

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

WHEREAS, an application was filed by the property owner, Hibiscus of Lee County, L.L.C., to rezone $\pm$ 385.7 acres from the Mobile Home Planned Development (MHPD), Agricultural (AG-2) and Two Family Conservation (TFC-2) zoning districts to the Residential Planned Development (RPD) zoning district, in reference to Crane Landing Golf Course Community RPD/Sabal Springs RPD; and,

WHEREAS, a public hearing was advertised and held on May 5, 2004, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2003-00023; and

WHEREAS, a second public hearing was advertised and held on June 21, 2004, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

- A) Rezone 385.7 acres from the Mobile Home Planned Development (MHPD), Agricultural (AG-2) and Two Family Conservation (TFC-2) zoning districts to the Residential Planned Development (RPD) zoning district; and
- B) Amend the Sabal Springs Residential Planned Development (Resolution Z-86-193, as amended) to include an additional 274.8 acres and change the mix of uses to allow a maximum 1,999 dwelling units (comprised of 615 multi-family and 1,384 single-family units) and an 18 hole golf course on a total of 606.3 acres of land. Proposed building heights are a maximum of three stories (45 feet). No development blasting is requested.

The applicant filed a request to rezone $\pm$ 385.7 acres from the MHPD, AG-2 and TFC-2 to RPD, to include an additional 274.8 acres and change the mix of uses to allow a maximum 1,999 dwelling units (comprised of 615 multi-family and 1,384 single-family units) and an 18 hole golf course on a total of 606.3 acres of land. Proposed building heights are a maximum of three stories (45 feet). No development blasting is requested. The property is located in the Suburban. Portions Wetland Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

REQUEST A) - REZONING TO RPD - CRANE LANDING

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. The development of this project must be consistent with the two-page Master Concept Plan entitled "CRANE LANDING MASTER CONCEPT PLAN" (Sheet No. 2 and 3) stamped received July 28, 2004 except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.
2. The following limits apply to the project and uses:

- a. Schedule of Uses

ACCESSORY USES AND STRUCTURES

ADMINISTRATIVE OFFICES

AGRICULTURE - Subject to limitations in Condition 8

ASSISTED LIVING FACILITIES - in compliance with LDC § 34-1411 and LDC § 34-1494. On the MULTI-FAMILY, TOWNHOUSE, DUPLEX/FOURPLEX, PATIO HOMES TRACTS ONLY, 80 BEDS MAXIMUM. Amendment to the planned development required for over 80 beds.

CONSUMPTION ON PREMISES - Up to a 4-COP. In conjunction with Country Club/Clubhouse only. Indoor seating only. Limited hours from 8:00 a.m. to 12:00 midnight, daily.

COUNTRY CLUB - on the parcel labeled "CLUBHOUSE" on the approved MCP, limited to a maximum +/- 24,000-Square-foot building.

COMMUNITY RESIDENTIAL HOME - serving one to six unrelated residents as defined in LDC § 34-2.

DWELLING UNITS, may be any MIX of the following, Total not to exceed 1,229:

SINGLE-FAMILY: 500-615

DUPLEX, TWO-FAMILY ATTACHED: 50-100

TOWNHOUSES, 4-PLEXES, PATIO HOMES: 50-100

MULTI-FAMILY: 400-515

DAY CARE (CHILD OR ADULT) - Maximum of one facility, in Multi-Family portion only, in compliance with LDC § 34-203(e)(9).

ENTRANCE GATE AND GATEHOUSE - in compliance with LDC § 34-1748

ESSENTIAL SERVICES

ESSENTIAL SERVICE FACILITIES, GROUP I

EXCAVATION, WATER RETENTION - NO BLASTING. Removal of excavated material is not permitted off site.

FENCES, WALLS, ENTRANCE GATES

GOLF COURSE - 18 holes, putting greens, driving ranges, and maintenance facilities.

HOME CARE FACILITY - three persons or fewer as defined in LDC § 34-2
HOME OCCUPATION - in compliance with LDC § 34-1771 *et seq.*
MODEL HOMES, MODEL DISPLAY CENTER, MODEL UNITS -
in compliance with LDC § 34-1951 *et seq.*, Limited to 9 at
"GENERAL MODEL HOME LOCATIONS" on the
approved Master Concept Plan.
PARKING LOT, ACCESSORY
REAL ESTATE SALES OFFICE - LIMITED TO MODEL HOME
LOCATIONS ONLY, AND THE CLUBHOUSE. Sales of
lots or units within the Crane Landing development only.
RECREATIONAL FACILITIES, PERSONAL & PRIVATE -
RECREATION AREAS and CLUBHOUSE TRACTS ONLY.
Consisting of swimming pools, swimming platforms, docks,
fishing piers, cabanas, tennis/sports courts, playgrounds,
vending machines, and restrooms.
RESIDENTIAL ACCESSORY USES
SIGNS, in accordance with Chapter 30
TEMPORARY USES, in compliance with LDC § 34-3041

b. Site Development Regulation for Crane Landing RPD:

Land Use	Min. Lot Area (SF)	Min. Lot Width (1)	Min. Lot Depth	Setbacks (FT) (6)				Max . Ht. (FT)	Floors	% LOT COV. MAX.
				Road (2)	Side (3)	Rear (4)	Water (5)			
Single Family ESTATE	8,625	75/ 82.5	115	25/ 20	7.5/ 15	20/5	20/5	35	2	45
Single-Family STANDARD	7,475	65/ 67.5	115	25/ 20	5/15	20/5	20/5	35	2	45
Single-Family EXECUTIVE	6,325	55/ 57.5	115	25/ 20	5/15	15/5	20/5	35	2	50
Patio (Two Family Attached)	3,225	35/ 42.5	95	25/ 20	5/0/15 (7)	10/5	20/5	35	2	55
Townhomes or Townhouses	2,250	30	75	25/0	0	0	20/5	45	3	100
Multi-family (8)	6,500	65	100	25	25	25/5	20/5	45	3	50
ALL OTHER NON-RESIDENTIAL BUILDINGS INCLUDING CLUBHOUSE AND RECREATION BUILDINGS.										
	N/A	N/A	N/A	25/ 20	20/ 10	20/10	20/10	35	2	50

Unless modified by approved deviations or subject to other conditions.

NOTES:

- | | |
|-------------------------------------|---|
| 1. Width: Regular then corner lots. | 2. Road Setback : Arterial then local. |
| 3. Side: Regular then local road. | 4. Rear: Principle then accessory |
| 5. Water: Principle then accessory. | 6. Preservation Areas: 10-foot minimum setback for
all structures including accessory. |
| 7. Side, opposite side, local road | 8. Condominium, Duplex, Quadraplex, Apartment, ALF. |

Minimum Open Space 154.48 acres

Minimum building separation of 20 feet for all multi-family and attached dwelling unit buildings.

