



To: M. Noble

THOMAS W. REESE
ATTORNEY AT LAW
2951 61ST AVENUE SOUTH
ST. PETERSBURG, FLORIDA 33712

LEE COUNTY
RECEIVED

03 AUG -7 AM 9:05

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August 5, 2003

The Honorable Ray Judah
Chairman, Board of County Commissioners
Lee County
P.O. Box 398
Ft. Myers, FL 33901

Re: Amendment 03-D1 to Lee Plan
Transmittal Submission Package for CPA 2001-03
Amendment Privately Sponsored by Miromar Development Corporation

Dear Chairman Judah:

I represent the Responsible Growth Management Coalition, Inc. (RGMC), and write on their behalf in opposition to Lee County's recently transmitted amendment to the Lee Plan known as CPA 2001-03.

The RGMC is duly incorporated under Florida law as a not-for-profit corporation, and its corporate purposes include the protection of natural resources and the promotion of responsible growth management in Lee County.

The proposed subject amendment is a plan amendment which was privately sponsored by Miromar Development Corporation. It seeks to amend the designations on the Lee Plan Future Land Use Map (FLUM) series for a 20.98 +/- acre parcel located in Sections 12 and 13, Township 46 South, Range 25 East. It seeks to amend the Lee Plan FLUM Series Map 1 designation of the property as "Density Reduction/Groundwater Protection" (DR/GR) to "University Community." It also seeks to amend Lee Plan FLUM Series Map 16 to remove the subject property from the Southeast Lee County Planning Community and place it in the San Carlos Planning Community. These proposed changes would not only increase the potential residential density and commercial intensity, it would also impose less restrictive criteria for uses such as golf courses.

The Lee County Division of Planning staff report recommended denial of the application for both FLUM amendments (Map 1 and Map 16). On January 27, 2003, the Lee County Local

Honorable Ray Judah
August 5, 2003
Page 2

Planning Agency (LPA) voted 3-2 against transmitting the amendment. On May 6, 2003, the Lee County Board of County Commissioners voted 4-1 for transmittal of the plan amendment.

The RGMC opposes these privately sponsored amendments, and respectfully requests Lee County Board of County Commissioners reject adoption of these amendments, for the following reasons.

1. **Unsuitable Land Use Designations-** Rule 9J-5.006(6)(2)(b) requires plan amendments to be supported by data and analysis of the suitability of the land for the proposed land use designation. Lee Plan Policy 5.1.2 prohibits residential development where physical constraints exist, including environmental limitations such as wildlife and potential groundwater pollution. Lee Plan Objective 77.4 requires Lee County to the habitats of endangered species, and to maintain or enhance existing populations of numbers and the distribution of endangered species. Lee Plan Goal 41 requires Lee County to protect the county's groundwater resources from sources which have the potential to degrade those supplies.

A. Florida Panther

The proposed designation of the subject property to the urban level "University Community" category is unsuitable due to the properties wildlife values and the potential for urban development on this property to pollute the groundwater by means of the nearby mine excavations.

The endangered Florida panther has been recently documented on the FGCU property adjacent to this property. The Florida Wildlife Federation has provided Lee County and DCA with copies of a photograph of a Florida panther on the FGCU property very near the subject property. The photograph was taken March 28, 2003, with a camera installed by biologist Ricky Pires. The Florida Fish and Wildlife Conservation Commission (FWC) has determined that this photograph is a picture of an uncollared panther. In addition to the uncollared panther shown in this picture, the FWC has documented the presence of collared panthers, including panthers #92 and #99, using GR/DR land in this area within the last two years.

The importance of the DG/GR lands to the Florida panther is acknowledged by Lee County's consultant, Dr. David S. Maehr in his report to Lee County entitled "In Corridors, Landscape Linkages, and Conservation Planning for the Florida Panther: Enhancing Expansion Potential for an Endangered Species in Southwest Florida" (August 2001), wherein he stated that the lands in southeast Lee County

"should be the top priority for panther conservation in Lee County... This area provides additional habitat adjacent to conservation lands that are used by panthers such as Corkscrew Swamp Sanctuary, the Corkscrew Regional Ecosystem Watershed, and

proposed conservation lands within Camp Keis Strand.” (Page 28)

The DRGR lands are critically important to the Florida panther’s survival and recovery. Both state and federal panther biologists have repeatedly acknowledged that the DRGR in southeast Lee County is occupied panther habitat, and these biologists have stated that the Florida panther cannot afford to lose any more habitat. The Florida panther cannot afford the loss of the subject 24 acres of habitat, especially when it is added to the growing cumulative impacts of mining and residential development in the DG/GR area.

Lee County’s proposed amendment of the land use designation of the subject property to “University Community” will increase from the rural low density maximum of one unit per 10 acres, to the urban level 2.5 units per acre (with permittable clustering of up to 15 dwelling units per acre). Such a land use designation is incompatible and unsuitable for the protection of the endangered Florida panther.

B. Groundwater Pollution

The subject plan amendment would authorize urban level density and intensity on the subject land. Development of such potentially authorized urban density and intensity levels would increase the stormwater pollution potential of the groundwater by the subject property. Placement of urban level density and intensity near mine cuts through geological confining layers of the aquifer inappropriately increases the potential for groundwater pollution by urban level stormwater runoff. Such a designation is not suitable for the subject land.

2. **Prohibited By Lee Plan Policy 2.4.3**--The proposed FLUM Map 1 and 16 amendments are prohibited by Lee Plan Policy 2.4.3. The prohibition of Policy 2.3.4 consists of the unequivocal statement that it is Lee County’s policy not to approve further Urban designations in the DR/GR future land use category. The proposed “University Community” land use designation is unquestionably an urban designation (See, Lee Plan Policy 1.1.9).

3. **Internally Inconsistent With Policy 2.4.3**--Lee Plan Policy 2.3.4 further states that it is Lee County’s policy to “discourage” FLUM amendments which “increase the current allowable density or intensity of land use” in the DG/GR area located south of S.R. 82 and east of Interstate 75. The proposed amendments unquestionably increase the density and intensity of the of land use within the current DR/GR area. This is an especially dangerous precedent on this first privately sponsored amendment with this DR/GR area.

4. **Internally Inconsistent With Lee Plan Policy 1.1.9**--As the Lee County Staff Report found, these proposed amendment are not related to or justified by the FGCU, and they cannot be characterized as amendment for “Associated Support Development” for the FGCU.

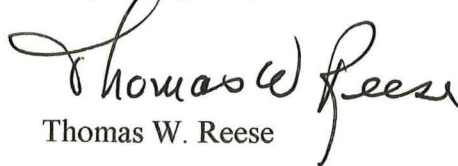
Honorable Ray Judah
August 5, 2003
Page 4

Additionally, there is no overriding public necessity to justify the currently proposed privately sponsored Lee Plan amendment over the demonstrated overriding public necessity that was identified in 1992.

Conclusion

The RGMC respectfully requests Lee County reject the adoption of Amendment 03-D1 to Lee Plan (CPA 2001-03) for the reasons set forth above.

Very truly yours,


Thomas W. Reese

cc: Paul O'Connor
Donna Marie Collins, Esq.



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

JEB BUSH
Governor

LEE COUNTY
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03 JUL 24 AM 11:46
COLLEEN CASTILLE
Secretary
PUB. WORKS CNTR.
SECOND FLOOR

July 22, 2003

The Honorable Ray Judah
Chairman, Lee County Board of County Commission
P. O. Box 398
Fort Myers, Florida 33901

Dear Honorable Ray Judah:

The Department has completed the review of the proposed amendment for Lee County (DCA No. 03D1, which was received on May 22, 2003. Based on Chapter 163, Florida Statutes (FS), we have prepared the attached report that outlines our findings concerning the amendment. Within the next 60 days, the County should act by choosing to adopt, adopt with changes or not adopt the proposed amendment. We have also included a copy of local, regional and state agency comments for your consideration. For your assistance, our report outlines procedures for final adoption and transmittal.

The proposed Amendment (DCA No. 03D1) involves an amendment to Future Land Use Map changing 20 acres from Density Reduction and Groundwater Resource (DRGR) designation to University Community, and four acres from DRGR to Wetland. The Department's concern is with regards to the loss of DRGR designated land for groundwater recharge and the internal inconsistency with either policies of the comprehensive plan that will be created as a result.

The Department is committed to working closely with the County in responding to our Report. We will continue our collaborative efforts to ensure the final product is one that can serve the best interest of the County. Please feel free to call either me at 850-487-4545, or Mike McDaniel at 850-922-1806, or Bernard O. Piawah at 850-922-1810, if you have any questions.

Sincerely yours,

Charles Gauthier, AICP
Acting Director
Division of Community Planning

CG/bp

Enclosures: Review Agency Comments

CC: Mr. David Burr, Executive Director, Southwest Florida Regional Planning Council
Mr. Paul O'Connor, Lee County Planning Director

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100

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2796 Overseas Highway, Suite 212
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COMMUNITY PLANNING
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HOUSING & COMMUNITY DEVELOPMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
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TRANSMITTAL PROCEDURES

Upon receipt of this letter, Lee County has 60 days in which to adopt, adopt with changes, or determine not to adopt the proposed comprehensive plan amendment. The process for adoption of local comprehensive plan is outlined in Section 163.3184, F.S., and Rule 9J-11.011, F.A.C.

Within ten working days of the date of adoption, the County must submit the following to the Department:

- Three copies of the adopted comprehensive plan amendment;
- A copy of the adoption ordinance;
- A listing of additional changes not previously reviewed;
- A listing of findings by the local governing body, if any, which were not included in the ordinance; and
- A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council's review of the plan, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted plan directly to the Executive Director of the Southwest Florida Regional Planning Council.

Please be advised that the Florida Legislature amended Section 163.3184(8)(b), F.S., requiring the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by the law to furnish to the Department the names and addresses of the citizens requesting this information. This list is to be submitted at the time of transmittal of the adopted amendment. As discussed in our letter sent to you on May 25, 2001, outlining the changes to Section 163.3184(8)(b), F.S., which were effective July 1, 2001, and providing a model sign-in information sheet, ***please provide these required names and addresses to the Department when you transmit your adopted plan for compliance review.*** For efficiency, we encourage that the information sheet be provided in electronic format.

DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT
LEE COUNTY COMPREHENSIVE PLAN
AMENDMENT 03D1

July 22, 2003
Division of Community Planning
Bureau of Local Planning

This report is prepared pursuant to
Rule 9J-11.010, F.A.C.

INTRODUCTION

The following objections, recommendations and comments are based upon the Department's review of Lee County's proposed Comprehensive Plan amendment, pursuant to Section 163.3184, Florida Statutes (F.S.).

The objections relate to specific requirements of relevant portions of Chapter 9J-5, Florida Administrative Codes (F.A.C.), and Chapter 163, Part II, F.S. The objections include a recommendation of an approach that might be taken to address the cited objection. Other approaches may be more suitable in specific situations. Some of these objections may have initially been raised by one of the other external review agencies. If there is a difference between the Department's objection and the external agency advisory objection or comment, the Department's objection would take precedence.

The County should address each of these objections when the plan is resubmitted for our compliance review. Objections that are not addressed may result in a determination that the amendment is not in compliance. The Department may have raised an objection regarding missing data and analysis items that the City considers not applicable to its amendment. If that is the case, a statement, justifying its non-applicability, pursuant to Rule 9J-5.002(2), F.A.C., must be submitted. The Department will make a determination on the non-applicability of the requirement, and if the justification is sufficient, the objection will be considered addressed.

The comments that follow the objections and recommendations are advisory in nature. Comments will not form bases of a determination of non-compliance. They are included to call attention to items raised by our reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

Appended to the back of the Department's report are the comment letters from the other state review agencies and other agencies, organizations and individuals. These comments are advisory to the Department and may not form bases of Departmental objections unless they appear under the "Objections" heading in this report.

**OBJECTIONS RECOMMENDATIONS AND COMMENTS REPORT
PROPOSED COMPREHENSIVE PLAN AMENDMENT 03-D1**

LEE COUNTY

I. CONSISTENCY WITH RULE 9J-5, FAC., & CHAPTER 163, F.S.

Lee County has proposed an amendment to the Future Land Use Map, to change the land use designation on a 20.98-acre site from Density Reduction and Groundwater Resource (DRGR) designation to University Community, and on 4.45-acres from DRGR to Wetland that allows 1 unit per 20 acres.

The Department has identified the following objection to the change from DRGR to University Community that needs to be addressed.

OBJECTION

Inconsistency With the Lee Plan: Future Land Use Policy 2.4.3 of the Lee Plan states that “amendments to the existing DRGR areas south of SR 82 east of 1-75, excluding areas designated by the Port Authority as needed for airport expansion, which increases the current allowable density or intensity of land use will be discouraged by the county.” The proposed land use designation for the amendment (University Community) allows 2.5 units per acre, plus limited commercial use (about 10,000 square feet). Although the applicant has stated that the addition of this area to the boundaries of the Miromar Lakes DRI, will not result in any additional residential use or commercial square footage, it is obvious that the change to University Community allows for increased density. While the potential increase in land use intensity seems small, the departure from the established Comprehensive Plan policy to discourage amendments that will increase density or intensity of land use in the DRGR is clearly inconsistent with this Future Land Use Element Policy 2.4.3 and could defeat the purpose of the DRGR and an areas for density reduction and groundwater recharge.

Chapter 163.3177(6)(a)(c) & (d), Florida Statutes; Rule 9J-5.005(5); Rule 9J-5.006(3)(c)6; 9J-5.012(1)(g), & (2)(b)5; and rule 9J-5.013(2)(c), Florida Administrative Code

Recommendation: The County should not approve the amendment unless it is accompanied by mitigation measures that will result on a neutral impact on land within the DRGR. This can be achieved by designating an equivalent amount of land with similar recharge characteristics to DRGR or Conservation.

II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

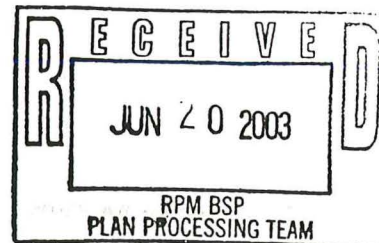
The proposed amendments are not consistent with the State Comprehensive plan including the following goals and policies (163.3177(9):)

Water Resources Goal (8)(a) and Policy (b)2, 9, & 10, regarding protection of groundwater recharge areas; and

Land Use Goal (16)(a) and Policies (b)2, & 6., regarding the regulation of land uses;

Recommendation: Revise the proposed amendments, as indicated in the objections and recommendations of this report, in order to be consistent with the above goals and policies of the State Comprehensive Plan.

9MM
6-20-03.



FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State
DIVISION OF HISTORICAL RESOURCES

June 12, 2003

Mr. Ray Eubanks
Department of Community Affairs
Bureau of State Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

LEE COUNTY
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Re: Historic Preservation Review of the Lee County (03-D1) Comprehensive Plan Amendment Request (Received by DHR on 06/02/03) *LAK 6/12/03*

Dear Mr. Eubanks:

According to this agency's responsibilities under sections 163.3177 and 163.3178, *Florida Statutes*, and Chapter 9J-5, *Florida Administrative Code*, we reviewed the above document to decide if data regarding historic resources have been given sufficient consideration in the request to amend the Lee County Comprehensive Plan.

We reviewed one proposed change to the Future Land Use Map to consider the potential effects of this action on historic resources. Our cursory review suggests that the proposed change should have no adverse effects on historic resources.

If you have any questions regarding our comments, please feel free to contact Susan M. Harp of the Division's Compliance Review staff at (850) 245-6333.

