



EXHIBITS

CASE # _____

DCI2003-00023

HIBISCUS OF LEE COUNTY, L.L.C, in ref. to
CRANE LANDING GOLF COURSE COMMUNITY
RPD / SABAL SPRINGS RPD

CASE NAME: _____

Attach copy of this form to top of packet of exhibits & place exhibits in case file.

ARE THERE ANY BOARD EXHIBITS?

7

YES

NO

LOCATION OF BOARDS _____

If there are any board exhibits, attach another copy of this form to boards for identification purposes.

EXHIBITS

from HEX hearing

CASE #: DC/2003-00023

CASE NAME: Crane Landing

Attach a copy of this form to the top of packet of the exhibits & place exhibits in case file.

ARE THERE ANY BOARD EXHIBITS? ☒ YES ☐ NO

LOCATION OF BOARDS:

If there are any board exhibits, attach another copy of this form to boards for identification purposes.

**Knott, Consoer, Ebelini
Hart & Swett, P.A.**
ATTORNEYS - AT - LAW

George H. Knott *+
George L. Consoer, Jr. **
Mark A. Ebelini
Thomas B. Hart
H. Andrew Swett

* Board Certified Civil Trial Lawyer
** Board Certified Real Estate Lawyer
+ Board Certified Business Litigation Lawyer

1625 Hendry Street • Third Floor (33901)
P.O. Box 2449
Fort Myers, Florida 33902-2449

Telephone (239) 334-2722
Telecopier (239) 334-1446

MUhle@knott-law.com

Matthew D. Uhle
Aaron A. Haak
Derrick S. Eihausen
Naty Torres-Alvarado

Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

MEMORANDUM

TO: Diana Parker, Chief Hearing Examiner

FROM: Matt Uhle

DATE: May 10, 2004

RE: Crane Landing RPD/Proposed Gate Condition

Please revise the second paragraph of Crane Landing Condition 7.b. to read as follows:

Use of this driveway may only be permitted if there is a locked gate separating the golf maintenance facility in Sabal Springs from the property in Crane Landing. The gate must be a minimum of 8 feet high and must be operated electronically and controlled from the inside of the maintenance facility through the use of an intercom system. Access through this connection is limited to golf course maintenance employees, contractors, and supervisors.

cc: Tony Palermo
Joan Henry, Esq.
Hussein Jibai
Tim Pugh

LEE COUNTY
HEARING EXAMINER
04 MAY 10 PM 12:09

APPLICANT'S EXHIBIT # 5
DCR003-00023

Knott, Consoer, Ebelini

Hart & Swett, P.A.

ATTORNEYS - AT - LAW

muhle@knott-law.com

1625 HENDRY STREET (33901)
POST OFFICE BOX 2449
FORT MYERS, FL 33902-2449TELEPHONE (239) 334-2722
TELECOPIER (239) 334-1446
WWW.KNOTT-LAW.COM**FAX TRANSMITTAL COVER SHEET**TOTAL PAGES INCLUDING COVER PAGE: 2

DATE: May 10, 2004
TO: Diana Parker, Chief Hearing Examiner
FAX #: 479-8106
FROM: Matt Uhle
COMMENTS: Re: Crane Landing RPD/Proposed Gate Condition

May 10th memo attached.LEE COUNTY
HEARING EXAMINER
04 MAY 10 PM 12:09

#: 5014.000

INITIALS: MDU

ORIGINAL: Mailed- _____ Federal Expressed- _____ Held in File- XX

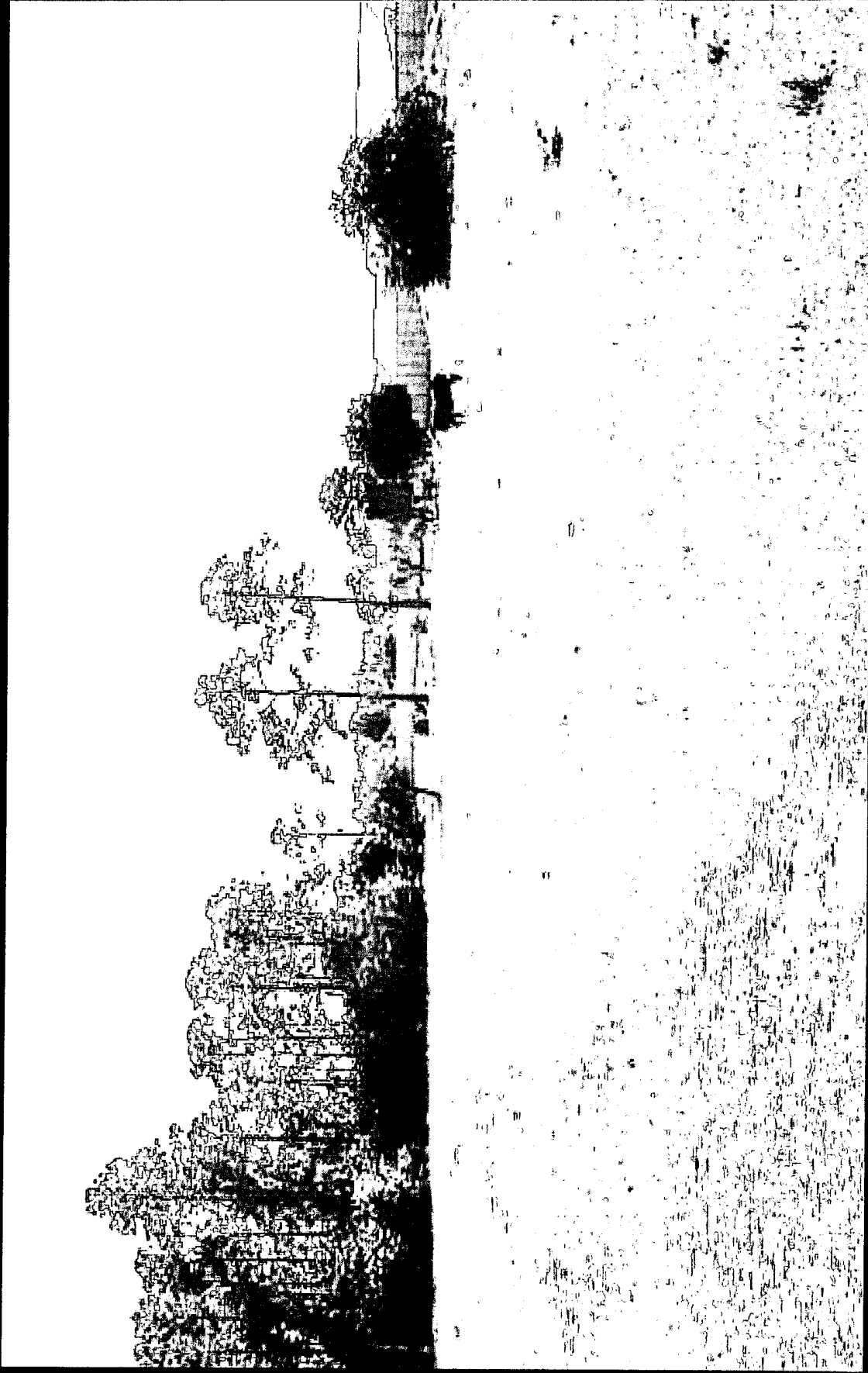
SHOULD YOU HAVE PROBLEMS RECEIVING THIS TRANSMISSION, PLEASE CALL SENDER AT (239) 334-2722.

THIS FAX SENT FROM FAX # (239) 334-1446___ / (239) 334-2801___ / (239) 334-8458 ✓ / by: ZW

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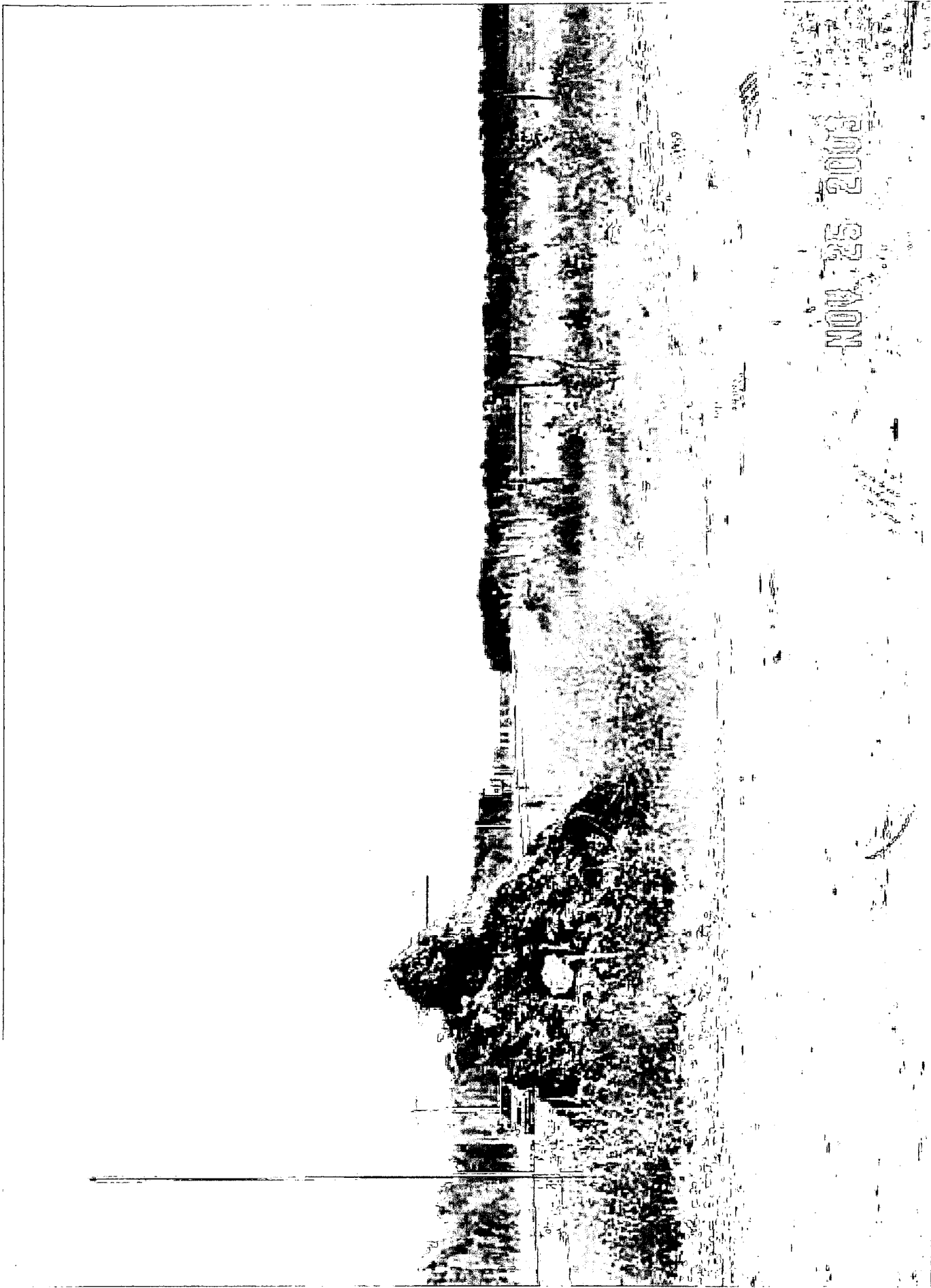
DCI2003-00023 CRANE LANDING



Staff photos by Tony Palermo, Senior Planner

All photographs accurately reflect conditions on the date above.

Crane Landing property above.



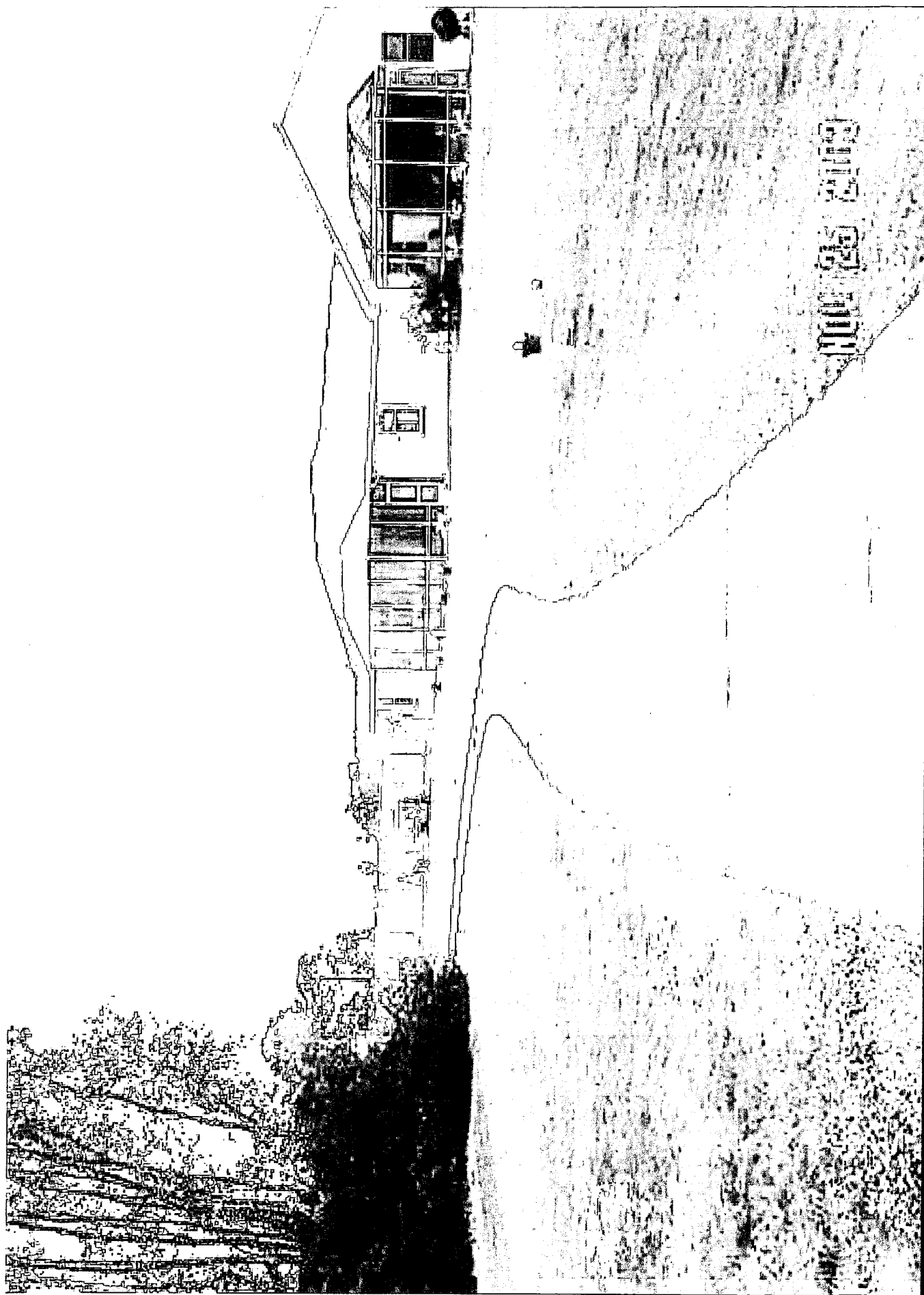
2002
25
NOV

LOOKING EAST ON DEL PRADO.



