

June 22, 2017

Mr. Chahram Badmatchian, AICP  
Lee County Department of Community Development  
1500 Monroe Street  
Fort Myers, FL 33901

Subject: Babcock MPD (DCI2016-00022)

Dear Mr. Badmatchian:

The following are responses to your correspondence dated June 9, 2017.

1. Three (3) copies of the comment response letter;
2. Three (3) copies of the revised Master Concept Plan (11"X17" and 24"X36");
3. Three (3) copies of the revised Deviation & Justification Narrative; and
4. Three (3) copies of Proposed Conditions;
5. Three (3) copies of Lee Plan Compliance Narrative (As Proposed);
6. Three (3) copies of Lee Plan Compliance Narrative (As Currently Adopted);
7. One (1) copy of the complete Traffic Impact Study, including appendices, prepared by David Plummer & Associates, Inc.

The following is a listing of county comments with applicant responses shown in **bold**.

**Comment 1:** The geotechnical report, produced by YPC Consulting Group, provides the soil boring reports and the location of each. The reports indicate three of the eight borings showed the presence of very hard limestone which will require blasting to remove. The proposed blasting map seems to indicate blasting is proposed throughout the site, regardless of the presence of very hard limestone. While the report does indicate that the presence of very hard limestone at other locations on the site cannot be ruled out, it has not been demonstrated that blasting is necessary in the locations other than those shown. Perhaps a condition requiring soil borings that demonstrate the necessity on a case by case basis over the entire site.

**RESPONSE:** Please refer to the revised Proposed Conditions document. **Blasting condition 8.a. has been revised to including the following language to address Staff's comment.**

*"Prior to issuance of a blasting permit, the developer must provide soil boring reports to Lee County Natural Resources Division identifying the location of the blasting area and the presence of hard limestone, or other supportive geotechnical data, to demonstrate the necessity of blasting in the specified location."*

**Comment 2:** Emergency access on River Road: With the redesign of the site, this would be an appropriate time to revise that section of the MCP, eliminating unnecessary wetland impacts and reducing incompatibility concerns with the neighbors immediately adjacent to the property line. A review of aerial photography indicates the route could easily be relocated to the west, utilizing existing trails or farm fields. Previous responses by the applicant on this issue rely on the fact that a

state permit has already been issued for the improvement. The fact that this project is constantly evolving indicates the change is feasible and should be considered.

RESPONSE: The Applicant respectfully submits the proposed emergency only access to North River Road, as currently shown on the MCP, is appropriately located in regards to both the environment and compatibility with adjacent properties. The Applicant offers the following information for Staff's consideration:

Environmental Protection Justification:

- As Staff notes, the proposed location of the emergency access is permitted by existing ACOE and SFWMD permits. Therefore, the wetland/indigenous impacts are fully addressed by the state and federal agencies that regulate these types of impacts based upon careful evaluation of the overall project and environmental parameters. While this is not the only justification offered, it is significant.
- Relocating the access to the west will result in impacts to proposed preserve and/or wetland creation areas shown on the Applicant's Preserve Phasing/Mitigation Area Map provided in the May 16, 2017 submittal package.
- These preserve and wetland creation areas are sensitively and purposefully located to the south of development pods to provide additional water management treatment. These areas are critical to achieving proposed MPD Condition 3.c. for additional water quality treatment.
- Relocating the access road to the west will bifurcate what is now proposed as a large, uninterrupted preserve area. The preserve area is designed to provide for wildlife habitat and connectivity, which will be negatively impacted if a roadway is proposed in a more western location.

Compatibility:

- Per Condition 5.b., the proposed access from North River Road will be for emergency access only, and will not provide for public access to the development.
- This condition significantly limits usage of the access point, and ensures it will not negatively impact the neighboring property owners, as it will not generate traffic as a public access point would.
- Existing native vegetation will be maintained between the emergency access roadway and the along eastern property line adjacent to Turkey Run Lane.
- The native vegetation/preserve areas within this shared boundary is a minimum of 100 feet in width. This provides a significant buffer between the emergency only access road and the property line, thereby mitigating any perceived impact.

It is understood that Staff may propose/discuss an alternative location for this emergency access in the Staff Report.

**Comment 3:** Please provide a detailed Lee Plan analysis of consistency with the proposed text amendments specific to this project and indicate how each new Goal/Objectives/Policies will be met.

**RESPONSE:** Please refer to the attached Lee Plan Compliance (As Proposed) Narrative.

**Comment 4:** The site design parameters that are stated in the application summary and commercial intensity "calculations" do not appear to agree. Please clarify what development intensity the applicant contemplates with the current zoning application and amend the application accordingly.

**RESPONSE:** The summary on the application form provided in the May submittal are accurate and comply with the supportive data and analysis, as well as the attached Proposed Conditions document.

The proposed commercial intensity is as follows:

- 1,170,000 SF of commercial uses
- 600 hotel rooms (modified from the original request of 1,500 hotel rooms)

The proposed residential density remains 1,630 dwelling units.

**Comment 5:** The TIS does not appear to provide the raw unadjusted turning movement counts at the intersection of SR 31 and Shirley Lane. Please review and revise the TIS accordingly.

**RESPONSE:** The raw unadjusted turning movement counts at the intersection of SR 31 and Shirley Lane are provided in Appendix E, from page E-103 to E-110.

**Comment 6:** The TIS does not appear to include graphical exhibits that separately depict background traffic volumes and new project trips (including pass-by trips) for each phase. Please review and revise the TIS accordingly.

**RESPONSE:** The background, non-Project and total traffic depictions are provided in Appendix K, starting on page K-2 and K-13 for Years 2021 and 2026, respectively.

The more detailed depictions of the various traffic components at the intersections under study are fully documented in Appendix J, starting on page J-2 and J-37 for Years 2021 and 2026, respectively.

**Comment 7:** The total inbound and outbound project trips depicted on Exhibits 11 and 12 do not appear to correlate with the total inbound and outbound project trips described on Exhibits 5b and 8b respectively. Please review and revise the TIS accordingly.

**RESPONSE:** The peak hour Project trip generation estimates in Exhibits 5b and 8b reflects the internal captured trip calculations within the MPD. As discussed on pages 20-21 and

pages 31-32, there is also a strong trip interaction between the MPD and the BRC DRI in Charlotte County via the internal road network linkage between the two developments. In fact, the MPD residential pods are only accessible via the BRC DRI internal roadway network. As such, the traffic volumes depicted in Exhibits 11 and 12 reflect the net external volumes at the SR 31 MPD entrances, minus (1) the captured trips with the BRC DRI that are described in the table on pages 21 and 32 of the text and (2) those MPD residential trips using the BRC DRI entrance in Charlotte County.

As provided in the response to Comment #6 above, the complete traffic components, including the distribution of captured trips between the MPD and DRI, are fully documented and depicted in Appendix J starting on page J-2 and J-37 for Years 2021 and 2026, respectively.

**Comment 8:** The link LOS analysis appears to incorrectly identify the lane configuration and corresponding generalized service volumes for Gunnery Road from Lee Boulevard to Buckingham Road and Lockett Road from Ortiz Avenue to I-75. Please review and revise the TIS accordingly.

**RESPONSE:** Gunnery Road (Lee Boulevard to Buckingham Road) – A miscoding of this segment as four lanes is acknowledged in the “future conditions” exhibits. In consideration that this roadway segment is: 1) approximately ten miles away from the Project; 2) clearly not significantly impacted by the Project at either 2L or 4L; and 3) Operates well within the adopted LOS standards at either 2L or 4L; this miscoding has no effect on the traffic analysis. Therefore, revisions to the exhibits are not warranted.

Lockett Road (Ortiz Avenue to I-75) – A mislabeling of this segment as four lanes is acknowledged in the “future conditions” exhibits. In consideration that this roadway segment is: 1) more than seven miles away from the Project; and 2) clearly not significantly impacted by the Project at either 2L or 4L; this mislabeling has no effect on the traffic analysis. Therefore, revisions to the exhibits are not warranted.

**Comment 9:** Reiterated 2/16/17 comment: The TIS does not appear to contain a LOS analysis for each of the project’s access points. Please review and revise the TIS accordingly. The TIS should include the analyses reports for all four intersections reviewed along SR 31, not simply state the intersection LOS for each intersection. Staff could not locate the outreports as indicated on page 36 of the TIS and could not locate the existing LOS analysis at the State Road 31/Shirley Lane intersection.

**RESPONSE:** The HCM output summary sheets are provided for the Project’s access points in Appendix L as follows (table on following page):

| Babcock MPD Traffic Study<br>Intersection Level of Service (HCM) Summary Sheets<br>Appendix L – Page Numbers |              |  |                     |                             |                             |
|--|--------------|--|---------------------|-----------------------------|-----------------------------|
| Ref. #   | Major Street | Minor Street                                   | Existing Conditions | Future Year 2021 Conditions | Future Year 2026 Conditions |
| 25   | SR 31        | Shirley Lane/<br>Babcock MPD<br>South Access   | L-56, 57            | L-64, 65                    | L-72, 73                    |
| 26   | SR 31        | Fox Hill Road/<br>Babcock MPD<br>Middle Access | L-58, 59            | L-66, 67                    | L-74, 75                    |
| 27   | SR 31        | Busbee Lane/<br>Babcock MPD<br>North Access    | L-60, 61            | L-68, 69                    | L-76, 77                    |

**Comment 10:** The TIS review is not complete. Review comments are based upon information presented in the TIS in its present form. The TIS reviewer reserves the right to comment on and/or require revisions to any portion of the TIS, whether or not it was part of the original submittal or subsequent revisions, until the TIS has been fully sufficient for substantive review.

**RESPONSE:** The comment is acknowledged.

**Comment 10:** Provide reference to the Lee Plan Goals, Objectives and Policies for the CPA language, as well as other sections of the Lee Plan.

**RESPONSE:** Please refer to the attached Lee Plan Compliance (As Proposed) and Lee Plan Compliance (As Currently Adopted) Narratives.

**Supplementary Comments – Provided June 12, 2017**

**Comment 1:** Label the North River Road to have a required buffer per Chapter 33 and remove no buffer required.

**RESPONSE:** Please refer to the revised Master Concept Plan( MCP) enclosed. Deviation 4 proposed the retention of existing native vegetation along the North River Road right-of-way, in lieu of the Chapter 33 buffer. This deviation has been presented to the North Olga Community Planning Panel and they have indicated support for the request. Pursuant to discussions with Staff, the label for the North River Road buffer has been modified to “Buffer Per Deviation 4”.

**Comment 2:** Provide a Type F-buffer adjacent to the residentially zoned properties within the MU/1 R development pod and label this buffer on the MCP.

**RESPONSE:** Please refer to the revised Deviation & Justification Narrative enclosed. Deviation 9 has been added to allow for retention of existing native vegetation where the project abuts single-family residential uses along Turkey Run Lane, generally to the south and east of the property. As shown on

the proposed MCP, the minimum width of existing native vegetation is 100' in these areas, thereby providing substantial screening and separation in excess of the LDC requirements. Additionally, the deviation will allow the property lines to be preserved in a natural state, thereby upholding the rural character and existing viewsheds.

**Comment 3:** Please double check the legend on the MCP to make sure that it is correct.

**RESPONSE:** Please refer to the revised MCP. The legend has been corrected.

**Comment 4:** Also, it may be a good idea to remove the bottom part of the MCP, where it depicts properties outside of the MPD boundaries all the way to the Caloosahatchee River to allow a better scale. You may even want to have it on two pages with the matching line shown.

**RESPONSE:** The MCP has not been modified to remove lands to the south of the property. This modification would impact the scale of the drawing, and require submittal of revised supportive maps, impacting significant portions of the application.

Based upon this additional information, we respectfully request a hearing date to be scheduled with the Office of the Lee County Hearing Examiner. If you have any further questions, please do not hesitate to contact me directly at (239) 405-7777, ext. 2207, or [alexisc@waldropengineering.com](mailto:alexisc@waldropengineering.com).

