

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

WHEREAS, Harper Bros., Inc., in reference to Greenmeadow Mine Expansion, has properly filed an application for a rezoning from AG-2 and Industrial Planned Development to Industrial Planned Development; and

WHEREAS, the subject property is located at 14341 Alico Road, described more particularly as:

LEGAL DESCRIPTION: In Sections 01, 11 and 12, Township 46 South, Range 26 East, Lee County, Florida:

Existing Area Description

All of Section 01, Township 46 South, Range 26 East, Lee County, Florida.

AND

The North Quarter (N1/4) of Section 12, Township 46 South, Range 26 East, Lee County, Florida.

Expansion Area Description

The North Half (N1/2) plus the North Half (N1/2) of the North Half (N1/2) of the South Half (S1/2) of Section 11, Township 46 South, Range 26 East, Lee County, Florida.

AND

The North Half (N1/2) of the South Half (S1/2) of the North Half (N1/2) of Section 12, Township 46 South, Range 26 East, Lee County, Florida.

WHEREAS, the applicant has indicated the property's current STRAP numbers are:

01-46-26-00-00001.0000	11-46-26-00-00001.0000	11-46-26-00-00001.9000
11-46-26-00-00001.8000	11-46-26-00-00001.7000	11-46-26-00-00001.6000
11-46-26-00-00001.5010	11-46-26-00-00001.5000	11-46-26-00-00001.4010
11-46-26-00-00001.4000	11-46-26-00-00001.3000	12-46-26-00-00001.4000;

and

WHEREAS, proper authorization has been given to Henderson, Franklin, Starnes and Holt, P.A., by Harper Bros., Inc., the owner of the subject parcel, to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Hearing Examiner, with full consideration of all the evidence available; and the Lee County Hearing Examiner fully reviewed the matter in a public hearing held on Tuesday, June 23, 1992; and

WHEREAS, a public hearing was legally and properly advertised and held

8-17-92

before the Lee County Board of County Commissioners; and in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE WITH CONDITIONS a rezoning to Industrial Planned Development to permit the expansion of a General Excavation on 1,447 total acres of land. The proposed development will also include "Reserved Areas", which may be used for future crushing, processing, servicing and administration facilities.

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

1. The development, use, and reclamation of this property shall be in accordance with the 8-page Master Concept Plan entitled, "A Proposed Rezoning Application for Harper Bros., Inc.", Plan dated October, 1991, (Drawing Nos. 371-1 through 371-8, Project No. 89.76A, Reference No. 8976A002, sheet 4 of 8 last revised on 3-18-92, stamped received on October 28, 1991, except sheet 4 of 8 which was received on March 27, 1992) as prepared by Hole, Montes and Associates and Coastplan, Inc., except as may be modified by the conditions herein. This project shall be developed in accordance with all applicable state, regional, and local development regulations, except as may be granted by deviation as part of this planned development. No deviations are approved, unless specifically identified herein.
2. Approval of this request supersedes all conditions of Resolution Z-88-210, which previously granted the IPD zoning on a portion of the subject property. This approval does not supersede any other permit granted by Lee County for the operation of the existing excavation.
3. Prior to the issuance of an Excavation/Mining Operations Permit for Phase III, the conditions of this zoning approval shall be reviewed by the Department of Community Development. If staff determines that changed conditions on or near the property result in the threat of detrimental impacts to the public health, safety or welfare not considered at the time of this rezoning, then staff may propose modifications to these conditions deemed necessary. If the developer accepts these modified conditions, then an Excavation/Mining Operations Permit may be issued in accordance with the zoning regulations. If the developer believes that such modifications are not justified, then the developer may appeal staff's determination as an Appeal from Administrative Action.
4. Monitoring wells shall be required at the perimeter of the "Reserve Areas" noted on the Master Concept Plan. The number and location of the wells shall be subject to the approval of the Division of Water Resources (or other County Division or Department as deemed appropriate by the Lee County Administrator). The monitoring program must be approved prior to approval of a Development Order or Development Order Exemption for construction in these areas. The wells shall at a minimum be sampled on a quarterly basis to monitor for purgeable organics using EPA Method 524. Monitoring wells shall be constructed at the time such "Reserved Areas" receive a Development Order or Development Order Exemption for construction. If monitoring results show groundwater pollution from purgeable organics in excess of the Florida Department of Environmental Regulation