3. **Golf Course Conditions:**

- a. The golf course developer must use fertilizers with a low leaching potential (slow release). Fertilizers must not be applied after active growth of the turfgrass has ceased, and must be kept to the lowest reasonable levels; and
- b. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of broad spectrum pesticides is prohibited. The IPM program must minimize the use of pesticides and must include the use of the U.S. Department of Agriculture - Natural Resources Conservation Service (USDA-NRCS) Soil Pesticide Interaction Rating guide to select pesticides for use that have a minimum potential for leaching or loss from runoff. The nutrient management program must be based upon the USDA-NRCS Nutrient Management Standard and must include the use of soil tests to determine needed applications of nutrients. Only EPA-approved chemicals may be used. Turf managed areas (including fairways, tees, and greens) are prohibited within 35 feet of wetlands or preserve areas. The Applicant may be allowed to reduce this setback from wetland or preserve areas to a minimum of 15 feet with an average of 25 feet (or to zero feet if a structural buffer is used), if it is approved administratively by the Department of Community Development. The chemical management plan must be reviewed and approved by Lee County Natural Resources Division prior to development order approval.
- c. The golf course manager must coordinate the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients.
- d. The Developer must utilize a golf course manager licensed by the state to use restricted pesticides and experienced in the principles of IPM. The golf course manager is responsible for ensuring that the golf course fertilizers are selected and applied to minimize fertilizer runoff into the surface water and the leaching of those same fertilizers into the groundwater.
- e. The storage, mixing, and loading of fertilizer and pesticides must be designed to prevent/minimize the pollution of the natural environment.

- f. Prior to the issuance of local development order approval, the developer must demonstrate compliance with "Best Management Practices for Golf Course Maintenance Departments," (as they apply to physical improvements) prepared by the Florida Department of Environmental Protection, as amended, as outlined below:
- (1) The development order must demonstrate separate mixing and loading facilities for pesticides, and provide a separate pesticide storage area, in compliance with materials specified in the above referenced document. The development order must demonstrate separate mixing and loading facilities for fertilizer, and provide a separate fertilizer storage area, in compliance with materials specified in the above referenced document.
 - (2) The development order plans must specify the construction material for all buildings in compliance with "Best Management Practices for Golf Course Maintenance Departments."
 - (3) Equipment to apply pesticides and fertilizers must be stored in an area protected from rainfall.
- g. The golf course must be planted with a turfgrass cultivated variety that is drought and pest resistant, while requiring relatively low fertilizer use;
- h. The irrigation system must operate on an "as needed" basis through the utilization of weather forecasting and ongoing assessment of the moisture content of the soil.
- i. All fairways, greens, and tees must be elevated above the 25-year flood level, and all greens must utilize underdrains. The effluent from these underdrains must be treated in accordance with the goals of the Audubon Cooperative Sanctuary Program. Treatment may include directing outflow to water quality basins for detention, buffer areas for filtration, or through specially constructed filtration units.
- j. Stormwater run-off must be pre-treated through an acceptable recreated natural system or dry retention or detention and water retention or detention system, prior to discharging the run-off into existing lake or wetland (any aquatic) systems.
- k. The operator of the golf course, or its assigns, must submit an annual monitoring report of ground water and surface water quality. The monitoring program must include: testing to assess whether there are any unacceptable increased levels of herbicide, pesticide or fertilizer at project outfalls; identifying the locations for the ground water monitoring and testing on a map(s); setting forth the testing and recording requirements. The Developer must submit the test results with the monitoring report to the Lee County Natural Resources Division. The monitoring program will be established and operated at the expense of the Developer, or other comparable legal entity charged with the legal responsibility of managing the golf course. The monitoring plan will continue in perpetuity. This plan will be approved by the Division of Natural Resources and evaluated in accordance with the directives of Chapter 62-302, F.A.C., water quality standards.
- l. If groundwater or surface water pollution occurs, as that term is defined by applicable state and federal rules or regulations, and if the pollution is caused by the

application of fertilizers, herbicides or pesticides to the golf course, the application of the material containing the pollutant must cease until there is a revised management plan. If mitigation is necessary to address the pollution, a mitigation plan approved by Lee County must be implemented by the Developer.

- m. Prior to development order approval for the golf course, the developer must submit results of the pre-development groundwater analysis. The submittal must include the proposed plan for the surface water analysis. The analysis is intended to establish baseline data for groundwater and surface water monitoring for the project. The water quality monitoring plans must be designed to identify those nutrients and chemicals that are anticipated to be associated with the golf course.
- 4. No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.
- 5. All buffers must utilize 100 percent native vegetation.
- 6. All accessory structures must be set back a minimum of 10 feet from the boundary of the "Preserve" areas as shown on the Master Concept Plan, and other structures must comply with the setback requirements set out in Condition 2b hereinabove.

7. **GOLF MAINTENANCE FACILITY**

A stand alone golf course maintenance facility for the Crane Landing golf course must be located within Crane Landing property as defined in this RPD and not within the Sabal Springs property. There will be no interconnection between this facility and the Sabal Springs property. There will be no interconnection between the Sabal Springs maintenance facility and the Crane Landing property. An Administrative Amendment to this RPD must be obtained to provide for the location of the golf course maintenance facility within the Crane Landing property.

- 8. **AGRICULTURAL USES:** Existing bona fide agricultural uses on this site are allowed only in strict compliance with the following:
 - a. Bona fide agricultural uses as shown on attached **Exhibit D** may continue until approval of a local development order for the area of the project containing those uses.
 - b. Additional clearing of trees or other vegetation in agricultural areas is prohibited. Existing areas of bona fide agricultural use may be maintained, i.e., mowed, but not cleared or expanded. This prohibition is not intended to preclude County approved requests for the removal of invasive exotic vegetation.
 - c. The property owner must terminate the agricultural tax exemption for any portion of the property that receives a local development order. The agricultural use must cease by December 31st of the calendar year in which the local development order is issued. The exemption termination must be filed with the Property Appraiser's Office by December 31st of the calendar year in which the local development order is issued. A copy of the exemption termination must be provided to the Office of the County Attorney.

9. Model homes and real estate sales:
- a. The number of model homes or model units will be limited to no more than nine (9) within the development, at any point in time.
 - b. Any model homes or units or real estate sales may be developed only within any of the 9 properties identified as "General Model Home Locations" on the approved Master Concept Plan.
 - c. Real estate sales will be limited to the sale of lots or units within the Crane Landing development only.
 - d. Models cannot be of the same floor plan and each must be a separate different design.
10. Prior to local development order approval, the 150-foot right-of-way on the western border of the subject property must be vacated.
11. Remove the Zoning Notes on the MCP. The following condition will be in lieu of those Zoning Notes:
- In an effort to enhance compatibility of this project with the surrounding property, the Master Concept Plan denotes a minimum 50-foot-wide separation/buffer (enhanced setback) in various locations around the periphery of the development. These 50-foot-wide separation buffers (enhanced setbacks) may contain existing and/or proposed utility and/or drainage easements or berms that could preclude the planting of buffer trees through out the entire width of these areas. It is the intention of this development to also provide whatever minimum planting strips necessary to accommodate all standard buffers as may be required by both the Lee County Land Development Code and this resolution. The specific locations and planting composition of those standard buffers will be depicted during the local development order process. A minimum 20-foot-wide planting strip is available for this purpose.
12. The multi-family buildings, patio homes, and townhouses must be separated from properties outside the subject property boundaries (regardless of use or zoning) by a minimum Type B buffer (minimum 15 feet in width, five trees per 100 linear feet, double staggered hedge row). This requirement will also apply to the clubhouse in the event it is moved to a development area which abuts the perimeter of the project.
13. Prior to local development order approval, the landscape plans must demonstrate that a minimum of 154.48 acres of common open space is provided for the overall project.
14. Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC § 34-2174(a).
15. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.

16. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with all other Lee Plan provisions.
17. Names of streets on the approved Master Concept Plan are conceptual only (Alpha, Bravo, Echo, etc.) Actual names of streets within the development must be changed to appropriate street names for a residential development.
18. CONSTRUCTION ADJACENT TO SABAL SPRINGS
 - a. No mulching or stockpiling of debris will be allowed to be placed within 200 feet of the Sabal Springs residential development, to the west of the subject property, during site development.
 - b. Due to the proximity to existing residential development, the existing roadway access utilized on the northwestern boundary adjacent to Sabal Springs may not be used as a primary construction access. The developer will be responsible for constructing alternative temporary construction access(es) at a minimum 200 feet further east of this existing access. The existing roadway access may only be used on a limited basis for activities directly related to the construction of residential units abutting Sabal Springs property.
19. No residential, golf maintenance, or construction traffic to or from Crane Landing will be permitted access through Sabal Springs through the gate located on the east end of Sabal Springs Boulevard (except during an emergency evacuation).
20. No development order or permitting (including land clearing) will be issued by Lee County without the easements as shown on the approved Master Concept Plan being either vacated, released, extinguished or moved by the holder of the easement, or the holder(s) of the easements consent to their use.

Written documentation of compliance with this condition must be submitted to the county prior to Development Order approval or permitting (including land clearing).

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from LDC § 10-291(3) which requires (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development to allow the project to be constructed with a single-ingress egress connection. This deviation is APPROVED, SUBJECT TO the following conditions:
 - a. The local development orders must include emergency access gates to be constructed on BOTH North 2nd Street and Garden Street access points as shown on the approved Master Concept Plan.
 - b. The emergency access gates as shown on North 2nd Street and Garden Street must comply with all applicable regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance

gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or the operator of the gate.

- c. The local development order must provide primary access on Del Prado Boulevard in compliance with the LDC as shown on the approved Master Concept Plan.
2. Deviation (2) seeks relief from LDC §10-415(b) which requires large development with existing indigenous vegetation communities to provide 50 percent of the required open space through onsite preservation of existing vegetation communities to allow the restoration, preservation, and/or creation of the "Preserve" areas shown on the Master Concept Plan to fulfill this requirement. This deviation is APPROVED, SUBJECT TO the following conditions:
- a. Prior to the Board of County Commissioner zoning hearing, the Master Concept Plan must be revised to delineate the native tree preservation and replanting areas as shown on the exhibits prepared by Source, Inc. stamped received October 29, 2003 and entitled "Native Tree Planting Typical Areas" and "Potential Native Tree Preservation", and Lake No. 17 must be shown as dry detention/created marsh (See attached **Exhibit C**).
 - b. Prior to local development order approval, the landscape plans must include the following for the Division of Environmental Sciences Staff review and approval:
 - (1) Delineation of the wetland preserves (15.72 acres and 1.66 acres) and marsh creation areas (5.2 acres and 9.51 acres) in substantial compliance with the Master Concept Plan; and
 - (2) Details on the marsh creation areas including plant size, species and number; and
 - (3) Native tree planting details that provide a mixture of trees ranging from a minimum three-foot to 10-foot in height based on one native three-foot tree per 100 square feet, with a proportionate ratio for larger trees, to be installed in the tree planting areas delineated around the freshwater marsh preserve; and
 - (4) Delineate tree preservation areas in the southwest corner of the property as shown on the Master Concept Plan.

REQUEST B) - SABAL SPRINGS RPD AMENDMENT:

A. CONDITIONS:

1. The development of this project must be consistent with the one-page Master Concept Plan entitled "SABAL SPRING GOLF AND RACQUET CLUB RPD," stamped received July 28, 2004 except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local Development Order Approval,

except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

The Resolution issued in this rezoning supersedes Resolutions ZAB-86-63, Z-86-193 and Z-89-026, and all terms and conditions not contained herein have been completed and/or are no longer outstanding and applicable to the Sabal Springs RPD.

2. The following limits apply to the project and uses:

a. Schedule of Uses

ACCESSORY USES AND STRUCTURES
ADMINISTRATIVE OFFICES
CLUBHOUSE
CONSUMPTION ON PREMISES - Up to a 4-COP. In conjunction with
Country Club/Clubhouse only. Indoor seating only. Limited hours
from 8:00 a.m. to midnight, daily.
DWELLING UNITS - SINGLE-FAMILY: Maximum 770
ENTRANCE GATE AND GATEHOUSE, SECURITY GUARD HOUSE
ESSENTIAL SERVICES
ESSENTIAL SERVICE FACILITIES, GROUP I
EXCAVATION, WATER RETENTION - (NO BLASTING)
FENCES, WALLS
GOLF COURSE AND GOLF MAINTENANCE FACILITY
HOME OCCUPATION
MODEL HOMES, MODEL DISPLAY CENTER, MODEL UNITS - in
compliance with LDC Section 34-1951 et seq. (Existing only, no additional
model homes permitted)
PARKING LOT, ACCESSORY
TEMPORARY REAL ESTATE SALES OFFICE -
Limited to units or lots within Sabal Springs Developments Only
RECREATION CENTER
RESIDENTIAL ACCESSORY USES
SIGNS, in accordance with Chapter 30
WETLAND PRESERVES

b. Site Development Regulations for Sabal Springs (See Condition 5)

Maximum building height for single-family : 35 feet above grade

Maximum Building height for Clubhouse: 35 feet above grade

Minimum lot size: 50 feet by 100 feet (5,000 S/F)

Side Setbacks: five (5) feet

Preservation Area: Minimum 5.66 acres

Development will encourage the preservation of trees wherever possible, upland preservation are indicated by cross-hatching.

3. 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 homeowner's association to provide a program of education and information to the residential population, describing the risks of environment hazards, as well as the action necessary to mitigate which these hazards present.
- 2) The developer shall provide evacuation facilities of 14,000 square feet to meet Lee County standards.

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 zone, provide a site plan depicting the official street names and building addresses within the development, and other pertinent information deemed necessary.

4. 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.
5. The property development regulations for the project shall be the same as for the Residential Single-Family (RS-1) zoning district, as it may be amended from time to time, except where modified by deviations or this resolution.
6. Final plans shall be in conformance with the Land Development Code (LDC) and other development regulations in effect, except as provided herein.

B. DEVIATIONS:

The following Deviations were approved, as conditioned, in Resolutions Z-89-026 and Z-86-193, and the RPD has been developed in accordance with those approvals. These Deviations are reiterated herein to ensure that they are not rendered null and void by the adoption of this Resolution, but will continue to be appropriate and applicable to the Sabal Springs RPD.

Deviation 1 was approved to allow the excavation of water retention facilities to be zero feet from a quarter section line, instead of the 60 feet required by then Section 518.C.2 of the Lee County Zoning Regulations.

Deviation 2 was approved to allow structures within zero feet of a section line instead of the 15-foot setback required in the then Section 202.15.D30 of the Lee County Zoning Regulations.

Deviation 3 was approved to modify the private street setbacks from one-half of the right of way (ROW) (or street easement), plus 20 feet (then Section 202.18.B.2.a of the Lee County Zoning Regulations) to allow a 15-foot setback for all corner lots excepting unit 1 as recorded in Plat Book 41, page 14-22, specifically including only the following platted lots:

Block 1, lot 6; Block 4, Lot 9; Block 6, Lot 8; Block 7, Lots 1 and 2; Block 10, Lots 14 and 15; and Block 12, Lot 1.

