



**TRANSCRIPTS
FOR
CASE #:**

DCI 2004-00080

LEE COUNTY HEARING EXAMINER MEETING

RE: DCI2004-00080

IN RE: MFA Ventures LLC in ref to The Estates of
Entrada

Transcript of Proceedings

Before Richard Gescheidt, Hearing Examiner, held
at the Hearing Examiner's Hearing Room, 1500
Monroe Street, Fort Myers, Florida, on May 4,
2006.

PRESENT:

Mr. Charles Basinait, Attorney for the Applicant
Mr. Bryan Kelner, Principal Planner
Mr. Rob Spickerman, Assistant County Attorney
Ms. Kim Trebatoski, Environmental Planner

LEE COUNTY
HEARING EXAMINER
06 JUN 13 PM 3:38

MARTINA REPORTING SERVICES
Courtney Building, Suite 201
2069 First Street
Fort Myers, Florida 33901
(239) 334-6545
FAX (239) 332-2913

ORIGINAL

I N D E X

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

<u>WITNESSES</u>	<u>PAGE</u>
Charles Basinait - Presentation	6
Jon Hagan - Presentation	14
Examination by Mr. Basinait	25
Examination by Mr. Kelner	26
Andrew Woodruff - Presentation	27
Ted Treesh - Presentation	31
Examination by Hearing Examiner	34
Examination by Mr. Basinait	34
Bryan Kelner - Presentation	35
Examination by Hearing Examiner	51
Kim Trebatoski - Presentation	53
Examination by Mr. Basinait	58
Mary Ann Schwabe - Presentation	61
James William Mangan - Presentation	65
Craig Dearden - Presentation	67
Mary Woods - Presentation	71
Todd Rebol - Presentation	74

E X H I B I T S

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
<u>Applicant's</u>		
1	Condition 1 in Staff Report	8
2	Master Concept Plan	14
3	Power Point Presentation	14
<u>Staff</u>		
1	Aerial Photograph	41

1 HEARING EXAMINER: Ladies and gentlemen, my name
2 is Richard Gescheidt, I'm a Lee County Hearing Examiner.
3 We are here today for Case -- it's May 4th, 2006. We're
4 here for Case No. DCI2004-00080. The applicant is MFA
5 Ventures LLC in reference to The Estates at Entrada.

6 This is a request to rezone 292 acres from Mobile
7 Home Planned Development and Commercial to Residential and
8 Commercial Planned Development. The property is located
9 at 16701 North Cleveland Avenue and 3050 Jacaranda
10 Parkway, all in North Fort Myers.

11 And I'm going to ask the County Attorney to make
12 his presentation at this time, a short presentation.

13 MR. SPICKERMAN: Thank you.

14 Good morning. My name is Rob Spickerman. I'm an
15 Assistant County Attorney representing the Board of County
16 Commissioners. I'm also here today to assist staff, the
17 applicant and the Hearing Examiner to ensure that the
18 record in this case is complete.

19 If you'd like to participate in today's hearing
20 or obtain a copy of the Hearing Examiner's recommendation,
21 please fill out one of the white forms on the small table
22 behind the screen against the wall. Once completed,
23 please leave the form next to the Hearing Examiner.

24 At the conclusion of the staff's presentation,
25 the Hearing Examiner will open the floor for public

1 participation. It is at that time that you will have an
2 opportunity to address the Hearing Examiner. All public
3 comment will be from the podium in the front.

4 When you approach, please state your name and
5 address for the record. If you reside or own property in
6 the area, please explain to the Hearing Examiner where you
7 live in relation to the subject property.

8 The hearing today is not the final action on this
9 matter. The Hearing Examiner's recommendation will be
10 considered by the Board of County Commissioners at a final
11 public hearing in a few weeks. If you'd like to have your
12 thoughts considered in this matter, you will need to speak
13 here today. Also, if you wish to speak at the hearing
14 before the Board of County Commissioners, you will need to
15 speak here today to preserve your right to address the
16 Board.

17 At this time we'll go around the table with
18 introductions starting to my left.

19 MS. TREBATOSKI: I'm Kim Trebatoski, Principal
20 Environmental Planner.

21 MR. KELNER: Bryan Kelner, Principal Planner with
22 Development Services, Division of Zoning.

23 MR. HAGAN: Jon Hagan, Director of Planning with
24 Banks Engineering.

25 MR. BASINAIT: Chuck Basinait with Henderson,

1 Franklin.

2 HEARING EXAMINER: Okay. Thank you.

3 Ladies and gentlemen, how this procedure will
4 take place is the applicant will present -- will be making
5 a presentation through witnesses and exhibits. After each
6 witness appears, the County Attorney or county staff will
7 have the opportunity to examine that witness.

8 When the applicant is through with his
9 presentation, the county staff will similarly make a
10 presentation through witnesses and any documentary
11 evidence they may have, and the applicant can ask
12 questions of the county staff.

13 Following that I will open this hearing up to the
14 public at which time the public can come forward and make
15 any statements, give me any comments they want or ask
16 questions of the applicant or staff.

17 Before we begin, I'm going to ask that you turn
18 all cell phones and pagers off. Refrain from food or
19 drink in this hearing except for water.

20 I'm also going to swear everybody in en mass, and
21 I'm going to ask that when you come to the podium, that
22 the first thing you do is give me your name, your address
23 and indicate that you have taken an oath.

24 All right. Anybody that's going to make any
25 statements before me, including attorneys who are going to

1 testify to facts, please raise their right hands.

2 (All witnesses were sworn.)

3 HEARING EXAMINER: Okay. With that I'm now going
4 to turn it over to Mr. Basinait.

5 Thereupon,

6 CHARLES BASINAIT,
7 called as a witness by the Applicant, having been
8 previously duly sworn, was examined and testified as
9 follows:

10 MR. BASINAIT: Thank you.

11 Good morning. For the record, my name is Charles
12 Basinait with the law firm of Henderson, Franklin, Starnes
13 & Holt. I'm here on behalf of the applicant in the matter
14 before you this morning.

15 With me today are a number of consultants.
16 Banks Engineering has Jon Hagan, Principal Planner, Todd
17 Rebol and Brian Clemons, the engineers. Ted Treesh is
18 going to be here shortly with Metro Transportation Group,
19 and Andrew Woodruff is here from Passarella &
20 Associates.

21 The request before you today is a 292, plus or
22 minus, acre parcel located in North Fort Myers. We are
23 requesting a zoning or rezoning, rather, of this property
24 from MHPD and C-1A and C-2 to RPD, Residential Planned
25 Development, and CPD, Commercial Planned Development, in

1 order to construct 325 single-family homes, 975 town homes
2 and 300 multi-family homes, as well as 30,000 square feet
3 of retail and essentially 140,000 square feet of
4 warehouse, commercial and other office uses.

5 Just for the Hearing Officer's edification, as I
6 said, the property is located in North Fort Myers. This
7 is US 41 here (indicating), this is old 41
8 (indicating), the intersection. You've got the Shell
9 Factory over in this area here (indicating).

10 This is the subject property right in here
11 (indicating), and I'm referring to an aerial that's
12 entitled The Estates at Entrada.

13 Now, we've had an opportunity to review the Staff
14 Report in this matter and agree with the staff's
15 recommendation of approval. With regard to the specific
16 conditions contained in that report, I'm going to go
17 through those with you.

18 We do not object to Conditions 2 through 8,
19 Condition 10 and Conditions 12 through 18.

20 With respect to Condition No. 1, and I have a
21 document here that I'm going give to you and ask that it
22 be labeled as Applicant's Exhibit 1.

23 HEARING EXAMINER: I take it staff has already
24 seen this document.

25 MR. KELNER: Yes, I have.

1 MR. BASINAIT: Yes, sir.

2 HEARING EXAMINER: Okay. Any objection to
3 introduction as Applicant 1?

4 MR. KELNER: No objection.

5 MR. SPICKERMAN: No objection.

6 HEARING EXAMINER: There being no objection, it
7 will be so marked.

8 (Applicant's Exhibit No. 1 was marked for
9 identification.)

10 MR. BASINAIT: Thank you.

11 With regard to Condition 1, it was really
12 just trying to do a slight cleanup on it. You'll notice
13 in the Staff Report on Page 2 of 16, Condition II.A.1,
14 second paragraph, after the reference to 300 there's a
15 number 50 in the staff condition that should be deleted.
16 That was just a typo and should be taken out. So it
17 should read "and 300 multiple-family dwelling units."

18 HEARING EXAMINER: Where are you reading from?

19 MR. BASINAIT: I'm sorry. Go to Condition A.1 on
20 the exhibit that I just gave to you.

21 HEARING EXAMINER: Okay.

22 MR. BASINAIT: Look in the second paragraph,
23 second line, the number 50 has been deleted.

24 HEARING EXAMINER: Yes.

25 MR. BASINAIT: Then at the end of that sentence,

1 we just needed to complete the sentence with the words
2 "for the remainder of the uses."

3 HEARING EXAMINER: Okay.

4 MR. BASINAIT: And we have discussed this with
5 Bryan Kelner and Bryan does not object to those two
6 modifications.

7 With respect to Condition 3, which is on Page 6
8 of 16 of the Staff Report, and it is on the first page of
9 that exhibit I just gave you, we're going to go ahead and
10 keep the condition that's in the Staff Report.

11 We do need to revise it somewhat to reflect
12 deletion of a -- or rather just to give us the ability or
13 the flexibility, rather, when trying to decide where to
14 put this additional indigenous space that we may need.
15 We're going to get with Kim Trebatoski between now and
16 tomorrow and rewrite that condition to reflect that, and
17 we'll have it in to you. We're going to ask that you keep
18 the record open until 5:00 p.m. tomorrow and there's a
19 couple of conditions that we need to revise slightly to do
20 that.

21 HEARING EXAMINER: Okay. Is 5:00 p.m. tomorrow
22 sufficient time?

23 MR. BASINAIT: You want to do it until Tuesday at
24 5:00 or something to give us a couple of extra days?

25 MS. TREBATOSKI: Yes. And then if we get it done

1 by tomorrow, we'll get it done. We'll get it done as
2 quickly as we can.

3 HEARING EXAMINER: I'll leave the record open
4 then until 5:00 p.m. on Tuesday --

5 MR. BASINAIT: May 9th, I believe.

6 HEARING EXAMINER: -- May 9th. Okay.

7 MR. BASINAIT: Condition 11, which is the next
8 condition on that exhibit that I gave you, we've actually
9 discussed this with Bryan Kelner, and currently the
10 condition calls for a double sidewalk all the way out to
11 41. What we've done is we've agreed that we will do a
12 double sidewalk from this point (indicating), which is our
13 northern boundary, down to the intersection right here
14 (indicating), and I'm referring to the Master Concept Plan
15 that's on the wall here. But from this point to this
16 point, we'll do a double sidewalk to match up with the
17 double sidewalk that is in the project that's part of Cape
18 Coral that's also called Entrada. And then from this
19 point out (indicating) to US 41, we're going to do a
20 single sidewalk, in other words, a sidewalk on one side of
21 the street. And then there will be a single sidewalk down
22 here in the remainder of this spine road also. But,
23 again, we're going to go ahead and revise that condition
24 slightly to reflect that and that will be part of our
25 submittal prior to Tuesday at 5:00 p.m.

1 HEARING EXAMINER: Okay.

2 MR. BASINAIT: Condition 9 is -- I think it's
3 just a typo. It's a repeat of Condition 7 in the Staff
4 Report so it's unnecessary. It's duplicitous so we've
5 taken that out.

6 MR. KELNER: Could I just interject here at the
7 same time on there. If you look at Condition No. 4 and
8 No. 7 -- pardon me, No. 7 and 9.

9 HEARING EXAMINER: Yes.

10 MR. KELNER: That's a repeat, too.

11 MR. BASINAIT: That's what I was just talking
12 about.

13 MR. KELNER: Oh, I'm sorry. I'm talking about 4
14 and 6.

15 MR. BASINAIT: Oh, you're right. So Condition 6
16 needs to be deleted also.

17 MR. KELNER: It's just a repeat.

18 HEARING EXAMINER: Okay.

19 MR. BASINAIT: And we'll include that in this
20 list of conditions that we submit to you prior to five
21 o'clock Tuesday.

22 HEARING EXAMINER: May I suggest that when you
23 submit these revised conditions, that you perhaps submit
24 the entire --

25 MR. BASINAIT: Resubmit the entire list, we'll do

1 that. Actually, what we'll do is get it to Bryan because
2 he'll have it -- he has it on his machine so he can go
3 ahead and insert it.

4 HEARING EXAMINER: Okay.

5 MR. BASINAIT: Deviation 1, Condition 1, on Page
6 2 of that exhibit, we have discovered something since the
7 time we wrote that. We're going to go ahead and just
8 leave that in the Staff Report as it's currently written.
9 We're not going to ask for it to be deleted. And that's
10 found on Page 8 of 16 of the Staff Report up at the top.

11 We had thought that there was not a road along
12 the north part of our subdivision, and it's referring to
13 this section right in here (indicating). We had asked for
14 the deviation to move the lake closer. We didn't realize
15 that there was going to be a road put in up here
16 (indicating). We thought that was going to be the back of
17 homes, so we were going to ask to have that requirement
18 deleted. But we've since discovered that there is going
19 to be a road up there, so we're going to go ahead and just
20 comply with that condition that Bryan has put in there.

21 HEARING EXAMINER: Okay.

22 MR. BASINAIT: And then finally, Deviation 3,
23 Condition a, that starts on Page 8 of 16 of the Staff
24 Report, we are going to revise this. It's going to be one
25 of those conditions that we will submit. And Kim, when

1 she gets back in here, she can tell you that she and I
2 have discussed this, and I believe she's in agreement.

3 What we're going to do is to revise the
4 requirement to say that the invasive exotic vegetation has
5 to be removed during Phase 1 of the Development Order work
6 and the planting plan has to be submitted during Phase 2
7 of the Development Order. But we've come to an agreement
8 on that, we just need to get the language worked out.

9 And other than that, we agree with the conditions
10 and we agree with the conditions attached to the
11 deviations and the recommendations regarding the
12 deviations.

13 At this point what I would like to do, Jon Hagan
14 is the planner on this particular matter. Jon has a power
15 point presentation that he's going to go through for you.
16 I have a copy of the presentation that I'll submit to
17 you. There's a second version that just provides you the
18 ability to write notes down next to each slide. It is
19 identical though. And I'm handing a copy of those to the
20 staff members also.

21 HEARING EXAMINER: Okay. While you're doing
22 that, for the record, unless anybody has any objection,
23 I'm going to allow introduction as Applicant Exhibit 2 the
24 Master Concept Plan and as Applicant Exhibit 3, the power
25 point presentation, the printed version of the power point

1 presentation. Any objection? Hearing none, they will be
2 admitted.

3 (Applicant's Exhibits Nos. 2 and 3 were marked
4 for identification.)

5 MR. BASINAIT: At this point I'd like to have Jon
6 Hagan come up and go through the request for you in some
7 detail, with more specificity provided regarding the
8 Master Concept Plan, and he will also discuss consistency
9 with both the Lee County Comprehensive Plan and the Land
10 Development code.

11 Thank you.

12 HEARING EXAMINER: Thank you.

13 Thereupon,

14 JON HAGAN,

15 called as a witness by the Applicant, having been
16 previously duly sworn, was examined and testified as
17 follows:

18
19 MR. HAGAN: Good morning.

20 For the record, my name is Jon Hagan. I'm the
21 Director of Planning for Banks Engineering. We're located
22 at 10511 Six Mile Cypress Parkway, Fort Myers, Florida
23 33912, and I have taken an oath.

24 Additionally, I'd like to note that my resume is
25 on file with the Hearing Examiner's office and I'd like to

1 be accepted as an expert witness in land use and planning
2 matters and I have been accepted in this forum before.

3 HEARING EXAMINER: Any objection to declaring the
4 witness an expert in land use and planning matters?

5 MR. SPICKERMAN: No objection.

6 HEARING EXAMINER: There being no objection the
7 witness is declared an expert in those fields.

8 MR. HAGAN: Thank you.

9 As Mr. Basinait has stated, I have a power point
10 presentation that I'm going to go through regarding my
11 presentation on this development.

12 The name of the development is The Estates at
13 Entrada being developed by my client, The EH Building
14 Group.

15 What I have here is an aerial with the site
16 highlighted. As you can tell, to the south of us is a
17 mobile home development. We're located along US 41, just
18 south of the intersection of US 41 and Business 41. We're
19 located north of Littleton Road which is shown on the
20 aerial as well.

21 To the north of our development is the city of
22 Cape Coral, that's called the Entrada PDP. That's a
23 development that's currently under construction.

24 To the west of us is some Lee County land, the
25 Lee County Conservation 20/20 land. And to the east of us

1 is vacant property and a little bit -- right across the
2 street is the Shell Factory right here (indicating) and
3 there's commercial development up along US 41 in this
4 area.

5 Next I have here is a zoning map showing what our
6 current zoning is. The parcel right here (indicating) is
7 currently zoned MHPD, which is a Mobile Home Planned
8 Development. We have these two parcels in here
9 (indicating) which is currently zoned C-2 which is a
10 commercial zoning district. And then the remainder parcel
11 in here (indicating) is currently zoned C-1A which is also
12 commercial zoning district.

13 What we're requesting is a rezoning from MHPD and
14 C-1A and C-2 to Residential Planned Development to allow
15 325 single-family homes, 975 town homes and 300 multi-
16 family units.

17 We're also requesting a Commercial Planned
18 Development, as I'll show you on the Master Concept Plan
19 in this area here, for 30,000 square feet of retail and
20 140,000 square feet of office and commercial use.

21 The next slide I have here is the future land use
22 category of the Lee County Comprehensive Plan. As you can
23 tell, we are currently in the central urban land use
24 category, which is indicated on the brown here, and then
25 the green area is the conservation land use category, the

1 Lee County Conservation 20/20 property, and to the north
2 of us, as I stated, the yellow on the Lee County
3 Comprehensive Plan is suburban land use category, however,
4 I'd like to note that that is in the city of Cape Coral
5 there.

6 As you can tell, the property, the brown area,
7 there's a lot of central urban land use category around
8 here.

9 The next slide I have up here is a version of the
10 Master Concept Plan. As you can see, we have a Commercial
11 Planned Development tract right up here on the front of
12 the -- along US 41. We have a road coming in through here
13 (indicating), and we also have a spine road that is
14 connecting up into the PDP development, the Entrada PDP to
15 the north of us, and it also comes around to the south to
16 access these other tracts.

17 What we have here is where the commercial
18 development is going to be, and then as you come into the
19 development, you will have a multi-family tract right here
20 (indicating) to the south of the road as well as a multi-
21 family tract to the north of the road with some recreation
22 areas.

23 Then you come up to the intersection and if you
24 head south on the spine road that comes through here
25 (indicating), we'll have the single-family development up

1 through here in this area (indicating) and then a town
2 home tract in this area here (indicating), and then
3 continuing south and then heading west we have a town home
4 tract in here as well (indicating).

5 I'd also like to note that you can see that we
6 have provided a cul-de-sac, a limited road right here, and
7 then this road continues to the west here. That is shown
8 on the Master Concept Plan because there was some talk
9 about having that road expanded, and we really don't have
10 an issue with that, but we also -- you know, it dead ends
11 into this Lee County Conservation land use right here
12 (indicating). So I don't know what the viability of that
13 is going to actually happen, but we also -- we put the
14 cul-de-sac here and then we just called it out on our
15 Master Concept Plan to recognize that if that ever came to
16 fruition, that we were obviously aware of it and we
17 provided the space for the road.

18 HEARING EXAMINER: Why would you even consider it
19 unless it's servicing --

20 MR. HAGAN: It's something that we discussed with
21 county staff and Mr. Kelner, and it was on the Master
22 Concept Plan. I guess it was a connection that was
23 supposed to be made.

24 I mean, as far as we're concerned, we could take
25 it off the Master Concept Plan, but I think county staff

1 wanted it on there just so that we would recognize that if
2 that ever happened, that we recognized it and had it shown
3 on our plan.

4 HEARING EXAMINER: Okay.

5 MR. HAGAN: But as far as we're concerned,
6 whether it's on there or not, it doesn't really matter to
7 us.

8 Also, as you can see on this Master Concept Plan,
9 we have preservation areas throughout the property here,
10 which is some upland and wetland preservation areas.

11 HEARING EXAMINER: Okay. Jon, before you go any
12 further, is that Master Concept Plan the same as the
13 Master Concept Plan that's up on the board and it bears I
14 believe the last date of October 18th, 2005, down on the
15 right?

16 MR. HAGAN: Yes, that is correct.

17 HEARING EXAMINER: Okay. I just wanted to make
18 sure it was the same.

19 MR. HAGAN: Next I'd like to talk about the
20 deviations that we're requesting for this development.

21 Deviation 1 is from Land Development Code,
22 Section 10-329(d)(1)a.3. Basically, this section of the
23 Code talks about excavations must be set back 50 feet from
24 property under separate ownership. We're requesting a
25 setback of 25 feet for property under separate ownership.

1 Staff has recommended approval of that deviation
2 with two conditions, and, as Mr. Basinait has stated, we
3 are in agreement with both of those conditions.

4 The next deviation is from Land Development Code
5 Section 10-329(d)(6), which indicates that roads or drives
6 within 125 feet of residential uses must provide certain
7 buffers. Once again staff has recommended approval of
8 that deviation with two conditions regarding the buffers
9 that we're going to provide, and we are in agreement with
10 those two conditions.

11 The final deviation is Deviation 3 which is
12 Section 10-416(b), and this section requires developments
13 to provide 50 percent of their open space requirement
14 through the on-site preservation of existing native
15 vegetation communities, and we are requesting to allow to
16 meet this requirement through a replanting plan for
17 portions of the proposed native indigenous area.

18 Once again, Environmental Sciences has several
19 conditions with that, and as Mr. Basinait has stated,
20 Condition A, we're going to have to work on the wording of
21 that and give that to you.

22 Next I'd like to go into the discussion about the
23 Lee County Comprehensive Plan and how we are in compliance
24 with the Lee Plan.

25 Policy 1.1.3 is the central urban land use

1 category. This land use category allows 4 to 10 dwelling
2 units an acre with up to 15 dwelling units an acre with
3 bonus density.

4 Currently our site plan is requesting a density
5 of 5.7 dwelling units per acre, which is in the middle of
6 the range of this land use category and certainly within
7 the range and in compliance with this land use category.

8 Additionally, we're also providing commercial
9 development and the central urban land use category allows
10 commercial development and anticipates commercial
11 development.

12 The next policy is Policy 1.7.6. This is the
13 Planning Communities Map and Acreage Allocation Table.
14 Currently there's 1,196.95 acres residential development,
15 so our residential development falls within the acreage
16 allowed in that policy. And, additionally, there's 476.1
17 acres for commercial development, and our commercial
18 development acreage falls within that as well.

19 Objective 2.1, we're providing continuous and
20 compact growth patterns. We're helping contain urban
21 sprawl and we're close to services and existing
22 communities.

23 Objective 2.2, adequate public facilities are in
24 place to service this development, and once again this
25 development is providing a compact and contiguous growth

1 pattern.

2 Policy 5.1.2, this development has been designed
3 to protect the wetlands and natural features of the site,
4 and there are no constraints on the property that would
5 prohibit development.

6 Policy 5.1.3, we're near employment and shopping
7 centers that are located along US 41 and we're close to
8 parks and schools as well.

9 Policy 5.1.5, we're providing adequate buffers to
10 protect the surrounding uses. We're providing additional
11 setbacks for the multi-family buildings that are going to
12 be over 35 feet tall. And the requested density is
13 compatible with the surrounding densities in this area.

14 Additionally, the commercial development is
15 compatible along US 41 where we are proposing the
16 commercial development.

17 Policy 6.1.2, this deals with the commercial
18 development and site location standards. The 30,000
19 square feet of retail uses is within the site location
20 standard allowed for this piece of property. We're
21 providing 140,000 square feet of commercial and office
22 uses. And the more intense commercial uses will be
23 located adjacent to US 41 where it's appropriate.

