



LEE COUNTY

SOUTHWEST FLORIDA

DIVISION OF PLANNING

MEMORANDUM

To: Board of County Commissioners
From: Paul O'Connor, AICP, Director
Subject: Lee Plan Amendment Transmittal/Adoption Hearing
Date: April 22, 2003

Attached are the Agenda, Staff Reports and Supporting Data for two proposed Lee Plan amendments. The first proposal is a Lee Plan Development of Regional Impact (DRI) Amendment, plan amendment CPA2001-03. The second proposal is a Lee Plan Small Scale Amendment, plan amendment CPA2003-01. The hearing will be held on May 6, 2003 starting at 1:30 P.M. in the chambers.

The Transmittal Hearing is a component of the Miromar Lakes DRI Notice of Proposed Change. The proposal is requesting a change in the future land use designation for a 24± acre parcel from Density Reduction/Groundwater Resource to University Community. Staff is recommending that this amendment **not** be transmitted to the Department of Community Affairs.

The Adoption Hearing is for a small scale map amendment for a specified 2.25 acre parcel located near the intersection of Summerlin Road and Pine Ridge Road. The proposal is requesting a change in future land use designation from Industrial Development to Urban Community. Staff is recommending adoption of this amendment.

If you have any questions regarding either of these amendments, please feel free to give me a call me 479-8309.

cc: Mary Gibbs, AICP, Director of Community Development
Tim Jones, Assistant County Attorney
Lisa Pierce, Minutes
Lee Cares
Planning Files CPA2001-03, CPA2003-01

NEWS-PRESS
Published every morning - Daily and Sunday
Fort Myers, Florida
Affidavit of Publication

STATE OF FLORIDA
COUNTY OF LEE

Before the undersigned authority, personally appeared
Kieanna Henry
who on oath says that he/she is the
Asst. Legal Clerk of the News-Press, a daily newspaper,
published at Fort Myers, in Lee County, Florida; that the
attached copy of advertisement, being a
Display
in the matter of **CPA 2001-03**
in the _____ Court
was published in said newspaper in the issues of
April 28, 2003

Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida and that said newspaper has heretofore been continuously published in said Lee County, Florida, each day, and has been entered as a second class mail matter at the post office in Fort Myers in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of the advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this

28th day of April 2003 by

Kieanna Henry
personally known to me or who has produced

as identification, and who did or did not take an oath.

Notary Public Brenda Leighton

Print Name _____

My commission Expires: _____



Brenda Leighton
MY COMMISSION # 00161005 EXPIRES
February 14, 2007
BONDED THRU TROY FARM INSURANCE, INC.

RECEIVED
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CLERK
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**NOTICE OF PROPOSED AMENDMENT TO THE
LEE COUNTY COMPREHENSIVE LAND USE PLAN**

On May 6, 2003, the Lee County Board of Commissioners will hold a public hearing to consider amending the Lee County Comprehensive Land Use Plan (Lee Plan). The hearing will be held in the Board of County Commissioners Hearing Chambers in the renovated Courthouse at 2120 Main Street in downtown Fort Myers. The hearing will commence at 1:30 p.m. The nature of the proposed Lee Plan amendment is to:

- 1) Change the Future Land Use Map designation, as well as the Planning Community designation of a 25.43-acre parcel of land located within the Micromar Lakes Development of Regional Impact. Sponsor: Micromar Lakes LLC.
- 2) Change the Future Land Use Map designation of a 2.25-acre parcel in the vicinity of Summerlin and Pine Ridge Roads. Sponsor: Donald Lucas.

At the conclusion of the hearing, the Board will vote to transmit, with specific modifications, or not transmit proposed amendment number 1 to the Florida Department of Community Affairs (DCA). The Board will vote to adopt, adopt with specific modifications, or not adopt proposed amendment number 2 through the adoption of the following ordinance:

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" AS ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT SMALL SCALE AMENDMENT CPA 2003-01 (PERTAINING TO THE DESIGNATION OF A 2.25-ACRE PARCEL FROM INDUSTRIAL DEVELOPMENT TO THE URBAN COMMUNITY FUTURE LAND USE CATEGORY) APPROVED DURING A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT EFFORT; PROVIDING FOR AMENDMENT TO THE FUTURE LAND USE MAP SERIES, MAP 1; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVNER'S ERRORS, AND AN EFFECTIVE DATE.

The proposed ordinance may be inspected by the public at the Office of the County Attorney, Courthouse Administration Building, 2115 Second Street, 6th Floor, Fort Myers, Florida.

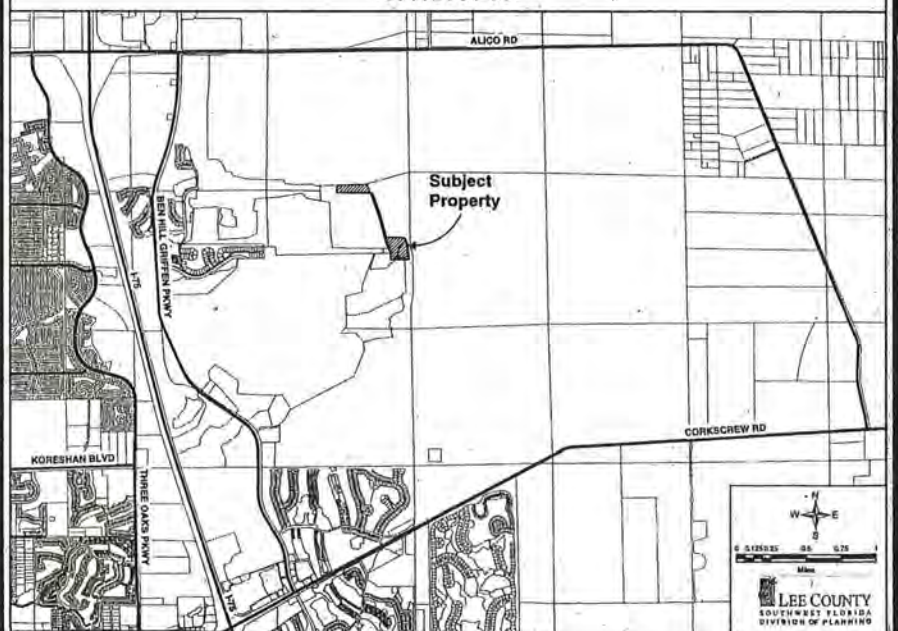
This meeting is open to the public and all interested parties are encouraged to attend. Interested parties may appear and be heard with respect to the proposed amendment to the Lee Plan. Pursuant to Florida Statutes, persons participating in the Comprehensive Plan Amendment process, who provide their name and address on the record, will receive a courtesy information statement from DCA prior to the publication of the Notice of Intent to find the plan amendment in compliance. If a person decides to appeal the Board's decision, he or she will need a record of the proceedings, and, for such purposes, he or she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. Further information may be obtained by contacting the Lee County Division of Planning at 239-479-8505.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Janet Miller at 239-479-8583.

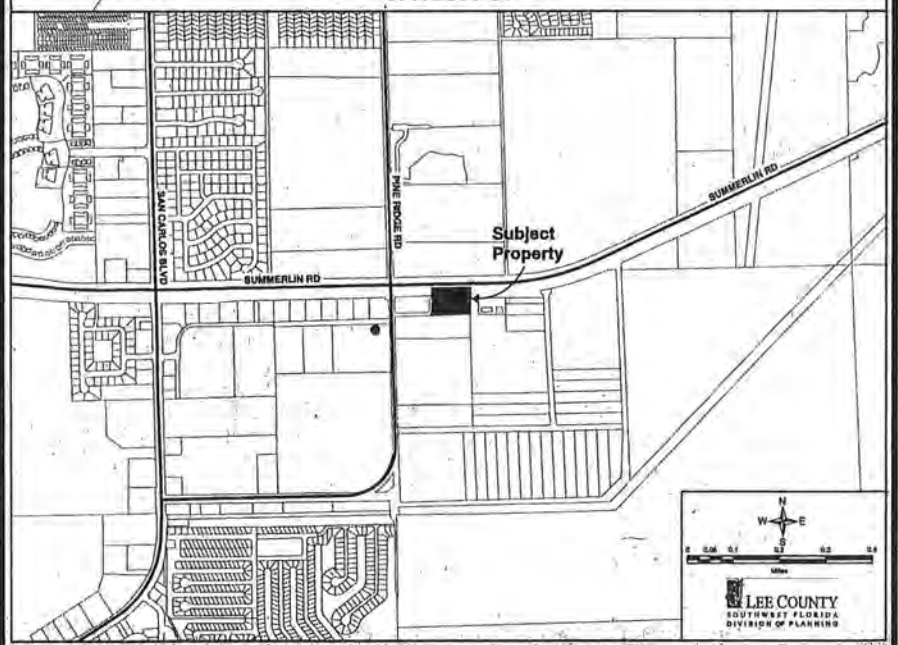
May 6, 2003
1:30 p.m.
AGENDA

1. Call to order; certification of Affidavit of Publication by County Attorney.
2. Lee Plan Amendment proposed for transmittal to DCA:
CPA2001-03 - Amend the Future Land Use Map Series, Map 1, by changing the designation of a 25.43-acre parcel from Density Reduction/Ground Water Resource to University Community and Wetlands. In addition, amend Map 16, Planning Communities, to remove the 25.43-acre parcel from the Southeast County Planning Community and include it in the San Carlos Park Planning Community.
3. Lee Plan Amendment proposed for adoption by Board of County Commissioners:
CPA 2003-01 Amend Future Land Use Map Series, Map 1, by changing designation of a 2.25-acre parcel from Industrial Development to Urban Community. The subject parcel is located on the south side of Summerlin Road, just east of Pine Ridge Road in Section 6, Township 46 South, Range 24 East.
4. Adjourn

**Lee Plan Future Land Use Map Amendment
CPA 2001-03**



**Lee Plan Future Land Use Map Amendment
CPA 2003-01**



**CPA 2001-03
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**Privately Sponsored Application
and Staff Analysis**

**BoCC Transmittal Document
for the
May 6th, 2003 Public Hearing**

*Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(941) 479-8585*

April 21, 2003

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA 2001-03**

☐

Text Amendment

☒

Map Amendment

	This document contains the following reviews:
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
	Board of County Commissioners Hearing for Transmittal
	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
	Board Of County Commissioners Hearing for Adoption

REVISED STAFF REPORT PREPARATION DATE: January 16, 2003
ORIGINAL STAFF REPORT PREPARATION DATE: October 24, 2002

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

MIROMAR DEVELOPMENT CORPORATION, A FLORIDA CORPORATION.

2. REVISED REQUEST:

Amend the Future Land Use Map for an approximate 24 acre portion of land located in Section 12 and 13, Township 46 South, Range 25 East, to change the classification shown on Map 1 of the Future Land Use Map series from "Density Reduction/Groundwater Resource" to "University Community."

Amend the Future land use map series, Map 16, Planning Communities, to remove the subject property from the Southeast Lee County Planning Community and place it in the San Carlos Planning Community.

3. ORIGINAL REQUEST:

Amend the Future Land Use Map for an approximate 28.4 acre portion of land located in Section 12 and 13, Township 46 South, Range 25 East, to change the classification shown on Map 1 of the Future Land Use Map series from "Density Reduction/Groundwater Resource" to "University Community."

4. REVISED SUMMARY DISCUSSION

The revised application summary discussion remains the same as the original with the exception of the reduction in the amount of land included in the proposed future land use map amendment. The applicant has revised the request, removing the wetland and haul road previously included and discussed in the staff report, from the proposed map amendment area. The application has been reduced from 28.4 acres to 24 acres. The amount of distribution of these lands between uplands and wetlands has not been identified, so the exact number of additional units can not be determined at this time.

5. ORIGINAL SUMMARY DISCUSSION

The applicant, Miromar Development Corporation, a Florida Corporation, is requesting a change of land use designation on the Future Land Use Map from "Density Reduction/Groundwater Resource" to "University Community" for an approximate 28.4 acre specified area of land. The site is located south of Alico Road to the south of the CSR Rinker mining operation and north east of Florida Gulf Coast University in Section 12 and 13, Township 46 South, Range 25 East. The application materials identify the property as having 3 distinct parts, the northern rectangular parcel abutting the northern mining lake, the lineal north-south strip and the southern "rounded parcel."

If the amendment is approved the allowable density would increase from 1 du/10 acres to 2.5 du/acre, an increase of 55 permissible units. Clustered densities of up to 15 dwelling units per acre would also be permissible. The proposed amendment is a portion of the Miromar Lakes MPD/DRI proposed expansion. As noted in Attachment 1, the application for this plan amendment, the applicant provides that the DRI expansion will not include any additional units beyond what has already been approved through the DRI Process. The applicant retains the ability to request additional dwelling units or other modifications to the DRI at a later point in time.

B. ORIGINAL AND REVISED BACKGROUND INFORMATION

1. EXISTING CONDITIONS

SIZE OF PROPERTY: Original - 28.4 ± ACRES
Revised - 24 ± ACRES

PROPERTY LOCATION: The subject property is located to the south of Alico Road, north east of Florida Gulf Coast University.

EXISTING USE OF LAND: Original - Mining - haul road, and vacant.
Revised - Vacant - Formerly impacted by mining operations.

CURRENT ZONING: AG-2

CURRENT FUTURE LAND USE CLASSIFICATIONS: Density Reduction/Groundwater Resource and Wetlands

2. INFRASTRUCTURE AND SERVICES

WATER & SEWER: The subject property is located in the Gulf Utilities franchise area for potable water and sanitary sewer service. The subject property is also located in the future water and sewer service areas for Lee County Utilities. Lee County Utilities is currently negotiating the purchase of Gulf Utilities.

FIRE: The property is located in the San Carlos Fire District.

TRANSPORTATION: Access to the property is currently through the network of mining haul roads, coming south from Alico Road, or through dirt roads through the existing Miromar Lakes development.

SOLID WASTE FRANCHISE: Florida Recycling, Inc.

C. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. REVISED RECOMMENDATION (based on 24 acre area):

Planning staff recommends **denial** of the applicant's request to amend Map 1, the Future Land Use Map, to change the future land use designation of the subject area from the "Density Reduction/Groundwater Resource" land use category to the "University Community" land use category.

Staff also recommends **denial** of the applicants request to remove the subject property from the Southeast Lee County Planning Community and place it in the San Carlos Planning Community.

Should the Board of County Commissioners decide to transmit the applicant's request, staff recommends that the Future Land Use Map reflect the onsite wetlands and that the Future land use map series, Map 16, Planning Communities be amended to remove the subject property from the Southeast Lee County Planning Community and place it in the San Carlos Planning Community.

2. REVISED BASIS AND RECOMMENDED FINDINGS OF FACT (based on 24 acre area):

- The request is not related to or justified by the University and as such can not be characterized as "Associated Support Development." The Board of County Commissioners approved the existing Miromar Lakes development on November 29, 1999.
- There is no overriding public necessity to justify the current amendment versus the demonstrated overriding public necessity that was identified in 1992, to accommodate the new state public university and its "Associated Support Development."

- As discussed in this staff report, the subject property was designated as both DR/GR and University Community in the past. Today Lee Plan Policy 2.4.3 states that it is Lee County policy not to approve further Urban designations in the DR/GR future land use category.
- Lee Plan Policy 2.4.3 states that it is the County's policy to discourage Future Land Use Map amendments to the existing DR/GR south of S.R. 82 and east of Interstate 75.
- Changing the designation of this property from DR/GR to an Urban category sets a dangerous precedent for the conversion of additional DR/GR lands.
- The subject site is depicted as being within the "Potential Mining Area" as contained in the "*Strategic Mining, A report on Mining in Lee County*" document. The property currently is not being used for mining or mining related activities as it had been in the past.

3. ORIGINAL RECOMMENDATION (based on 28 acre area): Planning staff recommends **denial** of the applicant's request to amend Map 1, the Future Land Use Map, to change the future land use designation of the subject area from the "Density Reduction/Groundwater Resource" land use category to the "University Community" land use category.

If the Board of County Commissioners does want to approve the applicant's request, staff recommends that the Future Land Use Map reflect the onsite wetlands.

4. ORIGINAL BASIS AND RECOMMENDED FINDINGS OF FACT (based on 28 acre area): See the various conclusions contained in the Staff Analysis. These include the following:

- The request is not related to or justified by the University and as such can not be characterized as Associated Support Development.
- Policy 2.4.3 states that it is Lee County policy not to approve further Urban designations in the DR/GR future land use category.
- Lee Plan Policy 2.4.3 states that it is the County's policy to discourage Future Land Use Map amendments to the existing DR/GR south of S.R. 82 and east of Interstate 75.
- Changing the designation of this property from DR/GR to an Urban category sets a dangerous precedent for the conversion of additional DR/GR lands.
- The haul road is currently being used as an integral part of the CSR Rinker mining activities located in the adjacent DR/GR areas.
- The proposed inclusion of the subject site into the University Community is internally inconsistent with the provisions of Policy 18.1.8 as the haul road is still an integral part of an ongoing mining operation.
- Approval of this request will result in the use of the haul road becoming a non-conforming use with the provisions of the University Community land use category. The application materials for the proposed development demonstrate that the haul road use will be eliminated.

- Goal 10 of the Lee Plan seeks “to protect areas containing identified mineral resources from incompatible urban development.”
- The subject site is depicted as being within the “Potential Mining Area” as contained in the “*Strategic Mining, A report on Mining in Lee County*” document.
- The request, if approved, will likely result in the need for additional impacts to the Stewart Cypress Slough by a realigned haul road or the proposed 951 extension.
- The amendment could result in an increase in the population accommodation capacity of the map by 115 persons (55 du's X 2.09 persons per unit). Staff concludes that this increase in the population accommodation capacity of the FLUM is insignificant when viewed in the context of the county wide accommodation capacity.
- The proposed land use change may cause future road network plan changes.
- The requested land use change will have a minimal impact on public safety service providers.

PART II - STAFF ANALYSIS

Note: Staff's response to the revised application is contained in Part II D of this staff report. The original staff analysis in large part, remains pertinent to the revised application. The two areas of the original staff analysis which do not apply to the revised application are the discussions contained under the topics “Protection of Mineral Resources” and “County Road 951 Extension.” As mentioned previously, the density and the resulting estimated population accommodation capacity of the revised application can not be determined at this time. The original analysis of this issue exceeds the capacity of the revised application.

A. STAFF DISCUSSION

INTRODUCTION

Application Summary

This comprehensive plan amendment is one of three applications that staff is reviewing pertaining to the proposed expansion of the Miromar Lakes Development of Regional Impact (DRI). The other two applications are the proposed modifications to the approved DRI as well as proposed modifications to the Mixed Use Planned Development (MPD) zoning and Master Concept Plan (MCP). These other applications cover the proposed development on this land as well as the lands located to the south of the Florida Gulf Coast University campus and north of the Timberland & Tibburon DRI. This staff report provides staff's review and recommendations concerning the comprehensive plan amendment request.

The applicant, Miromar Development Corporation, a Florida Corporation, is requesting a change of land use designation on the Future Land Use Map from "Density Reduction/Groundwater Resource" to "University Community" for an approximate 28.4 acre specified area of land. The area is adjacent to and just east of the existing Miromar Lakes DRI. The site is located south of Alico Road and to the north east of Florida Gulf Coast University in Section 13, Township 46 South, Range 25 East. If the amendment is approved the allowable density would increase from 1 du/10 acres to 2.5 du/acre, an increase of 68

permissible units. Staff, however, notes that the additional University Community land use category acreage would permit the clustering of up to 15 dwelling units an acre on the subject property.

The applicant is not proposing residential development above and beyond what has already been approved through the current DRI and MPD approvals. Essentially the applicant is seeking additional lands to develop the already approved residential units as well as adding land for an additional golf course. The portion of the proposed MCP that is subject to this future land use map amendment request depicts a "Boat Club" and residential development.

Existing Condition of the Subject Parcel

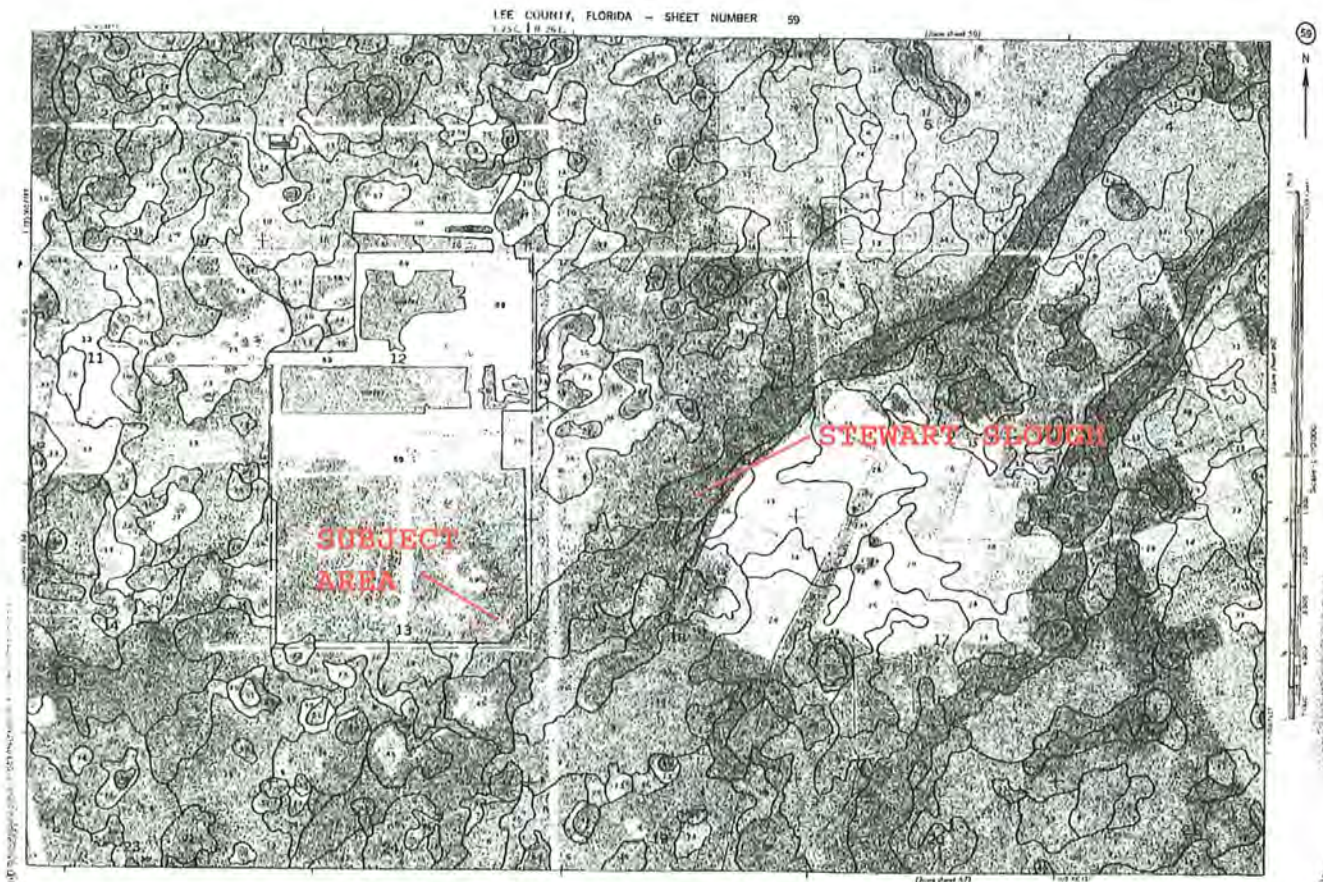
The property has been characterized by the application materials as having three parts. The first is "the northerly rectangular parcel." This parcel is essentially south of the northern borrow pit. The application indicates that the area was used by Florida Rock Industries to stockpile materials and as part of the east-west haul road between the two mining lakes. The application provides that these uses were "the only reason that this parcel was excluded from the Miromar Lakes DRI and the University Community." Staff agrees with this past use assessment. Currently this part of the property contains the dirt east-west haul road and disturbed areas from mining activities. This is confirmed by the applicant's FLUCCS mapping which depicts FLUCCS Codes 160 (Extractive - Areas disturbed by mining) and 163 (Rock quarry/mine lake).

The second part of the property "is a very narrow strip running north-south along the eastern edge" of the proposed development. This part of the property contains a dirt road. The applicant's FLUCCS mapping depicts FLUCCS Code 160 on this portion of the property.

The third part of the property subject to this request is the generally "rounded parcel" at the southern end of the property. The application provides that the property "includes part of Florida Rock Industries haul road and was also used to stockpile excess material." The parcel also includes a small portion of the Stewart Cypress Slough, that being the cypress "dome" located in the south east corner of the subject site.

A review of the Soil Survey of Lee County, Florida, confirms that the dome is part of the larger area slough area (see Figure 1). The Survey depicts soil type 73 - Pineda fine sand, depressional, for the "dome" and the Stewart Cypress Slough in this general area.

Figure 1



Adjacent Zoning and Uses

The subject area is zoned AG-2 with a small portion of the proposed area zoned MPD. The surrounding properties are zoned AG-2 to the north, AG-2 to the east, MPD (Miromar Lakes) and AG-2 to the west, and AG-2 to the south. To the north and east are the existing CSR Rinker mining operations, as well as some agricultural and vacant lands. To the south are vacant lands. The existing Miromar Lakes DRI, consisting of lakes and residential development are to the west, along Ben Hill Griffin Parkway. The Florida Gulf Coast University is located to the south west of the subject area.

The original Comprehensive Plan Amendment Application, Staff Insufficiency Letters, and Applicant Supplementary Information are included as Attachment 1.

Illustrative Photographs of the Subject Property



COMPREHENSIVE PLAN BACKGROUND

Original Future Land Use Designation

In 1984, Lee County adopted its first official Future Land Use Map (FLUM) as an integral part of its comprehensive plan. On that map, the subject property was part of the "Open Lands" land use category. Maximum density for the "Open Lands" category was established by the 1984 plan as a standard density of one dwelling unit per acre. The "Open Lands" land use category was described as areas that "are very sparsely settled, have minimal existing or planned infrastructure, and are generally quite distant from major shopping and employment centers." Open Lands were not included in the Urban Service Area. The 1984 Lee Plan described Open Lands as "not expected to be programmed to receive urban-type capital improvements in the time frame of this plan, and as such can anticipate a continued level of public services below that of other land use categories." The 1984 Lee Plan did not target these areas for public expenditures.

Adoption of the Density Reduction/Groundwater Resource Category

Following the adoption of the Growth Management Act in 1985 and the development of the Minimum Criteria Rule, Rule 9-J5, Lee County developed an Evaluation and Appraisal Report of the Lee Plan. That report and the subsequent Lee Plan amendments were submitted to the State's Department of Community Affairs (DCA) for their review in accordance with the schedule that was adopted by the State. Following that review the county adopted a revised comprehensive plan in January of 1989. That plan was objected to by the DCA and on March 24, 1989, the DCA issued a Notice of Intent to find the 1989 Lee Plan "not in compliance" with the "Local Government Comprehensive Planning and Land Development Regulation Act." An Administrative Hearing was scheduled pursuant to the notice of intent. During the hearing process the County, the DCA, and several intervenors entered into a Stipulated Settlement Agreement which committed, in part, to a redesignation of certain areas in Lee County to a new land use category. This new category was intended to lower densities in the non-urban areas and provide for the protection of water resources.

This new category, the Density Reduction/Groundwater Resource land use category, was adopted on September 6, 1990 and included the subject parcel. The adopted 1990 descriptor policy for this new category is reproduced below:

***POLICY 1.4.3:** The Density Reduction/Groundwater Resource areas include upland areas that provide substantial recharge to aquifers most suitable for future wellfield development. These areas also are the most favorable locations for physical withdrawal of water from those aquifers. Only minimal public facilities exist or are programmed. Land uses in these areas must be compatible with maintaining surface and groundwater levels at their historic levels. Permitted land uses include agriculture, mineral or limerock extraction, conservation uses, and residential uses at a maximum density of one dwelling unit per ten acres (1 du/10 acres). Individual residential parcels may contain up to two acres of Resource Protection Areas and Transition Zones without losing the right to have a dwelling unit, provided that no alterations are made to those wetland areas.*

As noted in this policy the standard residential density for this category is one unit per ten acres (1 du/10 ac). In addition to residential uses, the category was established with minimal other permissible uses.

Adoption of the University Community Category

At this time, the Lee Plan did not anticipate a new state university at any location in the county. However, in 1991 the State of Florida Board of Regents, their Site Selection Committee, and the Florida Governor and Cabinet decided to locate a new university in Lee County. The land selected for the new university was located east of Interstate 75, approximately midway between Alico Road and Corkscrew Road, surrounded by the DR/GR future land use category. It was quickly understood that a new university could

not exist in a “bubble” of land that was surrounded by the DR/GR land use category. Good planning practice demanded an amendment to the Lee Plan to integrate the new university into the county’s comprehensive plan. A task force consisting of representatives of the property owner, Lee County staff, Southwest Florida Regional Planning Council staff, and the Board of Regents was established to prepare an application to amend the Lee Plan. The intent of the task force was to create a new future land use category in which development would be “designed to enhance and support the University.” The Lee Plan was amended in 1992 (PAM/T 92-02) to recognize the site for Florida’s tenth state university and to enable the land surrounding the university to be able to provide associated support development. The Lee Plan defined Associated Support Development as, “development which is related to and justified by the University, including but not limited to support facilities, university housing, and development, such as research and development parks, which would not have come to the University Community except for the synergy created by the University.” The amendment was adopted on October 27th, 1992.

Revisions to the University Community Category

The 1992 Lee Plan amendment that recognized the location of the new university and established the University Community was in fact a plan to plan. The fact that a university was going to be constructed in the county had not been included in any previous long range planning analysis. It was realized that to address this new factor in the long range planning equation, modifications to the existing plan were necessary. At that time, unfortunately, the full effect of the impacts associated with the university were unknown. The planning for the institution itself was only in its infant stage; even the exact boundary for the campus was unknown at the time. A truly comprehensive analysis could not be undertaken. However, something had to be included in the plan to recognize this important addition to the region and so the 1992 amendment was proposed and adopted. The 1992 amendment recognized that additional planning was necessary and that additional time was needed to gather and assess the proper information.

In 1993 the second phase of planning for the University Community category was undertaken. The purpose of this amendment was to implement the provisions of the initial amendment. The area-wide Conceptual Master Plan, including the area-wide Conceptual Water Management Master Plan called for in the 1992 amendment were developed. A change to Map 1, the Future Land Use Map, was also considered. This map change was intended to remove land on the eastern edge of the University Community land use category and designate it back into the DR/GR land use category. The stated reason for this map change was that these lands were the subject of mining leases and were proposed for removed from the University Community land use category to allow the mining activities to continue.

One of the provisions of the University Community category prohibited mining in this area once the university opened. Due to concerns about this mining condition in the University Community category, the subject parcel (as well as other lands) were removed from the University Community land use category (as part of PAM/T 93-11) and placed back into the Density Reduction/Groundwater Resources land use category. The application materials for the subject amendment provide the following discussion:

Subsequent to that approval, Florida Rock Industries requested assurances from Lee County and the property owner, Alico, Inc., regarding their mining operation on property leased from Alico, Inc. Of particular concern to Florida Rock Industries was the continued operation of the mining haul road and stockpile areas and any future mining permits on property with the new University Community designation. The subject property was the focus of that discussion.

In response to this concern and in conjunction with their 1994 planning efforts regarding the University Community Conceptual Master Plan, Alico, Inc. requested that the acreage of concern to Florida Rock Industries be removed from the University Community. This was the only reason that the subject property was changed from its previously approved University Community designation. The subject property, as well as other property, was returned to its previous designation as Density Reduction/Groundwater Recharge (sic) (DR/GR). Limerock extraction and its related facilities are specifically permitted in the DR/GR land use category.

Concerning the 1994 modification to the University Community land use designation, the application also provides the following discussion:

Besides deleting the acreages of concern to Florida Rock Industries from the University Community, two other changes were included in that round of amendments to the University Community. Wetlands within the University Community were specifically designated as wetlands (previously they had been lumped into the overall mapping of the University Community category) and the University Village Interchange was designated as a separate land use category and removed from the University Community.

The above statement, however, is not factually accurate. The Wetlands (then known as Resource Protection Areas and Transition Zones) and the University Village Interchange land use categories were included in the 1992 Lee Plan amendment (PAM/T 92-02) that established the University Community. Staff has attached a copy of the adopted Future Land Use Map from this amendment documentation to demonstrate this fact (see Figure 2).

CONSISTENCY WITH THE LEE PLAN

University Community Related Lee Plan Future Land Use Element Text

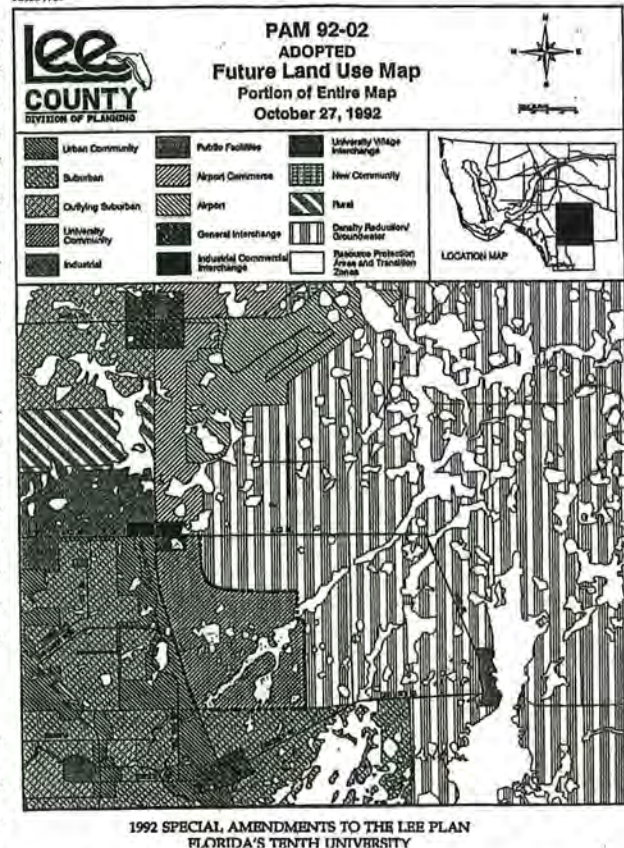
The applicant is proposing that the subject parcel's land use designation be amended to University Community. The University Community land use category is described by Policy 1.1.9, and further refined by Goal 18 and its subsequent objectives and policies. These Lee Plan provisions, as well as the definition of Associated Support Development are reproduced below:

POLICY 1.1.9: The University Community land use category provides for Florida's 10th University and for associated support development. The location and timing of development within this area must be coordinated with the development of the University and the provision of necessary infrastructure. All development within the University Community must be designed to enhance and support the University. In addition to all other applicable regulations, development within the University Community will be subject to cooperative master planning with, and approval by, the Board of Regents of the State University System.

Prior to development in the University Community land use category, there will be established a Conceptual Master Plan which includes a generalized land use plan and a multi-objective water management plan. These plans will be developed through a cooperative effort between the property owner, Lee County, and South Florida Water Management District.

Figure 2

The Future Land Use Map series, Map 1 the Future Land Use Map is amended as follows:



Within the University Community are two distinct sub-categories: University Campus and the University Village. The University Window overlay, although not a true sub-category, is a distinct component of the total university environment. Together these functions provide the opportunity for a diversity of viable mixed use centers. Overall average density for the University Village will not exceed 2.5 units per acre. Clustered densities within the area may reach fifteen units per acre to accommodate university housing. The overall average intensity of non-residential development within the University Village will be limited to 10,000 square feet of building area per non-residential acre allowed pursuant to Map 16 and Table 1(b). Specific policies related to the University Community are included within the Lee Plan under Goal 18. (Added by Ordinance No. 92-47) (Amended by Ordinance No. 94-30, 98-09, 00-22)

GOAL 18: UNIVERSITY COMMUNITY. *In order to ensure that development within the University Community land use category protects and enhances the ability of Florida's tenth university to provide secondary education as described in the Mission Statement of that institution and to assure that land uses or development activities do not interfere with, disrupt, or impede the efficient operation of that institution the following Objectives and Policies will apply to all development within the University Community land use category. The Application (Volume 1 of 2) (1992) and the Support Document (Volume 2 of 2) (1992) to the Amendment to the Lee County Comprehensive Plan for the University Community is incorporated by reference herein as a resource and information document. (This Goal and its Objectives and Policies were Added by Ordinance No. 92-47) (Amended by Ordinance No. 94-30, 00-22)*

OBJECTIVE 18.1: FUTURE LAND USE. *In order to ensure that the location and timing of development within the University Community is coordinated with the development of the University and the provision of necessary infrastructure; and, that all associated support development within the University Community is designed to enhance the University; all development within the University Community will be subject to cooperative master planning which must conform to the following policies. (Amended by Ordinance No. 00-22)*

POLICY 18.1.1: *Lee County will, through public and private economic and business development initiatives, promote the University Community as a catalyst for economic diversification and the promotion of employment throughout Lee County and the Region. Within the University Community land use category the focus of this endeavor (the emphasis) will be on university related scientific research and high technology development activities. (Amended by Ordinance No. 00-22)*

POLICY 18.1.2: *The University Community will provide a mix of housing types with densities sufficient to meet the needs of and designed to accommodate the varying lifestyles of students, faculty, administration, other university personnel and employees of the associated support development. (Amended by Ordinance No. 00-22)*

POLICY 18.1.3: *By the end of 1995, Lee County will adopt appropriate regulations providing for university housing, including student dormitories and boarding houses. (Amended by Ordinance No. 00-22)*

POLICY 18.1.4: *By the end of 1995, Lee County will adopt regulations further defining how densities for individual parcels within the University Community will be determined. The regulations will address how the total number of units will be tallied to insure that the overall average density of 2.5 units an acre will be maintained. The regulations will provide a mechanism for clustering densities within the University Community. (Amended by Ordinance No. 00-22)*

POLICY 18.1.5: *In order to create a cohesive community, site design within the University Community must utilize alternative modes of transportation such as pedestrian networks, mass transit opportunities, sidewalks, bike paths and similar facilities. Site design must link related land uses through the use of alternative modes of transportation thus reducing automobile traffic within the University Community. The county will work cooperatively with the University on these matters as the University proceeds through the Campus Master Plan Process. (Amended by Ordinance No. 94-30, 00-22)*

POLICY 18.1.6: *Lee County will facilitate mass transit opportunities connecting the University Community to other parts of the county, in accordance with the goals, objectives, and policies of the Mass Transit element. (Amended by Ordinance No. 94-30, 00-22)*

POLICY 18.1.7: *A diverse mixture of land uses will be encouraged within the University Community. Compatibility will be addressed through project design, including adequate buffering or other performance measures, therefore*

allowing adjacent appropriate industrial, residential and commercial land uses where such locations represent good planning. In reviewing zoning requests within the University Community, Lee County will consider noise, odor, visual, security and traffic impacts in determining land use compatibility. Because of the required cooperative master planning with and approval by the Board of Regents, the required compatibility review and the requirement that commercial land uses within the University Village be related to the University, development within the University Community will not be subject to the site location standards set forth in Goal 6 of the Lee Plan. (Amended by Ordinance No. 94-30, 00-22)

POLICY 18.1.8: All currently permitted mining activities within the University Community area will be allowed to continue until such time as the university opens. Agricultural activity including but not limited to tree farms, nurseries, or agricultural research facilities will be permitted within the University Community. (Amended by Ordinance No. 00-22)

POLICY 18.1.9: Prior to the commencement of development within the University Community land use category, an area-wide Conceptual Water Management Master Plan must be submitted to and approved by Lee County and South Florida Water Management District staff. This water management plan will be integrated with the Conceptual Master Plan and be prepared through a cooperative effort between the property owner, Lee County, and South Florida Water Management District. This master plan will insure that the water management design of any development within the University Community will maintain or improve the currently existing quality and quantity of groundwater recharge. This plan must be consistent with the drainage basin studies that were prepared by Johnson Engineering, and approved by the SFWMD. Lee County will amend the county land development regulations to require all new development to be consistent with the appropriate basin study. (Amended by Ordinance No. 94-30, 00-22)

POLICY 18.1.10: Development within the University Community land use category will be consistent with the Generalized Land Use Map and the eight area descriptions contained on or between pages 6 through 10 of the University Community Conceptual Master Plan, dated April 1994. (Amended by Ordinance No. 94-30)

POLICY 18.1.11: By 1996, Lee County and the Metropolitan Planning Organization will consider amending their respective transportation planning maps and policies to reflect the roadway segments identified by the Conceptual Master Plan. (Amended by Ordinance No. 94-30, 00-22)

POLICY 18.1.12: If not otherwise addressed by the Conceptual Master Plan, the landowner(s) within the University Village will coordinate infrastructure connections and interconnections, including but not limited to roadways, utilities and water management, with the University Campus through the established Board of Regents' master planning, review and approval process. (Amended by Ordinance No. 00-22)

POLICY 18.1.13: To encourage a variety of wildlife habitats and university study sites, special consideration will be given in the Conceptual Master Plan to the preservation of portions of the most pristine and diverse wildlife habitat areas (such as, pine flatwoods, palmetto prairies, and major cypress slough systems) as an incentive to reduce, on a one-for-one basis, open space requirements in other developments within the University Community. The implementation of this policy will occur at the time of zoning and development review. (Amended by Ordinance No. 94-30, 00-22)

POLICY 18.1.14: The use of septic tanks will be prohibited except for temporary septic tanks for model homes, construction trailers, and temporary sales offices. Permanent septic tanks will be limited to rest room facilities in golf courses, existing agricultural operations, or any agricultural operation of twenty five acres or more. (Amended by Ordinance No. 00-22)

POLICY 18.1.15 The cost for the provision and expansion of facilities for potable water and sanitary sewer that benefits development in the University Community will be borne by those who benefit. Such funding may include (but is not limited to) outright construction by the developer, special taxing or benefit districts, or Uniform Community Development Districts (Chapter 190, F.S.). The cost for these types of improvements will not be born by the county. (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22)

POLICY 18.1.16 The cost for the provision and expansion of facilities necessary to comply with the recommendations of the Estero Basin that benefits development in the University Community will be borne by those

who benefit. Such funding may include (but is not limited to) outright construction by the developer, special taxing or benefit districts, or Uniform Community Development Districts (Chapter 190, F.S.). The cost for these types of improvements will not be borne by the county. (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22)

OBJECTIVE 18.2: UNIVERSITY COMMUNITY SUB-CATEGORIES. *The University Community meets an educational infrastructure need for the Southwest Florida five county area by providing the necessary and appropriate land uses to carry out the mission of Florida's 10th University as stated by the Board of Regents. Within the University Community land use category there are two distinct sub-categories: University Campus and the University Village. The University Window overlay is also a part of the University Community land use category. (Amended by Ordinance No. 94-30)*

POLICY 18.2.1: *The University Campus area provides for the land uses of the University and its related functions. Development within the University Campus will be in accordance with provisions of any development agreement(s) between the Department of Community Affairs and the Board of Regents under the provisions of Chapter 380 F.S. and any other applicable state law. (Amended by Ordinance No. 00-22)*

POLICY 18.2.2: *The University Village is an area which provides the associated support development and synergism to create a viable University Community. This sub-category allows a mix of land uses related to and justified by the University and its development. Predominant land uses within this area are expected to be residential, commercial, office, public and quasi-public, recreation, and research and development parks. In addition to complying with the Conceptual Master Plan required by Policy 18.1.10, all property within the University Village must undergo a Development of Regional Impact review. (Amended by Ordinance No. 00-22)*

POLICY 18.2.3: *The University Window Overlay includes the area within 100 feet on both sides of the right-of-way of the following roadway segments:*

Treeline Avenue	<i>From Alico Road to Corkscrew Road</i>
Alico Road	<i>From I-75 to Treeline Avenue</i>
Corkscrew Road	<i>From I-75 to Treeline Avenue</i>
Koreshan Boulevard	<i>From I-75 to Treeline Avenue</i>

With input from affected property owners, by 1995, Lee County and the Board of Regents will develop mutually agreed upon standards for the University Window addressing landscaping, signage and architectural features visible from the designated roadway segments. (Amended by Ordinance No. 00-22)

The Lee Plan also contains a definition for Associated Support Development as that term is used in Policy 1.1.9 and Objective 18.1. This definition is reproduced below:

ASSOCIATED SUPPORT DEVELOPMENT - *within the University Community land use category is that development which is related to and justified by the University, including but not limited to support facilities, university housing, and development, such as research and development parks, which would not have come to the University Community except for the synergy created by the University. (Added by Ordinance No. 92-47)*

Future Land Use

As Policy 1.1.9 notes, "all development within the University Community must be designed to enhance and support the University." Objective 18.1 reenforces this concept with the statement that all associated support development within the University Community be designed to enhance the University. The proposed amendment is requesting the addition of another 28.4 acres into the University Community category. According to the application materials, the proposed uses for these lands are as residential, golf course, upland and wetland preserve and for a "Boat Club." Any amendment to add additional University Community lands should be supported by a direct enhancement or benefit to the University. Staff finds no justification to approve this request as the proposed uses do not enhance and support the University. This concept of a direct benefit is also supported by the language in Objective 18.1 calling for all

associated support development within the University Community to be designed to enhance the University.