Sincerely,

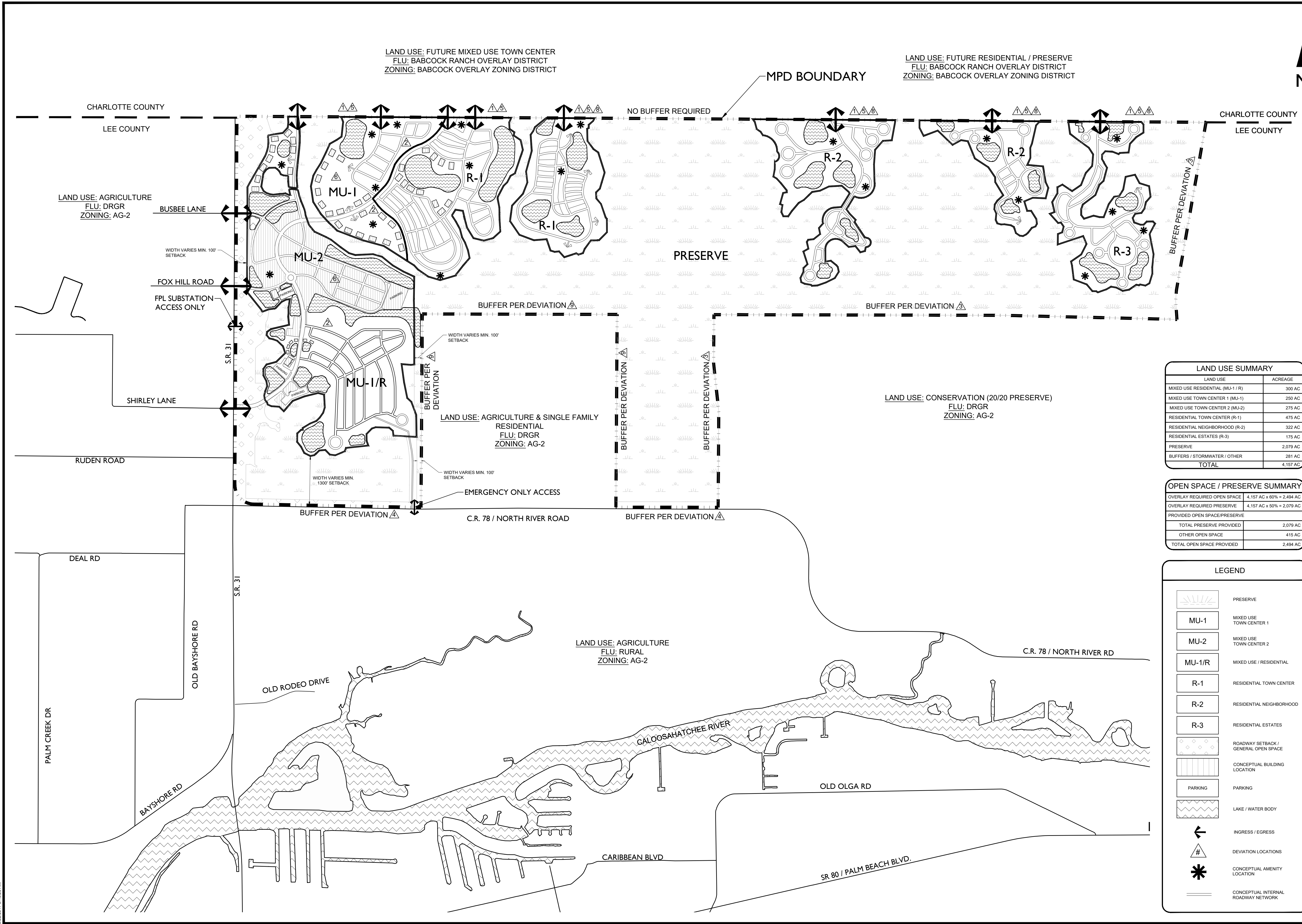
**WALDROP ENGINEERING, P.A.**



Alexis V. Crespo, AICP  
Vice President of Planning

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Tina McCain Matte, Gravina, Smith, Matte & Arnold

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LAND USE: FUTURE MIXED USE TOWN CENTER  
 FLU: BABCOCK RANCH OVERLAY DISTRICT  
 ZONING: BABCOCK OVERLAY ZONING DISTRICT

LAND USE: FUTURE RESIDENTIAL / PRESERVE  
 FLU: BABCOCK RANCH OVERLAY DISTRICT  
 ZONING: BABCOCK OVERLAY ZONING DISTRICT

LAND USE: AGRICULTURE  
 FLU: DRGR  
 ZONING: AG-2

LAND USE: AGRICULTURE & SINGLE FAMILY  
 RESIDENTIAL  
 FLU: DRGR  
 ZONING: AG-2

LAND USE: AGRICULTURE  
 FLU: RURAL  
 ZONING: AG-2

LAND USE: CONSERVATION (20/20 PRESERVE)  
 FLU: DRGR  
 ZONING: AG-2

| LAND USE SUMMARY                 |                 |
|----------------------------------|-----------------|
| LAND USE                         | ACREAGE         |
| MIXED USE RESIDENTIAL (MU-1 / R) | 300 AC          |
| MIXED USE TOWN CENTER 1 (MU-1)   | 250 AC          |
| MIXED USE TOWN CENTER 2 (MU-2)   | 275 AC          |
| RESIDENTIAL TOWN CENTER (R-1)    | 475 AC          |
| RESIDENTIAL NEIGHBORHOOD (R-2)   | 322 AC          |
| RESIDENTIAL ESTATES (R-3)        | 175 AC          |
| PRESERVE                         | 2,079 AC        |
| BUFFERS / STORMWATER / OTHER     | 281 AC          |
| <b>TOTAL</b>                     | <b>4,157 AC</b> |

| OPEN SPACE / PRESERVE SUMMARY    |                           |
|----------------------------------|---------------------------|
| OVERLAY REQUIRED OPEN SPACE      | 4,157 AC x 60% = 2,494 AC |
| OVERLAY REQUIRED PRESERVE        | 4,157 AC x 50% = 2,079 AC |
| PROVIDED OPEN SPACE/PRESERVE     |                           |
| TOTAL PRESERVE PROVIDED          | 2,079 AC                  |
| OTHER OPEN SPACE                 | 415 AC                    |
| <b>TOTAL OPEN SPACE PROVIDED</b> | <b>2,494 AC</b>           |

**LEGEND**

- PRESERVE
- MIXED USE TOWN CENTER 1
- MIXED USE TOWN CENTER 2
- MIXED USE / RESIDENTIAL
- RESIDENTIAL TOWN CENTER
- RESIDENTIAL NEIGHBORHOOD
- RESIDENTIAL ESTATES
- ROADWAY SETBACK / GENERAL OPEN SPACE
- CONCEPTUAL BUILDING LOCATION
- PARKING
- LAKE / WATER BODY
- INGRESS / EGRESS
- DEVIATION LOCATIONS
- CONCEPTUAL AMENITY LOCATION
- CONCEPTUAL INTERNAL ROADWAY NETWORK

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# BABCOCK MPD

CLIENT: BABCOCK PROPERTY HOLDINGS  
 MASTER CONCEPT PLAN

PLAN REVISIONS

| NO. | DATE     | REVISION                    |
|-----|----------|-----------------------------|
| 1   | 01/27/17 | REVISED PER COUNTY COMMENTS |
| 2   | 05/09/17 | REVISED PER COUNTY COMMENTS |
| 3   | 06/21/17 | REVISED PER COUNTY COMMENTS |

SCALE IN FEET  
 0 600 1200 2400

FLORIDA CERTIFICATE OF AUTHORIZATION #8636  
**BABCOCK PROPERTY HOLDINGS, LLC**  
 SET NUMBER: 548-01-E03  
 SHEET: 1



Babcock Mixed Use Planned Development

Schedule of Deviations & Justifications

*REVISED JUNE 2017*

Deviation (1) from LDC 10-416(d)(1), which requires a buffer area along the entire perimeter of the proposed development whenever the proposed development abuts a different use; to allow for no perimeter buffers where the proposed development abuts future development within the Town of Babcock Ranch immediately north of the Lee-Charlotte county line.

**JUSTIFICATION:** The requested deviation will allow for the northern limits of the MPD to be developed as a seamless extension of the Town of Babcock Ranch, which is approved immediately north of the county line. These lands are under common ownership by the Applicant, and will be subject to unified design standards to ensure a cohesive development pattern. This deviation only applies to the northern boundary of the MPD. All other perimeter buffers will meet or exceed the LDC standards.

Deviation (2) from LDC Section 10-416(d)(1), which requires internal buffers within the MPD boundary; to allow for no internal perimeter buffers around different use areas within the Mixed Use areas (MU-1 & MU-2), and the western-most Residential Town Center (R-1) area.

**JUSTIFICATION:** The proposed deviation will allow for an integrated development pattern between the mixed-use development areas (MU-1 & 2) and the denser Residential Town Center (R-1), as labeled on the MCP.

The deviation will only apply internally to the MPD boundary, and is intended to enhance walkability, connectivity, and synergy between the higher density residential area adjacent to the town center, which serves as an extension of the Town of Babcock Ranch's Downtown. As delineated on the MCP, the deviation will only apply to the MU-1/R, MU-1, MU-2 and R-1 development areas. Lower density, conventional neighborhoods and estate lot areas (R-2 and R-3) will be buffered from other use areas in accordance with the LDC.

It has been accepted that true mixed-use developments and village centers should not be segregated by landscape barriers that preclude multi-modal movement through a given development. This is evidenced through Lee County's Compact Communities Planned Development regulations and the Mixed Use Overlay, both of which do not require internal buffers. Approval of this deviation will allow for enhanced connectivity



**between uses, and contribute to the more urban form of development intended in Babcock Ranch's town center district.**

Deviation (3) from LDC Section 10-416(d), which requires a 30-foot wide Type "F" buffer where proposed development abuts public preserve lands, to allow for retention of existing, native vegetation along the southern and eastern MPD boundaries where proposed preserve area abuts 20/20 conservation lands.

**JUSTIFICATION:** The MCP and Mitigation Area Plan demonstrate permanent native preserve areas along all MPD boundaries abutting Conservation 20/20 lands, specifically the Bob Janes Preserve to the east, and the Telegraph Creek Preserve to the south and east. The proposed native preservation areas will serve as a natural buffer between the on-site preserve and off-site conservation lands. The on-site preserve areas will be 30 feet in width or greater, thereby meeting the full intent of the LDC in terms of separation. The existing vegetation will also meet or exceed the minimum required plantings set forth in LDC Section 10-416. Therefore, the proposed deviation will serve as an enhancement to the project and to the Conservation 20/20 lands by maintaining the natural conditions. The deviation will not negatively impact public health, safety or welfare.

Deviation (4) from LDC Section 33-1673, which requires new developments with frontage on North River Road to provide a 25-foot wide right-of-way buffer, planted with native canopy trees, such as Live Oaks and Laurel Oaks, to allow for retention of the existing native vegetation along the North River Road frontage where proposed preserve areas abut the right-of-way.

**JUSTIFICATION:** The MCP and Mitigation Area Plan demonstrate permanent native preserve areas along the portion of the MPD boundary that abuts North River Road. These preserve areas are no less than 1,000 feet in width, which significantly exceeds the minimum width of the required North River Road right-of-way buffer. The existing vegetation consists of a mix of native plants, including but not limited to: upland scrub, willow, oaks, pine flatwoods, and mixed range land. These plantings will also meet or exceed the minimum required number of trees per 100 linear feet set forth in LDC Section 10-416 (as clustered in existing conditions).

The proposed native preservation areas will serve as a natural buffer between the roadway and future development within the MPD boundary, thereby preserving the rural character in its existing state as intended by this section of the LDC.

Therefore, the proposed deviation will serve as an enhancement to the project, and to the North Olga community by maintaining the natural conditions along the roadway. The deviation will not negatively impact public health, safety or welfare.

Deviation (5) from LDC Section 34-935(b)(1), which requires minimum setbacks for all structures and buildings from the planned development boundary; to allow for no perimeter setback

where the development abuts future development areas within the Town of Babcock Ranch immediately north of the Lee-Charlotte county line.

**JUSTIFICATION:** The requested deviation will allow for the northern limits of the MPD to be developed as a seamless extension of the Town of Babcock Ranch, which is approved immediately north of the county line. These lands are under common ownership by the Applicant, and will be subject to unified design standards to ensure a cohesive development pattern. This deviation only applies to the northern boundary of the MPD. All other perimeter setbacks will meet or exceed the LDC standards.

Deviation (6) from LDC Section 34-935(f), which limits maximum building height in suburban, outlying suburban, and rural land use categories, and in any other land use category in which a planned development is appropriate, to 45 feet/3 stories above minimum flood elevation; to allow for a maximum building height of 65 feet/5 stories in Mixed Use areas (MU-1 & MU-2).

**JUSTIFICATION:** As directed by LDC Section 34-935(f), the project is providing open space in excess of the LDC requirements to off-set the request for additional building height. The project is providing 60% open space within the MPD, whereas the LDC requires between 35-40% depending on the uses within each development tract.

Moreover, the MCP demonstrates that 50% of the site will be maintained in indigenous preserve. Therefore, the MPD is providing a substantial increase in common open space for the purposes of preserving environmentally sensitive lands, securing areas of native vegetation and wildlife habitat, and preserving scenic resources in direct compliance with the LDC provisions. The Site Development Regulations also provide for additional perimeter setbacks for those buildings exceeding 35 feet in height in order to protect from adjacent properties and roadways.