24 Policy 6.1.4, we are consistent with site
25 location standards of the Lee Plan in commercial

1 development anticipated along US 41.

2 Standard 11.1, which is dealing with water, we're
3 going to connect into an existing water system through Lee
4 County Utilities, and we do have letters of availability
5 for this development to connect into that system.

6 Standard 11.2 is sewer. We're going to connect
7 into the existing sewer system through North Fort Myers
8 Utilities. We also have a letter of availability from
9 North Fort Myers Utilities for this development.

10 Another standard that I'd like to put in here
11 that is not on my slide is Standard 11.4, the roads will
12 operate at an acceptable level of service when this
13 development is constructed.

14 Next I'd like to talk about compliance with the
15 Land Development Code, Section 34-145(d)(3). As I just
16 demonstrated, this development is consistent with the Lee
17 County Comprehensive Plan. The proposed uses will meet or
18 exceed all performance and location standards.

19 We are consistent with intensities and densities
20 of the Lee Plan.

21 We are compatible with the surrounding uses in
22 this area. We will not place an undue burden on
23 infrastructure and roads will operate at an acceptable
24 level of service.

25 We will not adversely affect environmental areas

1 or natural resources.

2 The uses are appropriate at this location. Urban
3 services are available to service the development.

4 Then, finally, I'd like to get into the Staff
5 Report and talk a little bit about the Staff Report. As
6 Mr. Basinait has stated, staff has recommended approval of
7 the development and we are in agreement with that.

8 Also, as Mr. Basinait had gone through at the
9 beginning of this hearing, there are several conditions
10 that are part of the Staff Report. I think he went
11 through those sufficiently. I don't need to go through
12 them again, and we understand the record is open and
13 there's going to be some modifications made to a few of
14 the conditions.

15 Once again, the Staff Report analyzes the
16 requested deviations and has recommended approval of those
17 with certain conditions.

18 Also, in the findings and conclusions, they find
19 that this development is appropriate at this location with
20 the density that we're requesting as well as the
21 commercial square footage.

22 I have had a chance to look through the staff
23 analysis of the Lee Plan considerations, and I'm in
24 agreement with staff's analysis of those, and they have
25 come to the same conclusion that we are in compliance

1 with the Lee County Comprehensive Plan.

2 Also, one thing I'd like to mention. As I
3 stated, the Staff Report has recommended an approval for
4 our development. We are in agreement with that.

5 If you'll just give me one quick second.

6 MR. BASINAIT: If we could have just a moment.

7 Jon, in your role as the land use planner in this
8 case, you've had the opportunity to review the request
9 from the standpoint of both the Land Development Code and
10 the Lee County Comprehensive Plan. Is it your opinion as
11 a professional land use planner that this particular
12 proposed project is consistent with both the Land
13 Development Code and the Comprehensive Plan and all of the
14 relevant Lee County zoning regulations?

15 MR. HAGAN: Yes, I do agree with that.

16 MR. BASINAIT: Do you have anything further to
17 offer in terms of concerns or issues relating to this
18 particular request?

19 MR. HAGAN: No, I don't.

20 MR. BASINAIT: And, finally, what is the request
21 we're asking for today?

22 MR. HAGAN: Currently we're requesting a rezoning
23 from MHPD, C-1A and C-2 to RPD and CPD, and that is
24 demonstrated on this last slide as well. I feel that we
25 are in compliance with the Lee County Comprehensive Plan

1 and the Land Development Code.

2 MR. BASINAIT: All right. I don't have any
3 further questions at this point.

4 HEARING EXAMINER: Okay. Staff or County
5 Attorney have any questions of the witness?

6 MR. KELNER: I have a question. On the Master
7 Concept Plan, I believe it shows that there's the Yellow
8 Fever Creek east branch crossing this property and you
9 show on the Master Concept Plan two box culverts, each 10
10 feet wide, 5 feet high and 10 feet long.

11 Were these discussed with natural resources for
12 sizing the culverts?

13 MR. HAGAN: In going through the sufficiency
14 rounds, natural resources had comments wanting to see the
15 culverts that are crossing Yellow Fever Creek. He wanted
16 -- Brad Vance wanted to see those on the Master Concept
17 Plan, so we provided those on the Master Concept Plan and
18 he signed off sufficient on the application, so I can only
19 assume that he is satisfied with those.

20 HEARING EXAMINER: Where are those culverts?

21 MR. KELNER: That would be just right in this
22 location right here (indicating).

23 MR. BASINAIT: Jon, will you go back to the
24 Master Concept Plan.

25 Just leave it up there.

1 MR. KELNER: Also, you mentioned on the like
2 sewer and water letters of availability. Do you have
3 those letters of availability here?

4 MR. HAGAN: Yes, I do have copies.

5 MR. KELNER: If we could have a copy for the
6 Hearing Examiner.

7 MR. HAGAN: Yes.

8 HEARING EXAMINER: Who's providing the water and
9 sewer?

10 MR. HAGAN: Water is provided by Lee County
11 Utilities and sewer is going to be provided by North Fort
12 Myers Utilities.

13 HEARING EXAMINER: Okay.

14 MR. KELNER: No more questions.

15 MR. BASINAIT: I'm going to ask Andrew Woodruff
16 who is with Passarella & Associates to come up at this
17 point and briefly discuss some environmental issues
18 relating to this particular project.

19 Andy, when you get a chance, when you get settled
20 there, please state your name, address and occupation for
21 the record.

22 Thereupon,

23 ANDREW WOODRUFF,
24 called as a witness by the Applicant, having been
25 previously duly sworn, was examined and testified as

1 follows:

2 MR. WOODRUFF: For the record, Andy Woodruff with
3 Passarella & Associates.

4 MR. BASINAIT: What's the address of your office?

5 MR. WOODRUFF: 9110 College Pointe Court in Fort
6 Myers, 33919.

7 MR. BASINAIT: What is your occupation?

8 MR. WOODRUFF: I am an environmental consultant
9 with Passarella, Consulting Ecologists.

10 MR. BASINAIT: Have you been qualified as an
11 expert in environmental -- as an environmental consultant
12 in this forum previously?

13 MR. WOODRUFF: Yes, I have.

14 MR. BASINAIT: Mr. Hearing Examiner, I can go
15 through Andy's qualifications, but at this point I would
16 tender him as an expert witness.

17 HEARING EXAMINER: Is your resume on file with
18 this office?

19 MR. WOODRUFF: Yes, it is.

20 HEARING EXAMINER: Do I hear any objection to
21 declaring this witness an expert witness in environmental
22 matters?

23 MS. TREBATOSKI: No.

24 HEARING EXAMINER: Hearing no timely objection,
25 I'll declare the witness an expert witness.

1 MS. TREBATOSKI: That was quicker than I thought
2 he was going to be.

3 MR. BASINAIT: Andy, you're familiar with this
4 property that's the subject of the request in front of us
5 this morning?

6 MR. WOODRUFF: Yes, I am.

7 MR. BASINAIT: Would you describe your
8 involvement with it a little bit, please?

9 MR. WOODRUFF: As environmental consultants we've
10 done a lot of the groundwork, mapping the property,
11 conducting wetland jurisdictionals on the property,
12 conducting protected species surveys on the property.

13 MR. BASINAIT: Go ahead and describe for the
14 Hearing Officer the creation of the preserve area and how
15 that came about.

16 MR. WOODRUFF: The property contains about 211
17 acres of indigenous vegetation. The majority of that is
18 dominated by pine flatwoods, pine palametto habitat.

19 There's also some wetland habitats on the project
20 site. There's approximately 37 acres of wetlands on the
21 property. We have verified the limits of those wetlands
22 with the South Florida Water Management District.

23 The most significant of the wetland features is
24 wetland sloughs that run on the west side of the project
25 site. It's a historic flow way that ran through the

1 property.

2 In addition to the wetland habitats on the
3 project site, there are also some other surface water
4 habitat on the project site that includes ditches and some
5 borrow areas that have been excavated previously on the
6 property.

7 We have conducted protected species surveys on
8 the project site. They were surveyed in August of 2004
9 and June of 2005. Two Lee County protected species were
10 observed on the project. Those included gopher tortoises,
11 we had eight gopher tortoise burrows identified on the
12 project site and one limpkin. The limpkin was observed
13 foraging in a ditch on the project site. There was no
14 nesting observed by the species on the property.

15 The gopher tortoises were observed on the west
16 side of the property in a pine flatwood habitat.

17 The applicant is in agreement with staff's
18 recommendation regarding the protected species management
19 plan for the property.

20 Like I indicated to you earlier and Jon
21 indicated, the majority of our indigenous preserve is
22 going to be located on the west side of the project site,
23 includes mosaic and buffer and wetland habitat will be
24 preserved and restored on the property.

25 MR. BASINAIT: I don't have anything further.

1 HEARING EXAMINER: Questions by county staff or
2 County Attorney?

3 MS. TREBATOSKI: No.

4 MR. SPICKERMAN: No.

5 HEARING EXAMINER: I have no questions. Thank
6 you very much.

7 MR. BASINAIT: I'd like to call Ted Treesh who is
8 catching his breath.

9 MR. BASINAIT: Ted, please state your name,
10 address and occupation for the record.

11 MR. TREESH: Good afternoon. Ted Treesh, 12730
12 Commonwealth Drive, Fort Myers.

13 We prepared the Transportation Impact Study for
14 this project. I have -- my resume is on file. I have
15 been accepted as an expert in transportation related
16 issues and request that I be accepted this morning.

17 HEARING EXAMINER: Did you take an oath?

18 MR. TREESH: No, I did not.

19 Thereupon,

20 TED TREESH,
21 called as a witness by the Applicant, having been first
22 duly sworn, was examined and testified as follows:

23 HEARING EXAMINER: Any objection to declaring the
24 witness an expert witness in transportation matters?

25 MR. KELNER: No objection.

1 HEARING EXAMINER: Being no objection, the
2 witness is declared an expert witness.

3 MR. BASINAIT: Ted, you are familiar with the
4 property which is the subject of the request before the
5 Hearing Officer this morning?

6 MR. TREESH: Yes, I am.

7 MR. BASINAIT: And I think you indicated a moment
8 ago that your firm prepared a traffic impact analysis with
9 respect to this matter?

10 MR. TREESH: That's correct.

11 MR. BASINAIT: Why don't you for the Hearing
12 Officer's edification describe your work on this project?

13 MR. TREESH: Sure. Based on our analysis of the
14 TIS that's attached to the Staff Report dated July 26th,
15 2005, we looked at the 325 single-family units, the 1,275
16 multi-family units. In this TIS we looked at the 130,000
17 square feet of commercial area, but I would note that the
18 request actually is for 170,000, 30,000 of that being
19 retail. Our TIS analyzed all 130,000 at retail, so it, in
20 fact, did a worst case in terms of trip generation impacts
21 since the request is only for 30,000 square feet of
22 retail. We looked actually at 130,000 square feet of
23 retail. So, in fact, our TIS generates significantly more
24 trips than would be the current request of 30,000 square
25 feet of retail and 140,000 square feet of commercial,

1 warehouse and office uses.

2 We looked at the impacts to the surrounding
3 roadway system, including the interconnection to the PDP
4 to the north, impacts directly to Del Prado and then
5 access directly to US 41 via a directional access,
6 northbound left in and right in, right out. And based on
7 our analysis, all the roadways in the vicinity of the site
8 will operate at or above the adopted level of service
9 standards as identified in the Lee Plan. So at the local
10 Development Order stage we will be analyzing turn lane
11 improvements that will be needed.

12 In fact, I've been involved with the permitting
13 process with FDOT on the US 41 access and that process is
14 already involved in terms of working with FDOT and
15 obtaining the necessary permits for that access drive.

16 One thing we did not take into account is the MCP
17 does show in the future extension of this road to connect
18 to what possibly could be a connection to Northeast 24th
19 Avenue. The city of Cape Coral has in their plans
20 potentially to extend Northeast 24th up to Del Prado, so
21 that would provide even another access. But our analysis
22 did not consider that since that's not a funded
23 improvement at this time. That does not take into account
24 the potential for that future connection.

25 That's really all the comments I have. I'd be

1 more than happy to answer any questions.

2 HEARING EXAMINER: Okay. Questions by staff,
3 County Attorney?

4 MR. KELNER: No questions.

5 HEARING EXAMINER: Ted, what's your estimate of
6 the level of service in the year of build out which I
7 believe is 2011?

8 MR. TREESH: Yes. Based on that US 41 was
9 projected to operate at a level of service B in my
10 analysis and Littleton Road was projected to operate at a
11 level of service D at build out with the project traffic.

12 HEARING EXAMINER: Okay. And that is at which
13 peak hours?

14 MR. TREESH: That's during the 100th highest hour
15 so it's really not identified but typically, though,
16 that's the p.m. peak hour.

17 HEARING EXAMINER: Okay. Thank you.

18 MR. BASINAIT: Ted, with respect to the project
19 access to 41, is it accurate to say that, first of all,
20 you will have the ability to turn right in, right out off
21 of 41 into the project and as I understand it, there's
22 going to be a directionalized left turn into the project?

23 MR. TREESH: That's correct.

24 MR. BASINAIT: But there will not be a left turn
25 out of the project?

1 MR. TREESH: That's correct.

2 MR. BASINAIT: Okay. Thank you.

3 HEARING EXAMINER: I have no further questions.

4 Anyone else?

5 MR. KELNER: No questions.

6 HEARING EXAMINER: Thank you, Ted.

7 MR. TREESH: Thank you.

8 MR. BASINAIT: I don't have any further
9 witnesses. I did want to recognize, though, three
10 individuals who are here as representatives of the
11 applicant in this case, Mike Duranda, Jr. (ph) Brent Evans
12 and I think Cordy Brock (ph) is here also.

13 Other than that, we don't have anything further
14 to offer at this point. Certainly we are available to
15 answer questions. We appreciate your time and your
16 patience in this.

17 HEARING EXAMINER: Okay. Thank you.

18 I'll turn it over to staff at this point.

19 Thereupon,

20 BRYAN KELNER,
21 called as a witness by Staff, having been previously duly
22 sworn, was examined and testified as follows:

23 MR. KELNER: For the record, Bryan Kelner,
24 Principal Planner, Department of Community Development,
25 Development Services Division. My resume is on file with

1 the Hearing Examiner's office, and I'd like to be
2 qualified as an expert witness in zoning and planning and
3 I have taken the oath.

4 HEARING EXAMINER: Anybody have any objection to
5 declaring the witness an expert witness in zoning and
6 language matters? There being no objection, the witness
7 is declared an expert witness.

8 MR. KELNER: I won't spend too much time going
9 over the entire Staff Report because a number of things
10 have been addressed already, but I'd just like to go into
11 the proposed schedule of uses. Of course, there are two
12 schedule of uses. One is for the Residential Planned
13 Development and for the commercial portion of the planned
14 development.

15 And the commercial portion of the planned
16 development, or course, is this area here (indicating).
17 It's roughly about 12 acres. And the remainder of it is
18 multi-family townhouses and single-family development.

19 I think the Residential Planned Development is
20 pretty well straightforward. It looks at single family
21 town homes and multi-family buildings and, of course,
22 there's a schedule of uses that -- or property developed
23 and regulations that are attached to it that go along with
24 the application.

25 The height of all the dwellings are 35 feet

1 except, of course, for multi-family, and that would be
2 multi-family in this one area over here. That's 35 -- 35
3 for this. For this area here, we're looking at 50 feet
4 and we're looking at five stories in there for the multi-
5 family building.

6 With regard to the commercial tract, staff looked
7 at the uses, and the applicant and staff are in agreement
8 with the changes and there's some underlying, some
9 additional information and deletions that we put in
10 there.

11 What we're talking about is the portion of the
12 tract here, and you notice there's a vacant C-1 parcel
13 here. This was C-1A at one time, so CPD, it's going to be
14 a little slightly more intensive. But the 270 feet
15 mentioned in the Staff Report, using its depth right here,
16 so this portion along here is what we're talking about.
17 And, of course, if you look at it for the various uses
18 here where you have the mobile homes, an RV park here,
19 this is the commercial area here, so that more intensive
20 uses are going to be in this area here, not backing onto
21 the mobile homes or the RV section.

22 Such things as the auto parts store, of course,
23 with or without the installation facilities, and they're
24 limited to the most easterly 270 feet. Auto service
25 stations, one permitted within the most easterly 270

1 feet. A car wash, again limited to the most easterly 270
2 feet.

3 Convenience food and beverage store, limited to
4 one and have a maximum of 16 pumps and limited to the most
5 easterly 270 feet.

6 Fast food restaurants, again limited to one and
7 to the most easterly 270 feet of the CPD tract.

8 Self-service fuel pumps, of course, in
9 conjunction with the convenience food and beverage store.

10 Again, we looked at this for the fast food
11 restaurant in this particular area here and a convenience
12 food and beverage store. As this link is completed here,
13 and I believe in the city of Entrada, the city of Cape
14 Coral is now under construction. I don't know if this
15 road has been started, I'm not sure if it's up to this
16 point or not, but you can see eventually this will also be
17 another road. You can see a need possibly at this
18 location for such things as a convenience food and
19 beverage store or fast food restaurant.

20 To go along with that, I sort of did a windshield
21 analysis of the area to the north and south of the access
22 point to the development here to see what we had within
23 the vicinity of the development for fast food restaurants
24 that are existing today.

25 If we go north of it, the first one we come to is

1 about 1.3 miles away at Del Prado and US 41 where there's
2 a Hess station with 16 pumps.

3 If you go further north along 41, about 2.6 miles
4 from the entrance of the development, we have a Circle K
5 with four pumps.

6 To the south of it, Littleton Road, which is at
7 the south of the project, would be just approximately in
8 this location down here, which would be the nearest point
9 to it, it's .7 of a mile, we have a BP station with four
10 pumps and a 7-Eleven with 16 pump.

11 Then the next area that we go to would be Pine
12 Island Road and US 41 where we have the Mobil station with
13 16 pumps and a car wash. Also, there's a Popeye's and
14 McDonald's at that point and, of course, that's the
15 Merchants Crossing Shopping Center.

16 Further south, of course, we're now approximately
17 2.3 miles from the entrance and this is US 41 and
18 Evergreen, and we have a Sonoco with six pumps and a Citgo
19 with four pumps.

20 Then the next, of course, we're at three miles
21 from the project and we have Pondella Road and US 41, we
22 have a Hess with 12 pumps, a Bitters (ph) Petroleum with
23 eight pumps, plus Long John Silver's, Dunkin' Donuts and a
24 Baskin-Robbins.

25 And the next, of course, we're at 3.3 miles,

1 Hancock Bridge and US 41. There's no convenience food and
2 beverage stores there, but there's a McDonald's, a Burger
3 King and a Wendy's.

4 And North Tree Drive, just before the
5 Caloosahatchee Bridge, 3.7 miles, there's an Arby's and a
6 KFC and a Taco Bell.

7 So that sort of gives you the indication. The
8 concentration of the fast food restaurants appears to be
9 from Pondella south where you have the majority of them.
10 So I don't think it's unreasonable to look at the number
11 that were proposed for the particular protect.

12 HEARING EXAMINER: What about the gas stations?

13 MR. KELNER: Pardon?

14 HEARING EXAMINER: What about the gas stations?

15 MR. KELNER: There was a gas station at Hancock
16 Bridge and 41, and I believe that's gone now. That's a
17 vacant building. That was the last one, I believe, that's
18 on there. The only one other thing that I saw on there is
19 at Pine Island Road and 41 where there's actually just a
20 lube station for lubrication and oil changes but no real
21 gas stations as such.

22 HEARING EXAMINER: Okay.

23 MR. KELNER: As part of the service stations, I
24 guess.

25 HEARING EXAMINER: Dying breed.

1 MR. KELNER: That's a dying breed, yes.

2 I think the closest we have to that now are your
3 automotive places where they sell the parts and sometimes
4 they do some repairs.

5 HEARING EXAMINER: Okay. I'm sorry to
6 interrupt. Before you go on, unless anybody has any
7 objection, I'm going to admit that aerial photograph as
8 Staff Exhibit 1.

9 MR. BASINAIT: No objection.

10 HEARING EXAMINER: There being no objection it
11 will be so admitted.

12 (Staff Exhibit No. 1 was marked for
13 identification.)

14 MR. KELNER: Also, with regard to the conditions
15 right in this location here, although it's off the
16 property, it runs into the property here, there is a haul
17 road easement in here that was for this lake when it was a
18 borrow pit. We have a condition recommending, of course,
19 at the time of DR that that be vacated. Since there will
20 be no need for that anymore, it's being transferred as
21 part of the development.

22 I won't go into the detail on the deviations.
23 Staff and the applicant are in agreement except for the
24 changes that we're going to be making to the few that we
25 discussed earlier.

1 Also, I think I'd like to briefly go over the
2 surrounding area. I won't spend the time on the Comp Plan
3 land use categories and policies that we discussed in the
4 Staff Report. The staff finds it consistent with the
5 conditions. But I'd like to point out on Page 11 of 16 of
6 the Staff Report, in the last paragraph, you will see a
7 number, the third line from the bottom, 122.84, that
8 should be just 12.84. That's a typo in there.

9 But with regard to, I think, compatibility here,
10 what we're looking at for the development as a whole, this
11 is Entrada over here. This is Yellow Fever Creek Preserve
12 20/20 land. The school division also has a property at
13 this location here of approximately 120 acres. There is
14 Horizon here. This is Tamiami Village.

15 There's several, when you look at this, it's
16 pretty well all Tamiami Village. But there is Tamiami
17 Village, Tamiami Village Cooperative, Tamiami Village
18 Condominium development, and sometimes you find that's
19 Leesure Village Condominium development. Also, you'll
20 find here that this is Leesure Village RV Park, this
21 location here, and this is a storage yard for the mobile
22 home development here. This storage yard is roughly about
23 300 and some odd feet in depth.

24 And on this side here, we're pretty well all with
25 various commercial uses to the -- adjacent to US 41 and

1 north of it. They're showing this as RS-1 parcels, but
2 actually fact there's commercial uses all in this area, in
3 this little strip in here.

4 HEARING EXAMINER: Is that in the county or is
5 that in the city?

6 MR. KELNER: That's in the county.

7 HEARING EXAMINER: Okay.

8 MR. KELNER: The densities of the project, I
9 believe in the Staff Report we're looking at -- for the
10 project itself 5.7 dwelling units per acre.

11 That's overall. That's including both the multi-
12 family and single family and the townhouse. So the
13 overall development for that portion of it, of residential
14 development.

15 Entrada, which is the property to the north,
16 which is a residential development to the north in Cape
17 Coral, has the density of 3.82. So it has a density of
18 3.82, we're looking at 5.7. But if you look at this, this
19 is the residential portion of the project. And I think --
20 and I was not able to do it, but if you took out the
21 portion of the residential single family here and matched
22 up, you'll find that this would probably be a lower
23 density. So I think they're closer together than what it
24 would appear on the surface.

25 To the south, the Horizon Mobile Home Park, it

1 has a density of 5.4 dwelling units per acre.

2 Tamiami Village Cooperative, it has 6.3 dwelling
3 units per acre. Leasure Village Condominium, 7.5, and
4 Visa (ph) Village Condominium RV Park, 18.8 dwelling units
5 per area. So this is this area right in here. This is a
6 transient park. There are some park models in here, but
7 if you go in there now, I think you'll find the majority
8 of these people have left and gone up north. But this has
9 the highest density of the area. But the rest are fairly
10 compatible to the applicant's proposal.

11 Also, with regard to compatibility, staff had a
12 concern with the development here with the multi-family
13 here, 50 feet, five stories at this location here. They
14 are showing a Type C or Type F buffer along the entire
15 area here to separate the two developments.

