

 **LEE COUNTY**
SOUTHWEST FLORIDA
BOARD OF COUNTY COMMISSIONERS

239-533-8585

John E. Manning
District One

A. Brian Bigelow
District Two

Ray Judah
District Three

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District Four

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District Five

Karen B. Hawes
County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing Examiner

December 21, 2010

**JENNIFER SHEPPARD
BANKS ENGINEERING
10511 SIX MILE CYPRESS PKWY
FORT MYERS FL 33966**

Re: PALERMO (AKA CRANE LANDING)
Senate Bill 1752 Extension (F)
DCI2010-00033

Dear JENNIFER SHEPPARD:

In accord with Senate Bill 1752 (SB1752), development permits meeting certain criteria are entitled to one 2-year extension from the existing/initial permit expiration date. Accordingly, the effectiveness of the Master Concept Plan identified in Zoning Resolution Z-04-019, DCI2010-00033, PALERMO (AKA CRANE LANDING), is hereby extended for the following:

APPROVAL OF A 2-YEAR EXTENSION OF Z-04-019 FROM JUNE 21, 2011 TO JUNE 21, 2013 FOR PALERMO (FKA CRANE LANDING) RPD.

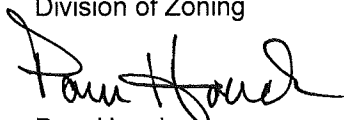
No additional extensions under SB1752 may be granted for the above-referenced development permit. All underlying conditions of the zoning resolution remain in full force and effect. Failure to comply with zoning conditions may result in enforcement action as provided under Florida law and local regulations.

This extension applies only to the specific approvals identified above. If your project requires additional development permits or authorizations to continue construction, you are required to obtain the necessary approvals, including related permit extensions. If you hold other permits or authorizations that qualify for an extension under SB1752, you must file a specific request for each qualifying development permit.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Department of Community Development
Division of Zoning


Pam Houck
Director



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BOARD OF COUNTY COMMISSIONERS

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County Attorney

Diana M. Parker
County Hearing
Examiner

December 29, 2009

**JENNIFER SHEPPARD
BANKS ENGINEERING
10511 SIX MILE CYPRESS PKWY
FORT MYERS FL 33966**

Re: PALERMO (FKA CRANE LANDING)
Senate Bill 360 Extension (F)
DCI2009-00056

Dear JENNIFER SHEPPARD:

In accord with Senate Bill 360 (SB360) and Lee County Resolution 09-06-22, development permits meeting certain criteria are entitled to one 2-year extension from the existing/initial permit expiration date. Accordingly, the effectiveness of the Master Concept Plan identified in Zoning Resolution Z-04-019, DCI2003-00023, PALERMO (FKA CRANE LANDING), is hereby extended for the following:

APPROVAL OF A 2-YEAR EXTENSION OF Z-04-019 FROM JUNE 21, 2009 TO JUNE 21, 2011 FOR PALERMO (FKA CRANE LANDING) RPD.

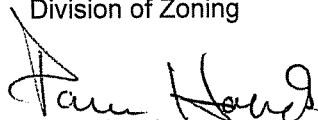
No additional extensions under SB360 may be granted for the above-referenced development permit. All underlying conditions of the zoning resolution remain in full force and effect. Failure to comply with zoning conditions may result in enforcement action as provided under Florida law and local regulations.

This extension applies only to the specific approvals identified above. If your project requires additional development permits or authorizations to continue construction, you are required to obtain the necessary approvals, including related permit extensions. If you hold other permits or authorizations that qualify for an extension under SB360, you must file a specific request for each qualifying development permit.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Department of Community Development
Division of Zoning


Pam Houck
Director



GIS Tracking Sheet

Case No.: DCI 2003-00023

Intake Date: March 21, 2003

Project Name: Crane Landing Golf Course Community RPD

STRAP Number(s): 23-43-24-00-00001.0000, 23-43-24-00-00001.1000, .1010, .1020, .1030, .1040, .1050, .105A

Planner Name: Tony Palermo Ext. 8325

LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING

Date: 7-8-03

INTAKE: DCI 03023

LEGAL SUFFICIENT

☒ YES☐ NO

Initials: [Signature] 08/04/03

If not, give brief explanation:

MAP UPDATE following FINAL ACTION

Date: 01 NOV 04

☐ Hearing Examiner Decision

Board of County Commissioner's Resolution

☐ Administrative Approval

Blue Sheet

Zoning Notes: Z-04-019, DCI 2003-00023, 21 JUNE 04, REZONE 385.7 ACRES FROM MHPD, AG-2 & TFC-2 TO RPD, 'CRANE LANDING', CONDS

MAP UPDATED

☒ YES☐ NO

Initials: [Signature]

If not, give brief explanation:

Renamed & Note to RPD: 500927, 929, 930, 931

EXHIBIT A

CRANE LANDING GOLF COURSE COMMUNITY RPD

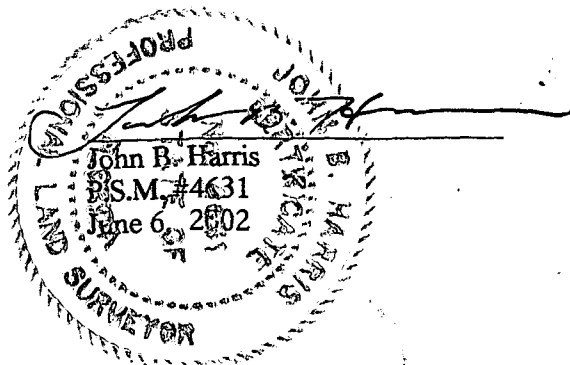
DESCRIPTION: (Per Harris-Jorgensen, Inc.)

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

Commencing at the Northwest corner of the aforesaid Section 23; thence run S.00°13'38"E. along the West line of said Section 23 for 100.00 feet to the South right-of-way line of Mellow Drive (100.00 feet wide per County right-of-way map for County Project # 4013); thence run N.89°59'07"E. (100.00 feet South of and parallel to the North line of the aforesaid Section 23) for 125.19 feet to the point of beginning; thence continue N.89°59'07"E. (100.00 feet South of and parallel to the North line of said Section 23) for 2546.80 feet; thence run N.89°54'44"E. for 186.46 feet; thence run S.11°11'47"E. for 5333.51 feet to a point on the South line of the aforesaid Section 23; thence run N.88°39'56"W. along the South line of said Section 23 for 1226.12 feet to the Southwest corner of the Southeast Quarter (S.E.1/4) of said Section 23; thence run S.89°49'54"W. along the South line of said Section 23 for 634.40 feet to the East right-of-way line of Garden Street (60.00 feet wide); thence run N.00°01'02"E. along said East right-of-way line for 568.00 feet; thence run S.89°49'54"W. for 505.00 feet; thence run S.00°01'02"W. for 568.00 feet to the South line of the aforesaid Section 23; thence run S.89°49'54"W. along the South line of said Section 23 for 1519.91 feet to the Southwest corner of said Section 23; thence run N.00°01'31"E. along the West line of said Section 23 for 568.00 feet; thence run N.89°49'54"E. for 150.00 feet to the East right-of-way line of a County Road (150.00 feet wide); thence run N.00°01'31"E. along the East right-of-way line of said County Road for 2081.69 feet to a point of curvature; thence run Northeasterly along said East right-of-way line for 106.54 feet along the arc of a curve concave Southeasterly, with a radius of 1025.00 feet, a delta of 05°57'19", a chord bearing of N.03°00'10"E. and a chord distance of 106.49 feet to a point of tangency; thence run N.05°58'50"E. along said East right-of-way line for 435.69 feet to a point of curvature; thence run Northeasterly along said East right-of-way line for 127.31 feet along the arc of a curve concave Northwesterly, with a radius of 1175.00 feet, a delta of 06°12'28", a chord bearing of N.02°52'36"E. and a chord distance of 127.24 feet to a point of tangency; thence run N.00°13'38"W. along said East right-of-way line for 882.73 feet to a point of curvature; thence run Northwesterly along said East right-of-way line for 255.26 feet along the arc of a curve concave Southwesterly, with a radius of 1175.00 feet, a delta of 12°26'49"W. and a chord distance of 254.76 feet to a point of tangency; thence run N.12°40'27"W. along said East right-of-way line for 386.42 feet to a point of curvature; thence run Northwesterly along said East right-of-way line for 222.67 feet along the arc of a curve concave Northeasterly, with a radius of 1025 feet, a delta of 12°26'49", a chord bearing of N.06°27'02"W. and a chord distance of 222.23 feet to a point of tangency; thence run N.00°13'38"W. along said East right-of-way line for 109.54 feet to a point of curvature; thence run Northeasterly for 78.72 feet along the arc of a curve concave Southeasterly, with a radius of 50.00 feet, a delta of 90°12'29", a chord bearing of N.44°52'53"E. and a chord distance of 70.84 feet to the point of beginning.

Said tract contains 378.826 acres, more or less, and is subject to easements, restrictions and reservations of record.

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



Applicant's Legal Checked
by

EXHIBIT "A"

RECEIVED
FEB 01 2004

SABAL SPRINGS RPD

COMMUNITY DEVELOPMENT

DESCRIPTION:

A tract or parcel of land being Sabal Springs Golf & Racquet Club, Units One, One A, Two, Three, Four - A, Four - B and Four - C lying in Sections 22 and 23, Township 43 South, Range 24 East, Lee County, Florida, described as follows:

Beginning at the Southwest corner of Tract "H", Sabal Springs Golf & Racquet Club, Unit One as recorded in Plat Book 41, Pages 14 through 22, Public Records of Lee County, Florida; thence run N.15°38'10"W. for 375.37 feet; thence run N.74°21'50"E. for 246.61 feet; thence run N.00°48'55"E. for 868.50 feet to the Southwest corner of Tract "C", Sabal Springs Golf & Racquet Club, Unit Two as recorded in Plat Book 43, Pages 74 through 82, Public Records of Lee County, Florida; thence continue N.00°48'55"E. for 60.00 feet; thence run S.89°11'05"E. for 67.50 feet; thence run N.00°48'55"E. for 25.22 feet to a point of curvature; thence run Northeasterly for 402.55 feet along the arc of a curve concave Southeasterly, with a radius of 222.50 feet, a delta of 103°39'32", a chord bearing of N.52°38'42"E. and a chord distance of 349.85 feet to a point of tangency; thence run S.75°31'32"E. for 250.64 feet to a point of curvature; thence run Northeasterly for 56.45 feet along the arc of a curve concave Northwesterly, with a radius of 77.50 feet, a delta of 41°44'00", a chord bearing of N.83°36'28"E. and a chord distance of 55.21 feet to a point of tangency; thence run N.62°44'28"E. for 143.04 feet to a point of curvature; thence run Northeasterly for 75.57 feet along the arc of a curve concave Northwesterly, with a radius of 52.50 feet, a delta of 82°28'08", a chord bearing of N.21°30'24"E. and a chord distance of 69.21 feet to a point of tangency; thence run N.19°43'40"W. for 218.49 feet to a point of curvature; thence run Northwesterly for 307.99 feet along the arc of a curve concave Northeasterly, with a radius of 902.50 feet, a delta of 19°33'10", a chord bearing of N.09°57'05"W. and a chord distance of 306.50 feet to a point of reverse curvature; thence run Northwesterly for 18.67 feet along the arc of a curve concave Southwesterly, with a radius of 62.50 feet, a delta of 17°06'46", a chord bearing of N.08°43'54"W. and a chord distance of 18.60 feet to a point of tangency; thence run N.17°17'16"W. for 78.01 feet to a point of curvature; thence run Northwesterly for 96.32 feet along the arc of a curve concave Northeasterly, with a radius of 322.50 feet, a delta of 17°06'46", a chord bearing of N.08°43'53"W. and a chord distance of 95.97 feet to a point of tangency; thence run N.00°10'30"W. for 190.12 feet; thence run N.89°49'30"E. for 709.79 feet; thence run S.89°57'02"E. for 582.32 feet to the Northwest corner of Tract "E", Sabal Springs Golf & Racquet Club, Unit Three as recorded in Plat Book 47, Pages 27 through 36, Public Records of Lee County, Florida; thence continue S.89°57'02"E. for 938.37 feet to the Northwest corner of Tract "A", Sabal Springs Golf & Racquet Club, Unit Four - C as recorded in Plat Book 68, Pages 41 through 45, Public Records of Lee County, Florida; thence run S.89°57'31"E. for 1045.70 feet; thence run S.00°12'19"E. for 160.33 feet to a point of curvature; thence run Southeasterly for 255.26 feet along the arc of a curve concave Northeasterly, with a radius of 1175.00 feet, a delta of 12°26'49", a chord bearing of S.06°25'43"E. and a chord distance of 254.76 feet to a point of tangency; thence run S.12°39'08"E. for 386.43 feet to a point of curvature; thence run Southeasterly for 222.67 feet along the arc of a curve concave Southwesterly, with a radius of 1025.00 feet, a delta of 12°26'49", a chord bearing of S.06°25'43"E. and a chord distance of 222.23 feet to a point of tangency; thence run S.00°12'19"E. for 882.73 feet to a point of curvature; thence run Southwesterly for 111.05 feet along the arc of a curve concave Northwesterly, with a radius of 1025 feet, a delta of 06°12'28", a chord bearing of S.02°53'55"W. and a chord distance of 111.00 feet to a point of tangency; thence run S.06°00'09"W. for 435.69 feet to a point of curvature; thence run Southwesterly for 122.07 feet along the arc of a curve concave

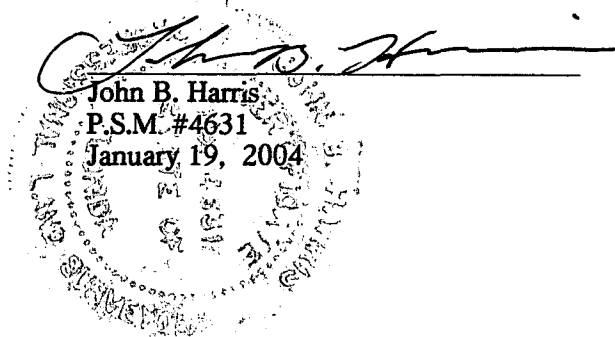
DCI 2003-00023

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

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

Bearings are based on the North line of the aforesaid Sabal Springs Golf & Racquet Club, Unit Three as being $S.89^{\circ}57'02''E.$

Applicant's Legal Checked
by *tg* February 4, 2004.



RECEIVED
FEB 01 2004
COMMUNITY DEVELOPMENT

DCI 2003-00023

SKETCH OF

**SABAL SPRINGS GOLF & RACQUET CLUB
UNITS ONE, ONE-A, TWO, THREE,
FOUR-A, FOUR-B & FOUR-C**

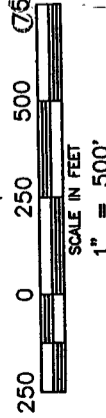
A SUBDIVISION LYING IN
SECTION 22 & 23, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

SEE EXHIBIT "A" FOR LEGAL DESCRIPTION!

RECEIVED

FEB 01 2004

COMMUNITY DEVELOPMENT



LINE #	BEARING	DISTANCE
L1	N.15°38'10"W.	375.37'
L2	N.74°21'50"E.	246.61'
L3	N.00°48'55"E.	60.00'
L4	S.89°11'05"E.	67.50'
L5	N.00°48'55"E.	25.22'
L6	S.75°31'32"E.	250.64'
L7	N.62°44'28"E.	143.04'
L8	N.19°43'40"W.	218.49'
L9	N.17°17'16"W.	78.01'
L10	N.00°10'30"W.	190.12'
L11	N.89°51'07"W.	205.41'
L12	N.15°38'10"W.	55.27'
L13	S.74°21'50"W.	195.69'
L14	N.15°38'10"W.	54.87'
L15	S.74°21'50"W.	201.47'

POINT OF BEGINNING

S.W. CORNER TRACT "H"
(PLAT BOOK 41, PAGES 14-22)

CURVE TABLE

NO.	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
1	1175.00'	12°26'49"	255.26'	254.76'	S.06°25'43"E.
2	1025.00'	12°26'49"	222.67'	222.23'	S.06°25'43"E.
3	1025.00'	06°12'28"	111.05'	111.00'	S.02°53'55"W.
4	1175.00'	05°57'08"	122.07'	122.01'	S.03°01'36"W.
5	222.50'	103°39'32"	402.55'	349.85'	N.52°38'42"E.
6	77.50'	41°44'00"	56.45'	55.21'	N.83°36'28"E.
7	52.50'	82°28'08"	75.57'	69.21'	N.21°30'24"E.
8	902.50'	19°33'10"	307.99'	306.50'	N.09°57'05"W.
9	62.50'	17°06'46"	18.67'	18.60'	N.08°43'54"W.
10	322.50'	17°06'46"	96.32'	95.97'	N.08°43'53"W.

S.W. CORNER
TRACT "C"
(PLAT BOOK 43,
PAGES 74-82)

S.E. LY R/W
LINE S.R. 45

POINT OF BEGINNING

S.W. CORNER TRACT "H"
(PLAT BOOK 41, PAGES 14-22)

CURVE TABLE

NO.	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
1	1175.00'	12°26'49"	255.26'	254.76'	S.06°25'43"E.
2	1025.00'	12°26'49"	222.67'	222.23'	S.06°25'43"E.
3	1025.00'	06°12'28"	111.05'	111.00'	S.02°53'55"W.
4	1175.00'	05°57'08"	122.07'	122.01'	S.03°01'36"W.
5	222.50'	103°39'32"	402.55'	349.85'	N.52°38'42"E.
6	77.50'	41°44'00"	56.45'	55.21'	N.83°36'28"E.
7	52.50'	82°28'08"	75.57'	69.21'	N.21°30'24"E.
8	902.50'	19°33'10"	307.99'	306.50'	N.09°57'05"W.
9	62.50'	17°06'46"	18.67'	18.60'	N.08°43'54"W.
10	322.50'	17°06'46"	96.32'	95.97'	N.08°43'53"W.

N.W. CORNER TRACT "E"
(PLAT BOOK 47, PAGES 27-36)

N.W. CORNER TRACT "A"
(PLAT BOOK 68, PAGES 41-45)

N.89°49'30"E.
709.79'

S.89°57'02"E.
582.32'

S.89°57'02"E.
938.37'

S.89°57'31"E.
1045.70'

S.00°12'19"E.
160.33'

S.00°12'19"E.
388.73'

S.00°12'19"E.
435.69'

S.00°12'19"E.
392.06' COMPUTED
394.92' PER PLAT

N.89°51'07"W.
906.26'

N.89°51'07"W.
1156.49'

N.89°51'07"W.
1065.66'

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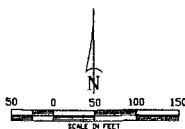
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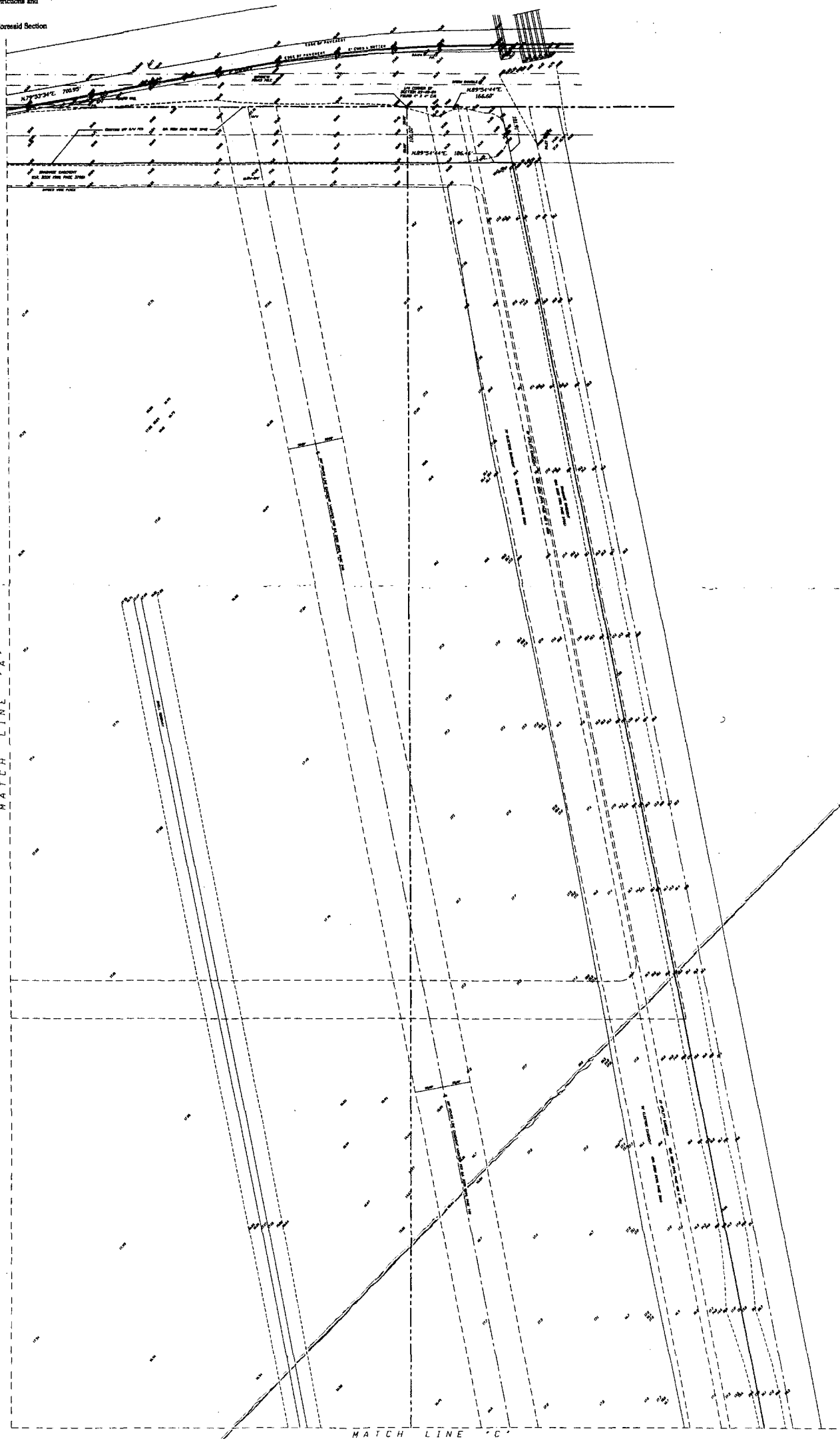
PRELIMINARY BOUNDARY & PARTIAL TOPOGRAPHIC SURVEY OF
PART OF SECTION 23
TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

REVISED	DESCRIPTION		BY
7/11/02	REVISE	BOUNDARY	FH
DRAWN	✓	SCALE	PROJ. #
FBI	JUN	1-3/4" = 1'	23-04-00
SURVEY DATE		FILE NO.	SHT. -
5/3/02		43-24-23	DE - 4
FLORIDA CERTIFICATE OF AUTHORIZATION # LB 6921			

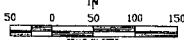


Said tract contains 378.826 acres, more or less, and is subject to easements, restrictions and reservations of record.

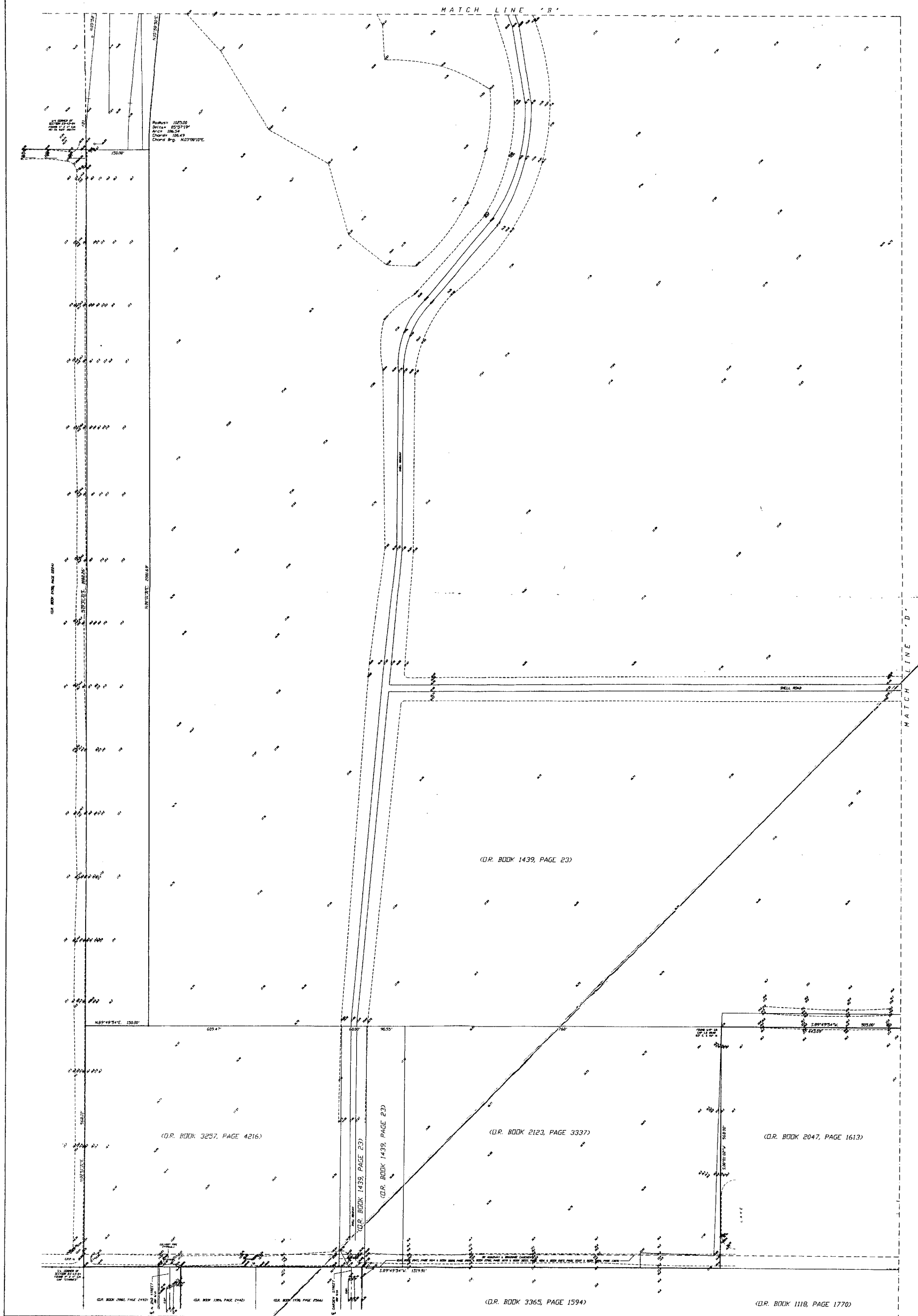
Bearings are based on the West line of the Northwest Quarter (N.W. 1/4) of the aforesaid Section 23 as being S. 00° 13' 38" E.



TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



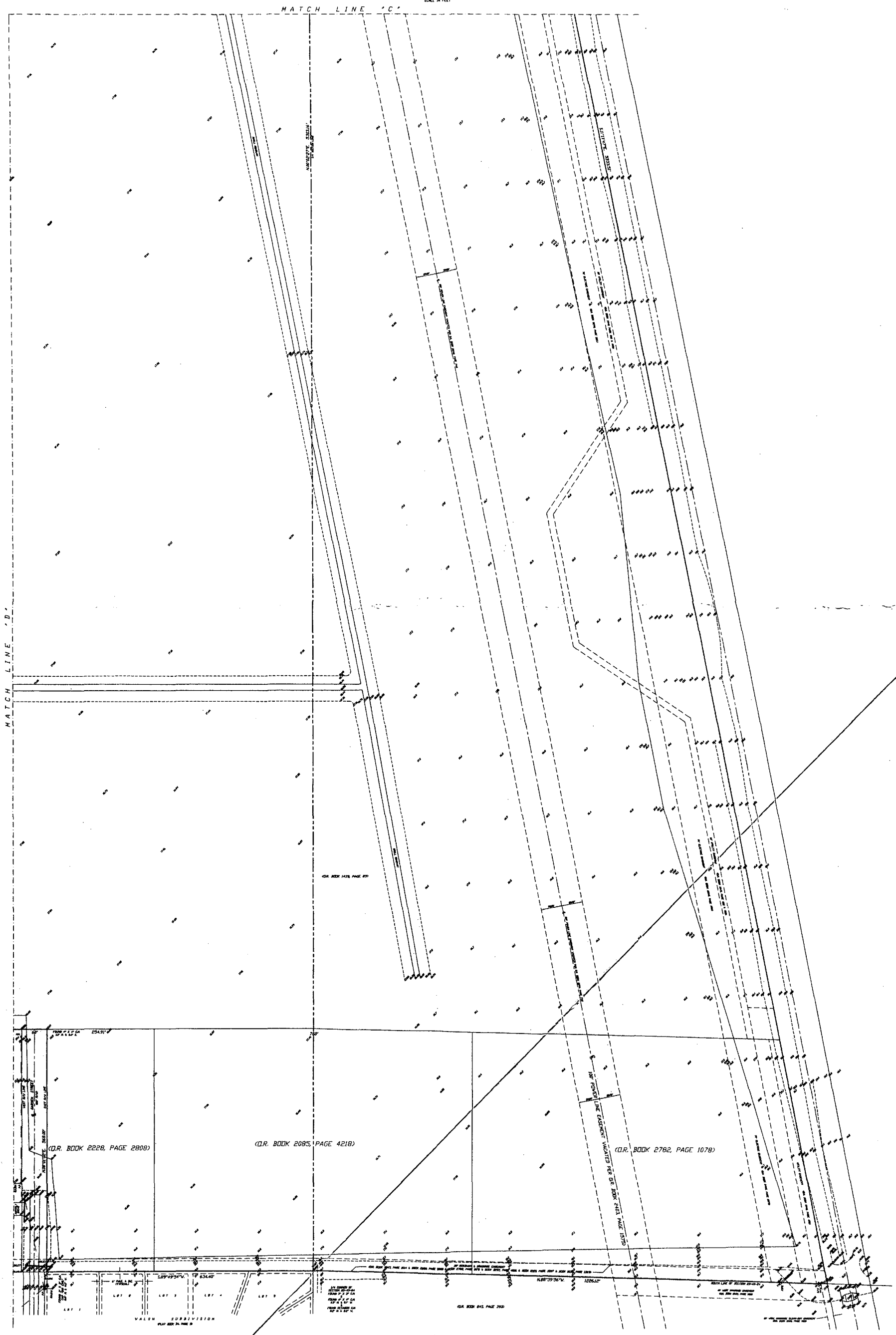
REVISED	DESCRIPTION	BY
7/11/02	REVISE BOUNDARY:	FH
DRAWN:	SCALE	PROJ.
FHM	1"=100'	C3-43-24
SURVEY DATE	FILE NO.	SHT -
5/3/02	43-24-23	OF 4
FLORIDA REDEVELOPMENT AND ALTERNATION DIVISION		



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SCALE IN FEET



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

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

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

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

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

SECTION A. REQUEST

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

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

REQUEST A) - REZONING TO RPD - CRANE LANDING

SECTION B. CONDITIONS:

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

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

- a. Schedule of Uses

ACCESSORY USES AND STRUCTURES

ADMINISTRATIVE OFFICES

AGRICULTURE - Subject to limitations in Condition 8

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

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

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

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

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

SINGLE-FAMILY: 500-615

DUPLEX, TWO-FAMILY ATTACHED: 50-100

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

MULTI-FAMILY: 400-515

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

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

ESSENTIAL SERVICES

ESSENTIAL SERVICE FACILITIES, GROUP I

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

FENCES, WALLS, ENTRANCE GATES

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

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

b. Site Development Regulation for Crane Landing RPD:

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

Unless modified by approved deviations or subject to other conditions.

NOTES:

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

Minimum Open Space 154.48 acres

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

3. Golf Course Conditions:

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

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

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

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

7. GOLF MAINTENANCE FACILITY

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

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

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

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

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

SECTION C. DEVIATIONS:

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

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

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

REQUEST B) - SABAL SPRINGS RPD AMENDMENT:

A. CONDITIONS:

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

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

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

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

a. Schedule of Uses

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

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

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

Maximum Building height for Clubhouse: 35 feet above grade

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

Side Setbacks: five (5) feet

Preservation Area: Minimum 5.66 acres

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

3. The following shall be provided in order to mitigate hazard occurrences and to insure Comprehensive Plan compliance:

A. Hurricane Evacuation

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

B. Emergency Medical Services

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

4. Any security gate or similar device that is not manned 24 hours per day must be provided with an override switch installed in a glass-covered box for the use of emergency vehicles.
5. The property development regulations for the project shall be the same as for the Residential Single-Family (RS-1) zoning district, as it may be amended from time to time, except where modified by deviations or this resolution.
6. Final plans shall be in conformance with the Land Development Code (LDC) and other development regulations in effect, except as provided herein.

B. **DEVIATIONS:**

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

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

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

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

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

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

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

SECTION D. EXHIBITS AND STRAP NUMBER:

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

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

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

SECTION E. FINDINGS AND CONCLUSIONS:

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

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

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


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

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

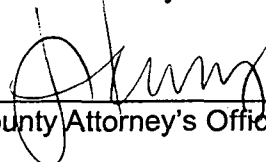
ATTEST:
CHARLIE GREEN, CLERK

BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Chairman

Approved as to form by:


County Attorney's Office



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MINUTES OFFICE
JP

2004 AUG 18 PM 2:08

DESCRIPTION:

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

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

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

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

Applicant's Legal Checked

by [Signature] August 03, 2004.

[Signature]
John B. Harris

P.S.M. #4631

October 13, 2003

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

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

Bearings are based on the North line of the aforesaid Sabal Springs Golf & Racquet Club, Unit Three as being $S.89^{\circ}57'02''E.$

Applicant's Legal Checked

by *[Signature]* February 4, 2004.

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

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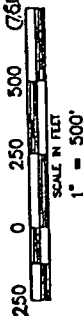
COMMUNITY DEVELOPMENT

DCI 2003-00023

SKETCH OF
SABAL SPRINGS GOLF & RACQUET CLUB
UNITS ONE, ONE-A, TWO, THREE,
FOUR-A, FOUR-B & FOUR-C
 A SUBDIVISION LYING IN
 SECTION 22 & 23, TOWNSHIP 43 SOUTH, RANGE 24 EAST
 LEE COUNTY, FLORIDA

SEE EXHIBIT "A" FOR LEGAL DESCRIPTION!

RECEIVED
 FEB 01 2004



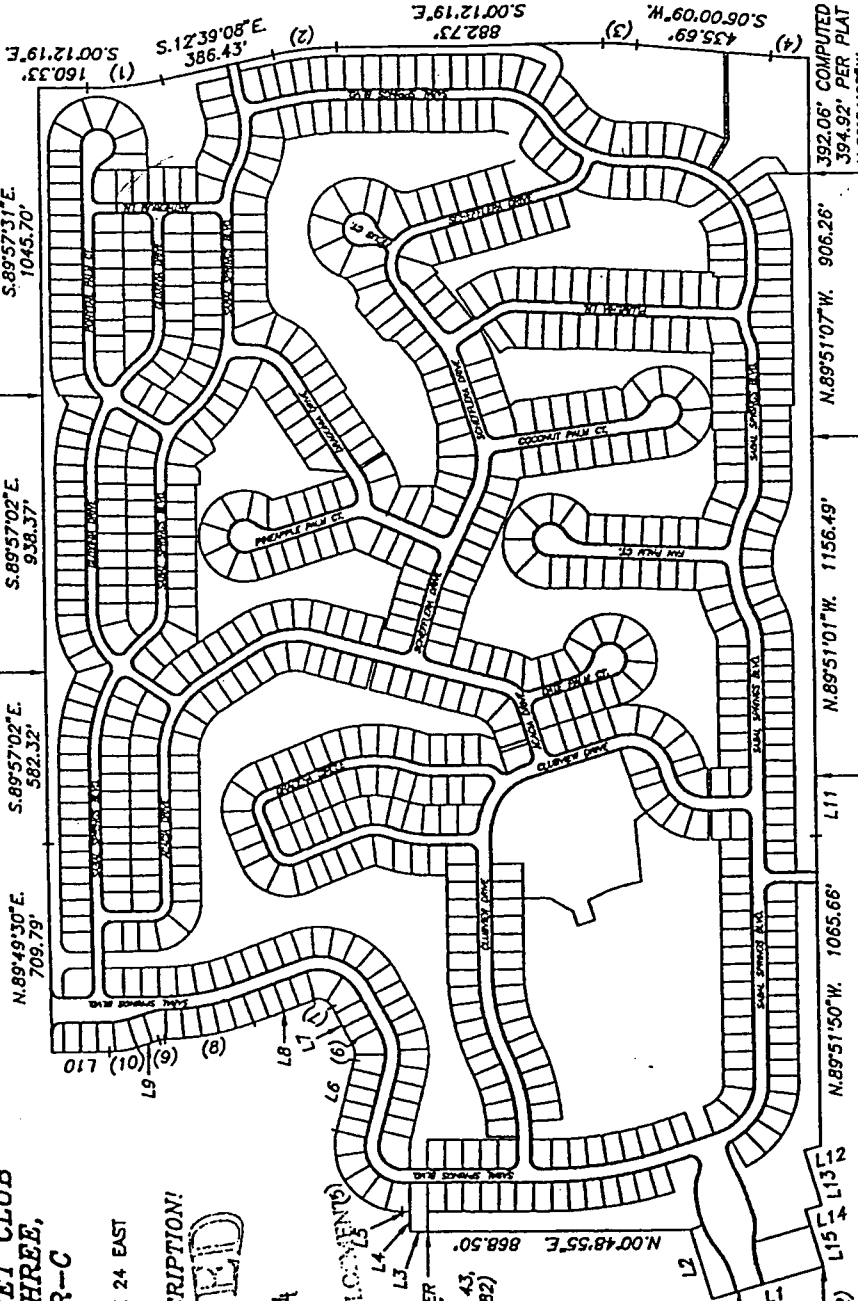
LINE#	BEARING	DISTANCE
L1	N.15°38'10"W.	375.37'
L2	N.74°21'50"E.	246.61'
L3	N.00°48'55"E.	60.00'
L4	S.89°11'05"E.	67.50'
L5	N.00°48'55"E.	25.22'
L6	S.75°31'32"E.	250.64'
L7	N.62°44'28"E.	143.04'
L8	N.19°43'40"W.	218.49'
L9	N.17°17'15"W.	78.01'
L10	N.00°10'30"W.	190.12'
L11	N.89°51'07"W.	205.41'
L12	N.15°38'10"W.	55.27'
L13	S.74°21'50"W.	195.69'
L14	N.15°38'10"W.	54.87'
L15	S.74°21'50"W.	201.47'

POINT OF BEGINNING
 S.W. CORNER TRACT "H"
 (PLAT BOOK 41, PAGES 14-22)

CHORD BEARING

NO.	RADIUS	DELTA	ARC	CHORD
1	1175.00'	12°26'49"	255.26'	254.76'
2	1025.00'	12°26'49"	222.67'	222.23'
3	1025.00'	06°12'28"	111.05'	111.00'
4	1175.00'	05°57'08"	122.07'	122.01'
5	222.50'	10°33'32"	402.55'	349.85'
6	77.50'	41°44'00"	56.45'	55.21'
7	52.50'	82°28'08"	75.57'	69.21'
8	902.50'	19°33'10"	307.99'	306.50'
9	62.50'	17°06'48"	18.67'	18.60'
10	322.50'	17°06'48"	96.32'	95.97'

N.W. CORNER TRACT "E"
 (PLAT BOOK 47, PAGES 27-36)
 N.89°49'30"E. 709.79'
 S.89°57'02"E. 582.32'
 S.89°57'02"E. 938.37'
 N.W. CORNER TRACT "A"
 (PLAT BOOK 68, PAGES 41-45)
 S.89°57'31"E. 1045.70'



392.06' COMPUTED
 394.92' PER PLAT
 N.89°51'07"W.

S.E. CORNER TRACT "D"
 (PLAT BOOK 47, PAGES 27-36)
 S.E. CORNER TRACT "A"
 (PLAT BOOK 65, PAGES 81-82)

220.642 ACRES ±
 JOB #: SSGRC-4324
 SKETCH DATE: 1/16/04
 JANUARY 22, 2004
 JOHN B. HARRIS, PSM
 FLORIDA LAND SURVEYOR #4631
 FLORIDA CERTIFICATE OF AUTHORIZATION LB #6921

HARRIS - JORGENSEN, INC.
 2706 S.E. SANTA BARBARA PLACE
 CAPE CORAL, FLORIDA
 PHONE: (941) 772-9939
 FAX: (941) 772-1315

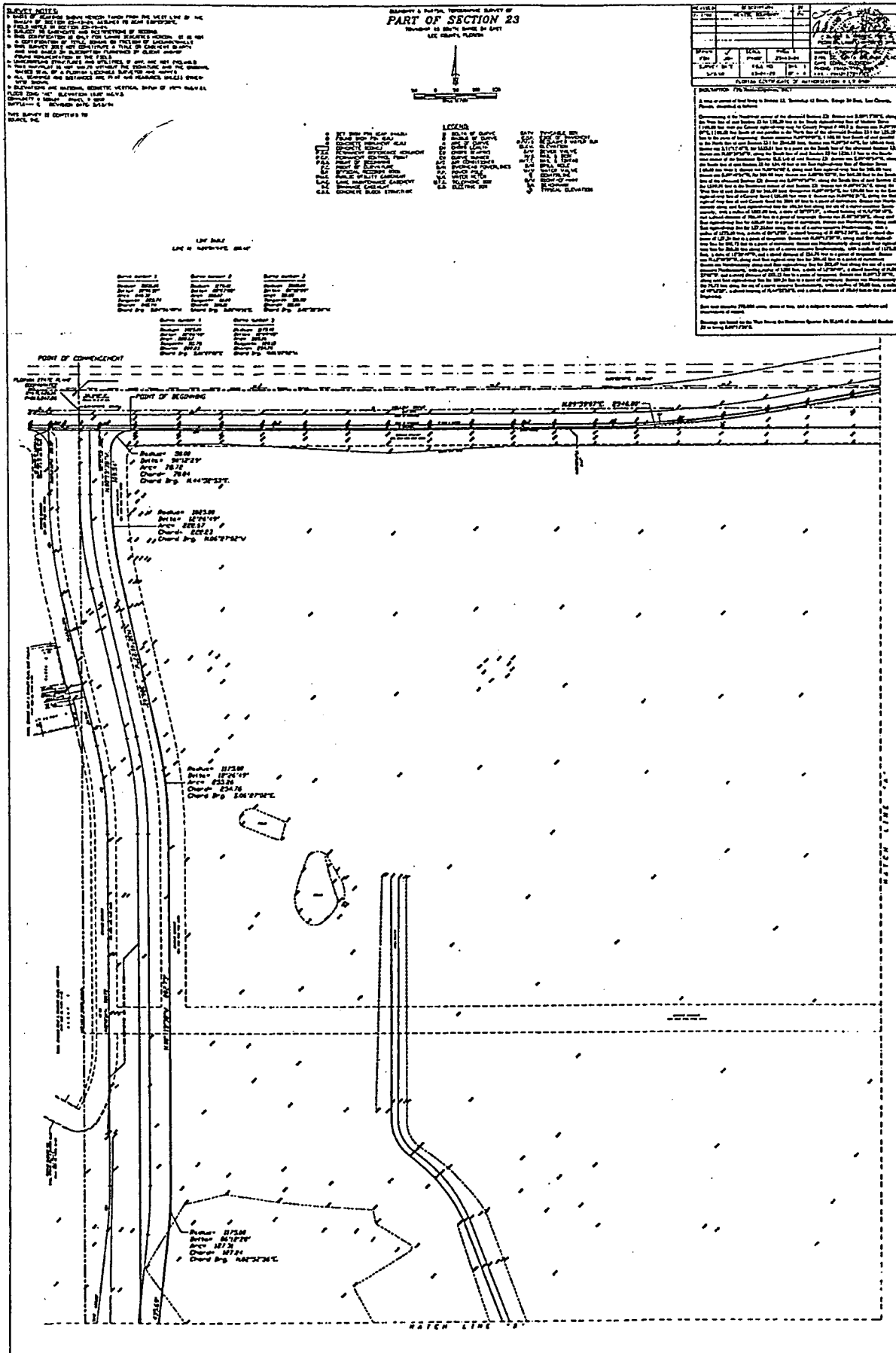
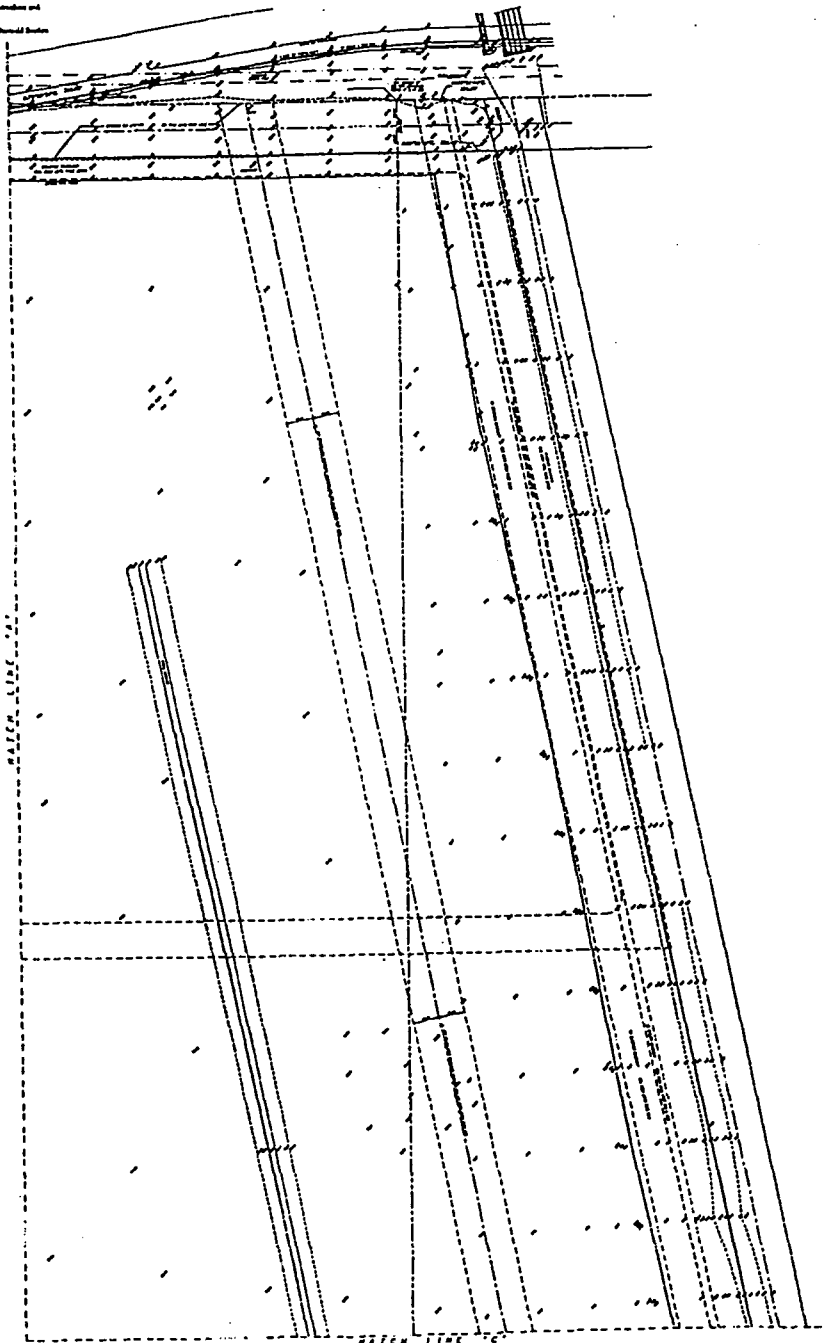
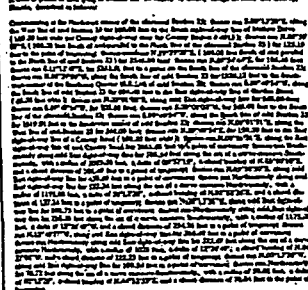
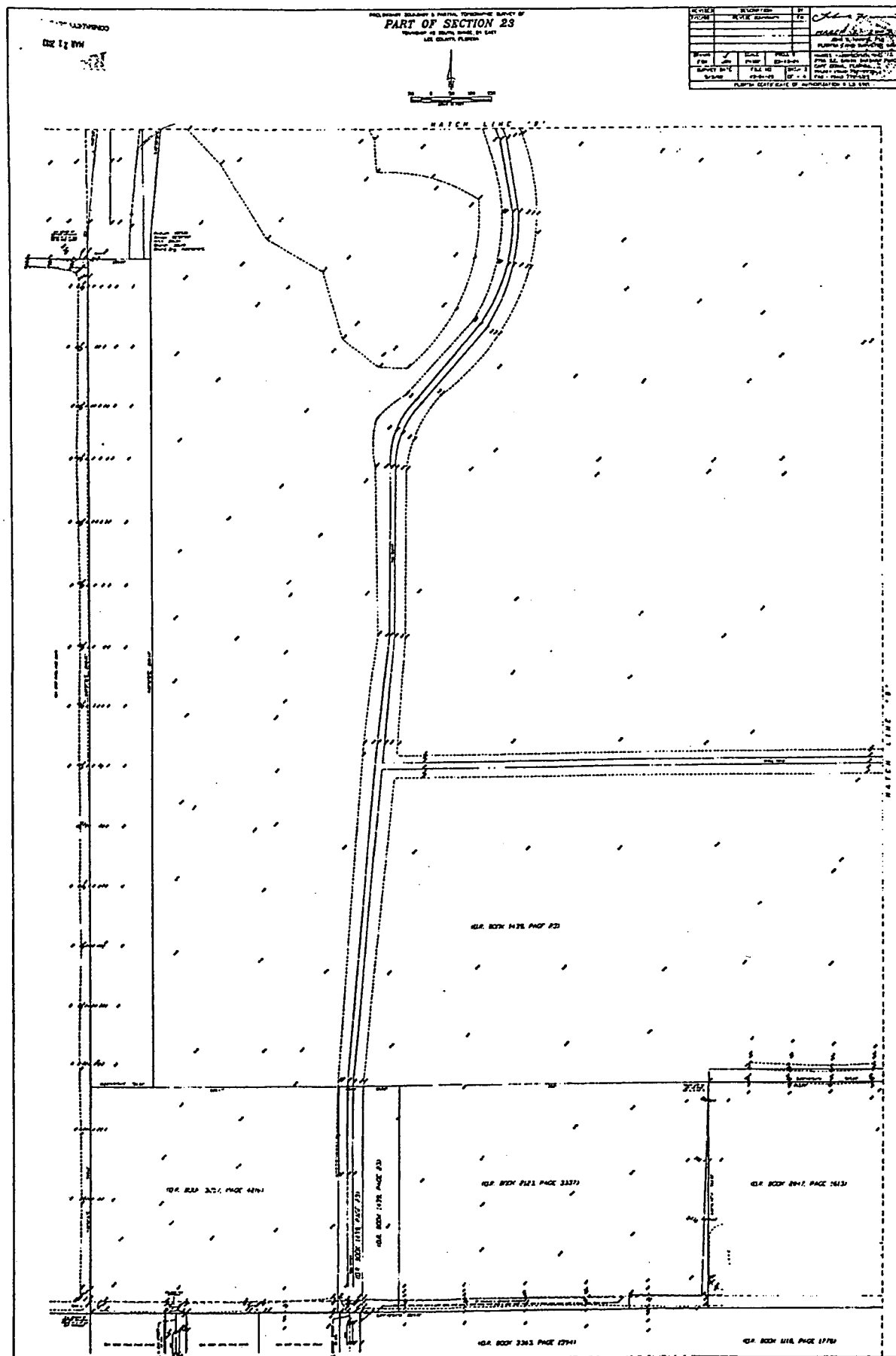


