

**LEE COUNTY, FLORIDA
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING DIVISION
STAFF REPORT**

TYPE OF CASE: PLANNED DEVELOPMENT/DCI

CASE NUMBER: DCI2009-00001

HEARING EXAMINER DATE: January 16, 2013

I. APPLICATION SUMMARY

- A. Applicant: FFD Land Co. in reference to FFD MEPD
- B. Request: Rezone from Agriculture District (AG-2) to Mine Excavation Planned Development (MEPD) for 4,652.1 acres of land to allow mining activities (construction materials mining operation) including administrative offices, rock crushing operations, and plant facilities. The proposed maximum mine depth is 100 feet with an estimated duration of extraction activity of 50 years. Maximum structure height is 35 feet. Blasting is a proposed development activity.
- C. Location: The subject property is located at 22030-036 Big Lou Road, Southeast Lee County Planning Community, Lee County, FL (District #3)

D. Future Land Use Plan Designation, Current Zoning and Use of Subject Property and Road Classification:

Land Use Designation: Density Reduction/Groundwater Resource and Wetlands
Current Zoning: Agriculture District, AG-2
Current Use: Farming and vacant lands
Road Classification: Arterial (Corkscrew Road)

E. Surrounding Land Use:

Existing Zoning & Land Use

North: (south of Corkscrew Road) PRFPD; golf course and AG-2; agriculture, large lot single family, and vacant. (north of Corkscrew Road) AG-2, single family residential, agricultural, vacant, and Lee County Utilities wells.

Future Land Use Map

Density Reduction/
Groundwater Resource
and Wetlands

| | |
|---|---|
| East: AG-2; agriculture, large lot single family, and vacant. Collier County, zoned Rural Agricultural District – Mobile Home Overlay (A-MHO) | Density Reduction/ Groundwater Resource and Wetlands Collier Co. – Agriculture/ Rural Designation with Natural Protection Resource Overlay |
| South: AG-2, vacant | Conservation Lands Wetlands and Uplands, Density Reduction/ Groundwater Resource, and Wetlands |
| West: AG-2, vacant | Conservation Lands Wetlands and Uplands, Density Reduction/ Groundwater Resource, and Wetlands |

F. Size of Property: 4,652.1 ± acres

II. RECOMMENDATION:

Staff recommends denial of the applicant’s request for rezoning from Agriculture District (AG-2) to Mine Excavation Planned Development (MEPD).

Findings and Conclusions:

- 1: The rezoning request from Agricultural (AG-2) to Mine Excavation Planned Development (MEPD) is inconsistent with the Lee Plan, incompatible with surrounding uses, and has potential long term environmental and traffic impacts over the 50 year life of the mine.

2. It is found that:
 - a. To the east and north of the subject property there are large lot single-family residential uses (both north and south of Corkscrew Road) and a private golf course with approved bed and breakfast and timeshare unit. To the west and south are public conservation preserves.
 - b. Approval of the request would permit blasting within 900 feet of residential uses.
 - c. The project anticipates the removal of almost 271 million tons of material over the 50 year length of the proposed mining operation. This results in the daily generation of approximately 2,548 two-way truck trips on Corkscrew Road.
 - d. Approval of the requested 50 year mining operation has the potential to create adverse environmental impacts on indigenous areas and occupied wildlife habitat.