16 Also, in this area here is a storage yard here
17 and the commercial starts in here. So, in essence, this
18 is the area here, right in here, that's going to be the
19 closest to those units. And I'd like to point out also
20 that if you go into the Staff Report, and Amendment I,
21 pardon me, Attachment I with the traffic analysis, I don't
22 have the page for it, though, I think it's about halfway
23 through, and it's right after, Site Plan For Estates of
24 Entrada. So there's a little more detailed site plan in
25 there. I should be able to find that.

1 HEARING EXAMINER: Yes, it's entitled Site Plan
2 For Estates of Entrada.

3 MR. KELNER: Yes.

4 HEARING EXAMINER: Yes.

5 MR. KELNER: As you can see, it shows a layout,
6 now, I'm not sure if this is going to be the final plan,
7 but it does show a layout of the units in there and there
8 would be only one unit that would be in here that's
9 close.

10 Staff has recommended also that they all should
11 be set back a minimum of 75 feet from that property line,
12 the top of it. So they would have to be set back 75 feet
13 all along this --

14 HEARING EXAMINER: That's in the condition?

15 MR. KELNER: Yes. It's part of -- it's in the
16 table, actually, in the Staff Report for the property
17 development regulations, if I can read it. It's Footnote
18 6, "Multi-family dwelling units located in multi-family
19 Tract 2 within 70 feet of Leesure Village Recreational
20 Park and Leesure Village Mobile Home Park will be limited
21 to a maximum height of 35 feet." So, in other words,
22 basically, if you have anything within 75 feet, it would
23 have to be 35 feet. Beyond that you can go up to the
24 height of 50 feet. So that's going to keep it back
25 further from there, and I think probably similar to what

1 they're showing here. But in actual fact of all the
2 units, there's only going to be one of them that's going
3 to be close of all the units if, in fact, this is the plan
4 that's proceeded with.

5 HEARING EXAMINER: Okay.

6 MR. KELNER: And they will be having, of course,
7 a Type C or Type F buffer adjacent to the project itself.

8 A Type C buffer would be -- have a minimum width
9 of 15 feet, five trees, 18 shrubs and would have to have a
10 wall, where a Type F buffer would be 30 feet in width,
11 minimum of ten trees, double staggered hedge and no wall.

12 MS. TREBATOSKI: Those plantings are for 100
13 linear feet, not for the whole --

14 MR. KELNER: Also, I'd like to point out that
15 there is discussion with the city of Cape Coral. The
16 applicant had numerous discussions. And also with regard
17 to this access point, I think part of this reason for this
18 was originally this extension here was the city of Cape
19 Coral requested that so that they could connect to 24th.
20 This is 24th Street here. It will go all the way down
21 from here to Pine Island Road. And I believe what they
22 want to do, see that will come through here, connect and
23 go direct to Del Prado and then carry on.

24 The MPO showed this road, a portion from Pine
25 Island to Littleton to be four lane, then two lane from

1 Littleton to Del Prado. But the 20/30 plan, I believe,
2 does not show it at all. So it's off the plan now. So I
3 think that's probably what initially had the city
4 requesting that this be continued through there.

5 I think there could be another reason for keeping
6 it, down here is the school district of Lee County also
7 has some property. So they may need in the future access
8 to the property off that road, too. So I don't think it
9 does hurt to leave that on there so there's an option
10 there.

11 HEARING EXAMINER: While you're discussing it. I
12 take it that the conservation land use is limited to the
13 parcel that's in the curved area of the west boundary?

14 MR. KELNER: No, it goes right down to --

15 HEARING EXAMINER: Goes down to the roadway?

16 MR. KELNER: Yes.

17 HEARING EXAMINER: All right. Because the Master
18 Concept Plan says it's construction land use, vacant
19 construction land use. Is that what it says?

20 MR. BASINAIT: It should say conservation land
21 use.

22 HEARING EXAMINER: Okay. I was wondering if we
23 had a new category.

24 MR. BASINAIT: We just did that last night.

25 HEARING EXAMINER: Okay. Okay. That's what

1 threw me when I -- all right.

2 MR. KELNER: Also, and I'd just like to point
3 this out for reference purposes is that the school
4 district in Attachment G has sent a letter, of course,
5 with regard to the project, and I'll just read one portion
6 of it.

7 In the second paragraph we see, "The school
8 recommends the developers of The Estates at Entrada donate
9 land for a school in exchange for impact fee. Even though
10 the applicant has firmly rejected the request in the
11 past." So, in other words, I just want to point out that
12 they're looking at trying to get additional land in the
13 development, but at this time there has been, I guess, no
14 agreement on that.

15 And the city of Cape Coral also has an agreement
16 with the development here, with the extension that would
17 go to this point here (indicating), and their agreement
18 showed the alignment within the development here slightly
19 different than what is actually shown on the Master
20 Concept Plan. And we contacted the city and the
21 correspondence attached is stating that they had no
22 objection to the way the alignment is shown on this Master
23 Concept Plan here. They're satisfied with it and their
24 agreement is still binding.

25 One other issue that I noticed that is not on

1 here, and I mentioned it earlier to the applicant, is that
2 on the subject property, right at this location here
3 (indicating) there's a billboard. The billboard, of
4 course, has to comply with Section 30-183(1)(a) of the
5 Land Development Code that specifies the location where
6 billboards are permitted. And, of course, billboards
7 are permitted in any zoning district provided the
8 area shown on the county property has a plan of
9 intensive development, industrial development, interchange
10 areas.

11 And, of course, this particular location is not
12 shown at that. This is central urban. And I talked to
13 the applicant. The applicant has said the billboard will
14 be removed. So I think we'd like to have a condition
15 added to the Staff Report that basically says prior to
16 local Development Order approval the billboard will be
17 removed from the subject property.

18 MR. BASINAIT: We don't object to that.

19 HEARING EXAMINER: Would you please add that to
20 the conditions that you'll be preparing?

21 MR. KELNER: Yes.

22 HEARING EXAMINER: Let me ask you something while
23 we're on that topic. Who owns the billboard? I mean, do
24 you have a lease problem?

25 MR. BASINAIT: Actually, can we -- when Bryan is

1 done we'll be happy to bring somebody up --

2 HEARING EXAMINER: Why don't you do it as part of
3 rebuttal. I just want to make sure there's not a lease
4 problem.

5 MR. KELNER: In closing, staff finds that the
6 proposal as proposed is compatible with the development
7 here. As you can see along here on the south side
8 (indicating), there's a 100 foot wide Lee County
9 Cooperative electrical easement. Along this portion here
10 (indicating), there's a 100 foot wide easement for
11 drainage easement, electric co-op for easement within
12 this area here (indicating) and Fever Creek comes along
13 this direction here (indicating)

14 It's pretty well channelized through here
15 (indicating). So everything is set back 100 feet on these
16 two sides from the development to the south and also to
17 the east.

18 The only one where we run into a problem, of
19 course, with it getting closer to development is
20 multi-family at this one location right in here
21 (indicating), and I think we addressed that problem.

22 And with the changes, of course, to the Staff
23 Report, staff, of course, recommends approval of the
24 rezoning to RPD/CPD.

25 HEARING EXAMINER: Okay. Questions by County

1 Attorney?

2 MR. SPICKERMAN: No questions.

3 HEARING EXAMINER: Questions by the applicant?

4 MR. BASINAIT: Just a comment with respect to the
5 billboard. The lease has expired and it will be taken
6 down shortly.

7 HEARING EXAMINER: That's fine.

8 MR. BASINAIT: I don't have any questions for
9 Bryan.

10 HEARING EXAMINER: I've got a couple for Bryan.
11 Don't leave yet.

12 Go to page 15 of 16 where you talk about -- of
13 the Staff Report where you talk about the city of Cape
14 Coral. Second sentence says, "The City advised staff that
15 as part of the Entrada PDP within the City of Cape Coral
16 the developer shall complete." Are they talking about the
17 developer of the PDP and not this applicant, I presume?

18 MR. BASINAIT: Yes, sir, there was a PDP
19 approved.

20 HEARING EXAMINER: It may be the same entity, I
21 don't know.

22 MR. BASINAIT: At the time the ownership was the
23 same between the road that's being discussed and the PDP
24 to the north. It was all same owner. The developer of
25 the PDP said that they would complete the road within a

1 certain time frame and under that PDP they put in those
2 time frames. So it's just been passed down, if you will,
3 from that developer to subsequent developers.

4 HEARING EXAMINER: Okay. Okay.

5 Thank you. Let me see if I have any -- I think
6 you've answered my question with regard to the preserve
7 area.

8 Oh, yes, one other question. I noticed that --
9 where was it? Turn to Page 11 of 16 of the Staff Report
10 on the bottom where it says, four lines up, "The applicant
11 is proposing 30,000 square feet of retail uses and 140,000
12 square feet of" --

13 MR. BASINAIT: It should be commercial.

14 HEARING EXAMINER: "-- commercial, warehouse, and
15 office uses." I am correct, am I not, that there's no
16 warehouse uses on this property because it was stricken
17 from the uses set forth in the Condition 2.a?

18 MR. BASINAIT: That's an accurate statement, yes.

19 HEARING EXAMINER: Okay. So there will be no
20 warehouse uses on site?

21 MR. BASINAIT: No permitted uses.

22 HEARING EXAMINER: I have no further questions.

23 Kim, you got a presentation?

24 MS. TREBATOSKI: A quick one.

25 Thereupon,

1 KIM TREBATOSKI,
2 called as a witness by Staff, having been previously duly
3 sworn, was examined and testified as follows:

4 MS. TREBATOSKI: For the record, I'm Kim
5 Trebatoski, Principal Environmental Planner with the
6 Division of Environmental Sciences. I have been accepted
7 as an expert witness in the Land Development Code and the
8 Lee Plan in regards to any protected species and
9 environmental issues, and I would like to be deemed so
10 today.

11 HEARING EXAMINER: Any objection?

12 MR. BASINAIT: No objection.

13 HEARING EXAMINER: There being no objection, the
14 witness is declared an expert witness in the fields she
15 indicated.

16 MS. TREBATOSKI: Mr. Woodruff gave a background
17 on the property. I'd like to go just a little bit further
18 in detail to the recommended conditions of approval.

19 The Lee Plan emphasizes preservation of a variety
20 of habitat, and that's what we have in this case where you
21 have this mosaic of wetlands and uplands.

22 Even though some of it has been -- has a little
23 bit higher percentage of invasive exotics than what is in
24 the indigenous definition. I can't talk this morning.

25 But what we do find is that within wetlands when

1 you remove the invasive exotics, there's a lot of deep
2 forested native vegetation and that regrowth comes back
3 quickly.

4 The Lee Plan also emphasizes protection of --
5 preservation and restoration of historic flow ways and
6 this is a historic flow way and there may be potential in
7 the future to reconnect down. I don't know that we like
8 to leave that option open. It provides a good variety of
9 habitat through the site.

10 A lot of the uplands on the site, the palmetto is
11 growing so tall and thick that it no longer provides the
12 habitat that it would for gopher tortoises and other
13 wildlife. The gopher tortoises are in locations that have
14 more open habitat.

15 One of the things I want to point out is that
16 where that roadway extension is down in the southwest
17 corner is where there is a concentration of tortoise
18 burrows. At some point, the alignment of this road it
19 seems that it either connects here or that it goes down
20 onto this school board property to avoid this 20/20 land
21 that this corner of the property actually is a good
22 location to meet their additional preservation that
23 they're required and also is an area that until that area
24 would be cleared for a roadway, the tortoises should be
25 left in place because if you take them from their burrows

1 down here and move them up into the preserve here, they're
2 fairly tenacious and they'll come back to their burrows.

3 I'm going to need -- Andy pointed out to me
4 rightly that Condition 3.a.v. that had conditions that all
5 the active and inactive gopher tortoise burrows located
6 outside of indigenous preserves must be excavated and
7 fully collapsed. What I am proposing is that we would
8 revise that to read that "All active and inactive gopher
9 tortoise burrows located within tracts to be cleared for
10 development and outside of indigenous preserves," and I
11 can -- so that the tortoises get to remain where they are
12 until such time that they would be in a development and we
13 would remove them.

14 MR. BASINAIT: I don't have a problem with that.
15 We can work with Kim to revise that.

16 HEARING EXAMINER: While we're on the subject,
17 Kim, you leave the gopher tortoises there, what happens in
18 five years if that road is constructed, whose
19 responsibility is it at that point in time to -- I take it
20 the roadway -- it's obvious the roadway is not going to be
21 constructed, it's going to go to the cul-de-sac, but whose
22 responsibility will it be to remove those gopher tortoises
23 and where is that set forth?

24 MS. TREBATOSKI: Typically, the responsibility
25 falls to whoever builds the road, and my guess is

1 typically what happens is the developer will obtain an
2 incidental state permit from Fish & Wildlife Division for
3 the entire property all at once, and then that permit will
4 remain intact for this property and then when that phase
5 of that roadway comes in, if the developers building it,
6 he would relocate the tortoises. If the county comes up
7 with some kind of agreement with the developer that
8 they're going to build it, then through that agreement
9 they would determine if the county hires consultants to do
10 that or the developer does.

11 HEARING EXAMINER: Okay. But it's your opinion
12 that the tortoises would be protected in any such event?

13 MS. TREBATOSKI: Yes, most definitely, we would
14 be sure to have that. It's best to leave them where
15 they've already chosen to live until such time as that
16 area is impacted. It's healthier for them and -- but, yes
17 our Lee County Department of Transportation has an
18 environmental manager who makes sure that they're either
19 moved or the county does it.

20 HEARING EXAMINER: Okay.

21 MS. TREBATOSKI: Either way that would be
22 accomplished.

23 Two other things I need to mention about the
24 indigenous preservation. There was a deviation requested,
25 I think I explained why we accepted that deviation based

1 on the quality of existing uplands versus the overall long
2 term benefit of restoring the flow way on the mosaic
3 wetlands on the property.

4 Additionally, I need to note that this project
5 came in in 2004 well before the Land Development Code was
6 revised in August of 2005 to require a two to one on site
7 restoration ratio, so it did not fall under those
8 provisions. I just wanted to put that on the record.

9 I don't think there's anything else. We're
10 working on rewriting the one condition for phasing of the
11 development that works properly to get the exotics removed
12 during Phase 1 of the development and then have the
13 restoration planting done in Phase 2. And the reason why
14 we're doing that in this particular case, once the exotics
15 are removed, we will be evaluating the environment, we'll
16 evaluate what kind of plantings need to be put in after
17 the exotic removal, the inventory of existing plants on
18 site and then submit a plant restoration and replanting
19 plan and then that would be -- Phase 2 of the development
20 would not be able to begin until that plan was adopted,
21 and Phase 2 -- issuance of Certificates of Compliance for
22 Phase 2 would include being sure that the plantings are
23 installed. We want to get the restoration done as early
24 in the project as possible so that that plant community is
25 in good standing by the time the development is completed

1 and turned over to the homeowners association.

2 We're working on it, we're running back and
3 forth. I'm trying to get that and tomorrow I'm in the
4 field all day, but I think we'll be able to come -- it has
5 to do with mobilizing and staging and all of that, so
6 we're trying to work out the best way to get that
7 accomplished and ensure that it's done.

8 Otherwise, I don't have any further testimony.

9 HEARING EXAMINER: Questions by County Attorney?

10 MR. SPICKERMAN: No questions.

11 HEARING EXAMINER: Questions by applicant?

12 MR. BASINAIT: Kim -- Charles Basinait for the
13 record. In talking to Jon Hagan, he said that he had
14 discussed with you the preserve setback and currently it's
15 listed on Exhibit A, which is the second from the last
16 page of the Staff Report attachments, currently it's
17 listed as 25 feet. It's my understanding that you and Jon
18 talked about this and agreed that 20 feet would be
19 sufficient?

20 MS. TREBATOSKI: That's correct.

21 MR. BASINAIT: One of the things that we'll do is
22 submit a revised property development regulation page with
23 these new conditions.

24 HEARING EXAMINER: Please.

25 MR. BASINAIT: That will reflect 20 feet in the

1 preserve and also a Note 5 that will reflect 20 feet also.

2 MS. TREBATOSKI: And the document of revised
3 conditions, that will also include a revised exhibit for
4 Deviation 3 just so you're aware of that.

5 MR. BASINAIT: Yes. I don't have anything else.
6 Thank you, Kim.

7 HEARING EXAMINER: I don't have any other
8 questions. Thank you, Kim.

9 County have any other witnesses?

10 MR. KELNER: No other witnesses.

11 HEARING EXAMINER: Okay. Ladies and gentlemen, I
12 think it's appropriate at this time to take a little
13 recess, our morning recess, so I'm going to recess these
14 proceedings and reconvene at 10:50 by that clock. That's
15 about ten minutes from now. Okay.

16 At that time, by the way, we'll open it up to the
17 public for comments and then we'll have rebuttal by the
18 parties. Thank you all.

19 (A recess was taken.)

20 HEARING EXAMINER: All right. Ladies and
21 gentlemen, we're back on the record.

22 I believe when we took our recess, the staff had
23 concluded their presentation, and I'm going to open this
24 up now to members of the public who want to come forward.

25 If you would, I'm going to ask you come forward,

1 hand me the public participation form and then you can
2 speak, give me your thoughts regarding this project, any
3 effect it may have on you, anything that you think is a
4 negative effect or ask any questions that you desire.

5 Bear in mind one thing. My report in this matter
6 is by way of a recommendation to the Board of County
7 Commissioners. The Board of County Commissioners has a
8 separate hearing on it and you can participate in that
9 hearing, in other words, speak before the Board of County
10 Commissioners.

11 However, you can only do so if you have
12 previously spoken here. And what's discussed before the
13 Board of County Commissioners is limited to the evidence,
14 testimony and the matters that I have heard. Nothing new
15 can be brought forward. So keep that in mind that if you
16 want to talk to the Board of County Commissioners, you've
17 got to come forward and say something here.

18 If you do come forward, please be concise and
19 discuss the issue that's before me, and that is the
20 proposed rezoning. Anything else is kind of irrelevant.

21 All right. With that having been said, is there
22 any members of the public that wish to speak?

23 Please come forward, hand me the public
24 participation form, and then when you go to the podium,
25 please state your name, address and indicate whether or

1 not you've taken an oath.

2 Thereupon,

3 MARY ANN SCHWABE,

4 called as a witness, having been previously duly sworn,
5 was examined and testified as follows:

6 MS. SCHWABE: My name is Mary Ann Schwabe. I
7 have taken the oath. And I live at 3368 Galaxy Way, North
8 Fort Myers, and it's in Tamiami Village.

9 HEARING EXAMINER: Ma'am, before you go on, could
10 you go up to that aerial photo and just show me
11 approximately where you live?

12 MS. SCHWABE: Yes. Right in -- on Galaxy, right
13 here (indicating).

14 HEARING EXAMINER: Okay. Thank you.

15 MS. SCHWABE: I am concerned about the
16 hurricanes. What type of buildings is this going to be
17 that you're putting up? Are you putting up hurricane
18 proof buildings? Will the people there be able to stay in
19 them? Can I get an answer?

20 MR. BASINAIT: I'll go ahead and answer the
21 question if you want me to now or I can wait.

22 HEARING EXAMINER: Go ahead.

23 MR. BASINAIT: We're going to be -- it's going to
24 be CBS construction and it will be built to current wind
25 load requirements, which essentially says that up to a

1 certain category of hurricane the structures are safe to
2 remain in. If it gets above a certain category, I don't
3 think we have anything down here, quite frankly, that's
4 going to withstand a direct hit from a Category 5
5 necessarily. That's not what the requirements are in
6 terms of wind loads. We'll build it to whatever the
7 Florida building code says at the time we construct it.
8 We'll go to that wind load.

9 HEARING EXAMINER: Ma'am, by CBS Construction,
10 too, he means concrete block construction.

11 MS. SCHWABE: Yes. You say on the road coming
12 out on 41, that you can't turn north. You'll have to turn
13 south. Where are the people from your park place going to
14 be able to turn around? I would say maybe at the Shell
15 Factory or down at Littleton?

16 MR. BASINAIT: When they get out onto US 41,
17 they'll have to go to the next available median crossing
18 that allows for U-turns.

19 MS. SCHWABE: And that would be --

20 MR. BASINAIT: Or they will go through the
21 development itself, and you can see from this laser
22 pointer right here, they can go up north into this area
23 here (indicating), and they'll end up at I believe it's
24 the Del Prado Boulevard Extension and could go north that
25 way. In fact, if you think about it, that's where most

1 people even in the commercial development, once they
2 understand it, that's where they're going to go is north
3 and through the Del Prado Boulevard Extension because
4 they'll have a traffic light at that intersection.

5 MS. SCHWABE: Okay. Well, there probably will be
6 quite a few at the Shell Factory, too, that they can make
7 a U-turn there.

8 MR. BASINAIT: There may be some but, again, I
9 would suspect the bulk, if they want to go north, there
10 would be no reason for them, quite frankly, to head out in
11 an easterly direction to 41 and then go south on 41 and
12 make a U-turn when, in fact, they can simply go north up
13 this spine road within the development to Del Prado, take
14 a right and go to the light and take a left and go north.

15 MS. SCHWABE: Okay. You won't have a hurricane
16 shelter at your place?

17 MR. BASINAIT: Our development, like all of the
18 developments in Lee County, are not -- is not required to
19 construct a hurricane shelter per se. They have to build
20 their structures to required wind load standards. They
21 have to -- as part of their emergency management impact
22 fee, they pay a certain amount of impact fee for that.
23 They pay a certain amount of impact fee for I think the
24 hurricane evac fee that's paid that is something per unit
25 and it's given to the county to account for hurricane

1 shelter requirements.

2 MS. SCHWABE: I rather imagine -- we are south of
3 your construction area and will not be able to get out if
4 they come south because there's no traffic lights in
5 between Del Prado and Littleton and we'll be stuck there.

6 MR. BASINAIT: I don't know why you say that.
7 I'm a little perplexed as to why you say that.

8 MS. SCHWABE: Well, 1,600 homes won't cause
9 that? We have 700, almost 800 homes in the park. And
10 then you add 1,600 more. It seems like --

11 MR. BASINAIT: Well, I think it's important to
12 keep it in context. First of all, your development, as we
13 discussed before the hearing, some of those people,
14 actually a number of those people go north each summer, so
15 I doubt very much there's going to be full occupancy of
16 your area. There won't be full occupancy of our area
17 either, given the fact that subdivisions as a general rule
18 have certain people going north during the summertime in
19 the state of Florida.

20 Too, there are multiple access points for our
21 development out on US 41 as we talked about. So that if
22 there is a need for evacuation, first of all, not everyone
23 will be going at the same time. But, secondly, they have
24 multiple places to access 41 and Del Prado Boulevard, so I
25 can't imagine that there's going to be a situation where

1 you will not be able to get out, quite frankly. That
2 honestly doesn't make any sense to me in all candor.

3 MS. SCHWABE: Thank you.

4 HEARING EXAMINER: Okay. Anyone else?

5 Thank you, sir. Okay, sir, can you give me your
6 name and address and indicate whether you've taken an
7 oath, please?

8 Thereupon,

9 JAMES WILLIAM MANGAN,

10 called as a witness, having been previously duly sworn,
11 was examined and testified as follows:

12 MR. MANGAN: My name is James William Mangan. I
13 live at 3560 Celestial Way, Tamiami Village, and I have
14 taken an oath.

15 HEARING EXAMINER: Okay. Sir, before you begin,
16 why don't you walk over to that aerial photograph and give
17 us an idea where you live.

18 MR. MANGAN: I'm right there (indicating).

19 HEARING EXAMINER: Okay. Thank you, sir.

20 MR. MANGAN: I might advise the attorneys
21 questioning, you come out to our park different times of
22 the day and try to get out of the park, there's quite a
23 traffic jam and you wait and wait and in most instances
24 you have to take a chance and hurry up when you see a car
25 coming down there because there's a stream behind them.

1 So there is a problem. And when you add more vehicles,
2 there's going to be an additional problem. So there is a
3 problem. If you're not there, you don't really know.

