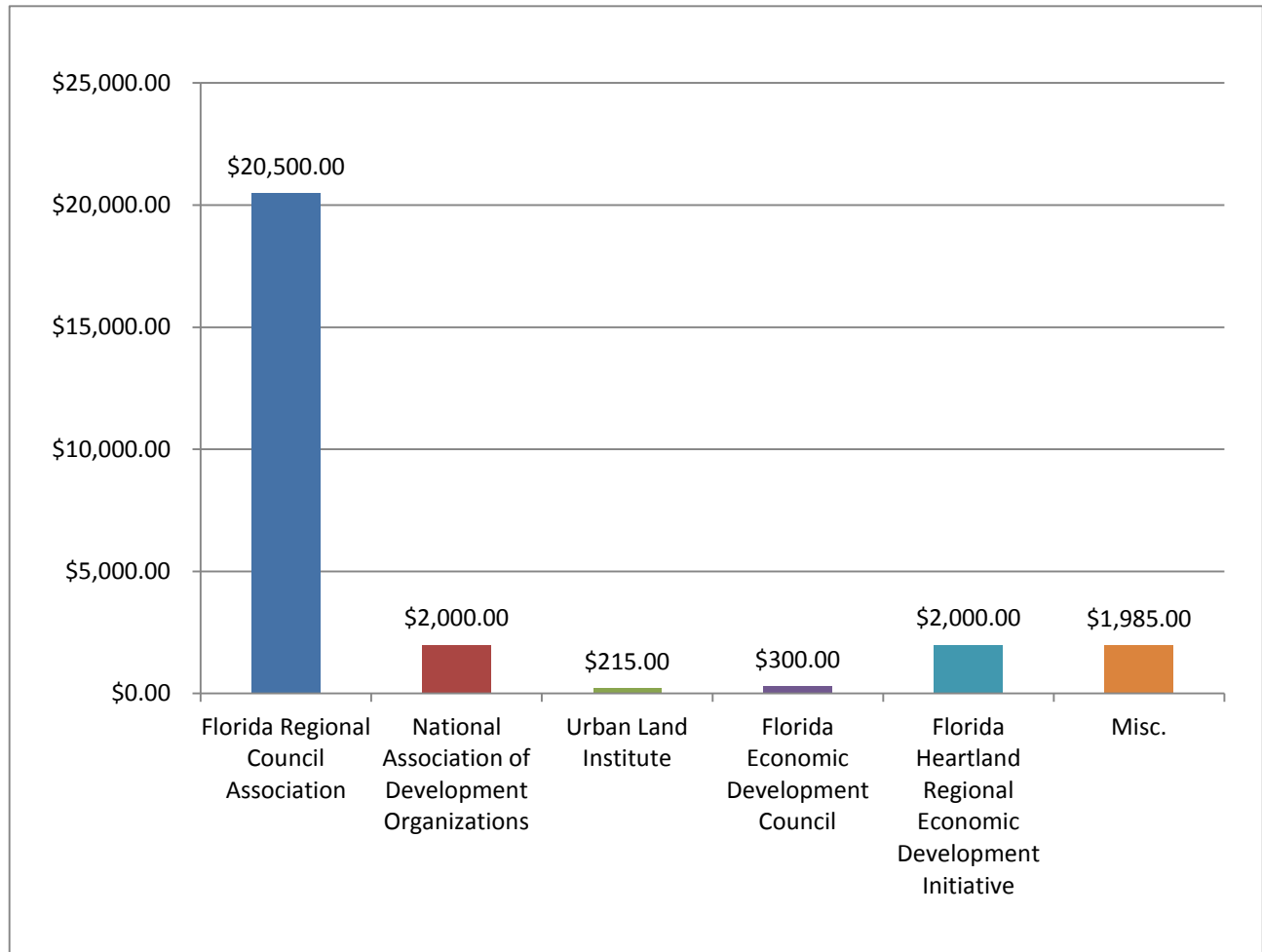
APPENDIX G

ORGANIZATIONAL DUES AND MEMBERSHIPS

APPENDIX G

Budget 2014 Organizational Dues and Memberships Expenses

Organization		Annual Dues
FRCA	Florida Regional Council Association	\$20,500.00
NADO	National Association of Development Organizations	\$2,000
ULI	Urban Land Institute	\$215.00
FEDC	Florida Economic Development Council	\$300.00
FHREDI	Florida Heartland Regional Economic Development Initiative	\$2,000.00
Misc.	Misc.	\$1,985.00
		\$27,000.00
	Grant Related	\$2,700.00
Total		\$29,700.00



APPENDIX H

MONTHLY FINANCIALS



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FISCAL YEAR 2014 - 2015

WORKPLAN AND BUDGET

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

1926 Victoria Avenue | Fort Myers | FL | 33901 | (P) 239.338.2550 | (F) 239.338.2560

Agenda Item

8

Staff Summaries

8

8

Agenda Item

8a

Grant Activity Sheet (Information Only)

8a

8a

SWFRPC GRANT SUMMARY STATUS AS OF 8-5-14																	
#	Agency	Type	Awarded	Funding Agency	Owner	Project Name	LOI Due Date	LOI Date Submitted	App Due Date	Date Submitted	Date Awarded/Denied	Project Total	RPC Amt	Start Date	End Date	Deliverables	Total Match Amt-RPC
1	SWFRPC	Contract	Yes	N/A	Jim Beever	Estero Bay ABM						\$12,000.00	\$10,000.00	10/1/2013	9/30/2014	City of Bonita Springs approved to provide \$4,000 to the SWFRPC for the ABM (FY2013/14) of which \$1,000 would go to the ABM general fund and \$3,000 toward funding the ABM State of the Bay report. Also, the SWFRPC would contribute \$2,000 of the local assessment. FGCU contributed \$2,500 for FY13.	\$2,000.00
2	SWFRPC	Grant	Yes	EPA	Jim Beever	WQFAM						\$160,000.00	\$160,000.00	10/1/2011	9/30/2015	Extention 2014-2015	
3	SWFRPC	Contract	Yes	County - Glades	John Gibbons	SQG Glades						\$3,900.00	\$3,900.00	5/17/2011	5/16/2015		
4	SWFRPC	Contract	Yes	DOE (Department of Energy)	Rebekah Harp	Solar Ready II	1/24/2013	1/24/2013		3/22/2013	7/18/2013	\$140,000.00	\$90,000.00	7/1/2013	1/1/2016	Recruit local governments to review and adopt BMPs. Host stakeholder meetings and/or training programs, providing technical assistance to local governments as needed, and tracking any policy adoptions and local government feedback.	\$50,000.00
5	SWFRPC	Grant	Yes	EPA	Jim Beever	A Unified Conservation Easement Mapping and Database for the State of Florida			04/15/2013	4/8/2013	6/3/2013	\$294,496.00	\$148,996.00	10/1/2013	9/30/2015	GIS database with Conservation Easements	\$145,500.00
6	SWFRPC	Grant	Yes	EDA	Jennifer Pellechio	EDA Planning Grant			01/22/2013	12/18/2013	4/18/14	\$270,000.00	\$189,000.00	1/1/2014	12/31/16	CEDS Plan, Annual Reports, CEDS Working Committee	\$81,000.00
7	SWFRPC	Grant	Yes	EDA	Jennifer Pellechio	Advanced Manufacturing in West Central Florida Advanced Manufacturing in West Central Florida An Ecosystem Analysis Supporting Regional Development				12/26/2013		\$210,000.00	\$100,000.00			Regional website, branding strategy, brochures, analysis	\$40,000.00
8	SWFRPC	Grant	Yes	Visit Florida	Margaret Wuerstle	Our Creative Economy: Video - Southwest Florida Regional Strategy for Public Art			2/18/14	2/18/14	5/14/14	\$10,000.00	\$5,000.00	7/1/14	5/31/15		
9	SWFRPC	Grant	Yes	EPA	Jim Beever	Identifying Future Saltwater Wetland Loss			4/4/14	4/4/14		\$243,324.00	\$60,000.00			Report, transect information, presentations, articles	\$63,800.00
10	SWFRPC	Grant	Yes	CTD	Nichole Gwinnett	Glades-Hendry TD Planning Agreement FY2014-15	NA	NA	NA	NA	5/16/14	\$38,573.00	\$38,573.00	7/1/14	6/30/15	Update of TDSP, CTC Evaluation, Staff Support, LCB Quarterly Meetings, Committee Meetings, Update By-Laws and Grievance Procedures.	\$0.00
11	SWFRPC	Contract	Yes	DEM	John Gibbons	Title III (LEPC)			7/1/14			\$40,909.00	\$40,909.00			LEPC Program Coordination; attendance during four (4) local quarterly meetings; attendance during four (4) state quarterly meetings; quarterly reports; quarterly news articles/updates; annual LEPC plan update; industry compliance support; housing of chemical data, meeting minutes; exercise coordination; publishing of public availability notice; etc .	

SWFRPC GRANT SUMMARY STATUS AS OF 8-5-14

#	Agency	Type	Awarded	Funding Agency	Owner	Project Name	LOI Due Date	LOI Date Submitted	App Due Date	Date Submitted	Date Awarded/Denied	Project Total	RPC Amt	Start Date	End Date	Deliverables	Total Match Amt-RPC
12	SWFRPC	Contract	Yes	DEM	John Gibbons	HMEP Training Grant (Hazardous Materials Emergency Preparedness)			7/1/14			\$38,000.00	\$38,000.00	7/1/2014	9/30/2014	Training rosters, course outlines; consultants contracts; DEM course approvals; responders training coordination; travel coordination for local SERC representative and LEPC Training Chair; LEPC program coordination and quarterly reports.	
13	SWFRPC	Contract	Yes	DEM	John Gibbons	HMEP Planning Grant (Hazardous Materials Emergency Preparedness)			7/1/14			\$20,000.00	\$20,000.00	7/1/2014	9/30/2014	Major Planning Project; travel coordination for LEPC Chairman; LEPC program coordination and quarterly reports.	
14	SWFRPC	PO	Yes	RPC - NEFRC	Tim Walker	Small Area Data for the 2014 Statewide Hurricane Evacuation Study						\$11,000.00	\$11,000.00	7/1/14	12/12/14	Data	
15	SWFRPC	Grant	Yes	City of Bonita Springs	Jim Beever	Spring Creek Restoration Plan						\$50,000.00	\$50,000.00			The Spring Creek Vulnerability Assessment and The Spring Creek Restoration Plan	
16	SWFRPC	Grant	To Be Submitted	National Endowment for the Humanities	Jay McLeod	ZombiCon: Dying for the Arts			8/13/14							Film Script/Storyline developed, in collaboration with humanities scholars.	
17	SWFRPC		Pending	FDEP	Jim Beever	Resilient and Consistent Coastal Elements for Florida's Gulf Coast (RESTORE)			1/7/13	1/7/2013		\$500,000.00	\$500,000.00				
18	SWFRPC		Pending	FDEP	Jim Beever	Environmental Services Provided by the Gulf of Mexico			1/7/13	1/7/2013		\$500,000.00	\$500,000.00				
19	SWFRPC	Grant	Pending	FDEP	Margaret Wuerstle	Implement agriculture BMP in the Caloosahatchee Watershed				4/12/2013		\$3,000,000.00	\$3,000,000.00			Grants to growers to implement BMP. Anticipated to assist 20 growers /year for six years or 120 growers	
20	SWFRPC	Grant	Pending	Elizabeth Dole Foundation	Margaret Wuerstle	Homeless Veterans Camp			10/15/13	9/9/2013		\$150,000.00	\$150,000.00			Maps of camp locations and documentation of number of homeless veterans	\$0.00
21	RC&DC	Grant	Pending	PNC Foundation	Margaret Wuerstle	Our Creative Economy: A Regional Strategy for Enhancing Public Arts and Cultural Venues			Open	3/14/14		\$20,000.00	\$10,000.00			A field guide to the public art of Charlotte County.	\$10,000.00
22	RC&DC	Grant	Pending	Presbyterian Committee	Margaret Wuerstle	A Nutritional Oasis for Marginalized Individuals	Open	2/11/14				\$15,000.00	\$15,000.00				
23	RC&DC	Grant	Pending	USDA	Margaret Wuerstle	Mobile Market: A Nutritional Oasis for Food Markets of SWFL			3/31/14	3/31/14		\$599,549.00	\$298,605.00	10/1/14	9/30/17	Education Plan	
24	SWFRPC	Grant	Pending	USDA	Nichole Gwinnett	Opportunity Buy Program Coordinator			4/30/14	4/30/14		\$195,979.00	\$99,848.00			A part-time employee will be assigned to develop and coordinate this program over a two year period. After the program is implemented and stable, it will be turned over to the school districts for their continued usage.	\$42,510.00
25	RC&DC	Grant	Pending	USDA	Rebekah Harp	The Smart Process Food Hub			4/30/14	4/30/14		\$139,457.00	\$98,729.00			Host regional stakeholder meeting; hire and train two food service processors; secure warehouse rental space; distributing food from HUB to school districts; and completion of project - self sustaining.	\$25,728.00
26	SWFRPC	Grant	Pending	USDOT	Margaret Wuerstle	Public/Private Regional Transportation Connectivity Plan			4/28/14	4/25/14		\$1,378,476.00	\$1,148,476.00			Public/Private Regional Transportation Connectivity Plan	\$70,000.00

SWFRPC GRANT SUMMARY STATUS AS OF 8-5-14																	
#	Agency	Type	Awarded	Funding Agency	Owner	Project Name	LOI Due Date	LOI Date Submitted	App Due Date	Date Submitted	Date Awarded/Denied	Project Total	RPC Amt	Start Date	End Date	Deliverables	Total Match Amt-RPC
27	SWFRPC	Grant	Pending	DEO	Jennifer Pellechio	The Zoning Mapping Project - Hendry County			6-6-14	5-6-14		\$25,000.00	\$25,000.00			<p>This project will update the framework for zoning in Hendry County. The concept is to enhance the existing database and update all parcels with 2015 data, incorporating over 35K parcels depicting specific development as it relates to zoning classification in Hendry County.</p> <p>The County is regulated by the Zoning Ordinance, which controls the overall scale and use of buildings throughout the county. Hendry's zoning is a reflection of ongoing planning work, which helps to guide future growth in the county.</p> <p>The result will be a tangible geodatabase that Hendry County can utilize to create economies of scale in order provide seamless customer service. Immediately, they will share the data sets amongst the county departments and other agencies to the goal to host all maps electronically in the future.</p>	\$0.00
28	SWFRPC	Grant	Pending	DEO	Nichole Gwinnett	Agriculture Tours to Promote Assets and Economic Development in the City of LaBelle			6/6/14	5/7/14		\$25,000.00	\$4,000.00			City of LaBelle Agriculture Tour Plan	
29	SWFRPC	Grant	Pending	DEO	Margaret Wuerstle	OUR CREATIVE ECONOMY -- Asset Mapping			6/6/14	5/9/14		\$25,000.00	\$25,000.00			A field guide to the Public Art in both electronic and print media.	\$0.00
30	SWFRPC	Grant	Pending	DEO	Jennifer Pellechio	SWFL - Comprehensive Economic Development Strategy (CEDS) Incorporates Economic Resiliency			6/6/14	6/5/14		\$25,000.00	\$25,000.00		5/31/15	<p>This project will create an in-depth study analysis based on the federal change requirements to the document incorporating economic vulnerabilities as it related to jobs and employers. The outcome of the integrated technical assistance would be a general framework for considering economic resilience in the CEDS for Southwest Florida. The project would build upon the national model by creating "Resiliency Specific Action Plans" to address the top economic vulnerabilities and strengthen economic resilience. These would include specific economic diversification strategies and projects.</p>	\$0.00

SWFRPC GRANT SUMMARY STATUS AS OF 8-5-14																	
#	Agency	Type	Awarded	Funding Agency	Owner	Project Name	LOI Due Date	LOI Date Submitted	App Due Date	Date Submitted	Date Awarded/Denied	Project Total	RPC Amt	Start Date	End Date	Deliverables	Total Match Amt-RPC
31	RC&DC	Grant	Pending	USDA	Nichole Gwinnett	Fort Myers Food Desert Farmer's Market			6/20/14	6/19/14		\$97,792.00	\$97,792.00			1. Establish a year-round daily farm stand and weekend Farmer's Market offering affordable, fresh, local produce. 2. Support farmers, food producers and value added vendors with training and workshops and provide opportunities for independent entrepreneurs. 3. Expand the access of the residents of the surrounding food desert to locally grown and produced food and encourage consumption of nutritious, fresh foods.	\$0.00
32	SWFRPC	Grant	No	Wells Fargo	Rebekah Harp	Mote Marine Programming			8/31/2012	8/31/2012	8/31/12		\$21,058.00			Master Plan and Design documents along with market analysis and feasibility study	
33	SWFRPC		No	WalMart	Rebekah Harp	Mote Marine - Teens influencing community through technology			8/10/2012	8/10/2012	8/10/12		\$9,500.00	12/3/2012			
34	SWFRPC		No	WalMart	Jennifer Pellechio	Integrated Training Center-- Partnered with United Way			8/10/2012	8/9/2012	8/10/12	\$275,000.00	\$55,000.00				
35	SWFRPC	Grant	No	NOAA	Jim Beever	Curriculum development to educated decision makers and planners on preparing and responding to the impacts of changing climate conditions			8/29/2012	8/29/2012	11/6/12		\$203,000.00	12/3/2012 9:42:44 AM		curriculum development, train the trainer workshops, electronic workbook, videos recorded	
36	SWFRPC	Grant	No	Robert Wood Johnson	Margaret Wuerstle	PASS = Plan for Achieving Student Success			10/14/2012	10/14/2012	12/1/12		\$70,000.00	12/3/2012		Documentation of the number middle school students serviced, track their academic performance and their attendance as a result of intervention at an younger age based on truancy	
37	SWFRPC	Grant	No	Southwest Florida Community Foundation	Jennifer Pellechio	Capacity Building - Communication Guide			10/15/2012	10/15/2012	12/1/12		\$800.00	12/3/2012		Development of a marketing and communication plan for the RPC	
38	SWFRPC	Grant	No	FEMA	Jennifer Pellechio	Promoting Community Resilience through interactive mapping & toolkits for HOA			10/26/2012	10/26/2012	05/07/2013	\$35,000.00	\$35,000.00			Interactive mapping and toolkit for City of Ft. Myers	\$17,100.00
39	SWFRPC	Grant	No	US Fish & Wildlife	Jim Beever	Master's Landing Phase 1			10/25/2012	10/25/2012	12/1/12	\$2,042,517.50	\$75,000.00			Management Plan/ enhancement of wetlands and assoc. upland habitats for migratory birds on lands owned by the Calusa Land trust	\$1,967,517.00
40	SWFRPC	Grant	No	NOAA	Jennifer Pellechio	Creating a Better Climate for Businesses through Climate Change Adaptation Planning Education in Southwest Florida	11/19/2012	11/19/2012	1/11/2013		6/5/13	\$81,086.00		12/3/2012			
41	SWFRPC	Grant	No	Gannet Foundation	Nichole Gwinnett	Mapping of Food Deserts & Farmers Markets			2/10/2013	2/10/2013	5/20/13	\$10,000.00	\$10,000.00			Develop spatial analyses graphics of food deserts, produce production areas, existing Farmers Markets and the potential location for new Farmers Markets.	\$0.00

SWFRPC GRANT SUMMARY STATUS AS OF 8-5-14

#	Agency	Type	Awarded	Funding Agency	Owner	Project Name	LOI Due Date	LOI Date Submitted	App Due Date	Date Submitted	Date Awarded/Denied	Project Total	RPC Amt	Start Date	End Date	Deliverables	Total Match Amt-RPC
42	SWFRPC	Grant	No	Kresge Foundation	Jim Beever	Climate Change Education			Open	3/22/2013	6/3/13	\$100,000.00	\$100,000.00			The Southwest Florida Regional Planning Council proposes to develop a Florida Business Climate Change Education Program and Curriculum (FBCCEPC) for business leaders, decision-makers and entrepreneurs in southwest Florida. A Business Solutions for Climate Change Adaptation web page.	\$0.00
43	SWFRPC	Contract	No	National Science Foundation	Jim Beever	Adaptation of Coastal Environments (ACE) Coastal SEES- UF				1/14/2013	8/1/13	\$100,000.00	\$100,000.00	10/1/2013			
44	SWFRPC		No	Mosaic	Margaret Wuerstle	Mobile Service Vehicle				9/30/2012	2012	\$300,000.00	\$35,000.00			NonTraditional outreach to homeless camps and doumentation of needs, number of clients& services required	
45	SWFRPC	Grant	No	USDA	Rebekah Harp	Farm to School - HUB			4/24/13	4/24/2013	11/20/13	\$140,725.00	\$13,360.00	1/1/2014	9/30/2015	<ul style="list-style-type: none"> •Host regional stakeholder meeting. •Hire and Train two food service processors. •Secure warehouse rental space •Distributing food from hub to school districts •Completion of project – self sustaining 	\$40,728.00
46	SWFRPC	Grant	No	USDA	Nichole Gwinnett	Opportunity Buy Program Coordinator			4/23/13	4/23/2013	11/20/13	\$99,667.00	\$15,000.00	11/1/2013	10/31/2015	A part time employee will be assigned to develop and coordinate this program over a two year period. After the program is implemented and stable, it will be turned over to the school districts for their continued usage.	\$53,621.00
47	SWFRPC	Grant	No	EPA	John Gibbons	Southwest Florida Job Training Project			4/9/2013	4/9/2013	6/13/13	\$200,000.00	\$200,000.00			Grant is to be administered over a two year period. The following courses are to be conducted. Two (2) OSHA 40-hours HAZWOPER courses; Three (3) First Aid/CPR courses; Two (2) OSHA Basic Safety courses; Two (2) EPA Renovate, Repair, and Paint courses; One (1) Solid Waste Management Awareness course; Two (2) Lead Abatement Certification courses; Two (2) Mold Abatement courses; One (1) Asbestos Abatement course; One (1) Green Environment course	\$0.00
48	SWFRPC	Grant	No	FDACS - Florida Department of Agriculture and Consumer Services	Margaret Wuerstle	Mobile Market: Creating a Nutritional Oasis in the Food Deserts of SWFL			4/10/2013	4/10/2013	7/11/13	\$335,954.00	\$25,000.00				
49	RC&DC	Grant	No	Cape Coral Community Foundation	Margaret Wuerstle	Guide & Regional Asset mapping of Public Arts			7/10/2013	7/9/2013	10/1/13	\$15,000.00	\$15,000.00				\$0.00

SWFRPC GRANT SUMMARY STATUS AS OF 8-5-14

#	Agency	Type	Awarded	Funding Agency	Owner	Project Name	LOI Due Date	LOI Date Submitted	App Due Date	Date Submitted	Date Awarded/ Denied	Project Total	RPC Amt	Start Date	End Date	Deliverables	Total Match Amt-RPC
50	SWFRPC	Grant	No	Gulf Coast Community Foundation	Nichole Gwinnett	Guide & Regional Asset mapping of Public Arts	8/19/2013	8/14/2013	8/30/2013		8/15/13	\$80,000.00	\$75,000.00			Track hits to the website; collect arts-industry related economic and labor data demonstrating the arts economic impact similar to the database used by New England Foundation for the Arts to inform public policy decision making; and track the number of jurisdictions adopting the recommendations in their comprehensive plans.	\$5,000.00
51	SWFRPC	Grant	No	EPA	Jennifer Pellechio	Rt 41 Corridor, Rt 29 Moore Haven and Rt 80 Labelle				11/20/2012	05/09/2013	\$600,000.00	\$100,000.00			Sites identified and evaluated along Rt. 41 and Rt 27 and scattered sites.	
52	SWFRPC	Grant	No	DEO	Jennifer Pellechio	Our Creative Economy - A Regional Strategy for SW Florida's Public Art & Cultural Venues	06/01/2013				7/12/13	\$150,000.00	\$150,000.00			1. Asset Mapping; 2. A Multi-Jurisdictional Strategy for Enhancing Public Art; and 3. A Southwest Florida's Public Art and Cultural Venues Field and Tour Guide	\$0.00
53	SWFRPC	Grant	No	EDA	Jennifer Pellechio	Develop a Regional Strategy for Manufacturing			06/13/2013	6/13/2013	7/22/13	\$200,000.00	\$80,000.00			Assessment/Inventory, Mapping, Website & Strategy Plan	\$200,000.00
54	SWFRPC	Grant	No	DEO	Margaret Wuerstle	Regional Strategy for Agricultural Sustainability in Hendry & Glades Counties		5/10/2013			7/12/13	\$150,000.00	\$150,000.00			The final result will be an Agricultural Vision that the local governments can use as a reference or incorporate when considering changes to their comprehensive plans and land development codes. This project will create a Regional Strategy for Agricultural Sustainability that will include: 1. Creation of a working committee consisting of stakeholders from the six county region including the water management districts, IFAS, the Farm Bureau, Natural Resources Conservation Service, local government representatives and agriculturists. 2. Identification of issues including development pressures, farming constraints, diversification, adaptation to climate changes, trade and export opportunities, shifts in markets, transportation infrastructure, commodity pipes and financing. 3. A Strengths, Weakness, Opportunities and Threats (SWOT) analysis. 4. Mapping of existing agricultural lands. 5. Mapping of conservation easements and constraints. 6. Research best land use practices for agricultural sustainability. 7.	

SWFRPC GRANT SUMMARY STATUS AS OF 8-5-14																	
#	Agency	Type	Awarded	Funding Agency	Owner	Project Name	LOI Due Date	LOI Date Submitted	App Due Date	Date Submitted	Date Awarded/Denied	Project Total	RPC Amt	Start Date	End Date	Deliverables	Total Match Amt-RPC
55	SWFRPC	Grant	No	Florida Humanities Council	Jennifer Pellechio	Our Creative Economy: A Regional Strategy for Enhancing Public Arts and Cultural Venues	8/19/2013	8/16/2013			9/3/13	\$15,000.00	\$15,000.00			The Southwest Florida Regional Planning Council, in partnership with the Hendry County Tourism Development Council, and the Native American Tribes of Florida , proposes to identify, map and document existing public art and public art venues in Hendry County. A Field Guide to the Public Art of Hendry County will assist residents, visitors and tourists to find public art geographically and in temporal space (for regularly scheduled events) in electronic and print media. The deliverables from this project will be incorporated into the overall regional strategy.	
56	SWFRPC	Grant	No	USDA	Sean McCabe	Sustainable Southwest Florida Farmlands Initiative			6/24/2013	6/21/2013	8/13/13	\$100,000.00	\$100,000.00				\$0.00
57	RC&DC	Grant	No	Lowe's Charitable and Educational Foundation (LCEF)	Tim Walker	Low-Impact Sustainable Parking Demonstration Project			7/31/2013	7/30/2013	9/16/13	\$35,000.00	\$25,000.00			Pictures, data collection and reporting, publicity (Hold opening ceremony attended by elected officials from at least 15 local governments and at least 5 state agency representatives; list site with Florida Native Plant Society; publish article in "Harbor Happenings")	\$10,000.00
58	RC&DC	Grant	No	WalMart	Sean McCabe	Sustainable Southwest Florida Farmlands Initiative			8/9/13	8/9/2013	11/26/13	\$150,000.00	\$150,000.00			Working committee; ID issues, SWOT, research, recommendations, sustainability & climate change analysis, map agricultural lands & conservation easements, final report	\$0.00
59	SWFRPC	Grant	No	FEMA	John Gibbons	Strengthening Resilience Across Whole Communities of Practice: A Regionally-based Virtual Training Approach			8/16/13	8/16/2013		\$64,000.00	\$64,000.00			National LEPC Training and Exercise Program	\$0.00
60	RC&DC	Grant	No	Wells Fargo	Margaret Wuerstle	Mobile Market: Creating a Nutritional Oasis in the Food Deserts of Lee County			8/31/2013	8/29/2013	9/4/2013	\$132,434.00	\$13,784.00			Coordination w/Roots Heritage Urban Food Hub in the deployment of "Mobile Market"	\$0.00

SWFRPC GRANT SUMMARY STATUS AS OF 8-5-14

#	Agency	Type	Awarded	Funding Agency	Owner	Project Name	LOI Due Date	LOI Date Submitted	App Due Date	Date Submitted	Date Awarded/ Denied	Project Total	RPC Amt	Start Date	End Date	Deliverables	Total Match Amt-RPC
61	RC&DC	Grant	No	Chichester duPont Foundation	Margaret Wuerstle	Sustainable Southwest Florida Farmlands Initiative			9/1/13	8/30/2013	12/12/13	\$85,000.00	\$85,000.00			Create a working committee, meetings, SWOT analysis, develop recommendations for enhancing and preserving agricultural lands, sustainability and climate change analysis, map conservation easements and final report.	
62	RC&DC	Grant	No	Patagonia Foundation	Jim Beever	Walking the Watersheds: Identifying Nutrient and Other Pollution Sources in the Estero Bay Watershed			8/31/13	8/30/2013	12/30/13	\$17,237.00	\$9,237.24			Identification of the sources of nutrient and other pollution and in the impaired watersheds Involvement citizens in stewardship of those watersheds and increase local involvement in water quality protection Assistance to the water quality agencies to direct restoration and remediation efforts to the sources of water quality impairment	\$7,999.76
63	SWFRPC	Grant	No	NOAA	Jim Beever	The effects of sea level rise on Total Ecosystem Services Value (TEV) in Southwest Florida	9/10/13	9/10/13	11/14/13	11/13/13	5/8/14	\$208,245.74	\$200,245.74			TEV valuation of southwest Florida in existing and future climate change scenarios	
64	SWFRPC	Grant	No	The KEEN Effect	Margaret Wuerstle	Hendry County Big "O" Birding Extravaganza			12/6/13	12/6/13	1/14/14	\$20,000.00	\$10,000.00				\$4,000.00
65	SWFRPC	Grant	No	EPA	Jennifer Pellechio	FY14 Brownfields Assessment Grant			1/22/14	1/22/14	5/28/14	\$600,000.00	\$600,000.00				\$0.00
66	SWFRPC	Grant	No	National Endowment for the Arts	Margaret Wuerstle	Our Creative Economy - A Regional Strategy for Southwest Florida's Public Art and Cultural Venues			1/13/14	1/13/14		\$400,000.00	\$200,000.00			<ul style="list-style-type: none"> Asset Mapping Regional Strategy for Enhancing Public Art: A SWOT Southwest Florida's Public Art and Cultural Venues Field and Tour Guide 	\$113,472.00
67	SWFRPC	Grant	No	EPA	John Gibbons	Environmental Job Training for dislocated workers and veterans with employable job skills			2/13/14	2/13/14	5/12/14		\$200,000.00			<ul style="list-style-type: none"> Cooperative Agreement Application required Finalized Budget and Work Plan Progress Reports Data Registration electronically Final Report require 	
68	SWFRPC	Grant	No	EDA	Jennifer Pellechio	SWFRPC, TBRPC, SFRPC Medical Corridor Initiative			Open	4/14/14	6/1/14	\$0.00	\$0.00			Designation	\$0.00
69	RC&DC	Grant	No	Seeds of Change	Margaret Wuerstle	Fort Myers Nutritional Oasis in the Food Deserts	3/31/14	3/18/14			4/23/14					Training of fifteen individuals to grow produce in the existing community garden.	
70	SWFRPC	Grant	No	DOE (Department of Energy)	Jennifer Pellechio	Solar Market Pathways			5/21/14	5/20/14	6/18/14						\$20,000.00
71	SWFRPC	Contract	No	Alliance	Rebekah Harp	Consulting Services for Website Development and Maintenance			6/11/14	6/11/14		\$90,000.00	\$90,000.00			To maintain the stability of your site, the Alliance would receive dedicated technical support during development, testing, and launch; ongoing assistance with site maintenance; and solution monitoring and customer support.	\$0.00
72	SWFRPC	Grant	No	Florida Humanities Council	Jennifer Pellechio	Develop and refine the Art Field Guide and online Map Viewer for Lee County	7/1/14	7/1/14	8/6/14		7/2/14	\$15,000.00					

Agenda Item

9

Consent Agenda

9

9

CONSENT AGENDA SUMMARY

Agenda Item #9(a) – Intergovernmental Coordination and Review

There were four clearinghouse items reviewed during the months of June and July. There are currently five projects under review.

RECOMMENDED ACTION:

- Approve the administrative action on the Clearinghouse Review items.

Agenda Item #9(b) – Financial Statements for June 30, 2014 & July 31, 2014

Staff provided the balance sheet, income statement and statement of cash flow for the months of June and July.

RECOMMENDED ACTION:

- Approve the financial statements for the months of June and July.

RECOMMENDED ACTION: Approve consent agenda as presented.

8/2014

--- Agenda --- Item

9a

Intergovernmental
Coordination & Review

9a

9a

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 June 1, 2014 and ending July 31, 2014.

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 FDEP-State Clearinghouse in Tallahassee.

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

8/2014

ICR Council - 2014

SWFRPC #	Name1	Name2	Location	Project Description	Funding Agent	Funding Amount	Council Comments
2014-19	Ms. Lauren Milligan	FDEP - Florida State Clearinghouse	Sarasota County	Atkins North America, Inc. - Florida State Clearinghouse #FL201404236869C - Venice Municipal Airport Runway Protection Zone Improvement Project - Draft Focused Environmental Assessment.			Regionally Significant and Consistent
2014-21	Mr. Andrew Boster	LeeTran	Lee County	LeeTran - FTA Section 5307 - to assist with the completion of the new administration/maintenance facility.	FTA	\$5,833,046.00	Regionally Significant and Consistent
2014-22	Mr. Andrew Boster	LeeTran	Lee County	LeeTran - Section 5316 Job Access Reverse Commute Program.	FTA	\$190,561.00	Regionally Significant and Consistent
2014-23	Mr. Andrew Boster	LeeTran	Lee County	LeeTran - Section 5317 New Freedom Program.	FTA	\$235,677.00	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>
2014-05			Charlotte County	EPA - State Revolving Funds - Charlotte County Utilities - The East and West Spring Lake Wastewater Pilot Program."			Review in Progress
2014-17			Lee County	FDEP JCP Application (#0200269-009-JC) for the Captiva and Sanibel Islands Renourishment Project in Lee County.			Review in Progress
2014-18			Sarasota County	FDEP JCP Application #0240984-001-JC - South Siesta Key Beach Restoration Project - Phase 2 in Sarasota County.			Review in Progress
2014-20			Lee County	FDEP - Collier 26-4 Well in Lee County. Permit #1360			Review in Progress
2014-24			Sarasota County	Department of the Army, Jacksonville District Corps of Engineers – Scoping Notice – Lido Key Hurricane and Storm Damage Reduction Project, Big Sarasota Pass Ebb Shoal Sand Source – Sarasota, Sarasota County, Florida. SAI # FL201406246927 (Reference Prior SAI # FL200407167941C)			Review in Progress

Agenda Item

9b

Financial Statements for
June 30, 2014 & July 31,
2014

9b

9b

2014 Workplan & Budget Financial Snapshot - July 2014

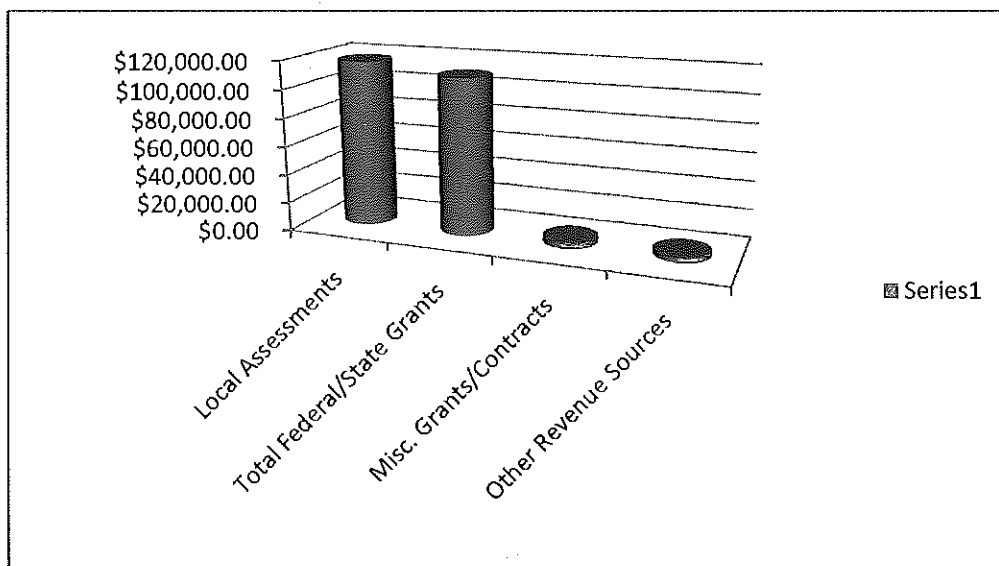
Revenues

Local Assessments

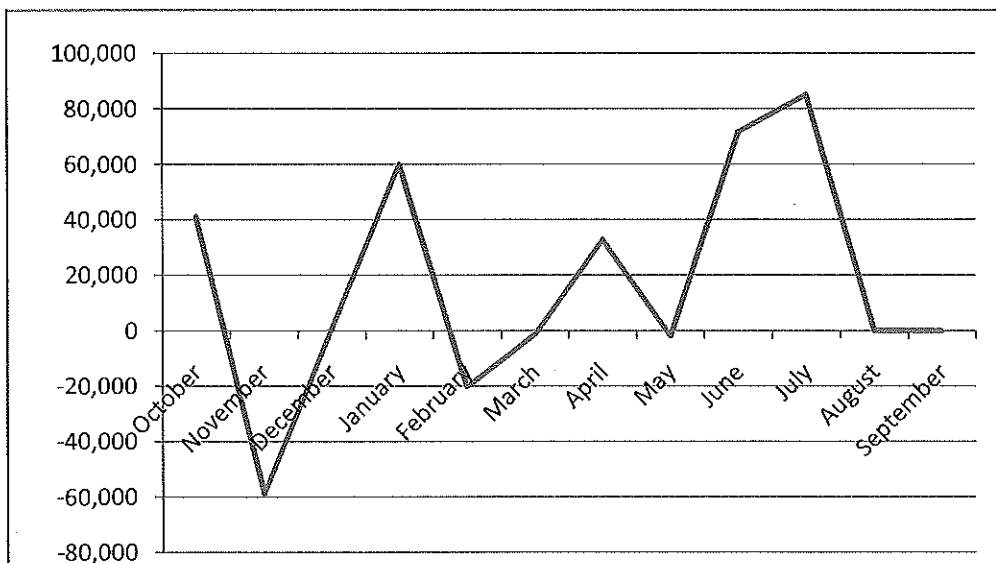
Total Federal/State Grants

Misc. Grants/Contracts

Other Revenue Sources



Notes: Local Assessments billed at the beginning of each quarter: October, January, April and July
 Federal Grants (EPA) billed monthly: EPA: CHNEP; FAMWQ; and CE
 State/Federal Grants billed quarterly: LEPC, HMEP, TD, Lee Tran, and ED
 Misc. Grants/contracts billed quarterly: Visit Florida
 Misc. Grants/Contracts billed by deliverable: SQG, CHNEP Local/Grants
 Other(DRI) billed /recorded monthly as cost reimbursement



YTD: Net Income \$ 116,380 (Unaudited)

SWFRPC
BALANCE SHEET
JULY 31, 2014

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ASSETS

CURRENT ASSETS		
FUND BALANCE	\$	746,473
ACCOUNTS RECEIVABLE		286,117
		<hr/>
TOTAL CURRENT ASSETS		1,032,590
PROPERTY AND EQUIPMENT		
PROPERTY, FURNITURE & EQUIP		2,040,983
ACCUMULATED DEPRECIATION		(561,679)
		<hr/>
TOTAL PROPERTY AND EQUIPMENT		1,479,304
OTHER ASSETS		
AMOUNT T.B.P. FOR L.T.L.-LEAVE		55,640
FSA DEPOSIT		2,494
AMT T.B.P. FOR L.T.DEBT-OPEP		59,864
AMOUNT T.B.P. FOR L.T.DEBT		966,898
		<hr/>
TOTAL OTHER ASSETS		1,084,896
TOTAL ASSETS	\$	<hr/> <hr/> 3,596,790

LIABILITIES AND CAPITAL

CURRENT LIABILITIES		
ACCOUNTS PAYABLE	\$	0
RETAINAGE PAYABLE		2,139
DEFERRED INCOME		207,880
FICA TAXES PAYABLE		(3)
FEDERAL W/H TAX PAYABLE		(7)
UNITED WAY PAYABLE		333
DEFERRED COMPENSATION PAYABLE		(100)
FSA PAYABLE		(327)
LEPC CONTINGENCY FUND		305
		<hr/>
TOTAL CURRENT LIABILITIES		210,220
LONG-TERM LIABILITIES		
ACCRUED ANNUAL LEAVE		55,640
LONG TERM DEBT - OPEB		59,864
LONG TERM DEBT - BANK OF AM.		966,898
		<hr/>
TOTAL LONG-TERM LIABILITIES		1,082,402
TOTAL LIABILITIES		<hr/> 1,292,622
CAPITAL		
FUND BALANCE-UNASSIGNED		194,487
FUND BALANCE-ASSIGNED		514,000
FB-NON-SPENDABLE/FIXED ASSETS		1,479,303
NET INCOME		116,378
		<hr/>
TOTAL CAPITAL		2,304,168
TOTAL LIABILITIES & CAPITAL	\$	<hr/> <hr/> 3,596,790

UNAUDITED - FOR MANAGEMENT PURPOSES ONLY

SWFRPC
BALANCE SHEET
JULY 31, 2014

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FUND BALANCE DETAIL

CASH - BANK OF AMERICA OPER.	\$	244,481
CASH - IBERIA CDS		316,655
CASH - FL LOCAL GOV'T POOL		183,095
CASH - FL GOV'T POOL-FUND B		2,042
PETTY CASH		200
<hr/>		
FUND BALANCE	\$	746,473
<hr/>		

OPERATING CASH	\$	244,481
INVESTMENTS		501,792
PETTY CASH		200
<hr/>		
FUND BALANCE		746,473

DEFERRED -NEP CE954836611-1	(100,228)
DEFERRED INCOME NEP LOCAL	(59,147)
DEFERRED INCOME - FAMWQ	(34,604)
DEFERRED INC. DRI - FOUNTAINS	(8,706)
DEFERRED INC. PALMER RANCH XXI	(1)
DEFERRED INCOME LEE MEMORIAL	(9)
DEFERRED AVE MARIA	(185)
DEFERRED TOLLGATE	(2,500)
DEFERRED SANDILL NOPC	(2,500)
<hr/>	
NET AVAILABLE FOR RESERVE	\$ 538,593
<hr/>	

Detail of Fund Balance

Total Fund Balance	\$ 708,487
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Investments:

Iberia Bank CD	316,665
Local government Surplus Trust Fund Investment Pool (Fund A)	183,095
Local government Surplus Trust Fund (Fund B)	2,042

Total Investments	\$501,802.00
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Petty Cash	\$ 200.00
Bank of America Operating Funds	\$206,485.00

Total Fund Balance	\$708,487.00
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SWFRPC
INCOME STATEMENT
COMPARED WITH BUDGET
FOR THE TEN MONTHS ENDING JULY 31, 2014

	Current Month Actual	Year to Date Actual A	FY 2013-2014 Approved Budget B	FY 2013 - 2014 Amended Budget C	Budget Change
REVENUES					
LOCAL ASSESSMENTS					
CHARLOTTE COUNTY	\$ 12,252	\$ 49,007	\$ 49,007	\$ 49,007	0
COLLIER COUNTY	24,739	98,955	98,955	98,955	0
GLADES COUNTY	950	3,801	3,801	3,801	0
HENDY COUNTY	2,860	11,170	11,440	11,440	0
LEE COUNTY	38,499	153,997	153,997	153,997	0
SARASOTA COUNTY	28,775	115,069	115,099	115,099	0
CITY OF FORT MYERS	5,013	20,051	20,050	20,050	0
TOWN OF FORT MYERS BEACH I	469	1,876	1,876	1,876	0
BONITA SPRINGS	3,385	13,539	13,539	13,539	0
CITY OF SANIBEL	487	1,947	1,947	1,947	0
TOTAL LOCAL ASSESSMENTS	117,429	469,412	469,711	469,711	0
FEDERAL / STATE GRANTS					
ECONOMIC DEV.-GRANT	0	13,938	12,500	12,500	0
CHNEP - SWFWMD	0	55,080	0	0	0
CHNEP MANATEE	0	0	5,000	5,000	0
EPA 6014	58,168	464,831	567,309	567,309	0
FDEP- 6014	0	74,994	75,000	75,000	0
SWFWMD - 6014	34,920	34,920	130,000	130,000	0
EPA FAMWQ	8,557	89,509	190,000	190,000	0
EPA-CONSERVATION	8,746	43,799	95,944	95,944	0
DEM TTLE III	0	21,902	40,909	40,909	0
LEE BOCC-VA STUDY	0	41,214	40,000	40,000	0
HMEP-PLANNING & TRAINING	0	34,757	58,370	58,370	0
GLADES HENDRY TD	0	31,296	38,637	38,637	0
MARC - SOLAR READY	0	36,413	0	50,000	50,000
TOTAL FEDERAL / STATE GRAN	110,391	942,653	1,253,669	1,303,669	50,000
MISC. GRANTS / CONTRACTS					
GLADES SQG	3,900	3,900	3,900	3,900	0
THE NATURE CONSERVANCY	0	1,327	0	0	0

UNAUDITED FOR MANAGEMENT PURPOSES ONLY

SWFRPC
INCOME STATEMENT
COMPARED WITH BUDGET
FOR THE TEN MONTHS ENDING JULY 31, 2014

	Current Month	Year to Date		FY 2013-2014		FY 2013 - 2014		Budget Change
	Actual	Actual	A	Approved Budget	B	Amended Budget	C	
VISIT FLORIDA - 3174	0	5,000		5,000		5,000		0
TBRPC ENERGY GRANT	0	7,092		0		0		0
LEE COUNTY DEO	0	15,000		0		15,000		15,000
EDA 2014	0	15,750		0		0		0
COLLIER CO PO #4500149533	0	3,000		0		3,000		3,000
337890 PO # 890	0	7,000		0		7,000		7,000
NEFRC PO # 900	0	5,250		0		5,250		5,250
NFRC PO # 7926	0	2,000		0		0		0
6014 LOCAL	198	108,269		217,308		217,308		0
SWFCF - 3175	0	15,000		0		15,000		15,000
HENDRY COUNTY EDC-ED. TAS	0	14,933		0		12,500		12,500
TOTAL MISC. GRANTS/CONTRA	4,098	203,521		226,208		283,958		57,750
OTHER REVENUE SOURCES								
DRI MONITORING FEES	500	3,500		10,000		10,000		0
RENTAL SPACE-SENATOR	1,250	12,500		15,000		15,000		0
RENTAL SPACE CHNEP	0	0		15,000		0		(15,000)
DRIS/NOPCS INCOME	2,048	15,753		35,000		25,000		(10,000)
INTEREST INCOME	0	935		5,000		5,000		0
MISC. INCOME	0	38,085		0		0		0
BUDGETED CARRY OVER FB	0	0		542,797		708,304		165,507
BUDGETED CARRY OVER OPER	0	0		83,679		33,429		(50,250)
TOTAL OTHER REVENUE SOURC	3,798	70,773		706,476		796,733		90,257
TOTAL REVENUES	235,716	1,686,359		2,656,064		2,854,071		198,007

UNAUDITED FOR MANAGEMENT PURPOSES ONLY

SWFRPC
INCOME STATEMENT
COMPARED WITH BUDGET
FOR THE TEN MONTHS ENDING JULY 31, 2014

EXPENSES	Current Month	Year to Date		FY 2013-2014		Budget Change
	Actual	Actual	A	Approved Budget	B	
PERSONNEL EXPENSES						
SALARIES EXPENSE	90,620	795,788		663,046	663,046	0
SALARIES EXPENSE - NEP	0	0		292,510	328,510	36,000
FICA EXPENSE	6,698	57,462		73,100	73,100	0
RETIREMENT EXPENSE	7,077	69,581		94,535	94,535	0
HEALTH INSURANCE EXPENSE	8,303	107,535		138,190	138,190	0
UNEMPLOYMENT COMP. EXPEN	0	2,241		0	0	0
WORKERS COMP. EXPENSE	0	2,595		3,696	3,696	0
TOTAL PERSONNEL EXPENSES	112,698	1,035,202		1,265,077	1,301,077	36,000
OPERATIONAL EXPENSES						
GRANT/CONSULTING EXPENSE	2,130	17,480		51,336	51,336	0
NEP-CONTRACTUAL	13,364	164,248		394,208	394,208	0
LEGAL	0	0		15,000	0	(15,000)
AUDIT SERVICES EXPENSE	0	41,000		40,000	40,000	0
TRAVEL EXPENSE	3,576	31,438		21,870	31,870	10,000
CHNEP TRAVEL	0	12,731		0	0	0
TELEPHONE EXPENSE	284	5,191		6,540	6,540	0
POSTAGE / SHIPPING EXPENSE	0	2,117		4,100	4,100	0
EQUIPMENT RENTAL EXPENSE	883	5,392		8,750	8,750	0
INSURANCE EXPENSE	497	19,543		22,500	22,500	0
REPAIR/MAINT. EXPENSE	251	9,732		15,000	15,000	0
PRINTING/REPRODUCTION EXP	202	4,379		1,500	3,000	1,500
UTILITIES (ELEC, WATER, GAR)	591	17,262		22,000	22,000	0
ADVERTISING/LEGAL NOTICES	44	2,295		3,600	3,600	0
OTHER MISC. EXPENSE	65	1,700		4,500	4,500	0
BANK SERVICE CHARGES	0	2,294		2,280	2,280	0
OFFICE SUPPLIES EXPENSE	845	7,976		8,836	8,836	0
COMPUTER RELATED EXPENSE	1,277	38,973		38,500	38,500	0
DUES AND MEMBERSHIP	1,025	20,878		28,800	28,800	0
PUBLICATION EXPENSE	45	1,138		1,250	1,250	0
PROF. DEVELOP.	605	6,604		10,120	10,120	0

UNAUDITED FOR MANAGEMENT PURPOSES ONLY

SWFRPC
INCOME STATEMENT
COMPARED WITH BUDGET
FOR THE TEN MONTHS ENDING JULY 31, 2014

	Current Month Actual	Year to Date Actual A	FY 2013-2014 Approved Budget B	FY 2013 - 2014 Amended Budget C	Budget Change
MEETINGS/EVENTS EXPENSE	304	2,339	3,000	3,000	0
CAPITAL OUTLAY EXPENSE	1,170	11,793	4,000	4,000	0
CAPITAL OUTLAY - BUILDING	0	1,815	12,500	12,500	0
LONG TERM DEBT	10,646	106,459	128,000	128,000	0
RESERVE FOR OPERATIONS EXP	0	0	542,797	708,304	165,507
TOTAL OPERATIONAL EXP.	37,804	534,777	1,390,987	1,552,994	162,007
TOTAL CASH OUTLAY	150,502	1,569,979	2,656,064	2,854,071	198,007
NET INCOME (LOSS)	\$ 85,214	\$ 116,380	\$ 0	\$ 0	0

UNAUDITED FOR MANAGEMENT PURPOSES ONLY

2014 Workplan & Budget Financial Snapshot - June 2014

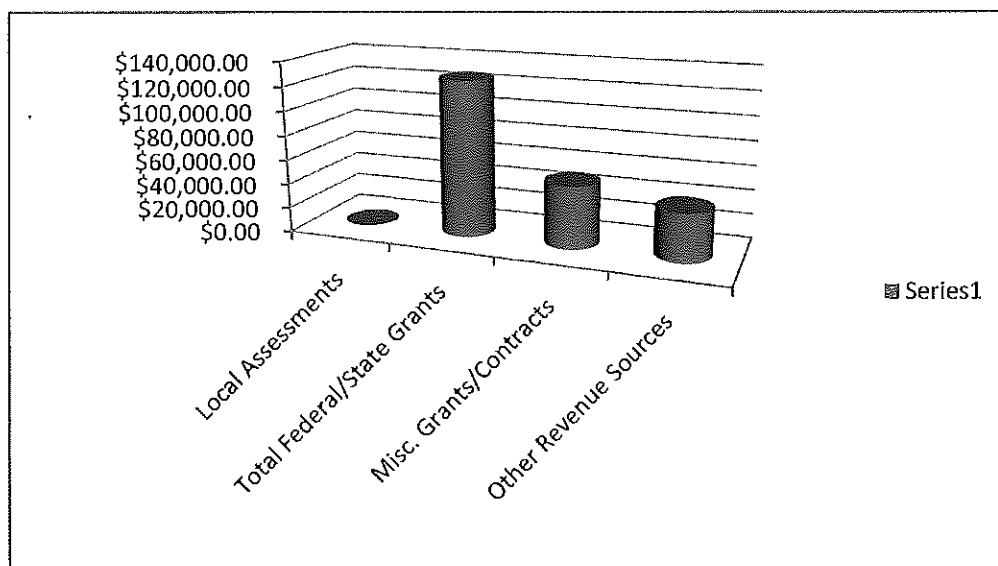
Revenues

Local Assessments

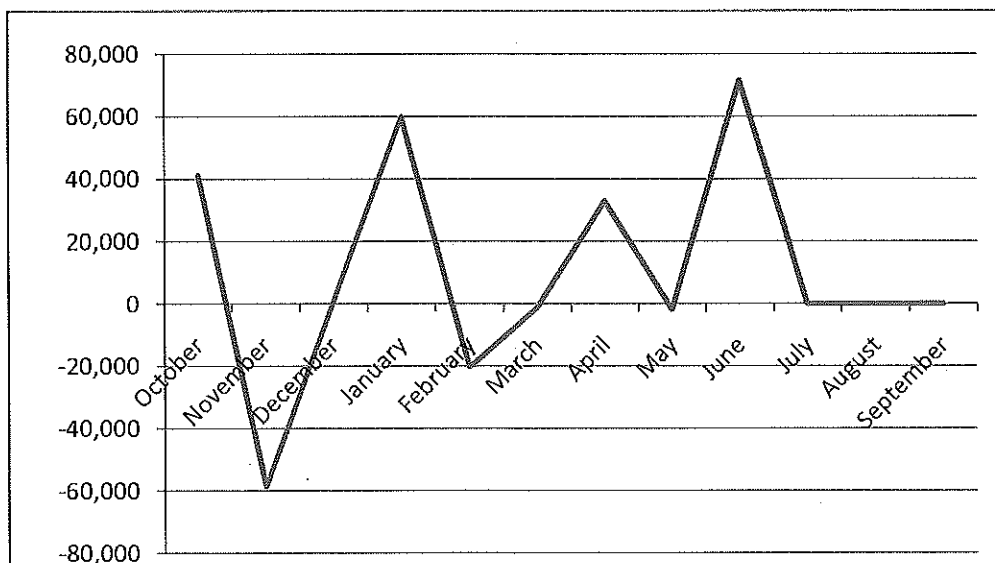
Total Federal/State Grants

Misc. Grants/Contracts

Other Revenue Sources



Notes: Local Assessments billed at the beginning of each quarter: October, January, April and July
 Federal Grants (EPA) billed monthly: EPA: CHNEP; FAMWQ; and CE
 State/Federal Grants billed quarterly: LEPC, HMEP, TD, Lee Tran, and ED
 Misc. Grants/contracts billed quarterly: Visit Florida
 Misc. Grants/Contracts billed by deliverable: SQG, CHNEP Local/Grants
 Other(DRI) billed /recorded monthly as cost reimbursement



YTD: Net Income \$ 31,161 (Unaudited)

SWFRPC
BALANCE SHEET
JUNE 30, 2014

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ASSETS

CURRENT ASSETS		
FUND BALANCE	\$	762,414
ACCOUNTS RECEIVABLE		251,370
		<hr/>
TOTAL CURRENT ASSETS		1,013,784
PROPERTY AND EQUIPMENT		
PROPERTY, FURNITURE & EQUIP		2,040,983
ACCUMULATED DEPRECIATION		(561,679)
		<hr/>
TOTAL PROPERTY AND EQUIPMENT		1,479,304
OTHER ASSETS		
AMOUNT T.B.P. FOR L.T.L.-LEAVE		55,640
FSA DEPOSIT		2,494
AMT T.B.P. FOR L.T.DEBT-OPEP		59,864
AMOUNT T.B.P. FOR L.T.DEBT		972,938
		<hr/>
TOTAL OTHER ASSETS		1,090,936
TOTAL ASSETS	\$	<u><u>3,584,024</u></u>

LIABILITIES AND CAPITAL

CURRENT LIABILITIES		
ACCOUNTS PAYABLE	\$	0
RETAINAGE PAYABLE		2,139
DEFERRED INCOME		274,352
FICA TAXES PAYABLE		(3)
FEDERAL W/H TAX PAYABLE		(7)
UNITED WAY PAYABLE		148
FSA PAYABLE		(304)
LEPC CONTINGENCY FUND		305
		<hr/>
TOTAL CURRENT LIABILITIES		276,630
LONG-TERM LIABILITIES		
ACCRUED ANNUAL LEAVE		55,640
LONG TERM DEBT - OPEB		59,864
LONG TERM DEBT - BANK OF AM.		972,938
		<hr/>
TOTAL LONG-TERM LIABILITIES		1,088,442
TOTAL LIABILITIES		<u>1,365,072</u>
CAPITAL		
FUND BALANCE-UNASSIGNED		194,487
FUND BALANCE-ASSIGNED		514,000
FB-NON-SPENDABLE/FIXED ASSETS		1,479,303
NET INCOME		31,162
		<hr/>
TOTAL CAPITAL		2,218,952
TOTAL LIABILITIES & CAPITAL	\$	<u><u>3,584,024</u></u>

UNAUDITED - FOR MANAGEMENT PURPOSES ONLY

SWFRPC
BALANCE SHEET
JUNE 30, 2014

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FUND BALANCE DETAIL

CASH - BANK OF AMERICA OPER.	\$	260,422
CASH - IBERIA CDS		316,655
CASH - FL LOCAL GOV'T POOL		183,095
CASH - FL GOV'T POOL-FUND B		2,042
PETTY CASH		200

FUND BALANCE	\$	762,414
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OPERATING CASH	\$	260,422
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INVESTMENTS		501,792
PETTY CASH		200

FUND BALANCE		762,414
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DEFERRED -NEP CE954836611-1	(158,396)
DEFERRED INCOME NEP LOCAL	(59,346)
DEFERRED INCOME - FAMWQ	(43,161)
DEFERRED INC. DRI - FOUNTAINS	(8,706)
DEFERRED INC. PALMER RANCH XXI	(1)
DEFERRED INCOME LEE MEMORIAL	(9)
DEFERRED AVE MARIA	(2,233)
DEFERRED TOLLGATE	(2,500)

NET AVAILABLE FOR RESERVE	\$	488,062
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Detail of Fund Balance

Total Fund Balance	\$ 708,487
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Investments:

Iberia Bank CD	316,665
Local government Surplus Trust Fund Investment Pool (Fund A)	183,095
Local government Surplus Trust Fund (Fund B)	2,042

Total Investments	\$501,802.00
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Petty Cash	\$	200.00
Bank of America Operating Funds		\$206,485.00

Total Fund Balance	\$708,487.00
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SWFRPC
INCOME STATEMENT
COMPARED WITH BUDGET
FOR THE NINE MONTHS ENDING JUNE 30, 2014

	Current Month Actual	Year to Date Actual A	FY 2013-2014 Approved Budget B	FY 2013 - 2014 Amended Budget C	Budget Change
REVENUES					
LOCAL ASSESSMENTS					
CHARLOTTE COUNTY	\$ 0	\$ 36,755	\$ 49,007	\$ 49,007	0
COLLIER COUNTY	0	74,216	98,955	98,955	0
GLADES COUNTY	0	2,851	3,801	3,801	0
HENDY COUNTY	0	8,310	11,440	11,440	0
LEE COUNTY	0	115,498	153,997	153,997	0
SARASOTA COUNTY	0	86,294	115,099	115,099	0
CITY OF FORT MYERS	0	15,038	20,050	20,050	0
TOWN OF FORT MYERS BEACH I	0	1,407	1,876	1,876	0
BONITA SPRINGS	0	10,154	13,539	13,539	0
CITY OF SANIBEL	0	1,460	1,947	1,947	0
TOTAL LOCAL ASSESSMENTS	0	351,983	469,711	469,711	0
FEDERAL / STATE GRANTS					
ECONOMIC DEV.-GRANT	0	13,938	12,500	12,500	0
CHNEP - SWFWMD	0	55,080	0	0	0
CHNEP MANATEE	0	0	5,000	5,000	0
EPA 6014	9,979	406,663	567,309	567,309	0
FDER- 6014	74,994	74,994	75,000	75,000	0
SWFWMD - 6014	0	0	130,000	130,000	0
EPA FAMWQ	9,470	80,952	190,000	190,000	0
EPA-CONSERVATION	2,582	35,052	95,944	95,944	0
DEM TITILE III	0	21,902	40,909	40,909	0
LEE BOCC-VA STUDY	8,601	41,214	40,000	40,000	0
HMEP-PLANNING & TRAINING	(6,003)	34,757	58,370	58,370	0
GLADES HENDRY TD	11,591	31,296	38,637	38,637	0
MARC - SOLAR READY	16,287	36,413	0	50,000	50,000
TOTAL FEDERAL / STATE GRAN	127,501	832,261	1,253,669	1,303,669	50,000
MISC. GRANTS / CONTRACTS					
GLADES SOG	0	0	3,900	3,900	0
THE NATURE CONSERVANCY	0	1,327	0	0	0

UNAUDITED FOR MANAGEMENT PURPOSES ONLY

SWFRPC
INCOME STATEMENT
COMPARED WITH BUDGET
FOR THE NINE MONTHS ENDING JUNE 30, 2014

	Current Month Actual	Year to Date Actual A	FY 2013-2014 Approved Budget B	FY 2013 - 2014 Amended Budget C	Budget Change
VISIT FLORIDA - 3174	0	5,000	5,000	5,000	0
TBRPC ENERGY GRANT	0	7,092	0	0	0
LEE COUNTY DEO	0	15,000	0	15,000	15,000
EDA 2014	15,750	15,750	0	0	0
COLLIER CO PO #4500149533	3,000	3,000	0	3,000	3,000
337890 PO # 890	0	7,000	0	7,000	7,000
NEFRC PO # 900	0	5,250	0	5,250	5,250
NFRC PO # 7926	2,000	2,000	0	0	0
6014 LOCAL	30,194	108,071	217,308	217,308	0
SWFCF - 3175	0	15,000	0	15,000	15,000
HENDRY COUNTY EDC-ED. TAS	0	14,933	0	12,500	12,500
TOTAL MISC. GRANTS/CONTRA	50,944	199,423	226,208	283,958	57,750
OTHER REVENUE SOURCES					
DRI MONITORING FEES	0	3,000	10,000	10,000	0
RENTAL SPACE-SENATOR	1,250	11,250	15,000	15,000	0
RENTAL SPACE CHNEP	0	0	15,000	0	(15,000)
DRIS/NOPCS INCOME	267	13,705	35,000	25,000	(10,000)
INTEREST INCOME	68	935	5,000	5,000	0
MISC. INCOME	37,804	38,085	0	0	0
BUDGETED CARRY OVER FB	0	0	542,797	708,304	165,507
BUDGETED CARRY OVER OPER	0	0	83,679	33,429	(50,250)
TOTAL OTHER REVENUE SOURC	39,389	66,975	706,476	796,733	90,257
TOTAL REVENUES	217,834	1,450,642	2,656,064	2,854,071	198,007

UNAUDITED FOR MANAGEMENT PURPOSES ONLY

SWFRPC
INCOME STATEMENT
COMPARED WITH BUDGET
FOR THE NINE MONTHS ENDING JUNE 30, 2014

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EXPENSES	Current Month	Year to Date		FY 2013-2014	FY 2013 - 2014	Budget Change
	Actual	Actual	A	Approved Budget	Amended Budget	
PERSONNEL EXPENSES						
SALARIES EXPENSE	70,596	705,168		663,046	663,046	0
SALARIES EXPENSE - NEP	0	0		292,510	328,510	36,000
FICA EXPENSE	5,206	50,764		73,100	73,100	0
RETIREMENT EXPENSE	9,080	62,504		94,535	94,535	0
HEALTH INSURANCE EXPENSE	6,673	99,232		138,190	138,190	0
UNEMPLOYMENT COMP. EXPEN	2,241	2,241		0	0	0
WORKERS COMP. EXPENSE	746	2,595		3,696	3,696	0
TOTAL PERSONNEL EXPENSES	94,542	922,504		1,265,077	1,301,077	36,000
OPERATIONAL EXPENSES						
GRANT/CONSULTING EXPENSE	100	15,350		51,336	51,336	0
NEP-CONTRACTUAL	9,289	150,885		394,208	394,208	0
LEGAL	0	0		15,000	0	(15,000)
AUDIT SERVICES EXPENSE	0	41,000		40,000	40,000	0
TRAVEL EXPENSE	3,904	27,862		21,870	31,870	10,000
CHNEP TRAVEL	0	12,731		0	0	0
TELEPHONE EXPENSE	642	4,908		6,540	6,540	0
POSTAGE / SHIPPING EXPENSE	1,146	2,117		4,100	4,100	0
EQUIPMENT RENTAL EXPENSE	420	4,509		8,750	8,750	0
INSURANCE EXPENSE	430	19,046		22,500	22,500	0
REPAIR/MAINT. EXPENSE	814	9,481		15,000	15,000	0
PRINTING/REPRODUCTION EXP	132	4,177		1,500	3,000	1,500
UTILITIES (ELEC, WATER, GAR)	2,015	16,672		22,000	22,000	0
ADVERTISING/LEGAL NOTICES	80	2,252		3,600	3,600	0
OTHER MISC. EXPENSE	0	1,635		4,500	4,500	0
BANK SERVICE CHARGES	269	2,294		2,280	2,280	0
OFFICE SUPPLIES EXPENSE	2,114	7,130		8,836	8,836	0
COMPUTER RELATED EXPENSE	5,019	37,696		38,500	38,500	0
DUES AND MEMBERSHIP	5,122	19,853		28,800	28,800	0
PUBLICATION EXPENSE	326	1,094		1,250	1,250	0
PROF. DEVELOP.	560	5,999		10,120	10,120	0

UNAUDITED FOR MANAGEMENT PURPOSES ONLY

SWFRPC
INCOME STATEMENT
COMPARED WITH BUDGET
FOR THE NINE MONTHS ENDING JUNE 30, 2014

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	Current Month Actual	Year to Date Actual A	FY 2013-2014 Approved Budget B	FY 2013 - 2014 Amended Budget C	Budget Change
MEETINGS/EVENTS EXPENSE	51	2,035	3,000	3,000	0
CAPITAL OUTLAY EXPENSE	8,405	10,623	4,000	4,000	0
CAPITAL OUTLAY - BUILDING	0	1,815	12,500	12,500	0
LONG TERM DEBT	10,646	95,813	128,000	128,000	0
RESERVE FOR OPERATIONS EXP	0	0	542,797	708,304	165,507
TOTAL OPERATIONAL EXP.	51,484	496,977	1,390,987	1,552,994	162,007
TOTAL CASH OUTLAY	146,026	1,419,481	2,656,064	2,854,071	198,007
NET INCOME (LOSS)	\$ 71,808	\$ 31,161	\$ 0	\$ 0	0

UNAUDITED FOR MANAGEMENT PURPOSES ONLY

--- Agenda --- Item

10

10

Regional Impact

10

10

Agenda Item

10a

10a

City of Cape Coral
Comprehensive Plan Amendment
(DEO 14-1ESR)

10a

LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS CITY OF CAPE CORAL

The Council staff has reviewed proposed amendments to the City of Cape Coral Comprehensive Plan (DEO I4-1ESR). 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. Site location maps can be reviewed in 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 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:

<u>Proposed Amendment</u>	<u>Factors of Regional Significance</u>			
	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	<u>Consistent</u>
DEO 14-1ESR (LU 11-0003 - Ord. 72-13)	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 Economic Opportunity and City of Cape Coral.