Deviation 4 was approved to allow development of the residential lots with rear lot swales, instead of concrete gutters as required in Lee County Development Standards Ordinance Section D.4.c, with the following conditions:

1. NO swales are allowed in Unit 1 as recorded in Plat Book 41, pages 14-22; and
2. An enforceable homeowner's association agreement had to be created that would ensure the perpetual maintenance of those swales by the homeowner's association or its successors in interest, and said agreement had to be approved by the Lee County Attorney.

SECTION D. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

Exhibit A: Legal description of the property
Exhibit B: Zoning Map (with the subject parcel indicated)
Exhibit C: The Master Concept Plan
Exhibit D: Ag Uses Sketch

The applicant has indicated that the STRAP numbers for the subject property are: 23-43-24-00-00001.0000, 23-43-24-00-00001.1000, 23-43-24-00-00001.1010, 23-43-24-00-00001.1020, 23-43-24-00-00001.1030, 23-43-24-00-00001.1040, 23-43-24-00-00001.1050 and 23-43-24-00-00001.105A

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,

- d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
- a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed 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 approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

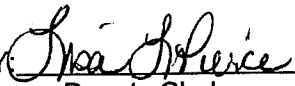
The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Coy, seconded by Commissioner Judah and, upon being put to a vote, the result was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 21st day of June 2004.

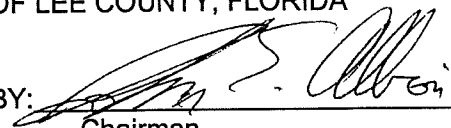
ATTEST:
CHARLIE GREEN, CLERK

BY:

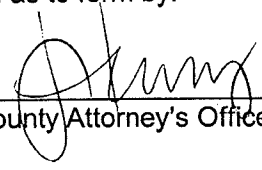

Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY:


Chairman

Approved as to form by:


County Attorney's Office



CASE NO: DCI2003-00023

RECEIVED
MINUTES OFFICE

2004 AUG 18 PM 2:08

DESCRIPTION:

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

Commencing at the Northwest corner of the aforesaid Section 23; thence run S.00°13'38"E. along the West line of said Section 23 for 100.00 feet to the South right-of-way line of Mellow Drive (100 feet wide per County right-of-way map for County Project # 4013) and the point of beginning; thence run N.89°59'07"E. (100 feet South of and parallel to the North line of the aforesaid Section 23) for 2671.98 feet; thence run N.89°54'44"E. for 110.03 feet to a point 75.00 feet Westerly of and parallel to the Westerly line of the former S.A.L. Railroad; thence run S.11°11'47"E. (75.00 feet Westerly of and parallel to the former S.A.L. Railroad) for 5331.57 feet to a point on the South line of the aforesaid Section 23; thence run N.88°39'56"W. along the South line of said Section 23 for 1149.28 feet to the Southwest corner of the Southeast Quarter (S.E.1/4) of said Section 23; thence run S.89°49'54"W. along the South line of said Section 23 for 634.40 feet to the East right-of-way line of Garden Street (60.00 feet wide); thence run N.00°01'02"E. along said East right-of-way line for 568.00 feet; thence run S.89°49'54"W. for 505.00 feet; thence run S.00°01'02"W. for 568.00 feet to the South line of the aforesaid Section 23; thence run S.89°49'54"W. along the South line of said Section 23 for 1519.91 feet to the Southwest corner of said Section 23; thence run N.00°01'31"E. along the West line of said Section 23 for 2650.26 feet to a point of curvature; thence run Northeasterly for 122.07 feet along the arc of a curve concave Southeasterly, with a radius of 1175.00 feet, a delta of 05°57'08", a chord bearing of N.03°00'16"E. and a chord distance of 122.01 feet to a point of tangency; thence run N.05°58'50"E. for 435.69 feet to a point of curvature; thence run Northeasterly for 111.05 feet along the arc of a curve concave Northwesterly, with a radius of 1025.00 feet, a delta of 06°12'28", a chord bearing of N.02°52'36"E. and a chord distance of 111.00 feet to a point of tangency; thence run N.00°13'38"W. for 882.73 feet to a point of curvature; thence run Northwesterly for 222.67 feet along the arc of a curve concave Southwesterly, with a radius of 1025.00 feet, a delta of 12°26'49", a chord bearing of N.06°27'02"W. and a chord distance of 222.23 feet to a point of tangency; thence run N.12°40'27"W. for 386.43 feet to a point of curvature; thence run Northwesterly for 255.26 feet along the arc of a curve concave Northeasterly, with a radius of 1175.00 feet, a delta of 12°26'49", a chord bearing of N.06°27'02"W. and a chord distance of 254.76 feet to a point of tangency; thence run N.00°13'38"W. for 160.33 feet to the South right-of-way line of the aforesaid Mellow Drive; thence run S.89°58'21"E. along the South line of said Mellow Drive for 75.00 feet to the point of beginning.

Said tract contains 385.697 acres, more or less and is subject to easements, restrictions and reservations of record.

Bearings are based on the West line of the Northwest Quarter (N.W.1/4) of the aforesaid Section 23 as being N.00°13'38"W.

Applicant's Legal Checked

by [Signature] August 03, 2004.

[Signature]
John B. Harris

P.S.M. #4631

October 13, 2003

Southeasterly, with a radius of 1175.00 feet, a delta of 05°57'08", a chord bearing of S.03°01'36"W. and a chord distance of 122.01 feet; thence run N.89°51'07"W. (not radial to the previously described line) for 394.92 feet (per Plat) - (392.06 feet as computed) to the Southeast corner of Tract "A", Sabal Springs Golf & Racquet Club, Unit Four - B as recorded in Plat Book 65, Pages 81 and 82, Public Records of Lee County, Florida; thence continue N.89°51'07"W. for 906.26 feet to the Southeast corner of Tract "D", of the aforesaid Sabal Springs Golf & Racquet Club, Unit Three; thence run N.89° 51'01"W. for 1156.49 feet to the Southeast corner of Tract "D", of the aforesaid Sabal Springs Golf & Racquet Club, Unit One; thence run N.89°51'07"W. for 205.41 feet; thence run N.89° 51'50"W. for 1065.66 feet; thence run N.15°38'10"W. for 55.27 feet; thence run S.74°21'50"W. for 195.69 feet; thence run N.15°38'10"W. for 54.87 feet; thence run S.74°21'50"W. for 201.47 feet to the point of beginning.

Said tract contains 220.642 acres, more or less, and is subject to easements, restrictions and reservations of record.

Bearings are based on the North line of the aforesaid Sabal Springs Golf & Racquet Club, Unit Three as being S.89°57'02"E.

Applicant's Legal Checked

by *[Signature]* February 4, 2004.