4 One thing I'm a little concerned about is the
5 water situation. I understand they're going on the same
6 water system that we use in our park, and sometimes
7 pressure gets pretty low and so we're adding all this. I
8 don't know whether anything is being done to prevent
9 something like that but it's going to be a problem.

10 The traffic situation I think is going to be much
11 greater than what you anticipate. I'm an ex-cop so what I
12 see on 41, being in traffic for a long time, I see a
13 hazard and you add more to it.

14 I'd like to add, we got all these people coming.
15 The last hurricane, the big one, I can't remember the name
16 of it, but I went down to the school on Littleton, they
17 were full. My wife and I went over to the school on Pine
18 Island Road, they were full. We finally went over to the
19 new school in Cape Coral, I can't think of it, the new
20 grade school over there and we got in there. But these
21 are more and more people, there's more and more hazards,
22 and there's not going to be any place for us to go. It's
23 a problem and it concerns us.

24 Thank you.

25 HEARING EXAMINER: Okay. Thank you, sir.

1 Anyone else? Yes, sir.

2 Thereupon,

3 CRAIG DEARDEN,

4 called as a witness, having been previously duly sworn,
5 was examined and testified as follows:

6 MR. DEARDEN: For the record, my name is Craig
7 Dearden. I'm with the Realmark Group, which is the
8 contiguous property to the north. I have taken my oath.

9 HEARING EXAMINER: Okay. Thank you.

10 MR. DEARDEN: I'm going to walk over to the --

11 HEARING EXAMINER: Yes, your address?

12 MR. DEARDEN: -- exhibit. Address is 5789 Cape
13 Harbour Drive, Suite 201, Cape Coral, Florida.

14 At one time we owned all of the contiguous
15 section to the north, which is Section 86. I think it's
16 relevant for the record, we talked a little about density,
17 the number of units that will be permitted to go up there,
18 but what is currently planned and what is underway is
19 roughly 2,100 homes, 721 single-family homes that will be
20 contiguous to this tract that we're talking about. Then
21 we have another --

22 HEARING EXAMINER: Do you still own that tract?

23 MR. DEARDEN: We are co-applicant with Priority
24 Development. Priority Development owns the southeast
25 quadrant, actually the southern portion. We own all the

1 commercial as well as we are the group that's installing
2 the roadway that has been under discussion. I'll talk
3 about that briefly.

4 But in addition to the 721 single-family homes,
5 we have 902 multi-family units that are contemplated, as
6 well as roughly 550,000 square feet of retail up at the
7 intersection of what we call -- we talked about this --
8 there has been some discussion about the north-south
9 parkway. That's actually -- we've named it Dina Vara
10 Parkway (ph). Back in the '60s there was a plat that had
11 a Dina Vara Parkway which is just south of Del Tura, a
12 manufactured homes community which is in Lee County, not
13 in the city of Cape Coral. And so we've taken that road
14 and extended it south and it kind of curves around. You
15 can kind of see, it comes from here (indicating), cuts
16 back in, goes to an intersection just a little west of
17 that bridge feature that we placed in, and then it will
18 continue on up through that section property and then
19 back, dumping back out to the west where Lee County
20 schools, it is my understanding, are putting in three new
21 schools, a high school, a middle school and an elementary
22 school.

23 So the city of Cape Coral is obligated to extend
24 Dina Vara Parkway from Del Prado and exiting to the south
25 -- or exiting to the west, I'm sorry, where those schools

1 will be. And also there's been some discussion that the
2 school district owns this. In my opinion, the extension
3 of 24th Avenue will come to fruition because they've asked
4 us to put in this four-lane road and then that way they
5 can alleviate the traffic off of 41 and then hopefully tie
6 into the contemplated extension that we've all talked
7 about.

8 As part of the condition, there was a reference
9 to why the PDP order for this property kind of tied into
10 this access point. What had happened, Hurricane Charley
11 knocked down an eagle's nest which was actually on the
12 other side of 41. The eagle relocated himself and we had
13 a secondary southern access point north of the
14 intersection of where Business 41 and 41 connect. And it
15 just so happens that that contemplated intersection falls
16 right in the primary zone. So with that said, that road
17 can't be built until either the eagle moves or at some
18 point in time the environmentalists decide that we can
19 build that access point. So ergo we needed another access
20 point for the southern portion of our property, and that
21 ergo is why we made it as a condition of selling that
22 piece of property, that we needed that southern access
23 point. So that's kind of why that road is tied into our
24 PDP order.

25 With that I'd like to go on record as saying that

1 I believe that this is a wonderful project, it will add
2 lots of value to all the houses in the area, and the
3 question as far as how are people going to get north,
4 well, it's just wonderful for us because what we had
5 always planned was a route to keep everyone off of 41, get
6 them on an internal road and route them up Dina Vara
7 Parkway right into all the contemplated retail which the
8 scale of what we have planned is basically almost two Page
9 Field Commons up there, so we've got medical offices
10 planned and we're hoping to bring in a shopping center.
11 So we're trying to get people off of 41 into the internal
12 roads and then use the facilities within this area as far
13 as commercial and retail and office developments.

14 So is there any other questions for me?

15 HEARING EXAMINER: Anyone have any questions?

16 MR. BASINAIT: I don't have any.

17 MR. DEARDEN: Thank you very much for your time.

18 HEARING EXAMINER: I often think when I retire
19 I'm going to get into the rent an eagle business. If you
20 want to stop development, call me.

21 MR. BASINAIT: It's safer than kill an eagle
22 business.

23 HEARING EXAMINER: Next individual.

24 Thereupon,

25 MARY WOODS,

1 called as a witness, having been previously duly sworn,
2 was examined and testified as follow:

3 MS. WOODS: Hi. I'm Mary Woods. My husband,
4 Ernest Woods, is here with me. We live at 3580 Celestial
5 Way, Tamiami Village. And my main concern coming in
6 was --

7 HEARING EXAMINER: Ma'am, did you take an oath,
8 first of all?

9 MS. WOODS: Oh, I did, yes.

10 HEARING EXAMINER: Okay. Can you just show me
11 where you live on the map?

12 MS. WOODS: I don't have my glasses. You're
13 going to test me, aren't you? Probably up in here
14 (indicating).

15 HEARING EXAMINER: Okay. Thank you.

16 MS. WOODS: That was big enough, I didn't need
17 them.

18 Anyway, my main concern was, you know, with the
19 removal of so much soil in that big a project, since we
20 are not on slabs, would it affect, you know, the earth
21 dropping and perhaps, you know, affecting the stability of
22 the homes we have because they are, you know, on blocks
23 and tie downs.

24 The other thing was, you know, would it cause any
25 of the driveways that are not cracked to become cracked

1 from, you know, possible rolling at -- well, I want to say
2 blasting.

3 HEARING EXAMINER: I believe there's no blasting
4 allowed in this project. And the applicant has to
5 maintain his drainage so that it's contained on site.

6 MS. WOODS: Yes. And the other thing that I was
7 concerned about was during the hurricanes, and then during
8 the big rains, where we usually had a lot of water come
9 down through the drainage areas, we have runoff, I don't
10 know just what you call them, retaining areas, you know,
11 how would that be affected? Would we have more water
12 coming down, supposedly we get a lot of water coming
13 through those gullies from up in the north area like
14 Punta Gorda and Port Charlotte, and would we be getting
15 less or more with the new development or how would that
16 affect us?

17 HEARING EXAMINER: Okay. Do you have any other
18 questions?

19 MS. WOODS: No, basically that was our main
20 concern.

21 HEARING EXAMINER: Okay. Chuck, do you want to
22 respond?

23 MR. BASINAIT: I'm going to have Todd Rebol, one
24 of our engineers get up in a moment here.

25 MS. WOODS: The other thing I was worried about

1 was conservation, you know, the eco system and from when
2 you were talking, that's being handled as far as
3 preservation which is a good thing. Because we don't want
4 to take more into consideration of people versus
5 wildlife.

6 HEARING EXAMINER: Okay. Any questions of this
7 witness?

8 Okay. I'm going to have them in the rebuttal
9 stage call their engineer to discuss those water issues
10 for you, ma'am.

11 Any other members of the public desiring to
12 speak?

13 Going once. Okay. I'm going to close the public
14 portion of this hearing. I'm to turn it over to the
15 applicant for rebuttal.

16 MR. BASINAIT: I'd like to call Todd Rebol.

17 HEARING EXAMINER: Sir, you haven't testified
18 before. Have you taken an oath?

19 MR. REBOL: Yes, sir, I have.

20 HEARING EXAMINER: Okay.

21 Thereupon,

22 TODD REBOL,

23 called as a rebuttal witness by the Applicant, having been
24 previously duly sworn, was examined and testified as
25 follows:

1 MR. BASINAIT: Please state your name, address
2 and occupation.

3 MR. REBOL: For the record, Todd Rebol with Banks
4 Engineering. I am the vice-president of the Port
5 Charlotte office located at 12653 Southwest County Road
6 769, Suite B, and that's in Lake Suzy, Florida 32304.

7 MR. BASINAIT: And what is your occupation?

8 MR. REBOL: Professional engineer.

9 MR. BASINAIT: And what is your background, just
10 a little bit?

11 MR. REBOL: I have recently become registered in
12 the state of Florida as a professional engineer and have
13 been doing land development engineering services in
14 southwest Florida for the last four years.

15 MR. BASINAIT: I'd like to offer Mr. Rebol as an
16 expert witness in the field of engineering for this
17 particular project.

18 HEARING EXAMINER: Sir, have you ever testified
19 in this forum as an expert witness before?

20 MR. REBOL: Not in Lee County, sir.

21 HEARING EXAMINER: Okay. Do you have a resume?

22 MR. REBOL: I did not bring a resume with me, but
23 I did bring a copy of my license.

24 MR. BASINAIT: I'll offer that to the Hearing
25 Officer, a copy of Mr. Rebol's license.

1 HEARING EXAMINER: Okay. Mr. Rebol, I'm going to
2 ask you a couple of questions before we get into --
3 what's your educational background, please, sir?

4 MR. REBOL: I've got two degrees, one from
5 Florida State University, that's a Bachelor in Science,
6 Exercise Science, and then one -- a second degree from the
7 University of South Florida in mechanical engineering.

8 HEARING EXAMINER: Okay. And your professional
9 experience since you graduated from college?

10 MR. REBOL: I worked for a year in Tampa for a
11 company called CAE in which I was a mechanical engineer,
12 Level 1, doing design for military flight simulators. And
13 then for the last four years I've been with Banks
14 Engineering doing land development as both project
15 engineer and project manager and have moved up to a branch
16 manager of an office.

17 HEARING EXAMINER: Okay. Have you participated
18 in any research papers, in any research activities?

19 MR. REBOL: Only during school, sir.

20 HEARING EXAMINER: Okay. As part of the
21 curriculum at the school?

22 MR. REBOL: Correct. Yes.

23 HEARING EXAMINER: Have you authored any
24 professional papers or publications?

25 MR. REBOL: No, sir, I have not.

1 HEARING EXAMINER: Have you attended any other
2 institutes or seminars?

3 MR. REBOL: No, sir.

4 HEARING EXAMINER: Have you previously been
5 qualified as an expert witness in any forum?

6 MR. REBOL: I have testified several times in
7 Charlotte County and Desoto County.

8 HEARING EXAMINER: Okay. In those counties where
9 were you testifying, before the --

10 MR. REBOL: Planning and Zoning Board and Board
11 of County Commissioners and also the Board of Zoning
12 Appeals as well as Hearing Examiner for the excavation
13 pits.

14 HEARING EXAMINER: Specifically what type of
15 engineering or area of engineering do you desire to be
16 declared an expert witness in?

17 MR. REBOL: Civil engineering, sir.

18 HEARING EXAMINER: Civil engineering with respect
19 to any particular matters?

20 MR. REBOL: Hydrology.

21 HEARING EXAMINER: Anybody else have any
22 questions of the witness?

23 MR. SPICKERMAN: What type of experience do you
24 have with hydrology?

25 MR. REBOL: I have been designing in southwest

1 Florida for the last four years which requires doing
2 designs for South Florida Water Management storm water
3 plans as well as utility design hydraulics.

4 MR. SPICKERMAN: Any continuing education in that
5 field?

6 MR. REBOL: No, sir, not to date.

7 HEARING EXAMINER: Any objection to declaring the
8 witness an expert witness in civil engineering matters,
9 specifically hydrology?

10 MR. SPICKERMAN: Just one more question if I may.
11 Have you testified about hydrology in any other forums?

12 MR. REBOL: Yes, I have. Usually that's the only
13 time engineers get to talk about water flow.

14 MR. SPICKERMAN: No objection.

15 HEARING EXAMINER: There being no objection, I'm
16 going to declare the witness an expert witness in civil
17 engineering and specifically hydrology matters. And, sir,
18 I'm going to give you until Tuesday, when I keep the
19 record open, to supply me with a copy of your resume if
20 you would.

21 MR. REBOL: Certainly.

22 HEARING EXAMINER: And we will keep that resume
23 on file so you won't have to do it in the future. Okay.
24 Thank you.

25 MR. BASINAIT: Todd, there's a couple of

1 questions here. One has to do with -- and you had
2 indicated that -- you had asked to be declared an expert
3 in civil engineering. One of the questions had to do with
4 construction activities on our site and how they may
5 impact adjacent properties. And is it accurate to say
6 that this particular project that we're talking about
7 today will not have any blasting as part of its
8 construction activities?

9 MR. REBOL: That's correct.

10 MR. BASINAIT: And is it also accurate to say
11 that, to your knowledge at least, any removal of fill for
12 lake purposes, lake construction or importing of fill for
13 other construction activities will not have an adverse
14 impact on adjacent properties?

15 MR. REBOL: In my experience, there will be no
16 proposed -- anything beyond typical excavation of filling
17 on site.

18 MR. BASINAIT: So in terms of either negatively
19 impacting adjacent homes or driveways, things of that
20 nature, that will not occur?

21 MR. REBOL: That should not occur.

22 MR. BASINAIT: With respect to drainage, just
23 very briefly, describe kind of before and after conditions
24 on the site.

25 MR. REBOL: Just to kind of fill everybody in,

1 the process that we -- this is like the first section of a
2 project. We will begin to develop a finalized site plan
3 and with that we will start developing engineering for
4 drainage on the site. And as that process starts, we will
5 be submitting applications to the South Florida Water
6 Management District who permits that process.

7 In that application, we'll be required to prove
8 that we do not affect any off site, either negatively or
9 inside the property we have to design, and then we also
10 have to evaluate the off-site conditions, making sure if
11 anybody is currently flowing off the site, we do not cut
12 their drainage off, as well as putting any more water off
13 site that is not currently going there.

14 And South Florida actually has defined basins in
15 this area which dictates to us what we are allowed to
16 discharge off the site. And then through the process of
17 South Florida we are required to prove to them where our
18 discharge points need to be to not impact off-site
19 facilities.

20 MR. BASINAIT: Finally, there was a comment made
21 concerning water pressure. Can you describe for the
22 Hearing Officer what we've done thus far and what we'll
23 have to do ultimately with respect to water availability
24 and water pressure?

25 MR. REBOL: Once again we're just at the

1 beginning of the stages of this, of this project. When
2 the project first began, we contacted both utility
3 providers, being Lee County for potable water, and North
4 Fort Myers for sewer, at which we asked for a letter of
5 availability and we were provided that from each agency.

6 We then pulled a fire flow test of adjacent fire
7 hydrants to try to determine pressures and flows. We are
8 now utilizing that to create a preliminary design. We
9 have not finalized that design, in which upon final design
10 we will start submitting to Lee County Utilities and to
11 North Fort Myers Utilities to get our engineering approved
12 for permits.

13 MR. BASINAIT: Those flow tests that were done,
14 did they indicate there was adequate capacity in that
15 area?

16 MR. REBOL: Yes, there is.

17 MR. BASINAIT: I don't have anything further at
18 this point.

19 HEARING EXAMINER: Okay, thank you.

20 Staff or County Attorney have any questions?

21 MR. KELNER: No questions.

22 MR. SPICKERMAN: No.

23 HEARING EXAMINER: Ms. Woods, did he answer your
24 question with regard to the water?

25 MS. WOODS: Yes.

1 HEARING EXAMINER: Okay.

2 MR. BASINAIT: I have just a couple of other
3 comments but they don't require the presence of this
4 witness.

5 HEARING EXAMINER: The witness is excused. Thank
6 you.

7 Okay. Applicant, anything you have by way of
8 rebuttal?

9 MR. BASINAIT: Very briefly.

10 Charles Basinait for the record. Two things.
11 One, traffic was brought up as a potential issue as it is
12 in any development in southwest Florida, and probably
13 anywhere in Florida at this point. And certainly as you
14 bring new projects on line, you're going to add traffic to
15 the road, to the road systems in that area.

16 However, because of that, what we do is we go
17 through a traffic analysis in connection with both the
18 zoning and any Development Orders that are issued. And we
19 have done that in this particular instance. And what has
20 been determined is, as said by our expert witness Mr.
21 Treesh during the course of the case in chief, is that
22 there are acceptable levels of service on all impacted
23 roadways both before and after this project. And, in
24 fact, US 41 going southbound after the project is slated
25 to be level of service B.

1 So while I understand that certainly it will add
2 some traffic to the highway system, it, quite frankly, is
3 well within the acceptable levels of service that have
4 been set out by Lee County for projects of this nature.

5 There was a -- the County Attorney asked me to
6 briefly address or at least talk about DRIs in this
7 particular case. Only because the name of the project to
8 the north of our project is called Entrada and at least
9 currently the project that we're reviewing today is called
10 Estates of Entrada, I want it to be very clear that there
11 is separate ownership of those two parcels of property,
12 there is no common scheme of development. The only common
13 infrastructure, certainly there's water, sewer systems
14 that are common, but they are government -- or rather
15 private utility systems. There is this spine road that
16 goes down through here (indicating), which I understand is
17 going to be dedicated to the city of Cape Coral up here
18 (indicating) and to Lee County down in this area
19 (indicating), so there's not going to be private
20 infrastructure that is common. There's no common
21 marketing, no common Master Plan between the two that have
22 been submitted to governmental agencies, and no common
23 ownership, management or control. So they do not and
24 cannot be aggregated under the statute and are not
25 considered to be the same project for development of

1 regional impact review purposes.

2 HEARING EXAMINER: Chuck, before you go on, I
3 take it the County Attorney agrees that this project
4 doesn't reach the DRI standards?

5 MR. SPICKERMAN: Correct. I just wanted
6 testimony on the record that it's a completely separate
7 project.

8 HEARING EXAMINER: Okay. Go on. I'm sorry to
9 interrupt.

10 MR. BASINAIT: No, that's okay.

11 In conclusion, we would respectfully request that
12 the Hearing Officer recommend approval to the Board of
13 County Commissioners of our request to rezone the subject
14 property to Residential Planned Development and Commercial
15 Planned Development for the units and the square footages
16 that have been discussed today.

17 We will be getting together with the county staff
18 personnel to discuss the various modifications to the
19 conditions, and we'll put those together and have them
20 submitted to you by the end of business on Tuesday.

21 We believe that we have addressed adequately all
22 the -- first of all, the issues that are raised initially
23 in a matter such as this through the Staff Report and
24 through our testimony today.

25 We believe that we have adequately responded to

1 the questions and concerns that have been raised by the
2 various residents.

3 HEARING EXAMINER: Hold on a minute. I just want
4 to make sure --

5 MR. BASINAIT: Do I need to be done?

6 HEARING EXAMINER: No. Go on.

7 MR. BASINAIT: In conclusion, we appreciate your
8 time and your patience in this matter and would
9 respectfully request that you approve our request, or
10 recommend approval of it.

11 Thank you very much.

12 HEARING EXAMINER: Thank you.

13 County staff, County Attorney, have any rebuttal?

14 MR. KELNER: No.

15 MR. SPICKERMAN: No.

16 HEARING EXAMINER: Okay. Thank you.

17 Is there any other issues in this case that
18 should come before me this morning? That being the case,
19 I'm going to adjourn these hearings and thank you for all
20 attending.

21 (Hearing concluded.)

22

23

24

25

1 STATE OF FLORIDA)

2 COUNTY OF LEE)

3

4 I, Roberta June Bishop, Registered Professional
5 Reporter, do certify that I was authorized to and did
6 stenographically report the foregoing proceedings, and
7 that the typewritten transcript, consisting of pages
8 numbered 1 through 84, is a true record.

9 Dated this 12~~th~~ day of June _____, 2006.

10

11

Roberta June Bishop
Roberta June Bishop, RPR

12

13

14

15

16

17

18

19

20

21

22

23

24

25

LEE COUNTY HEARING EXAMINER MEETING 5-4-06 The Estates of Entrada

<p>- ' -</p> <p>'60s 68:10</p>	<p>201 67:13 2011 34:7 211 29:16 24th 33:18,20 46:19,20 69:3 25 19:25 58:17 26th 32:14 270 37:14,24,25 38:1,5,7 292 3:6 6:21</p>	<p>- 6 -</p> <p>6 9:7 11:14,15 45:18 6.1.2 22:17 6.1.4 22:24 6.3 44:2</p>	<p>64:14 67:25 68:9 69:11 79:14 add 49:19 64:10 66:1,13, 14 70:1 81:14 82:1 added 49:15 adding 66:7 addition 30:2 68:4 additional 9:14 22:10 37:9 48:12 54:22 66:2 Additionally 14:24 21:8,16 22:14 57:4 address 4:2,5,15 5:22 27:20 28:4 31:10 60:25 65:6 67:11,12 74:1 82:6 addressed 36:10 50:21 83:21 adequate 21:23 22:9 80:14 adequately 83:21,25 adjacent 22:23 42:25 46:7 78:5,14,19 80:6 adjourn 84:19 admit 41:7 admitted 14:2 41:11 adopted 33:8 57:20 adverse 78:13 adversely 23:25 advise 65:20 advised 51:14 aerial 7:11 15:15,20 41:7 61:10 65:16 affect 23:25 71:20 72:16 79:8 affected 72:11 affecting 71:21 After 5:5 8:14 44:23 57:16 78:23 81:23,24 afternoon 31:11 again 10:23 20:7,18 21:24 24:12,15 38:1,6,10 63:8 79:25 against 3:22 agencies 82:22 agency 80:5 aggregated 82:24 ago 32:8 agree 7:14 13:9,10 25:15 agreed 10:11 58:18 agreement 13:2,7 20:3,9 24:7,24 25:4 30:17 37:7 41:23 48:14,15,17,24 56:7,8 agrees 83:3 ahead 9:9 10:23 12:3,7,19 29:13 61:20,22 alignment 48:18,22 54:18 all 3:10 4:2 5:18,24 6:2 10:10 23:18 25:13 26:2 32:19 33:7,25 34:19 36:25 42:16,24 43:2 45:10,13 46:1,3,20 47:2, 17 48:1 51:24 55:4,8 56:3 58:4,5 59:18,20 60:21 63:17 64:12,22 65:2 66:7,14 67:14,25 69:6 70:2,7 71:8 81:22 83:21,22 84:19 alleviate 69:5</p>
<p>- 1 -</p> <p>1 7:20,22 8:3,8,11 12:5,5 13:5 19:21 41:8,12 57:12 75:12 85:8 1,196.95 21:14 1,275 32:15 1,600 64:8,10 1.1.3 20:25 1.3 39:1 1.7.6 21:12 10 7:19 21:1 26:9,10 10-329(d)(1)a.3 19:22 10-329(d)(6) 20:5 10-416(b) 20:12 100 46:12 50:8,10,15 100th 34:14 10511 14:22 10:50 59:14 11 10:7 42:5 52:9 11.1 23:2 11.2 23:6 11.4 23:11 12 7:19 36:17 39:22 12.84 42:8 120 42:13 122.84 42:7 125 20:6 12653 74:5 12730 31:11 130,000 32:16,19,22 140,000 7:3 16:20 22:21 32:25 52:11 15 21:2 46:9 51:12 16 8:13 9:8 12:10,23 38:4 39:2,10,13 42:5 51:12 52:9 16701 3:9 170,000 32:18 18 7:19 46:9 18.8 44:4 18th 19:14</p>	<p>- 3 -</p> <p>3 9:7 12:22 13:24 14:3 20:11 59:4 3.3 39:25 3.7 40:5 3.82 43:17,18 3.a.v 55:4 30 46:10 30,000 7:2 16:19 22:18 32:18,21,24 52:11 30-183(1)(a) 49:4 300 7:2 8:14,17 16:15 42:23 3050 3:9 32304 74:6 325 7:1 16:15 32:15 3368 61:7 33912 14:23 33919 28:6 34-145(d)(3) 23:15 35 22:12 36:25 37:2,2 45:21,23 3560 65:13 3580 71:4 37 29:20</p>	<p>- 7 -</p> <p>7 11:3,8,8 39:9 7-Eleven 39:10 7.5 44:3 70 45:19 700 64:9 721 67:19 68:4 75 45:11,12,22 769 74:6</p>	
<p>- 2 -</p> <p>2 7:18 8:13 12:6 13:6,23 14:3 45:19 57:13,19,21, 22 2,100 67:19 2.1 21:19 2.2 21:23 2.3 39:17 2.6 39:3 2.a 52:17 20 58:18,25 59:1 20/20 15:25 17:1 42:12 54:20 20/30 47:1 2004 30:8 57:5 2005 19:14 30:9 32:15 57:6 2006 3:3 85:9</p>	<p>- 4 -</p> <p>4 11:7,13 21:1 41 7:7,7 10:11,19 15:17, 18,18 16:3 17:12 22:7, 15,23 23:1 33:5,13 34:8, 19,21 39:1,3,12,17,21 40:1,16,19 42:25 62:12, 16 63:11,11 64:21,24 66:12 69:5,12,14,14 70:5, 11 81:24 476.1 21:16 4th 3:3</p>	<p>- 8 -</p> <p>8 7:18 12:10,23 800 64:9 84 85:8 86 67:15</p> <p>- 9 -</p> <p>9 11:2,8 902 68:5 9110 28:5 975 7:1 16:15 9th 10:5,6</p> <p>- A -</p> <p>A.1 8:19 ability 9:12 13:18 34:20 able 43:20 44:25 57:20 58:4 61:18 62:14 64:3 65:1 above 33:8 62:2 acceptable 23:12,23 81:22 82:3 accepted 15:1,2 31:15,16 53:6 56:25 access 17:16 33:5,5,13,15, 21 34:19 38:21 46:17 47:7 64:20,24 69:10,13, 19,19,22 accomplished 56:22 58:7 account 33:16,23 63:25 accurate 34:19 52:18 78:5, 10 acre 6:22 21:2,2,5 43:10 44:1,3 Acreage 21:13,15,18 acres 3:6 21:14,17 29:17, 20 36:17 42:13 across 16:1 action 4:8 active 55:5,8 activities 75:18 78:4,8,13 actual 46:1 actually 10:8 12:1 18:13 32:18,22 40:19 43:2 45:16 48:19 49:25 54:21</p>	

