

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

WHEREAS, Bonita Springs Utilities, Inc., has properly filed an application for a rezoning from AG-2 to Community Facilities Planned Development, and a request for a General Excavation Permit; and

WHEREAS, the subject property is located at 13402 Snell Lane, Bonita Springs, described more particularly as:

LEGAL DESCRIPTION: In Section 32, Township 47 South, Range 26 East, Lee County, Florida:

The West Half (W1/2) of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4), AND the East Half (E1/2) of the East Half (E1/2) of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4), AND the West Half (W1/2) of the East Half (E1/2) of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4), AND the East Half (E1/2) of the Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4) of Southwest Quarter (SW1/4), all in Section 32, Township 47 South, Range 26 East.

Comprising 15 acres more or less.

AND

The West Half (W1/2) of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4), AND the East Half (E1/2) of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4), all in Section 32, Township 47 South, Range 26 East, comprising 10 acres more or less, EXCEPTING therefrom the North 30 feet for canal easement and the South 25 feet for road right-of-way.

AND

The East Half (E1/2) of the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section 32, Township 47 South, Range 26 East, Lee County, Florida, 5 acres, more or less, EXCEPTING the North 30 feet thereof for canal easement, and the South 25 feet thereof for county roadway right-of-way.

Containing 5 acres, more or less.

WHEREAS, the applicant has indicated the property's current STRAP numbers are: 32-47-26-00-00001.0360, 32-47-26-00-00001.0020 and 32-47-26-00-00001.028A; and

WHEREAS, proper authorization has been given to Q. Grady Minor & Associates by T. Harvey Haines, President, Bonita Springs Utilities, Inc., the owner of the subject parcel, to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Hearing Examiner, with full consideration of all the evidence available; and the Lee County Hearing Examiner fully reviewed the matter in a public hearing held on July 21, 1992; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE WITH CONDITIONS a rezoning to Community Facilities Planned Development and a General Excavation Permit.

The rezoning and Master Concept Plan, which deviate from certain Lee County Standards, are subject to the following conditions:

1. The development of the subject properties shall be in accordance with the three-page Master Concept Plan entitled "Bonita Springs Utilities, Inc., East Water Reclamation Facility," stamped received June 3, 1992, except as modified by the conditions herein.
2. Permitted uses are limited to those listed and shown on the Master Concept Plan and are further limited to the specified parcel as follows:
 - Uses permitted on the 24.65 acre± parcel only:
 - Essential Services Facility, Group II (Section 1001.13), to allow a Wastewater Treatment Facility only
 - Communication Tower (maximum of 95 feet in height) (Free Standing only)
 - Excavation/Water Retention (Section 509)
 - Uses permitted on the 5 acre± parcel only:
 - Excavation - Mining (Section 508)
3. The maximum height of all buildings and structures shall be 35 feet above average grade except the communications tower, which may have a maximum height of 95 feet. The communication tower shall be free standing.
4. Snell Lane shall be paved prior to the commencement of construction of the wastewater treatment facility.
5. Access to the wastewater treatment facility during construction and for subsequent operation shall be from Snell Lane only. However, as conditioned below, the trucks bringing fill material from the 5 acre+/- parcel shall be prohibited from using Snell Lane.
6. The haul route from the 5 acre± parcel may be via the existing dirt road traversing the four parcels between this parcel and the 24.65 acre± parcel, if the developer purchases the four parcels or if the developer obtains a temporary construction easement. If these alternatives are not accomplished, then the existing 50-foot wide easement may be used for access for trucks transporting fill material from the 5 acre± parcel. In any case, the selected haul route shall be subject to the review and approval of the Division of Development Review, with improvements in accordance with the Development Standards Ordinance.

