LEE COUNTY
SOUTHWEST FLORIDA

239-533-8585

BOARD OF COUNTY COMMISSIONERS

John E. Manning
District One

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

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District Five

Karen B. Hawes
County Manager

Michael D. Hunt
County Attorney

Diana M. Parker
County Hearing Examiner

January 24, 2012

KEVIN FITZGERALD
13120 WESTLINKS TERRACE
SUITE 2
FORT MYERS FL 33913

Re: HEMINGWAY POINTE
BCCR11-10-01 Extension (F)
DCI2012-00004

Dear KEVIN FITZGERALD:

In accord with BCCR11-10-01, development permits meeting certain criteria are entitled to one 4-year extension from the existing/initial permit expiration date. Accordingly, the effectiveness of the Master Concept Plan identified in Zoning Resolution, Z-06-085, DCI2006-00010, HEMINGWAY POINTE, is hereby extended for the following:

APPROVAL OF A 4 YEAR EXTENSION FROM JANUARY 29, 2012 TO JANUARY 29, 2016 FOR HEMINGWAY POINTE.

No additional extensions under BCCR11-10-01 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 BCCR11-10-01, 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

Post-it® eLabel 006 084 910

GIS Tracking Sheet

Case No.: DCI2006-00010

Intake Date: 2-8-06

Project Name: Hemingway Pointe

STRAP Number(s): 28-43-26-00-00013.0000, -00014.0000, -00002.0010

Planner Name: Tony Palermo Ext. 8325

LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING

Date: 4/04/2006 ArcGIS INTAKE: DC106010

LEGAL SUFFICIENT ☑ YES ☐ NO Initials: LGM

If not, give brief explanation:

MAP UPDATE following FINAL ACTION

Date: 07MAR07

☐ Hearing Examiner Decision ☑ Board of County Commissioner's Resolution

☐ Administrative Approval ☐ Blue Sheet

Zoning Notes: Z-06-085, DCI2006-00010, 29JAN07, HEMINGWAY POINTE, REZONE 75.1 ACRES FROM AG-2 TO RPD TO ALLOW 225 MULTI FAMILY DWELLING UNITS; CONDS.

MAP UPDATED (YES) ☐ NO Initials: [illegible]

If not, give brief explanation: CREATED RPD:501371

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTIONS 28 AND 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

(BOUNDARY)

A TRACT OR PARCEL OF LAND LYING IN SECTIONS 28 AND 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; SAID TRACT OR PARCEL IS FURTHER DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID SECTION 33; THENCE RUN S 00°49'36" E, ALONG THE EAST LINE OF SAID SECTION 33, FOR 187.50 FEET; THENCE RUN S 89°10'24" W, AT RIGHT ANGLES TO SAID EAST LINE OF SECTION 33, FOR 4,467.24 FEET TO A POINT 50.00 FEET EAST OF THE CENTER LINE OF BUCKINGHAM ROAD, FORMERLY KNOWN AS S.R. #S-80; THENCE RUN N 24°24'46" E ALONG A LINE WHICH IS PARALLEL TO AND 50.00 FEET EAST OF THE CENTER LINE OF BUCKINGHAM ROAD FOR 737.33 FEET, MORE OR LESS TO A POINT ON THE SOUTH LINE OF THE FORMER SEABOARD ALL FLORIDA RAILWAY RIGHT-OF-WAY; THENCE RUN N 89°00'54" E, ALONG SAID SOUTH LINE OF RIGHT-OF-WAY, FOR 449.53 FEET, MORE OR LESS, TO A CONCRETE MONUMENT BEING THE SOUTHEAST CORNER OF PARCEL AS RECORDED IN DEED BOOK 233, PAGE 481, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N 00°59'06" W, FOR 100.00 FEET TO A CONCRETE MONUMENT ON THE NORTH LINE OF SAID FORMER SEABOARD ALL FLORIDA RAILWAY RIGHT-OF-WAY; THENCE RUN N 89°00'54" E, ALONG SAID NORTH LINE OF RIGHT-OF-WAY FOR 3,703.67 FEET, MORE OR LESS, TO A CONCRETE MONUMENT ON THE EAST LINE OF SAID SECTION 28, TOWNSHIP 43 SOUTH, RANGE 26 EAST, THENCE RUN S 00°49'13" E, ALONG SAID EAST LINE OF SECTION 28 FOR 590.91 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID SECTION 28 AND THE **POINT OF BEGINNING.**

ASSUMED NORTH BASED ON THE EASTERLY LINE OF BUCKINGHAM ROAD, FORMERLY KNOWN AS S.R. #S-80, AS BEARING N.24°24'46"E.

PARCEL CONTAINS 75.05 ACRES, MORE OR LESS.

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

DESCRIPTION PREPARED: 02-23-06

Robert Tadd Simpson

ROBERT TADD SIMPSON
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 5559

RECEIVED
MAR 22 2006
PERMIT COUNTER

Applicant's Legal Checked
by Lgm 4/06/2006

DCI 2006-00010

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10511 Six Mile Cypress Pkwy, Suite 101, Ft Myers, Florida 33912 • (239) 939-5490 • Fax (239) 939-2923

EXHIBIT PH-3.D.2

SKETCH OF DESCRIPTION

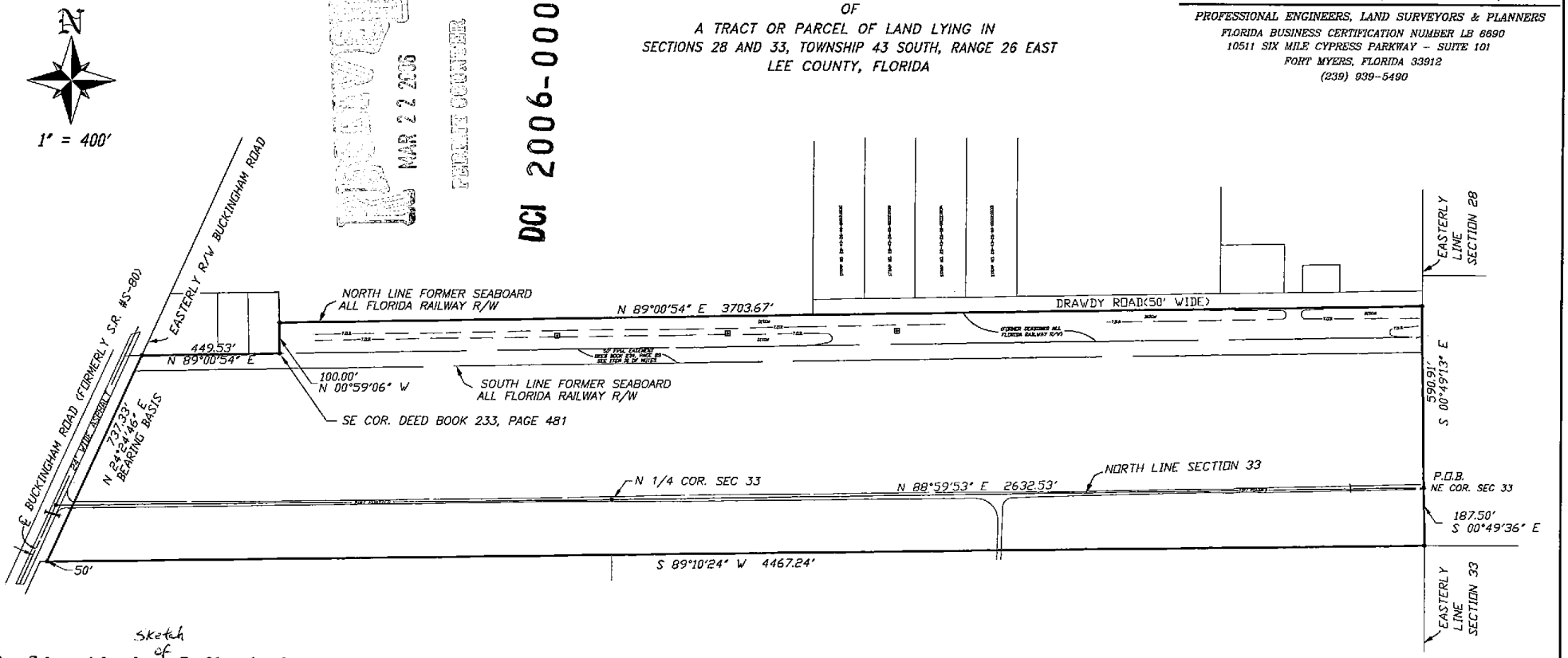
OF

A TRACT OR PARCEL OF LAND LYING IN
SECTIONS 28 AND 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

Banks Engineering

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
FLORIDA BUSINESS CERTIFICATION NUMBER LB 6690
10511 SIX MILE CYPRESS PARKWAY – SUITE 101
FORT MYERS, FLORIDA 33912
(239) 939-5490

RECEIVED
MAR 22 2006
PUBLIC COUNTER
DCI 2006-00010



Sketch of Applicant's Legal Checked by LGM 4/06/2006.

NOTES:

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

2.) ASSUMED NORTH BASED ON THE EASTERLY LINE OF BUCKINGHAM ROAD, FORMERLY KNOWN AS S.R. #S-80, AS BEARING N 24°24'26" E.

3.) SUBJECT TO FACTS THAT MAY BE REVEALED BY AN ACCURATE BOUNDARY SURVEY.

LEGEND:

℄	INDICATES CENTERLINE
COR.	INDICATES CORNER
FP&L	INDICATES FLORIDA POWER AND LOGHT
O.R.	INDICATES OFFICIAL RECORDS BOOK
PG.	INDICATES PAGE
P.O.B.	INDICATES POINT OF BEGINNING
R/W	INDICATES RIGHT-OF-WAY
S.R.	INDICATES STATE ROAD
T.O.B.	INDICATES TOP OF BANK

SEE SHEETS 1 AND 2 OF 3 FOR COMPLETE DESCRIPTION.

THIS SKETCH OF DESCRIPTION IS NOT A BOUNDARY SURVEY

Robert Tad Simpson

ROBERT TAD SIMPSON
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 5559

– THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

S:\JOBS\20XX\2096\SURVEY\DESCRIPTIONS\2096_DESC.DOC
S:\JOBS\20XX\2096\SURVEY\DESCRIPTIONS\2096_DESC.DWG

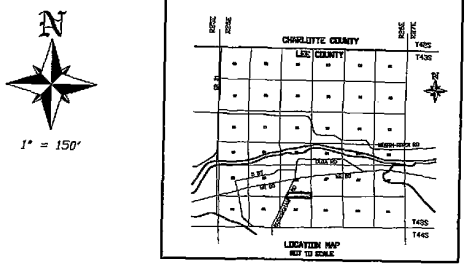
PREPARED 02-23-06

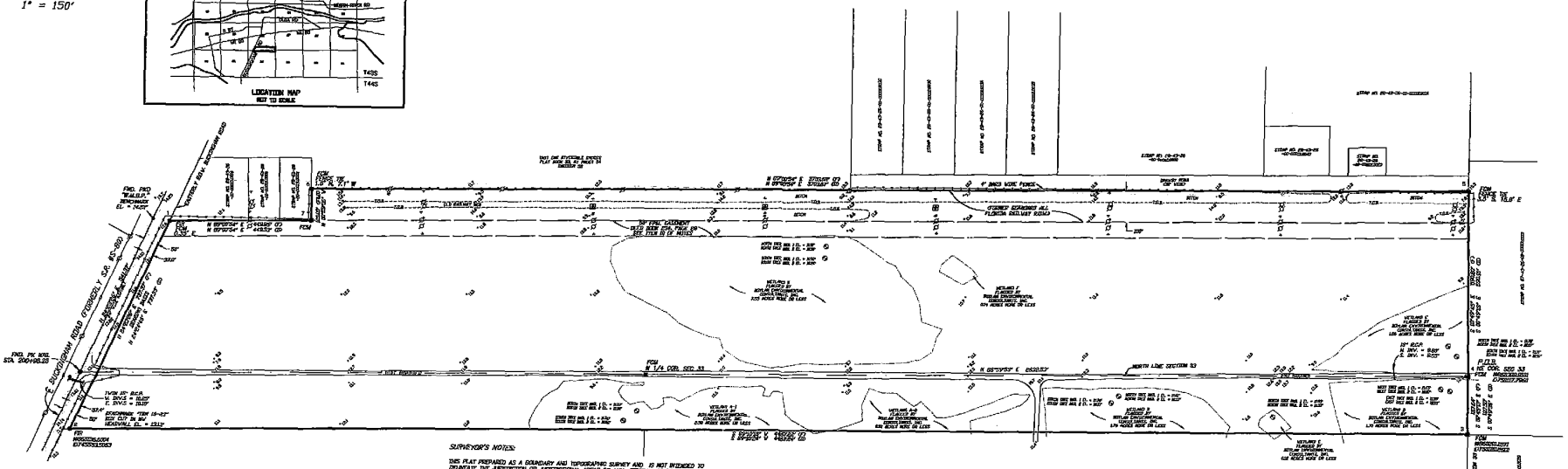
EXHIBIT 8
PH-S.D.3 & 6-A

SURVEY PLAT

OF

A PARCEL OF LAND LYING IN
SECTIONS 28 AND 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA





SURVEYOR'S NOTES:

THIS PLAT PREPARED AS A BOUNDARY AND TOPOGRAPHIC SURVEY AND IS NOT INTENDED TO DELINEATE THE JURISDICTION OF JURISDICTIONAL AREAS OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY, BOARD, COMMISSION OR OTHER ENTITY.

BOUNDARY SURVEY BASED ON THE FOLLOWING:

(1) DESCRIPTION, AS REFERENCED IN "SCHEDULE A CONTINUED" OF FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT, AGENT FILE NO. 2005-07, DATED JUNE 17, 2005 AT 8:00 A.M.

(2) EXISTING FIELD MONUMENTATION.

(3) THE SUBDIVISION PLAT OF LOST ONE RESIDUALS SHEETS AS RECORDED IN PLAT BOOK 33, AT PAGES 54 THROUGH 58, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

(4) THE LEE COUNTY DEPARTMENT OF TRANSPORTATION BUCKINGHAM ROAD RIGHT OF WAY MAP DATED OCTOBER 1994.

(5) THE BOUNDARY SURVEY PREPARED BY KIMMON ENGINEERING, PROJECT NUMBER 2001.0004, DATED SEPTEMBER 03, 2001.

THE FOLLOWING SURVEY RELATED MATTERS REFERRED TO IN SCHEDULE B-II, OF THE AFORESTATED COMMITMENT:

ITEM 8, 100 FOOT WIDE ROADWAY EASEMENT RECORDED IN DEED BOOK 273, PAGE 238, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, TERMINATED IN OFFICIAL RECORDS BOOK 4120 AT PAGE XXXX.

ITEM 10, FLORIDA POWER & LIGHT RIGHT-OF-WAY AGREEMENT RECORDED IN DEED BOOK 334, PAGE 96, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, DOES NOT CROSS THE PARCEL. FLORIDA POWER & LIGHT RIGHT-OF-WAY AGREEMENT RECORDED IN DEED BOOK 334, PAGE 28, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, DOES AFFECT THE PARCEL AND IS SHOWN ON THE FACE OF THE SURVEY.

ITEM 11, ROADWAY EASEMENTS REFERENCED IN OFFICIAL RECORDS BOOK 1468, PAGE 1178, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING A 25 FOOT EASEMENT DESCRIBED IN DEED BOOK 33, PAGE 269 AND A 100 FOOT WIDE ROADWAY EASEMENT RECORDED IN DEED BOOK 238, PAGE 238, (SEE ITEM 9) ALL OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, TERMINATED IN OFFICIAL RECORDS BOOK 4120 AT PAGE XXXX.

ITEM 12, ROADWAY EASEMENTS REFERENCED IN OFFICIAL RECORDS BOOK XXXX, PAGE XXX, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING A 20 FOOT EASEMENT RECORDED IN DEED BOOK 33, PAGE 269 (SEE ITEM 11), A 100 FOOT WIDE EASEMENT RECORDED IN DEED BOOK 238, PAGE 238, (SEE ITEMS 9 AND 11), AND A 60 FOOT EASEMENT, ALL OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, TERMINATED IN OFFICIAL RECORDS BOOK 4120 AT PAGE XXXX.

ASSUMED NORTH BASED ON THE EASTERLY LINE OF BUCKINGHAM ROAD, FORMERLY KNOWN AS S.R. #80-A, AS BEARING N 34°23'28" E.

ELEVATIONS ARE BASED ON THE NATIONAL GEODETIC VERTICAL DATUM OF 1929, AND LEE COUNTY BENCHMARK "DM 19-23, ELEVATION = 13.13, SHOWN ON SURVEY.

ABOVEGROUND AND UNDERGROUND IMPROVEMENTS WERE NOT LOCATED UNLESS OTHERWISE SHOWN.

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

THE SUBJECT PARCEL, AS SHOWN HEREON IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA ON THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD INSURANCE RATE MAPS. PER FLOOD INSURANCE RATE MAP 12071C 0250 G, EFFECTIVE SEPTEMBER 19, 2004, THE PARCEL LIES IN ZONE X.

NO SETBACK RESTRICTIONS WERE SUPPLIED TO THIS SURVEYOR.

THE PROPERTY IS CONTIGUOUS TO, AND HAS ACCESS TO AND FROM BUCKINGHAM ROAD, A PUBLIC ROADWAY.

PARCEL CONTAINS 71.05 ACRES MORE OR LESS.

DATE OF LAST FIELD WORK: 07-03-2006.

Applicant's Survey Checked
By Lyn 4/06/2006

RECEIVED
MAR 22 2006
PERMIT COUNTER

LEGAL DESCRIPTION

(EXHIBIT "A"; COMMITMENT NUMBER 03100026)

A TRACT OR PARCEL OF LAND LYING IN SECTIONS 28 AND 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; SAID TRACT OR PARCEL IS FURTHER DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID SECTION 33; THENCE RUN S 00°09'26" E, ALONG THE EAST LINE OF SAID SECTION 33, FOR 107.58 FEET; THENCE RUN S 00°09'26" E, AT RIGHT ANGLES TO SAID EAST LINE OF SECTION 33, FOR 4,307.04 FEET TO A POINT 50.00 FEET EAST OF THE CENTER LINE OF BUCKINGHAM ROAD, FORMERLY KNOWN AS S.R. #80-A; THENCE RUN S 34°24'04" E ALONG A LINE 50.00 FEET EASTERLY, PARALLEL TO AND 50.00 FEET EAST OF THE CENTER LINE OF BUCKINGHAM ROAD FOR 1,193.35 FEET, MORE OR LESS TO A POINT ON THE SOUTH LINE OF THE FORMER SEABOARD ALL FLORIDA RAILWAY RIGHT-OF-WAY; THENCE RUN N 89°57'04" E ALONG SAID SOUTH LINE OR RIGHT-OF-WAY, FOR 4,432.07 FEET, MORE OR LESS, TO A CONCRETE MONUMENT BEING THE SOUTHEAST CORNER OF PARCEL AS DESCRIBED IN DEED BOOK 283, PAGE 457, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N 00°09'26" W, FOR 1,900.00 FEET TO A CONCRETE MONUMENT ON THE NORTH LINE OF SAID FORMER SEABOARD ALL FLORIDA RAILWAY RIGHT-OF-WAY; THENCE RUN N 89°57'04" E, ALONG SAID NORTH LINE OF RIGHT-OF-WAY FOR 1,330.67 FEET, MORE OR LESS, TO A CONCRETE MONUMENT ON THE EAST LINE OF SAID SECTION 28; THENCE RUN S 00°09'26" E, ALONG SAID EAST LINE OF SECTION 28 FOR 2,640.81 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID SECTION 28 AND THE POINT OF BEGINNING.

TO CROSSWINDS AT BUCKINGHAM GARDENS, LLC, CENDERA BANK, RESIDENTIAL FUNDING CORPORATION, FIRST AMERICAN TITLE INSURANCE COMPANY, HOLT BLANKENSHIP, GRAYSON, RUKOFF & SIGMAL, P.A.:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS", JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS IN 2005, AND INCLUDES ITEMS 1, 2, 3, 4, 6, 8, 9, 10(a) AND 13 OF TABLE A THEREOF. PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNDERSIGNED FURTHER CERTIFIES THAT IN MY PROFESSIONAL OPINION AS A LAND SURVEYOR REGISTERED IN THE STATE OF FLORIDA, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN.

DATED: 03-15-2006

ROBERT "BO" SIMPSON, FLORIDA REGISTERED SURVEYOR NO. 5269

DCI 2006-00010

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, THAT THIS PLAT OF THE SURVEY HEREON REPRESENTS PURSUANT AS A TRUE REPRESENTATION OF A FIELD SURVEY MADE UNDER MY DIRECTION AND MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

ROBERT "BO" SIMPSON
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATE NO. 5269

- THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- ANY CERTIFICATION IS LIMIT FOR THE LINES DESIGNATED HEREON.
- IT IS NOT A CERTIFICATION OF TITLE, ZONING, SETBACKS, OR FREEDOM OF ENCUMBRANCES.
- THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF ACCURACY OF TITLE OR ANY TITLE CHARACTERISTICS, WITH THE EXCEPTION OF THAT CERTAIN TITLE COMMITMENT ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, AGENT FILE NUMBER 2005-07, DATED JUNE 17,2005, AND THAT ALL ITEMS NOTED THEREIN AS EXCEPTIONS THAT CAN BE DELINEATED ON THE SURVEY ARE SHOWN.
- ALL DEFECTS OF TITLE SHOULD BE REFERRED TO AN ATTORNEY AT LAW.

LEGEND:

ACSM	INDICATES AMERICAN CONGRESS ON SURVEYING AND MAPPING
ALTA	INDICATES AMERICAN LAND TITLE ASSOCIATION
℄	INDICATES CENTER LINE
CCR.	INDICATES CORNER
(D)	INDICATES DEED
EL.	INDICATES ELEVATION
(F)	INDICATES FIELD
FCM	INDICATES FOUND 4" SQUARE CONCRETE MONUMENT
FIR	INDICATES FOUND 5/8" IRON ROD "BANKS ENG. LB2500"
FND.	INDICATES FOUND
LB	INDICATES LICENSED BUSINESS
NSPS	INDICATES NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS, INC.
OH	INDICATES OVER HEAD WIRE
R.C.P.	INDICATES REINFORCED CONCRETE PIPE
PRO	INDICATES PK NAIL AND DISC
P.O.B.	INDICATES POINT OF BEGINNING
R.O.W.	INDICATES RIGHT-OF-WAY
SEC.	INDICATES SECTION
STA.	INDICATES STATION
T.O.B.	INDICATES TOP OF BANK
——x——	INDICATES BARBED WIRE FENCE
+	INDICATES GUY WIRE
⊞	INDICATES STAT CONCRETE POWER POLE
⊡	INDICATES 3' DIAMETER WOOD POWER POLE
⊙	INDICATES WET SEASON WATER TABLE MARKS
HORIZONTAL STATE PLANE	INDICATES STATE PLANE COORDINATE SYSTEM FOR THE FLORIDA WEST ZONE (NORTH AMERICAN DATUM OF 1983/1990 ADJUSTMENT)

NO.	DATE	REVISION DESCRIPTION	BY
4	03-14-06	ADD SCALE FACTOR NOTE	RTS
3	01-16-06	CORRECT DEED BEARING ALONG ROAD	RTS
2	12-19-05	REMOVED EASEMENT AT EXISTING HOUSE (SEE SHT #2)	RTS
1	08-15-05	CORRECT DEED BEARING ALONG ROAD	RTS

Banks Engineering
Professional Engineers, Planners & Land Surveyors
FORT MYERS ◆ NAPLES ◆ SARASOTA
FLORIDA BANKS ENGINEERING CORPORATION NUMBER LB 2500
10511 SIX MILE CYPRESS PARKWAY, SUITE 100
FORT MYERS, FLORIDA 33966
(239) 939-5490

"ALTA/ACSM LAND TITLE SURVEY"
BUCKINGHAM ROAD
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (1-7-1)
12/20/05	2005	ROB_ALTA	RTS	RTS	1" = 150'	1	2005-03-09

RESOLUTION NUMBER Z-06-085

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

WHEREAS, Knott, Consoer, Ebelini, Hart & Swett, P.A. filed an application on behalf of the property owner, Buckingham Development, LLC to rezone a 75.1 acre parcel from an Agricultural (AG-2) zoning district to the Residential Planned Development (RPD) zoning district in reference to Hemingway Pointe; and

WHEREAS, a public hearing was advertised and held on October 11, 2006, before the Lee County Zoning Hearing Examiner, Richard A. Gescheidt, who gave full consideration to the evidence in the record for Case #DCI2006-00010; and

WHEREAS, a second public hearing was advertised and held on January 29, 2007, 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

The applicant filed a request to rezone a 75.1 acre parcel from AG-2 to RPD, to allow 225 multi-family dwelling units. The property is located in the Outlying Suburban 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.

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 1-page Master Concept Plan, entitled "HEMINGWAY POINT," stamped "Received December 27, 2006," and attached hereto as Exhibit C, 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.

   Maximum Number of Dwelling Units: 207

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

COPY

a. Schedule of Uses

Accessory Uses and Structures
Administrative Office
Agricultural Uses - SEE AGRICULTURAL CONDITION 6
Clubhouse, private -
LIMITED TO CLUBHOUSE AS SHOWN ON THE APPROVED MASTER CONCEPT PLAN
Dwelling Units, multi-family, town home - 207 maximum
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Home Occupation, No outside help.
Model Units - ALSO SEE MODEL UNIT/REAL ESTATE SALES CONDITION 8
Parking Lot, Accessory
Real Estate Sales - ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITION 8
Recreational Facilities - Private, On-site only. LIMITED TO THOSE SHOWN ON THE APPROVED MASTER CONCEPT PLAN (Village Green, Clubhouse, Children's Playground Area)
Residential Accessory Uses
Signs, in compliance with LDC Chapter 30
Temporary Uses, including construction trailer, as shown on the approved Master Concept Plan.

b. Site Development Regulations

Multi-Family, Town Home

Minimum Lot Areas and Dimensions

Lot Size:	10,000 square feet (2,640 for town homes)
Lot Area Per Unit	2,500 square feet
Lot Width:	33 feet per unit
Lot Depth:	80 feet

Minimum Setbacks

Street	20 feet, private roads, 25 feet minimum from Buckingham Road.
Side	0 for individual units, 20 feet between buildings
Rear	15 feet
Water body	25 feet

Accessory Setbacks: Per the LDC

Setbacks from Preserves: Per the LDC

Building Separation: 20 feet.

Perimeter Setbacks: 25 feet

Maximum Height: Two stories/35 feet

Maximum Lot Coverage: 45 percent (75 percent for town homes)

Clubhouse

Minimum Lot Areas and Dimensions

Lot Size:	7,500 square feet
Lot Width:	100 feet
Lot Depth:	75 feet

Minimum Setbacks

Street	20 feet
Side	10 feet
Rear	20 feet
Water body	25 feet

Accessory Setbacks: Per the LDC

Setbacks from Preserves: Per the LDC

Building Separation: 20 feet.

Perimeter Setbacks: 25 feet

Maximum Height: Two stories/35 feet

Maximum Lot Coverage: 45 percent

3. 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.

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

5. Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee County Comprehensive Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

6. Agricultural Uses: Existing bona fide agricultural uses on this site are allowed only in strict compliance with the following:

   a. Bona fide agricultural uses that are in existence at the time the application for this project was filed, and as shown on Exhibit D attached hereto, 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. Prior to issuance of a local development order, the property owner must provide written proof, SUBJECT TO approval by the County Attorney's Office, of the following:

      (1) Termination of all agricultural use on any portion of the property included in the development order application/approval. Proof must include a sworn affidavit from the person or entity holding title to the subject property that specifically provides:

         a) the date the agricultural uses ceased;

         b) the legal description of the property SUBJECT TO the development order approval;

         c) an affirmative statement that the owner acknowledges and agrees that all agricultural uses are illegal and prohibited on the property and that the owner covenants with the county that they will not allow any such uses on the property unless and until the property is re-zoned to permit such uses; and,

         d) that the affidavit constitutes a covenant between the owner and the county that is binding on the owner and their assignees and successors in interest. The covenant must be properly recorded in the public records of the county at the owner's expense.

      (2) Termination of the agricultural tax exemption for any portion of the property included in the development order application/approval. Proof as to termination must include of a copy of the request to terminate the tax exemption provided to the Property Appraiser.

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

8. Model Units /Real Estate Sales

   a. The number of model units will be limited to no more than 6 within the development at one time.

   b. Models cannot be of the same floor plan and each must be a distinctly different design.

   c. Real estate sales are limited to model units, amenity sites, clubhouses, and real estate sales locations.

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

   e. Hours of operation for both models and real estate sales are limited to Monday through Sunday, 8:00 a.m. through 8:00 p.m.

   f. Model units and temporary real estate sales will be valid for a period of up to 3 years from the date of issuance of a certificate of occupancy of a model unit per LDC §34-1954(d)(1).

   g. Dry models are prohibited.

   h. Model Homes, Model Display Centers and Model Display Groups are not a permitted use.

   i. Location of real estate sales and model units must be generally consistent with locations shown on the approved master concept plan.

9. The Development Order must provide an enhanced 25-foot-wide Type "D" buffer along Buckingham Road including 10 trees per 100 linear feet (which must include live oaks, no palms) and a berm a minimum of three feet in height.

10. ACCESS TO BUCKINGHAM ROAD

   a. The approved Master Concept Plan and local development order must depict a divided entrance on Buckingham Road that includes a median with two lanes on both sides of the median for ingress and egress.

   b. Prior to issuance of a development order, the developer must provide written documentation from the Fort Myers Shores Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles.

11. Prior to local development order approval, the developer must submit a brochure to Division of Environmental Sciences and the Division of Zoning for review and approval that will be

given to all residents to educate them of the historically rural environment in Fort Myers Shores, Buckingham, Caloosahatchee Shores and the environmentally sensitive nature of a portion of the property. This brochure must include references to the wetland preserves on site, civic organizations in East Lee County, and history of the Buckingham, Fort Myers Shores, and Caloosahatchee Shores communities.

12. Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.

13. Multi-family buildings must be set back a minimum of 200 linear feet from Buckingham Road.

14. Prior to local development order approval, a wading bird management plan must be submitted for the Division of Environmental Science staff review and approval.

15. Prior to local development order approval, the development order plans must delineate the areas between the forested wetland preserves south of the roadway as open space (Figure attached). These areas must be left at existing grade unless a plan is submitted that demonstrates an ecological improvement that enhances wading bird foraging opportunities and does not adversely impact the wetland preserves.

16. Prior to local development order approval, the development order plans (landscape, and paving and grading) must provide a minimum of 15 percent of the surface area of each lake as littoral shelf in substantial compliance with the cross-section on the Master Concept Plan. Additionally, a final littoral planting plan including the species, number and size of plants to be installed in each littoral shelf area must be detailed on the landscape plan. A minimum of six species of plants must be utilized. Trees must be a minimum 3-gallon container size. Shrubs and grasses must be a minimum 1-gallon container size. Herbaceous plants must be a minimum 2-inch liner size. The littoral shelf must be planted to provide 50 percent coverage at time of installation; the distance on center will depend on the size of plants utilized.

17. No development order for this project may be issued that will cause Buckingham Rd. to drop to level of service E.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §10-291(3) requirement that residential developments of more than five acres provide more than one means of ingress or egress to allow for one means of access. This deviation is APPROVED, SUBJECT TO the condition that:

    a. Approval must be consistent with Condition 10 "Access to Buckingham Road" above.

2. Deviation (2) seeks relief from the LDC §10-296(k)(1) requirement that dead end streets be closed at one end with a circular turn around for vehicles, to allow dead-end streets

where noted on the Master Concept Plan and no cul-de-sacs. This deviation is APPROVED, SUBJECT TO the conditions that:

a. Signage warning motorists of the lack of a turnaround lane be provided and shown on development order plans and must be approved by the Development Services Division.

b. Prior to issuance of a development order, the developer must provide written documentation from the Fort Myers Shores Fire District indicating that these turnaround points are acceptable and provide adequate access for emergency vehicles.

3. Deviation (3) seeks relief from the LDC §10-329(d)(1)a.2. requirement that water retention or detention excavations be setback 50 feet from any existing or proposed right-of-way line or easement for a collector or arterial street unless granted an administrative deviation in accordance with §10-104. The setback may be reduced to not less than 25 feet if the developer provides for the protection of wayward vehicles through the use of guide rails, berm, swales, vegetation or other suitable methods as determined by the Director, to allow a setback of 25 feet from Buckingham Road. This deviation is APPROVED, SUBJECT TO the conditions that:

a. Approval is limited to the two lakes shown on the approved Master Concept Plan.

b. Enhanced buffering per this resolution must be provided, including a berm and additional buffer plantings on Buckingham Road.

4. Deviation (4) seeks relief from the LDC §10-329(d)(1)a.3. requirement to provide a 50-foot setback from a property line for a water retention area (lake), to allow for a 25-foot setback from property to the south (Portico RPD). This deviation is APPROVED, SUBJECT TO the condition that:

a. Approval is limited to Lake 4, as shown on the approved Master Concept Plan.

5. Deviation (5) seeks relief from the LDC §10-416(d)(6) requirement that roads, drives, or parking areas located less than 125 feet from an existing residential subdivision or residential lots, a solid wall or combination berm and solid wall not less than eight feet in height must be constructed not less than 25 feet from the abutting property and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 linear feet. In lieu of the buffer, the applicant will provide an unencumbered 15-foot-wide plantable area containing planting size and count consistent with the Type "F" buffer. This deviation is APPROVED.

6. Deviation (6) seeks relief from the LDC §34-9335(e)(4) requirement, unless otherwise specified, that where there are two or more principal buildings on a development tract, the minimum separation of buildings shall be one-half of the sum of their heights, or 20 feet, whichever is greater, to allow a minimum building separation of 20 feet. This deviation is APPROVED.

7. Deviation (7) seeks relief from the LDC §34-2015(2(d) which requires all parking lot spaces must be provided with sufficient maneuvering room to allow an exiting vehicle to leave the parking lot in a forward motion, to allow vehicles exiting residential off-street parking to back-out onto private roads. This deviation is APPROVED.

8. Deviation (8) seeks relief from the LDC §34-2192(a) requirement to provide building setbacks of 20 feet from a private local road, to allow a minimum front setback from the private road of 20 feet and a minimum side setback from the private road of 10 feet. This deviation is APPROVED, SUBJECT TO the conditions that:

   a. Approval is limited to locations, as shown on the approved Master Concept Plan.

   b. The building must be set back a minimum of 10 feet from the road right-of-way.

9. Deviation (9) seeks relief from the LDC §10-416(d)(3) requirement that proposed multi-family developments provide a Type "B" buffer when abutting existing single-family development, to allow a 5-foot-wide planting area along the southern edge of the existing 50-foot FPL easement containing a double staggering hedge row of shrubs at a 48-inch minimum height at the time of installation. Plantings will be maintained at their natural height or to the maximum height allowed by FPL. This deviation is APPROVED.

10. Deviation (10) seeks relief from the LDC §10-418(1) requirement that shorelines are to be sinuous in configuration to provide increased length and diversity of the littoral zone. Sinuous is defined as serpentine, bending in and out, wavy or winding. In lieu of the sinuous characteristic at the edge of water, the applicant will provide the desired sinuosity through increased littoral plantings of the individual lakes. Planting areas will constitute 15 percent of the lake area with 50 percent coverage by plants spaced on 3-foot centers. Plantings under aforementioned conditions will be provided in place of the planting requirement of 1 plant per linear foot of lake shoreline called out in §10-418(2)(b). This deviation is APPROVED.

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: Bona fide agricultural uses

The applicant has indicated that the STRAP numbers for the subject property are:
28-43-26-00-00013.0000, 28-43-26-00-00014.0000 & 33-43-26-00-00002.0010

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.

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

Robert P. Janes	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Nay

DULY PASSED AND ADOPTED this 29th day of January 2007.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Robert P. Janes
Chairman

Approved as to form by:

_____
Robert D. Spickerman
County Attorney's Office

RECEIVED
MINUTES OFFICE

2007 FEB 12 AM 7:37

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTIONS 28 AND 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

(BOUNDARY)

A TRACT OR PARCEL OF LAND LYING IN SECTIONS 28 AND 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, *FLORIDA; SAID TRACT OR PARCEL IS FURTHER DESCRIBED AS FOLLOWS:*

BEGIN AT THE NORTHEAST CORNER OF SAID SECTION 33; THENCE RUN S 00°49'36" E, ALONG THE EAST LINE OF SAID SECTION 33, FOR 187.50 FEET; THENCE RUN S 89°10'24" W, AT RIGHT ANGLES TO SAID EAST LINE OF SECTION 33, FOR 4,467.24 FEET TO A POINT 50.00 FEET EAST OF THE CENTER LINE OF BUCKINGHAM ROAD, FORMERLY KNOWN AS S.R. #S-80; THENCE RUN N 24°24'46" E ALONG A LINE WHICH IS PARALLEL TO AND 50.00 FEET EAST OF THE CENTER LINE OF BUCKINGHAM ROAD FOR 737.33 FEET, MORE OR LESS TO A POINT ON THE SOUTH LINE OF THE FORMER SEABOARD ALL FLORIDA RAILWAY RIGHT-OF-WAY; THENCE RUN N 89°00'54" E, ALONG SAID SOUTH LINE OF RIGHT-OF-WAY, FOR 449.53 FEET, MORE OR LESS, TO A CONCRETE MONUMENT BEING THE SOUTHEAST CORNER OF PARCEL AS RECORDED IN DEED BOOK 233, PAGE 481, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N 00°59'06" W, FOR 100.00 FEET TO A CONCRETE MONUMENT ON THE NORTH LINE OF SAID FORMER SEABOARD ALL FLORIDA RAILWAY RIGHT-OF-WAY; THENCE RUN N 89°00'54" E, ALONG SAID NORTH LINE OF RIGHT-OF-WAY FOR 3,703.67 FEET, MORE OR LESS, TO A CONCRETE MONUMENT ON THE EAST LINE OF SAID SECTION 28, TOWNSHIP 43 SOUTH, RANGE 26 EAST, THENCE RUN S 00°49'13" E, ALONG SAID EAST LINE OF SECTION 28 FOR 590.91 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID SECTION 28 AND THE **POINT OF BEGINNING.**

ASSUMED NORTH BASED ON THE EASTERLY LINE OF BUCKINGHAM ROAD, FORMERLY KNOWN AS S.R. #S-80, AS BEARING N.24°24'46"E.

PARCEL CONTAINS 75.05 ACRES, MORE OR LESS.

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

DESCRIPTION PREPARED: 02-23-06

Robert Tad Simpson

ROBERT TAD SIMPSON
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 5559

Mar 22 2006

DCI 2006-00010

S:\Jobs\20xx\2096\SURVEYING DESCRIPTIONS\2096_DESC.doc
S:\Jobs\20xx\2096\SURVEYING DESCRIPTIONS\2096_DESC.dwg

EXHIBIT A
Page 1 of 2

EXHIBIT A
Page 2 of 2

SKETCH OF DESCRIPTION

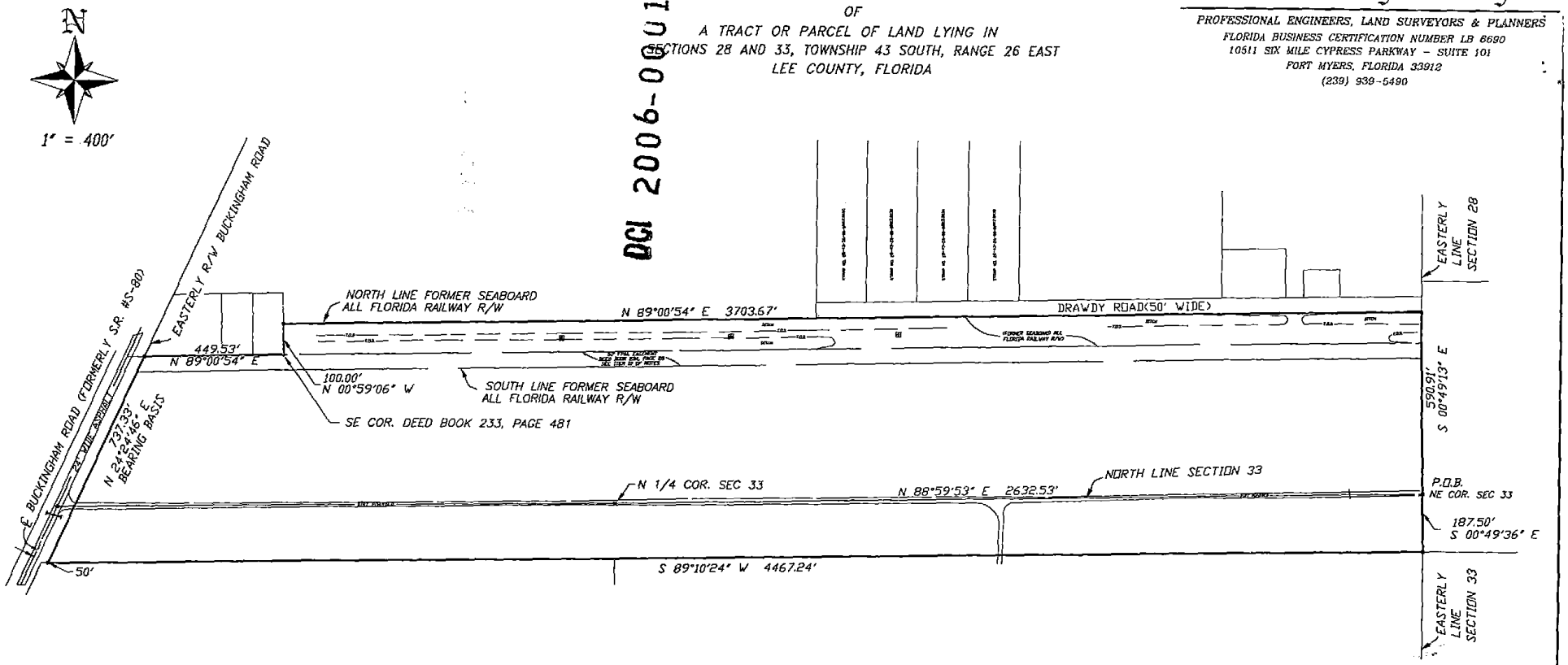
OF

A TRACT OR PARCEL OF LAND LYING IN
SECTIONS 28 AND 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

DCI 2006-00018

Banks Engineering

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
FLORIDA BUSINESS CERTIFICATION NUMBER LB 6690
10511 SIX MILE CYPRESS PARKWAY – SUITE 101
FORT MYERS, FLORIDA 33912
(239) 939-5490



NOTES:

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

2.) ASSUMED NORTH BASED ON THE EASTERLY LINE OF BUCKINGHAM ROAD, FORMERLY KNOWN AS S.R. #S-80, AS BEARING N 24°24'26" E.

3.) SUBJECT TO FACTS THAT MAY BE REVEALED BY AN ACCURATE BOUNDARY SURVEY.

LEGEND:

℄	INDICATES CENTERLINE
COR.	INDICATES CORNER
FP&L	INDICATES FLORIDA POWER AND LIGHT
O.R.	INDICATES OFFICIAL RECORDS BOOK
PG.	INDICATES PAGE
P.O.B.	INDICATES POINT OF BEGINNING
R/W	INDICATES RIGHT-OF-WAY
S.R.	INDICATES STATE ROAD
T.O.B.	INDICATES TOP OF BANK

SEE SHEETS 1 AND 2 OF 3 FOR COMPLETE DESCRIPTION.

THIS SKETCH OF DESCRIPTION IS NOT A BOUNDARY SURVEY

Robert Tad Simpson

ROBERT TAD SIMPSON
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 5559

- THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

S:\JOBS\20XX\2096\SURVEY\DESCRIPTIONS\2096_DESC.DOC
S:\JOBS\20XX\2096\SURVEY\DESCRIPTIONS\2096_DESC.DWG

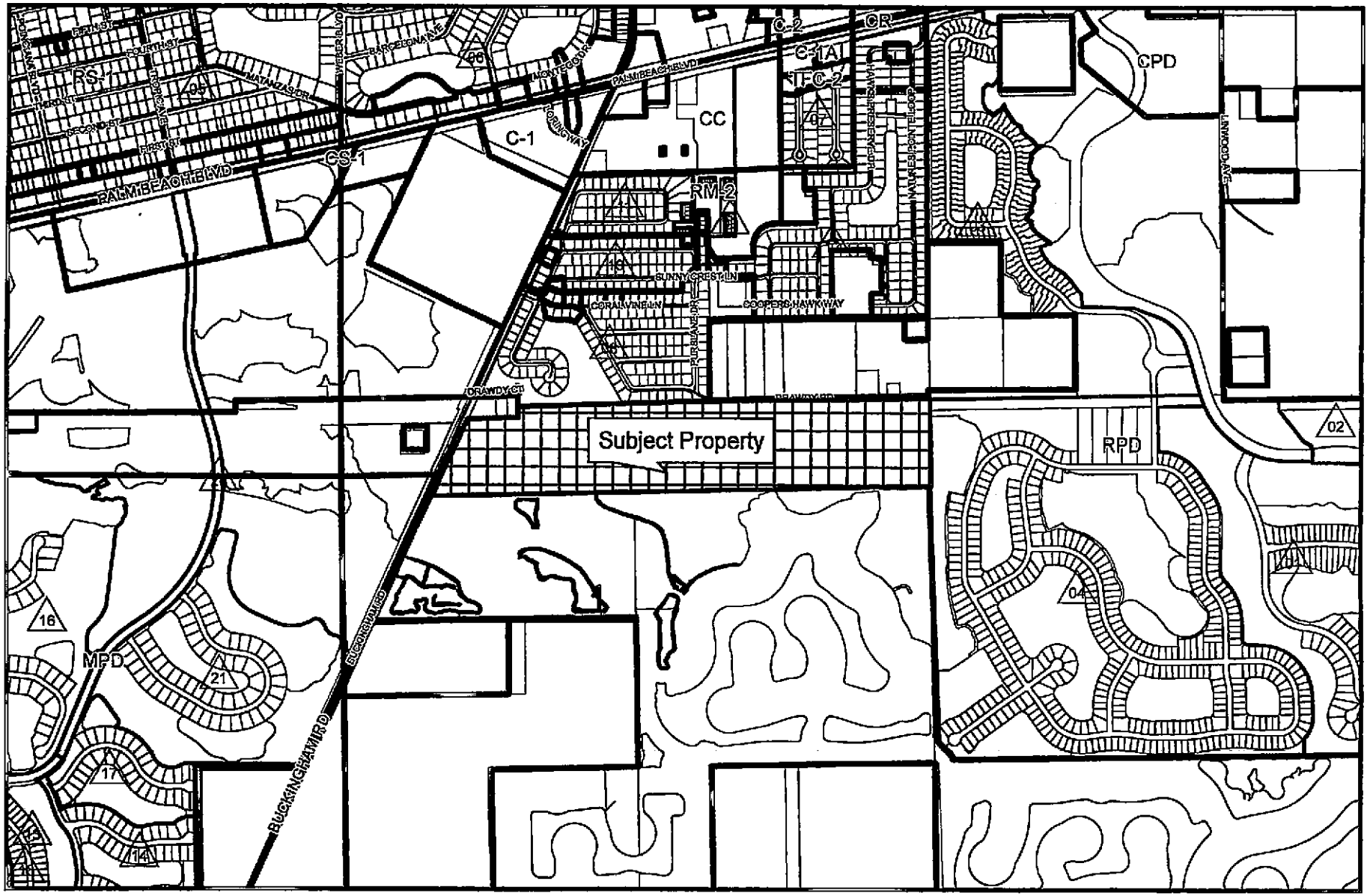
PREPARED 02-23-06
SHEET 2 OF 2

EXHIBIT B

DCI2006-00010 HEMINGWAY POINT RPD
Zoning Map

DCI2006-00010

8/18/2006



1,800 900 0 1,800 3,600

Fe

PLEASE SEE ATTACHED MASTER CONCEPT PLAN SUPPLEMENTAL INFORMATION FOR GENERAL NOTES AND CONDITIONS CONSIDERED.

1a = DEVELOPMENT DESIGNATION
* FOR DESIGNATION PLEASE SEE RESOLUTION.
M = MODEL HOME UNIT LOCATION
CT = CONSTRUCTION TRAILER LOCATION
RS = REAL ESTATE SALES LOCATION

REGULATORY OPEN SPACE TABLE:

SITE AREA: 79.19 Ac.

REQUIRED OPEN SPACE (40%): 31.66 Ac.

REQUIRED INDIGENOUS OPEN SPACE: 15.83 Ac.

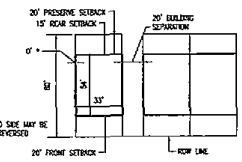
PROPOSED LAKE AREA EXCESS UP TO MAXIMUM 25% OF REQUIRED (3.64 Ac.)

LAKE AREA PROPOSED: 5.09 Ac.

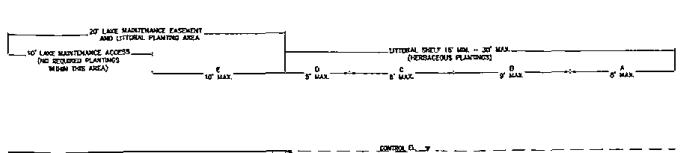
PROVIDED INDIGENOUS OPEN SPACE:
INDIGENOUS PRESERVE A: 7.36 ACRES
INDIGENOUS PRESERVE B: 2.10 ACRES
INDIGENOUS PRESERVE C: 3.86 ACRES
INDIGENOUS PRESERVE D: 1.20 ACRES
INDIGENOUS PRESERVE E: 1.79 ACRES

TOTAL PROVIDED INDIGENOUS OPEN SPACE = 15.06 ACRES

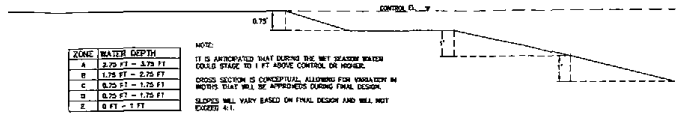
TOTAL PROVIDED OPEN SPACE = MINIMUM 15.06 ACRES



TYPICAL TOWNHOME LOT WITH SETBACKS
FOR ZERO LOT LINE
NOT TO SCALE



ZONE	WATER DEPTH
A	2.75 FT - 3.75 FT
B	1.75 FT - 2.75 FT
C	0.75 FT - 1.75 FT
D	0.75 FT - 1.75 FT
E	0 FT - 1 FT



NOTE:
IT IS ANTICIPATED THAT DURING THE WET SEASON WATER COULD STAGE 1'0 1 FT ABOVE CONTROL OR HIGHER.

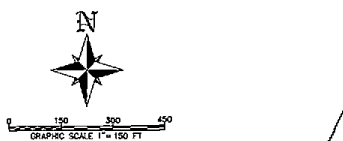
CROSS SECTION IS CONCEPTUAL, ALLOWING FOR VARIATION IN METRIC THAT WILL BE APPROVED DURING FINAL DESIGN.

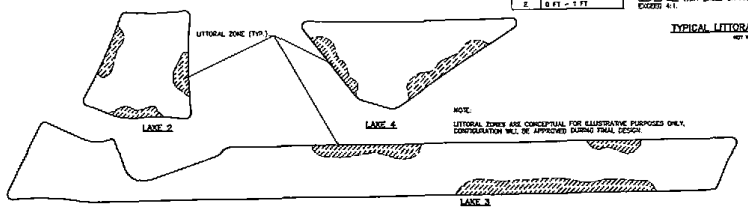
SLOPES WILL VARY BASED ON FINAL DESIGN AND WILL NOT EXCEED 4:1.

TYPICAL LITTORAL ZONE SECTION
NOT TO SCALE

LITTORAL ZONE PLANTING LIST:

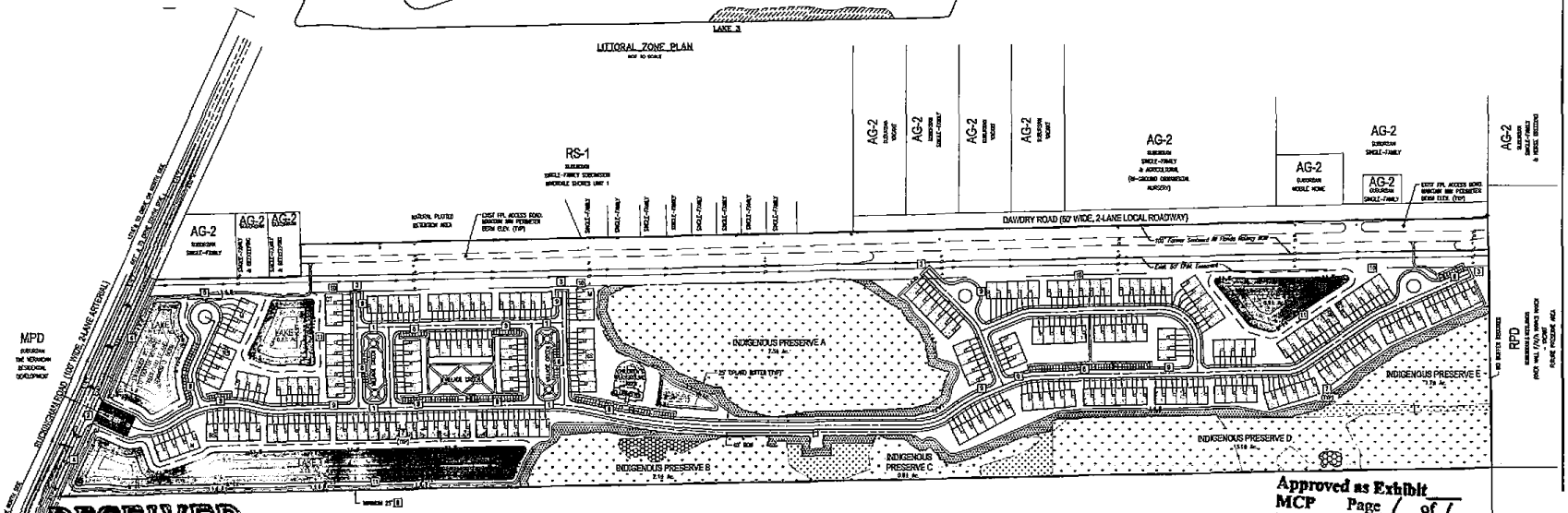
ZONE A	
WATER LILIES	*NYMPHAE SPP.*
SPADEROOCK	*NUPHAR LUTEUM*
ZONE B	
PICKERELWEED	*PONTEDERIA CORDATA*
SAW GRASS	*CLADIUM*
SPIKE RUSH	*ELLEOCHARIS INTERSTINCTA*
ARROW HEAD	*SAGITTARIA SPP.*
ALLIGATOR FLAG	*THALIA GEMICULATA*
FLAT SEDGE	*CYPERUS ARTICULATUS*
BULRUSH	*SCIRPUS SPP.*
ZONE C	
RUSHES	*JUNCUS*
PICKERELWEED	*PONTEDERIA CORDATA*
ARROW HEAD	*SAGITTARIA SPP.*
ZONE D	
SWAMP LILY	*CRINUM AMERICANUM*
POP ASH	*FRAXINUS CAROLINIANA*
WATER HYSSOP	*BACOPA MONNIERI*
SPIDER LILY	*HYMENOCALLIS SPP.*
BLUE FLAG IRIS	*IRIS SPP.*
GOLDEN CANNA	*CANNA FLACCIDA*
SOFT RUSH	*JUNCUS EFFUSUS*
ZONE E	
WAX MYRTLE	*MYRICA CERIFERA*
CABBAGE PALM	*SABAL PALMETTO*
RED MAPLE	*ACER RUBRUM*
SWEET BAY	*LAURUS NOBILIS*
CYPRESS	*CHAMAECYPARIS*
LAUREL OAK	*QUERCUS LAURIFOLIA*
BUTTON BUSH	*CEPHALANTHUS OCCIDENTALIS*
CORD GRASS	*SPARTINA BAKERI*
PANAMATOMEE GRASS	*TRIPSACUM DACTYLOIDES*





NOTE:
LITTORAL ZONES ARE CONCEPTUAL FOR ILLUSTRATIVE PURPOSES ONLY. CONFIGURATION WILL BE APPROVED DURING FINAL DESIGN.

LITTORAL ZONE PLAN
NOT TO SCALE



RECEIVED
DEC 27 2006
COMMUNITY DEVELOPMENT

Approved as Exhibit
MCP Page 1 of 1
Resolution # Z-06-085

DCI 2006-00010

EXHIBIT C

PREPARED FOR:
BUCKINGHAM DEVELOPMENT, LLC
2100 CORPORATE DRIVE, SUITE 102
FT LAUDERDALE, FLORIDA 33334
PHONE: (954) 839-8000
FAX: (954) 839-8001

NO.	DATE	REVISION DESCRIPTION	BY
3	12/26/06	AGENCY UPDATE	SCF
2	10/25/06	1ST SUFFICIENCY SUBMITTAL	SCM
1	08/31/06	1ST SUBMITTAL	SCM

Banks Engineering
Professional Engineers, Planners & Land Surveyors
10054 TEN MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33913
PHONE: (239) 936-0480 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 0403
SURVEY LICENSE # LB 0930

MASTER CONCEPT PLAN
HEMINGWAY POINTE
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
JAN 2006	2098	_MCP3	SCF	SCF	SCM	1" = 150'	1	3	

AFFIDAVIT

STATE OF MICHIGAN)
)
COUNTY OF OAKLAND)

Before me this day appeared Bernard Glieberman who, being first duly sworn, deposes and says:

1. He is the Manager of Bentley Management, LLC, a Michigan Limited Liability Company, which is the Manager of Crosswinds at Buckingham Gardens, LLC, a Florida Limited Liability Company, the owner of the property that is the subject of Case DCI2006-00010.

2. As of the date the application was filed, portions of the property were used for harvesting of hay.

3. The boundaries of the area used for the harvesting of hay are depicted on Exhibit "A" attached to this Affidavit.

4. The applicant intends to terminate the above-described agricultural use upon the approval of the first development order for the project shown on the MCP.

FURTHER, AFFIANT SAYETH NAUGHT.

Done and executed this 7th day of August, 2006.

Bernard Glieberman

SUBSCRIBED AND SWORN TO before me by Bernard Glieberman, who is personally known to me, this 7th day of August, 2006.

My Commission Expires:

Notary Public

Printed Name

ANJA J. WALTHALL
NOTARY PUBLIC-STATE OF MICHIGAN
COUNTY OF WAYNE
My Commission Expires April 7, 2012
Acting in the County of OAKLAND

RECEIVED
AUG 10 2006
PERMIT COUNTER

DCI 2006-00010

AGRICULTRUAL USES AT TIME OF ZONING APPLICATION

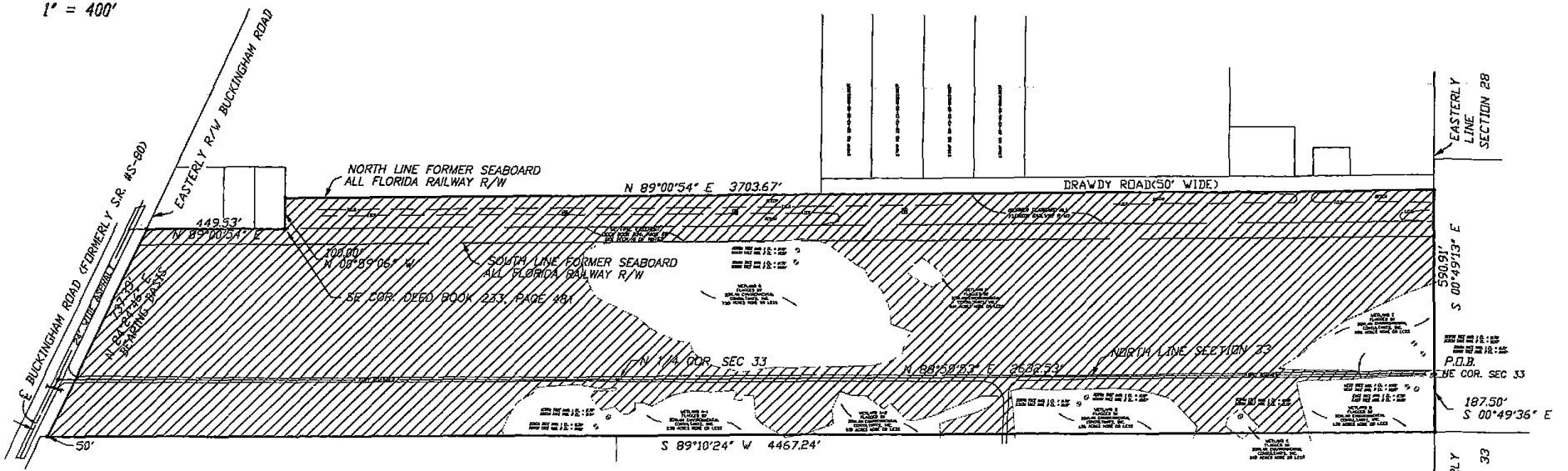
Banks Engineering
PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
FLORIDA BUSINESS CERTIFICATION NUMBER LB 6690
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33912
(239) 939-5490

N

58.63± ACRES AGRICULTURAL USES
HARVESTING HAY

OF
A TRACT OR PARCEL OF LAND LYING IN
SECTIONS 28 AND 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

1" = 400'



NOTES:

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

2.) ASSUMED NORTH BASED ON THE EASTERLY LINE OF BUCKINGHAM ROAD, FORMERLY KNOWN AS S.R. #S-80, AS BEARING N 24°24'26" E.

3.) SUBJECT TO FACTS THAT MAY BE REVEALED BY AN ACCURATE BOUNDARY SURVEY.

LEGEND:

℄	INDICATES CENTERLINE
COR.	INDICATES CORNER
FP&L	INDICATES FLORIDA POWER AND LIGHT
O.R.	INDICATES OFFICIAL RECORDS BOOK
PG.	INDICATES PAGE
P.O.B.	INDICATES POINT OF BEGINNING
R/W	INDICATES RIGHT-OF-WAY
S.R.	INDICATES STATE ROAD
T.O.B.	INDICATES TOP OF BANK

RECEIVED
AUG 10 2006
DCI 2006-00010

EXHIBIT D
2 OF 2

RECEIVED
DEC 0 1 2006

MEMORANDUM
FROM
THE OFFICE OF THE
LEE COUNTY HEARING EXAMINER

DATE: December 1, 2006

TO: Board of County Commissioners

FROM: Richard A. Gescheidt
County Hearing Examiner

RE: Hearing Examiner Recommendation

Enclosed you will find the following Examiner Recommendation:

HEARING DATE: **OCTOBER 11, 2006**

DCI2006-00010 **HEMINGWAY POINTE**

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, January 29, 2007**. 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 / CAO
Jamie Princing / Community Development
Andy Getch / LCDOT
Pam Houck / Zoning Division
Sue Noe / Economic Development

DCI2006-00010
Tony Palermo / Comm. Dev.
Donna Marie Collins / CAO

JAMIE PRINCING
COMMUNITY DEVELOPMENT

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

RECEIVED
DEC 0 1 2006
ZONING

REZONING: DCI2006-00010
APPLICANT: BUCKINGHAM DEVELOPMENT, LLC, in reference to HEMINGWAY POINTE
HEARING DATE: OCTOBER 11, 2006
WRITTEN SUBMISSION: OCTOBER 25, 2006

I. APPLICATION:

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

Filed by BUCKINGHAM DEVELOPMENT, LLC, 8045 NW 155 Street, Miami Lakes, Florida 33016 (Applicant/Owner); KNOTT, CONSOER, EBELINI, HART & SWETT, P. A., c/o MICHAEL E. ROEDER, AICP 1625 Hendry Street, Suite 301, Fort Myers, Florida 33901 (Agent).

Request is to Rezone 75.1 acres from the Agricultural (AG-2) zoning district to the Residential Planned Development (RPD) zoning district to permit 225 multi-family dwelling units. The maximum height proposed is two stories/35 feet. No development blasting is requested. The applicant indicates that they will connect to potable water and central sewer as part of any development of this property.

The subject property is located at 2951 and 3021 Buckingham Road(From downtown Fort Myers: Take 2nd Street and turn slight left onto Seaboard Street. Then turn slight right onto Palm Beach Blvd. Go for about 9 miles and turn right onto Buckingham Road. Go approximately one-half mile and end at the subject properties), in Section 28 and 33, Township 43 South, Range 26 East, Lee County, Florida (District #5).

II. STAFF REPORT AND RECOMMENDATION: APPROVAL 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** he Applicant's request for a rezoning from Agricultural (AG-2) to Residential Planned Development (RPD) for the real estate described in Section IX. Legal Description WITH THE FOLLOWING CONDITIONS AND DEVIATIONS:

A. CONDITIONS:

1. The development of this project must be consistent with the 1-page Master Concept Plan, entitled "HEMINGWAY POINT," stamped "Received October 25, 2006 Zoning," and attached hereto as **Exhibit B**, 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.

Maximum Number of Dwelling Units: 207

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

a. Schedule of Uses

Accessory Uses and Structures
Administrative Office
Agricultural Uses - SEE AGRICULTURAL CONDITION 6
Clubhouse, private -
LIMITED TO CLUBHOUSE AS SHOWN ON THE APPROVED MASTER CONCEPT PLAN
Dwelling Units, multi-family, town home - 200 maximum
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Home Occupation, No outside help.
Model Units - ALSO SEE MODEL UNIT/REAL ESTATE SALES CONDITION 8
Parking Lot, Accessory
Real Estate Sales - ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITION 8
Recreational Facilities - Private, On-site only. LIMITED TO THOSE SHOWN ON THE APPROVED MASTER CONCEPT PLAN (Village Green, Clubhouse, Children's Playground Area)
Residential Accessory Uses
Signs, in compliance with LDC Chapter 30
Temporary Uses, including construction trailer, as shown on the approved Master Concept Plan.

b. Site Development Regulations

Multi-Family, Town Home

Minimum Lot Areas and Dimensions

Lot Size:	10,000 square feet (2,640 for town homes)
Lot Area Per Unit	2,500 square feet
Lot Width:	33 feet per unit
Lot Depth:	80 feet

Minimum Setbacks

Street	20 feet, private roads, 25 feet minimum from Buckingham Road.
Side	0 for individual units, 20 feet between buildings
Rear	15 feet
Water body	25 feet

Accessory Setbacks: Per the LDC

Setbacks from Preserves: Per the LDC

Building Separation: 20 feet.

Perimeter Setbacks: 25 feet

Maximum Height: Two stories/35 feet

Maximum Lot Coverage: 45 percent (75 percent for town homes)

Clubhouse

Minimum Lot Areas and Dimensions

Lot Size:	7,500 square feet
Lot Width:	100 feet
Lot Depth:	75 feet

Minimum Setbacks

Street	20 feet
Side	10 feet
Rear	20 feet
Water body	25 feet

Accessory Setbacks: Per the LDC

Setbacks from Preserves: Per the LDC

Building Separation: 20 feet.

Perimeter Setbacks: 25 feet

Maximum Height: Two stories/35 feet

Maximum Lot Coverage: 45 percent

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

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

5. Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee County Comprehensive Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

6. Agricultural Uses: Existing bona fide agricultural uses on this site are allowed only in strict compliance with the following:

a. Bona fide agricultural uses that are in existence at the time the application for this project was filed, and as shown on **Exhibit C** attached hereto, 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. Prior to issuance of a local development order, the property owner must provide written proof, subject to approval by the County Attorney's Office, of the following:

(1) Termination of all agricultural use on any portion of the property included in the development order application/approval. Proof must include a sworn affidavit from the person or entity holding title to the subject property that specifically provides:

a) the date the agricultural uses ceased;

b) the legal description of the property subject to the development order approval;

c) an affirmative statement that the owner acknowledges and agrees that all agricultural uses are illegal and prohibited on the property and that the owner covenants with the county that they will not allow any such uses on the property unless and until the property is re-zoned to permit such uses; and,

d) that the affidavit constitutes a covenant between the owner and the county that is binding on the owner and their assignees and successors in interest. The covenant must be properly recorded in the public records of the county at the owner's expense.

(2) Termination of the agricultural tax exemption for any portion of the property included in the development order application/approval. Proof as to termination must include of a copy of the request to terminate the tax exemption provided to the Property Appraiser.

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

8. Model Units /Real Estate Sales

A. The number of model units will be limited to no more than 6 within the development at one time.

B. Models cannot be of the same floor plan and each must be a distinctly different design.

C. Real estate sales are limited to model units, amenity sites, clubhouses, and real estate sales locations.

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

E. Hours of operation for both models and real estate sales are limited to Monday through Sunday, 8:00 a.m. through 8:00 p.m.

F. Model units and temporary real estate sales will be valid for a period of up to 3 years from the date of issuance of a certificate of occupancy of a model unit per LDC Sec.34-1954(d)(1).

G. Dry models are prohibited.

H. Model Homes, Model Display Centers and Model Display Groups are not a permitted use.

I. Location of real estate sales and model units must be generally consistent with locations shown on the approved master concept plan.

9. The Development Order must provide an enhanced 25-foot-wide Type "D" buffer along Buckingham Road including 10 trees per 100 linear feet (which must include live oaks, no palms) and a berm a minimum of three feet in height.

10. **ACCESS TO BUCKINGHAM ROAD**

A. The approved Master Concept Plan and local development order must depict a divided entrance on Buckingham Road that includes a median with two lanes on both sides of the median for ingress and egress.

B. Prior to issuance of a development order, the developer must provide written documentation from the Fort Myers Shores Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles.

11. Prior to local development order approval, the developer must submit a brochure to Division of Environmental Sciences and the Division of Zoning for review and approval that will be given to all residents to educate them of the historically rural environment in Fort Myers Shores, Buckingham, Caloosahatchee Shores and the environmentally sensitive nature of a portion of the property. This brochure must include references to the wetland preserves on site, civic organizations in East Lee County, and history of the Buckingham, Fort Myers Shores, and Caloosahatchee Shores communities.

12. Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.

13. Multi-family buildings must be set back a minimum of 200 linear feet from Buckingham Road.

14. Prior to local development order approval, a wading bird management plan must be submitted for the Division of Environmental Science staff review and approval.

15. Prior to local development order approval, the development order plans must delineate the areas between the forested wetland preserves south of the roadway as open space (Figure attached). These areas must be left at existing grade unless a plan is submitted that demonstrates an ecological improvement that enhances wading bird foraging opportunities and does not adversely impact the wetland preserves.

16. Prior to local development order approval, the development order plans (landscape, and paving and grading) must provide a minimum of 15 percent of the surface area of each lake as littoral shelf in substantial compliance with the cross-section on the Master Concept Plan. Additionally, a final littoral planting plan including the species, number and size of plants to be installed in each littoral shelf area must be detailed on the landscape plan. A minimum of six species of plants must be utilized. Trees must be a minimum 3-gallon container size. Shrubs and grasses must be a minimum 1-gallon container size. Herbaceous plants must be a minimum 2-inch liner size. The littoral shelf must be planted to provide 50 percent coverage at time of installation; the distance on center will depend on the size of plants utilized.

B. DEVIATIONS:

Deviation 1.a. requests relief from LDC Section 10-285(A) Table 1, which requires a minimum separation distance of 125 feet on local roads, to allow for separations as shown on the Master Concept Plan proximate to three village green areas. The Hearing Examiner recommends **APPROVAL** of the deviation request with the following conditions.

1. Approval is limited to the three village green areas, as shown on the approved Master Concept Plan.

2. A minimum of 100 feet of separation be provided and shown on the local development order.

Deviation 1.b. - WITHDRAWN BY APPLICANT.