Allocation 21:13
 allow 13:23 16:14 20:15
 allowed 21:16 22:20 72:4
 79:15
 allows 21:1,9 62:18
 almost 64:9 70:8
 along 12:11 15:17 16:3
 17:12 22:7,15 23:1 36:23
 37:16 38:20 39:3 44:14
 45:13 50:7,9,12
 already 7:23 33:14 36:10
 56:15
 although 41:15
 always 70:5
 Amendment 44:20
 amount 63:22,23
 analysis 24:23,24 32:8,13
 33:7,21 34:10 38:21
 44:21 81:17
 analyzed 32:19
 analyzes 24:15
 analyzing 33:10
 Andrew 6:19 27:15,23
 Andy 27:19 28:2 29:3
 55:3
 Andy's 28:15
 ANN 61:3,6
 Another 23:10 33:21 38:17
 47:5 67:21 69:19
 answer 34:1 35:15 61:19,
 20 80:23
 answered 52:6
 anticipate 66:11
 anticipated 23:1
 anticipates 21:10
 any 5:10,15,15,24 8:2
 13:22 14:1 15:3 19:11
 26:2,5 28:20 31:23 34:1
 35:8 36:4 41:6 49:7 51:8
 52:5 53:8,11 56:12 58:8
 59:7,9 60:2,4,22 65:2
 66:22 70:14,15,16 71:24
 72:17 73:6,11 75:18,18,
 23 76:1,5,19,21 77:4,7,11
 78:7,11 79:8,12 80:20
 81:12,18 84:13,17
 Anybody 5:24 13:22 36:4
 41:6 76:21 79:11
 anymore 41:20
 Anyone 35:4 65:4 67:1
 70:15
 anything 25:16 30:25
 35:13 45:22 57:9 59:5
 60:3,20 62:3 66:8 78:16
 80:17 81:7
 Anyway 71:18
 anywhere 81:13
 Appeals 76:12
 appear 43:24
 appears 5:6 40:8
 applicant 3:4,17 5:4,8,11,
 16 6:7,13 8:3 13:23,24
 14:15 27:24 30:17 31:21
 35:11 37:7 41:23 46:16
 48:10 49:1,13,13 51:3,17
 52:10 58:11 72:4 73:15,
 23 81:7

Applicant's 7:22 8:8 14:3
 44:10
 application 26:18 36:24
 79:7
 applications 79:5
 appreciate 35:15 84:7
 approach 4:4
 appropriate 22:23 24:2,19
 59:12
 approval 7:15 20:1,7 24:6,
 16 25:3 49:16 50:23
 53:18 83:12 84:10
 approve 84:9
 approved 51:19 80:11
 approximately 29:20 39:7,
 16 42:13 61:11
 Arby's 40:5
 area 4:6 7:9 16:4,19,25
 17:6 18:1,2 20:17 22:13
 23:22 29:14 32:17 36:16
 37:2,3,19,20 38:11,21
 39:11 42:2 43:2 44:5,5,
 9,15,16,18 47:13 49:8
 50:12 52:7 54:23,23
 56:16 62:22 64:3,16,16
 70:2,12 72:13 76:15
 79:15 80:15 81:15 82:18
 areas 17:22 19:9,10 23:25
 30:5 49:10 72:9,10
 aren't 71:13
 around 4:17 17:7,15 62:14
 68:14
 ask 3:11 5:11,15,17,21
 7:21 9:17 12:9,17 27:15
 49:22 59:25 60:4 75:2
 asked 12:13 69:3 78:2
 80:4 82:5
 asking 25:21
 assist 3:16
 Assistant 3:15
 Associates 6:20 27:16 28:3
 association 58:1
 assume 26:19
 attached 13:10 32:14 36:23
 48:21
 Attachment 44:21 48:4
 attachments 58:16
 attended 76:1
 attending 84:20
 Attorney 3:11,15 5:6 26:5
 31:2 34:3 51:1 58:9
 80:20 82:5 83:3 84:13
 attorneys 5:25 65:20
 August 30:8 57:6
 authored 75:23
 authorized 85:5
 auto 37:22,24
 automotive 41:3
 availability 23:4,8 27:2,3
 79:23 80:5
 available 24:3 35:14 62:17
 Avenue 3:9 33:19 69:3
 avoid 54:20
 aware 18:16 59:4
 away 39:1

- B -

Bachelor 75:5
 back 12:16 13:1 19:23
 26:23 45:11,12,24 50:15
 54:2 55:2 58:2 59:21
 68:10,16,19,19
 background 53:16 74:9
 75:3
 backing 37:20
 Banks 4:24 6:16 14:21
 74:3 75:13
 Based 32:13 33:6 34:8
 56:25
 Basically 19:22 45:22
 49:15 70:8 72:19
 Basinait 4:25,25 6:4,6,10,
 12 8:1,10,19,22,25 9:4,23
 10:5,7 11:2,11,15,19,25
 12:5,22 14:5 15:9 20:2,
 19 24:6,8 25:6,16,20
 26:2,23 27:15 28:4,7,10,
 14 29:3,7,13 30:25 31:7,
 9 32:3,7,11 34:18,24
 35:2,8 41:9 47:20,24
 49:18,25 51:4,8,18,22
 52:13,18,21 53:12 55:14
 58:12,12,21,25 59:5
 61:20,23 62:16,20 63:8,
 17 64:6,11 70:16,21
 72:23 73:16 74:1,7,9,15,
 24 77:25 78:10,18,22
 79:20 80:13,17 81:2,9,10
 83:10 84:5,7
 basins 79:14
 Baskin-Robbins 39:24
 Bear 60:5
 bears 19:13
 become 71:25 74:11
 before 4:14 5:17,25 6:14,
 21 15:2 19:11 32:4 40:4
 41:6 57:5 60:9,12,19
 61:9 64:13 65:15 73:18
 74:19 75:2 76:9 78:23
 81:23 83:2 84:18
 began 80:2
 begin 5:17 57:20 65:15
 79:2
 beginning 24:9 80:1
 behalf 6:13
 behind 3:22 65:25
 believe 10:5 13:2 19:14
 26:7 34:7 38:13 40:16,17
 43:9 46:21 47:1 59:22
 62:23 70:1 72:3 83:21,25
 Bell 40:6
 benefit 57:2
 best 56:14 58:6
 between 9:15 51:23 64:5
 82:21
 beverage 38:3,9,12,19 40:2
 Beyond 45:23 78:16
 big 66:15 71:16,19 72:8
 billboard 49:3,3,13,16,23
 51:5
 billboards 49:6,6

binding 48:24
 Bishop 85:4
 bit 16:1 24:5 29:8 53:17,
 23 74:10
 Bitters 39:22
 blasting 72:2,3 78:7
 block 62:10
 blocks 71:22
 Board 3:15 4:10,14,16
 19:13 54:20 60:6,7,9,13,
 16 76:10,10,11 83:12
 bonus 21:3
 borrow 30:5 41:18
 both 14:9 20:3 25:9,12
 43:11 75:14 80:2 81:17,
 23
 bottom 42:7 52:10
 Boulevard 62:24 63:3
 64:24
 boundary 10:13 47:13
 box 26:9
 BP 39:9
 Brad 26:16
 branch 26:8 75:15
 breath 31:8
 breed 40:25 41:1
 Brent 35:11
 Brian 6:17
 Bridge 40:1,5,16 68:17
 briefly 27:17 42:1 68:3
 78:23 81:9 82:6
 bring 50:1 70:10 74:22,23
 81:14
 Brock 35:12
 brought 60:15 81:11
 brown 16:24 17:6
 Bryan 4:21 9:5,5 10:9
 12:1,20 35:20,23 49:25
 51:9,10
 buffer 30:23 44:14 46:7,8,
 10
 buffers 20:7,8 22:9
 build 34:6,11 56:8 62:6
 63:19 69:19
 Building 15:13 37:5 40:17
 56:5 62:7
 buildings 22:11 36:21
 61:16,18
 builds 55:25
 built 61:24 69:17
 bulk 63:9
 burden 23:22
 Burger 40:2
 burrows 30:11 54:18,25
 55:2,5,9
 Business 15:18 69:14
 70:19,22 83:20

- C -

C-1 37:12
 C-1A 6:24 16:11,14 25:23
 37:13
 C-2 6:24 16:9,14 25:23
 CAE 75:11
 call 31:7 68:7 70:20 72:10
 73:9,16

LEE COUNTY HEARING EXAMINER MEETING 5-4-06 The Estates of Entrada

called 6:7 10:18 14:15
 15:22 18:14 27:24 31:21
 35:21 53:2 61:4 65:10
 67:4 71:1 73:23 75:11
 82:8,9
 calls 10:10
 Caloosahatchee 40:5
 came 18:15 29:15 57:5
 can't 53:24 62:12 64:25
 66:15,19 69:17
 candor 65:2
 cannot 82:24
 capacity 80:14
 Cape 10:17 15:22 17:4
 33:19 38:13 43:16 46:15,
 18 48:15 51:13,15 66:19
 67:12,13 68:13,23 82:17
 car 38:1 39:13 65:24
 carry 46:23
 Case 3:3,4,18 25:8 32:20
 35:11 53:20 57:14 81:21
 82:7 84:17,18
 catching 31:8
 categories 42:3
 category 16:22,24,25 17:3,
 7 21:1,1,6,7,9 47:23
 62:1,2,4
 cause 64:8 71:24
 CBS 61:24 62:9
 Celestial 65:13 71:4
 cell 5:18
 Center 39:15 70:10
 centers 22:7
 central 16:23 17:7 20:25
 21:9 49:12
 certain 20:6 24:17 52:1
 62:1,2 63:22,23 64:18
 certainly 21:6 35:14 77:21
 81:13 82:1,13
 Certificates 57:21
 certify 85:5
 chance 24:22 27:19 65:24
 changes 37:8 40:20 41:24
 50:22
 channeled 50:14
 CHARLES 6:6,11 58:12
 81:10
 Charley 69:10
 Charlotte 72:14 74:5 76:7
 chief 81:21
 chosen 56:15
 Chuck 4:25 72:21 83:2
 Circle 39:4
 Citgo 39:18
 city 15:21 17:4 33:19
 38:13,13 43:5 46:15,18
 47:3 48:15,20 51:13,14,
 15 68:13,23 82:17
 Civil 76:17,18 77:8,16
 78:3
 cleanup 8:12
 clear 82:10
 cleared 54:24 55:9
 Clemons 6:17
 Cleveland 3:9
 client 15:13
 clock 59:14

close 21:21 22:7 45:9 46:3
 73:13
 closer 12:14 43:23 50:19
 closest 41:2 44:19
 closing 50:5
 co-applicant 67:23
 co-op 50:11
 code 14:10 19:21,23 20:4
 23:15 25:9,13 26:1 49:5
 53:7 57:5 62:7
 collapsed 55:7
 College 28:5 75:9
 come 5:14,21 13:7 14:6
 17:18,23 24:25 27:16
 38:25 46:22 55:2 58:4
 59:24,25 60:17,18,23
 64:4 65:21 69:3 72:8
 84:18
 comes 17:15,24 50:12 54:2
 56:5,6 68:15
 coming 17:12 62:11 65:25
 66:14 71:5 72:12,12
 comment 4:3 51:4 79:20
 comments 5:15 26:14
 33:25 59:17 81:3
 Commercial 3:7,8 6:25 7:4
 16:3,10,12,17,20 17:10,17
 21:8,10,10,17,17 22:14,
 16,17,21,22,25 24:21
 32:17,25 36:13,15 37:6,
 19 42:25 43:2 44:17
 52:13,14 63:1 68:1 70:13
 83:14
 Commissioners 3:16 4:10,
 14 60:7,7,10,13,16 76:11
 83:13
 common 82:12,12,14,20,20,
 21,22
 Commons 70:9
 Commonwealth 31:12
 communities 20:15 21:13,
 22
 Community 35:24 57:24
 68:12
 Comp 42:2
 compact 21:20,25
 company 75:11
 compatibility 42:9 44:11
 compatible 22:13,15 23:21
 44:10 50:6
 complete 3:18 9:1 51:16,25
 completed 3:22 38:12
 57:25
 completely 83:6
 compliance 20:23 21:7
 23:14 24:25 25:25 57:21
 comply 12:20 49:4
 Comprehensive 14:9 16:22
 17:3 20:23 23:17 25:1,
 10,13,25
 concentration 40:8 54:17
 Concept 10:14 13:24 14:8
 16:18 17:10 18:8,15,22,
 25 19:8,12,13 26:7,9,16,
 17,24 47:18 48:20,23
 concern 44:12 71:5,18
 72:20

concerned 18:24 19:5
 61:15 66:4 72:7
 concerning 79:21
 concerns 25:17 66:23 84:1
 concise 60:18
 concluded 59:23 84:21
 conclusion 3:24 24:25
 83:11 84:7
 conclusions 24:18
 concrete 62:10
 Condition 7:19,20 8:11,13,
 15,19 9:7,10,16 10:7,8,
 10,23 11:2,3,7,15 12:5,
 20,23 20:20 41:18 45:14
 49:14 52:17 55:4 57:10
 69:8,21
 conditions 7:16,18,19 9:19
 11:20,23 12:25 13:9,10
 20:2,3,8,10,19 24:9,14,17
 41:14 42:5 49:20 53:18
 55:4 58:23 59:3 78:23
 79:10 83:19
 Condominium 42:18,19
 44:3,4
 conducted 30:7
 conducting 29:11,12
 conjunction 38:9
 connect 23:3,5,6 33:17
 46:19,22 69:14
 connecting 17:14
 connection 18:22 33:18,24
 81:17
 connects 54:19
 Conservation 15:25 16:25
 17:1 18:11 47:12,20 73:1
 consider 18:18 33:22
 consideration 73:4
 considerations 24:23
 considered 4:10,12 82:25
 consistency 14:8
 consistent 22:24 23:16,19
 25:12 42:4
 consisting 85:7
 constraints 22:4
 construct 7:1 62:7 63:19
 constructed 23:13 55:18,21
 construction 15:23 38:14
 47:18,19 61:24 62:9,10
 64:3 78:4,8,12,13
 consultant 28:8,11
 consultants 6:15 29:9 56:9
 Consulting 28:9
 contacted 48:20 80:2
 contain 21:20
 contained 7:16 72:5
 contains 29:16
 contemplated 68:5 69:6,15
 70:7
 context 64:12
 contiguous 21:25 67:8,14,
 20
 continue 68:18
 continued 47:4
 continues 18:7
 continuing 18:3 77:4
 continuous 21:19
 control 82:23

Convenience 38:3,9,11,18
 40:1
 Cooperative 42:17 44:2
 50:9
 copies 27:4
 copy 3:20 13:16,19 27:5
 74:23,25 77:19
 Coral 10:18 15:22 17:4
 33:19 38:14 43:17 46:15,
 19 48:15 51:14,15 66:19
 67:13 68:13,23 82:17
 Cordy 35:12
 corner 54:17,21
 correct 19:16 32:10 34:23
 35:1 52:15 58:20 75:22
 78:9 83:5
 correspondence 48:21
 Could 11:6 18:24 25:6
 27:5 33:18 46:19 47:5
 61:9 62:24
 counties 76:8
 County 3:2,11,15,15 4:10,
 14 5:6,6,9,12 14:9
 15:24,25 16:22 17:1,2
 18:11,21,25 20:23 23:4,
 17 25:1,10,14,25 26:4
 27:10 30:9 31:1,2 34:3
 43:4,6 47:6 49:8 50:8,25
 56:6,9,17,19 58:9 59:9
 60:6,7,9,13,16 63:18,25
 68:12,19 74:5,20 76:7,7,
 11 80:3,10,20 82:4,5,18
 83:3,13,17 84:13,13 85:2
 couple 9:19,24 51:10 75:2
 77:25 81:2
 course 36:11,16,21 37:1,
 17,22 38:8 39:14,16,20,
 25 41:18 46:6 48:4 49:4,
 6,11 50:19,22,23 81:21
 Court 28:5
 CPD 6:25 25:23 37:13
 38:7
 cracked 71:25,25
 CRAIG 67:3,6
 create 80:8
 creation 29:14
 Creek 26:8,15 42:11 50:12
 crossing 26:8,15 39:15
 62:17
 cul-de-sac 18:6,14 55:21
 culverts 26:9,12,15,20
 current 16:6 32:24 61:24
 currently 10:9 12:8 15:23
 16:7,9,11,23 21:4,14
 25:22 58:14,16 67:18
 79:11,13 82:9
 curriculum 75:21
 curved 47:13
 curves 68:14
 cut 79:11
 cuts 68:15
 Cypress 14:22

- D -

date 19:14 77:6
 dated 32:14 85:9

LEE COUNTY HEARING EXAMINER MEETING 5-4-06 The Estates of Entrada

day 58:4 65:22 85:9
 days 9:24
DC12004-00080 3:4
 dead 18:10
 dealing 23:2
 deals 22:17
DEARDEN 67:3,6,7,10,12,
 23 70:17
 decide 9:13 69:18
 declare 28:25 77:16
 declared 15:7 32:2 36:7
 53:14 76:16 78:2
 declaring 15:3 28:21 31:23
 36:5 77:7
 dedicated 82:17
 deemed 53:9
 deep 54:1
 defined 79:14
 definitely 56:13
 definition 53:24
 degree 75:6
 degrees 75:4
Del 33:4,20 39:1 46:23
 47:1 62:24 63:3,13 64:5,
 24 68:11,24
 deleted 8:15,23 11:16
 12:9,18
 deletion 9:12
 deletions 37:9
 demonstrated 23:16 25:24
 densities 22:13 23:19 43:8
 density 21:3,4 22:12 24:20
 43:17,17,23 44:1,9 67:16
Department 35:24 56:17
 depth 37:15 42:23
 describe 29:7,13 32:12
 78:23 79:21
 design 75:12 77:3 79:9
 80:8,9,9
 designed 22:2
 designing 76:25
 designs 77:2
 desire 60:4 76:15
 desiring 73:11
Desoto 76:7
 detail 14:7 41:22 53:18
 detailed 44:24
 determine 56:9 80:7
 determined 81:20
 develop 79:2
 developed 15:13 36:22
 developer 51:16,17,24 52:3
 56:1,7,10
 developers 48:8 52:3 56:5
 developing 79:3
Development 3:7,8 4:22
 6:25,25 13:5,7 14:10
 15:11,12,17,21,23 16:3,8,
 14,18 17:11,14,18,19,25
 19:20,21 20:4 21:9,10,11,
 14,15,17,18,24,25 22:2,5,
 14,16,18 23:1,5,9,13,15,
 16 24:3,7,19 25:4,9,13
 26:1 33:10 35:24,25
 36:13,14,16,18,19 38:22,
 23 39:4 41:21 42:10,18,
 19,22 43:13,14,16 44:12