NOV 25 2003

LOOKING SOUTH. THE NORTHEAST CORNER OF THE SUBJECT PROPERTY.



GOLF AND RESIDENTIAL, SABAL SPRINGS RPD.



SABAL SPRINGS GATE.

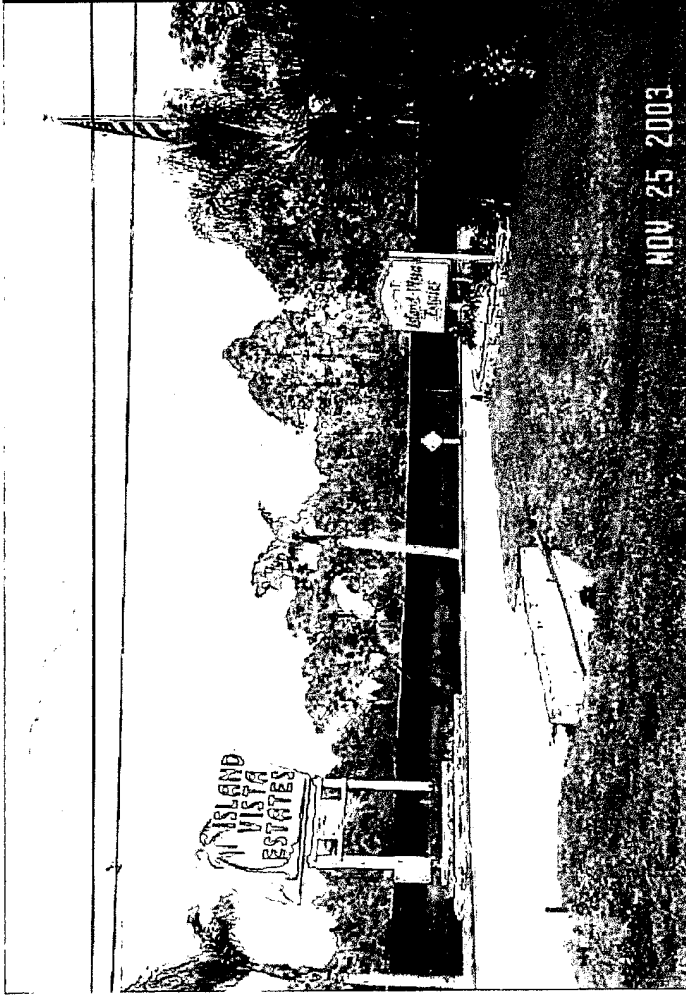


GOLF MAINTENANCE FACILITY AT SABAL SPRINGS RPD.

Residential Neighbors on Old 41.

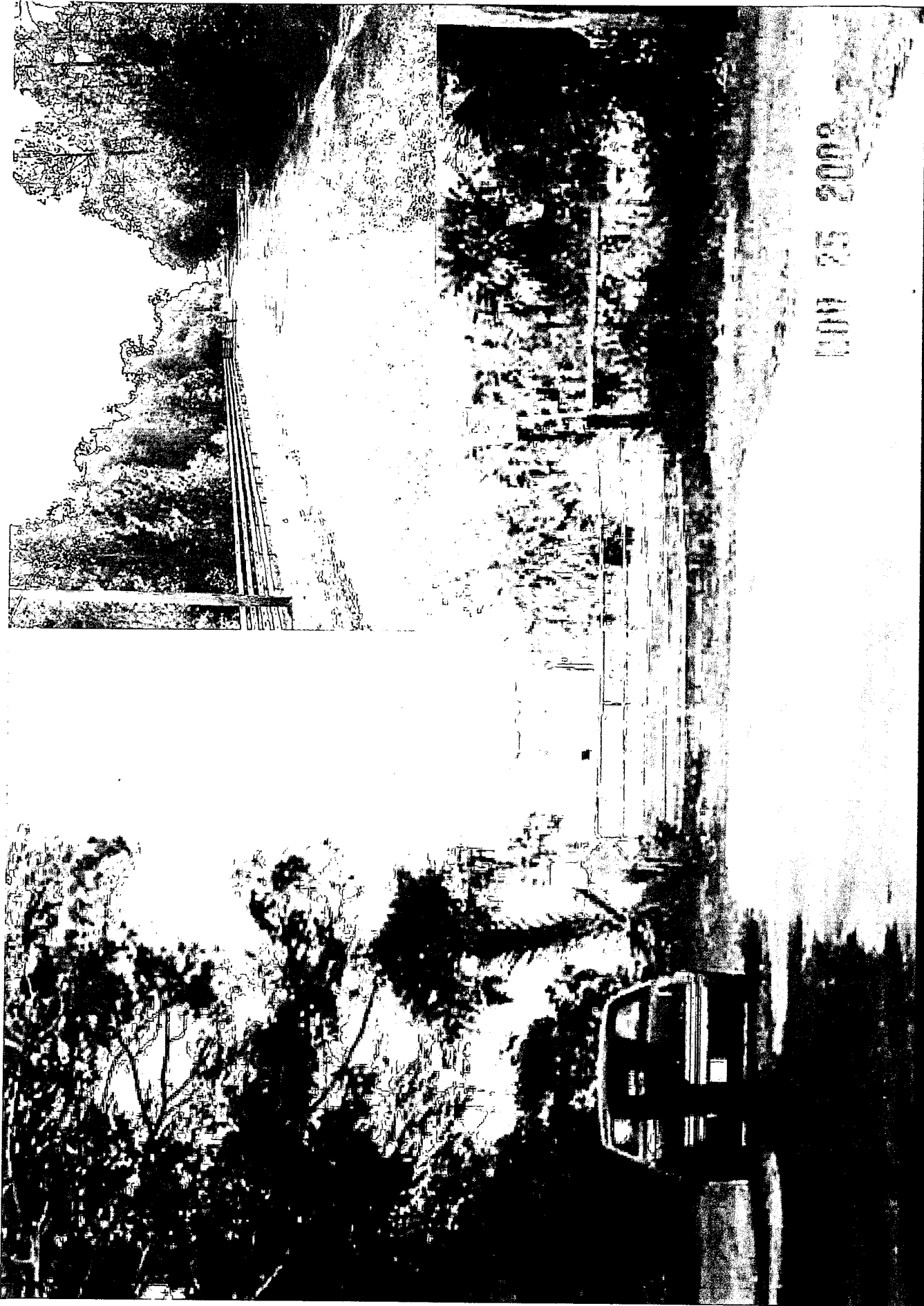
Island Vista Estates (formerly San Souci)

Lake Arrowhead



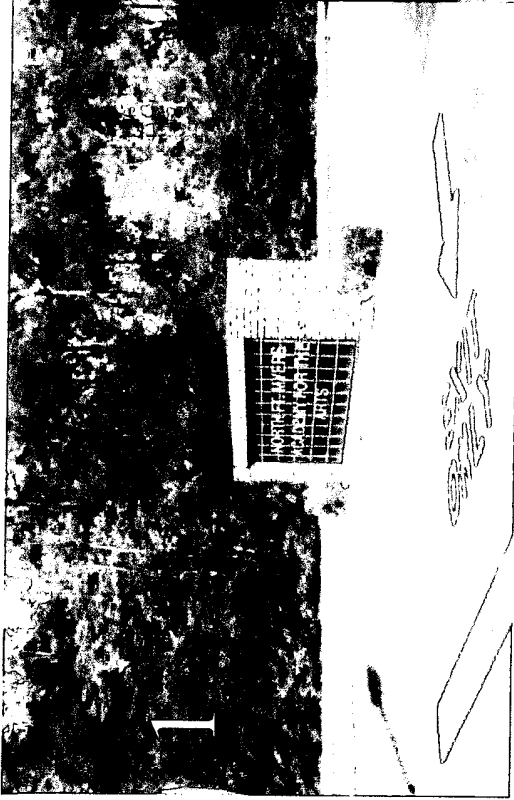


LOOKING SOUTH ON WINONA DRIVE.



NOV 25 2002

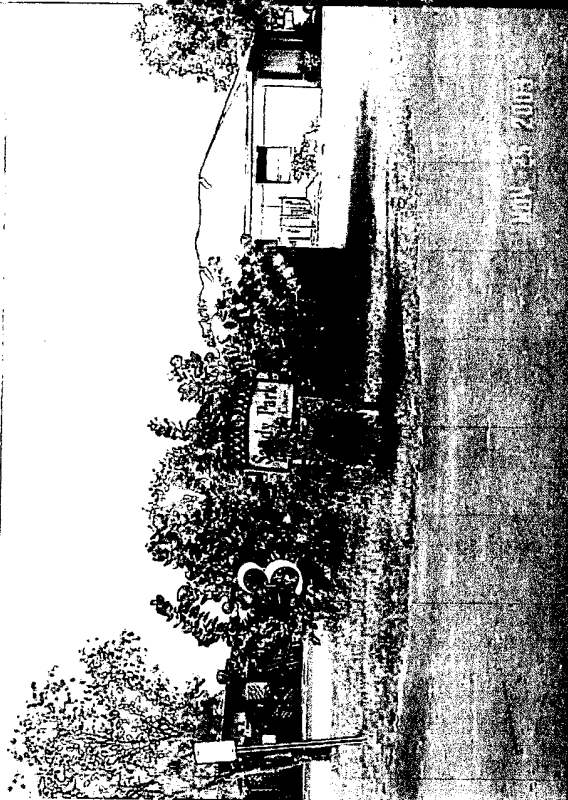
THE END OF N. SECOND STREET. PROPOSED EMERGENCY ACCESS GATE LOCATION.
INSET, N. SECOND STREET, LOOKING SOUTH.



1



2



3



4

1. NORTH FORT MYERS ACADEMY ON GARDEN STREET
2. GARDEN STREET LOOKING SOUTH.
3. SANDY PARK HOME AT THE END OF GARDEN STREET.
4. NORTH END OF GARDEN STREET (PROPOSED EMERGENCY ACCESS POINT.)

- a. *Drainage easement(s) around the northerly and westerly perimeter of the site* (O.R. Book 1980, page 3786) - This is the easement that is part of the agreement with the property owner to the north of Del Prado Ext. That agreement is in the process of being amended to remove this easement.
- b. *70-foot wide utility easement* (O.R. Book 2298, page 3011) - This is a currently vacant power line easement that was exchanged for the previous powerline easement that bisected the property. Along the eastern property line, the east 10' of this easement is included in the 75'-wide strip (for county drainage). The west 10' of this easement is proposed to fall within the rear 10' of future single family lots. The center 50' of this easement is common to the 50' wide separation buffer shown on the MCP. Note that this portion of the "separation buffer" will require no plantings.
- c. *30 foot roadway and drainage easement along the southerly boundary* (O.R Book/pages 2047/1614, 2228/2808, 2782/1078, 3257/3337, 1655/1369) - This easement overlaps the southerly 30 feet of the 50' wide separation buffer shown on the MCP. It currently contains a drainage ditch. The plans are to leave the ditch in place. Therefore no vacation would be necessary.
- d. *Shell roadway in the southerly end of the site* (O.R. Book 1439, page 23) - This is a 60' wide, 0.78 ac. parcel of land (formerly identified by STRAP # 23-43-24-00-00001.105A). This parcel was obtained by the applicant in 1980. It was referred to as a "continuation" of the Second Street right-of-way in the description. We have found no dedication of this property as a road or right-of-way. The plans are to provide an emergency vehicle connection to North Second Street, but the continuation will take a more curvilinear alignment. If it is determined that a vacation is necessary, it will be processed prior to development order for that portion of the site.
- e. *Easements called out on for the westerly boundary.* (O.R. Book 1949, pages 482 & 483, and O.R. Book 1949, page 476) - This is the easement for the NFMU wastewater force main and effluent reuse main. The portion recorded in O.R Book 1949 pgs 482 & 483, is 15' wide and is primarily the western 15' of the 75' wide strip (for county drainage). In discussions with Brad Vance, those facilities in the western 15' will not preclude the county's intended use of the 75' wide future drainage right-of-way. The portion recorded in O.R Book 1949 pg. 476, is 25' wide and is the eastern 25' of the 75' wide future drainage right-of-way. Efforts are already under way by the county to relocate those facilities, to align with northern portion, in order to facilitate the proposed drainage flow way.
- f. *There may be more easements.* The project surveyor included all known easements within the property based on available information. In the years that the applicant has been under control of this property, they have cooperated with various utilities to allow the various utilities / easements to be located around the periphery of the project site. We know of no easements located within this site that would preclude the development of this project following the concept shown on the MCP.

CHAPTER 28-24

DEVELOPMENTS PRESUMED TO BE OF REGIONAL IMPACT

28-24.000	Section Table of Contents
28-24.001	Airports.
28-24.002	Attractions and Recreation Facilities.
28-24.003	Electrical Generating Facilities and Transmission Lines.
28-24.004	Hospitals.
28-24.005	Industrial Plants and Industrial Parks.
28-24.006	Mining Operations.
28-24.007	Office Parks.
28-24.008	Petroleum Storage Facilities.
28-24.009	Port Facilities.
28-24.010	Residential Developments.
28-24.011	Schools.
28-24.012	Shopping Centers.
28-24.013	Application of Presumptive Thresholds.
28-24.014	Application of Banded Thresholds.
28-24.015	Airports.
28-24.016	Attractions and Recreation Facilities.
28-24.017	Hospitals.
28-24.018	Industrial Plants and Industrial Parks.
28-24.019	Mining Operations.
28-24.020	Office Development.
28-24.021	Petroleum Storage Facilities.
28-24.022	Port Facilities.
28-24.023	Residential Developments.
28-24.024	Schools.
28-24.025	Retail, Service, and Wholesale Development.
28-24.026	Hotel or Motel Development.
28-24.027	Recreational Vehicle Development.
28-24.028	Multi-Use Development.
28-24.0281	Airports.
28-24.029	Industrial Plants, Industrial Parks and Distribution, Warehousing or Wholesaling Facilities.
28-24.030	Port Facilities.
28-24.031	Retail and Service Development.
28-24.032	Multi-Use Development.
28-24.033	Port Facilities.
28-24.034	Port Facilities.
28-24.035	Airports.
28-24.036	Port Facilities.

Library References: Dean, Updating the DRI Process, 53 Fla. Bar J. 249, 253 (April 1979) (cites former Chapter 22F-2); Carley, Judicial Interpretation of Florida's Developments of Regional Impact, 53 Fla. Bar J. 633, 634 (Nov. 1979); Bereow, The Need for a Development Plan under Chapter 380, 59 Fla. Bar J. 85 (No. 6, 1985); Bereow, Modifying Approved Developments of Regional Impact, 61 Fla. Bar J. 67 (Oct. 1987); Bowman & Powell, The Flexible New Approach to DRI Aggregation, 63 Fla. Bar J. 54 (July/August 1989).

28-24.001 Airports.

The following development shall be presumed to be a development of regional impact and subject to the requirements of Chapter 380, Florida Statutes:

The proposed construction of any airport development project as defined in the Federal Airport and Airway Development Act of 1970, Title 49 United States Code, Section 1701 et seq., involving the location of a new airport, a new runway or a runway extension.

Specific Authority 380.06(2) FS.

Law Implemented 380.06, 380.10 FS.

History--New 7-1-73, Formerly 22F-2.01, 27F-2.01, 27F-2.001.