[Signature]
John B. Harris
P.S.M. #4631
January 19, 2004

RECEIVED

FEB 01 2004

COMMUNITY DEVELOPMENT

DOI 2003-00023

DCI 2003-00023

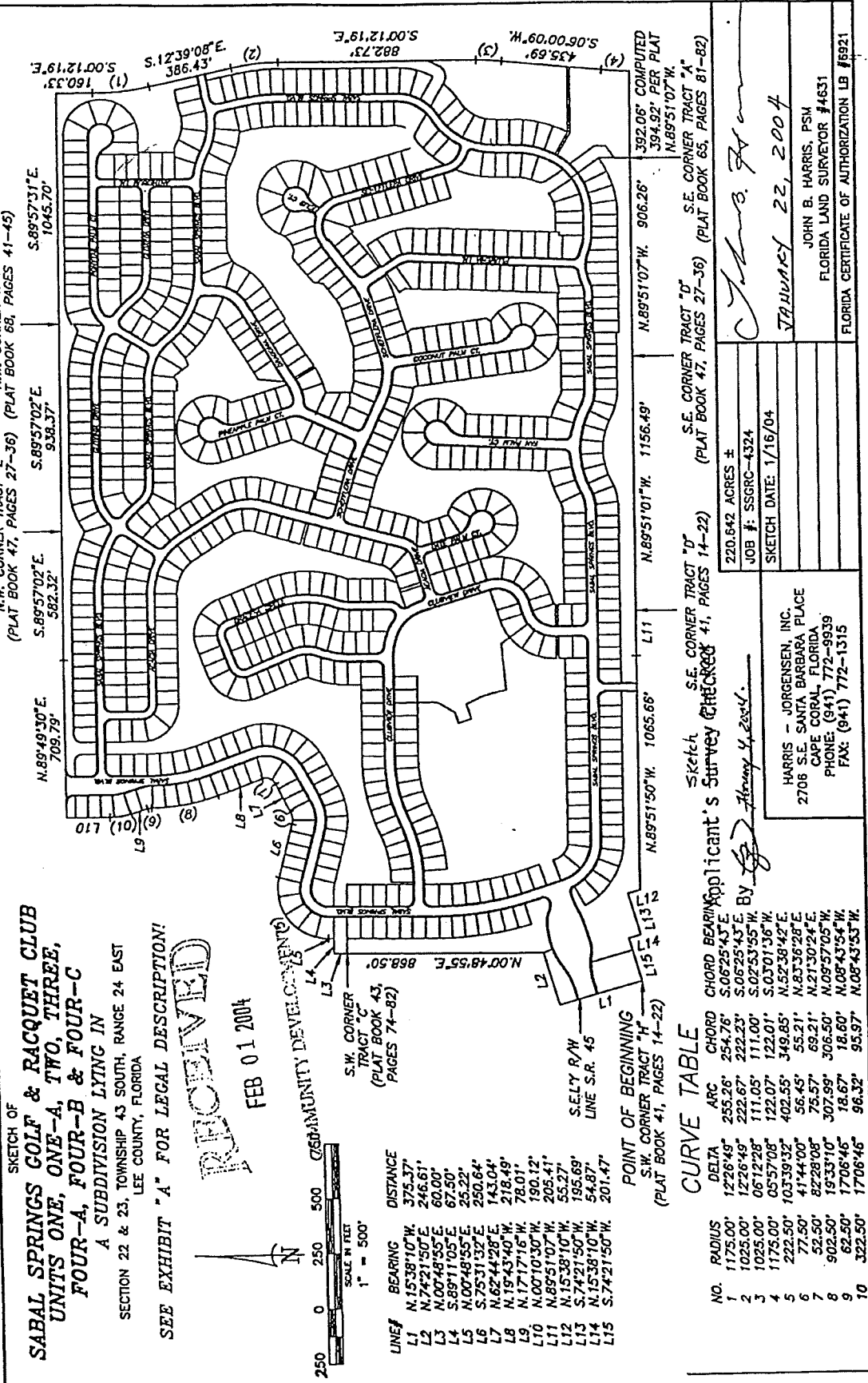
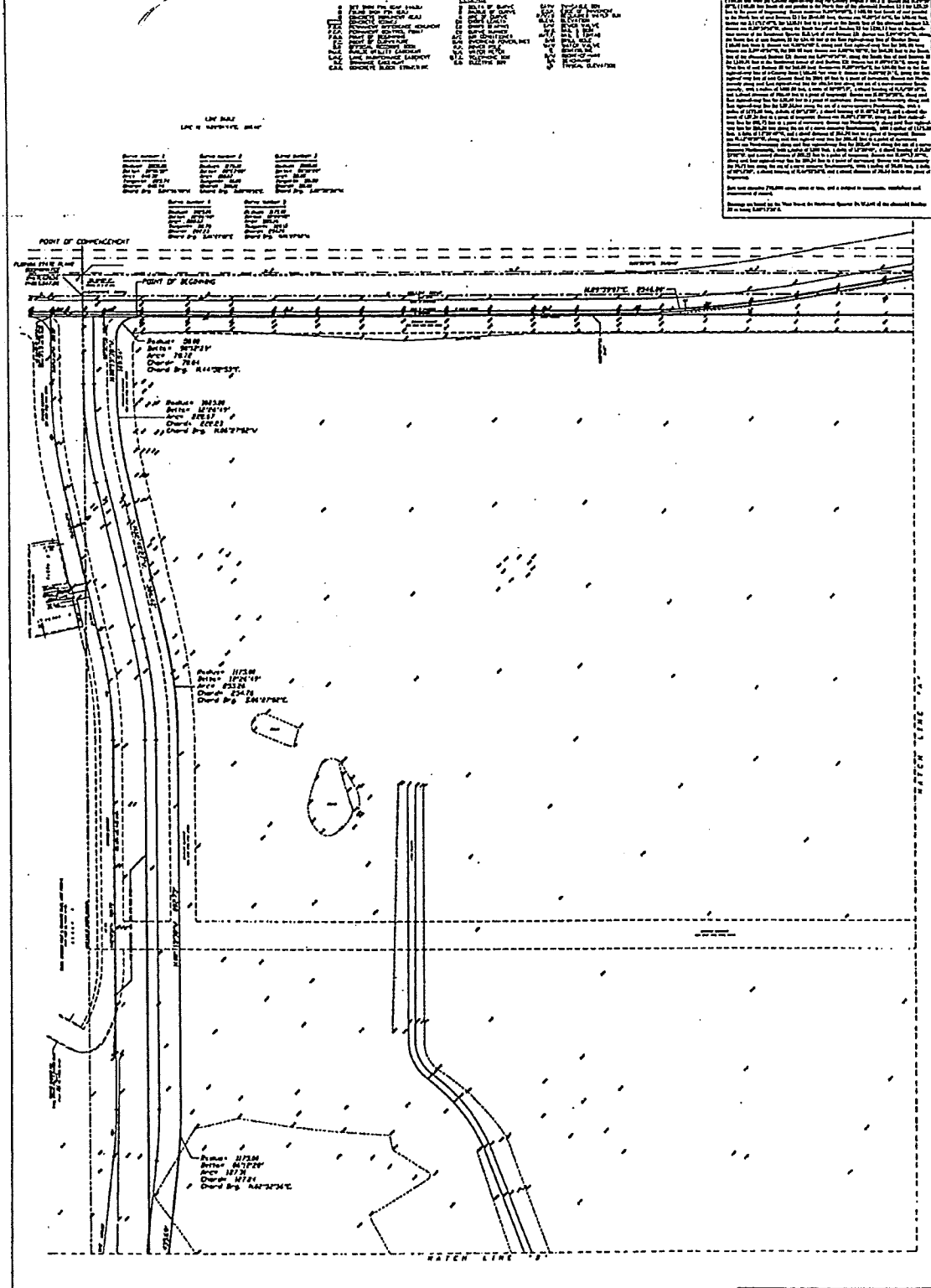


EXHIBIT A
(Page 5 of 9)



2503-0002 100

POLYMER BLENDED & PORTLAND CEMENTS SURVEY OF
PART OF SECTION 23
SPRINGFIELD, MISSOURI, IN EAST
LEE COUNTY, FLORIDA

[illegible][illegible]

Savings are based on the Short Line or the Northeast Quarter O.W.L./Q of the standard Section 80, at \$600,000 F.V.C.