45:17 48:13,16,18 49:5,9,
 9,16 50:6,16,19 53:7
 55:10,12 57:5,11,12,19,25
 58:22 62:21 63:1,13,17
 64:12,21 67:24,24 70:20
 72:15 74:13 75:14 81:12,
 18 82:12,25 83:14,15
developments 20:12 44:15
 63:18 70:13
Deviation 12:5,14,22 19:21
 20:1,4,8,11,11 56:24,25
 59:4
deviations 13:11,12 19:20
 24:16 41:22
dictates 79:15
Did 31:17,18 32:20 33:16,
 22 35:9 38:20 47:24
 57:7 71:7,9 74:22,23
 80:14,23 85:5
didn't 12:14 71:16
different 48:19 65:21
Dina 68:9,11,24 70:6
direct 46:23 62:4
direction 50:13 63:11
directional 33:5
directionalized 34:22
directly 33:4,5
Director 4:23 14:21
discharge 79:16,18
discovered 12:6,18
discuss 14:8 27:17 60:19
 73:9 83:18
discussed 9:4 10:9 13:2
 18:20 26:11 41:25 42:3
 51:23 58:14 60:12 64:13
 83:16
discussing 47:11
discussion 20:22 46:15
 68:2,8 69:1
discussions 46:16
district 16:10,12 29:22
 47:6 48:4 49:7 69:2 79:6
ditch 30:13
ditches 30:4
Division 4:22 35:25 42:12
 53:6 56:2
document 7:21,24 59:2
documentary 5:10
doesn't 19:6 65:2 83:4
doing 13:21 57:14 74:13
 75:12,14 77:1
dominated 29:18
don't 18:9,12 24:11 25:19
 26:2 30:25 32:11 35:8,13
 38:14 40:10 44:21 47:8
 49:18 50:2 51:8,11,21
 54:7 55:14 57:9 58:8
 59:5,7 62:2 64:6 65:16
 66:3,8 70:16 71:12 72:9
 73:3 80:17 81:3
donate 48:8
done 9:25 10:1,1,11 29:10
 50:1 57:13,23 58:7 66:8
 79:22 80:13 81:19 84:5
Donuts 39:23
double 10:10,12,16,17
 46:11

doubt 64:15
down 10:13,21 13:18
 19:14 39:8 46:20 47:6,
 14,15 51:6 52:2 54:7,16,
 19 55:1 62:3,15 65:25
 66:16 69:11 72:9,12
 82:16,18
downs 71:23
DR 41:19
drainage 50:11 72:5,9
 78:22 79:4,12
DRI 83:4
drink 5:19
DRIs 82:6
Drive 31:12 33:15 40:4
 67:13
drives 20:5
driveways 71:25 78:19
dropping 71:21
duly 6:8 14:16 27:25
 31:22 35:21 53:2 61:4
 65:10 67:4 71:1 73:24
dumping 68:19
Dunkin' 39:23
duplicitous 11:4
Duranda 35:11
during 13:5,6 34:14 57:12
 64:18 72:7,7 75:19 81:21
dwelling 8:17 21:1,2,5
 43:10 44:1,2,4 45:18
dwelling 36:25
Dying 40:25 41:1

ends 18:10
engineer 73:9 74:8,12
 75:11,15
Engineering 4:24 6:16
 14:21 74:4,13,16 75:7,14
 76:15,15,17,18 77:8,17
 78:3 79:3 80:11
engineers 6:17 72:24 77:13
enough 71:16
ensure 3:17 58:7
entire 11:24,25 36:9 44:14
 56:3
entitled 7:12 45:1
entity 51:20
Entrada 3:5 7:12 10:18
 15:13,22 17:14 38:13
 42:11 43:15 44:24 45:2
 48:8 51:15 82:8,10
entrance 39:4,17
environment 57:15
Environmental 4:20 20:18
 23:25 27:17 28:8,11,11,
 21 29:9 53:5,6,9 56:18
environmentalists 69:18
ergo 69:19,21
Ernest 71:4
essence 44:17
essentially 7:3 61:25
Estates 3:5 7:12 15:12
 44:23 45:2 48:8 82:10
estimate 34:5
evac 63:24
evacuation 64:22
evaluate 57:16 79:10
evaluating 57:15
Evans 35:11
even 18:18 33:21 48:9
 53:22 63:1
event 56:12
eventually 38:16
ever 18:15 19:2 74:18
Evergreen 39:18
everybody 5:20 78:25
everyone 64:22 70:5
everything 50:15
evidence 5:11 60:13
ex-cop 66:11
examine 5:7
examined 6:8 14:16 27:25
 31:22 35:22 53:3 61:5
 65:11 67:5 71:2 73:24
EXAMINER 3:1,2,17,23,25
 4:2,6 5:2 6:3 7:23 8:2,6,
 18,21,24 9:3,21 10:3,6
 11:1,9,18,22 12:4,21
 13:21 14:12 15:3,6 18:18
 19:4,11,17 26:4,20 27:6,
 8,13 28:14,17,20,24 31:1,
 5,17,23 32:1 34:2,5,12,17
 35:3,6,17 36:4 40:12,14,
 22,25 41:5,10 43:4,7
 45:1,4,14 46:5 47:11,15,
 17,22,25 49:19,22 50:2,
 25 51:3,7,10,20 52:4,14,
 19,22 53:11,13 55:16
 56:11,20 58:9,11,24 59:7,
 11,20 61:9,14,22 62:9

- E -

each 5:5 13:18 26:9 64:14
 80:5
eagle 69:12,17 70:19,21
eagle's 69:11
earlier 30:20 41:25 49:1
early 57:23
earth 71:20
easement 41:17 50:9,10,11,
 11
east 15:25 26:8 50:17
easterly 37:24,25 38:1,5,7
 63:11
eco 73:1
Ecologists 28:9
edification 7:5 32:12
education 77:4
educational 75:3
effect 60:3,4
EH 15:13
eight 30:11 39:23
either 54:19 56:18,21
 64:17 69:17 78:18 79:8
electric 50:11
electrical 50:9
elementary 68:21
else 35:4 57:9 59:5 60:20
 65:4 67:1 76:21
emergency 63:21
emphasizes 53:19 54:4
employment 22:6
en 5:20
end 8:25 62:23 83:20

65:4,15,19 66:25 67:9,11, 22 70:15,18,23 71:7,10, 15 72:3,17,21 73:6,17,20 74:18,21 75:1,8,17,20,23 76:1,4,8,12,14,18,21 77:7,15,22 80:19,23 81:1, 5 83:2,8 84:3,6,12,16
Examiner's 3:20 4:9 14:25 36:1
excavated 30:5 55:6
excavation 76:12 78:16
excavations 19:23
exceed 23:18
except 5:19 37:1 41:23
exchange 48:9
excused 81:5
Exercise 75:6
Exhibit 7:22 8:8,20 9:9 10:8 12:6 13:23,24 41:8, 12 58:15 59:3 67:12
exhibits 5:5 14:3
existing 20:14 21:21 23:3,7 38:24 57:1,17
exiting 68:24,25
exotic 13:4 57:17
exotics 53:23 54:1 57:11, 14
expanded 18:9
experience 75:9 76:23 78:15
expert 15:1,4,7 28:11,16, 21,25 31:15,24 32:2 36:2,5,7 53:7,14 74:16,19 76:5,16 77:8,16 78:2 81:20
expired 51:5
explain 4:6
explained 56:25
extend 33:20 68:23
extended 68:14
extension 33:17 46:18 48:16 54:16 62:24 63:3 69:2,6
extra 9:24

- F -

facilities 21:23 37:23 70:12 79:19
fact 32:20,23 33:12 43:2 46:1,3 62:25 63:12 64:17 81:24
Factory 16:2 62:15 63:6
Factory 7:9
facts 6:1
fairly 44:9 55:2
fall 57:7
falls 21:15,18 55:25 69:15
familiar 29:3 32:3
family 16:16 17:21 36:20 37:5 43:12,12,21
far 18:24 19:5 70:3,12 73:2 79:22
Fast 38:6,10,19,23 40:8
FDOT 33:13,14
feature 68:17
features 22:3 29:23

fee 48:9 63:22,22,23,24
feel 25:24
feet 7:2,3 16:19,20 19:23, 25 20:6 22:12,19,21 26:10,10,10 32:17,21,22, 25,25 36:25 37:3,14,24 38:1,2,5,7 42:23 44:13 45:11,12,19,21,22,23,24 46:9,10,13 50:15 52:11, 12 58:17,18,25 59:1 68:6
Fever 26:8,15 42:11 50:12
few 4:11 24:13 41:24 63:6
field 58:4 70:9 74:16 77:5
fields 15:7 53:14
file 14:25 28:17 31:14 35:25 77:23
fill 3:21 78:11,12,25
filling 78:16
final 4:8,10 20:11 45:6 80:9
finalized 79:2 80:9
finally 12:22 24:4 25:20 66:18 79:20
find 24:18 42:18,20 43:22 44:7,25 53:25
findings 24:18
finds 42:4 50:5
fine 51:7
fire 80:6,6
firm 6:12 32:8
firmly 48:10
first 5:22 9:8 31:21 34:19 38:25 64:12,22 71:8 79:1 80:2 83:22
Fish 56:2
five 11:20 37:4 44:13 46:9 55:18
flatwood 30:16
flatwoods 29:18
flexibility 9:13
flight 75:12
floor 3:25
Florida 14:22 29:22 62:7 64:19 67:13 74:6,12,14 75:5,7 77:1,2 79:5,14,17 81:12,13 85:1
flow 29:25 54:5,6 57:2 77:13 80:6,13
flowing 79:11
flows 80:7
follow 71:2
Following 5:13
follows 6:9 14:17 28:1 31:22 35:22 53:3 61:5 65:11 67:5 73:25
food 5:18 38:3,6,9,10,12, 18,19,23 40:1,8
foot 50:8,10
footage 24:21
footages 83:15
Footnote 45:17
foraging 30:13
foregoing 85:6
forested 54:2
form 3:23 60:1,24
forms 3:21
Fort 3:10 6:22 7:6 14:22

23:7,9 27:11 28:5 31:12 61:8 80:4,11
forth 52:17 55:23 58:3
forum 15:2 28:12 74:19 76:5
forums 77:11
forward 5:14 59:24,25 60:15,17,18,23
found 12:10
four 39:5,9,19 46:25 52:10 74:14 75:13 77:1
four-lane 69:4
frame 52:1
frames 52:2
Franklin 5:1 6:12
frankly 62:3 63:10 65:1 82:2
front 4:3 17:11 29:4
fruition 18:16 69:3
fuel 38:8
full 64:15,16 66:17,18
fully 55:7
funded 33:22
further 19:12 25:16 26:3 30:25 35:3,8,13 39:3,16 45:25 52:22 53:17 58:8 80:17
future 16:21 33:17,24 47:7 54:7 77:23

- G -

Galaxy 61:7,12
gas 40:12,14,15,21
gave 8:20 9:9 10:8 53:16
general 64:17
generates 32:23
generation 32:20
gentlemen 3:1 5:3 59:11, 21
Gescheidt 3:2
gets 13:1 62:2 66:7
getting 50:19 72:14 83:17
give 5:15,22 7:21 9:12,24 20:21 25:5 60:2 65:5,16 77:18
given 63:25 64:17
gives 40:7
glasses 71:12
go 4:17 7:16 8:19 9:9 10:23 12:2,7,19 13:15 14:6 15:10 19:11 20:22 24:11 26:23 28:14 29:13 36:10,23 38:20,25 39:3, 11 41:6,22 42:1 44:7,20 45:23 46:20,23 48:17 51:12 53:17 55:21 60:24 61:9,10,20,22 62:8,17,20, 22,24 63:2,9,11,12,14,14 64:14 66:22 67:17 69:25 81:16 83:2,8 84:6
goes 47:14,15 54:19 68:16 82:16
gone 24:8 40:16 44:8
Good 3:14 6:11 14:19 31:11 54:8,21 57:25 73:3
gopher 30:10,11,15 54:12,

13 55:5,8,17,22
Gorda 72:14
got 7:8 51:10 52:23 60:17 66:14,20 70:9 75:4
government 82:14
governmental 82:22
grade 66:20
graduated 75:9
greater 66:11
green 16:25
groundwork 29:10
Group 6:18 15:14 67:7 68:1
growing 54:11
growth 21:20,25
guess 18:22 40:24 48:13 55:25
gullies 72:13

- H -

habitat 29:18 30:4,16,23 53:20 54:9,12,14
habitats 29:19 30:2
Hagan 4:23,23 6:16 13:13 14:6,14,19,20 15:8 18:20 19:5,16,19 25:15,19,22 26:13 27:4,7,10 58:13
halfway 44:22
Hancock 40:1,15
hand 60:1,23
handing 13:19
handled 73:2
hands 6:1
happen 18:13
happened 19:2 69:10
happens 55:17 56:1 69:15
happy 34:1 50:1
Harbour 67:13
haul 41:16
haven't 73:17
having 6:7 14:15 18:9 27:24 31:21 35:21 46:6 53:2 60:21 61:4 65:10 67:4 71:1 73:23
hazard 66:13
hazards 66:21
he'll 12:2
he's 13:15
head 17:24 63:10
heading 18:3
healthier 56:16
hear 28:20
heard 60:14
HEARING 3:1,2,17,19,20, 23,25 4:2,6,8,9,11,13 5:2,13,19 6:3 7:5,23 8:2, 6,18,21,24 9:3,21 10:3,6 11:1,9,18,22 12:4,21 13:21 14:1,12,25 15:3,6 18:18 19:4,11,17 24:9 26:4,20 27:6,8,13 28:14, 17,20,24,24 29:14 31:1,5, 17,23 32:1,5,11 34:2,5, 12,17 35:3,6,17 36:1,4 40:12,14,22,25 41:5,10 43:4,7 45:1,4,14 46:5

47:11,15,17,22,25 49:19,
22 50:2,25 51:3,7,10,20
52:4,14,19,22 53:11,13
55:16 56:11,20 58:9,11,
24 59:7,11,20 60:8,9
61:9,14,22 62:9 64:13
65:4,15,19 66:25 67:9,11,
22 70:15,18,23 71:7,10,
15 72:3,17,21 73:6,14,17,
20 74:18,21,24 75:1,8,17,
20,23 76:1,4,8,12,14,18,
21 77:7,15,22 79:22
80:19,23 81:1,5 83:2,8,12
84:3,6,12,16,21
hearings 84:19
hedge 46:11
height 36:25 45:21,24
helping 21:20
Henderson 4:25 6:12
Hess 39:2,22
Hi 71:3
high 26:10 68:21
higher 53:23
highest 34:14 44:9
highlighted 15:16
highway 82:2
himself 69:12
hires 56:9
historic 29:25 54:5,6
hit 62:4
Hold 84:3
Holt 6:13
Home 3:7 15:17 16:7
18:2,3 42:22 43:25 45:20
homeowners 58:1
homes 7:1,1,2 12:17
16:15,15 36:21 37:18,21
64:8,9 67:19,19 68:4,12
71:22 78:19
honestly 65:2
hopefully 69:5
hoping 70:10
Horizon 42:14 43:25
hour 34:14,16
hours 34:13
houses 70:2
how 5:3 20:23 29:14 70:3
72:11,15 78:4
however 17:3 60:11 81:16
hurricane 61:17 62:1
63:15,19,24,25 66:15
69:10
hurricanes 61:16 72:7
hurry 65:24
hurt 47:9
husband 71:3
hydrants 80:7
hydraulics 77:3
Hydrology 76:20,24 77:9,
11,17

- I -

I've 33:12 51:10 75:4,13
idea 65:17
identical 13:19
identification 8:9 14:4

41:13
identified 30:11 33:9 34:15
II.A.1 8:13
imagine 64:2,25
Impact 31:13 32:8 48:9
63:21,22,23 78:5,14
79:18 83:1
impacted 56:16 81:22
impacting 78:19
impacts 32:20 33:2,4
important 64:11
importing 78:12
improvement 33:23
improvements 33:11
inactive 55:5,8
incidental 56:2
include 11:19 57:22 59:3
included 30:10
includes 30:4,23
including 5:25 33:3 43:11
indicate 5:23 60:25 65:6
80:14
indicated 16:24 30:20,21
32:7 53:15 78:2
indicates 20:5
indicating 7:7,8,9,11 10:12,
14,19 12:13,16 16:2,6,9,
11 17:13,20,25 18:1,2,4,
12 26:22 36:16 48:17
49:3 50:8,10,12,13,15,21
61:13 62:23 65:18 68:15
71:14 82:16,18,19
indication 40:7
indigenous 9:14 20:17
29:17 30:21 53:24 55:6,
10 56:24
individual 70:23
individuals 35:10
industrial 49:9
information 37:9
infrastructure 23:23 82:13,
20
initially 47:3 83:22
insert 12:3
inside 79:9
installation 37:23
installed 57:23
installing 68:1
instance 81:19
instances 65:23
institutes 76:2
intact 56:4
intense 22:22
intensities 23:19
intensive 37:14,19 49:9
interchange 49:9
interconnection 33:3
interject 11:6
internal 70:6,11
interrupt 41:6 83:9
intersection 7:8 10:13
15:18 17:23 63:4 68:7,16
69:14,15
into 17:14,18 18:11 20:22
23:3,5,7 24:4 33:16,23
34:21,22 36:10 41:16,22
44:20 50:18 55:1 62:22

69:6,9,23 70:7,11,19 73:4
75:2
introduction 8:3 13:23
introductions 4:18
invasive 13:4 53:23 54:1
inventory 57:17
involved 33:12,14
involvement 29:8
irrelevant 60:20
Island 39:12 40:19 46:21,
25 66:18
issuance 57:21
issue 18:10 48:25 60:19
81:11
issued 81:18
issues 25:17 27:17 31:16
53:9 73:9 83:22 84:17
itself 43:10 46:7 62:21

- J -

Jacaranda 3:9
jam 65:23
JAMES 65:9,12
John 39:23
Jon 4:23 6:16 13:13,14
14:5,14,20 19:11 25:7
26:23 30:20 58:13,17
Jr 35:11
July 32:14
June 30:9 85:4
jurisdictionals 29:11
Just 7:5 8:12,16,20 9:1,9,
12 11:3,6,11,17 12:7,19
13:8,17 15:17 18:14
19:1,17 23:15 25:5,6
26:21,25 36:10 39:7
40:4,19 42:8 47:24 48:2,
5,11 50:3 51:4 52:2
53:17 57:8 59:4 61:10
68:11,16 69:15 70:4
71:10 72:10 74:9 77:10
78:22,25 79:25 81:2 83:5
84:3

- K -

keep 9:10,17 45:24 60:15
64:12 70:5 77:18,22
keeping 47:5
Kelner 4:21,21 7:25 8:4
9:5 10:9 11:6,10,13,17
18:21 26:6,21 27:1,5,14
31:25 34:4 35:5,20,23,23
36:8 40:13,15,23 41:1,14
43:6,8 45:3,5,15 46:6,14
47:14,16 48:2 49:21 50:5
59:10 80:21 84:14
KFC 40:6
kill 70:21
Kim 4:19 9:15 12:25
52:23 53:1,4 55:15,17
58:12 59:6,8
kind 56:7 57:16 60:20
68:14,15 69:9,23 78:23,
25
King 40:3

knocked 69:11
know 18:10,12 38:14
51:21 54:7 64:6 66:3,8
71:18,20,21,22,24 72:1,
10,10 73:1
knowledge 78:11

- L -

labeled 7:22
Ladies 3:1 5:3 59:11,20
lake 12:14 41:17 74:6
78:12,12
Land 14:9 15:1,4,24,25
16:21,23,25 17:3,7 18:11
19:21 20:4,25 21:1,6,7,9
23:15 25:7,9,11,12 26:1
42:3,12 47:12,18,19,20
48:9,12 49:5 53:7 54:20
57:5 74:13 75:14
lane 33:10 46:25,25
language 13:8 36:6
laser 62:21
last 19:14 25:24 40:17
42:6 47:24 58:15 66:15
74:14 75:13 77:1
law 6:12
layout 45:5,7
lease 49:24 50:3 51:5
least 78:11 82:6,8
leave 3:23 10:3 12:8 26:25
47:9 51:11 54:8 55:17
56:14
Lee 3:2 14:9 15:24,25
16:22 17:1,2 18:11
20:23,24 22:25 23:3,16,
20 24:23 25:1,10,14,25
27:10 30:9 33:9 47:6
50:8 53:8,19 54:4 56:17
63:18 68:12,19 74:20
80:3,10 82:4,18 85:2
Leasure 42:19,20 44:3
45:19,20
left 4:18 33:6 34:22,24
44:8 54:25 63:14
less 72:15
letter 23:8 48:4 80:4
letters 23:4 27:2,3
level 23:12,24 33:8 34:6,9,
11 75:12 81:25
levels 81:22 82:3
license 74:23,25
light 63:4,14
lights 64:4
like 3:19 4:11 13:13 14:5,
24,25 17:4 18:5 19:19
20:22 23:10,14 24:4 25:2
27:1 30:20 31:7 36:1,10
42:1,5 44:19 46:14 48:2
49:14 53:9,17 54:7 63:17
64:10 66:9,14 69:25
72:13 73:16 74:15 79:1
limited 18:6 37:24 38:1,3,
4,6 45:20 47:12 60:13
limits 29:21
limpkin 30:12,12
line 8:23 42:7 45:11 81:14

linear 46:13
 lines 52:10
 link 38:12
 list 11:20,25
 listed 58:15,17
 little 16:1 24:5 29:8 37:14
 43:3 44:24 53:17,22
 59:12 64:7 66:4 67:16
 68:16 74:10
 Littleton 15:19 34:10 39:6
 46:25 47:1 62:15 64:5
 66:16
 live 4:7 56:15 61:7,11
 65:13,17 71:4,11
 LLC 3:5
 load 61:25 62:8 63:20
 loads 62:6
 local 33:9 49:16
 located 3:8 6:22 7:6 14:21
 15:17,19 22:7,23 30:22
 45:18 55:5,9 74:5
 location 22:18,19,25 23:18
 24:2,19 26:22 38:18 39:8
 41:15 42:13,21 44:13
 49:2,5,11 50:20 54:22
 locations 54:13
 long 26:10 39:23 57:1
 66:12
 longer 54:11
 Look 8:22 11:7 24:22
 37:17 40:10 42:15 43:18
 looked 32:15,16,22 33:2
 37:6 38:10
 looking 37:3,4 42:10 43:9,
 18 48:12
 looks 36:20
 lot 17:7 29:10 54:1,10
 72:8,12
 lots 70:2
 low 66:7
 lower 43:22
 lube 40:20
 lubrication 40:20

- M -

Ma'am 61:9 62:9 71:7
 73:10
 machine 12:2
 made 18:23 24:13 69:21
 79:20
 main 71:5,18 72:19
 maintain 72:5
 majority 29:17 30:21 40:9
 44:7
 make 3:11 5:9,14,24 19:17
 50:3 63:6,12 65:2 84:4
 makes 56:18
 making 5:4 41:24 79:10
 Management 29:22 30:18
 63:21 77:2 79:6 82:23
 manager 56:18 75:15,16
 MANGAN 65:9,12,12,18,20
 manufactured 68:12
 map 16:5 21:13 71:11
 mapping 29:10
 marked 8:7,8 14:3 41:12

marketing 82:21
 MARY 61:3,6 70:25 71:3
 mass 5:20
 Master 10:14 13:24 14:8
 16:18 17:10 18:8,15,21,
 25 19:8,12,13 26:6,9,16,
 17,24 47:17 48:19,22
 82:21
 match 10:16
 matched 43:21
 matter 4:9,12 6:13 7:14
 13:14 19:6 32:9 60:5
 83:23 84:8
 matters 15:2,4 28:22 31:24
 36:6 60:14 76:19 77:8,17
 maximum 38:4 45:21
 May 3:3 5:11 9:14 10:5,6
 11:22 47:7 51:20 54:6
 60:3 63:8 77:10 78:4
 maybe 62:14
 McDonald's 39:14 40:2
 MCP 33:16
 me 5:15,22,25 6:15 11:8
 25:5 44:21 48:1 49:22
 52:5 55:3 60:1,2,19,23
 61:10,21 65:2,5 70:14,20
 71:4,10,13 74:22 77:19
 82:5 84:18
 mean 18:24 49:23
 means 62:10
 mechanical 75:7,11
 median 62:17
 medical 70:9
 meet 20:16 23:17 54:22
 members 13:20 59:24
 60:22 73:11
 mention 25:2 56:23
 mentioned 27:1 37:15 49:1
 Merchants 39:15
 Metro 6:18
 MFA 3:4
 MHPD 6:24 16:7,13 25:23
 middle 21:5 68:21
 might 65:20
 Mike 35:11
 Mile 14:22 39:9
 miles 39:1,3,17,20,25 40:5
 military 75:12
 mind 60:5,15
 minimum 45:11 46:8,11
 minus 6:22
 minute 84:3
 minutes 59:15
 Mobil 39:12
 Mobile 3:6 15:17 16:7
 37:18,21 42:21 43:25
 45:20
 mobilizing 58:5
 models 44:6
 modifications 9:6 24:13
 83:18
 moment 25:6 32:7 72:24
 more 14:7 22:22 27:14
 32:23 34:1 37:14,19
 44:24 54:14 64:10 66:1,
 13,21,21,21,21 72:11,15
 73:4 77:10 79:12

morning 3:14 6:11,14
 14:19 29:5 31:16 32:5
 53:24 59:13 84:18
 mosaic 30:23 53:21 57:2
 most 29:23 37:24,25 38:1,
 4,7 56:13 62:25 65:23
 move 12:14 55:1
 moved 56:19 75:15
 moves 69:17
 MPO 46:24
 much 31:6 36:8 64:15
 66:10 70:17 71:19 84:11
 multi 16:15 17:20 37:4
 43:11
 multi-family 7:2 17:19
 22:11 32:16 36:18,21
 37:1,2 44:12 45:18,18
 50:20 68:5
 multiple 64:20,24
 multiple-family 8:17
 must 19:23 20:6 55:6
 Myers 3:10 6:22 7:6 14:22
 23:7,9 27:12 28:6 31:12
 61:8 80:4,11

