

RESOLUTION NUMBER Z-96-068

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

WHEREAS, Harper Bros., Inc., in reference to Alico Road Greenmeadow Mine, filed an application for a rezoning from AG-2 (Agricultural) to IPD (Industrial Planned Development) including a General Excavation Permit; and

WHEREAS, the subject 80± acre property is located at 14341 Alico Road, and is described more particularly as:

LEGAL DESCRIPTION: In Section 11, Township 46 South, Range 26 East, Lee County, Florida:

The East Half (E½) of the South Half (S½) of the North Half (N½) of the South Half (S½), Section 11, Township 46 South, Range 26 East, Lee County, Florida;

AND

The West Half (W½) of the South Half (S½) of the North Half (N½) of the South Half (S½), Section 11, Township 46 South, Range 26 East, Lee County, Florida.

WHEREAS, the applicant has indicated the property's current STRAP number is 11-46-26-00-00001.2000; and

WHEREAS, Harper Bros., Inc., the owner of the subject parcel, authorized Henderson, Franklin, Starnes & Holt, P.A. to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was advertised and held on November 19, 1996 before the Lee County Hearing Examiner who gave full consideration of the evidence available; and

WHEREAS, a public hearing was advertised and held on January 6, 1997 before the Lee County Board of County Commissioners who gave full and complete consideration to the recommendations of 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 **APPROVES with conditions** the requested rezoning from AG-2 to IPD, including a General Excavation Permit.

## SECTION A. CONDITIONS:

The rezoning and Master Concept Plan are subject to the following conditions:

1. The development must be in substantial compliance with the approved Master Concept Plan entitled "Harper Brothers, Inc., Master Concept Plan - Mining Plan," dated June 14, 1996, last revised November 12, 1996, and stamped received by the zoning counter on November 15, 1996, except as modified by the conditions herein.
2. The Schedule of Uses for this IPD is limited to the following:  
  
Excavation/Mining (LDC Section 34-1671)  
Agricultural Uses - (Farming, Pasturage and Agricultural Accessory Structures)  
  
Note: Applicant may continue to utilize the property for agricultural activities after the excavation permit is issued, but those activities may occur only in areas not undergoing excavation.
3. The Greenmeadow Mine Expansion IPD to the north, approved by resolution number Z-92-036A, must be amended to include a deviation to zero feet for the minimum setback required for an excavation from a private property line for the southernmost property line of that IPD abutting the subject property.
4. The maximum depth permitted for this excavation is 55 feet or the first confining layer whichever occurs first. In no case, may the depth exceed that permitted by the South Florida Water Management District.
5. There may be no dewatering in conjunction with this excavation.
6. Mining operations may not impact wetlands located on the subject property.
7. Littoral plants will be used for vegetation reclamation. The developer must install a minimum of four littoral plant species, and no one species may comprise more than 25 percent of the total planting number. Required littoral planting numbers must be computed for the total area of the littoral shelf (length x width). The developer must install one plant for each nine square feet of littoral area (this equates to planting on 3-foot centers). Survivability must be 80 percent for five years. The developer must submit to the Department of Community Development a brief narrative monitoring report annually. The report must include all necessary corrective action for the five year period.
8. The 80-acre parcel must be maintained free of invasive exotics as listed in LDC Section 10-413(f).

9. The developer must fence the entire site in a manner similar to the existing mine to prevent unauthorized access onto the property. All entrances to the excavation and removal areas must be restricted from public access during working hours, and locked at all other times.
10. Prior to approval of an Excavation/Mining Operations Permit/Limited Review Development Order for any phase, the Developer must meet with Lee County Emergency Medical Services to confirm the location of a designated emergency helicopter landing zone and the means of access for an Emergency Medical Services Unit.
11. The developer must provide adequate fire protection for this site to the satisfaction of the San Carlos Fire Protection District.
12. Blasting may occur only between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.
13. The holder of the Excavation/Mining Operation Permit will be responsible for its pro-rata share of damage to Alico Road from the private access road westward to I-75 caused by the truck traffic from this operation and must repair that damage to the satisfaction of the Lee County Department of Transportation.
14. The developer must obtain a certificate to dig prior to the issuance of a General Excavation Permit/Limited Review Development Order.

#### SECTION B. DEVIATIONS:

The Master Concept Plan deviates from Lee County development standards.

Deviation (1) requests relief from LDC Section 34-1682(2)a.2 to allow a zero foot setback from the north property line of the property. The requested deviation is **APPROVED** subject to Condition 3 above.

#### SECTION C. Master Concept Plan:

A one page reduced copy of the Master Concept Plan is attached and incorporated into this resolution by reference.

#### SECTION D. FINDINGS AND CONCLUSIONS:

The following findings and conclusions were made in conjunction with the approval of the requested rezoning:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.

2. The requested IPD zoning, as conditioned:
  - a) meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
  - b) is consistent with the densities, intensities and general uses set forth in the Lee Plan;
  - c) is compatible with existing or planned uses in the surrounding area; and
  - d) will not adversely affect environmentally critical areas or natural resources.
3. Approval of the request, as conditioned, will not unduly burden existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The proposed use or mix of uses is appropriate at the subject location.
6. The recommended conditions to the master concept plan and other applicable regulations provide sufficient safeguards to the public interest.
7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
8. The deviation granted:
  - a) enhances the objectives of the planned development; and
  - b) preserves and promotes the general intent of the LDC to protect the public health, safety and welfare.

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

John E. Manning	AYE
Douglas R. St. Cerny	ABSENT
Ray Judah	AYE
Andrew W. Coy	AYE
John E. Albion	AYE

DULY PASSED AND ADOPTED this 6th day of January, A.D., 1997.

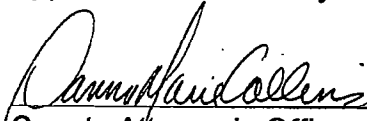
ATTEST:  
CHARLIE GREEN, CLERK

BY:   
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

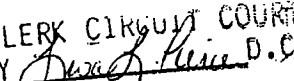
BY:   
Chairman

Approved as to form by:

  
County Attorney's Office

FILED

JAN 9 1997

CLERK CIRCUIT COURT  
BY:  D.C.



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