

GIS Tracking Sheet



Case No.: DCI 2004-00090

Intake Date:

12-17-04

Project Name:

Buckingham 345

STRAP Number(s):

33-43-26-00-00004.0000

Planner Name:

Ext.

Tony

8325

LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING

Date: 3/29/2005

ArcGIS

INTAKE: DCI 04090

LEGAL SUFFICIENT

☒ YES☐ NO

Initials: LGM

If not, give brief explanation:

MAP UPDATE following FINAL ACTION

Date: 10 Feb 06

☐ Hearing Examiner Decision☐ Administrative Approval☒Board of County Commissioner's Resolution
Blue Sheet

Zoning Notes:

Z-05-074, DCI 2004-00090, ZINOVOS, BUCKINGHAM
345, REZONE 20 ACRES FROM AG-2 TO RPD; CONDS

MAP UPDATED

☒ YES☐ NO

Initials: AJJ

If not, give brief explanation:

CREATED: EPD-501194

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

WHEREAS, the property owners, Lee County Homes Associates I, LLLP, filed an application to rezone a 20±-acre parcel from Agricultural (AG-2) to Residential Planned Development (RPD) and to amend an existing 325 acre RPD to incorporate those 20 acres in reference to a project known as Buckingham 345; and,

WHEREAS, a public hearing was advertised and held on September 14, 2005, before the Lee County Zoning Hearing Examiner, Diana M. Parker. Written submissions were requested by the Hearing Examiner at the close of hearing with a due date of September 30, 2005. The Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2004-00090; and,

WHEREAS, a second public hearing was advertised and held on November 21, 2005, 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:

1. rezone a 20±-acre parcel from AG-2 to RPD; and
2. amend Zoning Resolution Z-00-029 to permit a RPD with a maximum of 690 single-family dwelling units (an increase of 50 dwelling units) on 345± acres of land. The 345± acres includes the 20± acres rezoned from AG-2 to RPD; and
3. limit proposed maximum building heights to three (3) stories/35 feet for residential uses, and three (3) stories/45 feet for other uses (gate houses, recreational facilities); and
4. include a potential public school site, and a maximum of 7,500 square feet of commercial uses within a clubhouse setting.

The property is located in the Outlying Suburban Future 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. Development must be consistent with the two-page Master Concept Plan (MCP) for Buckingham 345, Sheets 1 and 2 (Exhibit B), prepared by TKW Consulting Engineers, dated November 2004, last revised November 8, 2005, and date stamped "Received November 9, 2005 Zoning," except as modified by the conditions below.

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 MCP are subsequently pursued, appropriate approvals will be necessary.

The Resolution approving this amendment contains the pertinent conditions of the previous zoning approval, as well as new conditions relating to the proposed changes to the RPD. The Resolution approving this amendment supersedes that previous Resolution (#Z-00-029), thereby rendering it null and void.

Maximum Number of Dwelling Units: 690

Commercial uses are limited to a maximum +/- 7,500 square feet of floor area and ancillary to a recreational/clubhouse use only. See "Club, Private" and Condition 23.

Upon passage of this Zoning Resolution, Zoning Resolution #Z-00-29 and Administrative Amendment ADD2003-00067 will become null and void.

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

- a. **Schedule of Uses**

Accessory Uses and Structures

Administrative Offices

Agricultural Uses SEE AGRICULTURAL CONDITION 9

Club, private - LIMITED TO "REC. TRACT" ON THE APPROVED MASTER CONCEPT PLAN. CLUBHOUSE BUILDINGS MAY NOT EXCEED 40,000 SQUARE FEET IN TOTAL FLOOR AREA. This total includes the 7,500 square feet permitted for limited commercial uses. Also see Condition 23

Dwelling Units, Single-family, Zero-Lot-Line. The number of units is also subject to compliance with concurrency requirements.

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. Blasting is prohibited.

Fences and Walls.

Home Occupation, No outside help.

Model Home and Model Unit - must be in compliance with LDC §34-1954 only.
ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITION 6.

Model Display Center - must be in compliance with LDC §34-1955, limited to one, which must be located in the sales center area shown on the MCP and must only serve this project. ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITION 6.

Parking Lot, Accessory

Real Estate Sales Office - limited to sales of lots, homes or units within the development, except as may be permitted in LDC §34-1951 *et seq.* The location of, and approval for, the real estate sales office will be valid for a period of time not to exceed five years from the date the Certificate of Occupancy for the sales office is issued. ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITION 6.

Recreational Facilities - Private, On-site only. LIMITED TO "REC. TRACT ON THE APPROVED MASTER CONCEPT PLAN.

Residential Accessory Uses - In compliance with LDC §34-622©)42 and LDC Article VII, Division 2

Schools, Non-commercial

Signs, in compliance with LDC Chapter 30

Storage, Indoor - LIMITED TO RESIDENTS WITHIN THE DEVELOPMENT ONLY.

Temporary Uses, Temporary Sales, Temporary Construction

The following commercial uses may be located in the clubhouse/on-site recreational facilities only and in compliance with Condition 23.

Bank and Financial Establishments - Group I (including ATMs)

Consumption on Premises - Indoor only

Food & Beverage Service, Limited

Personal Services, Group I

b. Site Development Regulations

Overall Project:

Setbacks: (structure, parking areas, water management areas and pavement): In compliance with LDC §10-329 for water detention/retention excavation setbacks and LDC §10-416(d)(6)

Building Height: 35 feet/two stories for residential uses.

45 feet/two stories for all other structures such as, clubhouses and recreational facilities. Also See Condition 14

45 feet/three stories for gatehouses. Also See Condition 14

Open Space: 40 percent minimum.

10 percent must be distributed to individual dwelling units having immediate private ground floor access.

Indigenous open space must be provided as depicted on the MCP

Tracts 2 and 5

Single Family

Minimum Lot Areas and Dimensions

Lot Size: 7,350 square feet
Lot Width: 70 feet
Lot Depth: 105 feet

Minimum Setbacks

Street 20 feet - garage 15 feet - house
Side 6 feet
Side Corner 17.5 feet or 25 percent of lot width for lots over 50 feet wide.
Rear 10 feet
Water body 25 feet

Accessory Use: Per the LDC

Perimeter Setbacks: 25 feet

Maximum Lot Coverage: 50 percent

Tracts 1, 3 and 4

Zero-Lot-Line

Minimum Lot Areas and Dimensions

Lot Size: 5,250 square feet
Lot Width: 50 feet
Lot Depth: 105 feet

Minimum Setbacks

Street	20 feet - garage 15 feet - house
Side	Zero feet and 10 feet for Zero-lot-line
Rear	10 feet
Side corner	12.5 feet or 25 percent of lot width for lots greater than 50 feet wide.
Water body	25 feet

Accessory Use: Per the LDC

Perimeter Setbacks: 25 feet

Maximum Lot Coverage: 55 percent

Recreational Tract

Minimum Lot Areas and Dimensions

Lot Size:	+/- 5.6 Acres
Lot Width:	N/A
Lot Depth:	N/A

Minimum Setbacks

Street	Buckingham Road 25 feet/20 feet all other streets
Side	15 feet
Rear	20 feet
Water body	25 feet

Accessory Use: Per the LDC.

Minimum Building Separation: 20 feet.

Maximum Lot Coverage: 40 percent

3. The following recommendations are presented to mitigate future hurricane damage and loss of life, as well as to ensure compliance with Lee Plan objectives.
 - a. The developer must establish a homeowners' or residents' association. The organization must provide an educational program on an annual basis, in conjunction with the staff of Emergency Management, that will provide literature, brochures and speakers for Hurricane Awareness/Preparedness Seminars, describing the risks of natural hazards. The intent of this condition is to provide a mechanism to educate residents concerning the actions necessary to mitigate the dangers inherent in these hazards.

- b. The developer must formulate an emergency hurricane notification and evacuation plan for the development that will be subject to review and approval by the Lee County Office of Emergency Management.
 - c. Hurricane preparedness and impact mitigation, if required, must comply with the provisions of LDC §2-481 *et seq.*
4. DELETED.
5. The developer must provide written disclosure to all potential and actual property owners of the existence of The School District of Lee County's transportation facility on the Buckingham campus and the potential for expansion of this facility.
6. Model units and homes (and real estate sales) are permitted in compliance with the following conditions:
- a. Each model must be a unique example. Multiple examples of the same unit are not permitted.
 - b. All model sites must be designated on the development order plans.
 - c. Prior to model home construction, the lots upon which model homes will be constructed must be shown on a preliminary plat (not the final). The preliminary plat must be filed concurrently with the local development order application. The model homes must comply with the setbacks set forth in the property development regulations for this project.
 - d. Dry models are prohibited.
 - e. The number of model homes or model units will be limited to no more than 15 within the development at one time.
 - f. Model homes or units must be developed within the areas identified as "model homes, sales location center, parking for sales center, rec. tract" on the approved MCP.
 - g. Model display Centers or Model Display Groups must be shown on the development order plans. Parking areas for these uses will be buffered with a single-row hedge and tree canopy for parking areas per the LDC.
 - h. Real estate sales are limited to the sale of lots or units within the development only.
 - i. Real estate sales are limited to temporary real estate trailers, model units, model display centers, recreational area and clubhouse.
 - j. Hours of operation for both models and real estate sales are limited to Monday through Sunday 8 a.m. to 8 p.m.

- k. Model homes and real estate sales will be valid for a period of up to 5 years from the date of issuance of a certificate of occupancy of a model home in accordance with LDC § 34-1954(d)(1).

7. DELETED.

8. **A. BUFFER ON SOUTHERN AND WESTERN PROPERTY LINES**

A buffer 20 feet in width must be planted along the southern and western property line (excluding lands abutting Buckingham Road) prior to the approval of building permits for dwelling units in Tracts 4 and 5. The developer must also install a 6-foot-high wall or fence along the southern property line - in compliance with the provisions of LDC Chapter 10, except where it would encroach into the preserved wetlands. The vegetation in the buffer must contain, at a minimum, six native trees per 100 linear feet. All trees must be a minimum of 10 feet tall at time of planting. All shrubs must be a minimum of four feet tall at the time of planting and must create an unbroken hedge. Existing indigenous native vegetation may be counted toward the vegetation requirements of this condition, and no buffer is required in the area on the approved MCP shown as upland preserve areas.

B. BUFFER ON LANDS ABUTTING BUCKINGHAM ROAD

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.

9. **AGRICULTURAL USES:** Existing bona fide agricultural uses on this site in the form of cattle pasture and the raising of hay are allowed only in strict compliance with the following:

- (a) Bona fide agricultural uses of cattle grazing and the raising of hay in existence at the time the application for rezoning 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 rezoned 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.

10. DELETED.

11. DELETED.

12. DELETED.

13. DELETED.

14. Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §§ 34-2174(a) and 34-935(e)(4).

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

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

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

18. 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.

19. The developer has offered to voluntarily reserve a 20-foot wide strip along Buckingham Road for county right of way purposes. Dedication of this 20-foot strip may be accomplished by recording an instrument (i.e. deed or plat) that grants or dedicates to the County an exclusive easement for right-of-way purposes. The developer will be eligible for 100% road impact fee credits for land dedicated for Buckingham Road.

If the easement is dedicated via a plat, the dedication must be clear and unambiguous. Use of the label "Future Right-of-Way" will not be acceptable. The dedicated area may not be used for required development buffering or any other non-county right-of-way improvements. This dedication must be complete prior to the issuance of the first building permit allowing vertical construction within the project.

20. SETBACKS Applicable to Tracts 2 and 5.

- A. No structures, including but not limited to, sidewalks, mechanical equipment, door stoops, walls, etc. may be constructed or placed within the required 6-foot side setbacks; or
- B. Prior to issuance of Certificate of Occupancy on each lot, the Engineer of Record must certify that the drainage for each lot is built in compliance with the *typical lot grading detail* provided as part of the building permit process.

21. All required buffers must utilize 100% native vegetation.

22. ACCESS TO BUCKINGHAM ROAD

- A. The approved MCP and local development order must depict a minimum 70-foot wide divided entrance on Buckingham Road that includes a 14-foot wide median with two 11-foot wide lanes on both sides of the median for ingress and egress.
- B. The local development orders must include an emergency access point on Buckingham Road as shown on the approved MCP.
- C. 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.

23. COMMERCIAL USES AND CONSUMPTION ON PREMISES.

Commercial uses are limited to a maximum of +/- 7,500 square feet of floor area for the entire development.

- A. Commercial uses are limited to amenity "Recreation" sites only as shown on the approved MCP.
- B. Commercial uses are limited to members and guests of a private club. Use by the general public is prohibited.

- C. Consumption on Premises (indoor only) is limited to sales within a residential clubhouse setting only. No restaurants, bars, package stores, or similar uses are permitted.
- D. Hours of operation for consumption on premises (indoor only) is limited to 7:00 a.m. to midnight, daily. Other commercial uses may operate at hours consistent with the LDC.
- E. Outdoor seating for Consumption on Premises may only be approved by Special Exception (public hearing required).
- F. Outdoor sale of alcohol is prohibited, and may not be permitted on a temporary or permanent basis.

24. PUBLIC SCHOOL USE.

- A. If the school site is transferred to the Lee County School District, the zoning approval may be amended administratively to remove the 13-acre parcel from the MCP. The deletion of the school site from the MCP will not affect applicant's right to develop 690 single-family dwelling units on the remaining portion of the land covered by the approved MCP.
- B. The "Future School Site" may be developed with single-family and accessory uses consistent with the Land Development Regulations for Tracts 2 and 5.
- C. If the "Future School Site" is utilized for residential development, no more than 690 dwelling units may be permitted for the entire development.
- D. Deleted at public hearing.
- E. Deleted at public hearing.

- 25. Prior to local development order approval, the developer must submit a brochure to the Division of Environmental Sciences and the Division of Zoning for review and approval that will be given to all residents advising 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.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from LDC §10-416(d)(6) which requires where a road is located less than 125 feet from an adjacent single-family residential subdivision, the developer must provide a combination berm, and solid wall not less than eight feet in height not less than 25 feet from the abutting property and install landscaping between the wall and abutting property with a Type "C" buffer (a minimum of five (5) trees and 18 shrubs per 100 linear feet) so as to allow landscaping and a three-foot high berm/five-foot high wall combination to be located closer to the abutting property in accordance with the landscape buffer plan attached as Exhibit C. This DEVIATION IS APPROVED, SUBJECT TO the following condition:

Development must be consistent with the one-page G.L. Homes "Buckingham 345 Landscape Buffer Plan," Sheet 3, date stamped "Received September 28, 2005."

SECTION D. EXHIBITS AND STRAP NUMBER:

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

- Exhibit A: Legal description
- Exhibit B: Master Concept Plan
- Exhibit C: Landscape Buffer Plan
- Exhibit D: Affidavit of Bona fide Agricultural Uses
- Exhibit E: Zoning Map (subject parcel identified with shading)

The applicant has indicated that the STRAP number for the 20 acre parcel is:
32-43-26-00-00003.0000.

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the RPD rezoning by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes or regulations.
2. The RPD rezoning, as approved:
 - a. meets or exceeds the 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 RPD 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 master 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, will be available and adequate to serve the proposed land use.
5. The approved deviation, as conditioned, enhances achievement of the planned development objectives, and preserves and promotes the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner John E. Albion, seconded by Commissioner Douglas R. St. Cerny and, upon being put to a vote, the result was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Tammara Hall	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 21st day of November 2005.

ATTEST:
CHARLIE GREEN, CLERK

BY: *Charlie Green*

Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *Tammara Hall*

Tammara Hall, Chairwoman

Approved as to form by:

RECEIVED
MINUTES OFFICE

Donna Marie Collins
Donna Marie Collins
County Attorney's Office

2005 DEC -6 PM 3:11



LEGAL DESCRIPTION

BUCKINGHAM 345

A PARCEL OF LAND LOCATED IN SECTIONS 32 AND 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE RUN S 89°06'45" W, ALONG THE SOUTH LINE OF SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 2,647.58 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 33; THENCE RUN S 89°06'35" W, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 2,647.40 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 33; THENCE RUN N 00°56'26" W, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,329.87 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S 89°35'38" W, ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 43 SOUTH, RANGE 26 EAST, FOR A DISTANCE OF 978.47 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF BUCKINGHAM ROAD, A 60 FOOT RIGHT-OF-WAY; THENCE RUN N 24°23'58" E, ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF BUCKINGHAM ROAD, FOR A DISTANCE OF 2,286.09 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S 00°56'26" E, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 80.68 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N 89°04'22" E, ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,498.70 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N 00°46'36" W, ALONG THE WEST LINE OF THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 662.58 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, THENCE RUN N 89°09'14" E, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,167.13 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, THENCE RUN S 00°38'54" E, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,321.87 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S 88°59'29" W, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,330.50 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S 00°47'40" E, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,331.24 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N 89°03'02" E, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE

(Page 1 of 2)

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2004-00090

PERMIT COUNTER



environmental • civil • structural

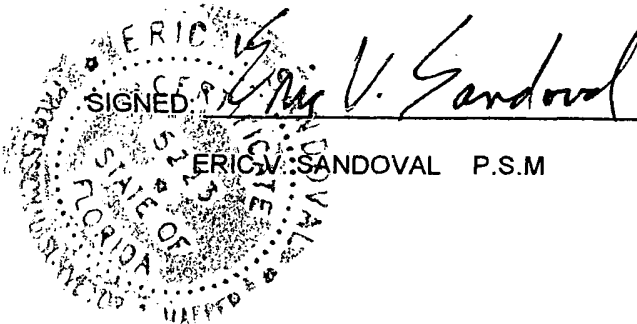
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SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,327.10 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N 89°03'03" E, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 661.05 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE RUN N 00°41'05" W, ALONG THE WEST LINE OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,333.31 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE RUN N 88°59'29" E, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,980.63 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 33; THENCE RUN S 00°47'37" E, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 2,670.83 FEET TO THE POINT OF BEGINNING, CONTAINING 344.882 ACRES, MORE OR LESS.

Applicant's Legal Checked

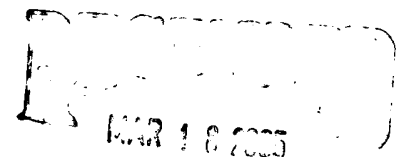
by lgm 3/29/2005.

TKW CONSULTING ENGINEERS, INC.



DATE: 1-14-05

STATE OF FLORIDA # 5223



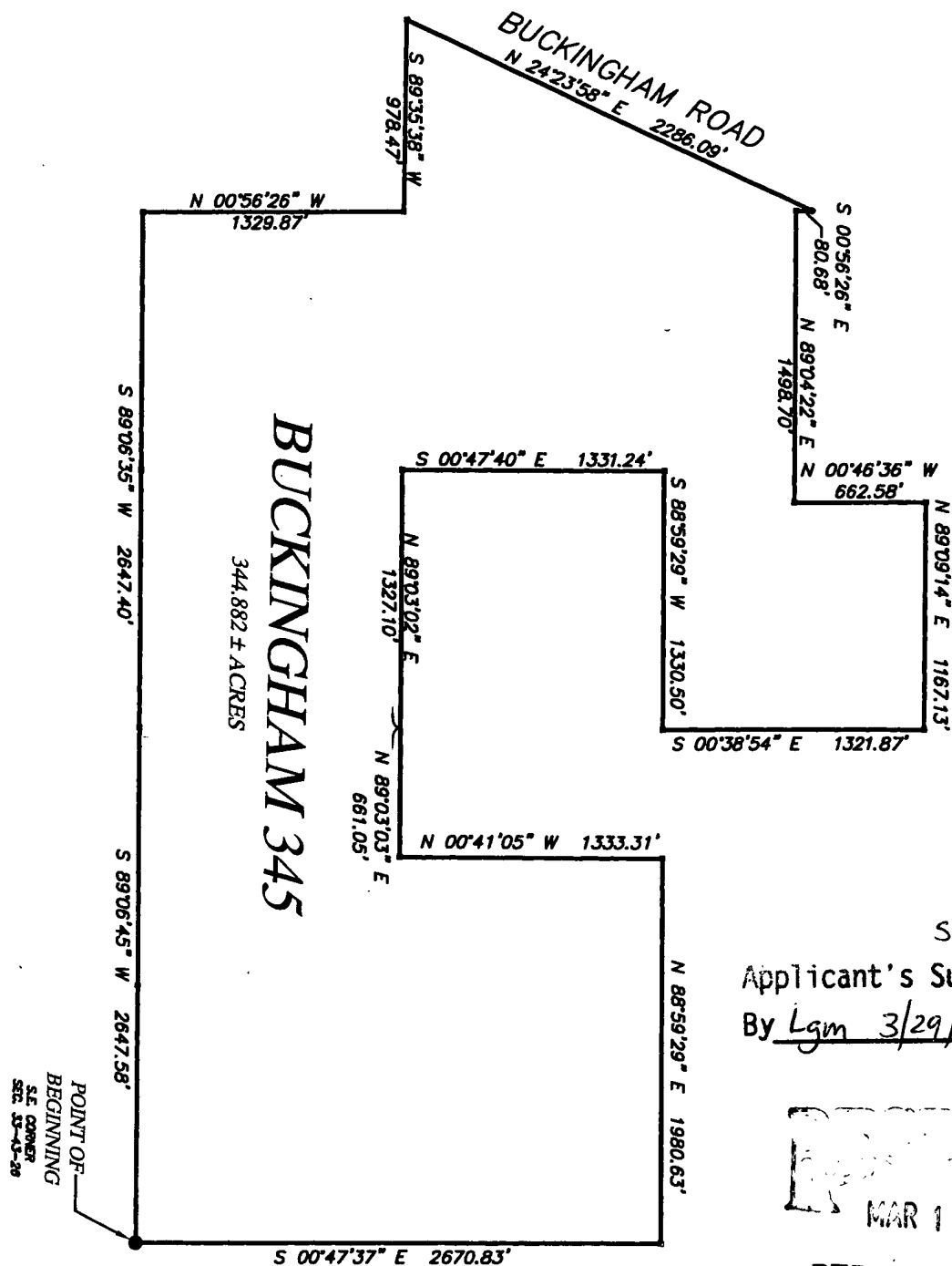
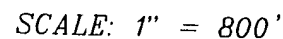
PERMIT COUNTER

(Page 2 of 2)

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DCI 2004-00090

TKW CONSULTING ENGINEERS, INC.
10000 BUCKINGHAM 320



SKETCH
OF
Applicant's Survey Checked
By Lgm 3/29/2005.

MAR 18 1965

PERMIT COUNTER

*** THIS IS NOT A SURVEY ***

DRAWN BY: A.D.	JOB NO.: 03783.00	SHEET 1 OF 1
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SKETCH TO ACCOMPANY LEGAL DESCRIPTION

BUCKINGHAM 345
A PORTION OF
SECTIONS 32 & 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA

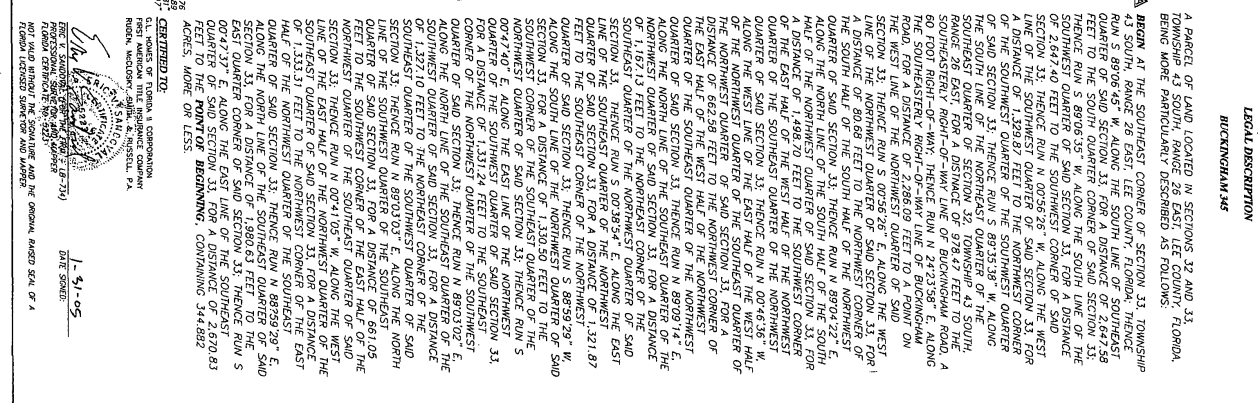
DATE: JANUARY 2005 DRAWING: 03783SCKT



TKW
CONSULTING ENGINEERS, INC.
environmental • civil • mechanical

5621 Banner Drive
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 (239) 278-1992 • FAX (239) 278-0922
 E-MAIL tkw@tkwonline.com
 Certification # 734

DATE: JANUARY 2005
DCI 2004-00090

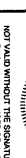


BUCKINGHAM 345

△ BEGIN AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 43 SOUTH RANGE 26 EAST 11E COUNTY FLORIDA. THENCE

BUCKINGHAM

PROFESSIONAL SURVEYOR



DRAWING DATA	
FILE NAME	0220BIBDRY2.DWG

REVISIONS

[illegible]

PERMIT CODE

PROJECT	SECTION / TOWNS
---------	-----------------

DCI2004-00090 BUCKINGHAM 345 RPD

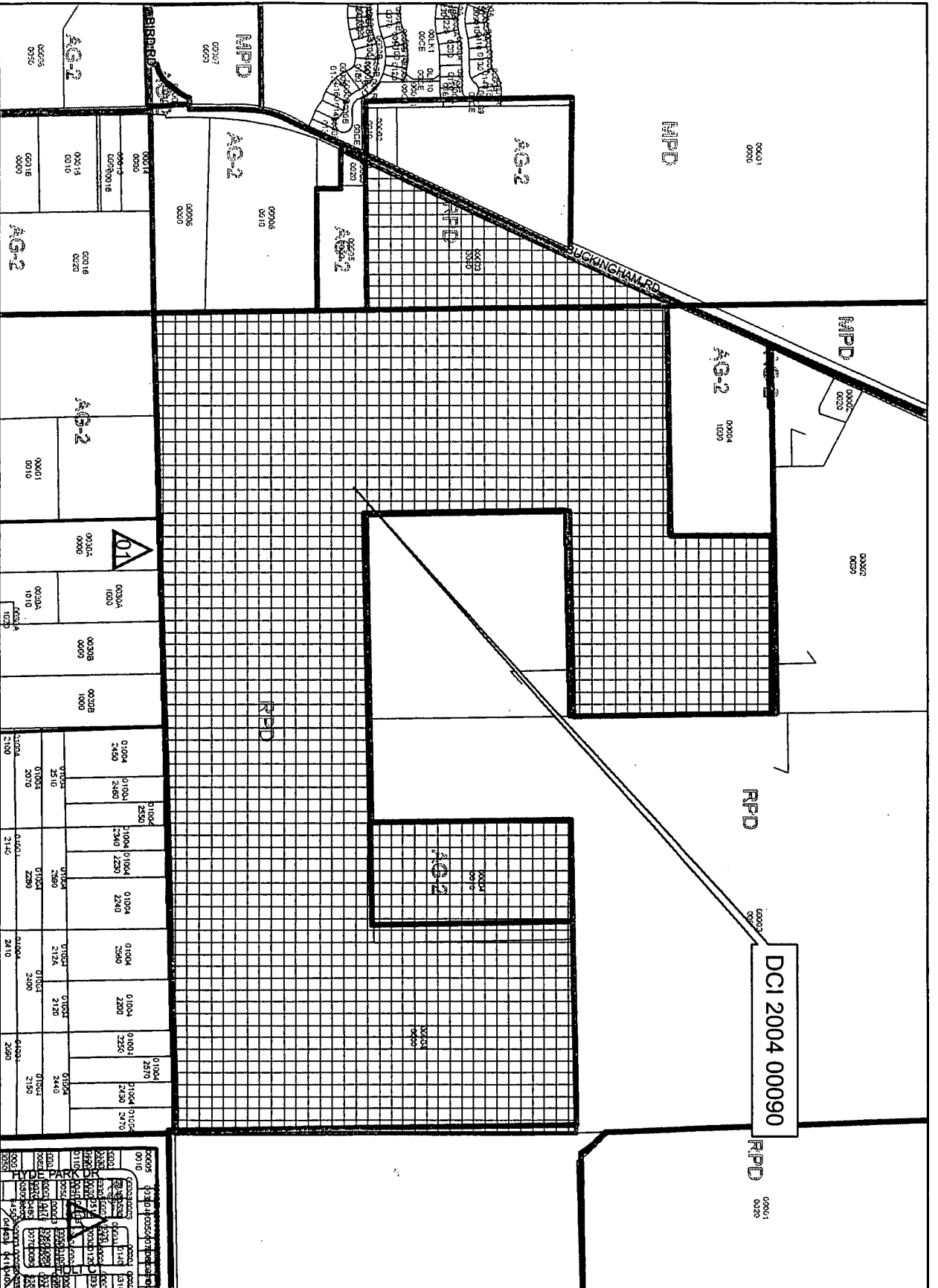


EXHIBIT "E"
Zoning Map

MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY

RECEIVED
NOV 18 2005

COMMUNITY DEVELOPMENT

DATE: November 17, 2005

To: Jamie Princing
Development Services

FROM: *Ann Polito*
Ann Polito
Legal Administrative Secretary

RE: Buckingham 345 RPD
Case #DCI2004-00090
Resolution #Z-05-074

Attached is the legal verification letter pursuant to the above-referenced zoning case. Please place this letter in the appropriate zoning case file.

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

/amp
Attachment

cc: w/attachment
Dawn Perry-Lehnert, Assistant County Attorney
Billie Jacoby, Zoning Division

RECEIVED
NOV 09 2005

PERMIT COUNTER

Date: November 9, 2005

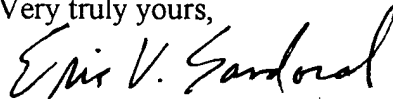
Donna Marie Collins
Assistant County Attorney
P.O. Box 398
Fort Myers, FL 33902

Re: Buckingham 345 RPD
Zoning Case # DCI2004-00090
Resolution No. Z-05-074

Dear Ms. Collins:

We have found that the legal description submitted with the zoning application does truly represent the property intended to be rezoned. Therefore, to prevent potential errors in the resolution we have review the legal description prepared by this office and confirm that all of the property intended to be rezoned is accurately described.

Very truly yours,



Eric V. Sandoval, P.S.M.
Professional Surveyor & Mapper
Florida license number 5223

DCI2004-00090

MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY

RECEIVED
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COMMUNITY DEVELOPMENT

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RECEIVED
NOV 09 2005

PERMIT COUNTER

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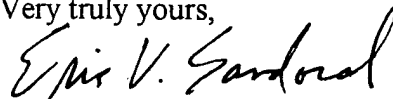
Donna Marie Collins
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Fort Myers, FL 33902

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Very truly yours,



Eric V. Sandoval, P.S.M.
Professional Surveyor & Mapper
Florida license number 5223

DCI2004-00090

P:\Survey\projects\03783.00 BUCKINGHAM 320\legal description conformation letter.doc

Legal Description,
Property located in Lee County,
Florida

mini • civil • structural

LEGAL DESCRIPTION

BUCKINGHAM 345

A PARCEL OF LAND LOCATED IN SECTIONS 32 AND 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE RUN S 89°06'45" W, ALONG THE SOUTH LINE OF SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 2,647.58 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 33; THENCE RUN S 89°06'35" W, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 2,647.40 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 33; THENCE RUN N 00°56'26" W, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,329.87 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S 89°35'38" W, ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 43 SOUTH, RANGE 26 EAST, FOR A DISTANCE OF 978.47 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF BUCKINGHAM ROAD, A 60 FOOT RIGHT-OF-WAY; THENCE RUN N 24°23'58" E, ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF BUCKINGHAM ROAD, FOR A DISTANCE OF 2,286.09 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S 00°56'26" E, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 80.68 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N 89°04'22" E, ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,498.70 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N 00°48'36" W, ALONG THE WEST LINE OF THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 682.58 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, THENCE RUN N 89°09'14" E, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,167.13 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, THENCE RUN S 00°38'54" E, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,321.87 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S 88°59'29" W, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,330.50 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S 00°47'40" E, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,331.24 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N 89°03'02" E, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE

EXHIBIT "A"
(Page 1 of 4)

P:\Surve
BOUND

1 METES
PERMIT COUNTER



environmental • civil • structural

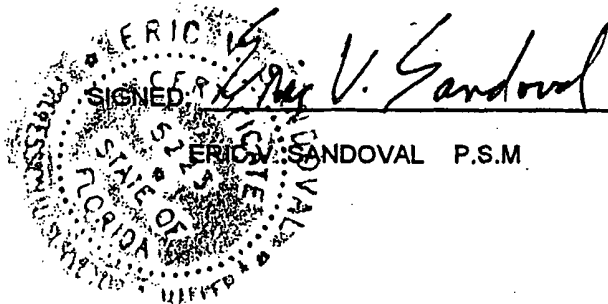
(continued)

SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,327.10 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N 89°03'03" E, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 661.05 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE RUN N 00°41'05" W, ALONG THE WEST LINE OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,333.31 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE RUN N 88°59'29" E, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,980.63 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 33; THENCE RUN S 00°47'37" E, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 2,670.83 FEET TO THE POINT OF BEGINNING, CONTAINING 344.882 ACRES, MORE OR LESS.

Applicant's Legal Checked

by lgm 3/29/2005.

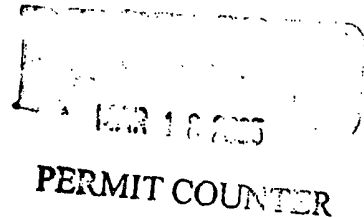
TKW CONSULTING ENGINEERS, INC.



DATE: 1-14-05

STATE OF FLORIDA # 5223

EXHIBIT "A"
(Page 2 of 4)



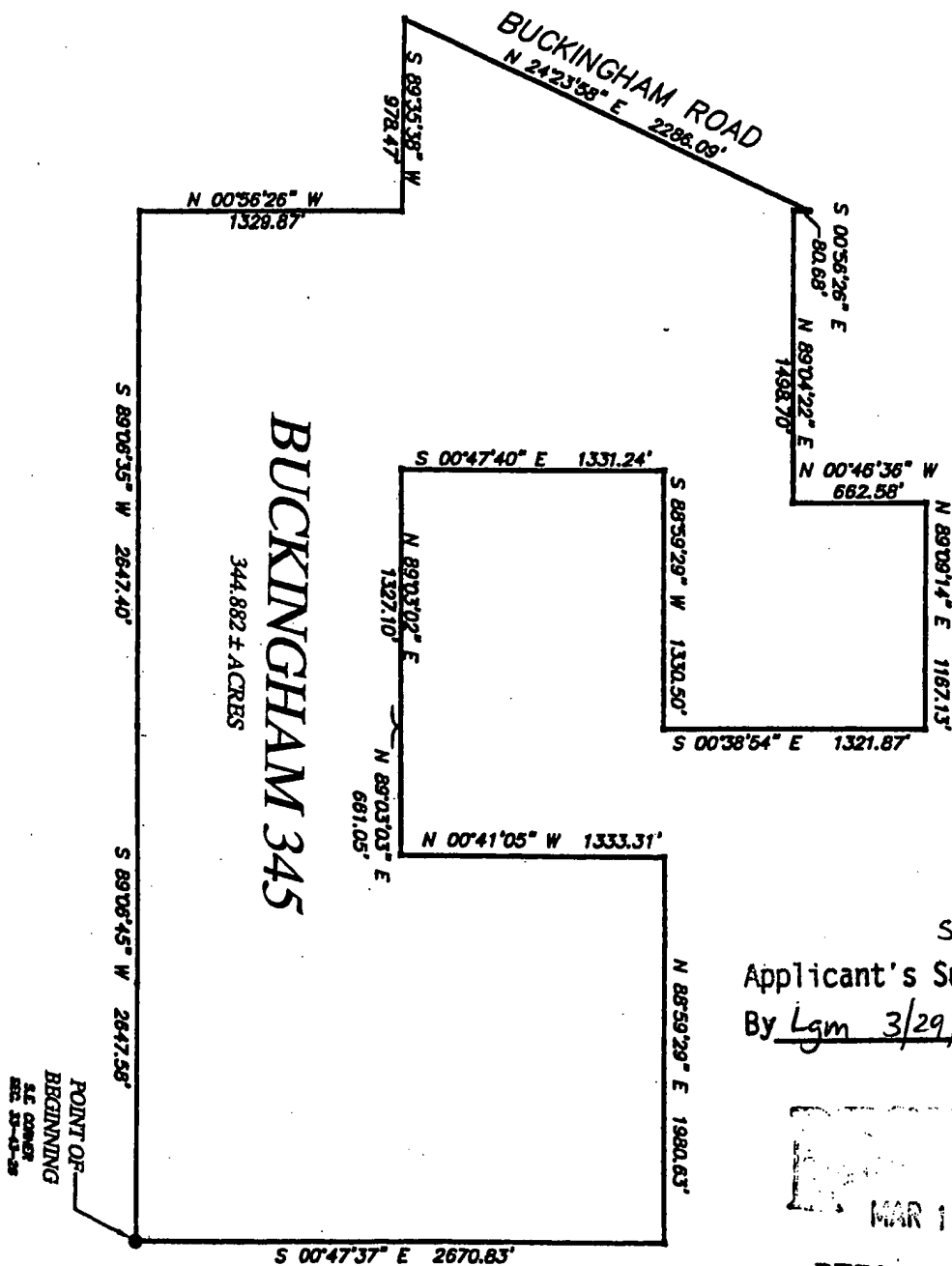
P:\Survey\projects\03783.00 BUCKINGHAM 320\LEGALS\OVERALL METES
BOUNDS.doc

DCI 2004-00090

TKW CONSULTING ENGINEERS, INC.



SCALE: 1" = 800'



SKETCH
OF
Applicant's Survey Checked
By Lgm 3/29/2005.

MAR 18 2005

PERMIT COUNTER

* THIS IS NOT A SURVEY *

TKW
CONSULTING ENGINEERS, INC.
environmental-civil-structural-survey

9901 Bessner Drive
Fort Myers, Florida 33912
(239) 278-1992 • FAX (239) 278-0922
E-MAIL tkw@tkwonline.com
Certification # 734

DRAWN BY: A.D. JOB NO.: 03783.00 SHEET 1 OF 1

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

BUCKINGHAM 345
A PORTION OF
SECTIONS 32 & 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA

DATE: JANUARY 2005

DRAWING: 03783SCKT

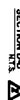
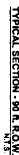
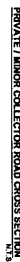
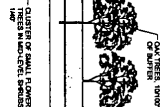
DCI 2004-00090
EXHIBIT "A"
(Page 2 of 1)

EXHIBIT "A"
(Page 4 of 4)

B.) TOTAL PROVIDED OPEN SPACE:

INDIVIDUAL LOT AREAS (0.10% OF RESID. 40%)
PROPOSED LAKE AREAS (0.25% OF TOTAL AC.)
PROPOSED UPLAND ENHANCEMENT/PRESERVATION AREA
PROPOSED WETLAND ENHANCEMENT/PRESERVATION AREA
GREEN SPACE / OPEN SPACE WITHIN TRACT DEV. AREA

11025 AC.



Approved as Exhibit B
MCP Page 2 of 3
Resolution # 2-65-07

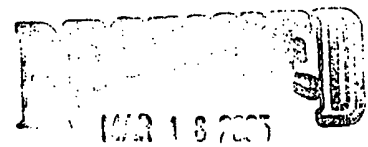
[illegible]

Statement by Owner Regarding Agricultural Uses.

All 640 units are under lease for a bona fide commercial purpose of raising hay with David W. Meloy. This is bona fide agricultural use in existence at the time the application was filed. No additional clearing or grading for agricultural use is anticipated.

Property Owner Statement, Lee County Homes Associates, I, LLP,
a Florida limited liability partnership

EXHIBIT "D"
Affidavit of Agricultural Use
(Page 1 of 3)



PERMIT COUNTER

DCI 2004-00090

Affidavit by Owner Regarding Agricultural Uses

All 345 acres as shown on Exhibit "A" attached to and made a part of this Affidavit are owned by Lee County Homes Associates I, LLLP and are leased to David W. Meloy for the bona fide agricultural use of pasturing cattle and/or growing hay. This agricultural use was in existence at the time this application was filed. No additional clearing or grading for agricultural use is anticipated.

Lee County Homes Associates I, LLLP,
a Florida limited liability limited partnership

By: Lee County Homes I Corporation,
a Florida corporation, its general partner

By: [Signature]
Name: Richard M. Norwalk
Title: Vice President

The foregoing instrument was acknowledged before me this 2 day of May, 2005 by Richard M. Norwalk. He personally appeared before me, and is personally known to me or produced _____ as identification.

[NOTARY SEAL]



Notary: [Signature]
Print Name: _____
Notary Public, State of Florida
My commission expires: _____

RECEIVED
MAY 20 2005

DCI 2004-00090

EXHIBIT "D"
(Page 2 of 3)

THIS IS THE

STAMPED
APPROVED MCP
THAT CONFORMS
TO THE BCC
DECISION.

NOW AWAITING
THE RESOLUTION.

SEC. 32
SEC. 33

ZONED AG-2
(LEE CO. DISTRICT SCHOOL BOARD)

ZONED MPD
(THE VERANDAH)
(AGRICULTURAL)

ZONED AG-2
(AGRICULTURAL)

ZONED RPD
(PORTICO)

ZONED AG-2
(S.F. RES)

Approved as Exhibit
MCP Page 1 of 3
Resolution #2-05-014

5
4
32
33
34

LEGEND
① DEVIATIONS

- △ REVISOR SHEET 2 11/4/05
- △ REVISOR 8/27/05
- △ REVISOR 8/16/05
- △ REVISOR PER LEE COUNTY STAFF COMMENTS

DESIGN BY: DJV
DATE: 05/05/00
SCALE: 1" = 80'

LEE COUNTY ENGINEERING INC.
1000 S. UNIVERSITY BLVD., SUITE 100
TALLAHASSEE, FL 32310
PHONE: (904) 279-1992 • FAX: (904) 279-0222 • E-MAIL: lee@leece.com

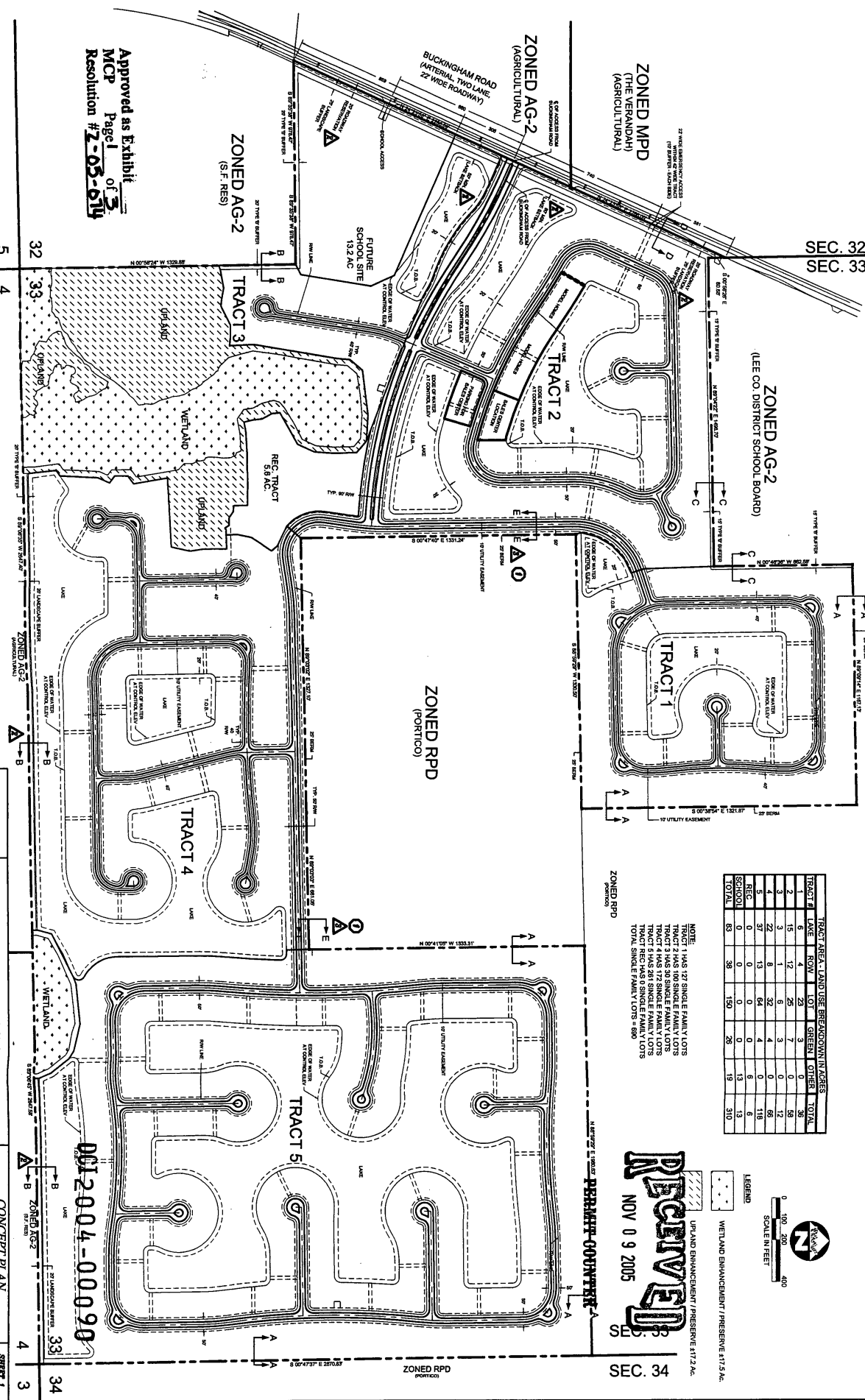
CONCEPT PLAN
BUCKINGHAM 345
SECTION 24 & 25, PARCELS 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
DATE: NOVEMBER 2004
DRAWING: 07/05/04/01/02

TRACT AREA, LAND USE, & RESOURCES IN ACRES						
TRACT #	LAND	ROW	LOT	GREEN	OTHER	TOTAL
1	6	4	23	3	0	36
2	15	12	25	7	0	59
3	2	1	6	3	0	12
4	22	8	32	4	0	66
5	37	13	64	4	0	118
REC	0	0	0	0	6	6
SCHOOL	0	0	0	0	13	13
TOTAL	83	38	150	26	19	310

NOTE:
TRACT 1 HAS 127 SINGLE FAMILY LOTS
TRACT 2 HAS 100 SINGLE FAMILY LOTS
TRACT 3 HAS 100 SINGLE FAMILY LOTS
TRACT 4 HAS 172 SINGLE FAMILY LOTS
TRACT 5 HAS 281 SINGLE FAMILY LOTS
TRACT 6 HAS 5 SINGLE FAMILY LOTS
TOTAL SINGLE FAMILY LOTS = 686

RECEIVED
NOV 09 2005

LEGEND
WETLAND ENHANCEMENT / PRESERVE AT 1.5 AC.
SCALE IN FEET
0 100 200 400



0012004-00090

CONCEPT PLAN

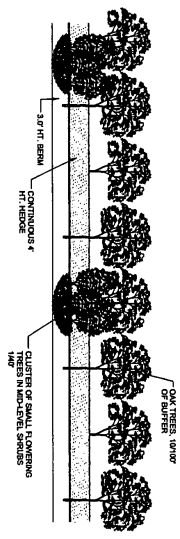
SHEET 1

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NOV 09 2005
PERMIT COUNTER

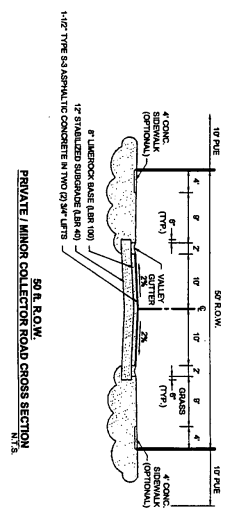
CONCEPTUAL OPEN SPACE
A) TOTAL REQUIRED OPEN SPACE (40%) (PER L.C.D.C.)
B) TOTAL PROVIDED OPEN SPACE
INDIVIDUAL LOT AREAS @ 10% OF PLOT (40%)
PROPOSED LOT AREAS @ 5.0% OF TOTAL AC
PROPOSED LOT AREAS @ 5.0% OF TOTAL AC
PROPOSED LOT AREAS @ 5.0% OF TOTAL AC
PROPOSED LOT AREAS @ 5.0% OF TOTAL AC
TOTAL OPEN SPACE PROVIDED
1480 AC
1485 AC
1485 AC

SECTION A-A
N.T.S.

SECTION C-C
N.T.S.

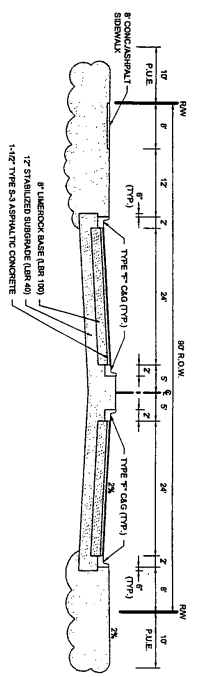


SECTION B-B
N.T.S.



PRIVATE / MINOR COLLECTOR ROAD CROSS SECTION
N.T.S.

PRIVATE / LOCAL ROAD CROSS SECTION
N.T.S.



TYPICAL SECTION - 50 FT. R.O.W.
N.T.S.

APPROVED 11/6/05
APPROVED 8/27/05
APPROVED 8/16/05

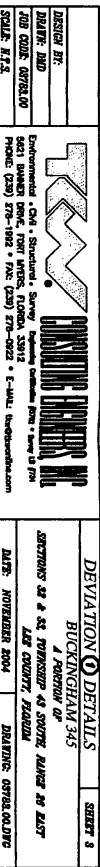
DESIGN BY: JMT	
DRAWN BY: JMT	
CHECKED BY: JMT	
SCALE: N.T.S.	

TKW CONSULTING ENGINEERS
10000 W. 11th Ave., Suite 100
Denver, CO 80231
Phone: (303) 755-1100 Fax: (303) 755-0255
E-Mail: tkw@tkw-engineers.com

DETAILS	
BOOKING 345	
SECTIONS 22 & 23	
DATE: NOVEMBER 2004	

APPROVED AS EXHIBIT
MCP Page 2 of 3
Resolution #2-05-075

DCI2004-00090



Approved as Exhibit
MCP Page 3 of 3
Resolution # 2-05-074

DCI 2004-00090



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NOV 09 2005
MKC
COMMUNITY DEVELOPMENT

NOV 09 2005
MKC
COMMUNITY DEVELOPMENT

Dear Ms. Collins,

Please contact our office should any additional information be required.

David P. Johnson

DPJ/lmf

DCI 2004-00090

TIKW CONSULTING ENGINEERS, INC.
55621 Banner Drive, Fort Myers, FL 33912, Tel: 239.278.1992, Website: www.kwonline.com



RECEIVED
NOV 09 2005

PERMIT COUNTER

Date: November 9, 2005

Donna Marie Collins
Assistant County Attorney
P.O. Box 398
Fort Myers, FL 33902

Re: Buckingham 345 RPD
Zoning Case # DCI2004-00090
Resolution No. Z-05-074

Dear Ms. Collins:

We have found that the legal description submitted with the zoning application does truly represent the property intended to be rezoned. Therefore, to prevent potential errors in the resolution we have review the legal description prepared by this office and confirm that all of the property intended to be rezoned is accurately described.

Very truly yours,

Eric V. Sandoval, P.S.M.
Professional Surveyor & Mapper
Florida license number 5223

DCI2004-00090

MEMORANDUM
From The
Department Of
Community Development
Development Services Division

Date: November 8, 2005

To: DCI 2004-00090 From: Luisa Villa

RE: Notice of Public Hearing - November 21, 2005
Lee County Board of County Commissioners Meeting

I, Luisa Villa, 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: DCI2004-00090

NAME: BUCKINGHAM 345 RPD

REQUEST: Amend Zoning Resolution #Z-00-029 to permit a Residential Planned Development (RPD) with a maximum of 690 single-family dwelling units (an increase of 50 dwelling units) on +/- 345 acres of land. The proposed amendment includes the addition of +/- 20 acres of Agricultural (AG-2) land. Maximum building heights proposed are 3 stories/35 feet for residential uses, and 3 stories/45 feet for other uses (gate houses, recreational facilities). The request also includes a potential public school site, and a maximum of +/- 7,500 square feet of commercial uses within a clubhouse setting. No development blasting is requested.

LOCATION: 345 Buckingham Road, in S32-T43S-26E, Lee County, FL. (District #5)

PROPERTY OWNER'S MR. DANIEL JOHNSON
REPRESENTATIVE: 239 278-1992

Notice is hereby given that the Lee County Board of Commissioners will hold a public hearing at 9:30 am on Monday, November 21, 2005, 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

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 479-8585.

DEPARTMENT OF COMMUNITY
DEVELOPMENT



CASE NUMBER

DCI2004-00090

NAME OF CASE

Buckingham 345

Mr. Daniel Johnson
TKW Consulting Engineers, Inc.
5621 Banner Drive
Fort Myers, FL 3391

Joanne Czirr.
439 Aragon Avenue
Coral Gables, Florida 33134

Neale Montgomery
1833 Hendry Street
Fort Myers, Florida 33901

Kurt Nusbaum
P. O. Box 61921
Fort Myers, Florida 33905

William Shay
4170 Guseble Drive
Fort Myers, Florida 33905

Robert Harding
4261 Buckingham Road
Fort Myers, Florida 33905

Karen L. Redmond
4261 Buckingham Road
Fort Myers, Florida 33905

B. J. Kraft
4203 Buckingham Road
Fort Myers, Florida 33905



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 M. Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

November 3, 2005

Beverly Grady, Esq.
Roetzel & Andress Law Firm
2320 First Street, Suite 100
Fort Myers, FL 33901

Re: Buckingham 345 RPD
Zoning Case #DC12004-00090
Resolution No. Z-05-074

RECEIVED
NOV - 4 2005

COMMUNITY DEVELOPMENT

Dear Beverly:

Enclosed is the current draft resolution pertaining to Buckingham 345 RPD. It is based on the Hearing Examiner's recommendation with the understanding that further changes may be made by the Commissioners at the final hearing. Please review this draft and advise whether revisions are necessary to accurately reflect the Hearing Examiner's recommendation. County staff will also review the draft resolution.

The Master Concept Plan (MCP) includes notations that must be removed prior to final execution of the resolution. These changes are indicated in handwriting on the enclosed MCP. A revised MCP, as adopted by the Board, will be required for attachment to the zoning resolution prior to Board execution of the resolution. The MCP may be revised at this time in anticipation of the Board's action. The revised MCP, including the required 11 copies (in both full size and reduced 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).

Finally, the legal description submitted with the zoning application often does not accurately represent the property intended to be rezoned. Therefore, to prevent errors in the resolution, kindly review the attached legal description to confirm that all of the property intended to be rezoned is described accurately. Please advise me in writing as to the results of this review – especially if the legal description does not completely and correctly describe the property. We want to make necessary changes before the final hearing so that the resolution can be signed promptly after the hearing.

Beverly Grady, Esq.
November 3, 2005
Page 2

Re: Buckingham 345 RPD
Zoning Case #DCI2004-00090
Resolution #Z-05-074

Please feel free to contact me if you have questions.

Kind regards,



Donna Marie Collins
Assistant County Attorney

DMC/amp
Enclosure

cc w/ enclosure: Dawn Perry-Lehnert, Assistant County Attorney
Pam Houck, Director, Zoning Division
Tony Palermo, Zoning Division
Kim Trebatoski, Environmental Sciences Division
Billie Jacoby, Zoning Division
Ted Treesch, Metro Transportation Group
Daniel P. Johnson, P.E.

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

ORDER FOR CONTINUANCE

CASE NUMBER: DCI2004-00090
APPLICANT: LEE COUNTY HOMES ASSOCIATION, in reference to
BUCKINGHAM 345
RESPONSE DATES: SEPTEMBER 30, 2005

The hearing on the above-styled case began as scheduled on September 14, 2005. 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) Joint, or individual, submittal from Staff, Applicant and the Public of proposed condition language regarding the deviation request from LDC Section 10-416 d) 6.

This matter is continued to FRIDAY, SEPTEMBER 30, 2005 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 14th day of September, 2005.



DIANA M. PARKER
LEE COUNTY HEARING EXAMINER
P. O. Box 398 (1500 Monroe Street, Suite 218)
Fort Myers, Florida 33902-0398
Telephone: 239/479-8100 Fax: 239/479-8106

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the aforesaid Order was sent to all hearing participants, officially established as of the above Order date, either by U.S. Mail, Inter-County Mail, or Facsimile Transfer on the 16TH day of September, 2005.



Suzanne Hunter-Galvan / Office Manager

September 15, 2005

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

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Suzanne Hunter-Galvan / Office Manager

JAMIE PRINCING
COMMUNITY DEVELOPMENT

September 15, 2005

MEMORANDUM
FROM THE
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ZONING

DATE: SEPTEMBER 29, 2005

**To: THE LEE COUNTY HEARING
EXAMINER**

**FROM: TONY PALERMO
SENIOR PLANNER**

RE: DCI2004-00090 BUCKINGHAM 345 RPD - DEVIATION REQUEST

PLEASE FIND THE FOLLOWING ATTACHMENTS FROM THE APPLICANT REGARDING THIS CASE.

1. A SEPTEMBER 27, 2005 COVER LETTER FROM THE APPLICANT.
2. THE APPLICANT'S DEVIATION REQUEST FROM LDC SEC. 10-416(D)(6) WITH JUSTIFICATION.
3. E-MAIL FROM TAYLOR WOODROW (PORTICO) SAYING THERE IS NO OBJECTION TO THE DEVIATION REQUEST, WITH THE ATTACHED LANDSCAPE PLAN.
4. A COPY OF LDC SEC. 10-416 (6)(D)
5. PORTICO'S RPD RESOLUTION #Z-04-080.
6. A 2-PAGE UPDATED MASTER CONCEPT PLAN, WITH A 1-PAGE LANDSCAPE BUFFER PLAN FROM G.L. HOMES ALL STAMP DATED "RECEIVED SEP. 28, 2005: ZONING." (YOU HAVE ALSO RECEIVED A FULL-SIZED COPY OF THESE PLANS)

ALSO ATTACHED - FROM STAFF - PLEASE FIND A STRIKE-THROUGH UNDERLINE VERSION OF LDC SEC. 10-416(D)(6) - AS APPROVED BY THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS AUGUST 23, 2005. THIS IS THE CORRECT VERSION TO REFERENCE.

THE DEVIATION REQUEST WILL ALLOW A BUFFER RANGING BETWEEN 20 AND 25 FEET WITH A COMBINATION OF 5-FOOT WALL, 3-FOOT BERM, HEDGE, SHRUB, AND TREES AS DETAILED ON THE ATTACHED LANDSCAPE BUFFER PLAN.

STAFF'S COMMENTS ARE AS FOLLOW.

1. STAFF RECOMMENDS APPROVAL OF THE DEVIATION REQUEST FROM LDC SEC. 10-416(D)(6).
2. STAFF RECOMMENDS THE FOLLOWING CONDITION RELATING TO THE DEVIATION REQUEST.

DEVELOPMENT MUST BE CONSISTENT WITH THE 1-PAGE G.L. HOMES "BUCKINGHAM 345" LANDSCAPE BUFFER PLAN STAMP DATED "RECEIVED SEP. 28, 2005: ZONING." (SHEET 3)

3. STAFF RECOMMENDS APPROVAL OF THE 2-PAGE MCP STAMP DATED "RECEIVED SEP. 28, 2005: ZONING." (SHEET 1 AND 2)

I AM AT 239-479-8325 IF YOU HAVE QUESTIONS OR CONCERNS REGARDING THIS MATTER.

CC. DONNA MARIE COLLINS, COUNTY ATTORNEY
KIM TREBATOSKI, ENVIRONMENTAL SCIENCES
BEVERLY GRADY, ATTORNEY, 2320 FIRST STREET, SUITE 1000, FORT MYERS, FL 33901
DANIEL JOHNSON, TKW, 5621 BANNER DRIVE, FORT MYERS, FL 33912
NEALE MONTGOMERY, PAVESE LAW FIRM, 1833 HENDRY STREET, FORT MYERS, FL 33901



2320 FIRST STREET
SUITE 1000
FORT MYERS, FL 33901-2904
239.338.4207 DIRECT
239.337.3850 MAIN
239.337.0970 FAX
bgrady@ralaw.com

September 27, 2005

Anthony Palermo, Senior Planner
Lee County Community Development
P.O. Box 398
Fort Myers, FL 33902-0398

DCI 2004-00090

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Re: Buckingham 345 RPD; DCI2004-00090 - Deviation from Land Development
Code Section 10-416(d)(6) for Buckingham 345

Dear Mr. Palermo:

At the Hearing Examiner's hearing^a deviation was added to the Buckingham 345 request. The Hearing Examiner continued the hearing, limited solely to this deviation issue. Enclosed is our deviation request and justification which includes a Landscape Architectural Plan which would be a condition of approval of the deviation. We previously provided that buffer plan to Lee County staff for review.

We would respectfully request your recommendation of approval to be submitted to the Hearing Examiner within the time frame that the hearing was left open. If we hear no further comments from staff then we intend to make our submittal to the Hearing Examiner with the deviation request and justification that is attached to this correspondence.

It has been a pleasure working with you. Thank you for your consideration with this matter.

Very truly yours,

ROETZEL & ANDRESS, LPA

Beverly Grady

Signed electronically to expedite

Beverly Grady

BG/umr

Enclosure: Deviation Request Justification
9/22/2005 12:41 p.m. Electronic communication from Michael Dady, Vice
President, Taylor Woodrow Communities to Buckingham 345
Copy of Code Section 10-416(d)(6)

cc: Richard Arkin
Dan Johnson
Patty Campbell
Michael Dady

Deviation from Land Development Code
Section 10-416(d)(6) To Permit the Berm/Wall to Be
Located 20 feet from the Abutting Property at
Locations Depicted on the Master Concept Plan

A deviation is requested from Section 10-416(d)(6) which requires where a road is located less than 125 feet from an adjacent single family residential subdivision, a combination berm and solid wall not less than 8 feet in height be constructed not less than 25 feet from the abutting property and landscaped between the wall and abutting property with a type C buffer (a minimum of 5 trees and 18 shrubs per 100 linear feet). The deviation being requested is to permit certain landscaping and a 3 foot berm/5 foot wall combination to be located closer to the abutting property at the certain location depicted on the landscape buffer plan which is attached.

Justification

The deviation will be subject to the following conditions:

Compliance with the GL Homes Landscape Architecture Landscape buffer Plan Sheet 1 dated 9/21/05 for Buckingham 345 which reflects a combination 3 foot berm and 5 foot precast concrete wall, 5 shade trees per 100 linear feet of buffer, clusters of South Florida Slash Pines in between the shade trees, and mid-level shrubs under the Pines clusters and a continuous hedge which together exceed the 18 shrubs per 100 linear feet. Therefore, the total number of trees and shrubs exceed the code requirement.

A portion of the Buckingham 345 internal road is within 125 feet of a portion of adjacent Portico RPD. The landscape buffer plan has been reviewed and approved by the Portico RPD developer. Attached is electronic communication dated Thursday, September 22, 2005 at 12:41 to Richard Arkin of Buckingham 345 from Michael Dady, Vice President of Taylor Woodrow Communities supporting the deviation and finding the landscape buffer plan acceptable and fully satisfying to Taylor Woodrow.

Attached is a portion of the Portico RPD Resolution Z-04-080 and the pertinent portion of the attached Master Concept Plan which reflects that the Portico RPD has a 25 foot open space area along its perimeter boundary before commencement of the single family lots which in effect provides a minimum of a 45 foot separation between the Portico lots and the Buckingham 345 internal road.

The combination of the berm/wall and vegetation in excess of the code requirement and the 45-50 foot separation between the Buckingham 345 internal road and Portico accomplishes and we believe exceeds the code requirement.

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-----Original Message-----

From: Mike Dady [mailto:Mike.Dady@us.taylorwoodrow.com]

Sent: Thursday, September 22, 2005 12:41 PM

To: Richard Arkin

Cc: Patty Campbell; Mike Lane; Neale Montgomery

Subject: RE: Buckingham 345

Mr. Arkin –

Taylor Woodrow does not object to your request for deviation from the Lee County LDC and finds the below listed wall and buffer plan you have proposed to be acceptable. The landscape and buffer plan looks good and should satisfy us fully. The Pine Trees will help with upper screening, the wall will prevent excessive vehicle noise from your proposed spine road, and we note that the planting plan will well exceed the LDC. We would ask that you provide TW with a copy of you final submittal plan and coordinate with us to the extent possible the final timing of installation as well as material and color of the wall. Taylor Woodrow appreciates your quick and thorough response to our concern and looks forward to being good neighbors now that the lines of communication are open.

Sincerely,

Michael Dady

Vice President

Taylor Woodrow Communities

2950 Immokalee Road, Suite 2

Naples, FL 34110

Tel. 239-592-0055 Ext. 14

Fax 239-592-5395

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centerline of the streets, at the points of intersection of the streets with the side lot lines (as extended) and the midpoint of the lot frontage (see section 34-2172). Walls must be constructed to ensure that historic flow patterns are accommodated and all stormwater from the site is directed to on-site detention/retention areas in accordance with the SFWMD requirements.

BUFFER REQUIREMENTS								
<i>Permitted or Existing Uses</i>								
<i>Proposed Uses</i>		AG	SF-R	MF-R	COM	IND	STP	ROW
	AG	—	—	—	—	—	—	—
	SF-R	—	—	—	—	—	—	—
	MF-R	—	B	—	—	—	—	D
	COM	—	C/F	C/F	A	—	—	D
	WOR	—	C/F	C/F	—	—	—	D
	IND	—	Note a.	Note a.	—	—	—	D
	STP	C/F	E	E	E	C/F	—	C

Note a: All uses or activities must provide a Type E buffer unless the director determines that the proposed use or activity will not have an adverse impact on adjacent property. If the director determines that a Type E buffer is not required, a Type F buffer must be constructed.

- (4) *Buffer types.* The following table provides six different buffer types. Each type buffer, identified by a letter, provides the minimum number of trees and shrubs per 100 linear foot segment and indicates whether or not a wall or hedge is required.

BUFFER TYPES (per 100 linear feet)						
<i>Buffer types</i>	A	B	C	D	E	F
Minimum width in feet	5	15	15	15	25	30
Minimum # of trees	4	5	5	5(3)	5	10
Minimum # of shrubs	—	Hedge(2)	18	Hedge(2)	30	Hedge(2)
Wall required (1)	No	No	Yes	No	Yes	No

Notes for Buffer Types Table:

1. A solid wall, berm or wall and berm combination, not less than eight feet in height. All trees and shrubs required in the buffer must be placed on the residential side of the wall. The height of the wall must be measured from the average elevation of the street or streets abutting the property as measured along the

2. Hedges must be planted in double staggered rows and be maintained so as to form a 36-inch high (F type buffers must be 48 inches at installation and be maintained at 60 inches high) continuous visual screen within one year after time of planting.

3. Trees within the ROW buffer must be appropriately sized in mature form so that conflicts with overhead utilities, lighting and signs are avoided. The clustering of trees and use of palms within the ROW buffer will add design flexibility and reduce conflicts.

- (5) Public and quasi-public facilities, including, but not limited to, places of worship, parks, utility facilities, government offices, neighborhood recreational facilities and private schools must provide a type C buffer if, in the opinion of the director, the proposed development will have a significantly adverse impact on adjacent existing residential uses.

- (6) If roads, drives, or parking areas are 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 lineal feet. Where residences will be constructed between the road, drive or parking area and

the existing residential subdivision or lots, the wall or wall and berm combination are not required.

- (7) Uses or activities that generate noise, dust, odor, heat, glare or other similar impacts, must provide a type C or F buffer if, in the opinion of the director, the proposed development will have a significantly adverse impact on adjacent property.

- (8) Walls, berms and buffer plantings must not be placed so they violate the vehicle visibility requirements of section 34-3131.

- (9) *Development abutting natural waterway.* Except where a stricter standard applies for the Greater Pine Island Area (as defined in Goal 14 of the Lee Plan), there must be a 25-foot wide vegetative buffer landward from the mean high water line of all nonseawalled natural waterways. Where a proposed planned development or subdivision is located in the Greater Pine Island Area abutting state-designated aquatic preserves and associated natural tributaries, the width of the required buffer will be 50 feet.

Existing vegetation within the buffer area must be retained. The removal or control of exotic pest plants must not involve the use of heavy mechanical equipment such as bulldozers, front end loaders, or hydraulic excavators, unless approved at the time of development order.

- (10) All freestanding parking areas, whether commercial, public or private, not associated with other development must provide a D type buffer for the right-of-way and C type buffer if they abut single-family residential or multiple-family residential uses or zoning.

- (11) *Use of buffer areas.* Required buffers may be used for passive recreation such as pedestrian, bike, or equestrian trails, provided that:

- a. No required trees or shrubs are eliminated;

- b. Not more than 20 percent of the width of the buffer is impervious surface;

- c. The total width of the buffer area is maintained; and

- d. All other requirements of this chapter are met.

(Ord. No. 92-44, § 13(E), 10-14-92; Ord. No. 94-28, § 24, 10-19-94; Ord. No. 95-12, § 5, 7-12-95; Ord. No. 98-28, § 2, 12-8-98; Ord. No. 00-14, § 3, 6-27-00; Ord. No. 01-18, § 2, 11-13-01)

Sec. 10-417. Irrigation design standards.

To improve the survivability of required landscaping, cultivated landscape areas must be provided with an automatic irrigation system. All required irrigation systems must be designed to eliminate the application of water to impervious areas, including roads, drives and other vehicle areas. Required irrigation must also be designed to avoid impacts on existing native vegetation.

All new developments that have required landscaping must be irrigated by the use of an automatic irrigation system with controller set to conserve water. Moisture detection devices must be installed in all automatic sprinkler systems to override the sprinkler activation mechanism during periods of increased rainfall. Where existing irrigation systems are modified requiring the acquisition of a permit, automatic activation systems and overriding moisture detection devices must be installed.

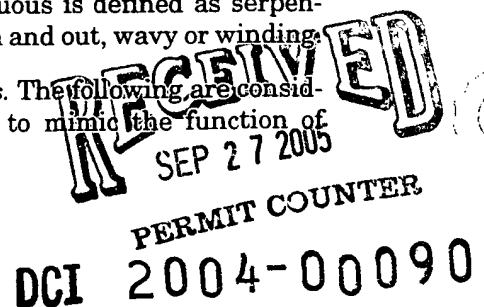
(Ord. No. 98-28, § 2, 12-8-98)

Sec. 10-418. Stormwater ponds.

Design standards. Techniques to mimic the function of natural systems in stormwater management ponds are as follows:

- (1) *Shoreline configuration.* Shorelines must 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.

- (2) *Plant materials.* The following are considered sufficient to mimic the function of



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RESOLUTION NUMBER Z-04-080

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

WHEREAS, Johnson Engineering, Inc. filed an application on behalf of the property owner, TW Acquisitions, Inc., to rezone a 589± acre parcel from Agricultural (AG-2) to Residential Planned Development (RPD) in reference to Portico RPD; and

WHEREAS, a public hearing was advertised and held on December 16, 2004, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case No. DCI2004-00031; and

WHEREAS, a second public hearing was advertised and held on March 21, 2005, 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 589± acre parcel from AG-2 to RPD, to allow 1,058 single-family and 120 townhouse units (1,178 total dwelling units). The proposed maximum building heights are two stories/35 feet for single-family, three stories/50 feet for townhouses, and two stories/50 feet for a clubhouse. No development blasting is requested. The property is located in the Outlying Suburban 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 8-page Master Concept Plan entitled MASTER CONCEPT PLAN FOR PORTICO stamped received May 3, 2005, except as modified by the conditions below.

This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.



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

a. Schedule of Uses

ACCESSORY USES AND STRUCTURES

ADMINISTRATIVE OFFICES

CONSUMPTION ON PREMISES - Amenity sites only. See Condition 10.

CLUBS, CLUBHOUSE - PRIVATE. Amenity sites only as shown on the approved Master Concept Plan. Also see Condition 10.

DOCKS, FISHING PIERS

DWELLING UNITS

SINGLE-FAMILY - 1,058 maximum

TOWNHOUSE - 120 maximum. See Condition 15.

1,178 MAXIMUM Dwelling units

ENTRANCE GATES, AND GATEHOUSE - In compliance with LDC §34-1748

ESSENTIAL SERVICES

ESSENTIAL SERVICE FACILITIES -Group I ONLY

Communication, telephone and electrical distribution facilities up to 425 square feet in area and 10 feet in height.

EXCAVATION, WATER RETENTION - NO blasting or removal of excavated material off site.

FENCES, WALLS, Per LDC §34-1741

FOOD AND BEVERAGE SERVICES - Amenity sites only. See Condition 10.

HOME OCCUPATION, Per LDC §34-1741 et seq. - NO outside help.

MODELS: Per LDC §34-1951 et seq. - See Condition 5.

Model Display Center

Model Home

Model Unit

PARKING LOT, ACCESSORY

PERSONAL SERVICES - Group I - Amenity sites only, see Condition 10.

REAL ESTATE SALES - See Condition 5.

RECREATION FACILITIES, PERSONAL, PRIVATE, ON SITE

SIGNS, In accordance with Chapter 30

STORAGE, INDOORS

TEMPORARY USES - TEMPORARY SALES, TEMPORARY CONSTRUCTION

b. Site Development Regulations

Single Family

Minimum Lot Areas and Dimensions

Lot Size: 6,500 square feet

Lot Width: 50 feet

Lot Depth: 110 feet

Minimum Setbacks

Street 20 feet

Side 5 feet (Per Condition 10)

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Rear 10 feet (5 feet - accessory)
Water body 20 feet (15 feet - accessory)

Building Separation: 10 feet

Perimeter Setbacks: 15 feet

Maximum Height: 2 stories/35 feet

Maximum Lot Coverage: 60 percent

Townhouse

Minimum Lot Areas and Dimensions

Internal Unit Width: 22 feet

External Unit With: 25 feet

Depth: 100 feet

Minimum Setbacks:

Street 20 feet

Side Internal Unit = Zero feet

External Unit = 7.5 feet

Rear 20 feet

Water body 20 feet

Building Separation: 20 feet

Perimeter Setbacks: 15 feet

Maximum Height: 3 stories / 50 feet

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

Maximum Lot Coverage: 60 percent

Clubhouse/Amenity Sites

Minimum Lot Areas and Dimensions

Lot Size: 6,500 square feet

Lot Width: 50 feet

Lot Depth: 110 feet

Minimum Setbacks

Street 20 feet

Side 10 feet

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Rear
Water body

20 feet (5 feet accessory)
20 feet (5 feet accessory)

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(Except as provided in
Deviation #9)

Building Separation: 20 feet

Perimeter Setbacks: 15 feet

Maximum Height: 2 stories / 50 feet

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

Maximum Lot Coverage: 60 percent

3. No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.
4. *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 this resolution is approved and as shown on Exhibit B attached hereto may continue until approval of a local development order for the area of the project containing those uses.
 - b. Additional clearing or grading of existing agricultural uses is prohibited. This prohibition is not intended to preclude County approved requests for the removal of exotic species.
 - c. The property owner must terminate the agricultural tax exemption for any portion of the property that receives a local development order. The agricultural use must cease by December 31st of the calendar year in which the local development order is issued. The exemption termination must be filed with the Property Appraiser's Office by December 31st of the calendar year in which the local development order is issued. A copy of the exemption termination must be provided to the Office of the County Attorney.
5. *Model Homes/Temporary Real Estate Sales/Temporary Sales Trailer.*
 - a. The number of model homes or model units will be limited to no more than 30 within the development at one time.
 - b. Any model homes or units must be developed within the area identified as "models", "townhouse site" or "model display center" on the approved Master Concept Plan.
 - c. Models cannot be of the same floor plan and each must be a distinctly different design.