EXHIBIT A
(Page 6 of 9)

PART OF SECTION 23

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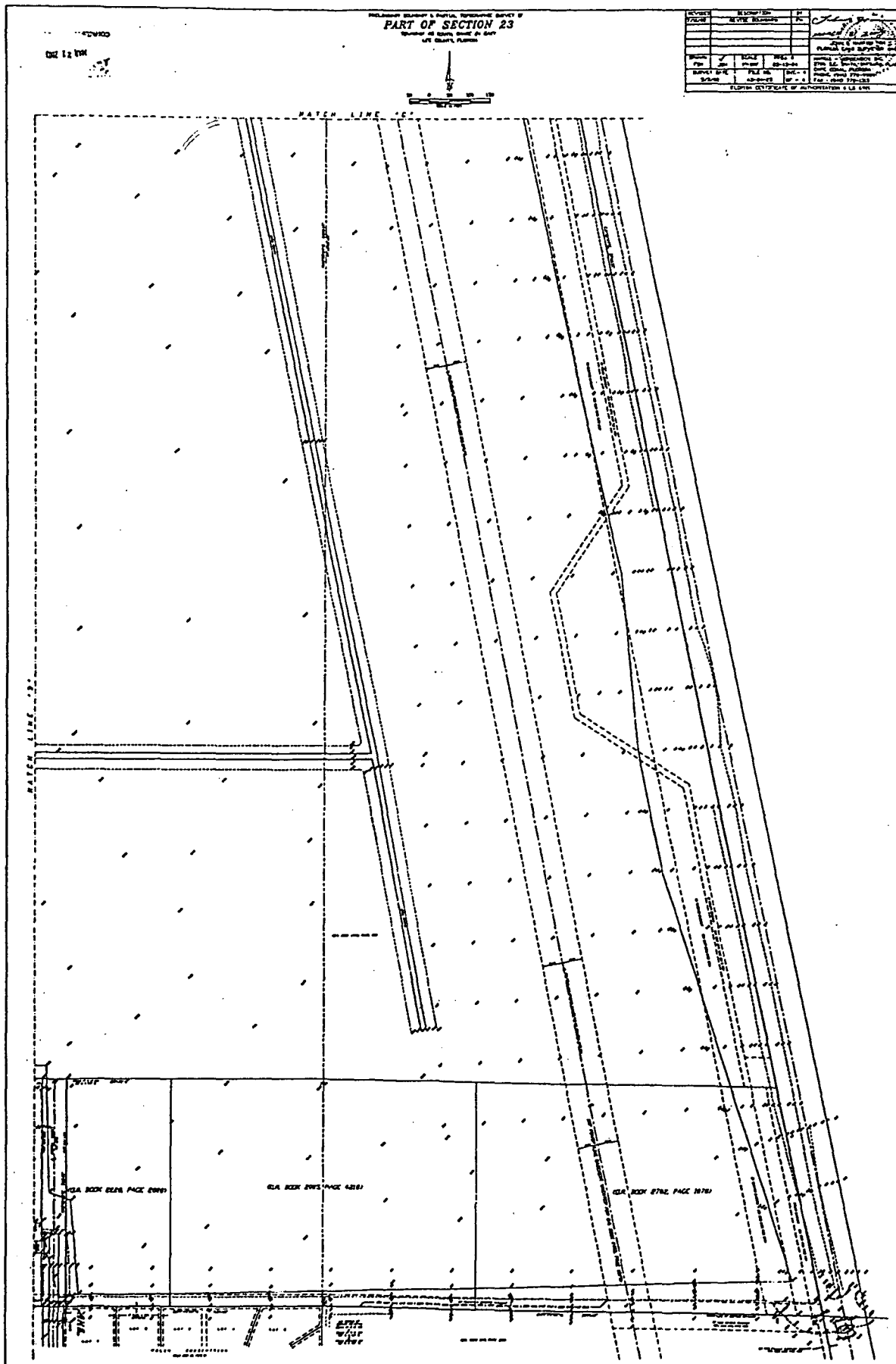


EXHIBIT A
(Page 9 of 9)

EXHIBIT B



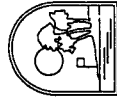
PROPOSED MOBILE HOME PARK
(THE HERITAGE)
(RPD)

SABAL SPRINGS
RPD ACREAGE 220.64

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

REVISION FROM SECTION 22.15 OF THE
LEE COUNTY ZONING REGULATIONS TO ALLOW
A STRUCTURE WITHIN 1' OF A SECTION LINE
(TO 07)

APPROVED
Master Concept Plan
Site Plan - ZONING
Page 1 of 2
Subject to conditions in Resolution 2003-00023
Case # DOE 2003-00023

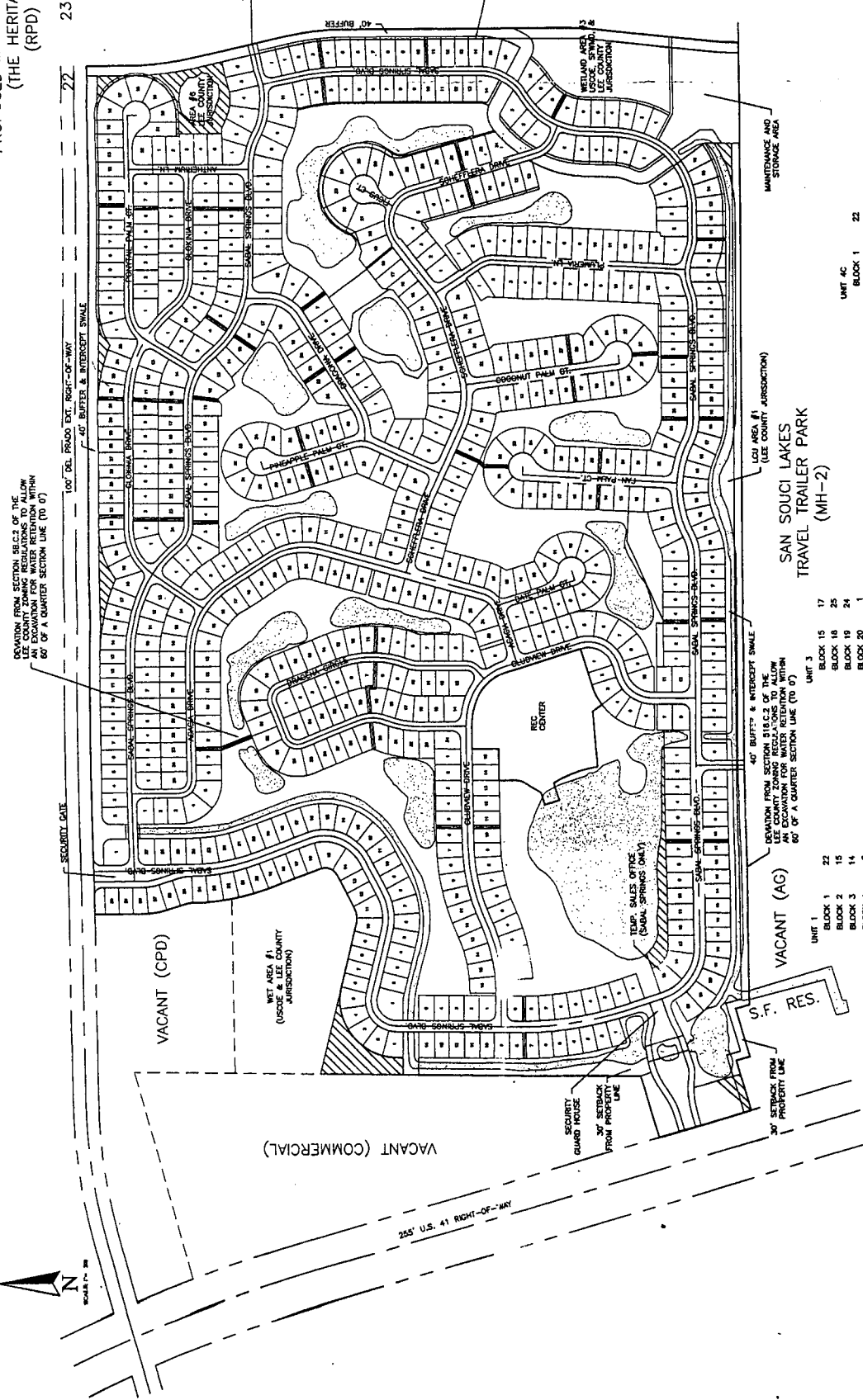


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SABAL SPRINGS
CELEBRATED
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RPD
IN
SECTION 23, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
PERMIT NUMBER
Master Concept Plan

DATE	JUL 20 2003
BY	[Signature]
FOR	FOR THE COUNTY ENGINEER
DATE	03-01-03
BY	1
FOR	FOR THE COUNTY ENGINEER

DOI 2003-00023



LOT BREAKDOWN

UNIT 4C	22
BLOCK 1	6
BLOCK 2	16
BLOCK 3	14
BLOCK 4	9
BLOCK 5	9
BLOCK 6	16
BLOCK 7	10
BLOCK 8	10
SUBTOTAL	104
GRAND TOTAL	770

UNIT 4B

BLOCK 1	7
BLOCK 2	6
BLOCK 3	11
BLOCK 4	1
BLOCK 5	6
BLOCK 6	16
BLOCK 7	10
BLOCK 8	10
SUBTOTAL	52

UNIT 4A

BLOCK 15A	5
BLOCK 20	8
BLOCK 21A	10
BLOCK 32	14
BLOCK 33A	12
BLOCK 34	10
SUBTOTAL	49

UNIT 2

BLOCK 6	22
BLOCK 13	15
BLOCK 14	14
BLOCK 15	9
BLOCK 16	15
BLOCK 17	8
BLOCK 18	12
SUBTOTAL	104

UNIT 1

BLOCK 1	22
BLOCK 2	15
BLOCK 3	14
BLOCK 4	9
BLOCK 5	15
BLOCK 6	8
BLOCK 7	12
BLOCK 8	16
BLOCK 9	32
BLOCK 10	25
BLOCK 11	16
BLOCK 12	5
SUBTOTAL	189

UNIT 3

BLOCK 15	17
BLOCK 16	25
BLOCK 19	24
BLOCK 20	1
BLOCK 21	7
BLOCK 22	23
BLOCK 23	10
BLOCK 24	18
BLOCK 25	36
BLOCK 31	3
BLOCK 33	37
BLOCK 34	21
SUBTOTAL	222

SAN SOUCI LAKES
TRAVEL TRAILER PARK
(MH-2)

LEE AREA #1
(LEE COUNTY JURISDICTION)

DEVIATION FROM SECTION 22.15 OF THE
LEE COUNTY ZONING REGULATIONS TO ALLOW
AN EXCAVATION FOR WATER RETENTION WITHIN
60' OF A QUARTER SECTION LINE (TO 07)

40' BUFFER & INTERCEPT SWALE

SECURITY GATE

SECURITY GUARD HOUSE

30' SETBACK FROM PROPERTY LINE

30' SETBACK FROM PROPERTY LINE

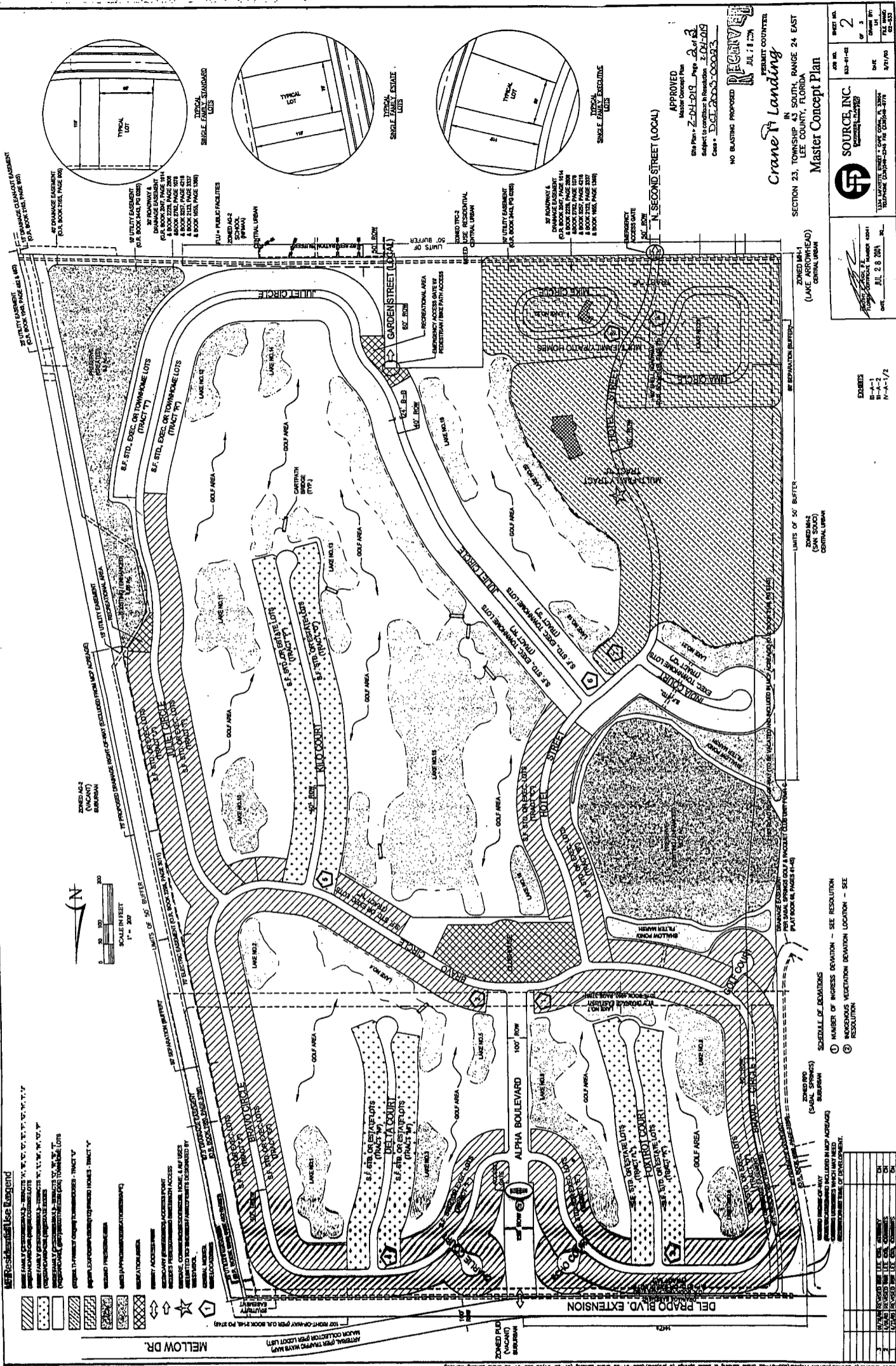
30' SETBACK FROM PROPERTY LINE

30' SETBACK FROM PROPERTY LINE

30' SETBACK FROM PROPERTY LINE

30' SETBACK FROM PROPERTY LINE

30' SETBACK FROM PROPERTY LINE



APPROVED
Master Concept Plan
July 1, 2004
Lee County Board of Commissioners
Lee County Planning Board
NO BLASTING PROPOSED

Crane Landing
SECTION 23, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
Master Concept Plan

SOURCE, INC.
10000 W. US HWY 90, SUITE 200
FORT MYERS, FL 33907
TEL: 888-888-8888
FAX: 888-888-8888
WWW.SOURCEINC.COM

EXHIBIT
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APPROVED
Master Concept Plan
July 1, 2004
Lee County Board of Commissioners
Lee County Planning Board
NO BLASTING PROPOSED

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EXHIBIT
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APPROVED
Master Concept Plan
July 1, 2004
Lee County Board of Commissioners
Lee County Planning Board
NO BLASTING PROPOSED

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APPROVED
Master Concept Plan
July 1, 2004
Lee County Board of Commissioners
Lee County Planning Board
NO BLASTING PROPOSED

Crane Landing
SECTION 23, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
Master Concept Plan

SOURCE, INC.
10000 W. US HWY 90, SUITE 200
FORT MYERS, FL 33907
TEL: 888-888-8888
FAX: 888-888-8888
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Master Concept Plan
July 1, 2004
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Open Space Summary

Open Space Required @ 40% = 154.28 Acres

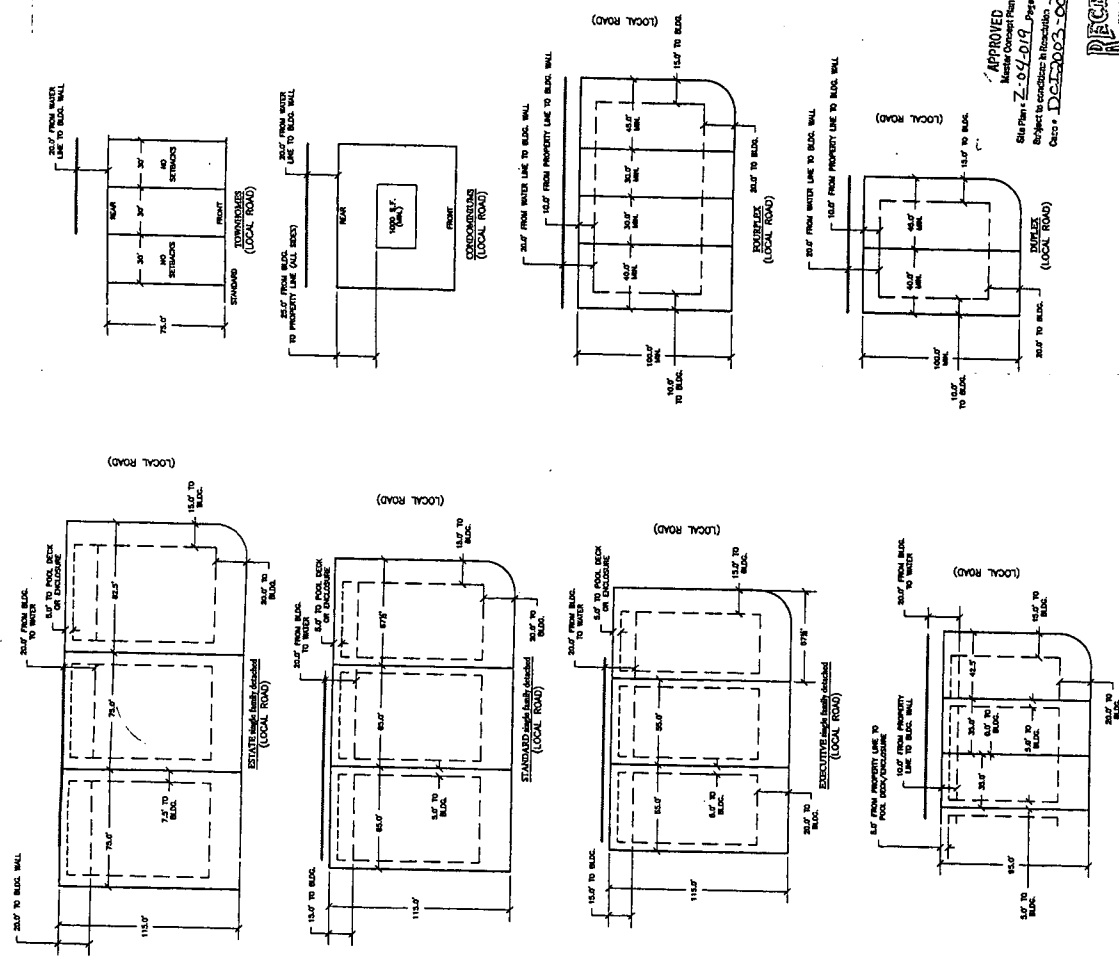
Indigenous Vegetation: (per LDC Sec. 10-412 (b), large developments must provide indigenous vegetation on the site. The vegetation must be of a type native to the area. This would amount to 77.14 acres of high, native preservation of existing native vegetation. The site is predominantly a "cleared pasture". Therefore, insufficient indigenous vegetation is present on the site to meet the requirement. The only portion of the site classified as "indigenous vegetation" was the 17.32 acres of indigenous wetland vegetation to be preserved and/or enhanced.

Provided Open Space Summary:

Item	Area (ac)
1. Wetland Preserves	38.57 ac
2. Wetland Preserves	22.29 ac
3. Wetland Preserves	11.62 ac
4. Wetland Preserves	6.73 ac
5. Total Open Space	181.94 ac

Water Body Open Space (per LDC 10-415(d)(3), water bodies may be used to offset a maximum of 25% of the required open space area):

Item	Area (ac)
a. Maximum water bodies that may offset open space	38.57 ac
b. Provided water body open space (total)	38.57 ac



Crane Landing
IN
SECTION 23, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
Master Concept Plan

APPROVED
Master Concept Plan
Site Plan Z-04-019 Page 3 of 3
Subject to conditions & resolutions 2-04-08
City of Lee County
DEC 2003-00023

DATE: JUL 20 2004
BY: [Signature]

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AFFIDAVIT

STATE OF FLORIDA)
COUNTY OF LEE)

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

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

EXECUTED this 15th day of October, 2003.



HUSSEIN A. JIBAI

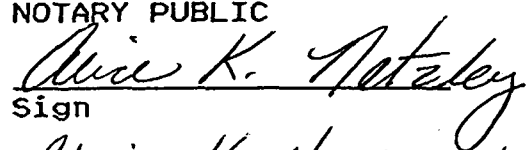
STATE OF FLORIDA
COUNTY OF LEE

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

My Commission Expires:

8-26-2007

NOTARY PUBLIC



Sign

Alice K. Netzeley

Print

RECEIVED
OCT 29 2003

PERMIT COUNTER State of Florida at Large (Seal)

EXHIBIT D
(Page 1 of 2)

DCI 2003-00023



EXHIBIT "A"

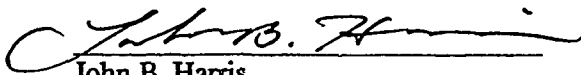
DESCRIPTION:

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

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

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

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


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

RECEIVED
OCT 29 2003

PERMIT COUNTER

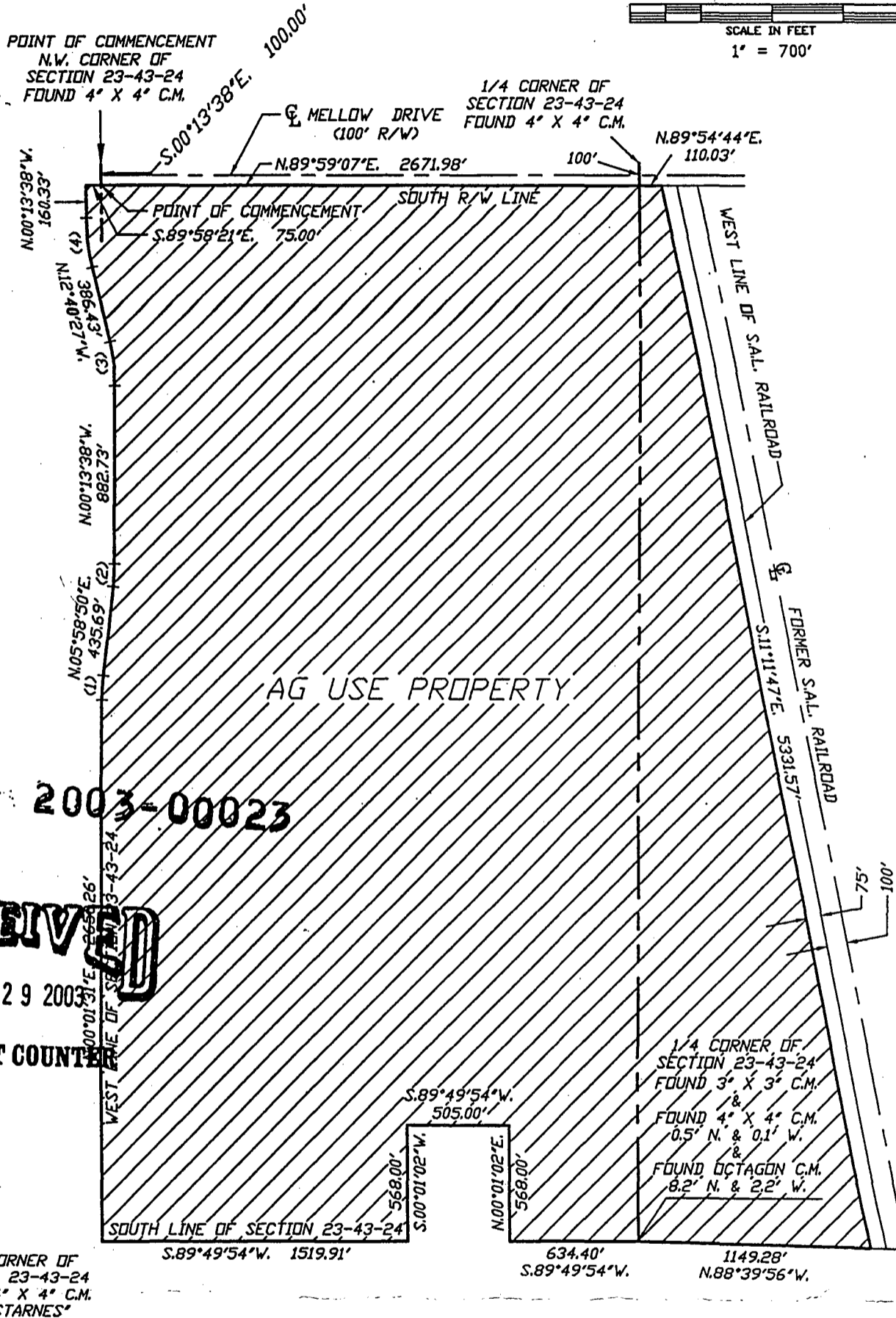
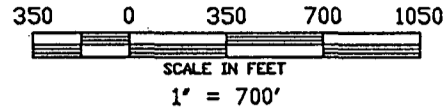
EXHIBIT D
(Page 2 of 3)

DCI 2003-00023

SKETCH OF PART OF SECTION 23

TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

SEE EXHIBIT 'A' FOR LEGAL DESCRIPTION.



OCT 2003-00023

RECEIVED
OCT 29 2003

PERMIT COUNTER

CURVE TABLE

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

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

**MEMORANDUM
FROM
THE OFFICE OF THE
LEE COUNTY HEARING EXAMINER**

RECEIVED
MAY 25 2004
ZONING

DATE: May 25, 2004

TO: Board of County Commissioners **FROM: Diana M. Parker/Salvatore Territo**
County Hearing Examiners

RE: Hearing Examiner Recommendation

Enclosed you will find the following Hearing Examiner Recommendation:

HEARING DATE: MAY 5, 2004

**RE: DCI2003-00023 CRANE LANDING GOLF COURSE COMMUNITY RPD /
SABAL SPRINGS RPD**

The above referenced Hearing Examiner Recommendation has been rendered as of this date. The Development Services Division has advised that the BOCC Zoning Hearing is tentatively scheduled for **Monday, June 21, 2004**. Development Services will forward a copy of the Recommendation to the Board prior to that time in the pink zoning notebooks.

If you have any procedural questions, please let our office know.

cc: Tim Jones / Asst. Co. Atty.
Billie Jacoby / Community Development
Andy Getch / LCDOT
Sue Noe / Economic Development

DCI2003-00023
Joan Henry / Asst. Co. Atty.
Tony Palermo / Community Development
Matt Noble / Community Development

**BILLIE JACOBY
COMMUNITY DEVELOPMENT**

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2003-00023
APPLICANT: CRANE LANDING GOLF COURSE COMMUNITY RPD /
SABAL SPRINGS RPD
DEFERRED HRG. DATES: JANUARY 21, 2004, FEBRUARY 18, 2004 & MARCH 4, 2004
CONTINUED HRG. DATE: MAY 5, 2004
WRITTEN SUBMISSION: MAY 14, 2004

RECEIVED
MAY 25 2004
ZONING

I. APPLICATION:

This matter came before the Lee County Hearing Examiner as an Application for a Rezoning to a Residential Planned Development (RPD) and an Amendment to a Residential Planned Development (RPD) pursuant to the Lee County Land Development Code (LDC).

Filed by HIBISCUS OF LEE COUNTY, L.L.C., 3447 Sabal Springs Boulevard, North Fort Myers, Florida 33917(Applicant/Owner); TIMOTHY PUGH, P. E., % SOURCE, INC., 1334 Lafayette Street, Fort Myers, Florida 33904; and HUSSEIN JIBAI, % SABAL SPRINGS GOLF AND RACQUET CLUB, LTD., 3347 Sabal Springs Boulevard, North Fort Myers, Florida 33917; and RAE ANN BOYLAN, % BOYLAN ENVIRONMENTAL CONSULTANTS, INC., 11000 Metro Parkway, Fort Myers, Florida 33912; and JOHN HARRIS, % HARRIS-JORGENSEN SURVEYORS, INC., 2706 S.E. Santa Barbara Place, Cape Coral, Florida 33904 (Agents).

Request is to

A) Rezone 385.7 acres from the Mobile Home Planned Development (MHPD), Agricultural (AG-2) and Two Family Conservation (TFC-2) zoning districts to the Residential Planned Development (RPD) zoning district; and

B) Amend the Sabal Springs Residential Planned Development (Resolution Z-86-193, as amended) to include an additional 274.8 acres and change the mix of uses to allow a maximum 1,999 dwelling units (comprised of 615 multi-family and 1,384 single-family units) and an 18 hole golf course on a total of 606.3 acres of land. Proposed building heights are a maximum of three stories (45 feet). No development blasting is requested.

The subject property is located at the Del Prado Boulevard and Mellow Drive Extension (at the southeast corner of Del Prado and U.S. 41). The Subject property includes the Sabal Springs Residential development. The subject property is located in Section 23, Township 43 South, Range 24 East, Lee County, Florida (District #4).

II. STAFF REPORT AND RECOMMENDATION: APPROVE WITH CONDITIONS

The Department of Community Development Staff Report was prepared by Tony Palermo. The Staff Report is incorporated herein by this reference.

III. RECOMMENDATION OF HEARING EXAMINER:

The undersigned Lee County Hearing Examiner recommends that the Lee County Board of County Commissioners **APPROVE** the Applicant's request for a rezoning to RPD and to amend an existing RPD for the real estate described in Section IX. Legal Description WITH THE FOLLOWING CONDITIONS AND DEVIATIONS FOR **REQUEST A) AND REQUEST B)**:

REQUEST A) - REZONING TO RPD - CRANE LANDING

A. CONDITIONS:

1. The development of this project must be consistent with the two-page Master Concept Plan entitled "CRANE LANDING MASTER CONCEPT PLAN" (Sheet No. 2 and 3) stamped received **APRIL 19, 2004** except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local Development Order Approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

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

a. Schedule of Uses

ACCESSORY USES AND STRUCTURES

ADMINISTRATIVE OFFICES

AGRICULTURE - Subject to limitations in Condition 8

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

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

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

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

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

SINGLE-FAMILY: 500-615

DUPLEX, TWO-FAMILY ATTACHED: 50-100

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

MULTI-FAMILY: 400-515

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

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

ESSENTIAL SERVICES

ESSENTIAL SERVICE FACILITIES, GROUP I

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

FENCES, WALLS, ENTRANCE GATES

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

HOME CARE FACILITY - three persons or fewer as defined in LDC Section 34-2

HOME OCCUPATION - in compliance with LDC Section 34-1771 et seq.

MODEL HOMES, MODEL DISPLAY CENTER, MODEL UNITS - in compliance with LDC Section 34-1951 et seq, Limited to 9 at "GENERAL MODEL HOME LOCATIONS" on the approved Master Concept Plan.

PARKING LOT, ACCESSORY

REAL ESTATE SALES OFFICE - LIMITED TO MODEL HOME LOCATIONS ONLY, AND THE CLUBHOUSE. Sales of lots or units within the Crane Landing development only.

RECREATIONAL FACILITIES, PERSONAL & PRIVATE - RECREATION AREAS and CLUBHOUSE TRACTS ONLY. Consisting of swimming pools, swimming platforms, docks, fishing piers, cabanas, tennis/sports courts, playgrounds, vending machines, and restrooms.

RESIDENTIAL ACCESSORY USES

SIGNS, in accordance with Chapter 30

TEMPORARY USES, in compliance with LDC Section 34-3041

b. Site Development Regulation for Crane Landing RPD:

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

Multi-family (8)	6,500	65	100	25	25	25/5	20/5	45	3	50
ALL OTHER NON-RESIDENTIAL BUILDINGS INCLUDING CLUBHOUSE AND RECREATION BUILDINGS.										
	N/A	N/A	N/A	25/ 20	20/ 10	20/10	20/10	35	2	50

Unless modified by approved deviations or subject to other conditions.

NOTES:

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

Minimum Open Space 154.48 acres

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

3. Golf Course Conditions:

A. The golf course developer must use fertilizers with a low leaching potential (slow release). Fertilizers must not be applied after active growth of the turfgrass has ceased, and must be kept to the lowest reasonable levels; and

B. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of broad spectrum pesticides is prohibited. The IPM program must minimize the use of pesticides and must include the use of the U.S. Department of Agriculture - Natural Resources Conservation Service (USDA-NRCS) Soil Pesticide Interaction Rating guide to select pesticides for use that have a minimum potential for leaching or loss from runoff. The nutrient management program must be based upon the USDA-NRCS Nutrient Management Standard and must include the use of soil tests to determine needed applications of nutrients. Only EPA-approved chemicals may be used. Turf managed areas (including fairways, tees, and greens) are prohibited within 35 feet of wetlands or preserve areas. The Applicant may be allowed to reduce this setback from wetland or preserve areas to a minimum of 15 feet with an average of 25 feet (or to zero feet if a structural buffer is used), if it is approved administratively by the Department of Community Development. The chemical management plan must be reviewed and approved by Lee County Natural Resources Division prior to development order approval.

C. The golf course manager must coordinate the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients.

D. The Developer must utilize a golf course manager licensed by the state to use restricted pesticides and experienced in the principles of IPM. The golf course manager is responsible for ensuring that the golf course fertilizers are selected and applied

to minimize fertilizer runoff into the surface water and the leaching of those same fertilizers into the groundwater.

E. The storage, mixing, and loading of fertilizer and pesticides must be designed to prevent/minimize the pollution of the natural environment.

F. Prior to the issuance of local development order approval, the developer must demonstrate compliance with "Best Management Practices for Golf Course Maintenance Departments," (as they apply to physical improvements) prepared by the Florida Department of Environmental Protection, as amended, as outlined below:

1) The development order must demonstrate separate mixing and loading facilities for pesticides, and provide a separate pesticide storage area, in compliance with materials specified in the above referenced document. The development order must demonstrate separate mixing and loading facilities for fertilizer, and provide a separate fertilizer storage area, in compliance with materials specified in the above referenced document.

2) The development order plans must specify the construction material for all buildings in compliance with "Best Management Practices for Golf Course Maintenance Departments."

3) Equipment to apply pesticides and fertilizers must be stored in an area protected from rainfall.

G. The golf course must be planted with a turfgrass cultivated variety that is drought and pest resistant, while requiring relatively low fertilizer use;

H. The irrigation system must operate on an "as needed" basis through the utilization of weather forecasting and ongoing assessment of the moisture content of the soil.

I. All fairways, greens, and tees must be elevated above the 25-year flood level, and all greens must utilize underdrains. The effluent from these underdrains must be treated in accordance with the goals of the Audubon Cooperative Sanctuary Program. Treatment may include directing outflow to water quality basins for detention, buffer areas for filtration, or through specially constructed filtration units.

J. Stormwater run-off must be pre-treated through an acceptable recreated natural system or dry retention or detention and water retention or detention system, prior to discharging the run-off into existing lake or wetland (any aquatic) systems.

K. The operator of the golf course, or its assigns, must submit an annual monitoring report of ground water and surface water quality. The monitoring program must include: testing to assess whether there are any unacceptable increased levels of herbicide, pesticide or fertilizer at project outfalls; identifying the locations for the ground water monitoring and testing on a map(s); setting forth the testing and recording requirements. The Developer must submit the test results with the monitoring report to the Lee County Natural Resources Division. The monitoring program will be established and operated at the expense of the Developer, or other comparable legal entity charged with the legal responsibility of managing the golf course. The monitoring plan will continue in perpetuity. This plan will be

approved by the Division of Natural Resources and evaluated in accordance with the directives of Chapter 62-302, F.A.C., water quality standards.

L. If groundwater or surface water pollution occurs, as that term is defined by applicable state and federal rules or regulations, and if the pollution is caused by the application of fertilizers, herbicides or pesticides to the golf course, the application of the material containing the pollutant must cease until there is a revised management plan. If mitigation is necessary to address the pollution, a mitigation plan approved by Lee County must be implemented by the Developer.

M. Prior to development order approval for the golf course, the developer must submit results of the pre-development groundwater analysis. The submittal must include the proposed plan for the surface water analysis. The analysis is intended to establish baseline data for groundwater and surface water monitoring for the project. The water quality monitoring plans must be designed to identify those nutrients and chemicals that are anticipated to be associated with the golf course.

4. No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.

5. All buffers must utilize 100 percent all native vegetation.

6. All accessory structures must be set back a minimum of 10 feet from the boundary of the "Preserve" areas as shown on the Master Concept Plan, and other structures must comply with the setback requirements set out in Condition 2b hereinabove.

7. GOLF MAINTENANCE FACILITY

a. The golf maintenance facility - located in Sabal Springs - may be utilized for maintenance of golf course facilities within Sabal Springs and Crane Landing only.

b. Use of the 16-foot-wide driveway from Crane Landing may only be permitted if there is a locked gate separating the golf maintenance facility in Sabal Springs from the property in Crane Landing. The gate must be a minimum of eight feet high and must be operated electronically and controlled from the inside of the maintenance facility through the use of an intercom system. Access through this connection is limited to golf course maintenance employees, contractors and supervisors.

8. **AGRICULTURAL USES:** Existing bona fide agricultural uses on this site are allowed only in strict compliance with the following:

a. Bona fide agricultural uses as shown on attached **Exhibit B** may continue until approval of a local development order for the area of the project containing those uses.

b. Additional clearing of trees or other vegetation in agricultural areas is prohibited. Existing areas of bona fide agricultural use may be maintained, i.e., mowed, but not cleared or expanded. This prohibition is not intended to preclude County approved requests for the removal of invasive exotic vegetation.

c. The property owner must terminate the agricultural tax exemption for any portion of the property that receives a local development order. The agricultural use must cease by December 31st of the calendar year in which the local development order is issued. The exemption termination must be filed with the Property Appraiser's Office by December 31st of the calendar year in which the local development order is issued. A copy of the exemption termination must be provided to the Office of the County Attorney.

9. Model homes and real estate sales:

a. The number of model homes or model units will be limited to no more than nine (9) within the development, at any point in time.

b. Any model homes or units or real estate sales may be developed only within any of the 9 properties identified as "General Model Home Locations" on the approved Master Concept Plan.

c. Real estate sales will be limited to the sale of lots or units within the Crane Landing development only.

d. Models cannot be of the same floor plan and each must be a separate different design.

10. Prior to local development order approval, the 150-foot right-of-way on the western border of the subject property must be vacated.

11. Remove the Zoning Notes on the MCP. The following condition will be in lieu of those Zoning Notes:

In an effort to enhance compatibility of this project with the surrounding property, this MCP denotes a minimum 50-foot-wide separation/buffer (enhanced setback) in various locations around the periphery of the development. These 50-foot-wide separation buffers (enhanced setbacks) may contain existing and/or proposed utility and/or drainage easements or berms that could preclude the planting of buffer trees through out the entire width of these areas. It is the intention of this development to also provide whatever minimum planting strips necessary to accommodate all standard buffers as may be required by both the Lee County Land Development Code and this resolution. The specific locations and planting composition of those standard buffers will be depicted during the local Development Order process. A minimum 20-foot-wide planting strip is available for this purpose.

12. The multi-family buildings, patio homes, and townhouses must be separated from properties outside the subject property boundaries (regardless of use or zoning) by a minimum Type B buffer (minimum 15 feet in width, five trees per 100 linear feet, double staggered hedge row). This requirement will also apply to the clubhouse in the event it is moved to a development area which abuts the perimeter of the project.

13. Prior to local development order approval, the landscape plans must demonstrate that a minimum of 154.48 acres of common open space is provided for the overall project.

14. Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC Section 34-2174(a).

15. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.

16. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with all other Lee Plan provisions.

17. Names of streets on the approved Master Concept Plan are conceptual only (Alpha, Bravo, Echo, etc.) Actual names of streets within the development must be changed to appropriate street names for a residential development.

18. CONSTRUCTION ADJACENT TO SABAL SPRINGS

a. No mulching or stockpiling of debris will be allowed to be placed within 200 feet of the Sabal Springs residential development, to the west of the subject property, during site development.

b. Due to the proximity to existing residential development, the existing roadway access utilized on the northwestern boundary adjacent to Sabal Springs may not be used as a primary construction access. The developer will be responsible for constructing alternative temporary construction access(es) at a minimum 200 feet further east of this existing access. The existing roadway access may only be used on a limited basis for activities directly related to the construction of residential units abutting Sabal Springs property.

19. No residential, golf maintenance, or construction traffic to or from Crane Landing will be permitted access through Sabal Springs through the gate located on the east end of Sabal Springs Boulevard (except during an emergency evacuation).

20. No development order or permitting (including land clearing) will be issued by Lee County without the easements as shown on the approved Master Concept Plan being either vacated, released, extinguished or moved by the holder of the easement, or the holder(s) of the easement consent to their use.

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

B. DEVIATIONS:

Deviation 1 seeks relief from LDC Section 10-291(3) which requires (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development to allow the project to be constructed with a single-ingress egress connection. The Hearing Examiner recommends this deviation be **APPROVED** subject to the following conditions:

1. The local development orders must include emergency access gates to be constructed on BOTH North 2nd Street and Garden Street access points as shown on the approved Master Concept Plan.

2. The emergency access gates as shown on North 2nd Street and Garden Street must comply with all applicable regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or the operator of the gate.

3. The local development order must provide primary access on Del Prado Boulevard in compliance with the LDC as shown on the approved Master Concept Plan.

Deviation 2 seeks relief from LDC Section 10-415(b) which requires large development with existing indigenous vegetation communities to provide 50 percent of the required open space through onsite preservation of existing vegetation communities to allow the restoration, preservation, and/or creation of the "Preserve" areas shown on the Master Concept Plan to fulfill this requirement. The Hearing Examiner recommends this deviation be **APPROVED** subject to the following conditions:

1. Prior to the Board of County Commissioner zoning hearing, the Master Concept Plan must be revised to delineate the native tree preservation and replanting areas as shown on the exhibits prepared by Source, Inc. stamped received October 29, 2003 and entitled "Native Tree Planting Typical Areas" and "Potential Native Tree Preservation", and Lake No. 17 must be shown as dry detention/created marsh (See attached **Exhibit C**).

2. Prior to local development order approval, the landscape plans must include the following for the Division of Environmental Sciences Staff review and approval:

a. Delineation of the wetland preserves (15.72 acres and 1.66 acres) and marsh creation areas (5.2 acres and 9.51 acres) in substantial compliance with the Master Concept Plan; and

b. Details on the marsh creation areas including plant size, species and number; and

c. Native tree planting details that provide a mixture of trees ranging from a minimum three-foot to 10-foot in height based on one native three-foot tree per 100 square feet, with a proportionate ratio for larger trees, to be installed in the tree planting areas delineated around the freshwater marsh preserve; and

d. Delineate tree preservation areas in the southwest corner of the property as shown on the Master Concept Plan.

REQUEST B) - SABAL SPRINGS RPD AMENDMENT:

A. CONDITIONS:

1. The development of this project must be consistent with the one-page Master Concept Plan entitled "SABAL SPRING GOLF AND RACQUET CLUB RPD," stamped received APRIL 19, 2004 except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local Development Order Approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

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

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

a. Schedule of Uses

ACCESSORY USES AND STRUCTURES

ADMINISTRATIVE OFFICES

CLUBHOUSE

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

DWELLING UNITS - SINGLE-FAMILY: Maximum 770

ENTRANCE GATE AND GATEHOUSE, SECURITY GUARD HOUSE

ESSENTIAL SERVICES

ESSENTIAL SERVICE FACILITIES, GROUP I

EXCAVATION, WATER RETENTION - (NO BLASTING)

FENCES, WALLS

GOLF COURSE AND GOLF MAINTENANCE FACILITY

HOME OCCUPATION

MODEL HOMES, MODEL DISPLAY CENTER, MODEL UNITS - in compliance with LDC Section 34-1951 et seq. (Existing only, no additional model homes permitted)

PARKING LOT, ACCESSORY

TEMPORARY REAL ESTATE SALES OFFICE - Limited to units or lots within Sabal Springs Developments Only

RECREATION CENTER

RESIDENTIAL ACCESSORY USES

SIGNS, in accordance with Chapter 30

WETLAND PRESERVES

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

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

Maximum Building height for Clubhouse: 35 feet above grade

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

Side Setbacks: five (5) feet

Preservation Area: Minimum 5.66 acres

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

3. The following shall be provided in order to mitigate hazard occurrences and to insure Comprehensive Plan compliance:

A. Hurricane Evacuation

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

2) The developer shall provide evacuation facilities of 14,000 square feet to meet Lee County standards.