Sincerely,

Fredrick P. Gaehe, Chief
Bureau of Historic Preservation

Janet Snyder Matthews, Ph.D., Director

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

☐ Director's Office
(850) 245-6300 • FAX: 245-6435

☐ Archaeological Research
(850) 245-6444 • FAX: 245-6436

☒ Historic Preservation
(850) 245-6333 • FAX: 245-6437

☐ Historical Museums
(850) 245-6400 • FAX: 245-6433

☐ Palm Beach Regional Office
(561) 279-1475 • FAX: 279-1476

☐ St. Augustine Regional Office
(904) 825-5045 • FAX: 825-5044

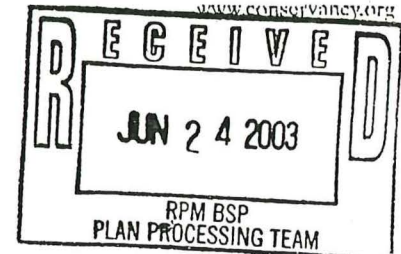
☐ Tampa Regional Office
(813) 272-3843 • FAX: 272-2340

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SECOND FLOORTHE CONSERVANCY
Of Southwest Florida1450 Merrihue Drive • Naples, Florida 34102
941.262.0304 • Fax 941.262.0672

www.conservancy.org



June 19, 2003

DELIVERED BY FACIMILE AND FIRST-CLASS MAIL

Mr. Ray Eubanks, Administrator, Plan Review and Processing
Florida Department of Community Affairs
Bureau of State Planning, Plan Processing Section
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Re: Proposed Lee County Comprehensive Plan amendment CPA 2001-03
Privately sponsored by the Miromar Development Corporation

03D1

Dear Mr. Eubanks:

I am writing to you today regarding the proposed Lee County Comprehensive Plan Amendment CPA 2001-03, which has been transmitted to you by Lee County. The Conservancy of Southwest Florida is a non-profit organization with over 6,000 member families in Southwest Florida, including Lee County. The Conservancy supports our members in Lee County in protecting important natural areas.

The proposed amendment would amend the Future Land Use Map designation of the 20.98 +/- acre parcel, known as the Miromar parcel, from Density Reduction/Groundwater Resource (DR/GR) to University Community. The Amendment would increase the parcel's combined allowable density from 2 units to 50 units, with the possibility of additional bonus density that could result in 314 units built on the site.

As you are well aware, the DR/GR land use district has nearly a 13-year history in Lee County. The designation was created to reduce sprawl and protect the County's ground water resources. With a few exceptions, the designation has been successful, particularly in keeping sprawling developments out of the area. The proposed amendment, as it now stands, would further jeopardize the DR/GR, without any countervailing public benefit, in order to approve the expansion of a residential golfing community. While the request is for a relatively small parcel that has been impacted, the parcel size and the condition of the property should not matter. Approval of this amendment is clearly inconsistent with policies of the Lee Plan.

Policy 2.4.3 of the Future Land Use Element states:

Future Land Use Map Amendments to the existing DR/GR areas south of SR 82 and 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 discourage 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.

The University Community designation, which the applicant is seeking for the subject parcel, will allow 2.5 units per acre, with the option of clustering up to 15 units per acre. Therefore, the amendment in its current form, is inconsistent with this policy.

Several policies under Goal 18 of the FLUE, relating to University Community, require development within this land use category to be supportive of Florida Gulf Coast University and its infrastructure needs. Yet, the proposed development, which is an expansion of a DRI for a residential golfing community, provides no support for the university community.

We request that the DCA object to the amendment as transmitted, because it is not in compliance with Chapter 163, Part II, Florida Statutes, and Chapter 9J-5, Florida Administrative Code. Lee County is facing rapid urbanization in nearly every area except within the DR/GR. The approval of this amendment would set a precedent and place the County on a slippery slope leading towards the loss of the DR/GR. However, as noted in the letter of transmittal from Lee County, the applicant has made a verbal proposal to add certain unspecified land to the DR/GR to alleviate the concerns regarding this amendment. If the details of this proposal, once learned, are acceptable and the amendment is modified accordingly, we may withdraw our objections.

If you have any questions regarding our position, please contact me by telephone at (239) 403-4222 or email at GaryD@conservancy.org, or contact our Lee County representative, Matt Bixler, at (239) 275-0330.

Sincerely,



Gary A. Davis
Director, Environmental Policy



THE CONSERVANCY Of Southwest Florida

June 16, 2003

1450 Merrihue Drive • Naples, Florida 34102

941.262.0304 • Fax 941.262.0672

www.conservancy.org

DELIVERED BY FACIMILE AND FIRST-CLASS MAIL

Mr. Ray Eubanks, Administrator, Plan Review and Processing
Florida Department of Community Affairs
Bureau of State Planning, Plan Processing Section
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Re: City of Fort Myers Comprehensive Plan Amendment DCA 03-1

Dear Mr. Eubanks:

I am writing you today regarding the proposed City of Fort Myers Comprehensive Plan Amendment DCA 03-1, which was approved at a May 19, 2003 City of Fort Myers public hearing. The proposed amendment would change the Future Land Use Map designation of two parcels, known as the Parker Daniels and Palomino parcels, from Rural to Mixed Use. The Amendment will increase the parcels' combined allowable density from 605 units to 1,815 units. The Conservancy of Southwest Florida is a non-profit organization with over 6,000 member families in Southwest Florida, including Lee County. The Conservancy and our members work in Lee County to protect sensitive natural areas, such as Six Mile Cypress Slough

The Conservancy requests that DCA find the proposed amendment not in compliance with Chapter 163, Part II, Florida Statutes, and Chapter 9J-5, Florida Administrative Code. The amendment has not been sufficiently improved from the transmittal version to alleviate the concerns raised in the Department's Objections, Recommendations, and Concerns (ORC) Report, dated February 4, 2003. The ORC report recommended that, "[t]he density allowed should be **comparable to the density the County allowed on these sites . . . [emphasis added]**" Although the City made changes to the amendment after the ORC Report, the approved amendment would still allow intense, urban development of 3 units per acre, and the City has not addressed the potential impacts of density to the on-site and surrounding natural areas.

Furthermore, the applicants and the City also did not adequately address the issue of extending water and sewer lines under the Slough. The ORC report states, "the proposed potable water and sewer extension through and beneath the Slough will cause a direct impact to the Slough." The plans that were originally presented to the DCA before the ORC report have not changed. Alternatives to current plan of extending water and sewer lines have not been presented. To fully protect the Slough, an alternative to extending water and sewer lines under the Slough should be found. One possibility would be to return water and sewer lines to the lines running along Colonial Boulevard, north of the sites. This would complete the "looping" of the system that the City of Fort Myers is seeking while avoiding extending the lines under the Slough.

The DCA's objection ended by saying, "the designation of a more intense land use category on these sites will lead to more intense development categories that could result in negative impacts to the fragile environmental systems on and near the sites." Despite this statement, the City has approved an amendment that would triple the allowable density on the sites, increasing the number of allowable units from 605 to 1815. The current proposal will still result in negative impacts onsite and on surrounding sites.

For the reasons outlined above, we respectfully request that you find the proposed amendments not in compliance with Chapter 163, Part II, Florida Statutes, and Chapter 9J-5, Florida Administrative Code. The Six Mile Watershed is currently facing increased impacts from growth that is expected to continue into the future. Density increases that result in unplanned and unexpected growth will further degrade an area that is critical to the environmental, social, and economic health of Fort Myers and all of Lee County. If you have any questions regarding our position, please contact me by telephone at (239) 403-4222 or email at GaryD@conservancy.org, or contact our Lee County representative, Matt Bixler, at (239) 275-0330.

Sincerely,



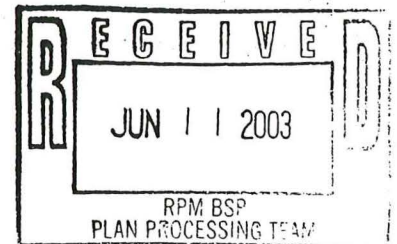
Gary A. Davis
Director, Environmental Policy

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June 9, 2003



The Honorable Colleen Castille
Secretary
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100

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Planning Agency (LPA) voted 3-2 against transmitting the amendment. On May 6, 2003, the Lee County Board of County Commissioners voted 4-1 for transmittal of the plan amendment.

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A. Florida Panther

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The endangered Florida panther has been recently documented on the FGCU property adjacent to this property. The Florida Wildlife Federation has provided Lee County and DCA with copies of a photograph of a Florida panther on the FGCU property very near the subject property. The photograph was taken March 28, 2003, with a camera installed by biologist Ricky Pires. The Florida Fish and Wildlife Conservation Commission (FWC) has determined that this photograph is a picture of an uncollared panther. In addition to the uncollared panther shown in this picture, the FWC has documented the presence of collared panthers, including panthers #92 and #99, using GR/DR land in this area within the last two years.

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Honorable Colleen Castille

June 9, 2003

Page 3

The DRGR lands are critically important to the Florida panther's survival and recovery. Both state and federal panther biologists have repeatedly acknowledged that the DRGR in southeast Lee County is occupied panther habitat, and these biologists have stated that the Florida panther cannot afford to lose any more habitat. The Florida panther cannot afford the loss of the subject 24 acres of habitat, especially when it is added to the growing cumulative impacts of mining and residential development in the DG/GR area.

Lee County's proposed amendment of the land use designation of the subject property to "University Community" will increase from the rural low density maximum of one unit per 10 acres, to the urban level 2.5 units per acre (with permissible clustering of up to 15 dwelling units per acre). Such a land use designation is incompatible and unsuitable for the protection of the endangered Florida panther.

B. Groundwater Pollution

The subject plan amendment would authorize urban level density and intensity on the subject land. Development of such potentially authorized urban density and intensity levels would increase the stormwater pollution potential of the groundwater by the subject property. Placement of urban level density and intensity near mine cuts through geological confining layers of the aquifer inappropriately increases the potential for groundwater pollution by urban level stormwater runoff. Such a designation is not suitable for the subject land.

2. Prohibited By Lee Plan Policy 2.4.3--The proposed FLUM Map 1 and 16 amendments are prohibited by Lee Plan Policy 2.4.3. The prohibition of Policy 2.3.4 consists of the unequivocal statement that it is Lee County's policy not to approve further Urban designations in the DR/GR future land use category. The proposed "University Community" land use designation is unquestionably an urban designation (See, Lee Plan Policy 1.1.9).

3. Internally Inconsistent With Policy 2.4.3--Lee Plan Policy 2.3.4 further states that it is Lee County's policy to "discourage" FLUM amendments which "increase the current allowable density or intensity of land use" in the DG/GR area located south of S.R. 82 and east of Interstate 75. The proposed amendments unquestionably increase the density and intensity of the of land use within the current DR/GR area. This is an especially dangerous precedent on this first privately sponsored amendment with this DR/GR area.

4. Internally Inconsistent With Lee Plan Policy 1.1.9--As the Lee County Staff Report found, these proposed amendment are not related to or justified by the FGCU, and they cannot be characterized as amendment for "Associated Support Development" for the FGCU.

Additionally, there is no overriding public necessity to justify the currently proposed privately sponsored Lee plan amendment over the demonstrated overriding public necessity that

Honorable Colleen Castille
June 9, 2003
Page 4

was identified in 1992.

Conclusion

The RGMC appreciates DCA's consideration of these RGMC comments. The RGMC respectfully requests that the DCA provide the RGMC's undersigned legal counsel with a copy of DCA's ORC report on these transmitted plan amendments.

Very truly yours,

A handwritten signature in cursive script that reads "Thomas W. Reese". The signature is written in dark ink and is positioned above the printed name.

Thomas W. Reese

cc: Charles Gauthier, AICP,
Mike McDaniel, AICP
Bernard O. Piawah, AICP
Shaw Stiller, Esq.

9m 11
6-27-03



Dorothy McNeill
President
Estero Bay Buddies, Inc
20600 Park Place
Estero, FL 33928
June 24, 2003

LEE COUNTY
RECEIVED

03 JUL 24 AM 11:46

COMM. DEV/
PUB. WRKS. CNTR.
SECOND FLOOR

Planning Manager
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399

Dear Mr. Piawah:

We are writing to urge you to oppose and even challenge the Fort Myers City Council's proposed amendment to the Lee County Comprehensive Plan that would change the designation of the Parker Daniels and Palomino project sites from rural to mixed-use residential. As you know, the proposed change would triple the density allowed on these sites and would negatively impact the cypress arm, a currently unprotected extension of the Six Mile Cypress Slough, as well as the Slough itself and, ultimately, the Estero Bay.

The Estero Bay Buddies, a citizen support organization for the Estero Bay Aquatic and State Buffer Preserves, has worked diligently over the last several years "to support and further the protection, conservation, restoration, management, and the enhancement of the natural and cultural resources of the coastal and aquatic ecosystems of the Estero Bay estuary and watershed" (Estero Bay Buddies Mission Statement). The proposed amendment would negatively affect the coastal and aquatic ecosystems of the Bay area, so we are urging you to take action to openly oppose the change to the Lee County Comp Plan.

Because of the heretofore unchecked development in Lee County and the continuous (and often granted) requests to change the Lee County Comprehensive Plan, we feel that a wide range of citizens and citizen organizations must begin to speak up in a variety of venues to make our voices heard. We understand that Lee County will continue to grow and be developed-but this fact does not mean that further development need be irresponsible to the citizens of the county. We are asking that you, our elected officials, be our watch guard for making our community one that we will be proud to hand down to our grandchildren's grandchildren.

We appreciate your time and attention to this important matter.

Sincerely,

Dorothy McNeill

Dorothy McNeill

President, Estero Bay Buddies



Department of Environmental Protection

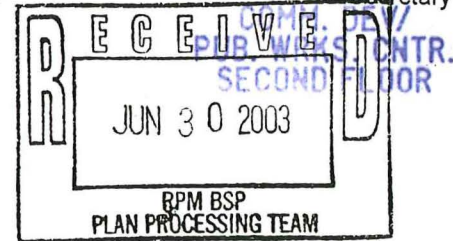
LEE COUNTY
RECEIVED

Jeb Bush
Governor

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard, MS 47
Tallahassee, Florida 32399-3000

03 JUL 24 AM 11:46
David B. Struhs
Secretary

June 27, 2003



Mr. D. Ray Eubanks
Plan Review and DRI Processing Team
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

RE: Lee County, 03-D1, Comprehensive Plan Amendment ORC Review

Dear Mr. Eubanks:

The Office of Intergovernmental Programs has reviewed Lee County Comprehensive Plan Amendment CPA 2001-03 under the procedures of Chapter 163, *Florida Statutes (F.S.)*, and Chapters 9J-5 and 9J-11, *Florida Administrative Code (F.A.C.)*, and offers the following comments on the request to change the Future Land Use Map designation on over 25 acres of property adjacent to the Miromar Lakes Development of Regional Impact (DRI):

Department staff concurs with the Lee County Planning Division staff analyses and recommendations presented in the May 6, 2003, Staff Report for CPA 2001-03. The proposed amendment would change future land use on 20.98 acres currently designated Density Reduction/Groundwater Resource (DR/GR) to University Community. In addition, future land use on a 4.45-acre portion of the property would go from DR/GR to Wetlands designation. The vacant strip of land in question is located at the northeast corner of the Miromar Lakes DRI within an area impacted by previous mining operations, north of the approved Miromar Lakes Conservation Area and northwest of Stewart Cypress Slough.

As the proposed University Community designation would increase density and intensify use beyond that currently authorized on the 20.98-acre tract, the Department has concerns regarding future urban development on vacant agricultural/mining lands within the DR/GR land use area and Estero River watershed. The project site is located within an area of high recharge to the surficial aquifer. Due to that connectivity, surface land uses and activities on-site can have direct impacts to the groundwater system. In addition, the waterbodies downstream of Stewart Cypress Slough, the Estero Bay Tributaries, have been designated Outstanding Florida Waters under Rule 62-302.700(9)(i)12., *F.A.C.* The Estero Bay basin is also one of the watershed management areas included within the Charlotte Harbor National Estuary Program. The designations thus reflected in Chapters 253, 258, 373 and 403, *F.S.*, afford the highest level of state protection to the waterways and public lands associated with Estero Bay. The suitability of the land proposed for development within the designated DR/GR area of the Estero River/Bay watershed should be carefully reviewed to ensure that the proposed changes would not cause adverse impacts to the quantity, quality, and flow

of the groundwater, surface waters, wetlands, and flood-detention areas within the Estero Bay estuarine system.

Because the proposed development is located within this critical area and does not appear to be consistent with Future Land Use Element Policies 2.4.2 and 2.4.3 and Community Facilities and Services Element Objectives 40.4 and 41.1 of *The Lee Plan*, the Department concurs with the County Planning Division's recommendation to deny the proposed land use change on the 20.98-acre portion of Amendment CPA 2001-03, Miromar Development Corporation. In the event that the land use change is approved, the Department recommends that Miromar Development Corporation, Lee County, and project consultants coordinate closely with South Florida Water Management District, DEP South District Office, and other state agency staff to resolve any outstanding DRI development issues related to the county's Surface Water Management Master Plan, stormwater treatment system design, water supply plans, and potential wetland impacts.