Deviation 2 requests relief from LDC Section 10-291(3), which requires residential developments of more than five acres to provide more than one means of ingress or egress to allow for one means of access. The Hearing Examiners recommends **APPROVAL** of this deviation request with the following condition:

Approval must be consistent with Condition 10 "Access to Buckingham Road" above.

Deviation 3 requests relief from LDC Section 10-296(k)(1), which requires dead end streets to be closed at one end with a circular turn around for vehicles, to allow dead-end streeets where noted on the Master Concept Plan and no cul-de-sacs. The Hearing Examiner recommends **APPROVAL** of this deviation request with conditions.

1. Signage warning motorists of the lack of a turnaround lane be provided and shown on development order plans and must be approved by the Development Services Division.

2. Prior to issuance of a development order, the Developer must provide written documentation from the Fort Myers Shores Fire District indicating that these turnaround points are acceptable and provide adequate access for emergency vehicles.

Deviation 4 requests relief from LDC Section 10-329(d)(1)a.2., which requires that water retention or detention excavations be setback 50 feet from any existing or proposed right-of-way line or easement for a collector or arterial street unless granted an administrative deviation in accordance with Section 10-104. The setback may be reduced to not less than 25 feet if the Developer provides for the protection of wayward vehicles through the use of guide rails, berm, swales, vegetation or other suitable methods as determined by the Director, to allow a setback of 25 feet from Buckingham Road. The Hearing Examiner recommends **APPROVAL** of this Deviation with the following conditions:

1. Approval is limited to the two lakes shown on the approved Master Concept Plan.

2. Enhanced buffering per this resolution must be provided, including a berm and additional buffer plantings on Buckingham Road.

Deviation 5 requests relief from LDC Section 10-329(d)(1)a.3., which requires a 50-foot setback from a property line for a water retention area (lake), to allow for a 25-foot setback from property to the south (Portico RPD). Hearing Examiners recommends **APPROVAL** of Deviation 5 with the following condition:

1. Approval is limited to Lake 4, as shown on the approved Master Concept Plan.

Deviation 6 requests relief from LDC Section 10-416(d)(6), which requires roads, drives, or parking areas located less than 125 feet from an existing residential subdivision or residential lots, a solid wall or combination berm and solid wall not less than eight feet in height must be constructed not less than 25 feet from the abutting property and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 linear feet. In lieu of the buffer, the Applicant will provide an unencumbered 15-foot-wide plantable area containing planting size and count consistent with the Type "F" buffer. The Hearing Examiners recommends **APPROVAL** of this deviation.

Deviation 7 requests relief from LDC Section 34-9335(e)(4), which requires, unless otherwise specified, where there are two or more principal buildings on a development tract, the minimum separation of buildings shall be one-half of the sum of their heights, or 20 feet, whichever is greater, to allow a minimum building separation of 20 feet. The Hearing Examiners recommends **APPROVAL** of this deviation.

Deviation 8 requests relief from LDC Section 34-2015(2(d), which requires all parking lot spaces must be provided with sufficient maneuvering room to allow an exiting vehicle to leave the parking lot in a forward motion, to allow vehicles exiting residential off-street parking to back-out onto private roads. The Hearing Examiners recommends **APPROVAL** of this deviation.

Deviation 9 requests relief from LDC Section 34-2192(a), which requires building setbacks of 20 feet from a private local road, to allow a minimum front setback from the private road of 20 feet and a minimum side setback from the private road of 10 feet. The Hearing Examiners recommends **APPROVAL** of this deviation with the following conditions:

1. Approval is limited to locations, as shown on the approved Master Concept Plan.

2. The building must be set back a minimum of 10 feet from the road right-of-way.

Deviation 10 requests relief from LDC Section 10-416(d)(3), which requires that proposed multi-family developments to provide a Type "B" buffer when abutting existing single-family development, to allow a 5-foot-wide planting area along the southern edge of the existing 50-foot FPL easement containing a double staggering hedge row of shrubs at a 48-inch minimum height at the time of installation. Plantings will be maintained at their natural height or to the maximum height allowed by FPL. The Hearing Examiners recommends **APPROVAL** of this deviation.

Deviation 11 requests relief from LDC Section 10-418(1), which requires shorelines to be sinuous in configuration to provide increased length and diversity of the littoral zone. Sinuous is defined as serpentine, bending in and out, wavy or winding. In lieu of the sinuous characteristic at the edge of water, the Applicant will provide the desired sinuosity through increased littoral plantings of the individual lakes. Planting areas will constitute 15 percent of the lake area with 50 percent coverage by plants spaced on 3-foot centers. Plantings under aforementioned conditions will be provided in place of the planting requirement of 1

plant per linear foot of lake shoreline called out in Section 10-418(2)(b). The Hearing Examiner recommends **APPROVAL** of this deviation, subject to Condition 16 above.

IV. HEARING EXAMINER DISCUSSION:

This is a request to rezone 75.1 acres of land, located on the east side of Buckingham Road, to a Residential Planned Development (RPD), and from the existing Agricultural Zoning District (AG-2). The Applicant proposes a multi-family community, containing 207 dwelling units with a maximum height of two stories/35 feet. The property is in the Outlying Suburban Future Land Use Category.[1]

It is also within the boundaries of the Caloosahatchee Shores Community Plan and also within the Fort Myers Shores Planning Community.[2] The Lee County Comprehensive Plan permits a maximum of 3.0 units per acre on this property, within this part of Caloosahatchee Shores on Buckingham Road. This request is for 2.75 units per acre.

The *Planning Community Year 2020 Allocations*, indicate that 3,631 acres, in the Planning Community of Fort Myers Shores, have been allocated for residential use. Of that acreage, 296 acres are currently available to support zoning approval for residential use in the Outlying Suburban Future Land Use category. This request is therefore consistent with the allocations for the Planning Community of Fort Myers' Shores. This finding, of course, does

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[1] **Lee County Comprehensive Plan Policy 1.1.6:**

The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed. In the Outlying Suburban area in North Fort Myers east of I-75 and in the Buckingham area (see Goal 17), the maximum density permitted is two dwelling units per acre (2 du/acre).

[2] **Lee County Comprehensive Plan Vision Statement Section 4:**

Fort Myers Shores - This Community is located south of the Caloosahatchee River, east of Hickey Creek, and north of the Orange River; and, along I-75 west of the Buckingham Rural Community Preserve, north of SR 82 and east of the City of Fort Myers. This community contains two distinct areas: Caloosahatchee Shores, located east of I-75, and Palm Beach Boulevard, located west of I-75. This area also has a mixture of future land use designations. The majority of the land is designated Suburban, Outlying Suburban, Rural, or Urban Community; however, there are some lands designated Intensive Development, Central Urban, Public Facilities, Industrial Interchange Area, and General Interchange.

Caloosahatchee Shores: This community is located south of the Caloosahatchee River, west of Hickey's Creek, and north of the Orange river; and along I-75 east to the Buckingham Rural Community Preserve, north of SR82 and west to I-75. This community contains three neighborhoods: Fort Myers Shores, Olga, and the Riverdale neighborhood around the intersection of Buckingham Road and SR 80. The Caloosahatchee Shores planning community has a more rural character, but is anticipated to grow substantially over the life of this plan . This area also has a mixture of future land use designations. The majority of land use designations are Suburban, Outlying Suburban, Rural or Urban Community; however, there are some lands designated public facility and industrial interchange.

Due to the rapid rise in population and limitations on commercial development in surrounding communities, the amount of commercial buildings will more than double by 2020. Currently, this community contains commercial outlets which accommodate the needs of its residents as well as those from neighboring communities such as Alva, Bayshore and Buckingham. Shopping areas in this community are concentrated along the SR 80 corridor with specific commercial nodes for higher intensity development to satisfy residents primary commercial needs. During the life of this plan, Fort Myers Shores will continue to develop a commercial/employment center for the adjacent communities.

not guarantee that there will be sufficient allocations, for residential development, at the time of local development order.[3]

Immediately north of the subject property, is a 50-foot-wide easement, in favor of Florida Power and Light. Additionally, there is a 100-foot-wide old railroad right-of-way. These features separate, by 150 feet, the subject project from the residential uses to the north.

North of these 150-foot segments, is RS-1 zoning, Riverdale Shores Unit 1, and numerous AG-2 zonings on large multi-acre tracts. The Applicant seeks a deviation to eliminate the need for a Type B buffer to the north. Riverdale Shores has a density of 2.61 units per acre. East of this community are large rural lots, with single-family homes. Further north, the Reserve at Buckingham, has a density of 4.21 units per acre, and the Reserve at Buckingham Unit 2, with a density of 3.45 units per acre. A Type B buffer is required by the Land Development Code, on the northern boundary, adjacent to the single-family and rural residential areas to the north. Deviation 10 has been provided to lessen this requirement, in light of the separation provided by the easement and the right-of-way.

East of the Applicant's property is River Hall RPD, formerly called Hawk's Haven, with a density of 2.6 units per acre. There is a preserve area depicted on the east side of the Applicant's Master Concept Plan, stamped "Received October 25, 2006 Zoning" (**Exhibit B** attached hereto), and multi-family structures in the north east corner of the Plan. No buffer is shown to east, and none is required by the land development code (this is a vacant/preserve portion of the River Hall RPD).

South of the subject site is the Portico Residential Planned Development, a combination of single-family and multi-family residential development, with a density of two units per acre. The Master Concept Plan shows a combination of preserves, lakes, and a Type B buffer on this southern boundary. The Development Staff has represented that they have been in contact with the Developer of Portico RPD, and has solicited their comments, including their comments on the deviation request.

Finally, west of the proposed development is Buckingham Road. Across from which is a portion of the Verandah Mixed-use Planned Development. That project has a density of 1.2 units per acre. Staff has requested that, on this boundary, any residential multi-family buildings be set back a minimum of 200 feet from the road. They also recommended an enhanced Type D buffering, consistent with other developments such as Portico RPD and Buckingham 345 RPD.

Staff, initially, expressed concern with the project's compatibility with the rural lifestyle in East Fort Myers, and specifically on Buckingham Road. They felt that this site is not appropriate for the maximum density allowed in the Outlying Suburban future land use category. Rather, the site is more appropriate for lower somewhat lower transitional density. In response the Applicant lowered its request to 207 units, with a density of 2.75 units per acre. This is

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[3] **Lee County Comprehensive Plan 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.

acceptable to Staff in this transitional area. This Hearing Examiner also agrees with the appropriateness of this density.

The intent of the Outlying Suburban future land use category for Caloosahatchee Shores was clearly to create a transition, from suburban uses in the north, to rural uses in the south. The properties in this southern neighborhood are a unique mix of large ranches and rural lifestyles, with suburban developments becoming more and more predominant. Newer developments are continuing this area's transition from a rural haven, to a suburban neighborhood.

The project provides one entrance and exit onto Buckingham Road. The road segment has a high amount of traffic. It will continue to become more congested in the future. There is a safety issue that must be considered. It will take time to evacuate automobiles, should there be an emergency such as a storm, flood, fire or smoke. There is also a circulation issue. That is the potential for traffic to bottleneck, at the entrance at peak traffic hours. The proposed project is located on the east side of Buckingham Road, south of S.R.80. Based on the *ITE Trip Generation Report 7th Edition* the project will generate 115 new trips in the peak hour. The anticipated build out year is 2008.

Based on a growth rate derived from the *2005 Traffic Count Report*, the estimated 2006 traffic volume from the *2005/2006 - 2006/2007 Concurrency Management Report*, and the *Link-Specific Service Volumes* issued by Lee County Department of Transportation, in year 2009, Buckingham Road will operate at a Level of Service "D." When the project traffic is added the level of service will drop to Level of Service "E." This is not a favorable level, rather it is an acceptable one. Improvements to Buckingham Road (from two to four lanes) are in the five-year CIP budget process, according to the Lee County Department of Transportation, with design scheduled for 2009-2010. Completion of right-of-way acquisition and construction is beyond the County's 5-year forecast.

The Lee County's Bicycle and Pedestrian Advisory Committee (BPAC) 5-year recommended project lists, includes paved shoulders on Buckingham Road. A sidewalk will be required on Buckingham Road (an arterial road) and the issue will be addressed at the Development Order stage. Sidewalks are a site-related improvement for development. The Lee County Administrative Code provides for payment of a fee-in-lieu under certain conditions.

The conditions, recommended by Staff, are incorporated herein, such as enhanced buffering, lesser density does help address compatibility, traffic and environmental concerns for this rural residential part of the county.

Lee County Utilities has confirmed the availability, of potable public water and sanitary sewers, to the subject site.

The Division of Environmental Sciences Staff has reviewed this project and recommended approval, subject to certain conditions which have been adopted by this Hearing Examiner. The property consists of Cypress Wetlands (16.42 acres), South Florida Slash Pine and Sabal Palm Forest (0.44 acres), marsh (2.24 acres), pasture (50.78 acres), disturbed land (2.42 acres), ditches (1.40 acres) and dirt roads (1.35 acres).

A protected species survey for Lee County listed species, meeting the requirements of Land Development Code(LDC) Section 10-473, has been conducted by Boylan Environmental Consultants Inc. A little blue heron was observed. The Environmental Sciences Staff conducted a field inspection, and verified the protected species survey on September 8, 2006. At that time they observed two little blue herons, two great egrets, and twenty-five white ibis. Little blue herons are a Lee County listed species. The Environmental Sciences Staff has required a Wading Bird Management Plan to be submitted for review and approval, at the time of the local development order. A condition reflecting this requirement is included herein.

The Applicant is required to dedicate 40 percent, or 30 acres, of the site to common open space. The Master Concept Plan indicates that, the required open space will be provided through 15 acres of indigenous preservation and 15 acres of other open space. Additionally, the Applicant will provide one-half, or 15 acres, of the required open space/existing indigenous plant communities by preserving six wetland areas.

The Environmental Sciences Staff recommended a condition to insure the proposed project is consistent with the County ordinances regarding site design, preservation, and wildlife protection. The same is incorporated herein.

This request contains recommendations for approval of eleven deviations. That may be a large number, for this size project. However, most of the requests are a direct or indirect result of the unusual shape of the site. It is long, and relatively narrow. The Hearing Examiner agrees with Staff, and finds that the requested deviations contain no health, safety or welfare concerns.

The Master Concept Plan delineates lakes that are geometric in shape, except for the fact wavy lines have been drawn to depict shorelines. This design does not meet the intent of Lee County Land Development Code, directing stormwater management systems to mimic natural systems. A condition is provided that prior to local development order approval, the lakes must be redesigned, to mimic natural systems, and not be geometric in shape.

There were several participating members of the public present at the hearing. The major point of concern was water flow, both from this parcel and other sites. The individuals expressing their concerns were not in real opposition to the project, but rather concerned regarding existing flooding during heavy rains. The Hearing Examiner explained the development process to these individuals and the jurisdiction of the South Florida Water Management District.

The Outlying Suburban land use category allows a maximum standard density of 3.0 units per acre. The Applicant is proposing a development of 2.75 units per acre. The requested level of density is appropriate as a buffer adjacent to the Buckingham Community and the Fort Myers' Shores Community. Surrounding properties have low densities ranging from one unit per acre to 2.6 units per acre. The requested 207 units equate to a density of 2.75 units per acre. This request, as conditioned, is consistent with the Policy 1.1.6 (see footnote 1) of the Lee County Comprehensive Plan.

This subject property is located in proximity to existing residential developments, public parks, schools, and commercial shopping. It has the necessary characteristics of infill development. Further, it is in an area where urban services already exist and are serving residential neighborhoods nearby. The property is within the Lee County Utilities water and

sewer service areas. The development is within the service area for Fort Myers Shores Fire Department, Lee County Public Schools, and the Lee County Sheriff's Office. The proposed project, as conditioned, is consistent with Objective 2.1, Objective 2.2. and Policy 2.2.1 of the Lee County Comprehensive Plan.[4]

The proposed Master Concept Plan, as conditioned, is consistent, with Policy 4.1.1 of the Lee County Comprehensive Plan.[5]

The design of this development that takes into account the safety of the future residents and, therefore, is consistent with Policy 5.1.2 of the Lee County Comprehensive Plan.[6]

This proposed development is near shopping, public parks, and in proximity to schools and social services. The development is consistent with Policy 5.1.4 of the Lee County Comprehensive Plan.[7]

This is residential development in proximity to single-family homes and homes on large lots. Appropriate conditions, including buffering, are provided to protect the residential and rural character of the community, and the potential impacts of the 207 multi-family dwelling units

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[4] **Lee County Comprehensive Plan 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.

Lee County Comprehensive Plan 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 Concurrency Management Ordinance.

Lee County Comprehensive Plan Policy 2.2.1:

Rezonings 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.

[5] **Lee County Comprehensive Plan POLICY 4.1.1:**

Development designs will be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements.

[6] **Lee County Comprehensive 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.

[7] **Lee County Comprehensive Plan Policy 5.1.4:**

During the rezoning process, direct high-density residential developments to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities.

and amenity areas. The proposed development, as conditioned, is therefore consistent with Policy 5.1.5 of the Lee County Comprehensive Plan.[8]

Lee County Utilities confirms the availability of water and sewer service to the subject site. Accordingly, this proposed development is consistent with water and sewer standards of the Lee County Comprehensive Plan.[9]

The site takes into consideration existing development patterns and makes a good effort to protect the rural residential integrity of the neighborhood. The conditions provided make this development more compatible with the area's existing character, including the requirement to provide information to future residents about the history and rural character of the area. The request is consistent with Policy 139.9 of the Lee County Comprehensive Plan.[10]

The undersigned Hearing Examiner finds that the requested rezoning meets the criteria necessary for approval of a Residential Planned Development, including consistency with the Lee County Comprehensive Plan and Lee County Land Development Code. The Master Concept Plan is compatible with neighboring properties. The project will not adversely affect environmentally critical areas and natural resources, including upland preserves. Ths Hearing Examiner recommends approval of this application, with the conditions contained herein. In compliance with Section 3.1 of Lee County Administrative Code AC-2-6, the undersigned Hearing Examiner conducted a site visit to the subject real property prior to issuing this recommendation.

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:

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[8] **Lee County Comprehensive 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.

[9] **Lee County Comprehensive Plan Standard 11.1:**

WATER. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross loadable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Chapter 17-22, FAC.).

Lee County Comprehensive Plan Standard 11.2:

SEWER. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.

[10] **Lee County Comprehensive Plan Policy 139.9.5:**

New development adjacent to areas of established residential neighborhoods must be compatible with or improve the area's existing character.

A. The Applicant has proven entitlement to the Rezoning by demonstrating compliance with the Lee County Comprehensive Plan, the Lee County Land Development Code, and other applicable codes and regulations.

B. The requested zoning, as conditioned:

1) meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;

2) is consistent with the densities, intensities and general uses set forth in the Lee County Comprehensive Plan;

3) is compatible with existing or planned uses in the surrounding area; and

4) will not adversely affect environmentally critical areas or natural resources.

C. Approval of the request, as conditioned, 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.

D. Urban services, as defined in the Lee County Comprehensive Plan, are, or will be, available and adequate to serve the proposed land use.

E. As conditioned, the proposed use or mix of uses is appropriate at the subject location.

F. The recommended conditions to the Master Concept Plan and other applicable regulations provide sufficient safeguards to the public interest.

G. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

H. The deviations granted:

1) enhance the objectives of the planned development; and

2) preserve and promote the general intent of the Lee County Land Development Code to protect the public health, safety and welfare.

VI. LIST OF EXHIBITS:

Master Concept Plan for Hemingway Pointe, Sheets 1 through 3 of 3, prepared by Banks Engineering, Inc., date stamped "Received October 4, 2006 Permit Counter" (24" x 36")

STAFF'S EXHIBITS

1 Aerial photograph, dated January 2005 (color) (24"x 36")

2 Photographs (three)(color) (8.5" x 11")

3 Memo from Tony Palermo, dated October 25, 2006, re: Updated Deviations and Revised Master Concept Plan for Hemingway Pointe, Sheets 1 through 3 of 3, prepared by Banks Engineering, Inc., date stamped "Received October 25, 2006 Zoning" (24" x 36") [post hearing submittal]

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

APPLICANT'S EXHIBITS

1 Density Plan (Dwelling Units Exhibit for Hemingway Pointe), Sheet 1 of 1, prepared by Banks Engineering, Inc. (24"x 36")

2 Master Concept Plan for Hemingway Pointe, Sheet 1 of 3, prepared by Banks Engineering, Inc., last revised September 26, 2006 (24"x 36")

3 Aerial Photograph, Sheet 1 of 1, prepared by Banks Engineering, Inc. (color) (24"x 36")

4 Buckingham Gardens FLUCCS Maps (color)(24" x 36")

5 Master Concept Plan Exhibit, Sheet 1 of 1, prepared by Banks Enigineering, Inc., dated October 2006 (24" x 36")(Prior 7)

6 Drainage Outfall Map (Basins 2-1,2-3, 2-4, 3-1, 3-3, 4-1) for River Hall (formerly known as Hawks Haven), prepared by Barraco & Associates, last revised June 29, 2006 (24" x 36")

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

VII. PRESENTATION SUMMARY:

The Hearing Examiner introduced himself, announced the case and described the location of the subject property. Since there were public participants present, the Assistant County Attorney, Rob Spickerman, introduced himself and explained the public participation process.

Mr. Spickerman stated he represented the Board of County Commissioners (BOCC) and was present to assist the Applicant and Staff in making sure the hearing record was complete. If there were any present who would like to participate in this hearing or obtain a copy of the Hearing Examiner's recommendation, he instructed them to complete a public participation form and submit it to the Hearing Examiner.

After the Applicant and Staff have made their presentations in this case, the Hearing Examiner would open the floor for public comment. It is at that time that it would be appropriate for them to come to the podium, state their name and address for the record, and share their thoughts with the Hearing Examiner. If they would like their opinions to be considered in his recommendation they must speak during the hearing. If they would like the opportunity to address the BOCC at the final hearing on this matter, they must speak before the Hearing Examiner in today's hearing. At the close of this hearing, no additional facts or testimony of any kind will be permitted that is new and not already in the record.

Mr. Spickerman introduced the participants who were sitting at the desk: Kim Trebatoski, Principal Environmental Planner, Tony Palermo, Lee County Zoning, and Matt Uhle, representing the Applicant.

At this time, the Hearing Examiner placed all the hearing participants under an oath and asked the Applicant's agent to proceed.

Matt Uhle, Knott, Consoer Law Firm, introduced himself and stated the updated plan is different from the plan reviewed by Staff for the Staff Report, in which they based their decision. One of the changes was the units from 225 to 207 a decision that was made when they met with Kim Trebatoski and Tony Palermo. Shortly after our meeting, Mr. Palermo prepared the October 5th memo addressing the new plan and recommended approval of the new plan and the new list of deviations.

Deviation 11, which relates to the shape of the lakes, was deferred to the Division of Environmental Sciences. We also need to keep the record open for Conditions 15 and 16 since we have not been able to work out all the issues. Additionally, the memo he wrote indicates one issue with Staff regarding the intersection separation deviation on Buckingham Road.

Continuing, he stated that the subject parcel is slightly more than 75 acres in size and it is much deeper than it is wide, thus the development on the site is constrained. The subject property has been cleared except for the wetland area in the middle, and it is also located in the Outlying Suburban Land Use category. In the Lee County Comprehensive Plan, this parcel had the maximum density of three units per acre. To the south of the subject property is an undeveloped parcel rezoned Residential Development with two units per acre called Portico. To the east is the River Hall project with one unit per acre. To the west is Buckingham Road and the Verandah with 1.2 units per acre. The property to the north is in the Suburban land use category with a maximum of six units per acre.

When reviewing the Master Concept Plan, to the north of the subject property there is a 50' FPL easement that extends north and south of the subject property. Additionally, there is 100-foot old railroad right-of-away, thus added 150 feet between the subject project and most residential uses to the north. On the eastern part of the property, there is a local street that has a 50-foot right-of-away and it is also a barrier. On the aerial photograph, most of the residential uses are directly north of the wetland area, which is a preserve area on our plan. One of the projects immediately to the north has a density of 4.21 units per acre, the second has 3.45 units per acre, and the third has 3.31 units per acre. Therefore, the proposed project of 2.75 units per acre is consistent with the density in the area.

Next, Sam Marshall, Banks Engineering, introduced himself, he stated that his resume is on file, is a Registered Professional Engineer for the State of Florida and has worked in Lee County for past 15 years. He is a Civil Engineer and an expert in utilities and drainage and was accepted.

Mr. Marshall stated that the applicant is proposing to develop 207 multi-family town home residential units, with minimal impact to the wetlands. He also stated that the 30 percent open space requirements have been met and exceeded. The open space is achieved primarily in the wetland areas that will remain as natural buffers along with structural buffers as well. The additional 15 acres of general open space is achieved by the five lakes, and we

are proposing no development on the old railroad right-of-away. We also have Village Green Public common open space as well and exceed our 15 acres of open space.

Continuing, he stated that the subject property is in the Lee County Utilities franchise area, and has a letter dated May 3, 2006 from said department stating that they have both portable water and waste port services to the site. The letter also states that maintenance exists in the vicinity of the subject property, two force main on Buckingham Road, a 10" and a 6' main to the west, and a 10-inch water main to the east side of the road. It will be our challenge to design, construct, and permit the water distribution and the waste water collection system that will connect to those main in complies with the Lee County Utilities specifications and in accordance with FDEP and Lee County HRS regulations. Confirmation was also received from Lee County Utilities that they presently have the capacity to provide both water and waste service to the development.

The regional drainage pattern in the area is from the south and north, through several creeks and the Caloosahatchee River further east of subject property. The subject property generally drains through the wetlands and through the east, which we intend to continue in our final water management design. A permit will be required from the Southwest Florida Water Management District. The site today, from a drainage stand point, is bounded by all sides by existing development and ongoing development. The adjacent sites have been filled and grated to address their storm water drainage; however, no drainage enters the subject site from the surrounding properties.

During the permitting of the Portico Development, they did account for the possible flow into the site as a discharge; we have met with the Water Management District and have discussed that we have a better discharge into the wetlands on the southeast corner and along the railroad grade, which is a connection to the creeks. The subject project is currently under review by the South Florida Water Management District

Deviation 1, Section 10-285A, table 1, "requires a center line connection separation for the local roads of 125 feet to allow a minimum centerline connection separation of 99 feet for the private right-of-way where noted on the Master Concept Plan." This deviation is triggered by creations of village greens through the development as an amenity and point of interest, the additional roadways will actually improve the traffic circulation in the area.

Next, Deviation 1.b., LDC Section 10-285, "requires center line connection separation for arterial roads of 650 feet and to allow a minimum center line connection separation of 450 feet for the proposed access to Buckingham Road and the existing Savority Court to the north." Our access location of a spacing of 450 feet to Savority Court will not cause a public health, safety and welfare concern because of the planned right and left turn lanes into the property.

Matt Uhle asked Mr. Marshall to demonstrate the intersection, separation that exist in the area on the exhibit.

Mr. Marshall stated that to the north of the proposed access is approximately 450 feet and to the east is 989 feet, which is Coral Vine Lane and that is into the Riverdale Shores Subdivision. There is one access on the west through Riverdale High and it is approximately11, 000 feet north of the proposed access. There is also a dirt access way for the FPL easement which is 271 feet north of the site. So the next utilized daily access north

to the subject property is 11,000 feet and to the south is 13,011 feet and is the access to Portico.

Deviation 2, LDC Section 10-291 (3) "requires more than one means of ingress or egress to the site." The dimensions of this parcel make it impractical to have two access along Buckingham Road; therefore, the proposed plan is to widen the entrance by allowing two lanes in and two lanes out, with a total pavement width of over 20 feet.

Deviation 3, Section 10-296 (k)(1) "requires a dead-end street designed to be so permanently must be closed at one end by a circular turnaround for vehicles to allow dead-end streets were noted on the Master Concept Plan. To allow for no cul-da-sacs." There are three or four individual homes on the street were there is a turn off opportunity, primarily dictated by the location the FPL easement and the 100-foot railroad right-of-way line on the north side of the property. The numbers of homes without a turn around are very limited and the situation will have appropriate signage. There are only four places where Deviation 3 exist.

Deviation 4, LDC Section 10-329 (D)(1A.2) "requires that water retention or detention excavation be setback 50' from any existing or proposed right of way line or easement for a collector or arterial street unless granted an administrative deviation in accordance with section 10-104. The setbacks may be reduced to no less than 25 feet, if the Developer provides for the protection of wayward vehicles through the use of guard rails, berm, swales, vegetation, or other suitable methods as determined by the director to allow a set back of 25 feet from Buckingham Road." The Applicant is proposing a berm and other protective measures to make this eligible for this deviation on lakes number 1 and 2.

Deviation 5, LDC Section 10-329 (D)(1A.3) "requires that water retention or detention excavation be setback 50 feet from any private property line under separate ownership unless granted an Administrative Deviation in accordance with LDC Section 10-104. The setbacks for excavation from a private property line may not be less 25 feet. The request is to allow a setback of 25 feet from the south property line." This is an appropriate location for retention lake with the proper buffering and should be eligible for the Administrative Deviation in Lake number 4. This lake needs to be 100 feet wide to meet the South Florida Water Management district water quality criteria.

Deviation 6, LDC Section 10-416 (D6) "requires that roads, drives or parking areas are located less than 125 feet from the existing residential subdivision and residential lots, a solid wall or combination berm and solid wall not less than eight feet in height must be constructed not less than 25 feet from the abutting property and landscaped (between the wall and the abutting property) with a minimum of five trees and eighteen shrubs per linear feet." In lieu of the buffer, the applicant will provide an unencumbered 15-foot-wide plantable area containing only planting size and count consistent with the type 'F' buffer.

Deviation 7, LDC Section 34-935 (E)(4), "requires where there are two or more principal buildings on the development track, the minimum separation of buildings shall be one-half of the sum of their heights, or 20 feet, whichever is greater. The request is to allow a minimum building separation of 20 feet." A 20-foot separation will be adequate for safety and maintenance purposes. The buildings will additionally have sprinkle systems; therefore, there are no requirements for fire access around the buildings.

Deviation 8, LDC Section 34-2015(2)(d), "requires that all parking lot spaces must be provided with sufficient maneuvering room to allow and existing vehicles to leave the parking lot in a forward motion, to allow vehicles exiting residential off-street parking to back-out onto private roads." The subject project has a number of visitor parking spaces located at the Village Green and throughout the property.

Deviation 9, LDC Section 34-2192(a) "street setback for private road of 20 feet, to allow a minimum front setback from the private road of 20 feet and a minimum side setback from the private road of 10 feet." The unified plan for the overall development, this reduced side setback at the intersection will not create any hazard.

Deviation 10, LDC Section 10-416(d)(3), "requires that proposed multi-family developments provide a Type "B" buffer when abutting existing single-family development to allow a 5-foot-wide planting area along the southern edge of the existing 50-foot-wide FPL easement containing a double staggering hedge row of shrubs at a 48-inch minimum height at the time of installation. Planting will be maintained at their natural height or to the maximum height allowed by FPL." The subject project has a 50-foot-wide FPL easement on the entire north end of the property and the 100-foot former railroad right-of-way.

Deviation 11, LDC Section 10-418(1) "requires shorelines to be sinuous in configuration to provide increased length and diversity of the littoral zone. Sinuous is defined as serpentine, bending in and out, wavy or winding." In lieu of the sinuous characteristic at the edge of water, the applicant will provide the desired sinuosity through increased littoral Planting of the individual lakes. Planting areas will constitute 15 percent of the lake area with 50 percent coverage by plants spaced on three foot centers. Planting under aforementioned conditions will be provided in place of the planting requirement of one plant per linear foot of lake shoreline called out in LDC Section 10-418(2)(b).

Next, Rae Ann Boylan, Boylan Environmental Consultants, introduced herself and stated her resume is on file with the Hearing Examiner's Office. She has a degree in Biology, a Masters Degree in Environmental Engineering Sciences, and she has been involved in environmental work in Southwest Florida since 1982. She is qualified as an expert witness in wetlands and wildlife ecology and asked to be accepted as an expert witness in that field, as she had been in the past. After hearing no objection from Staff, the Hearing Examiner accepted her as such.

Continuing, she stated that the subject property is a cleared and improved pasture land with access roadways and power lines to the north. The 18.66 acres of Cypress wetlands will be preserved; however, on the western part of the site is an isolated march that will be impacted and is under review by the Water Management District. The species survey conducted by them on November 2005 confirmed signs of Little Blue herons. The survey conducted by Lee County Staff on September 2006, also confirmed signs of Little Blue Herons.

Special Condition 14 of the Staff Report addresses the preparation of a management plan prior to Local Development Order approval, which the applicant is in agreement. As discussed, the project site does meet the native indigenous requirements through the preservation of the Cypress wetlands.

Attachment J of the Staff Report suggested changes to the site, Condition 15, which indicates that the Development Order must eliminate areas between the farthest wetlands preserved south of the roadway's open space. These areas must be left at existing grade unless a plan is submitted that demonstrates an ecological improvement that enhances waiting birds, forging opportunities and does not adversely impact the wetland preserves.

The current Master Plan has incorporated all of the changes, e.g., the elimination of all development and the cul-da-sac on the southeastern portion of the site, and a cohesive unified preserve for most of the southern property line up toward the eastern side. Mr. Boylan also stated that the record be kept open to adjust the wording on Condition 15.

Next, Ted Treesh, TR Transportation Consultants, introduced himself, his resume is on file with the Hearing Examiner's Office. He asked to be accepted as an expert witness in transportation and planning matters, as he had been in the past. After hearing no objections, the Hearing Examiner accepted him as such.

Mr. Treesh began his testimony by stating the Traffic Impact Analysis, dated September 30, 2005, he performed was based on the original 225 dwelling units. Mr. Rentz memo included in the Staff Reports stated that currently Buckingham Road is a project at a Level of Service D and will be at level E including the subject project, which is still within the adopted Level of Service Standards based on the Lee County Comprehensive Plan Requirements. Additionally, the County is the process of moving forward with the widening of Buckingham Road to a four-lane facility.

Continuing, he stated that the access separation will not be a threat to the public safety, health or welfare of the motorized vehicles to the north. Also, there are only three existing lots on Savority Court, which represent minor use and because of the development of residential subdivision in this area, future development is unlikely.

In addition, the County will review the Access Management Plan when construction the four-lane road, and will include a raised median with turning lanes. These turning points will be at the Portico entrance, the subject project, and the main entrance and south side of the high school. When the subject project is submitted for a Development Order, Buckingham will be widened to provide south bound a left turn and a north bound right turn to accommodate this project turning movement. On the other side of the street is the Verandah project with access through State Road 80; therefore, no conflict will be present.

Next, Mike Roeder, Director of Planning Knott Consoer, introduced himself, his resume is on file, and was accepted as an expert witness for planning and land use matters. He stated that they agree with the findings relating to development location and timing under Objection 2.2. and 2.3.

Policies 4.1.1 & 512 orients and recognizes the designs, typographical and natural features of the site. The site plan is designed around the two large preserve areas which divides the project into two pieces with many open spaces (Objective 107.2 and Policy 102.4 protecting existing natural vegetated community).

Policy 5.1.5 protects the existing single family neighborhoods on the south side which includes Portico Development. With our new plan, the entire south side of the project is either indigenous preserve or retention area with the exception of the small cul-da-sac that agreed to as a Type "F" buffer. Deviation has been requested on the north side because of

the 150' easements between FPL and the old railroad; although five shrubs will be added to the south for extra buffer.

In the Caloosahatchee Shores Community Plan, the east side of Buckingham Road uses was Suburban, changed to Rural, and agreed upon the community to change to Outlying Suburban. On the south of the subject property was Outlying Suburban with density of three units per acre, which both Portico and Buckingham have been approved to a full three units per acre. The subject property was a suburban use from the beginning and was recognized as a very long and narrow parcel with many challenges. The closer to the intersection of State Road 80 and Buckingham Road, the higher the density.

Mr. Treesh concludes that the density of the subject project is consistent with the Caloosahatchee Shore Plan and was presented to the ELC. He also added that they support the Staff's Conditions 14 and 15 regarding Environmental issues that still is in need of work.

Tony Palermo, Senior Planner with Lee County Community Development, introduced himself and stated that he is an expert in planning, zoning, and land uses and was accepted. He stated that Staff recommends approval of the subject residential planned development with conditions. Staff has received copies of the Master Concept Plan and he did discuss the plan with developers in the area. Additionally, he did not receive a lot of public inputs regarding the subject project.

The proposed request is to rezone 75+ acres from AG-2 to RPD. Originally, the application called for 225 multi family units, two story (35'), in which, has been modified and improved and reduced the density to 207 dwelling units. The future land use is Outlying Suburban and the maximum of two units of per acre. Once the project is submitted for a Development Order, the agricultural uses will have to cease. The Applicant will have to use the Lee County Utilities from water and sewer services.

Mr. Palermo stated that Staff is recommending approval of 207 units, which is approximately 2.75 dwelling units per acre; however, with conditions. Conditions are as follow; no blasting, the agricultural uses will continue until the Development Order, and there are to be enhanced Type D buffers in front consistent with other planned developments on Buckingham Road. Additionally, Staff recommends approval all Deviations expect on; Lee County Department of Transportation recommended denial of Deviation 1.b., which requires the separation of 660 feet between access points. The Applicant is proposing a separation of 450 feet.

Staff recommended approval of Deviations 6 and 10. However, Deviation 11 is inconclusive and the Environmental Sciences Staff will address these issues and ask that the hearing record be kept open.

Mr. Palermo stated that his primary issue is to maintain the integrity of the Caloosahatchee Shore Community and East Fort Myers. He added that Staff has concerns about density, level of traffic, and environment, in which Staff and the applicant are trying to address. He stated that this application is consistent with the Outlying Suburban future land use, has adequate access to roads, sewer, water, and has environmental preserves on the site and those issues are addressed in Staffs Conditions.

Continuing, he stated that the applicant has met with the East Lee County Group on March 27, 2006, which is required in the Lee County Comprehensive Plan. The enhanced buffer is above and beyond the requirements, and is compatible with residential uses, rural lifestyles

and the general flavor of the neighborhood. The Applicant submitted a Traffic Impact Statement based on the 225 units, which Development Services reviewed and concluded that, by 2009, the Level of Service will be LOS "E," which is acceptable. Also, Staff stated that the Applicant must have side Page 19 and 20 of the staff walk on the arterial road.

In conclusion, he stated that the subject project is consistent with the Lee County Comprehensive Plan, is compatible with the surrounding neighborhood, urban services are available, environmental resources are protected and mix uses recommended and are appropriate; therefore, Staff recommends approval.

Next, Kim Trebatoski, Principal of Environmental Planner, stated that she was an expert in environmental planning and was accepted. The Applicant's environmental consultant combined with Sam Marshall's testimony covered the situation with the subject property. The amendment was not finalized because of the amount of hearing and meetings scheduled. After the Applicant removed the buildings surrounding the wetlands, Environmental Sciences Staff is in support of the application.

The Hearing Examiner opened the hearing to the public participation. The first participant was Jeff Riopelle. He introduced himself and stated that he had been sworn in. He stated that Portico is his project since he works for Taylor Woodrow. He stated that he met with the applicant and consultants regarding concerns. Deviation 4 they propose and explains the berm in reference to the 25-foot lake setback off of Buckingham Road. His requested that the developer stay consistent with the area by means of a berm or landscape. Deviation 6 right-of-ways of 125 feet of property line. Ths deviation should only be approved if the Applicant increases the buffer; although we agree on not requiring an 8-foot-high wall, as long adequate vegetation is planted for blocking the noise.

Next, William Rounsifer introduced himself, he stated that he was sworn in. He stated that earlier statement made regarding drainage and the available of multiple creeks is in correct because there is only one creek. He added that there are only two ditches in the area and all the water from the mentioned projects drain into a small pipe under FPL which flows into his creek, thus making the system insufficient. He has met with Water Management, which stated that Barraco & Associates discontinued assisting with a problem caused by them.

Sam Marshall reintroduced himself and stated that they meet with Mark White, Water Management District, FPL, and Carl Barraco. Mr. White confirmed that the pipe is small and does not allow much flow. On the FPL access way, there is a ditch that connects to a series of other creeks and flows north, if restored, it will alleviate the burden to Mr. Rousifer's property. Mr. White added that there might be some blockage in the FPL easement; therefore, FPL indicated to us that maintenance work will be accepted. Provisions were made in the existing Water Management Permit for Portico to the south to take our water flow in but we identified although we would flow some water there, we will also go to identify a better out fall along the south edge. They could not control anything offsite. He also stated that all of the water flow issues will be addressed when the Development Order is applied for.

Next, Amber Braatz introduced herself, and stated that she had been sworn in. She stated that she has four pieces of property. One of the issues she has is the water flow into her property that continues to get worse. The second issue is the density with the subject development, although the development is below the required density. She is not happy that she will have 35-foot-tall buildings in front of her house. The third issue is the 48-inch-high buffer, she does not understand how this will buffer 35-foot-tall buildings. She would like

landscaping with the subject project. The forth issue is the Cypress hedge with other vegetation and she would like this area to remain the same because is in front of her property.

In response to the public participants concerns, Mr. Marshall stated that the Applicant could only control what happens on his property. He stated that they will continue to work with Water Management District in compliance with their rules to make sure that properties are not flooded. Additionally, less water will be discharging and there will be storm water on site.

Continuing, he stated that they are proposing a 5-foot-wide buffer planted area along the southern edge of the existing 50-foot-wide FPL easement, which will contain a double-staggered hedge row of shrubs at a 48-inch minimum height upon installation. FPL does not allow large trees in their easements, only shrubs.

In closing, the Hearing Examiner left the hearing record open for Staff's and Applicant's suggestions to resolve the issue of Deviation 11 and Condition 15. The Hearing Examiner stated he would conduct a site visit prior to issuing his recommendation to the Board of County Commissioners (BOCC). The hearing was then closed.

VIII. OTHER PARTICIPANTS AND SUBMITTALS:

ADDITIONAL APPLICANT'S REPRESENTATIVES:

1. Rae Ann Boylan, c/o Boylan Environmental Consultants, 11000 Metro Parkway, Suite 4, Fort Myers, Florida 33966

2. Alicia Lewis, c/o Boylan Environmental Consultants, 11000 Metro Parkway, Suite 4, Fort Myers, Florida 33966

3. Sam Marshall, c/o Banks Engineering, 10511 Six Mile Cypress, Fort Myers, Florida 33912

4. Gerard Ripe, c/o Banks Engineering, Inc., 10511 Six Mile Cypress Parkway, Fort Myers, Florida 33912

5. Shaina Roth, c/o Crosswinds, 600 Corporate Drive, Ft. Lauderdale, Florida 33334

6. Ted Treesh, c/o TR Transportation Consultants, 13881 Plantation Road, Fort Myers Florida 33912

7. Matt Uhle, c/o Knott Consoer Law Firm, 1625 Hendry Street, Fort Myers, Florida 33902

ADDITIONAL COUNTY STAFF:

1. Rob Spickerman, Assistant County Attorney, P. O. Box 398, Fort Myers, Florida 33902

2. Kim Trebatoski, Lee County Community Development, P.O. Box 398, Fort Myers, Florida 33902

PUBLIC PARTICIPATION:

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

For:

1. Jeff Riopelle, 21694 Sungate Court, #702, Estero, Florida 33928

Against:

General:

1. William Rounsifer, P.O. Box 50354, Fort Myers, Florida 33994

2. Amber Braatz, 14691 Drawdy Road, Fort Myers, Florida 33905

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

For: NONE

Against: NONE

General:

1. Eric Lieble, 3204 SE 1st Avenue, Cape Coral, Florida 33904

2. RN Investments, 2835 SW 82nd Avenue, Miami, Florida 33155

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]. . . . [Lee County Land Development Code 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. [Lee County Land Development Code 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. [Lee County Land Development Code Section 1-5(c)]

XI. HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS:

A. This recommendation is made this 1st day of December, 2006. 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.

RICHARD A. GESCHEIDT
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

EXHIBIT PH-3.C.1

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTIONS 28 AND 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

(BOUNDARY)

A TRACT OR PARCEL OF LAND LYING IN SECTIONS 28 AND 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; SAID TRACT OR PARCEL IS FURTHER DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID SECTION 33; THENCE RUN S 00°49'36" E, ALONG THE EAST LINE OF SAID SECTION 33, FOR 187.50 FEET; THENCE RUN S 89°10'24" W, AT RIGHT ANGLES TO SAID EAST LINE OF SECTION 33, FOR 4,467.24 FEET TO A POINT 50.00 FEET EAST OF THE CENTER LINE OF BUCKINGHAM ROAD, FORMERLY KNOWN AS S.R. #S-80; THENCE RUN N 24°24'46" E ALONG A LINE WHICH IS PARALLEL TO AND 50.00 FEET EAST OF THE CENTER LINE OF BUCKINGHAM ROAD FOR 737.33 FEET, MORE OR LESS TO A POINT ON THE SOUTH LINE OF THE FORMER SEABOARD ALL FLORIDA RAILWAY RIGHT-OF-WAY; THENCE RUN N 89°00'54" E, ALONG SAID SOUTH LINE OF RIGHT-OF-WAY, FOR 449.53 FEET, MORE OR LESS, TO A CONCRETE MONUMENT BEING THE SOUTHEAST CORNER OF PARCEL AS RECORDED IN DEED BOOK 233, PAGE 481, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N 00°59'06" W, FOR 100.00 FEET TO A CONCRETE MONUMENT ON THE NORTH LINE OF SAID FORMER SEABOARD ALL FLORIDA RAILWAY RIGHT-OF-WAY; THENCE RUN N 89°00'54" E, ALONG SAID NORTH LINE OF RIGHT-OF-WAY FOR 3,703.67 FEET, MORE OR LESS, TO A CONCRETE MONUMENT ON THE EAST LINE OF SAID SECTION 28, TOWNSHIP 43 SOUTH, RANGE 26 EAST, THENCE RUN S 00°49'13" E, ALONG SAID EAST LINE OF SECTION 28 FOR 590.91 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID SECTION 28 AND THE **POINT OF BEGINNING.**

ASSUMED NORTH BASED ON THE EASTERLY LINE OF BUCKINGHAM ROAD, FORMERLY KNOWN AS S.R. #S-80, AS BEARING N.24°24'46"E.

PARCEL CONTAINS 75.05 ACRES, MORE OR LESS.

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

DESCRIPTION PREPARED: 02-23-06

ROBERT TAD SIMPSON
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 5587

RECEIVED
MAR 22 2006
PERMIT COUNTER

Applicant's Legal Checked
by Lsm 4/06/2006.

DCI 2006-00010

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SHEET 1 OF 2

10511 Six Mile Cypress Pkwy, Suite 101, Ft Myers, Florida 33912 • (239) 939-5490 • Fax (239) 939-2923

EXHIBIT A

EXHIBIT PH-3.D.2

SKETCH OF DESCRIPTION

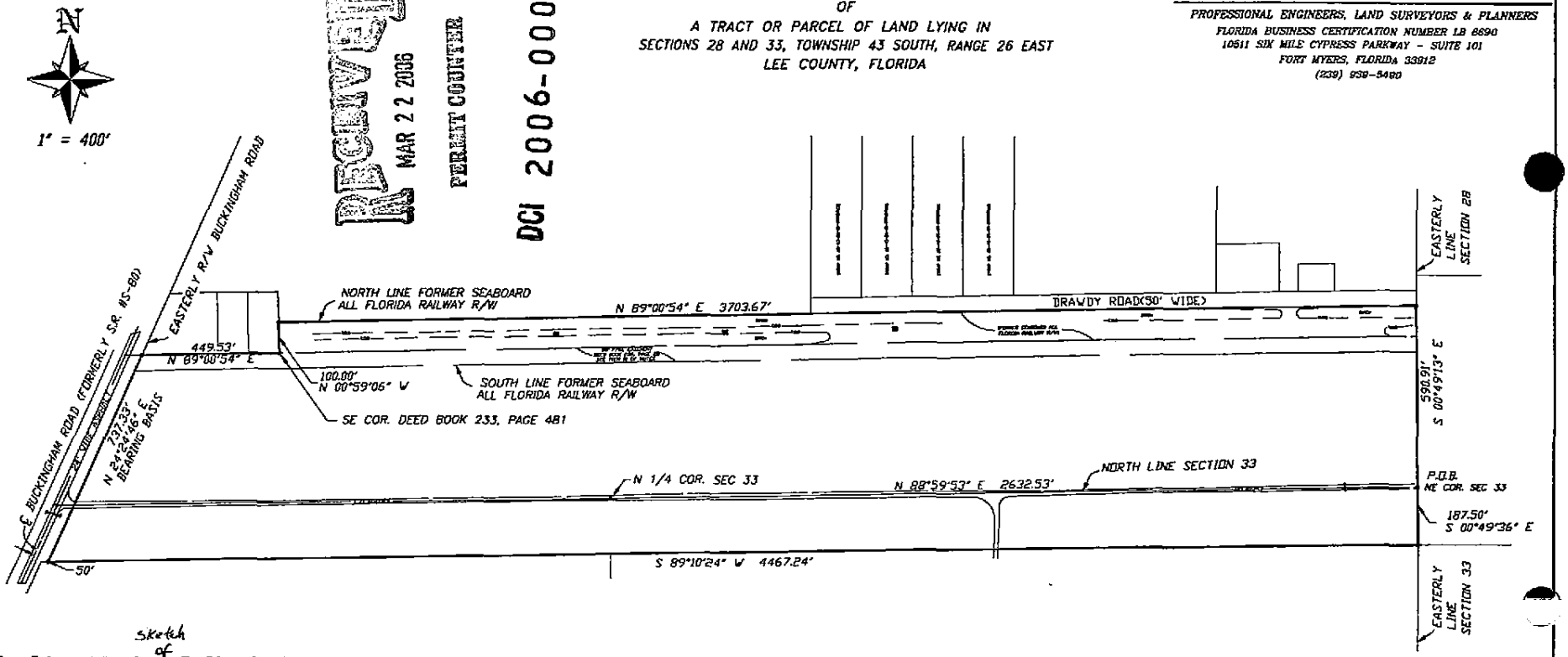
OF

A TRACT OR PARCEL OF LAND LYING IN
SECTIONS 28 AND 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

Banks Engineering

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
FLORIDA BUSINESS CERTIFICATION NUMBER LB 6690
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33912
(239) 939-5490

RECEIVED
MAR 22 2006
PERMIT COUNTER
DCI 2006-00010



Sketch of
Applicant's Legal Checked
by Lgm 4/06/2006

NOTES:

1) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
2) ASSUMED NORTH BASED ON THE EASTERLY LINE OF BUCKINGHAM ROAD, FORMERLY KNOWN AS S.R. #S-80, AS BEARING N 24°24'26" E.
3) SUBJECT TO FACTS THAT MAY BE REVEALED BY AN ACCURATE BOUNDARY SURVEY.

LEGEND:

℄	INDICATES CENTERLINE
COR.	INDICATES CORNER
FP&L	INDICATES FLORIDA POWER AND LOGHT
O.R.	INDICATES OFFICIAL RECORDS BOOK
PG.	INDICATES PAGE
P.O.B.	INDICATES POINT OF BEGINNING
R/W	INDICATES RIGHT-OF-WAY
S.R.	INDICATES STATE ROAD
T.O.B.	INDICATES TOP OF BANK

SEE SHEETS 1 AND 12 OF 3 FOR COMPLETE DESCRIPTION.

THIS SKETCH OF DESCRIPTION IS NOT A BOUNDARY SURVEY

STATE OF FLORIDA

ROBERT TAD SIMPSON
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 5559

- THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

S:\JOBS\20XX\2096\SURVEY\DESCRIPTIONS\2096_DESC.DOC
S:\JOBS\20XX\2096\SURVEY\DESCRIPTIONS\2096_DESC.DWG

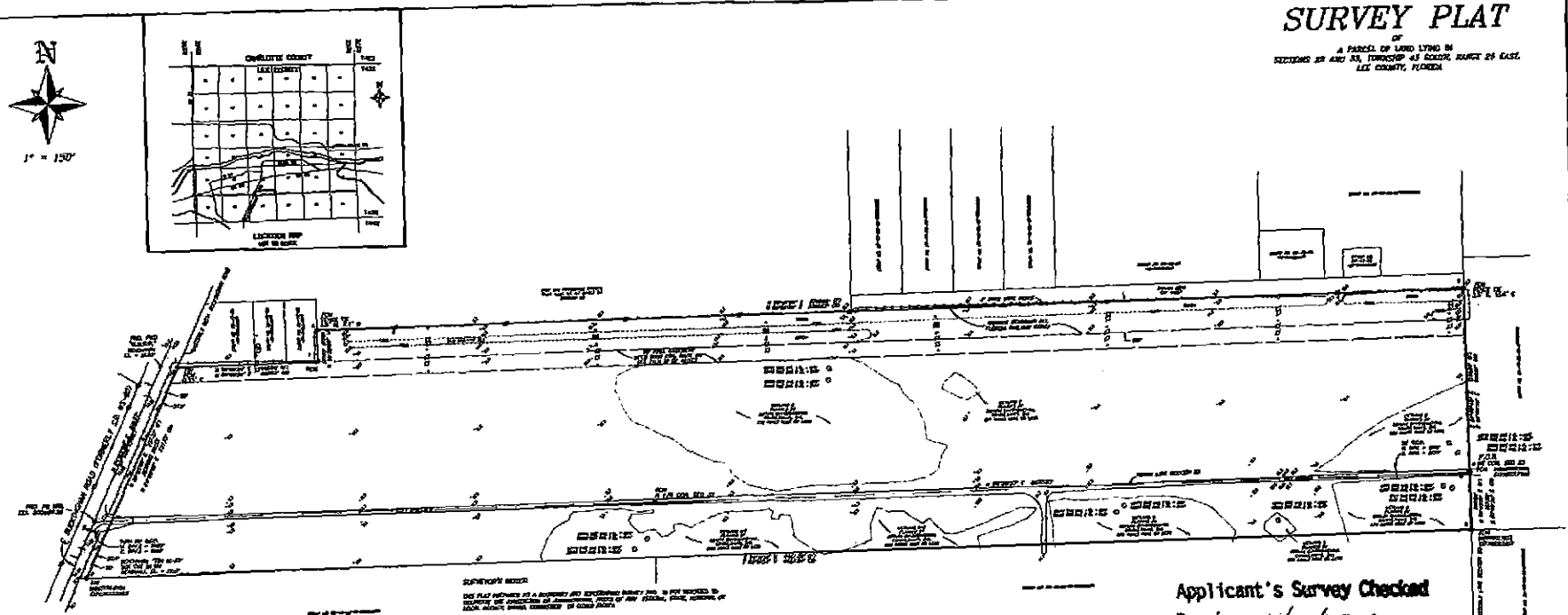
PREPARED 02-23-06
SHEET 2 OF 2

EXHIBITS
PH-3.D.3 & 5-A

SURVEY PLAT

OF

A PARCEL OF LAND LYING IN
SECTIONS 28 AND 33, TOWNSHIP 45 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA



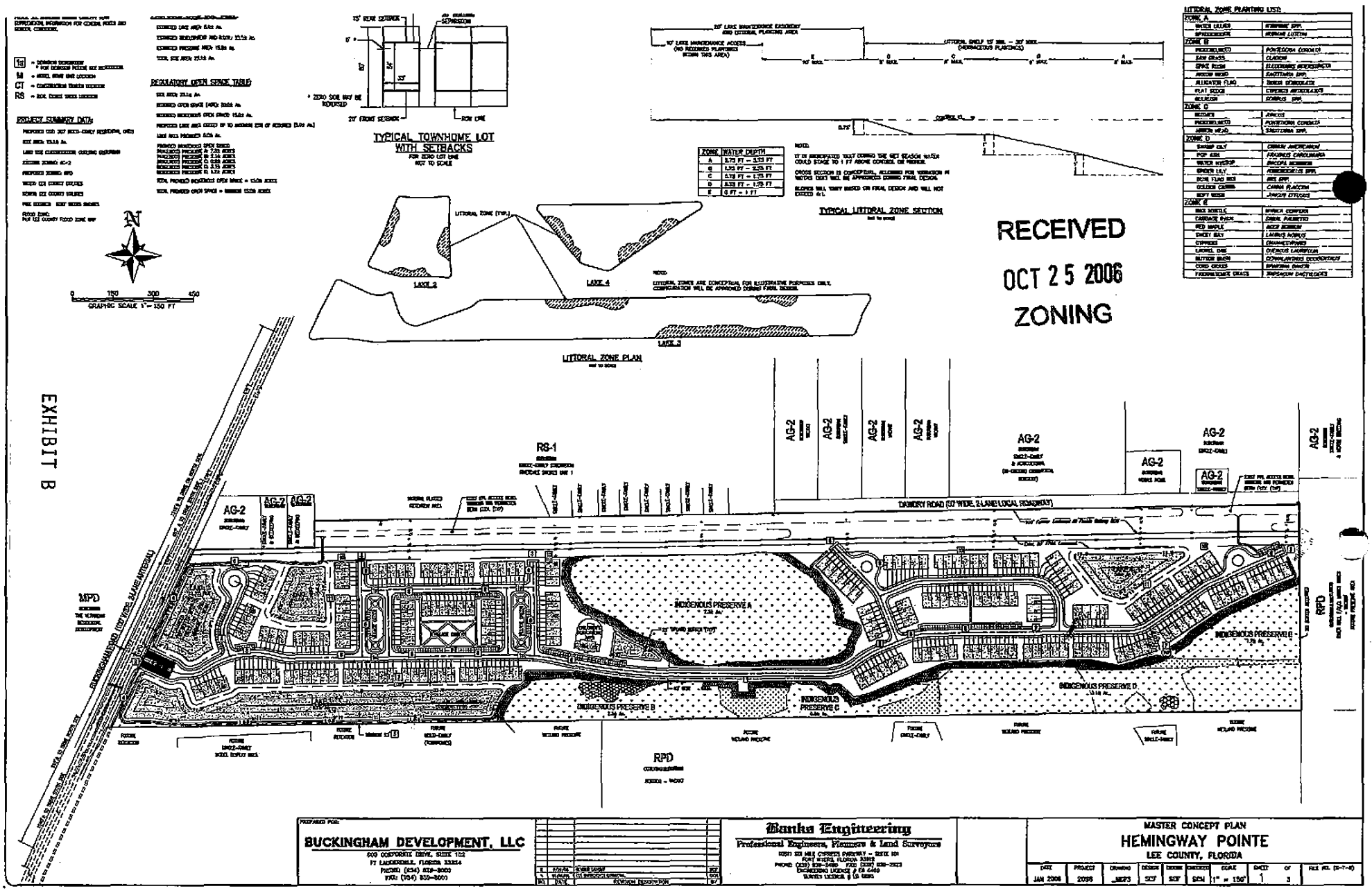
Applicant's Survey Checked
By Lyn 4/04/2006

RECEIVED
MAR 13 2006
ZONING COUNTER

DCI 2006-00010

Banks Engineering
Professional Engineers, Planners & Land Surveyors

"OLD/NEW LAND USE SURVEY"
BUCKINGHAM ROAD
LEE COUNTY, FLORIDA


EXHIBIT B
RECEIVED
OCT 25 2006
ZONING
TYPICAL TOWNHOME LOT WITH SETBACKS
TYPICAL LITTORAL ZONE SECTION
LITTORAL ZONE PLAN
LITTORAL ZONE PLANTING LIST:
PROJECT SUMMARY DATA:
REGULATORY OPEN SPACE TABLE
GRAPHIC SCALE 1" = 150 FT
AG-2
RS-1
MPD
RPD
DANBURY ROAD (60' WIDE, 2 LANE LOCAL ROADWAY)
INDIGENOUS PRESERVE A
INDIGENOUS PRESERVE B
INDIGENOUS PRESERVE C
INDIGENOUS PRESERVE D
INDIGENOUS PRESERVE E
LAKE 2
LAKE 3
LAKE 4
BUCKINGHAM DEVELOPMENT, LLC
Banks Engineering
Professional Engineers, Planners & Land Surveyors
MASTER CONCEPT PLAN
HEMINGWAY POINTE
LEE COUNTY, FLORIDA

AGRICULTRUAL USES AT TIME OF ZONING APPLICATION

Banks Engineering
PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS,
FLORIDA BUSINESS CERTIFICATION NUMBER LB 6660
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33912
(239) 939-5490

58.63± ACRES AGRICULTURAL USES
HARVESTING HAY

OF
A TRACT OR PARCEL OF LAND LYING IN
SECTIONS 28 AND 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

1" = 400'

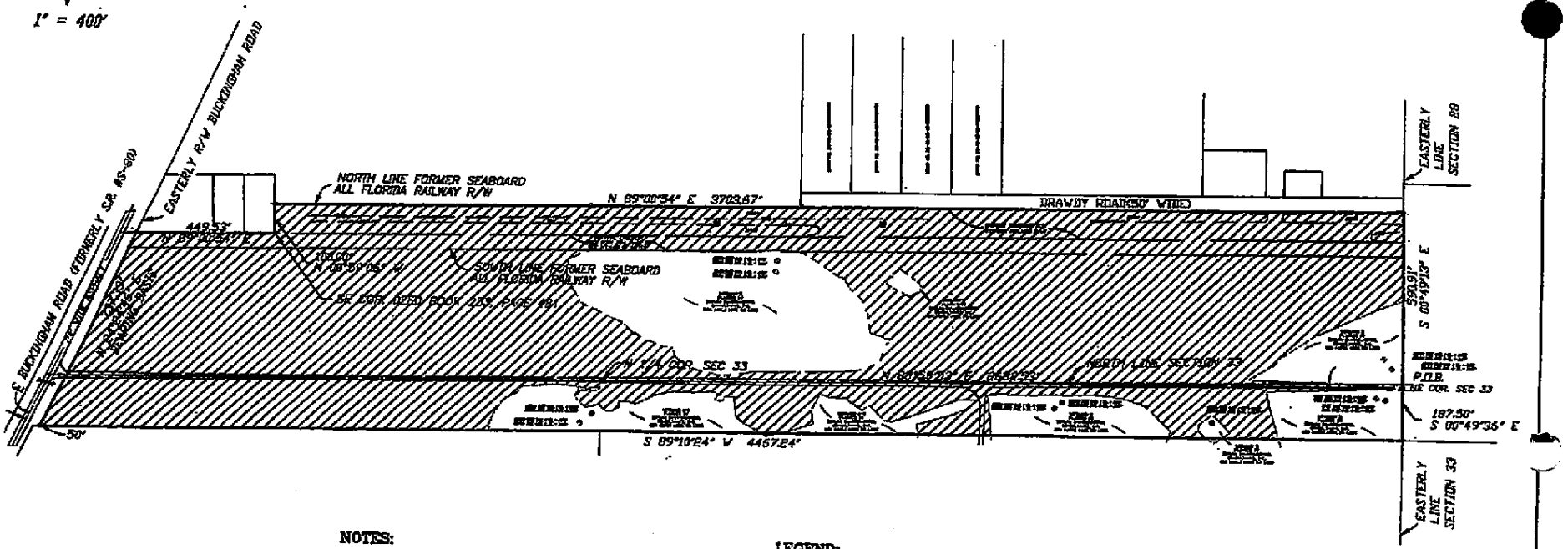


EXHIBIT C

NOTES:

1) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
2) ASSUMED NORTH BASED ON THE EASTERLY LINE OF BUCKINGHAM ROAD, FORMERLY KNOWN AS S.R. #5-60, AS BEARING N 24°24'26" E.
3) SUBJECT TO FACTS THAT MAY BE REVEALED BY AN ACCURATE BOUNDARY SURVEY.

LEGEND:

℄	INDICATES CENTERLINE
COR.	INDICATES CORNER
FP&L	INDICATES FLORIDA POWER AND LIGHT
O.R.	INDICATES OFFICIAL RECORDS BOOK
PG.	INDICATES PAGE
P.O.B.	INDICATES POINT OF BEGINNING
R/W	INDICATES RIGHT-OF-WAY
S.R.	INDICATES STATE ROAD
T.O.B.	INDICATES TOP OF BANK

RECEIVED
JUL 18 2006

DCI 2006-00010

LEE COUNTY, FLORIDA

ZONING DIVISION

STAFF REPORT

TYPE OF CASE: **PLANNED DEVELOPMENT/DCI**

CASE NUMBER: **DCI2006-00010**

HEARING EXAMINER DATE: **OCTOBER 11, 2006**

I. APPLICATION SUMMARY:

A. Applicant: Buckingham Development, LLC in ref to Hemingway Pointe

B. Request: Rezone +/- 75.1 acres from Agricultural (AG-2) to Residential Planned Development (RPD) to permit 225 multi-family dwelling units. The maximum height proposed is 2 stories/35 feet. No development blasting is requested. The applicant indicates that they will connect to potable water and central sewer as part of any development of this property.

C. Location: The subject property is located at 2951 and 3021 Buckingham Road(From downtown Fort Myers: Take 2nd Street and turn slight left onto Seaboard Street. Then turn slight right onto Palm Beach Blvd. Go for about 9 miles and turn right onto Buckingham Road. Go approximately ½ mile and end at the subject properties), in S28 and 33-T43S-R26E, Lee County, FL. (District #5)

D. Future Land Use Plan Designation, Current Zoning and Use of Subject Property and Road Classification:

Future Land Use:	Outlying Suburban (3 units per acre maximum)
Current Zoning:	Agricultural (AG-2)
Land Use:	Pasture and hay farm. (AG exemptions)

E. Surrounding Land Use:

Existing Zoning & Land Use	Future Land Use Map
North: Agricultural (AG-2) Residential Single-Family (RS-1), Single-family (Riverdale Shores) and mixed agricultural uses.	Suburban
East: Residential Planned Development (RPD)	Wetlands/Suburban

River Hall residential development and preserve

South: Residential Planned Development (RPD) Outlying Suburban
Portico residential development.

West: Buckingham Road then Suburban
Verandah development
Mixed use planned development (MPD)

F. Size of Property: 75.1± acres

II. RECOMMENDATION:

Staff recommends **APPROVAL** of the Applicant's request for rezoning from Agricultural **(AG-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 1-page Master Concept Plan entitled "HEMINGWAY POINT" stamped received MARCH 22, 2006 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.

   Maximum Number of Dwelling Units: 200

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

   a. Schedule of Uses

      Accessory Uses and Structures
      Administrative Office
      Agricultural Uses - SEE AGRICULTURAL CONDITION #6
      Clubhouse, private -
         LIMITED TO CLUBHOUSE AS SHOWN ON THE APPROVED MASTER CONCEPT PLAN
      Dwelling Units, multi-family, town home - 200 maximum
      Entrance Gates and Gatehouse
      Essential Services
      Essential Service Facilities, Group I
      Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
      Fences and Walls.
      Home Occupation, No outside help.
      Model Units - ALSO SEE MODEL UNIT/REAL ESTATE SALES

CONDITION #8
Parking Lot, Accessory
Real Estate Sales - ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITION #8
Recreational Facilities - Private, On-site only. LIMITED TO THOSE SHOWN ON THE APPROVED MASTER CONCEPT PLAN (Village Green, Clubhouse, Children's Playground Area)
Residential Accessory Uses
Signs, in compliance with LDC Chapter 30
Temporary Uses, including construction trailer as shown on the approved master concept plan.

b. Site Development Regulations

Multi-Family, Town Home

Minimum Lot Areas and Dimensions

Lot Size:	10,000 square feet (2,640 for town homes)
Lot Area Per Unit	2,500 square feet
Lot Width:	33 feet per unit
Lot Depth:	80 feet

Minimum Setbacks

Street	20 feet, private roads, 25 feet minimum from Buckingham Road.
Side	0 for individual units, 20 feet between buildings
Rear	15 feet
Water body	25 feet

Accessory Setbacks: Per the LDC

Setbacks from Preserves: Per the LDC

Building Separation: 20 feet.

Perimeter Setbacks: 25 feet

Maximum Height: 2 stories/35 feet

Maximum Lot Coverage: 45% (75% for townhomes)

Clubhouse

Minimum Lot Areas and Dimensions

Lot Size:	7,500 square feet
Lot Width:	100 feet

Lot Depth: 75 feet

Minimum Setbacks

Street	20 feet
Side	10 feet
Rear	20 feet
Water body	25 feet

Accessory Setbacks: Per the LDC

Setbacks from Preserves: Per the LDC

Building Separation: 20 feet.

Perimeter Setbacks: 25 feet

Maximum Height: 2 stories/35 feet

Maximum Lot Coverage: 45%

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

4. Approval of this zoning request 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.

5. Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

6. Agricultural Uses: Existing bona fide agricultural uses on this site are allowed only in strict compliance with the following:

   a. Bona fide agricultural uses that are in existence at the time the application for this project was filed, and as shown on ATTACHMENT G attached hereto, 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. Prior to issuance of a local development order, the property owner must provide written proof, subject to approval by the County Attorney's Office, of the following:

(1) Termination of all agricultural use on any portion of the property included in the development order application/approval. Proof must include a sworn affidavit from the person or entity holding title to the subject property that specifically provides:

a) the date the agricultural uses ceased;

b) the legal description of the property subject to the development order approval;

c) an affirmative statement that the owner acknowledges and agrees that all agricultural uses are illegal and prohibited on the property and that the owner covenants with the county that they will not allow any such uses on the property unless and until the property is re-zoned to permit such uses; and,

d) that the affidavit constitutes a covenant between the owner and the county that is binding on the owner and their assignees and successors in interest.

The covenant must be properly recorded in the public records of the county at the owner's expense

(2) Termination of the agricultural tax exemption for any portion of the property included in the development order application/approval. Proof as to termination must include of a copy of the request to terminate the tax exemption provided to the Property Appraiser.

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

8. Model Units /Real Estate Sales

A. The number of model units will be limited to no more than 6 within the development at one time.

B. Models cannot be of the same floor plan and each must be a distinctly different design.

C. Real estate sales are limited to model units, amenity sites, clubhouses, and real estate sales locations.

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

E. Hours of operation for both models and real estate sales are limited to Monday through Sunday, 8 a.m. through 8 p.m.

F. Model units and temporary real estate sales will be valid for a period of up to 3 years from the date of issuance of a certificate of occupancy of a model unit per LDC Sec.34-1954(d)(1).

G. Dry models are prohibited.

H. Model Homes, Model Display Centers and Model Display Groups are not a permitted use.

I. Location of real estate sales and model units must be generally consistent with locations shown on the approved master concept plan.

9. The Development Order must provide an enhanced 25-foot Type "D" buffer along Buckingham Road including 10 trees per 100 linear feet (which must include live oaks, no palms) and a berm a minimum of 3 feet in height.

10. **ACCESS TO BUCKINGHAM ROAD**

A. The approved Master Concept Plan and local development order must depict a divided entrance on Buckingham Road that includes a median with two lanes on both sides of the median for ingress and egress.

B. Prior to issuance of a development order, the developer must provide written documentation from the Fort Myers Shores Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles.

11. Prior to local development order approval, the developer must submit a brochure to Division of Environmental Sciences and the Division of Zoning for review and approval that will be given to all residents to educate them of the historically rural environment in Fort Myers Shores, Buckingham, Caloosahatchee Shores and the environmentally sensitive nature of a portion of the property. This brochure must include references to the wetland preserves on site, civic organizations in East Lee County, and history of the Buckingham, Fort Myers Shores, and Caloosahatchee Shores communities.

12. Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.

13. Multi-family buildings must be set back a minimum of 200 linear feet from Buckingham Road.

14. Prior to local development order approval, a wading bird management plan must be submitted for the Division of Environmental Science staff review and approval.

15. Prior to local development order approval, the development order plans must delineate the areas between the forested wetland preserves south of the roadway as open space (Figure attached). These areas must be left at existing grade unless a plan is submitted that demonstrates an ecological improvement that enhances wading bird foraging opportunities and does not adversely impact the wetland preserves.

16. Prior to local development order approval, the lakes must be redesigned to mimic natural systems and not be geometric in shape.