08/2014

Attachment I

COMMUNITY PLANNING 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 at any time during the calendar year. Six copies of the amendment are sent to the Department of Economic Opportunity (DEO) 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.

The proposed amendments will be reviewed by DEO in two situations. In the first, there must be a written request to DEO. The request for review must be received within forty-five days after transmittal of the proposed amendment. Reviews 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, DEO can decide to review the proposed amendment without a request. In that case, DEO must give notice within thirty days of transmittal.

Within five working days after deciding to conduct a review, DEO may forward copies to various reviewing agencies, including the Regional Planning Council.

Regional Planning Council Review

The Regional Planning Council must submit its comments in writing within thirty days of receipt of the proposed amendment from DEO. 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.

After receipt of comments from the Regional Planning Council and other reviewing agencies, DEO has thirty days to conduct its own review and determine compliance with state law. Within that thirty-day period, DEO 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) FOR DETAILS.

Attachment II

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
LOCAL GOVERNMENT COMPREHENSIVE PLAN REVIEW
FORM 01**

LOCAL GOVERNMENT:

City of Cape Coral

DATE AMENDMENT RECIEVED:

June 11, 2014

DATE AMENDMENT MAILED TO LOCAL GOVERNMENT AND STATE:

Pursuant to Section 163.3184, Florida Statutes, Council review of proposed amendments to local government Comprehensive Plans is limited to adverse effects on regional resources and facilities identified in the Strategic Regional Policy Plan and extra-jurisdictional impacts that would be inconsistent with the Comprehensive Plan of any affected local government within the region. A written report containing the evaluation of these impacts, pursuant to Section 163.3184, Florida Statutes, is to be provided to the local government and the State land planning agency within 30 calendar days of receipt of the amendment.

July 11, 2014

1. AMENDMENT NAME:

Application Number: DEO 14-1ESR (Ordinance No. 72-13)
Amendment to City of Cape Coral Future Land Use Map.

2. DESCRIPTION OF AMENDMENT(S):

This is a privately initiated large-scale future land use map amendment to amend ± 55.755 acres of the subject property from Low Density Residential I (LDRI) to Commercial/Professional (CP), to amend ± 7.005 acres of the subject property from Open Space to Commercial/Professional. See Attachment III: Map 1 – Site Location, Map 2 - Existing Future Land Use, and Map 3 - Proposed Future Land Use. The amendment also proposes to eliminate the Burnt Store North Sub-District map designation; an area of ± 267.81 acres with restricted development conditions.

3. ADVERSE EFFECTS TO SIGNIFICANT REGIONAL RESOURCES AND FACILITIES IDENTIFIED IN THE STRATEGIC REGIONAL POLICY PLAN:

Council staff has reviewed the requested amendment to the Future Land Use Map ±62.8 acres from Low Density Residential and Open Space/Recreation to Commercial/Professional, in addition to the removal of the Burnt Store North sub district. Based on the review, Council staff has found that the requested changes will not produce any significant adverse effects on the regional resources or regional facilities that are identified in the Strategic Regional Policy Plan. However, it is further recommended that upon final development of the property, the integrity of the two flow ways are preserved so that hydrologic connection (running roughly from northeast to southwest) between the Yucca Pens Unit State Wildlife Management Area and the coast are preserved through the appropriate sizing and location of culverts and underpasses beneath roads and development that may be constructed in the future. Movement of wildlife along the flow way corridors should also be considered and accommodated. These considerations are also advised during the future improvement of the Jacaranda Parkway and any other roads in the area that may cross the flow way corridors.

4. EXTRAJURISDICTIONAL IMPACTS INCONSISTENT WITH THE COMPREHENSIVE PLANS OF LOCAL GOVERNMENTS WITHIN THE REGION

Council staff has reviewed the requested proposed amendment and finds that the requested Comprehensive Plan amendments do not produce any significant extra-jurisdictional impacts that would be inconsistent with the Comprehensive Plan of any other local government within the region, provided that the recommendations above are met.

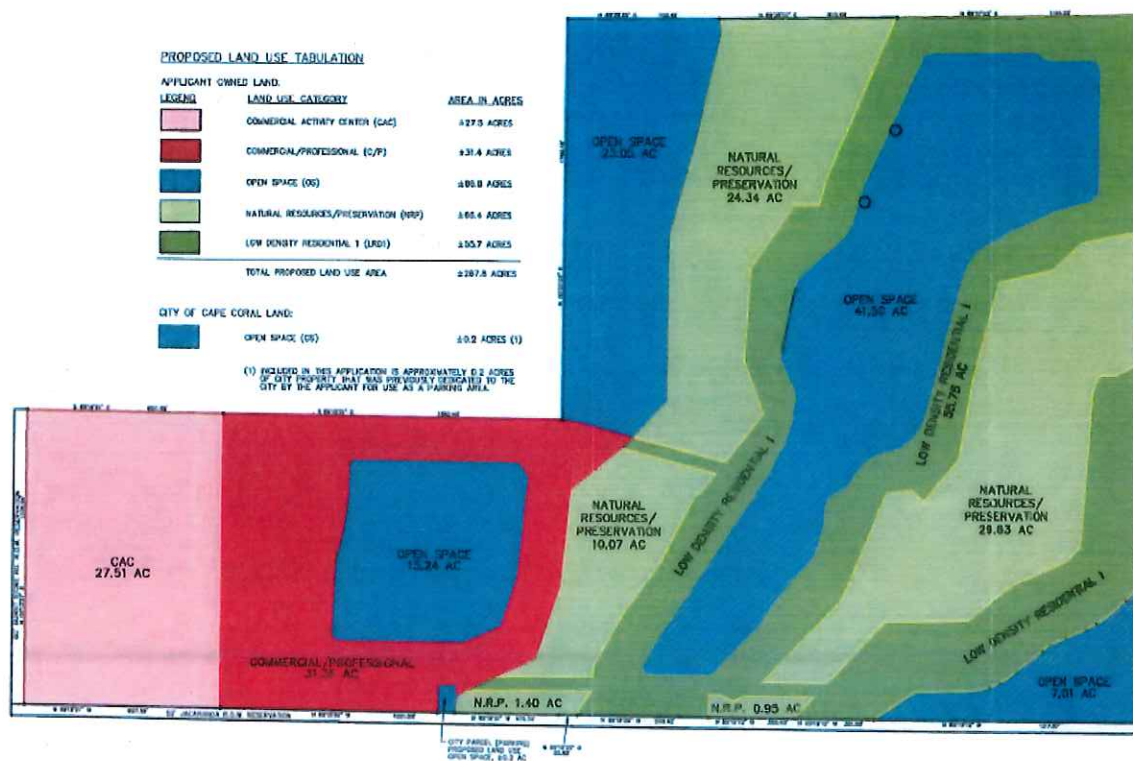
Request a copy of the adopted version of the amendment? X Yes No

Attachment III

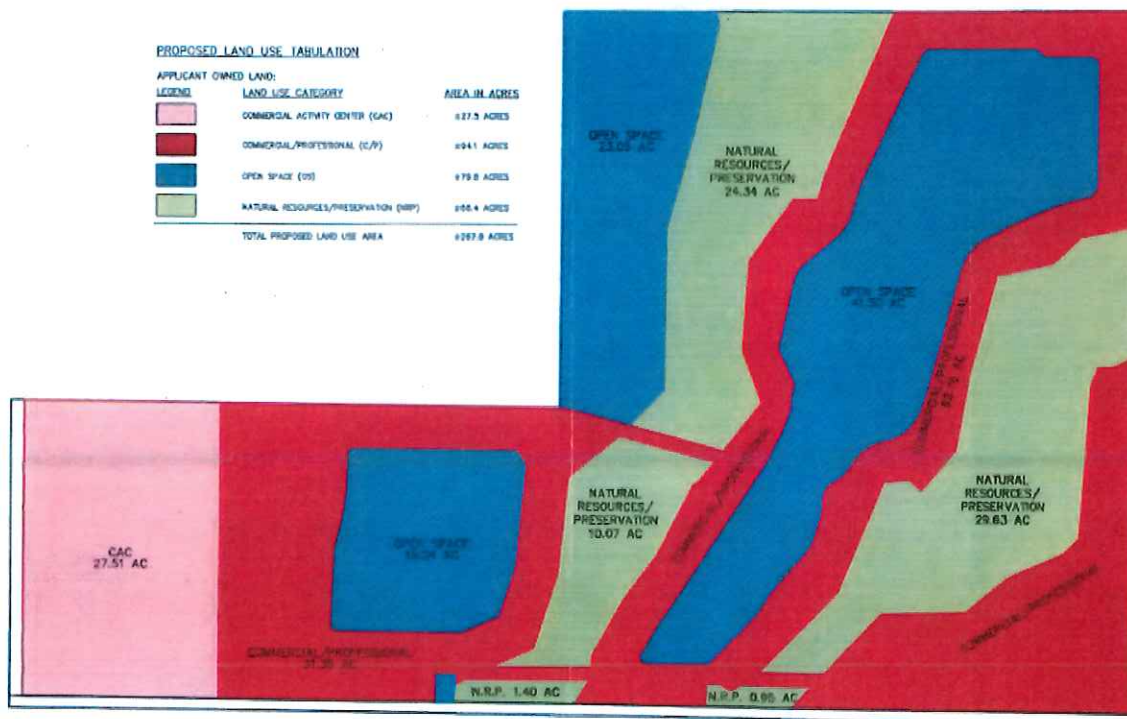
Maps

**City of Cape Coral
DEO 14-1ESR**

Map 2 - Existing Future Land Use



Map 3 - Proposed Future Land Use



Agenda Item

10b

10b

Lee County Comprehensive Plan
Amendment – DEO 14-5ESR

10b

LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS LEE COUNTY

The Council staff has reviewed proposed evaluation and appraisal based amendments to the Lee County Comprehensive Plan (DEO 14-5ESR / local CPA 2013-F). 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. Site location maps can be reviewed in 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 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:

Proposed Amendment	Factors of Regional Significance			
	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	<u>Consistent</u>
DEO 14-5ESR (Local CPA 2014-03)	yes	yes	yes	(1) regionally significant; (2) procedural; and (3) consistent with SRPP

RECOMMENDED ACTION: Approve staff comments. Authorize staff to forward comments to the Department of Economic Opportunity and Lee County.

08/2014

Attachment I

COMMUNITY PLANNING 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 at any time during the calendar year. Six copies of the amendment are sent to the Department of Economic Opportunity (DEO) 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.

The proposed amendments will be reviewed by DEO in two situations. In the first, there must be a written request to DEO. The request for review must be received within forty-five days after transmittal of the proposed amendment. Reviews 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, DEO can decide to review the proposed amendment without a request. In that case, DEO must give notice within thirty days of transmittal.

Within five working days after deciding to conduct a review, DEO may forward copies to various reviewing agencies, including the Regional Planning Council.

Regional Planning Council Review

The Regional Planning Council must submit its comments in writing within thirty days of receipt of the proposed amendment from DEO. 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".

After receipt of comments from the Regional Planning Council and other reviewing agencies, DEO has thirty days to conduct its own review and determine compliance with state law. Within that thirty-day period, DEO 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) FOR DETAILS.

Attachment II

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
LOCAL GOVERNMENT COMPREHENSIVE PLAN REVIEW
FORM 01**

LOCAL GOVERNMENT:

Lee County

DATE AMENDMENT RECIEVED:

June 23, 2014

DATE AMENDMENT MAILED TO LOCAL GOVERNMENT AND STATE:

Pursuant to Section 163.3184, Florida Statutes, Council review of proposed amendments to local government Comprehensive Plans is limited to adverse effects on regional resources and facilities identified in the Strategic Regional Policy Plan and extra-jurisdictional impacts that would be inconsistent with the Comprehensive Plan of any affected local government within the region. A written report containing the evaluation of these impacts, pursuant to Section 163.3184, Florida Statutes, is to be provided to the local government and the State land planning agency within 30 calendar days of receipt of the amendment.

July 23, 2014

1. AMENDMENT NAME:

Application Number: DEO 14-5ESR (CPA 2014-03)

2. DESCRIPTION OF AMENDMENT(S):

This proposed, publicly-initiated amendment to refine Goal 19 of the Lee County Comprehensive Plan is a text amendment that updates the Estero Community Planning Panel's community-vetted vision for that area of Lee County. The proposed amendment institutes the Estero Community's plans to ensure high-quality design standards, community character, and locally-appropriate land uses moving forward.

3. ADVERSE EFFECTS TO SIGNIFICANT REGIONAL RESOURCES AND FACILITIES IDENTIFIED IN THE STRATEGIC REGIONAL POLICY PLAN:

Council staff has reviewed the requested amendment. Based on the review, Council staff has found that the requested changes will not produce any significant adverse effects on the regional resources or regional facilities that are identified in the Strategic Regional Policy Plan.

**4. EXTRAJURISDICTIONAL IMPACTS INCONSISTENT WITH THE
COMPREHENSIVE PLANS OF LOCAL GOVERNMENTS WITHIN THE REGION**

Council staff has reviewed the requested changes and finds that the requested Comprehensive Plan amendments do not produce any significant extra-jurisdictional impacts that would be inconsistent with the Comprehensive Plan of any other local government within the region.

Request a copy of the adopted version of the amendment? X Yes No

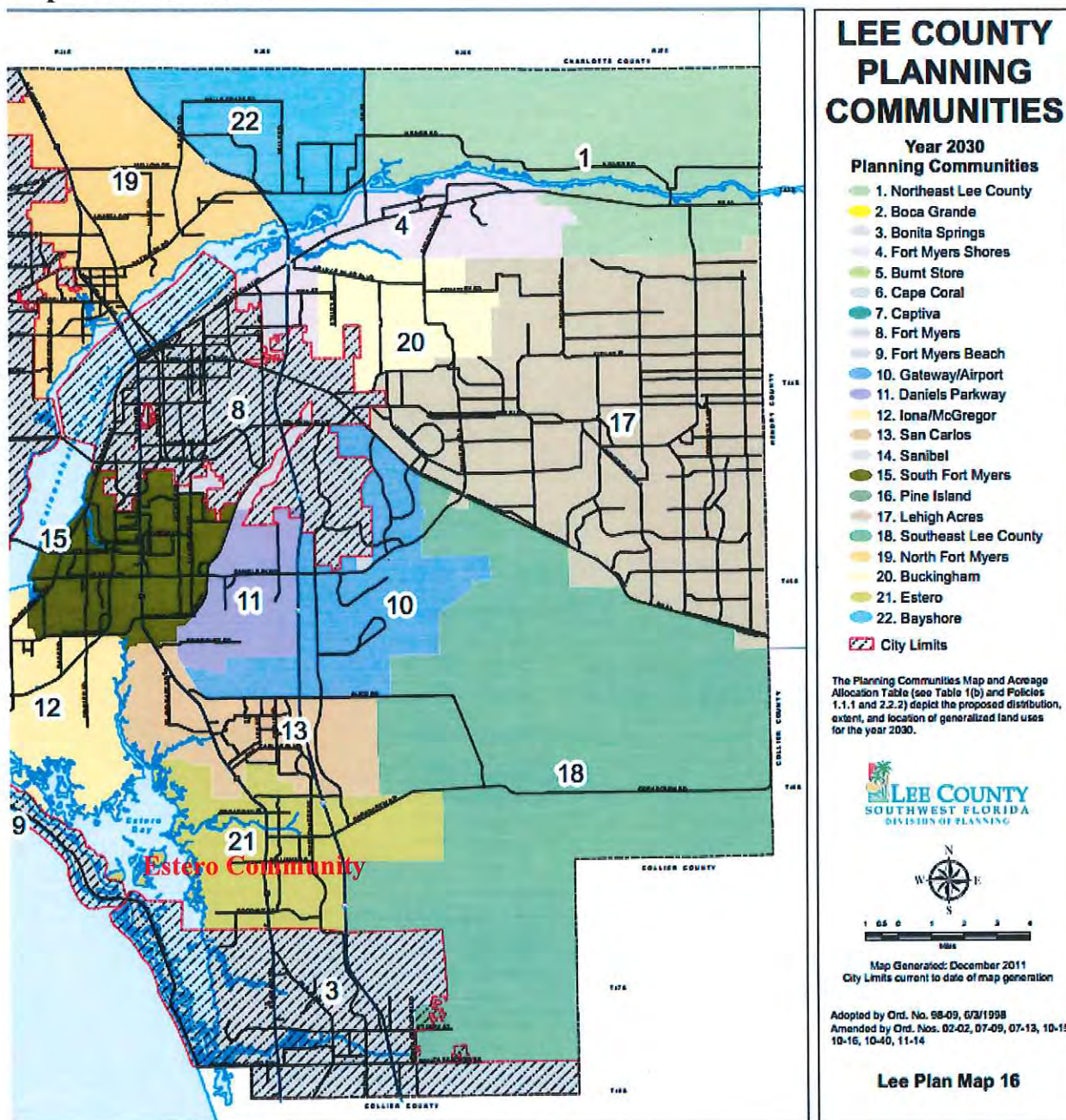
Attachment III

Maps

**Lee County
DEO 14-5ESR**

**Growth Management Plan
Comprehensive Plan Amendments**

Map 1 – Site Location



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LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS SARASOTA COUNTY

The Council staff has reviewed proposed evaluation and appraisal based amendments to the Sarasota County Comprehensive Plan (DEO 14-8ESR / local CPA 2013-F). 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. Site location maps can be reviewed in 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 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:

Proposed Amendment	Factors of Regional Significance			
	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	<u>Consistent</u>
DEO 14-8ESR (Local CPA 2013-F)	no	no	no	(1) regionally significant; and (2) consistent with SRPP

RECOMMENDED ACTION: Approve staff comments. Authorize staff to forward comments to the Department of Economic Opportunity and Sarasota County.

08/2014

Attachment I**COMMUNITY PLANNING 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 at any time during the calendar year. Six copies of the amendment are sent to the Department of Economic Opportunity (DEO) 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.

The proposed amendments will be reviewed by DEO in two situations. In the first, there must be a written request to DEO. The request for review must be received within forty-five days after transmittal of the proposed amendment. Reviews 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, DEO can decide to review the proposed amendment without a request. In that case, DEO must give notice within thirty days of transmittal.

Within five working days after deciding to conduct a review, DEO may forward copies to various reviewing agencies, including the Regional Planning Council.

Regional Planning Council Review

The Regional Planning Council must submit its comments in writing within thirty days of receipt of the proposed amendment from DEO. 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.

After receipt of comments from the Regional Planning Council and other reviewing agencies, DEO has thirty days to conduct its own review and determine compliance with state law. Within that thirty-day period, DEO 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) FOR DETAILS.

Attachment II

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
LOCAL GOVERNMENT COMPREHENSIVE PLAN REVIEW
FORM 01**

LOCAL GOVERNMENT:

Sarasota County

DATE AMENDMENT RECIEVED:

June 20, 2014

DATE AMENDMENT MAILED TO LOCAL GOVERNMENT AND STATE:

Pursuant to Section 163.3184, Florida Statutes, Council review of proposed amendments to local government Comprehensive Plans is limited to adverse effects on regional resources and facilities identified in the Strategic Regional Policy Plan and extra-jurisdictional impacts that would be inconsistent with the Comprehensive Plan of any affected local government within the region. A written report containing the evaluation of these impacts, pursuant to Section 163.3184, Florida Statutes, is to be provided to the local government and the State land planning agency within 30 calendar days of receipt of the amendment.

July 20, 2014

1. AMENDMENT NAME:

Application Number: DEO 14-8 ESR (CPA 2013-F)

2. DESCRIPTION OF AMENDMENT(S):

This proposed amendment to the Sarasota County Comprehensive Plan is a privately-initiated amendment that is being submitted. The applicant has requested an amendment to the Sarasota County Future Land Use Map (FLUM) of the Future Land Use Element (FLUE) of the County's Comprehensive Plan to redesignate 14 ± acres located on Leonard Reid Avenue, between Dr. Martin Luther King Jr. Way and 32nd Street. The proposed amendment would change the FLU from High Density Residential (HDR) to Office/Multi-Family Residential on a 14 acre area. This submission is being processed concurrently with Rezone No. 13-21 designating the southern 3.6 acres to Office Professional, Institutional. This would allow for the development of a community-based medical clinic on the site.

3. ADVERSE EFFECTS TO SIGNIFICANT REGIONAL RESOURCES AND FACILITIES IDENTIFIED IN THE STRATEGIC REGIONAL POLICY PLAN:

Council staff has reviewed the requested amendment. Based on the review, Council staff has found that the requested changes will not produce any significant adverse effects on the regional resources or regional facilities that are identified in the Strategic Regional Policy Plan.

4. EXTRAJURISDICTIONAL IMPACTS INCONSISTENT WITH THE COMPREHENSIVE PLANS OF LOCAL GOVERNMENTS WITHIN THE REGION

Council staff has reviewed the requested changes and finds that the requested Comprehensive Plan amendments do not produce any significant extra-jurisdictional impacts that would be inconsistent with the Comprehensive Plan of any other local government within the region.

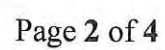
Request a copy of the adopted version of the amendment? ☒ Yes ☐ No

Attachment III

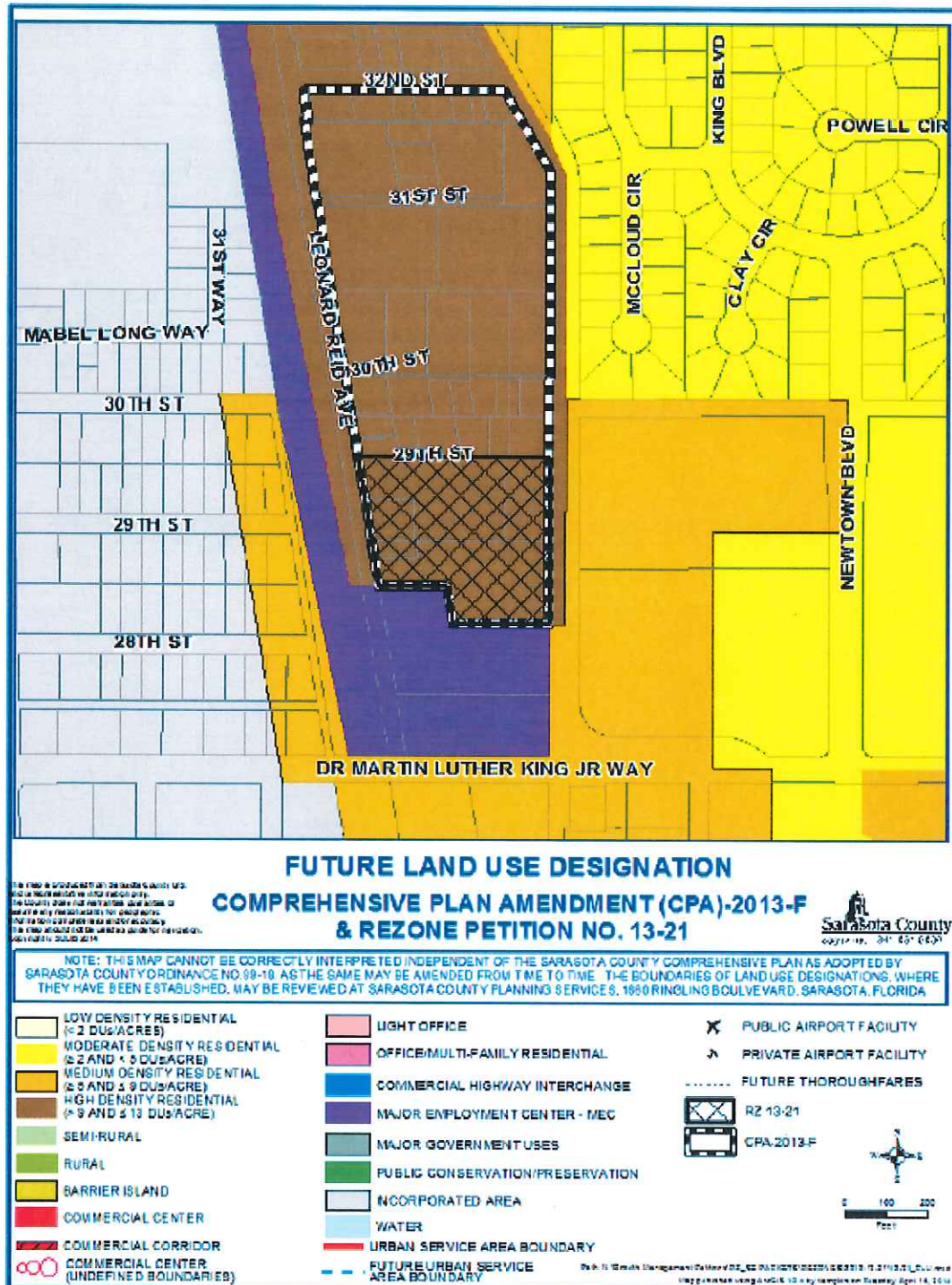
Maps

**Sarasota County
DEO 14-8ESR**

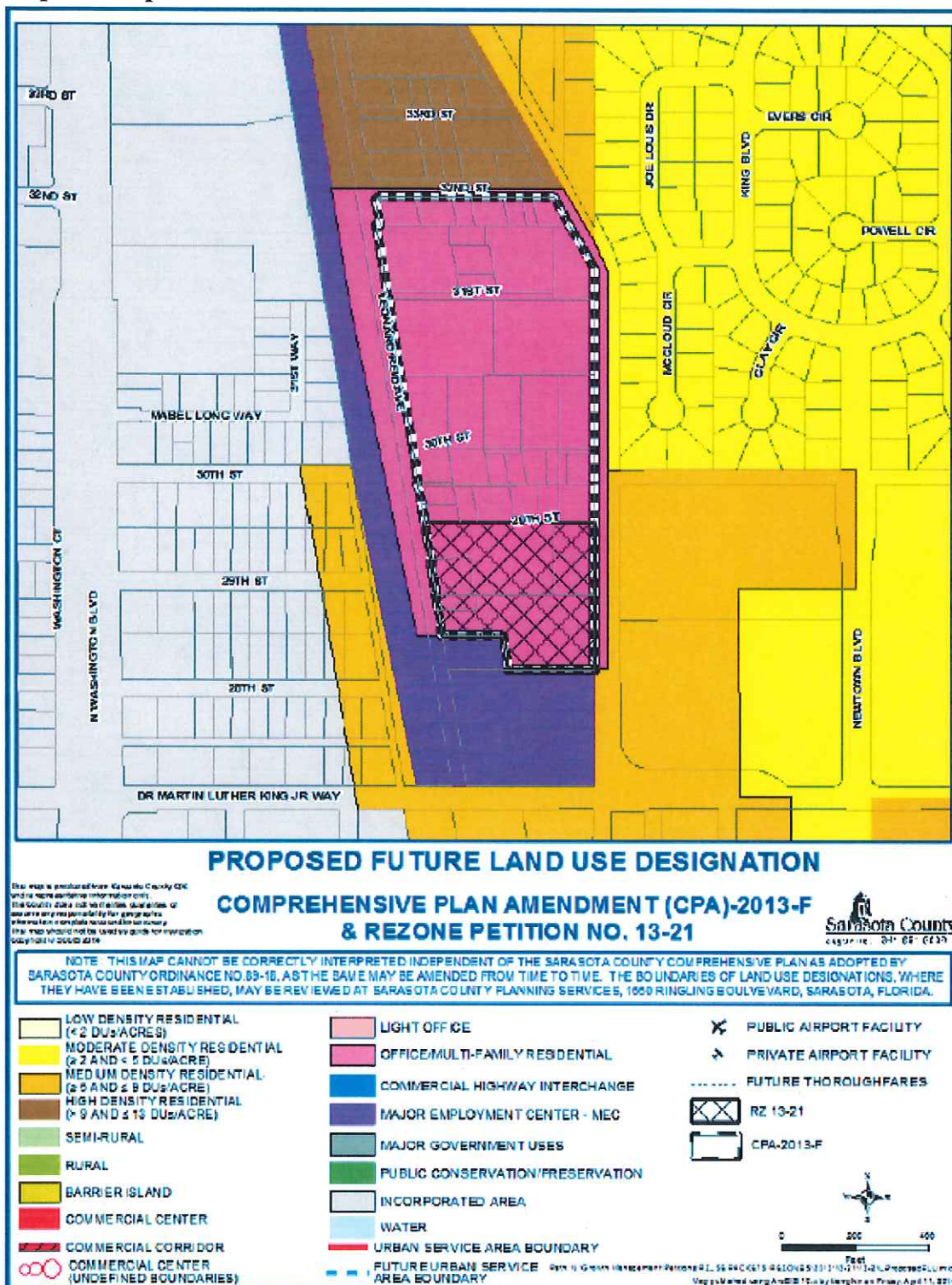
**Growth Management Plan
Comprehensive Plan Amendments**



Map 2 – Existing Future Land Use



Map 3 – Proposed Future Land Use



Agenda Item

10d

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City of Sarasota Comprehensive
Plan Amendment – DEO 14-
1ESR

10d

LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS CITY OF SARASOTA

The Council staff has reviewed proposed evaluation and appraisal based amendments to the City of Sarasota Comprehensive Plan (DEO 14-1ESR / 14R-2415). 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. Site location maps can be reviewed in 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 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:

<u>Proposed Amendment</u>	<u>Factors of Regional Significance</u>			
	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	<u>Consistent</u>
DEO 14-1ESR (14R-2415)	no	no	no	(1) regionally significant; and (2) consistent with SRPP

RECOMMENDED ACTION: Approve staff comments. Authorize staff to forward comments to the Department of Economic Opportunity and the City of Sarasota.

08/2014

COMMUNITY PLANNING 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

Comprehensive Plan Amendments

A local government may amend its plan at any time during the calendar year. Six copies of the amendment are sent to the Department of Economic Opportunity (DEO) 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.

The proposed amendments will be reviewed by DEO in two situations. In the first, there must be a written request to DEO. The request for review must be received within forty-five days after transmittal of the proposed amendment. Reviews 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, DEO can decide to review the proposed amendment without a request. In that case, DEO must give notice within thirty days of transmittal.

Within five working days after deciding to conduct a review, DEO may forward copies to various reviewing agencies, including the Regional Planning Council.

Regional Planning Council Review

The Regional Planning Council must submit its comments in writing within thirty days of receipt of the proposed amendment from DEO. 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".

After receipt of comments from the Regional Planning Council and other reviewing agencies, DEO has thirty days to conduct its own review and determine compliance with state law. Within that thirty-day period, DEO 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) FOR DETAILS.

Attachment II

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
LOCAL GOVERNMENT COMPREHENSIVE PLAN REVIEW
FORM 01**

LOCAL GOVERNMENT:

City of Sarasota

DATE AMENDMENT RECIEVED:

July 08, 2014

DATE AMENDMENT MAILED TO LOCAL GOVERNMENT AND STATE:

Pursuant to Section 163.3184, Florida Statutes, Council review of proposed amendments to local government Comprehensive Plans is limited to adverse effects on regional resources and facilities identified in the Strategic Regional Policy Plan and extra-jurisdictional impacts that would be inconsistent with the Comprehensive Plan of any affected local government within the region. A written report containing the evaluation of these impacts, pursuant to Section 163.3184, Florida Statutes, is to be provided to the local government and the State land planning agency within 30 calendar days of receipt of the amendment.

August 08, 2014

1. AMENDMENT NAME:

Application Number: DEO 14-1 ESR (14R-2415)

2. DESCRIPTION OF AMENDMENT(S):

This proposed amendment to the City of Sarasota Comprehensive Plan is a privately-initiated amendment that is being submitted, and was authorized for transmittal to reviewing agencies on June 16, 2014. The applicant has requested an amendment to the Future Land Use Element (FLUE) of the City's Comprehensive Plan to allow clustering of development (or redevelopment) in the Rosemary Residential Overlay Distric (RROD), which is 71± acres in the downtown. This would allow for more dense clusters of development on individual projects, but would also maintain a total unit cap of 1,775 for the entire RROD, until such time in the future as is appropriate to reconsider density restrictions.

3. ADVERSE EFFECTS TO SIGNIFICANT REGIONAL RESOURCES AND FACILITIES IDENTIFIED IN THE STRATEGIC REGIONAL POLICY PLAN:

Council staff has reviewed the requested amendment. Based on the review, Council staff has found that the requested changes will not produce any significant adverse effects on the regional resources or regional facilities that are identified in the Strategic Regional Policy Plan.

Attachment II**4. EXTRAJURISDICTIONAL IMPACTS INCONSISTENT WITH THE COMPREHENSIVE PLANS OF LOCAL GOVERNMENTS WITHIN THE REGION**

Council staff has reviewed the requested changes and finds that the requested Comprehensive Plan amendments do not produce any significant extra-jurisdictional impacts that would be inconsistent with the Comprehensive Plan of any other local government within the region.

Request a copy of the adopted version of the amendment? ☒ Yes ☐ No

Maps

**City of Sarasota
DEO 14-1ESR ; 14R-2415**

**Growth Management Plan
Comprehensive Plan Amendments**

Map 1 – Site Location



Agenda Item

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10e

Tollgate DRI – Notice of Proposed
Change

10e

10e

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

TOLLGATE COMMERCIAL CENTER DRI

07-7883-028

NOTICE OF PROPOSED CHANGE

BACKGROUND

The Tollgate Commercial Center Development of Regional Impact (DRI) is a previously reviewed and approved multi-use project located in Collier County on CR 84 just south of Interstate 75 and east of CR 951(see attached location map). The project as approved in 1992, includes 297,600 square feet of gross leasable floor area of retail uses, 35,000 square feet of office uses, approximately 4 fast food restaurants, 550,000 square feet of light industrial uses, and 405 hotel rooms on 100.24 acres of land.

The original Development Order was conditionally approved and subsequently adopted on January 14, 1984, by the Collier County Board of County Commissioners. The original parameters of the project was for development on 69 acres and include 75,200 square feet of commercial, 300,000 square feet of industrial, 200 hotel rooms and 45,000 square feet of office uses. The project Development Order has since been amended four (4) times.

This project has been ongoing since it was approved in 1992 and is mostly a built out development. At the present time, the entire infrastructure necessary for the Tollgate Commercial Center project has been completed. Most of the commercial sites on the property have been sold or are under contract for sale.

PREVIOUS CHANGES

There have been four previous changes to the Tollgate Commercial Center DRI. These changes were as follows:

1. On February 11, 1992, the Collier County Board of County Commissioners adopted Resolution 92-100. In summary, the applicant requested that the project be modified to include an additional 30.84 acres of surplus Florida Department of Transportation right-of-way and that the conditions relative to transportation, drainage, wastewater/water supply, and housing be substantially amended. The SWFRPC requested that the suggested Development Order be further revised.
2. On April 7, 1992, the Collier County Board of County Commissioners adopted the second amendment to the Development Order. Section 4.c.3., Transportation, was amended to require: (1) concurrency management through annual monitoring, (2) transportation impacts to the roads and intersections be appropriately addressed, and (3) the determination of proportional share of the regional roadway improvements be in accordance with Section 163.220, F.S. the amendment also revised Section 4.F., Housing; striking the termination dates for an affordable housing funding mechanism.

3. On February 11, 1997, the Collier County Board of County Commissioners adopted a third amendment to the Development Order. Resolution 97-75 amended the Development Order by extending the DRI termination date from December 31, 1997 to December 30, 2002.
4. On December 2, 2003, Resolution 03-428 amended the Development Order by extending the DRI buildout date from December 30, 2002 to December 29, 2007. In addition, Section 380.06(19)(c), F.S. automatically extended the buildout date to December 29, 2010. Consistent with these actions and the Florida Senate Bill 1752 (2010) the project build out date was extended for 24 months to December 29, 2012.

PROPOSED CHANGES

On June 13, 2014, the SWFRPC staff received a Notice of Proposed Change (NOPC) to the Development Order for the Tollgate Commercial Center DRI. The proposed change is to allow for the subject development to extend the build-out date of the project to August 1, 2021.

The development has substantially conformed to the approved construction plans and conditions found in the original development order as amended. However, because of unforeseen circumstances associated with the real estate markets in Collier County, the Tollgate Commercial Center has not completed development of the entire complex in the time period anticipated in the last Development Order and State allowed extensions. Therefore the applicant is requesting an extension of the buildout date.

STAFF ANALYSIS

Regional staff finds that the proposed changes appear to be subject to the criteria contained in Chapter 380.06: Section 380.06(19)(c)1, Florida Statutes, states the following:

- c) An extension of the date of buildout of a development, or any phase thereof, by more than 7 years is presumed to create a substantial deviation subject to further development-of-regional-impact review.
 1. An extension of the date of buildout, or any phase thereof, of more than 5 years but not more than 7 years is presumed not to create a substantial deviation. The extension of the date of buildout of an areawide development of regional impact by more than 5 years but less than 10 years is presumed not to create a substantial deviation. These presumptions may be rebutted by clear and convincing evidence at the public hearing held by the local government. An extension of 5 years or less is not a substantial deviation.

Based on the information provided in the NOPC application, Council staff finds that the request is a substantial deviation because the requested buildout date is for eight (8) years and seven (7) months which is greater than the allowed 7 years; Council staff however finds that the presumption of a substantial deviation has been successfully rebutted because no additional regional impacts affecting regional resources or facilities result from the proposed

change. The NOPC application has shown that there is no additional density or intensity being added to the project; the infrastructure for the project has been completed; there are no additional changes to project that substantially impact the regional transportation network; there are no additional affordable housing requirements; and there are no environmental impacts due to the proposed change. Therefore, Council staff believes that the proposed change meet the statute criteria in Section 380.06(19)(c)1, Florida Statutes and because there are no additional regional impacts due to this request, the presumption has been successfully rebutted and the request is not a Substantial Deviation.

CHARACTER, MAGNITUDE, LOCATION

The proposed change will not affect the character, magnitude or location of the DRI, because no new development is being proposed beyond what is approved in the existing DO.

REGIONAL RESOURCES AND FACILITIES IMPACT

The proposed change will not create additional impacts on regional resources or facilities since no additional development is proposed on the surrounding regional transportation network.

MULTI-JURISDICTIONAL ISSUES

The Tollgate Commercial Center DRI is located in Collier County and because of its location the proposed changes to the DRI do not create additional significant regional impacts that were not previously reviewed by the Council, there are no impacts to other jurisdictions in the Region and therefore there are no multi-jurisdictional impacts created by the proposed changes.

NEED FOR REASSESSMENT OF THE DRI

The proposed changes do not require the DRI to be reassessed because no additional regional impacts not previously review and mitigated in the DRI were identified. Council staff finds that the presumption of a substantial deviation has been successfully rebutted by the information provided in the NOPC application.

ACCEPTANCE OF PROPOSED D.O. LANGUAGE

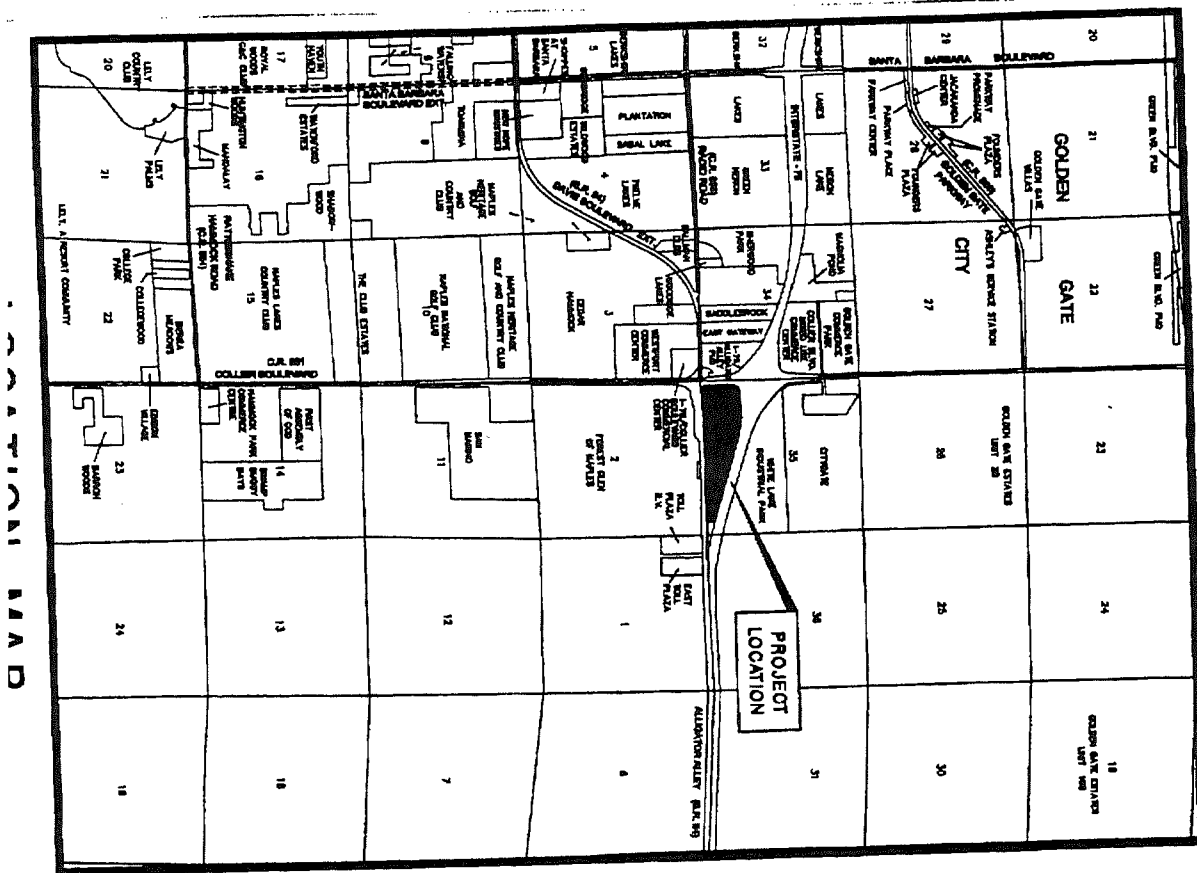
The NOPC did not included proposed DO language.

STAFF CONCLUSIONS

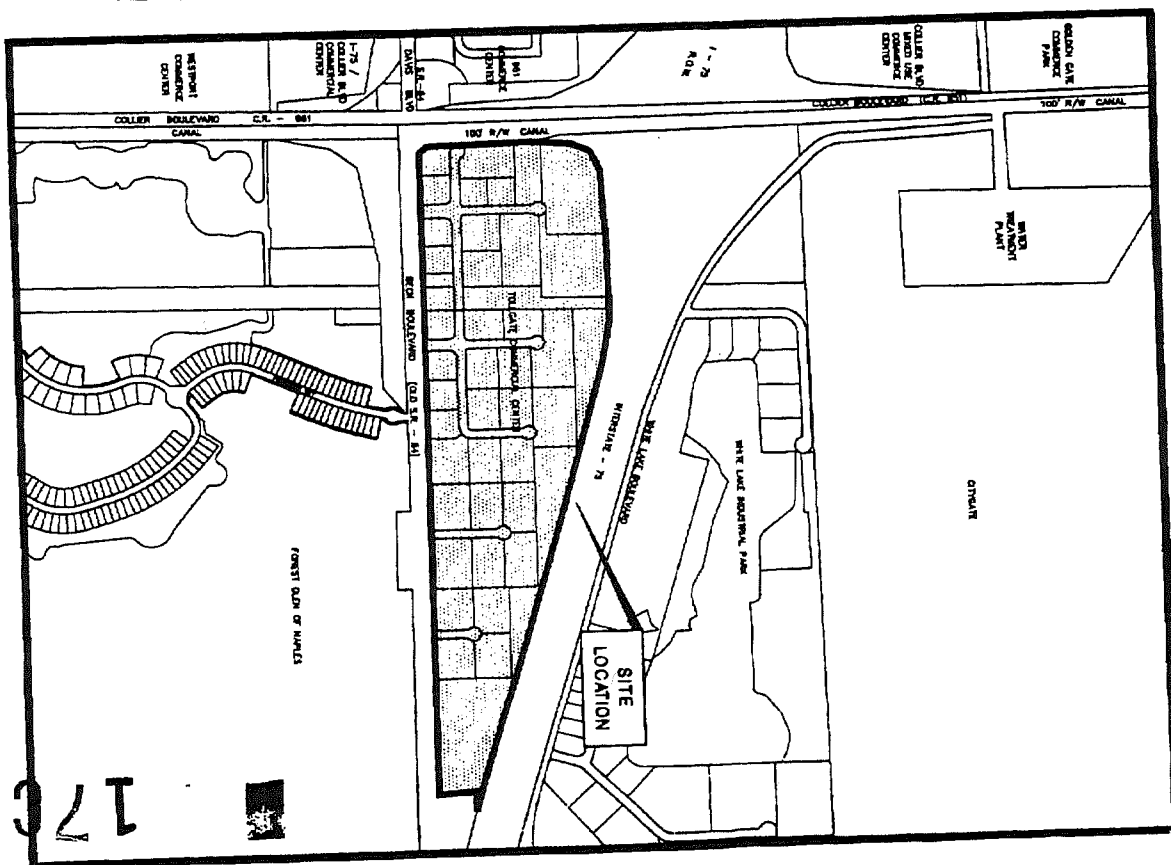
The SWFRPC role in coordinating the review process of NOPCs is to determine under the authority of Chapter 380.06(19)(a) F.S. if "any proposed change to a previously approved development creates a reasonable likelihood of additional regional impact, or any type of regional impact created by the change not previously reviewed by the regional planning agency."

It is Council staff's recommendation that no additional regional impacts will occur from the proposed change that were not previously reviewed by the SWFRPC and as such do not object to the change. Furthermore, the applicant rebutted the presumption of a Substantial Deviation with the information provided in the NOPCs.

- RECOMMENDED ACTIONS:**
1. Notify Collier County, the Florida Department of Economic Opportunity (DEO) and the applicant that SWFRPC staff recommends approval of the change and that Council staff finds that the request is not a substantial deviation and does not create any additional regional impacts not previously reviewed by the SWFRPC.
 2. Request that Collier County provide SWFRPC staff with copies of any Development Order amendments related to the proposed changes not contained in the NOPC, as well as any additional information requested of the applicant by DEO or the County.



SECTION 11A.D



SITE MAP

176

Agenda Item

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Shell Point Village DRI –
Development Order Review

10f

**SHELL POINT DRI
(aka SANDPIPER COVE)
DRI # 09-74-001
REVIEW OF SEVENTH AMENDMENT TO THE
LEE COUNTY DEVELOPMENT ORDER**

Council Recommendations

On January 14, 2014, the Southwest Florida Regional Planning Council received a request (Attachment I) to amend Map H of the Shell Point Development of Regional Impact (DRI) to reduce the size of Parcels D and F by creating a new Parcel L and allocating approved uses to the new Parcel L while clarifying terminology of uses on the Proposed Uses table on Map H. The request was made pursuant to Florida Statutes 380.06(19)(e)(2)k.

Because the requested change did not increase the number of external peak hour trips, did not reduce the open space or the conserved areas within the project, nor was the changes likely to degrade water quality in the area, it was determined by Council staff that the proposed changes were minor and the request was not required to file a Notice of Proposed Change to the DRI. On January 9, 2014, Council staff issued a letter (Attachment II) formally stating that the request will not create a reasonable likelihood of any additional impacts to regional resources or regional facilities or have any multi-jurisdiction impacts that were not previously reviewed the proposed project changes could proceed to the Lee County Board of County Commissioners for an amendment to the DRI Development Order.

Lee County Development Order

On December 18, 1973, the Lee County Board of County Commissioners at a public hearing heard the Application for Development Approval (ADA) for the Sandpiper Cove (aka Shell Point) Development of Regional Impact (DRI). After consideration of the consistency of the development with the regulations and the Southwest Regional Planning Council report, the Board of County Commissioners denied the application. The DRI was subsequently reconsidered by the Board on May 29, 1974. Based on certain modifications to the plan of development, the DRI Development Order (DO) was approved by the Board of County Commissioners on July 12, 1974.

On May 7, 2014, the Board of Lee County Commissioners approved the seventh amendment to the Shell Point DRI Development Order. A copy of the development order (see Attachment III) was rendered to the SWFRPC on May 23, 2014. The 45-day appeal period for the development order expires on June 27, 2014. Staff review of the attached development order finds that it is consistent with all regional issues and recommendations identified within the Council's Official Recommendations.

RECOMMENDED ACTION: Accept the development order as rendered and forward the review to Lee County and the Florida Department of Economic Opportunity



1715 Monroe Street • Fort Myers, FL 33901
Post Office Box 280 • Fort Myers, FL 33902
Tel: 239.344.1100 • Fax: 239.344.1200 • www.henlaw.com

Bonita Springs • Sanibel

Reply to
Amanda L. Brock
Direct Fax Number 239.344.1543
Direct Dial Number 239.344.1269
E-Mail: amanda.brock@henlaw.com

January 14, 2014

VIA ELECTRONIC MAIL

David Crawford
Southwest Florida Regional Planning Council
1926 Victoria Ave.
Fort Myers, FL 33901
dcrawford@swfrpc.org

Re: Shell Point Map H Revisions (Lee County Case DRI2013-00007)

Dear Mr. Crawford:

As you are aware, this firm represents the Christian and Missionary Alliance Foundation, Inc. in its application to Lee County to modify Map H of the Shell Point Development of Regional Impact (State DRI # 9-74-001). Given the nature and very limited scope of the Lee County application, we would appreciate your written confirmation that we are not required to file a NOPC in connection with this request.

As discussed, the modifications we are seeking are extremely minor and ministerial in nature. In fact, the modifications are intended as a "housekeeping" measure given the various changes made to Map H over the years which are not necessarily reflected in the most efficient manner on Map H in its current form. There are no proposed changes in intensity or density, and no proposed reductions in open space, buffering, or preservation areas. Indeed, there are no external impacts contemplated as a result of the proposed changes. For example, the Map H modifications we are requesting in our application to Lee County include re-allocating uses to a parcel of land previously reserved solely for utility use. However, no acreage is being added as a result of this request, nor again are we seeking to increase density or intensity. Rather, we simply recognize that Parcel F was too large for its intended use of "utility services/maintenance." Therefore, the Applicant seeks to create a new Parcel "L," carved out of a portion of Parcel F, and allow those uses already approved for the DRI to be placed within Parcel L.

In addition, for ease of reference, we have attempted to present the Table of Uses on Map H in a more readable format. In light of significant changes to the medical industry

Henderson, Franklin, Starnes & Holt, P.A.

David Crawford
Southwest Florida Regional Planning Council
January 14, 2014
Page 2

over the years, we have also attempted to clarify the types of assisted living facilities Shell Point provides to its residents. These are terminology changes that do not result in an increase in density or intensity, nor do they create any external impacts.

As you can see, the minor changes Applicant is proposing to the DRI do not create external impacts, do not increase intensity or density, and do not reduce open spacing, buffering, landscaping or preservation areas. The criteria for additional evaluation presented under §380.06, F.S. are simply not present; therefore, we would submit that review over and above the Lee County application is neither required nor warranted. As a consequence, we are requesting a letter from you indicating that the filing of a formal NOPC is unnecessary and, further, confirmation that the requested minor modifications to the DRI are acceptable.

Please do not hesitate to contact me should you require additional information in your review of this request. Thank you for your attention to this matter.

Very truly yours,



Amanda L. Brock

ALB/ab

cc: Pam Houck
Chip Block
Tina Ekblad
Bob Southern
Charles Basinait, Esq.



Southwest Florida Regional Planning Council

1926 Victoria Ave, Fort Myers, Florida 33901-3414 (239) 338-2550 FAX (239) 338-2560 www.swfrpc.org

February 9, 2014

Ms. Amanda Brock
Henderson, Franklin, Starnes & Holt, P.A.
1715 Monroe Street
Fort Myers, Florida 33901

**Re: Shell Point DRI Map H Revisions
State DRI #9-74-001
Lee County Case DRI2013-0007**

Dear Ms Brock:

In Response to your letter dated January 14, 2014 regarding the need for a Notice of Proposed Change (NOPC) concerning the proposed changes to the Shell Point Village Development of Regional Impact (DRI). This DRI is a substantially built-out community located in Lee County, south of the Caloosahatchee River, north of Summerlin Rd., and west of San Carlos Blvd.

As we discussed, the applicant intends to modify the approved DRI Map H to divide a parcel of land (Parcel F) that was previously reserved solely for a utility use and to amend the Map H Table of Uses in order to make it more readable and to clarify the types of assisted living facilities that Shell Point Village provides to its residents. Specifically, Parcel F, as identified on Map H, has been determined by the applicant to be larger than is required for the utility and maintenance uses that were originally approved for the parcel. Therefore, the applicant is seeking to create a new parcel (Parcel L) that will be carved out of the existing Parcel F and to allow some of the previously approved residential units to be transferred to the new parcel.

Based on the information submitted for review, Council staff has concluded that a NOPC will not be necessary in this case for the following reasons:

1. The proposed changes will not result in any net changes to the overall density or intensity of the approved development in the DRI;
2. The proposed changes will not result in any increase in environmental impacts and no wetlands or other environmentally sensitive lands currently preserved on the DRI site will be affected by the change;
3. The stormwater management systems that have been approved and constructed for the development will not be substantially changed;
4. The proposed changes will not affect any of the buffering or open space requirements of the development;

5. The proposed changes will not produce any additional vehicle trips or produce any additional off-site transportation impacts to the regional roadway network that were not previously approved; and
6. No other adjacent local jurisdictions will be impacted by the proposed changes.

Given the above information, Council staff finds that this request will not create a reasonable likelihood of any additional impacts to regional resources or facilities or have any multi-jurisdictional impacts that were not previously reviewed by the regional planning agency. Additionally, given the evidence provided, Council staff finds that the requested changes are in accordance with 380.06(19)e.2, F.S. which states:

“The following changes, individually or cumulatively with any previous changes, are not substantial deviations.” Sections a. through l. identifies the types of changes that are not substantial deviations to approved DRIs and Section i. specifically states;

- i. Any renovation or redevelopment of development within a previously approved development of regional impact which does not change land use or increase density or intensity of use.

The Department of Economic Opportunity in the past has found that these types of changes, because they are minor and do not increase regional impacts or negatively impact regional resources or facilities, do not require NOPC review in an attempt to streamline the DRI review process.

Should you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely,

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL



David E. Crawford, AICP
Principal Planner/DRI Coordinator

Dec/DEC

Cc: Pam Houck, Lee County, Department of Community Development
Chip Block, Lee County, Department of Community Development

SEVENTH DEVELOPMENT ORDER AMENDMENT¹
 FOR
 SHELL POINT (f/k/a SANDPIPER COVE)
 A DEVELOPMENT OF REGIONAL IMPACT
 STATE DRI #9-74-001

LET IT BE KNOWN THAT on December 18, 1973, the Board of County Commissioners of Lee County, Florida, heard at a public hearing an Application for Development Approval for the Sandpiper Cove Development of Regional Impact. As originally proposed, the project consisted of 2,208 dwelling units, 200,000 square feet of commercial uses and 200-room hotel. After consideration of the consistency of the development with the regulations and the report from the Southwest Florida Regional Planning Council, the Lee County Board of Commissioners denied the application. The DRI was subsequently reconsidered by the Board on May 29, 1974. Based on certain modifications to the development plan, the DRI Development Order was approved by the Board of County Commissioners on July 12, 1974.

WHEREAS, the DRI development order was subsequently amended by the County on July 28, 1976; and

WHEREAS, the Sandpiper Cove DRI is subject to the terms set forth in the Final Consent Judgment of *Stardial Investment Company v. Lee County* in the United States District Court for the Middle District of Florida Case No. 83-77-CIV.FT.M-17 dated February 6, 1986; and

WHEREAS, the development identified in the Consent Judgment contemplates a host of residential and commercial development east of Shell Point Boulevard. Since the approval of the original DRI, all property located west of Shell Point Boulevard within the DRI has been dedicated to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida; and

WHEREAS, the development order was subsequently amended on March 19, 2001 to: (1) amend the legal description by deleting all property west of Shell Point Boulevard conveyed to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida to reflect a total of 346.65 acres, including the addition of 61.92 acres; (2) reduce

¹This is a codification and restatement of all development orders and related actions rendered for the Shell Point DRI, including actions taken on July 12, 1974, July 28, 1976, February 6, 1986 (Stardial/Settlement Agreement), March 19, 2001, February 24, 2004, September 25, 2007, February 16, 2009, June 23, 2009, and December 6, 2011, and May 7, 2014.

commercial from 200,000 to 170,000 square feet; (3) reduce hotel rooms from 200 to 115; and, (4) change the name of the DRI from Sandpiper Cove DRI to Shell Point DRI; and

WHEREAS, the Shell Point DRI Development Order was subsequently amended by Board action on February 24, 2004 to amend Map H to relocate an access on Davis Road; on September 25, 2007 to grant a three-year extension to the buildout, phase and expiration dates in accord with 2007 Florida Legislature House Bill 7203; and, February 16, 2009 to: (1) extend the buildout date to December 31, 2020 (a cumulative extension of 13 years and 334 days); (2) revise conditions to establish a biennial monitoring report requirement; and, (3) amend Map H to reflect the existing development; and

WHEREAS, subsequent to the Fourth Amendment to the DRI Development Order approved February 16, 2009, an error was discovered with respect to Transportation Condition 11.D.1.c; and

WHEREAS, the error in condition 11.D.1.c. was minor and capable of correction in accord with the provisions of F.S. 380.06(19)(e)1; and

WHEREAS, Lee County Board of County Commissioners gave consideration to the applicant's petition and recommendation of County Staff on June 23, 2009; and

WHEREAS, on June 2, 2011, House Bill 7207 (HB 7207) was signed into law by the Governor of the State of Florida. HB 7207, as codified in Chapter 2011-139, Laws of Florida, authorizes a four year extension for all valid DRI Development Orders. At the option of the developer, all commencement, phase, buildout and expiration dates for valid Developments of Regional Impacts may be extended by four (4) years regardless of previous extensions issued in the past; and

WHEREAS, on August 1, 2011, Lee County received a request to extend the DRI compliance dates as contemplated under HB 7207; and

WHEREAS, on December 6, 2011, the Board found the Shell Point DRI qualified for the extension of the DRI compliance dates and approved the Sixth Amendment to the DRI Development Order to extend the buildout date to December 31, 2024;

WHEREAS, on November 14, 2013, Lee County received a request to amend Map H of the Shell Point DRI to reduce the size of Parcels D and F by creating a new Parcel L and allocating approved uses to new Parcel L while clarifying terminology of uses on the Proposed Uses table of Map H;

WHEREAS, this request was made pursuant to F.S. 380.06(19)(e)(2)(k) as the requested change does not increase the number of external peak hour trips nor does it reduce open space and conserved areas within the project and therefore does not require the filing of a notice of proposed change; and

WHEREAS, the Board found the proposed amendments as conditioned do not constitute a substantial deviation.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Lee County, Florida, that the Development Order for the Shell Point DRI is hereby amended as follows.

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. The Shell Point DRI is a mixed use development in Lee County that consists of 346.65 acres. The development is proposed to include 1,800 dwelling units, 170,000 square feet of commercial uses (30,000 square feet general retail, 10,000 square feet high turnover restaurant, 40,000 square feet general office, 40,000 square feet medical office, and 50,000 square feet corporate office), a 115-room hotel and an 18-hole golf course in accord with the master plan of development (Map H) depicted on attached Exhibit A. Consistent with the terms of the Final Consent Judgment, the Developer also has 408 dwelling units available as transferable TDRs.

B. The legal description is set forth in attached Exhibit "B".

C. The subject property is zoned residential planned development and commercial planned development pursuant to the terms of the Final Consent Judgment (Exhibit C) and Lee County Zoning Resolutions Z-99-072 and Z-04-035 (Exhibits "D" and "E").

D. The proposed development is not located in an area designated as an Area of Critical State Concern pursuant to §380.05, Florida Statutes.

E. The proposed project does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan.

F. The proposed project has been reviewed by the Southwest Florida Regional Planning Council and is the subject of the report and recommendations adopted by that body.

G. The proposed conditions below satisfy the criteria found in §380.06(15)(d), Florida Statutes.

H. The proposed development, as conditioned in the Final Consent Judgment, zoning resolutions, and this DRI development order, is consistent with the adopted Lee County Comprehensive Plan.

I. Shell Point DRI qualified for the statutory three-year extension to all phase, buildout and expiration dates granted under House Bill 7203 (amending F.S. §380.06(19)(c)). The Board of County Commissioners granted the extension pursuant to Lee County Resolution 07-09-47, as the Third Amendment to the Sandpiper Cove DRI Development Order, adopted on September 25, 2007.

J. Shell Point DRI qualified for the statutory four-year extension to all phase, buildout and expiration dates granted by HB 7207, signed into law by the Governor of the State of Florida on June 2, 2011 (as codified in Chapter 2011-139, Laws of Florida). The four-year extension is not a substantial deviation, is not subject to further Development of Regional Impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under F.S. §380.06(19)(c).

II. ACTION ON REQUEST AND CONDITIONS OF APPROVAL

A. The name of the subject project is Shell Point DRI.

B. All lands located to the west of Shell Point Boulevard have been deleted from the boundaries of the DRI. These lands were dedicated to the Internal Improvement Trust Fund of the State of Florida on September 30, 1999. The remainder of the property located east of Shell Point Boulevard, excluding the 61.92 acres added as part of the 2001 DRI Development Order Amendment, is subject to the development conditions set forth in the final consent judgment of *Stardial Investment vs. Lee County*, Case No. 83-77-CIV.FT.M-17, attached as Exhibit "C". The development parameters of the project are set forth in Exhibit "F" (Land Use and Development Phasing Schedule). Development of the 61.92± acres must be in conformity with Resolutions No. Z-99-072 (Shell Point Health Care Facility) and Z-04-035.

C. The buildout date for the project is December 31, 2024.

D. TRANSPORTATION

1. Biennial Transportation Monitoring Program

a. *Design of Monitoring Program.*

The transportation monitoring program will be designed in cooperation with the Lee County Department of Transportation, the Florida Department of Transportation (FDOT), the Southwest Florida Regional Planning Council (SWFRPC), and the Florida Department of Community Affairs (FDCA) prior to submittal of the first report. The methodology of the transportation monitoring report may be revised if agreed upon by all parties.

b. *Submittal of Monitoring Report.*

The developer must submit a biennial transportation monitoring report to the following entities for review and approval: Lee County Department of Transportation, FDOT, SWFRPC, and FDCA. The first monitoring report will be submitted within one year after the effective date of the DRI development order². Once the transportation monitoring report has been submitted, a report must be submitted biennially thereafter until project buildout, whether actual or declared.

c. *Minimum Requirements for Report Contents.*

At a minimum, the monitoring report will measure the project's actual external roadway impacts and the level of service conditions on the impacted roadways and intersections, and determine the timing for needed improvements. The traffic monitoring report must also contain the following information:

- (1) Peak season P.M. peak hour traffic counts with turning movements at the project's external access points and on the following intersections:

McGregor Boulevard at Shell Point Boulevard
McGregor Boulevard at Summerlin Road

- (2) The monitoring report must also estimate levels of service on the following roadways:

McGregor Boulevard from Shell Point Boulevard to Cypress lake Drive Summerlin Road

²The first monitoring report was due March 19, 2002.

Shell Point Boulevard from McGregor Boulevard to project entrances
 McGregor Boulevard from Pine Ridge Road to Cypress Lake Drive

- (3) The monitoring report must also confirm the status of the following roadways assumed to be committed in the in the DRI NOPC traffic study:

Gladiolus Drive from Pine Ridge Road to Winkler Road, widening to four lanes.