Thank you for the opportunity to comment on this proposal. If I may be of further assistance, please call me at (850) 245-2163.

Sincerely,



Lauren P. Milligan
Environmental Specialist
Office of Intergovernmental Programs

/lpm

cc: Gordon Romeis, DEP, South District Office



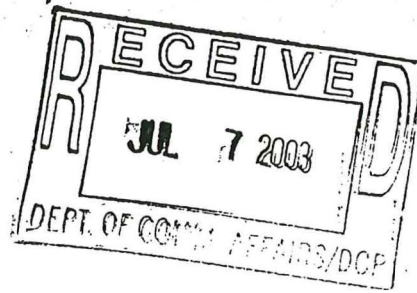
SOUTH FLORIDA WATER MANAGEMENT DISTRICT

3301 Gun Club Road, West Palm Beach, Florida 33406 • (561) 686-8800 • FL WATS 1-800-432-2045 • TDD (561) 697-2574
Mailing Address: P.O. Box 24680, West Palm Beach, FL 33416-4680 • www.sfwmd.gov

1M
7-03
GOV 08-16

June 30, 2003

Ray Eubanks, Administrator
Plan Review and DRI Processing Team
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100



Dear Mr. Eubanks:

**Subject: Proposed Amendment Comments
Lee County, DCA #03-D1**

South Florida Water Management District staff has reviewed the subject amendment, and our general comments are attached. If you have any questions or require additional information, please contact John Higgins at (561) 687-6795 or me at (561) 682-6779.

Sincerely,

P.K. Sharma, AICP
Lead Planner
Water Supply Planning & Development Division

PKS/nk

C: David Burr, SWFRPC
Mike McDaniel, DCA
Paul O'Connor, Lee County

LEE COUNTY
RECEIVED
03 JUL 24 AM 11:46
COMM. DEV/
PUB. WRKS. CNTR.
SECOND FLOOR

GOVERNING BOARD

Nicolás J. Gutiérrez, Jr., Esq., *Chair*
Pamela Brooks-Thomas, *Vice-Chair*
Irela M. Bagué

Michael Collins
Hugh M. English
Lennart E. Lindahl, P.E.

Kevin McCarty
Harkley R. Thornton
Trudi K. Williams, P.E.

EXECUTIVE OFFICE

Henry Dean, *Executive Director*

=====

Name of Agency:	South Florida Water Management District
Lead Reviewer:	John Higgins, AICP, (561) 682-6795
Plan Reviewed:	Lee County, DCA# 03-D1
SFWMD Response Date:	June 30, 2003

=====

BACKGROUND:

The proposed amendment initiated by the Miromar Development Corporation requests a change of land use designation on the Lee County Future Land Use Map from "Density Reduction /Groundwater Resource" (DR/GR) to "University Community"" for an approximate 24 acre specified area of land, which is a portion of the proposed Miromar Lakes MPD/DRI expansion, located north east of and proximal to Florida Gulf Coast University.

The requested change in land use designation would increase the allowable density from 1 du/10 acres to 2.5 du/acre, which could result in an increase of 55 permissible units. The potential residential density and commercial intensity for the subject property will be increased if the amendment is approved; although the applicant has stated that no additional units will be requested as a result of this proposal to those already approved in the DRI process. The subject property is located within the Gulf Utilities franchise area for potable water and sanitary sewer service. The County staff report indicates that, currently, Lee County Utilities is negotiating the purchase of Gulf Utilities.

GENERAL COMMENT:

The South Florida Water Management District (SFWMD) was involved in the water resource/environmental impact assessment of the original Miromar Lakes DRI proposal. We understand that a Development Order was issued by Lee County on November 29, 1999, on this DRI.

Our records indicate that SFWMD issued an initial Environmental Resource Permit for this DRI in 1999, (36-03568-P). Since that time, numerous (over 30) permit modifications have been issued for different projects and phases of development, within this DRI.

In light of the past DRI review and regulatory involvement associated with this development project, SFWMD does not forward any objection or adverse comment regarding this land use amendment. However, SFWMD, as a reviewing agency with water management responsibility, is concerned about land use changes that could affect water resources in general, and, groundwater resources in the DR/GR area in particular. We take this opportunity to encourage the applicant's effort to provide mitigation for the valuable recharge function which could be affected if higher density/intensity land use is approved for the amendment site. We have noticed that during the Transmittal Hearing the applicant has made a specific proposal to address the mitigation issue. SFWMD recommends that a mitigation plan, that is acceptable to the County, be included as a part of this amendment approval.



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

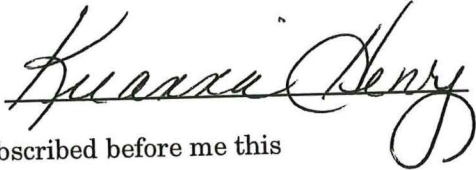
Published every morning - Daily and Sunday
Fort Myers, Florida

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 **LPA Public Hearing**
in the _____ Court
was published in said newspaper in the issues of
October 18, 2002

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

18th day of October 2002 by

Kieanna Henry

personally known to me or who has produced

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

Notary Public

Print Name

My commission Expires:



Janet E. Cobb
MY COMMISSION # CC980442 EXPIRES
November 19, 2004
BONDED THRU TROY FAIR INSURANCE, INC.



MEETING NOTICE LOCAL PLANNING AGENCY PUBLIC HEARING

Notice is hereby given that Lee County Local Planning Agency (LPA)
will meet on Monday, October 28, 2002. The meeting will be held in
the Board of County Commission Chambers at 2121 Main Street in
downtown Fort Myers. The meeting will commence at 8:30 a.m.

AGENDA

1. Call to Order; Certification of Affidavit of Publication
2. Pledge of Allegiance
3. Public Forum
4. Approval of Minutes from August 26, 2002 and September 23, 2002
5. Smart Growth Update
6. Plan Amendment Review:
A. CPA2001-03 - Amend the Future Land Use Map for an
approximate 28.4 acre portion of land located in Section 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."
7. Other Business
8. Adjournment

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 all proposed actions. Pursuant to Florida Statutes
Section 163.3184(8)(b), persons participating in the Comprehensive
Plan Amendment process, who provide their name and address on the
record, will receive a courtesy informational statement from the
Department of Community Affairs prior to the publication of the Notice
of Intent to find a plan amendment in compliance.

If a person decides to appeal any decision made by the board, agency
or commission with respect to any matter considered at such meeting or
hearing, he or she will need a record of the proceedings, and that, for
such purpose, he or she may need to ensure that a verbatim record of
the proceedings 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 479-8585.

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 479-8585
Extension 5910.

PO# 900565

SECOND FLOOR
PUB. WORKS. CNTR.
COMM. DEV.

02 OCT 23 AM 8:58

RECEIVED
LEE COUNTY

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 **LPA Agenda**

in the _____ Court

was published in said newspaper in the issues of

November 15, 2002

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.

Kieanna Henry

Sworn to and subscribed before me this

15th day of November 2002 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 # CC808905 EXPIRES
February 14, 2003
BONDED THRU TROY FAIN INSURANCE, INC.



MEETING NOTICE LOCAL PLANNING AGENCY PUBLIC HEARING

Notice is hereby given that the Lee County Local Planning Agency (LPA) will meet on Monday, November 25, 2002. The meeting will be held in the Board of County Commission Chambers at 2120 Main Street in downtown Fort Myers. The meeting will commence at 8:30 a.m.

AGENDA

1. Call to Order; Certification of Affidavit of Publication
2. Pledge of Allegiance
3. Public Forum
4. Approval of Minutes from October 28, 2002
5. Fire/EMS Impact Fee Update

AN ORDINANCE AMENDING THE LEE COUNTY LAND DEVELOPMENT CODE (LDC) TO AMEND CHAPTER 2 (ADMINISTRATION), FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES (EMS). IMPACT FEES: AMENDING IMPOSITION (\$2-385); REPEALING AND REPLACING TABLES 1 THROUGH AND INCLUDING 18 IN THEIR ENTIRETY AND AMENDING AND RENUMBERING TABLE 19 WITHIN COMPUTATION OF AMOUNT AND AMENDING OTHER PROVISIONS WITHIN COMPUTATION OF AMOUNT (\$2-386); AND PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

6. Plan Amendment Review:

A. CPA2001-03 - Amend the Future Land Use Map for an approximate 28.4 acre portion of land located in Section 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."

7. Other Business
8. Adjournment

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 all proposed actions. Pursuant to Florida Statutes Section 163.3184(8)(b), persons participating in the Comprehensive Plan Amendment process, who provide their name and address on the record, will receive a courtesy informational statement from the Department of Community Affairs prior to the publication of the Notice of Intent to find a plan amendment in compliance.

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings; and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings 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 479-8585.

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 479-8585 Extension 5910. PO# 900565

SECOND FLOOR
PUB. WRKS. CNTR.
COMM. DEV.

02 NOV 18 AM 9:10

RECEIVED
LEE COUNTY

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 **LPA Public Hearing**

in the _____ Court

was published in said newspaper in the issues of

January 17, 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.

Kieanna Henry

Sworn to and subscribed before me this

17th day of January 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

Print Name

My commission Expires:



Brenda Leighton
MY COMMISSION # CC808905 EXPIRES
February 14, 2003
BONDED THRU TROY FAIR INSURANCE, INC.

03 JAN 21 AM 9:19

RECEIVED
LEE COUNTY



MEETING NOTICE LOCAL PLANNING AGENCY PUBLIC HEARING

Notice is hereby given that the Lee County Local Planning Agency (LPA) will meet on Monday, January 27, 2003. The meeting will be held in the Board of County Commission Chambers at 2120 Main Street in downtown Fort Myers. The meeting will commence at 8:30 a.m.

AGENDA

1. Call to Order; Certification of Affidavit of Publication
2. Pledge of Allegiance
3. Public Forum
4. Approval of Minutes from November 25, 2002
5. Plan Amendment Review:

A. DRI Related Amendment

CPA2001-03 - Amend the Future Land Use Map for an approximate 24 acre portion of land located in Sections 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."

B. 2002/2003 Regular Round Amendment

CPA2002-22 - Amend Policy 100.2.3 of the Housing Element by replacing the outdated reference to the approval process of "Special Permit" with the current process of "Special Exception."

6. Other Business

7. Adjournment

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 all proposed actions. Pursuant to Florida Statutes Section 163.3184(8)(b), persons participating in the Comprehensive Plan Amendment process, who provide their name and address on the record, will receive a courtesy informational statement from the Department of Community Affairs prior to the publication of the Notice of Intent to find a plan amendment in compliance.

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings 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 479-8585.

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 479-8585 Extension 5910.

PO# 900565

**BOARD OF COUNTY COMMISSIONERS
DRI AMENDMENT
TRANSMITTAL HEARING
MAY 6, 2003
COMMISSION CHAMBERS
1:30 P.M.
AGENDA**

1. Call to order; Certificate of Affidavit of Publication

2. Lee Plan Amendment Proposed for Transmittal

A. CPA2001-03

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.

B. Public Comment on Transmittal Agenda

3. Lee Plan Amendment Proposed for Adoption

A. CPA2003-01

Amend the Future Land Use Map series for a specified 2.25 acre parcel of land located in Section 8 Township 46 South, Range 24 East to change the classification shown on Map 1, The Future Land Use Map, from "Industrial Development" to "Urban Community."

B. Public Comment on Adoption Agenda

4. Adjourn

Transmittal / Adoption Hearing May 5 '03

- ① Call to order - DMC ad OK
- ③ - Nichole - overview
 - not significant impact to Indu areas
 - CHHA - concern
 - Utility - may emit odors

Allows commercial dev.

looking at commercial category

Lucas - applicant - 2.2 Ac 1 1/2 years ago

Public - none

Coy
ord StC. 4-0
Albion
out

- ② Brandy - overview Policy (2.4.3)
 - History of Amendment
 - Modification of request
 - Staff rec - not transmit
 - Airport Commerce story
 - Gov. allowed change with requirement for 2.4.3
 - Additional amendments
 - Airport
 - Lehigh Leves change

②

- Understand - no more units being asked for
- San Carlos community map change
- letter
- Presidential Nature

Neale - 92 - taken out of Univ. Comm.

Alico understood it could go back?

View to the North, South, East, West

Unique circumstances - not precedent

Martin - CMS Meisner - technical criteria
recharge and on wellfield

Graphics -

Discharge areas - ?

WMD - no new permits?

Neale - Wetland drawdown problem

- 1990 WMD Letter -

Policy - 2.4.3 - has criteria

Dunham - Wilson Miller - Not a lot of
environmental issues

Neale - Presidential Nature -

Bullet List

Offer - Swap of 20.89 Ac

St C. - questions

Public -

Boyd E. Letter RGMC

③

Boyd-Gene - Confused by Application

Why change 20-24 Ac and go through this. Why

① ~~1~~ Set Precedent

② Encircles campus - no expansion

Don't do this in little fragments

Linblad-E. - Denial

① 2,4,3 - don't give away in pieces

Need a plan or vision for DR/GR

② Plan does not support Univ.

Rosenthal-A. - 2 Main Concerns

① Preserve integrity of DR/GR

② Not set Precedent

Davis G. Conservancy - Support Staff
Why 20 Ac?

Demens-N. - Bioliged FGCU - Deny

Smith-R - Resident - Deny

Neale - Water Supply - Regional supply plan done - not this area

Univ. consistency comes later

Not increasing Density or Intensity

Unique

LPA members RGAC + Consen.

Deny - Insulting - conspiring No!

Look Favorably

④

Judah - area impacted

- Not critical habitat

Not important recharge

Support request

Find a way to properly
mitigate

DR/GR Conversion

Buy sensitive lands

Coy - Unique? Judah - yes

DR/GR proper? yes DR - GR

Mitigation Ratio

Janes - concerns - Comprehensive look
don't chip away - can't support
transmittal

St Cerny - Every action sets precedent

Surrounded by same owner

Unique situation

Have latitude - could get 20Ac +?

Time of Adoption

Albion - DR1 Process - time to address

Common sense - not DR/GR land

Balance

Are we selling urban for acres

Judah - agree it should be comprehensive

this may allow us to establish

Mitigation Ratio

Unique! St C - Coy 4-1

Policy 2.4.3
Policy - not to approve

Adjacent lands to East

DR / QR - reasons

No promise made to go back

Permit problems don't justify Land
Use change



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (941) 479-8585

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

May 20, 2003

Ray Eubanks, Administrator, Plan Review and Processing
Florida Department of Community Affairs
Bureau of State Planning
Plan Processing Section
2555 Shumard Oak Boulevard
Tallahassee, FL. 32399-2100

Re: Amendment to the Lee Plan
Transmittal Submission Package for CPA 2001-03

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163.3187(1)(b) and of 9J-11.006, this submission package constitutes the transmittal package for an amendment to the Lee Plan known as CPA 2001-03. The proposed amendment is one of the exemptions to the twice per calendar year limitation on the adoption of comprehensive plan amendments, due to the fact that it is directly related to a proposed Development of Regional Impact, the Miromar Lakes DRI. Per 9J-11.006(1)(a)7.a., a copy of the transmittal letter to the Southwest Florida Regional Planning Council applying for DRI development approval is attached to this correspondence.

The Local Planning Agency public hearing for this plan amendment was held on January 27, 2003, and the Board of County Commissioners hearing for transmittal of the plan amendment was held on May 6, 2003. Per 9J-11.006(1)(a)(3), Lee County is requesting that the Department review the proposed amendments and provide an Objections, Recommendations, and Comments (ORC) Report. The proposed amendment is not applicable to an area of critical state concern. The Board of County Commissioners has stated its intent to hold an adoption hearing at the same time as the hearing for Application for Development Approval for the DRI.

The subject plan amendment is a privately-initiated request to amend the Future Land Use Map series, Map 1, the Future Land Use Map, for a 20.98 +/- acre parcel of land located in Sections 12 and 13, Township 46 South, and Range 25 East to change the Future Land Use classification from "Density Reduction/Groundwater Resource" (DR/GR) to "University Community." Also proposed is an amendment to Map 16 of the Future Land Use Map Series to remove the subject property from the Southeast Lee County Planning Community and place it in the San Carlos Planning Community. The effect of the amendment will be to allow urban levels of development in an area previously designated for minimal densities and intensities. The **potential** residential density and commercial intensity for the subject property will be increased if the amendment is adopted, although the applicant has stated that no additional units will be requested as a result of this proposal. Dwelling units and uses already approved through the existing Miromar Lakes DRI will be placed on the subject property.