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- d. Model Display Centers or Model Display Groups must be shown on the development order plans. Parking areas for these uses will be buffered with a single-row hedge and tree canopy for parking areas per the LDC.
 - e. Real Estate sales are limited to temporary real estate trailers, model units, model homes, model display centers, models within the townhouse site, amenity sites, and clubhouses.
 - f. Real estate sales will be limited to the sale of lots or units within the development only.
 - g. 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.
 - h. Model homes and temporary real estate sales will be valid for a period of up to six years from the date of issuance of a Certificate of Occupancy of a model home per LDC §34-1954(d)(1).
6. All required buffers must utilize 100 percent native vegetation.
7. 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.
8. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, all other Lee Plan provisions.
9. *Five-foot setback.*
- a. No structures, including but not limited to, sidewalks, mechanical equipment, door stoops, walls, etc., may be constructed or placed within the required five-foot side setbacks; or
 - b. Prior to issuance of Certificate of Occupancy on each lot, the Engineer of Record must certify that the drainage for each lot is built in compliance with the typical lot grading detail (See Exhibit D Sheet 8 of the approved Master Concept Plan) provided as part of the building permit process.
10. *Consumption on Premises, Food & Beverage Services, Personal Services, Group I (all uses).*
- a. These uses are limited to a maximum of 7,500 square feet of floor area for the entire development.
 - b. Consumption on Premises, Personal Services Group I, and Food and Beverage Services are limited to amenity sites only, as shown on the approved Master

Concept Plan. These uses are limited to members and guests of a private club. Use by the general public is prohibited.

- c. Consumption on Premises is limited to sales within a residential clubhouse setting only. No restaurants, bars, package stores, or similar uses are permitted.
 - d. Hours of operation for these uses are limited to 7:00 a.m. to midnight daily.
 - e. Consumption on Premises is permitted only at amenity sites (and clubhouse) and outdoor seating for Consumption on Premises must be located within the fenced area at the clubhouse as shown on Sheet 7 of the attached Master Concept Plan.
 - f. Outdoor seating (outside of the fenced clubhouse area) for Consumption on Premises may be approved by Special Exception only (public hearing required).
 - g. Outdoor sales of alcohol is prohibited, and may not be permitted on a temporary or permanent basis.
 - h. The clubhouse as shown on the amenity site of the approved Master Concept Plan is limited to a maximum 10,000 (5,904) square feet building under air and 16,000 square feet under roof. There must be a minimum 366± feet of separation between the front door of the clubhouse and the school property, and a minimum of 1,122± feet of separation from the clubhouse building to the school building in accordance with the Master Concept Plan.
- 11. Prior to local development order approval, a protected species survey for burrowing owls and burrows within the upland portions of the project within the phase being covered in the development order must be submitted for review, field verification, and approval by the Division of Environmental Sciences' staff. If burrowing owls or burrows are located, then a burrowing owl management plan, including an appropriate preservation area within the project, must be submitted.
 - 12. Prior to local development order approval, the development order plans must include ±8.67 acres of open space within the townhouse tract of which ±6.62 acres must be indigenous preservation, and approximately ±25 acres of wetland preservation on the remainder of the site.
 - 13. The development order must provide an enhanced 25-foot-wide "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.
 - 14. The development order must provide a 25-foot-wide landscaped buffer/berm combination along the southern boundary of the subject property where it abuts the school site. Atop the berm will be intermittent landscaping and/or wall with a minimum height of six feet. All berming and walls must meet LDC requirements.
 - 15. Townhouse buildings must be set back a minimum of ±1,000 linear feet from Buckingham Road, as shown on the approved Master Concept Plan.

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16. The 20-foot-wide lake maintenance easements, along lakes that are completely surrounded by private lots, must be made accessible by maintenance vehicles from a road, through a 20-foot-wide lake access easement.
17. Any additional site access points, such as a separate construction access, would require an amendment to the RPD zoning.
18. There are several pyramid shaped symbols and text shown along Buckingham Road on the MCP that are not legible. The applicant must revise the MCP so that all information is clearly legible.
19. If the developer desires to deviate from the regulations contained in LDC Chapter 30, pertaining to project signage, the proposed sign package must be submitted for review and approval by the Lee County Department of Community Development prior to the issuance of any local development order for the property.
20. During the March 21, 2005, Board Zoning Hearing, the applicant voluntarily offered to dedicate a 25-foot wide strip along Buckingham Road for County right-of-way purposes, at no cost to Lee County. Dedication of this 25 foot strip may be accomplished by recording an instrument (ie. deed or plat) that grants or dedicates to the County an exclusive easement for right-of-way purposes. [If the easement is dedicated via a plat, the dedication must be clear and unambiguous. Use of the label "future right-of-way" will not be acceptable.] The dedicated area may not be used for required development buffering or any other non-county right-of-way improvements. This dedication must be complete prior to issuance of the first building permit allowing permanent vertical construction within the project.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §10-328(a) requirement to provide a minimum 20-foot-wide maintenance access easement along lake perimeters, to allow zero feet where lakes are bulkheaded. This deviation is DENIED.
2. Deviation (2) seeks relief from the LDC §10-329(d)(1)a.2 requirement prohibiting excavation for water retention or detention within 50 feet of any existing or proposed right-of-way line or easement for a collector or arterial street, to allow excavation within 50 feet of an existing or proposed right-of-way line or easement. This deviation is APPROVED, SUBJECT TO the following conditions:
 - a. Approval is limited to water retention and detention areas as shown on the approved Master Concept Plan.
 - b. Appropriate protection for wayward vehicles must be provided at the time of local development order.
3. Deviation (3) seeks relief from the LDC §10-329(d)(1)a.3 requirement for water retention or detention excavation to set back 50 feet from any private property line under separate

ownership, to permit a 25-foot setback for internal property lines. This deviation is APPROVED, SUBJECT TO the following conditions:

- a. Approval is limited to water retention and detention areas as shown on the approved Master Concept Plan.
 - b. A minimum 4-foot high fence or other approved barrier must be provided along the property line adjacent to the lake.
4. Deviation (4) seeks relief from the LDC §10-329(d)(4) requirement that lake banks be sloped at a maximum 4:1, to allow bulkheads at the shoreline. This deviation is APPROVED, SUBJECT TO the following conditions:
- a. Prior to local development order approval, any bulkheads to be installed within Lakes A, B, or D as labeled on the attached Master Concept Plan must be delineated on the landscape and engineering plans. The bulkheads may not encompass more than 30 percent of the linear shoreline of the lake measured at control elevation. A compensatory littoral zone equal to the linear footage of the bulkhead must be provided within the same lake meeting the following criteria:
 - (1) A 5-foot-wide littoral shelf planted with herbaceous wetland plants to provide 50 percent coverage at time of planting; or
 - (2) An 8:1 slope littoral shelf with herbaceous wetland plants to provide 50 percent coverage at time of planting; or
 - (3) An equivalent littoral shelf design as approved by the Division of Environmental Sciences' Staff.
 - (4) The compensatory littoral zone must be planted with native wetland plants calculated as two per linear foot of shoreline for lakes utilizing bulkheads up to 20 percent of the shoreline, and three plants per linear foot of shoreline for lakes utilizing bulkheads along 21 percent to 31 percent of the shoreline.
5. Deviation (5) seeks relief from the LDC §10-384(b) requirement to provide a 20-foot-wide fire department access lane in the rear of buildings that fall into classes set forth in LDC §10-384(a)(3), to allow decks ancillary to the amenity site to be located zero feet from a water body. This deviation is APPROVED, SUBJECT TO the following conditions:
- a. Approval is limited to amenity areas, water retention and detention areas as shown on the approved Master Concept Plan.
 - b. The developer must provide written documentation from the Fort Myers Shores Fire Department indicating that this design is acceptable and allows adequate access for emergency vehicles.
6. Deviation (6) - WITHDRAWN.

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7. Deviation (7) seeks relief from LDC §34-934 Note 23 which restricts the operation of real estate sales centers for a period not to exceed five years, to allow the operation of a sales office within Portico RPD for a period of six years. This deviation is APPROVED, SUBJECT TO the condition that the real estate sales office remains in compliance with Condition 5 above.
8. Deviation (8) - WITHDRAWN.
9. Deviation (9) seeks relief from the LDC §34-2194(b) requirement to provide a 25-foot setback for buildings from a water body, to allow a zero-foot setback at bulkhead areas. This deviation is APPROVED, SUBJECT TO Deviation (4) above.
10. Deviation (10) seeks relief from the LDC §34-935(b)(2) requirement that parking or internal roads or drives not be closer to the development perimeter than the greater of either the width of any buffer area or landscape strip required by Chapter 10, to allow an emergency access road within this area. This deviation is APPROVED, SUBJECT TO the condition that the approval is limited to the emergency access point shown as Deviation (10) on the approved Master Concept Plan.
11. Deviation (11) seeks relief from the LDC §10-418 requirement that storm water ponds be designed to mimic the function of natural systems, to allow for the use of bulkheads. This deviation is APPROVED, SUBJECT TO Deviation (4) above.
12. Deviation (12) seeks relief from the LDC §10-714 design standards for cul-de-sacs, to allow the use of "eyebrow" road elements on the Village Roads within the community. This deviation is APPROVED, SUBJECT TO the following conditions:
 - a. Approval is limited to the detail plan and locations as shown on the approved Master Concept Plan.
 - b. Traffic calming devices indicated in the approved Master Concept Plan must be included in the homeowner documents to be reviewed and recorded during the local development order process.
13. Deviation (13) - Withdrawn.
14. Deviation (14) seeks relief from the LDC §34-152(4)c.4 requirement that on-site directional signage be set back a minimum of 15 feet from the edge of the street right-of-way or easement, to allow on-site directional signs to have a setback of four feet. This deviation is DENIED in accordance with Condition 19.
15. Deviation (15) seeks relief from the LDC §10-285(a) requirement that the centerline distance for local roads be 125 feet, to allow for centerline distances of no less than 60 feet for the eyebrow road features. This deviation is APPROVED, SUBJECT TO the following conditions:
 - a. Approval is limited to the detail plan and locations as shown on the approved Master Concept Plan.

- b. Traffic calming devices indicated in the approved Master Concept Plan must be included in the homeowner documents to be reviewed during the local development order process.
 - c. Stop signs will be provided for vehicles exiting the eyebrow element.
 - d. Traffic control devices will be determined during development order review.
16. Deviation (16) 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 main access on Buckingham Road and a minimum of two emergency access points. This deviation is APPROVED, SUBJECT TO the following conditions:
- a. No walls, fences or entrance gates may be constructed within the access point area per the approved Master Concept Plan.
 - b. All utilities along the entrance from Buckingham Road as shown on the approved Master Concept Plan must be placed underground.
 - c. The local development order must depict a 70-foot-wide divided entrance on Buckingham Road that must include a 14-foot-wide median with two 11-foot-wide lanes on both sides of the median for ingress and egress in accordance with the primary corridor typical shown on the approved Master Concept Plan.
 - d. The local development orders must include emergency access gates to be constructed on two emergency access points as shown on the approved Master Concept Plan.
 - e. The installation of any access gates must comply with all applicable regulations pertaining to emergency equipment that are in effect at the time of installation.
 - f. Prior to issuance of a development order, the developer must provide written documentation from the Fort Myers Shores Fire Department indicating that these access points are acceptable and provide adequate access for emergency vehicles.
 - g. If the emergency access point located near the southeast corner of Phase 2, into Hawks Haven is not available at time of local development order submittal for that phase of work, then the emergency access must connect to the Lehigh Acres roadway system through the existing platted roadway easement. This will require a culvert across the east-west canal lying south of Phase 2 of Portico RPD. Such a change can be approved administratively.
17. Deviation (17) seeks relief from the LDC §10-416(d)(6) requirement that roadways must be set back 125 feet from any existing residential development or provide a 30-foot-wide buffer consisting of an 8-foot-high wall constructed a minimum of 25 feet from the residential property line with landscaping planted between the wall and the residential property line, to allow an 8-foot-high wall a minimum of 10 feet from the residential property line with

landscaping planted between the wall and the residential property line. This deviation is APPROVED.

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SECTION D. EXHIBITS AND STRAP NUMBER:

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

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- Exhibit A: Legal description of the property
- Exhibit B: Bona fide Agricultural Uses
- Exhibit C: Zoning Map (subject parcel identified with shading)
- Exhibit D: The approved Master Concept Plan

The applicant has indicated that the STRAP numbers for the subject property are: 33-43-26-00-00002.0000, 33-43-26-00-00002.0020, 33-43-26-00-00002.0030, and 34-43-26-00-00001.0000.

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

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

Robert P. Janes	AYE
Douglas R. St. Cerny	AYE
Ray Judah	AYE
Tammy Hall	AYE
John E. Albion	AYE

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DULY PASSED AND ADOPTED this 21ST day of March 2005.

ATTEST:
CHARLIE GREEN, CLERK

BY: *Charlie Green*

Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *Walter*

Chairman

Approved as to form by:

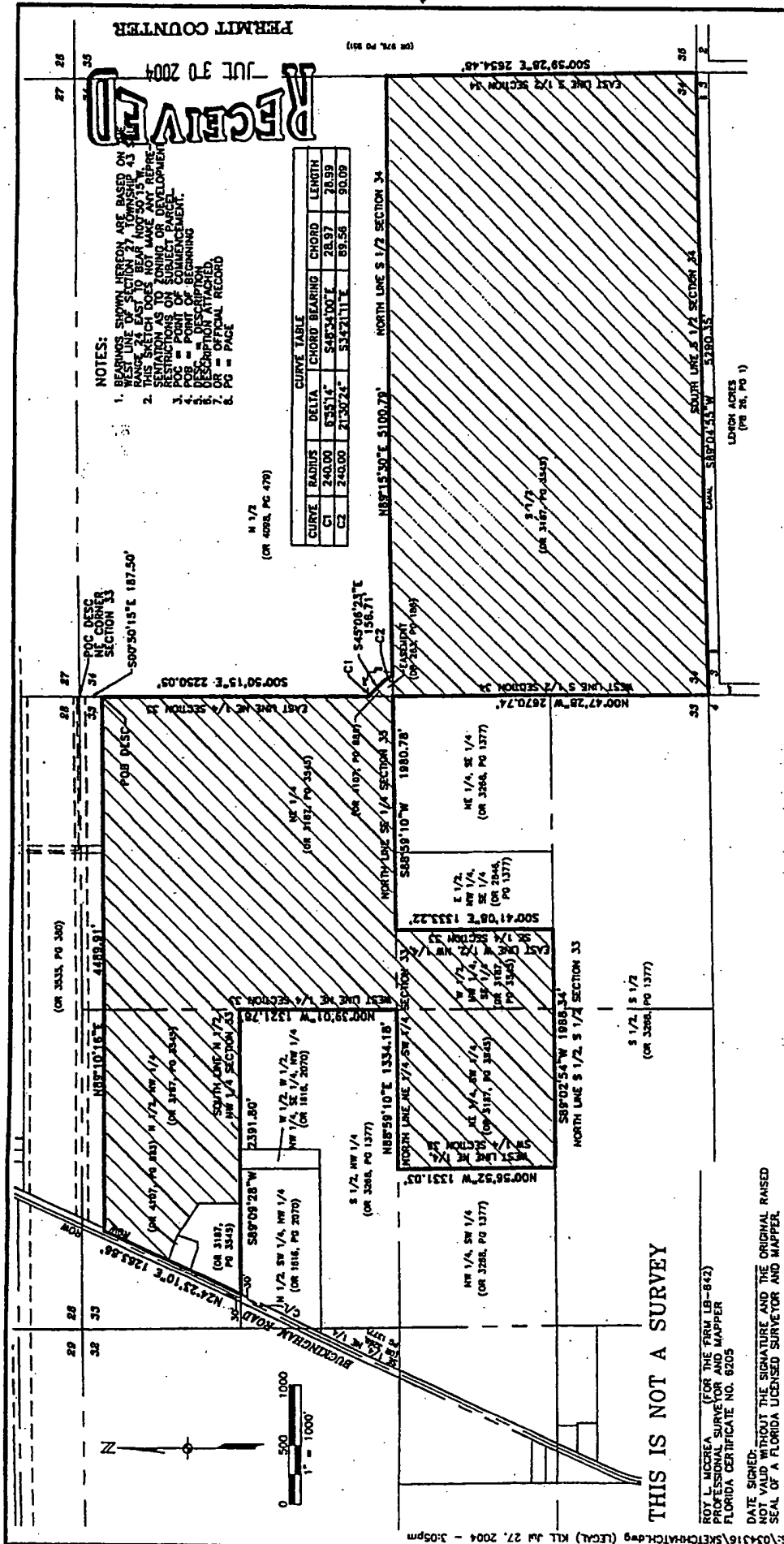
Dawn E. Perry-Lehnert

Dawn E. Perry-Lehnert
County Attorney's Office



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MINUTES OFFICE
lp
2005 MAY 10 PM 3:44

2004-00031



PARCEL IN SECTION 33 & 34, TOWNSHIP 43 SOUTH, RANGE 26 EAST LEE COUNTY, FLORIDA		SKETCH TO ACCOMPANY DESCRIPTION	
DATE	05/10/04	PROJECT NO.	2003-4318
FILE NO.	33-43-26	SCALE	1" = 100'
SHEET	1 OF 1		

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JOHNSON
ENGINEERING

DCI 2004-00090

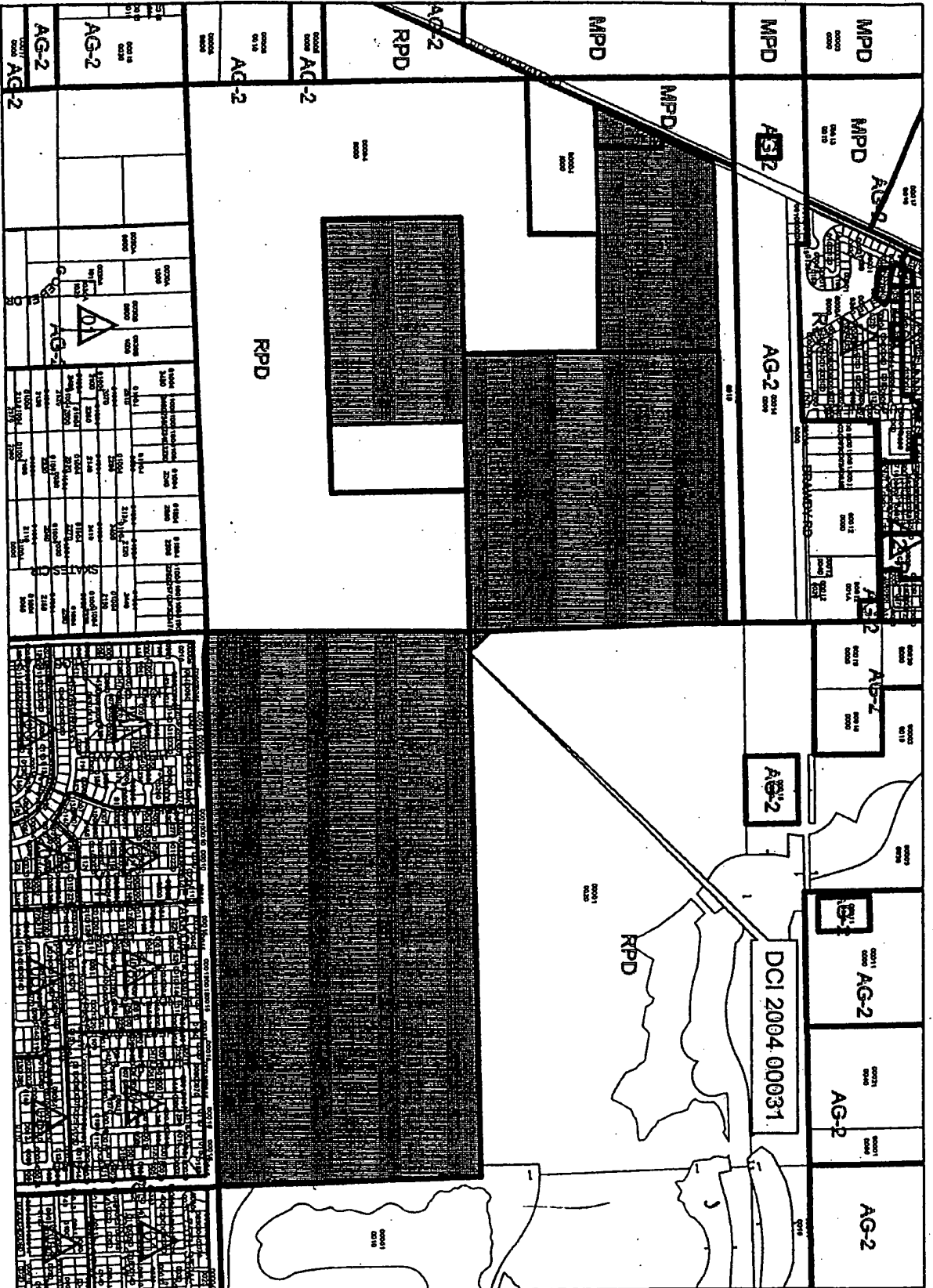
DCI2004-00031 PORTICO RPD

10/12/2004

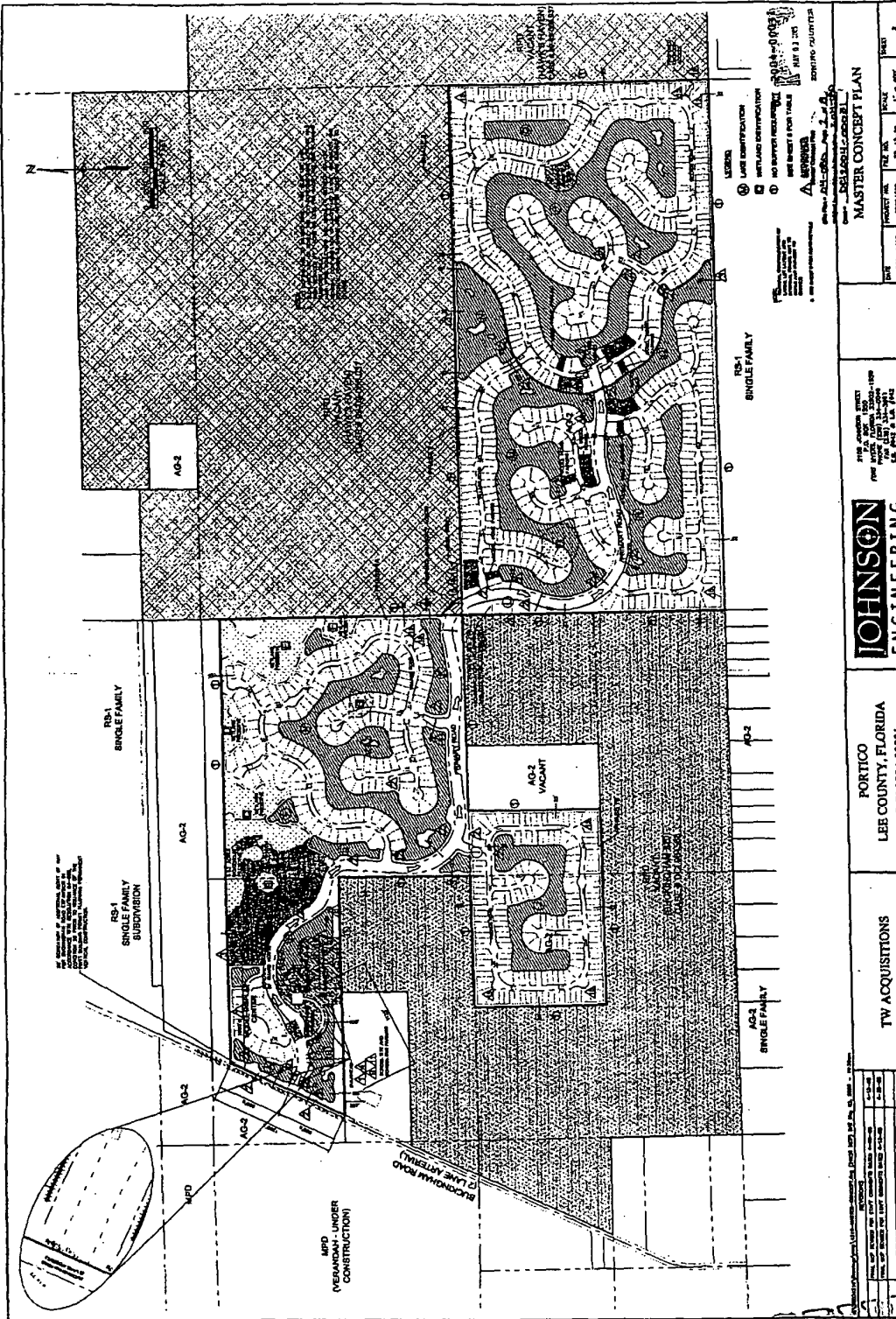
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EXHIBIT C

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1,500 750 0 1,500 Feet



JOHNSON
ENGINEERING

PORTICO
LEE COUNTY, FLORIDA
DCI 2004-00031

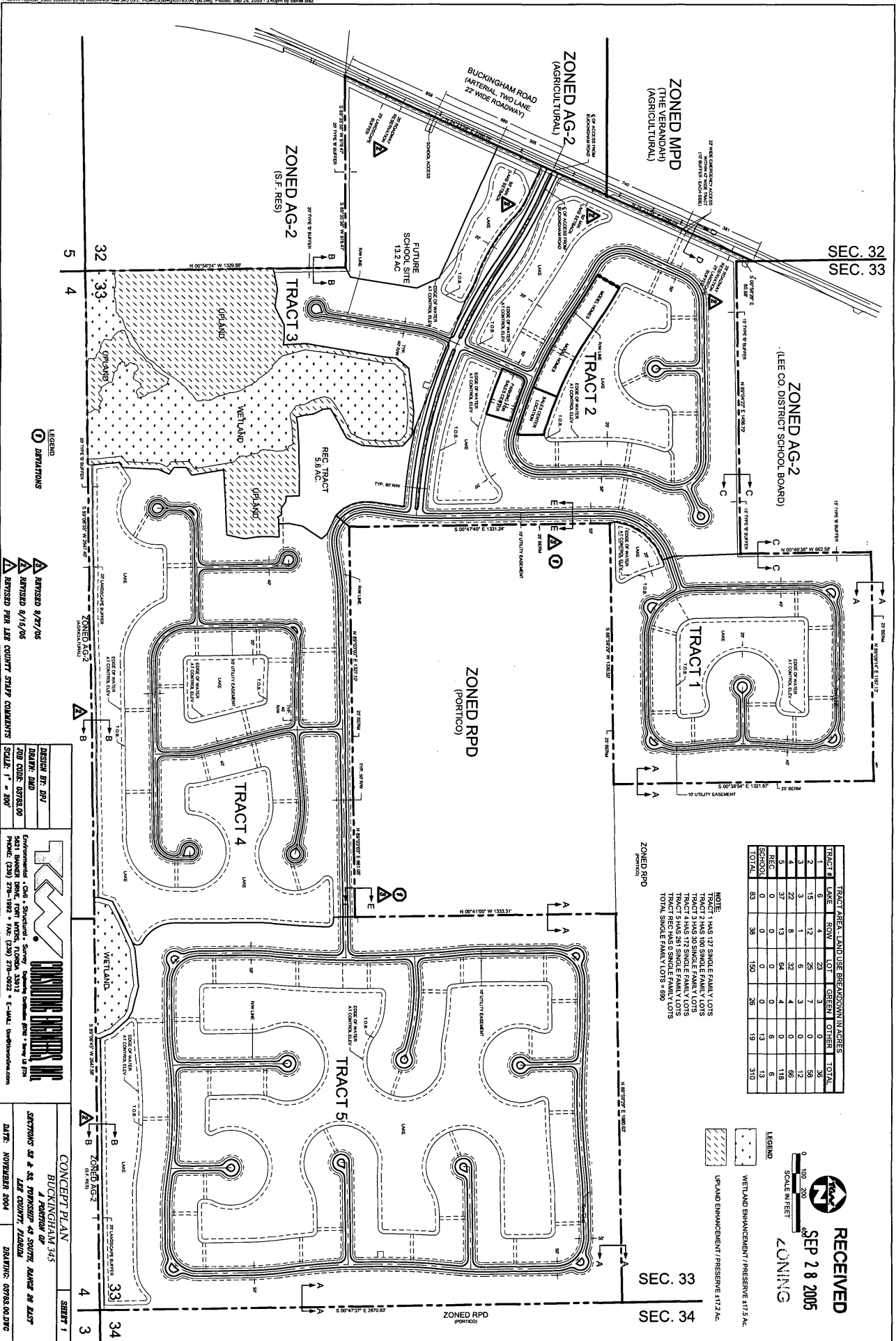
TW ACQUISITIONS

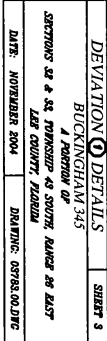
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DCI 2004-00090



EXHIBIT D







LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

November 02, 2005

479-8585

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

MR. DANIEL JOHNSON
TKW CONSULTING ENGINEERS, INC
5621 BANNER DRIVE
FORT MYERS, FL 33912

**RE: Agenda Schedule for BUCKINGHAM 345 RPD
Case No. DCI2004-00090**

Dear MR. DANIEL JOHNSON :

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, November 21, 2005. 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

Luisa V Villa
Administrative Assistant

cc: MR. RICHARD NORWALK, LEE COUNTY HOMES ASSOCIATES I,
MR. THOMAS GORE TR
MR. TED TREESH, METRO TRANSPORTATION GROUP
MS. BEVERLY GRADY
Tony Palermo, Senior Planner
Zoning File

(Pinus palustris) trees are encouraged for use in the ROW buffers due to their high crown, which provides tree canopy while maintaining good visibility to the development site. The clustering of trees and use of palms within the ROW buffer will add design flexibility and reduce conflicts.

4. Shrubs required by this section are intended to provide visual screening and may not be pruned to reduce height.

(5) No change.

- (6) If roads, drives, or parking areas are 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. Where residences will be constructed between the road, drive or parking area and the existing residential subdivision or lots, the wall or wall and berm combination are not required.

(7) and (8) No change.

- (9) *Development abutting natural waterway.* Except where a stricter standard applies for the Greater Pine Island Area (as defined in Goal 14 of the Lee Plan), there must be a 25-foot wide vegetative buffer landward from the mean high water line of all tidally influenced nonseawalled natural waterways or from the top of bank of non-tidal waterways. Where a proposed planned development or subdivision is located in the Greater Pine Island Area abutting state-designated aquatic preserves and associated natural tributaries, the width of the required buffer will be 50 feet.

Existing native vegetation within the buffer area must be retained. The natural waterway buffer must at a minimum include ten native trees per 100 linear feet, which may be met through tree credits with existing native trees. ~~The removal or control of exotic pest plants must not involve the use of heavy mechanical equipment such as bulldozers, front end loaders, or hydraulic excavators, unless approved at the time of development order.~~

(10) and (11) No change.

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COMMUNITY DEVELOPMENT

MEMORANDUM
FROM
THE OFFICE OF THE
LEE COUNTY HEARING EXAMINER

TO: THE FILE

DATE: October 20, 2005

FROM: Diana M. Parker *Dm Parker*
County Hearing Examiner

RE: Case DCI2004-00090 - Buckingham 345
Error/Omission in Hearing Examiner Recommendation

The Hearing Examiner's Recommendation contains an error or an omission. The following deletions ("strike-thrus") and additions ("underlines") will correct the Recommendation:

In Section IV. HEARING EXAMINER DISCUSSION [page 14]:

~~No Deviations have been requested for this RPD.~~

In Section V. FINDINGS AND CONCLUSIONS [Page 16]:

~~J. That no Deviations from Chapters 10 or 34, Land Development Code, have been requested in this RPD.~~

The Hearing Examiner regrets any inconvenience this error may have caused.

cc: Tim Jones, County Attorney's Office
Jamie Prancing, Development Services Division
Tony Palermo, Planner, Development Services Division
Donna Marie Collins, County Attorney's Office
Applicant/Applicant's Representative(s)
Hearing Participants *[if applicable]*

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

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HEARING EXAMINER RECOMMENDATION

COMMUNITY DEVELOPMENT

REZONING: DCI2004-00090
APPLICANT: LEE COUNTY HOMES ASSOCIATION I, LLP,
in reference to BUCKINGHAM 345
HEARING DATE: SEPTEMBER 14, 2005
WRITTEN SUBMISSION: SEPTEMBER 30, 2005

I. APPLICATION:

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

Filed by LEE COUNTY HOMES ASSOCIATES I, LLLP, % RICHARD NORWALK & ALAN FANT, 1401 University Drive, Suite 200, Coral Springs, Florida, 33071; and G. L. HOMES LIMITED CORPORATION, 1401 University Drive, Suite 200, Coral Springs, Florida 33071 (Applicant/Owner); TKW CONSULTING ENGINEERS, Inc., % DANIEL P. JOHNSON PE., 5621 Banner Drive, Fort Myers, Florida 33912; METRO TRANSPORTATION GROUP, c/o TED TREESH, 12651 McGregor Boulevard, Suite 4-403, Fort Myers, Florida, 33919-4489; and BEVERLY GRADY, ESQUIRE, c/o ROETZEL & ANDRESS LAW FIRM, 2320 First Street, Suite 1000, Fort Myers, Florida 33901 (Agents).

Request is to amend Zoning Resolution #Z-00-029 to permit a Residential Planned Development (RPD) with a maximum of 690 single-family dwelling units (an increase of 50 dwelling units) on +/- 345 acres of land. The proposed amendment includes the addition of +/- 20 acres of Agricultural (AG-2) land. Maximum building heights proposed are three (3) stories/35 feet for residential uses, and three (3) stories/45 feet for other uses (gate houses, recreational facilities).

The request also includes a potential public school site, and a maximum of 7,500 square feet of commercial uses within a clubhouse setting. No development blasting is requested. One Deviation from LDC Section 10-416(d)(6), which requires an 8-foot-high wall or wall/berm combination along any roadway located within 125 feet of existing or approved single-family residential uses.

The subject property is located at 3621 Buckingham Road, in Section 32, Township 43 South, Range 26 East, Lee County, Florida (District #5).

II. STAFF REPORT AND RECOMMENDATION: APPROVE WITH CONDITIONS

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

III. RECOMMENDATION OF HEARING EXAMINER:

The undersigned Lee County Hearing Examiner recommends that the Lee County Board of County Commissioners **APPROVE** the Applicant's request to amend the existing Buckingham 320 Residential Planned Development (RPD) to add 20 acres and 50 single-family dwelling units, for a maximum of 690 single-family dwelling units, for the real estate described in Section IX. Legal Description WITH THE FOLLOWING CONDITIONS AND DEVIATIONS:

A. CONDITIONS:

Changes to Zoning Resolution #Z-00-029 are shown in strike-through underline format.

1. The development of this project must be consistent with the ~~one two-~~ 2-page Master Concept Plan (MCP) for Buckingham 345, Sheets 1 & 2, and 1-page Landscape Buffer Plan, Sheet 3, all prepared by TKW Consulting Engineers, dated November 2004, last revised September 27, 2005, entitled "Conceptual Site Plan-Buckingham 320 RPD," stamped received April 26, 2000, last revised April 26, 2000, "BUCKINGHAM 345", and date stamped AUGUST 19, 2005 "Received September 28, 2005 Zoning," 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 MCP are subsequently pursued, appropriate approvals will be necessary.

The Resolution approving this amendment contains the pertinent and applicable terms and conditions of the previous approval, as well as new conditions relating to the proposed changes to the RPD. The Resolution approving this amendment supersedes that previous Resolution (#Z-00-029), thereby rendering it null and void.

Maximum Number of Dwelling Units: 690

Commercial uses are limited to a maximum +/- 7,500 square feet of floor area and ancillary to a recreational/clubhouse use only. See "Club, Private" and Condition 23.

Upon passage of this Zoning Resolution, Zoning Resolution #Z-00-29 and Administrative Amendment ADD2003-00067 will become null and void.

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

a. Schedule of Uses

Accessory Uses and Structures

Administrative Offices

Agricultural Uses (cattle raising in undeveloped phases prior to development and nursery operations for plantings used on-site only) SEE AGRICULTURAL CONDITION 9

Club, private - LIMITED TO "REC. TRACT" ON THE APPROVED MASTER CONCEPT PLAN. CLUBHOUSE

BUILDINGS MAY NOT EXCEED 40,000
SQUARE FEET IN TOTAL FLOOR AREA TOTAL.
This is inclusive of the 7,500 square feet permitted for
limited commercial uses. Also see Condition 23

Dwelling Units, Single-family, Zero-Lot-Line and zero-lot line.

- ~~(1) A maximum of 640 units to be comprised solely of single-family construction (densities may not be shifted between land use categories unless a new public hearing occurs and the provisions of Policy 5.1.11 of the Lee Plan are followed). [120 units within Rural Land Use area; up to 520 units in Suburban Land Use area]~~
- ~~(2) Single-family units may be located in any of the Phases/Development Areas within the Suburban land use category - whether or not so indicated on the approved Master Concept Plan, PROVIDED the trips do not exceed 8,759 ADT; 648 AM peak hour, and 845 PM peak hour - as set out in the Zoning Traffic Impact Study.~~
- (3) The number of units is also subject to compliance with concurrency requirements.

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 Home and Model Unit - must be in compliance with LDC §34-1954 only. ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITION 6

Model Display Center - must be in compliance with LDC §34-1955, limited to one, which must be located in the sales center area shown on the MCP and must only serve this project. ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITION 6.

Parking Lot, Accessory

Real Estate Sales Office - limited to sales of lots, homes or units within the development, except as may be permitted in LDC §34-1951 et seq. The location of, and approval for, the real estate sales office will be valid for a period of time not to exceed five years from the date the Certificate of Occupancy for the sales office is issued. ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITION 6.

Recreational Facilities - Private, On-site only. LIMITED TO "REC. ON THE APPROVED MASTER CONCEPT PLAN.

Residential Accessory Uses - In compliance with LDC §34-622(c)42 and LDC Article VII, Division 2

Schools, Non-commercial

Signs, in compliance with LDC Chapter 30

Storage, Indoors - LIMITED TO RESIDENTS WITHIN THE DEVELOPMENT ONLY.

Temporary Uses, Temporary Sales, Temporary Construction

The following commercial uses may be located in the clubhouse/on-site recreational facilities only and in compliance with Condition 23.

Bank and Financial Establishments - Group I (including ATMs)
Consumption on Premises - Indoor only
Food & Beverage Service, Limited
Personal Services, Group I

b. Site Development Regulations

Overall Project:

Setbacks: (structure, parking areas, water management areas and pavement): In compliance with LDC §10-329 for water detention/retention excavation setbacks and LDC §10-416(d)(6)

Building Height: 35 feet/~~three~~ two stories for residential uses.
(~~not to exceed either parameter~~)

45 feet/~~three~~ two stories for all other structures such as ~~gate houses~~, clubhouses and recreational facilities. Also See Condition 14

45 feet/~~three~~ stories for gatehouses. Also See Condition 14

Open Space: 40 percent minimum.

10 percent must be distributed to individual dwelling units having immediate private ground floor access.

Indigenous open space must be provided as depicted on the MCP

~~Minimum Water Body Setback: 25 feet~~

~~Maximum Lot Coverage: 40 percent~~

Phases 1-6:

~~Minimum Lot Area: 5,250 square feet~~

~~Minimum Lot Width: 50 feet~~

~~Minimum Lot Depth: 105 feet~~

~~Minimum Street Setback: 20 feet~~

~~Minimum Side Setback: zero feet and five feet for zero lot line units, 7.5 feet for all others, except that where there are two or more principal buildings on a development tract, the minimum separation of buildings will be no less than 20 feet~~

~~Minimum Rear Setback: 20 feet~~

Phases 7 & 8:

~~Minimum Lot Area: 20,000 square feet~~

~~Minimum Lot Width: 100 feet~~

~~Minimum Lot Depth: 100 feet~~

~~Minimum Street Setback: 20 feet~~

~~Minimum Side Setback: 10 feet~~

~~Minimum Rear Setback: 25 feet~~

Tracts 2 and 5

Single Family

Minimum Lot Areas and Dimensions

Lot Size: 7,350 square feet

Lot Width: 70 feet

Lot Depth: 105 feet

Minimum Setbacks

Street 20 feet - garage 15 feet - house

Side 6 feet - Side Corner 17.5 feet. 25 percent of lot width for lots over 50 feet wide.

Rear 10 feet

Water body 25 feet

Accessory Use: Per the LDC

Perimeter Setbacks: 25 feet

Maximum Height: 3 stories/35 feet for residential uses
3 stories/45 feet for other uses. Also See Condition 14

Maximum Lot Coverage: 50 percent

Tracts 1, 3 and 4

Single-Family Zero-Lot-Line

Minimum Lot Areas and Dimensions

Lot Size: 5,250 square feet
Lot Width: 50 feet
Lot Depth: 105 feet

Minimum Setbacks

Street 20 feet - garage 15 feet - house
Side Zero feet and 10 feet for Zero-lot-line
Rear 10 feet
Side corner 12.5 feet or 25 percent of lot widths for lots greater than 50 feet.
Water body 25 feet

Accessory Use: Per the LDC

Perimeter Setbacks: 25 feet

Maximum Height: 3 stories/35 feet for residential uses
3 stories/45 feet for other uses. Also See Condition 14

Maximum Lot Coverage: 55 percent

Recreational Tract

Minimum Lot Areas and Dimensions

Lot Size: +/- 5.6 Acres
Lot Width: N/A
Lot Depth: N/A

Minimum Setbacks

Street Buckingham Road 25 feet/20 feet all other streets
Side 15 feet
Rear 20 feet
Water body 25 feet

Accessory Use: Per the LDC.

Minimum Building Separation: 20 feet.

Maximum Height: 3 stories/45 feet (non-residential uses). Also See Condition 14.

Maximum Lot Coverage: 40 percent

3. The following recommendations are presented in order to mitigate future hurricane damage and/or loss of life, as well as to ensure compliance with Lee Plan objectives.

a. The Developer must initiate the establishment of a homeowners' or residents' association. The organization must provide an educational program on an annual basis, in conjunction with the staff of Emergency Management, which will provide literature, brochures and speakers for Hurricane Awareness/Preparedness Seminars, describing the risks of natural hazards. The intent of this recommendation is to provide a mechanism to educate residents concerning the actions they should take to mitigate the dangers inherent in these hazards.

b. The Developer must formulate an emergency hurricane notification and evacuation plan for the development, which will be subject to review and approval by the Lee County Office of Emergency Management.

c. Hurricane preparedness and impact mitigation, if required, must comply with the provisions of LDC §2-481 *et seq.*

4. ~~DELETED. Prior to Development Order Approval, the MCP must be revised to show compliance with the required 50-foot minimum lake setback from Buckingham Road, an arterial roadway. Approval of this MCP does not grant any deviation from this requirement.~~

5. The Developer must provide written disclosure to all potential and actual property owners within this project, of the existence of The School District of Lee County's transportation facility on the Buckingham campus and the potential for expansion of this facility.

6. Model units and homes (and real estate sales) are permitted in compliance with the following conditions:

a. Each model must be a unique example. Multiple examples of the same unit are not permitted. ~~and~~

b. All model sites must be designated on the development order plans.

c. Prior to model home construction, the lots upon which model homes will be constructed must be shown on a preliminary plat (not the final). The preliminary plat must be filed concurrently with the local development order application. The model homes must comply with the setbacks set forth in the property development regulations for this project.

d. Dry models are prohibited.

e. The number of model homes or model units will be limited to no more than 15 within the development at one time.

f. Any model homes or units must be developed within the areas identified as "model homes, sales location center, parking for sales center, rec. tract" on the approved Master Concept Plan.

g. Model display Centers or Model Display Groups must be shown on the development order plans. Parking areas for these uses will be buffered with a single-row hedge and tree canopy for parking areas per the LDC.

h. Real estate sales are limited to the sale of lots or units within the development only.

i. Real estate sales are limited to temporary real estate trailers, model units, model display centers, recreational area and clubhouse.

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

k. Model homes and real estate sales will be valid for a period of up to 5 years from the date of issuance of a certificate of occupancy of a model home per LDC § 34-1954(d)(1).

7. ~~DELETED. Multi-family uses within Phase 1 must be located north of the upland preserve area as depicted on the MCP, and no such structures may be constructed within 150 feet of the southern or western property line (excluding those areas where the western boundary abuts Buckingham Road).~~

8. A. **BUFFER ON SOUTHERN AND WESTERN PROPERTY LINES**

A buffer 20 feet in width must be planted along the southern and western property line (excluding lands abutting Buckingham Road) prior to the approval of building permits for any dwelling units in phases ~~1, 6 or 7~~. Tracts 4 and 5. A 6-foot-high wall or fence must also be installed along the southern property line - in compliance with the provisions of LDC Chapter 10 where it must encroach into the preserved wetlands. The vegetation in the buffer must contain, at a minimum, six native trees per 100 linear feet. All trees must be a minimum of 10 feet tall at time of planting. All shrubs must be a minimum of four feet tall at the time of planting and must create an unbroken hedge. Existing indigenous native vegetation may be counted toward the vegetation requirements of this condition, and no buffer is required in the area on the approved MCP shown as upland preserve areas.

B. **BUFFER ON LANDS ABUTTING BUCKINGHAM ROAD**

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.

9. ~~Bona fide agricultural uses that are now in existence may continue in a given phase until the development of that phase commences, except for those areas designated as wetland/preserve area on the MCP, which will be specifically provided protection from intrusion by existing or continued agricultural uses prior to commencement of Phase 1. However, no development activity of any kind may occur on the property, including clearing of vegetation or cutting of trees, unless such activity is reviewed and approved in accordance with all applicable Lee County regulations as if no agricultural use existed on the property. The purpose of this condition is to eliminate any exemption or other special considerations or procedures that might otherwise be available under Lee County regulations by virtue of the existing agricultural uses on the property.~~

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 B** 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.

10. ~~DELETED.~~ The following conditions are included to address Lee Plan consistency issues:

a. ~~The portion of the property within the Rural future land use category must maintain densities of one dwelling unit per acre or less. No more than 120 dwelling units may be constructed in the Rural designated areas of the project.~~

~~b. Given the limited existing available Suburban 2020 Planning Community Acreage Allocation at the time of rezoning, the available Suburban allocation must be determined by the Planning Division, prior to any Development Order approval for residential uses in the Suburban portions of the site. No development order will be issued or approved if the acreage, when added to the acreage contained in the updated existing land use database, exceeds the limitation established by Lee Plan Table 1(b), Acreage Allocation Table (per Lee Plan Policy 1.7.6). In that event, in order for Applicant to develop the Suburban acreage with residential uses, the Lee Plan must be amended to change the Suburban residential acreage allocation for the Fort Myers Shores planning community in Table 1(b). Adequate data and analysis to support this amendment must be submitted by the Applicant at the time of the request for the Lee Plan amendment. Development in excess of the current Table 1(b) allocations will not be permitted until Table 1(b) is amended accordingly.~~

~~c. Approval of this rezoning does not guarantee local development order approval or vest present or future development rights for Lee Plan consistency. Development Order approvals must be reviewed for and found to be consistent with all other Lee Plan provisions.~~

~~11. DELETED. Prior to Development Order approval, the MCP must be amended to depict a water retention area, no less than 100 feet wide, along the south property line (outside of the indigenous preserve areas) where such south property line is adjacent to Riverdale Ranches, Rancho Eight or Skates Circle. This condition does not include those areas of Phase 1 that are separated from Buckingham Road by the indigenous areas.~~

~~12. DELETED. This development must comply with all of the requirements of the LDC at the time of local development order Approval, except as may be granted by deviations approved as part of this planned development or subsequent amendments thereto.~~

~~13. DELETED. No excess excavated material may be removed from the site unless the developer can demonstrate to the Director of Community Development that the material to be removed:~~

~~a) is unsuitable material that cannot be used on-site; and~~

~~b) the material must be excavated to meet the minimum requirements to provide a water management system on the site. The purpose of this condition is to prohibit the voluntary creation of excess fill material for use off-site.~~

~~14. Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC Section 34-2174(a) and 34-935(e)(4).~~

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

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

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

18. 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.

19. The Developer has offered to voluntarily reserve a 20-foot wide strip along Buckingham Road for county right of way purposes. Dedication of this 20-foot strip may be accomplished by recording an instrument (i.e. deed or plat) that grants or dedicates to the County an exclusive easement for right-of-way purposes. The developer will be eligible for 100% road impact fee credits for land dedicated for Buckingham Road.

If the easement is dedicated via a plat, the dedication must be clear and unambiguous. Use of the label "Future Right-of-Way" will not be acceptable. The dedicated area may not be used for required development buffering or any other non-county right-of-way improvements. This dedication must be complete prior to the issuance of the first building permit allowing vertical construction within the project.

20. 6-FOOT SETBACKS (Applicable only to Tracts 2 and 5).

A. No structures, including but not limited to, sidewalks, mechanical equipment, door stoops, walls, etc. may be constructed or placed within the required 6-foot side setbacks; or

B. Prior to issuance of Certificate of Occupancy on each lot, the Engineer of Record must certify that the drainage for each lot is built in compliance with the *typical lot grading detail* provided as part of the building permit process.

21. All required buffers must utilize 100% all native vegetation.

22. ACCESS TO BUCKINGHAM ROAD

A. The approved Master Concept Plan and local development order must depict a minimum 70-foot wide divided entrance on Buckingham Road that includes a 14-foot wide median with two 11-foot wide lanes on both sides of the median for ingress and egress.

B. The local development orders must include an emergency access point on Buckingham Road as shown on the approved Master Concept Plan.

C. 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.

23. COMMERCIAL USES AND CONSUMPTION ON PREMISES.

Commercial uses are limited to a maximum of +/- 7,500 square feet of floor area for the entire development.

A. Commercial uses are limited to amenity "Recreation" sites only as shown on the approved Master Concept Plan.

B. Commercial uses are limited to members and guests of a private club. Use by the general public is prohibited.

C. Consumption on Premises (indoor only) is limited to sales within a residential clubhouse setting only. No restaurants, bars, package stores, or similar uses are permitted.

D. Hours of operation for consumption on premises (indoor only) is limited to 7:00 a.m. to midnight, daily. Other commercial uses may operate at hours consistent with the LDC.

E. Outdoor seating for Consumption on Premises may only be approved by Special Exception (public hearing required).

F. Outdoor sales of alcohol is prohibited, and may not be permitted on a temporary or permanent basis.

24. PUBLIC SCHOOL USE.

A. If the school site is transferred to the Lee County School District, the zoning approval may be amended administratively to remove the 13-acre parcel from the MCP. The deletion of the school site from the MCP will not affect Applicant's right to develop 690 single-family dwelling units on the remaining portion of the land covered by the approved MCP.

B. The "Future School Site" may be developed with single-family and accessory uses consistent with the Land Development Regulations for Tracts 2 and 5.

C. If the "Future School Site" is utilized for residential development, no more than 690 dwelling units may be permitted for the entire development.

D. Deleted at public hearing.

E. Deleted at public hearing.

25. Prior to local development order approval, a brochure must be provided to Division of Environmental Sciences and the Division of Zoning for review and approval that will be given to all residents advising 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.

B. DEVIATIONS:

Deviation is sought from LDC Section 10-416(d)(6), which requires, where a road is located less than 125 feet from an adjacent single family residential subdivision, a combination berm and solid wall not less than eight (8) feet in height be constructed not less than 25 feet from the abutting property and landscaped between the wall and abutting property with a Type "C" buffer (a minimum of five (5) trees and 18 shrubs per 100 linear feet), to allow certain landscaping and a 3-foot-high berm/5-foot-high wall combination to be located closer to the abutting property at the certain location depicted on the landscape buffer plan, attached as **Exhibit C**. The Hearing Examiner recommends Approval of this Deviation subject to the following condition:

Development must be consistent with the 1-page G.L. Homes "Buckingham 345 Landscape Buffer Plan," Sheet 3, date stamped "Received September 28, 2005."

IV. HEARING EXAMINER DISCUSSION:

This is a request to amend the existing Buckingham 320 RPD to add 20 acres, bringing the total to 345 acres, and to add 50 dwelling units, bringing the total to 690 dwelling units. The subject property is located on the east side of Buckingham Road, about 1.75 miles south of State Road 80 (Palm Beach Boulevard). It is abutted on the north by the Buckingham Exceptional School, the School Board's east region bus depot, and Portico RPD, on the east by Portico RPD and RiverHall RPD (fka Hawk's Haven), on the south by single-family residences and ranches on acreage zoned AG-2, and on the west by Buckingham Road then the Verandah MPD. It is designated Outlying Suburban in the Lee Plan and falls within the Caloosahatchee Shore Community Plan.

Issues

Although there were no issues between Staff and Applicant, the public raised questions about the project's drainage and the developer's ability to prevent additional flooding of their properties. They indicated that they already experience serious flooding in major storm events, and are concerned that this development will cause additional run-off right onto their properties. They also stated concerns about the safety of their livestock and the security of their properties, noting that children within the development could be attracted to the variety of farm animals and other livestock they raise on their properties. They did not want the children walking through the "buffer" along the south boundary, because there is no project wall or fence around that property, and then climbing their fences to get at their animals.

Background

The Buckingham 320 RPD was previously approved in 2000 for 640 dwelling units on 325-acres. Under that approval, the subject property was divided between Suburban and Rural land use categories, and the Master Concept distributed the 640 dwelling units in accordance with those categories. The higher density was located along Buckingham Road, while the one unit per acre density was located on the east side of the site.

Since that 2000 approval, the Lee Plan has been amended to change the land use categories on this property to that of "Outlying Suburban," which allows a density of up to three units per acre. Since the RPD was previously approved at an overall density of two units per acre, Applicant decided to comply with that density on the enlarged site, when they purchased the additional 20 acres and requested the amendment of the RPD.

The addition of the 20-acre parcel to the RPD will increase the total project area to 345 acres, and the addition of the additional 50 single-family dwelling units will increase the total number of dwelling units to 690 - which is exactly two units per acre. Applicant pointed out that their previous density was actually 1.97 units per acre because they actually had 325 acres within the project - even though it was titled Buckingham 320. Thus, they believed the increase from 1.97 to 2.0 units per acre is a very minimal increase and will not have any adverse impacts on the surrounding properties, roadways or environment.

The proposed changes to the original Master Concept Plan are quite minor. The overall plan of development has been revised to accommodate the additional 20 acres and to redistribute the dwelling units more evenly over the subject property. A 13.2-acre parcel, fronting on Buckingham Road, is designated for a public school use, but no final arrangements have been made with the School Board regarding that parcel. If the parcel is not accepted by the School Board, Applicant will develop it with single-family homes similar in size and type to those proposed for Tracts 2 and 5. (Tracts 1, 3 and 4 are designed for zero-lot line single-family homes.)

No Deviations have been requested for this RPD.

Staff recommended approval of the RPD amendment, with conditions, finding that the request, as conditioned, is consistent with the intent of the Lee Plan and the Land Development Code, and will be compatible and consistent with the existing, approved and future development of the area. They also found that the requested amendment, as conditioned, would not be detrimental or injurious to the neighborhood or the public health, safety and welfare.

Public Input

As indicated above, several adjoining property owners attended the public hearing to express their concerns about this project's effect on the existing drainage problems and their use of their properties for the breeding and maintenance of livestock. They explained that their properties already flood during the summer and regular storm events, with this property being vacant to help absorb some of its own sheet flow. They believed that covering this property with buildings and other hardscape would reduce the property's ability to absorb even some of the surface waters, which would result in those waters flowing straight onto their properties. Standing water is not healthy for their family, pets, livestock or plants, or for the surrounding areas, and would, thus, endanger their lives and their homes. They also feared that the development of this site, without serious water management provisions, would place a strain on the existing area-wide drainage capabilities, which will affect everyone and everything in the area.

Their second concern was that the lack of a fence or wall between their properties and the subject property will allow the children from the subject property to cross into their properties to get at their animals and livestock. They pointed out that they had fences along their property lines but that children could easily climb those fences, once they learned that the livestock and other animals were there. They wanted a fence or wall placed along the south boundary line to contain the project's children, and to help protect their property and animals.

Another concern raised by these property owners was the lack of a stoplight in close proximity to their access onto Buckingham Road, which meant that they, sometimes, had to wait for several minutes before they could pull out or turn in. They asked that a traffic light be installed at the entrance to this project, which would give them periodic breaks in the traffic flow, so they could get onto Buckingham Road. It was explained to them that a traffic light can only be installed when the situation on the road warrants it, which, in this case, will be sometime in the future.

They argued that their area has historically been rural, which has been very conducive to their lifestyles. They understood that the area would be developing and were not unhappy with the proposed development; they just wanted to be sure that their interests and lifestyles were protected.

Hearing Examiner Discussion

The undersigned Hearing Examiner concurs with Staff's analysis, findings and recommendation of approval, with conditions, for the amendment to the RPD, finding that the request, as conditioned, meets the criteria for approval set out in LDC Section 34-145, and is consistent with the Lee Plan and the Land Development Code. She also finds that the request, as conditioned, will be compatible and consistent with the existing and future uses in the area, and will not be detrimental or injurious to the neighbors or the public health, safety and welfare.

After listening to the concerns and fears discussed by the adjacent property owners, the Hearing Examiner has included a 6-foot-high fence or wall requirement in the buffer condition for the south boundary. She believes that the existing residents should not suffer from the requested development or from the other large scale developments being approved for this area of the County.

It was acknowledged in the public hearing that this project and a couple of other large-scale residential projects will greatly increase the traffic on Buckingham Road, at their build-outs. However, Buckingham Road is only a 2-laned arterial right now, and is not contained on the long-range MPO for 4-laning before 2030. The improvements to arterial and collector roads is determined by a "needs" assessment, and Buckingham Road has not, historically, had enough traffic to demonstrate an adequate need to schedule its improvement on the long-range plan. However, Staff expects that to change since the recent approvals of the three large-scale residential communities in the area. County Staff is already reviewing the "need" on Buckingham Road, and trying to determine when the 4-laning improvement will become necessary and feasible, when compared with the "needs" of other Lee County roadways.

It is the opinion of the Hearing Examiner that the conditions imposed herein are reasonably related to the impacts anticipated from the proposed development, and, with other regulations, will adequately protect the public's interests.

V. FINDINGS AND CONCLUSIONS:

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

- A. That the Applicant has proved entitlement to the amendment of this existing RPD, as conditioned, by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes or regulations.
- B. That the amendment, as conditioned, will meet or exceed all performance and locational standards set forth for the potential uses allowed by the request.
- C. That the amendment, as conditioned, is consistent with the densities, intensities and general uses set forth in the Lee Plan.
- D. That the proposed uses, as conditioned, are compatible with existing or planned uses in the surrounding area.
- E. That approval of the request, as conditioned, will not place an undue burden upon existing transportation or planned infrastructure facilities, and the development will be served by streets with the capacity to carry traffic it generates.
- F. That the amendment, as conditioned, will not adversely affect environmentally critical areas and natural resources.
- G. That the proposed uses, as conditioned, are appropriate at the subject location.
- H. That the recommended conditions to the Master Concept Plan are reasonably related to the impacts anticipated from the proposed development, and, with other regulations, will provide sufficient safeguard to the public interest.
- I. That urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
- J. That no Deviations from Chapters 10 or 34, Land Development Code, have been requested in this RPD.

VI. LIST OF EXHIBITS:

Master Concept Plan for Buckingham 345 (2 Sheets), prepared by TKW Consulting Engineers, Inc., dated November 2004, last revised August 15, 2005, received on August 19, 2005

STAFF'S EXHIBITS

- 1 Aerial photograph (color)
- 2 Composite exhibit (eight pages) consisting of various photographs, dated June 24, 2005, and text description of subject property, prepared by Tony Palermo

- 3 Calooshatchee Shores Community Plan, prepared by Vanasse Daylor, dated September 2002 (8 1/2" x 11" copy)
- 4 Hearing Examiner Recommendation for Buckingham 320 (Case DCI964568 - fka 99-10-090-03Z) (copy)
- 5 Memorandum from Tony Palermo, dated September 29, 2005 consisting of Applicant and Staff's joint submittal of proposed deviation language, condition and revised Master Concept Plan, Sheets 1 and 2, and Landscape Buffer Plans, Sheet 3, last revised September 27, 2005 and date stamped "Received September 28, 2005 Zoning" (1-full size set / 1-11" x 17" copy)[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 Composite exhibit consisting of letter from Beverly Grady, Esquire to BOCC, dated June 25, 2003 and several attachments, re: Buckingham 345 withdrawn from Lee Plan Amendment 2002-2004 to change it from Suburban and Rural to Outlying Suburban with special limitations
- 2 Master Concept Plan for Buckingham 345 (color), prepared by TKW Engineers, Inc., dated November 2004, last revised August 15, 2005
- 3 Master Concept Plan for Buckingham 320, Sheet 1 of 2, prepared by Hole-Montes Engineers, dated December 2002, date stamped "Received July 18, 2003 Community Development"
- 4 Landscape Buffer Plan for Buckingham by G. L. Homes, Sheet 1 of 1, prepared by G. L. Homes Landscape Architecture, dated August 12, 2005
- 5 G. L. Homes Brochure (color) consisting of four pages
- 6 Daniel P. Johnson, P. E. Resume
- 7 Lee County Zoning Resolution Z-04-080 (copy)

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

VII. PRESENTATION SUMMARY:

See Official Court Reporter Transcript

VIII. OTHER PARTICIPANTS AND SUBMITTALS:

ADDITIONAL APPLICANT'S REPRESENTATIVES:

1. Richard Arkin, c/o G. L. Homes, 1401 S. University Drive, Coral Springs, Florida 33071

2. Patty Campbell, c/o G. L. Homes, 1401 S. University Drive, Coral Springs, Florida 33071

ADDITIONAL COUNTY STAFF:

1. Donna Marie Collins, Assistant County Attorney, P. O. Box 398, Fort Myers, Florida 33902-0398
2. Andy Getch, Lee County Department of Transportation, P. O. Box 398, Fort Myers, Florida 33902-0398

PUBLIC PARTICIPATION:

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

For:

1. Kurt Nusbaum, P. O. Box 61921, Fort Myers, Florida 33905
2. William Shay, 4170 Guseble Drive, Fort Myers, Florida 33905

Against:

1. Robert Harding, 4261 Buckingham Road, Fort Myers, Florida 33905
2. Karen L. Redmond, 4261 Buckingham Road, Fort Myers, Florida 33905
3. B. J. Kraft, 4203 Buckingham Road, Fort Myers, Florida 33905

General:

1. Joanne Czirr, 439 Aragon Avenue, Coral Gables, Florida 33134
2. Neale Montgomery, 1833 Hendry Street, Fort Myers, Florida 33901

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

For: NONE

Against: NONE

IX. LEGAL DESCRIPTION:

See Exhibit A (scanned legal description).

X. UNAUTHORIZED COMMUNICATIONS:

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

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

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

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

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

XI. HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS:

A. This recommendation is made this 18TH day of October, 2005. Notice or copies will be forwarded to the offices of the Lee County Board of County Commissioners.

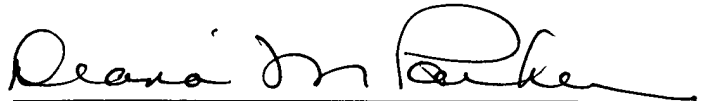
B. The original file and documents used at the hearing will remain in the care and custody of the Department of Community Development. The documents are available for examination and copying by all interested parties during normal business hours.

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.

A handwritten signature in black ink, appearing to read "Diana M. Parker", written over a horizontal line.

DIANA M. PARKER
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

LEGAL DESCRIPTION

BUCKINGHAM 345

A PARCEL OF LAND LOCATED IN SECTIONS 32 AND 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE RUN S 89°06'45" W, ALONG THE SOUTH LINE OF SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 2,647.58 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 33; THENCE RUN S 89°06'35" W, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 2,647.40 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 33; THENCE RUN N 00°56'26" W, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,329.87 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S 89°35'38" W, ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 43 SOUTH, RANGE 26 EAST, FOR A DISTANCE OF 978.47 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF BUCKINGHAM ROAD, A 60 FOOT RIGHT-OF-WAY; THENCE RUN N 24°23'58" E, ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF BUCKINGHAM ROAD, FOR A DISTANCE OF 2,286.09 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S 00°56'26" E, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 80.68 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N 89°04'22" E, ALONG THE NORTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,498.70 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N 00°46'36" W, ALONG THE WEST LINE OF THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 662.58 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, THENCE RUN N 89°09'14" E, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,167.13 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, THENCE RUN S 00°38'54" E, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,321.87 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S 88°59'29" W, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,330.50 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S 00°47'40" E, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,331.24 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N 89°03'02" E, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE

(Page 1 of 2)

P:\Surve
BOUND

EXHIBIT A

1 METES
PERMIT COUNTER



environmental • civil • structural

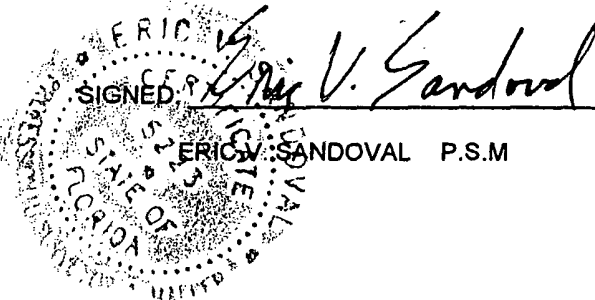
(continued)

SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,327.10 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N 89°03'03" E, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 661.05 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE RUN N 00°41'05" W, ALONG THE WEST LINE OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,333.31 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE RUN N 88°59'29" E, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,980.63 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 33; THENCE RUN S 00°47'37" E, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 2,670.83 FEET TO THE POINT OF BEGINNING, CONTAINING 344.882 ACRES, MORE OR LESS.

Applicant's Legal Checked

by lgm 3/29/2005.

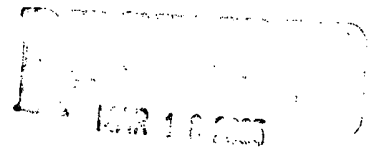
TKW CONSULTING ENGINEERS, INC.



DATE: 1-14-05

STATE OF FLORIDA # 5223

(Page 2 of 2)



PERMIT COUNTER

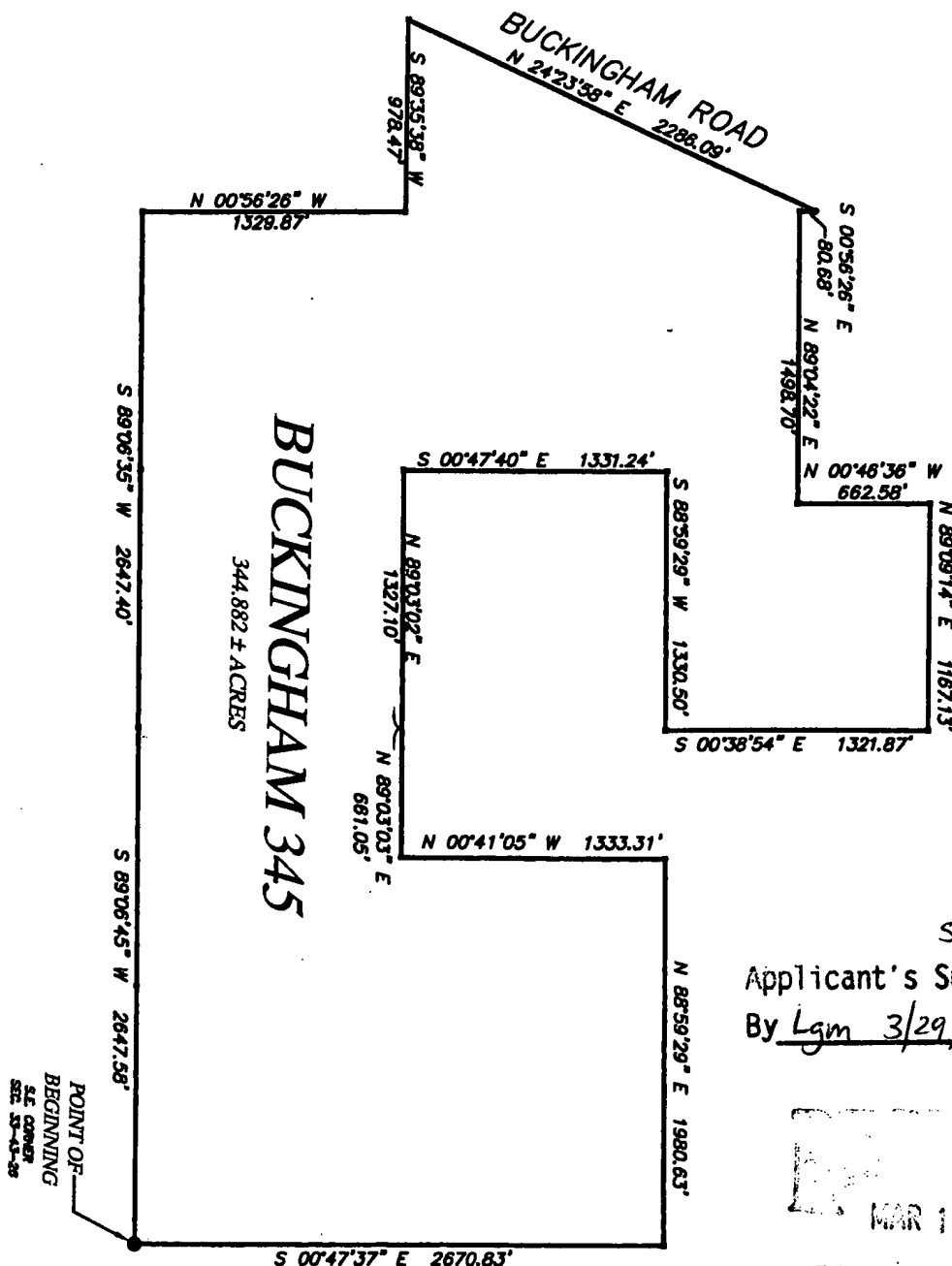
P:\Survey\projects\03783.00 BUCKINGHAM 320\LEGALS\OVERALL METES
BOUNDS.doc

DCI 2004-00090

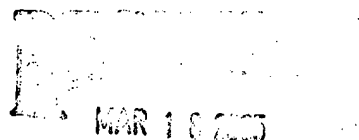
TKW CONSULTING ENGINEERS, INC.



SCALE: 1" = 800'



SKETCH
OF
Applicant's Survey Checked
By Lgm 3/29/2005.



PERMIT COUNTER

* THIS IS NOT A SURVEY *

TKW
CONSULTING ENGINEERS, INC.

environmental-civil-structural-survey
6681 Banner Drive
Fort Myers, Florida 33912
(239) 278-1992 • FAX (239) 278-0922
E-MAIL tkw@tkwonline.com
Certification # 734

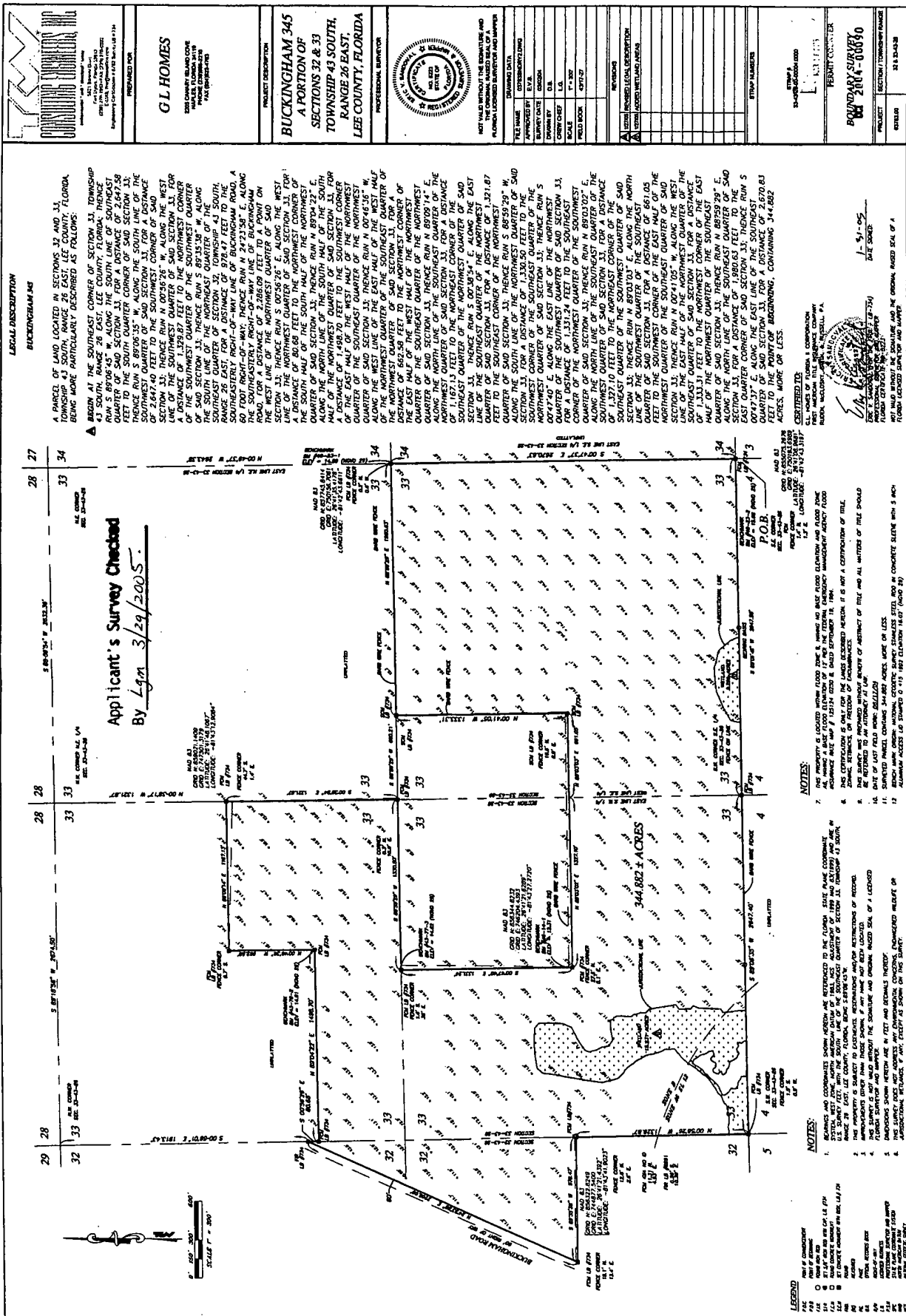
DRAWN BY: A.D. JOB NO.: 03783.00 SHEET 1 OF 1

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

BUCKINGHAM 345
A PORTION OF
SECTIONS 32 & 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA

DATE: JANUARY 2005 DRAWING: 03783SCKT

DCI 2004-00090



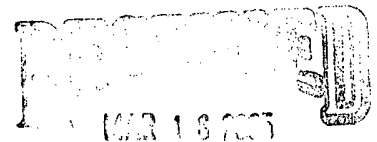
Statement by Owner Regarding Agricultural Uses.