- e. The project does not provide adequate interconnection to off-site preserve areas and conservation lands via indigenous preservation areas, flowway restoration, and planted buffer areas.
 - f. Approval of the request would not provide the required post construction lake surface area as created littoral zone.
3. It is further found that the rezoning request:
- a. has not demonstrated the need for additional mining area or aggregate to meet the County's needs and the needs of surrounding communities; and
 - b. will have the potential for long term adverse impacts on the surrounding residential neighborhoods.
4. Consistent with the findings set forth above and based upon the application and staff analysis:
- a. The proposed mine is not located within the Future Limerock Mining Overlay as depicted on Map 14. Lee Plan Policy 33.1.1 indicates that new or expanded limerock mines will only be approved within the Future Limerock Mining Overlay. The overlay is based on anticipated regional need of limerock within the Lee Plan planning horizon and concentrating limerock mining near areas that have already been disturbed in order to minimize impacts to less disturbed areas. For this reason, the application is inconsistent with Lee Plan Policy 33.3.1 and the Future Limerock Mining Overlay Map 14.
 - b. The concept of location and timing of approvals with need has long been found in the Lee Plan's Growth Management provisions, Goal 2. Lee Plan Objective 2.1 is to minimize energy costs, conserve land, water, and natural resources, minimize the cost of services and prevent development patterns where large tracts of land are bypassed. Policy 2.2.2, states that a property's future land use category as shown on Map 1 "is not a guarantee that such densities or uses are immediately appropriate, as the map provides for the county's growth over the coming 26 years." Currently, it is found that there is adequate aggregate supply from existing and approved future mines for the 2030 Planning Horizon of the Lee Plan. Therefore, this application for a new mine at the subject location is not immediately appropriate and inconsistent with Lee Plan Objective 2.1 and Policy 2.2.2.
 - c. The proposed mine has the potential to impact species foraging and habitat. Impacts are attributable to development of the property as an aggregate mine with related ancillary and accessory uses including mine equipment, rock crushing, truck traffic, blasting, and etc. Additionally, Deviation 2 seeks to reduce the required littoral shelf from 475.7 acres to 46.31 acres which will not provide adequate habitat after the mine has ceased operations and is restored. For these reasons, the request is inconsistent with Goal 10, Objective 10.1, Objective 33.2, Policy 33.2.1, Policy 60.5.3, Goal 61, Objective 61.2, Policy 61.2.6, Goal 77, Objective 77.3, Goal 107, Policy 107.2.10, Objective 107.3,

Objective 107.4, Policy 107.4.2, Policy 107.4.4, Objective 107.10, Policy 107.10.2, Policy 107.10.3, and Policy 107.11.4.

- d. Lee Plan Map 17 designates the surrounding residential areas as Existing Acreage Subdivisions. The Lee Plan states these areas should be protected from adverse impacts of mining. The proposed mining operation has the potential to adversely impact these existing residential areas due to dust, light, noise, blasting and increased truck trips. Other existing residential subdivisions located on Corkscrew Road, east of Ben Hill Griffin Parkway could also be impacted by this additional truck traffic. For these reasons the application is not consistent with Map 17 and Policy 7.1.2, Policy 7.1.9, Policy 10.1.4, Objective 33.3, Policy 33.3.1, Policy 33.3.1, and Policy 135.9.5.
 - e. The Lee Plan, in Chapter XIII, Procedures and Administration, Effect and Legal Status of the Plan provides upon adoption of the amended Lee Plan all development and actions taken in regards to development order must be consistent with the Lee Plan. The proposed limerock mine does not further the goals, objectives and policies of the Lee Plan, and should found inconsistent with the Lee Plan consistent with Chapter XIII.
 - f. The applicant has not adequately demonstrated that the land involved with the proposed mining operation will be restored to historic surface and groundwater levels and connected to existing corridor and conservation areas. Therefore, the application is inconsistent with Lee Plan Policy 1.7.7 and Map 1, Page 4.
 - g. No set of conditions will provide adequate safeguards to reasonably assure protection of the public health, safety and welfare from the potential damage to public infrastructure facilities, environmentally critical areas, wildlife, and surrounding and nearby residential use, private recreational uses, and agricultural uses. Therefore, the application is inconsistent with following Lee Plan Goals, Objectives, and Policies: Policy 1.4.5, Policy 1.5.1, Objective 2.1, Policy 2.1.2, Objective 2.2, Policy 2.2.2, Policy 33.1.1, Policy 5.1.5, Policy 7.1.2, Policy 7.1.9, Policy 10.1.4, Objective 33, Policy 33.3.1, Policy 39.1.4, and Lee Plan Maps 14 and 17.
5. The subject property is currently used for agricultural purposes. Maintaining the existing agricultural zoning classification and use accomplishes a legitimate public purpose by providing agricultural jobs, produce to the County, and important animal habitat and foraging areas. The existing agricultural zoning classification is consistent and compatible with the surrounding land uses and consistent with the existing future land use designation of the property. The subject property is depicted on Map 20 of the Lee Plan as an existing agricultural operation in excess of 100 acres, which the Lee Plan, in Policy 1.7.8, states should be protected from the impacts of new developments.