B. Emergency Medical Services

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

4. Any security gate or similar device that is not manned 24 hours per day must be provided with an override switch installed in a glass-covered box for the use of emergency vehicles.

5. The property development regulations for the project shall be the same as for the Residential Single-Family (RS-1) zoning district, as it may be amended from time to time, except where modified by deviations or this resolution.

6. Final plans shall be in conformance with the Land Development Code (LDC) and other development regulations in effect, except as provided herein.

B. DEVIATIONS:

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

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

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

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

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

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

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

IV. HEARING EXAMINER DISCUSSION:

This is a two-part request for the rezoning of approximately 606+ acres located in the southeast quadrant of Del Prado Extension and U.S. 41 in North Ft. Myers. The first part of the request is to rezone the entire 606 acres from RPD (Residential Planned Development), MHPD (Mobile Home Planned Development), TFC-2 (Two-Family Conservation), and AG-2 (Agriculture) to RPD (Residential Planned Development) for development of 1,999 dwelling units and two golf courses.¹ The second part of the request is to amend the existing MHPD approval covering about 330+ acres of the subject property to reflect the existing and proposed plans of development. The subject property is designated "Suburban" in the Lee Plan, and is surrounded by a mixture of residential types and zonings, a public school, a home for the developmentally disabled, agricultural uses and zoning, and some commercially zoned parcels along U.S. 41.

The subject property is an irregularly shaped tract, the westernmost 220+ acres of which are already developed with a 770-unit single-family, gated, golf course community known as Sabal Springs. In the early 1980's, the Sabal Springs tract and the 110+ acres to the east had been rezoned as one parcel for mobile homes. However, in 1986, the entire 330+-acre

¹ This project - with 1,999 dwelling units - is not a Development of Regional Impact under the revised provisions of Section 380.06, Florida Statutes, and Applicant is not required to undergo the additional impact analysis related to Developments of Regional Impact.

parcel was rezoned to RPD/MHPD, with the westernmost 220+ acres (Sabal Springs portion) being the RPD and the remaining 110+ acres to the east being the MHPD. The RPD was approved for 860 single-family dwelling units and a golf course, but was ultimately developed with only 770 single-family units. The 110-acre MHPD was approved for 440 mobile homes, but was never developed. The density approved through those two projects was approximately 3.2 units per acre.

Applicant now wants to add 224+ acres to the 110+-acre MHPD and develop the combined parcel with a mixture of single-family and multi-family housing types. Given the changed plan of development, the 1986 Sabal Springs RPD/MHPD must be amended to:

1. Correct the existing zoning on the 330+-acre tract to accurately reflect the Sabal Springs RPD development, and to change the MHPD zoning to RPD, with conditions, for the eastern portion of the 330 acres; and
2. Reflect the addition of the 224+ acres to the 110+ (MHPD) acres, and to reflect the new plan of development for that combined parcel; and
3. Allow the two projects to share certain infrastructure and uses.

Applicant's new residential community will have a mixture of single-family and multi-story multi-family dwelling units surrounding a golf course. The Master Concept Plan depicts several lots sizes - ranging from zero-lot line to estate parcels - for the single-family units, which will be located throughout the north and southeast portions of the site. The southwest corner is designated for the multi-family condominium or apartment buildings, as well as the alternative uses: an 80-bed Assisted Living Facility, or a child day-care facility. The multi-family tract was located in the southwest corner adjacent to a high density mobile home development in an attempt to provide a "buffer" between that more intensive use and the single-family uses on the eastern portion of the subject property.

Three wetland/marsh areas will be preserved and/or created by Applicant. These wetlands are located in the southeast corner, the northwest corner and approximately the mid-point of the west boundary line. The preserved wetland areas will total about 1738 acres, while the recreated/enhanced wetland areas will total about 14.7 acres. No listed species was found to be residing on the site, although several bird species were observed foraging in and around the wetland/marsh areas.

A north/south road right-of-way reservation currently exists on the west side of the subject property. It has been determined by Lee County Department of Transportation that such a roadway will not be built and that the right-of-way reservation is no longer necessary. Applicant and Lee County are negotiating the vacation of that easement in exchange for the return of the impact fee credits paid for that reservation. Such vacation and repayment must be completed before Applicant can obtain a development order for the site. In addition, Applicant is reserving a drainage easement along the west side of the property to future development as an extension of the Powell Creek drainage ditch to accommodate the surface water flow along Del Prado Extension.

Although the 220+-acre Sabal Springs development has access to both U.S. 41 and Del Prado Extension, Crane Landing will have its main entrance - and only access point - onto Del Prado Extension, which runs along the north boundary. Two emergency access points are proposed for the south boundary onto North Second Street and Garden Street; however, no traffic is expected to use those access points except in times of emergency. No interconnection is planned between the Sabal Springs and Crane Landing projects, as both

projects are intended to be enclosed, gated communities.

The site was designed, however, so that Crane Landing could share the Sabal Springs golf course maintenance facility which is conveniently located on a two-acre parcel in the southeast corner of the Sabal Springs development, directly abutting the Crane Landing site. Applicant testified that the existing maintenance facility only occupies a portion of the two-acre site, and an additional equipment and chemical storage building for the Crane Landing golf course could be constructed on the unused portion. Or, in the alternative, the existing maintenance buildings could be expanded to accommodate any additional equipment and chemicals needed for the Crane Landing golf course. Access from Crane Landing to that facility would be via a gated 16-foot-wide easement, which would be utilized by delivery trucks and the maintenance equipment associated with the Crane Landing golf course.

In addition, the entrance into the Sabal Springs community from the two-acre maintenance facility parcel will be gated, so there will be no exchange of traffic between the two projects.

Applicant stressed that Crane Landing project - with 1,229 dwelling units - would have a density of approximately 3.3 units per acre, and would be compatible with the mixture of densities in the established residential communities in the area. He also believed that the proposed uses would not create any adverse impacts on, or be detrimental or injurious to, the persons or properties in the neighborhood. Blasting was neither proposed nor requested by Applicant for the construction of this project. If blasting should become necessary for the development this project, Applicant will be required to come back through the public hearing process for that approval.

Applicant met with residents of the Sabal Springs community and revised his overall plans to accommodate the majority of the concerns and complaints raised by those property owners. For example, access between the two projects was deleted from the MCP. Even though many of the residents objected to the sharing of the golf course maintenance facility, Applicant was still proposing that joint use, and Staff was in favor of it. He devised the two-gate concept to address the residents' concerns about Crane Landing traffic - both vehicular and pedestrian - using their roadways.

Two Deviations are requested as part of the rezoning, and those deviations will allow the project to have only one main access point, and to utilize recreated, restored and preserved wetland/marsh areas to fulfill the indigenous preservation requirement.

Staff recommended approval of the proposed rezoning, with conditions, finding that the request, as conditioned, meets the criteria for approval, and will be consistent with the intent of the Lee Plan and the Land Development Code. They also found that the request, as conditioned, would be consistent and compatible with the uses surrounding the subject property, and would not be detrimental or injurious to the persons or properties in the neighborhood or to the general public.

Staff also recommended approval of the Deviations, with conditions, finding that the Deviations enhanced the objective of the planned development and preserve and promote the protection of the public health, safety and welfare.

Approximately 200 residents of Sabal Springs attended the public hearing in this matter, but it was obvious from the crowd's responses that their sentiments were adequately expressed by the eight or ten residents who actually spoke against the project. The sharing of the golf

course maintenance facility was the most frequently voiced objection, with the speakers reiterating that they did not want to share "anything" with the new development. They also did not want any interconnection between their community and the new project, citing personal and property safety concerns relating to trespassers and burglars gaining access to their community from the subject property. They also objected to Applicant's proposed use of a Sabal Springs outparcel on U.S. 41 as a real estate sales office for the Crane Landing development.

As noted above, Applicant deleted any interconnecting roadways into the Sabal Springs community and removed the proposed sales office from the Sabal Springs parcel. Although he did not delete his request to share the Sabal Springs maintenance facility parcel, he did propose a two-gate system that would keep any Crane Landing traffic from getting into Sabal Springs.

It should also be noted that the Sabal Springs property owners are not satisfied with the management techniques and skills of Applicant with regard to their community. It appeared, at first, that they wanted to use the public hearing to voice those complaints and to seek some type of redress for their heretofore unanswered questions, concerns and complaints. However, the speakers alluded to their dissatisfaction while discussing their objections to the proposed rezoning. Although the Hearing Examiner's file is replete with documentation - letters, fliers, newspaper articles, etc. - against the developer which was supplied by one or more of the Sabal Springs residents, those documents were found to be irrelevant to the proceeding, and were not given any consideration nor weight in the Hearing Examiner's decision making process.

The undersigned Hearing Examiner concurs with Staff's analysis, findings, and recommendation of approval of the rezoning request, as conditioned, finding that the request, as conditioned, meets the criteria for approval set out in LDC Section 34-145, and is consistent with the intent of the Lee Plan and the Land Development Code. She also finds that the request, as conditioned, is consistent and compatible with the existing and planned zoning and uses, and will not be detrimental nor injurious to the persons or properties in the vicinity of the subject property or to the general public.

She also finds that the conditions imposed herein are reasonably related to the impacts anticipated from the proposed development and, with other regulations, will adequately safeguard the public's interests.

It is the opinion of the Hearing Examiner that the Deviations approved herein, as conditioned, meet the criteria for approval, and will enhance the objective of the planned development and will promote and protect the public health, safety and welfare.

V. FINDINGS AND CONCLUSIONS:

Based upon the Staff Report, the testimony and exhibits presented in connection with this matter, the undersigned Hearing Examiner makes the following findings and conclusions:

A. That the Applicant has proved entitlement to this request, as conditioned, by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes or regulations.

- B. That the request, as conditioned, will meet or exceed all performance and locational standards set forth for the potential uses allowed by the request.
- C. That the request, as conditioned, is consistent with the densities, intensities and general uses set forth in the Lee Plan.
- D. That the request, as conditioned, is compatible with existing or planned uses in the surrounding area.
- E. That approval of the request, as conditioned, will not place an undue burden upon existing transportation or planned infrastructure facilities, and the development will be served by streets with the capacity to carry traffic it generates.
- F. That the request, as conditioned, will not adversely affect environmentally critical areas and natural resources.
- G. That the proposed mix of uses, as conditioned, are appropriate at the subject location.
- H. That the recommended conditions to the Master Concept Plan are reasonably related to the impacts anticipated from the proposed development, and, with other regulations, will provide sufficient safeguard to the public interest.
- I. That the approved Deviations, as conditioned, will enhance the objective of the proposed development, and will promote the protection of the public health, safety and welfare. (LDC Section 34-377)
- J. That urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
- K. That the request, as conditioned, is not a Development of Regional Impact under the revised provisions of Section 380.06, Florida Statutes.

VI. LIST OF EXHIBITS:

Master Concept Plan, Crane Landing, pages 2 & 3 of 3, prepared by SOURCE, INC., dated January 30, 2004, last revised August 8, 2003, date stamped "Received February 1, 2004 Community Development"

STAFF'S EXHIBITS

- 1 Aerial Photograph (color) [board]
- 2 Lee County Zoning Intergraph Map [board]
- 3 Attachment B - Future Land Use Map [board]
- 4 Composite Exhibit consisting of roadway, drainage & utility easement information, photograph, letter from Lee County School Board, News-Press article and copy of Chapter 28-24 for Developments presumed to be of Regional Impact.

Résumés of Lee County Staff are on file with the Hearing Examiner's Office and are incorporated herein.

APPLICANT'S EXHIBITS

- 1 Aerial Photograph / FLUCCS Map (black & white), prepared by Boylan Environmental Consultants, Inc., no date [board]
- 2 Sabal Springs Master Concept Plan, prepared by Source, Inc., dated January 21, 2004 [board]
- 3 Crane Landing Master Concept Plan, prepared by Source, Inc., dated March 21, 2003 [board]
- 4 Master Concept Plan for Sabal Springs Golf & Racquet Club, prepared by Ink Engineering, Inc., Reorder and Record Verified by Lee County Clerk of Circuit Court on February 16, 1987 [board]
- 5 Memorandum from Matt Uhle, Esquire to Hearing Examiner, dated May 10, 2004, regarding Applicant's condition language for Condition 7.b. [written submission]

Résumés of Applicant's consultants are on file with the Hearing Examiner's Office and are incorporated herein.

OTHER EXHIBITS

DiMatteo

- 1 VHS Video Tape labeled Sabal Springs - July 1999 - John DiMatteo

VII. PRESENTATION SUMMARY:

See Official Court Reporter Transcript

VIII. OTHER PARTICIPANTS AND SUBMITTALS:

ADDITIONAL APPLICANT'S REPRESENTATIVES:

1. Jibai Hussein, General Manager of Sabal Springs (no address provided)

ADDITIONAL COUNTY STAFF:

1. Andy Getch, Lee County Department of Transportation, P. O. Box 398, Ft. Myers, Florida 33902-0398
2. Joan Henry, Assistant County Attorney, P. O. Box 398, Fort Myers, Florida 33902-0398
3. Kim Trebatoski, Environmental Sciences, P. O. Box 398, Fort Myers, Florida 33902-0398

PUBLIC PARTICIPATION:

A. THE FOLLOWING PERSONS TESTIFIED OR SUBMITTED EVIDENCE FOR THE RECORD AT THE HEARING (SEE SECTION VII.):

For: NONE

Against:

1. John J. DiMatteo, 3662 Sabal Springs Boulevard, North Fort Myers, Florida 33917
2. Joseph Madison, 3730 Gloxinia Drive, N. Fort Myers, Florida 33917
3. Donald E. Lukas, 17849 Dracena Circle, N. Fort Myers, Florida 33917
4. Doris Nelson, 17810 Pineapple Palm Court, N. Fort Myers, Florida 33917
5. Paul Reitmeier, 3988 Sabal Springs Boulevard, N. Fort Myers, Florida 33917

General:

1. James Gillespie, no address provided
2. Kathryn B. Hanley, 3670 Gloxinia Drive, N. Fort Myers, Florida 33917-2080
3. Deborah J. Hingston, 3659 Sabal Springs Boulevard, N. Fort Myers, Florida 33917
4. James P. Johnson, 3449 Sabal Springs Boulevard, N. Fort Myers, Florida 33917
5. Jason H. Mikes, Esq., on behalf of the Sabal Springs Residents Committee, 4501 Tamiami Trail North, Suite 214, Naples, Florida 34103

B. THE FOLLOWING PERSONS SUBMITTED A LETTER/COMMENT CARD, OR OTHERWISE REQUESTED A COPY OF THE HEARING EXAMINER RECOMMENDATION:

For:

1. Ric Christensen, P. O. Box 4341, N. Fort Myers, Florida 33918-4341

Against:

1. Charles F. Barney, 17810 Pineapple Palm Court, N. Fort Myers, Florida 33917
2. Joseph & Catherine Bella, 3680 Schefflera Drive, N. Fort Myers, Florida 33917
3. Michael & Patricia Biloz, 3278 Sabal Springs Boulevard, N. Fort Myers, Florida 33917
4. M. T. Colameo, 3289 Clubview Drive, Fort Myers, Florida 33917
5. Vincent & Alba DeMaio, 3666 Sabal Springs Boulevard, North Fort Myers, Florida 33917

6. Mr. & Mrs. George Eischeid, 17608 Date Palm Court, N. Fort Myers, Florida 33917
7. Gerald A. Higgins, 17742 Dracena Circle, N. Fort Myers, Florida 33917
8. Fred E. Johnson, 3770 Ponytail Palm Court, N. Fort Myers, Florida 33917
9. James P. Johnson, 3449 Sabal Springs Boulevard, N. Fort Myers, Florida 33917
10. William Jurocko, 3528 Sabal Springs Boulevard, North Fort Myers, Florida 33917
11. Carroll & Constance Kellum, 3550 Sabal Springs Boulevard, North Fort Myers, Florida 33917
12. Roger Kiesow, 17647 Date Palm Court, N. Fort Myers, Florida 33917
13. Mr. & Mrs. M. H. Kurtz, 3642 Sabal Springs Boulevard, North Fort Myers, Florida 33917
14. George & Barbara Levesque, 3437 Clubview Drive, N. Fort Myers, Florida 33917
15. Donna Lyman, 17712 Dracena Circle, N. Fort Myers, Florida 33917
16. James V. Marks, 3953 Sabal Springs Boulevard, N. Fort Myers, Florida 33917
17. Catherine Prochaska, 17705 Acacia Drive, N. Fort Myers, Florida 33917

Petition with more than 600 signatures, signed by the property owners and residents of Sabal Springs Golf and Racquet Club

Petition with an additional 97 signatures signed by the property owners and residents of Sabal Springs Golf and Racquet Club

General:

1. Lisa E. Angel, 2949 Winona Drive, N. Fort Myers, Florida 33917
2. Kathy Babcock, School District of Lee County, 3308 Canal Street, Fort Myers, Florida 33916
3. Frank & Gloria Bailey, 3548 Sabal Springs Boulevard, N. Fort Myers, Florida 33917
4. Alfonso Basile, 3524 Sabal Springs Boulevard, N. Fort Myers, Florida 33917
5. Doris M. Benner, 3336 Sabal Springs Boulevard, N. Fort Myers, Florida 33917
6. Jospeh & Cecilia Benson, 3989 Sabal Springs Boulevard, N. Fort Myers, Florida 33917
7. Alvin Blair, 3498 Clubview Drive, N. Fort Myers, Florida 33917
8. Pat Bowdish, 3726 Sabal Springs Boulevard, N. Fort Myers, Florida 33917
9. Martin Chmura, 3412 Sabal Springs Boulevard, N. Fort Myers, Florida 33917

10. Robert & Cecelia Collins, 3561 Gloxinia Drive, N. Fort Myers, Florida 33917
11. William C. Cook, 17940 Antherium Lane, N. Fort Myers, Florida 33917
12. James W. Cosby, 17600 Fan Palm Court, N. Fort Myers, Florida 33917
13. William D'Alessandro, 17960 Antherium Lane, N. Fort Myers, Florida 33917
14. J. Henry Dattrra, 3809 Sabal Springs Boulevard, N. Fort Myers, Florida 33917
15. Mr. & Mrs. J.R. Diehl, 3577 Sabal Springs Boulevard, N. Fort Myers, Florida 33917
16. Gary DuBois, Did Not Give Address
17. David T. Farrell, 3515 Sabal Springs Boulevard, N. Fort Myers, Florida 33817
18. Marie Garlick, 3286 Sabal Springs Boulevard, N. Fort Myers, Florida 33917
19. Douglas Garton, 3558 Sabal Springs Boulevard, N. Fort Myers, Florida 33917
20. Sam Gill, 3647 Sabal Springs Boulevard, N. Fort Myers, Florida 33917
21. James Gillespie, 2020 Lakeville Drive, N. Fort Myers, Florida 33917-6726
22. Harold & Dana Glester, Did Not Give Address
23. Garry Greca, 3562 Sabal Springs Boulevard, N. Fort Myers, Florida 33917
24. Joyce Grimes, 3277 Clubview Drive, N. Fort Myers, Florida 33917
25. Ronald R. & Margie J. Herron, 3655 Sabal Springs Boulevard, N. Fort Myers, Florida 33917
26. John R. Hyatt, 3878 Sabal Springs Boulevard, N. Fort Myers, Florida 33917
27. William C. Jurocko, 3528 Sabal Springs Boulevard, N. Fort Myers, Florida 33917
28. Jay Kerr, 3740 Gloxinia Drive, N. Fort Myers, Florida 33917
29. Frank Kovacs, 3871 Ponytail Palm Court, N. Fort Myers, Florida 33917
30. Linda Kulaski, 3413 Clubview Drive, N. Fort Myers, Florida 33917
31. Russell J. Lampertz, 3750 Gloxinia Drive, N. Fort Myers, Florida 33917
32. George Levesque, 3437 Clubview Drive, N. Fort Myers, Florida 33917
33. Max Liberles, 17566 Plumera Lane, N. Fort Myers, Florida 33917
34. Carl & Joan Lorman, 3419 Clubview Drive, North Fort Myers, Florida 33917

35. Jock McCartney, 11902 N. W. 26 Manor, Coral Springs, Florida 33065
36. James & Marian McCooey, 17740 Acacia Drive, N. Fort Myers, Florida 33917
37. Robert & Greta Mack, 3570 Sabal Springs Boulevard, North Fort Myers, Florida 33917
38. John & Sandra Madou, 3881 Schefflera Drive, N. Fort Myers, Florida 33917
39. Mr. & Mrs. Alex Marchwinski, 17706 Dracena Circle, N. Fort Myers, Florida 33917
40. Jason Hamilton Mikes, % Becker & Poliakoff, P.A., 14241 Metropolis Avenue, Suite 100, Ft. Myers, Florida 33912
41. James F. Moran, 178762 Dracena Circle, N. Fort Myers, Florida 33917
42. Robert & Jeannette Morrisette, 17897 Acacia Drive, N. Fort Myers, Florida 33917
43. Robert G. Mosena, 3801 Gloxinia Drive, N. Fort Myers, Florida 33917
44. Joyce Nawrocki, 17826 Dracena Circle, N. Fort Myers, Florida 33917
45. Bob Pontbriant, 3387 Sabal Springs Boulevard, N. Fort Myers, Florida 33917
46. Wesley Potter, 3810 Schefflera Drive, N. Fort Myers, Florida 33917
47. Douglas Quigg, 17507 Plumera Lane, N. Fort Myers, Florida 33917
48. Cameron Roatch, 13670 Shoveler Drive, Fort Myers, Florida 33908
49. Marie & Hal Rooney, 17729 Acacia Drive, N. Fort Myers, Florida 33917
50. Mr. & Mrs. Lawrence Schadler, 17930 Antherium Lane, N. Fort Myers, Florida 33917
51. Robert & Louis Schloss, 3259 Sabal Springs Boulevard, N. Fort Myers, Florida 33917
52. James & Margaret Snyder, 3604 Sable Springs Boulevard, N. Fort Myers, Florida 33917
53. Roger E. Thibodeau, 2957 Winona Drive, N. Fort Myers, Florida 33917
54. Herb Spies, 3671 Gloxinia Drive, N. Fort Myers, Florida 33917-2089
55. Joseph L. Venturini, 17739 Dracena Circle, N. Fort Myers, Florida 33917
56. Sturm Winfried, 3890 Ponytail Palm Road, N. Fort Myers, Florida 33917
57. John & Nancy Zengerl, 3891 Schefflera Drive, N. Fort Myers, Florida 33917
58. Imelda Zuhorski, 17766 Acacia Drive, N. Fort Myers, Florida 33917

IX. LEGAL DESCRIPTION:

See Exhibit A (scanned legal description).

X. UNAUTHORIZED COMMUNICATIONS:

Unauthorized communications shall include any direct or indirect communication in any form, whether written, verbal or graphic, with the Hearing Examiner, or the Hearing Examiner's staff, any individual County Commissioner or their executive assistant, by any person outside of a public hearing and not on the record concerning substantive issues in any proposed or pending matter relating to appeals, variances, rezonings, special exceptions, or any other matter assigned by statute, ordinance or administrative code to the Hearing Examiner for decision or recommendation. . . . [Administrative Code AC-2-5]

No person shall knowingly have or attempt to initiate an unauthorized communication with the Hearing Examiner or any county commissioner [or their staff]. . . . [LDC Section 34-52(a)(1), emphasis added]

Any person who knowingly makes or attempts to initiate an unauthorized communication . . . [may] be subject to civil or criminal penalties which may include: [Section 34-52(b)(1), emphasis added]

Revocation, suspension or amendment of any permit variance, special exception or rezoning granted as a result of the Hearing Examiner action which is the subject of the unauthorized communication. [LDC Section 34-52(b)(1)b.2.]; OR

A fine not exceeding \$500.00 per offense, by imprisonment in the county jail for a term not exceeding 60 days, or by both such fine and imprisonment. [LDC Section 1-5(c)]

XI. HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS:

A. This recommendation is made this 25th day of May, 2004. Notice or copies will be forwarded to the offices of the Lee County Board of County Commissioners.

B. The original file and documents used at the hearing will remain in the care and custody of the Department of Community Development. The documents are available for examination and copying by all interested parties during normal business hours.

C. The Board of County Commissioners will hold a hearing at which they will consider the record made before the Hearing Examiner. The Department of Community Development will send written notice to all hearing participants of the date of this hearing before the Board of County Commissioners. Only participants, or their representatives, will be allowed to address the Board. The content of all statements by persons addressing the Board shall be strictly limited to the correctness of Findings of Fact or Conclusions of Law contained in the recommendation, or to allege the discovery of relevant new evidence which was not known by the speaker at the time of the earlier hearing before the Hearing Examiner and not otherwise disclosed in the record.

D. The original file containing the original documents used in the hearing before the Hearing Examiner will be brought by the Staff to the hearing before the Board of County Commissioners. Any or all of the documents in the file are available on request at any time to any County Commissioner.

XII. COPIES OF TESTIMONY AND TRANSCRIPTS:

A verbatim transcript of the testimony presented at the hearing can be purchased from the court reporting service under contract to the Hearing Examiner's Office. The original documents and file in connection with this matter are located at the Lee County Department of Community Development, 1500 Monroe Street, Fort Myers, Florida.



DIANA M. PARKER
LEE COUNTY HEARING EXAMINER
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, FL 33902-0398
Telephone: 239/479-8100
Facsimile: 239/479-8106

CRANE LANDING GOLF
COURSE COMMUNITY
RPD

DCI2003-00023

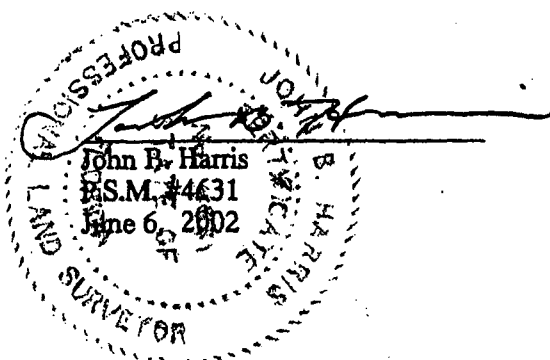
DESCRIPTION: (Per Harris-Jorgensen, Inc.)

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

Commencing at the Northwest corner of the aforesaid Section 23; thence run S.00°13'38"E. along the West line of said Section 23 for 100.00 feet to the South right-of-way line of Mellow Drive (100.00 feet wide per County right-of-way map for County Project # 4013); thence run N.89°59'07"E. (100.00 feet South of and parallel to the North line of the aforesaid Section 23) for 125.19 feet to the point of beginning; thence continue N.89°59'07"E. (100.00 feet South of and parallel to the North line of said Section 23) for 2546.80 feet; thence run N.89°54'44"E. for 186.46 feet; thence run S.11°11'47"E. for 5333.51 feet to a point on the South line of the aforesaid Section 23; thence run N.88°39'56"W. along the South line of said Section 23 for 1226.12 feet to the Southwest corner of the Southeast Quarter (S.E.1/4) of said Section 23; thence run S.89°49'54"W. along the South line of said Section 23 for 634.40 feet to the East right-of-way line of Garden Street (60.00 feet wide); thence run N.00°01'02"E. along said East right-of-way line for 568.00 feet; thence run S.89°49'54"W. for 505.00 feet; thence run S.00°01'02"W. for 568.00 feet to the South line of the aforesaid Section 23; thence run S.89°49'54"W. along the South line of said Section 23 for 1519.91 feet to the Southwest corner of said Section 23; thence run N.00°01'31"E. along the West line of said Section 23 for 568.00 feet; thence run N.89°49'54"E. for 150.00 feet to the East right-of-way line of a County Road (150.00 feet wide); thence run N.00°01'31"E. along the East right-of-way line of said County Road for 2081.69 feet to a point of curvature; thence run Northeasterly along said East right-of-way line for 106.54 feet along the arc of a curve concave Southeasterly, with a radius of 1025.00 feet, a delta of 05°57'19", a chord bearing of N.03°00'10"E. and a chord distance of 106.49 feet to a point of tangency; thence run N.05°58'50"E. along said East right-of-way line for 435.69 feet to a point of curvature; thence run Northeasterly along said East right-of-way line for 127.31 feet along the arc of a curve concave Northwesterly, with a radius of 1175.00 feet, a delta of 06°12'28", a chord bearing of N.02°52'36"E. and a chord distance of 127.24 feet to a point of tangency; thence run N.00°13'38"W. along said East right-of-way line for 882.73 feet to a point of curvature; thence run Northwesterly along said East right-of-way line for 255.26 feet along the arc of a curve concave Southwesterly, with a radius of 1175.00 feet, a delta of 12°26'49"W. and a chord distance of 254.76 feet to a point of tangency; thence run N.12°40'27"W. along said East right-of-way line for 386.42 feet to a point of curvature; thence run Northwesterly along said East right-of-way line for 222.67 feet along the arc of a curve concave Northeasterly, with a radius of 1025 feet, a delta of 12°26'49", a chord bearing of N.06°27'02"W. and a chord distance of 222.23 feet to a point of tangency; thence run N.00°13'38"W. along said East right-of-way line for 109.54 feet to a point of curvature; thence run Northeasterly for 78.72 feet along the arc of a curve concave Southeasterly, with a radius of 50.00 feet, a delta of 90°12'29", a chord bearing of N.44°52'53"E. and a chord distance of 70.84 feet to the point of beginning.

Said tract contains 378.826 acres, more or less, and is subject to easements, restrictions and reservations of record.

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



Applicant's Legal Checked
by [Signature]

EXHIBIT A

RECEIVED

FEB 01 2004

COMMUNITY DEVELOPMENT

SABAL SPRINGS RPD

DESCRIPTION:

A tract or parcel of land being Sabal Springs Golf & Racquet Club, Units One, One A, Two, Three, Four - A, Four - B and Four - C lying in Sections 22 and 23, Township 43 South, Range 24 East, Lee County, Florida, described as follows:

Beginning at the Southwest corner of Tract "H", Sabal Springs Golf & Racquet Club, Unit One as recorded in Plat Book 41, Pages 14 through 22, Public Records of Lee County, Florida; thence run N.15°38'10"W. for 375.37 feet; thence run N.74°21'50"E. for 246.61 feet; thence run N.00°48'55"E. for 868.50 feet to the Southwest corner of Tract "C", Sabal Springs Golf & Racquet Club, Unit Two as recorded in Plat Book 43, Pages 74 through 82, Public Records of Lee County, Florida; thence continue N.00°48'55"E. for 60.00 feet; thence run S.89°11'05"E. for 67.50 feet; thence run N.00°48'55"E. for 25.22 feet to a point of curvature; thence run Northeasterly for 402.55 feet along the arc of a curve concave Southeasterly, with a radius of 222.50 feet, a delta of 103°39'32", a chord bearing of N.52°38'42"E. and a chord distance of 349.85 feet to a point of tangency; thence run S.75°31'32"E. for 250.64 feet to a point of curvature; thence run Northeasterly for 56.45 feet along the arc of a curve concave Northwesterly, with a radius of 77.50 feet, a delta of 41°44'00", a chord bearing of N.83°36'28"E. and a chord distance of 55.21 feet to a point of tangency; thence run N.62°44'28"E. for 143.04 feet to a point of curvature; thence run Northeasterly for 75.57 feet along the arc of a curve concave Northwesterly, with a radius of 52.50 feet, a delta of 82°28'08", a chord bearing of N.21°30'24"E. and a chord distance of 69.21 feet to a point of tangency; thence run N.19°43'40"W. for 218.49 feet to a point of curvature; thence run Northwesterly for 307.99 feet along the arc of a curve concave Northeasterly, with a radius of 902.50 feet, a delta of 19°33'10", a chord bearing of N.09°57'05"W. and a chord distance of 306.50 feet to a point of reverse curvature; thence run Northwesterly for 18.67 feet along the arc of a curve concave Southwesterly, with a radius of 62.50 feet, a delta of 17°06'46", a chord bearing of N.08°43'54"W. and a chord distance of 18.60 feet to a point of tangency; thence run N.17°17'16"W. for 78.01 feet to a point of curvature; thence run Northwesterly for 96.32 feet along the arc of a curve concave Northeasterly, with a radius of 322.50 feet, a delta of 17°06'46", a chord bearing of N.08°43'53"W. and a chord distance of 95.97 feet to a point of tangency; thence run N.00°10'30"W. for 190.12 feet; thence run N.89°49'30"E. for 709.79 feet; thence run S.89°57'02"E. for 582.32 feet to the Northwest corner of Tract "E", Sabal Springs Golf & Racquet Club, Unit Three as recorded in Plat Book 47, Pages 27 through 36, Public Records of Lee County, Florida; thence continue S.89°57'02"E. for 938.37 feet to the Northwest corner of Tract "A", Sabal Springs Golf & Racquet Club, Unit Four - C as recorded in Plat Book 68, Pages 41 through 45, Public Records of Lee County, Florida; thence run S.89°57'31"E. for 1045.70 feet; thence run S.00°12'19"E. for 160.33 feet to a point of curvature; thence run Southeasterly for 255.26 feet along the arc of a curve concave Northeasterly, with a radius of 1175.00 feet, a delta of 12°26'49", a chord bearing of S.06°25'43"E. and a chord distance of 254.76 feet to a point of tangency; thence run S.12°39'08"E. for 386.43 feet to a point of curvature; thence run Southeasterly for 222.67 feet along the arc of a curve concave Southwesterly, with a radius of 1025.00 feet, a delta of 12°26'49", a chord bearing of S.06°25'43"E. and a chord distance of 222.23 feet to a point of tangency; thence run S.00°12'19"E. for 882.73 feet to a point of curvature; thence run Southwesterly for 111.05 feet along the arc of a curve concave Northwesterly, with a radius of 1025 feet, a delta of 06°12'28", a chord bearing of S.02°53'55"W. and a chord distance of 111.00 feet to a point of tangency; thence run S.06°00'09"W. for 435.69 feet to a point of curvature; thence run Southwesterly for 122.07 feet along the arc of a curve concave

DCI 2003-00023

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

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

Bearings are based on the North line of the aforesaid Sabal Springs Golf & Racquet Club, Unit Three as being $S.89^{\circ}57'02''E.$

Applicant's Legal Checked

by *[Signature]* February 4, 2004.

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

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FEB 01 2004

COMMUNITY DEVELOPMENT

DCI 2003-00023

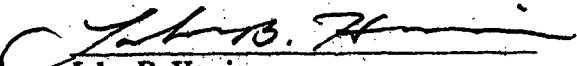
DESCRIPTION:

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

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

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

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


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

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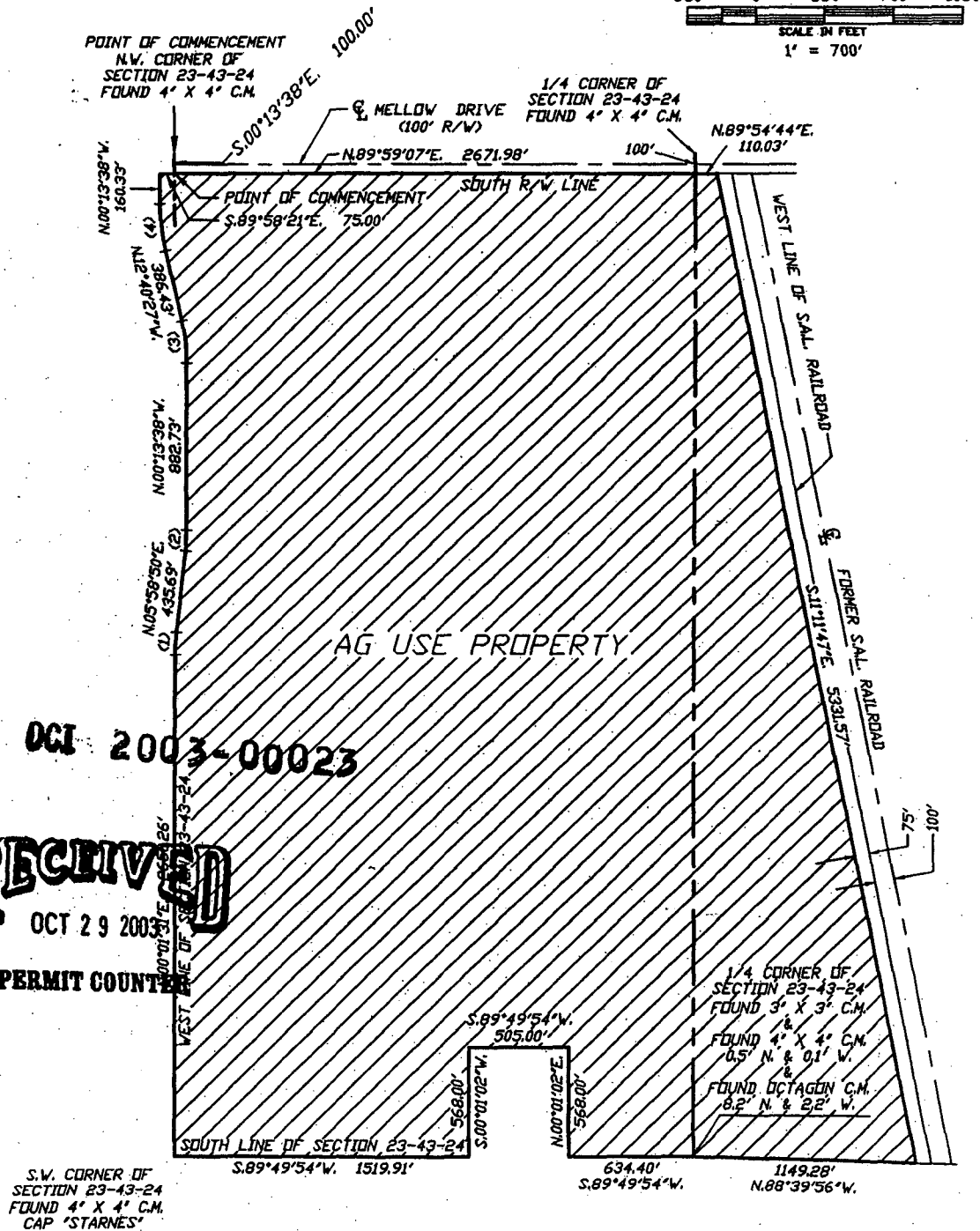
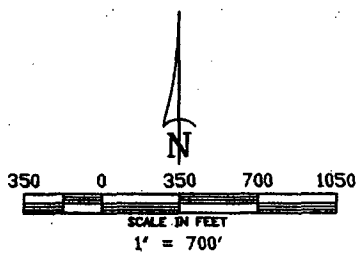
PERMIT COUNTER

DOI 2003-00023
EXHIBIT B

SKETCH OF PART OF SECTION 23

TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

SEE EXHIBIT 'A' FOR LEGAL DESCRIPTION.



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CURVE TABLE

NO.	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
1	1175.00'	05°57'08"	122.07'	122.01'	N03°00'16"E
2	1025.00'	06°12'28"	111.05'	111.00'	N02°52'36"E
3	1025.00'	12°26'49"	222.67'	222.23'	N06°27'02"W
4	1175.00'	12°26'49"	255.26'	254.76'	N06°27'02"W

PROJECT # NSS-4 JOB # NSS-2

SKETCH DATE: 10/16/03

John B. Harris

OCTOBER 16, 2003

JOHN B. HARRIS, PSM
FLORIDA LAND SURVEYOR #4631

FLORIDA CERTIFICATE OF AUTHORIZATION LB #6921



EXHIBIT C

LEGEND

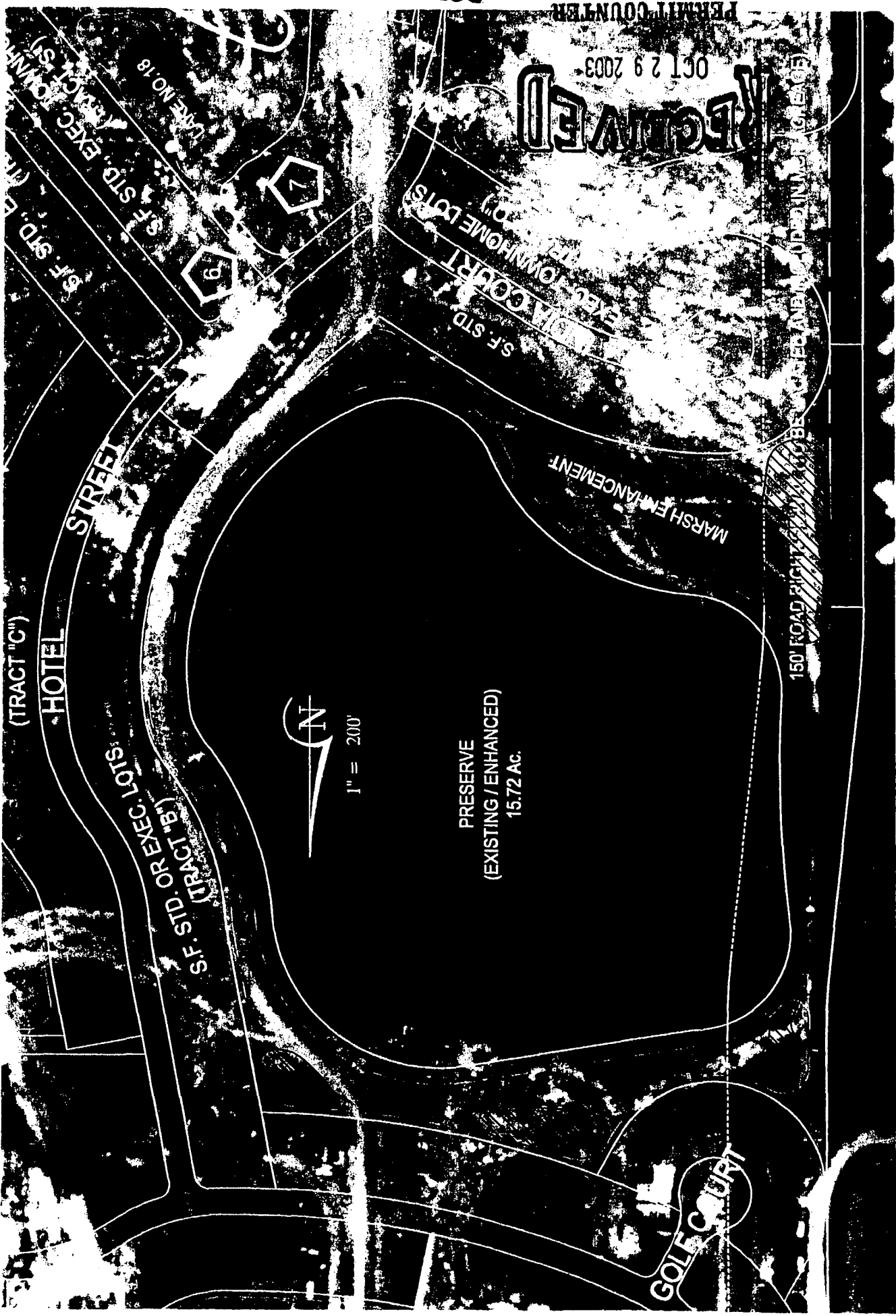


POTENTIAL NATIVE TREE PRESERVATION



SOURCE, INC.
ENGINEERS - PLANNERS
Engineering Business #2027

1334 LAFAYETTE STREET • CAPE CORAL, FL 33904
TEL: 941/540-9345 FAX: 941/540-8770



- LEGEND
- NATIVE TREE PLANTING TYPICAL
 - AREAS - SPECIES TO BE PLANTED CYPRESS, RED MAPLE, LAUREL OAK, POPASH, SLASH PINE



SOURCE, INC.
ENGINEERS - PLANNERS
Engineering Business #267

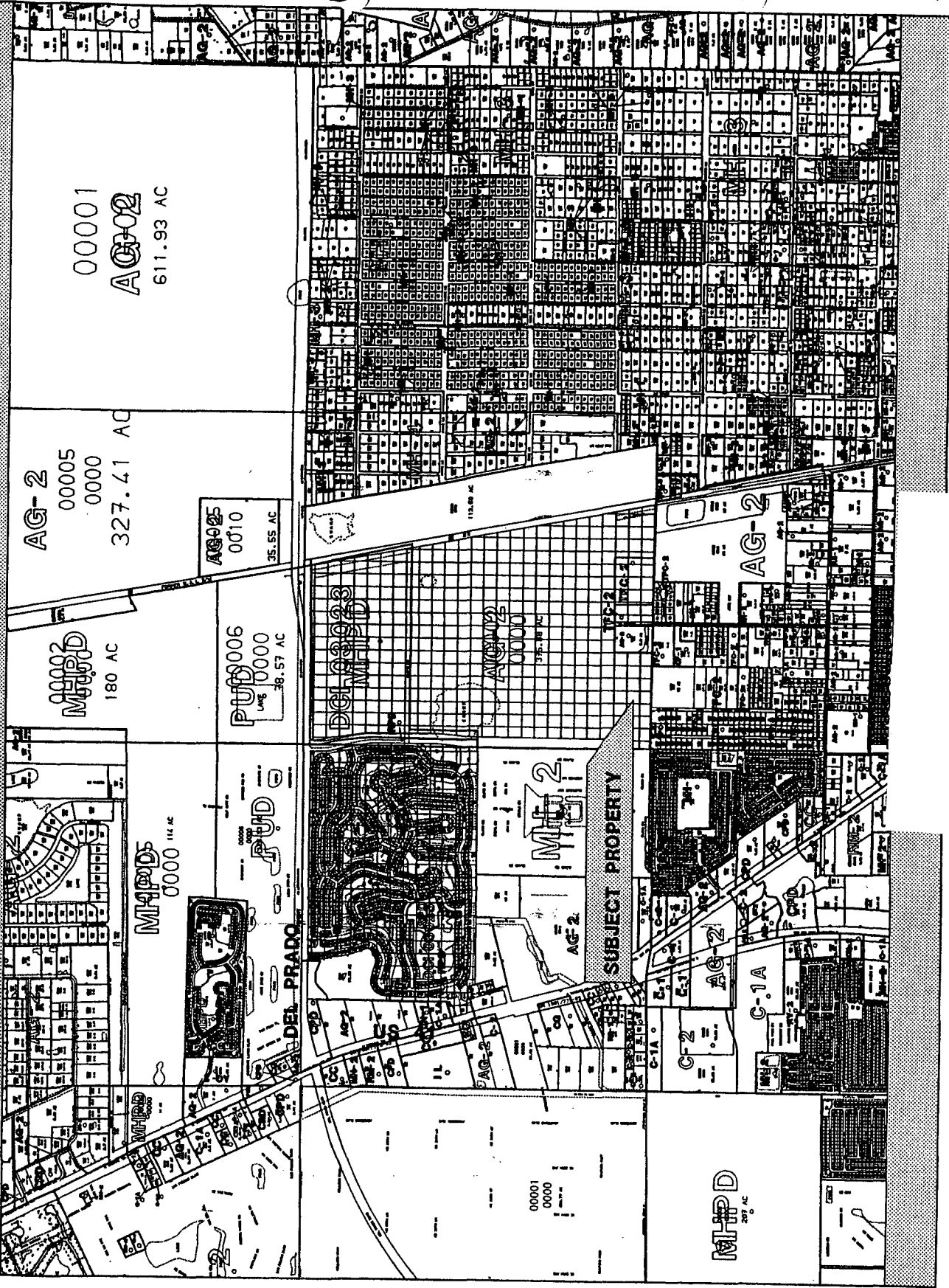
1334 LAFAYETTE STREET • CAPE CORAL, FL 33904
TELEPHONE (941) 640-9245 FAX (941) 640-8770

OCT 29 2003

2003-00023

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DCI2003-00023 CRANE LANDING RPD



LEE COUNTY HEARING EXAMINER MEETING

RE: DCI2003-0023

IN RE: Crane Landing Golf Course Community RPD

Transcript of Proceedings

Before Diana M. Parker, Chief Lee County Hearing Examiner, held at the Hearing Examiner's Hearing Room, 1500 Monroe Street, Fort Myers, Florida, on May 5, 2004.