Deviation #1A. *requests relief from LDC Sec. 10-285(A) Table 1 which requires minimum separation distances of 125 feet on local roads to allow for separations as shown on the master concept plan proximate to three village green areas.*

This deviation is necessary to create three village green areas with open space, landscaping and other visually appealing features. On the opposite side of each village green is a roadway which cannot meet minimum separation standards (about 100 feet). These internal roadways would not be used by the general public, only residents and visitors of the development. LCDOT and Development Services have reviewed this request and offered no objections. Staff recommends **APPROVAL** of the deviation request with the following conditions.

1. Approval is limited to the three village green areas as shown on the approved master concept plan.

2. A minimum of 100 feet of separation be provided and shown on the local development order.

Deviation #1B. *requests relief from LDC Sec. 10-285(A) Table 1 which requires a 660 foot minimum connection separation on an Arterial Road to allow a 500 foot separation on Buckingham Road from Drawdy Court to the north.*

The subject property is on Buckingham Road, a 2-lane arterial with plans to expand to 4 lanes under design. The road operates at a level of service "D" and will operate at level of service "E" with the project, according to the Development Services Division report.

Lee County Department of Transportation has reviewed the application and recommends the deviation be denied. The proposed project entrance can be placed at an appropriate entrance further south of Drawdy Court and can meet the 660-foot separation standard.

Staff recommends **DENIAL** of the deviation request and that the master concept plan be adjusted accordingly and in compliance with the 660-foot connection separation standard.

Deviation #2 *requests relief from LDC Sec. 10-291(3) which requires residential developments of more than 5 acres to provide more than 1 means of ingress or egress to allow for 1 main access on Buckingham Road.*
This is a proposed residential development for 225 dwelling units. There is limited frontage on Buckingham Road. Adding an additional entrance on Buckingham Road is neither

desirable, nor does it provide for much additional safety for ingress and egress. No other means of access seem practical - including crossing into Portico to the south, River Hall (Hawk's Haven) to the east or Riverdale Shores to the north. A divided entrance on Buckingham Road will provide the residents with more than one option to evacuate the development should an emergency arise. One of the reasons staff is recommending a lower density (200 units) is due to the limited access on Buckingham Road. More residents with only one access point starts to raise a safety, health and welfare issue - especially considering the potential for storms and other emergencies in Southwest Florida.

Staff recommends **APPROVAL** of the deviation request with the following condition.

1. Approval must be consistent with Condition 10 "Access to Buckingham Road" above.

Deviation #3 *requests relief from LDC Sec. 10-296(k)(1) requiring dead end streets to be closed at one end with a circular turn around for vehicles.*

There are three points to the north and one to the east shown on the master concept plan with dead end streets. As configured, a minimal number of homes would utilize this part of the road. Provided that the driveways may be used to turn vehicles around, these four dead ends don't cause any serious health, safety or welfare concerns. Development Services staff reviewed this request and offered no objections. Staff recommends **APPROVAL** of the deviation request with conditions.

1. Signage warning motorists of the lack of a turnaround lane be provided and shown on development order plans and must be approved by the Development Services Division.

2. Prior to issuance of a development order, the developer must provide written documentation from the Fort Myers Shores Fire District indicating that these turnaround points are acceptable and provide adequate access for emergency vehicles.

Deviation #4 *requests relief from LDC Sec. 10-329(d)(1)a.2. requiring a 50-foot setback from a right of way for a water retention area (lake) to allow for a 25-foot setback from Buckingham Road.*

The master concept plan shows lake 1 and lake 2 on Buckingham Road. Per the LDC, this setback may not be any less than 25 feet from the road. As shown on the master concept plan, and with a three-foot berm and enhanced plantings, there are no visual, health, safety or welfare issues raised by the request. Staff recommends **APPROVAL** of Deviation 4 with the following conditions.

1. Approval is limited to the 2 lakes shown on the approved master concept plan.

2. Enhanced buffering per this resolution must be provided including a berm and additional buffer plantings on Buckingham Road.

Deviation #5 *requests relief from LDC Sec. 10-329(d)(1)a.3. requiring a 50-foot setback*

from a property line for a water retention area (lake) to allow for a 25-foot setback from property to the south (Portico RPD).

This request is for lake 4 to the south to be set back 25 feet from the property line of Portico Residential Planned Development. Staff has been in contact with the developer of Portico and heard no objections. The location of the lake is proximate to model homes, retention areas and townhomes at Portico. There is adequate buffering (on both sides). As shown on the master concept plan, there are no visual, health, safety or welfare issues raised by the request. Staff recommends **APPROVAL** of Deviation 5 with the following condition.

1. Approval is limited to lake 4 as shown on the approved master concept plan.

Deviation #6 *requests relief from LDC Sec. 10-416(d)(6) requiring roads, drives, or parking areas located less than 125 feet from an existing single-family residential subdivision or single-family residential lots, a solid wall or combination berm and solid wall not less than eight feet in height must be constructed not less than 25 feet from the abutting property and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 lineal feet or a 30-foot wide Type F buffer with the hedge planted a minimum of 20 feet from the abutting property, to permit a typical Type "B" buffer instead.*

The master concept plan shows a cul de sac on the southwest and northwest corners of the property, one adjacent to Portico and the other adjacent to residential and other mixed uses on Drawdy Court. The cul de sacs will allow traffic in close proximity to the neighboring properties. Typically a wall is required to shield residences from traffic and headlights. The Type "B" buffer proposed does not provide the protection from headlights, and noise and other visual impacts of these roads. The LDC provides either a wall option, or a Type F buffer with no wall. Either of these options is reasonable, and staff recommends **DENIAL** of the deviation request. Staff is willing to consider enhancements to the Type B buffer as an alternative.

Deviation #7 *requests relief from LDC Sec. 34-9335(e)(4) which required unless otherwise specified, where there are two or more principal buildings on a development tract, the minimum separation of buildings shall be one-half of the sum of their heights, or 20 feet, whichever is greater to allow for the 20-foot setback where shown on the master concept plan.*

The maximum heights of the buildings is 35 feet. Half of the sum of their heights is 35 feet. A setback of 20 feet is adequate space for safety, and presents no visual, health, safety or welfare issues. Staff recommends **APPROVAL** of the request.

Deviation #8 *requests relief from LDC Sec. 34-2015(2(d) which requires all parking lot spaces must be provided with sufficient maneuvering room to allow an exiting vehicle to leave the parking lot in a forward motion, to allow for parking areas to back out onto the roads.*

The master concept plan shows several spaces - including the village green - where traffic will back out onto the road. The applicant argues this is a slow and private residential development. The request, as limited, does not create any significant health, safety or welfare issues, provided there isn't a great deal of traffic on the roads. Staff recommends

APPROVAL

Deviation #9 *requests relief from LDC Sec. 34-2192(a) which requires building setbacks of 20 feet from a private local road to permit reduced setbacks for a residential building as shown on the approved master concept plan.*

There is a multi-family building on the southeast corner of the property proximate to a cul de sac. As limited, and given the minimal traffic utilizing this part of the development, the request presents no health, safety or welfare issues. The Division of Development Services reviewed this application and offered no objections to this request. Staff recommends **APPROVAL** of the deviation request with the following conditions.

1. Approval is limited to 1 location, as shown on the approved master concept plan.

2. The building must be set back a minimum of 10 feet from the road right of way.

Deviation #10 *requests relief from LDC Sec. 10-416(d)(3) which requires a 15-foot Type "B" buffer from multi-family development adjacent to single-family development to the north, to permit no buffer.*

The applicant states there is a 100-foot Seaboard Airline Right of Way and a 50-foot Florida Power and Light easement separating this development from the Riverdale Shores residential (single-family) community to the north. This precludes the need for any buffer, the applicant argues.

Riverdale Shores and the rural residential uses on Drawdy Road are directly impacted by this development. Currently, these residents enjoy quiet atmosphere and a view of passive agriculture, trees and other vegetation to their south. Upon visiting this area, one can see the construction of Portico Residential Planned Development taking place. While the right of way and power and light easement provide some geographic distance from the Hemingway property, they do not physically buffer the noise, and visual impacts of multifamily development. A type B buffer, with trees and hedges would provide a reasonable amount of protection for an existing single-family development. Staff believes a Type "B" buffer to the north is needed to better shield from the light, noise, and other activities associated with some 200 multi-family dwelling units. This is a reasonable requirement, per the LDC. Staff is willing to consider alternatives to a Type B buffer which meet the intent to provide a visual screen between the two developments.

Staff recommends **DENIAL** of the deviation request. Staff finds this request does not enhance the objectives of the planned development, and does not preserve and promote the general intent of the LDC to protect the public health, safety, and welfare.

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. Approval of the request - as conditioned - 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 is a request for a Residential Planned Development (RPD) for a multi-family community - 225 dwelling units on +/- 75.1 acres of land. The property is located on the east side of Buckingham Road in the Fort Myers Shores and Caloosahatchee Shores planning communities. The property is in the Outlying Suburban Future Land Use category. The Lee Plan permits a maximum of 3.0 units per acre on this property within this part of Caloosahatchee Shores on Buckingham Road (CPA2002-04 Adopted Future Land Use). This is a request for 2.99 units per acre.

Staff's primary concern is with compatibility with the rural lifestyle in East Fort Myers and

specifically on Buckingham Road. The site is not appropriate for the maximum density allowed in the Outlying Suburban Future Land Use category. Rather, the site is more appropriate for lower somewhat lower transitional density, with a maximum of +/- 200 dwelling units or +/- 2.66 units per acre, almost identical to the single-family development (Riverdale Shores) to the north.

The intent of the Outlying Suburban Future Land Use category for Caloosahatchee Shores was clearly to create a transition from suburban uses to the north to rural uses to the south. The properties in this neighborhood are a unique mix of large ranches and rural lifestyle, with suburban developments becoming more and more predominant. Newer developments are continuing this area's transition from rural haven, to suburban neighborhood. A fuller discussion and analysis of density will be included in the Neighborhood Compatibility portion of the staff report. Essentially, there are three reasons to reduce the density from the maximum of 3.0 units an acre to +/- 2.6 units an acre.

First, the 2.6 units per acre is nearly identical to the density of the residential single-family development (Riverdale Shores) to the north. This is the development most impacted by the proposed development, and is an older and established neighborhood. The development to the south - Portico - is under development and only 2.0 units per acre. Surrounding developments have densities ranging from 1 unit an acre to 2.6 units per acre. This proposed development is all multi-family and is at the maximum density allowable. The impact on the immediate neighbors and the larger region impacted by the development should be all be considered.

Second, this development provides 1 entrance and exit onto Buckingham Road. The road segment has a high amount of traffic already, and more will come as developments are approved and constructed in the years to come. Traffic is both a safety and a traffic circulation issues. It is a safety issue due to the time it will take to evacuate automobiles, should there be an emergency such as a storm, flood, fire or smoke. It is a circulation issue because there is a potential for traffic to bottleneck at the entrance at peak traffic hours. Development Services reports the level of service of Buckingham Road is a "D" and will be an "E" with the addition of this development. Historically, traffic on this segment of road has been a public concern. Adding too many additional units will only exacerbate this problem.

Lastly, environmental sciences objected to placement of residential units within the middle of preserves - such as preserve A and B on the master concept plan. A reduction in density - rather than trying to build the maximum density allowed - will have environmental benefits as well. (See ES report, Attachment J)

The conditions recommended by staff - such as enhanced buffering, lesser density - help address compatibility, traffic and environmental concerns for this rural residential part of the county.

Lee Plan Considerations

POLICY 1.1.6: *The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these*

areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed. In the Outlying Suburban area in North Fort Myers east of I-75 and in the Buckingham area (see Goal 17), the maximum density permitted is two dwelling units per acre (2 du/acre). (Amended by Ordinance 91-19)

The Outlying Suburban land use category allows a maximum standard density of 3.0 units per acre. The applicant is proposing a development of 225 dwelling units, which would equate to 2.99 units per acre. The requested level of density is not appropriate adjacent to the Buckingham Community to the south or the Fort Myers Shores Community (See Neighborhood Compatibility for more analysis). Surrounding properties have low densities ranging from 1 units per acre to 2.6 units per acre. With 200 units, that equates to 2.66 units per acre. This request, as conditioned, is **CONSISTENT** with the **POLICY 1.1.6** of the Lee Plan.

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 Concurrency Management Ordinance. (Amended by Ordinance No. 94-30, 00-22)*

This proposed residential development is in close proximity to other approved residential developments and is **CONSISTENT** with **OBJECTIVE 2.1** and **2.2** of the Lee Plan.

POLICY 2.2.1: *Rezonings 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)*

This subject property is located in proximity to existing residential developments, public parks, schools, and commercial shopping. It has the necessary characteristics of infill development. The proposed development is in an area where urban services already exist and are serving residential neighborhoods nearby. The property is within the Lee County Utilities water and sewer service areas. The development is within the service area for Fort Myers Shores Fire Department, Lee County Public Schools, and the Lee County Sheriff's Office. The proposed project, as conditioned, is **CONSISTENT** with **Objective 2.1, Objective 2.2.** and **Policy 2.2.1** of the Lee Plan.

POLICY 4.1.1: *Development designs will be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements. (Amended by Ordinance No. 91-19, 00-22)*

The proposed MCP could better integrate its design into the natural features of the site. For example, there is an isolated development area, within the midst of three preserves (preserve A, B and C). This maximizes the number of units, but at the cost of potentially impacting the preserves of upland vegetation. Also see environmental sciences comments. This is **CONSISTENT** - as conditioned - with **Policy 4.1.1** 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.*

With one entrance, it is advisable not to approve the maximum density possible, but to provide some reasonable amount of development that takes into account the safety of the future residents. This proposed development, as conditioned, is **CONSISTENT** with **Policy 5.1.2** of the Lee Plan.

POLICY 5.1.4: *During the rezoning process, direct high-density residential developments to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities. (Amended by Ordinance No. 94-30)*

This proposed development is near shopping, public parks, and in proximity to schools and social services. As conditioned, this proposed development is **CONSISTENT** with **Policy 5.1.4** 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 residential development in proximity to single-family homes and homes on large lots to the north and a future residential development to the south. If approved, staff recommends appropriate conditions (including buffering) in deference to the residential and rural character of the community and the potential impacts of more than 200 multifamily

dwelling units and amenity areas. The proposed development, as conditioned, is **CONSISTENT** with **Policy 5.1.5** of the Lee Plan.

STANDARD 11.1: WATER. *Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross loadable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Chapter 17-22, FAC.).* ***STANDARD 11.2: SEWER.*** *Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.*

The requested density is more than 2.5 units per acre. Letters from the Lee County Utilities confirm availability of water and sewer service. As conditioned, this proposed development is **CONSISTENT** with water and sewer standards of the Lee Plan.

POLICY 139.9.5: *New development adjacent to areas of established residential neighborhoods must be compatible with or improve the area's existing character.*

The design of this site does take into consideration existing development patterns and makes a good effort to protect the rural residential integrity of the neighborhood. Staff has proposed conditions recommended to help make this development more compatible with the area's existing character, including the requirement to provide information to future residents about the history and rural character of the area, and a reduction in the total number of units. The request - as conditioned - is **CONSISTENT** with **POLICY 139.9.5.** of the Lee Plan.

Lee Plan Acreage Allocation

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 Fort Myers Shores. The Planning Community Year 2020 Allocations, indicate that 3,631 acres in the Planning Community of Fort Myers Shores have been allocated for residential use. Of that acreage, the Planning Division reports, 296 acres are currently available to support zoning approval for residential use in the Outlying Suburban Future Land Use category. Staff finds the request **CONSISTENT** with the allocations for the Planning Community of Fort Myers Shores. This finding is not a guarantee that there will be sufficient allocations for residential development in the future. Such a determination will be made at time of local development order.

Neighborhood Compatibility

The applicant held a public meeting with the East Lee County Council March 27, 2006. The minutes from this meeting are attached. The property is within the boundaries of the Caloosahatchee Shores Community Plan.

The property is also within the Fort Myers Shores Planning Community, described in the Lee Plan as follows:

Fort Myers Shores - This Community is located south of the Caloosahatchee River, east of Hickey Creek, and north of the Orange River; and, along I-75 west of the Buckingham Rural Community Preserve, north of SR 82 and east of the City of Fort Myers. This community contains two distinct areas: Caloosahatchee Shores, located east of I-75, and Palm Beach Boulevard, located west of I-75. This area also has a mixture of future land use designations. The majority of the land is designated Suburban, Outlying Suburban, Rural, or Urban Community; however, there are some lands designated Intensive Development, Central Urban, Public Facilities, Industrial Interchange Area, and General Interchange.

Caloosahatchee Shores: This community is located south of the Caloosahatchee River, west of Hickey's Creek, and north of the Orange river; and along I-75 east to the Buckingham Rural Community Preserve, north of SR82 and west to I-75. This community contains three neighborhoods: Fort Myers Shores, Olga, and the Riverdale neighborhood around the intersection of Buckingham Road and SR 80. The Caloosahatchee Shores planning community has a more rural character, but is anticipated to grow substantially over the life of this plan . This area also has a mixture of future land use designations. The majority of land use designations are Suburban, Outlying Suburban, Rural or Urban Community; however, there are some lands designated public facility and industrial interchange.

Due to the rapid rise in population and limitations on commercial development in surrounding communities, the amount of commercial buildings will more than double by 2020. Currently, this community contains commercial outlets which accommodate the needs of its residents as well as those from neighboring communities such as Alva, Bayshore and Buckingham. Shopping areas in this community are concentrated along the SR 80 corridor with specific commercial nodes for higher intensity development to satisfy residents primary commercial needs. During the life of this plan, Fort Myers Shores will continue to develop a commercial/employment center for the adjacent communities.

North of the subject property is zoned Residential (RS-1) and Agricultural (AG-2) with large multi-acre tracts and agricultural uses. The applicant seeks a deviation to eliminate the need for a Type B buffer to the north. Riverdale Shores to the north is 2.61 units per acre. To the east of this are large rural lots with single-family homes. Further north are the Reserve at Buckingham (4.21 units per acre), and the Reserve at Buckingham Unit 2 (3.45 units per acre). A type B buffer is proposed by staff to the north adjacent to the single-family and rural residential areas to the north, as required by the LDC.

West of the subject property is Buckingham Road and a portion of the Verandah Mixed Use Planned Development, 1.2 unit per acre maximum. Staff recommends any residential multi-family buildings be set back a minimum of 200 feet from the road, as shown on the master concept plan. Staff also recommends enhanced Type D buffering as

shown on the master concept plan, and consistent with other developments such as Portico RPD and Buckingham 345 RPD.

South of the subject property is Portico Residential Planned Development, a combination of single-family and multi-family residential development (2 units per acre). The master concept plan shows a combination of preserves, lakes, and a Type B buffer on their boundary. Staff has been in contact with the developer of Portico RPD and has solicited their comments, including their comments on the deviation requests.

East of the subject property is River Hall RPD, formerly called Hawk's Haven. There is a preserve area to the east side of the MCP and multi-family in the north east corner. No buffer is shown to east, and none is required by the land development code (this is a vacant/preserve portion of the River Hall RPD).

Maintaining the integrity of rural areas and communities is a critical element of the Lee Plan. This goal is reinforced by the Caloosahatchee Shores Community Plan. The applicant has made a case that this project should be developed at the maximum density possible, and that this request will not have a detrimental impact on the community. However, the cumulative impact of residential developments - including this one - will have a dramatic impact on this rural community. Verandah MPD and Hawk's Haven RPD were approved for densities of about 1 unit per acre. Portico RPD and Buckingham 345 RPD were approved for 2 units per acre. The residential single-family neighborhood to the north is 2.6 units per acre. A lower density here can provide a compatible transition from rural agricultural uses to the more suburban land uses coming to this neighborhood (Buckingham 345 RPD, Portico RPD, Verandah MPD) to the north. Staff has proposed numerous conditions to address potential compatibility issues, including buffering. Caution is warranted in this case due to its location in Fort Myers Shores, and because of the cumulative effect of all the development discussed in this report. The request - as conditioned and limited to no more than +/- 200 units - is compatible with the surrounding neighborhood.

Utilities

Please see Attachment "F", a letter from Lee County Utilities confirming availability and capacity for both potable public water and sanitary sewer. This development will have to connect to both at either 2.6 units per acre, as recommended by staff, or 3.0 units per acre, as requested by the applicant.

Environmental Issues

The Division of Environmental Sciences (ES) staff have reviewed the proposed Hemingway Point Residential Planned Development (RPD). The following are ES staff's project analysis and recommended conditions of approval.

The property consists of cypress wetlands (16.42 acres), south Florida slash pine and sabal palm forest (0.44 acres), marsh (2.24 acres), pasture (50.78 acres), disturbed land (2.42 acres), ditches (1.40 acres) and dirt roads (1.35 acres).

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. A little blue heron was observed.

ES staff field verified the protected species survey on September 8, 2006, and observed two little blue herons, two great egrets, and twenty-five white ibis. Little blue herons are a Lee County listed species.

ES staff observed listed wading birds during their field inspection, therefore, a wading bird management plan must be submitted for review and approval of the local development order. ES staff recommend the following condition to confirm this requirement:

Prior to local development order approval, a wading bird management plan must be submitted for the Division of Environmental Science staff review and approval.

Residential Planned Developments are required to provide 40% common open space. The proposed project is required to provide a minimum of 30 acres open space. The MCP indicates that a minimum of 30% open space will be provided through 15 acres of indigenous preservation and 15 acres of other open space.

Fifty percent or 15 acres of the LDC required open space must be provided through the preservation of existing indigenous plant communities. The applicant proposes to meet this requirement through the preservation of six wetland areas for a total of 15 acres.

The proposed development includes the placement of buildings in the areas between the wetland preserves south of the proposed project road. ES staff observed wading birds utilizing these enclaves of pasture that were inundated with water and contained wetland herbaceous vegetation. The birds appeared to be foraging in these areas. The filling of these enclaves and construction of buildings between the wetland preserves will diminish the ecological value of the forested wetland preserves. Development within these areas would decrease the foraging opportunities for wading birds.

The Lee County Land Development Code (LDC) and Comprehensive Plan (Lee Plan) provide regulations to insure creative site designs to incorporate natural features and the protection of wildlife within development sites, including the following:

- **LDC Section 34-411(h) states "A fundamental principle of planned development design is the creative use of the open space requirement to produce an architecturally integrated human environment. This shall be coordinated with the achievement of other goals, e.g., the preservation or conservation of environmentally sensitive lands and waters or archeological sites."**

- **Policy 4.1.1: Development designs will be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site.**

- **Policy 107.2.2: Continue to provide regulations and incentives to**

prevent incompatible development in and around environmentally sensitive lands.

- **Policy 107.3.1: Encourage upland preservation in and around preserved wetlands to provide habitat diversity, enhance edge effect, and promote wildlife conservation.**

ES staff recommend the following condition to insure the proposed project is consistent with the LDC and Lee Plan regarding site design, preservation, and wildlife protection:

Prior to local development order approval, the development order plans must delineate the areas between the forested wetland preserves south of the roadway as open space (Figure attached). These areas must be left at existing grade unless a plan is submitted that demonstrates an ecological improvement that enhances wading bird foraging opportunities and does not adversely impact the wetland preserves.

The proposed MCP delineates lakes that are geometric in shape except for the fact wavy lines have been drawn to depict shorelines. This design does not meet the intent of LDC Section 10-418 or Lee Plan Policies 61.2.4 and 61.3.12 directing stormwater management systems to mimic natural systems.

The project as shown on the MCP greatly limits redesign options for the lakes from the conceptual MCP to the final design of the local development order plans. However, it is important that the final site design includes the reconfiguration of the stormwater lakes to mimic natural systems. Therefore, ES staff recommend the following condition of approval to insure the lake shape is properly modified prior to construction:

Prior to local development order approval, the lakes must be redesigned to mimic natural systems and not be geometric in shape.

The ten requested deviations are related to compatibility and public safety issues. Therefore ES staff defers the evaluation of the deviations to zoning and development services staff.

Transportation Issues

The proposed project is located on the east side of Buckingham Rd., south of S.R.80. Based on the ITE Trip Generation Report 7th Edition the project will generate 115 new trips in the peak hour. The anticipated build out year is 2008.

Based on a growth rate derived from the 2005 Traffic Count Report, the estimated 2006 traffic volume from the 2005/2006 - 2006/2007 Concurrency Management Report, and the Link-Specific Service Volumes issued by Lee County D.O.T., in year 2009 *Buckingham Rd.* will operate at level of service "D". When the project traffic is added the level of service will drop to "E".
Improvements to Buckingham Road (from 2 to 4 lanes) are in the five-year CIP budget process, according to the Lee County Department of Transportation, with design scheduled for 2009-2010. Completion of right of way acquisition and construction is beyond the

county's five-year forecast.

Lee County's Bicycle and Pedestrian Advisory Committee (BPAC) 5-year recommended project list includes paved shoulders on Buckingham Road. Per LDC Sec. 10-256, sidewalks are a site-related improvement for development. Lee County Administrative Code AC-11-9 allows for payment of a fee-in-lieu under certain conditions. LDC Sec. 10-256(b)(2)b.4. states: "When any portion of the parcel located along an arterial or major collector is developed, sidewalks, or multi-use facilities if depicted on the plan, are required." A sidewalk will be required on Buckingham Road (an arterial road) and the issue will be addressed at the Development Order stage.

Conclusions

In conclusion, this requested rezoning meets the criteria necessary for approval of a residential planned development including consistency with the Lee Plan. That being said, staff recommends significant changes to the Master Concept Plan and a reduction in requested density, and an increase in preserve area. Without these changes staff cannot recommend approval.

It is compatible with neighboring properties, as conditioned. As conditioned, it will not adversely affect environmentally critical areas and natural resources, including upland preserves. For these reasons, staff can recommend approval with conditions.

IV. SUBJECT PROPERTY:

A. STRAP: The applicant indicates the STRAP number are: 28-43-26-00-00013.0000, 28-43-26-00-00014.0000 & 33-43-26-00-00002.0010

V. ATTACHMENTS:

A. Map of surrounding zoning
B. Master Concept Plan
C. Applicant's Deviation Justification
D. Traffic Impact Statement
E. East County Council Agenda and Minutes
F. Lee County Utilities Letter
G. Agricultural Affidavit and Attachment
H. Department of Transportation Memo
I. Development Services Memo
J. Environmental Sciences Memo

B. LEGAL DESCRIPTION: **See Exhibit A**

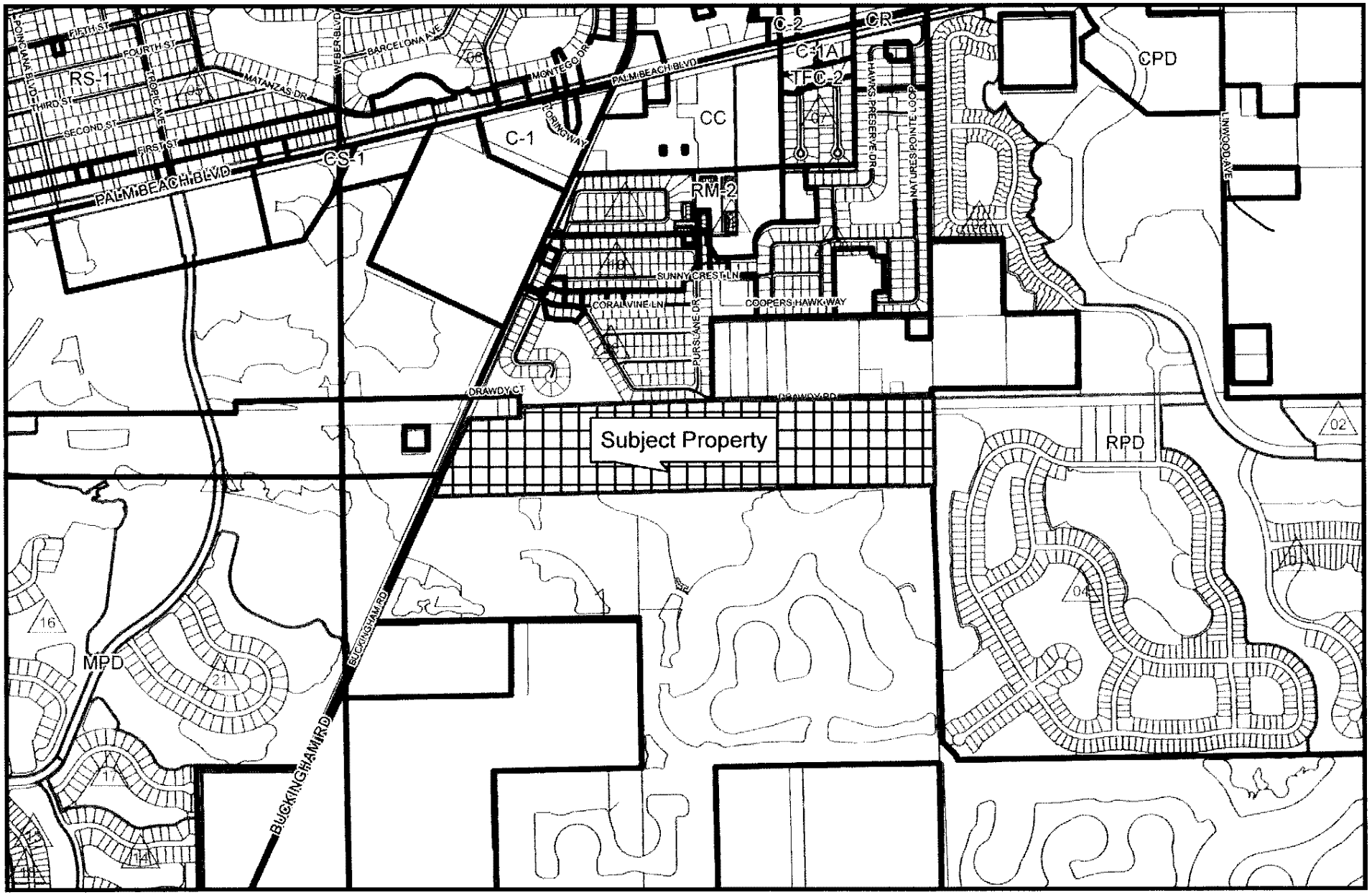
cc: Applicant
County Attorney
Zoning File

DCI2006-00010 HEMINGWAY POINT RPD Attachment "A"

DCI2006-00010

Zoning Map

8/18/2006



PLEASE SEE ATTACHED MASTER CONCEPT PLAN SUPPLEMENTAL INFORMATION FOR GENERAL NOTES AND GENERAL CONDITIONS.

PROJECT SUMMARY:

PROPOSED USE: 225 MULTI-FAMILY RESIDENTIAL UNITS

SITE AREA: 75.1± Ac.

LAND USE CLASSIFICATION: OUTLYING SUBURBAN

EXISTING ZONING: AG-2

PROPOSED ZONING: RPD

WATER: LEE COUNTY UTILITIES

SEWER: LEE COUNTY UTILITIES

FIRE DISTRICT: FORT MYERS SHORES

FLOOD ZONE:
PER LEE COUNTY FLOOD ZONE MAP

PROPOSED LAND USE TABLE:

ESTIMATED LAKE AREA: 5.0± Ac.

ESTIMATED DEVELOPMENT AND R.O.W.: 23.5± Ac.

ESTIMATED PRESERVE AREA: 15.0± Ac.

TOTAL SITE AREA: 75.1± Ac.

REGULATORY OPEN SPACE TABLE:

SITE AREA: 75.1± Ac.

REQUIRED OPEN SPACE (40%): 30.0± Ac.

REQUIRED INDIGENOUS OPEN SPACE: 15.0± Ac.

PROPOSED LAKE AREA OFFSET UP TO MAXIMUM 25% OF REQUIRED (5.0± Ac.)

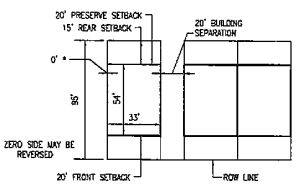
LAKE AREA PROVIDED: 5.0± Ac.

PROVIDED INDIGENOUS OPEN SPACE:
INDIGENOUS PRESERVE A: 7.3± ACRES
INDIGENOUS PRESERVE B: 2.1± ACRES
INDIGENOUS PRESERVE C: 0.6± ACRES
INDIGENOUS PRESERVE D: 1.6± ACRES
INDIGENOUS PRESERVE E: 1.5± ACRES
INDIGENOUS PRESERVE F: 1.7± ACRES

TOTAL PROVIDED INDIGENOUS OPEN SPACE = 15.0± ACRES

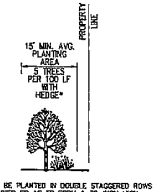
TOTAL PROVIDED OPEN SPACE = MINIMUM 15.0± ACRES

[1a] = DEVIATION DESIGNATION
* = FOR DEVIATION PLEASE SEE RESOLUTION.
M = MODEL HOME/ UNIT LOCATION
CT = CONSTRUCTION TRAILER LOCATION
RS = REAL ESTATE SALES LOCATION



TYPICAL TOWNHOME LOT WITH SETBACKS

FOR ZERO LOT LINE
NOT TO SCALE



*HEDGE TO BE PLANTED IN DOUBLE STAGGERED ROWS MAINTAINED 30' AS TO FORM A 36-INCH HIGH CONTINUOUS VISUAL SCREEN WITHIN ONE YEAR AFTER TIME OF PLANTING.

SECTION A-A
TYPICAL TYPE "B" BUFFER

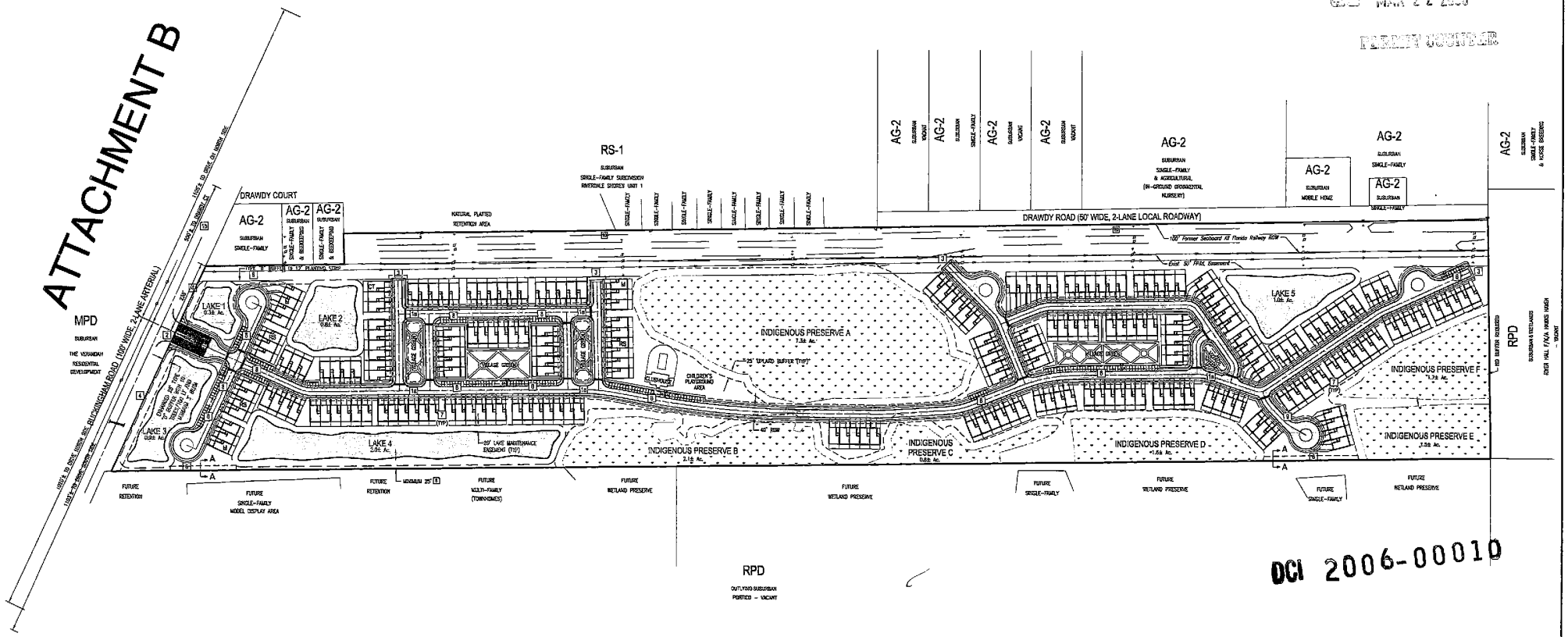
NOT TO SCALE

N

0 150 300 450
GRAPHIC SCALE 1" = 150 FT

RECEIVED
MAR 22 2006
PERMIT CENTER

ATTACHMENT B



DCI 2006-00010

EXHIBIT 6-J

PREPARED FOR:
WATERMEN DEVELOPMENT GROUP
8045 NW 155TH STREET
MIAMI LAKES, FLORIDA 33016

NO.	DATE	REVISION DESCRIPTION	BY
1	03/15/06	1ST SUFFICIENCY SUBMITTAL	SCM

Banks Engineering
Professional Engineers, Planners & Land Surveyors
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33912
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 5469
SURVEY LICENSE # LB 6890

MASTER CONCEPT PLAN
HEMINGWAY POINTE
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO (S-T-R)
JAN 2006	2096	_MCP	SCF	SCF	SCM	1" = 150'	1	1	

Justifications
EXHIBIT 6-N

1. **SEC. 10-285(a) TABLE 1**

   A. This deviation is triggered by the creation of several village greens throughout the development as an amenity and point of visual interest. The additional roadways will actually improve the traffic circulation in the area.

   B. This is necessary to provide access to the development which is located at the approximate mid-point to the frontage. The deviations are dictated by the location of existing access points to the north and south.

2. **SEC. 10-291(3)**; There is only frontage along Buckingham Road for this property and it is only practical to have one access point for the development. There is no realistic way to interconnect with any of the adjoining developments.

3. **SEC. 10-296(k)(1)**; In four locations, there are three or four individual homes on a street beyond where there is a turnaround opportunity. This is primarily dictated by the location of the FP&L easement and the 100-foot Florida Seaboard Rail line right-of-way on the north side of the property. The number of homes without a turnaround are very limited and the situation will have appropriate signage.

4. **SEC. 10-329(d)(1)a.2**; The development would propose a berm or other protective measures to make this eligible for an administrative deviation.

5. **SEC. 10-329(d)(1)a.3**; This is an appropriate location for a retention lake and with the proper buffering should be eligible for administrative deviation.

6. **SEC. 10-416(d)(6)**; We believe that appropriate landscaping can serve to provide the visual screen intended by 10-416(d)(6) so that a solid wall should not be necessary.

7. **SEC. 34-935(e)(4)**; The 20-foot separation will be adequate for safety and maintenance purposes, and this smaller setback will allow for more useable open space.

8. **SEC. 34-2015(2)(d)**; There are a number of visitor parking spaces at the village green which will back out directly to the main access road. Given the residential nature of the development and the slow posted speeds, this situation should not create any hazards and will allow for resident accessibility to these common areas.

9. **SEC. 34-2192(a)**; Given the unified plan for the overall development, this reduced side setback at an intersection will not create any hazard and will provide for more common useable open space.

10. **SEC. 10-416(d)(3)**; There is an existing Seaboard Airline right-of-way of 100 feet and another 50-foot FP&L easement on the north boundary line which precludes the need for a "B" buffer that normally buffers the multi-family development of Hemingway Pointe from the single-family development to the north.

ATTACHMENT C

RECEIVED
FEB 0 8 2006
PERMIT COUNTER

DCI 2006-00010

EXHIBIT 6-L

TRAFFIC IMPACT ANALYSIS

FOR

BUCKINGHAM 75 REZONING

ATTACHMENT D

PROJECT NO. 0509.09

RECEIVED
FEB 0 8 2006
PERMIT COUNTER

D DCI 2006-00010

PREPARED BY:
Metro Transportation Group, Inc.
12651 McGregor Boulevard, Suite 4-403
Fort Myers, Florida 33919-4489
239-278-3090

September 30, 2005

METRO

CONTENTS

I. INTRODUCTION

II. EXISTING CONDITIONS

III. PROPOSED DEVELOPMENT

IV. TRIP GENERATION

V. TRIP DISTRIBUTION

VI. FUTURE TRAFFIC CONDITIONS

VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

VIII. CONCLUSION

ATTACHMENT D

I. INTRODUCTION

Metro Transportation Group, Inc. (Metro) has conducted a traffic impact analysis to fulfill requirements set forth by the Lee County Department of Community Development for projects seeking Zoning approval. This report has been completed in compliance with the requirements established in the Lee County Traffic Impact Statement Guidelines. The development site is located on the east side of Buckingham Road between S.R. 80 and Orange River Road in the East Lee County area of Lee County, Florida. The site location is illustrated on **Figure 1**.

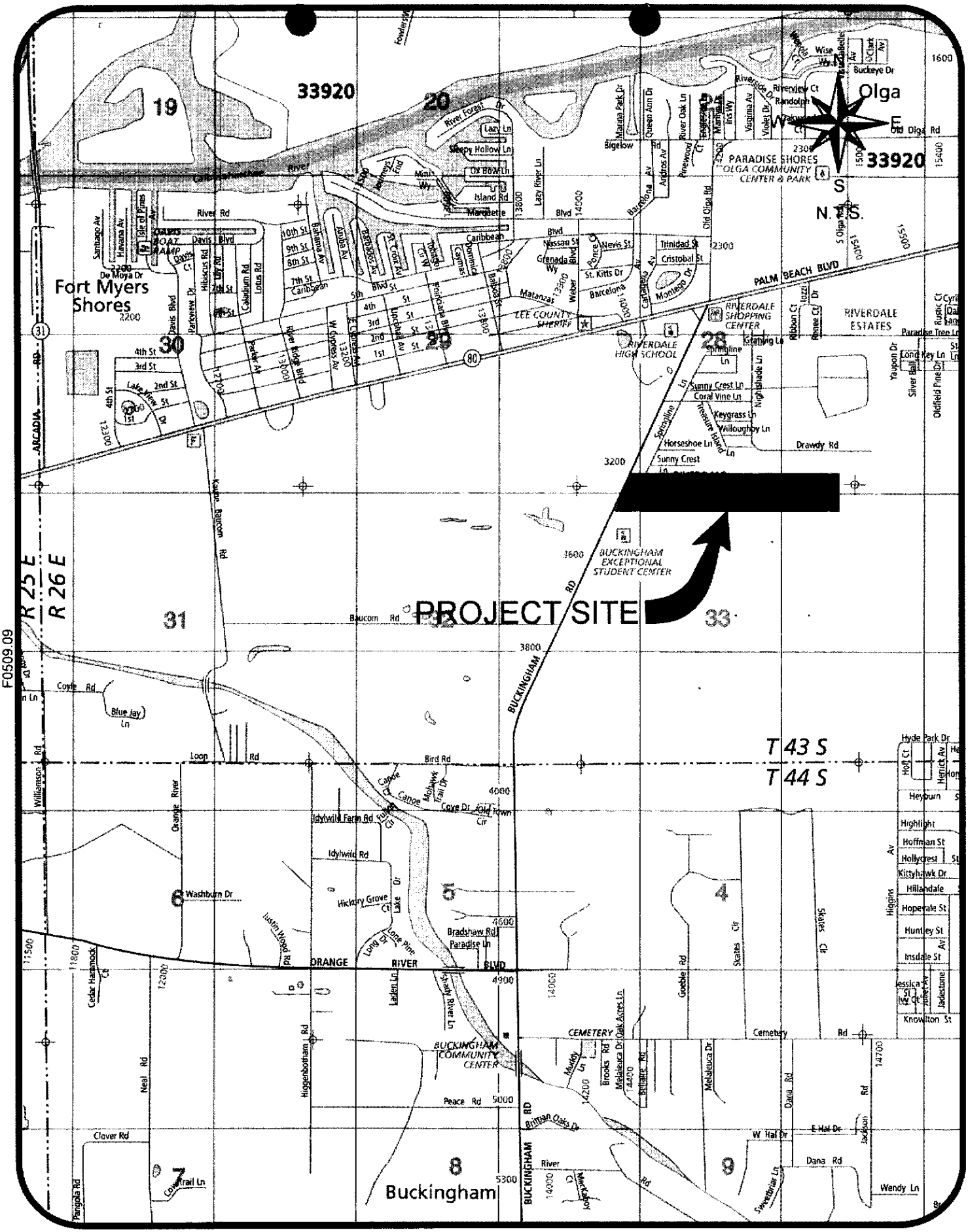
The proposed rezoning would allow for the site to be developed with up to 225 multi-family dwelling units. Access to the site will be provided to Buckingham Road via a full access drive.

The following report will examine the anticipated trip generation of the proposed development and evaluate the impact the additional trips will have on the surrounding roadway network.

II. EXISTING CONDITIONS

The subject site is currently vacant. Buckingham Road borders the site to the west. Residential development borders the site to the north, south and east.

Buckingham Road is currently a two-lane arterial roadway that borders the subject site to the west. Buckingham Road has a posted speed limit of 50 mph and is under the jurisdiction of the Lee County Department of Transportation.



PROJECT LOCATION MAP
BUCKINGHAM 75 REZONING

Figure 1

III. PROPOSED DEVELOPMENT

The proposed rezoning would allow for the site to be developed with up to 225 multi-family dwelling units. **Table 1** summarizes the land use utilized for trip generation purposes for the Buckingham 75 rezoning.

Table 1
Buckingham 75 Rezoning
Land Use

Size	Status
Multi-Family (LUC 230)	225 dwelling units

Access to the site will be provided to Buckingham Road via a full access drive.

IV. TRIP GENERATION

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled ***Trip Generation***, 7th Edition. Land Use Code 210 (Single-Family Detached Housing) was utilized for the trip generation purposes of the single-family housing portion of the proposed development. Land Use Code 230 (Residential Condominium/Townhouse) was utilized for the trip generation purposes of the multi-family housing portion of the proposed development. The trip generation equations for these land uses are located in the Appendix of this report for reference. **Table 2** indicates the peak hour and daily trips anticipated to be generated by the proposed development.

Table 2
Trip Generation
Buckingham 75 rezoning

Land Use	Weekday AM Peak Hour			PM Peak Hour of Generator			Daily (2-way)
	In	Out	Total	In	Out	Total	
Multi-Family (225 dwelling units)	20	80	100	80	35	115	1,280

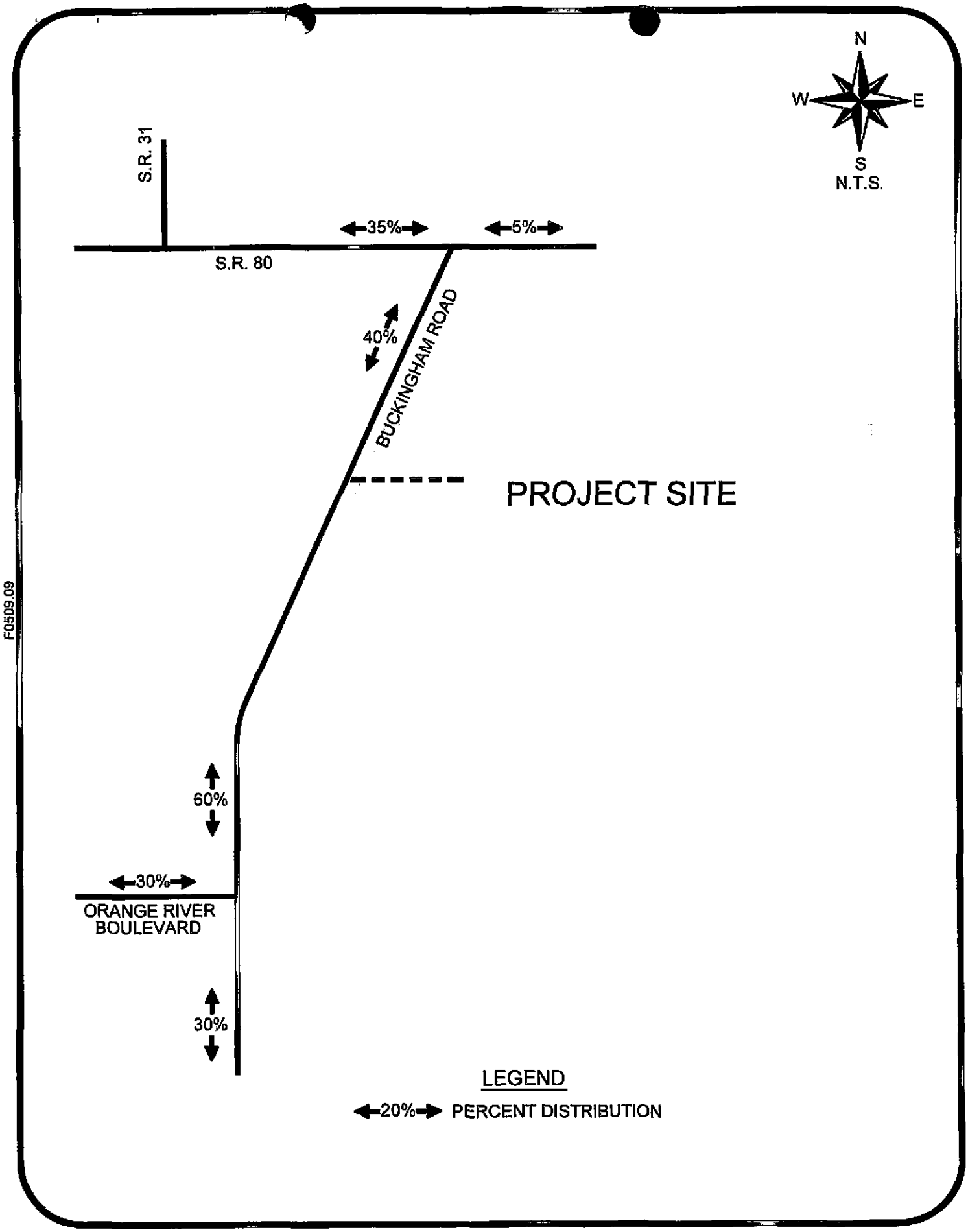
V. TRIP DISTRIBUTION

The trips shown in Table 2 were then assigned to the surrounding roadway system based on the anticipated routes the drivers will utilize to approach the site. The driveway volumes shown in Table 2 were assigned to the site access drive for the proposed development. Current and projected population in the area and other existing or planned competing/complementary uses in the area were utilized to assist in determining a distribution of the site traffic. Based on this information, the anticipated trip distribution of the development traffic is illustrated on **Figure 2.** Figure 2 also indicates the site traffic assignment to the site access locations for the proposed development.

In order to determine which roadway segments surrounding the site may be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines, **Table 1A**, in the Appendix, was created. This table indicates which roadway links will accommodate greater than 10% of the Peak Hour Level of Service "C" volumes, as defined by the Lee County Generalized Peak Hour, Peak Direction Service Volumes, as provided by the Lee County Department of Transportation. Based on Table 1A, the proposed Buckingham 75 rezoning will not significantly impact any roadway links.

VI. FUTURE TRAFFIC CONDITIONS

It was assumed that the proposed Buckingham 75 development would be completed by 2008. Therefore, the surrounding roadway network was analyzed under the 2009 projected traffic conditions. Based on the project distribution illustrated on Figure 2, the



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PROJECT TRAFFIC DISTRIBUTION
BUCKINGHAM 75 REZONING

Figure 2

link data was analyzed for the existing conditions, year 2009 without the development and year 2009 with the development.

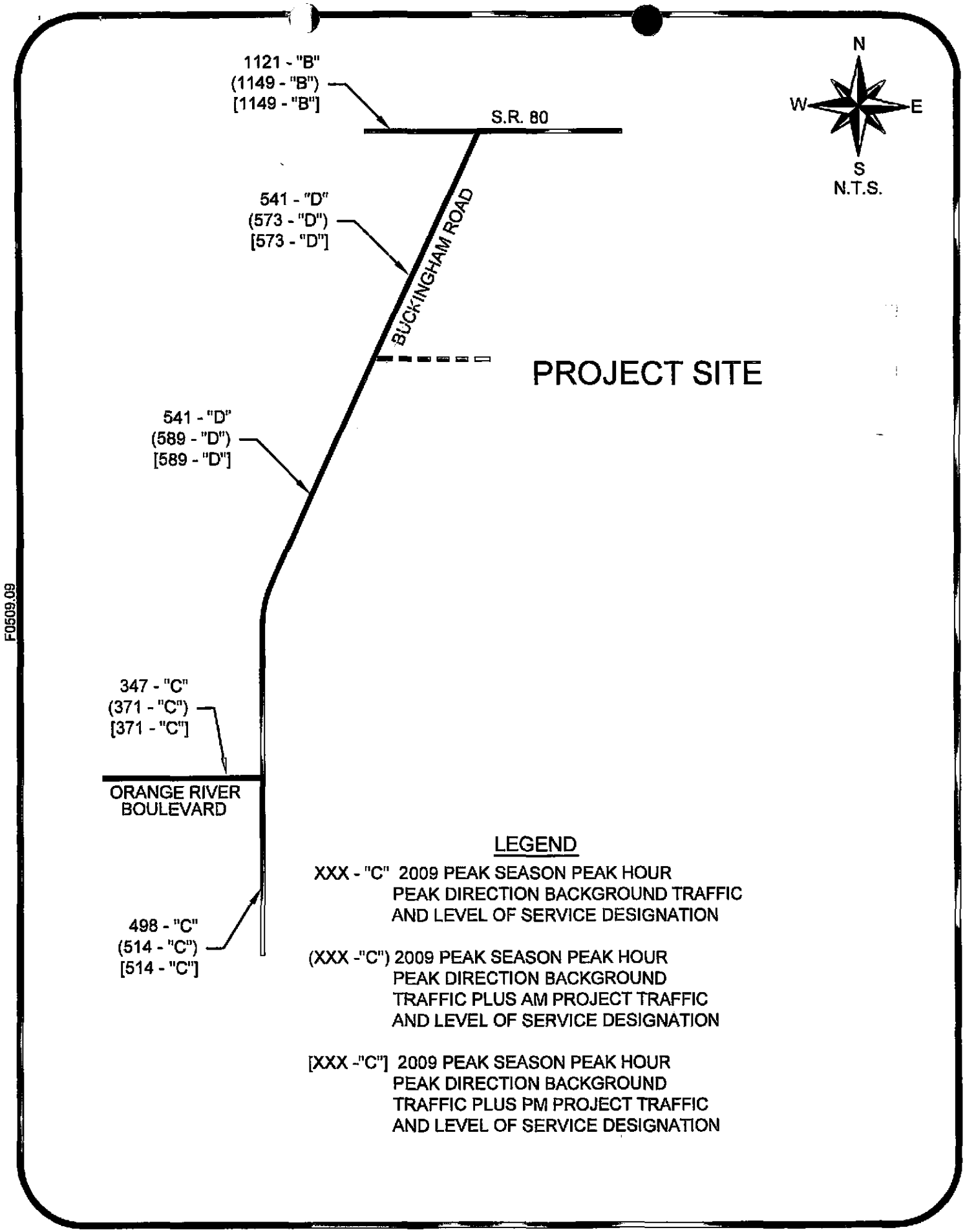
The 2004 peak hour peak season peak direction traffic volumes utilized in the analysis were obtained from the 2003/2004-2004/2005 Lee County Concurrency Management Inventory and Projections report, dated September 2004. The growth rates utilized were calculated based on historical traffic count data as contained in the 2004 Lee County Traffic Count Report.

Figure 3 indicates the year 2009 peak hour traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 3 is the peak hour volume and Level of Service of each link should no development occur on the subject site and the Peak Hour volume and Level of Service for the weekday AM and PM peak hours with the development traffic added to the roadways. These values are also derived from **Table 2A** contained in the Appendix.

VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

As can be seen from Figure 3, the roadway links analyzed as a part of this report will not be adversely impacted as a result of the proposed development. All roadway links within the study area are shown to operate with an acceptable Level of Service according to the Lee County Level of Service Standards. Therefore, no roadway link improvements will be required as a result of the proposed Buckingham 75 rezoning.

Turn lane analysis was performed at the site access drive on Buckingham Road based on the turn lane warrants as contained in the Lee County Turn Lane Policy, Administrative Code 11-4 (AC-11-4). Based on the analysis, a southbound left turn lane and an northbound right turn lane will be warranted on Buckingham Road. Both turn lanes should be constructed to include 350 feet of taper and deceleration length according to the Florida Department of Transportation Standard Index #301 (Index #301) based on a 55 mph design speed. No storage length will be warranted for the northbound right turn lane assuming that a two-lane receiving approach is constructed. The required storage



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2009 BUILDOUT TRAFFIC CONDITIONS
BUCKINGHAM 75 REZONING

Figure 3

length for the southbound left turn lane was based on Nomograph N-1 in the Lee County Turn Lane Policy. Based on the projected opposing volume for 2009, approximately 50 feet of storage should be provided for an overall turn lane length of 400 feet. No other urn lane improvements are warranted as a result of this analysis.

Intersection analysis was performed at the site access intersection on Buckingham Road. The peak direction through volumes utilized in the analysis were obtained from Table 2A. The off-peak direction through volumes were calculated by utilizing the D-factor from the appropriate Lee County Permanent Count Station (PCS).

Based on the results of the analysis, all of the approaches to the site access intersection were shown to operate at acceptable Level of Service conditions under the 2009 build-out traffic conditions for the proposed Buckingham 75 rezoning. Therefore no intersection improvements, other than the turn lane improvement mentioned previously, will be warranted as a result of this analysis.

VIII. CONCLUSION

The Buckingham 75 rezoning located on the east side of Buckingham Road between S.R. 80 and Orange River Road in Lee County, Florida will not have a detrimental impact on the surrounding roadway system. The existing roadway network can accommodate the additional new vehicle trips the development is anticipated to generate.

Turn lane analysis was performed at the site access intersection on Buckingham Road based on the turn lane warrants as contained in the Lee County Turn Lane Policy AC 11-4. Based on the analysis, a southbound left turn lane 450 feet in overall length and a southbound right turn lane 350 feet in overall length will be warranted. No other turn lane improvements are warranted as a result of this analysis.

Intersection analysis was performed at the site access drive on Buckingham Road. Based on the results of the analysis, all of the approaches to the site access intersection on Buckingham Road were shown to operate at acceptable Level of Service conditions under

the 2009 build-out traffic conditions for the proposed Buckingham 75 rezoning. Therefore no intersection improvements, other than the turn lane improvement mentioned previously, will be warranted as a result of this analysis.

K:\2005\02\09 Buckingham 75-Zoning\report.9.30.05.doc

APPENDIX

TABLES 1A & 2A

TABLE 1A
PEAK DIRECTION
PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 100 VPH IN= 20 OUT= 80

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 115 VPH IN= 80 OUT= 35

ROADWAY	SEGMENT	ROADWAY CLASS	LOS A VOLUME	LOS B VOLUME	LOS C VOLUME	LOS D VOLUME	LOS E VOLUME	PERCENT PROJECT TRAFFIC	PROJECT TRAFFIC	PROJ/ LOS C
Buckingham Rd.	N. of Gunnery Rd.	2LN	130	310	530	870	940	20%	16	3.0%
	N. of Orange River Blvd.	2LN	130	310	530	870	940	60%	48	9.1%
	N. of Project Entrance	2LN	130	310	530	870	940	40%	32	6.0%
Orange River Blvd	W. of Buckingham Rd	2LN	0	220	510	800	940	30%	24	4.7%
	W. of Staley Rd	2LN	0	220	510	800	940	0%	0	0.0%
SR 80	E. of Buckingham Rd	4LD	1690	2040	2050	2050	2050	5%	4	0.2%
	W. of Buckingham Rd	4LD	1690	2040	2050	2050	2050	35%	28	1.4%

* Lee County Link Specific Peak Hour Directional Service Volumes were utilized to determine the LOS thresholds

TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS

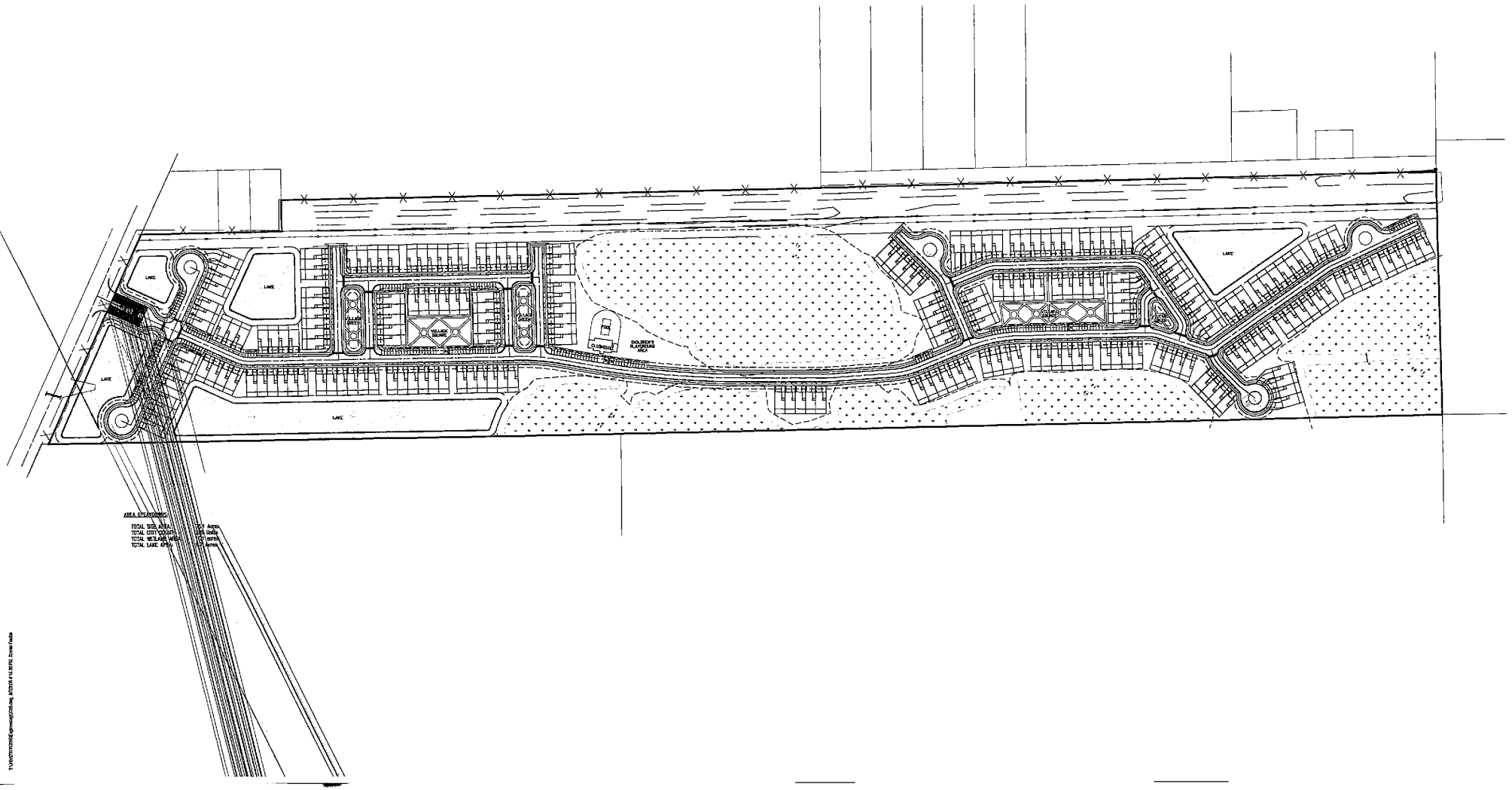
TOTAL PROJECT TRAFFIC AM = 100 VPH IN = 20 OUT= 80

TOTAL PROJECT TRAFFIC PM = 115 VPH IN= 80 OUT= 35

ROADWAY	SEGMENT	Link No.	BASE YR ADT	2004 ADT	YRS OF GROWTH	ANNUAL RATE	2005 PK HR PK SEASON PEAK DIR.[1]	2009 PK HR PK SEASON PEAK DIR.	PERCENT PROJECT TRAFFIC	AM PROJ TRAFFIC	PM PROJ TRAFFIC	2009 BCKGRND + AM PROJ TRAFFIC	2009 BCKGRND + PM PROJ TRAFFIC
Buckingham Rd.	N. of Gunnery Rd.	3700	2100	4500	9	8.84%	355	498	20%	16	16	514	514
	N. of Orange River Blvd.	3800	5100	8000	9	5.13%	443	541	60%	48	48	589	589
	N. of Project Entrance	*3800*	*5100*	*8000*	9	*5.13%*	*443*	*541*	*40%*	*32*	*32*	*573*	*573*
Orange River Blvd	W. of Buckingham Rd	19400	4600	5900	9	2.80%	311	347	30%	24	24	371	371
SR 80	W. of Buckingham Rd	*20200*	*24100*	*29400*	9	*2.23%*	*1026*	*1121*	35%	*28*	*28*	*1149*	*1149*

100th Highest Hour Level of Service Analysis

		2009 BCKGRND TRAFFIC LOS	2009 BCKGRND + AM PROJ LOS	2009 BCKGRND + PM PROJ LOS
Buckingham Rd.	N. of Gunnery Rd.	C	C	C
	N. of Orange River Blvd.	D	D	D
	N. of Project Entrance	D	D	D
Orange River Blvd	W. of Buckingham Rd	C	C	C
SR 80	W. of Buckingham Rd	B	B	B


LAKE
LAKE
LAKE
LAKE
LAKE
LAKE
RIDGE
RIDGE
VILLAGE SQUARE
CLUBHOUSE
CHILDREN'S PLAYGROUND AREA
AREA BREAKDOWN:
TOTAL SITE AREA: 150 Acres
TOTAL DEVELOPED: 95 Acres
TOTAL WETLAND AREA: 10 Acres
TOTAL LAKE AREA: 45 Acres

HCS+ CAPACITY ANALYSIS

TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	tbt	Intersection	Site Access/Buckingham Rd.
Agency/Co.	Metro Transportation Group	Jurisdiction	
Date Performed	10/3/2005	Analysis Year	2009 - With Project
Analysis Time Period	AM Peak Hour		

Project Description F0509.09

East/West Street: Site Access (Buckingham 75)	North/South Street: Buckingham Rd.
Intersection Orientation: North-South	Study Period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume		460	15	5	541	
Peak-Hour Factor, PHF	0.90	0.90	0.90	0.90	0.90	0.90
Hourly Flow Rate, HFR	0	511	16	5	601	0
Percent Heavy Vehicles	0	–	–	0	–	–
Median Type	Undivided					
RT Channelized			0			0
Lanes	0	1	1	1	1	0
Configuration		T	R	L	T	
Upstream Signal		0			0	

Minor Street	Eastbound			Westbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume				50		30
Peak-Hour Factor, PHF	0.90	0.90	0.90	0.90	0.90	0.90
Hourly Flow Rate, HFR	0	0	0	55	0	33
Percent Heavy Vehicles	0	0	0	0	0	0
Percent Grade (%)		0			0	
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	0	0	0	1	0	1
Configuration				L		R

Delay, Queue Length, and Level of Service

Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration		L	L		R			
v (vph)		5	55		33			
C (m) (vph)		1050	229		567			
v/c		0.00	0.24		0.06			
95% queue length		0.01	0.91		0.18			
Control Delay		8.4	25.6		11.7			
LOS		A	D		B			
Approach Delay	–	–	20.4					
Approach LOS	–	–	C					

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TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	tbt	Intersection	Site Access/Buckingham Rd.
Agency/Co.	Metro Transportation Group	Jurisdiction	
Date Performed	10/3/2005	Analysis Year	2009 - With Project
Analysis Time Period	PM Peak Hour		

Project Description F0509.09

East/West Street: Site Access (Buckingham 75)	North/South Street: Buckingham Rd.
Intersection Orientation: North-South	Study Period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume		541	50	30	460	
Peak-Hour Factor, PHF	0.90	0.90	0.90	0.90	0.90	0.90
Hourly Flow Rate, HFR	0	601	55	33	511	0
Percent Heavy Vehicles	0	--	--	0	--	--
Median Type	Undivided					
RT Channelized			0			0
Lanes	0	1	1	1	1	0
Configuration		T	R	L	T	
Upstream Signal		0			0	

Minor Street	Eastbound			Westbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume				20		15
Peak-Hour Factor, PHF	0.90	0.90	0.90	0.90	0.90	0.90
Hourly Flow Rate, HFR	0	0	0	22	0	16
Percent Heavy Vehicles	0	0	0	0	0	0
Percent Grade (%)		0			0	
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	0	0	0	1	0	1
Configuration				L		R

Delay, Queue Length, and Level of Service

Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration		L	L		R			
v (vph)		33	22		16			
C (m) (vph)		941	206		504			
v/c		0.04	0.11		0.03			
95% queue length		0.11	0.35		0.10			
Control Delay		9.0	24.6		12.4			
LOS		A	C		B			
Approach Delay	--	--	19.4					
Approach LOS	--	--	C					

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TRIP GENERATION EQUATIONS

TRIP GENERATION EQUATIONS
BUCKINGHAM 75 RE-ZONING
ITE TRIP GENERATION REPORT, 7th EDITION

Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour	Daily (2-way)
Residential Condominium/Townhouse *(LUC 230)*	Ln (T) = 0.80 Ln (X) + 0.26 (17% In/83% Out)	Ln (T) = 0.82 Ln (X) + 0.32 (67% In/33% Out)	Ln (T) = 0.85 Ln (X) + 2.55
T = Trips, X = Number of dwelling units			

ATTACHMENT D

East Lee County Council Meeting
Monday, March 27, 2006
Olga Community Center
6:30 PM

Agenda

1. Call to Order
2. Pledge of Allegiance
3. Introductions
4. Approval of Minutes of February meeting
5. Committee Reports
6. **Presentation: Citizen Emergency Response Teams (C.E.R.T.)**
   Fort Myers Shores & Tice Fire Department
7. **Presentation: Planning Consultants for Phase II**
   - **6:45 p.m. Vanasse & Daylor**
   - **7:00 p.m. DRMP**
   - **7:15 p.m. Johnson Engineering**
8. **Presentation: Hemingway Pointe - Matt Uhle, Crosswinds**
9. Old Business
10. New Business

ATTACHMENT E

Directions to Olga Community Center:
From Palm Beach Blvd (Hwy 80)
Go ¼ mile east past Buckingham Rd/ Old Olga Rd to S. Olga Dr. (first road on the left past Winn Dixie), turn left on S.Olga Dr.. Go 4/10 of mile to Community Center on left.

East Lee County Council

Striving to Improve the quality of life in the Greater Palm Beach Boulevard Area

ELCC Meeting
Meeting Minutes March 27, 2006
6:30 P.M.

Call to Order: Doug Vaught opened meeting with the Pledge of Allegiance.

Next meeting, an update on the water issues in the river etc.

Planning Committee will now meet every night the ELCC meets at 5:00.

Motion to approve February minutes with no changes.

Planning Committee – Mike Roeder

Committee notes will be forgone.

ATTACHMENT E

Citizen Emergency Response Teams (C.E.R.T.)

- Program consisting of neighbor helping neighbor
- Things that can be learned at classes, how to be self sufficient for 72 hours.
- C.E.R.T. actually started in 1985 in California.
- Next class starts on May 2nd for six weeks on Monday nights
- Classes will be held at Tice fire and rescue station. There are no limitations to the size of class and if we get enough people sign up we can have classes in Fort Myers Shores as well.

Questions and Answers:
Q: Will you go into other local groups and give this presentation?
A: Yes we will. If you would like us to give this presentation just let us know where and when.