standards, the holder of the General Excavation Permit shall be responsible for the immediate cleanup of the site. In such eventuality, upon notice by the Division of Water Resources, the Department of Community Development may direct an immediate termination of excavation and processing operations until the problem is resolved. The Department may take similar action upon notice from the Division of Water Resources should the required monitoring fail to occur.

5. Prior to the approval of an Excavation/Mining Operations Permit for any phase, the developer shall meet with the Lee County Emergency Medical Services to confirm the location of the designated emergency helicopter landing zone and the means of access for an Emergency Medical Services Unit.
6. The arrangement for the provision of fire protection for this site shall be with and to the satisfaction of the Department of Public Safety and shall include the utilization of an on-site, truck-mounted sprayer and other preventative measures. In the event a Development Order or Building Permit is sought for a permanent structure, this plan shall be re-reviewed by the Department of Public safety to insure adequate protection.
7. Prior to the approval of any new Excavation/Mining Operation Permit, the applicant shall contact the Lee County Division of Emergency Management, Hazardous Material representative, to discuss the proposed development in relation to the potential type, use, and storage (if any) of hazardous materials which could be located on the premises. If required by federal, state, or local regulations, the applicant shall prepare or have available Material Safety Data Sheets (MSDS) and submit either copies of MSDS or a list of MSDS chemicals to the appropriate fire department or district and to the Lee County Department of Public Safety. An emergency notification system shall be established to be used in the event of a hazardous material release.
8. The maximum depth of this excavation shall be 55 feet below the existing ground elevation, or to the first confining layer, whichever occurs first.
9. The holder of the Excavation/Mining Operation Permit shall be responsible for its pro-rata share of any damage to Alico Road from the private access road westward to I-75 caused by the truck traffic from this operation and shall repair any such damage to the satisfaction of the Lee County Department of Transportation.
10. On-site haul roads shall be watered on a regular basis to avoid creating dust in excess of standards of the Florida Department of Environmental Regulation.
11. Blasting shall be a permitted activity within this proposed mining operation. Blasting operations shall only occur between the hours of 8:00 a.m. through 5:00 p.m., Monday through Friday.
12. No dewatering of the pits for excavation purposes shall be allowed. This does not prohibit the use of ground water in connection with the rock crushing process if done in accordance with the South Florida Water Management District regulations.
13. The entire site shall be fenced in a manner similar to the existing mine operation, to prevent unauthorized access onto the property. The fence shall be maintained in good condition by the holder of the General Excavation Permit until such time as the excavation is complete, or a change of land use is approved.
14. The approved Protected Species survey included in this application shall be valid for 5 years. Any lands included in this request to be mined after five years shall be required to submit a new species survey, provided that the Florida Land Use, Cover and Classification System (FLUCCS) code would trigger this requirement, in accordance with County regula-

tions. This new survey(s) shall be submitted to the Division of Environmental Sciences, or its successor, to determine sufficiency and adequacy of the information. If listed species are found on site an approved management plan shall be required, per Ordinance 89-34, as amended.

15. Deviation (1) is a request to deviate from the required 150 foot setback from a road easement (Zoning Ordinance Section 508.G.2.a.1), to a 70 foot setback from Greenmeadow Road. No road improvements have been planned for this road. Deviation (1) is hereby APPROVED.

Deviation (2) is a request to deviate from the required 75 foot setback from a section line (Zoning Ordinance Section 508.G.2.a.3), to zero (0) feet from the east/west section line between Sections 01 and 12. No roads have been planned along these section or quarter section lines. Deviation (2) is hereby APPROVED.