PRESENT:

Tony Palermo, Senior Planner
Kim Trebatoski, M.S., Principal Environmental Planner
Andy Getch, P.E., Division of Transportation
Joan C. Henry, Assistant County Attorney
Matt Uhli, Attorney for the Applicant
Jason H. Mikes, Attorney for various homeowners

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

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1 HEARING EXAMINER: Good morning. I'm Diana
2 Parker, I'm the Chief Hearing Examiner for Lee County, and
3 this is Wednesday, May 5th.

4 Now, I need to lay down some ground rules before
5 we get started. Okay? I feel like I'm yelling at you
6 all. Is that a little better? Okay.

7 First off, as you can see, we have quite a crowd
8 here, so it's very possible that this hearing is not going
9 to finish today. If it does not, we will have to
10 reschedule it for another day. We will go through at
11 least five o'clock. Now, we'll do our best to get through
12 as many of you as possible by five o'clock if it's going
13 to run more than one day.

14 Now, first off, staff and applicant will be
15 making a presentation to me. They will have exhibits.
16 They will have experts. I will be asking any questions
17 that I have to help me understand what their point is.
18 Okay?

19 You all need to remain quiet in the back of the
20 room. The court reporter is here taking down what is
21 happening. Noise in the back of the room interferes with
22 her concentration, and it also interferes with the sound
23 travel so that we can't get in everything that was said.
24 So you need to be quiet.

25 You will be given an opportunity to ask your

1 questions and to make your argument after staff and
2 applicant have made their presentations.

3 I do ask that you listen to the staff and the
4 applicant's presentations because some of your questions
5 will be answered during that time frame.

6 Now, this is not my hearing room, so you can
7 bring things in here other than water. Every two hours or
8 so we will stop, take a break for the court reporter to
9 unwind, stand up, stretch, unfocus. All right? We will
10 be back here, though, to finish up. Now, we will take a
11 lunch break sometime between probably 12:30 and 1:30 or
12 one and two. It's according to how the testimony is
13 coming in at the time when we decide to break.

14 Those of you who are parked in our parking lot
15 over here, you know, there should not be any problem. If
16 you are parked on the street, I will warn you right now
17 that if you don't keep putting money in your meter, you're
18 not going to have a car. Okay? They will give you a
19 ticket, they won't take your car actually, they will give
20 you a ticket. But it's going to be as expensive as having
21 your car. So they do run kind of high.

22 So everyone who needs to speak here will need to
23 be sworn in, I cannot take your testimony unless it is
24 sworn testimony. Also, at the same time, because this is
25 a rezoning and my recommendation goes to the Board of

1 County Commissioners, if you do not speak here, you cannot
2 speak before the Board of County Commissioners.

3 The rules and regulations are written that way to
4 give me the opportunity to consider your concerns and try
5 to address those concerns during my recommendation to the
6 Board of County Commissioners. Okay? So if you do not
7 speak here, you cannot speak to the Board of County
8 Commissioners.

9 Now, I don't know, I see a stack of these are up
10 here. For those of you who are not familiar with this
11 Public Participation Form here, I need you to fill this
12 out if, number one, if you wish to speak or if you don't
13 want to speak but you want to receive a copy of my
14 recommendation, I need the white form. My secretaries
15 have no clue you're here unless I have a white form. All
16 right?

17 Now, if you want to receive a copy of the
18 recommendation, if you have an e-mail address, we can
19 e-mail it to you, so include your e-mail address on here,
20 okay, and we can e-mail it to you. So do I have anybody
21 in the room that needs some of these forms?

22 Okay. And before we get really started, what I
23 would like to do is to have the county stand up and
24 introduce themselves to the audience and also have the
25 applicant's attorney. Do I have another attorney here

1 representing the homeowners association?

2 Yes, sir, okay.

3 Sir, do you have witnesses?

4 MR. MIKES: I do not have witnesses, no, ma'am.

5 HEARING EXAMINER: Okay. One of my secretaries
6 has just indicated to me that if you all do not write
7 legibly, you won't get nothing. Because if they can't
8 read it, it ain't coming. Okay? So, you know, just keep
9 that in mind when you're writing.

10 I know if you're a doctor, it looks legible to
11 you, but not anybody else can read your handwriting, so
12 please keep that in mind.

13 They're going to make more copies, sir, if
14 there's not enough and bring them back in for me.

15 Okay. Can I have the county stand up, please,
16 and introduce themselves to the members of the public so
17 you all will know who is talking.

18 MS. HENRY: My name is Joan Henry. I'm an
19 assistant county attorney. I'm here today representing
20 the Board of County Commissioners.

21 MR. GETCH: I'm Andy Getch. I'm with the Lee
22 County Department of Transportation.

23 MR. PALERMO: Good morning, everyone. I'm Tony
24 Palermo with the Zoning Division, Department of Community
25 Development. Good to see you all again.

1 MS. TREBATOSKI: I'm Kim Trebatoski with the
2 Division of Environmental Sciences.

3 HEARING EXAMINER: Okay. Matt, do you want to
4 introduce yourself?

5 MR. UHLI: I'm Matt Uhli. I'm the attorney for
6 the applicant.

7 MR. PUGH: I'm Tim Pugh. I'm the engineer for
8 the applicant.

9 MR. JIBAI: Hussein A. Jibai, Sable Springs Golf
10 & Racquet Club.

11 MR. FELDMAN: Steve Feldman, manager, applicant.

12 MR. MCCARTNEY: Jock McCartney, applicant.

13 HEARING EXAMINER: Applicant, okay.

14 MR. ELLIOTT: Jim Elliott, engineer.

15 HEARING EXAMINER: Jim Elliott, engineer.

16 MS. BOYLAN: Rae Ann Boylan, Boylan Environmental
17 Consultants, for the applicant.

18 HEARING EXAMINER: Okay. Rae Ann Boylan, an
19 environmental consultant. Okay.

20 Now, you all know who everybody is here. Now, do
21 I have any questions from anyone on procedures?

22 Okay. First thing we need to do then this
23 morning is for everyone who plans to testify, to raise
24 their right hand, please.

25 (The witnesses were sworn.)

1 HEARING EXAMINER: Okay. Now, let me tell you,
2 there are a lot of you folks in here that have not been
3 sworn in. If you decide after hearing staff and
4 applicant's presentations that you have questions that
5 have not been answered or that you have something you
6 absolutely have to say, let me know when you come up to
7 the podium. You can still speak, but I need to swear you
8 in at that time. Okay? That's the only thing because if
9 you're not sworn in, then your testimony really does not
10 receive the same weight as someone else's.

11 Also, when you testify, please keep your
12 testimony germane to the issue. What effect do you think
13 the approval of this rezoning request will have on your
14 life, on your property.

15 Now, if you don't like your neighbor and your
16 neighbor likes the applicant, that has no bearing on my
17 decision. All right?

18 If you like your neighbor and the neighbor
19 doesn't like the applicant, that still has no bearing on
20 my decision. I need to know what effect you think this
21 rezoning will have on your property if it's approved.
22 Okay?

23 Any other questions before we get started?

24 All right. Is the applicant ready to go
25 forward?

1 Now, you all will need to wave your hands or what
2 not if you can't hear. Mr. Uhli does speak very softly.
3 See if we can't jack him down again, get him to speak up.
4 I never have that problem. I never could whisper.

5 Matt, let me introduce the case before you get
6 started. Okay. This is Wednesday, May the 5th. This is
7 Case No. DCI2003-00023, Crane Landing Golf Course
8 Community RPD.

9 All right, Matt.

10 MR. UHLI: For the record, Matt Uhli representing
11 the applicant.

12 You should have received our memorandum setting
13 out our position a couple of days ago, and so you're aware
14 the issues between us and the staff are extremely limited
15 in this case. So we will be putting on a presentation
16 that is responsive to that procedure.

17 I'm going to walk you through the history of this
18 particular project and the application as it has evolved
19 over time for a variety of reasons that I think will
20 become apparent throughout the hearing. Following me, Tim
21 Pugh will be asked to give expert testimony on issues
22 relating to the site plan and Deviation No. 1.

23 Following him, Rae Ann Boylan will be testifying
24 on environmental issues and particularly on Deviation No.
25 2. And following her, I will be responding to small items

1 in the Staff Report but essentially we're in agreement
2 with the staff.

3 HEARING EXAMINER: Okay.

4 MR. UHLI: I'd like to start by giving you an
5 overview of the property and its history and the
6 application, and this works better in the hearing room but
7 I'll do as best I can.

8 What we put up here is an aerial photograph which
9 includes a portion of the Sabal Springs property as well
10 as Crane Landing. I don't know if I can reach here with
11 the microphone, but the property is more or less the
12 northwest corner of the application, south of the road
13 which is Del Prado Extension is Sabal Springs, which is a
14 single-family development.

15 The cleared property immediately to the east of
16 that, the boundaries are very well defined on the aerial,
17 is the Crane Landing property.

18 The complication that has caused some procedural
19 issues in this case is that Sabal Springs zoning
20 resolution also includes the northern portion of the
21 cleared property, and that's the origin for a lot of
22 things I'm going to talk about today.

23 The history of Sabal Springs goes back to 1986
24 where in short order the property was initially zoned for
25 a mobile home development of 1,300 units, and then within

1 a matter of months, that suddenly was amended to basically
2 break the project into two parts, one of which was an RPD
3 that was permitted for a maximum of 860 units, in reality
4 only 770 units will be built because that's what the
5 property is platted for and has a DO for.

6 The second part of the application was for an
7 MHPD. The Sabal Springs part that I put the approved plan
8 on there. The Sabal Springs is the part that's on the
9 western part of the project. The eastern part of the
10 project was zoned to MHPD for a mobile home project of 440
11 units.

12 A couple of items of interest in that case. One
13 of them is if you take a hard look at the approved plan,
14 you will find that there are two road intersections
15 between the two parts of the project; and, secondly,
16 you'll find that there's road right-of-way both north of
17 the project and running north and south through the middle
18 of the project essentially divided the RPD part from the
19 MHPD part.

20 That was really the big issue in the case in
21 1986. That was in the days, the infancy of the traffic
22 ways now, there were questions about how arterial shots
23 and the maps should be handled. But the bottom line was
24 that those particular roads shown on the traffic map were
25 accommodated by the proposed plan. There were conditions

1 in the approval addressing both of those rights-of-way,
2 and they were ultimately actually conveyed to the county
3 in exchange for an impact decredits.

4 Of course, as you're aware, the east-west road
5 north of this property, Del Prado Extension, actually was
6 ultimately constructed. The north-south road that runs
7 between the two parts of the approved project as shown on
8 the 1986 plan was not built, will never be built. Staff
9 has made it clear that they have no interest in building
10 there. So my client has been pursuing getting that
11 property back, and I'll come back to that in a minute.
12 That has something to do with the procedural context of
13 the application.

14 Sabal Springs obviously has largely built out as
15 a conventional single-family project with maximum 770
16 units. We are now in the process of doing rezoning for
17 Crane Landing, which includes the mobile home portion of
18 the 1986 plan which was never built, and there's no
19 intention of building at this point. That property is
20 included in the application as well as other property that
21 was in common ownership at the time but was not included
22 in the 1986 zoning. In addition to that, the applicant
23 purchased some property to the south.

24 The application was initially filed as a stand-
25 alone rezoning for Crane Landing. It was a rezoning from

1 MHPD, it's never been built in '82 and I think some other
2 small districts to RPD. That particular application went
3 through the system, was found sufficient and was initially
4 set for public hearing in January.

5 However, in December, we were summoned to a
6 meeting with staff and the assistant county attorney who
7 had the project at the time, and we were advised at the
8 time by the assistant county attorney, not the one that's
9 handling the case now, that the case could not go forward
10 in its configuration just as a stand-alone rezoning for
11 Crane Landing. And the rationality for that was that the
12 approval of Sabal Springs included conditions that were
13 common both to the RPD and to the MHPD, and her conclusion
14 was that if we did not include all of Sabal Springs in the
15 rezoning, that we would, in effect, be rezoning portions
16 of Sabal Springs without having a public hearing, which
17 she didn't think we could do that.

18 We were not enthusiastic about that opinion.
19 There's part of me that still doesn't agree with it today,
20 but suffice it to say that we weren't going into where --
21 we agreed to reshape the application, so we did.

22 That is why Sabal Springs is included in this
23 application even though there was never any intention of
24 affecting the development of Sabal Springs in any way.

25 HEARING EXAMINER: Now, the 110 acres that was

1 initially the mobile home park portion of Sabal Springs,
2 could that not have been withdrawn from that RPD, MPH or
3 MHPD, whichever it was, couldn't that have been withdrawn
4 and brought in then separately, was there not the ability
5 to do that?

6 MR. UHLI: The county's position was that because
7 the MHPD and RPD had common conditions within the
8 resolution even though it had separate -- if we rezoned
9 the MHPD portion, that we would find fault the amending
10 conditions within RPD, and we could not do that legally
11 without including it in the application and having a
12 public hearing.

13 HEARING EXAMINER: Okay.

14 MR. UHLI: That is why Sabal Springs is included
15 in the application.

16 HEARING EXAMINER: Okay.

17 MR. UHLI: So bottom line was that we did what we
18 were told. We figured the application, we figured Sabal
19 Springs. We provided the new property with a map and
20 provided a new Master Concept Plan which included Sabal
21 Springs and so on.

22 And the case was set for hearing in March. At
23 that point we had a Staff Report with which we had
24 fundamental agreement with the staff. There were no major
25 issues. We were prepared to go to hearing. At that

1 point, we found out the case had been assigned to a
2 different assistant county attorney, yet not the one
3 handling the case today. And he raised some new issues
4 about the sufficiency of this particular application.

5 One of them had to do with the fact that there
6 were easements that were shown on the survey that were not
7 shown on the Master Concept Plan.

8 We have subsequently addressed that by including
9 those easements on the Master Concept Plan and there's a
10 staff position that addresses that.

11 We have also -- his other objection had to do
12 with the status of the right-of-way running north and
13 south on the western boundary of Crane Landing. That's
14 the right-of-way that was invading the county for impact
15 decrements, but the county made it clear that they had no
16 intention of building the road. DOT had written a memo
17 saying they were willing to reconvey that property to the
18 applicant if the amount of the impact decrements was
19 refunded, which we were willing to do.

20 But the assistant county attorney's position was
21 that that process had not gone far enough along for the
22 county to give authorization for that property to be
23 included within the application. So we were working on an
24 agreement that accomplished that.

25 It was not done at the time the hearing was

1 supposed to take place in March, but it has subsequently
2 been done. All parties have executed it, money has been
3 placed in escrow. The vacation is going forward, and so
4 on and so forth. That is no longer an issue as well.

5 While all of this was going on, we became aware
6 that the residents had a number of issues as well which
7 made the second continuance a little bit easier to swallow
8 because we knew it gave us an opportunity to communicate
9 with the residents. So we held a meeting in the community
10 which Tony was gracious enough to attend, and I can assure
11 you was very well attended by the residents of Sabal
12 Springs.

13 There were a number of concerns that were raised
14 at the time, but there were only, in my opinion, three
15 major ones that were pertinent to this rezoning request
16 and we tried to address each of those in the application
17 that is before you today.

18 The first concern that the residents had had to
19 do with the interconnection between Sabal Springs and
20 Crane Landing. That was a feature of the 1986 plan, and
21 actually the '86 plan showed two points that are in
22 connection although only one of them was actually
23 constructed as part of Sabal Springs. And we simply
24 carried that forward in the original version of the Master
25 Concept Plan.

1 There were some sound reasons for doing that,
2 not the least of which was that the staff recommendation
3 had actually included at that time the existence of that
4 interconnection as a condition of approval for one of our
5 deviations. However, we made it clear to the residents
6 that we were willing to forego that particular
7 interconnection if the staff was willing to as well. In
8 our subsequent meetings with Mr. Palermo, he indicated
9 that he would not require that condition and, in fact, he
10 has removed it from the Staff Report. And as a result of
11 that, we took the interconnection out of the plan so it is
12 not there.

13 We are aware that some of the residents may want
14 to go further than just not showing it on the plan and
15 provide an additional condition to that effect, which I
16 think when it's all said and done, we'll find is not a
17 problem for my client, but I prefer to have them testify
18 first before we respond to it.

19 HEARING EXAMINER: Okay.

20 MR. UHLI: The second item had to do with the
21 temporary sales center. On the 1986 approval, there was
22 some area that was right next to U.S. 41 that was
23 designated as a temporary sales center. Prior to the
24 point that we were going to include Sabal Springs in the
25 application, there were ongoing discussions between

1 ourselves and staff about whether the 1986 approval would
2 permit us to use that temporary sales center parcel for a
3 sales center for Crane Landing.

4 Those discussions were ongoing. They weren't
5 complete. Adding Sabal Springs to the application made
6 that more complicated, essentially made the discussions
7 with the staff moot and turned it into an issue for the
8 public hearing.

9 The parcel in question is a tract that is shown
10 as a future development tract on the plat for Sabal
11 Springs, and it's owned by the developer.

12 But the bottom line is that the residents made it
13 clear, very clear during the discussions that they did not
14 want the sales center to be constructed at that particular
15 location, and so the sales center has been removed from
16 the Master Concept Plan. That, in fact, is a change from
17 the 1986 plan which makes it more restrictive than it was
18 before.

19 We are pursuing other avenues with that
20 particular parcel, and one of which may involve us coming
21 back at some point in time to a public hearing process to
22 see what we can do with it, but that remains to be seen.
23 In any event, that is not on the plan, it's not being
24 requested today, it's not on the table, and we're not
25 going to talk about it.

1 Finally, the third issue has to do with the use
2 of a maintenance facility that currently exists within
3 Sabal Springs for the golf course and Crane Landing. That
4 particular facility is located in the southeastern corner
5 of the RPD portion of Sabal Springs.

6 Some of the residents were opposed to that
7 particular use of the maintenance facility. I suspect
8 that we will respond to them more in our rebuttal case.
9 Suffice it to say, that we've tried to accommodate their
10 concerns about security and about their use of the road
11 system in Sabal Springs by showing exactly what the
12 interconnection will be between Sabal Springs and Crane
13 Landing.

14 There's a small, you wouldn't want to call it a
15 road, but it's not a golf cart path, it's basically kind
16 of a one-lane road that's shown on the Master Concept Plan
17 that represents the interconnection. We've also shown a
18 gate that we promised to provide. As a result, we think
19 that we have addressed the residents' concern. There's a
20 page in the Staff Report I believe that indicates that we
21 can't use the road system in Sabal Springs for traffic
22 between the two projects, and we don't object to that. So
23 not withstanding any ongoing concern that the residents
24 may have, we think that we've addressed their concerns
25 adequately and there's not much more to say about that

1 until they get up and indicate their basis for their
2 concern.

3 In general, I would say that this,
4 notwithstanding the number of people here, this should be
5 relatively simple project. It's an RPD next to an RPD.
6 The densities involved are very similar to the density in
7 Sabal Springs. We have done our best to try to eliminate
8 any interconnections that create any security problems.
9 So we think the projects are fully compatible, and at this
10 point I'd like to turn the project over to -- presentation
11 over to my engineer unless you have any questions.

12 HEARING EXAMINER: That's fine. I didn't have
13 any questions. Thank you.

14 Did I forgot to mention to you where the ladies'
15 rooms and the men's rooms are? You go out this door right
16 here (indicating) and down a little hallway. They're
17 right there by the water fountain in case anybody gets
18 lost.

19 Thereupon,

20 TIM PUGH,
21 was called as a witness, having been previously sworn, was
22 examined and testified as follows:

23 MR. PUGH: My name is Tim Pugh. I'm the engineer
24 for the applicant.

25 MR. UHLI: Before Tim goes on, he's not sure if

1 his resume is still on file or not, but he has been
2 qualified as an expert in civil engineering in this forum,
3 and we would ask that he be so qualified again.

4 HEARING EXAMINER: Okay. Any objections from the
5 county?

6 MR. PALERMO: No objection. Thank you.

7 HEARING EXAMINER: Okay. Are you a professional
8 engineer?

9 MR. PUGH: Yes.

10 HEARING EXAMINER: You're a registered
11 professional engineer.

12 MR. PUGH: Okay. I'll take you through a few of
13 the highlights of the Master Concept Plan, for the Crane
14 Landing portion. The application also includes the
15 portion for Sabal Springs, but that's pretty much what's
16 there, so I won't dwell on that too much.

17 The Crane Landing property --

18 HEARING EXAMINER: Pick up the hand mike, if you
19 can.

20 MR. PUGH: Okay. Along the north is the Del
21 Prado and Mellow Drive Extension. North of that is the
22 Heritage Mobile Home Park. The North Fort Myers utilities
23 plant is in the northeast corner. Sabal Springs is to the
24 west. Island Vista Estates, which I guess that's a new
25 name, is on the southern portion of the western boundary.

1 There's a railroad, former railroad grade that runs along
2 the eastern boundary. There's some vacant land in there
3 the states own along the east side.

4 There's a -- Powell Creek Extension is in the
5 south -- the southeast corner of the property. That's the
6 main drainage outfall for this area.

7 And along the southern property boundary we have
8 North Fort Myers Academy for the Arts.

9 There's various residential duplexes and there's
10 also a developmentally disabled along the center of the
11 southern property boundary.

12 The future land use categories in the area are --
13 along the south and the southwest are central urban. The
14 subject property is, along with all of the remaining, is
15 primarily suburban.

16 The subject's current zoning which was stated
17 before is the north portion is MHPD, the majority of it's
18 AG-2, there's a portion along the south that was zoned
19 TFC-2, which is also the same as some along the south.

20 You've got a mobile home along the western edge.
21 To the north is a PUD, Sabal Springs is a RPD, and it's
22 AG-2 over on the east side.

23 As you can see from the aerial, the site is
24 primarily clear pasture. There's cattle grazing going on
25 along with some hay production, and there are some areas

1 that have some -- there's environmental areas and some
2 environmental areas that have been maintained on the
3 site.

4 And around the property, along the western edge,
5 there was the road's right-of-way that was never
6 constructed along the eastern edge.

7 There's a future area that is being reserved for
8 a drainage right-of-way to extend Powell Creek Extension
9 up to handle some of the drainage issues that are
10 occurring along the Del Prado corridor.

11 The site plan itself is a mixture of 1,229 units
12 on 385.7, plus or minus, acres which has a density of
13 about 3.3.

14 What we've got proposed is a mixture of various
15 types of single family, multi-family product. The way
16 we've got it proposed is with about a 50-50 mix between
17 single family and multi-family product.

18 On the plan, the multi-family portion is located
19 in the southwest corner which abuts the central urban land
20 use area and the remainder of it is the various types of
21 products for the single family. They're all discussed
22 pretty well in the Staff Report, what we're proposing to
23 do.

24 The multi-family areas we've got the highest
25 intensive area that would be a maximum three stories, 45

1 feet, and there's a golf course, community club house and
2 18 holes of golf.

3 Our site plan includes a 50 foot separation
4 buffer around the majority of the site, and that area
5 includes various utility easements and other things along
6 with, that is why we call it a separation buffer, you
7 can't really landscape through the whole thing because of
8 the existing utility lines.

9 Utilities are in place and water lines across the
10 north for the mains and reuse mains that pretty much run
11 the total perimeter of the site which helps serve the
12 surrounding community. And the maintenance building is
13 located on the Sabal Springs site, and we propose a
14 16-foot wide driveway to access it from this site to be
15 able to get vehicles in and out and the mowers back and
16 forth to the golf course.

17 HEARING EXAMINER: The 16-foot road is strictly
18 for the mowers and the other golf cart equipment, whatever
19 is necessary for maintaining the golf course; is that
20 correct?

21 MR. PUGH: That's correct.

22 HEARING EXAMINER: All right. Also, if the 16
23 foot wide is for the golf course equipment, where is the
24 supply coming in? Is it going to come in through the
25 regular channels; I mean, when they bring supplies in for

1 the other golf course, are they going to bring twice the
2 amount?

3 MR. PUGH: There is a driveway from the Sabal
4 Springs side that brings in -- currently brings in
5 supplies and things. But with the 16 foot wide, you could
6 drive a vehicle one way on it. So if you brought it in
7 from Sabal Springs, it could exit the other way or vice
8 versa. I mean, there's not a lot of traffic. Even though
9 it is one way, I mean, there would probably be one vehicle
10 going in or out at a time. We could make it wider, but we
11 wanted to try to minimize the use of access coming in from
12 that direction at the request of the residents.

13 HEARING EXAMINER: Okay. Is it going to be built
14 then to local standards that would actually accommodate a
15 supply truck? I mean, I'm not familiar with golf course
16 supply trucks. I don't know if they come in in semi
17 trucks or if they come in in pickup trucks or exactly how
18 they get their supplies. But this will be built --

19 MR. PUGH: It will be built like local street
20 standards.

21 HEARING EXAMINER: Okay. So that would
22 accommodate their traffic then as vehicles?

23 MR. PUGH: Yes. And as far as traffic, we did a
24 traffic impact statement, and all the traffic for the site
25 has been limited to the access point at the north, and

1 there are other road stops that we provided, emergency
2 road connections with gates along the south. There's one
3 over at Garden Street and the other one over at North
4 Second. We tied into those for -- just for future -- I
5 mean, for emergency access type of a connection and that's
6 also part of the deviation for the one access point.

7 HEARING EXAMINER: Tim, did you do the TIS?

8 MR. PUGH: The TIS was done in our office
9 initially, and then it was also done by Metro
10 Transportation who did the response to it.

11 HEARING EXAMINER: All right. Is someone from
12 Metro here?

13 MR. PUGH: I don't believe so.

14 HEARING EXAMINER: Maybe you can answer the
15 question then. When I was looking through the TIS, they
16 have -- I have to find it -- if you'll look at site
17 traffic assignment for Crane Landing, Figure 3, and I
18 can't tell you -- do you know here, I'll just show you
19 mine, show you this one. You guys have an indication of
20 40 trips in and -- et cetera. You can see here, it
21 actually shows that there is traffic being accommodated on
22 that roadway.

23 If that's a gated roadway, how is daily traffic
24 going to be accommodated on that roadway? I don't
25 understand why that was done that way I guess is the

1 question I'm asking. Because, I mean, if you use it as an
2 emergency access, it looks like it would be 90 to 100
3 percent and in this case it's a very small number, but it
4 still looks like you guys are anticipating some use of
5 this gated access point as not an emergency.

6 MR. PUGH: I'm not sure why that was done that
7 way. Maybe at one time early on when we were doing the
8 thing, we were anticipating it could also be used as an
9 area access, and with some type of gate, you know. But in
10 the later Staff Report we've acknowledged that it's just
11 for emergency access.

12 HEARING EXAMINER: Okay. Matt, did you have a
13 response?

14 MR. UHLI: Yes. I'm not exactly sure what you're
15 looking at, but I would remind the Hearing Examiner that
16 at the time that we initially did this application, we
17 were showing full interconnection between the two
18 projects, and my suspicion is that the TIS was done at
19 that time based on the existence of the full
20 interconnection, which was subsequently removed and TIS
21 hasn't been changed since then.

22 HEARING EXAMINER: Okay. This doesn't show the
23 interconnection to the Sabal Springs. It shows an
24 interconnection to North Second Street. That was the
25 question that I had, why to North Second Street, and it's

1 a very minimal amount of traffic actually. But it seems a
2 little incongruent with the emergency status of that road.

3 MR. UHLI: I'm sorry. I thought you were talking
4 about the interconnection between the two projects.

5 HEARING EXAMINER: No, no. On Second Street.
6 Okay. But it is limited now so that -- and that small
7 amount of traffic is not going to have an effect.

8 MR. PUGH: It shouldn't affect the --

9 HEARING EXAMINER: Distribution?

10 MR. PUGH: Yes, the distribution or the results
11 of what traffic at Sabal Springs, which is summarized in
12 the Staff Report as well.

13 HEARING EXAMINER: Right. Okay.

14 MR. PUGH: That's all I have. If there are any
15 questions.

16 HEARING EXAMINER: Questions of this witness?

17 MR. UHLI: Before I ask him any questions,
18 Hussein was explaining that the change that you talked
19 about, that was the result of a change in the plan.
20 Initially there was more access proposed than ultimately
21 was provided.

22 HEARING EXAMINER: Okay.

23 MR. UHLI: It provided a bike path, kind of
24 limited access, but the school board didn't really want us
25 choking their roads with traffic so that wasn't done.

1 HEARING EXAMINER: Okay. All right. Thank you.

2 MR. UHLI: Just one question. Tim, can you in
3 some detail explain how the drainage might be handled from
4 this project, particularly in which direction it's going
5 to be going?

6 MR. PUGH: The drainage from this site is
7 proposed to be collected in a number of lakes within the
8 golf course. It primarily flows in a southeasterly
9 direction to the property extension or bypass canal in
10 that corner.

11 The drainage flow for Sabal Springs flows the
12 opposite direction, it flows towards U.S. 41. It winds up
13 into the Yellow Fever Creek system. And there's no
14 connection between the drainage for the two portions of
15 the property.

16 MR. UHLI: Just to make this clear, the drainage
17 that's being proposed for Crane Landing will not affect
18 Sabal Springs in any way; is that a fair statement?

19 MR. PUGH: That's a fair statement.

20 MR. UHLI: Just one last question. Can you
21 provide the rationale for the Deviation No. 1, it's the
22 access?

23 MR. PUGH: Deviation 1 is the deviation that
24 provides for only one access point rather than when you're
25 over five acres on project sites that you're supposed to

1 have two or more. And we provided the emergency
2 connections to the south but for security reasons, we've
3 maintained a single access point primarily on the north
4 side of a gate and everything else maintains that security
5 for the site.

6 MR. UHLI: No further questions.

7 HEARING EXAMINER: Questions of this witness by
8 the staff? Tony.

9 MR. PALERMO: No questions. Thank you.

10 HEARING EXAMINER: Andy, questions?

11 MR. GETCH: No.

12 HEARING EXAMINER: All right. I have several.

13 Now, is he the proper person to talk about the
14 development regulations or do you have somebody else who
15 is going to do that?

16 MR. UHLI: No, he would be the proper person.

17 HEARING EXAMINER: Okay. I have a question. I'm
18 confused. Let me see if I can find it. I must have a
19 three-inch stack of stuff here that they've provided me
20 with. Okay. Exhibit Q, Property Developer Regulations
21 Crane Landing RPD. If you look down on the chart, the
22 townhouses, and look over to the setbacks, I understand
23 that the setback is because they're going to be right next
24 to each other, I don't understand a zero here setback and
25 how many buildings are we talking about in these town

1 homes; do you know that yet, Tim?

2 MR. PUGH: I don't think we've decided
3 specifically how many town homes, but that description for
4 town homes at the zero setback in the rear, what that
5 allows -- primarily what that allows to happen is that the
6 fee simple deed, the land underneath the unit, but you
7 could have a common area behind it. I mean, you know we
8 also have like a 20-foot setback to water type of thing
9 or, you know, they could have an area, common open space
10 with that as well, which would be outside the lot that
11 would be owned, and that's what that is trying to
12 illustrate.

13 HEARING EXAMINER: Okay. But I'm still kind of
14 confused. A setback is a structure from the property line
15 or structure from a structure, and at this point even if
16 the underlying land is deeded and the common area, there
17 still shouldn't be a zero per foot setback. Am I missing
18 something here? I don't think I have ever seen this
19 before and if I have, it certainly didn't hit me at the
20 time. So I don't understand.

21 MR. PUGH: There would be building separation at
22 the rear.

23 HEARING EXAMINER: We don't have anything here
24 that tells us about building separation, do we? No?

25 Is there -- I tell you what. Take a piece of

1 paper and draw me a picture of what you're talking
2 about. Maybe I'll understand it once I see it in picture
3 form, okay. Zero per setback, we can build a duplex right
4 up on top of each other. You can walk out your back door
5 into somebody else's back door, and that isn't going to be
6 fun at all.

7 Have you all planned on a minimum building
8 separation, Matt? Did you all talk about it?

9 MR. UHLI: (Indicating.)

10 HEARING EXAMINER: All right, I have it, okay. I
11 see it. Okay. Go ahead.

12 MR. PUGH: You have a -- the street, common open
13 street in front. The house starts. There will be no
14 setback at the side. Like 20 feet between common areas,
15 and what this person would actually own would be the lot
16 like this, wouldn't have to be covered entirely, something
17 like that.

18 HEARING EXAMINER: Okay. So the street setback
19 is going to accommodate --

20 MR. PUGH: That.

21 HEARING EXAMINER: And the water body is going to
22 accommodate the rear --

23 MR. PUGH: We need to set a rear setback. But
24 there -- you would have to have -- they're still building
25 separation standards that are required. We're only asking

1 for it to be rear setback along sides as far as
2 separation. The parties have building separation
3 standards in addition to the lot setback.

4 HEARING EXAMINER: Okay. Andy, can you come up
5 here? I'm sorry. Not Andy, Tony. If you can help, Tony,
6 have you looked at this?

7 MR. PALERMO: They didn't --

8 HEARING EXAMINER: I don't remember ever seeing a
9 zero setback. That's what concerns me. I mean, I
10 understand what Tim is saying is that the people buy the
11 unit and they buy the land by the unit and there's no
12 setback to anything else because they own that parcel and
13 the rest. Is this typical, zero setback?

14 MR. PALERMO: No, I don't think so. That is not
15 common, but town homes development makes it easier to have
16 zero setbacks in the rear and so these could be right
17 against each other.

18 HEARING EXAMINER: So do we have anywhere in here
19 that there's a minimum building separation? I mean, I
20 realize that when you've got town homes, you have, two,
21 four, six, eight units together, but then you've got
22 another building of two, four, six, eight, whatever the
23 product is. Where do we have a separation from the
24 building? Where do we have a minimum building separation?

25 MR. PALERMO: We don't have a minimum building

1 separation in these regulations. I typically see 20-foot
2 separations in other developments.

3 HEARING EXAMINER: Okay. And there's nothing in
4 the Land Development Code that specifically says you will
5 set these buildings 20 feet apart?

6 MR. PALERMO: Yes.

7 HEARING EXAMINER: But I mean, in the Land
8 Development Code there's nothing that says.

9 MR. PALERMO: Not that I recall.

10 HEARING EXAMINER: Okay. All right. I may ask
11 that you all put a building separation in here, because
12 I'm concerned, I think that's part of my concern, if I
13 understand what you're saying, but there's no building
14 separation and even though --

15 MR. PUGH: The building codes pretty much dictate
16 the separation of the building for fire and everything
17 else.

18 HEARING EXAMINER: Well, I think it says ten feet
19 for fire.

20 MR. PUGH: They're got things for multiple
21 buildings on a site, how that is determined for fire codes
22 and things like that.

23 HEARING EXAMINER: All right. So, I mean, you
24 feel that the Land Development Code that would govern the
25 separation for a three-story building would be sufficient?

1 MR. PALERMO: Yes. That's like an extension, I
2 think, of that development order. No need to put it into
3 the charts.

4 HEARING EXAMINER: Okay. County attorney, any
5 comments from you?

6 MS. HENRY: No. I just think at the break I'm
7 going to visit this in the Land Development Code. If I
8 have any additional comment, I'll let you know.

9 HEARING EXAMINER: Okay. Thank you.

10 Let me see if I have any other questions. Thank
11 you.

12 Tim, on Exhibit Attachment G, Crane Landing Golf
13 Course Community RPD, and this is -- I imagine this is
14 your introduction and explanation of the zoning request.

15 On Page 3 of 5 in here, there is a note on the
16 temporary agricultural uses, and it says that the uses may
17 be continued on all upper portions of the site until such
18 time as a Certificate of Compliance is issued for any
19 residential development on site. And my understanding is
20 staff has included a condition in the recommendation of
21 approval that the agricultural uses must be at the time a
22 development order is pulled; is that correct now?

23 MR. UHLI: Yes. I'll respond to that. Yes, the
24 staff has imposed a standard agricultural condition and we
25 do not object to it.

1 HEARING EXAMINER: You do not object to that.

2 Okay.

3 Just a minute, a little red tab here. Hold on a
4 second. All right. That's all the questions I have.

5 Anybody have any questions based on what I have
6 got? Tony? Matt?

7 MR. UHLI: I have no additional questions.

8 HEARING EXAMINER: Thank you.

9 Matt, your next witness.

10 MR. UHLI: Next witness if Rae Ann Boylan.

11 Thereupon,

12 RAE ANN BOYLAN,

13 called as a witness by the Applicant, having been
14 previously duly sworn, was examined and testified as
15 follows.

16 MS. BOYLAN: For the record, my name is Rae Ann
17 Boylan. I'm president of Boylan Environmental
18 Consultants. We are the environmental consultants for the
19 applicant.

20 Just a little background. I have a Bachelor of
21 Science degree in biology from Stetson University, a
22 Master's degree in environmental sciences from the
23 University of Florida, and I have been doing environmental
24 consulting work in southwest Florida for over 20 years
25 now. And my resume is on record with the county.

1 MR. UHLI: We would ask that she be accepted as
2 an expert environmental scientist.

3 HEARING EXAMINER: Any objections from the
4 county?

5 MR. PALERMO: No.

6 HEARING EXAMINER: No objections, okay, thank
7 you.

8 MS. BOYLAN: Just briefly for the environmental,
9 as you can see most of the site has been cleared for
10 cattle grazing purposes. We do have a large marsh area on
11 the west side of the property which we are proposing to
12 preserve. Listed specie surveys were conducted. We saw
13 all kinds of wading birds. We did not find any nests of
14 any listed species on the property.

15 As far as the project design, we're going to
16 preserve the large wetland on the site and as for the
17 indigenous request, deviation request, we are proposing
18 not only preserving that large wetlands, but we're also
19 going to have an enhancement marsh around the perimeter of
20 the large wetlands. Around the perimeter of the large
21 marsh we've got, we're showing the shallow marsh
22 creation.

23 HEARING EXAMINER: Hang on for a minute. Can you
24 all hear her?

25 AUDIENCE: No.

1 HEARING EXAMINER: Take the hand mike right
2 there.

3 MS. BOYLAN: As part of the overall plan, we've
4 got our large wetland preserve, then we're proposing
5 shallow marsh creation around the perimeter of that area.
6 In addition, we have wetlands preserve area here and then
7 we're proposing another wetland marsh creation area.

8 The Master Concept Plan indicates that this is
9 about 9.97 acres, but in working with the district and
10 looking at the berms and the slopes, we're looking now
11 with the district at about 9.5 acres, plus or minus.

12 HEARING EXAMINER: They need to work on that
13 little guy.

14 MS. BOYLAN: As indicated, we have requested a
15 deviation from the indigenous requirement. Mostly --
16 primarily because the site does not contain a lot of
17 indigenous, we are preserving the best of the indigenous
18 on site in addition to enhancing those areas and creating
19 a large marsh area which will provide large areas of
20 native habitat.

21 We believe that that deviation is justified. The
22 only comment I have about the condition is on Page 11 of
23 30, 2.a., where it discusses the -- "Prior to local
24 development order approval, the landscape plans must
25 include the following." Under 2.a. they say that,

1 "Delineation of the wetland preserves (15.72 acres and
2 1.66 acres) and marsh creation areas (5.2 acres and 9.97
3 acres)." I've requested we change that to approximately
4 9.5 acres.

5 HEARING EXAMINER: Okay. That is specifically
6 the one down at the southeast corner, the 9.5 acres?

7 MS. BOYLAN: Yes.

8 HEARING EXAMINER: Where's the 5.2 acres? Is
9 that the one that's --

10 MS. BOYLAN: That would be the one created around
11 the big marsh.

12 HEARING EXAMINER: Okay. And where is the 1.66
13 acres?

14 MS. BOYLAN: That's this little area here
15 (indicating).

16 HEARING EXAMINER: Okay. Okay.

17 MS. BOYLAN: And I have nothing else. I'm open
18 for questions.

19 HEARING EXAMINER: Okay. The wading birds that
20 you saw, you said that there were no nests, so they were
21 foraging, they were not actually nesting on the property?

22 MS. BOYLAN: Yes. They were primarily -- what we
23 saw was the wading birds using the marsh, but we didn't
24 see any sign of nests, but we are preserving the largest
25 wetlands on site.

1 HEARING EXAMINER: For them?

2 MS. BOYLAN: Yes.

3 HEARING EXAMINER: Questions, Matt?

4 MR. UHLI: No questions.

5 HEARING EXAMINER: Questions, Kim?

6 MS. TREBATOSKI: No.

7 HEARING EXAMINER: No questions by the county?

8 Okay, Rae Ann, that's all I have. Thank you.

9 Any other witnesses for the applicant?

10 MR. UHLI: Again Matt Uhli for the record. Just
11 to wrap up our presentation here, I have just a few brief
12 comments about the Staff Report.

13 The first one has to do with the item that is one
14 just mentioned, and that's our request to have the acreage
15 figure on Page 11 revised from 9.97 to 9.5, plus or minus.
16 And as she indicated, that's based on additional work
17 permitting with the agencies, that's the way it's going to
18 come out.

19 The only item that we have on the Sabal Springs
20 conditions, and this was also in my memo, is on Page 12,
21 under the Site Development Regulations, that states,
22 "Minimum building height for single family: 35 feet above
23 grade." We ask that that be changed to maximum for
24 obvious reasons.

25 HEARING EXAMINER: Okay.

1 MR. UHLI: In general, I'd just like to comment
2 about the Sable Spring conditions, that one of the
3 problems with bringing Sabal Springs into this application
4 is that it means that you have to go back through all of
5 the previous conditions and try to figure out which ones
6 work under existing conditions and change regulations and
7 which ones don't.

8 We worked hard with Tony on that particular
9 item. You will find that there are a lot of conditions
10 that have been revised or removed. All those are based on
11 changes to regulations that or changes in condition. For
12 example, there are lengthy conditions about the conveyance
13 of the two rights-of-way that were deleted because the
14 conveyances actually took place.

15 There are hurricane conditions that appear to
16 have kind of grown over time but really were premised on
17 the fact that there was a mobile home park that was
18 included within the project, and so a lot of that language
19 didn't make any sense anymore since the mobile home park
20 is no longer part of Sabal Springs, and so on.

21 One other note is that the deviations that were
22 granted back in 1986 and to some extent thereafter, those
23 deviations have just been carried forward. There was some
24 discussion between myself and the county attorney's office
25 about whether we needed to change the citations since

1 they're all -- the citations are all old, and they don't
2 correspond to Land Development Code sections, but the
3 county attorney's office was comfortable with leaving them
4 in their old form, so we didn't disagree with that so that
5 has not been changed.

6 HEARING EXAMINER: Okay.

7 MR. UHLI: The final comment I'd like to make is
8 on Page 25 of the Staff Report. That relates to the
9 discussion of Policy 24.1.4. It's kind of an issue that's
10 left hanging in the Staff Report where it says, "Without
11 addressing this problem, this creates an inconsistency
12 with Policy 24.1.4."

13 We don't believe that there's any inconsistency
14 with that particular policy because if you read it
15 carefully, it's our opinion that that policy clearly is
16 intended to apply to external impact of the project.

17 For example, if this particular project were an
18 intense multi-family project and the access point is
19 already in relatively intense trafficking dumped out onto
20 the existing road system where the existing development
21 was at a lower density, that's the situation that this
22 policy was intended to address.

23 The policy, in our opinion, does not address
24 issues that are purely internal to the site and that to
25 the extent the staff has raised the question about it, it

1 has to do purely with the internal configuration of the
2 site.

3 As Tim pointed out, to the extent that this
4 question comes up, it has to do with the location of the
5 multi-family townhouse type uses on site, and there's a
6 perfectly good rationale for the way we handled that and
7 that is that those uses were placed close to the area
8 that's in central urban and has very intense mobile home
9 type uses, so they're more compatible than they would be
10 anywhere else.

11 Other than that, we're in complete agreement with
12 the Staff Report. We agree with the staff's conclusions
13 as to the Lee Plan consistency. We don't propose to add
14 anything to their argument because we think that they are
15 correct. This is once again a very moderate density golf
16 course, residence development type of which is
17 specifically not controversial.

18 It's totally compatible with Sabal Springs and
19 the surrounding uses. We would ask that you approve it
20 with the conditions proposed by staff as we revised them
21 today.

22 HEARING EXAMINER: Okay. All right.

23 Staff ready to go forward? Tony, Andy, Kim,
24 somebody.

25 MR. PALERMO: Staff is ready to go forward. If

1 you don't mind, could we have a five-minute break to set
2 up and get ready?

3 HEARING EXAMINER: Sure. We can take a five-
4 minute break. Folks, be back here -- my watch says about
5 12 after, so be back here by 20 after, please, back in the
6 room, we'll reconvene at 20 after.

7 (A recess was taken.)

8 HEARING EXAMINER: The county attorney has
9 indicated to me that some of you folks are going to be
10 leaving before the hearing is over. So if you have filled
11 out one of those white forms and you are going to be
12 leaving before the hearing is finished, you can either
13 give those forms to her or bring them up here and give
14 them to me. That way we have them here. All right. And
15 mark on your white form if you want a copy of the
16 recommendations because you won't get it. So if you have
17 to leave before the hearing is over, either bring me the
18 white form or give it to the county attorney as you
19 leave.

20 Okay. All right. I think we're ready for
21 staff's presentation at this point.

22 Let's all get seated so maybe we can get finished
23 today. Everybody ready? Okay.

24 Tony, you're going to have to state your name.

25 MR. PALERMO: Good morning, Madam Hearing

1 Examiner.

2 My name is Tony Palermo, and I'm the senior
3 planner for the Department of Community Development.
4 Before I get into my presentation, I'll make four points
5 which are really clarifications and corrections to the
6 Staff Report which is dated April 18, 2004.

7 Item No, 1, staff supports the two changes that
8 were requested by the applicant, and Mr. Uhli talked about
9 one was Condition No. 2 -- Deviation No. 2 stating that
10 that preserve area is 9.5 acres and not 9.97 acres, and
11 that's on Page 11 of 30 of the Staff Report.

12 The second change they requested was the Sabal
13 Springs conditions, Condition No. 2.b., 35 foot maximum
14 height. That's absolutely correct and that's on Page 12
15 of 30.

16 The staff also wants to introduce a correction on
17 Page 8 of 30, and we gave you a memo to that effect on
18 Crane Landing conditions and that is Page 8, No. 9, Model
19 homes and real estate sales. And I'd like that to read
20 under Condition 9.c., "Real estate sales will be limited
21 to the sale of lots or units within the Crane Landing
22 development only." And that was pointed out by some Sabal
23 Springs residents and I'm happy to make that correction.
24 The applicant can speak for themselves whether they're
25 okay with that correction or not.

1 Item No. 3, Condition No. 19, for Crane Landing,
2 that's on Page 9 of 30. I'm not proposing any changes
3 right here, but I want to make a clarification that we are
4 not requiring this gate that Mr. Uhli talked about for
5 emergency evacuation. Staff's position is that the gate
6 may be walled off, may not be walled off. Either way
7 would be acceptable. I wanted to make clear the staff
8 position that if they wall off that gate, that's fine with
9 me.

10 Last correction -- last item, Page 9, Deviation
11 No. 1, Paragraph 2, this is just cleanup work that I
12 failed to do, but that paragraph reads as follows: "The
13 applicant proposes a single entrance on Del Prado
14 Boulevard, and a gated golf-course community. Their
15 justification cites safety as a reason for the request.
16 There is also no reasonable second access point on Del
17 Prado, nor any means to provide access on the north or
18 south sides of the property." That is, cross off the
19 paragraph sentence that says, "with the exception of the
20 proposed interconnect with Sabal Springs." There's no way
21 to connect from the two developments. I want to cross
22 that off in the Staff Report.

23 HEARING EXAMINER: Okay.

24 MR. PALERMO: Now I'll get to my presentation.
25 First I'd like to be recognized as an expert in planning,

1 zoning and land use. My resume is on file, and I have
2 been recognized previously on numerous occasions since
3 2002.