Additionally, at the Transmittal Hearing, the applicant proposed to locate and purchase 20.98 acres of land located in either DR/GR classified land or in Lehigh Acres to be dedicated to public ownership. The applicants have placed the following requirements in the proposal:

- If the land is acquired in the DR/GR, Lee County will designate the lands as Conservation lands during the next plan amendment cycle. The County will not issue any local development orders within the proposed amendment acres until the acres proposed for Conservation have been identified, acquired, and dedicated to Lee County.
- If the land is acquired in Lehigh Acres, Lee County will designate the lands as DR/GR during the next plan amendment cycle. The County will not issue any local development orders within the proposed amendment acres until the acres proposed for DR/GR have been identified, acquired, and dedicated to Lee County.
- The applicant has the option of acquiring lands in the DR/GR for conservation, or lands in Lehigh Acres which can be used for DR/GR purposes.

Under the direction of the Board of County Commissioners, staff will be working with the applicant in order to further investigate such a proposal prior to an Adoption Hearing. The proposal submitted by the applicant at the Transmittal Hearing is attached as part of the applicants back-up materials. The discussions held at the Transmittal hearing are given in further detail under the Board Review section of Part IV of the staff report.

For clarity, the staff report for the proposed amendment complete with the applicant's submittal which includes attendant support document, staff evaluation, analysis and recommendations, Local Planning Agency recommendations and local governing body actions are being transmitted. The attached staff report and applicant's submittal materials contain all of the information required for Future Land Use Map amendments outlined in 9J-11.006(1)(b)1. through 5.

The name, title, address, telephone number and facsimile number of the person for the local government who is most familiar with the proposed amendment is as follows:

Mr. Paul O'Connor, AICP
Lee County Planning Division Director
P.O. Box 398
Fort Myers, Florida 33902-0398
(941)479-8585
Fax (941)479-8319
Email: oconnops@leegov.com

Included with this package, per 9J-11.006, are three copies of the proposed amendment, and supporting data and analysis. By copy of this letter and its attachments I certify that these amendments have been sent to the Regional Planning Council, the Florida Department of Transportation (FDOT), the Department of Environmental Protection, Florida Department of State, Florida Fish and Wildlife Conservation Commission, the Department of Agriculture and Consumer Services, Division of Forestry, and the South Florida Water Management District.

Sincerely,
DEPT. OF COMMUNITY DEVELOPMENT
Division of Planning

A handwritten signature in black ink, appearing to read "Paul O'Connor", written in a cursive style.

Paul O'Connor, AICP
Director

All documents and reports attendant to this adoption are being sent, by copy of this cover, to:

David Burr
Interim Director
Southwest Florida Regional Planning Council

Mike Rippe, District Director
FDOT District One

Executive Director
South Florida Water Management District

Plan Review Section
Department of Environmental Protection

Florida Department of State

Florida Fish and Wildlife Conservation Commission

The Department of Agriculture and Consumer Services, Division of Forestry

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: CH 2001-03

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) 7000 1670 0011 9184 0399

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2509

COMPLETE THIS SECTION ON DELIVERY

A. Signature X ☐ Agent ☐ Addressee

B. Received by (Printed Name) Ray Eubank C. Date of Delivery 07-07-2003

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

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.

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1. Article Addressed to:

Department of Agriculture and Conservation
Division of Forestry
5555 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 102595-01-M-2509

COMPLETE THIS SECTION ON DELIVERY

A. Signature X ☐ Agent ☐ Addressee

B. Received by (Printed Name) Ray Eubank C. Date of Delivery 07-07-2003

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

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. 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) 7000 1670 0011 9183 9805

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2509

COMPLETE THIS SECTION ON DELIVERY

A. Signature X ☐ Agent ☐ Addressee

B. Received by (Printed Name) David Burr C. Date of Delivery 7-5-03

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

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:

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 102595-01-M-2509

COMPLETE THIS SECTION ON DELIVERY

A. Signature X ☐ Agent ☐ Addressee

B. Received by (Printed Name) Gracie Penton C. Date of Delivery JUL 7 2003

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

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:

Florida Department of Environmental Protection
Plan Review Section
1900 Commonwealth Boulevard, MS 47
Tallahassee, FL 32399-3000

2. Article Number (Transfer from service label) 7000 1670 0011 9183 9775

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2509

COMPLETE THIS SECTION ON DELIVERY

A. Signature X ☐ Agent ☐ Addressee

B. Received by (Printed Name) Jeff Ward C. Date of Delivery JUL 07 2003

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

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. 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 ☐ Agent ☐ Addressee

B. Received by (Printed Name) John Czerapak C. Date of Delivery 7-7-03

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

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:

Florida Fish and Wildlife Conservation Commission
300 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 102595-01-M-2509

COMPLETE THIS SECTION ON DELIVERY

A. Signature X ☐ Agent ☐ Addressee

B. Received by (Printed Name) Jeff Ward C. Date of Delivery 7-7-03

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

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 ☐ Agent ☐ Addressee

B. Received by (Printed Name) Jeff Ward C. Date of Delivery 7-7-03

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

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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■ 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

COMPLETE THIS SECTION ON DELIVERY

A. Signature X ☐ Agent ☐ Addressee

B. Received by (Printed Name) Linda Shamp C. Date of Delivery 7-6-03

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

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

4. Restricted Delivery? (Extra Fee) ☐ Yes

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF RESOURCE PLANNING AND MANAGEMENT
BUREAU OF STATE PLANNING
2740 Centerview Drive
Tallahassee, Florida 32399
904-488-4925

RECEIVED
MAY 10 2001
PERMIT COUNTER

**NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED
DEVELOPMENT OF REGIONAL IMPACT (DRI)
SUBSECTION 380.06(19), FLORIDA STATUTES**

Subsection 380.06(19), Florida Statutes, requires that submittal of a proposed change to a previously approved DRI be made to the local government, the regional planning agency, and the state land planning agency according to this form.

1. I, Neale Montgomery, am the undersigned authorized representative of Miromar Lakes L.L.C., a Florida Limited Liability Company. Miromar Development Inc., is the owner of the subject property and does hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, I submit the following information concerning the Notice of Proposed Change to amend the Miromar Lakes DRI DO to add 499.56 acres of land, and eighteen holes of golf, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to LEE COUNTY, to the Southwest Florida Regional Planning Council, and the Bureau of State Planning, Department of Community Affairs.

May 9, 2001
Date

Neale Montgomery
Neale Montgomery

DRI 2001-00004

2. Applicant (name, address, phone).

Miromar Lakes L.L.C., a Florida Limited Liability Company
Miromar Lakes Development
24870 Burnt Pine Drive
Bonita Springs, Florida 34134
(941) 948-3666

3. Authorized Agent (name, address, phone).

Mr. Jerry Schmoyer
Miromar Development, Inc.
24870 Burnt Pine Drive
Bonita Springs, Florida 34134
(941) 948-3666

Ms. Neale Montgomery
Pavese, Haverfield, Dalton, Harrison & Jensen, L.L.P.
P.O. Drawer 1507
Fort Myers, Florida 33902-1507
(941) 336-6235

Ms. Carron Day
Florida Land Planning
Midtown Professional Center
1560 Matthew Drive, Suite E
Fort Myers, Florida 33907
(941) 278-5222

4. Location (City, County, Township/Range/Section) of approved DRI and proposed change.

Sections 10, 11, 12, 13, 14, 15, 23, Township 46 South, Range 25 east, Lee County, Florida
Section 24, Township 46 South, Range 25 east, Lee County, Florida

5. Provide a complete description of the proposed change. Include any proposed changes to the plan of development, phasing, additional lands, commencement date, build-out date, development order conditions and requirements, or to the representations contained in either the development order or the Application for Development Approval.

The proposed change is a request to add land to the existing DRI. The request is to add 499.56 acres of land to the Miromar Lakes Development. The land is located south and east of the existing Miromar Lakes development. No additional units or square footage is being

requested. The applicant is requesting eighteen holes of golf on the additional property, and existing approved units will be constructed on the additional lands.

Indicate such changes on the project master site plan, supplementing with other detailed maps, as appropriate. Additional information may be requested by the Department or any reviewing agency to clarify the nature of the change or the resulting impacts.

The necessary changes to the DRI DO to accommodate the additional lands are set forth on the attached draft DRI DO.

The changes to the project plan are reflected on the attached Map H.

- 6. Complete the attached Substantial Deviation Determination Chart for all land use types approved in the development. If no change is proposed or has occurred, indicate no change.**

No change in the number of residential units, or square footages are proposed as part of this application. An additional eighteen holes of golf is being requested.

- 7. List all the dates and resolution numbers (or other appropriate identification numbers) of all modifications or amendments to the originally approved DRI development order that have been adopted by the local government, and provide a brief description of the previous changes (i.e., any information not already addressed in the Substantial Deviation Determination Chart). Has there been a change in local government jurisdiction for any portion of the development since the last approval or development order was issued? If so, has the annexing local government adopted a new DRI development order for the project?**

DRI DO #11-9798-142/County Case #95-01-028.04Z 02.01 (approved November 29, 1999)

Zoning Resolution #Z-99-029

No changes to the DRI DO have been approved.

There has been no change in the local government with jurisdiction.

- 8. Describe any lands purchased or optioned within ¼ mile of the original DRI site subsequent to the original approval or issuance of the DRI development order. Identify such land, its size, intended use, and adjacent non-project land uses within ½ mile on a project master site plan or other map.**

The 499.56 acres which are the subject of this NOPC were purchased and are located within 1/4 mile. No additional lands have been purchased. The intended use of the land is as identified in this application.

9. **Indicate if the proposed change is less than 40% (cumulatively with other previous changes) of any of the criteria listed in Paragraph 380.06(19)(b), Florida Statutes.**

The proposed change is less than 40% of the criteria listed in Paragraph 3870.06(19)(b), F.S.

10. **Does the proposed change result in a change to the buildout date or any phasing date of the project? If so, indicate the proposed new buildout or phasing dates.**

No the change does not result in a change to the buildout date or phase date.

11. **Will the proposed change require an amendment to the local government comprehensive plan?**

Yes, the proposed change will require a very small plan amendment. The vast majority of the land is located within the University Community land use category. A very small portion of the overall project was originally located in the University Community and was taken out because of the requirement that all mining operations on the property had to cease. The land was being used by the mining operation and they didn't want to stop their operation when the university opened, so the land was taken out. The request or amendment will be to change the land back to the University Community designation from the DRGR designation. This change will require all mining operations to cease on the property.

Provide the following for incorporation into such an amended development order, pursuant to Subsections 380.06(15), F.S., and 9J-2.025, Florida Administrative Code:

12. **An updated master site plan or other map of the development portraying and distinguishing the proposed changes to the previously approved DRI or development order conditions.**

Please see the attached Map H.

13. **Pursuant to Subsection 380.06(19)(f), F.S., include the precise language that is being proposed to be deleted or added as an amendment to the development order. This language should address and quantify:**

- a. **All proposed specific changes to the nature, phasing, and built-out date of the development; to development order conditions and requirements; to commitments and representations in the Application for Development Approval; to the acreage attributable to each described proposed change of land use, open space, areas for preservation, green belts; to structures or to other improvements including locations, square footage, number of units; and other major characteristics or components of the proposed change:**

Please see the attached DRI DO for the changes, the changes are reflected in a strike through and underline format.

December 1, 2003

Valerie J. Hubbard AICP, Director
Division of Community Planning
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100



Re: DCA No. 03D1

Dear Ms. Hubbard:

On July 22, 2003, the Division issued its report regarding a proposed Future Land Use Map Amendment regarding the Miromar Lakes DRI. In that report the Division made the following recommendations:

The County should not approve the amendment unless it is accompanied by mitigation measures that will result on a neutral impact on land within the DRGR. This can be achieved by designating an equivalent amount of land with similar recharge characteristics to DRGR or Conservation.

The applicant has proposed a number of alternative solutions to the Lee County staff to address the Division's recommendation. The best solution, one which is consistent with both the Division's review and the Lee County Board of County Commissioner's direction, is a two-staged request. The applicant's request has been revised from the request reviewed by the Division and the request is now as follows:

- Within the Miromar Lakes development the applicant requests a change of 19.85 acres from Density Reduction Groundwater Recharge to University Community.
- To mitigate for the above request, the applicant requests a change to an equivalent amount of land within the Miromar Lakes development, 19.85 acres, from University Community to Upland Conservation and Wetland Conservation.

Change from Density Reduction Groundwater Recharge to University Community

All of the property within this acreage is FUCCS code 160 (Extractive – Area disturbed by mining). The property has virtually no vegetation on it and is compacted due to the previous mining activities. Conversely, this property is an integral part of the Miromar Lakes DRI, linking the previously approved DRI to a piece of existing University Community property that is a part of the amended Miromar Lakes DRI.

Change from University Community to Upland Conservation and Wetland Conservation

This property's recharge characteristics are far superior to the property being changed from Density Reduction Groundwater Recharge to University Community.

Attached please find a graphic illustrating the proposed Future Land Use Map amendment.

Naples • Fort Myers • Sarasota • Tampa • Tallahassee • Panama City Beach

4571 Colonial Boulevard, Suite 100 • Fort Myers, Florida 33912 • 239-939-1020 ☎ 239-939-7479 📠

www.wilsonmiller.com

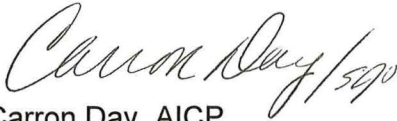
Map 16

There is a corresponding "bookkeeping" amendment to Map 16 to remove the property from the Southeast Lee County Planning Community into the San Carlos Planning Community. All of the existing University Community land use property is within the San Carlos Planning Community.

We believe that this amended request fully responds to the Divisions recommendations. If there are any questions regarding the current request, please call me at (239) 649-4040 or the project attorney, Neale Montgomery (239) 334-2195.

Sincerely,

WILSONMILLER, INC.



