

GIS Tracking Sheet

Case No.:

Intake Date:

DC 12011-00044

Project Name:

STRAP Number(s):

Planner Name:

Ext.

LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING

Date:

INTAKE:

LEGAL SUFFICIENT

YES

NO

Initials:

If not, give brief explanation:

MAP UPDATE following FINAL ACTION

Date:

Hearing Examiner Decision

Board of County Commissioner's Resolution

Administrative Approval

Blue Sheet

Zoning Notes:

12/22/11

MAP UPDATED

YES

NO

Initials:

ef

If not, give brief explanation:

ZONE! 1PD! 000156

BOARD OF COUNTY COMMISSIONERS

John E. Manning
District One

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Karen B. Hawes
County Manager

Michael D. Hunt
County Attorney

Diana M. Parker
County Hearing Examiner

December 19, 2011

AMANDA BROCK
1715 MONROE ST
FT MYERS FL 33901

Re: PLUMOSA FARMS
BCCR11-10-01 Extension (F)
DCI2011-00044

Dear AMANDA BROCK:

In accord with BCCR11-10-01, development permits meeting certain criteria are entitled to one 4-year extension from the existing/initial permit expiration date. Accordingly, the effectiveness of the Master Concept Plan identified in Zoning Resolution, Z-01-004, DCI2011-00044, PLUMOSA FARMS, is hereby extended for the following:

APPROVAL OF A 4-YEAR EXTENSION FROM APRIL 2, 2014 TO APRIL 2, 2018 FOR PLUMOSA FARMS.

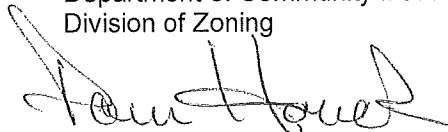
No additional extensions under BCCR11-10-01 may be granted for the above-referenced development permit. All underlying conditions of the zoning resolution remain in full force and effect. Failure to comply with zoning conditions may result in enforcement action as provided under Florida law and local regulations.

This extension applies only to the specific approvals identified above. If your project requires additional development permits or authorizations to continue construction, you are required to obtain the necessary approvals, including related permit extensions. If you hold other permits or authorizations that qualify for an extension under BCCR11-10-01, you must file a specific request for each qualifying development permit.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Department of Community Development
Division of Zoning



Pam Houck
Director



LEE COUNTY
SOUTHWEST FLORIDA

239-533-8585

BOARD OF COUNTY COMMISSIONERS

John E. Manning
District One

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Karen B. Hawes
County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing Examiner

November 12, 2010

AMANDA L. BROCK
HENDERSON FRANKLIN
1715 MONROE ST
FT MYERS FL 33901

Re: PLUMOSA FARMS
Senate Bill 1752 Extension (F)
DCI2010-00022

Dear AMANDA L. BROCK:

In accord with Senate Bill 1752 (SB1752), development permits meeting certain criteria are entitled to one 2-year extension from the existing/initial permit expiration date. Accordingly, the effectiveness of the Master Concept Plan identified in Zoning Resolution Z-01-004, DCI2000-00056, PLUMOSA FARMS, is hereby extended for the following:

APPROVAL OF A 2-YEAR EXTENSION FROM APRIL 2, 2012 TO APRIL 2, 2014 FOR PLUMOSA FARMS.

No additional extensions under SB1752 may be granted for the above-referenced development permit. All underlying conditions of the zoning resolution remain in full force and effect. Failure to comply with zoning conditions may result in enforcement action as provided under Florida law and local regulations.

This extension applies only to the specific approvals identified above. If your project requires additional development permits or authorizations to continue construction, you are required to obtain the necessary approvals, including related permit extensions. If you hold other permits or authorizations that qualify for an extension under SB1752, you must file a specific request for each qualifying development permit.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Department of Community Development
Division of Zoning

Pam Houck
Director

BOARD OF COUNTY COMMISSIONERS

John E. Manning
District One

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Karen B. Hawes
County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing Examiner

November 12, 2010

AMANDA L. BROCK
HENDERSON FRANKLIN
1715 MONROE ST
FT MYERS FL 33901

Re: PLUMOSA PIT
Senate Bill 360 Extension (F)
DCI2009-00053

Dear AMANDA L. BROCK:

In accord with Senate Bill 360 (SB360) and Lee County Resolution 09-06-22, development permits meeting certain criteria are entitled to one 2-year extension from the existing/initial permit expiration date. Accordingly, the effectiveness of the Master Concept Plan identified in Zoning Resolution Z-01-004, DCI2000-00056, PLUMOSA PIT, is hereby extended for the following:

APPROVAL OF A 2-YEAR EXTENSION FROM APRIL 2, 2010 TO APRIL 2, 2012 FOR PLUMOSA FARMS.