Deviation (7) from LDC Section 34-2194(b), which requires a minimum 25-foot setback between buildings and structures and bodies of water; to allow for a 0-foot setback between private on-site and off-site recreational facilities and internal natural and artificial bodies of water.

**JUSTIFICATION:** The proposed deviation will allow for neighborhood clubhouses, fishing piers, gazebos and other similar recreational structures to be located adjacent to non-seawalled artificial bodies of water in the community. The Applicant will provide the required littoral plantings in accordance with the LDC, as well as required access for long-term maintenance purposes. Additionally, the facilities will incorporate safety features to ensure public health, safety and welfare is protected.

Deviation (8) from LDC Section 10-291(3), which requires residential developments of more than five acres to provide more than one means of ingress or egress for the development; to allow allow for one (1) access point for the R-1, R-2 and R-3 tracts access from Charlotte County.

**JUSTIFICATION:** The LDC does not specify if the above code requirement applies globally to the overall Planned Development, or for individual development areas. In an

abundance of caution the Applicant is requesting a deviation to provide one (1) access to the development parcels accessed solely from Charlotte County.

Access to these parcels has been expressly limited to allow for 50% of the site to remain in permanent preserve. Creating additional access points to these parcels would negatively impact those preserve areas. Additionally, the eastern tracts affected by this deviation are adjacent to Conservation 20/20 lands, and the developer would not be able to construct roadways through these properties to reach North River Road.

Appropriate access is provided to these parcels from the future roadway network within the Town of Babcock Ranch DRI in Charlotte County. Connections will be provided to multiple access points onto SR 31 to ensure safe ingress/egress to the future development.

Therefore, due to environmental factors, as well as unique surrounding ownership patterns, the Applicant respectfully requests approval of this deviation.

Deviation (9) from LDC Section 10-416(d), which requires a 30-foot wide Type "F" buffer where proposed commercial and mixed-use development areas abut single-family residential dwelling units, to allow for retention of existing, native vegetation along the eastern and southern MPD boundaries where proposed preserve area abuts existing single-family residential uses on Turkey Run Lane and generally within Section 8, Range 43, Township 26.

JUSTIFICATION: The MCP and Mitigation Area Plan demonstrate permanent native preserve areas along all MPD boundaries abutting the existing single-family homes on Turkey Run Lane and north of North River Road (Armeda Family homesteads). These single-family homes are located in lands to the south and east of the MPD boundary, generally referred to as the "cut out", and located within Section 8, Range 43, Township 26.

The existing native preservation areas will be permanently placed under conservation easement per the conditions of this MPD, and will serve as a natural buffer to the adjacent single-family lots. These on-site preserve areas will be 30 feet in width or greater, thereby meeting the full intent of the LDC in terms of separation. In fact, the MCP demonstrates a minimum of 100 feet of preserve/native vegetation between the proposed emergency only access point and the eastern property line.

The existing vegetation will also meet or exceed the minimum required plantings set forth in LDC Section 10-416. Therefore, the proposed deviation will serve as an enhancement to the project and to the Conservation 20/20 lands by maintaining the natural conditions. The deviation will not negatively impact public health, safety or welfare.



## Babcock Mixed Use Planned Development

### Proposed Conditions

*REVISED JUNE 2017*

#### 1. Uses and Site Development Regulations.

- a. **Schedule of Uses.** The Schedule of Uses is set forth in attached Exhibit "A".
- b. **Site Development Regulations.** The Site Development Regulations are set forth in attached Exhibit "B".
- c. **Minimum Roadway Setbacks.** Development order plans must delineate a 100-foot minimum setback from State 31, as measured from the future right-of-way line (post-conveyance to FDOT) to State Road 31; and a 1,300-foot minimum setback from North River Road/CR 78. The setback applies to principal structures, excluding signage, essential services, and essential service facilities, roadways, and lighting fixtures.
- d. **Maximum Development.** The project is approved for a maximum of 1,630 dwelling units, 1,170,000 square feet of commercial floor area, and 600 hotel rooms.
  - i. The total amount of commercial uses permitted within the MPD shall not cause the combined total retail and office uses to exceed the development thresholds set forth in the "Interlocal Planning Agreement for the Babcock Ranch" between MSKP III, Inc. ("Babcock Property Holdings, LLC"), a Florida corporation and the State of Florida, Lee County, and Charlotte County dated December 13, 2005.
  - ii. The total residential unit count may not exceed 1,630 dwelling units, including the density equivalents set forth in LDC Section 34-1494 for dormitories, timeshare units, assisted living facilities (ALF), independent living facilities (ILF), and/or timeshare units.

#### 2. Environmental Sciences.

- a. **Open Space.** Development order plans for the final phase of development must reflect a minimum of 60% open space, or 2,494 acres, in substantial compliance with the Master Concept Plan and Lee Plan. Each development area shall demonstrate a minimum of 10% open space at the time of development order approval.
- b. **Preserve Areas and Conservation Easement Dedication.** Development order plans for the final phase of development must reflect a minimum of 50% of indigenous preserve, or 2,079 acres, in substantial compliance with the Master Concept Plan and Conservation Easement Phase Schedule. The developer must plat preservation areas

into separate tracts and dedicate those tracts to a third party maintenance entity that will accept responsibility for perpetual maintenance of the preservation areas. The developer must record a conservation easement over a minimum of 50% of the planned development.

Preservation dedications will be required prior to final approval of a local development order for any specific development proposed. The required total preservation will be determined by the land use being developed and will be offset at the following ratios. At no time shall the cumulative acreage of development be approved without the cumulative acreage of preservation being dedicated at the ratios shown below All 2,079 acres of conservation easements shall be dedicated no later than the earlier of (1) issuance of a development order for the 1500<sup>th</sup> residential dwelling unit, or (2) 15 years following MPD approval, regardless of the amount of development acreage under local development order approval.

It will be the responsibility of the developer to provide an updated table as each parcel of development is proposed. Preservation will only be required for the actual acreage being proposed for development including drainage and internal open space. If at any time the acreage of preservation dedicated exceeds the acreage required, the excess acreage shall be creditable to future development.

| <b>DEVELOPMENT AREA/CONSERVATION EASEMENT DEDICATION SCHEDULE</b> |                            |   |  |
|---|----------------------------|---|--|
| <b>LAND USE</b>   | <b>DEVELOPMENT ACREAGE</b> | <b>REQUIRED CONSERVATION EASEMENT RATIO</b> | <b>REQUIRED CONSERVATION EASEMENT ACREAGE*</b> |
| Mixed Use/Residential (MU-1/R)                                    | 300                        | 1.25  | 375  |
| Mixed Use 1 (MU-1)  | 250                        | 1.5   | 375  |
| Mixed Use 2 (MU-2)  | 275                        | 2.0   | 550  |
| Residential 1 (R-1)   | 475                        | 1.25  | 594  |
| Residential 2 (R-2)   | 322                        | 0.5   | 161  |
| Residential 3 (R-3)   | 175                        | 0.15  | 24   |
| <b>SUB-TOTAL</b>  | <b>1,797Acres</b>          |   | <b>2,079 Acres<br/>(50% of Total MPD Area)</b> |
|   |                            |   | <b>281 Acres<br/>(Other Open Space)</b>        |
|   |                            |   | <b>1,797 Acres<br/>(Development Area)</b>      |
|   |                            | <b>TOTAL</b>                                | <b>4,157 Acres<br/>(Total MPD Area)</b>        |

\*This column reflects total preservation acreage upon issuance of development orders for the entire Land Use district and will be provided in phases as development orders are issued. For example, if the first development order for the MU-1/R Land Use district is for 200 acres of development, a minimum of 250 acres of preservation will be required (200 x 1.25).

- c. **Protected Species Management Plan.** The developer must submit a final Protected Species Management Plan with the development order application that substantially complies with the “Babcock Ranch Listed Species Management Plans” dated September 2015, as applicable to subject phase of development.

- i. **Lighting:** Lighting must comply with LDC §34-625. Lighting plans must demonstrate no direct spillage into indigenous preserve areas and/or adjacent properties.
  - ii. **Trails:** The location of proposed passive trails within the indigenous preserve areas will utilize existing farm roads and berms as part of the trail network, where feasible. Above grade trails will be designed to ensure adequate hydrological connection between preserve areas. Allowable uses on the trails will include biking, hiking, non-motorized vehicles and equestrian uses. All trails must be open to the public.
  - iii. **Informational Signage:** Designated trailheads must include signs or educational kiosks with information on possible wildlife encounters and appropriate actions when encountering wildlife.
  - iv. **Solid Waste Management:** Dumpsters and individual trash receptacles must be bear proof. The developer must include this requirement in the deed restrictions and homeowners' association documents.
- d. **Wildlife Crossings.** Wildlife crossings must be provided where roadways bisect indigenous preserve areas. The location and design of these crossings must be provided at the time of local development order. Wildlife crossings may be located within Charlotte County in accordance with state and federal permit approvals.
- e. **Indigenous Management Plans.** The developer must submit a phase specific Indigenous Preserve Management Plans with the local development order application for the associated phase of development. Development order plans must be in substantial compliance with the Plan. The homeowners' association documents must inform residents of the prescribed burn activities and provide general education on prescribed burn management practices for the maintenance of indigenous preserves areas. Homeowners association documents must also set forth the procedures for notifying residents in advance of prescribed burns.
- f. **Native Vegetation.** Development order landscape plans providing for code minimum landscaping requirements must reflect 90% native vegetation for required landscaping in common elements, and a minimum of 50% native vegetation for landscaping areas within private residential lots and multi-family tracts. These planting requirements must be incorporated into the project's covenants and deed restrictions.
- g. **Energy Efficient Development.** The developer shall provide "green building" educational materials to builders and prospective buyers within the development. In addition to educational efforts, the developer shall require builders to apply building energy efficiency performance standards for all residential buildings to achieve a 10% reduction of total energy use for a standard home.

### 3. Natural Resources

- a. **Stormwater Management System.** The stormwater management system must demonstrate at the time of development order approval that water leaving the

development will meet or exceed the requirements set forth in South Florida Water Management District Permit No. 08-00004-S-05.

- b. **Function of Water Management Systems.** The developer must design the water management system to reduce existing flow rates prior to leaving the property to move the system towards the function of a natural system.
- c. **Pre-Treatment of Stormwater.** The project will use the South Florida Water Management District standard for water quality treatment volume being equal to the greater of 1 inch of runoff from the entire drainage area or 2.5 time the percent impervious. Development order plans must demonstrate the improvements will provide an additional 50% treatment beyond the required treatment for individual control basins.
- d. **Discharge Rates.** The project will be designed to reduce the peak allowable discharge across the developed Lee County lands to 82.2CMS from the existing 194.9CSM allowable discharge rate.
- e. **Central Water and Sewer Service.** The project must connect to centralized public or private potable water and sewer service, with the exception of interim facilities used on a temporary basis during construction. The project must connect to reclaimed water, if available at the time of development order approval.
- f. **Water Quality Monitoring Plan.** The developer must demonstrate the design of the storm water management system ensures water leaving the project meets state and federal water quality standards. The local development order submittal for the first phase of development must include a Water Quality Monitoring Plan. Approval of the Water Quality Monitoring Plan by Lee County Division of Natural Resource is required prior to discharging project stormwater in the County's MS4 system.
- g. **Lake Management Plan.** The developer must provide a lake management plan at the time of local development order to address the following:
  - i. Applies best management practices fertilizers and pesticides;
  - ii. Provides for erosion control and bank stabilization; and
  - iii. Establishes lake maintenance requirements and deep lake management for lakes exceeding 12 feet below lake surface (BLS).

#### 4. Agricultural Uses.

- a. Existing bona fide agricultural uses, including but not limited to: grazing, sod farming and row cropping may continue until the first local development order is issued for that area/parcel that is in agricultural use.
- b. Bona fide agricultural uses consisting of existing grass pastures may be mowed and/or harvested, but may not be expanded. The prohibition on expansion of agricultural use does not preclude County-approved requests to remove invasive exotic vegetation and harvesting.

- c. Prior to issuance of a local development order for the area/pod containing the existing agricultural use, the developer must submit written proof of termination of agricultural use on the property. Proof of termination must include a sworn affidavit from the person or entity holding title to the property that provides:
  - i. The date the agricultural uses ceased;
  - ii. The legal description of the phase of the property subject to development order approval;
  - iii. An affirmative statement that the owner acknowledges and agrees that all agricultural uses are illegal and prohibited on the phase of the property and that the owner covenants with the County that they will not allow agricultural uses on the phase of the property until the property is rezoned to permit agricultural uses; and
  - iv. That the affidavit constitutes a covenant between the owner and the County binding the owner, their assigns and successors in interest.
  - v. The affidavit must be recorded in the public records of the County at the owner's expense.