Carron Day, AICP
Regional Manager
Development Planning and Approvals

cc: David Burr, Executive Director, SWFRPC
Paul O'Connor, AICP, Director Lee County Division of Planning
Miromar Lakes team

MEMORANDUM

RECEIVED
DEC 01 2003

COMMUNITY DEVELOPMENT

TO: Paul O'Connor AICP, Director
Lee County Division of Planning

FROM: Carron Day AICP
Regional Manager


































DATE: November 26, 2003

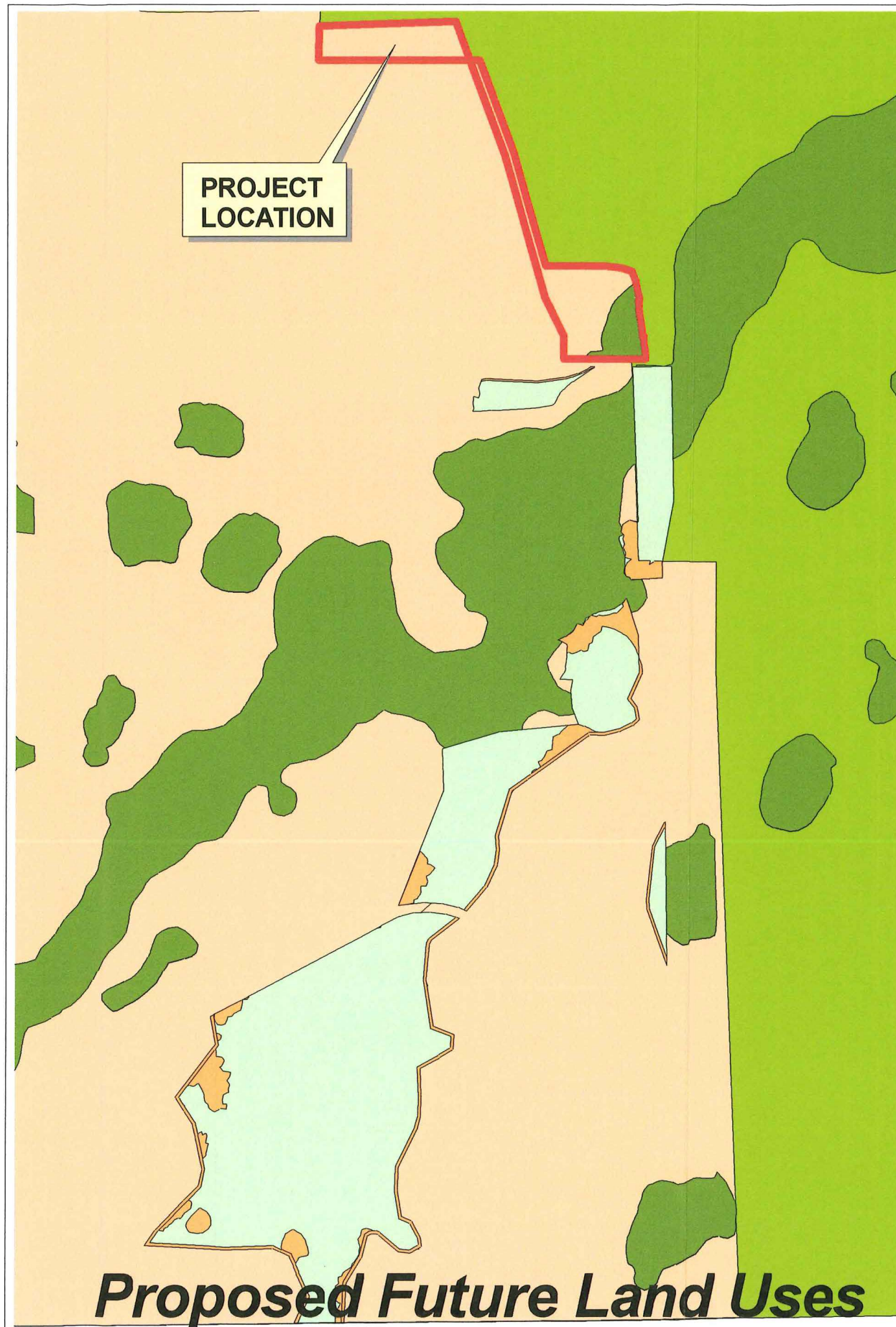
SUBJECT: Miromar Lakes Future Land Use Map Amendment
CPA 2001-03

As we have discussed with Lee County staff, the applicant's request has been revised to respond to the concerns expressed by the Florida Department of Community Affairs. The DCA recommended that, "The county should not approve the amendment unless it is accompanied by mitigation measures that will result in a neutral impact on land within the DRGR. This can be achieved by designating an equivalent amount of land with similar recharge characteristics to DRGR or Conservation." The BOCC gave direction at the transmittal hearing that a suitable method of mitigation was to look at dry retention and other water management areas and convert those to DRGR. The revised request is consistent with the direction of the BOCC and the recommendation of the Department of Community Affairs. The revised request results in a neutral impact on the DRGR, because an equivalent amount of acreage is being changed from University Community to either DRGR or Conservation.

The request is now as follows:

- Within the Miromar Lakes development the applicant requests a change of 19.85 acres from Density Reduction Groundwater Recharge to University Community.
- To mitigate for the above request, the applicant requests a change to an equivalent amount of land within the Miromar Lakes development, 19.85 acres, from University Community to Upland Conservation and Wetland Conservation.
- There is a corresponding "bookkeeping" amendment to Map 16 to remove the property from the Southeast Lee County Planning Community into the San Carlos Planning Community.

DRAWING NO. 00.106X	PROJECT NO. 00106XEXH	SHEET NO. 1 of 1	REFERENCE NO.	DATE	THESE DRAWINGS ARE NOT APPROVED UNLESS SIGNED AND SEALED BELOW :	MIROMAR LAKES 500 Acre Addition Comprehensive Plan Exhibit	 HOLE MONTES ENGINEERS - PLANNERS - SURVEYORS	6202-F Presidential Court Fort Myers, FL. 33919 Phone : (941) 985-1200 Professional Registration No.1772 Naples - Fort Myers - Venice - Englewood			
											
											
											
											
											
											
											
											
											
											
											
											
											
											
											
											
											
											
											
											
											
											
											
											
											
											
											
											
											
											
											



MIROMAR LAKES FUTURE LAND USE

PREPARED FOR:
MIROMAR LAKES L.L.P.



North
Not to Scale

Legend:

- Density Reduction / Groundwater Resource
- University Community
- Wetlands
- Conservation Lands - Wetlands
- Conservation Lands - Uplands

Notes:

This exhibit may contain the following data: NWI data from SFWMD, 1996; Species data from FWC and FNAI, 2000; NRCS soils data from SFWMD, 1995; Land Use data from SFWMD, 1995; Public Lands data from FNAI, DEP, and FPNVR, 2000; Proposed Public Lands data from SOR and Carl, 1998; Permitted Water Retention Areas data from SFWMD, 1999; NRP data from Collier County, 1999; Panther Telemetry data from FWC, Oct. 2000; Priority Habitat data from FWC, Jun. 2000; PUDs data from WilsonMiller GRO, 2001; County Comprehensive Plan Data from SFWMD, Lee, and Collier County, 1999.

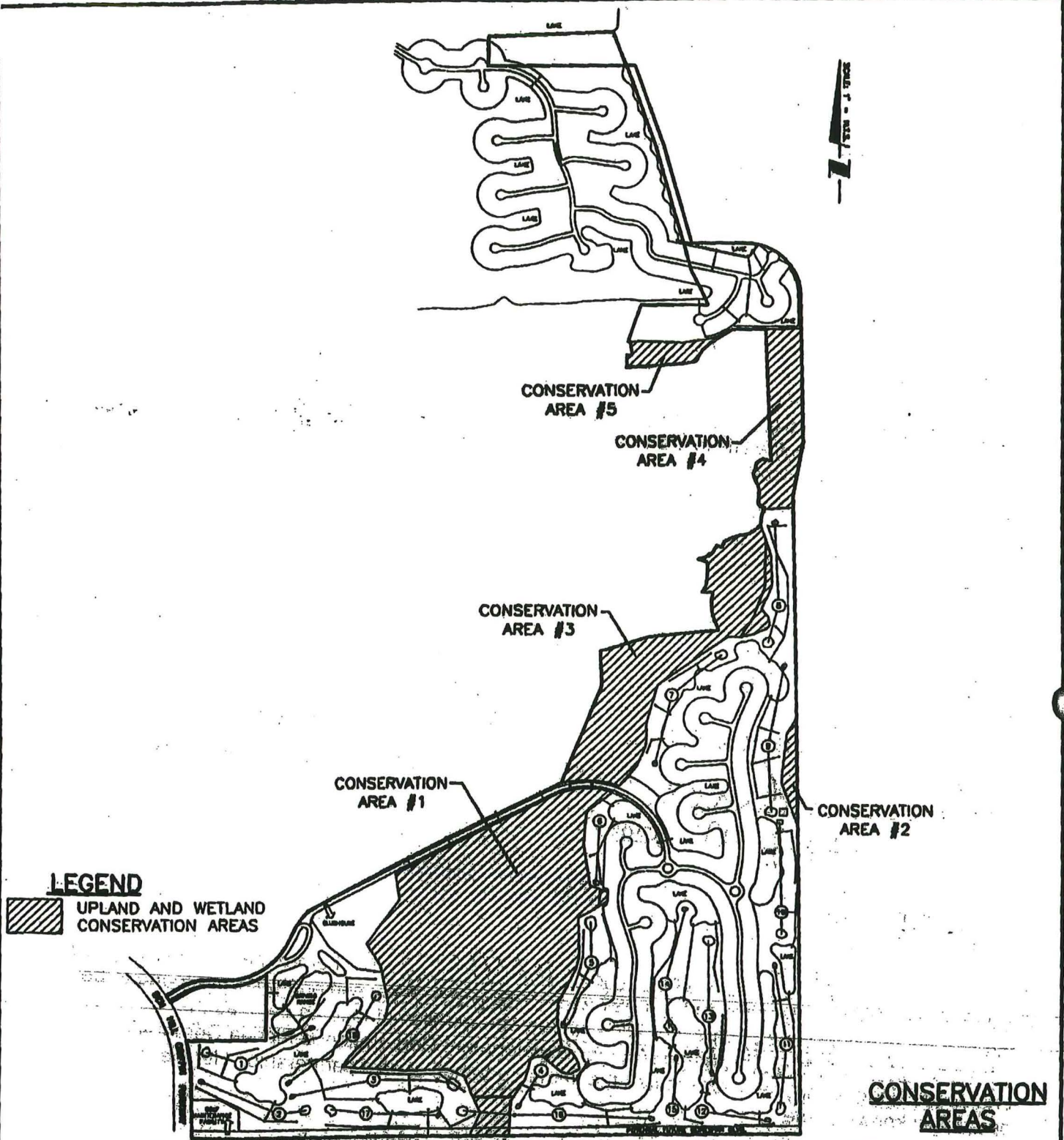
This exhibit was prepared utilizing GIS data by various sources, which may include but not be limited to federal, state, District, and local agencies. This data has not been verified by WilsonMiller for accuracy nor has WilsonMiller conducted field investigations on the subject property.

File #: C-F0263-244
PIN: F0263-018-033 DRNO
Project Location: XGIS1
Prepared By: DWP/BS
Date: 3/10/03

WilsonMiller

New Directions In Planning, Design & Engineering
4571 Colonial Boulevard, Fort Myers, Florida 33912
Phone (941) 939-1020 Fax (941) 939-7479
www.wilsonmiller.com

Naples - Fort Myers - Sarasota - Bradenton - Tampa - Tallahassee



PROJECT: MIROMAR LAKES DRI 500-AC. ADDITION

CLIENT: MIROMAR LAKES, L.L.C.

EXHIBIT 28e

WilsonMillerWilson Miller, Inc. - R.L. 10/10/00
Wilson Miller, Inc. - Certificate of Authorization 043

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

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SCALE:	N.T.S.	DATE:	FEB. 2002
SEC: 12.13	TWP: 46S	REV. NO.:	25E
PROJECT NO:	F0253-018-030	INDEX NO:	A-F0253-242
DRWN BY/ENR NO:	S.W.P./1078	SHEET NO:	1 OF 1

Feb 22, 2002 - 10:00:17

CONSERVATION AREA #1

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.89°28'32"E., ALONG THE SOUTH LINE OF SAID SECTION 24, FOR A DISTANCE OF 2,125.36 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N.24°08'50"E., FOR A DISTANCE OF 240.61 FEET; THENCE RUN N.23°33'35"W., FOR A DISTANCE OF 209.05 FEET; THENCE RUN N.22°29'12"W., FOR A DISTANCE OF 152.13 FEET; THENCE RUN N.67°15'23"W., FOR A DISTANCE OF 157.97 FEET; THENCE RUN S.87°55'21"W., FOR A DISTANCE OF 395.41 FEET; THENCE RUN N.86°18'36"W., FOR A DISTANCE OF 142.88 FEET; THENCE RUN N.86°27'01"W., FOR A DISTANCE OF 516.40 FEET; THENCE RUN N.35°34'43"E., FOR A DISTANCE OF 155.70 FEET; THENCE RUN N.43°43'24"E., FOR A DISTANCE OF 344.32 FEET; THENCE RUN N.44°05'12"E., FOR A DISTANCE OF 159.55 FEET; THENCE RUN N.12°31'18"E., FOR A DISTANCE OF 143.56 FEET; THENCE RUN N.11°50'46"W., FOR A DISTANCE OF 376.96 FEET; THENCE RUN N.33°44'20"W., FOR A DISTANCE OF 265.34 FEET; THENCE RUN N.37°03'08"E., FOR A DISTANCE OF 549.34 FEET; THENCE RUN N.09°28'37"W., FOR A DISTANCE OF 237.10 FEET; THENCE RUN N.62°11'53"E., FOR A DISTANCE OF 1,702.31 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 500.00 FEET, THROUGH A CENTRAL ANGLE OF 11°25'22", SUBTENDED BY A CHORD OF 99.52 FEET AT A BEARING OF N.67°54'34"E., FOR A DISTANCE OF 99.68 FEET TO THE END OF SAID CURVE; THENCE RUN N.73°37'10"E., FOR A DISTANCE OF 7.12 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 700.00 FEET, THROUGH A CENTRAL ANGLE OF 38°15'12", SUBTENDED BY A CHORD OF 458.72 FEET AT A BEARING OF S.87°15'14"E., FOR A DISTANCE OF 467.35 FEET TO THE END OF SAID CURVE; THENCE RUN S.68°07'38"E., FOR A DISTANCE OF 7.13 FEET; THENCE RUN S.52°09'35"W., FOR A DISTANCE OF 291.09 FEET; THENCE RUN S.30°27'03"W., FOR A DISTANCE OF 38.55 FEET; THENCE RUN S.04°34'54"W., FOR A DISTANCE OF 291.65 FEET; THENCE RUN S.08°22'00"E., FOR A DISTANCE OF 395.05 FEET; THENCE RUN S.69°22'10"E., FOR A DISTANCE OF 185.39 FEET; THENCE RUN S.03°41'06"W., FOR A DISTANCE OF 121.32 FEET; THENCE RUN S.57°20'13"W., FOR A DISTANCE OF 125.45 FEET; THENCE RUN S.60°21'36"W., FOR A DISTANCE OF 189.93 FEET; THENCE RUN S.02°12'50"E., FOR A DISTANCE OF 230.05 FEET; THENCE RUN S.01°22'40"W., FOR A DISTANCE OF 158.23 FEET; THENCE RUN S.13°41'07"W., FOR A DISTANCE OF 106.74 FEET; THENCE RUN S.26°22'06"W., FOR A DISTANCE OF 363.72 FEET; THENCE RUN S.01°45'47"W., FOR A DISTANCE OF 190.50 FEET; THENCE RUN S.09°09'03"E., FOR A DISTANCE OF 219.66 FEET; THENCE RUN S.68°56'10"E., FOR A DISTANCE OF 87.79 FEET; THENCE RUN S.29°56'31"E., FOR A DISTANCE OF 160.40 FEET; THENCE RUN S.05°13'11"E., FOR A DISTANCE OF 72.78 FEET; THENCE RUN S.58°12'50"W., FOR A DISTANCE OF 110.56 FEET; THENCE RUN N.82°44'53"W., FOR A DISTANCE OF 101.30 FEET; THENCE RUN N.50°16'51"W., FOR A DISTANCE OF 224.57 FEET; THENCE RUN N.74°28'52"W., FOR A DISTANCE OF 16.38 FEET; THENCE RUN WEST, FOR A DISTANCE OF 29.73 FEET; THENCE RUN S.81°28'20"W., FOR A DISTANCE OF 20.30 FEET; THENCE RUN S.58°34'46"W., FOR A DISTANCE OF 21.75 FEET; THENCE RUN S.51°21'01"W., FOR A DISTANCE OF 7.40 FEET; THENCE RUN S.14°48'06"W., FOR A

HM PROJECT #2000106B

12/1/2003

REF. DWG. #B-4478

Page 2 of 2

DISTANCE OF 186.26 FEET; THENCE RUN S.31°50'53"W., FOR A DISTANCE OF 243.96 FEET;
THENCE RUN S.02°20'46"W., FOR A DISTANCE OF 323.84 FEET TO A POINT ON THE SOUTH LINE
OF SAID SECTION 24; THENCE RUN S.89°28'32"W., ALONG THE SOUTH LINE OF SAID SECTION 24
FOR A DISTANCE OF 414.49 FEET TO THE POINT OF BEGINNING; CONTAINING 110.083 ACRES,
MORE OR LESS.

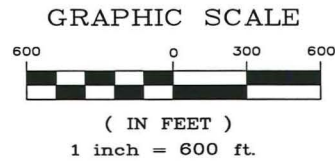
THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF SECTION 24, TOWNSHIP 46 SOUTH,
RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING N.89°28'32"E.

HOLE MONTES, INC.