The Lee Plan has recognized the importance of the mineral resources in this area of the county. The plan also recognizes that there are certain incompatibilities between these mining activities and other land uses, including secondary educational uses. The University Community Goal and its subsequent objectives and policies include language that prohibit ongoing mining activities after the opening of the university. The 1993 University Community amendments recognized this fact and removed land that were needed to continue the ongoing mining operation in the area, assuring the continued availability of the resource.

The application provides that "the subject property is no longer used for the mining operation." Staff has, however, observed many CSR Rinker mine dump trucks utilizing the haul road. Staff has concluded that the haul road is an integral part of an ongoing mining operation. If this request is approved it is extremely likely that additional impacts to the Stewart Cypress Slough will follow due to the necessary realignment of the existing haul road.

Staff finds that the proposed inclusion of the subject site into the University Community is internally inconsistent with the provisions of Policy 18.1.8 as the haul road is still an integral part of an ongoing mining operation. Approval of this request will result in the use of the haul road becoming a non-conforming use with the provisions of the University Community land use category. In addition, the application materials for the proposed development demonstrate that the haul road use will be eliminated.

Lee Plan Objective 2.4

The Future Land Use Element of the Lee Plan also provides guidelines for future land use map amendments under Objective 2.4. Under this objective Policy 2.4.3 provides language specifically on amendments to the Density Reduction/Groundwater Resource land use category. Objective 2.4 and Policy 2.4.3 are reproduced below.

OBJECTIVE 2.4: FUTURE LAND USE MAP AMENDMENTS. *Regularly examine the Future Land Use Map in light of new information and changed conditions, and make necessary modifications.*

POLICY 2.4.3: *Future Land Use Map Amendments to the existing DR/GR areas south of SR 82 east of I-75, excluding areas designated by the Port Authority as needed for airport expansion, which increase the current allowable density or intensity of land use will be discouraged by the county. It is Lee County's policy not to approve further urban designations there for the same reasons that supported its 1990 decision to establish this category. In addition to satisfying the requirements in 163 Part II Florida Statutes, Rule 9J-5 of the Florida Administrative Code, the Strategic Regional Policy Plan, the State Comprehensive Plan, and all of the criteria in the Lee Plan, applicants seeking such an amendment must:*

- 1. analyze the proposed allowable land uses to determine the availability of irrigation and domestic water sources; and,*
- 2. identify potential irrigation and domestic water sources, consistent with the Regional Water Supply Plan. Since regional water suppliers cannot obtain permits consistent with the planning time frame of the Lee Plan, water sources do not have to be currently permitted and available, but they must be reasonably capable of being permitted; and,*
- 3. present data and analysis that the proposed land uses will not cause any significant harm to present and future public water resources; and,*

4. *supply data and analysis specifically addressing the urban sprawl criteria listed in Rule 9J-5.006(5) (g), (h), (i) and (j), FAC.*

During the transmittal and adoption process, the Board of County Commissioners must review the application for all these analytical requirements and make a finding that the amendment complies with all of them. (Added by Ordinance No. 97-05)

Between the years 1992 and 1996 Lee County developed, implemented and defended an early Evaluation and Appraisal Report (EAR) process. Florida Statute (F.S.) 163.3191 requires each local government in the State of Florida to periodically prepare evaluation and appraisal reports on its comprehensive plan. The purpose of an EAR, in general terms, is to evaluate the success or failure of a comprehensive plan, both in relation to the needs of the community, to the standards of measurement contained within the plan, and to recommend changes needed to update and improve the plan. The EAR was transmitted by the LPA on May 19, 1994 and adopted by the Board on July 7, 1994.

One of the important amendments proposed by the EAR was the conversion of approximately 1400 acres of land from DR/GR to Airport Commerce. This change was proposed as part of the "Analysis of Groundwater Resources Category" included as Exhibit I to the Future Land Use evaluation. That analysis concluded that these lands, located north of Alico Road and immediately south of the Airport expansion area, should be converted to the Airport Commerce future land use category. The DCA, in their Objections, Recommendations and Comments report, objected to this proposed amendment. These lands were the subject of much debate during the Administrative Hearing and the Recommended Final Order that resulted from those hearings recommended that this land use change not be adopted.

Negotiations were held between county staff, the cabinet's staff and the property owner and their representatives concerning this and other contended amendments. These continued right up to the time of the meeting of the Governor and Cabinet, sitting as the Land and Water Adjudicatory Committee, who were to issue the Final Order. As part of the compromise to allow this proposed land use amendment the Land and Water Adjudicatory Committee required that Lee include language in it's comprehensive plan that additional conversions of DR/GR land in the southeast portion of the county would be discouraged. Policy 2.3.4 was added to the Lee Plan in 1997. It was found to be in compliance with the Final Order by the DCA.

Policy 2.4.3 expressly states that Future Land Use Map Amendments to the existing DR/GR areas south of SR 82 east of I-75 which increase the current allowable density or intensity of land use will be discouraged by the county. In addition, the policy states that is it the "County's policy not to approve further urban designations there for the same reasons that supported its 1990 decision to establish this category." The Policy further provides the requirements for the applicant's analysis in such a case and continues that "During the transmittal and adoption process, the Board of County Commissioners must review the application for all these analytical requirements and make a finding that the amendment complies with all of them."

The proposed amendment request is inconsistent with the stated purpose of Policy 2.4.3, to discourage and not approve further urban designations. Staff is very concerned with the precedential nature of this request. There has only been one amendment to the DR/GR land use category subsequent to the addition of this policy in 1997. That amendment was a county sponsored amendment to accommodate the expansion of the Southwest Florida International Airport. The Airport amendment was clearly for the benefit of not only Lee County, but for all of Southwest Florida. The Airport expansion amendment was anticipated and

recognized by new Policy 2.4.3 in that it explicitly states "excluding areas designated by the Port Authority as needed for airport expansion." Conversely, the subject amendment would only benefit one private developer.

Natural Resources staff have reviewed the materials provided by the applicant regarding factors 1 through 3 of the policy. Staff has responded that the "the site was deemed sufficient for review regarding water supply/recharge issues due to its small size, however, we warned that it may not be the case if the area is further expanded in the future." Natural Resources staff further recommended "the hydrologic restoration of the south-eastern portion of the property." "An existing road currently cuts off this area from Stewart Slough."

The applicant has provided discussion pertaining to factor 4 of Policy 2.4.3 as part of the map amendment discussion dated May 5, 2001. Staff disagrees with the applicant's analysis addressing certain indicators of urban sprawl listed in 9J-5.006(5). Rule 9J-5.006(5)(g)4., as reproduced below, applies to the protection of natural resources.

(g) Primary indicators. The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:

- 4. As a result of premature or poorly planned conversion of rural land to other uses, fails adequately to protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.*

The application materials state that "the incorporation of the subject property within the University Community and ultimately Miromar Lakes would provide for the protection of natural resources by conserving wetlands while developing lands, which have been subject to mining activity for many years prior." Staff agrees with the applicant that a majority of the proposed area has been impacted by mining activity, which is an allowable use in the DR/GR future land use category, yet staff recognizes the inclusion of the "cypress dome" discussed above as being a poorly planned conversion of rural land to other uses which fails to protect and conserve natural resources.

Rule 9J-5.006(5)(g)6, 7, and 8 apply to maximizing the use of existing and future public facilities. Indicators 6, 7, and 8 are reproduced below.

- 6. Fails to maximize use of existing public facilities and services.*
- 7. Fails to maximize use of future public facilities and services.*
- 8. Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.*

The application materials specify that all of the public facilities necessary for this development are in place and that incorporating the property into the University Community future land use category would not require any increases in infrastructure. The application also notes that the Uniform Community Development District that is in place for the existing development will most likely be expanded to cover the subject area. Staff agrees that the proposal will not incur any increases over what is currently available, yet the proposal may necessitate additional costs involving the 951 extension. Without the potential of the existing haul road path, additional costs to the county could be created if crossings of the slough

become necessary. Staff finds that the south eastern portion of the proposal, the portion including the haul road, allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining roadways and general government.

Protection of Mineral Resources

Goal 10 of the Lee Plan seeks "to protect areas containing identified mineral resources from incompatible urban development." Goal 10, Objective 10.1 and its subsequent Policies are reproduced below.

GOAL 10: NATURAL RESOURCE EXTRACTION. *To protect areas containing identified natural resources from incompatible urban development, while insuring that natural resource extraction operations minimize or eliminate adverse effects on surrounding land use and natural resources. (Amended by Ordinance No. 02-02)*

OBJECTIVE 10.1: *Designate through the rezoning process sufficient lands suitable for providing fill material, limerock, and other natural resource extraction materials to meet the county's needs and to export to other communities, while providing adequate protection for the county's natural resources. (Amended by Ordinance No. 94-30, 02-02)*

POLICY 10.1.1: *Natural resource extraction operations intending to withdraw groundwater for any purpose must provide a monitoring system to measure groundwater impacts. (Amended by Ordinance No. 02-02)*

POLICY 10.1.2: *Applications for natural resource extraction permits for new or expanding areas must include an environmental assessment. The assessment will include (but not be limited to) consideration of air emissions, impact on environmental and natural resources, effect on nearby land uses, degradation of water quality, depletion of water quantity, drainage, fire and safety, noise, odor, visual impacts, transportation including access roads, sewage disposal, and solid waste disposal. (Amended by Ordinance No. 00-22, 02-02)*

POLICY 10.1.3: *Applications for natural resource extraction permits for new or expanding sites must include a reclamation plan which provides assurance of implementation. Reclamation plans in or near important groundwater resource areas must be designed to minimize the possibility of contamination of the groundwater during mining and after completion of the reclamation. (Amended by Ordinance No. 00-22, 02-02)*

POLICY 10.1.4: *Natural resource extraction activities (and industrial uses which are ancillary to natural resource extraction) may be permitted in areas indicated on the Future Land Use Map as Rural, Open Lands, and Density Reduction/Groundwater Resources, provided they have adequate fire protection, transportation facilities, wastewater treatment and water supply, and provided further that they have no significant adverse effects such as dust and noise on surrounding land uses and natural resources. In order to reduce transport costs and minimize wear on the county's roadways, the extraction and transport of fill material may also be permitted as an interim use in the Future Urban Areas provided that the above requirements are met; however, special restrictions may also be applied to protect other land uses. These determinations will be made during the rezoning process. (Amended by Ordinance No. 94-30, 00-22, 02-02)*

POLICY 10.1.5: *Lee County will support efforts by government, community leaders, and the extractive industry owners and businesses to seek incentives that will help to facilitate the connection of natural resource extraction borrow lake excavations into a system of interconnected lakes and flowways that will enhance wildlife habitat values, provide for human recreation, educational and other appropriate uses, and/or strengthen community environmental benefits. (Amended by Ordinance No. 99-15, 02-02)*

Staff has recently completed an initial evaluation of mining in Lee County entitled *Strategic Mining, A Report on Mining in Lee County*. This report was issued in response to direction given by the Board of County Commissioners. The Board of County Commissioners, in the context of several zoning public hearings, requested that staff address the issue of where mining operations may be appropriate. The report provides a generalized description of the resources that are being extracted in Lee County, a description of the extraction process, a description of active mines in Lee County, the importance of the resource, the economic impact of the mining industry, and possible options to address identified issues. The report also

includes a proposed "Potential Mining Area" map to address the question of where are mines an appropriate land use. The map is a result of evaluating the generalized existing mining areas in Lee County as well as information that the mining industry has shared through the public hearing process as to the location of the resources. The Board of County Commissioners directed staff, at the October 7, 2002 Management and Planning Meeting, to amend the Land Development Code to establish a "Potential Mining Area." Staff recognizes that there are compatibility concerns with establishing new mines outside of the "Potential Mining Area." The subject site is depicted by the *Strategic Mining, A Report on Mining in Lee County* as being within the "Potential Mining Area."

The neighboring mining activities were originally approved by the Board of County Commissioners on May 13th, 1986, by Resolution Number ZAB-86-62. Florida Rock Industries had requested a special exception for general excavation in the AG zoning district. CSR Rinker currently operates a significant mining operation that relies on this haul road.

If the request is approved, mining activities on the subject site must cease or become a non-conforming use. Consistent with the interpretation of the 1993 amendment, the provisions of Policy 18.1.8 would eliminate the use of this land for the ongoing mining operation's haul road. The main processing area is located north of the subject site while the majority of the pits are located to the south and east of the subject site. In order to allow continued access to the main mine processing area from the areas currently being excavated, the haul road would have to be relocated. The haul road is approximately 200 feet wide. Relocating the haul road would necessitate an additional road crossing of the Stewart Cypress Slough. Representatives from CSR Rinker have in fact already discussed this possibility with staff.

County Road 951 Extension

Resolution ZAB-86-62 contains two conditions (see Attachment 2) relating to the mining haul road that is contained on the subject property of the instant request. These conditions are reproduced below:

- (o) *The Trafficways Map shows a north-south, 4-lane arterial roadway running parallel to Interstate 75 through Sections 11, 14, and 23. In addition, an additional arterial roadway may be needed in the future parallel to the Florida Power and Light easement, to be located near the eastern section lines of Sections 1, 12, 13, and 24. Florida Rock shall preserve 200-foot-wide possible rights-of-way along these corridors; the precise alignment of these corridors will be determined by the Director of the Lee County Department of Transportation and Engineering, prior to any requests for further excavation permits.*
- (p) *The haul road between the project's rock crushing plant and Phase II-A, as shown on sheet 9 of the proposed plans, shall be removed and the corridor replanted to the satisfaction of the Director of the Department of Community Development within one year after the completion of excavation in Area II-A; however, the county shall reserve the right to retain any portion of the haul road for future use as a county roadway.*

Condition m of this resolution acknowledges that the County may need to site an arterial roadway through this area. In fact, this area is included for evaluation in the 951 extension alignment study. Lee County DOT staff have indicated to Planning staff that “the PD& E study is just getting underway and that it will take 2 to 3 years to complete and have a final alignment.” Transportation staff have noted that the possible alignment locations or choices are limited in this area because of the existing mine lakes and the desire to align the corridor to the haul road that runs north of Alico Road. These constraints are graphically depicted on Figure 3.

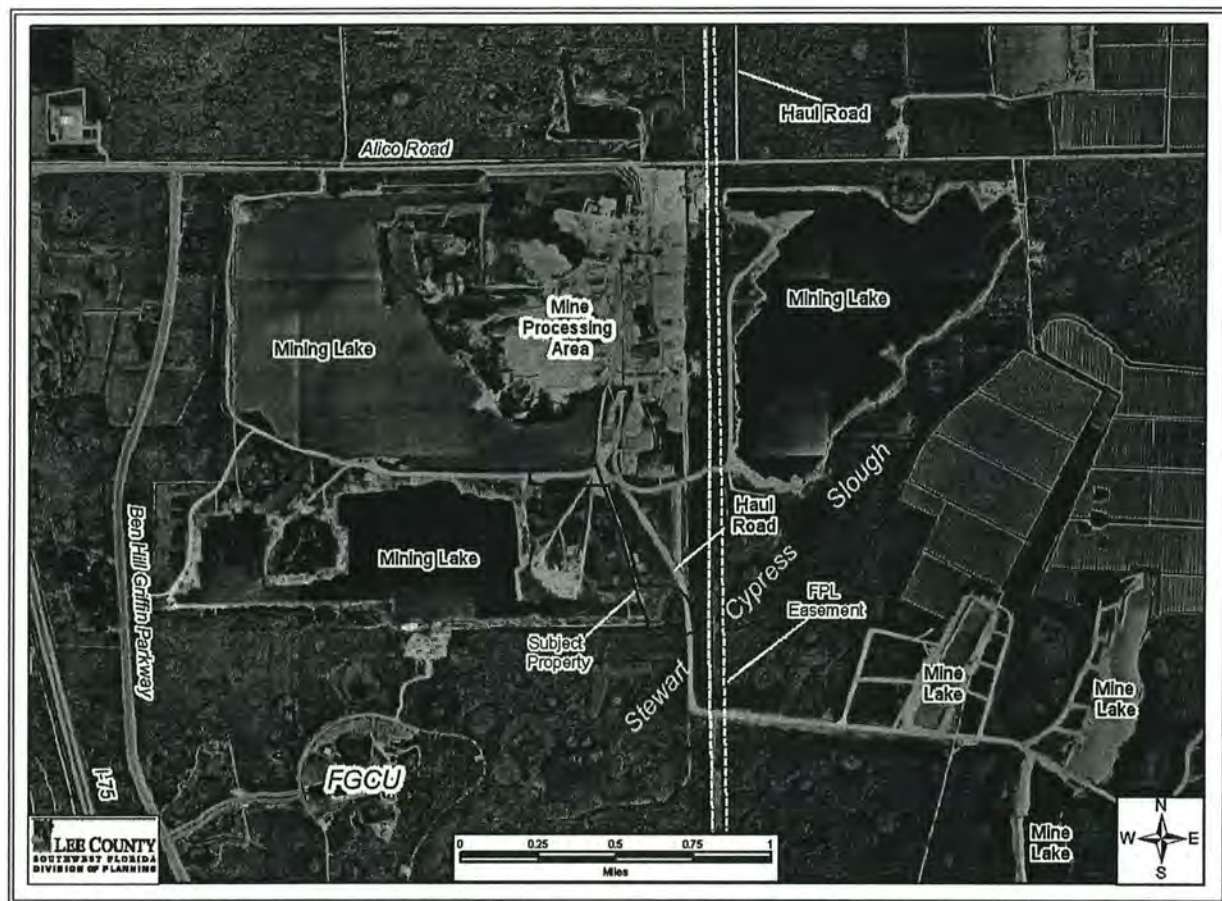


Figure 3

Condition (n) provides that the County reserves “the right to retain any portion of the haul road for future use as a county roadway. If all of the applicants requests are approved, then staff believes the extension of 951 would be precluded from utilizing the existing mine haul road. This would result in the County needing to impact the Stewart Cypress Slough with an additional roadway crossing. Staff finds that this fails the avoidance and minimization test.

Interestingly, Resolution ZAB-86-62 includes a condition, condition (k), that essentially puts future land owners on notice that future mining activities may be located on the property. This condition is reproduced below:

- (k) *Objective III.H.1 of the Comprehensive Plan requires the protection of areas containing identified mineral resources from incompatible urban development. This approval shall be an indication to future land owners surrounding the subject property that future mining activities may be located in these areas. This approval shall not be construed to mean that excavation permits will automatically be issued. In order to mine that part of this tract north of Alico Road, Florida Rock shall be required to submit for full review and approval or denial of any proposed plans for mining activities through whichever procedures are in effect at that time.*

Water Resource Issues

The applicant is proposing removing the subject parcel from the Density Reduction/Groundwater Resource future land use category. The Density Reduction/Groundwater Resource land use category is described by Policy 1.4.5. Policy 1.4.5 is reproduced below:

POLICY 1.4.5: *The Density Reduction/Groundwater Resource (DR/GR) areas include upland areas that provide substantial recharge to aquifers most suitable for future wellfield development. These areas also are the most favorable locations for physical withdrawal of water from those aquifers. Only minimal public facilities exist or are programmed. Land uses in these areas must be compatible with maintaining surface and groundwater levels at their historic levels. Permitted land uses include agriculture, natural resource extraction and related facilities, conservation uses, publicly-owned gun range facilities, private recreation facilities, and residential uses at a maximum density of one dwelling unit per ten acres (1 du/10 acres). Individual residential parcels may contain up to two acres of Wetlands without losing the right to have a dwelling unit, provided that no alterations are made to those wetland areas.*

Private Recreational Facilities may be permitted in accordance with the site locational requirements and design standards, as further defined in Goal 16. No Private recreational facilities may occur within the DR/GR land use category without a rezoning to an appropriate planned development zoning category, and compliance with the Private Recreation Facilities performance standards, contained in Goal 16 of the Lee Plan. (Amended by Ordinance No. 91-19, 94-30, 99-16, 02-02)

If approved the request will be removing lands designated as areas providing substantial recharge to aquifers most suitable for future wellfield development. The Density Reduction/Groundwater Resource future land use descriptor policy provides that land uses in these areas must be compatible with maintaining surface and groundwater levels at their historic levels. As discussed above under the "Existing Conditions of the Subject Parcel" section of the report, staff's concern lies with the cypress "dome" located in the southeast corner of the subject site which is a part of the Stewart Cypress Slough. A figure pointing out the slough, taken from the Soil Survey of Lee County, Florida has been included in that discussion as well (see Figure 1). Staff disagrees with the applicant's analysis under Principle #1 on page 12 of the map amendment discussion, dated May 5, 2001, where it is stated that "The entire Miromar Lakes development is designed to take advantage of the site's natural features, protect and enhance the Stewart Slough and to minimize the site's less attractive features."

The surface water, as well as the possible associated groundwater, identified as the Stewart Cypress Slough is also addressed by the Lee Plan through Goal 40, Coordinated Surface Water Management and Land Use Planning on a Watershed Basis. Goal 40 and its relevant objectives and policies are reproduced below.

GOAL 40: COORDINATED SURFACE WATER MANAGEMENT. *To protect or improve the quality of receiving waters and surrounding natural areas and the functions of natural groundwater aquifer recharge areas while also providing flood protection for existing and future development.*

POLICY 40.1.2: *Develop surface water management systems in such a manner as to protect or enhance the groundwater table as a possible source of potable water.*

POLICY 40.1.3: *Incorporate, utilize, and where practicable restore natural surface water flow-ways and associated habitats.*

POLICY 40.1.4: *The county will examine steps necessary to restore principal flow-way systems, if feasible, to assure the continued environmental function, value, and use of natural surface water flow-ways and associated wetland systems. (Amended by Ordinance No. 00-22)*

POLICY 40.3.1: *The following surface water management standards are adopted as minimum acceptable levels of service for unincorporated Lee County (see Policy 70.1.3). (Amended by Ordinance No. 92-35, 00-22)*

D. Regulation of Private and Public Development

Surface water management systems in new private and public developments (excluding widening of existing roads) must be designed to SFWMD standards (to detain or retain excess stormwater to match the predevelopment discharge rate for the 25-year, 3-day storm event [rainfall]). Stormwater discharges from development must meet relevant water quality and surface water management standards as set forth in Chapters 17-3, 17-40, and 17-302, and rule 40E-4, F.A.C. New developments must be designed to avoid increased flooding of surrounding areas. Development must be designed to minimize increases of discharge to public water management infrastructure (or to evapotranspiration) that exceed historic rates, to approximate the natural surface water systems in terms of rate, hydroperiod, basin and quality, and to eliminate the disruption of wetlands and flow-ways, whose preservation is deemed in the public interest. (Amended by Ordinance No. 94-29)

OBJECTIVE 40.4: CRITICAL AREAS. *The Six Mile Cypress Basin (as defined in Chapter 10 of the Land Development Code) and the Density Reduction/Groundwater Resource land use category are both identified as "critical areas for surface water management." The county will maintain existing regulations to protect the unique environmental and water resource values of these areas. (Amended by Ordinance No. 94-30, 00-22)*

OBJECTIVE 41.3: GENERAL SURFACE WATER MANAGEMENT STANDARDS. *Lee County will continue to provide sufficient performance and/or design standards for development protective of the function of natural drainage systems. (Amended by Ordinance No. 94-30, 00-22)*

POLICY 41.3.3: *Floodways should be kept as unobstructed as possible.*

POLICY 41.3.4: *Natural flow patterns will be publicly restored where such action is of significant public or environmental benefit, and feasible. (Amended by Ordinance No. 00-22)*

Goal 40 and its objectives and policies protect and improve water quality and the functions of natural recharge areas. Policies 40.1.3 and 40.1.4 require, where practicable, the restoration of natural surface water flow-ways, including associated habitats, to assure the environmental function, value, and use of surface water flow-ways. Policy 40.1.3 requires that flowways be "incorporated" in project designs. Policy 40.3.1.D under Level-of-Service Standards requires that new developments must be designed to eliminate the disruption of wetlands and flow-ways whose preservation is deemed in the public interest. Objective 40.4 designates the Density Reduction/Groundwater Resource land use category as a critical area for surface water management and provides that the county will maintain existing regulations to protect the unique environmental and water resource values of these areas. Staff finds that the Stewart Cypress Slough has been recognized by Lee County as a unique and valuable environmental/water resource. Examples of this are the Stewart Cypress Slough restoration requirements that have been applied to several developments in the area, such as the CSR Rinker mining operation, the University, and Gulf Coast Town Center, as well as the existing Miromar Lakes DRI. Objective 41.3 requires such actions by directing Lee County to continue providing sufficient design standards, protective of the function of natural drainage systems while Policy 41.3.4 maintains that "Natural flow patterns will be publicly restored where such action is of significant public or environmental benefit, and feasible." The Board of County

Commissioners has supported and required the restoration of natural surface water flow-ways such as the Stewart Cypress Slough in the public interest through past actions. Staff finds that the request is inconsistent with these past efforts as the development proposal is impacting a small portion of the Stewart Cypress Slough.

Map 16 - Planning Communities and Table 1(b)

The subject area is located in the Southeast Lee County Planning Community. This community is primarily designated on the Future Land Use Map as Density Reduction/Groundwater Resources. There is currently no allocation for residential development in the University Community category in this Planning Community as the community contains no lands designated with University Community. Only the San Carlos Planning Community contains residential allocations for residential use within the University Community category. The dividing line between the San Carlos and Southeast Lee County Planning Communities is the existing University Community eastern boundary. Therefore, if the proposed land use change is approved, no residential development potential will exist on the subject property. Allowing residential on the amended parcel could be achieved by either including a residential allocation for the University Community future land use category for the Southeast Lee County Planning Community; or, by amending Map 16 (the Planning Community Map) to include this property in the San Carlos Planning Community.

PUBLIC SAFETY ISSUES

Emergency Management - Hurricane Evacuation/Shelter Impacts

The proposed amendment will not be increasing density in the Coastal High Hazard Area. Staff from the Lee County Division of Public Safety have provided written comments to planning staff, dated July 12, 2001, concerning the proposal (see Attachment 1). The memo provides that the amendment is located in a category 4/5 Hurricane Evacuation Zone. In accordance with the National Weather Service Storm Surge "SLOSH" this area will not receive storm surge flooding from a category 3 Hurricane and therefore, the area is exempt from Lee County ordinance 00-14 which requires shelter and evacuation route impact mitigation.

SCHOOL IMPACTS

Staff of the School District of Lee County have reviewed the proposal and provided written comments dated July 24, 2001 (see Attachment 1). District staff conclude, using the worst case scenario, that the proposed amendment could create a total fiscal impact to the District of approximately \$251,114.00. District staff provided the following:

"According to the request, the proposed changes in land use could create up to 71 new residential dwelling units using the worst case scenario. Based on an estimated student generation rate of .31 per dwelling unit, the proposed unit increase would generate approximately 22 students, creating an impact of up to one (1) new classroom along with additional staff and core facilities.

According to the FY 00-01 District budget, operating expenditures per Full Time Equivalent (FTE) student are \$5,907.00, so the proposed plan amendment could create a financial impact of up to \$129,954.00 to the District. In addition, the classroom would cost an estimated \$121,160.00 in capital costs, for a total fiscal impact to the District of approximately \$251,114.00."

POPULATION ACCOMMODATION CAPACITY DISCUSSION

The request is to change the Future Land Use Map (FLUM) category of approximately 28.4 acres from Density Reduction/Groundwater Resource to University Community. The Density Reduction/Groundwater Resource category standard density permits 1 du/10 acres. The University Community category standard density permits up to 1 du/2.5 acres. Policy 1.1.9 provides that "Clustered densities within the area may reach fifteen units Staff calculated the following accommodation capacity utilizing the Wetland acreage figure of 6.27 as provided by the application. Subtracting the wetlands from the total acreage left 22.17 acres. Using 2.5 du's per acre, a maximum of 55 dwelling units could be constructed on the property under the University Community designation. This could result in an increase in the population accommodation capacity of the map by 115 persons (55 du's X 2.09 persons per unit). Staff concludes that this increase in the population accommodation capacity of the FLUM is insignificant when viewed in the context of the county wide accommodation capacity.

It should be noted that the University Community Future Land Use Category allows for the clustering of dwelling units from other University Community lands. The clustering is allowed up to 15 dwelling units per acre. Under this worst case scenario the 22.17 acres could contain 332 dwelling units.

SOILS

The 1984 U.S. Department of Agriculture Soil Survey of Lee County classified two soil types present on the subject parcel - 13 Boca fine sand, 69 Matlacha gravelly fine sand, and 73 Pineda fine sand, depressional.

The Boca fine sand is a nearly level, poorly drained soil on flatwoods with smooth slopes ranging from 0 to 2 percent.

The Matlacha gravelly fine sand is a nearly level, somewhat poorly drained soil formed by filling and earthmoving with smooth to slightly convex slopes ranging from 0 to 2 percent.

The Pineda fine sand is a nearly level, very poorly drained soil in depressions with concave slopes at less than 1 percent.

ENDANGERED SPECIES

The wetlands are wood stork, Florida black bear and Big Cypress fox squirrel habitat. The cleared upland areas adjacent to the mine lakes may provide nesting habitat for least terns. Protected species surveys and management plans for this parcel would be addressed through the zoning and development order review process.

MASS TRANSIT

Lee Tran has reviewed the request and provided written comments dated July 19, 2001. This memo provides that Lee Tran currently services the area with route 60. The memo also provides Lee Tran staff's desire to work with the developer to locate a bus stop location from a bus shelter and/or a pull off lane should ridership prove to dictate the need. This issue would be better addressed through the DRI process.

UTILITIES

The applicant has provided staff with correspondence from the Gulf Utility Company which states that the project is located within the Company's service area for water and wastewater. The Gulf Utility Company

provided the following written comments dated May 27, 1997 pertaining to water and sewer treatment availability (see Attachment 1):

"At the present time, Gulf Utility Company has the capacity to provide 396 gallons per day per ERC of potable water from its San Carlos/Corkscrew Water Treatment Plants, subject to its tariffs and the rules and regulations of the FPSC."

"At the present time, Gulf Utility Company has the capacity to provide 250 gallons per day per ERC of wastewater service from its Three Oaks Wastewater Treatment Plant to this location, subject to its tariffs and the rules and regulations of the FPSC."

COASTAL ISSUES

The subject property is not located in the "Coastal Planning Area" as defined by the Lee Plan. The Federal Emergency Management Agency's Flood Insurance Rate Map shows the subject parcel in an "B" flood zone. The required base elevations to the first habitable floor is 18 inches depending on the specific parcels location. The 1991 "Hurricane Storm Tide Atlas for Lee County," prepared by the Southwest Florida Regional Planning Council (SWFRPC), shows that the subject property is located within the Category 4/5 storm surge zone. Additionally, the property is located in the SWFRPC Category 4/5 evacuation zone. The proposed development will not be increasing density in the Coastal High Hazard Area as delineated by the Southwest Florida Regional Planning Council.

B. CONCLUSIONS

Planning staff concludes that the application to amend the Future Land Use Map classification of the subject site from DR/GR to University Community is inconsistent with multiple provisions of the Lee Plan. The request is not related to or justified by the University and as such can not be characterized as Associated Support Development. Thus the proposal is inconsistent with Policy 1.1.9, Goal 18, Objective 18.1. The request is also internally inconsistent with the provisions of Policy 18.1.8 as the haul road is still an integral part of an ongoing mining operation.

In accordance with Policy 2.4.3 it is Lee County's policy not to approve further urban designations in the DR/GR in this area. Therefore, the request itself is inconsistent with this provision of the Lee Plan.

Changing the designation of this property from DR/GR to an Urban category sets a dangerous precedent for the conversion of additional DR/GR lands.

The request is inconsistent with the provisions of Goal 10, Objective 10.1, and its subsequent Policies. The subject site is depicted as being on the draft "Potential Mining Area" map.

Approval of the proposed amendment could have substantial impact on the proposed County Road 951 Extension. Lee County Special Exception Resolution # ZAB-86-62 affords the County certain opportunities for utilizing the haul road for a public roadway. Approval of this amendment would eliminate an existing crossing of a major flowway, the Stewart Cypress Slough. The approval of this request would likely result in several additional unnecessary crossings of this major flowway.

The application does not address the Year 2020 Allocation Table and/or the Planning Communities Map, making residential development unachievable as there is no allocation.

C. ORIGINAL STAFF RECOMMENDATION

Planning staff recommends **denial** of the applicant's request to amend Map 1, the Future Land Use Map, to change the future land use designation of the subject area from the "Density Reduction/Groundwater Resource" land use category to the "University Community" land use category.

In the alternative, if the Board of County Commissioners does want to approve the applicant's request, staff recommends that only the northern two parcels be included in the "University Community" land use category. In addition staff recommends that the Future Land Use Map reflect the onsite wetlands in the "southern rounded parcel."

D. REVISED STAFF ANALYSIS (based on 24 acre area)

Staff received a memorandum from the applicant on November 15, 2002 revising and reducing the boundaries of the proposed amendment from 28.4 acres to 24 acres, as well as adding a request to amend Map 16, Planning Communities, to include the subject property in the San Carlos Planning Community. The memorandum has been included as part of Attachment 1 to this report.

The revised boundaries of the proposal are depicted on the aerial photograph included in the attachment. As shown, the applicant has removed the haul road from the request by moving the south eastern boundary to the west of the roadway, as well as removing the "cypress dome" from the southeastern portion of the amendment, alleviating several of staff's concerns. As noted above, in the previous analysis of the proposed amendment, staff raised several planning issues which led staff to recommend denial of the applicant's request. The following is a brief summary of the previous issues.

1. The request is not related to/justified by the University. Can not be characterized as Associated Support Development.
2. Policy 2.4.3 states it is Lee County's policy not to approve Urban designations in the DR/GR and it is the County's policy to discourage amendments to the DR/GR south of S.R. 82, east of I-75.
 - Such an amendment sets a dangerous precedent.
3. The haul road within the proposed area of the amendment is used as an integral part of the CSR Rinker mining activities.
 - Results in the use of the haul road becoming a non-conforming use.
 - Goal 10 protects areas containing identified mineral resources from incompatible urban development.
 - If approved, the amendment will likely result in the need for additional impacts to the Stewart Cypress Slough by realigning the haul road.
4. The proposed land use change may cause future road network plan changes.

- If approved, the amendment will likely result in the need for additional impacts to the Stewart Cypress Slough by realigning the proposed 951 extension.
5. The request includes a "cypress dome" located at the southeast corner that is shown by the Soil Survey of Lee County, Florida as being part of the Stewart Cypress Slough.

The revision of the boundaries of the proposed amendment since the issuance of the initial staff report has eliminated several of staff's previous concerns. The removal of the haul road from the proposal has eliminated issues regarding non-conforming uses, incompatible urban development, future road network plan changes (951 extension), and additional impacts to the Stewart Cypress Slough. The removal of the "cypress dome" has also eliminated issues regarding impacts to the dome as part of the Stewart Cypress Slough, yet as per the Wetland Jurisdictional Boundary provided by the South Florida Water Management District, the land area to the south of the dome down to the southern edge of the proposed area has been determined to be wetlands. Staff finds that this area should not be considered for an amendment to the University Community land use designation. In accordance with Lee Plan Chapter XIII, Procedures and Administration, part b, Administrative Interpretations of the Plan, when staff learns of Wetland Jurisdictional Determinations, areas depicted as wetlands, are re-mapped as wetlands on the Future Land Use Map.

In staff's opinion there are remaining issues that cannot be resolved through boundary changes to the proposed area. Staff finds, as discussed previously, that the proposal can not be characterized as Associated Support Development to the University. The applicant has noted that the subject property was previously (in the 1992 amendment) designated University Community. Staff notes that circumstances are different. The 1992 amendment accomplished an overriding public necessity, that of accommodating the state's new public university and its 'Associated Support Development.' The uses proposed by the applicant for these lands are residential, golf course, upland and wetland preserve, and a "Boat Club." Policy 1.1.9, the University Community future land use descriptor policy, states "all development within the University Community must be designed to enhance and support the University." Any amendment adding University Community lands to the County should be supported by a direct enhancement or benefit to the University. Staff finds the proposed uses do not enhance and support the University, leaving no justification to approve this request.