2. *Development phasing / Buildout.*

The traffic impact assessment upon which this Development Order is based assumes expected completion of Phase 1 on December 31, 2015 and buildout of the development on December 31, 2024. The traffic impact assessment included the expected impacts of the proposed land use and phasing schedule attached as Exhibit F.

3. *Site Related Improvements*

The developer must, at no cost to Lee County, fund the full cost of constructing all site related improvements serving the Shell Point DRI. The need for site related improvements will be as determined by the Lee County Engineer.

The developer is not entitled to road impact fee credits or an offset against the DRI proportionate share for the construction of site-related improvements or the dedication of land encumbered by the site-related improvements.

4. *Traffic Mitigation.*

Based upon the April 2008 DRI traffic analysis submitted to support extension of the buildout date to 2020, the impacts to the transportation network will be mitigated through the payment of roads impact fees.

E. VEGETATION AND WILDLIFE/WETLANDS:

1. The developer will eradicate invasive exotic vegetation from the site on a phased basis, in accordance with the local development order approvals, and Army Corps of Engineers (ACOE) and South Florida Water Management District (SFWMD)

permit requirements. Invasive exotics are those species identified in Lee County Land Development Code Section 10-420(h). Once the invasive exotics have been eradicated, the site must be maintained in accordance with County regulations to prevent the return of invasive exotics.

2. The design for the golf course will incorporate the retention of large slash pines for utilization as perch trees for bald eagles. This requirement will not be interpreted in a manner to impair good golf course design.

3. Where consistent with the permit issued by the SFWMD, the Developer is encouraged to construct shallow lakes with draw down pools and wetland plantings in an effort to create additional wildlife habitat value.

4. Prior to the issuance of a final local development order for site work on Parcels H or I, the Developer must demonstrate that the proposed development activity is consistent with the adopted Eagle Management Plan (Exhibit G).

5. The developer must comply with the Eagle Management Plan attached as Exhibit G.

F. STORMWATER

1. The Developer, the Property Owner's Association, or the Uniform Community Development District will utilize Best Management Practices for the use of fertilizer, consistent with the soil and climatic conditions. The use of Best Management Practices will stipulate that only controlled release or slow release fertilizers will be used by the Property Owner Association or Uniform Community Development District for common areas unless soil or climatic conditions dictate otherwise.

2. No grasses that require mowing are allowed within six horizontal feet of the control elevation, except where needed for erosion control. Littoral zone plants that do not require mowing or fertilization should be planted in these areas when possible.

3. Clearing and grubbing will be scheduled and performed so that grading operations can follow thereafter. Grading operations will be scheduled and performed so that permanent erosion control features can follow thereafter, if conditions on the project permit, and the project is not beyond the time limits established in the National Pollution Discharge Elimination System (NPDES) general construction permit.

4. Silt fences or silt screens will be installed prior to land clearing to protect water quality and to identify areas to be protected from clearing activities. The fences or screen must be maintained until the construction is complete and all soil is stabilized.

5. Floating turbidity barriers or other devices must be in place on any flowing systems or in open water lake edges prior to initiation of earthwork and maintained until all soil is stabilized.

6. The site contractors must manage turbidity from construction dewatering using structural best management practices (BMPs) prior to discharge to receiving waters. Structural BMPs may include but are not limited to vegetated systems, detention systems (e.g., sedimentation basins), geotextiles, and other methods. The site will be managed to ensure that turbidity and other pollutants from construction dewatering on the property will be performed in a manner that meets the requirements of the State Water Quality Standards, and any requirements of the NPDES general permit for construction.

7. Exposed soils must be stabilized in accordance with NPDES Construction Activities Permit. Stabilization methods include solid sod, seeding, and mulching or hydro mulching to provide a temporary or permanent grass cover.

8. The developer must require contractors to implement storm drain inlet protection (such as hay bales or gravel) to limit sedimentation within the stormwater system.

9. Energy dissipaters (such as rip rap, gravel beds, hay bales) must be installed at the discharge point of pipes or swales if scouring is observed.

10. Any silt barriers and any anchor soil, as well as accumulated silt, must be removed upon completion of construction and the stabilization of the soil. The entities responsible for the specific construction activities requiring these measures are responsible for having them removed upon completion of construction.

11. Any development within the FEMA floodplain will have finished floor elevations that meet or exceed the 100 year three day storm event for the adjacent water course as calculated by the backwater profile for the respective conveyance. Compensating storage will be required to address lost storage through the SFWMD permit process and requirements.

12. A Master Water Management Plan will be developed for the site as part of the Environmental Resource Permit (ERP) construction permit process. The Master Stormwater Management System will be maintained by developer or their legal designee. The developer will establish one or more legal operating entities, in accordance with the SFWMD Basis of Review, to maintain the internal stormwater management system.

13. Stormwater lakes must include adequate maintenance easements around the lakes, with adequate access to a trail or roadway, as required by County regulations.

14. Any shoreline banks created along the on-site stormwater management system must include littoral zones constructed on slopes consistent with SFWMD, Florida Department of Environmental Protection (FDEP), and Lee County requirements and be planted in native emergent or submergent aquatic vegetation. The developer must ensure, by supplemental replanting as necessary, that at least 80% cover by native aquatic vegetation is established within the littoral zone planting areas for the duration of the project. Isolated wading bird "pools" may be constructed to provide aquatic habitat for mosquito larvae predators, such as *Gambusia affinis*, and foraging areas for wading bird species, such as wood stork consistent with SFWMD, FDEP, and County requirements.

15. The developer must conduct annual inspections in accordance with the conditions of the approved SFWMD Environmental Resource Permit (ERP), of the Master Stormwater Management System and any preserved/enhanced wetland areas on the project site to ensure that these areas are maintained in keeping with the final approved designs, and the water management system is capable of accomplishing the level of stormwater storage and treatment for which it was intended.

16. The owner or manager of commercial properties must undertake a regularly scheduled vacuum sweeping of streets and impervious parking areas. The developer may institute this requirement through deed restrictions.

17. The treatment system will provide equal or greater post development storage volume for the 100 year-3 day event than provided by predevelopment conditions.

18. Design considerations will be given to ditch and swale slopes, where practicable, so that these facilities provide some additional water quality treatment prior to discharge. Treatment swales must be planted with vegetation as reviewed and approved during the ERP approval process, and where practicable, landscape islands must accommodate the detention of runoff. Design consideration will be given to the use of pervious construction materials for the surfaces of trails, walkways, and non-vehicular travelways.

19. Any debris that may accumulate in project lakes, ditches or swales, or which may interfere with the normal flow of water through discharge structures and under drain systems, must be cleaned from the detention/retention areas on a regular basis. Any erosion to banks must be repaired.

20. Stormwater runoff will be minimized through a variety of rainwater harvesting techniques that may include cisterns, rainwater gardens, bottomless planter boxes, green roofs and pervious surfaces.

21. Landscape irrigation will be provided first through the use of reuse water, where reasonably available, and surface water from lakes. Ground water will be used to replace the surface water withdrawn for irrigation water.

G. WASTEWATER AND REUSE

1. The wastewater, and reclaimed water systems will be designed and installed consistent with all applicable regulations of Lee County, the health department, and all applicable state and federal regulations and the wastewater system will comply with SWFRPC Resolution 2007-2 to the extent adopted by Lee County.

2. The cost for all off-site sewer facilities to provide suitable transmission capacity for the project will be the responsibility of the applicant.

3. The Developer will utilize water conservation devices and methods necessary to meet the criteria established for water conservation measure as permitted by Lee County.

4. The Developer must install reuse lines, as appropriate, for irrigation of landscaped common areas. When additional reuse is available, reuse lines will be provided to individual users for irrigation.

5. Use of septic systems is prohibited.

6. Landscape irrigation will be provided first through the use of reuse water, where available, and surface water from lakes. Ground water will be used to replace the surface water withdrawn for irrigation water. The Developer, and any other contractors, or site developers who will use ground water, or surface water for landscape irrigation, and who will include dewatering as part of the construction activity will do so in accordance with any issued permit or must obtain the appropriate permits from the SFWMD.

H. LANDSCAPE

1. *Drought-Tolerant Landscaping.* The use of native landscaping and the Florida Yards and Neighborhoods Program principles will be incorporated throughout the project site. Plant material used for landscaping must conform to the standards for Florida Number 1, or better as given in *Grades and Standards for Nursery Plants* (1998

or latest) and *Grades and Standards for Nursery Plants Florida Department of Agriculture and Consumer Services*, Tallahassee, Florida.

2. The Developer will, in cooperation with Lee County, develop landscape standards applicable to the new development areas of Shell Point and memorialize these requirements in the planned development zoning resolution to be processed and approved concurrently with this Development Order. As a part of the landscape plan the Developer will include a program for the transplanting and/or preservation of "heritage trees".

3. Fertilizer application practices will be consistent with those described in the Lee County fertilizer ordinance. The fertilization guidelines will additionally comply with SWFRPC Resolution 2007-1 to the extent adopted by the County.

4. The plants listed on the Florida Exotic Pest Plant Council's 2007 List of Invasive Plant Species attached as Exhibit H are prohibited for use as a part of the landscape palette and may not be used as a part of the landscape material to be installed on the project site.

5. *Low Flow Fixtures.* Low volume plumbing fixtures will be installed in all new homes and businesses. The plumbing fixtures will comply with the following maximum flow volumes at 80 psi:

Toilets:	1.6 gallons per flush
Showerheads:	2.5 gallons per minute
Faucets:	2.0 gallons per minute

6. The Developer will distribute literature to households describing water conservation practices.

7. *Irrigation System Design.* Rain sensors and/or soil moisture sensors are required for irrigation systems within the project site in order to preclude irrigation during rainfall events. The project will install low flow irrigation systems for common areas.

I. **ENERGY**

1. All community recreational facilities and businesses will be encouraged to have bicycle parking facilities located closer to the building entrances than non-disabled parking spaces.

2. Window design, as well as other design features such as building orientation, solar roof access, overhangs, shading through landscape or interior shades,

porches, free standing walls, fences, louvers, awnings, or shutters will be considered to optimize energy efficiency.

3. The material choices for streets, parking lots, sidewalks, and the trail system will be selected to reduce the heat island effect. Alternatives to impervious pavement, and the use of open areas, landscaping and shade trees will be used where practical.

4. 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.

5. A primarily native plant palette will be used throughout the community. Additionally, Developer will strive to use innovative irrigation technology, such as drip irrigation, moisture sensors, and micro spray heads to reduce irrigation water use.

6. Commercial and residential buildings must comply with the Florida Energy Efficiency Code for Building Construction.

7. Site development must comply with the Florida Green Building Coalition Certification Standards or equivalent green building standards.

8. Air conditioning units for all residential structures and all commercial structures must have a Seasonal Energy Efficiency Rating (SEER) of 14 or higher.

9. All thermostats installed in a structure must be programmable.

10. Lighting for streets, parking, recreation and other public areas must include energy efficient fluorescent/electronic ballasts, 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.

11. All recreational areas as well as the integrated sidewalks, trails, and paths must include native shade trees where design allows.

III. LEGAL EFFECT AND LIMITATIONS OF THIS DEVELOPMENT ORDER AND ADMINISTRATIVE REQUIREMENTS.

A. Resolution. This Development Order constitutes a resolution of Lee County adopted by the Board of County Commissioners in response to the DRI NOPCs, amendments and related actions filed for the Shell Point DRI.

B. Additional Developer Commitments. All commitments and impact mitigating actions volunteered by the Developer in the Application for Development Approval (ADA) and supplementary documents that are not in conflict with conditions or stipulations specifically enumerated herein are incorporated by reference into this Development Order. This specifically includes the Eagle Management Plan attached hereto as Exhibit "G."

C. Master Plan of Development. Map H, stamped received on November March 7, 20082014, is attached hereto as Exhibit "A," and is incorporated by reference. As to Parcels A through G and L, the Developer may modify the Master Plan of Development by relocating units, roads and amenities so long as the revised plan does not exceed the number of units, expand the developable area boundaries to encroach on parcel E or exceed the height limitations established by the Final Consent Judgment attached as Exhibit "C". As to Parcels H through K, the Developer may modify the boundaries of development areas and the location of internal roadways to accommodate topography, vegetation, market conditions, traffic circulation, or other site related conditions as long as the modification meets local development regulations. However, the preceding provisions may not be used to reduce the size of wetland preserve areas. Precise wetland boundaries will be determined by the South Florida Water Management District, as delegated by the Department of Environmental Protection and the Army Corps of Engineers.

D. Binding Effect. This Development Order is binding upon the Developers, and its assignees or successors in interest. Where the Development Order refers to lot owners, business owners or other specific references, those provisions are binding on the entities or individuals referenced. Those portions of this Development Order that clearly apply only to the project Developer are binding upon any builder/Developer who acquires a tract or parcel of land within the DRI. The Developer may impose or pass on the requirements of this DRI Development Order to ultimate purchasers through covenants that run with the land.

E. Reliance. The terms and conditions and phasing schedule set out in this Development Order constitute a basis upon which the Developer and the County may rely in future actions necessary to fully implement the final development contemplated by this Development Order. The development parameters and phasing schedule upon which this Development Order approval is based are set forth in Exhibit "F." Changes to the development mix or phasing schedule may require a re-analysis of project impacts in order to rebut a presumption of substantial deviation.

F. Successor Agencies. References to governmental agencies will be construed to mean future instrumentalities that may be created and designed as successors in interest to, or which otherwise possess the powers and duties of, the

referenced governmental agencies in existence on the effective date of this Development Order.

G. Severability. If any portion or section of this Development Order is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, that decision will not affect the remaining portions or sections of the Development Order, which will remain in full force and effect.

H. Applicability of Regulations. This Development Order does not negate the Developer's responsibility to comply with federal, state, regional and local regulations except to the extent that those regulations are inconsistent with the Final Consent Judgment attached as Exhibit "C."

I. Further Review. Subsequent requests for local development permits do not require further DRI review pursuant to §380.06, Florida Statutes. However, upon a finding by the Board that any of the following conditions exist, the Board must order a termination of all development activity in that portion of the development affected by the substantial deviation until a DRI Application for Development Approval, Notice of Substantial Deviation or Notice of Proposed Change has been submitted, reviewed and approved in accordance with §380.06, Florida Statutes.

1. There is 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 that have not been evaluated in the review by the Regional Planning Council; or
2. Expiration of the period of effectiveness of the Development Order. Any request to extend the effectiveness of this Development Order will be evaluated based on the criteria for the extension of the buildout date set forth in §380.06(19), Florida Statutes.
3. Conditions in the development order that specify circumstances in which the development will be required to undergo additional DRI review.

J. Commencement of Physical Development. Substantial physical development of the project has already commenced. Further development must occur in accordance with the land use and phasing schedule set forth in Exhibit "F."

K. Buildout and Termination Dates. The project has a buildout date of December 31, 2024. There is no stated termination date for this project.

L. Assurance of Compliance. The administrative director of the Lee County Department of Community Development, or their designee, will be the local official responsible for assuring compliance with this Development Order. Lee County is primarily responsible for monitoring the development and enforcing the provisions of the development order. No permits or approvals will be issued if the developer fails to act in substantial compliance with the development order.

M. Credits Against Local Impact Fees. Pursuant to §380.06(16), the Developer may be eligible for credits 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. However, no credit will be provided for internal on-site facilities required by County regulations, site related improvements, or to any off-site facilities to the extent those facilities are necessary to provide safe and adequate services to the development.

N. Protection of Development Rights. Due to the effect of the Final Consent Judgment, the project will not be subject to down-zoning, unit density reduction, intensity reduction or prohibition of development.

O. Monitoring Reports. The Developer must submit a report biennially to the Lee County Department of Community Development, the SWFRPC and Florida DCA on Form RPM-BSP-Annual Report-1. The content of the report must include the information set forth in Exhibit "I", and must also be consistent with the rules of the FDCA. The first monitoring report must be submitted to the DRI coordinator for SWFRPC, DCA, and Lee County not later than one year after the effective date of this Development Order³. Further reporting must be submitted every two years for subsequent calendar years thereafter, until buildout, whether actual or declared. Failure to comply with this reporting procedure is governed by §380.06(18), Florida Statutes, which provides for the temporary suspension of the DRI Development Order.

The Developer must file the annual monitoring reports until actual or declared buildout of the project. The Christian & Missionary Alliance is the party responsible for filing the annual monitoring reports until one or more successor entities are named in the development order. The Developer must inform successors in title to the undeveloped portion of the real property covered by this Development Order of the annual reporting requirement. Tenants or owners of individual lots or units have no obligation to comply with this reporting condition.

³The first report was due on March 19, 2002.

P. Transmittal and Effective Date. The County will forward certified copies of this Development Order to the SWFRPC, the Developer, and appropriate state agencies. This Development Order is rendered as of the date of that transmittal, but will not be effective until the expiration of the statutory appeal period (45 days from rendition) or until FDCA has completed their review and has determined not to take an appeal should that occur prior to the expiration of the 45-day period or until the completion of any appellate proceedings, whichever time is greater. In accordance with the requirements of §380.06(15)(f), Florida Statutes, once this development order is effective, the Developer must record notice of its adoption in the office of the Clerk of the Circuit Court of Lee County.

Commissioner John Manning made a motion to adopt the Seventh Development Order Amendment, seconded by Commissioner Cecil L Pendergrass. The vote was as follows:

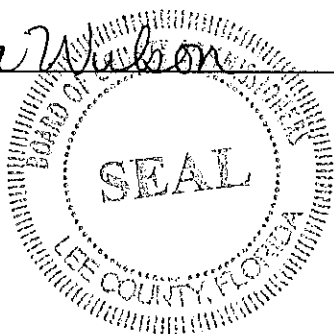
John E. Manning	Aye
Cecil L Pendergrass	Aye
Larry Kiker	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 7th day of May, 2014.

ATTEST:
Linda Doggett, Clerk

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

Marcia Wilson
Deputy Clerk



By: Brian Hamman
For: Larry Kiker, Chair

APPROVED AS TO FORM
By: Neysa Borkert
Neysa Borkert,
County Attorney's Office

Exhibits:

- A. Revised Map H, dated ~~November 14, 2013~~ March 07, 2014
- B. Legal Description
- C. Final Consent Judgment
- D. Z-99-072
- E. Z-04-035
- F. Development Parameters/Phasing Schedule
- G. Eagle Management Plan
- H. Florida Exotic Pest Plant Council's 2007 List of Invasive Plant Species
- I. Biennial Monitoring Report

BURCH**SURVEYING & MAPPING, INC.****OVERALL LEGAL DESCRIPTION**

ALL THAT PART OF SECTIONS 2, 3, AND 11, INCLUDING LOT "A" LYING IN, MCGREGOR MOBILE MANOR, PLAT BOOK 28 AT PAGES 151 AND 152, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 2; THENCE NORTH 88°59'18" EAST ALONG THE NORTHERLY LINE OF SAID SECTION 2 A DISTANCE OF 1325.40 FEET TO THE NORTHEAST CORNER OF THE EAST HALF OF GOVERNMENT LOT 4 OF SAID SECTION 2; THENCE SOUTH 00°59'06" EAST ALONG THE EASTERLY LINE OF THE EAST HALF OF SAID GOVERNMENT LOT 4 A DISTANCE OF 25.00 FEET TO A POINT ON A LINE 25.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF THE WEST HALF OF GOVERNMENT LOT 3 OF SAID SECTION 2; THENCE N88°59'18"E ALONG SAID PARALLEL LINE A DISTANCE OF 629.68 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF DAVIS ROAD HAVING A WIDTH OF SIXTY SIX FEET AS RECORDED IN DEED BOOK 264 AT PAGE 161 AMONG THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE SOUTH 00°58'29" EAST ALONG SAID WESTERLY LINE OF DAVIS ROAD A DISTANCE OF 2626.69 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 2; THENCE SOUTH 89°01'28" WEST ALONG SAID SOUTH LINE A DISTANCE OF 629.23 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 2; THENCE SOUTH 01° 02'30" EAST ALONG THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 2 A DISTANCE OF 2428.09 FEET TO A POINT, SAID POINT BEING THE NORTHWEST CORNER OF UNDIVIDED LOT "A" OF SAID MCGREGOR MOBILE MANOR AS RECORDED IN PLAT BOOK 28 AT PAGE 151 AMONG SAID PUBLIC RECORDS OF LEE COUNTY; THENCE NORTH 89°03'04" EAST ALONG THE NORTHERLY LINE OF SAID LOT "A" A DISTANCE OF 626.40 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF AFOREMENTIONED DAVIS ROAD; THENCE SOUTH 00°58'29" EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 111.11 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF S.R. 867 (MCGREGOR BOULEVARD) ALSO BEING THE NORTHWESTERLY RIGHT-OF-WAY LINE OF C.R. 869 (SUMMERLIN ROAD); THENCE SOUTH 62°57'52" WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 572.76 FEET TO A POINT ON THE ARC OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 3929.72 FEET; THENCE WESTERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 10°01'28" AN ARC DISTANCE OF 687.54 FEET; THENCE SOUTH 62°57'52" WEST ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 329.61 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SHELL POINT BOULEVARD AS RECORDED IN O.R. BOOK 704 AT PAGE 613 AMONG SAID PUBLIC RECORDS OF LEE COUNTY; THENCE NORTH 28°10'45" WEST ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 4698.83 FEET TO THE BEGINNING OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 6942.69 FEET; THENCE NORTHWESTERLY AND NORTHERLY ALONG SAID NORTHEASTERLY RIGHT-OF-WAY THROUGH A CENTRAL ANGLE OF 06°23'05" AN ARC DISTANCE OF 773.66 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 8773.74 FEET; THENCE NORTHERLY AND NORTHWESTERLY ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 06°44'03" AN ARC DISTANCE OF 1031.21 FEET TO AN INTERSECTION WITH THE NORTHERLY LINE OF SAID SECTION 3; THENCE NORTH 88°50'13" EAST ALONG SAID NORTHERLY LINE A DISTANCE OF 2381.30 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED AND CONTAINING 346.65 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

PREPARED BY:

BURCH SURVEYING & MAPPING, INC.

JAMES D. BURCH, P.S.M.
FLORIDA LICENSE NO. 5527

DATE: 1-29-01

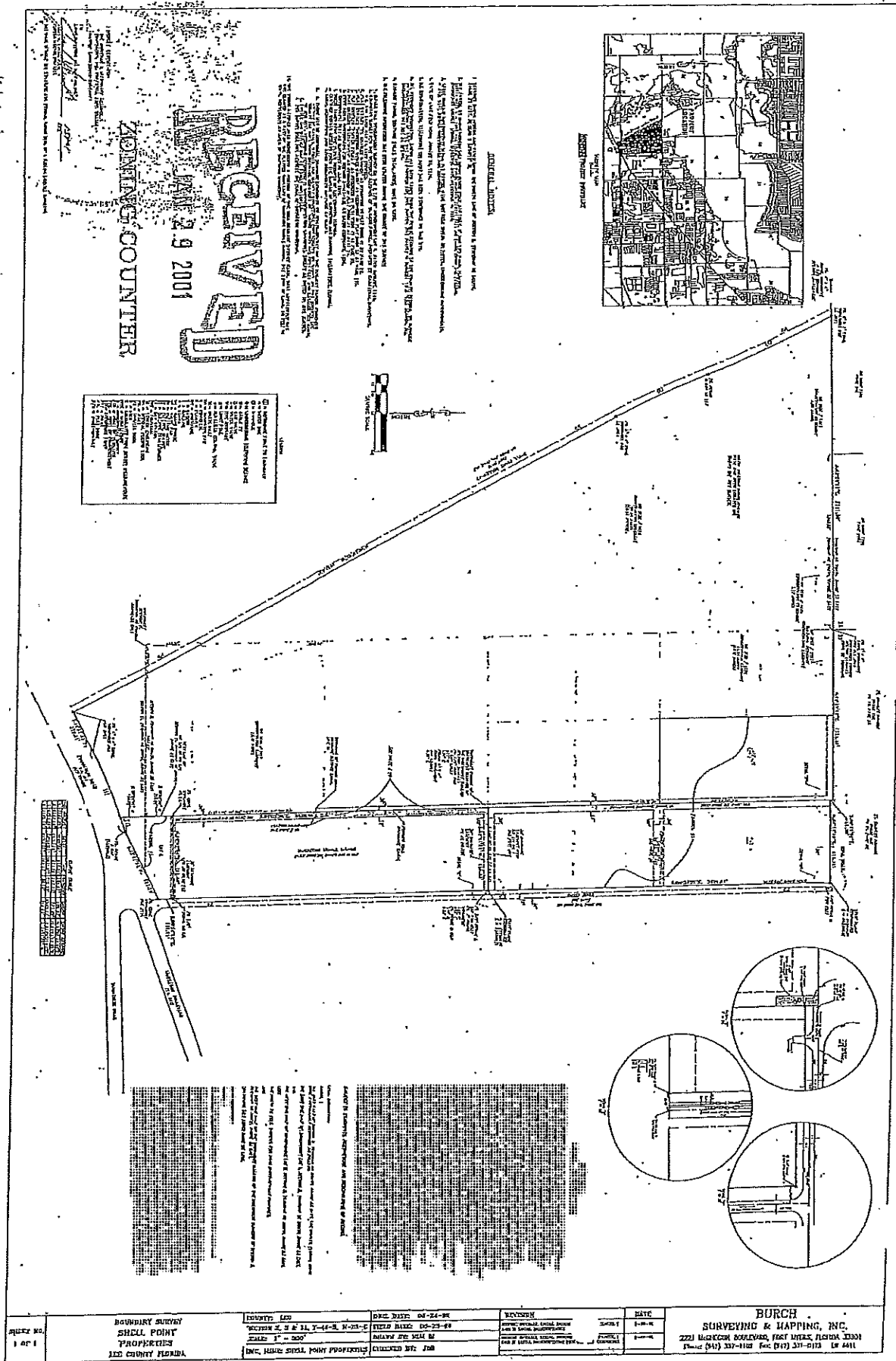
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ZONING COUNTER

2223 McGregor Boulevard, Fort Myers, Florida 33901
Phone: (941) 337-1109 Fax: (941) 337-0173

EXHIBIT B

DRI 964163



DRI 964163

STARDIAL INVESTMENTS COMPANY
FINAL CONSENT JUDGMENT

EXHIBIT C

S:\LUDR\DRIFTDRI\Shell Point DRI - 4th Amendment\wpd
CAO DRAFT 6/16/08

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA

STARDIAL INVESTMENTS COMPANY

Plaintiff

LEE COUNTY, et al.

Defendants

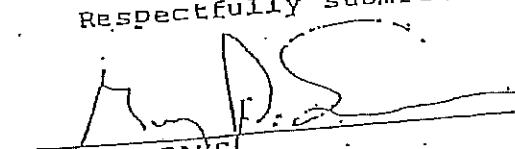
83-77-CIV.FT.M-17

FILED
FT. MYERS, FLA.
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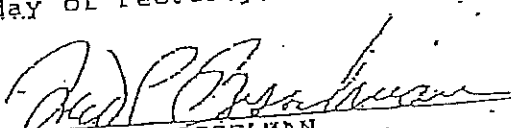
PLAINTIFF'S AND DEFENDANTS' JOINT MOTION
FOR ENTRY OF FINAL CONSENT JUDGMENT

Plaintiff, STARDIAL INVESTMENTS COMPANY, and Defendants,
LEE COUNTY, FLORIDA, ROLAND EASTWOOD, BILL FUSSELL, PORTER
GOSS, DONALD SLISHER and MARY ANN WALLACE, not as
individuals but constituting the BOARD OF COUNTY
COMMISSIONERS OF LEE COUNTY, FLORIDA (Lee County), by and
through their undersigned attorneys, jointly move the Court
for entry of the proposed Final Consent Judgment attached
hereto.

Respectfully submitted this 5th day of February, 1986.


GARY P. SAMS
ELIZABETH C. BOWMAN
HOPPING BOYD GREEN & SAMS
Post Office Box 6526
Tallahassee, Florida 32314
904/222-7500

ATTORNEYS FOR PLAINTIFF
STARDIAL INVESTMENTS
COMPANY


FRED P. BOSSELMAN
NANCY E. STROUD
BURKE, BOSSELMAN & WEAVER
One Lincoln Place
1900 Glades Road, Suite 350
Boca Raton, Florida 33431

ATTORNEYS FOR DEFENDANTS
LEE COUNTY, ET AL.

2072168

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA

FILED
FT. MYERS, FLA.
FEB 6 1986

STARDIAL INVESTMENTS COMPANY)

Plaintiff)

v.) 83-77-CIV.FT.M-17

LEE COUNTY, et al.)

Defendants)

FINAL CONSENT JUDGMENT

Upon joint motion of the parties, Plaintiff, STARDIAL INVESTMENTS COMPANY (Stardial), and Defendants, LEE COUNTY, FLORIDA, ROLAND EASTWOOD, BILL FUSSELL, PORTER GOSS, DONALD SLISHER and MARY ANN WALLACE, not as individuals but constituting the BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA (Lee County), the Court finds:

a. Stardial has filed a Complaint against Lee County and Lee County has filed a Counterclaim in Case No. 83-77-Civ.Ft.M-17.

b. Stardial and Lee County, through their respective representatives, have conferred and reached an agreement settling all claims for declaratory and injunctive relief and damages in Case No. 83-77-Civ.Ft.M-17. To the extent not resolved herein, both parties have withdrawn such claims, including but not limited to Stardial's claims for money damages, with prejudice.

I certify the foregoing to be a true
and correct copy of the original.
DONALD M. CINNAMOND, Clerk
United States District Court
Middle District of Florida

By: Joseph A. Steele
Deputy Clerk

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: H. FERNSTROM, D.C.

REC'D JUDGE 1-11-1

c. Stardial and Lee County have entered this settlement in recognition of Lee County's environmental, transportation and land use planning concerns and Stardial's investment in its properties.

d. Stardial waives any claims that are the subject of this proceeding against the individual defendant County Commissioners of Lee County and their predecessors in their individual capacity.

e.. All parties have agreed to pay their own costs, including attorneys' fees.

f. The parties have consented to entry of this Final Consent Judgment incorporating their settlement.

NOW THEREFORE, The Court orders and adjudges as follows:

1. This Court has jurisdiction of the subject matter of this proceeding and of all parties.

2. Stardial is the owner of and holds title to three real properties in Lee County, Florida, which are the subject matter of this proceeding, as follows:

a. Sandpiper Cove, containing approximately 605 acres;

b. Interlochen or Windsor-Stevens, of which Stardial asserts title to approximately 660 acres, the ownership of which acreage Lee County does not contest (the 660 acres being further described in Exhibit I attached hereto); and

c. Seminole Gardens, which contains approximately 110 acres, as further described in Exhibit II attached hereto.

d. The approximate locations of these three properties are depicted on Exhibit III to this judgment.

Sandpiper Cove

3. With respect to Stardial's property known as Sandpiper Cove, Stardial and Lee County shall each use its best efforts for one year from the date of entry of this judgment to effect the sale or exchange of this entire property and approximately 400 contiguous additional acres owned by Stardial to the State of Florida under the State Conservation and Recreational Lands (CARL) program established pursuant to Section 253.023 and Chapter 259, Florida Statutes (1985), upon terms and conditions mutually acceptable to the State and Stardial. During this one-year period, Stardial shall not engage in onsite physical development of Sandpiper Cove; provided, however, that Stardial may proceed onsite during this one-year period with planning, engineering, surveying, permitting and other preliminary activities that may be required to effect sale or exchange of the property to the State or are otherwise reasonably necessary to design the development authorized by this judgment and to obtain permits and approvals for its commencement.

4. Sandpiper Cove is an approved development of regional impact (DRI) pursuant to Chapter 380, Florida Statutes, and protected under Section 163.3167(10), Florida Statutes (1983).

5. Stardial has the right to develop Sandpiper Cove as follows:

a. Stardial has the right to develop a total of 2,208 low-, mid- and high-rise (not to exceed 12 stories over parking) residential units, together with golf and other amenities pursuant to the DRI order for Sandpiper Cove approved by Lee County on July 12, 1974, as amended by Lee County on July 28, 1976.

b. Of the 2,208 residential units, 1,800 shall be clustered on Sandpiper Cove in accordance with the concept plan attached hereto as Exhibit IV.

c. Stardial's balance of 408 residential units shall be transferable to any lands located within areas designated central urban or intensive development on the land use map accompanying the Lee County local comprehensive plan amendments adopted pursuant to Chapter 163, Florida Statutes, and effective December 21, 1984, or to areas designated as having similar densities or intensities in future amendments to the local comprehensive plan and said 408 units shall be in addition to the maximum number of units for which the

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receiving lands are zoned at the time of transfer; provided, however, that Stardial shall not transfer any units to such lands unless there will be adequate water, sewer and road facilities available to serve the transferred units at the time of issuance of certificates of occupancy for such units.

d.. For every acre of Sandpiper Cove located west of Shell Point Road that is sold or exchanged to the State under the CARL program, the number of residential units Stardial is entitled to develop for Sandpiper Cove shall be reduced by two and one-third ($2\frac{1}{3}$) residential units up to a maximum of 708 units; provided further that the 408 residential units that are transferable shall be reduced prior to any reduction of other units. For every acre of Sandpiper Cove located east of Shell Point Road that is sold or exchanged to the State under the CARL program, the number of residential units Stardial is entitled to develop for Sandpiper Cove shall be reduced by five (5) residential units up to the total of any remaining residential units. Any reduction of units under this paragraph shall not require further county review. The commercial acreage described in Paragraph 5.e. shall not be reduced unless Stardial sells the entire Sandpiper Cove property to the State.

e. Stardial also has the right to develop 20 acres of commercial and/or office uses in accordance with the concept plan attached hereto as Exhibit IV. On this 20 acres, Stardial has the right to develop (at heights not to exceed 12 stories over parking) 200,000 square feet of commercial and/or office uses and a hotel of 200 rooms.

f. The concept plan attached hereto as Exhibit IV satisfies the Lee County zoning provisions for Residential Planned Development (RPD) and Commercial Planned Development (CPD) and is hereby so recognized without need of further county action. Such plan shall remain in effect in accordance with the terms of this judgment notwithstanding any conflicting provisions governing duration of rights for such plans.

g. Stardial may reasonably modify the RPD/CPD concept plan to the extent indicated on the plan.

h. Should Stardial choose not to develop all or any portion of the 20 acres classified as CPD for commercial uses, such acreage which Stardial elects not to develop as CPD shall be deemed incorporated within the RPD portion of the concept plan but result in no increase in the total number of residential units authorized by this judgment.

i. Stardial shall not develop any of the

Sandpiper Cove lands (areas E and H) not depicted for development on the concept plan attached hereto as Exhibit IV; provided, however, that Stardial may improve the environmental quality of those lands if required as mitigation during state or federal environmental or other permitting processes; and provided further that Stardial may use lands designated as "resource protection area" on the land use map adopted under the local comprehensive plan amendments effective December 21, 1984, as further amended herein, for pedestrian access via boardwalks and, in the natural condition of those lands, for receipt of stormwater.

6. Stardial also has the right to develop above-grade roads to and within the developments as depicted on the concept plan attached hereto as Exhibit IV, including the following roads:

a. Stardial may develop a minimum of three (3) access roads, plus driveway to activities center, from Shell Point Road to residential and recreational development located east of Shell Point Road.

b. Stardial may develop at least one (1) access road from Shell Point Road to any commercial development on Sandpiper Cove. Stardial shall not develop an access road (beyond existing access by Shell Point Road) from any commercial development directly south to McGregor

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Boulevard; provided, however, Stardial may have east-west access between the commercial development and McGregor Boulevard north of Summerlin Road if such access is established in the future.

c. Stardial may develop access to the proposed westerly extension of Iona Road from the northern end of the Sandpiper Cove development located east of Shell Point Road.

7. All lands contained in Sandpiper Cove are hereby designated as being subject to the judgment in this proceeding on all Lee County local comprehensive plan maps adopted under Chapter 163, Florida Statutes; local zoning maps; and all County records concerning the development status of this property.

8. Because development shall be located pursuant to the concept plan under this judgment, it is unnecessary for Stardial to comply with Paragraph 1.F. of the Lee County DRI Development Order of July 12, 1974, attached hereto as Exhibit V.

9. Stardial shall comply with Paragraph 1.C. of the July 12, 1974 DRI development order attached hereto as Exhibit V by donating to Lee County 16 acres located west of Shell Point Road. Such compliance shall not be required if the entire Sandpiper Cove property or all Sandpiper Cove lands located west of Shell Point Road are sold or exchanged

under the State CARL program.

10. If required to do so as a result of federal or state environmental permitting processes, Stardial shall at its expense design and construct a culvert beneath Shell Point Road which is designed to provide for tidal and stormwater flow between the State Department of Environmental Regulation dredge and fill jurisdictional area east of Shell Point Road pursuant to Chapter 403, Florida Statutes, and related regulations and Sandpiper Cove lands located west of Shell Point Road.

11. Upon application, Lee County shall grant all local approvals necessary to develop Sandpiper Cove in accordance with the provisions of this judgment.

Windsor-Stevens (Interlochen)

12. With respect to Stardial's property known as Windsor-Stevens or Interlochen (hereinafter referred to as Interlochen), Stardial and Lee County shall each use its best efforts for two years from the date of entry of this judgment to effect the sale or exchange of this entire property to the State of Florida under the State CARL program, upon terms and conditions mutually acceptable to the State and Stardial. Lee County shall not contest that Stardial holds title to approximately 660 acres in its Interlochen property and shall so specify to the State. During this two-year period, Stardial shall not engage in the onsite physical development

of this property; provided, however, that Stardial may proceed onsite during this two-year period with planning, engineering, surveying, permitting and other preliminary activities, including but not limited to the removal of Melaleuca and other exotic vegetation pursuant to the concept plan attached hereto as Exhibit VI, that may be required to effect sale or exchange of the property to the State or are otherwise reasonably necessary to design the development authorized by this judgment and to obtain permits and approvals for its commencement. Stardial does not intend to sell or exchange a portion of Interlochen to the State under the CARL program but, at its option, may sell or exchange either all or none of this property to the State.

13. Stardial has the right to develop Interlochen as follows:

a. Stardial has the right to develop a total of 1,320 low-, mid- and high-rise (not to exceed 12 stories over parking) residential units, together with golf and other related amenities and above-grade roads. The number of units is based on Stardial's right to develop two (2) units for each of the acres of the Interlochen property; provided, however, that these units shall be clustered on the Interlochen property in accordance with the concept plan attached hereto as Exhibit VI.

b. Stardial is prohibited from developing any

lands waterward of the ecologically determined development line described in a July 20, 1982 order of the Florida Governor and Cabinet. The ecologically determined development line or "demarcation line of continuous mangrove forest determined by Dr. A. Lugo" is also known as the "Lugo Line" and is depicted on Exhibit VII attached hereto.

c. Stardial shall not develop lands (area G) located between the development boundary line shown on the development concept plan (Exhibit VI) and the Lugo Line; provided, however, that Stardial may use those lands for the following uses: drainage and water retention, passive recreation, a golf course, and for roads, utilities and other infrastructure supporting such uses, as long as such uses are acceptable to federal and state environmental or other permitting agencies for areas within their jurisdiction; and further provided that Stardial may use lands designated as "resource protection area" on the land use map adopted under the local comprehensive plan amendments effective December 21, 1984, as further amended herein, for pedestrian access via boardwalks and, in the natural condition of those lands, for receipt of stormwater.

d. The concept plan attached hereto as Exhibit VI satisfies the Lee County zoning provisions for

Residential Planned Development (RPD) and is hereby so recognized without need of further county action. Such plan shall remain in effect in accordance with the terms of this judgment notwithstanding any conflicting provisions governing duration of rights for such plans.

e. Stardial may reasonably modify this RPD concept plan to the extent indicated on the plan.

14. All lands contained in Interlochen are hereby designated as being subject to the judgment in this proceeding on all Lee County local comprehensive plan maps adopted under Chapter 163, Florida Statutes; local zoning maps; and all County records concerning the development status of this property.

15. Upon the request of Stardial, and at Stardial's expense, Lee County shall use its best efforts to condemn through its eminent domain powers or otherwise to acquire road access right-of-way to Interlochen from Pine Ridge Road or from any east-west road that may be constructed south of Summerlin Road in the vicinity of Pine Ridge Road. Lee County shall use its best efforts to condemn or otherwise acquire road right-of-way that is adequate to serve the Interlochen development as described in this judgment. This road right-of-way is a public necessity and will serve a public purpose.

16. Upon application, Lee County shall grant all other

necessary local approvals for development of Interlochen in accordance with the provisions of this judgment.

Seminole Gardens

17. With respect to Stardial's property known as Seminole Gardens, Stardial and Lee County shall each use its best efforts for one year from the date of entry of this judgment to effect the sale or exchange of this entire property to the State of Florida under the State CARL program, upon terms and conditions mutually acceptable to the State and Stardial. During this one-year period, Stardial shall not engage in the onsite physical development of this property; provided, however, that Stardial may proceed onsite during this one-year period with planning, engineering, surveying, permitting and other preliminary activities that may be required to effect sale or exchange of the property to the State or are otherwise reasonably necessary to design the development authorized by this judgment and to obtain permits and approvals for its commencement. Stardial does not intend to sell or exchange a portion of Seminole Gardens to the State under the CARL program but, at its option, may either sell or exchange all or none of this property to the State.

18. Stardial has the right to develop Seminole Gardens as follows:

- a. Stardial has the right to develop at least 180 but no more than 220 residential units (not to exceed

three habitable floors over parking). Those units may be located on any lands not precluded from development by state and federal environmental permitting agencies, in further accordance with the concept plan attached hereto as Exhibit VIII.

b. The concept plan attached hereto as Exhibit VIII satisfies the Lee County zoning provisions for Residential Planned Development (RPD) and is hereby so recognized without need of further county action. Such plan shall remain in effect in accordance with the terms of this judgment notwithstanding any conflicting provisions governing duration of rights for such plans.

c. Stardial may reasonably modify this RPD concept plan to the extent indicated on the plan.

19. All lands contained in Seminole Gardens are hereby designated subject to the judgment in this proceeding on all Lee County local comprehensive plan maps adopted under Chapter 163, Florida Statutes; on local zoning maps; and in all County records concerning the development status of this property.

20. In light of the location of Seminole Gardens and existing road access to the property, Lee County shall not require Stardial to survey the Lugo Line located south of this property, to perform any additional traffic or hurricane evacuation analysis, or to prepare a master conceptual

drainage plan that contains any lands other than Stardial's Seminole Gardens property.

21. Lee County shall grant all local approvals necessary for development of Seminole Gardens in accordance with the provisions of this judgment.

General Provisions

The following provisions apply to all three (3) properties subject to this judgment:

22. Development of Stardial's properties in accordance with this judgment is consistent with the Lee County local comprehensive plan under Chapter 163, Florida Statutes, and the development concept plans referenced in this judgment and attached as Exhibits IV, VI and VIII also are consistent with the Lee County comprehensive plan as provided for in Chapter XIV.A. of the Lee County local comprehensive plan amendments effective December 21, 1984.

23. The Lee County land use map adopted in conjunction with the Lee County local comprehensive plan is hereby amended to incorporate the developments provided for in this judgment. The provisions of this judgment are controlling for all purposes over any conflicting provisions of the Lee County land use map adopted in conjunction with the Lee County local comprehensive plan.

24. Stardial shall comply with all local ordinances, codes and regulations except to the extent that such

compliance would be inconsistent with this judgment and Lee County is prohibited from amending or modifying the development rights provided for in this judgment pursuant to any local comprehensive plan amendment, land development regulation, permitting process, planning study, transportation regulation or any other action.

25. Both parties and their agents and representatives shall take all steps necessary to implement and conform with the determinations and requirements of this judgment.

26. Changes to any prior development plans for these properties provided for in this judgment are not substantial deviations under Chapter 380, Florida Statutes.

27. Lee County shall support the developments provided for in this agreement in the context of permitting review and other approvals or appeals by any other agencies.

28. Stardial is subject to environmental permitting requirements that may be imposed by DER or the U.S. Army Corps of Engineers.

29. Any changes in the development of these properties resulting from federal, state, regional or water management district permitting processes are not substantial deviations under Chapter 380, Florida Statutes.

30. Stardial shall commence physical development of the three properties subject to this judgment as follows:

a. within five (5) years, Stardial shall commence

physical development of one of these properties; provided, however, that this subparagraph and subparagraphs 30.b. and c. are inapplicable if Stardial sells or exchanges all three of the properties subject to this judgment in their entirety to the State under CARL;

b. within ten (10) years, Stardial shall commence physical development of a second of these properties; provided, however, that this subparagraph and subparagraph 30.c. are inapplicable if Stardial sells or exchanges two of the three of the properties subject to this judgment in their entirety to the State under CARL;

c. within fifteen (15) years, Stardial shall commence physical development of the third of these properties; provided, however, that this subparagraph is inapplicable if Stardial sells or exchanges at least one of the three properties subject to this judgment in its entirety to the State under CARL;

d. Provided further, however, that any of the time periods referenced in this paragraph shall not begin until after the respective periods both parties are required by this judgment to use best efforts to effect a sale or exchange of these three properties to the State under the CARL program. In addition, the time periods referenced in this paragraph shall not run

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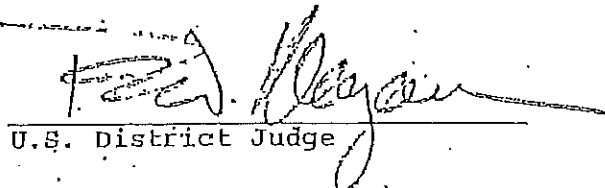
against Stardial during the pendency of any formal administrative proceeding after its twelfth month or during any judicial proceeding concerning governmental actions on permit or approval applications for the properties subject to this judgment.

31. The properties subject to this judgment are governed by any applicable development impact fee ordinances.

32. The terms of this judgment shall run with the land, and bind and inure to the benefit of the successors and assigns of the parties, and this judgment shall be recorded by Lee County on the official records of Lee County.

33. The Court reserves jurisdiction of this cause to provide for its enforcement and for other relief, including but not limited to injunctive and declaratory relief, damages related to enforcement, and attorneys' fees and costs to the prevailing party in any further proceedings, including appeals.

DONE AND ORDERED this 6th day of FEBRUARY,
1986.



U.S. District Judge

AGREED TO:

STARDIAL INVESTMENTS COMPANY

By: Wm. J. Durick
PresidentDate: 2/5/86

APPROVED BY:

STARDIAL INVESTMENTS COMPANY

By: R. P. S.
AttorneyDate: 2/5/86

AGREED TO:

LEE COUNTY, FLORIDA

By: [Signature]
Chairman
Board of County CommissionersDate: 2/5/86

APPROVED BY:

LEE COUNTY, FLORIDA

By: James Meyer
County AttorneyDate: 2/5/86

INDEX TO EXHIBITS

- EXHIBIT I Legal description of Windsor-Stevens or
 Interlochen
- EXHIBIT II Legal description of Seminole Gardens
- EXHIBIT III Map locating Sandpiper Cove, Interlochen
 and Seminole Gardens
- EXHIBIT IV Concept Plan for Sandpiper Cove
- EXHIBIT V DRI Development Order for Sandpiper Cove,
 July 12, 1974
- EXHIBIT VI Concept Plan for Interlochen
- EXHIBIT VII Lugo Line aerial map, SWFRPC December 1976
- EXHIBIT VIII Concept Plan for Seminole Gardens

EXHIBIT I

TO FINAL CONSENT JUDGMENT
 In STARDIAL V. LEE COUNTY,
 Case No. 83-77-Civ.Ft.M.-17

The following lands in the County of Lee, State of Florida:

The South $\frac{1}{2}$ of the South $\frac{1}{2}$ of Section 8,
 Township 46 South, Range 24 East,
 containing 160 acres.

and

A tract or parcel of land lying in Section 17, Township 46 South, Range 24 East, Lee County, Florida, more particularly described as follows:

From the northwest corner of said Section 17, run S $1^{\circ}34'50''$ E along the west line of said Section 17 for 4,665.40 feet; thence run S $49^{\circ}38'20''$ E for 807.94 feet; thence run S $43^{\circ}47'20''$ E for 706.61 feet; thence run S $5^{\circ}01'40''$ E for 422.94 feet; thence run S $71^{\circ}42'40''$ E for 909.53 feet; thence run N $73^{\circ}36'30''$ E for 515.85 feet; thence run N $70^{\circ}57'50''$ E for 1276.83 feet; thence run N $1^{\circ}26'20''$ W for 5928.90 feet to the north line of said Section 17; thence run S $88^{\circ}40'30''$ W along said north line for 3687.76 feet to the point of beginning. Herein described tract contains 500.0 acres.

Bearings mentioned are Plane Coordinate for the Florida West Zone.

EXHIBIT II

TO FINAL CONSENT JUDGMENT
In STARDIAL V. LEE COUNTY,
Case No. 83-77-Civ.Ft.M.-17

The following lands in the County of Lee, State of Florida:

Lots 13, 14, 15, 16, 17, 18, 19, 46, 47 and 50, of that certain subdivision known as SEMINOLE GARDENS, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court of Lee County, Florida in Plat Book 4, Page 65.

and

Lot 51, SEMINOLE GARDENS, according to the plat thereof as recorded in Plat Book 4, Page 65, in the Public Records of Lee County, Florida. LESS AND EXCEPT that part deeded to Lee County for Road in Official Record Book 260, Page 438, and excepting reservation of seventy-five (75) percent of the oil, gas, and minerals running in favor of John D. Powell, Jr. and Sr.

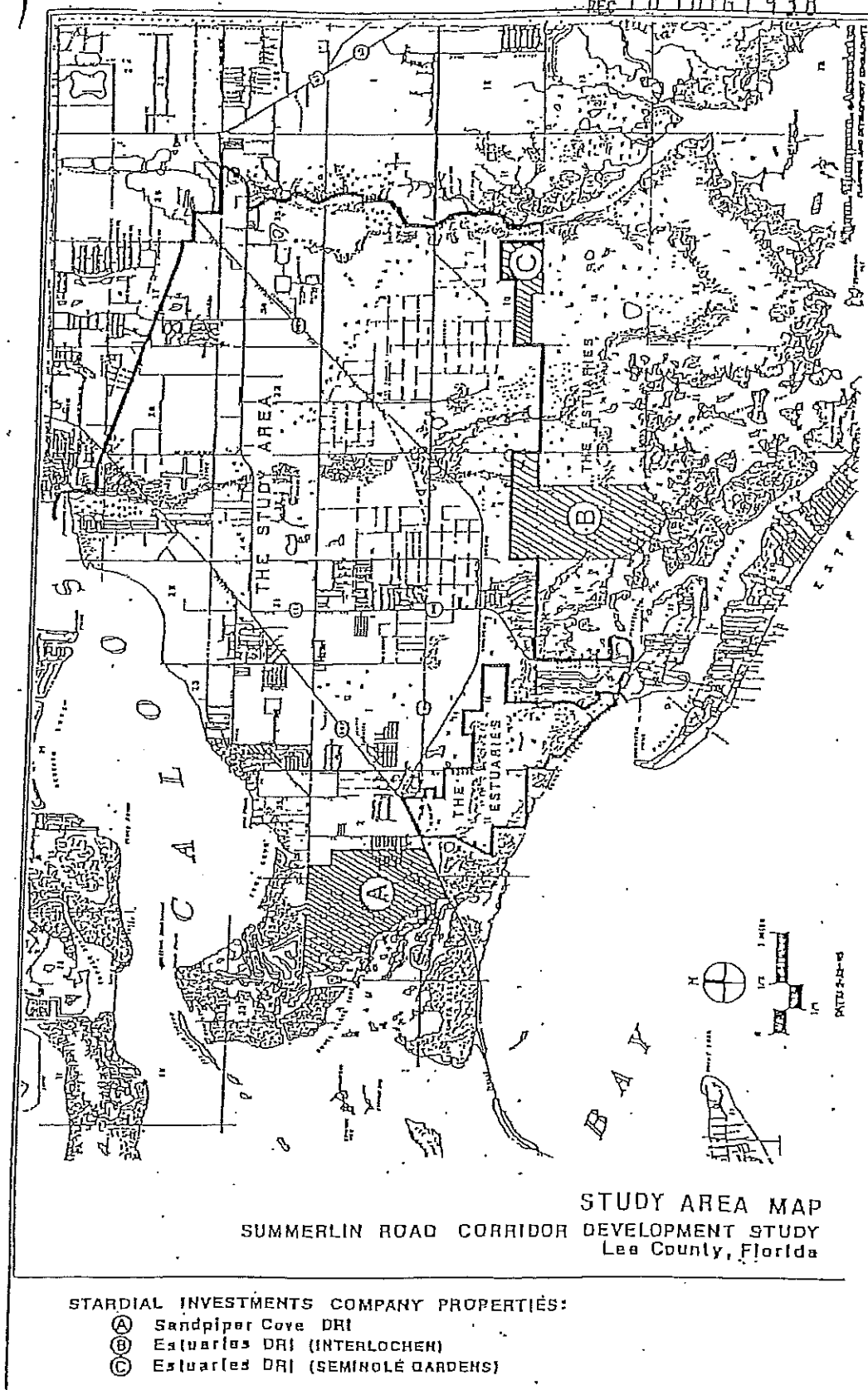
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REC 1836 PG 1938

EXHIBIT III to FINAL CONSENT JUDGMENT
in Stardial v. Lee County, Case No.

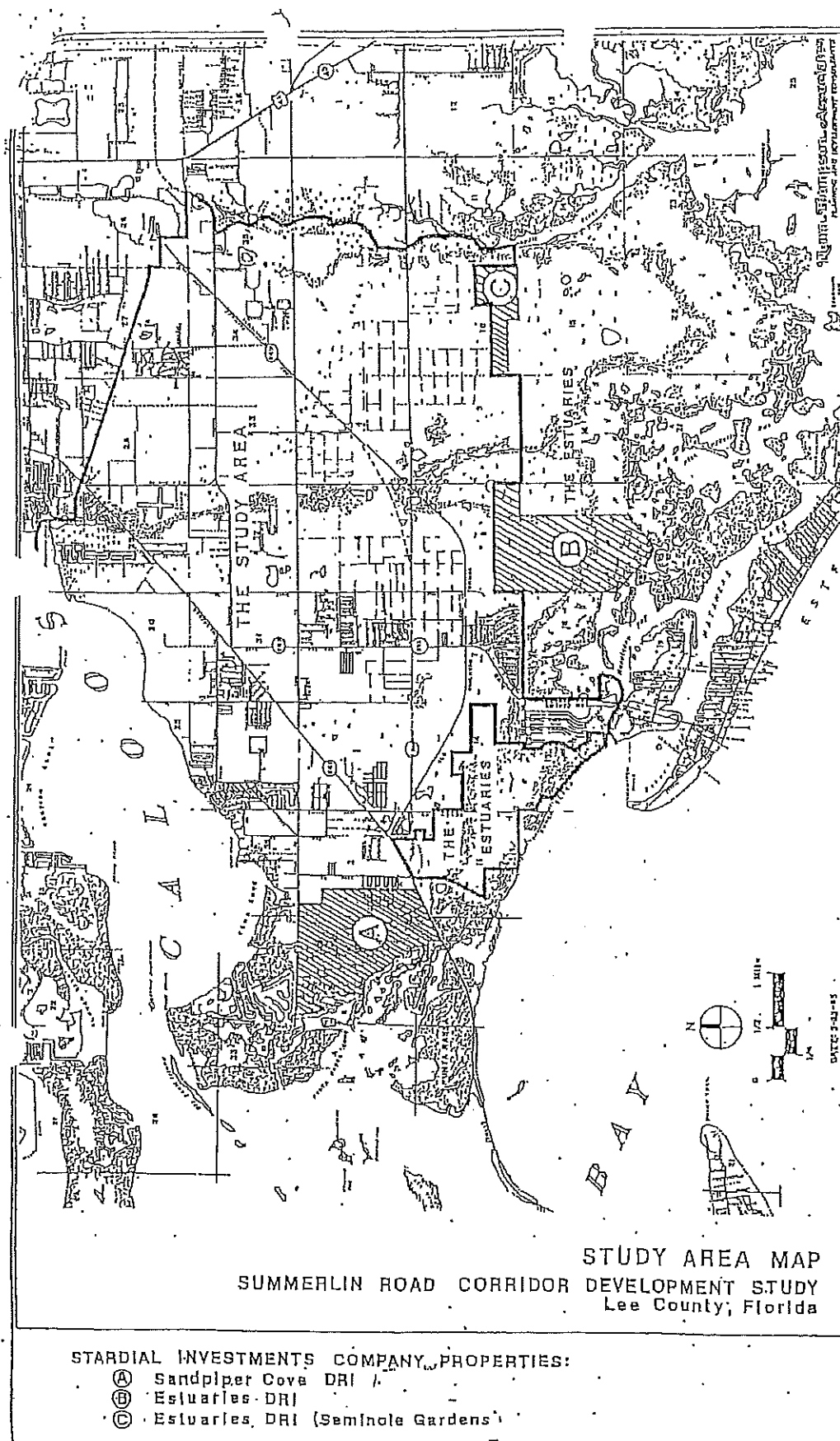
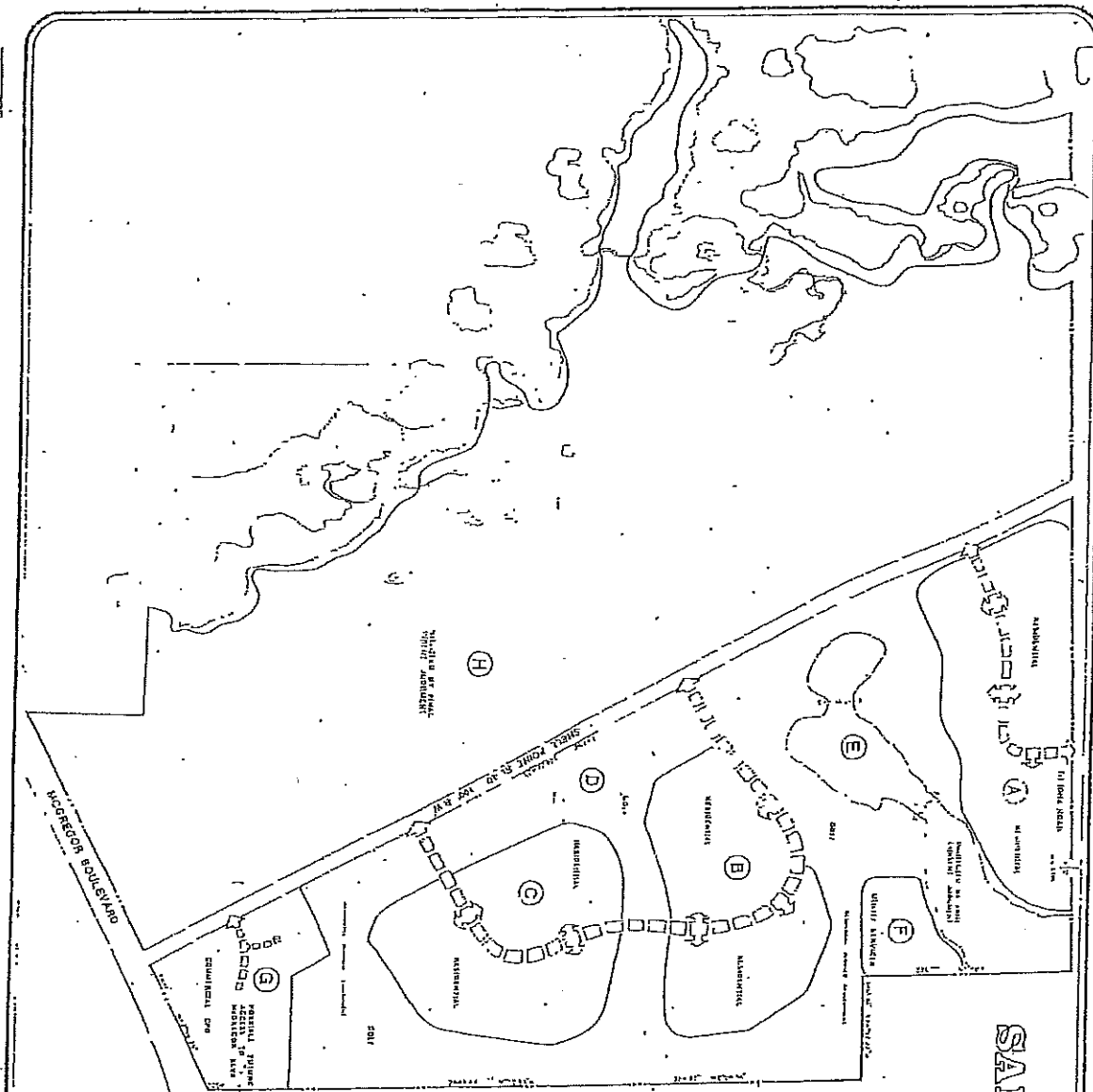


EXHIBIT D

OFF REC 1836PG1939



SANDPIPER COVE MASTER CONCEPT PLAN

SP/PCO SCHEDULE OF USES

PANEL	MAJOR USE	PROPOSED USE	MAJOR USE
(A)	WATERFRONT	WATERFRONT	WATERFRONT
(B)	WATERFRONT	WATERFRONT	WATERFRONT
(C)	WATERFRONT	WATERFRONT	WATERFRONT
(D)	WATERFRONT	WATERFRONT	WATERFRONT
(E)	WATERFRONT	WATERFRONT	WATERFRONT
(F)	WATERFRONT	WATERFRONT	WATERFRONT
(G)	WATERFRONT	WATERFRONT	WATERFRONT
(H)	WATERFRONT	WATERFRONT	WATERFRONT

(A)	WATERFRONT	WATERFRONT	WATERFRONT
(B)	WATERFRONT	WATERFRONT	WATERFRONT
(C)	WATERFRONT	WATERFRONT	WATERFRONT
(D)	WATERFRONT	WATERFRONT	WATERFRONT
(E)	WATERFRONT	WATERFRONT	WATERFRONT
(F)	WATERFRONT	WATERFRONT	WATERFRONT
(G)	WATERFRONT	WATERFRONT	WATERFRONT
(H)	WATERFRONT	WATERFRONT	WATERFRONT

(A)	WATERFRONT	WATERFRONT	WATERFRONT
(B)	WATERFRONT	WATERFRONT	WATERFRONT
(C)	WATERFRONT	WATERFRONT	WATERFRONT
(D)	WATERFRONT	WATERFRONT	WATERFRONT
(E)	WATERFRONT	WATERFRONT	WATERFRONT
(F)	WATERFRONT	WATERFRONT	WATERFRONT
(G)	WATERFRONT	WATERFRONT	WATERFRONT
(H)	WATERFRONT	WATERFRONT	WATERFRONT

NUMBER OF RESIDENTIAL UNITS

- 1. 100 units proposed to be constructed within the project area.
- 2. 100 units proposed to be constructed within the project area.
- 3. 100 units proposed to be constructed within the project area.
- 4. 100 units proposed to be constructed within the project area.
- 5. 100 units proposed to be constructed within the project area.
- 6. 100 units proposed to be constructed within the project area.
- 7. 100 units proposed to be constructed within the project area.
- 8. 100 units proposed to be constructed within the project area.
- 9. 100 units proposed to be constructed within the project area.
- 10. 100 units proposed to be constructed within the project area.

SPECIAL CONDITIONS

- 1. All residential units shall be constructed within the project area.
- 2. All residential units shall be constructed within the project area.
- 3. All residential units shall be constructed within the project area.
- 4. All residential units shall be constructed within the project area.
- 5. All residential units shall be constructed within the project area.
- 6. All residential units shall be constructed within the project area.
- 7. All residential units shall be constructed within the project area.
- 8. All residential units shall be constructed within the project area.
- 9. All residential units shall be constructed within the project area.
- 10. All residential units shall be constructed within the project area.



STARDIAL INVESTMENTS CO.
PLANNING AND DEVELOPMENT CONSULTANTS

SANDPIPER COVE

STARDIAL INVESTMENTS CO.
11000 N. W. 11th Ave., Suite 200
Fort Lauderdale, Florida 33309
Tel. (305) 555-1100

May 13 1974

REVISED FINAL DRI DEVELOPMENT ORDER

LET IT BE KNOWN that pursuant to Chapter 380, Florida Statutes, the Board of County Commissioners of Lee County, Florida, has heard at a public hearing held on the 29th day of May, 1974, pursuant to the application for a development order from ESTUARY PROPERTIES, INC., for a development of regional impact, consisting of a residential PUD type of development to be located in Lee County, Florida.

After due consideration of the consistency of the development with County regulations and the regional report and recommendations of the South Florida Regional Planning Council, this body took the following action:

WHEREAS, an initial hearing on the application was held on December 18, 1973 and the application was denied due to the reasons and recommendations as set forth in the impact assessment furnished by the South Florida Regional Planning Council and as set forth more definitely in the amended DRI Development Order issued by this governing body; and

WHEREAS, the applicant made certain changes and modifications as recommended by this body and the South Florida Regional Planning Council, said changes being outlined in applicant's letter of March 20, a copy of which is attached hereto, and as presented by the applicant at a rehearing set by this body on May 29, 1974; and

WHEREAS, this body finds that the applicant has made the changes and modifications as required by this body and the regional report and the following action was taken:

1. Approved the development for the following reasons:

A. Documentation presented under the signatures of Drs. Eric J. Heald and Durbin C. Tabb in regard to the current

REC-1836 PG 1940

OFF 1836PG1941
REC

state of knowledge concerning mangroves. The documentation pointed out that where man-made improvements, such as roads and ditches reduce the overland sheet flow of water, as was the case with such improvements as McGregor Boulevard, Shell Point Road, Davis Road and Iona Drainage District ditches, white and black mangroves are of much less value than formerly, that their prime function in the area under consideration was to now act as part of the food chain for mosquito growth. Since a natural levee is found between tidal mangroves to seaward and impounded black and white mangroves landward of the mean high tide line, the impounded mangroves are not essential to the preservation and protection of the estuarine system. No mangroves on or seaward of the mean high tide line shall be removed or disturbed.