4 HEARING EXAMINER: Any objections?

5 MR. UHLI: No objections.

6 HEARING EXAMINER: Okay, no objections.

7 MR. PALERMO: Madam Hearing Examiner, I have
8 received many phone calls, letters, petitions, mostly from
9 Sabal Springs residents and one from what we know as drive
10 residents, concerns about the impact of this development
11 on Sabal Springs. The issues were construction traffic,
12 development maintenance facility, the relationship between
13 the two developments, flooding and security issues. And I
14 believe you've heard a little bit about that. You'll
15 probably hear more about that later.

16 As Mr. Uhli said, staff and the applicant also
17 met March 4th in Sabal Springs, and there were hundreds in
18 attendance. And I can summarize their concerns really in
19 five words "Leave us out of it."

20 And I provided Sabal Springs residents with
21 copies of the Staff Report, the latest Master Concept
22 Plan, and I encouraged their participation at today's
23 hearing.

24 I'll try to be brief and accomplish five
25 objectives in my presentation. First, I'll put on the

1 record, for the record, the applicant has addressed the
2 sufficiency concerns that we have been raising, and I'll
3 tell you a little bit more about that. I think Mr. Uhli's
4 presentation was accurate in terms of that.

5 Number two, we've had a chance to meet with the
6 public and address some substantive issues, and I'll tell
7 you a little bit about that.

8 Third, I've got a stack of exhibits that are
9 relevant to my presentation, relevant to the case,
10 including photographs taken by me.

11 Fourth, I'll walk you through the revised April
12 22 Staff Report just briefly.

13 And, Fifth, I will put on the record staff's
14 conclusions and recommendations. For the record, we
15 recommend approval of this rezoning to residential planned
16 development for a 1,229 unit golf course community with a
17 mix of single-family and multi-family homes on
18 approximately 385 acres of land. Approved with two
19 conditions, I mean, two deviations and a lot of
20 conditions.

21 HEARING EXAMINER: Okay.

22 MR. PALERMO: First, briefly on the sufficiency
23 issues, this won't take long. Sufficiency issue number
24 one was the 150 foot right-of-way. I have given the
25 Hearing Examiner an April 21 letter from the county

1 attorney's office with a signed agreement with the
2 \$274,600 check for the impact decredits paid by the
3 applicant to the county, held in escrow. That takes care
4 of that issue.

5 Number two, the April -- which one is it -- April
6 19, 2004, Master Concept Plan shows the easements on the
7 Master Concept Plan which is as required by the Land
8 Development Code.

9 And, number three, we've credited the conditions
10 regarding these easements. So the sufficiency issues are
11 out of the way.

12 Second, on the substantive issues, I have
13 identified four substantive issues that were raised by
14 Sabal Springs residents and raised by others. Number one,
15 why include Sabal Springs at all. I think Mr. Uhli
16 accurately described the situation was that we had to
17 because we are amending the existing resolution,
18 resolution Z86186 for a variety of legal reasons, it was
19 necessary to do so.

20 Number two, a substantive issue, are we
21 connecting Sabal Springs to Crane Landing, and the answer
22 to that is, no, but we are limiting any connection to a
23 16-foot path for access to the golf maintenance facility,
24 and you've heard a little bit about that today.

25 Substantive issue number three, the sale of units

1 off that piece of property on U.S. 41. Fortunately, the
2 April 19, 2004, Master Concept Plan removes a temporary
3 sales office from U.S. 41 and I think the time being
4 removing that issue from the table.

5 Last substantive issue is develop maintenance
6 facility. Our position is this. Staff does not seek to
7 mandate a Crane Landing golf maintenance facility, and we
8 think the path is fine and the Staff Report goes into a
9 little bit about that.

10 Third item today is we do have some exhibits
11 I'll introduce for the record. For the Hearing Examiner's
12 assistance I have drawn up three maps. I'll show them to
13 you a little bit later, but the public can see them right
14 now. One is just like Attachment B which is a future land
15 use map showing Crane Landing, Sabal Springs in relation
16 to the surrounding future land use. And in the middle
17 right there we have an aerial showing Crane Landing,
18 showing all the streets and where the area is. And the
19 third map I have over here shows Crane Landing, Sabal
20 Springs, and I've also put labels identifying the
21 ownership of some of the surrounding parcels in case
22 there's questions about that.

23 Madam Hearing Examiner, I've provided you with a
24 number of additional exhibits. I'll just go through them
25 briefly.

1 First a list of easements and they were handed to
2 you in this brown envelope. I've provided the applicant
3 with a copy and members of the public with two copies.

4 There's really some strange material. Number
5 one, the list of easements shown in the April 19, 2004,
6 Master Concept Plan as provided by the applicant. That
7 dresses the sufficiency issue.

8 Item No. 2 was photographs taken by me way back
9 in November 25, 2004, showing some pictures actually of
10 Crane Landing and Sabal Springs. On the cover you'll see
11 the actual cow pastures and Sabal Springs in the
12 background.

13 Second page you'll see looking east on Del
14 Prado. Third page from northeast corner of subject
15 property. Fourth page, picture of the residential golf
16 community of Sabal Springs. Fourth picture is the actual
17 gate on Sabal Springs that has become an issue. Fifth
18 page is the actual golf maintenance facility at Sabal
19 Springs so you can see what it looks like. Next page
20 showing you surrounding properties. Island Vista Estates
21 and Arrowhead. And the last two pages -- or the next two
22 pages I'm showing you Winona Drive, and the next page I'm
23 showing the end of North Second Street. And the very last
24 page shows you the North Fort Myers Academy and some of
25 those properties on that road.

1 Some additional information, you also have a
2 February 26, 2004, letter from -- to me from Kathy Babcock
3 indicating how many students will be created by this
4 residential community. She's estimated 283 school
5 children, 13 classrooms will be needed, and just reminded
6 us that through the development -- the developer will have
7 to pay for school impact fee credits.

8 Next item is an article from the August 12, 2003,
9 News Press, and the topic is North Fort Myers Academy of
10 the Arts and difficulties with the temporary operating
11 four schools with 2,300 students on campus, and that's a
12 traffic issue.

13 Number three, is Sandy Park Development Center
14 which is south of Crane Landing, and met with their
15 director, Leslie Steiner, and she's stated they have no
16 objections. She was looking forward to the development.

17 Next item was 2002 DRI legislative changes
18 presented at the 2003 Florida Conference of the Zoning and
19 Planning Association just in case that issue came up.

20 Next item was Chapter 2824, DRI ruled the new
21 development, the bright line threshold is now 2,000 units.

22 And the last two items were east of the Crane
23 Landing development and I provided a copy of the revised
24 revitalization plan and statistics for the neighborhood
25 that were prepared by Lee County Human Services.

1 Madam Hearing Examiner, you do have a copy of the
2 April 22 Staff Report, and as you know, there are two
3 parts. You have Crane Landing regulations and you have
4 Sabal Springs regulations.

5 The subject property is located at the Del Prado
6 Boulevard and Mellow Drive Extension in North Fort Myers.
7 The future land use is suburban. Portions of the land are
8 wetlands or the future land use is wetland.

9 They are asking for residential planned
10 development zoning. The current zoning is -- well, the
11 home plan development near Sabal Springs, agricultural and
12 two-family conservation, which is also called TFC-2. The
13 MHPD, mobile home planned development, agriculture and
14 TFC-2 portion or the two family conservation portion is
15 basically cattle grazing land.

16 Page 17 of the Staff Report summarizes what this
17 application is. It essentially boils down to this. 606.3
18 acres total; 1,999 dwelling units; 1,229 in Crane Landing,
19 770 in Sabal Springs.

20 As you know, Sabal Springs is an existing
21 residential planned development and 770 unit single family
22 golf course development inside approximately 220 acres of
23 land. This development is built out and will not change.

24 The request is the development of Crane Landing
25 golf course community with a mix of single family and

1 multi-family developments, their property is 385.7 acres
2 adjacent to Sabal Springs.

3 Mr. Uhli has gone through the elements of this
4 request. Let me just go through the conditions
5 specifically for Crane Landing.

6 No. 1, the development has to be consistent with
7 Crane Landing Master Concept Plan, Sheet No. 2 and 3,
8 that's dated April 19, 2004. As I stated, it's a 1,229
9 unit development half and half, single family and
10 residential -- single family and multi family. The uses
11 that we've recommended approval for are residential uses,
12 golf course uses, country club uses, a lot of homes,
13 recreation, that sort of thing.

14 The third condition is golf course condition, and
15 these are similar to those that were approved in the
16 Verandah case. They're quite lengthy and they're to
17 protect the public interest and to protect the
18 environment. And the applicant has no objections to
19 those.

20 Condition No. 4, the applicant is not asking for
21 development blasting, and we put a condition there
22 consistent with that.

23 Next condition, No. 5, will require all native
24 vegetation for required buffers.

25 Condition No. 6, all structures must be ten feet

1 from the preserve areas.

2 Condition No. 7 is with regards to the golf
3 maintenance facility, allows shared use and limits access
4 to 16-foot path.

5 Condition No. 8, the agricultural uses, and those
6 are our standard words.

7 Condition No. 9, model homes and real estate, we
8 have limited it to nine sites under the Master Concept
9 Plan.

10 Condition No. 10, the 150 foot right-of-way on
11 the western border of the subject property must be
12 vacated.

13 Condition No. 11 gives us a little detail about
14 the 50-foot wide separation buffer.

15 Condition No. 12 requires Type B buffer
16 separating the clubhouse, multi-family buildings, patio
17 homes, town homes from the surrounding properties
18 requiring that buffer.

19 Condition No. 13 requires 154 acres of common
20 open space.

21 Condition No. 14 is really boiler plate language
22 regarding height and separation.

23 No. 15 more boiler plate language regarding local
24 development.

25 Condition No. 16, there is no guarantee of

1 development orders, this is pretty standard stuff.

2 Condition 17 addresses the street names.

3 Obviously, there's some generic street names in the Master
4 Concept Plan, and they will change back when the
5 development puts some normal street names on there.

6 HEARING EXAMINER: That doesn't require a public
7 hearing, though?

8 MR. PALERMO: That's right.

9 And Condition No. 18 is some protection to the
10 Sabal Springs residents regarding construction, and I
11 think there's some legitimate concerns about how the
12 construction will affect their way of life.

13 Condition No. 19 is regarding no access through
14 the gates at the end of Sabal Springs. I talked a little
15 bit about that.

16 And the last condition is a new development order
17 addressing easement issues.

18 Staff has also recommended the two deviations,
19 Deviation No. 1 regarding one access. We've recommended
20 approval of that, listed the conditions. And Deviation
21 No. 2 regarding existing indigenous vegetation. We have
22 recommended approval with some conditions.

23 Request No. B, Sabal Springs Recommendations, and
24 we included this to keep the number of units under 2,000
25 reduce to Sabal Springs, which resolution says they're

1 right at 860 units, we're allowing 770 which is consistent
2 with their existing development order.

3 The resolutions for Sabal Springs, ZAB-86-63,
4 Z-86-193 and Z-89-026 are hereby superceded and replaced
5 by this resolution. And we included the structural
6 underlying language on Page 11 of the Staff Report, and
7 we've already talked about corrections that needed to be
8 made.

9 Staff's conclusion is that Crane Landing is
10 consistent with the Lee Plan. Those findings are found on
11 Pages 19 through 22. They're asking for 3.3 units per
12 acre, Six units per acre is allowed in the suburban future
13 land use category.

14 The Lee Plan issue raised on Page 25 is Policy
15 24.1.4, which discourages travel through low densities to
16 reach higher densities that are on the southwest corner.

17 However, I agree with the applicant that there is
18 a benefit placing multi family near the higher density
19 areas like Lake Arrowhead, Island Vista Estates, away from
20 Sabal Springs. So while on balance, this isn't perfect,
21 but the whole application is consistent with the Lee Plan
22 as a whole.

23 Pages 25 through 27 address the neighborhood
24 compatibility. The staff's conclusion is this proposed
25 development has a significant impact on the North Fort

1 Myers community. Potentially adding over 2,000 people and
2 a golf course, but we believe that with the conditions
3 that we've worked out, that this is compatible with the
4 surrounding land uses and surrounding neighborhoods.

5 Environmental issues are addressed on Page 27 of
6 the Staff Report as conditions of the application,
7 addresses open space, addresses wetlands, addresses
8 species and addresses indigenous, addresses other
9 concerns, and Attachment P from our environmental sciences
10 goes into that.

11 Transportation, we believe there are no level of
12 service issues.

13 Our conclusions are on Page 29. Andy Getch is
14 here from the Department of Transportation if you need to
15 ask him questions, and he's also provided us with a memo
16 which is Attachment C with regard to the 150 foot
17 right-of-way.

18 Madam Hearing Examiner, in conclusion, requested
19 rezoning conditions meet the criteria necessary for
20 residential planned development, including consistency
21 with the Lee Plan. As conditioned, it is compatible with
22 surrounding residential properties. The request does not
23 adversely affect environmentally critical areas, including
24 wetlands on site. There is sufficient access,
25 infrastructure and no detrimental impact by existing or

1 planned networks. As conditioned the proposed mix of
2 residential uses is appropriate at the subject location.

3 Staff also finds deviations requested should be
4 approved as conditions, and they enhance the objective of
5 the planned development and preserve and promote the
6 general intents of the Land Development Code to protect
7 the health, safety and welfare.

8 With that I'll conclude my presentation, and I'll
9 answer any questions you have.

10 HEARING EXAMINER: Questions of this witness by
11 the county attorney?

12 MS. HENRY: I have no questions. Thank you.

13 HEARING EXAMINER: Questions by the applicant?

14 MR. UHLI: No questions.

15 HEARING EXAMINER: Okay. The only question that
16 I have, Tony, is on Page 7 of 30, Condition No. 6, and you
17 may not be the right one to answer the question, but "All
18 structures must be set back a minimum of 10 feet from the
19 boundary of the preserve areas." Why not a greater
20 setback than ten feet? That seems to me like a really
21 diminimus setback for an environmentally substantive area.

22 MR. PALERMO: The reason for this is to address
23 accessory structures. For example, if the regulations
24 that are in Attachment Q require a 20-foot setback, they
25 should be set back 20 feet. But if there's a swimming

1 pool or something like that, instead of being set back
2 five feet, I wanted to make it clear it had to be set back
3 ten feet from the preserve.

4 HEARING EXAMINER: Okay. So this should be
5 accessory structures instead of all structures? All
6 structures to me means buildings as well as accessories,
7 your buildings and your accessories.

8 MR. PALERMO: Yeah, that would be acceptable to
9 me. It should be accessory structures and any other
10 structures follow the regulations that are attached to Q.

11 HEARING EXAMINER: Applicant have any response to
12 that?

13 MR. UHLI: No objection.

14 HEARING EXAMINER: Okay. I'll add that in.
15 Okay. That's the only question I have. Oh, I'm sorry, I
16 do have one on Page 18. Talking about the mix of single
17 family development and talking about the apartment/
18 condominiums are envisioned to be 12 to 18 units. Is this
19 per building or is this the total number of units?

20 MR. PALERMO: That was for buildings, I believe.

21 HEARING EXAMINER: Okay. For buildings. Okay.
22 The only other question that I have deals with the
23 beginning of your request about where you got "Resolution
24 ZAB-86-63, et cetera, are hereby superseded and replaced
25 by this resolution." That is not a condition that is

1 actually formally set out in your -- and I think it should
2 be. So I think we need to add that as a condition on this
3 so there is absolutely no question in any possible
4 reviewer's mind if there's anything else hanging out.

5 MR. PALERMO: Yes, I would like that language to
6 be included. I have no objection to that.

7 HEARING EXAMINER: Any objections by the
8 applicant?

9 MR. UHLI: No.

10 HEARING EXAMINER: Okay. All right. That's it
11 for me. Any questions of this witness based on what I
12 asked?

13 MR. UHLI: No.

14 HEARING EXAMINER: Okay. Thank you.

15 Anyone else on the staff side going to make a
16 presentation?

17 MS. TREBATOSKI: I'm just here for questioning.

18 HEARING EXAMINER: Okay. Transportation and
19 environmental are just here for questions. I don't have
20 any.

21 The applicant have any questions of
22 transportation or environmentally related?

23 Matt, any questions of county environmental or
24 transportation experts?

25 MR. UHLI: No.

1 HEARING EXAMINER: Okay. County attorney?

2 MS. HENRY: Good time, Madam Hearing Examiner.

3 Joan Henry, Assistant County Attorney.

4 I have the Land Development Code with respect to
5 the issues brought earlier about lot size and setbacks,
6 and I'm referring under the Land Development Sections of
7 the Land Development Code, Section 34-935, and I'm looking
8 at Subsection (e), Minimum lot size, dimensions and
9 setbacks. (1)b states, "Where the Master Concept Plan
10 calls for dwelling units on individual lots in clusters or
11 townhouse configuration, the specific lot areas and
12 dimensions shall be determined by the space requirements
13 of the unit itself, the provision of private open space
14 and the voluntary reservation of additional common open
15 space, if any."

16 Then under (2)b, Setbacks for the buildings, it
17 states, "Where the Master Concept Plan calls for single
18 family detached or attached zero lot line housing, each
19 dwelling unit structure may have one wall without windows
20 or doors on a side lot line, may encroach with eaves or
21 cornice no more than 36 inches into the adjacent yard and
22 shall maintain at least a minimum separation from the
23 building or mobile home on the side opposite the zero
24 setback line consistent with the standards set forth in
25 Subsection (e)(2)c of this section."

1 Then it states in (e)(2)c, "Where the Master
2 Concept Plan calls for clustering of single family
3 detached structures or mobile homes and so long as
4 sufficient separation is maintained to prevent the spread
5 of fire, and so long as adequate access is provided for
6 emergency services as certified by the county fire
7 official, the separation of buildings may be reduced to no
8 less than ten feet."

9 HEARING EXAMINER: I knew there would be a ten
10 foot minimum on there. Ten foot seems awful narrow when
11 you're talking about a 35 or 45 foot tall building. But I
12 think that may be taken care of in staff's condition that
13 anything over 35 feet has to have additional setbacks,
14 too, so maybe that will take care of it.

15 All right. Anything else from staff?

16 All right. Anything else applicant wants to put
17 on the record before we open this up for public comment?

18 MR. UHLI: No, ma'am.

19 HEARING EXAMINER: Okay. All right, folks, I
20 have had a request by a Mr. Gillespie, I believe his name
21 was. Is he still here? There he is, back in the back.
22 He has asked to speak first. He has indicated that he's
23 representing several different folks and that maybe he'll
24 take care of some of your other questions or concerns.

25 All right, Mr. Gillespie, why don't you come on

1 up, please, sir, and I need you to list for me who you are
2 representing, sir.

3 Thereupon,

4 JAMES GILLESPIE,

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

7 HEARING EXAMINER: State your name just for the
8 record.

9 MR. GILLESPIE: Good morning, Honorable Hearing
10 Examiner. My name is James Gillespie. I'm a resident of
11 Lee County. I hold a degree in social science and legal
12 studies granted by Edison College. I'm a practicing
13 paralegal in this county as well as a business owner of a
14 computer firm. I have served both in the past on the
15 board of directors of the Chamber of Commerce of North
16 Fort Myers as well as several civic associations of North
17 Fort Myers. I presently serve on the Community Action
18 Agency, a division from Human Services, representing Sun
19 Coast Estates as well as the NDC, which is a fund from HUD
20 that benefits various area neighborhoods such as Page
21 Park, Carlin Heights, Sun Coast and Pomona.

22 I have served as the chair person and team leader
23 of both the Citizens Emergency Response Team of Lakefield
24 and Sun Coast Estates.

25 I serve also as an advisory solid waste traffic

1 -- excuse me -- solid waste advisory task force. I spoke
2 once at the dedication of Del Prado Extension when it was
3 first connected. I fought long and hard for the opening
4 of Sun Coast to Del Prado Extension via Barney Road.

5 I ask that -- my opinions are my opinions. I am
6 representing both the Sun Coast Neighborhood Task Force as
7 well as the emergency needs of all communities involved
8 there as a SIR team leader. My training has been provided
9 from the North Fort Myers Fire Department, which I am a
10 member of as a volunteer.

11 I would like to bring up just minor points for
12 your perusal. One, that Crane Landing wants access to --
13 easy access to Sabal Springs. When Sabal Springs
14 residents now reject that proposal, I'm not surprised by
15 that considering that probably the only people that
16 thought that that would be granted and issued in Phase 2
17 would be the planning architects who probably were having
18 to require.

19 If anybody asked residents, they probably would
20 have decided against that. That the property of Crane
21 Landing was prepared in future hopes of developing. It
22 was never developed as a cow pasture.

23 I contend that there was a lot of livestock --
24 not livestock, excuse me, wildlife on that property prior
25 to that clearing. While the environmental report

1 presented today to you, from evidence from a professional
2 environmental services expert, which I fully contend she
3 is an expert in that field, my point is that prior to her
4 study and prior to the development to a cattle field, it
5 was a very sensitive wetland. Commercial properties that
6 needs to be developed for the employment and tax leases
7 that was dropped a requirement of a commercial
8 development, I believe may be a mistake.

9 I believe that the tax loss benefits from
10 residential in a group payment, including impact fees, do
11 not reflect the individual fees that have to be paid by
12 individual homeowners such as in Sun Coast Estates.

13 To make that simpler, Sun Coast Estates
14 individual person pays a higher impact fee than what the
15 homeowners or the future homeowners of Crane Landing
16 individually would have been paying or will pay.

17 Until the Del Prado entrance and exit at Sabal
18 Springs, if -- that is shown that there is an
19 electronically operated, not man gate, that exists, just
20 east of U.S. 41 on Del Prado Extension was built in mainly
21 that it alleviated the traffic that was not bargained by
22 the residents that live adjacent to the 16-foot easement
23 that is used by the golf maintenance shack.

24 That it was the original contention and plans of
25 Sabal Springs and their Phase 2 called Crane Landing that

1 that would be a main access point back and forth, and now
2 that's being asked to be dropped.

3 I believe that Del Prado Extension, which I
4 fought for long and hard and spoke at the dedication, was
5 built in plan and in preparation that Crane Landing would
6 be able to use it to the fullest of its use.

7 I believe that the use of Second Street as well
8 as Winona and Garden would be a mistake. I represent
9 students that go from Sun Coast Estates to that school.
10 They have to walk. I'm involved right now through the Lee
11 County DOT and the sidewalk bike path advisory committee
12 in building probably the most extensive sidewalk/drainage
13 project along the road that has been recorded to date here
14 in Lee County.

15 A very extensive project. And I believe that
16 that would only try and alleviate the traffic that already
17 exists there, not any added by making emergency -- quote/
18 unquote, emergency exits on Second or Garden Street.

19 I would like to use my personal experience that
20 the emergency and maintenance shack entrance of Sabal
21 Springs which connects to a dirt road which then connects
22 to Del Prado Extension has been used extensively by the
23 residents and even after building the electronic gate
24 merely because of convenience or because of habit.

25 HEARING EXAMINER: All right, folks.

1 MR. GILLESPIE: Even though the electronic gate
2 is still there and has been constructed there, it's still
3 being used by both maintenance as well as residents.

4 Oh, I think I should have mentioned I use to
5 cheft at Sabal Springs clubhouse years back, so I have a
6 wide interest in all.

7 So I would like to request before you that there
8 has been a request, or let me see, you addressed the
9 concerns about an agricultural exemption, and that the
10 agricultural exemption exists on that property and that it
11 would be kept in a very small area as it's being built; is
12 that correct, or was that waived earlier?

13 HEARING EXAMINER: No. The standard conditions
14 were agricultural exemption is that when they pull the
15 development order for the property, that they then lose
16 their exemption, all right, and they must file with the
17 property appraiser's office by the end of that year, they
18 must withdraw their exemption, or the end of the year that
19 they receive their development order. So it doesn't go on
20 ad infinitum. They can't just keep right on while they're
21 still doing it.

22 MR. GILLESPIE: Okay. I think that was addressed
23 earlier by Tony, Mr. Palermo, was it, in the Staff Report
24 about that subject?

25 HEARING EXAMINER: Right.

1 MR. GILLESPIE: Thank you.

2 I would say that this -- in conclusion that this
3 has been a very, very complicated procedure, although long
4 planned by the developers of the associations, both Crane
5 Landing and Sabal Springs, I would still like to refer to
6 it as Phase 2. Generally remind the residents of Sabal
7 Springs when they moved into Phase 1, they knew that Phase
8 2 would be built.

9 Some kind of accommodation must be met. We
10 cannot ask other streets and roads to bear what they would
11 consider inconvenience.

12 Thank you, Madam.

13 HEARING EXAMINER: Okay. Are you for or against
14 the rezoning, sir?

15 MR. GILLESPIE: I'll let my comments to be used
16 in your decision.

17 HEARING EXAMINER: Okay. Sort of general?

18 MR. GILLESPIE: Yes.

19 HEARING EXAMINER: I need to know --

20 MR. GILLESPIE: Providing information or opinion
21 from various groups and that's all.

22 HEARING EXAMINER: Okay. Because my secretary in
23 the recommendation, we have either you're for, you're
24 against or you're general interest. And if you don't
25 state in the record what you're for, then they probably

1 figure out from your comments, you know, were you for,
2 were you against or were you just here because you wanted
3 to be here, didn't have any else planned for today.

4 MR. GILLESPIE: I understand.

5 HEARING EXAMINER: So you're going to go in under
6 the general interest category; is that right?

7 MR. GILLESPIE: Yes, please.

8 HEARING EXAMINER: All right. That will be good.
9 Thank you, sir.

10 MR. GILLESPIE: Will that be all?

11 HEARING EXAMINER: That will do it. Thank you.

12 Now, I have a whole group of forms here. What
13 I'm going to do is call the name. If you want to testify,
14 please stand up. If you don't, I'll pass you by.

15 Okay. William Jurocko.

16 Yes, ma'am.

17 UNIDENTIFIED SPEAKER: May we make a request that
18 the attorney representing a large number of people here
19 have early consideration? That may resolve many of the
20 other questions.

21 HEARING EXAMINER: Certainly. Certainly. If
22 you'd like to do that. I'm flexible.

23 Thereupon,

24 JASON MIKES,

25 called as a witness, having been previously duly sworn,

1 was examined and testified as follows:

2 MR. MIKES: Thank you, Ms. Parker, and good
3 morning. My name is Jason Mikes. I'm an attorney with
4 Becker & Poliakoff. Our firm serves as legal counsel to
5 the Sabal Springs residents committee, which is an ad hoc
6 group of residents and not the homeowners association
7 responsible for the operation and maintenance of the Sabal
8 Springs community. That association is still under
9 control of the applicant.

10 With some exceptions, I believe the residents of
11 Sabal Springs support the rezoning of this subject
12 property, especially after the applicant and county staff
13 have made recommendations to address some of their
14 concerns.

15 However, I believe one of their attempts has
16 fallen slightly short, and, therefore, I request on behalf
17 of the residents that an additional condition be made to
18 this rezoning. Specifically that Crane Landing should
19 have its own golf maintenance facility.

20 While residents have concern that the maintenance
21 facility is not big enough to accommodate the maintenance
22 of two different golf courses and the increase in the
23 traffic by commercial vehicles through their community,
24 their major concern is security. Sabal Springs residents
25 have been victimized one or two times per year for the

1 past six years by instances of burglary and vandalism.

2 Most recently in November of 2003, trespassers
3 gained access to the community and broke into several cars
4 and stole things like luggage, sports equipment and
5 similar items.

6 Additionally, trespassers have been seen using
7 the recreational facilities within the Sabal Springs
8 community.

9 Now, it's believed that these trespassers gain
10 access to the community by way of the access gate located
11 at the Sabal Springs golf maintenance facility in the
12 southeast corner of the community. I'm just going to
13 point it out on the map here if you don't mind. It's in
14 this area right here (indicating). You can see
15 immediately to the south is Island Vista Estates. This
16 area is where Crane Landing proposes access to the golf
17 maintenance facilities.

18 HEARING EXAMINER: Okay.

19 MR. MIKES: If you look on one of the exhibits
20 that the county staff provided, there is a picture of the
21 golf maintenance facility right here (indicating). What
22 you can't see is behind these facilities is a chain link
23 fence opened up to Island Vista Estates. There is also a
24 gate there.

25 Now, it's believed that trespassers, you know,

1 squeeze their way through that gate and that's how they
2 gain access to the property.

3 Now, for the benefit of Sabal Springs residents
4 and eventually Crane Landing residents, we request that
5 Crane Landing be provided with its own golf maintenance
6 facility. If the golf maintenance facility is shared,
7 this breach in the Sabal Springs perimeter still remains,
8 as will a breach in the Crane Landing perimeter. As I
9 said, that's -- the same gate that they're accessing now
10 is the same gate proposed for access by Crane Landing.
11 However, if a new golf maintenance facility is constructed
12 in Crane Landing, the area around Sabal Springs
13 maintenance facility can be closed off and walled off and
14 the breach in the community security can be remedied.

15 Now, staff states on Page 21 of this report,
16 under Paragraph 4, that "Staff does not support conditions
17 mandating Crane Landing construct its own golf maintenance
18 facility, when there is an existing one within such close
19 proximity. Staff believes the two communities can share
20 this facility without sacrificing the quiet enjoyment of
21 Sabal Springs homeowners."

22 Well, the homeowners of Sabal Springs disagree.
23 The report does not provide a reason why the staff would
24 not order a condition that Crane Landing have its own
25 maintenance facility.

1 If they have really no reason for that, the owner
2 of Sabal Springs suggests that their security and the
3 security of Crane Landing residents is sufficient enough
4 reason to require that Crane Landing have its own
5 maintenance facility. Therefore, we are against this
6 rezoning unless Crane Landing has its own maintenance
7 facility and that the Sabal Springs facility is not
8 shared.

9 Thank you very much for your time, Ms. Hearing
10 Examiner.

11 HEARING EXAMINER: Thank you, sir.

12 All right. Let me just go through the list of
13 folks that I have here and if you do not want to speak,
14 please let me know. William Jurocko. Is he still here?

15 Okay. Linda Kulaski? And I do apologize if I
16 butcher your name, I'm real good with Smith.

17 Ms. Kulaski?

18 MS. KULASKI: I just requested e-mail, I didn't
19 request to testify.

20 HEARING EXAMINER: Okay. Thank you, Ma'am. I
21 just have to mark the bottom of the thing.

22 Roger Thibodeau. Mr. Thibodeau not here.

23 William D'Alessandro. Yes, sir, speak or no?

24 No speak, okay.

25 Joseph or Catherine Bella?

1 MR. BELLA: No speak.

2 HEARING EXAMINER: No speak. Thank you, sir.

3 Marie and Hal Rooney.

4 MR. ROONEY: No speak.

5 HEARING EXAMINER: No speak. Thank you.

6 Carl and Joan Lorman.

7 MR. LORMAN: No.

8 HEARING EXAMINER: Thank you.

9 Bob Pointbriant.

10 MR. POINTBRIANT: E-mail only.

11 HEARING EXAMINER: Okay. Thank you, sir.

12 Imelda Zuhorski? I said Smith I'm real good
13 with. No Zuhorski, Z-u-h-o-r-s-k-i. Okay, she's not
14 here.

15 James Johnson.

16 MR. JOHNSON: E-mail only.

17 HEARING EXAMINER: Okay. Thank you, sir.

18 Max Liberles.

19 MR. LIBERLES: The lawyer said it all.

20 HEARING EXAMINER: Okay. Thank you, sir.

21 Robert Mosen.

22 MR. MOSENA: Right. No comment.

23 HEARING EXAMINER: No comment. Thank you, sir.

24 Lisa Angel. Ms. Angel.

25 Kathy Babcock, she's from the school district.

1 Is she here? Okay.

2 Jason, okay, Jason, you spoke.

3 Martin --

4 MR. CHMURA: Chmura.

5 HEARING EXAMINER: Spell your last name.

6 MR. CHMURA: C-h-m-u-r-a.

7 HEARING EXAMINER: Just like it looks. I thought
8 maybe there was something in here that I wasn't seeing.
9 Thank you.

10 James Cosby.

11 MR. COSBY: A copy of the report only.

12 HEARING EXAMINER: Okay. Thank you, sir.

13 Joyce Nawrocki?

14 MS. NAWROCKI: E-mail only.

15 HEARING EXAMINER: Okay. Thank you, ma'am.

16 Doris Nelson Barney and Charles Barney. Okay.

17 We do have a speaker.

18 Thereupon,

19 DOROTHY NELSON BARNEY,

20 called as a witness, having been first duly sworn, was
21 examined and testified as follows:

22 HEARING EXAMINER: Speak into the microphone and
23 state your name for the record.

24 MS. BARNEY: Okay. I'm Doris Nelson Barney and I
25 live in Sabal Springs. And I agree wholeheartedly with

1 what the lawyer has stated, but I think we should think
2 about the two golf courses and their separate entities.
3 And I have heard that our golf course is for sale.

4 Well, unless the same ownership is going to be
5 with the two, they can use one maintenance shed. But if
6 they're two separate golf courses, they actually need to
7 have two separate maintenance facilities.

8 Thank you.

9 HEARING EXAMINER: Okay. And you don't have any
10 other objections to the other conditions or anything else?

11 MS. BARNEY: Well, we've stated everything about
12 the exit, you know. The one thing I can't understand is
13 why they're asking for a variance and not having two
14 entrances and exits.

15 We had just one in Sabal Springs for quite a
16 while, and then we opened up the one on Del Prado, which
17 was wonderful, and really very important in case of an
18 emergency. So I can't understand why Crane Landing
19 doesn't do the same thing. I think they really need to
20 have two entrances and exits.

21 HEARING EXAMINER: Okay. I'll ask the applicant
22 to address that in his closing. Okay.

23 Does Mr. Barney wish to speak?

24 MR. BARNEY: No.

25 HEARING EXAMINER: Thank you, sir.

1 Catherine Prohaska.

2 MS. PROHASKA: The lawyer said it all.

3 HEARING EXAMINER: Okay. Thank you, ma'am.

4 Donald Lukas.

5 MR. LUKAS: The lawyer said it all.

6 HEARING EXAMINER: Thank you, sir.

7 Gerald Higgins.

8 MR. HIGGINS: My security concerns have been
9 handled.

10 HEARING EXAMINER: Okay. Thank you, sir.

11 Paul Reitmeier.

12 MR. REITMEIER: The main reason I wanted to speak
13 was because of the security and the attorney addressed
14 that.

15 HEARING EXAMINER: Okay. Thank you, sir.

16 John DiMatteo.

17 MR. DiMATTEO: Speaker.

18 HEARING EXAMINER: I'm sorry?

19 MR. DiMATTEO: I'm a speaker.

20 HEARING EXAMINER: Oh, you're a speaker. Okay.
21 Thank you. Proceed.

22 MR. DiMATTEO: In fact, I think you have a copy
23 what I would say.

24 HEARING EXAMINER: Let me first ask you, you have
25 been sworn in, correct?

1 MR. DiMATTEO: I've been sworn in.

2 Thereupon,

3 JOHN DiMATTEO,

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

6 HEARING EXAMINER: Okay. State your name,
7 please, for the record.

8 MR. DiMATTEO: My name is John DiMatteo.

9 HEARING EXAMINER: DiMatteo.

10 MR. DiMATTEO: DiMatteo, however you want.

11 I personally would like to see some wording and a
12 sentence removed and replaced with different wording in
13 the recently revised Staff Report. The section I have in
14 mind is in Item No. 3, it starts on Page 20 and continues
15 on to the 21st page.

16 The sentence starts, "The residents stated they
17 were attracted to the community because of its attractive
18 entrance. Changing this entrance to include a real estate
19 sales office for a neighboring community would not be
20 consistent with the Sabal Springs residential community."
21 The above should be changed to read, "Changing this
22 entrance to include a real estate sales office or any
23 other classification that is on a commercial listing with
24 current commercial code DOR-10 through DOR-39 and/or any
25 new codes from zero through infinity that may be created

1 in the future would not be consistent with Sabal Springs
2 residential community."

3 This is being requested because, one, it would be
4 idiotic of us as a development to accept what the
5 developer has requested in the final paragraph of the same
6 section No. 3, as you have to go back and analyze what was
7 written as one of the reasons for buying in Sabal Springs.

8 Two, if the developer of Crane Landing gets his
9 way with this piece of property, it will negate our reason
10 and also put doubt as to this man's sales operations in
11 the past and in the future as neither he or any of his
12 sales staff told potential buyers about a possibility of
13 the ruination of that piece of property as being used for
14 commercial site.

15 And the speaker who spoke for Sun Coast said that
16 we all knew what was going to go on. You could ask for a
17 hand count, Madam Hearing Examiner, ask for a count how
18 many of these people who live in Sabal were ever told that
19 that property was going to be used for other than what it
20 is now used for and that is the beauty of the entrance.

21 That is mine.

22 HEARING EXAMINER: Thank you.

23 Joseph Madison, III.

24 Thereupon,

25 JOSEPH MADISON, III,

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

3 MR. MADISON: I have been sworn. My name is
4 Joseph Madison, III.

5 I would just like to again reiterate what our
6 attorney said. Our main concern in sharing the
7 maintenance facility is security. If that gate opens at
8 six or seven in the morning to allow equipment to pass in
9 and out till two or three in the afternoon and closes and
10 there's no gate currently in front of the facility to
11 protect the Sabal Springs development, that everybody who
12 lives in Crane Landing, Sun Coast or Island Vista, Lake
13 Arrowhead or all the other developments have access to our
14 property and that takes our security away, and we're
15 against that.

16 Thank you.

17 HEARING EXAMINER: Okay. Thank you, sir.

18 Okay. Kathryn Hanley.

19 MS. HANLEY: I have been sworn in.

20 HEARING EXAMINER: You have not?

21 MS. HANLEY: I have.

22 Thereupon,

23 KATHRYN HANLEY,

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

1 HEARING EXAMINER: State your name, please, for
2 the record.

3 MS. HANLEY: Kathryn B. Hanley, and I'm a
4 resident in Sabal Springs.

5 Going back to this property at the entrance of
6 Sabal Springs, on Page 21 of 30 in the latest Staff
7 Report, it says, "It should be noted that the developer
8 may ultimately offer to sell this property fronting U.S.
9 41 to Sabal Springs homeowners, or at a later date rezone
10 it for commercial uses. Any such rezoning will have to go
11 through the public hearing process."

12 I stopped down at the Zoning Department last
13 week, and I asked for a little bit more information on
14 this to find out whether it was still part of the RPD or
15 whether it was zoned commercial, because at the meeting
16 that Mr. Jibai had with the residents, he made the comment
17 that it was commercial.

18 And it is, according to this piece of paper that
19 I have that was printed in the Zoning Department, it says
20 they can commercial DOR Code 10. So that indicates to me
21 that this sometime or another was already zoned
22 commercial. I am asking to find out whether it's still
23 part of the RPD or whether it is zoned commercial.

24 Thank you.

25 HEARING EXAMINER: Okay. I'll have someone

1 answer that.

2 Okay. Mr. or Mrs. Diehl.

3 MR. DIEHL: No questions.

4 HEARING EXAMINER: Okay. Thank you, sir.

5 Mr. or Mrs. Eischeid.

6 MR. EISCHEID: No comment.

7 HEARING EXAMINER: How do you pronounce your last
8 name?

9 MR. EISCHEID: Eischeid.

10 HEARING EXAMINER: Eischeid, okay. Thank you. I
11 wasn't too far off.

12 Deborah Hingston.

13 MS. HINGSTON: Request to speak.

14 HEARING EXAMINER: Okay.

15 MS. HINGSTON: And I have been sworn in.

16 HEARING EXAMINER: You have been? Okay. Thank
17 you.

18 Thereupon,

19 DEBORAH HINGSTON,

20 called as a witness, having been previously sworn, was
21 examined and testified as follows:

22 MS. HINGSTON: My name is Deborah J. Hingston. I
23 have three points I'd like to make.

24 First point, Mr. Gillespie indicated that buyers
25 in Sabal Springs Phase 1 knew that Phase 2 would be

1 directly connected. That is not correct. Buyers in Phase
2 1 saw proposed county road at the northeast gate of Sabal
3 Springs. Our connection was to that county road. The
4 county road no longer is proposed, has been vacated,
5 therefore, there is no connection. You would have had to
6 cross county road to go to the second community. That is
7 not a direct connection.

8 My second point relative to the same northeast
9 gate. It is currently a tied-shut construction gate. I
10 would request that the final application specify the final
11 status of that gate. Mr. Palermo referred to the
12 possibility of a wall or a gate. I would like that
13 clarified in the final and my recommendation is that it is
14 a wall.

15 My third point relative to the golf maintenance
16 facility. Most of my concerns were expressed by Mr. Mikes
17 for the community. The request is to have a separate golf
18 maintenance facility. That would certainly be my
19 preference.

20 That takes care of all the issues.

21 If that is not the resolution, I would like the
22 application to specifically indicate how all points of
23 connection will be closed specifically and how those gates
24 will be manned, whether it be a clicker and/or every
25 vehicle that comes through, if it's an outside vehicle,

1 needing to be permitted in by someone in the maintenance
2 facility.

3 I do not want those issues arbitrarily left open
4 for future consideration. The security, which is the
5 point I believe you've heard from most of the speakers, is
6 primary to this gated 55 plus community.

7 Thank you very much.

8 HEARING EXAMINER: Mr. or Mrs. Lawrence
9 Schadler.

10 MR. SCHADLER: No comment.

11 HEARING EXAMINER: No speak, okay.
12 Frank or Gloria Bailey.

13 MS. BAILEY: No comment.

14 HEARING EXAMINER: Okay. Thank you.
15 Frank Kovacs.

16 MR. KOVACS: Decision only.

17 HEARING EXAMINER: Okay. Thank you, sir.
18 William Cook.

19 MR. COOK: No comments.

20 HEARING EXAMINER: Okay. Thank you, sir.
21 Joe Venturni.

22 MR. VENTURNI: No comments.

23 HEARING EXAMINER: Okay. Thank you, sir.
24 Robert or Greta Mack.

25 MR. MACK: No comment.

1 HEARING EXAMINER: Okay. Thank you, sir.

2 Robert or Louise Schloss.

3 MR. SCHLOSS: For e-mail only.

4 HEARING EXAMINER: Okay. Thank you, sir.

5 David Farrell.

6 MR. FARRELL: F-a-r-r-e-l-l.

7 HEARING EXAMINER: Oh, Farrell. I'm sorry. It
8 looks like there's a p in here and it looks like another
9 f-f.

10 MR. FARRELL: No comment. Copy of disposition
11 only then.

12 HEARING EXAMINER: Gary Greca.

13 MR. GRECA: I pass, thank you.

14 HEARING EXAMINER: All right. That is all the
15 white forms I have. Is there anyone in the audience who
16 still wishes to speak and I do not have a white form for
17 them?

18 Yes, sir.

19 MR. DiMATTEO: You have a form for me, but I
20 would like to ask another question.

21 HEARING EXAMINER: All right. Come on up Mr. --
22 you're Mr. DiMatteo.

23 I have lots of stuff in my file from you.

24 MR. DiMATTEO: Well, we're very good buddies.
25 We've been in this for 12 years.

1 HEARING EXAMINER: Okay.

2 MR. DiMATTEO: Recently one of our neighbors
3 found out that a gated community must have a cement fence
4 around the entire perimeter. We are a gated community but
5 we do not have a cement fence around the entire community.

6 There are spaces where there are no fences at
7 all. Spaces where there are chain link fences and other
8 areas where there are concrete fences.

9 I would like to get an answer to the truth of it
10 being necessary to put a fence all around the entire
11 community.

12 HEARING EXAMINER: All right. Hang on a second.

13 Tony, can you answer that question. I'm not
14 aware of a requirement for a cement or a concrete fence.

15 MR. DiMATTEO: This was found out in Permitting
16 about a week ago. It was told to an individual in this
17 room right now that it was a necessity, that it was law,
18 in fact.

19 HEARING EXAMINER: Okay. Tony, are you familiar
20 with that section of the Land Development Code?

21 MR. PALERMO: No, ma'am, I haven't heard of a
22 rule like that in either Chapter 34 or Chapter 10
23 regarding a gated community.

24 HEARING EXAMINER: Okay. Mr. DiMatteo, we need
25 to do some more research on that then, so the county

1 attorney is looking now. Let's see if she can find
2 something and answer your question before we close the
3 hearing, okay? Because I am not familiar with that. I
4 know that in most instances in a gated community, they do
5 want some kind of security, but the county has gone from
6 allowing wooden fences to requiring, you know, block
7 walls, but still you can have chain link. But that's only
8 for -- Kim, the block walls are typically for scenic.

9 MS. TREBATOSKI: For the record, Kim Trebatoski.
10 The elimination of wood fences was only in regard to
11 buffer requirements.

12 HEARING EXAMINER: Right.

13 MS. TREBATOSKI: So as far as project perimeters
14 fencing or --

15 HEARING EXAMINER: It's still allowed?

16 MS. TREBATOSKI: I don't believe there's a
17 restriction on that.

18 MR. DiMATTEO: There was information he obtained
19 from someone in permitting, so they --

20 HEARING EXAMINER: Okay. County attorney is
21 looking it up now. She'll let us know before the end of
22 the hearing if the information you got was correct or if
23 there was a misunderstanding somewhere in the process.

24 All right. Do I have anyone else who wishes to
25 speak at this hearing?

1 Yes, sir.

2 MR. LUKAS: I have my paper up there but there's
3 a question that I'd like to have answered.

4 HEARING EXAMINER: Okay. Come up to the front,
5 please. Okay. You are Mr. --

6 MR. LUKAS: Donald Lukas.

7 HEARING EXAMINER: Mr. Lukas. Hold on a second.
8 Let me find you. Did your wife speak?

9 MR. LUKAS: Pardon?

10 HEARING EXAMINER: Did your wife speak?

11 MR. LUKAS: Yes.

12 HEARING EXAMINER: Okay.

13 MR. LUKAS: This is in relation to the easements
14 into the property of Sabal Springs, adjoining property to
15 Sabal Springs. I would like to know just how it is worded
16 down there or how you deal with the property of an
17 easement. If someone has an adjoining property off of the
18 easement, do the people that own the easement have a right
19 to say or have a right of what goes onto that property
20 that is using that same easement, I mean, since we own it
21 and we pay taxes on it?

22 HEARING EXAMINER: Which easement are you talking
23 about, sir?

24 MR. LUKAS: Easement to the entrance of Sabal
25 Springs, the front gate.

1 HEARING EXAMINER: Okay. I'm not sure what
2 you're asking.

3 MR. LUKAS: What I'm asking is that since we pay
4 taxes on that property and there is an easement to someone
5 else's property off of that easement, do the people that
6 own that easement have any strengths?

7 HEARING EXAMINER: Legal right?

8 MR. LUKAS: Legal right, yes, thank you.

9 HEARING EXAMINER: First off, I can't advise you
10 on that, all right, and I don't know that the county
11 attorney would even want to step into the situation to try
12 to answer that question. You need to ask an attorney who
13 can go through the entire facts of the situation. There's
14 too many unknowns for any attorney at this point on just
15 what you've given me to come up with a good answer.

16 MR. LUKAS: A county attorney can't answer that
17 question for me?

18 HEARING EXAMINER: Not without really reviewing
19 the information that you've given. I mean, it's very
20 generic information.

21 MR. LUKAS: See, I know how it is up north, but I
22 don't know how --

23 HEARING EXAMINER: I can't answer it because I'm
24 not sure what -- first off, we need -- the county attorney
25 would probably need to know who owns the easement, whether

1 it's the homeowners' association, whether it's the
2 individual, how it's paid for, you know, what it provides
3 access to. There's a lot of information that you can't
4 give me here, so there's no way to make a really valid
5 legal opinion on what you asked.

6 My suggestion would be that you ask your
7 attorney, you know, and see if he can do some research for
8 you to really find that out. Because there's a lot of
9 documentation that will have to be reviewed before a good
10 opinion can be expressed.

11 MR. LUKAS: Thank you.

12 HEARING EXAMINER: Okay. Thank you, sir.

13 All right. Anybody else any questions or
14 comments?

15 Okay. Applicant need any time for rebuttal or --

16 MR. UHLI: If I could have a five-minute break to
17 talk to my client, I anticipate probably putting on just a
18 couple of minutes of testimony.