All 640 units are under lease for a bona fide commercial purpose of raising hay with David W. Meloy. This is bona fide agricultural use in existence at the time the application was filed. No additional clearing or grading for agricultural use is anticipated.

Property Owner Statement, Lee County Homes Associates, I, LLP,
a Florida limited liability partnership

ATTACHMENT L

EXHIBIT B



PERMIT COUNTER


DCI 2004-00090

Affidavit by Owner Regarding Agricultural Uses

All 345 acres as shown on Exhibit "A" attached to and made a part of this Affidavit are owned by Lee County Homes Associates I, LLLP and are leased to David W. Meloy for the bona fide agricultural use of pasturing cattle and/or growing hay. This agricultural use was in existence at the time this application was filed. No additional clearing or grading for agricultural use is anticipated.

Lee County Homes Associates I, LLLP,
a Florida limited liability limited partnership

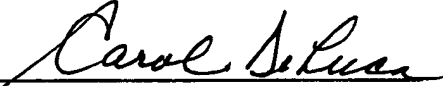
By: Lee County Homes I Corporation,
a Florida corporation, its general partner

By: 
Name: Richard M. Norwalk
Title: Vice President

The foregoing instrument was acknowledged before me this 2 day of May, 2005 by Richard M. Norwalk. He personally appeared before me, and is personally known to me or produced _____ as identification.

[NOTARY SEAL]

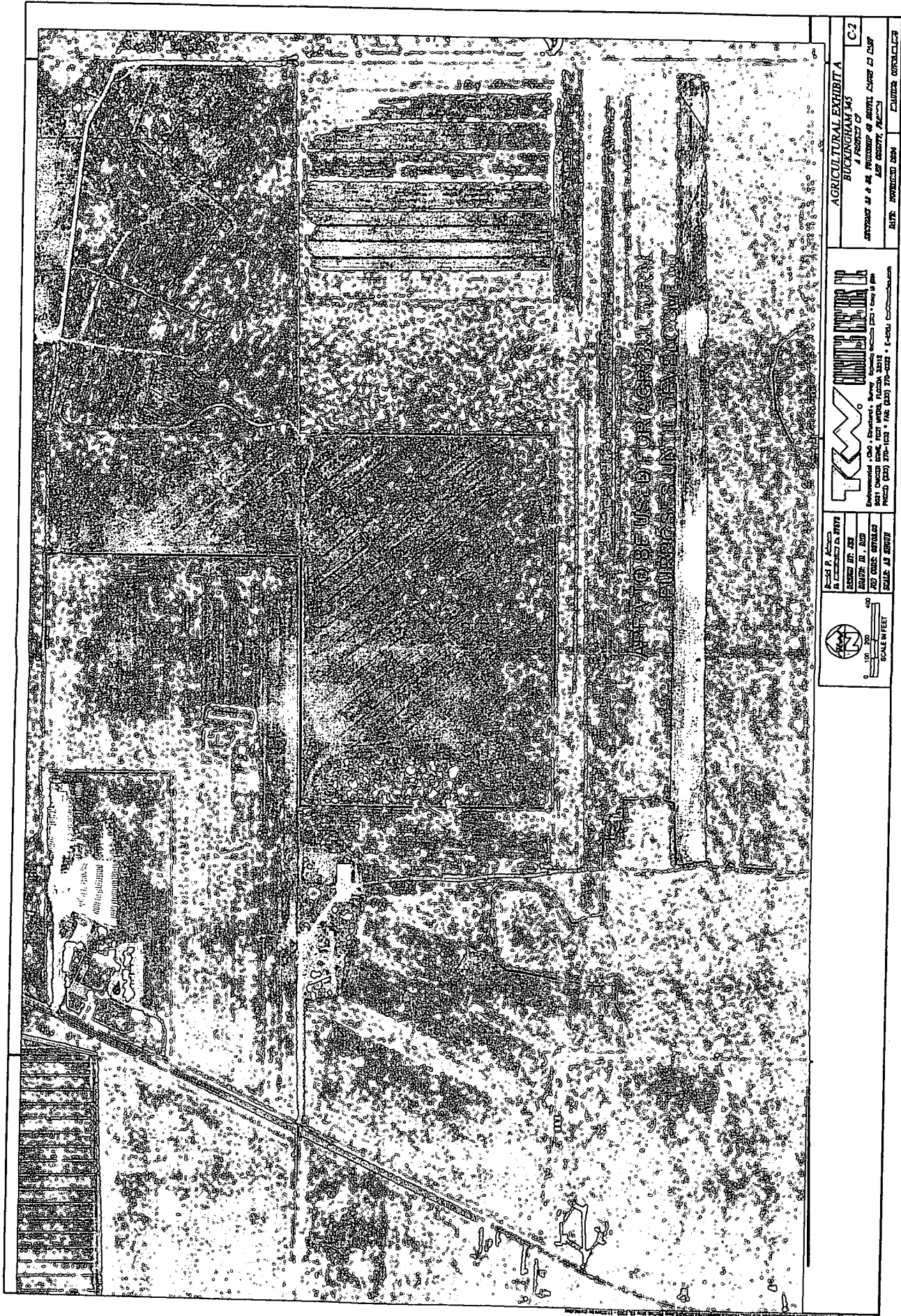


Notary: 
Print Name: _____
Notary Public, State of Florida
My commission expires: _____

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MAY 20 2005

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ATTACHMENT L



AGRICULTURAL EXHIBIT A
BUCKINGHAM 345
A. HARRIS CO.
APPROVED BY THE BOARD OF AGRICULTURE
DATE: JANUARY 1904

KW. COMPANY
INCORPORATED IN OHIO
1001 CHURCH STREET, CLEVELAND, OHIO 44115
PHONE (216) 525-1234 • FAX (216) 525-1235 • E-MAIL KW@KW.COM

SCALE IN FEET
0 100 200 400
1" = 100'

APPROVED BY THE BOARD OF AGRICULTURE
DATE: JANUARY 1904

NOT TO BE USED FOR AGRICULTURAL PURPOSES WITHOUT PERMISSION

[illegible]

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OCT 18 2005

COMMUNITY DEVELOPMENT

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

DATE: October 18, 2005

TO: Board of County Commissioners

FROM: Diana M. Parker
County Chief Hearing Examiner

RE: Hearing Examiner Recommendation

Enclosed you will find the following Hearing Examiner Recommendation:

HEARING DATE: SEPTEMBER 14, 2005
WRITTEN SUBMISSION: SEPTEMBER 30, 2005

DCI2004-00090

**LEE COUNTY HOMES ASSOCIATION I, LLP,
in reference to BUCKINGHAM 345**

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, November 21, 2005**. Development Services will forward a copy of the Recommendation to the Board prior to that time in the pink zoning notebooks.

Official transcripts were obtained as the record in the hearing before the Hearing Examiner (in lieu of the usual summary presentation). Copies of those transcripts (along with an advance copy of the Recommendation) are being forwarded to you at this time. **Please retain these copies since additional copies of the transcripts will not be contained in your zoning notebook.**

If you have any questions concerning this or any other procedure, or need additional information, please let our office know.

cc: Tim Jones / CAO
Jamie Princing / Community Development
Andy Getch / LCDOT
Sue Noe / Economic Development
Matt Noble / Community Development

DCI2004-00090
Donna Marie Collins / CAO
Tony Palermo / Community Development
Pam Houck / Division of Zoning

**JAMIE PRINCING
COMMUNITY DEVELOPMENT**

ZONING DIVISION
LEE COUNTY

PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution
Donna Marie Collins, Asst County Attorney
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT

FROM: Tony Palermo

DATE: 09/27/2005

PROJECT NAME: BUCKINGHAM 345 RPD

CASE #: DCI2004-00090

INFORMATION SUMMARY:

To update your file

X Review and forward substantive comments **ASAP**.

RESPONSE REQUIRED BY: 10/07/2005

Additional Comments:

HEX - POST - hearing submittal

cc: DCI planner/working fileDCI Zone File

Distributed by: Jamie Prancing

Date: 09/28/2005

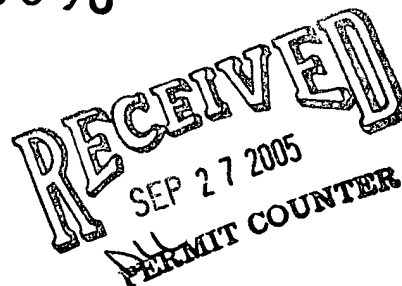


2320 FIRST STREET
SUITE 1000
FORT MYERS, FL 33901-2904
239.338.4207 DIRECT
239.337.3850 MAIN
239.337.0970 FAX
bgrady@ralaw.com

DCI 2004-00090

September 27, 2005

Anthony Palermo, Senior Planner
Lee County Community Development
P.O. Box 398
Fort Myers, FL 33902-0398



Re: Buckingham 345 RPD; DCI2004-00090 - Deviation from Land Development
Code Section 10-416(d)(6) for Buckingham 345

Dear Mr. Palermo:

At the Hearing Examiner's hearing^a deviation was added to the Buckingham 345 request. The Hearing Examiner continued the hearing, limited solely to this deviation issue. Enclosed is our deviation request and justification which includes a Landscape Architectural Plan which would be a condition of approval of the deviation. We previously provided that buffer plan to Lee County staff for review.

We would respectfully request your recommendation of approval to be submitted to the Hearing Examiner within the time frame that the hearing was left open. If we hear no further comments from staff then we intend to make our submittal to the Hearing Examiner with the deviation request and justification that is attached to this correspondence.

It has been a pleasure working with you. Thank you for your consideration with this matter.

Very truly yours,

ROETZEL & ADDRESS, LPA

Beverly Grady

Signed electronically to expedite

Beverly Grady

BG/umr

Enclosure: Deviation Request Justification
9/22/2005 12:41 p.m. Electronic communication from Michael Dady, Vice
President, Taylor Woodrow Communities to Buckingham 345
Copy of Code Section 10-416(d)(6)

cc: Richard Arkin
Dan Johnson
Patty Campbell
Michael Dady

Deviation from Land Development Code
Section 10-416(d)(6) To Permit the Berm/Wall to Be
Located 20 feet from the Abutting Property at
Locations Depicted on the Master Concept Plan

A deviation is requested from Section 10-416(d)(6) which requires where a road is located less than 125 feet from an adjacent single family residential subdivision, a combination berm and solid wall not less than 8 feet in height be constructed not less than 25 feet from the abutting property and landscaped between the wall and abutting property with a type C buffer (a minimum of 5 trees and 18 shrubs per 100 linear feet). The deviation being requested is to permit certain landscaping and a 3 foot berm/5 foot wall combination to be located closer to the abutting property at the certain location depicted on the landscape buffer plan which is attached.

Justification

The deviation will be subject to the following conditions:

Compliance with the GL Homes Landscape Architecture Landscape buffer Plan Sheet 1 dated 9/21/05 for Buckingham 345 which reflects a combination 3 foot berm and 5 foot precast concrete wall, 5 shade trees per 100 linear feet of buffer, clusters of South Florida Slash Pines in between the shade trees, and mid-level shrubs under the Pines clusters and a continuous hedge which together exceed the 18 shrubs per 100 linear feet. Therefore, the total number of trees and shrubs exceed the code requirement.

A portion of the Buckingham 345 internal road is within 125 feet of a portion of adjacent Portico RPD. The landscape buffer plan has been reviewed and approved by the Portico RPD developer. Attached is electronic communication dated Thursday, September 22, 2005 at 12:41 to Richard Arkin of Buckingham 345 from Michael Dady, Vice President of Taylor Woodrow Communities supporting the deviation and finding the landscape buffer plan acceptable and fully satisfying to Taylor Woodrow.

Attached is a portion of the Portico RPD Resolution Z-04-080 and the pertinent portion of the attached Master Concept Plan which reflects that the Portico RPD has a 25 foot open space area along its perimeter boundary before commencement of the single family lots which in effect provides a minimum of a 45 foot separation between the Portico lots and the Buckingham 345 internal road.

The combination of the berm/wall and vegetation in excess of the code requirement and the 45-50 foot separation between the Buckingham 345 internal road and Portico accomplishes and we believe exceeds the code requirement.

DCI 2004-00090
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-----Original Message-----

From: Mike Dady [mailto:Mike.Dady@us.taylorwoodrow.com]

Sent: Thursday, September 22, 2005 12:41 PM

To: Richard Arkin

Cc: Patty Campbell; Mike Lane; Neale Montgomery

Subject: RE: Buckingham 345

Mr. Arkin –

Taylor Woodrow does not object to your request for deviation from the Lee County LDC and finds the below listed wall and buffer plan you have proposed to be acceptable. The landscape and buffer plan looks good and should satisfy us fully. The Pine Trees will help with upper screening, the wall will prevent excessive vehicle noise from your proposed spine road, and we note that the planting plan will well exceed the LDC. We would ask that you provide TW with a copy of you final submittal plan and coordinate with us to the extent possible the final timing of installation as well as material and color of the wall. Taylor Woodrow appreciates your quick and thorough response to our concern and looks forward to being good neighbors now that the lines of communication are open.

Sincerely,

Michael Dady

Vice President

Taylor Woodrow Communities

2950 Immokalee Road, Suite 2

Naples, FL 34110

Tel. 239-592-0055 Ext. 14

Fax 239-592-5395

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SEP 27 2005
PERMIT COUNTER

RECEIVED
SEP 27 2005

BUFFER REQUIREMENTS								
Permitted or Existing Uses								
Proposed Uses		AG	SF-R	MF-R	COM	IND	STP	ROW
	AG	—	—	—	—	—	—	—
	SF-R	—	—	—	—	—	—	—
	MF-R	—	B	—	—	—	—	D
	COM	—	C/F	C/F	A	—	—	D
	WOR	—	C/F	C/F	—	—	—	D
	IND	—	Note a.	Note a.	—	—	—	D
	STP	C/F	E	E	E	C/F	—	C

Note a: All uses or activities must provide a Type E buffer unless the director determines that the proposed use or activity will not have an adverse impact on adjacent property. If the director determines that a Type E buffer is not required, a Type F buffer must be constructed.

- (4) *Buffer types.* The following table provides six different buffer types. Each type buffer, identified by a letter, provides the minimum number of trees and shrubs per 100 linear foot segment and indicates whether or not a wall or hedge is required.

BUFFER TYPES (per 100 linear feet)						
Buffer types	A	B	C	D	E	F
Minimum width in feet	5	15	15	15	25	30
Minimum # of trees	4	5	5	5(3)	5	10
Minimum # of shrubs	—	Hedge(2)	18	Hedge(2)	30	Hedge(2)
Wall required (1)	No	No	Yes	No	Yes	No

Notes for Buffer Types Table:

1. A solid wall, berm or wall and berm combination, not less than eight feet in height. All trees and shrubs required in the buffer must be placed on the residential side of the wall. The height of the wall must be measured from the average elevation of the street or streets abutting the property as measured along the

PERMIT CENTER of the streets, at the points of intersection of the streets with the side lot lines (as extended) and the midpoint of the lot frontage (see section 34-2172). Walls must be constructed to ensure that historic flow patterns are accommodated and all stormwater from the site is directed to on-site detention/retention areas in accordance with the SFWMD requirements.

2. Hedges must be planted in double staggered rows and be maintained so as to form a 36-inch high (F type buffers must be 48 inches at installation and be maintained at 60 inches high) continuous visual screen within one year after time of planting.
3. Trees within the ROW buffer must be appropriately sized in mature form so that conflicts with overhead utilities, lighting and signs are avoided. The clustering of trees and use of palms within the ROW buffer will add design flexibility and reduce conflicts.
- (5) Public and quasi-public facilities, including, but not limited to, places of worship, parks, utility facilities, government offices, neighborhood recreational facilities and private schools must provide a type C buffer if, in the opinion of the director, the proposed development will have a significantly adverse impact on adjacent existing residential uses.
- (6) If roads, drives, or parking areas are 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 lineal feet. Where residences will be constructed between the road, drive or parking area and

the existing residential subdivision or lots, the wall or wall and berm combination are not required.

- (7) Uses or activities that generate noise, dust, odor, heat, glare or other similar impacts, must provide a type C or F buffer if, in the opinion of the director, the proposed development will have a significantly adverse impact on adjacent property.
- (8) Walls, berms and buffer plantings must not be placed so they violate the vehicle visibility requirements of section 34-3131.
- (9) *Development abutting natural waterway.* Except where a stricter standard applies for the Greater Pine Island Area (as defined in Goal 14 of the Lee Plan), there must be a 25-foot wide vegetative buffer landward from the mean high water line of all nonseawalled natural waterways. Where a proposed planned development or subdivision is located in the Greater Pine Island Area abutting state-designated aquatic preserves and associated natural tributaries, the width of the required buffer will be 50 feet.
- (10) All freestanding parking areas, whether commercial, public or private, not associated with other development must provide a D type buffer for the right-of-way and C type buffer if they abut single-family residential or multiple-family residential uses or zoning.
- (11) *Use of buffer areas.* Required buffers may be used for passive recreation such as pedestrian, bike, or equestrian trails, provided that:
 - a. No required trees or shrubs are eliminated;
 - b. Not more than 20 percent of the width of the buffer is impervious surface;
 - c. The total width of the buffer area is maintained; and
 - d. All other requirements of this chapter are met.

(Ord. No. 92-44, § 13(E), 10-14-92; Ord. No. 94-28, § 24, 10-19-94; Ord. No. 95-12, § 5, 7-12-95; Ord. No. 98-28, § 2, 12-8-98; Ord. No. 00-14, § 3, 6-27-00; Ord. No. 01-18, § 2, 11-13-01)

Sec. 10-417. Irrigation design standards.

To improve the survivability of required landscaping, cultivated landscape areas must be provided with an automatic irrigation system. All required irrigation systems must be designed to eliminate the application of water to impervious areas, including roads, drives and other vehicle areas. Required irrigation must also be designed to avoid impacts on existing native vegetation.

All new developments that have required landscaping must be irrigated by the use of an automatic irrigation system with controller set to conserve water. Moisture detection devices must be installed in all automatic sprinkler systems to override the sprinkler activation mechanism during periods of increased rainfall. Where existing irrigation systems are modified requiring the acquisition of a permit, automatic activation systems and overriding moisture detection devices must be installed.

(Ord. No. 98-28, § 2, 12-8-98)

Sec. 10-418. Stormwater ponds.

Design standards. Techniques to mimic the function of natural systems in stormwater management ponds are as follows:

- (1) *Shoreline configuration.* Shorelines must 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.
- (2) *Plant materials.* The following are considered sufficient to mimic the function of

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

WHEREAS, Johnson Engineering, Inc. filed an application on behalf of the property owner, TW Acquisitions, Inc., to rezone a 589± acre parcel from Agricultural (AG-2) to Residential Planned Development (RPD) in reference to Portico RPD; and

WHEREAS, a public hearing was advertised and held on December 16, 2004, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case No. DCI2004-00031; and

WHEREAS, a second public hearing was advertised and held on March 21, 2005, 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 589± acre parcel from AG-2 to RPD, to allow 1,058 single-family and 120 townhouse units (1,178 total dwelling units). The proposed maximum building heights are two stories/35 feet for single-family, three stories/50 feet for townhouses, and two stories/50 feet for a clubhouse. No development blasting is requested. The property is located in the Outlying Suburban 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 8-page Master Concept Plan entitled MASTER CONCEPT PLAN FOR PORTICO stamped received May 3, 2005, 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.

DCI 2004-00090



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

a. Schedule of Uses

ACCESSORY USES AND STRUCTURES

ADMINISTRATIVE OFFICES

CONSUMPTION ON PREMISES - Amenity sites only. See Condition 10.

CLUBS, CLUBHOUSE - PRIVATE. Amenity sites only as shown on the approved Master Concept Plan. Also see Condition 10.

DOCKS, FISHING PIERS

DWELLING UNITS

SINGLE-FAMILY - 1,058 maximum

TOWNHOUSE - 120 maximum. See Condition 15.

1,178 MAXIMUM Dwelling units

ENTRANCE GATES, AND GATEHOUSE - In compliance with LDC §34-1748

ESSENTIAL SERVICES

ESSENTIAL SERVICE FACILITIES -Group I ONLY

Communication, telephone and electrical distribution facilities up to 425 square feet in area and 10 feet in height.

EXCAVATION, WATER RETENTION - NO blasting or removal of excavated material off site.

FENCES, WALLS, Per LDC §34-1741

FOOD AND BEVERAGE SERVICES - Amenity sites only. See Condition 10.

HOME OCCUPATION, Per LDC §34-1741 *et seq.* - NO outside help.

MODELS: Per LDC §34-1951 *et seq.* - See Condition 5.

Model Display Center

Model Home

Model Unit

PARKING LOT, ACCESSORY

PERSONAL SERVICES - Group I - Amenity sites only, see Condition 10.

REAL ESTATE SALES - See Condition 5.

RECREATION FACILITIES, PERSONAL, PRIVATE, ON SITE

SIGNS, In accordance with Chapter 30

STORAGE, INDOORS

TEMPORARY USES - TEMPORARY SALES, TEMPORARY CONSTRUCTION

b. Site Development Regulations

Single Family

Minimum Lot Areas and Dimensions

Lot Size: 6,500 square feet

Lot Width: 50 feet

Lot Depth: 110 feet

Minimum Setbacks

Street 20 feet

Side 5 feet (Per Condition 10)

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Rear 10 feet (5 feet - accessory)
Water body 20 feet (15 feet - accessory)

Building Separation: 10 feet

Perimeter Setbacks: 15 feet

Maximum Height: 2 stories/35 feet

Maximum Lot Coverage: 60 percent

Townhouse

Minimum Lot Areas and Dimensions

Internal Unit Width: 22 feet
External Unit With: 25 feet
Depth: 100 feet

Minimum Setbacks:

Street 20 feet
Side Internal Unit = Zero feet
External Unit = 7.5 feet
Rear 20 feet
Water body 20 feet

Building Separation: 20 feet

Perimeter Setbacks: 15 feet

Maximum Height: 3 stories / 50 feet

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

Maximum Lot Coverage: 60 percent

Clubhouse/Amenity Sites

Minimum Lot Areas and Dimensions

Lot Size: 6,500 square feet
Lot Width: 50 feet
Lot Depth: 110 feet

Minimum Setbacks

Street 20 feet
Side 10 feet

DCI 2004-00090

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Rear 20 feet (5 feet accessory)
Water body 20 feet (5 feet accessory) (Except as provided in Deviation #9)

Building Separation: 20 feet

Perimeter Setbacks: 15 feet

Maximum Height: 2 stories / 50 feet

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

Maximum Lot Coverage: 60 percent

3. No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.
4. *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 this resolution is approved and as shown on Exhibit B attached hereto may continue until approval of a local development order for the area of the project containing those uses.
 - b. Additional clearing or grading of existing agricultural uses is prohibited. This prohibition is not intended to preclude County approved requests for the removal of exotic species.
 - c. The property owner must terminate the agricultural tax exemption for any portion of the property that receives a local development order. The agricultural use must cease by December 31st of the calendar year in which the local development order is issued. The exemption termination must be filed with the Property Appraiser's Office by December 31st of the calendar year in which the local development order is issued. A copy of the exemption termination must be provided to the Office of the County Attorney.
5. *Model Homes/Temporary Real Estate Sales/Temporary Sales Trailer.*
 - a. The number of model homes or model units will be limited to no more than 30 within the development at one time.
 - b. Any model homes or units must be developed within the area identified as "models", "townhouse site" or "model display center" on the approved Master Concept Plan.
 - c. Models cannot be of the same floor plan and each must be a distinctly different design.

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- d. Model Display Centers or Model Display Groups must be shown on the development order plans. Parking areas for these uses will be buffered with a single-row hedge and tree canopy for parking areas per the LDC.
 - e. Real Estate sales are limited to temporary real estate trailers, model units, model homes, model display centers, models within the townhouse site, amenity sites, and clubhouses.
 - f. Real estate sales will be limited to the sale of lots or units within the development only.
 - g. 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.
 - h. Model homes and temporary real estate sales will be valid for a period of up to six years from the date of issuance of a Certificate of Occupancy of a model home per LDC §34-1954(d)(1).
6. All required buffers must utilize 100 percent native vegetation.
7. 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.
8. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, all other Lee Plan provisions.
9. *Five-foot setback.*
- a. No structures, including but not limited to, sidewalks, mechanical equipment, door stoops, walls, etc., may be constructed or placed within the required five-foot side setbacks; or
 - b. Prior to issuance of Certificate of Occupancy on each lot, the Engineer of Record must certify that the drainage for each lot is built in compliance with the typical lot grading detail (See Exhibit D Sheet 8 of the approved Master Concept Plan) provided as part of the building permit process.
10. *Consumption on Premises, Food & Beverage Services, Personal Services, Group I (all uses).*
- a. These uses are limited to a maximum of 7,500 square feet of floor area for the entire development.
 - b. Consumption on Premises, Personal Services Group I, and Food and Beverage Services are limited to amenity sites only, as shown on the approved Master

Concept Plan. These uses are limited to members and guests of a private club. Use by the general public is prohibited.

- c. Consumption on Premises is limited to sales within a residential clubhouse setting only. No restaurants, bars, package stores, or similar uses are permitted.
 - d. Hours of operation for these uses are limited to 7:00 a.m. to midnight daily.
 - e. Consumption on Premises is permitted only at amenity sites (and clubhouse) and outdoor seating for Consumption on Premises must be located within the fenced area at the clubhouse as shown on Sheet 7 of the attached Master Concept Plan.
 - f. Outdoor seating (outside of the fenced clubhouse area) for Consumption on Premises may be approved by Special Exception only (public hearing required).
 - g. Outdoor sales of alcohol is prohibited, and may not be permitted on a temporary or permanent basis.
 - h. The clubhouse as shown on the amenity site of the approved Master Concept Plan is limited to a maximum 10,000 (5,904) square feet building under air and 16,000 square feet under roof. There must be a minimum 366± feet of separation between the front door of the clubhouse and the school property, and a minimum of 1,122± feet of separation from the clubhouse building to the school building in accordance with the Master Concept Plan.
- 11. Prior to local development order approval, a protected species survey for burrowing owls and burrows within the upland portions of the project within the phase being covered in the development order must be submitted for review, field verification, and approval by the Division of Environmental Sciences' staff. If burrowing owls or burrows are located, then a burrowing owl management plan, including an appropriate preservation area within the project, must be submitted.
 - 12. Prior to local development order approval, the development order plans must include ±8.67 acres of open space within the townhouse tract of which ±6.62 acres must be indigenous preservation, and approximately ±25 acres of wetland preservation on the remainder of the site.
 - 13. The development order must provide an enhanced 25-foot-wide "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.
 - 14. The development order must provide a 25-foot-wide landscaped buffer/berm combination along the southern boundary of the subject property where it abuts the school site. Atop the berm will be intermittent landscaping and/or wall with a minimum height of six feet. All berming and walls must meet LDC requirements.
 - 15. Townhouse buildings must be set back a minimum of ±1,000 linear feet from Buckingham Road, as shown on the approved Master Concept Plan.

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16. The 20-foot-wide lake maintenance easements, along lakes that are completely surrounded by private lots, must be made accessible by maintenance vehicles from a road, through a 20-foot-wide lake access easement.
17. Any additional site access points, such as a separate construction access, would require an amendment to the RPD zoning.
18. There are several pyramid shaped symbols and text shown along Buckingham Road on the MCP that are not legible. The applicant must revise the MCP so that all information is clearly legible.
19. If the developer desires to deviate from the regulations contained in LDC Chapter 30, pertaining to project signage, the proposed sign package must be submitted for review and approval by the Lee County Department of Community Development prior to the issuance of any local development order for the property.
20. During the March 21, 2005, Board Zoning Hearing, the applicant voluntarily offered to dedicate a 25-foot wide strip along Buckingham Road for County right-of-way purposes, at no cost to Lee County. Dedication of this 25 foot strip may be accomplished by recording an instrument (ie. deed or plat) that grants or dedicates to the County an exclusive easement for right-of-way purposes. [If the easement is dedicated via a plat, the dedication must be clear and unambiguous. Use of the label "future right-of-way" will not be acceptable.] The dedicated area may not be used for required development buffering or any other non-county right-of-way improvements. This dedication must be complete prior to issuance of the first building permit allowing permanent vertical construction within the project.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §10-328(a) requirement to provide a minimum 20-foot-wide maintenance access easement along lake perimeters, to allow zero feet where lakes are bulkheaded. This deviation is DENIED.
2. Deviation (2) seeks relief from the LDC §10-329(d)(1)a.2 requirement prohibiting excavation for water retention or detention within 50 feet of any existing or proposed right-of-way line or easement for a collector or arterial street, to allow excavation within 50 feet of an existing or proposed right-of-way line or easement. This deviation is APPROVED, SUBJECT TO the following conditions:
 - a. Approval is limited to water retention and detention areas as shown on the approved Master Concept Plan.
 - b. Appropriate protection for wayward vehicles must be provided at the time of local development order.
3. Deviation (3) seeks relief from the LDC §10-329(d)(1)a.3 requirement for water retention or detention excavation to set back 50 feet from any private property line under separate

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ownership, to permit a 25-foot setback for internal property lines. This deviation is APPROVED, SUBJECT TO the following conditions:

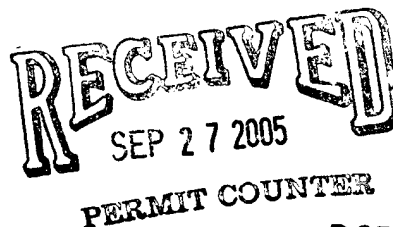
- a. Approval is limited to water retention and detention areas as shown on the approved Master Concept Plan.
 - b. A minimum 4-foot high fence or other approved barrier must be provided along the property line adjacent to the lake.
4. Deviation (4) seeks relief from the LDC §10-329(d)(4) requirement that lake banks be sloped at a maximum 4:1, to allow bulkheads at the shoreline. This deviation is APPROVED, SUBJECT TO the following conditions:
- a. Prior to local development order approval, any bulkheads to be installed within Lakes A, B, or D as labeled on the attached Master Concept Plan must be delineated on the landscape and engineering plans. The bulkheads may not encompass more than 30 percent of the linear shoreline of the lake measured at control elevation. A compensatory littoral zone equal to the linear footage of the bulkhead must be provided within the same lake meeting the following criteria:
 - (1) A 5-foot-wide littoral shelf planted with herbaceous wetland plants to provide 50 percent coverage at time of planting; or
 - (2) An 8:1 slope littoral shelf with herbaceous wetland plants to provide 50 percent coverage at time of planting; or
 - (3) An equivalent littoral shelf design as approved by the Division of Environmental Sciences' Staff.
 - (4) The compensatory littoral zone must be planted with native wetland plants calculated as two per linear foot of shoreline for lakes utilizing bulkheads up to 20 percent of the shoreline, and three plants per linear foot of shoreline for lakes utilizing bulkheads along 21 percent to 31 percent of the shoreline.
5. Deviation (5) seeks relief from the LDC §10-384(b) requirement to provide a 20-foot-wide fire department access lane in the rear of buildings that fall into classes set forth in LDC §10-384(a)(3), to allow decks ancillary to the amenity site to be located zero feet from a water body. This deviation is APPROVED, SUBJECT TO the following conditions:
- a. Approval is limited to amenity areas, water retention and detention areas as shown on the approved Master Concept Plan.
 - b. The developer must provide written documentation from the Fort Myers Shores Fire Department indicating that this design is acceptable and allows adequate access for emergency vehicles.
6. Deviation (6) - WITHDRAWN.

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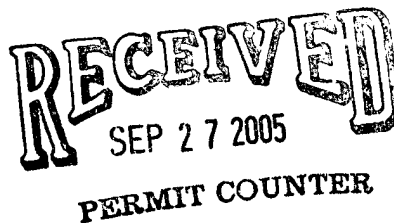
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7. Deviation (7) seeks relief from LDC §34-934 Note 23 which restricts the operation of real estate sales centers for a period not to exceed five years, to allow the operation of a sales office within Portico RPD for a period of six years. This deviation is APPROVED, SUBJECT TO the condition that the real estate sales office remains in compliance with Condition 5 above.
8. Deviation (8) - WITHDRAWN.
9. Deviation (9) seeks relief from the LDC §34-2194(b) requirement to provide a 25-foot setback for buildings from a water body, to allow a zero-foot setback at bulkhead areas. This deviation is APPROVED, SUBJECT TO Deviation (4) above.
10. Deviation (10) seeks relief from the LDC §34-935(b)(2) requirement that parking or internal roads or drives not be closer to the development perimeter than the greater of either the width of any buffer area or landscape strip required by Chapter 10, to allow an emergency access road within this area. This deviation is APPROVED, SUBJECT TO the condition that the approval is limited to the emergency access point shown as Deviation (10) on the approved Master Concept Plan.
11. Deviation (11) seeks relief from the LDC §10-418 requirement that storm water ponds be designed to mimic the function of natural systems, to allow for the use of bulkheads. This deviation is APPROVED, SUBJECT TO Deviation (4) above.
12. Deviation (12) seeks relief from the LDC §10-714 design standards for cul-de-sacs, to allow the use of "eyebrow" road elements on the Village Roads within the community. This deviation is APPROVED, SUBJECT TO the following conditions:
 - a. Approval is limited to the detail plan and locations as shown on the approved Master Concept Plan.
 - b. Traffic calming devices indicated in the approved Master Concept Plan must be included in the homeowner documents to be reviewed and recorded during the local development order process.
13. Deviation (13) - Withdrawn.
14. Deviation (14) seeks relief from the LDC §34-152(4)c.4 requirement that on-site directional signage be set back a minimum of 15 feet from the edge of the street right-of-way or easement, to allow on-site directional signs to have a setback of four feet. This deviation is DENIED in accordance with Condition 19.
15. Deviation (15) seeks relief from the LDC §10-285(a) requirement that the centerline distance for local roads be 125 feet, to allow for centerline distances of no less than 60 feet for the eyebrow road features. This deviation is APPROVED, SUBJECT TO the following conditions:
 - a. Approval is limited to the detail plan and locations as shown on the approved Master Concept Plan.



- b. Traffic calming devices indicated in the approved Master Concept Plan must be included in the homeowner documents to be reviewed during the local development order process.
 - c. Stop signs will be provided for vehicles exiting the eyebrow element.
 - d. Traffic control devices will be determined during development order review.
16. Deviation (16) 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 main access on Buckingham Road and a minimum of two emergency access points. This deviation is APPROVED, SUBJECT TO the following conditions:
- a. No walls, fences or entrance gates may be constructed within the access point area per the approved Master Concept Plan.
 - b. All utilities along the entrance from Buckingham Road as shown on the approved Master Concept Plan must be placed underground.
 - c. The local development order must depict a 70-foot-wide divided entrance on Buckingham Road that must include a 14-foot-wide median with two 11-foot-wide lanes on both sides of the median for ingress and egress in accordance with the primary corridor typical shown on the approved Master Concept Plan.
 - d. The local development orders must include emergency access gates to be constructed on two emergency access points as shown on the approved Master Concept Plan.
 - e. The installation of any access gates must comply with all applicable regulations pertaining to emergency equipment that are in effect at the time of installation.
 - f. Prior to issuance of a development order, the developer must provide written documentation from the Fort Myers Shores Fire Department indicating that these access points are acceptable and provide adequate access for emergency vehicles.
 - g. If the emergency access point located near the southeast corner of Phase 2, into Hawks Haven is not available at time of local development order submittal for that phase of work, then the emergency access must connect to the Lehigh Acres roadway system through the existing platted roadway easement. This will require a culvert across the east-west canal lying south of Phase 2 of Portico RPD. Such a change can be approved administratively.
17. Deviation (17) seeks relief from the LDC §10-416(d)(6) requirement that roadways must be set back 125 feet from any existing residential development or provide a 30-foot-wide buffer consisting of an 8-foot-high wall constructed a minimum of 25 feet from the residential property line with landscaping planted between the wall and the residential property line, to allow an 8-foot-high wall a minimum of 10 feet from the residential property line with



landscaping planted between the wall and the residential property line. This deviation is APPROVED.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

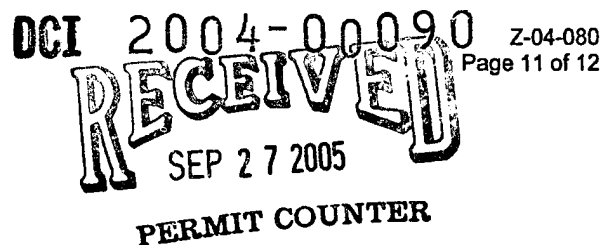
- Exhibit A: Legal description of the property
- Exhibit B: Bona fide Agricultural Uses
- Exhibit C: Zoning Map (subject parcel identified with shading)
- Exhibit D: The approved Master Concept Plan

The applicant has indicated that the STRAP numbers for the subject property are: 33-43-26-00-00002.0000, 33-43-26-00-00002.0020, 33-43-26-00-00002.0030, and 34-43-26-00-00001.0000.

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.

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5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

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

Robert P. Janes	AYE
Douglas R. St. Cerny	AYE
Ray Judah	AYE
Tammy Hall	AYE
John E. Albion	AYE

DULY PASSED AND ADOPTED this 21ST day of March 2005.

ATTEST:
CHARLIE GREEN, CLERK

BY: *Charlie Green*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *[Signature]*
Chairman

Approved as to form by:

[Signature]
Dawn E. Perry-Lehnert
County Attorney's Office



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NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE RANGE 24 EAST TO BEAR NO. 15N, 43° 30' 00" E.
2. THIS SKETCH DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT POTENTIAL OF THE LAND SHOWN HEREON.
3. POB = POINT OF BEGINNING
4. POB = POINT OF BEGINNING
5. POB = POINT OF BEGINNING
6. POB = POINT OF BEGINNING
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CURVE	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	240.00	6°35'12"	S45°21'11"E	28.97
C2	240.00	27°38'24"	S54°21'11"E	89.56

THIS IS NOT A SURVEY

ROY L. MCGEE (FOR THE FIRM LB-642)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 6205

DATE SIGNED: _____
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

PERMIT TO CONVEY

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JOHNSON ENGINEERING

2158 JOHNSON STREET
FORT WORTH, TEXAS 76102-1550
PHONE (817) 334-3881
FAX (817) 334-3881
E.B. #642 & L.B. #642

PARCEL IN SECTION 33 & 34, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA

DCI2004-00031 PORTICO RPD

10/12/2004

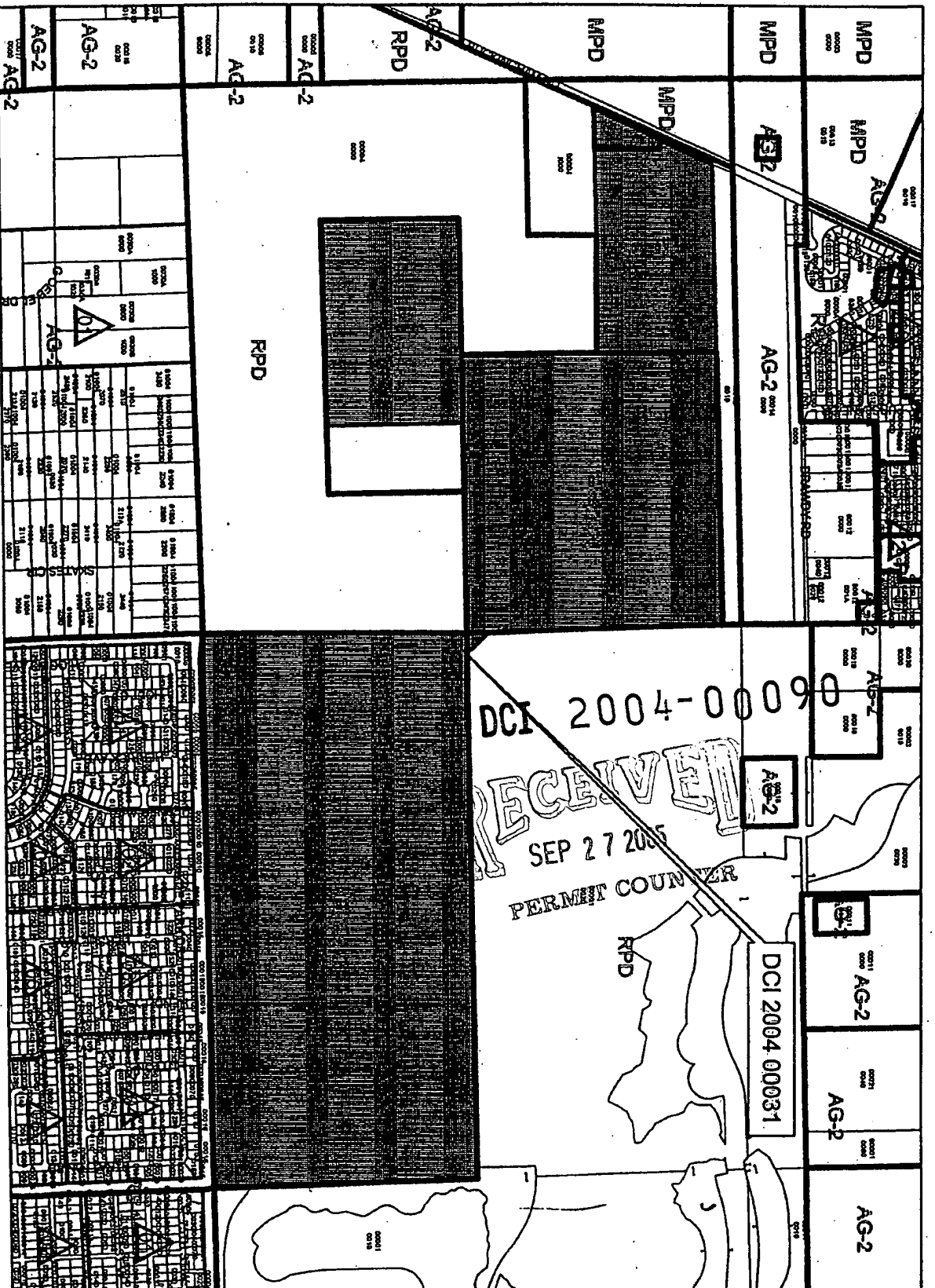


EXHIBIT C

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DCI 2004-00090



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LEE COUNTY, FLORIDA
ZONING DIVISION
STAFF REPORT

TYPE OF CASE: PLANNED DEVELOPMENT/DCI

CASE NUMBER: DCI2004-00090

HEARING EXAMINER DATE: ~~AUGUST 3, 2005~~
DEFERRED UNTIL SEPTEMBER 14, 2005.

I. APPLICATION SUMMARY:

- A. Applicant: Lee County Homes Association I, LLP in ref to Buckingham 345
- B. Request: Amend Zoning Resolution #Z-00-029 to permit a Residential Planned Development (RPD) with a maximum of 690 single-family dwelling units (an increase of 50 dwelling units) on +/- 345 acres of land. The proposed amendment includes the addition of +/- 20 acres of Agricultural (AG-2) land. Maximum building heights proposed are 3 stories/35 feet for residential uses, and 3 stories/45 feet for other uses (gate houses, recreational facilities). The request also includes a potential public school site, and a maximum of +/- 7,500 square feet of commercial uses within a clubhouse setting. No development blasting is requested.
- C. Location: The subject property is located at 3621 Buckingham Road, in S32-T43S-26E, Lee County, FL. (District #5)
- D. Future Land Use Plan Designation, Current Zoning and Use of Subject Property:

Future Land Use: All Outlying Suburban. 2 dwelling units per acre maximum per the Lee Plan and Caloosahatchee Shores Community Plan.

Current Zoning: +/- 325 acres is Residential Planned Development. +/- 20 acres is zoned Agricultural (AG-2).

Land Use: Agricultural purposes including raising hay. There is also a single-family home with accessory uses related to agriculture.

E. Surrounding Land Use:

Existing Zoning & Land Use

Future Land Use Map

North: Buckingham Exceptional School and Lee County School Transportation Facility (School Bus Depot). Zoned Agricultural (AG-2). Also Portico Residential Planned Development (RPD). Vacant agricultural property with pasture.

Public Facilities (School site)
Outlying Suburban (RPD)

East: East portion of Portico (RPD). River Hall/Hawks Haven (RPD) is to the northeast. Portico is vacant pasture. River Hall/Hawk's Haven was pasture and is under construction for residential uses.

Outlying Suburban (Portico RPD)
Rural (River Hall/Hawk's Haven RPD)

South: Single-family residential uses with agricultural uses including horses and ranches. Large parcels. Agricultural (AG-2) zoning. (Southeast Corner is Lehigh Acres, Residential single-family RS-1 zoning, mostly vacant tracts with scattered single-family residential uses). Suburban
Outlying Suburban
Rural Community Preserve
(Lehigh Acres - Central Urban)

West: Buckingham Road, then Mixed Use Planned Development (MPD) Verandah. Vacant pastures. Suburban

F. Size of Property: ± 345 acres

II. **RECOMMENDATION:**

Staff recommends **APPROVAL** of the Applicant's request to amend Zoning Resolution #Z-00-029 to permit a Residential Planned Development (RPD) with a maximum of 690 single-family dwelling units on +/- 345 acres of land. The request includes the addition of +/- 20 acres of Agricultural (AG-2) land also to be rezoned to Residential Planned Development (RPD) with the following conditions and deviations:

Changes to Resolution #Z-00-029 are shown in strike-through underline format.

A. **Conditions**

1. The development of this project must be consistent with the ~~one two-page~~ Master Concept Plan (MCP), entitled "~~Conceptual Site Plan-Buckingham 320 RPD," stamped received April 26, 2000, last revised April 26, 2000, "BUCKINGHAM 345"~~ stamped dated **AUGUST 19, 2005** 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 MCP are subsequently pursued, appropriate approvals will be necessary.

Maximum Number of Dwelling Units: 690

Commercial uses are limited to a maximum +/- 7,500 square feet of floor area and ancillary to a recreational/clubhouse use only. See "Club, Private" and Condition #23.

Upon passage of this resolution, Zoning Resolution #Z-00-29 and Administrative Amendment ADD2003-00067 will become null and void.

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

a. **Schedule of Uses**

Accessory Uses and Structures

Administrative Offices

Agricultural Uses (~~cattle raising in undeveloped phases prior to development and nursery operations for plantings used on-site only~~) SEE AGRICULTURAL CONDITION #9.

Club, private - LIMITED TO "REC. TRACT" ON THE APPROVED MASTER

CONCEPT PLAN.
CLUBHOUSE BUILDINGS MAY NOT EXCEED 40,000 SQUARE FEET IN
TOTAL FLOOR AREA TOTAL. This is inclusive of the 7,500 square feet
permitted for limited commercial uses. Also see Condition #23.

Dwelling Units, single-family and zero-lot line.

- ~~(1) — A maximum of 640 units to be comprised solely of single-family construction (densities may not be shifted between land use categories unless a new public hearing occurs and the provisions of Policy 5.1.11 of the Lee Plan are followed). [120 units within Rural Land Use area; up to 520 units in Suburban Land Use area]~~
- ~~(2) — Single-family units may be located in any of the Phases/Development Areas within the Suburban land use category - whether or not so indicated on the approved Master Concept Plan, PROVIDED the trips do not exceed 8,759 ADT, 648 AM peak hour, and 845 PM peak hour as set out in the Zoning Traffic Impact Study.~~
- ~~(3) —~~
The number of units is also subject to compliance with concurrency requirements.

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 Home and Model Unit - must be in compliance with LDC §34-1954 only. ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITION #6.

Model Display Center - must be in compliance with LDC §34-1955, limited to one, which must be located in the sales center area shown on the MCP and must only serve this project. ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITION #6.

Parking Lot, Accessory

Real Estate Sales Office - limited to sales of lots, homes or units within the development, except as may be permitted in LDC §34-1951 et seq. The location of, and approval for, the real estate sales office will be valid for a period of time not to exceed five years from the date the Certificate of Occupancy for the sales office is issued. ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITION #6.

Recreational Facilities - Private, On-site only. LIMITED TO "REC. TRACT" ON THE APPROVED MASTER CONCEPT PLAN.

Residential Accessory Uses - In compliance with LDC §34-622(c)42 and LDC Article VII, Division 2

Signs, in compliance with LDC Chapter 30

Storage, Indoors - LIMITED TO RESIDENTS WITHIN THE DEVELOPMENT ONLY.

Temporary Uses, Temporary Sales, Temporary Construction

The following commercial uses may be located in the clubhouse/on-site recreational facilities only and in compliance with Condition #23.

Bank and Financial Establishments - Group I (including ATMs).
Consumption on Premises - indoor only.

Day Care Center (Adult and/or child).
Food & Beverage Service, Limited.
Personal Services, Group I.

b. Site Development Regulations

Overall Project:

Setbacks: (structure, parking areas, water management areas and pavement): In compliance with LDC §10-329 for water detention/retention excavation setbacks and LDC §10-416(d)(6)

Building Height: 35 feet/three stories for residential uses. ~~(not to exceed either parameter)~~

45 feet/three stories for all other structures such as gate houses, clubhouses and recreational facilities. (Also See Condition #14)

Open Space: 40 percent minimum.

10 percent must be distributed to individual dwelling units having immediate private ground floor access.

Indigenous open space must be provided as depicted on the MCP

Minimum Water Body Setback: ~~25 feet~~

Maximum Lot Coverage: ~~40 percent~~

Phases 1-6:

Minimum Lot Area: ~~5,250 square feet~~

Minimum Lot Width: ~~50 feet~~

Minimum Lot Depth: ~~105 feet~~

Minimum Street Setback: ~~20 feet~~

Minimum Side Setback: ~~zero feet and five feet for zero lot line units, 7.5 feet for all others, except that where there are two or more principal buildings on a development tract, the minimum separation of buildings will be no less than 20 feet~~

Minimum Rear Setback: ~~20 feet~~

Phases 7 & 8:

Minimum Lot Area: ~~20,000 square feet~~

Minimum Lot Width: ~~100 feet~~

Minimum Lot Depth: ~~100 feet~~

Minimum Street Setback: ~~20 feet~~

Minimum Side Setback: ~~10 feet~~

Minimum Rear Setback: ~~25 feet~~

Tracts 2 and 5

Single Family

Minimum Lot Areas and Dimensions

<u>Lot Size:</u>	<u>7,350 square feet</u>
<u>Lot Width:</u>	<u>70 feet</u>
<u>Lot Depth:</u>	<u>105 feet</u>

Minimum Setbacks

<u>Street</u>	<u>20 feet - garage 15 feet - house</u>
<u>Side</u>	<u>6 feet - Side Corner 17.5 feet. 25% of lot width for lots over 50 feet wide.</u>
<u>Rear</u>	<u>10 feet</u>
<u>Water body</u>	<u>25 feet</u>

Accessory Use: Per the LDC.

Perimeter Setbacks: 25 feet

Maximum Height: 3 stories/35 feet for residential uses.
3 stories/45 feet for other uses. Also See Condition #14.

Maximum Lot Coverage: 50%

Tracts 1, 3 and 4

Single Family

Minimum Lot Areas and Dimensions

<u>Lot Size:</u>	<u>5,250 square feet</u>
<u>Lot Width:</u>	<u>50 feet</u>
<u>Lot Depth:</u>	<u>105 feet</u>

Minimum Setbacks

<u>Street</u>	<u>20 feet - garage 15 feet - house</u>
<u>Side</u>	<u>6 feet - Side Corner 17.5 feet. 25% of lot width for lots over 50 feet wide.</u>
<u>Rear</u>	<u>10 feet</u>
<u>Water body</u>	<u>25 feet</u>

Accessory Use: Per the LDC.

Perimeter Setbacks: 25 feet

Maximum Height: 3 stories/35 feet for residential uses.
3 stories/45 feet for other uses. Also See Condition #14.

Maximum Lot Coverage: 55%

Recreational Tract

Minimum Lot Areas and Dimensions

<u>Lot Size:</u>	<u>+/- 5.6 Acres</u>
<u>Lot Width:</u>	<u>N/A</u>
<u>Lot Depth:</u>	<u>N/A</u>

Minimum Setbacks

<u>Street</u>	<u>Buckingham Road 25 feet/20 feet all other streets</u>
<u>Side</u>	<u>15 feet</u>
<u>Rear</u>	<u>20 feet</u>
<u>Water body</u>	<u>25 feet</u>

Accessory Use: Per the LDC.

Minimum Building Separation: 20 feet.

Maximum Height: 3 stories/45 feet (non-residential uses). Also See Condition #14.

Maximum Lot Coverage: 40%

3. The following recommendations are presented in order to mitigate future hurricane damage and/or loss of life, as well as to ensure compliance with Lee Plan objectives.
 - a. The Developer must initiate the establishment of a homeowners' or residents' association. The organization must provide an educational program on an annual basis, in conjunction with the staff of Emergency Management, which will provide literature, brochures and speakers for Hurricane Awareness/Preparedness Seminars, describing the risks of natural hazards. The intent of this recommendation is to provide a mechanism to educate residents concerning the actions they should take to mitigate the dangers inherent in these hazards.
 - b. The Developer must formulate an emergency hurricane notification and evacuation plan for the development, which will be subject to review and approval by the Lee County Office of Emergency Management.
 - c. Hurricane preparedness and impact mitigation, if required, must comply with the provisions of LDC §2-481 *et seq.*
4. ~~DELETED. Prior to Development Order Approval, the MCP must be revised to show compliance with the required 50-foot-minimum lake setback from Buckingham Road, an arterial roadway. Approval of this MCP does not grant any deviation from this requirement.~~
5. The developer must provide written disclosure to all potential and actual property owners within this project, of the existence of The School District of Lee County's

transportation facility on the Buckingham campus and the potential for expansion of this facility.

6. Model units and homes (and real estate sales) are permitted in compliance with the following conditions:
 - a. Each model must be a unique example. Multiple examples of the same unit are not permitted. ~~and~~
 - b. All model sites must be designated on the development order plans. ~~and~~
 - c. Prior to model home construction, the lots upon which model homes will be constructed must be shown on a preliminary plat (not the final). The preliminary plat must be filed concurrently with the local development order application. The model homes must comply with the setbacks set forth in the property development regulations for this project.
 - d. Dry models are prohibited.
 - E. The number of model homes or model units will be limited to no more than 15 within the development at one time.
 - F. Any model homes or units must be developed within the areas identified as "model homes, sales location center, parking for sales center, rec. tract" on the approved Master Concept Plan.
 - G. Model display Centers or Model Display Groups must be shown on the development order plans. Parking areas for these uses will be buffered with a single-row hedge and tree canopy for parking areas per the LDC.
 - H. Real estate sales are limited to the sale of lots or units within the development only.
 - I. Real estate sales are limited to temporary real estate trailers, model units, model display centers, recreational area and clubhouse.
 - J. Hours of operation for both models and real estate sales are limited to Monday through Sunday 8 a.m. to 8 p.m.
 - K. Model homes and real estate sales will be valid for a period of up to 5 years from the date of issuance of a certificate of occupancy of a model home per LDC § 34-1954(d)(1).
7. ~~DELETED. Multi-family uses within Phase 1 must be located north of the upland preserve area as depicted on the MGP, and no such structures may be constructed within 150 feet of the southern or western property line (excluding those areas where the western boundary abuts Buckingham Road).~~
8. A. **BUFFER ON SOUTHERN AND WESTERN PROPERTY LINES**

A buffer 20 feet in width must be planted along the southern and western property line (excluding lands abutting Buckingham Road) prior to the approval

of building permits for any dwelling units in ~~phases 1, 6 or 7~~. Tracts 4 and 5. The vegetation in the buffer must contain, at a minimum, six native trees per 100 linear feet. All trees must be a minimum of 10 feet tall at time of planting. All shrubs must be a minimum of four feet tall at the time of planting and must create an unbroken hedge. Existing indigenous native vegetation may be counted toward the vegetation requirements of this condition, and no buffer is required in the area on the approved MCP shown as upland preserve areas.

B. BUFFER ON LANDS ABUTTING BUCKINGHAM ROAD

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.

9. ~~Bona fide agricultural uses that are now in existence may continue in a given phase until the development of that phase commences, except for those areas designated as wetland/preserve area on the MCP, which will be specifically provided protection from intrusion by existing or continued agricultural uses prior to commencement of Phase 1. However, no development activity of any kind may occur on the property, including clearing of vegetation or cutting of trees, unless such activity is reviewed and approved in accordance with all applicable Lee County regulations as if no agricultural use existed on the property. The purpose of this condition is to eliminate any exemption or other special considerations or procedures that might otherwise be available under Lee County regulations by virtue of the existing agricultural uses on the property.~~

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 "L" 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.

10. ~~DELETED. The following conditions are included to address Lee Plan consistency issues:~~

- a. ~~The portion of the property within the Rural future land use category must maintain densities of one dwelling unit per acre or less. No more than 120 dwelling units may be constructed in the Rural designated areas of the project.~~
- b. ~~Given the limited existing available Suburban 2020 Planning Community Acreage Allocation at the time of rezoning, the available Suburban allocation must be determined by the Planning Division, prior to any Development Order approval for residential uses in the Suburban portions of the site. No development order will be issued or approved if the acreage, when added to the acreage contained in the updated existing land use database, exceeds the limitation established by Lee Plan Table 1(b), Acreage Allocation Table (per Lee Plan Policy 1.7.6). In that event, in order for Applicant to develop the Suburban acreage with residential uses, the Lee Plan must be amended to change the Suburban residential acreage allocation for the Fort Myers Shores planning community in Table 1(b). Adequate data and analysis to support this amendment must be submitted by the Applicant at the time of the request for the Lee Plan amendment. Development in excess of the current Table 1(b) allocations will not be permitted until Table 1(b) is amended accordingly.~~
- c. ~~Approval of this rezoning does not guarantee local development order approval or vest present or future development rights for Lee Plan consistency. Development Order approvals must be reviewed for and found to be consistent with all other Lee Plan provisions.~~

11. ~~DELETED. Prior to Development Order approval, the MCP must be amended to depict a water retention area, no less than 100 feet wide, along the south property line (outside of the indigenous preserve areas) where such south property line is adjacent~~

to Riverdale Ranches, Rancho Eight or Skates Circle. This condition does not include those areas of Phase 1 that are separated from Buckingham Road by the indigenous areas.

12. ~~DELETED. This development must comply with all of the requirements of the LDC at the time of local development order Approval, except as may be granted by deviations approved as part of this planned development or subsequent amendments thereto.~~
13. ~~DELETED. No excess excavated material may be removed from the site unless the developer can demonstrate to the Director of Community Development that the material to be removed:~~
 - a) ~~is unsuitable material that cannot be used on-site; and~~
 - b) ~~the material must be excavated to meet the minimum requirements to provide a water management system on the site. The purpose of this condition is to prohibit the voluntary creation of excess fill material for use off-site.~~
14. Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC Section 34-2174(a) and 34-935(e)(4).
15. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
16. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with all other Lee Plan provisions.
17. No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.
18. 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.
19. The developer has offered to voluntarily reserve a 20-foot wide strip along Buckingham Road for county right of way purposes at no cost to Lee County. Dedication of this 20-foot strip may be accomplished by recording an instrument (i.e. deed or plat) that grants or dedicates to the County an exclusive easement for right-of-way purposes. The developer will be eligible for 100% road impact fee credits for land dedicated for Buckingham Road.

If the easement is dedicated via a plat, the dedication must be clear and unambiguous. Use of the label "Future Right-of-Way" will not be acceptable. The dedicated area may not be used for required development buffering or any other non-county right-of-way improvements. This dedication must be complete prior to the issuance of the first building permit allowing vertical construction within the project.

20. 6-FOOT SETBACKS.

- A. No structures, including but not limited to, sidewalks, mechanical equipment, door stoops, walls, etc. may be constructed or placed within the required 6-foot side setbacks; or
- B. Prior to issuance of Certificate of Occupancy on each lot, the Engineer of Record must certify that the drainage for each lot is built in compliance with the typical lot grading detail provided as part of the building permit process.

21. All required buffers must utilize 100% all native vegetation.

22. ACCESS TO BUCKINGHAM ROAD

- A. The approved Master Concept Plan and local development order must depict a minimum 70-foot wide divided entrance on Buckingham Road that includes a 14-foot wide median with two 11-foot wide lanes on both sides of the median for ingress and egress.
- B. The local development orders must include an emergency access point on Buckingham Road as shown on the approved Master Concept Plan.
- C. 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.

23. COMMERCIAL USES AND CONSUMPTION ON PREMISES.

- A. Commercial uses are limited to a maximum of +/- 7,500 square feet of floor area for the entire development.
- B. Commercial uses are limited to amenity "Rec." sites only as shown on the approved Master Concept Plan.
- C. Commercial uses are limited to members and guests of a private club. Use by the general public is prohibited.
- D. Consumption on Premises (indoor only) is limited to sales within a residential clubhouse setting only. No restaurants, bars, package stores, or similar uses are permitted.
- E. Hours of operation for consumption on premises (indoor only) is limited to 7 a.m. to midnight daily. Other commercial uses may operate at hours consistent with the LDC.
- F. Outdoor seating for Consumption on Premises may only be approved by Special Exception (public hearing required).
- G. Outdoor sales of alcohol is prohibited, and may not be permitted on a temporary or permanent basis.

24. PUBLIC SCHOOL USE.

- A. Public schools and related accessory uses may only be approved as an amendment to the planned development. At a minimum, an administrative amendment will be required for this purpose.**
- B. If no public school site is included in the development, the "Future School Site" may be developed with single-family and accessory uses consistent with the Land Development Regulations for Tracts 2 and 5.**
- C. If the "Future School Site" is utilized for residential development, no more than 690 dwelling units may be permitted for the entire development.**
- D. Access to the public school must be generally consistent with the access point shown on the approved Master Concept Plan.**
- E. Schools must meet concurrency requirements. Any application for an amendment for a school site must show the development of a school meets concurrency requirements. An updated Traffic Impact Statement must be provided, including the impact from the proposed school. If the level of service on Buckingham Road (or any other relevant road link) is determined to be below county standards for concurrency (Level of Service "F") - than appropriate conditions must be included. At the Zoning Director's discretion, a public hearing may be required to address traffic/concurrency issues.**

25. Prior to local development order approval, a brochure must be provided to Division of Environmental Sciences and the Division of Zoning for review and approval that will be given to all residents advising 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.

B. Deviations - None requested.

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.

III. BACKGROUND INFORMATION AND ANALYSIS:

Introduction/Synopsis

This is a request for an amendment to a Residential Planned Development (RPD) for a single-family community - 690 units on 345 acres of land. The subject property is located on 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 2 units per acre on this property within this part of Caloosahatchee Shores.

Zoning Resolution Z-00-29, Buckingham 320 Residential Planned Development (RPD) was approved December 4, 2000 by the Lee County Board of County Commissioners for 640 dwelling units (limited to single-family) on 325 acres of land (1.97 dwelling units per acre).

The Lee County Department of Community Development also approved an administrative amendment (ADD2003-00067) and new Master Concept Plan on August 25, 2003. This amendment made minor changes to the layout of the development. The conditions of this amendment (including references to the Lee Plan) are no longer necessary, and not included in the recommended conditions above.

This application includes the addition of +/- 20 acres of Agricultural (AG-2) land in the Outlying Suburban Future Land Use category.

This is a request for 2.0 units per acre. With the additional 20 acres to the property, the change from 1.97 dwelling units per acre to 2.0 is negligible.

This application includes a 5.6-acre recreational tract for a clubhouse facility, with limited commercial uses within the clubhouse including banks, day care, food & beverage services, consumption of alcohol on premises, and personal services (such as barbers, tailors, laundry, photo processing, and shoe repair.) These commercial uses are limited to 7,500 s/f in floor area. Staff recommends clubhouses be limited in size - 40,000 s/f of floor area total. This 40,000 square feet includes the 7,500 square feet for commercial uses. Staff has limited the

consumption on premises to indoors, in conjunction with a clubhouse. Outdoor consumption on premises will require more detail including square footage, seating, and distances from residential and public school uses. A public hearing will be required for outdoor seating. Staff has recommended a condition prohibiting the outdoor sale of alcohol, in deference to schools and rural residential uses nearby.

This application also includes the addition of a 13.2-acre potential public school site on Buckingham Road.

Staff's primary concerns are traffic on Buckingham Road - a 2-lane arterial - and compatibility with the rural lifestyle and ranches to the south - Riverdale Ranches, Rancho Eight and Skates Circle.

The applicant's traffic impact statement does not include traffic from a potential public school. At this date, staff does not know what kind or how large a school facility will ultimately be built. With the requested density (690 units) - the level of service on Buckingham Road is projected to be Level of Service E (not failing). Any school development will need to address concurrency issues, and a condition is included in this staff report to address this. Traffic issues - including the potential to widen Buckingham from 2 to 4 lanes - are discussed further under traffic issues.

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 property is on the southern end of the Outlying Suburban land adjacent to Rural Community Preserve property (1 dwelling unit an acre). The property to the South consists of large ranches and rural lifestyle.

Staff believes the conditions included, including enhanced buffering, address compatibility concerns for this rural part of the county.

Zoning staff also feels strongly that new residents of this development be provided some information about the rural lifestyle in this part of the county and the environmental, historical and cultural background of the Fort Myers Shores, Buckingham and Caloosahatchee Shores communities.

New and Amended Conditions

Staff recommends approval of the planned development with conditions. The conditions above show the conditions approved (1 through 13) under Z-00-029. Staff has added a significant number of conditions, related to commercial uses, the school site, traffic issues, and community character/compatibility issues.

A significant amount of development has been approved since this development's approval in 2000, including zoning approval Portico Residential Planned Development (RPD), Verandah (MPD) and Hawk's Haven (RPD).

The significant changes in conditions and new conditions recommended by staff can be summarized as follow:

- Condition 1 New Master Concept Plan. Nullifies the current planned development and administrative amendment. Changes the maximum number of dwelling units to 690.

- Condition 2 New uses added including limited commercial uses in the recreational tract. The development regulations have also changed, including heights of 45 feet for non-residential uses.
- Condition 4 Deleted. The Master Concept Plan complies with the requirement for 50-foot setbacks for lakes.
- Condition 6 Additional model unit conditions, consistent with Portico RPD.
- Condition 7 Deleted. There are no multifamily uses proposed.
- Condition 8 The buffer on Buckingham Road is addressed. The buffer to the south and west (adjacent to rural residential uses) is also addressed.
- Condition 9 Updated Agricultural condition consistent with other planned developments.
- Condition 10 Deleted. The Lee Plan issues are no longer relevant. The entire site is Outlying Suburban.
- Condition 11 Deleted. The Master Concept Plan has been made consistent with the requested condition for a lake on the south border.
- Condition 12 Deleted. This language is already in condition 1.
- Condition 13 Deleted. The development regulations are consistent with other planned developments. "Excavation, Water Retention - not to include the removal of excavated material from the site." The use of excavated material off site may be addressed through an amendment to the planned development.
- Condition 14-16 These are planned development conditions relating to height, traffic, and Lee Plan consistency.
- Condition 17 Condition prohibiting blasting.
- Condition 18 Condition relating to accessory uses in a planned development.
- Condition 19 Condition consistent with the Buckingham Road condition requested by the Board of County Commissioners for Portico RPD (20-feet of right of way).
- Condition 20 Condition for small side setbacks (6 feet) requested by Development Services to address flooding issues.
- Condition 21 Native species requirement for buffers.
- Condition 22 Condition addressing the access point(s) on Buckingham Road, consistent with Portico RPD.
- Condition 23 Conditions relating to commercial uses, including consumption on premises.
- Condition 24 Condition to address the school, traffic and concurrency issues.
- Condition 25 Literature to be provided to homeowners (rural lifestyle, history, environment).

Master Concept Plan

The Master Concept Plan stamp consists of a Master Concept Plan (page 1) and detail drawings with buffering enhancements (page 2). The Master Concept Plan shows access on Buckingham Road, location of single-family sites, internal roads, lakes, wetland preserves and other features. There are 5 residential tracts, model home locations, a recreational site and a potential school. There are 2 access points depicted on the Master Concept Plan. One is full access and the other is emergency access only. The school access is also on the MCP. All access points are on Buckingham Road. These access points are generally consistent with those approved under Resolution #Z-00-029 and ADD2003-00067. An appropriate condition is included to address health, safety and welfare issues related to a large residential development with only one full access for a large number of dwelling units. The access points are consistent with LDC Section 10-291, as conditioned.

Master Concept Plan Extension Request

On August 4, 2005 the applicant made a request to extend the existing zoning (#Z-00-029 Buckingham 320 RPD) for an additional 12 months (Case #DCI2005-00075). The MCP (approved December 4, 2000) will expire December 4, 2005 per LDC Sec. 34-381. If granted a 12-month extension, the MCP will not expire until December 4, 2006. The proposed extension, if granted by the Lee County Board of County Commissioners, would allow the developer additional time to pursue preliminary development orders while this case is in the public hearing process. The extension request was under review by staff at the time of the writing of this staff report. Zoning staff recommends approval of the 12-month extension.

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)*

DENSITY - *The number of residential dwelling or housing units per gross acre (du/acre). Densities specified in this plan are gross residential densities. For the purpose of calculating gross residential density, the total acreage of a development includes those lands to be used for residential uses, and includes 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 contained within the residential development. Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included. (Amended by Ordinance No. 98-09, 00-22)*

The Outlying Suburban land use category allows a maximum standard density of 3.0 units per acre. The applicant is proposing a development of 690 dwelling units, which would equate

to 2.0 units per acre. The Lee Plan calls for maximum densities of 2.0 units per acre within the Outlying Suburban Future Land Use Category for this subject property and surrounding areas on Buckingham Road (See CPA2002-04 Adopted Future Land Use). This property is within both the Fort Myers Shores Planning Community and the Caloosahatchee Shores Plan Area.

Staff believes the requested level of density is not a detriment to either 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 units per acre*. Properties to the south have ongoing agricultural uses and ranch development. Staff can recommend approval of 2.0 units per acre.

Under the Lee Plan, land used for a school site can be counted for density purposes. Therefore the 13.2 acres for school could be included in the total acreage for density calculations. 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: *Rezoning and development-of-regional-impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare. (Amended by Ordinance No. 94-30, 00-22)*

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 Olga Water Plant provides potable water. Central sewer will be provided through a force main on Buckingham Road. 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 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.*

No physical constraints or hazards appear to exist or require the density or design to be adjusted any further. Staff will note the applicant is requesting a large number of dwelling units with 1 primary means of access onto Buckingham Road (and an emergency access on the same road). Environmental Sciences staff has reviewed this application. There are not environmental features which would limit the site or require less density. Appropriate conditions to address this policy have been provided by zoning and environmental staff. As conditioned, this proposed development 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 - which is low to moderate density - 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 ranches to the south and other residential developments and subdivisions. Staff recommends appropriate conditions (including buffering) in deference to the rural character of the community (particularly to the south and on Buckingham Road) and the potential impacts of over 600 new residents and one clubhouse/amenity structure with height in excess of 35 feet. As conditioned, this proposed development 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 under 2.5 units per acre. Water and sewer services will be available to this development. As conditioned, this proposed development is **CONSISTENT** with water and sewer standards of the Lee Plan.

POLICY 100.9.5: *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 takes into consideration existing development patterns and is sensitive to the rural integrity of the neighborhood, and the neighboring school. There are conditions helping make this development compatible with the area's existing rural character, including

the requirement to provide appropriate information about the history and rural character of the area. As conditioned, this request is **CONSISTENT** with **POLICY 100.9.5.** of the Lee Plan.

Lee Plan: Rural Community Preserve & Buckingham Issues

POLICY 1.4.3: *The Rural Community Preserves are established following special studies of Lee County's intact rural communities. Within these areas, special design approaches are to be used to maintain the existing rural character, for example: conservation easements, flexible road design standards (including relocation of future arterials not serving the rural community), special fencing and sign standards, and retention of historic rural uses. These areas are not to be programmed to receive urban-type capital improvements. Lands within this category are not intended to be converted to any Future Urban Areas; rather, they are to remain permanently rural in character and use. These areas are restricted to low density residential uses (with minimum lot size requirements), agricultural uses, and minimal non-residential uses that are needed to serve the rural community. Property in this category may not be rezoned to any RV district. Additional goals, objectives, policies, and standards for these areas may be included in this plan based on the special studies (see for example, Goal 17). Maximum density is one dwelling unit per acre (1 du/acre). (Amended by Ordinance No. 91-19, 94-30)*

GOAL 17: BUCKINGHAM. *To manage the future growth in the Buckingham area; to preserve the existing agricultural land use pattern; to diversify the choice of housing for Lee County by maintaining and enhancing the historic rural character; and to protect the unique historical and environmental values of the Buckingham Community. For the purposes of this plan, the precise boundaries of Buckingham are indicated on the Future Land Use Map. (Added by Ordinance No. 91-19, Amended by Ordinance No. 93-25, 94-30)*

OBJECTIVE 17.1: LAND USE. *The primary land use designation for the Buckingham area is "Rural Community Preserve." Public Facilities have also been designated as appropriate. After the adoption of this amendment, no land in Buckingham will be changed to a land use category more intense than Rural Community Preserve (including Public Facilities) unless a finding of overriding public necessity is determined by three members of the Board of County Commissioners. (Amended by Ordinance No. 00-22)*

POLICY 17.1.3: *Any lot created in the Rural Community Preserve land use category after the adoption of this amendment must have a minimum area of 43,560 square feet. Any residential planned development zoning granted in the Rural Community Preserve land use category will require a minimum size of one acre (43,560 square feet) for every residential lot. (Amended by Ordinance No. 00-22)*

The property to the south is in the Rural Community Preserve Future Land Use category in the Buckingham Planning Community. Development in proximity to this rural area should be compatible. As conditioned, this development can be compatible with the rural Buckingham community. See the Neighborhood Compatibility section for more analysis. As conditioned, this development is **CONSISTENT** with these goals, objectives and policies.

Lee Plan: School Issues

POLICY 6.1.9: *Prohibit commercial development from locating near existing or planned school areas in such a way as to jeopardize the safety of students. (Amended by Ordinance No. 00-22)*

Conditions are included consistent with this policy. No detrimental commercial uses are proposed in proximity to the proposed school or the neighboring school to the north. Staff cannot recommend outdoor consumption on premises without more detail. As conditioned, this application is **CONSISTENT** with **POLICY 6.1.9** of the Lee Plan.

GOAL 46: EDUCATION. *To assist the Lee County School Board and other providers of education (where appropriate) with the planning, development and siting of new schools. (Amended by Ordinance No. 94-30)*

OBJECTIVE 46.1: SCHOOL LOCATION PLANNING. *Cooperate with the Lee County District Board of Education and representatives of private and parochial school associations to ensure that school locations are consistent with county growth policies and the needs of the future population. (Amended by Ordinance No. 94-30)*

POLICY 46.1.1: *The County will work in collaboration with the Lee County District Board of Education, representatives of private and parochial school associations, and other interested institutions, for the location and development of educational systems consistent with Chapter 235, F.S., and the policies of this plan. (Amended by Ordinance No. 94-30, 00-22)*

POLICY 46.1.2: *All educational institutions will comply with the policies of this plan and the Land Development Code where not pre-empted by state statutes or administrative rules. (Amended by Ordinance No. 94-30, 00-22)*

The inclusion of a future school site - as conditioned - is **CONSISTENT** with **GOAL 46** the associated policies of the Lee Plan.

