

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

2226828

WHEREAS, Reynaldo Mayor, trustee has properly filed an application on a project known as Sabal Springs Golf & Racquet Club for a rezoning from Mobile Home Planned Development to Residential Planned Development and Mobile Home Planned Development, to permit 860 single-family homes and 440 mobile homes, with buildings not to exceed 45 feet above average grade, on 371.72 total acres of land. The western (RPD) portion of the project contains 260.83 acres, and the eastern (MHPD) portion of the project contains 110.89 acres. The proposed development is a modification of case #86-3-24 DCI, wherein approval was granted for up to 1300 mobile homes under the project's former name of "Forest Creek."

NOTE:

If approved, the Master Concept Plan will deviate from the following Lee County standards (in addition to deviations previously approved in case #86-3-24 DCI):

- (1) Minimum lot width of 75 feet for a conventional single-family residence (434.02.A), to 50 feet;
- (2) Minimum lot area of 7,500 square feet for a conventional single-family residence (434.02.A), to 5,000 feet;
- (3) Minimum side setback of 7.5 feet for a conventional single-family residence (434.02.B), to 5 feet; and
- (4) Minimum water retention excavation setbacks to a quarter section line of 60 feet (518.C.2), to 0 feet for the north-south line in Section 22, the east-west line in Section 22, and the north-south line in Section 23.; and

WHEREAS, the subject property is located along the east side of U.S. 41 N. approximately 1 mile north of Laurel Drive and approximately 4 miles south of Charlotte County, described more particularly as:

LEGAL DESCRIPTION: In Sections 22/23, Township 43S, Range 24E, Lee County, Florida:

R.P.D. PARCEL

A parcel of land in Sections 22 and 23, Township 43 South, Range 24 East, Lee County, Florida, more particularly described as follows:

Begin at the northwest corner of Section 23, Township 43 South, Range 24 East; thence S 0° 12' 19" E along the east line of the northwest one quarter (NW ¼) of said Section 23 for 260.00 feet to the point of curvature of a circular curve concave to the northeast; thence southerly and southeasterly along the arc of said curve having for its elements a radius of 1100.00 feet and a central angle of 12° 26' 49" for 238.97 feet to the point of tangency; thence S 12° 39' 08" E for 386.43 feet to the point of curvature of a circular curve concave to the southwest; thence southeasterly and southerly along the arc of said curve having for its elements a

33.00
Fees

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: H. FERNSTROM, D.C.

radius of 1100.00 and a central angle of 12° 26' 49" for 238.97 feet to the point of tangency; thence S 0° 12' 19" E for 1549.31 feet; thence N 89° 51' 07" W for 135.00 feet to the southeast corner of the northeast one quarter (NE ¼) of Section 22, Township 43 South, Range 24 East; thence continue N 89° 51' 07" W along the south line of said northeast one quarter (NE ¼) for 2662.90 feet to the southwest corner of said northeast one quarter (NE ¼); thence S 0° 16' 33" W along the west line of the southeast one quarter (SE ¼) of said Section 22 for 204.78 feet; thence S 74° 21' 50" W for 1102.54 feet; thence N 15° 38' 10" W. for 180.00 feet; thence N 74° 21' 50" E for 140.00 feet; thence N 15° 38' 10" W for 360.00 feet; thence S 74° 21' 50" W for 195.69 feet to an intersection with the south line of the east one half (E ½) of the northwest one quarter (NW ¼) of the aforementioned Section 22; thence N 89° 51' 50" W for 4.48 feet to an intersection with the northeasterly line of that certain parcel of land described in Deed Book 186 at page 346 of the Public Records of Lee County, Florida; thence N 15° 38' 10" W along said northeasterly line for 54.87 feet to the northeasterly corner of said parcel of land; thence S 74° 21' 50" W along the northwesterly line of said parcel of land and along the southerly line of Lot 25 of Block 2 of Tamiami City according to the plat thereof as recorded in Plat Book 9 at Pages 6 & 7 of the aforementioned Public Records for 201.47 feet to an intersection with the easterly right of way line of S.R. 45 (U.S. 41, Tamiami Trail); thence N 15° 38' 10" W along said easterly right of way line for 375.37 feet to an intersection with the northerly line of Lot 22 of said Block 2; thence N 74° 21' 50" E along said northerly line for 246.61 feet to an intersection with the east line of said Block 2; thence N. 0° 48' 55" E. along the east line of said Block 2, also being the west line of the east one half (E ½) of the northwest one quarter (NW ¼) of the aforementioned Section 22 for 2222.09 feet to an intersection with the north line of the northwest one quarter (NW ¼) of the aforementioned Section 22; thence N 89° 49' 30" E along said north line for 1319.42 feet to the northwest corner of the northeast one quarter (NE ¼) of said Section 22; thence S 89° 57' 02" E along the north line of said northeast one quarter (NE ¼) for 2641.17 feet to the point of beginning. Together with Lot 2, Block 2 of Tamiami City according to the Plat thereof as recorded in Plat Book 9 at Pages 6 and 7 of the Public Records of Lee County, Florida. Said parcel of land situate lying and being in Lee County, Florida. Containing 260.83 acres more or less.