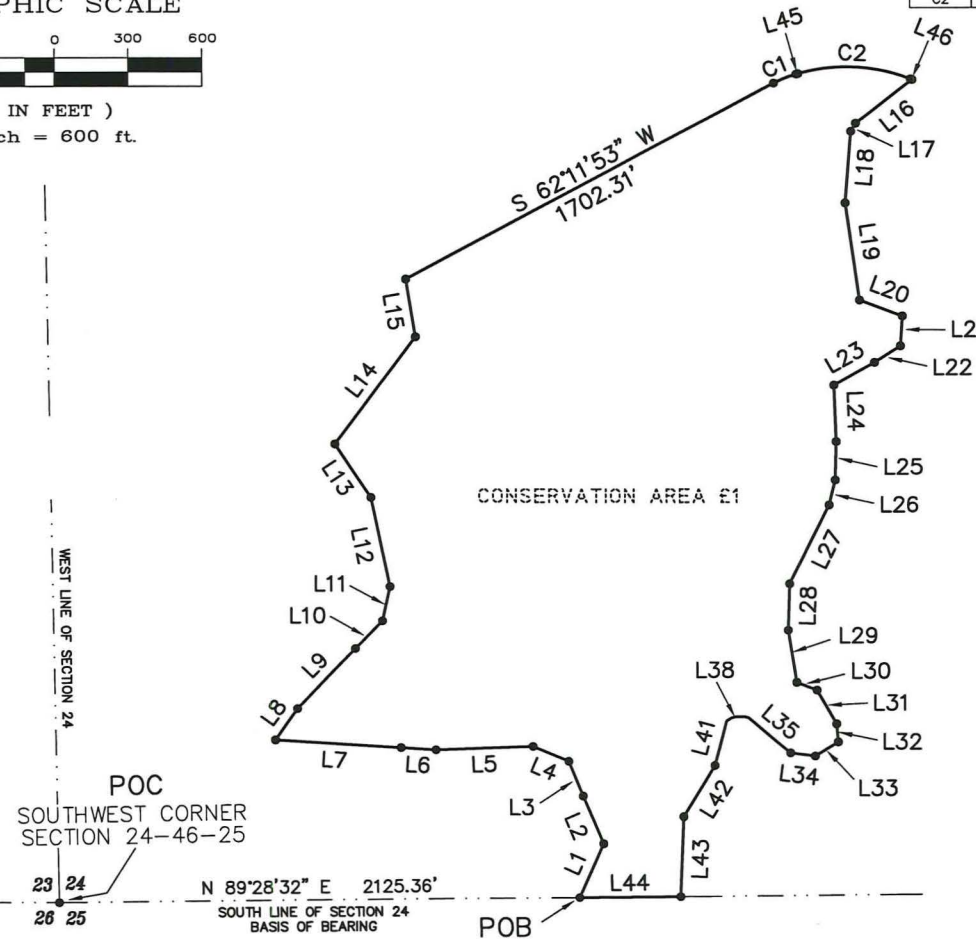
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY _____ P.S.M. #5628
THOMAS M. MURPHY STATE OF FLORIDA



CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	500.00'	11°25'22"	99.52'	N 67°54'34" E	99.68'
C2	700.00'	38°15'12"	458.72'	S 87°15'14" E	467.35'

LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	N 24°08'50" E	240.61'
L2	N 23°33'35" W	209.05'
L3	N 22°29'12" W	152.13'
L4	N 67°15'23" W	157.97'
L5	S 87°55'21" W	395.41'
L6	N 86°18'36" W	142.88'
L7	N 86°27'01" W	516.40'
L8	N 35°34'43" E	155.70'
L9	N 43°43'24" E	344.32'
L10	N 44°05'12" E	159.55'
L11	N 12°31'18" E	143.56'
L12	N 11°50'46" W	376.96'
L13	N 33°44'20" W	265.34'
L14	N 37°03'08" E	549.34'
L15	N 09°28'37" W	237.10'
L16	S 52°09'35" W	291.09'
L17	S 30°27'03" W	38.55'
L18	S 04°34'54" W	291.65'
L19	S 08°22'00" E	395.05'
L20	S 69°22'10" E	185.39'
L21	S 03°41'06" W	121.32'
L22	S 57°20'13" W	125.45'
L23	S 60°21'36" W	189.93'
L24	S 02°12'50" E	230.05'
L25	S 01°22'40" W	158.23'
L26	S 13°41'07" W	106.74'
L27	S 26°22'06" W	363.72'
L28	S 01°45'47" W	190.50'
L29	S 09°09'03" E	219.66'
L30	S 68°56'10" E	87.79'
L31	S 29°56'31" E	160.40'
L32	S 05°13'11" E	72.78'
L33	S 58°12'50" W	110.56'
L34	N 82°44'53" W	101.30'
L35	N 50°16'51" W	224.57'
L36	N 74°28'52" W	16.38'
L37	S 90°00'00" W	29.73'
L38	S 81°28'20" W	20.30'
L39	S 58°34'46" W	21.75'
L40	S 51°21'01" W	7.40'
L41	S 14°48'06" W	186.26'
L42	S 31°50'53" W	243.96'
L43	S 02°20'46" W	323.84'
L44	S 89°28'32" W	414.49'
L45	N 73°37'10" E	7.12'
L46	S 68°07'38" E	7.13'



LEGEND

POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING

SEC-TWN-RGE:
24 - 46 - 25

DRAWN BY:	DATE
TH	12/03
CHECKED BY:	DRAWING NO.
TMM	B-4478



950 Encore Way
Naples, FL 34110
Phone: (941) 254-2000
Florida Certificate of
Authorization No.1772

* NOT A SURVEY *

NOT VALID WITHOUT
THE SIGNATURE AND
THE ORIGINAL RAISED
SEAL OF A FLORIDA
LICENSED SURVEYOR
AND MAPPER.

SKETCH TO ACCOMPANY A LEGAL DESCRIPTION

PROJECT NO.
00.106B
REFERENCE NO.
CONEASE-1

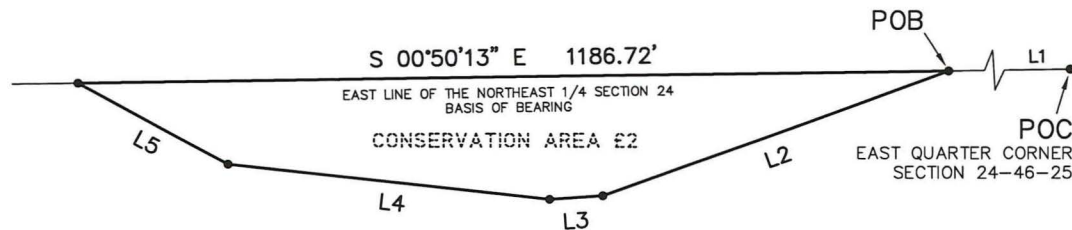


GRAPHIC SCALE



(IN FEET)
1 inch = 200 ft.

LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	N 00°50'13" W	281.15'
L2	N 19°56'57" W	501.66'
L3	N 03°59'59" W	72.88'
L4	N 06°17'49" E	439.94'
L5	N 28°21'11" E	233.01'



LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF THE NORTHEAST ONE-QUARTER OF SECTION 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST 1/4 CORNER OF SECTION 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.00°50'13"W., ALONG THE EAST LINE OF THE SAID NORTHEAST 1/4, FOR A DISTANCE OF 281.15 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N.19°56'57"W., FOR A DISTANCE OF 501.66 FEET; THENCE RUN N.03°59'59"W., FOR A DISTANCE OF 72.88 FEET; THENCE RUN N.06°17'49"E., FOR A DISTANCE OF 439.94 FEET; THENCE RUN N.28°21'11"E., FOR A DISTANCE OF 233.01 FEET TO A POINT ON THE EAST LINE OF THE SAID NORTHEAST 1/4; THENCE RUN S.00°50'13"E., ALONG THE EAST LINE OF THE SAID NORTHEAST 1/4, FOR A DISTANCE OF 1,186.72 FEET TO THE POINT OF BEGINNING; CONTAINING 2.849 ACRES, MORE OR LESS.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN HEREON REFER TO THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING N.00°50'13"W.

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY _____ P.S.M. #5628
THOMAS M. MURPHY STATE OF FLORIDA

LEGEND

POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING

** NOT A SURVEY **

SEC-TWN-RGE: 24 - 46 - 25	
DRAWN BY: TH	DATE 12/03
CHECKED BY: TMM	DRAWING NO. B-4479



950 Encore Way
Naples, FL. 34110
Phone: (941) 254-2000
Florida Certificate of
Authorization No.1772

NOT VALID WITHOUT
THE SIGNATURE AND
THE ORIGINAL RAISED
SEAL OF A FLORIDA
LICENSED SURVEYOR
AND MAPPER.

SKETCH AND LEGAL DESCRIPTION

PROJECT NO. 00.106B
REFERENCE NO. CONEASE-2

CONSERVATION AREA #3

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF THE SOUTHEAST ONE-QUARTER OF SECTION 13 AND THE NORTHEAST ONE-QUARTER OF SECTION 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 13, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.00°50'47"W., ALONG THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 13, FOR A DISTANCE OF 683.01 FEET; THENCE RUN S.89°09'13"W., FOR A DISTANCE OF 302.26 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN S.17°22'05"E., FOR A DISTANCE OF 323.57 FEET; THENCE RUN S.02°04'29"E., FOR A DISTANCE OF 175.35 FEET; THENCE RUN S.20°08'08"E., FOR A DISTANCE OF 80.64 FEET; THENCE RUN S.02°04'29"E., FOR A DISTANCE OF 56.80 FEET; THENCE RUN S.23°45'05"W., FOR A DISTANCE OF 238.08 FEET; THENCE RUN S.39°15'12"E., FOR A DISTANCE OF 85.70 FEET; THENCE RUN S.10°45'25"E., FOR A DISTANCE OF 110.02 FEET; THENCE RUN S.48°44'20"W., FOR A DISTANCE OF 72.42 FEET; THENCE RUN S.65°58'54"W., FOR A DISTANCE OF 125.50 FEET; THENCE RUN S.76°06'48"W., FOR A DISTANCE OF 120.87 FEET; THENCE RUN N.89°15'07"W., FOR A DISTANCE OF 122.25 FEET; THENCE RUN S.54°29'51"W., FOR A DISTANCE OF 795.46 FEET; THENCE RUN S.15°58'25"W., FOR A DISTANCE OF 386.40 FEET; THENCE RUN S.03°21'56"E., FOR A DISTANCE OF 111.83 FEET; THENCE RUN S.07°16'12"W., FOR A DISTANCE OF 123.62 FEET; THENCE RUN S.23°43'04"W., FOR A DISTANCE OF 205.64 FEET; THENCE RUN S.40°20'59"W., FOR A DISTANCE OF 258.23 FEET; THENCE RUN N.68°07'38"W., FOR A DISTANCE OF 40.45 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN WESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 780.00 FEET, THROUGH A CENTRAL ANGLE OF 38°15'12", SUBTENDED BY A CHORD OF 511.15 FEET AT A BEARING OF N.87°15'14"W., FOR A DISTANCE OF 520.76 FEET TO THE END OF SAID CURVE; THENCE RUN S.73°37'10"W., FOR A DISTANCE OF 7.12 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN WESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 580.00 FEET, THROUGH A CENTRAL ANGLE OF 01°37'28", SUBTENDED BY A CHORD OF 16.44 FEET AT A BEARING OF S.72°48'30"W., FOR A DISTANCE OF 16.44 FEET TO THE END OF SAID CURVE; THENCE RUN N.21°20'50"E., FOR A DISTANCE OF 1,038.72 FEET; THENCE RUN N.02°13'31"W., FOR A DISTANCE OF 339.05 FEET; THENCE RUN N.73°40'08"E., FOR A DISTANCE OF 497.73 FEET; THENCE RUN N.84°27'10"E., FOR A DISTANCE OF 648.96 FEET; THENCE RUN N.20°19'20"W., FOR A DISTANCE OF 155.37 FEET; THENCE RUN N.04°47'10"W., FOR A DISTANCE OF 137.24 FEET; THENCE RUN N.10°20'25"E., FOR A DISTANCE OF 89.58 FEET; THENCE RUN N.88°40'48"W., FOR A DISTANCE OF 108.51 FEET; THENCE RUN N.35°22'24"E., FOR A DISTANCE OF 61.49 FEET; THENCE RUN N.24°10'35"E., FOR A DISTANCE OF 16.58 FEET; THENCE RUN N.16°58'33"E., FOR A DISTANCE OF 22.30 FEET; THENCE RUN N.01°25'10"W., FOR A DISTANCE OF 17.20 FEET; THENCE RUN N.02°00'52"E., FOR A DISTANCE OF 22.73 FEET; THENCE RUN N.10°34'22"E., FOR A DISTANCE OF 27.69 FEET; THENCE RUN N.08°31'29"E., FOR A DISTANCE OF 27.56 FEET; THENCE RUN N.04°17'29"W., FOR A DISTANCE OF 27.54 FEET; THENCE RUN N.03°50'00"E., FOR A DISTANCE OF 32.88 FEET; THENCE RUN N.05°16'54"E., FOR A DISTANCE OF 34.74 FEET; THENCE RUN N.14°36'53"W., FOR A DISTANCE OF 12.71 FEET; THENCE RUN N.49°59'45"W., FOR A DISTANCE OF 15.95 FEET; THENCE RUN N.67°08'11"W., FOR A DISTANCE OF 67.75 FEET; THENCE RUN N.67°33'34"E., FOR A DISTANCE OF

HM PROJECT #2000106B

12/1/2003

REF. DWG. #B-4480

Page 2 of 2

68.16 FEET; THENCE RUN N.57°34'58"E., FOR A DISTANCE OF 15.64 FEET; THENCE RUN N.53°45'20"E., FOR A DISTANCE OF 13.61 FEET; THENCE RUN N.58°32'02"E., FOR A DISTANCE OF 11.22 FEET; THENCE RUN N.54°40'50"E., FOR A DISTANCE OF 13.85 FEET; THENCE RUN N.49°36'55"E., FOR A DISTANCE OF 19.09 FEET; THENCE RUN N.37°17'03"E., FOR A DISTANCE OF 14.40 FEET; THENCE RUN N.25°04'13"E., FOR A DISTANCE OF 22.74 FEET; THENCE RUN N.30°25'33"E., FOR A DISTANCE OF 40.77 FEET; THENCE RUN S.70°47'07"E., FOR A DISTANCE OF 50.50 FEET; THENCE RUN N.19°32'42"E., FOR A DISTANCE OF 63.26 FEET; THENCE RUN N.62°41'55"E., FOR A DISTANCE OF 33.33 FEET; THENCE RUN N.60°03'38"E., FOR A DISTANCE OF 27.79 FEET; THENCE RUN N.68°56'32"E., FOR A DISTANCE OF 33.67 FEET; THENCE RUN N.69°27'09"E., FOR A DISTANCE OF 39.32 FEET; THENCE RUN N.76°09'54"E., FOR A DISTANCE OF 38.69 FEET; THENCE RUN N.84°37'56"E., FOR A DISTANCE OF 35.30 FEET; THENCE RUN N.71°01'39"E., FOR A DISTANCE OF 36.05 FEET; THENCE RUN N.56°16'09"E., FOR A DISTANCE OF 22.32 FEET; THENCE RUN N.54°45'23"E., FOR A DISTANCE OF 72.52 FEET; THENCE RUN N.43°40'48"E., FOR A DISTANCE OF 14.33 FEET; THENCE RUN N.36°37'28"E., FOR A DISTANCE OF 31.97 FEET, TO THE POINT OF BEGINNING; CONTAINING 35.859 ACRES, MORE OR LESS.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