28-24.002 Attractions and Recreation Facilities. The following developments shall be presumed to be developments of regional impact and subject to the requirements of Chapter 380, Florida Statutes:

(1) Any sports, entertainment, amusement or recreation facility, including, but not limited to, sports arenas, stadiums, race tracks, tourist attractions and amusement parks, the proposed construction or expansion of which:

(a) for single performance facilities:

1. provides parking spaces for more than two thousand five hundred (2,500) cars; or
2. provides more than ten thousand (10,000) permanent seats for spectators; or

(b) for serial performance facilities:

1. provides parking spaces for more than one thousand (1,000) cars; or
2. provides more than four thousand (4,000) permanent seats for spectators.

For purposes of this subsection "serial performance facilities" shall mean those using their parking areas or permanent seating more than one time per day on a regular or continuous basis.

(2) The proposed construction of any facility authorized under state law to conduct pari-mutuel wagering activities or the proposed expansion of such a facility, which would result in more than a ten percent (10%) increase in parking spaces or permanent seats for spectators.

Specific Authority 380.06(2) FS.

Law Implemented 380.06, 380.10 FS.

History--New 7-1-73, Formerly 22F-2.02, 27F-2.02, 27F-2.002.

28-24.003 Electrical Generating Facilities and Transmission Lines.

The following developments shall be presumed to be developments of regional impact and subject to the requirements of Chapter 380, Florida Statutes:

(1) Any proposed steam electrical generating facility with a total generating capacity greater than one hundred (100) megawatts, or a proposed steam addition to an existing electrical generating facility, which addition has a generating capacity of greater than one hundred (100) megawatts; except that this paragraph shall not apply to a facility which produces electricity not for sale to others. Generating capacity shall be measured by the manufacturer's rated "name plate" capacity.

(2) Any proposed electrical transmission line which has a capacity of two hundred thirty (230) kilovolts or more and crosses a county line.

Provided, however, that no electrical transmission line shall be considered as falling within this standard if its construction is to be limited to an established right-of-way, as specified in Subsection 380.04(3)(b), Florida Statutes.

Specific Authority 380.06(2) FS.

Law Implemented 380.06, 380.10 FS.

History--New 7-1-73, Formerly 22F-2.03, 27F-2.03, 27F-2.003.

28-24.004 Hospitals. The following development shall be presumed to be a development of regional impact and subject to the requirements of Chapter 380, Florida Statutes:

Any proposed hospital which has a design capacity of more than six hundred (600) beds, or whose application for a certificate of need under Section 381.494, Florida Statutes, shows in the statement of purpose and need that such hospital is designed to serve the citizens of more than one county.

Specific Authority 380.06(2) FS.

Law Implemented 380.06, 380.10 FS.

History--New 7-1-73, Formerly 22F-2.04, 27F-2.04, 27F-2.004.

ANNOTATIONS

Certificate of need

Where no public hearing was held on application by health care institution for construction of new hospital pursuant to Health Facilities Planning Act, issuance of certificate of need lacked quasi-judicial character and it was appropriate for plaintiff to attack it by mandamus, prohibition or injunction. *Humana of Florida, Inc. v. Keller, App., (1st) 329 So. 2d 420 (1976).*

Review

Order of hearing officer designated to conduct proceeding on application for certificate of need to construct hospital was not that of "agency," so was not final agency action subject to judicial review. *Bureau of Community Medical Facilities Planning of Department of Health and Rehabilitative Services v. Sampson, App., (1st) 341 So. 2d 1071 (1977).*

Mandamus was not proper action for review of denial or grant of certificate of need to build hospital, since such denial or grant involves Bureau's exercise of discretion; however, on rehearing court allowed party to amend action to petition for review by way of declaratory judgment. *General Care Corp. v. Forehand, App., (1st) 329 So. 2d 49 (1976).*

28-24.005 Industrial Plants and Industrial Parks.

The following development shall be presumed to be a development of regional impact and subject to the requirements of Chapter 380, Florida Statutes:

Any proposed industrial, manufacturing, or processing plant under common ownership, or any proposed industrial park under common ownership which provides sites for industrial, manufacturing, or processing activity, which:

(1) provides parking for more than one thousand five hundred (1,500) motor vehicles; or

(2) occupies a site greater than one (1) square mile.

Specific Authority 380.06(2) FS.

Law Implemented 380.06, 380.10 FS.

History--New 7-1-73, Formerly 22F-2.05, 27F-2.05, 27F-2.005.

ANNOTATIONS

Vesting of rights

Department of Veteran and Community Affairs, Division of Local Resource Management did not err in its binding letter of interpretation by determining that City's proposed 1,000-foot western extension of existing 6,000-foot east-west runway at airport did not possess vested rights status under statute governing development of regional impact; court found nothing in City's actions or resolutions that amounted to authorization to commence development, and City's purchase of land itself did not vest any rights in runway extension. *City of Ft. Lauderdale v. State Division of Local Resource Management, Department of Veteran and Community Affairs, App., (1st) 424 So. 2d 102 (1982).*

28-24.006 Mining Operations.

(1) The following development shall be presumed to be a development of regional impact and subject to the requirements of Chapter 380, Florida Statutes:

Any proposed solid mineral mining operation which annually requires the removal or disturbance of solid minerals or overburden over an area, whether or not contiguous, greater than one hundred (100) acres or whose proposed consumption of water would exceed three million (3,000,000) gallons per day. In computing the acreage for this purpose, a removal or disturbance of solid minerals or overburden shall be considered part of the same operation if it is all located within a circle, the radius of which is one (1) mile and the center of which is located in an area of removal or disturbed solid minerals or overburden.

(2) As used in this section:

(a) The term "overburden" means the natural covering of any solid mineral sought to be mined, including, but not limited to, soils, sands, rocks, gravel, limestone, water or peat.

(b) The term "solid mineral" includes, but is not limited to, clay, sand, gravel, phosphate rock, lime, shells (excluding live shellfish), stone and any rare earths contained in the soils or waters of this state, which have theretofore been discovered or may be hereafter discovered.

Specific Authority 380.06(2) FS.

Law Implemented 380.06, 380.10 FS.

History--New 7-1-73, Formerly 22F-2.06, 27F-2.06, 27F-2.006.

28-24.007 Office Parks.

The following development shall be presumed to be a development of regional impact and subject to the requirements of Chapter 380, Florida Statutes:

Any proposed office park operated under one common property ownership or management, that:

(1) occupies more than thirty (30) acres of land; or

(2) encompasses more than three hundred thousand (300,000) square feet of gross floor area.

Specific Authority 380.06(2) FS.

Law Implemented 380.06, 380.10 FS.

History--New 7-1-73, Formerly 22F-2.07, 27F-2.07, 27F-2.007.

28-24.008 Petroleum Storage Facilities.

(1) The following developments shall be presumed to be developments of regional impact and subject to the requirements of Chapter 380, Florida Statutes:

(a) Any proposed facility or combination of facilities located within one thousand (1,000) feet of any navigable water for the storage of any petroleum product with a storage capacity of over fifty thousand (50,000) barrels.

(b) Any other proposed facility or combination of facilities for the storage of any petroleum products with a storage capacity of over two hundred thousand (200,000) barrels.

(2) For the purpose of this section, "barrel" shall mean forty-two (42) U. S. Gallons.

Specific Authority 380.06(2) FS.

Law Implemented 380.06, 380.10 FS.

History--New 7-1-73, Formerly 22F-2.08, 27F-2.08, 27F-2.008.

28-24.009 Port Facilities.

The following development shall be presumed to be a development of regional impact and subject to the requirements of Chapter 380, Florida Statutes:

The proposed construction of any water port, except those designed primarily for the mooring or storage of watercraft used exclusively for sport or pleasure of less than one hundred (100) slips for moorings.

Specific Authority 380.06(2) FS.

Law Implemented 380.06, 380.10 FS.

History--New 7-1-73, Formerly 22F-2.09, 27F-2.09, 27F-2.009.

28-24.010 Residential Developments.

(1) The following developments shall be presumed to be developments of regional impact and subject to the requirements of Chapter 380, Florida Statutes:

Any proposed residential development that is planned to create or accommodate more than the following number of dwelling units:

(a) In counties with a population of less than 25,000 -- 250 dwelling units

(b) In counties with a population between 25,000 and 50,000 -- 500 dwelling units

(c) In counties with a population between 50,001 and 100,000 -- 750 dwelling units

(d) In counties with a population between 100,001 and 250,000 -- 1,000 dwelling units

(e) In counties with a population between 250,001 and 500,000 -- 2,000 dwelling units

(f) In counties with a population in excess of 500,000 -- 3,000 dwelling units

Provided, however, that any residential development located within two (2) miles of a county line shall be treated as if it were located in the less populous county.

(2) As used in this section, the term "residential development" shall include, but not be limited to:

(a) the subdivision of any land attributable to common ownership into lots, parcels, units or interests, or

(b) land or dwelling units which are part of a common plan of rental, advertising, or sale, or

(c) the construction of residential structures, or

(d) the establishment of mobile home parks.

(3) As used in this section, the term "dwelling unit" shall mean a single room or unified combination of rooms, regardless of form of ownership, that is designed for residential use by a single family. This definition shall include, but not be limited to, condominium units, individual apartments and individual houses.

(4) For the purpose of this section, the population of the county shall be the most recent estimate for that county, at the time of the application for a development permit. The most recent estimate shall be that determined by the Executive Office of the Governor pursuant to Section 23.019, Florida Statutes.

Specific Authority 380.06(2) FS.

Law Implemented 380.06, 380.10 FS.

History--New 7-1-73, Formerly 22F-2.10, 27F-2.10, 27F-2.010.

28-24.011 Schools.

(1) The following development shall be presumed to be a development of regional impact and subject to the requirements of Chapter 380, Florida Statutes:

The proposed construction of any public, private or proprietary post-secondary educational campus which provides for a design population of more than three thousand (3,000) full-time equivalent students, or the proposed physical expansion of any public, private or proprietary post-secondary educational campus having such a design population, by at least twenty percent (20%) of the design population.

(2) As used in this section, the term "full-time equivalent student" shall mean enrollment for fifteen (15) quarter hours during a single academic semester. In area vocational schools or other institutions which do not employ semester hours or quarter hours in accounting for student participation, enrollment for eighteen (18) contact hours shall be considered equivalent to one (1) quarter hour and enrollment for twenty-seven (27) contact hours shall be considered equivalent to one (1) semester hour.

Specific Authority 380.06(2) FS.

Law Implemented 380.06, 380.10 FS.

History--New 7-1-73, Formerly 22F-2.11, 27F-2.11, 27F-2.011.

28-24.012 Shopping Centers.

The following development shall be presumed to be a development of regional impact and subject to the requirements of Chapter 380, Florida Statutes:

Any proposed retail or wholesale business establishment or group of establishments operated under one common property ownership or management, such as a shopping center or trade center, that:

- (1) occupies more than forty (40) acres of land; or
- (2) encompasses more than four hundred thousand (400,000) square feet of gross floor area; or
- (3) provides parking spaces for more than two thousand five hundred (2,500) cars.

Specific Authority 380.06(2) FS.

Law Implemented 380.06, 380.10 FS.

History--New 7-1-73, Formerly 22F-2.12, 27F-2.12, 27F-2.012.

28-24.013 Application of Presumptive Thresholds.

The guidelines and standards in 28-24.001 through 28-24.012 shall apply to developers who received authorization to commence development from the local government prior to October 1, 1985.

Specific Authority 380.06(2)(c) FS.

Law Implemented 380.06 FS.

History--New 12-31-85, Formerly 27F-2.013.

28-24.014 Application of Banded Thresholds.

(1) The guidelines and standards in 28-24.015 through 28-24.017, 28-24.019 through 28-24.021, 28-24.023 through 28-24.024, and 28-24.026 through 28-24.027 for developments required to undergo development-of-regional-impact review shall apply to developers who receive authorization to commence development from the local government on or after October 1, 1985.

(2) The guidelines and standards in 28-24.018, 28-24.022, 28-24.025 and 28-24.028 for developments required to undergo development-of-regional-impact review shall apply to developers who received authorization to commence development for these uses from the local government on or after October 1, 1985 through June 30, 1988.

(3) The guidelines and standards in 28-24.0281 for developments required to undergo development-of-regional-impact review shall apply to developers who receive authorization to commence development for this use from the local government on or after July 1, 1986 through June 30, 1993.

(4) The guidelines and standards in 28-24.029, 28-24.031, and 28-24.032 for developments required to undergo development-of-regional-impact review shall apply to developers who receive authorization to commence development for these uses from the local government on or after July 1, 1988.

(5) Pursuant to the requirements of Section 369.307, Florida Statutes, the numerical thresholds for the types of development listed under the guidelines and standards in Section 28-24.013, and paragraphs (1), (2), (3), (4), (6), (7), (8), and (9) in Section 28.014 shall be reduced by 50 percent when applied to proposed developments entirely or partially located within the Wekiva River Protection Area where the developer received authorization to commence development from the local government on or after June 17, 1988.

(6) The guidelines and standards in 28-24.030 for developments required to undergo development-of-regional-impact review shall apply to developers who receive authorization to commence development for this use from the local government on or after July 1, 1988 until July 5, 1989.

(7) The guidelines and standards in 28-24.033 for developments required to undergo development-of-regional-impact review shall apply to developers who receive authorization to commence development for this use from the local government on July 6, 1989.

(8) The guidelines and standards in 28-24.034 for developments required to undergo development-of-regional-impact review shall apply to developers who receive authorization to commence development for this use from the local government on or after July 7, 1989 until June 30, 1993.

(9) The guidelines and standards in 28-24.035 and 28-24.036 for developments required to undergo development-of-regional-impact review shall apply to developers who receive authorization to commence development for these uses from the local government on or after July 1, 1993.

(10)(a) Pursuant to Chapter 93-206, Laws of Florida, the following guidelines and standards shall apply to developments located within urban central business districts and regional activity centers for jurisdictions whose local comprehensive plan is in compliance with Part II of Chapter 163. These guidelines and standards apply to developments where the developer received authorization to commence development from the local government on or after the date on which a local government comprehensive plan amendment or ordinance as indicated below becomes effective after the date of adoption of this rule. This amendment shall specifically delineate the boundaries of an urban central business district or a regional activity center encompassing the development area and indicate that these boundaries shall be utilized for increased development-of-regional-impact guidelines and standards, consistent with the criteria of this rule. In order to expedite the use of these guidelines and standards, a local government may submit to the Department of Community Affairs, a proposed ordinance specifically delineating the boundaries of an urban central business district or a regional activity center encompassing the development, consistent with the criteria of this rule. Within thirty (30) days of receipt of the proposed ordinance, the Department of Community Affairs shall determine whether or not the proposed ordinance is consistent with the criteria of this rule. If the proposed ordinance is determined by the Department of Community Affairs to be consistent with the criteria of this rule, then the guidelines and standards for developments within the designated urban central business district or regional activity center shall take effect upon adoption of the ordinance by the local government. The local government shall

subsequently adopt the ordinance designation by an amendment to the local government comprehensive plan at the next opportunity for amendment. The following guidelines and standards shall apply to developments within designated urban central business districts and regional activity centers:

1. For residential, hotel, motel, office, or retail developments, the applicable guidelines and standards shall increase by 50 percent.

2. The applicable multi-use guidelines and standards shall increase by 100 percent, provided that one land use of the multi-use development is residential and the residential development amounts to not less than 35 percent of the jurisdiction's applicable residential threshold.

