RESOLUTION NUMBER Z-21-021

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

WHEREAS, Morris-Depew Associates, Inc. filed an application on behalf of the property owner, CL Ventures, LLC, to amend the Crane Landing (aka Palermo) Residential Planned Development (RPD), a 385.64± acre parcel, in reference to Crane Landing; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Amanda L. Rivera, was advertised and held on November 10, 2021; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2021-00016 and recommended APPROVAL of the Request; and

WHEREAS, a second public hearing was advertised and held on March 2, 2022 before the Lee County Board of Commissioners; and,

WHEREAS, the Lee County Board of Commissioners 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

The applicant filed a request to rezone a 385.64± acre parcel to modify the Master Concept Plan (MCP), Schedule of Uses, Site Development Regulations, Conditions, and Deviations.

The property is located in the Suburban and Wetlands Future Land Use Categories 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.

SECTION B. CONDITIONS:

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

1. Master Concept Plan (MCP)/Development Parameters

Development of this project must be consistent with the three-page Master Concept Plan (MCP) entitled "Palermo (AKA Crane Landing) Master Concept Plan," prepared by Banks Engineering, last revised July 26, 2021, and attached hereto as Exhibit C, except as modified by the conditions below. Development must comply with all requirements of the 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 MCP are subsequently pursued, appropriate approvals will be necessary.

<u>Development Parameters</u>. Project density is limited to a maximum of 1,229 dwelling units (single-family, two-family attached, townhomes, and multi-family) and ancillary/accessory uses on 385.64± acres.

2. Uses and Site Development Regulations

a. <u>Schedule of Uses</u>

Residential R-1

Accessory Uses and Structures Dwelling Units: Single Family, minimum 5,200 SF Entrance Gate, Gatehouse Essential Services Essential Service Facilities, Group I Excavation Water Retention Fences, Walls Home Occupation Model Home and Model Unit Model Display Center Parking Lot, Accessory Real Estate Sales Office Signs Temporary Uses, limited to construction trailers at the time of development

Residential R-2

Accessory Uses and Structures **Dwelling Units:** Single Family, minimum 6,500 SF Two Family Attached Townhomes Multiple-family Entrance Gate, Gatehouse Essential Services Essential Service Facilities, Group I Excavation. Water Retention Fences and Walls Home Occupation Model Home and Model Unit Model Display Center Parking Lot, Accessory Real Estate Sales Office Sians Temporary Uses, limited to construction trailers at the time of development

Residential Amenity RA

Accessory Uses and Structures Administrative Offices Consumption on Premises Club, private Essential Services Essential Service Facilities, Group I Excavation, Water Retention Fences and Walls Food & Beverage Service, Limited Model Display Center Parking Lot, Accessory Recreational Facilities, Private Real Estate Sales Office Signs Temporary Uses

Wireless Communication Facility WC

Communication Facility, Wireless, requires separate approval by Special Exception.

b. <u>Site Development Regulations</u>

	Min Lot Area (SF)	Min Lot Width (FT)	Lot Depth	Min Street Setback (FT)	Setback	Min Rear Lot Setback (FT) Prncpl/Acc	Max Building Height (FT)	Max Lot Coverage (%)
R-1 Single- Family	5,200	40	130	20	5	10/5	35	50
R-2 Single Family	6,500	50	130	20	5	10/5	35	45
Two-Family Attached	3,900	30	130	20	5/0	10/5	35	40
Townhouse	1,600	20	80	20	5/0	10/5	45	65
Multi- Family	6,500	65	100	20	15	10	45	80
Clubhouse/ Amenity Site	10,000	100	100	20	5	10	45	40

Notes:

- A minimum 20ft structure setback is required for structures abutting an indigenous preserve.
- A minimum 30ft structure setback is required for structures abutting an indigenous preserve for which the indigenous Management Plan includes controlled burns.
- Corner Lots, secondary frontage is treated as side yard setback.

3. <u>Agricultural Uses</u>

The property neither hosts agricultural activity nor has an agricultural tax exemption. Agricultural use is prohibited without rezoning.

