

March 5, 2002

Mr. Clifford T. Miller
County Manager, Glades County
P.O Box 1080, Moore Haven, FL 33471

Re: Port La Belle DRI Status

Dear Mr. Miller:

In response to your letter of December 31, 2001, the Southwest Florida Regional Planning Council staff has completed a detailed reviewed the existing documentation in our possession and met with the representatives of the property in question. Based on those inputs, I would submit the following response to your question as to whether the Port La Belle project is a Development of Regional Impact and what development is approved in Glades County.

Project Regulatory History

1970-1979

General Development Corporation (GDC) initiated development in both Hendry and Glades Counties in the early 1970's and the South Florida Regional Planning Council (SFRPC) received an Application for Development Approval (ADA) on November 30, 1973. At that time, the project included 51,610 residential units to be built on 31,530 acres and had a buildout timeframe of 41 years.

The SFRPC, after reviewing the development proposal in the ADA recommended that the Master Plan for the development not be approved until the applicant provided detail information on how public facilities needed to serve the future residents of the project would be provided. The SFRPC noted in particular that the public facilities for solid waste, schools, health care, emergency services, security and fire protection needed to be addressed. The SFRPC also stated that each development phase of the project needed to be submitted to the Council for regional impact review.

On December 28, 1973, the Division of State Planning further clarified the DRI review for the project by stating in a letter to Hendry County that the project have an Application of Master Development Approval (AMDA) and be reviewed as a total development. The State further opined that the portions of the project where specific information can be provided could be approved, if the information so warranted, and then additional phases would undergo additional DRI reviews as the detailed information for those areas became available.

In response to this opinion from the State, Hendry County adopted Resolution 74-41, which approved the DRI Development Order with conditions on May 28, 1974. Resolution 74-52 further amended this approval on June 25, 1974. Likewise, on October 14, 1974, Glades County adopted an unnumbered Resolution that approved the DRI Development Order with conditions.

On July 31, 1974 to GDC, the Division of State Planning issued a letter stating that the Port La Belle Plats LB – 1, 2, 3, 4, 5, 6, 7, 8, 9,101 and 102 have vested sufficiently under Section 380.06 (12), F.S. that they were not required to undergo DRI review.

On December 2, 1974, the SFRPC voted to appeal the Glades County Development Order based on its late submission to the SFRPC that in the Council's opinion seriously hindered the staff's ability to review and

prepare a recommendation on the Development Order. The Council further stated that at a subsequent Council meeting they would be able to consider the staff review comments and decide whether to continue or withdraw the appeal.

On January 6, 1975, the SFRPC voted to approve the Glades County Development Order subject to the resolution of a variety of regional issues and voted to terminate the appeal upon the incorporation and adoption of the changes by the County Commission. Glades County was notified of the action on January 9, 1975. On January 23, 1975, the Glades County Commission amended the previously approved Port La Belle Resolution that was approved on October 14, 1974.

Following the County and Regional approvals of the Master Plan for Port La Belle, the applicant submitted an application for a Binding Letter of Vested Rights Status (BLIVR-979-011) to the Department of Community Affairs (DCA). DCA was the new name for the old Department of Administration both of which contained the Division of State Planning. The request by GDC was to determine the status of the portion of the project located in both Hendry and Glades Counties known as the Leader Area. On September 5, 1979, DCA issued the BLIVR that stated that an 18-hole golf course, a 50-unit motel, a 150 slip marina, a small shopping center and tennis courts were vested and required to comply with the review requirements of 380.06, F.S.

1980-1989

Following the binding letter, GDC submitted to both Hendry and Glades Counties the Increment II and Leader Areas of the Port La Belle development for the DRI review and for final zoning and plat approvals. These requests were approved with conditions in Resolution 80-9, dated June 9, 1980 for Glades County and Resolution 80-37, dated May 13, 1980 for Hendry County.

Increment III for Port La Belle was approved with conditions by Hendry County in Resolution 83-89, dated November 22, 1983 and by Glades County in Resolution 83-32, dated November 23, 1983.

1990-1999

GDC filed a petition for reorganization relief pursuant to Chapter 11 of the United States Code (the Bankruptcy Code) on April 6, 1990 in the United States Bankruptcy Court for the Southern District of Florida. Following those proceedings, Atlantic Gulf Communities Corporation (commonly known as Atlantic Gulf) became the successor of the GDC.

Over the next several years, some minor amendments to the project Development Orders were approved by Glades County in Resolution 85-10 dealing with some of the industrial uses in the project and by Hendry County in Resolution 90-18 dealing with utility provisions. Following these changes, Atlantic Gulf began to change the previous project approvals significantly.

Hendry County approved Resolution 92-28 on August 11, 1992. This resolution amended Resolution 74-41 for Increment I by: (1) changing 15 acres of residential to institutional use in the Banyan Village area (which required a commence date of January 1, 1994); and (2) changing the approved Master Development Plan.

The Glades County Board of County Commissioners on June 14, 1994 approved resolution 94-24 that determined that the changes proposed by Atlantic Gulf to the Port La Belle DRI development order in Glades County constituted substantial deviations to the original DRI. Atlantic Gulf appealed the Resolution to the Florida Land and Water Adjudicatory Commission.