3. For a resort or convention hotel development, the applicable hotel guidelines and standards shall increase by 150 percent, when the proposed development is located in a county with a population greater than 500,000, and the local government specifically designates that the proposed resort or convention hotel development will serve an existing convention center of more than 250,000 gross square feet built prior to July 1, 1992.

(b) If any portion of a proposed development is located outside the delineated urban central business district or regional activity center boundary, then the increased guidelines and standards of 28-24.014(10) shall not apply.

(c) The following definitions are provided to clarify terms used in Rule 28-24.014(10), F.A.C., and are not intended to establish or limit the regulatory authority of other agencies or programs.

1. "Urban Central Business District" means the single urban core area of a municipality with a population of 25,000 or greater, which is located within an urbanized area as identified by the 1990 Census (1990 U.S. Department of Commerce, Bureau of Census publication, Census of Population and Housing Unit Counts (1990 CPH-2) maps, Report No. 11 for the State of Florida). The designated area shall be consistent with the local government comprehensive plan and future land use map intensities, shall contain mass transit service as defined in Rule 9J-5, F.A.C., and shall contain high intensity, high density multi-use development which may include any of the following: retail; office, including professional and governmental offices; cultural, recreational, and entertainment facilities; high density residential; hotels and motels; or appropriate industrial activities.

2. "Regional Activity Center" means a compact, high intensity, high density multi-use area designated as appropriate for intensive growth by the local government of jurisdiction and may include: retail; office; cultural, recreational and entertainment facilities; hotels and motels; or appropriate industrial activities. The designated area shall be consistent with the local government comprehensive plan and future land use map intensities; shall routinely provide service to, or be regularly used by, a significant number of citizens of more than one county; contain adequate existing public facilities as defined in Rule 9J-5, F.A.C., or committed public facilities, as identified in the capital improvements element of the local government comprehensive plan; and shall be proximate and accessible to interstate or major arterial roadways.

(g) The guidelines and standards of 28-24.014(10) shall not apply to urban central business district and regional activity centers designated in a local government comprehensive plan prior to the effective date of this rule. Such prior designated areas may propose to utilize the criteria of this rule by following the procedures of 28-24.014(10)(a) above.

(11) The banded numerical guidelines and standards in 28-24.015 through 28-24.036 shall be applied as follows:

(a) A development that is at or below 80 percent of all numerical thresholds shall not be required to undergo development-of-regional-impact review.

(b) A development that is between 80 and 100 percent of a numerical threshold shall be presumed to not require development-of-regional-impact review.

(c) A development that is at 100 percent or between 100 and 120 percent of a numerical threshold shall be presumed to require development-of-regional-impact review.

(d) A development that is at or above 120 percent of any numerical threshold shall be required to undergo development-of-regional-impact review.

(12) The following chart is intended to illustrate the eighty, one hundred and one hundred twenty percentages of each numerical threshold. In the event of a conflict between the chart and the written thresholds, the written thresholds shall control.

DEVELOPMENT TYPE/THRESHOLD UNIT	THRESHOLD PERCENTAGE		
	80%	100%	120%
Expansion Runway/Terminal (28-24.015)	2%	25%	30%
(b) Attraction/Recreation (28-24.016)			
1. Single Performance	2,000	2,500	3,000
a. Parking Spaces	8,000	10,000	12,000
b. Seats			
2. Serial Performance	800	1,000	1,200
a. Parking Spaces	3,200	4,000	4,800
b. Seats			
(c) Hospitals -- Beds (28-24.017)	480	600	720
(d) Industrial (28-24.018)			
1. Parking Spaces	2,000	2,500	3,000
2. Acres	256	320	384
(e) Mining (28-24.019)			
1. Acres	8	100	100
2. Gallons	2.4M	3.0M	3.6M

DEVELOPMENT TYPE/THRESHOLD UNIT	THRESHOLD PERCENTAGE		
	80%	100%	120%
f) Office (28-24.020)			
1. Gross Square Feet	240,000	300,000	360,000
2. Acres	4	30	36
3. Gross Square Feet*	480,000	600,000	720,000
g) Petroleum Storage (28-24.021)			
1. Barrels -- within 1000 ft. of navigable water	40,000	50,000	60,000
2. Barrel -- all others	160,000	200,000	240,000
h) Ports (Marinas) (28-24.022)			
1. Wet Storage or Mooring of Watercraft	80	100	120
2. Dry Storage of Watercraft	120	150	180
3. Wet/Dry Storage or Mooring of Watercraft**	240	300	360
4. Dry Storage of Watercraft in a Marina Constructed and in Operation prior to July 1, 1985	240	300	360
i) Residential -- dwelling units (28-24.023)			
1. 25,000 population or less	200	250	300
2. 25,001-50,000 population	400	500	600
3. 50,001-100,000 population	600	750	900
4. 100,001-250,000 population	800	1,000	1,200
5. 250,001-500,000 population	1,600	2,000	2,400
6. 500,001 population or more	2,400	3,000	3,600
j) Schools (28-24.024)			
1. Full Time Equivalent Students	2,400	3,000	3,600
2. Expansion in design population -- percentage	16%	20%	24%
k) Retail (28-24.025)			
1. Gross Square Feet	320,000	400,000	480,000
2. Acres	32	40	48
3. Parking Spaces	2,000	2,500	3,000
l) Hotel/Motel (28-24.026)			
1. Rooms	280	350	420
2. Rooms*	600	750	900
m) Recreational Vehicle -- Spaces (28-24.027)	400	500	600
n) Multi-Use -- Percentage (28-24.028)	104	130	156
o) Airports (28-24.0281) Expansion Runway/Terminal	20	25	30
p) Industrial Plants, Industrial Parks and Distribution, Warehousing or Wholesaling Facilities (28-24.029)			
1. Parking spaces	2,000	2,500	3,000
2. Acres	256	320	384

DEVELOPMENT TYPE/THRESHOLD UNIT

THRESHOLD PERCENTAGE

80%

100%

120%

Port Facilities (28-24.030)

1. Wet Storage or Mooring of Watercraft
2. Dry Storage of Watercraft
3. Wet or Dry Storage or Mooring of Watercraft in areas designated by Governor and Cabinet**
4. Dry Storage of Watercraft in a Marina Constructed and in Operation prior to July 1, 1985
5. Mixture of Wet and Dry Mooring or Storage of Watercraft -- Percentage

20

150

180

60

200

240

40

300

360

240

300

360

80

100

120

(r) Retail and Service Development (28-24.031)

1. Gross Square Footage
2. Acres
3. Parking spaces

32,000

400,000

480,000

32

40

48

2,000

2,500

3,000

(s) Multi-Use Developments (28-24.032)

1. Two or more land uses
2. Three or more land uses, one of which is residential with at least 100 dwelling units or 15 percent of the applicable residential threshold, whichever is greater

116

145

174

128

160

192

(t) Port Facilities (28-24.033)

1. Wet Storage or Mooring of Watercraft
2. Dry Storage of Watercraft
- ~~3. Wet or Dry Storage or Mooring of Watercraft with all necessary approvals pursuant to chapters 268, 375, and 403 and located outside Outstanding Florida Waters and Class II waters~~
4. Dry Storage of Watercraft in a Marina Constructed and in Operation prior to July 1, 1985
5. Mixture of Wet and Dry Mooring or Storage of Watercraft -- Percentage

120

150

180

160

200

240

320

400

480

240

300

360

80

100

120

(u) Port Facilities (28-24.034)

1. Wet Storage or Mooring of Watercraft
2. Dry Storage of Watercraft
- ~~3. Wet or Dry Storage or Mooring of Watercraft with all necessary approvals pursuant to chapters 268, 375, and 403 and located outside Outstanding Florida Waters and Class II waters~~
4. Dry Storage of Watercraft in a Marina Constructed and in Operation prior to July 1, 1985
5. Mixture of Wet and Dry Mooring or Storage of Watercraft -- Percentage

120

150

180

160

200

240

320

400

480

240

300

360

80

100

120

DEVELOPMENT TYPE/THRESHOLD UNIT	THRESHOLD PERCENTAGE		
	80%	100%	120%
v) Airports (28-24.035)			
Expansion Runway/Terminal ***			
1. Percentages	25	25	30
2. Gross Square Footage	40,000	50,000	60,000
w) Port Facilities (28-24.034)			
1. Wet Storage or Mooring of Watercraft	120	150	180
2. Dry Storage of Watercraft	160	200	240
3. Wet or Dry Storage or Mooring of Watercraft with all necessary approvals pursuant to Chapters 258, 375, and 406 and located outside Outstanding Florida Water and Class II waters	220	400	480
4. Dry Storage of Watercraft in a Marina Constructed and in Operation prior to July 1, 1985	240	300	360
5. Mixture of Wet and Dry Mooring or Storage of Watercraft -- Percentage	80	100	120
6. Wet or Dry Storage or Mooring of Watercraft adjacent to an inland freshwater lake****	120	150	180
7. Wet or Dry Storage or Mooring of Watercraft of 40 feet in length or less or any type or purpose.*****	60	50	60

*In counties with population greater than 500,000, and only in geographic areas specifically designated as highly suitable for increased threshold intensity in the approved local comprehensive plan and the comprehensive regional policy plan.

**In areas designated by the Governor and Cabinet in the state marina siting plan as suitable for marina construction.

***Expansion of existing terminal facilities at a non-hub or small hub commercial service airport shall not be presumed to be a DRI.

****Except for Lake Okeechobee or any lake which has been designated an Outstanding Florida Water.

*****Exceptions to 380.0651(3)(e) requirements for DRI review shall not apply to any water port or marina facility located within or which serves physical development located within a coastal barrier resource unit on an unbridged barrier island designated pursuant to 16 U.S.C. 3501.

Specific Authority 380.06(2), 380.0651 (Supp. 1988), 369.307 (Supp. 1988) FS. Section 52, Chapter 93-206, Laws of Florida.

Law Implemented 380.06 FS. Chapter 93-206, Laws of Florida.

History--New 12-31-85, Formerly 27F-2.014, Amended 7-25-89, 1-5-94.

(1) Any of the following proposed airport construction projects shall be presumed to be a development of regional impact:

- (a) A new airport with paved runways.
- (b) A new paved runway.
- (c) A new passenger terminal facility.

(2)(a) Subject to Section 380.06(2)(d), F.S., the proposed expansion of an existing runway or terminal facility by 25 percent or more on a commercial service airport or a general aviation airport with regularly scheduled flights shall be a development of regional impact.

(b) For the purpose of this rule, runway expansion shall include strengthening the runway when the strengthening will result in an increase in aircraft size, or the addition of jet aircraft utilizing the airport.

(3) Any airport development project which is proposed for safety, repair, or maintenance reasons alone and would not have the potential to increase or change existing types of aircraft activity shall not be presumed to be a development of regional impact.

Specific Authority 380.0651(3)(a) FS.

Law Implemented 380.06 FS.

History--New 12-31-85, Formerly 27F-2.015.

28-24.016 Attractions and Recreation Facilities.

Subject to Section 380.06(2)(d), F.S., any sports, entertainment, amusement, or recreation facility, including, but not limited to, sports arenas, stadiums, race tracks, tourist attractions, amusement parks, and pari-mutuel facilities; the proposed construction or expansion of which:

(1) For single performance facilities:

- (a) Provides parking spaces for more than 2,500 cars; or
- (b) Provides more than 10,000 permanent seats for spectators; or

(2) For serial performance facilities:

- (a) Provides parking spaces for more than 1,000 cars; or
- (b) Provides more than 4,000 permanent seats for spectators; shall be a development of regional impact. For purposes of this subsection, "serial performance facilities" means those using their parking areas or permanent seating more than one time per day on a regular or continuous basis.

Specific Authority 380.0651(3)(b) FS.
Law Implemented 380.06 FS.
History--New 12-31-85, Formerly 27F-2.016.

28-24.017 Hospitals.

(1) Any proposed hospital where the application for a certificate of need under Section 381.494, Florida Statutes, shows in the statement of purpose and need that such hospital is designed to serve the citizens of more than one county shall be presumed to be a development of regional impact.

(2) Subject to Section 380.06(2)(d), F.S., any proposed hospital which has a design capacity of more than six hundred (600) beds shall be a development of regional impact.

Specific Authority 380.06(2) FS.
Law Implemented 380.06, 380.0651 FS.
History--New 12-31-85, Formerly 27F-2.017.

28-24.018 Industrial Plants and Industrial Parks.

Subject to Section 380.06(2)(d), F.S., any proposed industrial, manufacturing, or processing plant under common ownership, or any proposed industrial park under common ownership which provides sites for industrial, manufacturing, or processing activity which:

(1) Provides parking for more than 2,500 motor vehicles; or

(2) Occupies a site greater than 320 acres, shall be a development of regional impact.

Specific Authority 380.0651(3)(c) FS.
Law Implemented 380.06 FS.
History--New 12-31-85, Formerly 27F-2.018.

28-24.019 Mining Operations.

(1) Subject to Section 380.06(2)(d), F.S., the following development shall be a development of regional impact and subject to the requirements of Chapter 380, Florida Statutes:

Any proposed solid mineral mining operation which annually requires the removal or disturbance of solid minerals or overburden over an area, whether or not contiguous, greater than one hundred (100) acres or whose proposed consumption of water would exceed three million (3,000,000) gallons per day. In computing the acreage for this purpose, a removal or disturbance of solid minerals or overburden shall be considered part of the same operation if it is all located within a circle, the radius of which is one mile and the center of which is located in an area of removal or disturbed solid minerals or overburden.

(2) As used in this section:

(a) The term "overburden" means the natural covering of any solid material sought to be mined, including, but not limited to soils, sands, rocks, gravel, limestone, water or peat.

(b) The term "solid mineral" includes, but is not limited to, clay, sand, gravel, phosphate rock, lime, shells (excluding live shellfish), stone and any rare earths contained in the soils or waters of this state, which have theretofore been discovered or may be hereafter discovered.

Specific Authority 380.06(2) FS.

Law Implemented 380.06, 380.0651 FS.

History--New 12-31-85, Formerly 27F-2.019.

28-24.020 Office Development.

Subject to Section 380.06(2)(d), F.S., any proposed office building or park operated under common ownership, development plan, or management, that:

- (1) Encompasses 300,000 or more square feet of gross floor area;
- (2) Has a total site size of 30 or more acres; or
- (3) Encompasses more than 600,000 square feet of gross floor area in counties with a population greater than 500,000 and only in geographic areas specifically designated as highly suitable for increased threshold intensity in the approved local comprehensive plan and in the comprehensive regional policy plan; shall be a development of regional impact.

Specific Authority 380.0651(3)(d) FS.

Law Implemented 380.06 FS.

History--New 12-31-85, Formerly 27F-2.020.

28-24.021 Petroleum Storage Facilities.

(1) Subject to Section 380.06(2)(d), F.S., the following developments shall be developments of regional impact and subject to the requirements of Chapter 380, Florida Statutes:

(a) Any proposed facility or combination of facilities located within one thousand (1,000) feet of any navigable water for the storage of any petroleum product with a storage capacity of over fifty thousand (50,000) barrels.

(b) Any other proposed facility or combination of facilities for the storage of any petroleum product, with a storage capacity of over two hundred thousand (200,000) barrels.

(2) For the purpose of this rule, "barrel" shall mean forty-two (42) U. S. Gallons.

Specific Authority 380.06(2) FS.

Law Implemented 380.06, 380.0651 FS.

History--New 12-31-85, Formerly 27F-2.021.