OBJECTIVE 46.3: LAND USE COMPATIBILITY. *The county will seek to have the siting of all new schools follow these policies aimed at land use and transportation compatibility: (Amended by Ordinance No. 00-22)*

POLICY 46.3.1: *Protect the integrity of schools so that educational functions are not disrupted by the intrusion of incompatible land uses.*

POLICY 46.3.2: *Cooperate with the School Board in the planning and selection of future school sites and the development of mutually acceptable guidelines for the selection of such sites.*

POLICY 46.3.3: *Encourage the acquisition of school sites large enough to accommodate projected increases in enrollment.*

POLICY 46.3.5: *Land uses and development will not be permitted to the extent that it could necessitate the relocation of schools due to pressures from incompatible uses. (Amended by Ordinance No. 00-22)*

POLICY 46.3.6: *Encourage the location of neighborhood elementary schools within walking distance of the residential areas they serve*

POLICY 46.3.7: *Require that new residential developments provide for adequate pedestrian and bicycle access for school children.*

POLICY 46.3.8: School sites will be selected in advance of the developments they are intended to serve and will be based upon planned densities and development patterns. (Amended by Ordinance No. 00-22)

POLICY 46.3.9: Elementary schools whenever possible must have access to local or collector streets; secondary schools must have access to a collector or arterial street. (Amended by Ordinance No. 00-22)

POLICY 46.3.10: Prohibit school sites that are or will be exposed to physical constraints, hazards, or nuisances which are detrimental to the health and safety of students and to the general operation of the school.

POLICY 46.3.11: Prohibit the location of schools in the areas designated on the Future Land Use Map as Airport Noise Zone 3 or within other high noise impact areas.

The placement of a 13.2-acre potential school site on Buckingham Road does not raise any compatibility issues. With the possible exception of outdoor consumption on premises, the uses proposed within the development do not conflict with the proposed school site. The surrounding agricultural, rural residential and other uses do not create any compatibility problems. The location is not within an airport noise zone or other high noise impact areas. This is a site large enough for an elementary school (typically a minimum of 10 acres is needed). Pedestrian access to the school within and outside the development can be provided and is desirable. The school will have access to an arterial road. Overall, this is a compatible site for a public school. Due to concerns over Buckingham Road's projected level of service, an administrative amendment is recommended to address traffic issues, should a school be included in this development. The inclusion of a future school site - as conditioned - is **CONSISTENT** with **OBJECTIVE 46.3** and related policies of the Lee Plan.

Neighborhood Compatibility

The applicant held a public meeting with the Caloosahatchee Shores Community/East Lee County Council February 28, 2005. The applicant's minutes and the East Lee County Council's minutes are attached (See Attachment G and H). The property is 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 four areas: Fort Myers Shores, Morse Shores, Tice and Olga. The Fort Myers Shores, Morse Shores, and Tice areas are similar in character and will have similar development patterns for the next 20 years. The Olga area has a more rural/historic character and is anticipated to grow slightly slower than the other areas of this community. This area also has a mixture of future land use designations. The majority of the land is designated Suburban, Rural, or Urban Community; however, there are some lands designated Intensive Development, Central Urban, Public Facilities, Industrial Interchange Area, and General Interchange.

The population of the Fort Myers Shores community is also expected to grow from a 1996 population of 12,000 to approximately 14,000. However, the amount of commercial building is expected to nearly double by 2020 and the amount of industrial land is expected to increase by 10 fold. Currently, this community contains commercial outlets which accommodate the needs of its residents as well as those from neighboring communities such as Alva and

Buckingham. There are two major shopping areas in this community to satisfy resident's primary commercial needs. The residents of this community still utilize commercial establishments in the more urbanized areas for much of their commercial needs. During the life of this plan this community will develop as a commercial/employment center for the adjacent communities which will retain their rural character. (Added by Ordinance No. 99-15)

North North of the subject property is the Buckingham Exceptional School and Lee County School Transportation Facility (School Bus Depot). An appropriate buffer is proposed to the north adjacent to the school. Also north is the Portico Residential Planned Development (RPD), approved for 1,178 dwelling units, mostly single-family (2 units per acre). No buffer is required adjacent to Portico (single-family uses are next to single-family uses.)

East East of the property is the east portion of Portico (RPD). River Hall/Hawks Haven (RPD) is to the northeast. River Hall/Hawk's Haven was pasture and is under construction for residential uses. Hawk's Haven Residential Planned Development (RPD) was approved for 1,598 dwelling units (both single and multi-family) and golf course on 1,797 acres. The density approved was 0.81 units per acre. Development of this project is underway. It is in the Rural future land use category. Hawk's Haven changed the name of the development to River Hall and has been heard by the Hearing Examiner (DCI2004-00054) for an amendment to increase the amount of land and increase the density to 1 unit per acre and a total of 1,999 dwelling units. Hawk's Haven/River Hall has 2 emergency access connections to Portico RPD. There is no proposed interconnection between Hawk's Haven/River Hall and Buckingham 345. No buffer is required to the east (single-family uses adjacent to other single-family uses).

South The Buckingham Planning Community is to the south. South of the property are a combination of ranches and single-family residential. These are large multi-acre rural parcels with Agricultural (AG-2) zoning. To the southeast is Lehigh Acres, with mostly vacant tracts with scattered single-family residential uses. It is separated by a canal from the subject property. The Master Concept Plan shows a preserve area, 20-foot Type "B" buffer (with enhancements), large lake and preserved wetland on the southern boundary. Staff has recommended buffering and other conditions in deference to the rural nature of property to the south and to provide a greater transition from suburban to rural uses.

West West of this property is Buckingham Road then the Verandah Mixed Use Planned Development. Verandah was approved for 1,500 dwelling units (both single- and multi-family and a commercial parcel) on 1,453 acres (approximately 1 dwelling units per acre). An amendment to Verandah was submitted and is under staff review (DCI2005-00012) requests an additional 200 dwelling units and additional commercial square footage. No public hearing date has been set for the Verandah amendment. The Buckingham 345 Master Concept Plan shows a 25-foot buffer on Buckingham Road. Staff proposes an enhanced buffer consistent with the Portico 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 and comments received from the public by staff, and recorded in meetings held by the East County Council and the Caloosahatchee Shores Committee (Attached). The applicant has made a case that this project should be developed at similar densities than have been approved in this community, and that this amendment will not have a detrimental impact on the community. The cumulative impact of residential developments - including this one - will have a dramatic

impact on this rural community. Despite the high number of units, this is a low density development (2 units per acre) and can provide a compatible transition from rural agricultural uses as found on Buckingham Road to the more urban land uses found on Palm Beach Boulevard. Staff has proposed numerous conditions to address potential compatibility issues, including enhanced buffering to the south and on Buckingham Road. As conditioned, this request is compatible with the surrounding neighborhood.

Environmental Issues

The Division of Environmental Sciences staff reviewed the proposed residential planned development and conducted a field inspection. Environmental staff has indicated that the existing conditions - as amended here - are appropriate.

Transportation Issues

The Lee County Department of Transportation reviewed the application and their comments are attached. They point out that 4-laning Buckingham Road is not on the current 2020 plans for roads. However, the 4-laning of this road will be reevaluated by the county later this calendar year.

Staff has included a condition addressing the county's likely need for right-of-way on Buckingham Road. The MCP shows a 20-foot reservation on Buckingham Road.

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. When any portion of a parcel along a minor collector or local street is developed with office or commercial uses, a sidewalk is required." A sidewalk will be required on Buckingham Road (an arterial road) and the issue will be addressed at the Development Order stage.

Development Services Division's substantive traffic and level of service comments are included (Attachment S). No level of service issues are anticipated.

Condition 24 addresses the public school use, and the need to evaluate level of service/traffic issues once there is some detail about the size and scope of the school.

Attached please find the applicant's Traffic Impact Statement for the Buckingham 320 project (Attachment I) and further traffic analysis for this case (Attachment J). Also please find Development Services traffic comments for Buckingham 320 (Attachment Q) and the applicant's traffic analysis for the Buckingham 320 Zoning Extension (DCI2005-00075). These documents show no level of service failures for Buckingham 320 or the proposed Buckingham 345.

Conclusions

In conclusion, this requested rezoning as conditioned, meets the criteria necessary for a residential planned development including consistency with the Lee Plan. As conditioned, it is compatible with neighboring properties. As conditioned, it will not adversely affect environmentally critical areas or natural resources. As conditioned, the request will not place

an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.

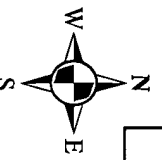
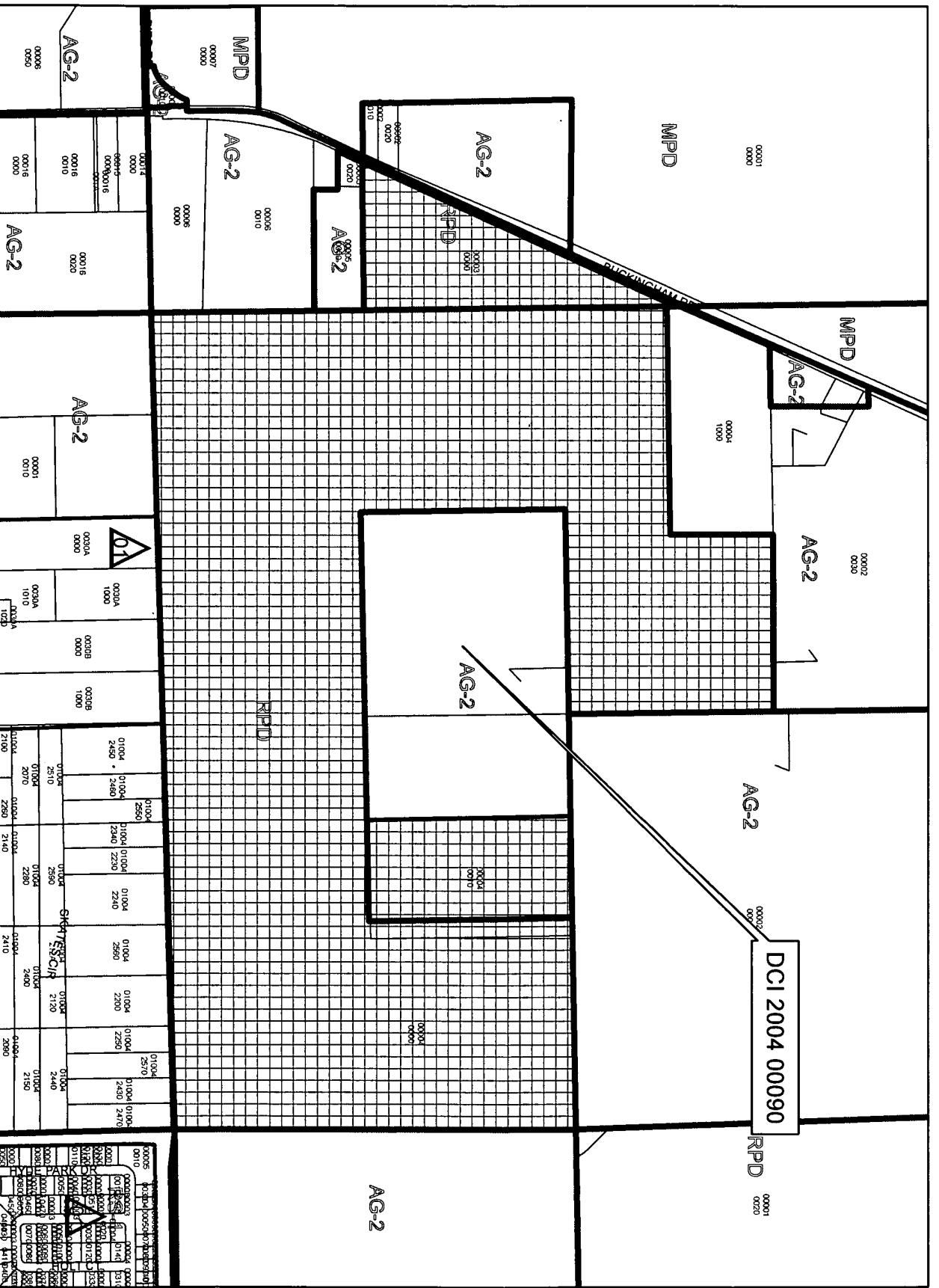
IV. ATTACHMENTS:

- A. Map of surrounding zoning
- B. CPA2002-04 Adopted Future Land Use Map
- C. Master Concept Plan
- D. Zoning Resolution #Z-00-029 Buckingham 320 RPD
- E. ADD2003-00067 Buckingham 320 Administrative Amendment
- F. Buckingham 345 Narrative
- G. Buckingham 345 Caloosahatchee Shores Meeting Minutes
- H. East Lee County Council Meeting Minutes
- I. Traffic Impact Statement Buckingham 320 (October 13, 1999)
- J. Traffic Impact Statement Buckingham 345 (March 14, 2005)
- K. Environmental Assessment
- L. Agricultural Uses Affidavit and Statement with Legal Description and Sketch
- M. Zoning Resolution #Z-04-080 Portico RPD
- N. Lee County Department of Transportation Memo
- O. Lee County School Board Memo
- P. Environmental Sciences Comments
- Q. Development Services Traffic Memo (Buckingham 320, April 27, 2000)
- R. August 3, 2005 Traffic Memo from the Applicant (Buckingham 320 extension request).
- S. Development Services Traffic Memo (Buckingham 345 August 18, 2005)
- T. Applicant's Landscape Buffer Exhibit (August 19, 2005)

cc: Applicant
County Attorney
Zoning/DCI File
Tina Silcox, Lee County School Board

DCI2004-00090 BUCKINGHAM 345

6/24/2005



Attachment A

1,100 550 0 1,100 Feet

CPA2002-04
CALOOSAHATCHEE SHORES COMMUNITY PLAN
BoCC SPONSORED
AMENDMENT
TO THE

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

ATTACHMENT B

BoCC Adoption Document

Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(239) 479-8585

October 23, 2003

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2002-04**



Text Amendment



Map Amendment

<input type="checkbox"/>	This Document Contains the Following Reviews:
<input type="checkbox"/>	Staff Review
<input type="checkbox"/>	Local Planning Agency Review and Recommendation
<input type="checkbox"/>	Board of County Commissioners Hearing for Transmittal
<input type="checkbox"/>	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
<input type="checkbox"/>	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: March 14, 2003

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. SPONSOR/APPLICANT:

A. SPONSOR:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

B. APPLICANT

THE EAST LEE COUNTY COUNCIL
REPRESENTED BY VANASSE & DAYLOR

2. REQUEST:

Amend the Future Land Use Element of the Lee Plan, text and Future Land Use Map series to incorporate the recommendations of the Caloosahatchee Shores Community Planning effort, establish a

revised Vision Statement and definition of density, establish a new Goal 13 and subsequent Objectives and Policies.

B. LANGUAGE TRANSMITTED BY THE BOCC:

VISION STATEMENT:

4. Fort Myers Shores - This Community is located south of the Caloosahatchee river, west 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 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.

Palm Beach Boulevard: The Palm Beach Blvd. Community actually encompasses part of the City of Fort Myers and is bounded by Billy's Creek on the west and south, I-75 on the east, and Caloosahatchee River on the north. This is one of the older urban areas of Lee County and Fort Myers, and it has experienced significant demographic and economic change over the last decade. The future vision is of an attractive, mixed-use community with an abundance of employment and shopping opportunities. Palm Beach Blvd. will be improved with medians and landscaping, and an effort will be made to renovate and beautify aging commercial centers along the corridor. Opportunities for mixed use developments within obsolete commercial centers and a general upgrading of the housing stock will be a priority.

GOAL 13: CALOOSAHATCHEE SHORES: To protect the existing character, natural resources and quality of life in Caloosahatchee Shores, while promoting new development, redevelopment and maintaining a more rural identity for the neighborhoods east of I-75 by establishing minimum aesthetic requirements, planning the location and intensity of future commercial and residential uses, and providing incentives for redevelopment, mixed use development and pedestrian safe environments. This Goal and subsequent objectives and policies apply to the Caloosahatchee Shores boundaries as depicted on Map 1, page 2 of 5 in the Appendix.

OBJECTIVE 13.1: COMMUNITY CHARACTER. The Caloosahatchee Shores community will draft and submit regulations, policies and discretionary actions affecting the character and aesthetic appearance of the Caloosahatchee Shores for Lee County to consider for adoption and enforcement to help create a visually attractive community.

POLICY 13.1.1: By the end of 2004, the Caloosahatchee Shores community will draft and submit regulations for Lee County to review and consider for amendment or adoption as Land Development Code regulations that provide for enhanced landscaping, signage and architectural standards consistent with the Community Vision.

POLICY 13.1.2: In order to maintain the Old Florida rural identity for the Caloosahatchee Shores Community, commercial developments are encouraged to use vernacular Florida architectural styles for all buildings. The use of Mediterranean styles of architecture is discouraged.

POLICY 13.1.3: Lee county is discouraged from approving any deviation that would result in a reduction of landscaping, buffering, signage guidelines or compliance with architectural standards.

OBJECTIVE 13.2: COMMERCIAL LAND USES. Existing and future county regulations, land use interpretations, policies, zoning approvals, and administrative actions should be undertaken in an effort to promote the goal of commercial redevelopment along SR 80 and increased commercial opportunities to service the needs of the Caloosahatchee Shores community and surrounding areas. County regulations should attempt to ensure that commercial areas maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture, lighting and signage. Commercial land uses must be designed to be compatible with and further the historic character and identity of existing rural Old Florida and Florida Vernacular styles of architecture and the historic identity of Olga.

POLICY 13.2.1: To service the retail needs of Caloosahatchee Shores and the surrounding rural communities, the intersection of SR 80 and SR 31, north of SR 80 and east and west of SR 31 are designated as commercial nodes to allow for greater commercial intensity. Commercial nodes are intended for development or redevelopment at Community Commercial levels as defined in Policy 6.1.2 of the Lee Plan.

POLICY 13.2.2: In order to protect the rural residential character of Buckingham Road, new retail uses along Buckingham Road outside the commercial node identified on Map 19, will be discouraged.

POLICY 13.2.3: Minor commercial uses, public facilities, and recreational areas are encouraged at or near the intersection (within 660 feet of the adjoining rights of way of the intersection roads) of Old Olga Road and South Olga Drive. Minor commercial uses that are intended to service the needs of the immediate neighbors, are designated through landscaping, architectural standards and pedestrian facilities to be visually and functionally compatible with surrounding residential uses, and are designed to promote the vision of a pedestrian oriented village, are encouraged and are not required to meet the retail site location standards in Policy 6.1.2 at this intersection.

POLICY 13.2.4: Commercial developments within the Caloosahatchee Shores Community must provide interconnect opportunities with adjacent commercial uses in order to minimize access points onto primary road corridors; and residential developments should provide interconnect opportunities with commercial areas, including but not limited to bike paths, pedestrian access ways and equestrian trails.

POLICY 13.2.5: To promote the redevelopment of commercial uses along SR 80, Commercial uses are encouraged to increase lot depth and size by extending north of SR 80 to First Street. Lee County will encourage the use of First Street as a reverse frontage Road to provide access. This policy hereby adopts Attachment #1 as a conceptual redevelopment plan for this corridor.

OBJECTIVE 13.3: RESIDENTIAL USES: Lee County will protect and enhance the residential character of the Caloosahatchee Shores Community by strictly evaluating adjacent uses, natural resources, access and recreational or open space.

POLICY 13.3.1: By the end of 2004, the Caloosahatchee Shores community will draft and submit regulations and policies for Lee County to review and consider for amendment or adoption as regulations in the Land Development Code to provide for greater buffering between distinctly different adjacent commercial and residential properties, modified however when a project is of mixed use nature.

OBJECTIVE 13.4: MIXED USE DEVELOPMENT. Lee County will encourage mixed-use developments in specific areas of the Caloosahatchee Shores planning area through a variety of incentives.

POLICY 13.4.1: With the exception of mixed-use projects, residential uses fronting SR 80 and Buckingham Road are limited to no more than four dwelling units per acre.

POLICY 13.4.2: Mixed-use developments, as defined in the Lee Plan, and mixed-use developments containing both commercial and residential uses within the same structure and a that provide for an integration of commercial with residential uses with pedestrian linkages re strongly encouraged at the commercial nodes of SR 80 and SR 31 and SR 80 and Buckingham Road, as well as the commercial strip between First Street and SR 80 in Fort Myers Shores. With the exception of SR 80 and SR 31, which will be allowed densities consistent with the Urban Community future land use designation, mixed-use developments will be limited to six dwelling units per acre at those locations.

- ▼ Bicycle & Pedestrian facilities will be provided throughout the development. Connections between all uses are required to facilitate these alternative modes of transportation. When possible, connections to adjacent developments will be provided.
- ▼ Vehicular connections between residential and non-residential uses will be provided to facilitate the internal capture of trips. When possible, connections to adjacent developments will be made to provide alternative access to the non-residential components of this development other than the arterial interchange of SR 80 and SR 31. Non-residential components at SR 80 and Buckingham Road should, when possible, provide alternative access off of Buckingham Road and Non-residential components at SR 80 and First Street should, when possible, provide alternative access off of First Street.

POLICY 13.4.3: Any existing or future regulation in the Land Development Code that is shown by the applicant of a planned development to inhibit the development of a mixed-use project will be given strong consideration for a waiver. By the end of 2004, the Caloosahatchee Shores community will draft and submit regulations and policies for Lee County to review and consider for amendment or adoption as Land Development Code regulations that encourage mixed-use developments.

OBJECTIVE 13.5: COMMUNITY FACILITIES/PARKS. Lee County will work with the Caloosahatchee Shores Community to provide and facilitate the provision of a broad mix of Community Facilities.

POLICY 13.5.1: The Caloosahatchee Shores Community will work with Lee County, the State of Florida and the National Parks Service to provide appropriate passive recreational opportunities, parks, nature, pedestrian and equestrian trails, potentially enhanced by public/private partnerships. This may include easy access, parking, trails, and other non-intrusive uses.

POLICY 13.5.2: Lee County will work with the community and private landowners to identify opportunities to maintain and enhance public access to the Caloosahatchee River, including access through the Florida Power and Light Plant. All new development of commercial, industrial or public facility properties along the Caloosahatchee River are strongly encouraged to provide for public access to the riverfront.

POLICY 13.5.3: Lee County will work with the community to ensure that the development of new parks or enhancement of existing parks meets the recreational needs of the community and are integrated into the surrounding developments and open space areas. The concept would be for a park to act as a hub, connected to other open space/recreational opportunities through pedestrian bicycle or equestrian linkages, either along public rights of way or through adjacent developments.

POLICY 13.5.4: Lee County Department of Parks and Recreation will work with the residents of the Caloosahatchee Shores to publicize and increase the usage of existing public parks and recreation facilities.

OBJECTIVE 13.6: PUBLIC PARTICIPATION. Lee County will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals.

POLICY 13.6.1: As a courtesy, Lee County will register citizen groups and civic organizations within the Caloosahatchee Shores Planning Community that desire notification of pending review of Land Development Code amendments and Lee Plan amendments. Upon registration, Lee County will provide registered groups with documentation regarding these pending amendments. This notice is a courtesy only and is not jurisdictional. Accordingly, the county's failure to mail or to timely mail the notice, or failure of a group to receive mailed notice, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

POLICY 13.6.2: The Caloosahatchee Shores Community will establish a "document clearing house", where copies of selected zoning submittal documents, staff reports, Hearing Examiner recommendations and resolutions will be provided for public inspection. The County's failure to provide or to timely provide documents to the document clearing house, or failure of the document clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

POLICY 13.6.3: The owner or agent for any Planned Development request within the Caloosahatchee Shores Community must conduct one public informational session where the agent will provide a general overview of the project for any interested citizens. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed.

Density - The number of residential dwelling or housing units per gross acre (du/acre). Densities specified in this plan are gross residential densities. For the purpose of calculating gross residential density, the total acreage of a development includes those lands to be used for residential uses, and includes land within the development proposed to be used for streets and street rights of way, utility right-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 water bodies contained within the residential development. Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included. Within the Caloosahatchee Shores community in the areas identified by Policy 13.4.2 commercial development that includes commercial and residential uses within the same project or the same building do not have to exclude the commercial lands from the density calculation.

PROPOSED FUTURE LAND USE MAP AMENDMENTS

The BoCC recommended transmittal of the proposed a Future Land Use amendment for lands located south of Drawdy Road and east of Buckingham Road containing approximately 75 acres from the Suburban Future Land Use Category and the Rural Future Land Use Category to the Outlying Suburban future land use category, limited to 3 dwelling units per acre, and for approximately 928 acres located south of the above mentioned tract of land and east of Buckingham Road from the Rural Future Land Use Category and the Suburban Future Land Use Category to the Outlying Suburban Future Land Use Category, limited to 2 dwelling units per acre. The net result of this Future Land Use category amendment would be a reduction of approximately 823 allowable residential units.

The BoCC also recommended transmittal of the proposed Future Land Use amendment for five tracts of land located immediately east and west of SR 31 and immediately north of State Route 80 containing approximately 42 acres from the Suburban Future Land Use Category to the Urban Community Future Land Use Category and recommends adding those tracts of land to Map 19 of the Lee Plan, Commercial Site Location Standards.

C. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

1. RECOMMENDATION: Planning staff recommends that the Board of County Commissioners transmit the proposed amendment as provided below. With the exception of Policy 13.5.2, this recommendation includes revisions made by the Local Planning Agency at Public Hearings held on March 24, April 28, and May 28, 2003 that were not part of staff's original recommendation. With the exception of Policy 13.5.2, staff agrees with the changes made to their original recommendation.

The following recommendation for transmittal includes all changes made since the March 24 LPA public hearing. With the exception of the strike through shown in the Fort Myers Shores Vision statement, previous edits to staff original recommendation are not shown in this section. Those changes are included in Part I, Section C below. Changes made following the May 28 LPA public hearing are shown in bold underline, strike through.

VISION STATEMENT:

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.

~~The population of the fort Myers Shores community is also expected to grow from a 1996 population of 12,000 to approximately 14,000. However, that amount of commercial building is expected to nearly double by 2020 and the amount of industrial land is expected to increase by 10 fold. Currently, this community contains commercial outlets which accommodate the needs of its residents as well as those from neighboring communities such as Alva and Buckingham. There are two major shopping areas in this community to satisfy~~

resident's primary commercial needs. The residents of this community still utilize commercial establishments in the more urbanized areas for much of their commercial needs. During the life of this plan this community will develop as a commercial/employment center for the adjacent communities which will retain their rural character. (Added by Ordinance No. 99-15)

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 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.

Palm Beach Boulevard: The Palm Beach Blvd. Community actually encompasses part of the City of Fort Myers and is bounded by Billy's Creek on the west and south, I75 on the east, and Caloosahatchee River on the north. This is one of the older urban areas of Lee County and Fort Myers, and it has experienced significant demographic and economic change over the last decade. The future vision is of an attractive, mixed-use community with an abundance of employment and shopping opportunities. Palm Beach Blvd. Will be improved with medians and landscaping, and an effort will be made to renovate and beautify aging commercial centers along the corridor. Opportunities for mixed use developments within obsolete commercial centers and a general upgrading of the housing stock will be a priority.

GOAL 13: CALOOSAHATCHEE SHORES: To protect the existing character, natural resources and quality of life in Caloosahatchee Shores, while promoting new development, redevelopment and maintaining a more rural identity for the neighborhoods east of I-75 by establishing minimum aesthetic requirements, planning the location and intensity of future commercial and residential uses, and providing incentives for redevelopment, mixed use development and pedestrian safe environments. This Goal and subsequent objectives and policies apply to the Caloosahatchee Shores boundaries as depicted on Map 1, page 2 of 5 in the Appendix.

OBJECTIVE 13.1: COMMUNITY CHARACTER. The Caloosahatchee Shores community will draft and submit regulations, policies and discretionary actions affecting the character and aesthetic appearance of the Caloosahatchee Shores for Lee County to consider for adoption and enforcement to help create a visually attractive community.

POLICY 13.1.1: By the end of 2004, the Caloosahatchee Shores community will draft and submit regulations for Lee County to review and consider for amendment or adoption as Land Development Code regulations that provide for enhanced landscaping, signage and architectural standards consistent with the Community Vision.

POLICY 13.1.2: In order to maintain the Old Florida rural identity for the Caloosahatchee Shores Community, commercial developments are encouraged to use vernacular Florida architectural styles for all buildings. The use of Mediterranean styles of architecture is discouraged.

POLICY 13.1.3: Lee county is discouraged from approving any deviation that would result in a reduction of landscaping, buffering, signage guidelines or compliance with architectural standards.

OBJECTIVE 13.2: COMMERCIAL LAND USES. Existing and future county regulations, land use interpretations, policies, zoning approvals, and administrative actions should be undertaken in an effort to promote the goal of commercial redevelopment along SR 80 and increased commercial opportunities to service the needs of the Caloosahatchee Shores community and surrounding areas. County regulations must should attempt to ensure that commercial areas maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture, lighting and signage. Commercial land uses must be designed to be compatible with and further the historic character and identity of existing rural Old Florida and Florida Vernacular styles of architecture and the historic identity of Olga.

POLICY 13.2.1: To service the retail needs of Caloosahatchee Shores and the surrounding rural communities, the intersection of SR 80 and SR 31, **north of SR 80 and east and west of SR 31** are designated as commercial nodes to allow for greater commercial intensity. Commercial nodes are intended for development or redevelopment at Community Commercial levels as defined in Policy 6.1.2 of the Lee Plan.

POLICY 13.2.2: In order to protect the rural residential character of Buckingham Road, new retail uses along Buckingham Road outside the commercial node identified on Map 19, will be discouraged.

POLICY 13.2.3: Minor commercial uses, public facilities, and recreational areas are encouraged at or near the intersection (within 660 feet of the adjoining rights of way of the intersection roads) of Old Olga Road and South Olga Drive. Minor commercial uses that are intended to service the needs of the immediate neighbors, are designated through landscaping, architectural standards and pedestrian facilities to be visually and functionally compatible with surrounding residential uses, and are designed to promote the vision of a pedestrian oriented village, are encouraged and are not required to meet the retail site location standards in Policy 6.1.2 at this intersection.

POLICY 13.2.4: Commercial developments within the Caloosahatchee Shores Community must provide interconnect opportunities with adjacent commercial uses in order to minimize access points onto primary road corridors; and residential developments should provide interconnect opportunities with commercial areas, including but not limited to bike paths, pedestrian access ways and equestrian trails.

POLICY 13.2.5: To promote the redevelopment of commercial uses along SR 80, Commercial uses are encouraged to increase lot depth and size by extending north of SR 80 to First Street. Lee County will encourage the use of First Street as a reverse frontage Road to provide access. This policy hereby adopts Attachment #1 as a conceptual redevelopment plan for this corridor.

OBJECTIVE 13.3: RESIDENTIAL USES. Lee County will protect and enhance the residential character of the Caloosahatchee Shores Community by strictly evaluating adjacent uses, natural resources, access and recreational or open space.

POLICY 13.3.1: By the end of 2004, the Caloosahatchee Shores community will draft and submit regulations and policies for Lee County to review and consider for amendment or adoption as regulations in the Land Development Code to provide for greater buffering between distinctly different adjacent commercial and residential properties, modified however when a project is of mixed use nature.

OBJECTIVE 13.4: MIXED USE DEVELOPMENT. Lee County will encourage mixed-use developments in specific areas of the Caloosahatchee Shores planning area through a variety of incentives.

POLICY 13.4.1: With the exception of mixed-use projects, residential uses fronting SR 80 and Buckingham Road are limited to ~~three~~ **no more than four** dwelling units per acre. ~~Multi-story apartment buildings are prohibited.~~

POLICY 13.4.2: Mixed-use developments, as defined in the Lee Plan, and mixed-use developments containing both commercial and residential uses within the same structure and a that provide for an integration of commercial with residential uses with pedestrian linkages re strongly encouraged at the commercial nodes of SR 80 and SR 31 and SR 80 and Buckingham Road, as well as the commercial strip between First Street and SR 80 in Fort Myers Shores. With the exception of SR 80 and SR 31, which will be allowed densities consistent with the Urban Community future land use designation, mixed-use developments will be limited to six dwelling units per acre at those locations.

- ▼ Bicycle & Pedestrian facilities will be provided throughout the development. Connections between all uses are required to facilitate these alternative modes of transportation. When possible, connections to adjacent developments will be provided.
- ▼ Vehicular connections between residential and non-residential uses will be provided to facilitate the internal capture of trips. When possible, connections to adjacent developments will be made to provide alternative access to the non-residential components of this development other than the arterial interchange of SR 80 and SR 31. Non-residential components at SR 80 and Buckingham Road should, when possible, provide alternative access off of Buckingham Road and Non-residential components at SR 80 and First Street should, when possible, provide alternative access off of First Street.

POLICY 13.4.3: Any existing or future regulation in the Land Development Code that is shown by the applicant of a planned development to inhibit the development of a mixed-use project will be given strong consideration for a waiver. By the end of 2004, the Caloosahatchee Shores community will draft and submit regulations and policies for Lee County to review and consider for amendment or adoption as Land Development Code regulations that encourage mixed-use developments.

OBJECTIVE 13.5: COMMUNITY FACILITIES/PARKS. Lee County will work with the Caloosahatchee Shores Community to provide and facilitate the provision of a broad mix of Community Facilities.

POLICY 13.5.1: The Caloosahatchee Shores Community will work with Lee County, the State of Florida and the National Parks Service to provide appropriate passive recreational opportunities, parks, nature, pedestrian and equestrian trails, potentially enhanced by public/private partnerships. This may include easy access, parking, trails, and other non-intrusive uses.

POLICY 13.5.2: Where practicable, Bikeways, pedestrian ways and equestrian trails along collector or arterial roads should be separated from the edge of pavement.

Policy 13.5.2 was recommended for transmittal by the LPA at the April 28 public hearing and DOT staff agreed to that language at that time. After further consideration, DOT staff recommended at the May 28 LPA public hearing that Policy 13.5.2 not be transmitted. The LPA recommendation for transmittal has not changed.

POLICY 13.5.3: Lee County will work with the community and private landowners to identify opportunities to maintain and enhance public access to the Caloosahatchee River, including access through the Florida Power and Light Plant. All new development of commercial, industrial or public facility properties along the Caloosahatchee River are strongly encouraged to provide for public access to the riverfront.

POLICY 13.5.4: Lee County will work with the community to ensure that the development of new parks or enhancement of existing parks meets the recreational needs of the community and are integrated into the surrounding developments and open space areas. The concept would be for a park to act as a hub, connected to other open space/recreational opportunities through pedestrian bicycle or equestrian linkages, either along public rights of way or through adjacent developments.

POLICY 13.5.5: Lee County Department of Parks and Recreation will work with the residents of the Caloosahatchee Shores to publicize and increase the usage of existing public parks and recreation facilities.

OBJECTIVE 13.6: PUBLIC PARTICIPATION. Lee County will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals.

POLICY 13.6.1: As a courtesy, Lee County will register citizen groups and civic organizations within the Caloosahatchee Shores Planning Community that desire notification of pending review of Land Development Code amendments and Lee Plan amendments. Upon registration, Lee County will provide registered groups with documentation regarding these pending amendments. This notice is a courtesy only and is not jurisdictional. Accordingly, the county's failure to mail or to timely mail the notice, or failure of a group to receive mailed notice, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

POLICY 13.6.2: The Caloosahatchee Shores Community will establish a "document clearing house", where copies of selected zoning submittal documents, staff reports, Hearing Examiner recommendations and resolutions will be provided for public inspection. The County's failure to provide or to timely provide documents to the document clearing house, or failure of the document clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

POLICY 13.6.3: The owner or agent for any Planned Development request within the Caloosahatchee Shores Community must conduct one public informational session where the agent will provide a general overview of the project for any interested citizens. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed.

Density - The number of residential dwelling or housing units per gross acre (du/acre). Densities specified in this plan are gross residential densities. For the purpose of calculating gross residential density, the total acreage of a development includes those lands to be used for residential uses, and includes land within the development proposed to be used for streets and street rights of way, utility right-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 water bodies contained within the residential development. Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included. Within the Caloosahatchee Shores community in the areas identified by Policy 13.4.2 commercial development that includes commercial and residential uses within the same project or the same building do not have to exclude the commercial lands from the density calculation.

PROPOSED FUTURE LAND USE MAP AMENDMENTS

Staff recommends transmittal of the proposed a Future Land Use amendment for lands located south of Drawdy Road and east of Buckingham Road containing approximately 75 acres from the Suburban Future Land Use Category and the Rural Future Land Use Category to the Outlying Suburban future land use category, limited to 3 dwelling units per acre, and for approximately 928 acres located south of the above mentioned tract of land and east of Buckingham Road from the Rural Future Land Use Category and the Suburban Future Land Use

Category to the Outlying Suburban Future Land Use Category, limited to 2 dwelling units per acre. The net result of this Future Land Use category amendment would be a reduction of approximately 823 allowable residential units.

Staff also recommends transmittal of the proposed Future Land Use amendment for lands located immediately east and west of SR 31 and immediately north of State Route 80 containing approximately 42 acres from the Suburban Future Land Use Category to the Urban Community Future Land Use Category and recommends adding those tracts of land to Map 19 of the Lee Plan, Commercial Site Location Standards.

D. REVISED RECOMMENDATION FOLLOWING THE MARCH 24 AND APRIL 28 LPA PUBLIC HEARINGS:

This section shows staff's original recommendation that was provided to the LPA and changes that were made following the March 24 and April 28 LPA public hearings. Staff agrees with those changes as presented below.

At the March 24 LPA public hearing, the LPA directed staff to work with the applicant to resolve differences of opinion on some of the proposed policies, the proposed Vision Statement, and to the proposed Future Land Use map changes. After considering concerns and comments raised at the March 24 LPA meeting and after meeting with the applicant to discuss changes, staff is making the following recommendation for transmittal of the proposed new Goal 13 of the Lee Plan. All changes to the recommendations that were made for the March 24 LPA meeting are in bold, double underline, strikethrough.

At the April 28 LPA public hearing staff presented revised recommendations on several policies. The LPA recommended for transmittal several of those policies, some with modifications. The LPA directed staff to work on Policy 13.3.2 pertaining to mixed use developments and to revise the proposed new definition of density, if necessary.

After taking into consideration comments received by the LPA and by the public at the April 28 public hearing, staff has revised its recommendation on then Policy 13.3.2 and on the definition of density. Those new recommendations are shown in below in bold, double underline italic and a discussion is provided in part II of this report.

VISION STATEMENT:

~~Fort Myers Shores Caloosahatchee Shores - This Community is located south of the Caloosahatchee River, east west of Hickey Creek, and north of the Orange River; and, along I-75 west and north of the Buckingham Rural Community Preserve, north of SR 82 and east of the City of Fort Myers to I-75. This community contains four two areas major neighborhoods: Fort Myers Shores, Morse Shores, Tice and Olga. The Fort Myers Shores, Morse Shores, and Tice areas are similar in character and will have similar development patterns for the next 20 years. The Olga area Caloosahatchee Shores Planning Community has a more rural/historic character, but and is anticipated to grow slightly slower than the other areas of this community substantially over the life of this plan. This area also has a mixture of future land use designations. The majority of the land is designated Suburban, Rural, or Urban Community; however, there are some lands designated~~

Intensive Development, Central Urban, Public Facilities, Industrial Interchange Area, and General Interchange:

~~The population of the Fort Myers Shores community is also expected to grow from a 1996 population of 12,000 to approximately 1424,000. Due to the rapid rise in population and limitations on commercial development by surrounding communities, However, the amount of commercial building is expected to nearly will more than double by 2020 and the amount of industrial land is expected to increase by 10 fold. 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. There are two major s Shopping areas in this community are concentrated along the SR 80 corridor with specific commercial nodes for higher intensity development to satisfy resident's primary commercial needs. The residents of this community still utilize commercial establishments in the more urbanized areas for much of their commercial needs. During the life of this plan this community will continue to develop as a commercial/employment center for the adjacent communities which will retain their rural character. (Added by Ordinance No. 99-15)~~

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 ~~four areas: Fort Myers Shores, Morse Shores, Tice and Olga. The Fort Myers Shores, Morse Shores, and Tice areas are similar in character and will have similar development patterns for the next 20 years. The Olga area has a more rural/historic character and is anticipated to grow slightly slower than the other areas of this community.~~ 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, Rural, or Urban Community; however, there are some lands designated Intensive Development, Central Urban, Public Facilities, Industrial Interchange Area and General Interchange.

~~The population of the fort Myers Shores community is also expected to grow from a 1996 population of 12,000 to approximately 14,000. However, that amount of commercial building is expected to nearly double by 2020 and the amount of industrial land is expected to increase by 10 fold. Currently, this community contains commercial outlets which accommodate the needs of its residents as well as those from neighboring communities such as Alva and Buckingham. There are two major shopping areas in this community to satisfy resident's primary commercial needs. The residents of this community still utilize commercial establishments in the more urbanized areas for much of their commercial needs. During the life of this plan this community will develop as a commercial/employment center for the adjacent communities which will retain their rural character. (Added by Ordinance No. 99-15)~~

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 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.

Palm Beach Boulevard: The Palm Beach Blvd. Community actually encompasses part of the City of Fort Myers and is bounded by Billy's Creek on the west and south, I75 on the east, and Caloosahatchee River on the north. This is one of the older urban areas of Lee County and Fort Myers, and it has experienced significant demographic and economic change over the last decade. The future vision is of an attractive, mixed-use community with an abundance of employment and shopping opportunities. Palm Beach Blvd. Will be improved with medians and landscaping, and an effort will be made to renovate and beautify aging commercial centers along the corridor. Opportunities for mixed use developments within obsolete commercial centers and a general upgrading of the housing stock will be a priority.

GOAL 13: CALOOSAHATCHEE SHORES. To protect the existing character, natural resources and quality of life in Caloosahatchee Shores, while promoting new development, redevelopment and maintaining a somewhat rural unique identity for the neighborhoods east of I-75 by establishing minimum aesthetic requirements, planning the location and intensity of future commercial and residential uses, and providing incentives for redevelopment, mixed use development and pedestrian safe environments. This Goal and subsequent objectives and policies apply to the Caloosahatchee Shores boundaries as depicted on Map 1.

OBJECTIVE 13.1: COMMUNITY CHARACTER. The Caloosahatchee Shores community will draft and submit regulations, policies and discretionary actions affecting the character and aesthetic appearance of the Caloosahatchee Shores for Lee County to consider for adoption and enforcement to help create a visually attractive community.

POLICY 13.1.1: By the end of 2004, the Caloosahatchee Shores community will draft and submit regulations for Lee County to review and consider for amendment or adoption as Land Development Code regulations that provide for enhanced landscaping, signage and architectural standards consistent with the Community Vision.

POLICY 13.1.2: In order to maintain the Old Florida rural identity for the Caloosahatchee Shores Community, commercial developments are encouraged to use vernacular Florida architectural styles for all buildings. The use of Mediterranean styles of architecture is discouraged.

POLICY 13.1.3: Lee county is discouraged from approving any deviation that would result in a reduction of landscaping, buffering, signage guidelines or compliance with architectural standards.

POLICY 13.1.4: By the end of 2004, Lee County will either hire a professional architect licensed in the State of Florida to interpret and implement the county's and the community's design guidelines or allow for the creation of a similarly qualified community review committee.

OBJECTIVE 13.2: COMMERCIAL LAND USES. Existing and future county regulations, land use interpretations, policies, zoning approvals, and administrative actions ~~must~~ should be undertaken in an effort to promote the goal of commercial redevelopment along SR 80 and increased commercial opportunities to service the needs of the Caloosahatchee Shores community and surrounding areas. County regulations ~~must~~ should attempt to ensure that commercial areas maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture, lighting and signage, ~~and provide for employment opportunities.~~ Commercial land uses must be designed to be compatible with and further the historic character and identity of existing rural Old Florida and Florida Vernacular styles of architecture and the historic identity of Olga.

POLICY 13.2.1: To service the retail needs of Caloosahatchee Shores and the surrounding rural communities, the intersection of SR 80 and SR 31 are designated as commercial nodes to allow for greater commercial intensity. Commercial nodes are intended for development or redevelopment at Community Commercial levels as defined in Policy 6.1.2 of the Lee Plan.

POLICY 13.2.2: In order to protect the rural residential character of Buckingham Road, new retail uses along Buckingham Road outside the commercial node identified on Map 19, will be discouraged.

POLICY 13.2.3: Minor commercial uses, public facilities, and recreational areas are encouraged at or near the intersection (within 660 feet of the adjoining rights of way of the intersection roads) of Old Olga Road and South Olga Drive. Minor commercial uses that are intended to service the needs of the immediate neighbors, are designated through landscaping, architectural standards and pedestrian facilities to be visually and functionally compatible with surrounding residential uses, and are designed to promote the vision of a pedestrian oriented village, are encouraged and are not required to meet the retail site location standards in Policy 6.1.2 at this intersection.

POLICY 13.2.4: Commercial developments within the Caloosahatchee Shores Community must provide interconnect opportunities with adjacent commercial uses in order to minimize access points onto primary road corridors; and residential developments should provide interconnect opportunities with commercial areas, including but not limited to bike paths, pedestrian access ways and equestrian trails.

POLICY 13.2.5: To promote the redevelopment of commercial uses along SR 80. Commercial uses are encouraged to increase lot depth and size by extending north of SR 80 to First Street. Lee County will encourage the use of First Street as a reverse frontage Road to provide access. This policy hereby adopts Attachment #1 as a conceptual redevelopment plan for this corridor.

OBJECTIVE 13.3: RESIDENTIAL USES. Lee County ~~must~~ will protect and enhance the residential character of the Caloosahatchee Shores Community by strictly evaluating adjacent uses, natural resources, access and recreational or open space.

POLICY 13.3.1: By the end of 2004, the Caloosahatchee Shores community will draft and submit regulations and policies for Lee County to review and consider for amendment or adoption as regulations in the Land Development Code to provide for greater buffering between distinctly different adjacent commercial and residential properties, modified however when a project is of mixed use nature.

POLICY 13.3.2: With the exception of mixed-use projects, higher density residential uses, including multi-story apartment buildings are prohibited along SR 80 and Buckingham Road.

POLICY 13.3.3: Mixed use developments that provide for an integration of commercial with residential uses with pedestrian linkages will be strongly encouraged at the commercial nodes of SR 80 and SR 31 and SR 80 and Buckingham Road, as well as the commercial strip between First Street and SR 80 in Fort Myers Shores. In these areas, higher density residential development, especially to accommodate affordable housing opportunities, will be supported, with a variety of incentives.

POLICY 13.3.2: *With the exception of mixed-use projects, residential uses fronting SR 80 and Buckingham Road are limited to three dwelling units per acre. Multi story apartment buildings are prohibited. Mixed-use developments containing both commercial and residential uses within the same structure are strongly encouraged at the commercial nodes of SR 80 and SR 31 and SR 80 and Buckingham Road, as well as the commercial strip between First Street and SR 80 in Fort Myers Shores. Mixed-use structures at those locations are limited to six dwelling units per acre.*

OBJECTIVE 13.4.1: MIXED USE DEVELOPMENT. Lee County will encourage mixed-use developments in specific areas of the Caloosahatchee Shores planning area through a variety of incentives.

POLICY 13.4.1: *With the exception of mixed-use projects, residential uses fronting SR 80 and Buckingham Road are limited to three dwelling units per acre. Multi-story apartment buildings are prohibited.*

POLICY 13.4.2: Mixed-use developments, as defined in the Lee Plan, and mixed-use developments containing both commercial and residential uses within the same structure and a that provide for an integration of commercial with residential uses with pedestrian linkages re strongly encouraged at the commercial nodes of SR 80 and SR 31 and SR 80 and Buckingham Road, as well as the commercial strip between First Street and SR 80 in Fort Myers Shores. With the exception of SR 80 and SR 31, which will be allowed densities consistent with the Urban Community future land use designation, mixed-use developments will be limited to six dwelling units per acre at those locations.

- ▼ **Bicycle & Pedestrian facilities will be provided throughout the development. Connections between all uses are required to facilitate these alternative modes of transportation. When possible, connections to adjacent developments will be provided.**
- ▼ **Vehicular connections between residential and non-residential uses will be provided to facilitate the internal capture of trips. When possible, connections to adjacent developments will be made to provide alternative access to the non-residential components of this development other than the arterial interchange of SR 80 and SR 31. Non-residential components at SR 80 and Buckingham Road should, when possible, provide alternative access off of Buckingham Road and Non-residential components at SR 80 and First Street should, when possible, provide alternative access off of First Street.**

POLICY 13.3.4.3: Any existing or future regulation in the Lee Plan or the Land Development Code that is shown by the applicant of a planned development to inhibit the development of a mixed-use project will be waived given strong consideration for a waiver. By the end of 2004, the Caloosahatchee Shores community will draft and submit regulations and policies for Lee County to review; and consider for amendment or adoption as Land Development Code regulations that encourage mixed-use developments.

OBJECTIVE 13.4: PUBLIC INFRASTRUCTURE. Lee County will work with appropriate governmental agencies to ensure that key wetland and native upland habitats as well as natural water bodies in the Caloosahatchee Shores Community are protected.

POLICY 13.4.1: Lee County, or another authorized agency, will work to provide alternative irrigation sources (re-use, Aquifer Storage and Recovery Water, or mixed-non-potable) or financial incentives to provide non-potable irrigation water to uses within the Caloosahatchee Shores Community. This is desired to discourage the proliferation of private, single user wells and maximize the conservation of groundwater.

OBJECTIVE 13.65: COMMUNITY FACILITIES/PARKS. Lee County will work with the Caloosahatchee Shores Community to provide and facilitate the provision of a broad mix of Community Facilities.

POLICY 13.65.1: The Caloosahatchee Shores Community will work with Lee County, the State of Florida and the National Parks Service to provide appropriate passive recreational opportunities, parks, nature, pedestrian and equestrian trails, potentially enhanced by public/private partnerships. This may include easy access, parking, trails, and other non-intrusive uses.

POLICY 13.65.2: *Where practicable*, Bikeways, pedestrian ways and equestrian trails along collector or arterial roads ~~must~~*should* be separated from the edge of pavement. ~~by a minimum 4 foot planting strip.~~

At the March 24 LPA public hearing staff had recommended that Policy 13.5.3 not be transmitted. The revised recommendation includes portions of that policy that were in the original submittal from the applicant.

POLICY 13.5.3: Lee County will work with the community and private landowners to identify opportunities to maintain and enhance public access to the Caloosahatchee River, including access through the Florida Power and Light Plant., The Franklin Locks and marinas that are open to the public. Lee County Parks and Recreation will emphasize the acquisition of waterfront property for new parks. Lands along the Orange River or the Caloosahatchee River acquired through the 2020 Conservation Program ~~must~~*will* provide reasonable public access to the riverfront where appropriate and feasible as determined by the Conservation Lands Acquisition and Stewardship Advisory Committee. All new development of commercial, industrial or public facility properties along the Caloosahatchee River are strongly encouraged to provide for public access to the riverfront.

~~Policy 13.5.3: Lands along the Orange River or and the Caloosahatchee River acquired through the 2020 Conservation Program are encouraged to provide reasonable public access to the riverfront. The appropriateness of public access will be evaluated in the management plan for each preserve area and will include public input.~~

POLICY 13.5.4: Lee County will work with the community to ensure that the development of new parks or enhancement of existing parks meets the recreational needs of the community and are integrated into the surrounding developments and open space areas. The concept would be for a park to act as a hub, connected to other open space/recreational opportunities through pedestrian bicycle or equestrian linkages, either along public rights of way or through adjacent developments.

POLICY 13.5.5: Lee County Department of Parks and Recreation will work with the residents of the Caloosahatchee Shores to publicize and increase the usage of existing public parks and recreation facilities.

POLICY 13.5.6: By the end of 2003, Lee County will reevaluate the boundaries of the Impact Fee Districts to ensure that impact fee money from new development in the Caloosahatchee Shores community remains within or benefits the Caloosahatchee Shores area.

OBJECTIVE 13.6: PUBLIC PARTICIPATION. Lee County will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals.

POLICY 13.6.1 As a courtesy, Lee County will register citizen groups and civic organizations within the Caloosahatchee Shores Planning Community that desire notification of pending review of Land Development Code amendments and Lee Plan amendments. Upon registration, Lee County will provide registered groups with documentation regarding these pending amendments. This notice is a courtesy only and is not jurisdictional. Accordingly, the county's failure to mail or to timely mail the notice, or failure of a group to receive mailed notice, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

POLICY 13.6.2 The Caloosahatchee Shores Community will establish a "document clearing house", where copies of selected zoning submittal documents, staff reports, Hearing Examiner recommendations and resolutions will be provided for public inspection. The County's failure to provide or to timely provide documents to the document clearing house, or failure of the document clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

POLICY 13.6.3 The owner or agent for any Planned Development request within the Caloosahatchee Shores Community must conduct one public informational session where the agent will provide a general overview of the project for any interested citizens. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed.

The following revised definition of density that was part of the applicant's original submittal was inadvertently omitted from the March 24 staff report.

Density - The number of residential dwelling or housing units per gross acre (du/acre). Densities specified in this plan are gross residential densities. For the purpose of calculating gross residential density, the total acreage of a development includes those lands to be used for residential uses, and includes land within the development proposed to be used for streets and street rights of way, utility right-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 water bodies contained within the residential development. Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included; unless part of a fully integrated mixed use development with common utilities, drainage, parking and access ways, or a mixed-use building. Within the Caloosahatchee Shores community in the area identified by Policy 13.34.2 commercial development that includes commercial and residential uses within the same buildings project do not have to exclude the commercial lands from the density calculation.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Caloosahatchee Shores Community Plan Update has been sponsored as a community service by the East Lee County Council.
- Financial assistance has been provided by the Board of County Commissioners.
- Caloosahatchee Shores boundaries are identical to that part of the Fort Myers Shores Planning Community located east of I-75.
- The Caloosahatchee Shores Community Plan creates a new Goal 13 and associated Objectives and Policies.
- The Caloosahatchee Shores Community Plan seeks to change the future land use map by changing a portion of the Rural land use category and a portion of the Suburban land use category to Outlying Suburban at a density of two dwelling units per acre and a portion of the Suburban land use category to Outlying Suburban at a density of three dwelling units per acre.
- The Veranda development is has been approved for a density of approximately one unit per acre. The project site is located within the Suburban Future Land Use category which allows up to six dwelling units per acre. The Outlying Suburban Category allows for one to three dwelling units per acre.
- The intersection of State Route 80 and State Route 31 has a Suburban Future Land Use designation which would only allow for up to Neighborhood Commercial type uses.

The Caloosahatchee Shores community, through recommendations contained in the Caloosahatchee Shores Community Plan has expressed a desire for the following actions:

- Following adoption of this Comprehensive Plan amendment the Caloosahatchee Shores community will undertake amending or adopting Land Development Code regulations to enhance landscaping, signage and architectural standards for the community.
- Encourage old Florida styles and discourage Mediterranean architectural styles.
- Discourage Lee County from approving deviations that would result in a loosening of architectural standards in the community.
- Requiring Lee County to hire a professional architect to interpret and implement design guidelines in the County.
- Designate the intersection of State Route 80 and State Route 31 as a commercial node to allow for greater commercial intensity.

- Discourage new retail uses along Buckingham Road outside the commercial node.
- Minor commercial uses, public facilities and recreational areas are encouraged near the intersection of Old Olga Road and South Olga Drive.
- require interconnections with adjacent commercial uses in an effort to reduce the access points onto primary road corridors.
- Promote the redevelopment of commercial uses along State Rout 80.
- Following adoption of the plan amendment the community will undertake amending or adopting Land Development Code revisions to enhance buffering between commercial uses and residential uses.
- With the exception of mixed use projects, higher density residential uses will be prohibited on State Route 80 and Buckingham road.
- Encourage mixed-use projects containing commercial and residential uses with pedestrian linkages at the commercial nodes of State Route 80 and State route 31 and at State Route 80 and Buckingham Road as well as the commercial strip between First Street and State Route 80 in Fort Myers Shores.
- The community will propose land development code revisions to encourage mixed-use development by the end of 2004.
- Lee County will work to ensure that wetland and native upland habitats and natural water bodies in the Caloosahatchee Shores community are protected.
- Lee County will work to provide alternative irrigation sources or provide financial incentives to provide non-potable irrigation water within the Caloosahatchee Shores community.
- The Caloosahatchee Shores community will work to provide passive recreational opportunities, parks, nature, pedestrian and equestrian trails within their community.
- Bikeways, pedestrian ways and equestrian trails along collector and arterial roads will be required to be separated from the edge of the pavement by a minimum 4 foot planting strip.
- Lee County will work with the community and private landowners to maintain and enhance public access to the Caloosahatchee River. Lee County will emphasize the acquisition of waterfront property for new parks. Lands along the Orange River or the Caloosahatchee River acquired through the 2020 program will be required to provide access to the riverfront.

- Lee County will work to ensure that the development of new parks meets the needs of the community and that they are connected to other open space/recreational facilities with pedestrian, bicycle or equestrian linkages.
- Lee County will advertise the availability of parks in the community in an effort to increase community awareness and usage of community parks.
- Lee County will evaluate the boundaries of the Impact Fee Districts to ensure that money from within the Caloosahatchee Shores community remains within or benefits the area.
- As a courtesy, Lee County will register citizen groups and civic organizations within the Caloosahatchee Shores community that desire notification of pending review of Land Development Code amendments and Lee Plan amendments. Lee County will provide those groups with information regarding those pending amendments.
- The Caloosahatchee Shores community will establish a “document clearing house”, where copies of selected zoning submittal documents, staff reports, Hearing Examiner recommendations and resolutions will be provided for public inspection.
- The owner or agent for any Planned Development request within the Caloosahatchee Shores community must conduct one public informational session where the agent will provide a general overview of the project for interested citizens.

D. BACKGROUND INFORMATION

The Caloosahatchee Shores Community Plan was initiated by the East Lee County Council with the help of Vanasse & Daylor as the East Lee County Community Plan in February of 2002. The Planning coincided with work done on the Palm Beach Boulevard Plan whose planning boundaries are contiguous to the west.

Four community workshops were held and stakeholder interviews were conducted to gain information about the community and to determine the important issues and concerns of Caloosahatchee Shores residents. Workshops were held on February 21, 2002, March 16, 2002, May 2, 2002 and July 9, 2002. A final presentation was made by Vanasse & Daylor on August 26, 2002.

Some of the issues identified during the workshops and through stakeholder interviews were community identity, traffic, flooding, unwanted uses, desired uses, open space, landscaping, parks, architectural guidelines, real estate values and affordable housing.

Also of interest was 1003 acres, more or less, of tracts of land located immediately east of Buckingham Road and immediately north of the Buckingham Rural Community Preserve. The future land use categories of those tracts are Suburban at up to 6 dwelling units per acre and Rural at up to 1 dwelling unit per acre. The community does not feel that those land use categories are compatible with one another or with the adjacent Community Preserve. The Community is requesting that those properties be reclassified to the Outlying Suburban future land

use category and be limited to 2 dwelling units per acre for the area south of the Florida Power and Light (FPL) utility easement and 3 dwelling units per acre for the approximately 19 acres of land north of the FPL easement. That limitation of density would be nearly consistent with the Buckingham 320 master concept plan and the resolution approving said plan at just over 2 dwelling units per acre. The project was approved for 2 dwelling units per acre, but when calculating density the acres of wetlands on the site raises the overall density slightly.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

The proposed privately-initiated amendment application was received by the County on September 29, 2002. Planning staff provided copies of the proposed amendment and requested comments from various County departments, including:

- Public Safety
- EMS Division
- Lee County Sheriff
- Natural Resources Division
- Lee Tran
- Parks and Recreation
- School District of Lee County
- Lee County Department of Transportation
- Development Services Division
- Environmental Sciences Division
- Lee County Port Authority
- Economic Development
- Public Works Department
- Utilities Division
- Zoning Division
- Lee County Health Department

Comments were received from the Lee County Public Works Department, the Department of Transportation, Lee Tran and Lee County Utilities. Those comments are attached to this report.

The Caloosahatchee Shores Community Plan recommendations are organized into the six general areas listed below. The plan then identifies several more specific areas of concern which are summarized below by staff.

1. **Community Character** - Issues of concern that are identified in this objective are architectural standards, landscaping, buffering and signage guidelines.
2. **Commercial Land Uses** - The community desires to have the intersection of State Route 80 and State Route 31 designated as a commercial node and to discourage commercial uses outside of that node along

Buckingham Road. The community desires interconnections between adjacent commercial developments and to promote the redevelopment of commercial uses along State Route 80 and first street in their community.

3. **Residential Uses** - The community requests increased buffering between commercial and residential properties in their community. With the exception of mixed-use developments the community wishes to prohibit multi-unit apartment buildings along State Route 80 and encourage mixed-use commercial/residential uses at the intersection of State Route 80 and State Route 31.
4. **Public Infrastructure** - The community desires to preserve wetland and native habitats and to provide alternative irrigation sources utilizing non-potable irrigation water in an effort to maximize the conservation of water.
5. **Community Facilities/Parks** - The community desires to work with the County, State and National Parks Service to provide passive recreational opportunities including parks, nature, pedestrian and equestrian trails and to ensure the separation of said trails from roadways through the use of a minimum of four foot wide planting strips. The community also desires increased access to the Caloosahatchee River. Other issues of importance to the community are interconnections to various recreational sites through the use of pedestrian, bicycle and equestrian linkages, increasing the publicity of recreational facility availability and the use of impact fee funds generated from development within the community to be used exclusively to benefit their community.
6. **Public Participation** - Virtually the same as what has been approved for the Estero and Captiva communities, the Caloosahatchee Shores community desires to register citizen groups to receive pertinent information on pending Land Development Code amendments and Lee Plan amendments. They also wish to establish a document "clearing house", where copies of selected zoning submittal documents, staff reports, Hearing Examiner recommendations and resolutions will be housed for review by the public.

Staff's initial comments were forwarded to the consultant who then responded to each of the comments in a letter dated February 27, 2002. Staff's initial comments came from Lee County Utilities, Division of Natural Resources, Division of Public Safety, Department of Transportation, and the Florida/Lee County Health Department. The consultant's response included some revisions to the original submittal addressing many of the comments. Those revisions have been incorporated into this report and where applicable, replace the original submittal language. The February 27, 2002 letter mentioned above highlights those changes and is included as an appendix to this report.

The following section of this report includes a proposed new Vision Statement, a new Goal 13, new Objectives and Policies under Goal 13. The report also contains future land-use map revisions for three areas of the County. Specifically, approximately 1003 acres, more or less, north of the Buckingham Rural Community Preserve and East of Buckingham Road, the Veranda property located south of State Route 80 and north of the Orange River in the Fort Myers Shores planning community and, finally, the intersection of State Route 80 and State Route 31. With the exception of the Vision Statement staff's suggested changes to the applicants original language are in strike through, underline

format. Following each modification are comments and suggestions from Staff. Please note that the word "shall" has been replaced with "will" or "must" throughout the proposal in order to correspond with current language in the rest of the Lee Plan.

VISION STATEMENT:

~~Fort Myers Shores Caloosahatchee Shores~~ - This Community is located south of the Caloosahatchee River, east west of Hickey Creek, and north of the Orange River; and, along I-75 west and north of the Buckingham Rural Community Preserve, north of SR 82 and east of the City of Fort Myers to I-75. This community contains ~~four~~ two ~~areas~~ major neighborhoods: Fort Myers Shores, ~~Morse Shores~~, Tice and Olga. The Fort Myers Shores, ~~Morse Shores~~, and Tice ~~areas are similar in character and will have similar development patterns for the next 20 years.~~ The Olga area Caloosahatchee Shores Planning Community has a more rural/historic character, but ~~and~~ is anticipated to grow slightly slower than the other areas of this community substantially over the life of this plan. This area also has a mixture of future land use designations. The majority of the land is designated Suburban, Rural, or Urban Community; however, there are some lands designated ~~Intensive Development, Central Urban, Public Facilities, Industrial Interchange Area,~~ and General Interchange.

The population of the Fort Myers Shores community is also expected to grow from a 1996 population of 12,000 to approximately ~~14~~24,000. Due to the rapid rise in population and limitations on commercial development by surrounding communities, However, the amount of commercial building ~~is expected to nearly~~ will more than double by 2020 ~~and the amount of industrial land is expected to increase by 10 fold.~~ 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. ~~There are two major s~~ Shopping areas in this community are concentrated along the SR 80 corridor with specific commercial nodes for higher intensity development to satisfy resident's primary commercial needs. ~~The residents of this community still utilize commercial establishments in the more urbanized areas for much of their commercial needs.~~ During the life of this plan this community will continue to develop as a commercial/employment center for the adjacent communities which will retain their rural character. (Added by Ordinance No. 99-15)

Staff recommends that those changes not be made at this time. By amending the language as submitted a portion of the Fort Myers Shores planning community located west of I-75 has been eliminated and would no longer be accounted for. Although an explanation for the proposed increase in population projections has been offered, there is virtually no data and analysis to support the proposal. Staff recommends that the vision statements of each planning community be reviewed during the Evaluation and Appraisal report process beginning this month.

VISION STATEMENT:

~~Fort Myers Shores Caloosahatchee Shores~~ - ~~This Community is located south of the Caloosahatchee River, east west of Hickey Creek, and north of the Orange River; and, along I-75 west and north of the Buckingham Rural Community Preserve, north of SR 82 and east of the City of Fort Myers to I-75.~~ This community contains ~~four~~ two ~~areas~~ major neighborhoods: Fort Myers Shores, ~~Morse Shores~~, Tice and Olga. ~~The Fort Myers Shores, Morse Shores, and Tice areas are similar in character and will have similar development patterns for the next 20 years.~~

~~The Olga area Caloosahatchee Shores Planning Community has a more rural/historic character, but and is anticipated to grow slightly slower than the other areas of this community substantially over the life of this plan. This area also has a mixture of future land use designations. The majority of the land is designated Suburban, Rural, or Urban Community; however, there are some lands designated Intensive Development, Central Urban, Public Facilities, Industrial Interchange Area, and General Interchange.~~

~~The population of the Fort Myers Shores community is also expected to grow from a 1996 population of 12,000 to approximately 1424,000. Due to the rapid rise in population and limitations on commercial development by surrounding communities, However, the amount of commercial building is expected to nearly will more than double by 2020 and the amount of industrial land is expected to increase by 10 fold. 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. There are two major s Shopping areas in this community are concentrated along the SR 80 corridor with specific commercial nodes for higher intensity development to satisfy resident's primary commercial needs. The residents of this community still utilize commercial establishments in the more urbanized areas for much of their commercial needs. During the life of this plan this community will continue to develop as a commercial/employment center for the adjacent communities which will retain their rural character. (Added by Ordinance No. 99-15)~~

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 four areas: Fort Myers Shores, Morse Shores, Tice and Olga. The Fort Myers Shores, Morse Shores, and Tice areas are similar in character and will have similar development patterns for the next 20 years. The Olga area has a more rural/historic character and is anticipated to grow slightly slower than the other areas of this community. This area also has a mixture of future land use designations. The majority of the land is designated Suburban, Rural, or Urban Community; however, there are some lands designated Intensive Development, Central Urban, Public Facilities, Industrial Interchange Area and General Interchange.

The population of the fort Myers Shores community is also expected to grow from a 1996 population of 12,000 to approximately 14,000. However, that amount of commercial building is expected to nearly double by 2020 and the amount of industrial land is expected to increase by 10 fold. Currently, this community contains commercial outlets which accommodate the needs of its residents as well as those from neighboring communities such as Alva and Buckingham. There are two major shopping areas in this community to satisfy resident's primary commercial needs. The residents of this community still utilize commercial establishments in the more urbanized areas for much of their commercial needs. During the life of this plan this community will develop as a commercial/employment center for the adjacent communities which will retain their rural character. (Added by Ordinance No. 99-15)

The Fort Myers Shores planning community contains two separate and distinct sub-areas that have been identified through two separate community planning efforts. Those areas have been identified as Caloosahatchee Shores and Palm Beach Boulevard and are separated by I-75.

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 Preserve, north of SR82 and east 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 is 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.

Palm Beach Boulevard: The Palm Beach Blvd. Community actually encompasses part of the City of Fort Myers and is bounded by Billy's Creek on the west and south, I75 on the east, and Caloosahatchee River on the north. This is one of the older urban areas of Lee County and Fort Myers, and it has experienced significant demographic and economic change over the last decade. The future vision is of an attractive, mixed-use community with an abundance of employment and shopping opportunities. Palm Beach Blvd. Will be improved with medians and landscaping, and an effort will be made to renovate and beautify aging commercial centers along the corridor. Opportunities for mixed use developments within obsolete commercial centers and a general upgrading of the housing stock will be a priority.

The existing Vision Statement for Fort Myers Shores has been supplemented by two sub-areas which have been identified through two separate community planning efforts. Namely, the Palm Beach Boulevard and Caloosahatchee Shores community plans. Staff recommends transmittal of the modified language above.

GOAL 13: CALOOSAHATCHEE SHORES. To protect the existing character, natural resources and quality of life in Caloosahatchee Shores, while promoting new development, redevelopment and maintaining a somewhat rural ~~rural~~ unique identity for the neighborhoods east of I-75 by establishing minimum aesthetic requirements, planning the location and intensity of future commercial and residential uses, and providing incentives for redevelopment, mixed use development and pedestrian safe environments. This

Goal and subsequent objectives and policies apply to the Caloosahatchee Shores boundaries as depicted on Map 1.

Staff does not have a problem with the wording of Goal 13 other than the use of the word rural. The community is quickly becoming urbanized and with the addition of the Veranda, Hawks Haven and Buckingham 320 developments the area in question will not be considered rural by staff.

Staff recognizes that although some areas of the Caloosahatchee Shores planning area will become urbanized and will not appear what would be considered rural to many, some areas of the community will maintain a rural appearance. The revised language came about as a result of staff's meeting with community representatives and more accurately describes what the community seeks to maintain.

OBJECTIVE 13.1: COMMUNITY CHARACTER. The Caloosahatchee Shores community will draft and submit regulations, policies and discretionary actions affecting the character and aesthetic appearance of the Caloosahatchee Shores for Lee County to consider for adoption and enforcement to help create a visually attractive community.

Objective 13.1, as originally submitted, seemed to staff to imply that whatever land development code regulations that are submitted would be adopted. This is rarely the case so staff wanted to make it clear that those regulations would be considered for adoption, which is consistent with the process currently in use.

POLICY 13.1.1: By the end of 2004, the Caloosahatchee Shores community will draft and submit regulations for Lee County to review and consider for amendment or adoption as Land Development Code regulations that provide for enhanced landscaping, signage and architectural standards consistent with the Community Vision.

Staff has no problem with Policy 13.1.1. It is clear that the Caloosahatchee Shores community will be responsible for drafting the regulations. Staff will assist with the development of those regulations, but will not be required to initiate the process.

POLICY 13.1.2: In order to maintain the Old Florida rural identity for the Caloosahatchee Shores Community, commercial developments are encouraged to use vernacular Florida architectural styles for all buildings. The use of Mediterranean styles of architecture is discouraged.

Staff feels that if vernacular Florida architectural styles is what the community wants then a policy encouraging the use of that style is appropriate.

POLICY 13.1.3: Lee county is discouraged from approving any deviation that would result in a reduction of landscaping, buffering, signage guidelines or compliance with architectural standards.

Staff currently discourages deviations of that type, but a policy stating that deviations that result in a reduction of landscaping, buffering, signage guidelines or compliance with architectural standards may give additional guidance to both staff and the hearing examiner.

~~POLICY 13.1.4: By the end of 2004, Lee County will either hire a professional architect licensed in the State of Florida to interpret and implement the county's and the community's design guidelines or allow for the creation of a similarly qualified community review committee.~~

A decision to hire a staff architect would have to be made by the Board of County Commissioners as would funding the position. Staff does not feel that this belongs as a policy of the Lee Plan. A better method of obtaining this position, if needed, would be through meetings with appropriate staff and through discussions at public hearings that this policy will invoke.

OBJECTIVE 13.2: COMMERCIAL LAND USES. Existing and future county regulations, land use interpretations, policies, zoning approvals, and administrative actions ~~must~~ should be undertaken in an effort to promote the goal of commercial redevelopment along SR 80 and increased commercial opportunities to service the needs of the Caloosahatchee Shores community and surrounding areas. County regulations ~~must~~ should attempt to ensure that commercial areas maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture, lighting and signage, and provide for employment opportunities. Commercial land uses must be designed to be compatible with and further the historic character and identity of existing rural Old Florida and Florida Vernacular styles of architecture and the historic identity of Olga.

Staff generally agrees with Objective 13.2; however, does not agree with the use of the word must. Each development request is unique and has to be weighed on its own merits; therefore, the substitution of the word should is recommended. With respect to requiring staff to create regulations that provide for employment opportunities, that would be beyond the scope of the county to achieve. The private sector is responsible for creating employment opportunities.

POLICY 13.2.1: To service the retail needs of Caloosahatchee Shores and the surrounding rural communities, the intersection of SR 80 and SR 31 are designated as commercial nodes to allow for greater commercial intensity. Commercial nodes are intended for development or redevelopment at Community Commercial levels as defined in Policy 6.1.2 of the Lee Plan.

Staff is recommending that in addition to the intersection of SR 80 and DR 30 being added to map 19 "Commercial Site Location Standards" that the future land use category be changed from the Suburban category to the Urban Community category. That recommendation is based on both site location standards and on the communities desire to see commercial development at that site. Both State Route 80 and State Route 31 are listed as arterial roads on the County's functional classification list.

POLICY 13.2.2: In order to protect the rural residential character of Buckingham Road, new retail uses along Buckingham Road outside the commercial node identified on Map 19, will be discouraged.

This proposed policy will not prevent new retail uses along Buckingham Road, but can be used as a basis for discouraging those request by staff and for recommending for denial new commercial zoning requests by the hearing examiner. Staff recommends approval of this policy.

POLICY 13.2.3: Minor commercial uses, public facilities, and recreational areas are encouraged at or near the intersection (within 660 feet of the adjoining rights of way of the intersection roads) of Old Olga Road and South Olga Drive. Minor commercial uses that are intended to service the needs of the immediate neighbors, are designated through landscaping, architectural standards and pedestrian facilities to be visually and functionally compatible with surrounding residential uses, and are designed to promote the vision of a pedestrian oriented village, are encouraged and are not required to meet the retail site location standards in Policy 6.1.2 at this intersection.

The current distance from adjoining rights of way in Minor Commercial is 330 feet. This policy proposes to double that distance to 660 feet. Since the objective of this policy is to create commercial nodes in the community, staff does not think that increasing the distance is inconsistent with that aim and recommends approval of this policy.

POLICY 13.2.4: Commercial developments within the Caloosahatchee Shores Community must provide interconnect opportunities with adjacent commercial uses in order to minimize access points onto primary road corridors; and residential developments should provide interconnect opportunities with commercial areas, including but not limited to bike paths, pedestrian access ways and equestrian trails.

Interconnection of adjacent commercial uses reduces the need to access collector or arterial roadways in order to move from one commercial development to another. Providing interconnects between residential and commercial developments could reduce automobile traffic by allowing pedestrian and bicycle access to those properties. Staff supports this policy and recommends approval.

POLICY 13.2.5: To promote the redevelopment of commercial uses along SR 80, Commercial uses are encouraged to increase lot depth and size by extending north of SR 80 to First Street. Lee County will encourage the use of First Street as a reverse frontage Road to provide access. This policy hereby adopts Attachment #1 as a conceptual redevelopment plan for this corridor.

Staff's only concern with this policy is that the only thing it accomplishes is to put on notice to developers that assembling lots to extend from State Route 80 to First Street. The policy causes no apparent harm but does not appear to go very far in achieving the objective that it seeks.