M.H.P.D. PARCEL

A parcel of land in Section 23, Township 43 South, Range 24 East, Lee County, Florida, more particularly described as follows:

Begin at the northwest corner of Section 23, Township 43 South, Range 24 East; thence S 89° 59' 50" E along the north line of the northwest one quarter (NW ¼) of said Section 23 for 2672.58 feet to the northeast corner of said northwest one quarter (NW ¼); thence N 89° 55' 58" E along the north line of the northeast one quarter (NE ¼) of said Section 23 for 166.14 feet to an intersection with the westerly right of way line of the former S.A.L. Railroad; thence S 11° 10' 49" E along said westerly right of way line for 1649.49 feet; thence N 89° 51' 07" W for 2902.79 feet to an intersection with a line parallel with and 250.00 feet easterly of as measured at right angles to the west line of the northwest one quarter of said Section 23; thence S 0° 12' 19" E along said parallel line for 1050.02 feet; thence N 89° 51' 07" W for 115.00 feet; thence N 0° 12' 19" W for 1549.31 feet to the point of curvature of a circular curve concave to the southwest; thence northerly and northwesterly along the arc of said curve having for its elements a radius of 1100.00 feet and a central angle of 12° 26' 49" for 238.97 feet to the point of tangency; thence N 12° 39' 08" W for 386.43 feet to the point of curvature of a circular curve concave to the northeast; thence northwesterly and northerly along the arc of said curve having for its elements a radius of 1100.00 feet and a central angle of 12° 26' 49" for 238.97 feet to the point of tangency, being a point on the west line of the northwest one quarter (NW ¼) of the aforementioned Section 23; thence N 0° 12' 19" W along said west line for 260.00 feet to the point of beginning. Said parcel of land situate lying and being in Lee County, Florida. Containing 110.89 acres more or less.

WHEREAS, the applicant has indicated the property's current STRAP numbers are 22-43-24-00-00001.0000,

22-43-24-00-00003.0020,

22-43-24-00-00003.002A,

22-43-24-00-00003.002B,

22-43-24-01-00002.0220,

22-43-24-01-00002.0230,

22-43-24-01-00002.0240,

22-43-24-01-00002.0250; and

WHEREAS, proper authorization has been given to Osvaldo Silvera, the representative, by Reynaldo F. Mayor, the contract purchaser who has been authorized by Mohamed Jebai, 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 Planning and Zoning Commission, with full consideration of all the evidence available to the Planning and Zoning Commission; and

WHEREAS, the Lee County Planning and Zoning Commission fully reviewed the matter and recommended approval of the request with conditions, based on the analysis contained in the staff report dated October 30, 1986, and testimony at the public hearing which was held on November 3, 1986; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and

WHEREAS, in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Planning and Zoning Commission, the documents on file with the county, and the testimony of all interested persons:

LEGISLATIVE HISTORY:

The applicant proposes to amend the previously approved Forest Creek Mobile Home Park (86-3-24 DCI), now known as Sabal Springs Golf and Racquet Club, to permit 860 single-family residential units on 260.83 acres of land located between U.S. 41 and the future north-south arterial which will run through the project, and 440 mobile home units on 110.89 acres of land located between the future north-south arterial and the old railroad right-of-way. The proposed development will contain the same total of 1300 residential units on 371.72 acres of land as had been previously approved. Several other elements of the project will change, however.

The subject site is located on the east side of U.S. 41 in North Fort Myers, about three miles south of the Charlotte County line. It is situated between the recently-approved Heritage Mobile Home Park to the north and the existing San Souci Trailer Park to the south. The southern entrance to the proposed project will be located approximately one-half mile north of the intersection of U.S. 41 and Business 41.