Pipeline

DCA's policy of excluding pipelines from definition of "storage facility," as that term is used in Rule 28-24.021, F.A.C., is not unpromulgated rule, as pipelines transport, and do not store, petroleum, and this interpretation comports with plain and unambiguous meaning of word "storage." Thus, petroleum contained in such pipelines is not included in capacity element of DRI review threshold for petroleum storage facilities. *Rackleff v. Department of Community Affairs* (DOAH 89-6100R), 12 FALR 634 (1990).

28-24.022 Port Facilities.

Subject to Section 380.06(2)(d), F.S., the proposed construction of any waterport or marina shall be a development of regional impact, except those designed for:

- (1) The wet storage or mooring of less than 100 watercraft used exclusively for sport, pleasure or commercial fishing.
- (2) The dry storage of less than 150 watercraft used exclusively for sport, pleasure, or commercial fishing.
- (3) The wet or dry storage or mooring of less than 300 watercraft used exclusively for sport, pleasure, or commercial fishing in an area designated by the Governor and Cabinet in the state marina siting plan as suitable for marina construction.
- (4) The dry storage of less than 300 watercraft used exclusively for sport, pleasure, or commercial fishing at a marina constructed and in operation prior to July 1, 1985.
- (4) The dry storage of less than 300 watercraft used exclusively for sport, pleasure, or commercial fishing at a marina constructed and in operation prior to July 1, 1985.

Specific Authority 380.0651(3)(e) FS.

Law Implemented 380.06 FS.

History--New 12-31-85, Formerly 27F-2.022.

28-24.023 Residential Developments.

(1) Subject to Section 380.06(2)(d), F.S., the following developments shall be developments of regional impact:

Any proposed residential development that is planned to create or accommodate more than the following number of dwelling units:

- (a) In counties with a population of less than 25,000 -- 250 dwelling units.
- (b) In counties with a population between 25,000 and 50,000 -- 500 dwelling units.

- (c) In counties with a population between 50,001 and 100,000 -- 750 dwelling units.
- (d) In counties with a population between 100,001 and 250,000 -- 1,000 dwelling units.
- (e) In counties with a population between 250,001 and 500,000 -- 2,000 dwelling units.
- (f) In counties with a population in excess of 500,000 -- 3,000 dwelling units.

However, any residential development twenty-five percent of which is located within two (2) miles or less of a county line shall be treated as if it were located in the less populous county.

(2) As used in this rule the term "residential development" shall include but not be limited to:

- (a) the subdivision of any land attributable to common ownership into lots, parcels, units or interests, or
- (b) land or dwelling units which are part of a common plan of rental, advertising, or sale, or
- (c) the construction of residential structures, or
- (d) the establishment of mobile home parks.

(3) As used in this rule the term "dwelling unit" shall mean a single room or unified combination of rooms, regardless of form of ownership, that is designed for residential use by a single family. This definition shall include, but not be limited to, condominium units, individual apartments and individual houses.

(4) For the purpose of this rule the population of the county shall be the most recent estimate for that county, at the time of the application for a development permit. The most recent estimate shall be that determined by the Executive Office of the Governor pursuant to Section 23.019, Florida Statutes.

Specific Authority 380.06(2) FS.

Law Implemented 380.06, 380.0651 FS.

History--New 12-31-85, Formerly 27F-2.023.

28-24.024 Schools.

(1) Subject to Section 380.06(2)(d), F.S., the following development shall be a development of regional impact:

The proposed construction of any public, private or proprietary post-secondary educational campus which provides for a design population of more than three thousand (3,000) full-time equivalent students, or the proposed physical expansion of any public,

private or proprietary post-secondary educational campus having such a design population, by at least twenty percent (20%) of the design population.

(2) As used in this section, the term "full-time equivalent student" shall mean enrollment for fifteen (15) quarter hours during a single academic semester. In area vocational schools or other institutions which do not employ semester hours or quarter hours in accounting for student participation, enrollment for eighteen (18) contact hours shall be considered equivalent to one quarter hour and enrollment for twenty-seven (27) contact hours shall be considered equivalent to one semester hour.

Specific Authority 380.06(2) FS.

Law Implemented 380.06, 380.0651 FS.

History--New 12-31-85, Formerly 27F-2.024.

28-24.025 Retail, Service, and Wholesale Development.

Subject to the provisions of Section 380.06(2)(d), F.S., any proposed retail, service, or wholesale business establishment or group of establishments operated under one common property ownership, development plan, or management that:

- (1) Encompasses more than 400,000 square feet of gross area; or
- (2) Occupies more than 40 acres of land; or
- (3) Provides parking spaces for more than 2,500 cars; shall be a development of regional impact.

Specific Authority 380.0651(3)(f) FS.

Law Implemented 380.06 FS.

History--New 12-31-85, Formerly 27F-2.025.

28-24.026 Hotel or Motel Development.

Subject to Section 380.06(2)(d), F.S., the following developments shall be a development of regional impact:

- (1) Any proposed hotel or motel development that is planned to create or accommodate 350 or more units; or
- (2) Any proposed hotel or motel development that is planned to create or accommodate 750 or more units, in counties with a population greater than 500,000, and only in geographic areas specifically designated as highly suitable for increased threshold intensity in the approved local comprehensive plan and the comprehensive regional policy plan.

Specific Authority 380.0651(3)(g) FS.

Law Implemented 380.06 FS.

History--New 12-31-85, Formerly 27F-2.026.

Subject to Section 380.06(2)(d), F.S., any proposed recreational vehicle development planned to create or accommodate 500 or more spaces shall be a development of regional impact.

Specific Authority 380.0651(3)(h) FS.

Law Implemented 380.06 FS.

History--New 12-31-85, Formerly 27F-2.027.

28-24.028 Multi-Use Development. Subject to Section 380.06(2)(d), F.S., any proposed development with two or more land uses under common ownership, development plan, advertising or management where the sum of the percentages of the appropriate thresholds identified in 28-24.015 through 28-24.027 for each land use in the development is equal to or greater than 130 percent shall be a development of regional impact. This threshold is in addition to, and does not preclude, a development from being required to undergo development-of-regional-impact review under any other threshold.

Specific Authority 380.0651(3)(i) FS.

Law Implemented 380.06 FS.

History--New 12-31-85, Formerly 27F-2.028.

28-24.0281 Airports.

(1) Any of the following airport construction projects shall be presumed to be a development of regional impact:

- (a) A new commercial service or general aviation airport with paved runways.
- (b) A new commercial service or general aviation paved runway.
- (c) A new passenger terminal facility.

(2)(a) Expansion of an existing runway or terminal facility by 25 percent or more on a commercial service airport or a general aviation airport with regularly scheduled flights shall be presumed to be a development of regional impact.

(b) For the purpose of this section, runway expansion shall include strengthening the runway when the strengthening will result in an increase in aircraft size or the addition of jet aircraft utilizing the airport.

(3) Any airport development project which is proposed for safety, repair, or maintenance reasons alone and would not have the potential to increase or change existing types of aircraft activity shall not be presumed to be a development of regional impact.

Specific Authority 380.0651(3)(a) FS.

Law Implemented 380.06 FS.

History--New 1-5-94.

28-24.029 Industrial Plants, Industrial Parks and Distribution, Warehousing or Wholesaling Facilities.

Subject to Section 380.06(2)(d), F.S., any proposed industrial, manufacturing, or processing plant, or distribution, warehousing, or wholesaling facility, excluding wholesaling developments which deal primarily with the general public on-site, under common ownership, or any proposed industrial, manufacturing, or processing activity or distribution, warehousing, or wholesaling activity, excluding wholesaling activities which deal primarily with the general public on-site, which:

(1) Provides parking for more than 2,500 motor vehicles; or

(2) Occupies a site greater than 320 acres.

Specific Authority 380.0651(3)(e) FS.

Law Implemented 380.06 FS.

History--New 7-25-89.

28-24.030 Port Facilities.

Subject to Section 380.06(2)(d), F.S., the proposed construction of any waterport or marina shall be a development of regional impact, except one designed for:

(1) The wet storage or mooring of less than 150 watercraft used exclusively for sport, pleasure, or commercial fishing.

(2) The dry storage of less than 200 watercraft used exclusively for sport, pleasure, or commercial fishing.

(3) The wet or dry storage or mooring of less than 300 watercraft used exclusively for sport, pleasure, or commercial fishing in an area designated by the Governor and Cabinet in the state marina siting plan as suitable for marina construction.

(4) The dry storage of less than 300 watercraft used exclusively for sport, pleasure, or commercial fishing at a marina constructed and in operation prior to July 1, 1985.

(5) Any proposed marina development with both wet and dry mooring or storage used exclusively for sport, pleasure, or commercial fishing, where the sum of percentages of the applicable wet and dry mooring or storage thresholds equals 100 percent. This threshold is in addition to, and does not preclude, a development from being required to undergo development of regional impact review under paragraphs (1), (2), and (4) of this rule.

Specific Authority 380.0651(3)(e) FS.

Law Implemented 380.06 FS.

History--New 7-25-89.

28-24.031 Retail and Service Development.

Subject to Section 380.06(2)(d), F.S., any proposed retail, service or wholesale business establishment or group of establishments which deals primarily with the general public on-site, operated under one common property ownership, development plan, or management that:

- (1) Encompasses more than 400,000 square feet of gross area;
- (2) Occupies more than 40 acres of land; or
- (3) Provides parking spaces for more than 2,500 cars.

Specific Authority 380.0651(3)(f) FS.

Law Implemented 380.06 FS.

History--New 7-25-89.

28-24.032 Multi-Use Development.

Subject to Section 380.06(2)(d), F.S., the following development shall be a development of regional impact:

(1) Any proposed development with two or more land uses where the sum of the percentages of the appropriate thresholds identified in 28-24.015 through 28-24.017, 28-24.019 through 28-24.021, 28-24.023 through 28-24.024, 28-24.026 through 28-24.027 and 28-24.029 through 28-24.031 for each land use in the development is equal to or greater than 145 percent; or

(2) Any proposed development with three or more land uses, one of which is residential and contains 100 dwelling units or 15 percent of the applicable residential threshold, whichever is greater, where the sum of the percentages of the appropriate thresholds identified in 28-24.015 through 28-24.017, 28-24.019 through 28-24.021, 28-24.023 through 28-24.024, 28-24.026 through 28-24.027 and 28-24.029 through 28-24.031 for each land use in the development is equal to or greater than 160 percent. The thresholds listed in (1) and (2) of this paragraph are in addition to, and do not preclude, a development from being required to undergo development of regional impact review under any other threshold.

Specific Authority 380.06(2)(c), 380.0651(3) FS (Supp. 1988).

Law Implemented 380.06 FS.

History--New 7-25-89.

28-24.033 Port Facilities.

The proposed construction of any waterport or marina is required to undergo development-of-regional-impact review, except one designed for:

(1)(a) The wet storage or mooring of fewer than 150 watercraft used exclusively for sport, pleasure, or commercial fishing, or

(b) The dry storage of fewer than 200 watercraft used exclusively for sport, pleasure, or commercial fishing, or

~~(c) The wet or dry storage or mooring of fewer than 400 watercraft used exclusively for sport, pleasure, or commercial fishing with all necessary approvals pursuant to chapters 253, 373, and 403 and located outside Outstanding Florida Waters and Class II waters. In addition to the foregoing, the Department of Environmental Protection must determine in writing that the marina is located so that it will not adversely impact Outstanding Florida Waters or Class II waters and will not contribute boat traffic in a manner that will have an adverse impact on an area known to be, or likely to be, frequented by manatees. The Department of Environmental Protection determination shall constitute final agency action pursuant to chapter 120.~~

(2) The dry storage of fewer than 300 watercraft used exclusively for sport, pleasure, or commercial fishing at a marina constructed and in operation prior to July 1, 1985.

(3) Any proposed marina development with both wet and dry mooring or storage used exclusively for sport, pleasure, or commercial fishing, where the sum of percentages of the applicable wet and dry mooring or storage thresholds equals 100 percent. This threshold is in addition to, and does not preclude, a development from being required to undergo development-of-regional-impact review under subparagraphs (1)(a) and (1)(b) and subsection (2) of this rule.

Specific Authority 380.0651(3)(e) FS.

Law Implemented 380.06 FS.

History--New 1-5-94.

28-24.034 Port Facilities. The proposed construction of any waterport or marina is required to undergo development-of-regional-impact review, except one designed for:

(1)(a) The wet storage or mooring of fewer than 150 watercraft used exclusively for sport, pleasure, or commercial fishing, or

(b) The dry storage of fewer than 200 watercraft used exclusively for sport, pleasure, or commercial fishing, or

~~(c) The wet or dry storage or mooring of fewer than 400 watercraft used exclusively for sport, pleasure, or commercial fishing with all necessary approvals pursuant to chapters 253, 373, and 403 and located outside Outstanding Florida Waters and Class II waters.~~

In addition to the foregoing, the Department of Environmental Protection must determine in writing that the marina is located so that it will not adversely impact Outstanding Florida Waters or Class II waters and will not contribute boat traffic in a manner that will have an adverse impact on an area known to be, or likely to be, frequented by manatees. The Department of Environmental Protection determination shall constitute final agency action pursuant to chapter 120.

(2) The dry storage of fewer than 300 watercraft used exclusively for sport, pleasure, or commercial fishing at a marina constructed and in operation prior to July 1, 1985.

(3) Any proposed marina development with both wet and dry mooring or storage used exclusively for sport, pleasure, or commercial fishing, where the sum of percentages of the applicable wet and dry mooring or storage thresholds equals 100 percent. This threshold is in addition to, and does not preclude, a development from being required to undergo development-of-regional-impact review under subparagraphs (1)(a) and (1)(b) and subsection (2) of this rule.

Specific Authority 380.0651(3)(e) FS.

Law Implemented 380.06 FS.

History--New 1-5-94.

28-24.035 Airports.

(1) Any of the proposed airport construction projects shall be presumed to be a development of regional impact:

- (a) A new commercial service or general aviation airport with paved runways.
- (b) A new commercial service or general aviation paved runway.
- (c) A new passenger terminal facility.

(2)(a) Expansion of an existing runway or terminal facility by 25 percent or 50,000 square feet, whichever is greater, on a commercial service airport or general aviation airport with regularly scheduled flights shall be presumed to be a development of regional impact. However, expansion of existing terminal facilities at a non-hub or small hub commercial service airport shall not be presumed to be a development of regional impact.

(b) For the purpose of this section, runway expansion shall include strengthening the runway when the strengthening will result in an increase in aircraft size or the addition of jet aircraft utilizing the airport.

(3) Any airport development project which is proposed for safety, repair, or maintenance reasons alone and would not have the potential to increase or change existing types of aircraft activity shall not be presumed to be a development of regional impact.

Specific Authority Section 54, Chapter 93-206, Laws of Florida.

Law Implemented Chapter 93-206, Laws of Florida.

History--New 1-5-94.