Staff also finds, as discussed previously, the proposal is inconsistent with Lee Plan Policy 2.4.3. Policy 2.4.3, under Objective 2.4 Future Land Use Map Amendments, states that "Future Land Use Map Amendments to the existing DR/GR areas south of SR 82 east of I-75, excluding areas designated by the Port Authority as needed for airport expansion, which increase the current allowable density or intensity of land use will be discouraged by the County. This policy also provides that it is Lee County's policy not to approve further urban designations in this area for the same reasons that supported its 1990 decision to establish this category." Again, staff is very concerned with the precedential nature of the request. As discussed, there has only been two amendments to the DR/GR subsequent to the addition of this policy in 1997. One was the county sponsored amendment to accommodate the expansion of the Southwest Florida International Airport. The Airport amendment was clearly for the benefit of not only Lee County, but for all of Southwest Florida. The other was a result of the *Lehigh Acres Commercial Land Use Study*. This amendment was an incremental attempt at resolving a major public planning dilemma and therefore justified, clearly addressing a public need. Conversely, the subject amendment would only benefit one private developer.

Although the area was included as part of the University Community future land use category in the 1992 amendment, and then removed due to mining uses in the 1993 amendment, the existing Miromar Lakes development was not approved until November 29, 1999. The applicant has provided that "No additional units or uses are requested as a result of this change. Moving a few already approved buildings into this area does not make the project any less related to or less enhancing of the university." Staff notes that the Miromar Lakes project was previously reviewed as a DRI rezoning, rather than being associated with a plan amendment. Staff also has concerns regarding the fact that the project will be taking already approved units and "spreading" them out further across a land area that will require an amendment to DR/GR designated lands. In light of the fact that the development is sprawling into land designated DR/GR today and that it is not a direct enhancement or benefit to the University, nor is it a public necessity, staff's recommendation of denial to the applicants request remains.

The applicant's revised request proposes to amend Lee Plan Map 16, the Planning Communities map, to place the subject site in the San Carlos Planning Community. The subject property is currently within the Southeast Lee County Planning Community. Staff notes that the majority of the DR/GR designated lands in south east Lee County are included in the Southeast Lee County Planning Community. As staff is recommending denial of the applicant's request to amend the subject property's Future Land Use Map designation, staff sees no logical reason to amend the property's Planning Community assignment.

Staff also notes that the recent submittal (date stamped received November 15, 2002) by the applicant is insufficient. The applicant needs to formally revise their original "Application for a Comprehensive Plan Amendment." The applicant needs to revise various parts of the original application materials to accurately represent the request including all pertinent acreage figures and an acceptable legal description of the area being amended. This information must be provided to staff prior to staff scheduling any transmittal hearing concerning this request with the Board of County Commissioners.

E. REVISED STAFF RECOMMENDATION (based on 24 acre area)

Planning staff recommends **denial** of the applicant's request to amend Map 1, the Future Land Use Map, to change the future land use designation of the subject area from the "Density Reduction/Groundwater Resource" land use category to the "University Community" land use category.

Staff also recommends **denial** of the applicants request to remove the subject property from the Southeast Lee County Planning Community and place it in the San Carlos Planning Community.

Should the Board of County Commissioners decide to transmit the applicant's request, staff recommends that the Future Land Use Map reflect the onsite wetlands and that the Future land use map series, Map 16, Planning Communities be amended to remove the subject property from the Southeast Lee County Planning Community and place it in the San Carlos Planning Community.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: October 28, 2002

A. LOCAL PLANNING AGENCY REVIEW

Staff did not present the proposed amendment before the LPA at the October 28, 2002 public hearing. Prior to a presentation, the applicant's representative requested a continuance of the amendment's review by the LPA until the following LPA meeting, to be held on November 25th, 2002. The applicant's representative explained that there had been discussions concerning revisions to the requested amendment which were not reflected in the staff report. Planning staff explained that the applicant's revisions to the request will be removing land from the application and staff has no objection to the continuance of the amendment. A motion was called and carried to continue the amendment until adequate consideration could be given to the applicant's revised request.

DATE OF PUBLIC HEARING: November 25, 2002

B. LOCAL PLANNING AGENCY REVIEW

Staff did not present the proposed amendment before the LPA at the November 25, 2002 public hearing. The Chairman of the LPA referred to a letter he received from the applicant requesting a continuance of the public hearing. The letter explained that the applicant did not have sufficient time to review the revised staff report. Additionally, the applicant received a letter from the Agency on Bay Management addressed to the county. The letter stated that the applicant did not have an opportunity to evaluate and respond to it.

Planning staff noted that this item had been continued from the last public hearing and since that time there have been discussions between the applicant and staff concerning issues raised in the staff report. Staff explained that the applicant provided a memo to staff revising the amendment on November 15, 2002, giving staff one week to respond. Staff noted that all parties were in agreement that the item should be continued.

DATE OF PUBLIC HEARING: January 27, 2003

C. LOCAL PLANNING AGENCY REVIEW

Planning staff provided a brief summary of the proposed plan amendment and explained that the initial request had changed since the first staff report issued. Staff discussed the revised request at hand. Staff recommended denial of the proposed amendment based on the precedent setting nature of the request. The applicant's representative then provided a summary of the amendment, giving their justification for approval of the amendment. Much of the discussion stemmed from the history of the University Community future land use category. The representative also disagreed with staff on what an applicant has to prove in order to achieve a plan amendment, specifically with regard to DR/GR policy and development within University Community designated lands at the plan amendment stage. The representative noted that the property is not in a remote area and is already impacted, adjacent to the

existing Miromar Lakes development. The representative explained that the amendment would not be increasing intensity or density and that the existing approved units will be placed on the property. The representative also added that the applicant has shown that the area is not a future wellfield development site, and the property also does not meet the criteria for the original basis for creating the category. The representative addressed the precedent issue by pointing out the size of the property, how the site has already been impacted, and the urbanization of the area. In addition the representative noted that the mining report discussed by staff has not been refined or adopted by the Board of County Commissioners yet.

One member of the LPA questioned why the applicant has not proposed to amend the entire University Community area back to the original boundaries. The applicant's representative explained they had only requested to amend land under their ownership.

A representative of the Responsible Growth Management Coalition addressed the LPA requesting that the LPA not approve the requested amendment. A member of the public also addressed the LPA. The member stated that during the creation of the DR/GR there was never any intent that every small piece of land met any specific qualification, but that the area was set aside to allow the county to have an area of truly rural density.

One member of the LPA commented on the use of the mining report which has not been adopted yet. Staff responded that the report in fact has not been adopted. The report was something staff had knowledge of and therefore it was expressed ~~X~~ in the staff report. Staff found it was not surprising that the area to east was included in the report due to the fact that there is active mining there today.

Another member of the LPA asked who would make the decision that this is a precedent issue. County Attorney staff noted that the Board would make that decision and if the decision were to be appealed a court would make the ultimate determination. Staff added that the proposal is a precedent for two reasons. The first being a precedent for the lands that were formerly designated University Community. The second being a precedent for the remainder of County's DR/GR designated land if a proposal was made to amend a relatively small area such as this proposal. Staff pointed out that there are approximately 340 acres of land that was previously designated University Community and is now designated DR/GR. Staff also stated that this amendment will in fact be changing the density and intensity of the land area. Although the current DRI associated proposal may not increase density, a boat club, as is proposed for this area would certainly be intensifying the use.

Planning staff added some history to the discussion explaining that the creation of the DR/GR land use category was actually a "two-pronged" resolution to correct some of the accommodation problems of the county's plan. It was essentially density reduction as well as a groundwater resource issue.

One member of the LPA concluded that they could not support a change that carves the DR/GR up into little pieces. This member stated that if the change was needed the amendment should look at the entire area previously designated University Community, rather than looking at just a portion the area. Another member noted that they would agree with that, if not for the fact that the applicant has applied for all that they control.

One member of the LPA wanted to clarify that there were no previous agreements made by the County regarding changing the previously designated University Community area back again. Staff did not recall

any such agreements. The member also asked staff's opinion of the applicant disagreeing with the report which states that there is no overriding public necessity for this amendment. The applicant has stated that this is not applicable to the Lee Plan. Staff responded that there is not a specific requirement regarding that point but staff has concerns due to the fact that the proposal deals with one of the most sensitive land use categories in the county. Staff noted the proposal is the first change to the DR/GR requested by a private individual since Policy 2.4.3 was directed by the Governor and Cabinet to be included in the comprehensive plan.

One member stated they would rather see units located here than other environmentally sensitive places in the county. Staff noted the need to look at this category from the perspective that this is the category for density reduction in the county. Another member asked if there will be any change in the impervious coverage now that the request has been reduced. Another representative for the applicant responded that the water budget would not be affected due to the fact that the acres reduced were discharge areas.

One member of the LPA made a motion to recommend transmittal of the proposed amendment and another seconded the motion. Under discussion, one member expressed their concern with the precedent issue and agreed that taking a look at the bigger picture is important. This member stated that they could not support the amendment at this time. The member making the motion agreed with the precedent dangers in the DR/GR but stated that they did not see the precedent issue in this case. This member added that staff should revisit Policy 1.4.5. The other member voting for transmittal noted they would agree with the precedent issue except for the fact that the only reason there is a discussion today is because the University Community land use category precluded mining uses. The Chairman called the question for those in favor of the motion recommending transmittal. Two members recommended transmittal, and three members recommended against transmittal. The motion failed two to three.

D. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The LPA recommended that the Board of County Commissioners **not** transmit this proposed amendment through a failure of the motion to recommend transmittal.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The majority of the LPA accepted the findings of fact as advanced by staff.

E. VOTE:

NOEL ANDRESS	<u>NAY</u>
MATT BIXLER	<u>NAY</u>
SUSAN BROOKMAN	<u>NAY</u>
DAN DELISI	<u>AYE</u>
RICHARD DOWNES	<u>ABSENT</u>
RONALD INGE	<u>AYE</u>
GORDON REIGELMAN	<u>ABSTAIN</u>

**PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: May 6, 2003

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

ANDREW COY

BOB JANES

RAY JUDAH

DOUG ST. CERNY

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: _____

- A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**
- B. STAFF RESPONSE**

**PART VI - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION	_____
ANDREW COY	_____
RAY JUDAH	_____
BOB JANES	_____
DOUG ST. CERNY	_____

Why the Miromar Lakes Amendment does not establish a precedent for future amendments.

- The Miromar Lakes property was previously in the University Community, and could only be a precedent for other properties that were previously in the University Community.
- The property is contiguous on two sides with the existing Miromar Lakes DRI, and on the third side by a lake which Miromar residents and University residents have the right to use. A portion of the property under consideration is in proximity to the new FGCU Athletic Facility.
- The Miromar Lakes amendment is 24+ acres, and due to the small size would not be a precedent for a major amendment.
- The amendment is going to be heard in conjunction with the DRI amendment, and the amendment is not going to result in an increase in the number of units.
- The amendment will not require the extension or construction of any additional public roads.
- The amendment is to lands already cleared and impacted.

- The property is located in an already urbanized area, and does not leapfrog over undeveloped areas.
- The development of the property will be serviced by existing consumptive use permits and the amendment will not have any impact on County water resources.
- Urban services will be provided to the property by the Miromar Lakes Community Development District.
- The ERP for the property has been issued and the South Florida Water Management District has determined that the development of the property would not have an adverse impact on natural resources or water resources.



MIROMAR LAKES

**Proposed Amendment- 25.43 acres
from DR/GR to University Community and Wetland
and Amendment to Map 16**

(copies of previously submitted material)

RECEIVED
APR 18 2003
COMMUNITY DEVELOPMENT DEPARTMENT

DRI 2001-00004

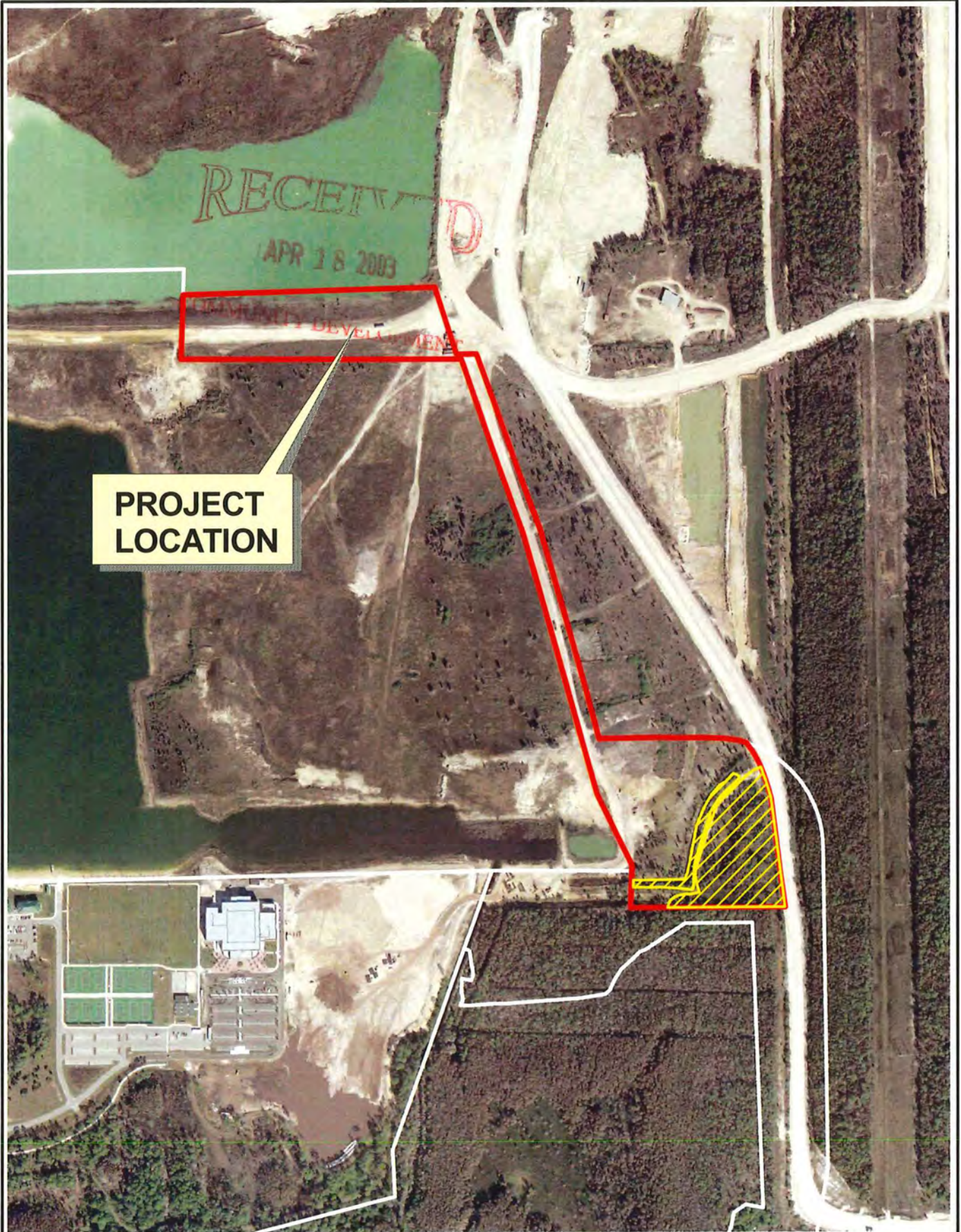
Prepared for:
Lee County
Board of County Commissioners

Prepared by:
Wilson Miller

April 7, 2003

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- 1. AERIAL PHOTOGRAPH WITH SITE INDICATED**
- 2. COPY OF MIROMAR LAKES FUTURE LAND USE MAP WITH SITE INDICATED**
- 3. MAP AMENDMENT DR/GR TO UNIVERSITY COMMUNITY**
- 4. MEMORANDUM OF NOVEMBER 14, 2002 TO LEE COUNTY LOCAL PLANNING AGENCY REGARDING MIROMAR LAKES COMPREHENSIVE PLAN AMENDMENT AND APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT**
- 5. INFORMATION FROM CDM/MISSIMER**



MIROMAR LAKES
AERIAL PHOTOGRAPH
 PREPARED FOR:
 MIROMAR LAKES L.L.P.



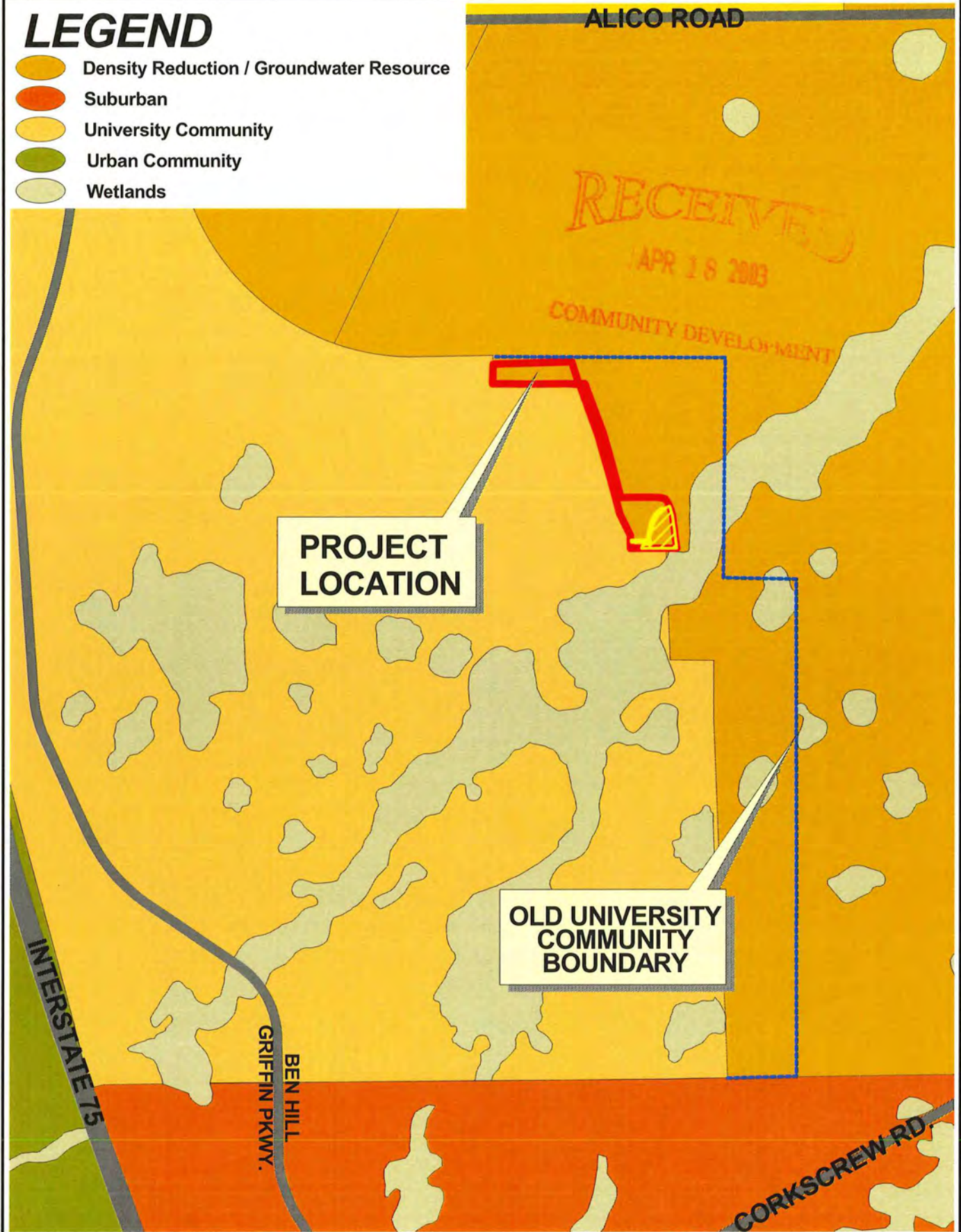
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 Aerial Flight Date - 11/2002

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 PREPARED BY: DWPI686
 DATE: 10/24/02

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LEGEND

-  Density Reduction / Groundwater Resource
-  Suburban
-  University Community
-  Urban Community
-  Wetlands



MIROMAR LAKES
FUTURE LAND USE
 PREPARED FOR:
 MIROMAR LAKES L.L.P.



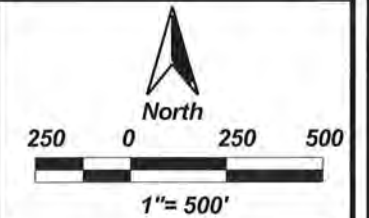
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 PREPARED BY: DWPI/686
 DATE: 01/20/03

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MIROMAR LAKES FUTURE LAND USE

PREPARED FOR:
MIROMAR LAKES L.L.P.



- Legend:**
- Density Reduction / Groundwater Resource
 - University Community
 - Wetlands

RECEIVED
APR 18 2003
COMMUNITY DEVELOPMENT
001 2001-00004

Notes:

File #: C-P0253-244
PIN: F0253-018-033 DRNOG
Project Location: XIGIS1
Prepared By: DWPI/SS
Date: 3/10/03

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New Directions In Planning, Design & Engineering
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Existing Future Land Uses

Proposed Future Land Uses

PROJECT
LOCATION

PROJECT
LOCATION

**MAP AMENDMENT
DR/GR TO
UNIVERSITY COMMUNITY**

For 28.4 acres of the
Miromar Lakes DRI

This text addresses:

**Exhibit IV.E.1 Exhibit IV.F.2.a
Exhibit IV.E.2 Exhibit IV.F.3
Exhibit IV.E.3 Exhibit IV.F.4
Exhibit IV.E.4 Exhibit IV.G
Exhibit IV.B**

Also presented are:

**Exhibit IV.C.1 Exhibit IV.C.4
Exhibit IV.C.2 Exhibit III-C
Exhibit IV.C.3**

Prepared for:

Miromar Development
24810 Burnt Pine Drive
Bernwood Courtyard
Suite E
Bonita Springs, Florida 34134

Prepared by:

Florida Land Planning
Midtown Professional Center
1560 Matthew Drive
Suite E
Fort Myers, Florida 33907

With Input From:

Banks Engineering, Inc.
CDM Missimer
David Plummer & Associates
Pavese Law Firm
WilsonMiller, Inc.

May 5, 2001

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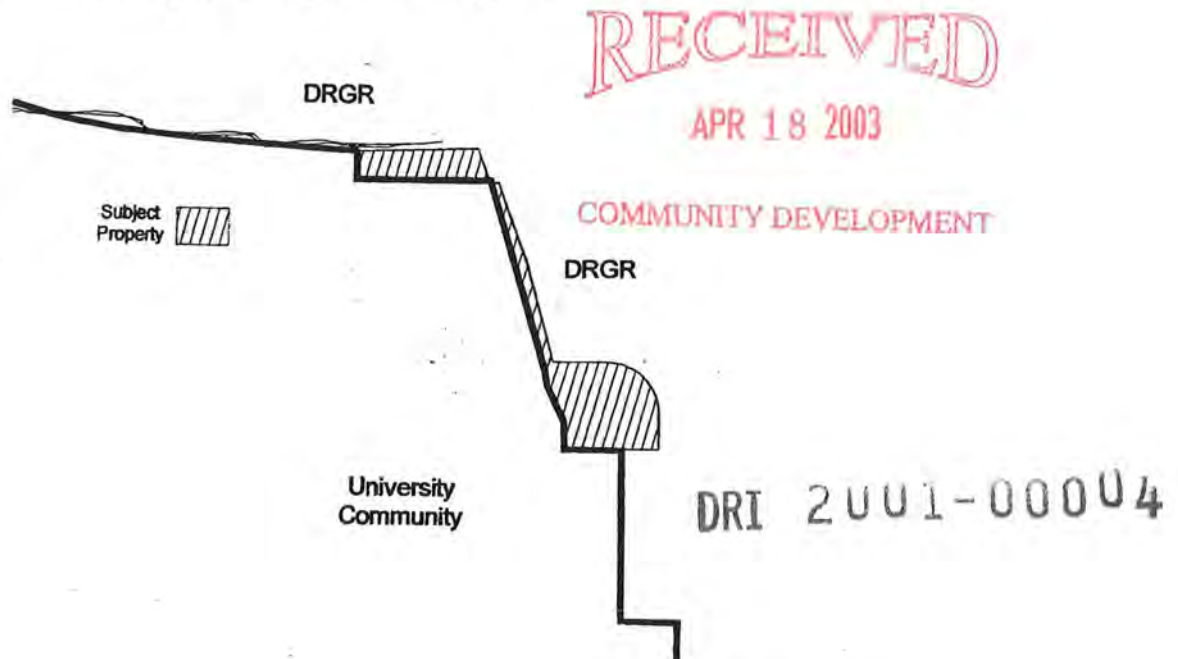
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Exhibit 5	Detail of the Miromar Lakes Site Plan

REQUEST

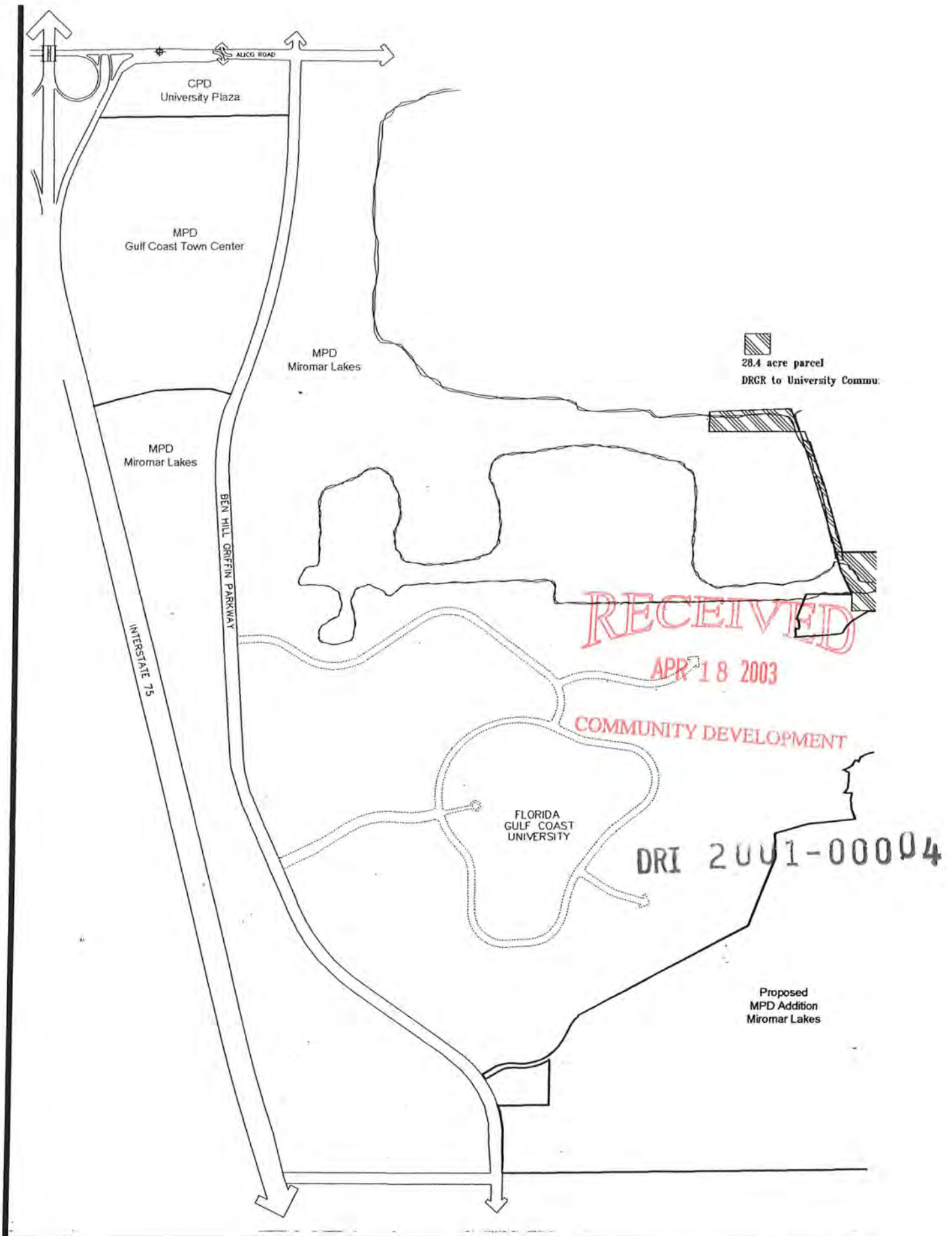
The property owner, Miromar Development, has requested the reclassification of a parcel totaling approximately 28.4 acres to the University Community land use category. The property is located in both Section 12 and 13 Township 46 South, Range 25 East and in Section 18 Township 46 South, Range 26 East, Lee County, Florida. As Exhibit 1 indicates, the property lies east of Ben Hill Griffin Parkway and south of Alico Road. It is contiguous to the previously approved Miromar Lakes DRI. All of the 28.4 acres of this application were included in the configuration of the original University Community approved by Lee County.

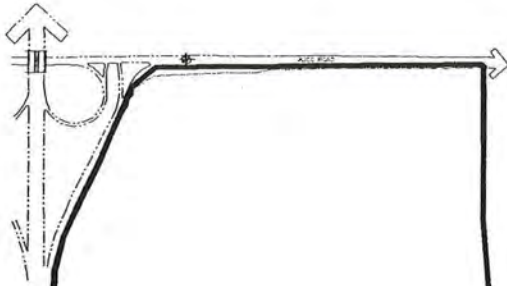
ADJACENT USES

This parcel is adjacent to University Community property and links the two parts of the Miromar Lakes development together. Adjacent land uses and zoning are as follows:



	Existing Use	Existing Zoning	Lee Plan Designation
North	Vacant and mining operation	AG-2	DR/GR
South	Miromar Lakes DRI and vacant	MPD and AG-2	University Community and DR/GR
East	Vacant and mining operation	AG-2	DR/GR
West	Miromar Lakes DRI and FGCU	MPD and AG-2	University Community





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COMMUNITY DEVELOPMENT

DRI 2001-00004

Lee Plan Amendment adopted in 1992




Date: 02/18/2001

MIROMAR LAKES
Exhibit 2a



FLORIDA LAND PLANNING
1880 Matthew Drive, Suite E - Miramar, Florida 33007
(941) 278-0332 - Fax (941) 278-

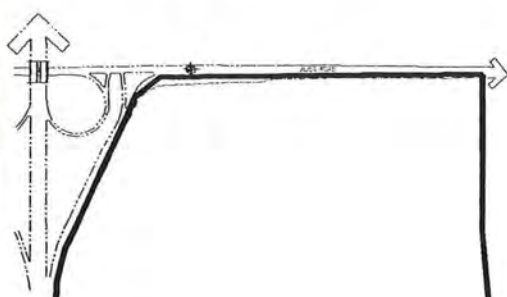


University Village Interchange

University Campus and
Endowment Area

University Village

DRI 2001-00004



INTERSTATE 1-75

28.4 acre parcel
DRGR to University Community

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COMMUNITY DEVELOPMENT

University Village Interchange

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COMMUNITY DEVELOPMENT

Property Deleted from
University Community

28.4 acre parcel

Modified University Community Boundaries



Date: 02/18/2001

MIROMAR LAKES Exhibit 3



FLORIDA LAND PLANNING, INC.
1000 Matthew Drive, Suite E - Midtown Professional Center
Fort Myers, Florida 33907
(941) 278-6822 - Fax (941) 278-6408

BACKGROUND

In May 1992 a map amendment for property owned by Alico, Inc. was submitted to Lee County for consideration. A total of 3,445.3 acres was involved in that request. The Lee County staff reviewed that request and recommended reclassifying the 3,445.3 acres, which included the 28.4 acres of the subject property, to the University Community land use category. The Board of County Commissioners approved the requested change from Density Reduction/Groundwater Recharge (DR/GR) to University Community in late 1992. Again, this change included a designation of the subject property to University Community. See Exhibit 2.

Subsequent to that approval, Florida Rock Industries requested assurances from Lee County and the property owner, Alico, Inc. regarding their mining operation on property leased from Alico, Inc. Of particular concern to Florida Rock Industries was the continued operation of the mining haul road and stockpile areas and any future mining permits on property with the new University Community designation. The subject property was the focus of that discussion.

In response to this concern and in conjunction with their 1994 planning efforts regarding the University Community Conceptual Master Plan, Alico, Inc. requested that the acreage of concern to Florida Rock Industries be removed from the University Community. This was the only reason that the subject property was changed from its previously approved University Community designation. The subject property, as well as other property, was returned to its previous designation as Density Reduction/Groundwater Recharge (DR/GR). Limerock extraction and its related facilities are specifically permitted in the DR/GR land use category. Lee County approved this change to the Lee Plan. See Exhibit 3.

As illustrated above, the subject property has three parts:

- The northerly rectangular parcel lying at the property's northeastern corner on the south edge of the northern lake was originally included in the Miromar Lakes DRI. This parcel is essentially the corner of the Miromar Lakes project, which was cut off in the previous amendment. Access to this property is through the Miromar Lakes development. Again, the only reason that this parcel was excluded from the Miromar Lakes DRI and the University Community was because Florida Rock Industries stockpiled material from its mining operation there and the property was part of the east-west haul road between the two lakes.
- The second part of the property is a very narrow strip running north-south along the eastern edge of the Miromar Lakes development. In long range planning terms this strip is inconsequential but it does provide continuity to the Miromar Lakes development and facilitate joining the existing and proposed parts of the Miromar Lakes development together.

- The third piece of the request is a rounded parcel at the northern end of the new Miromar Lakes property. Again, this parcel includes part of Florida Rock Industries haul road and was also used to stockpile excess material.

Besides deleting the acreages of concern to Florida Rock Industries from the University Community, two other changes were included in that round of amendments to the University Community. Wetlands within the University Community were specifically designated as wetlands (previously they had been lumped into the overall mapping of the University Community category) and the University Village Interchange was designated as a separate land use category and removed from the University Community. See Exhibit 3. Today there are approximately 2,544.1 acres designated University Community. Our proposed amendment is about a one percent increase in the acreage.

Conditions have changed on the subject property since the last amendments. When Florida Gulf Coast University was approved for the Alico, Inc. property, a commitment was made between Alico, Inc. and Florida Rock Industries to phase out the Florida Rock Industries operation within the University Community. The subject property is no longer used for the mining operation. The DR/GR land use category is no longer needed to allow limrock extraction, haul road and the associated stockpile areas.

DENSITY REDUCTION/GROUNDWATER RECHARGE

Issues related to the current classification of the subject property are discussed below. In all of this discussion it needs to be remembered that the only reason that the subject property has a DR/GR designation, instead of the previously approved University Community designation, is the request by the property owner to ensure that the stockpiling and mining haul road within Florida Rock Industries could continue without possible restrictions imposed by the University Community land use category.

This property is clearly distinguishable from other property within the DR/GR:

- Lee County previously approved the subject property for a University Community designation.
- The subject property is being incorporated into the Miromar Lakes DRI with its extensive environmental protections.
- Unlike other changes to an urban land use category, no additional residential units will result through this change of 28.4 acres from DR/GR to University Community because of the limitations imposed in the Miromar Lakes DRI DO.

Vegetation

As indicated in Exhibit IV.C.1, the FLUCCS/Vegetative Associations Map, prepared by Wilson Miller, much of the lands being proposed for inclusion in the University Community district have already been disturbed by the former mining

activities. A total of approximately seventy-eight percent of the subject property has been disturbed by the mining operation, spoil areas and the mining haul road. With the proposed amendment and the development of the subject property within the guidelines of the Miromar Lakes development parameters and restrictions, the disturbed lands are likely to be greatly improved also without significantly increasing the amount of impervious surface. These improvements would enhance the subject properties' ability to receive and pass rainwater into ground water resources which would not significantly impact present or future water resources. See Wilson Miller study.

Listed Wildlife Species

No listed wildlife species were observed on the project site during the field inspection. The conclusion expressed in the Wilson Miller listed species and plant species survey is that "the presence of any listed species in the areas affected by mining activities is considered extremely unlikely due to the disturbed nature of the site and the absence of supportive habitat."

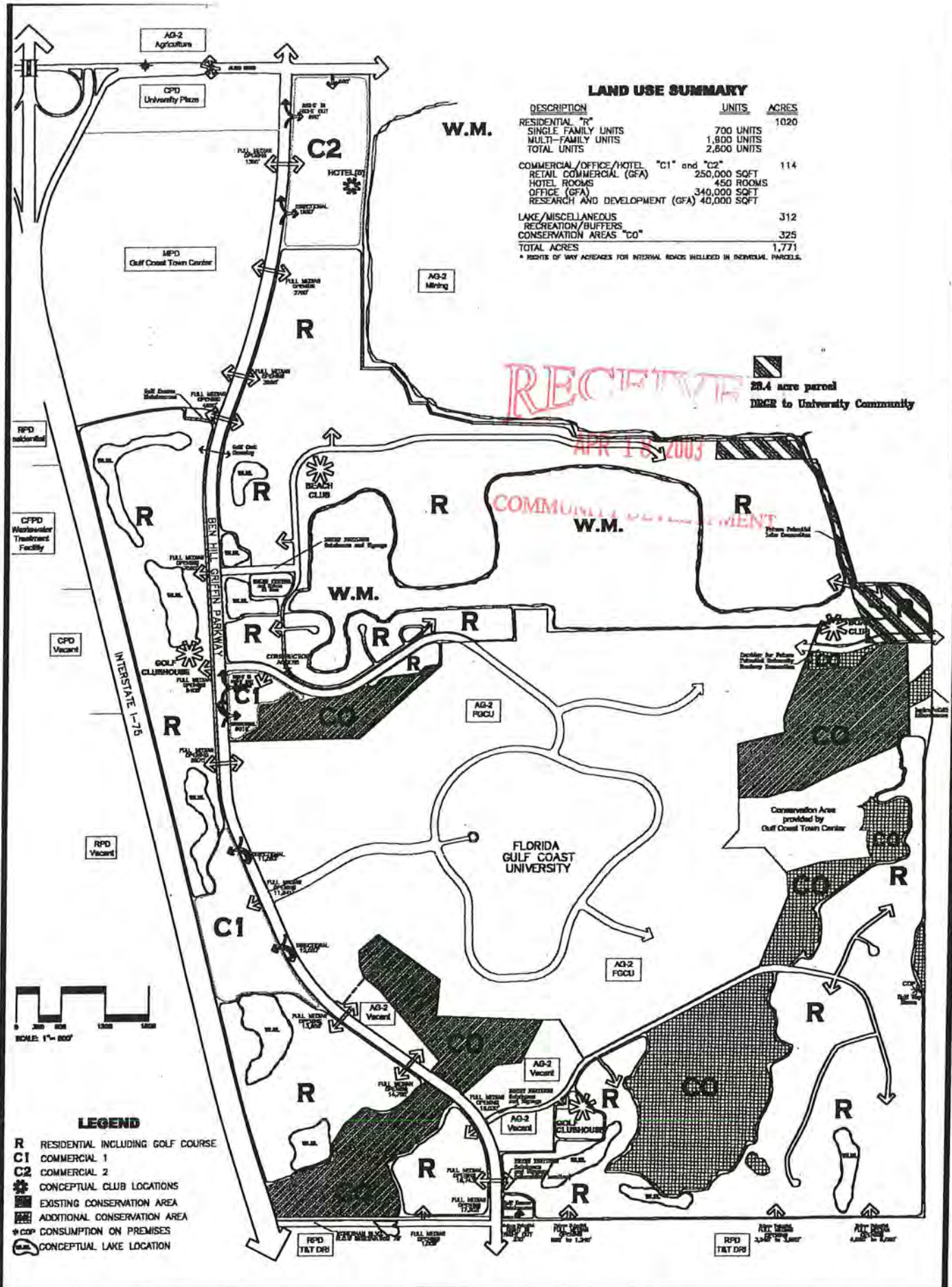
MIROMAR LAKES DEVELOPMENT

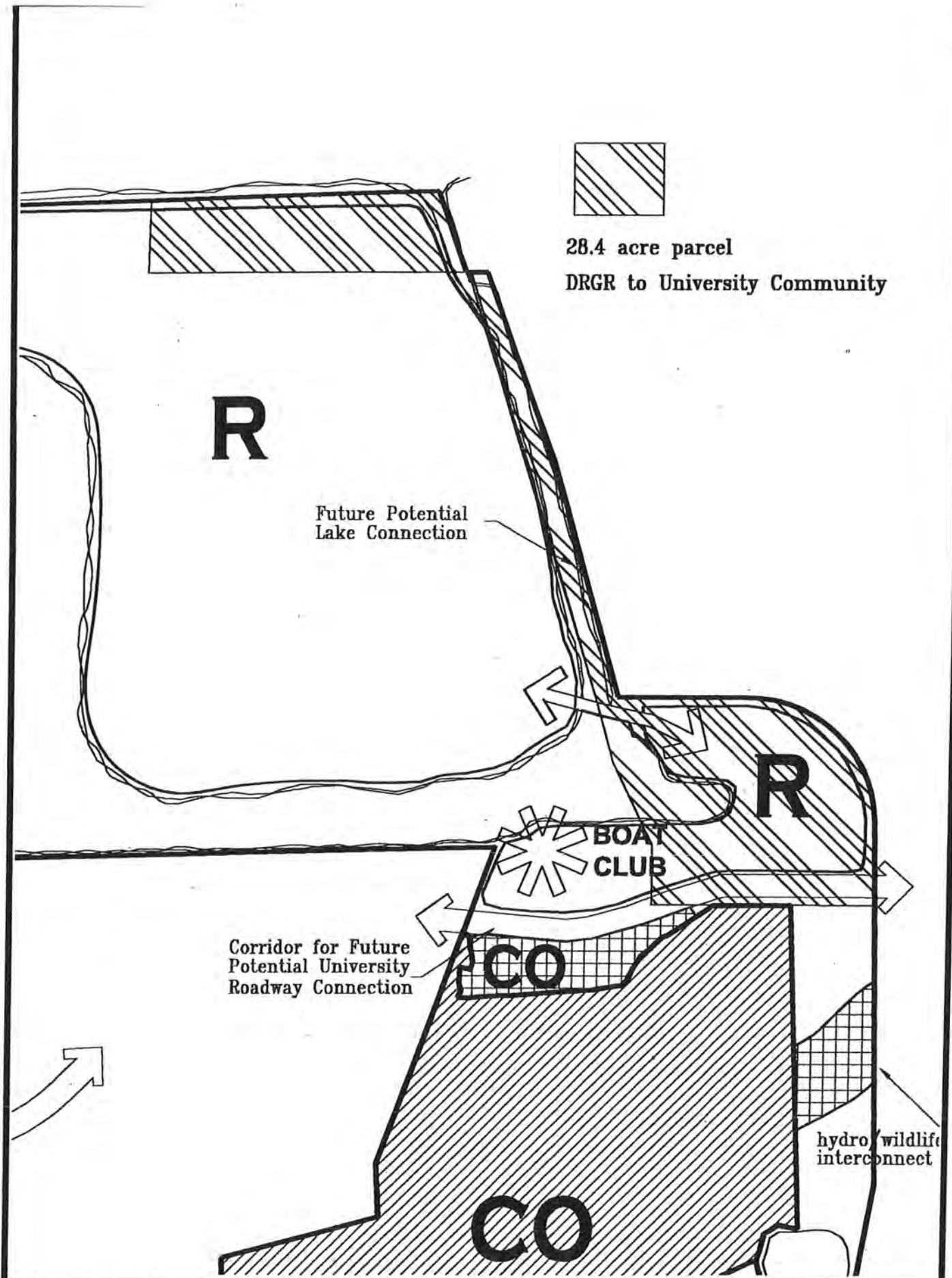
Miromar Lakes is an approved Development of Regional Impact with its zoning approved as a Mixed Use Planned Development. The project is currently approved for the following uses. No changes are proposed to this table.