7. Excavation of the 5 acre± parcel shall be completed prior to the Certificate of Compliance approval of the wastewater treatment facility.
8. Blasting, crushing and dewatering activity shall be permitted during construction activity only and shall cease prior to the Certificate of Compliance. No blasting activity will be permitted on the 24.65 acre± parcel.
 - a. Blasting shall be in compliance with the Lee County Blasting Ordinance as amended.
 - b. Dewatering shall be in compliance with all applicable regulations, including those of the South Florida Water Management District.
9. The hours of operation for the excavation shall be limited to 7:00 a.m. to 5:00 p.m. Monday through Friday and 8:00 a.m. to noon on Saturday. No excavation or other heavy equipment operations shall be conducted on Sunday.
10. The developer shall comply with Lee County Noise Ordinance 82-32, as amended.
11. Upon completion of the excavation or at the expiration of the Excavation/Mining Operation Permit, the developer shall commence with the reclamation and replanting plan.
12. A reclamation plan shall be in accordance with the Site Excavation and Reclamation Plan, page 3 of 3, stamped received June 3, 1992.
13. A gopher tortoise management plan shall be approved by the Division of Environmental Sciences prior to local Development Order Approval.
14. Should actual construction of the wastewater treatment facility not take place within five years of zoning resolution approval, a new protected species survey shall be provided and reviewed subject to approval by the Division of Environmental Sciences prior to local Development Order Approval.
15. The developer shall contact the Lee County Division of Emergency Management, Hazardous Material representative prior to the Certificate of Occupancy, to discuss the proposed development in relation to the type, use and storage of hazardous materials which will be located on the premises.
16. If access to this development is through a security gate or similar device that is not manned 24 hours per day, the security gate must be provided with an override switch installed in a glass cover for the use of emergency vehicles.
17. Deviation (1) would allow a deviation from Development Standards Ordinance Appendix D-3, from the required 6 foot wide shoulder to 3.5 foot wide shoulder. This deviation is APPROVED WITH THE CONDITION that a guardrail be provided if found necessary at Development Order stage.

Deviation (2) would allow a deviation from Zoning Ordinance Section 509.B, from the required maximum excavation depth of 12 feet to 20 feet or until the confining layer is reached (not penetrated). This deviation is APPROVED WITH THE CONDITIONS that:

- a. All excavation occurring on either parcel shall have a maximum excavation depth of 20 feet or until the confining layer is reached (not penetrated), and
- b. Upon completion of the excavation(s) and lake shoreline reclamation and annually thereafter for a period of 5 years, the developer or his successors or assigns, shall provide to the Division of Environmental Sciences (or other appropriate County authority) a report prepared by a qualified testing laboratory of the dissolved oxygen content of the lake for each 5-foot depth level greater than 15 feet.

In the event that it is determined that the dissolved oxygen levels as reported are insufficient to support active marine life at all lake levels, the developer or his successors or assigns shall install or cause to be installed a lake aeration system of a design approved by the Division of Environmental Sciences (or other appropriate County authority) and shall operate and maintain such aeration system in good order thereafter.

Deviation (3) would allow a deviation from Zoning Ordinance Section 800.B.1., from the requirement that all properties within a single application be contiguous, to allow a single application for non-contiguous properties. This deviation is APPROVED WITH THE FOLLOWING CONDITIONS:

- a. If the four parcels between the two subject parcels are purchased by the applicant, then these four parcels shall be rezoned to the CFPD zoning district by the applicant in order to create a contiguous parcel.
- b. The 5 acre parcel shall be used for the excavation of fill material for the wastewater treatment facility only.

Deviation (4) would allow a deviation from Zoning Ordinance Section 508.G.2.a.2., from the requirement of a 100-foot setback from a private property line under separate ownership to allow a 60 foot setback on the 5 acre± parcel. This deviation is APPROVED WITH THE FOLLOWING CONDITION:

- a. The developer shall provide a berm as shown on the Site Excavation and Reclamation Plan.

Deviation (5) would allow a deviation from Zoning Ordinance Section 508.G.2.a.1. from the requirement of a 150-foot setback from an existing street right-of-way line or easement to allow a 60 foot setback on the 5 acre± parcel. This deviation is APPROVED WITH THE FOLLOWING CONDITION:

- a. The developer shall provide a berm as shown on the Site Excavation and Reclamation Plan.