III. BACKGROUND INFORMATION AND ANALYSIS:

Introduction/Synopsis

This application is seeking a rezoning of 4,625.1 acres of land from Agriculture District (AG-2) to Mine Excavation Planned Development (MEPD). The applicant seeks to be allowed mining activities (construction materials mining operation) including administrative offices, rock crushing operations, and plant facilities on the subject property. The proposed mine is planned to have a maximum depth of 100 feet. The mine is estimated to be operating for approximately 50 years. The maximum structure/building height is proposed at 35 feet. Blasting is a proposed development activity. On Page 7 of 13 of the revised application (received on February 16, 2011), the proposed hours of operation are 5:30 AM to 6:00 PM. This is not further clarified if this is a seven day per week operation, or if it is limited to certain days of the week. An estimated 271 million tons of material will be excavated.

Subject Property

The subject property consists of 4,625.1 acres. The applicant advises 3,221.9± acres is used for agricultural purposes of row crops. The applicant's agricultural affidavit (Attachment G) commits that the agricultural use of the property would continue until approval of a local Development Order for the area of the project upon which the row crop use exists.

The applicant's use affidavit (Attachment G) commits that existing buildings and structures will continue to be used for agricultural administrative and residential uses in conjunction with ongoing agricultural activities on the property.

The applicant has indicated that they own another 556.45 acres of land contiguous to the proposed MEPD. This land has not been included in this application and is being used by the applicant, in part, to separate the proposed active mining areas from the residential to the east of the property.

Community Character

The area surrounding the subject property is a mixture of agricultural operations, large lot single family residential, a private golf course, and environmental lands.

East of the property are agricultural operations, large lot single family residential, environmental lands, and an approved excavation operation.

North of the property are large lot single family residential homes, environmental lands, agricultural operations, a private golf course (with zoning approval for a Bed and Breakfast and Fractional/Timeshare units), and Lee County potable water wellheads.

South of the property are agricultural operations and environmental lands.

West are environmental lands, single family residential, and approved mining operations.

Mining Plan/Master Concept Plan

The proposed mining plan is a 30 page/sheet, Zoning Engineering Plan. Sheet 10 is identified as Master Land Use Plan & Setback/Buffer Map.

This map proposes a single vehicular access point onto Corkscrew Road. This access is located approximately 665 to 670 feet west of the intersection of Corkscrew Road and Burgundy Farms Road. The road/driveway serving the mining operation runs south into the central part of the subject property to the proposed plant/service area. This plant/service area is approximately 2 miles south of Corkscrew Road.

The mining operation proposes a number of mining cells. The Zoning Engineering Plans indicate the mining operations will occupy 2,936.09 acres (of the site's total 4,652.16 acres). The lake mining limits prior to reclamation will occupy 1,902.70 acres of the total site. The mining operation is expected to last 50 years.

The applicant proposes a total of 1,167.06 acres of preserve/conservation areas.

Sheet 10 also provides the proposed project setbacks and buffers, with sheets 21 and 22 of the plan providing similar references to the buffer locations.

Deviation Requests

Attachment F includes the applicant's 4 deviations requested from the Lee County regulations and the justifications for each. Each deviation is summarized in the following with staff comments for each.