Resolution 94-98 was approved by Hendry County on May 24, 1994. This resolution took the following actions: (1) rescinded in its entirety Resolution 74-41, the Master and Increment I development approval for the Hendry County portion of the DRI and substituted the provisions of this resolution for the land that was formally included in Increment I and deleting approximately 572 acres from Increment I; (2) rescinded in its entirety Resolution 83-89, which authorized Increment III; and (3) reconfirmed the DRI and final zoning and plat approval for four plats located within Port La Belle known as Banyan Village and of an institutional parcel, subject to certain conditions.

Resolution 94-143 was approved by Hendry County on October 11, 1994. This resolution reaffirmed the actions taken by the County in Resolution 94-98 and additionally rescinded Resolution 80-37, which authorized Increment II of the DRI.

On October 34, 1994, Glades County approved Resolution 94-48. This resolution significantly changed the Port La Belle DRI by taking the following actions: (1) rescinded in its entirety the October 14, 1974 unnumbered resolution, as it was amended, the master development approval for the Port La Belle DRI and substituted all the previous development approved for the 100 ranchette lots that were approved in the resolution; (2) rescinded in its entirety Resolutions 80-9, which previously authorized Increment II and the "Leader" area and substituted 116 multi-family residential units in the Leader area; (3) rescinded in its entirety Resolution 83-32 and its amendment Resolution 85-10, which authorized Increment III; (4) rescinded in its entirety Resolution 94-24; and (5) reconfirming the DRI and final zoning and platting of the 100 ranchette lots and the 116 multi-family units in the Leader area, subject to certain development order conditions.

2000- Present

There has been no DRI related regulatory actions taken by either County during this time period.

Conclusion

Given the above stated governmental approvals, it is obvious that the Port La Belle DRI has had a long and complicated history. Based on the SWFRPC staff review of the previous development requests for changes and the regulatory entities' approvals for Port La Belle, the SWFRPC staff finds no documentation that shows that the entire DRI was ever abandoned as required by Chapter 380.06, F.S. The project has active Development Order resolutions that have been approved by both Counties, the SWFRPC and the Department of Community Affairs. Therefore, in the opinion of the SWFRPC staff, Port La Belle is currently and continues to be an existing "DRI" even though it has experienced a variety of changes, including the removal of significant portions of the development from DRI review, including portions of Increment I and II and all of Increment III.

Two documents are especially important to assessment of the specific development approval that is currently active in the Glades County portion of the Port La Belle DRI. The first document was a Binding Letter approved by DCA in September 1979. The Binding Letter impacts both Hendry and Glades Counties. This letter provided vesting for an 18-hole golf course, a 50-unit motel, a small shopping center, tennis courts, and a 150-slip marina.

Based on a review of the aerials for the site and meetings with representative from Hendry County, the SWFRPC staff believes that the golf course, the 50-unit motel, the small shopping center and the tennis courts are all located in Hendry County and, except for the shopping center, have been built and are existing. The marina is located in Glades County and a small number of docks are in existence.

SWFRPC staff notes that there are two issues associated with the specifics of the golf course and the “small shopping center” that was approved by the Binding Letter in Hendry County. Based on the aerials of the golf course, it appears that parts of the original course were originally constructed in Glades County. In addition, nine holes were added to the golf course at some point in the past and portions of the new holes are also located in Glades County. The SWFRPC staff believes that since golf courses are not regulated through the DRI process, the original golf course and the additional improvements have no impact to the DRI status of the project in either Hendry or Glades County.

The “small shopping center” located in Hendry County is the only vested portion of the development that has not been constructed. Given the documentation available, the small shopping center appears to have been approved for the existing project sales center site, but SWFRPC staff could not totally verify the final location of the approved site. A more detailed review of the legal descriptions provided in the resolutions should be done to verify this finding.

With respect to Glades County, the Binding Letter stated that a 150-slip marina located on the Caloosahatchee River was vested. The marina presently exists adjacent to the Glades County portion of the river and contains 10 existing slips. SWFRPC staff believes that the marina has DRI approval for 140 additional slips.

The second important document associated with the current Port La Belle DRI approvals in Glades County, is Resolution 94-48. This resolution formally retains the DRI approval and conditions for the 100-ranchette lots from the Master DRI approval and 116 multi-family residential units approved in Increment II in the Leader area. The SWFRPC staff believes that 60 of these multi-family (32 condominiums and 28 villas) units have been constructed to date. This would leave DRI approval for an additional 56 units. Again, SWFRPC staff believes that a technical review of the legal descriptions of the properties in the DRI is needed in order to verify the exact location of the Leader area.

To summarize the DRI development approvals that are active in the Glades County portion of Port La Belle, the SWFRPC staff believes that there are currently 56 multi-family units in the Leader area, 100 ranchette lots and 140 slips in the marina available for immediate development. Any development requests above these levels will have to undertake additional regional reviews.

If you have additional questions concerning this material, please do not hesitate to contact me.

Sincerely,

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

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