Deviation (6) would allow a deviation from Zoning Ordinance Section 509.C.4. from the requirement of a 150 foot setback from an existing street right-of-way line or easement, to allow a 60 foot setback. This deviation would apply to the excavation/water retention area proposed on the wastewater treatment facility site adjacent to Snell Lane only. This deviation is APPROVED.

Site Plan 92-043 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings of fact were made in conjunction with this approval of Community Facilities Planned Development zoning:

- A. That the CFPD rezoning request was not caused by changed or changing conditions which necessitates the approval of the request.
- B. That the CFPD rezoning, as conditioned, will not have an adverse impact on the intent of the Zoning Ordinance.
- C. That the CFPD rezoning, as conditioned, is consistent with the goals, objectives, policies and intent of the Lee Plan, and with the densities, intensities and general uses set forth in the Lee Plan.
- D. That the CFPD rezoning, as conditioned, meets or exceeds all performance or locational standards set forth for the proposed use.
- E. That the CFPD rezoning, as conditioned, will protect, conserve or preserve environmentally critical areas and natural resources.

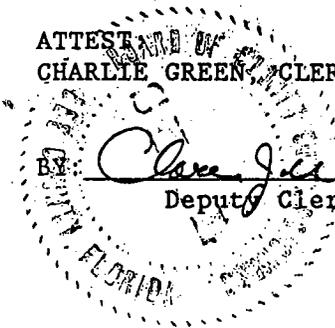
- F. That the CFPD rezoning, as conditioned, will be compatible with existing or planned uses and will not cause damage, hazard, nuisance or other detriment to persons or property.
- G. That the CFPD rezoning, as conditioned, does not place an undue burden upon existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development.
- H. That the CFPD rezoning, as conditioned, will be in compliance with all applicable general zoning provisions and supplemental regulations pertaining to the use, as set forth elsewhere in the Zoning Ordinance.
- I. That each approved deviation, as conditioned, enhances the achievement of the objectives of the CFPD and protects or preserves the public health, safety and welfare.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner John E. Manning, and seconded by Commissioner Vicki Lopez-Wolfe and, upon being put to a vote, the result was as follows:

John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Vicki Lopez-Wolfe	Aye
Donald D. Slisher	Absent

DULY PASSED AND ADOPTED this 31st day of August, A.D., 1992.

ATTESTED BY
 CHARLIE GREEN, CLERK
 BY: Clare J. Green
 Deputy Clerk



BOARD OF COUNTY COMMISSIONERS
 OF LEE COUNTY, FLORIDA

BY: [Signature]
 Chairman

Approved as to form by:

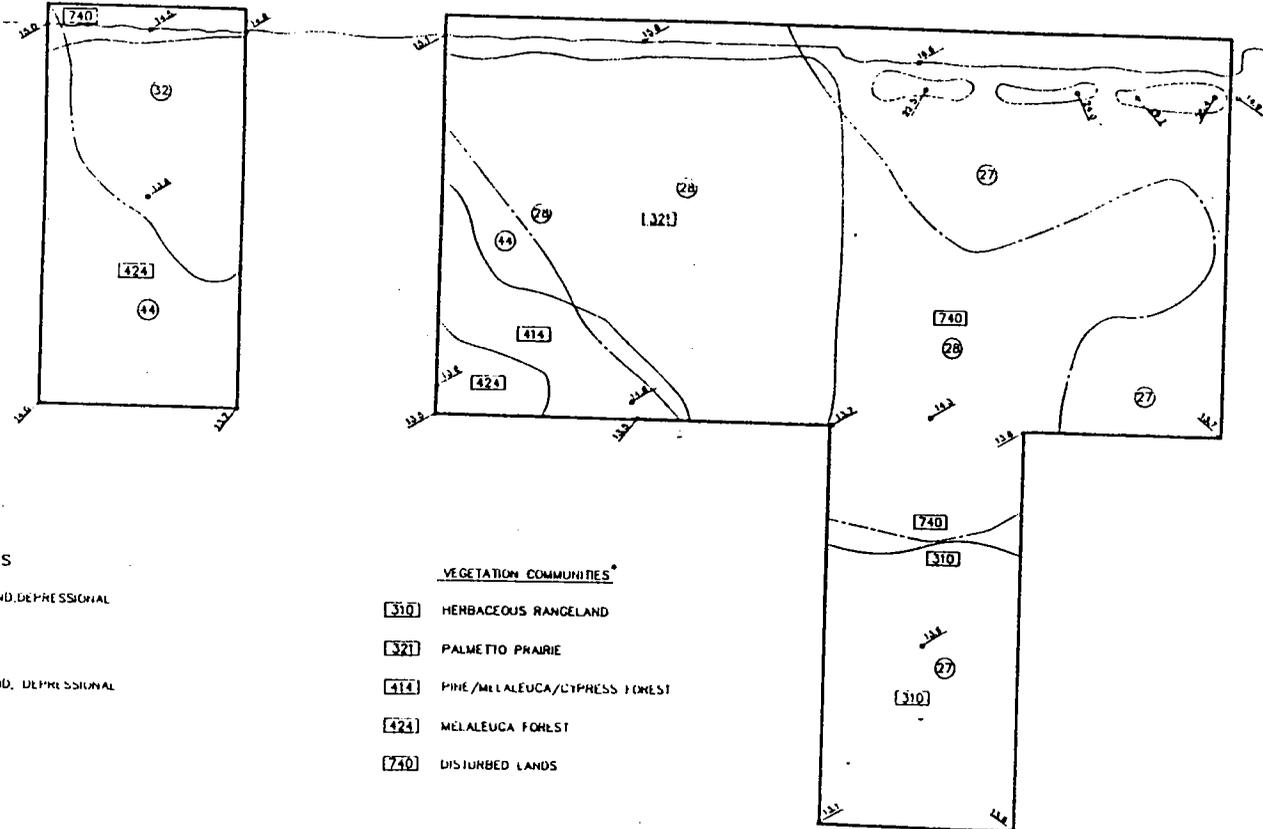
[Signature]
 County Attorney's Office

FILED

SEP 9 1992

CLERK CIRCUIT COURT
 BY: Clare W. D.C.

SCALE: 1" = 100'



- (27) POMPAHO FINE SAND, DEPRESSIONAL
- (28) IMMOKALEE SAND
- (44) MALAHAN FINE SAND, DEPRESSIONAL

VEGETATION COMMUNITIES*

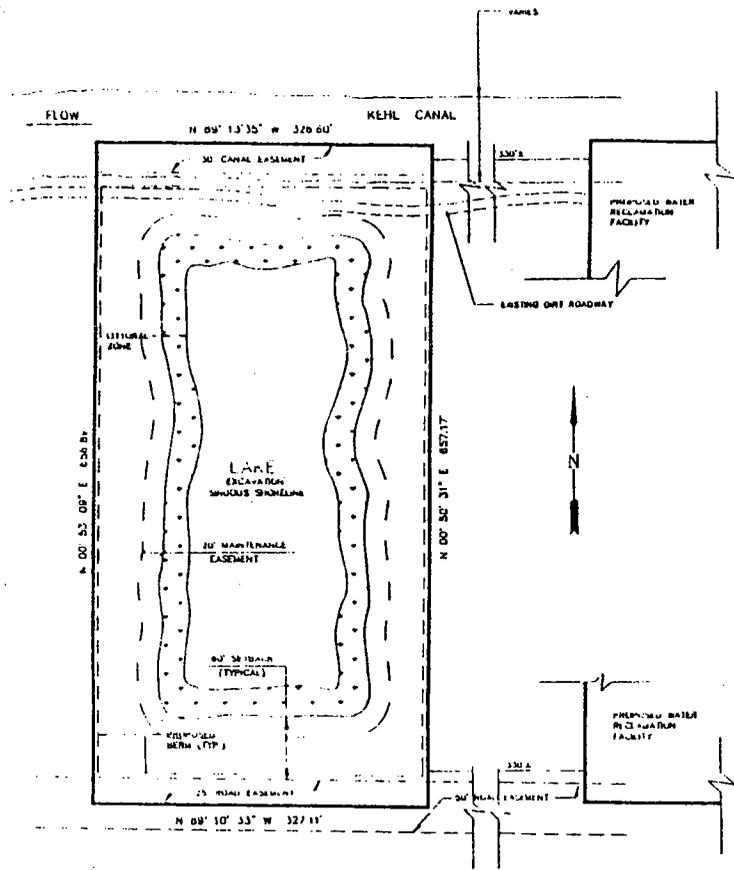
- (310) HERBACEOUS RANGELAND
- (321) PALMETTO PRAIRIE
- (414) PINE/MELALEUCA/CYPRESS FOREST
- (424) MELALEUCA FOREST
- (740) DISTURBED LANDS