Deviation 1 requests only one means of access into the mine, while LDC § 10-291(3) requires two means of ingress or egress. Staff does not normally support this request, unless there is a technical basis for the deviation. In this instance, staff offers no objection to this deviation. Approval places the single access on a County maintained arterial road, keeping the truck traffic off of a local road inadequate to support the truck traffic and further impacting the residents that live off of Arby Road (6L's Farm Road). This focuses the truck traffic at one driveway providing the ability to construct deceleration and acceleration lanes allowing truck traffic to enter/exit the site.

Deviation 2 seeks to be allowed a littoral zone along 25% of the post-construction lake perimeter, with a minimum planting width of 18 feet, located as shown on the Master Concept Plan and as detailed on Page 20 of the Zoning Engineering Plans. Staff recommends denial of Deviation 2 since the applicant can better design the littoral shelf to provide appropriate foraging areas for wood storks and other wading birds. The reclamation plans propose 46.31 acres of created littoral shelf versus the 475.7 acres of created littoral shelf that is required by LDC Chapter 12. The 46.31 acres of created littoral zones are 50-75 feet wide and are proposed primarily next to onsite preserves and off site conservation lands. The proposed reclamation cross section demonstrates the created littoral zones to contain foraging pockets of varying water depths for use by wading birds including wood storks. However the straight design of these shelves and lack of foraging pockets, the resulting lake slopes outside the created littoral zones will provide minimal foraging habitat for wading birds. A littoral shelf around the

entire perimeter of the lakes with a width of 50 to 100-feet and a more gradual slope with plantings would be more appropriate.

Deviation 3 seeks to allow the development to meet the LDC requirement through an exotic vegetation removal and native vegetation replanting plan for portions of the proposed indigenous preserve that do not currently meet the indigenous plant community definition. Staff recommends denial of Deviation 3 since the applicant can provide the indigenous and has not demonstrated how the approval of this deviation would be an enhancement to the overall project. The revised mining plan indicate an additional 115.04 acres of "COE wetlands to remain" beyond the 932.31 acres that could be utilized to meet the required 25% indigenous preserves along with the 234.75 acres of replanting area. In addition no exotic removal plan or phasing has been provided for this additional 115.04 acres. The exotic removal and replanting efforts within the 1,167.06 acre are proposed over the 50 year life of the mine.

Deviation 4 seeks to eliminate the buffer where the administrative site and access road is adjacent to the agricultural operations to the east. Staff objects to the granting of this deviation. The applicant has not adequately justified their request demonstrating a need for the deviation, nor shown the requirement unnecessary due to an unusual circumstance.

Applicant's Changes to Plan

During the course of the review of this application for sufficiency, the applicant has made a number of beneficial changes to the mining operation in response to staff comments and concerns. These included:

- Adjusting the boundary of the active mining areas to place continuing agricultural operations between the proposed mining areas and the nearby residential areas.
- The proposed active mining area was set back further from Corkscrew Road.
- The proposed mining operations area was centralized within the subject property.
- The applicant proposed cell mining, thus creating more lakes but within the area that is proposed to be mined.
- The applicant has worked with Natural Resources staff to minimize drawdown of the underground aquifers via the cell design.
- The applicant's proposal has minimized the potential impacts to wetlands compared to the total site.

Lee Plan Considerations

The Planning Division finds the proposed rezoning application is inconsistent with the Lee Plan. The staff analysis of these inconsistencies is summarized in the discussion below and the complete report is Attachment M.

The proposed rezoning is not consistent with the Vision and Future Land Use Element of the Lee Plan. The Southeast Planning Community is the largest Planning Community in Lee County. The Vision Statement for Southeast Lee

County anticipates that mining activities will occur in the northwest portion of the Planning Community. Policy 1.4.5, the Density Reduction/Groundwater Resource (DR/GR) descriptor policy, identifies the Future Limerock Mining Overlay, Map 14.