28-24.036 Port Facilities. The proposed construction of any waterport or marina is required to undergo development-of-regional-impact review, except one designed for:

(1)(a) The wet storage or mooring of fewer than 150 watercraft used exclusively for sport, pleasure, or commercial fishing, or

(b) The dry storage of fewer than 200 watercraft used exclusively for sport, pleasure, or commercial fishing, or

~~(c) The wet or dry storage or mooring of fewer than 100 watercraft used exclusively for sport, pleasure, or commercial fishing with all necessary approvals pursuant to chapters 253, 278, and 403 and located outside Outstanding Florida Waters and Class II waters, or~~

(d) The wet or dry storage or mooring of fewer than 150 watercraft on or adjacent to an inland freshwater lake except Lake Okeechobee or any lake which has been designated an Outstanding Florida Water, or

(e) The wet or dry storage or mooring of fewer than 50 watercraft of 40 feet in length or less of any type or purpose. The exceptions to 380.0651(3)(e) requirements for development of regional impact review shall not apply to any waterport or marina facility located within or which serves physical development located within a coastal barrier resource unit on an unbridged barrier island designated pursuant to 16 U.S.C. 3501.

In addition to the foregoing, in order for any exception from requirements for development of regional impact review to apply to a particular waterport or marina development, the Department of Environmental Protection must determine through the issuance of an order that the marina is located so that it will not adversely impact Outstanding Florida Waters or Class II waters and will not contribute boat traffic in a manner that will have an adverse impact on an area known to be, or likely to be, frequented by manatees. Any Department of Environmental Protection order shall constitute final agency action pursuant to chapter 120.

(2) The dry storage of less than 300 watercraft used exclusively for sport, pleasure, or commercial fishing at a marina constructed and in operation prior to July 1, 1985.

(3) Any proposed marina development with both wet and dry mooring or storage used exclusively for sport, pleasure, or commercial fishing, where the sum of percentages of the applicable wet and dry mooring or storage thresholds equals 100 percent. This threshold is in addition to, and does not preclude, a development of regional impact review under subparagraphs (1)(a), (1)(b), and subsection (2) of this rule.

Specific Authority Section 54, Chapter 93-206, Laws of Florida.
Law Implemented Chapter 93-206, Laws of Florida.
History--New 1-5-94.

**DRI RESIDENTIAL THRESHOLDS (Chapter 28-24 Florida Administrative Code) FLORIDA ESTIMATES OF
POPULATION APRIL 1, 2002**

COUNTY	POPULATION ESTIMATES FOR 4/2/2003	DRI DWELLING UNITS THRESHOLD	COUNTY	POPULATION ESTIMATES FOR 4/2/2003	DRI DWELLING UNITS THRESHOLD
ALACHUA	228,607	1,000	ALBANY	27,507	2,000
BAKER	22,992	250	LEON	248,039	1,000
BAY	152,186	1,000	LEVY	36,013	500
BRADFORD	26,517	500	LIBERTY*	7,157	250
BREVARD	494,102	2,000	MADISON	18,932	250
BROWARD	1,669,153	3,000	MANATEE	277,362	2,000
CALHOUN*	13,231	250	MARION	271,096	2,000
CHARLOTTE	128,521	1,000	MARTIN	131,051	1,000
CITRUS	123,008	1,000	MIAMI-DADE	2,312,478	3,000
CLAY	149,901	1,000	MONROE	81,140	750
COLLIER	277,157	2,000	NASSAU	61,094	750
COLUMBIA	58,372	750	OKALOOSA	176,971	1,000
DESOTO*	32,798	500	OKEECHOBEE*	36,551	500
DIXIE	14,459	250	ORANGE	955,865	3,000
DUVAL	809,394	3,000	OSCEOLA	193,355	1,000
ESCAMBIA	299,485	2,000	PALM BEACH	1,183,197	3,000
FLAGLER	56,785	750	PASCO	361,468	2,000
FRANKLIN*	10,161	250	PINELLAS	933,994	3,000
GADSDEN*	45,911	500	POLK	502,385	3,000
GILCHRIST	15,023	250	PUTNAM	71,329	750
GLADES	10,664	250	ST. JOHNS	133,953	1,000
GULF*	15,202	250	ST. LUCIE	203,360	1,000
HAMILTON	13,925	250	SANTA ROSA	124,956	1,000
HARDEE*	27,437	500	SARASOTA	389,684	2,000
HENDRY	36,154	500	SEMINOLE	387,626	2,000
HERNANDO	136,484	1,000	SUMTER	61,348	750
HIGHLANDS*	89,038	750	SUWANNEE	35,727	500
HILLSBOROUGH	1,055,617	3,000	TAYLOR	19,800	250
HOLMES*	18,708	250	UNION	13,794	250
INDIAN RIVER	118,149	1,000	VOLUSIA	459,737	2,000
JACKSON*	47,707	500	WAKULLA	24,217	250
JEFFERSON	13,261	250	WALTON	45,521	500
LAFAYETTE	7,205	250	WASHINGTON*	21,649	250
LAKE	231,072	1,000			

Source: Florida Population Estimates, April 1, 2002. Population Program, Bureau of Economic and Business Research, University of Florida. These estimates supersede the April 1, 2001 Florida Census of Population. The DRI thresholds are effective as of January 30, 2003.

NOTE: Polk County shows an increase in the residential thresholds this year.

- * The threshold within these counties is increased 2.5 times to reflect their designation as a rural area of critical economic concern. The increase also applies within Pahokee, Belle Glade, South Bay, and the Immokalee area. See 380.06(2)(e), F.S., and Executive Orders 99-275 and 01-26.

The counties within the Southwest Florida Regional Planning Council District are highlighted.

REVITALIZATION PLAN
FOR
SUNCOAST ESTATES NEIGHBORHOOD DISTRICT

JANUARY 2003

Staff Liaison

Lee County Department of Human Services
83 Pondella Road, Suite #1
North Fort Myers, Florida

**REVITALIZATION PLAN
FOR
SUNCOAST ESTATES
NEIGHBORHOOD DISTRICT**

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**REVITALIZATION PLAN
FOR
SUNCOAST ESTATES
NEIGHBORHOOD DISTRICT**

I. INTRODUCTION

The Neighborhood District Committee's Mission is to improve the neighborhood districts by developing effective, cost efficient, holistic neighborhood revitalization strategies designed to provide decent, affordable housing, a suitable living environment and expanded economic opportunities. This mission shall in part be accomplished by the following actions:

- Identifying legitimate, capable, and strong neighborhood leaders and working with them on a basis of trust, respect, ethics, and recognition.
- Building empowered, accountable neighborhood based private/public partnerships to include honest, unbiased, open communication, real power sharing, mutuality of decision making, and a common neighborhood vision. Honor commitments and willingness to commit needed resources.
- Achieving a holistic approach to neighborhood building by linking physical and service program planning using long term realistic solutions.

The Purpose of the Neighborhood District Program is to:

- Empower the communities to promote safe viable neighborhoods.
- Provide decent housing.
- Encourage economic opportunities.

The Neighborhood District Committee's Responsibilities are to:

- Advise the Community Action Agency/Neighborhood District Committee and ultimately The Board of County Commissioners.
- Improve communications between government and neighborhood residents.
- Develop plans for the neighborhood.
- Oversee and monitor progress of projects and related activities.

The Mission of the Neighborhood District Committee is to be implemented in part by the preparation of a Revitalization Plan intended to revitalize the Suncoast Estates Neighborhood District based on the objectives, strategies and implementing actions contained in the Strategic Regional Policy Plan of the Southwest Florida Regional Planning Council, Lee County Housing Plan and HUD Consolidated Plan. The Revitalization Plan will serve as a basis for the Neighborhood District Committee's recommendations to the Lee County Community Action Agency/Neighborhood District Committee for activities requiring Department of Housing and Urban Development (HUD) funding allocations and approval by the Lee County Board of County Commissioners. The Neighborhood District Committee will also oversee and monitor progress of the activities identified in the Revitalization Plan within the Suncoast Estates Neighborhood District.

II. IDENTIFIED PROBLEMS AND COMMUNITY OBJECTIVES

The following considerations for revitalization of the Suncoast Estates Neighborhood District were contained in the North Fort Myers Community Redevelopment Plan adopted by the Lee County Community Redevelopment Agency.

Background

The Suncoast Estates subdivision was platted in the early 1960's under a state sales deed and not registered as a county plat. The original developer sold lots for a minimal down payment and monthly terms. However, deeds were not recorded and as owners defaulted on their payments, the developer quickly resold the lot. Lack of county jurisdiction over the development caused many problems with modern standards.

Originally the area was developed with mobile homes, but as time passed, single-family homes have replaced many mobile homes. A high percentage of the area is renter occupied.

Constraints

1. The neighborhood was identified for improvement to help curtail crime. Crime prevention and community improvement measures include increased code enforcement, lighting, sidewalks, and speed control.
2. The Suncoast Estates subdivision was platted and built prior to the adoption of modern zoning codes and many properties are non-conforming with existing codes.
3. The 100-year floodplain overlays some of the redevelopment area and therefore constraints exist to development and redevelopment due to the requirement that the first habitable floor of new and substantially renovated structures be above the established flood elevation. The same attention must also be given to low-lying areas bordering the creeks prior to development or redevelopment.
4. The lack of centralized sewers has been detrimental to attracting private investment to the area.
5. The lack of stormwater management facility has resulted in localized flooding reducing the economic use of the land.
6. Residential neighborhood provides opportunities for infill housing and incorporating safe neighborhood features to uphold neighborhood stability.

Opportunities

1. The Suncoast Estates neighborhood includes opportunities for infill housing and incorporating safe neighborhood features to encourage neighborhood revitalization.
2. Opportunities to reinforce community cohesion, identity, and neighborhood safety are enhanced by the grid or modified grid pattern or existing development.
3. An opportunity exists to create an identity for neighborhood residents and to encourage each resident to participate in the redevelopment activities.

Objectives

1. Protect the viability of existing neighborhood and maintain housing affordability while providing opportunities for new and infill construction, upgrading of internal roadway networks and infrastructure, and incorporate safe neighborhood features.
2. Provide opportunities for adequate, safe, and affordable housing—both affordable rental and home ownership opportunities – through conservation and rehabilitation of existing housing stock and through new construction.
3. Maintain housing affordability within the community but upgrade existing neighborhood with infrastructure improvements, housing rehabilitation programs, and new affordable infill housing development.
4. Reinforce the unique opportunities and long-term stability of the area by the implementation of appropriate zoning and land use relationships, residential and commercial circulation patterns, and urban design guidance for future developments.
5. Provide and enhance the provision of public health, safety and welfare needs of the community through cooperation with the existing public health, safety and social service providers, in part by entering into agreements with the existing providers which authorizes reimbursements to the providers for services they render which are beneficial to the redevelopment of the community.
6. Facilitate volunteer participation in community enhancement activities.
7. Increase Lee County Sheriff's patrols.

III. PROPOSED NEIGHBORHOOD IMPROVEMENT ACTIVITIES

The following proposed neighborhood improvement activities are based on the Suncoast Estates Neighborhood District identified problems and community objectives.

- Promote code enforcement, including the removal of condemned structures
- Implementation of housing rehabilitation loan programs and home ownership opportunities
- Improve vehicular circulation patterns
- Assist in the placement of streetlights to enhance safety measures
- Provide pedestrian and bicycle circulation system
- Facilitate any other identified projects approved by the Neighborhood District Committee

IV. PLAN IMPLEMENTATION AND REVITALIZATION STRATEGY

Neighborhood District Committee Plan Implementation Strategies are to:

1. Provide decent, safe, affordable housing for all income eligible residents.
2. Assist with infrastructure and public facilities improvement within blighted areas.
3. Stimulate economic development.
4. Coordinate human services assistance with a variety of public and private service providers.
5. Support efforts of community-based law enforcement which increases the visibility of law enforcement offices and activities within the neighborhood through community policing, neighborhood watch groups and related activities.

Neighborhood District Revitalization Strategies are to:

1. Create partnerships among local governments, the private sector, community organizations and neighborhood residents.
2. Bring together neighborhood assets to forge partnerships that:
 - Obtain commitments to neighborhood rebuilding;
 - Generate neighborhood participation to ensure long-term community redevelopment;
 - Support the use of neighborhood institutions, financial institutions, community housing development organizations, and religious institutions to bridge gaps between local government agencies, the business community, community groups, and residents;
 - Foster the growth of resident-based initiatives to identify and address housing, economic and human services needs; and
 - Provide social services which are necessary to meet identified neighborhood needs and which will enable individuals and families to become self-sufficient and eliminate identified barriers to success.

Affordable Housing Strategies are:

1. Rehabilitation of housing units.
2. Demolition of substandard structures.
3. Acquisition, rehabilitation, and selling of vacant, single-family housing units to provide homeownership opportunities to income eligible families and individuals.
4. Closing cost and downpayment assistance to income eligible individuals and families.
5. Provision of low-cost, owner-occupied, newly constructed housing for lower-income families, and enhancement of affordable housing activities.
6. Supportive housing and services for families and persons with special needs.

Funding Strategies for Desirable Economic Development Projects are to:

1. Expand economic opportunities, principally for very-low and low-income persons, and to achieve economic revitalization and independence for area residents.
2. Enhance the tax base.
3. Concentrate improvements which complement existing projects and/or are contiguous to existing projects
4. Reduce or eliminate undesirable and incompatible land uses or measurably reduce code enforcement violations.

Funding Strategies for Providing a Suitable Living Environment for Neighborhood Residents are to:

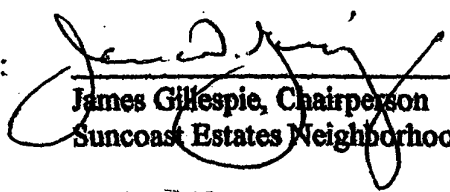
1. Provide public facilities and services necessary to link community land uses, provide direct access, increased safety and a reduction of vandalism, health and/or sanitary problems within the neighborhood.
2. Schedule and concentrate public infrastructure and supporting facilities and services to upgrade blighted conditions within the neighborhood.
3. Assist neighborhood improvement projects by providing code enforcement assistance, removing blighted influences, and concentrating capital improvements within the neighborhood.
4. Develop public/private partnerships and incentives to coordinate the construction and rehabilitation of affordable housing with public infrastructure and public facility construction designed to revitalize the neighborhood.

5. **Coordinate the construction of public facilities and infrastructure projects in order to reduce overhead costs and duplication of effort in projects that are beyond the economic and income abilities of neighborhood residents.**
6. **Provide high quality, cost-effective, efficient public services, especially for those with special needs, those at risk of becoming homeless and the elderly.**

V. ADOPTION

The Revitalization Plan for the Suncoast Estates Neighborhood District is hereby adopted by the Suncoast Estates Neighborhood District Committee. The Revitalization Plan shall serve as a basis for the Neighborhood District Committee's recommendations to the Lee County Community Action Agency/Neighborhood District Committee for activities requiring Department of Housing and Urban Development (HUD) funding allocations and approval by the Lee County Board of County Commissioners. The Neighborhood District Committee shall also oversee and monitor progress of the activities identified in the Revitalization Plan within the Suncoast Estates Neighborhood District.