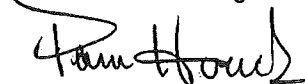
No additional extensions under SB360 may be granted for the above-referenced development permit. All underlying conditions of the zoning resolution remain in full force and effect. Failure to comply with zoning conditions may result in enforcement action as provided under Florida law and local regulations.

This extension applies only to the specific approvals identified above. If your project requires additional development permits or authorizations to continue construction, you are required to obtain the necessary approvals, including related permit extensions. If you hold other permits or authorizations that qualify for an extension under SB360, you must file a specific request for each qualifying development permit.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Department of Community Development
Division of Zoning



Pam Houck
Director



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Karen B. Hawes
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

May 04, 2010

BRIAN FARRAR
BCF MANAGEMENT GROUP, LLC
22190 FAIRMOUNT COURT
ESTERO FL 33928

Re: PLUMOSA PIT
Senate Bill 360 Extension (F)
DCI2009-00053

Dear BRIAN FARRAR:

Staff has reviewed the requested 2-year extension for Plumosa Farms IPD under regulations adopted by the state of Florida in Senate Bill 360 and the Lee County resolution 09-06-22 which authorizes staff to grant 2-year extensions to zoning master concept plans which expire between September 1, 2008 and January 1, 2012.

The existing Master Concept Plan was approved April 2, 2001 and has an initial expiration date of April 2, 2006. The applicant has subsequently obtained development orders to allow for the excavation of the subject property. The most recent development order (LDO2007-00063) was approved on May 7, 2008. In accordance with Section 34-381 of the Lee County Land Development Code, the master concept plan remains valid for a six year period or until the development order expires or is renewed. The Development Order for this property will expire well after January 1, 2012. Consequently, neither the master concept plan's original expiration date or the Development Order will expire between the timelines outlined in Senate Bill 360 or Lee County Resolution 09-06-22.

For the reasons outlined above staff is denying the requested master concept plan extension for Plumosa Farms IPD (Z-01-004).

If you have any questions, please do not hesitate to contact me.

Sincerely,

Pam Houck
Director
Division of Zoning
Department of Community Development



LEE COUNTY
SOUTHWEST FLORIDA

239-533-8585

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Karen B. Hawes
County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing Examiner

March 18, 2010

BRIAN FARRAR
BCF MANAGEMENT GROUP, LLC
22190 FAIRMOUNT COURT
ESTERO FL 33928

Re: PLUMOSA PIT
Senate Bill 360 Extension (F)
DCI2009-00053

Dear BRIAN FARRAR:

The requested extension on behalf of Plumosa Farms, IPD, cannot be approved at this time. Additional information is needed.

Senate Bill 360 and Lee County Resolution 09-06-22 require the applicant to identify "the specific authorization(s) for which the holder intends to use the extension." The request received by the County sought a 2-year extension of the "Plumosa Farms IPD, ordinance #01-004." The County is unable to determine which specific authorizations that the Applicant's request covers.

Please amend the request to identify, with specificity, the local government authorizations that the applicant is seeking to be extended. Also, please ensure the request identifies the applicable file, case, or permit numbers for each item. Once received the County will be able to complete its review of the request and provide its response.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Department of Community Development
Division of Zoning

Pam Houck

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

WHEREAS, Cheryl L. Milarcik filed an application on behalf of the property owner, Plumosa Farms, Inc., to rezone 36.824± acres from the Agricultural (AG-2) zoning district to the Industrial Planned Development (IPD) district, in reference to Plumosa Farms, Inc.; and,

WHEREAS, a public hearing was advertised and held on February 9, 2001, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2000-00056; and

WHEREAS, a second public hearing was advertised and held on April 2, 2001, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone 36.824± acres from AG-2 to IPD. The property is located in the Density Reduction/Groundwater Resource Land Use Category and legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. The development of this project must be consistent with the one-page Master Concept Plan entitled "Master Concept Plan for Plumosa Farms," dated June 21, 1999 and stamped received October 11, 2000, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

The maximum length of this mining operation may not exceed nine (9) years from the date of the zoning approval. Additional time may be sought through the appropriate application process as required for a new mining operation on the subject property.