* VEGETATION COMMUNITIES DESIGNATIONS
DETERMINATION BY BOYLAN ENVIRONMENTAL CONSULTANTS, INC.

APPROVED

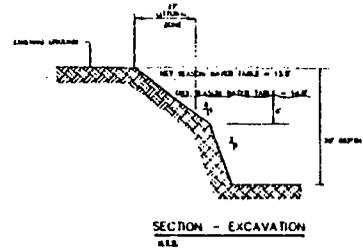
Master Concept Plan
Site Plan # 22073 Page 2 of 2
Subject to conditions in Resolution 2-22-01-3
Zoning Case # 22-27-01-2

LEGEND 132' ELEVATION (FEET) 134' ELEVATION (FEET) 136' ELEVATION (FEET) 138' ELEVATION (FEET) 140' ELEVATION (FEET) 142' ELEVATION (FEET) 144' ELEVATION (FEET) 146' ELEVATION (FEET) 148' ELEVATION (FEET) 150' ELEVATION (FEET) 152' ELEVATION (FEET) 154' ELEVATION (FEET) 156' ELEVATION (FEET) 158' ELEVATION (FEET) 160' ELEVATION (FEET) 162' ELEVATION (FEET) 164' ELEVATION (FEET) 166' ELEVATION (FEET) 168' ELEVATION (FEET) 170' ELEVATION (FEET) 172' ELEVATION (FEET) 174' ELEVATION (FEET) 176' ELEVATION (FEET) 178' ELEVATION (FEET) 180' ELEVATION (FEET) 182' ELEVATION (FEET) 184' ELEVATION (FEET) 186' ELEVATION (FEET) 188' ELEVATION (FEET) 190' ELEVATION (FEET) 192' ELEVATION (FEET) 194' ELEVATION (FEET) 196' ELEVATION (FEET) 198' ELEVATION (FEET) 200' ELEVATION (FEET)	OWNER/DEVELOPER BONITA SPRINGS UTILITIES, INC. P.O. BOX 2308 BONITA SPRINGS, FL 33438 T. HARVEY HANSEN, PRESIDENT (813) 992-0711	PRINTED JUN 8 1991	DESIGNED BY B.T. DRAWN BY K.L.J. APPROVED O.G.M. SCALE 1" = 100'	Q. GRADY MINOR AND ASSOCIATES, P.A. CIVIL ENGINEERS & LAND SURVEYORS 3600 VIA DAL REY BONITA SPRINGS, FLORIDA 33423 (813) 947-3144	BONITA SPRINGS C.F.P.D.		
					SOILS, VEGETATION AND TOPOGRAPHY MAP		



SITE AND LAKE PLANTING PLAN

RECLAMATION SHALL BEGIN WITHIN 6 MONTHS AFTER COMPLETION IN ANY AREA THAT HAS NOT BE DISTURBED BY FUTURE OPERATIONS AND SHALL BE COMPLETED WITHIN 12 MONTHS OR SHORTER IF THE OPERATIONS HAVE BEEN ABANDONED OR THE GENERAL EXCAVATION PERMIT EXPIRES, WHICHEVER COMES FIRST.