19 HEARING EXAMINER: Okay. Folks, let's take a
20 five-minute break. Let's be back here, please, at 25
21 minutes to 12 and maybe we will finish before lunch. 25
22 minutes till 12, please.

23 (A recess was taken.)

24 HEARING EXAMINER: All right, folks, one last
25 chance. Anybody from the public wish to speak? Now is

1 the last opportunity you're going to have. Okay?

2 Now, before the applicant does his rebuttal,
3 which means he's going to answer some of the questions
4 that were asked, if they have the information, if it's
5 possible for them to answer those questions, and also
6 providing some additional information if he thinks there's
7 a matter that I need to have more information on that you
8 all might have brought up.

9 What I want to tell you all is that my decision
10 on this will be a recommendation. It will go to the Board
11 of County Commissioners. The Board will make the final
12 decision. You all will be notified when the decision
13 comes out.

14 I have your forms and whatnot, your e-mail
15 addresses if you want it by e-mail. You will receive a
16 copy of my recommendation.

17 When you go before the Board of County
18 Commissioners -- you will receive a notice of the date
19 that the hearing will be held in front of the Board, it
20 will be on a Monday morning. When you go before the
21 Board, you're not going to be allowed to bring in new
22 evidence; so, in other words, if something has happened
23 between now and then, you cannot tell the Board about it.
24 The only thing you'll be able to do is to discuss with the
25 Board where you think I have made a mistake if you don't

1 like my recommendation.

2 All right. If you don't feel that my
3 recommendation is based on the evidence, if you don't feel
4 that the conditions are stringent enough to meet your
5 desires or to achieve what you want achieved, okay, that's
6 what you'll talk to the Board about.

7 You cannot come back to the Board and talk to the
8 Board about anything that has happened that was not
9 discussed in front of me. So just to make sure that
10 everybody understands that now.

11 You have an attorney that has represented several
12 of you. If you are represented by the attorney, when you
13 get to the Board level, you will be able to speak, but he
14 cannot or he can speak but you cannot. Only one or the
15 other of you will be allowed to speak to the
16 commissioners. So I will need a list, Jason, I will need
17 a list of all your clients if you don't mind giving me the
18 list, so that I can indicate in there, in my final
19 decision, because the Board will look for that.

20 MR. MIKES: Yes, ma'am, I will provide it to you
21 right away.

22 HEARING EXAMINER: Okay. That will be good. All
23 right. But what I'm saying is, if you are representing
24 someone, you can speak for them or they can speak for
25 themselves, but you cannot both speak for one person.

1 So, you know, you can speak on your behalf or you
2 can have a representative speak on your behalf but you
3 cannot both speak. That's just the way the Board handles
4 the situation.

5 All right. So do I have any questions on what's
6 going to happen when this goes before the Board of County
7 Commissioners?

8 Let me also say that I will do a site visit to
9 the property, I always do. I'll drive around the area. I
10 will want to come into your property, I want to come into
11 Sabal Springs. Do you have a gated entrance with a manned
12 entrance? Do you have somebody up in front?

13 UNIDENTIFIED SPEAKER: Yes.

14 HEARING EXAMINER: All right. I will stop in,
15 you know, passing on through, but I will stop and let them
16 know why I'm there. But I will do a site visit on your
17 property as well as on the adjacent properties and in the
18 general neighborhood to get an idea about this before I
19 make a final decision. That's one of the things that I
20 always do.

21 Yes, sir.

22 UNIDENTIFIED SPEAKER: Are you going to come in
23 without any warning?

24 HEARING EXAMINER: Oh, yes. I don't broadcast
25 when I'm coming. I mean, I may not want anybody to know

1 I'm there. You just never know. The only time I do
2 broadcast is when I can't get on the property, and I have
3 to have someone come and open the gate to get me into the
4 property or if it's an 800 acre parcel and there's going
5 to be mining, and I'd just as soon somebody drive me
6 around on that. I don't want to fall in any pot holes, or
7 whatever, so -- but normally -- yes, normally I do not
8 advise the owners, unless there is a guard dog. Guard dogs
9 and I don't get along too well. Thank you

10 UNIDENTIFIED SPEAKER: You're welcome.

11 HEARING EXAMINER: Thank you. So I will do a
12 site visit before I make my decision. We're looking at
13 probably, since this is not a really all-day hearing like
14 I was anticipating, we're looking at probably two weeks.
15 Give me about ten to fourteen working days, all right,
16 because the court reporter has got to get me back the
17 transcript which hopefully she can do within ten days, two
18 weeks? All right. She'll get me back the transcript in
19 two weeks, and I will get a decision out seven days after
20 that. So give me three weeks. Okay. Because when it
21 goes to the court reporter, it takes a little longer. All
22 right. So a decision out in about three weeks and then
23 you'll be notified when the Board hearing is.

24 So now let's finish up with the applicant's and
25 staff's final presentations here, any responses to the

1 questions that were asked, and then we'll close the
2 hearing so we can have lunch.

3 All right. Applicants ready?

4 MR. UHLI: Yes. I'd just like to ask Mr. Jibai a
5 question.

6 HEARING EXAMINER: Okay. Mr. Jibai, you have
7 been sworn in?

8 MR. JIBAI: Yes.

9 HEARING EXAMINER: Okay. Now, folks, I
10 understand from some of the material that I have in my
11 file, that there has been some disputes and some unrest
12 and some unhappiness between you all as homeowners and the
13 applicant as the developer, property owner, whatnot.

14 I need you to be very respectful in this
15 situation. I mean, the problems that you are having with
16 him are not problems that I can base my decision on. They
17 are not. They are problems that you have other legal
18 remedies for, so there's no point in bringing all of it to
19 me because it really is not going to make any difference
20 and the Board is not going to consider it either. It's
21 outside of our jurisdiction, out of our scope of
22 authority.

23 If you are having those kinds of contractual
24 problems, you really need to go to an attorney and go to
25 court. All right. This is not the forum to get your

1 problems resolved in that respect.

2 Okay. So please bear with us here today.

3 Thereupon,

4 HUSSEIN JIBAI,

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

7 HEARING EXAMINER: Okay. Mr. Jibai, state your
8 name, sir.

9 MR. JIBAI: Thank you.

10 Good morning. Hussein, H-u-s-s-e-i-n, Jibai,
11 J-i-b-a-i.

12 MR. UHLI: Mr. Jibai, will you please explain
13 what your connection is to this particular application?

14 MR. JIBAI: I am the president of the applicant
15 Crane Landing. I represent the owner who owns the
16 property. I'm the general manager for Sabal Springs Golf
17 & Racquet Club.

18 MR. UHLI: You've heard, I think, some concern
19 expressed here today about the maintenance facility and
20 the security problem that will allegedly be created if
21 there is a joint facility. Can you please explain how the
22 gating will work so as to address the concern of the
23 residents?

24 MR. JIBAI: I thought basically from the Staff
25 Report that we were very sensitive to the Sabal Springs

1 homeowners' petition concerns when we addressed questions
2 about community security and privacy and when the facility
3 access originally was said to be on Crane Landing's
4 property so that maintenance building with a six foot wide
5 cart path for the equipment use only.

6 But due to certain further concerns from
7 residents that vendor trucks and employee vehicles would
8 be used like on Sabal Springs road which would put an
9 extra burden on this road, we did change it to a 16 foot
10 wide, if I may say, driveway or path to be linked directly
11 from the maintenance building to the Crane Landing.
12 Approximate location of that maintenance building which is
13 interconnected to Crane Landing and now is being provided
14 halfway, without having to vacate, and we believe that is
15 enough space to allow that on the property.

16 According to that, that path would be controlled
17 by an electrical gate, would be monitored and operated
18 solely from the shed, meaning that anybody want to come in
19 from Crane Landing to that gate to access that maintenance
20 building has to buzz, has to identify himself and the
21 maintenance building of Sabal Springs to be able to buzz
22 in and to get out the same way. And that's basically, of
23 course, and would then be solely for the vendors and the
24 supervisors' equipment and --

25 MR. UHLI: Are you willing to agree to a

1 condition that sets out the workings of the gate along the
2 lines you just described?

3 MR. JIBAI: Absolutely.

4 MR. UHLI: No further questions.

5 HEARING EXAMINER: Let me ask a couple here.

6 Tony, do you have any questions of this witness?

7 MR. PALERMO: No, ma'am, no additional questions.

8 HEARING EXAMINER: Okay. Let me ask a couple
9 here, Mr. Jibai. First off, now, I'm understanding that
10 the location of the maintenance facility actually works
11 well for both the golf courses from a planning standpoint?

12 MR. JIBAI: Yes.

13 HEARING EXAMINER: And I understood you just to
14 say that it's actually a two-acre parcel and only one acre
15 of that is actually developed so that you can expand the
16 existing facility to accommodate the equipment and whatnot
17 needed for both of these golf courses?

18 MR. JIBAI: That's correct.

19 HEARING EXAMINER: Now, are we talking about two
20 separate maintenance crews? Are we talking about one set
21 for Sabal Springs and one set for Crane Landing?

22 MR. JIBAI: To tell you the truth, we don't have
23 that decision pinned down yet. It's going to be a large
24 existing building. The existing building right now is
25 around 8,000 square foot, which is all equipment for the

1 golf course maintenance. It would be a large, it could be
2 next door to it. But I think if we're going to build
3 another building next to it, it's very easy to go ahead
4 and divide it by a wall so that we won't have that matter
5 on the table anymore, but we really don't have that
6 pinned down to what probably you're looking for.

7 HEARING EXAMINER: Okay. So you don't know then
8 if you're going to have just one big crew and today Joe
9 goes over here and works on Sabal Springs and tomorrow Joe
10 goes over here and works on Crane Landing, you haven't
11 worked out the logistics yet of the actual crews?

12 MR. JIBAI: Not to the bottom of what you are
13 looking for but basically in our experience in the past,
14 and from other parks where we have two businesses run from
15 the same place and the business is going to be used as a
16 maintenance facility, the maintenance facility basically
17 is going to be limited to storing the golf -- not the
18 golf, I'm sorry, the equipment, the golf course
19 equipment.

20 HEARING EXAMINER: Right.

21 MR. JIBAI: So, basically, the way we look at it
22 you're going to have one superintendent, which make a
23 lot of sense, because instead of having another
24 superintendent, you would have an assistant
25 superintendent. Some of the crew, you know, because -- I

1 don't know how much they want me to go into -- I know the
2 crew for cutting the grass, you have some for the
3 fairways, some for the tees, the greens, and so on. And
4 so some of them are going to be probably working on both
5 golf courses, some of them are going to be solely working
6 in a certain golf course. So, basically, to go back to
7 the access, the access to that parcel, the maintenance
8 facility, for people who are servicing Crane Landing is
9 going to be solely through that gate and will be
10 controlled by the superintendent.

11 HEARING EXAMINER: Inside of the maintenance
12 building.

13 Okay. All right. Any other questions from staff
14 or the applicant of this witness?

15 MR. UHLI: No.

16 HEARING EXAMINER: All right. I don't have any
17 other questions. Thank you, sir.

18 MR. JIBAI: Thank you.

19 HEARING EXAMINER: Matt, you all are planning to
20 put together a condition that sets out this gating
21 sequence that he is talking about?

22 MR. UHLI: We can do that.

23 HEARING EXAMINER: I think it would be better if
24 you all did it than I did it. No telling what you'd come
25 up with if I did it.

1 Okay. All right. Any other witnesses, Matt?

2 MR. UHLI: No. Just the last comment that I
3 would make is that there were some comments from the
4 public about the property that fronts on 41, and so I just
5 want to reiterate that the only thing that we're doing
6 with that is removing the language on the current plans as
7 temporary sales center, and there's obviously a lot of
8 speculation about what is going to happen with that. I
9 can understand the speculation, but it's not relevant to
10 this hearing because it's not on the table. The only
11 thing we're doing is taking that off.

12 HEARING EXAMINER: Let me ask this then, Matt.
13 One of the ladies brought up the fact that under the
14 property appraiser's record it is designated as
15 commercial. Is it commercial, is it zoned commercial?

16 MR. UHLI: No, it's part of the RPD.

17 HEARING EXAMINER: It's part of the RPD.

18 MR. UHLI: It's shown on the plat as Tract H, I
19 think it is. It's a future development tract but it's
20 part of the RPD.

21 HEARING EXAMINER: Okay. So it doesn't have --
22 it doesn't have commercial zoning?

23 MR. UHLI: No.

24 HEARING EXAMINER: So the property appraiser's
25 records then are wrong if it shows them as commercial

1 property?

2 MR. UHLI: I can't say what the property
3 appraiser's records say, but it's still part of the RPD.

4 HEARING EXAMINER: Okay. All right. Okay.
5 County attorney, did you find out the question to the
6 concrete wall?

7 MS. HENRY: Madam Hearing Examiner, the only
8 thing I found is in the zoning Chapter 34, Land
9 Development Code, 34-1743, residential project wall. It
10 may -- there's no requirement for a project wall, but this
11 does go through the requirements if one is requested. It
12 must be permitted. I don't see in the zoning regulation
13 that there was a requirement for one.

14 HEARING EXAMINER: Okay. So it may be a wall.
15 The materials in the wall could be anything from chain
16 link to concrete to wooden, there's no limitations or
17 restrictions on what the wall must be?

18 MS. HENRY: No.

19 HEARING EXAMINER: Under project wall?

20 MS. HENRY: No.

21 HEARING EXAMINER: All right. That coincides
22 with my recollection, too. I don't know exactly where --
23 who you talked to, sir, or if they're working from a
24 different section. You might want to go back and ask the
25 person the exact cites, that when you speak to them, they

1 give you the exact cites and then you can call the county
2 attorney's office and talk to her if you've got these
3 facts.

4 MR. LUKAS: That's only in reference to the
5 materials, it's not in reference to the fact that the
6 entire development is supposed to be surrounded by a
7 fence.

8 HEARING EXAMINER: I don't think there's any
9 requirement in the Land Development Code that says if you
10 want a gated community, that your entire development must
11 be surrounded. I think in most cases, you know, it's sort
12 of a logical conclusion or assumption that if you're going
13 to have a gated community, there's no point in having a
14 gate across the street if the sides are open, you know.

15 MR. LUKAS: But the gated community, if you have
16 no fencing on one side, doesn't that say it's no longer a
17 gated community?

18 HEARING EXAMINER: Well, I mean, now I think
19 you're talking about Sabal Springs and I won't get into
20 this. This is between you and your developer, okay. But,
21 I mean, what your question was, was this a requirement and
22 that's what I was having the county attorney answer. So,
23 I mean, from there it's up to you guys to fight your
24 battle about whether or not it's a gated community.
25 Okay.

1 All right. Anything else from staff or
2 applicant?

3 All right, sir, I'm afraid public input is over,
4 okay?

5 All right. Three weeks for my decision, maybe a
6 little more, according to how backed up the court reporter
7 gets, but you all will get a copy or e-mail or hard copy,
8 whichever you requested, okay, and the notification
9 subsequent to that of the County Commissioner's hearing.

10 Okay. All right. Thank you all for coming.
11 This hearing is closed.

12 Let me do one thing here before you all get out
13 the door. Applicant's attorney has just reminded me that
14 he is going to be writing up that condition, so I need to
15 leave the record open for the week, Friday of next week,
16 I'm going to leave the record open until Friday of next
17 week for him to prepare that condition. Get ahold of Tony
18 Palermo at the end of next week if you want to get a copy
19 of that, okay. I'll have Matt send it to Tony and then
20 send it to me, so you all get ahold of Tony and he'll make
21 sure you get a copy of it the end of next week. Wait till
22 Monday morning, the following, okay, the following Monday
23 morning, okay?

24 All right. Thank you.

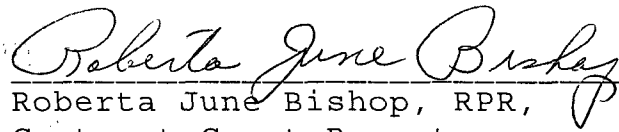
25 (Hearing closed.)

1 STATE OF FLORIDA)

2 COUNTY OF LEE)

3
4
5 I, Roberta June Bishop, RPR, Contract Court
6 Reporter for the Twentieth Judicial Circuit of Florida, do
7 hereby certify that I was authorized to and did
8 stenographically report the foregoing proceedings and that
9 the typewritten transcript, consisting of pages numbered 1
10 through 106, inclusive, is a true record.

11 Dated this 19th day of May, 2004.

12
13
14 
15 Roberta June Bishop, RPR,
16 Contract Court Reporter,
17 Twentieth Judicial Circuit,
18 State of Florida.
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23
24
25

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

ORDER FOR CONTINUANCE

CASE NUMBER: DCI2003-00023
APPLICANT: HIBISCUS OF LEE COUNTY, LLC, in reference to CRANE LANDING GOLF
COURSE COMMUNITY RPD / SABAL SPRINGS RPD
RESPONSE DATES: MAY 14, 2004

The hearing on the above-styled case began as scheduled on May 5, 2004. At the conclusion of the presentations of Staff and Applicant and, following the comments and presentations of other interested parties present, the matter was continued to the date and time set forth below to allow the Staff and the Applicant to submit additional materials, only as requested by the Hearing Examiner, which are responsive to questions, issues and concerns which arose during the course of the proceedings.

Written submission shall be in the form of:

- 1) Applicant's condition language regarding the Golf Course Maintenance facility.

This matter is continued to FRIDAY, MAY 14, 2004, AT 5:00 P.M., FOR SUBMISSION OF MATERIALS AS REQUESTED BY THE HEARING EXAMINER. At, or before this time, the requested materials will be submitted to the Hearing Examiner, and other responding parties, and the Hearing Examiner will determine if these submissions are sufficient. **NO HEARING WILL BE HELD AND NO TESTIMONY WILL BE HEARD.** If the Hearing Examiner determines that these submissions are insufficient, a subsequent hearing will be set to discuss this matter further and notices will be sent to all parties involved.

Accordingly, written submittals will be delivered to the Office of the Hearing Examiner, 1500 Monroe Street, Suite 218, Fort Myers, Florida, on or before these dates. Copies of this order will be furnished to the Staff, the Applicant, and all hearing participants.

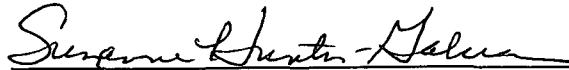
DONE AND ORDERED this 5th day of May, 2004.



DIANA M. PARKER
LEE COUNTY HEARING EXAMINER
P. O. Box 398 (1500 Monroe Street, Suite 218)
Fort Myers, Florida 33902-0398
Telephone: 239/479-8100 Fax: 239/479-8106

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the aforesaid Order was sent to all hearing participants, officially established as of the above Order date, either by U.S. Mail, Inter-County Mail, or Facsimile Transfer on the 6th day of May, 2004.



Suzanne Hunter-Galvan
Office Manager

May 5, 2004

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

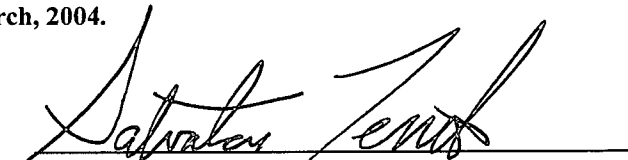
ORDER FOR CONTINUANCE

CASE NUMBER: DCI2003-00023
APPLICANT: CRANE LANDING GOLF COURSE COMMUNITY RPD
NEW HEARING DATE: MAY 5, 2004

This matter was scheduled to be heard on March 3, 2004. On or before this date, County Staff requested a Continuance pursuant to Land Development Code Section 34-235(2)a.3.

Accordingly, this matter is continued to WEDNESDAY, MAY 5, 2004, at 9:00 A.M., and will be heard at the Hearing Examiner's Hearing Room, 1500 Monroe Street, Second Floor, Fort Myers, Florida. Copies of this Order will be mailed to the Staff, the Applicant, the Court Reporter, and all hearing participants.

DONE AND ORDERED this 3rd day of March, 2004.



SALVATORE TERRITO
LEE COUNTY HEARING EXAMINER
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, Florida 33902-0398
Telephone: 239/479-8100
Facsimile: 239/479-8106

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the aforesaid Order was sent to all hearing participants, officially established as of the above Order date, either by U.S. Mail, Inter-County Mail, or Facsimile Transfer on the 3rd day of March, 2004.



SHARON E. SZENAS, Administrative Assistant



LEE COUNTY
HEARING EXAMINER
MAR -3 AM 11:23

APPLICATION FOR REQUEST FOR CONTINUANCE,
DEFERRAL, WITHDRAWAL, OR REHEARING

REQUEST FOR: (refer to back of sheet for special notes)

☒ CONTINUANCE ☐ DEFERRAL ☐ WITHDRAWAL
☐ REHEARING ☐ WITHDRAWAL OF ADMINISTRATIVE APPEAL

If a DEFERRAL OR CONTINUANCE is requested, please indicate:

Length of time 60 DAYS
From: ☒ Hearing Examiner ☐ BOCC
1. Date of Scheduled Hearing: THUR MARCH 4, 2004
2. Hearing/Application: CRANE LANDING
3. Tracking/Hearing/Application Number: DC12003-00023
4. Date Decision was Rendered: -
5. Type of Application
☒ Rezoning ☐ Special Exception ☐ Variance ☐ Other
6. Reason for request (If rehearing is requested, see Special Notes on Back):
See Attached.

Ty Pal- MARCH 3, 2004
Signature of applicant or Date
Tony Palermo
Name (typed or printed legibly)
Staff
Address

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 3rd day of MARCH
20 of by Tony Palermo who is personally known to me or who produced
as identification.



Deborah M. Carpenter
MY COMMISSION # DD203968 EXPIRES
June 2, 2007
BONDED THRU TROY FAIR INSURANCE, INC.

Deborah M. Carpenter
Signature of Notary Public
DEBORAH M. CARPENTER
Printed Name of Notary Public

FEE \$ _____
DATE PAID: _____
RECEIPT NUMBER: _____
INTAKE BY: _____

SPECIAL NOTES

1. Requests for DEFERRAL or CONTINUANCE must be in accordance with Section 34-235(1) or 34-235(2) of the Land Development.
2. If request for DEFERRAL or CONTINUANCE is for more than 60 days (or is indefinite), the applicant must apply in writing at least 45 days prior to the preferred hearing date to reactivate the case. All new evidence must be presented at that time.
3. CONTINUANCE: In the case of a request for CONTINUANCE, the applicant or his authorized agent, must submit this application to, and the application must be received by Lee County Community Development prior to the advertised hearing date, OR the applicant or his authorized agent must appear before the hearing board, and orally request the continuance.

The hearing board may deny or grant the request for continuance:

- a. If the request for CONTINUANCE is denied, the hearing will proceed in accordance with the published agenda.
- b. If a request for CONTINUANCE is approved, the hearing board may set date certain for hearing the application.

Not more than one (1) applicant-initiated CONTINUANCE will be granted on the same application by each hearing board

4. DEFERRAL: To qualify as a deferral, this application form must be received by Lee County Community Development prior to the time the Department submits notice of the hearing to the newspaper for publication. If application is not received in time, the applicant must request a CONTINUANCE instead.
5. REHEARING must be filed within 30 days of the decision.
6. REHEARING: You must attach a statement that explains with particularity any new evidence and the points of law or fact which you believe the Board of County Commissioners over-looked or misunderstood: include all documentation to support the request for a rehearing in accordance with Section 34-84(b). No oral testimony will be allowed when the Board considers whether to grant a rehearing of this case.
7. APPLICANT: must be the property owner OR his duly authorized representative OR, if for a rehearing, the aggrieved party.
8. FEES: A fee must be paid by the applicant or aggrieved party, in accordance with the adopted fee schedule.

LEE COUNTY
COMMUNITY DEVELOPMENT
1500 MONROE STREET P.O. BOX 398
FORT MYERS, FLORIDA 33902
PHONE (941) 479-8585

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MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY

LEE COUNTY
RECEIVED

04 MAR -2 AM 9:03

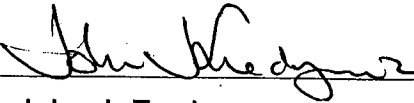
DATE: March 1, 2004

COMM. DEV/
PUB. WRKS. CNTR.
SECOND FLOOR

To: Pam Houck

Director, Zoning
DCD/Zoning Division

FROM:



John J. Fredyma
Assistant County Attorney

RE: Crane Landing RPD - DCI2003-00023

The above-referenced rezoning is currently scheduled to be heard by the Lee County Hearing Examiner this Thursday, March 4, 2004 commencing at 1 p.m. Unfortunately, two major issues have yet to be addressed with respect to the proposed rezoning.

First, the Master Concept Plan (MCP) includes a 150-foot wide strip of land in the middle of the project that is owned by Lee County. The County has not approved or consented to the inclusion of this property within the requested rezoning. While there may have been some negotiations in progress, those negotiations have not been completed and no agreement has been finalized that would allow the property to be rezoned by the (abutting) property owner.

This is a sufficiency issue that should have been addressed prior to the case being scheduled for public hearing with the Hearing Examiner. It is not appropriate to attempt to create a condition that will otherwise avoid this issue.

Second, Lee County Land Development Code (LDC) Section 34-373(a)(6)a has not been complied with insofar as there are a number of easements on the site that have not been depicted or indicated on the MCP. The following easements noted on the perimeter survey, but not shown on the MCP or otherwise addressed including the following:

1. Drainage Easements around the northerly and westerly perimeter of the site. (See O.R. Book 1980, Page 3786.)
2. 70-Foot wide utility easement on the westerly side of the site. (See O.R. Book 2298, Page 3011.)
3. 30-Foot wide roadway and drainage easement(s) along the southerly boundary. (See O.R. Book 2047, Page 1614; O.R. Book 2228, Page 2808; O.R. Book 2782, Page 1078; O.R. Book 3257, Page 3337; and O.R. Book 1655, Page 1369.)
4. Shell Roadway in the southerly end of the site. (See O.R. Book 1439, Page 23.)

Re: Crane Landing RPD - DCI2003-00023

5. Easements called out for the westerly boundary.
(See O.R. Book 1949, Pages 482 and 483 and O.R. Book 1949, Page 476.)
6. Additional easements not yet disclosed. The County is in the process of seeking to acquire the 75-foot wide strip along the westerly boundary for drainage (shown as "proposed" on the MCP, but excluded from the site acreage inside the MCP perimeter). A number of easements have come up in the title work for this acquisition and these easements appear to be related to or may affect the future use of this site.

The above issues should have been addressed when the application and MCP were first submitted; however, it appears there was a failure to request to include or provide all of the items required by LDC Chapter 34 with respect to the application for this rezoning. This information should have been provided such that County staff would have had an adequate opportunity to review and evaluate the easements and their effect on the proposed development. Additionally, the failure to disclose the location or impact of these easements at this point in the hearing process also places the general public at a similar disadvantage. I do not believe the disclosure or presentation of the missing information at hearing will create a reasonable opportunity for review by either staff or the general public. The current circumstance is one where due process as well as LDC requirements have been compromised.

Consequently, it is my recommendation that County staff should request a continuance for cause to allow the applicant to disclose the missing information and to resolve the issue of ownership with respect to the requested rezoning. By way of cc, I am sending a copy of this memo to the applicant's attorney, Matthew D. Uhle and a copy to the Lee County Hearing Examiner in advance of Thursday's hearing date.

JJF/mme

cc: Joan C. Henry, Assistant County Attorney
Mary Gibbs, Director, DCD/Administration
Diana Parker, Chief Hearing Examiner
Anthony Palermo, Senior Planner, DCD/Zoning
Matthew D. Uhle, Esq., Knott, Consoer, Ebelini, Hart & Swett, P.A.

Knott, Consoer, Ebelini
Hart & Swett, P.A.
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Matthew D. Uhle
Aaron A. Haak
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Nathy Torres-Alvarado

Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

MEMORANDUM

TO: Tony Palermo
John Fredyma, Esq.

FROM: Matt Uhle

DATE: March 3, 2004

RE: Crane Landing/Continuance Issue

John and Tony:

It is, to put it mildly, very annoying to be confronted with new sufficiency issues just a few days before the hearing. It is particularly irritating in this case, because we have been here before. This is not the first, but the second time we are facing a delay due to "supersufficiency" questions. At some point, sufficiency is supposed to mean what it says.

Having said that, however, it is to no one's benefit for us to engage in a debate about procedural issues in front of a large group of Sabal Springs residents. To that end, we are prepared to agree up front to the staff's continuance for cause (thereby eliminating the need for anyone to appear tomorrow) IF we can receive assurances on the following points:

1. The executed ROW escrow agreement must serve as sufficient authorization for us to go forward. If DOT was going to use the process that was originally contemplated for the reconveyance, this would not be a big deal. However, the vacation process will take several months. It would be unreasonable to make us wait that long.

As an aside, Hussein says that he has no problem replacing the check if the process takes over six months. We can put that in the agreement or just have it as an oral understanding. We don't care. Otherwise, we have created a draft with John's proposed changes, and we are prepared to sign and deliver it.

2. We need a hearing date within a reasonable timeframe (say, 30-60 days).

Tony Palermo
John Fredyma, Esq.
March 3, 2004

3. Hussein is planning to schedule a community meeting with the Sabal Springs residents to discuss their issues. It would be very helpful if Tony could attend to answer questions.

We will work out the easement issues prior to the hearing. If that means we need to show them on the MCP in some fashion, so be it.

I need an answer this morning. If you have any questions, please let me know.

MDU/zw

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

Revised

TYPE OF CASE: PLANNED DEVELOPMENT/DCI
CASE NUMBER: DCI2003-00023
HEARING EXAMINER DATE: Original HEX date: JANUARY 21, 2004
Deferral HEX date: FEBRUARY 18, 2004
Deferral HEX date: MARCH 4, 2004
Deferral HEX date: MAY 5, 2004

I. APPLICATION SUMMARY:

- A. Applicant: Crane Landing Golf Course Community RPD
- B. Request: Rezone \pm 385.7 acres from Mobile Home Planned Development (MHPD), Agricultural (AG-2) and Two Family Conservation (TFC-2) to Residential Planned Development (RPD); and
- Amend the Sabal Springs Residential Planned Development (Resolution Z-86-193, as amended) to include an additional \pm 274.8 acres and change the mix of uses to allow a maximum 1,999 dwelling units (comprised of 615 multi-family and 1,384 single-family units) and an 18 hole golf course on a total of \pm 606.3 acres of land. Proposed building heights are a maximum of 3 stories/45 feet. No development blasting is requested.
- C. Location: The subject property is located at the Del Prado Boulevard and Mellow Drive Extension (at the Southeast corner of Del Prado and U.S. 41). The Subject property includes the Sabal Springs Residential development. Property is located in S23-T43S-R24E, Lee County, FL (District #4)
- D. Future Land Use Plan Designation, Current Zoning and Use of Subject Property:
- | | |
|------------------|--|
| Future Land Use: | Suburban. Portions Wetland. |
| Zoning: | Residential Planned Development (RPD) (Sabal Springs). Mobile Home Planned Development (MHPD), Agricultural (AG-2), and Two-Family Conservation (TFC-2). |
| Land Use: | Sabal Springs RPD is a single-family residential development. The MHPD, AG, TFC-2 portions are cattle grazing land. |

E. Surrounding Land Use:

Existing Zoning & Land Use

North: Del Prado Extension,
then Planned Unit Development (PUD), vacant.

East: Agricultural (AG-2), vacant

South: Agricultural (AG-2),
Mobile Home (MH-2), (MH-1)
Two Family Conservation (TFC-2),
Mix of mobile home developments
(Lake Arrowhead), single-family and
duplex developments, a home for
the developmentally disabled, and public schools.

West: Agriculture (AG-2),
Neighborhood Commercial (CN-1),
Commercial (C-1A),
Mobile Home (MH-2)
Mobile Homes (Island Vista Estates),
Vacant land on US 41 entrance to Sabal Springs.

Future Land Use Map

Suburban

Suburban & Wetland

Central Urban
Public Facilities

Suburban
Central Urban

F. Size of Property: ± 606.3 acres

- II. A. These recommendations first address the proposed Crane Landing development, consisting of the vacant **Mobile Home Planned Development** (MHPD) portion of Sabal Springs, and the vacant AG-2 and TFC-2 land to the **north south** of the **vacant** MHPD.
- B. The second part of this recommendation is for the **Residential Planned Development** (RPD) portion of Sabal Springs, which 770 single-family units are developed under an approved Development Order (DO 86-07-014.00D).

This part amends Resolution #Z-86-193, deleting unnecessary and outdated language, and reducing the permitted units from 860 to 770, thus keeping the entire combined development under the 2,000-unit Development of Regional Impact (DRI) threshold.

REQUEST "A" - CRANE LANDING RECOMMENDATIONS:

Staff recommends **APPROVAL** of the Applicant's request for rezoning of ± 385.7 acres from Mobile Home Planned Development (MHPD), Agricultural (AG-2), and Two-Family Conservation (TFC-2) to Residential Planned Development (RPD) with the following conditions and deviations:

A. Conditions

1. The development of this project must be consistent with the 2-page Master Concept Plan entitled "CRANE LANDING MASTER CONCEPT PLAN" (Sheet No. 2 and 3) stamped received **APRIL 19, 2004** except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time

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

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

a. Schedule of Uses

ACCESSORY USES AND STRUCTURES

ADMINISTRATIVE OFFICES

AGRICULTURE - Subject to limitations in Condition # 8

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

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

COUNTRY CLUB - ON THE PARCEL LABELED "CLUBHOUSE" ON THE APPROVED MCP, LIMITED TO A MAXIMUM +/- 24,000 SQUARE FOOT BUILDING.

COMMUNITY RESIDENTIAL HOME - serving 1 to 6 unrelated residents as defined in LDC Sec. 34-2.

DWELLING UNITS MAY BE ANY MIX OF THE FOLLOWING, TOTAL NOT TO EXCEED TOTAL OF 1,229:

SINGLE-FAMILY: 500-615

DUPLEX, TWO-FAMILY ATTACHED: 50-100

TOWNHOUSES, FOURPLEXES, PATIO HOMES: 50-100

MULTI-FAMILY: 400-515

DAY CARE (CHILD OR ADULT) - MAXIMUM OF 1 FACILITY, IN MULTI-FAMILY PORTION ONLY, IN COMPLIANCE WITH LDC. SEC. 34-203(e)(9).

ENTRANCE GATE AND GATEHOUSE - IN COMPLIANCE WITH LDC SEC. 34-1748

ESSENTIAL SERVICES

ESSENTIAL SERVICE FACILITIES, GROUP I

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

FENCES, WALLS, ENTRANCE GATES

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

HOME CARE FACILITY - 3 persons or fewer as defined in LDC Sec. 34-2

HOME OCCUPATION - IN COMPLIANCE WITH LDC SECTION 34-1771 et seq.

MODEL HOMES, MODEL DISPLAY CENTER, MODEL UNITS - IN COMPLIANCE WITH LDC SEC. 34-1951 et seq, LIMITED TO 9 AT "GENERAL MODEL HOME LOCATIONS" ON THE APPROVED MASTER CONCEPT PLAN.

PARKING LOT, ACCESSORY

REAL ESTATE SALES OFFICE - LIMITED TO MODEL HOME LOCATIONS ONLY, AND THE CLUBHOUSE. Sales of lots or units within the Crane Landing Sabal Springs development only.

RECREATIONAL FACILITIES, PERSONAL & PRIVATE - RECREATION AREAS and CLUBHOUSE TRACTS ONLY. Consisting of swimming pools, swimming platforms, docks, fishing piers, cabanas, tennis/sports courts, playgrounds, vending machines, and restrooms.

RESIDENTIAL ACCESSORY USES

SIGNS IN ACCORDANCE WITH CHAPTER 30

TEMPORARY USES IN COMPLIANCE WITH LDC SEC. 34-3041

b. Site Development Regulations

PROPERTY DEVELOPMENT REGULATIONS: CRANE LANDING RPD

See Attachment Q Property Development Regulations Crane Landing RPD

Minimum Open Space 154.48 acres

3. **Golf Course Conditions:**

- A. The golf course developer must use fertilizers with a low leaching potential (slow release). Fertilizers must not be applied after active growth of the turfgrass has ceased, and must be kept to the lowest reasonable levels; and

- B. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of broad spectrum pesticides is prohibited. The IPM program must minimize the use of pesticides and must include the use of the U.S. Department of Agriculture - Natural Resources Conservation Service (USDA-NRCS) Soil Pesticide Interaction Rating guide to select pesticides for use that have a minimum potential for leaching or loss from runoff. The nutrient management program must be based upon the USDA-NRCS Nutrient Management Standard and must include the use of soil tests to determine needed applications of nutrients. Only EPA-approved chemicals may be used. Turf managed areas (including fairways, tees, and greens) are prohibited within 35 feet of wetlands or preserve areas. The Applicant may be allowed to reduce this setback from wetland or preserve areas to a minimum of 15 feet with an average of 25 feet (or to zero feet if a structural buffer is used), if it is approved administratively by the Department of Community Development. The chemical management plan must be reviewed and approved by Lee County Natural Resources Division prior to development order approval.
- C. The golf course manager must coordinate the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients.
- D. The Developer must utilize a golf course manager licensed by the state to use restricted pesticides and experienced in the principles of IPM. The golf course manager is responsible for ensuring that the golf course fertilizers are selected and applied to minimize fertilizer runoff into the surface water and the leaching of those same fertilizers into the groundwater.
- E. The storage, mixing, and loading of fertilizer and pesticides must be designed to prevent/minimize the pollution of the natural environment.
- F. Prior to the issuance of local development order approval, the developer must demonstrate compliance with "Best Management Practices for Golf Course Maintenance Departments," (as they apply to physical improvements) prepared by the Florida Department of Environmental Protection, as amended, as outlined below:
- 1) The development order must demonstrate separate mixing and loading facilities for pesticides, and provide a separate pesticide storage area, in compliance with materials specified in the above referenced document. The development order must demonstrate separate mixing and loading facilities for fertilizer, and provide a separate fertilizer storage area, in compliance with materials specified in the above referenced document.
 - 2) The development order plans must specify the construction material for all buildings in compliance with "Best

Management Practices for Golf Course Maintenance Departments."

- 3) Equipment to apply pesticides and fertilizers must be stored in an area protected from rainfall.
- G. The golf course must be planted with a turfgrass cultivated variety that is drought and pest resistant, while requiring relatively low fertilizer use;
- H. The irrigation system must operate on an "as needed" basis through the utilization of weather forecasting and ongoing assessment of the moisture content of the soil.
- I. All fairways, greens, and tees must be elevated above the 25-year flood level, and all greens must utilize underdrains. The effluent from these underdrains must be treated in accordance with the goals of the Audubon Cooperative Sanctuary Program. Treatment may include directing outflow to water quality basins for detention, buffer areas for filtration, or through specially constructed filtration units.
- J. Stormwater run-off must be pre-treated through an acceptable recreated natural system or dry retention or detention and water retention or detention system, prior to discharging the run-off into existing lake or wetland (any aquatic) systems.
- K. The operator of the golf course, or its assigns, must submit an annual monitoring report of ground water and surface water quality. The monitoring program must include: testing to assess whether there are any unacceptable increased levels of herbicide, pesticide or fertilizer at project outfalls; identifying the locations for the ground water monitoring and testing on a map(s); setting forth the testing and recording requirements. The Developer must submit the test results with the monitoring report to the Lee County Natural Resources Division. The monitoring program will be established and operated at the expense of the Developer, or other comparable legal entity charged with the legal responsibility of managing the golf course. The monitoring plan will continue in perpetuity. This plan will be approved by the Division of Natural Resources and evaluated in accordance with the directives of Chapter 62-302, F.A.C., water quality standards.
- L. If groundwater or surface water pollution occurs, as that term is defined by applicable state and federal rules or regulations, and if the pollution is caused by the application of fertilizers, herbicides or pesticides to the golf course, the application of the material containing the pollutant must cease until there is a revised management plan. If mitigation is necessary to address the pollution, a mitigation plan approved by Lee County must be implemented by the Developer.
- M. Prior to development order approval for the golf course, the developer must submit results of the pre-development groundwater analysis. The submittal must include the proposed plan for the surface water analysis.

The analysis is intended to establish baseline data for groundwater and surface water monitoring for the project. The water quality monitoring plans must be designed to identify those nutrients and chemicals that are anticipated to be associated with the golf course.

4. No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.
5. All buffers must utilize 100% all native vegetation.
6. All structures must be set back a minimum of 10 feet from the boundary of the "Preserve" areas as shown on the Master Concept Plan.

7. **GOLF MAINTENANCE FACILITY**

- a. The golf maintenance facility - located in Sabal Springs - may be utilized for maintenance of golf course facilities within Sabal Springs and Crane Landing only. provided there is an interconnect between the two developments (Crane Landing and Sabal Springs as identified on the approved MCP).
- b. Access to this golf maintenance facility, to and from Crane Landing, may only take place from the "16' Wide Diveway to Maintenance Area" as depicted on the approved Master Concept Plan.

Use of this driveway may only be permitted if there is a locked gate separating the golf maintenance facility in Sabal Springs from the property in Crane Landing. Access through this connection is limited to golf maintenance employees, contractors, and supervisors only.

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

9. Model homes and real estate sales:
 - a. The number of model homes or model units will be limited to no more than 9 within the development, at any point in time.
 - b. Any model homes or units or real estate sales may be developed only within any of the 9 properties identified as "General Model Home Locations" on the approved Master Concept Plan.
 - c. Real estate sales will be limited to the sale of lots or units within the development only (both Crane Landing and Sabal Springs).
 - d. Models cannot be of the same floor plan and each must be a separate different design.
10. Prior to local development order approval, the 150-foot right of way on the western border of the subject property must be vacated.
11. Remove the Zoning Notes on the MCP. The following condition will be in lieu of the Zoning Notes.

In an effort to enhance compatibility of this project with the surrounding property, this MCP denotes a minimum 50-foot wide separation/buffer (enhanced setback) in various locations around the periphery of the development. These 50-foot wide separation buffers (enhanced setbacks) may contain existing and/or proposed utility and/or drainage easements or berms that could preclude the planting of buffer trees through out the entire width of these areas. It is the intention of this development to also provide whatever minimum planting strips necessary to accommodate all standard buffers as may be required by both the Lee County Land Development Code and this resolution. The specific locations and planting composition of those standard buffers will be depicted during the local Development Order process. A minimum 20-foot wide planting strip is available for this purpose.
12. The ~~Clubhouse~~, multi-family buildings, patio homes, and townhouses must be separated from properties outside the subject property boundaries (regardless of use or zoning) by a minimum Type B buffer (minimum 15 feet in width, 5 trees per 100 linear feet, double staggered hedge row). This requirement will also apply to the clubhouse in the event it is moved to a development area which abuts the perimeter of the project.
13. Prior to local development order approval, the landscape plans must demonstrate that a minimum of 154.48 acres of common open space is provided for the overall project.
14. Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC Section 34-2174(a).
15. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.

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

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

B. Deviations

DEVIATION #1 Deviation from LDC Sec. 10-291(3) which requires (when practical) that residential developments of more than 5 acres in size provide 2 or more means of ingress into the development to allow the project to be constructed with a single-ingress egress connection.

The applicant proposes a single entrance on Del Prado Boulevard, and a gated golf-course community. Their justification cites safety as a reason for the request. There is also no reasonable second access point on Del Prado, nor any means to provide access on the north or south sides of the property (with the exception of the proposed interconnect with Sabal Springs).

The applicant proposes an emergency access on the south side via North Second Street and Garden Street. North Second Street is a rural single-family area with low traffic. An access

providing for ingress and egress would be disruptive to this neighborhood.

Garden Street is also in a rural area, with access to Sandy Park Development Center, a home for the developmentally disabled, and "Cottages on the Green/North Fort Myers Academy of the Arts". The school has heavy traffic congestion. Additional traffic from Crane Landing would also be disruptive to the neighborhood, and create traffic problems for the school.

These two emergency access points, ~~along with the interconnection between Sabal Springs and Crane Landing~~, provide adequate circulation, access, and provide for 2 reasonable emergency escape routes.

Staff offers no objection in granting the request finding it helps achieve the proposed development while not adversely impacting the public's health safety or welfare.

This deviation is recommended to be **APPROVED** subject to the following conditions.

1. The local development orders must include emergency access gates to be constructed on BOTH North 2nd Street and Garden Street access points as shown on the approved Master Concept Plan.

~~2. The local development order must show an interconnection to the south WEST through Sabal Springs as shown on the approved Master Concept Plan.~~

2. The emergency access gates as shown on North 2nd Street and Garden Street must comply with all applicable regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or the operator of the gate.

3. The local development order must provide primary access on Del Prado Boulevard in compliance with the LDC as shown on the approved Master Concept Plan.

DEVIATION #2 Deviation from LDC Sec. 10-415(b) which requires large development with existing indigenous vegetation communities to provide 50 percent of the required open space through onsite preservation of existing vegetation communities to allow the restoration, preservation, and/or creation of the "Preserve" areas shown on the Master Concept Plan to fulfill this requirement.

Environmental Sciences staff evaluated this request, and recommended a number of conditions as stated below. Their analysis is included in the Environmental portion of the staff report.

Staff offers no objection in granting the request finding it helps achieve the proposed development while not adversely impacting the public's health safety or welfare.

This deviation is recommended to be **APPROVED** subject to the following conditions:

1. Prior to the Board of County Commissioner zoning hearing, the Master Concept Plan must be revised to delineate the native tree preservation and replanting areas as shown on the exhibits prepared by Source, Inc. stamped received October 29, 2003 and entitled "Native Tree Planting Typical Areas" and "Potential Native Tree Preservation", and Lake No. 17 must be shown as dry detention/created marsh (See Attachment S).

2. Prior to local development order approval, the landscape plans must include the following for the Division of Environmental Sciences staff review and approval:
 - a. Delineation of the wetland preserves (15.72 acres and 1.66 acres) and marsh creation areas (5.2 acres and 9.97 acres) in substantial compliance with the Master Concept Plan; and
 - b. Details on the marsh creation areas including plant size, species and number; and
 - c. Native tree planting details that provide a mixture of trees ranging from a minimum 3-foot to 10-foot in height based on one native 3-foot tree per 100 square feet, with a proportionate ratio for larger trees, to be installed in the tree planting areas delineated around the freshwater marsh preserve; and
 - d. Delineate tree preservation areas in the southwest corner of the property as shown on the Master Concept Plan.

REQUEST "B" - SABAL SPRINGS RECOMMENDATIONS:

Staff recommends **APPROVAL** of the Applicant's request to amend Resolution #Z-86-193 as amended in the Residential Planned Development (RPD) zoning district with the following conditions and deviations.

Resolutions #ZAB-86-63, #Z-86-193, and #Z-89-026 are hereby superceded and replaced by this resolution.

The conditions which follow are based on previously approved conditions. The changes are shown in a ~~strike-through~~ and underline format.

Conditions

1. The development of this project must be consistent with the 1-page Master Concept Plan entitled "SABAL SPRING GOLF AND RACQUET CLUB RPD," stamped received APRIL 19, 2004 except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local Development Order Approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.
2. The following limits apply to the project and uses:

a. Schedule of Uses

ACCESSORY USES AND STRUCTURES

ADMINISTRATIVE OFFICES

CLUBHOUSE

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

daily.