Miromar Lakes	
Before and After the Proposed Amendment	
RESIDENTIAL	
Single Family	700 units
Multi-Family	1,900 units
Total	2,600 units
COMMERCIAL/OFFICE/HOTEL	
Retail Commercial	250,000 sq. ft.
Hotel Rooms	450 rooms
Office	340,000 sq. ft.
Research & Development	40,000 sq. ft.

Miromar Lakes is a well-planned mixed-use development. The purpose of this Lee Plan amend is to ensure a positive development plan for the Miromar Lakes development. The subject property is a key element in the overall plan, linking the existing Miromar Lakes development to the proposed approximately 500-acre addition. The subject property will have direct access to the Miromar Lakes internal roadway system. See Exhibit 4

When this additional property is brought into Miromar Lakes it will have to comply with all of the terms and conditions of the Miromar Lakes DRI DO. This will include the preservation of approximately 139 additional acres and all of the





environmental conditions including protections for water quality from the golf courses. It should be noted that there is an existing ERP and ACOE permit for the existing DRI.

Miromar Lakes DRI				
Land Use	Approved Acreage	Proposed Acreage	Change	
RESIDENTIAL	760	1,020	+260	
COMMERCIAL/OFFICE/HOTEL	114	114	no change	
LAKE/MISCELLANEOUS.	211	312	+101	
RECREATION/BUFFERS				
CONSERVATION AREAS	186	325	+139	

It is anticipated that the subject 28.4 acre property will include residential units and recreational accessory uses. The property is designated Residential, "R", on the Master Concept Plan and on Map H. The applicant does not need any additional residential units from the University Community designation and as shown above, no additional units are requested to the Miromar Lakes DRI. The applicant only needs the ability to develop the corners of its property and to locate a few of the units already approved for Miromar Lakes on part of the subject property.

SUITABILITY FOR THE UNIVERSITY COMMUNITY DESIGNATION CONSISTENCY WITH SOUND PLANNING PRINCIPLES

The proposed development of the subject parcel is consistent with the density and land uses allowed within the University Community. As mentioned above, the expanded Miromar Lakes development will have an overall residential density of approximately 1.57 units per acre, well within the University Community's range of one unit per acre to 2.5 units per acre. Residential uses are the only uses proposed for the subject parcel. These uses are included in the list of uses allowed in the University Community.

Rule 9J-5.006(5)(h), FAC sets forth the basis for evaluation of land use amendments

1. Extent

This amendment includes a total of 28.4 acres. Because the property is included within the Miromar Lakes DRI there will be no increase in residential units, commercial square feet or any other development parameter from this change from DR/GR to University Community.

2. Location

See Exhibit 1.

3. Distribution
Due to its size and the limitations imposed by the Miromar Lakes DRI DO, county-wide distribution is not an issue.
4. Density
No changes in the approved density for the University Community have been requested and none will result from the approval of this Lee Plan amendment. Density within the Miromar Lakes DRI will be approximately 1.57 units per acre
5. Intensity
This change does not involve any change in intensity within the University Community. This change, because of the Miromar Lakes DRI includes only residential and residential accessory uses.
6. Compatibility
Compatibility is discussed at length later in these pages.
7. Suitability
The expanded Miromar Lakes development will have an overall residential density of approximately 1.57 units per acre, well within the University Community's range of one unit per acre to 2.5 units per acre. Residential uses are the only uses proposed for the subject parcel. These uses are included in the list of uses allowed in the University Community.

The proposed use of the property meets the test set forth in Goal 18 of the Lee Plan. It "does not interfere with, disrupt, or impede the efficient operation of (FGCU)". The northerly part of the application is so far removed from the university that it has no effect on the university. The proposed change to the southerly part of the application will create a very positive effect on the university for two reasons. First it will remove an eyesore from the university's vista. Secondly, the Master Concept Plan for Miromar Lakes now provides the space for a potential future connection for the university to the east. See Exhibits 4 and 4a.

8. Functional relationship
On a county-wide basis this change of 28.4 acres from DR/GR to University Community is inconsequential. For the Miromar Lakes development this change will allow the development of the corners of its project, add no units to the University Community, while still ensuring all of the protections afforded by the Miromar Lakes DRI DO.

9. Land use combinations
On a county-wide basis this change of 28.4 acres from DR/GR to University Community is inconsequential. Land use combinations remain virtually the same.
10. Demonstrated need over the planning period
For an urban land use an increase in acreage is generally related to a need for additional residential units or commercial and industrial square footage. Here, no additional units are requested for the Miromar Lakes DRI. It should be noted that the buildout of the Miromar Lakes DO is well within the planning period.

Local Conditions

1. Size of developable area
This consideration is very important for the review of the proposed amendment. On a county-wide basis this is a very small change. A total of 28.4 acres is included.
- 2 & 3 Projected Growth Rate and Projected Growth Amounts
As mentioned above, this proposed amendment is not related to a need for additional residential units or commercial and industrial square footage. Here, no additional units are requested for the Miromar Lakes DRI. The county's projected growth rate, whatever it is, is irrelevant to this amendment.
4. Facility availability
Through the Miromar Lakes DRI DO, facilities are in place or committed to serve the Miromar Lakes development. Incorporating the subject property within the University Community would not require infrastructure increases over what is currently available to the project because commercial and residential intensity is not planned to be increased. Furthermore, the existing Miromar Lakes Community Development District will likely be expanded to provide the same assurances for the subject property. The incremental expansion of urban services to this small 28.4 acre parcel is negligible.
5. Existing pattern of development (built and vested) including an analysis of the extent to which the existing pattern of development reflects urban sprawl
See discussion under Urban Sprawl.

6. Projected growth trends over the planning period, including the change in the overall density or intensity of urban development throughout the jurisdiction
As mentioned above, this proposed amendment is not related to a need for additional residential units or commercial and industrial square footage. Here, no additional units are requested for the Miromar Lakes DRI. No appreciable change in the overall density intensity of urban development occurs because of this amendment.
7. Costs of facilities and services, such as per capita cost over the planning period
No change in the cost of facilities and services result from the proposed amendment of 28.4 acres from DR/GR to University Community because of the commitments in the Miromar Lakes DRI DO and the fact that no additional units are requested to allow the development of the subject property.
8. Extra-jurisdictional and regional growth characteristics
This proposed amendment of 28.4 acres from DR/GR to University Community has no effect on any other jurisdictions or the region.
9. Transportation networks and use characteristics (existing and committed)
No change in the transportation networks result from the proposed amendment of 28.4 acres from DR/GR to University Community because of the commitments in the Miromar Lakes DRI DO and the fact that no additional units are requested to allow the development of the subject property.
10. Geography, topography and various natural features of the jurisdiction
On a county-wide basis, this proposed amendment of 28.4 acres from DR/GR to University Community is irrelevant to the geography, topography and various natural features of Lee County. On a very local level, the Miromar Lakes project has been designed with close attention to the site's geography, topography and other natural features. Many of these aspects of the development, including the protection of the water quality of the existing lakes and the restoration of the Stewart Cypress Slough, are addressed in the Miromar Lakes DRI DO which is attached hereto.

Development Controls

This property is controlled not only by all applicable Lee County regulations but also by the Miromar Lakes DRI DO. All of the listed review criteria are controlled in detail.

1. Open Space requirements
A minimum of 312 acres of lake, miscellaneous recreation and buffers is proposed for the Miromar Lakes development. A minimum of 325 acres of conservation areas are also proposed. In addition, all applicable provisions of the Lee County Land Development Code regarding open space and buffers apply to the subject property.
2. Development clustering requirements
Miromar Lakes is a master planned development designed in development pods. The golf course and wetland areas define many of these pods. The development is under construction already in compliance with the previously approved Miromar Lakes DRI DO. It is a fine example of unit "clustering" and the antithesis of urban sprawl.
3. Other planning strategies, including the establishment of minimum development densities and intensity, affecting the pattern of development
Density within the University Community is limited to 2.5 units per acre. Density within the expanded Miromar Lakes development will be approximately 1.57 units per acre. Development approvals for the Miromar Lakes Development are very specific and address densities, intensities, setbacks, areas to be developed and areas to be preserved.
4. Phasing of land use types, densities, intensities, extent, locations and distribution over time, as measured through the permitted changes in land uses within each urban land use category in the plan
On a county-wide basis this change of 28.4 acres from DR/GR to University Community is inconsequential. Phasing of land use types, densities, intensities, extent, locations and distribution over time will remain virtually the same.
5. Land use locational criteria related to the existing development pattern, natural resources and facilities and services
As a part of the local zoning approval process the locational criteria included in the Lee County Land Development Code and the Lee Plan have been applied to the subject property and will be addressed again as the amendment to the Miromar Lakes DRI is reviewed.
6. Infrastructure extension controls and infrastructure maximization requirements and incentives
Infrastructure extension due to the change of this 28.4 acre parcel from DR/GR to University Community are very minimal and will be absorbed by the developer.

7. Allocation of the costs of future development based on the benefits received
Provisions have been made through the Miromar Lakes DRI DO to address the costs related to this development. The subject property will be incorporated into the overall Miromar Lakes DRI and the Miromar Lakes Community Development District.
8. The extent to which new development pays for itself
As mentioned above, provisions have been made through the Miromar Lakes DRI DO to address the costs related to this development. The subject property will be incorporated into the overall Miromar Lakes DRI and the Miromar Lakes Community Development District.
9. Transfer of development rights
n/a.
10. Purchase of Development Rights
n/a
11. Planned unit development requirements
Miromar Lakes is a Mixed Use Planned Development. Lee County's Planned Development provisions have been in place for many years.
12. Traditional neighborhood developments
n/a
13. Land Use Functional Relationship Linkages And Mixed Land Uses
The Miromar Lakes DRI is a Mixed Use Planned Development. Land use functional relationship linkages and mixed land uses are addressed in detail in the University Community goals, objectives and policies. No change is proposed to Miromar Lakes land use mix as a result of this amendment.
14. Jobs to housing balance requirements
n/a
15. Policies Specifying The Circumstances Under Which Future Amendments Could Designate New Lands For The Urbanizing Area
The Lee Plan addresses the circumstances under which future amendments could designate new lands for the urbanizing area in a number of areas, but it specifically addresses amendments in the DR/GR in Policies 2.4.2 and Policy 2.4.3. Submittal requirements are addressed in detail. *The language in Policy 2.4.3 also says that "Future Land Use Map Amendments to the existing DR/GR areas . . . which increase the*

current allowable density or intensity of land use will be discouraged by the county." It is this applicant's position that the environmental and fiscal commitments in the Miromar Lakes DRI DO, the 28.4 acre size of the subject property, and the commitments not to increase the unit count should be persuasive and allow Lee County to approve this amendment.

16. Provision for new towns, rural villages and rural activity centers
n/a
17. Effective functional buffering requirements
Lee County's Land Development Code includes detailed buffering requirements. The Miromar Lakes planned development review and approval addresses all buffers in detail.
18. Restriction on expansion of urban areas
See #15 above.
19. Planning strategies and incentives which promote the continuation of productive agricultural areas and the protection of environmentally sensitive lands
The Lee Plan and the Lee County Land Development Code address both the protection of agriculture and environmentally sensitive lands. No viable agricultural lands are included on the subject property. This property has been used for a limerock mining operation for decades. The Miromar Lakes Master Concept Plan and the Miromar Lakes DRI DO address the protection of the Stewart Cypress Slough.
20. Urban service areas
Miromar Lakes through the commitments in its DRI DO and the Miromar Lakes Community Development District will provide the requisite urban services.
21. Urban growth boundaries
See # 15 above.
22. Access management controls
Ben Hill Griffin Parkway and a future Koreshan Parkway have an access management plan in place.

While it seems self-evident that adding 28.4 acres of adjacent mining-impacted property to the existing Miromar Lakes Development of Regional Impact is a very positive step, one of the requirements of this application is that we justify the proposed amendment based upon sound planning principles. There are

numerous planning textbooks that describe "sound planning principles". Most of these concepts have found their way into the Lee Plan. This proposed amendment to the Lee Plan is consistent with sound planning principles, particularly when coupled with the amendment to the Miromar Lakes DRI. Although the University Community allows a variety of land uses, the Miromar Lakes Master Concept Plan and Map H indicate that the subject property will be developed as residential. For this reason we will address those aspects of the University Community and sound planning principles which are related to residential development on the subject property and not those dealing with commercial or other types of development. These planning principles are presented in no particular order. Often times the weight applied to each of these is in the eye of the planner.

Principle #1

Integrate a Site's Natural Features

The entire Miromar Lakes development is designed to take advantage of the site's natural features, protect and enhance the Stewart Slough and to minimize the site's less attractive features. As discussed above, the property, which is the subject of this plan amendment, breaks down into three parts.

- The first is a rectangular parcel lying at the property's northeastern corner on the south edge of the northern lake. Including this parcel in the Miromar Lakes development will certainly allow the development to integrate the lake into the development.
- The second part of the property is the narrow strip running north-south along the eastern edge of the Miromar Lakes development. In long range planning terms this strip is inconsequential but it does provide continuity to the Miromar Lakes development and facilitate joining the existing and proposed parts of the Miromar Lakes development together.
- The third piece of the request is a rounded parcel at the northern end of the new Miromar Lakes property. This parcel provides an additional window to the site's lakes. It is the applicant's intention to modify what is currently a big ditch used by the mining operation for use as a recreational amenity for the residential uses.

Principle #2

Encourage Creative Site Design and Mixed Use Developments.

Miromar Lakes is designed as a mixed-use planned development. Developing a community on property with limitations that include a major roadway and a major wetland slough running through the middle of the development, I-75 on the property's western edge and a limerock operation on its eastern edge development has required the highest level of creativity by the developer. The existing Miromar Lakes development as well as the proposed addition will be consistent with all of the goals objectives and policies of the University Community as well as sound planning principles.

Principle #3

Discourage Urban Sprawl

This change of approximately 28.4 acres to the University Community land use category is not consistent with any of the listed indicators of urban sprawl. We will discuss each of these indicators separately. The numbering follows Rule 9J-5.006(5)(g) FAC.

1. Promotes Low-Intensity, Low-Density or Single-Use Development.
The purpose of including this property in the University Community district is to allow for its' inclusion into Miromar Lakes MPD. Miromar Lakes is not a low-intensity, low- density single use development. To the contrary, this project is designed as a mixed use planned development with 2,600 residential units and commercial components which include 250,000 square feet of retail, 340,000 square feet of office and 450 hotel rooms.
2. Promotes 'Leap-Frog' Type Development:
This property is adjacent to the existing University Community and to Miromar Lakes. As such, its inclusion would make for a more compact and contiguous land use district without "leaping" across tracts of undeveloped lands. If one studies Exhibit 4 closely, you could conclude that this parcel was actually in-fill development. It fills in the holes that were left when the last Lee Plan amendment was made in this area at the request of Florida Rock Industries.
3. Promotes, Allows Or Designates Radial, Strip, Isolated Or Ribbon Pattern Type Development:
The incorporation of the subject property into the University Community and Miromar Lakes is intended to give the project a more compact site and allow the boundary of the project to be more continuous with existing project property. Miromar Lakes is not considered a radial, strip, isolated or ribbon pattern type development and would not become so with the incorporation of the subject property.
4. Fails To Protect or Conserve Natural Resources:
The incorporation of the subject property within the University Community and ultimately Miromar Lakes would provide for the protection of natural resources by conserving wetlands while developing lands, which have been subject to mining activity for many years prior. When this additional property is brought into Miromar Lakes it will have to comply with all of the terms and conditions of the Miromar Lakes DRI DO. This will include the preservation of approximately 139 additional acres and all of the environmental protections.

5. **Fails To Protect Agricultural Areas**
While this planning principle is critical in some areas, the subject property has no potential for agricultural use. No agricultural use exists currently on the subject property; the property is not suitable for agriculture given the impacts of the past mining operation on the subject property and no agriculture is requested for the subject property. Agriculture is requested as a permitted land use for the residential areas within Miromar Lakes, but this is limited to existing agriculture and again there is no agriculture existing on this property..
6. **Fails To Minimize The Use Of Existing Public Facilities And Services**
Existing roads, potable water, sanitary sewer, fire protection, emergency medical service, law enforcement, solid waste, mass transit and schools are in place to serve the Miromar Lakes development. Incorporating the subject property within the University Community would not require infrastructure increases over what is currently available to the project because commercial and residential intensity is not planned to be increased. Furthermore, Miromar Lakes' Community Development District, which has been empowered to ensure that adequate public facilities are in place prior to development, will likely be expanded to provide the same assurances for the subject property. The incremental expansion of urban services to this small 28.4 acre parcel is negligible.
7. **Fails To Maximize Use Of Future Public Facilities And Services**
See paragraph 6 above.
8. **Allows For Land Use Patterns Or Timing Which Disproportionately Increases the Cost of Providing Urban Services**
See paragraph 6 above.
9. **Fails To Make A Clear Separation Between Rural And Urban Uses**
The line of demarcation between urban and rural uses is clear in Lee County. This request does not blur the line, it simply moves the line to the east a total of 28.4 acres.
10. **Discourages or Inhibits Infill Development**
This criteria really does not apply in the instant case, but it has been observed that one could consider the addition of these 28.4 acres as infill since it fills in the holes left with the last Lee Plan amendment in this area..
11. **Fails To Encourage An Attractive And Functional Mix Of Uses**
The Miromar Lakes development is a mixed use development with residential, office, commercial, research and development, recreational and conservation uses. The subject request is for a small parcel,

approximately 28.4 acres, which is proposed for residential use. The overall land use mix is maintained.

12. **Results In Limited Accessibility among Linked or Related Land Uses:**
The result of this proposed change is just the opposite of this description. Incorporating the subject property within the University Community and Miromar Lakes would improve the accessibility of these lands by allowing for the development of a contiguous project, which would provide access through the project's roadways.
13. **The Loss of Large Amounts of Functional Open Space:**
Functional open space is designed to be included within Miromar Lakes based upon the percentage of lands included within the development. Incorporating the subject property into University Community would increase Miromar Lakes' total acreage and therefore increase the amount of open space provided within the project. As the Master Concept Plan and Map H indicate, the proposed change to the Miromar Lakes DRI would increase "lake/miscellaneous recreation/buffers" by 101 acres and would increase "conservation areas" by 139 acres.

Principle #4

Prohibit Development Where Physical Constraints or Hazards Exist

Here in Lee County this principle relates primarily to Hurricane Protection. The subject property, as the overall Miromar Lakes development, is uniquely situated in that it is not identified in the 100-year flood plain. It is not in the category 1-3 SLOSH zone and it is not in a coastal high hazard area. This is one area of the county where growth should be encouraged.

Principle #5

Protect Valuable Agricultural Lands.

While this planning principle is critical in some areas, the subject property has no potential for agricultural use.

Principle #6

Require Land Use Compatibility

In Section 34-411 of the Lee County Land Development Code, criteria for compatibility review are set forth. It provides that *"Development and subsequent use of the planned development shall not impose a nuisance on surrounding land uses or the public's interest, generally, through emissions of noise, glare, dust, odor, air or water pollutants."* Adjacent uses include the existing Miromar Lakes development, the existing mining lake which will be converted to a recreational amenity, Florida Gulf Coast University and to the east is property that is undeveloped and property that is the subject of Florida Rock Industries mining operation. This 28.4 acre property is being planned as an integral part of the

Miromar Lakes development so compatibility there is ensured. The applicant has on-going coordination with Florida Gulf Coast University. The adjacent lake is protected from water pollutants through its Class III waters, fishable and swimmable designation. All appropriate buffers and development phasing will be utilized to ensure compatibility with uses to the east. With all of the conditions imposed through the Lee County approvals and the DRI DO, any concerns regarding noise, glare, dust, odor and air pollutants have been addressed.

Principle #7

Protect Wetlands

The Miromar Lakes Mater Plan provides for the preservation and/or restoration of approximately 325 acres. This proposed amendment includes no waiver from the Lee Plan policies or adopted land development code provisions related to wetlands and wildlife. The Miromar Lakes DRI DO includes numerous provisions related to the protection and restoration of wetlands, particularly the Stewart Slough. The development must maintain the function and integrity of the Stewart Slough, the natural flowway being restored through the South Florida Water Management District's ERP, contained within the boundaries of this DRI. Flowways are precluded from being primary surface water treatment areas.

Principle #8

Provide for Wildlife Protection

The wildlife provisions in the Miromar Lakes DRI DO address draw-down pool features in littoral shelf slopes for wood storks and wading birds, a Big Cypress Fox Squirrel Management Plan, an upland habitat for gopher tortoises and roadway wildlife crossings.

Principle #9

Provide for Surface and Groundwater Protection

Surface and groundwater protection are addressed through a variety of methods including a requirement that seventy-five percent of buffers and landscaping trees and fifty percent of the shrubs be indigenous native varieties, and an extensive list of golf course management conditions. See the attached Miromar Lakes DRI DO dated November 29, 1999. It should be noted that no changes are proposed by the applicant to this section of the DO. Among them is a requirement that the developer must submit an annual monitoring report of surface water quality for a period of five years from the issuance of the certificate of completion for the golf course, or the last violation, if any, of Chapter 62-302, F.A.C. water quality standards. The monitoring program will include: testing to assess whether there are any herbicide, pesticide or fertilizer pollution of the water at the project's outfall locations, which are the south mining lake, the Stewart Cypress Slough, and the north headwaters of Estero River.

As a part of this request, Exhibit IV.F.3 requires that we evaluate the request based on Policy 2.4.2 of the Lee Plan. The attached mapping exhibits show how the boundaries for the University Community were originally considered and approved by Lee County during the early 1990's. The eastern boundary line was to extend further east well beyond the FP&L power line easement. At that time, there was no objection by Lee County to the more easterly boundary. CDM Missimer is preparing documentation to further address present and future water resources.

Principle #10

Ensure Adequate Infrastructure

This topic was mentioned under the urban sprawl. The subject property is consistent with the rest of the Miromar Lakes development with regard to the availability and proximity of central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other necessary public facilities. Miromar Lakes' Chapter 190 Community Development District has been empowered to ensure that adequate public facilities are in place prior to development of the originally approved Miromar Lakes MPD. Should this amendment to Miromar Lakes MPD be adopted this District will likely be expanded to include this property.

Principle #11

Provide Urban Growth Boundaries

The proposed Lee Plan amendment on the subject property will result in a minor change to the county's urban boundary. A long established planning principle is to establish urban boundaries. These boundaries function to indicate the limits of area that can be served by public infrastructure, signal significant natural resources that require protection and provide separation between urban areas. There very well may be a need in Lee County for a line of demarcation between the urban and the non-urban but this particular line segment is not based on any of the principles mentioned above.

- The boundary line between urban and non-urban is not based on the provision of public infrastructure. Miromar Lakes has ensured the provision of its own urban services. Extending the urban boundary to include this 28.4 acres is inconsequential on this basis.
- This line is not based on any data and analysis that demonstrates that this particular 28.4 acres is any different from the property to the west, which is currently designated as University Community. As a practical matter, Lee County already concluded that the subject property was suitable for an urban designation when the property was approved for a change from DR/GR to University Community.
- This line is not based on a need to separate urban land uses. The closest urban area to the east is in Lehigh or LaBelle. Moving the urban line

approximately feet to the east for a total of 28.4 acres will make no difference in the separation of the University Community from other urban uses.

POPULATION PROJECTIONS

Although the applicant plans to add approximately 500 acres to the Miromar Lakes development, no additional residential units are requested. In reality, population projections for Lee County will not change as a result of this application because this application is tied to the approval of the amendments to the Miromar Lakes DRI.

As a bookkeeping exercise it could be calculated that the proposed change on the subject property could add approximately 48 units to the University Community (19.45 upland acres x 2.5 units per acre). In reality, the Miromar Lakes DRI DO sets the limits for residential units on this property. Even with the proposed expansion of the University Community, the Miromar Lakes development will have an overall total of 2,600 residential units and a residential density of approximately 1.57 units per acre, well within the University Community's range of one unit per acre to 2.5 units per acre.

GOALS AND OBJECTIVES OF THE LEE PLAN

Objective 2.1

According to Objective 2.1 of the Lee Plan, "Contiguous and compact growth patterns shall be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are bypassed in favor of development more distant from services and existing communities." The current request is for a property bordered by approved development and with all required urban services and infrastructure. It is clearly the case that the request is for urban development consistent with the most cost-effective utilization of existing services consistent with this objective.

Objective 2.2

Objective 2.2 discusses the need to target development timeframes in order to take advantage of concurrency availability. Objective 2.2 states that Lee County will, "Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in ES. 163.3164(7)) shall be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance." Given that the current request has access to all the necessary urban services, is surrounded by existing development, and will not place a burden upon any existing services or facilities, it is clear that it complies with this Objective. Similarly, it is noted that the

proposal complies with Policy 2.2.1 which states, "Rezoning and Development of Regional Impact proposals shall be evaluated as to the availability and proximity of the road network, - central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare." The site is located at the intersection of a local road, a collector road, and an arterial road, has access to central water and sewer services, is in close proximity to the market it is intended to serve, and provides a recognized commercial product much in demand. The proposed project is consistent with Policy 2.2. 1.

Policy 2.4.2 and

Policy 2.4.3

Amendments in the Density Reduction/Groundwater Resource Areas

CDM Missimer will address the availability of irrigation and domestic water sources and discuss present and future water resources in a separate document.

The language in this policy says that "Future Land Use Map Amendments to the existing DR/GR areas . . . which increase the current allowable density or intensity of land use will be discouraged by the county. With no request to increase the number of residential uses on the subject property, this application actually does not increase allowable density or intensity.

While these policies state that it is Lee County's policy not to approve further urban designations there for the same reasons that supported its 1990 decision to establish this category, the county approved an amendment which included the subject property. See attached exhibit dated 1992 at the end of this material. The data and analysis specifically addressing the urban sprawl criteria listed in Rule 9J-5.006(5) (g), (h), (l) and (j) are presented in other sections of this report.

Policy 4. 1.1

Policy 4. 1.1 of the Lee Plan states, "*Development designs shall be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements.*" Through environmental, planning and engineering studies, the applicant has determined that the proposed development plan can best integrate the natural features of the site with the demands of the development process. The site plan respects the site's existing landforms and vegetation. This addition to the Miromar Lakes development will minimize the expansion and construction of street and utility improvements by integrating the existing Miromar Lakes development with the proposed addition through this parcel.

Policy 5.1.5

Lee Plan Policy 5.1.5 states that the County will, *"Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. If such uses are proposed in the form of a planned development and generally applicable development regulations are deemed to be inadequate, conditions shall be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application shall be denied altogether. Requests for conventional rezonings shall be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. The Land Development Code shall continue to require appropriate buffers for new developments."* Because this parcel links the existing Miromar Lakes with the proposed addition no buffering is required between the parts of the whole development. Between this parcel and Florida Gulf Coast University is part of the Stewart Slough, which serves as a buffer itself. Property to the north and east of the subject property are undeveloped, zoned AG-2 and classified as DR/GR. No buffers are currently needed and this parcel itself will serve as a buffer or use transition between Miromar Lakes and the undeveloped DR/GR property.

Policy 18.1.2

Policy 18.1.2 requires that the University Community Must Provide a University Community shall provide a mix of housing types. The subject property furthers that policy by linking the existing Miromar Lakes to its proposed 500-acre expansion.

Policy 18.1.2 and Policy 18.1.4

Policy 18.1.2 and Policy 18.1.4 provide that the University Community shall provide . . .densities sufficient to meet the needs of and designed to accommodate the varying lifestyles of students, faculty, administration, other university personnel and employees of the associated support development. . ." and that " . . .overall average density of 2.5 units an acre will be maintained". As discussed previously, the Miromar Lakes development will have an overall residential density of approximately 1.57 units per acre, well within the University Community's range of one unit per acre to 2.5 units per acre.

ADJACENT LOCAL GOVERNMENTS

The subject property for this application is contiguous with the boundary of Miromar Lakes that is several miles from Bonita Springs, the closest incorporated government and several miles from Collier County. For this reason, the small number of acres included in the application and the commitment not to increase the number of units in the development, approval of this application will have no affect on adjacent local governments and their comprehensive plans.

STATE AND REGIONAL PLAN GOALS AND POLICIES

Based upon the previous review by both the State of Florida and the Southwest Florida Regional Planning Council Policy Plans for a University Community designation which included the subject property, this proposal to change 28.4 acres of DR/GR to University Community is consistent with the goals and policies put forth by these plans.

Exhibit "G"

RECEIVED OCT 13 2000

DEVELOPMENT ORDER
FOR
MIROMAR LAKES
A DEVELOPMENT OF REGIONAL IMPACT
STATE DRI #11-9798-142

LET IT BE KNOWN THAT, PURSUANT TO SECTION 380.06 OF THE FLORIDA STATUTES, THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA HAS HEARD AT A PUBLIC HEARING CONVENED ON NOVEMBER 29, 1999, THE APPLICATION FOR DEVELOPMENT APPROVAL ORIGINALLY SUBMITTED AS THE ALICO AMDA, BUT THEREAFTER REDUCED TO AN ADA AND RENAMED AS THE MIROMAR LAKES DRI (HEREINAFTER REFERRED TO AS MIROMAR LAKES) BY ALICO, INC., AS THE OWNER/APPLICANT, FOR MIROMAR LAKES, L.L.C., AS THE DEVELOPER. MIROMAR LAKES WILL BE A MIXED USE DEVELOPMENT IN LEE COUNTY WHICH INCLUDES APPROXIMATELY 1,271.12± ACRES TO BE DEVELOPED IN ACCORDANCE WITH THE APPLICATION SUBMITTED TO LEE COUNTY ON APRIL 23, 1990, AND AMENDED ON NOVEMBER 10, 1997.

WHEREAS, the Board of County Commissioners of Lee County, Florida (hereinafter referred to as BOCC) has considered the report and recommendations of the Southwest Florida Regional Planning Council (hereinafter referred to as SWFRPC), comments from Florida Department of Community Affairs (DCA), the Lee County Staff Report, the Lee County Hearing Examiner Recommendations, the application and sufficiency submittals, and the documents and comments made on the record in public hearing, and after full consideration of those reports, recommendations, documents and comments, the Board of County Commissioners (BOCC) of Lee County, Florida find and determine that:

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW.

A. Miromar Lakes is a master planned community located in unincorporated south Lee County, east of I-75, north of Corkscrew Road, south of Allico Road, on either side of Ben Hill Griffin Parkway. The site is 1,271.12 +/- acres. Miromar is a mixed use development that will consist of: 2,600 residential units, 250,000 square feet of retail, 450 hotel rooms, 340,000 square feet of office, 250 wet slips, 40,000 square feet of research and development, and all accessory uses to these uses. In addition, there will be 263 acres of lakes/buffers and recreation, and a minimum of 186 acres of conservation lands. The recreational uses will include golf, tennis, clubhouses, and active and passive recreation. The legal description of the project is set forth in Exhibit A

The assessment is based on a phasing schedule that includes two five-year phases described in Exhibit B. Site preparation will commence upon completion of all necessary permitting. The project buildout date is December 31, 2009. The termination date is December 31, 2014.

Water supply and wastewater treatment will be provided by Gulf Environmental Services.

B. The factual findings, conclusions of law, conditions and other terms of this Development Order apply to the property legally described in Exhibit "A" and known as the Miromar Lakes DRI.

C. The property was zoned AG-2, and coincident with the approval of this Development Order the property will be rezoned to a Mixed Use Planned Development (MPD). In the recent past, portions of the property have been utilized for mining and related activity. The mining, and related activity, will cease on any portion of the property under active development.

D. The AMDA went through sufficiency and a report and recommendation were issued. The application was put on hold, then reduced to an ADA. The Application for Development Approval (ADA) for Miromar Lakes is consistent with the requirements of Section 380.06, Florida Statutes. The project went through two sufficiency rounds. The Developer exercised its right to refuse participation in further rounds.

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

F. The development does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan. The development is consistent with the State Comprehensive Plan if it is developed in accordance with the development parameters and conditions of approval set forth in this development order.

G. The development has been reviewed by the SWFRPC and is the subject of the report and recommendations adopted by that body on December 17, 1998. The SWFRPC report and recommendations were subsequently forwarded to Lee County pursuant to Section 380.06, Florida Statutes. The development, as proposed in the ADA and modified by this Development Order, is consistent with the report and recommendations of the SWFRPC pursuant to Section 380.06(11), Florida Statutes.

H. The development is located in, and is consistent with, the University Community and Wetland land use categories.

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

II. ACTION ON THE REQUEST AND CONDITIONS OF APPROVAL.

NOW THEREFORE, be it resolved by the Board of County Commissioners of Lee County, Florida, in a public meeting duly advertised, constituted and assembled November

29, 1999, the Development of Regional Impact Application for Development Approval for the project known as Miromar Lakes, is hereby Approved subject to the conditions, restrictions and limitations that follow. For the purpose of this Development Order, the term "Developer" refers to Miromar Lakes, L.L.C., and includes all of its successors or assigns, and all references to County Ordinances or other regulations, including future amendments.

A. AFFORDABLE HOUSING.

1. The Applicant conducted a survey in accordance with an approved methodology to determine whether a sufficient number of affordable housing units are available to meet the demands of the projected, non-construction, permanent employees of Phase I of the Project. The survey results demonstrated there was no unmet demand through build out of Phase I.

2. Prior to initiation of the second phase of the Project, the Developer must conduct a re-analysis of the affordable housing needs of the projected, non-construction, permanent employees of that phase using a methodology acceptable to the County, SWFRPC and DCA. The methodology must limit the percentage of mobile homes that comprise the total available supply to 20 percent.

3. If the second phase re-analysis of the affordable housing needs shows a potential shortage of affordable housing units that exceeds the threshold for significant impact for the DRI, the Developer must mitigate the need by following the options outlined in Rule 9J-2.048(8), the Adequate Housing Uniform Standard Rule, or other measures agreed to by the County, SWFRPC and DCA.

B. ENERGY.

The Developer will utilize the energy conservation measures outlined in the ADA.

C. STORM WATER MANAGEMENT.

1. The Developer has obtained an Environmental Resource Permit (ERP) from South Florida Water Management District (#951122-7 Miromar Lakes). Prior to construction, the Developer must provide Lee County Development Services with a copy of the ERP, and any early work permit. The ERP will serve to provide Lee County with the necessary assurances that the project's storm water management system meets SFWMD criteria, including applicable basin studies.

2. The Developer, Property Owner's Association, UCDD, or other entity with operational responsibility for the surface water management system must comply with

Class III water quality standards for all water discharged into the lakes generally referred to as the north and south mining lakes.

3. The Developer must incorporate best management practices (BMPs) into the surface water management plans submitted to SFWMD. The Developer must also utilize BMPs during construction for control of erosion and sediment. These practices will be identified on the aforementioned plans submitted to SFWMD, and other agencies with jurisdiction.

4. The first habitable floor of all structures must be at or above the 100-year flood elevations. The 25-year three-day storm event must be used in computing off-site discharge rates, taking into account the backwater elevations along on-site flowways.

5. The Developer must obtain a SFWMD permit for dewatering activities as required by Sections 2.5 and 5.2.2 Dewatering, Basis of Review (water use).

6. Upon completion of construction and stabilization of side slopes, the Developer must remove all silt barriers, hay bales, anchor soil, and accumulated silt.

7. The Developer must establish a legal operating entity in accordance with the SFWMD Basis of Review and Lee County Land Development Code (LDC), to maintain all internal storm water management lakes, ditches, and wetlands. The same condition applies to that portion of the north and south mining lakes under the ownership and control of the Developer. Easements, common areas or other legal mechanisms may be utilized to ensure sufficient access to the storm water management areas.

8. Where applicable, the storm water management plan submitted to SFWMD must consider measures to reduce runoff rates and volumes, including, but not limited to, fixed control structures, perforated pipes, and grass swale conveyances. The Developer must use swales rather than closed systems whenever practical.

9. The Developer must create littoral zones along the shoreline banks of the storm water management system consistent with the requirements of SFWMD and Lee County. The littoral zones must consist of native emergent or submergent aquatic vegetation. The Developer must ensure, by supplemental replanting if necessary, at least 80% cover by native aquatic vegetation within the required littoral zones.

10. The surface water management system design must incorporate natural flowway corridors and restore impacted natural flow way corridors.

(a) Stormwater run-off must be pre-treated consistent with the South Florida Water Management District permit prior to discharging the run-off into existing lake or wetland (any aquatic) systems.

(b) The development must maintain the function and integrity of the Stewart Slough, the natural flowway being restored through the South Florida Water Management District's ERP, contained within the boundaries of this DRI. Flowways are precluded from being primary surface water treatment areas.

11. The Developer, or the legal operating entity, must perform annual inspections of the project's on-site storm water management system to ensure that the system is maintained in accordance with the final approved design.

12. The Developer must meet all Army Corps. of Engineers, Department of Environmental Protection, South Florida Water Management District, and Lee County requirements regarding the impact of the proposed storm water management system on state or federally listed plants or animal species occurring on-site. When required by federal, state, or local permits, the Developer will provide mitigation for those impacts.

13. The Developer must vacuum sweep all commercial streets and parking areas within the development on a regularly scheduled basis.

14. When required by SFWMD in accordance with Section 5.2.2, Basis of Review (E.R.P.), the Developer must provide at least one-half inch of dry pre-treatment (retention or detention), or an equivalent alternative, for commercial and industrial uses.

15. The Developer must participate in any County-wide storm water management system adopted by Lee County that directly benefits the development, under the same fiscal terms and conditions applicable to other benefitted properties.

16. As part of the routine maintenance of the project, the Developer must:
a) mow grassed storm water management areas; b) remove accumulated debris within treatment areas; c) replace all identifiable erosion to banks; and d) remove noxious exotic vegetation that may potentially interfere with the proper function of the treatment areas.

17. The Developer must inspect, clean and repair all under-drain systems and grease baffles on a regular basis. The period between inspections may not exceed eighteen months.

18. The storm water management system must be designed to ensure that the quality and quantity of the water entering the wetlands is adequate to ensure the wetland survivability. The impact of the storm water management system on the wetland mitigation areas will be evaluated by the SFWMD during the ERP process.