The proposed mine is not located within the Future Limerock Mining Overlay that is depicted on Map 14. Policy 33.1.1 indicates that new or expanded limerock mines will only be approved within the Future Limerock Mining Overlay. The overlay is based on anticipated regional need of limerock within the Lee Plan planning horizon and concentrating limerock mining near areas that have already been disturbed in order to minimize impacts to less disturbed areas.

The concept of location and timing of approvals with need is contained within the Lee Plan's Growth Management provisions, Goal 2. Lee Plan Objective 2.1 is to minimize energy costs, conserve land, water, and natural resources, minimize the cost of services and prevent development patterns where large tracts of land are bypassed. Policy 2.2.2, states that a property's future land use category as shown on Map 1 "is not a guarantee that such densities or uses are immediately appropriate, as the map provides for the county's growth over the coming 26 years." Staff finds that there is currently adequate aggregate supply from existing and approved future mines for the 2030 Planning Horizon of the Lee Plan and the current mine request is not immediately appropriate. Instead, it is more properly characterized as premature. Approval of a mine in this location does not encourage compact and efficient growth patterns as required by Objective 2.1 and Policy 2.2.2.

The proposed mine is also not consistent with Southeast DR/GR Residential Overlay, Map 17. Map 17 designates the surrounding residential areas as Existing Acreage Subdivisions, which according to Objective 33.3 and Policy 33.3.1 deserve protection from the adverse external impacts of mining. These impacts include dust, light, noise, blasting, and increased truck traffic along Corkscrew Road. Approval of the proposed mine adjacent to these subdivisions is inconsistent with the Lee Plan.

The Lee Plan contains numerous provisions that must be evaluated to determine whether or not a proposed development is consistent with the plan. The Goals, Objectives, and Policies of the Lee Plan are designed to safeguard the public interest and are the standard by which all development is evaluated. The Lee Plan, in Chapter XIII, Procedures and Administration, Effect and Legal Status of the Plan provides the following:

Upon adoption of this amended plan, all development and all actions taken in regard to development orders must be consistent with the plan as adopted...

The terms "consistent with" and "in conformity with" will mean that all development actions or orders will tend to further the goals, objectives, and policies of the plan and will not specifically inhibit or obstruct the attainment of articulated policies. Where goals, objectives, or policies of particular elements appear to be in conflict, such conflicts will be resolved

upon an analysis of the entire Lee Plan as it may apply to the particular area at issue.

The proposed limerock mine does not further the goals, objectives and policies of the Lee Plan. A project could be denied on the basis of one inconsistency with one provision of the Lee Plan. The proposed project is clearly inconsistent as the subject site is not depicted on Map 14. This could be the sole basis of the denial of the request.

In this case, the request is inconsistent with numerous provisions of the Lee Plan. These include: the Vision Statement, Policy 1.4.5, Goal 2, Objective 2.1, Policy 2.2.2, Policy 5.1.5, Policy 33.1.1, Goal 33, Objective 33.1, Objective 33.3, Policy 33.3.1, Map 14, Map 17, and Map 20. Staff also believes that the request is inconsistent with Goal 4, Policy 4.1.1, Policy 4.1.2, Goal 7, Objective 7.1, Policy 7.1.1, Policy 7.1.2, Policy 7.1.3, Policy 39.1.4, Goal 10, Objective 10.1, and Policy 10.1.4 as the request will open up a new area to mining impacts; will require additional maintenance of street infrastructure; the truck traffic will have a disruptive affect on the surrounding residential neighborhoods; and sufficient lands suitable for providing limerock to meet the county's needs and to export to other communities are already identified. The mine traffic will travel along Corkscrew Road, where several residential communities are located. The request is also inconsistent with Policies 135.9.5 and 135.9.6 as approval will not improve the area's existing character. In addition to these provisions Lee County Planning staff also concurs with the findings and conclusions of Development Services Staff and Environmental Sciences Staff.