DWELLING UNITS - SINGLE-FAMILY: MAXIMUM 770

ENTRANCE GATE AND GATEHOUSE, SECURITY GUARD HOUSE

ESSENTIAL SERVICES

ESSENTIAL SERVICE FACILITIES, GROUP I

EXCAVATION, WATER RETENTION - (NO BLASTING)

FENCES, WALLS

GOLF COURSE AND GOLF MAINTENANCE FACILITY

HOME OCCUPATION

MODEL HOMES, MODEL DISPLAY CENTER, MODEL UNITS - IN COMPLIANCE WITH
LDC SEC. 34-1951 ET. SEQ. (Existing only, no additional model homes permitted)

PARKING LOT, ACCESSORY

TEMPORARY REAL ESTATE SALES OFFICE - LIMITED TO UNITS OR LOTS
WITHIN CRANE LANDING AND SABAL SPRINGS DEVELOPMENTS ONLY

RECREATION CENTER

RESIDENTIAL ACCESSORY USES

SIGNS IN ACCORDANCE WITH CH. 30

WETLAND PRESERVES

b. Site Development Regulations (See also Condition #5)

Minimum building height for single-family : 35' above grade

Maximum Building height for Clubhouse: 35' above grade

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

Side Setbacks: 5 feet

Preservation Area: Minimum 5.66 acres

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

~~— Prior to final plan approval, the applicant shall make acceptable provisions for off-setting any
added net public costs or premature commitment of public funds needed to provide appropriate~~

~~levels of fire protection services for this development. In particular, the applicant shall make necessary arrangements with the North Fort Myers Fire District to off-set a proportionate share of the cost of the new local fire station (including land, buildings, and equipment) planned by the North Fort Myers Fire District. Said fire district may apply these monies toward a more comprehensive facility that provides district-wide services.~~

~~— Prior to final plan approval, the applicant shall flag the wet-land/upland line of demarcation for review by county staff. The applicant shall modify the project site where necessary to preserve the wetlands areas, including all "Resource Protection Areas" and "Transition Zones", except where needed for public arterial roads.~~

~~— Site Planning shall encourage the preservation of trees. The precise location of roads, parking areas, structures, excavations and golf facilities may be altered during construction to preserve trees through an administrative modificant to an RPD under the provisions of Section 626 of the Zoning Regulations.~~

3. Prior to development completion, The following shall be provided in order to mitigate hazard occurrences and to insure Comprehensive Plan compliance:

A. Hurricane Evacuation

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

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

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

B. Emergency Medical Services

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

~~— This approval shall permit, in addition to mobile homes and their customary accessory uses; recreational and water management facilities, a temporary sales office, model units, signs as permitted by current regulations, and gatehouses.~~

4. Any security gate or similar device that is not manned 24 hours per day must be provided with an override switch installed in a glass-covered box for the use of emergency vehicles.

As part of the first local development order issued for the development of this project, the existing emergency access gate(s) as shown on the approved MCP must be updated to comply with all current regulations with respect to required equipment for an emergency override mechanism. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or the operator of the gate.

~~5. Lot sizes, setbacks, and permitted use for the conventional home portion of the project shall be the same as the RS-1 zoning district generally, as may be amended from time to time, except where modified by deviations.~~

~~5. The property development regulations for the project shall be the same as for the Residential Single-Family (RS-1) zoning district, as it may be amended from time to time, except where modified by deviations or this resolution.~~

~~Final plans shall be in conformance with the Development Standard Regulations, and other development regulations in effect, except for deviations (1), (2), and (3) as shown on the master concept Plan dated June 17, 1986 (unless future variances are requested and approved). Deviation (4) is hereby denied, except for any portion of the southerly end of the section line between Sections 22 and 23 where the future arterial roadway bends to the east and thereby not following the section line.~~

~~The applicant shall modify the project Master Concept Plan to show a 100-foot right-of-way along the northern boundary line of the entire project. The applicant shall also dedicate the subject 100-foot right-of-way and construct an arterial roadway from U.S. 41 (S.R. 45) through, but not beyond, the intersection of the future roadway with the north-south section line of Sections 22 and 23. This intersection shall be constructed to the specifications of the County Engineer. This 100-foot right-of-way will be accepted in lieu of the projected 150-foot right-of-way only if:~~

~~G. The Lee County Electric Co-Op approves, in writing, the use of its powerline easement for a drainage swale as shown on the attached cross section, and~~

~~B. The buffer along the mobile home park adjacent to the roadway includes drainage provisions, and that the subject project accepts all stormwater runoff from the roadway and includes it as part of its stormwater management plan. If the applicant cannot fulfill the above conditions, the applicant shall amend the Master Concept Plan to provide a 150-foot right-of-way and construct the proposed arterial as prescribed by the County Engineer. Credits for the right-of-way dedicated and the roads constructed by the developer shall be the amount in excess of that which normally required for the proposed development by the Development Standards Ordinance.~~

~~The applicant shall commence construction of the proposed east-west arterial running along the northern property line of the site within four years of the approval of this project. The proposed road shall be completed within 180 days of construction commencement.~~

~~The applicant shall modify the Master Concept Plan to show a 150-foot right-of-way along the section line running generally along the line between Sections 22 and 23. This right-of-way shall curve to the east as specified by the county Engineer in order to avoid disruption of existing~~

~~adjacent development. The applicant shall be required to provide a portion of the drainage swale within 40-foot buffer adjacent to east side of the roadway, as shown on the attached cross-section. Credits for the right-of-way dedicated and the roads constructed by the developer shall be the amount in excess of that which is normally required for the proposed development by the Development Standards Ordinance.~~

~~No permit authorizing the construction or move-on of buildings or mobile homes shall be granted to the applicant until such time as a potable water source which will not adversely affect the capacity or pressure of the Lee County Utilities System has been approved. This source may include the upgrading of the Lee County Utilities system, or contributions thereto. Any application for a development order shall specify the source of potable water for the project, and shall include as a plan specification the foregoing limitations upon permit issuance. If the proposed potable water source is the Lee County Utilities system, the Director of the system shall determine whether the proposed connections from the subject project will adversely affect the system's capacity or pressure, prior to the issuance of building or move-on permits.~~

~~10. Deviations (1), (2), and (3) are hereby APPROVED and the deviation (4) is PARTIALLY APPROVED for that portion of the section not required by the County Engineer for roadway purposes (see Condition # 9).~~

6. Final plans shall be in conformance with the Development Standards Ordinance LAND DEVELOPMENT CODE (LDC) and other development regulations in effect, except as provided herein.

DEVIATIONS

The Master Concept Plan, will deviate from the following Lee County standards as they existed at the time of the approvals of Resolutions #Z-89-026 and #Z-86-193, or equivalent current regulations as found in the Lee County Land Development Code (LDC):

1. Deviation from Section 518.C.2 of the Lee County Zoning Regulations to allow an excavation for water retention within 60' of a quarter section line to 0'.

2. Deviation from Section 202.15.D30 of the Lee County Zoning Regulations to allow a structure within 15' of a section line to 0'

3. MODIFIED SETBACKS

~~A.~~ Minimum setbacks between structures and the centerline of a private street of ½ (Row) (or street easement) plus 20 feet (202.18.B.2.a) to 15 feet for all corner lots excepting unit 1 as recorded in Plat Book 41, page 14-22 which shall include the following platted lots only;

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

4. SWALES AND DITCHES

~~B.~~ Requirement that discourages rear lot swales and ditches and does not permit them in easements (DSO Sec. D.4.c.), to permit rear lot swales in lieu of concrete gutters within all of the RPD portion of the property except Unit 1 as recorded in Plat Book

41, Pages 14-22; and

UPON THE CONDITION that the approval be **CONDITIONED** upon the creation of an enforceable homeowner's association agreement and the imposition upon that association and/or its successors in interest of the obligation to perpetually maintain and is **FURTHER CONDITIONED** upon the approval by the Lee County Attorney of the documents required to create and impose this condition.

Findings and Conclusions:

Based upon an analysis of the application and the standards for approval of planned development rezonings, staff makes the following findings and conclusions:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.
2. The requested zoning, as conditioned:
 - a) meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
 - b) is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c) is compatible with existing or planned uses in the surrounding area; and
 - d) will not adversely affect environmentally critical areas or natural resources.
3. As conditioned, approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. As conditioned, the proposed use or mix of uses is appropriate at the subject location.
6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.
7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
8. The deviations granted:
 - a) enhance the objectives of the planned development; and
 - b) preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

III. BACKGROUND INFORMATION AND ANALYSIS:

Introduction/Synopsis

This application includes four elements. Simplified, it permits 1,999 dwelling units (a combination of single-family and multi-family) on \pm 606.3 acres of land in the North Fort Myers Community, consisting of the future Crane Landing development and the existing Sabal Springs RPD.

Sabal Springs, an existing Residential Planned Development, is a 770-unit single-family golf course community on \pm 220.64 acres of land. This development is built out and will not change. This request, adds a new development, Crane Landing - a golf course community with a mix of single-family and multi-family development on \pm 385.7 acres of land - adjacent to Sabal Springs.

The elements of this request are:

1. Amend Zoning Resolution #Z-86-193 Sabal Springs - reducing the number of single-family dwelling units allowed from 860 to 770, consistent with the existing approved Development Order (DO 86-07-014.00D);
2. Rezone the \pm 110-acre Mobile Home Planned Development (MHPD) portion of Sabal Springs (which was never built) to RPD to be part of the proposed Crane Landing RPD. The Sabal Springs MHPD permitted 440 mobile home lots;
3. Rezone \pm 275.7 acres of undeveloped land zoned AG-2 and TFC-2 to RPD. This is the remaining part of the proposed Crane Landing RPD;
4. When considered as a whole, it is 770 single-family units in Sabal Springs and 1,229 dwelling units (half single-family and half multi-family) in Crane Landing, a total of 1,999 dwelling units.

The subject property is located south of Del Prado Boulevard/Mellow Drive extension in North Fort Myers.

This analysis focuses on the Crane Landing portion of the property, since the only change proposed in Sabal Springs is to allow 770 dwelling units (as is already approved under Development Order #DO 86-07-014.00D) rather than 860 as spelled out in the Sabal Springs Zoning Resolution #Z-86-193.

The request is for approximately 3.2 dwelling units per acre, well under the 6 dwelling units per acre allowed in the Suburban Future Land Use category of the Lee Plan. (See Neighborhood Compatibility for a discussion of surrounding densities).

The majority of the vacant land is cattle pasture. Portions of the property are wetlands.

Approximately 154 acres are proposed to be open space. The proposed Crane Landing MCP shows 3 preserve areas (total of 27.29 acres of wetland preserve).

This residential golf course community is being proposed to be constructed in continuous successive phases with project build-out occurring in 7 years after commencement.

In 1986 the property now known as Sabal Springs (a.k.a. Forest Creek) was rezoned from Agricultural (AG-2) to Residential Planned Development, which permitted 1,300 units of mobile

home development. (See Attachment N, Resolution #ZAB-86-63).

Subsequently, the property was rezoned to Residential Planned Development (western portion) and Mobile Home Planned Development (eastern portion) under Resolution #Z-86-193 (See Attachment M) and was renamed Sabal Springs. The rezoning permits 440 mobile home lots in the MHPD portion (110.89 acres) and 860 single-family lots in the RPD portion (258.9 acres) - for a total of 1,300 dwelling units on 369.79 acres of land (approximately 3.5 dwelling units per acre).

The RPD was amended again under Resolution #Z-89-026. This resolution modified setbacks and modified condition regarding swales (Sabal Springs Resolution Amendment #Z-89-026 Attachment L.)

The single-family portion of Sabal Springs was developed. The mobile home portion (a portion of the subject property) was not.

Under their current zoning Sabal Springs is permitted a maximum of 860 single-family dwelling units. The approved development order permits only 770. This is important because the two developments (~~which share common infrastructure, access, and common ownership~~) combined could be built out to 1,999 dwelling units, one below Lee County's 2,000-unit threshold for a Development of Regional Impact (DRI).

Legislative changes to DRI rules made in 2002 eliminated the "80% threshold." In Lee County that 80% threshold used to be 1,600 dwelling units. The "bright line" threshold now is 2,000 dwelling units.

Along the western edge of the Crane Landing property is a 150-foot road right of way (16.05 acres). Lee County Department of Transportation has indicated it is no longer planning construction of this road, and is in the process of releasing it and vacating the property (See Attachment C). On the eastern edge of the Crane Landing property is a 75-foot (9.18 acre) strip of land Lee County Natural Resources is in the process of acquiring for drainage right-of-way. No development is proposed on this property.

The applicant proposes a mix of 3 types of single-family development in Crane Landing (estate, standard, and executive) with slightly different lot sizes. The applicant also proposes patio homes (two-family attached), and multi-family developments (townhouses and apartment condominiums). The apartment/condominiums are envisioned to be 12 to 18 units.

The single-family products are proposed to be 35 feet in height (maximum) and 2 stories. The multi-family products are proposed to be 45 feet in height (maximum) and 3 stories.

No development blasting is proposed. Agricultural uses, cattle grazing, will continue until a local development order is issued for each portion of the property developed. The applicant has provided the necessary documentation (See Attachment F).

The applicant's request includes Recreation Facilities, Private On Site, which staff has limited to specific uses and located in the recreation/clubhouse areas identified on the Master Concept Plan.

The applicant also proposes 9 specific model home sites. Staff has recommended conditions on the model home and real estate sales uses.

The applicant also proposes assisted living facilities in the multi-family portion of the development. Staff has no issues with development of a facility with 80 or fewer beds, but would require public hearing approval of anything larger. The MCP does not have any specifics about ALF facilities. Staff believes this process would provide the opportunity to address compatibility and other potential issues a larger ALF development may bring. Staff also has no issues with a day care, the use of community residential homes (serving 6 unrelated persons or less), or home care facilities (3 persons or less) to serve the needs of residents within the community. These are vital services allowed by right within conventional residential zoning, and should be allowed (with reasonable limitations) in a community of this size.

Staff can support a golf course use, and the applicant has provided a general idea where the golf areas and lakes would be incorporated within the MCP. A maintenance facility is provided at Sabal Springs to the west, which is interconnected to Crane Landing through a street- 16-foot wide driveway as shown on the revised April 19, 2004 Crane Landing Master Concept Plan.

Condition #3 provides standards for golf course development for Crane Landing, which is consistent with requirements of other residential golf course communities recently approved.

Staff also has recommended a Type B buffer separate the multi-family development from neighboring developments, in deference to the existing rural character of the surrounding neighborhoods.

Lastly, staff has crafted a condition to address concern by Sabal Springs residents that the existing gravel road on the Northwest corner of Crane's Landing will continue to be used as a construction access point. Staff strongly believes heavy construction equipment using this access on a regular basis for a prolonged period of time would be a nuisance and would rob these homeowners of the quiet enjoyment of their homes. Restrictions on this access, and the development of an alternate access is entirely reasonable.

This case, scheduled for public hearing March 4, 2004, was continued until May 5, 2004 due to a number of sufficiency issues raised prior to hearing, and substantive issues raised by Sabal Springs residents. Sufficiency issues included:

1. The status of the 150-foot right of way owned by the county.

An agreement between the County and the applicant has been signed by the applicant and the County pertaining to the release of this property by the County.

2. The Master Concept Plan showing all easements on the subject property.

The revised MCP shows these easements.

3. Easements in conflict with the MCP must be addressed.

Staff recommends a condition stating no Development Orders may take place until these issues have been resolved.

Staff was also interested in the status of a 75-foot "Proposed Drainage Right-of-Way" as shown on the MCP. As of the writing of this amended staff report, the applicant and the Lee County Natural Resources Division were still working out technical details of an

agreement, including a fair price.

Prior to the March 4 hearing, a petition, with numerous signatures from Sabal Springs residents, was received by staff and passed on to the Hearing Examiner's Office. Staff and the applicant also met informally with these residents on the evening of March 24, 2004 in Sabal Springs.

Substantive issues raised by these residents included:

1. The necessity to include Sabal Springs in the zoning resolution.

Since this request is an amendment to the existing resolution (#Z-86-186) it was necessary to include Sabal Springs in the new resolution. The intent of the new resolution is not to change the conditions of Sabal Springs residential community as they exist today.

2. The relationship between Sabal Springs and Crane Landing.

The Master Concept Plan approved under Resolution #Z-86-193 shows a connection between Sabal Springs RPD and a 150-foot "Proposed County Road." East of this is the mobile home portion of the planned development, with an access utilizing this proposed county road. Currently there is a gate on the northeast side of Sabal Springs between Sabal Springs Boulevard and the 150-foot right of way on the Crane Landing property. Under the status quo, the gate empties into a county right of way. Staff does not support construction traffic, residential traffic, or golf maintenance traffic from Crane Landing going through this gate, nor does staff seek to "connect" these two communities through this access point.

The revised April 19, 2004 MCP removes this connection (see Bravo Circle on the Crane Landing MCP) between the two developments. Staff supports this change, which should give a great degree of comfort that there will not be access to Sabal Springs from Crane Landing via Sabal Springs Boulevard.

The revised MCP now shows a 16-foot driveway directly connecting the golf maintenance facility of Sabal Springs with Crane Landing (See India Court next to the Preserve area).

Staff supports the use of this 16-foot driveway providing access directly to the golf maintenance facility. Golf maintenance traffic from Crane Landing should not go through roads in Sabal Springs. Staff has proposed reasonable conditions limiting the use of this pathway to the golf maintenance facility. Further restrictions on hours, access, security, and other measures are a matter between the property owners and are beyond the scope of this zoning resolution.

3. Sales of Crane Landing units within Sabal Springs.

The revised MCP eliminates a "Temp Sales Office" at the U.S. 41 entrance to Sabal Springs. Staff enthusiastically supports this change.

The Master Concept Plan for Crane Landing shows numerous model units and

provides more than ample opportunities to sell lots or units. The residents of Sabal Springs have a reasonable expectation that sales facilities within their residential development are for Sabal Springs units only, and not for neighboring developments. The residents stated they were attracted to the community because of its attractive entrance. Changing this entrance to include a real estate sales office for a neighboring community would not be consistent with the Sabal Springs residential community.

It should be noted that the developer may ultimately offer to sell this property fronting U.S. 41 to Sabal Springs homeowners, or at a later date rezone it for commercial uses. Any such rezoning will have to go through the public hearing process.

4. Crane Landing having its own maintenance facility.

Staff does not support conditions mandating Crane Landing construct its own golf maintenance facility, when there is an existing one within such close proximity. Staff believes the two communities can share this facility without sacrificing the quiet enjoyment of Sabal Springs homeowners of their property.

Master Concept Plan

The Master Concept Plan is 3 pages entitled "Sabal Springs RPD" (page 1) and "Crane Landing Master Concept Plan" (pages 2-3) dated Received APRIL 19, 2004.

The first page shows Sabal Springs RPD, consistent with its approved development order (#DO 86-07-014.00D). No changes are proposed. Of note, the revised MCP removes the "Temp Sales Center" fronting U.S. 41.

Page 2 is the Master Concept Plan for Crane Landing. Of note, the MCP is oriented with the *north* side on the left portion of the plan. The MCP shows the location of a 150-foot right of way (to be vacated) to the west, and a 75-foot drainage right of way (proposed to be sold to the county) to the east. No development is proposed for the future drainage right-of-way. The MCP shows an entrance at Del Prado Boulevard, access gate, access roads (with generic names), ~~access to Sabal Springs~~, residential Tracts A through V, golf course areas, 20 lakes, 1 clubhouse tract, and 3 recreation area tracts. The residential tracts show specific locations for the 3 single-family products (standard, executive, estate), townhouses, multi-family, and patio homes. The MCP also shows 3 preserve areas (15.72 acres, 1.86 acres, and 9.97 acres). The 15.72 acre preserve is on the western portion, and the 2 other preserves are combined in the southeast corner of the subject property. Deviation #1 (one entrance to a residential development 5 acres or more) is shown at the entrance. Nine model home locations are shown throughout the property. A location is proposed for an ALF, day care, or community residential home in the multi-family tract in the southwest portion of the property. The MCP also shows the two locations of emergency access gates located on Garden Street and North Second Street on the south side of the subject property.

The MCP does not show an interconnect between Crane Landing and Sabal Springs in the northeast corner where there is an existing gate on the Sabal Springs side. The MCP instead shows a 16-foot driveway connecting Crane Landing to the maintenance facility located in Sabal Springs.

Page 2 of the MCP also shows much of the perimeter (east, southeast, and western bordering San Souci) will be separated by a 50-foot separation buffer where buffering trees, berms, drainage, or utility easements could be located.

Page 2 of the MCP shows typical lot dimensions for 3 single-family products (estate, standard, and executive).

Page 3 of the MCP provides details on open space, and shows more typical lot dimensions for single-family development (in relation to local roads), and detail drawings for the patio homes, townhomes, condominiums, fourplexes, and duplexes.

Lee Plan Considerations

POLICY 1.1.5: *The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed. (Amended by Ordinance No. 94-30)*

POLICY 1.5.1: *Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 84 of this plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII of this plan. (Amended by Ordinance No. 94-30)*

The request is for 1,229 dwelling units on 385.7 acres of land, in addition to the 770 dwelling units on the 220.64-acre Sabal Springs. The request is a relatively low-density (3.3 dwelling units per acre) residential development in close proximity to other low and moderate-density residential development. On this subject property approximately 91% of the land (or 344.73 acres) is in the Suburban Future Land Use category. Suburban density is limited to 6 dwelling units per acre.

Approximately 9% (or 32.79 acres) of the subject property (Crane Landing portion) is in the Wetlands Future Land Use category. Wetlands density is limited to a maximum of 1 dwelling unit per 20 acres.

Approximately 0.09% of the subject property (Crane Landing portion) is in the Central Urban Future Land Use category which is a negligible amount (0.34 acres).

Just taking into account the Suburban land, the request is well within the density allowed under the Lee Plan. As such, this request as conditioned is **CONSISTENT** with the **POLICY 1.1.6** and **POLICY 1.5.1** of the Lee Plan.

GOAL 84: WETLANDS. *To maintain and enforce a regulatory program for development in wetlands that is cost-effective, complements federal and state permitting processes, and protects the fragile ecological characteristics of wetland systems. (Amended by Ordinance No. 94-30)*

POLICY 84.1.1: *Development in wetlands is limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions. The maximum density in the Wetlands category is one unit per 20 acres, except that one single family residence will be permitted on lots meeting the standards in Chapter XIII of this plan, and except that owners of wetlands adjacent to Intensive Development, Central Urban, Urban Community, Suburban, and Outlying Suburban areas may transfer densities to developable contiguous uplands under common ownership in accordance with Footnotes 9b and 9c of Table 1(a), Summary of Residential Densities. (Amended by Ordinance No. 94-30, 00-22)*

Given adherence to a restoration plan, preservation of wetland preserves, and the proposed conditions, this application helps the county meet Goal 84. Since the project is well below the allowed density, there is no need to transfer densities to developable contiguous uplands under common ownership per Policy 84.1.1.

POLICY 1.7.6: *The Planning Communities Map and Acreage Allocation Table (see Map 16 and Table 1(b) and Policies 1.1.1 and 2.2.2) depicts the proposed distribution, extent, and location of generalized land uses for the year 2020. Acreage totals are provided for land in each Planning Community in unincorporated Lee County. No final development orders or extensions to final development orders will be issued or approved by Lee County which would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded.*

The subject property is located in the Planning Community of North Fort Myers. The Planning Community Year 2020 Allocations indicate that 9,209 acres in the Planning Community in North Fort Myers have been allocated for residential use. Of that acreage, 1,196 are available for residential use. Staff finds the request **CONSISTENT** with the allocations for the Planning Community of North Fort Myers.

OBJECTIVE 2.1: DEVELOPMENT LOCATION. *Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities. (Amended by Ordinance No. 94-30, 00-22)*

OBJECTIVE 2.2: DEVELOPMENT TIMING. *Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in FS 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrence Management Ordinance. (Amended by Ordinance No. 94-30, 00-22)*

POLICY 2.2.1: *Rezoning and development-of-regional-impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare. (Amended by Ordinance No. 94-30, 00-22)*

The subject property is located in an area along Del Prado Boulevard that has emerged as a center of significant residential development. There are existing residential subdivisions to the west (Island Vista Estates), to the southwest (Lake Arrowhead), to the east (Suncoast Estates),

and to the south (single-family, duplexes, mobile homes). The subject property is also in close proximity to employment and shopping centers. Given the level of development immediately surrounding the subject property, staff believes that this application promotes a contiguous and compact growth pattern consistent with Objective 2.1 of the Lee Plan.

The subject property is located within the water and sewer franchise area for Fort Myers Utilities. The North Fort Myers Fire District, EMS, and law enforcement already serve this area.

The subject property is located on Del Prado, a major collector roadway, and is located east of US 41, an arterial roadway.

As conditioned, this application is **CONSISTENT** with **Objective 2.1 Objective 2.2** and **Policy 2.2.1** of the Lee Plan.

POLICY 5.1.2: Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.

There are no conditions which require a reduction of density. No constraints exist relating to flood, storm, hurricane hazards, unstable soil or geologic conditions, environmental limitations, aircraft noise, or other characteristics that may endanger the residential community. As conditioned, this application is **CONSISTENT** with **Policy 5.1.2** of the Lee Plan.

POLICY 5.1.5: Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments. (Amended by Ordinance No. 94-30, 99-15, 00-22)

This is a request for residential development, both single and multi-family, in the midst of existing residential development. The applicant's MCP proposes locates multi-family portions in the rear southwestern portion of the property. Although multi-family development is desirable and needed, this location directly abuts a rural residential neighborhood (located on North Second Street and Winona Drive). It also abuts the Sandy Park Development Center for the developmentally disabled. As proposed, up to 615 dwelling units could be concentrated in this area.

Staff recommends a Type B buffer separate the multi-family from neighboring single-family development, and provide the same buffering protection for the neighboring school, home for the developmentally disabled, and other rural/mobile home developments (Condition #12).

The applicant proposes 50-foot wide separation buffer surrounding much of the development, which helps minimize the effects of this development on neighboring communities with mobile home and other more rural residential developments.

Staff also supports the use of emergency access gates on North Second and Garden Street to minimize the traffic impacts on these rural streets, yet still maintain a margin of safety for residents in case their entrance to Del Prado Boulevard is blocked. This is particularly important on Garden Street, which already has heavy school traffic.

As conditioned, this application is **CONSISTENT** with **Policy 5.1.5** of the Lee Plan.

POLICY 24.1.4: *Main access points from new development will not be established where traffic is required to travel through areas with significantly lower densities or intensities (e.g. multifamily access through single-family areas, or commercial access through residential areas) except where adequate mitigation can be provided. (Relocated by Ordinance No. 99-15, Amended by Ordinance No. 99-15)*

The Master Concept Plan, as proposed, places all the multifamily development at the rear southwest corner of the development. The applicant argues the multifamily is appropriate in this location, adjacent to the denser Island Vista Estates and Lake Arrowhead residential developments. The alternative would be to locate the multi-family on the southeast (adjacent to the schools), or to the north closer to Sabal Springs (a purely single-family development).

With only one main access on Del Prado Boulevard, this proposed location on the southwest forces these multi-family residents to drive through the single-family developments first before reaching their homes. Without addressing this problem, this creates an inconsistency with **POLICY 24.1.4** in the Transportation Element of the Lee Plan.

Neighborhood Compatibility

The subject property is located in the North Fort Myers Planning Community. This community is described in the Lee Plan as follows:

North Fort Myers - *This Community is located north of the Caloosahatchee River between the Alva Planning Community and the City of Cape Coral. This community includes a wide mix of Future Land Use designations from Intensive Development to Density Reduction/Groundwater Resource. The area between the two US 41 routes near the river will remain the core of this community. The old US 41 corridor will be redeveloped with new commercial uses and waterfront development taking advantage of this area's close proximity to downtown Fort Myers and its riverfront location. The US 41 corridor from Pondella Road north will continue to attract new commercial development that will serve the North Fort Myers community and other surrounding communities. Total commercial, service, and industrial uses will have doubled from the amount existing in 1996. These areas are surrounded by residential uses. Most of the North Fort Myers community will develop at residential densities less than what is allowed by the Lee Plan Future Land Use Map. Furthermore, much of this community is designated for low density development of less than one unit per acre. This community will not be one of the fastest growing areas, residentially, in Lee County. This area will add fewer than 3,000 new residents by the year 2020. However, with a total permanent population of over 50,000 residents and nearly 65,000 residents in season, the North Fort Myers community will be the fourth largest community, in population, in the year 2020. As stated in the Alva community, the Bayshore area does have characteristics differing from both the Alva and North Fort Myers community. The split in the Bayshore area between Alva and North Fort Myers was done to include properties which were most closely related to those respective communities. (Added by Ordinance No. 99-15)*

This proposed development has a significant impact on the North Fort Myers community,

potentially adding over 2,000 people and a golf course.

NORTH - North of the subject property is Del Prado Boulevard extension, a 2-lane major collector road with a 45 mile per hour speed limit. North of this is Planned Unit Development (PUD) property owned by The Heritage development, a 950-unit mobile home development fronting on US 41 (Resolution #ZAB-85-232). The portion of the Heritage north of the subject property (over 78 acres) is vacant, with the portion to the northwest, developed with mobile home development. The entire development consists of over 213 acres. The density for this development is (assuming all units are built out) over 4.4. units per acre. This land is in the Suburban Future Land Use category.

To the northeast is a 35-acre tract owned by North Fort Myers Utilities, consisting of utilities offices, and water treatment. It is zoned Agricultural (AG-2) and in the Public Facilities Future Land Use category.

WEST - West of the Crane Landing development is Sabal Springs Golf and Racquet Club. Sabal Springs, a Residential Planned Development, was discussed previously in this application.

Combined the two developments - Sabal Springs and Crane Landing would consist of 1,999 dwelling units - or approximately 3.3 units per acre.

~~The applicant proposes a road connection between Sabal Springs and Crane Landing, as well as shared use of the golf maintenance facility located in Sabal Springs.~~

The revised MCP removes an interconnection between Sabal Springs and Crane Landing via Sabal Springs Boulevard. The MCP adds a 16-foot driveway connecting the golf maintenance facility in Sabal Springs with Crane Landing, allowing access to the facility without going through roads in Sabal Springs.

Staff has addressed these issues earlier in this report and with updated conditions.

West of Sabal Springs is US 41, a vacant office building, and vacant commercial and agriculturally-zoned property.

Southwest of the subject property is the 615-unit Island Vista Estates (formerly San Souci) mobile home community, which is accessed from Old (Business) 41 in North Fort Myers. This 121-acre property is zoned Mobile Home Conventional (MH-2), and in the Central Urban Future Land Use category. This development is just over 5 dwelling units per acre.

There is also a southwestern corner bordering Lake Arrowhead Village, an over age 55 mobile home community with 350 units on about 90 acres of land (about 4 units per acre), in the Central Urban Future Land Use category.

The proper use of buffers, and the appropriate placement of multi-family are very important to address potential compatibility issues raised by a sizable suburban golf community. Staff believes the conditions recommended, would be beneficial to these neighboring mobile home communities, and allow them the continued quiet enjoyment of their property.

EAST - East of the subject property is a 100-foot strip of right of way zoned Agricultural. Further east of this is vacant Agriculturally-zoned land (276 acres) fronting on Del Prado Boulevard/Mellow Road in the Suburban Future Land Use category.

Further east of this is Suncoast Estates, residential community, and a large number of single-family homes and mobile homes in Mobile Home (MH-1, MH-2, MH-3 and MH-4) zoned properties.

SOUTH - South of the subject property (working from east to west), is a public school complex consisting of North Fort Myers Academy for the Arts and temporary "Cottages on the Green" housing "Q" Elementary School, Trafalgar Elementary, and Mariner Elementary. These three elementary schools are under construction in Cape Coral, and scheduled to open (and move from their temporary site) in August 2004. Four schools with 2,300 students have been causing significant traffic problems. The schools are accessed from Garden Street, and south to Laurel Drive.

The applicant's MCP places a 50-foot separation buffer between the school property and the subject property.

The applicant proposes an emergency access for Crane Landing residents utilizing Garden Street. As proposed, this would not create a significant traffic impact. The applicant's proposed pedestrian and bike path is a good amenity, and furthers the goal of promoting transportation alternatives to the automobile.

West of the school is Two Family Conservation (TFC-2) zoning on Ruthann Court, which consists of duplex and single-family development. Further west is Garden Street, which has both TFC-2 zoning and Mobile Home (MH-1) zoned properties with residential development.

Sandwiched between the subject property's south end is a 5.8-acre TFC-2 parcel developed which is home to Sandy Park Development Center. This is a 64-bed home for persons with developmental disabilities (aged 16 and older). Currently a thick vegetative buffer separates this Center from the existing cattle ranches. Residential development may prove to be an improvement, and not a detriment to Sandy Park.

The applicant's MCP places a small recreation area, and a golf area in close proximity of this home. As conditioned, this should not create any compatibility problems.

West of this area is more TFC-2 properties with rural single-family development located on North Second Street and Winona Drive. An emergency access gate is also proposed to exit onto North Second Street, which should have a minimal impact on traffic flow on this street.

Staff has concerns about the placement of all of its multi-family development in the southwest corner of the subject property. There is a rural quality of life existing in this area, which the placement of 600+ multi-family dwelling units and a golf course, will have a significant impact. Staff has recommended conditions to address some of these concerns. On balance, the proposed development is compatible with the surrounding neighborhood.

Environmental Issues

The Division of Environmental Sciences staff reviewed the proposed residential planned development and conducted field inspections.

The majority of the site was previously cleared for pastureland. There are 4 existing wetlands consisting of freshwater marsh, and wax myrtle and willow wetlands. The largest freshwater marsh in the western portion of the property is proposed as an indigenous preservation with a

marsh creation around the perimeter to provide a buffer between the residential lots and the existing wetland. The wax myrtle and willow wetland on the eastern property line is proposed as an indigenous preserve with wetland creation adjacent to the existing wetland. The two smaller freshwater marshes are proposed as impact. The only other existing native vegetation are scattered sabal palms, oak trees near the large wetland, and pine trees in the southwest corner and north of the large wetland.

A protected species survey for Lee County listed species meeting the requirements of Land Development Code (LDC) Section 10-473 was conducted by Boylan Environmental Consultants, Inc. Wading birds including little blue heron, snowy egret and wood storks were observed foraging.

Environmental Sciences staff conducted a field verification of the protected species survey, and confirmed the utilization of the site by listed wading birds for foraging. Staff observed great egrets, reddish egret, little blue heron, snowy egret, great blue heron, and ibis foraging. Additionally, staff noted a pair of American bald eagles perched in trees adjacent to the large freshwater marsh. A eagle nest was not located on the property.

The preserved and created freshwater marsh areas in combination with the proposed lakes will provide foraging, roosting and nesting habitat for wading birds. Therefore, no additional management plan is required.

The Master Concept Plan meets the Land Development Code (LDC) open space requirements, and commits to providing 154.48 acres of open space.

Environmental Sciences staff recommend a condition to confirm the open space requirement, which is included in the conditions above.

The applicant is also requesting a deviation from LDC Section 10-415(b) which requires large developments, with existing indigenous vegetation communities, to provide 50 percent of the required open space through onsite preservation of existing native vegetation communities, to allow the restoration, preservation, and/or creation of the "preserve" areas shown the MCP to fulfill this requirement.

The justification states that there will be more native habitat onsite after the development than currently exists if the marsh and forested wetland creation is counted toward the indigenous preservation requirement. The applicant commits to retaining existing native trees in the southwest corner of the property and near the created marsh areas adjacent to the western preserve.

The MCP delineates Lake No. 17 around the 15.72 acre wetland preserve. However, during meetings with the applicant, staff was informed that this will be a created marsh area. Staff inquired if existing native trees will be preserved within this area, and if there was the possibility of planting native wetland trees. The applicant indicated that would be feasible and subsequently submitted two exhibits demonstrating the potential native tree planting areas around the marsh, and native tree preservation areas in the southwest portion of the project. These exhibits were prepared by Source, Inc. stamped received October 29, 2003 and entitled "Native Tree Planting Typical Areas" and "Potential Native Tree Preservation."

The proposed marsh creation in the southeast portion of the project is adjacent to the future Paddle Creek by-pass flow-way to be constructed by Lee County Division of Natural Resources.

The created marsh area will provide wading bird habitat adjacent to the created flow-way.

The applicant has demonstrated that the proposed indigenous creation will provide larger contiguous preserves and result in an increase in native habitat, therefore, Environmental Sciences staff recommend approval of Deviation 2 conditions, which were incorporated above.

Transportation

The applicant's Traffic Impact Statement is included in Attachment J and supplemented with Attachment K (applicant's response to staff's sufficiency comments). The applicant proposes a gated entrance to Del Prado Boulevard, and 2 limited access unmanned fire/resident-only gated driveways at the end of North Second Street and Garden Street.

The proposed project will consist of 1,229 dwelling units and an 18-hole golf course. Based on the ITE Trip Generation Report 6th Edition the project will generate 615 new trips in the peak hour. The anticipated build out year is 2008.

Based on the 2002 Traffic Count Report, and the Generalized Peak Hour Directional Service Volumes for Urbanized Areas, issued by the Lee County Department of Transportation, in year 2009 Del Prado Blvd. Extension east of U.S.41 will operate at level of service "C" without the project, and will drop to "D" with the project. U.S.41 north and south of Del Prado Blvd. will operate at level of service "B" without or with the project. Laurel Drive will operate at level of service "C" without or with the project.

The Master Concept Plan includes development of an existing 150 feet right-of-way along the western project boundary. The right-of-way was originally dedicated for a future arterial facility on the Official Trafficways Map. It was just north of Winona Drive and was conveyed to the Board of County Commissioners in 1989. Roads Impact Fee Credits were granted to the developer.

The future arterial facility is no longer identified as a need on the long range plan. Now the applicant desires to include the right-of-way in the Master Concept Plan. It is our understanding that the applicant will repay the Roads Impact Fee Credits issued for the dedication. When that occurs, staff will start the process to issue a Warranty Deed for the property under Florida Statute 255.22.

Conclusion

In conclusion, this requested rezoning, as conditioned, meets the criteria necessary for a residential planned development including consistency with the Lee Plan. As conditioned, it is compatible with neighboring residential properties. The request does not adversely affect environmentally critical areas, including wetlands on site. There is sufficient access, infrastructure, and no detrimental impact on existing or planned road networks. As conditioned, the proposed use or mix of residential uses is appropriate at the subject location. Staff also finds the deviations recommended for approval, as conditioned, enhance the objectives of the planned development and, preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

IV. ATTACHMENTS:

- A. Map of surrounding zoning
- B. Future Land Use Map
- C. Lee County Department of Transportation Comments
- D. Development Services Traffic Comments
- E. School District Comments
- F. Agricultural Use Affidavit, Legal Description and Sketch
- G. Applicant's Zoning Request, Schedule of Uses, Project Notes
- H. Applicant's Deviation List and Justification
- I. Applicant's Lee Plan Narrative
- J. Applicant's Traffic Impact Statement
- K. Additional Comments on Traffic by Metro Transportation Group
- L. Sabal Springs Resolution (Amendment) #Z-89-026
- M. Sabal Springs Resolution #Z-86-193
- N. Forest Creek Resolution #ZAB-86-63
- O. Intermediate Care Facility Resolution #ZB-82-277
- P. Environmental Sciences Comments
- Q. Site Development Regulations
- R. February 10, 2004 Letter to Tony Palermo from Sabal Springs Property Owners
- S. Environmental Exhibits by Source Engineers: Potential Native Tree Preservation and Native Tree Planting Typical Areas (2 pages)

cc: Applicant

Joan Henry, Assistant County Attorney
Kim Trebatoski, Environmental Sciences
Brad Vance, Natural Resources
Allen Davies, Natural Resources
Andy Getch, LCDOT
Zoning/DCI File

Matt Uhle, Knott, Consoer Law Firm, 1625 Hendry Street, Fort Myers, FL 33902
Sandy Park Development Center, 2975 Garden Street, N. Fort Myers, FL 33917
Sabal Springs Golf & Racquet Club LTD, 17540 N. Tamiami Tr., North Fort Myers, FL, 33903
Island Vista Estates, 3000 North Tamiami Trail, North Fort Myers, FL 33917
Kathy Babcock, Lee County School Board, 2055 Central Ave., Fort. Myers, FL 33901
James Gillespie, Suncoast Estates Task Force, 2020 Lakeside Drive, North Fort Myers, FL 33917
Jason Hamilton Mikes, Attorney, Becker & Poliakoff, 4501 Tamiami Trail, N., #214, Naples, FL 34103
Jack Oatley, 17830 Pineapple Palm Ct., North Fort Myers FL 33917
Ann Anderson, 3532 Sabal Springs Blvd, North Fort Myers FL 33917
Joe Madison, 3730 Gloxinia Dr, North Fort Myers FL 33917
Lisa Angel, 2949 Winona Dr, North Fort Myers FL 33917
Robert G. Mosena, 3801 Gloxonia Dr, North Ft Myers FL 33917
John & Sadie Dimatteo, 3662 Sabal Springs Blvd, North Ft Myers FL 33917
William & Grace Cook, 17940 Antherium Ln, North Fort Myers FL 33917
Frank & Carlene Kovacs, 3871 Ponytail Palm Ct, North Ft Myers FL 33917
Elliott & Virginia Horning, 17506 Plumeria Ln, North Fort Myers FL 33917
Douglas Garton, 3558 Sabal Springs Blvd., North Fort Myers, FL 33917
Ken and Jackie Houston, 6494 Pinebrook Lane, Burton, Michigan, 48509

PROPOSED MOBILE HOME PARK
(THE HERITAGE)
(RPD)

SABAL SPRINGS
RPD ACREAGE 220.64

RPD AREA

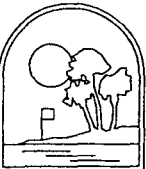
TOTAL AREA	220.64 AC
GROSS RESIDENTIAL AREA	220.64 AC
PRESERVATION AREA	5.66 AC
NET RESIDENTIAL AREA	214.98 AC
NUMBER OF LOTS	770 LOTS
GROSS RESIDENTIAL DENSITY	3.49 U.P.A.
NET RESIDENTIAL DENSITY	3.58 U.P.A.
SEWAGE TREATMENT AREA	1.5 AC
LAKE AREA	17.5 AC
RECREATION AREA	3.0 AC
GOLF COURSE AREA	57.8 AC

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

DEVIATION FROM SECTION 202.15 D30 OF THE
LEE COUNTY ZONING REGULATIONS TO ALLOW
A STRUCTURE WITHIN 15' OF A SECTION LINE
(TO 0')

NOTES:

1. MAXIMUM BUILDING HEIGHT FOR SINGLE FAMILY (RPD) AREAS WILL BE 15' ABOVE GRADE.
2. MAXIMUM BUILDING HEIGHT FOR CLUBHOUSES WILL BE 35' ABOVE GRADE.
3. MINIMUM LOT SIZE WILL BE 50'x100'
4. DEVELOPMENT WILL ENCOURAGE THE PRESERVATION OF TREES WHEREVER POSSIBLE. UPLAND PRESERVATION ARE INDICATED BY CROSS-HATCHING.



SABAL SPRINGS
GOLF AND RACQUET CLUB
RPD

SECTION 23, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

Master Concept Plan



SOURCE, INC.
ENGINEERS - PLANNERS
Engineering Division #267

1334 LAFAYETTE STREET • CAPE CORAL, FL 33904
TELEPHONE (239)549-2345 FAX (239)549-6779

JOB NO.	533-01-02	SHEET NO.	1
DATE	01-21-04	DRAWN BY:	QW
		FILE NAME:	MCP

DEVIATION FROM SECTION 5B.C.2 OF THE
LEE COUNTY ZONING REGULATIONS TO ALLOW
AN EXCAVATION FOR WATER RETENTION WITHIN
60' OF A QUARTER SECTION LINE (TO 0')

100' DEL PRADO EXT. RIGHT-OF-WAY

40' BUFFER & INTERCEPT SWALE

SECURITY GATE

VACANT (CPD)

WET AREA #1
(USCOE & LEE COUNTY
JURISDICTION)

VACANT (COMMERCIAL)

SECURITY GUARD HOUSE

30' SETBACK FROM
PROPERTY LINE

TEMP. SALES OFFICE

REC CENTER

MAINTENANCE AND
STORAGE AREA

VACANT (AG)

DEVIATION FROM SECTION 518.C.2 OF THE
LEE COUNTY ZONING REGULATIONS TO ALLOW
AN EXCAVATION FOR WATER RETENTION WITHIN
60' OF A QUARTER SECTION LINE (TO 0')

SAN SOUCI LAKES
TRAVEL TRAILER PARK
(MH-2)

LCU AREA #1
(LEE COUNTY JURISDICTION)

UNIT 1

BLOCK 1	22
BLOCK 2	15
BLOCK 3	14
BLOCK 4	9
BLOCK 5	15
BLOCK 6	8
BLOCK 7	12
BLOCK 8	16
BLOCK 9	32
BLOCK 10	25
BLOCK 11	16
BLOCK 12	5
SUBTOTAL	189

UNIT 2

BLOCK 8	22
BLOCK 13	15
BLOCK 14	14
BLOCK 15	9
BLOCK 16	15
BLOCK 17	8
BLOCK 18	12
SUBTOTAL	154

UNIT 3

BLOCK 15	17
BLOCK 18	25
BLOCK 19	24
BLOCK 20	1
BLOCK 21	7
BLOCK 22	23
BLOCK 23	10
BLOCK 24	18
BLOCK 25	36
BLOCK 31	3
BLOCK 33	37
BLOCK 34	21
SUBTOTAL	222

UNIT 4A

BLOCK 15A	5
BLOCK 20	8
BLOCK 21A	10
BLOCK 32	14
BLOCK 33A	12
SUBTOTAL	49

UNIT 4B

BLOCK 1	7
BLOCK 2	6
BLOCK 3	11
BLOCK 4	1
BLOCK 5	6
BLOCK 6	5
BLOCK 7	16
SUBTOTAL	52

UNIT 4C

BLOCK 1	22
BLOCK 2	8
BLOCK 3	16
BLOCK 4	14
BLOCK 5	10
BLOCK 6	3
BLOCK 7	6
BLOCK 8	16
BLOCK 9	10
SUBTOTAL	104

GRAND TOTAL 770

LOT BREAKDOWN

(REDUCED TO HALF SCALE)

RECEIVED
APR 19 2004

PERMIT NUMBER

2003-00023

0012003-00023

Apr 15, 2004 - 3:48pm C.O. Heppner
Source: c:\projects\03\001-02 Crane Landing & Sabal Springs (3 projects)\533-01-02 Crane Landing (04-14-04)\533-01-02 Crane Landing MCP.dwg

REVISION	DATE	REMARKS	CHG. BY
1	8/06/03	REVISED PER LEE CO. COMMENTS	CN
1	6/23/03	REVISED PER LEE CO. COMMENTS	CN

PERMIT COURT

RECEIVED
APR 15 2004

Open Space Summary:

Open Space Required @ 40% = 154.28 Acres

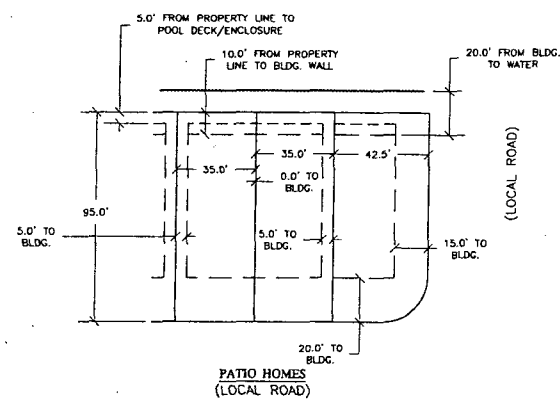
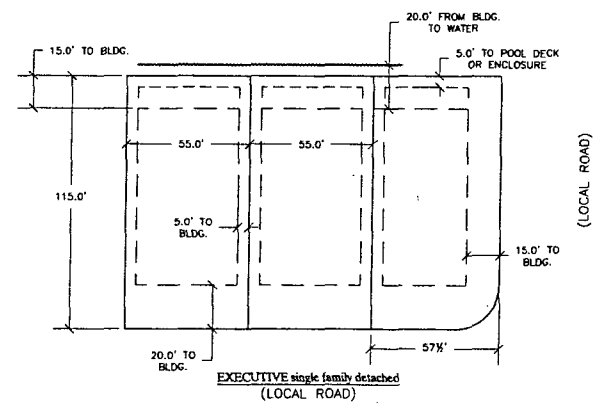
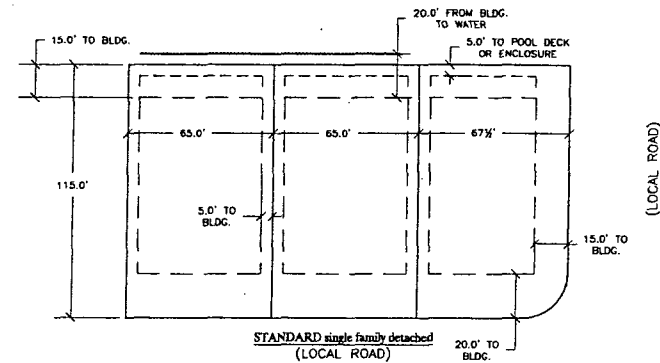
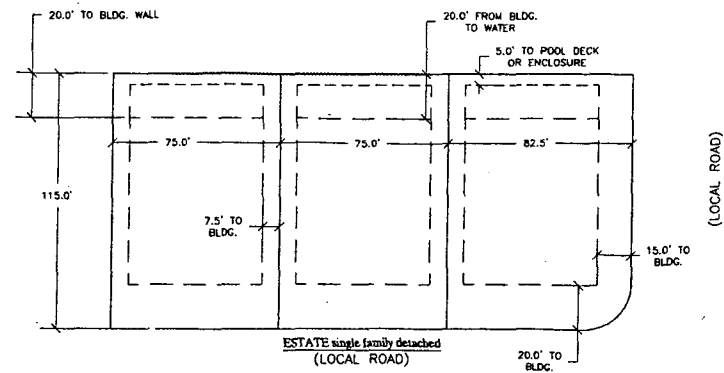
Indigenous Vegetation: (per LDC Sec. 10-415 (b)), large developments must provide 50% of their required open space through onsite preservation of existing native vegetation. This would equate to 77.14 acres of indigenous open space to be preserved. However, this site is predominately a "cleared pasture". Therefore, insufficient indigenous vegetation is available onsite to satisfy this requirement. The only portion of the site classified as "indigenous vegetation" are the proposed wetland preserves. Those areas contain approximately 17.32 acres of indigenous wetland vegetation to be preserved and/or enhanced.