OBJECTIVE 13.3: RESIDENTIAL USES: Lee County must will protect and enhance the residential character of the Caloosahatchee Shores Community by strictly evaluating adjacent uses, natural resources, access and recreational or open space.

Staff suggests replacing the word “must” with “will”. The reason for this recommendation is that staff currently evaluates adjacent uses, natural resources and access and recreational or open space criteria fairly strictly. This policy will not change the way staff reviews projects but will back staff on what criteria is currently being used.

POLICY 13.3.1: By the end of 2004, the Caloosahatchee Shores community will draft and submit regulations and policies for Lee County to review and consider for amendment or adoption as regulations in the Land Development Code to provide for greater buffering between distinctly different adjacent commercial and residential properties, modified however when a project is of mixed use nature.

The Caloosahatchee Shores community desires to have enhanced buffer areas between residential and commercial uses and desires to create Land Development Code revisions to accomplish that goal. Staff supports that view and recommends approval of this policy.

POLICY 13.3.2: With the exception of mixed-use projects, higher density residential uses, including multi-story apartment buildings are prohibited along SR 80 and Buckingham Road.

With the exception of mixed use developments this proposed policy prohibits higher density residential uses along SR 80 and Buckingham roads. Staff does not know what “higher” refers to and does not know what “along” SR 80 and Buckingham means. Further, this proposed policy seems to directly conflict with the following Policy 13.3.3. Staff does not recommend approval for this policy.

POLICY 13.3.3: Mixed use developments that provide for an integration of commercial with residential uses with pedestrian linkages will be strongly encouraged at the commercial nodes of SR 80 and SR 31 and SR 80 and Buckingham Road, as well as the commercial strip between First Street and SR 80 in Fort Myers Shores. In these areas, higher density residential development, especially to accommodate affordable housing opportunities, will be supported with a variety of incentives.

Policy 13.3.3 recommends higher density residential development along the intersections of SR 80 and SR 31 and along SR 80 and Buckingham Road. As with policy 13.3.2 staff does not know what “higher density” means and does not know what “along” the commercial nodes means. It does not seem logical to limit residential densities along the corridors in one policy and to encourage higher densities in the next. Staff does not recommend approval of this policy or policy 13.3.2 as they are currently written.

POLICY 13.3.2: With the exception of mixed-use projects, residential uses fronting SR 80 and Buckingham Road are limited to three dwelling units per acre. Multi story apartment buildings are prohibited. Mixed-use developments containing both commercial and residential uses within the same structure are strongly encouraged at the commercial nodes of SR 80 and SR 31 and SR 80 and Buckingham Road, as well as the commercial strip between First Street and SR 80 in Fort Myers Shores. Mixed-use structures at those locations are limited to six dwelling units per acre.

~~Staff recommends transmittal of the revised Policy 13.3.2 which combines original policies 13.3.2 and 13.3.3. The revised policy is more specific in terms of allowable densities and to the locations at which increased density for mixed use development will be allowed. The revised policy also makes it clear that for the purposes of this policy a mixed use development will be defined as a mix of commercial and residential uses within the same structure rather than scattered commercial and residential uses on the same site.~~

POLICY 13.4.1: With the exception of mixed-use projects, residential uses fronting SR 80 and Buckingham Road are limited to three dwelling units per acre. Multi-story apartment buildings are prohibited.

POLICY 13.4.2: Mixed-use developments, as defined in the Lee Plan, and mixed-use developments containing both commercial and residential uses within the same structure and that provide for an integration of commercial with residential uses with pedestrian linkages are strongly encouraged at the commercial nodes of SR 80 and SR 31 and SR 80 and Buckingham Road, as well as the commercial strip between First Street and SR 80 in Fort Myers Shores. With the exception of SR 80 and SR 31, which will be allowed densities consistent with the Urban Community future land use designation, mixed-use developments will be limited to six dwelling units per acre at those locations.

- ▼ **Bicycle & Pedestrian facilities will be provided throughout the development. Connections between all uses are required to facilitate these alternative modes of transportation. When possible, connections to adjacent developments will be provided.**
- ▼ **Vehicular connections between residential and non-residential uses will be provided to facilitate the internal capture of trips. When possible, connections to adjacent developments will be made to provide alternative access to the non-residential components of this development other than the arterial interchange of SR 80 and SR 31. Non-residential components at SR 80 and Buckingham Road should, when possible, provide alternative access off of Buckingham Road and Non-residential components at SR 80 and First Street should, when possible, provide alternative access off of First Street.**

At the April 28 LPA meeting it was suggested that mixed use developments not be limited to mixed uses within the same building.

POLICY 13.3.4: Any existing or future regulation in the Lee Plan or the Land Development Code that is shown by the applicant of a planned development to inhibit the development of a mixed-use project will be waived given strong consideration for a waiver. By the end of 2004, the Caloosahatchee Shores community will draft and submit regulations and policies for Lee

County to review, and consider for amendment or adoption as Land Development Code regulations that encourage mixed-use developments.

Comprehensive Plan policies cannot be waived. Amendments to the Comprehensive Plan would be required; therefore, staff is recommending the elimination of reference to the Lee Plan in this policy. Also, it may be the intent of a specific regulation to inhibit the development of a mixed-use project and all proposed projects should be reviewed on a case-by-case basis. Staff recommends approving this policy with the changes indicated above.

OBJECTIVE 13.4: PUBLIC INFRASTRUCTURE: Lee County will work with appropriate governmental agencies to ensure that key wetland and native upland habitats as well as natural water bodies in the Caloosahatchee Shores Community are protected.

This is a policy that might be better adopted County-wide rather than just for Caloosahatchee shores. The Board of County Commissioners has asked the Captiva Community Planning Panel to propose language regarding the treatment of wetlands and mangroves to the Board for consideration for adoption county-wide. Staff recommends not approving this policy at this time but to direct the community to work with staff and the Captiva Community Planning Panel to arrive at language that can be applied to all of Lee County.

POLICY 13.4.1: Lee County, or another authorized agency, will work to provide alternative irrigation sources (re-use, Aquifer Storage and Recovery Water, or mixed-non-potable) or financial incentives to provide non-potable irrigation water to uses within the Caloosahatchee Shores Community. This is desired to discourage the proliferation of private, single user wells and maximize the conservation of groundwater.

The same comment on Objective 13.4 applies to Policy 13.4.1. Staff recommends not approving this policy at this time.

OBJECTIVE 13.5: COMMUNITY FACILITIES/PARKS. Lee County will work with the Caloosahatchee Shores Community to provide and facilitate the provision of a broad mix of Community Facilities.

This policy directs Lee County to work with the Caloosahatchee Shores community to provide sufficient community facilities. This is certainly in the best interest of the County and Staff recommend approval of this objective.

POLICY 13.5.1: The Caloosahatchee Shores Community will work with Lee County, the State of Florida and the National Parks Service to provide appropriate passive recreational opportunities, parks, nature, pedestrian and equestrian trails, potentially enhanced by public/private partnerships. This may include easy access, parking, trails, and other non-intrusive uses.

This policy would benefit all of the residents of Lee County and is supported by staff.

POLICY 13.65.2: Where practicable, Bikeways, pedestrian ways and equestrian trails along collector or arterial roads ~~must~~should be separated from the edge of pavement. ~~by a minimum 4 foot planting strip.~~

This policy is directed toward public health and welfare and staff supports it's approval as amended at the April 28 LPA public hearing.

At the March 24 LPA public hearing staff had recommended that Policy 13.5.3 not be transmitted. The revised recommendation includes portions of that policy that were in the original submittal from the applicant.

POLICY 13.5.3: Lee County will work with the community and private landowners to identify opportunities to maintain and enhance public access to the Caloosahatchee River, including access through the Florida Power and Light Plant, The Franklin Locks and marinas that are open to the public. Lee County Parks and Recreation will emphasize the acquisition of waterfront property for new parks. Lands along the Orange River or the Caloosahatchee River acquired through the 2020 Conservation Program must will provide reasonable public access to the riverfront where appropriate and feasible as determined by the Conservation Lands Acquisition and Stewardship Advisory Committee. All new development of commercial, industrial or public facility properties along the Caloosahatchee River are strongly encouraged to provide for public access to the riverfront.

Enclosed with this report are comments from the Lee County Department of Public Works objecting to this policy as it is proposed. The Conservation Lands Acquisition and Stewardship Advisory Committee (CLASAC) is the advisory board responsible for recommending how Conservation 20/20 lands will be managed and which lands will be acquired. It has been the policy of CLASAC to review these projects on a case-by-case basis after a thorough environmental site survey and analysis has been conducted. As written, proposed Policy 13.5.3 runs counter to existing CLASAC policies. Staff does not recommend approval of the policy as written, but offers the following language provided by CLASAC for approval with one change made by staff:

The Division of County Lands has reviewed revised policy 13.5.3 and thinks that this revision is consistent with the recommendation and concerns as expressed by CLASAC. Staff recommends transmittal of this policy. Staff recommends that the following previously recommended policy be struck and be replaced with the above mentioned revised originally submitted language.

Policy 13.5.3: Lands along the Orange River or ~~and~~ the Caloosahatchee River acquired through the 2020 Conservation Program are encouraged to provide reasonable public access to the riverfront. The appropriateness of public access will be evaluated in the management plan for each preserve area and will include public input.

POLICY 13.5.4: Lee County will work with the community to ensure that the development of new parks or enhancement of existing parks meets the recreational needs of the community and

are integrated into the surrounding developments and open space areas. The concept would be for a park to act as a hub, connected to other open space/recreational opportunities through pedestrian bicycle or equestrian linkages, either along public rights of way or through adjacent developments.

This policy would provide a community-wide benefit to all residents of Lee County and is supported by staff.

POLICY 13.5.5: Lee County Department of Parks and Recreation will work with the residents of the Caloosahatchee Shores to publicize and increase the usage of existing public parks and recreation facilities.

Lee County currently provides information about its parks and recreational opportunities through the use of the County's web page, from pamphlets, and handouts and through the County television channel. Increasing the usage of the County recreational facilities will have a positive benefit to resident's health and welfare and staff supports this policy.

POLICY 13.5.6: By the end of 2003, Lee County will reevaluate the boundaries of the Impact Fee Districts to ensure that impact fee money from new development in the Caloosahatchee Shores community remains within or benefits the Caloosahatchee Shores area.

Lee County Department of Public Works objects to this proposed policy as written.

OBJECTIVE 13.6: PUBLIC PARTICIPATION. Lee County will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals.

Objective 13.6 and policies 13.6.1, 13.6.2 and 13.6.3 that follow are virtually identical to those Objectives and policies that have been adopted for both the Estero and Captiva communities. They provide for increased public notification regarding Land Development Code and Lee Plan amendments, create a document "clearing" house in the community where copies of selected zoning submittal documents, staff reports, Hearing Examiner recommendations and resolutions will be provided for public inspection and will require the owner or agent for any Planned Development request within the Caloosahatchee Shores Community to conduct one public informational session where the agent will provide a general overview of the project for any interested citizens

POLICY 13.6.1 As a courtesy, Lee County will register citizen groups and civic organizations within the Caloosahatchee Shores Planning Community that desire notification of pending review of Land Development Code amendments and Lee Plan amendments. Upon registration, Lee County will provide registered groups with documentation regarding these pending amendments. This notice is a courtesy only and is not jurisdictional. Accordingly, the county's failure to mail or to timely mail the notice, or failure of a group to receive mailed notice, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

POLICY 13.6.2 The Caloosahatchee Shores Community will establish a “document clearing house”, where copies of selected zoning submittal documents, staff reports, Hearing Examiner recommendations and resolutions will be provided for public inspection. The County’s failure to provide or to timely provide documents to the document clearing house, or failure of the document clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

POLICY 13.6.3 The owner or agent for any Planned Development request within the Caloosahatchee Shores Community must conduct one public informational session where the agent will provide a general overview of the project for any interested citizens. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed.

LEE PLAN MAP 19: Staff recommends adding the intersection of State Route 80 and State Route 31 to map 19 of the Lee Plan, Commercial Site Location Standards.

Definition of Density: Staff recommends to following changes to the Definition of Density contained in the Lee Plan:

Density - The number of residential dwelling or housing units per gross acre (du/acre). Densities specified in this plan are gross residential densities. For the purpose of calculating gross residential density, the total acreage of a development includes those lands to be used for residential uses, and includes land within the development proposed to be used for streets and street rights of way, utility right-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 water bodies contained within the residential development. Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included, ~~unless part of a fully integrated mixed use development with common utilities, drainage, parking and access ways, or a mixed-use building.~~ **Within the Caloosahatchee Shores community in the area identified by Policy 13.34.2 commercial development that includes commercial and residential uses within the same *buildings* project do not have to exclude the commercial lands from the density calculation.**

The revised definition of density provided above is specific to nodes delineated in Policy 13.34.2. The policy will work in concert with policy 13.34.2 to provide further incentives for the creation mixed-use developments.

PROPOSED FUTURE LAND USE MAP AMENDMENTS

The Caloosahatchee Shores proposed a Future Land Use amendment for 1003 acres, more or less, of tracts of land located immediately east of Buckingham Road and immediately north of the Buckingham Rural Community Preserve. The future land use categories of those tracts are Suburban at up to 6 dwelling units per acre and Rural

at up to 1 dwelling unit per acre. The community does not feel that those land use categories are compatible with one another or with the adjacent Community Preserve. The Community is requesting that those properties located south of Drawdy Road and east of Buckingham Road containing approximately 75 acres be changed from the Suburban Future Land Use Category and the Rural Future Land Use Category to the Outlying Suburban Future Land Use category, limited to 3 dwelling units per acre, and for the approximately 928 acres located south of the above mentioned tract of land and east of Buckingham Road to be changed from the Rural Future Land Use Category and the Suburban Future Land Use Category to the Outlying Suburban Future Land Use Category, limited to 2 dwelling units per acre. The net result of this Future Land Use change would be a reduction of approximately 823 allowable residential units.

~~Staff recommends for changing the Future Land Use Designation for property known as the Veranda located north of the Buckingham Community Preserve and South of State Route 80 from the Suburban Future Land Use Category to the Outlying Suburban Future Land Use Category.~~

At the March 24 LPA public hearing staff heard concerns that representatives from the Veranda that would be effected by the above Future Land Use change shown in strike-through had not had enough time to evaluate its merits. In light of that concern, staff will evaluate this future land use change through the ongoing Evaluation and Appraisal Report for the Lee Plan.

Staff recommends Changing the Future Land Use Designation at the intersection of State Route 80 and State Route 31 from the Suburban Future Land Use Category to the Urban Community Future Land Use Category as depicted on the attached map.

FUTURE LAND DEVELOPMENT CODE AMENDMENTS

The Community Plan proposes several future amendments to Lee County's Land Development Code. Topics for potential LDC amendments range from compatibility of commercial uses with adjacent residences, sign regulations, building heights, and architectural standards for new development.

B. CONCLUSIONS

The proposed revised Vision Statement, Goal and Policies are the result of nearly a two-year long planning process. They directly reflect the vision that the Caloosahatchee Shores Community has for its future growth and development. Staff believes that this amendment should be viewed as another step in a continuous process that addresses planning needs in the Caloosahatchee Shores community. Many issues have been addressed through this amendment, but there are others, such as those policies (or portions thereof) that staff and the LPA have recommended not to be transmitted, that may require more consideration in the future.

C. STAFF RECOMMENDATION

Subsequent to comments received at the three LPA public hearings by the public, the applicants and their representatives and by the LPA, staff recommends that the Board of County Commissioners transmit the proposed amendment with staff's recommended language as shown in Part I, Section B of this report.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: March 24, 2003

The Local Planning agency met on March 24, 2003 to review the proposed new Goal 13 of the Lee Plan and directed staff to work with community representatives to fine-tune some of the proposed policies and then continued the item to the April 28, 2003 public hearing.

DATE OF PUBLIC HEARING: April 28, 2003

The Local Planning Agency held a second public hearing on April 28, 2003 to review the proposed new Goal 13 of the Lee Plan and directed staff to further work on Policy 13.3.2 and the definition of density and then continued the item to the May 28, 2003 public hearing.

DATE OF PUBLIC HEARING: May 28, 2003

The Local Planning Agency held a third public hearing on May 28, 2003 to review revised staff recommendations on the Vision Statement, Objectives and Policies as directed by the LPA at the April 28 public hearing.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION: With the exception of Policy 13.5.2 the Local Planning Agency recommended that the Board of County Commissioners transmit the amendment to the proposed Vision Statement, Goal, Objectives and Policies and to transmit the proposed Future Land Use map amendments including modification to map 19 of the Lee Plan as shown in Part I, Section C of this report.
2. BASIS AND RECOMMENDED FINDINGS OF FACT: The Local Planning Agency accepted the recommended Findings of Fact as advanced by staff.

C. VOTE:

NOEL ANDRESS	<u>AYE</u>
MATT BIXLER	<u>AYE</u>
SUSAN BROOKMAN	<u>AYE</u>
DAN DELISI	<u>AYE</u>
RONALD INGE	<u>AYE</u>
ROBERT PRITT	<u>AYE</u>

**PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: June 25, 2003

A. BOARD REVIEW: Staff made a brief presentation indicating that with the exception of Policy 13.5.2 staff recommended transmittal of the Caloosahatchee Shores Plan Amendment as recommended by the LPA. Staff explained that after the LPA's recommendation of transmittal of Policy 13.5.2 the Caloosahatchee Shores Community Planning Panel had agreed that it not be transmitted. The LPA was unaware that the Planning Panel members had changed their mind on the issue.

Staff further explained that Buckingham Development LLC was opposed to transmittal of the Future Land Use Map change for property they owned located north of the Buckingham Rural Community Preserve and east of Buckingham Road. Staff explained that no opposition to that proposed Future Land Use Map change was voiced at any of the three LPA public hearings, but that failed negotiations for the removal of an access easement through a portion of their property that provided access to adjacent property owned by another party had caused them to change their opinion. Staff recommended transmittal of the proposed Future Land Use Map change and explained to the Board that if no resolution to the access easement situation was reached and the property owner was still opposed to the change at the time of adoption that staff would recommend that the change not be adopted. Following that presentation, the Board opened the hearing to public comments.

The community's representative spoke and noted that other than two scrivener's errors in the staff report that the community was in support of transmittal. Staff stated that the scrivener's errors would be corrected.

Two members of the Community Planning Panel spoke in support of the plan amendment as recommended by staff.

An attorney representing Buckingham Development LLC spoke in opposition to the Future Land Use Map change that would include her clients property.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. **BOARD ACTION:** The Board voted to transmit the amendment to DCA including the Future Land Use Map amendments and without Policy 13.5.2 as staff recommended.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff and the LPA.

C. VOTE:

JOHN ALBION	<u>AYE</u>
ANDREW COY	<u>AYE</u>
BOB JANES	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
DOUG ST. CERNY	<u>AYE</u>

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: September 5, 2003

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

The Department of Community Affairs provided no objections, recommendations, or comments concerning the proposed amendment.

B. STAFF RESPONSE

At the time of this writing, property owners that would be impacted by the proposal for a future land use category change for the area north of the Buckingham Rural Community Preserve and east of Buckingham Road are still negotiating the vacation of access easements and have not committed to the change. Staff's recommendation of approval of the future land use category change is contingent upon the agreement of all impacted property owners. If no agreement is reached by the October 23 adoption hearing, staff recommends that the future land use change not be approved.

With that exception, staff recommends adoption of the amendment as transmitted, as shown in Part I.B. of this report.

**PART VI - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: October 23, 2003

A. BOARD REVIEW: Planning staff provided a brief presentation concerning the proposed text and Future Land Use Category amendments, noting that there was no objection, recommendation or comment contained in

the Department of Community Affairs ORC report. Staff pointed out that with regard to the proposed Future Land Use Change from the Suburban and Rural Future Land Use Categories to the Outlying Suburban Future Land Use Category there would be a deficiency in the planning community year 2020 allocation for the Outlying Suburban Future Land Use Category in the affected area. Staff explained that there would be a reevaluation of the Year 2020 overlay during the Evaluation and Appraisal Report due to land that has been annexed into the City of Fort Myers in recent months and due to changing development trends in this area of the County.

The planning consultant for the community planning effort spoke in support of the plan amendments as presented to the Board and asked for the board to make an additional motion to direct staff to make a reallocation of the Year 2020 overlay a priority to accommodate the future land use change to Outlying Suburban. Two attorneys representing property owners of the two largest areas affected by the change spoke in favor of the plan amendments. No one from the public spoke in opposition to the plan amendments.

Following public comment, an assistant County Attorney advised the Board that there could be potential Bert J. Harris implications if the Board approved the above mentioned future land use change.

The Board stated that they were comfortable with the change and that there were opportunities for corrective action should that become necessary in the future. Following that discussion the Board of County Commissioners approved a motion to adopt the transmittal language then approved a motion to approve the ordinance adopting the Caloosahatchee Shores Plan amendments. Another motion was made to direct staff to make a priority to reallocate the planning community year 2020 allocation to accommodate development trends in the area. That motion was unanimously approved.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

- 1. BOARD ACTION: The Board of County Commissioners voted to adopt the amendment as transmitted.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT: The Board accepted the findings of fact as advanced by staff.

C. VOTE ON MOTION ADOPTING THE CALOOSAHATCHEE SHORES PLAN AMENDMENTS:

JOHN ALBION	AYE
ANDREW COY	ABSENT
BOB JANES	AYE
RAY JUDAH	AYE
DOUG ST. CERNY	AYE

**D. VOTE ON APPROVING THE ORDINANCE ADOPTING THE CALOOSAHATCHEE SHORES
PLAN AMENDMENTS:**

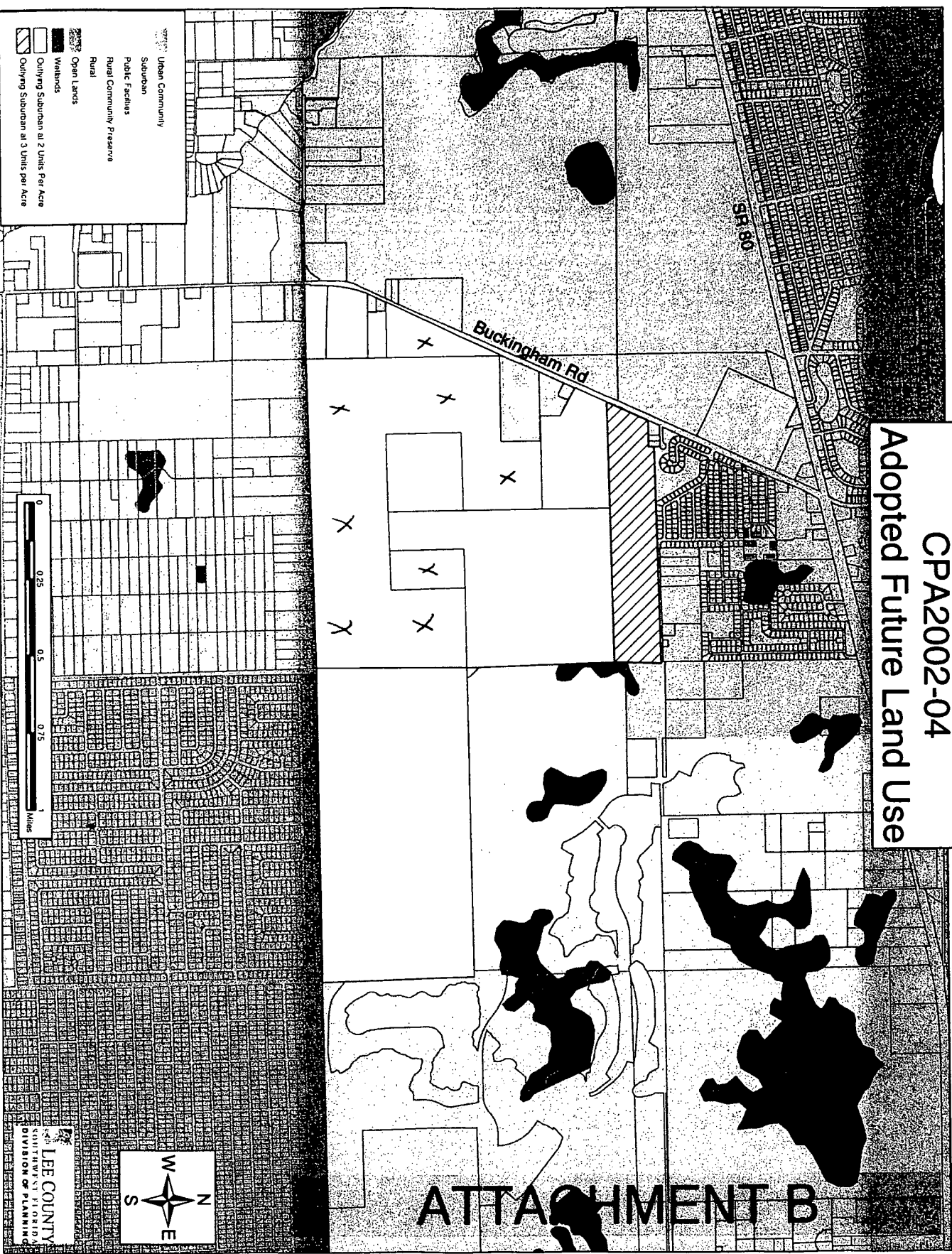
JOHN ALBION	<u>AYE</u>
ANDREW COY	<u>ABSENT</u>
BOB JANES	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
DOUG ST. CERNY	<u>AYE</u>

**E. VOTE ON MOTION DIRECTING STAFF TO MAKE A PRIORITY THE REALLOCATION OF
THE PLANNING COMMUNITY YEAR 2020 ALLOCATION TO ACCOMMODATE
DEVELOPMENT TRENDS IN THE AREA:**

JOHN ALBION	<u>AYE</u>
ANDREW COY	<u>ABSENT</u>
BOB JANES	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
DOUG ST. CERNY	<u>AYE</u>

CPA2002-04
 Adopted Future Land Use

ATTACHMENT B



S:\COMPREHENSIVE\PLAN AMENDMENTS\02\CPA2002-04\BUCK320ADOP1.MXD

LEE COUNTY
 DIVISION OF PLANNING

0600700210

ATTACHMENT D

RESOLUTION NUMBER Z-00-029

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

WHEREAS, an application was filed by the property owner, Thomas Gore, Trustee, to rezone a 325± parcel from Agricultural (AG-2) to Residential Planned Development (RPD); and

WHEREAS, a public hearing was advertised and held on May 24, 2000 before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI964568 fka 99-10-090.03Z; and

WHEREAS, a second public hearing was advertised and held on December 4, 2000 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 325± acre parcel from AG-2 to RPD to allow a maximum of 1,320 dwelling units in a mix of housing types, with personal and private recreational facilities and a private club (no golf course). Buildings are not to exceed 35 feet in height within a maximum of three stories. The property is located in the Suburban, Rural and Wetlands Land Use Categories and legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions specified in Section B 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 one-page Master Concept Plan (MCP), entitled "Conceptual Site Plan-Buckingham 320 RPD," stamped received April 26, 2000, last revised April 26, 2000, 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 MCP are subsequently pursued, appropriate approvals will be necessary.
2. The following limits apply to the project and uses:

a. Schedule of Uses

Administrative Office

Agricultural Uses (cattle raising in undeveloped phases prior to development and nursery operations for plantings used on-site only)

Club, private

Dwelling Units

- (1) A maximum of **640 units** to be comprised solely of single-family construction (densities may not be shifted between land use categories unless a new public hearing occurs and the provisions of Policy 5.1.11 of the Lee Plan are followed). [120 units within Rural Land Use area; up to 520 units in Suburban Land Use area]
- (2) Single-family units may be located in any of the Phases/Development Areas within the Suburban land use category - whether or not so indicated on the approved Master Concept Plan, PROVIDED the trips do not exceed 8,759 ADT, 648 AM peak hour, and 845 PM peak hour - as set out in the Zoning Traffic Impact Study.
- (3) The number of units is also subject to compliance with concurrency requirements

Entrance Gates and Gatehouse

Excavation, Water Retention - not to include the removal of excavated material from the site

Model Home and Model Unit - must be in compliance with LDC §34-1954 only

Model Display Center - must be in compliance with LDC §34-1955, limited to one, which must be located in the sales center area shown on the MCP and must only serve this project

Real Estate Sales Office - limited to sales of lots, homes or units within the development, except as may be permitted in LDC §34-1951 *et seq.* The location of, and approval for, the real estate sales office will be valid for a period of time not to exceed five years from the date the Certificate of Occupancy for the sales office is issued.

Recreational Facilities - Private, On-site only

Residential Accessory Uses - In compliance with LDC §34-622(c)42 and LDC Article VII, Division 2

Signs, in compliance with LDC Chapter 30

b. Site Development Regulations

Overall Project:

Setbacks: (structure, parking areas, water management areas and pavement): In compliance with LDC §10-329 for water detention/retention excavation setbacks and LDC §10-416(d)(6)

Building Height: 35 feet/three stories (not to exceed either parameter)
Open Space: 40 percent minimum
10 percent must be distributed to individual dwelling units having immediate private ground floor access.
Indigenous open space must be provided as depicted on the MCP

Minimum Water Body Setback: 25 feet
Maximum Lot Coverage: 40 percent

Phases 1-6:

Minimum Lot Area: 5,250 square feet
Minimum Lot Width: 50 feet
Minimum Lot Depth: 105 feet
Minimum Street Setback: 20 feet
Minimum Side Setback: zero feet and five feet for zero lot line units, 7.5 feet for all others, except that where there are two or more principal buildings on a development tract, the minimum separation of buildings will be no less than 20 feet
Minimum Rear Setback: 20 feet

Phases 7 & 8:

Minimum Lot Area: 20,000 square feet
Minimum Lot Width: 100 feet
Minimum Lot Depth: 100 feet
Minimum Street Setback: 20 feet
Minimum Side Setback: 10 feet
Minimum Rear Setback: 25 feet

3. The following recommendations are presented in order to mitigate future hurricane damage and/or loss of life, as well as to ensure compliance with Lee Plan objectives.
 - a. The Developer must initiate the establishment of a homeowners' or residents' association. The organization must provide an educational program on an annual basis, in conjunction with the staff of Emergency Management, which will provide literature, brochures and speakers for Hurricane Awareness/Preparedness Seminars, describing the risks of natural hazards. The intent of this recommendation is to provide a mechanism to educate residents concerning the actions they should take to mitigate the dangers inherent in these hazards.
 - b. The Developer must formulate an emergency hurricane notification and evacuation plan for the development, which will be subject to review and approval by the Lee County Office of Emergency Management.

- c. Hurricane preparedness and impact mitigation, if required, must comply with the provisions of LDC §2-481 *et seq.*
- 4. Prior to Development Order Approval, the MCP must be revised to show compliance with the required 50-foot-minimum lake setback from Buckingham Road, an arterial roadway. Approval of this MCP does not grant any deviation from this requirement.
- 5. The developer must provide written disclosure to all potential and actual property owners within this project, of the existence of The School District of Lee County's transportation facility on the Buckingham campus and the potential for expansion of this facility.
- 6. Model units and homes are permitted in compliance with the following conditions:
 - a. Each model must be a unique example. Multiple examples of the same unit are not permitted; and
 - b. All model sites must be designated on the development order plans; and
 - c. Prior to model home construction, the lots upon which model homes will be constructed must be shown on a preliminary plat (not the final). The preliminary plat must be filed concurrently with the local development order application. The model homes must comply with the setbacks set forth in the property development regulations for this project.
 - d. Dry models are prohibited.
- 7. Multi-family uses within Phase 1 must be located north of the upland preserve area as depicted on the MCP, and no such structures may be constructed within 150 feet of the southern or western property line (excluding those areas where the western boundary abuts Buckingham Road).
- 8. A buffer 20 feet in width must be planted along the southern and western property line (excluding lands abutting Buckingham Road) *prior to the approval of building permits* for any dwelling units in Phases 1, 6 or 7. The vegetation in the buffer must contain, at a minimum, six native trees per 100 linear feet. All trees must be a minimum of 10 feet tall at time of planting. All shrubs must be a minimum of four feet tall at the time of planting and must create an unbroken hedge. Existing indigenous native vegetation may be counted toward the vegetation requirements of this condition, and no buffer is required in the area on the MCP shown as upland preserve areas.
- 9. Bona fide agricultural uses that are now in existence may continue in a given phase until the development of that phase commences, except for those areas designated as wetland/preserve area on the MCP, which will be specifically provided protection from intrusion by existing or continued agricultural uses prior to commencement of Phase 1.

However, no development activity of any kind may occur on the property, including clearing of vegetation or cutting of trees, unless such activity is reviewed and approved in accordance with all applicable Lee County regulations as if no agricultural use existed on the property. The purpose of this condition is to eliminate any exemption or other special considerations or procedures that might otherwise be available under Lee County regulations by virtue of the existing agricultural uses on the property.

10. The following conditions are included to address Lee Plan consistency issues:
 - a. The portion of the property within the Rural future land use category must maintain densities of one dwelling unit per acre or less. No more than 120 dwelling units may be constructed in the Rural designated areas of the project.
 - b. Given the limited existing available Suburban 2020 Planning Community Acreage Allocation at the time of rezoning, the available Suburban allocation must be determined by the Planning Division, prior to any Development Order approval for residential uses in the Suburban portions of the site. No development order will be issued or approved if the acreage, when added to the acreage contained in the updated existing land use database, exceeds the limitation established by Lee Plan Table 1(b), Acreage Allocation Table (per Lee Plan Policy 1.7.6). In that event, in order for Applicant to develop the Suburban acreage with residential uses, the Lee Plan must be amended to change the Suburban residential acreage allocation for the Fort Myers Shores planning community in Table 1(b). Adequate data and analysis to support this amendment must be submitted by the Applicant at the time of the request for the Lee Plan amendment. Development in excess of the current Table 1(b) allocations will not be permitted until Table 1(b) is amended accordingly.
 - c. Approval of this rezoning does not guarantee local development order approval or vest present or future development rights for Lee Plan consistency. Development Order approvals must be reviewed for and found to be consistent with all other Lee Plan provisions.
11. Prior to Development Order approval, the MCP must be amended to depict a water retention area, no less than 100 feet wide, along the south property line (outside of the indigenous preserve areas) where such south property line is adjacent to Riverdale Ranches, Rancho Eight or Skates Circle. This condition does not include those areas of Phase 1 that are separated from Buckingham Road by the indigenous areas.
12. This development must comply with all of the requirements of the LDC at the time of local development order Approval, except as may be granted by deviations approved as part of this planned development or subsequent amendments thereto.

13. No excess excavated material may be removed from the site unless the developer can demonstrate to the Director of Community Development that the material to be removed:
 - a) is unsuitable material that cannot be used on-site; and
 - b) the material must be excavated to meet the minimum requirements to provide a water management system on the site. The purpose of this condition is to prohibit the voluntary creation of excess fill material for use off-site.

SECTION C. EXHIBITS:

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

- Exhibit A: The legal description and STRAP number of the property.
Exhibit B: Zoning Map (subject parcel identified with shading)
Exhibit C: The Master Concept Plan

SECTION D. 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. Buckingham Rural Community Preserve Area limits density to one unit per acre. The subject property is outside, but adjacent to, the Preserve Area. A transitional density of two units per gross project acre is appropriate and will serve to protect and preserve the existing cultural and community atmosphere in this area of the County.

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

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

DULY PASSED AND ADOPTED this 4th day of December, 2000.

ATTEST:
CHARLIE GREEN, CLERK

BY: Michelle S. Leismen
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [Signature]
Chairman

Approved as to form by:

[Signature]
County Attorney's Office

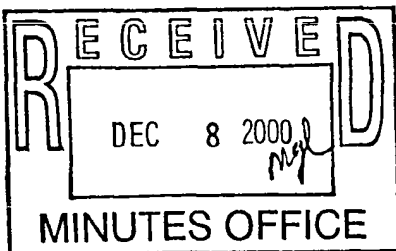


Exhibit "A"
DCI964568

OR 2561 PG. 3108

Applicant's Legal Checked
by gm 9/10/2K

LAND DESCRIPTION:

THE SE 1/4 OF THE NE 1/4 AND THE NE 1/4 OF THE SE 1/4 OF SECTION 32,
TOWNSHIP 43 SOUTH, RANGE 26 EAST, LYING EAST OF BUCKINGHAM ROAD,
TOGETHER WITH
THE SOUTH 1/2 OF THE NORTHWEST 1/4 AND THE NW 1/4 OF THE SW 1/4
AND THE NE 1/4 OF THE SE 1/4 AND THE S 1/2 OF THE S 1/2 OF SECTION 33,
TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA.
LESS AND EXCEPT
THE N 1/2 OF THE SW 1/4 OF THE NW 1/4, AND THE W 1/2 OF W 1/2 OF THE
NW 1/4, OF THE SE 1/4 OF THE NW 1/4 OF SAID SECTION 33,
CONTAINING 324.6090 ACRES MORE OR LESS.

SECTION 33

4' 1/2"

N88°59'16"E 1320.53'

OR 2846 PG. 1377

N00°43'05"W 1334.06'

05'

1322.15'

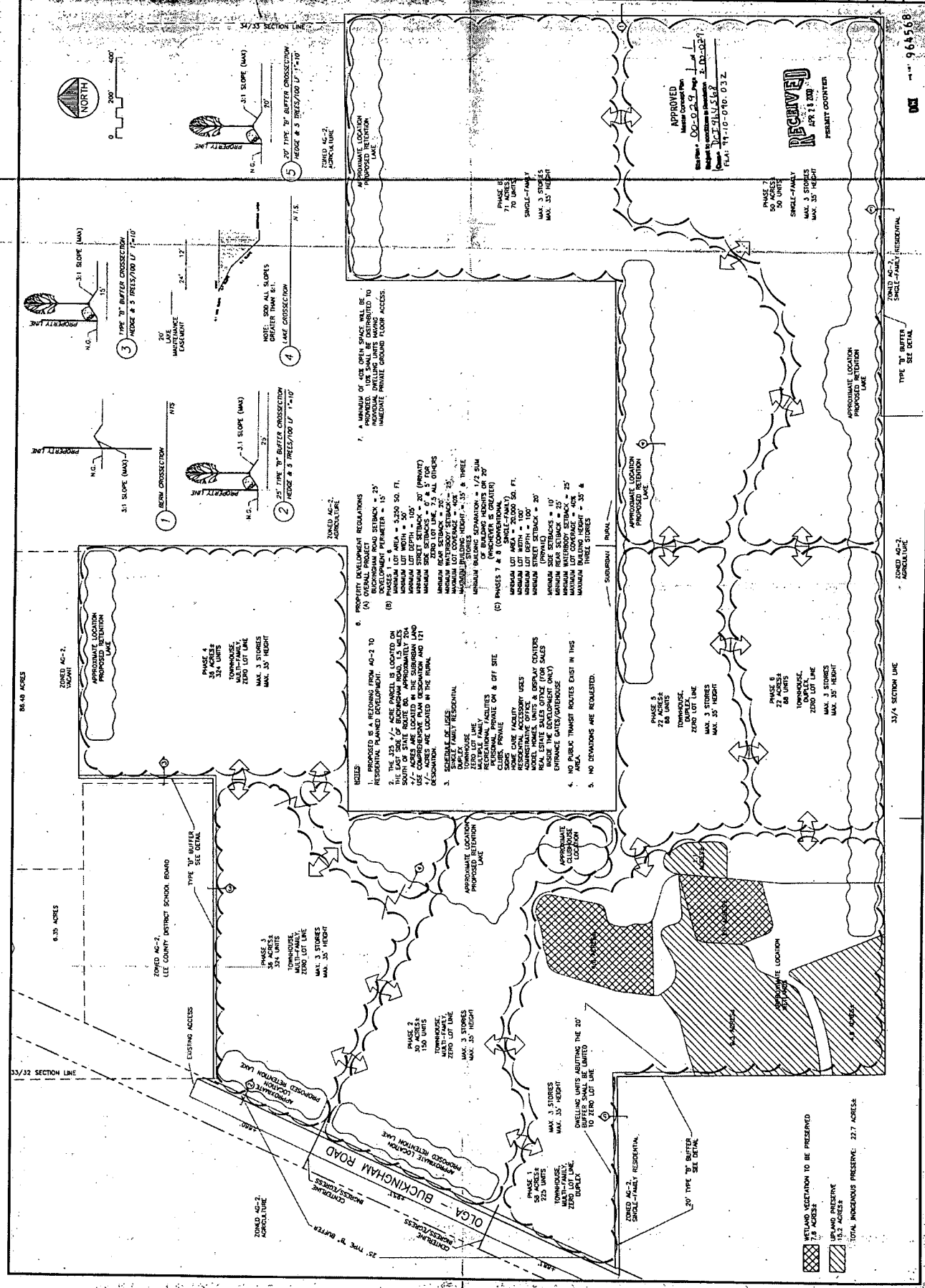
DCI964568

EXHIBIT "A"

LEGAL DESCRIPTION

The applicant has indicated that the STRAP number for the subject property is: 32-43-26-00-00003.0000 & 33-43-26-00-00004.0000

ATTACHMENT D



ADMINISTRATIVE AMENDMENT (PD) ADD2003-00067

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, G.L. Homes of Florida II Corporation filed an application for administrative approval to a Residential Planned Development on a project known as Buckingham 320 RPD for minor changes to the Master Concept Plan to bring the Master Concept Plan into compliance with zoning resolution Z-00-029 and relocate the clubhouse on property located at 3621 Buckingham Rd., described more particularly as:

LEGAL DESCRIPTION: In Section 32 & 33, Township 43 South, Range 26 East, Lee County, Florida:

See Exhibit "A"

WHEREAS, the property was originally rezoned in case number 99-10-090.03Z; and

WHEREAS, Hole Montes Inc., the authorized agent, has applied for an administrative amendment for minor changes to the Master Concept Plan approved in Zoning Resolution Z-00-029; and

WHEREAS, a more detailed site plan was submitted to accurately show what was approved under zoning resolution Z-00-029 ; and

WHEREAS, minor changes have been made to redesign the layout of the development; and

WHEREAS; the Phases which where originally approved under zoning resolution Z-00-029 are now referred to as Tracts; and

WHEREAS, the Clubhouse facilities have been moved from the Suburban Land Use classification to the Rural Land Use classification; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to Residential Planned Development is **APPROVED**.

Approval is subject to the following conditions:

1. The Development must be in compliance with the amended 2-page Master Concept Plan, dated December, 2002 and stamped received by Community Development July 18, 2003. Master Concept Plan for ADD2003-00067 is hereby **APPROVED** and adopted. A reduced copy is attached hereto.
2. The terms and conditions of the original zoning resolutions remain in full force and effect except as amended herein.
3. The Development is limited to 640 Single-Family dwelling units, of which no more than 520 units may be located in the Suburban Land Use category, and no more than 120 units may be located in the Rural Land Use category.

4. **Site Development Regulations**
Tracts 1-6:

Minimum Lot Area:	5,250 square feet
Minimum Lot Width:	50 feet
Minimum Lot Depth:	105 feet
Minimum Street Setback:	20 feet
Minimum Side Setback:	zero feet and five feet for zero lot line units, 7.5 feet for all others, except that where there are two or more principal buildings on a development tract, the minimum separation of buildings will be 20 feet
Minimum Rear Setback:	20 feet
Minimum Waterbody Setback:	25 feet

Phases 7 & 8:

Minimum Lot Area:	20,000 square feet
Minimum Lot Width:	100 feet
Minimum Lot Depth:	100 feet
Minimum Street Setback:	20 feet
Minimum Side Setback:	10 feet
Minimum Rear Setback:	25 feet
Minimum Waterbody Setback:	25 feet

DULY SIGNED this 25th day of August, A.D., 2003.

BY: Pam Houck

Pam Houck, Director
Division of Zoning
Department of Community Development

PROPERTY DESCRIPTION

THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, LYING EAST OF FORT MYERS BUCKINGHAM HIGHWAY THROUGH SAID SECTION; ALSO THAT PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER (OF SECTION 33) LYING EAST OF FORT MYERS BUCKINGHAM HIGHWAY THROUGH SAID LAND; ALSO, THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (OF SECTION 33) AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (OF SECTION 33) AND THE SOUTH HALF OF THE SOUTH HALF OF SECTION 33; ALL OF SAID LAND BEING IN TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; ALSO THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER LYING EASTERLY OF FORT MYERS BUCKINGHAM HIGHWAY IN SECTION 32, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA LESS AND EXCEPT PARCEL AS DESCRIBED IN OFFICIAL RECORD BOOK 1616, PAGE 2070, BUT INCLUDING THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER; AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LYING EAST OF BUCKINGHAM ROAD.

TOGETHER WITH

THE SOUTH HALF OF THE NORTHWEST QUARTER; AND THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER; AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER; AND THE SOUTH HALF OF THE SOUTH HALF OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA.

LESS AND EXCEPT

THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER AND THE WEST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33.

ALSO BEING DESCRIBED AS:

A PORTION OF SECTIONS 32 AND 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.89°06'45"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 2647.58 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 33; THENCE RUN S.89°06'35"W., ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 2647.40 FEET, TO THE SOUTHWEST CORNER OF SAID SECTION 33; THENCE RUN N.00°56'26"W., ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1329.87 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S.89°35'38"W., ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 43 SOUTH, RANGE 26 EAST, FOR A DISTANCE OF 978.47 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF BUCKINGHAM ROAD, A 60.00 FOOT RIGHT-OF-WAY; THENCE RUN N.24°23'58"E., ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF BUCKINGHAM ROAD, FOR A DISTANCE OF 2286.09 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S.00°56'26"E., ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 80.68 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N.89°04'22"E., ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1498.70 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE

NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N.00°46'36"W.. ALONG THE WEST LINE OF THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 662.58 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N.89°09'14"E., ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1167.13 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S.00°38'54"E., ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1321.87 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S.88°59'29"W., ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1330.50 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S.00°47'40"E., ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1331.24 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N.89°03'02"E., ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1327.10 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N.89°03'03"E., ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1322.10 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE RUN N.00°43'16"W., ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1333.99 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE RUN N.88°59'29"E., ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1320.42 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 33; THENCE RUN S.00°47'37"E., ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 2670.83 FEET TO THE POINT OF BEGINNING; CONTAINING 324.657 ACRES, MORE OR LESS.

NOTES:

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS REFER TO STATE PLANE FLORIDA WEST ZONE NORTH AMERICAN DATUM 1983, 1990 ADJUSTMENT, WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, BEING S.89°06'45"W.

THE FRACTIONAL PORTION OF THE PROPERTY DESCRIPTION SHOWN HEREON WAS PROVIDED BY CLIENT AS CONTAINED IN TITLE INSURANCE COMMITMENT PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY.

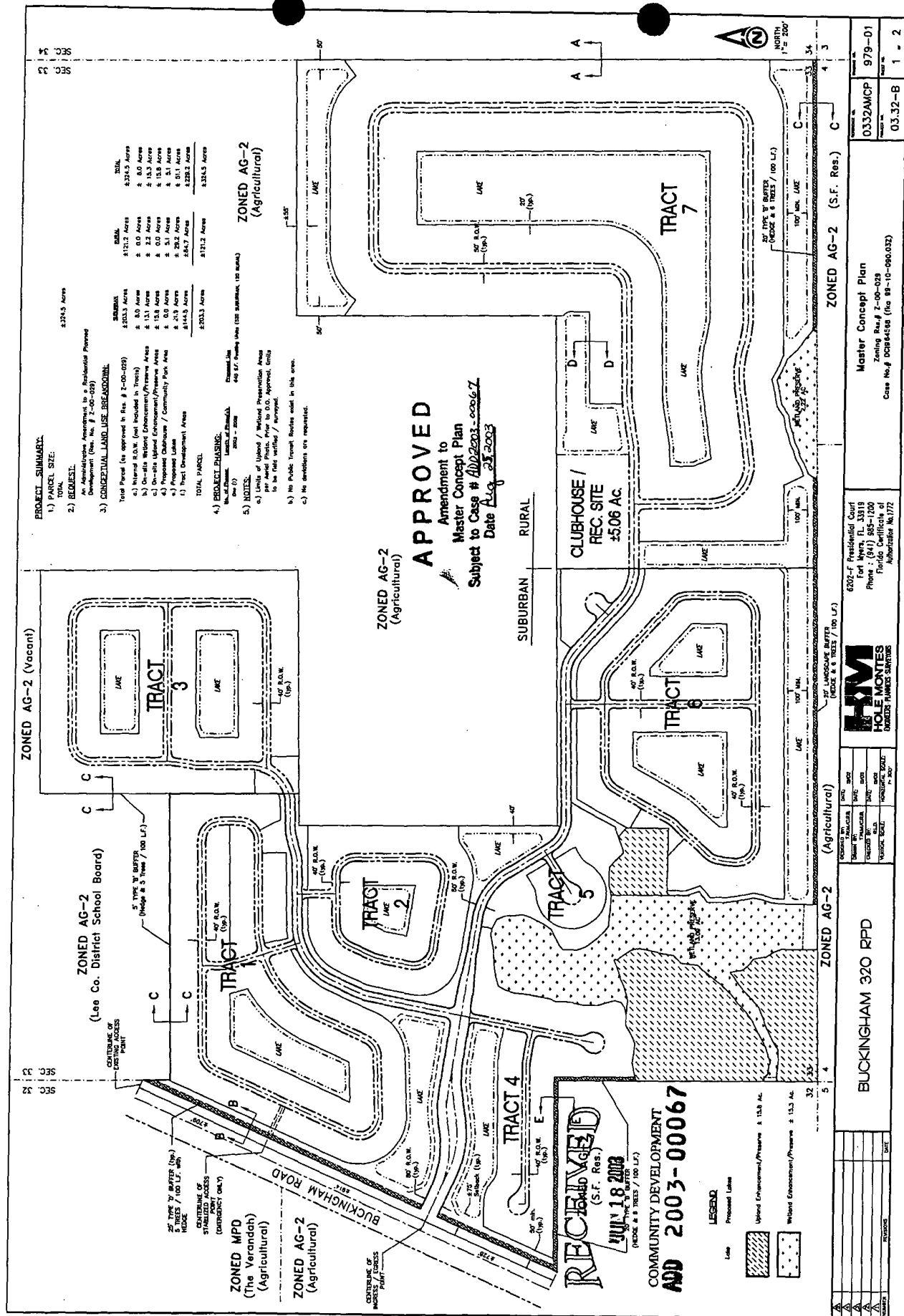
PROPERTY AREA: 324.646 ACRES, MORE OR LESS

HOLE MONTES, INC.
CERTIFICATION OF AUTHORIZATION LB #1772

Applicant's Legal Checked

by [Signature] 21 AUG 03

BY [Signature] P.S.M. #6130
JERRY L. RIFFELMACHER STATE OF FLORIDA



[illegible]

NOTE: S.F. BETTERS TO DETACHED SINGLE FAMILY RESIDENCE.

PROPERTY DEVELOPMENT REGULATIONS

TRACTS 1 - 6		TRACT 7	
Min. Lot Area	5,300 sq ft.	Min. Lot Area	20,000 sq ft.
Min. Lot Width	35'	Min. Lot Width	100'
Min. Street Setback	25'	Min. Street Setback	25'
Min. Side Setback	25'	Min. Side Setback	15'
Min. Rear Setback	25'	Min. Rear Setback	15'
Min. Minimum Setback	25'	Min. Minimum Setback	25'
Min. Building Height	35' / 3 Stories	Min. Building Height	35' / 3 Stories

CONCEPTUAL OPEN SPACE:

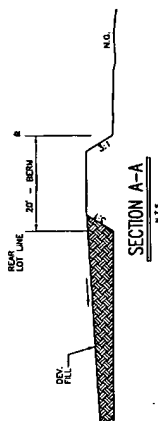
- | | ± 128.8 Ac. |
|--|-------------|
| a.) Total Required Open Space (40%) (per C.L.D.C.): | |
| ± 324.5 Ac. x 0.4 = | |
| b.) Total Provided Open Space: | |
| Individual Lot Acreage (0.25% at Req'd. 40%) | ± 32.5 Ac. |
| Proposed Lake Acreage (0.5% at 128.8 Ac.) | ± 62.9 Ac. |
| Proposed Upland Enhancement/Preservation Area | ± 15.6 Ac. |
| Proposed Wetland Enhancement/Preservation Area | ± 15.3 Ac. |
| Green Space / Open Space within Tract Area | ± 33.7 Ac. |
| Total Open Space Provided: | ± 128.8 Ac. |
| ± 47.3 Acres is available, however only ± 33.7 Acres is being claimed for this calculation | |
| c.) Indigenous Preservative Area Provided (per Zoning Res. # 7-00-029): | |
| Upland Preservative | ± 15.6 Ac. |
| Wetland Preservative | ± 15.3 Ac. |
| Total Indigenous Preservative Area Provided: | ± 31.1 Ac. |

RECEIVED

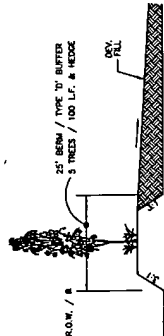
January 18 2003

COMMUNITY DEVELOPMENT

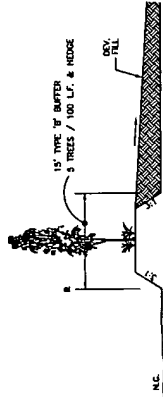
COMMUNITY DEVELOPMENT
ADD 2003-00067



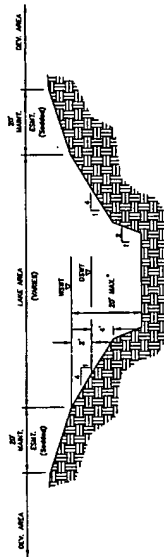
SECTION A-A



SECTION B-B



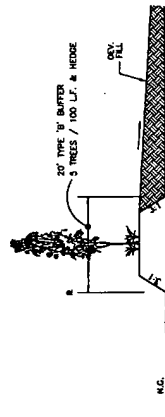
SECTION C-C



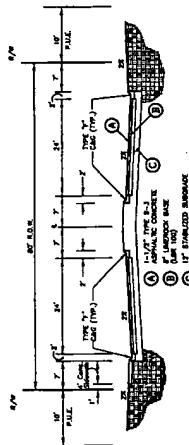
SECTION D-D

TYPICAL LAKE CROSS SECTION

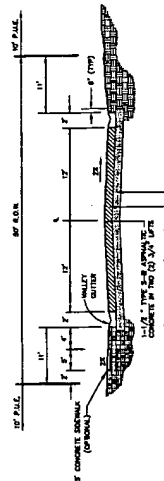
N.Y.S.



SECTION E-E

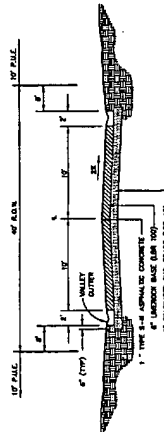


TYPICAL SECTION - 80 FT. R.O.W.



50 FT. R.O.W.

PRIVATE / MINOR COLLECTOR ROAD CROSS SECTION



PRIVATE / LOCAL ROAD CROSS SECTION

APPROVED
Amendment to
Master Concept Plan
Subject to Case # AD02003-000
Date Aug. 26, 2003

[illegible]

DCI 2004-00090

BUCKINGHAM 345

NARRATIVE

LEE PLAN COMPLIANCE AND

LAND DEVELOPMENT CODE COMPLIANCE PROJECT COUNTER

RECEIVED
DEC 17 2004

This application is a request for approval of a Residential Planned Development District (RPD) for a single family community consisting of 690 units with accessory uses on 345 acres along Buckingham Road in the Caloosahatchee Shores Community Plan area. The Caloosahatchee Shores Community Plan was approved on October 23, 2003 by the Board of County Commissioners.

The subject property is designated Outlying Suburban by the Lee Plan. The Outlying Suburban land use designation for the portion of Caloosahatchee Shores Community Plan area in which the subject property is located permits a density of 2 dwelling units per acre and therefore supports 690 units on the subject property.

A 325-acre portion of the subject property was previously approved for a community of 650 units by the Board of County Commissioners pursuant to Resolution No. Z-00-029 dated December 4, 2000. This application adds a contiguous 20-acre parcel to the community and requests a density of 690 units for the community, consisting of the 650 units which were previously approved and an additional 40 units based upon the 20-acre addition to the community. The 690 units will consist of conventional single family lots and zero lot line single family units.

The Lee Plan describes the Outlying Suburban land use designation as follows:

“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 density than other Future Urban Areas. As in the Suburban areas, commercial development greater than neighborhood centers, industrial land uses are not permitted.”
Policy 1.1.6

As noted above, the Outlying Suburban land use designation permits 2 dwelling units per acre for the portion of the Caloosahatchee Shores Community Plan area in which the subject property is located. The Lee Plan Glossary II-2 provides that the densities specified in this Plan area are gross residential density. For the purposes of calculating gross residential density, the total acreage of a development includes those lands to be used for residential uses, and includes 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 water bodies contained within the residential development.

ATTACHMENT F

The community will include a 5-1/2 acre recreational tract which will include a clubhouse facility. The recreation tract is buffered by the transportation system on two sides and a wetland preserve system on the other two sides, resulting in the recreation tract abutting only two of the single family lots.

This application is requesting an opportunity to provide for a limited accessory commercial uses of no more than 7,500 square feet which will be incorporated into the clubhouse facility. Such limited accessory commercial uses could include: food and beverage service and consumption on the premises for residents only; convenience, food and beverage items; personal services such as salon or barber shop; banking services; and a daycare center. These support uses are located internally in the community and are uses of necessity for the residents of the community. Therefore, permitting these support uses would result in capturing trips that would otherwise add traffic to the Lee County public transportation system.

Consistent with Policy 13.4.2, bicycle and pedestrian facilities will be provided throughout the development.

The Master Concept Plan provides for a neighborhood school site. The owner has met with representatives of the Lee County School District who look very favorably upon this as an appropriate location for a future neighborhood school. Of course, the details of such a school are not ready to be finalized. The development site would be placed in the District's future capital element. The details could likely be handled by providing in the zoning decision that at the time the School District is ready for design it could be accomplished by an Administrative Amendment to the RPD by the District.

The purpose of the Caloosahatchee Shores community element to the Lee Plan as set forth in Goal 13 is:

“To protect the existing character, natural resources and quality of life in Caloosahatchee Shores, while promoting new developments, redevelopment and maintaining a more rural identity for the neighborhoods east of I-75 by establishing minimum aesthetic requirements, planning the location and intensity of future commercial and residential uses, and providing incentives for redevelopment, mixed use development and pedestrian safe environments.”

ATTACHMENT F

The infrastructure is planned to be in place at the time of the development of this community with regard to the adopted leveled service and transportation, water and sewer and other areas of concurrency. The Board of County Commissioners has already found that the previously approved request for 650 units on 325 acres was consistent with the Lee Plan and met all of the locations standards and performance standards of the Land Development Code. This Master Concept Plan has been designed to implement and enhance the goals and objectives of the Caloosahatchee Shore set forth in Goal 13.

Section 34-145 sets forth the considerations for rezoning to include the following:

1. consistency with the goals objective policies and intent of the Lee Plan;

2. whether the request meets or exceeds all performance in locational standards;
3. whether the request will protect and conserve environmental critical areas and natural resources;
4. whether the request will be compatible with existing or planned uses;
5. will the request cause damage, hazard, nuisance or other detriment to persons or property;
6. compliance with all general zoning provisions and supplemental regulations pertaining to the use.

We respectfully submit that, with regard to the performance in locational standards, the protection and conservation of environmentally critically areas and natural resources and compatibility with planned uses, a determination of compliance was previously made by the Board of County Commissioners when it approved a community of 650 units on 325 acres of the subject property pursuant to Resolution No. Z-00-029 dated December 4, 2000.

The changes being proposed in this application implement and are compatible with the Outlying Suburban category within the Caloosahatchee Shores element. This is a residential community which will be compatible with its neighbors and consistent with the Lee Plan and in compliance with all the general zoning provisions and supplemental regulations.

ATTACHMENT F

**Buckingham 345
Caloosahatchee Shores Community Meeting
February 28, 2005**

Attendees: Caloosahatchee Community Members

Board Members:

Hal Waters (Vice President)

Mike Roeder

Douglas Vincent

TKW Representatives:

Dan Johnson, P.E.

Jeremy Seiden, E.I.

G.L. Homes Representative:

Richard Arkin

ATTACHMENT G

6:35p Pledge of Allegiance

6:40p New Police and Crime Prevention Specialists introduced
Motion for approval of Jan. meeting minutes, approved
William B. Davis award goes to an Animal Hospital

6:45p Olga Community Plan Presentation

6:55p Sheriff personnel dismissed

7:00p Doug Roeder, Community Panel Member, introduces Vice President of G.L. Homes, Richard Arkin, and Engineer, Dan Johnson, P.E. of TKW Consulting Engineers, Inc.

Richard Arkin

Explains a brief history of G.L. Homes

Explains that the density originally requested by the previous developer is not sought by G.L. homes, but in fact a lesser density is requested

Explains the addition of 20 acres to the project

Dan Johnson, P.E.

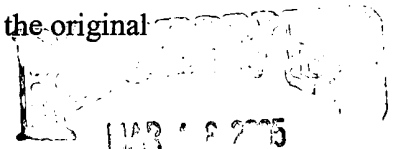
Explains that the original submittal, previously approved by C.S., is same as the new proposal

Explains the purpose and method of a Master Concept Plan

Explains the difference between the originally approved plan and the new plan

Explains buffers, zoning issues, the difference in density for the original zoning versus the new zoning category by Lee County

Explains the density of 2 units per acre



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Explains that TKW and G.L. Homes are looking for a zoning amendment to comply with the Future Land Use Plan of Lee County

Richard Arkin

Explains the school site and lot sizes

(Questions by community members)	Response
Are these all single family homes?	Yes.
Is this a gated community?	Yes.
What is the product price?	\$200,000 - \$1,000,000.
Is there a pool and clubhouse?	Yes, and other amenities
What are lot sizes?	50 x 130, 70 x 130, 1 and two story
How many accesses?	2, 1 emergency

The community members and panel members express their liking of vernacular and rural architecture.

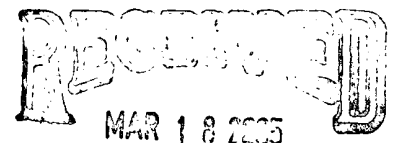
Richard Arkin

Explains that the side setbacks are greater than originally proposed.

(Questions, comments by community)	
Are there additional EMS services?	
What is the acreage?	
Is the site on the school board list?	(No)
Is it better to move the school by the other one?	(No)
There will be too much school bus traffic.	
Is there a CDD provided?	(No)
Does G.L. Homes own the piece of land in the middle?	(No, portico)
2 units per acre or up to 2 units per acre?	(up to)
Any road improvements?	DJ – Turn lanes
Connected to the Sewer System?	Yes
Is G.L. homes local?	RA – based in Ft. Lauderdale
Are there sidewalks?	RA – Yes
Sidewalk along Buckingham Road?	
	Verandah will have a sidewalk from Bird Road to S.R. 80
Where has G.L. Homes built on the east coast?	
	RA – explains the G.L. products

7:25p Douglas Vincent calls for the end of the presentation.

ATTACHMENT G



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DCI 2004-00090

East Lee County Council

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

ELCC Meeting Meeting Minutes of February 28, 2005 6:30 P.M.

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

Announcements:

- Dues are due and statements will be going out 1 month late. \$50 Associations & \$10 for individuals.
- William B. Davis beautification award to be presented to the Small Animal Hospital on March 17th at 5:15 p.m.
- Hal Waters introduced Captain Dennis Brooks and Deputy Mike Detar. The two deputies announced that there was a restructuring taking place creating smaller zones in East Lee County and adding more deputies per zone. They also cautioned everyone on an FBI scam and fraudulent email that was circulating in the area. The FBI does not email people requesting any information.
- January's meeting minutes were approved.

Treasurer's Report: No report

ATTACHMENT H

Committees:

Planning Committee, Mike Roeder:

- There is going to be a hearing on River Point on Wednesday, March 2nd.
- Planning committee has received the list of recommendations on Caloosahatchee Shores design review.

Presentation: Olga Comp. Plan, Stan Wiles

Olga comp. Plan was originally looking for 1 Unit/Acre. There will be a mixed use Commercial Zoning along SR 80 with town center behind commercial. Multi-family density is 4 units/acre maximum and single-family is 1 unit/acre east of old Olga road. Possible multi-family 4 units/acre along river with condos etc. Proposal is in the works to open a road at the entrance to Hawks Haven. There is a possibility for a road from old Olga to S. Olga to be put in. Site also includes Elementary school. Would like the county to buy land to possibly expand Olga Community Center.

Presentation: GL Homes – VP Richard Arkin & Dan Johnson

GL Homes has taken over the old Buckingham 320 plan that was originally approved in December 2000 and adding another 20+ acres and calling it the new Buckingham 345 plan. Location is 1.5 miles south of Buckingham road and Palm Beach Blvd. On the east side of Buckingham road.

In December 2003 the comp. Plan was amended to allow for 2 units/acre over the entire master plan. GL Homes is adding 20 more acres to the plan, which will allow for 690 units. That requires the site to be rezoned, which they are currently in the process of completing.

East Lee County Council

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

Lots will typically be 50' & 75' wide and a typical lot will be 130' deep. Houses will be from the high 2000 sq. ft. to 4000 sq. ft. There will be a 10' separation between the 50' lots and a 12' separation between 75' a lot. Design will comply with Florida Vernacular design and will be hooked into a sewer/water system.

There is no current plan for creating a CDD (Community Development District) but they are not ruling it out at this time.

Current projects that GL Homes has been involved in are Silver Lakes, Silver Falls, Long Lake Ranch and Long Lake Estates in Broward County. Local projects include Saturnia Lakes on Immokalee Road and future projects will be in a Worthington project east of I-75 on Treeline between Daniels and Colonial in south Ft. Myers.

Old Business:

- Election of Board of Directors – a motion was made and seconded for all current members to serve another year.
- Janet Tripp was nominated & elected as a new board member.
- Next meeting will be on March 28th.

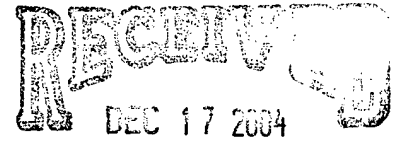
Meeting adjourned.

ATTACHMENT H



MORRIS-DEPEW ASSOCIATES, INC.
ENGINEERS • PLANNERS • SURVEYORS & MAPPERS

Buckingham 320



Residential Planned Development

PERMIT COUNTER

Zoning Traffic Statement

September 29, 1999



PERMIT COUNTER

PROJECT # 99-10-090.032
PROJECT TYPE 12

Prepared by:

Ryan M. Shute, P.E.

ATTACHMENT I

DCI 2004-00090

EXHIBIT III-C



Buckingham 320

Residential Planned Development

Zoning Traffic Statement

Project Information

Description of Development

A residential planned development located on the east side of Buckingham Road, a little over a mile south of State Road 80 in Lee County Florida. The development is planned for a maximum of 1320 units.

Description of Development

Description	Quantity	Units	ITE Land Use Classification
Residential Subdivision	1320	Dwelling Units	210: Single Family Detached Housing

Trip Generation

ATTACHMENT I

Trip Generation Rates

Trip Generation Rates in accordance with the ITE Trip Generation Manual, 6th Edition (updated 1997), are shown for the ITE Land Use Classification below.

ITE LUC 862 Home Improvement Superstore

- Average Daily Trips (ADT): $\ln(T) = 0.920 \ln(X) + 2.707$
- AM Peak Hour Trips (AM PHT): $(T) = 0.700(X) + 9.477$
Entering Trips = 25%
Exiting Trips = 75%
- PM Peak Hour Trips (PM PHT) $\ln(T) = 0.901 \ln(X) + 0.527$
Entering Trips = 64%
Exiting Trips = 36%



Trip Generation

The vehicular trips generated by the development are summarized in the tables below.

Average Daily Trips (ADT)

Description	Quantity	ADT	Entering ADT	Exiting ADT
Single-Family Detached Housing	1320.0	11,132	N/A	N/A
Totals		11,132	N/A	N/A

AM Peak Hour Trips (AM PHT)

Description	Quantity	AM PHT	% Entering	% Exiting	Entering AM PHT	Exiting AM PHT
Single-Family Detached Housing	1320.0	933	25%	75%	233	700
Totals		933			233	700

PM Peak Hour Trips (PM PHT)

Description	Quantity	PM PHT	% Entering	% Exiting	Entering PM PHT	Exiting PM PHT
Single-Family Detached Housing	1320.0	1098	64%	36%	703	395
Totals		1098			703	395



Background Link Calculations

Avg. Area Growth Rate: 1.0% annually
Build-out Year: 2005

Link A

Buckingham Road South of SR 80

1998	5,300 AADT's				
2005	5,515 AADT's				
Annual Growth Rate =		1.01%			
Seasonal Adjustment:	1.083	(February, March, April average, PCS 11)			
2005 Season:	5,975 AADT's				
AM Peak Hour:	6%	=	359 PHT's		
	53%	SB =	190 PHT's	47% NB =	168 PHT's
PM Peak Hour:	8%	=	478 PHT's		
	48%	SB =	229 PHT's	52% NB =	249 PHT's
D-Factor	52%				
K-100 Factor	9.6%				275 PHT's
LOS Directional Capacity "E" = 1170		With Project Directional Trips = 732 < 1170			

Link B

Palm Beach E of SR 31

1998	24,700 AADT's				
2005	25,042 AADT's				
Annual Growth Rate =		0.93%			
Seasonal Adjustment:	1.086	(February, March, April average, PCS 5)			
2005 Season:	27,195 AADT's				
AM Peak Hour:	7%	=	1,904 PHT's		
	31%	EB =	590 PHT's	69% WB =	1314 PHT's
PM Peak Hour:	8%	=	2,176 PHT's		
	63%	EB =	1371 PHT's	37% WB =	805 PHT's
D-Factor	63%				
K-100 Factor	9.4%				1483 PHT's
LOS Directional Capacity "C" = 2720		With Project Directional Trips = 1765 < 2720			



Link C

Palm Beach E of Buckingham

1998	14,200	AADT's			
2005	14,200	AADT's			
Annual Growth Rate = 0.10%					
Seasonal Adjustment:	1.086	(February, March, April average, PCS 5)			
2005 Season:	15,421	AADT's			
AM Peak Hour:	7%	=	1,079	PHT's	
	31%	EB =	335	PHT's	69% WB = 745 PHT's
PM Peak Hour:	8%	=	1,234	PHT's	
	63%	EB =	777	PHT's	37% WB = 456 PHT's
D-Factor	63%				
K-100 Factor	9.4%				841 PHT's
LOS Directional Capacity "B" = 1540			With Project Directional Trips = 913 < 1540		

Link D

Olga Road N of SR 80

1998	3,100	AADT's			
2005	3,400	AADT's			
Annual Growth Rate = 3.28%					
Seasonal Adjustment:	1.167	(January, February, March, average, PCS 25)			
2005 Season:	3,967	AADT's			
AM Peak Hour:	6%	=	238	PHT's	
	62%	SB =	148	PHT's	38% NB = 90 PHT's
PM Peak Hour:	8%	=	317	PHT's	
	43%	SB =	136	PHT's	57% NB = 181 PHT's
D-Factor	52%				
K-100 Factor	9.6%				170 PHT's
LOS Directional Capacity = NA					

Link E

Orange River E of Staley

1998	4,900	AADT's			
2005	4,900	AADT's			
Annual Growth Rate = -0.96%					
Seasonal Adjustment:	1.086	(February, March, April average, PCS 5)			
2005 Season:	5,321	AADT's			
AM Peak Hour:	7%	=	372	PHT's	
	31%	EB =	115	PHT's	69% WB = 257 PHT's
PM Peak Hour:	8%	=	426	PHT's	
	63%	EB =	268	PHT's	37% WB = 158 PHT's
D-Factor	63%				
K-100 Factor	9.4%				290 PHT's
LOS Directional Capacity "E" = 1330			With Project Directional Trips = 360 < 1330		



Discussion of Analysis

The intersections in the study area were analyzed for the projected LOS with the site-generated trip added to the future background traffic. Unless otherwise mentioned, the analysis was performed using HCS for signalized intersections. An unsignalized was conducted for the project entrances intersection with Buckingham Road.

Trip distribution and trip assignment diagrams for each intersection in the study area are provided in the following sections. The corresponding HCS analysis is also provided.

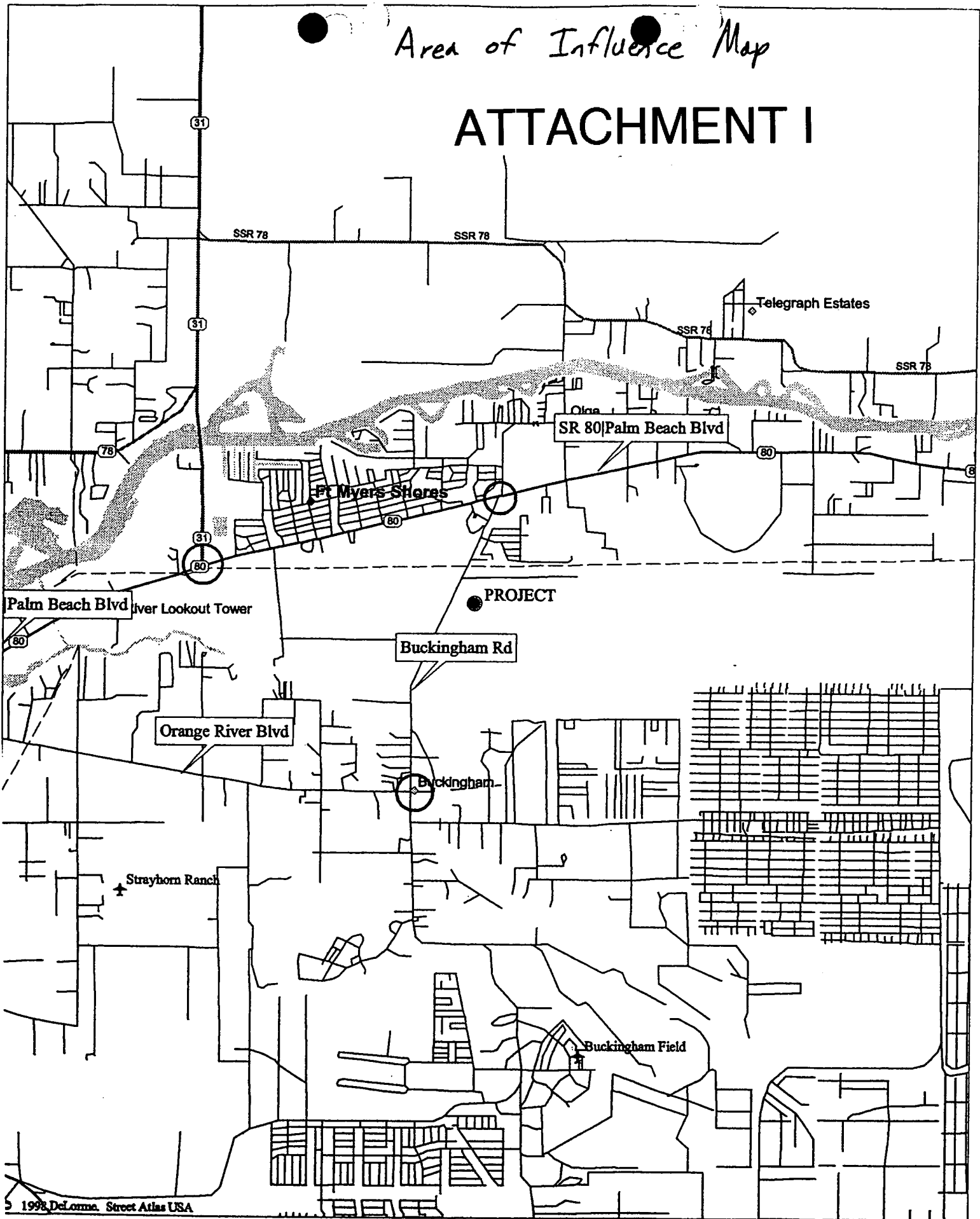
Analysis demonstrates that the intersection of Buckingham Road and SR 80 will need additional right turn lanes to prevent the intersection from reaching capacity in the year 2005. The project entrances will require left and right turn lanes exiting the site and south bound left turn lanes on Buckingham Road. The links within the area of influence will function with an adequate level of service. The two lane Buckingham Road link will have a LOS "D" during the PM post project condition in the year 2005. The SR 80 links will not have capacity problems.