Presentation: Planning Consultants for Phase II – Vanasse & Daylor – Robin Meyer

- Three step process:
  - Reconnect with the community
  - Build consensus among the community
  - Coordinate adoption of the LDC amendments.
- Outcomes:
  - Design guidelines for the Palm Beach Boulevard and the Caloosahatchee Shores areas.
  - Updated Tice Redevelopment and Fort Myers Shores overlay districts.
- Transportation Issues:
  - New Medians
  - Pedestrian and bicycle circulation
  - Interconnection between neighborhoods
- CIP Recommendations
- Qualifications:

- In house capabilities – Landscape Architectures, Traffic Engineers, Planning Policy, Engineering
- Local and National experience
- Other Community Plans:
  - Palm Beach Boulevard and Caloosahatchee Shores Plans (Phase I)
  - Periwinkle Way Corridor Restoration Master Plan (Sanibel)
  - Estero Plan
  - SR 776 Community Plan (Charlotte County)

Presentation: Planning Consultants for Phase II – DRMP – Ken Griffith

- Develop a Scope of Work with the ELCC
- Prepare applications for implementation funding to Lee County
- Develop Guidelines for commercial architecture, signage and landscaping based on the two plans.
- Coordinate the Palm Beach Plan implementation with City of Fort Myers
- Develop specific details for SR 80 mixed use concept
- Revise Chapter 34 of the Lee LDC – Tice & Fort Myers Shores Overlay District
- Develop policies to guide development in the SR 31 Corridor
- Implementation Plan to address transportation issues – new medians, pedestrian and bicycle circulation & interconnection between neighbors.
- Recommendation for revisions to Lee County's five-year CIP, for transportation and other issues.
- Two Bound reports with design guidelines, suitable for incorporation into Chapter33-LDC.
- Timeline: projected completion and adoption date is March 2007
- Qualifications:
  - In house capabilities – Land Planners, Project Managers, public/private Planners, Landscape Architecture Designers, Traffic & Infrastructure Designers.

Presentation: Planning Consultants for Phase II – Johnson Engineering – Patricia Newton

- Qualifications:
  - 275 employees including Community Planners, Traffic Designers, Neighborhood Specialists, Landscape Architectures.
  - 60 years experience in the Fort Myers area
- Methodology:
  - Data Collection and analysis to determine the scope of the work
  - Stakeholders meetings
  - Community meetings
  - Draft policies for policies and vision
  - Coordinate with Governing jurisdictions
  - Incorporate blueways, trails and parks.
  - Facilitate this process to create a win-win scenario for the community.
  - Estimated completion date March 2007

East Lee County Council

Striving to Improve the quality of life in the Greater Palm Beach Boulevard Area

Presentation: Hemingway Pointe- Matt Uhle, Crosswinds

- East of Buckingham Road and South of SR 80 – former Buckingham Gardens
- Future Land Use Map is Outlying Suburban at 3 units per acre
- Access point on Buckingham Road
- 75 Acres – 225 units
- Prices begin around the mid $200's
- All townhomes 1,700sf – 2,500sf – condo ownerships
- Only one access point with a boulevard between 20' & 25'.
- All garaged units with 2 spaces per unit.
- Amenities are mostly common open spaces but also include a clubhouse.
- Community is gated

Next meeting will be on April 24th at 6:30 pm.
There will be presentations on Caloosahatchee water issues.

Meeting adjourned.

ATTACHMENT E

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 479-8181

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

May 3, 2006

Gerard Ripo
Banks Engineering, Inc.
10511-101 Six Mile Cypress Parkway
Fort Myers. Fl. 33912

RE: POTABLE Water and Wastewater AVAILABILITY
Buckingham Gardens, 3012 & 2951 Buckingham
STRAP #: 28-43-26-00-00013.0000, 00014.0000 & 33-43-26-00- 00002.0010

Dear Mr. Ripo:

Potable water lines and wastewater lines are in operation in the vicinity of the proposed project mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of 225 multi-family residential units with an estimated flow demand of approximately 45,000 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

Availability of potable water and sanitary sewer service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our Olga Water Treatment Plant.

Sanitary sewer service will be provided by the City of Fort Myers North Wastewater Plant. The Lee County Utilities' Operations Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

With regard to effluent reuse service; there are currently no reuse facilities available in the vicinity of the project site therefore, Lee County does not have the capability of providing service at this time.

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

Further, This Letter Of Availability Of Water and Wastewater Service To Be Utilized For The Permitting Of Surface Water Management Facilities Through The South Florida Management District For This Project Only. Individual Letters Of Availability Will Be Required For The Purpose Of Obtaining Building Permits.

ATTACHMENT F

Sincerely,

LEE COUNTY UTILITIES

Mary McCormic
Senior Engineering Tech.
UTILITIES ENGINEERING

RECEIVED
JUL 16 2006

VIA FACSIMILE
Original Mailed

DCI 2006-00010

SFWM - BUCKINGHAM GARDENS

F

ATTACHMENT G

AFFIDAVIT

STATE OF MICHIGAN)
)
COUNTY OF OAKLAND)

Before me this day appeared Bernard Glieberman who, being first duly sworn, deposes and says:

1. He is the Manager of Bentley Management, LLC, a Michigan Limited Liability Company, which is the Manager of Crosswinds at Buckingham Gardens, LLC, a Florida Limited Liability Company, the owner of the property that is the subject of Case DCI2006-00010.

2. As of the date the application was filed, portions of the property were used for harvesting of hay.

3. The boundaries of the area used for the harvesting of hay are depicted on Exhibit "A" attached to this Affidavit.

4. The applicant intends to terminate the above-described agricultural use upon the approval of the first development order for the project shown on the MCP.

FURTHER, AFFIANT SAYETH NAUGHT.

Done and executed this 26th day of June, 2006.

Bernard Glieberman

The foregoing instrument was acknowledged before me this 26th day of June, 2006, by Bernard Glieberman, as Manager of Bentley Management, LLC, a Michigan Limited Liability Company, the Manager of Crosswinds at Buckingham Gardens, LLC, a Florida Limited Liability Company, on behalf of the company, who is personally known to me [✓], or has produced _____ as identification [__], and did/did not take an oath.

My Commission Expires:

ANJA J. WALTHALL
NOTARY PUBLIC-STATE OF MICHIGAN
COUNTY OF WAYNE
My Commission Expires April 7, 2012
Acting in the County of OAKLAND

Notary Public

Printed Name

RECEIVED
JUL 18 2006

G

DCI 2006-00010

ATTACHMENT G

EXHIBIT A

AGRICULTRUAL USES AT TIME OF ZONING APPLICATION

OF

A TRACT OR PARCEL OF LAND LYING IN SECTIONS 28 AND 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST LEE COUNTY, FLORIDA

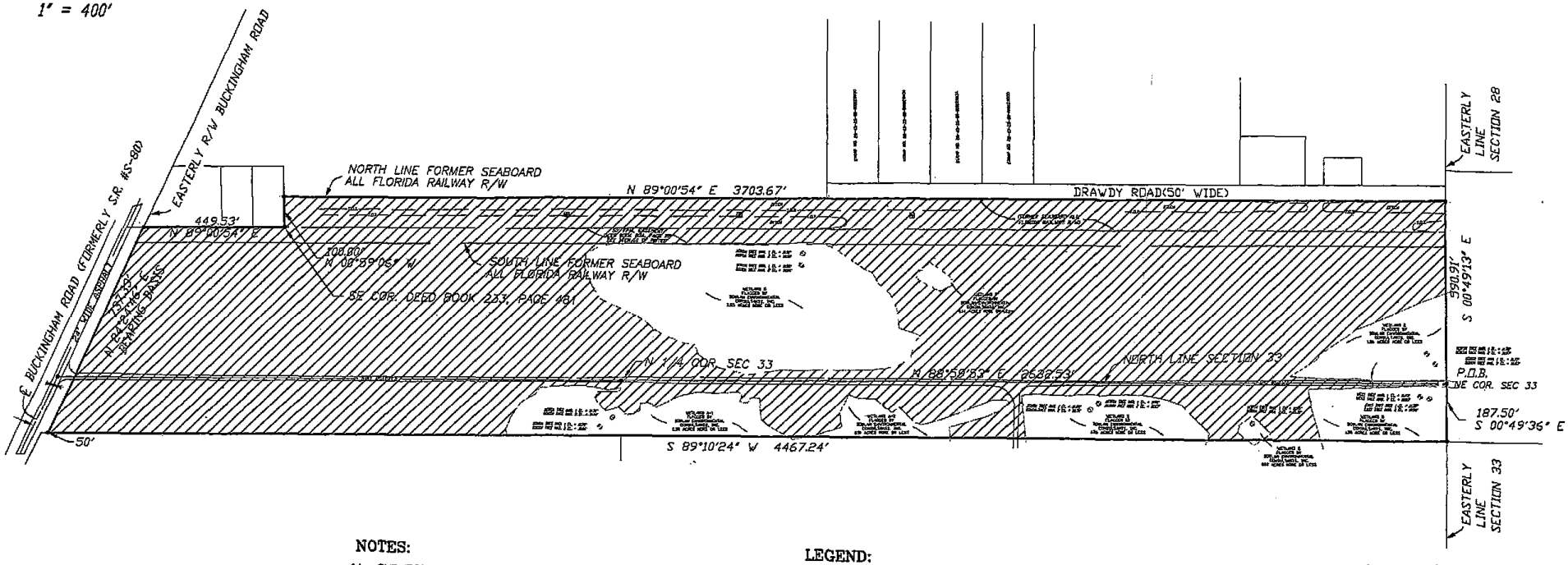
Banks Engineering

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS,
FLORIDA BUSINESS CERTIFICATION NUMBER LB 6680
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33912
(239) 939-5490

N

58.63± ACRES AGRICULTURAL USES
HARVESTING HAY

1" = 400'



NOTES:

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

2.) ASSUMED NORTH BASED ON THE EASTERLY LINE OF BUCKINGHAM ROAD, FORMERLY KNOWN AS S.R. #S-80, AS BEARING N 24°24'26" E.

3.) SUBJECT TO FACTS THAT MAY BE REVEALED BY AN ACCURATE BOUNDARY SURVEY.

LEGEND:

℄	INDICATES CENTERLINE
COR.	INDICATES CORNER
FP&L	INDICATES FLORIDA POWER AND LOGHT
O.R.	INDICATES OFFICIAL RECORDS BOOK
PG.	INDICATES PAGE
P.O.B.	INDICATES POINT OF BEGINNING
R/W	INDICATES RIGHT-OF-WAY
S.R.	INDICATES STATE ROAD
T.O.B.	INDICATES TOP OF BANK

RECEIVED
JUL 18 2006

DCI 2006-00010

LEE COUNTY
SOUTHWEST FLORIDA

DEPARTMENT OF TRANSPORTATION

Memo

To: Tony Palermo
Senior Planner
Zoning Division

From: Lili Wu
Senior Planner
DOT

Date: August 23, 2006

Subject: Hemingway Pointe (DCI2006-00010)

Lee County Department of Transportation (DOT) has reviewed the application and recommends the Deviation #1B, which requests an intersection separation of 660' on an arterial to 500' for the project entrance on Buckingham Road, be denied because the proposed project entrance can be placed at an appropriate location to avoid the deviation.

LW:llj

ATTACHMENT H

S:\DOCUMENT\WU\MEMOS\2006\HemingwayPointe DCI2006-00010.doc

MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES DIVISION

DATE: August 29, 2006

TO: Tony Palermo
Senior Planner

FROM:
Robert G. Rentz, P.E.
Development Review
Engineer

RE: **Buckingham 75**
Case No. DCI2006-00010

The proposed project is located on the east side of Buckingham Rd., south of S.R.80. Based on the ITE Trip Generation Report 7th Edition the project will generate 115 new trips in the peak hour. The anticipated build out year is 2008.

Based on a growth rate derived from the 2005 Traffic Count Report, the estimated 2006 traffic volume from the 2005/2006 - 2006/2007 Concurrency Management Report, and the Link-Specific Service Volumes issued by Lee County D.O.T., in year 2009 *Buckingham Rd.* will operate at level of service **"D"**. When the project traffic is added the level of service will drop to **"E"**.

ATTACHMENT I

BGR
S:/WRITERS/RENTZRG/DCI2006-00010SUBSTANTIVETRAFFICCOMMENTS

STAFF REPORT
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ENVIRONMENTAL SCIENCES

Date: **September 18, 2006**

To: **Tony Palermo, Senior Planner**
From: **Kim Trebatoski, Principal Environmental Planner**
Phone: (239) 479-8183
E-mail: trebatkm@leegov.com

Project: **Hemingway Pointe RPD**
Case: **DCI2006-00010**
STRAP: **28-43-26-00-00013.0000 + others**

The Division of Environmental Sciences (ES) staff have reviewed the proposed Hemingway Point Residential Planned Development (RPD). The following are ES staff's project analysis and recommended conditions of approval:

VEGETATION:
The property consists of cypress wetlands (16.42 acres), south Florida slash pine and sabal palm forest (0.44 acres), marsh (2.24 acres), pasture (50.78 acres), disturbed land (2.42 acres), ditches (1.40 acres) and dirt roads (1.35 acres).

PROTECTED SPECIES:
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. A little blue heron was observed.

ES staff field verified the protected species survey on September 8, 2006, and observed two little blue herons, two great egrets, and twenty-five white ibis. Little blue herons are a Lee County listed species.

WADING BIRD MANAGEMENT PLAN:
ES staff observed listed wading birds during their field inspection, therefore, a wading bird management plan must be submitted for review and approval of the local development order. ES staff recommend the following condition to confirm this requirement:

Prior to local development order approval, a wading bird management plan must be submitted for the Division of Environmental Science staff review and approval.

ATTACHMENT J

OPEN SPACE:
Residential Planned Developments are required to provide 40% common open space. The proposed project is required to provide a minimum of 30 acres open space. The MCP indicates that a minimum of 30% open space will be provided through 15 acres of indigenous preservation and 15 acres of other open space.

INDIGENOUS PRESERVATION & DESIGN STANDARDS:
Fifty percent or 15 acres of the LDC required open space must be provided through the preservation of existing indigenous plant communities. The applicant proposes to meet this requirement through the preservation of six wetland areas for a total of 15 acres.

The proposed development includes the placement of buildings in the areas between the wetland preserves south of the proposed project road. ES staff observed wading birds utilizing these enclaves of pasture that were inundated with water and contained wetland herbaceous vegetation. The birds appeared to be foraging in these areas. The filling of these enclaves and construction of buildings between the wetland preserves will diminish the ecological value of the forested wetland preserves. Development within these areas would decrease the foraging opportunities for wading birds.

The Lee County Land Development Code (LDC) and Comprehensive Plan (Lee Plan) provide regulations to insure creative site designs to incorporate natural features and the protection of wildlife within development sites, including the following:

- LDC Section 34-411(h) states "A fundamental principle of planned development design is the creative use of the open space requirement to produce an architecturally intergrated human environment. This shall be coordinated with the achievement of other goals, e.g., the preservation or conservation of environmentally sensiteve lands and waters or archeological sites."

- Policy 4.1.1: Development designs will be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site.

- Policy 107.2.2: Continue to provide regulations and incentives to prevent incompatible development in and around environmentally sensitive lands.

- Policy 107.3.1: Encourage upland preservation in and around preserved wetlands to provide habitat diversity, enhance edge effect, and promote wildlife conservation.

ES staff recommend the following condition to insure the proposed project is consistent with the LDC and Lee Plan regarding site design, preservation, and wildlife protection:

Prior to local development order approval, the development order plans must delineate the areas between the forested wetland preserves south of the roadway as open space (Figure attached).

ATTACHMENT J

These areas must be left at existing grade unless a plan is submitted that demonstrates an ecological improvement that enhances wading bird foraging opportunities and does not adversely impact the wetland preserves.

LAKE DESIGN:
The proposed MCP delineates lakes that are geometric in shape except for the fact wavy lines have been drawn to depict shorelines. This design does not meet the intent of LDC Section 10-418 or Lee Plan Policies 61.2.4 and 61.3.12 directing stormwater management systems to mimic natural systems.

The project as shown on the MCP greatly limits redesign options for the lakes from the conceptual MCP to the final design of the local development order plans. However, it is important that the final site design includes the reconfiguration of the stormwater lakes to mimic natural systems. Therefore, ES staff recommend the following condition of approval to insure the lake shape is properly modified prior to construction:

Prior to local development order approval, the lakes must be redesigned to mimic natural systems and not be geometric in shape.

DEVIATIONS:
The ten requested deviations are related to compatibility and public safety issues. Therefore ES staff defers the evaluation of the deviations to zoning and development services staff.

ATTACHMENT J

ATTACHMENT J

Staff Figure 1:

Γ = Open Space per recommended indigenous preserve and design standards condition.

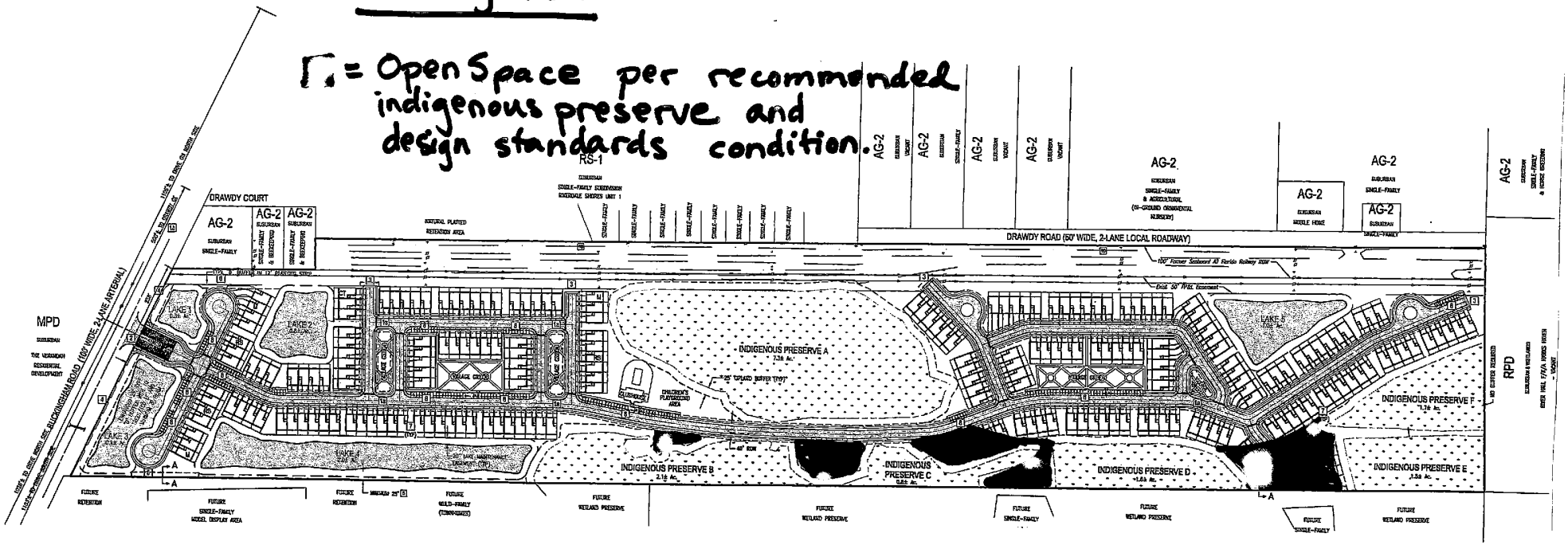


Table 1(b)
Planning Community Year 2020 Allocations

	Future Land Use Category	Lee County Totals	Alva	Boca Grande	Bonita Springs	Fort Myers Shores	Burnt Store	Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway/ Airport	Daniels Parkway
Residential By Future Land Use Category	Intensive Development	1,484				80		27		297			
	Central Urban	9,558				208				545			
	Urban Community	12,893	519	437		449							
	Suburban	15,448				1,803				206			
	Outlying Suburban	5,231	15			300	20	2	435				1,352
	Industrial	96								48		18	
	Public Facilities	2		1					1				
	University Community	860											
	Industrial Interchange												
	General Interchange	53											2
	General Commercial Interchange	7				7							
	Industrial Commercial Interchange												
	University Village Interchange												
	Mixed Use Interchange												
	New Community	1,644								360		1,284	
	Tradeport	9										9	
	Airport												
	Rural	8,977	1,419			783	633			184		111	1,255
	Rural Community Preserve	3,046											
	Outer Island	216	5			1			172				
	Open Lands	2,091	175				588						47
	Density Reduction/ Groundwater Resource	5,544	40									94	
	Wetlands												
Unincorporated County Total Residential		67,159	2,173	438		3,631	1,241	29	608	1,640		1,516	2,656
Commercial		9,460	46	56		257	26	17	112	153		824	398
Industrial		6,311	26	14		391	5	26		733		3,096	10
Non Regulatory Allocations													
Public		58,676	3,587	537		1,724	1,193	6	1,981	750		6,136	1,854
Active AG		34,145	6,098			620				279		569	254
Passive AG		65,414	14,633			4,375	6,987	10		631		3,580	575
Conservation		79,488	2,236	296		1,125	3,672		1,347	1,006		3,482	1,918
Vacant		44,720	1,525	2		33	1,569	25	5	495		792	578
Total		365,373	30,324	1,343		12,156	14,693	113	4,053	5,687		19,995	8,243

ATTACHMENT K

INSTRUCTIONS
(Section C.1.c., Lee County Administrative Code AC 2-8)

A zoning sign must be posted on the parcel subject to any zoning application for a minimum of fifteen CALENDAR (15) days in advance of the Hearing Examiner's Public Hearing and maintained through the Board of County Commissioners Hearing, if any. This sign will be provided by the Zoning Division in the following manner:

a. Signs for case #DCI2006-00010 must be posted by **Tuesday, September 26, 2006.**
b. The sign must be erected in full view of the public, not more than five (5) feet from the nearest street right-of-way or easement.
c. The sign must be securely affixed by nails, staples or other means to a wood frame or to a wood panel and then fastened securely to a post, or other structure. The sign may not be affixed to a tree or other foliage.
d. The applicant must make a good faith effort to maintain the sign in place, and readable condition until the requested action has been heard and a final decision rendered.
e. If the sign is destroyed, lost, or rendered unreadable, the applicant must report the condition to the Zoning Division, and obtain duplicate copies of the sign from the Zoning Division.

The Division may require the applicant to erect additional signs where large parcels are involved with street frontages extending over considerable distances. If required, such additional signs must be placed not more than three hundred (300) feet apart.

When a parcel abuts more than one (1) street, the applicant must post signs along each street. When a subject parcel does not front a public road, the applicant must post the sign at a point on a public road which leads to the property, and the sign must include a notation which generally indicates the distance and direction to the parcel boundaries and the dimensions of the parcel.

NOTE: AFTER THE SIGN HAS BEEN POSTED, THE AFFIDAVIT OF POSTING NOTICE, BELOW, SHOULD BE RETURNED NO LATER THAN THREE (3) WORKING DAYS BEFORE THE INITIAL HEARING DATE TO LEE COUNTY ZONING DIVISION, 1500 MONROE ST., FT. MYERS, FL 33901.

(Return the completed Affidavit below to the Zoning Division as indicated in previous paragraph.)

AFFIDAVIT OF POSTING NOTICE

STATE OF FLORIDA
COUNTY OF LEE

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED Mike Nation
WHO ON OATH SAYS THAT HE/SHE HAS POSTED PROPER NOTICE AS REQUIRED BY SECTION 34-236(b) OF THE LEE COUNTY LAND DEVELOPMENT CODE ON THE PARCEL COVERED IN THE ZONING APPLICATION REFERENCED BELOW.

RECEIVED
SEP 22 2006
2:52pm
COMMUNITY DEVELOPMENT

Mike Nation 9/18/06
SIGNATURE OF APPLICANT OR AGENT
Mike Nation / Signs In One Day of Cape Coral
NAME (TYPED OR PRINTED)
4408 Del Prado Blvd.
ST. OR PO BOX
Cape Coral, FL 33904
CITY, STATE & ZIP

#DCI2006-00010/HEMINGWAY POINTE/10/11/2006/LVV

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to and subscribed before me this 18th day of September, 2006 by Mike Nation personally known to me or who produced _____ as identification and who did/did not take an oath.

ALISON M. STOWE
MY COMMISSION # DD 406447
EXPIRES: March 13, 2009
Bonded Thru Notary Public Underwriters

Alison M. Stowe
Signature of Notary Public
Alison M. Stowe
Printed Name of Notary Public

My Commission Expires:
(Stamp with serial number)

LEE COUNTY
SOUTHWEST FLORIDA

RECEIVED
DEC 11 2006
COMMUNITY DEVELOPMENT

APPLICATION FOR PUBLIC HEARING FOR UNINCORPORATED AREAS ONLY

Applicant's Name: Buckingham Development, LLC

Project Name: Hemingway Pointe

STRAP Number(s): 28-43-26-00-00013.0000, 28-43-26-00-00014.0000 & 33-43-26-00-00002.0010

TYPE OF APPLICATION

____ Special Exception **(attach Supplement A)**
____ Variance **(attach Supplement B)**
____ Conventional Zoning **(attach Supplement C)**
✓ Planned Development (not PRFPD) **(attach Supplement D)**
____ Amendment to built Planned Development **(Supplement D may be required)**
____ Private Recreational Facilities Planned Development **(attach Supplement D)**
____ DRI - with rezoning **(attach Supplement D and completed DRI Application)**
____ DRI - without rezoning **(attach copy of ADA)**

Is this project located in the Estero or Captiva Planning Community or in the Caloosahatchee Shores Community Plan?

✓☐ Yes* ☐ No *If yes, please provide the meeting summary document and label accordingly.

**********The meeting has not yet taken place**********

STAFF USE ONLY

Case Number: DCI2006-00010 Commission District: 5
Current Zoning: AG-2 Fee Amount: $11,000.00
Land Use Classification: Outlying Sub. Intake by: am kw
Planning Community: Ft Myers Shores

LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (239) 479-8585

PART 1
APPLICANT\AGENT INFORMATION

A. Name of applicant: Buckingham Development, LLC

Address: Street : 8045 N.W. 155th Street

City: Miami Lakes State: FL Zip: 33016

Phone: Area Code: 305 Number: 828-0103 Ext:

Fax: Area Code: 305 Number: 828-0147

E-mail address:

B. Relationship of Applicant to owner (check one):

NA Applicant (individual or husband & wife) is the sole owner of the property. [34-201(a)(1)a.1.]

✓ Applicant has been authorized by the owner(s) to represent them for this action.

✓ **Notarized Affidavit of Authorization form** is attached as **Exhibit PH-1.B.2.** [34-202(b)(1)c.]

NA Applicant is a contract purchaser/vendee. [34-202(b)(1)d.]

Notarized Affidavit of Authorization form is attached as **Exhibit PH-1.B.2.** [34-202(b)(1)c.]

NA Application is County initiated. BOCC authorization is attached as **Exhibit PH-1.B.3**

C. Authorized Agent: Name of the person who is to receive all county-initiated correspondence regarding this application. [34-202(b)(1)c.]

C.1. Company Name: **Knott, Consoer, Ebelini, Hart & Swett, P.A.**

Contact Person: Michael E. Roeder, AICP

Address: Street : 1625 Hendry Street, Suite 301

City: Fort Myers State: FL Zip: 33901

Phone: Area Code: 239 Number: 334-2722 Ext:

Fax: Area Code: 239 Number: 334-1446

E-mail address: Mroeder@knott-law.com

C.2. ✓ **Additional Agent(s): The names of other agents that the county may contact concerning this application are attached as Exhibit PH-1.C.2.** [34-202(b)(1)c.]

PART 2
PROPERTY OWNERSHIP

A. Property Ownership: Single owner (individual or husband & wife only) [34-201(a)(1)a.1.]

A.1. Name: NA

Mailing Address: Street: _____

City: _____ State: _____ Zip: _____

Phone: Area Code: _____ Number: _____ Ext: _____

Fax: Area Code: _____ Number: _____

E-mail: _____

B. Property Ownership: Multiple owners (Corporation, partnership, trust, association) [34-201(a)(1)].

B.1. ✓ **Disclosure Form** is attached as **Exhibit PH-2.B.1.** [34-201(b)2]

C. Multiple parcels

C.1. NA **Property owners list** is attached as **Exhibit PH-2.C.1.** [34-202(a)(5)]

C.2. NA **Property owners map** is attached as **Exhibit PH-2.C.2.** [34-202(a)(5)]

D. Date property was acquired by present owner(s): 11/14/2001

PART 3
PROPERTY INFORMATION

A. STRAP Number(s): 28-43-26-00-00013.0000

28-43-26-00-00014.0000

33-43-26-00-00002.0010

B. Street Address of Property: 28-43-26-00-00013.0000; SAL R R R/W
28-43-26-00-00014.0000; 2951 Buckingham Road
33-43-26-00-00002.0010; 3021 Buckingham Road
Fort Myers, FL 33905

C. Legal Description

✓ **Legal description** (on 8 1/2" by 11" paper) is attached as **Exhibit PH-3.C.1.** [34-202(a)(1)]

✓ **Electronic version of the legal description** is attached as **Exhibit PH-3.C.2.**

D. Boundary Survey or certified sketch of description: (check appropriate response)

NA The property consists of one or more undivided platted lots in a subdivision recorded in the Official County Plat Books. A copy of the applicable plat book page is attached as **Exhibit PH-3.D.1.** [34-202(a)(2)]

NA The request is for a conventional rezoning, special exception, or variance on a parcel less than ten acres in area. Attached is a (check one) _____ Certified sketch of description attached as **Exhibit PH-3.D.2.** or a _____ Boundary survey attached as **Exhibit PH-3.D.2.** [34-202(a)(2)]

✓ The request is for a Planned Development or consists of ten or more acres. A Boundary survey, tied to the state plane coordinate system, is attached as **Exhibit PH-3.D.3.** [34-202(a)(2)]

E. **Planning Community:** Fort Myers Shores

F. **General Location of Property:**

F.1. ✓ **Area location map** is attached as **Exhibit PH-3.F.** [34-202(a)(4)]

F.2. **Directions to property:** From downtown Fort Myers:

Take 2nd Street and turn slight left onto Seaboard Street. Then, turn slight right onto Palm Beach Blvd (SR 80 east). Go for about 9 miles and turn right onto Buckingham Road. Go approximately ½ mile and end at the subject properties.

G. **Surrounding property owners:**

G.1. ✓ **List of surrounding property owners** is attached as **Exhibit PH.3.G.1.** [34-202(a)(6)]

G.2. ✓ **Map of surrounding property owners** is attached as **Exhibit PH.3.G.2.** [34-202(a)(7)]

G.3 ✓ **2 sets of mailing labels** are attached as **Exhibit PH.3.G.3.** [34-202(a)(6)]

H. **Current Zoning of Property:** AG-2

I. **Current use of property:**

____ **Current Non-agricultural uses of the property are:**

✓ **Current Agricultural uses on the property** are shown in **Exhibit PH-3.I.** [34-202(b)(7)]

J. **Land Use Classification:**

28-43-26-00-00013.0000; Outlying Suburban	56.39	Acres	100	% of total
28-43-26-00-00014.0000; Outlying Suburban	see above	Acres	100	% of total
33-43-26-00-0002.0010; Outlying Suburban	see above	Acres	96.95	% of total
Wetlands	18.66		3.05	
		Acres		% of total

K. **Flood Hazard** (write NA if not applicable) [34-202(a)(8)]

NA The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s.

NA The minimum elevation required for the first habitable floor is _____ NGVD (MSL)

L. Deed Restrictions

L.1. ✓ There are no deed restrictions or other covenants on this property that affect this request.

L.2. NA Deed restrictions\ covenants that may affect this request are attached as **Exhibit PH-3.L .2.**

L.3. NA A narrative explanation as to how the deed restrictions or covenants may affect this request. is attached as **Exhibit PH-3.L.3** [34-202(b)(2)]

M. Property Dimensions [34-202(a)(8)]

1.	Width (average if irregular parcel):	758	Feet
2.	Depth (average if irregular parcel):	4310.50	Feet
3.	Total area:	75.05	Acres or ~~square feet~~
4.	Frontage on road or street:	737	Feet on Buckingham ~~Street~~ Road
	2nd Frontage on road or street:		Feet on Street

PART 4
ACTION REQUESTED

A. Action Requested: [check applicable action(s)]

___ **Special Exception** for _____ **Attached is Supplement A**

___ **Variance** for _____ **Attached is Supplement B**

___ **Conventional Rezoning from:** _____ **to** _____ **Attached is Sup. C**

✓ **Planned Development rezoning** from AG-2 **to** RPD

✓ DCI - Major: **Attached is Supplement D**

NA DCI - Minor: **Attached is Supplement D**

NA Request is for PRFPD zoning in the Private Recreational Facilities Overlay Area. **Attached is Supplement D**

___ **Planned Development Amendment. Attached is the Supplement D**

___ **Public Hearing for DRI**

_____ No rezoning is required.

_____ Rezoning is required. **Attached is the Supplement D**

B. Excavations:

✓ No blasting will be used in the excavation of lakes or other site elements.

NA A map indicating the general location of the proposed blasting locations is attached as **Exhibit PH-4.B** [34-202(b)(6)]

C. Bonus Density (put NA if not applicable)

NA Bonus density will be used. Attached is **Exhibit PH-4.C** showing calculations. [34-202(b)(5)]

D. Hazardous materials (put NA if not applicable)

NA A Hazardous materials emergency plan is attached as **Exhibit PH-4.D** [34-202(b)(4)]

E. Mobile Home Park (put NA if not applicable)

NA Request includes rezoning of a Mobile Home Park. **Attached is Exhibit PH-4.E** [34-203(d)]

F. Aviation Hazard (put NA if not applicable)

NA Property is subject to Airport Hazard District regulations. **Attached is Exhibit PH-4.F** [34-1001 et seq]

NA A tall structures permit will be required.

NA Property is located within Noise zone: _____

G. Estero Planning Community (put NA if not applicable)

NA A summary of public informational session. **Attached is Exhibit PH-4.G** [34-373(a)(10)]

H. Captiva Planning Community (put NA if not applicable)

NA A summary of public informational session. **Attached is Exhibit PH-4.H** [Lee Plan Policy 13.1.7]

I. Caloosahatchee Shores Community Plan (put NA if not applicable)

NA A summary of public informational session. **Attached is Exhibit PH-4.I** [Lee Plan Policy 21.6.3]

J. Waivers from Application Submission Requirements: The following waivers have been approved by the Director of Zoning Services and are attached as **Exhibit PH-4.J** [Section 34-202(a)]

Section Number	Name of item
NA	

PART 6
SUBMITTAL REQUIREMENTS

THE NUMBER OF COPIES REQUIRED FOR EACH EXHIBIT IS BASED ON THE ACTION REQUESTED AS INDICATED BELOW. TO BE SUBMITTED FOR EACH OF THE FOLLOWING EXHIBITS IS AS FOLLOWS:

			Exhibits	SUBMITTAL ITEMS
Var.	Conv. Rez. or Spe. Exc.	PDs & DRIs		
1	1	✓ 13	✓	Completed application for Public Hearing [34-201(b)]
1	1	✓ 1	✓	Filing Fee - [34-202(a)(9)]
				SUPPLEMENTAL FORMS (select applicable form)
0	1	0	SUP A	Special Exception supplement
1	0	0	SUP B	Variance supplement
0	1	0	SUP C	Conventional rezoning
0	0	✓✓ 13	SUP D	Planned Development Rezoning or DRI with PD Rezoning requested
0	0	13	SUP-D	Planned Development Amendment
0	0	13	SUP D	PRFPD in in Overlay Area Rezoning supplement
0	0	13	ADA	DRI no rezoning requested
				EXHIBITS
1	1	✓✓ 3	PH-1.B.2	Notarized Affidavit of Authorization Form [34-202(b)(1)c]
1	1	NA 1	PH-1.B.3	BOCC authorization (if applicable)
1	1	✓✓ 13	PH-1.C.2	Additional agents
1	1	✓✓ 3	PH-2.B.1.	Disclosure Form [34-201(b)(2)a]
1	1	NA 3	PH-2.C.1	Subject property owners list (if applicable) [34-202(a)(5)]
1	1	NA 3	PH-2.C.2	Subject Property Owners map (if applicable) [34-202(a)(5)]
2	2	✓ ✓ 5	PH-3.C.1	Legal Description [34-202(a)(1)]
1	1	✓ ✓ 1	PH-3.C.2	Electronic version of legal description (if available)
1	1	NA 5	PH-3.D.1	Copy of Plat Book Page (if applicable) [34-202(a)(1)]
1	1	NA 5	PH-3.D.2	Certified sketch of description (less than ten acres) [34-202(a)(2)]
1	1	✓ ✓ 5	PH-3.D.3	Boundary survey (all PDs and anything ten acres or more) [34-202(a)(2) & [34-373(a)(4)a.]
1	1	0	PH-3.F	Area Location Map on 8 by 11 paper pursuant to sec. 34-202(a)(4). (Non Planned Developments)
0	0	0		Area Location Map for Planned Developments - see Supplement D
1	1	✓ ✓ 3	PH-3.G.1	List of Surrounding Property Owners [34-202(a)(6)]
1	1	✓ ✓ 3	PH-3.G.2	Map of Surrounding Property Owners [34-202(a)(7)]
2	2	✓ ✓ 2	PH-3.G.3	Mailing labels [34-202(a)(6)]
0	1	NA 13	PH-3.I	Agricultural uses at time of zoning application. [34-202(b)(7)]
1	1	NA 3	PH-3.L.2	Deed Restrictions\Covenants [34-202(b)(2)]
1	1	NA 3	PH-3.L.3	Narrative addressing effect of Deed Restrictions [34-202(b)(2)]

				Exhibits	SUBMITTAL ITEMS
1	1	NA	13	PH-4.B	Location of proposed blasting (if applicable). [34-202(b)(6)]
0	0	NA	4	PH-4.C	Bonus Density units (if applicable) [34-202(b)(5)]
1	1	NA	4	PH-4.D	Hazardous materials emergency plan (if applicable) [34-202(b)(4)]
0	1	NA	4	PH-4.E	Mobile Home Park Information (if applicable) [34-203(d)]
1	1	NA	4	PH-4.F	Aviation Hazard (if applicable) [34-1001 et seq.]
1	1	NA	4	PH-4.G	Developments located within Estero Planning District [34-373-(a)(10]
1	1	NA	4	PH-4.H	Developments located within Captiva Planning District [Lee Plan Policy 21.7)
1	1	NA	13	PH-4.I	Approved Waivers [34-202(a)]
					ADDITIONAL REQUIREMENTS FOR DRIs NOT INVOLVING A REZONING
0	0	NA	13		Notice of proposed change Substantial Deviations Form RPM-BSP-Proposed Change - 1 pursuant to Section 380.06(19) F.S.
0	0	NA	13		DRI, AMDA, FQD Form RPM-BSP-ADA - 1. Application for Development Approval pursuant to Section 380.06 F.S.
0	0	NA	13		Abandonment Form RPM-BSP-Abandonment-DRI-1. Application for abandonment of a DRI.

PART V AFFIDAVIT A2
(EXHIBIT PH-1.B.2)

AFFIDAVIT FOR PUBLIC HEARING
APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, * Eddy Garcia as Managing Member of Buckingham Development, LLC, a Florida Limited Liability Company, swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I am hereby authorizing the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

RECEIVED
FEB 0 8 2006
PERMIT COUNTER

Buckingham Development, LLC
*Name of Entity (corporation, partnership, LLP, LC, etc)

Signature

Eddy Garcia
(Type or printed name)

Managing Member
(title of signatory)

DCI 2006-00010

STATE OF Florida
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 15 day of August 2005 by Eddy Garcia (name of person providing oath or affirmation), who is personally known to me or who has produced Personally Known (type of identification) as identification.

Signature of person taking oath or affirmation

Name (typed, printed or stamped)

Notary Public State of Florida
Maria D Garcia
My Commission DD431804
Expires 06/16/2009

Title or rank

Serial number, if any

Notes:

- *If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.*
- *If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.)., then the documents should typically be signed by the Company's "Managing Member."*
- *If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.*
- *If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.*
- *If the applicant is a trustee, then the they must include their title of "trustee."*
- *In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.*

EXHIBIT PH-2.B.1
DISCLOSURE OF INTEREST FORM FOR:

28-43-26-00-00013.0000
28-43-26-00-00014.0000
STRAP NO. 33-43-26-00-00002.0010 **CASE NO.** _____

1. If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address	Percentage of Ownership

2. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name and Address	Percentage of Stock

3. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address	Percentage of Interest

LIMITED LIABILITY COMPANY

4. If the property is in the name of a ~~GENERAL PARTNERSHIP~~ OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address	Percentage of Ownership
Buckingham Development, LLC	100%
c/o Eddy Garcia	
8045 NW 155th Street	
Miami Lakes, FL 33016	

5. If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name and Address	Percentage of Stock

Date of Contract: _____

6. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name and Address	

RECEIVED
FEB 08 2006
PERMIT COUNTER

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Signature: _____
(Applicant)

Eddy Garcia
(Printed or typed name of applicant)

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this ____ day of _____ 20____

by Eddy Garcia as Managing Member of Buckingham Development, LLC, a Florida Limited Liability Company, who is personally known to me or who has produced Personally Known as identification. .

_____
Signature of Notary Public

(Seal) Notary Public State of Florida
Maria D Garcia
My Commission DD431904
Expires 06/16/2009

_____
Printed Name of Notary Public

DCI 2006-00010

EXHIBIT PH-1.C.2
ADDITIONAL AGENTS

Company Name: _____

Contact Person: _____

Address: Street : _____

City: _____ State: _____ Zip: _____

Phone: Area Code: _____ Number: _____ Ext: _____

Fax: Area Code: _____ Number: _____

E-mail address: _____

Company Name: _____

Contact Person: _____

Address: Street : _____

City: _____ State: _____ Zip: _____

Phone: Area Code: _____ Number: _____ Ext: _____

Fax: Area Code: _____ Number: _____

E-mail address: _____

Company Name: _____

Contact Person: _____

Address: Street : _____

City: _____ State: _____ Zip: _____

Phone: Area Code: _____ Number: _____ Ext: _____

Fax: Area Code: _____ Number: _____

E-mail address: _____

Company Name: _____

Contact Person: _____

Address: Street : _____

City: _____ State: _____ Zip: _____

Phone: Area Code: _____ Number: _____ Ext: _____

Fax: Area Code: _____ Number: _____

E-mail address: _____

LEE COUNTY
SOUTHWEST FLORIDA

SUPPLEMENT D

ADDITIONAL REQUIRED INFORMATION FOR A PLANNED DEVELOPMENT APPLICATION UNINCORPORATED LEE COUNTY

Case Number: DCI 2006-00010

Project Name: Hemingway Pointe

Authorized agent: Michael E. Roeder, AICP

STRAP Number(s): 28-43-26-00-00013.0000

28-43-26-00-00014.0000

33-43-26-00-00002.0010

Select one only

_____ DRI (rezoning required)
✓ DCI-Major
_____ DCI-Minor
_____ DCI-Minor - Existing Dev. (1)
_____ DCI-Minor - Amend. to approved master concept plan (2)
_____ Amend. to built planned development meeting DCI threshold. (3)
_____ PRFPD in Private Recreational Facilities Overlay Area [(34-341(a)(2)]

Notes:

(1) Existing development. A development that has already been developed but does not conform to the regulations for a conventional district and is requesting a rezoning to a planned development classification. It will be reviewed in the same manner as a minor planned development except that a traffic impact statement will not be required. [34-341(b)(2)d.1.]

(2) Amendments to application. Application to amend an approved major or minor master concept plan or its attendant documentation, or for the extension of a vacated master concept plan originally approved prior to December 2, 1991. It will be treated procedurally as minor planned developments. These applications will require only as much information, as deemed necessary by the director, needed to describe the changes requested, to specify the incremental change in impacts expected from the amendment, and to detail the changes in development, environment and background (surrounding land use, traffic volumes, water, wastewater and other service availability, etc.), that have occurred since the original application. [34-341(b)(2)d.2.]

(3) Amendments to built planned developments (PD). An application for a variance or other approval covered by this chapter wherein the subject property is the only part of the original planned development for which the approval is sought. Application meets the threshold for a development of county impact and will be reviewed in accordance with the provisions for reviewing developments of county impact. Applicant must be the owner of the subject property and the consent of the owners of the remainder of the original planned development will be unnecessary. However, these owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property.

For purposes of this subsection, the term "built" means that all of the roads, utilities, buffering, open space, surface water management features and structures, common space, common amenities, common landscaping, gatehouses, entrance signs, entrance ways and other similar items identified as part of the final approved master concept plan have been constructed and acknowledged by the county as complete. In the case of residential planned developments or mixed developments which include residential structures, the term "built" does not mean that all residential structures must have been constructed on individual platted lots.

PART 1
GENERAL INFORMATION

A. Comprehensive Plan Amendments (check one):

✓ There are **NO** Lee Plan Amendments pending that could affect the future use of this property.

NA The following Lee Plan Amendments **ARE** pending and could affect the future use of this property. (List uses and brief explanation of their effect on this application):

B. Archaeological/Historical (check one):

✓ There are **NO** known or recorded historical or archaeological sites on the property and no part of the property is located within a level 1 or level 2 zone of archaeological sensitivity pursuant to chapter 22. [34-373(a)(4)f.]

NA There are known or recorded historical or archaeological sites on the property or part of the property is located within a level 1 or level 2 zone of archaeological sensitivity pursuant to chapter 22. Attached as **Exhibit 1-B** is a map indicating the nature and location of known or recorded historical or archaeological or areas of the property located within level 1 or level 2 zones of archaeological sensitivity including the outline of historic buildings and approximate extent of archaeological sites. [34-373(a)(4)f.]

C. Public Transit (check one):

✓ Property is **NOT** within the Lee Tran public transit service area.

NA Property is within the Lee Tran public transit service area. **Exhibit 1-C** shows the property in relation to existing and proposed public transit routes,

D. Density

NA There are no residential dwelling units proposed for this development.

✓ The property is located within one or more Future Land Use categories. Density has been calculated in **Part 3** of this application and is summarized below:

Intensive Development	_____	Proposed dwelling units
Central Urban	_____	Proposed dwelling units
Urban Community	_____	Proposed dwelling units
Suburban	_____	Proposed dwelling units
Outlying Suburban	225	Proposed dwelling units
TOTAL	_____	Proposed dwelling units

PART 2
TYPES OF LAND AREA ON PROPERTY

A.	**Gross Acres (total area within described parcel)**			75.05	**Acres**
	1.	Submerged land subject to tidal influence:	NA Acres		
	2.	Other non-freshwater Wetlands:	NA Acres		
	3.	R-O-W providing access to non-residential uses:	NA Acres		
	4.	Non-residential use areas (1)	NA Acres		
B.	**Total area not eligible as gross residential acreage. Items A.1. + A.2 + A.3. + A.4.**			75.05	**Acres**
C.	**Gross residential acres. (A minus B)** (2)				**Acres**
D.	**Gross residential acres by Land Use Category**				
	1.	a. Intensive development - Upland	Acres		
		b. Intensive development - freshwater wetland	Acres		
	2.	a. Central Urban - Upland	Acres		
		b. Central Urban - freshwater wetland	Acres		
	3.	a. Urban Community or Suburban - Upland	Acres		
		b. Urban Community or Suburban freshwater wetland	Acres		
	4.	a. Outlying Suburban - Upland	56.39 Acres		
		b. Outlying Suburban - freshwater wetland	18.66 Acres		
	5.	a. Rural, Outer Island, Rural Community Preserve - Upland	Acres		
		b. Rural, Outer Island, Rural Community Preserve - freshwater wetland	Acres		
	6.	a. Open Lands - Upland	Acres		
		b. Open Lands - freshwater wetland	Acres		
	7.	a. DR/GR - Upland	Acres		
		b. DR/GR - freshwater wetland	Acres		
	8.	a. Wetlands - freshwater	Acres		
		b. Wetlands - not - freshwater	Acres		
	9.	a. New Community - Upland	Acres		
		b. New Community - freshwater wetland	Acres		
	10.	a. University Community - Upland	Acres		
		b. University Community - freshwater wetland	Acres		
	11.	**TOTAL** (should equal "C" above)	75.05 Acres		

NOTES:

(1) Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included.

(2) Lands to be used for residential uses including land within the development proposed to be used for streets and street rights of way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made waterbodies.

PART 3
RESIDENTIAL DEVELOPMENTS
PRELIMINARY DENSITY CALCULATIONS*

* Notes: 1. Complete only if living units are proposed in a Future Land Use Category.
2. If more than one classification, calculations for each classification must be submitted.
3. If wetlands are located on the property, density calculations are considered preliminary pending a wetlands jurisdictional determination.

A. Intensive Development Category

1. **Preliminary Standard Units**	**Maximum standard density**	**Units**
a. Total upland Acres (from Part 2, D.1.a.)	_____ times 14 equals	_____
b. Total freshwater wetland Acres (from Part 2, D.1.b.)	_____ times 14 equals	_____
c Preliminary Total Standard units (a. plus b.) (1)		_____
2. **Maximum Permitted Units**	**Maximum permitted**	**Units**
a. Total upland Acres (from Part 2, D.1.a.)	_____ times 18 equals	_____
3. **Total allowed standard units (A.1.c. or A.2.a., whichever is less)**		_____
4. **Bonus Units** (2)		
a. Low-moderate housing density:		_____
b. TDR units:		_____
c. Sub-total (A.4.a. plus A.4.b.)		_____
5. **Total Permitted Units (A.3. plus A.4.c.):** (1)		_____

B. Central Urban Category

1. **Preliminary Standard Units**	**Maximum standard density**	**Units**
a. Total upland Acres (from Part 2, D.2.a.)	_____ times 10 equals	_____
b. Total freshwater wetland Acres (from Part 2, D.2.b.)	_____ times 10 equals	_____
c. Preliminary Total Standard units (a. plus b.) (1)		_____
2. **Maximum Permitted Units**	**Maximum permitted**	**Units**
a. Total upland Acres (from Part 2, D.2.a.)	_____ times 12.5 equals	_____
3. **Total allowed standard units (B.1.c. or B.2.a., whichever is less)**		_____
4. **Bonus Units** (2)		
a. Low-moderate housing density:		_____
b. TDR units:		_____
c. Sub-total (B.4.a. plus B.4.b.)		_____
5. **Total Permitted Units (B.3. plus B.4.c.):** (1)		_____

Notes:
(1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.
(2) If low-moderate housing density credits or Transfer of Development Rights (TDRs) credits are included, attach the calculations and approvals hereto.

C. Urban Community Category

1.	**Preliminary Standard Units**	**Maximum standard density**		**Units**
	a. Total upland Acres (from Part 2, D.3.a.)	_____	times 6 equals	_____
	b. Total freshwater wetland Acres (from Part 2, D.3.b.)	_____	times 6 equals	_____
	c. Preliminary Total Standard units (a. plus b.) (1)			_____
2.	**Maximum Permitted Units**	**Maximum permitted**		**Units**
	a. Total upland Acres (from Part 2, D.3.a.)	_____	times 8 equals	_____
3.	**Total allowed standard units (C.1.c. or C.2.a, whichever is less)**			_____
4.	**Bonus Units** (2)			
	a. Low-moderate housing density:			_____
	b. TDR units:			_____
	c. Sub-total (D.4.a. plus D.4.b.)			_____
5.	**Total Permitted Units (C.3. plus C.4.c.):** (1)			_____

Notes:
(1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.
(2) If Low-moderate housing density credits or Transfer of Development Rights (TDRs) credits are included, attach the calculations and approvals hereto.

D. Suburban Category

1.	**Preliminary Standard Units**	**Maximum standard density**		**Units**
	a. Total upland Acres (from Part 2, D.3.a.)	_____	times 6 equals	_____
	b. Total freshwater wetland Acres (from Part 2, D.3.b.)	_____	times 6 equals	_____
	c. Preliminary Total Standard units (a. plus b.) (1)			_____
2.	**Maximum Permitted Units**	**Maximum permitted**		**Units**
	a. Total upland Acres (from Part 2, D.3.a.)	_____	times 8 equals	_____
3.	**Total allowed standard units (D.1.c. or D.2.a., whichever is less)**			_____

E. Outlying Suburban Category

1.	**Preliminary Standard Units**	**Maximum standard density**		**Units**
	a. Total upland Acres (from Part 2, D.4.a.)	56.39	times 3 equals	169.17
	b. Total freshwater wetland Acres (from Part 2, D.4.b.)	18.66	times 3 equals	55.98
	c. Preliminary Total Standard units (a. plus b.) (1)			225.15
2.	**Maximum Permitted Units**	**Maximum permitted**		**Units**
	a. Total upland Acres (from Part 2, D.4.a.)	**56.39**	times 4 equals (1)	225.56
3.	**Total allowed standard units (E.1.c. or E.2.a., whichever is less)**			**225**

Notes:
(1) Outlying suburban land located north of the Caloosahatchee River and east of Interstate-75, north of Pondella Road and south of Pine Island Road (SR 78), and in the Buckingham area (see Goal 19 of the Lee Plan), the maximum upland density is two (2) units per acre plus one (1) for a total of three (3) units per acre.

PART 3A
COMMERCIAL, INDUSTRIAL, MINING, ASSISTED LIVING FACILITIES, HOTELS & MOTELS
PRELIMINARY DENSITY CALCULATIONS

A.	**Commercial**	**Habitable Stories**	**Height**	**Total Floor Area**
A.1.	Medical			Sq. Ft.
A.2.	General Office			Sq. Ft.
A.3.	Retail			Sq. Ft.
A.4.	Other			Sq. Ft.
A.5.	**TOTAL FLOOR AREA**			Sq. Ft.

B.	**Industrial**	**Habitable Stories**	**Height**	**Total Floor Area**
B.1.	Under Roof			Sq. Ft.
B.2.	Not under Roof	NA		Sq. Ft.
B.3.	**TOTAL FLOOR AREA**			Sq. Ft.

C.	**Mining**		**Depth**	**Total Acres**
C1.	Area to be excavated	NA		Acres

D.	**Assisted Living Facilities**	**Habitable Stories**	**Height**	**Total Number of Beds/Units**
D.1.	Dependent Living Units			Beds/Units
D.2.	Independent Living Units			Beds/Units
D.3.	**TOTAL BEDS/UNITS**			Beds/Units

E.	**Hotels/Motels** **Room Size**	**Habitable Stories**	**Height**	**Number of Rental Units**
E.1.	< 425 sq. ft.			Units
E.2.	426-725 sq. ft.			Units
E.3.	725 < sq. ft.			Units
E.4.	**TOTAL UNITS**			Units

PART 4
ENVIRONMENTAL ISSUES

A. **Topography:** Describe the range of surface elevations of the property:

See attached topographic map for elevations.

B. **Sensitive Lands:** Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the Lee Plan), flowways, creek beds, sand dunes, other unique land forms [see Lee Plan Policy 77.1.1 (2)] or listed species occupied habitat (see Sec. 10-4730 of the Land Development Code.

A wetland determination was conducted on the property with Craig Schmittler in September 1999. The wetlands on the site consist of 9 separate areas. The wetlands located onsite are separated by FLUCCS communities below.

621 Cypress

This community is dominated by tall statured cypress trees and southern red maples. The understory was composed of swamp fern.

641 Freshwater Marsh

This disturbed herbaceous marsh was composed of pickerel weed, maidencane, arrowhead, and various sedges and rushes. This area has already been impacted since the disturbance.

During a prior study sandhill cranes were observed foraging on the property. In addition, several wading birds have been observed onsite. No wading bird nests were observed.

continued

C. **Preservation/Conservation of Natural Features**: Describe how the lands listed in B. above will be protected by the completed project:

All wetland impacts will be mitigated for in accordance with SFWMD requirements. The flagged wetland lines have been verified by SFWMD representative Craig Schmittler and have been surveyed. See attached wetland jurisdictional determination.

A sandhill crane management plan has been established.

D. **Shoreline Stabilization:** If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:

Not applicable. The project is not adjacent to any navigable natural waters.

PART 5
SANITARY SEWER FACILITIES (34-415)

A. **Special Effluent:** If special effluent is anticipated, please specify what it is and what strategies will be used to deal with its' special characteristics:

B. **Private On-site Facilities:** If a private on-site wastewater treatment and disposal facility is proposed, please provide a detailed description of the system including:

1. Method and degree of treatment:

2. Quality of the effluent:

3. Expected life of the facility:

4. Who will operate and maintain the internal collection and treatment facilities:

5. Receiving bodies or other means of effluent disposal:

continued

C. **Spray Irrigation:** If spray irrigation will be used, specify:

1. The location and approximate area of the spray fields:

2. Current water table conditions:

3. Proposed rate of application:

4. Back-up system capacity:

PART 6 - SUBMITTAL REQUIREMENTS

Copies*		Exhibits	Item
Sub.	Req.		
✓	13		Public Hearing Application form [34-373(a)(1)]
✓	1		Application Fee [34-373(a)(2)]
			DESCRIPTION OF EXISTING CONDITIONS
NA	4	1-B	**Historical or Archaeological sites:** The nature and location of any known or recorded historical or archaeological sites as listed on the Florida Master Site File or the Lee County Historical Site Survey, and the location of any part of the property that is located within level 1 or level 2 zones of archaeological sensitivity pursuant to chapter 22. The plan must show the outline of historic buildings and approximate extent of archaeological sites. A description of proposed improvements that may impact archaeological or historical resources must also be provided. [34-373(a)(4)h.]
NA	13	1-C	**Public Transit.** A map or other depiction of the property in relation to existing and proposed public transit routes, as well as to bus stops, if located within the Lee Tran public transit service area. [34-373(a)(4)g.]
✓	5	6-A	**A Boundary Survey,** prepared by a professional surveyor, that meets the minimum technical standards as set out in chapter 61G17-6, F.A.C., and which survey has been signed and sealed within one year of the application date, and which shows existing conditions on the property to full survey accuracy. [34-373(a)(4)a.]
✓	13	6-B	**Area Location Map** on 8.5" by 11" paper. A map marked to show the location of the property to be developed in relation to arterial and collector streets as well as the location of existing easements and rights-of-way on or abutting the property. [34-373(a)(4)b.]
✓	13	6-C	**Existing zoning and current land uses** A map or other depiction of the existing zoning and current land uses (i.e. single family residence, multiple-family building, retail commercial, office building, etc.) surrounding the tract or parcel to a distance of 500 feet. [34-373(a)(4)c.]
✓	13	6-D	**Aerial photograph** with the site clearly delineated. [34-373(a)(4)d.] **Originals only - photocopies not acceptable.**
✓	4	6-E	**Soils, vegetation, rare & unique uplands, topography.** Maps drawn at the same scale as the master concept plan marked or overprinted to show the information required by section 34-373(a)(4)e.] [34-373(a)(4)e.]
✓	4	6-F	**FLUCCS Map.** A Florida Land Use, Cover and Classification System (FLUCCS) map at the same scale as the Master Concept Plan, prepared by an environmental consultant. The FLUCCS map must clearly delineate any federal and state jurisdictional wetlands and other surface waters, including the total acreage of federal and state wetlands. [34-373(a)(4)f.]
			NARRATIVE COMPLIANCE STATEMENTS
✓	13	6-G	**Lee Plan Compliance.** A narrative explanation as to how the proposed development complies with the Lee Plan. [34-373(a)(5)]
✓	3	6-H	**Design Standards Compliance.** A narrative explanation as to how the proposed development complies with the Design Standards set forth in Section 34-411. [34-373(a)(5)]
✓	3	6-I	**Decision-making compliance.** A narrative explanation as to how the proposed development complies with the guidelines for decision-making embodied in sections 34-145(c)(2)a and e. and 34-145(d)(3). [34-373(a)(5)]

Copies*		Exhibits	Item
			MASTER CONCEPT PLAN
✓	13	6-J	**Master Concept Plan, Non-PRFPD** . A graphic illustration (master concept plan) of the proposed development, showing and identifying the information required by Section 34-373(a)(6). Copies of the master concept plan must be provided in two sizes, 24 inches by 36 inches, and 11 inches by 17 inches in size and must clearly legible and drawn at a scale sufficient to adequately show and identify the required information. **[34-373(a)(6)]**
NA	13	6-K	**Master Concept Plan, PRFPD :** A clearly legible drawing, no less than 24 inches by 36 inches in size and drawn at a scale sufficient to adequately show and identify the information required by Section 34-941(g). **[34-941(g)]**
✓	5	6-L	**Traffic Impact Statement.** A traffic impact statement in a format and to the degree of detail required by the county and in conformance with the adopted county administrative code. **[34-373(a)(7)]** TIS is not required for an existing development. **[34-341(b)(2)d.1.]**
✓	13	6-M	**Schedule of Uses.** A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property including the information required by section 34-373(a)(8)]. **[34-373(a)(8)]**
✓	13	6-N	**Schedule of deviations and a written justification.** A schedule of deviations and a written justification for each deviation requested as part of the master concept plan. The location of each requested deviation must be located on the master concept plan. **[34-373(a)(9)]**
			ADDITIONAL REQUIREMENTS FOR MAJOR PDs
NA	4	6-O	**Surface water management plan** A written description of the surface water management plan as required by Section 34-373(b)(1). **[34-373(b)(1)]**
NA	13	6-P	**Phasing program.** If the development is to be constructed in phases or if the traffic impact statement utilized phasing, then a description of the phasing program must be submitted. **[34-373(b)(3)]**
			ADDITIONAL REQUIREMENTS FOR LARGE PROJECTS
✓	4	6-Q	**Protected species survey.** Required for large developments (defined in Chapter 10-1), a protected species survey as required by section 10-473. **[34-373(b)(2)]**
			AMENDMENTS TO BUILT PLANNED DEVELOPMENTS
NA	4	6-R	**Proof of notice to other property owners.** Although the consent of the owners of the remainder of the original planned development is not required, the owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property. **[34-373(c)]**
			REQUIREMENTS FOR DRIs
NA	13	6-S	**Binding letter of interpretation from DCA or a complete and sufficient ADA. [34-373(d)(2)]**
			ADDITIONAL EXHIBITS - PRFPDs
NA	4	6-T	Conceptual surface water management **[34-941(d)(3)b.i.1)]**
NA	13	6-U	If within an area identified as an anticipated draw down area, demonstration of compliance with section 34-941(d)(3)d. **[34-941(d)(3)d.]**
NA	13	6-V	Preliminary indigenous restoration plan (if applicable). **[34-941(e)(5)f]**
NA	13	6-W	Environmental Assessment **[34-941(g)(2)]**
NA	13	6-X	Demonstration of compatibility **[34-941(g)(4)]**

*** includes 1 original**

Spatial District Query Report

STRAP Number: 28-43-26-00-00014.0000

District Name	District Value		Pct of Parcel in District (If fractional)	Notes
Airport Noise Zone			NOT FOUND	
Airspace Notification			NOT FOUND	
Census Tract	Tract ID	402.01		
Coastal Building Zone			NOT FOUND	
Coastal High Hazard Area			NOT FOUND	
Fire District	Fire District Taxing Authority	Ft Myers Shores		
Flood Insurance Zone	Flood Zone	B		
FIRM Floodway			NOT FOUND	
Flood Insurance Panel	Community	125124		
	Panel	0250		
	Version	B		
	Date	091984		
DNR Flood Zones			NOT FOUND	
Flood Insurance Coastal Barrier			NOT FOUND	
Lighting District			NOT FOUND	
Planning Community	ID	4		
	Plan Community	Fort Myers Shores		
Planning Land Use 2010	Landuse	Outlying Suburban	99.95%	
	Landuse	Wetlands	0.05%	1
Sanibel/County Agreement			NOT FOUND	
School Board District	District	5		
	School Board Member	Elinor Scricca, Ph.D.		
School Choice Zone	Choice Zones	East Zone		
	Choice Zones	East Zone 2		
Solid Waste District	*District Area*	*Area 4*		
Storm Surge	Category	3	92.9%	
	Category	2	7.1%	
Subdivisions			NOT FOUND	
Traffic Analysis Zone				
Archaeological Sensitivity			NOT FOUND	
Sea Turtle Lighting Zone			NOT FOUND	
Watersheds	Shed ID	Olga		
FLUCCS1995	Code	211	67.68%	
	Landuse	Improved pastures		
	Code	630	26.24%	
	Landuse	Wetland Forested Mixed		
	Code	643	3.52%	1
	Landuse	Wet prairies		
	Code	832	1.57%	1
	Landuse	Electrical power transmission lines		
	Code	624	0.98%	1

	Landuse	Cypress - pine - cabbage palm		
Vegetation Permit Required			NOT FOUND	
Soil	Map Symbol Soil Name	34 MALABAR FINE SAND	30.67%	2
	Map Symbol Soil Name	28 IMMOKALEE SAND	23.49%	
	Map Symbol Soil Name	39 ISLES FINE SAND, DEPRESSIONAL	16.13%	2
	Map Symbol Soil Name	45 COPELAND SANDY LOAM, DEPRESSIONAL	8.72%	2
	Map Symbol Soil Name	6 HALLANDALE FINE SAND	7.63%	
	Map Symbol Soil Name	40 ANCLOTE SAND, DEPRESSIONAL	6.26%	2
	Map Symbol Soil Name	33 OLDSMAR SAND	5.28%	1
	Map Symbol Soil Name	42 WABASSO SAND, LIMESTONE SUBSTRATUM	1.76%	1
	Map Symbol Soil Name	27 POMPANO FINE SAND, DEPRESSIONAL	0.05%	1 2
Panther Habitat			NOT FOUND	
Eagle Nesting Site Buffer			NOT FOUND	
Commissioner District	District Commissioner	5 John Albion		
Unincorporated Lee County Zoning	Zoning Designation	AG-2	99.66%	Zoning Notes
	Zoning Designation	RPD	0.34%	1
Development Orders	Development Order Status Wet Season Water Table	DOS2004-00266	0.41%	1
	Development Order Status Wet Season Water Table	99-03-140-11L	0.01%	1
Fort Myers Beach Interim Zoning			NOT FOUND	
Road Impact Fee Districts	District Tidemark ID Name	53 53 CENTRAL		
Water Franchise	Franchise Name	Lee County Utilities		
Residential Garbage Collection Day	Hauling Day	Thursday		
Residential Recycling Collection Day	Hauling Day	Thursday		
Residential Horticulture Collection	Hauling Day	Wednesday		

Day

[Modify Report Settings]

Note	Details
1	Small percentages can result from slight variations in the way lines are drawn or imported into our system. Such values may not accurately reflect an overlap with the subject parcel.
2	Contact DEP (239) 332-6975 for wetland determination

Our goal is to provide the most accurate data available, however no warranties, expressed or implied, are provided with this data, its use, or interpretation.
All information subject to change without notice.

Lee Plan Compliance
EXHIBIT 6-G

This is a request to rezone 75 acres on the east side of Buckingham Road from AG-2 to RPD to allow for the development of 225 multi-family dwelling units in a townhome configuration. The property is designated Outlying Suburban on the Lee Plan, and this designation was the result of the compromise in the Caloosahatchee Shores Plan which re-designated a larger area from Suburban and Rural to Outlying Suburban. However, this particular property is unique in that the density for the Outlying Suburban was retained at three units per acre rather than the two units per acre for the Outlying Suburban property to the south. The reason for this was the unusual configuration of the property, the fact that it was all designated Suburban before the change, and to serve as a transition from the higher density development to the north. For this reason, the proposed density of three units per acre is consistent with the Lee Plan and the intent of the Caloosahatchee Shores Plan in revising the land use designations on the east side of Buckingham Road.

In addition to Policy 1.1.6, the proposed development is consistent with Objectives 2.1 and 2.2 and related policies regarding the location of development and adequacy of Urban Services. This is basically an infill site between the Riverdale Shores development to the north and the newly approved Portico development to the south. The three unit per acre density is an appropriate transition from Riverdale Shores to the two units per acre that has been approved at Portico. In addition, the proposed development of Hemingway Pointe will be separated by a 100 foot former Seaboard Coastline easement and a 50 foot FP&L easement from the single-family development to the north. The site plan is designed to preserve all the significant environmental features of the site, which is consistent to Policies 5.1.6 and Policy 5.1.7.

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Design Standards Compliance
EXHIBIT 6-H

The proposed Hemingway Pointe RPD is consistent with Section 34-411 as follows:

a. It is consistent with the Lee Plan; please see Exhibit 6-G.

b. It is designed in accordance with all applicable County regulations.

c. The development is located to minimize the negative effects on surrounding properties and is of a size and design to accommodate all of the necessary facilities and amenities, including the preservation of environmentally sensitive land.

d. 1.) The property will have direct access to Buckingham Road, a County maintained arterial road.

2.) The peak season level of service on Buckingham Road is projected to be "D" after the development and "B" on State Road 80.

3.) There is no site related industrial traffic.

e. There is no Lee Tran service on Buckingham Road.

f. The development of this property will not increase hazards to persons or property on or off the site.

g. All the significant environmental and natural features of the site are being preserved.

h. The site is designed around the indigenous preserve which provides a visual amenity to the residential development.

i. The borders of this property are either existing easements or indigenous preserves or lakes.

j. The existing easements and indigenous preserves preclude the connection of this development with property to the north, south and the east.

k. N/A

l. The site is composed of several distinct neighborhoods. Each has its own focus of activity.

m. N/A

n. N/A

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o. The site provides all of the required parking for the proposed uses.

p. N/A

q. There will be a uniform architecture, signage and landscaping throughout the development.

Decision-Making Compliance
EXHIBIT 6-I

The proposed development is appropriate for approval because:

It complies with Section 34-145:

Section 34-145(c)(2)(a): This property was one of the lands which had its land use designation amended as part of the Caloosahatchee Shores Community Plan. All of the other properties that were so changed have been approved for development at the designated density, and this request is consistent with the recommended three units per acre of the Caloosahatchee Shores Plan.

Section 34-145(2)(e): The request is consistent with the Lee Plan; please see Exhibit 6-G.

Section 34-145(d)(3): The request is consistent with the Lee Plan and other applicable County regulations; it is consistent with the density set forth in the Lee Plan; it is compatible with existing and planned uses in the surrounding area; it will not place undue burden upon existing transportation; it will not adversely effect environmentally critical areas; and urban services adequate to serve the development are available.

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Schedule of Uses
Exhibit 6-M

Dwelling units:
Townhouse, multiple-family building

Essential service facilities

Excavation:
Water retention

Recreational Facilities
Private - On-site

Signs in accordance with Chapter 30

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Deviations
EXHIBIT 6-N

1. **SEC. 10-285(a) TABLE 1**

   A. Which requires a centerline connection separation for local roads of 125 feet to allow a minimum centerline connection separation of 99 feet for the private right-of-way where noted on the Master Concept Plan.

   B. Which requires a centerline connection separation for arterial roads of 660 feet to allow a minimum centerline connection separation of 500 feet for the proposed access onto Buckingham Road and existing Drawdy Court to the north.

2. **SEC. 10-291(3)** which requires more than one means of ingress or egress to allow one means of ingress or egress.

3. **SEC. 10-296(k)(1)** which requires that dead end streets, designed to be so permanently must be closed at one end by a circular turnaround for vehicles to allow dead end streets where noted on the Master Concept Plan. To allow for no cul-de-sacs.

4. **SEC. 10-329(d)(1)a.2** which requires that water retention or detention excavations be setback 50 feet from any existing or proposed right-of-way line or easement for a collector or arterial street unless granted an administrative deviation in accordance with section 10-104. The setback may be reduced to not less than 25 feet if the developer provides for the protection of wayward vehicles through the use of guiderails, berm, swales, vegetation or other suitable methods as determined by the director to allow a setback of 25 feet from Buckingham Road.

5. **SEC. 10-329(d)(1)a.3** which requires that water retention or detention excavations be setback 50 feet from any private property line under separate ownership unless granted an administrative deviation in accordance with Section 10-104. The setback for an excavation from a private property line may not be less than 25 feet. The request is to allow a setback of 25 feet from the south property line.

6. **SEC. 10-416(d)(6)** that requires that is roads, drives or parking areas located less than 125 feet from an existing residential subdivision or residential lots, a solid wall or combination berm and solid wall not less than eight feet in height must be constructed not less than 25 feet from the abutting property and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 linear feet to allow no wall in the two locations shown on the Master Concept Plan.