B. Lee County does have a roadway program and, based upon current plans, expects to have State Road 869 in operation within the next two years, a time schedule that may not have been available to the regional body at the time of its impact assessment of November, 1973. The Director of the Division of Transportation of Lee County was of the opinion that the County road system as enlarged by State Road 869 would be ample enough and would preclude this development from having any adverse effects on the County road system.

C. The applicant has further agreed to donate 16 acres of land for a public park at an acceptable location and set aside an additional 30 acres of mangroves landward of the mean high tide line for preservation. These 16 acres and 30 acres are shown on the modified development plan of December 28, 1973, being designated "public park" and "additional mangrove preserve". Other uses for the 16-acre site were considered (such as for schools), but in light of this being a vacation and retirement type of development, it was decided that the designation of this area as a public park was the wisest choice as of this date.

D. The applicant will be required to abide by all County

REF 1836PG1942

regulations and requirements and the applicant has agreed to meet all County flood insurance requirements and requirements as to elevations of structures.

E. Applicant agreed to reduce its density from 4.1 units per acre to 3.65 units per acre and has thus created a density smaller than the customary single family RU-1 density. The total number of units will be 2,208.

F. Applicant agreed to have its limits of development established solely by such environmental experts as Drs. Heald and Tabb landward of the mean high tide line. The development line is as shown on the modified development plan of December 28, 1973.

G. The changes, modifications and conditions, as set forth in the applicant's letter of March 20, 1974, and the testimony submitted were sufficient in meeting the recommendations of this body and the Regional Planning Council.

H. Land uses of RU-3 and RU-2A are assigned to the property in accordance with the applicant's modified development application.

I. This revised final development order shall supersede all prior development orders (especially the one approved by the County Attorney on 6/14/74.) Accordingly, the provisions of this order shall control over the provisions of all prior orders.

Copies of this order are to be sent immediately to the Division of State Planning, to the South Florida Regional Planning Council and to the owner and developer.

DATED this 12 day of July, 1974..

ATTEST:
SAL GERACI, CLERK

By [Signature]
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

By [Signature]
Georgia A. Goldtrap, City Chairman

APPROVED AS TO FORM
& LEGAL SUFFICIENCY
By [Signature]
OFFICE OF COUNTY ATTORNEY
1-11-74

UFF 1836PG1442

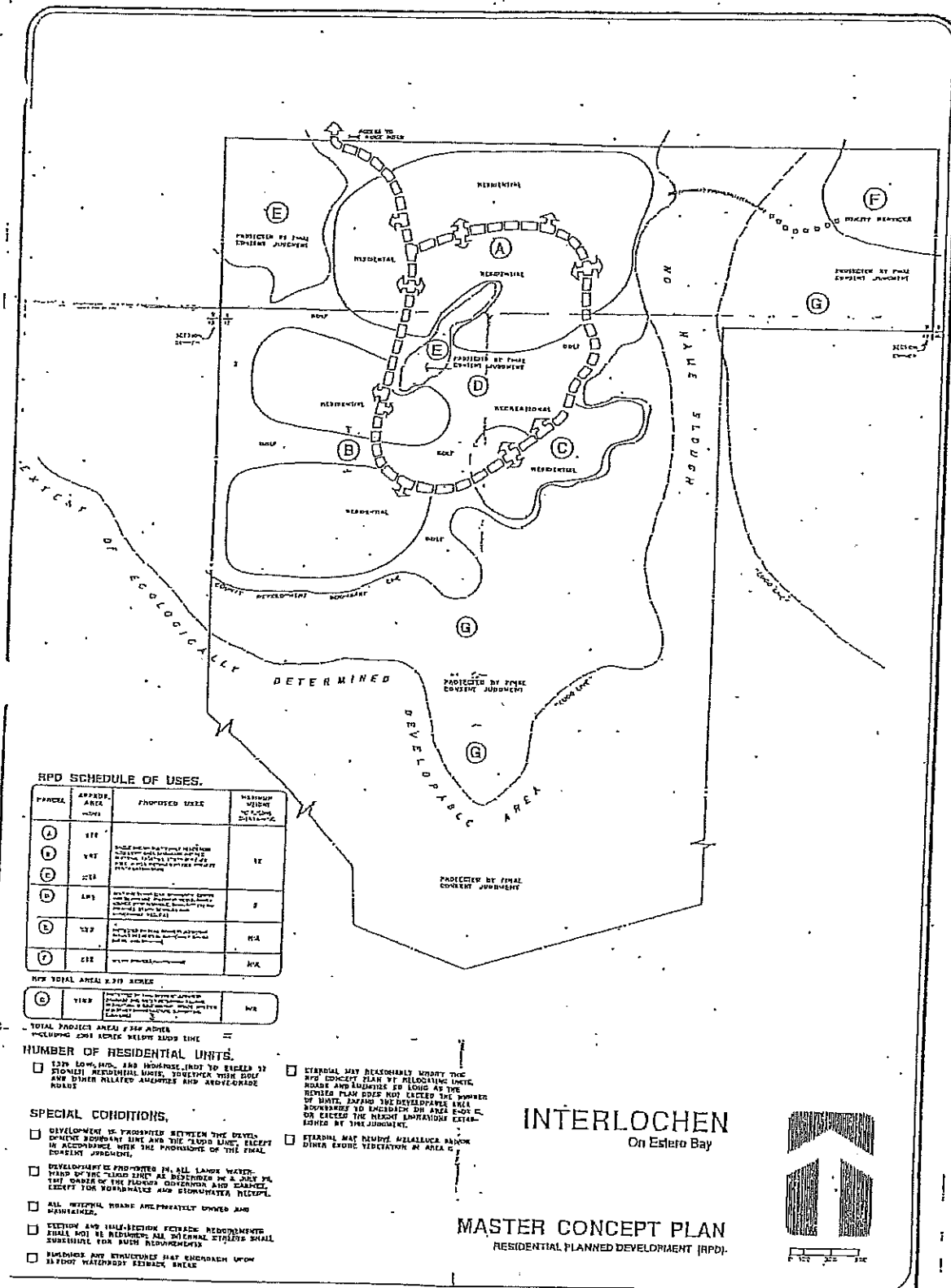
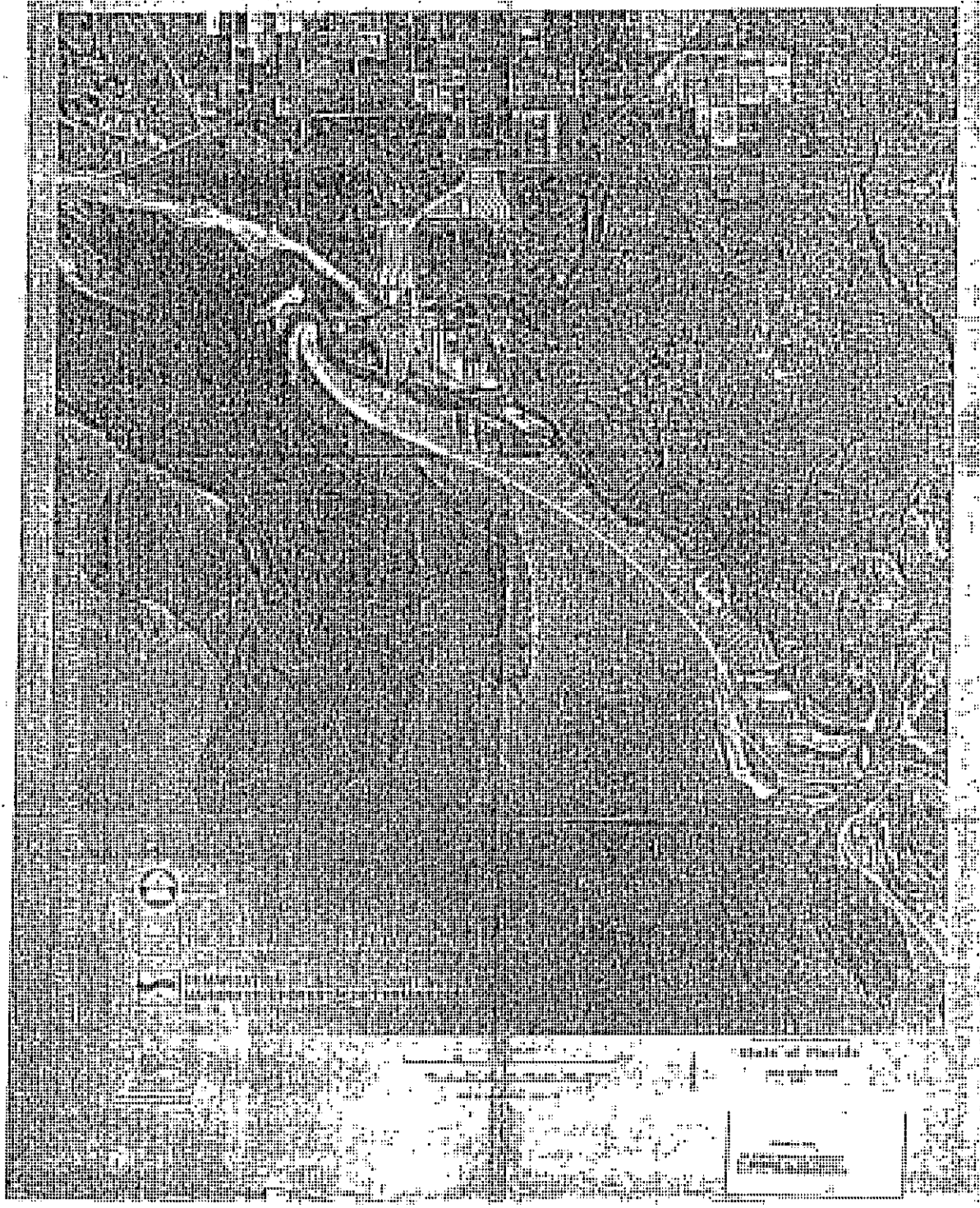


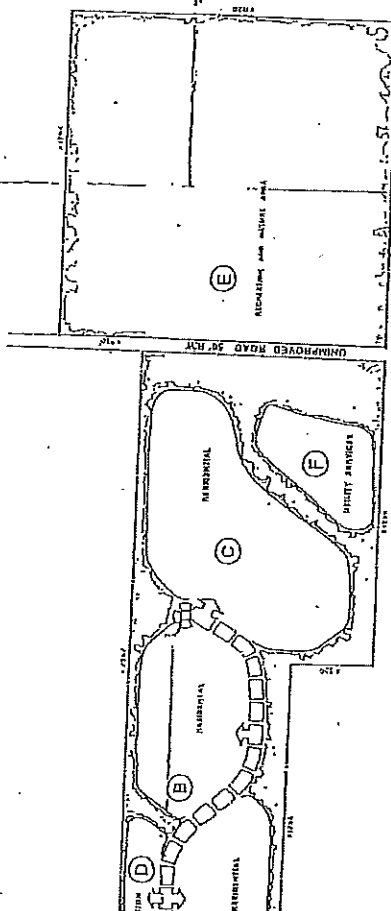
EXHIBIT 1 DEVELOPABLE AREA BASED ON ECOLOGICAL CRITERIA



OFF 1836PG1944

PANEL	SUPPORT AREA sq. ft.	FLOORING AREA sq. ft.	MAINTENANCE AND REPAIRS \$ per sq. ft.
(A)	119		\$68
(B)	886		\$68
(C)	221		\$68
(D)	15		\$68
(E)	140		\$68
(F)	18		\$68

□. AT LEAST 100 PERCENTIAL DATA BUT
NO MORE THAN 25 YEARS

[illegible]

SEMINOLE GARDENS

MASTER CONCEPT PLAN
RESIDENTIAL PLANNED DEVELOPMENT (RPD)

RESOLUTION NUMBER Z-99-072

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, Peter Dys, Executive Vice President, filed an application on behalf of the property owner, The Christian and Missionary Alliance Foundation, Inc., d/b/a Shell Point Village, to rezone a 58.13±-acre parcel from Residential Planned Development (RPD), Planned Unit Development (PUD), and Agricultural District (AG-2) to Residential Planned Development (RPD), in reference to Shell Point Health Care Facility.

WHEREAS, a public hearing was advertised and held on October 13, 1999, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #99-05-076.03Z 01.01; and

WHEREAS, a second public hearing was advertised and held on December 6, 1999 before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to rezone a 58.13±-acre parcel from RPD, PUD, and AG-2 to RPD, to permit an Assisted Living and Skilled Nursing Facility consisting of a maximum of 464 beds for a maximum building height of 57 feet and a golf course. The property is located in the Suburban Land Use Category and legally described in attached Exhibit A. The request is APPROVED SUBJECT TO the conditions and deviation specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. Development must be consistent with the one-page Master Concept Plan (MCP) entitled "Shell Point Health Care Facility," stamped received August 25, 1999, last revised August 25, 1999, prepared by Harrop Engineering Company except as modified by the conditions below. Development must comply with the Lee County Land Development Code (LDC) at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

The development must also be substantially consistent with the two-page architectural rendering, stamped received September 9, 1999; prepared by RDG Schutte Wilscam Birge. In addition, the project must submit an architectural rendering of the building and ground level views from the north and west depicting the vegetative buffering along the perimeter property lines as required in Condition 10 of this action to ensure adequate visual screening and compatibility of development with the surrounding existing uses.

2. The following limits apply to the project and uses:

a. Project Intensity

The maximum number of beds allowed within this facility is 464 beds. Subordinate commercial uses described in LDC § 34-3021(c) and allowed within this planned development must conform with requirements for that LDC section.

b. Schedule of Uses

ACCESSORY USES AND STRUCTURES (LDC §§ 34-1171 *et seq.*, 34-2441 *et seq.*, 34-1863, and 34-2141 *et seq.*)

ADMINISTRATIVE OFFICES

ASSISTED LIVING FACILITY (LDC §§ 34-1491 *et seq.*, and 34-1411)

CONTINUING CARE FACILITIES (LDC § 34-1414)

ENTRANCE GATES AND GATEHOUSE (LDC § 34-1741 *et seq.*)

ESSENTIAL SERVICES (LDC §§ 34-1611 *et seq.*, and 34-1741 *et seq.*)

ESSENTIAL SERVICE FACILITIES [LDC § 34-622(c)(13)]: Group 1 (LDC §§ 34-1611 *et seq.*, 34-1741 *et seq.*, and 34-2141 *et seq.*)

EXCAVATION: Water retention (LDC § 34-1651)

FENCES, WALLS (LDC § 34-1741)

GOLF COURSE

HEALTH CARE FACILITIES [LDC § 34-622(c)(20)]: Groups I and II

PLACE OF WORSHIP (LDC § 34-2051 *et seq.*)

RECREATIONAL FACILITIES: Private, On-Site

RESIDENTIAL ACCESSORY USES [LDC § 34-622(c)(42)] (LDC § 34-1171 *et seq.*)

SIGNS, in accordance with Chapter 30

c. Site Development Regulations

Minimum lot depth	1200 feet
Minimum lot width	1300 feet
Minimum lot area	35 acres

Setbacks:

Street (exterior to development): 200 feet

Street (interior to development):	25 feet
Side:	15 feet
Rear:	20 feet
Water Body:	25 feet

Accessory Use and Structure setbacks must comply with LDC §§ 34-1171 et seq. and 34-2194.

Maximum Lot Coverage: 40 percent

Maximum building height: 57 feet (measured as required by LDC § 34-2171)

3. The road connection with Davis Road is restricted to use by delivery vehicles, employees of the Shell Point Development, and as an emergency access for emergency vehicles. Deliveries are restricted to the hours of 8:00 a.m. to 8:00 p.m., Monday through Sunday. The Davis Road connection may not be used as a construction access. All construction traffic must be routed internally. No construction traffic is permitted on Davis or Iona Roads. All other traffic associated with the development must utilize the interior roadways of the Shell Point development to Shell Point Boulevard. The Davis Road access may also be opened if Lee County orders a mandatory evacuation of the area in the event of an emergency.
4. Prior to local development order approval, the developer must submit an alligator management plan that provides for protection of alligators on-site and the installation of signs to prevent inappropriate interaction between people and alligators. The management plan must be submitted to the Division of Planning/Environmental Sciences staff review and approval.
5. Prior to local development order approval, the developer must survey the existing pond for Lee County listed wading bird nests. If Lee County listed wading bird nests are found, the developer must submit a habitat management plan meeting the requirements of LDC § 10-474 for review and approval by the Division of Planning/Environmental Sciences. If nests are not found, no further management is required.
6. The Developer must comply with the gopher tortoise management plan included in the Shell Point Environmental Assessment and Protected Species Survey dated March 4, 1999, counter stamped July 22, 1999.
7. Prior to local development order approval, the developer must survey the property to confirm the status of the potential Big Cypress fox squirrel nests. If active nests are located, then the Developer must submit a Big Cypress fox squirrel management plan meeting the requirements of LDC § 10-474 to the Division of Planning/Environmental Sciences for staff review and approval.

8. Prior to local development order approval (so long as the bald eagle remains a federally protected species, or is protected pursuant to the Lee Plan), the Developer must submit a bald eagle management plan approved by the U.S. Fish and Wildlife Service to the Division of Planning/Environmental Sciences. The Management Plan must include visual screening of heavy use areas, such as golf tees and greens, within view of the eagle's nest. The management plan must include details of how the exotic removal will be conducted within the primary zone.

Every reasonable effort must be made in the design of the golf course to direct play away from the nesting area and to preserve existing large native trees within the golf course for perch trees.

9. Prior to local development order approval, the developer must submit a restoration plan generally following LDC § 14-384 requirements to the Division of Planning/Environmental Sciences staff for review and approval. The plan must include the species, number, and size of native vegetation to be planted, and an exotic removal plan.
10. A Type "D" buffer (with double the number of trees for a standard Type "D" buffer) must be established along the eastern perimeter of the project from the access road to the northern boundary of the subject parcel. Use of existing indigenous native vegetation within these areas is encouraged to help establish this buffer as soon as possible. Specific types of vegetation will be determined at the time of local development order, but must consist of material which provides an opaque visual screen along these perimeter property lines. Trees required in this buffer must be consistent with the plant material standards of LDC § 10-420(c), except the maximum required plant height is increased from 10 feet to 15 feet and the minimum crown spread is increased from four feet to five feet.
11. The former IDD canal crossing the subject property must be relocated, and new easements granted prior to issuance of any local development order. If the relocation is not approved, prior to the development of this site, the MCP must be revised pursuant to the LDC.
12. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
13. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b).

SECTION C. DEVIATION:

Deviation (1) requests relief from the LDC § 10-415(b) provision requiring large developments with existing indigenous native vegetation to provide 50 percent of their open space percentage

requirements through the onsite preservation of existing indigenous native vegetation, to allow a maximum of 30 percent of the required open space percentage to be provided as indigenous native vegetation. This deviation is APPROVED, SUBJECT TO Condition 9.

SECTION D. EXHIBITS:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: The legal description and STRAP number of the property.
- Exhibit B: Zoning Map (subject parcel identified with shading)
- Exhibit C: The Master Concept Plan

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and any other applicable code or regulation.
2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve

the proposed land use.

5. The approved deviation, as conditioned, enhances achievement of the planned development objectives, and preserves and promotes the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Ray Judah, seconded by Commissioner John E. Manning and, upon being put to a vote, the result was as follows:

John E. Albion	Aye
Ray Judah	Aye
John E. Manning	Aye
Douglas R. St. Cerny	Aye
Andrew Coy	Aye

DULY PASSED AND ADOPTED this 6th day of December, 1999.

ATTEST:
CHARLIE GREEN, CLERK

BY: Michelle D. Leisner
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: John E. Albion
Chairman

Approved as to form by:

Ray E. Manning 12/9/99
County Attorney's Office

FILED DEC 14 1999

msl
MINUTES OFFICE

EXHIBIT "A"

LEGAL DESCRIPTION

THE EAST ½ OF GOVERNMENT LOT 4, SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23
EAST, LEE COUNTY, FLORIDA

AND

THE WEST ½ OF GOVERNMENT LOT 3, SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23
EAST, LEE COUNTY, FLORIDA

LESS

THE EAST THIRTY THREE FEET, THEREOF, FOR ROAD RIGHT-OF-WAY PURPOSES
ALSO LESS

THE NORTH TWENTY FIVE FEET, THEREOF, FOR ROAD RIGHT-OF-WAY PURPOSES
AND

THE NORTH ONE HALF (N ½) OF THE WEST ONE HALF (W ½) OF THE SOUTHEAST
QUARTER

(SE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION 2,
TOWNSHIP 46 SOUTH, RANGE 23 EAST, LYING AND BEING IN LEE COUNTY, FLORIDA

LESS

THE EAST THIRTY THREE FEET, THEREOF, FOR ROAD RIGHT-OF-WAY PURPOSES
AND

THE SOUTH ONE HALF (S ½) OF THE WEST ONE HALF (W ½) OF THE SOUTHEAST
QUARTER

(SE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION 2,
TOWNSHIP 46 SOUTH, RANGE 23 EAST, LYING AND BEING IN LEE COUNTY,
FLORIDA

LESS

THE EAST THIRTY THREE FEET, THEREOF, FOR ROAD RIGHT-OF-WAY
PURPOSES

The applicant has indicated that the STRAP numbers for the subject property is 02-46-23-00-
00005.0000, 02-46-23-00-00005.0040, 02-46-23-00-00002.0000, 02-46-23-00-00003.0000;

RESOLUTION NUMBER Z-04-035

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, an application was filed by the property owner, Christian & Missionary Alliance Foundation, Inc., to rezone a 3.77 acre parcel from Agriculture District (AG-2) and Mobile Home District (MH-1) to Commercial Planned Development (CPD) in reference to Shell Point Commercial Addition; and

WHEREAS, a public hearing was advertised and held on May 19, 2004, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2003-00082; and

WHEREAS, a second public hearing was advertised and held on June 21, 2004, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to rezone a 3.77 acre parcel from AG-2 and MH-1 to CPD, to allow for commercial development of this site with up to 35,000 square feet of floor area and a maximum building height of 55 feet (4 stories over parking). The property is located in the Suburban Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. The development of this project must be consistent with the two-page Master Concept Plan entitled "Shell Point Commercial Addition," stamped "Received June 29, 2004 Permit Counter", except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part

development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

A maximum of 35,000 square feet is allowed within this planned development.

2. The following limits apply to the project and uses:

a. Recommended Schedule of Uses

ACCESSORY USES AND STRUCTURES (LDC §§ 34-1171 *et seq.*, 34-2441 *et seq.*, 34-1863, 34-2141 *et seq.*, and 34-3108)

ADMINISTRATIVE OFFICES

ATM (automatic teller machine)

BANKS AND FINANCIAL ESTABLISHMENTS (LDC §34-622(c)(3)): Groups I, II (no drive-thru facilities are approved)

BUSINESS SERVICES (LDC §34-622(c)(5)): Group I

CLOTHING STORES, general (LDC §34-622(c)(8))

CONSUMPTION ON PREMISES (LDC §34-1261 *et seq.*) in conjunction with restaurant uses only

DRUGSTORE

ESSENTIAL SERVICES (LDC §§ 34-1611 *et seq.*, and 34-1741 *et seq.*)

ESSENTIAL SERVICE FACILITIES (LDC §34-622(c)(13)): Group I (LDC §§ 34-1611 *et seq.*, 34-1741 *et seq.*, and 34-2141 *et seq.*)

EXCAVATION: Water retention (LDC §34-1651)

FENCES, WALLS (LDC §34-1741)

FOOD AND BEVERAGE SERVICE, LIMITED

GIFT AND SOUVENIR SHOP

HOBBY, TOY AND GAME SHOPS (LDC §34-622(c)(21))

MEDICAL OFFICE

PARKING LOT: Accessory

PERSONAL SERVICES (LDC §34-622(c)(33)): Groups I, II, and III

PET SERVICES

PET SHOP

PHARMACY

REAL ESTATE SALES OFFICE, (LDC §§ 34-1951 *et seq.*, and 34-3021)

RESTAURANTS (LDC §34-622(c)(43)): Groups I, II, III

SIGNS, in accordance with LDC Chapter 30

SOCIAL SERVICES (LDC §34-622(c)(46)): Groups I and II

SPECIALTY RETAIL SHOPS (LDC §34-622(c)(47)): Groups I, II, and III

VARIETY STORE

No agricultural uses have been requested as part of this planned development and no agricultural uses exist on the site today.

b. Site Development Regulations.

- (i) Since no minimum lot width, or lot depth, has been requested, then no lot division is permitted as part of this development.
- (ii) The remaining property development regulations must be consistent with the following:

Minimum setbacks:

Street (exterior to development): 25 feet (McGregor Blvd.),
75 feet (Davis Road)

Street (interior to development): 25 feet

Side: 15 feet, except for westerly boundary
which is 0'

Rear: 20 feet

Water body: 25 feet

Maximum lot coverage: 40 percent

Maximum building height: 45 feet (measured per LDC §34-2171)

- 3. Blasting activities are not permitted as part of this planned development.
- 4. The buffer along the northern property line adjoining the existing mobile home park must be no less than 30 feet in width with 10 trees per 100 linear feet and a continuous hedge planted at 24 inches and maintained at 60 inches. An eight foot high wall or wall and berm combination must also be installed. This buffer must be immediately adjoining, but not within, the 30 foot wide drainage easement found along this same northern property line.
- 5. If outdoor seating is sought for any restaurant use permitted within this planned development, it must be located along the south or west sides of the building only.
- 6. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
- 7. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan

Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.

8. Should any operational issues (intersection improvement, signalization modification, signalization installation) arise at the Project's entrance onto Shell Point Boulevard and intersection improvements be deemed necessary by Lee County pursuant to the Lee County LDC, then the full costs of said improvements and/or modifications will be the responsibility of the developer.

SECTION C. DEVIATIONS:

1. Deviation 1 seeks relief from the LDC §10-416(d)(3) requirement to provide a buffer when a proposed use is abutting an existing use or, in the absence of an existing use, the existing zoning, to delete this requirement. This deviation is APPROVED along the western property line of the planned development.
2. Deviation 2 seeks relief from LDC §34-935(b)(1) requirement that all buildings and structures be set back from the development perimeter a distance equal to the greater of the width of any buffer area of landscape strip required by LDC Chapter 10, or 15 feet, if the subject property is or will be rezoned CPD, to delete this requirement. This deviation is APPROVED along the western property line of the planned development.

SECTION D. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (subject parcel identified with shading)
- Exhibit C: The Master Concept Plan

The applicant has indicated that the STRAP numbers for the subject property are: 02-46-23-00-00001.0000 and 11-46-23-00-00001.0000.

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.

2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Judah, seconded by Commissioner Janes and, upon being put to a vote, the result was as follows:

John E. Albion	Aye
Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye

DULY PASSED AND ADOPTED this 21st day of June 2004.

ATTEST:
CHARLIE GREEN, CLERK

BY: *Charlie Green*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *Bill E. Albini*
Chairman

Approved as to form by:

Dawn E. Perry-Lehnert
Dawn E. Perry-Lehnert
County Attorney's Office



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MINUTES OFFICE
2004 JUL 26 AM 8:21
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Legal Description

NOV 14 2003

00000000-000082

A TRACT OR PARCEL OF LAND LYING IN SECTIONS 2 AND 11, TOWNSHIP 46 SOUTH, RANGE 23 EAST BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A REBAR & CAP STAMPED "PLS 1399" MARKING THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 46 SOUTH, RANGE 23 EAST; THENCE RUN ALONG THE WEST LINE OF UNDIVIDED LOT "A" OF MCGREGOR MOBILE MANOR AS RECORDED IN PLAT BOOK 28 AT PAGES 151 AND 152 AMONG THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA N 01°02'04" W A DISTANCE OF 213.54 FEET TO A CONCRETE MONUMENT WITH NO IDENTIFICATION, SAID POINT ALSO BEING ON THE NORTH LINE OF SAID LOT "A"; THENCE DEPART SAID WEST LINE AND RUN ALONG THE NORTH LINE OF SAID LOT "A" N 89°07'40" E A DISTANCE OF 627.81 FEET TO 1/2" REBAR WITH NO IDENTIFICATION, SAID POINT ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF DAVIS ROAD BEING 66 FEET WIDE AS RECORDED IN DEED BOOK 264 AT PAGE 161 AMONG SAID RECORDS; THENCE DEPART SAID NORTH LINE AND RUN ALONG SAID WEST RIGHT-OF-WAY LINE OF DAVIS ROAD S 00°21'38" E A DISTANCE OF 110.26 FEET TO A CONCRETE MONUMENT STAMPED "PLS 2654" SAID POINT ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF MCGREGOR BOULEVARD (STATE ROAD 867); THENCE DEPART SAID WEST RIGHT-OF-WAY LINE AND RUN ALONG SAID NORTH RIGHT-OF-WAY LINE S 62°59'32" W A DISTANCE OF 234.14 FEET TO AN IRON PIN WITH NO IDENTIFICATION, SAID POINT ALSO BEING ON THE NORTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 11; THENCE CONTINUE ALONG SAID NORTH RIGHT-OF-WAY LINE S 62°57'52" W A DISTANCE OF 338.57 FEET TO A REBAR AND CAP THAT IS ILLEGIBLE, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF SUMMERLIN ROAD (COUNTY ROAD 869); THENCE DEPART THE NORTH RIGHT-OF-WAY LINE OF MCGREGOR BOULEVARD AND RUN ALONG THE ARC OF A NON TANGENT CURVE TO THE RIGHT BEING ON SAID NORTH RIGHT-OF-WAY LINE OF SUMMERLIN ROAD 118.27 FEET, HAVING A RADIUS OF 3929.72 FEET WITH AN INCLUDED ANGLE OF 01°43'28" A CHORD OF 118.27 FEET TO BEAR S 72°07'36" W TO A REBAR AND CAP THAT IS ILLEGIBLE, SAID POINT ALSO BEING ON THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 11; THENCE RUN ALONG SAID WEST LINE N 00°34'21" W A DISTANCE OF 183.72 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINING 3.77 ACRES MORE OR LESS.

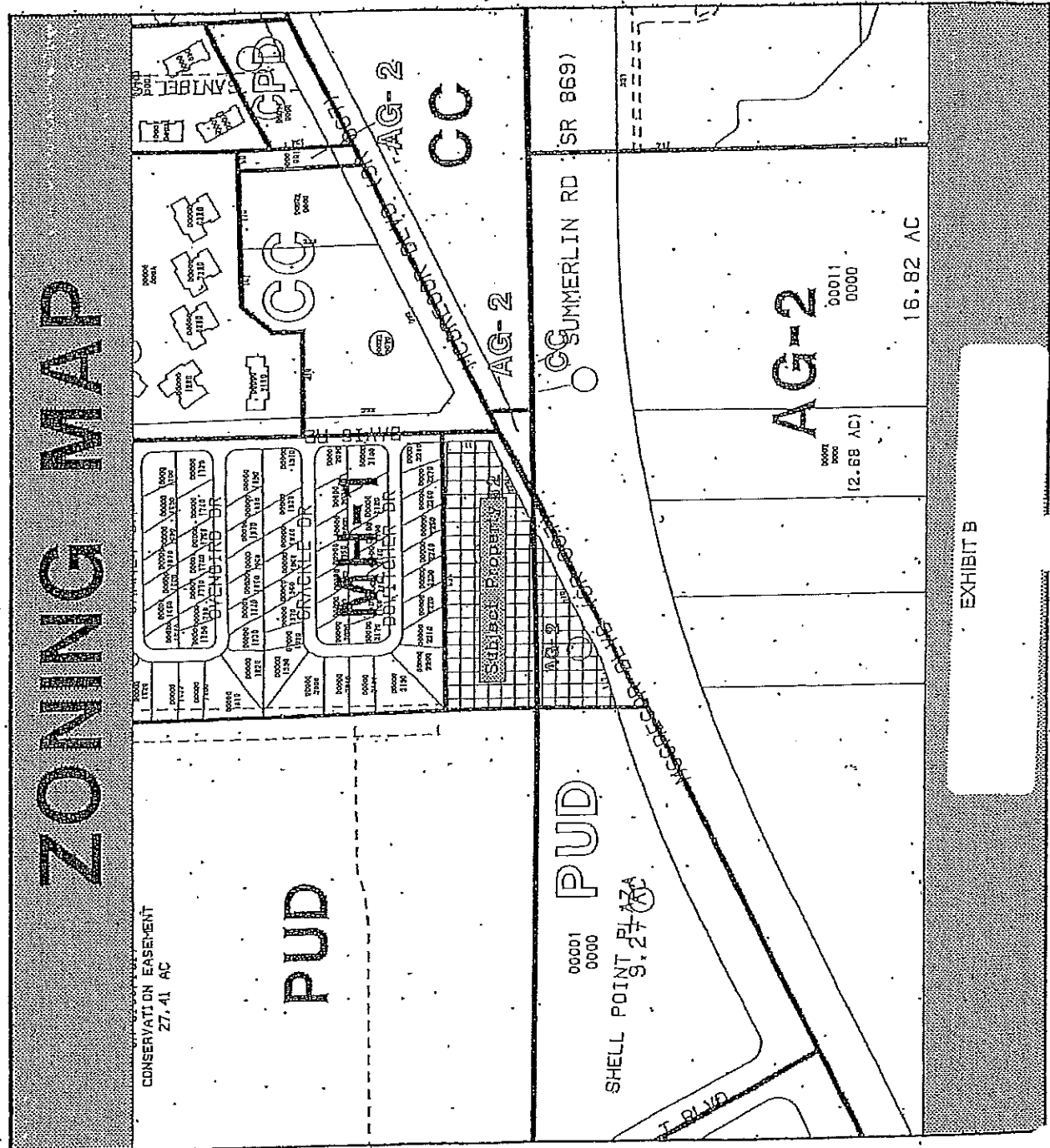
BEARING SHOWN HEREON AS BASED ON THE CENTERLINE OF COUNTY ROAD 869 (SUMMERLIN ROAD) AS SHOWN ON RIGHT-OF-WAY MAPS AS PREPARED BY JOHNSON ENGINEERING, INC. AND DATED MAY 1976 - MAY 1980 TO BEAR N 62°57'26" E.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

Applicant's Legal Checked

by [Signature] February 19, 2004.

EXHIBIT A



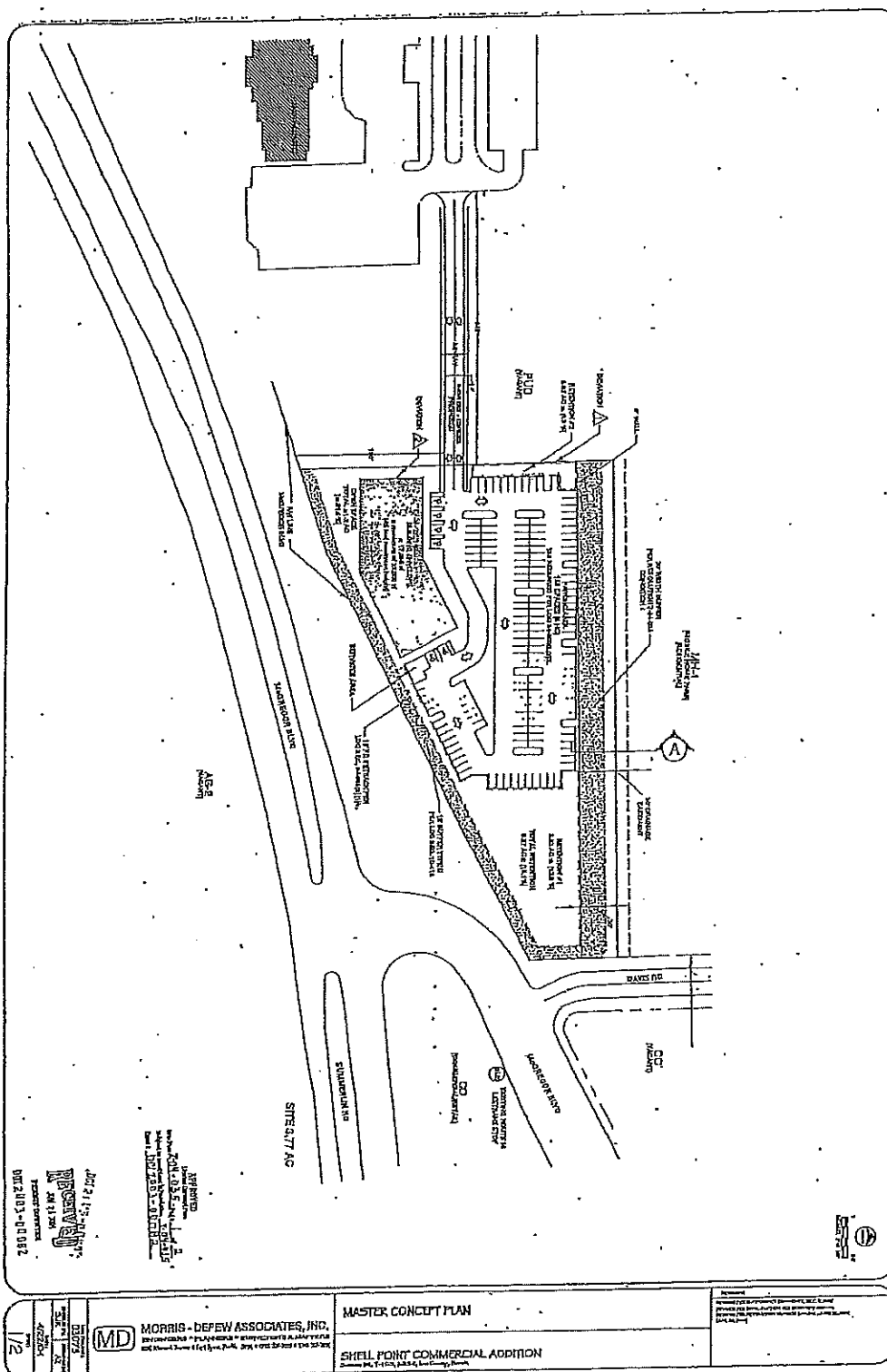


Exhibit C
Page 1 of 2

[illegible]

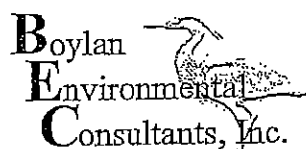
Shell Point DRI
Land Use and Phasing Schedule

Land Use	Buildout (2024)	Existing (as of 2008)	Cumulative	Remaining
	(Approved DRI)		Phase 1 (2015)	Phase 2 (2020)
Residential	1,704	454	1,267	437
Condominiums	Units			
Assisted Living Facility	284 Beds/ 71 Units	132/33	132/33	152/38
Skilled Nursing Facility	100 Beds/25 Units	0/0	0/0	100/25
Total Units	1,800 Units	487	1,300	500
Hotel	115 Rooms	112	112	0
Golf Course	18 Holes	18	18	0
General Retail	30,000 sq. ft.	0	0	30,000
High Turnover Restaurant	10,000 sq. ft.	0	10,000	0
General Office	90,000 sq. ft.	0	30,000	60,000
Medical Office	40,000 sq. ft.	0	20,000	20,000
Total Commercial	170,000 sq. ft.	0	70,000	100,000

Exhibit F

SHELL POINT GOLF COURSE PHASE III

Eagle Management Plan



*Wetland & Wildlife Surveys, Environmental Permitting,
Impact Assessments*

11000 Metro Parkway, Suite 4, Fort Myers, Florida, 33912 Phone:(941) 418-0671 Fax:(941) 418-0672

May 4, 1999

Exhibit "G"

58 Acre Health Care Facility Eagle Management Plan

Site Location

The site is located in Section 2, Township 46 South, Range 23 East in Lee County. More specifically, the site is located at the southwest corner of Iona Road and Davis Road, just south of the St. Charles Harbor development. A site location map is attached as Exhibit A.

Site Description

The site encompasses 58 acres. The northeastern portion of the site contains an old tree nursery. The nursery is no longer maintained, allowing ear leaf acacia and Brazilian Pepper to invade the site. Large drainage ditches are present around the perimeter of the nursery area. The lands immediately west of the nursery contain a mix of disturbed communities. These include an existing borrow lake, Australian pine forest, melaleuca forest, cleared lands and Brazilian pepper forest. The tract immediately south of the nursery contains Brazilian pepper forest, Australian pine forest, mixed pine and oak forest, several large drainage ditches and a depression area located adjacent to the northern ditch. Eagle nest L-34b is located in the northern area of the mixed pine and oak forest. A vegetation map is attached as Exhibit B.

Site Permitting/Development History

The northeastern tract carries agricultural zoning and has been a nursery for a number of years. The tract east of the nursery was also cleared improved agricultural lands. In 1988 the site was rezoned to RPD and was the site of the wastewater treatment facility for St. Charles Harbor. The plant was deactivated in the early 1990's when public utilities became available. The tract south of the nursery has RPD zoning, formerly Eagles Nest Garden Villas RPD (91-4-2-DCI-3). A management plan for the bald eagle nest on site (LE-34b) was approved in June of 1992. A copy of the original plan is attached as Exhibit C.

Nest History

This nest has a long history in the area. The original nest and second nest were located south of the present nest. Nest LE-34b was constructed in the 1989-1990 nesting season. Outlined below is a brief history of the nest.

1984-1985	First sighting of eagles in the area.
1985-1986	The nest LE-34 was constructed. The nest was abandoned during incubation.
1986-1987	Three young fledged.
1987-1988	Nest LE-34a was constructed north of the existing nest. No young fledged.
1988-1989	One young fledged (LE-34a).
1989-1990	Nest LE-34b constructed, north of LE-34a. The nest was abandoned during the nesting season. One young eaglet obtained from the nest where it was abandoned, and sent to a rehabilitation center.
1990-1991	One young fledged (LE-34b) but later found dead.
1991-1992	Two young were fledged (LE-34a).
1992-1993	One young fledged (LE-34b).
1993-1994	Nesting in LE-34b failed
1994-1995	Two young fledged (LE-34b).
1995-1996	One young fledged (LE-34b).
1996-1997	One young fledged (LE-34b).
1997-1998	Nesting failed (LE-34b).
1998-1999	Nesting failed (LE-34b).

Management Plan for LE-34b

The plan includes three main components or buffer zones. The west primary zone, the east primary zone and the secondary buffer zones. The specifics of each buffer zone are as follows.

West Primary 350 Foot Buffer

The nest tree will be maintained intact with a 350' buffer extending west from the tree in areas containing native vegetation. This buffer will be maintained as preserve until (if ever) the nest is considered abandoned. A Conservation Easement will be placed over this area. The only activities that will occur will be the implementation of an exotic control program. Any exotic vegetation present in this area will be treated in place using approved methodology and appropriate chemicals. All treatment of the exotic vegetation will occur during the non-nesting season May 16 through October 1.

East Primary 300 Foot Buffer

The lands east, north, and south of the nest contain areas of extensive exotic vegetation, primarily Australian Pine and Brazilian Pepper. In this area a buffer of 300' will be maintained from the nest. A Conservation Easement will be placed over this area. All exotic vegetation will be mechanically removed and an extensive replanting plan will be implemented. The replanting plan will include planting a mix of trees and shrubs within 250 feet of the nest. Between 250 feet and 300 feet the plantings in the buffer will consist of shrubs. All clearing and replanting will occur during the non-nesting season. This restoration and re-vegetation work will also be accomplished in three phases over three years to minimize the impacts on nesting birds.

To provide additional buffering when the exotic vegetation is removed a berm/golf course area will be constructed along Davis Road. This will serve as a structural buffer between the road, adjacent development and the nest tree, once the exotics are removed. For further buffering, plantings will be installed along the property line along Davis Road. These plantings will be in accordance with the Lee County Development Standards Ordinance.

Secondary Buffer Zone

A secondary buffer zone will be provided around the nest. This buffer will extend 1000 feet from the nest tree or 700 to 750 feet beyond the designated primary buffer zone. Construction activities will be allowed in this zone. The only restriction on construction in this zone is that no exterior construction is to occur in the nesting season, October 1 through May 15 unless the FGFWFC and FWS confirm that nesting is completed for the year or has been determined unsuccessful for that year.

Construction will be allowed in the secondary buffer zone during the nesting season in subsequent years.

Construction can occur on lands within this buffer zone when construction is completed and structures exist between the nest and the area slated for construction. The locations of any such construction activities will be submitted to Lee County, the FGFWFC and the FWS for review and approval.

Monitoring will then occur during the construction activities.

Any indication of disturbance representing a negative response to the construction activities shall immediately be reported to the FWS. He/she shall make a determination to continue the activity or cease certain activities for a portion of or for the remainder of the nesting season.

Lee County, the Florida Game and Freshwater Fish Commission, and the FWS will decide during or after the completion of the nesting season with construction in the secondary buffer zone, if the activity had or may negatively affect the bald eagle. If all agencies agree that the construction has not disturbed the bald eagle, future years will require only notification to Lee County of the dates commencement of construction.

Exhibit D contains a plan outlining the specifics of the plan outlined below.

Modifications to the plan may be made after review and approval by the agencies. Any modifications to the plan will be submitted for review and approval by the Florida Game and Freshwater Fish Commission, the FWS and Lee County. Modifications will not be implemented unless approval has been granted by the agencies for any proposed changes to the plan.

Abandoned Nests

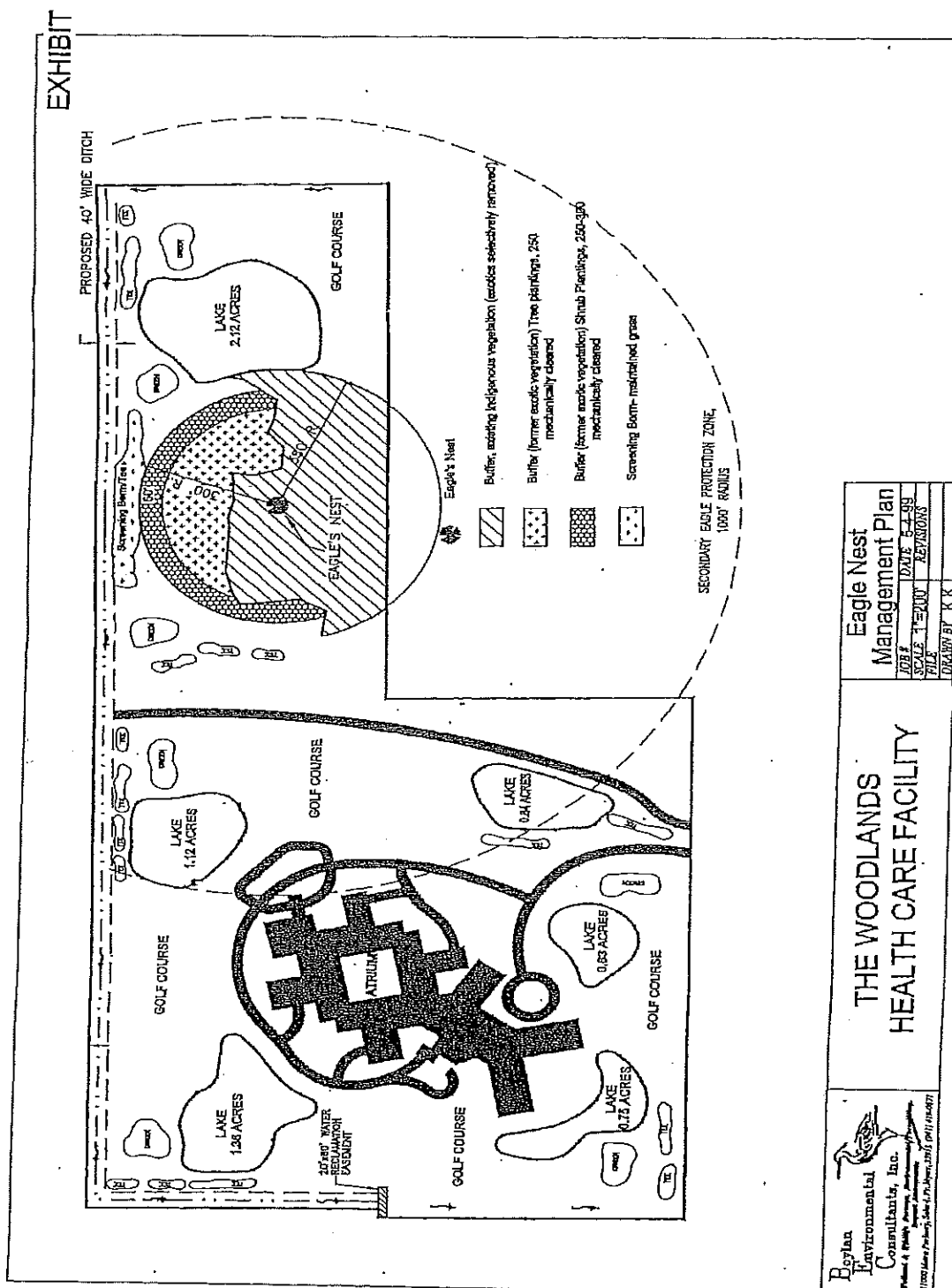
The eagle nest buffer zones and the restrictions related thereto remain in effect until the nest is abandoned for a period extending through five consecutive breeding seasons of non-use, or if the nest is blown down and not rebuilt for two years. Once the nest has been abandoned, as defined herein, the restrictions imposed in this document on the primary zones and secondary zones associated with that nest are vacated. Further, the Conservation Easement shall terminate and be of no further force and effect.

Special Incentive Benefits

The developer is entitled to Compensation Incentives as outlined in the eagle protection ordinance. The applicant is requesting the following incentives.

- 1 Priority Review-The developer shall receive priority review and processing of all zoning and development applications for the subject property.
- 2 Waiver of Zoning, Building, Permit and Development Order Fees-The County shall refund rezoning and development fees and waive all building fees for the subject property once the Conservation Easement is approved and recorded; provided however, that in no case shall the total amount of fees waived exceed twice the appraised value of the buffer area. Value of the buffer area shall be determined pursuant to Section Seven of the Eagle Protection ordinance. Additionally the applicant shall be refunded those fees already paid pursuant to the rezoning of this parcel. The County shall provide a credit against Regional Park Impact Fees on the subject property.

As part of the Residential Development application deviations from the Eagle Protection Ordinance have been requested to enable the requested incentives to be granted.



Florida Exotic Pest Plant Council's 2007 List of Invasive Plant Species

Purpose of the List: To focus attention on—

- ‡ the adverse effects exotic pest plants have on Florida's biodiversity and plant communities,
- ‡ the habitat losses from exotic pest plant infestations,
- ‡ the impacts on endangered species via habitat loss and alteration,
- ‡ the need to prevent habitat losses through pest-plant management,
- ‡ the socio-economic impacts of these plants (e.g., increased wildfires in certain areas),
- ‡ changes in the seriousness of different pest plants over time,
- ‡ the need to provide information that helps managers set priorities for control programs.

CATEGORY I

Invasive exotics that are altering native plant communities by displacing native species, changing community structures or ecological functions, or hybridizing with natives. This definition does not rely on the economic severity or geographic range of the problem, but on the documented ecological damage caused.

Scientific Name	Common Name	FLEPPC Cat.	Gov. List	Reg. Dist.
<i>Abrus precatorius</i>	rosary pea	I	N	C, S
<i>Acacia auriculiformis</i>	earleaf acacia	I		C, S
<i>Albizia julibrissin</i>	silktree	I		N, C
<i>Albizia lebbekii</i>	woman's tongue	I		C, S
<i>Andisia crenata</i> (= <i>A. crenulata</i> misapplied)	coral ardisia	I		N, C, S
<i>Andisia elliptica</i> (= <i>A. humilis</i> misapplied)	stonebutton ardisia	I	N	C, S
<i>Asparagus aethiopicus</i> (= <i>A. sprengeri</i> ; <i>A. densiflorus</i> misapplied)	asparagus fern	I		N, C, S
<i>Bauhinia variegata</i>	orchid tree	I		C, S
<i>Bischofia javanica</i>	bishopwood	I		C, S
<i>Catophyllum antillarum</i> (= <i>C. calaba</i> and <i>C. inophyllum</i> misapplied)	santa maria (narrows "mast wood," "Alexandrian laurel" used in cultivation)	I		S
<i>Casuarina equisetifolia</i>	Australian-pine, beach sheoak	I	N	N, C, S
<i>Casuarina glauca</i>	suckering Australian-pine, gray sheoak	I	N	C, S
<i>Cinnamomum camphora</i>	camphor tree	I		N, C, S
<i>Colocasia esculenta</i>	wild taro	I		N, C, S
<i>Colubrina asiatica</i>	lather leaf	I	N	S
<i>Cupaniopsis anacardioides</i>	carrotwood	I	N	C, S
<i>Dioscorea alata</i>	winged yam	I	N	N, C, S
<i>Dioscorea bulbifera</i>	air potato	I	N	N, C, S
<i>Eichhornia crassipes</i>	water hyacinth	I	P	N, C, S
<i>Eugenia uniflora</i>	Surinam cherry	I		C, S
<i>Ficus microcarpa</i> (<i>E. nitida</i> and <i>F. retusa</i> var. <i>nitida</i> misapplied)	laurel fig	I		C, S
<i>Hydrilla verticillata</i>	hydrilla	I	P, U	N, C, S
<i>Hygrophila polysperma</i>	green hygro	I	P, U	N, C, S
<i>Hymenachne amplexicaulis</i>	West Indian marsh grass	I		C, S
<i>Imperata cylindrica</i> (<i>I. brasiliensis</i> misapplied)	cogon grass	I	N, U	N, C, S
<i>Ipomoea aquatica</i>	water spinach	I	P, U	C
<i>Jasminum dichotomum</i>	Gold Coast jasmine	I		C, S
<i>Jasminum fluminense</i>	Brazilian jasmine	I		C, S
<i>Lantana camara</i>	lantana, shrub verbena	I		N, C, S
<i>Ligustrum lucidum</i>	glossy privet	I		N, C
<i>Ligustrum sinense</i>	Chinese privet, hedge privet	I		N, C, S

FLEPPC List Definitions:

C = Category I species
S = Category II species
N = Category III species
P = Category IV species
U = Category V species

Abbreviations:

C = Category I species
S = Category II species
N = Category III species
P = Category IV species
U = Category V species

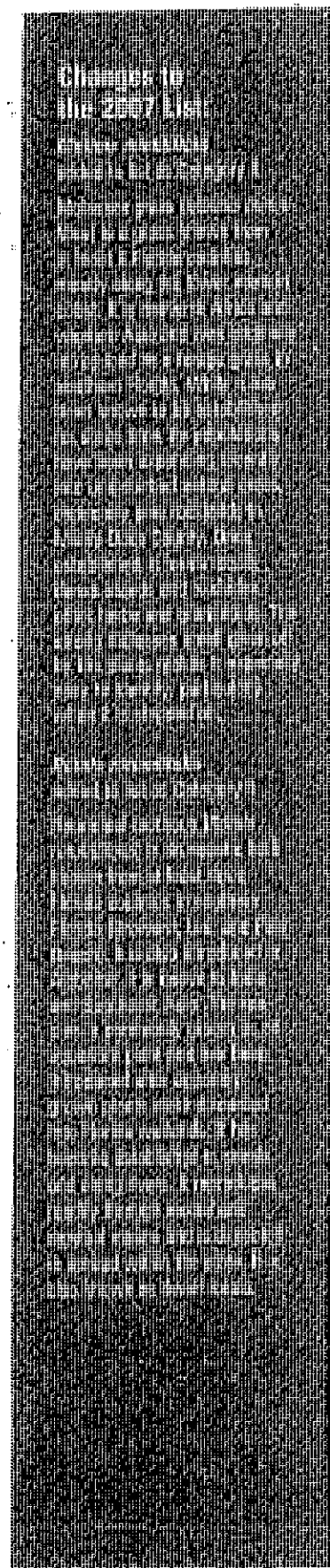
Scientific Name	Common Name	FLEPPC Cat.	Gov. List	Reg. Dist.
<i>Lonicera japonica</i>	Japanese honeysuckle	I		N, C, S
<i>Ludwigia peruviana</i>	Peruvian primrosewillow	I		N, C, S
<i>Lygodium japonicum</i>	Japanese climbing fern	I	N	N, C, S
<i>Lygodium microphyllum</i>	Old World climbing fern	I	N	C, S
<i>Macfadyena unguis-cati</i>	cat's claw vine	I		N, C, S
<i>Manihara zapota</i>	sapodilla	I		S
<i>Melaleuca quinquenervia</i>	melaleuca, paper bark	I	R, N, U	C, S
<i>Mimosa pigra</i>	catclaw mimosa	I	R, N, U	C, S
<i>Nandina domestica</i>	nandina, heavenly bamboo	I		N, C
<i>Nephrolepis cordifolia</i>	sword fern	I		N, C, S
<i>Nephrolepis multiflora</i>	Asian sword fern	I		C, S
<i>Neyraudia reynaudiana</i>	Burma reed, cane grass	I	N	S
<i>Paederia cruddasiana</i>	sewer vine, onion vine	I	N	N, C, S
<i>Paederia foetida</i>	skunk vine	I	N	N, C, S
<i>Panicum repens</i>	torpedo grass	I		N, C, S
<i>Pennisetum purpureum</i>	Napier grass	I		N, C, S
<i>Pistia stratiotes</i>	waterlettuce	I	P	N, C, S
<i>Psidium cattleianum</i> (=P. littorale)	strawberry guava	I		C, S
<i>Psidium guajava</i>	guava	I		C, S
<i>Fueraria montana</i> var. <i>lobata</i> (=P. lobata)	kudzu	I	N	N, C, S
<i>Rhodomyrtus tomentosa</i>	downy rose-myrtle	I	N	C, S
<i>Rhynchosyris repens</i> (=Melinis repens)	Natal grass	I		N, C, S
<i>Ruellia tweediana</i> (= R. brittoniana, R. coerules)	Mexican petunia	I		N, C, S
<i>Sapium sebiferum</i> (=Triadica sebifera)	popcorn tree, Chinese tallow tree	I	N	N, C, S
<i>Scacvala taccada</i> (=Scacvala sericea, S. frutescens)	scacvala, half-flower, beach paupalia	I	N	C, S
<i>Schefflera actinophylla</i> (=Brassala actinophylla)	schefflera, Queensland umbrella tree	I		C, S
<i>Schinus terebinthifolius</i>	Brazilian pepper	I	R, N	N, C, S
<i>Senna pendula</i> var. <i>glabrata</i> (=Cassia coluteoides)	climbing cassia, Christmas cassia, Christmas senna	I		C, S
<i>Solanum tampicense</i> (=S. houstonii)	wetland nightshade, aquatic soda apple	I	N, U	C, S
<i>Solanum viarum</i>	tropical soda apple	I	N, U	N, C, S
<i>Syngonium podophyllum</i>	arrowhead vine	I		N, C, S
<i>Syzygium cumini</i>	jambolan plum, Java plum	I		C, S
<i>Tectaria incisa</i>	incised halberd fern	I		S
<i>Thespesia populnea</i>	seaside mahoe	I		C, S
<i>Tradescantia fluminensis</i>	white-flowered wandering jew	I		N, C
<i>Urochloa mutica</i> (=Brachiaria mutica)	Para grass	I		C, S

CATEGORY II

Invasive exotics that have increased in abundance or frequency but have not yet altered Florida plant communities to the extent shown by Category I species. These species may become ranked Category I, if ecological damage is demonstrated.

Scientific Name	Common Name	FLEPPC Cat.	Gov. List	Reg. Dist.
<i>Adenanthura pavonina</i>	red sandalwood	II		S
<i>Agave sisalana</i>	sisal hemp	II		C, S
<i>Aleurites fordii</i> (=Vernicia fordii)	tung oil tree	II		N, C
<i>Alstonia macrophylla</i>	devil tree	II		S
<i>Alternanthera philoxeroides</i>	alligator weed	II	P	N, C, S
<i>Antigonon leptopus</i>	coral vine	II		N, C, S
<i>Aristolochia littoralis</i>	calico flower	II		N, C, S

Scientific Name	Common Name	FLEPPC Cat.	Gov. List	Reg. Dist.
<i>Asystasia gangetica</i>	Ganges primrose	II		C, S
<i>Begonia cucullata</i>	wax begonia	II		N, C, S
<i>Blechnum pyramidalum</i>	green shuimp plant, Brown's blechnum	II		N, C, S
<i>Broussonetia papyrifera</i>	paper mulberry	II		N, C, S
<i>Callisia fragrans</i>	inch plant, spironema	II		C, S
<i>Casuarina cunninghamiana</i>	river sheoak, Australian-pine	II	P	C, S
<i>Cecropia palmata</i>	trumpet tree	II		S
<i>Cestrum diurnum</i>	day jessamine	II		C, S
<i>Chamaedorea seifrizii</i>	bamboo palm	II		S
<i>Clematis terniflora</i>	Japanese clematis	II		N, C
<i>Cryptostegia madagascariensis</i>	rubber vine	II		C, S
<i>Cyperus involutus</i> (<i>C. alternifolius</i> misapplied)	umbrella plant	II		C, S
<i>Cyperus proflifer</i>	dwarf papyrus	II		C, S
<i>Dalbergia sissoo</i>	Indian rosewood, sissoo	II		C, S
<i>Elaeagnus pungens</i>	silvertorn, thorny olive	II		N, C
<i>Epipremnum pinnatum</i> cv. <i>Aureum</i>	pothos	II		C, S
<i>Ficus altissima</i>	false banyan, council tree	II		S
<i>Flacourtia indica</i>	governor's plum	II		S
<i>Hemarthria alissima</i>	limpo grass	II		C, S
<i>Hibiscus tiliaceus</i> (= <i>Talipariti tiliaceum</i>)	mahoe, sea hibiscus	II		C, S
<i>Ipomoea fistulosa</i> (= <i>I. carnea</i> ssp. <i>fistulosa</i>)	strub morning-glory	II	P	C, S
<i>Jasminum sambac</i>	Arabian jasmine	II		S
<i>Kalanchoe pinnata</i>	life plant	II		C, S
<i>Koelerutaria elegans</i> ssp. <i>formosana</i> (= <i>K. formosana</i> ; <i>K. paniculata</i> misapplied)	flamegold tree	II		C, S
<i>Leucaena leucocephala</i>	lead tree	II	N	N, C, S
<i>Limnophila sessiliflora</i>	Asian marshweed	II	R, U	N, C, S
<i>Livistona chinensis</i>	Chinese fan palm	II		C, S
<i>Melia azadirach</i>	Chitaberry	II		N, C, S
<i>Melinis minutiflora</i>	Molassesgrass	II		C, S
<i>Merremia tuberosa</i>	wood-rose	II		S
<i>Murraya paniculata</i>	orange-jessamine	II		S
<i>Myriophyllum spicatum</i>	Eurasian water-milfoil	II	P	N, C, S
<i>Nymphoides cristata</i>	snowflake	II		C, S
<i>Panicum maximum</i>	Guinea grass	II		N, C, S
<i>Passiflora biflora</i>	two-flowered passion vine	II		S
<i>Pennisetum setaceum</i>	green fountain grass	II		S
<i>Phoenix reclinata</i>	Senegal date palm	II		C, S
<i>Phyllostachys aurea</i>	golden bamboo	II		N, C
<i>Pittosporum pentandrum</i>	Philippine pittosporum, Taiwanese cheesewood	II		S
<i>Pteris vittata</i>	Chinese brake fern	II		N, C, S
<i>Ptychosperma elegans</i>	solitaire palm	II		S
<i>Rhoeo spathacea</i> (see <i>Tradescantia spathacea</i>)				
<i>Ricinus communis</i>	castor bean	II		N, C, S
<i>Rotala rotundifolia</i>	roundleaf toothcup, dwarf Rotala	II		S
<i>Sansevieria hyacinthoides</i>	bowstring hemp	II		C, S
<i>Scleria lacustris</i>	Wright's nutrush	II		C, S
<i>Sesbania punicea</i>	purple sesban, rattlebox	II		N, C, S
<i>Solanum diphyllum</i>	two-leaf nightshade	II		N, C, S
<i>Solanum jamaicense</i>	Jamaica nightshade	II		C
<i>Solanum torvum</i>	susumber, turkey berry	II	N, U	N, C, S



Use of the FLEPPC List

Scientific Name	Common Name	FLEPPC Cat.	Gov. List	Reg. Dist.
<i>Sphagnetocola trilobata</i> (= <i>Wedelia trilobata</i>)	wedelia	II		N, C, S
<i>Slackiastarpheta cayanensis</i> (= <i>S. urticifolia</i>)	nettle-leaf porterweed	II		S
<i>Syagrus romanzoffiana</i> (= <i>Arecastrum romanzoffianum</i>)	queen palm	II		C, S
<i>Syzygium jambos</i>	rose-apple	II		C, S
<i>Terminalia catappa</i>	tropical-almond	II		C, S
<i>Terminalia nuelletii</i>	Australian-almond	II		C, S
<i>Tradescantia spathulacea</i> (= <i>Rhoeo spathulacea</i> , <i>Rhoeo discolor</i>)	oyster plant	II		S
<i>Tribulus cistoides</i>	puncture vine, burr-nut	II		N, C, S
<i>Urena lobata</i>	Caesar's weed	II		N, C, S
<i>Vitex trifolia</i>	simple-leaf chaste tree	II		C, S
<i>Washingtonia robusta</i>	Washington fan palm	II		C, S
<i>Wedelia</i> (see <i>Sphagnetocola</i> above)				
<i>Wisteria sinensis</i>	Chinese wisteria	II		N, C
<i>Xanthosoma sagittifolium</i>	malanga, elephant ear	II		N, C, S

Citation example:

FLEPPC. 2007. List of Florida's Invasive Plant Species. Florida Exotic Pest Plant Council. Internet: <http://www.fleppc.org/07list.htm> or *Wildland Weeds* Vol. 10(4), Fall 2007.