Given the above discussion, the proposed project should not cause any of the intersections or road segments to fall below acceptable levels of service, but improvements will need to be made to the intersection of SR 80 and Buckingham Road.

ATTACHMENT I

Area of Influence Map

ATTACHMENT I



MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES DIVISION

DATE: April 27, 2000

TO: Kay Deselem, AICP

Senior Planner

FROM: _____

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

RE: **Buckingham 320**
Case No. DCI 964568

The proposed development consists of 1,320 residential units (up to 800 multi-family, and 520 in some form of single-family) and a clubhouse with private recreational facilities for residents and guests only. The project is expected to generate 8,759 new trips per day with 648 occurring in the AM peak hour and 845 occurring in the PM peak hour.

Based on the 1999 Lee County D.O.T. Traffic Count Report the 2000 peak season, peak hour, peak direction flow volume is 281 vehicles per hour. At this volume Buckingham Road provides Level of Service C.

Normal background growth of traffic over the estimated five (5) years for build out of this project will result in a 2005 peak season, peak hour, peak direction flow volume of 313 vehicles per hour. At this volume Buckingham Road provides Level of Service C.

When the project traffic is added to the above anticipated build out year background traffic the peak season, peak hour, peak direction flow volume will be expected to increase to approximately 504 vehicles per hour. At this volume Buckingham Road provides Level of Service D.

ATTACHMENT Q



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MEMORANDUM

ATTACHMENT J

TO: Mr. Dan Johnson
TKW Consulting Engineers, Inc.

FROM: Ted B. Treesh
Principal/Regional Manager

David L. Wheeler
Transportation Consultant

DATE: March 11, 2005

RE: Buckingham 345 Rezoning
Lee County, Florida

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TKW
CONSULTING ENGINEERS

Metro Transportation Group, Inc. (Metro) has completed a trip generation and Level of Service analysis on Buckingham Road for the proposed Buckingham 345 Rezoning in Lee County, Florida per the request of the Lee County Department of Transportation. This analysis only addresses the impact, if any, that the proposed amendment to the Buckingham 320 RPD re-zoning will have on the Level of Service Conditions on Buckingham Road.

The subject site is located on the east side of Buckingham Road south of its intersection with State Route 80 in Lee County, Florida. Access to the site is proposed to the site via a full access drive on Buckingham Road. **Figure 1** illustrates the location of the subject site. The site is currently zoned for 640 dwelling units and was approved under Zoning Resolution Z-00-029 and amended under ADD2003-00067.

PROPOSED DEVELOPMENT

If approved, the amendment to the Buckingham 320 RPD will add approximately 25 acres as well as approximately 50 dwelling units. The application is now referred to as the Buckingham 345 RPD. Land Use Code 210 (Single-Family Detached Housing) was

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utilized for the trip generation purposes of the proposed Buckingham 345 rezoning.

The TIS for the recently approved Portico RPD was also referenced in determining the anticipated internal capture that will be present with the amenities that will be provided on-site. In order to account for the trips from the development that will utilize the amenities located within the site, an internal capture rate of four percent (4%) was utilized for Land Use Code 210, consistent with the reduction permitted for the Portico RPD, which is proposed to provide similar type amenities in that community. **Table 1** outlines the estimated weekday AM and PM peak hour trip generation of the project as currently proposed.

Table 1
Trip Generation
Buckingham 345 Rezoning

Land Use	Weekday AM Peak Hour			Weekday PM Peak Hour			Daily 2-way
	In	Out	Total	In	Out	Total	
Single-Family Detached Housing (690 dwelling units)	125	365	490	385	225	610	6,145
Less Internal Capture for LUC 210	-5	-15	-20	-15	-10	-25	-245
Total Trips (Utilizing the Public Roadway Network)	120	350	470	370	215	585	5,900

LEVEL OF SERVICE ANALYSIS

A Level of Service analysis was conducted on Buckingham Road for the build-out traffic conditions of the Buckingham 345 Rezoning assuming the site is developed with the maximum land use intensity allowed by zoning. Also included in the analysis of Buckingham Road was the traffic from the pending Portico RPD. The attached **Tables 1A and 2A** indicate the projected traffic volumes and Level of Service conditions on Buckingham Road at the build-out of the project. For this analysis it was assumed that the traffic would follow the same distribution as presented in the Portico RPD zoning TIS as prepared by David Plummer & Associates, Inc. **Figure 2** illustrates the project traffic distribution and site traffic assignment utilized for the proposed Buckingham 345 Rezoning.

Based on the Level of Service analysis performed within this report, Buckingham Road from S.R. 80 to Gunnery Road will be significantly impacted by the proposed Buckingham 345 Rezoning. Significant Impact is defined as any roadway link that will accommodate greater than 10% of the Peak Hour – Peak Direction Level of Service “C” volumes, as defined by the Lee County Link Specific Service Volume tables provided by the Lee County Department of Transportation. The projected build-out year for the Buckingham 345 Rezoning is 2008, so an analysis year of 2009 was selected. The site

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PERMIT COUNTER



Mr. Dan Johnson
Buckingham 345 Rezoning
March 11, 2005
Page 4

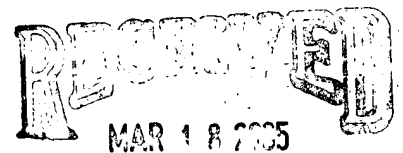
traffic from the pending Portico RPD (DCI2004-00031) was also accounted for in the Level of Service analysis.

Based on the analysis indicated within Table 2A, all roadway segments analyzed were shown to operate at acceptable Level of Service conditions under the projected 2009 build-out traffic conditions for the proposed Buckingham 345 rezoning. Therefore, no roadway improvements will be warranted as a result of the proposed Buckingham 345 rezoning.

CONCLUSION

Based on the trip generation and Level of Service analysis contained within this report, Buckingham Road will operate at acceptable Level of Service conditions after the addition of the project traffic. Therefore, no roadway improvements will be warranted as a result of the proposed Buckingham 345 rezoning located on the east side of Buckingham Road south of its intersection with State Route 80 in Lee County, Florida.

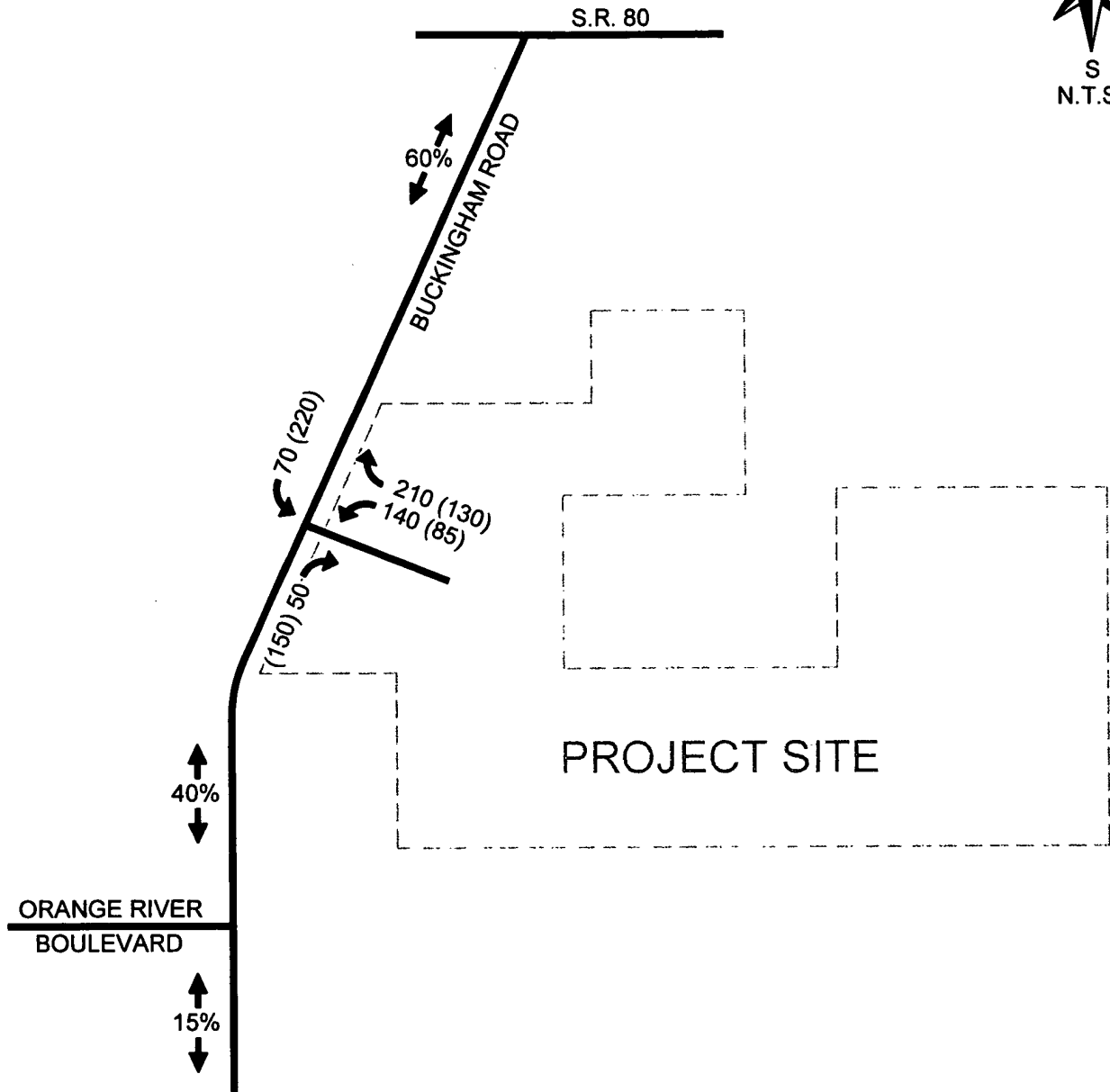
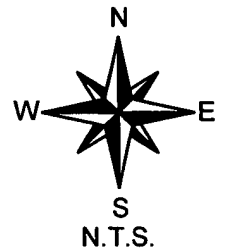
Attachments



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PROJECT TRAFFIC DISTRIBUTION & ASSIGNMENT BUCKINGHAM 345 REZONING

Figure 2

10.5%
27.9%
41.9%

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 585 VPH

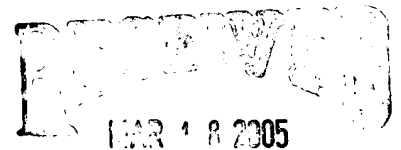
* Lee County Link Specific Peak Hour Directional Service Volumes were utilized to determine the LOS thresholds

DCI 2004-0009n

**TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS**

TOTAL PROJECT TRAFFIC AM =		470	VPH	IN =	120	OUT=	350																							
TOTAL PROJECT TRAFFIC PM =		585	VPH	IN=	370	OUT=	215																							
ROADWAY	SEGMENT	2009		2009		2009		2009		2009		2009		2009		2009														
		BCKGRND	TRAFFIC ¹	PORTICO	DEVELOPMT	PK SEASON	PK HR	BCKGRND	PERCENT	PROJECT	TRAFFIC	LOS	AM PROJ	TRAFFIC	PM PROJ	TRAFFIC	BCKGRND	TRAFFIC	LOS	AM PROJ	TRAFFIC	PM PROJ	TRAFFIC	BCKGRND	TRAFFIC	LOS	PM PROJ	TRAFFIC	BCKGRND	TRAFFIC
Buckingham Rd.	N. of Gunnery Rd.	464			98	562			15%		D	53		56			615		D		618			615		D		618		D
	N. of Orange River Blvd.	373			239	612			40%		D	140		148			752		D		760			752		D		760		D
	N. of Project Entrance	313			356	669			60%		D	210		222			879		E		891			879		E		891		E

¹ Obtained from the TIS for the Portico RPD (DCI2004-00031) as prepared by David Plummer & Associates, Inc.



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DCI 2004-00090

ATTACHMENT J

Buckingham Road Tract

Environmental Assessment

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ATTACHMENT K

Boylan
Environmental
Consultants, Inc.

*Wetland & Wildlife Surveys, Environmental Permitting,
Impact Assessments*

11000 Metro Parkway, Suite 202, Fort Myers, Florida, 33912 Phone:(941) 418-0671 Fax:(941) 418-0672

January 24, 2003

Revised March 18, 2003

INTRODUCTION

Two environmental scientists from Boylan Environmental Consultants, Inc conducted a field investigations on the subject property on January 6, 2003, January 23 , 2003, and March 17, 2003. The purpose of the investigation was to identify the presence and approximately locate any environmentally sensitive lands such as wetlands. Wildlife observations were also noted.

The property is situated off of Buckingham Road in portions of Section 33, T43S, and R26E in Lee County.

The site is bordered on the west by a Buckingham Road. Several Agricultural fields, and pasture lands surround a majority of the site. In addition, some residential areas are located south of the parcel. The site is currently being utilized for hay baling.

The U.S. Army Corps of Engineers (ACOE) and the South Florida Water Management District (SFWMD) are the regulatory agencies that regulate development activities in wetlands. In general, to be considered wetland by the ACOE or the SFWMD, the area should exhibit wetland hydrology, wetland vegetation, and hydric soils.

EXISTING SITE CONDITIONS

Because hydric soil, wetland hydrology, and wetland vegetation are needed for an area to be considered as wetland, we searched the property for indicators of these parameters.

SOILS

Hydric soils are identified by certain characteristics that are unique to wetland soils. Wetland hydrology is normally present if the soil is saturated or inundated for a long duration sometime during the growing season, which normally occurs during the wet season. In our region, the wet season occurs in the summer and early fall, therefore, if an area exhibits soil saturation or is inundated for a period of time the area is considered to have wetland hydrology. In the absence of visual signs of saturation or inundation, one may use hydrologic indicators such as adventitious rooting, lichen lines, or algal matting. Wetland vegetation is present if the majority of the plants that are present are ones that are adapted to saturated soil conditions.

The soils on the property have been mapped by the Soil Conservation Service (SCS). See attached map for SCS mappings, and breakdown of Hydric Soil approximate acreages. These mappings are general in nature, but can provide a certain level of information about the site as to the possible extent of wetland area. The agencies commonly use these mappings as justification for certain wetland determinations.

Below is a table showing the soils types and approximate acreage of that soil type.

SOIL TYPE	Acreage of Soil
NON-HYDRIC SOIL	
28 – Immokalee Sand	169.66
33 – Oldsmar Sand	115.82
	Total ~285.48 ac
HYDRIC SOILS	
13 – Boca fine sand (N)	21.14
14 – Valkaria fine sand (N, L)	7.57
34 – Malabar fine sand (N, L)	6.93
44 – Malabar fine sand, depressional (N, L)	1.36
45 – Copeland sandy loam, depressional (N, L)	14.17
49 – Felda fine sand, depressional (N, L)	2.91
	Total ~54.08 ac

VEGETATION

Vegetation communities were mapped in the field according to the system in use by the agencies, the Florida Land Use Cover and Forms Classification System (FLUCCS). Vegetation is one parameter used in determining the presence of a wetland, and these communities mappings will generally reflect whether an area could be considered as wetland, although the presence of wetland hydrology and hydric soil are also technically required. The attached FLUCCS map shows these communities.

ATTACHMENT K

Uplands

The following community would likely be considered as upland. There may be no wetland regulatory requirements with these areas.

100 Residential

This area consists of the home and farm site which manages the fields.

215 Field Crops

This category of land has been cleared, tilled and reseeded with grasses such as Bahia grass. Hay grasses are the primary field crop. The area is currently being used for hay bailing.

321 Palmetto Prairie

This community is dominated by saw palmetto and has no canopy. Associated vegetation includes wire grass, grapevine, Spanish needles, Caesar weed, fetterbush, dos fennel, and wax myrtle. Brazilian pepper was also present in this community.

411 Pine Flatwoods

This community is located in several areas of the property. There are areas adjacent to the cypress wetlands in the southwest corner of the property, and also in association with the palmetto prairie in the north parcel. The canopy was composed of Slash Pine, along with some scattered cabbage palm, oaks, and wax myrtle. The understory was dominated by saw palmetto. Other vegetation present includes grapevine, crab's eye vine, Spanish needles, Caesar weed, dog fennel, rusty lyonia, and wire grass. Brazilian pepper is found within much of these areas as well.

422 Brazilian pepper

This cover type occurred on the spoil piles situated along the southern boundary and in portions of the property. These areas are predominantly composed of Brazilian pepper.

428/422 Cabbage Palm and Brazilian Pepper

This area is composed of pine and cabbage palm heavily invaded by Brazilian Pepper.

814 Roads

This area consists of the dirt road, which leads into the property.

Wetlands

ATTACHMENT K

Based on the overwhelming dominance of wetland vegetation and signs of hydrology, the following communities would likely be considered as wetland. Wetland vegetation is present if the majority of the plants that are present are ones that are adapted to saturated soil conditions.

***215H Field Crops**

This category of land has been cleared, tilled and reseeded with grasses such as Bahia grass. Hay grasses are the primary field crop. Other wetland vegetation was observed in some areas, including Coin wart (*Hydrocotyle spp.*), which was underlain by hydric soils. Due to the presence of wetland vegetation and hydric soils the Army Corps of Engineers may consider these areas jurisdictional. These areas were not considered as wetlands under South Florida Water Management.

422H Hydric Brazilian pepper

This wet area dominated by a Brazilian Pepper monoculture and is found on the east corner of the Cypress wetland.

429/422H Wax myrtle and Brazilian Pepper

Subcanopy, mainly wax myrtle and Brazilian pepper dominate this community. Some scattered oaks were found in this area near the southern portion of the property. The ground cover was minimal, but some Caesar weed was found in the majority of the areas. This area is underlain by hydric soils and exhibited signs of wetland hydrology.

621 Cypress

This community was dominated by large Cypress, and Southern Red Maple. The understory is composed of swamp fern. This area was inundated with water during the field investigations.

740H Disturbed Wetlands

This portion of wetlands has been previously cleared of the forested wetlands for a trail. It is now composed of pickerel weed, maidencane, and various sedges and rushes. This area was inundated during the field investigations.

Other Surface Waters

Excavated water bodies such as ditches and lakes are typically considered as other surface waters. Mitigation is typically not required for impacts to other surface waters, where the waters are located in former uplands or in non-hydric soils. Mitigation is sometimes required for impacts to other surface water where these areas are located in former wetlands and still exhibit signs of hydrology and wetland vegetation.

500 Open Water

This created ditch area borders the southwest corner of the wetland area. Some Bacopa and pickerelweed were seen in the ditch area. This ditch is located in hydric soils, exhibits wetland hydrology and contains wetland vegetation. Mitigation may be required for impacts to this ditch.

Several wet swales were also located throughout the property, with wetland vegetation including Cattails, and pickerel weed and coin wort with standing water. These swales are located in non-hydric soils and mitigation should not be required for impacts to these swales.

LISTED SPECIES

The site does have community types in which protected species could reside, however, during our preliminary investigation; we did not identify any individuals or signs of listed species. A formal Protected Species Survey was conducted on July 19, 20, and 30, 1999. No nest-like structures or tree cavities were noted. No tortoise burrows were identified. However, a survey

has not been conducted on the 20 ac parcel in the north portion of the tract. This area should be surveyed for possible Gopher Tortoises.

Lee County was also contacted about the location of any eagle nests in the project vicinity. Lee County records reflect no eagle nests in the project vicinity.

DISCUSSION

Wetland locations were estimated and drawn by using a non-rectified aerial with approximate property boundaries, hence their location, aerial extent, and acreage is approximate. Before any detailed site planning, it is recommended that the wetland lines be flagged, approved by the agencies and that professional land surveyors survey the wetland lines.

Generally, with regard to impacts to wetlands, The Army Corps of Engineers does not regulate activities in isolated wetlands or the excavation of wetlands where there is only incidental fall back of fill material. The recent U.S. Supreme Court decision in the Solid Water Agency of Northern Cook County v. U.S. Army Corps of Engineers (SWANCC) provides that the Corps does not have jurisdiction over isolated wetlands. Since this ruling there has been no guidance regarding how the Corps should define what is an isolated wetland. Currently the Corps' position on most all wetlands is that the Corps has jurisdiction.

With the Corps, impacts to wetlands that are less than 0.5 acres, the activity can usually be processed as a Nationwide Permit application. For projects with greater than 0.5 acres of impact the application will be processed as an individual permit application. This involves a public notice process and coordination with other federal agencies such as the EPA and the FWS.

The SFWMD requires mitigation for impacts to wetlands, but usually no mitigation is required for impacts to isolated wetlands not used by listed (protected) species that are less than 0.5 acres in size. Impacts greater than 0.5 acres would require mitigation. Mitigation is a way to compensate for wetland impacts, which could consist of wetland enhancement, wetland creation, wetland preservation, upland compensation, or off- site mitigation. Mitigation costs and time involved usually increase with an increase in the proposed impacts.



Introduction

TKW Consulting Engineers' Environmental Scientist, Andrew Kelly, conducted an on-site review, throughout May and June, 2004, of the property known as Buckingham 320 to ground truth earlier reviews. The resulting summary and FLUCCS map follows.

The 324.66 +/- acre site has a previous wetland determination by the SFWMD from 1999 by Craig Schmittler, PWS. The site was again visited by SFWMD staff in 2003 when Boylan Environmental Consulting requested a site inspection and wetland jurisdictional, but a follow-up FLUCCS map was not submitted to the District for approval.

Methodology

A combination of aerial photo interpretation, soil survey maps, and ground truthing were utilized. The presence of wetlands was determined by the definitions and methodologies pursuant to 62-340 of the Florida Administrative Code.

Summary of Findings

The 324.66 acre site is located in Township 43 South, Range 26 East, and Sections 32 & 33 within the jurisdictional boundaries of Lee County. The property is adjacent to Buckingham Road on the west, a school and pastures to the north, pastures to the east, and unimproved/undeveloped areas and several single family residences to the south.

The majority of the site is currently being farmed for hay. There is a single family residence and barn on the west-central property, and a vegetated area on the southwest corner consisting of both wetlands and uplands, see the attached FLUCCS map for details and sizes.

State and Federal listed species were not observed on the property.

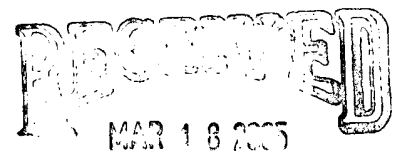
ATTACHMENT K

Statement by Owner Regarding Agricultural Uses.

All 640 units are under lease for a bona fide commercial purpose of raising hay with David W. Meloy. This is bona fide agricultural use in existence at the time the application was filed. No additional clearing or grading for agricultural use is anticipated.

Property Owner Statement, Lee County Homes Associates, I, LLP,
a Florida limited liability partnership

ATTACHMENT L



PERMIT COUNTER

DCI 2004-00090

Affidavit by Owner Regarding Agricultural Uses

All 345 acres as shown on Exhibit "A" attached to and made a part of this Affidavit are owned by Lee County Homes Associates I, LLLP and are leased to David W. Meloy for the bona fide agricultural use of pasturing cattle and/or growing hay. This agricultural use was in existence at the time this application was filed. No additional clearing or grading for agricultural use is anticipated.

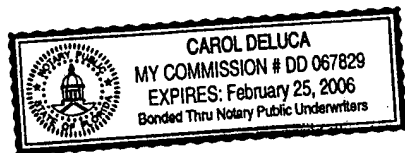
Lee County Homes Associates I, LLLP,
a Florida limited liability limited partnership

By: Lee County Homes I Corporation,
a Florida corporation, its general partner

By: [Signature]
Name: Richard M. Norwalk
Title: Vice President

The foregoing instrument was acknowledged before me this 2 day of MAY, 2005 by Richard M. Norwalk. He personally appeared before me, and is personally known to me or produced _____ as identification.

[NOTARY SEAL]



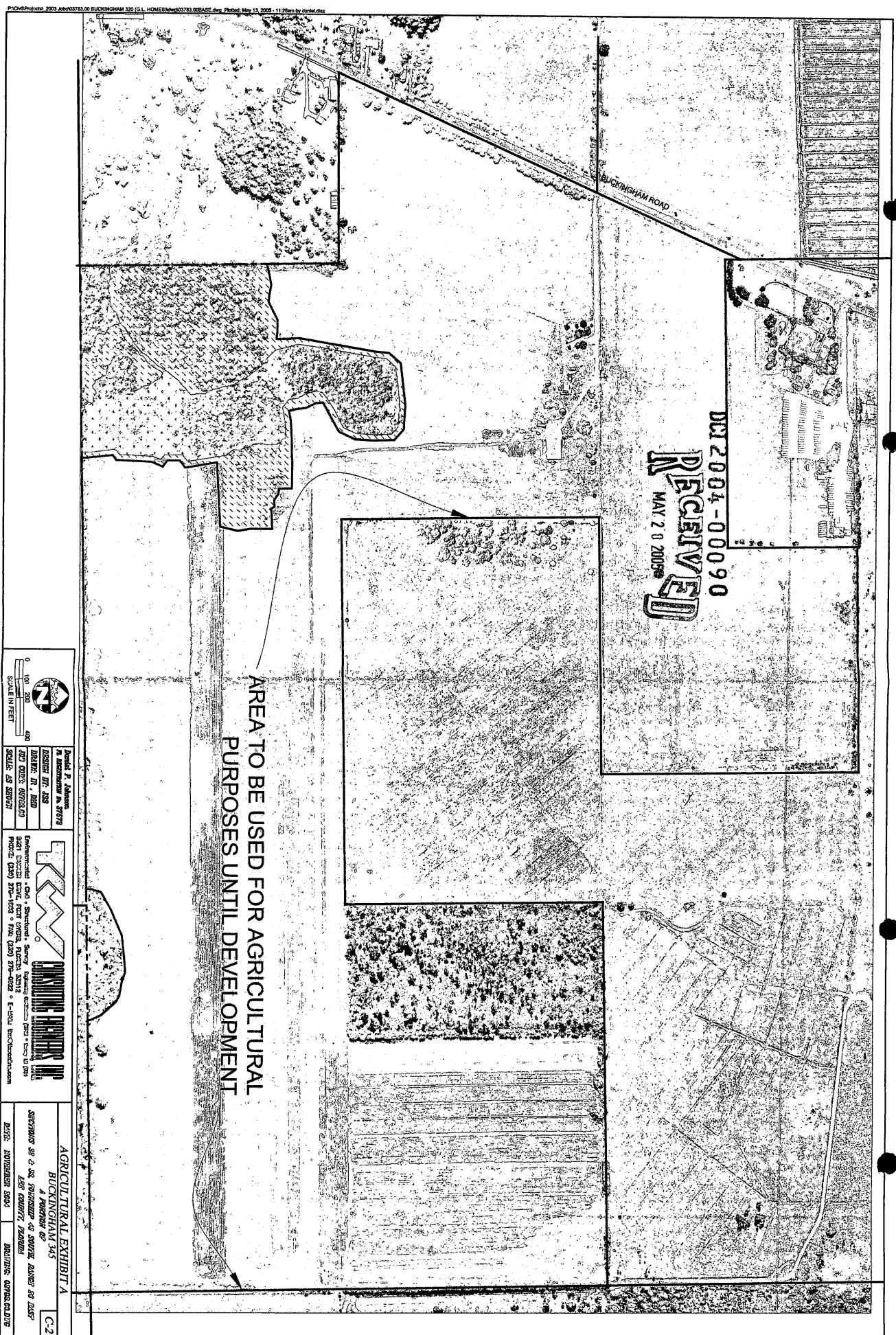
Notary: [Signature]
Print Name: _____
Notary Public, State of Florida
My commission expires: _____

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DCI2004-00090

ATTACHMENT L

ATTACHMENT L



LEGAL DESCRIPTION

BUCKINGHAM 345

A PARCEL OF LAND LOCATED IN SECTIONS 32 AND 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE RUN S 89°06'45" W, ALONG THE SOUTH LINE OF SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 2,647.58 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 33; THENCE RUN S 89°06'35" W, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 2,647.40 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 33; THENCE RUN N 00°56'26" W, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,329.87 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S 89°35'38" W, ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 43 SOUTH, RANGE 26 EAST, FOR A DISTANCE OF 978.47 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF BUCKINGHAM ROAD, A 60 FOOT RIGHT-OF-WAY; THENCE RUN N 24°23'58" E, ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF BUCKINGHAM ROAD, FOR A DISTANCE OF 2,286.09 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S 00°56'26" E, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 80.68 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N 89°04'22" E, ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,498.70 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N 00°46'36" W, ALONG THE WEST LINE OF THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 662.58 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, THENCE RUN N 89°09'14" E, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,167.13 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, THENCE RUN S 00°38'54" E, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,321.87 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S 88°59'29" W, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,330.50 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S 00°47'40" E, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,331.24 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N 89°03'02" E, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE

(Page 1 of 2)

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environmental • civil • structural

(continued)

SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,327.10 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N 89°03'03" E, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 661.05 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE RUN N 00°41'05" W, ALONG THE WEST LINE OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,333.31 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE RUN N 88°59'29" E, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,980.63 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 33; THENCE RUN S 00°47'37" E, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 2,670.83 FEET TO THE POINT OF BEGINNING, CONTAINING 344.882 ACRES, MORE OR LESS.

TKW CONSULTING ENGINEERS, INC.

SIGNED:

Eric V. Sandoval

DATE:

1-14-05

ERIC V. SANDOVAL P.S.M

STATE OF FLORIDA # 5223

TKW CONSULTING ENGINEERS, INC.

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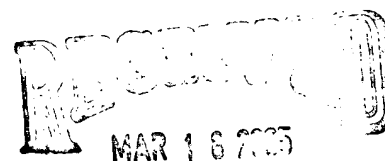
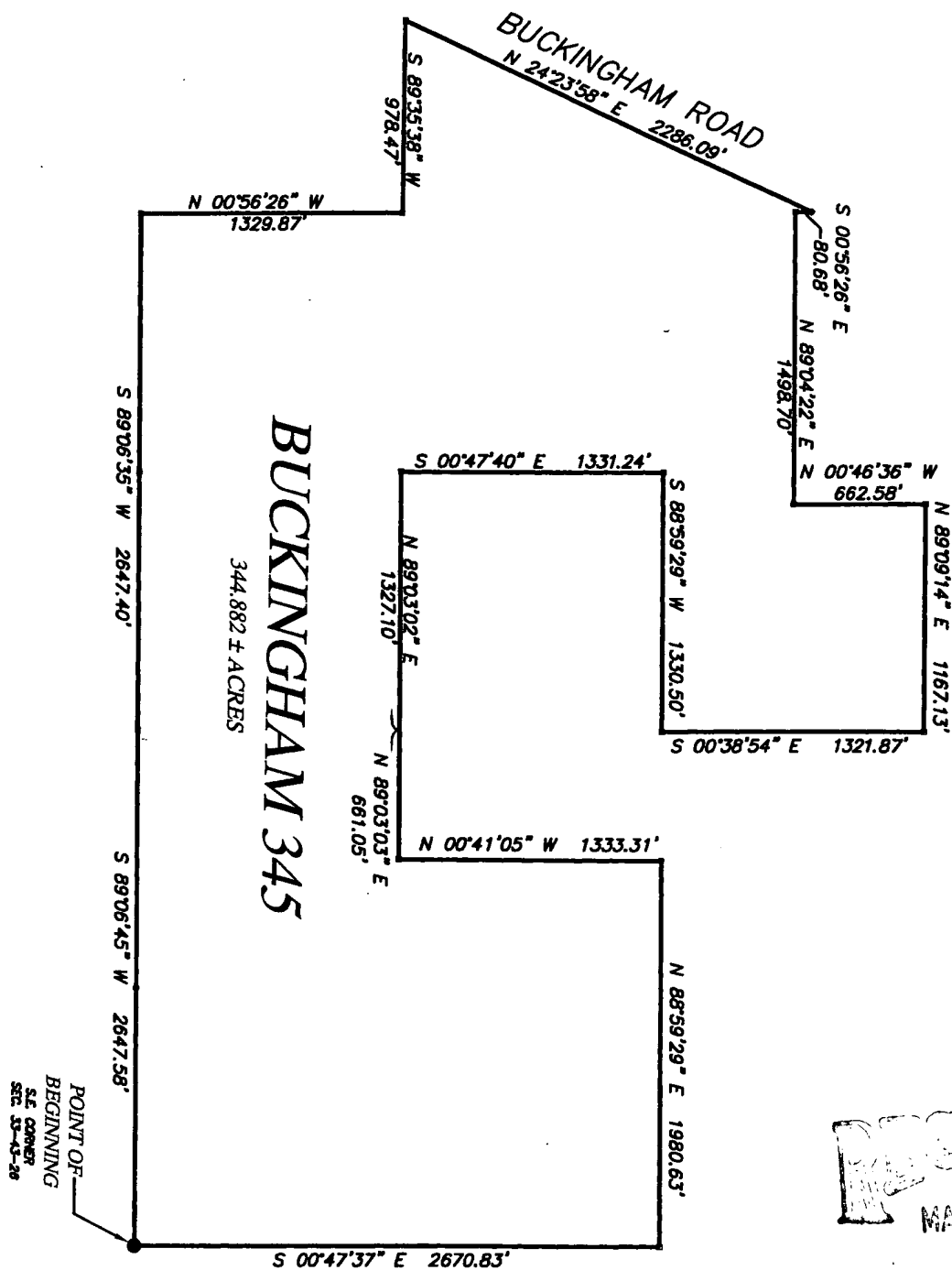
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DCI 2004-0009n



SCALE: 1" = 800'



PERMIT COUNTER

DCI 2004-0009n

* THIS IS NOT A SURVEY *

TKW
CONSULTING ENGINEERS, INC.
environmental-civil-structural-survey

5621 Banner Drive
Fort Myers, Florida 33912
(239) 278-1992 • FAX (239) 278-0922
E-MAIL tkw@tkwonline.com
Certification # 734

DRAWN BY: A.D.	JOB NO.: 03783.00	SHEET 1 OF 1
SKETCH TO ACCOMPANY LEGAL DESCRIPTION		
BUCKINGHAM 345 A PORTION OF SECTIONS 32 & 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA		
DATE: JANUARY 2005	DRAWING: 03783SCKT	

ATTACHMENT L

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

WHEREAS, Johnson Engineering, Inc. filed an application on behalf of the property owner, TW Acquisitions, Inc., to rezone a 589± acre parcel from Agricultural (AG-2) to Residential Planned Development (RPD) in reference to Portico RPD; and

WHEREAS, a public hearing was advertised and held on December 16, 2004, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case No. DCI2004-00031; and

WHEREAS, a second public hearing was advertised and held on March 21, 2005, 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 589± acre parcel from AG-2 to RPD, to allow 1,058 single-family and 120 townhouse units (1,178 total dwelling units). The proposed maximum building heights are two stories/35 feet for single-family, three stories/50 feet for townhouses, and two stories/50 feet for a clubhouse. No development blasting is requested. The property is located in the Outlying Suburban 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 8-page Master Concept Plan entitled MASTER CONCEPT PLAN FOR PORTICO stamped received May 3, 2005, except as modified by the conditions below.

This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

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

a. Schedule of Uses

ACCESSORY USES AND STRUCTURES

ADMINISTRATIVE OFFICES

CONSUMPTION ON PREMISES - Amenity sites only. See Condition 10.

CLUBS, CLUBHOUSE - PRIVATE. Amenity sites only as shown on the approved Master Concept Plan. Also see Condition 10.

DOCKS, FISHING PIERS

DWELLING UNITS

SINGLE-FAMILY - 1,058 maximum

TOWNHOUSE - 120 maximum. See Condition 15.

1,178 MAXIMUM Dwelling units

ENTRANCE GATES, AND GATEHOUSE - In compliance with LDC §34-1748

ESSENTIAL SERVICES

ESSENTIAL SERVICE FACILITIES -Group I ONLY

Communication, telephone and electrical distribution facilities up to 425 square feet in area and 10 feet in height.

EXCAVATION, WATER RETENTION - NO blasting or removal of excavated material off site.

FENCES, WALLS, Per LDC §34-1741

FOOD AND BEVERAGE SERVICES - Amenity sites only. See Condition 10.

HOME OCCUPATION, Per LDC §34-1741 *et seq.* - NO outside help.

MODELS: Per LDC §34-1951 *et seq.* - See Condition 5.

Model Display Center

Model Home

Model Unit

PARKING LOT, ACCESSORY

PERSONAL SERVICES - Group I - Amenity sites only, see Condition 10.

REAL ESTATE SALES - See Condition 5.

RECREATION FACILITIES, PERSONAL, PRIVATE, ON SITE

SIGNS, In accordance with Chapter 30

STORAGE, INDOORS

TEMPORARY USES - TEMPORARY SALES, TEMPORARY CONSTRUCTION

b. Site Development Regulations

Single Family

Minimum Lot Areas and Dimensions

Lot Size: 6,500 square feet

Lot Width: 50 feet

Lot Depth: 110 feet

Minimum Setbacks

Street 20 feet

Side 5 feet (Per Condition 10)

Rear	10 feet (5 feet - accessory)
Water body	20 feet (15 feet - accessory)

Building Separation: 10 feet

Perimeter Setbacks: 15 feet

Maximum Height: 2 stories/35 feet

Maximum Lot Coverage: 60 percent

Townhouse

Minimum Lot Areas and Dimensions

Internal Unit Width:	22 feet
External Unit With:	25 feet
Depth:	100 feet

Minimum Setbacks:

Street	20 feet
Side	Internal Unit = Zero feet External Unit = 7.5 feet
Rear	20 feet
Water body	20 feet

Building Separation: 20 feet

Perimeter Setbacks: 15 feet

Maximum Height: 3 stories / 50 feet

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

Maximum Lot Coverage: 60 percent

Clubhouse/Amenity Sites

ATTACHMENT M

Minimum Lot Areas and Dimensions

Lot Size:	6,500 square feet
Lot Width:	50 feet
Lot Depth:	110 feet

Minimum Setbacks

Street	20 feet
Side	10 feet

Rear 20 feet (5 feet accessory)
Water body 20 feet (5 feet accessory) (Except as provided in Deviation #9)

Building Separation: 20 feet

Perimeter Setbacks: 15 feet

Maximum Height: 2 stories / 50 feet

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

Maximum Lot Coverage: 60 percent

3. No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.
4. *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 this resolution is approved and as shown on Exhibit B attached hereto may continue until approval of a local development order for the area of the project containing those uses.
 - b. Additional clearing or grading of existing agricultural uses is prohibited. This prohibition is not intended to preclude County approved requests for the removal of exotic species.
 - c. The property owner must terminate the agricultural tax exemption for any portion of the property that receives a local development order. The agricultural use must cease by December 31st of the calendar year in which the local development order is issued. The exemption termination must be filed with the Property Appraiser's Office by December 31st of the calendar year in which the local development order is issued. A copy of the exemption termination must be provided to the Office of the County Attorney.
5. *Model Homes/Temporary Real Estate Sales/Temporary Sales Trailer.*
 - a. The number of model homes or model units will be limited to no more than 30 within the development at one time.
 - b. Any model homes or units must be developed within the area identified as "models", "townhouse site" or "model display center" on the approved Master Concept Plan.
 - c. Models cannot be of the same floor plan and each must be a distinctly different design.

- d. Model Display Centers or Model Display Groups must be shown on the development order plans. Parking areas for these uses will be buffered with a single-row hedge and tree canopy for parking areas per the LDC.
 - e. Real Estate sales are limited to temporary real estate trailers, model units, model homes, model display centers, models within the townhouse site, amenity sites, and clubhouses.
 - f. Real estate sales will be limited to the sale of lots or units within the development only.
 - g. 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.
 - h. Model homes and temporary real estate sales will be valid for a period of up to six years from the date of issuance of a Certificate of Occupancy of a model home per LDC §34-1954(d)(1).
6. All required buffers must utilize 100 percent native vegetation.
7. 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.
8. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, all other Lee Plan provisions.
9. *Five-foot setback.*
- a. No structures, including but not limited to, sidewalks, mechanical equipment, door stoops, walls, etc., may be constructed or placed within the required five-foot side setbacks; or
 - b. Prior to issuance of Certificate of Occupancy on each lot, the Engineer of Record must certify that the drainage for each lot is built in compliance with the typical lot grading detail (See Exhibit D Sheet 8 of the approved Master Concept Plan) provided as part of the building permit process.
10. *Consumption on Premises, Food & Beverage Services, Personal Services, Group I (all uses).*
- a. These uses are limited to a maximum of 7,500 square feet of floor area for the entire development.
 - b. Consumption on Premises, Personal Services Group I, and Food and Beverage Services are limited to amenity sites only, as shown on the approved Master

Concept Plan. These uses are limited to members and guests of a private club. Use by the general public is prohibited.

- c. Consumption on Premises is limited to sales within a residential clubhouse setting only. No restaurants, bars, package stores, or similar uses are permitted.
 - d. Hours of operation for these uses are limited to 7:00 a.m. to midnight daily.
 - e. Consumption on Premises is permitted only at amenity sites (and clubhouse) and outdoor seating for Consumption on Premises must be located within the fenced area at the clubhouse as shown on Sheet 7 of the attached Master Concept Plan.
 - f. Outdoor seating (outside of the fenced clubhouse area) for Consumption on Premises may be approved by Special Exception only (public hearing required).
 - g. Outdoor sales of alcohol is prohibited, and may not be permitted on a temporary or permanent basis.
 - h. The clubhouse as shown on the amenity site of the approved Master Concept Plan is limited to a maximum 10,000 (5,904) square feet building under air and 16,000 square feet under roof. There must be a minimum 366± feet of separation between the front door of the clubhouse and the school property, and a minimum of 1,122± feet of separation from the clubhouse building to the school building in accordance with the Master Concept Plan.
- 11. Prior to local development order approval, a protected species survey for burrowing owls and burrows within the upland portions of the project within the phase being covered in the development order must be submitted for review, field verification, and approval by the Division of Environmental Sciences' staff. If burrowing owls or burrows are located, then a burrowing owl management plan, including an appropriate preservation area within the project, must be submitted.
 - 12. Prior to local development order approval, the development order plans must include ±8.67 acres of open space within the townhouse tract of which ±6.62 acres must be indigenous preservation, and approximately ±25 acres of wetland preservation on the remainder of the site.
 - 13. The development order must provide an enhanced 25-foot-wide "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.
 - 14. The development order must provide a 25-foot-wide landscaped buffer/berm combination along the southern boundary of the subject property where it abuts the school site. Atop the berm will be intermittent landscaping and/or wall with a minimum height of six feet. All berming and walls must meet LDC requirements.
 - 15. Townhouse buildings must be set back a minimum of ±1,000 linear feet from Buckingham Road, as shown on the approved Master Concept Plan.

16. The 20-foot-wide lake maintenance easements, along lakes that are completely surrounded by private lots, must be made accessible by maintenance vehicles from a road, through a 20-foot-wide lake access easement.
17. Any additional site access points, such as a separate construction access, would require an amendment to the RPD zoning.
18. There are several pyramid shaped symbols and text shown along Buckingham Road on the MCP that are not legible. The applicant must revise the MCP so that all information is clearly legible.
19. If the developer desires to deviate from the regulations contained in LDC Chapter 30, pertaining to project signage, the proposed sign package must be submitted for review and approval by the Lee County Department of Community Development prior to the issuance of any local development order for the property.
20. During the March 21, 2005, Board Zoning Hearing, the applicant voluntarily offered to dedicate a 25-foot wide strip along Buckingham Road for County right-of-way purposes, at no cost to Lee County. Dedication of this 25 foot strip may be accomplished by recording an instrument (ie. deed or plat) that grants or dedicates to the County an exclusive easement for right-of-way purposes. [If the easement is dedicated via a plat, the dedication must be clear and unambiguous. Use of the label "future right-of-way" will not be acceptable.] The dedicated area may not be used for required development buffering or any other non-county right-of-way improvements. This dedication must be complete prior to issuance of the first building permit allowing permanent vertical construction within the project.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §10-328(a) requirement to provide a minimum 20-foot-wide maintenance access easement along lake perimeters, to allow zero feet where lakes are bulkheaded. This deviation is DENIED.
2. Deviation (2) seeks relief from the LDC §10-329(d)(1)a.2 requirement prohibiting excavation for water retention or detention within 50 feet of any existing or proposed right-of-way line or easement for a collector or arterial street, to allow excavation within 50 feet of an existing or proposed right-of-way line or easement. This deviation is APPROVED, SUBJECT TO the following conditions:
 - a. Approval is limited to water retention and detention areas as shown on the approved Master Concept Plan.
 - b. Appropriate protection for wayward vehicles must be provided at the time of local development order.
3. Deviation (3) seeks relief from the LDC §10-329(d)(1)a.3 requirement for water retention or detention excavation to set back 50 feet from any private property line under separate

ownership, to permit a 25-foot setback for internal property lines. This deviation is APPROVED, SUBJECT TO the following conditions:

- a. Approval is limited to water retention and detention areas as shown on the approved Master Concept Plan.
 - b. A minimum 4-foot high fence or other approved barrier must be provided along the property line adjacent to the lake.
4. Deviation (4) seeks relief from the LDC §10-329(d)(4) requirement that lake banks be sloped at a maximum 4:1, to allow bulkheads at the shoreline. This deviation is APPROVED, SUBJECT TO the following conditions:
- a. Prior to local development order approval, any bulkheads to be installed within Lakes A, B, or D as labeled on the attached Master Concept Plan must be delineated on the landscape and engineering plans. The bulkheads may not encompass more than 30 percent of the linear shoreline of the lake measured at control elevation. A compensatory littoral zone equal to the linear footage of the bulkhead must be provided within the same lake meeting the following criteria:
 - (1) A 5-foot-wide littoral shelf planted with herbaceous wetland plants to provide 50 percent coverage at time of planting; or
 - (2) An 8:1 slope littoral shelf with herbaceous wetland plants to provide 50 percent coverage at time of planting; or
 - (3) An equivalent littoral shelf design as approved by the Division of Environmental Sciences' Staff.
 - (4) The compensatory littoral zone must be planted with native wetland plants calculated as two per linear foot of shoreline for lakes utilizing bulkheads up to 20 percent of the shoreline, and three plants per linear foot of shoreline for lakes utilizing bulkheads along 21 percent to 31 percent of the shoreline.
5. Deviation (5) seeks relief from the LDC §10-384(b) requirement to provide a 20-foot-wide fire department access lane in the rear of buildings that fall into classes set forth in LDC §10-384(a)(3), to allow decks ancillary to the amenity site to be located zero feet from a water body. This deviation is APPROVED, SUBJECT TO the following conditions:
- a. Approval is limited to amenity areas, water retention and detention areas as shown on the approved Master Concept Plan.
 - b. The developer must provide written documentation from the Fort Myers Shores Fire Department indicating that this design is acceptable and allows adequate access for emergency vehicles.
6. Deviation (6) - WITHDRAWN.

7. Deviation (7) seeks relief from LDC §34-934 Note 23 which restricts the operation of real estate sales centers for a period not to exceed five years, to allow the operation of a sales office within Portico RPD for a period of six years. This deviation is APPROVED, SUBJECT TO the condition that the real estate sales office remains in compliance with Condition 5 above.
8. Deviation (8) - WITHDRAWN.
9. Deviation (9) seeks relief from the LDC §34-2194(b) requirement to provide a 25-foot setback for buildings from a water body, to allow a zero-foot setback at bulkhead areas. This deviation is APPROVED, SUBJECT TO Deviation (4) above.
10. Deviation (10) seeks relief from the LDC §34-935(b)(2) requirement that parking or internal roads or drives not be closer to the development perimeter than the greater of either the width of any buffer area or landscape strip required by Chapter 10, to allow an emergency access road within this area. This deviation is APPROVED, SUBJECT TO the condition that the approval is limited to the emergency access point shown as Deviation (10) on the approved Master Concept Plan.
11. Deviation (11) seeks relief from the LDC §10-418 requirement that storm water ponds be designed to mimic the function of natural systems, to allow for the use of bulkheads. This deviation is APPROVED, SUBJECT TO Deviation (4) above.
12. Deviation (12) seeks relief from the LDC §10-714 design standards for cul-de-sacs, to allow the use of "eyebrow" road elements on the Village Roads within the community. This deviation is APPROVED, SUBJECT TO the following conditions:
 - a. Approval is limited to the detail plan and locations as shown on the approved Master Concept Plan.
 - b. Traffic calming devices indicated in the approved Master Concept Plan must be included in the homeowner documents to be reviewed and recorded during the local development order process.
13. Deviation (13) - Withdrawn.
14. Deviation (14) seeks relief from the LDC §34-152(4)c.4 requirement that on-site directional signage be set back a minimum of 15 feet from the edge of the street right-of-way or easement, to allow on-site directional signs to have a setback of four feet. This deviation is DENIED in accordance with Condition 19.
15. Deviation (15) seeks relief from the LDC §10-285(a) requirement that the centerline distance for local roads be 125 feet, to allow for centerline distances of no less than 60 feet for the eyebrow road features. This deviation is APPROVED, SUBJECT TO the following conditions:
 - a. Approval is limited to the detail plan and locations as shown on the approved Master Concept Plan.

- b. Traffic calming devices indicated in the approved Master Concept Plan must be included in the homeowner documents to be reviewed during the local development order process.
 - c. Stop signs will be provided for vehicles exiting the eyebrow element.
 - d. Traffic control devices will be determined during development order review.
16. Deviation (16) 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 main access on Buckingham Road and a minimum of two emergency access points. This deviation is APPROVED, SUBJECT TO the following conditions:
- a. No walls, fences or entrance gates may be constructed within the access point area per the approved Master Concept Plan.
 - b. All utilities along the entrance from Buckingham Road as shown on the approved Master Concept Plan must be placed underground.
 - c. The local development order must depict a 70-foot-wide divided entrance on Buckingham Road that must include a 14-foot-wide median with two 11-foot-wide lanes on both sides of the median for ingress and egress in accordance with the primary corridor typical shown on the approved Master Concept Plan.
 - d. The local development orders must include emergency access gates to be constructed on two emergency access points as shown on the approved Master Concept Plan.
 - e. The installation of any access gates must comply with all applicable regulations pertaining to emergency equipment that are in effect at the time of installation.
 - f. Prior to issuance of a development order, the developer must provide written documentation from the Fort Myers Shores Fire Department indicating that these access points are acceptable and provide adequate access for emergency vehicles.
 - g. If the emergency access point located near the southeast corner of Phase 2, into Hawks Haven is not available at time of local development order submittal for that phase of work, then the emergency access must connect to the Lehigh Acres roadway system through the existing platted roadway easement. This will require a culvert across the east-west canal lying south of Phase 2 of Portico RPD. Such a change can be approved administratively.
17. Deviation (17) seeks relief from the LDC §10-416(d)(6) requirement that roadways must be set back 125 feet from any existing residential development or provide a 30-foot-wide buffer consisting of an 8-foot-high wall constructed a minimum of 25 feet from the residential property line with landscaping planted between the wall and the residential property line, to allow an 8-foot-high wall a minimum of 10 feet from the residential property line with

landscaping planted between the wall and the residential property line. 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: Bona fide Agricultural Uses
- Exhibit C: Zoning Map (subject parcel identified with shading)
- Exhibit D: The approved Master Concept Plan

The applicant has indicated that the STRAP numbers for the subject property are: 33-43-26-00-00002.0000, 33-43-26-00-00002.0020, 33-43-26-00-00002.0030, and 34-43-26-00-00001.0000.

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

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

Robert P. Janes	AYE
Douglas R. St. Cerny	AYE
Ray Judah	AYE
Tammy Hall	AYE
John E. Albion	AYE

DULY PASSED AND ADOPTED this 21ST day of March 2005.

ATTEST:
CHARLIE GREEN, CLERK

BY:

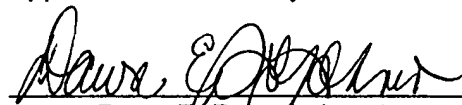

Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY:


Chairman

Approved as to form by:


Dawn E. Perry-Lehnert
County Attorney's Office



RECEIVED
MINUTES OFFICE
lp
2005 MAY 10 PM 3:44

RECEIVED
JUL 30 2004

May 10, 2004

**DESCRIPTION
PARCEL IN****PERMIT COUNTER****SECTIONS 33 & 34, TOWNSHIP 43 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA**

A tract or parcel of land lying in Sections 33 and 34, Township 43 South, Range 26 East, Lee County, Florida, which tract or parcel is described as follows:

From the northeast corner of said Section 33 run S 00° 50' 15" E along the east line of the northeast quarter (NE-1/4) of said Section 33 for 187.50 feet to the Point of Beginning.

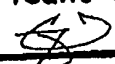
From said Point of Beginning continue S 00° 50' 15" E along said east line for 2250.05 feet to an intersection with a non-tangent curve; thence departing said east line run southeasterly along an arc of a curve to the right of radius 240.00 feet (delta 06° 55' 14") (chord bearing S 48° 34' 00" E) (chord 28.97 feet) for 28.99 feet to a point of tangency; thence run S 45° 06' 23" E for 156.71 feet to a point of curvature; thence run southeasterly along an arc of a curve to the right of radius 240.00 feet (delta 21° 30' 24") (chord bearing S 34° 21' 11" E) (chord 89.56 feet) for 90.09 feet to an intersection with a non-tangent line and the north line of the south half (S-1/2) of said Section 34; thence run N 89° 15' 30" E along said north line for 5,100.79 feet to the northeast corner of said south half (S-1/2) of Section 34; thence run S 00° 59' 28" E along the east line of said fractional section for 2,654.48 feet to the southeast corner of said Section 34; thence run S 89° 04' 55" W along the south line of said fractional section for 5,290.35 feet to the southwest corner of said fractional section; thence run N 00° 47' 28" W along the west line of said fractional section for 2,670.74 feet to the northwest corner of said fractional section; thence run S 88° 59' 10" W along the north line of the southeast quarter (SE-1/4) of said Section 33 for 1,980.78 feet to the northeast corner of the west half (W-1/2) of the northwest quarter (NW-1/4) of the southeast quarter (SE-1/4) of said Section 33; thence run S 00° 41' 08" E along the east line of said fractional section for 1,333.22 feet to an intersection with the north line of the south half (S-1/2) of the south half (S-1/2) of said Section 33; thence run S 89° 02' 54" W along said north line for 1,988.34 feet to the southwest corner of the northeast quarter (NE-1/4) of the southwest quarter (SW-1/4) of said Section 33; thence run N 00° 56' 52" W along the west line of said fractional section for 1,331.03 feet to the northwest corner of said fractional section; thence run N 88° 59' 10" E along the north line of said fractional section for 1,334.18 feet to the southwest corner of the northeast quarter (NE-1/4) of said Section 33; thence run N 00° 39' 01" W along the west line of said fractional section for 1,321.78 feet to the southeast corner of the north half (N-1/2) of the northwest quarter (NW-1/4) of said Section 33; thence run S 89° 09' 28" W along the south line of said fractional section for 2,391.80 feet to an intersection with the southeasterly right-of-way line of Buckingham Road (right-of-way varies);

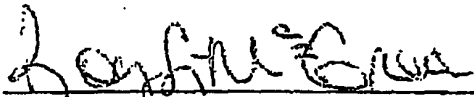
EXHIBIT A
PAGE 1 OF 3

thence run N 24° 23' 10" E along said southeasterly line for 1,263.86 feet to an intersection with the westerly prolongation of the south line of lands as described in deed recorded in Official Record Book 3535 at Page 380, Public Records of Lee County, Florida; thence run N 89° 10' 16" E along said prolongation and south line for 4489.91 feet to an intersection with the east line of the northeast quarter (NE-1/4) of said Section 33 and the Point of Beginning.

Containing 25,663,514 square feet (589.15 acres), more or less.

Bearings hereinabove mentioned are based on Plane Coordinates for the Florida West Zone NAD 1983 (1990 Adjustment) whereas the east line of the Northeast Quarter of Section 33, Township 43 South, Range 26 East bears S 00° 50' 15" E.

Applicant's Legal Checked
by  August 7, 2004



Roy L. McGrea (for The Firm LB-642)
Professional Land Surveyor
Florida Certificate No. 6205

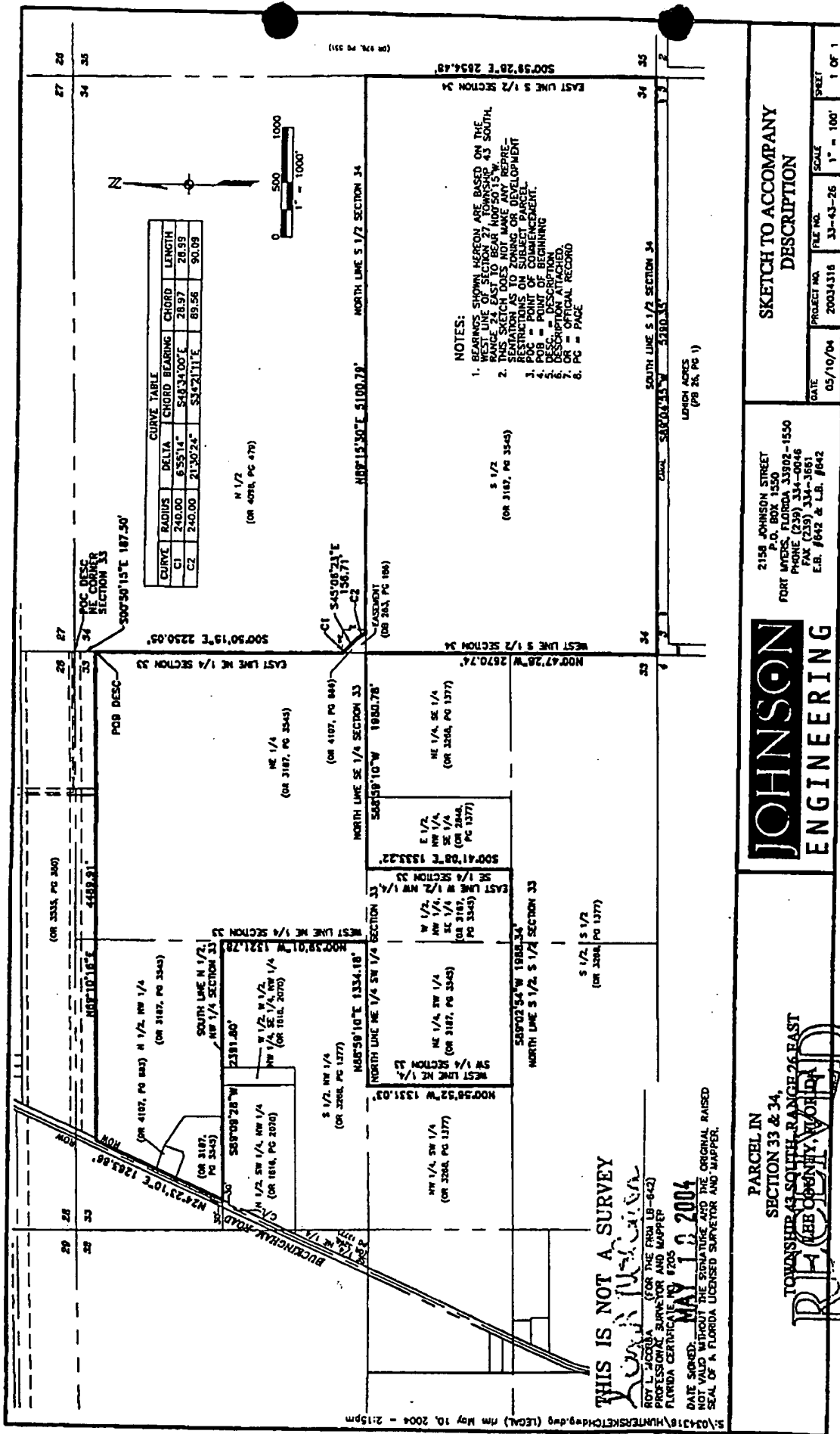


EXHIBIT A

**JOHNSON
ENGINEERING**

PARCEL IN
SECTION 33 & 34,
TOWNSHIP 43 SOUTH, RANGE 26 EAST,
ALBANY COUNTY, ALABAMA

SKETCH TO ACCOMPANY
DESCRIPTION

2156 JOHNSON STREET
PORT WYCHE, ALABAMA 33602-1550
PHONE (205) 334-1556
FAX (205) 334-1561
E.B. #642 & L.B. #642

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
05/10/04	20034316	33-43-26	1" = 100'	1 OF 1

Sketch#
Applicant's Survey Checked
By *RD* August 7, 2004.

DCI 2004-00031

MAY 13 2004
COMMUNITY DEVELOPMENT

DCI 2004-00031

AFFIDAVIT

STATE OF FLORIDA)
COUNTY OF LEE)

BEFORE ME, the undersigned authority, on this 23rd day of July, 2004,
personally appeared THOMAS SPENCE, who is personally known to me or who
produced FLA. DRIV. LIC. as identification and who did take
an oath, who deposes and says as follows:

1. That I am the owner of the following described property, to wit:

See attached Exhibit "A"

2. That the above described property was used for bona fide agricultural purposes, to wit livestock grazing and pasturage, at the time of the Lee County Board of County Commissioners review and consideration of the rezoning of the property described on the attached Exhibit "A" on _____
3. The agricultural use of the property is an existing bona fide agricultural use.
4. The agricultural use is being conducted on the entire 589.15 acres. The entire property described on the attached Exhibit "A" is being used for the grazing of livestock.
5. Affiant further states that he is familiar with the nature of an oath; and with the penalties as provided by the laws of the State of aforesaid for falsely swearing to statements made in an instrument of this nature. Affiant further certifies that he has read, or has hear read to him, the full facts of this affidavit and understands its meaning and context.

FURTHER AFFIANT SAYETH NAUGHT.

SWORN TO and subscribed before me on the date and year first above written.

(Notary Seal)



Commission No.

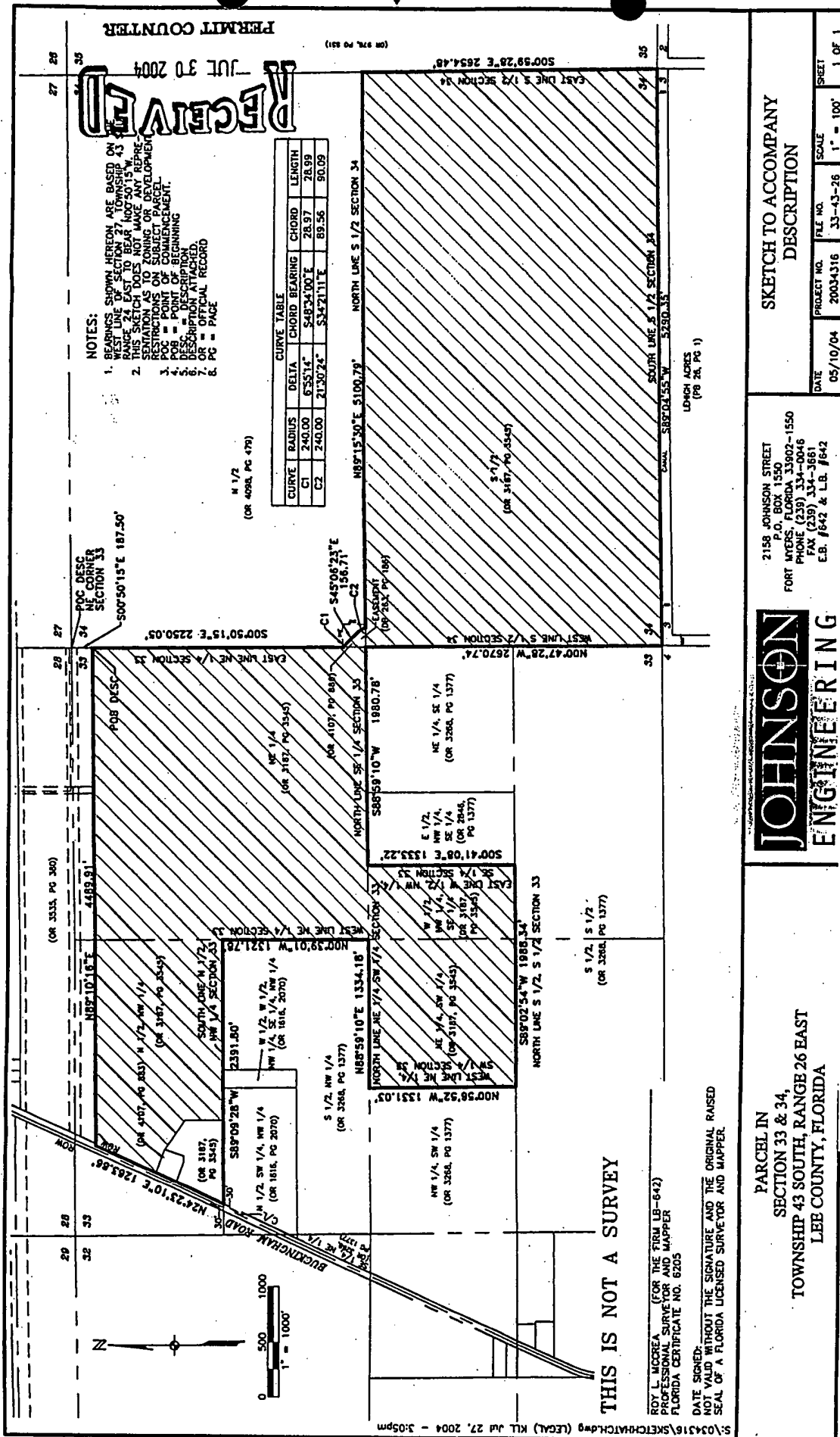
THOMAS SPENCE
V.P. TAYLOR WOODROW Communities at
PORTICO LLC

Diana A. Young
Signature of Notary Public

DIANA A. YOUNG
(Print, type or stamp commissioned name of Notary Public)

RECEIVED
JUL 30 2004

PERMIT COUNTER



RECEIVED
JUL 30 2004

May 10, 2004

**DESCRIPTION
PARCEL IN****PERMIT COUNTER****SECTIONS 33 & 34, TOWNSHIP 43 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA**

A tract or parcel of land lying in Sections 33 and 34, Township 43 South, Range 26 East, Lee County, Florida, which tract or parcel is described as follows:

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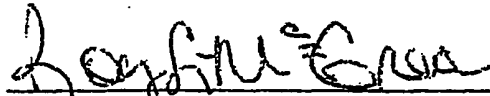
EXHIBIT B
PAGE 3 OF 4

DCI 2004-00031

thence run N 24° 23' 10" E along said southeasterly line for 1,263.86 feet to an intersection with the westerly prolongation of the south line of lands as described in deed recorded in Official Record Book 3535 at Page 380, Public Records of Lee County, Florida; thence run N 89° 10' 16" E along said prolongation and south line for 4489.91 feet to an intersection with the east line of the northeast quarter (NE-1/4) of said Section 33 and the Point of Beginning.

Containing 25,663,514 square feet (589.15 acres), more or less.

Bearings hereinabove mentioned are based on Plane Coordinates for the Florida West Zone NAD 1983 (1990 Adjustment) whereas the east line of the Northeast Quarter of Section 33, Township 43 South, Range 26 East bears S 00° 50' 15" E.



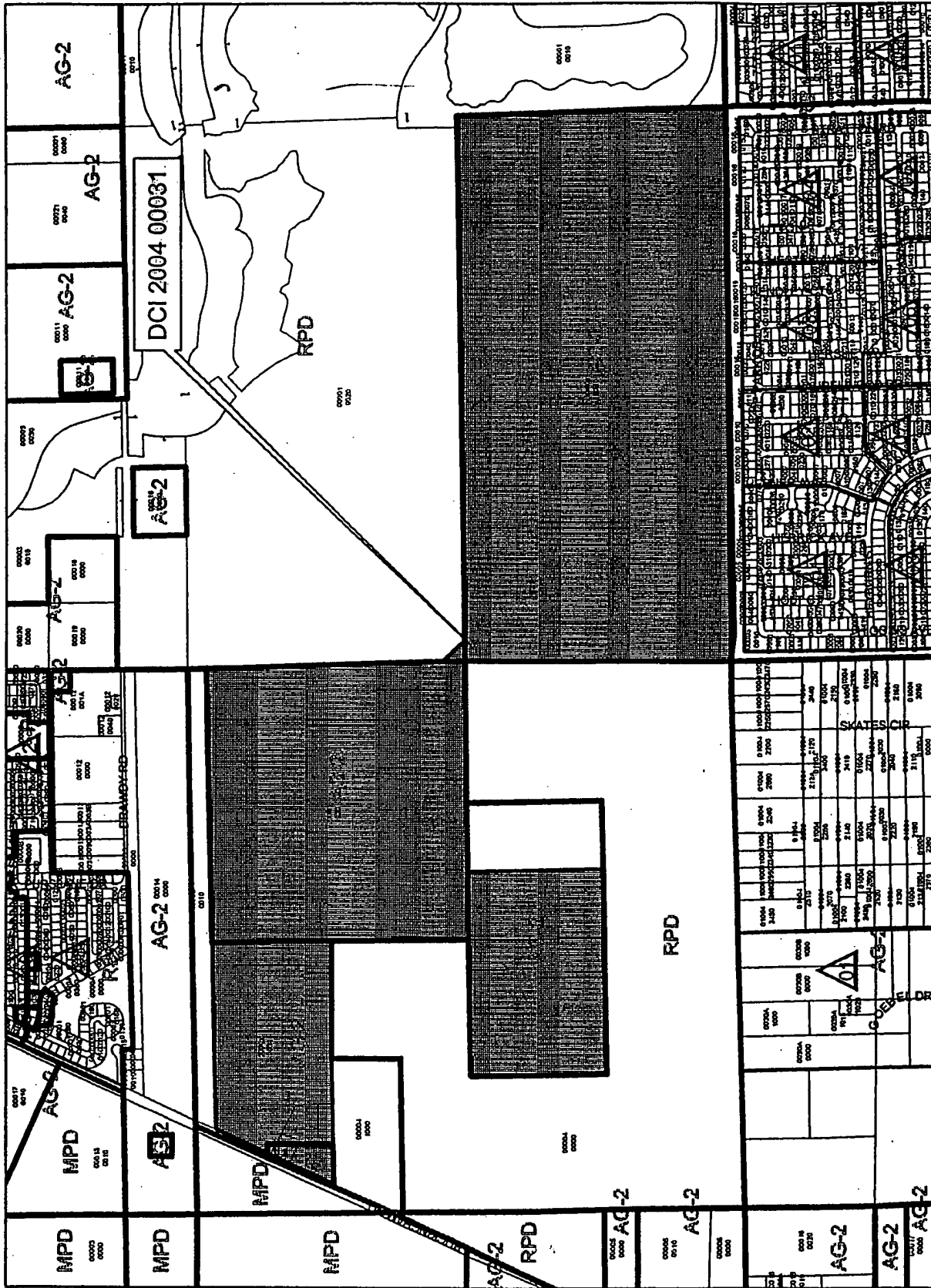
Roy L. McGrea (for The Firm LB-642)

Professional Land Surveyor

Florida Certificate No. 6205

DCI2004-00031 PORTICO RPD

10/12/2004

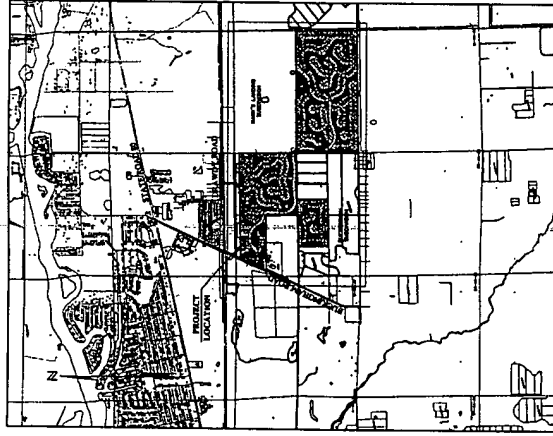


1,500 750 0 1,500 Feet

EXHIBIT C

MASTER CONCEPT PLAN FOR PORTICO

DCI 2004-00031



INDEX OF PLANS

SHEET NO.	DESCRIPTION
1	COVER (AREA LOCATION MAP)
2	MASTER CONCEPT PLAN
3	MASTER CONCEPT PLAN PHASE ONE A
4	MASTER CONCEPT PLAN PHASE ONE B
5	MASTER CONCEPT PLAN PHASE TWO
6	MASTER CONCEPT PLAN PHASE THREE
7	PRELIMINARY AMENITY CENTER SITE
8	MASTER CONCEPT NOTES
9	TOPOGRAPHY MAP

OWNER

TAYLOR WOODROW, INC.

STRAP NUMBER

33-43-26-00-00002.0000
33-43-26-00-00003.0000
33-43-26-00-00004.0000
34-43-26-00-00001.0000

SIZE OF PARCEL

566.152 ACRES

ZONING

EXISTING AC-2
REQUESTING RPD

PROPERTY ADDRESS

APPROVED

See Plan - DCI 2004-00031
Subject to conditions in Resolution 1-18-05
Date: 10/24/2004 L. GOARD

PL 03 780
ZONING GROUP, LTD.