7. **SEC. 34-935(e)(4)** which requires where there are two or more principal buildings on a development tract, the minimum separation of buildings shall be one-half of the sum of their heights, or 20 feet, whichever is greater. The request is to allow a minimum building separation of 20 feet.

8. **SEC. 34-2015(2)(d)** which requires that all parking lot spaces must be provided with sufficient maneuvering room to allow an existing vehicle to leave the parking lot in a forward motion, to allow vehicles existing residential off-street parking to back-out onto private roads.

9. **SEC. 34-2192(a)** street setback for private road of 20 feet to allow a minimum front setback from the private road of 20 feet and a minimum side setback from the private road of 10 feet.

10. **SEC. 10-416(d)(3)** which requires that proposed multi-family developments provide a Type "B" buffer when abutting existing single-family development to allow no buffer along the north property line due to the existing 50 foot FP&L easement and the existing 100 foot former Seaboard All Florida Railway right-of-way.

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Justifications
EXHIBIT 6-N

1. **SEC. 10-285(a) TABLE 1**

   A. This deviation is triggered by the creation of several village greens throughout the development as an amenity and point of visual interest. The additional roadways will actually improve the traffic circulation in the area.

   B. This is necessary to provide access to the development which is located at the approximate mid-point to the frontage. The deviations are dictated by the location of existing access points to the north and south.

2. **SEC. 10-291(3)**; There is only frontage along Buckingham Road for this property and it is only practical to have one access point for the development. There is no realistic way to interconnect with any of the adjoining developments.

3. **SEC. 10-296(k)(1)**; In four locations, there are three or four individual homes on a street beyond where there is a turnaround opportunity. This is primarily dictated by the location of the FP&L easement and the 100-foot Florida Seaboard Rail line right-of-way on the north side of the property. The number of homes without a turnaround are very limited and the situation will have appropriate signage.

4. **SEC. 10-329(d)(1)a.2**; The development would propose a berm or other protective measures to make this eligible for an administrative deviation.

5. **SEC. 10-329(d)(1)a.3**; This is an appropriate location for a retention lake and with the proper buffering should be eligible for administrative deviation.

6. **SEC. 10-416(d)(6)**; We believe that appropriate landscaping can serve to provide the visual screen intended by 10-416(d)(6) so that a solid wall should not be necessary.

7. **SEC. 34-935(e)(4)**; The 20-foot separation will be adequate for safety and maintenance purposes, and this smaller setback will allow for more useable open space.

8. **SEC. 34-2015(2)(d)**; There are a number of visitor parking spaces at the village green which will back out directly to the main access road. Given the residential nature of the development and the slow posted speeds, this situation should not create any hazards and will allow for resident accessibility to these common areas.

9. **SEC. 34-2192(a)**; Given the unified plan for the overall development, this reduced side setback at an intersection will not create any hazard and will provide for more common useable open space.

10. **SEC. 10-416(d)(3)**; There is an existing Seaboard Airline right-of-way of 100 feet and another 50-foot FP&L easement on the north boundary line which precludes the need for a "B" buffer that normally buffers the multi-family development of Hemingway Pointe from the single-family development to the north.

EXHIBIT 6-L

TRAFFIC IMPACT ANALYSIS

FOR

BUCKINGHAM 75 REZONING

PROJECT NO. 0509.09

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DCI 2006-00010

PREPARED BY:
Metro Transportation Group, Inc.
12651 McGregor Boulevard, Suite 4-403
Fort Myers, Florida 33919-4489
239-278-3090

September 30, 2005

METRO

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I. INTRODUCTION

II. EXISTING CONDITIONS

III. PROPOSED DEVELOPMENT

IV. TRIP GENERATION

V. TRIP DISTRIBUTION

VI. FUTURE TRAFFIC CONDITIONS

VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

VIII. CONCLUSION

I. INTRODUCTION

Metro Transportation Group, Inc. (Metro) has conducted a traffic impact analysis to fulfill requirements set forth by the Lee County Department of Community Development for projects seeking Zoning approval. This report has been completed in compliance with the requirements established in the Lee County Traffic Impact Statement Guidelines. The development site is located on the east side of Buckingham Road between S.R. 80 and Orange River Road in the East Lee County area of Lee County, Florida. The site location is illustrated on **Figure 1**.

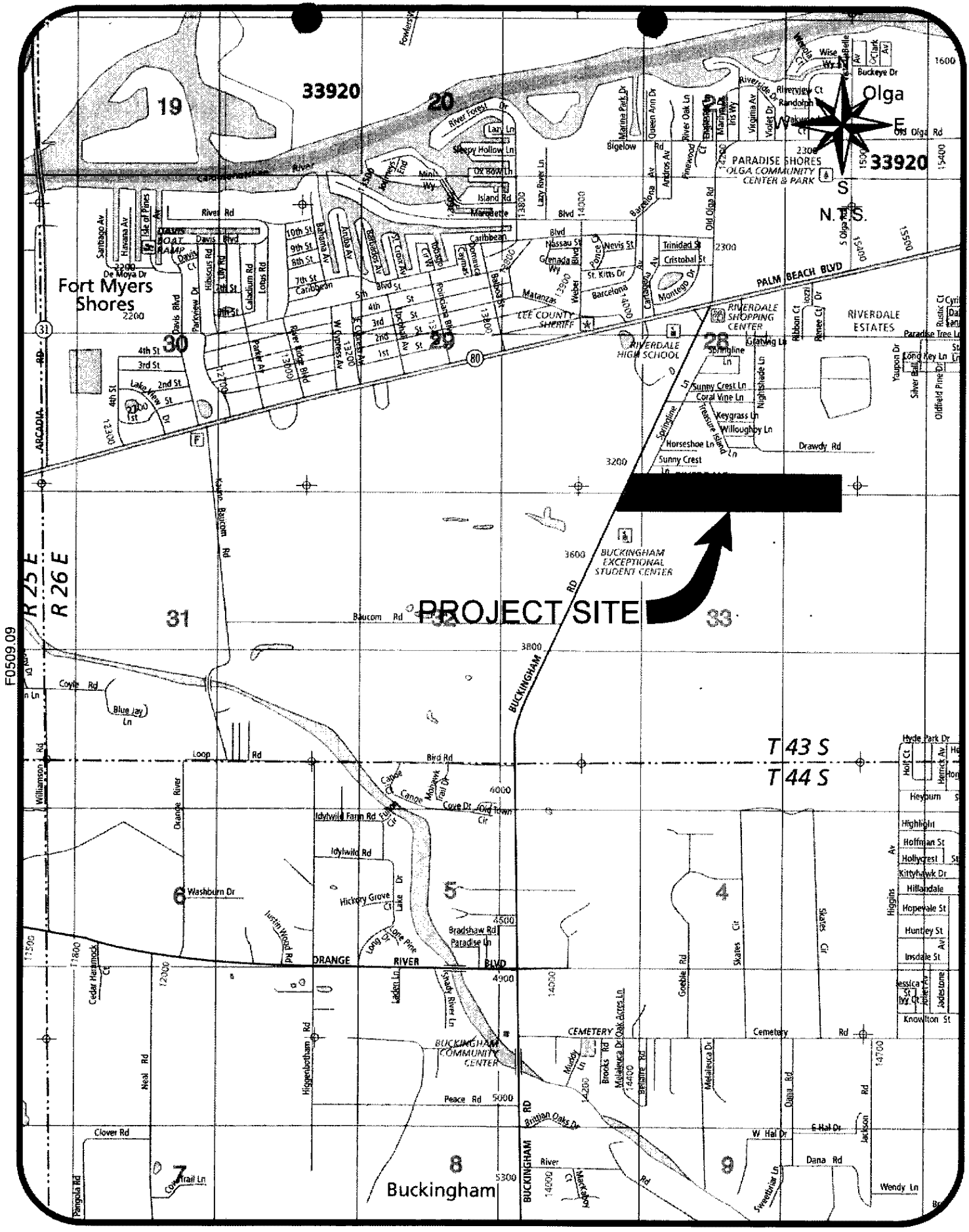
The proposed rezoning would allow for the site to be developed with up to 225 multi-family dwelling units. Access to the site will be provided to Buckingham Road via a full access drive.

The following report will examine the anticipated trip generation of the proposed development and evaluate the impact the additional trips will have on the surrounding roadway network.

II. EXISTING CONDITIONS

The subject site is currently vacant. Buckingham Road borders the site to the west. Residential development borders the site to the north, south and east.

Buckingham Road is currently a two-lane arterial roadway that borders the subject site to the west. Buckingham Road has a posted speed limit of 50 mph and is under the jurisdiction of the Lee County Department of Transportation.



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PROJECT LOCATION MAP
BUCKINGHAM 75 REZONING

Figure 1

III. PROPOSED DEVELOPMENT

The proposed rezoning would allow for the site to be developed with up to 225 multi-family dwelling units. **Table 1** summarizes the land use utilized for trip generation purposes for the Buckingham 75 rezoning.

Table 1
Buckingham 75 Rezoning
Land Use

Size	Status
Multi-Family (LUC 230)	225 dwelling units

Access to the site will be provided to Buckingham Road via a full access drive.

IV. TRIP GENERATION

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled ***Trip Generation***, 7th Edition. Land Use Code 210 (Single-Family Detached Housing) was utilized for the trip generation purposes of the single-family housing portion of the proposed development. Land Use Code 230 (Residential Condominium/Townhouse) was utilized for the trip generation purposes of the multi-family housing portion of the proposed development. The trip generation equations for these land uses are located in the Appendix of this report for reference. **Table 2** indicates the peak hour and daily trips anticipated to be generated by the proposed development.

Table 2
Trip Generation
Buckingham 75 rezoning

Land Use	Weekday AM Peak Hour			PM Peak Hour of Generator			Daily
	In	Out	Total	In	Out	Total	(2-way)
Multi-Family (225 dwelling units)	20	80	100	80	35	115	1,280

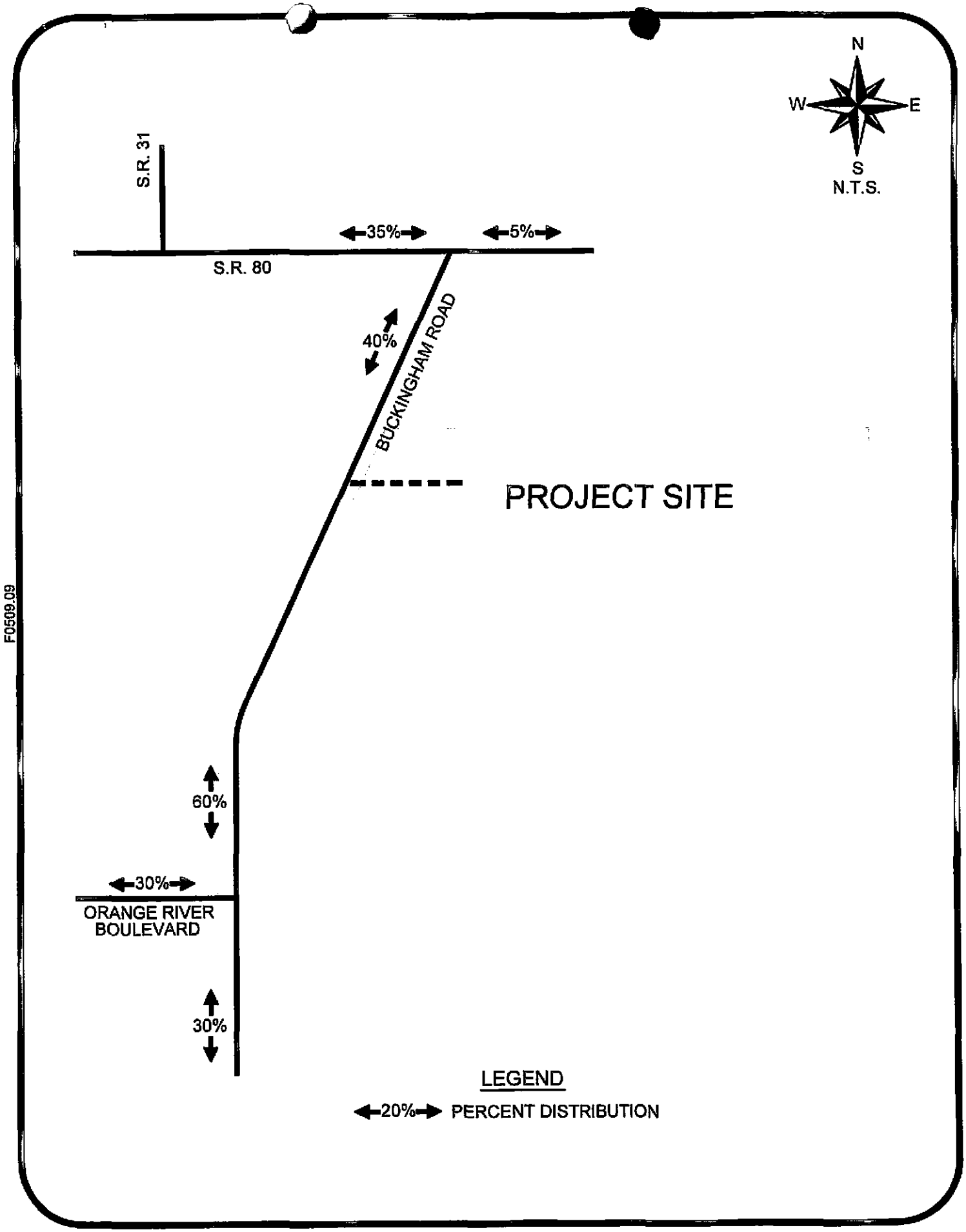
V. *TRIP DISTRIBUTION*

The trips shown in Table 2 were then assigned to the surrounding roadway system based on the anticipated routes the drivers will utilize to approach the site. The driveway volumes shown in Table 2 were assigned to the site access drive for the proposed development. Current and projected population in the area and other existing or planned competing/complementary uses in the area were utilized to assist in determining a distribution of the site traffic. Based on this information, the anticipated trip distribution of the development traffic is illustrated on **Figure 2**. Figure 2 also indicates the site traffic assignment to the site access locations for the proposed development.

In order to determine which roadway segments surrounding the site may be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines, **Table 1A**, in the Appendix, was created. This table indicates which roadway links will accommodate greater than 10% of the Peak Hour Level of Service "C" volumes, as defined by the Lee County Generalized Peak Hour, Peak Direction Service Volumes, as provided by the Lee County Department of Transportation. Based on Table 1A, the proposed Buckingham 75 rezoning will not significantly impact any roadway links.

VI. FUTURE TRAFFIC CONDITIONS

It was assumed that the proposed Buckingham 75 development would be completed by 2008. Therefore, the surrounding roadway network was analyzed under the 2009 projected traffic conditions. Based on the project distribution illustrated on Figure 2, the



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PROJECT TRAFFIC DISTRIBUTION
BUCKINGHAM 75 REZONING

Figure 2

link data was analyzed for the existing conditions, year 2009 without the development and year 2009 with the development.

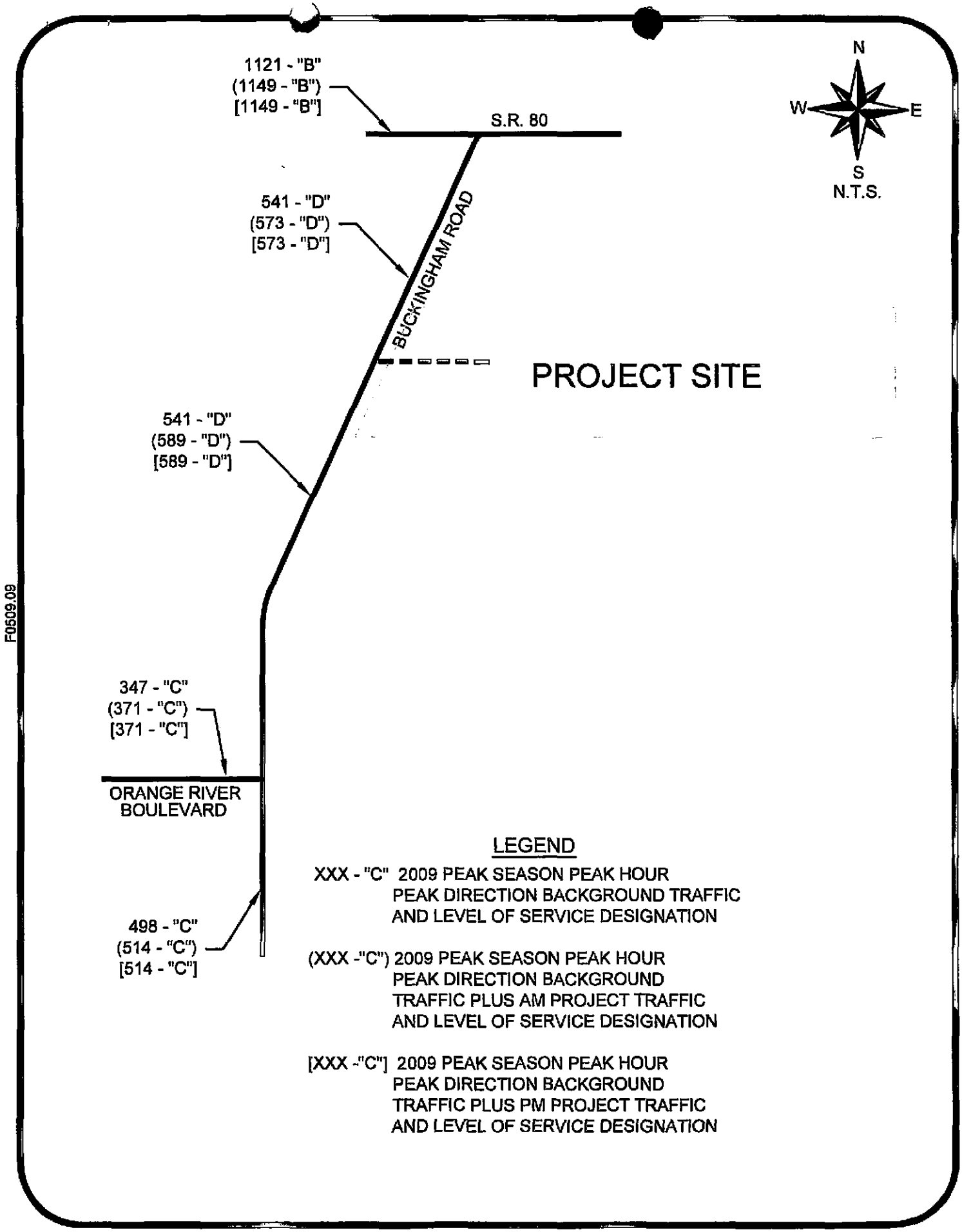
The 2004 peak hour peak season peak direction traffic volumes utilized in the analysis were obtained from the 2003/2004-2004/2005 Lee County Concurrency Management Inventory and Projections report, dated September 2004. The growth rates utilized were calculated based on historical traffic count data as contained in the 2004 Lee County Traffic Count Report.

Figure 3 indicates the year 2009 peak hour traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 3 is the peak hour volume and Level of Service of each link should no development occur on the subject site and the Peak Hour volume and Level of Service for the weekday AM and PM peak hours with the development traffic added to the roadways. These values are also derived from **Table 2A** contained in the Appendix.

VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

As can be seen from Figure 3, the roadway links analyzed as a part of this report will not be adversely impacted as a result of the proposed development. All roadway links within the study area are shown to operate with an acceptable Level of Service according to the Lee County Level of Service Standards. Therefore, no roadway link improvements will be required as a result of the proposed Buckingham 75 rezoning.

Turn lane analysis was performed at the site access drive on Buckingham Road based on the turn lane warrants as contained in the Lee County Turn Lane Policy, Administrative Code 11-4 (AC-11-4). Based on the analysis, a southbound left turn lane and an northbound right turn lane will be warranted on Buckingham Road. Both turn lanes should be constructed to include 350 feet of taper and deceleration length according to the Florida Department of Transportation Standard Index #301 (Index #301) based on a 55 mph design speed. No storage length will be warranted for the northbound right turn lane assuming that a two-lane receiving approach is constructed. The required storage



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2009 BUILDOUT TRAFFIC CONDITIONS
BUCKINGHAM 75 REZONING

Figure 3

length for the southbound left turn lane was based on Nomograph N-1 in the Lee County Turn Lane Policy. Based on the projected opposing volume for 2009, approximately 50 feet of storage should be provided for an overall turn lane length of 400 feet. No other urn lane improvements are warranted as a result of this analysis.

Intersection analysis was performed at the site access intersection on Buckingham Road. The peak direction through volumes utilized in the analysis were obtained from Table 2A. The off-peak direction through volumes were calculated by utilizing the D-factor from the appropriate Lee County Permanent Count Station (PCS).

Based on the results of the analysis, all of the approaches to the site access intersection were shown to operate at acceptable Level of Service conditions under the 2009 build-out traffic conditions for the proposed Buckingham 75 rezoning. Therefore no intersection improvements, other than the turn lane improvement mentioned previously, will be warranted as a result of this analysis.

VIII. CONCLUSION

The Buckingham 75 rezoning located on the east side of Buckingham Road between S.R. 80 and Orange River Road in Lee County, Florida will not have a detrimental impact on the surrounding roadway system. The existing roadway network can accommodate the additional new vehicle trips the development is anticipated to generate.

Turn lane analysis was performed at the site access intersection on Buckingham Road based on the turn lane warrants as contained in the Lee County Turn Lane Policy AC 11-4. Based on the analysis, a southbound left turn lane 450 feet in overall length and a southbound right turn lane 350 feet in overall length will be warranted. No other turn lane improvements are warranted as a result of this analysis.

Intersection analysis was performed at the site access drive on Buckingham Road. Based on the results of the analysis, all of the approaches to the site access intersection on Buckingham Road were shown to operate at acceptable Level of Service conditions under

the 2009 build-out traffic conditions for the proposed Buckingham 75 rezoning. Therefore no intersection improvements, other than the turn lane improvement mentioned previously, will be warranted as a result of this analysis.

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APPENDIX

TABLES 1A & 2A

TABLE 1A
PEAK DIRECTION
PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 100 VPH IN= 20 OUT= 80

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 115 VPH IN= 80 OUT= 35

ROADWAY	SEGMENT	ROADWAY CLASS	LOS A VOLUME	LOS B VOLUME	LOS C VOLUME	LOS D VOLUME	LOS E VOLUME	PERCENT PROJECT TRAFFIC	PROJECT TRAFFIC	PROJ/ LOS C
Buckingham Rd.	N. of Gunnery Rd.	2LN	130	310	530	870	940	20%	16	3.0%
	N. of Orange River Blvd.	2LN	130	310	530	870	940	60%	48	9.1%
	N. of Project Entrance	2LN	130	310	530	870	940	40%	32	6.0%
Orange River Blvd	W. of Buckingham Rd	2LN	0	220	510	800	940	30%	24	4.7%
	W. of Staley Rd	2LN	0	220	510	800	940	0%	0	0.0%
SR 80	E. of Buckingham Rd	4LD	1690	2040	2050	2050	2050	5%	4	0.2%
	W. of Buckingham Rd	4LD	1690	2040	2050	2050	2050	35%	28	1.4%

* Lee County Link Specific Peak Hour Directional Service Volumes were utilized to determine the LOS thresholds

TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS

TOTAL PROJECT TRAFFIC AM = 100 VPH IN = 20 OUT= 80

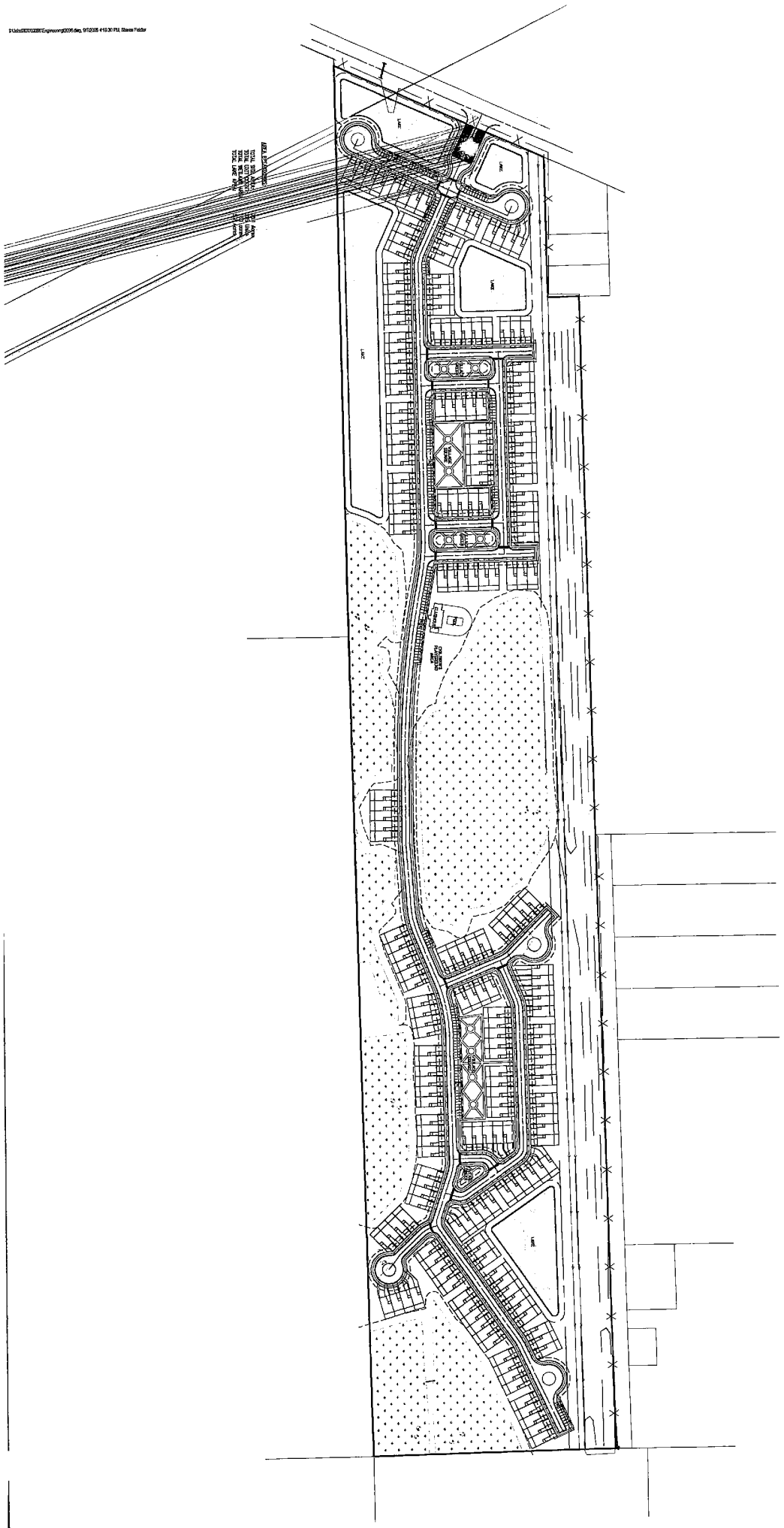
TOTAL PROJECT TRAFFIC PM = 115 VPH IN= 80 OUT= 35

ROADWAY	SEGMENT	Link No.	BASE YR ADT	2004 ADT	YRS OF GROWTH	ANNUAL RATE	2005 PK HR PK SEASON PEAK DIR.[1]	2009 PK HR PK SEASON PEAK DIR.	PERCENT PROJECT TRAFFIC	AM PROJ TRAFFIC	PM PROJ TRAFFIC	2009 BCKGRND + AM PROJ TRAFFIC	2009 BCKGRND + PM PROJ TRAFFIC
Buckingham Rd.	N. of Gunnery Rd.	3700	2100	4500	9	8.84%	355	498	20%	16	16	514	514
	N. of Orange River Blvd.	3800	5100	8000	9	5.13%	443	541	60%	48	48	589	589
	N. of Project Entrance	3800	5100	8000	9	5.13%	443	541	40%	32	32	573	573
Orange River Blvd	W. of Buckingham Rd	19400	4600	5900	9	2.80%	311	347	30%	24	24	371	371
SR 80	W. of Buckingham Rd	20200	24100	29400	9	2.23%	1026	1121	35%	28	28	1149	1149

100th Highest Hour Level of Service Analysis

		2009 BCKGRND TRAFFIC LOS	2009 BCKGRND + AM PROJ LOS	2009 BCKGRND + PM PROJ LOS
Buckingham Rd.	N. of Gunnery Rd.	C	C	C
	N. of Orange River Blvd.	D	D	D
	N. of Project Entrance	D	D	D
Orange River Blvd	W. of Buckingham Rd	C	C	C
SR 80	W. of Buckingham Rd	B	B	B

SITE PLAN FOR THE PROPOSED BUCKINGHAM 75



HCS+ CAPACITY ANALYSIS

TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	tbt	Intersection	Site Access/Buckingham Rd.
Agency/Co.	Metro Transportation Group	Jurisdiction	
Date Performed	10/3/2005	Analysis Year	2009 - With Project
Analysis Time Period	AM Peak Hour		

Project Description F0509.09

East/West Street: Site Access (Buckingham 75)	North/South Street: Buckingham Rd.
Intersection Orientation: North-South	Study Period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume		460	15	5	541	
Peak-Hour Factor, PHF	0.90	0.90	0.90	0.90	0.90	0.90
Hourly Flow Rate, HFR	0	511	16	5	601	0
Percent Heavy Vehicles	0	--	--	0	--	--
Median Type	Undivided					
RT Channelized			0			0
Lanes	0	1	1	1	1	0
Configuration		T	R	L	T	
Upstream Signal		0			0	

Minor Street	Eastbound			Westbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume				50		30
Peak-Hour Factor, PHF	0.90	0.90	0.90	0.90	0.90	0.90
Hourly Flow Rate, HFR	0	0	0	55	0	33
Percent Heavy Vehicles	0	0	0	0	0	0
Percent Grade (%)		0			0	
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	0	0	0	1	0	1
Configuration				L		R

Delay, Queue Length, and Level of Service

Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration		L	L		R			
v (vph)		5	55		33			
C (m) (vph)		1050	229		567			
v/c		0.00	0.24		0.06			
95% queue length		0.01	0.91		0.18			
Control Delay		8.4	25.6		11.7			
LOS		A	D		B			
Approach Delay	--	--	20.4					
Approach LOS	--	--	C					

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TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	tbt	Intersection	Site Access/Buckingham Rd.
Agency/Co.	Metro Transportation Group	Jurisdiction	
Date Performed	10/3/2005	Analysis Year	2009 - With Project
Analysis Time Period	PM Peak Hour		

Project Description F0509.09

East/West Street: Site Access (Buckingham 75)	North/South Street: Buckingham Rd.
Intersection Orientation: North-South	Study Period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume		541	50	30	460	
Peak-Hour Factor, PHF	0.90	0.90	0.90	0.90	0.90	0.90
Hourly Flow Rate, HFR	0	601	55	33	511	0
Percent Heavy Vehicles	0	--	--	0	--	--
Median Type	Undivided					
RT Channelized			0			0
Lanes	0	1	1	1	1	0
Configuration		T	R	L	T	
Upstream Signal		0			0	

Minor Street	Eastbound			Westbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume				20		15
Peak-Hour Factor, PHF	0.90	0.90	0.90	0.90	0.90	0.90
Hourly Flow Rate, HFR	0	0	0	22	0	16
Percent Heavy Vehicles	0	0	0	0	0	0
Percent Grade (%)		0			0	
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	0	0	0	1	0	1
Configuration				L		R

Delay, Queue Length, and Level of Service

Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration		L	L		R			
v (vph)		33	22		16			
C (m) (vph)		941	206		504			
v/c		0.04	0.11		0.03			
95% queue length		0.11	0.35		0.10			
Control Delay		9.0	24.6		12.4			
LOS		A	C		B			
Approach Delay	--	--	19.4					
Approach LOS	--	--	C					

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TRIP GENERATION EQUATIONS

TRIP GENERATION EQUATIONS
BUCKINGHAM 75 RE-ZONING
ITE TRIP GENERATION REPORT, 7th EDITION

Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour	Daily (2-way)
Residential Condominium/Townhouse (LUC 230)	Ln (T) = 0.80 Ln (X) + 0.26 (17% In/83% Out)	Ln (T) = 0.82 Ln (X) + 0.32 (67% In/33% Out)	Ln (T) = 0.85 Ln (X) + 2.55
T = Trips, X = Number of dwelling units			

GENERAL NOTES AND GENERAL CONDITIONS:

1. THE MASTER CONCEPT PLAN DEPICTS THE PROJECT'S GENERAL CONFIGURATION AND AS SUCH, IS FOR CONCEPTUAL REVIEW AND ZONING PURPOSES ONLY. THE PLAN'S FINAL LAND USES, SURFACE WATER MANAGEMENT SYSTEM AND OTHER FUNCTIONAL ELEMENTS WILL BE DETERMINED AT THE TIME OF FINAL DEVELOPMENT ORDER PERMITTING.
2. PARKING WILL BE PROVIDED IN ACCORDANCE WITH L.D.C. SECTION 34-2013 THROUGH 34-2022 OR CURRENT DEVELOPMENT CODE RULE AT THE TIME OF FINAL DEVELOPMENT ORDER PERMITTING.
3. FINAL BUILDING AND PAVING CONFIGURATION TO BE DETERMINED AT THE TIME OF FINAL DEVELOPMENT ORDER.
4. ALL LANDSCAPING, OPEN SPACE, AND BUFFERING TO BE IN COMPLIANCE WITH L.D.C. REQUIREMENTS.
5. THIS PROPERTY IS NOT LOCATED ON THE LEE TRAN ROUTE.
6. THE PROJECT SIGN LOCATION TO BE DETERMINED AT THE TIME OF DEVELOPMENT ORDER.
7. THE SURFACE WATER MANAGEMENT SYSTEM WILL BE PERMITTED IN ACCORDANCE WITH SFWMD REGULATIONS.
8. THE PROPOSED LAKE DEPTH IS 20 FEET.
9. NO BLASTING SHALL OCCUR ON SITE.
10. THERE ARE NO AGRICULTURAL USES ON THE PROPERTY.

[1a] = DEVIATION DESIGNATION
* FOR DEVIATION PLEASE SEE RESOLUTION.

PROJECT SUMMARY DATA:

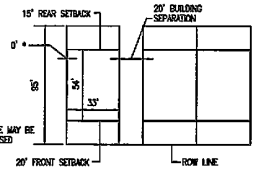
PROPOSED USE: 225 MULTI-FAMILY RESIDENTIAL UNITS
SIZE AREA: 75.1 Ac.
LAND USE CLASSIFICATION: OUTLYING SUBURBAN
EXISTING ZONING: AG-2
PROPOSED ZONING: RPD
WATER: LEE COUNTY UTILITIES
SEWER: LEE COUNTY UTILITIES
FIRE DISTRICT:
FLOOD ZONE:
PER LEE COUNTY FLOOD ZONE MAP

PROPOSED LAND USE TABLE:

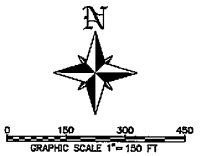
ESTIMATED LAKE AREA: 8.4± Ac.
ESTIMATED DEVELOPMENT AND R.O.W.: 23.5± Ac.
ESTIMATED PRESERVE AREA: 15.1± Ac.
TOTAL SITE AREA: 75.1± Ac.
BUILDING HEIGHT: 2 STORY – 35 FEET MAX

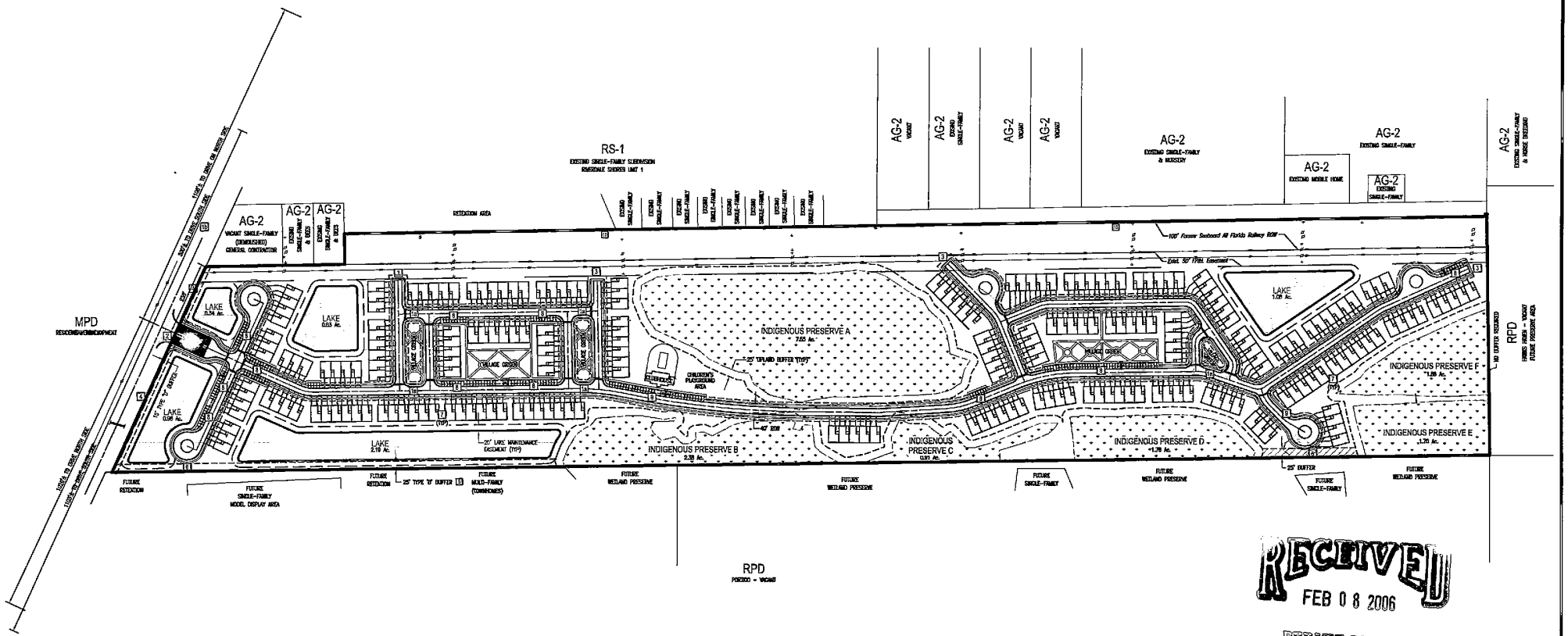
REGULATORY SPACE TABLE:

SITE AREA: 75.1± Ac.
REQUIRED OPEN SPACE (40%): 30.0 Ac.
REQUIRED INDIGENOUS OPEN SPACE: 15.0 Ac.
PROPOSED LAKE AREA OFFSET UP TO MAXIMUM 25% OF REQUIRED (10 Ac.)
LAKE AREA PROVIDED: 8.4± Ac.
PROVIDED INDIGENOUS OPEN SPACE:
INDIGENOUS PRESERVE A: 7.55 ACRES @ 150% CREDIT = 11.33 ACRES
INDIGENOUS PRESERVE B: 2.38 ACRES @ 100% CREDIT = 2.38 ACRES
INDIGENOUS PRESERVE C: 0.91 ACRES @ 110% CREDIT = 1.00 ACRES
INDIGENOUS PRESERVE D: 1.78 ACRES @ 125% CREDIT = 2.20 ACRES
INDIGENOUS PRESERVE E: 1.70 ACRES @ 125% CREDIT = 2.13 ACRES
INDIGENOUS PRESERVE F: 1.85 ACRES @ 125% CREDIT = 2.33 ACRES
TOTAL PROVIDED INDIGENOUS OPEN SPACE = 15.3± ACRES
TOTAL PROVIDED OPEN SPACE = MINIMUM 15.0 ACRES
*10-4152(3)(a) – 110% CREDIT PROVIDED FOR MINIMUM 1/2 ACRE AND MINIMUM 50 FOOT WIDTH
**10-474(7)(1) – REQUIRED OCCUPIED HABITAT BUFFER AREAS MAY BE USED TO FULFILL ANY APPLICABLE MINIMUM OPEN SPACE REQUIREMENTS AT A RATIO OF ONE UNIT HABITAT AND FACTOR BUFFER TO 1/2UNIT REQUIRED OPEN SPACE (1:1/2). IN NO EVENT WILL THIS CREDIT BE RECOGNIZED TO EXCEED ANY REQUIRED OCCUPIED HABITAT BUFFER AREA = 15.0± + 11.2± 12.2± + 11.2±



TYPICAL TOWNHOME LOT WITH SETBACKS
FOR ZERO LOT LINE
NOT TO SCALE





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DCI 2006-00010

PREPARED FOR:
WATERMEN DEVELOPMENT GROUP
8045 NW 155TH STREET
MIAMI LAKES, FLORIDA 33016

NO.	DATE	REVISION DESCRIPTION	BY

Banks Engineering, Inc.
Professional Engineers, Planners & Land Surveyors
10511 SIX MILE CYPRESS PARKWAY – SUITE 109
FORT MYERS, FLORIDA 33912
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 8468
SURVEY LICENSE # LB 6690

MASTER CONCEPT PLAN
HEMINGWAY POINTE
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
JAN 2006	2096	_MCP	SCF	SCF	SCM	1" = 150'	1	1	

S:\Jobs\20XX\2096\Engineering\2096_McP.dwg, 1/3/2006 10:27:03 AM, Steven Feidler

EXHIBIT 6-J

PART 4
ENVIRONMENTAL ISSUES

A. **Topography:** Describe the range of surface elevations of the property:

See attached topographic map for elevations.

B. **Sensitive Lands:** Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in Lee Plan), flowways, creek beds, sand dunes, other unique land forms [see Lee Plan Policy 77.1.1 (2)] or listed species occupied habitat (see Sec. 10-4730 of the Land Development Code.

A wetland determination was conducted on the property with Craig Schmittler in September 1999. The wetlands on site consist of 9 separate areas. The wetlands located onsite are separated by FLUCCS communities below.

621 Cypress

This community is dominated tall statured cypress trees and southern red maples. The understory was composed of swamp fern.

641 Freshwater Marsh

This disturbed herbaceous marsh was composed of pickerel weed, maidencane, arrowhead, and various sedges and rushes. This area has already been impacted since the disturbance.

During a prior survey sandhill cranes were observed foraging on the property. In addition several wading birds have been observed onsite. No wading bird nests were observed.

C. **Preservation/Conservation of Natural Features:** Describe how the lands listed in B. above will be protected by the completed project:

All wetland impacts will be mitigated for in accordance with SFWMD requirements. The flagged wetland lines have been verified by SFWMD representative Craig Schmittler and have been surveyed. See attached wetland jurisdictional determination.

A sandhill crane management plan has been established.

D. **Shoreline Stabilization:** If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:

Not applicable the project is not adjacent to any navigable natural waters.

South Florida Water Management District

Regulation Department

September 24, 1999

Ms. Kimberly Schlachta
Boylan Environmental Consultants, Inc.
11000 Metro Parkway, Suite 4
Ft. Myers, Florida 33912

Subject: Kraizgrun 77-acre Tract; Informal Jurisdictional Wetland Inspection;
Lee County, S-28 / T-43-S / R-26-E

Dear Ms. Schlachta:

The District offers the following in response to your request for a determination of the jurisdictional wetland boundaries and other surface waters located within the subject property. Craig Schmittler, Environmental Analyst, of the Natural Resource Management Division, conducted a site inspection on September 3, 1999.

The project boundaries shown on the attached aerial identify the approximate limits of the property inspected. Based on the information provided and the results of the site inspection, the jurisdictional wetlands, as defined in Chapter 62-340 F.A.C. have been identified within the property boundaries. The jurisdictional wetlands are hatched in red on the attached aerial photograph.

This correspondence is an informal pre-application jurisdictional determination pursuant to Section 373.421(6) and F.A.C. 62-312.040(7). It does not bind the District, its agents or employees, nor does it convey any legal rights, expressed or implied. Persons obtaining this informal pre-application jurisdictional determination are not entitled to rely upon it for purposes of compliance with provision of law or District rules. A binding jurisdictional determination may be obtained by submitting an application to the South Florida Water Management District Ft. Myers office for a formal determination pursuant to Chapter 40E-4.042 F.A.C. or by applying for a permit.

Governing Board:
Michael Collins, *Chairman*
Michael D. Minton, *Vice Chairman*
Mitchell W. Berger
Vera M. Carter
Gerardo B. Fernandez
Patrick J. Gleason
Nicolas J. Gutierrez, Jr.
Harkley R. Thornton
Trudi K. Williams
James Harvey, *Interim Executive Director*
Michael Slayton, *Deputy Executive Director*
Trevor Campbell, *Deputy Executive Director*

A file has been set up at the Ft. Myers Service Center office with pre-application materials. If you have any further questions please contact Craig Schmittler at (941) 338-2929 ext. 7739.

Sincerely,

Karen M. Johnson
Supervising Professional
Ft. Myers Service Center

KMJ/cds - Attachment (Memo, Location Map, and Aerials)

c: USACOE - Ft. Myers w/ memo, location map, and aerial
DEP- w/ memo, location map

TO: File COA

FROM: Craig D. Schmittler, PWS, Environmental Analyst, NRM Division

THROUGH: Karen Johnson, Supervising Professional, NRM Division

DATE: September 22, 1999

SUBJECT: Kraizgrun 77-acre Tract, Informal Wetland Jurisdictional Inspection, Lee County, S-28 / T-43-S / R-26-E

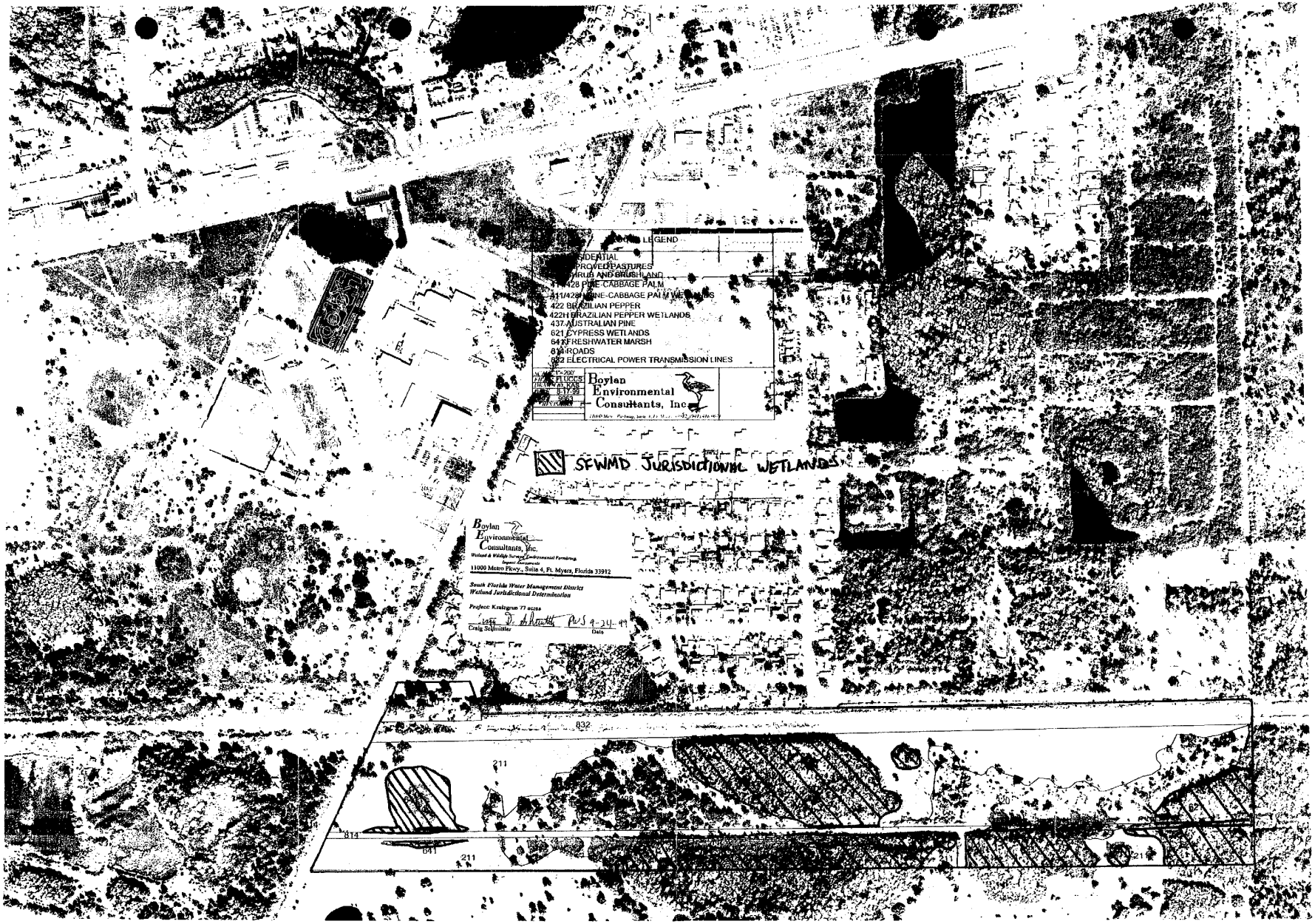
A site inspection was conducted on the above referenced property on September 3, 1999. The property inspected encompasses approximately 77 acres. The subject property is located east of Buckingham Road and approximately ¼ mile south of SR 80. Adjacent property to the north is developed by various single-family residential structures. Property to the west and south is undeveloped, but portions have been partially cleared and are used as improved pasture. The western 15 acres and another 20 acres in the northeastern corner of this property have been cleared and are used as improved pasture. An FP&L easement forms the northern boundary of this property.

The jurisdictional wetlands, as defined by Chapter 62-340 F.A.C., consist of 9 separate areas identified by red hatching on the attached aerial photograph. A fill road that traverses the entire site splits three historic wetlands resulting in impacts to each of these wetlands. There are no culverts in the fill road and several drainage swales redirect the sheet flow throughout the property.

The western most wetland is a deep herbaceous marsh with the extreme southern edge isolated by the road through the site. Pickerelweed, torpedo grass and various sedges and rushes make up the dominant vegetation. Standing water was present throughout this system at the time of the inspection. The central cypress-dominated wetland has also been bisected by the fill road. The northern part of this system is almost 100% cypress canopy with several deeper open ponds in the center. Scattered Brazilian pepper has invaded the perimeter of this system, but has not impacted the central wetland. The canopy in the southern section of this wetland contains a mixture of cypress, red maple, laurel oak and scattered cabbage palms. Brazilian pepper has invaded this area also, but in moderate densities. A deeper forested pond is present at the western edge of this southern-central wetland. Most of this system continues offsite to the south. Continuing east on site is another cypress-dominated system that has been cut off from its historic connection to the central wetland by a small fill road that turns to the south. Water appears to top this road occasionally allowing water into the western edge of this system. There are two small cypress dominated areas that appear to have been avoided when the original clearing for the pasture occurred. These systems are surrounded by improved pasture, but appear to be healthy. The last wetland system is located at the eastern edge of the property and it too has been cut in half by an old fill road. This entire wetland is cypress- dominated and exotics encroachment is minimal.

The non-jurisdictional areas on site are forested by slash pine and laurel oak dominated flatwoods in the areas that haven't been cleared for pasture. Saw palmetto is present throughout much of the forested areas, but only in scattered pockets. The remainder of the property has been cleared and is used as improved pasture. Vegetation in the pasture is dominated by Bahia and various other pasture grasses.

There were no listed species observed during this inspection, however numerous regionally abundant species of wading birds could potentially utilize these wetlands as forage and nesting areas.



0 200 400 600 800
SCALE 1"=200'

PREPARED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION
FOR THE FLORIDA DEPARTMENT OF REVENUE
FOR ASSESSMENT PURPOSES ONLY

LEE COUNTY
FLORIDA

SCALE	1" = 200'	SECTION	TWP.	RANGE	SHEET NO.
PHOTO DATE	FEB 1999	28	43 S	26 E	199 B
PHOTO JOB NO.	PD 621				

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DCI 2006-00010

Legal Description
EXHIBIT PH-3.C.1

A TRACT OR PARCEL OF LAND LYING IN SECTIONS 28 AND 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; SAID TRACT OR PARCEL IS FURTHER DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID SECTION 33; THENCE RUN S.00°49'36"E, ALONG THE EAST LINE OF SAID SECTION 33 FOR 187.50 FEET; THENCE RUN S.89°10'24"W, AT RIGHT ANGLES TO SAID EAST LINE OF SECTION 33, FOR 4,467.24 FEET TO A POINT 50.00 FEET EAST OF THE CENTER LINE OF BUCKINGHAM ROAD, FORMERLY KNOWN AS S.R. #S-80; THENCE RUN N.24°24'46"E ALONG A LINE WHICH IS PARALLEL TO AND 50.00 FEET EAST OF THE CENTER LINE OF BUCKINGHAM ROAD FOR 737.33 FEET, MORE OR LESS TO A POINT ON THE SOUTH LINE OF THE FORMER SEABOARD ALL FLORIDA RAILWAY R.O.W; THENCE RUN N.89°00'54"E, ALONG SAID SOUTH R.O.W., FOR 449.53 FEET, MORE OR LESS, TO A CONCRETE MONUMENT BEING THE SOUTHEAST CORNER OF PARCEL AS RECORDED IN DEED BOOK 233, PAGE 481, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.00°59'06"W, FOR 100.00 FEET TO A CONCRETE MONUMENT ON THE NORTH LINE OF SAID FORMER SEABOARD ALL FLORIDA RAILWAY R.O.W.; THENCE RUN N.89°00'54"E, ALONG SAID NORTH LINE OF R.O.W. FOR 3,703.67 FEET, MORE OR LESS, TO A CONCRETE MONUMENT ON THE EAST LINE OF SAID SECTION 28, TOWNSHIP 43 SOUTH, RANGE 26 EAST, THENCE RUN S.00°49'13"E, ALONG SAID EAST LINE OF SECTION 28 FOR 590.91 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID SECTION 28 AND THE P.O.B.

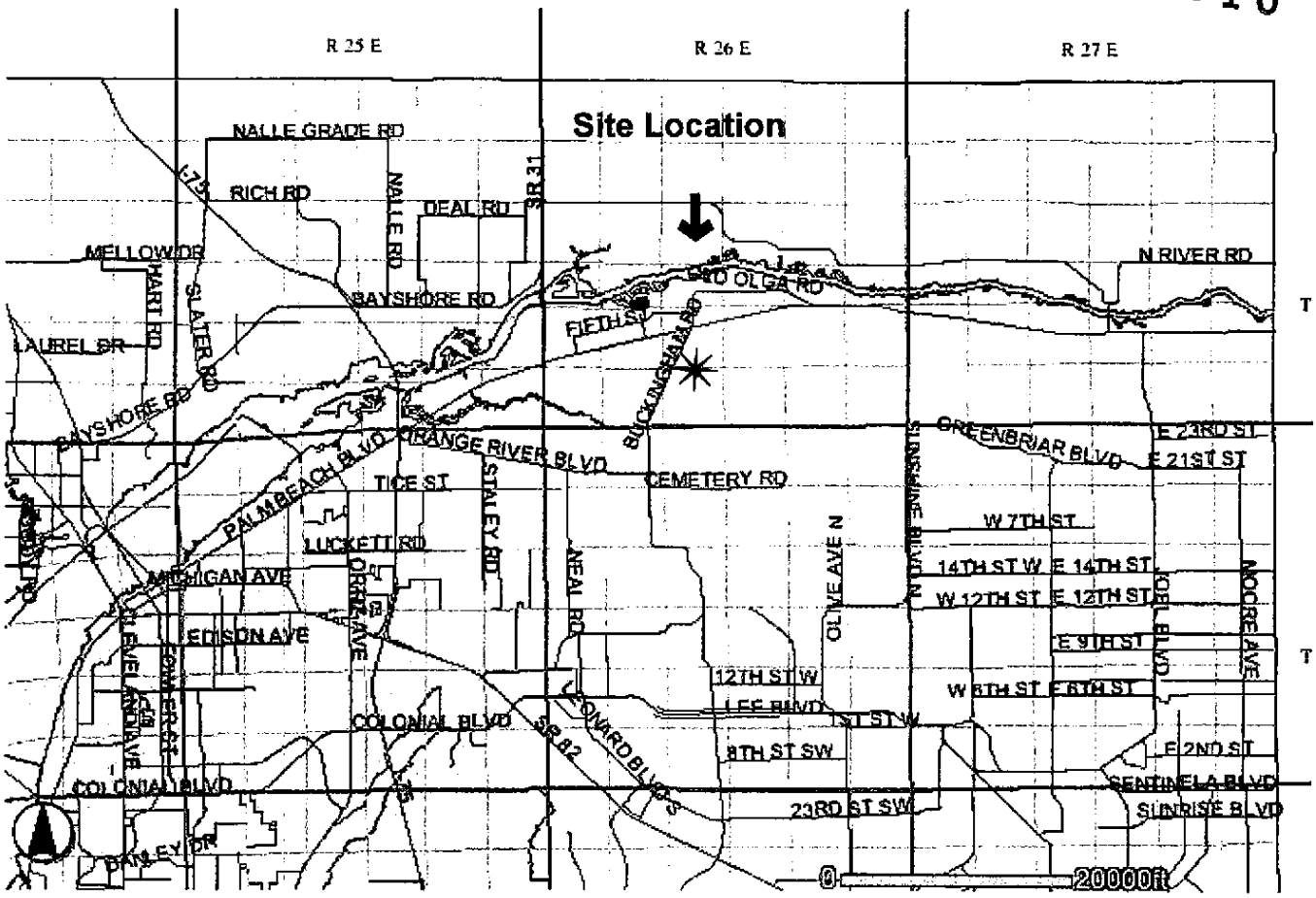
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Area Location Map
EXHIBIT 6-B

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DCI 2006-00010



Banks Engineering, Inc.
Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA

MASTER CONCEPT PLAN
SUPPLEMENTAL INFORMATION

General Notes and General Conditions:

1) The Master Concept Plan depicts the project's general configuration and as such, is for conceptual review and zoning purposes only. The plan's final land uses, surface water management system and other functional elements will be determined at the time of final development order permitting.

2) Parking will be provided in accordance with L.D.C. Section 34-2013 through 34-2022 or current development code rule at the time of final development order permitting.

3) Final building and parking configuration to be determined at the time of final development order.

4) This property is not located on the Lee Tran route.

5) The project sign location to be determined at the time of development order.

6) The surface water management system will be permitted in accordance with S.F.W.M.D. regulations.

7) The proposed lake depth is 20 feet.

8) No blasting shall occur on-site.

9) Maximum building height: 2-stories, 35'

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DCI 2006-00010

AFFIDAVIT

STATE OF MICHIGAN)
)
COUNTY OF OAKLAND)

Before me this day appeared Bernard Glieberman who, being first duly sworn, deposes and says:

1. He is the Manager of Bentley Management, LLC, a Michigan Limited Liability Company, which is the Manager of Crosswinds at Buckingham Gardens, LLC, a Florida Limited Liability Company, the owner of the property that is the subject of Case DCI2006-00010.

2. As of the date the application was filed, portions of the property were used for harvesting of hay.

3. The boundaries of the area used for the harvesting of hay are depicted on Exhibit "A" attached to this Affidavit.

4. The applicant intends to terminate the above-described agricultural use upon the approval of the first development order for the project shown on the MCP.

FURTHER, AFFIANT SAYETH NAUGHT.

Done and executed this 26th day of June, 2006.

Bernard Glieberman

The foregoing instrument was acknowledged before me this 26th day of June, 2006, by Bernard Glieberman, as Manager of Bentley Management, LLC, a Michigan Limited Liability Company, the Manager of Crosswinds at Buckingham Gardens, LLC, a Florida Limited Liability Company, on behalf of the company, who is personally known to me [✓], or has produced _____ as identification [__], and did/did not take an oath.

My Commission Expires:

ANJA J. WALTHALL
NOTARY PUBLIC-STATE OF MICHIGAN
COUNTY OF WAYNE
My Commission Expires April 7, 2012
Acting in the County of OAKLAND

Notary Public

Printed Name

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JUL 18 2006

DCI 2006-00010

Exhibit "A"

AGRICULTRUAL USES AT TIME OF ZONING APPLICATION

OF

A TRACT OR PARCEL OF LAND LYING IN
SECTIONS 28 AND 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

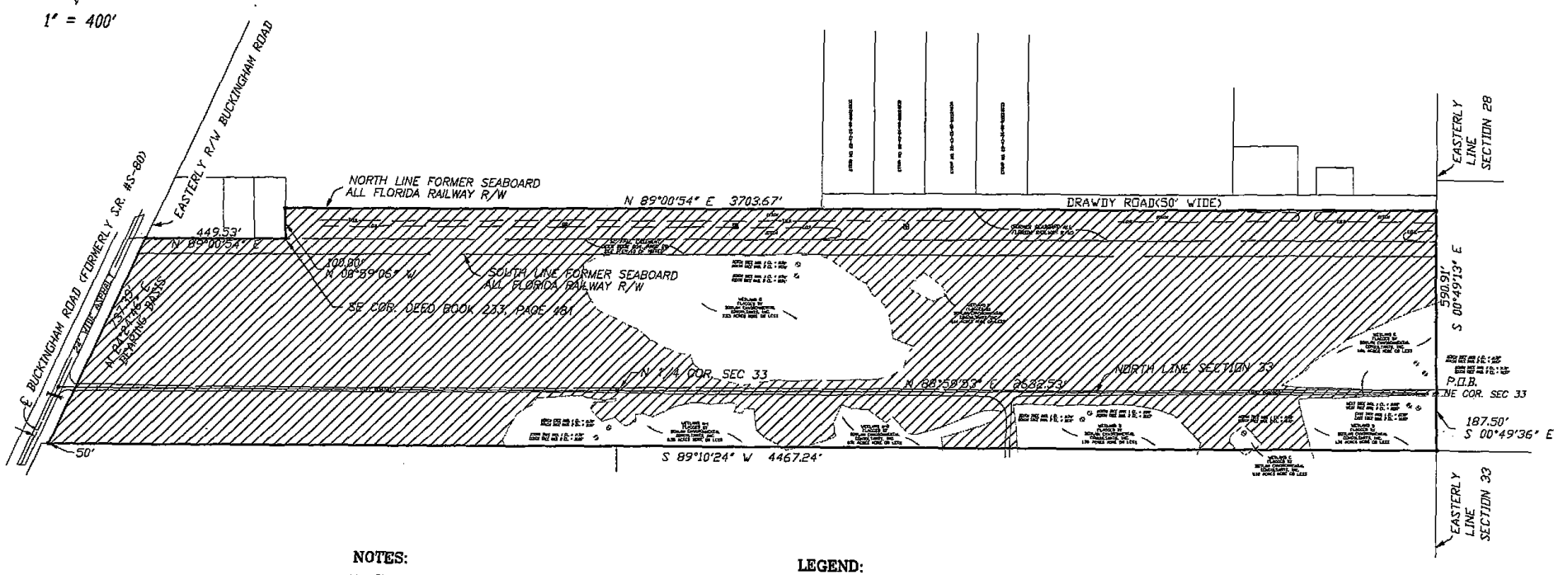
Banks Engineering

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS,
FLORIDA BUSINESS CERTIFICATION NUMBER LB 6690
10511 SIX MILE CYPRESS PARKWAY – SUITE 101
FORT MYERS, FLORIDA 33912
(239) 939-5490

N

58.63± ACRES AGRICULTURAL USES
HARVESTING HAY

1" = 400'



NOTES:

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

2.) ASSUMED NORTH BASED ON THE EASTERLY LINE OF BUCKINGHAM ROAD, FORMERLY KNOWN AS S.R. #S-80, AS BEARING N 24°24'26" E.

3.) SUBJECT TO FACTS THAT MAY BE REVEALED BY AN ACCURATE BOUNDARY SURVEY.

LEGEND:

℄	INDICATES CENTERLINE
COR.	INDICATES CORNER
FP&L	INDICATES FLORIDA POWER AND LOGHT
O.R.	INDICATES OFFICIAL RECORDS BOOK
PG.	INDICATES PAGE
P.O.B.	INDICATES POINT OF BEGINNING
R/W	INDICATES RIGHT-OF-WAY
S.R.	INDICATES STATE ROAD
T.O.B.	INDICATES TOP OF BANK

RECEIVED
DEC 13 2006

DCI 2006-00010

AFFIDAVIT

RECEIVED
AUG 10 2006
PERMIT COUNTER

STATE OF MICHIGAN)
)
COUNTY OF OAKLAND)

Before me this day appeared Bernard Glieberman who, being first duly sworn, deposes and says:

1. He is the Manager of Bentley Management, LLC, a Michigan Limited Liability Company, which is the Manager of Crosswinds at Buckingham Gardens, LLC, a Florida Limited Liability Company, the owner of the property that is the subject of Case DCI2006-00010.

2. As of the date the application was filed, portions of the property were used for harvesting of hay.

3. The boundaries of the area used for the harvesting of hay are depicted on Exhibit "A" attached to this Affidavit.

4. The applicant intends to terminate the above-described agricultural use upon the approval of the first development order for the project shown on the MCP.

FURTHER, AFFIANT SAYETH NAUGHT.

Done and executed this 7th day of August, 2006.

Bernard Glieberman

SUBSCRIBED AND SWORN TO before me by Bernard Glieberman, who is personally known to me, this 7th day of August, 2006.

My Commission Expires:

Notary Public

Printed Name

ANJA J. WALTHALL
NOTARY PUBLIC-STATE OF MICHIGAN
COUNTY OF WAYNE
My Commission Expires April 7, 2012
Acting in the County of OAKLAND

Exhibit "A"

AGRICULTRUAL USES AT TIME OF ZONING APPLICATION

OF

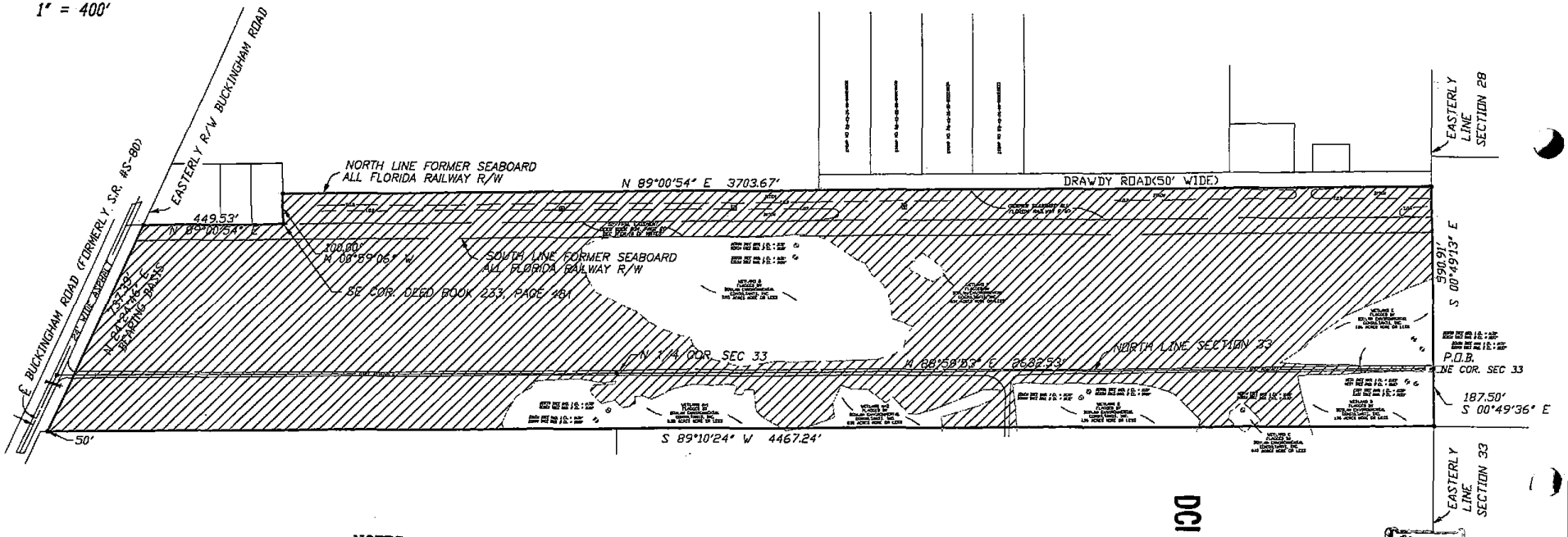
A TRACT OR PARCEL OF LAND LYING IN
SECTIONS 28 AND 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

Banks Engineering
PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
FLORIDA BUSINESS CERTIFICATION NUMBER LB 6690
10511 SIX MILE CYPRESS PARKWAY – SUITE 101
FORT MYERS, FLORIDA 33912
(239) 939-5490

N

58.63± ACRES AGRICULTURAL USES
HARVESTING HAY

1" = 400'



NOTES:

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

2.) ASSUMED NORTH BASED ON THE EASTERLY LINE OF BUCKINGHAM ROAD, FORMERLY KNOWN AS S.R. #S-80, AS BEARING N 24°24'26" E.

3.) SUBJECT TO FACTS THAT MAY BE REVEALED BY AN ACCURATE BOUNDARY SURVEY.

LEGEND:

℄	INDICATES CENTERLINE
COR.	INDICATES CORNER
FP&L	INDICATES FLORIDA POWER AND LIGHT
O.R.	INDICATES OFFICIAL RECORDS BOOK
PG.	INDICATES PAGE
P.O.B.	INDICATES POINT OF BEGINNING
R/W	INDICATES RIGHT-OF-WAY
S.R.	INDICATES STATE ROAD
T.O.B.	INDICATES TOP OF BANK

DCI 2006-00010

RECEIVED
AUG 10 2006
PERMIT CENTER

ZONING DIVISION
LEE COUNTY

PLANNED DEVELOPMENT SUBSTANTIVE REVIEW TRANSMITTAL SHEET

FROM: Tony Palermo DATE: 08/17/2006

TO: Distribution
Dawn Lehnert, Asst County Attorney
DS Reviewer - Susan L Hollingsworth
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Ellen Lindblad, Lee County School District
Brad Vance, Natural Resources
Chick Jackaki, Planning
Mike Pavese, Public Works

PROJECT NAME: HEMINGWAY POINTE CASE #: DCI2006-00010

INFORMATION SUMMARY:

To update your file
_X_ Review and forward substantive comments **ASAP**.

RESPONSE REQUIRED BY: 08/27/2006
Additional Comments:

cc: DCI planner/working file
DCI Zone File
Distributed by: Vicky S Tatlock Date: 08/17/2006

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 479-8325

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

August 17, 2006

MR. MIKE ROEDER
KNOTT CONSOER
1625 HENDRY ST
FT MYERS, FL 33901

Re: HEMINGWAY POINTE
DCI2006-00010 - PDL Application (Major PD)

Dear MR. MIKE ROEDER :

The Zoning Division has reviewed the information provided and supplemented for the rezoning request referenced above. The application is now sufficient and the formal request has been drafted from your application as follows:

> Rezone +/- 75.1 acres from Agricultural (AG-2) to Residential Planned Development (RPD) to permit 225 multi-family dwelling units. The maximum height proposed is 2 stories/35 feet.No development blasting is requested. The applicant indicates that they will connect to potable water and central sewer as part of any development of this property.
>
> NOTE: If approved, the Master Concept Plan (available for inspection at 1500 Monroe St., in Ft. Myers) may deviate from certain Land Development Code (LDC) standards.

Please review this language carefully, and notify me in writing by August 31, 2006 whether or not this wording is satisfactory. Staff's substantive comments, along with the staff report, are being prepared. This request has been tentatively scheduled for public hearing before the Lee County Hearing Examiner on October 11, 2006. However, please note that this is a tentative date that is subject to change and that Lee County will be held harmless for any potential delay in effectuating compliance with the tentative hearing date.