19. All individual tenants or residents must comply with applicable laws and regulations regarding the management and use of hazardous materials.

20. a. Prior to development order approval for the golf course, the developer must conduct a pre-development groundwater and surface water analysis and submit the analysis to the County. This analysis is intended to establish baseline data for groundwater and surface water monitoring for the project area. The analysis must be designed to identify those nutrients and chemicals that are anticipated to be associated with the project. Prior to commencing this baseline study, the developer must submit the methodology for review, comment, and approval by the County.

b. The developer must submit an annual monitoring report of surface water quality for a period of five years from the issuance of the certificate of completion for the golf course, or the last violation, if any, of Chapter 62-302, F.A.C. water quality standards. The monitoring program will include: testing to assess whether there are any herbicide, pesticide or fertilizer pollution of the water at the project's outfall locations, which are the south mining lake, the Stewart Cypress Slough, and the north headwaters of Estero River. The developer will submit the test results with the monitoring report. The monitoring program will be established and operated at the expense of the developer, or other comparable legal entity charged with the legal responsibility of managing the golf course. This plan will be evaluated in accordance with the directives of Chapter 62-302, F.A.C., water quality standards.

21. If groundwater or surface water pollution occurs, as that term is defined by the rules or regulations in effect at the time, and if the pollution is caused by the application of fertilizers, herbicides or pesticides to the golf course, the application of the pollutant must cease until there is a revised management plan for the application of the pollutant. A determination that the application of fertilizers, herbicides or pesticides to the golf course are the cause and source of the pollution must be based on competent and substantial evidence. If mitigation is necessary to address the pollution, a mitigation plan approved by Lee County and other appropriate agencies will be implemented by the developer.

D. TRANSPORTATION

1. Significant Impacts

a. Assessment Parameters

The traffic impact assessment for the project assumes the following development parameters:

	<u>Phase I (2004)</u>	<u>Buildout (2009)</u>
Residential		
--Single Family (ITE LUC 210)	314 D.U.	700 D.U.
--Multi-Family	1,100 D.U. Total	1,900 D.U. Total

Apartments (LUC 220)	200 D.U.	200 D.U.
Residential Condominiums (LUC 230)	900 D.U.	1,700 D.U.
Non-Residential		
--Service/Office (LUC 710)	100,000 sq. ft.	340,000 sq. ft.
--General Retail (LUC 820)	160,000 sq. ft.	250,000sq. ft.
--Hotel (LUC 310)	350 rooms	450 rooms
--Industrial/R & D (LUC 760)	0 sq. ft.	40,000 sq. ft.
--Golf Course (LUC 430)	18 holes	18 holes
 --Community Use (LUC 495)	 20,000 sq. ft.	 20,000 sq. ft.
(Golf Clubhouse)		
--Beach Park (LUC 415)	10 acres	10 acres
(Including a Beach Clubhouse for use of residents and their guests.)		

The above parameters form the basis for the project impacts and mitigation requirements contained herein. The assumed land uses associated with the general parameters are identified by the Land Use Code (LUC) from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 6th Edition. While approved zoning categories may allow a wider range of uses, from a DRI standpoint, the project impacts are based on the above parameters and assumed uses. Any significant change in the assumed uses or mix of uses will require a re-evaluation of the DRI transportation impacts. A significant change is one that would increase the external project traffic by 5% or more or that would significantly change the projected distribution and assignment of project traffic, so as to result in additional significantly and adversely impacted roadway links. The overall traffic at the project entrances based on the above parameters is estimated to be 3,931 p.m. peak hour trips.

b. Phase I Impacts

The assessment indicates that the significantly impacted roadways and intersections described below will be operating below acceptable levels of service at the end of Phase I (2004):

Roadways

Needed Improvement

Alico Road

--U.S. 41 to Seminole Gulf Railway

--I-75 to Ben Hill Griffin Parkway

Widen to 6 lanes*

Widen to 6 lanes

* or realignment/interchange as part of Metro Parkway extension (6 lanes), US 41 to Six Mile Parkway

Intersections

Alico Road/Three Oaks Parkway	Add 2 nd NB left, 2 nd WB left, 2 nd SB left
Alico Road/Project Entrance	Intersection Improvements
Ben Hill Griffin Parkway/Alico Road	Add 2 nd NB left
Ben Hill Griffin Parkway/Project Entrances	Intersection Improvements
Ben Hill Griffin Parkway/Corkscrew Road	Signalization, add 2 nd EB left, 2 nd SB left
US 41/Alico Road	Add 2 nd WB right, 3 rd SB left

The intersection improvements include geometric improvements, such as turn lanes and signalization when warranted. The Developer will be fully responsible for improvements needed at the project entrances that are deemed site-related (See Paragraph D.4). The intersections are addressed in the overall proportionate share calculation. As noted above, however, site-related needs at the project entrances are not addressed in the proportionate share calculation.

c. Buildout Impacts

The assessment indicates that the significantly impacted roadways and intersections described below will be operating below acceptable levels of service at the end of Buildout (2009):

<u>Roadways</u>	<u>Needed Improvement</u>
Alico Road	
--U.S. 41 to Seminole Gulf Railway	Widen to 6 lanes
--Lee Road to I-75	Widen to 8 lanes
--I-75 to Ben Hill Griffin Parkway	Widen to 6 lanes
Ben Hill Griffin Parkway	
--T&T Entrance to Alico Road	Widen to 6 lanes
Corkscrew Road	
--Three Oaks Parkway to Ben Hill Griffin Parkway	Widen to 6 lanes
Daniels Parkway	
--Metro Parkway to Six Mile Cypress Parkway	Widen to 8 lanes
--Six Mile Cypress Parkway to Fiddlesticks Boulevard	Widen to 10 lanes
--Fiddlesticks Boulevard to I-75	Widen to 8 lanes
U.S. 41	
--Coconut Road to Williams Road	Widen to 6 lanes
--Alico Road to Six Mile Cypress Parkway	Alternate facility needed*

*Metro Parkway extension (6 lanes), US 41 to Six Mile Parkway

Intersections

Alico Road/Oriole Road
Alico Road/Three Oaks Parkway

Alico Road/I-75 East Ramp
Alico Road/Project Entrance
Ben Hill Griffin Parkway/Alico Road

Ben Hill Griffin Parkway/Project Entrances
Ben Hill Griffin Parkway/Corkscrew Road

Corkscrew Road/Three Oaks Parkway
US 41/Alico Road

Add 2nd WB left, signalization
Add 3rd EB left, 3rd NB
through, 3rd SB through
Add 2nd WB left, 2nd NB left
Intersection Improvements
Add 3rd NB left, 3rd SB
through, 3rd WB through, 2nd
EB left
Intersection Improvements
Add 2nd EB left, 2nd NB left,
2nd SB left
Add 2nd EB left
Add 3rd SB left

The intersection improvements include geometric improvements, such as turn lanes and signalization when warranted. The Developer will be fully responsible for improvements needed at the project entrances that are deemed site-related (see Paragraph D.4). The intersections are addressed in the overall proportionate share calculation. As noted above, however, site-related needs at the project entrances are not addressed in the proportionate share calculation.

2. Mitigation

a. Phase I Proportionate Share

The total proportionate share obligation to mitigate the Phase I transportation impacts on the non-site related roads and intersections set forth in Paragraph D.1.b. above is estimated to be \$1,270,796 in 1999 dollars. The Phase I road impact fees anticipated to be generated by the project based on the development parameters set forth in Paragraph D.1.a and under the current County road impact fee schedules are \$3,171,928, or \$1,901,132 more than the Phase I proportionate share obligation.

b. Buildout Proportionate Share

The total proportionate share obligation to mitigate the Buildout transportation impacts on the non-site related roads and intersections set forth in Paragraph D.1.c. above is estimated to be \$10,914,866 in 1999 dollars. The total road impact fees anticipated to be generated by the project through buildout based on the development parameters set forth in Paragraph D.1.a. and under the current County road impact fee schedules are \$5,686,010. The proportionate share obligation is approximately \$5,228,856 more than impact fees in 1999 dollars.

c. Traffic Mitigation

The Developer must mitigate its overall project traffic impacts through the payment of the entire project proportionate share obligation of \$10,914,866 for project buildout. The details of this payment must be established in a Local Government Development Agreement executed pursuant to Section 163.3220, Florida Statutes, and Chapter 2, Article III of the Lee County Land Development Code. The Developer must submit to Lee County a Development Agreement within 90 days of the effective date of this DRI Development Order.

Generally, the payment is to be accomplished in the following manner:

- 1) Within 120 days of the effective date of this DRI Development Order, the Developer must deliver as Maker a promissory note, payable to Lee County, in the original principal amount of \$10,914,866.00, representing the entire proportionate share obligation. The note will provide for payment of the entire amount to be paid the County before the start of Phase II. Additionally, the note must provide for interest in order to index the total amount due to the increase in construction costs as reflected in the State Highway Bid Price Index for the State of Florida, as published in the Engineering News Record.
- 2) The promissory note will provide for payments of principal as follows:
 - a. The first principal installment will be in the amount of the Phase I impact fee obligation, \$3,171,928.00, and will be due and payable on or before the earlier of one year from the date of final DRI Development Order approval or the date of the issuance of the first building permit for vertical construction. However, some development such as the golf course, golf clubhouse, information/salos center/model center, and beach club may proceed prior to the first payment. That development will be required to pay road impact fees at the time permits are received. Impact fee payments will be deducted from the first principal payment;
 - b. The second principal installment in the amount of \$2,800,000.00, will be due and payable on September 1, 2002;
 - c. The final payment of principal in the amount of \$4,942,938.00, will be due and payable on the earlier of September 1, 2004 or the date on which the first building permit for vertical construction is issued within Phase II.

- 3) Interest will be payable on September 1st of each year beginning September 1, 2000 and continuing until the promissory note is paid in full. Each payment will be in the amount of all accrued and unpaid interest to the date thereof. The amount of interest accrued will be based on the daily principal balance outstanding during the preceding year. The applicable interest rate will be equal to the increase, expressed as a percentage, in the State Highway Bid Price Index for the State of Florida, as published in the latest available edition of the Engineering News Record, from the Base Index applicable for each year. For the payment due September 1, 2000 the Base Index will be the Florida Index published for the second quarter of calendar year 1999. Thereafter the Base Index for each year will be in the index for the calendar quarter which was the index taken into account in calculating the percentage change applicable for the prior interest payment. Interest payments will not be due at the time of any prepayment because the applicable rate will not have been determined at that time. Interest with respect to the amount of the prepayment will be due and payable in conjunction with the next interest payment. All prepayments of principal shall be credited to the next installment(s) due. All interest payments will be deposited in the District 3 impact fee account.
- 4) The Developer may choose to provide certain improvements such as the right-of-way for Koreshan Boulevard Extension along the south property line for Miromar Lakes or the six-laning of Ben Hill Griffin Parkway in exchange for credits against the overall payment obligation. These improvements are subject to concurrence by Lee County DOT on their scope and timing, and the contributions will be treated as prepayments of principal. Dedication of the Koreshan Boulevard Extension right-of-way will be valued consistent with the provisions of the Lee County Land Development Code, based on the date prior to DRI Development Order approval.

The portion of the payment in lieu of impact fees, estimated at \$5,686,010, will be treated as impact fees as outlined in the Lee County Land Development Code and deposited in the District 3 impact fee account. Cash payments above and beyond those in lieu of impact fees will be applied by Lee County toward the following improvements and in the following priority:

- The list of significantly and adversely impacted roads and intersections from Paragraphs D.1.b and D.1.c.
- Other non-site-related roadway improvements benefitting Miromar Lakes.

d. Concurrency

1. If the development agreement and promissory note specified in Paragraph D.2.c. above are provided as described and in the time frames noted, the Miromar Lakes DRI will be granted a concurrency certificate for buildout of the project, that is, the certificate will be valid until the project completes the buildout development parameters specified in Paragraph D.1.a. or December 31, 2009, whichever is sooner. Thereafter, further development of the project will be subject to the Concurrency Management System, unless the concurrency certificate is extended as provided in Condition D.2.d.2 below. Under the payment schedules identified above, the Developer will not be required to pay road impact fees at the building permit stage, except as previously noted for that limited development that may occur prior to the first payment. If the payments are not made as described, then no further building permits will be issued until the Developer makes the payment. Concurrency vesting is contingent on the payment schedule and amounts set forth in Paragraph D.2.c. If the Developer fails to comply with the payment schedule and amounts due, the project will lose its vested status and will be subject to the County's Concurrency Management System for all future development. The Developer will have a 15 day grace period following the due date for each payment within which to make the required payment without affecting the concurrency vesting.
2. If the developer files a Notice of Proposed Change that results in an extension of project build out beyond December 31, 2009 and the developer desires to extend the concurrency certificate in Condition D.2.d.1, above, the developer must provide a detailed traffic assessment to Lee County DOT for review and approval. The assessment must include, but not be limited to, identifying the adjusted phasing, level of development anticipated for the revised phasing, estimated traffic impacts, needed improvements, and the project's proportionate share of those improvements.

The assessment will be a cumulative analysis of the project's traffic impacts. The County will provide credit against the recalculated proportionate share for all mitigation paid through the date of the new traffic assessment. The proportionate share payments previously made by the Developer will be adjusted to then current year dollars. This will be accomplished by increasing the principal amount paid by an amount equal to the increase as determined in the State Highway Bld Index for the State of Florida, published in the Engineering News Record. This increase will be expressed as a percentage and will be measured from the index published for the second quarter of 1999 to the index published in the then latest available edition. In no event may the adjustment result in a refund of money paid to the County. The assessment must identify mitigation for those roadway segments that are significantly and adversely impacted by cumulative project

traffic at the extended build-out year in accordance with the Transportation Uniform Standard Rule in the Florida Administrative Code. Prior to conducting a reassessment analysis, the developer must attend a transportation methodology meeting with the County, and other review agencies as necessary, to establish the appropriate methodology.

The traffic assessment will be prepared by the developer following generally acceptable transportation planning procedures consistent with the standards in effect at the time. Additional mitigation, if any, resulting from the traffic assessment must be paid in a manner generally consistent with that of the original mitigation. For example, the development order and any corresponding development agreement must be amended to reflect the revised phasing and additional mitigation.

3. Amendments to Phasing Schedule

If the project phasing is expanded in the future, the phases must be limited to not more than 5-year intervals and a new analysis will be required at the start of each phase.

4. Access and Site-Related Improvements

The Developer is fully responsible for its share of the following site-related roadway and intersection improvements: all intersection improvements, including signalization, turn lanes, deceleration lanes, and other improvements deemed necessary by the County Engineer and consistent with the Lee County Land Development Code for the project's access points onto Alico Road and Ben Hill Griffin Parkway. Site-related improvements are not eligible for credit against impact fees and are also ineligible for offset against the project's proportionate share obligation.

5. Annual Transportation Monitoring Report

a. Design of Monitoring Program

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

b. Submittal of Monitoring Report

The Developer must submit an annual transportation monitoring report to the following entities for review and approval: Lee County Department of Transportation, FDOT, FDCA, and SWFRPC. Additionally, the Developer must provide a copy of the report to Florida Gulf Coast University (FGCU). The first monitoring report will be submitted one year after the effective date of the DRI Development Order. The Developer must provide written notice to the above review agencies if he concludes that a traffic monitoring report is not required because no traffic impacts have been created. Once an annual transportation monitoring report has been submitted, a report must be submitted annually thereafter until project buildout, whether actual or declared.

c. Minimum Requirements for Report Contents

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

- 1) P.M. peak hour traffic counts with turning movements at the project's access points onto Alico Road and Ben Hill Griffin Parkway, and on the external road segments and intersections identified in Paragraph D.1.c.
- 2) A comparison of field measured project traffic volumes to the project trip generation assumed in the DRI analysis. The Developer will need to specify in the methodology how the internal interaction will be measured.
- 3) Estimated existing levels of service and needed improvements for the roads and intersections specified in Paragraph D.1.c. above.
- 4) Estimated future levels of service and needed improvements for the roads and intersections specified in Paragraph D.1.c. above, based on a one-year projection of future volumes.
- 5) A summary of the status of road improvements assumed to be committed by Lee County and FDOT as set forth below:

<u>Roadways</u>	<u>Improvement</u>	<u>Construction Schedule</u>
Alico Road		
--US 41 to Seminole Gulf Railway	4 lanes	FY 98/99
--Seminole Gulf Railway to I-75 West Ramps	6 lanes	FY 98/99

Corkscrew Road --Sandy Lane to I-75	4 lanes	FY 98/99
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Three Oaks Parkway --Alico Road to Daniels Parkway	4 lanes	FY 00/01
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Treeline Avenue --Alico Road to Daniels Parkway	4 lanes	FY 01/02
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US 41 --Alico Road to Daniels Parkway	6 lanes	FY 98/99
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<u>Intersections</u>	<u>Improvement</u>	<u>Construction Schedule</u>
I-75 Ramps/Alico Road	Signalization	FY 98/99

d. Implications

- 1) If the annual transportation monitoring report reveals that the project trip generation exceeds the thresholds identified in 380.06(19)(b)15, Florida Statutes, then the statutory provisions regarding substantial deviations will govern. If the project is deemed to be a substantial deviation, the Developer must then undergo additional DRI review. This review must reanalyze the project impacts on the County road network in general, and specifically evaluate the potential project impacts on the roadway segments identified in Paragraph D.3 above.
- 2) Changes to development parameters or phasing may trigger the need to rebut the statutory presumption of substantial deviation. In some instances, the evidence necessary to rebut the presumption may involve the need for a comparison of project trip distribution and assignment.

6. Other

a. Access to FGCU

The Developer must accommodate a second access to FGCU that connects to Ben Hill Griffin Parkway at STA 916+43.75, as contemplated in the FGCU Master Plan.

b. Access Locations and Movements

The transportation assessment was based on the access locations and movements identified in the DRI Master Plan (Map H) dated November 12, 1997, last revised November 29, 1999, as printed by Wilson, Miller, Barton and Peek, Inc. Additional accesses may require further analysis for the DRI.

c. Pedestrian/Bicycle and Transit Facilities

The Developer will provide for pedestrian and bicycle facilities and bus stop locations in accordance with the attached Exhibit D.

7. Land Use Conversion

The approved parameters, as specified in this Development Order, may be modified by the Developer without further amendment to this Development Order, subject to the conditions of Paragraph D.1.a. and as set forth below.

- a. No more than 700 single family units will be built at Miromar Lakes. Given that single family units generate more total and external traffic than multi-family and, therefore, have a greater traffic impact, single family units may be converted to multi-family units at a 1 to 1 ratio. This conversion may occur without further DRI or substantial deviation review.
- b. Residential condominium units may be converted to apartment units at a ratio of 1.15 residential condominium units to 1 apartment unit. However, no more than 700 residential condominium units may be converted to apartment units. This conversion may occur without further DRI or substantial deviation review.
- c. Office use may be converted to Research and Development (R&D) at a ratio of 1,000 square feet of Office to 1,100 square feet of Research and Development. There is no limitation on the conversion of Office use to Research and Development (R&D) at the above ratio.
- d. Notice of any conversion must be provided to the County, the Regional Planning Council, and the Department of Community Affairs. In addition, the amount of conversion must be reported as part of the subsequent annual monitoring report.

8. Golf Cart Crossing

- a. Any golf cart crossing of Ben Hill Griffin Parkway by the Miromar Lakes DRI must be grade-separated. At-grade golf cart crossings of Ben Hill Griffin Parkway are prohibited. The golf cart crossing must be elevated over Ben Hill Griffin Parkway.
- b. Any elevated golf cart crossing of Ben Hill Griffin Parkway must be reviewed and approved by Lee County DOT. The review will include but is not limited to issues

such as structural requirements and adequate sight distances for Ben Hill Griffin Parkway. The Developer must obtain a right-of-way permit from Lee County DOT and must agree to adequately maintain the structure within the right-of-way.

E. VEGETATION AND WILDLIFE/WETLANDS.

1. Where feasible and appropriate for bird usage, storm water management lakes must include draw-down pool features in littoral shelf slopes. These features will be reviewed as part of the ERP permit and will be considered because they favor use by wood storks and wading birds.

2. Identifiable impacts to the Florida panther habitat will be addressed through the Army Corps. of Engineers (ACOE) permitting process. The ACOE is consulting with U.S. Fish and Wildlife (USFWS) Service as part of the Section 7 consultation under the Endangered Species Act. The ACOE will evaluate, through the permitting process, the impacts to the Florida panther. The impact must be assessed in accordance with Section 404 Federal Register and Section 7 of the Endangered Species Act.

3. The Big Cypress Fox Squirrel Management Plan, dated July 2, 1998, must be amended to:

a) address the quantity and quality of the Big Cypress Fox Squirrel habitat to be protected, and

b) to identify the entity that will be responsible for the perpetual maintenance of the habitat.

The afore-stated amendments to the Big Cypress Fox Squirrel Management Plan are subject to review and approval by Lee County, DCA, and SWFRPC. Once approved, the management plan must be incorporated into this DRI Development Order. (9J-2.041 FAC)

4. The Developer must obtain an incidental take permit or relocation permit from the Florida Game and Fresh Water Fish Commission (FGFWFC) for gopher tortoises. If the developer obtains an incidental take permit, tortoises and commensal species must be located out of harm's way to appropriate upland locations. The developer will relocate tortoises to appropriate on-site upland preserves in accordance with the conditions of any relocation permit. Regardless of the type of permit obtained from the FGFWFC, a minimum of 2.5 acres of upland habitat appropriate for gopher tortoises will be preserved within the golf course roughs. If occupied gopher tortoise habitat is preserved and relocation of tortoises is not necessary, the additional 2.5 acres of preservation within the golf course roughs will not be required.

5. Where appropriate, the Developer must design internal roads that cross the Stewart Cypress and other strand areas to accommodate wildlife crossings.

6. Seventy-five percent (75%) of the total number of required trees used in buffers and landscaping must be indigenous native varieties. Fifty percent (50%) of the total number of required shrubs used in buffers and landscaping must be indigenous native varieties. Where practicable, ecologically viable existing native vegetation should be incorporated into the landscape design. Xeriscaped landscape areas should not be irrigated after the initial start-up period, unless weather conditions and the survival of the areas require otherwise.

7. The following management guidelines must be implemented to further reduce the potential for ground and surface water impacts from the golf course:

(a) The course must be planted with a turfgrass cultivated variety having drought and pest resistant qualities and requiring relatively low fertilizer use;

(b) The irrigation system should operate on an "as needed" basis by the utilization of weather forecasting and ongoing assessment of the moisture content of the soil. It is not the intent of this provision to require the purchase or installation of high technology weather forecasting or rain monitoring equipment.

(c) Fertilizers with a low leaching potential (slow release) must be used whenever possible. Fertilizers may not be applied after active growth of the turfgrass has ceased. Application rates must be kept to the lowest reasonable levels;

(d) To reduce sources of pollutants, especially nutrients and pesticides associated with the golf course, the golf course manager must implement a chemicals management plan which includes an integrated pest management (IPM) program and a nutrient management program so that nutrients and pesticides are used only when absolutely necessary and only in the most conservative manner through minimal species-specific applications. The nutrient management program must include the use of soil tests to determine needed applications of nutrients. Only EPA-approved chemicals are permitted. Turf managed areas (including fairways, tees, and greens) are prohibited within 35 feet of the Conservation Areas (CO) shown on the Master Concept Plan for Miromar Lakes.

(e) The golf course manager will coordinate the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients.

(f) The Developer must employ a golf course manager licensed by the state to use restricted pesticides and experienced in the principles of IPM. The golf course manager will be responsible for ensuring that the golf course fertilizers are selected

and applied to minimize fertilizer runoff into the surface water and the leaching of those same fertilizers into the groundwater.

(g) The storage, mixing, and loading of fertilizer and pesticides will be designed to prevent/minimize the pollution of the natural environment. The golf course must comply with the publication "Best Management Practices for Golf Course Maintenance Departments, May 1995" published by the Florida Department of Environmental Protection.

F. WASTEWATER MANAGEMENT/WATER SUPPLY.

1. The project must incorporate water conserving devices or methods, including low volume water use plumbing fixtures, self-closing or metered water faucets. The water conserving devices must meet the criteria outlined in the water conservation plan of the public water supply permit issued to Gulf Environmental Services (GES) by SFWMD.

2. The Developer must obtain Water Use Permits for water withdrawals for landscape irrigation. Permits may only be issued for applications that meet the SFWMD criteria in effect at the time of permitting. Permits must be received prior to construction of the irrigation system.

3. Prior to the commencement of construction, plans and specifications for the water and wastewater collection system must be reviewed by Gulf Environmental Services, in accordance with their adopted rules and regulations.

4. The Developer must design potable water facilities in accordance with the Lee County Land Development Code (LDC). The LDC will also govern the applicable design for domestic and fire flow.

5. The Developer must comply with the LDC provisions that require the availability of adequate water and wastewater at the time of local final Development Order approval. Potable water, wastewater collection and treatment, and eventually non-potable water must be obtained from Gulf Environmental Services. If GES is unable to provide the service, the Developer must construct interim potable water and wastewater treatment facilities, or postpone development until GES has sufficient capacity. Interim facilities must be constructed to LDC standards, and must be dismantled at the Developer's expense upon connection to GES facilities.

6. If the Developer utilizes treated effluent for irrigation, the Developer must buffer the on-site lakes, preserved wetlands, and storm water management system from possible effluent contamination in accordance with applicable SFWMD regulations.

7. Temporary septic systems may be used in conjunction with the construction office, sales offices, and model homes. Temporary septic systems must be properly abandoned and removed by a licensed septic system firm when permanent or interim wastewater treatment facilities are operational. Permanent septic systems are permitted for golf course restrooms. All other septic systems are prohibited.

8. The Developer must use the lowest quality of water available and acceptable for all non-potable water uses. Potable water may not be utilized for non-potable uses if adequate and acceptable non-potable water is readily available.

G. COMPREHENSIVE PLAN CONSISTENCY.

1. Lee County may not issue a local Development Order unless the Development Order is consistent with the County's Comprehensive Plan, Land Development Code, University Window Overlay, Ben Hill Griffin Parkway Access Management Plan, and Concurrency Management System.

2. Given the 114 acres proposed for commercial development, the project is limited to no more than 1,140,000 square feet of commercial retail, office, hotel, and research and development uses. All commercial ancillary uses are included in this limitation; no residential or recreational ancillary uses are included in this amount. All building area must be included in this calculation to show compliance with this limitation. If multiple local development orders are requested, it is the developer's responsibility to provide a cumulative total of previous development order approvals prior to the issuance of the requested local development order.

3. The requested 340,000 square feet of office use may be converted to research and development use on a one square foot to 1.1 square foot ratio.

H. FIRE.

1. The Developer must address its fire and emergency services impacts through the payment of impact fees in accordance with the schedule set forth in the Lee County Land Development Code.

2. When required by Superfund Amendments Reauthorization Act (SARA) Title III, and the Florida Hazardous Materials Emergency Response and Community Right to Know Act of 1988, the Developer must file hazardous materials reports and updates.

I. AIRPORT NOISE ZONE.

Residential development is prohibited within all areas designated as Airport Noise Zone 3.

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

A. Resolution. This Development Order constitutes a resolution of Lee County adopted by the Board of County Commissioners in response to the DRI ADA filed for Miromar Lakes DRI.

B. Additional Developer Commitments. All commitments and impact mitigating actions volunteered by the Developer in the ADA and supplementary documents that are not in conflict with conditions or stipulations specifically enumerated above are incorporated by reference into this Development Order. These documents include, *but are not limited to the following:*

1. The Alico AMDA filed September 13, 1990, as amended by The Miromar Lakes Development of Regional Impact ADA sufficiency response filed November 10, 1997.
2. The Miromar Lakes DRI sufficiency responses, stamped received on:

January 16, 1991
April 2, 1991
July 10, 1991
November 17, 1997
March 27, 1998
July 6, 1998

C. Master Plan of Development. Map H, dated November 12, 1997, and last revised November 29, 1999, is attached hereto as Exhibit C, and is incorporated by reference. The Developer may modify the boundaries of development areas and the location of internal roadways to accommodate topography, vegetation, market conditions, traffic circulation, or other site related conditions as long as the modification meets local development regulations. However, this provision may not be used to reduce the size of wetland preserve areas. Precise wetland boundaries will be determined by the South Florida Water Management District, as delegated by the Department of Environmental Protection and the Army Corps. of Engineers.

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

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

F. Enforcement. All conditions, restrictions, stipulations and safeguards contained in this Development Order may be enforced by either party by action at law or equity. The cost of those proceedings, including reasonable attorney's fees, will be paid by the defaulting party.

G. Successor Agencies. References to governmental agencies will be construed to mean future instrumentalities that may be created and designated as successors in interest to, or which otherwise possess the powers and duties of the referenced governmental agencies in existence on the effective date of this Development Order.

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

I. Applicability of Regulations. This Development Order does not negate the Developer's responsibility to comply with federal, state, regional and local regulations.

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

1. There is a substantial deviation from the terms or conditions of this Development Order or other changes to the approved development plans that create a reasonable likelihood of adverse regional impacts or other regional impacts that have not been evaluated in the review by the Regional Planning Council; or

2. Expiration of the period of effectiveness of the Development Order. Any request to extend the effectiveness of this Development Order will be evaluated based on the criteria for the extension of the buildout date set forth in Section 380.06(19), Florida Statutes.

3. Conditions in the development order that specify circumstances in which the development will be required to undergo additional DRI review. See 9J-2.025(10).

K. Commencement of Physical Development. Substantial physical development of the project must occur no later than December 31, 2000. Further development must occur in accordance with the development parameters and phasing schedule set forth in Exhibit A.

L. Buildout and Termination Dates. The project has a buildout date of December 31, 2009 and a termination date of December 31, 2014. This term is based on a 10-year buildout and the recognition that a local Development Order, which is valid for six years, may be obtained prior to December 31, 2009. No permits for development will be issued by the County subsequent to the termination date or expiration date unless the conditions set forth in Section 380.06(15)(g) are applicable.

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

N. Credits Against Local Impact Fees. Pursuant to Chapter 380.06(16), the Developer may be eligible for credits for contributions, construction, expansion, or acquisition of public facilities, if the Developer is also subject by local ordinances to impact fees or exactions to meet the same needs. However, no credit will be provided for internal on-site facilities required by County regulations or to any off-site facilities to the extent those facilities are necessary to provide safe and adequate services to the development.

O. Protection of Development Rights. Assuming the project can comply with the County's Concurrency Management Program at the time development permits are requested, the project will not be subject to down-zoning, unit density reduction, intensity reduction or prohibition of development until December 31, 2014. If the County demonstrates at a public hearing that substantial changes have occurred in the conditions underlying the approval of this Development Order, or finds that the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by Lee County to be essential to public health, safety and welfare, then down-zoning unit density reduction or prohibition of development may occur. [See 9J-2.025(3)(b)13]

P. Annual Reports. The Developer must submit a report annually to the Lee County Department of Community Development, the SWFRPC and Florida DCA on Form RPM-BSP-Annual Report-1. The content of the annual report must include the information

set forth in Exhibit E, and must also be consistent with the rules of the FDCA. The first monitoring report must be submitted to the DRI coordinator for SWFRPC, DCA, and Lee County not later than one year after the effective date of this Development Order. Further reporting must be submitted not later than one year for subsequent calendar years thereafter, until buildout, whether actual or declared. Failure to comply with this annual reporting procedure is governed by Section 380.06(18), Florida Statutes, which provides for the temporary suspension of the DRI Development Order.

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

The Developer must also submit a transportation annual report in accordance with the provisions set forth in Section II.D. of this development order.

Q. Community Development District. The Developer might elect to petition for the formation of a Uniform Community Development District to serve all or a portion of the project pursuant to Florida Statutes Chapter 190, as it may be in effect from time to time. Lee County hereby gives its approval that any such district may undertake the construction and/or funding of all or any of the mitigation and public infrastructure projects for which the Developer is responsible under the terms of this development order, whether within or without the boundaries of the district, and including the payment of mitigation amounts provided for in this development order, as a co-obligor hereunder. This provision shall not be construed to require the approval of any petition to form such a district, and in no event shall the Developer be released from its obligations under this Development Order.

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

THE MOTION TO ADOPT this Development Order was offered by Commissioner Manning, and seconded by Commissioner Coy, and upon a poll of the members present, the vote was as follows:

Commissioner Albion	Aye
Commissioner St. Cerny	Aye
Commissioner Coy	Aye
Commissioner Judah	Aye
Commissioner Manning	Aye

DULY PASSED AND ADOPTED this 29th day of November 1999.

ATTEST:
CHARLIE GREEN, CLERK

By: *Ruth Ferguson*

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: *Ruth F. Albion*

Approved as to form

By: *Dennah Collins*
County Attorney's Office

Exhibits:

- A. Legal Description
- B. Development Parameters and Phasing Schedule
- C. Map H dated November 12, 1997, and Last Revised November 29, 1999
- D. Pedestrian and Bicycle Facilities and Bus Stop Locations
- E. Annual Monitoring Report Requirements

MINUTES OFFICE

Ruth F.
FILED DEC 22 1999

State of Florida
County of Lee

I, Charlie Green, Clerk of the Circuit Court
for Lee County, Florida, do hereby certify
this document to be a true and correct copy
of the original document filed in the
Minutes Department.

Given under my hand and official seal at
Fort Myers, Florida, this 23rd day of
December, A.D. 1999

CHARLIE GREEN, CLERK

By: *Ruth Ferguson*
Deputy Clerk

EXHIBIT IV.C.1
FLUCCS/VEGETATIVE ASSOCIATIONS MAP

28.4 ACRE PARCEL

12 7
13 18

VEGETATIVE ASSOCIATIONS

UCCS CODE	DESCRIPTION	AC.
160	Extractive - Areas disturbed by mining	17.11
163	Rock quarry / Mine lake	1.55
HE2	Pine flatwoods - graminoid understory - Hydric - Exotics 25-49% cover	0.29
13H	Ditches - Hydric	1.17
621	Cypress	0.01
1E2	Cypress - Exotics 25-49% cover	1.65
14E2	Cypress - pine - cabbage palm - Exotics 25-49% cover	0.48
14E3	Cypress - pine - cabbage palm - Exotics 50-75% cover	1.38
3DE1	Wet prairie - Disturbed - Exotics 10-24% cover	2.46
743	Spoil areas	0.55
13E3	Spoil areas - Exotics 50-75% cover	0.44
1147	Mine haul road	1.35
TOTAL ACRES		28.44
Upland acres		19.45
Wetland acres		6.27
Other surface water		2.72

UCCS DIFFER	DESCRIPTION
E1	Exotics comprise 10-24% cover
E2	Exotics comprise 25-49% cover
E3	Exotics comprise 50-75% cover
D	Disturbed

LEGEND



SFWMD JURISDICTIONAL WETLANDS



FLUCCS BOUNDARY

513

FLUCCS CODE

DRI 2001-00004



SCALE IN FEET



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COMMUNITY DEVELOPMENT

EXHIBIT IV.C.1

LUCCS/VEGETATIVE ASSOCIATIONS

PROJECT: MIROMAR LAKES DRI - COMPREHENSIVE PLAN AMENDMENT

CLIENT: MIROMAR LAKES L.L.P.

WilsonMiller

Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants

WilsonMiller, Inc.

Naples • Fort Myers • Sarasota • Bradenton • Tampa

1001 Boulevard, Suite 100 • Fort Myers, Florida 33912 • Phone 941-939-1020 • Fax 941-939-7479 • Web-Site www.wilsonmiller.com

WilsonMiller, Inc. - FL Lic # LC-000070
WilsonMiller, Inc. - Certificate of Authorization #43

EXHIBIT IV.C.1

SCALE:	1" = 600'	DATE:	MAY 2001
SEC:	12,13	TWP:	46S
		RGE:	25E
PROJECT NO:	F0253-018-X18 DRDRA	INDEX NO:	A-F0253-216
DRWN BY/EMP NO:	S.W.P./1078	SHEET NO:	1 OF 1

EXHIBIT IV.C.2
SOILS MAP

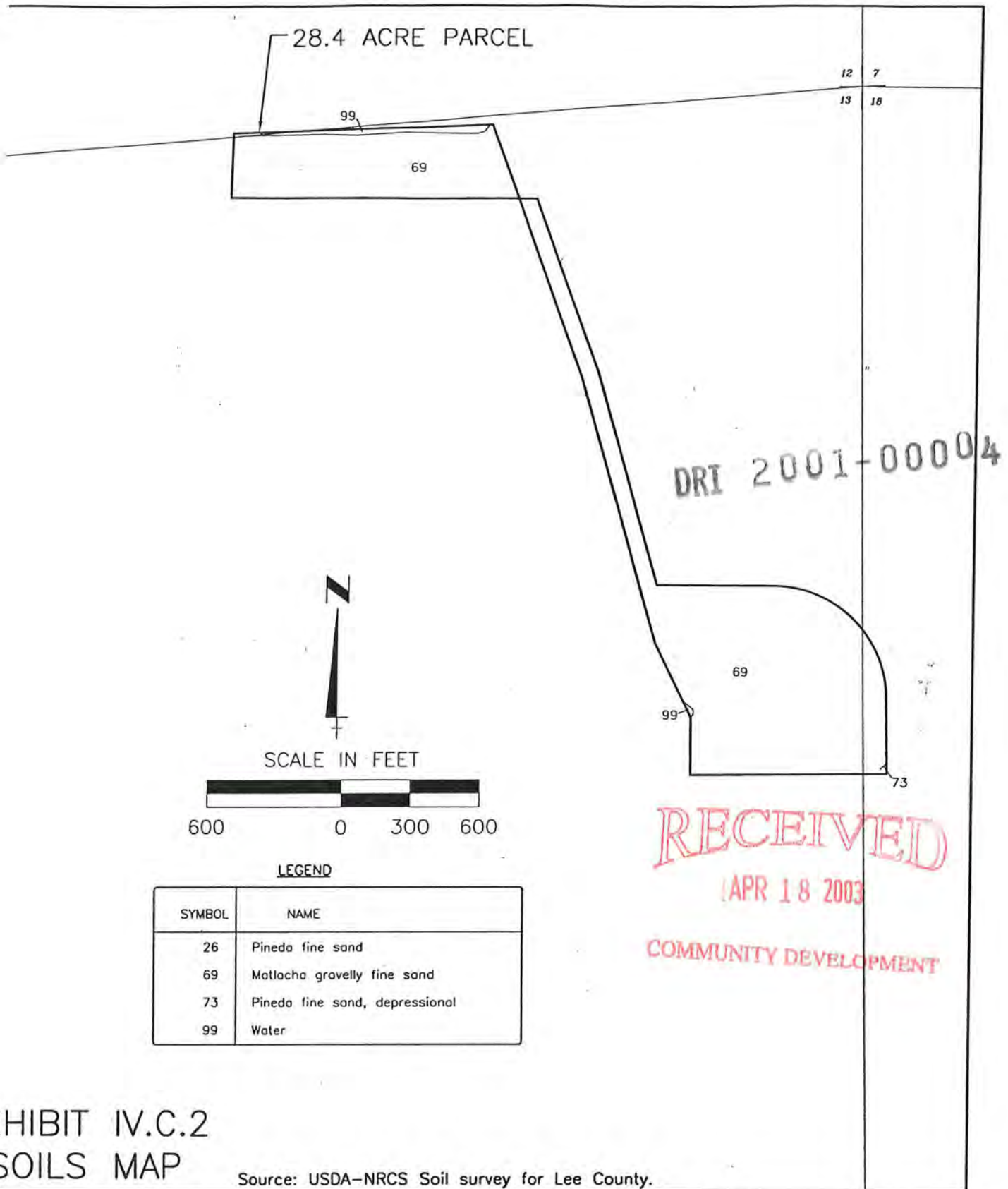


EXHIBIT IV.C.2 SOILS MAP

Source: USDA-NRCS Soil survey for Lee County.

MIROMAR LAKES DRI — COMPREHENSIVE PLAN AMENDMENT
MIROMAR LAKES L.L.P.