Deviation (3) is a request to deviate from the required 60 foot setback from a quarter section line (Zoning Ordinance Section 508.G.2.a.3), to zero (0) feet from both quarter section lines in Section 01 and the north/south quarter section lines in Sections 11 and 12. This request is for the elimination of the required setbacks from section and quarter section lines throughout the site. No roads have been planned along the section or quarter section lines. Deviation (3) is hereby APPROVED.

Site Plan 92-036 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

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

- A. That the IPD rezoning, as conditioned, and the approved Excavation Permit will not have an adverse impact on the intent of the Zoning Ordinance.
- B. That the IPD rezoning, as conditioned, and the approved Excavation Permit is consistent with the goals, objectives, policies and intent of the Lee Plan, and with the densities, intensities and general uses set forth in the Lee Plan.
- C. That the IPD rezoning, as conditioned, and the approved Excavation Permit meets or exceeds all performance and locational standards set forth for the proposed use.
- D. That the IPD rezoning, as conditioned, and the approved Excavation Permit will protect, conserve or preserve environmentally critical areas and natural resources.
- E. That the IPD rezoning, as conditioned, and the approved Excavation Permit will be compatible with existing or planned uses and not cause damage, hazard, nuisance or other detriment to persons or property.
- F. That the IPD rezoning, as conditioned, and the approved Excavation Permit will not place an undue burden upon existing transportation or other services and facilities.
- G. That the IPD rezoning, as conditioned, and the approved Excavation Permit will be in compliance with all applicable general zoning provisions and supplemental regulations pertaining to the use, as set forth elsewhere in this ordinance.
- H. That the approved Deviations enhance the achievement of the objectives of the IPD, and preserve and promote the protection of public health, safety and welfare.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Donald Slisher, and seconded by Commissioner John Manning and, upon being put to a vote, the result was as follows:

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

DULY PASSED AND ADOPTED this 17th day of August, A.D., 1992.

ATTEST: COUNTY CLERK
CHARLIE GREEN, CLERK

BY: Clara J. Wreck,
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [Signature]
Chairman

Approved as to form by:

[Signature]
County Attorney's Office

FILED

AUG 25 1992

CLERK CIRCUIT COURT
BY C. Wreck D.C.

A PROPOSED REZONING APPLICATION

for

HARPER BROS., INC.

SECTIONS: 1, 11 & 12 T46S R26E

DATE: OCTOBER, 1991

PROJECT CONSULTANTS

COMPANY NAME	TELEPHONE NUMBER	CONTACT PERSON	SERVICE
HOLE, MONTES & ASSOCIATES, INC.	407-761-7674	MR. MONTES	ENGINEERING & SURVEYING
THE HOLE, MONTES & ASSOCIATES, INC.	407-761-7674	MR. MONTES	ENGINEERING & SURVEYING
THE HOLE, MONTES & ASSOCIATES, INC.	407-761-7674	MR. MONTES	ENGINEERING & SURVEYING

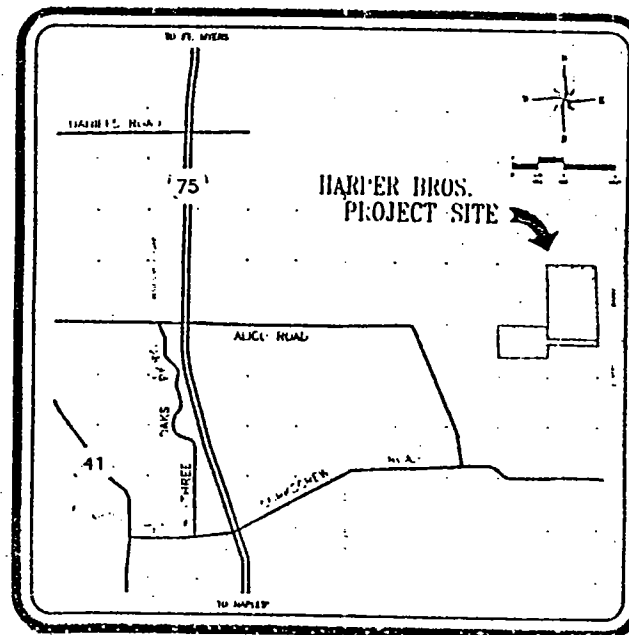
PREPARED BY:

HMA
HMA & A

HOLE, MONTES & ASSOCIATES, INC.
ENGINEERS - PLANNERS - SURVEYORS
NAPLES - FORT MYERS - BONITA SPRINGS

6200-1 PRESIDENTIAL BLVD., FORT MYERS, FLORIDA 33919
(813) 461-7674 FAX
(813) 461-7674

HMA JOB NUMBER - 89.76A



LOCATION MAP

INDEX OF SHEETS

DRAWING NO.	DESCRIPTION
371-1	COVER SHEET
371-2	EXISTING STRUCTURES DRAWING (EXHIBIT THREE: E.S.) / SITE MAP
371-3	EXISTING ZONING & CURRENT LAND USE
371-4	PROPOSED MASTER CONCEPT PLAN / PROPOSED MINING PLAN
371-5	SUB. BORINGS MAP
371-6	SWCS MAP
371-7	VEGETATION & TOPOGRAPHIC MAP
371-8	REHABILITATION & RECLAMATION PLAN

PREPARED FOR:

HARPER BROS., INC.
GENERAL CONTRACTORS

14066 SIX MILE CYPRESS PKWY.
FORT MYERS, FLORIDA 33912
10) 407-2350

APPROVED

Master Concept Plan
Site Plan & 22.6.19.01-1
Subject to conditions in Resolution 22.6.19.01-1
Zoning Code & 22.6.19.01-1

PRINTED
OCT 28 1991

RECEIVED
OCT 28 1991
ZONING COUNTY

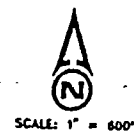
371-1

89.76A

AG-2
 w/SPECIAL EXCEPTION FOR
 GENERAL EXCAVATION
 "Existing Mining Operation"

AG-2
 "Vacant"

AG-2
 "Vacant"



Existing "ALICO ROAD
 GREENMEADOW MINE" Site

AG-2
 w/SPECIAL EXCEPTION FOR
 GENERAL EXCAVATION
 "Existing Mining Operation"

IPD
 "Agricultural Activity in Progress"
 "Mining Commenced"

AG-2
 "Vacant"

AG-2
 "Vacant"

AG-2

AG-2
 "Agricultural Activity in Progress"

AG-2
 "Vacant"

AG-2
 "Vacant"

AG-2
 "Vacant"

APPROVED

Master Concept Plan
 See Plan # 22036 Page 2 of 2
 Subject to conditions in Resolution 252636
 Zoning Code # 52.6.03.01 ZONING COUNTER