You may schedule or waive a formal pre-hearing conference to discuss substantive issues. Contact me if you have any questions or if you would like to meet informally prior to the public hearings.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Tony Palermo
Senior Planner

cc.

ED KIMBALL
2253 DAVIS BOULEVARD
FORT MYERS, FL 33905

JEFF RIOPELLE
TAYLOR WOODROW
21694 SUNGATE COURT, 702
ESTERO, FL 33928
copy w/o attachments

- Dawn Lehnert, Assistant County Attorney
- DS Reviewer - Susan L Hollingsworth
- Pamela Houck, Division Director
- Paul O'Connor, Planning
- Kim Trebatoski, Environmental Sciences
- Brad Vance, Natural Resources
- Andy Getch, LCDOT
- Ellen Lindblad, Lee County School District
- Jamie Princing, DCD Administration
- DCI Zoning File
- DCI Working File

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Dawn Lehnert, Asst County Attorney
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Chick Jackaki, Planning
Mike Pavese, Public Works

FROM: Tony Palermo

DATE: 08/10/2006

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: HEMINGWAY POINTE

CASE #: DCI2006-00010

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 08/24/2006

Additional Comments:

Sufficient - AG Affidavit

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness
No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Catherine A Keller

Date: 08/14/2006

Knott, Consoer, Ebelini Hart & Swett, P.A.

ATTORNEYS - AT - LAW

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

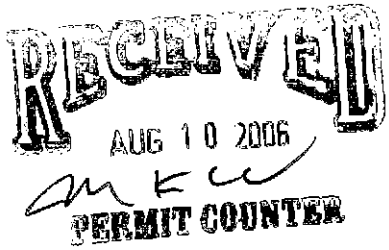
Telephone (239) 334-2722
Telecopier (239) 334-1446

MRoeder@knott-law.com

Matthew D. Uhle
Aaron A. Haak
Derrick S. Ehlhausen
Nady Torres-Alvarado
David A. Burt

Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

August 9, 2006



Tony Palermo, Senior Planner
Department of Community Development
Zoning Division
P.O. Box 398
Fort Myers, FL 33901

Re: HEMINGWAY POINTE - DCI2006-00010

Dear Tony:

In response to your letter dated July 25, 2006, we would offer the following additional information:

1. The wording of the request is correct.

2. We are not planning to submit any change to the MCP at this time, although we are still planning to meet with the Portico representatives to discuss the buffer.

3. Please see the attached revised Affidavit which we hope is acceptable.

Please do not hesitate to contact me if you have any additional questions.

Very truly yours,

KNOTT, CONSOER, EBELINI,
HART & SWETT, P.A.

Michael E. Roeder, AICP
Director of Zoning & Land Use Planning

MER/zw
Enclosure

cc: Shaina Ross
Gerard Ripo

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yeager
County Attorney

Diana M. Parker
County Hearing
Examiner

September 11, 2006

479-8585

MR. MIKE ROEDER
KNOTT CONSOER
1625 HENDRY ST
FT MYERS, FL 33901

RE: Agenda Schedule for HEMINGWAY POINTE
Case No. DCI2006-00010

Dear MR. MIKE ROEDER :

Your zoning request has been scheduled before the Hearing Examiner on Wednesday, October 11, 2006, at 1:30 PM. The hearing will be conducted in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL.

Be advised all exhibits presented to Hearing Examiner will be retained for the records. The Hearing Examiner accepts exhibits on boards for demonstrative purposes and for use in her/his decision making; however, an official exhibit entered into the record must be either a foldable copy of the exhibit or an 11 x 17 duplicate of the board exhibit (clipping the exhibit to the board rather than gluing it is an acceptable form since it can be removed from the board and folded to be put in the file.

Your zoning sign will be ready for pickup any time after Wednesday, September 13, 2006, at the second floor reception desk at 1500 Monroe St., Ft. Myers, FL. If you would like to pick them up at the drive-thru window, please call 479-8585 to make the appropriate arrangements. This sign must be posted in accordance with Department procedures no later than Tuesday, September 26, 2006, and is to remain posted until final decision is rendered.
Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Luisa V Villa
Administrative Assistant

cc: BUCKINGHAM DEVELOPMENT LLC
CROSSWINDS AT BUCKINGHAM
Tony Palermo, Senior Planner
Zoning File

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

Writer's Direct Dial Number: (239) 479-8325

July 25, 2006

MR. MIKE ROEDER
KNOTT CONSOER
1625 HENDRY ST
FT MYERS, FL 33901

Re: HEMINGWAY POINTE
DCI2006-00010 - PDL Application (Major PD)

Dear MR. MIKE ROEDER :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Tony Palermo
Senior Planner

cc.

ED KIMBALL
2253 DAVIS BOULEVARD
FORT MYERS, FL 33905

JEFF RIOPELLE
TAYLOR WOODROW
21694 SUNGATE COURT, 702
ESTERO, FL 33928

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Brad Vance, Natural Resources
Andy Getch, LCDOT
Jamie Princing, DCD Administration
Dawn Lehnert, Assistant County Attorney
Susan L Hollingsworth, Development Review
DCI Zoning File
DCI Working File

Lee County Sufficiency Checklist for Planned Developments, Amendments, and Existing Developments Requesting Planned Development Zoning

20) Contact. The Zoning Planner may be contacted regarding any questions on the Planned Development Sufficiency Checklist.

21) Miscellaneous Items.

ZONING COMMENTS:

1. Please look at the proposed request wording. - "Rezone +/- 75.1 acres from Agricultural (AG-2) to Residential Planned Development (RPD) to permit 225 multi-family dwelling units. Maximum heights proposed are 2-stories/35 feet. No development blasting is requested. The applicant indicates that they will connect to potable water and central sewer as part of any development of this property."

2. Please consider adjasting your buffers (consistent with Portico) to the south. - NEED TO SUBMIT A MCP SHOWING CHANGES, OR TELL US NO CHANGES ARE BEING SUBMITTED. JULY 2006.

3. There are substantive issues (with buffers and deviations) with the Portico developer. Please consider contacting their representative (Jeff Riopelle of Taylor Woodrow) and see if you can address their concerns. They are more of a substantive issue, not sufficiency issues. - NEED TO SUBMIT A MCP SHOWING CHANGES, OR TELL US NO CHANGES ARE BEING SUBMITTED. JULY 2006.

4. PLEASE PROVIDE DOCUMENTATION REGARDING AVAILABILITY OF SEWER AND WATER SERVICE AND THEIR CAPACITY TO SERVE, PER THE BCC'S RECENT DIRECTION.

DONE - THANK YOU. JULY 2006.

5. COUNTY ATTORNEY COMMENTS - JULY 2006.

"THE AG AFFIDAVIT IS GETTING CLOSER, BUT IT IS STILL NOT A SWORN STATEMENT. "ACKNOWLEDGEMENT" IS NOT ENOUGH."

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Dawn Lehnert, Asst County Attorney
DS Reviewer - Susan L Hollingsworth
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Ellen Lindblad, Lee County School District
Brad Vance, Natural Resources
Chick Jackaki, Planning

FROM: Tony Palermo

DATE: 07/18/2006

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: HEMINGWAY POINTE

CASE #: DCI2006-00010

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 08/01/2006

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

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cc: DCI planner/working file
DCI Zone File

Distributed by: Luisa V Villa

Date: 07/19/2006

Knott, Consoer, Ebelini
Hart & Swett, P.A.
ATTORNEYS-AT-LAW

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

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Matthew D. Uhle
Aaron A. Haak
Derrick S. Elhausen
Natly Torres-Alvarado
David A. Burt

Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

MEMORANDUM

TO: Tony Palermo

FROM: Alison M. Stowe

DATE: September 7, 2006

RE: Hemingway Pointe / DCI2006-00010

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SEP 08 2006
COMMUNITY DEVELOPMENT

Attached please find an updated variance report for the above referenced case.

ams

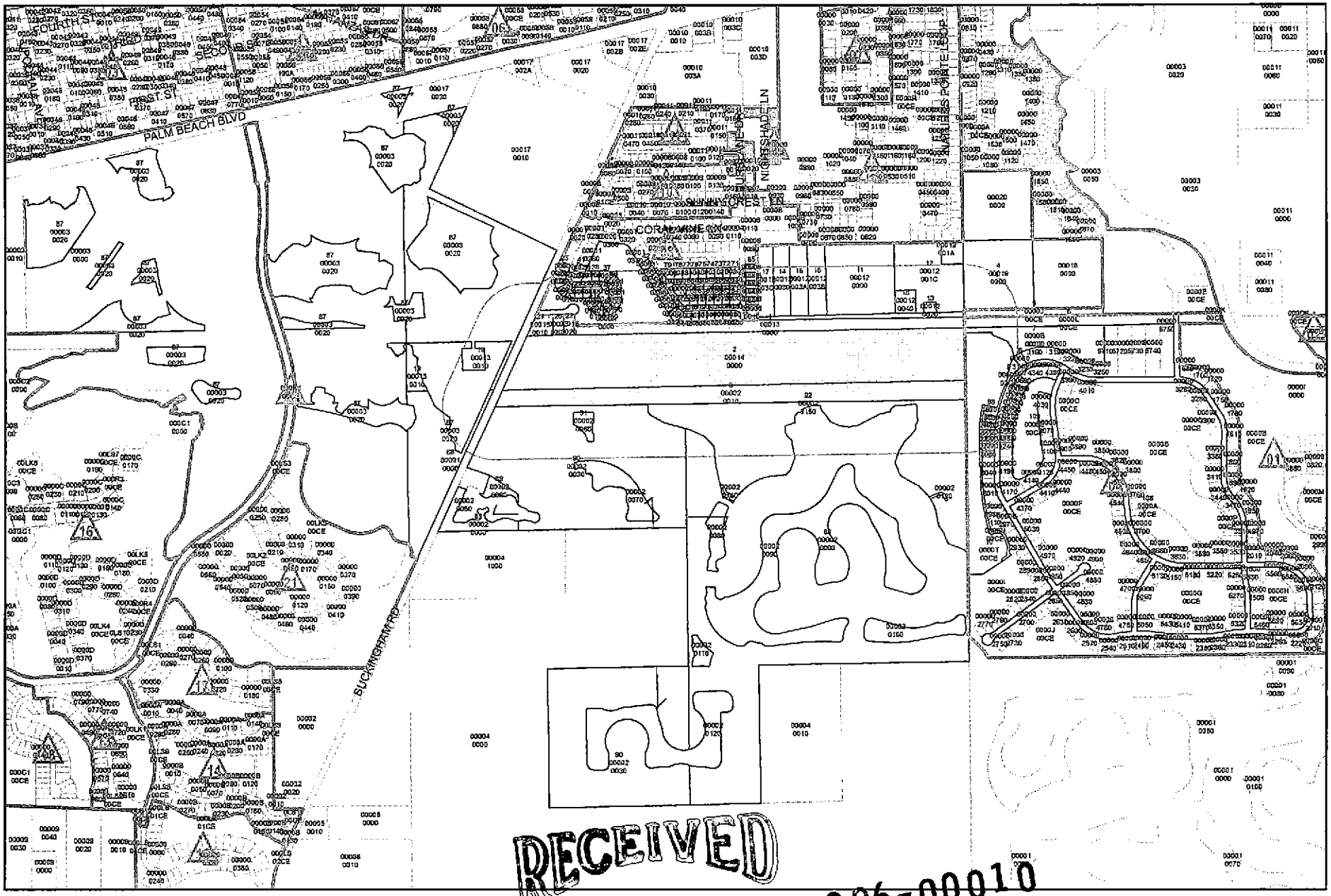
Attachment

DCI 2006-00010

VARIANCE REPORT

9/6/2006

Subject Parcels : 3 Affected Parcels : 107 Buffer Distance : 500 ft



RECEIVED
SEP 0 8 2006
DCI 2006-00010
COMMUNITY DEVELOPMENT

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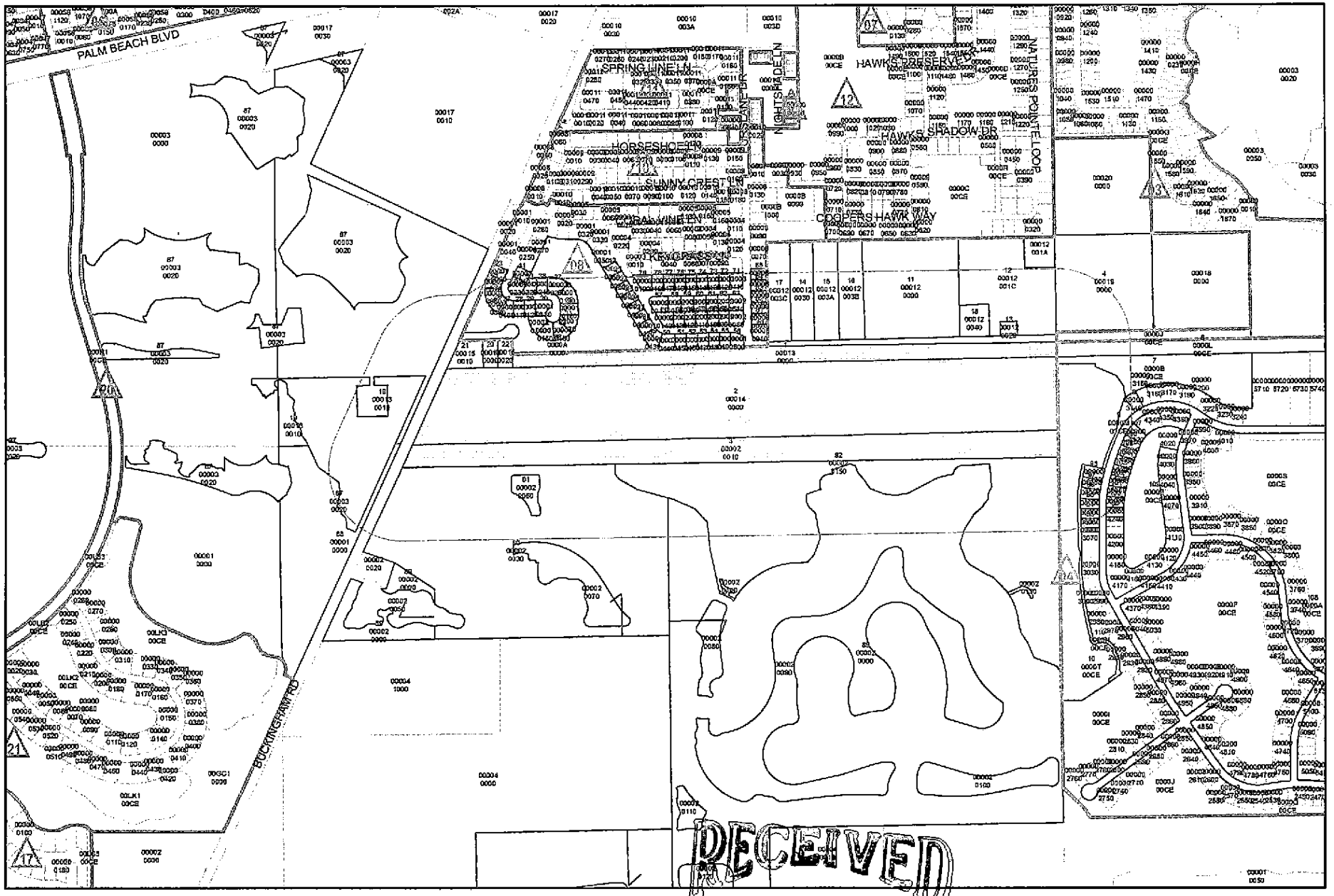
28-43-26-00-00013.0000

1,250625 0 1,250 Feet

VARIANCE REPORT

9/6/2006

Subject Parcels : 3 Affected Parcels : 107 Buffer Distance : 500 ft



RECEIVED
SEP 08 2006
COMMUNITY DEVELOPMENT

DCI 2006-00010

28-43-26-00-00013.0000 et al.

890 445 0 890 Feet

Lee County Property Appraiser

Kenneth M. Wilkinson, C.F.A.

GIS Department / Map Room

Phone: (239) 339-6159 • Fax: (239) 339-6139 • eMail: MapRoom@LeePA.org

VARIANCE REPORT

Date of Report: September 06, 2006
Buffer Distance: 500 ft
Parcels Affected: 107
Subject Parcel: 28-43-26-00-00013.0000, 28-43-26-00-00014.0000, 33-43-26-00-00002.0010

RECEIVED
SEP 8 2006
COMMUNITY DEVELOPMENT

DCI 2006-00010

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
CROSSWINDS AT BUCKINGHAM 22920 VENTURE DR NOVI MI 48375	**28-43-26-00-00013.0000** SAL R R R/W FT MYERS FL 33905	STRIP OF LAND FORMER RR R/W THRU SEC 28 LESS W 1580 FT	1
CROSSWINDS AT BUCKINGHAM 22920 VENTURE DR NOVI MI 48375	**28-43-26-00-00014.0000** 2951 BUCKINGHAM RD FORT MYERS FL 33905	THAT PT OF S 1/2 OF S 1/2 OF S 1/2 S OF SAL RWY + E OF PALM BEACH HWY	2
CROSSWINDS AT BUCKINGHAM 22920 VENTURE DR NOVI MI 48375	**33-43-26-00-00002.0010** 3021 BUCKINGHAM RD FORT MYERS FL 33905	PARL IN N 1/2 E OF RD DESC OR 1401 PG 1137	3
ROUNSIFER WILLIAM CHARLES SR + PO BOX 50354 FORT MYERS FL 33994	**27-43-26-00-00019.0000** 15050 DRAWDY RD ALVA FL 33920	NW 1/4 OF SW 1/4 OF SW 1/4	4
CASCADES AT RIVER HALL 7770 GLADES RD BOCA RATON FL 33434	**27-43-26-03-0000J.00CE** CASCADES @ RIVER HALL TRACT J FL	CASCADES AT RIVER HALL PH 1 DESC IN INST#2005-166035 TRACT J	5
LEVITT + SONS AT HAWKS HAVEN 7777 GLADES RD STE 410 BOCA RATON FL 33434	**27-43-26-04-00000.3140** 3087 APPLE BLOSSOM DR ALVA FL 33920	CASCADES AT RIVER HALL PH 2 DESC IN INST#2005-166038 LOT 314	6
CASCADES AT RIVER HALL 7777 GLADES RD STE 410 BOCA RATON FL 33434	**27-43-26-04-0000B.00CE** SUBMERGED FL	CASCADES AT RIVER HALL PH 2 DESC IN INST#2005-166038 TRACT B	7
CASCADES AT RIVER HALL 7777 GLADES RD STE 410 BOCA RATON FL 33434	**27-43-26-04-0000L.00CE** CASCADES @ RIVER HALL TRACT L FL	CASCADES AT RIVER HALL PH 2 DESC IN INST#2005-166038 TRACT L	8
CASCADES AT RIVER HALL 7777 GLADES RD STE 410 BOCA RATON FL 33434	**27-43-26-04-0000M.00CE** CASCADES @ RIVER HALL TRACT M FL	CASCADES AT RIVER HALL PH 2 DESC IN INST#2005-166038 TRACT M	9
CASCADES AT RIVER HALL 7777 GLADES RD STE 410 BOCA RATON FL 33434	**27-43-26-04-0000T.00CE** CASCADES @ RIVER HALL TRACT T FL	CASCADES AT RIVER HALL PH 2 DESC IN INST#2005-166038 TRACT T	10
VINSON CLIFFORD E 14791 DRAWDY RD FT MYERS FL 33905	**28-43-26-00-00012.0000** 14791 DRAWDY RD FORT MYERS FL 33905	PAR IN SE 1/4 LES PARS .001A+002+.004THRU.008 PER OR 1977PGS1489THRU1491	11
JAMES FRIEDA K TR EST 14991 DRAWDY RD FORT MYERS FL 33905	**28-43-26-00-00012.001C** ACCESS UNDETERMINED FL	NE1/4 OF SE1/4 OF SE1/4 DESC IN INST 2005-153862	12
CHANEY DOROTHY + 14941 DRAWDY RD FORT MYERS FL 33905	**28-43-26-00-00012.0020** 14941 DRAWDY RD FORT MYERS FL 33905	BEG SE COR OF NE 1/4 OF SE 1/4 OF SE 1/4 TH W 390 FT TO POB TH N 90 FT TH E 120	13

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
BRAATZ AMBER FRIEDMAN 14691 DRAWDY RD FT MYERS FL 33905	**28-43-26-00-00012.0030** 14691 DRAWDY RD FORT MYERS FL 33905	NE1/4 OF SW1/4 OF SE1/4 LESS PARLS 12.003A + 12.003B+12.003C	14
BRAATZ JUSTIN W + AMBER F 14691 DRAWDY RD FORT MYERS FL 33905	**28-43-26-00-00012.003A** 14711 DRAWDY RD FORT MYERS FL 33905	W1/2 OF E1/2 OF NE1/4 OF SW1/4 OF SE1/4 AKA TRACT 2	15
BRAATZ JUSTIN W + AMBER F 14691 DRAWDY RD FORT MYERS FL 33905	**28-43-26-00-00012.003B** 14731 DRAWDY RD FORT MYERS FL 33905	E1/2 OF E1/2 OF NE1/4 OF SW1/4 OF SE1/4 AKA TRACT 1	16
BRAATZ AMBER FRIEDMAN 14691 DRAWDY RD FT MYERS FL 33905	**28-43-26-00-00012.003C** 14671 DRAWDY RD FORT MYERS FL 33905	W1/2 OF W1/2 OF NE 1/4 OF SW 1/4 OF SE 1/4	17
SPURLOCK JAMES M + KAREN S 14891 DRAWDY RD FT MYERS FL 33905	**28-43-26-00-00012.0040** 14891 DRAWDY RD FORT MYERS FL 33905	W 208 FT OF S 209 FT IN N E 1/4 OF S E 1/4 OF S E 1/4	18
VERANDAH DEVELOPMENT LLC 9990 COCONUT RD STE 200 BONITA SPRINGS FL 34135	**28-43-26-00-00013.0010** 2950 BUCKINGHAM RD FORT MYERS FL 33905	PARL LOC IN SW 1/4 OF SEC LYING W OF BUCKINGHAM RD LESS OR 2439/2271 + OR 646/663 + INST# 2006-173369	19
PRITCHARD GWENDOLYN C 14260 DRAWDY CT FORT MYERS FL 33905	**28-43-26-00-00015.0000** 14260 DRAWDY CT FORT MYERS FL 33905	E 100 FT OF W 150 FT OF N 200 FT OF S 700 FT IN S E 1/4 OF S W 1/4	20
PRITCHARD LESLIE E III 14260 DRAWDY CT FORT MYERS FL 33905	**28-43-26-00-00015.0010** 14250 DRAWDY CT FORT MYERS FL 33905	N 200 FT OF S 700 FT + E 250 FT MEAS S LI E OF SR 25 IN S W 1/4	21
PRITCHARD J D 14250 DRAWDY CT FORT MYERS FL 33905	**28-43-26-00-00015.0020** 14270 DRAWDY CT FORT MYERS FL 33905	E 100 FT OF W 250 FT OF N 200 FT OF S 700 FT IN S E 1/4 OF S W 1/4	22
PACHECO PEDRO A + MARIA J 15503 SPRINGLINE LANE FT MYERS FL 33905	**28-43-26-08-00001.0060** 15503 SPRING LINE LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 6	23
PEGUERO JUAN 13444 4TH ST FORT MYERS FL 33905	**28-43-26-08-00001.0070** 15501 SPRING LINE LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 7	24
GONZALEZ ANA MARIA 10028 SALINA ST FORT MYERS FL 33905	**28-43-26-08-00001.0080** 15497 SPRING LINE LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 8	25
CHURCHILL SALLY + 348 FOREST HILLS BLVD NAPLES FL 34113	**28-43-26-08-00001.0090** 15493 SPRING LINE LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 9	26
GRADY SHAWN B 15489 SPRING LINE LN FORT MYERS FL 33905	**28-43-26-08-00001.0100** 15489 SPRING LINE LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 10	27
ELLIS BERNADINE A 15483 SPRING LINE LN SE FORT MYERS FL 33905	**28-43-26-08-00001.0110** 15483 SPRING LINE LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 11	28
SANDERS JAMES R + MELODY A 1130 CYPRESS AVE NW LABELLE FL 33935	**28-43-26-08-00001.0120** 15479 SPRING LINE LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 12	29
PRESTON MATTHEW 15475 SPRING LINE LN FT MYERS FL 33905	**28-43-26-08-00001.0130** 15475 SPRING LINE LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 13	30
RICE ELIZABETH M 15474 SPRING LINE LN FORT MYERS FL 33905	**28-43-26-08-00001.0140** 15474 SPRING LINE LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 14	31

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
AIRD JANET LEE 15476 SPRING LINE LANE FORT MYERS FL 33905	**28-43-26-08-00001.0150** 15476 SPRING LINE LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 15	32
BRUCK ALBERT J L/E 15478 SPRING LINE LN FORT MYERS FL 33905	**28-43-26-08-00001.0160** 15478 SPRING LINE LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 16	33
ALLENDER PHILLIP D JR + ROBIN 15480 SPRING LINE LN FORT MYERS FL 33905	**28-43-26-08-00001.0170** 15480 SPRING LINE LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 17	34
PONG CLIFFORD + 15482 SPRING LINE LN FORT MYERS FL 33905	**28-43-26-08-00001.0180** 15482 SPRING LINE LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 18	35
DRURY WARREN + 15484 SPRING LINE LN FORT MYERS FL 33905	**28-43-26-08-00001.0190** 15484 SPRING LINE LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 19	36
SANTOS ROBSON DE OLIVEIRA + 3704 BROADWAY #205 FORT MYERS FL 33901	**28-43-26-08-00001.0200** 15488 SPRING LINE LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 20	37
WELLS DANIEL J + DELORES M 15492 SPRINGLINE LN SE FT MYERS FL 33905	**28-43-26-08-00001.0210** 15492 SPRING LINE LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 21	38
CARUSO JOSEPH J 15496 SPRING LINE LN FT MYERS FL 33905	**28-43-26-08-00001.0220** 15496 SPRING LINE LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 22	39
HOWARD MITCHELL JR + MYRNA D 1810 MITCHELL AV ALVA FL 33920	**28-43-26-08-00001.0230** 15500 SPRING LINE LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 23	40
WEGENKA BEVERLY 15502 SPRING LINE LN FT MYERS FL 33905	**28-43-26-08-00001.0240** 15502 SPRING LINE LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 24	41
BAKER MARY ANNE TR 15728 TREASURE ISLAND LN SE FORT MYERS FL 33905	**28-43-26-08-00001.0360** 15728 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 36	42
LAZENBY CHALRES + CHARLENE 15732 TREASURE ISLAND LN FORT MYERS FL 33905	**28-43-26-08-00001.0370** 15732 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 37	43
DRUMMOND AUSTIN C + MARY L 15734 TREASURE ISLAND LN FT MYERS FL 33905	**28-43-26-08-00001.0380** 15734 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 38	44
PEREIRA DOMINGA 15738 TREASURE ISLAND LN FORT MYERS FL 33905	**28-43-26-08-00001.0390** 15738 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 39	45
MANDICH MICHAEL + LINDA PO BOX 152394 CAPE CORAL FL 33915	**28-43-26-08-00001.0400** 15742 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 40	46
SEE CINDY J 15746 TREASURE ISLAND LN SE FT MYERS FL 33905	**28-43-26-08-00001.0410** 15746 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 41	47
DEEMER CORA J 15750 TREASURE ISLAND LN FT MYERS FL 33905	**28-43-26-08-00001.0420** 15750 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 42	48
STEELE MICHAEL LEE 15754 TREASURE ISLAND LN FORT MYERS FL 33905	**28-43-26-08-00001.0430** 15754 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 43	49

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
GRABLE MICHAEL J 15758 TREASURE ISLAND LN FORT MYERS FL 33905	**28-43-26-08-00001.0440** 15758 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 44	50
ROTH DAVID L + MICHELE P 15762 TEASURE ISLAND LN FT MYERS FL 33905	**28-43-26-08-00001.0450** 15762 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 45	51
BENITEZ EMMA 15766 TREASURE ISLAND LN FORT MYERS FL 33905	**28-43-26-08-00001.0460** 15766 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 46	52
HEPP SUSANA R 3800 LONG POINT BLVD PORTSMOUTH VA 23703	**28-43-26-08-00001.0470** 15768 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 47	53
SEBBERT TERRIE A + CHARLES 15772 TREASURE ISLAND LN FORT MYERS FL 33905	**28-43-26-08-00001.0480** 15772 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 48	54
MONTANYE LINDA L TR 15776 TREASURE ISLAND FT MYERS FL 33905	**28-43-26-08-00001.0490** 15776 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 49	55
SCRUGGS PAUL F + JULIE A 15780 TREASURE ISLAND LN SE FT MYERS FL 33905	**28-43-26-08-00001.0500** 15780 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 57 LOT 50	56
FADZIEJEWSKI PHILLIP P 1501 JAY MELROSE PARK IL 60160	**28-43-26-08-00002.0010** 15853 WILLOUGHBY LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 2 PB 33 PG 56 LOT 1	57
BARTLETT HAROLD E + MARTHA C 15857 WILLOUGHBY LN FT MYERS FL 33905	**28-43-26-08-00002.0020** 15857 WILLOUGHBY LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 2 PB 33 PG 56 LOT 2	58
ROSS ALISON M 15863 WILLOUGHBY LN FORT MYERS FL 33905	**28-43-26-08-00002.0030** 15863 WILLOUGHBY LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 2 PB 33 PG 56 LOT 3	59
CRESSE DEBRA ANN 15867 WILLOUGHBY LN FORT MYERS FL 33905	**28-43-26-08-00002.0040** 15867 WILLOUGHBY LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 2 PB 33 PG 56 LOT 4	60
BELIVEAU MARION + 15869 WILLOUGHBY LN FORT MYERS FL 33905	**28-43-26-08-00002.0050** 15869 WILLOUGHBY LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 2 PB 33 PG 56 LOT 5	61
MOE DANIEL 15875 WILLOUGHBY LN FORT MYERS FL 33905	**28-43-26-08-00002.0060** 15875 WILLOUGHBY LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 2 PB 33 PG 56 LOT 6	62
LANE TISHA + 15879 WILLOUGHBY LN FORT MYERS FL 33905	**28-43-26-08-00002.0070** 15879 WILLOUGHBY LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 2 PB 33 PG 57 LOT 7	63
ORTIZ JOSUE + LAURA A 15779 TREASURE ISLAND LN FORT MYERS FL 33905	**28-43-26-08-00002.0080** 15779 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 2 PB 33 PG 57 LOT 8	64
PEDRAJA RAMON A 15775 TREASURE ISLAND LN FORT MYERS FL 33905	**28-43-26-08-00002.0090** 15775 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 2 PB 33 PG 56 LOT 9	65
VOLLMER JAM 15771 TREAURE ISLAND LN FT MYERS FL 33905	**28-43-26-08-00002.0100** 15771 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 2 PB 33 PG 56 LOT 10	66
MARVEL MARIA + PO BOX 50522 FORT MYERS FL 33994	**28-43-26-08-00002.0110** 15765 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 2 PB 33 PG 56 LOT 11	67
OWEN KIMBERLYN 15761 TREASURE ISLAND LN FORT MYERS FL 33905	**28-43-26-08-00002.0120** 15761 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 2 PB 33 PG 56 LOT 12	68

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
SAGION ABRAHAM + RACHEL 2108 BAHAMA AVE FORT MYERS FL 33905	**28-43-26-08-00002.0130** 15757 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 2 PB 33 PG 56 LOT 13	69
KANACHERIL VARGHESE J + 15753 TREASURE ISLAND LN FORT MYERS FL 33905	**28-43-26-08-00002.0140** 15753 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 2 PB 33 PG 56 LOT 14	70
MOOT ROBERTA E 15880 WILLOUGHBY LN FORT MYERS FL 33905	**28-43-26-08-00003.0110** 15880 WILLOUGHBY LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 3 PB 33 PG 57 LOT 11	71
GARROW CHRISTOPHER J + 15878 WILLOUGHBY LN FT MYERS FL 33905	**28-43-26-08-00003.0120** 15878 WILLOUGHBY LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 3 PB 33 PG 56 LOT 12	72
BRICENO KAROL JOHANA 15551 HORSESHOE LN FORT MYERS FL 33905	**28-43-26-08-00003.0130** 15876 WILLOUGHBY LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 3 PB 33 PG 56 LOT 13	73
LEE COUNTY REALTY INC TR PO BOX 7329 FORT MYERS FL 33911	**28-43-26-08-00003.0140** 15872 WILLOUGHBY LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 3 PB 33 PG 56 LOT 14	74
BEALER THOMAS J + 15868 WILLOUGHBY LN FORT MYERS FL 33905	**28-43-26-08-00003.0150** 15868 WILLOUGHBY LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 3 PB 33 PG 56 LOT 15	75
LARSEN BERTINUS R + MARY A + 5713 JOAN ST LAKE IN THE HILLS IL 60156	**28-43-26-08-00003.0160** 15864 WILLOUGHBY LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 3 PB 33 PG 56 LOT 16	76
MCCARY ADAM + MALLORI 15860 WILLOUGHBY LN FORT MYERS FL 33905	**28-43-26-08-00003.0170** 15860 WILLOUGHBY LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 3 PB 33 PG 56 LOT 17	77
SANDERS THERESA 15856 WILLOUGHBY LN FORT MYERS FL 33905	**28-43-26-08-00003.0180** 15856 WILLOUGHBY LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 3 PB 33 PG 56 LOT 18	78
MOORE WILLIAM TUCKER JR + 15852 WILLOUGHBY LANE S E FORT MYERS FL 33905	**28-43-26-08-00003.0190** 15852 WILLOUGHBY LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 3 PB 33 PG 56 LOT 19	79
YOUNG STEVEN 2689 PURSLANE DR FORT MYERS FL 33905	**28-43-26-08-00006.0010** 2689 PURSLANE DR FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 6 PB 33 PG 57 LOT 1	80
CUMMINGS COMPTON L + 2685 PURSLANE DR FORT MYERS FL 33905	**28-43-26-08-00006.0020** 2685 PURSLANE DR FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 6 PB 33 PG 57 LOT 2	81
DIPENTIMA PAUL M + SANDRA 2681 PURSLANE DR FORT MYERS FL 33905	**28-43-26-08-00006.0030** 2681 PURSLANE DR FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 6 PB 33 PG 57 LOT 3	82
CASTON CARLOS J 2677 PURSIANE DR FORT MYERS FL 33905	**28-43-26-08-00006.0040** 2677 PURSLANE DR FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 6 PB 33 PG 57 LOT 4	83
TALCOTT GREGORY 2673 PURSLANE DR FORT MYERS FL 33905	**28-43-26-08-00006.0050** 2673 PURSLANE DR FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 6 PB 33 PG 57 LOT 5	84
KOKORSKY JOHN R 2671 PURSLANE DR SE FT MYERS FL 33905	**28-43-26-08-00006.0060** 2671 PURSLANE DR FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 6 PB 33 PG 57 LOT 6	85
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	**28-43-26-08-0000A.0000** COMMON ELEMENTS FT MYERS FL 33905	RIVERDALE SHORES UNIT 1 PB 33 PG 56 TRACT A RETENTION AREA	86

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VERANDAH EAST CDD 9990 COCONUT RD STE 200 BONITA SPRINGS FL 34135	**29-43-26-00-00003.0020** ACCESS UNDETERMINED FT MYERS FL 33905	CONSERVATION TRACTS LOC IN MULTI SEC DESC IN INST# 2006-173369 + INST 2006-204644	87
VERANDAH DEVELOPMENT LLC 9990 COCONUT RD STE 200 BONITA SPRINGS FL 34135	**33-43-26-00-00001.0000** 3150 BUCKINGHAM RD FORT MYERS FL 33905	NW 1/4 W OF HWY LESS SEWER EAS 2613/2295 + INST# 2006-173369	88
TAYLOR WOODROW COMMUNITIES AT 8430 ENTERPRISE CIR STE 100 BRADENTON FL 34202	**33-43-26-00-00002.0000** 3181 BUCKINGHAM RD FORT MYERS FL 33905	NE 1/4 + W 1/2 OF NW1/4 OF SE 1/4 + N 1/2 OF NW 1/4 E OF RD LESS 2.2 + 2.3 + LESS INST#2006-260708	89
TAYLOR WOODROW COMMUNITIES AT 8430 ENTERPRISE CIR STE 100 BRADENTON FL 34202	**33-43-26-00-00002.0030** 3091 BUCKINGHAM RD FORT MYERS FL 33905	PARL IN N 1/2 OF NW 1/4 + NE 1/4 OF SE 1/4 AS DESC IN OR 1888 PG 4061 LESS INST#2006-260708	90
PORTICO CDD 3434 COLWELL AVE STE 200 TAMPA FL 33614	**33-43-26-00-00002.0060** SUBMERGED FL	PARL IN NW 1/4 OF NE 1/4 OF NW 1/4 AS DESC IN INST#2006-260708 AKA PORTICO TRACT LK-A3	91
PORTICO CDD 3434 COLWELL AVE STE 200 TAMPA FL 33614	**33-43-26-00-00002.0150** RESERVED PORTICO CONSERVATION AREA FL	PARL IN NE 1/4 + NE 1/4 OF NW 1/4 AS DESC IN INST#2006-260708 AKA PORTICO CONSERVATION AREA	92
LEVITT + SONS AT HAWKS HAVEN 7777 GLADES RD STE 410 BOCA RATON FL 33434	**34-43-26-04-00000.3080** 3129 APPLE BLOSSOM DR ALVA FL 33920	CASCADES AT RIVER HALL PH 2 DESC IN INST#2005-166038 LOT 308	93
LEVITT + SONS AT HAWKS HAVEN 7777 GLADES RD STE 410 BOCA RATON FL 33434	**34-43-26-04-00000.3090** 3125 APPLE BLOSSOM DR ALVA FL 33920	CASCADES AT RIVER HALL PH 2 DESC IN INST#2005-166038 LOT 309	94
LEVITT + SONS AT HAWKS HAVEN 7777 GLADES RD STE 410 BOCA RATON FL 33434	**34-43-26-04-00000.3100** 3121 APPLE BLOSSOM DR ALVA FL 33920	CASCADES AT RIVER HALL PH 2 DESC IN INST#2005-166038 LOT 310	95
LEVITT + SONS AT HAWKS HAVEN 7777 GLADES RD STE 410 BOCA RATON FL 33434	**34-43-26-04-00000.3110** 3117 APPLE BLOSSOM DR ALVA FL 33920	CASCADES AT RIVER HALL PH 2 DESC IN INST#2005-166038 LOT 311	96
LEVITT + SONS AT HAWKS HAVEN 7777 GLADES RD STE 410 BOCA RATON FL 33434	**34-43-26-04-00000.3120** 3113 APPLE BLOSSOM DR ALVA FL 33920	CASCADES AT RIVER HALL PH 2 DESC IN INST#2005-166038 LOT 312	97
LEVITT + SONS AT HAWKS HAVEN 7777 GLADES RD STE 410 BOCA RATON FL 33434	**34-43-26-04-00000.3130** 3109 APPLE BLOSSOM DR ALVA FL 33920	CASCADES AT RIVER HALL PH 2 DESC IN INST#2005-166038 LOT 313	98
LEVITT + SONS AT HAWKS HAVEN 7777 GLADES RD STE 410 BOCA RATON FL 33434	**34-43-26-04-00000.4240** 3122 APPLE BLOSSOM DR ALVA FL 33920	CASCADES AT RIVER HALL PH 2 DESC IN INST#2005-166038 LOT 424	99
LEVITT + SONS AT HAWKS HAVEN 7777 GLADES RD STE 410 BOCA RATON FL 33434	**34-43-26-04-00000.4250** 3118 APPLE BLOSSOM DR ALVA FL 33920	CASCADES AT RIVER HALL PH 2 DESC IN INST#2005-166038 LOT 425	100
LEVITT + SONS AT HAWKS HAVEN 7777 GLADES RD STE 410 BOCA RATON FL 33434	**34-43-26-04-00000.4260** 3114 APPLE BLOSSOM DR ALVA FL 33920	CASCADES AT RIVER HALL PH 2 DESC IN INST#2005-166038 LOT 426	101
LEVITT + SONS AT HAWKS HAVEN 7777 GLADES RD STE 410 BOCA RATON FL 33434	**34-43-26-04-00000.4270** 3110 APPLE BLOSSOM DR ALVA FL 33920	CASCADES AT RIVER HALL PH 2 DESC IN INST#2005-166038 LOT 427	102
LEVITT + SONS AT HAWKS HAVEN 7777 GLADES RD STE 410 BOCA RATON FL 33434	**34-43-26-04-00000.4280** 3106 APPLE BLOSSOM DR ALVA FL 33920	CASCADES AT RIVER HALL PH 2 DESC IN INST#2005-166038 LOT 428	103
LEVITT + SONS AT HAWKS HAVEN 7777 GLADES RD STE 410 BOCA RATON FL 33434	**34-43-26-04-00000.4290** 3102 APPLE BLOSSOM DR ALVA FL 33920	CASCADES AT RIVER HALL PH 2 DESC IN INST#2005-166038 LOT 429	104

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LEVITT + SONS AT HAWKS HAVEN 7777 GLADES RD STE 410 BOCA RATON FL 33434	**34-43-26-04-00000.4300** 3098 APPLE BLOSSOM DR ALVA FL 33920	CASCADES AT RIVER HALL PH 2 DESC IN INST#2005-166038 LOT 430	105
LEVITT + SONS AT HAWKS HAVEN 7777 GLADES RD STE 410 BOCA RATON FL 33434	**34-43-26-04-00000.4310** 3094 APPLE BLOSSOM DR ALVA FL 33920	CASCADES AT RIVER HALL PH 2 DESC IN INST#2005-166038 LOT 431	106
LEVITT + SONS AT HAWKS HAVEN 7777 GLADES RD STE 410 BOCA RATON FL 33434	**34-43-26-04-00000.4320** 3090 APPLE BLOSSOM DR ALVA FL 33920	CASCADES AT RIVER HALL PH 2 DESC IN INST#2005-166038 LOT 432	107
CASCADES AT RIVER HALL 7777 GLADES RD STE 410 BOCA RATON FL 33434	**34-43-26-04-0000A.00CE** RIGHT OF WAY FL	CASCADES AT RIVER HALL PH 2 DESC IN INST#2005-166038 TRACT A	108
CASCADES AT RIVER HALL 7777 GLADES RD STE 410 BOCA RATON FL 33434	**34-43-26-04-0000E.00CE** SUBMERGED FL	CASCADES AT RIVER HALL PH 2 DESC IN INST#2005-166038 TRACT E	109
CASCADES AT RIVER HALL 7777 GLADES RD STE 410 BOCA RATON FL 33434	**34-43-26-04-0000N.00CE** CASCADES @ RIVER HALL TRACT N FL	CASCADES AT RIVER HALL PH 2 DESC IN INST#2005-166038 TRACT N	110

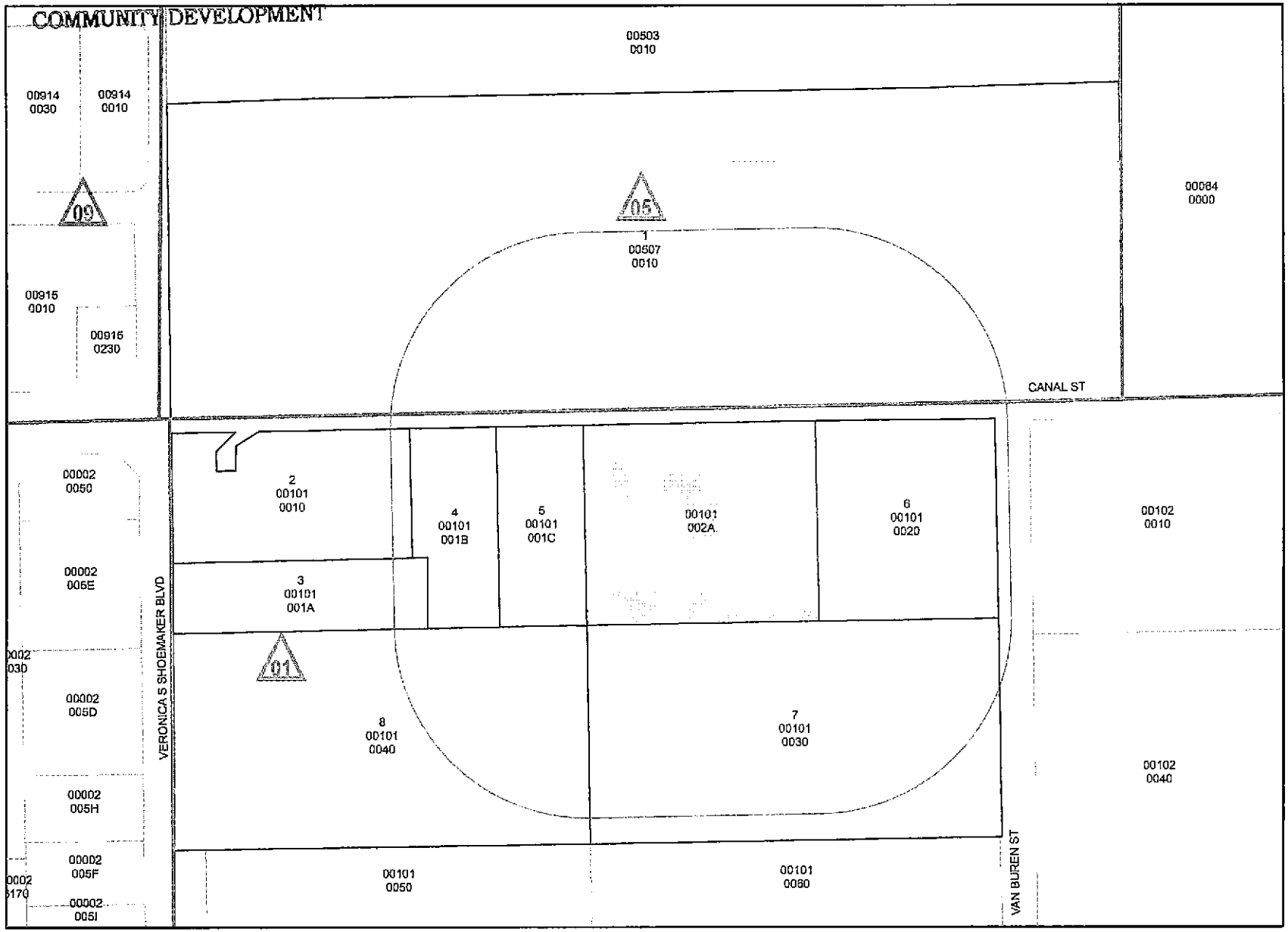
110 RECORDS PRINTED

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SEP 0 8 2006

DCI 2006-00010
VARIANCE REPORT

9/06/2006

Subject Parcels : 1 Affected Parcels : 8 Buffer Distance : 300 ft



29-44-25-P1-00101.002A

260 130 0 260 Feet

Lee County Property Appraiser

Kenneth M. Wilkinson, C.F.A.

GIS Department / Map Room

Phone: (239) 339-6159 • Fax: (239) 339-6139 • eMail: MapRoom@LeePA.org

VARIANCE REPORT

Date of Report: September 06, 2006
Buffer Distance: 300 ft
Parcels Affected: 8
Subject Parcel: 29-44-25-P1-00101.002A

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
WHITEHEAD JAMES H + BEVERLY J 1622 VISCAYA PKWY CAPE CORAL FL 33990	**20-44-25-P4-00507.0010** 3691 CANAL ST FORT MYERS FL 33916	FR SW1/4 TH POB N501.88 FT E 1487.09 FT OR 2654/4062 FKA PT FT MYERS EST #2	1
APJ LLC 11000 METRO PKWY STE# 30 FORT MYERS FL 33912	**29-44-25-P1-00101.0010** 3540 VERONICA S SHOEMAKER BLVD FORT MYERS FL 33916	SOUTHSIDE GARDENS BLK 1 PB 3 PG 18 LOT 1 AS DESC OR 4332/95	2
AIR-TECH PROPERTIES INC 5249 TAMPA W BLVD TAMPA FL 33634	**29-44-25-P1-00101.001A** 3550 VERONICA S SHOEMAKER BLVD FORT MYERS FL 33916	SOUTHSIDE GARDENS BLK 1 PB 3 PG 18 S 110 FT OF W 396 FT OF LT 1	3
GORDON KYLE T P O BOX 4422 FORT MYERS FL 33918	**29-44-25-P1-00101.001B** 3690 CANAL ST FORT MYERS FL 33916	SOUTHSIDE GARDENS BLK 1 PB 3 PG 18 PT LOT 1 DESC OR 4332/91	4
TOUR GREENS FLORIDA + 19831 BEAULIEU CT FORT MYERS FL 33908	**29-44-25-P1-00101.001C** 3710 CANAL ST FORT MYERS FL 33916	SOUTHSIDE GARDENS BLK 1 PB 3 PG 18 PT LOT 1 DESC OR 4332/93	5
CANAL INVESTMENTS LLC 4781 LEE BLVD STE #208-327 LEHIGH ACRES FL 33970	**29-44-25-P1-00101.0020** 3750 CANAL ST FORT MYERS FL 33916	SOUTHSIDE GARDENS BLK 1 PB 3 PG 18 EAST PORTION LOT 2 DESC INST#2006-71131	6
LUETTICH CARL D + 3601 HANSON ST FORT MYERS FL 33901	**29-44-25-P1-00101.0030** VERONICA S SHOEMAKER BLVD FORT MYERS FL 33916	SOUTHSIDE GARDENS BLK 1 PB 3 PG 18 LOT 3	7
PELLICCIONE LAWRENCE G TR 6029 HIGGINS AVE FORT MYERS FL 33905	**29-44-25-P1-00101.0040** 3560 VERONICA S SHOEMAKER BLVD FORT MYERS FL 33916	SOUTHSIDE GARDENS BLK 1 PB 3 PG 18 LOT 4	8

8 RECORDS PRINTED

RECEIVED
SEP 0 8 2006
COMMUNITY DEVELOPMENT
DCI 2006-00010

Knott, Consoer, Ebelini
Hart & Swett, P.A.
ATTORNEYS-AT-LAW

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)
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MRoeder@knott-law.com

Matthew D. Uhle
Aaron A. Haak
Derrick S. Eihausen
Natly Torres-Alvarado
David A. Burt

Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

July 18, 2006

Mr. Tony Palermo
Department of Community Development
P.O. Box 398
Fort Myers, FL 33902

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JUL 18 2006
COMMUNITY DEVELOPMENT

Re: Hemingway Pointe / DCI2006-00010

Dear Tony:

In response to your letter dated May 3rd in regard to the Hemingway Pointe rezoning application, we are providing the following additional information:

1. A letter of utility availability from Lee County Utilities.

2. A revised AG exemption affidavit with the statement of future intent included. We believe that the original affidavit complied with the other two issues in that it was a sworn affidavit and the hay operation does cover the entire site with the exception of the wetland areas which were excluded from the exhibit. Given the nature of the operation, this exhibit is as about as accurate as it gets.

3. We have still not been able to schedule a meeting with Jeff Riopelle from Portico, but I believe that it will happen within the next week. I'm sure we can come to an agreement with them on the cul-de-sac buffers, and since you indicated that that was more of a substantiative issue in any case, we would respectfully request that you go ahead and find the application sufficient and schedule a hearing. We will submit a revised site plan to you as soon as we have the meeting with Jeff and can provide the additional detail.

Thank you very much for your assistance in this matter.

Very truly yours,

KNOTT, CONSOER, EBELINI,
HART & SWETT, P.A.

Mike Roeder

Michael E. Roeder, AICP
Director of Zoning and Land Use Planning

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JUL 18 2006

MER/ams

DCI 2006-00010

cc: Shaina Roth
Gerard Ripo

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 479-8181

Bob Janes
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County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

May 3, 2006

Gerard Ripo
Banks Engineering, Inc.
10511-101 Six Mile Cypress Parkway
Fort Myers. Fl. 33912

RE: POTABLE Water and Wastewater AVAILABILITY
Buckingham Gardens, 3012 & 2951 Buckingham
STRAP #: 28-43-26-00-00013.0000, 00014.0000 & 33-43-26-00- 00002.0010

Dear Mr. Ripo:

Potable water lines and wastewater lines are in operation in the vicinity of the proposed project mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of 225 multi-family residential units with an estimated flow demand of approximately 45,000 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

Availability of potable water and sanitary sewer service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our Olga Water Treatment Plant.

Sanitary sewer service will be provided by the City of Fort Myers North Wastewater Plant. The Lee County Utilities' Operations Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

With regard to effluent reuse service; there are currently no reuse facilities available in the vicinity of the project site therefore, Lee County does not have the capability of providing service at this time.

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

Further, This Letter Of Availability Of Water and Wastewater Service To Be Utilized For The Permitting Of Surface Water Management Facilities Through The South Florida Management District For This Project Only. Individual Letters Of Availability Will Be Required For The Purpose Of Obtaining Building Permits.

Sincerely,

LEE COUNTY UTILITIES

Mary McCormic
Senior Engineering Tech.
UTILITIES ENGINEERING

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JUL 18 2006

VIA FACSIMILE
Original Mailed

SFWM - BUCKINGHAM GARDENS

DCI 2006-00010

LEE COUNTY
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County Manager

James G. Yeager
County Attorney

Diana M. Parker
County Hearing
Examiner

July 05, 2006

MR. MIKE ROEDER
KNOTT CONSOER
1625 HENDRY ST
FT MYERS, FL 33901

RE: HEMINGWAY POINTE
DCI2006-00010 - PDL Application (Major PD)

Dear MR. MIKE ROEDER :

The Zoning Division has reviewed your request for an extension of the response time allowed by the Lee County Land Development Code for the above referenced project. Staff recognizes that you are actively pursuing additional information necessary for the resubmittal of the request and will allow a 60 day extension expiring on September 03, 2006. This project could be deemed withdrawn after the extension date if you do not respond prior to this date.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Tony Palermo
Senior Planner

cc: Pam Houck, Director Zoning Division
Dawn Lehnert, CAO
Tina Boone, Legal Administrative Secretary
Bob Rentz, TIS Reviewer
Susan L Hollingsworth, Development Services
Paul O'Connor, Planning Division
Kim Trebatoski, Environmental Sciences
Brad Vance, Natural Resources
Jamie Princing, DCD Admin
Billie Jacoby
Zoning File

LEE COUNTY
SOUTHWEST FLORIDA

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District Five

Donald D. Stilwell
County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

Writer's Direct Dial Number: (239) 479-8325

May 3, 2006

MR. MIKE ROEDER
KNOTT CONSOER
1625 HENDRY ST
FT MYERS, FL 33901

Re: HEMINGWAY POINTE
DCI2006-00010 - PDL Application (Major PD)

Dear MR. MIKE ROEDER :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Tony Palermo
Senior Planner

cc.

ED KIMBALL
2253 DAVIS BOULEVARD
FORT MYERS, FL 33905

JEFF RIOPELLE
TAYLOR WOODROW
21694 SUNGATE COURT, 702
ESTERO, FL 33928

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Brad Vance, Natural Resources
Andy Getch, LCDOT
Jamie Princing, DCD Administration
Dawn Lehnert, Assistant County Attorney
Susan L Hollingsworth, Development Review
DCI Zoning File
DCI Working File

Legal Requirements Sufficiency Checklist

7) Miscellaneous Items.

Please provide Ag affidavit and exhibit as requested by CAO. Resubmittal package dated April 25, 2006 did not addressed this issue properly.

8) Contact. The Planner may be contacted regarding any questions on this Checklist.

Please contact Luis G. Machado at (239) 479-8485
or e-mail: lmachado@leegov.com

Lee County Sufficiency Checklist for Planned Developments, Amendments, and Existing Developments Requesting Planned Development Zoning

19a) If project is located in Caloosahatchee Shores Community Plan, applicant must submit a meeting summary document containing the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. [Lee Plan Policy 21.6.3]

A presentation before the East Lee County Council has been scheduled for May 27 (or was it March 27?). Please provide us with a copy of the minutes from this meeting. - THIS WAS DONE. THANK YOU.

20) Contact. The Zoning Planner may be contacted regarding any questions on the Planned Development Sufficiency Checklist.

21) Miscellaneous Items.

LCDOT COMMENTS WERE ADDRESSED (SUFFICIENCY COMMENTS. THERE MAY BE SUBSTANTIVE COMMENTS ON THE ACCESS POINT)

THE AGRICULTURAL CONDITION STAFF IS USING IS AS FOLLOWS:

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

(a) Bona fide agricultural uses that are in existence at the time the application for this project was filed, and as shown on Exhibit xxx attached hereto, may continue until approval of a local development order for the area of the project containing those uses.

[Note: The referenced exhibit must consist of existing bona fide uses documented in a sworn affidavit from the property owner describing the type and intensity of bona fide agricultural uses in existence on the date of the zoning application, i.e., livestock grazing or crop production. The applicant must include acreage figures for each use as part of the sworn affidavit. The affidavit must include an exhibit depicting the location of the uses on a copy of the boundary sketch. The exhibit should be entitled "Bona fide Agricultural Uses at time of Zoning Application."]

(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) Prior to issuance of a local development order, the property owner must provide written proof, subject to approval by the County Attorney's Office, of the following:

(1) Termination of all agricultural use on any portion of the property included in the development order application/approval. Proof must include a sworn affidavit from the person or entity holding title to the subject property that specifically provides:

a) the date the agricultural uses ceased;

b) the legal description of the property subject to the development order approval;

c) an affirmative statement that the owner acknowledges and agrees that all agricultural uses are illegal and prohibited on the property and that the owner covenants with the county that they will not allow any such uses on the property unless and until the property is re-zoned to permit such uses; and,

d) that the affidavit constitutes a covenant between the owner and the county that is binding on the owner and their assignees and successors in interest.

The covenant must be properly recorded in the public records of the county at the owner's expense.

(2) Termination of the agricultural tax exemption for any portion of the property included in the development order application/approval. Proof as to termination must include of a copy of the request to terminate the tax exemption provided to the Property Appraiser.

ZONING COMMENTS - updated MAY 2006. PLEASE RESPOND TO THESE COMMENTS IN WRITING AND REFERENCE THE COMMENT #.

1. Please look at the proposed request wording. DONE.

Rezone +/- 75.1 acres from Agricultural (AG-2) to Residential Planned Development (RPD) to permit 225 multi-family dwelling units. Maximum heights proposed are 2-stories/35 feet. No development blasting is requested. The applicant indicates that they will connect to potable water and central sewer as part of any development of this property.

2. Please consider adjasting your buffers (consistent with Portico) to the south. - NEED TO SUBMIT A MCP SHOWING CHANGES.

3. There are substantive issues (with buffers and deviations) with the Portico developer. Please consider contacting their representative (Jeff Riopelle of Taylor Woodrow) and see if you can address their concerns. They are more of a substantive issue, not sufficiency issues. - NEED TO SUBMIT A MCP SHOWING CHANGES.

4. NEW COMMENT - PLEASE PROVIDE DOCUMENTATION REGARDING AVAILABILITY OF SEWER AND WATER SERVICE AND THEIR CAPACITY TO SERVE, PER THE BCC'S RECENT DIRECTION.

5. COUNTY ATTORNEY COMMENTS ATTACHED.

From: Lehnert, Dawn
To: Palermo. Anthony D.
Date: 5/2/06 9:16AM
Subject: Hemingway Pointe DCI2006-00010

Tony:

Based upon a cursory review of the April 25 resubmittal, I offer the following for your consideration.

1. We still need an 11 x 17 version of the MCP at an appropriate scale.

2. The Ag affidavit is not sufficient for the following reasons:

a. The document is not a sworn statement. Affidavits are by definition sworn statements.

b. The document indicates that "portions" of the property are being used for hay harvesting. However, the exhibit does not delineate "a portion" of the subject property with specificity. Instead, if appears to encompass the entire parcel.

c. The document does not indicate the owner's intent subsequent to the rezoning.

Thanks

Dawn E. Perry-Lehnert

Assistant County Attorney

Lee County Attorney's Office

Phone: 239-335-2236

Fax: 239-335-2606

Lehnertd@leegov.com

CC: Houck. Pamela E.

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Dawn Lehnert, Asst County Attorney
Luis Machado, Zoning

FROM: Tony Palermo

DATE: 04/25/2006

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: HEMINGWAY POINTE
INFORMATION SUMMARY:

CASE #: DCI2006-00010

RESUBMITTAL

To update your file

_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 05/09/2006

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness
No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working fileDCI Zone File

Distributed by: Jessica M Smith

Date: 04/27/2006

Knott, Consoer, Ebelini
Hart & Swett, P.A.
ATTORNEYS - AT - LAW

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APR 25 2006
PERMIT 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

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Aaron A. Haak
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Naty Torres-Alvarado
David A. Burt

Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

April 24, 2006

Tony Palermo, Senior Planner
Department of Community Development
Zoning Division
P.O. Box 398
Fort Myers, FL 33901

Re: HEMINGWAY POINTE - DCI2006-00010

Dear Tony:

We have reviewed your sufficiency letter dated April 10, 2006 and would offer the following additional information in response:

Lee County Sufficiency Checklist

19a) A presentation was made to the ELCC on March 27th and the minutes from that meeting are attached. There were several questions regarding whether the project would be a rental complex and whether trucks would be allowed to park in the driveways, but otherwise there do not seem to be any major issues. There were some questions about the density, but it was explained that the this request was consistent with the compromises agreed upon in the Caloosahatchee Shores Community Plan.

County Attorney Comments

The Agriculture Use Affidavit and exhibit are attached.

Zoning Comments

We have revised the Buckingham buffer to be consistent with the Portico development

to the south. In addition, our engineers are in discussions with Taylor Woodrow to address their concerns. If there are any outstanding issues, they will be addressed at the public hearing.

Please do not hesitate to contact me if you have any further questions. We look forward to the public hearing which we hope will be scheduled in the near future.

Very truly yours,

KNOTT, CONSOER, EBELINI,
HART & SWETT, P.A.

Mike Roeder

Michael E. Roeder, AICP
Director of Zoning & Land Use Planning

MER/zw

Enclosures

cc: Shaina Ross
Gerard Ripo

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PERMIT COUNTER

DCI 2006-00010

AFFIDAVIT

STATE OF MICHIGAN)
)
COUNTY OF Oakland)

Before me this day appeared Bernard Glieberman who, being first duly sworn, deposes and says:

1. He is the Manager of Bentley Management, LLC, a Michigan Limited Liability Company, which is the Manager of Crosswinds at Buckingham Gardens, LLC, a Florida Limited Liability Company, the owner of the property that is the subject of Case DCI2006-00010.

2. As of the date the application was filed, portions of the property were used for harvesting of hay.

3. The boundaries of the area used for the harvesting of hay are depicted on Exhibit "A" attached to this Affidavit.

FURTHER, AFFIANT SAYETH NAUGHT.

Done and executed this 4th day of April, 2006.

Bernard Glieberman

The foregoing instrument was acknowledged before me this 4th day of April, 2006, by Bernard Glieberman, as Manager of Bentley Management, LLC, a Michigan Limited Liability Company, the Manager of Crosswinds at Buckingham Gardens, LLC, a Florida Limited Liability Company, on behalf of the company, who is personally known to me [✓], or has produced _____ as identification [__], and did/did not take an oath.

My Commission Expires: 3-20-08

Notary Public

Amy L Wess

Printed Name

AMY L. WESS
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES Mar 20, 2008
ACTING IN COUNTY OF Oakland

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PERMIT COUNTER

DCI 2006-00010

AGRICULTRUAL USES AT TIME OF ZONING APPLICATION

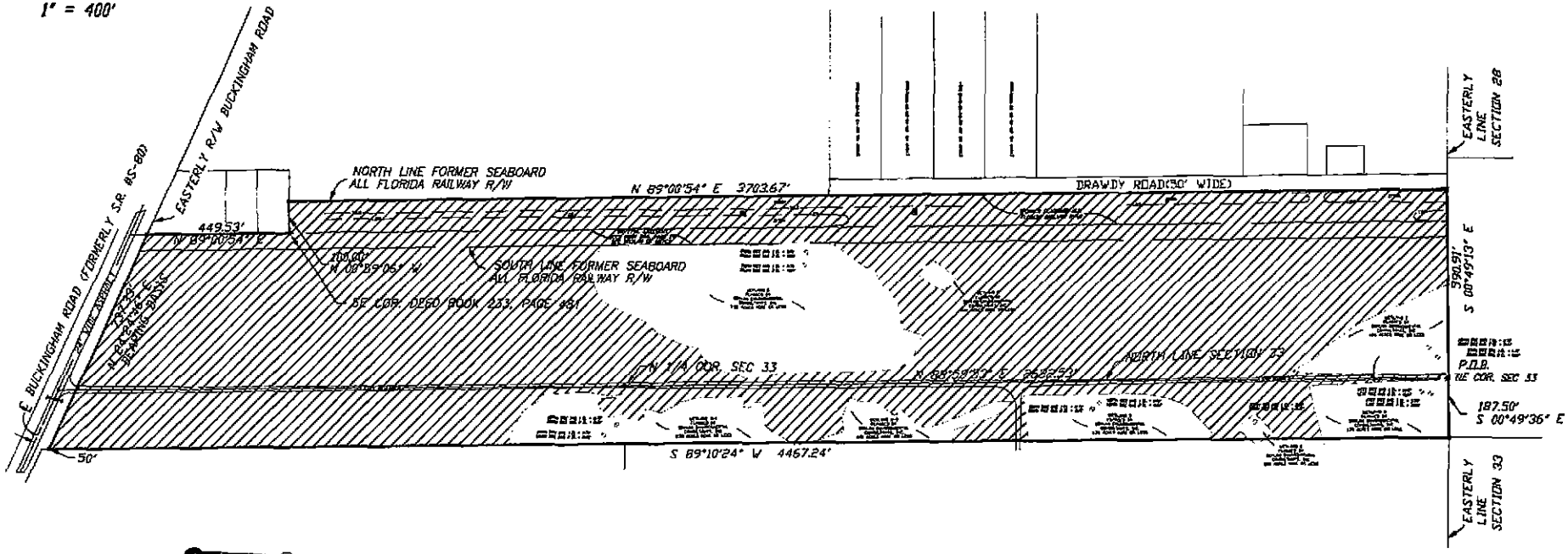
58.63± ACRES AGRICULTURAL USES
HARVESTING HAY

OF
A TRACT OR PARCEL OF LAND LYING IN
SECTIONS 28 AND 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

Banks Engineering
PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
FLORIDA BUSINESS CERTIFICATION NUMBER LB 6690
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33912
(239) 939-5490

N

1" = 400'



NOTES:

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

2.) ASSUMED NORTH BASED ON THE EASTERLY LINE OF BUCKINGHAM ROAD, FORMERLY KNOWN AS S.R. #5-80, AS BEARING N 24°24'26" E.

3.) SUBJECT TO FACTS THAT MAY BE REVEALED BY AN ACCURATE BOUNDARY SURVEY.

LEGEND:

℄	INDICATES CENTERLINE
COR.	INDICATES CORNER
FP&L	INDICATES FLORIDA POWER AND LIGHT
O.R.	INDICATES OFFICIAL RECORDS BOOK
PG.	INDICATES PAGE
P.O.B.	INDICATES POINT OF BEGINNING
R/W	INDICATES RIGHT-OF-WAY
S.R.	INDICATES STATE ROAD
T.O.B.	INDICATES TOP OF BANK

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DCI 2006-00010

EXHIBIT 'A'

East Lee County Council

Striving to improve the quality of life in the Greater Palm Beach Boulevard Area

ELCC Meeting
Meeting Minutes March 27, 2006
6:30 P.M.

Call to Order: Doug Vaught opened meeting with the Pledge of Allegiance.

Next meeting, an update on the water issues in the river etc.

Planning Committee will now meet every night the ELCC meets at 5:00.

Motion to approve February minutes with no changes.

Planning Committee – Mike Roeder

Committee notes will be forgone.

Citizen Emergency Response Teams (C.E.R.T.)

- Program consisting of neighbor helping neighbor
- Things that can be learned at classes, how to be self sufficient for 72 hours.
- C.E.R.T. actually started in 1985 in California.
- Next class starts on May 2nd for six weeks on Monday nights
- Classes will be held at Tice fire and rescue station. There are no limitations to the size of class and if we get enough people sign up we can have classes in Fort Myers Shores as well.

Questions and Answers:
Q: Will you go into other local groups and give this presentation?
A: Yes we will. If you would like us to give this presentation just let us know where and when.

Presentation: Planning Consultants for Phase II – Vanasse & Daylor – Robin Meyer

- Three step process:
  - Reconnect with the community
  - Build consensus among the community
  - Coordinate adoption of the LDC amendments.
- Outcomes:
  - Design guidelines for the Palm Beach Boulevard and the Caloosahatchee Shores areas.
  - Updated Tice Redevelopment and Fort Myers Shores overlay districts.
- Transportation Issues:
  - New Medians
  - Pedestrian and bicycle circulation
  - Interconnection between neighborhoods
- CIP Recommendations
- Qualifications:

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DCI 2006-00010
PERMIT COUNTER

- In house capabilities – Landscape Architectures, Traffic Engineers, Planning Policy, Engineering
- Local and National experience
- Other Community Plans:
  - Palm Beach Boulevard and Caloosahatchee Shores Plans (Phase I)
  - Periwinkle Way Corridor Restoration Master Plan (Sanibel)
  - Estero Plan
  - SR 776 Community Plan (Charlotte County)

Presentation: Planning Consultants for Phase II – DRMP – Ken Griffith

- Develop a Scope of Work with the ELCC
- Prepare applications for implementation funding to Lee County
- Develop Guidelines for commercial architecture, signage and landscaping based on the two plans.
- Coordinate the Palm Beach Plan implementation with City of Fort Myers
- Develop specific details for SR 80 mixed use concept
- Revise Chapter 34 of the Lee LDC – Tice & Fort Myers Shores Overlay District
- Develop policies to guide development in the SR 31 Corridor
- Implementation Plan to address transportation issues – new medians, pedestrian and bicycle circulation & interconnection between neighbors.
- Recommendation for revisions to Lee County's five-year CIP, for transportation and other issues.
- Two Bound reports with design guidelines, suitable for incorporation into Chapter33-LDC.
- Timeline: projected completion and adoption date is March 2007
- Qualifications:
  - In house capabilities – Land Planners, Project Managers, public/private Planners, Landscape Architecture Designers, Traffic & Infrastructure Designers.

Presentation: Planning Consultants for Phase II – Johnson Engineering – Patricia Newton

- Qualifications:
  - 275 employees including Community Planners, Traffic Designers, Neighborhood Specialists, Landscape Architectures.
  - 60 years experience in the Fort Myers area
- Methodology:
  - Data Collection and analysis to determine the scope of the work
  - Stakeholders meetings
  - Community meetings
  - Draft policies for policies and vision
  - Coordinate with Governing jurisdictions
  - Incorporate blueways, trails and parks.
  - Facilitate this process to create a win-win scenario for the community.
  - Estimated completion date March 2007

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East Lee County Council

Striving to improve the quality of life in the Greater Palm Beach Boulevard Area

Presentation: Hemingway Pointe- Matt Uhle, Crosswinds

- East of Buckingham Road and South of SR 80 – former Buckingham Gardens
- Future Land Use Map is Outlying Suburban at 3 units per acre
- Access point on Buckingham Road
- 75 Acres – 225 units
- Prices begin around the mid $200's
- All townhomes 1,700sf – 2,500sf – condo ownerships
- Only one access point with a boulevard between 20' & 25'.
- All garaged units with 2 spaces per unit.
- Amenities are mostly common open spaces but also include a clubhouse.
- Community is gated

Next meeting will be on April 24th at 6:30 pm.
There will be presentations on Caloosahatchee water issues.