OFF 1898PG0634

The applicant has provided an updated traffic impact statement which states that the modified project would generate approximately 7734 trips per day. Current Florida Department of Transportation counts on U.S. 41 in this area are 12,571 trips per day, although Lee County counts indicate a somewhat higher figure of 16,819 average trips per day. The applicant stated that only U.S. 41 will be impacted by the proposed project, and the impact on the existing road capacity would be about 9.7 percent. A growth rate of 11.8 percent was utilized by the applicant to calculate the total project impacts at buildout.

The existing highway level of service for U.S. 41 in the project area is "A". The applicant's analysis indicates that the projected traffic with this development will drop the level of service to "B" at the project entrance and to the north of the entrance, and will drop the level of service of U.S. 41 to the south of the project to "C". There are currently no roadway improvements scheduled for U.S. 41 in the project area.

The county's traffic engineer has stated that several roadway improvements in the area will be needed in the near future with or without the proposed project. These improvements would include intersection improvements on U.S. 41 at Business 41 and at S.R. 78.

At the present time, the Trafficways Map indicates that two new arterial roadways will substantially impact the site. The first arterial road will require a 100-foot-wide right-of-way and will run east-west along the northern boundary line of the site. The applicant has provided the entire right-of-way on the project's northern property line for the future roadway. The second arterial road will require a 150-foot-wide right-of-way running north-south along the section line between Sections 22 and 23. This right-of-way would be aligned with the right-of-way previously approved by the Board in the Heritage Mobile Home Park to the north, and continue to the south. The applicant has provided the required right-of-way and placed it in a manner to impact the southern wetland as little possible, as requested by staff. Reservation for both rights-of-way is essential to serve the burgeoning development in this area, and the removal of some of the impacted wetlands would be necessary.

The subject parcel has four environmentally sensitive wetland areas, totaling approximately 15.74 acres. The county's biologists have inspected the site with the applicant and agree as to the size and location of the wetlands. The applicant has agreed to preserve the environmentally sensitive areas and has shown these areas on their plans. The proposed north-south arterial road running along the section line through the project, however, will impact the eastern two wetland areas on the site. Only part of the impacted wetlands will be destroyed by the roadway, and the remaining portions should still be preserved. The applicant has shown these wetlands as preserve areas.

Potable water will be provided to the project by Lee County Utilities. Lee County Utilities' officials previously expressed concerns about water pressure in the area, and requested that the applicant participate in a program of upgrading and looping the water lines. This program would bring additional water into the area of the proposed project and reduce the pressure problems. In order to address the problem, the previous rezoning approval contained a condition requiring the upgrading of the water system as dictated by Lee County Utilities requirements. The applicant has since been working with Lee County Utilities and has agreed to provide the necessary facilities. At the present time, the two parties are working on an agreement.

The applicant proposes to provide sewer service to the project by constructing a temporary on-site package sewage treatment plant. The applicant has stated that the project would connect to the North Fort Myers Utility's regional facility, which will be located just to the northeast of the subject parcel, when it is available.

During the review of this project, fire protection was identified as an area of concern. Currently, there is no fire station in the northern portion of the North Fort Myers Fire District. A new fire facility will be under construction shortly on Trail Dairy Road, just east of U.S. 41, with the necessary equipment and manpower to provide fire protection for this area. New development should pay for additional fire equipment and facilities through mandatory dedication for fees-in-lieu, at least to the degree to which it creates the demands for additional services. This policy has been established through the existing regulations and past Board actions.

The Department of Public safety has stated that the proposed development will cause moderate impacts on the existing hurricane evacuation conditions during a category three or greater hurricane. The Department has made several recommendations in order to mitigate hazard occurrences and to insure compliance with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE a rezoning from Mobile Home Planned Development to Residential Planned Development and Mobile Home Planned Development, to permit 860 single-family homes and 440 mobile homes, with buildings not to exceed 45 feet above average grade, on 371.72 total acres of alnd. The western (RPD) portion of the project contains 260.83 acres, and the eastern (MHPD) portion of the project contains 110.89 acres. The proposed development is a modification of case #86-3-24 DCI, wherein approval was granted for up to 1300 mobile homes under the project's former name of "Forest Creek." Approval is subject to the following conditions:

1. Prior to final plan approval, the applicant shall make acceptable provisions for off-setting any added net public costs or premature commitment of public funds needed to provide appropriate levels of fire protection services for this development. In particular, the applicant shall make the necessary arrangements with the North Fort Myers Fire District to offset a proportionate share of the cost of the new local fire station (including land, buildings, and equipment) planned by the North Fort Myers Fire District. Said fire district may apply these monies toward a more comprehensive facility that provides district-wide services.
2. Site planning shall encourage the preservation of trees. The precise location of roads, parking areas, structures, excavations and golf facilities may be altered during construction to preserve trees through a Planned Development administrative modification under the provisions of Section 804.03 of the Zoning Ordinance.
3. Prior to development completion, the following shall be provided in order to mitigate hazard occurrences and to insure Comprehensive Plan compliance:

A. Hurricane Evacuation

(1) Establish and maintain a condominium or homeowners' association to provide a program of education and information to the residential population, describing the risks of environmental hazards, as well as the action necessary to mitigate the dangers which these hazards present.

(2)The developer shall provide two hurricane evacuation facilities, as stated in the hearing today, of 14,000 square feet and 8,000 respectively, that will meet our requirements. Shelter shall be elevated to a minimum height equal to or above worst-case category three storm flooding level, utilizing the National Weather Service's storm surge model "SLOSH".

(3) Provide shelter space at a ratio of 20 square feet per person.

B. Emergency Medical Services

At the completion of development construction or each phase thereof, a development representative shall contact Lee County Emergency Medical Services to discuss the designation of emergency helicopter landing zones, provide a site plan depicting the official street names and building addresses within the development, and other pertinent information deemed necessary.

4. Final plans shall be in conformance with the Development Standards Ordinance and other development regulations in effect, except as provided herein.
5. The Master Concept Plan for this development is the plan received on September 5, 1986 and dated August 1986, from Ink Engineering, numbered as Drawing No. 8510.
6. In the MHPD portion of the project, permitted uses shall be, in addition to mobile homes and their customary accessory uses: recreational and water management facilities, a temporary sales office, model units, signs as permitted by current regulations, and gatehouses, as shown on the Master Concept Plan. Lot sizes and setbacks for the mobile home (MHPD) portion of the project shall be the same as the MH-2 zoning district, as may be amended from time to time.
7. Lot sizes, setbacks, and permitted use for the conventional home (RPD) portion of the project shall be the same as the RS-1 zoning district generally, as may be amended from time to time, except where modified by deviations (1), (2), (3), and (4).
8. No permit authorizing the construction of buildings or move-on of mobile homes shall be granted to the applicant until such time as a potable water source which will not adversely affect the capacity or pressure of the Lee County Utilities' system has been provided. This source may include the upgrading of the Lee County Utilities' system, or contributions thereto. Any application for a development order shall specify the source of potable water for the project, and shall include as a plan specification the foregoing limitations upon permit issuance. If the proposed potable water source is the Lee County Utilities' system, the Director of the system shall determine whether the proposed connections from the subject project will affect the system's capacity or pressure, prior to the issuance of building or move-on permits.
9. Any security gate or similar device that is not manned 24 hours per day must be provided with an override switch installed in a glass-covered box for the use of emergency vehicles.

Site Plan-86-193 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 RPD and MPD of Zoning:

- 1) The proposed residential uses are appropriate at the subject location at the proposed density.

- 2) Sufficient safeguards to the public interest for the residential use are provided by the recommended conditions to the Master Concept Plan and by other applicable regulations; and
- 3) All recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
- 4) The deviations recommended for approval enhance the achievement of the objectives of the planned development, and will preserve and promote the public health, safety and welfare.

The following findings of fact were made in conjunction with the requested deviations:

Deviation (1) would allow the 75-foot lot width normally required for a conventional single-family residential unit to be decreased to 50 feet. This deviation merely allows the applicant to construct a narrow home on the site rather than placing a mobile home of similar shape on lots of same size. Deviation (1) is hereby APPROVED.

Deviation (2) is related to the above request in that the lot area of a 50-foot by 100-foot lot would equal 5,000 square feet, instead of the required 7,500 square feet. Deviation (2) is hereby APPROVED.

Deviation (3) would allow a side setback of 5 feet instead of the normal 7.5 feet required on 75-foot by 100-foot lots. This deviation will allow the applicant to place a narrow conventional houses on the smaller lots. Deviation (3) is hereby APPROVED.