SIGNED: _____


James Gillespie, Chairperson
Suncoast Estates Neighborhood District Committee

DATE: _____

01 07 2003

SIGNED: _____


Sherry Bergh, Secretary
Suncoast Estates, Neighborhood District Committee

DATE: _____

1/7/2003

C: James Gillespie, Chairperson, Suncoast Estates Neighborhood District Committee
Sherry Bergh, Secretary, Suncoast Estates Neighborhood District Committee
Staff Liaison, Department of Human Services (Originals)

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SUNCOAST ESTATES NEIGHBORHOOD DISTRICT
SUB AREA AERIAL AND HOUSING DATA
OCTOBER 2002



SUB AREA	1	2	3	4	TOTAL
Total Population	1,292	1,510	790	1,275	4,867
Total Housing Units	507	653	352	595	2,107
Owner occupied	266	349	175	336	1,126
Renter occupied	196	213	120	160	689
Vacant	45	91	57	99	292
Persons Per Occupied Unit	2.8	2.69	2.7	2.57	2.68

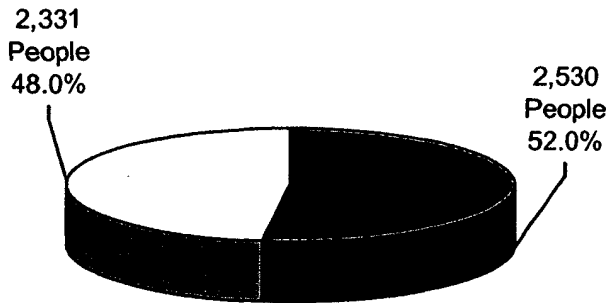
Sub Area 1 West Of Able Canal North Of Laurel Lane
Sub Area 2 North Of Laurel Lane Between Hart Road
And Baker Canal At Gish Lane
Sub Area 3 West Of Hart Road South Of Laurel Lane
Sub Area 4 East Of Hart Road And Baker Canal
At Gish Lane

NOTE: Aerial does not cover the entire Neighborhood
District Boundary

SOURCE: Census 2000 Summary File 1 (100% Data)
Aerial Photograph Dated May 2001
S/NB/NP/ND/SE/Reports/Sub Area Aerial-Data

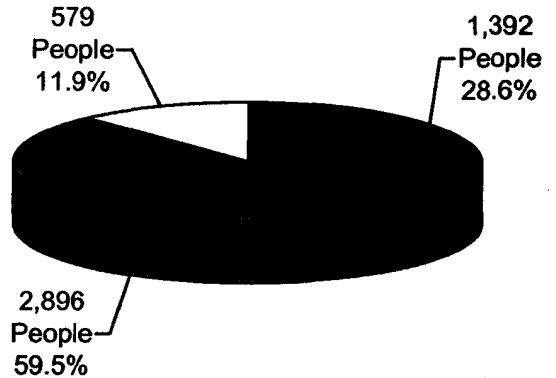
**SUNCOAST ESTATES NEIGHBORHOOD DISTRICT
GENERAL POPULATION CHARACTERISTICS
OCTOBER 2002**

**Total Population
4,867 People**



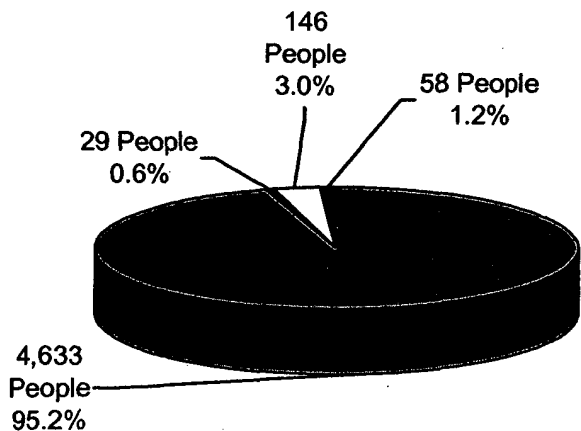
■ Male □ Female

**Age Distribution
35.2 Years Median Age**



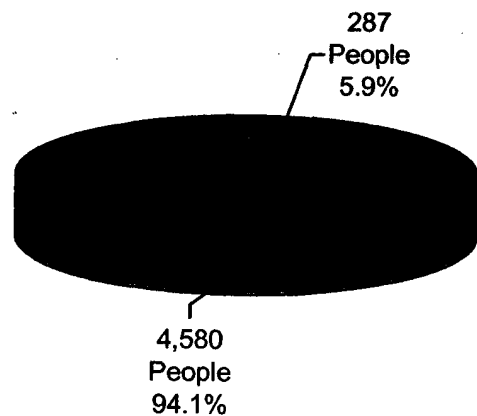
■ Under 18 Years ■ 18-64 Years □ 65 Years & Over

Racial Characteristics



■ White Race ■ Black Race
□ Other Race ■ Two or More Races

Hispanic/Non-Hispanic



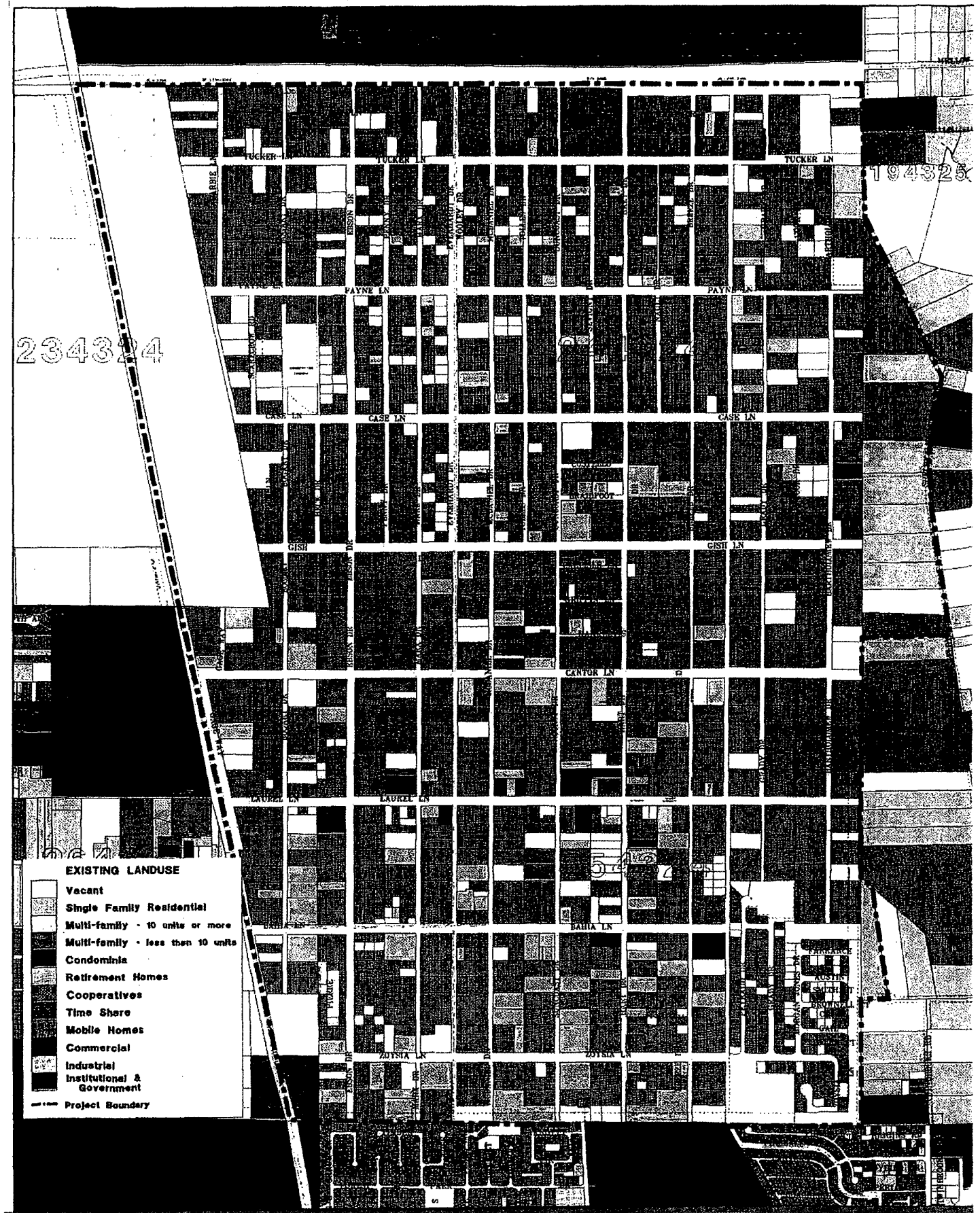
■ Hispanic ■ Non-Hispanic

Source: U.S. Census Bureau, Census 2000 Summary File 1

**GENERAL ECONOMIC CHARACTERISTICS
SUNCOAST ESTATES NEIGHBORHOOD DISTRICT
CENSUS 2000**

Economic Characteristics	Suncoast Estates
Population 16 Yrs and Over in Labor Force	62.6%
Mean Travel Time To Work (Minutes)	28.7
Per Capita Income In 1999	\$11,581
Median Household Income In 1999	\$26,510
Median Family Income In 1999	\$27,892
Families Earning Less Than \$35,000 In 1999	61.5%
Families Earning \$75,000 or More In 1999	6.8%
Families Below Poverty Level In 1999	21.7%
Individuals Below Poverty Level In 1999	23.4%
Families With Female Households, No Husband Present, Below Poverty Level 1999	36.6%
Total Individuals	4,867
Total Households	1,832
Total Families	1,214

Source: Table DP-3 Profile of Selected Economic Characteristics:
Census 2000; U.S. Bureau of the Census.



Handouts

- Copy of this presentation
- Matrix showing changes to statutes and rules
- Draft Rules 9J-2 and 28-24
- Tables showing:
 - effective dates of all DRI thresholds
 - all thresholds for each land use category
 - most current thresholds for each category

DRI Rules

Rule 28-24, F.A.C. - DRI thresholds – determine DRI status of projects

Rule 9J-2, F.A.C. - implementation of review process and standards for mitigation of DRI impacts

AMENDMENTS NECESSARY TO 9J-2 AND 28-24 TO REFLECT LEGISLATIVE CHANGES

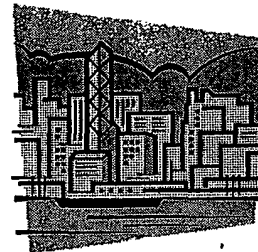
Year	Statute	Changes Affecting DRI's	Section	Changes needed to 9J-2 and 28-24
1994	94-122 94-338	FQD wetlands Tourist/ports facilities		None
1995	95-412 95-332	Airports Schools Multi-screen movie theaters Substantial deviation Abandonment	380.065 (1)(a)1., 2., & 3. 380.065 (1)(b)1., 2., & 3. 380.065 (1)(c)3.a. & b.	28-24.037 (New)28-24.014 28-24.038 (New)28-24.014 28-24.039 (New)28-24.014
1996	96-416	Concurrent plan Amendment DO Dispense Resolution Termination Date Ports and Marinas	380.065 (1)(c)1.c., d., & e.	28-24.040 (New) 28-24.014
1997	97-253 97-278 97-223 97-29	Area-wide petitions Comprehensive Plan amendments and timing Heavy mineral mining Job Creation Projects	378.601(5) 380.067(4)1.c.	28-24.041 (New)28-24.014 28-24.014

1998	98-146 89-176	Clearance letters and Pre-application meeting Day Care facilities		None
2000	00-353	Municipal Public Service Tax		None
2001	01-301 01-134	Rural Areas of Critical State Concern Heavy Minerals	380.067(4) 378.601(5)	28-24.014 28-24.043 (New)28-24.014

2002 AMENDMENTS NECESSARY TO 9J-2 AND 28-24 TO REFLECT LEGISLATIVE CHANGES

Year	Statute	Changes Affecting DRI's	Section	Changes needed to 9J-2 and 28-24
2002	SB's 1906 & 550	Revised definition of "development" with regard to the transmission of electricity within an existing right-of-way	380.04	None
2002	SB's 1906 & 550	Removal of rebuttable presumption with respect to statewide guidelines and standards for DRI's	380.067(4)2 380.067(4)3 380.067(4)4 380.067(4)5 380.067(4)6 380.067(4)7 380.067(4)8 380.067(4)9 380.067(4)10 380.067(4)11 380.067(4)12 380.067(4)13 380.067(4)14 380.067(4)15 380.067(4)16 380.067(4)17 380.067(4)18 380.067(4)19 380.067(4)20 380.067(4)21 380.067(4)22 380.067(4)23 380.067(4)24 380.067(4)25 380.067(4)26 380.067(4)27 380.067(4)28 380.067(4)29 380.067(4)30 380.067(4)31 380.067(4)32 380.067(4)33 380.067(4)34 380.067(4)35 380.067(4)36 380.067(4)37 380.067(4)38 380.067(4)39 380.067(4)40 380.067(4)41 380.067(4)42 380.067(4)43 380.067(4)44 380.067(4)45 380.067(4)46 380.067(4)47 380.067(4)48 380.067(4)49 380.067(4)50 380.067(4)51 380.067(4)52 380.067(4)53 380.067(4)54 380.067(4)55 380.067(4)56 380.067(4)57 380.067(4)58 380.067(4)59 380.067(4)60 380.067(4)61 380.067(4)62 380.067(4)63 380.067(4)64 380.067(4)65 380.067(4)66 380.067(4)67 380.067(4)68 380.067(4)69 380.067(4)70 380.067(4)71 380.067(4)72 380.067(4)73 380.067(4)74 380.067(4)75 380.067(4)76 380.067(4)77 380.067(4)78 380.067(4)79 380.067(4)80 380.067(4)81 380.067(4)82 380.067(4)83 380.067(4)84 380.067(4)85 380.067(4)86 380.067(4)87 380.067(4)88 380.067(4)89 380.067(4)90 380.067(4)91 380.067(4)92 380.067(4)93 380.067(4)94 380.067(4)95 380.067(4)96 380.067(4)97 380.067(4)98 380.067(4)99 380.067(4)100	28-24.049 (rev), 28-24.014 9J-2.015(1)(b) - revise 80% to 100% 9J-2.015(1)(c) - delete 9J-2.016(2)(a)1., & 2.a)4 - revise 80% to 100% 9J-2.025(1)(a)4 9J-2.027(2) 9J-2.0185(1)(a), (b), and (c)4. None (updates citations)
2002	SB's 1906 & 550	Provided for designation of a local regional planning council for DRI reviews	380.067(12)(4)	9J-2.024(4)(a) - Delete 1 st sentence and replace with new language.

Questions???



2002 DRI Legislative Changes



Major changes to DRI program

- Deletes DRI acreage thresholds for office and retail uses
- Deletes a rebuttable presumption on statewide guidelines and standards
- Creates exemptions for Marinas, Petroleum Storage Facilities and Airports provided certain conditions are met
- Includes provisions to address projects that are no longer a DRI



Major Changes to DRI program (continuation)

- Biennial, rather than Annual, Reports
- Changes to substantial deviation criteria
- DCA shall designate lead RPC
- "Development" definition has been changed
- Redevelopment activities may be exempted under certain conditions



Retail/Service and Office DRI thresholds



- Deletes acreage threshold for retail and service development (square footage and parking thresholds remain unchanged)
- Deletes acreage threshold for office development (square footage threshold remains unchanged)

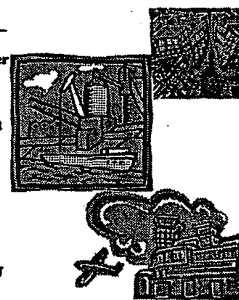
Bright-line thresholds

- Deletes language stating that developments that are between 80-100% of the thresholds are presumed not to be DRIs.
- Less than 100% - Not a DRI
- 100-120% - Presumed to be a DRI
- Greater than 120% - Is a DRI



Exemptions from DRI review

- **PETROLEUM STORAGE FACILITIES** - If consistent with comprehensive plan or consistent with comprehensive port master plan that is in compliance with 163.3178
- **WATERPORTS/MARINA DEVELOPMENTS** - If local government has adopted a boating facility siting plan or policy addressing specific issues
- **AIRPORT FACILITIES** - If consistent with adopted airports master plans that are incorporated into the comprehensive plans addressing specific issues
- **REDEVELOPMENT** on same parcel - If same land use and density or intensity remains unchanged



How to deal with an approved DRI that is no longer a DRI

- Providing application with respect to developments that have received a DRI development order or that have an application for development approval or notification of proposed change pending



DRI Biennial Report

- Provide for submission of biennial, rather than annual reports unless annual reporting on certain issues is specifically required in DO.
- Authorizes submission of a letter, rather than an annual report, if no additional development has occurred since previous report.