- N -

name 3:1,14 4:4 5:22 6:11
 14:20 15:12 27:20 31:9
 60:25 61:6 65:6,12 66:15
 67:6 74:1 82:7
 named 68:9
 native 20:14,17 54:2
 natural 22:3 24:1 26:11,14
 nature 78:20 82:4
 near 22:6
 nearest 39:8
 necessarily 62:5
 necessary 33:15
 need 4:12,14 9:11,14,19
 13:8 24:11 38:17 41:20
 47:7 55:3 56:23 57:4,16
 64:22 71:16 79:18 84:5
 needed 9:1 33:11 69:19,22
 needs 11:16
 negative 60:4
 negatively 78:18 79:8
 nest 69:11
 nesting 30:14
 new 47:23 58:23 60:14
 66:19,19 68:20 72:15
 81:14
 next 3:23 10:7 13:18 16:5,
 21 17:9 19:19 20:4,22
 21:12 23:14 39:11,20,25
 62:17 70:23
 night 47:24
 No 3:4 7:20 8:4,5,6,8
 11:7,8,8 15:5,6 22:4
 25:19 27:14 28:23,24
 30:13 31:3,4,5,18,25 32:1
 34:4 35:3,5 36:6 40:1,20
 41:9,10,12,20 46:11
 47:14 48:13,21 51:2
 52:15,19,21,22 53:12,13
 54:11 58:10 59:10 63:10
 64:4 72:3,19 75:25 76:3

77:6,14,15 78:15 80:21,
 22 82:12,20,21,22 83:10
 84:6,14,15
 none 14:1
 North 3:9,10 6:22 7:6
 12:12 15:19,21 17:1,15,
 21 23:7,9 27:11 33:4
 38:21,25 39:3 40:4 43:1,
 15,16 44:8 51:24 61:7
 62:12,22,24 63:2,9,12,14
 64:14,18 67:8,15 69:13
 70:3 72:13 80:3,11 82:8
 north-south 68:8
 northbound 33:6
 Northeast 33:18,20
 northern 10:13
 Nos 14:3
 not 4:8 7:18 9:5 12:9,11
 19:6 23:11,22,25 31:18
 33:16,22,22,23 34:15,24
 37:20 38:15,16 43:20
 45:6 46:13 47:2 48:25
 49:11 50:3 51:17 52:15
 55:20 57:7,20 61:1 62:5
 63:18,18 64:3,22 65:1
 66:3,22 68:12 71:20,25
 74:20,22 75:25 77:6
 78:7,13,20,21 79:8,11,13,
 18 80:9 82:19,23,24
 note 14:24 17:4 18:5
 32:17 57:4 59:1
 notes 13:18
 Nothing 60:14
 notice 8:12 37:12
 noticed 48:25 52:8
 now 6:3 7:13 9:15 38:14
 39:16 40:16 41:2 44:7
 45:6 47:2 59:15,24 61:21
 80:8
 number 6:15 8:15,23 36:9
 40:10 42:7 64:14 67:17
 numbered 85:8
 numerous 46:16

- O -

o'clock 11:21
 oath 5:23 14:23 31:17
 36:3 61:1,7 65:7,14 67:8
 71:7 73:18
 object 7:18 9:5 49:18
 objection 8:2,4,5,6 13:22
 14:1 15:3,5,6 28:20,24
 31:23,25 32:1 36:4,6
 41:7,9,10 48:22 53:11,12,
 13 77:7,14,15
 Objective 21:19,23
 obligated 68:23
 observed 30:10,12,14,15
 obtain 3:20 56:1
 obtaining 33:15
 obvious 55:20
 obviously 18:16
 occupancy 64:15,16
 occupation 27:20 28:7
 31:10 74:2,7
 occur 78:20,21

October 19:14
 odd 42:23
 off 5:18 18:25 26:18 34:20
 41:15 47:2,8 69:5 70:5,
 11 79:8,11,12,12,16
 off-site 79:10,18
 offer 25:17 35:14 74:15,24
 office 7:4 14:25 16:20
 22:21 28:4,18 33:1 36:1
 52:15 70:13 74:5 75:16
 Officer 29:14 32:5 74:25
 79:22 83:12
 Officer's 7:5 32:12
 offices 70:9
 often 70:18
 Oh 11:13,15 52:8 71:9
 oil 40:20
 Okay 5:2 6:3 8:2,21 9:3,
 21 10:6 11:1,18 12:4,21
 13:21 19:4,11,17 26:4
 27:13 34:2,12,17 35:2,17
 40:22 41:5 43:7 46:5
 47:22,25,25 50:25 52:4,4,
 19 56:11,20 59:11,15
 61:14 63:5,15 65:4,5,15,
 19 66:25 67:9 71:10,15
 72:17,21 73:6,8,13,20
 74:21 75:1,8,17,20 76:8
 77:23 80:19 81:1,7 83:8,
 10 84:16
 old 7:7
 on-site 20:14
 Once 3:22 20:7,18 21:24
 24:15 56:3 57:14 63:1
 73:13 79:25
 one 3:21 10:20 12:24
 25:2,5 30:12 33:16 36:12
 37:2,13,25 38:4,6,25
 40:17,18 45:8 46:2 48:5,
 25 50:18,20 52:8,24
 54:15 57:6,10 58:21 60:5
 66:4,15 67:14 72:23
 75:4,6 77:10 78:1,3
 81:11
 only 26:18 32:21 40:18
 45:8 46:2 50:18 60:11
 75:19 77:12 82:7,12
 onto 37:20 54:20 62:16
 open 3:25 5:13 9:18 10:3
 20:13 24:12 54:8,14
 59:16,23 77:19
 operate 23:12,23 33:8
 34:9,10
 opinion 25:10 56:11 69:2
 opportunity 4:2 5:7 7:13
 25:8
 option 47:9 54:8
 order 7:1 13:5,7 33:10
 49:16 69:9,24
 Orders 81:18
 originally 46:18
 other 7:4 10:20 13:9
 17:16 30:3 35:13 40:18
 45:21 48:11,25 52:8
 54:12 56:23 59:7,9,10
 60:9 69:12 70:14 71:24
 72:6,17,25 73:11 76:1

77:11 78:13 81:2 84:17
 Otherwise 58:8
 our 10:12,24 12:12 15:21
 16:5 18:14 19:3 21:4,15,
 17 25:4 30:21 32:13,19,
 23 33:7,21 56:17 59:13,
 22 63:17 64:16,20 65:21
 66:6 69:20,23 72:19,24
 78:4 79:17 80:11 81:20
 82:8 83:13,24 84:9
 out 3:21 8:16 10:10,19
 11:5 13:8 18:14 33:6
 34:6,11,20,25 42:5 43:20
 44:19 46:14 48:3,11
 54:15 55:3 58:6 62:12,16
 63:10 64:3,21 65:1,21,22
 68:19 82:4
 outside 55:6,10
 over 6:4 7:9 22:12 35:18
 36:9 37:2 42:1,11 58:1
 65:16 66:17,18,20 67:10
 73:14
 overall 43:11,13 57:1
 own 4:5 67:22,25
 owned 67:14
 owner 51:24
 ownership 19:24,25 51:22
 82:11,23
 owns 49:23 67:24 69:2

- P -

p.m 9:18,21 10:4,25 34:16
 Page 8:13 9:7,8 12:5,10,23
 42:5 44:22 51:12 52:9
 58:16,22 70:8
 pagers 5:18
 pages 85:7
 paid 63:24
 palametto 29:18
 palmetto 54:10
 papers 75:18,24
 paragraph 8:14,22 42:6
 48:7
 parcel 6:22 16:6,10 37:12
 47:13
 parcels 16:8 43:1 82:11
 pardon 11:8 40:13 44:21
 park 37:18 42:20 43:25
 44:4,6,6 45:20,20 62:13
 64:9 65:21,22 66:6
 parks 22:8
 Parkway 3:10 14:22 68:9,
 10,11,24 70:7
 part 10:17,24 12:12 24:10
 40:23 41:21 45:15 46:17
 50:2 51:15 63:21 69:8
 75:20 78:7
 participate 3:19 60:8
 participated 75:17
 participation 4:1 60:1,24
 particular 13:14 25:11,18
 27:18 38:11 40:11 49:11
 57:14 74:17 76:19 78:6
 81:19 82:7
 parties 59:18
 parts 37:22 41:3

Passarella 6:19 27:16 28:3,
 9
 passed 52:2
 past 48:11
 patience 35:16 84:8
 pattern 22:1
 patterns 21:20
 pay 63:22,23
 PDP 15:22 17:14,14 33:3
 51:15,17,18,23,25 52:1
 69:9,24
 peak 34:13,16
 people 44:8 61:18 62:13
 63:1 64:13,14,18 66:14,
 21 70:3,11 73:4
 per 21:5 43:10 44:1,3,5
 63:19,24
 percent 20:13
 percentage 53:23
 performance 23:18
 perhaps 11:23 71:21
 permit 56:2,3
 permits 33:15 79:6 80:12
 permitted 37:25 49:6,7
 52:21 67:17
 permitting 33:12
 perplexed 64:7
 personnel 83:18
 Petroleum 39:22
 ph 35:11,12 39:22 44:4
 68:10
 Phase 13:5,6 56:4 57:12,
 13,19,21,22
 phasing 57:10
 phones 5:18
 photo 61:10
 photograph 41:7 65:16
 piece 22:20 69:22
 pine 29:18,18 30:16 39:11
 40:19 46:21,24 66:17
 pit 41:18
 pits 76:13
 place 5:4 21:24 23:22
 54:25 62:13 63:16 66:22
 placed 68:17
 places 41:3 64:24
 Plan 10:14 13:6,24 14:8,9
 16:18,22 17:3,10 18:8,15,
 22,25 19:3,8,12,13 20:16,
 23,24 21:4 22:25 23:17,
 20 24:23 25:1,10,13,25
 26:7,9,17,17,24 30:19
 33:9 42:2 44:23,24 45:1,
 6 46:3 47:1,2,18 48:20,
 23 49:8 53:8,19 54:4
 57:19,20 79:2 82:21
 Planned 3:7,8 6:24,25
 16:7,14,17 17:11 36:12,
 13,15,19 67:18 70:5,8,10
 83:14,15
 Planner 4:20,21 6:16
 13:14 25:7,11 35:24 53:5
 Planning 4:23 14:21 15:1,4
 21:13 36:2 76:10
 plans 33:19 77:3
 plant 57:18,24
 planting 13:6 57:13

plantings 46:12 57:16,22
 plants 57:17
 plat 68:10
 please 3:21,23 4:4,6 6:1
 27:20 29:8 31:9 49:19
 58:24 60:18,23,25 65:7
 74:1 75:3
 plus 6:21 39:23
 podium 4:3 5:21 60:24
 point 10:12,15,16,19 13:13,
 15,25,25 14:5 15:9 26:3
 27:17 28:15 35:14,18
 38:16,22 39:8,14 42:5
 44:19 46:14,17 48:2,11,
 17 54:15,18 55:19 69:10,
 13,18,19,20,23 80:18
 81:13
 Pointe 28:5
 pointed 55:3
 pointer 62:22
 points 64:20 79:18
 policies 42:3
 Policy 20:25 21:12,12,16
 22:2,6,9,17,24
 Pondella 39:21 40:9
 Popeye's 39:13
 Port 72:14 74:4
 portion 36:13,15 37:11,16
 43:13,19,21 46:24 48:5
 50:9 67:25 69:20 73:14
 portions 20:17
 possible 57:24 72:1
 possibly 33:18 38:17
 potable 80:3
 potential 33:24 54:6 81:11
 potentially 33:20
 power 13:14,24,25 15:9
 Prado 33:4,20 39:1 46:23
 47:1 62:24 63:3,13 64:5,
 24 68:24
 preliminary 80:8
 prepared 31:13 32:8
 preparing 49:20
 presence 81:3
 present 5:4
 presentation 3:12,12,24
 5:5,9,10 13:15,16,25 14:1
 15:10,11 52:23 59:23
 preservation 19:9,10 20:14
 53:19 54:5,22 56:24 73:3
 preserve 4:15 29:14 30:21
 42:11 52:6 55:1 58:14
 59:1
 preserved 30:24
 preserves 55:6,10
 pressure 66:7 79:21,24
 pressures 80:7
 presume 51:17
 pretty 36:20 42:16,24
 50:14 66:7
 prevent 66:8
 previously 6:8 14:16 27:25
 28:12 30:5 35:21 53:2
 60:12 61:4 65:10 67:4
 71:1 73:24 76:4
 primary 69:16
 Principal 4:19,21 6:16

35:24 53:5
printed 13:25
prior 10:25 11:20 49:15
Priority 67:23,24
private 82:15,19
probably 43:22 45:25 47:3
 63:5 71:13 81:12
problem 49:24 50:4,18,21
 55:14 66:1,2,3,9,23
procedure 5:3
proceeded 46:4
proceedings 59:14 85:6
process 33:13,13 79:1,4,6,
 16
professional 25:11 74:8,12
 75:8,24 85:4
prohibit 22:5
project 10:17 25:12 27:18
 29:19,24 30:3,4,8,10,12,
 13,22 31:14 32:12 34:11,
 18,21,22,25 39:7,21 43:8,
 10,19 46:7 48:5 57:4,24
 60:2 70:1 71:19 72:4
 74:17 75:14,15 78:6 79:2
 80:1,2 81:23,24 82:7,8,9,
 25 83:3,7
projected 34:9,10
projects 81:14 82:4
proof 61:18
properly 57:11
properties 78:5,14
property 3:8 4:5,7 6:23
 7:6,10 16:1 17:1,6 19:9,
 24,25 22:4,20 26:8 29:4,
 10,11,12,16,21 30:1,6,14,
 16,19,24 32:4 36:22
 41:16,16 42:12 43:15
 45:11,16 47:7,8 49:2,8,17
 52:16 53:17 54:20,21
 56:3,4 57:3 58:22 67:8
 68:18 69:9,20,22 79:9
 82:11 83:14
proposal 44:10 50:6
proposed 20:17 23:17
 25:12 36:11 40:11 50:6
 60:20 78:16
proposing 22:15 52:11
 55:7
protect 22:3,10 40:11
protected 29:12 30:7,9,18
 53:8 56:12
protection 54:4
prove 79:7,17
provide 20:6,9,13 33:21
provided 14:7 18:6,17
 26:17 27:10,11 49:7 80:5
providers 80:3
provides 13:17 54:8,11
providing 21:8,19,25 22:9,
 10,21 27:8
provisions 57:8
public 3:25 4:2,11 5:14,14
 21:23 59:17,24 60:1,22,
 23 73:11,13
publications 75:24
pulled 80:6
pump 39:10

pumps 38:4,8 39:2,5,10,13,
 18,19,22,23
Punta 72:14
purposes 48:3 78:12 83:1
put 9:14 12:15,20 18:13
 23:10 37:9 52:1 57:8,16
 69:4 83:19
putting 61:17,17 68:20
 79:12

- Q -

quadrant 67:25
qualifications 28:15
qualified 28:10 36:2 76:5
quality 57:1
question 26:6 52:6,8 61:21
 70:3 77:10 80:24
questioning 65:21
questions 5:12,16 26:3,5
 27:14 31:1,5 34:1,2,4
 35:3,5,15 50:25 51:2,3,8
 52:22 58:9,10,11 59:8
 60:4 70:14,15 72:18 73:6
 75:2 76:22 78:1,3 80:20,
 21 84:1
quick 25:5 52:24
quicker 29:1
quickly 10:2 54:3
quite 62:3 63:6,10 65:1,22
 82:2

- R -

rains 72:8
raise 6:1
raised 83:22 84:1
ran 29:25
range 21:6,7
rather 6:23 9:12,13 64:2
 82:14
ratio 57:7
reach 83:4
read 8:17 45:17 48:5 55:8
reading 8:18
real 40:20
realize 12:14
really 8:11 18:9 19:6
 33:25 34:15 66:3
Realmark 67:7
reason 46:17 47:5 57:13
 63:10
Rebol 6:17 72:23 73:16,19,
 22 74:3,3,8,11,15,20,22
 75:1,4,10,19,22,25 76:3,
 6,10,17,20,25 77:6,12,21
 78:9,15,21,25 79:25
 80:16
Rebol's 74:25
rebuttal 50:3 59:17 73:8,
 15,23 81:8 84:13
recently 74:11
recess 59:13,13,13,19,22
recognize 18:15 19:1 35:9
recognized 19:2
recommend 83:12 84:10
recommendation 3:20 4:9

7:15 30:18 60:6
recommendations 13:11
recommended 20:1,7 24:6,
 16 25:3 45:10 53:18
recommending 41:18
recommends 48:8 50:23
reconnect 54:7
reconvene 59:14
record 3:18 4:5 6:11 9:18
 10:3 13:22 14:20 24:12
 27:21 28:2 31:10 35:23
 53:4 57:8 58:13 59:21
 67:6,16 69:25 74:3 77:19
 81:10 83:6 85:8
recreation 17:21
Recreational 45:19
reference 3:5 8:14 48:3
 69:8
referring 7:11 10:14 12:12
reflect 9:11,16 10:24 58:25
 59:1
Refrain 5:18
regard 7:15 8:11 37:6
 41:14 42:9 44:11 46:16
 48:5 52:6 80:24
regarding 13:11 14:7
 15:10 20:8 30:18 60:2
regards 53:8
regional 83:1
registered 74:11 85:4
regrowth 54:2
regulation 58:22
regulations 25:14 36:23
 45:17
rejected 48:10
relected 31:15
relating 25:17 27:18
relation 4:7
relevant 25:14 67:16
relocate 56:6
relocated 69:12
remain 55:11 56:4 62:2
remainder 9:2 10:22 16:10
 36:17
remember 66:15
removal 57:17 71:19 78:11
remove 54:1 55:13,22
removed 13:5 49:14,17
 57:11,15
rent 70:19
repairs 41:4
repeat 11:3,10,17
replanting 20:16 57:18
Report 7:14,16 8:13 9:8,10
 11:4 12:8,10,24 24:5,5,
 10,15 25:3 32:14 36:9
 37:15 42:4,6 43:9 44:20
 45:16 49:15 50:23 51:13
 52:9 58:16 60:5 83:23
 85:6
Reporter 85:5
representatives 35:10
representing 3:15
request 3:6 6:21 14:6
 25:8,18,20 29:4 31:16
 32:4,18,21,24 48:10
 83:11,13 84:9,9

requested 22:12 24:16
 46:19 56:24
requesting 6:23 16:13,17
 19:20,24 20:15 21:4
 24:20 25:22 47:4
require 57:6 81:3
required 54:23 63:18,20
 79:7,17
requirement 12:17 13:4
 20:13,16
requirements 61:25 62:5
 64:1
requires 20:12 77:1
research 75:18,18
reside 4:5
Residential 3:7 6:24 16:14
 20:6 21:14,15 36:12,19
 43:13,16,19,21 83:14
residents 84:2
resources 24:1 26:11,14
respect 7:20 9:7 32:9
 34:18 51:4 76:18 78:22
 79:23
respectfully 83:11 84:9
respond 72:22
responded 83:25
responsibility 55:19,22,24
rest 44:9
restaurant 38:11,19
restaurants 38:6,23 40:8
restoration 54:5 57:7,13,
 18,23
restored 30:24
restoring 57:2
Resubmit 11:25
resume 14:24 28:17 31:14
 35:25 74:21,22 77:19,22
retail 7:3 16:19 22:19
 32:19,19,22,23,25 52:11
 68:6 70:7,13
retaining 72:10
retire 70:18
review 7:13 25:8 83:1
reviewing 82:9
revise 9:11,19 10:23 12:24
 13:3 55:8,15
revised 11:23 57:6 58:22
 59:2,3
rewrite 9:16
rewriting 57:10
rezone 3:6 83:13
rezoning 6:23 16:13 25:22
 50:24 60:20
Richard 3:2
right 4:15 5:24 6:1 7:10
 10:13 11:15 12:13 16:1,
 2,6 17:11,19 18:6,11
 19:15 26:2,21,22 33:6,6
 34:20,20 37:15 41:15
 44:5,18,23 47:14,17 48:1
 49:2 50:20 59:20 60:21
 61:12,12 62:22 63:14
 65:18 69:16 70:7
rightly 55:4
road 10:22 12:11,15,19
 15:19 17:12,13,20,21,24
 18:6,7,9,17 33:17 34:10

38:15,17 39:6,12,21
 40:19 41:17 46:21,24
 47:8 51:23,25 54:18
 55:18,25 62:11 63:13
 66:18 68:13 69:4,16,23
 70:6 74:5 81:15,15 82:15
 roads 20:5 23:11,23 70:12
 roadway 33:3 47:15 54:16,
 24 55:20,20 56:5 68:2
 roadways 33:7 81:23
 Rob 3:14
 Roberta 85:4
 role 25:7
 rolling 72:1
 roughly 36:17 42:22 67:19
 68:6
 rounds 26:14
 route 70:5,6
 RPD 6:24 25:23
 RPD/CPD 50:24
 RS-1 43:1
 rule 64:17
 run 29:24 50:18
 running 58:2
 runoff 72:9
 runs 41:16
 RV 37:18,21 42:20 44:4

- S -

safe 62:1
 safer 70:21
 said 7:6 49:13 51:25 58:13
 60:21 69:16 81:20
 same 11:7 19:12,18 24:25
 51:20,23,24 64:23 66:5
 82:25
 satisfied 26:19 48:23
 saw 40:18
 saying 69:25
 scale 70:8
 schedule 36:11,12,22
 scheme 82:12
 school 42:12 47:6 48:3,7,9
 54:20 66:16,17,19,20
 68:21,21,22 69:2 75:19,
 21
 schools 22:8 68:20,21,25
 SCHWABE 61:3,6,6,12,15
 62:11,19 63:5,15 64:2,8
 65:3
 Science 75:5,6
 Sciences 20:18 53:6
 screen 3:22
 se 63:19
 second 8:14,22,23 13:17
 25:5 48:7 51:14 58:15
 75:6
 secondary 69:13
 secondly 64:23
 section 12:13 19:22,22
 20:5,12,12 23:15 37:21
 49:4 67:15,15 68:18 79:1
 see 17:10 18:5 19:8 26:14,
 16 38:16,17,22 42:6 45:5
 46:22 48:7 50:7 52:5
 62:21 65:24 66:12,12