## 5. Vehicular/Pedestrian Impacts

- a. The access points shown on the Master Concept Plan are conceptual in nature and subject to change/shift based upon final approval from Florida Department of Transportation.
- b. The access point from North River Road/CR 78 is limited to emergency access only.
- c. Entrance gates and gatehouses are limited to internal sub-neighborhoods. Access to the MPD from SR 31 may not be gated, and must be open to the general public. The emergency only access from North River Road may be gated, but must facilitate ingress/egress for Fire, Sheriff, and EMS.
- d. The development must provide public access to the internal trail systems. External connection to Lee County conservation lands will be coordinated with Lee County Parks and Recreation Department and Conservation 20/20.
- e. The development must provide sufficient right-of-way to accommodate an 8-foot wide multi-purpose pathway along the SR 31 and CR 78 roadway frontages.

## 6. Architectural and Landscaping Theme

Commercial development must demonstrate a cohesive architectural theme consistent with LDC Chapters 10 and 33. The architectural style may vary throughout the development pods to create a sense of place, and may include a mixture of regional architectural vernaculars, including but not limited to: Old Florida, Cracker Style, Craftsman, Farmhouse, and Coastal Gulf Vernacular. The developer must submit plans illustrating these design standards at the time of local development order, and conduct a public workshop prior to development order approval in accordance with LDC Chapter 33.



7. **EMS.** Prior to issuance of a development order for Development Areas MU-1, R-1, R-2 and R-3, the developer will enter into a Development Agreement or other agreement acceptable to the County Attorney to provide emergency medical service (EMS) to these areas that complies with the response time guidelines adopted by Lee County.

8. **Blasting.**

- a. Development blasting is permitted only in areas identified as Proposed Areas of Blasting on the Blasting Map attached as Exhibit "C", if the Developer is able to obtain a blasting permit in compliance with the provisions of LDC Chapter 3. Prior to issuance of a blasting permit, the developer must provide soil boring reports to Lee County Natural Resource Division identifying the location of the blasting area and the presence of hard limestone, or other supportive geotechnical data, to demonstrate the necessity of blasting in the specified location.
- b. Blasting reports. The Developer must make available, upon reasonable notice, a copy of all seismic data concerning blasting operations to the Chief Code Enforcement Officer for the Lee County Division of Code Enforcement. The reports must be submitted on a monthly basis and include date, time, location, vibration amplitude, and frequency.
- c. If any existing Lee County Utility structure, including but not limited to transmission lines and storage tanks, located on property owned by Lee County or within any easement adjacent to the subject property, is damaged or contaminated by the blasting operations associated with this project, then the Developer of the project will be responsible for replacement of the structure or transmission equipment to the satisfaction of the Lee County Utilities.
- d. All blasting operations must be consistent with the regulations adopted by Lee County pertaining to development blasting.
- e. The Lee County Utilities Division must be notified no less than seven (7) days in advance of blasting activity that will occur on the subject property.
- f. Blasting Condition Surveys. A pre-blast condition survey must be obtained for all structures within a 3,000-foot radius from the blast site. A post-blast condition survey must be provided for all structures within a 4,000-foot radius that are the subject of a damage complaint or claim.
- g. Blasting Setback. No blasting activity may occur within 600 feet of any existing structure, whether habitable or uninhabitable, under separate ownership.
- h. Blasting may only occur between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.



Babcock Mixed Use Planned Development

Lee Plan Compliance Narrative (As Proposed)

REVISED June 2017

The following is an analysis of how the proposed MPD provides for achievement of the above directives through the specific *proposed* policies. For ease of review, the proposed policies are shown in *italics*, and the Applicant's policy analysis is shown in **bold**.

**OBJECTIVE 1.6: NEW COMMUNITY.** *Designate on the Future Land Use Map areas which are suitable for the development of large-scale multi-use communities developed pursuant to an overall ~~master~~ Planned Development. This category is also considered a Future Urban Area.*

**POLICY 1.6.1:** *New Community areas are lands that are capable of being planned and developed as a cohesive unit in order to better achieve conservation of important environmental resources and to initiate areawide surface water management. New Community land must be located such that the area is capable of being developed with a balance of residential and nonresidential uses and that major impacts of the development are internalized and/or alleviated by infrastructure that is existing or will be funded privately. New Community areas will be developed as freestanding economic units and will not impose negative fiscal impacts on the county (other than those associated with the delay in placing property improvements on the tax rolls).*

*New Communities will not exceed a residential density of one unit per 2.5 gross acres (1 du/2.5 acres), except within the Gateway/Airport Planning Community, where residential densities of up to six dwelling units per gross acre may be permitted. Development within the New Community future land use category ~~and~~ must have at least the following characteristics:*

- 1. The land will be developed under a well-conceived overall ~~master plan~~ Planned Development;*
- 2. The land can be served with all necessary facilities and services at no expense to the county. Uniform Community Development Districts and special taxing districts may be utilized toward achieving this objective;*
- 3. Population, recreation, open space, educational, office, and research facilities are distributed in an orderly and attractive manner;*

4. The land must be developed in such a manner as to protect environmentally sensitive areas;
5. The land must be developed as a free-standing community offering a complete range of land uses (e.g. a full mix of housing types for a range of household incomes, industrial and office employment centers, and community facilities such as fire departments, schools, law enforcement offices, public recreational areas, health care facilities, and community commercial areas);
6. Off-site impacts must be mitigated; ~~and,~~
7. On-site levels of service must meet the county-wide standards contained in this plan; ~~z~~
8. The land area must exceed a minimum of 2,000 acres to ensure an appropriate balance of land uses; and
9. The land must be developed consistent with Goal 35 if located within the North Olga Community Planning Area identified on Lee Plan Map 1, Page 2.

The MCP and Proposed Conditions provide for all the above policy criteria as follows:

- The MPD boundary is 4,157 acres, far exceeding the minimum acreage requirement.
- The MPD has demonstrated compliance with Goal 35 as outlined herein.

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**GOAL 35: NORTH OLGA COMMUNITY.** To promote and support North Olga’s unique rural character, heritage, economy, ~~and~~ quality of life, and natural resources ~~by establishing a participatory community planning efforts to guide North Olga’s future.~~ For the purpose of this Goal, the North Olga Community boundaries are defined by Map 1, Page 2 of 8 of the Lee Plan.

**OBJECTIVE 35.3: COMMERCIAL LAND USES.** Existing and future county regulations, land use interpretations, policies, zoning approvals, and administrative actions should promote the rural character within the North Olga community boundaries and allow for non-residential land uses that serve and support the rural community, including uses permitted by Objective 35.11. County regulations will support a unified and attractive rural-oriented design theme in terms of landscaping architecture, lighting and signage.

**POLICY 35.3.4: Opportunities for non-residential and mixed-use development that are compatible with the rural and agricultural character of the community may be permitted through the Planned Development rezoning process within the New Community future land use category in accordance with Objective 35.11.2.**

The MCP and Proposed Conditions provide for all the above policy criteria as follows:

- The project provides for non-residential and mixed-use development in a manner that is compatible with the rural community due to sensitive site

design and performance standards contained in the MPD Proposed Conditions document and Site Development Regulations. The project is proposed in the form of a Mixed Use Planned Development (MPD) as directed by the proposed policy language.

**OBJECTIVE 35.4: ECONOMIC DEVELOPMENT.** *Encourage future economic development opportunities in the North Olga Community including, but not limited to those industries that identify and promote the rural and agricultural-based quality of life for the residents and surrounding communities, retain and expand eco-tourism, agri-tourism, and where projects demonstrate a clustered and well-planned development footprint, and protection of natural resources and the rural character of the surrounding community.*

The MCP and MPD Proposed Conditions provide for all the above policy criteria as follows:

- The development areas are clustered on 40% of the property, based upon the requirement for 60% overall open space in the MPD, per proposed Condition 2.a.

**OBJECTIVE 35.11: NEW COMMUNITY.** *Land designated as New Community on the Future Land Use Map within the North Olga Community will be developed as a unified Planned Development in order to achieve conservation and enhancement of important environmental resources; initiate areawide surface water management; prevent sprawling land use patterns; create critical hydrological and wildlife corridors and connections; and protect rural character of the surrounding community.*

**POLICY 35.11.1:** *Residential densities for land within the New Community future land use category may be permitted up to a maximum of 1 du/2.5 acres.*

- The maximum unit count is 1,630 du, which is slightly below the maximum allowable density of 1 du/2.5 acres.

**POLICY 35.11.2:** *Non-residential intensities for lands within the New Community future land use category will be limited to a maximum permitted Floor Area Ratio (FAR) of 0.15. The FAR will be based upon the gross acreage dedicated to non-residential uses within the overall Planned Development boundary, including all uplands, wetlands, open space, rights-of-way, recreation areas, and/or lake.*

- The maximum commercial intensity is 1,170,000 SF and 600 hotel rooms. Based upon the potential non-residential development areas/acreage demonstrated as MU-1, MU-2 and R/MU-1 on the MCP, commercial intensity will be at or below the established maximum FAR of 0.15.

**POLICY 35.11.3:** *Prior to development, a Planned Development rezoning must be approved, and include conditions and requirements that demonstrate the following:*

- a. *Environmental Enhancements.*

1. A minimum of 60 percent open space, inclusive of onsite preserve, to accommodate the following:
  - i. Water quality enhancement areas, including but not limited to natural systems-based stormwater management facilities, filter marshes, and wetland buffers to reduce the rate of run-off and associated nutrient loads;
  - ii. Existing regional flowways;
  - iii. Preservation of 90% of the onsite wetlands;
  - iv. Critical wildlife connection(s) to adjacent conservation areas through on-site preserve areas;
  - v. Roadway setbacks and perimeter buffers; and
  - vi. Passive recreational and civic areas that comply with the definition of open space, as set forth in the Land Development Code.

The MCP and MPD Proposed Conditions provide for all the above policy criteria as follows:

- The MCP and Condition 2.a. require 60% of the project to be designated as open space (a minimum of 2,494 acres).
- The Mitigation Phasing Plan provides for water quality enhancement areas and wetland creation areas to the south of development tracts to provide enhanced water quality treatment. Approximately 226 acres of wetland creation (WC) areas are planned within the project to enhance the form and function of the proposed preserve areas. Each wetland creation area will be created predominantly from upland pasture located downstream of a proposed development pod. The wetland creation areas will receive treated runoff from the development pod's stormwater system and will provide additional water quality treatment prior to final discharge to the downstream receiving bodies. All mitigation areas are either part of the surface water management system, or will serve as an outfall point for it.
- All on-site flowways are located within designated preserve areas on the proposed MCP.
- The MCP and Condition 2.b. require preservation of 90% of the on-site wetlands via the 2,079-acre preserve area.
- These preserve areas provide direct wildlife connections to 20/20 conservation lands, state-owned conservation lands, and off-site preserves within the Town of Babcock Ranch. Condition 2.d. provides for wildlife crossings within the development.

- Condition 1.c. of the MPD Proposed Conditions document provides for a 1,300-foot minimum development setback from North River Road, and a minimum 100-foot setback from SR 31.
  - Condition 2.c.iii. of the MPD Proposed Conditions document provides for public access to trails within preserve areas.
2. Open space areas must be platted in separate tracts, outside of privately owned lots, and dedicated to an appropriate maintenance entity. A Community Development District (CDD), Independent Special District (ISD), or a master property owners association must be created to accept responsibility for perpetually maintaining the open space areas identified in the Planned Development.
    - Condition 2.b. of the MPD Proposed Conditions document address this policy requirement.
  3. Record a conservation easement for a minimum of 50 percent of the Planned Development benefiting a public agency acceptable to Lee County, or Lee County itself, and dedicated to an appropriate maintenance entity. Land subject to conservation easement(s) can be used for on-site mitigation and will be recorded as development orders are issued. The timing of conservation easement(s) and restoration may be phased so long as the area dedicated to conservation easement is equal to or greater than the area of land approved for development on a cumulative basis.
    - Condition 2.b. of the Proposed MPD Conditions document requires development orders plans to demonstrate the provision of preserve and conservation easements commensurate with proposed development. The condition provides a specific schedule outlining minimum required preserve and conservation easement acreage per development tract. The condition also ensures all preserve and conservation easements will be dedicated no later than 15 years following MPD approval.
  4. Provide a protected species management plan to address human wildlife coexistence, including educational programs and development standards.
    - Conditions 2.c. of the Proposed MPD Conditions document requires submittal of a Final Protected Species Management Plans at the time of local development order. The MPD zoning also included this information.
  5. Provide wildlife crossings on-site and to adjacent wildlife habitat areas.
    - Conditions 2.d. of the Proposed MPD Conditions document requires wildlife crossings where roadways bisect preserve areas.