Meeting adjourned.

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PERMIT COUNTER

DCI 2006-00010

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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County Manager

James G. Yeager
County Attorney

Diana M. Parker
County Hearing Examiner

January 10, 2007

479-8585

MR. MIKE ROEDER
KNOTT CONSOER
1625 HENDRY ST
FT MYERS, FL 33901

RE: **Agenda Schedule for HEMINGWAY POINTE**
Case No. DCI2006-00010

Dear MR. MIKE ROEDER :

Your zoning request has been scheduled before the Board of County Commissioners to take final action after reviewing the Hearing Examiner's recommendation.

DATE & TIME: Monday, January 29, 2007. Meeting commences at 9:30 a.m.

LOCATION: Commissioners' Meeting Room
2120 Main Street
Ft. Myers, Florida

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Jamie Princing
Administrative Assistant

cc: BUCKINGHAM DEVELOPMENT LLC
CROSSWINDS AT BUCKINGHAM
Tony Palermo, Senior Planner
Zoning File

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

(239) 335-2236
Facsimile (239) 335-2606

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County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

December 8, 2006

Mr. Michael Roeder
Knott, Consoer, Ebelini, Hart & Swett, P.A.
1625 Hendry Street
Fort Myers, FL 33901

RECEIVED
DEC 27 2006
COMMUNITY DEVELOPMENT

Re: Hemingway Pointe
Zoning Case #DCI2006-00010
Resolution No. Z-06-085

Dear Mr. Roeder:

Enclosed is the current draft resolution pertaining to the above-referenced zoning case. It is based on the Hearing Examiner's recommendation with the understanding that changes may be made by the Commissioners at the final hearing. Please review this draft and let me know if any changes are necessary to accurately reflect the Hearing Examiner's recommendation. County staff will also review the draft resolution.

The Hearing Examiner recommendation encompasses a number of changes to the MCP. These changes are indicated in handwriting on the enclosed MCP. A revised MCP consistent with the resolution adopted by the Board will be required for attachment to the zoning resolution prior to Board execution of the resolution. If you would like to meet to discuss any necessary changes after the final hearing, please contact the Planner at 479-8585. The revised MCP, including the required 11 full-size and three 11" by 17" sheets, must be delivered to County Staff at the first floor zoning counter at the Department of Community Development (1500 Monroe Street).

We have found that the legal description submitted with the zoning application often does not truly represent the property intended to be rezoned. Therefore, to prevent potential errors in the resolution, please review the attached legal description to confirm that all of the property intended to be rezoned is accurately described. Please advise my office in writing regarding the results of your review. If the property to be rezoned is not completely and correctly described, necessary changes must be made before the final hearing so that the resolution can be signed promptly after the hearing.

Please contact me if you have any questions.

Very truly yours,

Robert D. Spickerman
Assistant County Attorney

RDS/tmv
Enclosure
cc: w/ enclosure
Dawn Perry-Lehnert, Assistant County Attorney
Pam Houck, Director, Zoning Division
Tony Palermo, Senior Planner, Zoning
Kim Trebatoski, Senior Environmental Planner
Billie Jacoby, Administrative Assistant, DCD Administration

DCI 2006-00010

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 335-2111
Internet address http://www.lee-county.com

Recycled Paper
AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

From: Alison Stowe [mailto:AStowe@knott-law.com]
Sent: Friday, December 15, 2006 9:21 AM
To: Tad Simpson
Subject: Hemingway Pointe legal verification

I certify that the attached legal description describes the property intended to be rezoned.

SIGNATURE

Alison Stowe
Zoning Department
Knott, Consoer, Ebelini, Hart & Swett, P.A.
239-334-2722
AStowe@knott-law.com

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DEC 27 2006
COMMUNITY DEVELOPMENT

DCI 2006-00010

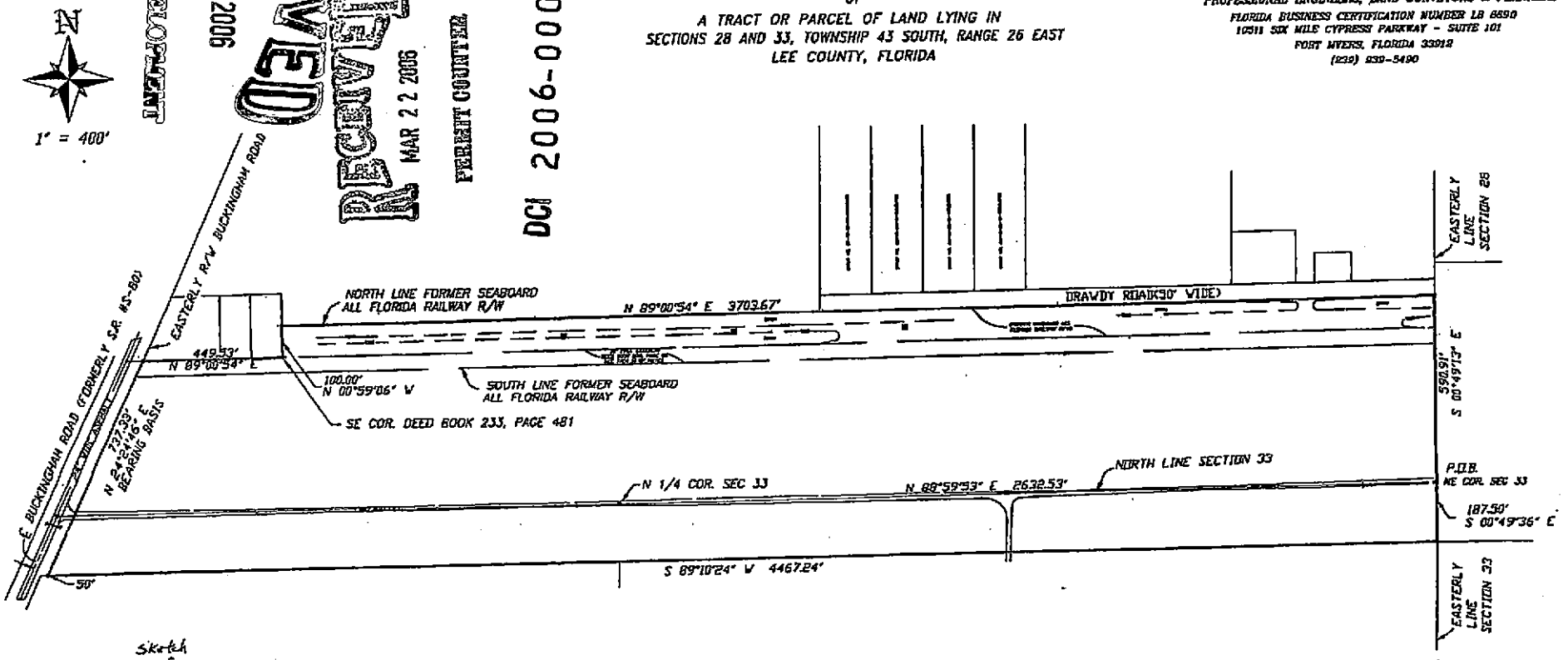
COMMUNITY DEVELOPMENT
DEC 27 2006
RECEIVED
MAR 22 2006
PERMIT COUNTER
DCI 2006-00010
DCI 2006-00010

SKETCH OF DESCRIPTION

OF

A TRACT OR PARCEL OF LAND LYING IN
SECTIONS 28 AND 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

Banks Engineering
PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
FLORIDA BUSINESS CERTIFICATION NUMBER LB 6690
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33912
(239) 939-5490



Sketch of
Applicant's Legal Checked
by Lgm 4/06/2006

NOTES:

1) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
2) ASSUMED NORTH BASED ON THE EASTERLY LINE OF BUCKINGHAM ROAD, FORMERLY KNOWN AS S.R. #5-80, AS BEARING N 24°24'26" E.
3) SUBJECT TO FACTS THAT MAY BE REVEALED BY AN ACCURATE BOUNDARY SURVEY.

LEGEND:

℄	INDICATES CENTERLINE
COR.	INDICATES CORNER
FP&L	INDICATES FLORIDA POWER AND LIGHT
O.R.	INDICATES OFFICIAL RECORDS BOOK
PG.	INDICATES PAGE
P.O.B.	INDICATES POINT OF BEGINNING
R/W	INDICATES RIGHT-OF-WAY
S.R.	INDICATES STATE ROAD
T.O.B.	INDICATES TOP OF BANK

SEE SHEETS 1 AND 2 OF 2 FOR COMPLETE DESCRIPTION.

THIS SKETCH OF DESCRIPTION IS NOT A BOUNDARY SURVEY

STATE OF FLORIDA

ROBERT TAD SIMPSON
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 5559

- THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

S:_JOBS\2006\2096\SURVEY\DESCRIPTIONS\2096_DESC.DOC
S:_JOBS\2006\2096\SURVEY\DESCRIPTIONS\2096_DESC.DWG

PREPARED 02-23-06
SHEET 2 OF 2

DEVIATIONS REQUESTED:

1. SEC. 10-285(a) TABLE 1, WHICH REQUIRES A CENTERLINE CONNECTION SEPARATION FOR LOCAL ROADS OF 125 FEET TO ALLOW A MINIMUM CENTERLINE CONNECTION SEPARATION OF 99 FEET FOR THE PRIVATE RIGHT-OF-WAY WHERE NOTED ON THE MASTER CONCEPT PLAN.

2. SEC. 10-291(3) WHICH REQUIRES MORE THAN ONE MEANS OF INGRESS OR EGRESS TO ALLOW ONE MEANS OF INGRESS OR EGRESS..

3. SEC. 10-296(K)(1) WHICH REQUIRES THAT DEAD-END STREETS, DESIGNED TO BE SO PERMANENTLY MUST BE CLOSED AT ONE END BY A CIRCULAR TURNAROUND FOR VEHICLES TO ALLOW DEAD-END STREETS WHERE NOTED ON THE MASTER CONCEPT PLAN. TO ALLOW FOR NO CUL-DE-SACS.

4. SEC. 10-329(D)(1)a.2. WHICH REQUIRES THAT WATER RETENTION OR DETENTION EXCAVATIONS BE SETBACK 50 FEET FROM ANY EXISTING OR PROPOSED RIGHT-OF-WAY LINE OR EASEMENT FOR A COLLECTOR OR ARTERIAL STREET UNLESS GRANTED AN ADMINISTRATIVE DEVIATION IN ACCORDANCE WITH SECTION 10-104. THE SETBACK MAY BE REDUCED TO NOT LESS THAN 25 FEET IF THE DEVELOPER PROVIDES FOR THE PROTECTION OF WAYWARD VEHICLES THROUGH THE USE OF GUIDERAILS, BERM, SWALES, VEGETATION OR OTHER SUITABLE METHODS AS DETERMINED BY THE DIRECTOR TO ALLOW A SETBACK OF 25 FEET FROM BUCKINGHAM ROAD,

5. SEC. 10-329(d)(1)a.3. WHICH REQUIRES THAT WATER RETENTION OR DETENTION EXCAVATIONS BE SETBACK 50 FEET FROM ANY PRIVATE PROPERTY LINE UNDER SEPARATE OWNERSHIP UNLESS GRANTED AN ADMINISTRATIVE DEVIATION IN ACCORDANCE WITH SECTION 10-104. THE SETBACK FOR AN EXCAVATION FROM A PRIVATE PROPERTY LINE MAY NOT BE LESS THAN 25 FEET. THE REQUEST IS TO ALLOW A SETBACK OF 25 FEET FROM THE SOUTH PROPERTY LINE.

6. SEC. 10-416(d)(6) THAT REQUIRES THAT IF ROADS, DRIVES, OR PARKING AREAS LOCATED LESS THAN 125 FEET FROM AN EXISTING RESIDENTIAL SUBDIVISION OR RESIDENTIAL LOTS, A SOLID WALL OR COMBINATION BERM AND SOLID WALL NOT LESS THAN EIGHT FEET IN HEIGHT MUST BE CONSTRUCTED NOT LESS THAN 25 FEET FROM THE ABUTTING PROPERTY AND LANDSCAPED (BETWEEN THE WALL AND THE ABUTTING PROPERTY) WITH A MINIMUM OF FIVE TREES AND 18 SHRUBS PER 100 LINEAR FEET.

IN LIEU OF THE BUFFER, THE APPLICANT WILL PROVIDE AN UNENCUMBERED 15' PLANTABLE AREA CONTAINING PLANTING SIZE AND COUNT CONSISTENT WITH THE TYPE 'F' BUFFER.

7. SEC. 34-935(e)(4) WHICH REQUIRES WHERE THERE ARE TWO OR MORE PRINCIPAL BUILDINGS ON A DEVELOPMENT TRACT, THE MINIMUM SEPARATION OF BUILDINGS SHALL BE ONE-HALF OF THE SUM OF THEIR HEIGHTS, OR 20 FEET, WHICHEVER IS GREATER.THE REQUEST IS TO ALLOW A MINIMUM BUILDING SEPARATION OF 20 FEET.

8. SEC. 34-2015(2)(d) WHICH REQUIRES THAT ALL PARKING LOT SPACES MUST BE PROVIDED WITH SUFFICIENT MANEUVERING ROOM TO ALLOW AN EXITING VECHICLE TO LEAVE THE PARKING LOT IN A FORWARD MOTION, TO ALLOW VEHICLES EXITING RESIDENTIAL OFF-STREET PARKING TO BACK-OUT ONTO PRIVATE ROADS.

9. SEC. 34-2192(a) STREET SETBACK FOR PRIVATE ROAD OF 20 FEET TO ALLOW A MINIMUM FRONT SETBACK FROM THE PRIVATE ROAD OF 20 FEET AND A MINIMUM SIDE SETBACK FROM THE PRIVATE ROAD OF 10 FEET.

10. SEC. 10-416(d)(3) WHICH REQUIRES THAT PROPOSED MULTI-FAMILY DEVELOPMENTS PROVIDE A TYPE "B" BUFFER WHEN ABUTTING EXISTING SINGLE-FAMILY DEVELOPMENT TO ALLOW A 5' WIDE PLANTED AREA ALONG THE SOUTHERN EDGE OF THE EXISTING 50' FPL EASEMENT CONTAINING A DOUBLE STAGGERED HEDGE ROW OF SHRUBS AT A 48" MINIMUM HEIGHT AT THE TIME OF INSTALLATION.

11. SEC. 10-418(1) THAT REQUIRES SHORELINES TO BE SINUOUS IN CONFIGURATION TO PROVIDE INCREASED LENGTH AND DIVERSITY OF THE LITTORAL ZONE. SINUOUS IS DEFINED AS SEPENTINE, BENDING IN AND OUT, WAVY OR WINDING.

IN LIEU OF THE SINUOUS CHARACTERISTIC AT THE EDGE OF WATER, THE APPLICANT WILL PROVIDE THE DESIRED SINUOUSITY THROUGH INCREASED LITTORAL PLANTINGS OF THE INDIVIDUAL LAKES. PLANTING AREAS WILL CONSTITUTE 15% OF THE LAKE AREA WITH 50% COVERAGE BY PLANTS SPACED ON THREE FOOT CENTERS. PLANTINGS UNDER AFOREMENTIONED CONDITIONS WILL BE PROVIDED IN PLACE OF THE PLANTING REQUIREMENT OF 1 PLANT PER LINEAR FOOT OF LAKE SHORELINE CALLED OUT IN SEC. 10-418(2)(B).

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DEC 27 2006
COMMUNITY DEVELOPMENT

DCI 2006-00010

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTIONS 28 AND 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

(BOUNDARY)

A TRACT OR PARCEL OF LAND LYING IN SECTIONS 28 AND 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; SAID TRACT OR PARCEL IS FURTHER DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID SECTION 33; THENCE RUN S 00°49'36" E, ALONG THE EAST LINE OF SAID SECTION 33, FOR 187.50 FEET; THENCE RUN S 89°10'24" W, AT RIGHT ANGLES TO SAID EAST LINE OF SECTION 33, FOR 4,467.24 FEET TO A POINT 50.00 FEET EAST OF THE CENTER LINE OF BUCKINGHAM ROAD, FORMERLY KNOWN AS S.R. #S-80; THENCE RUN N 24°24'46" E ALONG A LINE WHICH IS PARALLEL TO AND 50.00 FEET EAST OF THE CENTER LINE OF BUCKINGHAM ROAD FOR 737.33 FEET, MORE OR LESS TO A POINT ON THE SOUTH LINE OF THE FORMER SEABOARD ALL FLORIDA RAILWAY RIGHT-OF-WAY; THENCE RUN N 89°00'54" E, ALONG SAID SOUTH LINE OF RIGHT-OF-WAY, FOR 449.53 FEET, MORE OR LESS, TO A CONCRETE MONUMENT BEING THE SOUTHEAST CORNER OF PARCEL AS RECORDED IN DEED BOOK 233, PAGE 481, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N 00°59'06" W, FOR 100.00 FEET TO A CONCRETE MONUMENT ON THE NORTH LINE OF SAID FORMER SEABOARD ALL FLORIDA RAILWAY RIGHT-OF-WAY; THENCE RUN N 89°00'54" E, ALONG SAID NORTH LINE OF RIGHT-OF-WAY FOR 3,703.67 FEET, MORE OR LESS, TO A CONCRETE MONUMENT ON THE EAST LINE OF SAID SECTION 28, TOWNSHIP 43 SOUTH, RANGE 26 EAST, THENCE RUN S 00°49'13" E, ALONG SAID EAST LINE OF SECTION 28 FOR 590.91 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID SECTION 28 AND THE POINT OF BEGINNING.

ASSUMED NORTH BASED ON THE EASTERLY LINE OF BUCKINGHAM ROAD, FORMERLY KNOWN AS S.R. #S-80, AS BEARING N.24°24'46"E.

PARCEL CONTAINS 75.05 ACRES, MORE OR LESS.

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

DESCRIPTION PREPARED: 02-29-06

ROBERT TAD SIMPSON
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 5585

RECEIVED
DEC 27 2006
COMMUNITY DEVELOPMENT

RECEIVED
MAR 22 2006
PERMIT COUNTER

Applicant's Legal Checked
by Lcm 4/06/2006

DCI 2006-00010

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S:\Jobs\20xx\2096\SURVEYING\DESCRIPTIONS\2096_DESC.dwg

SHEET 1 OF 2

DCI 2006-00010

EXHIBIT A

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

(239) 335-2236
Facsimile (239) 335-2606

Bob Janes
District One

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

December 8, 2006

RECEIVED
DEC 11 2006
COMMUNITY DEVELOPMENT

Mr. Michael Roeder
Knott, Consoer, Ebelini, Hart & Swett, P.A.
1625 Hendry Street
Fort Myers, FL 33901

Re: Hemingway Pointe
Zoning Case #DCI2006-00010
Resolution No. Z-06-085

Dear Mr. Roeder:

Enclosed is the current draft resolution pertaining to the above-referenced zoning case. It is based on the Hearing Examiner's recommendation with the understanding that changes may be made by the Commissioners at the final hearing. Please review this draft and let me know if any changes are necessary to accurately reflect the Hearing Examiner's recommendation. County staff will also review the draft resolution.

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Very truly yours,

Robert D. Spickerman
Assistant County Attorney

RDS/tmv
Enclosure
cc: w/ enclosure
Dawn Perry-Lehnert, Assistant County Attorney
Pam Houck, Director, Zoning Division
Tony Palermo, Senior Planner, Zoning
Kim Trebatoski, Senior Environmental Planner
Billie Jacoby, Administrative Assistant, DCD Administration

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 335-2111
Internet address http://www.lee-county.com
Recycled Paper
AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
ZONING DIVISION

DATE: September 26, 2006

TO: File - DCI 2006-00010 **FROM:** Luisa Villa
Secretary, Internal Services

RE: Notice of Public Hearing - **October 11, 2006 - HEX**

I, Luisa Villa, Secretary, Internal Services, Development Services Division, do hereby certify that I have mailed notices to the adjacent property owners on the above referenced date, in the attached style, pursuant to the list marked and attached hereto and made a part of this certification.

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

CASE NUMBER:	DCI2006-00010
CASE NAME:	HEMINGWAY POINTE
REQUEST:	Rezone +/- 75.1 acres from Agricultural (AG-2) to Residential Planned Development (RPD) to permit 225 multi-family dwelling units. The maximum height proposed is 2 stories/35 feet.No development blasting is requested. The applicant indicates that they will connect to potable water and central sewer as part of any development of this property.
LOCATION:	The subject property is located at 2951 and 3021 Buckingham Road(From downtown Fort Myers take 2nd St and turn slight left onto Seaboard St. Then turn slight right onto Palm Beach Blvd. Go for about 9 miles and turn right onto Buckingham Rd. Go approx. ½ mile and end at the subject properties), in S28 and 33-T43S-R26E, Lee County, FL.
SIZE OF PROPERTY:	75.10 Acres ±
STAFF REPORT:	Direct inquiries to Tony Palermo, Senior Planner, at (239) 479-8325, at the Department of Community Development, 1500 Monroe St., Ft. Myers, FL 33901.
PROPERTY OWNERS REPRESENTATIVE:	MR. MIKE ROEDER KNOTT CONSOER 239-334-2722

Notice is hereby given that the Lee County Hearing Examiner will hold a public hearing at 1:30PM PM on 10/11/2006 on the above case. The public hearing will be held in the Hearing Examiner's Meeting Room, 1500 Monroe St., Ft. Myers, FL 33901.

You must appear in person, or through counsel, or an authorized agent and provide testimony, legal argument or other evidence at the hearing to become a participant with the right to address the Board of County Commissioners.

After the Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the Board of County Commissioners who will review the recommendation and make a final decision.

If you do not appear before the Hearing Examiner, by law, you will not be allowed to appear before the Board of County Commissioners at the final hearing in this case.

Copies of the staff report will be available two weeks prior to the hearing. The file may be reviewed at the Development Services Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/479-8585 for additional information.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Luisa V Villa at 239/479-8585.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

28-43-26-00-00013.0000
CROSSWINDS AT BUCKINGHAM
22920 VENTURE DR
NOVI, MI 48375

28-43-26-00-00014.0000
CROSSWINDS AT BUCKINGHAM
22920 VENTURE DR
NOVI, MI 48375

33-43-26-00-00002.0010
CROSSWINDS AT BUCKINGHAM
22920 VENTURE DR
NOVI, MI 48375

27-43-26-00-00019.0000
ROUNSIFER WILLIAM CHARLES SR +
PO BOX 50354
FORT MYERS, FL 33994

27-43-26-03-0000J.00CE
CASCADES AT RIVER HALL
7770 GLADES RD
BOCA RATON, FL 33434

27-43-26-04-00000.3140
LEVITT + SONS AT HAWKS HAVEN
7777 GLADES RD STE 410
BOCA RATON, FL 33434

27-43-26-04-0000B.00CE
CASCADES AT RIVER HALL
7777 GLADES RD STE 410
BOCA RATON, FL 33434

27-43-26-04-0000L.00CE
CASCADES AT RIVER HALL
7777 GLADES RD STE 410
BOCA RATON, FL 33434

27-43-26-04-0000M.00CE
CASCADES AT RIVER HALL
7777 GLADES RD STE 410
BOCA RATON, FL 33434

27-43-26-04-0000T.00CE
CASCADES AT RIVER HALL
7777 GLADES RD STE 410
BOCA RATON, FL 33434

28-43-26-00-00012.0000
VINSON CLIFFORD E
14791 DRAWDY RD
FT MYERS, FL 33905

28-43-26-00-00012.001C
JAMES FRIEDA K TR EST
14991 DRAWDY RD
FORT MYERS, FL 33905

28-43-26-00-00012.0020
CHANEY DOROTHY +
14941 DRAWDY RD
FORT MYERS, FL 33905

28-43-26-00-00012.0030
BRAATZ AMBER FRIEDMAN
14691 DRAWDY RD
FT MYERS, FL 33905

28-43-26-00-00012.003A
BRAATZ JUSTIN W + AMBER F
14691 DRAWDY RD
FORT MYERS, FL 33905

28-43-26-00-00012.003B
BRAATZ JUSTIN W + AMBER F
14691 DRAWDY RD
FORT MYERS, FL 33905

28-43-26-00-00012.003C
BRAATZ AMBER FRIEDMAN
14691 DRAWDY RD
FT MYERS, FL 33905

28-43-26-00-00012.0040
SPURLOCK JAMES M + KAREN S
14891 DRAWDY RD
FT MYERS, FL 33905

28-43-26-00-00013.0010
VERANDAH DEVELOPMENT LLC
9990 COCONUT RD STE 200
BONITA SPRINGS, FL 34135

28-43-26-00-00015.0000
PRITCHARD GWENDOLYN C
14260 DRAWDY CT
FORT MYERS, FL 33905

DCI 2006-00010

All data is current at time of printing and subject to change without notice.

28-43-26-00-00015.0010
PRITCHARD LESLIE E III
14260 DRAWDY CT
FORT MYERS, FL 33905

28-43-26-00-00015.0020
PRITCHARD J D
14250 DRAWDY CT
FORT MYERS, FL 33905

28-43-26-08-00001.0060
PACHECO PEDRO A + MARIA J
15503 SPRINGLINE LANE
FT MYERS, FL 33905

28-43-26-08-00001.0070
PEGUERO JUAN
13444 4TH ST
FORT MYERS, FL 33905

28-43-26-08-00001.0080
GONZALEZ ANA MARIA
10028 SALINA ST
FORT MYERS, FL 33905

28-43-26-08-00001.0090
CHURCHILL SALLY +
348 FOREST HILLS BLVD
NAPLES, FL 34113

28-43-26-08-00001.0100
GRADY SHAWN B
15489 SPRING LINE LN
FORT MYERS, FL 33905

28-43-26-08-00001.0110
ELLIS BERNADINE A
15483 SPRING LINE LN SE
FORT MYERS, FL 33905

28-43-26-08-00001.0120
SANDERS JAMES R + MELODY A
1130 CYPRESS AVE NW
LABELLE, FL 33935

28-43-26-08-00001.0130
PRESTON MATTHEW
15475 SPRING LINE LN
FT MYERS, FL 33905

28-43-26-08-00001.0140
RICE ELIZABETH M
15474 SPRING LINE LN
FORT MYERS, FL 33905

28-43-26-08-00001.0150
AIRD JANET LEE
15476 SPRING LINE LANE
FORT MYERS, FL 33905

28-43-26-08-00001.0160
BRUCK ALBERT J L/E
15478 SPRING LINE LN
FORT MYERS, FL 33905

28-43-26-08-00001.0170
ALLENDER PHILLIP D JR + ROBIN
15480 SPRING LINE LN
FORT MYERS, FL 33905

28-43-26-08-00001.0180
PONG CLIFFORD +
15482 SPRING LINE LN
FORT MYERS, FL 33905

28-43-26-08-00001.0190
DRURY WARREN +
15484 SPRING LINE LN
FORT MYERS, FL 33905

28-43-26-08-00001.0200
SANTOS ROBSON DE OLIVEIRA +
3704 BROADWAY #205
FORT MYERS, FL 33901

28-43-26-08-00001.0210
WELLS DANIEL J + DELORES M
15492 SPRINGLINE LN SE
FT MYERS, FL 33905

28-43-26-08-00001.0220
CARUSO JOSEPH J
15496 SPRING LINE LN
FT MYERS, FL 33905

28-43-26-08-00001.0230
HOWARD MITCHELL JR + MYRNA D
1810 MITCHELL AV
ALVA, FL 33920

All data is current at time of printing and subject to change without notice.

28-43-26-08-00001.0240
WEGENKA BEVERLY
15502 SPRING LINE LN
FT MYERS, FL 33905

28-43-26-08-00001.0360
BAKER MARY ANNE TR
15728 TREASURE ISLAND LN SE
FORT MYERS, FL 33905

28-43-26-08-00001.0370
LAZENBY CHALRES + CHARLENE
15732 TREASURE ISLAND LN
FORT MYERS, FL 33905

28-43-26-08-00001.0380
DRUMMOND AUSTIN C + MARY L
15734 TREASURE ISLAND LN
FT MYERS, FL 33905

28-43-26-08-00001.0390
PEREIRA DOMINGA
15738 TREASURE ISLAND LN
FORT MYERS, FL 33905

28-43-26-08-00001.0400
MANDICH MICHAEL + LINDA
PO BOX 152394
CAPE CORAL, FL 33915

28-43-26-08-00001.0410
SEE CINDY J
15746 TREASURE ISLAND LN SE
FT MYERS, FL 33905

28-43-26-08-00001.0420
DEEMER CORA J
15750 TREASURE ISLAND LN
FT MYERS, FL 33905

28-43-26-08-00001.0430
STEELE MICHAEL LEE
15754 TREASURE ISLAND LN
FORT MYERS, FL 33905

28-43-26-08-00001.0440
GRABLE MICHAEL J
15758 TREASURE ISLAND LN
FORT MYERS, FL 33905

28-43-26-08-00001.0450
ROTH DAVID L + MICHELE P
15762 TEASURE ISLAND LN
FT MYERS, FL 33905

28-43-26-08-00001.0460
BENITEZ EMMA
15766 TREASURE ISLAND LN
FORT MYERS, FL 33905

28-43-26-08-00001.0470
HEPP SUSANA R
3800 LONG POINT BLVD
PORTSMOUTH, VA 23703

28-43-26-08-00001.0480
SEBBERT TERRIE A + CHARLES
15772 TREASURE ISLAND LN
FORT MYERS, FL 33905

28-43-26-08-00001.0490
MONTANYE LINDA L TR
15776 TREASURE ISLAND
FT MYERS, FL 33905

28-43-26-08-00001.0500
SCRUGGS PAUL F + JULIE A
15780 TREASURE ISLAND LN SE
FT MYERS, FL 33905

28-43-26-08-00002.0010
FADZIEJEWSKI PHILLIP P
1501 JAY
MELROSE PARK, IL 60160

28-43-26-08-00002.0020
BARTLETT HAROLD E + MARTHA C
15857 WILLOUGHBY LN
FT MYERS, FL 33905

28-43-26-08-00002.0030
ROSS ALISON M
15863 WILLOUGHBY LN
FORT MYERS, FL 33905

28-43-26-08-00002.0040
CRESSE DEBRA ANN
15867 WILLOUGHBY LN
FORT MYERS, FL 33905

All data is current at time of printing and subject to change without notice.

28-43-26-08-00002.0050
BELIVEAU MARION +
15869 WILLOUGHBY LN
FORT MYERS, FL 33905

28-43-26-08-00002.0060
MOE DANIEL
15875 WILLOUGHBY LN
FORT MYERS, FL 33905

28-43-26-08-00002.0070
LANE TISHA +
15879 WILLOUGHBY LN
FORT MYERS, FL 33905

28-43-26-08-00002.0080
ORTIZ JOSUE + LAURA A
15779 TREASURE ISLAND LN
FORT MYERS, FL 33905

28-43-26-08-00002.0090
PEDRAJA RAMON A
15775 TREASURE ISLAND LN
FORT MYERS, FL 33905

28-43-26-08-00002.0100
VOLLMER JAM
15771 TREAURE ISLAND LN
FT MYERS, FL 33905

28-43-26-08-00002.0110
MARVEL MARIA +
PO BOX 50522
FORT MYERS, FL 33994

28-43-26-08-00002.0120
OWEN KIMBERLYN
15761 TREASURE ISLAND LN
FORT MYERS, FL 33905

28-43-26-08-00002.0130
SAGION ABRAHAM + RACHEL
2108 BAHAMA AVE
FORT MYERS, FL 33905

28-43-26-08-00002.0140
KANACHERIL VARGHESE J +
15753 TREASURE ISLAND LN
FORT MYERS, FL 33905

28-43-26-08-00003.0110
MOOT ROBERTA E
15880 WILLOUGHBY LN
FORT MYERS, FL 33905

28-43-26-08-00003.0120
GARROW CHRISTOPHER J +
15878 WILLOUGHBY LN
FT MYERS, FL 33905

28-43-26-08-00003.0130
BRICENO KAROL JOHANA
15551 HORSESHOE LN
FORT MYERS, FL 33905

28-43-26-08-00003.0140
LEE COUNTY REALTY INC TR
PO BOX 7329
FORT MYERS, FL 33911

28-43-26-08-00003.0150
BEALER THOMAS J +
15868 WILLOUGHBY LN
FORT MYERS, FL 33905

28-43-26-08-00003.0160
LARSEN BERTINUS R + MARY A +
5713 JOAN ST
LAKE IN THE HILLS, IL 60156

28-43-26-08-00003.0170
MCCARY ADAM + MALLORI
15860 WILLOUGHBY LN
FORT MYERS, FL 33905

28-43-26-08-00003.0180
SANDERS THERESA
15856 WILLOUGHBY LN
FORT MYERS, FL 33905

28-43-26-08-00003.0190
MOORE WILLIAM TUCKER JR +
15852 WILLOUGHBY LANE S E
FORT MYERS, FL 33905

28-43-26-08-00006.0010
YOUNG STEVEN
2689 PURSLANE DR
FORT MYERS, FL 33905

All data is current at time of printing and subject to change without notice.

28-43-26-08-00006.0020
CUMMINGS COMPTON L +
2685 PURSLANE DR
FORT MYERS, FL 33905

28-43-26-08-00006.0030
DIPENTIMA PAUL M + SANDRA
2681 PURSLANE DR
FORT MYERS, FL 33905

28-43-26-08-00006.0040
CASTON CARLOS J
2677 PURSIANE DR
FORT MYERS, FL 33905

28-43-26-08-00006.0050
TALCOTT GREGORY
2673 PURSLANE DR
FORT MYERS, FL 33905

28-43-26-08-00006.0060
KOKORSKY JOHN R
2671 PURSLANE DR SE
FT MYERS, FL 33905

28-43-26-08-0000A.0000
LEE COUNTY
PO BOX 398
FORT MYERS, FL 33902

29-43-26-00-00003.0020
VERANDAH EAST CDD
9990 COCONUT RD STE 200
BONITA SPRINGS, FL 34135

33-43-26-00-00001.0000
VERANDAH DEVELOPMENT LLC
9990 COCONUT RD STE 200
BONITA SPRINGS, FL 34135

33-43-26-00-00002.0000
TAYLOR WOODROW COMMUNITIES AT
8430 ENTERPRISE CIR STE 100
BRADENTON, FL 34202

33-43-26-00-00002.0030
TAYLOR WOODROW COMMUNITIES AT
8430 ENTERPRISE CIR STE 100
BRADENTON, FL 34202

33-43-26-00-00002.0060
PORTICO CDD
3434 COLWELL AVE
STE 200
TAMPA, FL 33614

33-43-26-00-00002.0150
PORTICO CDD
3434 COLWELL AVE
STE 200
TAMPA, FL 33614

34-43-26-04-00000.3080
LEVITT + SONS AT HAWKS HAVEN
7777 GLADES RD STE 410
BOCA RATON, FL 33434

34-43-26-04-00000.3090
LEVITT + SONS AT HAWKS HAVEN
7777 GLADES RD STE 410
BOCA RATON, FL 33434

34-43-26-04-00000.3100
LEVITT + SONS AT HAWKS HAVEN
7777 GLADES RD STE 410
BOCA RATON, FL 33434

34-43-26-04-00000.3110
LEVITT + SONS AT HAWKS HAVEN
7777 GLADES RD STE 410
BOCA RATON, FL 33434

34-43-26-04-00000.3120
LEVITT + SONS AT HAWKS HAVEN
7777 GLADES RD STE 410
BOCA RATON, FL 33434

34-43-26-04-00000.3130
LEVITT + SONS AT HAWKS HAVEN
7777 GLADES RD STE 410
BOCA RATON, FL 33434

34-43-26-04-00000.4240
LEVITT + SONS AT HAWKS HAVEN
7777 GLADES RD STE 410
BOCA RATON, FL 33434

34-43-26-04-00000.4250
LEVITT + SONS AT HAWKS HAVEN
7777 GLADES RD STE 410
BOCA RATON, FL 33434

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Mike Roeder
East Lee County Council
1625 Hendry Street, Suite 301
Fort Myers, FL 33901

Shirley Radkiewicz
East Lee County Council
1535 Sunkist Way
Fort Myers, FL 33905

Clarence Bowman
Morse Shores Civic Association
260 Alameda Ave
Fort Myers, FL 33905

Buckingham Development, LLC
8045 NW 155th Street
Miami Lakes, FL 33016

Mr. Matt Uhle
Knott, Consoer, Ebelini, Hart & Swett, P.A.
1625 Hendry Street, Suite 301
Fort Myers, FL 33901

Crosswinds at Buckingham
22920 Venture Drive
Novi, MI 483754188

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34-43-26-04-00000.4260
LEVITT + SONS AT HAWKS HAVEN
7777 GLADES RD STE 410
BOCA RATON, FL 33434

34-43-26-04-00000.4270
LEVITT + SONS AT HAWKS HAVEN
7777 GLADES RD STE 410
BOCA RATON, FL 33434

34-43-26-04-00000.4280
LEVITT + SONS AT HAWKS HAVEN
7777 GLADES RD STE 410
BOCA RATON, FL 33434

34-43-26-04-00000.4290
LEVITT + SONS AT HAWKS HAVEN
7777 GLADES RD STE 410
BOCA RATON, FL 33434

34-43-26-04-00000.4300
LEVITT + SONS AT HAWKS HAVEN
7777 GLADES RD STE 410
BOCA RATON, FL 33434

34-43-26-04-00000.4310
LEVITT + SONS AT HAWKS HAVEN
7777 GLADES RD STE 410
BOCA RATON, FL 33434

34-43-26-04-00000.4320
LEVITT + SONS AT HAWKS HAVEN
7777 GLADES RD STE 410
BOCA RATON, FL 33434

34-43-26-04-0000A.00CE
CASCADES AT RIVER HALL
7777 GLADES RD STE 410
BOCA RATON, FL 33434

34-43-26-04-0000E.00CE
CASCADES AT RIVER HALL
7777 GLADES RD STE 410
BOCA RATON, FL 33434

34-43-26-04-0000N.00CE
CASCADES AT RIVER HALL
7777 GLADES RD STE 410
BOCA RATON, FL 33434

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MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY

DATE: January 19, 2007

TO: Jamie Princing
Development Services

FROM: Christina Borden
Christina Borden
Legal Administrative Assistant

RE: **Hemingway Pointe**
Zoning Case #DCI2006-00010
Z-06-085

Attached please find the legal verification in regard to the above matter. Please place this verification in the appropriate file. Thank you.

/ckb
attachment
cc: Dawn Perry-Lehnert, Assistant County Attorney

From: Alison Stowe [mailto:AStowe@knott-law.com]
Sent: Friday, December 15, 2006 9:21 AM
To: Tad Simpson
Subject: Hemingway Pointe legal verification

I certify that the attached legal description describes the property intended to be rezoned.

SIGNATURE

Alison Stowe
Zoning Department
Knott, Consoer, Ebelini, Hart & Swett, P.A.
239-334-2722
AStowe@knott-law.com

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DCI 2006-00010

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTIONS 28 AND 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

(BOUNDARY)

A TRACT OR PARCEL OF LAND LYING IN SECTIONS 28 AND 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; SAID TRACT OR PARCEL IS FURTHER DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID SECTION 33; THENCE RUN S 00°49'36" E, ALONG THE EAST LINE OF SAID SECTION 33, FOR 187.50 FEET; THENCE RUN S 89°10'24" W, AT RIGHT ANGLES TO SAID EAST LINE OF SECTION 33, FOR 4,467.24 FEET TO A POINT 50.00 FEET EAST OF THE CENTER LINE OF BUCKINGHAM ROAD, FORMERLY KNOWN AS S.R. #S-80; THENCE RUN N 24°24'46" E ALONG A LINE WHICH IS PARALLEL TO AND 50.00 FEET EAST OF THE CENTER LINE OF BUCKINGHAM ROAD FOR 737.33 FEET, MORE OR LESS TO A POINT ON THE SOUTH LINE OF THE FORMER SEABOARD ALL FLORIDA RAILWAY RIGHT-OF-WAY; THENCE RUN N 89°00'54" E, ALONG SAID SOUTH LINE OF RIGHT-OF-WAY, FOR 449.53 FEET, MORE OR LESS, TO A CONCRETE MONUMENT BEING THE SOUTHEAST CORNER OF PARCEL AS RECORDED IN DEED BOOK 233, PAGE 481, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N 00°59'06" W, FOR 100.80 FEET TO A CONCRETE MONUMENT ON THE NORTH LINE OF SAID FORMER SEABOARD ALL FLORIDA RAILWAY RIGHT-OF-WAY; THENCE RUN N 89°00'54" E, ALONG SAID NORTH LINE OF RIGHT-OF-WAY FOR 3,703.67 FEET, MORE OR LESS, TO A CONCRETE MONUMENT ON THE EAST LINE OF SAID SECTION 28, TOWNSHIP 43 SOUTH, RANGE 26 EAST, THENCE RUN S 00°49'13" E, ALONG SAID EAST LINE OF SECTION 28 FOR 590.91 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID SECTION 28 AND THE POINT OF BEGINNING.

ASSUMED NORTH BASED ON THE EASTERLY LINE OF BUCKINGHAM ROAD, FORMERLY KNOWN AS S.R. #S-80, AS BEARING N.24°24'46"E.

PARCEL CONTAINS 75.05 ACRES, MORE OR LESS.

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

DESCRIPTION PREPARED: 02-28-06

ROBERT TAD SIMPSON
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 5558

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MAR 22 2006
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Applicant's Legal Checked
by Lcm 4/06/2006.

DCI 2006-00010

S:\Jobs\20xx\2096\SURVEYING\DESCRIPTIONS\2096_DESC.doc
S:\Jobs\20xx\2096\SURVEYING\DESCRIPTIONS\2096_DESC.dwg

SHEET 1 OF 2

DCI 2006-00010

10511 Six Mile Cypress Pkwy, Suite 101, Ft Myers, Florida 33912 • (239) 939-5490 • Fax (239) 939-2923

EXHIBIT A

MEMORANDUM

From The

Department Of

Community Development

Development Services Division

Date: January 16, 2007

To: DCI2006-00010

FROM: Jamie Princing

RE: Notice of Public Hearing - January 29, 2007
Lee County Board of County Commissioners Meeting

I, Jamie Princing, Internal Services Secretary, Development Services Division, do hereby certify that I have mailed **notices to the participants** in regard to the above referenced meeting, in the attached style, pursuant to the list marked and attached hereto and made a part of the certification.

NOTICE TO PARTICIPANT

CASE NUMBER:	DCI2006-00010
NAME:	HEMINGWAY POINTE
REQUEST:	Rezone +/- 75.1 acres from Agricultural (AG-2) to Residential Planned Development (RPD) to permit 225 multi-family dwelling units. The maximum height proposed is 2 stories/35 feet.No development blasting is requested. The applicant indicates that they will connect to potable water and central sewer as part of any development of this property.
LOCATION:	2951 and 3021 Buckingham Road(From downtown Fort Myers take 2nd St and turn slight left onto Seaboard St. Then turn slight right onto Palm Beach Blvd. Go for about 9 miles and turn right onto Buckingham Rd. Go approx. ½ mile and end at the subject properties), in S28 and 33-T43S-R26E, Lee County, FL.
PROPERTY OWNER'S REPRESENTATIVE:	MR. MIKE ROEDER 239-334-2722

Notice is hereby given that the Lee County Board of Commissioners will hold a public hearing at 9:30 am on Monday, January 29, 2007, to review the written recommendation made by the Hearing Examiner and make a final decision in the above-referenced case. This hearing will be held in the Commissioners' Meeting Room, 2120 Main St., Ft. Myers FL.

The law states that, as a participant, you have the right to appear and address the Board on this case. However, the law strictly limits all testimony before the Board to statements challenging the correctness of findings and conclusions contained in the record, or statements alleging the discovery of relevant new evidence which was not known by the speaker at the time of the Hearing Examiner's hearing and not otherwise disclosed in the record. Statements will be limited to five (5) minutes or as the Board may otherwise allow.

Additional copies of the Hearing Examiner's recommendation may be obtained or the file reviewed at the Zoning Division, 1500 Monroe St., Ft. Myers, FL. Call 479-8585 for additional information.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Jamie Princing at 479-8585.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

d2006-10

Knott Consoer
Mike Roeder
1625 Hendry St., Ste. 301
Fort Myers, FL 33901

Amber Braatz
14691 Drawdy Road
Fort Myers, Florida 33905

Jeff Riopelle
21694 Sungate Court, #702
Estero, Florida 33928

William Rounsifer
P.O. Box 50354
Fort Myers, Florida 33994
Crosswinds At Buckingham

22920 Venture Dr.
Novi, MI 48375-4188

Buckingham Development

8045 NW 155th St.
Miami Lakes, FL 33016

Knott, Consoer, Ebelini
Hart & Swett, P.A.
ATTORNEYS-AT-LAW

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

MRoeder@knott-law.com

Matthew D. Uhle
Aaron A. Haak
Derrick S. Eihausen
Natly Torres-Alvarado
David A. Burt

Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

MEMORANDUM

TO: Tony Palermo

FROM: Mike Roeder

DATE: October 4, 2006

RE: Hemingway Pointe / DCI2006-00010

Attached please find 11 copies of the revised MCP on 11x17 and 24x36 and 11 copies of the revised Schedule of Deviations. If you have any questions, please do not hesitate to contact me.

MER/ams

Attachments

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DCI 2006-00010

Alison Stowe

From: Mike Roeder
Sent: Tuesday, October 03, 2006 4:42 PM
To: Alison Stowe
Subject: FW: Hemingway Point

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Michael E. Roeder
Director of Zoning and Land Use Planning
Knott, Consoer, Ebelini, Hart & Swett, P.A.
239-334-2722
MRoeder@knott-law.com

From: Palermo, Anthony D. [mailto:APalermo@leegov.com]
Sent: Monday, October 02, 2006 2:00 PM
To: Mike Roeder
Subject: RE: Hemingway Point

11 big and 11 small is fine with me.

Tony Palermo, Senior Planner
Lee County Community Development
P.O. Box 398
Fort Myers, FL 33902
Phone 239-479-8325
FAX 239-479-8313
apalermo@leegov.com

From: Mike Roeder [mailto:MRoeder@knott-law.com]
Sent: Monday, October 02, 2006 1:52 PM
To: Palermo, Anthony D.
Cc: Zsuzsanna Weigel
Subject: RE: Hemingway Point

Thanks Tony, How many copies of the revised plan will you need, large and small? Also, it looks like they are revising our intesection separation deviation to 450' in an excess of caution. We have it located precisely on our property, but they had been estimating the distance from the nearest driveway off aerial photos. I know this won't change DOT's recommendation.

Michael E. Roeder
Director of Zoning and Land Use Planning
Knott, Consoer, Ebelini, Hart & Swett, P.A.
239-334-2722
MRoeder@knott-law.com

DCI 2006-00010

From: Palermo, Anthony D. [mailto:APalermo@leegov.com]

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution
Robert D Spickerman, Asst County Attorney
DS Reviewer - Susan L Hollingsworth
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Hearing Examiner

FROM: Tony Palermo

DATE: 10/04/2006

PROJECT NAME: HEMINGWAY POINTE

CASE #: DCI2006-00010

INFORMATION SUMMARY:

To update your file
_X_ Review and forward substantive comments **ASAP**.

RESPONSE REQUIRED BY: 10/14/2006

Additional Comments:
HEX October 11, 2006 New MCP

cc: DCI planner/working file
DCI Zone File

Distributed by: Brady X Proctor

Date: 10/05/2006

DEVIATIONS REQUESTED: **EXHIBIT D-7-Q**

1. SEC. 10-285(a) TABLE 1
   A. WHICH REQUIRES A CENTERLINE CONNECTION SEPARATION FOR LOCAL ROADS OF 125 FEET TO ALLOW A MINIMUM CENTERLINE CONNECTION SEPARATION OF 99 FEET FOR THE PRIVATE RIGHT-OF-WAY WHERE NOTED ON THE MASTER CONCEPT PLAN.

   B. WHICH REQUIRES A CENTERLINE CONNECTION SEPARATION FOR ARTERIAL ROADS OF 660 FEET TO ALLOW A MINIMUM CENTERLINE CONNECTION SEPARATION OF 450+/- FEET FOR THE PROPOSED ACCESS ONTO BUCKINGHAM ROAD AND EXISTING DRAWDY COURT TO THE NORTH.

2. SEC. 10-291(3) WHICH REQUIRES MORE THAN ONE MEANS OF INGRESS OR EGRESS TO ALLOW ONE MEANS OF INGRESS OR EGRESS..

3. SEC. 10-296(K)(1) WHICH REQUIRES THAT DEAD-END STREETS, DESIGNED TO BE SO PERMANENTLY MUST BE CLOSED AT ONE END BY A CIRCULAR TURNAROUND FOR VEHICLES TO ALLOW DEAD-END STREETS WHERE NOTED ON THE MASTER CONCEPT PLAN. TO ALLOW FOR NO CUL-DE-SACS.

4. SEC. 10-329(D)(1)a.2. WHICH REQUIRES THAT WATER RETENTION OR DETENTION EXCAVATIONS BE SETBACK 50 FEET FROM ANY EXISTING OR PROPOSED RIGHT-OF-WAY LINE OR EASEMENT FOR A COLLECTOR OR ARTERIAL STREET UNLESS GRANTED AN ADMINISTRATIVE DEVIATION IN ACCORDANCE WITH SECTION 10-104. THE SETBACK MAY BE REDUCED TO NOT LESS THAN 25 FEET IF THE DEVELOPER PROVIDES FOR THE PROTECTION OF WAYWARD VEHICLES THROUGH THE USE OF GUIDERAILS, BERM, SWALES, VEGETATION OR OTHER SUITABLE METHODS AS DETERMINED BY THE DIRECTOR TO ALLOW A SETBACK OF 25 FEET FROM BUCKINGHAM ROAD,

5. SEC. 10-329(d)(1)a.3. WHICH REQUIRES THAT WATER RETENTION OR DETENTION EXCAVATIONS BE SETBACK 50 FEET FROM ANY PRIVATE PROPERTY LINE UNDER SEPARATE OWNERSHIP UNLESS GRANTED AN ADMINISTRATIVE DEVIATION IN ACCORDANCE WITH SECTION 10-104. THE SETBACK FOR AN EXCAVATION FROM A PRIVATE PROPERTY LINE MAY NOT BE LESS THAN 25 FEET. THE REQUEST IS TO ALLOW A SETBACK OF 25 FEET FROM THE SOUTH PROPERTY LINE.

6. SEC. 10-416(d)(6) THAT REQUIRES THAT IF ROADS, DRIVES, OR PARKING AREAS LOCATED LESS THAN 125 FEET FROM AN EXISTING RESIDENTIAL SUBDIVISION OR RESIDENTIAL LOTS, A SOLID WALL OR COMBINATION BERM AND SOLID WALL NOT LESS THAN EIGHT FEET IN HEIGHT MUST BE CONSTRUCTED NOT LESS THAN 25 FEET FROM THE ABUTTING PROPERTY AND LANDSCAPED (BETWEEN THE WALL AND THE ABUTTING PROPERTY) WITH A MINIMUM OF FIVE TREES AND 18 SHRUBS PER 100 LINEAR FEET.

IN LIEU OF THE BUFFER, THE APPLICANT WILL PROVIDE AN UNENCUMBERED 15' PLANTABLE AREA CONTAINING PLANTING SIZE AND COUNT CONSISTENT WITH THE TYPE 'F' BUFFER.

7. SEC. 34-935(e)(4) WHICH REQUIRES WHERE THERE ARE TWO OR MORE PRINCIPAL BUILDINGS ON A DEVELOPMENT TRACT, THE MINIMUM SEPARATION OF BUILDINGS SHALL BE ONE-HALF OF THE SUM OF THEIR HEIGHTS, OR 20 FEET, WHICHEVER IS GREATER.THE REQUEST IS TO ALLOW A MINIMUM BUILDING SEPARATION OF 20 FEET.

8. SEC. 34-2015(2)(d) WHICH REQUIRES THAT ALL PARKING LOT SPACES MUST BE PROVIDED WITH SUFFICIENT MANEUVERING ROOM TO ALLOW AN EXITING VECHICLE TO LEAVE THE PARKING LOT IN A FORWARD MOTION, TO ALLOW VEHICLES EXITING RESIDENTIAL OFF-STREET PARKING TO BACK-OUT ONTO PRIVATE ROADS.

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9. SEC. 34-2192(a) STREET SETBACK FOR PRIVATE ROAD OF 20 FEET TO ALLOW A MINIMUM FRONT SETBACK FROM THE PRIVATE ROAD OF 20 FEET AND A MINIMUM SIDE SETBACK FROM THE PRIVATE ROAD OF 10 FEET.

10. SEC. 10-416(d)(3) WHICH REQUIRES THAT PROPOSED MULTI-FAMILY DEVELOPMENTS PROVIDE A TYPE "B" BUFFER WHEN ABUTTING EXISTING SINGLE-FAMILY DEVELOPMENT TO ALLOW A 5' WIDE PLANTED AREA ALONG THE SOUTHERN EDGE OF THE EXISTING 50' FPL EASEMENT CONTAINING A DOUBLE STAGGERED HEDGE ROW OF SHRUBS AT A 48" MINIMUM HEIGHT AT THE TIME OF INSTALLATION.

DCI 2006-00010

11. SEC. 10-418(1) THAT REQUIRES SHORELINES TO BE SINUOUS IN CONFIGURATION TO PROVIDE INCREASED LENGTH AND DIVERSITY OF THE LITTORAL ZONE. SINUOUS IS DEFINED AS SEPENTINE, BENDING IN AND OUT, WAVY OR WINDING.

IN LIEU OF THE SINUOUS CHARACTERISTIC AT THE EDGE OF WATER, THE APPLICANT WILL PROVIDE THE DESIRED SINUOUSITY THROUGH INCREASED LITTORAL PLANTINGS OF THE INDIVIDUAL LAKES. PLANTING AREAS WILL CONSTITUTE 15% OF THE LAKE AREA WITH 50% COVERAGE BY PLANTS SPACED ON THREE FOOT CENTERS. PLANTINGS UNDER AFOREMENTIONED CONDITIONS WILL BE PROVIDED IN PLACE OF THE PLANTING REQUIREMENT OF 1 PLANT PER LINEAR FOOT OF LAKE SHORELINE CALLED OUT IN SEC. 10-418(2)(B).

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

Writer's Direct Dial Number: (239) 479-8325

April 10, 2006

MR. MIKE ROEDER
KNOTT CONSOER
1625 HENDRY ST
FT MYERS, FL 33901

Re: HEMINGWAY POINTE
DCI2006-00010 - PDL Application (Major PD)

Dear MR. MIKE ROEDER :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Tony Palermo
Senior Planner

cc.

ED KIMBALL
2253 DAVIS BOULEVARD
FORT MYERS, FL 33905

JEFF RIOPELLE
TAYLOR WOODROW
21694 SUNGATE COURT, 702
ESTERO, FL 33928

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Brad Vance, Natural Resources
Andy Getch, LCDOT
Jamie Princing, DCD Administration
Dawn Lehnert, Assistant County Attorney
Susan Hollingsworth, Development Review
DCI Zoning File
DCI Working File

Lee County Sufficiency Checklist for Planned Developments, Amendments, and Existing Developments Requesting Planned Development Zoning

19a) If project is located in Caloosahatchee Shores Community Plan, applicant must submit a meeting summary document containing the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. [Lee Plan Policy 21.6.3]

A presentation before the East Lee County Council has been scheduled for May 27 (or was it March 27?). Please provide us with a copy of the minutes from this meeting.

20) Contact. The Zoning Planner may be contacted regarding any questions on the Planned Development Sufficiency Checklist.

21) Miscellaneous Items.

ENVIRONMENTAL SCIENCES COMMENTS WERE ADDRESSED.

LEGAL SUFFICIENCY COMMENTS WERE ADDRESSED. (LUIS MACHADO)

LCDOT COMMENTS WERE ADDRESSED (SUFFICIENCY COMMENTS. THERE MAY BE SUBSTANTIVE COMMENTS ON THE ACCESS POINT)

COUNTY ATTORNEY COMMENTS - UPDATED COMMENTS ATTACHED.

- You indicated that an AG affidavit and exhibit are pending a signature of the owner. Please provide this whenever you can.
- The County Attorney has a concern about the scale of the MCP.

THE AGRICULTURAL CONDITION STAFF IS USING IS AS FOLLOWS:

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

(a) Bona fide agricultural uses that are in existence at the time the application for this project was filed, and as shown on Exhibit xxx attached hereto, may continue until approval of a local development order for the area of the project containing those uses.

[Note: The referenced exhibit must consist of existing bona fide uses documented in a sworn affidavit from the property owner describing the type and intensity of bona fide agricultural uses in existence on the date of the zoning application, i.e., livestock grazing or crop production. The applicant must include acreage figures for each use as part of the sworn affidavit. The affidavit must include an exhibit depicting the location of the uses on a copy of the boundary sketch. The exhibit should be entitled "Bona fide Agricultural Uses at time of Zoning Application."]

(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) Prior to issuance of a local development order, the property owner must provide written proof, subject to approval by the County Attorney's Office, of the following:

(1) Termination of all agricultural use on any portion of the property included in the development order application/approval. Proof must include a sworn affidavit from the person or entity holding title to the subject property that specifically provides:

a) the date the agricultural uses ceased;

b) the legal description of the property subject to the development order approval;

c) an affirmative statement that the owner acknowledges and agrees that all agricultural uses are illegal and prohibited on the property and that the owner covenants with the county that they will not allow any such uses on the property unless and until the property is re-zoned to permit such uses; and,

d) that the affidavit constitutes a covenant between the owner and the county that is binding on the owner and their assignees and successors in interest.

The covenant must be properly recorded in the public records of the county at the owner's expense.

(2) Termination of the agricultural tax exemption for any portion of the property included in the development order application/approval. Proof as to termination must include of a copy of the request to terminate the tax exemption provided to the Property Appraiser.

ZONING COMMENTS - updated April 2006.

1. Please look at the proposed request wording. DONE.

Rezone +/- 75.1 acres from Agricultural (AG-2) to Residential Planned Development (RPD) to permit 225 multi-family dwelling units. Maximum heights proposed are 2-stories/35 feet. No development blasting is requested. The applicant indicates that they will connect to potable water and central sewer as part of any development of this property.

2. Please consider adjasting your buffers (consistent with Portico) to the south.

3. There are substantive issues (with buffers and deviations) with the Portico developer. Please consider contacting their representative (Jeff Riopelle of Taylor Woodrow) and see if you can address their concerns. They are more of a substantive issue, not sufficiency issues.

From: Lehnert, Dawn
To: Palermo. Anthony D.
Date: 3/24/06 3:39PM
Subject: Hemingway Pointe DCI2006-00010

1. The 11 x1 7 MCP is a reduced copy of the 24 x 26 version. The scale is not correct. Please request and appropriately scaled 11 x 17 versions.

2. Please note, the Caloosahatchee Shore Community Plan Amendment was adopted by the BOCC as a result of CPA 2002-04. The required LDRs were never adopted. The Lee Plan allows up to 3 units per acre. It does not guarantee 3 units per acre.

3. Guess the Ag affidavit will arrive under separate cover. Please forward a copy when it is received.

Thanks

Dawn E. Perry-Lehnert

Assistant County Attorney

Lee County Attorney's Office

Phone: 239-335-2236

Fax: 239-335-2606

Lehnertd@leegov.com

CC: Houck. Pamela E.

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Dawn Lehnert, Asst County Attorney
DS Reviewer - Susan Hollingsworth
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Ellen Lindblad, Lee County School District
Brad Vance, Natural Resources
Luis Machado, Zoning

FROM: Tony Palermo

DATE: 03/22/2006

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: HEMINGWAY POINTE

CASE #: DCI2006-00010

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 04/05/2006

Additional Comments:

Second Sufficiency

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Luisa V Villa

Date: 03/23/2006

Knott, Consoer, Ebelini
Hart & Swett, P.A.
ATTORNEYS - AT - LAW

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

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MRoeder@knott-law.com

Matthew D. Uhle
Aaron A. Haak
Derrick S. Elhausen
Natly Torres-Alvarado
David A. Burt

Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

March 22, 2006

RECEIVED
MAR 22 2006
COMMUNITY DEVELOPMENT

Mr. Tony Palermo, Senior Planner
Department of Community Development
P.O. Box 398
Ft. Myers, FL 33902

Re: Hemingway Pointe / DCI2006-00010

Dear Tony:

We are in receipt of your sufficiency letter dated February 28, 2006 and would offer the following information and submittals in response:

Environmental Sciences Planned Development Sufficiency Checklist

6). Parks, Recreation Areas and Indigenous Areas. The Master Concept Plan has been revised to remove the credit information from the open space table.

9). Buffers. The MCP has been revised to show a Type "B" buffer on the northwest portion of the property. This area is part of Deviation 6 and a deviation note has been added to the MCP.

11). Schedule of Deviations.

Deviation 6: A Type "B" buffer is proposed in the location for Deviation 6, which contain 5 trees per 100 linear feet and hedge planted in double staggered rows maintained so as to form a 36 inch high continuous visual screen within 1 year from time of planting. The MCP has been revised to reflect this buffer.

Deviation 10: The MCP has been revised to show a Type "B" buffer along the northwest portion of the property that has only a 50-foot FPL easement.

12). Miscellaneous Items.

1. Preserve setbacks. A typical townhome lot with setbacks shown on the MCP has been

DCI 2006-00010

revised to indicate a minimum building setback of 20 feet from any preserve.

2. Natural Shoreline. The shorelines have been revised on the MCP and the lake areas have been revised accordingly.

Legal Requirements Sufficiency Checklist

6b). Certified sketch of description. A certified legal description and sketch has been attached.

6c3). State Plane Coordinate System. The boundary survey has been revised to reflect the required state plane coordinates and is attached.

RECEIVED
MAR 22 2006
PERMIT COUNTER

DOT Sufficiency Comments

1). Sufficiency Comments.

1. Access Point Deviation. The Engineer has reviewed the potential for revising the site plan to move the entrance road and eliminate the necessity for this deviation. However, during the initial site design of the proposed project, it was determined that this deviation would be necessary for the development plans as proposed in order to minimize environmental impacts while providing adequate traffic flow. It is still the opinion of the site planners that the deviation is necessary and desirable, and we would propose to proceed with this deviation request.

Lee County Sufficiency Checklist for Planned Development Amendments

19a). A presentation before the East Lee County Council of Hemingway Pointe has been scheduled for May 27, 2006. Minutes of that meeting will be provided when they become available.

County Attorney Comments

1. This 75-acre parcel was changed from Suburban to Outlying Suburban as a part of the Caloosahatchee Shores Community Plan. However, while the other lands that were changed to Outlying Suburban as a part of that Plan were limited to 2 units per acre, this property was allowed the standard density of 3 units per acre in recognition of its transitional location and the fact that it was entirely Suburban before the Plan amendment and not a mixture of Suburban

DCI 2006-00010

and Rural. Documentation from the Caloosahatchee Shores amendment is attached.

2. There is an active AG use on the property in the form of hay growing and the affidavit and required exhibit will be submitted as soon as it is signed by the owner.

3. The certified legal and sketch are attached.

Zoning Comments

1. The proposed wording is accurate.

2. We are submitting an exhibit which shows the surrounding densities of existing and/or approved developments. Generally the density to the south is 2 units to the acre while the density to the north in Riverdale Shores and Buckingham Preserve is approximately 3-4 units per acre. There are some homes on larger lots on Drawdy Road with AG-2 zoning, but those should be viewed as an interim use given the development patterns in the area.

3. As indicated in the original submittal, the east side of Buckingham Road was the subject of a significant Lee Plan amendment as a result of the Caloosahatchee Shores Community Plan. Several larger developments, most notably Buckingham 320, had requested rezoning relying on the Suburban land use designation and the Rural land use designation at the maximum allowable densities. This had the effect of concentrating the higher density development along Buckingham Road. The landowners and the community felt it was more reasonable to spread this density out at a somewhat lower level, and it was agreed to amend the Lee Plan to show Outlying Suburban instead of the Suburban and Rural categories on the east side of Buckingham Road. Most of this land was limited to 2 units per acre, but the 75 acres that was formerly known as Buckingham Gardens was permitted 3 units per acre for 2 reasons:

1). The property was entirely Suburban and not a mixture of Suburban and Rural as were the other large holdings in the area.
2). It was felt to be a reasonable transition from the 2 units per acre to the south to Riverdale Shores and Buckingham Preserve to the north. The proposed site plan at 3 units per acre fits nicely on the site while still respecting all of the important environmental features that are existing.

4. The MCP has been revised to show Drawdy Road and the AG-2 zoned property that has access from Drawdy Road, which also connects to Treasure Island Lane and First Lane Drive in Riverdale Shores, Unit 1, and to the north. Hemingway Pointe will have no impact on the access to these properties.

5. A legible 11 x 17 print of the revised MCP is attached.

MAR 22 2006

RECEIVED
MAR 22 2006
PERMIT COUNTER

6. The MCP has been revised to reflect the zoning, future land use, and current land use on all surrounding properties and the number of lanes, width, and classification for Drawdy Road and Buckingham Road.

The MCP has been revised to reflect the Verandah MPD to the west.

The MCP has been revised to show the property abutting the northwest corner to read "single-family". There had been a demolition permit issued for the property, but it was withdrawn.

The MCP has been revised to show "beekeeping".

The retention area to the north appears to be a natural retention area. It is platted as a retention tract in Riverdale Shores plat.

The MCP has been revised to show "Agricultural (in-ground ornamental nursery)".

The MCP has been revised to remove the word 'existing' from the surrounding properties.

The MCP has been revised to show River Hall RPD (fka Hawks Haven) to the east.

7. The proposed clubhouse will be 3,200 square feet with a maximum height of approximately 24 feet. It will be 1 story.

8. The village greens on the MCP are simply common open space that would be available for walking the dog and a visual amenity. No facilities or improvements are planned unless otherwise indicated.

9. Please see the response under the LCDOT section.

10. The MCP has been revised to show numbering for the lakes.

11. We are proposing to enhance the buffer along Buckingham Road to match the buffer for Portico.

12. The MCP has been revised to show the number and location of model units and real estate sales offices.

13. We have submitted a revised Schedule of Uses which includes some of the suggested additions.

14. The general notes and conditions have been removed from the MCP and put on an attachment named "Master Concept Plan Supplemental Information", which is included.

DCI 2006-00010

March 22, 2006

15. The fire district has been added to the MCP.

16. The height has been removed from the MCP and added to the "Master Concept Plan Supplemental Information" attachment.

Please do not hesitate to contact us if you require additional information, although I would hope that we could provide that without going through a second formal sufficiency round. Thank you again for your assistance in this matter.

Very truly yours,

KNOTT, CONSOER, EBELINI,
HART & SWETT, P.A.

Michael E. Roeder, AICP
Director of Zoning and Land Use Planning

MER/ams

cc: Shaina Roth
Sam Marshall
Matt Uhle

RECEIVED
MAR 22 2006
PUBLIC HEARING

DO 2006-00010

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

Writer's Direct Dial Number: (239) 479-8325

February 28, 2006

MR. MIKE ROEDER
KNOTT CONSOER
1625 HENDRY ST
FT MYERS, FL 33901

Re: HEMINGWAY POINTE
DCI2006-00010 - PDL Application (Major PD)

Dear MR. MIKE ROEDER :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Tony Palermo
Senior Planner

cc.

ED KIMBALL
2253 DAVIS BOULEVARD
FORT MYERS, FL 33905

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Brad Vance, Natural Resources
Andy Getch, LCDOT
Jamie Princing, DCD Administration
Dawn Lehnert, Assistant County Attorney
Susan Hollingsworth, Development Review
DCI Zoning File
DCI Working File

Environmental Sciences Planned Development Sufficiency Checklist

6) Parks, Recreation Areas and Indigenous Areas. The general location of proposed parks, recreation areas and facilities as well as indigenous areas to be preserved must be shown on the Master Concept Plan. [34-373(a)(6)e]

Please revise the MCP to delete the credits for the preserve and credit notes. The credits only apply to upland preserves. The total provided indigenous of 16.2 acres accurately reflects the actual preserve area, so that note does not need to be changed.

9) Buffers. The minimum width and composition of all proposed buffers along the perimeter of the subject property, as well as between the individual uses, if the types of proposed uses requires buffer separations. References to types of buffers as described in chapter 10 are acceptable. [34-373(a)(6)g.]

Please address the required buffer between the proposed cul-de-sac within 125-feet of existing residential in the northwest portion of the proposed MCP.

11) Schedule of Deviations. A schedule of deviations and a written justification for each deviation requested as part of the Master Concept Plan must be submitted. [34-373(a)(9).]

Deviation 6: The justification states that appropriate landscaping can serve to provide a visual screen. Please provide details of the proposed landscaping.

Deviation 10: The 100-foot former Seaboard All Florida Railway right of way does not extend the full length of the property. Please revise the justification to address the northwest corner of the property where only a 50-foot FPL easement exists.

12) Miscellaneous Items.

1. Please revise the development regulations and Typical Townhome Lot with Setbacks drawing to include a minimum building setback of 20 feet from any preserve.

2. Please revise the MCP to delineate shorelines that mimic a natural shoreline as required by LDC Section 10-418(1).

13) Contact. The Environmental Planner may be contacted regarding any question on the Environmental Sciences Sufficiency Checklist.

Kim Trebatoski, Principal Environmental Planner
239-8183
trebatkm@leegov.com

Legal Requirements Sufficiency Checklist

6b) Certified sketch of description. A certified sketch of description as set out in chapter 61G 17-6.006, Florida Administrative Code, must be provided unless the subject property consists of one or more undivided platted lots in a subdivision recorded in the Official County Plat Books. [34-202(a)(2)]

Please provide a certified sketch to accompany the metes & bounds legal description in accordance with the recently amended LDC Sec 34-202(a)(1) requirement. This sketch will be an attachment to the BoCC zoning resolution and is required in addition to the already provided Boundary Survey. A reduced copy of the survey is not sufficient for this purpose. Thanks.

6c3) If the property encompasses 10 or more acres the survey must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment). [34-202(a)(2)]

Since the subject property encompasses more than 10 acres the OVERALL Boundary Survey must be tied to the state Plane Coordinate System for the Florida West Zone (North America Datum of 1983/1990 Adjustment). Ergo, please tie and display at least (2) coordinates, one coordinate being the point of beginning (POB) of the subject property and the other an opposing corner on Survey. Thanks.

7) Miscellaneous Items.

Note: "Sufficiency or non-applicability of Legal Requirements subject to change upon review of subsequent resubmittals."

8) Contact. The Planner may be contacted regarding any questions on this Checklist.

Please contact Luis G. Machado at (239) 479-8485
or e-mail: lmachado@leegov.com

1) Sufficiency Comments.

1. Based on the Master Concept Plan, the distance from the proposed project's entrance to the existing access points to the north is 500' and to the south is 1,026'. If the proposed entrance is relocated 160' to the south, the deviation #1b is not necessary.

2) The LCDOT reviewer may be contacted regarding any questions on the LCDOT Checklist.

Lill Wu 479-8580 ext 5395

Lee County Sufficiency Checklist for Planned Developments, Amendments, and Existing Developments Requesting Planned Development Zoning

19a) If project is located in Caloosahatchee Shores Community Plan, applicant must submit a meeting summary document containing the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. [Lee Plan Policy 21.6.3]

Please coordinate this meeting with Ed Kimball, Fort Myers Shores Civic Association/East Lee County Council. No meeting details or minutes were submitted with your application.

20) Contact. The Zoning Planner may be contacted regarding any questions on the Planned Development Sufficiency Checklist.

21) Miscellaneous Items.

COUNTY ATTORNEY COMMENTS FEB. 2006

1. Please verify that the maximum standard density at this location is 3 units per acre (not 2).

2. The application indicates there is an existing Ag use. However, no Ag affidavit was filed. Please submit an appropriate affidavit.