4. Natural Resources Condition

A targeted water quality monitoring plan must be provided to Lee County Division of Natural Resources prior to local development order approval. At a minimum, the Water Quality Monitoring Plan must include:

- a. <u>Baseline Monitoring</u>. A single baseline monitoring event to be completed prior to commencement of construction that includes Total Kjeldahl Nitrogen (mg/L), Chlorophyll a (mg/M3), Ammonia (mg/L), Nitrate (mg/L), and Total Phosphorus (mg/L). Field parameters of Turbidity, Water Depth (i.e., Stage), Specific Conductance, pH, and Dissolved Oxygen.
- b. <u>Annual Sampling</u>. A single annual sample for five years to be completed during the "wet" season (June through September) that includes Total Kjeldahl Nitrogen (mg/L), Chlorophyll a (mg/M3), Ammonia (mg/L), Nitrate (mg/L), and Total Phosphorus (mg/L). Field parameters of Turbidity, Water Depth (i.e., Stage), Specific Conductance, pH, and Dissolved Oxygen will also be obtained during sampling.
- c. <u>Reporting</u>. Water quality monitoring data will be provided to the Division of Natural Resources annually after the first development order. Testing results shall also be reported as an Electronic Data Deliverable (EDD).
- d. <u>Contingency Plan</u>. A contingency plan must be included in the event of an exceedance of State Water Quality Standards or if multiple violations of Ordinance are identified.
- 5. Environmental Conditions
 - a. <u>Plantings</u>. Required buffer plantings must utilize 100 percent native vegetation.
 - b. <u>Setbacks</u>. The MCP depicts a minimum 50-foot-wide enhanced setback in various locations around the project's periphery. These enhanced setbacks may contain existing/proposed utility/drainage easements or berms that could preclude buffer tree planting throughout the entire area.
 - c. <u>Perimeter Buffer</u>. Multiple-family buildings, two family attached, and townhouses must be separated from the RPD boundaries by a Type B buffer (minimum 15 feet in width, five trees per 100 linear feet, double staggered hedge row). This requirement also applies to the clubhouse if it abuts the project's perimeter.
 - d. <u>Open Space</u>. Landscape plans must demonstrate a minimum 114.6 acres of open space.
- 6. <u>Model Homes and Real Estate Sales</u>
 - a. Maximum model homes/units: 18.
 - b. Model homes/units or real estate sales must be identified on development order plans.

- c. Real estate sales are limited to lots/units within the RPD only.
- d. Models cannot be of the same floor plan and each must be a different design.
- e. Development order applications including a model home must include the following:
 - i. Number and location of model homes proposed by the local development order application;
 - ii. Cumulative number and locations of model homes permitted by prior local development order approvals;
 - iii. Remaining number of model homes permitted within the RPD; and
 - iv. Where the maximum number of model homes have been approved by prior local development order approvals, the number and location of previously approved model homes to be extinguished to accommodate new model homes.

7. Construction Adjacent to Sabal Springs

- a. <u>Setback</u>. No mulching or stockpiling of debris may be placed within 200 feet of the Sabal Springs residential development during site development.
- b. <u>Construction Access</u>. Consistent with DOS2005-00244, the existing roadway access adjacent to Sabal Springs may not be used as a primary construction access. Developer must construct alternative temporary construction access(es) at least 200 feet further east of the existing access. The existing roadway access may only be used on a limited basis for activities directly related to construction of residential units abutting the Sabal Springs property.
- c. <u>Non-Emergency Access Prohibited</u>. Consistent with DOS2005-00244, residential or construction traffic to/from Crane Landing is prohibited through Sabal Springs except during an emergency evacuation.

SECTION C. DEVIATIONS:

- 1. Deviation (1) Withdrawn.
- 2. <u>Indigenous Vegetation Community</u>. Deviation (2) seeks relief from the LDC §10-415(b), which requires large development with existing indigenous vegetation communities to provide 50 percent of required open space through onsite preservation of existing vegetation communities; to allow the restoration, preservation, or creation of the "Preserve" areas shown on the MCP. This deviation was previously approved by Resolution Z-04-019. This deviation is APPROVED SUBJECT TO the following conditions:

Prior to local development order approval, landscape plans must include the following for County Environmental 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 MCP; and
- b. Details on 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. Delineation of tree preservation areas in the southwest corner of the property as shown on the MCP.
- 3. <u>Dead-end Streets</u>. Deviation (3) seeks relief from LDC the §10-296(k)(1), which requires dead-end streets to be closed at one end by a circular turnaround to allow a dead end with no turnaround. This deviation is APPROVED.
- 4. <u>Lake Shoreline Configuration</u>. Deviation (4) seeks relief from the LDC §10-418(1), which requires lake shorelines to be sinuous in configuration to provide increased length and diversity of the littoral zone; to allow two (2) stormwater management ponds to be more rectangular in shape rather than sinuous. This deviation is APPROVED.
- 5. <u>Issuance of Building Permit Prior to recordation of the Plat</u>. Deviation (5) seeks relief from the LDC §10-211, which allows building permits to be issued for model buildings and sales centers prior to recording of the plat, to allow building permits for any building to be issued prior to the recording of the plat, subject to evidence of unified control and that a certificate of occupancy for a building that is not a model building or sales center is not issued until the plat is recorded. This deviation is DENIED.
- 6. <u>Lake Bank Slope</u>. Deviation (6) seeks relief from the LDC §10-329(d)(4), which requires lake banks to be sloped at a ratio of six horizontal feet to one vertical foot (6:1) from the top of the bank to a water depth of two feet below the dry season water table, to allow the existing lake bank sloped on Lakes B1L1, B1L2, and B1L10 and a portion of B1L3, B1L4, B1L5, B1L6, B1L8, B1L9, B3L11, B1L12 as depicted on Sheet 1 of the MCP to remain at a ratio of four horizontal feet to one vertical foot (4:1). This deviation is APPROVED SUBJECT TO the following condition:

The existing lakes constructed as part of DOS2005-00244 and areas of existing lakes that are not modified may provide plantings calculated at one littoral plant per one linear foot of shoreline. Lakes subject to this condition are Lakes B1L1, B1L2 and B1L10 and a portion of B1L3, B1L4 as depicted on Sheet 1 of the Master Concept Plan.

7. <u>Littoral Shelf Planting</u>. Deviation (7) seeks relief from LDC §10-418(2), which requires the planted littoral shelf to be calculated at 25% of the total linear feet of the lake at control elevation, located in a single location of the lake, and a minimum of 20 feet wide, to allow 1 littoral planting per a linear foot for Lakes B1L1, B1L2, and B1L10 and a portion of B1L3, B1L4 as depicted on Sheet 1 of the MCP. This deviation is APPROVED SUBJECT TO the

following condition:

The existing lakes constructed as part of DOS2005-00244 and areas of existing lakes that are not modified may provide plantings calculated at one littoral plant per one linear foot of shoreline. Lakes subject to this condition are Lakes B1L1, B1L2 and B1L10 and a portion of B1L3, B1L4 as depicted on Sheet 1 of the Master Concept Plan.

SECTION D. EXHIBITS:

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

Exhibit A:Legal description of the propertyExhibit B:Zoning Map (with the subject parcel indicated)Exhibit C:The Master Concept Plan

SECTION E. FINDINGS AND CONCLUSIONS:

Based upon its review, the Board of County Commissioners adopts the recommendation of the Hearing Examiner, including the following findings and conclusions:

- 1. As conditioned herein, the proposed amendment to the Crane Landing RPD:
 - a. Complies with the Lee Plan. See, Lee Plan Goals 2, 4, 5, 30, 39, 77, Objectives 2.1, 2.2, 5.1, and Policies 1.1.5, 1.5.1, 135.9.7; Lee Plan Maps 1A-B, 2A.
 - b. Complies with the LDC and other County regulations. See, LDC Chapters 10 and 34; §33-1531 *et. seq.*
 - c. Is compatible with existing and planned uses in the area. *See*, Lee Plan Policies 1.1.5, 2.1.1, 2.1.2, 2.2.1, 5.1.5, 135.1.9, 135.9.5; LDC §§ 34-411(c), (i), and (j).
 - d. Will not adversely affect environmentally critical areas and natural resources. *See*, Lee Plan Goals 77, Objectives 4.1, 77.1, LDC §34-411(h).
 - e. Will be served by urban services. *See*, Lee Plan Glossary, Map 4A-B, Goal 2; Objectives 2.1, 2.2, 4.1, 53.1, 56.1; Policies 2.2.1, 135.9.7 and Standards 4.1.1 and 4.1.2; LDC §34-411(d).
- 2. The Master Concept Plan reflects sufficient access to support the intensity of development. In addition, County regulations and conditions of approval will address expected impacts to transportation facilities. *See*, Lee Plan Goal 39, Objective 39.1; LDC §34-411(d).
- 3. The proposed mix of uses is appropriate at the proposed location. *See*, Lee Plan Policies 1.1.5, 2.1.1, 5.1.5, and 135.1.9.
- 4. The recommended conditions are sufficient to protect the public interest and reasonably relate to the impacts expected from the development. See, Lee Plan Policies 5.1.5, 135.9.6; See also, LDC Chapters 10, 33, and 34.

- 5. As conditioned herein, the deviations:
 - a. Enhance the objectives of the planned development; and
 - b. Promote the intent of the LDC to protect the public health, safety, and welfare. See, LDC §34-377(b)(4).

SECTION F. SCRIVENER'S ERRORS

The Board intends that this resolution can be renumbered or relettered and typographical errors that do not affect the intent and are consistent with the Board's action can be corrected with the authorization of the County Manager or his designee, without the need for a public hearing.