DCI 2004-00031

JOHNSON
ENGINEERING

SECTION 28, 33 & 34, TOWNSHIP 43 S., RANGE 26 E.
LEE COUNTY, FLORIDA

APRIL, 2005

LOCATION MAP



SHEET

EXHIBIT D

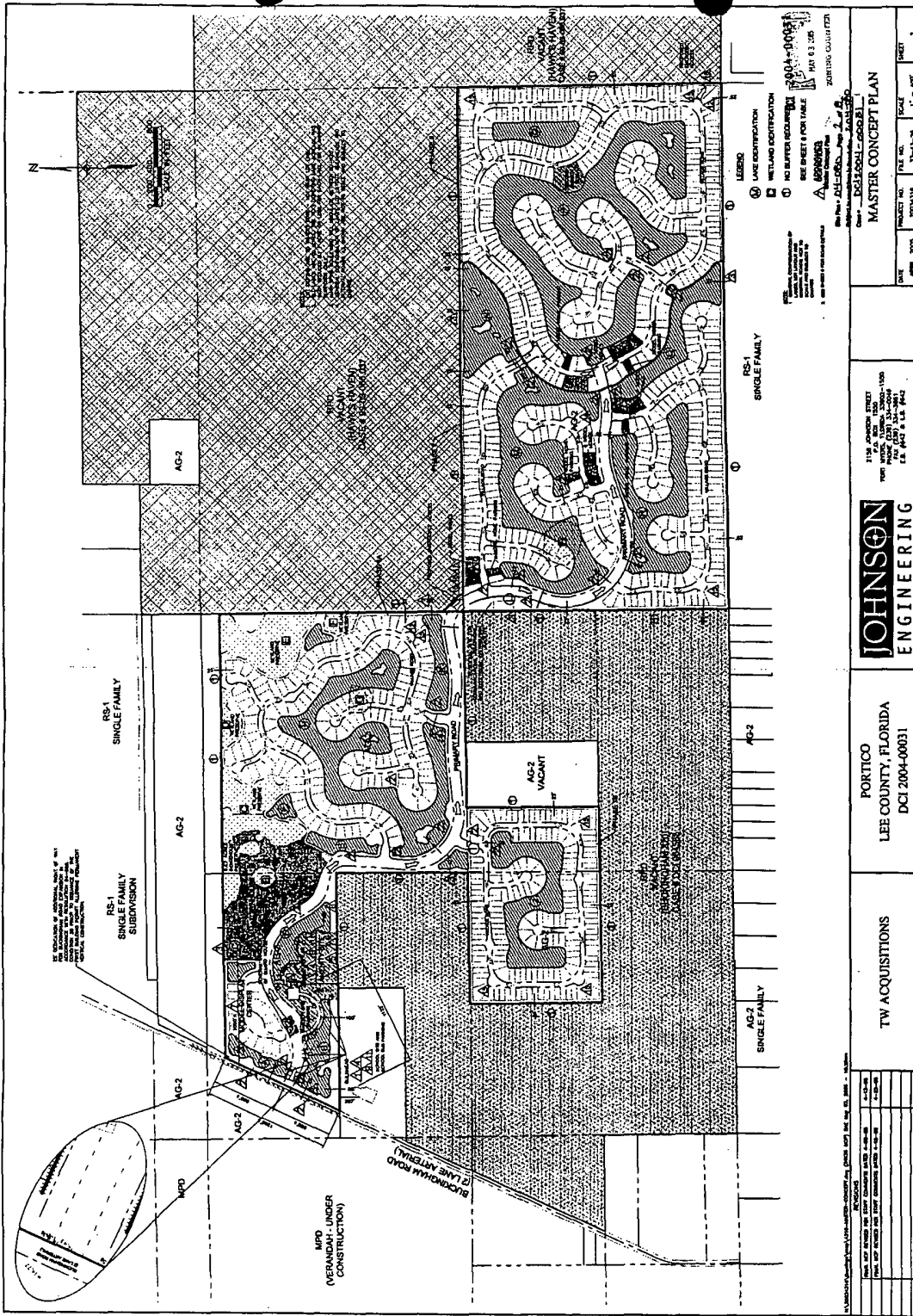
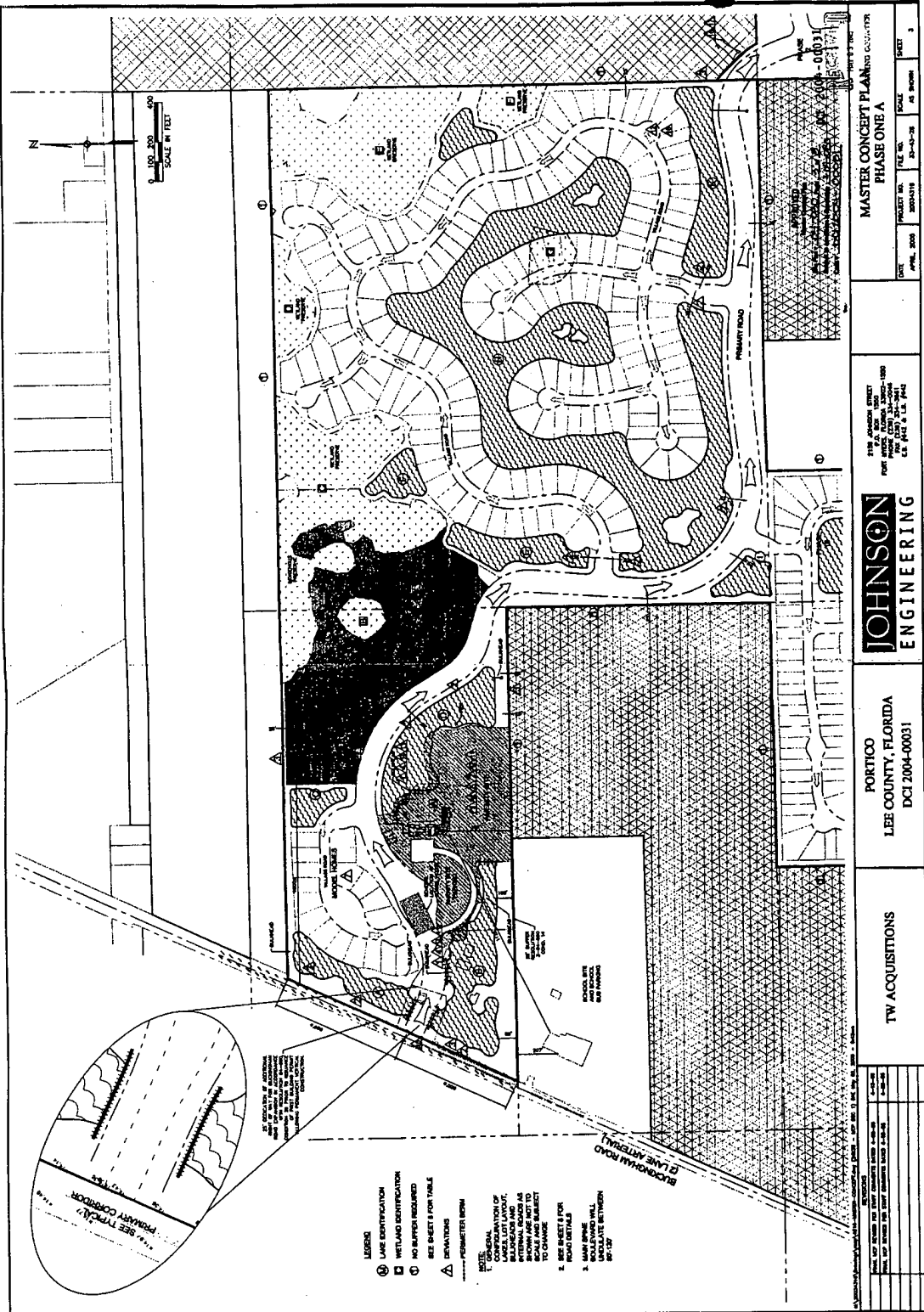
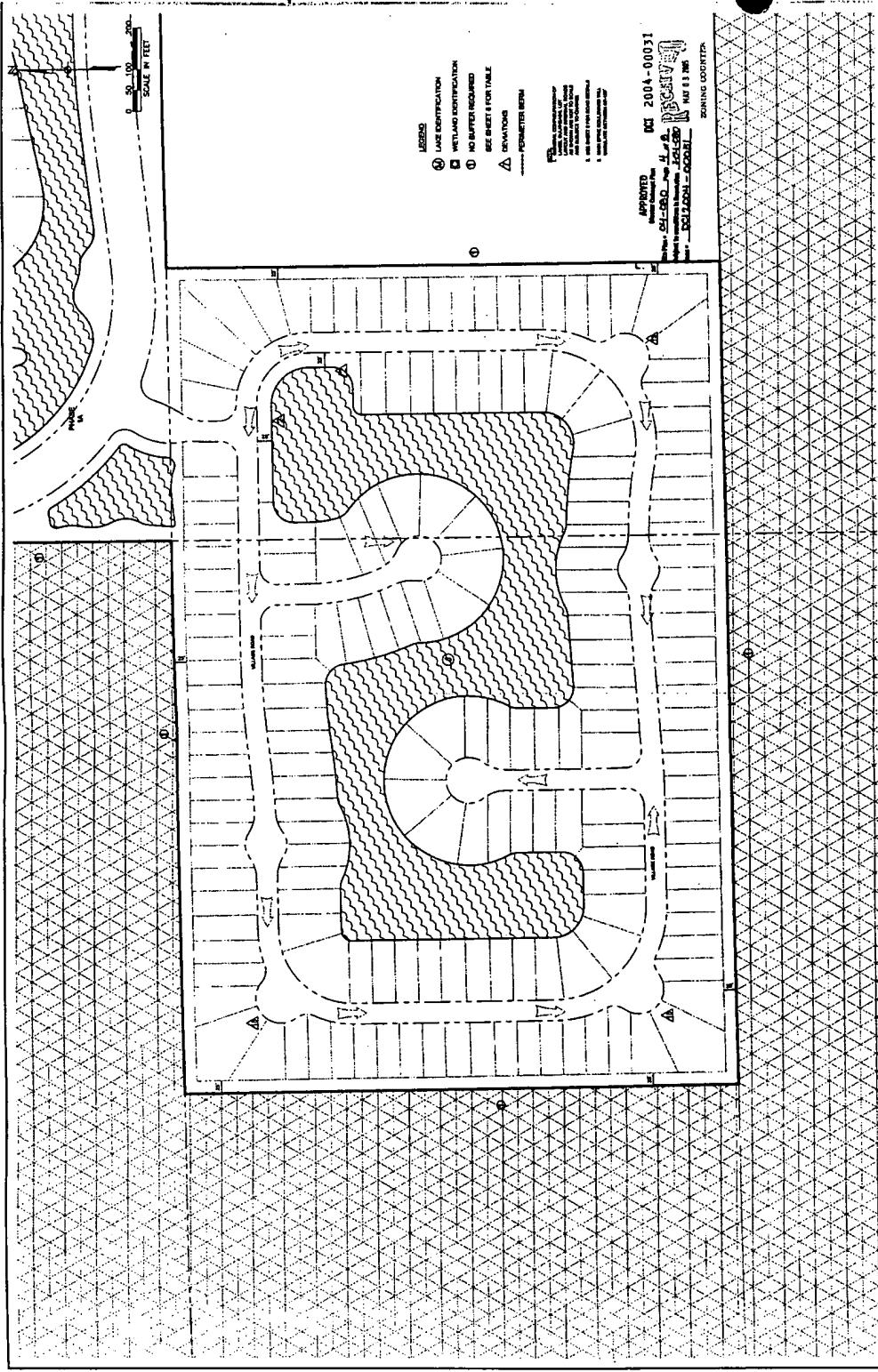


EXHIBIT D

<p>JOHNSON ENGINEERING</p> <p>1118 JONSON STREET PORT WORTH, FLORIDA 33061-1505 TEL: (305) 333-9999 FAX: (305) 333-9999 E-MAIL: J.E. JOHNSON@JOHNSON-ENGINEERING.COM</p>		<p>PORTICO LEE COUNTY, FLORIDA DCI 2004-00031</p>		<p>TW ACQUISITIONS</p>		<p>MASTER CONCEPT PLAN</p>		<p>DATE: APRIL 2005</p>	<p>PROJECT NO: 20040116</p>	<p>SCALE: 1" = 400'</p>	<p>SHEET: 2</p>
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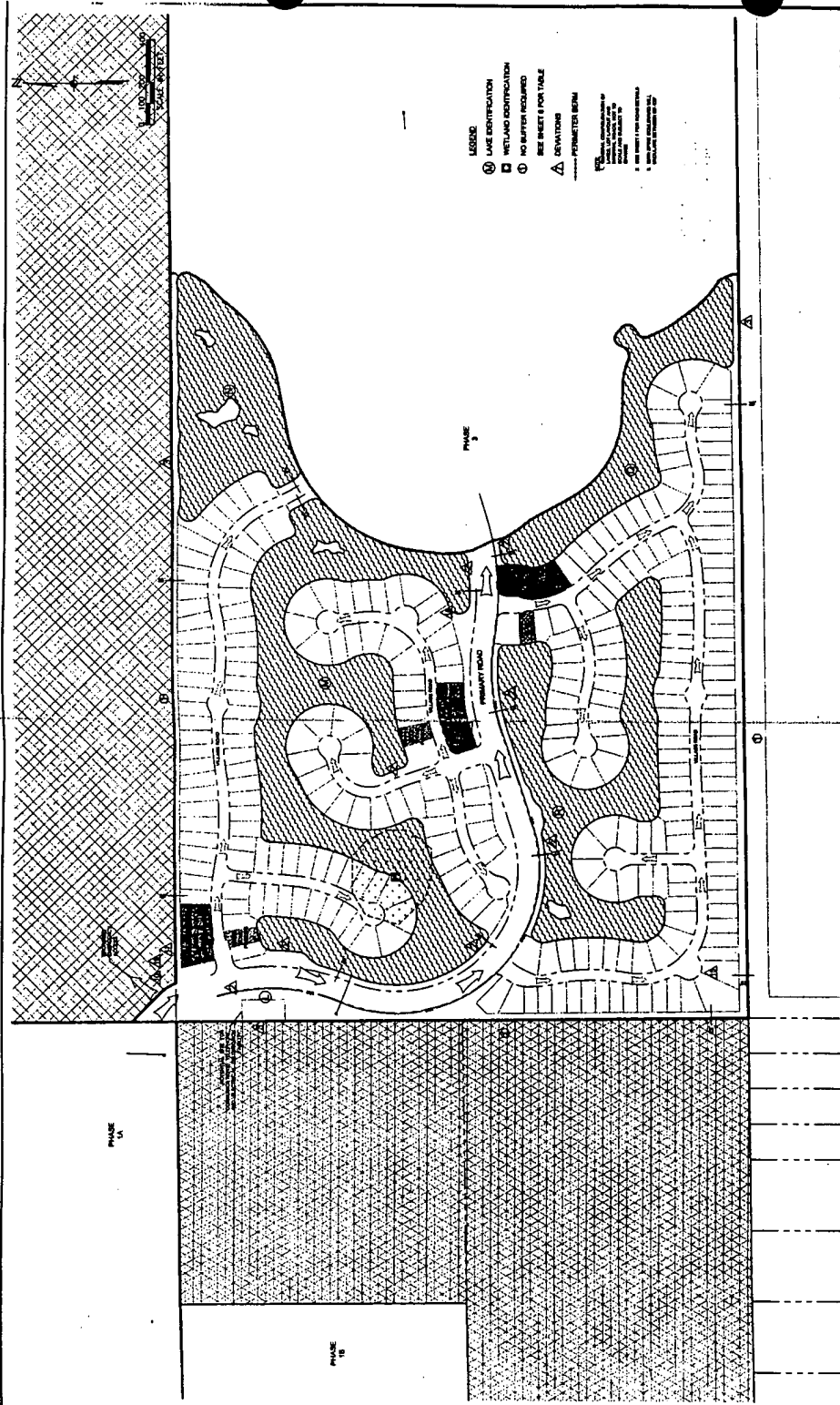
JOHNSON ENGINEERING		PORTICO		TW ACQUISITIONS		MASTER CONCEPT PLAN PHASE ONE A		SHEET 3	
2118 JANDON STREET P.O. BOX 1001 PORT ARTHUR, TEXAS 77662-1001 PHONE: (409) 776-2241 FAX: (409) 776-2241 U.S. MAIL & U.S. MAIL		LEE COUNTY, FLORIDA DCI 2004-00031						DATE APRIL 2005	
								PROJECT NO. 2003A-119	
								FILE NO. 20-12-28	
								SCALE AS SHOWN	



- LEGEND
- ① LAKE IDENTIFICATION
 - ② WETLAND IDENTIFICATION
 - ③ NO BUFFER REQUIRED
 - ④ SEE SHEET 8 FOR TAIL
 - ⑤ DRAINAGE
 - ⑥ FORMER BERM

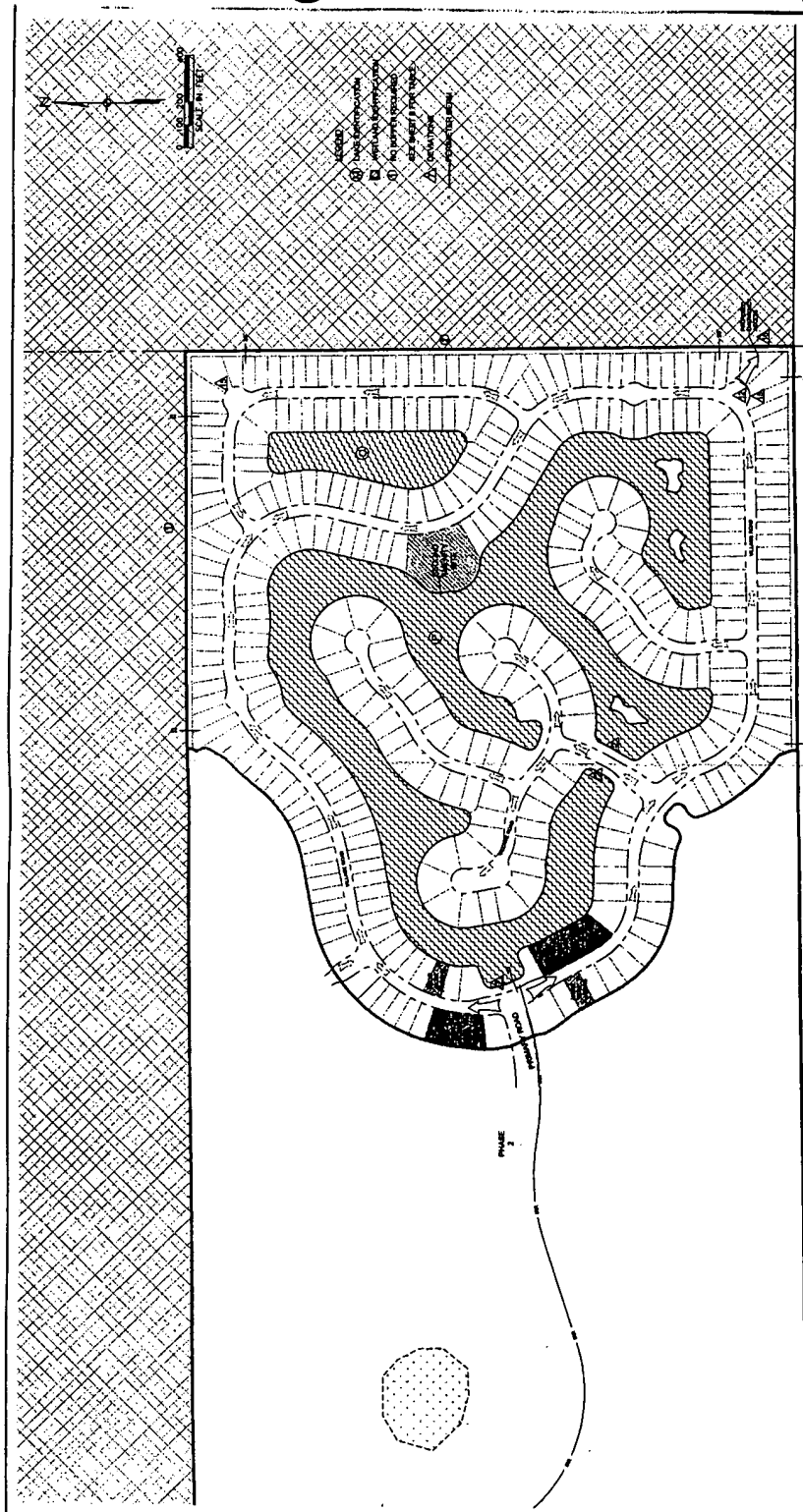
APPROVED
DCI 2004-00031
PORTICO
LEE COUNTY, FLORIDA
DCI 2004-00031

TW ACQUISITIONS		PORTICO LEE COUNTY, FLORIDA DCI 2004-00031	JOHNSON ENGINEERING		210 JOHNSON STREET PORT WORTH, TEXAS 76130-1800 PHONE: (817) 221-2211 FAX: (817) 221-2211 E-MAIL: J.E. JOHNSON@JOHNSON-ENGINEERING.COM	MASTER CONCEPT PLAN PHASE ONE B			
DATE	APRIL 2004	PROJECT NO.	DCI 2004-00031	NET AC.	20.00-00	SCALE	1" = 100'	SHEET	4



APPROVED
 2004-00031
 DCI 2004-00031
 DATE: APRIL 2005
 PROJECT NO.: 20040116
 FILE NO.: 23-44-28
 SCALE: 1" = 80'

JOHNSON ENGINEERING 1700 JEFFERSON STREET PORT JEFFERSON, FL 33757-1000 U.S. MAIL # 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100		PORTICO LEE COUNTY, FLORIDA DCI 2004-00031		TW ACQUISITIONS		MASTER CONCEPT PLAN PHASE TWO		SHEET 1
DATE	APRIL 2005	PROJECT NO.	20040116	FILE NO.	23-44-28	SCALE	1" = 80'	SHEET



APPROVED
 DCI 2004-00031
 PORTICO COUNTY
 LEE COUNTY, FLORIDA
 TW ACQUISITIONS
 PHASE THREE
 1" = 200'
 DATE: 08/11/04
 DRAWN BY: J. L. LEE
 CHECKED BY: J. L. LEE
 DESIGNED BY: J. L. LEE
 PROJECT NO.: 2004-00031

TW ACQUISITIONS		PORTICO LEE COUNTY, FLORIDA DCI 2004-00031		JOHNSON ENGINEERING		3110 JENNIFER STREET SUITE 200 FORT WORTH, TEXAS 76104 PHONE (817) 331-1000 FAX (817) 331-1001 E-MAIL J. L. LEE@JLLEE.COM		MASTER CONCEPT PLAN PHASE THREE SHEET NO. 1 OF 1 DATE: 08/11/04 SCALE: 1" = 200' DRAWN BY: J. L. LEE CHECKED BY: J. L. LEE DESIGNED BY: J. L. LEE PROJECT NO.: 2004-00031	
-----------------	--	--	--	------------------------	--	--	--	---	--

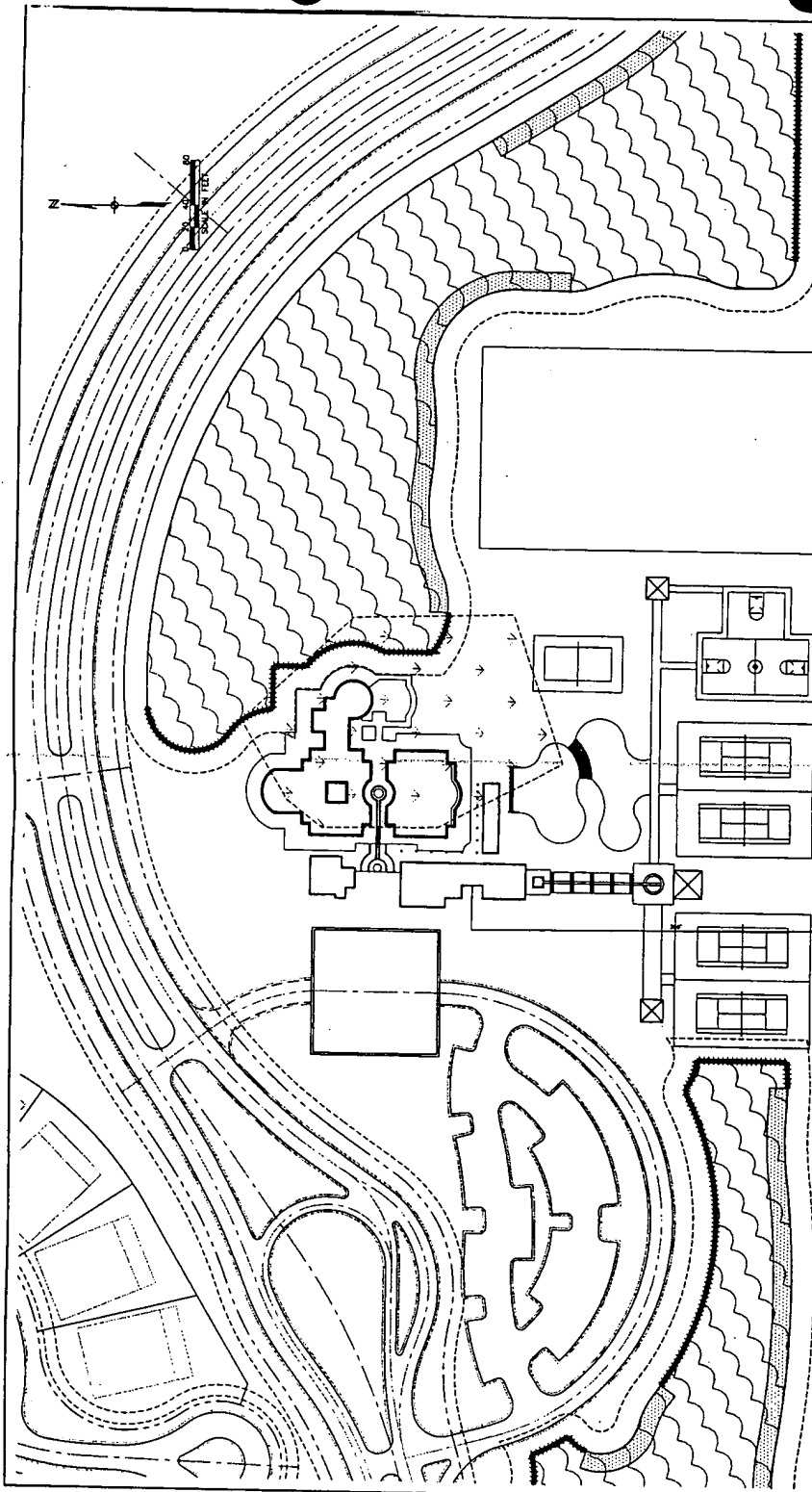


EXHIBIT D

DC 2004-00031

APPROVED
SUBMITTED FOR REVIEW
DATE: MAY 13, 2004
DRAWING QUANTITY: 258

PRELIMINARY AMENITY CENTER SITE

JOHNSON
ENGINEERING

PORTICO
LEE COUNTY, FLORIDA

TW ACQUISITIONS

DATE: APRIL 2004
PROJECT NO.: 000311
SHEET: 7

SCALE: 1" = 40'

DATE: MAY 13, 2004
PROJECT NO.: 000311
SHEET: 7

DATE: MAY 13, 2004
PROJECT NO.: 000311
SHEET: 7

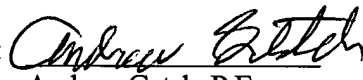


Memo

RECEIVED
JUN 07 2005

COMMUNITY DEVELOPMENT

To: Tony Palermo
Senior Planner

From: 
Andrew Getch, P.E.
Senior Engineer

Date: June 3, 2005

ATTACHMENT N

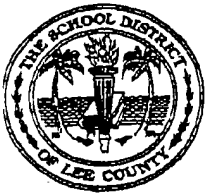
Re: **Buckingham 320 (a/k/a Buckingham 345)**
DCI2004-00090

LCDOT has reviewed the Traffic Impact Statement (TIS) and Master Concept Plan (MCP). The TIS indicates that the estimated total traffic in 2009 will be approximately 5 percent or 49 vehicles below Buckingham Road capacity north of the project entrance. The future school site depicted on the MCP dated November 2004 is not included in the TIS. Buckingham Road is an existing 2 lane arterial. Based on the Lee County Property Appraisers Geographic Information System, the right-of-way along the project frontage varies from approximately 55 feet south of the project to less than 100 feet north of the project. Four-laning of Buckingham Road is not on the current Lee County Metropolitan Planning Organization 2020 Financially Feasible Highway Plan. However, four-laning Buckingham Road from State Road 82 (Immokalee Road) to State Road 80 (Palm Beach Boulevard) is identified on the Official Lee County Trafficways Map. The Lee County Metropolitan Planning Organization is expected to update the plan to the year 2030. The update is scheduled for completion by December 2005. Buckingham Road 4-laning needs will be reevaluated in the plan update.

LCDOT estimates that the future 4-laning right-of-way needs along the Buckingham Road frontage is approximately 20 feet. LCDOT requests that the applicant provide an accommodation for the future right-of-way need on the MCP.

AJG/mlb

cc: Dawn Lehnert – Assistant County Attorney



THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901 • (239) 334-1102 • TTD/TTY (239) 335-1512

ELINOR C. SORICCA, Ph.D.
CHAIRMAN • DISTRICT 5

ROBERT D. CHILMONIK
VICE CHAIRMAN • DISTRICT 1

JEANNE S. DOZIER
DISTRICT 2

JANE E. KUCKEL, Ph.D.
DISTRICT 3

STEVEN K. TEUBER
DISTRICT 4

JAMES W. BROWDER, Ed.D.
SUPERINTENDENT

KEITH B. MARTIN
BOARD ATTORNEY

July 21, 2005

Mr. Tony Palermo
Lee County Development Services Division
P.O. Box 398
Fort Myers, FL 33902-0398

Re: Buckingham 345 RPD, DCI Substantive Review, Case #DCI2004-00090

Dear Mr. Palermo:

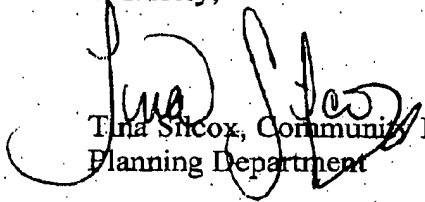
Thank you for the opportunity to review Buckingham 345 RPD for substantive comments with regard to educational impacts. This proposed development is in the East Choice Zone of the District, on Buckingham Road in the East Fort Myers Planning Area. This letter is in response to your request dated July 13, 2005.

Based on the proposed maximum total of 690 single family residential dwelling units, the Lee County School District is estimating that the proposal could generate up to 243 additional school-aged children. This uses a generation rate of 0.352 students per unit generated in the South Choice Zone of Lee County for single family uses. This would create the need for approximately nine new classrooms in the system, as well as additional staff and core facilities. Using the new small classroom legislative guidelines, additional classrooms may be generated. As stated in the Buckingham 345 Narrative Lee Plan Compliance and Land Development Code Compliance and shown on the Concept Plan the Developer is negotiating school impact fee with The School District of Lee County to donate a school site. However, please note these negotiations have not been finalized.

The Lee County Board of County Commissioners adopted a School Impact Fee Ordinance on November 27, 2001, effective at this time. As such, the Buckingham 345 RPD Project developers will be expected to pay the impact fee at the appropriate time.

Thank you for your attention to this issue. If I may be of further assistance, please give me a call at (239) 335-1415.

Sincerely,


Tina Siscox, Community Development Planner
Planning Department

ATTACHMENT 0

Anthony Palermo - Re: DCI2004-00090 BUCKINGHAM 345 - SUBSTANTIVE

From: Kim Trebatoski
To: Palermo, Anthony
Date: 7/11/2005 4:03 PM
Subject: Re: DCI2004-00090 BUCKINGHAM 345 - SUBSTANTIVE

I just checked resolution Z-00-029 for any needed revisions. The open space required is referred to by percentage and references the preserves shown on the MCP, so no revisions are necessary for DCI2004-00090 provided the open space statements from Z-00-029 are retained.

Kim Trebatoski
Principal Environmental Planner
DCD - Environmental Sciences
trebatkm@leegov.com
239-479-8183
FAX 239-479-8319

>>> Anthony Palermo 07/11/05 03:51PM >>>

Please don't forget to finish your substantive comments by the end of the week at the latest. The staff report is due out of here Tue. July 19. The HEX hearing is Aug. 3.

TONY PALERMO, Senior Planner
Lee County Community Development
P.O. Box 398
Fort Myers, FL 33902-0398
Phone (239) 479-8325
Fax (239) 479-8313
Email apalermo@leegov.com

ATTACHMENT P

MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES DIVISION

DATE: April 27, 2000

TO: Kay Deselem, AICP

Senior Planner

FROM:

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

RE: **Buckingham 320**

Case No. DCI 964568

The proposed development consists of 1,320 residential units (up to 800 multi-family, and 520 in some form of single-family) and a clubhouse with private recreational facilities for residents and guests only. The project is expected to generate 8,759 new trips per day with 648 occurring in the AM peak hour and 845 occurring in the PM peak hour.

Based on the 1999 Lee County D.O.T. Traffic Count Report the 2000 peak season, peak hour, peak direction flow volume is 281 vehicles per hour. At this volume Buckingham Road provides Level of Service C.

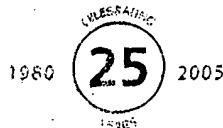
Normal background growth of traffic over the estimated five (5) years for build out of this project will result in a 2005 peak season, peak hour, peak direction flow volume of 313 vehicles per hour. At this volume Buckingham Road provides Level of Service C.

When the project traffic is added to the above anticipated build out year background traffic the peak season, peak hour, peak direction flow volume will be expected to increase to approximately 504 vehicles per hour. At this volume Buckingham Road provides Level of Service D.

ATTACHMENT Q

RGR

S:/WRITERS/RENTZRG/DCI964568SUBSTANTIVECOMMENTS



12651 MCGREGOR BOULEVARD
SUITE 4-403
FORT MYERS, FL 33919-4489
TELEPHONE 239-278-3090
FAX 239-278-1906
www.metrotransportation.com
TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

METRO TRANSPORTATION GROUP, INC.
Your Transportation Resource

MEMORANDUM

ATTACHMENT R

TO: Mr. Dan Johnson
TKW Consulting Engineers, Inc.

FROM: Ted B. Treesh
Principal/Regional Manager

David L. Wheeler
Transportation Consultant

DATE: August 3, 2005

RE: Buckingham 320 Zoning Extension
Lee County, Florida

RECEIVED
AUG 04 2005

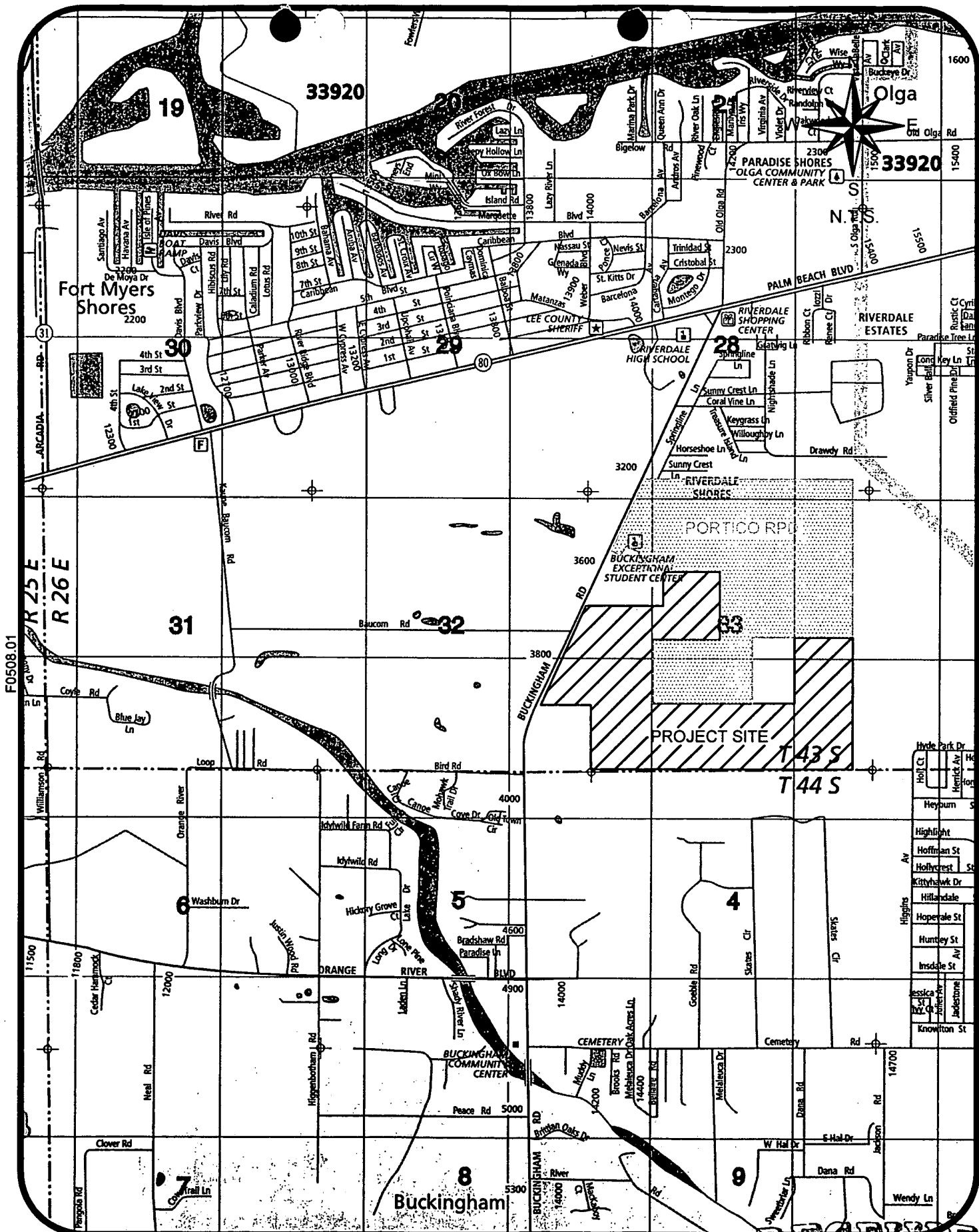
Metro Transportation Group, Inc. (Metro) has completed a trip generation and Level of Service analysis for the proposed zoning extension for the Buckingham 320 development in Lee County, Florida. This analysis only addresses the impact, if any, that the zoning extension for the proposed Buckingham 320 development will have on the Level of Service Conditions on the surrounding roadway network.

The subject site is located on the east side of Buckingham Road south of its intersection with State Route 80 in Lee County, Florida. Access to the site is proposed to the site via a full access drive on Buckingham Road. **Figure 1** illustrates the location of the subject site. The site is currently zoned for 640 single-family dwelling units and was approved under Zoning Resolution Z-00-029 and amended under ADD2003-00006.

PROPOSED DEVELOPMENT

If approved, the zoning extension for the Buckingham 320 development will extend the current zoning on the site by two (2) years. Land Use Code 210 (Single-Family Detached Housing) was utilized for the trip generation purposes of the proposed development.

001 2005-00075



PROJECT LOCATION MAP
BUCKINGHAM 320 ZONING EXTENSION

RECEIVED
AUG 24 2005
2005-00075



Table 1 outlines the estimated weekday AM and PM peak hour trip generation of the project as currently proposed.

Table 1
Trip Generation
Buckingham 320 Zoning Extension

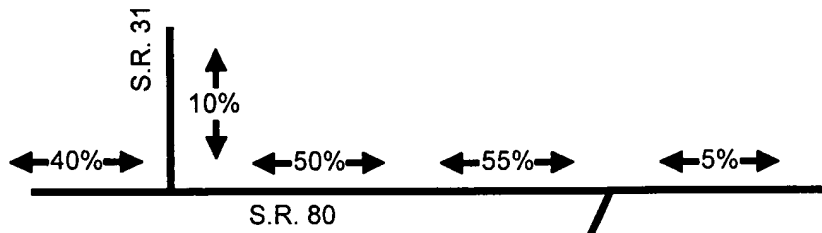
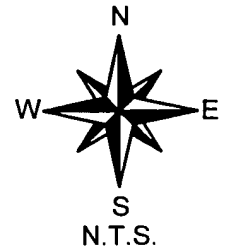
Land Use	Weekday AM Peak Hour			Weekday PM Peak Hour			Daily
	In	Out	Total	In	Out	Total	2-way
Single-Family Housing (640 dwelling units)	115	340	455	360	210	570	5,735

LEVEL OF SERVICE ANALYSIS

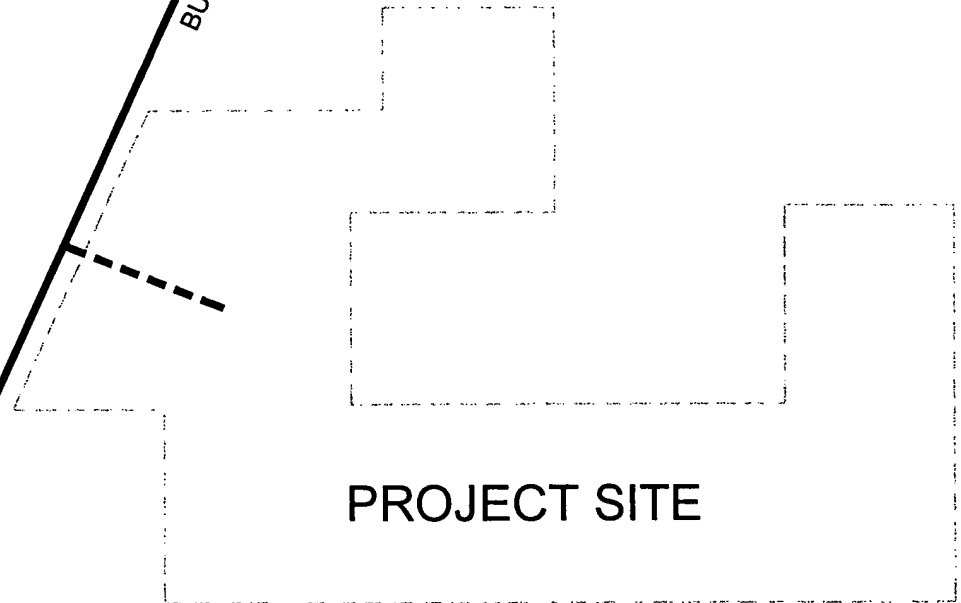
A Level of Service analysis was conducted on Buckingham Road for the build-out traffic conditions of the Buckingham 320 Zoning Extension assuming the site is developed with the maximum land use intensity allowed by the current zoning. Also included in the analysis of Buckingham Road was the traffic from the recently approved Portico RPD. The attached tables 1A and 2A indicate the projected traffic volumes and Level of Service conditions on the surrounding roadway network at the build-out of the project. For this analysis it was assumed that the traffic would follow the same distribution as presented in the Portico RPD zoning TIS as prepared by David Plummer & Associates, Inc. **Figure 2** illustrates the project traffic distribution utilized for the proposed Buckingham 320 Zoning Extension.

Based on the Level of Service analysis performed within this report, Buckingham Road from S.R. 80 to Gunnery Road and Orange River Boulevard from Staley Road to Buckingham Road will be significantly impacted by the proposed Buckingham 320 Zoning Extension. Significant Impact is defined as any roadway link that will accommodate greater than 10% of the Peak Hour – Peak Direction Level of Service “C” volumes, as defined by the Lee County Link Specific Service Volume tables provided by the Lee County Department of Transportation. The projected build-out year for the Buckingham 320 Zoning Extension is 2008, so an analysis year of 2009 was selected. The site traffic from the pending Portico RPD (DCI2004-00031) was also accounted for in the Level of Service analysis.

Figure 3 illustrates the 2009 build-out traffic conditions for the proposed development. From **Figure 3**, all roadway segments analyzed were shown to operate at acceptable Level of Service conditions under the projected 2009 build-out traffic conditions for the proposed Buckingham 320 Zoning Extension. Therefore, no roadway improvements will be warranted as a result of the proposed Buckingham 320 Zoning Extension.



60%
BUCKINGHAM ROAD



PROJECT SITE

40%

20%

ORANGE RIVER
BOULEVARD

15%

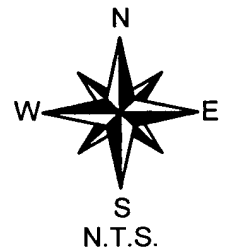
RECEIVED
AUG 04 2005

DCI 2005-00075

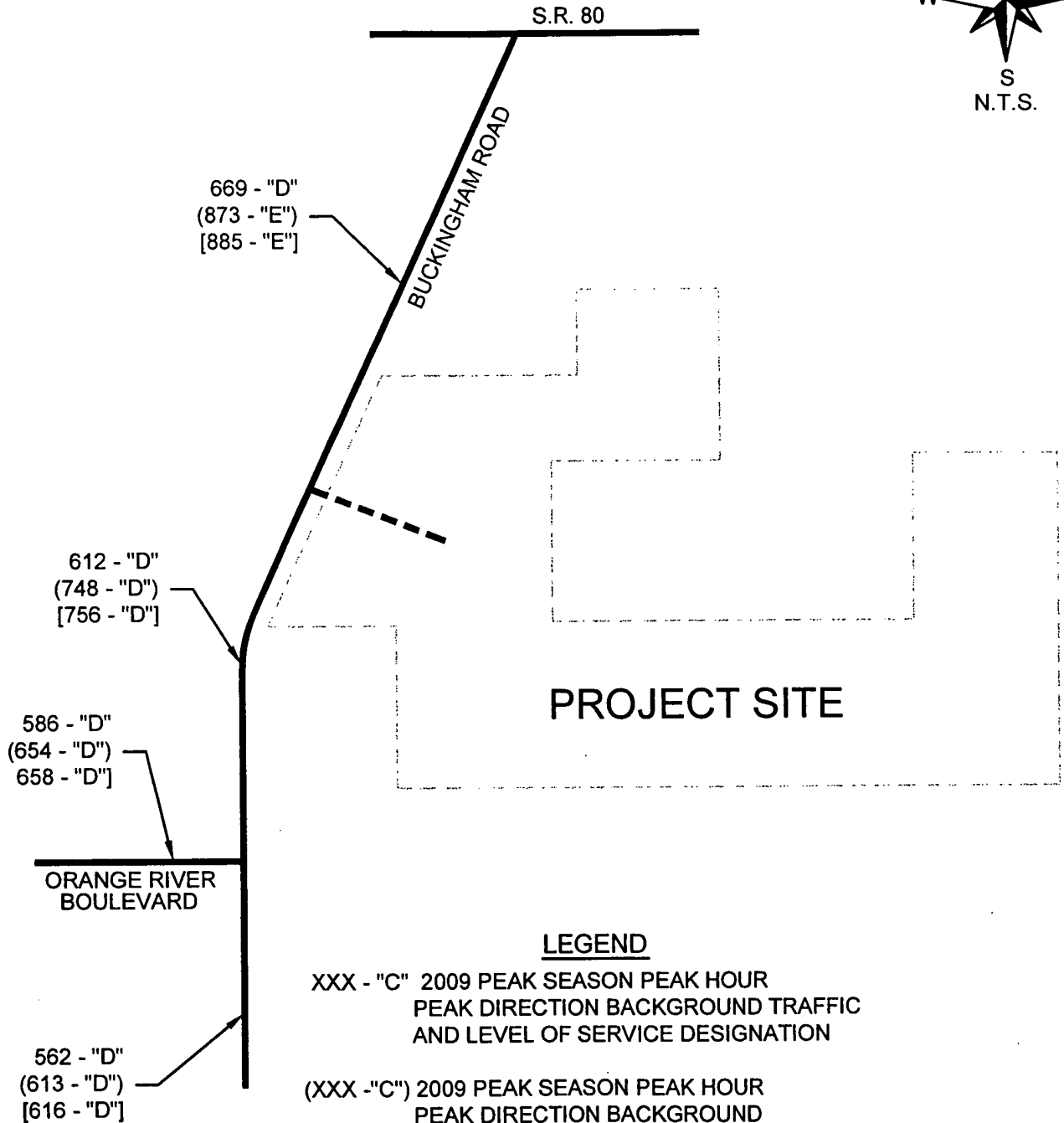


PROJECT TRAFFIC DISTRIBUTION
BUCKINGHAM 320 ZONING EXTENSION

Figure 2



F0508.01



LEGEND

XXX - "C" 2009 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

(XXX -"C") 2009 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND
TRAFFIC PLUS AM PROJECT TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

[XXX -"C"] 2009 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND
TRAFFIC PLUS PM PROJECT TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

RECEIVED
AUG 04 2005

DCI 2005-00075



2009 BUILDOUT TRAFFIC CONDITIONS
BUCKINGHAM 320 ZONING EXTENSION

Figure 3



CONCLUSION

Based on the trip generation and Level of Service analysis contained within this report, all roadway segments analyzed will operate at acceptable Level of Service conditions after the addition of the project traffic. Therefore, no roadway improvements will be warranted as a result of the proposed Buckingham 320 Zoning Extension located on the east side of Buckingham Road south of its intersection with State Route 80 in Lee County, Florida.

Attachments

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

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 455 VPH		IN=	115	OUT=	340						
TOTAL PM PEAK HOUR PROJECT TRAFFIC = 570 VPH		IN=	360	OUT=	210						
<u>ROADWAY</u>	<u>SEGMENT</u>	<u>ROADWAY CLASS</u>	<u>LOS A VOLUME</u>	<u>LOS B VOLUME</u>	<u>LOS C VOLUME</u>	<u>LOS D VOLUME</u>	<u>LOS E VOLUME</u>	<u>PERCENT</u>		<u>PROJECT TRAFFIC</u>	<u>PROJ/ LOS C</u>
Buckingham Rd.	N. of SR 82	2LN	130	310	530	870	940	0%	0	0.0%	
	N. of Gunnery Rd.	2LN	130	310	530	870	940	15%	54	10.2%	
	N. of Orange River Blvd.	2LN	130	310	530	870	940	40%	144	27.2%	
	N. of Project Entrance	2LN	130	310	530	870	940	60%	216	40.8%	
Orange River Blvd	W. of Buckingham Rd	2LN	0	220	510	800	940	20%	72	14.1%	
	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%	18	0.9%	
	W. of Buckingham Rd	4LD	1690	2040	2050	2050	2050	55%	198	9.7%	
	E. of SR 31	4LD	1690	2040	2050	2050	2050	50%	180	8.8%	
	W. of SR 31	6LD	2570	3070	3080	3080	3080	40%	144	4.7%	
SR 31	N. of SR 80	2LN	220	440	710	1120	1170	10%	36	5.1%	

* 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 = 455 VPH IN = 115 OUT= 340
 TOTAL PROJECT TRAFFIC PM = 570 VPH IN= 360 OUT= 210

ROADWAY	SEGMENT	2009		2009		2009		2009		2009		2009		2009		2009		2009	
		BCKGRND	TRAFFIC ¹	DEVELOPMT	PORTICO	PK HR	BCKGRND	PERCENT	PROJECT	TRAFFIC	LOS	TRAFFIC	LOS	PM PROJ	TRAFFIC	BCKGRND	TRAFFIC	BCKGRND	TRAFFIC
Buckingham Rd.	N. of Guntery Rd.	464		98		562	D	15%		51		54		613		616		D	
	N. of Orange River Blvd.	373		239		612	D	40%		136		144		748		756		D	
	N. of Project Entrance	313		356		669	D	60%		204		216		873		885		E	
Orange River Blvd	W. of Buckingham Rd	458		128		586	D	20%		68		72		654		658		D	

¹ Obtained from the TIS for the Portico RPD (DCI2004-00031) as prepared by David Plummer & Associates, Inc.

**PORTICO RPD TIS #03626
FUTURE TRAFFIC CONDITIONS WITH PROJECT
DIRECTIONAL PEAK HOUR, PEAK SEASON (K100)
BUILDOUT (2009)**

Background:

(7) Ending also mentioned number of times.

(8) Los County roadway LOS standard based on The Los Plan, Policy 22.1.1.

(9) Los County roadway traffic (PMTOT) volume based on PMTMS level model assignment.

(10) Peak means roadway traffic (PMTOT) volume based on PMTMS level model assignment.

(11) Background index calculated by subtracting PMTOT from the total PMTOT.

(12) PMTMS/LOS level based on Los County 2000 pretreatment count studies along with PMTMS/LOS factors mentioned using Los County DOT method.

(13) PMTMS factors derived from Los County 2000 pretreatment count studies along with PMTMS factors mentioned using Los County DOT method.

(14) Los County Los-Specific Peak Hour Directional Service Volume, May, 2003.

(15) Los County Los-Specific Peak Hour Directional Service Volume, May, 2003.

(16) Additional roadway segment significantly, but not adversely, impacted by the Project.

(17) Additional roadway segment both significantly and adversely impacted by the Project.

12. The following are the names of the persons who have been appointed to the various committees of the Board of Directors:

**TRIP GENERATION EQUATIONS
BUCKINGHAM 320 ZONING EXTENSION
ITE TRIP GENERATION REPORT, 7th EDITION**

Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour	Weekday
Single-Family Detached Housing (LUC 210)	$T = 0.70 (X) + 9.43$ (25% In/75% Out)	$\ln (T) = 0.90 \ln (X) + 0.53$ (63% In/37% Out)	$\ln (T) = 0.92 \ln (X) + 2.71$
T = Trips, X = Number of dwelling units			

ATTACHMENT R

MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES DIVISION

ATTACHMENT S

DATE: August 18, 2005

To: Tony Palermo
Senior Planner

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

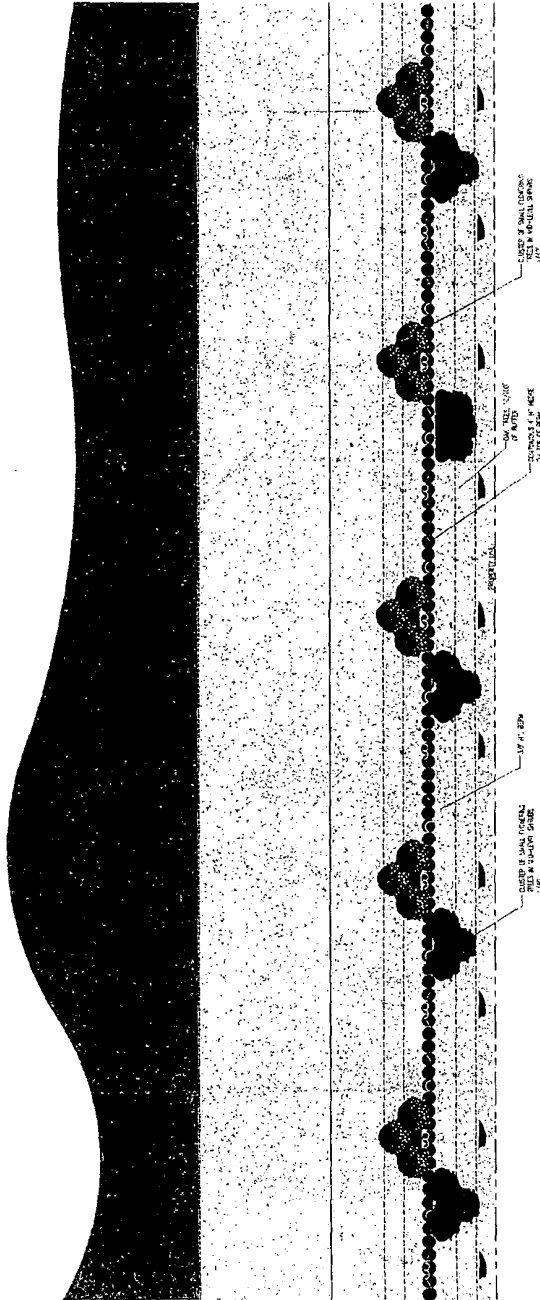
RE: **Buckingham 345**
Case No. DCI2004-00090

Based on a growth rate derived from the 2004 Traffic Count Report, the 2005 traffic volume from the 2004/2005 - 2005/2006 Concurrency Management Report, and the Lee County D.O.T. link-specific service volumes, Buckingham Rd. south of S.R.80 will operate at level of service "D" in 2009 without the project, and level of service "E" with the project.

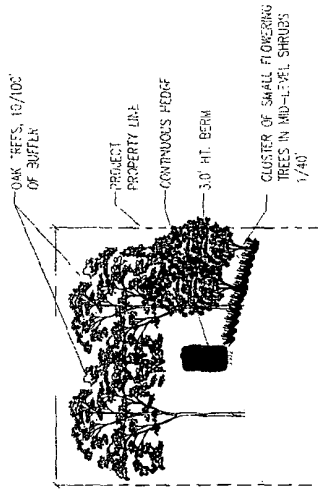
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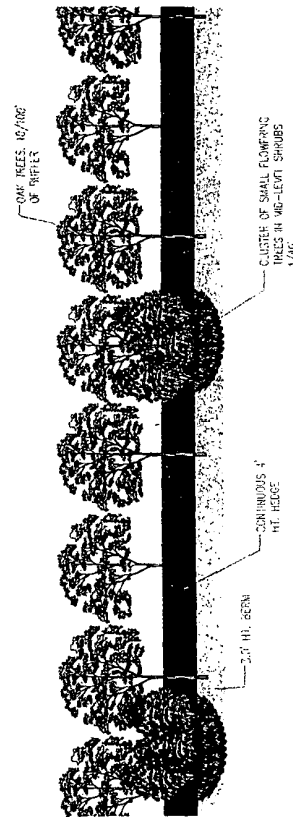
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Typical Buffer Plan



Typical Buffer Section



Typical Buffer Elevation

INSTRUCTIONS
(Section C.I.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. The sign will be provided by the Zoning Division in the following manner:

- a. Signs for case #DCI2004-00090 must be posted by **Tuesday, August 30, 2005**.
- 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.

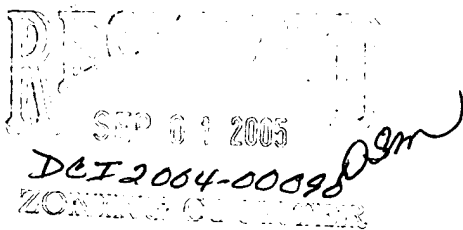
NOTE: AFTER THE SIGN HAS BEEN POSTED, THE AFFIDAVIT OF POSTING NOTICE, BELOW, SHOULD BE RETURNED NO LATER THAN THREE (3) WORKING DAYS BEFORE THE INITIAL HEARING DATE TO LEE COUNTY ZONING DIVISION, 1500 MONROE ST., FT. MYERS, FL 33901.

(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 ANDRES CORREA
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 REFERENCE BELOW:



[Signature]
SIGNATURE OF APPLICANT OR AGENT

ANDRES CORREA

NAME (TYPED OR PRINTED)

4550 EXECUTIVE DRIVE, SUITE #106

ST. OR PO BOX

NAPLES, FL 34119

CITY, STATE & ZIP

#DCI2004-00090/BUCKINGHAM 345 RPD/09/14/2005/JSS

STATE OF FLORIDA
COUNTY OF LEE Broward

The foregoing instrument was sworn to and subscribed before me this 24 day of AUGUST, 2005, by ANDRES CORREA, personally known to me or who produced _____ as identification and who did/did not take an oath.

[Signature]
Signature of Notary Public

WILLIAM M. FENNO

Printed Name of Notary Public

My Commission Expires: 4/9/2009
(Stamp with serial number)





LEE COUNTY
SOUTHWEST FLORIDA

APPLICATION FOR PUBLIC HEARING
FOR
UNINCORPORATED AREAS ONLY

RECEIVED
DEC 17 2004

Applicant's Name: Lee County Homes Associates I, LLLP

PERMIT COUNTER

Project Name: Buckingham 345

STRAP Number(s): 33-43-26-00-00004.0000

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?

☐ Yes* ☒ No

*If yes, please provide the meeting summary document and label accordingly.

STAFF USE ONLY

Case Number:

DCI 2004-00090

Commission District:

5

Current Zoning:

RPD/AG-2

Fee Amount:

5000.00

Land Use Classification:

Outlying Suburban

Intake by:

AF

Planning Community:

Fort Myers Shores

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

DCI 2004-00090

PART 1
APPLICANT\AGENT INFORMATION

A. Name of applicant: Lee County Homes Associates I, LLLP C/o: Richard Norwalk or Alan Fant

Address: Street: 1401 University Drive, Suite 200

City: Coral Springs State: FL Zip: 33071

Phone: Area Code: 954 Number: 753-1730 Ext:

Fax: Area Code: 954 Number: 575-5261

E-mail address: dick.norwalk@glhomes.com

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

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.]

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.]

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: TKW Consulting Engineers, Inc.

Contact Person: Daniel P. Johnson, P.E.

Address: Street: 5621 Banner Drive

City: Fort Myers State: FL Zip: 33912

Phone: Area Code: 239 Number: 278-1992 Ext:

Fax: Area Code: 239 Number: 278-0922

E-mail address: danj@tkwonline.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: N/A

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

C. Multiple parcels

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

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

D. Date property was acquired by present owner(s): 6/9/2003

**PART 3
PROPERTY INFORMATION**

A. STRAP Number(s): 33-43-26-00-00004.0000

B. Street Address of Property: 3621 Buckingham Road

C. Legal Description

X **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)

_____ 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)]

_____ 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)]

X _____ 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: Caloosahatchee 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: 3621 Buckingham Road, Lee County. From the intersection of US41 at Colonial Boulevard, take Colonial Boulevard East to I75. Take I-75 North to Palm Beach Boulevard and head East To Buckingham Road. Take Buckingham Road South and the property is on the East side of the road.

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: RPD / AG

I. Current use of property: Agricultural

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:

Outlying Suburban	345	Acres	100	% of total
		Acres		% of total
		Acres		% of total
		Acres		% of total

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

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

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

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

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

L.3. 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):	<u>2,892 AVG</u>	Feet
2.	Depth (average if irregular parcel):	<u>1,806 AVG</u>	Feet
3.	Total area:	<u>345</u>	Acres or square feet
4.	Frontage on road or street:	<u>2,287</u>	Feet on <u>Buckingham Road</u>
	2 nd Frontage on road or street:	N/A	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
X Planned Development rezoning from RPD / AG to RPD
 X DCI - Major: Attached is Supplement D
 DCI - Minor: Attached is Supplement D
 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:

N/A No blasting will be used in the excavation of lakes or other site elements.

N/A 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)

N/A 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)

N/A 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)

N/A 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)

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

A tall structures permit will be required.

Property is located within Noise zone: _____

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

N/A 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)

N/A A summary of public informational session. **Attached is Exhibit PH-4.H** [Lee Plan Policy 21.7]

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

Section Number

Name of item

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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	12 ✓		Completed application for Public Hearing [34-201(b)]
1	1	1 ✓		Filing Fee - [34-202(a)(9)] <i>SK</i>
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	12	SUP D	Planned Development Rezoning or DRI with PD Rezoning requested
0	0	12	SUP-D	Planned Development Amendment
0	0	12	SUP D	PRFPD in in Overlay Area Rezoning supplement
0	0	12	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	<i>N/A</i>	PH-1.B.3	BOCC authorization (if applicable)
1	1	12 ✓	PH-1.C.2	Additional agents
1	1	3 ✓	PH-2.B.1.	Disclosure Form [34-201(b)(2)a]
1	1	<i>2 N/A</i>	PH-2.C.1	Subject property owners list (if applicable) [34-202(a)(5)]
1	1	<i>2 N/A</i>	PH-2.C.2	Subject Property Owners map (if applicable) [34-202(a)(5)]
2	2	<i>2 N/A</i>	PH-3.C.1	Legal Description [34-202(a)(1)]
1	1	<i>N/A</i>	PH-3.C.2	Electronic version of legal description (if available)
1	1	<i>3 N/A</i>	PH-3.D.1	Copy of Plat Book Page (if applicable) [34-202(a)(1)]
1	1	3	PH-3.D.2	Certified sketch of description (less than ten acres) [34-202(a)(2)]
1	1	3 ✓	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	<i>0 N/A</i>	PH-3.F	Area Location Map on 8 by 11 paper pursuant to sec. 34-202(a)(4). (Non Planned Developments)
0	0	<i>0 N/A</i>		Area Location Map for Planned Developments - see Supplement D
1	1	2 ✓	PH-3.G.1	List of Surrounding Property Owners [34-202(a)(6)]
1	1	2 ✓	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	<i>12 N/A</i>	PH-3.I	Agricultural uses at time of zoning application. [34-202(b)(7)]
1	1	3 <i>N/A</i>	PH-3.L.2	Deed Restrictions\Covenants [34-202(b)(2)]

1	1	3 N/A	PH-3.L.3	Narrative addressing effect of Deed Restrictions [34-202(b)(2)]
1	1	12 N/A	PH-4.B	Location of proposed blasting (if applicable). [34-202(b)(6)]
0	0	4 N/A	PH-4.C	Bonus Density units (if applicable) [34-202(b)(5)]
1	1	4 N/A	PH-4.D	Hazardous materials emergency plan (if applicable) [34-202(b)(4)]
0	1	4 N/A	PH-4.E	Mobile Home Park Information (if applicable) [34-203(d)]
1	1	4 N/A	PH-4.F	Aviation Hazard (if applicable) [34-1001 et seq.]
1	1	4 N/A	PH-4.G	Developments located within Estero Planning District [34-373-(a)(10)]
1	1	4 N/A	PH-4.H	Developments located within Captiva Planning District [Lee Plan Policy 21.7)
1	1	12 N/A	PH-4.I	Approved Waivers [34-202(a)]
ADDITIONAL REQUIREMENTS FOR DRIs NOT INVOLVING A REZONING				
0	0	12		Notice of proposed change Substantial Deviations Form RPM-BSP-Proposed Change - 1 pursuant to Section 380.06(19) F.S.
0	0	12		DRI, AMDA, FQD Form RPM-BSP-ADA - 1. Application for Development Approval pursuant to Section 380.06 F.S.
0	0	12		Abandonment Form RPM-BSP-Abandonment-DRI-1. Application for abandonment of a DRI.

**PART V AFFIDAVIT A1
(EXHIBIT PH-1.B.2)**

**AFFIDAVIT FOR PUBLIC HEARING
APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT**

I, _____, 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 have authorized 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.

Signature

(Type or printed name)

STATE OF _____

COUNTY OF _____

The foregoing instrument was sworn to (or affirmed) and subscribed before me this _____
(date) by _____ (name of person providing oath or affirmation),
who is personally known to me or who has produced _____ (type of
identification) as identification.

Signature of person taking oath or affirmation

Name typed, printed or stamped

Title or rank

Serial number, if an

PART V AFFIDAVIT A2

AFFIDAVIT

APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, * Richard Norwalk as Vice President of Lee County Homes I Corporation, general partner of Lee County Homes Associates I, LLLP, 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.

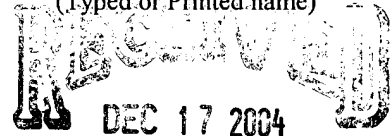
Lee County Homes Associates I, LLLP

*Name of Entity (corporation, partnership, LLP, LC, etc)

[Signature]
Signature

Richard Norwalk

(Typed or Printed name)



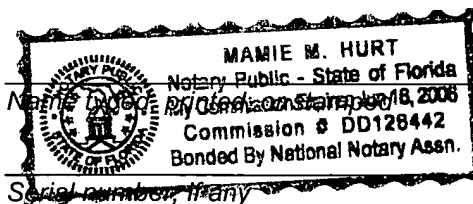
Vice President of Lee County Homes I Corporation,
general partner of Lee County Homes Associates I, LLLP
(Title of signatory)

PUBLIC COUNTY

STATE OF Florida
COUNTY OF Broward

The foregoing instrument was sworn to (or affirmed) and subscribed before me this Dec 15, 2004 (date) by Richard Norwalk (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

[Signature]
Signature of person taking oath or affirmation



Title or Rank

*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 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.

DCI 2004-00090

EXHIBIT PH-2.B.1
DISCLOSURE OF INTEREST FORM FOR:

RECEIVED
DEC 17 2004
COUNTY CLERK

STRAP NO. 33-43-26-00-00004.0000

CASE NO. DCI964568 and 99-10-090103Z and
ADD2003-00067

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

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

Lee County Homes I Corporation
1401 University Drive, Suite 200
Coral Springs, FL 33071

1%

G.L. Homes Limited Corporation
1401 University Drive, Suite 200
Coral Springs, FL 33071

99%

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

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.

Applicant *Richard Norwalk*

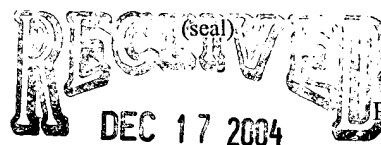
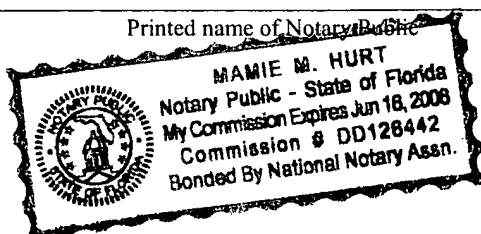
Richard Norwalk, as VP of Lee County Homes I Corp.,
general partner of Lee County Homes Assoc I, LLLP
Printed or typed name of applicant

STATE OF FLORIDA
COUNTY OF BROWARD

The Forgoing instrument was acknowledged before me this 15 day of December 2004 by Richard Norwalk who is personally known to me or has produced _____ as identification.

Mamie M. Hurt
Signature of Notary Public

Printed name of Notary Public

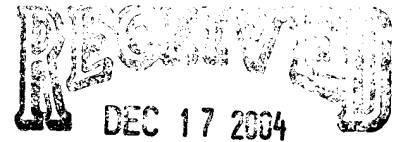


Page 2 of 2

PERMIT COUNTER

DCI 2004-00090

**EXHIBIT PH-1.C.2
ADDITIONAL AGENTS**



Company Name: Metro Transportation Group

Contact Person: Mr. Ted Treesh

PERMIT COUNTER

Address: Street: 12651 McGregor Blvd. Suite 4-403

City: Fort Myers, **State:** FL **Zip:** 33919-4489

Phone: Area Code: 239 **Number:** 278-3090 **Ext:**

Fax: Area Code: 239 **Number:** 278-1906

E-mail address: tbt@metrotransportation.com

Company Name: Roetzel & Andress

Contact Person: Ms. Beverly Grady Esq.

Address: Street: 2320 First Street, Suite 1000

City: Fort Myers **State:** FL **Zip:** 33901

Phone: Area Code: 239 **Number:** 338-4207 **Ext:**

Fax: Area Code: 239 **Number:** 337-0970

E-mail address: bgrady@ralaw.com

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:

GUIDE FOR FILING AN APPLICATION FOR A PUBLIC HEARING

NOT 2004-00090



RECEIVED
DEC 17 2004

SUPPLEMENT D

PERMIT COUNTER

ADDITIONAL REQUIRED INFORMATION FOR A PLANNED DEVELOPMENT APPLICATION UNINCORPORATED LEE COUNTY

Case Number: DCI964568 and 99-10-090.03Z, Z-00-029, ADD2003-00067

Project Name: Buckingham 345

Authorized agent: TKW Consulting Engineers, Inc.

STRAP Number(s): 33-43-26-00-00004.0000

Select one only

- | | | |
|---|--|---|
| | DRI (rezoning required) | DCI-Minor - Amend. to approved master concept plan ⁽²⁾ |
| X | DCI-Major | Amend. to built planned development meeting DCI threshold. ⁽³⁾ |
| | DCI-Minor | |
| | DCI-Minor - Existing Dev. ⁽¹⁾ | 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.

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.]

☐ 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.

☐ 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

☐ 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	<u> </u>	Proposed dwelling units
Central Urban	<u> </u>	Proposed dwelling units
Urban Community	<u> </u>	Proposed dwelling units
Suburban	<u> </u>	Proposed dwelling units
Outlying Suburban	<u>690</u>	Proposed dwelling units
TOTAL	<u>690</u>	Proposed dwelling units

PART 2 TYPES OF LAND AREA ON PROPERTY

A. Gross Acres (total area within described parcel)		<u>345</u> Acres
1. Submerged land subject to tidal influence:	<u>0</u> Acres	
2. Other non-freshwater Wetlands:	<u>0</u> Acres	
3. R-O-W providing access to non-residential uses:	<u>0</u> Acres	
4. Non-residential use areas ⁽¹⁾	<u>0</u> Acres	
B. Total area not eligible as gross residential acreage. Items A.1. + A.2 + A.3. + A.4.		<u>0</u> Acres
C. Gross residential acres. (A minus B) ⁽²⁾		<u>345</u> Acres
D. Gross residential acres by Land Use Category		
1. a. Intensive development - Upland	<u>0</u> Acres	
b. Intensive development - freshwater wetland	<u>0</u> Acres	
2. a. Central Urban - Upland	<u>0</u> Acres	
b. Central Urban - freshwater wetland	<u>0</u> Acres	
3. a. Urban Community or Suburban - Upland	<u>0</u> Acres	
b. Urban Community or Suburban freshwater wetland	<u>0</u> Acres	
4. a. Outlying Suburban - Upland	<u>330</u> Acres	
b. Outlying Suburban - freshwater wetland	<u>15</u> Acres	
5. a. Rural, Outer Island, Rural Community Preserve - Upland	<u>0</u> Acres	
b. Rural, Outer Island, Rural Community Preserve - freshwater wetland	<u>0</u> Acres	
6. a. Open Lands - Upland	<u>0</u> Acres	
b. Open Lands - freshwater wetland	<u>0</u> Acres	
7. a. DR/GR - Upland	<u>0</u> Acres	
b. DR/GR - freshwater wetland	<u>0</u> Acres	
8. a. Wetlands - freshwater	<u>0</u> Acres	
b. Wetlands - not - freshwater	<u>0</u> Acres	
9. a. New Community - Upland	<u>0</u> Acres	
b. New Community - freshwater wetland	<u>0</u> Acres	
10. a. University Community - Upland	<u>0</u> Acres	
b. University Community - freshwater wetland	<u>0</u> Acres	
11. TOTAL (should equal ACe above)	<u>345</u> 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-

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	N/A
	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	N/A
	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	<u>N/A</u>
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	<u>N/A</u>
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.)	<u>330</u> times 2 equals	<u>660</u>
b. Total freshwater wetland Acres (from Part 2, D.4.b.)	<u>15</u> times 2 equals	<u>30</u>
c. Preliminary Total Standard units (a. plus b.) ⁽¹⁾		<u>690</u>
2. Maximum Permitted Units	Maximum permitted	Units
a. Total upland Acres (from Part 2, D.4.a.)	<u>330</u> times 3 equals ⁽¹⁾	<u>990</u>
3. Total allowed standard units (E.1.c. or E.2.a., whichever is less)		<u>690</u>

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	N/A		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.
<hr/>				
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.
<hr/>				
C.	Mining		Depth	Total Acres
C1.	Area to be excavated	NA		Acres
<hr/>				
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
<hr/>				
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
<hr/>				

PART 4

ENVIRONMENTAL ISSUES

A. **Topography:** Describe the range of surface elevations of the property:

See Attached Survey

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.