The 2007 list was prepared by the FLEPPC Plant List Committee:

Keith A. Bradley — Chair (2006-present), The Institute for Regional Conservation, 22601 S.W. 152nd Ave., Miami, FL 33170

Kathy Craddock Burks — Chair (2001-2006)

Nancy Craft Colke, Botanist Emerita, Division of Plant Industry, Florida Department of Agriculture and Consumer Services, 22804 N.W. County Road 2054, Alachua, FL 32615

Janice A. Duquesnel, Florida Park Service, Florida Department of Environmental Protection, P.O. Box 1052, Islamorada, FL 33036

David W. Hall, Private Consulting Botanist, 3666 N.W. 13th Place, Gainesville, FL 32605

Roger L. Hammer, Miami-Dade Parks Department, Castellow Hammock Nature Center, 22301 S.W. 162nd Ave., Miami, FL 33030

Patricia L. Howell, Broward County Parks, Environmental Section, 950 NW 38th Street, Oakland Park, FL 33309

Copette C. Jacouo, U. S. Geological Survey, Center for Aquatic Resources Studies, 7920 NW 71st Street, Gainesville, FL 32653

Kenneth A. Langeland, Center for Aquatic and Invasive Plants, IEAS, University of Florida, 7922 N.W. 71st St., Gainesville, FL 32606

Chris Lockhart, Florida Natural Areas Inventory, c/o E.O. Box 243116, Boynton Beach, FL 33424-3116

Gil Nelson, Gil Nelson Associates, 157 Leonard's Drive, Thomasville, GA 31792

Robert W. Pemberton, Invasive Plants Research Lab, U.S. Dept. of Agriculture, 3225 College Ave., Ft. Lauderdale, FL 33312

Jimi L. Sadle, Everglades National Park, 40001 State Road 9336, Homestead, FL 33034

Robert W. Simonis, 1122 S.W. 11th Avenue, Gainesville, FL 32601-7816

Sandra M. Yordaman, Alachua County Forever Land Conservation Program, Alachua County Environmental Protection Dept., 201 SE 2nd Avenue, Suite 201, Gainesville, Florida 32601

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FLEPPC Database — The Florida Exotic Pest Plant Database contains over 6,000 sight records of infestations of FLEPPC Category I and Category II species in Florida public lands and waters. 360 species are recorded. Nearly all of the records are from local, state, and federal parks and preserves; a few records document infestations in regularly disturbed public lands such as highway or utility rights-of-way. Natural area managers and other veteran observers of Florida's natural landscapes submit these records, with many supported further by voucher specimens housed in local or regional herbaria for future reference and verification. New and updated observations can be submitted online at www.fleppc.org/EODMap/. This database, along with other plant-data resources such as the University of South Florida Atlas of Florida Vascular Plants at www.plantatlas.usf.edu, the Florida Natural Areas Inventory database at www.fnai.org, and The Institute for Regional Conservation Floristic Inventory of South Florida database at www.regionalconservation.org, provides important basic supporting information for the FLEPPC List of Invasive Plant Species.

Images of FLEPPC-listed species may be found at one or more of the following websites: University of South Florida Atlas of Florida Vascular Plants, www.plantatlas.usf.edu; the "Introduced Species" page on the University of Florida Herbarium website, www.hmh.ufl.edu/herbarium/cai/digitalimagingprojects.htm; at Fairchild Tropical Garden's Virtual Herbarium, www.virtualherbarium.org/vportal.html; The Robert K. Godfrey Herbarium at FSU, <http://herbarium.bio.fsu.edu/index.php>; and at the University of Florida's Center for Aquatic and Invasive Plants, <http://plants.ifas.ufl.edu>. Please note that greater success and accuracy in searching for plant images is likely if you search by scientific name rather than a common name. Common names often vary in cultivation and across regions. For additional information on plants included in this list, see related links and pages at www.fleppc.org.

www.fleppc.org

FLEPPC 2007 List of Invasive Plant Species — Fall 2007

BIENNIAL MONITORING REPORT REQUIREMENTS

The Biennial Monitoring Report submitted by the applicant in accordance with Subsections 380.06(15) and 380.06(18), Florida Statutes, and 9J-2.025(7), Florida Administrative Code, must include the following:

- A. Any changes in the plan of development or in the representations contained in the application for development approval, or in the phasing for the reporting year and for the next year;
- B. A summary comparison of development activity proposed and actually conducted for the year;
- C. Identification of undeveloped tracts of land, other than individual single family lots, that have been sold to separate entities or developers.
- 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. A specific assessment of the developer's and the local government's compliance with each individual condition of approval contained in the DRI Development Order and the commitments contained in the application for development approval that have been identified by the local government, the RPC, or the DCA as being significant;
- F. Any requests for substantial deviation determination that were filed in the reporting year and to be filed during the following year;
- 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 that have been obtained or 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 report in conformance with Subsections 380.06(15) and (18), 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 Paragraph 380.06(15)(f), Florida Statutes.

NOTE: The Florida Administrative Code specifically requires that the development order specify the requirements for the report. The Administrative Code requires that the report will be submitted to DCA, the RPC, and the local government on Form RPM-BSP-Annual Report-1.

EXHIBIT I

STATE OF FLORIDA

COUNTY OF LEE

I Linda Doggett, Clerk of Circuit Court, Lee County, Florida, and ex-Officio Clerk of the Board of County Commissioners, Lee County, Florida, do hereby certify that the above and foregoing is a true and correct copy of Development Order for Shell Point (f/k/a Sandpiper Cove) (Seventh Amendment) State DRI #09-74-001 Case #83-77-CIV.FT.M-17, adopted by the Board of Lee County Commissioners at their meeting held on the 7th day of May, 2014.

Given under my hand and seal, at Fort Myers, Florida, this 13th day of May, 2014.

LINDA DOGGETT,
Clerk of Circuit Court
Lee County, Florida



By: Marcia Wilson
Deputy Clerk

Agenda

Item

10g

10g

Coconut Point DRI –
Development Order Review

10g

**COCONUT POINT DRI
(aka SIMON SUNCOAST)
DRI # 09-2001-0153
REVIEW OF THE EIGHTH AMENDMENT TO THE
LEE COUNTY DEVELOPMENT ORDER**

Council Recommendations

On January 17, 2002, the Council recommended conditional approval of the Simon Suncoast DRI Application for Development Approval. The approval was subject to regional conditions relating to Affordable Housing, Energy, Stormwater Management, Transportation, Vegetation and Wildlife/Wetlands, Hurricane Preparedness, and Consistency with the Local Comprehensive Plan and Strategic Regional Policy Plan. On November 21, 2013, the Southwest Florida Regional Planning Council approved staff recommendations to approve the proposed Notice of Proposed Change (NOPC) which would allow the applicant: (1) to add an acute care hospital and increase the amount of medical office from 104,333 square feet to 234,000 square feet and (2) to extend the buildout and termination date to December 31, 2024 and December 31, 2030 respectively.

Lee County Development Order

On May 7, 2014, the Board of Lee County Commissioners approved the Coconut Point DRI Development Order. A copy of the development order (see Attachment I) was rendered to the SWFRPC on May 30, 2014. The Department of Economic Opportunity 45-day appeal period for the Development Order expires on July 11, 2014. Staff review of the attached Development Order finds that it is consistent with all regional issues and recommendations identified within the Council's Official Recommendations.

RECOMMENDED ACTION: Accept the development order as rendered and forward the review to Lee County and the Florida Department of Economic Opportunity.

EIGHTH DEVELOPMENT ORDER AMENDMENT¹
FOR
COCONUT POINT DRI
STATE DRI # 09-2001-153

Let it Be Known That, pursuant to Florida Statutes §380.06, the Board of County Commissioners of Lee County, Florida, heard at a public hearing convened on October 21, 2002, the Application For Development Approval submitted by The Simon Property Group, L.P. and Oakbrook Properties, Inc., for Coconut Point DRI (originally known as Simon Suncoast DRI), a mixed use development in Lee County, consisting of approximately 482.4 +/- acres.

WHEREAS, the Board of County Commissioners of Lee County, Florida considered the report and recommendations of the Southwest Florida Regional Planning Council, the Lee County Staff, the Lee County Hearing Examiner, the application and sufficiency submittals, and the documents and comments made on the record in public hearing, and after full consideration of those reports, recommendations, documents and comments, the Board of County Commissioners of Lee County, Florida, adopted the Coconut Point Development of Regional Impact (DRI) Development Order; and

WHEREAS, the original Development Order for the Coconut Point DRI was approved on October 21, 2002; and

WHEREAS, the DRI Development Order was subsequently amended on February 7, 2005 to reduce the number of hotel rooms from 600 to 350, decrease the number of apartments from 450 to 250, and increase the number of residential condominiums from 550 to 1,000; and

WHEREAS, on August 1, 2006 the DRI Development Order was amended a second time to extend the build out date one year to December 31, 2007; and

WHEREAS, on August 30, 2006, the DRI Development Order was amended a third time to: (1) increase condominium units from 1,000 to 1,528; (2) decrease apartment units from 250 to 0; (3) increase hotel units from 350 to 440; (4) decrease retail commercial square footage from 1,800,000 to 1,638,900; (5) increase commercial square footage for banks by 8,000 square feet; (6) increase general office square footage from 200,000 to 315,000; (7) decrease medical office square footage from 100,000 to 68,333; (8) add a 506 seat performing arts center; and (9) add a land use conversion chart; and

WHEREAS, the Coconut Point DRI was amended a fourth time on March 18, 2008 to provide the benefit of the statutory extension to all phase build out and expiration dates as provided under HB 7203; and

¹ This is a codification and restatement of the Coconut Point DRI Development Orders as amended through August 5, 2013 May 7, 2014.

WHEREAS, the Coconut Point DRI was amended a fifth time on December 19, 2009 to provide the benefit of the statutory extension to all phase build out and expiration dates as provided under SB 360; and

WHEREAS, on June 2, 2011, House Bill 7207 (HB 7207) was signed into law by the Governor of the State of Florida. HB 7207, as codified in Chapter 2011-139, Laws of Florida, authorizes a four year extension for all valid DRI Development Orders. At the option of the developer, all commencement, phase, build out and expiration dates for valid Developments of Regional Impacts may be extended by four (4) years regardless of previous extensions issued in the past; and

WHEREAS, on June 29, 2011, Lee County received a request to extend the DRI compliance dates as contemplated under HB 7207, resulting in an extension to December 31, 2016; and

WHEREAS, Executive Order Number 11-128 provided for an extension of 60 days (extended an additional 60 days by Executive Order 11-172 and an additional 30 days by Executive Order 11-202), for build out, commencement and completion dates for valid DRI Development Orders at the option of the developer; and

WHEREAS, under Florida Statutes §252.363 (effective July 1, 2011) build out dates for valid DRI Development Orders were extended an additional 6 months;

WHEREAS, on January 26, 2012, Lee County received a request to extend the DRI compliance dates as contemplated under Executive Order Number 11-128 (extended by 11-172 and 11-202) and Florida Statutes §252.363, resulting in an extension to November 6, 2017; and

WHEREAS, Executive Order Number 12-140 provided for an extension of 60 days (extended an additional 30 days by Executive Order 12-192 and an additional 5 days by Executive Order 12-217) for build out, commencement and completion dates for valid DRI Development Orders at the option of the developer; and

WHEREAS, under Florida Statutes §252.363, build out dates for valid DRI Development Orders were extended an additional 6 months; and

WHEREAS, on July 2, 2012, Lee County received a request to extend the DRI compliance dates as contemplated under Executive Order Number 12-140 (extended by 12-192 and 12-217) and Florida Statutes §252.363, resulting in an extension to August 8, 2018; and

WHEREAS, Executive Order Number 12-199 provided for an extension of 60 days for build out, commencement and completion dates for valid DRI Development Orders at the option of the developer; and

WHEREAS, under Florida Statutes §252.363, Executive Order Number 12-199 extended the build out dates for valid DRI Development Orders an additional 6 months; and

WHEREAS, on October 2, 2012, Lee County received a request to extend the DRI compliance dates as contemplated under Executive Order Number 12-199 and Florida Statutes §252.363, resulting in an extension to April 7, 2019; and

WHEREAS, on January 8, 2013, the Coconut Point DRI was amended a sixth time to extend the build out and termination dates to April 7, 2019, and April 7, 2025, respectively; and

WHEREAS, on August 5, 2013, the DRI Development Order was amended a seventh time to: (a) decrease the number of residential units from 1,528 to 1,214; (b) decrease the retail square footage from 1,638,900 to 1,607,500; (c) increase the office square footage from 315,000 to 782,777; (d) eliminate the performing arts center; (e) increase the number of ALF units from 200 to 400; (f) reduce the number of hotel units from 440 to 320; and (g) extend the build out and termination dates to December 31, 2019 and December 31, 2025, respectively; and

WHEREAS, on September 20, 2013, Lee County received a request for an Eighth Amendment to the Coconut Point DRI Development Order to: (1) add an acute care hospital and increase the amount of medical office from 104,333 sf. to 234,000 sf. and (2) extend the build out date and termination date to December 31, 2024, and December 31, 2030, respectively; and

WHEREAS, the Eighth Amendment application was reviewed by the Southwest Florida Regional Planning Council and the Lee County Hearing Examiner, who found it consistent with the Lee County Comprehensive Plan; and

WHEREAS, the Board approved the Eighth Amendment finding the proposed changes did not constitute a substantial deviation from the original development approvals; and

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Lee County, Florida, that the Development Order for the Coconut Point DRI is hereby amended as follows:

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. The Coconut Point DRI is a master planned commercial development consisting of 482.4+/- acres located in unincorporated south central Lee County at the intersection of US 41 and Coconut Road. The Coconut Point DRI is a mixed use development that will consist of: 1,450,000 gross leasable square feet of retail/regional mall (Regional Retail Center), 157,500 gross leasable square feet of retail on other parcels adjacent to the regional mall (Community Commercial Retail), 8,000 gross leasable square feet of Banks, 782,777 square feet of office, of which no more than

104,333 square feet may be medical office, 320 hotel rooms, 1,214 condominium units, and a 400 unit assisted living facility. The project will include 33.4 acres of conservation areas, 57.1 acres of lakes, 43.2 acres of road rights-of-way and 9.0 acres of green area/open space.

This Eighth Amendment: (1) provides an option to develop an acute care hospital within Tract 3A as shown on Page 3 of Map H attached hereto as Exhibit "B", (2) increases the square footage of office that can be constructed within Tract 3A so long as net new external trips from Tract 3A do not exceed 614; and (3) extends the build out and termination dates to December 31, 2024, and December 31, 2030, respectively.

Tract 3A was previously allocated up to 60,000 gross leasable square feet of retail and 170,000 gross leasable square feet of general office, of which 68,333 square feet could have been medical office. Pursuant to the Eighth Amendment, Tract 3A may be developed with a maximum of the following: 160-bed acute care hospital, 60,000 gross leasable square feet of retail, 300,000 square feet office, of which a maximum of 198,000 square feet may be medical office, or any combination of the foregoing that does not exceed 614 net new external trips.

Water and wastewater treatment will be provided by Bonita Springs Utilities.

The project phasing schedule consists of one phase with build out in ~~2019~~2024.

B. The terms of this Development Order apply to the property located and described in attached Exhibit A.

C. The property is zoned Mixed Planned Development (MPD). Undeveloped portions of the property are currently in active agricultural use.

D. The Application for Development Approval (ADA) is consistent with the requirements of §380.06, Florida Statutes, and was found sufficient by the Southwest Florida Regional Planning Council (SWFRPC) on January 17, 2001.

E. The development is not located in an area designated as an Area of Critical State Concern under the provision of §380.05, Florida Statutes.

F. The development will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan. The development is consistent with the State Comprehensive Plan if developed in accordance with the conditions set forth herein.

G. The proposed Development Order Amendment has been reviewed by the SWFRPC and is the subject of the report and recommendations adopted by that body and subsequently forwarded to Lee County in accordance with §380.06, Florida Statutes. The development, as proposed in the ADA, subsequently amended by the Notice of

Proposed Change, and modified by this Development Order Amendment, is generally consistent with the report and recommendations of the SWFRPC pursuant to §380.06(11), Florida Statutes. On November 21, 2014, The Southwest Florida Regional Planning Council found the changes proposed by the Eighth Amendment did not create additional regional impacts warranting further DRI review.

H. The development is located in the Urban Community and Wetlands future land use categories. The project, as proposed and conditioned herein, is consistent with the Lee County Comprehensive Plan and the Lee County Land Development Code (LDC).

I. The conditions set forth below meet the criteria found in §380.06(15)(d), Florida Statutes.

II. ACTION ON THE REQUEST AND CONDITIONS OF APPROVAL

NOW THEREFORE, be it resolved by the Board of County Commissioners of Lee County, Florida, in a public meeting duly advertised, constituted and assembled that the Development of Regional Impact Application for Development Approval submitted on behalf of Simon Property Group, L.P. and the Oakbrook Properties, Inc., for the project known as the Coconut Point DRI, originally approved October 21, 2002, is hereby further amended subject to the following conditions, restrictions and limitations. For the purpose of this Development Order, the term "Developer" refers to Simon Property Group, L.P., Oakbrook Properties, Inc., and Coconut Point Developers, LLC, and includes all successors or assigns, and all references to County Ordinances or other regulations, including future amendments.

A. AFFORDABLE HOUSING

1. *150 Affordable Housing Units (\$600,000).²*
 - a. The Developer must provide, either directly or through third parties, 150 units (combined total) of affordable housing for very low, low, and moderate-income persons within the identified DRI housing assessment area on or before December 31, 2006.
 - b. In the event the Developer does not provide all of the 150 units required above prior to December 31, 2006, the Developer may satisfy the remaining affordable housing obligation by paying \$4,000 (\$600,000 divided by 150 units) for each unit of the shortfall to the Lee County Affordable Housing Trust Fund.

² The Developer paid \$600,000 to Lee County on December 20, 2006 to satisfy this condition. These funds were accepted by the Board via Blue Sheet 20070290 in March 2007.

2. *University Student Housing (\$400,000).*³ In addition to the above, the Developer will subsidize University student housing by giving \$400,000 to the Florida Gulf Coast University prior to the issuance of the first development order allowing vertical construction within the DRI (excepting any public uses mandated by this Development Order). These funds must be specifically earmarked for University student housing.

3. The changes to the development parameters proposed in the Eighth Amendment do not create impacts to affordable housing warranting further mitigation.

B. ENERGY

The Developer must incorporate, as a minimum, the following energy conservation features into all site plans and architectural programs, or insure that the following features are implemented through deed restrictions or covenants with successors in title. All applications for site plan approvals and building permits must be accompanied by documents detailing proposed compliance with these conditions. If deed restrictions or covenants are utilized to insure compliance, those documents must be approved by the County Attorney's Office prior to recording.

These features are:

1. A bicycle/pedestrian system connecting all land uses, to be placed along arterial and collector roads within the project and also along Sandy Lane. This system will be consistent with LDC regulations.
2. Bicycle racks or storage facilities in recreational, commercial and multi-family residential areas.
3. Bus stops, shelters and other passenger and system accommodations for a transit system to service the project area.
4. Energy efficient features in window design (e.g. tinting and exterior shading), operable windows, ceiling fans, appliances and equipment.
5. Minimize coverage by asphalt, concrete, rock and similar substances in street, parking lots and other area to reduce local air temperatures and reflecting light and heat.
6. Energy-efficient lighting for streets, parking area, recreation area and other interior and exterior public areas.
7. Water closets with a maximum flush of 1.6 gallons and shower heads and faucets with a maximum flow rate of 2.5 gallons per minute (at 80 pounds of water pressure per square inch).

³ This requirement was satisfied in October 2004.

8. Selecting, planting and maintaining native plants, trees and other vegetation and landscape design features that reduce requirements for water, fertilizer, maintenance and other needs.

9. Planting native shade trees to provide reasonable shade for all recreation areas, street and parking areas. Planting native shade trees for each residential unit.

10. Placing trees to provide needed shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months. Orienting structures, whenever possible, to reduce solar heat gain by walls and utilize the natural cooling effects of the wind.

11. Including porch and patio areas in residential units.

12. Establishing project architectural review committees that will consider energy conservation measures to assist builders and residents in the efforts to achieve greater energy efficiency in the development.

C. STORMWATER MANAGEMENT

1. The Developer must meet the criteria set forth in Chapter 40E, Florida Administrative Code, and the South Florida Water Management District (SFWMD) Basis of Review. The Developer must obtain a modification of SFWMD Permit No. 36-00288-S for the construction and operation of the surface water management system. This permit must address any impacts created by the development to wetlands and other surface waters. Halfway Creek is classified as an Outstanding Florida Water (OFW). Any discharge to an OFW requires additional water quality consideration. Prior to the issuance of the permit modification, the SFWMD will evaluate this issue in greater detail.

2. The Developer must obtain all necessary approvals from the Florida Department of Transportation for any proposed discharge points and water control structures associated with US 41.

3. At the time of permit modification application, the Developer must provide finalized information regarding the size of proposed project lakes, the location of major water control structures, the correct identification of control structures within pre-treatment areas and verification of adequate dimensions for pre-treatment areas.

4. Best management practices are subject to Lee County review and approval and must be included on all construction plans for development.

5. All internal storm water management lakes and ditches as well as any onsite preserved or enhanced wetland areas, must be set aside as private drainage or conservation easements on the recorded plat. Storm water lakes must include, where practical, adequate maintenance easements around the lakes with access to a paved roadway.

6. During construction activities, the Developer must employ best management practices for erosion and sedimentation control. These practices must be included with, or presented on, all construction plans, and are subject to approval by the appropriate agencies prior to implementation.

7. The final storm water management plan must consider, as applicable, measures to reduce runoff rates and volumes, including, but not limited to, fixed control structures, perforated pipes, and grass swale conveyances. Swales, rather than closed systems, must be used whenever possible.

8. Any shoreline banks created along the onsite storm water management system must include littoral zones constructed on slopes consistent with SFWMD and Lee County requirements and be planted in native emergent or submergent aquatic vegetation. The Developer must ensure, by supplemental replanting if necessary, that at least 80% cover by native aquatic vegetation is established/maintained within the littoral zone for the duration of the project.

9. The Developer must conduct annual inspections of the Master Stormwater Management System and any preserved/enhanced wetland areas on the project site to ensure that these areas are maintained in keeping with the final approved designs, and that the water management system is capable of accomplishing the level of storm water storage and treatment for which it was intended. The Developer or operating entity must undertake any cleaning and repair determined to be necessary based upon the annual inspection.

10. The Developer must confirm, to the satisfaction of all applicable federal, state, and local review agencies, and the SFWMD, that the proposed storm water management system will not impact habitats of any state or federally listed plant and/or animal species potentially occurring onsite, or that such impacts will be mitigated to the benefit of onsite populations of those species.

11. The Developer must undertake a regularly scheduled vacuum sweeping of all common streets and parking areas within the development.

12. If Lee County establishes a County-wide storm water management system, the Developer must participate to the extent the system benefits the development.

13. Ditch and swale slopes must be designed to minimize discharges so that these facilities may provide some additional water quality treatment prior to discharge. Treatment swales must be grassed.

14. The grassed storm water treatment areas must be mowed on a regular basis as part of the normal lawn maintenance of the development. Any debris that may accumulate in project lakes, ditches or swales, or which may interfere with the normal flow of water through discharge structures and under drain systems, must be cleaned from the

detention/retention areas on a regular basis. Any erosion to banks must be replaced immediately.

15. Under drain systems and grease baffles, if utilized within the Coconut Point DRI, must be inspected and cleaned and/or repaired on a regular basis. In no instance may the period between such inspections exceed eighteen months.

16. Storm water management system maintenance requirements include removal of any mosquito-productive nuisance plant species (e.g., water lettuce, water hyacinth, cattails and primrose willows) from all system nodes, reaches, and percolation basins, as well as from the lake littoral zones employed in the system.

17. When required by the SFWMD permit, any isolated wading bird "pools" constructed in lake littoral zones must be excavated to a depth that provides aquatic habitat for mosquito larvae predators, such as *Gambusia affinis*.

18. The Developer will establish a legal operating entity in accordance with the SFWMD Basis of Review and Lee County Land Development Code to maintain the internal storm water management lakes, ditches and wetlands. Easements, common areas or other legal mechanisms may be utilized to ensure there is sufficient access to the storm water management areas for maintenance purposes.

D. TRANSPORTATION

1. Significant Impacts

a. Assessment Parameters

The traffic impact assessment for the Project assumes the following development parameters as a worst case traffic scenario achievable under the maximum potential development parameters identified in Exhibit C, as a single phase:

	<u>Build out (2019/2024)</u>
Multifamily Condominiums (ITE LUC 230) (450 d.u. Town Center, 540 d.u. North Village) 224 d.u. South Village	1,214 d.u.
Assisted Living Facility (ITE LUC 252) (200 d.u. South Village, 200 d.u. North Village)	400 d.u.
Hotel (ITE LUC 310) (200 rooms Town Center, 120 rooms South Village)	320 rooms
Community Retail (ITE LUC 820)	457,500 <u>125,000</u>

(85,000square feet North Village, 75,000 square feet South Village*)	sq. ft. (gla)
Regional Retail Center (ITE LUC 820) (1,450,000 square feet Town Center)	1,450,000 sq. ft. (gla)
General Office (ITE LUC 710) (481,277 square feet North Village, 90,000 square Town Center, 107,167 square feet South Village*)	678,444 <u>601,777</u> sq. ft.
Medical Office (ITE LUC 720) (<u>404,333</u> <u>234,000</u> square feet South Village*)	<u>404,333</u> <u>234,000</u> sq. ft.
Bank with drive-thru (8,000 square feet North Village)	8,000 sq. ft.

*Tract 3A in the South Village (shown on page 3 of Map H attached hereto as Exhibit "B") may be developed with up to 60,000 gross leasable sq. ft. retail, 300,000 sq. ft office (of which a maximum of 198,000 sq. ft. may be medical office), 160 acute care hospital beds, or any combination of these uses that do not exceed 614 net new external trips.

The above parameters form the basis for the Project impacts and the mitigation requirements contained herein. The assumed land uses associated with the general parameters are identified by the Land Use Code (LUC) from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 6th Edition. While approved zoning categories may allow a wider range of uses, from a DRI standpoint the Project impacts are based on the above parameters and assumed uses. If the Developer exercises Mitigation Option 2 and is granted concurrency vesting for all or a portion of the DRI, any significant change in the assumed uses, mix of uses or location of uses on the Master Concept Plan will require a re-evaluation of the DRI transportation impacts. A significant change is one that would increase the external project traffic by 5% or more or that would change the projected distribution and assignment of project traffic so as to result in a net increase in road miles of significantly and adversely impacted roadway links. This condition does not apply if Mitigation Option 1 is selected.

~~The overall traffic at the Project driveway entrances based on the above parameters was estimated, based on the 2002 development parameters, was estimated to be 5,909 trips. They include, including 4,120 PM net new external peak hour trips, 757 pass-by trips, and 1,032 interzonal trip ends based upon the original buildout date of 2006. ("Interzonal trip ends" are from one part of the project to another that travel along or across public~~

roadways.) The approval of the Seventh Development Order Amendment increased the overall traffic at the driveway entrances to 6,467 trips, including 4,565 PM net new external peak hour trips. The approval of this Eighth Amendment increases the overall traffic at the driveway entrances to 6,588 trips, including 4,734 PM net new external peak hour, 860 pass-by trips, and 1,012 interzonal trip ends.

b. *Build Out Impacts*

The assessment on an existing-plus-committed network assuming the advancement of certain projects indicates that the significantly impacted roadways and intersections described below will be operating below acceptable levels of service at the end of the original 2006 Build out:

Roadway Improvements Needed

<u>Roadways</u>	<u>Needed Improvement</u>
I-75	
– Corkscrew Road to Daniels Parkway	Widen to 6 lanes
Three Oaks Parkway	
- Williams Road to Corkscrew Road	Widen to 6 lanes
US 41	
– Koreshan Boulevard to San Carlos Boulevard	Widen to 6 lanes
- Bonita Beach Road to Coconut Road	Widen to 6 lanes
Old US 41	
- Rosemary Drive to US 41	Widen to 4 lanes

Intersection Improvements Needed

Bonita Beach Road @ Old 41 ⁽¹⁾	Add 2 nd SB left turn lane
Coconut Road @ Driveway 9/Regional Retail Center ⁽²⁾	Add WB right turn lane
	Add SB right turn lane
	Add SB left turn lane
	Add dual EB left turn lane
	Signalization ⁽³⁾
Coconut Road @ Sandy Lane ⁽²⁾	Add WB left turn lane
	Add WB right turn lane
	Add NB right turn lane
	Add NB left turn lane
	Add SB left turn lane
	Add SB right turn lane

Corkscrew Road @ Ben Hill Griffin Parkway⁽¹⁾

Corkscrew Road @ River Ranch Road⁽¹⁾
Corkscrew Road @ Three Oaks Parkway

I-75 @ Corkscrew Road⁽¹⁾

Old 41 @ Dean Street⁽¹⁾
Old 41 @ Pennsylvania Avenue⁽¹⁾
Old 41 @ West Terry Street⁽¹⁾

Three Oaks Parkway @ Koreshan Boulevard⁽¹⁾
Three Oaks Parkway @ Williams Road⁽¹⁾
Three Oaks Parkway @ Coconut Road⁽¹⁾
US 41 @ Immokalee Road⁽¹⁾
US 41 @ Old 41⁽¹⁾ (Collier County)
US 41 @ Bonita Beach Road
US 41 @ West Terry Street
US 41 @ Old 41/Pelican Landing Parkway

US 41 @ Pelican Colony Boulevard

US 41 @ Coconut Road

US 41 @ Driveway 6/Regional Retail Center⁽¹⁾

Add EB left turn lane
Add EB right turn lane
Signalization⁽³⁾
Add 2nd EB left turn lane
Add 2nd NB left turn lane
Add 2nd SB left turn lane
Signal retiming
Add 2nd WB left turn lane
Add 2nd NB left turn lane
Add 2nd SB left turn lane
Add 2nd EB left turn lane⁽⁴⁾
Add 2nd WB left turn lane⁽⁴⁾
Add 2nd NB left turn lane
Add 2nd SB left turn lane
Signalization⁽³⁾
Signal retiming
Add 2nd NB thru lane
Add 2nd SB thru lane
Signalization⁽³⁾
Signalization⁽³⁾
Signalization⁽³⁾
Signal retiming
Signal retiming
Signal retiming
Signal retiming
Add 2nd WB right turn lane
Add 2nd NB left turn lane
Add 2nd SB left turn lane
Add 2nd EB left turn lane
Add dual WB left turn lane⁽²⁾
Add WB right turn lane⁽²⁾
Add NB right turn lane⁽²⁾
Add 2nd NB left turn lane
Add dual SB left turn lane⁽²⁾
Add 2nd EB left turn lane
Add EB right turn lane
Add 2nd WB left turn lane
Add 2nd NB right turn lane
Add 2nd NB left turn lane
Add 2nd SB left turn lane
Add 2nd EB left turn lane
Add EB right turn lane
Add NB right turn lane⁽²⁾
Add SB left turn lane⁽²⁾⁽³⁾

US 41 @ Driveway 5/Internal East-west Road ⁽¹⁾	Add WB right turn lane ⁽²⁾ Signalization ⁽²⁾⁽³⁾ Add NB right turn lane ⁽²⁾ Add dual SB left turn lane ⁽²⁾ Add dual WB left turn lane ⁽²⁾ Add WB right turn lane ⁽²⁾ Signalization ⁽²⁾⁽³⁾
US 41 @ Driveway 4/Pelican Point Boulevard ⁽¹⁾	Add NB right turn lane ⁽²⁾ Add SB Left turn lane ⁽²⁾ Add WB right turn lane ⁽²⁾ Signalization ⁽²⁾⁽³⁾
US 41 @ Driveway 3/Fountain Lakes Boulevard ⁽¹⁾	Add NB right turn lane ⁽²⁾ Add SB left turn lane ⁽²⁾ Add dual WB left turn lane ⁽²⁾ Add WB thru lane ⁽²⁾ Add WB right turn lane ⁽²⁾ Signalization ⁽²⁾⁽³⁾
US 41 @ Driveway 2/Estero Greens ⁽¹⁾	Add NB right turn lane ⁽²⁾ Add dual SB left turn lane ⁽²⁾ Add dual WB left turn lane ⁽²⁾ Add WB thru lane ⁽²⁾ Add WB right turn lane ⁽²⁾ Add EB right turn lane ⁽²⁾ Signalization ⁽²⁾⁽³⁾
US 41 @ Driveway 1/Community Commercial ⁽¹⁾	Add NB right turn lane ⁽²⁾ Add SB left turn lane ⁽²⁾ Add WB right turn lane ⁽²⁾ Add 2 nd SB left turn lane Add 2 nd WB left turn lane Add 2 nd WB left turn lane Signal retiming Signalization ⁽³⁾
US 41 @ Williams Road ⁽¹⁾	Signal retiming
US 41 @ Corkscrew Road ⁽¹⁾	Add 2 nd NB right turn lane Signal retiming
US 41 @ Broadway ⁽¹⁾	Signal retiming
US 41 @ Koreshan Boulevard	Add EB thru lane
US 41 @ Sanibel Boulevard ⁽¹⁾	Add WB thru lane
US 41 @ Metro Parkway ⁽¹⁾	Signalization ⁽³⁾
US 41 @ Alico Road ⁽¹⁾	Signalization ⁽³⁾
US 41 @ Island Park Road ⁽¹⁾	Signalization ⁽³⁾
US 41 @ Ben Pratt/Six Mile Cypress Parkway ⁽¹⁾	Add WB left turn lane
Williams Road @ Driveway 1/Comm Commercial ⁽¹⁾	
Williams Road @ River Ranch Road ⁽¹⁾	
Williams Road @ Sandy Lane ⁽²⁾	

Add NB right turn lane
 Add NB left turn lane
 Add EB right turn lane
 Signalization⁽³⁾

Williams Road @ Three Oaks Parkway

- (1) *This intersection is not included in a significantly and adversely impacted roadway segment.*
- (2) *This intersection is considered a site-related improvement.*
- (3) *Signalization only if warranted and subject to approval by the maintaining agency.*
- (4) *Dual EB and WB left turn lanes should be provided if they can be constructed without requiring reconstruction of the I-75 overpass bridge structure.*

The intersection improvements include at grade geometric improvements, such as turn lanes and signalization when warranted. Intersection improvements are accounted for in the overall proportionate share calculation. Site-related needs at the Project entrances are not addressed in the proportionate share calculation and must be addressed by the Developer at the time of local development order approval.

2. Mitigation

a. Build Out Proportionate Share

The build out proportionate share is \$14,600,000 in year 2002 dollars. This figure represents the Developer's share of necessary roadway and intersection improvements based on the development parameters set forth in Section II.D.1.a. The estimated roads impact fees based on the schedule effective July 1, 2000 is \$10,196,250, which is lower than the proportionate share estimate.

As noted in Condition D.3, the Developer must pay \$170,000 as mitigation for the project's Comprehensive Plan impacts to the 2020 level of service on US 41 from Koreshan Boulevard to Alico Road. Therefore, the total proportionate share obligation deemed sufficient to mitigate both the build out DRI-related transportation impacts on the non-site related roads and intersections set forth in Paragraph D.1.b and the project's Comprehensive Plan impacts is \$14,770,000. However, if the reanalysis described in section D.2.d.1 demonstrates that additional funds are necessary to mitigate the project's transportation impacts, then the Developer will be required to pay the higher mitigation amount.

No independent fee calculation will be permitted for the project, or a subpart thereof, absent a Notice of Proposed Change.

b. *Mitigation Options*

The Developer must choose one of the two mitigation options identified below to satisfy the proportionate share obligation.

(1) Traffic Mitigation Option 1

(a) Payment

All development within the project must pay roads impact fees in effect at the time of building permit issuance. In addition to roads impact fees, and prior to the issuance of the first building permit for vertical construction of any portion of the Regional Retail Center, the Developer must make a lump sum cash payment of \$4,573,750 in year 2002 dollars. This lump sum cash payment is intended to mitigate the transportation impacts associated with the Regional Retail Center and satisfy the proportionate share obligation that is due over and above road impact fees.

In accordance with local policies and regulations, the Developer may be entitled to roads impact fee credits for road improvements constructed within the area surrounding the project.

(b) Concurrency

All development within the project will be subject to the County's Concurrency Management System at the time it obtains a local development order.

(2) Traffic Mitigation Option 2⁴

(a) Payment

The Developer may vest, for concurrency purposes, up to 400,000 square feet of retail uses and all of the non-retail uses by making an up-front payment of \$6,270,000 in 2002 dollars on or before December 31, 2003 or the issuance of the first building permit for the site, whichever comes first (excepting any public uses mandated by this Development Order). The remaining portion of the project will be entitled to concurrency vesting upon the payment of \$8,500,000 in 2002

⁴ The Developer chose Option 2 and made the two installment payments in a timely manner.

dollars on or before December 31, 2004 or the issuance of the first building permit for the retail uses of the project over 400,000 square feet, whichever comes first. The value of creditable pipelined improvements identified in the Development Agreement may be subtracted from the second payment only.

Concurrency certificates issued pursuant to this option will be effective until December 31, 2019⁷, or for three (3) years from the date a local development order is issued, whichever is later.

(b) Development Agreement

Exercise of traffic mitigation option 2 requires a Local Government Development Agreement executed pursuant to §163.3220, Florida Statutes, and Chapter 2, Article III of the Lee County Land Development Code. The Developer must submit a draft Development Agreement to Lee County within 6 months of the adoption of the original DRI Development Order or prior to submittal of any local development order application for the Regional Retail Center or the Community Commercial Retail. The Development Agreement must be executed prior to issuance of a local development order allowing vertical construction anywhere on the site, excepting public uses mandated by this Development Order. The agreement must specify the payment schedule for the total proportionate share obligation in accordance with subparagraph (2)(a) above.

c. *Application of Payments*

(1) Cash.

The County will apply all impact fees and cash payments made by the DRI toward the non-site related improvements identified in Section D.1.b. In the alternative, the County will apply the fees toward improvements that relieve those

⁷ In Lee County, concurrency is reviewed at the time of local development order approval, which is independent of the DRI review process. However, the Developer submitted a traffic analysis for a new build out scenario resulting from HB 7207 demonstrating that the DRI project will not significantly or adversely impact any of the relevant road segments. Based upon this analysis, concurrency vesting rights were extended to December 31, 2017. A subsequent analysis done with during the May 10, 2013 NOPC resulted in an extension of concurrency vesting until December 31, 2019. Concurrency vesting was subsequently extended to December 31, 2024 as a result of analyses performed for the seventh and eighth amendments to the DRI.

roadways, provided those improvements are deemed necessary to maintain the County's adopted level of service standards. If the improvements identified in Section D.1.b are ultimately funded through other sources, in whole or in part, or deemed unnecessary to maintain the adopted level of service standards, Lee County may apply the impact fees and cash payments paid by the DRI to other improvements consistent with the requirements of Lee County LDC Chapter 2. Potential applications of the cash payment can be specified in the Development Agreement.⁸

(2) Pipelined Improvements.⁹

The Developer may propose in the Development Agreement to provide a specific roadway improvement or improvements in lieu of the second cash payment to the County of \$8,500,000 in 2002 dollars, which is referenced in Section D.2.b.(2)(a). The proposed pipeline improvements are subject to County approval. In addition to the improvements listed in Section D.1.b, potential improvements for pipelining consideration include (but are not limited to):

- (a) Sandy Lane 2-lane Extension, from the south property line to the north property line (Williams Road) and from Williams Road to Corkscrew Road. Consistent with the County's long-range plan for Sandy Lane as a 2-lane collector and the County's standards for collector roads, no more than 100 feet of right-of-way and 2 lanes of construction will be eligible for credits against the proportionate share obligation. The reasonable cost of providing the railroad crossing between Williams Road and Corkscrew Road will be

⁸ An Interlocal Agreement addressing the traffic impacts to the City of Bonita Springs precipitated by approval of the Coconut Point DRI was approved by the Board of County Commissioners on March 23, 2003. The Agreement required the County to: (1) conduct the Sandy Lane Alignment Study; (2) transfer \$2.184 million to the City for the DRI impacts to Old U.S. 41 between Rosemary Drive and the intersection of Old U.S. 41 with U.S. 41 and Pelican Colony Boulevard; (3) transfer \$138,000 for specified intersection improvements; and, (4) set the alignment of Sandy Lane between Pelican Landing Boulevard and the southern DRI boundary. As of November 2004, all requirements of the Interlocal Agreement have been fulfilled and the Interlocal is considered terminated by its own terms.

⁹ The developer chose to pipeline improvements by constructing Sandy Lane Extension (now known as via Coconut Point) from Pelican Colony Boulevard to Corkscrew Road. Lee County accepted that portion of Sandy Lane Extension from Pelican Colony Boulevard to Williams Road for maintenance on January 16, 2007; and, the portion of Sandy Lane Extension from Williams Road to Corkscrew Road was accepted for maintenance on August 5, 2008.

eligible for credits against the project's proportionate share obligation. If the Developer chooses to build more than 2 lanes, it will be at the Developer's sole expense.

- (b) Interim improvements not requiring right-of-way at the Corkscrew Road/I-75 interchange (subject to FDOT approval).

The estimated costs of any improvements made by the Developer (including design, right-of-way acquisition, drainage, permitting, water retention, construction, and the like) must be documented and submitted to the County for review and approval. The County reserves the right to obtain its own estimates for comparison purposes. Credit against the proportionate share obligation will be based on the final actual costs of the agreed upon improvements. Any right-of-way granted to the County will be valued as of the day prior to the DRI and zoning approval and subject to the compliance with applicable LDC provisions. Credit for the construction costs will be subject to the provisions of the County Land Development Code and standard practice related to project timing. The improvements must be built to applicable County or State standards and accepted for maintenance in accordance with the requirements of the responsible jurisdiction.

d. *Build out Extension*

(1) Requirement for Reanalysis

The original DRI Development Order approval indicated that extension of the build out date beyond 2007 may alter the project's impact to the area road network. Under the Second DRI Development Order amendment, the Developer was obligated to file a complete traffic re-analysis in order to achieve an extension of the build out date beyond December 2007. However, a three-year statutory extension of the build out date was granted by 2007 legislation; and a two-year statutory extension of the build out date was granted by 2009 legislation.

As a result of HB 7207, Executive Order Numbers 11-128 (extended by 11-172 and 11-202), 12-140 (extended by 12-192 and 12-217) and 12-199, and §252.363, Florida

Statutes, the DRI build out date was automatically extended to April 7, 2019. However, concurrency vesting was not automatically extended. The traffic analysis submitted by the Developer demonstrated that the DRI project will not significantly or adversely impact any of the relevant road segments up to December 31, 2017. A subsequent analysis included in the May 10, 2013 NOPC resulted in an extension of concurrency vesting until December 31, 2019. Analyses performed for subsequent amendments to the DRI resulted in an extension of concurrency vesting to December 31, 2024. The extension of the build out date after December 31, 2019 2024 will, therefore, require an additional traffic assessment to Lee County DOT for review and approval.

The assessment must include, but is not limited to, identification of the adjusted phasing, the level of development anticipated for the revised phasing, estimated traffic impacts, needed improvements, and the project's proportionate share of those improvements.

The assessment must include a cumulative analysis of the project's traffic impacts. The assessment must also identify mitigation for significantly and adversely impacted road segments by cumulative project traffic at the extended build out year in accordance with the Transportation Uniform Standard Rule in the Florida Administrative Code. Prior to conducting a reassessment analysis, the Developer must attend a transportation methodology meeting with the County, and other review agencies as necessary, to establish the appropriate methodology.

The traffic assessment will be prepared by the Developer following generally acceptable transportation planning procedures consistent with the standards in effect at the time of reanalysis. Payment of additional mitigation, if any, resulting from the traffic assessment must be specified in an amended development order. The development order must be amended via a Notice of Proposed Change to reflect the revised phasing and additional mitigation.

The County will provide credit against the recalculated proportionate share for all mitigation paid through the date of the new traffic assessment. Proportionate share payments previously made by the Developer will be adjusted to then current year dollars. This will be accomplished by increasing

the principal amount paid by an amount equal to the increase as determined in the State Highway Bid Index for the State of Florida, published in the Engineering News Record, using an average of the last four quarterly factors. This increase will be expressed as a percentage and will be measured from the index published for the fourth quarter of 2001 to the index published in the then latest available edition.

Under no circumstances will reimbursement be granted for any portion of a payment made in exchange for concurrency vesting, regardless of the outcome of a reanalysis.

(2) Alternative for Reanalysis

(a) *Extension of Build out.*¹²

If all or a part of the Regional Retail Center has received building permits prior to December 31, 2006, the Developer may choose to pay the traffic mitigation for some or all of the balance of the development through build out in a lump sum at the time the extension application is approved. Full payment of the required mitigation pursuant to Mitigation Option 2 constitutes an election under this section. This section is not intended to supersede the standard submittal requirements for a typical Notice of Proposed Change under state law.

(b) *NOPC filed to extend build out beyond 2012.*

¹² The developer paid the lump sums required to exercise Mitigation Option 2 in December 2004 and December 2005. The second DRI Development Order Amendment adopted August 1, 2006 served to extend the build out date to December 31, 2007. In accord with the terms of the original DRI Development Order approval, the one-year extension to 2007 was the maximum extension that could be approved without a complete traffic reanalysis. Adoption of HB7203 resulted in a three-year statutory extension of the DRI build out date to December 31, 2010. The Developer submitted an abridged traffic analysis demonstrating that the concurrent status of the project could also be extended to December 31, 2010 because no additional roadways would be significantly or adversely impacted by the statutory extension of the build out date.

A second statutory extension of the build out date was granted to 2012 under SB 360 as adopted June 1, 2009. This second extension was not based upon additional traffic analysis due to the Board adoption of Resolution 09-06-22. Therefore, impacts from 2010 forward must be addressed in a subsequent extension of the build out beyond 2012.

A third statutory extension of the build out date was granted under HB 7207 and Executive Orders 11-128 and 12-140. With this third extension the Developer submitted a traffic analysis for a new build out scenario demonstrating that the DRI project will not significantly or adversely impact any of the relevant road segments. Based upon this analysis, concurrency vesting was extended to December 31, 2017.

Concurrency vesting was subsequently extended to December 31, 2019 2024 pursuant to subsequent amendments in the Seventh Amendment

If the entirety of the Coconut Point DRI is not built out by December 31, 2012, the NOPC requesting a build out date extension must be accompanied by a complete cumulative traffic reanalysis, as contemplated by the June 15, 2005 RPC recommendation. The traffic impact analysis must date back to 2010 and address all relevant impacts moving forward from December 31, 2010.

3. Comprehensive Plan Mitigation

An amendment to the Future Land Use Map, to change 435 acres from "Rural" to "Urban Community" was necessary to accommodate the approval of this DRI. To support the Map amendment, an analysis different from the DRI Transportation Analysis was necessary. This Comprehensive Plan analysis required review of the effects of the proposed DRI project in the year 2020 on the planned, financially feasible roadway network. The result of this analysis indicated that four road segments, beyond those planned for improvement as part of the 2020 financially feasible roadways network plan, will fail with the addition of the Coconut Point (aka Simon Suncoast) project. The failure for three of the identified segments will likely be addressed through other means, but the segment of US 41 from Koreshan Boulevard to Alico Road is projected to fail even after the six-lane improvement identified in paragraph D.1.b.

The comprehensive plan amendment transmittal package approved by the Board of County Commissioners on December 13, 2001, indicated that appropriate traffic impact mitigation must be provided at the time of rezoning or DRI development approval.

The costs for needed improvements beyond those planned in the 2020 Financially Feasible Plan are solely the responsibility of the Developer, and are treated much as a proportionate share obligation. In this case, the Developer has estimated that the provision of dual left turn lanes at a number of key intersections along the impacted segment of US 41 will improve the capacity enough to allow satisfactory operation. The Developer estimated that the cost of providing these turn lanes would be roughly \$692,000, not including the costs of maintenance of traffic, mobilization and permitting. The Developer's proportionate share of the cost of the turn lanes is \$170,000. This figure has been added to the project's DRI proportionate share, as noted above.

4. Access and Site Related Improvements

In addition to the proportionate share obligation set forth above, the Developer is responsible for its share of the following site-related roadway and intersection improvements: all internal roadways, all intersection improvements, including signalization, turn lanes, deceleration lanes, and other improvements deemed necessary by the County Engineer and consistent with the Lee County Land Development Code for the Project's access points onto U.S. 41, Coconut Road, and Williams Road. The

improvements include the installation of a signal coordination system on U.S. 41 from Pelican Colony Boulevard to Williams Road. During the local development order review process, site-related improvements must be evaluated based on weekday, PM peak hour conditions. Saturday mid-day conditions must be considered in the design of turn lanes due to the retail component of the DRI. Site-related improvements are not eligible for credit against impact fees and may not be used to offset the proportionate share obligation. Project accesses onto US 41 are subject to obtaining a connection permit from FDOT.

5. Committed Improvements^{13 14}

<u>Roadway Improvements</u>		
<u>Roadways</u>	<u>Start Year</u>	<u>Improvement</u>
Alico Road		
– US 41 to Seminole Gulf Railway	02	4 Lanes
– Seminole Gulf Railway to I-75 West Ramps	02	6 Lanes
Ben Hill Griffin Parkway/Treeline Avenue		
– Alico Road to Daniels Parkway	02	4 Lane Ext.
Bonita Beach Road		
- Imperial Street to I-75	03	6 Lanes
Livingston/Imperial Connection		
– Immokalee Road to Bonita Beach Road	U/C	2 Lane Ext.
Metro Parkway		
– U.S. 41/Alico Road to Ben Pratt/Six Mile Cypress Pkwy (including interchange)	04	6 Lane Ext.
Three Oaks Parkway		
– S. of Coconut Road to Williams Road	U/C	4 Lane Ext.
– Williams Road to Corkscrew Road	U/C	4 Lane Ext.
– Corkscrew Road to Alico Road	03	4 Lanes
– Alico Road to Daniels Parkway	03	4 Lane Ext.

US 41

¹³ As of the date the Third DRI DO was adopted, many of the improvements identified as committed are complete. The completed improvements include Alico Road, Ben Hill Griffin/Treeline, Bonita Beach Road, Livingston/Imperial, Three Oaks from Coconut Road to Corkscrew Road, US 41 and Williams Road. Three Oaks from Corkscrew Road to Alico Road is currently under construction. Construction of Three Oaks Parkway from Alico to Daniels Parkway is delayed; and the Metro Parkway project is currently not funded.

¹⁴ As of the date the Fifth DRI DO was adopted the following improvements were under construction: Metro Parkway Extension and the widening of a portion of I-75 to six lanes; and the segment of Three Oaks from Alico to Corkscrew is complete.

– Old 41 (Collier County) to N. of Bonita Beach Road	03	6 Lanes
- San Carlos Boulevard to Alico Road	U/C	6 Lanes
Williams Road		
– River Ranch Road to Three Oaks Parkway	02	2 Lane Ext.

The Regional Retail Center has the potential to create a temporary burden on the transportation network. The following Staging Schedule is an effort to minimize the temporary transportation burden while providing the Developer with the ability to obtain building permits for vertical construction of retail uses. Issuance of any building permit for vertical construction will require prior compliance with the mitigation options set forth in condition D.2. The "Maximum Square Footage" column identifies the maximum gross retail square footage for which building permits allowing vertical construction may be issued prior to the corresponding date, unless the improvements identified "to Avoid Interim Level of Service Problem" are under construction on or before the identified date. If all required interim improvements are completed or under construction on or before the identified date, then building permits for the maximum amount of retail square footage as identified in conjunction with the corresponding date may be issued.

<u>Date</u>	<u>Maximum Square Footage</u>	<u>Needed Improvements to Avoid Interim Level of Service Problem</u>	
		<u>Route</u>	<u>Limit</u>
Adoption of DRI DO AND Compliance with Cond. D.2	400,000	Not Applicable	Not Applicable
July 1, 2004	800,000	U. S. 41 - 6 Lane	Collier County line to Bonita Beach Road
July 1, 2005	1,200,000	Three Oaks Ext. 4L OR Livingston Rd./ Imperial St. 4 Lane	Terry St. to Coconut Rd. Immokalee Rd. to E.Terry St.
July 1, 2006	1,800,000	US 41-6Lane AND	Corkscrew Rd. to San Carlos

Three Oaks Ext. 4 Lane	Terry St. to Coconut Rd.
AND Old 41 - 4 lane	Rosemary dr. to US 41
AND Metro Pkwy. Ext.- 6 Lane	Alico Rd. to ben C Pratt/ Six Mile Cypress Pkwy
AND Three Oaks Ext- 4 Lane	Alico Rd. to Daniels PkwY
or Treeline Ext.-4L	Alico Rd. to Daniels PkwY.

6. Annual Transportation Monitoring Program

a. *Design of Monitoring Program*

The transportation monitoring program will be designed in cooperation with the Lee County Department of Transportation, the Florida Department of Transportation (FDOT), the Southwest Florida Regional Planning Council (SWFRPC), and the Florida Department of Community Affairs (FDCA) prior to submittal of the first report. The methodology of the annual transportation monitoring report may be revised if agreed upon by all parties.

b. *Submittal of Monitoring Report*

The Developer must submit an annual transportation monitoring report to the following entities for review and approval: Lee County Department of Transportation, FDOT, FDCA, and SWFRPC. The first monitoring report will be submitted one year after the effective date of the DRI Development Order.¹⁵ The Developer must provide written notice to the above review agencies if the Developer concludes that a traffic monitoring report is not required because no traffic impacts have been created. Once the transportation monitoring report has been submitted, a report must be submitted annually thereafter until Project build out, whether actual or declared.

¹⁵ The first monitoring report was submitted in January 2004.

c. *Minimum Requirements for Report Contents*

The monitoring report will measure the Project's actual external roadway impacts and the level of service conditions on the impacted roads and intersections, and determine the timing for needed improvements. The traffic monitoring report must also contain the following information:

- (1) P.M. peak Signalization⁽²⁾⁽³⁾ hour traffic counts with turning movements at the Project's access points onto U.S. 41, Coconut Road, Williams Road, Pelican Colony Boulevard and Sandy Lane, and on the external road segments and intersections identified in Paragraph D.1.b. (Traffic counts/volumes may be obtained from original traffic counts, public agency reports, other monitoring reports, and other available data.)
- (2) A comparison of field measured external Project traffic volumes to the 5,909 total P.M. Peak hour external (including 757 pass-by and 1,032 inter-zonal trip ends) project trip generation from all driveways onto U.S. 41, Coconut Road, Williams Road, Pelican Colony Boulevard and Sandy Lane assumed in the DRI analysis. If an interconnection is provided to The Brooks parcel at the southeast corner of U.S. 41 and Coconut Road, a methodology must be developed to identify pass-through trips generated by The Brooks parcel.
- (3) Estimated existing levels of service and needed improvements for the roads and intersections specified in Paragraph D.1.b. above.
- (4) Estimated future levels of service and needed improvements for the roads and intersections specified in Paragraph D.1.b. above, based on a one-year projection of future volumes. A summary of the status of road improvements assumed to be committed by Collier County, Lee County and FDOT.

d. *Implications*¹⁶

- (1) If the transportation monitoring report reveals that the Project trip generation exceeds the original assumptions contained

¹⁶ The statutory two-year extension granted under SB 360 did not serve to suspend the Developer's obligation to address impacts identified under this subsection in the event the monitoring report indicates a substantial deviation has occurred.

herein, then the statutory provisions regarding substantial deviations will govern.

- (2) Changes to development parameters or build out may require the Developer to rebut the statutory presumption of substantial deviation. In some instances, the evidence necessary to rebut the presumption may involve a comparison of Project trip distribution and assignment.

7. Pedestrian/Bicycle and Transit Facilities

The Developer will provide for pedestrian and bicycle facilities and bus stop locations in accordance with the map attached as Exhibit F.

E. VEGETATION AND WILDLIFE/WETLANDS

1. Impacts to the habitat value of the site (i.e. habitat utilized by dispersing juveniles and possible habitat available to adults occupying the Corkscrew area) must be considered during the permitting review process with the SFWMD and the Department of Army Corps of Engineers (ACOE). This impact must be assessed in terms of the type and function of the forested habitat on site, and the site's contribution as a connection between preserve lands to support wide-ranging and wetland dependent species. The Developer will coordinate with the U.S. Fish and Wildlife Service (USFWS) and Florida Fish and Wildlife Conservation Commission (FFWCC) to address the impacts the proposed project may have on habitat utilized by wide-ranging listed species including the Florida Panther and Florida Black Bear.

2. The lake designs must include draw down pool features in littoral shelf slopes to favor use by woodstork and other wading birds.

3. The Developer must follow the Standard U.S. Fish and Wildlife Service Protection Measures for the Eastern Indigo Snake; and an Eastern Indigo Snake Protection Plan to be submitted for review and approval by the FFWCC as a condition of local development order approval.

4. The Developer must provide an on-site preserve management plan for review and approval by the FFWCC as a condition of local development order approval.

5. The 482± acre site originally consisted of 36.23± acres of SFWMD jurisdictional wetlands. The Developer is committed to conserving 22.15 acres of jurisdictional wetlands and 4.81 acres of jurisdictional surface waters. An estimated 9.27 acres of jurisdictional wetlands are proposed to be impacted with an additional 14.56 acres of non-jurisdictional surface waters to be filled (borrow lakes). 3.76 acres of the proposed wetland impacts have been previously permitted by the SFWMD and the Army

Corp of Engineers (ACOE) under the Sweetwater MPD/Brooks project (e.g., eradication of exotic vegetation and wetland hydro-period enhancement).

6. Prior to impacting the additional 5.51 acres of jurisdictional wetlands, the Developer must modify existing SFWMD and ACOE permits and provide additional mitigation.

7. Wetlands and surface waters remaining on the project site must be protected during construction through the implementation of temporary erosion and sedimentation control procedures.

8. Littoral plantings will be incorporated into the final design of the proposed stormwater management ponds. Plantings of desirable wetland herbaceous plants, to include species such as pickerelweed, maiden cane, and blue flag iris, cypress and black gum.

9. The existing flow-way is part of the Halfway Creek Watershed and headwaters. The 32.7 acre flow-way must be preserved and enhanced. An enhancement plan must be submitted as part of the local development order approval process. This plan must include a restoration planting plan for the 8.49± acres melaleuca dominated slash pine-cypress mixed wetland forest and the 6.84± acre area located in the southeast branch of the flow-way that was previously cleared/disturbed. The restoration planting plan, which is outside of the mitigation requirements under the existing permits, can be utilized as compensatory mitigation for additional wetland impacts during subsequent permitting review processes with the state and federal regulatory agencies.

F. HURRICANE PREPAREDNESS

1. The Developer has stated an intention to utilize various community buildings, which are to be built in several locations throughout the development, as onsite emergency shelters for the project's residents. Based on the estimate of needed shelter space prepared by the staff of the Southwest Florida Regional Planning Council, the total shelter space provided by the Developer within Coconut Point DRI will be 10,480 square feet.

2. Construction of the buildings to serve, as onsite shelters must be started no later than the issuance of the 100th residential unit certificate of occupancy within each separate community in the overall development. All buildings to be utilized, as shelters must meet the following criteria:

- a. elevated above the Category 3 storm surge level;

- b. constructed in accordance with the requirements in Rule 9J-2.0257(6)(e), FAC, to withstand winds of at least one hundred twenty (120) miles per hour;
- c. all windows in the building are shuttered;
- d. equipped with an emergency power generator with adequate capacity to handle the following:
 - (1) ventilation fans;
 - (2) emergency lighting;
 - (3) life safety equipment (i.e., intercom, fire and smoke alarms); and
 - (4) refrigeration and cooking equipment.
- e. have an auxiliary potable water supply.

3. As an alternative to providing all or part of the shelter space in on-site buildings, the Developer may limit the onsite shelter demand of the project by elevating all or portion of the residential units above 15.9 to 16.8 feet NGVD, if the units are located in these elevation ranges, which is the maximum predicted Category 3 storm surge flooding level. The amount of shelter space to be constructed or shelter impact fees to be paid will be determined by the Lee County Office of Emergency Management.

4. All deeds to property located within the Coconut Point DRI must include or be accompanied by a disclosure statement in the form of a covenant stating the property is located in a hurricane vulnerability zone and that the hurricane evacuation clearance time for Lee County or the Southwest Florida Region is high and hurricane shelter spaces are limited.

5. The Developer is also proposing to develop 320 hotel or motel rooms, within the Coconut Point DRI. Prior to issuance of a local development order for the hotel/motel, the hotel/motel Developer must contact Lee County Emergency Management with respect to establishing written hurricane preparation and evacuation/sheltering procedures. These procedures must be reduced to a written plan, prepared by the hotel/motel Developer, and approved by Lee County Emergency Management prior to occupancy of the hotel/motel.

6. Mitigation for hurricane evacuation route impacts will be accomplished through implementation of one of the following provisions. The mitigation option to be used must be identified by the Developer as part of the local development order process.

- a. Establish and maintain a public information program within the proposed homeowners associations for the purpose of educating the development's residents regarding the potential hurricane threat; the need for timely evacuation in the event of an impending hurricane; the availability and location of hurricane shelters (specifically including the onsite shelters); and the identification of steps to minimize property damage and protect human life.

In order to use the above mitigation option, the Developer must provide a continuing hurricane awareness program and a hurricane evacuation plan. The hurricane evacuation plan must address and include, at a minimum, the following items: operational procedures for the warning and notification of all residents and visitors prior to and during a hurricane watch and warning period; a public awareness program that addresses vulnerability, hurricane evacuation, hurricane shelter alternatives including hotels, the locations of both the onsite hurricane shelters and onsite or offsite public shelters, and other protective actions that may be specific to the development; identification of who is responsible for implementing the plan; and other items as deemed appropriate. The plan must be developed in coordination with local emergency management officials. In order to use this mitigation option, the final plan must be found sufficient by the reviewing agencies and must address the recommendations provided by the reviewing agencies; or

- b. Alternatively, the Developer must commit to providing roadway capacity improvements above and beyond those improvements required by Rule 9J-2.0255, FAC; or
- c. The Developer must commit to providing funds to be used for the purpose of procuring communications equipment, which would upgrade the existing warning and notification capability of local emergency management officials. In order to use this mitigation option, the Developer must provide reasonable assurance to local emergency management officials regarding the provision's ability to reduce the development's hurricane evacuation impacts. The amount of the funding will be determined and approved by the local emergency management officials.

G. WASTEWATER MANAGEMENT/WATER SUPPLY

- 1. The Developer will obtain a SFWMD permit for groundwater withdrawals for landscape irrigation, for irrigation well construction, as well as for any dewatering needed to construct the project lakes, roads or building foundations.

2. The Developer will utilize water conserving devices and methods necessary to meet the criteria established in the water conservation plan of the public water supply permit issued to Bonita Springs Utilities (BSU).

3. The Developer will coordinate with BSU or other water supplier to ensure that adequate potable water is available to meet the demands of the project.

4. The Developer will provide any necessary verification to the SFWMD that the Developer's plumbing and irrigation designs are consistent with SFWMD rules.

5. The Developer must demonstrate at the time of local development order approval that sufficient potable water and wastewater treatment capacity is available. If BSU cannot provide the necessary service, then the Developer must obtain service from an alternate provider with capacity or construct on-site interim facilities that satisfy BSU Standards. Interim facilities must be dismantled at the Developer's expense when service by BSU is available.

6. The on-site lakes, wetlands, and storm water management system must be buffered from treated effluent contamination in accordance with SFWMD regulations.

7. Septic systems utilized in conjunction with construction trailers, sales offices and model homes must be temporary. When it is feasible to connect the temporary uses to the regional wastewater treatment facilities, all temporary septic systems must be abandoned or removed by a licensed septic system firm, in accordance with all applicable regulations.

8. The Developer must submit copies of all local development order application plans that include potable water or wastewater collection and distribution systems to BSU. BSU will review the plans for compliance with the BSU specifications manual.

9. Lee County will evaluate all potable water facilities to ensure that the facilities are properly sized to meet average, peak day, and fire flow demands in accordance with the LDC. Lee County will consult with the appropriate fire protection district to confirm that the fire flow demands will be satisfied by the proposed potable water facility.

10. The Developer must use the lowest, yet acceptable for the intended purpose, quality of water available for all non-potable water purposes.

H. COMPREHENSIVE PLAN

On October 21, 2002 the Board adopted a resolution amending the Lee Plan to reclassify the DRI site to the Urban Community land use category.

I. POLICE AND FIRE PROTECTION

1. The Developer will ensure that first responders to the area are adequately trained by TECO/People Gas to address accidental natural gas releases from the natural gas pipelines that are to be located on or adjacent to the site to ensure the safety of the residents and visitors to the area.

2. The project must be constructed and maintained in accordance with the adopted Life Safety and Fire Code requirements.

3. The owner or operator of a facility qualifying under the Superfund Amendments Reauthorization Act (SARA) Title III of 1986, and the Florida Hazardous Materials Emergency Response and Community Right to Know Act of 1988, must file hazardous materials reporting applications in accordance with §§302, 303, 304, 311, 312, or 313. The applications must be updated annually by each reporting facility.

4. The Developer will provide the Lee County Sheriff's Department with finished shell space in the main regional mall complex (Regional Retail Center) for use as a Sheriff's substation to facilitate law enforcement activities. This space will be provided at nominal cost to the Sheriff's Department.

5. The Fire and EMS impacts of this project will be mitigated by the payment of impact fees in accordance with the schedules set forth in the LDC. However, the Developer must provide the Estero Fire Rescue District with an appropriate parcel (not less than 1 acre in size) for the location of a fire-rescue station and emergency medical services facility on the project site. Upon transfer of this site to the Fire District, the Developer will be entitled to fire impact fee credits in accordance with the LDC.¹⁷

6. The Developer will conduct a comprehensive security study and evaluation during the design and construction of each retail development phase. The purpose of this study is to design and implement site specific security measures. The plan must provide for review on a quarterly basis by regional security audits. A copy of this plan must be submitted to the County as a condition of local development order approval.