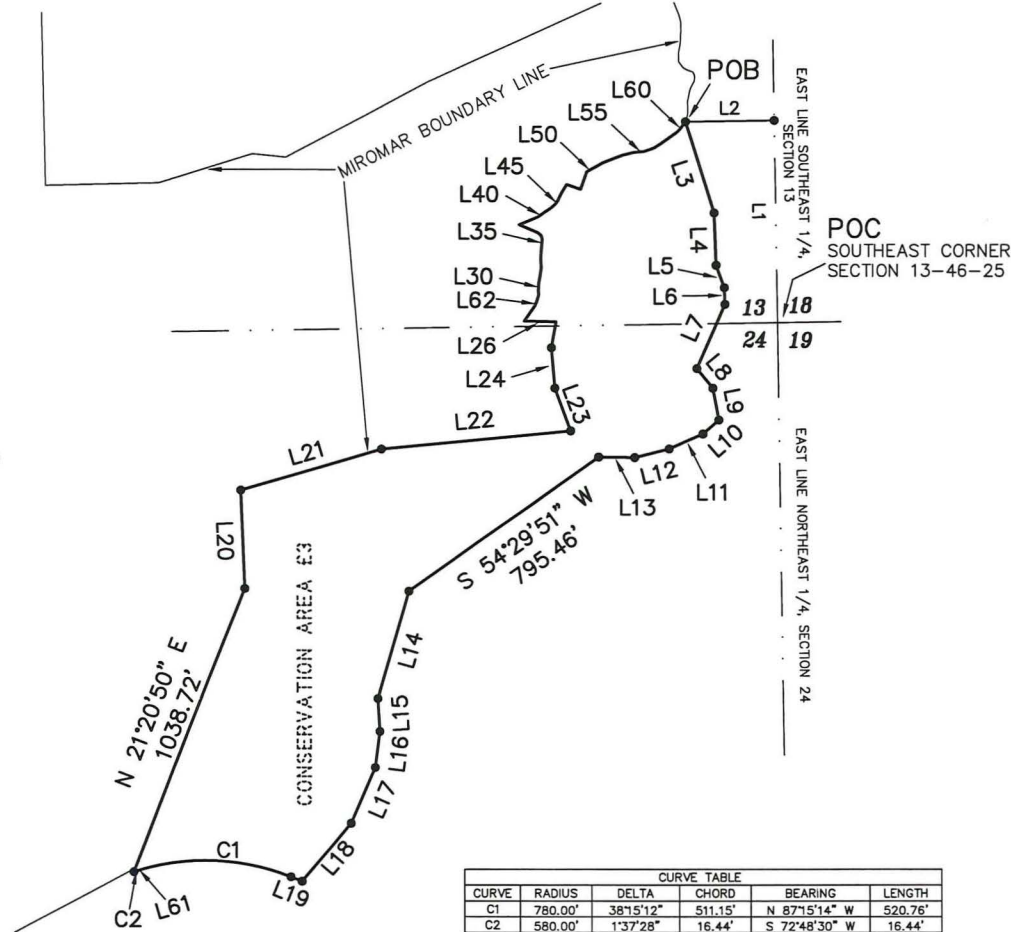
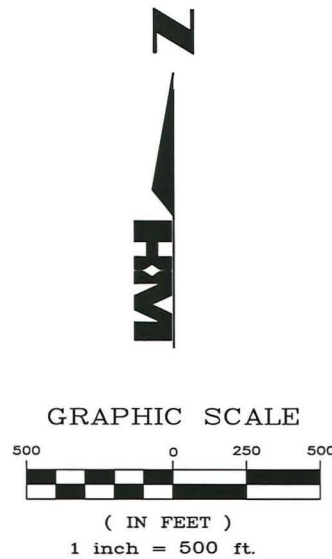
BEARINGS SHOWN HEREON REFER TO THE EAST LINE OF SECTION 13, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING N.00°50'47"W.

HOLE MONTES, INC.

CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY _____ P.S.M. #5628
THOMAS M. MURPHY STATE OF FLORIDA

U:\8200\MI-Miscellaneous\Miromar\2000\06\CONCASE-3.dwg Tab: Model Dec 01, 2003 - 2:16pm Plotted by: TomMurphy



LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	N 00°50'47" W	683.01'
L2	S 89°09'13" W	302.26'
L3	S 17°22'05" E	323.57'
L4	S 02°04'29" E	175.35'
L5	S 20°08'08" E	80.64'
L6	S 02°04'29" E	56.80'
L7	S 23°45'05" W	238.08'
L8	S 39°15'12" E	85.70'
L9	S 10°45'25" E	110.02'
L10	S 48°44'20" W	72.42'
L11	S 65°58'54" W	125.50'
L12	S 76°06'48" W	120.87'
L13	N 89°15'07" W	122.25'
L14	S 15°58'25" W	386.40'
L15	S 03°21'56" E	111.83'
L16	S 07°16'12" W	123.62'
L17	S 23°43'04" W	205.64'
L18	S 40°20'59" W	258.23'
L19	N 68°07'38" W	40.45'
L20	N 02°13'31" W	339.05'
L21	N 73°40'08" E	497.73'
L22	N 84°27'10" E	648.96'
L23	N 20°19'20" W	155.37'
L24	N 04°47'10" W	137.24'
L25	N 10°20'25" E	89.58'
L26	N 88°40'48" W	108.51'
L27	N 35°22'24" E	61.49'
L28	N 16°58'33" E	22.30'
L29	N 01°25'10" W	17.20'
L30	N 02°00'52" E	22.73'
L31	N 10°34'22" E	27.69'
L32	N 08°31'29" E	27.56'
L33	N 04°17'29" W	27.54'
L34	N 03°50'00" E	32.88'
L35	N 05°16'54" E	34.74'
L36	N 14°36'53" W	12.71'
L37	N 49°59'45" W	15.95'
L38	N 67°08'11" W	67.75'
L39	N 67°33'34" E	68.16'
L40	N 57°34'58" E	15.64'
L41	N 53°45'20" E	13.61'
L42	N 58°32'02" E	11.22'
L43	N 54°40'50" E	13.85'
L44	N 49°36'55" E	19.09'
L45	N 37°17'03" E	14.40'
L46	N 25°04'13" E	22.74'
L47	N 30°25'33" E	40.77'
L48	S 70°47'07" E	50.50'
L49	N 19°32'42" E	63.26'
L50	N 62°41'55" E	33.33'
L51	N 60°03'38" E	27.79'
L52	N 68°56'32" E	33.67'
L53	N 69°27'09" E	39.32'
L54	N 76°09'54" E	38.69'
L55	N 84°37'56" E	35.30'
L56	N 71°01'39" E	36.05'
L57	N 56°16'09" E	22.32'
L58	N 54°45'23" E	72.52'
L59	N 43°40'48" E	14.33'
L60	N 36°37'28" E	31.97'
L61	S 73°37'10" W	7.12'
L62	N 24°10'35" E	16.58'

CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	780.00'	38°15'12"	511.15'	N 87°15'14" W	520.76'
C2	580.00'	1°37'28"	16.44'	S 72°48'30" W	16.44'

LEGEND

POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING

*** NOT A SURVEY ***

SEC-TWN-RGE:
13, 24 - 46 - 25

DRAWN BY: TH	DATE 12/03
CHECKED BY: TMM	DRAWING NO. B-4480

H.M.
HOLE MONTES
ENGINEERS - PLANNERS - SURVEYORS

950 Encore Way
Naples, FL 34110
Phone: (941) 254-2000
Florida Certificate of
Authorization No.1772

NOT VALID WITHOUT
THE SIGNATURE AND
THE ORIGINAL RAISED
SEAL OF A FLORIDA
LICENSED SURVEYOR
AND MAPPER.

SKETCH TO ACCOMPANY A LEGAL DESCRIPTION

PROJECT NO.
00.106B
REFERENCE NO.
CONCASE-3

CONSERVATION AREA #4

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 13, TOWNSHIP 46 SOUTH, RANGE 25 EAST, AND A PORTION OF SECTION 18, TOWNSHIP 46, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 13, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.00°50'47"W., ALONG THE EAST LINE OF SAID SECTION 13, FOR A DISTANCE OF 843.06 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN S.86°50'33"W., FOR A DISTANCE OF 268.34 FEET; THENCE RUN N.10°10'17"W., FOR A DISTANCE OF 8.24 FEET; THENCE RUN N.25°29'33"W., FOR A DISTANCE OF 11.70 FEET; THENCE RUN N.71°45'42"W., FOR A DISTANCE OF 21.85 FEET; THENCE RUN N.59°03'27"W., FOR A DISTANCE OF 13.21 FEET; THENCE RUN N.37°04'03"W., FOR A DISTANCE OF 27.24 FEET; THENCE RUN N.00°38'43"W., FOR A DISTANCE OF 28.85 FEET; THENCE RUN N.10°12'59"E., FOR A DISTANCE OF 35.02 FEET; THENCE RUN N.01°52'01"E., FOR A DISTANCE OF 31.20 FEET; THENCE RUN N.05°34'22"E., FOR A DISTANCE OF 13.39 FEET; THENCE RUN N.01°01'36"W., FOR A DISTANCE OF 30.61 FEET; THENCE RUN N.15°40'00"W., FOR A DISTANCE OF 27.26 FEET; THENCE RUN N.22°54'25"W., FOR A DISTANCE OF 20.46 FEET; THENCE RUN N.20°19'15"W., FOR A DISTANCE OF 21.36 FEET; THENCE RUN N.17°17'45"W., FOR A DISTANCE OF 18.27 FEET; THENCE RUN N.25°34'23"W., FOR A DISTANCE OF 16.79 FEET; THENCE RUN N.15°41'23"W., FOR A DISTANCE OF 49.27 FEET; THENCE RUN N.00°29'10"W., FOR A DISTANCE OF 19.63 FEET; THENCE RUN N.65°22'51"E., FOR A DISTANCE OF 39.53 FEET; THENCE RUN N.43°47'29"W., FOR A DISTANCE OF 31.43 FEET; THENCE RUN N.11°37'49"E., FOR A DISTANCE OF 61.39 FEET; THENCE RUN N.56°32'16"E., FOR A DISTANCE OF 65.40 FEET; THENCE RUN S.79°13'23"E., FOR A DISTANCE OF 80.21 FEET; THENCE RUN N.02°10'07"W., FOR A DISTANCE OF 1,285.56 FEET; THENCE RUN N.89°09'09"E., FOR A DISTANCE OF 327.07 FEET; THENCE RUN S.00°50'47"E., FOR A DISTANCE OF 1,112.84 FEET; THENCE RUN S.09°57'20"W., FOR A DISTANCE OF 533.57 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 13; THENCE RUN S.00°50'47"E., ALONG THE EAST LINE OF SAID SECTION 13, FOR A DISTANCE OF 114.04 FEET TO THE POINT OF BEGINNING; CONTAINING 12.972 ACRES, MORE OR LESS.

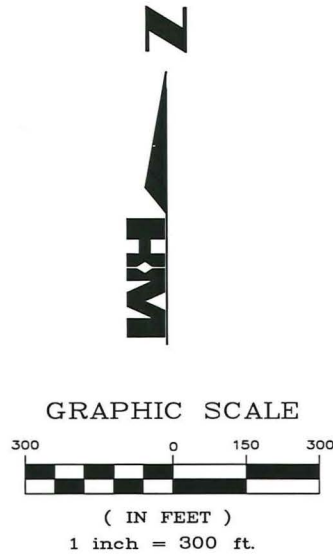
THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN HEREON REFER TO THE EAST LINE OF SECTION 13, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING N.00°50'47"W.

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY _____ P.S.M. #5628
THOMAS M. MURPHY STATE OF FLORIDA

U:\8200\W-Miscellaneous\Miromar\2000\106B\CONEASE-4.dwg Tab: Model Dec 01, 2003 - 2:16pm Plotted by: TomMurphy



LEGEND

POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING

SEC-TWN-RGE: 18 - 46 - 26
13 - 46 - 25

DRAWN BY: TH DATE: 12/03
CHECKED BY: TMM DRAWING NO. B-4481

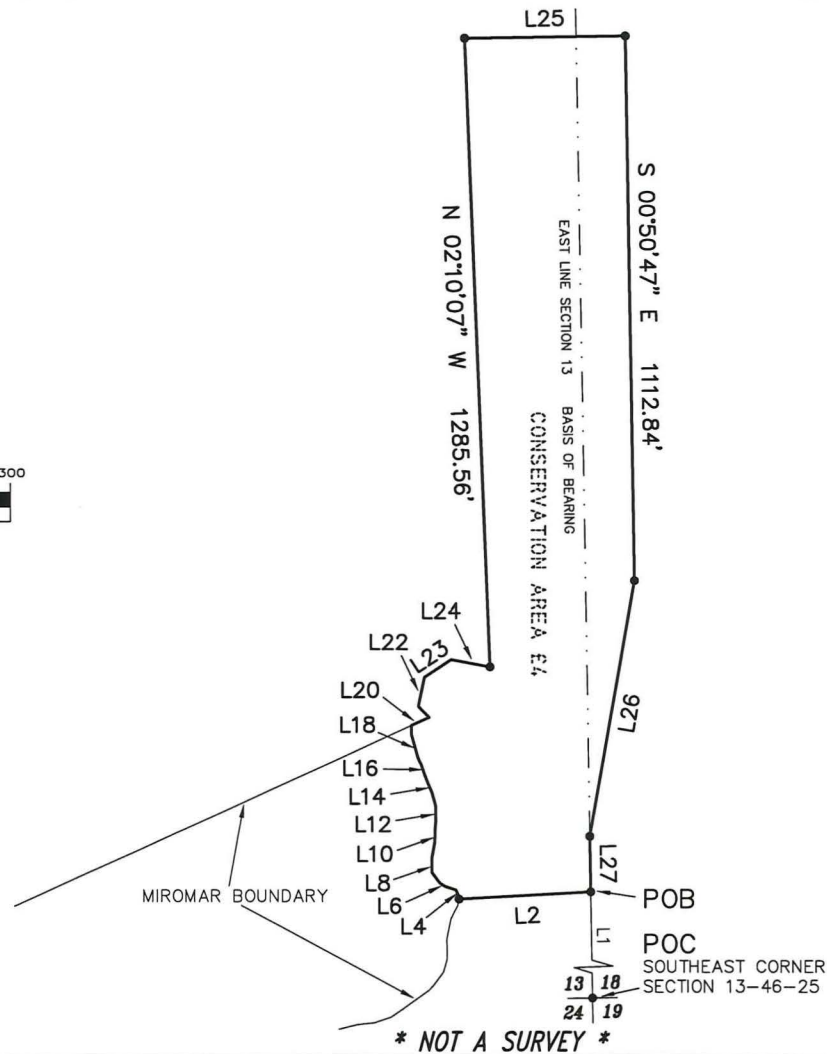


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AND MAPPER.

SKETCH TO ACCOMPANY A LEGAL DESCRIPTION

PROJECT NO.
00.106B
REFERENCE NO.
CONEASE-4



LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	N 00°50'47" W	843.06'
L2	S 86°50'33" W	268.34'
L3	N 10°10'17" W	8.24'
L4	N 25°29'33" W	11.70'
L5	N 71°45'42" W	21.85'
L6	N 59°03'27" W	13.21'
L7	N 37°04'03" W	27.24'
L8	N 00°38'43" W	28.85'
L9	N 10°12'59" E	35.02'
L10	N 01°52'01" E	31.20'
L11	N 05°34'22" E	13.39'
L12	N 01°01'36" W	30.61'
L13	N 15°40'00" W	27.26'
L14	N 22°54'25" W	20.46'
L15	N 20°19'15" W	21.36'
L16	N 17°17'45" W	18.27'
L17	N 25°34'23" W	16.79'
L18	N 15°41'23" W	49.27'
L19	N 00°29'10" W	19.63'
L20	N 65°22'51" E	39.53'
L21	N 43°47'29" W	31.43'
L22	N 11°37'49" E	61.39'
L23	N 56°32'16" E	65.40'
L24	S 79°13'23" E	80.21'
L25	N 89°09'09" E	327.07'
L26	S 09°57'20" W	533.57'
L27	S 00°50'47" E	114.04'