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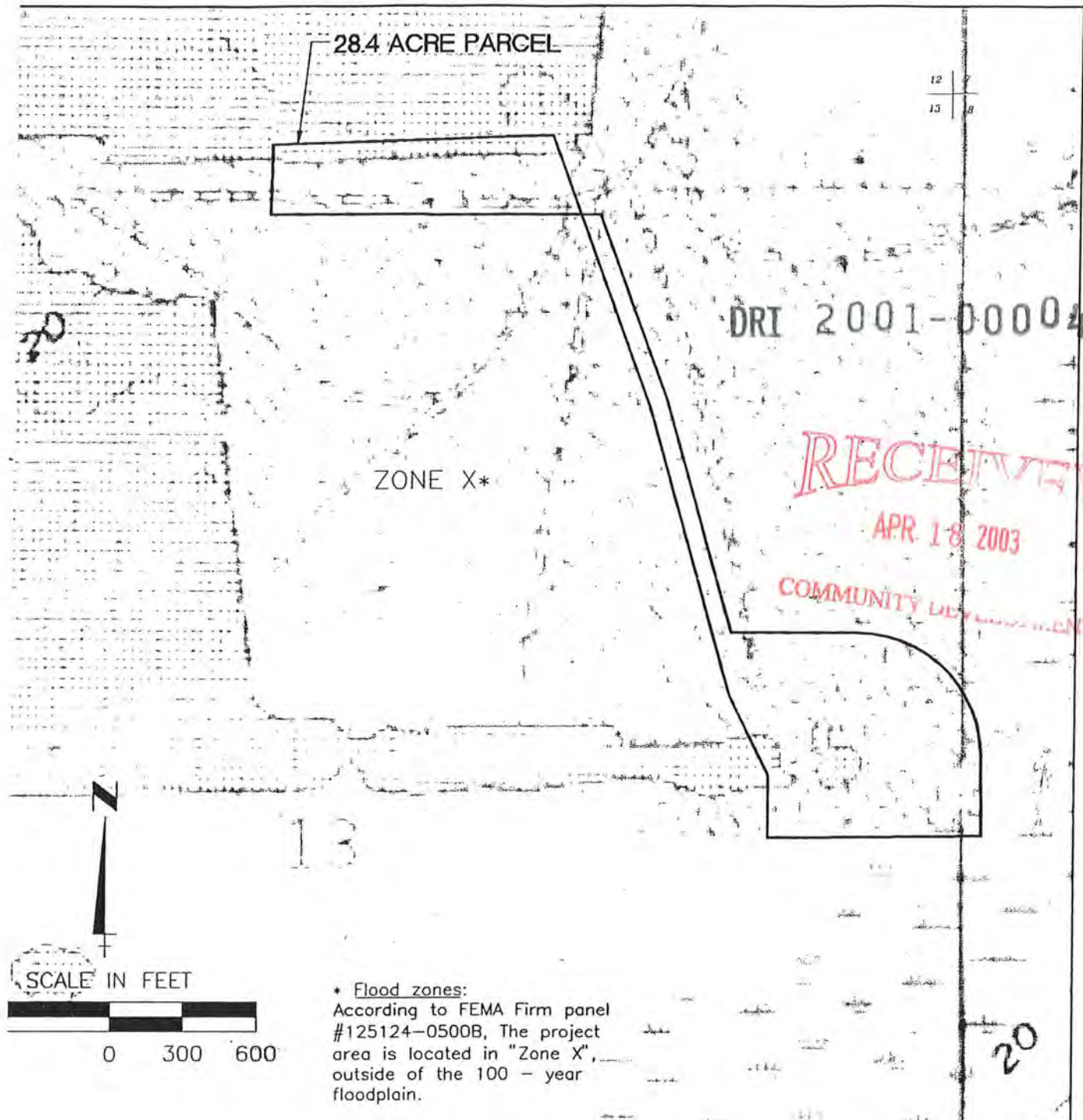
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Boulevard, Suite 100 • Fort Myers, Florida 33912 • Phone 941-939-1020 • Fax 941-939-7479 • Web-Site www.wilsonmiller.com

EXHIBIT IV.C.2

SCALE:	1" = 600'	DATE:	MAY 2001
SEC:	12,13	TWP:	46S
		RGE:	25E
PROJECT NO.	F0253-018-X18 DRDRA	INDEX NO:	A-F0253-216
DRWN BY/EMP NO.	S.W.P./1078	SHEET NO:	1 of 1

EXHIBIT IV.C.3
TOPOGRAPHY AND FLOOD ZONE MAP



* Flood zones:
According to FEMA Firm panel
#125124-0500B, The project
area is located in "Zone X",
outside of the 100 - year
floodplain.

**EXHIBIT IV.C.3
GRAPHIC AND FLOOD ZONE MAP**

Source: USGS Estero 7.5 minute Quadrangle map (1958, Photo, revised 1987)

T: MIROMAR LAKES DRI — COMPREHENSIVE PLAN AMENDMENT
MIROMAR LAKES L.L.P.

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WilsonMiller, Inc. - Certificate of Authorization #43

EXHIBIT IV.C.3

SCALE:	1" = 600'	DATE:	MAY 2001
SEC:	TWP: 46S RGE: 25E	REV NO:	
PROJECT NO:	F0253-018-X18 DRDRA	INDEX NO:	A-F0253-216
DRAWN BY/EMP NO:	S.W.P./1078	SHEET NO:	1 OF 1

EXHIBIT IV.C.4
WETLANDS/UPLANDS MAP

PLEASE REFER TO EXHIBIT IV.C.1

MIROMAR LAKES
Exhibit III -C
Narrative Regarding Request

Lee County approved the Miromar Lakes development in 1999. Since that date the applicant has completed his detailed planning and permitting process for the approved development and has commenced with the development. The golf course, including the cart path overpass on Ben Hill Griffin Parkway is in place. The first of the residential units are constructed and work is underway on additional residential units and their requisite infrastructure. The Miromar Lakes Community Development District is in place and significant improvements have been made to the restoration of the Stewart Slough.

The current proposal incorporated an additional 500 acres into the existing Miromar Lakes development. This additional property is located south and east of the existing development and wraps around the southeast of Florida Gulf Coast University. Included in this property are additional residential, golf course, water management lake and conservation acreage. The following table illustrates the changes in land use acreages.

Miromar Lakes DRI			
Land Use	Approved Acreage	Proposed Acreage	Change
RESIDENTIAL	760	1,020	+260
COMMERCIAL/OFFICE/HOTEL	114	114	no change
LAKE/MISCELLANEOUS.	211	312	+101
RECREATION/BUFFERS			
CONSERVATION AREAS	186	325	+139

The changes in the residential and recreational acreages reflect the additional of another 18 hole golf course and residential tracts. Changes to the Conservation Areas are significant. The pieces of the Stewart Cypress Slough, which were previously discussed as potential for restoration, have been designated as "Conservation Area". When put together with the Gulf Coast Town Center part of the slough, the positive contribution to environmental protection and enhancement is significant. An additional feature within the new part of Miromar Lakes is a "hydro-wildlife interconnect" which crosses the existing Florida Rock Industries haul road and connects that part of the Stewart Cypress Slough within the Miromar Lakes property to the northeast.

Although the project is adding a total of approximately 500 acres, no additional residential units or commercial use is requested. Both before and after the proposed amendments the project will have a maximum of 2,600 units, 250,000

sq. ft. of retail commercial, 450 hotel rooms, 340,000 sq. ft. of office and 40,000 sq. ft. of research and development.

A few other changes have been made to the current approval. Most of these are details required by the passing of time. Regulations have changed and the developer has completed detailed marketing, planning and engineering studies of the subject property. These changes fall into a few categories:

- Two changes have been made to the C-1 commercial parcels. The commercial parcel across from the entrance to Florida Gulf Coast University has been reconfigured to reflect the construction of the water management lakes within the abutting golf course. The small commercial parcel on the east side of Ben Hill Griffin Parkway has been reconfigured to reflect the final wetland lines. No change was made to the total commercial acreage within the project.
- Another minor change resulting from the final wetland lines was made to the small residential parcel located at FGCU's northerly entrance.

It should be noted that no changes have been made to the configuration of the Conservation Areas included in the previous approvals.

Some of the amendments relate both to the existing development and to the new property:

- Adjustments have been made to the access points on Ben Hill Griffin Parkway, in consultation with Lee County DOT, to bring them into compliance with the approved access management plan.
- The uses at the beach club have been segregated and some of the boating uses shifted to the boat club. In conjunction with that change, some of the previously approved boat docks have been adjusted to provide for dry storage at the new boat club. It should be noted that this boat club, as the beach club, is designed for the use by the Miromar Lakes residents and their guests. They both support the residential community.

Finally, additional residential acreage, 18 holes of golf, an additional golf club and maintenance area have been provided in the 500 acres. The new property also includes a conceptual potential future connection for Florida Gulf Coast University to the east. With all of the commitments regarding the Stewart Cypress Slough, there is no other window for this connection. Providing for the potential of this roadway corridor some time in the future is done as a service to the university.

DRI 2001-00004

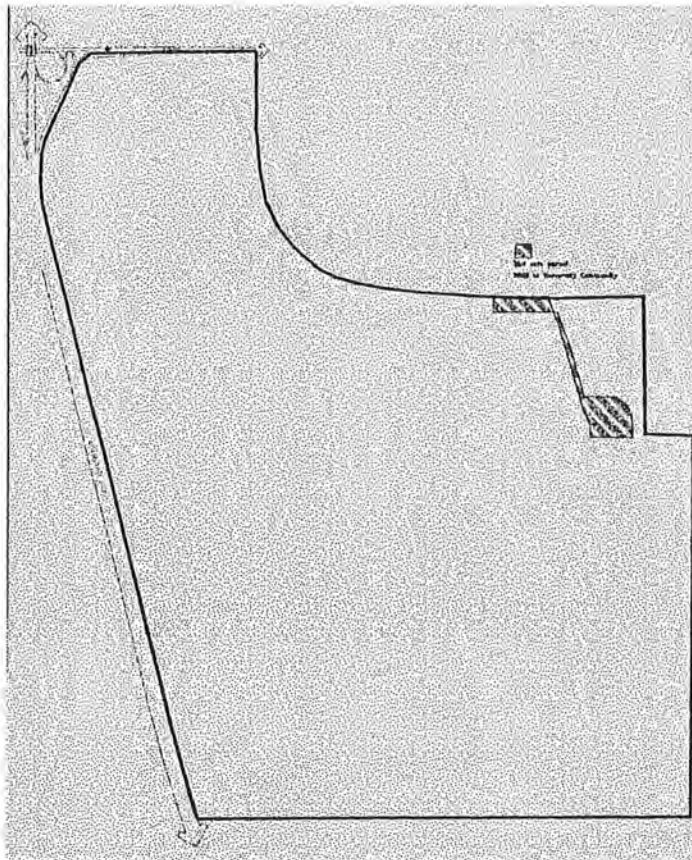
MEMORANDUM

TO: Lee County Local Planning Agency
FROM: Carron Day, Planning Manager
DATE: 14 November 2002
SUBJECT: Miromar Lakes Comprehensive Plan Amendment

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COMMUNITY DEVELOPMENT

This 24 acre Comprehensive Plan Amendment (reduced from 28.6 acres) is one piece of a three-part Lee County approval process. We have submitted a zoning request – to add 500 acres (which includes this property) to the existing Miromar Lakes Planned Development and a request to modify the existing Miromar Lakes DRI to include the expanded area. Those applications are waiting approval of this proposed amendment before they can proceed.



In 1992 the Board of County Commissioners included this 24-acre property in the University Community land use category. The inserted exhibit shows the relationship between this request and the original University Community limits. This acreage was well inside the approved boundaries for the University Community.

In 1993 the Conceptual Master Plan mentioned on page 8 of 25 for the University Community was developed by the property owner, Alico, Inc. Through that Plan, Alico, Inc., requested that Lee County reconfigure the University Community boundary because of Florida Rock's concern that this designation might impede their on-going mining operation. No staff or county analysis or initiative lead to the DR/GR designation.

The history of this property clearly distinguishes it from other DR/GR property.

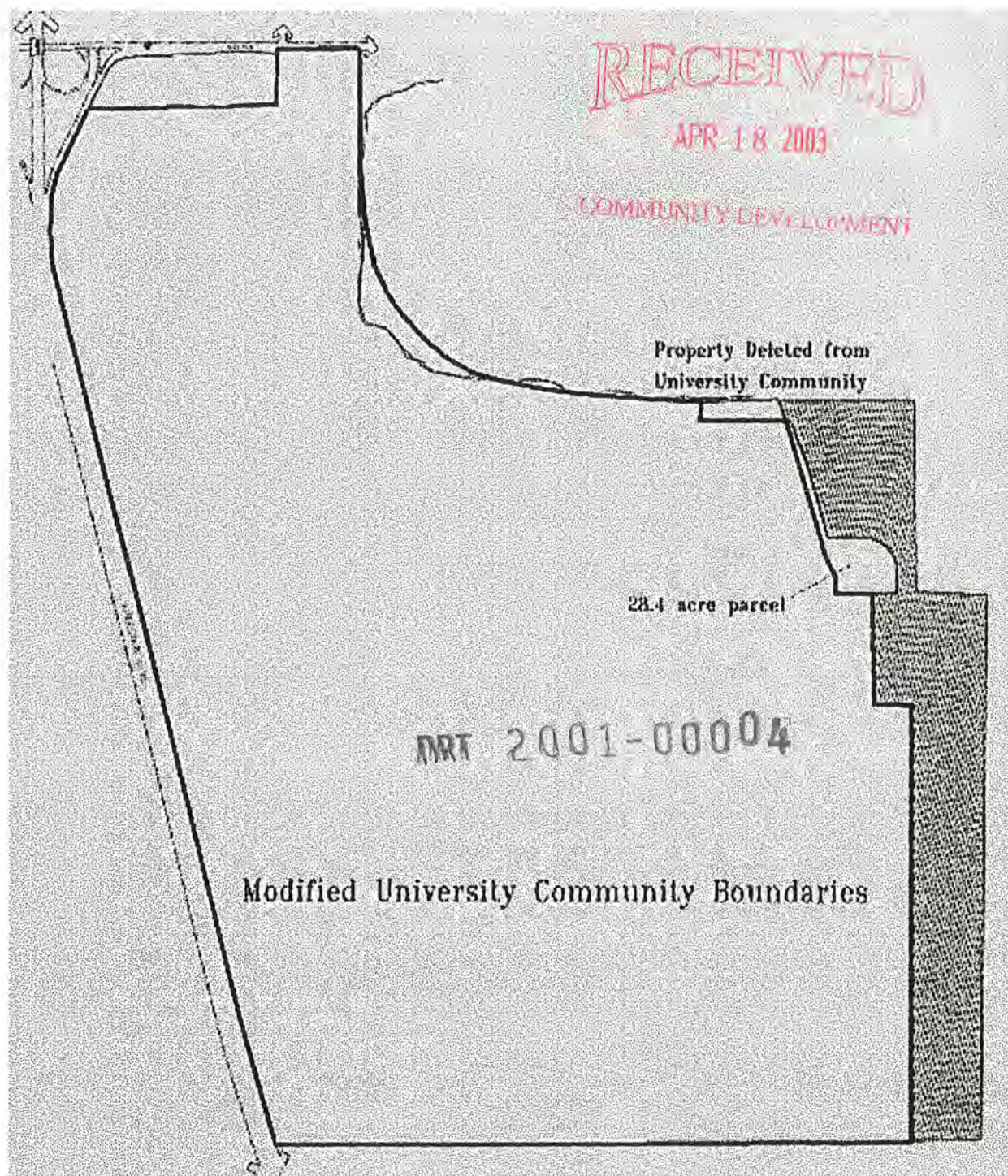
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APR 18 2003 Page 2



DRI 2001-00004

Original University Community Boundary



The existing Miromar Lakes development has already been found by the Board to be consistent with the University Community land use category, to "enhance the university". This small 24 acre property is an integral part of that same existing Miromar Lakes development. No additional units or uses are requested as a result of this change. Moving a few already-approved buildings into this area does not make the project any less related to or less enhancing of the university. The potential future university eastern access through this property, as shown on Map H, certainly enhances and supports the university.

- The piece along the lake to the north separates the rest of the Miromar Lakes development from the northerly lake. That property was cut out of the University Community in 1993 because Florida Rock was stockpiling material there then. That operation was stopped when the university opened.
- The piece to the south connects the rest of the Miromar Lakes development to the small piece of University Community to its west and south of the lake that we have proposed for a small Boat Club and a residential area which is already in the University Community. Map H shows the line of demarcation. These uses are compatible with the university's Alico Arena and playing fields in the area and proposed for the area in the future.

The colored aerial photograph depicts the applicant's revised request. The vegetated area at the property's southeastern corner is hatched in yellow. Our biologists classified this area as 3.81 acres of FLUCCS 621 cypress, cypress-pine-cabbage palm mix and hydric pine. Approximately 36% is exotics. We have approval from the Water Management District to remove that wetland. It should be noted that the Lee Plan does not currently designate this property as wetland, but staff now believes that it should be reclassified from DR/GR to wetland. In an effort to move things along and reduce the issues of concern, the applicant has agreed to withdraw the request to change this vegetated area from DR/GR to University Community.

The applicant also agreed to remove the haul road east of the vegetated area from the request. The staff believes that use of the haul road is inconsistent with the University Community. Again, we do not agree with the staff assessment about the haul road but to move the application along and put it in a more favorable light, we agreed to delete this segment of the haul road from our request. The requested amendment is now approximately 24 acres in size.

We believe that with these two changes:

- There is no longer a concern about the wetland and therefore based on the staff analysis there should be no concern about flowways, groundwater, surface water management and urban sprawl.
- There is no longer a concern about the haul road and therefore no concern about protecting mining and potential 951 alternatives

Policy 2.4.3

Says that the County will **discourage** future land use map amendments to this area (p 13 of 25) With all of the delays we have experienced and with the staff's 25 pages of objections, we certainly have been "discouraged". The policy also goes on to say – that any applicant seeking such amendment must do four things. This is not an absolute prohibition – a process is in place to address these requests. We must:

1. analyze the proposed allowable land uses to determine the availability of irrigation and domestic water sources.
2. identify potential irrigation and domestic water sources.
3. Present data and analysis that the proposed land uses will not cause any significant harm to present and future public water resources.

We have done that in our submittals. Everything we have heard from water resources people in the county indicate that they do not see this application as a water resources issue. We have addressed their wetland issues.

4. supply data and analysis specifically addressing urban sprawl. Let me address that briefly.

On page 15 the staff points to the "cypress dome" as being our #1 problem with urban sprawl. We have addressed that by deleting the wetland from our request.

Then they talk about infrastructure and agree at the bottom of the page that "the proposal will not incur any increases over what is currently available. Their only concern is the impact on 951 by putting the haul road into the University Community and that is no longer a problem since we have pulled the haul road out of our request.

The mass transit, utilities and school impacts will be addressed in the DRI review. Again, it needs to be noted that Miromar Lakes is not asking to increase the number of units in its DRI so there will be no different school impacts than those already examined.

At our meeting with staff on Tuesday the staff mentioned that changing this parcel would be setting a precedent for the proposed land use map change on the 5,400 acres to the east. We assured them that the application for the 5,400 acres would not be based on these now 24 acres. I even offered to obtain statements from that property owner and applicant if that would help the staff stop worrying. Characterizing this as a "dangerous" precedent is ludicrous.

Amendment to Map 16

All of the University Community land use category is in the San Carlos Park Planning District but these 24 acres are not in that Planning District because east of I-75 the San Carlos Park District follows the University Community boundary. We have amended our request to add a request to modify Map 16 to include this property in San Carlos Park Planning.



Lee County Board of County Commissioners
 Department of Community Development
 Division of Planning
 Post Office Box 398
 Fort Myers, FL 33902-0398
 Telephone: (941) 479-8585
 FAX: (941) 479-8519

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D: 5-10-01

REC'D BY: A

APPLICATION FEE: 500.00

TIDEMARK NO: CPA 2001-00003

THE FOLLOWING VERIFIED:

Zoning



Commissioner District



Designation on FLUM



(To be completed by Planning Staff)

Plan Amendment Cycle: ☐ Normal ☐ Small Scale ☐ DRI ☐ Emergency

Request No: _____

APPLICANT PLEASE NOTE:

Answer all questions completely and accurately. Please print or type responses. If additional space is needed, number and attach additional sheets. The total number of sheets in your application is: _____

Submit 6 copies of the complete application and amendment support documentation, including maps, to the Lee County Division of Planning. Additional copies may be required for Local Planning Agency, Board of County Commissioners hearings and the Department of Community Affairs' packages.

I, the undersigned owner or authorized representative, hereby submit this application and the attached amendment support documentation. The information and documents provided are complete and accurate to the best of my knowledge.

DATE

SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

Jerry Schmoyer, Vice President;

Miromar Development Corp.; a Florida

Managing Member; Miromar Lakes LLC

I. APPLICANT/AGENT/OWNER INFORMATION

**Miromar Development Corporation, a Florida Corporation;
Managing Member; Miromar Lakes L.L.C.**

APPLICANT
Bernwood Courtyard, 24810 Burnt Pine Drive

ADDRESS
Naples **Florida** **34134**

CITY STATE ZIP
941-948-3666 **941-948-3667**

TELEPHONE NUMBER FAX NUMBER

~~Florida Land Planning, Inc.~~ **Neale Montgomery, Esquire**

AGENT* AGENT*
~~1560 Matthew Drive, Suite E~~ **1833 Hendry Street, PO Dwr 1507**

ADDRESS ADDRESS
~~Fort Myers, Florida 33907-1701~~ **Fort Myers, Florida 33902-1507**

CITY STATE ZIP CITY STATE ZIP
~~Ph 941-278-5222 Fx 278-4466~~ **Ph 941-336-6235 Fx 332-2243**

TELEPHONE & FAX NUMBER TELEPHONE & FAX NUMBER

Miromar Lakes L.L.C.

OWNER(s) OF RECORD
Bernwood Courtyard, 24810 Burnt Pine Drive

ADDRESS
Naples **Florida** **34134**

CITY STATE ZIP
941-948-3666 **941-948-3667**

TELEPHONE NUMBER FAX NUMBER

Name, address and qualification of additional planners, architects, engineers, environmental consultants, and other professionals providing information contained in this application.

* This will be the person contacted for all business relative to the application.

II. REQUESTED CHANGE (Please see Item 1 for Fee Schedule)

A. TYPE: (Check appropriate type)

☐ Text Amendment

☐ Future Land Use Map Series Amendment
(Maps 1 thru 19)

List Number(s) of Map(s) to be amended
Map 1

B. SUMMARY OF REQUEST (Brief explanation and justification):

This request is for a future land use map change from Density Reduction/Groundwater Resource to University Community and Wetland. This property was originally proposed to be included in the University Community district. See supporting documentation dated May 5, 2001.

III. PROPERTY SIZE AND LOCATION (for map amendments only)

A. Property Location:

1. Site Address: **N/A**
2. STRAP(s): **13-46-25-00-00001.0060 & 12-46-25-00-00001.0010**

B. Property Information

Total Acreage of Property: ~~+/- 28.44~~ 25.43 acres

Total Acreage included in Request: ~~+/- 28.44~~ 20.98 acres for University Community and 4.45 acres of Wetlands

Area of each Existing Future Land Use Category:

Total Uplands: ~~+/- 19.45~~ 20.98 acres

Total Wetlands: ~~+/- 8.99~~ 4.45 acres

Current Zoning: **AG-2**

Current Future Land Use Designation: **Density Reduction/Groundwater Resource**

Existing Land Use: **Vacant**

C. State if the subject property is located in one of the following areas and if so how does the proposed change effect the area: **N/A**

An area of Critical State Concern: _____

Acquisition Area: _____

Joint Planning Agreement Area (*adjoining other jurisdictional lands*): _____

Community Redevelopment Area: _____

D. Proposed change for the Subject Property: **reclassify as University Community and Wetland.**

E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density **2 d.u. @ 1 d.u./10 acres**

Commercial intensity **N/A**

Industrial intensity **N/A**

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density **~~74~~ 52 d.u. @ 2.5 d.u./10 acres**

Commercial intensity **~~284,400~~ 208,800 sq. ft. @ 10,000 sq. ft./acre**

Industrial intensity **~~284,400~~ 208,800 sq. ft. @ 10,000 sq. ft./acre**

IV. AMENDMENT SUPPORT DOCUMENTATION

At a minimum, the application shall include the following support data and analysis. These items are based on comprehensive plan amendment submittal requirements of the State of Florida, Department of Community Affairs, and policies contained in the Lee County Comprehensive Plan. Support documentation provided by the applicant will be used by staff as a basis for evaluating this request. To assist in the preparation of transmittal documents to the State, the applicant is encouraged to provide all data and analysis on a 3.5" or 5.25" MS-DOS Disk in either ASCII or WordPerfect 5.1/6.1.

A. General Information and Maps

NOTE: For each map submitted, the applicant will be required to provide a reduced map (8.5" x 11") for inclusion in public hearing packets.

*** ONLY pertains to a Future Land Use Map amendment**

1. Provide any proposed text changes.

2.* Provide a Future Land Use Map showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.

3.* Map and describe existing land uses (not designations) of the subject property and surrounding properties.

4.* Map and describe existing zoning of the subject property and surrounding properties.

See enclosed map labeled “Exhibit IV.A.2., IV.A.2. & IV.A.4.”.

5. The legal description(s) for the property subject to the requested change.

See enclosed legal descriptions and sketches labeled “Exhibit IV.A.5.”.

6. A copy of the deed(s) for the property subject to the requested change.

See enclosed “Exhibit IV.A.6.”.

7. An aerial map showing the subject property and surrounding properties.

See enclosed map labeled “Exhibit IV.A.7.”.

8. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner.

B. Public Facilities Impacts **See enclosed “Exhibit IV.B”**

NOTE: The applicant must calculate public facilities impacts based on a maximum development scenario (see Part II.H.).

1. Traffic Circulation Analysis

The analysis is intended to determine the effect of the land use change on the Financially Feasible Transportation Plan/Map 3A (20-year horizon) and on the Capital Improvements Element (5-year horizon). Toward that end, an applicant must submit the following information:

Long Range – 20-year Horizon:

- a. Working with Planning Division staff, identify the traffic analysis zone (TAZ) or zones that the subject property is in and the socio-economic data forecasts for that zone or zones;
- b. Determine whether the requested change requires a modification to the socio-economic data forecasts for the host zone or zones. The land uses for the proposed change should be expressed in the same format as the socio-economic forecasts (number of units by type/number of employees by type/etc.);
- c. If no modification of the forecasts is required, then no further analysis for the long range horizon is necessary. If modification is required, make the change and provide to Planning Division staff, for forwarding to DOT staff. DOT staff will rerun the FSUTMS model on the current adopted Financially Feasible Plan network and determine whether network modifications are necessary, based on a review of projected roadway conditions within a 3-mile radius of the site;
- d. If no modifications to the network are required, then no further analysis for the long range horizon is necessary. If modifications are necessary, DOT staff will determine the scope and cost of those modifications and the effect on the financial feasibility of the plan;
- e. An inability to accommodate the necessary modifications within the financially feasible limits of the plan will be a basis for denial of the requested land use change;
- f. If the proposal is based on a specific development plan, then the site plan should indicate how facilities from the current adopted Financially Feasible Plan and/or the Official Trafficways Map will be accommodated.

Short Range – 5-year CIP horizon:

- a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediated development plan, identify the existing roadways serving the site and within a 3-mile radius (indicate laneage, functional classification, current LOS, and LOS standard);
 - b. Identify the major road improvements within the 3-mile study area funded through the construction phase in adopted CIP's (County or Cities) and the State's adopted Five-Year Work Program;
 - c. Projected 2020 LOS under proposed designation (calculate anticipated number of trips and distribution on roadway network, and identify resulting changes to the projected LOS);
 - d. For the five-year horizon, identify the projected roadway conditions (volumes and levels of service) on the roads within the 3-mile study area with the programmed improvements in place, with and without the proposed development project. A methodology meeting with DOT staff prior to submittal is required to reach agreement on the projection methodology;
 - e. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.
2. Provide an existing and future conditions analysis for:
 - a. Sanitary Sewer
 - b. Potable Water
 - c. Surface Water/Drainage Basins
 - d. Parks, Recreation, and Open Space.

Analysis should include (but is not limited to) the following:

- Franchise Area, Basin, or District in which the property is located;
 - Current LOS, and LOS standard of facilities serving the site;
 - Projected 2020 LOS under existing designation;
 - Projected 2020 LOS under proposed designation;
 - Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements; and
 - Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (state if these revisions are included in this amendment).
3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including:
 - a. Fire protection with adequate response times;
 - b. Emergency medical service (EMS) provisions;
 - c. Law enforcement;
 - d. Solid Waste;
 - e. Mass Transit; and
 - f. Schools.

In reference to above, the applicant should supply the responding agency with the information from Section's II and III for their evaluation. This application should include the applicant's correspondence to the responding agency.

C. Environmental Impacts

Provide an overall analysis of the character of the subject property and surrounding properties, and assess the site's suitability for the proposed use upon the following:

1. A map of the Plant Communities as defined by the Florida Land Use Cover and Classification system (FLUCCS).
See enclosed map labeled "Exhibit IV.A.7."
2. A map and description of the soils found on the property (identify the source of the information).
3. A topographic map with property boundaries and 100-year flood prone areas indicated (as identified by FEMA).
4. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.
5. A table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, state or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as FLUCCS map).

D. Impacts on Historic Resources

List all historic resources (including structure, districts, and/or archeologically sensitive areas) and provide an analysis of the proposed change's impact on these resources. The following should be included with the analysis:

1. A map of any historic districts and/or sites, listed on the Florida Master Site File, which are located on the subject property or adjacent properties.
2. A map showing the subject property location on the archeological sensitivity map for Lee County.

E. Internal Consistency with the Lee Plan

1. Discuss how the proposal affects established Lee County population projections, Table 1(b) (Planning Community Year 2020 Allocations), and the total population capacity of the Lee Plan Future Land Use Map.
2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.
3. Describe how the proposal affects adjacent local governments and their comprehensive plans.
4. List State Policy Plan and Regional Policy Plan goals and policies which are relevant to this plan amendment.

F. Additional Requirements for Specific Future Land Use Amendments

1. Requests involving Industrial and/or categories targeted by the Lee Plan as employment centers (to or from) **N/A**

- a. State whether the site is accessible to arterial roadways, rail lines, and cargo airport terminals,
- b. Provide data and analysis required by Policy 2.4.4,
- c. The affect of the proposed change on county's industrial employment goal specifically policy 7.1.4.

2. Requests moving lands from a Non-Urban Area to a Future Urban Area: Demonstrate why the proposed change does not constitute Urban Sprawl. Indicators of sprawl may include, but are not limited to: low-intensity, low-density, or single-use development; 'leap-frog' type development; radial, strip, isolated or ribbon pattern type development; a failure to protect or conserve natural resources or agricultural land; limited accessibility; the loss of large amounts of functional open space; and the installation of costly and duplicative infrastructure when opportunities for infill and redevelopment exist.

See enclosed statements labeled "Exhibits IV.F.2.a, IV.F.3, IV.F.4. & IV.G."

3. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.

See enclosed statements labeled "Exhibits IV.F.2.a, IV.F.3, IV.F.4. & IV.G."

4. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.

See enclosed statements labeled "Exhibits IV.F.2.a, IV.F.3, IV.F.4. & IV.G."

G. Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis.

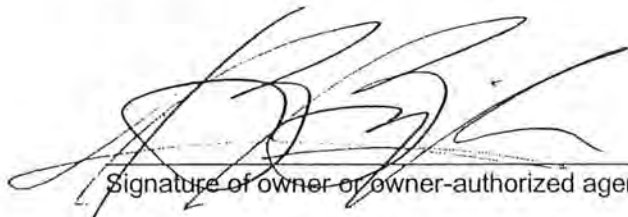
See enclosed statements labeled "Exhibits IV.F.2.a, IV.F.3, IV.F.4. & IV.G."

Item 1: Fee Schedule

Map Amendment Flat Fee	\$500.00 each
Map Amendment > 20 Acres	\$500.00 and \$20.00 per 10 acres up to a maximum of \$2,255.00
Text Amendment Flat Fee	\$1,250.00 each

AFFIDAVIT

I, A. Brian Bigelow, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.



Signature of owner or owner-authorized agent

DRI 2001-00004

May 7, 2001

Date

A. Brian Bigelow, Senior Planner; Florida Land Planning, Inc.

Typed or printed name

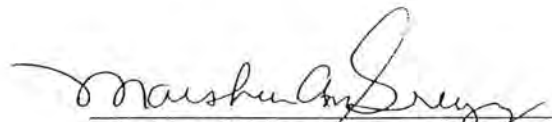
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COMMUNITY DEVELOPMENT

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 24th day of May 2001, by A BRIAN BIGELOW, who is personally known to me or who has produced who is personally known to me as identification.

(SEAL)




Signature of notary public

MARSHA ANN GREGORY
Printed name of notary public

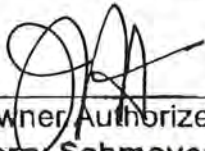
LETTER OF AUTHORIZATION
to LEE COUNTY PLANNING DEPARTMENT
for a Comprehensive Plan Map Amendment Application

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record or an Authorized Agent with permission to bind the owner with regards to the application being submitted for the property commonly known as:

Miromar Lakes

and legally described herein.

The property described herein is the subject of an application for development approval. We hereby designate **Florida Land Planning, Inc. and Neale Montgomery, Esquire** as the legal representatives of the property and as such, these individuals are authorized to legally bind all owners of the property in the course of seeking the necessary approvals. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain this amendments approval.



Owner/Authorized Agent (signature)

Jerry Schroyer, Vice President

Miromar Development Corporation, a Florida Corporation; Managing Member;

Printed Name

Miromar Lakes LLC.

DRI 2001-00004

STATE OF FLORIDA)
COUNTY OF LEE)

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COMMUNITY DEVELOPMENT

PERMIT COUNTER

Sworn to (or affirmed) and subscribed before me this 19th day of December, 20 00,
by Jerry Schroyer, who is (are) personally known to me
or who has produced _____ as identification.

(SEAL)



Judith M Seale
My Commission CC970854
Expires September 27 2004

Judith M Seale
Notary Public (signature)

Judith M. Seale
(Name typed, printed or stamped)

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PLANNING DIVISION



LEE COUNTY
SOUTHWEST FLORIDA

MEMORANDUM

To: A. Brian Bigelow, Senior Planner

From: Gloria M. Sajgo, AICP, Principal Planner, (941 479 8311 sajgogm@leegov.com) *MS*

Subject: Miromar Lakes (staff review for proposed Comprehensive Plan Amendment)

Date: December 15, 2000

The two subject parcels in Miromar Lakes (28+/- acres and 9.14+/- acres) are in an area that will require the issuance of the Certificate to Dig prior to obtaining a Development Order. Due to the location of these parcels the Certificate to Dig will require that a professional archaeologist conduct an archaeological survey of both parcels and prepare an archaeological survey report with recommendations. Depending on the recommendations of that survey report there could be further conditions or requirements imposed on the properties.

Attachment: Legal descriptions of the subject parcels.

Copy: Paul O'Connor, AICP, Planning Division Director
Matt Noble, AICP, Principal Planner

S:/historic/archsurveys/miromar

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MAY 10 2001

PERMIT COUNTER

Miromar Development Inc.
24870 Burnt Pine Drive, Suite 4
Bonita Springs, FL 34134

**A Hydrogeologic Evaluation of the 28.4 Acre
Parcel in the Vicinity of the Miromar Lakes DRI
for Comprehensive Plan Amendment**

January 2002

*Technical
Memorandum*

Miromar Development Inc.
24870 Burnt Pine Drive, Suite 4
Bonita Springs, FL 34134

A Hydrogeologic Evaluation of the 28.4 Acre
Parcel in the Vicinity of the Miromar Lakes DRI
for Comprehensive Plan Amendment

January 2002

Technical Memorandum

Miromar Development Inc.
24870 Burnt Pine Drive, Suite 4
Bonita Springs, FL 34134

**A Hydrogeologic Evaluation of the 28.4 Acre
Parcel in the Vicinity of the Miromar Lakes DRI
for Comprehensive Plan Amendment**

January 2002

Gordon P. Kennedy

Gordon P. Kennedy, P.G.
Florida Professional Geologist No. 1346



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Section 2	Recharge Potential
Section 3	Future Public Supply Wellfield Potential
Section 4	Summary
Section 5	References

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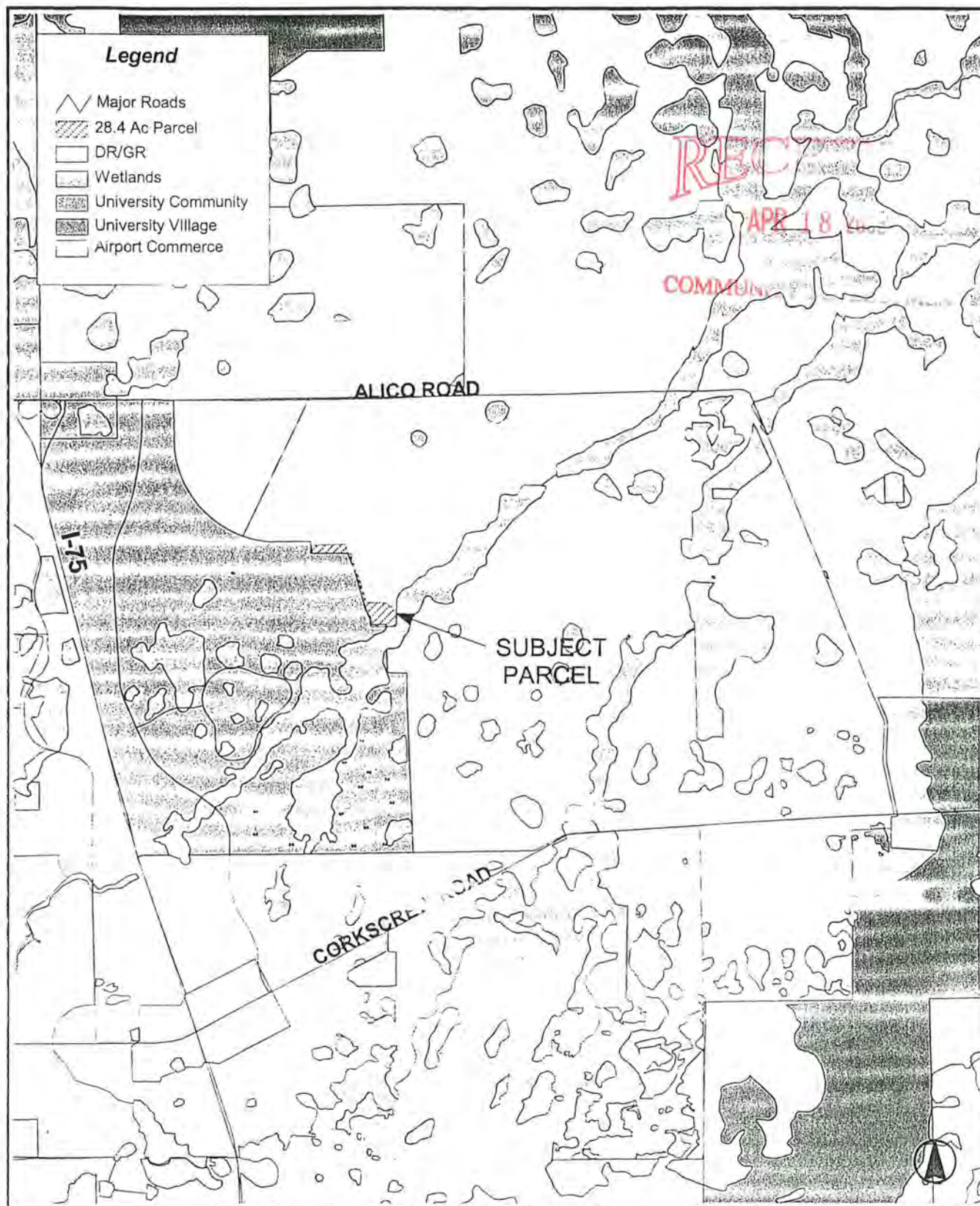
Table 1	Existing Consumptive Use Permits in Vicinity of 28.4-Acre Parcel	8
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Section 1

Introduction

CDM Missimer was retained by Miromar Development Inc., to provide a summary of the hydrologic conditions on the subject parcel relating to the current Density Reduction/Groundwater Resource (DR/GR) designation. The owner is requesting to amend the Lee County Comprehensive Plan (Lee Plan) to change the subject 28.4-acre parcel from the Density Reduction/Groundwater Resource (DR/GR) category to University Community. The parcel is located in Sections 12 and 13, Township 46 South, Range 25 East, and in Section 18, Township 46 South, Range 26 East in Lee County, Florida. The location of the 28.4-acre parcel on the Lee Plan Future Land Use Map (FLUM) is shown in **Figure 1**. The parcel is located at the western boundary of the DR/GR classification and adjacent to the University Community classification.

The Density Reduction/Groundwater Resource land use classification was developed to protect sites for future development of public supply wellfields and to protect lands identified as areas of substantial recharge. Policy 1.4.5 of the Lee Plan, defines DR/GR areas as "upland areas that provide substantial recharge to aquifers most suitable for future wellfield development. These areas also are the most favorable locations for physical withdrawal of water from those aquifers." An extensive evaluation of the Alico properties for the DR/GR land use category was previously performed by Missimer & Associates, Inc. (1991). This evaluation focuses on DR/GR issues relative to the 28.4-acre parcel and specifically addresses the two DR/GR criteria as they relate to the site.