7. The water mains, fire hydrants, and site access must be designed and constructed in accordance with Lee County regulations and BSU guidelines by providing large water mains meeting minimum diameters based upon proposed land use, and installation of fire hydrants in suitable locations to provide adequate fire protection coverage. Internal fire sprinkler systems may be required for structures to meet supplemental fire protection.

¹⁷ The requirement to provide property to the Estero Fire Rescue District was satisfied by the recording of a deed at OR Book 4097 Page 0672, dated July 31, 2003.

8. Any on-site facilities with commercial pool operations must comply with appropriate codes and statutes including required safety measures such as chemical sensors, internal alarm systems, or emergency shutdown systems.

J. EDUCATION

1. The education impact of this project will be mitigated by the payment of school impact fees in accordance with the schedules set forth in the LDC. However, the Developer must provide a site at least five acres in size and appropriately located to accommodate the growing school needs in this area of the county. Upon transfer of this site to the School District, the Developer may be entitled to seek school impact fee credits in accordance with the LDC.¹⁸

2. This project will have an impact on the Estero High School and surrounding neighborhood traffic. The Developer will use reasonable efforts to prevent the project's construction traffic from using Williams Road east of the railroad tracks.

III. LEGAL EFFECT AND LIMITATIONS OF THIS DEVELOPMENT ORDER, AND ADMINISTRATIVE REQUIREMENTS

A. Resolution. This Development Order constitutes a resolution of Lee County adopted by the Board of County Commissioners in response to the DRI ADA filed for Coconut Point DRI and this subsequently filed Notice of Proposed Change.

B. Additional Developer Commitments. All commitments and impact mitigating actions volunteered by the Developer in the ADA and supplementary documents that are not in conflict with conditions or stipulations specifically enumerated above are incorporated by reference into this Development Order. These documents include, but are not limited to the following:

1. The Coconut Point (f/k/a Simon Suncoast) Application for Development Approval, stamped received on September 12, 2000;
2. The Coconut Point DRI sufficiency responses stamped received on February 7, 2001 and April 10, 2001 (transportation) and April 13, 2001; and
3. The governing zoning resolution for the Coconut Point (f/k/a Simon Suncoast) MPD.

¹⁸ Developer transferred two 5-acre parcels to the School Board (instr # 2008000042208) on February 14, 2008. School impact fee credits in the amount of \$280,000 were issued to DMM Development, LLC (acct # 200805851).

C. Master Plan of Development. Map H, stamped received at the Zoning Counter on May 10, 2013 dated September 3, 2013 for current NOPC revision, and attached hereto as Exhibit "B", and is incorporated by reference. It is understood that because it is a concept plan it is very general. The Developer may modify the boundaries of development areas and the locations of internal roadways to accommodate topography, vegetation, market conditions, traffic circulation, or other site related conditions as long as the modifications meet local development regulations. This provision may not be used to reduce the size of wetland preserve areas. Precise wetland boundaries will be determined by the SFWMD, as delegated by the Department of Environmental Protection (FDEP) and the Army Corp of Engineers (ACOE).

D. Binding Effect. The Development Order is binding upon the Developer, its successors and assigns. Where the Development Order refers to lot owners, business owners or other specific reference, those provisions are binding on the entities or individuals referenced. Those portions of this Development Order that clearly apply only to the project Developer are binding upon any builder/developer who acquires a tract of land within the DRI. The Developer may impose or pass on the requirements of this DRI development order to ultimate purchasers through covenants that run with the land and phasing schedule.

E. Reliance. The terms and conditions set out in this Development Order constitute a basis upon which the Developer and the County may rely with respect to future actions necessary to fully implement the final development contemplated by this Development Order. The development parameters and phasing schedule upon which this development order approval is based is set forth in Exhibit C. These development parameters may be adjusted to the extent contemplated by, and in accordance with, the Land Use Conversion Table set forth in Exhibit C-1. Change to the development mix or phasing schedule may require a reanalysis of project impacts in order to rebut a presumption of substantial deviation.

F. Enforcement. All conditions, restrictions, stipulations and safeguards contained in this Development Order may be enforced by either party by action at law or equity. All costs of those proceedings, including reasonable attorney's fees, will be paid by the defaulting party.

G. Successor Agencies. References to governmental agencies will be construed to mean future instrumentalities that may be created and designated as successors in interest to, or which otherwise possess, the powers and duties of the referenced governmental agencies in existence on the effective date of this Development Order.

H. Severability. If any portion or section of this Development Order is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, then that decision will not affect the remaining portions or sections of the Development Order, which will remain in full force and effect.

I. Applicability of Regulations. This Development Order does not negate the Developer's responsibility to comply with federal, state, regional and local regulations.

J. Further Review. Subsequent requests for local development permits do not require further DRI review pursuant to §380.06, Florida Statutes. However, upon a finding at a public hearing by the Board that any of the following conditions exist, the Board must order a termination of all development activity in that portion of the development affected by substantial deviation until a DRI Application for Development Approval, Notice of Substantial Deviation or Notice of Proposed Change has been submitted, reviewed and approved in accordance with §380.06, Florida Statutes.

1. There is 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 an additional regional impact or any other regional impact created by the change that has not been evaluated and reviewed by the Regional Planning Council; or

2. Expiration of the period of effectiveness of the Development Order. Any request to extend the effectiveness of this Development Order will be evaluated based on the criteria for the extension of the build out date set forth in §380.06(19), Florida Statutes.

3. Conditions in this development order that specify circumstances in which the development will be required to undergo additional DRI review. See 9J-2.025(10).

K. Build out and Termination Dates. The project has a build out date of December 31, 2019~~2024~~, and a termination date of December 31, 2025~~2030~~. The termination date is based on the recognition that a local Development Order is valid for six years. No permits for development will be issued by the County subsequent to the termination date or expiration date unless the conditions set forth in §380.06(15)(g) are applicable.

L. Commencement of Physical Development. As of November 2004, commencement of substantial physical development of the project has occurred. Further development must occur in accordance with the development parameters and phasing schedule set forth in Exhibit C.

M. Assurance of Compliance. The administrative director of the Lee County Department of Community Development, or their designee, will be the local official responsible for assuring compliance with this Development Order. Lee County is primarily responsible for monitoring the development and enforcing the provisions of the development order. No permits or approvals will be issued if the Developer fails to act in substantial compliance with the development order.

N. Credits Against Local Impact Fees. Pursuant to §380.06(16), Florida Statutes, the Developer may be eligible for credits 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. However, no credit will be provided for internal or external site-related facilities required by County regulations, or to any off-site facilities to the extent those facilities are necessary to provide safe and adequate services to the development.

O. Protection of Development Rights. The project will not be subject to down-zoning, unit density reduction, or intensity reduction prior to December 31, 2019 2024. If the County demonstrates at a public hearing that substantial changes have occurred in the conditions underlying the approval of this Development Order, or finds that the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by Lee County to be essential to public health, safety and welfare, then down-zoning, unit density reduction, or intensity reduction may occur.

P. Biennial Reports. The Developer must submit a report biennial to the Lee County Department of Community Development, the SWFRPC and Florida DCA on Form RPM-BSP-Annual Report-1. The content of the report must include the information set forth in Exhibit D, and must also be consistent with the rules of the FDCA. The first monitoring report must be submitted to the DRI coordinator for SWFRPC, DCA, and Lee County no later than one year after the effective date of this Development Order²⁰. Further reporting must be submitted every two years for subsequent calendar years thereafter, until build out, whether actual or declared. Failure to comply with this reporting procedure is governed by §380.06(18), Florida Statutes, which provides for the temporary suspension of the DRI Development Order.

The Developer must file the monitoring reports until actual or declared build out of the project. The Simon Property Group is the party responsible for filing the monitoring reports until one or more successor entities are named in the development order. The Developer must inform successors in title to the undeveloped portion of the real property covered by this development order of the reporting requirement. Tenants or owners of individual lots or units have no obligation to comply with this reporting condition.

The Developer must also submit a transportation annual report in accordance with the provisions set forth in Section II.D. of this development order.

Q. Community Development District. The Developer might elect to petition for the formation of a Uniform Community Development District to serve all or a portion of the project pursuant to Florida Statutes, Chapter 190, as it may be in effect from time to time. Lee County hereby gives its approval that any such district may undertake the

²⁰ The first monitoring report was submitted in January 2004.

construction and/or funding of all or any of the mitigation and public infrastructure projects for which the Developer is responsible under the terms of this development order, whether within or without the boundaries of the district, and including the payment of mitigation amounts provided for in this development order, as a co-obligor hereunder. This provision may not be construed to require the approval of any petition to form such a district, and in no event will the Developer be released from its obligations under this development order.

R. Transmittal and Effective Date. The County will forward certified copies of this Development Order to the SWFRPC, the Developer, and appropriate state agencies. This Development Order is rendered as of the date of that transmittal, but will not be effective until the expiration of the statutory appeal period (45 days from rendition) or until FDCA has completed their review and has determined not to take an appeal, should that occur prior to the expiration of the 45-day period, or until the completion of any appellate proceedings, whichever time is greater. In accordance with the requirements of §380.06(15)f, Florida Statutes, once this development order is effective, the Developer must record notice of its adoption in the office of the Clerk of the Circuit Court of Lee County.

S. Continued Agricultural Use of Property. Bona fide agricultural uses in existence on the date of this DRI initially approved October 21, 2005 may continue until the first development order approval for a site within the particular tract, as designed on Map H, (excluding public uses mandated by this Development Order). No development activity of any kind may occur on the property, including the clearing of vegetation or cutting of trees, unless such activity is reviewed and approved in accordance with Lee County regulations as if no agricultural use existed on the property. The purpose of the limitation is to eliminate any exemption or other special considerations or procedures that might otherwise be available under Lee County regulations by virtue of the existing agriculture on the property.

(remainder of page intentionally left blank)

Commissioner John Manning made a motion to adopt the Eighth Development Order Amendment, seconded by Commissioner Cecil L Pendergrass. The vote was as follows:

John Manning	Aye
Cecil L Pendergrass	Aye
Larry Kiker	Aye
Brian Hamman	Aye
Frank Mann	Aye

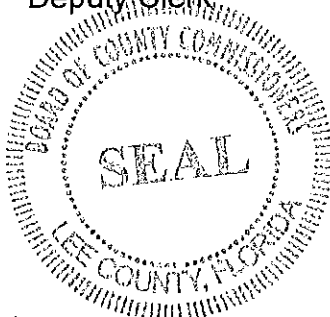
DULY PASSED AND ADOPTED this 7th day of May, 2014.

ATTEST:
LINDA DOGGETT, CLERK

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

BY: Marcia Wilson
Deputy Clerk

By: Larry Kiker
Larry Kiker, Chair



APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY:

By: [Signature]
County Attorney's Office

Exhibits:

- A. Legal Description
- B. Master Plan of Development (Map H) Stamped Received May 10, 2013 dated 9/3/13
- C. Development Parameters and Phasing Schedule
- C-1 Land Use Conversion Table
- D. Biennial Monitoring Report Requirements
- E. Calculation of Road Impact Fee Obligation
- F. Pedestrian, Bicycle and Bus Stop Plan



950 Encore Way • Naples, Florida 34110 • Phone: 239.254.2000 • Fax: 239.254.2099

Applicant's Legal Checked

by CSA 5/15/13
Pg 1 thru 3

RECEIVED

MAY 10 2013

HM PROJECT #1997079

05/03/13

REF. DWG. #A-994-3

PAGE 1 OF 3

LEGAL DESCRIPTION:

COMMUNITY DEVELOPMENT

A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY, AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 1,733.04 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN N.10°32'05"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 971.33 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 5,605.39 FEET, THROUGH A CENTRAL ANGLE OF 04°03'11", SUBTENDED BY A CHORD OF 396.43 FEET AT A BEARING OF N.08°30'30"W., FOR A DISTANCE OF 396.52 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°07'51"E. FOR A DISTANCE OF 747.22 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS N.82°31'42"E., A DISTANCE OF 3,909.60 FEET THEREFROM; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,909.60 FEET, THROUGH A CENTRAL ANGLE OF 08°29'31", SUBTENDED BY A CHORD OF 578.92 FEET AT A BEARING OF N.03°13'32"W., FOR A DISTANCE OF 579.45 FEET TO THE END OF SAID CURVE; THENCE RUN N.00°15'56"W., FOR A DISTANCE OF 583.09 FEET; THENCE RUN N.00°15'56"W., FOR A DISTANCE OF 47.04 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY, THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE NORTHERLY, WHOSE RADIUS POINT BEARS N.10°26'58"W., A DISTANCE OF 2,025.00 FEET THEREFROM; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,025.00 FEET, THROUGH A CENTRAL ANGLE OF 09°12'27", SUBTENDED BY A CHORD OF 325.07 FEET AT A BEARING OF N.74°56'48"E., FOR A DISTANCE OF 325.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.70°20'35"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,025.00 FEET, THROUGH A CENTRAL ANGLE OF 09°15'04", SUBTENDED BY A CHORD OF 487.89 FEET AT A BEARING OF N.74°58'07"E., FOR A DISTANCE OF 488.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°35'39"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 238.23 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN S.00°59'47"E., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,869.10 FEET TO THE POINT OF BEGINNING; CONTAINING 95.885 ACRES, MORE OR LESS.

AND

A PORTION OF SECTIONS 3, 4, 9, AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE

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EXHIBIT A

HM PROJECT #1997079
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 REF. DWG. #A-994-3
 PAGE 2 OF 3

WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 3,021.15 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,320.58 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,892.32 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°56'59"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,590.78 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 5,641.38 FEET, THROUGH A CENTRAL ANGLE OF 09°31'27", SUBTENDED BY A CHORD OF 936.68 FEET AT A BEARING OF N.05°42'42"W., FOR A DISTANCE OF 937.76 FEET TO THE END OF SAID CURVE; THENCE RUN N.10°28'26"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 98.54 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, A 100.00 FOOT RIGHT-OF-WAY; THENCE RUN S.88°20'53"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,029.70 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN WESTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 7,050.00 FEET, THROUGH A CENTRAL ANGLE OF 03°00'00", SUBTENDED BY A CHORD OF 369.09 FEET AT A BEARING OF S.89°50'53"W., FOR A DISTANCE OF 369.14 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°39'07"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 874.92 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN S.04°52'41"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,901.57 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,725.19 FEET, THROUGH A CENTRAL ANGLE OF 11°32'50", SUBTENDED BY A CHORD OF 548.30 FEET AT A BEARING OF S.00°53'44"E., FOR A DISTANCE OF 549.23 FEET TO THE END OF SAID CURVE; THENCE RUN S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 225.81 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,710.61 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 626.03 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 11,584.73 FEET, THROUGH A CENTRAL ANGLE OF 06°24'13", SUBTENDED BY A CHORD OF 1,294.08 FEET AT A BEARING OF S.03°28'03"E., FOR A DISTANCE OF 1,294.76 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°15'56"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 274.74 FEET; THENCE RUN S.46°02'16"E., FOR A DISTANCE OF 577.44 FEET; THENCE RUN S.01°57'26"E. FOR A DISTANCE OF 25.19 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY; THENCE RUN N.88°02'34"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 32.80 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,875.00 FEET, THROUGH A CENTRAL ANGLE OF 17°41'59", SUBTENDED BY A CHORD OF 576.92 FEET AT A BEARING OF N.79°11'34"E., FOR A DISTANCE OF 579.22 FEET TO THE END OF SAID CURVE; THENCE RUN N.70°20'35"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE

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05/03/13
REF. DWG. #A-994-3
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SOUTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 09°15'04", SUBTENDED BY A CHORD OF 512.09 FEET AT A BEARING OF N.74°58'07"E., FOR A DISTANCE OF 512.65 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°35'39"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 263.08 FEET TO THE POINT OF BEGINNING; CONTAINING 386.536 ACRES, MORE OR LESS.

NOTES:

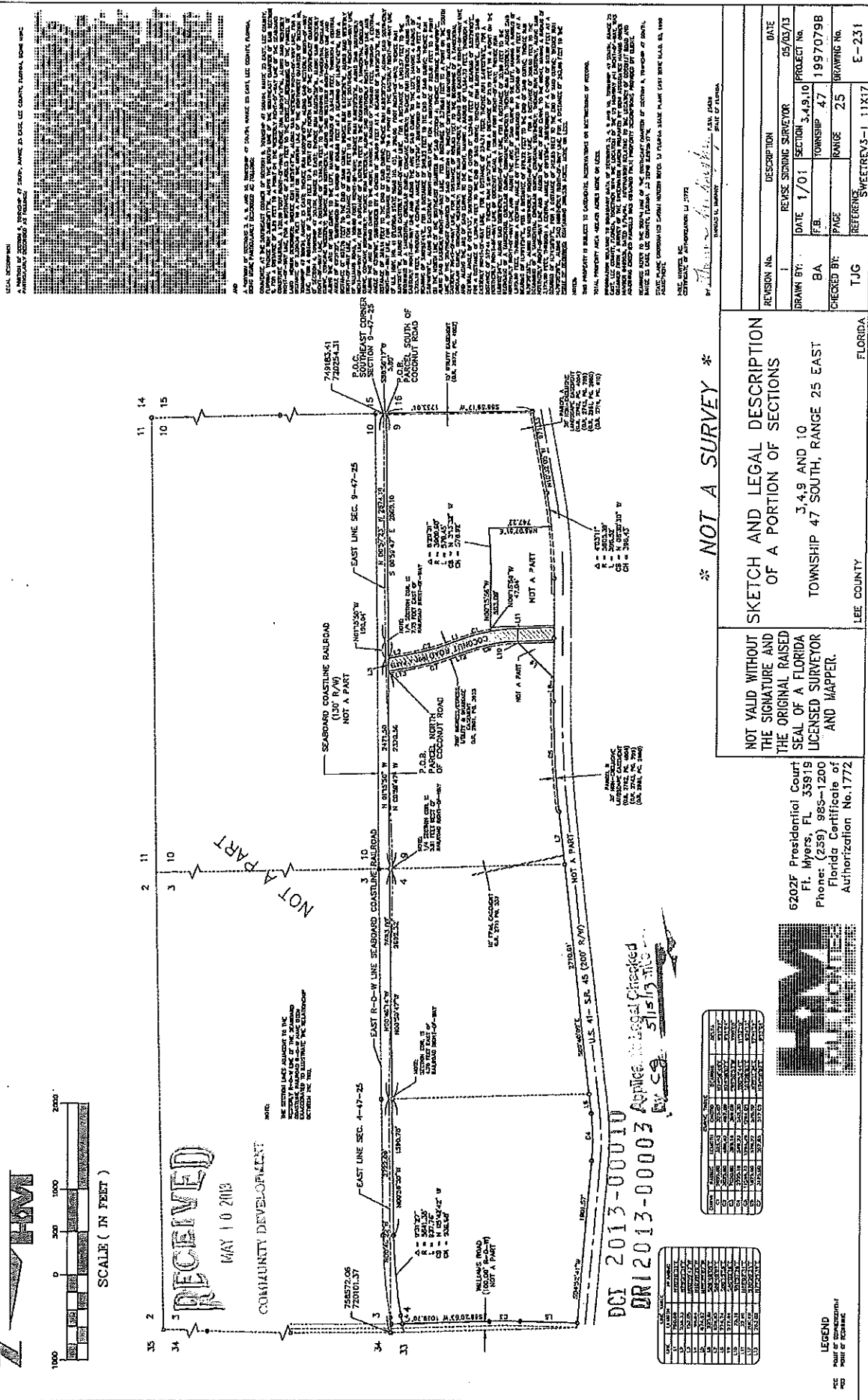
THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

TOTAL PROPERTY AREA: 482.421 ACRES, MORE OR LESS.

BEARINGS REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S.88°56'17"W.

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION LB #1772

BY Thomas M. Murphy P.S.M. #5628
THOMAS M. MURPHY STATE OF FLORIDA



DRI EXHIBIT C

Development Parameters and Phasing Schedule

		<u>Buildout</u>
Regional Retail Commercial	1,450,000* sq. ft.	2019 <u>2024</u>
Community Retail	157,500* sq. ft.	2019 <u>2024</u>
Office	782,777 <u>912,444</u> ** sq. ft.	2019 <u>2024</u>
Hotel	320 Rooms	2019 <u>2024</u>
Residential, Multi-family	1,214 du	2019 <u>2024</u>
Assisted Living Facility	400 units	2019 <u>2024</u>
Banks	8,000 sq. ft.	2019 <u>2024</u>
Acute Care Hospital***	160 beds	2024

* Gross Leasable Area

**Up to ~~404,333~~234,000 sq. ft., may be medical office

~~***Pursuant to Section 380.06(24), Fla. Stat., the acute care hospital is exempt from DRI review; however, if a hospital is part of a larger tract that is subject to review as a DRI, the impact of the hospital must be included in the review of the larger project. In order to insure that the impacts of the hospital have been considered and addressed, this Development Order provides that (1) the hospital may only be constructed within Tract 3A identified on Map H, page 3, attached here to as Exhibit "B", and (2) Tract 3A may be developed with a maximum of **up to** 60,000 gross leasable sq. ft. retail, a maximum of 300,000 sq .ft. total office (of which a maximum of 198,000 sq. ft. may be medical office), a maximum of **and** 160 acute care hospital beds, or any combination of these uses that does not exceed 614 total net new external trips.~~

DRI EXHIBIT C-1

Land Use Conversion Table

Land Use	Max Increase*
Retail	54,999 sf
Office (Gen / Med)	65,999 sf
Residential	54 MF
Hotel	82 rms

*The purpose of this table is to permit one land use to be converted to a different use. The conversion may be approved only if the project's overall net new peak-hour trips do not exceed 6,467 trips based upon the parameters set forth in Condition II.D.1.a.

DRI
EXHIBIT D

BIENNIAL MONITORING REPORT REQUIREMENTS

The Biennial Monitoring Report that must be submitted by the Developer in accordance with Subsections 380.06(15) and 380.06(18), Florida Statutes, and 9J-2.025(7), Florida Administrative Code, must include the following:

- A. Any changes in the plan of development or in the representations contained in the application for development approval, or in the phasing for the reporting year and for the next year;
- B. A summary comparison of development activity proposed and actually conducted for the year;
- C. Identification of undeveloped tracts of land, other than individual single family lots, that have been sold to separate entities or developers.
- 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. A specific assessment of the Developer's and the local government's compliance with each individual condition of approval contained in the DRI Development Order and the commitments contained in the application for development approval that have been identified by the local government, the RPC, or the DCA as being significant;
- F. Any requests for substantial deviation determination that were filed in the reporting year and to be filed during the following year;
- 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 that have been obtained or 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 report in conformance with Subsections 380.06(15) and (18), 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 Paragraph 380.06(15)(f), Florida Statutes.

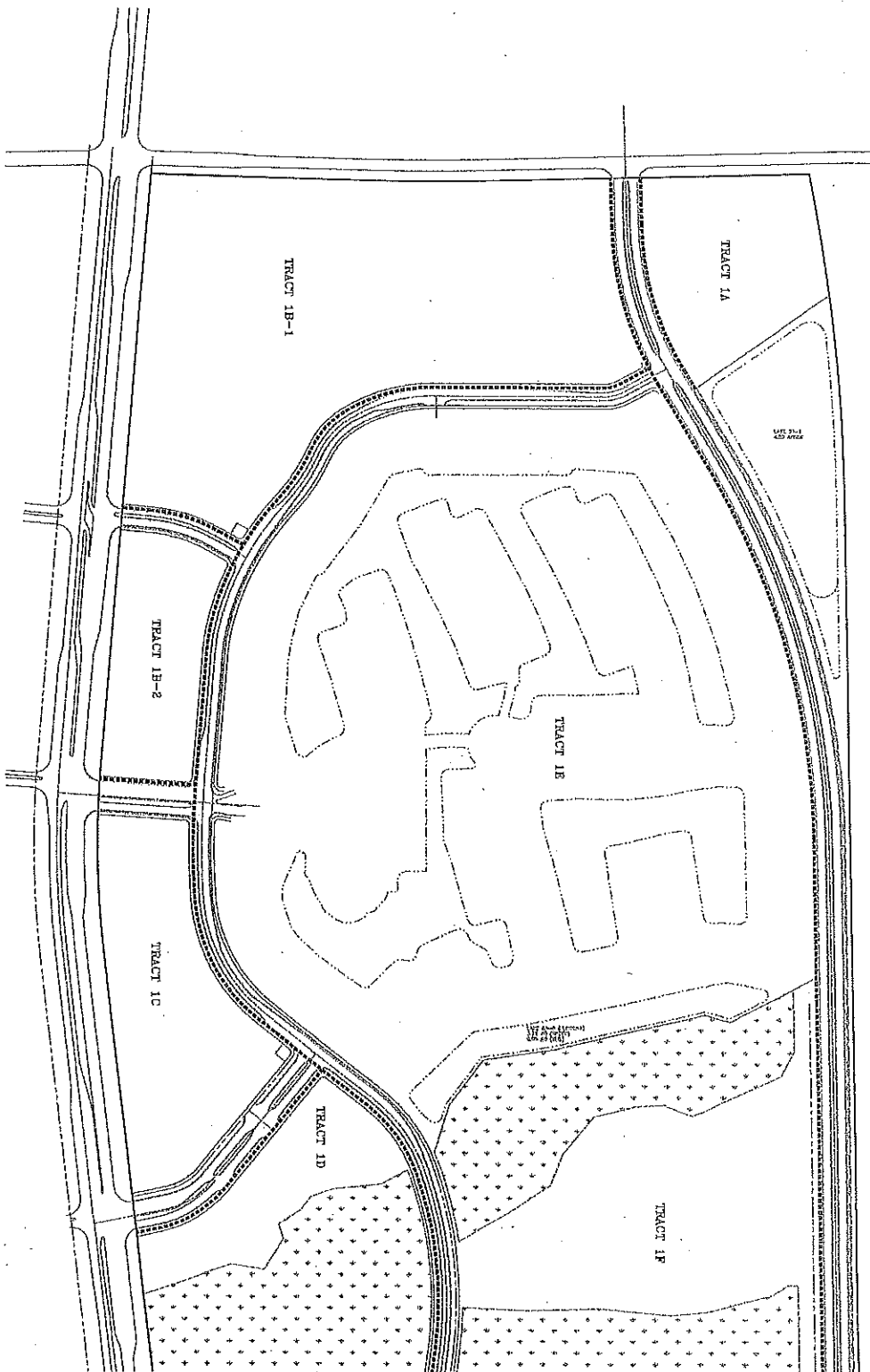
NOTE: The Florida Administrative Code specifically requires that the development order specify the requirements for the report. The Administrative Code requires that the report will be submitted to DCA, the RPC, and the local government on Form RPM-BSP-Annual Report-1.

DRI
EXHIBIT E
Calculation of Road Impact Fee Obligation²¹

LAND USE	ITE LUC	UNIT	RATE	SIZE	AMOUNT
GENERAL INDUSTRIAL	130	1000 SF	\$1,681.00	0	\$ -
WAREHOUSE	150	1000 SF	\$1,198.00	0	\$ -
MINI-WAREHOUSE	151	1000 SF	\$ 419.00	0	\$ -
SINGLE-FAMILY DETACHED	210	DU	\$2,436.00	0	\$ -
MULTI-FAMILY	220	DU	\$1,687.00	1000	\$ 1,687,000.00
MOBILE HOME (PARK UNIT)/RV SITE	240	DU	\$1,221.00	0	\$ -
ACLF	252	DU	\$ 550.00	200	\$ 110,000.00
HOTEL	310	ROOM	\$1,834.00	600	\$ 1,100,400.00
TIMESHARE	310	DU	\$1,834.00	0	\$ -
GOLF COURSE	430	ACRE	\$ 711.00	0	\$ -
MOVIE THEATRE	443	1000 SF	\$5,600.00	0	\$ -
ELEMENTARY/SECONDARY SCHOOL (PRIVATE)	520	1000 SF	\$ 611.00	0	\$ -
CHURCH	560	1000 SF	\$1,402.00	0	\$ -
DAYCARE	565	1000 SF	\$3,900.00	0	\$ -
HOSPITAL	610	1000 SF	\$2,941.00	0	\$ -
NURSING HOME	620	1000 SF	\$ 824.00	0	\$ -
OFFICE UNDER 100,000 SF	710	1000 SF	\$2,254.00	100	\$ 225,400.00
OFFICE 100,000 SF AND OVER	710	1000 SF	\$1,918.00	100	\$ 191,800.00
MEDICAL OFFICE	720	1000 SF	\$6,334.00	100	\$ 633,400.00
RETAIL UNDER 100,000 SF	820	1000 SF	\$3,992.00	100	\$ 399,200.00
RETAIL 100,000 SF TO 250,000 SF	820	1000 SF	\$3,869.00	150	\$ 580,350.00
RETAIL 250,000 SF TO 500,000	820	1000 SF	\$3,634.00	250	\$ 908,500.00
RETAIL 500,000 SF AND OVER	820	1000 SF	\$3,354.00	1300	\$ 4,360,200.00
STANDARD RESTAURANT	831	1000 SF	\$8,715.00	0	\$ -
FAST FOOD RESTAURANT	834	1000 SF	\$9,886.00	0	\$ -
CAR WASH, SELF-SERVICE	847	STALL	\$7,749.00	0	\$ -
CONVENIENCE FOOD AND BEVERAGE STORE	851	1000 SF	\$8,715.00	0	\$ -
BANK	911	1000 SF	\$6,063.00	0	\$ -
TOTAL					\$10,196,250.00

²¹ The calculations included here are based upon the impact fee schedule effective July 1, 2000.

The fee schedule was used as a basis for establishing traffic mitigation option 1. The Developer did not ultimately choose option 1.



LEGEND:
 PRIMARY PEDESTRIAN
 WALKWAYS (PP)

SIMON 111 W. WASHINGTON AVENUE SUITE 1000 CHICAGO, IL 60601 (312) 427-1000		The Shops at Coconut Point BONTA SPRINGS FLORIDA
PROPOSED PEDESTRIAN CIRCULATION PLAN		
DATE: 07/17/2014 DRAWN BY: [Name] CHECKED BY: [Name]	SCALE: 1" = 100' PROJECT NO: 14-000	SHEET NO: 001 OF 001

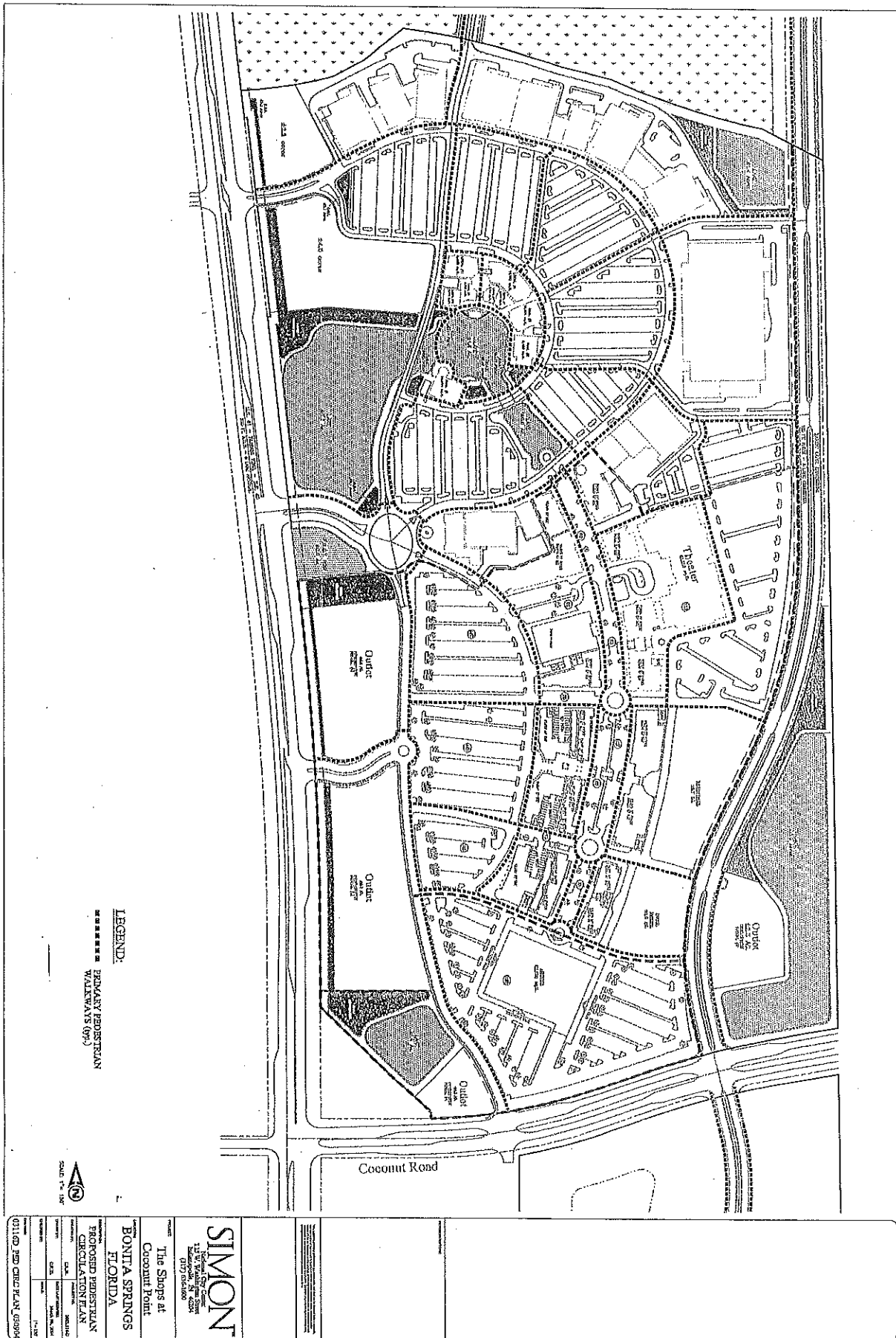
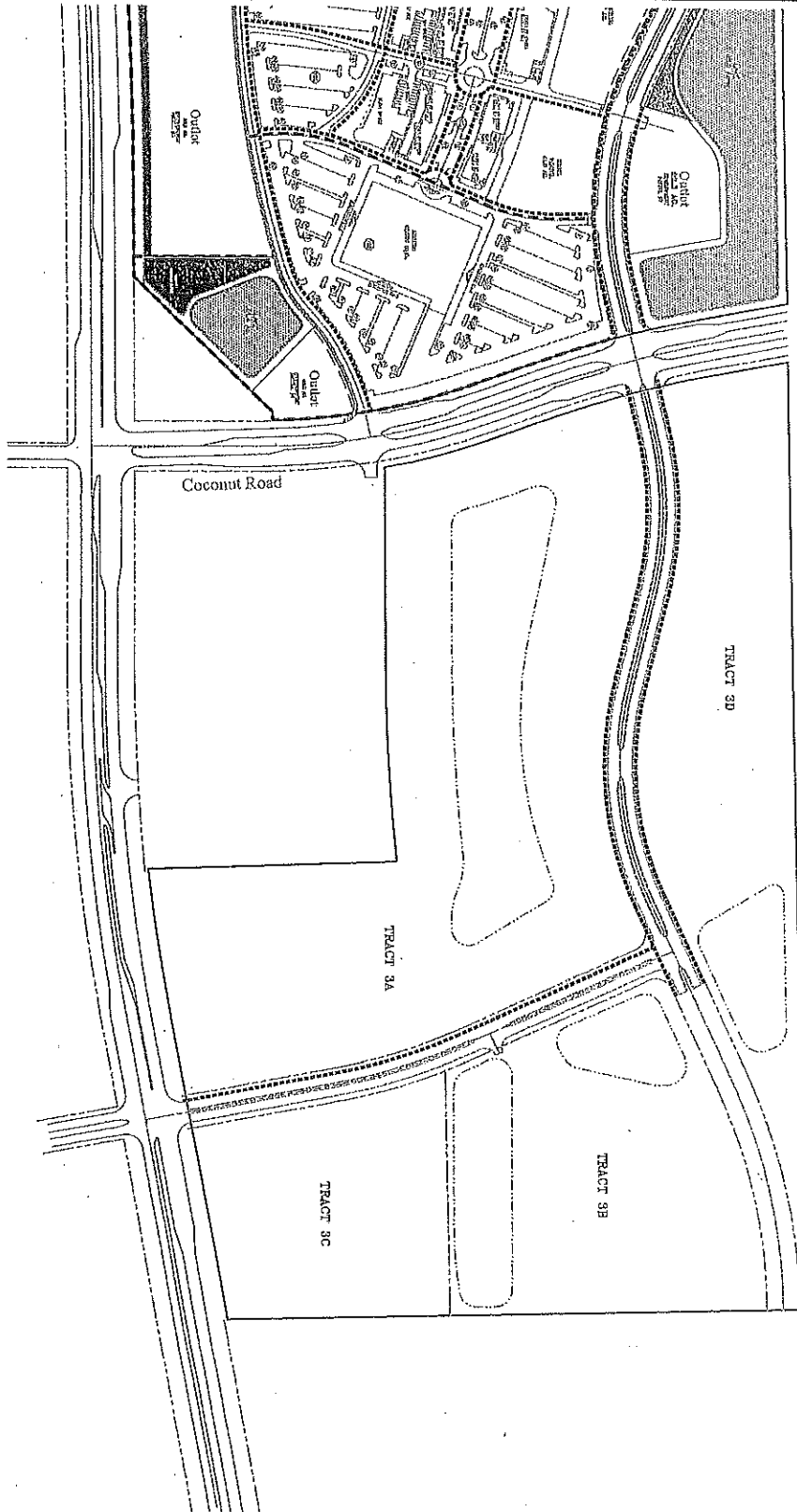


EXHIBIT F
PAGE 2 OF 3



LEGEND:
 ■■■■■■■■■■ PRIMARY PEDESTRIAN
 WALKWAYS (PW)



SIMON 115 W. Washington Street Suite 200 Bonita Springs, FL 34134 941.654.1100	
The Shops at Coconut Point Bonita Springs Florida	
PROPOSED PEDESTRIAN CIRCULATION PLAN	
DATE: 08/11/10 DRAWN BY: [illegible] CHECKED BY: [illegible]	SCALE: 1" = 40' PROJECT NO: 100004

STATE OF FLORIDA

COUNTY OF LEE

I Linda Doggett, Clerk of Circuit Court, Lee County, Florida, and ex-Officio Clerk of the Board of County Commissioners, Lee County, Florida, do hereby certify that the above and foregoing is a true and correct copy of Development Order for Coconut Point (Eighth Amendment) State DRI #09-2001-153 adopted by the Board of Lee County Commissioners at their meeting held on the 7th day of May, 2014.

Given under my hand and seal, at Fort Myers, Florida, this 27th day of May, 2014.



LINDA DOGGETT,
Clerk of Circuit Court
Lee County, Florida

By: Marcia Wilson
Deputy Clerk

Agenda Item

10h

10h

Villages of Lakewood Ranch
DRI – Development Order
Review

10h

**VILLAGES OF LAKEWOOD RANCH SOUTH DRI
DRI #11-0809-183
SARASOTA COUNTY
DEVELOPMENT ORDER REVIEW**

Council Recommendations

The Villages of Lakewood Ranch South Development of Regional Impact (DRI) is located in north central Sarasota County, south of University Parkway and Lakewood Ranch Corporate Park DRI, east of Interstate 75 and north of Richardson Road. The project is part of the 31,000 acre Schroeder-Manatee Ranch within Sarasota and Manatee Counties.

On January 22, 2014 the SWFRPC received the Schroeder-Manatee Ranch, Inc. submittal of an application for a Notice of Proposed Change. The request is comprised of specific amendments to the Development Order intended to address the implementation of the proportionate share mitigation as set forth in the Revised and Restated Adequate Transportation Facilities Agreement ("ATFA") approved by the Sarasota County Board of County Commissioners on October 9, 2013. The ATFA resolves transportation impacts and mitigation of the project through buildout and therefore, the amendment provides for specific approval for transportation for all phases of the DRI. Initially, only Phase 1 had received specific approval.

Other changes to the Development Order include the updating of commencement, phase, buildout and termination dates to reflect previously approved legislative extensions (see discussion above) and to update conditions of approval to address references, nomenclature and current practices. There are no changes to any of the development totals of the DRI.

On April 17, 2014, the Council approved staff recommendations that approved the Villages of Lakewood Ranch South DRI NOPC. The Council approval found that the requested changes did not constitute a substantial deviation because they did not create a reasonable likelihood of additional regional impacts, or any type of regional impact not previously reviewed by the Council. In addition, the Council found the requested change to be Consistent with the Local Comprehensive Plan and Strategic Regional Policy Plan.

Sarasota County Development Order

On May 21, 2014, the Sarasota Board of County Commissioners adopted Ordinance 2014-032 which approved the proposed amendments to the previously approved DRI. A copy of the development order (see Attachment) was rendered to the SWFRPC on May 30, 2014. The 45-day appeal period for the development order expires on July 3, 2014. Staff review of the attached Development Order finds that it is consistent with all regional issues and recommendations identified within the Council's Official Recommendations.

RECOMMENDED ACTION: Accept the Development Order as rendered. Notify the Florida Department of Economic Opportunity and Sarasota County.

08/14

SUBSTITUTE ORDINANCE NO. 2014-032
(Corrects Section 3.1 to Exhibits B through Exhibit F)

AN ORDINANCE OF THE COUNTY OF SARASOTA, FLORIDA, AMENDING AND RESTATING THE DEVELOPMENT ORDER FOR VILLAGES OF LAKEWOOD RANCH SOUTH DEVELOPMENT OF REGIONAL IMPACT (DRI), ORIGINALLY ADOPTED BY SARASOTA COUNTY ORDINANCE NO. 2010-019; PROVIDING FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR INCORPORATION OF THE APPLICATION FOR DEVELOPMENT APPROVAL (ADA), THE NOTICE OF PROPOSED CHANGE, AND ASSOCIATED DOCUMENTS INTO THE DEVELOPMENT ORDER; PROVIDING FOR APPROVAL OF THE AMENDMENT, RESTATEMENT, AND RATIFICATION OF PREVIOUSLY APPROVED VILLAGES OF LAKEWOOD RANCH SOUTH DRI CONDITIONS; PROVIDING FOR ORDINANCE TO BE DEEMED THE DEVELOPMENT ORDER; PROVIDING FOR BUILDOUT AND DEVELOPMENT ORDER TERMINATION DATES FOR VILLAGES OF LAKEWOOD RANCH SOUTH DRI; PROVIDING FOR NON-EXEMPTION FROM COUNTY REGULATIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR SERVICE AND RECORDING; PROVIDING AN EFFECTIVE DATE.

BOARD REC'D-08
 FILED FOR THE RECORD
 2014 JUL 10 PM 5:03
 KAREN E. RUSSELL
 CLERK OF THE CIRCUIT COURT
 SARASOTA COUNTY, FLORIDA

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA:

SECTION 1. Findings of Fact and Conclusions of Law. The Board of County Commissioners of Sarasota County, Florida, hereinafter referred to as the "Board", hereby makes the following findings of fact and conclusions of law:

1.1 On May 12, 2010, the Board adopted Ordinance No. 2010-019 approving a Development of Regional Impact (DRI) to be known as "Villages of Lakewood Ranch South."

1.2 The Villages of Lakewood Ranch South development consists of approximately 5,490 acres located east of Interstate-75 and south of University Parkway, more particularly described in Exhibit A, attached hereto and made a part hereof by reference.

1.3 On January 22, 2014, Schroeder-Manatee Ranch, Inc. and Heritage Ranch, LLC through their authorized agent Todd Pokrywa (hereinafter referred to as the "Applicant"), submitted to Sarasota County a Notification of a Proposed Change (NOC) to Villages of Lakewood Ranch South Development of Regional Impact, in accordance with Chapter 380.06, Florida Statutes.

1.4 Copies of the NOC have been submitted to the Southwest Florida Regional Planning Council (SWRPC), and to the Florida Department of Economic Opportunity (DEO), pursuant to Subsection 380.06(19)(f)2, Florida Statutes.

1.5 The proposed changes to Villages of Lakewood Ranch South pursuant to Chapter 380.06, Florida Statutes, include the revision of Conditions of Approval (Exhibit B of Ordinance No. 2010-019) to recognize the Revised and Restated Adequate Transportation Facilities Agreement (AFTA), Sarasota County Contract No. 2014-039, adopted October 9, 2013, extension of buildout date to recognize legislative extensions, and general clean-up to reflect changes.

1.6 The Villages of Lakewood Ranch South DRI development will be developed in the Village form consistent with the provisions of the Sarasota 2050, Resource Management Area (RMA) System Comprehensive Plan Amendment RMA-1. The Village form of development envisions the creation of a planned unit development with homes clustered around crossroads and includes commercial, civic buildings, and shared amenities. Specifically, The Villages of Lakewood Ranch South will be built as follows:

- 5,144 dwelling units in 12 Neighborhoods, including two Village Centers;
- 300,000 square feet of commercial/retail/office within the Village Centers;
- 90,000 square feet of additional neighborhood commercial uses;
- 60,000 square feet of public/civic space; and
- an Elementary School within or in proximity to the Village

1.7 The Report and Recommendation of the SWFRPC has been received and addressed.

1.8 The Sarasota County Planning Commission held a duly noticed public hearing on the NOPC on, April 17, 2014, and received all pertinent evidence and testimony, and recommended approval of the NOPC.

1.9 Pursuant to Section 380.06 (11)(f)3, Florida Statutes, public notice for a hearing on said NOPC before the Board was duly published in the "Sarasota Herald-Tribune" on May 6, 2014, and was duly provided to the Florida DEO, the SWFRPC, and other persons designated by DEO rules.

1.10 The Board held a duly noticed public hearing on the NOPC on May 21, 2014.

1.11 The Board considered the Report and Recommendation of the SWFRPC and the proposed changes to the development are consistent with the Report and Recommendation.

1.12 The Board considered all matters relevant to the NOPC, including the Recommendations of the Sarasota County Planning Commission, and all pertinent evidence and testimony presented at the public hearing.

1.13 The proceedings herein relating to the Villages of Lakewood Ranch South DRI NOPC have been conducted in compliance with the provisions of Chapter 380.06, Florida Statutes, and all conditions precedent to the granting of development approval required by Chapter 380.06, Florida Statutes, have occurred.

1.14 The proposed changes do not constitute a substantial deviation as they do not create a reasonable likelihood of additional regional impacts, or any type of regional impact not previously reviewed by the regional planning agency.

1.15 The proposed changes to the Villages of Lakewood Ranch South DRI are consistent with the State Comprehensive Plan and will not interfere with the achievement of the objectives of any adopted State Land Development Plan applicable to this area.

1.16 The proposed changes to the Villages of Lakewood Ranch South DRI are consistent with the Sarasota County Comprehensive Plan, and are not in conflict with other local land development regulations.

SECTION 2. Incorporation of the Application for Incremental Development Approval (AIDA), the Notice of Proposed Change, and Associated Documents into the Development Order.

2.1 The following information, commitments and impact mitigating provisions submitted by the Applicant are hereby incorporated in this Development Order by reference. Development permits are subject to the provisions contained in these documents:

- I. Villages of Lakewood Ranch South Application for Incremental Development Approval and Associated Documents – November 7, 2008;
- II. The Notification of Proposed Change (NOPC) Application and Associated Documents for the Villages of Lakewood Ranch South DRI – January 22, 2014;

2.2 In construing and enforcing the provisions of the documents incorporated in this Development Order by Subsections 2.1 above, the following shall apply:

a) The most recent response of the Applicant in the above referenced documents shall control over any previous response, wherever there is a conflict, otherwise the responses shall be considered cumulative.

b) Any information, commitments or impact mitigating provisions in the above referenced documents which are inconsistent with the specific conditions set forth in this Ordinance and the exhibits hereto, shall be deemed superseded and inapplicable.

SECTION 3. Approval of the Amendment, Restatement, and Ratification of Previously Approved Villages of Lakewood Ranch South DRI with Amended Conditions.

3.1 The Board hereby approves the modifications to the AIDA for the Villages of Lakewood Ranch South DRI subject to the conditions contained in Exhibit B through Exhibit F, which are attached hereto and incorporated herein by reference, subject to the other provisions of this Development Order. The provisions of this Ordinance are intended to constitute an amendment and restatement of all conditions contained in the previous Villages of Lakewood Ranch South Development Order.

3.2 The Sarasota County Planning Department is hereby designated as the local government department responsible for monitoring the development, enforcing and monitoring the terms of the Incremental Development Order and for receiving the biennial report required by Chapter 380.06, Florida Statutes.

3.3 Biennial Report Requirements:

The Applicant shall submit the Biennial report pursuant to the Development Order and the requirements of Chapter 380.06 (18), Florida Statutes, Chapter 9J-2.025 (7), Florida Administrative Code (F.A.C.), and the conditions of this Ordinance. This report shall be submitted with the consolidated Biennial Monitoring Report for the DRI until such time as all terms and conditions of this Development Order are satisfied, unless otherwise specified herein. The Applicant shall submit this monitoring report to the Sarasota County Planning Department, the SWFRPC, the DEO, and all affected permitting agencies required by law on form RPM-BSP-Biennial Report-1, as the same may be amended from time to time. The biennial monitoring report shall contain all information required by Rule 9J-2.025 (7) (a) through (k), F.A.C., as the same may be amended from time to time.

Upon notification that the biennial report has not been received by the SWFRPC, or the DEO, or upon non-receipt of the biennial report by Sarasota County, Sarasota County shall request in writing that the Applicant submit the report within thirty (30) days. Failure to submit the report after thirty (30) days of such written notice shall result in Sarasota County temporarily suspending this Development Order, and no new development permit applications shall be granted within the development until the requirements of this subsection are met.

3.4 Monitoring Reports Requirement:

The Applicant shall submit the following monitoring reports to the Sarasota County Planning Department at the same time that the biennial report is submitted, unless a different submission time is authorized by the Planning Department in writing. Failure to submit the report after 30 days shall result in Sarasota County temporarily suspending this Development Order, and no new development permit applications shall be granted within the development until the requirements of this section are met.

- a) A status report of the cumulative amount of development approved for the project pursuant to Conditions in the Development Order contained in Exhibit B.
- b) Biennial signal warrant analysis as specified in Transportation Conditions in the Development Order contained in Exhibit B.
- c) A status report of the Master Multi-Modal Plan pursuant to Conditions in the Development Order contained in Exhibit B.
- d) A status report of the cumulative Community/Affordable Housing pursuant to Conditions in the Development Order contained in Exhibit B.
- e) A status report of the cumulative Parks and Recreation amenities pursuant to Conditions in the Development Order contained in Exhibit B.
- f) The current status of solid waste and hazardous waste disposal needs.
- g) The current status and capacity of police, fire protection and emergency ambulance services.
- h) The dates of submission of, and parties who have received, any studies for The Villages of Lakewood Ranch South Surface Water Management System, as described in this Development Order and referenced documents.

i) The dates of submission of, and parties who have received, the results of the Surface Water Quality Monitoring Program as described in this Development Order and referenced documents.

j) Potable water and wastewater supply system status, which shall include present potable water and wastewater system needs, potable water and wastewater services and an assessment of future potable water and wastewater needs for the project.

k) The dates of submission of, and parties who have received, monitoring reports under the Wildlife Management Plan.

3.5 Designated Recipient for All Reports:

All reports shall be submitted to the Planning and Development Services Business Center, or its successor department, and called to the attention of the Director of Planning Services. The Director of Planning Services shall be the local official responsible for assuring the development's compliance with this Development Order.

3.5 The definitions presently contained in Chapter 380.06, Florida Statutes, shall control in the construction of this Development Order.

SECTION 4. Ordinance to be Deemed the Development Order.

4.1 This Ordinance shall be deemed the Development Order for the Villages of Lakewood Ranch South DRI required pursuant to Chapter 380.06, Florida Statutes.

SECTION 5. Buildout and Development Order Termination Dates for the Villages of Lakewood Ranch South.

5.1 The buildout date of Villages of Lakewood Ranch South is December 31, 2034, provided however additional analyses may be required in accordance with the provisions contained in Exhibit "B."

5.2 The Villages of Lakewood Ranch South Development Order shall remain in effect until December 31, 2034, unless the buildout date and termination date in Section 5.1 is extended by Sarasota County.

SECTION 6. Non-Exemption from County Regulations.

6.1 This Ordinance shall not be construed as an agreement on the part of Sarasota County to exempt the Applicant, its successors and assigns, from the operation of any Ordinance or regulation hereinafter adopted by Sarasota County for the purpose of the protection of the public health, welfare, and safety, which said Ordinance or regulation shall be generally and equally applicable throughout Sarasota County, and which said Ordinance or regulation protects or promotes a vital public interest, and which said Ordinance or regulation does not substantially impair or prevent development as approved herein.

SECTION 7. Enforcement.

7.1 All conditions, restrictions, requirements, commitments and impact mitigating provisions contained or incorporated by reference in this Development Order may be enforced by Sarasota County by action at law or in equity, after notice to the Applicant and a reasonable opportunity to cure, and, in the event Sarasota County prevails in such action at law or in equity, it shall be awarded all its reasonable costs of investigation and enforcement, including County staff time and reasonable attorneys' fees incurred by or on behalf of Sarasota County.

7.2 In the event it is determined by the Board, after notice to the Applicant and a full hearing, that the Applicant has failed to comply with any conditions, restrictions, requirements or impact mitigating provisions contained or incorporated by reference in this Development Order, the Board may temporarily suspend this Development Order during which no development permit applications shall be granted within the development until compliance is achieved. Where such a failure has been finally determined, the Applicant shall be liable for all costs of investigating and enforcement, including County staff time and reasonable attorney's fees incurred by or on behalf of Sarasota County.

7.3 The rights and obligations of this Development Order shall run with the land. The Applicant is bound by the terms of this Development Order so long as it owns such property. This Development Order shall be binding upon and inure to the benefit of the Applicant and its assignees or successors in interest and Sarasota County and its successors. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created and designed as successor in interest thereto, or which otherwise possess any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order.

7.4 In the event of a Development Order appeal or other legal challenge of this Development Order by DEO, the Applicant shall pay all reasonable costs and fees of County staff and attorneys relating to said appeal or legal challenge. Said costs and fees shall be based upon the Sarasota County Billable Fee System under Ordinance No. 85-91, as amended from time to time. Payment of all billings by the Applicant related to such fees and costs shall be paid within forty five (45) days of submittal of an invoice.

SECTION 8. Severability.

8.1 If any section, sentence, clause, phrase or word of this Development Order is for any reason held or declared to be invalid, inoperative, or void, such holding of invalidity shall not affect the remaining portions of this Development Order. It shall be construed to have been the intent to pass this Development Order, without such invalid or inoperative part herein, and the remainder, exclusive of such part or parts, shall be deemed and held to be valid as if such parts had not been included herein, unless to do so would frustrate the intent of this Development Order.

8.2 Nothing in Section 7.1 shall override the effect of an appeal pursuant to Section 380.07(2), Florida Statutes.

SECTION 9. Service and Recording.

9.1 The Planning and Development Services Department is hereby directed to record this Ordinance in the Official Records of the Clerk of the Circuit Court. All costs associated with the recording of this Ordinance shall be borne by the Applicant. This Ordinance shall be binding upon the Applicant, its successors and assigns and upon Sarasota County.

9.2 The Clerk to the Board of County Commissioners shall certify the date upon which a copy of this Ordinance are deposited in the U.S. Mail to DEO and electronic copies to the SWFRPC, and the Applicant.

VIA US MAIL

Ray Eubanks
Department of Economic Opportunity
Division of Community Development
MSC 160
107 East Madison Street
Tallahassee, Florida 32399

VIA E-MAIL

David Crawford
Southwest Florida Regional Planning Council
Email: dcrawford@swfrpc.org

Todd J. Pokrywa
Schroeder-Manatee Ranch, Inc.
14400 Covenant Way
Lakewood Ranch, Florida 34202
Email: todd.pokrywa@smrranch.com

SECTION 10. Effective Date.

10.1 This Development Order shall take effect upon adoption of this Ordinance and transmittal of the copies of said Development Order to the parties specified in Chapter 380.07 (2), Florida Statutes, the expiration of any applicable appeal period, or the resolution of any appeal, whichever is later.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Sarasota County, Florida, this 21st of MAY, 2014.

**BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA**

By: _____

Chairman

ATTEST:

KAREN E. RUSHING, Clerk of Circuit Court
and ex officio Clerk of the
Board of County Commissioners of

Sarasota County, Florida

By: _____

Deputy Clerk

**EXHIBITS TO THE VILLAGES OF LAKEWOOD RANCH SOUTH (VLRS)
DRI DEVELOPMENT ORDER**

- A. LEGAL DESCRIPTION
- B. DEVELOPMENT ORDER CONDITIONS
- C. MASTER DEVELOPMENT PLAN (MAP C-3)
- D. SURFACE WATER QUALITY MONITORING PROGRAM
- E. NATIVE HABITAT AND PRESERVATION PLAN (MAP F-2)
- F. NOTICE OF PROXIMITY TO GUM SLOUGH/LONG SWAMP CONSERVATION
 AREA

EXHIBIT A – LEGAL DESCRIPTION

DESCRIPTION:

A tract lying in Sections 1 through 5 and Sections 7 through 12, Township 36 South, Range 19 East, Sarasota County, Florida, being more particularly described as follows:

Commence at the northwest corner of Section 6, Township 36 South, Range 19 East, Sarasota County, Florida, being the intersection of the north line of Sarasota County, with the easterly Right-of-Way line of State Road 93 (I-75) as shown on the State of Florida Road Department Right-of-Way Map of State Road 93, Section 17075-2410, per Road Plat Book 2, Page 28 of the Public Records of Sarasota County, Florida; thence southerly along said easterly Right-of-Way line of State Road 93 (I-75), for the following six (6) calls; thence S.00°36'59"W., a distance of 407.95 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies N.82°15'27"E., a radial distance of 3725.72 feet; thence southerly, along the arc of said curve, through a central angle of 01°55'43", an arc length of 125.41 feet to the point of tangency of said curve; thence S.09°40'31"E., a distance of 518.72 feet; thence S.13°40'31"E., a distance of 478.70 feet to the point of curvature of a curve to the right, having a radius of 11589.16 feet and a central angle of 15°09'09"; thence southerly, along the arc of said curve, an arc length of 3064.88 feet to the point of tangency of said curve; thence S.01°28'37"W., a distance of 2441.76 feet to the POINT OF BEGINNING; said point also being on the southerly line of OUC Area #4, Conservation Easement as recorded in Official Record Book 2872, Page 1014, of the Public Records of Sarasota County, Florida, also being the northerly line of Long Swamp Conservation Easement as recorded in Official Record Book 3005, Page 102, of said Public Records; thence along said line, the following five (5) calls; thence S.74°24'56"E., a distance of 469.99 feet; thence S.75°40'48"E., a distance of 1,074.37 feet; thence S.48°24'38"E., a distance of 549.60 feet; thence S.85°40'09"E., a distance of 1,659.55 feet; thence N.76°59'35"E., a distance of 840.08 feet to the intersection with the westerly Right-of-Way line of Proposed Lakewood Ranch Boulevard; thence continue N.76°59'35"E., a distance of 7.16 feet; thence N.45°19'19"E., across said Proposed Lakewood Ranch Parkway 231.13 feet to the easterly Right-of-Way line of said Proposed Lakewood Ranch Boulevard, said point being on the southerly line of OUC Area #3 Conservation Easement as recorded in Official Record Book 2872, Page 1014, of the Public Records of Sarasota County, Florida, also being on the aforementioned northerly line of Long Swamp Conservation Easement; thence along said line, the following ten (10) courses; thence continue N.45°19'19"E., a distance of 420.08 feet; thence N.32°45'30"E., a distance of 740.70 feet; thence N.71°51'36"E., a distance of 683.17 feet; thence N.29°52'49"E., a distance of 1,143.34 feet; thence N.03°22'16"E., a distance of 472.28 feet; thence N.62°39'12"E., a distance of 777.58 feet; thence N.88°52'22"E., a distance of 795.24 feet; thence N.46°34'31"E., a distance of 435.04 feet; thence N.21°11'42"E., a distance of 1,060.17 feet; thence N.63°21'09"E., a distance of 127.83 feet to the easterly line of said Long Swamp Conservation Easement; thence southerly and easterly along said Long Swamp Conservation Easement the following twenty seven (27) courses; thence S.03°12'47"W., a distance of 148.25 feet; thence S.00°13'37"E., a distance of 150.69 feet; thence S.15°17'40"E., a distance of 61.02 feet; thence S.05°51'30"E., a distance of 29.89 feet; thence S.00°00'00"E., a distance of 74.70 feet; thence S.00°38'21"E., a distance of 119.92 feet; thence S.17°29'00"W., a distance of 17.40 feet; thence S.11°48'38"W., a distance of 28.64 feet; thence S.21°43'13"W., a distance of 11.92 feet; thence S.08°17'11"W., a distance of 35.48 feet; thence N.77°33'19"E., a distance of 28.13 feet; thence N.88°56'19"E., a distance of 49.65 feet; thence N.85°14'18"E., a distance of 29.41 feet; thence N.82°43'53"E., a distance of 58.36 feet; thence N.71°57'31"E., a distance of 72.62 feet; thence N.78°51'27"E., a distance of 115.62 feet; thence N.84°45'35"E., a distance of 46.42 feet; thence N.90°00'00"E., a distance of 41.59 feet; thence S.84°20'34"E., a distance of 27.95 feet; thence S.66°41'27"E., a distance of 15.82 feet; thence S.85°18'33"E., a distance of 33.69 feet; thence S.53°59'02"E., a distance of 17.04 feet;

thence N.55°35'20"E., a distance of 19.48 feet; thence N.69°50'42"E., a distance of 54.10 feet; thence N.85°08'56"E., a distance of 42.21 feet; thence S.89°44'22"E., a distance of 57.74 feet; thence S.04°19'32"W., a distance of 324.98 feet; thence leaving said line of Long Swamp Conservation Easement S.85°40'28"E., a distance of 100.02 feet to the southwest corner of Polo Ranches of Sarasota, Inc. as described in Special Warranty Deed, recorded in Official Record Book 2602, Page 702 of the Public Records of Sarasota County, Florida; Thence easterly, southerly and northerly along the boundary of said Polo Ranches of Sarasota, Inc., the following twenty nine (29) courses; thence N.78°06'22"E., a distance of 87.94 feet; thence N.89°45'54"E., a distance of 158.71 feet; thence N.47°33'02"E., a distance of 220.52 feet; thence N.35°28'53"E., a distance of 350.84 feet; thence N.82°48'41"E., a distance of 675.34 feet; thence S.63°19'46"E., a distance of 88.61 feet; thence S.75°08'22"E., a distance of 128.04 feet; thence S.64°53'29"E., a distance of 262.98 feet; thence S.87°15'52"E., a distance of 334.71 feet; thence N.43°51'47"E., a distance of 153.66 feet; thence S.87°43'50"E., a distance of 109.16 feet; thence S.70°42'18"E., a distance of 234.72 feet; thence S.79°48'39"E., a distance of 277.69 feet; thence S.71°19'12"E., a distance of 470.81 feet; thence S.44°05'11"E., a distance of 140.25 feet; thence S.62°52'55"E., a distance of 100.85 feet; thence S.88°26'13"E., a distance of 780.95 feet; thence S.03°11'16"E., a distance of 1,182.75 feet; thence N.83°24'34"E., a distance of 2,204.60 feet; thence N.00°17'03"W., a distance of 3,198.54 feet to the point of curvature of a curve to the left having a radius of 790.00 feet and a central angle of 40°30'02"; thence northerly along the arc of said curve, an arc length of 558.43 feet to the point of tangency of said curve; thence N.40°47'05"W., a distance of 271.47 feet to the point of curvature of a curve to the right having a radius of 1160.00 feet and a central angle of 38°29'15"; thence northwesterly along the arc of said curve, an arc length of 779.21 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies S.87°42'10"W., a radial distance of 35.00 feet; thence southwesterly along the arc of said curve, through a central angle of 83°57'18", an arc length of 51.29 feet to the point of tangency of said curve; thence S.81°39'28"W., a distance of 469.90 feet to the point of curvature of a curve to the right having a radius of 195.50 feet and a central angle of 53°03'18"; thence westerly along the arc of said curve, an arc length of 181.03 feet to the point of tangency of said curve; thence N.45°17'14"W., a distance of 15.48 feet; thence N.00°01'28"E., a distance of 466.83 feet to the north line of Section 4, also being the south line of University Parkway a 200 foot wide Public Right-of-Way as recorded in Official Record Book 1827, Page 3774 of the Public Records of Manatee County, Florida, and the north line of Sarasota County; thence along said north line of Sarasota County, also being the north lines of Sections 4, 3 and 2, S.89°58'32"E., a distance of 8,253.83 feet more or less, through the 1/4 Section corners and Section corners thereof, to its intersection with the Southerly line of the proposed 200' wide Right-of-Way for University Parkway; thence along said Southerly line of said proposed 200' wide Right-of-Way the following 4 calls: S.70°58'32"E., a distance of 554.08 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies N.19°45'53"E., a radial distance of 2,403.95 feet; thence easterly along the arc of said curve, through a central angle of 26°48'07", an arc length of 1,124.53 feet to the point of tangency of said curve; thence N.82°57'46"E., a distance of 2,337.47 feet to the point of curvature of a curve to the right having a radius of 2,204.05 feet and a central angle of 05°41'44"; thence easterly along the arc of said curve, an arc length of 219.10 feet to the north line of Section 1 also being the point of tangency of said curve; thence S.89°58'32"E., along the north line of said Section 1, a distance of 2,344.11 feet; thence S.18°33'42"E., a distance of 298.78 feet; thence S.64°21'30"E., a distance of 359.24 feet; thence N.76°40'48"E., a distance of 147.00 feet; thence S.26°42'54"E., a distance of 502.56 feet; thence S.15°47'50"E., a distance of 433.97 feet; thence S.40°18'47"W., a distance of 246.56 feet; thence S.15°57'47"W., a distance of 265.66 feet; thence N.90°00'00"E., a distance of 460.15 feet; thence S.35°33'22"E., a distance of 288.88 feet to the East line of said Section 1; thence S.00°00'08"W., along the east line of Section 1, a distance of 3,476.00 feet to the northeast corner of Section 12; thence continue S.00°00'08"W., along the Easterly line of Section 12, a distance of 5,292.72 feet to the South line of said Section 12; thence N.89°03'10"W., along the southerly line of said section 12, a distance of 5,270.49 feet to the southwest corner of said Section 12; thence S.88°46'00"W., along the southerly line of Section 11, a distance of 5,317.36 feet to the southwest

corner of Section 11; thence N.89°32'01"W. along the southerly line of the southeast 1/4 of Section 10, a distance of 2,694.08 feet; thence N.89°29'35"W. along the southerly line of the southwest 1/4 of said Section 10, a distance of 2,686.23 feet to the southwest corner of said Section 10; thence N.89°37'11"W. along the southerly line of the southeast 1/4 of Section 9, a distance of 2,672.62 feet to the southwest corner of the southeast 1/4 of said Section 9; thence N.89°47'23"W. along the southerly line of the southwest 1/4 of said Section 9, a distance of 2,674.92 feet to the southwest corner of said Section 9; thence N.89°29'27"W. along the southeast 1/4 of Section 8, a distance of 2,670.94 feet to the southwest corner of said southeast 1/4 of Section 8; thence N.89°28'55"W. along the southerly line of southwest 1/4 of said Section 8, a distance of 2,670.18 feet to the southwest corner of said Section 8; thence N.89°48'46"W. along the southerly line of the southeast 1/4 of Section 7, a distance of 2,305.00 feet to the southwest corner of said southeast 1/4 of Section 7; thence N.89°48'26"W. along the southerly line of the southwest 1/4 of said Section 7, a distance of 1,855.76 feet to the easterly line of aforementioned State Road 93 (I-75); thence N.01°28'37"E. along said State Road 93 (I-75), a distance of 3,636.95 feet to the POINT OF BEGINNING.