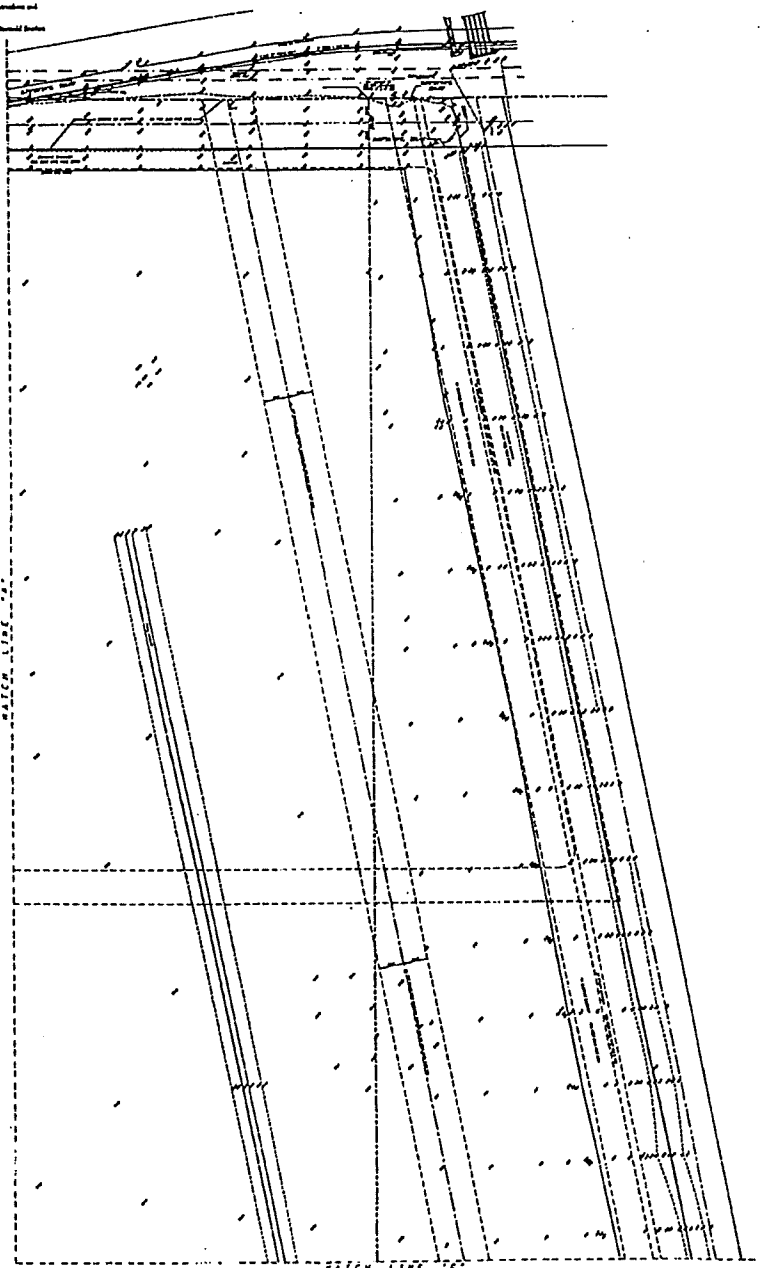


EXHIBIT A
(Page 7 of 9)

[illegible]

EXHIBIT B

PROPOSED MOBILE HOME PARK
(THE HERITAGE)
(RPD)

SABAL SPRINGS
RPD ACREAGE 220.64

PROPOSED
CRANE LANDING RPD
(CURRENTLY VACANT)
SEE SHEETS 2 & 3

DEVELOPER SHALL PROVIDE 20% OF THE
LOT AREA FOR OPEN SPACE TO ALLOW
FOR FUTURE DEVELOPMENT OF A
RECREATION AREA

APPROVED
DATE: 10/1/03
BY: [Signature]
FOR: [Signature]
COUNTY: [Signature]

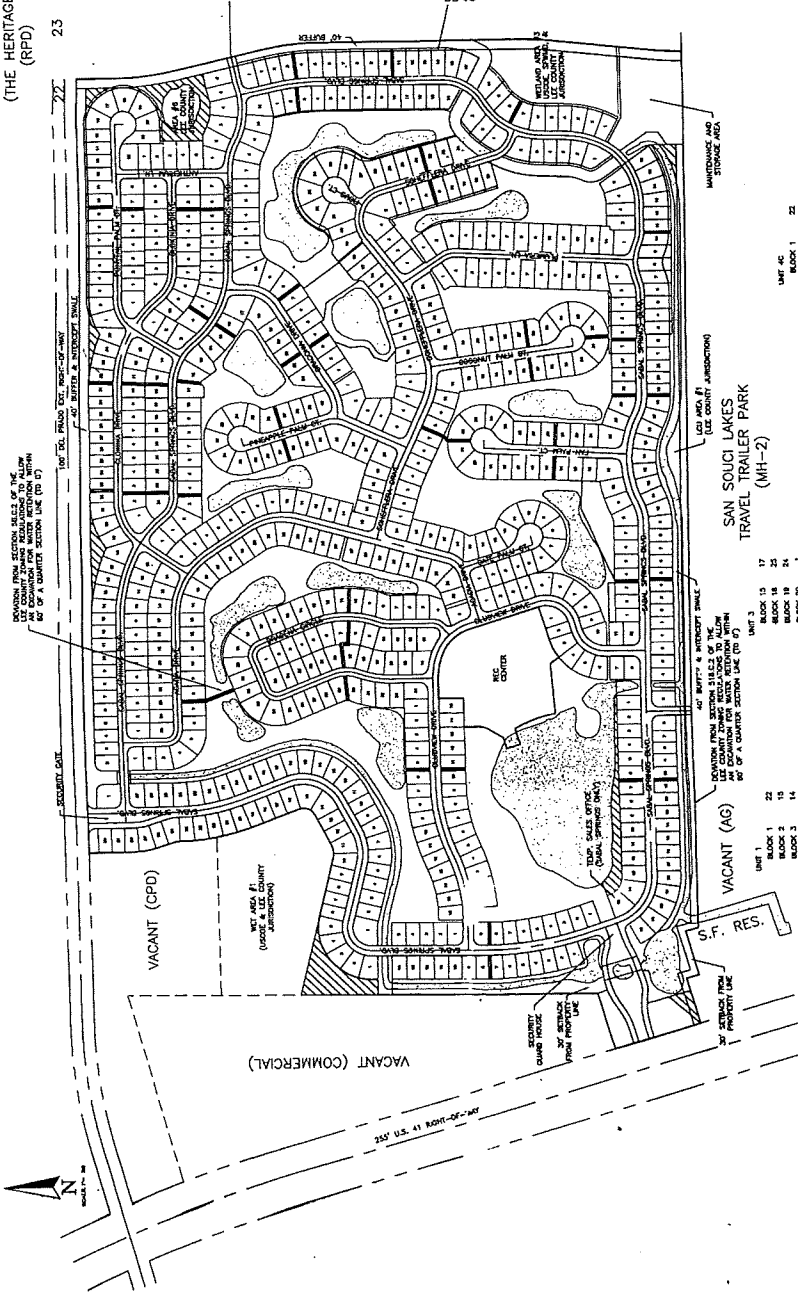


RECEIVED
JUL 1 2003
COUNTY CLERK

SECTION 23, TOWNSHIP 1N, RANGE 24 EAST
LEE COUNTY, FLORIDA
Master Concept Plan

Source Inc. logo and contact information

DCI 2003-00023



LOT BREAKDOWN

UNIT	AC
BLOCK 1	22
BLOCK 2	18
BLOCK 3	14
BLOCK 4	10
BLOCK 5	14
BLOCK 6	10
BLOCK 7	14
BLOCK 8	10
BLOCK 9	14
BLOCK 10	10
SUBTOTAL	104
GRAND TOTAL	770