GENERAL EXCAVATION PERMIT

- EXCAVATED MATERIAL TO BE UTILIZED AS FILL FOR THE EAST WATER RECLAMATION FACILITY
- NO EXCAVATION OPERATION PLANT FACILITY TO BE LOCATED ON SITE
- VEHICLES WILL NOT BE UTILIZING LEE COUNTY MAINTAINED ROADS
- EXCAVATION WILL BE A SINGLE PHASE
- YEARLY VOLUME OF EXCAVATED MATERIAL: 32,000 CU YD
- ANNUAL AVERAGE: NOT APPLICABLE
- PEAK HOUR VOLUME: 12 TRIPS

LAKE PLANTING CALCULATIONS

LAKE PERIMETER: 1400 LF.
 TREES: 1,400 LF ÷ 1 TREE/30 LF = 70 TREES
 (GENERAL LANDSCAPE TREES CAN BE USED TO MEET THIS REQUIREMENT.)
 SHRUBS: 1,400 LF ÷ 1 SHRUB/10 LF = 140 SHRUBS
 HERBACEOUS: 1,400 LF ÷ 1 PLANT/1 LF = 1400 PLANTS

NOTES:

- TREES PLANTED ON TWENTY (20) CENTERS
- SHRUBS PLANTED ON TEN (10) CENTERS
- ENDANGERED AQUATICS PLANTED ON ONE (1) FOOT CENTERS
- PLANTINGS SHALL CONSIST OF A SPECIES MIX WITH NOT MORE THAN THIRTY (30) PERCENT OF ANY ONE SPECIES PLANTED
- INVASIVE VEGETATION SHALL BE CONTROLLED FOR A MINIMUM OF FIVE (5) YEARS
- ANNUAL MONITORING PLAN SHALL BE SUBMITTED FOR FIVE (5) YEARS AFTER RECLAMATION
- MINIMUM OF 90% SURVIVAL RATE REQUIRED

NOTES:

HAZ. ROUTE FROM THE 50' ALICE LAKE EXCAVATION SITE TO THE WATER RECLAMATION FACILITY SITE WILL BE VIA THE EXISTING ROADWAY IF (1) BONITA SPRINGS UTILITIES, INC. PURCHASES THE FOUR PARCELS IN PAR. 10 OR (2) BONITA SPRINGS UTILITIES, INC. OBTAINS A TEMPORARY CONSTRUCTION EASEMENT ACROSS THE FOUR PARCELS. IF THIS CANNOT BE ACCOMPLISHED, BONITA SPRINGS UTILITIES, INC. WILL USE THE EXISTING 50 FOOT WIDE ROAD EASEMENT ALONG THE SOUTH LINE OF THE LAKE EXCAVATION SITE.

LAKE PLANTING VEGETATION LIST

HERBACEOUS VEGETATION

COMMON NAME	SCIENTIFIC NAME
LEMON BACOPA	BACOPA CAROLINIANA
WATER HYGSSOP	BACOPA MINOR
CANNA LILY	CANNA FLACIDA
SWAMP LILY	CRinum AMERICANUM
WHITE TOP SEDGE	DICHOCHNEA SPP
SPOKER LILY	HYPERICALEX LAEVOLEA
ALLIGATOR LILY	HYPERICALEX PALMERI
BLUE FLAG	IRIS SPP
LILOHAKA	LILOHAKA SPP (NOT L. PERUVIANA)
AMERICAN LOTUS	HELMONDIUM LUTEA
SPATTER-DOCK	HEPATICUM LUTIDUM
FRAGRANT WATER LILY	NYMPHAEA OBLONGATA
BANANA LILY	NYMPHODEA AQUATICA
ARROW ARUM	POLYCHORDIA VICHESIA
PICKEREL WEED	PONTEDERA CORDATA
ARROWHEAD	SAGITTARIA SPP
LEZYARD'S TAIL	SALICORNIA CERNAUS
ARROWROOT	THALIA GENICULATA