PRINTED
 OCT 18 1998

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 OCT 28 1998

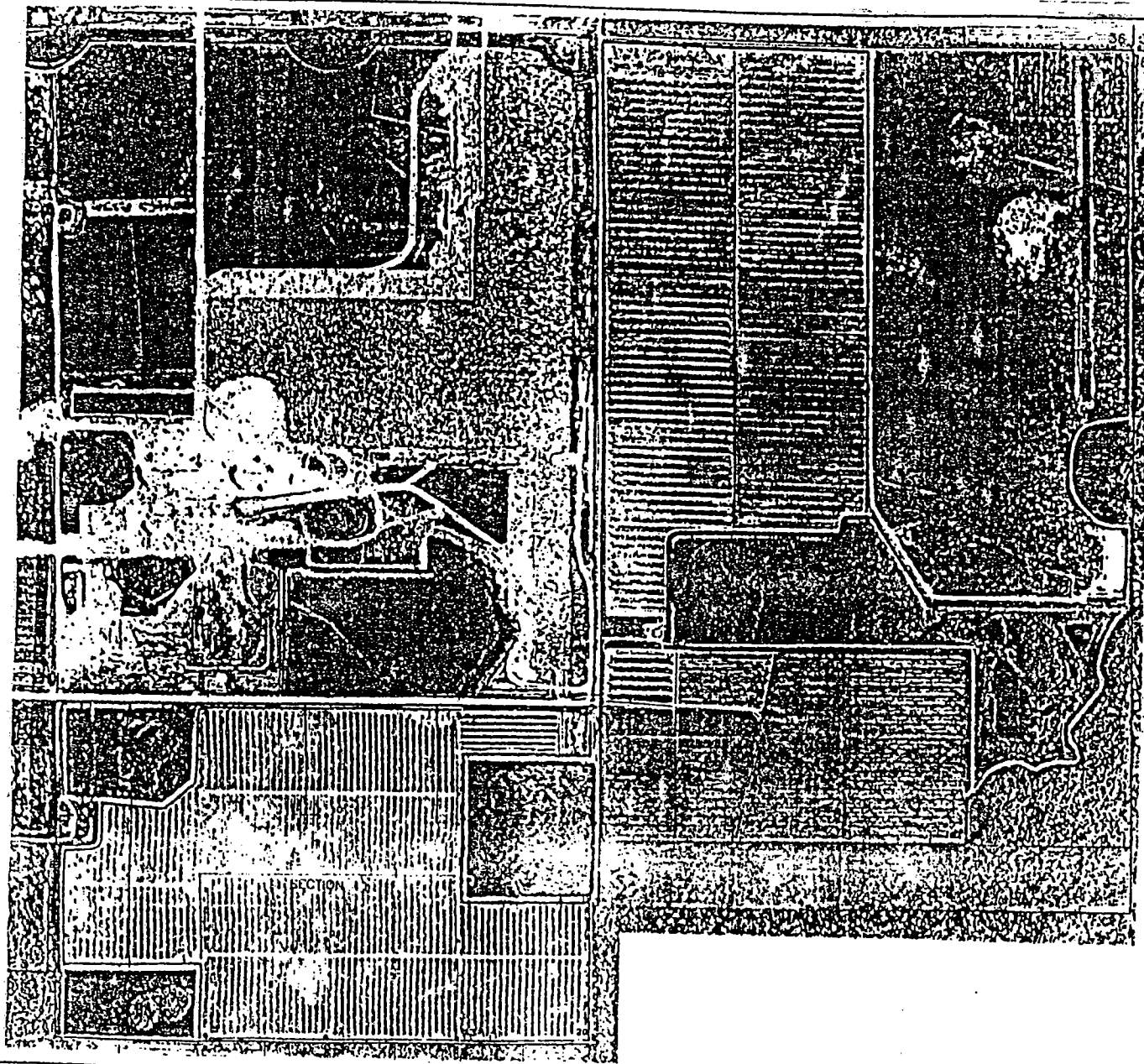
HARPER BROS., INC.

JO	9-17-91
RLM	9-17-91
NONE	1-8-00

LMMA
HOLE, MONTES & ASSOCIATES
 ENGINEERS - PLANNERS - SURVEYORS
 MAPLES - FARM SPRING - GREEN SPRING

EXISTING ZONING & CURRENT LAND USE

8976A003	371-3
89.76A	3 of 8



SCALE: 1" = 500'

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OCT 28 1986

APPROVED

Master Concept Plan
Site Plan # 32601 Page 2 of 5
Subject to conditions in Resolution 222556
Zoning Code = 22.6.05 D-1

RECEIVED
OCT 28 1986
ZONING DIVISION

HARPER BROS., INC.