68:15
 seems 54:19 64:10
 seen 7:24
 Self-service 38:8
 sell 41:3
 selling 69:21
 seminars 76:2
 sense 65:2
 sent 48:4
 sentence 8:25 9:1 51:14
 separate 19:24,25 44:15
 60:8 82:11 83:6
 service 21:24 23:12,24
 24:3 33:8 34:6,9,11
 37:24 40:23 81:22,25
 82:3
 Services 4:22 21:21 24:3
 35:25 74:13
 servicing 18:19
 set 19:23 45:11,12 50:15
 52:17 55:23 82:4
 setback 19:25 58:14
 setbacks 22:11
 settled 27:19
 several 20:18 24:9 42:15
 76:6
 sewer 23:6,7 27:2,9,11
 80:4 82:13
 shall 51:16
 she's 13:2
 Shell 7:8 16:2 62:14 63:6
 shelter 63:16,19 64:1
 shopping 22:6 39:15 70:10
 short 3:12
 shortly 6:18 51:6
 should 8:15,16,17 42:8
 44:25 45:10 47:20 52:13
 54:24 78:21 84:18
 show 16:18 26:9 33:17
 45:7 47:2 61:10 71:10
 showed 46:24 48:18
 showing 16:5 43:1 44:14
 46:1
 shown 15:19 18:7 19:2
 48:19,22 49:8,12
 shows 26:7 45:5
 shrubs 46:9
 side 10:20 29:24 30:16,22
 42:24 50:7 69:12
 sides 50:16
 sidewalk 10:10,12,16,17,20,
 20,21
 signed 26:18
 significant 29:23
 significantly 32:23
 Silver's 39:23
 similar 45:25
 similarly 5:9
 simply 63:12
 simulators 75:12
 since 12:6,18 32:21 33:22
 41:19 71:19 75:9
 single 10:20,21 36:20
 43:12,21
 single-family 7:1 16:15
 17:25 32:15 36:18 67:19
 68:4

sir 8:1 51:18 65:5,5,15,19
 66:25 67:1 73:17,19
 74:18,20 75:3,19,25 76:3,
 17 77:6,17
 site 15:15 21:4 22:3,18,19,
 24 29:20,25 30:3,4,8,12,
 13,22 33:7 44:23,24 45:1
 52:20 54:9,10 57:6,18
 72:5 78:4,17,24 79:2,4,8,
 11,13,16
 situation 64:25 66:5,10
 Six 14:22 39:18
 sizing 26:12
 slabs 71:20
 slated 81:24
 slide 13:18 16:21 17:9
 23:11 25:24
 slight 8:12
 slightly 9:19 10:24 37:14
 48:18
 sloughs 29:24
 small 3:21
 so 8:7,16 11:4,4,15 12:2,
 17,19 18:12 19:1 21:15
 26:17,18 32:19,23 33:9,
 20 34:15 37:13,16,19
 40:7,10 41:11 43:12,17,
 23 44:5,17,24 45:12,21,
 24 46:19 47:2,2,7,8,9
 48:11 49:14 50:15 52:2,
 19 53:9 54:11 55:11
 57:7,24 58:5 59:4,13
 60:11,15 64:14,21,24
 66:1,2,7,11 68:13,23
 69:15,16,19,23 70:9,11,14
 71:19 72:5 77:23 78:18
 82:1,19,23
 soil 71:19
 some 14:6 15:24 17:21
 18:8 19:10 24:13 27:17
 29:19 30:3,4 37:8,8 41:4
 42:23 44:6 47:7 53:22
 54:18 56:7 63:8 64:13
 68:8 69:1,17 82:2
 somebody 50:1
 something 9:24 12:6 18:20
 49:22 60:17 63:24 66:9
 sometimes 41:3 42:18 66:6
 somewhat 9:11
 Sonoco 39:18
 sorry 8:19 11:13 41:5
 68:25 83:8
 sort 38:20 40:7
 south 15:16,18 17:15,20,24
 18:3 29:22 38:21 39:6,7,
 16 40:9 43:25 50:7,16
 62:13 63:11 64:2,4
 68:11,14,24 75:7 77:2
 79:5,14,17
 southbound 81:24
 southeast 67:24
 southern 67:25 69:13,20,22
 southwest 54:16 74:5,14
 76:25 81:12
 space 9:14 18:17 20:13
 speak 4:12,13,15 60:2,9,22
 73:12

species 29:12 30:7,9,14,18
 53:8
 specifically 7:15
 Specifically 76:14 77:9,17
 specificity 14:7
 specifies 49:5
 spend 36:8 42:2
 SPICKERMAN 3:13,14
 8:5 15:5 31:4 51:2 58:10
 76:23 77:4,10,14 80:22
 83:5 84:15
 spine 10:22 17:13,24 63:13
 82:15
 spoken 60:12
 sprawl 21:21
 square 7:2,3 16:19,20
 22:19,21 24:21 32:17,21,
 22,24,25 52:11,12 68:6
 83:15
 stability 71:21
 staff 3:16 5:6,9,12,16
 7:13,23 8:13,15 9:8,10
 11:3 12:8,10,23 13:20
 18:21,25 20:1,7 24:4,5,6,
 10,15,22 25:3 26:4 31:1
 32:14 34:2 35:18,21 36:9
 37:6,7,15 41:8,12,23
 42:4,4,6 43:9 44:11,20
 45:10,16 49:15 50:5,22,
 23 51:13,14 52:9 53:2
 58:16 59:22 80:20 83:17,
 23 84:13
 staff's 3:24 7:14 24:24
 30:17
 stage 33:10 73:9
 stages 80:1
 staggered 46:11
 staging 58:5
 standard 22:20 23:2,6,10,
 11
 standards 22:18,25 23:18
 33:9 63:20 83:4
 standing 57:25
 standpoint 25:9
 Starnes 6:12
 start 79:3 80:10
 started 38:15
 starting 4:18
 starts 12:23 44:17 79:4
 state 4:4 27:20 31:9 56:2
 60:25 64:19 74:1,12 75:5
 85:1
 stated 15:9 17:2 20:2,19
 24:6 25:3
 statement 52:18
 statements 5:15,25
 stating 48:21
 station 39:2,9,12 40:15,20
 stations 37:25 40:12,14,21,
 23
 statute 82:24
 stay 61:18
 stenographically 85:6
 still 48:24 67:22
 stop 70:20
 storage 42:21,22 44:16
 store 37:22 38:3,9,12,19

stores 40:2
 stories 37:4 44:13
 storm 77:2
 straightforward 36:20
 stream 65:25
 street 10:21 16:2 46:20
 stricken 52:16
 strip 43:3
 structures 62:1 63:20
 stuck 64:5
 Study 31:13
 subdivision 12:12
 subdivisions 64:17
 subject 4:7 7:10 29:4 32:4
 49:2,17 55:16 83:13
 submit 11:20,23,23 12:25
 13:16 57:18 58:22
 submittal 10:25
 submitted 13:6 82:22
 83:20
 submitting 79:5 80:10
 subsequent 52:3
 suburban 17:3
 sufficiency 26:13
 sufficient 9:22 26:18 58:19
 sufficiently 24:11
 suggest 11:22
 Suite 67:13 74:6
 summer 64:14
 summertime 64:18
 supply 77:19
 supposed 18:23
 supposedly 72:12
 sure 19:18 32:13 38:15
 45:6 50:3 56:14,18 57:22
 79:10 84:4
 surface 30:3 43:24
 surrounding 22:10,13
 23:21 33:2 42:2
 surveyed 30:8
 surveys 29:12 30:7
 suspect 63:9
 Suzy 74:6
 swear 5:20
 sworn 6:2,8 14:16 27:25
 31:22 35:22 53:3 61:4
 65:10 67:4 71:1 73:24
 system 23:3,5,7 33:3 66:6
 73:1 82:2
 systems 81:15 82:13,15

- T -

table 3:21 4:17 21:13
 45:16
 Taco 40:6
 take 5:4 7:23 18:24 31:17
 33:16,23 47:12 54:25
 55:19 59:12 63:13,14
 65:24 71:7 73:4 83:3
 taken 5:23 8:16 11:5
 14:23 36:3 51:5 59:19
 61:1,7 65:6,14 67:8
 68:13 73:18
 talk 18:8 19:19 23:14 24:5
 51:12,13 53:24 60:16
 68:2 77:13 82:6

talked 49:12 58:18 64:21
 67:16 68:7 69:6
 talking 11:11,13 37:11,16
 51:16 58:13 67:20 73:2
 78:6
 talks 19:23
 tall 22:12 54:11
 Tamiami 42:14,16,16,17,17
 44:2 61:8 65:13 71:5
 Tampa 75:10
 Ted 6:17 31:7,9,11,20
 32:3 34:5,18 35:6
 tell 13:1 15:16 16:23 17:6
 ten 46:11 59:15
 tenacious 55:2
 tender 28:16
 term 57:2
 terms 25:17 32:20 33:14
 62:6 78:18
 test 71:13 80:6
 testified 6:8 14:16 27:25
 31:22 35:22 53:3 61:5
 65:11 67:5 71:2 73:17,24
 74:18 76:6 77:11
 testify 6:1
 testifying 76:9
 testimony 58:8 60:14 83:6,
 24
 tests 80:13
 than 13:9 29:1 32:24 34:1
 35:13 43:23 48:19 53:23
 66:11 70:21
 Thank 3:13 5:2 6:10 8:10
 14:11,12 15:8 31:5 34:17
 35:2,6,7,17 52:5 59:6,8,
 18 61:14 65:3,5,19
 66:24,25 67:9 70:17
 71:15 77:24 80:19 81:5
 84:11,12,16,19
 that's 5:24 7:11 9:10
 10:15,17,18 11:10,11
 12:9 15:22,22,23 19:13
 29:4 32:10,14 33:22,25
 34:14,16,23 35:1 37:2
 39:14 40:16,16,17 41:1
 42:8,18 43:6,11,11 44:18
 45:8,14,24 46:2,4 47:3,
 13,25 51:7,23 52:18
 53:20 58:20 59:14 60:19
 62:3,5,25 63:2,24 68:1,9
 69:23 73:2 74:6 75:5
 77:12 78:9 83:10
 them 24:12 40:9 46:2
 54:25 55:1,13 56:14,16
 61:19 63:10 65:25 70:6,6
 71:17 72:10 73:8 79:17
 83:19
 Then 8:25 9:25 10:4,18,21
 12:22 16:10,24 17:18,23
 18:1,2,3,7,14 24:4 33:4
 39:11,20 46:23,25 56:3,4,
 8 57:12,18,19 59:17
 60:1,24 63:11 64:10
 67:20 68:17,18 69:4,5
 70:12 72:7 75:6,13 79:9,
 16 80:6
 there's 8:14 9:18 13:17

16:3 17:7 21:14,16 24:13
 26:7 29:19,20 34:21
 36:22 37:8,12 39:1,13
 40:1,2,5,19 42:15 43:2
 44:24 46:2 47:9 49:3
 50:3,8,10 52:15 54:1
 57:9 64:4,15,25 65:22,25
 66:2,21,22 69:1 72:3
 77:25 82:13,19,20
 Thereupon 6:5 14:13
 27:22 31:19 35:19 52:25
 61:2 65:8 67:2 70:24
 73:21
 these 11:23 16:8 17:16
 26:11 44:8 50:15 58:23
 59:13 66:14,20 84:19
 they'll 55:2 62:17,23 63:4
 they're 37:23 43:1,23 46:1
 48:12,23 54:23 55:1
 56:8,18 63:2 66:5
 they've 56:15 69:3
 thick 54:11
 thing 5:22 25:2 33:16
 40:18 60:5 66:4 71:24
 72:6,25 73:3
 things 36:9 37:22 38:18
 54:15 56:23 58:21 78:19
 81:10
 think 11:2 18:25 24:10
 32:7 35:12 36:19 40:10
 41:2 42:1,9 43:19,23
 44:7,22 45:25 46:17
 47:3,5,8 49:14 50:21
 52:5 56:25 57:9 58:4
 59:12 60:3 62:3,25 63:23
 64:11 66:10,19 67:15
 70:18
 third 42:7
 though 13:19 34:15 35:9
 44:22 48:9 53:22
 thought 12:11,16 29:1
 thoughts 4:12 60:2
 three 35:9 39:20 68:20
 threw 48:1
 through 5:5,8,10 7:17,18,
 19 13:15 14:6 15:10
 17:12,24 18:1 20:14,16
 23:3,7 24:8,11,11,22
 26:13 28:15 29:25 44:23
 46:22 47:4 50:14 54:9
 56:8 62:20 63:3 68:18
 72:9,13 79:16 81:17
 82:16 83:23,24 85:8
 throughout 19:9
 thus 79:22
 tie 69:5 71:23
 tied 69:9,23
 time 3:12 4:1,17 5:14 9:22
 11:7 12:7 33:23 35:15
 36:8 37:13 41:19 42:2
 48:13 51:22 52:1,2
 55:12,19 56:15 57:25
 59:12,16 62:7 64:23
 66:12 67:14 69:18 70:17
 77:13 84:8
 timely 28:24
 times 65:21 76:6

TIS 32:14,16,19,23
 today 3:3,16 4:8,13,15
 6:15,21 25:21 38:24
 53:10 78:7 82:9 83:16,24
 today's 3:19
 Todd 6:16 72:23 73:16,22
 74:3 77:25
 together 43:23 83:17,19
 tomorrow 9:16,18,21 10:1
 58:3
 took 43:20 59:22
 top 12:10 45:12
 topic 49:23
 tortoise 30:11 54:17 55:5,9
 tortoises 30:10,15 54:12,
 13,24 55:11,17,22 56:6,
 12
 town 7:1 16:15 18:1,3
 36:21
 townhouse 43:12
 townhouses 36:18
 tract 17:11,19,21 18:2,4
 37:6,12 38:7 45:19
 67:20,22
 tracts 17:16 55:9
 traffic 32:8 34:11 44:21
 63:4 64:4 65:23 66:10,12
 69:5 81:11,14,17 82:2
 transcript 85:7
 transferred 41:20
 transient 44:6
 Transportation 6:18 31:13,
 15,24 56:17
 Trebatoski 4:19,19 9:15,25
 28:23 29:1 31:3 46:12
 52:24 53:1,4,5,16 55:24
 56:13,21 58:20 59:2
 Tree 40:4
 trees 46:9,11
 Treesh 6:17 31:7,11,11,18,
 20 32:6,10,13 34:8,14,23
 35:1,7 81:21
 trip 32:20
 trips 32:24
 true 85:8
 try 65:22 80:7
 trying 8:12 9:13 48:12
 58:3,6 70:11
 Tuesday 9:23 10:4,25
 11:21 77:18 83:20
 Tura 68:11
 turn 5:17 6:4 33:10 34:20,
 22,24 35:18 52:9 62:12,
 12,14 73:14
 turned 58:1
 two 9:5 16:8 20:2,8,10
 26:9 30:9 36:11 44:15
 46:25 50:16 56:23 57:6
 70:8 75:4 81:10 82:11,21
 Type 44:14,14 46:7,7,8,10
 61:16 76:14,23
 typewritten 85:7
 typical 78:16
 typically 34:15 55:24 56:1
 typo 8:16 11:3 42:8

- U -

U-turn 63:7,12
 U-turns 62:18
 ultimately 79:23
 under 15:23 19:24,25
 38:14 52:1 57:7 68:2
 82:24
 underlying 37:8
 understand 24:12 34:21
 63:2 66:5 82:1,16
 understanding 58:17 68:20
 underway 67:18
 undue 23:22
 unit 45:8 63:24
 units 8:17 16:16 21:2,2,5
 32:15,16 43:10 44:1,3,4,
 19 45:7,18 46:2,3 67:17
 68:5 83:15
 University 75:5,7
 unless 13:22 18:19 41:6
 unnecessary 11:4
 unreasonable 40:10
 until 9:18,23 10:4 54:23
 55:12 56:15 57:20 69:17
 77:18
 up 5:13 10:16 12:10,15,19
 14:6 16:3 17:9,11,14,23,
 25 19:13 21:2 26:25
 27:16 33:20 38:15 43:22
 44:8 45:23 50:1 52:10
 55:1 56:6 59:16,24
 61:10,17,17,25 62:22,23
 63:12 65:24 67:17 68:6,
 18 70:6,9 71:13 72:13,24
 75:15 81:11 82:17
 upland 19:10
 uplands 53:21 54:10 57:1
 upon 80:9
 urban 16:23 17:7 20:25
 21:9,20 24:2 49:12
 US 7:7 9:12,24 10:19
 15:16,17,18,24,25 16:3
 17:2,12,15 19:7 22:7,15,
 23 23:1 29:4 33:5,13
 34:8 39:1,12,17,21 40:1
 42:25 62:16 64:21 65:17
 66:22,23 69:4 70:4 72:16
 79:15 81:24
 use 15:1,4 16:20,21,23,25
 17:3,7 18:11 20:25 21:1,
 6,7,9 25:7,11 42:3
 47:12,18,19,21 66:6
 70:12
 uses 7:4 9:2 20:6 22:10,
 19,22,22 23:17,21 24:2
 33:1 36:11,12,22 37:7,17,
 20 42:25 43:2 52:11,15,
 16,17,20,21
 using 37:15
 usually 72:8 77:12
 Utilities 23:4,8,9 27:11,12
 80:10,11
 utility 77:3 80:2 82:15
 utilizing 80:8

- V -

vacant 16:1 37:12 40:17
 47:18
 vacated 41:19
 value 70:2
 Vance 26:16
 Vara 68:9,11,24 70:6
 variety 53:19 54:8
 various 37:17 42:25 83:18
 84:2
 vegetation 13:4 20:15
 29:17 54:2
 vehicles 66:1
 Ventures 3:5
 verified 29:21
 version 13:17,25 17:9
 versus 57:1 73:4
 very 31:6 64:15 70:17
 78:23 81:9 82:10 84:11
 via 33:5
 viability 18:12
 vice-president 74:4
 vicinity 33:7 38:23
 Village 42:14,16,17,17,17,
 19,20 44:2,3,4 45:19,20
 61:8 65:13 71:5
 Visa 44:4

- W -

wait 61:21 65:23,23
 walk 65:16 67:10
 wall 3:22 10:15 46:10,11
 want 5:15 9:23 35:9 46:22
 48:11 50:3 54:15 57:23
 59:24 60:16 61:21 63:9
 70:20 72:1,21 73:3 82:10
 84:3
 wanted 19:1,17 26:15,16
 57:8 83:5
 wanting 26:14
 warehouse 7:4 33:1 52:14,
 16,20
 wash 38:1 39:13
 water 5:19 23:2,3 27:2,8,
 10 29:22 30:3 66:5,6
 72:8,11,12 73:9 77:2,2,13
 79:5,12,21,23,24 80:3,24
 82:13
 way 10:10 29:25 46:20
 48:22 54:6 56:21 57:2
 58:6 59:16 60:6 61:7
 62:25 65:13 69:4 71:5
 81:7
 ways 54:5
 we'd 49:14
 we'll 4:17 9:17 10:1,1,16
 11:19,25 12:1 17:25 50:1
 57:15 58:4,21 59:16,17
 62:6,8 64:5 79:7,22
 83:19
 We're 3:3 9:9,15,17 10:19,
 23 12:7,9,19 13:3 14:21
 15:17,18 16:13,17 18:24
 19:5,20,24 20:9,20 21:8,

19,20,21 22:6,7,9,10,20
 23:2,6 24:20 25:21,22
 37:3,4,11,16 39:16,20,25
 41:24 42:10,24 43:9,18
 49:23 55:16 57:9,14
 58:2,2,6 59:21 61:23
 66:7 67:20 70:10,11 78:6
 79:25 82:9
 we've 7:13 10:8,11,11 11:4
 12:18 13:7 29:9 68:9,13
 69:6 70:9 79:22
 weeks 4:11
 well 7:2 15:20 17:20 18:4
 21:18 22:8 24:20 25:24
 36:20 42:16,24 50:14
 57:5 63:5 64:8,11 68:1,6
 70:4 72:1 76:12 77:3
 79:12 82:3
 Wendy's 40:3
 went 24:10 66:16,17,18
 west 15:24 18:3,7 29:24
 30:15,22 47:13 68:16,19,
 25
 wetland 19:10 29:11,19,23,
 24 30:2,23
 wetlands 22:3 29:20,21
 53:21,25 57:3
 What 10:11 11:11 12:1
 13:3,13 15:15 16:5,13
 17:17 18:12 25:20 28:7
 33:18 37:11,16 38:22
 40:12,14 42:10 43:23
 45:25 46:21 47:3,19,25
 48:19 53:20,23,25 55:7,
 17 56:1 57:16 61:16
 62:5 66:11,11 67:18,18
 68:7 69:10 70:4,8 72:10
 74:7,9 76:14,23 79:15,22,
 22 81:16,19
 What's 28:4 34:5 60:12
 75:3
 whatever 62:6
 When 4:4 5:8,21 9:13
 11:22 12:25 23:12 27:19,
 19 41:17 42:15 48:1
 49:25 53:25 56:4 59:22
 60:24 62:16 63:12 65:24
 66:1 70:18 73:1 77:18
 80:1
 where 4:6 8:18 9:13 17:17
 22:15,23 26:20 37:18
 39:1,12 40:9,19 41:3
 46:10 49:5 50:18 51:12,
 13 52:9,10 53:20 54:16,
 17 55:11,23 56:14 61:11
 62:13,25 63:2 64:25
 65:17 68:19,25 69:14
 71:11 72:8 76:8 79:17
 whether 19:6 60:25 65:6
 66:8
 which 5:14 9:7 10:7,12
 15:19 16:7,9,9,11,24
 19:10 20:5,11 21:5 23:2
 32:4 34:6,12 39:6,8
 43:15,16 58:15 61:25
 67:7,15 68:11,12 69:11
 70:7 73:3 75:11 77:1

79:15 80:4,9 82:16
 While 13:21 47:11 49:22
 55:16 82:1
 white 3:21
 who 5:25 27:16 31:7
 35:10 49:23 56:18 59:24
 79:6
 Who's 27:8
 whoever 55:25
 whole 42:10 46:13
 whose 55:18,21
 Why 18:18 32:11 50:2
 56:25 57:13 64:6,7 65:16
 69:9,21,23
 wide 26:10 50:8,10
 width 46:8,10
 wife 66:17
 wildlife 54:13 56:2 73:5
 will 3:25 4:1,3,9,12,14
 5:3,4,4,6,9,13 8:7 10:11,
 21,24 12:25 14:1,8 17:19
 22:22 23:11,17,22,23,25
 26:23 30:23 33:8,10,11
 34:20,24 38:16 41:11,19
 42:6 45:20 46:6,20,22
 49:13,16 51:5 52:2,19
 55:22 56:1,3 57:15 58:25
 59:1,3 61:18,24 62:20
 63:5 64:3,23 65:1 67:17,
 19 68:17 69:1,3 70:1
 77:22 78:7,13,15,20 79:2,
 3,4 80:10 82:1 83:17
 WILLIAM 65:9,12
 wind 61:24 62:6,8 63:20
 windshield 38:20
 wish 4:13 60:22
 within 20:6 21:6,15,18
 22:19 37:25 38:22 45:19,
 22 48:18 50:11 51:15,25
 53:25 55:9 63:13 70:12
 82:3
 without 37:23
 withstand 62:4
 witness 5:6,7 6:7 14:15
 15:1,4,7 26:5 27:24
 28:16,21,21,25,25 31:21,
 24,24 32:2,2 35:21 36:2,
 5,5,6,7 53:2,7,14,14 61:4
 65:10 67:4 71:1 73:7,23
 74:16,19 76:5,16,22 77:8,
 8,16,16 81:4,5,20
 witnesses 5:5,10 6:2 35:9
 59:9,10
 won't 36:8 41:22 42:2
 63:15 64:8,16 77:23
 wonderful 70:1,4
 wondering 47:22
 Woodruff 6:19 27:15,23
 28:2,2,5,8,13,19 29:6,9,
 16 53:16
 WOODS 70:25 71:3,3,4,9,
 12,16 72:6,19,25 80:23,
 25
 wording 20:20
 words 9:1 10:20 45:21
 48:11 60:9
 work 13:5 20:20 32:12

55:15 58:6
worked 13:8 75:10
working 33:14 57:10 58:2
works 57:11
worried 72:25
worst 32:20
would 13:13 18:18 19:1
22:4 26:21 28:15 29:7
32:17,24 33:21 37:1
39:7,8,11 43:22,24 45:8,
8,12,22 46:8,9,10 48:16
49:19 51:25 53:9 54:12,
24 55:7,12,13 56:6,9,12,
13,21 57:19,20,22 58:18
59:25 62:14,19 63:9,10
71:20,24 72:11,11,14,15
77:20 83:11 84:8
write 13:18
written 12:8
wrote 12:7

- Y -

yard 42:21,22 44:16
year 34:6 75:10
years 55:18 74:14 75:13
77:1
yellow 17:2 26:7,15 42:11
Yes 7:25 8:1,24 9:25 11:9
19:16 25:15 27:4,7
28:13,19 29:6 32:6 34:8
41:1 45:1,3,4,15 47:16
49:21 51:18 52:8,18
56:13,16 59:5 61:12
62:11 67:1,11 71:9 72:6
73:19 75:22 77:12 80:16,
25
yet 51:11
you'd 3:19 4:11
You'll 8:12 25:5 42:19
43:22 44:7 49:20 62:12
You've 7:8 25:8 52:6
60:16 61:1 65:6

- Z -

zone 69:16
zoned 16:7,9,11
Zoning 4:22 6:23 16:5,6,
10,12 25:14 36:2,5 49:7
76:10,11 81:18