6. Provide recreational connections to adjacent public and private conservation and preserve land, subject to approval by the appropriate agencies, through the provision of publicly accessible trailheads and similar facilities within the development.
  - Conditions 2.c.ii. and 5.d. provide for public access to internal trail systems and trailheads.
7. Incorporate Florida friendly plantings with the low irrigation requirements in common areas.
  - Conditions 2.f. requires 90% of code minimum plantings to be native vegetation in common elements throughout the project, and a minimum of 50% native vegetation for landscaping areas within private residential lots and multi-family tracts.
8. A binding commitment as part of the Planned Development to implement an environmental education program for homeowners, businesses and visitors to describe the local ecology, including but not limited to wildlife, plant communities, and native habitats, in addition to the design standards, restoration projects, and management programs/plans, incorporated into the development to address environmental protection.
  - Conditions 2.e. requires HOA documentation to inform residents about preserve management and prescribed burnings. Condition 2.c. requires information signage at trailheads.
9. Incorporate energy efficiency and other low impact development (LID) performance standards within the development.
  - Conditions 2.f. and g. require a minimum amount of native vegetation in development areas, and the use of energy efficient developments standards and educational programs.
10. Minimize impacts to natural areas and native habitat by concentrating development primarily in areas previously impacted by agricultural uses and other development activities.
  - The MCP and Condition 2.a. require 60% of the project to be designated as open space, or a minimum of 2,494 acres.

b. Water Quality & Hydrological Enhancements.

1. The stormwater management system must demonstrate through design or other means that water leaving the development meets current state and federal water quality standards. Outfall monitoring will be required on a quarterly basis

for a minimum of 5 years from the date of acceptance of construction of the water management system by the South Florida Water Management District. Monitoring may be eliminated after 5 years if the water quality standards are met.

- Conditions 3.a. provides for outfall monitoring to ensure the above criteria is met.
2. Demonstrate an additional 50% water quality treatment beyond the treatment required by the SFWMD for the on-site stormwater management basins.
    - Conditions 3.c requires pretreatment of stormwater equal to or greater than 1 inch of runoff from the entire drainage area, or 2.5 times the percent of impervious. The condition also requires a measurable enhanced treatment requirement (50% additional treatment beyond minimum requirements).
  3. Protect existing groundwater levels and improve existing wetland hydroperiods in onsite preserve areas, as applicable by SFWMD permits.
    - Conditions 3.b. requires the project to be designed to reduce the existing flow rates to move the proposed system towards the function of a natural system. Condition 3.d. also requires measurable reduced discharge rates.
  4. Provide a lake management plan that requires best management practices for the following:
    - i. fertilizers and pesticides;
    - ii. erosion control and bank stabilization; and
    - iii. lake maintenance requirements and deep lake management for lakes exceeding 12 feet below lake surface (BLS).
    - Conditions 3.g. requires submittal of a lake management plan at the time of local development order to ensure the above criteria are met.
  5. A site-specific ecological and hydrological plan, which includes at a minimum the following: preliminary excavation and grading plans, exotic removal and maintenance plan, supplemental planting plan, and success criteria for meeting established goals.
    - Conditions 2.c. & e. and 3.f. & g. collectively require: an indigenous management plan, a protected species management plan, a water quality monitoring plan, and lake management plan at the time of local development order to address these criteria.



6. A site-specific mitigation and enhancements to reduce discharge rates.
    - Condition 3.d. requires specific and measurable criteria to ensure reduced discharge rates.
  7. Utilize reuse and surface water generated by the development to meet the irrigation demands of the recreation and development areas, to the extent such reuse is available.
    - Conditions 3.e. requires the project to connect to reclaimed water if available at the time of local development order.
  8. Demonstrate that the proposed Planned Development will not result in significant detrimental impacts on present or future water resources.
    - The data and analysis submitted with the Comprehensive Plan and MPD application demonstrate no significant detrimental impacts to present or future water sources.
- c. Infrastructure Enhancements.
1. All development within the Planned Development must connect to centralized water and sewer services, with the exception of interim facilities used on a temporary basis during construction.
    - Conditions 3.e. requires the project to connect to centralized water and sewer services.
  2. Written verification as to adequate public services for the Planned Development, from the sheriff, EMS, fire district, and Lee County School District, or via interlocal agreements with adjacent jurisdictions and/or special districts.
    - The Applicant has obtained letters of availability as part of the Comprehensive Plan Amendment review process. Condition 7 requires a development agreement, or other acceptable agreement, to address EMS needs prior to local development order approval in the eastern pods (MU-1, R-1, R-2 and R-3).
  3. Civic space, recreational areas, and a variety of amenities distributed throughout the development for use by the general public, to be maintained by the property owners' association or similar entity.
    - Conditions 2.a. provides for a minimum of 60% open space for active and passive amenities. Conditions 2.c.ii. and 5.d. require public access to trails and trailheads. The MCP provides multiple locations throughout the development for amenity sites.

4. Sufficient right-of-way to accommodate an 8-foot wide multi-purpose pathway along the roadway frontages, where the Planned Development abuts SR 31 and CR 78.

- Conditions 5.e. of the MPD Proposed Conditions document provides for the above requirement.

d. Community Character.

1. Transition to lower densities and intensities where adjacent to off-site conservation lands.

- The proposed Site Development Regulations limit development in the R-3 tract to single-family residential uses at a minimum 1 acre lot size. This tract is closest to off-site 20/20 preserve area.

2. Enhanced buffers and setbacks along external roadways to preserve rural vistas and viewsheds that are at least 50% wider than the Land Development Code requirements.

- The MCP demonstrates buffers between 100-1,300 feet along external roadways. This is also noted in Proposed Condition 1.c.

3. Locate access points onto adjacent arterial roadways to minimize impact to the surrounding rural community.

- Access to North River Road has been limited to emergency only per Condition 5.b.



**Babcock Mixed Use Planned Development**

**Lee Plan Compliance Narrative (As Adopted)**

*REVISED June 2017*

The following is an analysis of how the proposed MPD is consistent with the goals, objectives and policies (GOPs) of the Lee County Comprehensive Plan (Lee Plan). The adopted GOPs are listed in *italics*, and the Applicant's compliance discussion is shown in **bold**.

**I. Lee Plan Compliance**

**Vision Statement**

*Northeast Lee County Vision Statement - This Planning Community is located generally in the northeast corner of the county, east of SR 31 and north of Lehigh Acres. The vision for this Planning Community is a safe and friendly community where people want to live, work and recreate. The citizens desire a healthy local economy, balanced with environmental stewardship, and maintenance and enhancement of the area's heritage and rural character. The Planning Community currently contains two identifiable areas: Alva and North Olga. The Alva area is located in the northeast corner of the county, west of the Hendry County line and south of the Charlotte County line. Alva is further identified with its mixed-use rural village located around the intersections of Broadway Street with North River Road and with SR 80. Infill development in the rural village produces a compatible mix of residential, professional office, small retail shops, cafes, and bed and breakfast lodging. The North Olga area is located south of the Charlotte County line, north of the Caloosahatchee River, west of the Caloosahatchee Regional Park, Bob Janes Preserve and Telegraph Creek Preserve to State road 31. The North Olga community is further identified by the W.P. Franklin North Campground, also known as the "Franklin Locks" and the Owl Creek Boat Works facility in the western end of the area.*

**The proposed MPD will directly align with the vision for Northeast Lee County, and more specifically the North Olga community planning area, by balancing the clustered development program with the perpetual protection of expansive and interconnected preservation areas. The protection, restoration and enhancement of the area's natural resources, as demonstrated through this application, will implement the environmental stewardship goals directed by the community vision.**

**The MPD also addresses the Vision Statement's directive for protection of the rural character and heritage by providing for substantial buffering and separation between proposed development areas and the surrounding rural roadways and adjacent properties. The development footprint is clustered in areas adjacent to**

the approved Town of Babcock Ranch, and away from established rural neighborhoods in North Olga. Access to North River Road is strictly limited to “emergency only” to restrict traffic flow onto this rural roadway. Upon implementation, the proposed MPD will provide a mixed-use community where people can live, work and recreate as directed by the above statement.

### Future Land Use Element

*POLICY 1.4.5: The Density Reduction/Groundwater Resource (DR/GR) land use category includes upland areas that provide substantial recharge to aquifers most suitable for future wellfield development. These areas also are the most favorable locations for physical withdrawal of water from those aquifers. Only minimal public facilities exist or are programmed.*

1. *New land uses in these areas that require rezoning or a development order must demonstrate compatibility with maintaining surface and groundwater levels at their historic levels (except as provided in Policies 33.1.3 and 33.3.5) utilizing hydrologic modeling, the incorporation of increased storage capacity, and inclusion of green infrastructure. The modeling must also show that no adverse impacts will result to properties located upstream, downstream, as well as adjacent to the site. Offsite mitigation may be utilized, and may be required, to demonstrate this compatibility. Evidence as to historic levels may be submitted during the rezoning or development review processes.*
2. *Permitted land uses include agriculture, natural resource extraction and related facilities, conservation uses, public and private recreation facilities, and residential uses at a maximum density of one dwelling unit per ten acres (1 du/10 acres). See Policies 33.3.2, 33.3.3, 33.3.4, 33.3.5 and 33.3.6 for potential density adjustments resulting from concentration or transfer of development rights.*
  - a. *For residential development, also see Objective 33.3 and following policies. Commercial and civic uses can be incorporated into Mixed-Use Communities to the extent specifically provided in those policies.*
  - b. *Individual residential parcels may contain up to two acres of Wetlands without losing the right to have a dwelling unit, provided that no alterations are made to those wetland areas.*
  - c. *The Future Limerock Mining overlay (Map 14) identifies sufficient land near the traditional Alico Road industrial corridor for continued limerock mining to meet regional demands through the Lee Plan’s planning horizon (currently 2030). See Objective 33.1 and following policies.*

**Development of the subject property under the current DR/GR provisions would result in the development of 434 single-family lots, each served by a private well and septic tank, and without common or clustered open space or native preserve areas. This development program is inherently**

inconsistent with the stated goals of the DR/GR to protect natural resources, protect aquifers utilized for the public water supply, and mitigate sprawling land use patterns.

The County has recognized through recent amendments to Policy 1.4.5, (relating generally to the DR/GR future land use designation) and amendments to Goal 33, (relating specifically to the Southeast Lee County DR/GR lands) that the intent of the DR/GR designation can be met by allowing for clustered and carefully planned development, where such development provides for the protection, restoration and enhancement of on-site natural resources.

The proposal to include the subject property in the New Community designation is similar to these recent amendments in that it recognizes that development is a necessary funding mechanism for such improvements, where public funding is unavailable or insufficient.

The Applicant is proposing to cluster densities and intensities in areas of the subject property that have been impacted by historical agricultural activities based upon significant developer-funded enhancements providing for: upland preservation/enhancements; wetland preservation/enhancements; regional wildlife corridors; wildlife crossings; long-term preserve management plans; water quality enhancements; reduced discharge rates; extended wetland hydroperiods; potable water supply and centralized sewer systems; and reuse water supply for irrigation purposes.

The enhancements provided in this application are consistent with the specific goals, objectives and policies within the Lee Plan associated with the underlying DR/GR future land use category, and are supported by site-specific data and analysis in the absence of regional, county-initiated studies.

The proposed MPD directly aligns with the County's goals for the DR/GR future land use category to maintain lower densities in specified areas of the County; provide for green infrastructure and natural resource protection; and maintain and enhance surface water and groundwater levels. Therefore, the proposed development framework be supportive of and compatible with adjacent DR/GR lands based upon context and proximity.

*POLICY 1.5.1: Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 114 of this plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII of this plan.*

The MPD provides incentives for the preservation of wetlands in direct support of this policy. The density calculation takes into account the 63 acres of wetland

impacts approved by the existing SFWMD Environmental Resource Permit, which represents less than 10% of the on-site wetland communities. The Applicant is also proposing wetland creation areas to off-set these impacts. Please refer to the enclosed Environmental Impact Analysis.

The proposed amendment to Table 1(a) allows for dwelling units to be relocated to developable contiguous uplands designated New Community from preserved freshwater wetlands at the same density as the uplands (1 du/2.5 acre).