Commissioner Hamman made a motion to adopt the foregoing resolution, seconded by Commissioner Ruane. The vote was as follows:

Adopted by unanimous consent.

Kevin Ruane	Aye
Cecil L Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 2nd day of March 2022.

ATTEST: KEVIN KARNES, CLERK BY: Deputy Člerk COUNTY COM ALIN WILLIAM SH 212 MAR 21

BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA

BY:

Cecil L Pendergrass, Chair Commissioner Cecil L Pendergrass, Chairman Lee County Board of County Commissioners

APPROVED AS TO FORM FOR THE RELIANCE OF LEE COUNTY ONLY

Amanda L. Swindle Senior Assistant County Attorney County Attorney's Office **Exhibit A**



Professional Engineers, Planners & Land Surveyors

DESCRIPTION

OF A PARCEL OF LAND LYING IN SECTIONS 22 AND 23, TOWNSHIP 43 SOUTH, RANGE 24 EAST LEE COUNTY, FLORIDA

(CRANE LANDING)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTIONS 22 AND 23, TOWNSHIP 43 SOUTH, RANGE 24 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 23; THENCE S 00°12'52" E 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) AND THE POINT OF BEGINNING; THENCE N 89°59'56" E (100.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID SECTION 23) FOR 2671.79 FEET TO THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 23; THENCE N 89°55'22" E ALONG SAID PARALLEL FOR 109.51 FEET; THENCE S 11°11'14" E FOR 5331.38 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 23; THENCE N 88°39'48" W ALONG SAID SOUTH LINE FOR 1149.17 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 23; THENCE S 89°50'59" W ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 23 FOR 634.36 FEET; THENCE N 00°02'44" E FOR 567.97 FEET; THENCE S 89°50'59" W FOR 505.06 FEET; THENCE S 00°02'44" W FOR 567.97 FEET TO A POINT OF INTERSECTION WITH SAID SOUTH LINE; THENCE S 89°50'59" W ALONG SAID SOUTH LINE FOR 1519.93 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 23; THENCE N 00°02'44" E ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 23 FOR 2649.76 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 23 AND TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1174.94 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05°57'01" FOR 122.02 FEET; THENCE N 05°59'45" E FOR 435.43 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 1024.94 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 06°12'37" FOR 111.09 FEET; THENCE N.00°12'52"W. FOR 882.68 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 1024.94 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 12°25'42" FOR 222.33 FEET; THENCE N 12°38'34" W FOR 387.74 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1174.94 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 12°25'42" FOR 254.86 FEET; THENCE N 00°12'52" W FOR 110.54 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°44'43" FOR 78.32 FEET; THENCE S 89°57'35" E FOR 124.78 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 385.64 ACRES, MORE OR LESS.

BEARING ARE BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AS BEARING N 89°59'56" E.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION PREPARED: 04-12-06 DESCRIPTION REVISED: 02-27-07 DESCRIPTION REVISED: 03-20-20

ALLEN M. VOSE III PROFESSIONAL SURVEYOR AND MAPPER FLORIDA CERTIFICATION NO. 7191

Digitally signed by Allen M. Vose, III, P.S.M. #7191 State of Florida using an SHA-1 authentication code. Printed copies of this document are not considered signed and sealed and the SHA-1 authentication code must be verified on any electronic copies. Date: 2020.03.20 09:18:21 -04'00'

REVIEWED DCI2021-00016 Hunter Searson, GIS Planner Lee County Government 3/21/2022

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SHEET 1 OF 2



Exhibit B









B **CL VENTURES** 13100 WESTLINKS TERRACE ENGINEERING ENGINEERING LICENSE # EB 6469 SURVEY LICENSE # LB 6690 FORT MYERS, FLORIDA. 33913 WWW.BANKSENG.COM Professional Engineers, Planners, & Land Surveyors Serving The State Of Florida NO. DATE

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OPER	TY DEVELO	PMENT REG	GULATIONS			
LOT (FT)	MIN STREET SETBACK (FT)	MIN SIDE SETBACK (FT)	MIN REAR LOT SETBACK (FT)	MAX BUILDING HEIGHT (FT)	MAX LOT COVERAGE (%)	
C	20	5	10/5	35	50	
C	20	5	10/5	35	45	
C	20	5/0	10/5	35	40	
)	20	5/0	10/5	45	65	
C	20	15	10	45	80	
S	20	5	10	45	40	

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DATE 2-1921	PROJECT 1960	DRAWING _NOTES	DESIGN DRU	DRAWN KG	CHECKED DRU	SCALE	SHEET 03