CONSERVATION AREA #5

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 13, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 13, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.00°50'47"W., ALONG THE EAST LINE OF SAID SECTION 13, FOR A DISTANCE OF 2,596.45 FEET; THENCE RUN S.89°09'13"W., FOR A DISTANCE OF 531.66 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN S.56°15'16"W., FOR A DISTANCE OF 201.36 FEET; THENCE RUN S.56°14'53"W., FOR A DISTANCE OF 16.09 FEET; THENCE RUN S.71°30'39"W., FOR A DISTANCE OF 20.89 FEET; THENCE RUN S.46°03'51"W., FOR A DISTANCE OF 57.11 FEET; THENCE RUN S.48°02'07"W., FOR A DISTANCE OF 59.26 FEET; THENCE RUN S.35°34'54"W., FOR A DISTANCE OF 18.90 FEET; THENCE RUN S.30°59'13"W., FOR A DISTANCE OF 26.46 FEET; THENCE RUN S.30°57'50"W., FOR A DISTANCE OF 12.03 FEET; THENCE RUN S.24°14'29"W., FOR A DISTANCE OF 48.25 FEET; THENCE RUN S.47°59'41"W., FOR A DISTANCE OF 29.61 FEET; THENCE RUN S.80°50'39"W., FOR A DISTANCE OF 69.13 FEET; THENCE RUN S.81°26'58"W., FOR A DISTANCE OF 44.56 FEET; THENCE RUN S.85°35'19"W., FOR A DISTANCE OF 86.13 FEET; THENCE RUN S.85°58'36"W., FOR A DISTANCE OF 250.30 FEET; THENCE RUN N.90°00'00"W., FOR A DISTANCE OF 52.88 FEET; THENCE RUN S.85°52'53"W., FOR A DISTANCE OF 61.78 FEET; THENCE RUN S.85°27'17"W., FOR A DISTANCE OF 29.97 FEET; THENCE RUN S.85°27'36"W., FOR A DISTANCE OF 25.27 FEET; THENCE RUN N.87°20'13"W., FOR A DISTANCE OF 13.45 FEET; THENCE RUN N.87°24'51"W., FOR A DISTANCE OF 19.39 FEET; THENCE RUN N.87°22'03"W., FOR A DISTANCE OF 5.44 FEET; THENCE RUN N.24°14'57"E., FOR A DISTANCE OF 30.44 FEET; THENCE RUN N.14°35'34"W., FOR A DISTANCE OF 31.25 FEET; THENCE RUN N.02°11'29"E., FOR A DISTANCE OF 62.11 FEET; THENCE RUN S.76°56'48"E., FOR A DISTANCE OF 27.40 FEET; THENCE RUN S.82°50'47"E., FOR A DISTANCE OF 15.56 FEET; THENCE RUN N.18°18'13"E., FOR A DISTANCE OF 25.87 FEET; THENCE RUN N.04°51'39"W., FOR A DISTANCE OF 21.39 FEET; THENCE RUN N.11°39'28"W., FOR A DISTANCE OF 34.33 FEET; THENCE RUN N.06°54'40"W., FOR A DISTANCE OF 1.91 FEET; THENCE RUN N.19°49'36"E., FOR A DISTANCE OF 74.37 FEET; THENCE RUN N.80°45'04"E., FOR A DISTANCE OF 39.66 FEET; THENCE RUN S.87°36'10"E., FOR A DISTANCE OF 423.18 FEET; THENCE RUN N.82°30'10"E., FOR A DISTANCE OF 226.10 FEET; THENCE RUN N.79°16'50"E., FOR A DISTANCE OF 18.93 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE NORTHWESTERLY, WHOSE RADIUS POINT BEARS N.11°42'06"W., A DISTANCE OF 560.69 FEET THEREFROM; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 560.69 FEET, THROUGH A CENTRAL ANGLE OF 21°58'52", SUBTENDED BY A CHORD OF 213.79 FEET AT A BEARING OF N.67°18'27"E., FOR A DISTANCE OF 215.10 FEET TO THE END OF SAID CURVE; THENCE RUN N.89°36'23"E., FOR A DISTANCE OF 38.66 FEET TO THE POINT OF BEGINNING; CONTAINING 4.057 ACRES, MORE OR LESS.

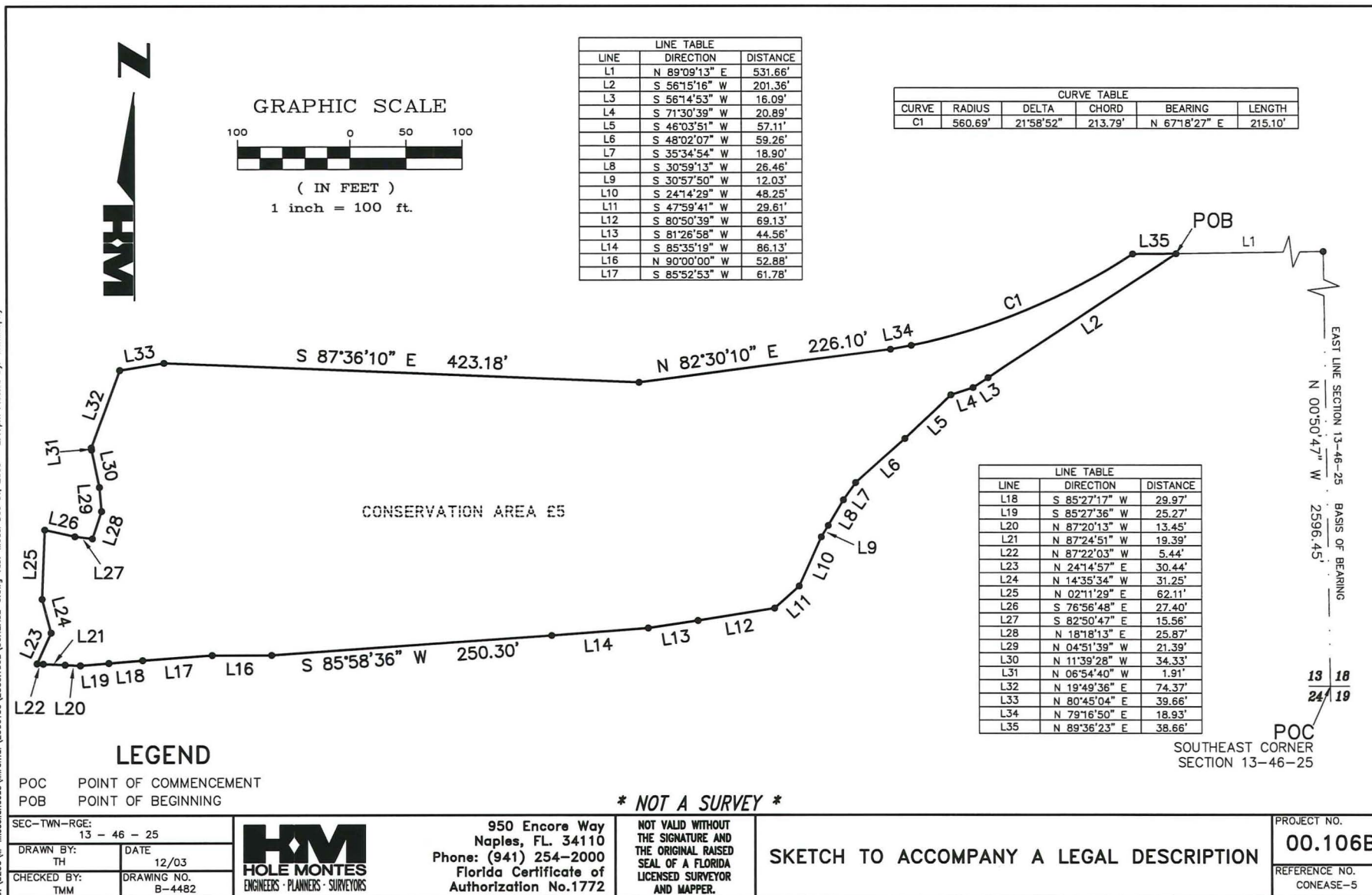
THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN HEREON REFER TO THE EAST LINE OF SECTION 13, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING N.00°50'47"W.

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY _____ P.S.M. #5628
THOMAS M. MURPHY STATE OF FLORIDA

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STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

JEB BUSH
Governor

COLLEEN CASTILLE
Secretary

February 11, 2004

The Honorable Ray Judah, Chairman
Lee County Board of County Commission
P. O. Box 398
Fort Myers, Florida 33901

Dear Chairman Judah:

The Department of Community Affairs (Department) has completed its review of the Comprehensive Plan Amendment for Lee County (DCA No. 03D1) adopted by Ordinance No. 03-26, on December 15, 2003, and determined that it meets the requirements of Chapter 163, Part II, Florida Statutes (F.S.), for compliance, as defined in Subsection 163.3184(1)(b), F.S. The Department is issuing a Notice of Intent to find the plan amendment in compliance. The Notice of Intent has already been sent to the Fort Myers News Press for publication on February 14, 2004.

The Department's notice of intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed. Any affected person may file a petition with the agency within 21 days after the publication of the notice of intent pursuant to Section 163.3184(9), F.S. No development orders, or permits for a development, dependent on the amendment may be issued or commence before the plan amendment takes effect.

Please, be advised that Section 163.3184(8)(c)2, Florida Statutes, requires a local government that has an internet site to post a copy of the Department's Notice of Intent on the site within 5 days after receipt of the mailed copy of the agency's notice of intent. Please, also note that a copy of the adopted Lee County Comprehensive Plan Amendment, and the Notice of Intent must be available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Lee County Planning Division, 1500 Monroe Street, 2nd Floor, Fort Myers, Florida 33901.

If an affected person challenges this in compliance determination, you will have the option of mediation pursuant to Subsection 163.3189(3)(a), F.S. If you choose to attempt to resolve this matter through mediation, you must file the request for mediation with the

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100
Phone: (850) 488-8466/Suncom 278-8466 FAX: (850) 921-0781/Suncom 291-0781
Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE
2796 Overseas Highway, Suite 212
Marathon, FL 33050-2227
(305) 289-2402

COMMUNITY PLANNING
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-2356

EMERGENCY MANAGEMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 413-9969

HOUSING & COMMUNITY DEVELOPMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-7956


LEE COUNTY
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PUB. WORKS CONTR.
SECOND FLOOR

The Honorable Ray Judah
February 11, 2004
Page Two

administrative law judge assigned by the Division of Administrative Hearings. The choice of mediation will not affect the right of any party to an administrative hearing.

If you have any questions, please contact Bernard Piawah, Principal Planner, at (850) 922-1810.

Sincerely,


Charles Gauthier, AICP
Chief, Comprehensive Planning

CG/bp

Enclosure: Notice of Intent

cc: Mr. Paul O'Connor, Lee County Planning Director
Mr. David Burr, Executive Director, Southwest Florida Regional Planning Council

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
NOTICE OF INTENT TO FIND
LEE COUNTY
COMPREHENSIVE PLAN AMENDMENT
IN COMPLIANCE
DOCKET NO. 03D1-NOI-3601-(A)-(I)

The Department gives notice of its intent to find the Amendment to the Comprehensive Plan for Lee County adopted by Ordinance No. 03-26 on December 15, 2003, IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S.

The adopted Lee County Comprehensive Plan Amendment and the Department's Objections, Recommendations and Comments Report, (if any), are available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Lee County Planning Division, 1500 Monroe Street, 2nd Floor, Fort Myers, Florida 33901.

Any affected person, as defined in Section 163.3184, F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Amendment to the Lee County Comprehensive Plan is In Compliance, as defined in Subsection 163.3184(1), F.S. The petition must be filed within twenty-one (21) days after publication of this notice, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to the local government. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

After an administrative hearing petition is timely filed, mediation is available pursuant to Subsection 163.3189(3)(a), F.S., to any affected person who is made a party to the proceeding by filing that request with the administrative law judge assigned by the Division of Administrative Hearings. The choice of mediation shall not affect a party's right to an administrative hearing.

 2/9/04

Charles Gauthier, AICP
Chief of Comprehensive Planning
Department of Community Affairs
Division of Community Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

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

Kathy Allebach

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

Miromar Lakes DRI

in the court was published in said newspaper in the
issues of

December 8, 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.

Kathy Allebach

Sworn to and subscribed before me this

8th day of December 2003 by

Kathy Allebach

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 # DD169005 EXPIRES
February 14, 2007
BONDED THRU TROY FAIR INSURANCE, INC.



NOTICE OF PROPOSED AMENDMENT TO THE LEE COUNTY COMPREHENSIVE LAND USE PLAN (Miromar Lakes DRI)

On December 15, 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 9:30 a.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 several specified parcels of land located within the Miromar Lakes Development of Regional Impact. Sponsor: Miromar Lakes LLC.

At the conclusion of the hearing, the Board will vote to adopt, adopt with specific modifications, or not adopt the proposed amendment 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 AMENDMENT CPA2001-03 (PERTAINING TO THE MIROMAR LAKES DRI) APPROVED DURING A DRI RELATED COMPREHENSIVE PLAN AMENDMENT; PROVIDING FOR AMENDMENT TO THE FUTURE LAND USE MAP SERIES, MAP 1 AND PROVIDING FOR AMENDMENT TO MAP 16, PLANNING COMMUNITIES; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'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.

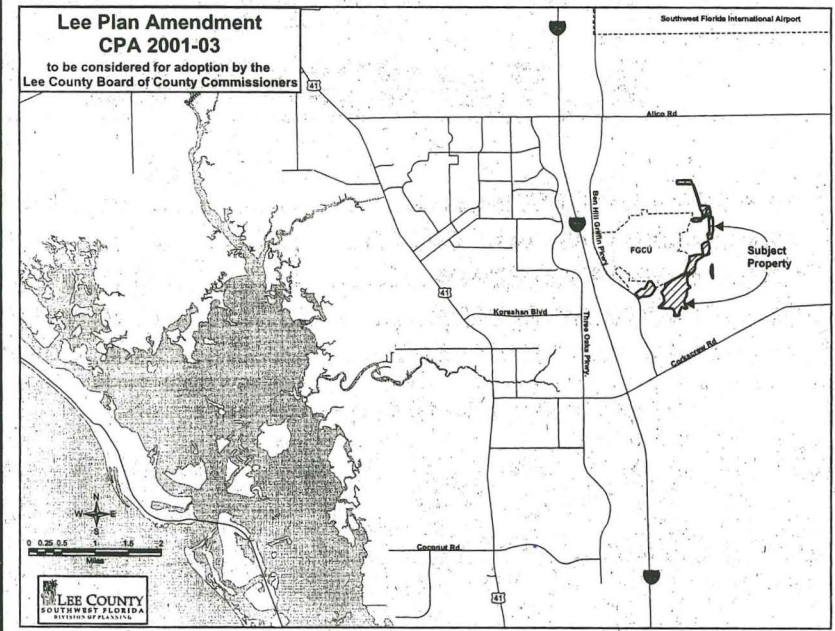
This meeting is open to the public and all interested parties are encouraged to attend. Interested parties may appear and be heard with respect to the proposed amendment to the Lee Plan. Pursuant to Florida Statutes, persons participating in the Comprehensive Plan Amendment process, who provide their 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 purpose, 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 239-479-8585.

In accordance with the American with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Janet Miller at 239-479-8563.

December 15, 2003
9:30 a.m.

AGENDA

- Call to order; certification of Affidavit of Publication by County Attorney
- Lee Plan Amendment proposed for adoption by the Board of County Commissioners:
CPA 2001-03 - Amend the Future Land Use Map Series, Map 1; by changing the designation of several specified parcels from:
"Density Reduction/Groundwater Resource" to "University Community" (19.85 acres) and from:
"University Community" and "Wetlands" to "Conservation Lands - Uplands" and "Conservation Lands - Wetlands" (185.67 acres).
Amend Map 16, Planning Communities, to remove the property from the Southeast Lee County Planning Community and include the property in the San Carlos Planning Community.
- Adjourn



MEMORANDUM

TO: Paul O'Connor AICP, Director
Lee County Division of Planning

FROM: Carron Day AICP
Regional Manager

DATE: November 26, 2003

SUBJECT: Miromar Lakes Future Land Use Map Amendment
CPA 2001-03

As we have discussed with Lee County staff, the applicant's request has been revised to respond to the concerns expressed by the Florida Department of Community Affairs. The DCA recommended that, "The county should not approve the amendment unless it is accompanied by mitigation measures that will result in a neutral impact on land within the DRGR. This can be achieved by designating an equivalent amount of land with similar recharge characteristics to DRGR or Conservation." The BOCC gave direction at the transmittal hearing that a suitable method of mitigation was to look at dry retention and other water management areas and convert those to DRGR. The revised request is consistent with the direction of the BOCC and the recommendation of the Department of Community Affairs. The revised request results in a neutral impact on the DRGR, because an equivalent amount of acreage is being changed from University Community to either DRGR or Conservation.

The request is now as follows:

- Within the Miromar Lakes development the applicant requests a change of 19.85 acres from Density Reduction Groundwater Recharge to University Community.
- To mitigate for the above request, the applicant requests a change to an equivalent amount of land within the Miromar Lakes development, 19.85 acres, from University Community to Upland Conservation.
- There is a corresponding "bookkeeping" amendment to Map 16 to remove the property from the Southeast Lee County Planning Community into the San Carlos Planning Community.

CPA2001-00003
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DEC 05 2003

PERMIT COUNTER