Also in compliance with the above policy and Goal 114 of the Lee Plan, the proposed development avoids and minimizes adverse impacts on wetlands through the clustering of development, which allows for approximately 90% of the wetland on the Lee County BRC to be incorporated into onsite preserves, which are only a portion of the site's onsite mitigation plan to offset unavoidable wetland impacts. Additionally, approximately 226 acres of wetland creation (WC) areas are planned within the Lee County BRC. Each wetland creation area will be created predominantly from upland pasture located downstream of a proposed development pod. The wetland creation areas will receive treated runoff from the development pod's stormwater system and will provide additional water quality treatment prior to final discharge to the downstream receiving bodies. All mitigation areas are either part of the surface water management system or serve as an outfall point for it. Required water quality treatment is provided prior to surface water entering these areas. The limits of jurisdictional wetlands on the BRC lands are considered binding by the SFWMD and USACE, as they were part of a specific purpose survey reviewed and approved during the State and Federal wetland permitting for the property.

**OBJECTIVE 1.6 NEW COMMUNITY.** Designate on the Future Land Use Map areas which are suitable for the development of large-scale multi-use communities developed pursuant to an overall master plan. This category is also considered a Future Urban Area.

The MPD proposes to cluster development in impacted areas of the subject property based upon specific and measurable enhancements relating to the protection of environmental and natural resources; the provision of infrastructure; and implementation of an area wide surface water management system. The proposed MPD boundary is 4,157 acres and is of a suitable size and scale for the New Community category.

The MPD rezoning outlines a multi-use community, to include residential, commercial, office, recreational, and civic uses, thereby ensuring a diversity of land uses within the development.

**POLICY 1.6.1:** New Community areas are lands that are capable of being planned and developed as a cohesive unit in order to better achieve conservation of important environmental resources and to initiate areawide surface water management. New Community land must be located such that the area is capable of being developed with a balance of residential and nonresidential uses and that major impacts of the development are internalized and/or alleviated by infrastructure that is existing or will be funded privately. New Community areas will be developed as freestanding economic units and will not impose

negative fiscal impacts on the county (other than those associated with the delay in placing property improvements on the tax rolls).

The New Community category was specifically intended for lands that are capable of being planned and developed in a manner that protects environmental resources and enacts an area wide surface water management system due to size and scale of the property.

The category was originally adopted for the 2,700+/-acre Gateway Development of Regional Impact in 1990 per Ordinance 90-09. The New Community category addressed the Gateway project's regionally significant native habitat and wetland systems, important role in regional surface water management, and the intent to create a self-contained master-planned community, complete with residential, commercial and civic land uses.

Via this MPD, the Applicant is proposing a similar, master-planned development program, with clustered densities and intensities in areas of the subject property that have been impacted by historical agricultural activities, and where specific and measurable criteria for environmental protection, improved surface water management, and enhancement of natural resources are met.

The environmental enhancements provided in this application relate directly to the specific objectives and policies within the Lee Plan associated with the New Community future land use category. These enhancements include: a minimum of 60% on-site open space; protection of 90% of the on-site wetlands; protection and restoration of upland habitat; wetland creation areas to slow down and clean surface water; and placing a minimum of 50% of the site under perpetual conservation easement.

Other enhancements and development criteria focus on connectivity of wildlife corridors due to proximity to the largest grouping of Strategic Habitat Conservation Areas (SHCA) in the State of Florida. As detailed in the enclosed Environmental Impact Assessment, these SHCA areas are considered essential to provide rare species and natural communities in the land base that are necessary to sustain populations into the future. The proposed MPD, and the critical habitat linkages it provides, further cements the State's commitment to the protection of this area through the acquisition of 74,000 acres of Babcock Ranch in 2006.

The enhancements also focus on improved surface water quality in relation to on- and off-site tributaries that lead directly to the Caloosahatchee River. The New Community category specifically requires developers to initiate area side surface management, which will be enacted through the proposed development. The property represents a key stretch of land that impacts water quality in the Caloosahatchee River Drainage Basin. Therefore, the water quality improvements and reduced run-off rates proposed through this MPD are entirely consistent with the New Community's intent to address surface water and hydrology on a regional scale.

Potable water and sanitary sewer services for the project will be provided by MSKP Town and Country Utility, LLC. In addition, irrigation water for development within the subject property will be supplied via an on-site lake within the Town of Babcock Ranch. All reclaimed water generated by the on-site water reclamation facility will be used for irrigation, with surface water and/or groundwater (as permitted by SFWMD) meeting the

balance of irrigation needs. The result will be lower water usage when compared to individual private well systems, or potable water sources.

In sum, the MPD proposes to cluster development in impacted areas of the subject property, which are adjacent to the Town of Babcock Ranch, in a manner that creates specific and measurable enhancements relating to the protection, conservation, enhancement, and restoration of environmental resources and enacts an area wide surface water management system. These enhancements directly further the County's defined intent for the New Community future land use category,

**Policy 1.6.1 (CONTINUED):** New Communities will not exceed a residential density of six dwelling units per gross acre and must have at least the following characteristics:

**The Applicant is proposing to modify the above sub policy to limit density in New Community lands within the North Olga community planning area to 1 du/2.5 acres.**

1. The land will be developed under a well-conceived overall master plan;

**The proposed Master Concept Plan will ensure development is clustered in the impacted areas of the site; expansive preserve and open space areas are provided; development areas are accessible by an internal roadway network; stormwater management is appropriately dispersed throughout the project to provide for the requisite water quality and discharge rates; and adjacent properties are buffered and separate from proposed internal development area.**

2. The land can be served with all necessary facilities and services at no expense to the county.

**As outlined in the enclosed application, the subject property is currently serviced, or will be serviced, by public and private infrastructure that can accommodate the proposed mix of uses at the requested densities and intensities.**

3. Uniform Community Development Districts and special taxing districts may be utilized toward achieving this objective;

**The subject property is located within the Babcock Ranch Community Independent Special District (ISD), established in 2007 by House Bill 1515 (codified in Chapter 2007-306, Laws of Florida) passed by the Florida Legislature, and approved by the Governor of Florida on June 27, 2007, as amended. The ISD will provide for the governing, financing, construction, operation and maintenance of essential public services and facilities within the Town of Babcock Ranch.**

4. Population, recreation, open space, educational, office, and research facilities are distributed in an orderly and attractive manner;

**The MPD and supportive Master Concept Plan demonstrate the distribution of land uses, open space and preserve throughout the project in an orderly and attractive manner.**



5. The land must be developed in such a manner as to protect environmentally sensitive areas;  
**The MPD provides for a minimum 60% on-site open space; preservation of 90% of the on-site wetlands; restoration of both uplands and wetlands; wildlife crossings, and regional wildlife corridor connections. In addition, the MPD requires 50% of the subject property to be placed under permanent conservation easement.**
6. The land must be developed as a free-standing community offering a complete range of land uses (e.g. a full mix of housing types for a range of household incomes, industrial and office employment centers, and community facilities such as fire departments, schools, law enforcement offices, public recreational areas, health care facilities, and community commercial areas);

**The proposed MPD demonstrates the full range of land uses to allow for development of the property as a free-standing community. The proposed uses include residential, commercial, professional office, medical office, recreational, and civic/institutional uses. The residential development pods allow for a mix of multi-family, townhouse, single-family, and two-family dwelling types to achieve the intent of this sub-policy.**

7. Off-site impacts must be mitigated; and,

**Off-site impacts relating to traffic will be mitigated in accordance with all county requirements.**

8. On-site levels of service must meet the county-wide standards contained in this plan.

**The Applicant has secured letters of availability from utility and public service providers demonstrating public and/or private infrastructure is available, or will be made available through developer's agreements, to service the proposed development at the adopted level of service. Letters of availability have been provided for schools, police, fire, EMS, potable water, and sanitary sewer services.**

***OBJECTIVE 2.1: DEVELOPMENT LOCATION.** Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.*

**The BRC lands proposed for inclusion in the MPD are immediately adjacent to the Town of Babcock Ranch – an 18,000-acre master-planned community approved for 17,870 dwelling units, 6 million square feet of non-residential uses, in addition to schools and research facilities, civic space, and recreational areas via a Development of Regional Impact approved by Charlotte County in 2007. Approval of the proposed rezoning will allow for a compact and contiguous development pattern with respect to the development immediately north of the Lee/Charlotte County line that is currently under construction.**

**As evidenced through availability letters from various agencies, public services and infrastructure are currently available to serve the proposed development, or**

will be made available through the developer's agreement process. Please also refer to the below Sprawl Analysis section of this report for additional discussion on sprawl mitigation.

The proposed MPD will not result in similar future rezonings on adjacent properties in North Olga for several reasons. Firstly, the minimum acreage required to develop under the New Community future land use category is 2,000 acres per the proposed text amendment. There are virtually no tracts of this size available for development, and there does not appear to be sufficient undeveloped lands to assemble to meet this threshold. This allows the proposed MPD and companion CPA to be very limited in its scope and scale when compared to the Southeast Lee County DR/GR Overlay approach, which was intentionally developed for broader application across the Southeast Lee County DR/GR Planning Community.

Another safeguard that would prevent the proliferation of development in the North Olga Community, is the requirement to connect to centralized water and sewer services. The subject property is unique in that it will be serviced by the ISD, which is only applicable to lands owned by the Applicant. A legislative amendment would be required change/add land to the boundary. Moreover, the vast majority of North Olga is not within the Lee County or FGUA service area. This lack of utility service is another key protection to limiting conversion of agricultural lands in the area.

The proposed development will be located in impacted areas, immediately adjacent to the approved Town of Babcock Ranch Town Center, and is therefore a logical extension and "end cap" to the Town of Babcock Ranch that is approved and under construction. This is unique to the subject property and could not be accomplished by other lands in North Olga.

For the above reasons, the proposed MPD will allow for an appropriate mix of land uses clustered in impacted areas of the site to serve the rural community and surrounding areas. The unique factors surrounding this application, including adjacency to Town of Babcock Ranch; lack of developable properties 2,000 acres in size or greater in the community planning area; and lack of utilities infrastructure effectively prevents the proliferation of development in North Olga. Therefore, the MPD provides an opportunity to provide goods and services to the rural community and Town of Babcock Ranch without opening the area to premature conversion to development.

*POLICY 2.2.1: Rezoning and development-of-regional-impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare.*

The Applicant has secured letters of availability from service providers demonstrating public and/or private infrastructure is available, or will be made available through developer's agreements to service the proposed development.

Compatibility with surrounding land uses is addressed extensively within this application. Expansive buffers are proposed along the adjacent arterial roadways to screen views of the development and protect rural vistas and viewsheds. Development pods are clustered in impacted farmfields adjacent to the Town of Babcock Ranch, and away from the established low-density residential communities in North Olga. Access to North River Road is limited to “emergency only” to protect rural character along the roadway and direct traffic through the internal roadway network into Charlotte County, or onto SR 31. Other performance standards, development regulations, and conditions will be incorporated into the MPD rezoning to fully address compatibility in accordance with this policy.

*POLICY 4.1.1: Development designs will be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements.*

Proposed development within the subject property is primarily located in impacted areas of the property, where historical agricultural activities have occurred. Flowways have been preserved and integrated into the 60% open space requirements. Wetland Creation (WC) areas are design in locations downstream of the development to further treat the runoff from the community prior to discharging offsite. Therefore, the development design is functionally related to the natural features of the site.

*POLICY 5.1.5: Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments.*

The proposed MPD zoning district is carefully planned to minimize impacts to surrounding rural neighborhoods and the roadway network.

The subject properties are largely surrounded by lands owned by the Applicant, government-owned conservation areas, or arterial roadways. Specifically, The Property abuts SR 31, a two (2)-lane arterial roadway to the west; future development within the Town of Babcock Ranch lies to the north; County-owned conservation lands abut the property to the east; and the majority of the southern property line abuts the North River Road/CR 78, a two (2)-lane arterial roadway.

The only adjacent properties under residential usage are those parcels in the “cut out” north of North River Road in Section 8. The vast majority of these lands are

controlled by the Armeda Family, LLC and are used for active and passive agricultural uses, with the exception of four (4) single-family properties on lots ranging from 5 to 7.5 acres along Turkey Run Lane. The MCP demonstrates a 30' wide Type "F" buffer along this shared property line to screen views of the development and provide adequate separation between uses.

The MCP also includes a minimum setback of 100 feet between SR 31 and the proposed development footprint. The setback for development along North River Road/CR 78 is 1,000 feet, which is specifically intended to protect viewsheds along this roadway. These expansive setback areas will include landscaping, and in some cases upland and wetland restoration areas, to screen views of the development areas in direct compliance with this policy. As noted above, additional performance standards, setbacks, development standards are provided in this MPD application to fully address compliance with this policy directive.