Together With:

Lands described in Fee Simple Deed from Sarasota County to Schroeder-Manatee Ranch, Inc. recorded in Official Records Instrument Number 2004118446, of the Public Records of Sarasota County, Florida.

Less and Except:

Lands described in Special Warranty Deed from Schroeder-Manatee Ranch, Inc. to Florida Power & Light Company recorded in Official Record Book 2848, Page 77, of the Public Records of Sarasota County, Florida.

Lands described in Corporate Warranty Deed from Schroeder-Manatee Ranch, Inc. to Sarasota County recorded in Official Record Book 2880, Page 1528, of the Public Records of Sarasota County, Florida.

Lands described in Corporate Warranty Deed from Schroeder-Manatee Ranch, Inc., to Sarasota County recorded in Official Records Instrument Number 2002146329, of the Public Records of Sarasota County, Florida.

Lands described in Warranty Deed from Schroeder-Manatee Ranch, Inc., to Sarasota County in Official Records Instrument Number 2004118447, of the Public Records of Sarasota County, Florida.

Said tract contains 5,489.7 acres, more or less.

EXHIBIT B – DEVELOPMENT ORDER CONDITIONS

Conditions of Approval of the Villages of Lakewood Ranch South Development of Regional Impact

A.	DEFINITIONS	2
B.	GENERAL	2
C.	LAND USE	4
D.	HOUSING	6
E.	NATIVE HABITATS / RARE AND ENDANGERED SPECIES	6
F.	DRAINAGE	8
G.	WATER QUALITY	9
H.	TRANSPORTATION	9
I.	WATER SUPPLY / WASTEWATER MANAGEMENT	12
J.	EDUCATION	14
K.	EMERGENCY SERVICES	14
L.	PARKS AND RECREATION	15
M.	ENERGY	15
N.	SOLID AND HAZARDOUS WASTE	15

A. DEFINITIONS

1. The term "Applicant" shall mean the Developers of Villages of Lakewood Ranch, Schroeder-Manatee Ranch, Inc., and Heritage Ranch, LLC. All reference made in the following conditions for Development Approval pertaining to Applicant shall also include any successors in interest of geographic area of functions covered under this Development Order.
2. The term "Project" shall mean the land uses, phasing, and improvement described in the Application for Development Approval and the Notice of Proposed change application which are attributable to the development on that property described in Exhibit A.
3. The following terms are defined for purposes of implementing the requirements of the Transportation Conditions.
 - a. "ATFA" shall mean the Revised and Restated Adequate Transportation Facilities Agreement, dated October 9, 2013, as may be amended.
 - b. "Funding Commitments" shall mean the fulfillment of an action necessary to ensure the completion of any road or intersection improvement required by this Development Order prior to the time the impacts from the development occur. These actions include one or any combination of the following:
 - i. The provision of a binding commitment by a private person or responsible entity (which may include the posting of a cash bond or irrevocable letter of credit in a form satisfactory to Sarasota County) for the design, engineering, and actual construction of the improvement to be completed when the improvement is identified as required in this Development Order; or
 - ii. The design, engineering, and actual construction of the improvements(s) before the impacts of the development occur; or
 - iii. The placement of the construction phase for an improvement in:
 - (a) The current, i.e. first year of the adopted Capital Improvements Program, as identified in Table 10-3 of the Capital Improvements Element of the adopted Sarasota County Comprehensive Plan, in Sarasota County for road and intersection improvements on facilities under the jurisdiction of Sarasota County; or
 - (b) The current, i.e. first year of the adopted Five-Year Work Program of the Florida Department of Transportation (FDOT) for road and intersection improvements on facilities within Sarasota County under the jurisdiction of the FDOT, and where construction of the improvement is subject of a binding executed contract; or
 - (c) The first two years of the adopted Five-Year Work Program of the Florida Department of Transportation (FDOT) for road and intersection improvements on facilities within Manatee County under the jurisdiction of the FDOT; or
 - (d) The current, i.e. first year of the adopted Five-Year Work Program or its equivalent in Manatee County for road and intersection improvements on facilities under the jurisdiction of Manatee County, and where construction of the improvement is subject of a binding executed contract; or
 - iv. A commitment for construction and completion of the required roadways improvements, pursuant to a Development Agreement which if approved by the parties shall be incorporated in this development order through an amendment of the Development

Order. Said Agreement shall guarantee that the necessary roadway improvement will be in place when the impacts of the development occur, pursuant to Chapter 380.06(19), Florida Statutes; or

- v. The County and the Developer may enter into a proportionate share agreement that meets the requirements of Florida Statutes for mitigation of transportation impacts.
- c. "Final Development Order" shall mean a Final Development Order as defined in Sarasota County's Concurrency Management Regulations (Sarasota County Code of Ordinances, Chapter 94, Article VII). A "Final Development Order" shall include the approval of a construction plan for development requiring subdivision plans or site and development plan approval, or building permits for development not requiring such construction plan approval.
- d. "Facility Reservation Period" shall mean the time period commencing on the effective date of this Development Order and expiring on the earlier of:
 - i. December 31, 2034; or
 - ii. At such time as cumulative The Villages of Lakewood Ranch (VLRs) development, for which Final Development Orders have been issued for development totals specified in Condition C.1, which has been determined to generate the equivalent of 2,376 net new p.m. peak hour trips.

B. GENERAL

1. The Villages of Lakewood Ranch South DRI shall occur in substantial accordance with all commitments and impact-mitigating actions specified by the Applicant in the Application for Development Approval or the ATFA (and supplementary documents) that are not in conflict with the Development Order.
2. All conditions for Development Approval involving deed restrictions shall be submitted for approval by Sarasota County, and provide for enforcement by, and the award of reasonable attorneys' fees to Sarasota County, in addition to enforcement by the Villages of Lakewood Ranch South (VLRs) Owner's Association, Inc. and such other persons as may be appropriate.
3. The Applicant shall comply with all general development regulations, including the zoning regulations and stipulations assigned to the property by any rezonings or special exceptions approved by the Board of County Commissioners in conjunction with this Development Order and any amendments to such development regulations, rezonings, or special exceptions.
4. Where approval by a Sarasota County department or official is required herein, the Applicant requesting approval shall be entitled to review of the department decision by the Board of County Commissioners and the Board of County Commissioners may affirm, modify, or reverse such decision. Where existing County, State and Federal regulations do not apply, department decisions shall be based upon the highest standards of accepted professional practice in the particular field applicable to the requirements of the conditions set forth herein.
5. The Applicant shall comply with the development phasing schedule presented within the ADA referenced and extended in this Ordinance in Land Use Condition C.1. If Development Order Conditions and Applicant commitments to mitigate regional impacts are not substantially carried out as indicated to the extent or in accord with the Development Order, then this Development Order shall be amended as appropriate.
6. Reasonable access to the VLRs project site by Sarasota County government agents and employees shall be granted for the purpose of monitoring and implementation of the Development Order.

7. If conditions contained in this Development Order require the Applicant to submit certain information with preliminary plan/site and development plan and construction plans, it shall be understood that such information shall be reviewed and approved by appropriate Sarasota County staff in accordance with all applicable laws, ordinances, rules, and regulations, consistent with this Development Order.
8. If it is demonstrated during the course of monitoring the development, that substantial changes in the conditions underlying the approval of the Development Order have occurred or that the Development Order was based on substantially inaccurate information provided by the Applicant, resulting in additional substantial regional impacts, these impacts shall be subject to the requirements of Chapter 380.06(19), Florida Statutes.
9. Pursuant to Chapter 380.06(16) Florida Statutes, the Applicant may be subject to credit for contributions, construction, expansion, or acquisition of public facilities, if the Applicant is also subject by local ordinances to impact fees or exactions to meet the same needs. Sarasota County and the Applicant may enter into a capital contribution front-ending agreement to reimburse the developer for voluntary contributions in excess of the proportionate fair share.
10. Any temporary uses shall be applied for and processed as required by the Sarasota County Zoning Ordinances, in effect at the time of submittal of the temporary use.
11. Throughout the VLRS development, the Applicant shall comply with the requirements listed in the document entitled "Administrative Guidelines for Monitoring Developments of Regional Impact in Unincorporated Sarasota County" as amended unless otherwise agreed to by Sarasota County.
12. Notwithstanding any term or condition of this Development Order to the contrary, Sarasota County shall have no obligation to construct or improve any facility or capital improvement necessary or desirable to accommodate development of the Project, unless Sarasota County and the Applicant have entered into a written agreement whereby Sarasota County specifically agrees to construct or improve a designated facility for the benefit of the Project. The inclusion of any facility or improvement in the County's Five-Year Capital Improvement Plan or capital budget shall not constitute a guarantee to the Applicant that such facilities or improvement will be constructed.
13. All proposed modifications to The Villages of Lakewood Ranch South will be reviewed to determine whether the proposed modification will exceed any of the criteria set forth in Chapter 380.06(19), Florida Statutes.
14. The development phasing schedule presented within the ADA and as adjusted to date of development order approval or as further extended or adjusted herein, 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.

C. LAND USE

1. The Villages of Lakewood Ranch South (VLRS) shall be developed in substantial accordance with the Master Development Plan, date-stamped January 17, 2014, and attached hereto as Exhibit "C," including the phasing schedule (as detailed below) and the Variable Development Criteria as detailed on that plan.

The phasing schedule for the development of The Villages of Lakewood Ranch South shall be as follows:

<u>PHASE</u>	<u>BUILD-OUT</u>	<u>DEVELOPMENT PROPOSED</u>
Phase I	2014-2024	2,032 residential units 292,000 sq. ft. of commercial/retail/office 40,000 sq. ft. of neighborhood commercial uses 20,000 sq. ft. of public/civic space Elementary School
Phase II	2017-2029	1,581 residential units
Phase III	2022-2034	1,531 residential units 8,000 sq. ft. of commercial/retail/office 50,000 sq. ft. of neighborhood commercial uses 40,000 sq. ft. of public/civic space
TOTAL PROJECT		5,144 residential units 300,000 sq. ft. of commercial/retail office uses within the Village Center 90,000 sq. ft. of neighborhood commercial uses 60,000 sq. ft. of public/civic space

Physical development shall commence by December 31, 2021. Phase I shall be completed by December 31, 2024, Phase II shall be completed by December 31, 2029 and Phase III shall be completed by December 31, 2034. For consistency in reporting, all dates are shown as December 31st.

2. Any departure from Project buildout from the phasing schedule set forth in this Development Order shall be subject to review to determine if such departure constitutes the need to amend the Development Order.
3. To foster intergovernmental coordination in the administration of the VLRS Development of Regional Impact, the Applicant shall furnish to the Manatee County Planning Department copies of all VLRS Biennial Reports (together with any documents required to accompany said Reports).
4. Any commercial or residential component (e.g., lot within a platted subdivision, land lease, condo plat, etc.) of each respective phase shall be entitled to receive a building permit after said phase build-out date providing the residential or commercial component is part of a larger residential or commercial site (e.g., subdivision, land lease, condo plat, etc.) for which the required infrastructure improvements have been completed, approved and accepted by Sarasota County. This is not intended to authorize the issuance of building permits after the final DRI build-out date.
5. At the time of the first Site and Development/Preliminary Plan submittal, the Applicant shall also submit a "Permit Tracking Chart." Once approved by the Planning and Development Services

Business Center, this chart will be submitted with each subsequent Site and Development/Preliminary Plan submittal to be used by Sarasota County staff to ensure adequate monitoring of the variable commercial/retail/office square footage and the number of residential units by type, the mix of housing types, and their neighborhood location.

D. HOUSING

1. Applicant shall provide 2037 (or a pro rata reduced number of units if fewer total Project units are constructed) Community/Affordable Housing dwelling units in compliance with the zoning regulations and stipulations assigned to the property by any rezonings or special exceptions approved by the Board of County Commissioners in conjunction with this Development Order and any amendments to such rezonings or special exceptions
2. The Biennial monitoring report filed for this DRI shall also include a biennial affordable/community housing monitoring report. Such monitoring report shall describe the number of the Community/Affordable Housing Units constructed.

E. NATIVE HABITATS / RARE AND ENDANGERED SPECIES

1. The wetlands, dry prairie, mesic hammocks, pine flatwoods, and other uplands (as shown on the approved F-2 map) shall be maintained in accordance with the management guidelines contained within the Comprehensive Plan as preserves and shall be labeled as preserves on all plans. All activities involving filling, excavating, well drilling, altering vegetation (including trimming of both trees and understory) and storing of materials shall be prohibited within preservation areas, unless written approval is first obtained from Resource Protection. Exception may be granted by Resource Protection Services to facilitate implementation of approved habitat management plans or the removal of nuisance/invasive vegetation. Minor impacts to on-site wetlands resulting from unavoidable impacts necessitated by internal parcel roadway and infrastructure requirements, may be allowed if deemed consistent with LDR Environmental Technical Manual Section B.2. by Sarasota County Resource Protection and state and federal wetland impact permits.
2. All native habitat preservation\conservation areas (including upland buffers) adjacent to development areas shall have signage posted at regular intervals to clarify the limits of the protected areas.
3. Prior to submittal of any Site and Development plan application, a qualified professional shall conduct a final listed species survey, no more than four weeks before submittal, for each phase of the project to be constructed. Each on-site habitat shall be surveyed with recognized sampling techniques for all listed species which may occur in those habitats. Results shall be forwarded to Resource Protection and shall include a site plan overlaid with survey transects, locations of all identified burrows, nests, or other evidence of listed species, and details of the methodologies used to conduct the surveys. In addition, Sarasota County Resource Protection, FWC, and USFWS shall be provided with all documentation from appropriate regulatory agencies regarding listed species issues associated with the site prior to construction plan approvals. For FWC and USFWS comments to be considered, they must be submitted to Sarasota County within the County's previously established review timeframes for construction plan approvals.
4. A wildlife corridor between the Long Swamp and Gum Slough Conservation areas shall be maintained in perpetuity. The number of road crossings shall be limited across the proposed wildlife connection and appropriate crossing structures (e.g., box culverts) shall be provided for review by the Sarasota County and FWC during the Site and Development Plan submittals. All areas of the wildlife corridor shall be maintained in a natural state. For FWC and USFWS

comments to be considered, they must be submitted to Sarasota County within the County's previously established review timeframes for wildlife crossings in development proposals.

5. The Applicant shall cause to be recorded in the Public Records of Sarasota County, Florida, a Notice of Proximity to the Gum Slough and Long Swamp Conservation Areas. Said notice shall be in substantially the same form attached hereto as Exhibit G. Said Notice shall contain a metes and bounds description of the property prepared by a licensed Florida Land Surveyor and recorded at the time of the recording of each final plat or condominium plat survey and the O.R. Book and Page shall be set forth within such plat. Said Notice shall also be referenced as part of all Deed Restriction and Condominium documents. Said Notice shall indicate the Gum Slough and Long Swamp Conservation Areas' right to the following: continue current resource management practices to include, but not be limited to, ecological burning, exotic plant and animal removal, usage of heavy equipment and machinery and other practices as may be deemed necessary for the proper management of the Gum Slough and Long Swamp Conservation Areas. Said Notice shall also include recognition that Florida Department of Environmental Protection regulations and policies substantially restrict mosquito control in the Gum Slough and Long Swamp Conservation Areas.
6. During construction of each development phase on the subject property, all vegetative species listed in the Undesirable Vegetation Removal and Maintenance Section of the Environmental Technical Manual (Land Development Regulations) shall be eradicated from that phase and controlled pursuant to County approved resource management plans. Removed vegetation shall be disposed of in a County-approved landfill or by another method approved by Resource Protection.
7. A final determination of the areas to be preserved and/or conserved in the developable areas shall be made during subsequent phases of development approval and prior to construction authorization. Sarasota County Resource Protection staff will conduct a field survey with the applicant's environmental consultant to confirm habitat designations on the F-1 map and area listed within the TDR-1 Table.
8. Native habitats in those areas shall be preserved and/or conserved in accordance with the Sarasota County Comprehensive Plan requirements. All native habitats within the non-developable sections of Long Swamp and the Gum Slough Conservation easements shall remain protected through the formal conservation easements for each area. There are some contiguous and isolated habitats that shall be preserved and/or conserved regardless of the Neighborhood design, and those areas shall be as shown on Map F-2, attached hereto as Exhibit "F." The DRI F-2 map will be the basis for review for all future development stages of the Villages of Lakewood Ranch South and shall be finalized prior to Sarasota County ADA approval.
9. Detailed land management and maintenance plans for specific preservation areas within or adjacent to subsequent phases of development shall be provided to Sarasota County, FWC, and USFWS prior to specific neighborhood plans approvals. All guidance from the USFWS regarding conservation of the wood stork, and from the FWC regarding Florida sandhill crane, state-listed wading bird species, and the American alligator, shall be incorporated into the approved land management plan. For FWC and USFWS comments to be considered, they must be submitted to Sarasota County within the County's previously established review timeframes for development proposals.
10. All preserved and/or conserved habitats in the developable areas shall be clearly marked in the field during the Construction Plan process, and all construction personnel shall be notified that no impacts are to occur in those areas. Appropriate silt barriers shall be erected and maintained in

areas adjacent to all wetlands, at or landward of the buffers for wetlands and for mesic hammocks or along watercourses.

11. The wetland buffers shall remain in place and the vegetation within them shall be maintained and managed in accordance with approved plans. Preservation areas shall be marked with the appropriate signs and specific details of the maintenance plan shall be provided prior to construction authorization.
12. A detailed mitigation plan for all allowable impacts to wetlands shall be provided to Sarasota County, SWFWMD, FWC, and USFWS during subsequent phases of development approval and prior to construction authorization. The mitigation plan shall include a description of the size of the wetland and/or area of impact, vegetation and zonation present, seasonal high water elevations, and existing hydroperiod. Allowable permitted impacts shall be offset by enhancing other wetlands on site, or by withdrawing credits from the internal Long Swamp mitigation bank, or by a combination of both options. For FWC and USFWS comments to be considered, they must be submitted to Sarasota County within the County's previously established review timeframes for detailed mitigation plans.
13. Detailed maintenance and monitoring plans for all wetland mitigation areas shall be provided for review and approval by Sarasota County and SWFWMD during subsequent phases of development approval and prior to construction authorization.
14. Wildlife management education materials shall be provided to property owners, through appropriate covenants and restrictions, regarding natural history and site specific wildlife usage in residential communities. These education materials shall be submitted to Sarasota County Resource Protection, FWC, and USFWS for review and comment on accuracy. For FWC and USFWS comments to be considered, they must be submitted to Sarasota County within the County's previously established review timeframes for education materials.

F. DRAINAGE

1. The Master Surface Water Management Plan shall be consistent with the Cow Pen Slough and Phillippi Creek Basin Master Plan.
2. All stormwater treatment shall be open and above ground.
3. The stormwater management system shall be designed to maintain wetland hydroperiods and drainage flow patterns.
4. The Applicant shall develop pre- and post-hydrographs to confirm that natural hydroperiods will be sustained after development.
5. The existing borrow pit lakes, constructed with the on-going mining operation, by SMR Aggregates, shall be utilized in the stormwater management system.
6. The design storm for the project shall be the 100-year, 24-hour storm event.
7. The Applicant shall develop a post-developed master drainage plan for the project build-out condition. The post-developed master drainage plan for the project build-out condition shall be submitted to Sarasota County for review and approval prior to or concurrent with subsequent phases of development approval and prior to construction authorization. If the first area submitted for development approval is wholly within one watershed, the Applicant may opt to develop a build-out master drainage plan for the neighborhoods within that particular watershed.

8. The build-out conditions post-developed stormwater plan will be utilized as a basis for review for future development plans that are submitted for review and approval with The Villages of Lakewood Ranch South. The build-out conditions post-development stormwater plan will be updated, as necessary, if the project phases are revised or if market conditions dictate changes to future development without necessitating a Notification of Proposed Change.
9. The post-developed stormwater plan criteria for the areas Cooper Creek shall be based on the 100-year post-developed peak discharge rate being less than or equal to the 100-year pre-develop peak discharge rate if the Cooper Creek (Braden River) watershed model is not complete at the time of any subsequent development approvals and prior to construction authorization for those areas.
10. All stormwater facilities shall be maintained through the creation of a maintenance entity.

G. WATER QUALITY

1. The applicant shall implement the Surface Water Quality Monitoring Program included as Exhibit D of the Development Order.
2. The monitoring program shall provide reasonable assurance that the planned implementation of Stormwater Best Management Practices (BMP's) will be effective in the post-development phases.
3. If any proposed changes in water quality monitoring locations, parameters and/or frequency are suggested by either Sarasota County Water Resources, Sarasota County Environmental Services Resource Protection, the Florida Department of Environmental Regulations, the Southwest Florida Water Management District, or the Applicant, such changes shall be identified in the next biennial monitoring report and coordinated with the appropriate County and State agencies prior to final approval by Sarasota County.

H. TRANSPORTATION

1. The VLRS development shall comply with the terms of the ATFA.
2. The developer shall construct the following improvements to mitigate the transportation impacts of the VLRS development, pursuant to the terms of the ATFA:
 - a. Lakewood Ranch Boulevard from Communications Parkway to the development's southern boundary shall be constructed as a four-lane roadway.
 - b. Lakewood Ranch Boulevard from the development's southern boundary to Fruitville Road shall be constructed as a two-lane roadway.
 - c. Lorraine Road from University Parkway to Fruitville Road shall be constructed as a two-lane roadway within a four-lane right-of-way.
 - d. An East-West connector from Lakewood Ranch Boulevard to Lorraine Road shall be constructed as a two-lane collector roadway.
 - e. A Proportionate Share Project chosen by the County up to a total cost of \$7,500,000.
3. A signal warrant analysis for the intersection of Lakewood Ranch Boulevard and Professional Parkway shall be conducted prior to the approval of the 600th dwelling unit. If warrants are met, then a signal shall be constructed with development. Nothing herein shall be interpreted in such a way as to require that Sarasota County construct the intersection improvement(s). If the intersection of Lakewood Ranch Boulevard and Professional Parkway is not constructed, then a signal warrant analysis shall be conducted on biennial basis. At the time that warrants are met based on the biennial analysis or it is determined by Sarasota County that warrants have been

met, a signal shall be constructed. If the signal is not constructed within 12 months of warrants being met, then no further development approvals shall be issued. The biennial signal warrant analysis shall be performed and submitted for review and approval with the subsequent biennial monitoring reports.

4. The Applicant shall be fully responsible for all costs associated with site-specific operational improvements necessitated by VLRS project traffic. Site-specific operational improvements shall include turn lanes, signals, safety and operational improvements due to project traffic at all intersections on Lorraine Road and Lakewood Ranch Boulevard between University Parkway and Fruitville Road, all internal roads, and all project access intersections to University Parkway.
5. Sarasota County acknowledges that with construction of the improvements identified in Transportation Condition H.2, VLRS shall be deemed concurrent for development up to the totals specified in Land Use Condition C.1.

Therefore, Sarasota County shall reserve the following net new p.m. peak-hour external vehicle trips of road capacity for VLRS in the amounts and on the segments set forth below:

Road Segment	Equivalent PM Peak Hour Road Capacity to be Reserved	
University Parkway		
Honore Avenue to Cooper Creek Boulevard	291	vehicle-trips
Cooper Creek Boulevard to Interstate-75 west Ramps	446	vehicle-trips
Interstate-75 west Ramps to Interstate-75 East Ramps	621	vehicle-trips
Interstate-75 east Ramps to Market Street	664	vehicle-trips
Market Street to Town Center Parkway	552	vehicle-trips
Town Center Parkway to Lakewood Ranch Boulevard	412	vehicle-trips
Lakewood Ranch Boulevard to Deer Drive	328	vehicle-trips
Deer Drive to Lorraine Road	272	vehicle-trips
Lorraine Road to Project Boundary	91	vehicle-trips
Fruitville Road		
Honore Avenue to Paramount Drive	321	vehicle-trips
Paramount Drive to Cattlemen Road	337	vehicle-trips
Cattlemen Road to I-75 West Signal	419	vehicle-trips
I-75 West Signal to I-75 East Signal	551	vehicle-trips
I-75 East Signal to Coburn Road	626	vehicle-trips
Coburn Road to Tatum Road	109	vehicle-trips
Sarasota Center Boulevard to Lorraine Road	164	vehicle-trips
Lakewood Ranch Boulevard		
Clubhouse Drive to River Club	139	vehicle-trips
River Club to Main Street	214	vehicle-trips
Main Street to University Parkway	576	vehicle-trips
University Parkway to Professional Parkway	680	vehicle-trips
Professional Parkway to Communication Parkway	1,056	vehicle-trips

Communication Parkway to Southern Project Boundary	669	vehicle-trips
Southern project Boundary to Fruitville Road	801	vehicle-trips
Honore Avenue		
17 th Street to Richardson Road	55	vehicle-trips
Richardson Road to Fruitville Road	63	vehicle-trips
Fruitville Road to Palmer Boulevard	70	vehicle-trips
Palmer Boulevard to Bahia Vista Road	65	vehicle-trips
Bahia Vista Road to Bee Ridge Road	62	vehicle-trips
Bee Ridge Road to Wilkinson Road	47	vehicle-trips
Bee Ridge Road		
Sarasota Golf Club to Bent Tree Boulevard	41	vehicle-trips
Bent Tree Boulevard to Bee Ridge road Extension	43	vehicle-trips
Cattlemen Road		
University parkway to Desoto Road	93	vehicle-trips
Fruitville Road to North Packinghouse Road	50	vehicle-trips
Palmer Boulevard to Bahia Vista Road	134	vehicle-trips
Palmer Boulevard		
Cattlemen Road to Packinghouse Road	148	vehicle-trips
Packinghouse Road to Porter Road	152	vehicle-trips
Porter Road to Debrecen Road	69	vehicle-trips
Debrecen Road to Iona Road	104	vehicle-trips
Coburn Road		
Fruitville Road to Palmer Boulevard	170	vehicle-trips
Iona Road		
Palmer Boulevard to Bee Ridge Road	102	vehicle-trips
Bee Ridge Road Extension		
Bee Ridge Road to Clark Road	46	vehicle-trips
Bahia Vista Street		
Honore Avenue to Cattlemen Road	98	vehicle-trips
Deer Drive		
University Parkway to Project Entrance	554	vehicle-trips
Lorraine Road		
SR 64 to SR 70	86	vehicle-trips
SR 70 to Greenbrook Boulevard	158	vehicle-trips
Greenbrook Boulevard to Hidden River Trail	180	vehicle-trips
Hidden River Trail to The Masters Avenue	180	vehicle-trips

The Masters Avenue to University Parkway	186	vehicle-trips
University Parkway to Southern Project Boundary	310	vehicle-trips
Southern project Boundary to Fruitville Road	304	vehicle-trips

Sarasota County acknowledges that the roadway segments and associated p.m. peak hour trips shown above shall be considered only for developments not associated with VLRS and VLRS greater than the development totals specified in Land Use Condition C.1. Additionally, the review of all Development Order applications for development submitted greater than the development totals specified in Land Use Condition C.1 shall be subjected to the provisions and concurrency standards contained in the County's Concurrency Management Regulations Sarasota County Code of Ordinances, Chapter 94, Article VII).

6. The Applicant shall work jointly with the Sarasota County Area Transit system and the Manatee County Area Transit system and the Manatee County Area Transit system to establish mass transit service for the VLRS project during Phase I of development. A Master Multi-Modal Plan shall be submitted to Sarasota County as part of the first Neighborhood Plan. The Master Multi-Modal Plan shall address the provision of future transit-related facilities, such as:
 - a. Bus stops and ADA-compliant bus shelters with trash receptacles and bicycle racks;
 - b. A transfer station; and
 - c. The establishment of a circulation route throughout the VLRS.

These future transit-related facilities shall be coordinated with Sarasota County Area Transit (SCAT) and Manatee County Area Transit (MCAT) as multi-modal service is made available from those entities to VLRS. The Master Multi-Modal Plan shall be updated on a biennial basis through the designation of possible transit-related facilities on future site and development plans; or as the provisions of the Master Multi-Modal Plan are completed and/or revised.

7. Access and Drainage Permits shall be obtained from Manatee County, by the developer, for any site access from University Parkway. Access points shall not be approved unless the location is consistent with the Manatee County Comprehensive Plan, or other regulations which may be in effect at the time of permitting.
8. Travel demand management and signal retiming plans must be clearly defined with anticipated results, and funding identified in a developer agreement (meeting the requirements identified in Section 163.3227, F.S.), capital improvement plan adopted as part of a comprehensive plan, or the FDOT Five-Year Work Program.
9. The applicant will promote transit service through the inclusion of a transit center, bus stops or other appropriate transit access points to, consistent with County and/or regional transit development plans, and will ensure accommodation of and provisions for, and facilitate use of busses and future public transit services.
10. Provide a progress report of any meetings that have occurred with the Applicant and Manatee County Area Transit (MCAT).

I. WATER SUPPLY / WASTEWATER MANAGEMENT

1. In accordance with Section 11.2.14 of the Sarasota County Zoning Regulations, the Developer shall fund the design, permitting and construction of the potable water distribution and wastewater collection systems within the proposed development. Upon completion of construction, the

potable water and wastewater collection facilities shall be deeded to Sarasota County at no cost to the County for ongoing operation and maintenance. All connections to the potable water distribution and wastewater collection systems shall be required to pay the currently established Water Facilities Capacity Fee, Wastewater Facilities Capacity Fee, and Wastewater Deferred Revenue Charges at the time of connection. All potable water and wastewater customers connected to Sarasota County's system shall be responsible for the monthly water and wastewater charges according to the most recently adopted Utility Rate Resolution.

2. Developer shall provide a Water Quality Plan that demonstrates how the development will maintain compliance with applicable drinking water quality standards within the development without the need for flushing of the water lines. This Plan shall be submitted to the Utilities Department and approved by Sarasota County prior to Construction Plan approval.
3. Prior to receiving Construction Authorization on the first phase of development, the Developer shall enter into a Standard Utility Agreement or other commitment of participation acceptable to Sarasota County Utilities concerning the potable water supply system improvements. The Developer at a minimum is responsible for installation of a 12-inch water main that may be up-sized through the Agreement. The oversized water main shall run along the southern internal road from Lakewood Ranch Boulevard to Lorraine Road then south along Lorraine Road to connect with the County's existing potable water system on Fruitville Road.
4. The Developer shall participate with Sarasota County in the construction of potable water system improvements which will include the installation of a 24-inch potable water transmission main along the southern internal road from Lakewood Ranch Boulevard to Lorraine Road then south on Lorraine Road to the County's existing system on Fruitville Road.
5. Sarasota County shall have access to all potable water distribution systems and wastewater collection systems within the development at all times. Utility easements with a minimum width of 20 feet shall be provided in accordance with all applicable County regulations. Easements in excess of 20 feet may be required for larger sized pipelines and those in close proximity to proposed structures.
6. Facilities that will be dedicated to Sarasota County shall be installed outside paved areas whenever possible. Sarasota County shall not be financially responsible for damages to private roadways, landscaping or appurtenances if it becomes necessary to repair or replace these county-owned facilities.
7. This project is within the Southern Water Use Caution Area (SWUCA). Through its master covenants or deed restrictions the Developer shall enforce a provision to preclude the installation and use of individual irrigation wells. The DRI shall prioritize meeting irrigation needs through a hierarchy of (1) demand management strategies, (2) reclaimed water, (3) rain water or stormwater. Only after the Developer demonstrates to Sarasota County that these measures are insufficient can community ground water wells be considered as a supplement to these other strategies.
8. Prior to being granted construction authorization approval for the first phase of construction, the applicant will submit a reclaim water master plan and supporting documentation signed and sealed by a registered professional engineer or professional geologist identifying the areas to be served by reclaim water. The report will include the rate and volume of land application, location and placement of proposed reclaim facilities (including ponds, pumps and pipe routes), water balance calculations encompassing precipitation on an annual duration, demonstrate how the system will be operated in accordance with state rule, and reclaim water & sewer effluent balance

calculations for the project demonstrating how each phase of development will manage the volume of reclaim allocated to it. Irrigation systems will use best management practices to minimize overspray onto impervious areas and avoid unauthorized discharges.

9. Potable water sources shall not be utilized for non-potable water uses such as cooling water, decorative fountains, or lake augmentation.
10. For the purpose of water conservation, installation of high-efficiency (low volume) plumbing fixtures and other water conserving devices shall be required. These requirements shall include the use of toilets requiring no more than 1.6 gallons per flush, and installation of self-closing and/or metered faucets in public restroom facilities.
11. Prior to receiving Construction Authorization, Developer shall submit a Lift Station Optimization Plan and hydraulic model of the wastewater collection system. The Optimization Plan shall include the evaluation of alternative collection systems including vacuum collection systems. Any off-site improvements to the wastewater collection system deemed necessary for the additional flows from the proposed development shall be the responsibility of the Developer.
12. Developer shall design, permit and construct a centralized wastewater collection system within the DRI development area that is compatible with Sarasota County's central wastewater collection system. When construction is complete, all wastewater collection system lines, valves, pump stations, and appurtenances shall be deeded at no cost to Sarasota County to be operated and maintained by the County.
13. No permanent On Site Sewage Treatment and Disposal Systems shall be allowed within the development. Any existing On Site Sewage Treatment and Disposal System in place at the time of this Development Order may remain in use, subject to Sarasota County Health Department approval, until central wastewater collection service is available to the property.
14. Sarasota County shall be the preferred purveyor of reclaimed water to the development. The Developer shall provide system storage or equivalent means in accordance with Sarasota County guidelines and a central irrigation system for the development to enable the use of reclaimed water for irrigation. The Developer shall designate a single entity responsible for reclaimed water within the development. Prior to receiving Construction Authorization for the first development phase, the Developer shall be required to enter into a Sarasota County Utility Agreement regarding the use of reclaimed water. The Developer agrees to accept, at a minimum, an amount of reclaimed water equal to the proposed wastewater flow generated from the development in accordance with Sarasota County guidelines.

J. EDUCATION

1. The Developer shall, on the Master Development Plan, reserve for the Sarasota County School Board usable land for one elementary school site of at least 20 buildable acres in size, in a location agreeable to the School Board. At the time of its dedication, the site shall not be located within the 100 year flood plain nor within 600 feet of the proposed FPL transmission easement unless authorized pursuant to Section 5 of the Amended Interlocal Agreement for School Facility Planning. This land shall be conveyed to the School Board at any time upon request.
2. If, at the time it is ready to receive conveyance of the elementary school site, the School Board should decide that the reserved school location, as shown on the Master Development Plan, is inappropriate, the Developer shall be required to exchange the site for a comparably sized site in a location that is mutually agreed upon by the School Board and the Developer. Such location may be in proximity to the Project. Any such exchange will not entitle the Developer to any additional

impact fee credit. An exchange of the school site location shall not require an amendment to the Development Order and such exchange will be reflected as part of the next Biennial DRI Monitoring Report including an updated Map C-3.

K. EMERGENCY SERVICES

1. Prior to Phase II development, the Applicant shall meet with the appropriate officials from the Sarasota County Office of Emergency Services to review the project for adequacy of emergency shelters and evacuation routes and determine what facilities, if any, are adequate for use as potential shelters.

L. PARKS AND RECREATION

1. A Master Park Plan shall be submitted prior to or concurrent with submittal of the first Preliminary Plan or Site and Development Plan for Phase I development. The master Park Plan shall be in compliance with the zoning regulations and stipulations assigned to the property by any rezonings or special exceptions approved by the Board of County Commissioners in conjunction with this Development Order and any amendments to such rezonings or special exceptions.
2. The biennial monitoring report filed for this DRI shall also include a Parks monitoring report. Such monitoring report shall describe and define the park amenities and adhere to an approved Master Park Plan.

M. ENERGY

1. The Applicant shall incorporate energy conservation measures into the site design, building construction, and landscaping to the maximum extent feasible.
2. The Project shall be certified as a "green development" by the Florida Green Building Coalition (FGBC) under its Green Development Standard. To ensure the continuance of green development, VLRS builders will be required to construct energy- and resource-efficient facilities. The green development designation requires a combination of the following six categories: Protect Ecosystem and Conserve Natural Resources; Create a Green Circulation System; Green Utility Practices; Amenities; Covenants and Deed Restrictions; and Provide Educational Information to Help Achieve and Promote Green Living Practices.











N. SOLID AND HAZARDOUS WASTE

1. Any business found within the development boundary that generates hazardous waste will be responsible for the temporary storage, siting and proper disposal of the hazardous waste generated by such business. However, there will be no siting of hazardous waste storage facilities contrary to the county zoning regulations.
2. Any Buildings where hazardous material/waste is to be used, displayed, handled, generated or stored will be constructed with impervious floors with adequate floor drains leading to separate impervious holding facilities that are adequate to contain and safely facilitate cleanups of any spill, leakage, or contaminated water.
3. Discharge of hazardous waste effluent into the sewage system will be prohibited unless approved by permit issued by the Florida Department of Environmental Protection.

EXHIBIT C – MASTER DEVELOPMENT PLAN

[illegible]

GRAPHIC LEGEND

	DEVELOPED		PHYSICAL PLANT
	ADDA		HUMANITARIAN SCIENCE
	PROGRESSIVE LEADERS		WORLDWIDE ASSOCIATION OF PHYSICAL MEDICAL SCIENCES
	HEALTH AND WELL-BEING		WORLDWIDE CENTER
	WORLDWIDE LEADERSHIP		WORLDWIDE CENTER

THE FOLLOWING ITEMS WILL BE RETURNED FROM THE REGION, SUBSEQUENT MICROPROCESSOR PLAN STUDY AND PLAN FORMING:

- A. AERIAL AND SPACE PHOTOGRAPHY OF PROPOSED SITES
- B. VARIOUS AERIAL PHOTOGRAPHY, AIRBORNE DEMONSTRATION, LITERATURE AND OBSERVATION RECORD.
- C. LOCATION AND ALLOCATION OF CORE FACILITIES (I.E. AIRPORT, PAVES, SCHOOLS, ETC.)
- D. PERSONNEL, ORGANIZATION AND RESOURCES ALLOCATIONS.
- E. OPERATING AND COMPARISON OF THE PLANNED FACILITIES AND MICROPROCESSOR COMPLEX.
- F. AMOUNT OF GROW SPACE (TO BE ACQUIRED AND REQUIRED) AS REQUIRED UNDER SIMULATED GROW REQUIREMENTS - DEMONSTRATED FOR 2001-2021.
- G. THE DESIGNING SPACE EVALUATION, INCLUDING AERIAL CONDUCTIVITY PLANNED OR PROPOSED, WILL BE ALLOWED TO CORRELATE CURRENT AND FUTURE PLANNING FOR MICROPROCESSOR COMPLEX AND WILL BE ALLOWED GROW FROM APPROVAL OF SUBSEQUENT PLANNING.
- H. THE PLAN, CONSTRUCTION AND OTHER OF PLANNING PLANNING FACILITIES WILL BE MICROPROCESSOR PLAN OF BASED ON ECONOMIC REQUIREMENTS AND PLAN PLANNING OF LOW MICROPROCESSOR.

1. THE FOLLOWING ARE THE ITEMS TO BE RETURNED FROM THE REGION, SUBSEQUENT MICROPROCESSOR PLAN STUDY AND PLAN FORMING:

DATE	JANUARY 17, 2004
FILE	000018-0000-0000

0 1000 2000
feet

NORTH



SARASOTA, FLORIDA

MASTER DEVELOPMENT PLAN

SCHROEDER • MANATEE RANCH, INC.

PROFARMS INC.

Wilson Miller Design

Wenger, Inc.
5000 Westmoreland Road, Suite 100, Memphis, Tennessee 38117

Ord. 2014-032

EXHIBIT D – SURFACE WATER QUALITY MONITORING PROGRAM

**SURFACE WATER QUALITY MONITORING PROGRAM
THE VILLAGES OF LAKEWOOD RANCH SOUTH
DEVELOPMENT OF REGIONAL IMPACT**

The Ongoing Surface Water Quality Monitoring Program will commence at the startup of construction in the first phase of the project and will be progressively implemented as additional phases of development begin to be constructed. Once the boundaries of Phase I are determined and construction begins, sampling will begin at the station(s) within that construction phase to monitor surface water conditions that would potentially be impacted by the development. Monitoring within subsequent phases of development will likewise begin at the inception of construction and will continue on this progressive schedule during the wet/dry seasons until one year has elapsed following the completion of construction of eighty percent of the habitable structures within each development phase.

Sampling Stations/Locations:

Water quality monitoring for The Villages DRI project is proposed at five surface water stations located within and adjacent to the project boundaries and described pursuant to the following coordinates:

<u>Station No.</u>	<u>Latitude</u>	<u>Longitude</u>
SW-1	27.364674	-82.402937
SW-2	27.374542	-82.416342
SW-3	27.364848	-82.341975
SW-4	27.366844	-82.445741
SW-5	27.358979	-82.378963

These stations correspond to the data collection points previously utilized for ambient or baseline surface water monitoring.

The project occupies approximately 5,491± acres residing within three drainage basins and watersheds. These include the Cowpen Slough basin in the Dona and Roberts Bay watershed, the Phillippi Creek basin in the Sarasota Bay watershed, and the Cooper Creek basin in the Manatee River watershed. The largest portion of the project lies within the Cooper Creek basin, followed by the Cowpen Slough basin, and the Phillippi Creek basin. No monitoring is proposed within the Phillippi Creek basin as there are no apparent sources of perennial surface water flow within the project boundaries.

All monitoring stations are located within and down gradient of wetlands or drainages where proposed development infrastructure will not interfere with the monitoring locations.

Surface Water Quality Monitoring Frequency and Parameters:

Surface water sampling will commence at the inception of land disturbing activity in each phase of development and will continue for a period of one year following the completion of construction of eighty percent of the habitable structures within that phase. Samples will be

collected semi-annually (wet season/dry season) at the designated monitoring locations and shall consist of the following parameters:

Grab or Periodic Discrete Samples

Dissolved oxygen
Temperature
pH
Specific conductance
Flow velocity
Turbidity

24-hour Flow-Weighted Composite

Total dissolved solids (TDS)
Copper
Zinc
Total Nitrogen
Total Kjeldahl Nitrogen (TKN)
Ammonia (NH₃) Nitrogen
Orthophosphate
Total Phosphorus
Biochemical Oxygen Demand (BOD₅)

Surface water sampling shall be consistent with Florida Department of Environmental Protection Standard Operating Procedures for Field Activities, DEP-SOP-001/01.

Reporting:

Field and laboratory analytical results for each semi-annual monitoring period shall be reported to Sarasota County Water Resources or its successor within sixty days of the sample collection date. Each monitoring report shall include:

1. Antecedent weather conditions for the 24-hour period prior to sampling;
2. Sampling location;
3. Sample collection procedures and frequency;
4. Copies of field sheets, chain of custody sheets, and laboratory sheets;
5. Analytical results and a comparison of the results to state surface water quality standards;
6. A discussion of any temporal or special data trends including an analysis of potential causal relationships.

A final report for each phase shall evaluate the monitoring data using the 62-303.300 F.A.C. Planning List procedures, water quality standards in 62-302 F.A.C. and procedures used by FDEP Watershed Management Cycle, Phase I (Planning List). All data for the aforementioned reports shall be submitted via hard copy and electronically within ninety days following notification of construction completion of the phase.

Modification of the Water Quality Monitoring Program:

The Ongoing Surface Water Quality Monitoring Program may be revised upon mutual consent of the Owner and Sarasota County Water Resources (or its successor) to reflect unforeseen changes to on site and off site conditions.

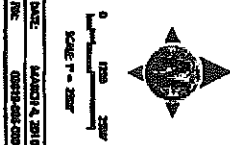
EXHIBIT E – NATIVE HABITAT AND PRESERVATION PLAN

EXHIBIT B

NOTE:
ALLOWABLE PERMITTED IMPACTS WILL BE OFFSET BY ENHANCING OTHER WETLANDS ON SITE, OR BY WITHDRAWING CREDITS FROM THE INTERNAL LONG SWAMP MITIGATION BANK, OR BY A COMBINATION OF BOTH OPTIONS.

FLUCS Code	Habitat	Acres Total Dist	Acres Impacted	Total Acres Preserved/Conserved	% Impacted Total Dist
310	Herbaceous Dry Prairie	125.7	0.0	125.7	0.0
320	Shrub and Brushland	23.7	20.3	3.4	85.7
321	Palmello Prairie	16.8	43.3	3.5	92.5
411	Pine Flatwoods	674.3	65.5	608.73	9.7
414	Pine-Mastic Oak	319.0	16.8	302.2	5.9
420	Upland Hardwood Forest	4.7	0.1	4.6	2.1
434	Hard Conifer Wood	32.7	28.1	4.6	85.9
438	Mixed Hardwoods	8.2	0.0	8.2	0.0
510	Streams and Waterways	0.11	0.1	0.02	81.8
510	Wetland Hardwood Forest	34.2	3.0	31.2	8.8
616	Wetland Ponds and Sloughs	167.5	0.0	167.5	0.0
618	Willow and Elderberry	9.0	1.2	7.8	13.3
620	Wetland Forested M.	100.8	0.0	100.8	0.0
640	Vegetated Non-forested Wetland	341.0	3.9	335.1	1.7
641	Freshwater Marsh	426.9	0.9	426.0	0.2
	All Wetlands (600 Series)	1079.4	11.0	1068.4	1.0
	Other (non-mitig.) Areas	3175.1			

MAP F-2



SCHROEDER - MANATEE RANCH, INC.

THE VILLAGES of LAKEWOOD RANCH SOUTH

SARASOTA, FLORIDA

NATIVE HABITAT PRESERVATION, ALTERATION & MITIGATION PLAN

PREPARED BY:

Wilson Miller

Wetland Consultants in Planning, Design & Engineering

Wilson Miller, Inc.
11000 N. 28th St., Suite 100
Sarasota, FL 34237-4000
(941) 552-1100

**EXHIBIT F – NOTICE OF PROXIMITY TO GUM SLOUGH/
LONG SWAMP CONSERVATION AREA**

**NOTICE OF PROXIMITY TO GUM SLOUGH/LONG SWAMP
CONSERVATION AREA**

This Notice date this _____ day of _____, 20____, and entered into the public record by
_____, and
_____, as owners of the property described as:

SEE ATTACHED EXHIBIT A
(Insert description of subject property)

WHEREAS, it is the intent of this Notice to make known to the public-at-large that the property described in Exhibit "A" attached hereto is located in close proximity to the property known as the Gum Slough/Long Swamp Conservation Area.

WHEREAS, it is further the intent of this Notice to advise potential tenants and purchasers of subdivided property located within the boundaries of the property described in Exhibit "A" attached hereto, that said property is in close proximity to the Gum Slough/Long Swamp Conservation Area.

NOW, THEREFORE, the general public and those parties specifically purchasing or leasing property within the area described in Exhibit "A" attached hereto are hereby notified that:

1. The subject property described in Exhibit "A" attached hereto is located in close proximity to the Gum Slough/Long Swamp Conservation Area.
2. This Notice is to further advise potential purchasers or tenants of property described in Exhibit "A" attached hereto that the proximity to the Gum Slough/Long Swamp Conservation Area may result in said purchasers or tenants being affected by: continuing current resource management practices to include, but not be limited to, ecological burning, pesticide usage, exotic plant and animal removal, usage of heavy equipment and machinery and other practices as may be deemed necessary for the proper management of the Gum Slough/Long Swamp Conservation Area.
3. The nature and extent of the effects of the operations of the Gum Slough/Long Swamp Conservation Area which shall include: all management practices as contained within the approved management plans for Gum Slough/Long Swamp Conservation Area and which may be amended from time to time.
4. All property owners which take title to property within the boundaries as described in Exhibit "A" attached hereto, or tenants who may occupy the premises within the boundaries described in Exhibit "A" attached hereto, shall be deemed to have constructive knowledge of this Notice due to its recordation in the Public Records of Sarasota County, Florida, and further shall be deemed to have consented to said resource practices, including ecological burning, pesticide usage, exotic plant and animal removal, usage of heavy equipment and machinery and other practices as may be deemed necessary for the proper management of the Gum Slough/Long Swamp

Conservation Area by the recording of a Warranty Deed or other instrument of conveyance, conveying the property within the boundaries in Exhibit "A" attached hereto, or by executing an occupancy agreement and delivering same to the owner of property contained within the boundaries of the property described in Exhibit "A", their successors or assigns.

IN WITNESS WHEREOF, the owners have hereunto set their hands and seals this _____ day of _____, 20__.

STATE OF FLORIDA
COUNTY OF SARASOTA

I HEREBY CERTIFY that on this day before me, an office duly qualified to take acknowledgments, personally appeared _____ and _____, to me known to be the persons described in and who executed the foregoing instrument and acknowledged before me that they executed same.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 20__.

NOTARY PUBLIC

My Commission Expires:

(NOTARY SEAL)

Agenda Item

10i

10i

Palmer Ranch Master
Development Order Review

10i

**PALMER RANCH
DEVELOPMENT OF REGIONAL IMPACT
08-8283-032
AMENDMENT TO THE
SARASOTA COUNTY
MASTER DEVELOPMENT ORDER**

Council Recommendations

On December 12, 2013, the Southwest Florida Regional Planning Council staff received an application for a Notice of Proposed Change (NOPC) for the Palmer Ranch Master Development Order (Resolution No. 91-170, as amended) from Taylor Morrison of Florida, Inc. The applicant requested to: 1) revise Transportation Condition A.2 removing Sawyer Loop Road West from the list of roads which Palmer Ranch must construct as a collector road; and 2) revise the Conceptual Master Development Plan (Map H-2) to redesignate 68.4± acres known as Parcels A2 and A6 within Increment IV, from commercial/office and industrial to residential uses for the development of 180 single family residential dwelling units.

The requested revisions to the Conceptual Master Development Plan (Map H-2) were required to allow residential uses to be placed on Parcels A-2 and A-6, within Increment IV. In addition, the revision to Transportation Condition A.2 would allow the applicant to construct Sawyer Loop Road West as a local road instead of a collector road. The Master Pedestrian and Circulation Plan (Map I-2/MPCP), and the Conceptual Master Development Plan (Map H-2) would be revised to reflect the proposed change.

The total number of units approved for the Palmer Ranch Master Development Order (11,550 residential units) would not change as a result of this NOPC. No additional residential units had been added to the Palmer Ranch DRI. The NOPC proposes allocating 180 residential units, which had been approved as part of the Palmer Ranch Master Development Order, within Increment IV and the reduction of industrial acreage on these two parcels.

The Transportation Impact Statement submitted by the applicant for this NOPC demonstrated that the requested 180 single-family dwelling units on the 68± acre area is estimated to produce 574 less trips than the approved 310,000 square feet of industrial and 277,784 square feet of office development. The Sawyer Loop Road West is not shown on the Sarasota/Manatee Metropolitan Planning Organization's 2035 Long Range Transportation Plan and its removal of from the County's Future Thoroughfare Plan would have no significant impact on this roadway segment or on the regional transportation network.

Because the request did not increase the density or intensity of the Palmer Ranch DRI and because it did not negatively impact the regional transportation network or environmental system, the Council staff requested that the Council approve the requested change to the DRI.

Sarasota County Development Order

On May 7, 2014, the Sarasota County Board of County Commissioners at a public hearing heard and

approved (Resolution No. 84-418) the Application for Development Approval (ADA) for the Palmer Ranch Development of Regional Impact (DRI).

On May 7, 2014, the Sarasota Board of County Commissioners held a public hearing for the NOPC submitted for the Palmer Ranch DRI. The Board at that meeting found that the proposed changes to the DRI did not constitute a substantial deviation to the DRI and approved the requested amendments to the Palmer Ranch DRI Master Development Order. On July 9, 2014 the Board issued the approved and amended Master Development Order. A copy of the Development Order, Resolution 2014-123 (see Attachment I), was rendered to the SWFRPC on July 14, 2014. The 45-day appeal period for the development order will expire on August 28, 2014. Staff review of the attached development order finds that it is consistent with all regional issues and recommendations identified within the Council's Official Recommendations.

RECOMMENDED ACTION: Accept the Development Order as rendered and forward the review to Sarasota County and the Florida Department of Economic Opportunity.

8/14

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

RESOLUTION NO. 2014- 125

A RESOLUTION OF THE COUNTY OF SARASOTA, FLORIDA AMENDING THE MASTER DEVELOPMENT ORDER FOR THE PALMER RANCH DEVELOPMENT OF REGIONAL IMPACT ORIGINALLY ADOPTED BY SARASOTA COUNTY RESOLUTION NO. 84-418, AMENDED AND RESTATED BY RESOLUTION NOS. 91-170, AS AMENDED; PROVIDING FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR AMENDMENT TO THE PALMER RANCH MASTER DEVELOPMENT ORDER; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR SERVICE AND RECORDING; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR RELATIONSHIP TO OTHER REGULATIONS AND PROVIDING FOR CONSENT TO PROVISIONS OF DEVELOPMENT ORDER.

BOARD OF COUNTY COMMISSIONERS
FILED FOR THE RECORD
2014 JUL 14 PM 2:30
SARASOTA COUNTY, FL

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA:

SECTION 1. Findings of Fact and Conclusions of Law. The Board of County Commissioners of Sarasota County, Florida hereby makes the following findings of fact and conclusions of law:

1.1 On December 18, 1984, the Board of County Commissioners approved the Palmer Ranch Development of Regional Impact by issuing the Master Development Order (Resolution No. 84-418) for the property located in Sarasota County, Florida, east of U.S. 41, north of Preymore Street, south of Clark Road and west of I-75 more particularly described in Exhibit "A".

1.2 The issuance of the Palmer Ranch Master Development Order (MDO) has occurred in accordance with Findings of Fact and Conclusions of Law as specified in Resolution No. 91-170, as amended.

1.3 On December 12, 2013, Palmer Ranch Holdings, Ltd., through their authorized agent, James A. Paulmann, submitted to Sarasota County an application for a Notification of Proposed Change (NOPC) to the Palmer Ranch Development of Regional Impact (DRI) Master Development Order (MDO) (Resolution No. 91-170, as amended) in accordance with Chapter 380.06, Florida Statutes, to remove Sawyer Loop Road West's designation as a Collector Road to be constructed.

1.4 The Board of County Commissioners of Sarasota County held a duly noticed public hearing on said NOPC on May 7, 2014.

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1.5 Pursuant to Section 380.06 (11), Florida Statutes, public Notification for a hearing on said NOPC before the Board of County Commissioners of Sarasota County was duly published in the "Sarasota Herald-Tribune" on April 22, 2014 and was duly provided to the Florida Department of Economic Opportunity (DEO), the Southwest Florida Regional Planning Council (SWFRPC) and other persons designated by DEO rules.

1.6 When developed in accordance with the modifications imposed by this NOPC to the Master Development Order, which also requires further review of all specific segments of the Palmer Ranch development pursuant to Applications for Incremental Development Approval, the Palmer Ranch development:

- (a) Will have a favorable impact on the environment and natural and historical resources of the region;
- (b) Will have a favorable economic impact on the economy of the region by providing new employment and business for the residents of the region;
- (c) Will efficiently use water, sewer, solid waste disposal, public school facilities, and other necessary public facilities;
- (d) Will effectively use public transportation facilities;
- (e) Will favorably affect the ability of people to find adequate housing reasonably accessible to their places of employment; and
- (f) Complies with such other criteria for determining regional impact as the regional planning agency deems appropriate including, but not limited to, the extent to which the development would create an additional demand for, or additional use of energy.

1.7 The proceedings herein relating to the Palmer Ranch NOPC have been conducted in compliance with the provisions of Chapter 380, Florida Statutes; and the Master Development Order for the Palmer Ranch Development of Regional Impact (Resolution No. 91-170, as amended); and all conditions precedent to the amendment of the MDO required by Chapter 380, Florida Statutes, have occurred.

1.8 The proposed amendment is not located in an Area of Critical State Concern designated pursuant to the provisions of Section 380.05, Florida Statutes.

1.9 The proposed amendment does not unreasonably interfere with the achievement of the objectives of an adopted State Land Development Plan applicable to the Palmer Ranch Development of Regional Impact.

1.10 The proposed amendment, subject to the conditions imposed herein, is consistent with the Sarasota County Comprehensive Plan and does not appear to conflict with other local land development regulations.

1.11 The proposed amendment is consistent with the Report and Recommendation of the SWFRPC pursuant to Section 380.06(12), Florida Statutes.

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1.12 The proposed changes do not constitute a substantial deviation and therefore do not cause the development to be subject to further development of regional impact review pursuant to Section 380.06(19), Florida Statutes.

SECTION 2. Approval of Amendment to the Palmer Ranch Master Development Order (Resolution No. 91-170)

2.1 The Board of County Commissioners of Sarasota County, Florida hereby approves, adopts, and incorporates by reference as an amendment to Palmer Ranch Master Development Order (Resolution No. 91-170, as amended) the following:

- A revision to Transportation Condition A.2 to remove Sawyer Loop Road West's designation as a Collector Road to be constructed set forth in Exhibit "B" to this Resolution.
- Removal of Land/Soils Condition A.2 relating to Radon testing set forth in Exhibit "B" to this Resolution.

2.2 The revisions to the Palmer Ranch Master Development Order (Resolution No. 91-170, as amended) are approved with this Resolution and are hereby incorporated with the modification of Exhibit "B". This exhibit is contained within this Resolution.

SECTION 3. Enforcement

3.1 All conditions, restrictions, requirements, commitments and impact mitigating provisions contained or incorporated by reference in this Resolution may be enforced by Sarasota County by action at law or equity, and, in the event Sarasota County prevails in such action at law or equity, it shall be awarded all its costs, including reasonable attorneys' fees.

3.2 The obligations of this Resolution shall run with the land. Palmer Ranch Holdings, Ltd. is bound by the terms of this Resolution so long as it owns such property. This Resolution shall be binding upon and inure to the benefit of all owners of property within the Palmer Ranch MDO area and their assignees or successors in interest. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created and designated as successor in interest thereto, or which otherwise possess any of the powers and duties of any referenced governmental agency in existence on the effective date of this Resolution.

SECTION 4. Severability

4.1 If any section, sentence, clause, phrase or word of this Resolution is for any reason held or declared to be invalid, inoperative or void, such holding of invalidity shall not affect the remaining portions of the Master Development Order and it shall be construed to have been the intent to pass this Resolution, without such invalid or inoperative part therein, and the remainder, exclusive of such part or parts, shall be deemed and held to be valid as if such parts had not been included therein, unless to do so would frustrate the intent of this Resolution.

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SECTION 5. Service and Recording

5.1 The Planning and Development Services Department is hereby directed to record this Resolution in the Official Records of the Clerk of the Circuit Court. All costs associated with the recording of this Resolution shall be borne by the Applicant. This Resolution shall be binding upon the Applicant, its successors and assigns and upon Sarasota County.

5.2 The Clerk to the Board of County Commissioners shall certify the date upon which a copy of this Resolution are deposited in the U.S. Mail to DEO and electronic copies to the SWFRPC, and the Applicant.

VIA US MAIL

Ray Eubanks
Department of Economic Opportunity
Division of Community Development
MSC 160
107 East Madison Street
Tallahassee, Florida 32399

VIA E-MAIL

David Crawford
Southwest Florida Regional Planning Council
Email: dcrawford@swfrpc.org

Justin Powell
Palmer Ranch Holdings
Email: justin@pranch.com

SECTION 6. Effective Date

6.1 This Resolution shall take effect upon execution of the consent provided for in Section 8 of this Resolution.

SECTION 7. Relationship to Other Regulations

7.1 This Development Order shall not be construed as an agreement on the part of Sarasota County to exempt Palmer Ranch Holdings, Ltd., their successors and assigns, from the operation of any ordinance, resolution or other governmental regulation now in effect or hereafter adopted.

SECTION 8. Consent to Provisions of Development Order

8.1 Palmer Ranch Holdings, Ltd., by signing this document in the space hereinafter provided, signifies their approval and assent to the provisions of this amending Resolution.

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PASSED AND DULY ADOPTED by the Board of County Commissioners of Sarasota County, Florida, this 9th of July, 2014.

**BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA**

By: 

Chairman

ATTEST:

KAREN E. RUSHING, Clerk of Circuit Court
and ex officio Clerk of the
Board of County Commissioners of
Sarasota County, Florida

By: 



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Applicant's Agreement and Consent to Terms

Palmer Ranch Holdings, Ltd., hereby approve and assent to all the terms, conditions, and provisions of the above and foregoing Resolution and acknowledge that the same are binding upon Palmer Ranch Holdings, Ltd., , and their successors and assigns.

Witnesses as to
Palmer Ranch Holdings, Ltd.

Deborah Diakalos

Moane Pili

By: [Signature]
Authorized Agent

STATE OF FLORIDA
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me this 14th day of July, 2014, by Justin Powell of Palmer Ranch Holdings, Ltd., who acknowledged before me that he executed the same, as its authorized agent, for and in behalf of said tenants in common.



[Signature]
Notary Public

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EXHIBIT A – LEGAL DESCRIPTION

Section 14, Township 37, Range 18 East; LESS premises conveyed to Robert K. Altman and wife in O.R. Book 388, Page 261 of the Public Records of Sarasota County, Florida; and LESS that portion of said Section 14, lying Northerly and Westerly of the Southerly and Easterly right-of-way line of the "Loop Road" described in O.R. Book 1455, Page 961 of said Public Records.

The East Half of Section 15, Township 37 South, Range 18 East; LESS premises excepted from Parcel B recorded in O.R. Book 1168, Pages 1466 through 1481 of the Public Records of Sarasota County, Florida (see Page 1475); and LESS that portion of said Section 15 lying Northeasterly of the Southwesterly right-of-way line of the "Loop Road" described in O.R. Book 1455, Page 961 of said Public Records.

The North Half of the Southeast $\frac{1}{4}$ of Section 22, Township 37 South, Range 18 East; LESS premised conveyed to the Church of Jesus Christ of Latter Day Saints in O.R. Book 1137, Page 828, and O.R. Book 1137, Page 829 of the Public Records of Sarasota County, Florida; and LESS Ballentrae, a condominium recorded in Condominium Book 14, Page 26 through 26G of said Public Records; and LESS The Country Club of Sarasota recorded in Plat Book 24, Pages 16 through 16K of said Public Records.

Section 23, Township 37 South, Range 18 East; LESS The Country Club of Sarasota recorded in Plat Book 24, Pages 16 through 16K of the Public Records of Sarasota County, Florida; and LESS Lots 3, 4, 5, 6, 11, 12, 13, 42, 43, 49, 50, 52, 53, 64, and 65 of Ridgewood Terrace Estates recorded in Plat Book 2, Page 3 of said Public Records.

Section 24, Township 37 South, Range 18 East; LESS the North Half of the North Half;

Section 25, Township 37, South, Range 18 East;

Section 26, Township 37 South, Range 18 East;

The East Half, the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ and that part of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ lying Easterly of the Easterly right-of-way of State Road 45, all in Section 27, Township 27 South, Range 18 East;

That part of the East Half of Section 34, Township 37 South, Range 18 East, lying Easterly of the Easterly right-of-way line of State Road 45; LESS Lots 7, 8, and 9, Block 1, and Lots 4 and 5, Block 4 of Sarasota-Venice Company's Subdivision of the East Half and the Northwest $\frac{1}{4}$ of Section 34, recorded in Plat Book A, Page 12 of the Public Records of Sarasota County, Florida;

Also that part of the Southwest $\frac{1}{4}$ of Section 34, Township 37 South, Range 18 East lying Easterly of the Easterly right-of-way line of State Road 45 and Southerly of the Southerly line of Lot 5, Block 4, Sarasota-Venice Company's Subdivision of the East Half and the Northwest $\frac{1}{4}$ of Section 34, recorded in Plat Book A, Page 12 of the Public Records of Sarasota County, Florida.