UNIT	AC
BLOCK 1	22
BLOCK 2	18
BLOCK 3	14
BLOCK 4	10
BLOCK 5	14
BLOCK 6	10
BLOCK 7	14
BLOCK 8	10
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BLOCK 10	10
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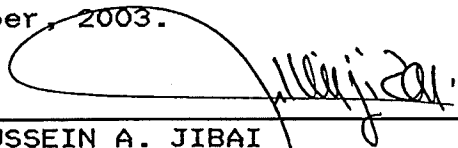
AFFIDAVIT

STATE OF FLORIDA)
COUNTY OF LEE)

BEFORE ME this day appeared HUSSEIN A. JIBAI, who,
being first duly sworn, deposed and says:

1. He is a Director of Flash Holdings USA Corporation, which is a member of Hibiscus of Lee County, L.L.C., the owner of the property that is the subject of Application DCI2003-00023.
2. A copy of the boundary sketch of the property to be rezoned is attached as Exhibit "A". The parcel consists of 385.7 +/- acres.
3. The entire parcel described in Exhibit "A" has been cleared and is being used for grazing purposes.
4. Hibiscus of Lee County, L.L.C. intends to continue this use upon the approval of the rezoning to the extent permitted by Lee County regulations.

EXECUTED this 15th day of October, 2003.



HUSSEIN A. JIBAI

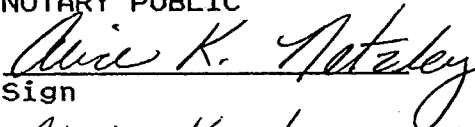
STATE OF FLORIDA
COUNTY OF LEE

Sworn to and subscribed before me this 15th day of
October, 2003 by Hussein A. Jibai, who is personally known
to me or has produced _____ as
identification and who did take an oath.

My Commission Expires:

8-26-2007

NOTARY PUBLIC



Sign

Alice K. NETZELEY

Print

RECEIVED
OCT 29 2003

PERMIT COUNTER State of Florida at Large (Seal)

EXHIBIT D
(Page 1 of 3)

DCI 2003-00023



EXHIBIT "A"

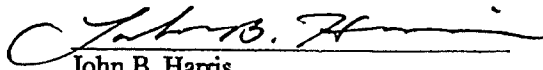
DESCRIPTION:

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

Commencing at the Northwest corner of the aforesaid Section 23; thence run S.00°13'38"E. along the West line of said Section 23 for 100.00 feet to the South right-of-way line of Mellow Drive (100 feet wide per County right-of-way map for County Project # 4013) and the point of beginning; thence run N.89°59'07"E. (100 feet South of and parallel to the North line of the aforesaid Section 23) for 2671.98 feet; thence run N.89°54'44"E. for 110.03 feet to a point 75.00 feet West-erly of and parallel to the Westerly line of the former S.A.L. Railroad; thence run S.11°11'47"E. (75.00 feet West-erly of and parallel to the former S.A.L. Railroad) for 5331.57 feet to a point on the South line of the aforesaid Section 23; thence run N.88°39'56"W. along the South line of said Section 23 for 1149.28 feet to the Southwest corner of the Southeast Quarter (S.E.1/4) of said Section 23; thence run S.89°49'54"W. along the South line of said Section 23 for 634.40 feet to the East right-of-way line of Garden Street (60.00 feet wide); thence run N.00°01'02"E. along said East right-of-way line for 568.00 feet; thence run S.89°49'54"W. for 505.00 feet; thence run S.00°01'02"W. for 568.00 feet to the South line of the aforesaid Section 23; thence run S.89°49'54"W. along the South line of said Section 23 for 1519.91 feet to the Southwest corner of said Section 23; thence run N.00°01'31"E. along the West line of said Section 23 for 2650.26 feet to a point of curvature; thence run Northeasterly for 122.07 feet along the arc of a curve concave Southeasterly, with a radius of 1175.00 feet, a delta of 05°57'08", a chord bearing of N.03°00'16"E. and a chord distance of 122.01 feet to a point of tangency; thence run N.05°58'50"E. for 435.69 feet to a point of curvature; thence run Northeasterly for 111.05 feet along the arc of a curve concave Northwesterly, with a radius of 1025.00 feet, a delta of 06°12'28", a chord bearing of N.02°52'36"E. and a chord distance of 111.00 feet to a point of tangency; thence run N.00°13'38"W. for 882.73 feet to a point of curvature; thence run Northwesterly for 222.67 feet along the arc of a curve concave Southwesterly, with a radius of 1025.00 feet, a delta of 12°26'49", a chord bearing of N.06°27'02"W. and a chord distance of 222.23 feet to a point of tangency; thence run N.12°40'27"W. for 386.43 feet to a point of curvature; thence run Northwesterly for 255.26 feet along the arc of a curve concave Northeasterly, with a radius of 1175.00 feet, a delta of 12°26'49", a chord bearing of N.06°27'02"W. and a chord distance of 254.76 feet to a point of tangency; thence run N.00°13'38"W. for 160.33 feet to the South right-of-way line of the aforesaid Mellow Drive; thence run S.89°58'21"E. along the South line of said Mellow Drive for 75.00 feet to the point of beginning.