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

a. Schedule of Uses

Principal Use:

EXCAVATION: Mining (LDC §§34-1651, 34-1671)

Accessory Uses to the principally permitted use:

ADMINISTRATIVE OFFICES

AGRICULTURAL USES AND AGRICULTURAL ACCESSORY USES. Limited to the existing tree farm operation and the future use of a fish hatchery

CARETAKER'S RESIDENCE

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

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

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

FENCES, WALLS (LDC §34-1741)

GASOLINE DISPENSING SYSTEM, SPECIAL

PARKING LOT: Accessory

SIGNS, in accordance with Chapter 30

STORAGE: Storage, open, (LDC §34-3001 *et seq.*)

3. The general tree requirement must be calculated on the entire development area per LDC §10-416(a)(4), and may be phased to correspond to the mining reclamation. Native wetland species planted in the littoral zone of the reclaimed lake shoreline, and the appropriate trees in the buffer may be counted toward fulfillment of this requirement.
4. A "Deep Lake Management Plan" must be submitted and approved prior to issuance of a local development order.
5. De-watering may be permitted as part of the approved mining operation planned development, provided that the Applicant submits, as part of any local development order, the approved SFWMD permits allowing de-watering as part of the mining operation.
6. Before the commencement of blasting as part of this mining operation, the Applicant must provide Development Review Staff with a copy of the permit from the State Fire Marshall's Office authorizing such blasting. In the event no permit is required through the State Fire Marshall's Office, Applicant must notify Development Review Staff prior to commencing any blasting incidents on this site.
7. The holder of the Excavation/Mining Operation Permit approval must maintain the roads from the end of the paved portion of Bonita Beach Road to the project's entrance by grading, adding limerock, and watering on a regular basis to allow vehicles to traverse without difficulty and avoid creating dust in excess of State standards. Any damage to these roadways must be repaired by the holder of this permit.
8. The maximum permitted depth of this mining operation is 30 feet, or the first confining layer whichever occurs first.

9. Prior to the approval of a local development order, the operator must meet with the Department of Public Safety and agree to the location of a designated helicopter landing zone (if one is found to be necessary) and the means of access for the Emergency Medical Services unit.
10. The Applicant must fence this property in compliance with the LDC to prevent uncontrolled access from adjoining properties or roads. This fencing must be shown on the plans submitted for the Excavation/Mining Operations Permit.
11. The mining operation is anticipated to generate approximately 20 trips per day. This number may be increased provided a Traffic Impact Statement (TIS), setting out the maximum number of trips, is submitted in support of the Development Order demonstrating that the increased number of trucks does not exceed any level of service requirements and what result the increase of trucks will have on the duration of the project.
12. The Applicant will be subject to any duly adopted roads impact fee for mining/excavation uses, provided such fee is adopted and applicable within the duration of the excavation/mining operation.
13. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
14. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b).

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §34-1682(2)a.1. requirement for a 150-foot setback for an excavation site from an existing street right-of-way or road easement; to allow a 50-foot setback. This deviation is APPROVED ONLY for the required setback from the Bonita Beach Road right-of-way.
2. Deviation (2) seeks relief from the LDC §34-1682(2)a.2. requirement for a 100-foot setback from any property line under separate ownership; to allow a 50-foot setback. This deviation is APPROVED ONLY along the west property lines (south of the required setback on the north property line), and the east property line LESS AND EXCEPT the northerly one-quarter mile of the east property line.
3. Deviation (3) seeks relief from the LDC §10-329(e)(3) requirement that the maximum excavation depth cannot exceed 12 feet to a maximum of 20 feet if the water depth does not penetrate impervious soil or rock layer; to allow a maximum excavation depth of 30 feet. This deviation is APPROVED, SUBJECT TO Condition 4 AND PROVIDED that no excavation is allowed to penetrate impervious soil or rock layers.
4. Deviation (4) - WITHDRAWN AT HEARING.

5. Deviation (5) - WITHDRAWN AT HEARING.
6. Deviation (6) - WITHDRAWN AT HEARING.
7. Deviation (7) seeks relief from the LDC §10-420(c)(1) requirement that all general trees must be 10 feet in height and have a two inch caliper; to allow 50% of the total general trees to be 3 gallon size trees. This deviation is APPROVED, SUBJECT to the condition that these trees be planted as wetland trees in the littoral zone, they must meet the Plant Material Standards of LDC §10-420, AND these trees are to be in addition to any required littoral plantings on the subject property.