Deviation (4) would allow water retention lakes to be built over the quarter section lines in Sections 22 and 23. These setbacks were originally reserved for future roadways. Since no roads will be necessary on these quarter section lines. Deviation (4) is hereby APPROVED.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Fussell, and seconded by Commissioner Goss and, upon being put to a vote was as follows:

Porter J. Goss	Aye
Charles L. Bigelow, Jr.	Absent
Mary Ann Wallace	Nay
Bill Fussell	Aye
Donald D. Slisher	Aye

DULY PASSED AND ADOPTED this 24th day of November, A.D., 1986.

ATTEST:
CHARLIE GREEN, CLERK

BY: Lisa L. Pierce
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Bill Fussell
Chairman

FILED

FEB 3 1987

CLERK CIRCUIT COURT
BY Lisa L. Pierce D.C.

RESOLUTION NUMBER Z-86-193

(2429Z)

Approved as to form by:

[Signature]
County Attorney's Office

HEARING NUMBER 86-3-24(a)DCI

Page 7 of 7

REC 1898PG0637

- f) minimum building height for medium areas will be 30' above grade
- g) minimum building height for single family (RFD) zones will be 20' above grade
- h) minimum building height for medium areas will be 30' above grade
- i) no new lots will be located in the service treatment area or the sewer treatment plant. Those lots who have already been included in previous lot count
- j) minimum lot size will be 50' x 100'
- k) development will encourage the preservation of trees and wetlands. Wetland preservation is indicated by zoning

SCALE: 1" = 30'

PROPOSED MOBILE HOME PARK (THE HERITAGE) (RPD)

RPD AREA

TOTAL AREA	256.90 AC
GROSS RESIDENTIAL AREA	250.90 AC
PRESERVATION AREA	15.74 AC
NET RESIDENTIAL AREA	245.16 AC
NUMBER OF LOTS	800
GROSS RESIDENTIAL DENSITY	3.51 UFA
NET RESIDENTIAL DENSITY	3.54 UFA
SEWAGE TREATMENT AREA	1.5 AC
LAKE AREA	11.75 AC
REGULATION AREA	5.0 AC
GOLF COURSE AREA	57.8 AC

MHPD AREA

TOTAL AREA	110.89 AC
GROSS RESIDENTIAL AREA	110.89 AC
PRESERVATION AREA	0.0 AC
NET RESIDENTIAL AREA	110.89 AC
NUMBER OF LOTS	440
GROSS RESIDENTIAL DENSITY	3.71 UFA
NET RESIDENTIAL DENSITY	3.71 UFA
LAKE AREA	7.05 AC
REGULATION AREA	1.0 AC
GOLF COURSE AREA	1.5 AC

RPD AREA		MHPD AREA	
TOTAL AREA	2,965.90 AC	TOTAL AREA	110,091 AC
GROSS RESIDENTIAL AREA	2,560.70 AC	GROSS RESIDENTIAL AREA	100,891 AC
PRESERVATION AREA	15.74 AC	PRESERVATION AREA	0.00 AC
NET RESIDENTIAL AREA	2,435.10 AC	NET RESIDENTIAL AREA	100,891 AC
NUMBER OF LOTS	8,660 LOTS	NUMBER OF LOTS	4,480 LOTS
GROSS RESIDENTIAL DENSITY	5.25 U/LA	GROSS RESIDENTIAL DENSITY	2.27 U/LA
NET RESIDENTIAL DENSITY	3.94 U/LA	NET RESIDENTIAL DENSITY	2.47 U/LA
SEWAGE TREATMENT AREA	1.54 AC	LAKE AREA	1.05 AC
LAKE AREA	17.5 AC	RECREATION AREA	0.00 AC
RECREATION AREA	3.0 AC	GOLF COURSE AREA	1.5 AC
GOLF COURSE AREA	57.8 AC		

FEB 16 2 05 PM '87

DEERE SECOND BOARD
LEE COUNTY FLA

DECLASSIFIED AND DECLASSIFIED

RECEIVED

863242-DC
SITE Plan 86193

MASTER CONCEPT PLAN

MAHAI & JON CHUI/C TWANG

SECTIONS 22 & 23, TOWNSHIP 43 S., RANGE 24 E.
H. COUNTY FLORIDA

DWG. NO.
8510

1 of 2