(modified from Lee County Future Land Use Map 2001)



0.5 0 0.5 1 1.5 2 2.5 3 3.5 4 4.5 5 5.5 6 6.5 7 7.5 8 8.5 9 9.5 10

Section 2

Recharge Potential

The recharge potential on the 28.4 acre parcel is considered relatively low because of proximity to discharge features and because of likely low infiltration capacity due to manmade alterations and soil characteristics. An extensive evaluation conducted previously on the 11,000 acre Alico properties, which includes the subject parcel, determined that most of Lee County is not a true recharge area (Missimer and Associates, Inc., 1991). The evaluation provided a summary of the geology and hydrogeology of the area, along with a detailed discussion on the historical development of the concept of aquifer recharge (Pages 42 – 52).

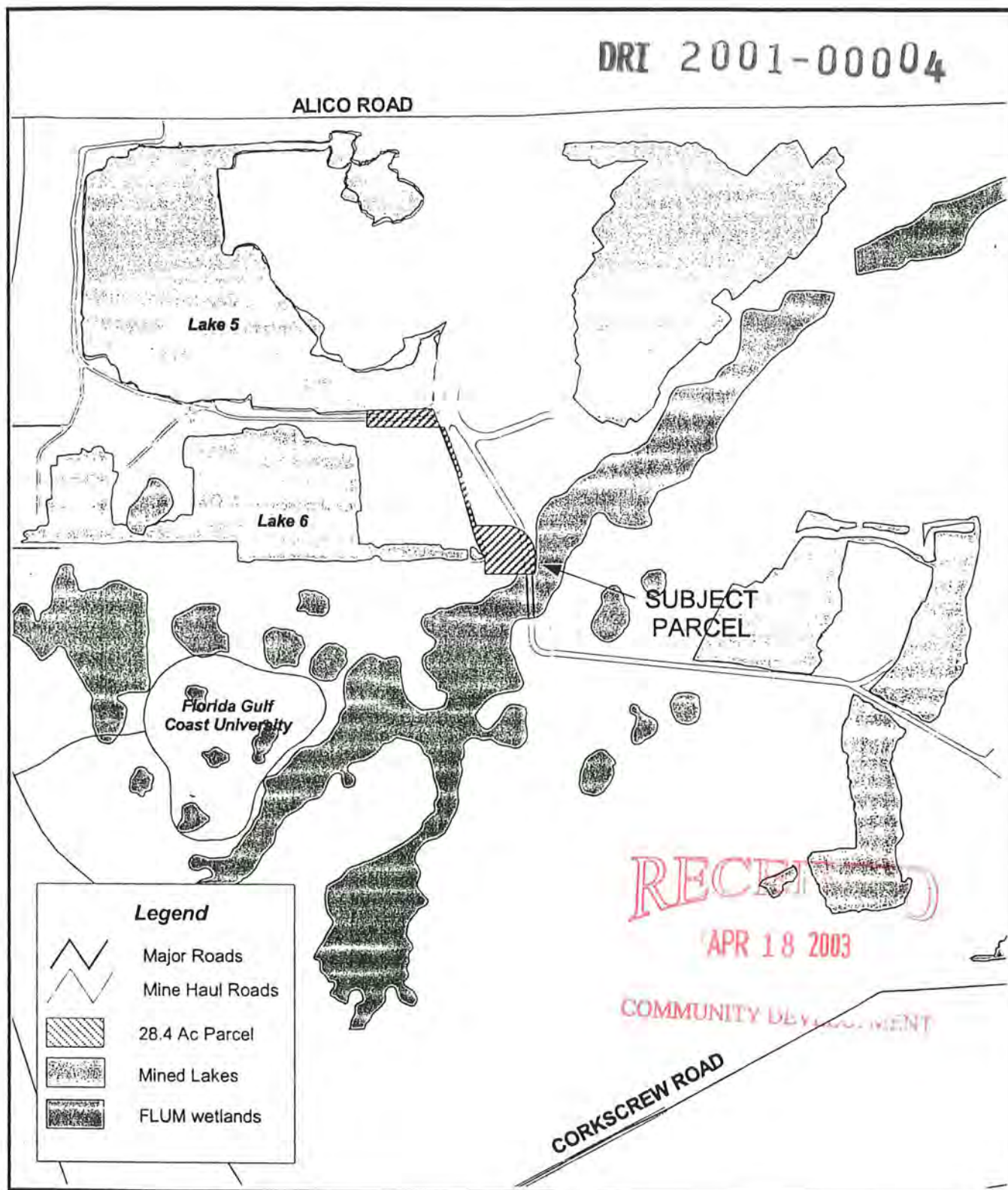
Discharge areas, the opposite of recharge areas, are hydrologic features where groundwater is discharged to the surface, or away from the surficial aquifer. A map showing the location of discharge features in proximity to the subject parcel is provided in **Figure 2**. In a discharge area, there is a component to the direction of groundwater flow near the surface that is upward. In a discharge area, the water table is usually at or very near land surface; in a recharge area it usually lies at some depth below it (Freeze & Cherry, 1979).

Discharge features occurring on the parcel include large lakes and regional wetland sloughs. The 28.4-acre parcel is located adjacent to several large manmade lakes that resulted from rock mining operations by Florida Rock Industries, and currently operated by CS Rinker. Large, permanent lakes are almost always discharge areas for regional groundwater systems (Freeze & Cherry, 1979).

The southeast area of the subject parcel is bordered by a regional wetland slough named the Stewart Cypress Flowway. Although 58% of the SFWMD jurisdictional areas on-site have been altered by mining activities, 3.81 acres of wetland communities are identified as not directly disturbed on the parcel (WilsonMiller Inc., 2001). Subsection 373.019(17) Florida Statutes defines wetlands as follows:

"Wetlands" means those areas that are inundated or saturated by surface water or ground water at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils.

Since a wetland is firmly associated with inundated or saturated soil conditions, wetlands are by definition discharge areas. The proximity of the regional wetland feature (Stewart Cypress Flowway) to the 28.4-acre parcel indicates that the subject parcel is in a discharge area. Since wetlands in South Florida do not remain inundated with water on a year-round basis, the question can be raised whether wetlands might be recharge areas during part of the year. During dry periods when the water table falls below wetland and surface drainage features, the flow of groundwater tends to be directed toward the major



0.5 0 0.5 1 Miles

drainage features (Missimer and Associates, Inc., 1991). In other words, the flow direction is from upgradient areas to discharge areas.

The mining operations, most notably construction of haul roads, have also effected conditions which significantly decrease infiltration rates necessary for significant recharge to occur. Conditions that encourage a high infiltration rate include coarse soils, well-vegetated land, low soil moisture, and a topsoil layer made porous by insects and other burrowing animals, in addition to land-use practices that avoid soil compaction (Fetter, 1988). WilsonMiller Inc. (2001) has identified that 87% of the subject parcel has been disturbed by mining operations, including mine haul roads. Haul roads are comprised of lime rock and fill material compacted by years of traffic by the heavy rock mining vehicles.

The predominant soil type onsite identified by the NRCS soil survey of Lee County is Matlacha gravelly fine sand, a somewhat poorly drained soil formed by filling and earthmoving operations (WilsonMiller Inc., 2001). The soil compaction caused by heavy mining equipment traffic is expected to have further reduced the infiltration capacity of the soils on site.

In summary, the recharge potential on the subject parcel is considered relatively low for two reasons: 1) proximity to discharge features and 2) low infiltration capacity due to manmade alterations (haul roads) and presence of soils having relatively low percolation characteristics.

Section 3

Future Public Supply Wellfield Potential

The potential for the subject 28.4-acre parcel to be used for future public water supply wellfield development is seriously limited by:

- Competing consumptive use by adjacent existing legal users (ELU's),
- Limited supply available in water table and Sandstone aquifers without causing wetland impacts, and
- Water-table wells in close proximity to mine lakes would likely be under direct influence (UDI) of surface water.

The subject parcel is situated in an area that has very limited potential for permitting additional groundwater withdrawals. Based on the records available from the South Florida Water Management District, the parcel is surrounded by existing permitted water users.

A map showing the permitted users adjacent to the 28.4-acre parcel is provided in Figure 3. The map is modified from the SFWMD Geographical Information System (GIS) files available to the public, and shows the permit area covered, the permit number, and permit type. Additionally, Table 1 is provided which lists the nearby permits by number, permittee, water use type, and maximum day allocation by source aquifer. Where maximum day allocation is unavailable, the average day use is listed, or the source aquifer is identified with an unspecified allocation (NA).

The largest users immediately adjacent to the subject parcel are Alico Inc., Miromar Lakes, and Florida Gulf Coast University (FGCU). The nearest public water supply wellfields are Gulf Utilities San Carlos wellfield located 2 miles west of the site, and the Lee County Corkscrew wellfield, located approximately 3 miles southeast of the site. As shown in Table 1, the maximum day withdrawals currently allocated for permits located within 2 miles of the site are at least 16.8 mgd in the water-table aquifer, and 1.4 mgd in the Sandstone aquifer. In addition, the Lee County Corkscrew wellfield is permitted for a maximum day withdrawal of 11.4 mgd.

It should be noted that the Alico Inc. permit does encompass all or part of 13 Sections, but much of the pumpage is permitted for nearby farmfields located in Sections 17, 18 and 19 (Township 46 S, Range 26 E). Permitting of the agricultural withdrawals, and other irrigation permits, are based on irrigation method, acreage, soil type and other factors, and takes into account a portion of the irrigation water remaining on site, or being returned to the water table aquifer. In comparison, withdrawals for public water supplies do not remain on site and water use permit applications are evaluated using other criteria.

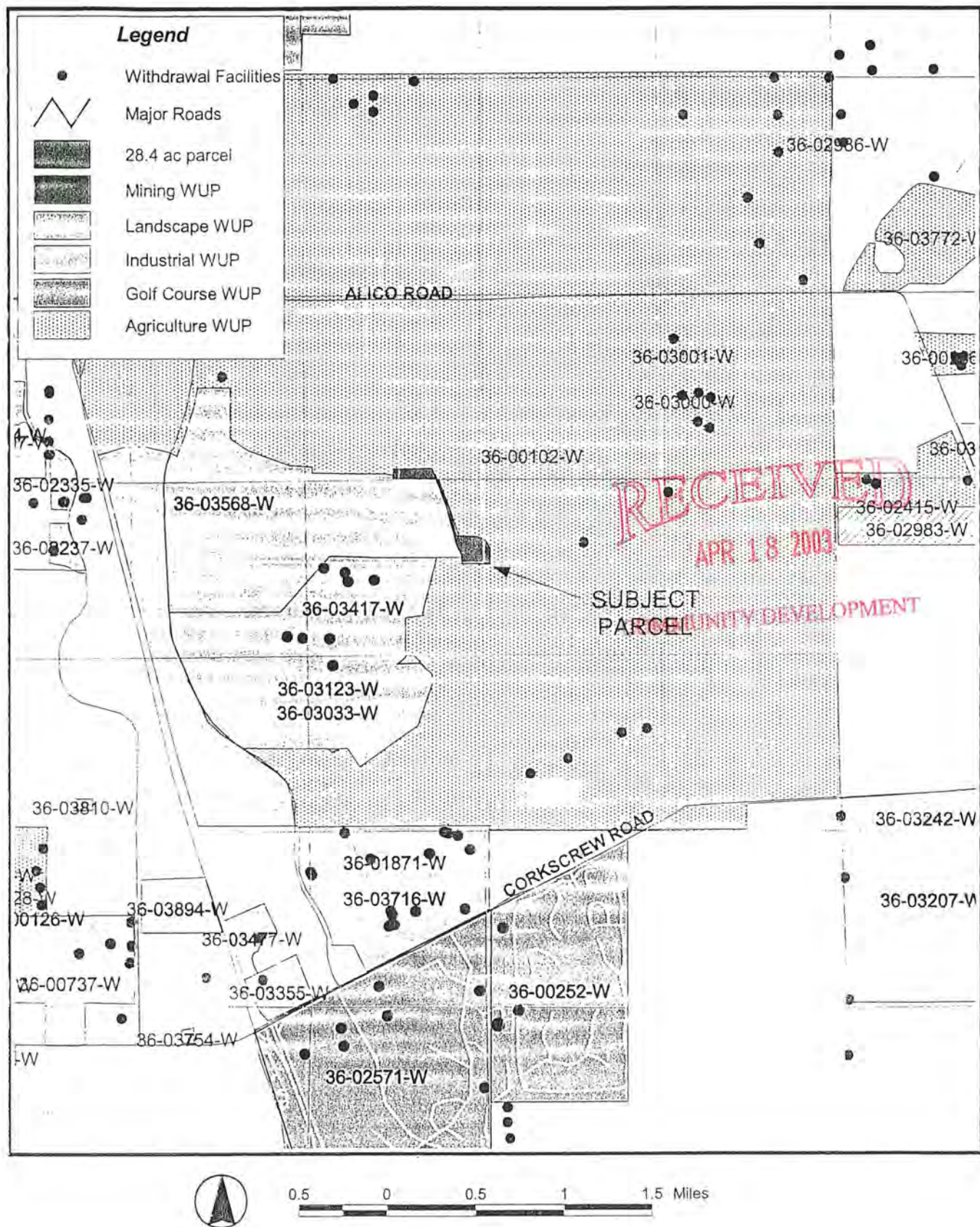


Figure 3
Existing Permitted Users in
Vicinity of 28.4 Ac Parcel

Table 1
Existing Consumptive Use Permits in Vicinity of 28.4 Acre Parcel

Permit No.	Permittee	Use	WTA Allocation (mgd)	SSA Allocation (mgd)	Comments
36-00003-W	Lee County Utilities	PWS	8.84 max day	2.56 max	11.4 max day Corkscrew field
36-00102-W	Alico Inc.	Agricultural	9.56 max day		
36-00122-W	Gulf Utilities	PWS	2.32 max day	5 wells back-up	Corkscrew wellfield
36-00122-W	Gulf Utilities	PWS	2.50 max day		San Carlos wellfield
36-00252-W	Wildcat Run	Golf	0.47 max day		
36-01451-W	Florida Rock Ind.	Industrial	0.015 avg day		
36-01871-W	Timberlands (Grande Oak)	Landscape	0.96 max day	0.24 max day	
36-02237-W	School Board of Lee County	Landscape	0.035 avg day		
36-02335-W	School Board of Lee County	Landscape	NA		
36-02415-W	Pacific Tomato Growers	Agricultural	0.382 avg day		
36-02571-W	Corkscrew Pines/ Stoneybrook	Landscape	1.0 max day		
36-03000-W	Pacific Tomato Growers	Agricultural		NA	
36-03001-W	Pacific Tomato Growers	Agricultural		NA	
36-03033-W	FGCU	Landscape		0.244 avg day 0.394 max day	

Table 1
Existing Consumptive Use Permits in Vicinity of 28.4 Acre Parcel
(Continued)

Permit No.	Permittee	Use	WTA Allocation (mgd)	SSA Allocation (mgd)	Comments
36-03055-W	FGCU	PWS		.0013 avg day	
36-03073-W	FGCU	Industrial		0.01 avg day	
36-03123-W	FGCU	Dewatering			
36-03355-W	Miromar Outlets	Landscape		0.066 max day	
36-03417-W	FGCU	PWS		NA	
36-03568-W	Miromar Lakes	Golf/ Landscape	1.92 max day		Phase 1 Irrigation

NA = Allocation not available

Based on the above noted allocations already permitted, it is unlikely that additional withdrawals for Public Water Supply could be permitted from the water-table aquifer without exceeding the 1-foot of drawdown wetland impact criteria. Recent hydraulic modeling indicates that withdrawals from Lake 6 adjacent to the 28.4-acre parcel would result in approximately 0.6 feet of drawdown in the lake under a 90-day, no recharge scenario (SFWMD Application No. 011105-18). Based on this scenario, very limited additional drawdown could be permitted by the District without exceeding the wetland impact criteria in the immediate vicinity of the 28.4-acre parcel.

The limited land area, narrow dimensions of the parcel, and close proximity to surface water bodies (Lakes 5 and 6) also raises another issue regarding potential siting of public supply wellfield facilities on the parcel. Water-table wells in close proximity to mine lakes would likely be under direct influence (UDI) of surface water. The Safe Drinking Water Act provides for increased filtration and disinfection requirements of groundwater under direct influence of surface water. At present, mining operations are limited to a 500-foot setback from public water supply wells in Lee County out of concern for this and other potential contaminant considerations. The parcel offers a very limited area for facilities placement that would not be subject to UDI scrutiny.

Section 4

Summary

From a hydrogeologic perspective, the subject 28.4-acre parcel does not qualify as an area of substantial recharge, and has severely limited potential as a location for a future public supply wellfield. As such, there is no technical basis for maintaining the subject parcel in the DR/GR land use category.

The parcel does not meet DR/GR criteria for the following reasons:

- The recharge potential on the subject parcel is considered relatively low because of the proximity to discharge features, specifically, large lakes and wetland flowways. Additionally, the recharge potential is limited by low infiltration capacity due to manmade alterations (haul roads) and presence of soils having relatively low percolation characteristics.
- The potential for future public water supply wellfield development is limited by competing water use by adjacent permitted users, by the limited water supply available without causing wetland impacts, and by the potential for water-table wells in close proximity to mine lakes to be under the direct influence (UDI) of surface water.

Section 5

References

Fetter, C.W. 1988. Applied Hydrogeology, Second Edition, Merrill Publishing Company, Columbus, OH, 592 pp.

Freeze, R.A. and Cherry, J.A. 1979. Groundwater, Prentice-Hall, Inc., Englewood Cliffs, N.J., 604 pp.

Missimer & Associates, Inc., 1991. A Hydrogeologic Evaluation of the Alico Properties for Recharge and Public Water Supply Potential, Lee County, Florida, Consultants Report prepared for Wilson, Miller, Barton, Soll & Peek, 83 pp.

WilsonMiller, Inc., 2001. Listed Wildlife and Plant Species Survey for Comprehensive Plan Amendment Parcel in the Vicinity of the Miromar Lakes DRI, Consultants Report prepared for Miromar Lakes, LLP, 8 pp.

June 17, 2002

Mr. Roland Ottolini, P.E.
Director
Lee County Natural Resources Management
1500 Monroe Street
Fort Myers, FL 33902-0398

Re: CPA 2001-03, 28.4 Acre Parcel near Miromar Lakes DRI

Dear Mr. Ottolini:

We are providing the following information regarding the above referenced Privately Initiated Lee Plan Future Land Use Amendment in response to your memo to Mr. Paul O'Connor dated March 20, 2002. For your convenience, the information requests are stated below in the numbered bold typeface comments.

1. ***Technical Memorandum by CDM, dated January 2002 appears to be a literature search with no specific data substantiating the recharge potential of the property. Furthermore, what will be the impacts to recharge due to increased impervious area due to increased density? Please provide water budget analysis.***

The subject Technical Memorandum (TM) was intended to provide Lee County staff with a qualitative assessment of how the subject parcel relates to the dual DR/GR issues of groundwater recharge and public water supply development. The TM provided site specific information on existing land use, soils, and proximity to discharge features, to demonstrate that the subject parcel does not have higher recharge potential than other areas of the county.

A qualitative approach was taken because of the limited amount of available site specific hydrologic data, such as rainfall, evaporation, etc., upon which to conduct a detailed quantitative evaluation. However, per Lee County staff's request, a water budget analysis is provided which uses available published regional or nearby data to determine the potential hydrologic effects of the proposed development.

Existing and Proposed Land Use

A summary of the environmental aspects of the subject parcel was provided previously in the report entitled "Listed Wildlife and Plant Species Survey for Comprehensive Plan Amendment Parcel in the Vicinity of the Miromar Lakes DRI"

Mr. Roland Ottolini, P.E.

June 17, 2002

Page 2

(WilsonMiller Inc., 2001). The report contains information on land use, soils, wildlife and vegetative communities, and provides an acreage breakdown using the Florida Land Use Cover and Forms Classification System (FLUCCS). A copy of the FLUCCS/Vegetative Association map from the report is attached as Exhibit 1. The FLUCCS code acreage breakdown was used as a basis to develop an existing land use summary of areas having similar hydrologic characteristics.

A summary of existing and proposed land uses for purposes of this assessment is provided in Exhibit 2. The existing acreage breakdown in Exhibit 2 was modified from the FLUCCS map by combining extractive disturbed areas and spoil areas into one category (extractive/spoil area), delineating the acreage of limerock roads onsite, and combining other acreage into hydrologic categories of wetlands (wet prairie, cypress, hydric pine flatwoods) and surface water (lake, ditches).

The proposed land use in Exhibit 2 was derived from the "Conceptual Drainage Basin #6 Addition" acreage information submitted by Hole Montes, Inc. to the South Florida Water Management District (SFWMD) in support of an application for an Environmental Resource Permit modification (SFWMD Application No. 010904-1). The size and configuration of the Basin #6 Addition (34.45 Ac) corresponds closely to the 28.4-acre parcel, with the exception of the Boat Club and minor residential and right-of-way (ROW) acreage which occur outside the 28.4-acre parcel boundary. The ERP modification was approved by the SFWMD Governing Board on June 13, 2002.

A comparison of the existing and proposed land uses shows that the impervious acreage on site is anticipated to increase by approximately 2 acres. The existing lime rock roads onsite comprise approximately 6 acres. The proposed impervious areas were estimated by assuming a 5% impervious area for open space/recreational, and assuming a 60% impervious area for residential and right-of-ways. Single-family homes are planned for the proposed residential areas.

Water Budget Analysis

A water budget analysis was developed to assess the potential changes in recharge resulting from the proposed land use change. The analysis was performed to consider the major factors affecting the occurrence of water within the hydrologic system. The components of the hydrologic system are graphically represented in Exhibit 3. The figure shows that most of the precipitation which falls on Lee County is returned to the atmosphere by evapotranspiration (Krulikos, 1995). A portion of the rainfall is lost to lakes, swamps and other lowlands by direct overland runoff and by groundwater seepage from the surficial aquifer. A small portion of the rainfall is retained in the surficial aquifer as recharge to the aquifer.

Mr. Roland Ottolini, P.E.
June 17, 2002
Page 3

The water balance for the water-table aquifer is represented by the following equation:

$$\text{Inflows} - \text{Outflows} = \text{Change in storage}$$

$$P + Q_{in} - (Q_{out} + L + SR + ET + W) = dS / dt$$

where,

P = precipitation,
 Q_{in} = groundwater inflow
 Q_{out} = groundwater outflow
 L = leakance from the water-table aquifer to the aquifer below
 SR = surface runoff
 ET = evapotranspiration
 W = consumptive withdrawals
 dS / dt = change in storage

The above equation can be simplified by considering only the components that may change appreciably as a result of the proposed land use changes. Groundwater components that are not considered to change appreciably include groundwater inflow and outflow, leakance, and consumptive withdrawals. There are no wells planned for the 28-acre parcel. The equation can be reduced to the following components.

$$P - (+SR + ET) = dS / dt$$

The components of the water budget along with results are discussed below.

Precipitation (P)

The average annual rainfall for a 58-year record at Page Field in Fort Myers, Florida is 54.2 inches (SFWMD, Lower West Coast Water Supply Plan, Appendix C). Total annual inflow from precipitation (P) onto the 28-acre parcel is assumed to be 41.8 million gallons, or 0.114 million gallons per day (mgd).

Evapotranspiration (ET)

Evapotranspiration (ET) is the combined process of evaporation from land and water surfaces, and transpiration from plants. In South Florida, ET ranges from 70 to 90 percent of annual rainfall (SFWMD, 2000). The SFWMD estimates an annual evapotranspiration of 46 inches per year for the Lehigh Acres area of Lee County

Mr. Roland Ottolini, P.E.

June 17, 2002

Page 4

(Smith and Adams, 1988), which is used for this evaluation. The evapotranspiration estimated for pervious areas of the existing and planned land use is listed in Exhibit 4.

Surface Runoff (SR)

Runoff is the fraction of precipitation that is discharged into stream channels, swamps or lakes. Surface runoff, or direct runoff, is that portion of rainfall that flows off the land surface without sinking into the soil. Groundwater runoff, also known as indirect runoff or seepage, occurs when water enters the soil before being discharged to streams, lakes, swamps or other lowlands. Estimates of runoff are normally calculated for short duration and peak storm events using standard engineering methods. Estimates of watershed runoff on an annual basis are typically based on stream gauging records. Stream gauge data are not available for the Estero River watershed, so published data for a nearby site in Lee County was used in this assessment. The surface runoff estimate of 7 inches per year noted for the Six Mile Cypress watershed (CDM, 1990) was used for pervious acreage, and 54 inches per year was used for impervious acreage. Surface runoff for existing and proposed land uses at the 28-acre parcel is listed in Exhibit 4.

Results & Discussion

A table listing the water budget components that are anticipated to be affected by land use changes at the subject parcel are listed in Exhibit 4. The proposed land use will result in an impervious area increase from approximately 6 to 8 acres, or a 2 acre increase. The land use change will result in a corresponding 2 acre decrease in pervious area.

Since evapotranspiration ranges from 70 to 90 percent of annual rainfall (Exhibit 3), decreases in pervious area, or that subject to the evapotranspiration process, should result in decreased water lost from the system. The decrease in pervious area resulting from the proposed land use change results in a 0.007 mgd decrease in ET.

The change in runoff due to the change in impervious area was evaluated strictly on the annual runoff numbers assumed (54 in./year impervious, 7 in./year pervious), and did not consider whether it was connected or unconnected impervious. In the proposed land use, 75% of the impervious area will be unconnected impervious (residential) and thus subject to additional infiltration potential. The surface runoff as calculated is anticipated to increase from 0.036 to 0.043 mgd.

The budget summary as shown in Exhibit 4 indicates that there is no significant change in storage potential from the existing land use to the proposed land use. It should be noted that the positive change in storage does not indicate that the parcel

Mr. Roland Ottolini, P.E.
June 17, 2002
Page 5

will flood, but rather represents the potential volume of water available to recharge the water-table aquifer.

The above analysis does not take into account the increased storage on site that is required for approval of the SFWMD ERP permit (Environmental Resource and surface water management). At present, there are no detention/retention areas on site, and precipitation which does not soak into the ground is lost as runoff into the adjacent lakes or slough. In order to meet the water quality discharge requirements, the proposed Basin 6 addition will have 6.79 acres of dry detention, and will be required to maintain 2.15 ac-ft of runoff controls. This represents a large source of recharge water available on site, which is not currently available, and which was not considered in the above water budget.

2. *Will the proposed development increase water demand on the already stressed aquifer levels in the vicinity? Due to the location of several wellfields in the area, one would speculate that aquifer yield in the area is significant. What is the remaining capacity of these sources of water? In addition, Lee County is investigating the use of mining lakes as a potential source for water supply development.*

The irrigation demands anticipated for the planned development are summarized in the attached Exhibit 5. The irrigated acreage is expected to be slightly less than 13 acres. The annual irrigation demands calculated using the modified Blaney-Criddle method are anticipated to be approximately 16 million gallons per year, or 45,000 gallons per day average use. Water demands are not anticipated to significantly impact aquifer levels in the vicinity. The potential impacts that may be caused by the planned water use will be reviewed and evaluated by South Florida Water Management District staff upon applying for a water use permit to irrigate the 13 acres.

We are not aware of any indications of stressed aquifer levels in the vicinity of the 28-acre parcel. The SFWMD Governing Board recently approved an increase in allocation for the Miromar Lakes water use permit (Permit No. 36-03568-W), which withdraws water from the large lake (Lake 6) to the west of the subject parcel. Hydraulic modeling conducted in support of the current Miromar Lakes water use permit showed that the existing withdrawals from Lake 6 adjacent to the 28-acre parcel would result in approximately 0.6 feet of drawdown in the lake under a 90-day, no recharge scenario (SFWMD Application No. 011105-18). Based on these model results, limited additional drawdown could be permitted by the District without exceeding the 1-foot of drawdown wetland impact criteria. The addition of 13 acres of irrigated area could be added to the current permit without exceeding the wetland impact criteria.

Mr. Roland Ottolini, P.E.
June 17, 2002
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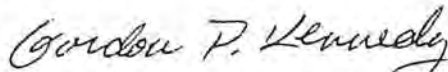
APR 18 2003

Aquifer yield in the vicinity of the 28-acre parcel is considered good. Measured transmissivity values in the vicinity of the Alico Properties DRI project site range from 140,000 to 327,000 gpd/ft (Missimer & Associates, 1991). A summary of the existing permitted users in the vicinity of the project site was provided to Lee County staff previously (see CDM Missimer, 2002). The largest users immediately adjacent to the subject parcel are Alico Inc., Miromar Lakes, and Florida Gulf Coast University (FGCU). The nearest public water supply wellfields are Gulf Utilities San Carlos wellfield located 2 miles west of the site, and the Lee County Corkscrew wellfield, located approximately 3 miles southeast of the site. The maximum day withdrawals currently allocated for permits located within 2 miles of the site are at least 16.8 mgd in the water-table aquifer, and 1.4 mgd in the Sandstone aquifer. In addition, the Lee County Corkscrew wellfield is permitted for a maximum day withdrawal of 11.4 mgd.

As indicated previously, there is limited capacity available in the immediate vicinity of the 28-acre parcel. Because of the good hydraulic connection between the two large lakes adjacent to the 28-acre parcel (Lakes 5 and 6), the remaining permittable capacity from the two lakes is not anticipated to exceed a few hundred thousand gallons per day. In addition to Lakes 5 and 6, there are a number of mine lakes present northeast and southeast of the 28-acre parcel. One or more of the lakes are currently used to supply irrigation water to agricultural operations located on the Alico property.

We hope that the enclosed analysis and discussion addresses your concerns regarding water budget and recharge issues for the proposed Comprehensive Land Use Plan change. If you have any questions or comments, please feel free to contact us.

Very truly yours,
CDM Missimer



Gordon P. Kennedy, P.G.
Senior Hydrogeologist

6/19/02

**Enclosures**

Cc: Tim Byal, Miromar Development Corp.
Neal Montgomery, Pavese Law
Ned Dewhirst, Hole Montes, Inc.
Carron Day, WilsonMiller, Inc.

28.4 ACRE PARCEL

12 7
13 18

DRI 2001-00004

RECEIVED

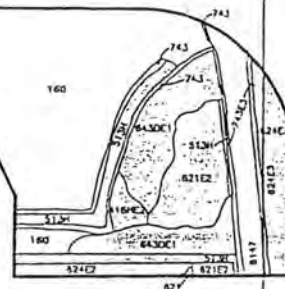
APR 18 2003

COMMUNITY DEVELOPMENT

VEGETATIVE ASSOCIATIONS

FLUCCS CODE	DESCRIPTION	AC.
160	Extractive - Areas disturbed by mining	17.11
163	Rock quarry / Mine lake	1.55
416HE2	Pine flatwoods - graminoid understory - Hydric - Exotics 25-49% cover	0.29
513H	Ditches - Hydric	1.17
621	Cypress	0.01
621E2	Cypress - Exotics 25-49% cover	1.65
624E2	Cypress - pine - cabbage palm - Exotics 25-49% cover	0.48
624E3	Cypress - pine - cabbage palm - Exotics 50-75% cover	1.38
643DE1	Wet prairie - Disturbed - Exotics 10-24% cover	2.46
743	Spoil areas	0.55
743E3	Spoil areas - Exotics 50-75% cover	0.44
8147	Mine haul road	1.35
TOTAL ACRES		28.44
Upland acres		19.45
Wetland acres		6.27
Other surface water		2.72

FLUCCS MODIFIER	DESCRIPTION
E1	Exotics comprise 10-24% cover
E2	Exotics comprise 25-49% cover
E3	Exotics comprise 50-75% cover
D	Disturbed



LEGEND



SFWMD JURISDICTIONAL WETLANDS

FLUCCS BOUNDARY

513

FLUCCS CODE



SCALE IN FEET



600 0 300 600

EXHIBIT 1

FLUCCS/VEGETATIVE ASSOCIATIONS

PROJECT: MIROMAR LAKES DRI - COMPREHENSIVE PLAN AMENDMENT

CLIENT: MIROMAR LAKES L.L.P.

WilsonMiller

Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants

WilsonMiller, Inc.

Naples • Fort Myers • Sarasota • Bradenton • Tampa

71 Colonial Boulevard, Suite 100 • Fort Myers, Florida 33912 • Phone: 941-939-1220 • Fax: 941-939-7479 • Web-Site: www.wilsonmiller.com

WilsonMiller, Inc. - FL Lic# LC-000000
WilsonMiller, Inc. - Certificate of Authorization #43

SCALE: 1" = 600'	DATE: MAY 2001
SEC: 12.13 TWP: 46S RGE: 25E	REV NO:
PROJECT NO. F0253-018-X18 ORDRA	INDEX NO: A-F0253-216
DRWN BY/EWP NO. S.W.P./1078	SHEET NO: 4 of 5

Mey 04, 2001 - 10:57:09

SP0LADIAN\X:\Env\F0253\216\Rev01\0253L504.dwg

Exhibit 2
Existing and Proposed Land Use

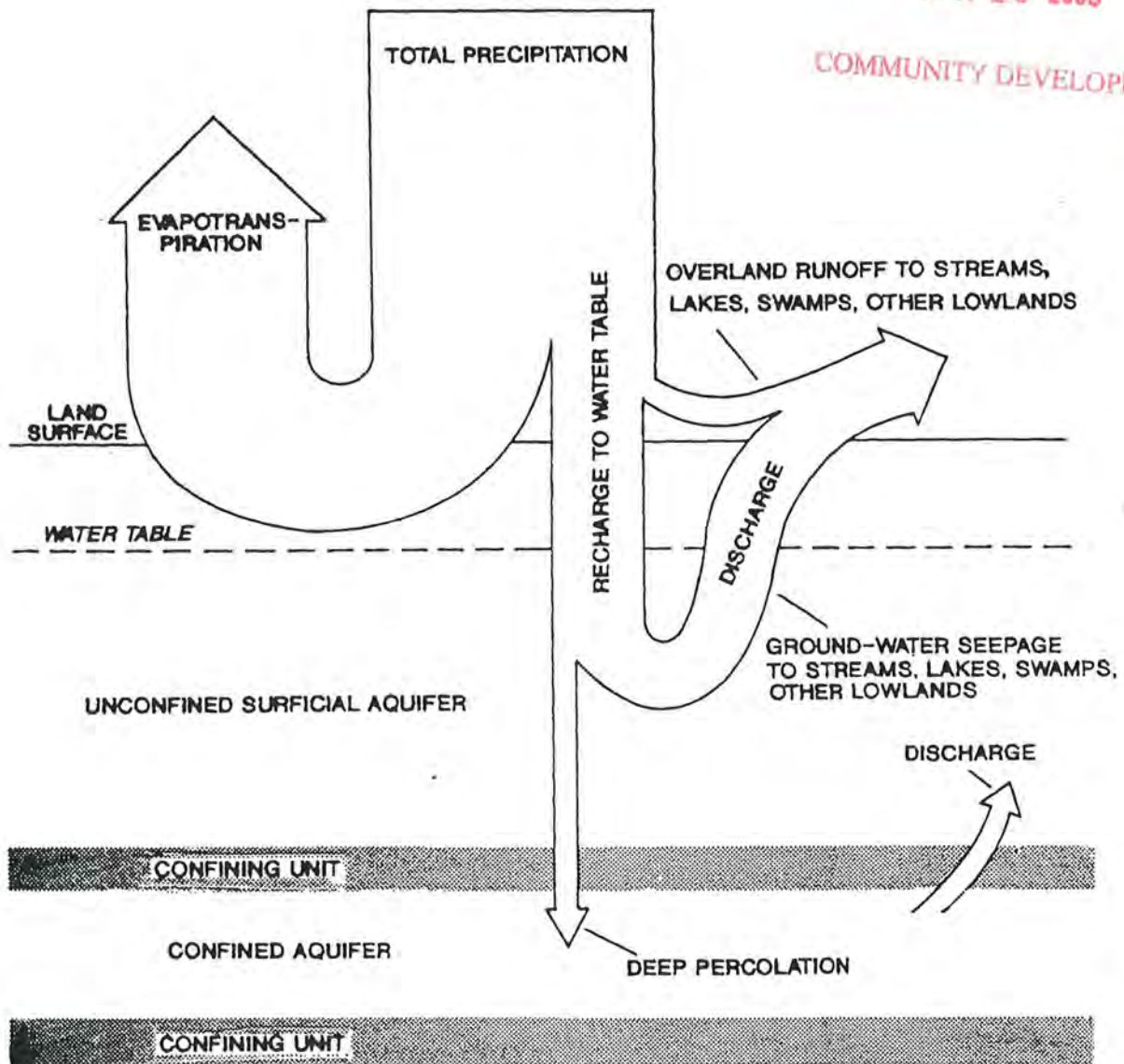
	Acres	Percent Impervious	Impervious Acres
Existing Land Use			
Extractive/Spoil areas	13.44	0	0
Roads	6.01	100	6.01
Wetlands (cypress, wet prairie, hydric pine flatwoods)	6.27	0	0
Surface Water (mine lake, ditches)	2.72	0	0
Totals:	28.44		6.01
Proposed Land Use			
Open Space, Recreation Area, Dry Detention	16.1	5	0.81
Residential	10.16	60	6.10
R-O-W	1.97	60	1.18
Surface Water	0.21	0	0
Totals:	28.44		8.09

DRI 2001-00004

RECEIVED

APR 18 2003

COMMUNITY DEVELOPMENT



From USGS Water-Resources Investigations Report 95-4003

C:\MY DOCUMENTS\GORD WATERBUDGET\WATERBUDGETCDR 4/29/02 TOBIAS

Exhibit 4

Miromar Lakes 28 Ac Parcel

	Acres	Pervious Ac	Impervious Ac	ET (mgd)	SR	SR	SR	BUDGET SUMMARY		
					(Pervious)	(Imperv)	(Total)	TOTAL IN	TOTAL OUT	DELTA STORAGE
Existing Land Use										
Extractive/Spoil Area	13.44	13.44	0	0.046	0.007	0.000	0.007			
Roads	6.01	0	6.01	0.000	0.000	0.024	0.024			
Wetland	6.27	6.27	0	0.021	0.003	0.000	0.003			
Surface Water	2.72	2.72	0	0.009	0.001	0.000	0.001			
Totals:	28.440	22.430	6.010	0.077			0.036	0.114	0.113	0.002
Proposed Land Use										
Open Space, Recreation										
Area, Dry Detention	16.1	15.29	0.81	0.052	0.008	0.003	0.011			
Residential	10.16	4.06	6.1	0.014	0.002	0.025	0.027			
R-O-W	1.97	0.79	1.18	0.003	0.000	0.005	0.005			
Surface Water	0.21	0.21	0	0.001	0.000	0.000	0.000			
Totals:	28.440	20.350	8.090	0.070			0.043	0.114	0.113	0.002

Notes:

All rates listed in million gallons per day (mgd)

ET=46 in*Perv Ac*0.02715 mg/ac-in

SRperv=7 in*Perv Ac*0.02715 mg/ac-in

SRimperv=54 in*Imperv Ac*0.02715 mg/ac-in

Total In = 54 in*Total Acres*0.02715 mg/ac-in

Total Out = ET+SR(total)

Delta Storage = Total In - Total Out

Exhibit 5
Proposed Land Use Irrigation Demands

	Acres	Percent Irrigated	Irrigated Acres
Proposed Land Use			
Open Space, Recreation Area, Dry Detention	16.1	50	8.05
Residential	10.16	40	4.06
R-O-W	1.97	40	0.79
Surface Water	0.21	0	0
Totals:	28.44		12.90

Irrigation Demand Calculations

Annual Supplemental Crop Water Use: 12.9 ac X 35.29 in X 0.02715 mg/ac-in = 16.439 mg
or 0.045 mgd average day use

Maximum Monthly Supplemental Water Use: 12.9 ac X 4.81 in X 0.02715 mg/ac-in = 2.241 mg
or 0.072 mgd (occurs in May)

REFERENCES

Camp, Dresser & McKee, 1990, Nonpoint Source Evaluation Six Mile Cypress Watershed, Lee County, Florida: Consultants report prepared for Lee County.

CDM Missimer, 2002, A Hydrogeologic Evaluation of the 28.4 Acre Parcel in the Vicinity of the Miromar Lakes DRI for Comprehensive Plan Amendment: Consultants report prepared for Miromar Development Corporation.

Krulik, R.K., and Giese, G.L., 1995, Recharge to the Surficial Aquifer System in Lee and Hendry Counties, Florida: United States Geological Survey Water Resources Investigations Report 95-4003, 21 pp.

Missimer & Associates, Inc., 1991. A Hydrogeologic Evaluation of the Alico Properties for Recharge and Public Water Supply Potential, Lee County, Florida, Consultants Report prepared for Wilson, Miller, Barton, Soll & Peek, 83 pp.