Provided Open Space Summary:

1. Lakes (see below) = 38.57 ac.
2. Wetland Preserves = 27.29 ac.
3. Golf Course = 118.82 ac.
4. FPL Easement = 6.73 ac.
5. Total Open Space = 191.94 ac.

Water Body Open Space (per LDC 10-415(d)(2)c., water bodies may be used to offset a maximum of 25% of the required open space area):

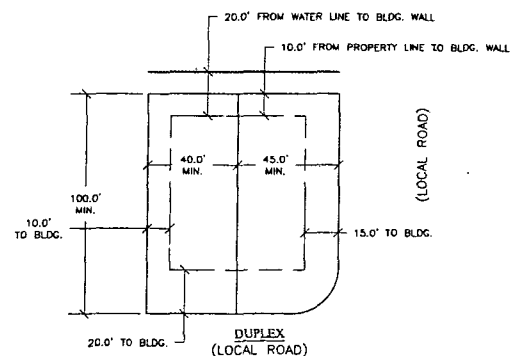
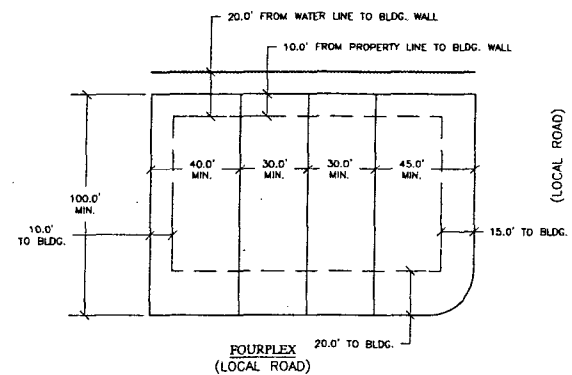
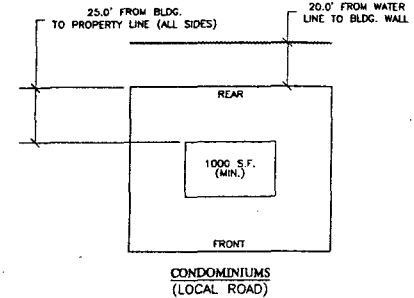
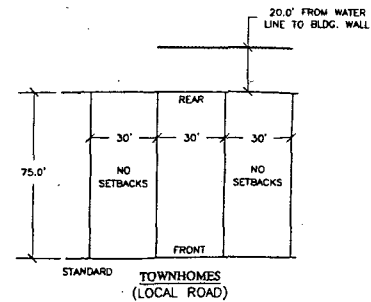
- a. Maximum water bodies that may offset open space = 38.57 ac.
- b. Provided water body open space (lakes) = 39.54 ac.



LEGEND

- WATERS EDGE
- POOL DECK OR ENCLOSURE
- BUILDING

EXHIBITS
IV-J-1
IV-J-1



Crane Landing
IN
SECTION 23, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
Master Concept Plan

TIMOTHY E. LEE, P.E.
FLORIDA CERTIFICATE NUMBER 42041
APR 18 2004



SOURCE, INC.
ENGINEERS, PLANNERS
Engineering Division #2027

1334 LAFAYETTE STREET • CAPE CORAL, FL 33904
TELEPHONE (239)549-2345 FAX (239)549-6775

JOB NO. 533-01-02
SHEET NO. 3
DATE 1/20/03
DRAWN BY: LH
FILE NAME: 03-533

EXHIBIT A

CRANE LANDING GOLF
COURSE COMMUNITY
RPD

DC12003-00023

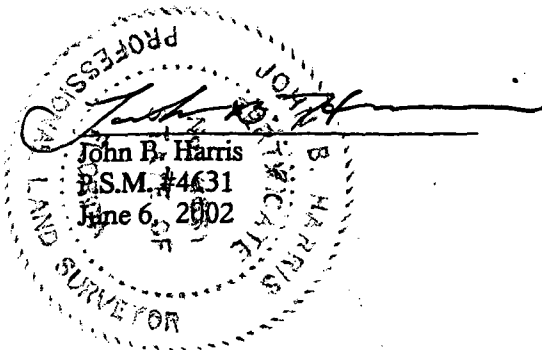
DESCRIPTION: (Per Harris-Jorgensen, Inc.)

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

Commencing at the Northwest corner of the aforesaid Section 23; thence run S.00°13'38"E. along the West line of said Section 23 for 100.00 feet to the South right-of-way line of Mellow Drive (100.00 feet wide per County right-of-way map for County Project # 4013); thence run N.89°59'07"E. (100.00 feet South of and parallel to the North line of the aforesaid Section 23) for 125.19 feet to the point of beginning; thence continue N.89°59'07"E. (100.00 feet South of and parallel to the North line of said Section 23) for 2546.80 feet; thence run N.89°54'44"E. for 186.46 feet; thence run S.11°11'47"E. for 5333.51 feet to a point on the South line of the aforesaid Section 23; thence run N.88°39'56"W. along the South line of said Section 23 for 1226.12 feet to the Southwest corner of the Southeast Quarter (S.E.1/4) of said Section 23; thence run S.89°49'54"W. along the South line of said Section 23 for 634.40 feet to the East right-of-way line of Garden Street (60.00 feet wide); thence run N.00°01'02"E. along said East right-of-way line for 568.00 feet; thence run S.89°49'54"W. for 505.00 feet; thence run S.00°01'02"W. for 568.00 feet to the South line of the aforesaid Section 23; thence run S.89°49'54"W. along the South line of said Section 23 for 1519.91 feet to the Southwest corner of said Section 23; thence run N.00°01'31"E. along the West line of said Section 23 for 568.00 feet; thence run N.89°49'54"E. for 150.00 feet to the East right-of-way line of a County Road (150.00 feet wide); thence run N.00°01'31"E. along the East right-of-way line of said County Road for 2081.69 feet to a point of curvature; thence run Northeasterly along said East right-of-way line for 106.54 feet along the arc of a curve concave Southeasterly, with a radius of 1025.00 feet, a delta of 05°57'19", a chord bearing of N.03°00'10"E. and a chord distance of 106.49 feet to a point of tangency; thence run N.05°58'50"E. along said East right-of-way line for 435.69 feet to a point of curvature; thence run Northeasterly along said East right-of-way line for 127.31 feet along the arc of a curve concave Northwesterly, with a radius of 1175.00 feet, a delta of 06°12'28", a chord bearing of N.02°52'36"E. and a chord distance of 127.24 feet to a point of tangency; thence run N.00°13'38"W. along said East right-of-way line for 882.73 feet to a point of curvature; thence run Northwesterly along said East right-of-way line for 255.26 feet along the arc of a curve concave Southwesterly, with a radius of 1175.00 feet, a delta of 12°26'49"W. and a chord distance of 254.76 feet to a point of tangency; thence run N.12°40'27"W. along said East right-of-way line for 386.42 feet to a point of curvature; thence run Northwesterly along said East right-of-way line for 222.67 feet along the arc of a curve concave Northeasterly, with a radius of 1025 feet, a delta of 12°26'49", a chord bearing of N.06°27'02"W. and a chord distance of 222.23 feet to a point of tangency; thence run N.00°13'38"W. along said East right-of-way line for 109.54 feet to a point of curvature; thence run Northeasterly for 78.72 feet along the arc of a curve concave Southeasterly, with a radius of 50.00 feet, a delta of 90°12'29", a chord bearing of N.44°52'53"E. and a chord distance of 70.84 feet to the point of beginning.

Said tract contains 378.826 acres, more or less, and is subject to easements, restrictions and reservations of record.

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



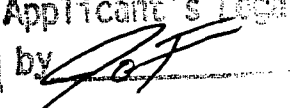
Applicant's Legal Checked
by 

EXHIBIT "A"

SABAL SPRINGS RPD

RECEIVED
FEB 01 2004
COMMUNITY DEVELOPMENT

DESCRIPTION:

A tract or parcel of land being Sabal Springs Golf & Racquet Club, Units One, One A, Two, Three, Four - A, Four - B and Four - C lying in Sections 22 and 23, Township 43 South, Range 24 East, Lee County, Florida, described as follows:

Beginning at the Southwest corner of Tract "H", Sabal Springs Golf & Racquet Club, Unit One as recorded in Plat Book 41, Pages 14 through 22, Public Records of Lee County, Florida; thence run N.15°38'10"W. for 375.37 feet; thence run N.74°21'50"E. for 246.61 feet; thence run N.00°48'55"E. for 868.50 feet to the Southwest corner of Tract "C", Sabal Springs Golf & Racquet Club, Unit Two as recorded in Plat Book 43, Pages 74 through 82, Public Records of Lee County, Florida; thence continue N.00°48'55"E. for 60.00 feet; thence run S.89°11'05"E. for 67.50 feet; thence run N.00°48'55"E. for 25.22 feet to a point of curvature; thence run Northeasterly for 402.55 feet along the arc of a curve concave Southeasterly, with a radius of 222.50 feet, a delta of 103°39'32", a chord bearing of N.52°38'42"E. and a chord distance of 349.85 feet to a point of tangency; thence run S.75°31'32"E. for 250.64 feet to a point of curvature; thence run Northeasterly for 56.45 feet along the arc of a curve concave Northwesterly, with a radius of 77.50 feet, a delta of 41°44'00", a chord bearing of N.83°36'28"E. and a chord distance of 55.21 feet to a point of tangency; thence run N.62°44'28"E. for 143.04 feet to a point of curvature; thence run Northeasterly for 75.57 feet along the arc of a curve concave Northwesterly, with a radius of 52.50 feet, a delta of 82°28'08", a chord bearing of N.21°30'24"E. and a chord distance of 69.21 feet to a point of tangency; thence run N.19°43'40"W. for 218.49 feet to a point of curvature; thence run Northwesterly for 307.99 feet along the arc of a curve concave Northeasterly, with a radius of 902.50 feet, a delta of 19°33'10", a chord bearing of N.09°57'05"W. and a chord distance of 306.50 feet to a point of reverse curvature; thence run Northwesterly for 18.67 feet along the arc of a curve concave Southwesterly, with a radius of 62.50 feet, a delta of 17°06'46", a chord bearing of N.08°43'54"W. and a chord distance of 18.60 feet to a point of tangency; thence run N.17°17'16"W. for 78.01 feet to a point of curvature; thence run Northwesterly for 96.32 feet along the arc of a curve concave Northeasterly, with a radius of 322.50 feet, a delta of 17°06'46", a chord bearing of N.08°43'53"W. and a chord distance of 95.97 feet to a point of tangency; thence run N.00°10'30"W. for 190.12 feet; thence run N.89°49'30"E. for 709.79 feet; thence run S.89°57'02"E. for 582.32 feet to the Northwest corner of Tract "E", Sabal Springs Golf & Racquet Club, Unit Three as recorded in Plat Book 47, Pages 27 through 36, Public Records of Lee County, Florida; thence continue S.89°57'02"E. for 938.37 feet to the Northwest corner of Tract "A", Sabal Springs Golf & Racquet Club, Unit Four - C as recorded in Plat Book 68, Pages 41 through 45, Public Records of Lee County, Florida; thence run S.89°57'31"E. for 1045.70 feet; thence run S.00°12'19"E. for 160.33 feet to a point of curvature; thence run Southeasterly for 255.26 feet along the arc of a curve concave Northeasterly, with a radius of 1175.00 feet, a delta of 12°26'49", a chord bearing of S.06°25'43"E. and a chord distance of 254.76 feet to a point of tangency; thence run S.12°39'08"E. for 386.43 feet to a point of curvature; thence run Southeasterly for 222.67 feet along the arc of a curve concave Southwesterly, with a radius of 1025.00 feet, a delta of 12°26'49", a chord bearing of S.06°25'43"E. and a chord distance of 222.23 feet to a point of tangency; thence run S.00°12'19"E. for 882.73 feet to a point of curvature; thence run Southwesterly for 111.05 feet along the arc of a curve concave Northwesterly, with a radius of 1025 feet, a delta of 06°12'28", a chord bearing of S.02°53'55"W. and a chord distance of 111.00 feet to a point of tangency; thence run S.06°00'09"W. for 435.69 feet to a point of curvature; thence run Southwesterly for 122.07 feet along the arc of a curve concave

DCI 2003-00023

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

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

Bearings are based on the North line of the aforesaid Sabal Springs Golf & Racquet Club, Unit Three as being $S.89^{\circ}57'02''E.$

Applicant's Legal Checked

by *[Signature]* February 4, 2004.

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

RECEIVED

FEB 01 2004

COMMUNITY DEVELOPMENT

DCI 2003-00023

SABAL SPRINGS GOLF & RACQUET CLUB
UNITS ONE, ONE-A, TWO, THREE,
FOUR-A, FOUR-B & FOUR-C

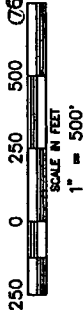
A SUBDIVISION LYING IN
 SECTION 22 & 23, TOWNSHIP 43 SOUTH, RANGE 24 EAST
 LEE COUNTY, FLORIDA

SEE EXHIBIT "A" FOR LEGAL DESCRIPTION!

RECEIVED

FEB 01 2004

COMMUNITY DEVELOPMENT



LINE#	BEARING	DISTANCE
L1	N.15°38'10"W.	375.37'
L2	N.74°21'50"E.	246.61'
L3	N.00°48'55"E.	60.00'
L4	S.89°11'05"E.	67.50'
L5	N.00°48'55"E.	25.22'
L6	S.75°31'32"E.	250.64'
L7	N.62°44'28"E.	143.04'
L8	N.19°43'40"W.	218.49'
L9	N.17°17'16"W.	78.01'
L10	N.00°10'30"W.	190.12'
L11	N.89°51'07"W.	205.41'
L12	N.15°38'10"W.	55.27'
L13	S.74°21'50"W.	195.69'
L14	N.15°38'10"W.	54.87'
L15	S.74°21'50"W.	201.47'

POINT OF BEGINNING

S.W. CORNER TRACT "H"
 (PLAT BOOK 41, PAGES 14-22)

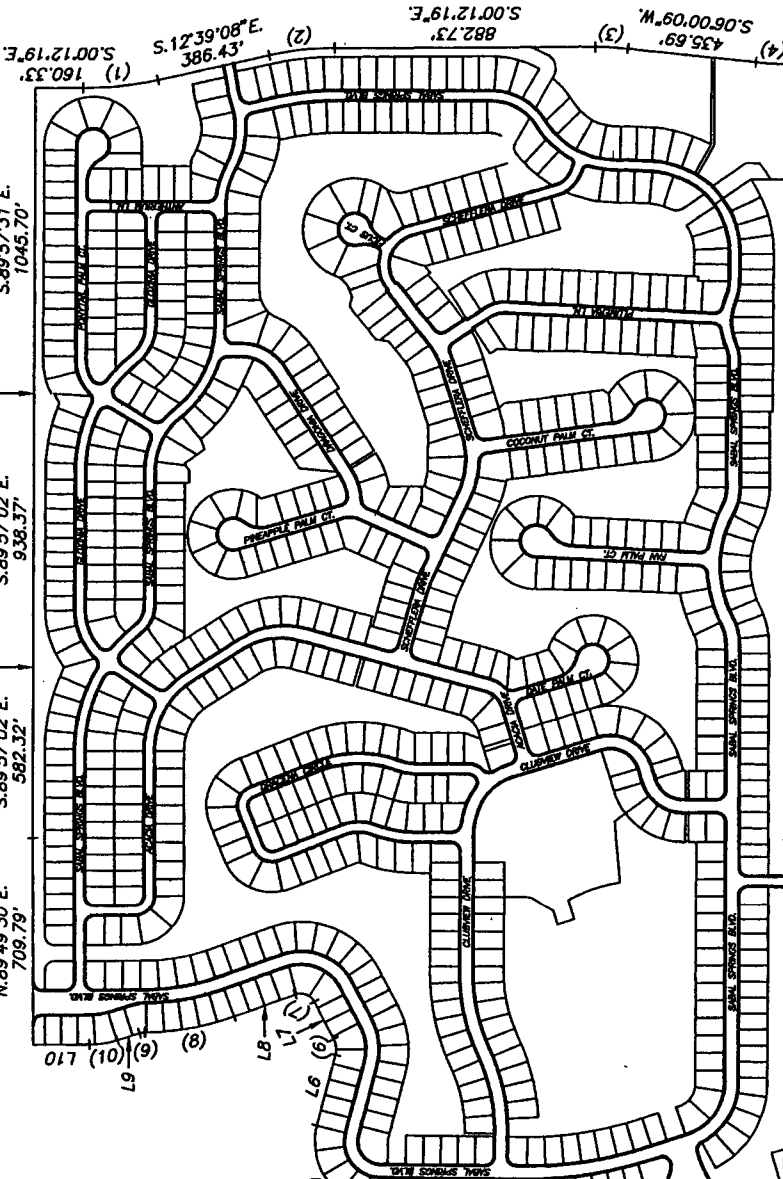
CURVE TABLE

NO.	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
1	1175.00'	12°26'49"	255.26'	254.78'	S.06°25'43"E.
2	1025.00'	12°26'49"	222.67'	222.23'	S.06°25'43"E.
3	1025.00'	06°12'28"	111.05'	111.00'	S.02°53'55"W.
4	1175.00'	05°57'08"	122.07'	122.01'	S.03°01'36"W.
5	222.50'	103°39'32"	402.55'	349.85'	N.52°38'42"E.
6	77.50'	82°28'08"	56.45'	55.21'	N.83°36'28"E.
7	52.50'	19°33'10"	307.99'	306.50'	N.09°57'05"W.
8	902.50'	17°06'46"	18.67'	18.60'	N.08°43'54"W.
9	62.50'	17°06'46"	96.32'	95.97'	N.08°43'53"W.
10	322.50'	17°06'46"	96.32'	95.97'	N.08°43'53"W.

SKETCH OF

N.W. CORNER TRACT "E"
 (PLAT BOOK 47, PAGES 27-36) N.W. CORNER TRACT "A"
 (PLAT BOOK 68, PAGES 41-45)

N.89°49'30"E. 709.79' S.89°57'02"E. 582.32' S.89°57'02"E. 938.37' S.89°57'31"E. 1045.70'



(1) 160.33' S.00°12'19"E. 882.73' (2) 123°39'21"E. 3.80' 886.43' (3) 435.69' S.06°00'09"W. 392.06' COMPLETED 394.92' PER PLAT N.89°51'07"W. 906.26' N.89°51'07"W. 1156.49' N.89°51'07"W. 1065.66' L11 N.89°51'50"W. 1065.66' L12 N.89°51'50"W. 1065.66' L13 N.89°51'50"W. 1065.66' L14 N.89°51'50"W. 1065.66' L15 N.89°51'50"W. 1065.66' L16 N.89°51'50"W. 1065.66' L17 N.89°51'50"W. 1065.66' L18 N.89°51'50"W. 1065.66' L19 N.89°51'50"W. 1065.66' L20 N.89°51'50"W. 1065.66'

S.E. CORNER TRACT "D" (PLAT BOOK 47, PAGES 27-36) S.E. CORNER TRACT "A" (PLAT BOOK 65, PAGES 81-82)

220.642 ACRES ±
 JOB # SSGRC-4324
 SKETCH DATE: 1/16/04

Signature: *John B. Harris*
 DATE: JANUARY 22, 2004

JOHN B. HARRIS, PSM
 FLORIDA LAND SURVEYOR #4631
 FLORIDA CERTIFICATE OF AUTHORIZATION LB #6921

Sketch S.E. CORNER TRACT "D" (PLAT BOOK 47, PAGES 27-36) S.E. CORNER TRACT "A" (PLAT BOOK 65, PAGES 81-82)


Applicant's Survey Checked By: *Henry Y. 2004*

HARRIS - JORGENSEN, INC.
 2706 S.E. SANTA BARBARA PLACE
 CAPE CORAL, FLORIDA
 PHONE: (941) 772-9939
 FAX: (941) 772-1315

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

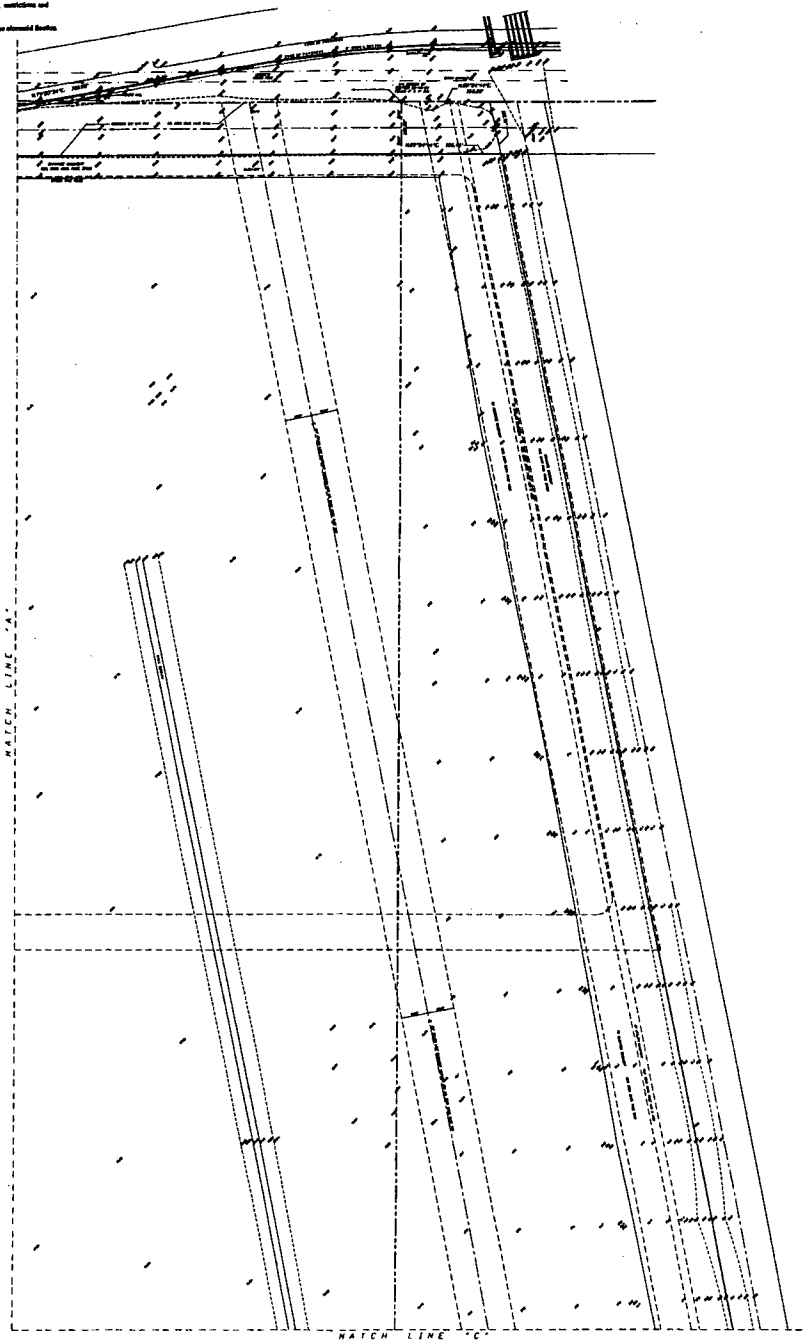
PRELIMINARY BOUNDARY & PARTIAL TOPOGRAPHIC SURVEY OF
PART OF SECTION 23
TOWNSHIP 43 SOUTH RANGE 84 EAST
LEE COUNTY, FLORIDA



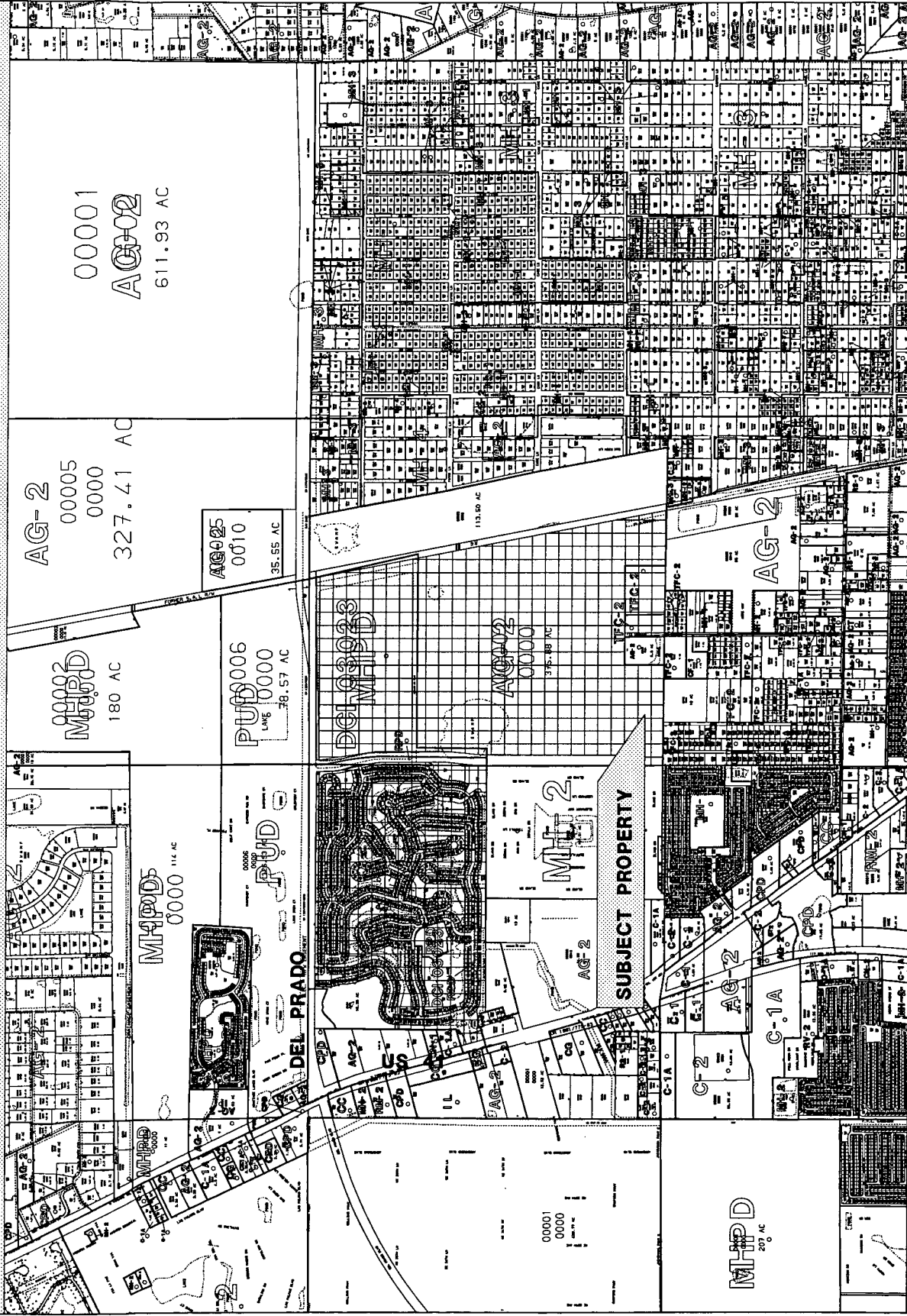
REVISED	DESCRIPTION	BY
7/17/88	REVISED: BOUNDARY	PN
		
J. L. HARRIS, SURVEYOR JOHN S. HARRIS JR. FLORIDA LAND SURVEYORS ASSOCIATION		
TRAVERS	SCALE	PAGE 3
7/21/88	1"=40'	NO. 43-0-1
SURVEY DATE	FILE NO.	DATE -
3/2/88	43-04-2	07 - 4
FLORIDA CERTIFICATE OF ACCURACY 0.10 6963		

Hold tract contains 378.826 acres, more or less, and is subject to easements, restrictions and reservations of record.

Boundaries are based on the West Line of the Northwest Quarter (N.W. 1/4) of the above said Section 23 at being S.00°-17'30"-E.

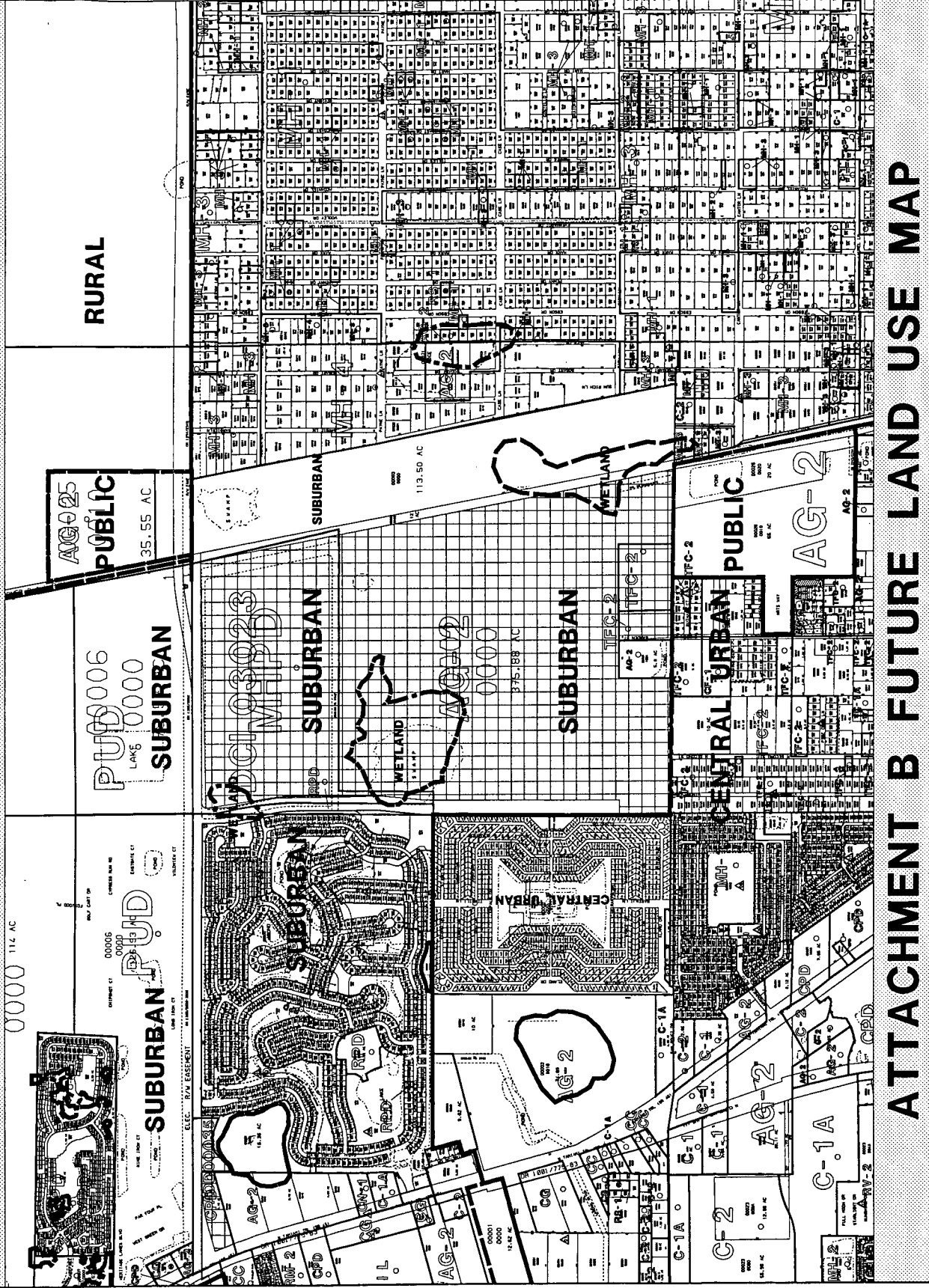


DCI2003-00023 CRANE LANDING RPD



ATTACHMENT A

DCI2003-00023 CRANE LANDING

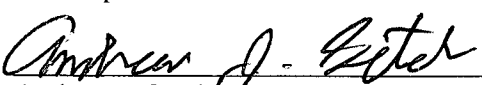


ATTACHMENT B FUTURE LAND USE MAP

Memo

ATTACHMENT C

To: Anthony Palermo
Development Services Senior Planner

From: 
Andrew J. Getch, P.E.
LCDOT Senior Engineer

Date: November 26, 2003

Re: **Crane Landing Golf Course Community RPD**
DCI2003-00023

We have received the Application for Public Hearing for this case. The request as we understand it is to rezone 379 acres of MHPD, TFC-2 and AG-2 lands to RPD to allow for up to 1,229 dwelling units and a golf course development south of Del Prado Extension. We have the following comments on the RPD that you may wish to incorporate into the staff report:

The Master Concept Plan includes development of an existing 150 feet right-of-way along the western project boundary. The right-of-way was originally dedicated for a future arterial facility on the Official Trafficways Map. It was just north of Winona Drive and was conveyed to the Board in 1989. Roads Impact Fee Credits were granted to the developer.

The future arterial facility is no longer identified as a need on the long range plan. Now the applicant desires to include the right-of-way in the Master Concept Plan. It is our understanding that the applicant will repay the Roads Impact Fee Credits issued for the dedication. When that occurs, staff will start the process to issue a Warranty Deed for the property under Florida Statute 255.22.

AJG/mlb

cc: Margaret Lawson
Joan Henry – Assistant County Attorney
Zoning File

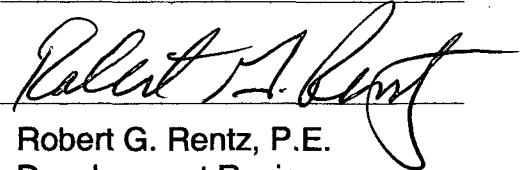
LEE COUNTY
RECEIVED
03 DEC -2 AM 9:21
COMM. DEV/
PUB. WORKS. CNTR.
SECOND FLOOR

MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES DIVISION

DATE: December 2, 2003

To: Tony Palermo
Senior Planner

FROM:


Robert G. Rentz, P.E.
Development Review
Engineer

RE: **Crane Landing Golf Course Community**
Case No. DCI2003-00023

The proposed project will consist of 1,229 dwelling units and an 18-hole golf course. Based on the ITE Trip Generation Report 6th Edition the project will generate 615 new trips in the peak hour. The anticipated build out year is 2008.

Based on the 2002 Traffic Count Report, and the Generalized Peak Hour Directional Service Volumes for Urbanized Areas, issued by the Lee County Department of Transportation, in year 2009 Del Prado Blvd. Extension east of U.S.41 will operate at level of service "C" without the project, and will drop to "D" with the project. U.S.41 north and south of Del Prado Blvd. will operate at level of service "B" without or with the project. Laurel Drive will operate at level of service "C" without or with the project.

ATTACHMENT D



THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3916 • (239) 334-1102 • TTD/TTY (239) 335-1512

March 28, 2003

Mr. Tony Palermo
Lee County Development Services Division
P. O. Box 398
Ft. Myers, FL 33902-0398

JEANNE S. DOZIER
CHAIRMAN • DISTRICT 2

ELINOR C. SCRICCA, PH.D.
VICE CHAIRMAN • DISTRICT 5

ROBERT D. CHILMONIK
DISTRICT 1

JANE E. KUCKEL, PH.D.
DISTRICT 3

STEVEN K. TEUBER
DISTRICT 4

JAMES W. BROWDER, ED.D.
INTERIM SUPERINTENDENT

KEITH B. MARTIN
BOARD ATTORNEY

Re: Crane Landing Golf Course Community, DCI 2003-00023

Dear Tony:

Thank you for the opportunity to review the Crane Landing Golf Course Community DCI for sufficiency with regard to educational impacts. This proposed development is in the West Region of the District, immediately north of the North Fort Myers Academy of the Arts. The following questions need to be addressed concerning the proposed project:

1. Will any of the residential units be age restricted to those over 55 in accordance with HUD standards? If so, please provide the appropriate documentation.
2. Will any of the proposed units consist of rental apartments, and if so what will be the unit mix? Price point?
3. What mitigation measures is the applicant going to offer in an effort to offset traffic impacts from the project that will affect North Fort Myers Academy of the Arts? Please be aware that as of August 2003, the existing portables on the NFMAA campus will be used to house new students in addition to those in the new NFMAA complex. Therefore, this campus will be a multi-school complex for the next two years while west zone schools are under construction. This additional amount of parent and bus traffic needs to be considered in this application.

Thank you for your attention to this matter. Please note that on November 27, 2001, the Lee County Commission adopted school impact fees and the applicant will be expected to comply with said ordinance.

Thank you for your attention to this issue. If I may be of further assistance, please give me a call.

Sincerely,

Stephanie Keyes, Facilities Planner
Department of Construction and Planning

cc: Tyler F. Patak, NCARB, Director

ATTACHMENT E

DISTRICT VISION

TO PREPARE EVERY STUDENT FOR SUCCESS

DISTRICT MISSION

Crane Landing Suff 3-28-03

TO PROVIDE A QUALITY EDUCATION IN A SAFE AND WELL-MANAGED ENVIRONMENT

LEE COUNTY
RECEIVED
03 MAR 31 AM 9:04
CO. 11 DEV/
PUB. WORKS CNTR.
GENERAL FLOOR

RECEIVED
AUG 08 2003

**Knott, Consoer, Ebelini
Hart & Swett, P.A.**
ATTORNEYS AT LAW

ZONING COUNTER

George H. Knott *+
George L. Consoer, Jr. **
Mark A. Ebelini
Thomas B. Hart
H. Andrew Swett

* Board Certified Civil Trial Lawyer
** Board Certified Real Estate Lawyer
+ Board Certified Business Litigation Lawyer

1625 Hendry Street • Third Floor (33901)
P.O. Box 2449
Fort Myers, Florida 33902-2449

Telephone (239) 334-2722
Telecopier (239) 334-1446

Muhle@knott-law.com

Mathew D. Uhle
Aaron A. Haak
Derrick S. Eihausen

Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

July 18, 2003

Mr. Hussein A. Jibai, General Manager
Sabal Springs Golf & Racquet Club
17540 N. Tamiami Trail
N. Ft. Myers, FL 33903

Re: Crane Landing Zoning Case

Dear Mr. Jibai:

Enclosed please find an affidavit addressing the agricultural use issue. A copy of the boundary sketch should be attached to it as Exhibit "A." The information contained within it is derived from the County's zoning file. If it contains any errors, please let me know, and we will correct them.

The density question does not make any reference to the DRI issue, but it can have no other purpose. I recommend answering the question in the following manner:

As noted in the application, Crane Landing consists of 385.7 acres, of which 33 acres are wetlands. A maximum of 1229 units are proposed for the project. The upland density, therefore, is less than 3.5 units per acre, which is well within the maximum density permitted in the Suburban FLUM category.

Sabal Springs Golf and Racquet Club consists of 250 acres. The zoning resolution for the project permits a maximum of 831 units in the project; however, the development order permits only 770 and the project will be (is, if that is the case-MDU) built out at that number. The density for Sabal Springs, therefore, is 3.08 units per acre, which is also consistent with the Suburban FLUM category.

ATTACHMENT F

ATTACHMENT F

AFFIDAVIT

STATE OF FLORIDA)
COUNTY OF LEE)

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

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

EXECUTED this 15th day of October, 2003.



HUSSEIN A. JIBAI

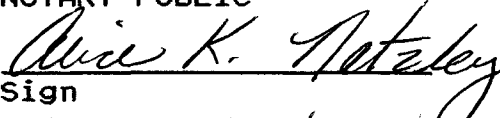
STATE OF FLORIDA
COUNTY OF LEE

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

My Commission Expires:

8-26-2007

NOTARY PUBLIC



Sign

ALICE K. NETZELEY

Print

RECEIVED
OCT 29 2003

PERMIT COUNTER State of Florida at Large (Seal)

DCI 2003-00023



EXHIBIT "A"

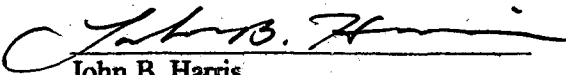
DESCRIPTION:

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

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

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

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


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

RECEIVED
OCT 29 2003

ATTACHMENT F

PERMIT COUNTER

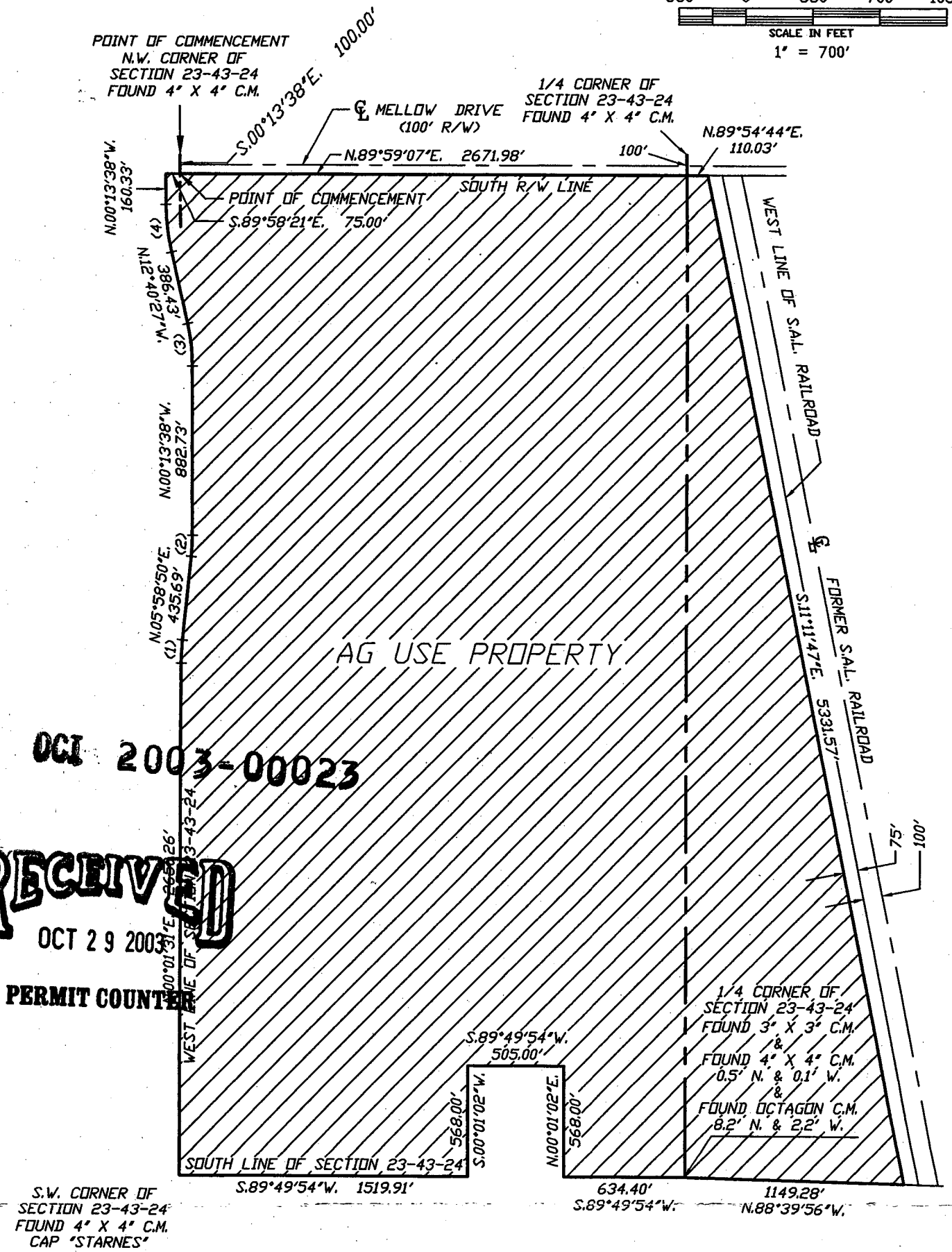
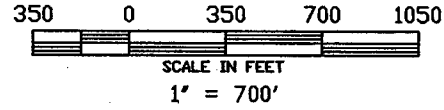
DOI · 2003-00023

ATTACHMENT F

SKETCH OF PART OF SECTION 23

TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

SEE EXHIBIT 'A' FOR LEGAL DESCRIPTION.



OCI 2003-00023

RECEIVED
OCT 29 2003

PERMIT COUNTER

S.W. CORNER OF
SECTION 23-43-24
FOUND 4' X 4' C.M.
CAP "STARNES"

CURVE TABLE

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

PROJECT # NSS-4 JOB # NSS-2

SKETCH DATE: 10/16/03

John B. Harris

OCTOBER 16, 2003

JOHN B. HARRIS, PSM
FLORIDA LAND SURVEYOR #4631

FLORIDA CERTIFICATE OF AUTHORIZATION LB #6921

Exhibit IV-I-1
Crane Landing Golf Course Community RPD
 ZONING COUNTER

STRAP Number(s):

23-43-24-00-00001.0000, 23-43-24-00-00001.1000, 23-43-24-00-00001.1010,
 23-43-24-00-00001.1020, 23-43-24-00-00001.1030, 23-43-24-00-00001.0040,
 23-43-24-00-00001.1050, & 23-43-24-00-00001.105A

Zoning Request / Schedule of Uses / Project Notes:

Introduction / Project Location:

The subject property is located in Section 23, Township 43 South, Range 24 East, Lee County, Florida. It represents the majority of the portion of that section that is located south of Del Prado Blvd. / Mellow Drive extension, and west of the former railroad grade. The project site abuts the existing Sabal Springs Golf & Racquet Club and San Souci Lakes communities along its western edge, and is north of the North Fort Myers Academy for the Arts (f.k.a. Suncoast Middle / Elementary School).

The property currently owned (under control) by the applicant is approximately 378.83± acres. There is a vacant 150' wide road right-of-way located along the western edge of the subject property, which includes 16.05± acres. Discussions with Lee County DOT indicate that they do not believe that they will need that right-of-way for any future roadway link, therefore the applicant is negotiating for its release and vacation. There is a 75' wide strip of land (9.18± ac.) along the eastern edge of the property, that Lee County Water Resources Division is in the process of acquiring from the applicant, which is to be used as part of a drainage conveyance right-of-way. The acreage utilized on the MCP and RPD application has excluded that future drainage right-of-way, but has included vacant road right-of-way as part of the proposed planned development. Therefore the acreage for this planned development is reported as 385.7± acres.

Request:

This request is to re-zone the subject parcel from MHPD, AG-2, & TFC-2 to RPD. This request is for a maximum 1229 dwelling unit, residential community (approximately 50% single family lots, 50% multi-family units), integrated in and around an 18-hole golf course.

The project has been proposed as a mixed unit type, residential golf course community. The single family detached residential product types include a mixture of several different lot size configurations including; patio homes lots, executive lots, standard lots, and estate lots. These lot type sizes are described in detail on the MCP. The multi-family residential product types proposed in this project include: townhouses and apartment condominiums. The townhouse product (common