*POLICY 6.1.2: Commercial development in non-urban future land use categories is limited to minor commercial and located so that the retail use, including buildings and outdoor sales area, is located at the intersection (within 330 feet of the adjoining rights-of-way of the intersecting roads) of arterial and collector roads or two collector roads with direct access to both intersecting roads. Direct access may be achieved with an internal access road to either intersecting roads. On islands, without an intersecting network of collector and arterial roads, commercial development may be located at the intersection of local and collector, or local and arterial, or collector and collector roads.*

It is understood that Planning Division Staff is modifying the above policy via CPA2017-0001 and it will no longer apply to this MPD request.

It is also important to note that the commercial uses proposed through this application represent a transfer, or "shifting", of approved commercial uses within the Babcock Ranch DRI in Charlotte County to those designated mixed-use areas shown on the Master Concept Plan. In effect, the proposed commercial uses will not further intensify the existing commercial entitlements approved for the overall Babcock Ranch Community.

Lastly, the New Community future land use category specifically directs all new development to contain a dynamic mix of land uses in order to function as a "free standing community offering a complete range of land uses".

*POLICY 6.1.4: Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities.*

Commercial development and other non-residential use areas, such as the Perfect Game recreational facilities, are located in the northern portions of the proposed development in areas adjacent to the Town of Babcock Ranch and along the SR 31 arterial frontage. The commercial development will serve as an extension of the

existing commercial development pattern approved in Charlotte County, immediately north of the county line.

As noted above, the proposal represents a shifting of approved intensity from southern Charlotte County to the northern portion of Lee County, and not “new intensity” when taking into account the existing DRI approval. Therefore, the proposed commercial development within the development will already be accessing the surrounding roadway network and generating trips from both Lee and Charlotte Counties pursuant to existing permits.

This application also provides letters of availability from various agencies, in accordance with the above policy. These letters demonstrate there are existing public services and facilities available to serve the proposed development, or those services will be made available through a developer’s agreement in advance of the development coming online.

*POLICY 6.1.6: The land development regulations will require that commercial development provide adequate and appropriate landscaping, open space, and buffering. Such development is encouraged to be architecturally designed so as to enhance the appearance of structures and parking areas and blend with the character of existing or planned surrounding land uses.*

The MPD proposes a minimum setback of 100 feet from the development footprint to SR 31. The setback for development along North River Road/CR 78 is 1,000 feet.

These expansive setback areas will include existing vegetation, landscaping, and in some cases upland and wetland restoration areas to screen views of the development areas, including mixed-use areas.

Proffered conditions in the MPD also require a unified architectural theme throughout the development pods to ensure the design represents an extension of the overall Town of Babcock Ranch vision. This theme will be reflective of a variety of regional architectural styles, such as “Old Florida” and “Coastal Gulf” vernaculars, which are consistent with the North Olga Community design standards set forth in Chapter 33 of the Land Development Code.

*POLICY 6.1.7: Prohibit commercial developments from locating in such a way as to open new areas to premature, scattered, or strip development; but permit commercial development to infill on small parcels in areas where existing commercial development would make a residential use clearly unreasonable.*

The commercial development permitted by this MPD will limit commercial development to those areas directly adjacent to the Town of Babcock Ranch Town Center, which is specifically addressed in other policies. The companion Lee Plan text amendment has been drafted with specific and stringent criteria that would preclude its application on a broad basis due to the required land area and costs to achieve such improvements and enhancements.

Moreover, the MPD requires connection to central water and sewer facilities in lieu of private well and septic systems. This is achieved through the Babcock Ranch Community Independent Special District (ISD). However, this district does not extend beyond the limits of the subject property controlled by Babcock Property Holdings, LLC. Therefore, adjacent properties would not be able to connect to ISD infrastructure unless the district boundary is amended through the state approval process.

**GOAL 9: AGRICULTURAL LAND USES.** *To protect existing and potential agricultural lands from the encroachment of incompatible land uses and to discourage the introduction or expansion of agricultural uses in the Future Urban Areas.*

The proposed MPD is in direct compliance with this Goal and supportive objectives and policies by providing expansive perimeter buffers around proposed development areas to mitigate impact on adjacent, active agricultural lands. The development is also consistent with the intent of this goal by limiting access onto North River Road/CR 78, which is an established agricultural trucking corridor. Trips generated by development within the subject property will have minimal impact on agricultural operations and “farm-to-market” transport in the immediate area.

**STANDARD 11.1: WATER.** *Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a “community” water system as that is defined by Chapter 17-22, F.A.C.)*

**STANDARD 11.2: SEWER.** *Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.*

Potable water and sanitary sewer services will be provided by MSKP Town and Country Utility, LLC. Please refer to the enclosed letter from this entity confirming availability of services for future development within the subject property.

**GOAL 34: NORTHEAST LEE COUNTY**

**POLICY 34.1.1:** *Support the agricultural and rural character within Northeast Lee County by encouraging continued commercial agricultural operations and encourage new development to be clustered to conserve large areas of open lands.*

The proposed MPD is directly in compliance with the above policy directive. As proposed, development must provide for 60% on-site open space, of which 50% must be dedicated preserve lands. These requirements are far in excess of the standard LDC requirements, and result in a clustered and compact development footprint on less than 40% of the property.

Moreover, the MPD requires enhancements relating to upland habitat restoration, wetland restoration, and water quality. The enhancements will ensure these large

areas of “open lands” are highly functional and serve greater ecological purposes for these areas that ultimately drain to the Caloosahatchee River, and are connected to regional wildlife corridors.

*POLICY 34.1.2: Work with residents and property owners of Alva and North Olga to develop standards and guidelines for clustering future development and conserving large areas of open lands to promote compatibility with adjacent residential and agricultural areas. These standards and guidelines are intended to give clear and meaningful direction for future amendments to the Land Development Code.*

The MPD directly addresses this policy by creating a framework for clustering future development in a manner that conserves large areas of undeveloped lands in perpetuity, and also addresses compatibility with active agricultural operations in the area.

*POLICY 34.3.2: Identify, maintain, and enhance appropriate public access to Northeast Lee County’s public lands and surface waters, balanced with new and ongoing efforts to protect and enhance the community’s water quality and natural resources.*

The MPD will include an internal trail system that will be open to the public and accessible by trailheads throughout the development, and within the adjacent Town of Babcock Ranch in Charlotte County. Main access points to the project from SR 31 and from the Town of Babcock Ranch will not be gated, and will facilitate public ingress/egress to these trailheads. Policy 35.11.3 provides for these proposed enhancements.

*POLICY 34.4.1: Work to preserve the rural character and scenic qualities of North River Road, and support multiple modes of travel for residents, businesses, visitors, and commercial agriculture within Northeast Lee County. Implementation of this policy will not impact the function or operation of agricultural lands within the Planning Community for the purposes of scenic preservation.*

The MCP specifically limits access to North River Road for the purposes of preserving the rural character of this corridor. The MPD conditions further limit access to this roadway for emergency purposes only. In addition, development areas are proposed to be setback 1,000 feet from North River Road in order to preserve the expansive rural vistas. The proposed sub-policies also require enhanced setbacks where proposed development abuts adjacent agricultural uses to mitigate impacts to the function and operations of these lands. Therefore, the MPD is in direct compliance with the above policy.

*POLICY 34.4.3: Proactively plan for wildlife connections within Northeast Lee County that support habitat needs of native animals on public lands and waters.*

The MPD provides a clear mechanism for ensuring connectivity between preserves within the subject property, internal preserves within the development footprint of the Town of Babcock Ranch, and the Babcock Ranch Preserve state preserve to the east. The subject property provides a critical linkage between the regional

habitat network that provides corridors for the Florida Panther, and other large mammals.

The preserve area proposed by this application totals 2,079 +/- acres in the form of existing habitat preservation, as well as habitat enhancement and habitat creation areas. These areas directly abut the largest groupings of Strategic Habitat Conservation Areas (SHCA) in the State of Florida. SHCA areas are considered essential to provide rare species and natural communities in the land base that are necessary to sustain populations into the future. Public ownership of these lands, with the proposed connections through the development's preserve areas to the west through the Babcock/Webb Wildlife Management Area (WMA) and Charlotte Harbor State Buffer Preserve, provide a critical link for a wildlife corridor that stretches from Lake Okeechobee to the Gulf of Mexico.

As illustrated on the enclosed Conceptual Wildlife Crossings exhibit, the Babcock Ranch Community (BRC) has numerous crossings planned for installation. Construction timing of a given wildlife crossing will be dependent upon adjacent development that would trigger the need for it. Details of the crossings within/adjacent to the Lee County portion of the BRC are provided in Attachment 1 (Mitigation Plan Set) of the Lee County Preserve Management and Mitigation Monitoring Plan.

There are no significant preserve corridors spanning SR 31 in Lee County that warrant installation of a crossing underneath the roadway. However, during the Environmental Resource Permit review process, two (2) conceptual wildlife crossings underneath SR 31 in Charlotte County were agreed upon with the wildlife agencies that will be constructed when the respective portion of SR 31 requires widening. Labeled as crossings 1 and 2 on the Conceptual Wildlife Crossings exhibit, they are located approximately 9.0 miles and 5.5 miles north of the Lee County line, respectively, to allow safe passage for wildlife between the Babcock Ranch Preserve (east side of SR 31) and the Babcock-Webb Wildlife Management Area (west side of SR 31). Although these crossings are not located in Lee County, the onsite preserves and internal wildlife crossings within the BRC (Lee and Charlotte Counties) allow for direct movement by large mammals to these locations.

In terms of wildlife/human interaction associated with these corridors, education of the residents through their associated HOA documents, the Discovery Center, informational signage, educational kiosks, and preserve signs at the development/preserve interface will also be utilized to make residents aware of possible wildlife encounters and appropriate actions when encountering wildlife. Furthermore, residents will be encouraged to: utilize bear proof containers; store trash in a secure area until morning of pickup; bring pet food inside and store securely; protect gardens, compost and livestock with fencing or other appropriate measures; clean grills and store them in a secure area; and remove wildlife feeders when a bear is in the area.

**POLICY 34.4.4:** Work with Alva and North Olga to evaluate funding opportunities and feasibility of creating a multipurpose path to run the entire length of North River Road through the planning community.



Proposed sub-policy 35.11.3 provides for multi-purpose paths along SR 31 and North River Road along the property's frontage. The proposed MPD conditions include the requirement for these pathways.

*POLICY 34.5.2: The owner or agent of a requested zoning action (planned development conventional rezoning, special exception, or variance requests) or Lee Plan Amendment within the Northeast Lee County Planning Community must conduct public informational meeting with both the Alva and North Olga Communities where the agent will provide a general overview of the project for any interested citizens. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for advertising, providing the meeting space, and security measures as needed. Subsequent to this meeting, the applicant must provide staff with a summary that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues.*

The Applicant conducted a public informational meeting on July 28, 2016 during the quarterly North Olga Community Planning Panel meeting held at the Bayshore Fire Station, and a public informational meeting on August 8, 2016 during the monthly Alva, Inc. meeting. A follow-up meeting with Alva, Inc. was also conducted on August 22<sup>nd</sup>. Summaries of these meetings with the information required by the above policy are enclosed within this application.

Although not required by the above policy, the Applicant conducted a public meeting with the Concerned Citizens of Bayshore on August 23<sup>rd</sup> due to this community's proximity to the property, and shared boundary along SR 31.

#### **GOAL 35: NORTH OLGA COMMUNITY**

*POLICY 35.1.1: Protect the community's rural aesthetic qualities, preserve the natural and historic resources, and support a diverse rural economy by promoting compact or clustered development areas that maintain large, contiguous tracts of open space, while supporting commercial agricultural businesses*

*POLICY 35.1.2: In partnership with Lee County, the North Olga Community will develop a rural planning toolbox to promote a compact development pattern within the community. Planning tools will include but are not limited to a Transfer of Development Rights (TDR) program, Purchase of Development Rights (PDR) program, conservation and agricultural easements, farm land trusts, and land development code regulations. The North Olga Community may be a sending area for county-wide TDRs, but may only receive TDRs from within the Northeast Lee County Planning Community.*

The proposed MPD effectively implements the above policies by allowing for a compact development pattern that supports the perpetual conservation of large tracts of environmentally sensitive lands. The MPD also ensures that proposed development can compatibly coexist with the agricultural operations expected to continue through the long-range planning horizon.

The proposed MPD requires heightened open space requirements, enhancements to native habitat and surface water quality, and perpetual preservation of the majority of lands within the development through conservation easements, in exchange for clustered areas of development, as directed above.