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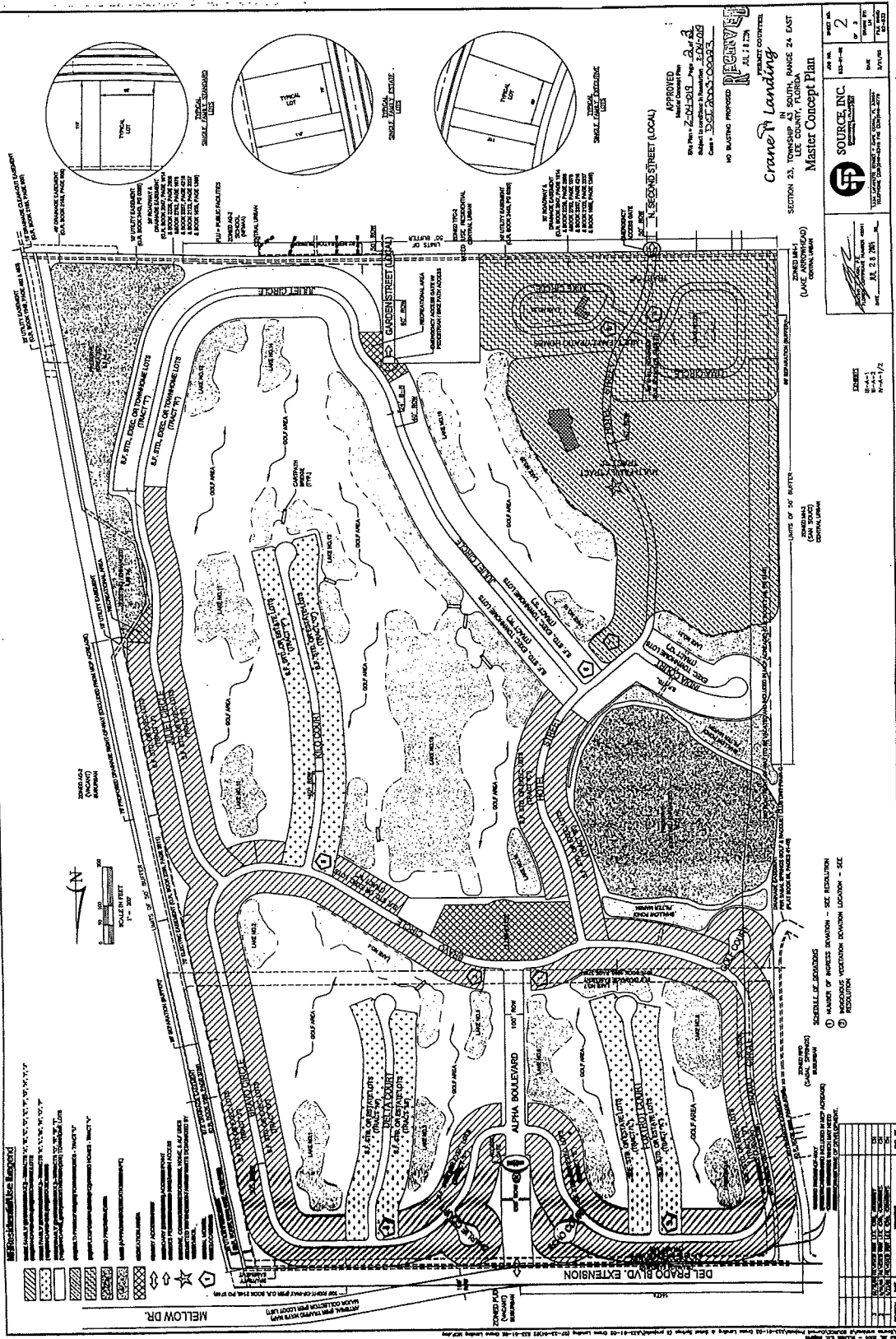
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John B. Harris
P.S.M. #4631
October 13, 2003

RECEIVED
OCT 29 2003

PERMIT COUNTER

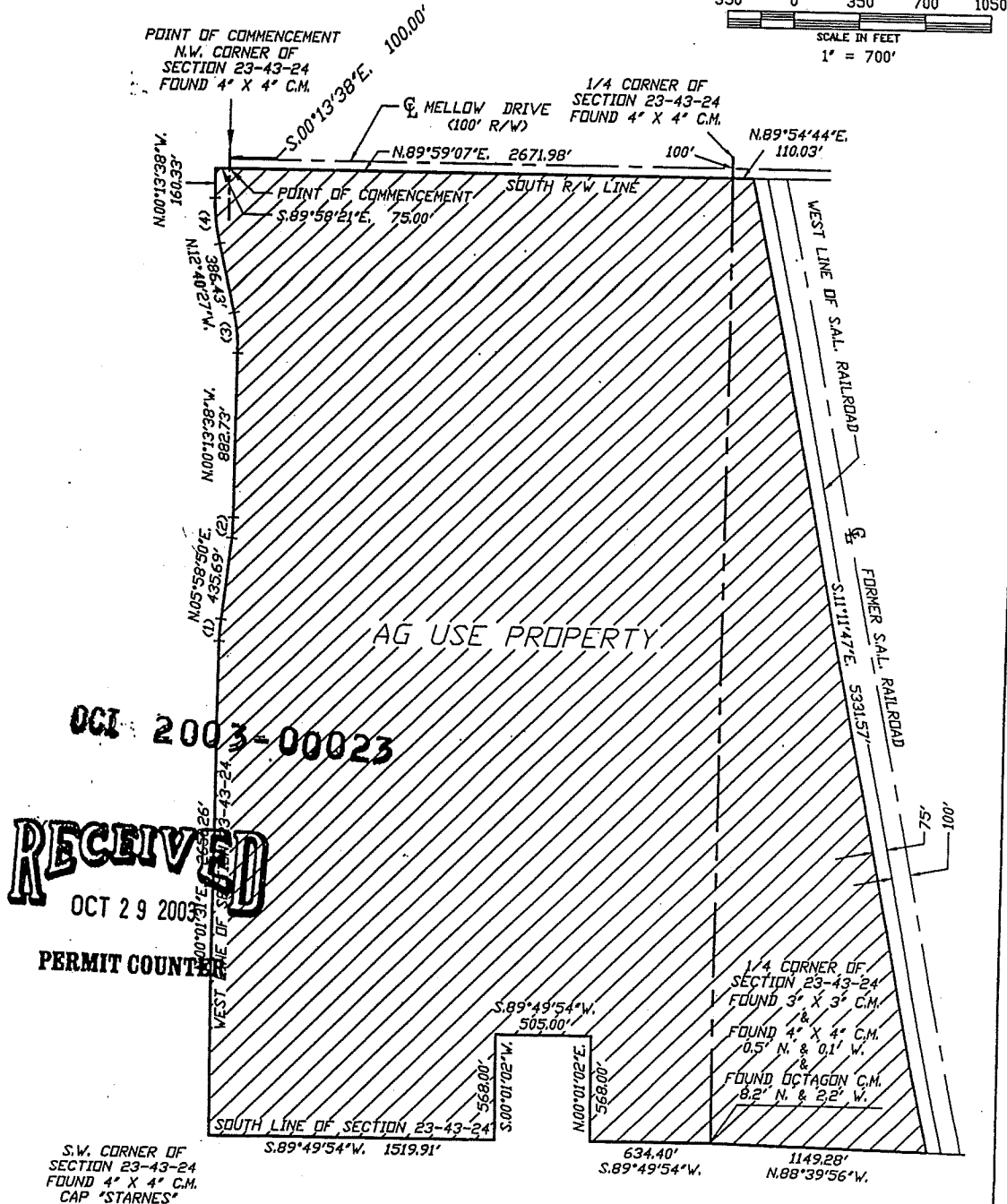
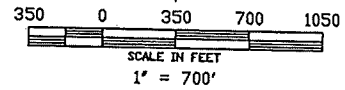
DCI · 2003-00023



SKETCH OF **PART OF SECTION 23**

TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

SEE EXHIBIT "A" FOR LEGAL DESCRIPTION.



OCT 2003-00023

RECEIVED
OCT 29 2003

PERMIT COUNTY

CURVE TABLE

NO.	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
1	1175.00'	05°57'08"	122.07'	122.01'	N.03°00'16"E.
2	1025.00'	06°12'28"	111.05'	111.00'	N.02°52'36"E.
3	1025.00'	12°26'49"	222.67'	222.23'	N.06°27'02"W.
4	1175.00'	12°26'49"	255.26'	254.76'	N.06°27'02"W.

PROJECT # NSS-4	JOB #: NSS-2
SKETCH DATE: 10/16/03	
<i>John B. Harris</i>	
OCTOBER 16, 2003	
JOHN B. HARRIS, PSM	
FLORIDA LAND SURVEYOR #4631	
FLORIDA CERTIFICATE OF AUTHORIZATION LB #6921	