The subject property is currently used for agricultural purposes. Agricultural uses are compatible with the surrounding uses including conservation, residential and other agricultural uses. The current use of the property tends "tend to further the goals, objectives, and policies of the plan."

Policy 2.1.2 states that *"new land uses will be permitted only if they are consistent with the Future Land Use Map and the goals, objectives, policies, and standards of this plan"*. As described above the proposed MEPD is clearly inconsistent with the goals, objectives, policies and standards of the Lee Plan, and based on Policy 2.1.2, must be denied.

Compatibility Analysis

Mining operations are not compatible with residential uses. This operation has single family residential to the east and north of the subject property. Also along the northeastern portion of the property is a private recreational facility, Old Corkscrew Golf Course. This facility has an 18-hole golf course and is approved to allow a 7 bedroom Bed and Breakfast and 25-unit Fractional Ownership/Timeshare. There is the potential for negative impacts consisting of noise, dust, lighting, increased truck traffic, and the blasting activity related to the mining operations. Staff does not believe a set of conditions will fully or adequately address all of the potential negative and adverse impacts resulting from approval of a long term mining operation or make the mine activity compatible with its surroundings.

Environmental Issues

The Lee County Environmental Sciences Division (ES) reviewed the request and provided substantive comments found as Attachment "L" to this staff report. In summary, ES recommends denial of the proposed project.

The project does not provide adequate assurances or protection measures to avoid adverse impacts to listed species as well as adjacent environmentally sensitive lands. There is a lack of reclamation assurances; loss of the opportunity to restore historic flowways; and the 50 year duration for phased exotic removal which will not offset impacts from the excavation and operation of the mine.

The 4,652.16 acre project and surrounding property is located within the Imperial River Watershed. The subject site contains active agriculture operations and existing wetland preservation areas. The project site abuts public owned lands for conservation including Flint Pen Strand to the west, Corkscrew Swamp Sanctuary to the south, and Panther Island Mitigation Bank along a portion of the east property line.

According to the submitted FLUCCS map, the site consists of 42.77 acres of existing upland vegetated communities and 1,111.04 acres of existing vegetated wetland communities. The remaining 3,498.35 acres consists of agriculture row crops and ditches, pastures, and commercial operations. The site is currently being utilized by the American alligator, little blue heron, wood stork, red-cockaded woodpecker, Florida black bear, snowy egret, tri-colored heron, white ibis, limpkin, roseate spoonbill, Florida sandhill crane, crested caracara, big cypress fox squirrel, Florida panther. In addition, the following state listed flora species were observed: twisted airplant, night-scented orchid, butterfly orchid, common wild pine, royal fern, ladies tresses.

The site contains 1,403.29 acres of state jurisdictional wetlands and 138.44 acres of state "other surface waters" (OSW). The applicant has obtained a current Florida Department of Environmental Protection (FDEP) permit No. 0293270-001 for a proposed excavation within the 4,652.16 acre project site. The permit requires 615.37 acres of the wetlands to be preserved and allows 315.18 acres of wetland impacts. The 1,403.29 acres of federal jurisdictional wetlands have not been verified by the US Army Corps of Engineers (ACOE). An application (#SAJ-20103827) was made to the ACOE however this application was withdrawn by the ACOE due to inactivity on July 19, 2010.

The project proposes to preserve 932.31 acres of vegetated communities and 234.75 acres of non-indigenous vegetation communities. Within the 234.75 acres of non-indigenous vegetation communities, the project proposes to enhance these areas through exotic removal and replanting. The mining plans propose to impact 24.65 acres of jurisdictional wetland and other surface waters. This is less impact than approved in the FDEP permit for mining.

Transportation

Lee County Development Services staff does not recommend approval of the FFD MEPD for several reasons that are delineated in the attached memorandum, Attachment N.

The proposed mining excavation will produce a total of more than 25 million dump truck trips on Corkscrew Road over the 50 year life of the mining activities. Based on the Applicant's TIS, the FFD MEPD will generate the equivalent of approximately 4,400 daily passenger cars as a result of the requested mining excavation operation.