Section 35, Township 37 South, Range 18 East; LESS premises conveyed to Albert Glueck and wife in O.R. Book 696, Page 247 of the Public Records of Sarasota County, Florida.

Section 36, Township 37 South, Range 18 East; LESS a tract of land lying in Section 22, 23, 26 and 27, all in Township 37 South, Range 18 East, Sarasota County, Florida described as follows:

Commence at a Smally, Wellford & Nalven concrete monument at the Southeast corner of the Southeast $\frac{1}{4}$ of said Section 22; thence S-89°28'12"-W along the Southerly line of said Southeast $\frac{1}{4}$ a distance of 197.56 feet to a Smally, Wellford & Nalven concrete monument at the Southeast corner of The Country Club of Sarasota recorded in Plat Book 24, Pages 16 through 16K of the Public Records of Sarasota County, Florida for the POINT OF BEGINNING (the following 6 calls are to concrete monuments along the lines of The Country Club of Sarasota; thence N-00°31'59"-W a distance of 2039.04 feet; thence N-89°28'01"-E a distance of 100.00 feet; thence N-00°31'59"-W a distance of 250.00 feet; thence N-89°28'01"-E a distance of 583.77 feet; thence N-00°31'59"-W a distance of 600.49 feet; thence N-89°28'01"-E a distance of 4073.67 feet to the Easterly line of Ballantrae, a Condominium recorded in Condominium Book 14, Pages 26 through 26G of said Public Records; thence N-00°03'26"-E along said Easterly line a distance of 650.00 feet to a Smally, Wellford & Nalven concrete monument at the Southerly line of premises conveyed by Sarasota Realty Development Corporation to the County of Sarasota by Dedication Deed dated March 10, 1980 recorded in O.R. Book 1362, Page 1827 of said Public Records, said point being a point on a curve of which the radius point lies N-14°40'27"-W a radial distance of 660.00 feet; thence Northeasterly along the arc through a central angle of 45°43'33" a distance of 526.72 feet to the PRC of a curve to the right having a central angle of 40°44'48" and a radius of 580.00 feet; thence Northeasterly along the arc a distance of 412.48 feet to the PRC of a curve to the left having a central angle of 18°39'03" and a radius of 2120.00 feet; thence Northeasterly along the arc a distance of 690.10 feet; thence N-51°41'46"-E a distance of 800.00 feet to the PC of a curve to the right having a central angle of 50°07'27" and a radius of 620.00 feet; thence Northeasterly and Southeasterly along the arc a distance of 542.40 feet; thence S-78°10'47"-E a distance of 847.98 feet to the PC of a curve to the left having a central angle of 27°09'55" and a radius of 760.00 feet; thence Southeasterly and Northeasterly along the arc a distance of 360.34 feet to the PRC of a curve to the right having a central angle of 84°09'28" and a radius of 25.00 feet; thence Northeasterly and Southeasterly along the arc a distance of 36.72 feet to the PRC of a curve to the left having a central angle of 48°24'45" and a radius of 1360.00 feet; thence Southeasterly along the arc a distance of 1149.14 feet to the PRC of a curve to the right having a central angle of 57°49'16" and a radius of 1240.00 feet; thence Southeasterly along the arc a distance of 1251.37 feet to a line which is 120.00 feet Southwesterly of and parallel with the Westerly right-of-way line of the Seaboard Coast Line Railway (100 feet wide) as conveyed by Adrian C. Honore to Seaboard Air Line Railway by Right-of-Way Deed dated November 5, 1910 recorded in Deed Book 23, Page 127 of the aforementioned Public Records; thence S-11°46'43"-E along said parallel line a distance of 647.48 feet to the PC of a curve to the right having a central angle of 13°05'14" and a radius of 1480.00 feet; thence Southeasterly along the arc a distance of 338.06 feet to the PRC of a curve to the left having a central angle of 26°10'29" and a radius of 1600.00 feet; thence Southeasterly along the arc a distance of 730.94 feet to the PRC of a curve to the left having a central angle of 13°05'14" and a radius of 1480.00 feet; thence Southeasterly along the arc a distance of 338.06 feet to the aforementioned parallel line 120.00 feet Southwesterly of the Westerly right-of-way line of the Seaboard Coast Line Railroad; thence S-11°46'43"-E along said parallel line a distance of 953.36 feet to the PC of a curve to the right having a central angle of 96°45'34" and a radius of 840.00 feet; thence Southeasterly and Southwesterly along the arc a distance of 1418.57 feet; thence S-84°58'51"-W a distance of 810.00 feet to the PC of a curve to the left having a central angle of 62°08'54" and a radius of 1660.00 feet; thence Southwesterly along the arc a distance of 1800.59 feet to the PRC of a curve to the right having a central angle of 85°30'13" and a radius of 25.00 feet; thence Southwesterly along the arc a distance of 37.31 feet to the PRC of a curve to the left having a central angle of 18°39'50" and a radius of 1000.00 feet to the PC of a curve to the right having a central angle of 38°37'29" and a radius of 1140.00 feet; thence Northwesterly along the arc a distance of 768.51 feet to the PRC of a curve to the left having a central angle of 38°37'29" and a radius of 1260.00 feet; thence Northwesterly along the arc a distance of 849.40 feet to a line which is 60.00 feet Northerly of and parallel with the Northerly line of the South Half of the

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Northwest ¼ of the aforementioned Section 27; thence S-89°40'21"-W along said parallel line a distance of 1338.53 feet to the Easterly line of Pine Tree Village, a condominium recorded in Condominium Book 17, Pages 44 through 44l of the aforementioned Public Records; thence N-00°04'58"-E along said Easterly line a distance of 1282.26 feet to the Southerly line of the Southwest ¼ of the aforementioned Section 22; thence N-89°28'39"-E along said Southerly line a distance of 1337.06 feet to a capped iron pipe found at the Southwest corner of the Southeast ¼ of said Section 22; thence N-89°28'12"-E along the Southerly line of said Southeast ¼ a distance of 2498.54 feet to the POINT OF BEGINNING.

ALSO LESS:

A tract of land lying in Section 15, Township 37 South, Range 18 East, Sarasota County, Florida, described as follows:

Commence at the Northeast corner of the Southeast ¼ of said Section 15; thence N-89°36'31"-W along the Northerly line of said Southeast ¼ a distance of 45.00 feet; thence S-00°16'17"-W parallel with the Easterly line of said Southeast ¼ a distance of 1640.00 feet to the POINT OF BEGINNING; thence continue S-00°16'17"-W along said parallel line a distance of 459.39 feet; thence continue N-89°47'05"-W a distance of 314.06 feet; thence N-89°11'16"-W a distance of 243.35 feet; thence N-89°10'38"-W a distance of 476.74 feet; thence N-00°59'23"-E a distance of 235.02 feet; thence N-44°43'10"-W a distance of 1027.98 feet; thence S-77°02'20"-W a distance of 184.18 feet; thence N-47°24'29"-W a distance of 145.72 feet; thence N-89°00'00"-W a distance of 310.00 feet to the Easterly line of premised excepted from Parcel B, recorded in Instrument dated April 11, 1977 in O.R. Book 1168, Pages 1466 through 1481 (see Page 1475); thence N-00°15'58"-E along said Easterly line a distance of 1244.44 feet; thence S-44°45'13"-E a distance of 234.53 feet; thence S-49°31'01"-E a distance of 301.04 feet to a point on a curve of which the radius point lies N-45°14'48"-E a radial distance of 2340.00 feet; thence Southeasterly along the arc through a central angle of 10°00'00" a distance of 408.41 feet; thence S-54°45'12"-E a distance of 282.70 feet to the PC of a curve to the right having a central angle of 21°33'12" and a radius of 1300.00 feet; thence Southeasterly along the arc a distance of 489.03 feet; thence S-33°12'00"-E a distance of 491.93 feet to the PC of a curve to the left having a central angle of 53°48'56" and a radius of 950.00 feet; thence Southeasterly along the arc a distance of 892.30 feet to the POINT OF BEGINNING. Containing 41.457 acres.

ALSO LESS:

A tract of land lying in Sections 14 and 15, Township 37 South, Range 18 East, Sarasota County, Florida, described as follows:

Commence at the Northwest corner of the Southwest ¼ of said Section 14; thence S-89°36'06"-E along the Northerly line of said Southwest ¼ a distance of 75.00 feet; thence S-00°16'17"-W parallel with the Westerly line of said Southwest ¼ a distance of 1640.80 feet to the POINT OF BEGINNING; thence continue S-00°16'17"-W along said parallel line a distance of 458.21 feet; thence N-89°47'05"-W a distance of 459.39 feet to a point on a curve of which the radius point lies N-02°59'03"-E a radial distance of 950.00 feet; thence Easterly along the arc through a central angle of 02°42'47" a distance of 44.98 feet; thence S-89°43'44"-E a distance of 75.03 feet to the POINT OF BEGINNING. Containing 1.263 acres.

ALSO LESS:

A tract of land lying in Section 14, Township 37 South, Range 18 East, Sarasota County, Florida, described as follows:

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Commence at the Northwest corner of the Southeast $\frac{1}{4}$ of said Section 14; thence S-89°36'06"-E along the Northerly line of said Southeast $\frac{1}{4}$ a distance of 50.00 feet; thence S-00°13'09"-W parallel with the Westerly line of said Southeast $\frac{1}{4}$ a distance of 77.36 feet to the POINT OF BEGINNING; thence continue S-00°13'09"-W a distance of 606.70 feet to the PC of a curve to the right having a central angle of 56°48'21" and a radius of 950.00 feet; thence Southwesterly along the arc a distance of 941.88 feet; thence S-63°42'34"-E a distance of 292.83 feet; thence N-26°17'26"-E a distance of 390.00 feet; thence N-00°43'03"-W a distance of 121.02 feet; thence N-26°00'00"-E a distance of 670.00 feet; thence N-32°36'13"-W a distance of 542.32 feet to the POINT OF BEGINNING. Containing 6.151 acres.

ALSO LESS:

A tract of land lying in Section 26, Township 37 South, Range 18 East, Sarasota County, Florida, described as follows:

Commence at a Smally, Wellford & Nalven concrete monument at the Northwest corner of the Northwest Quarter of said Section 26; thence S-89°31'51"-E along the Northerly line of said Northwest Quarter a distance of 2420.00 feet to the Westerly right-of-way line of Seaboard Coast Line Railroad (100 feet) as conveyed by Adrian C. Honore to Seaboard Airline Railway by right-of-way deed dated November 5, 1910, recorded in Deed Book 23, Page 127 of the Public Records of Sarasota County, Florida; thence S-11°46'43"-E along said Westerly line a distance of 978.21 feet to the POINT OF BEGINNING; thence continue S-11°46'43"-E along said Westerly line a distance of 1118.75 feet; thence S-38°52'35"-W a distance of 473.29 feet thence S-89°31'53"-W a distance of 1022.33 feet; thence N-49°43'17"-W a distance of 620.47 feet; thence N-11°46'43"-W a distance of 1108.80 feet to a Smally, Wellford & Nalven concrete monument set; thence N-84°58'51"-E a distance of 681.75 feet to a Smally, Wellford & Nalven concrete monument set at the PC of a curve to the left having a central angle of 33°31'37" and a radius of 960.00 feet; thence Northeasterly along the arc a distance of 561.75 feet to a Smally, Wellford & Nalven concrete monument set; thence S-70°20'53"-E a distance of 397.45 feet; thence S-56°46'43"-E a distance of 266.59 feet to the POINT OF BEGINNING. Containing 61.500 acres.

Excepting from all of the above, right-of-way for S.R. 93, S.R. 681 and Seaboard Coast Line Railroad.

Containing 4284.29 acres, more or less.

AND

A tract of land in the Northeast $\frac{1}{4}$ of Section 15, Township 37 South, Range 18 East, Sarasota County, Florida, described as follows:

Commence at the Northeast $\frac{1}{4}$ of said Section 15; thence S-00°14'48"-W along the Westerly line of said Northeast $\frac{1}{4}$ a distance of 50.06 feet to the Southerly line of premises conveyed by Honore A. Palmer and wife to the State of Florida by Deed dated February, 1957, recorded in Deed Book 272 on Page 61 of the Public Records of Sarasota County, Florida (Southerly line of Clark Road - 100 feet wide); thence S-89°26'19"-E along said Southerly line a distance of 2664.84 feet to a concrete monument on the Westerly right-of-way line of McIntosh Road (48 feet wide) for the POINT OF BEGINNING; thence S-00°16'13"-W along said right-of-way line a distance of 532.67 feet; thence N-89°26'19"-W a distance of 1301.15 feet; thence N-00°14'48"-E a distance of 532.67 feet to the aforementioned Southerly line of Clark Road; thence S-89°26'19"-E along said Southerly line a distance of 1301.37 feet to the POINT OF BEGINNING. Containing 15.91 acres.

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AND

A tract of land lying in Section 15, Township 37 South, Range 18 East, Sarasota County, Florida, described as follows:

Commence at the Northeast corner of the Southeast $\frac{1}{4}$ of said Section 15; thence N-89°36'13"-W along the Northerly line of said Southeast $\frac{1}{4}$ a distance of 24.00 feet to the Westerly right-of-way line of McIntosh Road (48 feet wide) as shown on the Plat of Sarasota-Venice Company's Subdivision of Sections 14 and 15, Township 37 South, Range 18 East, recorded in Plat Book A on Page 10 of the Public Records of Sarasota County, Florida (Plat Book 2, Page 34 of Manatee County records) for the POINT OF BEGINNING; thence S-00°16'17"-W along said Westerly right-of-way line a distance of 1540.68 feet to a point on a curve of which the radius point lies N-01°53'13"-E a radial distance of 850.00 feet; thence Northwesterly along the arc through a central angle of 54°54'47" a distance of 814.65 feet; thence N-33°12'00"-W a distance of 491.93 feet to the PC of a curve to the left having a central angle of 21°33'12" and a radius of 1400.00 feet; thence Northwesterly along the arc a distance of 526.65 feet; thence N-54°45'12"-W a distance of 282.70 feet to the PC of a curve to the right having a central angle of 10°00'00" and a radius of 2240.00 feet; thence Northwesterly along the arc a distance of 390.95 feet; thence N-39°59'23"-W a distance of 301.26 feet to the centerline of an existing drainage ditch (the following 6 calls are along said centerline); thence S-62°42'01"-E a distance of 271.71 feet; thence S-87°41'51"-E a distance of 194.60 feet; thence N-63°23'25"-E a distance of 410.11 feet; thence S-82°16'13"-E a distance of 114.19 feet; thence S-55°09'22"-E a distance of 299.11 feet; thence S-46°32'20"-E a distance of 200.53 feet to the aforementioned Northerly line of the Southeast $\frac{1}{4}$ of Section 15; thence S-89°16'13"-E along said Northerly line a distance of 739.20 feet to the POINT OF BEGINNING. Containing 40.43 acres.

AND

A tract of land lying Sections 14 and 15, Township 37 South, Range 18 East, Sarasota County, Florida, described as follows:

Commence at the Northwest corner of the Southwest $\frac{1}{4}$ of said Section 14; thence S-89°36'06"-E along the Northerly line of said Southwest $\frac{1}{4}$ a distance of 775.98 feet to the Westerly right-of-way line of the Seaboard Coast Line Railroad (100 feet wide) as conveyed by Adrian C. Honore to Seaboard Air Line Railway by right-of-way deed dated November 5, 1910 recorded in Deed Book 23, Page 127 of the Public Records of Sarasota County, Florida; thence S-11°46'43"-E along said Westerly right-of-way line a distance of 1573.93 feet to the POINT OF BEGINNING; thence N-89°43'44"-W a distance of 1104.59 feet to the PC of a curve to the right having a central angle of 56°31'43" and a radius of 850.00 feet; thence Northwesterly along the arc a distance of 838.62 feet; thence N-33°12'00"-W a distance of 491.923 feet to the PC of a curve to the left having a central angle of 21°33'12" and a radius of 1400.00 feet; thence Northwesterly along the arc a distance of 526.65 feet; thence N-54°45'12"-W a distance of 282.70 feet to the PC of a curve to the right having a central angle of 10°00'00" and a radius of 2240.00 feet; thence Northwesterly along the arc a distance of 390.95 feet; thence N-39°59'23"-W a distance of 301.26 feet to the centerline of an existing drainage ditch (the following 2 calls are along said centerline); thence N-62°42'01"-W a distance of 7.79 feet; thence N-77°48'05"-W a distance of 270.69 feet; thence S-44°45'13"-E a distance of 234.53 feet; thence S-49°31'01"-E a distance of 301.04 feet to a point on a curve of which the radius point lies N-45°14'48"-E a radial distance of 2340.00 feet; thence Southeasterly along said arc through a central angle of 10°00'00" a distance of 498.41 feet; thence S-54°45'12"-E a distance of 282.70 feet to the PC of a curve to the right having a central angle of 21°33'12" and a radius of 1300.00 feet; thence Southeasterly along the arc a distance of 489.03 feet; thence S-33°12'00"-E a distance of 491.93 feet to the PC of a curve to the left having a central angle of 56°31'43" and a radius of 950.00 feet; thence Southeasterly along the

arc a distance of 937.28 feet; thence S-89°43'44"-E a distance of 1125.93 feet to the aforementioned Westerly right-of-way line of the Seaboard Coast Line Railroad; thence N-11°46'43"-W along said Westerly right-of-way line a distance of 102.25 feet to the POINT OF BEGINNING. Containing 9.732 acres.

AND

A tract of land lying in Section 14, Township 37 South, Range 18 East, Sarasota County, Florida, described as follows:

Commence at the Northeast corner of the Northwest ¼ of said Section 14; thence S-00°13'09"-W along the Easterly line of said Northwest ¼ a distance of 50.55 feet to the Southerly right-of-way line of Clark Road (100 feet wide); thence N-89°25'37"-W along said Southerly right-of-way line a distance of 50.00 feet to the POINT OF BEGINNING; thence S-00°13'09"-W parallel with the Easterly line of said Northwest ¼ a distance of 3320.29 feet to the PC of a curve to the right having a central angle of 90°03'07" and a radius of 850.00 feet; thence Southerly and Westerly along the arc a distance of 1335.95 feet; thence N-89°43'44"-W a distance of 571.37 feet to the Easterly line of premises conveyed by Adrian C. Honore to Seaboard Airline Railway by Right-of-Way Deed dated November 5, 1910, recorded in Deed Book 23 on Page 127 of the Public Records of Sarasota County, Florida; thence N-11°46'43"-W along said Easterly line a distance of 1549.14 feet to the Southerly right-of-way line of Savage Road (48 feet wide) as shown on the Plat of Sarasota-Venice Company's Subdivision of Sections 14 and 15, Township 37 South, Range 18 East, recorded in Plat Book A on Page 10 of the aforementioned Public Records (Plat Book 2, Page 34 of Manatee County records); thence S-89°36'06"-E along said Southerly right-of-way line a distance of 1124.78 feet; thence N-00°13'55"-E along the Easterly line of Lots 10 and 3 of said Sarasota-Venice Company's Subdivision a distance of 2661.80 feet to the aforementioned Southerly right-of-way line of Clark Road; thence S-89°25'37"-E along said Southerly right-of-way line a distance of 618.81 feet to the POINT OF BEGINNING. Containing 89.24 acres.

AND

A tract of land lying in Section 14, Township 37 South, Range 18 East, Sarasota County, Florida, described as follows:

Commence at the Northeast corner of the Northwest ¼ of said Section 14; thence S-00°13'09"-W along the Easterly line of said Northwest ¼ a distance of 50.55 feet to the Southerly right-of-way line of Clark Road (100 feet wide) for the POINT OF BEGINNING; thence N-89°25'37"-W along said Southerly right-of-way line a distance of 50.00 feet; thence S-00°13'09"-W parallel with the Easterly line of said Northwest ¼ a distance of 3320.29 feet to the PC of a curve to the right having a central angle of 90°03'07" and a radius of 850.00 feet; thence Southerly and Westerly along the arc a distance of 1335.95 feet; thence N-89°43'44"-W a distance of 571.37 feet to the Easterly right-of-way line of the Seaboard Coast Line Railroad (100 feet wide) as conveyed by Adrian C. Honore to Seaboard Air Line Railway by right-of-way deed dated November 5, 1910, recorded in Deed Book 23, Page 127 of the Public Records of Sarasota County, Florida; thence S-11°46'43"-E along said Easterly right-of-way line a distance of 102.25 feet; thence S-89°43'44"-E a distance of 550.02 feet to the PC of a curve to the left having a central angle of 90°03'07" and a radius of 950.00 feet; thence Easterly and Northerly along the arc a distance of 1493.12 feet; thence N-00°13'09"-E a distance of 3319.67 feet to the aforementioned Southerly right-of-way line of Clark Road; thence N-89°25'37"-W along said Southerly right-of-way line a distance of 50.00 feet to the POINT OF BEGINNING. Containing 12.156 acres.

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AND

A tract of land lying in Section 15, Township 37 South, Range 18 East, Sarasota County, Florida, described as follows:

Commence at the Northeast corner of the Southeast $\frac{1}{4}$ of said Section 15; thence N-89°36'13"-W along the Northerly line of said Southeast $\frac{1}{4}$ a distance of 48.00 feet; thence S-00°16'17"-W parallel with the Easterly line of said Southeast $\frac{1}{4}$ a distance of 1640.00 feet to the POINT OF BEGINNING; thence continue S-00°16'17"-W along said parallel line a distance of 459.39 feet; thence N-89°47'05"-W a distance of 314.06 feet; thence N-49°41'16"-W a distance of 243.35 feet; thence N-89°10'38"-W a distance of 476.74 feet; thence N-00°59'23"-E a distance of 235.02 feet; thence N-44°43'10"-W a distance of 1027.98 feet; thence S-77°02'20"-W a distance of 184.18 feet; thence N-47°24'29"-W a distance of 145.72 feet; thence N-89°00'00"-W a distance of 310.00 feet to the Easterly line of premises excepted from Parcel B, recorded in Instrument dated April 11, 1977 in O.R. Book 1168, Pages 1466 through 1481 (see Page 1475); thence N-00°15'58"-E along said Easterly line a distance of 1244.44 feet; thence S-44°45'13"-E a distance of 234.53 feet; thence S-49°31'01"-E a distance of 301.04 feet to a point on a curve of which the radius point lies N-45°14'48"-E a radial distance of 2340.00 feet; thence Southeasterly along the arc through a central angle of 10°00'00" a distance of 408.41 feet; thence S-54°45'12"-E a distance of 282.70 feet to the PC of a curve to the right having a central angle of 21°33'12" and a radius of 1300.00 feet; thence Southeasterly along the arc a distance of 489.03 feet; thence S-33°12'00"-E a distance of 491.93 feet to the PC of a curve to the left having a central angle of 53°48'56" and a radius of 950.00 feet; thence Southeasterly along the arc a distance of 892.30 feet to the POINT OF BEGINNING. Containing 41.457 acres.

AND

A tract of land lying in Sections 14 and 15, Township 37 South, Range 18 East, Sarasota County, Florida, described as follows:

Commence at the Northwest corner of the Southwest $\frac{1}{4}$ of said Section 14; thence S-89°36'06"-E along the Northerly line of said Southwest $\frac{1}{4}$ a distance of 75.00 feet; thence S-00°16'17"-W parallel with the Westerly line of said Southwest $\frac{1}{4}$ a distance of 1640.00 feet to the POINT OF BEGINNING; thence continue S-00°16'17"-W along said parallel line a distance of 458.21 feet; thence N-89°47'05"-W a distance of 120.00 feet; thence N-00°16'17"-E a distance of 459.39 feet to a point on a curve of which the radius point lies N-02°59'03"-E a radial distance of 950.00 feet; thence Easterly along the arc through a central angle of 02°42'47" a distance of 44.98 feet; thence S-89°43'44"-E a distance of 75.03 feet to the POINT OF BEGINNING. Containing 1.263 acres.

AND

A tract of land lying in Section 14, Township 37 South, Range 18 East, Sarasota County, Florida, described as follows:

Commence at the Northwest corner of the Southeast $\frac{1}{4}$ of said Section 14; thence S-89°36'06"-E along the Northerly line of said Southeast $\frac{1}{4}$ a distance of 50.00 feet; thence S-00°13'09"-W parallel with the Westerly line of said Southeast $\frac{1}{4}$ a distance of 77.36 feet to the POINT OF BEGINNING; thence continue S-00°13'09"-W a distance of 606.70 feet to the PC of a curve to the right having a central angle of 56°48'21" and a radius of 950.00 feet; thence Southwesterly along the arc a distance of 941.88 feet; thence S-63°42'34"-E a distance of 292.83 feet; thence N-26°17'26"-E a distance of 390.00 feet; thence N-00°43'03"-W a distance of 121.02 feet; thence N-26°00'00"-E a distance of 670.00 feet; thence N-32°36'13"-W a distance of 542.32 feet to the POINT OF BEGINNING. Containing 6.151 acres.

AND

A tract of land lying in Sections 22, 23, 26, and 27 all in Township 37 South, Range 18 East, Sarasota County, Florida, described as follows:

Commence at a Smally, Wellford & Nalven concrete monument at the Southeast corner of the Southeast $\frac{1}{4}$ of said Section 22; thence S-89°28'12"-W along the Southerly line of said Southeast $\frac{1}{4}$ a distance of 197.56 feet to a Smally, Wellford, & Nalven concrete monument at the Southeast corner of The Country Club of Sarasota recorded in Plat Book 24, Pages 16 through 16K of the Public Records of Sarasota County, Florida for the POINT OF BEGINNING (the following 6 calls are to concrete monuments along the lines of The Country Club of Sarasota; thence N-00°31'59"-W a distance of 2039.04 feet; thence N-89°28'01"-E a distance of 100.00 feet; thence N-00°31'59"-W a distance of 250.00 feet; thence N-89°28'01"-E a distance of 583.77 feet; thence N-00°31'59"-W a distance of 600.49 feet; thence S-89°28'01"-W a distance of 4073.67 feet to the Easterly line of Ballantrae, a Condominium recorded in Condominium Book 14, Pages 26 through 26G of said Public Records; thence N-00°03'26"-E along said Easterly line a distance of 650.00 feet to a Smally, Wellford & Nalven concrete monument at the Southerly line of premises conveyed by Sarasota Realty Development Corporation to the County of Sarasota by Dedication Deed dated March 20, 1980 recorded in O.R. Book 1362, Page 1827 of said Public Records, said point being a point on a curve of which the radius point lies NS-14°40'27"-W a radial distance of 660.00 feet; thence Northeasterly along the arc through a central angle of 45°43'33" a distance of 526.72 feet to the PRC of a curve to the right having a central angle of 40°44'48" and a radius of 580.00 feet; thence Northeasterly along the arc a distance of 412.48 feet to the PRC of a curve to the left having a central angle of 18°39'03" and a radius of 2120.00 feet; thence Northeasterly along the arc a distance of 690.10 feet; thence S-51°41'46"-E a distance of 800.00 feet to the PC of a curve to the right having a central angle of 50°07'27" and a radius of 620.00 feet; thence Northeasterly and Southeasterly along the arc a distance of 542.40 feet; thence S-78°10'47"-E a distance of 847.98 feet to the PC of a curve to the left having a central angle of 27°09'55" and a radius of 760.00 feet; thence Southeasterly and Northeasterly along the arc a distance of 360.34 feet to the PRC of a curve to the right having a central angle of 84°09'28" and a radius of 25.00 feet; thence Northeasterly and Southeasterly along the arc a distance of 36.72 feet to the PRC of a curve to the left having a central angle of 48°24'45" and a radius of 1360.00 feet; thence Southeasterly along the arc a distance of 1149.14 feet to the PRC of a curve to the right having a central angle of 57°49'16" and a radius of 1240.00 feet; thence Southeasterly along the arc a distance of 1251.37 feet to a line which is 120.00 feet Southwesterly of and parallel with the Westerly right-of-way line of the Seaboard Coast Line Railway (100 feet wide) as conveyed by Adrian C. Honore to Seaboard Air Line Railway by Right-of-Way Deed dated November 5, 1910, recorded in Deed Book 23, Page 127 of the aforementioned Public Records; thence S-11°46'43"-E along said parallel line a distance of 647.48 feet to the PC of a curve to the right having a central angle of 13°05'14" and a radius of 1480.00 feet; thence Southeasterly along the arc a distance of 338.06 feet to the aforementioned parallel line 120.00 feet Southwesterly of the Westerly right-of-way line of the Seaboard Coast Line Railroad; thence S-11°46'43"-E along said parallel line, a distance of 953.36 feet to the PC of a curve to the right having a central angle of 96°45'34" and a radius of 840.00 feet; thence Southeasterly and Southwesterly along the arc a distance of 1418.57 feet; thence S-84°58'51"-W a distance of 810.00 feet to the PC of a curve to the left having a central angle of 62°08'54" and a radius of 1660.00 feet; thence Southwesterly along the arc a distance of 1800.59 feet to the PRC of a curve to the right having a central angle of 85°30'13" and a radius of 25.00 feet; thence Southwesterly along the arc a distance of 37.31 feet to the PRC of a curve to the left having a central angle of 18°39'50" and a radius of 100.00 feet; thence Northwesterly along the arc a distance of 325.75 feet; thence S-89°40'21"-W a distance of 150.00 feet to the PC of a curve to the right having a central angle of 38°37'29" and a radius of 1140.00 feet; thence Northwesterly along the arc a distance of 768.51 feet to the PRC of a curve to the left having a central angle of 38°37'29" and a radius of 1260.00 feet;

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thence Northwesterly along the arc a distance of 849.40 feet to a line which is 60.00 feet Northerly of and parallel with the Northerly line of the South Half of the Northwest $\frac{1}{4}$ of the aforementioned Section 27; thence S-89°40'21"-W along said parallel line a distance of 1338.53 feet to the Easterly line of Pine Tree Village, a Condominium recorded in Condominium Book 17, Pages 44 through 44I of the aforementioned Public Records; thence N-00°04'58"-E along said Easterly line a distance of 1282.26 feet to the Southerly line of the Southwest $\frac{1}{4}$ of the aforementioned Section 22; thence N-89°28'29"-E along said Southerly line a distance of 179.16 feet to a capped iron pipe found at the Southwest corner of the Southeast $\frac{1}{4}$ of said Section 22; thence N-89°28'12"-E along the Southerly line of said Southeast $\frac{1}{4}$ a distance of 2498.54 feet to the POINT OF BEGINNING. Containing 494.662 acres.

AND

Begin at a concrete monument marking the Northeast corner of said plat of "The Country Club of Sarasota" thence S-00°57'33"-E, 600.49 feet to a concrete monument; thence S-89°02'27"-W, 583.77 feet to a concrete monument; thence S-00°57'33"-E, 250.00 feet to a concrete monument; thence S-89°02'27"-W, 100.00 feet to a concrete monument; thence N-00°55'44"-W, 850.49 feet to a concrete monument; thence N-89°02'27"-E, 683.32 feet to the POINT OF BEGINNING. Containing 10.00 acres.

AND

Part of the Southwest $\frac{1}{4}$ of Section 14, Township 37 South, Range 18 East, Sarasota County, Florida described as follows:

Commence at a concrete monument found at the Northwest corner of the Southwest $\frac{1}{4}$ of said Section 14; thence S-00°16'16"-W along the Westerly line of the Southwest $\frac{1}{4}$ of said Section 14, a distance of 1540.84 feet; thence S-89°43'38"-E parallel with the Southerly line of the North $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of said Section 14 a distance of 75.00 feet to the POINT OF BEGINNING; thence continue S-89°43'38"-E along said parallel line a distance of 1029.41 feet to the Westerly right-of-way line (100 feet wide) of the Seaboard Coastline Railroad, Deed Book 23, Page 127 of the Public Records of Sarasota County, Florida; thence N-11°46'30"-W along said Westerly right-of-way line a distance of 1536.97 feet to its intersection with a line which is 36 feet Southerly of and parallel with the Northerly line of the Southwest $\frac{1}{4}$ of said Section 14; thence N-89°36'07"-W along said parallel line a distance of 708.64 feet to its intersection with a line which is 75 feet Easterly of and parallel with the Westerly line of the Southwest $\frac{1}{4}$ of said Section 14; thence S-00°16'16"-W parallel with the Westerly line of the Southwest $\frac{1}{4}$ of said Section 14 a distance of 1504.67 feet to the POINT OF BEGINNING. Containing 30.00 acres.

AND

A tract of land lying in Section 26, Township 37 South, Range 18 East, Sarasota County, Florida, described as follow:

Commence at a Smally, Wellford and Nalven concrete monument at the Northwest corner of the Northwest Quarter of said Section 26; thence S-89°31'51"-E along the Northerly line of said Northwest Quarter a distance of 2420.00 feet to the Westerly right-of-way line of Seaboard Coast Line Railroad (100 feet wide) as conveyed by Adrian C. Honore to Seaboard Airline Railway by right-of-way deed dated November 5, 1910, recorded in Deed Book 23, Page 127 of the Public Records of Sarasota County, Florida; thence S-11°46'43"-E along said Westerly line a distance of 978.21 feet to the POINT OF BEGINNING; thence continue S-11°46'43"-E along said Westerly line a distance of 1118.75 feet; thence S-38°52'35"-W a distance of 1022.33 feet; thence N-49°43'17"- a distance of 620.47 feet; thence N-11°46'43"-W a distance of 1108.80 feet to a Smally, Wellford & Nalven concrete monument set; thence N-84°58'51"-E a distance of 681.75 feet to a Smally,

Wellford & Nalven concrete monument set at the PC of a curve to the left having a central angle of $33^{\circ}31'37''$ and a radius of 960.00 feet; thence Northeasterly along the arc a distance of 561.75 feet; thence Northeasterly along the arc a distance of 561.75 feet to a Smally, Wellford & Nalven concrete monument set; thence $S-70^{\circ}20'53''-E$ a distance of 397.45 feet; thence $S-56^{\circ}46'43''-E$ a distance of 266.59 feet to the POINT OF BEGINNING. Containing 61.500 acres.

AND

That portion of the East half of the East Half of Section 13, Township 37 South, Range 18 East; being more particularly described as follows:

Commence at the Southeast corner of said Section 13; thence $S-88^{\circ}55'38''-W$ along the Southerly line of said Section 13, a distance of 508.79 feet to the westerly line of State Road 93 (I-75) for the POINT OF BEGINNING; thence continue along said Southerly line $S-88^{\circ}55'38''-W$ a distance of 823.25 feet to the Westerly line of the East half of the East half of said Section 13; thence $N-00^{\circ}22'19''-E$ along said Westerly line, a distance of 2622.12 feet to the Northerly line of the Southeast $\frac{1}{4}$ of said Section 13; thence continue $N-00^{\circ}25'26''-E$ along the westerly line of the East half of the East half of said Section 13, a distance of 676.52 feet; thence $N-89^{\circ}58'00''-E$ a distance of 853.52 feet to the aforementioned Westerly line of State Road 93 (I-75); (the following 3 calls are along said Westerly line); thence $S-00^{\circ}02'00''-E$ a distance of 569.58 feet; thence $S-01^{\circ}06'45''-W$ a distance of 2665.37 feet to the PC of a curve to the right having a central angle of $00^{\circ}10'25''$ and a radius of 16240.22 feet; thence along the arc in a Southwesterly direction a distance of 49.20 feet to the POINT OF BEGINNING.

Containing 63.707 Acres.

ALSO

Section 24, Township 37 South, Range 18 East; being more particularly described as follows:

That portion of the North $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 24, Township 37 South, Range 18 East, lying Westerly of the Westerly right-of-way line of State Road 93 (I-75).

Containing 63.497 Acres.

ALSO

West of I-75 and approximately 1000 feet south of Central Sarasota Parkway, being more particularly described as follows:

That part of Section 31, Township 37 South, Range 19E, Sarasota County, Florida, lying westerly of I-75.

Containing 38.4 Acres.

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EXHIBIT B – AMENDED DEVELOPMENT ORDER CONDITIONS

The following revisions to the Palmer Ranch Master Development Order adopted by Resolution No. 91-170, as amended, denoted with ~~Strikethrough~~ and Underline:

LAND/SOILS

~~A. CONDITIONS FOR DEVELOPMENT APPROVAL~~

- ~~2. Palmer Ranch agrees to determine the concentration of the naturally occurring radioactive series in the cores taken from proposed excavation for lakes and/or fill materials. The report of the results of the core sampling shall be submitted to the Sarasota County Pollution Control Division for review prior to construction authorization. The Applicant shall comply with the recommendations made by a recognized radon expert approved by the Natural Resources Department, as they apply to any future excavation for lakes and/or fill materials within the Palmer Ranch DRI.~~

~~B. ISSUES SUBJECT TO FURTHER REVIEW IN AIDA'S [sic]~~

None

TRANSPORTATION

A. CONDITIONS FOR DEVELOPMENT APPROVAL

2. As mitigation for the impact of Palmer Ranch traffic, Palmer Ranch shall construct one hundred percent (100%) of the following major county roadways at such times as are required in incremental development orders:
 - a. Honore Avenue as a four-lane divided arterial roadway from Clark Road (S.R.72) to Preymore Street.
 - b. McIntosh Road as a four-lane divided collector roadway from Clark Road (S.R. 72) to US-41.
 - c. Sawyer Loop Road East as a collector roadway.
 - d. Palmer Ranch Parkway as a collector roadway from Beneva Road to McIntosh Road, then jogging south before continuing easterly between McIntosh Road and Honore Avenue.
 - e. An unnamed collector roadway connecting Sawyer Loop Road with the eastern extension of Palmer Ranch Parkway near Honore Avenue.
 - f. Mall Drive as a collector roadway from Beneva Road to McIntosh Road.
 - g. ~~Livingston Street~~ Central Sarasota Parkway as a collector roadway from U.S. 41 to Honore Avenue.

(The major roadways listed above are set in terms of where they enter and exit the Palmer Ranch development.)

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Regional Issues

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Agenda Item

11a

11a

CREW Land & Water Trust
acquisition of the Gargiulo Land
Trust Parcels Resolution

11a

SWFRPC Resolution #2014-04**A RESOLUTION OF THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
SUPPORTING THE PURCHASE OF CORKSCREW REGIONAL ECOSYSTEM
WATERSHED (CREW) PROJECT LANDS, ESPECIALLY THE GARGIULO LAND TRUST
PARCELS, UNDER THE FLORIDA FOREVER PROGRAM**

WHEREAS, Florida Forever is Florida's premier conservation and recreation lands acquisition program, authorized pursuant to a blueprint for conserving natural resources and renewing Florida's commitment to conserve the state's natural and cultural heritage, implementing Section 259.105, Florida Statutes, the Florida Forever Act;

WHEREAS, Florida Forever replaced Preservation 2000, the largest public land acquisition program of its kind in the United States;

WHEREAS, of the approximately 9.9 million acres managed for conservation in Florida, more than 2.5 million acres were purchased under the Florida Forever and Preservation 2000 programs;

WHEREAS, since its inception in July 2001 to the present, the Florida Forever program has acquired more than 707,740 acres of land with \$2.89 billion;

WHEREAS, there is a project proposed for purchase under Florida Forever, the Corkscrew Regional Ecosystem Watershed (CREW) project, which contains excellent examples of cypress swamps and marshes, and will connect the Florida Panther National Wildlife Refuge and Fakahatchee Strand State Preserve with the National Audubon Society's Corkscrew Swamp Sanctuary, thereby securing important habitat for the Florida panther and Florida black bear;

WHEREAS, purchase of the CREW project will conserve connections between three conservation areas, provide critical protection for rare wildlife, and protect the flow of water feeding the Florida Panther National Wildlife Refuge, Fakahatchee Strand, and other areas;

WHEREAS, the large, interconnected swamps of southwest Florida must be preserved if critically imperiled wildlife such as the Florida panther and black bear are to survive;

WHEREAS, the project is designated as a wildlife and environmental area, with such uses as hiking, camping, and environmental education;

WHEREAS, the Gargiulo Land Trust (GLT) property is comprised of two parcels of land totaling 619.93 acres adjacent to Immokalee Road in North Central Collier County, which are located within the Florida Forever project boundary;

WHEREAS, the GLT property is an essential remaining parcel for the South Florida Water Management Districts CREW project;

WHEREAS, the GLT property is currently for sale for potential development;

WHEREAS, development of the GLT property would have a significantly negative impact on regional water resources, since surface run-off drains into Corkscrew Canal North #2 and eventually outfalls into Wiggins Pass and Naples Bay;

WHEREAS, the GLT parcel is primary Florida panther habitat and within the Core Foraging Area for an important nesting colony of endangered wood storks;

WHEREAS, the natural wetland communities and agricultural ditches within the GLT property provide important wetland functions supporting foraging of endangered wood storks nesting within the Corkscrew Swamp Sanctuary along with other rare species including the little blue heron, snowy egret, yellow-crowned night-heron, tri-colored heron, and great egret, in addition to rare upland species such as the endangered Florida panther and Florida black bear;

WHEREAS, restoration of the GLT property holds the potential to improve water quality in the overburdened Golden Gate Main and East Naples basins by storing water on site that currently flows through the Big Cypress Basin drainage network starting at the Corkscrew Canal North, with eventual outfalls in Naples Bay and Wiggins Pass and out into the Gulf; protection and restoration of the GLT could help ameliorate the high nutrient loads and high water volumes experienced in these two sensitive areas;

NOW, THEREFORE, BE IT RESOLVED that the Southwest Florida Regional Planning Council supports the purchase of CREW lands, and the Gargiulo Land Trust parcels in particular, by the Florida Forever Program.

DULY ADOPTED by the Southwest Florida Regional Planning Council this 14 day of August, 2014.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

Teresa Heitmann, Chair

Margaret Wuerstle, Executive Director

Gargiulo Land Trust Parcels

Critical Additions to CREW (Corkscrew Regional Ecosystem Watershed) Lands

The Gargiulo Land Trust (GLT) property is comprised of two parcels of land totaling 619.93 acres adjacent to Immokalee Road in North Central Collier County. The property is in the Florida Forever project boundary, is an essential remaining parcel for the South Florida Water Management Districts CREW project and is primary Florida Panther habitat. The property is listed for sale and if sold for real estate development will have a major negative impact on water resources and wildlife habitat. Collier Counties Rural Fringe Mixed Use overlay shows that the property is made up of 298.50 acres designated as sending lands with 330.43 acres designated as receiving lands. GLT property could be developed as a residential community with 289 housing units.

Risk and Opportunity

The majority of the sending lands are forested wetlands. Other parts of the property could be restored as shallow wetlands for water retention. Protection and hydrologic restoration of the GLT as part of the CREW lands will improve water quality and attenuate timing of flows into impaired coastal waters. Restoration would extend available habitat for a range of protected species.

Development of the GLT property would have a significantly negative impact on regional water resources. Surface run-off drains into Corkscrew Canal North #2 and eventually outfalls into Wiggins Pass and Naples Bay

CREW

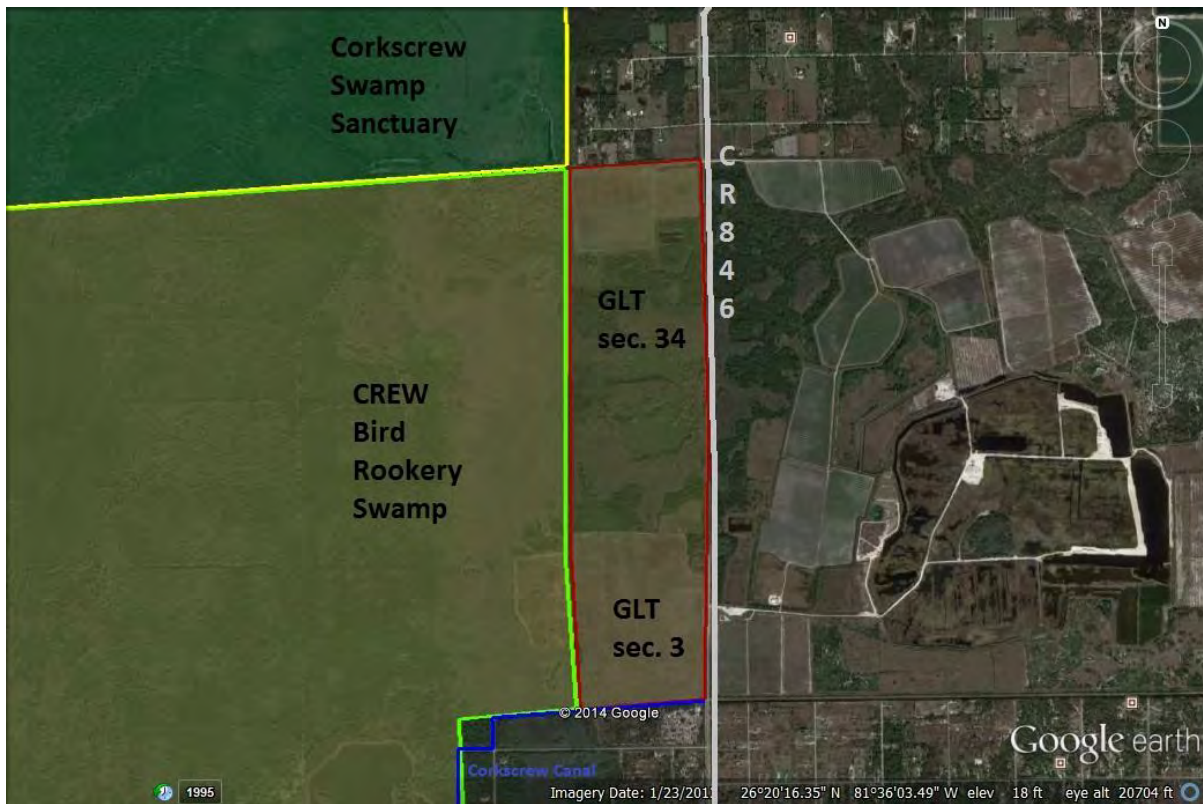
The Corkscrew Regional Ecosystem Watershed (CREW) goals include: conserving important ecological connections, providing protection for rare wildlife and protecting the flow of water feeding important regional wetlands while providing public access to educate and enjoy the rich natural resources found in Southwest Florida.

Wildlife Value

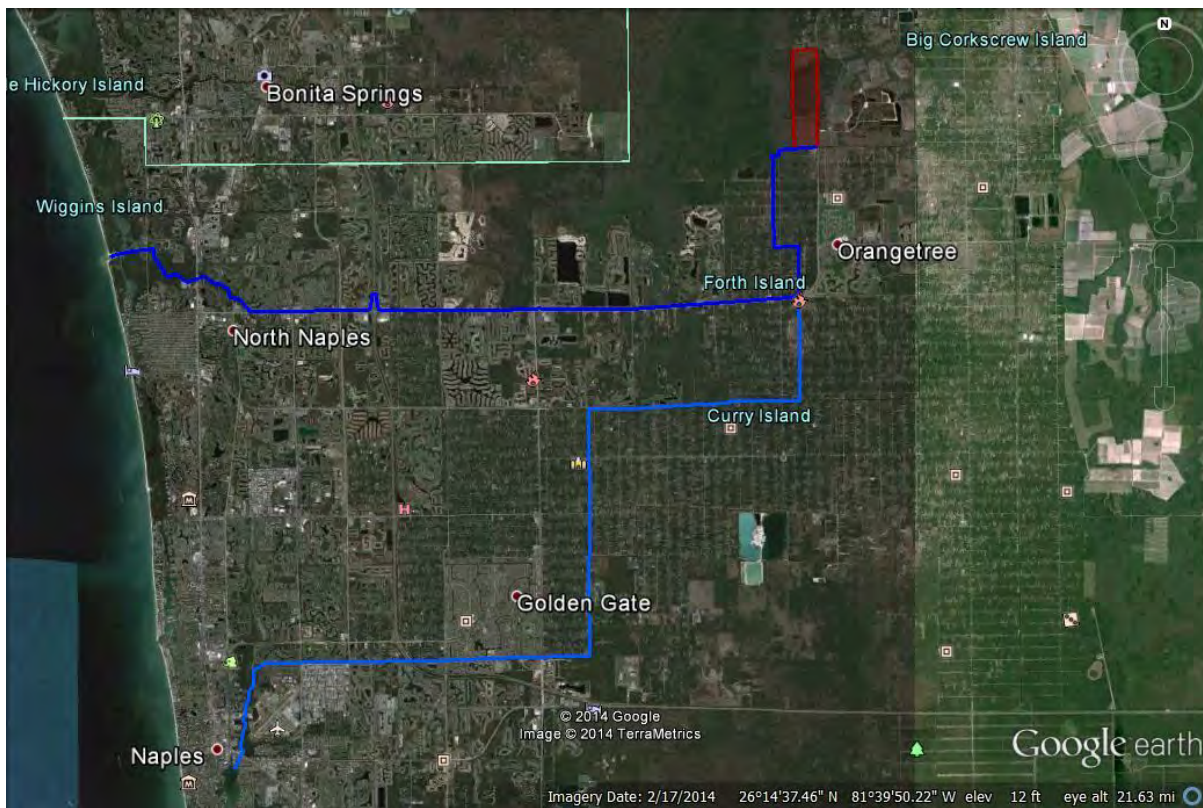
The GLT parcel is primary Florida panther habitat and within the Core Foraging Area for an important nesting colony of endangered wood storks. The natural wetland communities and agricultural ditches within the GLT property provide important wetland functions supporting foraging of endangered wood storks nesting within the Corkscrew Swamp Sanctuary along with other rare species including the little blue heron, snowy egret, yellow-crowned night-heron, tri-colored heron, and great egret. The property also supports rare upland species such as the endangered Florida panther and Florida black bear.

Hydrology and watershed value

Restoration of the GLT property has potential to improve water quality in the overburdened Golden Gate Main and East Naples basins by storing water on site that currently flows through the Big Cypress Basin drainage network starting at the Corkscrew Canal North, with eventual outfalls in Naples Bay and Wiggins Pass and out into the Gulf. Protection and restoration of the GLT could help ameliorate the high nutrient loads and high water volumes experienced in these two sensitive areas.



Gargiulo Land Trust Audubon's Corkscrew Swamp Sanctuary and SFWMD's CREW



Gargiulo Land Trust outfalls at Wiggins pass via the Cocohatchee Canal, and Naples Bay.

Agenda Item

11b

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Southwest Florida Regional
Chemical Simulated Disaster –
Functional Exercise Update

11b

**SOUTHWEST FLORIDA
REGIONAL CHEMICAL SIMULATED DISASTER
“OPERATION FERTILIZER”
FUNCTIONAL EXERCISE (FX) AND TABLETOP EXERCISE (TTX)**

The Southwest Florida Local Emergency Planning Committee (LEPC) conducted a simulated chemical disaster June 11, 2014, in Glades County. Principal partners were the LEPC, Glades County Public Safety and Wedgworth’s Fertilizer, Incorporated. The training incorporated both functional and table top exercises.

Background

On April 17, 2013, an ammonium nitrate explosion occurred at the West Fertilizer Company storage and distribution facility in West, Texas, eighteen miles north of Waco while emergency services personnel were responding to a fire at the facility. Fifteen people were killed; more than 160 injured and more than 150 buildings were damaged or destroyed. West Fertilizer Company has supplied chemicals to farmers since it was founded in 1962. It was reported that the plant was last inspected by Occupational Safety and Health Administration in 1985.

The Florida Division of Emergency Management requires a Local Emergency Planning Committee to develop and conduct an exercise every two years. During its February 2014 meeting, the Southwest Florida Local Emergency Planning Committee elected to join Glades County in conducting a chemical exercise. Additionally, the exercise addressed a potential weapon of mass destruction (WMD) and decontamination of patients. The Southwest Florida Local Emergency Planning provided assistance to determine the capabilities of public/private responders and medical personnel to address a chemical incident at Wedgworth, Inc of Glades County.

EXERCISE SUMMARY

Operation Fertilizer FX and TTX were designed primarily to demonstrate and discuss the capabilities of emergency response authorities and agencies to effectively respond to, mitigate, and recover from a Fertilizer Plant incident, a mass casualty event occurring at the Plant and an Extreme Hazardous Substance (EHS). The intent was to facilitate a learning environment where response agencies and the private sector come together, face to face, to understand and talk through an integrated response involving specific emergency situations. Furthermore, our exercise design planning team wanted to facilitate discussion and interaction between the agencies and players of the selected emergency response authorities, healthcare systems, and public safety agencies to determine what each agency has available in their plans. Our FX exercise requires liaison and coordination with many mutual aid support agencies. Some agencies added other elements in support of their individual training programs or requirements beyond the tabletop scope.

Exercise Purpose

The purpose of the exercises were to provide participants (both private and public sectors) with an opportunity to evaluate current response concepts, plans, and capabilities for response to chemicals and other events in Glades County and the region. The exercises focused on the key local emergency responder coordination, critical decisions, and the integration of Local, Regional and State assets necessary to save lives and protect the public health following a chemical and terrorist incident.

Scope

The FX and TTX focused on Glades County Public Safety and Wedgworth's response to consequences of an airborne chemical release, worksite safety security and a terrorist incident. Processes and decision-making are more important minute details. Emphasis was related to coordination, integration of capabilities, problem identification, and resolution.

The purpose of the exercise was to assess the effectiveness of current Continuity of Operations Plan capabilities in assisting decision makers during a response to a disaster, worksite safety terrorist incident and long term recovery.

- Incident Management
- Facility Recovery
- WMD/Hazardous Materials Response and Decontamination
- Emergency Public Information Warning

Exercise Objectives, Capabilities, and Activities

Capabilities-based planning allows for exercise planning teams to develop exercise objectives and observe exercise outcomes through a framework of specific action items that were derived from the Target Capabilities List (TCL). The capabilities listed below form the foundation for the organization of all objectives and observations in this exercise. Additionally, each capability is linked to several corresponding activities and tasks to provide additional detail. Based upon the identified exercise objectives below, the exercise planning team decided to demonstrate the following capabilities during this exercise:

- **Objective 1: *Evaluate*** the ability to implement department and division lines of succession and delegations of authority

- **Objective 2: *Identify*** changing roles and responsibilities as the community moves from response to short and long term recovery
- **Objective 3: *Control*** the dissemination of Public Information. Communicate effectively with other agencies, utilities and the public through a communication and notification plan.

Exercise Scenario Summary

It is June 11, 2014, and the City of Moore Haven is currently emerged in an unprecedented heat wave with average temperatures above 90 degrees and oppressive humidity. Glades County is experiencing large tourist through traffic. Additionally, a bird watching event is being held along Lake Okeechobee during the morning hours of June 9-12, 2014.

On June 2, 2014, three employees of Wedgworth Farms, Incorporated were terminated by Risk Safety Manager Sherida Ridgill for not following proper safety procedures. On the morning of June 11, 2014, at approximately 0900, one of the terminated employees confronts an employee at the plant he thought provided information which resulted in his dismissal. A fight ensues which draws the attention of the welding crew members: one a welder and one a fire watch person. The welder was cutting out a section of cat walk over an empty sulfur bin that still had trace amounts of product on the floor and the walls. The welder jumped up and left the cutting torch engaged and burning as he ran down the catwalk to get to the scene of the fight and the cutting torch falls into the bin below and a fire starts.

Administrators at the plant observed the confrontation which is now in the plant yard. Administrators join in the fight and begin chasing the ex-employee. The terminated employee attempts to escape the plant in his pick-up truck. A small cloud coming from the interior of the plant is also observed during the commotion.

At approximately 9:10 a.m., a two-engine freight train bound and pulling 12 cars, hauling everything from fiberboard to hazardous materials has entered the Wedgworth's property and is proceeding at 5 miles per hour toward the unloading area. The train collides with a two-door truck driven by the former disgruntle employee trying to escape the plant. Employees and spectators hear the screech of the locomotive's wheels as the emergency brakes are applied. They watch, as if in slow motion, as several cars of the train begin to derail and the truck is pushed down the tracks. Wedgworth's Hazardous Materials Team is immediately activated and local authorities are notified. South Central Florida Express is contacted. South Central Florida Express informs Wedgworth's that one of the tank cars has anhydrous ammonia onboard.

After the plant fire is under-control, another employee who was evacuated told a Wedgworth supervisor that he thought he observed the terminated disgruntle employee near the mobile fueling station at the front of the subject property; a search occurs and a suspicious package is found.

RECOMMENDATIONS:

None. Update and information item only.

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SWFRPC Committee Reports

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Agenda Item

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Budget & Finance Committee

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12a

MINUTES OF THE SWFRPC Budget & Finance Committee Meeting

August 1, 2014

The meeting of the **Southwest Florida Regional Planning Council Budget & Finance Committee** was held on **August 1, 2014** at the offices of the Southwest Florida Regional Planning Council – 1st Floor Conference Room at 1926 Victoria Avenue in Fort Myers, Florida.

Committee Members

Councilman Kit McKeon, City of Venice (Chair)

Councilman Forrest Banks, City of Fort Myers

Mr. Bob Mulhere

Ms. Laura Holquist

Staff Members

Ms. Margaret Wuerstle, Executive Director

Ms. Nancy Doyle, Administrative Services Manager

Call to Order- Councilman Kit McKeon (Chair)

The meeting was called to order at 10:05 am

2015 Workplan and Budget

Ms. Wuerstle presented the 2015 Workplan and Budget. The focus of the 2015 Workplan is building resiliency. The 2015 Budget is presented balanced with known grants and contracts for revenue. Appendixes are added for clarification of expenses. Salaries are presented with a merit increase for staff. The CHNEP revenue is not included, as a separation of host agency will be effective September 30, 2014.

Bob Mulhere asked if DRI revenue projections might be too low. Ms. Wuerstle replied they can always be adjusted with a budget amendment within the year if we have any DRI activity.

Ms. Holquist stated she was unaware of the CHNEP moving, and asked why the separation was occurring. Ms. Wuerstle explained they requested a reduction to a 30 % indirect rate, and the SWFRPC is currently at 65%. The SWFRPC could not accommodate that request since it would involve subsidizing the CHNEP.

Chair Kit McKeon asked for a recommendation for approval of the 2015 Budget. Motion to approve was made by Forrest Banks and second by Laurie Holquist. Motion passed unanimously.

Adjournment

The meeting concluded at 10:40AM.

Minutes taken and drafted by Nancy Doyle, Administrative Services Coordinator

Reviewed by Margaret Wuerstle, Executive Director

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Economic Development
Committee

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Agenda Item

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Energy & Climate Committee

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Estero Bay Agency on Bay
Management Committee

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Estero Bay Agency on Bay Management

The regular meetings of the Estero Bay Agency on Bay Management initially scheduled for June 9 and July 14, 2014 did not occur.

The cancellation of the July ABM meeting was approved in coordination with the SWFRPC.

Approval of letters on the Centerplace and Wild Blue developments that were finalized at the Issues and Agenda Subcommittee meeting of June 30, 2014 was concluded through e-mail polling as approved in prior full Committee meetings. Copies of the letters are attached.

Next Meeting Time and Place, for EBABM is Monday, August 11, 2014 – 9:30 A.M, at the SWFRPC and for the IAS is Monday, June 30, 2014 – 1:30 P.M at FGCU.

Recommended Action: Information Only



Estero Bay Agency on Bay Management
C/O Southwest Florida Regional Planning Council
1926 Victoria Ave.
Ft. Myers, FL 33901

June 30, 2014

Mr. Charles Basinait, Attorney at Law,
Henderson, Franklin, Starnes & Holt, P.A.
P.O. Box 280
Fort Myers, FL 33902

RE: Wild Blue Proposed Development

Dear Mr. Basinait,

We would like to thank you for taking the time to present information about the proposed development in the Lee County Density Reduction/Groundwater Resource area called Wild Blue. We believe this is a better proposal than the prior.

As you know the waters of Estero Bay provide a tremendous resource for local residents and tourists who enjoy fishing and appreciate the local vegetation and wildlife. Due to the forthcoming increase in population the ABM makes strong and clear recommendations the preservation and restoration of this rare and unique ecosystem based on our principles*.

We believe the following modifications to the current proposal will better conserve our natural resources, afford better protection of: water quality, rare and unique habitats, listed wildlife and ecosystem. We encourage you to formally adopt them as you move forward through the zoning and development process.

1. Require low intensity development building practices for road, homes, yards and conservation areas. Specifically, use Florida xeric landscaping, pervious driveways, bioswales rather than curb and gutter on road ways, rain gardens and disallow turf in landscaping.
2. Build a separate electric vehicle roadway infrastructure separated from auto and truck traffic.
3. Allow only electric vessels in 'lakes'.
4. Implement noise reduction and Dark-Sky principles.
5. Provide for a perpetual funding mechanism for the management of the conservation lands.

The Estero Bay Agency on Bay Management (ABM) is a non-regulatory advisory body whose charge is to make comments and recommendations for the management of Estero Bay and its watershed. The ABM is dedicated to the preservation and sustained productivity of this natural resource. The membership of the ABM includes local, state, and federal government officials, and representatives of special interest groups such as developers, civic associations, builders, environmental groups, chambers of commerce and marine trade associations, and citizen representatives.

* The following principles of the ABM are the basis for the above suggestions:

- I. A. The ABM will be cognizant of the "big picture" and to the concept of "ecosystem management" and sustainable development.
- II. G. (4) Proposal s that reduce impacts to Estero Bay and its watershed, that might include: rural village concepts, urban infill, redevelopment sites, greenways; should be encouraged.

- II.H. (2) Transportation planning shall be undertaken with goals of increasing public transportation and enhancing new and existing roads with walkable, bikeable passageways that are connected and landscaped.
- III. B. (1) Natural, native vegetation versus non-native invasive vegetation within flow ways and natural systems will be retained to the greatest extent possible.
- IV. A. (7) Surface water management systems in new developments will be required to utilize state-of-the-art best management practices and increased BMP's.

Sincerely,

ESTERO BAY AGENCY ON BAY MANAGEMENT



Lisa Beever

Chairperson

CC: Mr. Don Schrotenboer
SWFRPC

DRAFT



Estero Bay Agency on Bay Management
C/O Southwest Florida Regional Planning Council
1926 Victoria Ave.
Ft. Myers, FL 33901

June 30, 2014

Mr. Charles Basinait, Attorney at Law,
Henderson, Franklin, Starnes & Holt, P.A.
P.O. Box 280
Fort Myers, FL 33902

RE: CenterPlace Proposed Development

Dear Mr. Basinait,

We would like to thank you for taking the time to present information about the proposed development in the Lee County Density Reduction/Groundwater Resource area called CenterPlace. We believe this proposed development could be a valuable resource for the community immediately surrounding Florida Gulf Coast University. Modification to the proposal such as those identified below will make the development more in line with the guiding principles* of this Agency. These modifications are suggested in order to reduce the detrimental effects this project will have on the Estero Bay.

As you know the waters of Estero Bay provide a tremendous resource for local residents and tourists who enjoy fishing and appreciate the local vegetation and wildlife. Due to the forthcoming increase in population the ABM makes strong and clear recommendations for the preservation and restoration of this rare and unique ecosystem based on our principles.

We believe the following five modifications to the current proposal will better conserve our natural resources, afford better protection of: water quality, rare and unique habitats, listed wildlife and ecosystem, ecosystem management and sustainable development. We encourage you to formally adopt these modifications as you move forward through the zoning and development process.

1. Onsite stormwater treatment should be improved to advanced level in order to minimize cumulative nutrient input.
 - i. Some preserve lands may be needed to treat stormwater from the impervious surfaces that will be created with the CenterPlace development.
 - ii. Onsite containment of stormwater should be built to 100 year storm standards.
 - iii. The landscape created in Central Park and Event Lawn should be one that does not require fertilizer.
2. We believe that the proposed development, in order to meet the ABM principles, must requires that amount of road trips needed to access and serve Center point, and travel within CenterPlace be minimized.
3. And, since the Miromar Lakes settlement agreement with FGCU will not allow the 40 acre parcel to be used for student housing, there should be a commitment for a substantial amount of housing be designated for students, and there should be a realistic commitment to plan for ground transit from the site to the FGCU main campus without using automobiles.
4. To better implement multiuse development, and minimize impervious cover, we suggest parking should be required to be located beneath the commercial properties (not garages and lots separately from those uses), and residences should be located above appropriate commercial developments, such as is dictated by smart growth concepts.

Lastly, to further reduce ecosystem impacts, and develop communities built sustainably, Center point should

5. Increase the size of the proposed convention center sufficient for a major professional conference to better support the needs of FGCU, and less on the need for travel from the immediate area.

The Estero Bay Agency on Bay Management (ABM) is a non-regulatory advisory body whose charge is to make comments and recommendations for the management of Estero Bay and its watershed. The ABM is dedicated to the preservation and sustained productivity of this natural resource. The membership of the ABM includes local, state, and federal government officials, and representatives of special interest groups such as developers, civic associations, builders, environmental groups, chambers of commerce and marine trade associations, and citizen representatives.

* The following principles of the ABM are the basis for the above suggestions:

- I. A. The ABM will be cognizant of the "big picture" and to the concept of "ecosystem management" and sustainable development.
- II. G. (4) Proposals that reduce impacts to Estero Bay and its watershed, that might include: rural village concepts, urban infill, redevelopment sites, greenways; should be encouraged.
- II.H. (2) Transportation planning shall be undertaken with goals of increasing public transportation and enhancing new and existing roads with walkable, bikeable passageways that are connected and landscaped.
- III. B. (1) Natural, native vegetation versus non-native invasive vegetation within flow ways and natural systems will be retained to the greatest extent possible.
- IV. A. (7) Surface water management systems in new developments will be required to utilize state-of-the-art best management practices and increased BMP's.

Sincerely,

ESTERO BAY AGENCY ON BAY MANAGEMENT



Lisa Beever
Chairperson

CC: Mr. Don Schrottenboer
SWFRPC

DRAFT

Agenda Item

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Executive Committee

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Legislative Affairs Committee

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Quality of Life & Safety
Committee

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Regional Transportation
Committee

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