*POLICY 35.1.3: The North Olga Community will work in conjunction with Lee County, public agencies, land owners, and community service providers to examine the need for a rural mixed-use village center that provides for public meeting space, institutional uses, recreational opportunities and local goods and services.*

The proposed MPD allows for a clustered and compact mixed-use village center immediately adjacent to the Town of Babcock Ranch, to provide for a range of public, recreational, and commercial uses intended by this policy. By locating the mixed-use area in the northern portion of the community, adjacent to existing development footprint in Babcock Ranch and away from established neighborhoods and North River Road, the impacts to North Olga and Northeast Lee County are substantially mitigated.

As proposed, the mixed-use village will be accessible to the area residents and visitors via SR 31, but will be located away from the agricultural lands, low-density residential uses, and publicly-owned conservation areas that epitomize the area's rural character. The development will be further screened and buffered by expansive setbacks, landscape buffers, and designated preserve lands.

*POLICY 35.1.6: Work with the North Olga Community to improve the safety and accessibility of roadways, trails, and pathways through the implementation of the rural complete streets program.*

The MPD is in direct compliance with the policy through the provision of an internal, and publicly accessible trail system that connects lands within the development to the Town of Babcock Ranch and adjacent state lands. The future SR 31 improvements will also include a multi-purpose pathway along the project's western frontage. The Applicant will also maintain sufficient area along the North River Road frontage to allow for future construction of a multi-purposes pathway along the roadway.

*POLICY 35.2.1: Proposed Planned Developments will be encouraged to provide a mix of unit types and flexible lot sizes to allow for clustering, affordability preservation of open space, natural assets, and diversity of choice within the community.*

The MPD rezoning application provides for a mix of dwelling types in the proposed Schedule of Uses, including single-family detached, two-family attached, zero lot line, townhomes, and multi-family buildings. The development pods are designed to transition from higher densities adjacent to the Charlotte County line/Town of Babcock Ranch and SR 31, to lower densities and expansive preserve areas along the southern and eastern limits of the property. The proposed development standards and Schedule of Uses provide evidence of this transitional design. The clustered development plan allows for a minimum of 50% (2,079 acres) of the

property to remain preserve through the form of habitat preservation/enhancement and creation.

**OBJECTIVE 35.3:** Existing and future county regulations, land use interpretations, policies, zoning approvals, and administrative actions should promote the rural character within the North Olga community boundaries and allow for non-residential land uses that serve and support the rural community, County regulations will support a unified and attractive rural-oriented design theme in terms of landscaping architecture, lighting and signage.

The MPD will support the rural community and associated character by directing non-residential development areas to the Charlotte County line, adjacent to the Town of Babcock Ranch and away from productive agricultural areas and lower density communities in Lee County. By placing stringent criteria for development within the property, as directed by this objective, the proposal will serve to reduce development pressures on sensitive habitat, agricultural lands, and other open space areas within the North Olga Community, and direct those land uses to an appropriate location adjacent to existing and planned development and the arterial roadway network.

The proposed non-residential uses will be located in impacted areas, immediately adjacent to the approved Town of Babcock Ranch Town Center, and is therefore a logical extension and “end cap” to the Town of Babcock Ranch that is approved and under construction.

**POLICY 35.3.3:** *In order to maintain the rural and aesthetic value of the community, proposed new commercial development will utilize a consistent landscaping and architectural style for all buildings within proposed commercial developments, and will comply with the applicable design standards within LDC Chapter 33 as part of the development review process.*

As outlined in the MPD rezoning application, the Applicant will institute a common architectural style for the commercial and mixed-use components of the development. It is anticipated that the design theme will coincide with the Town of Babcock Ranch’s regional architectural approach that blends Old Florida, Craftsman, Farmhouse, Coastal Gulf Vernacular, and other similar styles to create a “hometown” feel that is consistent with the area’s rural character. These architectural styles are also consistent with the standards set forth in North Olga’s community-specific land development code regulations.

**POLICY 35.4.2:** Support the development of nature and agriculturally-based tourism where appropriate throughout the community. Opportunities for nature and agriculturally-based tourism include but are not limited to bird watching, equestrian facilities, kayaking/canoeing, and bed and breakfast establishments.

The proposed MPD provides numerous enhancements to further the North Olga Community Plan’s directive relating to strengthened eco- and agri-tourism. The development will provide public access to internal trail systems that ultimately connect to public trails systems (both existing and planned) within the adjacent

20/20 lands and the state-owned Babcock Ranch Preserve. The trails will also connect to the Babcock Wilderness Tours.

*POLICY 35.8.2: Encourage future development to maintain on-site native vegetation Communities.*

As detailed in the Preserve and Mitigation Plans, the MPD and associated development requires 60% total open space, with 50% of that open space area dedicated as permanent preserve lands to an appropriate entity. By way of comparison, the LDC requires standard developments more than 10 acres in size to provide 30-40% open space within the project. The native preservation requirement is half of the required open space, or 15-20% of the overall project.

Therefore, the MPD proposes significant preservation of on-site native vegetation communities, far in excess of the code requirements, and in direct compliance with this policy directive. From a quantitative standpoint, the total preserve proposed by this application is 2,079+/-acres in the form of habitat preservation, enhancement and creation areas.

*POLICY 35.8.3: Proposed Planned Developments will consider the incorporation of "Firewise" Principles in site design, including building orientation, access management, landscaping type and placement. For the purposes of this policy, Firewise principles are those guidelines developed by the National Fire Protection Association to mitigate the risk of wildland fire to homes in the wildland/urban interface.*

The Applicant acknowledges the use of prescribed fire in the project vicinity. As detailed in the Preserve Management Plan, the BRC also utilizes prescribed fire as an important land management tool for its onsite preserves. Burn managers take into account components such as wind speed and direction to determine an appropriate prescription for each individual fire.

The Applicant is coordinating with the Bayshore Fire District to incorporate appropriate "FireWise" conditions into the development. Such conditions may include the incorporation of controlled burn education and notification requirements in the homeowners association document, to inform future residents of these mitigation measures. Conditions will also address the provision of more general education programs to inform residents about native wildlife, vegetation, and best management practices for interaction and management of the wildlife/urban interface.

Additionally, as outlined in the Lee Plan Consistency Narrative, development must comply with North Olga Policy 35.8.3.

### Transportation Element

*POLICY 40.4.7: The County will encourage development designs to promote pedestrian and bicycle linkages between abutting residential and non-residential uses such as shops, office and employment centers, civic uses, parks, and schools.*

Development authorized through the MPD will demonstrate a high level of connectivity through multiple modes of transportation. Bicycle and pedestrian infrastructure will be provided internal to the project and will connect all development areas to future sidewalk infrastructure on the adjacent arterial roadways. For example, the SR 31 improvements will include a multi-modal pathway along the length of the western property line north of North River Road, and along the existing berm system.

Internal sidewalks and trail systems will connect all developed lands within the project to the various development pods, in addition to sidewalk infrastructure in the Town of Babcock Ranch.

As noted above, the MPD is in direct compliance with this policy through the provision of an internal, and publicly accessible recreational trail system that connects lands within the project to the trail system in the Town of Babcock Ranch and state-owned lands.

**\*\*Please note, no changes to Lee Plan Objective 36.3 and supportive policies are proposed in the companion comprehensive plan amendment. These policy directives relate to the approved development in Charlotte County, and do not impact lands subject to this amendment.**

### **Community Facilities and Services Element**

*POLICY 60.1.1: Develop surface water management systems in such a manner as to protect or enhance the groundwater table as a possible source of potable water.*

The surface water management system for the Property has been conceptually permitted through the South Florida Water Management District (SFWMD) to include a net reduction in discharge rates throughout the development. This allows for more contact time between surface water and groundwater tables directly enhancing the potential for recharge in the area. Furthermore, both parcels also propose an additional 50% water quality treatment in addition to state requirements. This will enhance both groundwater and surface water quality in the vicinity.

*POLICY 60.1.2: Incorporate, utilize, and where practicable restore natural surface water flowways and associated habitats.*

The site has been significantly altered by agricultural operations, and many of the existing flowways have been redefined. The proposed Babcock Ranch Community proposes to maintain and enhance the existing flow ways. In addition to preserving much of the land directly encompassing the flowways, the Community also is proposing 8 weirs to be located in the ditched system that will hold back lower flows, thereby restoring natural communities.

As detailed within the Environmental Impact Analysis prepared by Johnson Engineering and Kimley-Horn, submitted with the companion comprehensive plan amendment application, a wetland supplemental planting plan will be provided for

wetland preserve areas with greater than 50% nuisance/exotic coverage, and that do not successfully naturally recruit (80% coverage of desirable species in all strata, densities appropriate for habitat type) within two (2) years.

In addition to this wetland restoration enhancement, approximately 226 acres of wetland creation areas are planned throughout the Property.

*POLICY 60.5.1: The County encourages new developments to design their surface water management systems to incorporate best management practices including, but not limited to, filtration marshes, grassed swales planted with native vegetation, retention/detention lakes with enlarged littoral zones, preserved or restored wetlands, and meandering flow-ways.*

As noted above, approximately 226 acres of wetland creation (WC) areas are planned within the Lee County BRC, delineated as WC 2-6 and WC-9 and 10 on the Preserves Map enclosed in the Environmental Impact Analysis. Each wetland creation area will be created predominantly from upland pasture located downstream of a proposed development pod. The wetland creation areas will receive treated runoff from the development pod's stormwater system and will provide additional water quality treatment prior to final discharge to the downstream receiving bodies. All mitigation areas are either part of the surface water management system or serve as an outfall point for it. Required water quality treatment is provided prior to surface water entering these areas.

Detailed grading and planting plans will be provided for each wetland creation area at time of local development order. Conceptual plans for their design have been reviewed by SFWMD staff to ensure proposed design elevations are consistent with the targeted levels of inundation and wetland hydroperiod for the proposed habitats. All of the wetland creation areas include a mosaic of habitat types from transitional uplands to open water areas. These areas will be over-excavated and backfilled with appropriate native soils to final grade to ensure mitigation success. These proposed wetland enhancements are in direct compliance with the above policy.

*POLICY 60.5.2: The County encourages new developments to design their surface water management system to incorporate existing wetland systems.*

The development pods shown on the MCP incorporate existing wetlands into the preserve areas outside the development pods to ensure the maximum functional value achievable. Discharges from the development pods will be directed in a manner that will enhance and contribute to these goals.

*POLICY 60.5.3: The County encourages the preservation of existing natural flow-ways and the restoration of historic natural flow-ways.*

The site has been significantly altered by agricultural operations, and many of the existing flowways have been redefined. The proposed Babcock Ranch Community proposes to maintain and enhance the existing flow ways.

In order to enhance the existing surface water and groundwater both onsite and adjacent to the property, the proposed project will include the following: weirs strategically placed to increase the hydroperiod of adjacent wetlands while still allowing for flows above the mean annual storm to by-pass the weirs as to not affect adjacent sites; increasing the required water quality treatment by 50% to allow for additional water quality benefits prior to discharging from the community; the reduction of existing onsite flows by incorporating additional attenuation into the design, and the preservation of existing flowways and their surrounding natural areas.

### Conservation and Coastal Management Element

*POLICY 107.2.4: Encourage the protection of viable tracts of sensitive or high-quality natural plant communities within developments.*

The MPD proposes large tracts of connected preserve areas with connections to off-site state- and county-owned conservation lands. These preserve areas will ensure the perpetual protection of existing native habitat as outlined in the Environmental Impact Analysis.

*POLICY 107.2.10: Development adjacent to aquatic and other nature preserves, wildlife refuges, and recreation areas must protect the natural character and public benefit of these areas including, but not limited to, scenic values for the benefit of future generations.*

The MPD proposes substantial setbacks from development areas to off-site native preserve areas. The MCP locates large tracts of native preserve adjacent to the offsite Babcock Ranch Preserve and Lee County 20/20 preserve lands.

*POLICY 115.1.2: New development and additions to existing development must not degrade surface and ground water quality.*

The project will provide water quality treatment volume equal to the greater of 1 inch of runoff from the entire drainage area or 2.5 times the percent impervious. The proposed improvements will take the calculated District water treatment volume and increase them 50% to provide an additional 50% treatment beyond the required treatment for these basins.

As further demonstration that the project is consistent with the above policy the site will reduce the peak allowable discharge across the Lee County lands to a maximum of 82.2CSM from the existing maximum of 194.9CSM.

### Economic Element

*POLICY 158.1.7: Lee County will encourage the preservation of sensitive natural resources, including beaches, wetlands, estuaries, clean air and water, historic resources, scenic vistas and other unique natural resources through public acquisition and/or regulatory protection.*

The proposed MPD will allow for the long-term protection and enhancement of unique natural resources in direct compliance with this policy. The resulting preservation areas will directly contribute to improved water quality, highly connective wildlife habitats, and protection of scenic rural vistas in North Olga. These natural resources directly contribute to the economic well-being of Lee County.