Corkscrew Road, to the east of Ben Hill Griffin Parkway, serves as the only means of ingress/egress to more than 6,700 residential dwelling units. The residents within these subdivisions will be adversely impacted by the addition of the traffic associated with the proposed mining excavation. Adding more than 2,500 dump truck trips per day is not compatible with these residential areas.

Based on these findings, the proposed MEPD zoning is not consistent with THE LEE PLAN as it relates to traffic. More specifically, the proposed development cannot be found consistent with Policies 7.1.2, 7.1.9, 10.1.4, 33.3.1, or 39.1.4 of THE LEE PLAN.

Attachment K is a letter from the Florida Department of Transportation received on March 18, 2009.

Mine Excavation Planned Developments (MEPDs) and the LDC

Chapter 12 of the Lee County Land Development Code (LDC), approved by Ordinance 08-21 (September 9, 2008), establishes the general requirements for mining activities and sets forth the procedures, requirements and regulations pertaining to an application for approval and subsequent operation of mining activity in Lee County.

This application has been filed to allow construction materials mining on the subject property. Construction materials mining is defined in Chapter 12 as "the extraction of limestone and sand suitable for the production of construction aggregates, sand, cement and road base materials for shipment off-site by any person or company primarily engaged in the commercial mining of any such natural materials."

The requested Mine Excavation Planned Development (MEPD) is the approval that is granted by the Lee County Board of County Commissioners rezoning the property to MEPD. Following the approval of MEPD zoning, a Mine Development Order (MDO) is required. An MDO is similar to a full Development Order per Chapter 10 of the LDC. The final step under Chapter 12 is the Mine Operations Permit (MOP), which is issued at the time of a Certificate of Compliance is issued for the MDO.

The applicant filed a Mine Development Order (MDO) application on September 16, 2009 (DOS2009-00033). This application is pending, requiring zoning approval first. If the zoning approval is granted, then the MDO can be finalized.

Historical/Archaeological

The subject property is designated as being within the Archeological and Sensitivity Zone 2 in the "An Archaeological Site Inventory and Management

Plan for Lee County, Florida”. Therefore, a Certification to Dig is needed prior to approval of a Final Development Order.

Floodway

The Division of Natural Resources has advised that the mining operation is not proposed to be excavating within any existing floodway.

Conclusion

In conclusion, for the reasons stated previously, the proposed rezoning is not consistent with the Comprehensive Plan. However, staff finds the current land uses of the property are compatible with surrounding land uses and consistent with the Lee County Comprehensive Plan. Furthermore, the current zoning of AG-2 is consistent with the Lee County Comprehensive Plan.

IV. SUBJECT PROPERTY:

The applicant indicates there are numerous and varied STRAP numbers which are on file and available for inspection as part of the application at the Department of Community Development, 1500 Monroe St., Ft. Myers, FL.

V. ATTACHMENTS:

- A. Expert Witness Information
- B. Map of surrounding zoning
- C. Zoning Engineering Plans (30 pages), Littoral/Buffer Plan, Buffer Typical Plans, and Administrative Site DO Landscape Plan
- D. Applicant’s Decision Making Narrative & Lee Plan Narrative
- E. Mine Operation Narrative, Truck Hauling Operation Plan, and Hazardous Materials Plan
- F. Schedule of Uses and List of Deviations with Justifications
- G. Agricultural Use and Structure Affidavits
- H. Blasting Plan
- I. Traffic Impact Statement (supplemented on 12/07/09 and 03/12/12)
- J. Historical and Archaeological Information
- K. FDOT letter received on March 18, 2009
- L. Environmental Sciences report
- M. Division of Planning report
- N. Development Services Division report
- O. Correspondence from Glen Rix, Ph.D. to Matt Noble, dated December 28, 2012

VI. EXHIBITS:

- A. Legal Description

cc: Applicant
County Attorney
Zoning File