LIBRA
TECHNICA

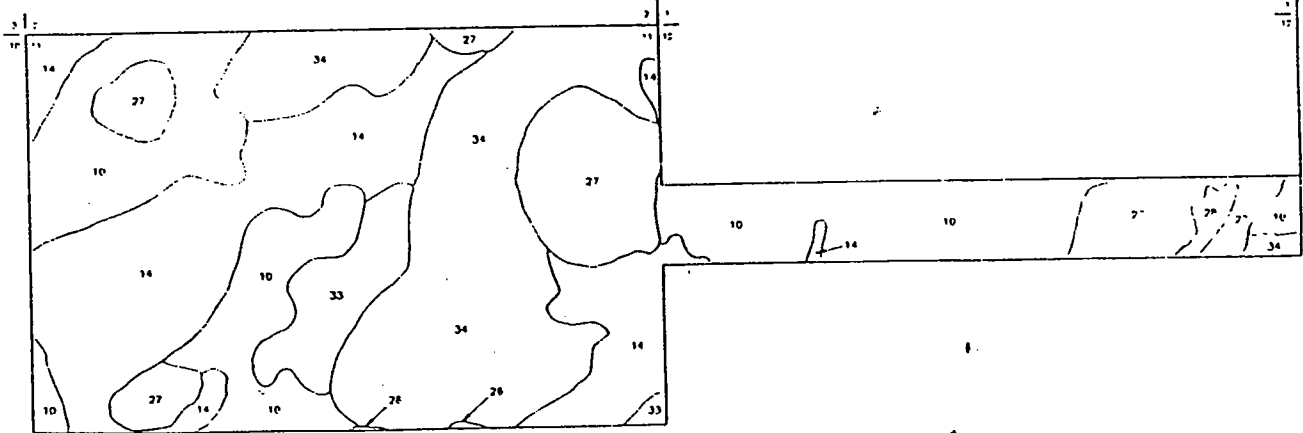
HOEL, MORTON & ASSOCIATES
ENGINEERS, ARCHITECTS, PLANNERS
1000 15th St. N.E. Suite 1000
Atlanta, Georgia 30309

SOIL BORINGS MAP

8976A005	371-5
89.76A	5 8



For Soils Map of
Sections 1 & 12 Previously
Re-Zoned, Refer to HMA Project #87.66,
Drawing #201-6A.



- 10 - POMPANO FINE SAND
14 - VALMORA FINE SAND
27 - PINEDA FINE SAND
34 - POMPANO FINE SAND INTERMEDIATE
33 - MICHIGAN FINE SAND
28 - OGDEN FINE SAND
34 - MALABAR FINE SAND
- APPROVED
Markus Concept Plan
See Plan #201-6, Page 6 of 11
Subject to conditions in Resolution #201-6
Zoning Case #201-6-201-6



HARPER BROS., INC.	HMA 9-20-91 9-20-91 9-20-91 1"=500'	HOLE, MONTES & ASSOCIATES ENGINEERS - PLANNERS - ARCHITECTS 1000 N. 10TH ST. SUITE 100 DENVER, CO 80202	SOILS MAP	8976A006	371-6 89.76A
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For Vegetation Map of
Sections 1 & 12 Previously
Re-Zoned, Refer to HMA Project #87.66,
Drawing #201-6.



SCALE: 1" = 500'

NOTE:
EXISTING GROUND ELEVATIONS WERE
SURVEYED IN AUGUST 1991 AND
BASED ON M.G.V.D. 1929.

LEGEND

— EXISTING ELEVATION

LEGEND

- 111 - FIXED SINGLE FAMILY UNIT
- 210 - CROPLAND
- 211 - IMPROVED PASTURE
- 214 - ROW CROPS
- 411 - PINE PLANTATIONS
- 621 - CYPRESS
- 641 - FRESHWATER MARSH
- 643 - WET PRAIRIE
- INDICATES MITIGATION WETLAND
SPURRY PERMIT #36-00612-5

APPROVED

Master Concept Plan
Site Plan # 22-23, Page 2 of 8
Subject to conditions in Resolution 2-82-036
Zoning Case # 22-633-00-1

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OCT 28 1991

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OCT 28 1991
ZONING COUNTER



HARPER BROS., INC.

JWS 9-20-91
JO 9-20-91
RLM 9-20-91
NONE 1"=500'



HOLE, MONTES & ASSOCIATES
ENGINEERS - PLANNERS
ARCHITECTS - LANDSCAPE ARCHITECTS

VEGETATION & TOPOGRAPHIC MAP

THIS DRAWING AND ANY
APPENDICES, UNLESS NOTED
OTHERWISE, SHALL BE
VOID WITHOUT THIS SEAL.

PROJECT NO. 8976A007	SHEET NO. 371-7
DATE 89.76A	SCALE 7 IN 8