Substantial Deviation Criteria

- Deletes acreage criteria for retail and office developments
- Deletes (e)1 changes – presumed not to be a substantial deviation
- Provides that any renovation or redevelopment of development within a previously approved DRI which does not change land use, or increase density or intensity is not a subs.dev.
- Deletes (e)5.c. changes from objection letter exemption.



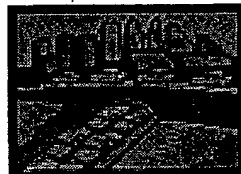
Leading RPC



- Provides for designation of a lead regional planning council for DRI review of projects located within the boundaries of more than one RPC

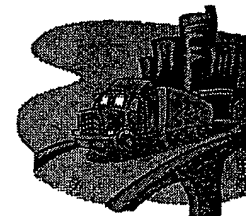
Revised definition of "development"

- Includes work pertaining to transmission of electricity on established rights-of-way on list of activities that do not involve "development".



DRI Committed Transportation Improvements (163 change)

- Providing that concurrency on the FIHS shall be in place or under construction no more than 5 years from issuance of a certificate of occupancy



Sandy Park Development Center

Sandy Park Development Center
2975 Garden Street
North Fort Myers, Florida 33917

Director

Leslie Steiner
Certified Associate Behavior Analyst

Clinical Care Coordinator

Teresa J. Austin, LPN

Behavior Service Director

Michael Farnsworth
Certified Associate Behavior Analyst

Program Services Director

Gale Brinkman

Admission Criteria

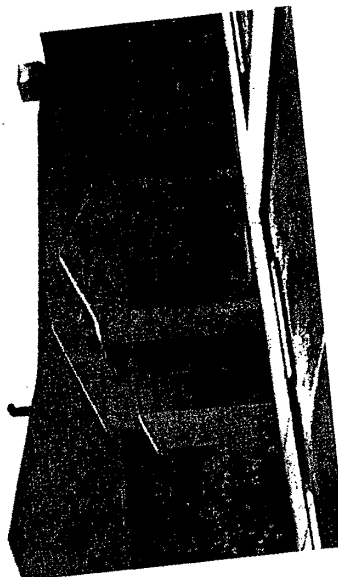
- ◆ 16 years or older
- ◆ Ambulatory or self mobile and able to transfer without assistance
- ◆ Has an I.Q. of 59 or less or an I.Q. of 60-69 inclusive and a physical or other mental impairment
- ◆ Capable of self-care with assistance
- ◆ Private pay or Medicaid eligible
- ◆ Determined appropriate by Interdisciplinary Team

Hours of Operation - 24 Hour Residential

Office Hours - 8:00 a.m. to 5:00 p.m.

Number of Beds - Sixty-four (64)

Funding - Federal, State or Private Pay



**Specializing in
Programs for the
Developmentally Disabled**

Sandy Park Development Center
2975 Garden Street • N. Ft. Myers, Florida 33917

Leslie Steiner
Director

Certified Associate Behavior Analyst

FAX (889) 995-4556

(269) 995-5883

Our program is designed according to Federal and State guidelines to train our clients in daily living skills and to provide support services. These include speech therapy, pre-vocational programs, leisure & recreational programs, psychological & social programming, field trips & community outings, complete dietary service and laundry for personal clothing. We secure other service in the community as the clients' individual needs and tastes dictate, such as barbers/beauticians, etc. We want all clients to develop, to increase their levels of functioning and to become more productive citizens.

Sandy Park provides transportation to and from doctor & dentist appointments, to special events and to community activities.

Each cottage is home to sixteen clients. All bedrooms are semi-private suites with adjoining

bathrooms. Each cottage has its own dining room which enhances the warm, secure feelings at Sandy Park. All buildings are constructed according to ICF/DD federal and state specifications.



Sandy Park Development Center is a residential community based Intermediate Care Facility for developmentally disabled adults.

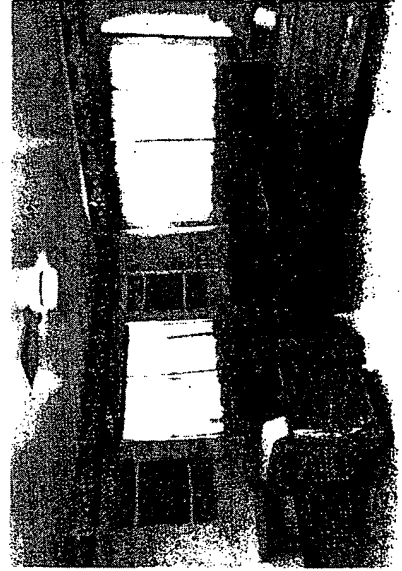
Sandy Park Development Center offers a program in accordance with the state plan for developmental disabilities designed to maximize the potential individuality of each client.

Our goal is to increase their level of functioning for optimal living in the least restrictive environment available.

It is the philosophy of Sandy Park Development Center that every client has the potential for continued growth and development.

We believe that given the opportunity, every client will learn and become more independent. We adhere to the principle of normalization and encourage our clients to maintain behavior that is as culturally normal as possible.

We believe in order to achieve our goal, all staff must work together with the client, the client's family and community representatives to develop and implement an individual treatment plan to meet the needs of each client.





THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3916 • (239) 334-1102 • TTD/TTY (239) 335-1512

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JAMES W. BROWDER, Ed.D.
SUPERINTENDENT

KEITH B. MARTIN
BOARD ATTORNEY

February 26, 2004

Mr. Tony Palermo
Lee County Development Services Division
P.O. Box 398
Fort Myers, FL 33902-0398

Re: Crane Landing Golf Course Community RPD, DCI Substantive Review, Case #DCI2003-00023
RESPONSE TO STAFF REPORT DATED FEBRUARY 18, 2003

Dear Mr. Palermo:

The purpose of this letter is to respond to the Lee County Zoning Division Staff Report dated February 18, 2003. Please note that this report was received on February 24, 2004.

ACTION REQUESTED: Please insert this letter as Attachment "E" to the Staff Report.

Student Generation Rates

Based on the proposed maximum total of 1,229 residential dwelling units (615 single family and 614 multifamily), the School District of Lee County is estimating that this project could generate up to 283 additional school-aged children. This uses a generation rate of 0.352 students per unit generated in the West choice zone of Lee County for single family units and 0.109 students per unit generated in the West choice zone of Lee County for multifamily units. This would create the need for 13 new classrooms in the system at approximately 22 students per classroom, as well as additional staff and core facilities. Using the new small classroom legislative guidelines, additional classrooms may be generated.

The Lee County Board of County Commissioners adopted a School Impact Fee Ordinance on November 27, 2001, effective at this time. As such, the Crane Landing Golf Course Community RPD developers will be expected to pay the impact fee at the appropriate time.

Thank you for your attention to this issue. If I may be of further assistance, please give me a call at (239) 479-4205.

Sincerely,

Kathy Babcock, Long Range Planner
Department of Construction and Planning

Cc: William G. Moore, Jr.
Executive Director, School Support

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Portables in use while Cape schools under construction

By **TANYA SOMAROO**, tsomaroo@news-press.com
Published by news-press.com on August 12, 2003

North Fort Myers Academy for the Arts teachers and students returned Monday to a gorgeous building with all the amenities they envisioned while working in the "Cottages on the Green" next door.



The cottages — 106 portables — were turned over to the students and teachers of Elementary Q, Trafalgar Elementary and Mariner Middle School. All three schools are under construction in Cape Coral and scheduled to open in August 2004.

Kim Hang, 11, a sixth-grader at Mariner Middle School, gets help finding her portable classroom on Monday from math teacher Kevin Mars. The school is housed on the same campus as three other schools at "Cottages on the Green," which used to house North Fort Myers Academy of the Arts.
ANDREW WEST/news-press.com

The Lee County School District's student population is exploding, and district officials decided to open the schools early at the temporary North Fort Myers campus. About 3,000 new students are expected to arrive in Lee County this school year.

While some parents weren't happy that their children were assigned to the portables, they just have to look next door to see what they can expect next year.

Lisette and Israel DeGros chose Trafalgar Elementary so that their 8-year-old daughter Shanice could be near her older brother, who attends Trafalgar Middle School.

"We're hoping the schools are completed at the time they say," Lisette DeGros said.

"Or sooner," added her husband.

First day jitters

Trying to operate four schools with more than 2,300 students from the same campus was bound to present some challenges. Traffic was the worst problem Monday as cars and buses backed up to Laurel Drive about a third of a mile from the school.

"It was a mess out there," said North Fort Myers Academy principal Douglas Santini.

He said it's because parents usually drive their children to school on the first day. The school start times are staggered at 8 a.m. for the North Fort Myers Academy, 9 a.m. for Trafalgar and Elementary Q and 9:45 a.m. at Mariner Middle to prevent traffic problems. But it didn't

help much Monday.

"It's backing up pretty quick, and we got here early," said David Cantrell, who drove his 10-year-old son Dillon to Trafalgar Elementary.

"We need another access road," said Trafalgar Elementary Principal Marie Vetter. "We've got parents, teachers and buses coming in on the same road."

The shared parking lot was packed as parents dropping off students parked in the staff lot.

Michael McNerney, executive assistant for administration, stayed at the campus all day to assess the situation. Superintendent James Browder and school board member Robert Chilmonik visited in the morning to access the traffic problems.

Browder expects the traffic to lessen as more students begin taking the bus, but said the traffic flow can be improved.

"We have too many people coming in too many directions," Browder said.

He plans to look at adding another road behind the school to create a traffic circle and will request another Lee County deputy on Laurel Drive to direct traffic.

Last year's busing woes appeared to have been solved, at least on the North Fort Myers campus.

One bus was late to Elementary Q and Trafalgar Elementary, five were late to North Fort Myers Academy of the Arts and eight were late to Mariner Middle.

"If we just stay calm and take a breath, it will be OK," said Mariner Middle School Principal Joe Roles, as he and a group of teachers waited on the blacktop in the scorching sun for the late buses to arrive. By 10 a.m., teachers had hustled all of the students to class.

Cottages on the Green

While some parents chose the schools at the cottages with the future locations in mind, others feel they were dealt the wrong card by the district's School Choice system. It assigns students to schools by a random lottery process.

Kim Stovall, who lives in south Cape Coral, said he drove 45 minutes to the North Fort Myers campus to take his 5-year-old daughter to Elementary Q. The school was his last choice.

"I don't know how long I can keep this up. I'm thinking of putting her in private school," Stovall said.

The one good thing Stovall noticed is the smaller classes. The two elementary schools are the district's model for implementing the state's limited class size mandate. By 2010, no classroom can have more than 18 students through third grade, 22 students in grades four through eight and 25 students in grades nine through 12.

Tracey Centro of Cape Coral thinks that will offer a better learning environment for her 8-year-old son, Antonio. Centro took the day off Monday to volunteer at Elementary Q, where her son is in the third grade.

"I just wanted to make sure everything runs like a normal school," she said.

It generally does. Elementary students stay in their assigned portables, except for lunch and classes such as art and music. Middle school students travel from one portable to another during the day.

Teri Stevens of Cape Coral chose Mariner Middle School for her youngest child Cody, 11, because of its future location next to Mariner High School.

"Classrooms are classrooms," she said. "It doesn't matter if it's a portable or not. It looks pretty well organized."

Cody is also happy about the school because next year he will be near his older brother, who attends Mariner High School. But on Monday he was a little apprehensive.

"It's scary," he said. "There are a lot of people here taller than I am."

Cody wasn't the only nervous one.

Ivonne Yepes of Cape Coral dropped her daughter, Janina, 11, off at the bus stop and then drove to Mariner Middle School to make sure she arrived.

It was the first time Yepes put her daughter on the school bus. The school's 9:45 a.m. start time prevents Yepes from driving her to school. She took Monday off to make sure everything went off without a hitch.

Mariner Middle was her fifth choice, but Yepes said the school is winning her over.

"They impressed us with their program. The thing that impressed us the most was the math program," Yepes said.

While district officials expected poor enrollment because of the location of the three schools, more students than expected are enrolled.

Vetter said both elementary schools are looking to hire one teacher each for first and second grade.

Trafalgar Elementary has 292 students enrolled. Elementary Q has 260. Mariner Middle school initially expected 270 students and had 478 enrolled Monday.

North Fort Myers Academy for the Arts

North Fort Myers Academy for the Arts teachers, parents and students can't say enough about their new building. The kindergarten- through-eighth grade school has about 1,300 students.

"It's been in the planning so long and this community needs it," said art teacher Mary Tomczak. "Just think of the potential of the music, art and dance departments and what they will be able to do on a real stage."

Tomczak especially loves the hallway names that refer to famous literary and art figures such as playwright William Shakespeare and artist Peter Max.

"My room is at the corner of Rauschenberg and Picasso," Tomczak said with pride.

The bright, wide hallways and spacious classrooms were a hit with parents.

"It think it's going to encourage them to do better in school," said Marie Mietz, who has two daughters ages 7 and 10 at the school. They have attended the school since kindergarten and put in their time at the cottages.

Dance teacher Bev Collins said they all had to be creative when staging performances at the cottages.

"I have a feeling we're going to be just as creative indoors. The only thing that was a bummer was when it rained," Collins said.

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DCI2003-00023
HIBISCUS OF LEE COUNTY, L.L.C, in ref. to
CRANE LANDING GOLF COURSE COMMUNITY
RPD / SABAL SPRINGS RPD

CASE NAME: _____

Attach copy of this form to top of packet of exhibits & place exhibits in case file.

ARE THERE ANY BOARD EXHIBITS? 7 **YES** **NO**

LOCATION OF BOARDS _____

If there are any board exhibits, attach another copy of this form to boards for identification purposes.

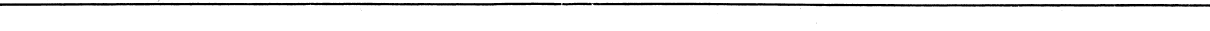
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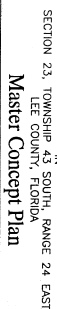


Open Space Required @ 40% = 154.28 Acres

Provided Open Space Summary	
1. Lakes (see below)	= 39.57 ac.
2. Golf Courses	= 16.82 ac.
3. Golf Course	= 16.82 ac.
4. FPI, Esplanade	= 6.73 ac.
5. Total Open Space	= 70.94 ac.

Water Body Open Space (per 10C-10.4(16)(2), water bodies may be used to offset a maximum of 25% of the required open space area):

a. Maximum water bodies that may offset open space	= 17.57 ac.
b. Provided water body open space (lakes)	= 39.54 ac.



FEB 01 2004
COMMUNITY DEVELOPMENT

Master Concept Plan


 TIMOTHY J. SMITH, P.E.
 LICENSED PROFESSIONAL ENGINEER
 LICENSE NUMBER: 4204
 JAN 9 0 2004



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