SECTION D. EXHIBITS:

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

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

SECTION E. FINDINGS AND CONCLUSIONS:

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

- c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
- 4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
- 5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner John E. Albion, seconded by Commissioner Douglas R. St. Cerny and, upon being put to a vote, the result was as follows:

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

DULY PASSED AND ADOPTED this 2nd day of April, 2001.

ATTEST:
CHARLIE GREEN, CLERK

BY: Michele B. Leisner
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [Signature]
Chairman

Approved as to form by:

[Signature]
County Attorney's Office

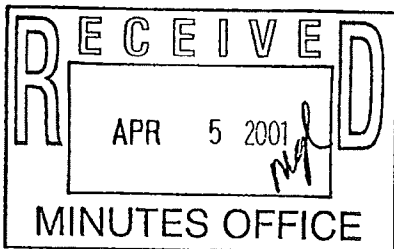


EXHIBIT "A"
LEGAL DESCRIPTION
Property located in Lee County, Florida

PROPERTY DESCRIPTION:

THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE
SOUTHEAST 1/4 OF SECTION 33, TOWNSHIP 47 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA, CONTAINING FIVE (5) ACRES, MORE OR LESS, EXCEPTING
THE NORTH 30 FEET THEREOF, RESERVED FOR CANAL EASEMENT.

AND

THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE
SOUTHEAST 1/4 OF SECTION 33, TOWNSHIP 47 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA, 5 ACRES MORE OR LESS.

AND

THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE
SOUTHEAST 1/4 AND THE EAST 1/2 OF THE SOUTHEAST 1/4 OF THE
SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 33, TOWNSHIP 47
SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, EXCEPTING THE SOUTH
25 FEET THEREOF RESERVED FOR COUNTY ROADWAY RIGHT-OF-WAY.

AND

THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE
SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 47 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA.

AND

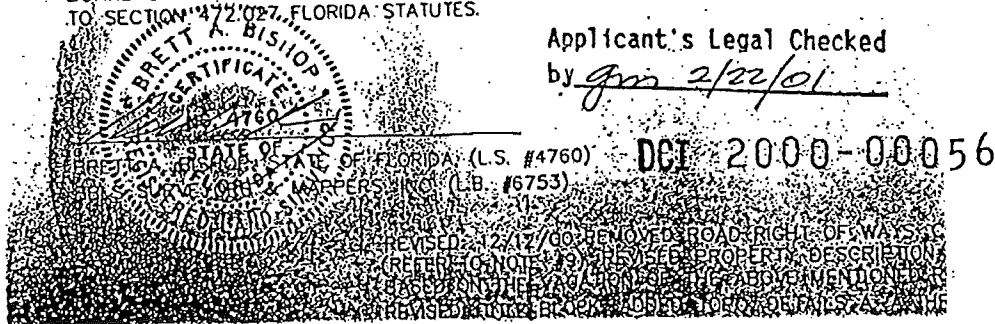
THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST
QUARTER OF SECTION 33, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY,
FLORIDA, LESS AND EXCEPT THE NORTH 30 FEET AND THE EAST 30 FEET FOR
A CANAL EASEMENT.

CERTIFICATION:

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY OF THE HEREON DESCRIBED
PROPERTY WAS SURVEYED UNDER MY RESPONSIBLE CHARGE ON 03/09/95. THIS
SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA
BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61G17-6, F.A.C. PURSUANT
TO SECTION 472.027, FLORIDA STATUTES.

Applicant's Legal Checked

by gms 2/22/01



The applicant has indicated that the STRAP number for the subject property is:
33-47-26-00-00001.002A

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

December 14, 2011

VIA HAND DELIVERY

Pamela Houck
Lee County Community Development
1500 Monroe Street
Fort Myers, FL 33901

RECEIVED
DEC 15 2011

COMMUNITY DEVELOPMENT

Re: Lee County Resolution No. 11-10-01
PLUMOSA PIT
DCI2000-00056

DCI 2011-00044

Dear Ms. Houck:

Pursuant to Lee County Resolution No. 11-10-01, please accept this request for a four-year extension to DCI2000-00056 for the project known as PLUMOSA PIT. This approval is presently set to expire on April 2, 2014. It is my understanding that the new expiration date will be April 2, 2018.

I have enclosed a check for \$200.00 made payable to the Lee County Board of County Commissioners in satisfaction of the filing fee associated with this request.

Please do not hesitate to let me know if you have any questions. Thank you for your kind attention to this request.

Sincerely,



Amanda L. Brock

ALB/
Enclosure \$200 Filing Fee