3. A sketch of the legal description is required for attachment to the MCP. A reduced copy of the survey is not sufficient for this purpose.

THE AGRICULTURAL CONDITION STAFF IS USING IS AS FOLLOWS:

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

(a) Bona fide agricultural uses that are in existence at the time the application for this project was filed, and as shown on Exhibit xxx attached hereto, may continue until approval of a local development order for the area of the project containing those uses.

[Note: The referenced exhibit must consist of existing bona fide uses documented in a sworn affidavit from the property owner describing the type and intensity of bona fide agricultural uses in existence on the date of the zoning application, i.e., livestock grazing or crop production. The applicant must include acreage figures for each use as part of the sworn affidavit. The affidavit must include an exhibit depicting the location of the uses on a copy of the boundary sketch. The exhibit should be entitled "Bona fide Agricultural Uses at time of Zoning Application."]

(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) Prior to issuance of a local development order, the property owner must provide written proof, subject to approval by the County Attorney's Office, of the following:

(1) Termination of all agricultural use on any portion of the property included in the development order application/approval. Proof must include a sworn affidavit from the person or entity holding title to the subject property that specifically provides:

a) the date the agricultural uses ceased;

b) the legal description of the property subject to the development order approval;

c) an affirmative statement that the owner acknowledges and agrees that all agricultural uses are illegal and prohibited on the property and that the owner covenants with the county that they will not allow any such uses on the property unless and until the property is re-zoned to permit such uses; and,

d) that the affidavit constitutes a covenant between the owner and the county that is binding on the owner and their assignees and successors in interest.

The covenant must be properly recorded in the public records of the county at the owner's expense.

(2) Termination of the agricultural tax exemption for any portion of the property included in the development order application/approval. Proof as to termination must include of a copy of the request to terminate the tax exemption provided to the Property Appraiser.

ZONING COMMENTS FEB. 2006.

1. Please look at the proposed request wording.

Rezone +/- 75.1 acres from Agricultural (AG-2) to Residential Planned Development (RPD) to permit 225 multi-family dwelling units. Maximum heights proposed are 2-stories/35 feet. No development blasting is requested. The applicant indicates that they will connect to potable water and central sewer as part of any development of this property.

2. Density at 2.99 du per acre is at the top on the density scale. Please provide additional analysis to justify this level of denisty (traffic, compatibility, etc.) Is it compatible with uses to the north and south (Portico). An exhibit may help.

3. Your Lee Plan narrative needs to more thoroughly address Lee Plan policies. It also needs an exhibit or map showing your statement that this is a property retained in the 3 per acre density area, rather than 2 per acre.

4. The MCP needs to show that Drawdy Road is to the north of the subject property. Also, does this development have any impact on the accessibility of thes properties zoned AG-2?

5. The 11X17 version is in very small print and will not copy well, nor is it easy to read.

6. Please include the following on the MCP - the surrounding properties need to show the zoning, future land use, and current land use - the number of lanes, width and classification of all roads such as Drawdy, Buckingham.

Please note the MPD to the west is Verandah MPD.
The notation for the neighboring - "vacant single-family (demolished) general contactor" is confusing. What is on this property? Is it an agricultural use or farm? Was there a home there, and now there is not?

Does "Bees" mean a beekeeping business?
Retention area means dry or wet retention, or natural area? (north)
Also north (Existing single-family & nursery) What kind of nursery?

It may be less confusing to not use the word "existing" just "vacant" or "single-family" etc. will do.

Also Hawks Haven was renamed River Hall (River Hall RPD fka Hawks Haven)

7. Is the clubhouse a certain size? Same height, # of stories.

8. What is meant by a village green on the MCP?

9. I agree with LCDOT's comment on the access point.

10. Please give the lakes numbers. (lake 1, lake 2, etc.)

11. Please look at the buffers required for Portico and Buckingham 345. Can this development be done with enhanced buffering consistent with what was required for its neighbors?

12. If there are model units or real estate sales, please propose locations and number of units.

13. Let me know if you need any or all of the following in the schedule of uses.

ACCESSORY USES AND STRUCTURES
ADMINISTRATIVE OFFICES
CONSUMPTION ON PREMISES - indoor or outdoor
CLUBS, CLUBHOUSE - PRIVATE.
DWELLING UNITS - TOWNHOUSE, MULTIFAMILY (two-family?) (0-lot line?)
ENTRANCE GATES, AND GATEHOUSE
ESSENTIAL SERVICES
ESSENTIAL SERVICE FACILITIES - GROUP I ONLY
EXCAVATION, WATER RETENTION - NO BLASTING. REMOVAL OF EXCAVATED MATERIAL OFFSITE NOT PERMITTED.
FENCES, WALLS
HOME OCCUPATION, NO OUTSIDE HELP
MODELS: MODEL UNIT
PARKING LOT, ACCESSORY
REAL ESTATE SALES
RECREATION FACILITIES, PERSONAL, PRIVATE, ON SITE
SIGNS IN ACCORDANCE WITH CHAPTER 30
TEMPORARY USES

14. General notes and general conditions are not needed on the MCP. They can be provided on an attachment if needed.

15. The note for the fire district on the MCP was left blank.

16. Please take the height off the MCP (it will be in the resolution).

17. Development Services MCP comments - sufficient.

18. Development Services TIS comments. Pending.

ZONING DIVISION

LEE COUNTY

PLANNED DEVELOPMENT SUFFICIENCY REVIEW

TRANSMITTAL SHEET

TO: Distribution
Dawn Lehnert, Asst County Attorney
DS Reviewer - Susan Hollingsworth
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Ellen Lindblad, Lee County School District
Brad Vance, Natural Resources
Luis Machado, Zoning

FROM: Tony Palermo

DATE: 02/08/2006

*** *REVIEWERS - remember permit plan checklists should now be used.***

PROJECT NAME: HEMINGWAY POINTE

CASE #: DCI2006-00010

INFORMATION SUMMARY:

NEW SUBMITTAL

To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 02/22/2006

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness
No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Jodi M Payne

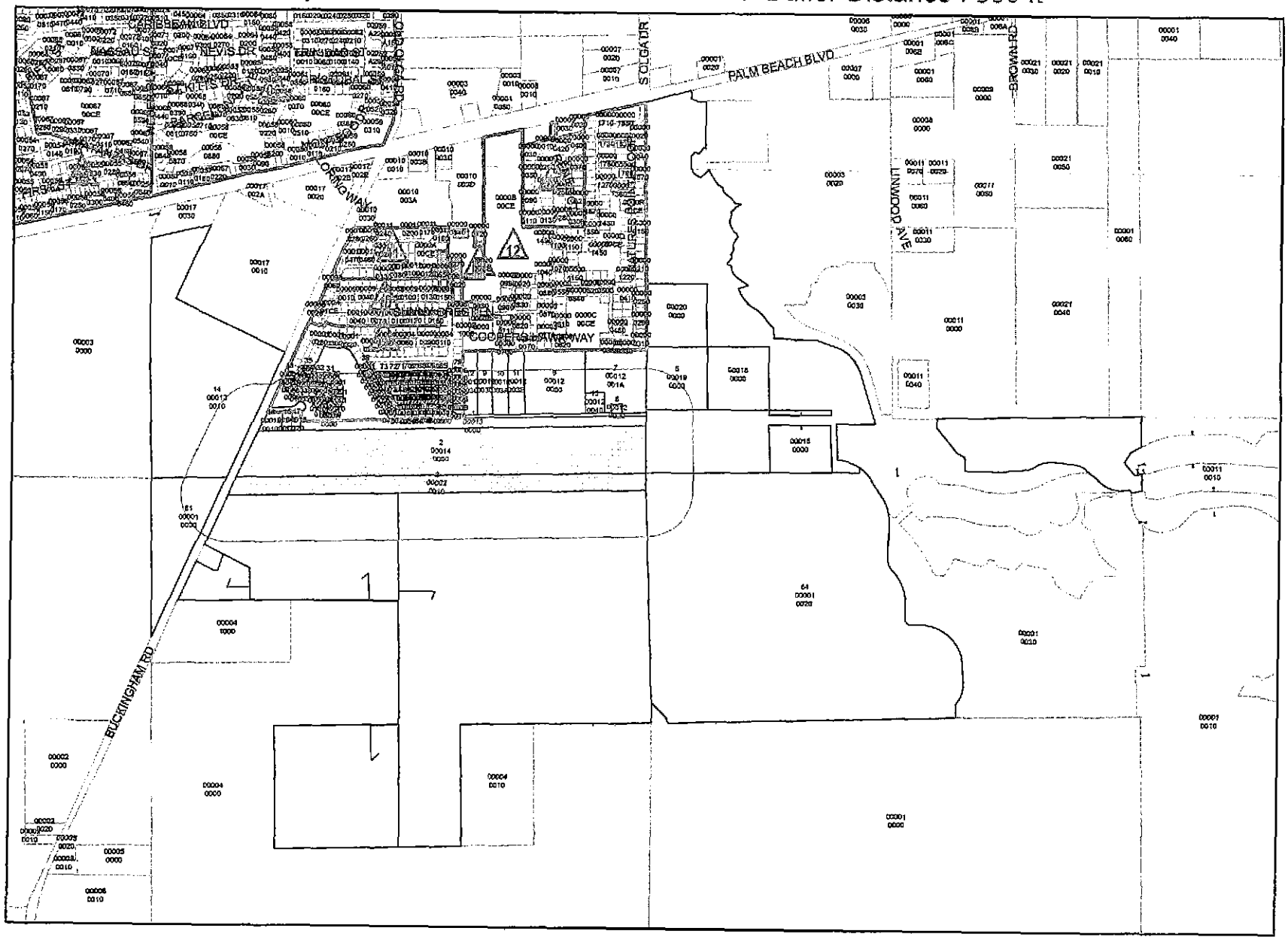
Date: 02/10/2006

EXHIBIT PH-3.G.2

VARIANCE REPORT

9/8/2005

Subject Parcels : 3 Affected Parcels : 81 Buffer Distance : 500 ft



28-43-26-00-00013.0000 et al.

1,700 850 0 1,700 Feet

EXHIBIT PH-3.C-1

Lee County Property Appraiser

Kenneth M. Wilkinson, C.F.A.

GIS Department / Map Room

Phone: (239) 339-6159 • Fax: (239) 339-6139 • eMail: MapRoom@LeePA.org

VARIANCE REPORT

Date of Report: September 08, 2005
Buffer Distance: 500 ft
Parcels Affected: 81
Subject Parcel: 28-43-26-00-00013.0000, 28-43-26-00-00014.0000, 33-43-26-00-00002.0010

RECEIVED
FEB 0 8 2006
PERMIT COUNTER

DCI 2006-00010

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
BUCKINGHAM DEVELOPMENT LLC 2695 HACKNEY RD WESTON FL 33331	**28-43-26-00-00013.0000** SAL R R R/W FT MYERS FL 33905	STRIP OF LAND FORMER RR R/W THRU SEC 28 LESS W 1580 FT	1
BUCKINGHAM DEVELOPMENT LLC 2695 HACKNEY RD WESTON FL 33331	**28-43-26-00-00014.0000** 2951 BUCKINGHAM RD FORT MYERS FL 33905	THAT PT OF S 1/2 OF S 1/2 OF S 1/2 S OF SAL RWY + E OF PALM BEACH HWY	2
BUCKINGHAM DEVELOPMENT LLC 2695 HACKNEY RD WESTON FL 33331	**33-43-26-00-00002.0010** 3021 BUCKINGHAM RD FORT MYERS FL 33905	PARL IN N 1/2 E OF RD DESC OR 1401 PG 1137	3
LEVITT AND SONS AT HAWKS HAVEN 7777 GLADES RD STE 410 BOCA RATON FL 33434	**27-43-26-00-00003.0010** ACCESS UNDETERMINED ALVA FL 33920	PARL IN SEC 27 AS DESC IN OR 4326 PG 1883	4
ROUNSIFER WILLIAM CHARLES SR + PO BOX 50354 FORT MYERS FL 33994	**27-43-26-00-00019.0000** 15050 DRAWDY RD ALVA FL 33920	NW 1/4 OF SW 1/4 OF SW 1/4	5
VINSON CLIFFORD E 14791 DRAWDY RD FT MYERS FL 33905	**28-43-26-00-00012.0000** 14791 DRAWDY RD FORT MYERS FL 33905	PAR IN SE 1/4 LES PARS .001A+002+.004THRU.008 PER OR 1977PGS1489THRU1491	6
JAMES FRIEDA K TR EST 14991 DRAWDY RD FORT MYERS FL 33905	**28-43-26-00-00012.001A** 14991 DRAWDY RD FORT MYERS FL 33905	NE1/4 OF SE1/4 OF SE1/4 LESS 12.2 + 12.4	7
CHANEY DOROTHY 14941 DRAWDY RD FORT MYERS FL 33905	**28-43-26-00-00012.0020** 14941 DRAWDY RD FORT MYERS FL 33905	BEG SE COR OF NE 1/4 OF SE 1/4 OF SE 1/4 TH W 390 FT TO POB TH N 90 FT TH E 120	8
BRAATZ AMBER FRIEDMAN 14691 DRAWDY RD FT MYERS FL 33905	**28-43-26-00-00012.0030** 14691 DRAWDY RD FORT MYERS FL 33905	NE1/4 OF SW1/4 OF SE1/4 LESS PARLS 12.003A + 12.003B+12.003C	9
BRAATZ JUSTIN W + AMBER F 14691 DRAWDY RD FORT MYERS FL 33905	**28-43-26-00-00012.003A** 14711 DRAWDY RD FORT MYERS FL 33905	W1/2 OF E1/2 OF NE1/4 OF SW1/4 OF SE1/4 AKA TRACT 2	10
BRAATZ JUSTIN W + AMBER F 14691 DRAWDY RD FORT MYERS FL 33905	**28-43-26-00-00012.003B** 14731 DRAWDY RD FORT MYERS FL 33905	E1/2 OF E1/2 OF NE1/4 OF SW1/4 OF SE1/4 AKA TRACT 1	11
BRAATZ AMBER FRIEDMAN 14691 DRAWDY RD FT MYERS FL 33905	**28-43-26-00-00012.003C** 14671 DRAWDY RD FORT MYERS FL 33905	W1/2 OF W1/2 OF NE 1/4 OF SW 1/4 OF SE 1/4	12
SPURLOCK JAMES M + KAREN S 14891 DRAWDY RD FT MYERS FL 33905	**28-43-26-00-00012.0040** 14891 DRAWDY RD FORT MYERS FL 33905	W 208 FT OF S 209 FT IN N E 1/4 OF S E 1/4 OF S E 1/4	13

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
VERANDAH DEVELOPMENT LLC 9990 COCONUT RD STE 200 BONITA SPRINGS FL 34135	**28-43-26-00-00013.0010** 2950 BUCKINGHAM RD FORT MYERS FL 33905	PARL LOC IN SW 1/4 OF SEC LYING W OF BUCKINGHAM RD LESS OR 2439/2271 + OR 646/663	14
PRITCHARD GWENDOLYN C *14250 DRAWDY CT* FORT MYERS FL 33905	**28-43-26-00-00015.0000** *14260 DRAWDY CT* FORT MYERS FL 33905	E 100 FT OF W 150 FT OF N 200 FT OF S 700 FT IN S E 1/4 OF S W 1/4	15
PRITCHARD LESLIE E III 14250 DRAWDY CT FORT MYERS FL 33905	**28-43-26-00-00015.0010** 14250 DRAWDY CT FORT MYERS FL 33905	N 200 FT OF S 700 FT + E 250 FT MEAS S LI E OF SR 25 IN S W 1/4	16
PRITCHARD J D 14250 DRAWDY CT FORT MYERS FL 33905	**28-43-26-00-00015.0020** 14270 DRAWDY CT FORT MYERS FL 33905	E 100 FT OF W 250 FT OF N 200 FT OF S 700 FT IN S E 1/4 OF S W 1/4	17
WILKE NEIL ROGER + 15501 SPRING LINE LN FORT MYERS FL 33905	***28-43-26-08-00001.0070*** 15501 SPRING LINE LN FORT MYERS FL 33905	*RIVERDALE SHORES UNIT 1* BLK 1 PB 33 PG 56 LOT 7	18
GONZALEZ ANA MARIA 5015 LEE BLVD LEHIGH ACRES FL 33971	**28-43-26-08-00001.0080** 15497 SPRING LINE LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 8	19
MAROTI EDWARD L SR + SANDRA 21620 N RIVER RD ALVA FL 33920	**28-43-26-08-00001.0090** 15493 SPRING LINE LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 9	20
MAROTI EDWARD L + SANDRA D 21620 N RIVER RD ALVA FL 33920	**28-43-26-08-00001.0100** 15489 SPRING LINE LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 10	21
ELLIS LANNY E + BERNADINE A 15483 SPRING LINE LANE SE FT MYERS FL 33905	**28-43-26-08-00001.0110** 15483 SPRING LINE LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 11	22
SANDERS JAMES R + MELODY A 1130 CYPRESS AVE NW LABELLE FL 33935	**28-43-26-08-00001.0120** 15479 SPRING LINE LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 12	23
PRESTON MATTHEW 15475 SPRING LINE LN FT MYERS FL 33905	**28-43-26-08-00001.0130** 15475 SPRING LINE LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 13	24
OBRYAN RODNEY R + 15474 SPRING LINE LANE FT MYERS FL 33905	**28-43-26-08-00001.0140** 15474 SPRING LINE LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 14	25
AIRD JANET LEE 15476 SPRING LINE LANE FORT MYERS FL 33905	**28-43-26-08-00001.0150** 15476 SPRING LINE LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 15	26
BRUCK ALBERT J L/E 15478 SPRING LINE LN FORT MYERS FL 33905	**28-43-26-08-00001.0160** 15478 SPRING LINE LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 16	27
ALLENDER PHILLIP D JR + ROBIN 15480 SPRING LINE LN FORT MYERS FL 33905	**28-43-26-08-00001.0170** 15480 SPRING LINE LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 17	28
PONG CLIFFORD + 15482 SPRING LINE LN FORT MYERS FL 33905	**28-43-26-08-00001.0180** 15482 SPRING LINE LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 18	29
DRURY WARREN + 15484 SPRING LINE LN FORT MYERS FL 33905	**28-43-26-08-00001.0190** 15484 SPRING LINE LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 19	30
SANTOS ROBSON DE OLIVEIRA + 3704 BROADWAY #205 FORT MYERS FL 33901	**28-43-26-08-00001.0200** 15488 SPRING LINE LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 20	31

EXHIBIT PH-3 C 1

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
WELLS DANIEL J + DELORES M 15492 SPRINGLINE LN SE FT MYERS FL 33905	**28-43-26-08-00001.0210** 15492 SPRING LINE LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 21	32
CARUSO JOSEPH J 15496 SPRING LINE LN FT MYERS FL 33905	**28-43-26-08-00001.0220** 15496 SPRING LINE LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 22	33
HOWARD MITCHELL JR + MYRNA D 1810 MITCHELL AV ALVA FL 33920	**28-43-26-08-00001.0230** 15500 SPRING LINE LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 23	34
WEGENKA BEVERLY 15502 SPRING LINE LN FT MYERS FL 33905	**28-43-26-08-00001.0240** 15502 SPRING LINE LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 24	35
BAKER MARY ANNE TR 15728 TREASURE ISLAND LN SE FORT MYERS FL 33905	**28-43-26-08-00001.0360** 15728 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 36	36
LAZENBY CHALRES + CHARLENE 15732 TREASURE ISLAND LN FORT MYERS FL 33905	**28-43-26-08-00001.0370** 15732 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 37	37
DRUMMOND AUSTIN C + MARY L 15734 TREASURE ISLAND LN FT MYERS FL 33905	**28-43-26-08-00001.0380** 15734 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 38	38
DELGADO HARRY 9520 LISA RD MIAMI FL 33157	**28-43-26-08-00001.0390** 15738 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 39	39
MANDICH MICHAEL + LINDA P O BOX 152394 CAPE CORAL FL 33915	**28-43-26-08-00001.0400** 15742 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 40	40
SEE CINDY J 15746 TREASURE ISLAND LN SE FT MYERS FL 33905	**28-43-26-08-00001.0410** 15746 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 41	41
DEEMER CORA J 15750 TREASURE ISLAND LN FT MYERS FL 33905	**28-43-26-08-00001.0420** 15750 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 42	42
STEELE MICHAEL LEE 15754 TREASURE ISLAND LN FORT MYERS FL 33905	**28-43-26-08-00001.0430** 15754 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 43	43
AQUINO ANA 15758 TREASURE ISLAND LN FORT MYERS FL 33905	**28-43-26-08-00001.0440** 15758 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 44	44
ROTH DAVID L + MICHELE P 15762 TEASURE ISLAND LN FT MYERS FL 33905	**28-43-26-08-00001.0450** 15762 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 45	45
BENITEZ EMMA 15766 TREASURE ISLAND LN FORT MYERS FL 33905	**28-43-26-08-00001.0460** 15766 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 46	46
HEPP SUSANA R 3800 LONG POINT BLVD PORTSMOUTH VA 23703	**28-43-26-08-00001.0470** 15768 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 47	47
SEBBERT TERRIE A + CHARLES 15772 TREASURE ISLAND LN FORT MYERS FL 33905	**28-43-26-08-00001.0480** 15772 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 48	48
MONTANYE LINDA L TR 15776 TREASURE ISLAND FT MYERS FL 33905	**28-43-26-08-00001.0490** 15776 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 56 LOT 49	49
SCRUGGS PAUL F + JULIE A 15780 TREASURE ISLAND LN SE FT MYERS FL 33905	**28-43-26-08-00001.0500** 15780 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 1 PB 33 PG 57 LOT 50	50

EXHIBIT PH-3 G.1

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
FADZIEJEWSKI PHILLIP P 1501 JAY MELROSE PARK IL 60160	**28-43-26-08-00002.0010** 15853 WILLOUGHBY LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 2 PB 33 PG 56 LOT 1	51
BARTLETT HAROLD E + MARTHA C 15857 WILLOUGHBY LN FT MYERS FL 33905	**28-43-26-08-00002.0020** 15857 WILLOUGHBY LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 2 PB 33 PG 56 LOT 2	52
ROSS ALISON M 15863 WILLOUGHBY LN FORT MYERS FL 33905	**28-43-26-08-00002.0030** 15863 WILLOUGHBY LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 2 PB 33 PG 56 LOT 3	53
CRESSE DEBRA ANN 15867 WILLOUGHBY LN FORT MYERS FL 33905	**28-43-26-08-00002.0040** 15867 WILLOUGHBY LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 2 PB 33 PG 56 LOT 4	54
CURTIS EVERETTE 15869 WILLOUGHBY LN FORT MYERS FL 33905	**28-43-26-08-00002.0050** 15869 WILLOUGHBY LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 2 PB 33 PG 56 LOT 5	55
MOE DANIEL 15875 WILLOUGHBY LN FORT MYERS FL 33905	**28-43-26-08-00002.0060** 15875 WILLOUGHBY LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 2 PB 33 PG 56 LOT 6	56
LANE TISHA + 15879 WILLOUGHBY LN FORT MYERS FL 33905	**28-43-26-08-00002.0070** 15879 WILLOUGHBY LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 2 PB 33 PG 57 LOT 7	57
ORTIZ JOSUE + LAURA A 15779 TREASURE ISLAND LN FORT MYERS FL 33905	**28-43-26-08-00002.0080** 15779 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 2 PB 33 PG 57 LOT 8	58
PEDRAJA RAMON A 15775 TREASURE ISLAND LN FORT MYERS FL 33905	**28-43-26-08-00002.0090** 15775 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 2 PB 33 PG 56 LOT 9	59
VOLLMER JAM 15771 TREAURE ISLAND LN FT MYERS FL 33905	**28-43-26-08-00002.0100** 15771 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 2 PB 33 PG 56 LOT 10	60
MARVEL MARIA + PO BOX 50522 FORT MYERS FL 33994	**28-43-26-08-00002.0110** 15765 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 2 PB 33 PG 56 LOT 11	61
TINDALL ELIZABETH 13407 MINI WAY FT MYERS FL 33905	**28-43-26-08-00002.0120** 15761 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 2 PB 33 PG 56 LOT 12	62
MASLAKO DAVID F 15757 TREASURE ISLAND LANE S E RT 29 FT MYERS FL 33905	**28-43-26-08-00002.0130** 15757 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 2 PB 33 PG 56 LOT 13	63
KANACHERIL VARGHESE J + 2617 PERTANE DR FORT MYERS FL 33905	**28-43-26-08-00002.0140** 15753 TREASURE ISLAND LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 2 PB 33 PG 56 LOT 14	64
MOOT ROBERTA E 15880 WILLOUGHBY LN FORT MYERS FL 33905	**28-43-26-08-00003.0110** 15880 WILLOUGHBY LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 3 PB 33 PG 57 LOT 11	65
GARROW CHRISTOPHER J + 15878 WILLOUGHBY LN FT MYERS FL 33905	**28-43-26-08-00003.0120** 15878 WILLOUGHBY LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 3 PB 33 PG 56 LOT 12	66
BRICENO KAROL JOHANA 15551 HORSESHOE LN FORT MYERS FL 33905	**28-43-26-08-00003.0130** 15876 WILLOUGHBY LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 3 PB 33 PG 56 LOT 13	67
LEE COUNTY REALTY INC TR P O BOX 7329 FORT MYERS FL 33911	**28-43-26-08-00003.0140** 15872 WILLOUGHBY LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 3 PB 33 PG 56 LOT 14	68

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
BEALER THOMAS J + 15868 WILLOUGHBY LN FORT MYERS FL 33905	**28-43-26-08-00003.0150** 15868 WILLOUGHBY LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 3 PB 33 PG 56 LOT 15	69
LARSEN BERTINUS R + MARY A + 5713 JOAN ST LAKE IN THE HILLS IL 60156	**28-43-26-08-00003.0160** 15864 WILLOUGHBY LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 3 PB 33 PG 56 LOT 16	70
MCCARY ADAM + MALLORI 15860 WILLOUGHBY LN FORT MYERS FL 33905	**28-43-26-08-00003.0170** 15860 WILLOUGHBY LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 3 PB 33 PG 56 LOT 17	71
SANDERS THERESA 15856 WILLOUGHBY LN FORT MYERS FL 33905	**28-43-26-08-00003.0180** 15856 WILLOUGHBY LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 3 PB 33 PG 56 LOT 18	72
MOORE WILLIAM TUCKER JR + 15852 WILLOUGHBY LANE S E FORT MYERS FL 33905	**28-43-26-08-00003.0190** 15852 WILLOUGHBY LN FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 3 PB 33 PG 56 LOT 19	73
MALMBORG LINDA EST DERRICK EIHAUSEN PO BOX 2449 FORT MYERS FL 33902	**28-43-26-08-00006.0010** 2689 PURSLANE DR FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 6 PB 33 PG 57 LOT 1	74
CUMMINGS COMPTON L + 2685 PURSLANE DR FORT MYERS FL 33905	**28-43-26-08-00006.0020** 2685 PURSLANE DR FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 6 PB 33 PG 57 LOT 2	75
DIPENTIMA PAUL M + SANDRA 2681 PURSLANE DR FORT MYERS FL 33905	**28-43-26-08-00006.0030** 2681 PURSLANE DR FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 6 PB 33 PG 57 LOT 3	76
CASTON CARLOS J 2677 PURSIANE DR FORT MYERS FL 33905	**28-43-26-08-00006.0040** 2677 PURSLANE DR FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 6 PB 33 PG 57 LOT 4	77
TALCOTT GREGORY 2673 PURSLANE DR FORT MYERS FL 33905	**28-43-26-08-00006.0050** 2673 PURSLANE DR FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 6 PB 33 PG 57 LOT 5	78
KOKORSKY JOHN R 2671 PURSLANE DR SE FT MYERS FL 33905	**28-43-26-08-00006.0060** 2671 PURSLANE DR FORT MYERS FL 33905	RIVERDALE SHORES UNIT 1 BLK 6 PB 33 PG 57 LOT 6	79
LEE COUNTY P O BOX 398 FORT MYERS FL 33902	**28-43-26-08-0000A.0000** COMMON ELEMENTS FT MYERS FL 33905	RIVERDALE SHORES UNIT 1 PB 33 PG 56 TRACT A RETENTION AREA	80
VERANDAH DEVELOPMENT LLC 9990 COCONUT RD STE 200 BONITA SPRINGS FL 34135	**33-43-26-00-00001.0000** 3150 BUCKINGHAM RD FORT MYERS FL 33905	NW 1/4 W OF HWY LESS SEWER EAS 2613/2295	81
TAYLOR WOODROW COMMUNITIES AT 8430 ENTERPRISE CIR STE 100 BRADENTON FL 34202	**33-43-26-00-00002.0000** 3181 BUCKINGHAM RD FORT MYERS FL 33905	NE 1/4 + W 1/2 OF NW1/4 OF SE 1/4 + N 1/2 OF NW 1/4 E OF RD LESS 2.2 & 2.3	82
TAYLOR WOODROW COMMUNITIES AT 8430 ENTERPRISE CIR STE 100 BRADENTON FL 34202	**33-43-26-00-00002.0030** 3091 BUCKINGHAM RD FORT MYERS FL 33905	PARL IN W 1/2 AS DESC OR 1888 PG 4061	83
LEVITT AND SONS AT HAWKS HAVEN 7777 GLADES RD STE 410 BOCA RATON FL 33434	**34-43-26-00-00001.0020** RESERVED FL	PARL IN N 1/2 OF SEC 34 AS DESC IN OR 4326 PG 1883	84

84 RECORDS PRINTED

LEE COUNTY
SOUTHWEST FLORIDA

COURTESY NOTICE TO ADJACENT PROPERTY OWNERS OF RECEIPT OF ZONING APPLICATION

Date:	February 20, 2006
Case Number:	DCI2006-00010
Case Name:	HEMINGWAY POINTE
Request:	Rezone 75 acres from Agricultural to Residential Planned *Development to permit 225 multi-family dwelling units.*
Location:	*2951 and 3021 Buckingham Road(From downtown Fort Myers take 2nd St and turn slight left onto Seaboard St. Then turn slight right onto Palm Beach Blvd. Go for about 9 miles and turn right onto Buckingham Rd. Go approx. ½ mile and end at the subject properties), in S28 and 33-T43S-R26E, Lee County, FL.*
Location Map:	SEE REVERSE
PROPERTY OWNER'S REPRESENTATIVE:	MR. MIKE ROEDER KNOTT CONSOER 239-334-2722
Lee County Planner:	Tony Palermo (239) 479-8325

The file may be reviewed Monday through Friday between the hours of 7:30 a.m. and 4:30 p.m. at the Lee County Development Services Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/479-8585 for additional information.

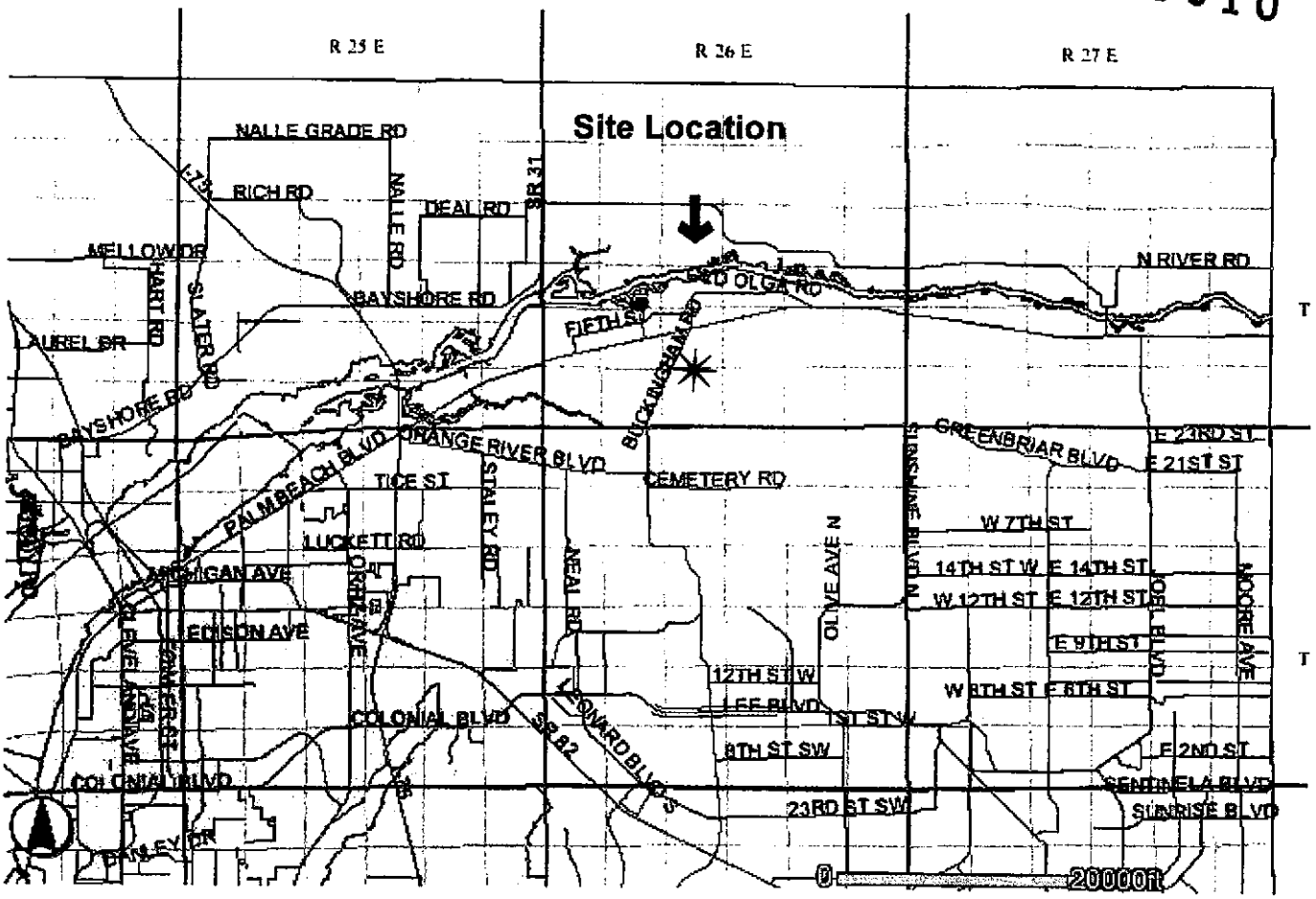
This is a courtesy notice. A public hearing date has not yet been set. You will receive another notice once the hearing date and time have been established.

JMP

Area Location Map
EXHIBIT 6-B

RECEIVED
FEB 0 8 2006
PERMIT COUNTER

DCI 2006-00010



28-43-26-00-00013.0000
BUCKINGHAM DEVELOPMENT LLC
2695 HACKNEY RD
WESTON, FL 33331

28-43-26-00-00014.0000
BUCKINGHAM DEVELOPMENT LLC
2695 HACKNEY RD
WESTON, FL 33331

33-43-26-00-00002.0010
BUCKINGHAM DEVELOPMENT LLC
2695 HACKNEY RD
WESTON, FL 33331

27-43-26-00-00003.0010
LEVITT AND SONS AT HAWKS HAVEN
7777 GLADES RD STE 410
BOCA RATON, FL 33434

27-43-26-00-00019.0000
ROUNSIFER WILLIAM CHARLES SR +
PO BOX 50354
FORT MYERS, FL 33994

28-43-26-00-00012.0000
VINSON CLIFFORD E
14791 DRAWDY RD
FT MYERS, FL 33905

28-43-26-00-00012.001A
JAMES FRIEDA K TR EST
14991 DRAWDY RD
FORT MYERS, FL 33905

28-43-26-00-00012.0020
CHANEY DOROTHY
14941 DRAWDY RD
FORT MYERS, FL 33905

28-43-26-00-00012.0030
BRAATZ AMBER FRIEDMAN
14691 DRAWDY RD
FT MYERS, FL 33905

28-43-26-00-00012.003A
BRAATZ JUSTIN W + AMBER F
14691 DRAWDY RD
FORT MYERS, FL 33905

28-43-26-00-00012.003B
BRAATZ JUSTIN W + AMBER F
14691 DRAWDY RD
FORT MYERS, FL 33905

28-43-26-00-00012.003C
BRAATZ AMBER FRIEDMAN
14691 DRAWDY RD
FT MYERS, FL 33905

28-43-26-00-00012.0040
SPURLOCK JAMES M + KAREN S
14891 DRAWDY RD
FT MYERS, FL 33905

28-43-26-00-00013.0010
VERANDAH DEVELOPMENT LLC
9990 COCONUT RD STE 200
BONITA SPRINGS, FL 34135

28-43-26-00-00015.0000
PRITCHARD GWENDOLYN C
14250 DRAWDY CT
FORT MYERS, FL 33905

28-43-26-00-00015.0010
PRITCHARD LESLIE E III
14250 DRAWDY CT
FORT MYERS, FL 33905

28-43-26-00-00015.0020
PRITCHARD J D
14250 DRAWDY CT
FORT MYERS, FL 33905

28-43-26-08-00001.0070
WILKE NEIL ROGER +
15501 SPRING LINE LN
FORT MYERS, FL 33905

28-43-26-08-00001.0080
GONZALEZ ANA MARIA
5015 LEE BLVD
LEHIGH ACRES, FL 33971

28-43-26-08-00001.0090
MAROTI EDWARD L SR + SANDRA
21620 N RIVER RD
ALVA, FL 33920

28-43-26-08-00001.0100
MAROTI EDWARD L + SANDRA D
21620 N RIVER RD
ALVA, FL 33920

28-43-26-08-00001.0110
ELLIS LANNY E + BERNADINE A
15483 SPRING LINE LANE SE
FT MYERS, FL 33905

28-43-26-08-00001.0120
SANDERS JAMES R + MELODY A
1130 CYPRESS AVE NW
LABELLE, FL 33935

28-43-26-08-00001.0130
PRESTON MATTHEW
15475 SPRING LINE LN
FT MYERS, FL 33905

28-43-26-08-00001.0140
OBRYAN RODNEY R +
15474 SPRING LINE LANE
FT MYERS, FL 33905

28-43-26-08-00001.0150
AIRD JANET LEE
15476 SPRING LINE LANE
FORT MYERS, FL 33905

28-43-26-08-00001.0160
BRUCK ALBERT J L/E
15478 SPRING LINE LN
FORT MYERS, FL 33905

28-43-26-08-00001.0170
ALLENDER PHILLIP D JR + ROBIN
15480 SPRING LINE LN
FORT MYERS, FL 33905

28-43-26-08-00001.0180
PONG CLIFFORD +
15482 SPRING LINE LN
FORT MYERS, FL 33905

28-43-26-08-00001.0190
DRURY WARREN +
15484 SPRING LINE LN
FORT MYERS, FL 33905

28-43-26-08-00001.0200
SANTOS ROBSON DE OLIVEIRA +
3704 BROADWAY #205
FORT MYERS, FL 33901

28-43-26-08-00001.0210
WELLS DANIEL J + DELORES M
15492 SPRINGLINE LN SE
FT MYERS, FL 33905

28-43-26-08-00001.0220
CARUSO JOSEPH J
15496 SPRING LINE LN
FT MYERS, FL 33905

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HOWARD MITCHELL JR + MYRNA D
1810 MITCHELL AV
ALVA, FL 33920

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WEGENKA BEVERLY
15502 SPRING LINE LN
FT MYERS, FL 33905

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BAKER MARY ANNE TR
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LAZENBY CHALRES + CHARLENE
15732 TREASURE ISLAND LN
FORT MYERS, FL 33905

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DRUMMOND AUSTIN C + MARY L
15734 TREASURE ISLAND LN
FT MYERS, FL 33905

28-43-26-08-00001.0390
DELGADO HARRY
9520 LISA RD
MIAMI, FL 33157

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MANDICH MICHAEL + LINDA
P O BOX 152394
CAPE CORAL, FL 33915

28-43-26-08-00001.0410
SEE CINDY J
15746 TREASURE ISLAND LN SE
FT MYERS, FL 33905

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DEEMER CORA J
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BENITEZ EMMA
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FORT MYERS, FL 33905

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HEPP SUSANA R
3800 LONG POINT BLVD
PORTSMOUTH, VA 23703

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SEBBERT TERRIE A + CHARLES
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FADZIEJEWSKI PHILLIP P
1501 JAY
MELROSE PARK, IL 60160

28-43-26-08-00002.0020
BARTLETT HAROLD E + MARTHA C
15857 WILLOUGHBY LN
FT MYERS, FL 33905

28-43-26-08-00002.0030
ROSS ALISON M
15863 WILLOUGHBY LN
FORT MYERS, FL 33905

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CRESSE DEBRA ANN
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CURTIS EVERETTE
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MOE DANIEL
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FORT MYERS, FL 33905

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LANE TISHA +
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FORT MYERS, FL 33905

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ORTIZ JOSUE + LAURA A
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FORT MYERS, FL 33905

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PEDRAJA RAMON A
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VOLLMER JAM
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FT MYERS, FL 33905

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MARVEL MARIA +
PO BOX 50522
FORT MYERS, FL 33994

28-43-26-08-00002.0120
TINDALL ELIZABETH
13407 MINI WAY
FT MYERS, FL 33905

28-43-26-08-00002.0130
MASLAKO DAVID F
15757 TREASURE ISLAND LANE S E
RT 29
FT MYERS, FL 33905

28-43-26-08-00002.0140
KANACHERIL VARGHESE J +
2617 PERTANE DR
FORT MYERS, FL 33905

28-43-26-08-00003.0110
MOOT ROBERTA E
15880 WILLOUGHBY LN
FORT MYERS, FL 33905

28-43-26-08-00003.0120
GARROW CHRISTOPHER J +
15878 WILLOUGHBY LN
FT MYERS, FL 33905

28-43-26-08-00003.0130
BRICENO KAROL JOHANA
15551 HORSESHOE LN
FORT MYERS, FL 33905

28-43-26-08-00003.0140
LEE COUNTY REALTY INC TR
P O BOX 7329
FORT MYERS, FL 33911

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BEALER THOMAS J +
15868 WILLOUGHBY LN
FORT MYERS, FL 33905

28-43-26-08-00003.0160
LARSEN BERTINUS R + MARY A +
5713 JOAN ST
LAKE IN THE HILLS, IL 60156

28-43-26-08-00003.0170
MCCARY ADAM + MALLORI
15860 WILLOUGHBY LN
FORT MYERS, FL 33905

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MALMBORG LINDA EST
DERRICK EIHAUSEN
PO BOX 2449
FORT MYERS, FL 33902

28-43-26-08-00006.0020
CUMMINGS COMPTON L +
2685 PURSLANE DR
FORT MYERS, FL 33905

28-43-26-08-00006.0030
DIPENTIMA PAUL M + SANDRA
2681 PURSLANE DR
FORT MYERS, FL 33905

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CASTON CARLOS J
2677 PURSIANE DR
FORT MYERS, FL 33905

28-43-26-08-00006.0050
TALCOTT GREGORY
2673 PURSLANE DR
FORT MYERS, FL 33905

28-43-26-08-00006.0060
KOKORSKY JOHN R
2671 PURSLANE DR SE
FT MYERS, FL 33905

28-43-26-08-0000A.0000
LEE COUNTY
P O BOX 398
FORT MYERS, FL 33902

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VERANDAH DEVELOPMENT LLC
9990 COCONUT RD STE 200
BONITA SPRINGS, FL 34135

33-43-26-00-00002.0000
TAYLOR WOODROW COMMUNITIES AT
8430 ENTERPRISE CIR STE 100
BRADENTON, FL 34202

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TAYLOR WOODROW COMMUNITIES AT
8430 ENTERPRISE CIR STE 100
BRADENTON, FL 34202

34-43-26-00-00001.0020
LEVITT AND SONS AT HAWKS HAVEN
7777 GLADES RD STE 410
BOCA RATON, FL 33434

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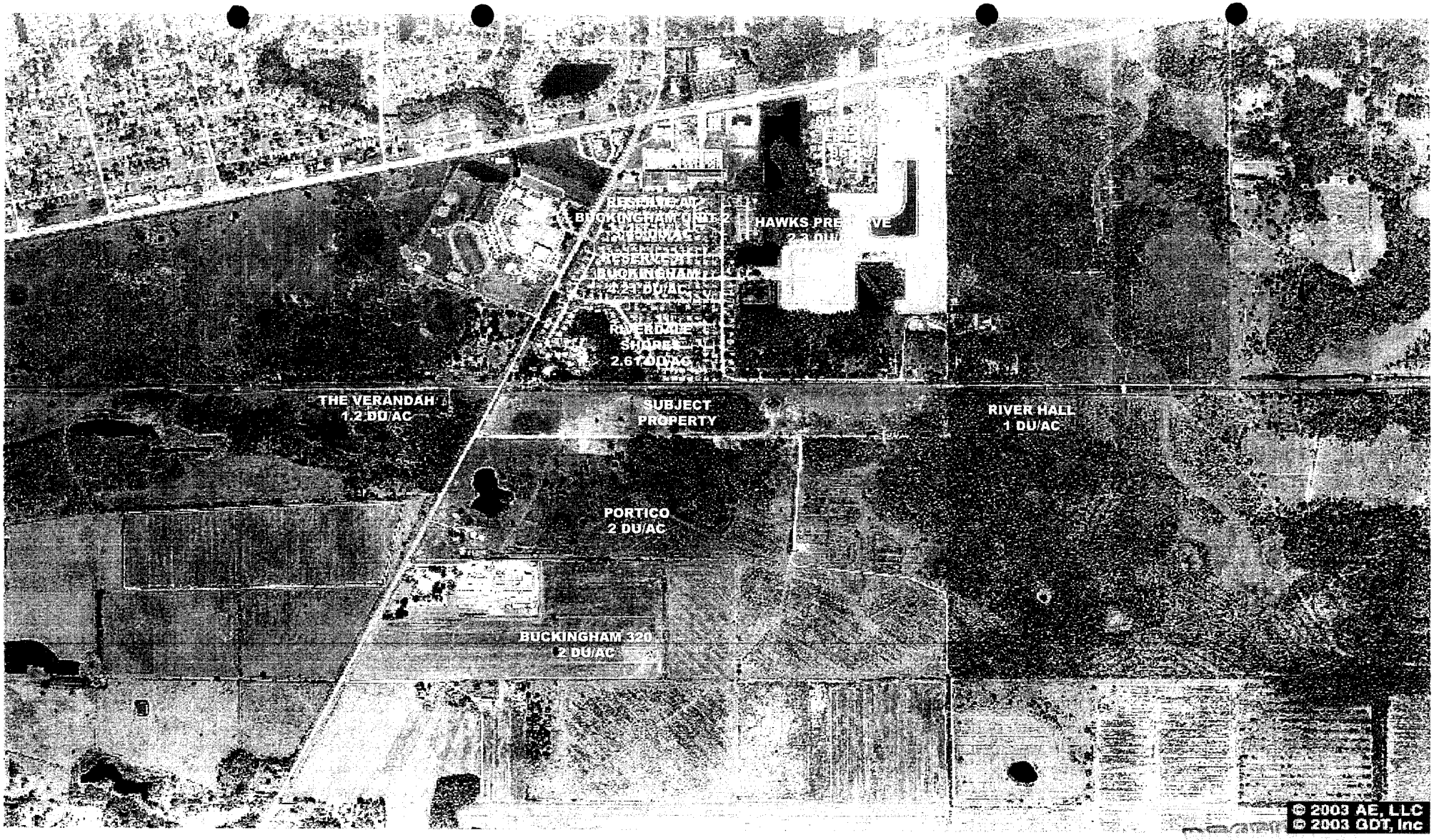
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Shirley Radkiewicz
East Lee County Council
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Clarence Bowman
Morse Shores Civic Association
260 Alameda Ave
Fort Myers, FL 33905



Density of Surrounding Properties

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Exhibit 3: Proposed FLUM

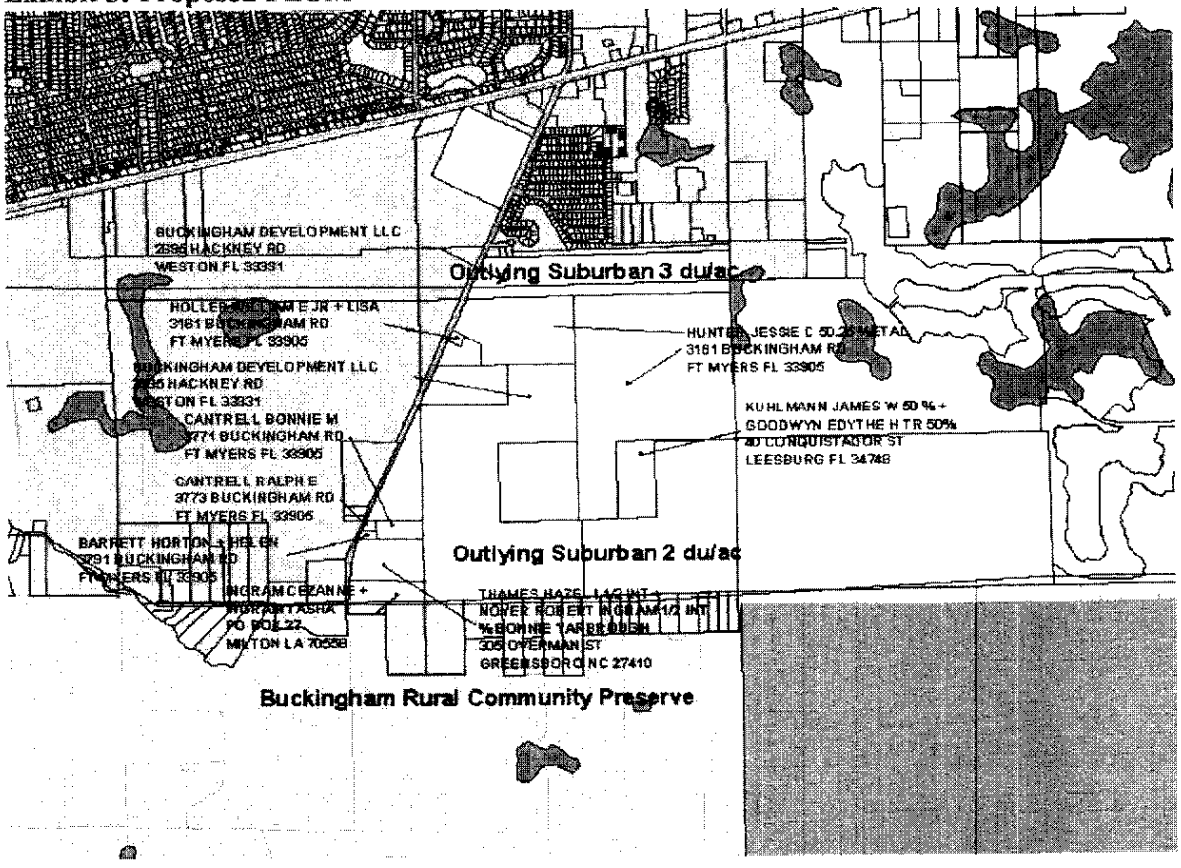
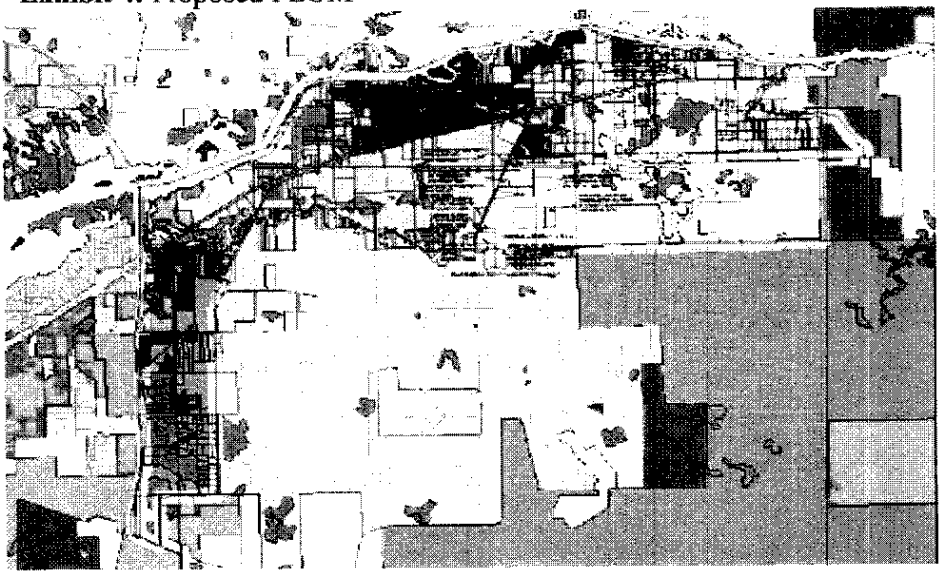


Exhibit 4: Proposed FLUM



Vanasse Daylor

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EXHIBIT 6-Q

HEMMINGWAY POINTE

Protected Species Survey

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Boylan Environmental Consultants, Inc.
Wetland & Wildlife Surveys, Environmental Permitting, Impact Assessments

11000 Metro Parkway, Suite 4
Fort Myers, Florida, 33912
Phone: (239) 418-0671 Fax: (239) 418-0672

November 7, 2005

INTRODUCTION

Two environmental scientists from Boylan Environmental Consultants, Inc conducted a field investigation on the 75.05± acre property on September November 1, 2005. The purpose of this field investigation was to identify the presence of protected species and habitat. FLUCCS mapping and a wetland JD have already been conducted on the property. The survey was conducted between the hours of 11:00am to 1:00pm.

During the site inspection the temperature was in mid 70's ranging from 75.2°F to 77°F. It was partly cloudy outside with a light breeze from 4.6 mph to 8.1 mph east.

The site is located in portions of Section 28, Township 43 South, Range 26 East, in Lee County, Florida. Specifically, it is situated directly east of Buckingham Road and a good distance south of SR 80.

SURVEY METHODOLOGY

The property was surveyed for the presence of listed species in accordance with the Lee County Ordinance No. 89-34. The methodology used for this survey was overlapping belt transects. Lee County has approved this method as outlined by Kevin L. Erwin, Consulting Ecologists Inc., as an alternative species survey method. This method is comprised of a several step process. First, vegetation communities or land-uses on the property or study area are delineated on an aerial photograph based on nomenclature of the Florida Land Use, Cover and Forms Classification System (FLUCFCS). Next, the FLUCFCS codes or land-use types found on the property are cross-referenced with the Lee County Protected Species List. This protected species list names the species that have a probability of occurring in any particular FLUCFCS community. Then, each community is searched in the field for the species listed for that particular FLUCCS type. An intensive pedestrian survey is conducted using parallel belt transects that are approximately 6 feet apart as a means of searching for plants and animals. In addition, periodic "stop-look-listen" and quiet stalking methods are conducted for animals. Signs or sightings of these species are then recorded and are marked in the field with flagging tape. The table at end of this report lists the FLUCFCS communities found on the property and the corresponding species that have the potential of occurring in them. Transects were walked approximately as shown on the attached aerial photograph.

Particular attention was placed upon locating potential fox squirrel nests, locating RCW cavity trees, and eagle's nests within the forested portions of the property. Nearly 100 percent of the property that was considered as potential tortoise habitat was surveyed.

SITE CONDITIONS

The temperature was in the mid 70's with clear to partly cloudy skies during the field investigation. The site was undeveloped, but appears to have a long history of disturbance. A fill road bisects the entire property and portions of the property have been previously cleared and exist as improved pasture.

Listed below are the vegetation communities or land-uses identified on the site as shown on the attached protected species survey map. See Florida Land Use, Cover and Forms Classification System (Department of Transportation 1999) for definitions.

211 Improved Pasture (approximately 50.78 acres)

This upland community was mostly devoid of a canopy with the exception of widely scattered oaks and pines. Ground cover consisted of a variety of grasses. Ceaser weed, dog fennel and patches of bare ground could be found scattered throughout this community.

411/428 Slash Pine & Cabbage palm (approximately 0.44 acres)

This area includes a mixture of cabbage palm and slash pine. Wild coffee, beauty berry, Brazilian pepper, smilax, ceaser weed, and Bahia could be found scattered throughout this community.

500 Roadside ditches and Swales (approximately 1.40 acres)

This community includes the areas that run along the dirt trail on the property. The ditches on the property contain smartweed, pickerel weed, primrose willow, star sedge, and arrowhead.

621 Cypress (approximately 16.42 acres)

These wetland communities are dominated by tall-statured cypress trees with scattered cabbage palm, red maple and Brazilian pepper. Dahoon holly, wild coffee, salt bush, swamp fern, and smilax were also found in this community.

641 Marsh (approximately 2.24 acres)

This wetland area was dominated by fire flag, arrowhead, and blue maidencane. This area also contains Carolina willow, cyperus spp., hydrocotyle, torpedo grass, pluchea rosea, and blue eyed grass.

740 Disturbed Lands (approximately 2.42 acres)

This community consists of lands that were priorly cleared and have been taken over by noxious adventitious species. Tickseed, dog fennel, ceaser weed, Bahia, smartweed, and makinia can be found throughout this community.

8146 Dirt Roads (approximately 1.35 acres)

This area was priorly cleared and the fill from the roadside ditches and swales was used to elevate this road. The road was created as an old haul road and bisects several of the onsite wetlands. Dog fennel, Bahia grass, and torpedo grass can be found scattered on this road.

Table 1: FLUCCS COMMUNITIES BY PERCENTAGE

FLUCCS	DESCRIPTION	ACRES	PERCENT
211	Improved Pasture	50.78	0.67%
411/428	Slash Pine-Cabbage Palm	0.44	0.01%
500	Ditch	1.40	0.02%
621	Cypress	16.42	0.22%
641	Marsh	2.24	0.03%
740	Disturbed	2.42	0.03%
8146	Dirt Roads	1.35	0.02%
Total		70.05	1%

*Total Wetland	18.66	0.25%
*Total Upland	54.99	0.73%
*Total OSW	1.40	0.02%

SPECIES PRESENCE

During our field survey for protected species on the property, we did observe a protected wading bird. However, no nest-like structures were noted. No tortoise burrows were identified. We did observe burrows belonging to armadillos, which were not marked in the field. There was no evidence that these burrows were being used by gopher tortoises.

During the field survey, several wading birds, including the listed little blue heron, great egret, white ibis, and cattle egrets were observed on the property. No wading bird nests were observed during the protected species survey.

In order to determine the density of species observed onsite species presence was calculated using method 1 under step four of the overlapping belt transect guidelines as established and outlined by Kevin L. Erwin, Consulting Ecologists Inc.. In this method abundance and density are mathematically calculated using the following formula

$$\text{Abundance} = \text{sum of } n_i$$
$$\text{Density} = (\text{sum of } n_i)/A$$

In which n_i is the number of individuals observed in belt transect i, and A is the acreage of the FLUCCS habitat that the species were observed in. These calculations are calculated individually for each species found within each FLUCCS description.

The only protected species observed was a little blue heron within the marsh area (FLUCCS 641). Below is the abundance and density of little blue herons on site.

Table 2: Abundance and Density

FLUCCS	Species present	Date observed	Abundance	Density
641	Little Blue Heron	11-1-05	1	0.45

* The calculations for the density and abundance are shown at the end of this report.

Based on a review of the latest bald eagle nest site map for the 2002-2003 season, no eagle nests were documented to occur close enough to impact the property. The nearest documented eagle nest was approximately situated over two miles to the northwest of the property.

During prior surveys on the property sandhill cranes were observed foraging. While no sandhill cranes were observed during this survey a sandhill crane management plan has been created. The various listed species that may occur in the vegetation communities or land-use types found on the property have been tabulated on the attached table.

DISCUSSION

The lack of tortoise burrows is likely due to the relatively high water tables in the area and the lack of habitat. The uplands are very disturbed in nature and would most likely not support any protected wildlife. However, the wetlands on site are in fair condition and have the potential to host protected species. Some of the wetlands onsite extend offsite, however, most are small and isolated in nature. During the protected species survey the listed little blue heron, was observed. No nests were observed during the field investigation. Non listed species observed included a cattle egret, mallard, vulture, white ibis, great egret, finches, American coot, and a killdeer.

Table 3 Protected species list according to FLUCCS category obtained from Lee County with corresponding field survey results.

FLUCCS	Potential Listed Species	% Coverage	Present	Absent	Density	Visibility (ft)
211 Improved Pasture	Florida Panther	95		X		100+
	Florida Sand hill Crane	95		X		100+
411	Beautiful Pawpaw	100		X		20
	Big Cypress Fox Squirrel	100		X		20
	Eastern Indigo Snake	100		X		20
	Fakahatchee Burmannia	100		X		20
	Florida Black Bear	100		X		20
	Florida Coontie	100		X		20
	Florida Panther	100		X		20
	Gopher Frog	100		X		20
	Gopher Tortoise	100		X		20
	Red-Cockaded Woodpecker	100		X		20
	Satin leaf	100		X		20
	Southeastern American Kestrel	100		X		20
	Twisted Air Plant	100		X		20
428	Audubon's Crested Caracara	90		X		20
	Eastern Indigo Snake	90		X		20
	Florida Black Bear	90		X		20
	Florida Panther	90		X		20
	Simpson's Stopper	90		X		20
500	American Alligator	95		X		20
	Everglades Mink	95		X		20
	Limpkin	95		X		20
	Little Blue Heron	95		X		20
	Reddish Egret	95		X		20
	Roseate Spoonbill	95		X		20
	Snowy Egret	95		X		20
	Tricolored Heron	95		X		20
	Gopher Frog	90		X		20
	Little Blue Heron	90		X		20
	Snowy Egret	90		X		20
	Tricolored Heron	90		X		20
621	American Alligator	90		X		20
	Everglades Mink	90		X		20
	Florida Black Bear	90		X		20
	Florida Panther	90		X		20
641	American Alligator	90		X		20
	Everglades Mink	90		X		20
	Florida Sand hill Crane	90		X		20
	Little Blue Heron	90	X			20
	Limpkin	90		X		20
	Reddish Egret	90		X		20

	Snail Kite	90		X		20
	Snowy Egret	90		X		20
	Tricolored Heron	90		X		20
	Wood Stork	90		X		20
740	Burrowing Owl	95		X		20
8146	NONE		--	--	--	20

Density Calculations
(per day/per species/per FLUCCS)

FLUCCS 641

Little Blue Heron 11-1-05

Abundance = 1
Density = (1)/2.24 ac.
Density = 0.45 little blue herons/acre

N

BEC

Scale: 1" = 300'



FLUCCS LEGEND

CODE	DESCRIPTION	UPLAND ACREAGE	WETLANDS ACREAGE	OSW ACREAGE
211	Improved Pasture	50.78 ac.	--	--
411/428	Slash pine-Cabage Palm	0.44 ac.	--	--
500	Ditches	--	--	1.40 ac.
621	Cypress	--	16.42 ac.	--
641	Marsh	--	2.24 ac.	--
740	Disturbed Lands	2.42 ac.	--	--
8146	Dirt Roads	1.35 ac.	--	--
	Total	54.99 ac.	18.66 ac.	1.40 ac.
	Total site acreage:	75.05 ac.		

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Drawn By:	Date:	Category
AML	11/8/05	FLUCFCS
Job Number		Scale:
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S/T/R		County
28/43S/26E		Lee

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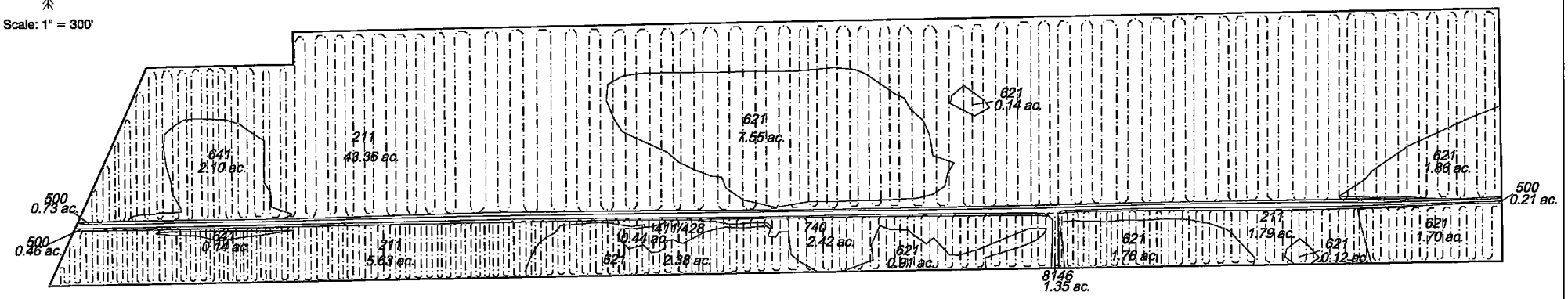
FLUCCS MAP

Revisions	Date:	Page
		Exhibit

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FLUCCS LEGEND

CODE	DESCRIPTION	UPLAND ACREAGE	WETLANDS ACREAGE	OSW ACREAGE
211	Improved Pasture	50.78 ac.	--	--
411/428	Slash pine-Cabage Palm	0.44 ac.	--	--
500	Ditches	--	--	1.40 ac.
621	Cypress	--	16.42 ac.	--
641	Marsh	--	2.24 ac.	--
740	Disturbed Lands	2.42 ac.	--	--
8146	Dirt Roads	1.35 ac.	--	--
	Total	54.99 ac.	18.66 ac.	1.40 ac.
	Total site acreage:	75.05 ac.		

PSS LEGEND

Approximate Transect Locations

**** Only protected species observed during the 11-1-05 inspection were protected wading birds***

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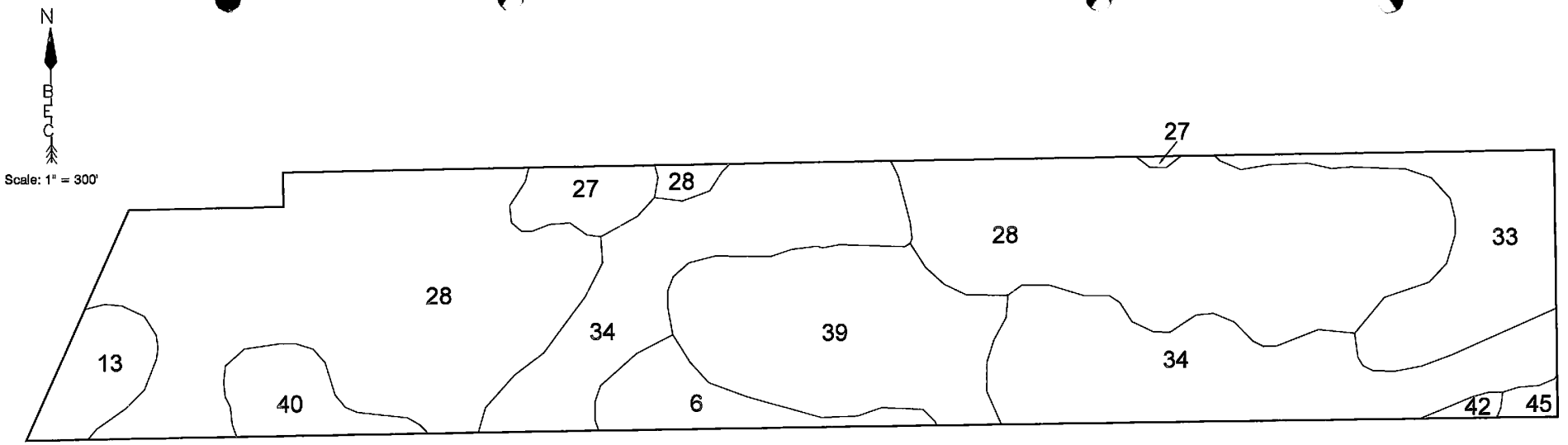
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Job Number		Scale:
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S/T/R		County
28/43S/26E		Lee

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PSS MAP

Revisions	Date:	Page
		Exhibit

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SOILS LEGEND

CODE	SOIL SERIES	HYDRIC?*
6	Hallandale fine sand	No
13	Boca fine sand	Yes
27	Pompano fine sand depressional	Yes
28	Immokalee sand	No
33	Oldsmar sand	No
34	Malabar fine sand	Yes
39	Isles fine sand depressional	Yes
40	Anclote sand, depressional	Yes
42	Wabasso sand, limestone substratum	No
45	Copeland sandy loam depressional	Yes

* Based on the Hydric Soils of Florida Handbook 2000

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AML	10/31/05	FLUCFCS
Job Number		Scale:
0.00025		1" = 300'
S/T/R		County
28/43S/26E		Lee

HEMMINGWAY POINTE

SOILS MAP

Revisions	Date:	Page
		Exhibit

HEMMINGWAY POINTE

SANDHILL CRANE MANAGEMENT PLAN



Boylan Environmental Consultants, Inc.
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Fort Myers, Florida, 33912
Phone:(239) 418-0671 Fax:(239) 418-0672

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November 2, 2005

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Sandhill Crane
(Grus Canadensis)

The Sandhill Crane (Grus Canadensis) is one of 15 species of cranes worldwide and one of two crane species native to North America. Sandhill cranes are tall statured birds with a heavy body, long neck and long legs. They stand four to five feet high, and have a wingspan of six to seven feet. Sandhill cranes primarily occupy fresh water wetlands that are adjacent to uplands with short vegetation.

During mating sandhill cranes will engage in complex unison calls. The female will initiate the calls and will utter two higher pitched calls for every male call. All of the cranes will engage in dancing that includes, bowing, jumping, running, stick tossing, grass tossing, and wing flapping. Pair bonding can occur as early as 2 years of age.

The nests are low mounds built out of the surrounding dominant vegetation. Nests are primarily composed of grasses, reeds, mosses, and aquatic plants and are typically located within wetlands. Florida sandhill cranes will nest from late December until June. The female lays two oval shaped eggs between 24 and 48 hours apart. While both parents will share in the incubation duties, the female does most of the incubation because the male primarily protects the nest from intruders. Incubation lasts somewhere between 29-32 days.

Within 24 hours of hatching chicks are capable of walking and swimming from the nest. However, the young will stay nearby the nest for the first 10 to 14 days. By the second day the chicks exhibit intense and highly aggressive sibling rivalry, which may be the reason why only one young usually survives to fledging. The chicks will fledge from the nest at 67-75 days of age.

After fledging the young will stay with its mother and father until the following March which is a period of nine to ten months. During this period the young sandhill crane will feed on its own, however, it relies on its parents for locating feed, and providing protection from predators and other sandhill cranes. The Sandhill Crane is considered threatened by the Florida Game and Fresh Water Fish Commission.

Protection Measures

Since no sandhill crane nests were observed on the property. The property will be resurveyed prior to development in order to confirm the absence of nesting sandhill cranes. In the event that no nests are found before development the goal of the management plan is to provide suitable foraging habitat for sandhill cranes that may utilize the property. The development plans include ponds, lakes, and littoral plantings that should provide suitable foraging habitat for any sandhill cranes that may utilize the property.

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

ORDER FOR CONTINUANCE

CASE NUMBER: DCI2006-00010
APPLICANT: HEMINGWAY POINTE
RESPONSE DATES: OCTOBER 25, 2006

The hearing on the above-styled case began as scheduled on October 11, 2006. 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 submissions shall be in the form of:

1) Applicant's and Staff's submittal of a new agreed upon Master Concept Plan, and a list of proposed Deviations and Conditions. If the Applicant and Staff cannot agree to the list of Deviations or Conditions, each party will submit their respective proposed Deviations and Conditions.

This matter is continued to WEDNESDAY, OCTOBER 25, 2006 BY 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 11TH day of October, 2006.

RICHARD A. GESCHEIDT
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 16TH day of October, 2006.

JAMIE PRINCING
COMMUNITY DEVELOPMENT

Suzanne Hunter-Galvan
Office Manager