Smith and Adams, 1988, Ground Water Resource Assessment of Hendry County, Florida: South Florida Water Management District Technical Publication 88-12, 109 pp.

South Florida Water Management District, 2000, Lower West Coast Water Supply Plan: prepared by Planning Department, SFWMD West Palm Beach, FL, 168 pp.

WilsonMiller, Inc. 2001, Listed Wildlife and Plant Species Survey for Comprehensive Plan Amendment Parcel in the Vicinity of the Miromar Lakes DRI, Consultants Report prepared for Miromar Lakes, LLP, 8 pp.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Ray Eubank, Planning Manager
Florida Department of Community Affairs
Division of Resource Planning & Management
Bureau of Local Planning/Plan Processing Team
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

2. Article Number

(Transfer from service label)

PS Form 3811, August 2001

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-2509

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. David Burr
S.W. Florida Regional Planning Council
P.O. Box 3455
4980 Bayline Drive, 4th Floor
North Fort Myers, FL 33918-3455

2. Article Number

(Transfer from service label)

PS Form 3811, August 2001

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Rick Schmecker

☒ Agent☐ Addressee

B. Received by (Printed Name)

Rick Schmecker

C. Date of Delivery

7-5-03

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

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Domestic Return Receipt

102595-01-M-2509

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Florida Department of Environmental Protection
Plan Review Section
3900 Commonwealth Boulevard, MS 47
Tallahassee, FL 32399-3000

2. Article Number

(Transfer from service label)

PS Form 3811, August 2001

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-2509

SENDER: COMPLETE THIS SECTION

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Florida Fish and Wildlife Conservation Commission
 100 South Meridian Street
 Tallahassee, FL 32399-1600

2. Article Number

(Transfer from service label)

7000 1670 0011 9183 9737

PS Form 3811, August 2001

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

Jeff Ward

C. Date of Delivery

7/8/03

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☒ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

SENDER: COMPLETE THIS SECTION

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Department of Agriculture and Conservation
 Division of Forestry
 1555 Connor Boulevard
 Tallahassee, FL 32301

2. Article Number

(Transfer from service label)

7000 1670 0011 9183 9744

PS Form 3811, August 2001

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

A. RILES

C. Date of Delivery

JUL 7 2003

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Florida Department of State
 Division of Historical Resources
 The Capitol
 Tallahassee, FL 32399-0250

2. Article Number

(Transfer from service label)

7000 1670 0011 9183 9768

PS Form 3811, August 2001

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

JUL 7 2003

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

GRACIE PENTON
 DEPARTMENT OF STATE

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

SENDER: COMPLETE THIS SECTION

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. John Czerapak
Florida Department of Transportation
801 North Broadway
Bartow, FL 33830

2. Article Number

(Transfer from service label)

7000 1670 0011 9183 9782

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-2509

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Bingham

☐ Agent☐ Addressee

B. Received by (Printed Name)

Bingham

C. Date of Delivery

7-7-03

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Executive Director
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406

2. Article Number

(Transfer from service label)

7000 1670 0011 9183 9799

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-2509

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Jessie Receptant

☐ Agent☐ Addressee

B. Received by (Printed Name)

Jessie Receptant

C. Date of Delivery

7-7-03

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Michael Ripp
Florida Dept. of Transportation
P.O. Box 1030
2292 Victoria Avenue, Suite 292
Fort Myers, FL 33902-1030

2. Article Number

(Transfer from service label)

7000 1670 0011 9184 2058

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-2509

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Linda Stampford

☐ Agent☐ Addressee

B. Received by (Printed Name)

Linda Stampford

C. Date of Delivery

11-6-02

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

Exhibit 1a

Proposed Lee County FLUM

Total Site Addition	500.0 Ac
* DR/GR	28.4 Ac
* University Comm	326.1 Ac
* Wetlands	145.5 Ac

DR/GR

UNIVERSITY VILLAGE

10 14
22 23

14 18
23 24

22 23
27 28

23 24
28 29

10 14
22 23

22 23
27 28

MIRDMAR 500 AC
PROPERTY LINE

WETLAND LAND USE-
LEE CO. FLUM
(TYP)

SURVEY/PERMITTED
WETLAND AREA
(TYP)

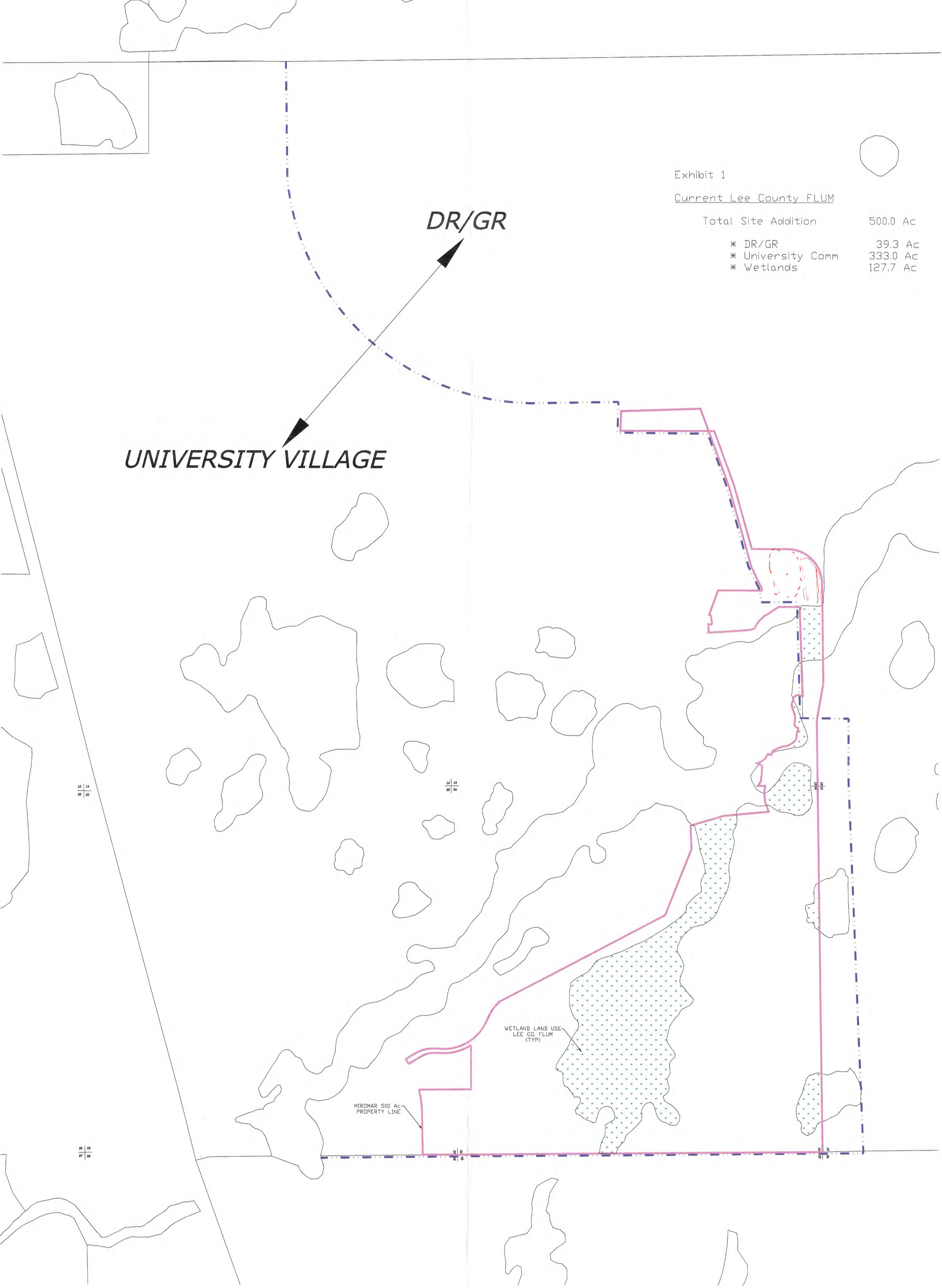


Exhibit 1

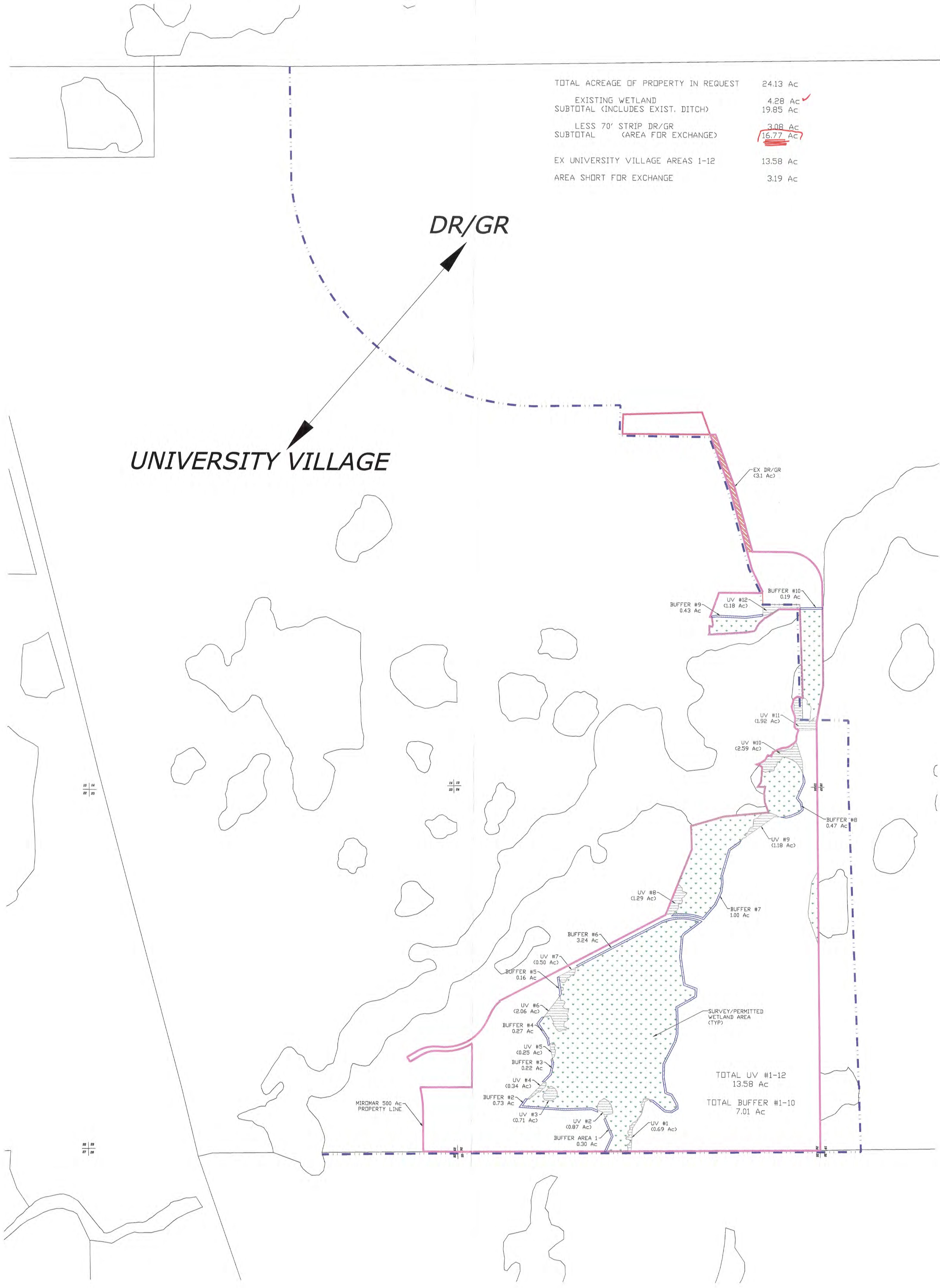
Current Lee County FLUM

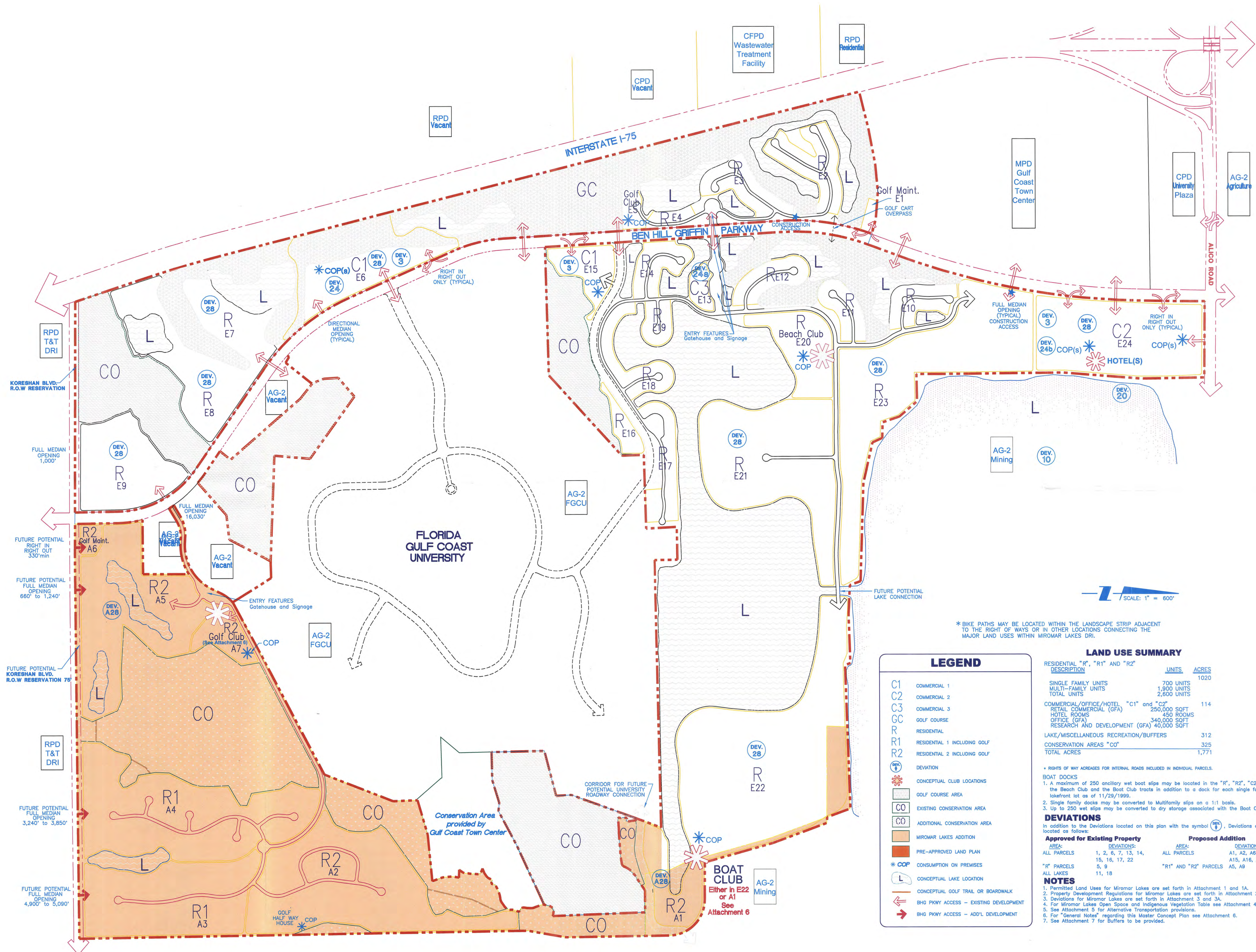
Total Site Addition	500.0 Ac
* DR/GR	39.3 Ac
* University Comm	333.0 Ac
* Wetlands	127.7 Ac

TOTAL ACREAGE OF PROPERTY IN REQUEST	24.13 Ac
EXISTING WETLAND	4.28 Ac ✓
SUBTOTAL (INCLUDES EXIST. DITCH)	19.85 Ac
LESS 70' STRIP DR/GR	3.08 Ac
SUBTOTAL (AREA FOR EXCHANGE)	<u>16.77 Ac</u>
EX UNIVERSITY VILLAGE AREAS 1-12	13.58 Ac
AREA SHORT FOR EXCHANGE	3.19 Ac

DR/GR

UNIVERSITY VILLAGE





* BIKE PATHS MAY BE LOCATED WITHIN THE LANDSCAPE STRIP ADJACENT TO THE RIGHT OF WAYS OR IN OTHER LOCATIONS CONNECTING THE MAJOR LAND USES WITHIN MIROMAR LAKES DRI.

LEGEND

- C1 COMMERCIAL 1
- C2 COMMERCIAL 2
- C3 COMMERCIAL 3
- GC GOLF COURSE
- R RESIDENTIAL
- R1 RESIDENTIAL 1 INCLUDING GOLF
- R2 RESIDENTIAL 2 INCLUDING GOLF
- DEV. DEVIATION
- CONCEPTUAL CLUB LOCATIONS
- GOLF COURSE AREA
- CO EXISTING CONSERVATION AREA
- CO ADDITIONAL CONSERVATION AREA
- MIROMAR LAKES ADDITION
- PRE-APPROVED LAND PLAN
- * COP CONSUMPTION ON PREMISES
- L CONCEPTUAL LAKE LOCATION
- CONCEPTUAL GOLF TRAIL OR BOARDWALK
- BHG PKWY ACCESS - EXISTING DEVELOPMENT
- BHG PKWY ACCESS - ADD'L DEVELOPMENT

LAND USE SUMMARY

RESIDENTIAL "R", "R1" AND "R2"	UNITS	ACRES
DESCRIPTION		
SINGLE FAMILY UNITS	700 UNITS	1020
MULTI-FAMILY UNITS	1,900 UNITS	
TOTAL UNITS	2,600 UNITS	
COMMERCIAL/OFFICE/HOTEL "C1" AND "C2"		114
RETAIL COMMERCIAL (GFA)	250,000 SQFT	
HOTEL ROOMS	450 ROOMS	
OFFICE (GFA)	340,000 SQFT	
RESEARCH AND DEVELOPMENT (GFA)	40,000 SQFT	
LAKE/MISCELLANEOUS RECREATION/BUFFERS		312
CONSERVATION AREAS "CO"		325
TOTAL ACRES		1,771

* RIGHTS OF WAY ACRES FOR INTERNAL ROADS INCLUDED IN INDIVIDUAL PARCELS.

BOAT DOCKS

1. A maximum of 250 ancillary wet boat slips may be located in the "R", "R2", "C2", the Beach Club and the Boat Club tracts in addition to a dock for each single family lakefront lot as of 11/29/1999.

2. Single family docks may be converted to Multifamily slips on a 1:1 basis.

3. Up to 250 wet slips may be converted to dry storage associated with the Boat Club on a 1:1 basis.

DEVIATIONS

In addition to the Deviations located on this plan with the symbol (D), Deviations are located as follows:

Approved for Existing Property

AREA: 1, 2, 6, 7, 13, 14, 15, 16, 17, 22

*R" PARCELS: 5, 9

ALL LAKES: 11, 18

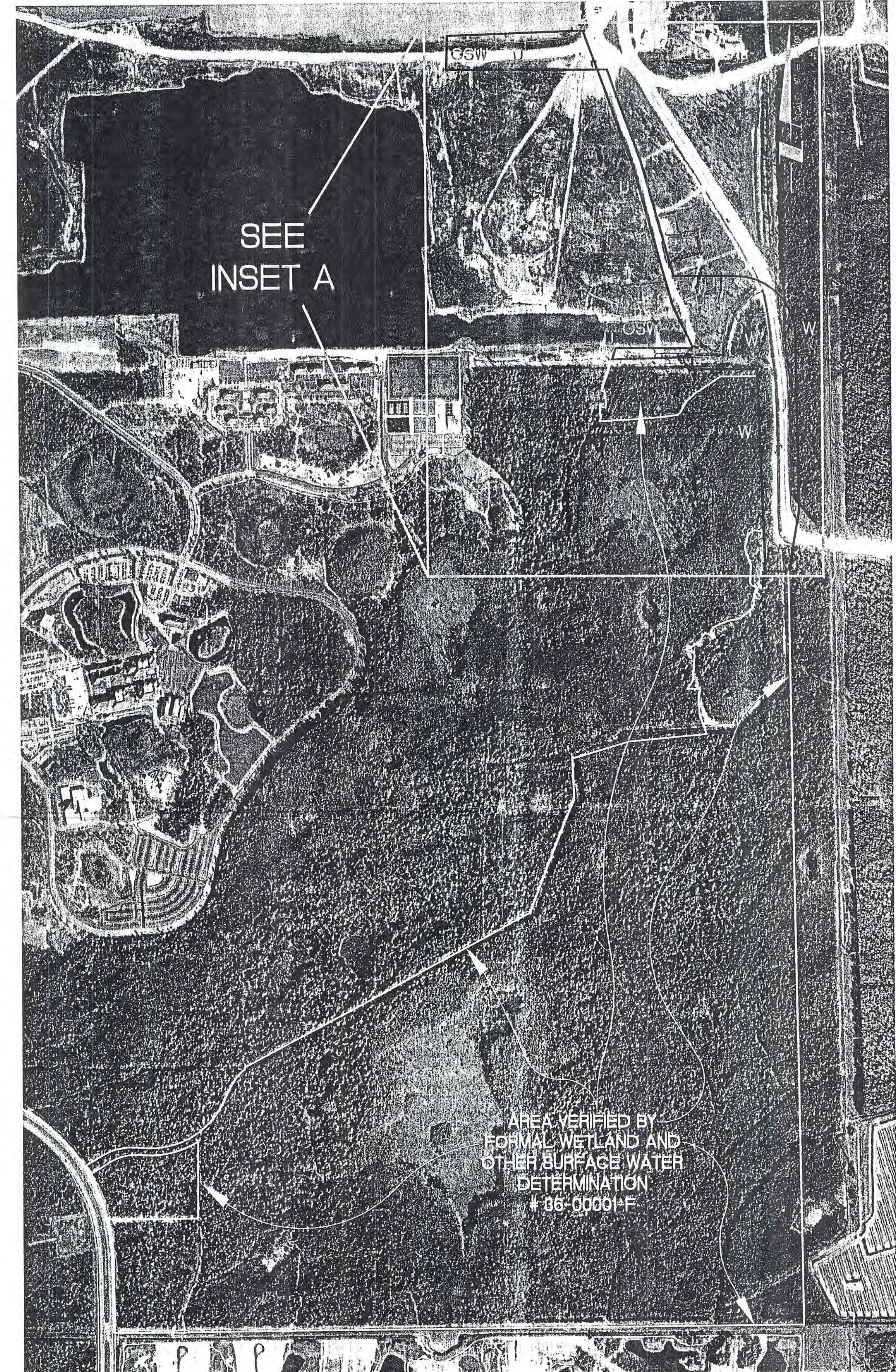
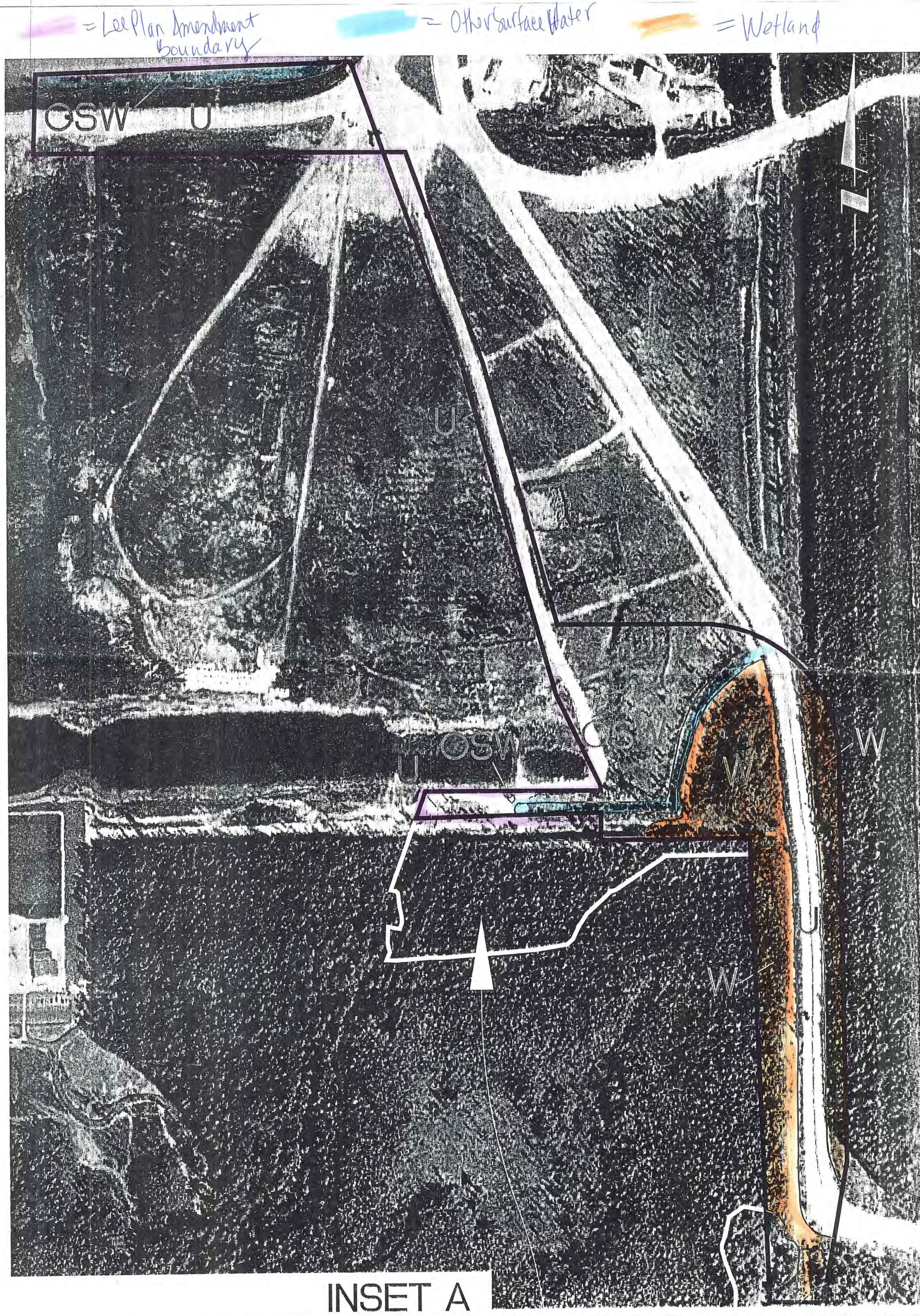
Proposed Addition

AREA: A1, A2, A6, A7, A13, A15, A16, A17, A22

*R1" AND "R2" PARCELS: A5, A9

NOTES

1. Permitted Land Uses for Miromar Lakes are set forth in Attachment 1 and 1A.
2. Property Development Regulations for Miromar Lakes are set forth in Attachment 2 and 2A.
3. Deviations for Miromar Lakes are set forth in Attachment 3 and 3A.
4. For Miromar Lakes Open Space and Indigenous Vegetation Table see Attachment 4.
5. See Attachment 5 for Alternative Transportation provisions.
6. For "General Notes" regarding this Master Concept Plan see Attachment 6.
7. See Attachment 7 for Buffers to be provided.



- LEGEND**
- ~ PROJECT BOUNDARY FOR THIS JURISDICTIONAL REQUEST
 - ~ BOUNDARY FOR PREVIOUSLY APPROVED JURISDICTIONALS
 - ~ SFWMD JURISDICTIONAL WETLAND LINES
 - W WETLAND
 - U UPLAND
 - OSW OTHER SURFACE WATERS (MINE LAKES, DITCHES)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
 INFORMAL PRE-APPLICATION JURISDICTIONAL
 DETERMINATION FIELD VERIFIED BY CRAIG SCHMITTLER
 ON NOVEMBER 29, 2001

DCI 2001-00033

Craig D. Schmittler PWS

DATE: 2-28-02

COPY #: 5

RECEIVED

MAR 04 2002

AERIAL PROVIDED BY: DIGIAR

SCALE: 1" = 600'



DCI 2001-00033

AERIAL PROVIDED BY : DIGIAIR

AERIAL PHOTOGRAPH

MIROMAR LAKES 500 ACRE DRI ADDITION PARCEL

MIROMAR LAKES L.L.C.

RECEIVED
AUG 01 2001
ZONING COUNTER

Wilson Miller, Inc. - P.L.L.C. 000000
Wilson Miller, Inc. - Certificate of Authorization #40
SEC 23, 24, TWP 46S RGE 25E
13
Designed by: S.K.S./1250
Drawn by: S.W.P./1078
Checked by:
Approved by:
Date: JULY 2001
Scale: 1" = 600'
PIN: F0253-018-018-FELSP
File #: D-F0253-215

Sheet 1 of 1

Wilson Miller

Planners • Engineers • Ecologists • Surveyors
Landscape Architects • Transportation Consultants

Wilson Miller, Inc.
4571 Colwell Rd., Suite 100 • Fort Myers, Florida 33922
Phone 941-338-1020 • Fax 941-338-7479
E-mail: FortMyer@wilsonmiller.com • Web Site: www.wilsonmiller.com

<u>DESCRIPTION</u>	<u>UNITS</u>	<u>ACRES</u>
RESIDENTIAL "R", "R1" AND "R2"		1003
SINGLE FAMILY UNITS	700 UNITS	
MULTI-FAMILY UNITS	1,900 UNITS	
TOTAL UNITS	2,600 UNITS	
COMMERCIAL "C1", "C2" and "C3"		114
RETAIL COMMERCIAL (GFA)	250,000	SQFT
HOTEL ROOMS	450	ROOMS
OFFICE (GFA)	340,000	SQFT
RESEARCH AND DEVELOPMENT (GFA)	40,000	SQFT

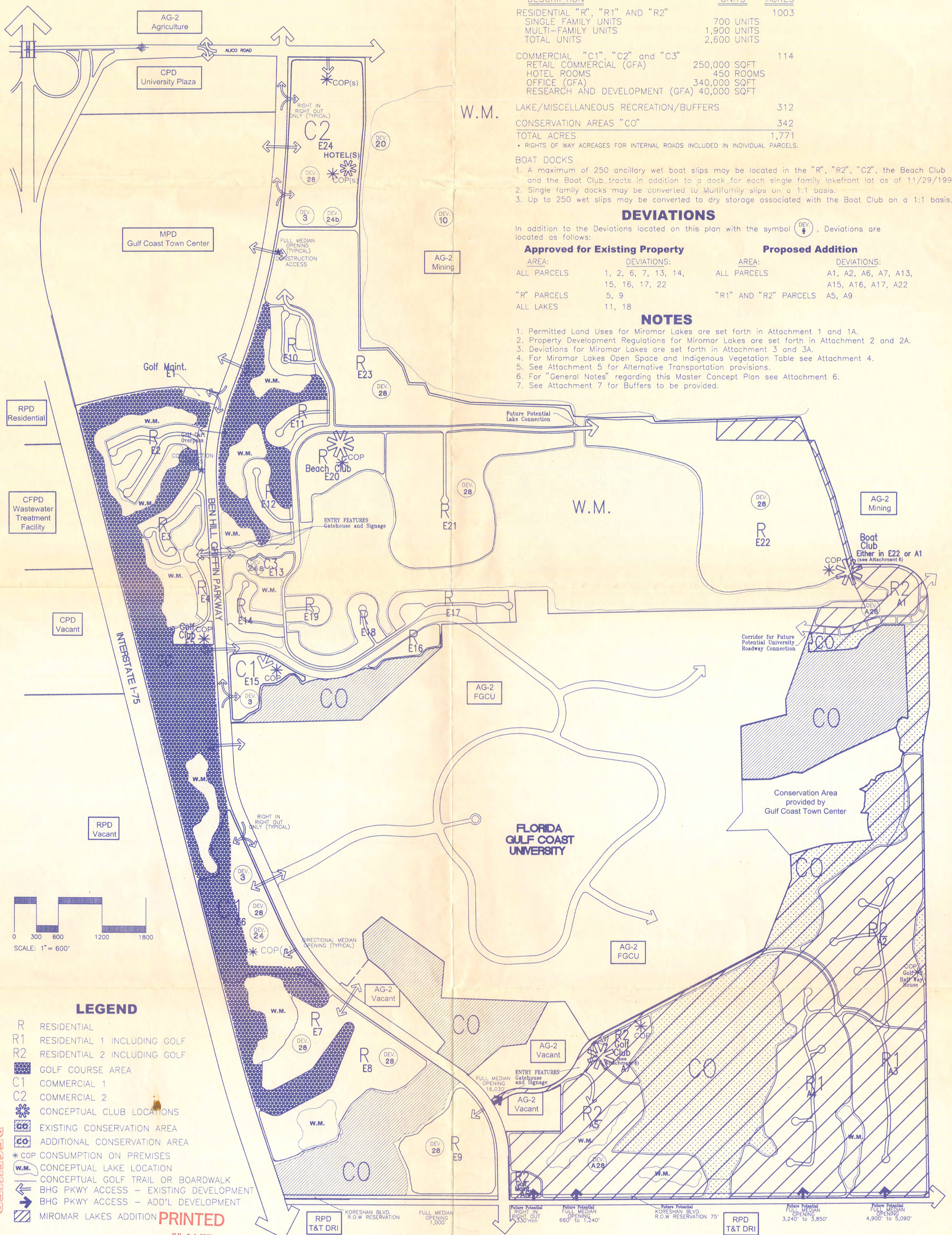
LAKE/MISCELLANEOUS RECREATION/BUFFERS	312
CONSERVATION AREAS "CO"	342
<u>TOTAL ACRES</u>	<u>1,771</u>
• RIGHTS OF WAY ACREAGES FOR INTERNAL ROADS INCLUDED IN INDIVIDUAL PARCELS.	

In addition to the Deviations located on this plan with the symbol , Deviations are located as follows:

<u>AREA:</u>	<u>DEVIATIONS:</u>
ALL PARCELS	1, 2, 6, 7, 13, 14, 15, 16, 17, 22
"R" PARCELS	5, 9
ALL LAKES	11, 18

AREA:	DEVIATIONS:
ALL PARCELS	A1, A2, A6, A7, A13, A15, A16, A17, A22
"R1" AND "R2" PARCELS	A5, A9

1. Permitted Land Uses for Miromar Lakes are set forth in Attachment 1 and 1A.
2. Property Development Regulations for Miromar Lakes are set forth in Attachment 2 and 2A.
3. Deviations for Miromar Lakes are set forth in Attachment 3 and 3A.
4. For Miromar Lakes Open Space and Indigenous Vegetation Table see Attachment 4.
5. See Attachment 5 for Alternative Transportation provisions.
6. For "General Notes" regarding this Master Concept Plan see Attachment 6.
7. See Attachment 7 for Buffers to be provided.



R1 RESIDENTIAL 1 INCLUDING GOLF
R2 RESIDENTIAL 2 INCLUDING GOLF
C1 COMMERCIAL 1
C2 COMMERCIAL 2
CONCEPTUAL CLUB LOCATIONS
EXISTING CONSERVATION AREA
ADDITIONAL CONSERVATION AREA
* COP CONSUMPTION ON PREMISES
W.M. CONCEPTUAL LAKE LOCATION
CONCEPTUAL GOLF TRAIL OR BOARDWALK
BHG PKWY ACCESS - EXISTING DEVELOPMENT
BHG PKWY ACCESS - ADD'L DEVELOPMENT
MIROMAR LAKES ADDITION

JUL 31 2001
 WilsonMiller, Inc.
 4571 Colonial Boulevard
 Ft. Myers, Florida 33912

MIROMAR LAKES

Master Concept Plan

FLORIDA LAND PLANNING, INC.
560 Matthew Drive, Suite E - Midtown Professional Center
Fort Myers, Florida 33907
(941) 278-5222 - Fax (941) 278-4466

ZONING COUNTRIES

AUG 01 2000

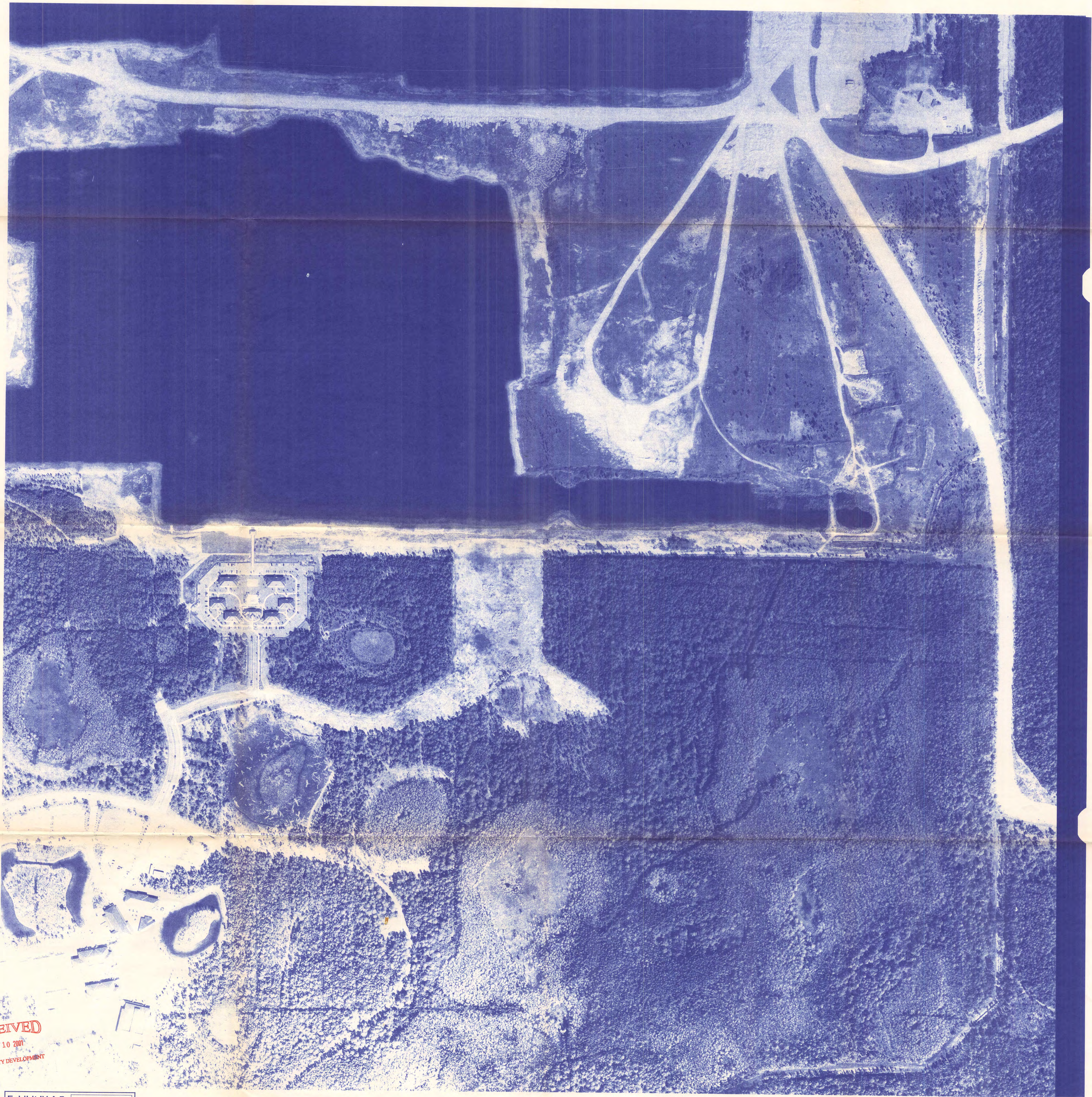
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Scale: 1"=600'

SEC 11.12 TWP 46S RGE 24 24

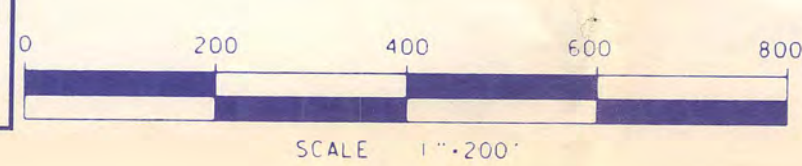
Date: 05/03/2001
Rev: 07/26/2001
Rev: 07/30/2001





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COMMUNITY DEVELOPMENT

Exhibit IV.A.7 Aerial Map
Miromar Lakes
Lee Plan Map 1 Amendment
Miromar Development Corp. FLORIDA LAND PLANNING, INC.



PREPARED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION
FOR THE FLORIDA DEPARTMENT OF REVENUE
FOR ASSESSMENT PURPOSES ONLY



LEE COUNTY
FLORIDA

SCALE	1" = 200'	SECTION	TWP.	RANGE	SHEET NO.	MAP
PHOTO DATE	FEB. 1999	13	46 S	25 E	175 A	
PHOTO JOB NO.	PD-4621					