COMMON NAME	SCIENTIFIC NAME
LEATHER PLUM	ADONISCHUM SPP
BLUE MADRASCANE	AMPHICARPUM MARSHMEREANUM
SWAMP FERN	BLECHNUM SEERULATUM
SANDWASS	CLADIA JAMAICENSIS
FLAT-TILIAE	CYPRIPUS SPP
SPRINGBUSH	ELLODIA SPP
RUSH	JUNCUS SPP
RED TAIL FERN	GRAMMIS HELICIS
MADRASCANE	PANDICUM PARVIFLORUM
SWITCH GRASS	PANDICUM VINCIGRASS
SEA-FERN	RHYTHIDOSPORA SPP
SKULL RUSH	SCHOPUS SPP
SAND CUMGRASS	SPARTINA BAKERI
WATER FERN	THALASSIUM SPP
CHAM FERN	WOODWARDIA SPP

SHRUBS

COMMON NAME	SCIENTIFIC NAME
BUTTON BUSH	CERIALANTHUS OCCIDENTALIS
BUTTONWOOD	COCCO-CARPUS ERECTUS
(IN BRANCHING AREAS ONLY)	
ST. JOHN'S WORT	HYPERICUM SPP
DAHOON HULLY	ILEX CASSINE
WATSH ELDER	IVA FRUTESCENS
DRY LYONIA	LYONIA LYONIA
WAX MYRTLE	MYRTICA CERIFERA
BLACK HAW	VAURANUM LACONICUM

TREES

COMMON NAME	SCIENTIFIC NAME
RED MAPLE	ALER RUMINUM
WATER HICKORY	CARYA AQUATICA
HICKORY	CELTIS LAEVIGATA
SWAMP DOGWOOD	CORNUS FLORIDANA
POP ASH	FRAXINUS CAROLINIANA
SOUTHERN MAHONIA	MAGNOLIA GRANDIFLORA
SWEEF BAY	MAGNOLIA VICTORIANA
TRIPLE BLACK OLM	NYSSA SYLVATICA
BLACK PINE	PINUS ELIOTTI VAR LANZA
LAUREL OAK	QUERCUS LAURIFOLIA
WATER OAK	QUERCUS NODOSA
LYE OAK	QUERCUS PRINCEANA
CABBAGE PALM	SAGIN. PALMETTO
CYPRESS	TAXODIUM SPP

I, THE UNDERSIGNED, HEREBY CERTIFY THAT THIS MAP IS CORRECT, AND SHOWS TO THE BEST OF MY KNOWLEDGE AND BELIEF ALL INFORMATION REQUIRED BY THE REQUIREMENTS OF THE LEE COUNTY ZONING ORDINANCE.

APPROVED

Master Concept Plan
 Site Plan # 22-23 Page 2 OF 2
 Subject to conditions in Resolution 22-241
 Licensing Case # 22-2-31-001-2

LEGEND	OWNER/DEVELOPER	PRINTED	DESIGNED BY: B. T.	Q. GRADY MINOR AND ASSOCIATES, P.A.	SITE EXCAVATION AND RECLAMATION PLAN
PROPOSED DRAIN	BONITA SPRINGS UTILITIES, INC P.O. BOX 2188 BONITA SPRINGS, FL 33439 TERRY HAINES, PRESIDENT (813) 992-3711	JUN 8 1982	DRAWN BY: L.J.H.	CIVIL ENGINEERS - LAND SURVEYORS	BONITA SPRINGS UTILITIES, INC. EAST WATER RECLAMATION FACILITY
Maintenance Easement			APPROVED O.G.M.	1900 P.A. DEL. KEY	DATE: _____ FILE NAME: _____ DRAWING NUMBER 3 OF 3
EXISTING ROAD			SCALE N.T.S.	BONITA SPRINGS, FLORIDA 33426 (813) 947-1184	