See Environmental Report by Boylan

C. Preservation/Conservation of Natural Features: Describe how the lands listed in B. above will be protected by the completed project:

See Environmental Report by Boylan

D. Shoreline Stabilization: If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:

N/A

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:

N/A

- 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:

N/A

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:

C. **Spray Irrigation:** If spray irrigation will be used, specify:

1. The location and approximate area of the spray fields:

N/A

2. Current water table conditions:

3. Proposed rate of application:

4. Back-up system capacity:

PART 6 - SUBMITTAL REQUIREMENTS

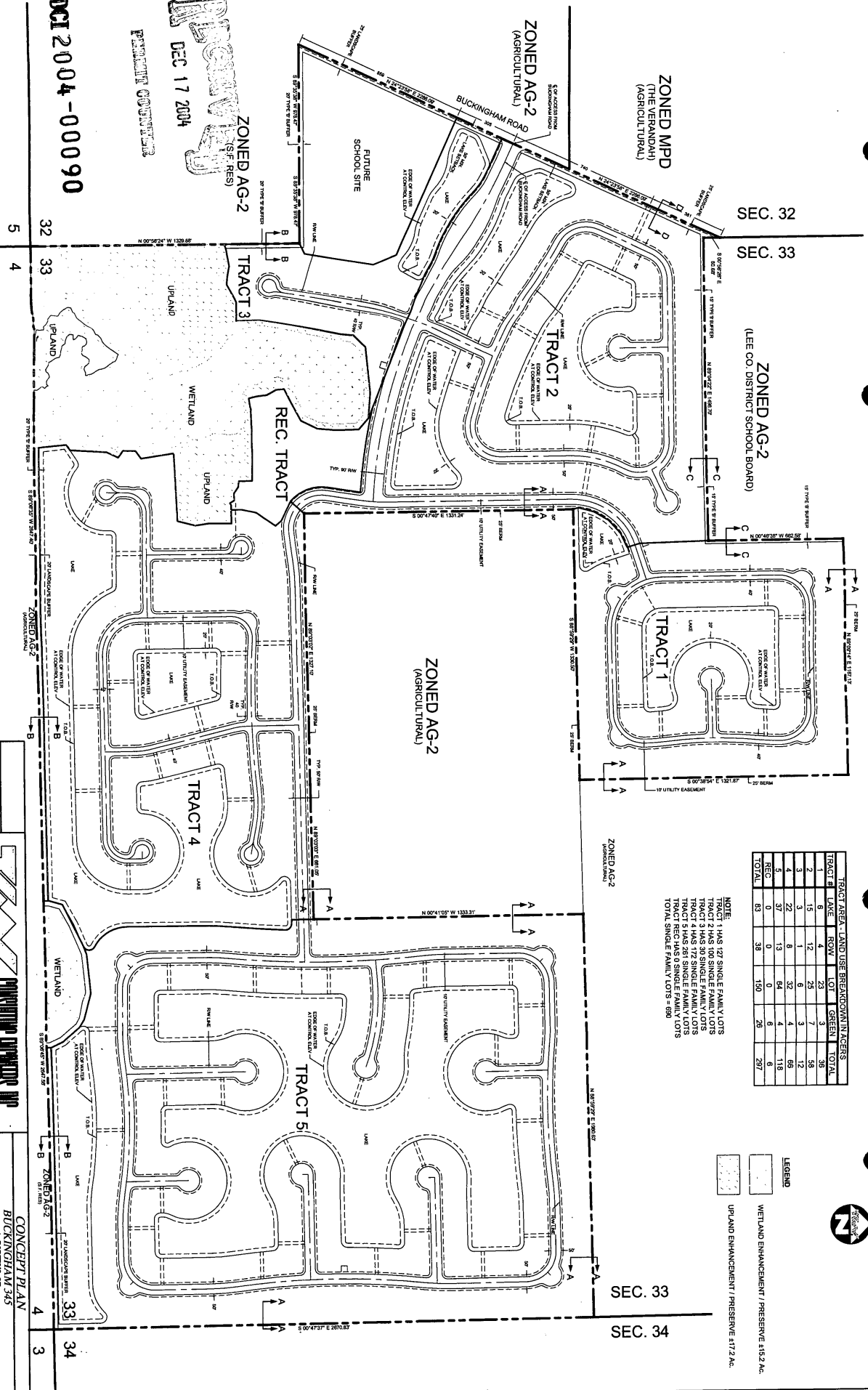
Copies*		Exhibits	Item
Sub.	Req.		
X	12	✓	Public Hearing Application form [34-373(a)(1)]
X	1	✓	Application Fee [34-373(a)(2)]
DESCRIPTION OF EXISTING CONDITIONS			
N/A	3	N/A 1-B	Historical or Archaeological sites: The nature and location of any known or recorded historical or archaeological sites as 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.]
N/A	12	N/A 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.]
X	3	✓ 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.]
X	12	✓ 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 <u>as well as the location of existing easements and rights-of-way on or abutting the property.</u> [34-373(a)(4)b.]
X	12	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.]
X	12	✓ 6-D	Aerial photograph with the site clearly delineated. [34-373(a)(4)d.] Originals only - photocopies not acceptable.
X	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.]
X	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			
X	12	✓ 6-G	Lee Plan Compliance. A narrative explanation as to how the proposed development complies with the Lee Plan. [34-373(a)(5)]
X	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)]
X	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)]
MASTER CONCEPT PLAN			

Copies*		Exhibits	Item
X	12	✓ 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)]
N/A	12	N/A 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)]
X	4	✓ 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.]
X	12	✓ 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)]
N/A	12	N/A 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			
X	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)]
N/A	12	N/A 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			
X	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			
X	4	N/A 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			
N/A	12	6-S	Binding letter of interpretation from DCA or a complete and sufficient ADA. [34-373(d)(2)]
ADDITIONAL EXHIBITS - PRFPDs			
N/A	4	6-T	Conceptual surface water management [34-941(d)(3)b.i.1)]
N/A	12	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.]
N/A	12	6-V	Preliminary indigenous restoration plan (if applicable). [34-941(e)(5)f]
N/A	12	6-W	Environmental Assessment [34-941(g)(2)]
N/A	12	6-X	Demonstration of compatibility [34-941(g)(4)]

* includes 1 original

DCI 2004-00090

DEC 17 2004
 PLANNING COMMISSION
 ZONED AG-2
 (S.F. RES)



SEC. 32
 SEC. 33

ZONED AG-2
 (LEE CO. DISTRICT SCHOOL BOARD)

TRACT AREA - LAND USE BREAKDOWN IN ACRES				
TRACT #	LAKE	ROW	LOT	GREEN TOTAL
1	6	4	23	3
2	15	12	25	7
3	3	1	6	3
4	22	8	32	4
5	37	13	64	4
REC	0	0	0	6
TOTAL	83	38	150	28

NOTE:
 TRACT 1 HAS 122 SINGLE FAMILY LOTS
 TRACT 2 HAS 106 SINGLE FAMILY LOTS
 TRACT 3 HAS 106 SINGLE FAMILY LOTS
 TRACT 4 HAS 172 SINGLE FAMILY LOTS
 TRACT 5 HAS 261 SINGLE FAMILY LOTS
 TRACT REC HAS 0 SINGLE FAMILY LOTS
 TOTAL SINGLE FAMILY LOTS = 568

LEGEND
 WETLAND ENHANCEMENT / PRESERVE #152 AC.
 UPLAND ENHANCEMENT / PRESERVE #172 AC.

DESIGN BY: JRS

DRAWN BY: JRS

APP. CODE: 00783.00

SCALE: N.T.S.

TKW CONSULTING ENGINEERS, INC.

Environmental, Civil, Structural, Survey, Landscaping, Planning, Design, Construction Management, and more.

ONE BAKER DRIVE, FORT WORTH, TEXAS 76102

PHONE (817) 271-1145 • FAX (817) 271-0425 • E-MAIL: info@tkw-engineers.com

CONCEPT PLAN

BUCKINGHAM 345

1 PARCEL OF

SECTIONS 32 & 33, TOWNSHIP 4S NORTH, RANGE 3E EAST

LEE COUNTY, TEXAS

DATED: NOVEMBER 2004

DRAWN BY: 00783.00.JRS

TYPICAL 3.5	
MIN LOT AREA	1.266 AC.
MIN LOT WIDTH	72'
MIN LOT DEPTH	166'
MIN FRONT YARD SETBACK	20'
MIN SIDE SETBACK	17'
MIN REAR SETBACK	20'
MIN WATERWAY SETBACK	20'
MIN LOT COVERAGE	30%
MIN LOT FRONT YARD SETBACK	30' 3" STRIPES - FOR PAVING LIMITS
	40' 3" STRIPES - FOR SIDE YARD
	INSTRUCTIONS: SEE PLAN OTHER
	AND REVISIONS FOR DATE.

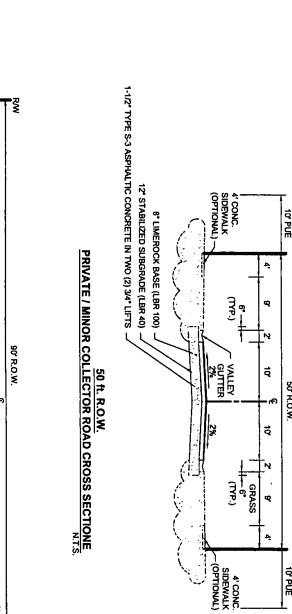
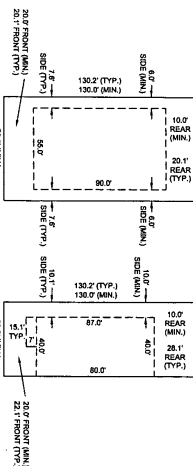
CONCEPTUAL OPEN SPACE:

A TOTAL REQUIRED OPEN SPACE (LW/1058) = 1.11 AC.

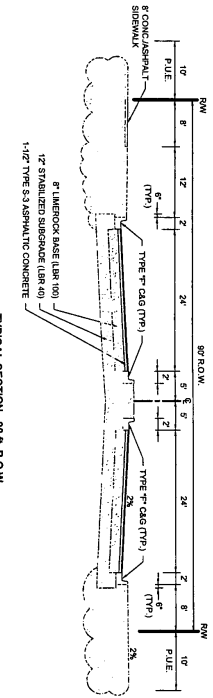
PROPERTY DEVELOPMENT REGULATIONS	
TRACTS 1, 2	
MIN. LOT AREA	5,350 SQ. FT.
MIN. LOT WIDTH	50'
MIN. LOT DEPTH	50'
MIN. STREET SETBACK	5' & 7' FOR ZERO LOT LINE LOTS
MIN. SIDE SETBACK	20'
MIN. REAR SETBACK	20'
MIN. WATERBODY SETBACK	20'
MIN. LOT COVERAGE	60%
MAX. BUILDING HEIGHT	30' 3 STORIES - FOR DWELLING UNITS
	30' 2 STORIES - FOR COMMERCIAL UNITS
	STANCHIONS SHALL BE PLACED IN
	AND RECREATIONAL FACILITIES.

CONCEPTUAL OPEN SPACE:

- | A) TOTAL INDIGENOUS PRESERVE AREA | | B) TOTAL PROVIDED OPEN SPACE | | C) INDIGENOUS PRESERVE AREA PER ZONING RES. >2500sqft. | |
|---|----------------------|---|----------------------|--|----------------------|
| INDIVIDUAL LOT AVERAGE | 10% OF BEDFT. (MIN.) | INDIVIDUAL LOT AVERAGE | 10% OF BEDFT. (MIN.) | INDIVIDUAL LOT AVERAGE | 10% OF BEDFT. (MIN.) |
| PROPOSED WETLAND BUFFER/REPRESENTATIVE AREA | 115.2 AC. | PROPOSED WETLAND BUFFER/REPRESENTATIVE AREA | 115.2 AC. | PROPOSED WETLAND BUFFER/REPRESENTATIVE AREA | 115.2 AC. |
| DRIFT LINE (OPEN SPACE WITHIN BUFFER AREA) | 181.5 AC. | DRIFT LINE (OPEN SPACE WITHIN BUFFER AREA) | 181.5 AC. | DRIFT LINE (OPEN SPACE WITHIN BUFFER AREA) | 181.5 AC. |
| TOTAL OPEN SPACE PROVIDED: | 115.2 AC. | TOTAL OPEN SPACE PROVIDED: | 115.2 AC. | TOTAL OPEN SPACE PROVIDED: | 115.2 AC. |
| TOTAL INDIGENOUS PRESERVE AREA PROVIDED: | 152.4 AC. | TOTAL INDIGENOUS PRESERVE AREA PROVIDED: | 152.4 AC. | TOTAL INDIGENOUS PRESERVE AREA PROVIDED: | 152.4 AC. |



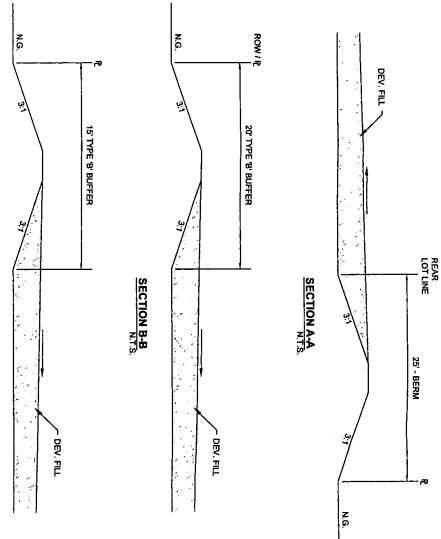
PRIVATE / MINOR COLLECTOR ROAD CROSS SECTION



TYPICAL SECTION - 90 ft. R.O.W.
N.T.S.

SETBACKS		
DIRECTION	SINGLE FAMILY	ZERO LOT LINE
FRONT (GARAGE)	20'0"	20'0"
FRONT (HOUSE)	15'0"	15'0"
REAR (BACK TO BACK)	20'0"	20'0"
REAR (OPEN SPACE)	10'0"	10'0"
SIDE	6'0"	0'10'0"
SIDE CORNER	11'0"	12'5"

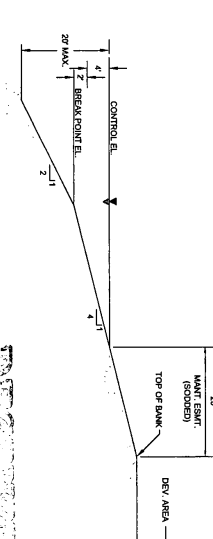
SCALE: 1" = 40'



SECTION A-A
N.T.S.

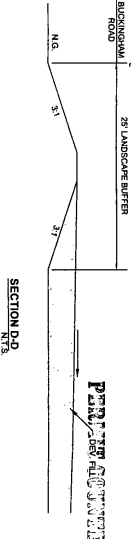
SECTION B-B

SECTION C-C
NTS



TYPICAL LAKE SECT

DEC 17 2004



SECTION D-D
N.T.S.

DEC 2004-00090

DETAILS

BUCKINGHAM 345
A PART OF

SECTIONS 28 & 29, TOWNSHIP 49 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

DATE: NOVEMBER 2004	DRAWING: 03783.00.DWG
---------------------	-----------------------

TKC
ENRICHING HUMANITY, INC.

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5621 BAKER DRIVE, FORT WORTH, TEXAS 76112
PHONE: (214) 276-1092 • FAX: (214) 276-0822 • E-MAIL: tkc@tkcusa.com

DESIGN BY: JSS
DRAWN: IR
JOB CODE: 03783.00
SCALE: N.T.S.

DESIGN BY: JSS
DRAWN: IR
JOB CODE: 0378
SCALE: N.T.S.



MORRIS-DEPEW ASSOCIATES, INC.
ENGINEERS • PLANNERS • SURVEYORS & MAPPERS

Buckingham 320



Residential Planned Development

PERMIT COUNTER

Zoning Traffic Statement

September 29, 1999



PERMIT COUNTER

PROJECT # 99-10-090.032
PROJECT TYPE 12

Prepared by:

Ryan M. Shute, P.E.

DCI 2004-00090

EXHIBIT III-C



Buckingham 320

Residential Planned Development

Zoning Traffic Statement

Project Information

Description of Development

A residential planned development located on the east side of Buckingham Road, a little over a mile south of State Road 80 in Lee County Florida. The development is planned for a maximum of 1320 units.

Description of Development

Description	Quantity	Units	ITE Land Use Classification
Residential Subdivision	1320	Dwelling Units	210: Single Family Detached Housing

Trip Generation

Trip Generation Rates

Trip Generation Rates in accordance with the ITE Trip Generation Manual, 6th Edition (updated 1997), are shown for the ITE Land Use Classification below.

ITE LUC 862 Home Improvement Superstore

- Average Daily Trips (ADT): $\ln(T) = 0.920 \ln(X) + 2.707$
- AM Peak Hour Trips (AM PHT): $(T) = 0.700(X) + 9.477$
Entering Trips = 25%
Exiting Trips = 75%
- PM Peak Hour Trips (PM PHT) $\ln(T) = 0.901 \ln(X) + 0.527$
Entering Trips = 64%
Exiting Trips = 36%



Trip Generation

The vehicular trips generated by the development are summarized in the tables below.

Average Daily Trips (ADT)

Description	Quantity	ADT	Entering ADT	Exiting ADT
Single-Family Detached Housing	1320.0	11,132	N/A	N/A
Totals		11,132	N/A	N/A

AM Peak Hour Trips (AM PHT)

Description	Quantity	AM PHT	% Entering	% Exiting	Entering AM PHT	Exiting AM PHT
Single-Family Detached Housing	1320.0	933	25%	75%	233	700
Totals		933			233	700

PM Peak Hour Trips (PM PHT)

Description	Quantity	PM PHT	% Entering	% Exiting	Entering PM PHT	Exiting PM PHT
Single-Family Detached Housing	1320.0	1098	64%	36%	703	395
Totals		1098			703	395



Background Link

Calculations

Avg. Area Growth Rate: 1.0% annually
Build-out Year: 2005

Link A

Buckingham Road South of SR 80

1998	5,300 AADT's			
2005	5,515 AADT's			
Annual Growth Rate =		1.01%		
Seasonal Adjustment:	1.083	(February, March, April average, PCS 11)		
2005 Season:	5,975 AADT's			
AM Peak Hour:	6%	=	359 PHT's	
	53%	SB =	190 PHT's	47% NB = 168 PHT's
PM Peak Hour:	8%	=	478 PHT's	
	48%	SB =	229 PHT's	52% NB = 249 PHT's
D-Factor	52%			
K-100 Factor	9.6%			275 PHT's
LOS Directional Capacity "E" = 1170		With Project Directional Trips = 732 < 1170		

Link B

Palm Beach E of SR 31

1998	24,700 AADT's			
2005	25,042 AADT's			
Annual Growth Rate =		0.93%		
Seasonal Adjustment:	1.086	(February, March, April average, PCS 5)		
2005 Season:	27,195 AADT's			
AM Peak Hour:	7%	=	1,904 PHT's	
	31%	EB =	590 PHT's	69% WB = 1314 PHT's
PM Peak Hour:	8%	=	2,176 PHT's	
	63%	EB =	1371 PHT's	37% WB = 805 PHT's
D-Factor	63%			
K-100 Factor	9.4%			1483 PHT's
LOS Directional Capacity "C" = 2720		With Project Directional Trips = 1765 < 2720		



Link C

Palm Beach E of Buckingham

1998 14,200 AADT's
2005 14,200 AADT's
Annual Growth Rate = 0.10%
Seasonal Adjustment: 1.086 (February, March, April average, PCS 5)
2005 Season: 15,421 AADT's
AM Peak Hour: 7% = 1,079 PHT's
31% EB = 335 PHT's 69% WB = 745 PHT's
PM Peak Hour: 8% = 1,234 PHT's
63% EB = 777 PHT's 37% WB = 456 PHT's
D-Factor 63%
K-100 Factor 9.4% 841 PHT's
LOS Directional Capacity "B" = 1540 With Project Directional Trips = 913 < 1540

Link D

Olga Road N of SR 80

1998 3,100 AADT's
2005 3,400 AADT's
Annual Growth Rate = 3.28%
Seasonal Adjustment: 1.167 (January, February, March, average, PCS 25)
2005 Season: 3,967 AADT's
AM Peak Hour: 6% = 238 PHT's
62% SB = 148 PHT's 38% NB = 90 PHT's
PM Peak Hour: 8% = 317 PHT's
43% SB = 136 PHT's 57% NB = 181 PHT's
D-Factor 52%
K-100 Factor 9.6% 170 PHT's
LOS Directional Capacity = NA

Link E

Orange River E of Staley

1998 4,900 AADT's
2005 4,900 AADT's
Annual Growth Rate = -0.96%
Seasonal Adjustment: 1.086 (February, March, April average, PCS 5)
2005 Season: 5,321 AADT's
AM Peak Hour: 7% = 372 PHT's
31% EB = 115 PHT's 69% WB = 257 PHT's
PM Peak Hour: 8% = 426 PHT's
63% EB = 268 PHT's 37% WB = 158 PHT's
D-Factor 63%
K-100 Factor 9.4% 290 PHT's
LOS Directional Capacity "E" = 1330 With Project Directional Trips = 360 < 1330



Discussion of Analysis

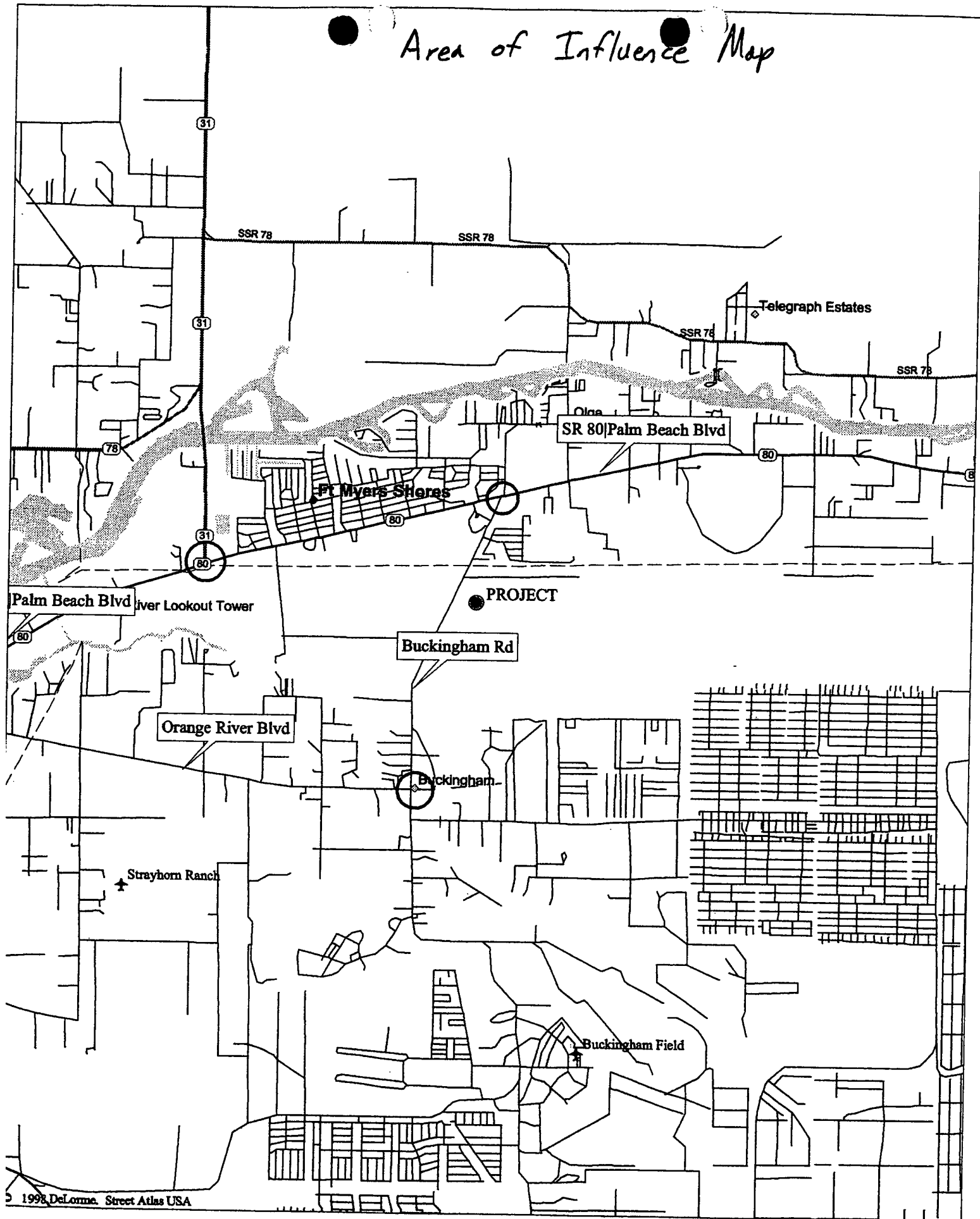
The intersections in the study area were analyzed for the projected LOS with the site-generated trip added to the future background traffic. Unless otherwise mentioned, the analysis was performed using HCS for signalized intersections. An unsignalized was conducted for the project entrances intersection with Buckingham Road.

Trip distribution and trip assignment diagrams for each intersection in the study area are provided in the following sections. The corresponding HCS analysis is also provided.

Analysis demonstrates that the intersection of Buckingham Road and SR 80 will need additional right turn lanes to prevent the intersection from reaching capacity in the year 2005. The project entrances will require left and right turn lanes exiting the site and south bound left turn lanes on Buckingham Road. The links within the area of influence will function with an adequate level of service. The two lane Buckingham Road link will have a LOS "D" during the PM post project condition in the year 2005. The SR 80 links will not have capacity problems.

Given the above discussion, the proposed project should not cause any of the intersections or road segments to fall below acceptable levels of service, but improvements will need to be made to the intersection of SR 80 and Buckingham Road.

Area of Influence Map



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OPERATIONAL ANALYSIS

Highway: SR 80 (Palm Beach)
 Analyst: Shute
 From/To: SR 31 to Buckingham
 Analysis Year: 2005 AM Peak w/ out project
 Length: 2.5 miles
 Date: 10/3/99

FREE-FLOW SPEED

Direction	1		2	
Free-Flow Speed:	Ideal		Ideal	
FFS or FFSi	50.0	mph	50.0	mph
Median Type	Undivided		Undivided	
Median Type Adjustment, FM	1.6	mph	1.6	mph
Lane Width	12.0	ft	12.0	ft
Lane Width Adjustment, FLW	0.0	mph	0.0	mph
Lateral Clearance:				
Right Edge	6.0	ft	6.0	ft
Left Edge	6.0	ft	6.0	ft
Total Lateral Clearance	12.0	ft	12.0	ft
Lateral Clearance Adjustment, FLC	0.0	mph	0.0	mph
Access Points per Mile	5		15	
Access Points Adjustment, FA	1.3	mph	3.8	mph
Adjusted Free-Flow Speed	47.2	mph	44.7	mph

VOLUME

Direction	1		2	
Volume, V	590	vph	1314	vph
Peak-Hour Factor, PHF	0.90		0.90	
Peak 15-Minute Volume, v15	164		365	
Number of Lanes	2		2	
Terrain Type	Level		Level	
Grade	0.00	%	0.00	%
Segment Length	0.00	mi	0.00	mi
Trucks and Buses	5	%	0	%
Trucks and Buses PCE, ET	1.5		1.5	
Recreational Vehicles	2	%	0	%
Recreational Vehicles PCE, ER	1.2		1.2	
Heavy Vehicle Adjustment, fHV	0.97		1.00	
Driver Population Adjustment, fP	1.00		1.00	

Service Flow Rate, vp

337

pcphpl

pcphpl

RESULTS

Direction

1

2

Service Flow Rate, vp

337

pcphpl

730

pcphpl

Adjusted Free-Flow Speed, FFS

47.2

mph

44.7

mph

Avg. Passenger-Car Travel Speed, S

47.2

mph

44.7

mph

Level of Service, LOS

A

B

Density, D

7.1

pc/mi/ln 16.3

pc/mi/ln

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OPERATIONAL ANALYSIS

Highway: SR 80 (Palm Beach)
 Analyst: Shute
 From/To: SR 31 to Buckingham
 Analysis Year: 2005 PM Peak w/ out project
 Length: 2.5 miles
 Date: 10/3/99

FREE-FLOW SPEED

Direction	1		2	
Free-Flow Speed:	Ideal		Ideal	
FFS or FFSi	50.0	mph	50.0	mph
Median Type	Undivided		Undivided	
Median Type Adjustment, FM	1.6	mph	1.6	mph
Lane Width	12.0	ft	12.0	ft
Lane Width Adjustment, FLW	0.0	mph	0.0	mph
Lateral Clearance:				
Right Edge	6.0	ft	6.0	ft
Left Edge	6.0	ft	6.0	ft
Total Lateral Clearance	12.0	ft	12.0	ft
Lateral Clearance Adjustment, FLC	0.0	mph	0.0	mph
Access Points per Mile	5		15	
Access Points Adjustment, FA	1.3	mph	3.8	mph
Adjusted Free-Flow Speed	47.2	mph	44.7	mph

VOLUME

Direction	1		2	
Volume, V	1483	vph	871	vph
Peak-Hour Factor, PHF	0.90		0.90	
Peak 15-Minute Volume, v15	412		242	
Number of Lanes	2		2	
Terrain Type	Level		Level	
Grade	0.00	%	0.00	%
Segment Length	0.00	mi	0.00	mi
Trucks and Buses	5	%	0	%
Trucks and Buses PCE, ET	1.5		1.5	
Recreational Vehicles	2	%	0	%
Recreational Vehicles PCE, ER	1.2		1.2	
Heavy Vehicle Adjustment, fHV	0.97		1.00	
River Population Adjustment, fP	1.00		1.00	

Service Flow Rate, vp

847

pcphpl

pcphpl

RESULTS

Direction	1	2
Service Flow Rate, vp	847	484
Adjusted Free-Flow Speed, FFS	47.2	44.7
Avg. Passenger-Car Travel Speed, S	47.2	44.7
Level of Service, LOS	B	A
Density, D	18.0	10.8

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OPERATIONAL ANALYSIS

Highway: SR 80 (Palm Beach)
 Analyst: Shute
 From/To: SR 31 to Buckingham
 Analysis Year: 2005 AM Peak w/ project
 Length: 2.5 miles
 Date: 10/3/99

FREE-FLOW SPEED

Direction	1		2	
Free-Flow Speed:	Ideal		Ideal	
FFS or FFSi	50.0	mph	50.0	mph
Median Type	Undivided		Undivided	
Median Type Adjustment, FM	1.6	mph	1.6	mph
Lane Width	12.0	ft	12.0	ft
Lane Width Adjustment, FLW	0.0	mph	0.0	mph
Lateral Clearance:				
Right Edge	6.0	ft	6.0	ft
Left Edge	6.0	ft	6.0	ft
Total Lateral Clearance	12.0	ft	12.0	ft
Lateral Clearance Adjustment, FLC	0.0	mph	0.0	mph
Access Points per Mile	5		15	
Access Points Adjustment, FA	1.3	mph	3.8	mph
Adjusted Free-Flow Speed	47.2	mph	44.7	mph

VOLUME

Direction	1		2	
Volume, V	684	vph	1594	vph
Peak-Hour Factor, PHF	0.90		0.90	
Peak 15-Minute Volume, v15	190		443	
Number of Lanes	2		2	
Terrain Type	Level		Level	
Grade	0.00	%	0.00	%
Segment Length	0.00	mi	0.00	mi
Trucks and Buses	5	%	0	%
Trucks and Buses PCE, ET	1.5		1.5	
Recreational Vehicles	2	%	0	%
Recreational Vehicles PCE, ER	1.2		1.2	
Heavy Vehicle Adjustment, fHV	0.97		1.00	
river Population Adjustment, fP	1.00		1.00	

Service Flow Rate, vp

391

pcphpl

pcphpl

RESULTS

Direction

1

2

Service Flow Rate, vp

391

pcphpl

885

pcphpl

Adjusted Free-Flow Speed, FFS

47.2

mph

44.7

mph

Avg. Passenger-Car Travel Speed, S

47.2

mph

44.7

mph

Level of Service, LOS

A

B

Density, D

8.3

pc/mi/ln 19.8

pc/mi/ln

HCS: Multilane Highways Release 3.1b

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OPERATIONAL ANALYSIS

Highway: SR 80 (Palm Beach)
Analyst: Shute
From/To: SR 31 to Buckingham
Analysis Year: 2005 PM Peak w/ project
Length: 2.5 miles
Date: 10/3/99

FREE-FLOW SPEED

Direction	1	2
Free-Flow Speed:	Ideal	Ideal
FFS or FFSi	50.0 mph	50.0 mph
Median Type	Undivided	Undivided
Median Type Adjustment, FM	1.6 mph	1.6 mph
Lane Width	12.0 ft	12.0 ft
Lane Width Adjustment, FLW	0.0 mph	0.0 mph
Lateral Clearance:		
Right Edge	6.0 ft	6.0 ft
Left Edge	6.0 ft	6.0 ft
Total Lateral Clearance	12.0 ft	12.0 ft
Lateral Clearance Adjustment, FLC	0.0 mph	0.0 mph
Access Points per Mile	5	15
Access Points Adjustment, FA	1.3 mph	3.8 mph
Adjusted Free-Flow Speed	47.2 mph	44.7 mph

VOLUME

Direction	1	2
Volume, V	1765 vph	1029 vph
Peak-Hour Factor, PHF	0.90	0.90
Peak 15-Minute Volume, v15	490	286
Number of Lanes	2	2
Terrain Type	Level	Level
Grade	0.00 %	0.00 %
Segment Length	0.00 mi	0.00 mi
Trucks and Buses	5 %	0 %
Trucks and Buses PCE, ET	1.5	1.5
Recreational Vehicles	2 %	0 %
Recreational Vehicles PCE, ER	1.2	1.2
Heavy Vehicle Adjustment, fHV	0.97	1.00
Urban Population Adjustment, fP	1.00	1.00

Flow Rate, vp

1008

pcphpl

pcphpl

RESULTS

Direction	1	2
ce Flow Rate, vp	1008	pcphpl 571
sted Free-Flow Speed, FFS	47.2	mph 44.7
Passenger-Car Travel Speed, S	47.2	mph 44.7
l of Service, LOS	C	B
sity, D	21.4	pc/mi/ln 12.8

1985 HCM:TWO-LANE HIGHWAYS

FACILITY LOCATION.... Buckingham from SR 80 to project
 ANALYST..... Shute
 TIME OF ANALYSIS..... AM Peak 2005 w/o pro
 DATE OF ANALYSIS..... 10/03/99
 OTHER INFORMATION....

A) ADJUSTMENT FACTORS

 PERCENTAGE OF TRUCKS..... 14
 PERCENTAGE OF BUSES..... 0
 PERCENTAGE OF RECREATIONAL VEHICLES..... 4
 DESIGN SPEED (MPH)..... 60
 PEAK HOUR FACTOR..... .9
 DIRECTIONAL DISTRIBUTION (UP/DOWN)..... 53 / 47
 LANE WIDTH (FT)..... 12
 USABLE SHOULDER WIDTH (AVG. WIDTH IN FT.)... 3
 PERCENT NO PASSING ZONES..... 30

B) CORRECTION FACTORS

 LEVEL TERRAIN

LOS	E T	E B	E R	f w	f d	f HV
A	2	1.8	2.2	.87	.98	.84
B	2.2	2	2.5	.87	.98	.81
C	2.2	2	2.5	.87	.98	.81
D	2	1.6	1.6	.87	.98	.86
E	2	1.6	1.6	.95	.98	.86

C) LEVEL OF SERVICE RESULTS

 INPUT VOLUME(vph): 359
 ACTUAL FLOW RATE: 399

LOS	SERVICE FLOW RATE	V/C
A	242	.12
B	468	.24
C	760	.39
D	1274	.62
E	2244	1

LOS FOR GIVEN CONDITIONS: B

1985 HCM:TWO-LANE HIGHWAYS

FACILITY LOCATION.... Buckingham SR 80 to project
 ANALYST..... Shute
 TIME OF ANALYSIS..... AM 2005 w/ project
 DATE OF ANALYSIS..... 10-03-1999
 OTHER INFORMATION....

A) ADJUSTMENT FACTORS

 PERCENTAGE OF TRUCKS..... 14
 PERCENTAGE OF BUSES..... 0
 PERCENTAGE OF RECREATIONAL VEHICLES..... 4
 DESIGN SPEED (MPH)..... 60
 PEAK HOUR FACTOR..... .9
 DIRECTIONAL DISTRIBUTION (UP/DOWN)..... 53 / 47
 LANE WIDTH (FT)..... 12
 USABLE SHOULDER WIDTH (AVG. WIDTH IN FT.)... 3
 PERCENT NO PASSING ZONES..... 30

B) CORRECTION FACTORS

 LEVEL TERRAIN

LOS	E T	E B	E R	f w	f d	f HV
A	2	1.8	2.2	.87	.98	.84
B	2.2	2	2.5	.87	.98	.81
C	2.2	2	2.5	.87	.98	.81
D	2	1.6	1.6	.87	.98	.86
E	2	1.6	1.6	.95	.98	.86

C) LEVEL OF SERVICE RESULTS

 INPUT VOLUME(vph): 965
 ACTUAL FLOW RATE: 1072
 SERVICE

LOS	FLOW RATE	V/C
A	242	.12
B	468	.24
C	760	.39
D	1274	.62
E	2244	1

LOS FOR GIVEN CONDITIONS: D

1985 HCM:TWO-LANE HIGHWAYS

FACILITY LOCATION.... Buckingham SR80 to project
 ANALYST..... Shute
 TIME OF ANALYSIS..... PM 2005 w/o project
 DATE OF ANALYSIS..... 10-03-1999
 OTHER INFORMATION....

A) ADJUSTMENT FACTORS

 PERCENTAGE OF TRUCKS..... 14
 PERCENTAGE OF BUSES..... 0
 PERCENTAGE OF RECREATIONAL VEHICLES..... 4
 DESIGN SPEED (MPH)..... 60
 PEAK HOUR FACTOR..... 1
 DIRECTIONAL DISTRIBUTION (UP/DOWN)..... 52 / 48
 LANE WIDTH (FT)..... 12
 USABLE SHOULDER WIDTH (AVG. WIDTH IN FT.)... 3
 PERCENT NO PASSING ZONES..... 30

B) CORRECTION FACTORS

 LEVEL TERRAIN

LOS	E T	E B	E R	f w	f d	f HV
A	2	1.8	2.2	.87	.99	.84
B	2.2	2	2.5	.87	.99	.81
C	2.2	2	2.5	.87	.99	.81
D	2	1.6	1.6	.87	.99	.86
E	2	1.6	1.6	.95	.99	.86

C) LEVEL OF SERVICE RESULTS

 INPUT VOLUME (vph): 530
 ACTUAL FLOW RATE: 530

LOS	SERVICE FLOW RATE	V/C
A	243	.12
B	470	.24
C	764	.39
D	1282	.62
E	2258	1

LOS FOR GIVEN CONDITIONS: C

1985 HCM:TWO-LANE HIGHWAYS

FACILITY LOCATION.... Buckingham SR 80 to project
 ANALYST..... Shute
 TIME OF ANALYSIS..... PM 2005 with project
 DATE OF ANALYSIS..... 10-03-1999
 OTHER INFORMATION....

A) ADJUSTMENT FACTORS

 PERCENTAGE OF TRUCKS..... 14
 PERCENTAGE OF BUSES..... 0
 PERCENTAGE OF RECREATIONAL VEHICLES..... 4
 DESIGN SPEED (MPH)..... 60
 PEAK HOUR FACTOR..... 1
 DIRECTIONAL DISTRIBUTION (UP/DOWN)..... 52 / 48
 LANE WIDTH (FT)..... 12
 USABLE SHOULDER WIDTH (AVG. WIDTH IN FT.)... 3
 PERCENT NO PASSING ZONES..... 30

B) CORRECTION FACTORS

 LEVEL TERRAIN

LOS	E T	E B	E R	f w	f d	f HV
A	2	1.8	2.2	.87	.99	.84
B	2.2	2	2.5	.87	.99	.81
C	2.2	2	2.5	.87	.99	.81
D	2	1.6	1.6	.87	.99	.86
E	2	1.6	1.6	.95	.99	.86

C) LEVEL OF SERVICE RESULTS

 INPUT VOLUME(vph): 1244
 ACTUAL FLOW RATE: 1244

LOS	SERVICE FLOW RATE	V/C
A	243	.12
B	470	.24
C	764	.39
D	1282	.62
E	2258	1

LOS FOR GIVEN CONDITIONS: D

1985 HCM:TWO-LANE HIGHWAYS

FACILITY LOCATION.... Buckingham Project to Orange R
 ANALYST..... Shute
 TIME OF ANALYSIS..... AM 2005 w/o project
 DATE OF ANALYSIS..... 10-03-1999
 OTHER INFORMATION....

A) ADJUSTMENT FACTORS

 PERCENTAGE OF TRUCKS..... 14
 PERCENTAGE OF BUSES..... 0
 PERCENTAGE OF RECREATIONAL VEHICLES..... 4
 DESIGN SPEED (MPH)..... 60
 PEAK HOUR FACTOR..... .9
 DIRECTIONAL DISTRIBUTION (UP/DOWN)..... 53 / 47
 LANE WIDTH (FT)..... 12
 USABLE SHOULDER WIDTH (AVG. WIDTH IN FT.)... 3
 PERCENT NO PASSING ZONES..... 30

B) CORRECTION FACTORS

 LEVEL TERRAIN

LOS	E T	E B	E R	f w	f d	f HV
A	2	1.8	2.2	.87	.98	.84
B	2.2	2	2.5	.87	.98	.81
C	2.2	2	2.5	.87	.98	.81
D	2	1.6	1.6	.87	.98	.86
E	2	1.6	1.6	.95	.98	.86

C) LEVEL OF SERVICE RESULTS

 INPUT VOLUME(vph): 359
 ACTUAL FLOW RATE: 399
 SERVICE

LOS	FLOW RATE	V/C
A	242	.12
B	468	.24
C	760	.39
D	1274	.62
E	2244	1

LOS FOR GIVEN CONDITIONS: B

□

1985 HCM:TWO-LANE HIGHWAYS

FACILITY LOCATION.... Buckingham Project to Orange R
 ANALYST..... Shute
 TIME OF ANALYSIS..... AM 2005 with Project
 DATE OF ANALYSIS..... 10-03-1999
 OTHER INFORMATION....

A) ADJUSTMENT FACTORS

PERCENTAGE OF TRUCKS.....	14
PERCENTAGE OF BUSES.....	0
PERCENTAGE OF RECREATIONAL VEHICLES.....	4
DESIGN SPEED (MPH).....	60
PEAK HOUR FACTOR.....	.9
DIRECTIONAL DISTRIBUTION (UP/DOWN).....	53 / 47
LANE WIDTH (FT).....	12
USABLE SHOULDER WIDTH (AVG. WIDTH IN FT.)...	3
PERCENT NO PASSING ZONES.....	30

B) CORRECTION FACTORS

LEVEL TERRAIN

LOS	E T	E B	E R	f w	f d	f HV
A	2	1.8	2.2	.87	.98	.84
B	2.2	2	2.5	.87	.98	.81
C	2.2	2	2.5	.87	.98	.81
D	2	1.6	1.6	.87	.98	.86
E	2	1.6	1.6	.95	.98	.86

C) LEVEL OF SERVICE RESULTS

INPUT VOLUME(vph): 686
 ACTUAL FLOW RATE: 762

LOS	SERVICE FLOW RATE	V/C
A	242	.12
B	468	.24
C	760	.39
D	1274	.62
E	2244	1

LOS FOR GIVEN CONDITIONS: D

1985 HCM:TWO-LANE HIGHWAYS

FACILITY LOCATION.... Buckingham Project to Orange R
 ANALYST..... Shute
 TIME OF ANALYSIS..... PM 2005 w/o project
 DATE OF ANALYSIS..... 10-03-1999
 OTHER INFORMATION....

A) ADJUSTMENT FACTORS

 PERCENTAGE OF TRUCKS..... 14
 PERCENTAGE OF BUSES..... 0
 PERCENTAGE OF RECREATIONAL VEHICLES..... 4
 DESIGN SPEED (MPH)..... 60
 PEAK HOUR FACTOR..... 1
 DIRECTIONAL DISTRIBUTION (UP/DOWN)..... 52 / 48
 LANE WIDTH (FT)..... 12
 USABLE SHOULDER WIDTH (AVG. WIDTH IN FT.)... 3
 PERCENT NO PASSING ZONES..... 30

B) CORRECTION FACTORS

 LEVEL TERRAIN

LOS	E T	E B	E R	f w	f d	f HV
A	2	1.8	2.2	.87	.99	.84
B	2.2	2	2.5	.87	.99	.81
C	2.2	2	2.5	.87	.99	.81
D	2	1.6	1.6	.87	.99	.86
E	2	1.6	1.6	.95	.99	.86

C) LEVEL OF SERVICE RESULTS

 INPUT VOLUME(vph): 530
 ACTUAL FLOW RATE: 530

LOS	SERVICE FLOW RATE	V/C
A	243	.12
B	470	.24
C	764	.39
D	1282	.62
E	2258	1

LOS FOR GIVEN CONDITIONS: C

1985 HCM:TWO-LANE HIGHWAYS

FACILITY LOCATION.... Buckingham Project to Orange R
 ANALYST..... Shute
 TIME OF ANALYSIS..... PM 2005 with project
 DATE OF ANALYSIS..... 10-03-1999
 OTHER INFORMATION....

A) ADJUSTMENT FACTORS

 PERCENTAGE OF TRUCKS..... 14
 PERCENTAGE OF BUSES..... 0
 PERCENTAGE OF RECREATIONAL VEHICLES..... 4
 DESIGN SPEED (MPH)..... 60
 PEAK HOUR FACTOR..... 1
 DIRECTIONAL DISTRIBUTION (UP/DOWN)..... 52 / 48
 LANE WIDTH (FT)..... 12
 USABLE SHOULDER WIDTH (AVG. WIDTH IN FT.)... 3
 PERCENT NO PASSING ZONES..... 30

B) CORRECTION FACTORS

 LEVEL TERRAIN

LOS	E T	E B	E R	f w	f d	f HV
A	2	1.8	2.2	.87	.99	.84
B	2.2	2	2.5	.87	.99	.81
C	2.2	2	2.5	.87	.99	.81
D	2	1.6	1.6	.87	.99	.86
E	2	1.6	1.6	.95	.99	.86

C) LEVEL OF SERVICE RESULTS

 INPUT VOLUME(vph): 914
 ACTUAL FLOW RATE: 914
 SERVICE

LOS	FLOW RATE	V/C
A	243	.12
B	470	.24
C	764	.39
D	1282	.62
E	2258	1

LOS FOR GIVEN CONDITIONS: D

HCS: Unsignalized Intersections Release 3.1b

TWO-WAY STOP CONTROL(TWSC) ANALYSIS

Analyst: Shute
Intersection: Buckingham & N. Project Entrance
Count Date: N/A
Time Period: AM

Intersection Orientation: North-South Major St.

Vehicle Volume Data:

Movements:	2	3	4	5	7	9
Volume:	483	23	47	295	70	140
HFR:	537	26	52	328	78	156
PHF:	0.90	0.90	0.90	0.90	0.90	0.90
PHV:	0.04	0.04	0.04	0.04	0.04	0.04

Pedestrian Volume Data:

Movements:

Flow:
Lane width:
Walk speed:
% Blockage:

Median Type: TWLTL
of vehicles: 9

Flared approach Movements:

of vehicles: Eastbound 0
of vehicles: Westbound 10

Lane usage for movements 1,2&3 approach:

Lane 1			Lane 2			Lane 3		
L	T	R	L	T	R	L	T	R
N	Y	Y	N	N	N	N	N	N

Channelized: N
Grade: 0.00

Lane usage for movements 4,5&6 approach:

Lane 1			Lane 2			Lane 3		
L	T	R	L	T	R	L	T	R
Y	N	N	N	Y	N	N	N	N

Channelized: N
Grade: 0.00

Lane usage for movements 7,8&9 approach:

Lane 1			Lane 2			Lane 3		
L	T	R	L	T	R	L	T	R
Y	N	N	N	N	Y	N	N	N

Channelized: N
Grade: 0.00

Lane usage for movements 10,11&12 approach:

Lane 1			Lane 2			Lane 3		
L	T	R	L	T	R	L	T	R
N	N	N	N	N	N	N	N	N

Channelized: N
Grade: 0.00

Data for Computing Effect of Delay to Major Street Vehicles:

	Southbound	Northbound
Shared ln volume, major th vehicles:	0	0
Shared ln volume, major rt vehicles:	0	0
Sat flow rate, major th vehicles:	1700	1700
Sat flow rate, major rt vehicles:	1700	1700
Number of major street through lanes:	1	1

Length of study period, hrs: 0.25

Worksheet 4 Critical Gap and Follow-up time calculation.

Critical Gap Calculations:

Movement	4	7	9
t c,base	4.1	7.1	6.2

t c,base 4.1 7.1 6.2

t c,hv	1.0	1.0	1.0
P hv	0.04	0.04	0.04
t c,g		0.2	0.1
G	0.00	0.00	0.00
t 3,lt	0.0	0.7	0.0
t c,T:			
1 stage	0.00	0.00	0.00
2 stage	0.00	1.00	0.00
t c			
1 stage	4.1	6.4	6.2
2 stage	4.1	5.4	6.2

Follow Up Time Calculations:

Movement	4	7	9
----------	---	---	---

t f,base	2.2	3.5	3.3
t f,HV	0.9	0.9	0.9
P hv	0.04	0.04	0.04
t f	2.2	3.5	3.3

Worksheet 6 Impedance and capacity equations

Step 1: RT from Minor St.	9	12
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Conflicting Flows	549
Potential Capacity	531
Pedestrian Impedance Factor	1.00
Movement Capacity	531
Probability of Queue free St.	0.71

Step 2: LT from Major St.	4	1
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Conflicting Flows	562
Potential Capacity	999
Pedestrian Impedance Factor	1.00
Movement Capacity	999
Probability of Queue free St.	0.95

Worksheet 7a - Computation of the effect of Two-stage gap acceptance

Step 3: TH from Minor St.	8	11
Part 1- First Stage		

Conflicting Flows	549	432
Potential Capacity	519	586
Pedestrian Impedance Factor	1.00	1.00

Cap. Adj. factor due to Impeding mvmnt	1.00	0.95
Movement Capacity	519	555
Probability of Queue free St.	1.00	1.00

Part 2- Second Stage

Conflicting Flows	432	562
Potential Capacity	586	513
Pedestrian Impedance Factor	1.00	1.00
Cap. Adj. factor due to Impeding mvmnt	0.95	1.00
Movement Capacity	555	513

Part 3- Single Stage

Conflicting Flows	982	994
Potential Capacity	251	247
Pedestrian Impedance Factor	1.00	1.00
Cap. Adj. factor due to Impeding mvmnt	0.95	0.95
Movement Capacity	238	234

Result for 2 stage process:

a	0.99	0.99
Y	0.89	1.42
C t	501	454
Probability of Queue free St.	1.00	1.00

Worksheet 7b - Computation of the effect of Two-stage gap acceptance

Step 4: LT from Minor St.	7	10
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Part 1- First Stage

Conflicting Flows	549	432
Potential Capacity	574	659
Pedestrian Impedance Factor	1.00	1.00
Cap. Adj. factor due to Impeding mvmnt	1.00	0.95
Movement Capacity	574	624

Part 2- Second Stage

Conflicting Flows	432	627
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Potential Capacity	650	536
Pedestrian Impedance Factor	1.00	1.00
Cap. Adj. factor due to Impeding mvmnt	0.95	0.71
Movement Capacity	616	379

Part 3- Single Stage

Conflicting Flows	982	1059
Potential Capacity	274	251
Pedestrian Impedance Factor	1.00	1.00
Maj. L, Min T Impedance factor	0.95	0.95
Maj. L, Min T Adj. Imp Factor.	0.96	0.96
Cap. Adj. factor due to Impeding mvmnt	0.96	0.68
Movement Capacity	263	170

Result for 2 stage process:

a	0.99	0.99
y	0.88	2.90
C t	554	325

Worksheet 10 delay, queue length, and LOS

Movement	1	4	7	8	9	10	11	12
v(vph)	52	78			156			
C m(vph)	999	554			531			
v/c	0.05	0.14			0.29			
95% queue length								
Control Delay	8.8	12.6			14.6			
LOS	A	B			B			
Approach Delay				13.9				
Approach LOS				B				

HCS: Unsignalized Intersections Release 3.1b

TWO-WAY STOP CONTROL (TWSC) ANALYSIS

Analyst: Shute
Intersection: Buckingham & N. Project Entrance
Count Date: N/A
Time Period: PM

Intersection Orientation: North-South Major St.

Vehicle Volume Data:

Movements:	2	3	4	5	7	9
Volume:	453	70	141	571	40	79
HFR:	503	78	157	634	44	88
PHF:	0.90	0.90	0.90	0.90	0.90	0.90
PHV:	0.04	0.04	0.04	0.04	0.04	0.04

Pedestrian Volume Data:

Movements:

Flow:

Lane width:

Walk speed:

% Blockage:

Median Type: TWLTL

of vehicles: 9

Flared approach Movements:

of vehicles: Eastbound 0

of vehicles: Westbound 10

Lane usage for movements 1,2&3 approach:

Lane 1			Lane 2			Lane 3		
L	T	R	L	T	R	L	T	R
N	Y	Y	N	N	N	N	N	N

Channelized: N

Grade: 0.00

Lane usage for movements 4,5&6 approach:

	Lane 1				Lane 2				Lane 3
	L	T	R	L	T	R	L	T	R
	Y	N	N	N	Y	N	N	N	N

Channelized: N
Grade: 0.00

Lane usage for movements 7,8&9 approach:

	Lane 1				Lane 2				Lane 3
	L	T	R	L	T	R	L	T	R
	Y	N	N	N	N	Y	N	N	N

Channelized: N
Grade: 0.00

Lane usage for movements 10,11&12 approach:

	Lane 1				Lane 2				Lane 3
	L	T	R	L	T	R	L	T	R
	N	N	N	N	N	N	N	N	N

Channelized: N
Grade: 0.00

Data for Computing Effect of Delay to Major Street Vehicles:

	Northbound	
Southbound		
Shared ln volume, major th vehicles:	0	0
Shared ln volume, major rt vehicles:	0	0
Sat flow rate, major th vehicles:	1700	1700
Sat flow rate, major rt vehicles:	1700	1700
Number of major street through lanes:	1	1

Length of study period, hrs: 0.25

Worksheet 4 Critical Gap and Follow-up time calculation.

Critical Gap Calculations:

Movement	4	7	9
t c,base	4.1	7.1	6.2

t c,hv	1.0	1.0	1.0
P hv	0.04	0.04	0.04
t c,g		0.2	0.1
G	0.00	0.00	0.00
t 3,lt	0.0	0.7	0.0
t c,T:			
1 stage	0.00	0.00	0.00
2 stage	0.00	1.00	0.00
t c			
1 stage	4.1	6.4	6.2
2 stage	4.1	5.4	6.2

Follow Up Time Calculations:

Movement	4	7	9
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t f,base	2.2	3.5	3.3
t f,HV	0.9	0.9	0.9
P hv	0.04	0.04	0.04
t f	2.2	3.5	3.3

Worksheet 6 Impedance and capacity equations

Step 1: RT from Minor St.	9	12
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Conflicting Flows	542	
Potential Capacity	536	
Pedestrian Impedance Factor	1.00	
Movement Capacity	536	
Probability of Queue free St.	0.84	

Step 2: LT from Major St.	4	1
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Conflicting Flows	581	
Potential Capacity	983	
Pedestrian Impedance Factor	1.00	
Movement Capacity	983	
Probability of Queue free St.	0.84	

Worksheet 7a - Computation of the effect of Two-stage gap acceptance

Step 3: TH from Minor St.	8	11
Part 1- First Stage		

Conflicting Flows	542	948
Potential Capacity	523	342
Pedestrian Impedance Factor	1.00	1.00

Cap. Adj. factor due to Impeding mvmnt	1.00	0.84
Movement Capacity	523	288
Probability of Queue free St.	1.00	1.00

Part 2- Second Stage

Conflicting Flows	948	581
Potential Capacity	342	503
Pedestrian Impedance Factor	1.00	1.00
Cap. Adj. factor due to Impeding mvmnt	0.84	1.00
Movement Capacity	288	503

Part 3- Single Stage

Conflicting Flows	1490	1529
Potential Capacity	125	118
Pedestrian Impedance Factor	1.00	1.00
Cap. Adj. factor due to Impeding mvmnt	0.84	0.84
Movement Capacity	105	100

Result for 2 stage process:

a	0.99	0.99
y	2.29	0.76
C t	286	282
Probability of Queue free St.	1.00	1.00

Worksheet 7b - Computation of the effect of Two-stage gap acceptance

Step 4: LT from Minor St.	7	10
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Part 1- First Stage

Conflicting Flows	542	948
Potential Capacity	579	380
Pedestrian Impedance Factor	1.00	1.00
Cap. Adj. factor due to Impeding mvmnt	1.00	0.84
Movement Capacity	579	319

Part 2- Second Stage

Conflicting Flows	948	586
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Potential Capacity	374	560
Pedestrian Impedance Factor	1.00	1.00
Cap. Adj. factor due to Impeding mvmnt	0.84	0.84
Movement Capacity	314	468

Part 3- Single Stage

Conflicting Flows	1490	1534
Potential Capacity	135	129
Pedestrian Impedance Factor	1.00	1.00
Maj. L, Min T Impedance factor	0.84	0.84
Maj. L, Min T Adj. Imp Factor.	0.88	0.88
Cap. Adj. factor due to Impeding mvmnt	0.88	0.73
Movement Capacity	118	95

Result for 2 stage process:

a	0.99	0.99
Y	2.35	1.03
C t	312	291

Worksheet 10 delay, queue length, and LOS

Movement	1	4	7	8	9	10	11	12
v(vph)	157	44			88			
C m(vph)	983	312			536			
v/c	0.16	0.14			0.16			
95% queue length								
Control Delay	9.4	18.4			13.0			
LOS	A	C			B			
Approach Delay			14.8					
Approach LOS			B					

HCS: Unsignalized Intersections Release 3.1b

TWO-WAY STOP CONTROL(TWSC) ANALYSIS

Analyst: Shute
 Intersection: Buckingham & S. Project Entrance
 Count Date: N/A
 Time Period: AM

Intersection Orientation: North-South Major St.

Vehicle Volume Data:

Movements:	2	3	4	5	7	9
Volume:	168	58	105	190	175	315
HFR:	187	64	117	211	194	350
PHF:	0.90	0.90	0.90	0.90	0.90	0.90
PHV:	0.04	0.04	0.04	0.04	0.04	0.04

Pedestrian Volume Data:

Movements:

Flow:
 Lane width:
 Walk speed:
 % Blockage:

Median Type: TWLTL
 # of vehicles: 9

Flared approach Movements:

of vehicles: Eastbound 0
 # of vehicles: Westbound 10

Lane usage for movements 1,2&3 approach:

Lane 1			Lane 2			Lane 3		
L	T	R	L	T	R	L	T	R
N	Y	Y	N	N	N	N	N	N

Channelized: N
 Grade: 0.00

Lane usage for movements 4,5&6 approach:

	Lane 1				Lane 2				Lane 3
	L	T	R	L	T	R	L	T	R
	Y	N	N	N	Y	N	N	N	N

Channelized: N
Grade: 0.00

Lane usage for movements 7,8&9 approach:

	Lane 1				Lane 2				Lane 3
	L	T	R	L	T	R	L	T	R
	Y	N	N	N	N	Y	N	N	N

Channelized: N
Grade: 0.00

Lane usage for movements 10,11&12 approach:

	Lane 1				Lane 2				Lane 3
	L	T	R	L	T	R	L	T	R
	N	N	N	N	N	N	N	N	N

Channelized: N
Grade: 0.00

Data for Computing Effect of Delay to Major Street Vehicles:

	Northbound	
Southbound		
Shared ln volume, major th vehicles:	0	0
Shared ln volume, major rt vehicles:	0	0
Sat flow rate, major th vehicles:	1700	1700
Sat flow rate, major rt vehicles:	1700	1700
Number of major street through lanes:	1	1

Length of study period, hrs: 0.25

Worksheet 4 Critical Gap and Follow-up time calculation.

Critical Gap Calculations:

Movement	4	7	9
t c,base	4.1	7.1	6.2

t c,hv	1.0	1.0	1.0
P hv	0.04	0.04	0.04
t c,g		0.2	0.1
G	0.00	0.00	0.00
t 3,lt	0.0	0.7	0.0
t c,T:			
1 stage	0.00	0.00	0.00
2 stage	0.00	1.00	0.00
t c			
1 stage	4.1	6.4	6.2
2 stage	4.1	5.4	6.2

Follow Up Time Calculations:

Movement	4	7	9
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t f,base	2.2	3.5	3.3
t f,HV	0.9	0.9	0.9
P hv	0.04	0.04	0.04
t f	2.2	3.5	3.3

Worksheet 6 Impedance and capacity equations

Step 1: RT from Minor St.	9	12
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Conflicting Flows	219	
Potential Capacity	816	
Pedestrian Impedance Factor	1.00	
Movement Capacity	816	
Probability of Queue free St.	0.57	

Step 2: LT from Major St.	4	1
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Conflicting Flows	251	
Potential Capacity	1303	
Pedestrian Impedance Factor	1.00	
Movement Capacity	1303	
Probability of Queue free St.	0.91	

Worksheet 7a - Computation of the effect of Two-stage gap acceptance

Step 3: TH from Minor St.	8	11
Part 1- First Stage		

Conflicting Flows	219	444
Potential Capacity	726	578
Pedestrian Impedance Factor	1.00	1.00

Cap. Adj. factor due to Impeding mvmnt	1.00	0.91
Movement Capacity	726	527
Probability of Queue free St.	1.00	1.00

Part 2- Second Stage

Conflicting Flows	444	251
Potential Capacity	578	703
Pedestrian Impedance Factor	1.00	1.00
Cap. Adj. factor due to Impeding mvmnt	0.91	1.00
Movement Capacity	527	703

Part 3- Single Stage

Conflicting Flows	663	696
Potential Capacity	384	368
Pedestrian Impedance Factor	1.00	1.00
Cap. Adj. factor due to Impeding mvmnt	0.91	0.91
Movement Capacity	350	335

Result for 2 stage process:

a	0.99	0.99
y	2.13	0.76
C t	523	519
Probability of Queue free St.	1.00	1.00

Worksheet 7b - Computation of the effect of Two-stage gap acceptance

Step 4: LT from Minor St.	7	10
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Part 1- First Stage

Conflicting Flows	219	444
Potential Capacity	813	650
Pedestrian Impedance Factor	1.00	1.00
Cap. Adj. factor due to Impeding mvmnt	1.00	0.91
Movement Capacity	813	592

Part 2- Second Stage

Conflicting Flows	444	394
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Potential Capacity	642	686
Pedestrian Impedance Factor	1.00	1.00
Cap. Adj. factor due to Impeding mvmnt	0.91	0.57
Movement Capacity	584	392

Part 3- Single Stage

Conflicting Flows	663	838
Potential Capacity	423	339
Pedestrian Impedance Factor	1.00	1.00
Maj. L, Min T Impedance factor	0.91	0.91
Maj. L, Min T Adj. Imp Factor.	0.93	0.93
Cap. Adj. factor due to Impeding mvmnt	0.93	0.53
Movement Capacity	394	180

Result for 2 stage process:

a	0.99	0.99
y	2.20	4.35
C t	581	273

Worksheet 10 delay, queue length, and LOS

Movement	1	4	7	8	9	10	11	12
v(vph)	117	194			350			
C m(vph)	1303	581			816			
v/c	0.09	0.33			0.43			
95% queue length								
Control Delay	8.0	14.3			12.7			
LOS	A	B			B			
Approach Delay				13.3				
Approach LOS				B				

HCS: Unsignalized Intersections Release 3.1b

TWO-WAY STOP CONTROL(TWSC) ANALYSIS

Analyst: Shute
Intersection: Buckingham & S. Project Entrance
Count Date: N/A
Time Period: PM

Intersection Orientation: North-South Major St.

Vehicle Volume Data:

Movements:	2	3	4	5	7	9
Volume:	345	176	316	295	99	178
HFR:	383	196	351	328	110	198
PHF:	0.90	0.90	0.90	0.90	0.90	0.90
PHV:	0.04	0.04	0.04	0.04	0.04	0.04

Pedestrian Volume Data:

Movements:

Flow:
Lane width:
Walk speed:
% Blockage:

Median Type: TWLTL
of vehicles: 9

Flared approach Movements:

of vehicles: Eastbound 0
of vehicles: Westbound 10

Lane usage for movements 1,2&3 approach:

Lane 1			Lane 2			Lane 3		
L	T	R	L	T	R	L	T	R
N	Y	Y	N	N	N	N	N	N

Channelized: N
Grade: 0.00

Lane usage for movements 4,5&6 approach:

	Lane 1				Lane 2				Lane 3
	L	T	R	L	T	R	L	T	R
	Y	N	N	N	Y	N	N	N	N
Channelized:	N								
Grade:	0.00								

Lane usage for movements 7,8&9 approach:

	Lane 1				Lane 2				Lane 3
	L	T	R	L	T	R	L	T	R
	Y	N	N	N	N	Y	N	N	N
Channelized:	N								
Grade:	0.00								

Lane usage for movements 10,11&12 approach:

	Lane 1				Lane 2				Lane 3
	L	T	R	L	T	R	L	T	R
	N	N	N	N	N	N	N	N	N
Channelized:	N								
Grade:	0.00								

Data for Computing Effect of Delay to Major Street Vehicles:

	Northbound	
Southbound		
Shared ln volume, major th vehicles:	0	0
Shared ln volume, major rt vehicles:	0	0
Sat flow rate, major th vehicles:	1700	1700
Sat flow rate, major rt vehicles:	1700	1700
Number of major street through lanes:	1	1

Length of study period, hrs: 0.25

Worksheet 4 Critical Gap and Follow-up time calculation.

Critical Gap Calculations:

Movement	4	7	9
t c,base	4.1	7.1	6.2

t c,hv	1.0	1.0	1.0
P hv	0.04	0.04	0.04
t c,g		0.2	0.1
G	0.00	0.00	0.00
t 3,lt	0.0	0.7	0.0
t c,T:			
1 stage	0.00	0.00	0.00
2 stage	0.00	1.00	0.00
t c			
1 stage	4.1	6.4	6.2
2 stage	4.1	5.4	6.2

Follow Up Time Calculations:

Movement	4	7	9
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t f,base	2.2	3.5	3.3
t f,HV	0.9	0.9	0.9
P hv	0.04	0.04	0.04
t f	2.2	3.5	3.3

Worksheet 6 Impedance and capacity equations

Step 1: RT from Minor St.	9	12
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Conflicting Flows	481	
Potential Capacity	581	
Pedestrian Impedance Factor	1.00	
Movement Capacity	581	
Probability of Queue free St.	0.66	

Step 2: LT from Major St.	4	1
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Conflicting Flows	579	
Potential Capacity	985	
Pedestrian Impedance Factor	1.00	
Movement Capacity	985	
Probability of Queue free St.	0.64	

Worksheet 7a - Computation of the effect of Two-stage gap acceptance

Step 3: TH from Minor St.	8	11
Part 1- First Stage		

Conflicting Flows	481	1030
Potential Capacity	557	313
Pedestrian Impedance Factor	1.00	1.00

Cap. Adj. factor due to Impeding mvmnt	1.00	0.64
Movement Capacity	557	202
Probability of Queue free St.	1.00	1.00

Part 2- Second Stage

Conflicting Flows	1030	579
Potential Capacity	313	504
Pedestrian Impedance Factor	1.00	1.00
Cap. Adj. factor due to Impeding mvmnt	0.64	1.00
Movement Capacity	202	504

Part 3- Single Stage

Conflicting Flows	1511	1609
Potential Capacity	121	106
Pedestrian Impedance Factor	1.00	1.00
Cap. Adj. factor due to Impeding mvmnt	0.64	0.64
Movement Capacity	78	68

Result for 2 stage process:

a	0.99	0.99
Y	3.88	1.58
C t	200	151
Probability of Queue free St.	1.00	1.00

Worksheet 7b - Computation of the effect of Two-stage gap acceptance

Step 4: LT from Minor St.	7	10
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Part 1- First Stage

Conflicting Flows	481	1030
Potential Capacity	617	347
Pedestrian Impedance Factor	1.00	1.00
Cap. Adj. factor due to Impeding mvmnt	1.00	0.64
Movement Capacity	617	224

Part 2- Second Stage

Conflicting Flows	1030	580
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Potential Capacity	341	564
Pedestrian Impedance Factor	1.00	1.00
Cap. Adj. factor due to Impeding mvmnt	0.64	0.66
Movement Capacity	220	372

Part 3- Single Stage

Conflicting Flows	1511	1610
Potential Capacity	131	116
Pedestrian Impedance Factor	1.00	1.00
Maj. L, Min T Impedance factor	0.64	0.64
Maj. L, Min T Adj. Imp Factor.	0.72	0.72
Cap. Adj. factor due to Impeding mvmnt	0.72	0.48
Movement Capacity	95	55

Result for 2 stage process:

a	0.99	0.99
y	4.18	-4.84
C t	218	21

Worksheet 10 delay, queue length, and LOS

Movement	1	4	7	8	9	10	11	12
v(vph)	351	110		198				
C m(vph)	985	218		581				
v/c	0.36	0.50		0.34				
95% queue length								
Control Delay	10.7	37.2		14.4				
LOS	B	E		B				
Approach Delay			22.5					
Approach LOS			C					

HCS: Signals Release 3.1b

Inter: SR 80 and Buckingham
Analyst: Shute
Date: 10/3/99
E/W St: SR 80

City/St: Ft. Myers, FL
Proj #: 99103
Period: AM without project 2005
N/S St: Buckingham

SIGNALIZED INTERSECTION SUMMARY

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	1	2	0	1	2	0	1	1	0	1	1	0
LGConfig	L	TR		L	TR		L	TR		L	TR	
Volume	41	315	187	85	586	40	127	9	32	27	15	106
Lane Width	12.0	12.0		12.0	12.0		12.0	12.0		12.0	12.0	
RTOR Vol			20			20			5			5

Duration 0.25 Area Type: All other areas

Signal Operations												
Phase Combination		1	2	3	4			5	6	7	8	
EB Left		P				NB Left		P				
Thru			P			Thru			P			
Right			P			Right			P			
Peds						Peds						
WB Left		P				SB Left		P				
Thru			P			Thru			P			
Right			P			Right			P			
Peds						Peds						
NB Right						EB Right						
SB Right						WB Right						
Green		10.0	45.0					25.0	15.0			
Yellow		3.0	4.0					2.0	4.0			
All Red		0.0	1.0					0.0	1.0			
Cycle Length: 110.0 secs												

Intersection Performance Summary

Intersection Performance Summary								
Appr/ Lane Grp	Lane Group Capacity	Adj Sat Flow Rate (s)	Ratios		Lane Group		Approach	
			v/c	g/C	Delay	LOS	Delay	LOS
Eastbound								
	164	1805	0.28	0.091	50.9	D		
TR	1400	3422	0.38	0.409	23.6	C	25.7	C
Westbound								
	164	1805	0.57	0.091	61.7	E		
TR	1469	3592	0.46	0.409	24.7	C	29.2	C
Northbound								
	410	1805	0.34	0.227	37.9	D		
R	230	1686	0.17	0.136	43.7	D	39.2	D
Southbound								
	410	1805	0.07	0.227	33.7	C		
R	225	1653	0.57	0.136	54.7	D	50.8	D

Intersection Delay = 31.1 (sec/veh) Intersection LOS = C

HCS: Signals Release 3.1b

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 OPERATIONAL ANALYSIS

Intersection: SR 80 and Buckingham
 City/State: Ft. Myers, FL
 Analyst: Shute
 Project No: 99103
 Time Period Analyzed: AM without project 2005
 Date: 10/3/99
 East/West Street Name: SR 80
 North/South Street Name: Buckingham

 VOLUME DATA

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
Volume	41	315	187	85	586	40	127	9	32	27	15	106
PHF	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
PK 15 Vol	11	88	52	24	163	11	35	3	9	8	4	29
Hi Ln Vol												
% Grade	0			0			0			0		
Ideal Sat	1900	1900		1900	1900		1900	1900		1900	1900	
ParkExist												
NumPark												
% Heavy Veh	0	0	0	0	0	0	0	0	0	0	0	0
No. Lanes	1	2	0	1	2	0	1	1	0	1	1	0
LGConfig	L	TR		L	TR		L	TR		L	TR	
Lane Width	12.0	12.0		12.0	12.0		12.0	12.0		12.0	12.0	
RTOR Vol			20			20			5			5
Adj Flow	46	536		94	673		141	40		30	129	
InSharedLn												
Prop Turns			0.35			0.03			0.75			0.87
NumPeds			0			0			0			0
NumBus	0	0		0	0		0	0		0	0	

Duration 0.25 Area Type: All other areas

OPERATING PARAMETERS

	Eastbound				Westbound				Northbound				Southbound		
	L	T	R		L	T	R		L	T	R		L	T	R
Init Unmet	0.0	0.0			0.0	0.0			0.0	0.0			0.0	0.0	
Arriv. Type	3	3			3	3			3	3			3	3	
Unit Ext.	3.0	3.0			3.0	3.0			3.0	3.0			3.0	3.0	
I Factor		1.000				1.000				1.000				1.000	
Lost Time	2.0	2.0			2.0	2.0			2.0	2.0			2.0	2.0	
Ext of g	2.0	2.0			2.0	2.0			2.0	2.0			2.0	2.0	
Ped Min g		0.0				0.0				0.0				0.0	

PHASE DATA

Phase Combination		1	2	3	4	5	6	7	8
EB	Left		P			NB	Left	P	
	Thru			P			Thru		P
	Right			P			Right		P
	Peds						Peds		
WB	Left		P			SB	Left	P	
	Thru			P			Thru		P
	Right			P			Right		P
	Peds						Peds		
NB	Right					EB	Right		
SB	Right					WB	Right		
Green		10.0	45.0				25.0	15.0	
Yellow		3.0	4.0				2.0	4.0	
All Red		0.0	1.0				0.0	1.0	

Cycle Length: 110.0 secs

VOLUME ADJUSTMENT WORKSHEET

Appr./ Movement	Mvt Volume	PHF	Flow Rate	No. Lanes	Lane Group	RTOR	Adjusted Flow Rate In Lane Grp	Prop. Left Turns	Prop. Right Turns
Eastbound									
Left	41	0.90	46	1	L		46		
Thru	315	0.90	350	2	TR		536		0.35
Right	187	0.90	186	0		20			
Westbound									
Left	85	0.90	94	1	L		94		
Thru	586	0.90	651	2	TR		673		0.03
Right	40	0.90	22	0		20			
Northbound									
Left	127	0.90	141	1	L		141		
Thru	9	0.90	10	1	TR		40		0.75
Right	32	0.90	30	0		5			
Southbound									
Left	27	0.90	30	1	L		30		
Thru	15	0.90	17	1	TR		129		0.87
Right	106	0.90	112	0		5			

* Value entered by user.

SATURATION FLOW ADJUSTMENT WORKSHEET

Appr/ Lane Group	Ideal Sat Flow	f W	f HV	f G	f P	f BB	f A	f LU	f RT	f LT	Adj Sat Flow
Eastbound											
L	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	----	0.950	1805
TR	1900	1.000	1.000	1.000	1.000	1.000	1.00	0.95	0.948	1.000	3422
Westbound											
L	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	----	0.950	1805
TR	1900	1.000	1.000	1.000	1.000	1.000	1.00	0.95	0.995	1.000	3592
Northbound											
L	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	----	0.950	1805
TR	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	0.887	1.000	1686
Southbound											
L	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	----	0.950	1805
TR	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	0.870	1.000	1653

CAPACITY ANALYSIS WORKSHEET

Appr/ Mvmt	Lane Group	Adj Flow Rate (v)	Adj Sat Flow Rate (s)	Flow Ratio (v/s)	Green Ratio (g/C)	--Lane Group-- Capacity (c)	v/c Ratio
Eastbound							
Pri.							
Sec.							
Left	L	46	1805	0.03	0.091	164	0.28
Thru	TR	536	3422	0.16	0.409	1400	0.38
Right							
Westbound							
Pri.							
Sec.							
Left	L	94	1805	# 0.05	0.091	164	0.57
Thru	TR	673	3592	# 0.19	0.409	1469	0.46
Right							
Northbound							
Pri.							
Sec.							
Left	L	141	1805	# 0.08	0.227	410	0.34
Thru	TR	40	1686	0.02	0.136	230	0.17
Right							
Southbound							
Pri.							
Sec.							
Left	L	30	1805	0.02	0.227	410	0.07
Thru	TR	129	1653	# 0.08	0.136	225	0.57
Right							

Lost Time/Cycle, L = 15.00 sec Sum (v/s) critical = 0.40
Critical v/c(X) = 0.46

LEVEL OF SERVICE WORKSHEET												
Appr/ Lane Grp	Ratios		Unf Del d1	Prog Adj Fact	Lane Grp Cap	Incremental Factor k	Del d2	Res Del d3	Lane Group		Approach	
	v/c	g/C							Delay	LOS	Delay	LOS
Eastbound												
L	0.28	0.091	46.6	1.000	164	0.50	4.2	0.0	50.9	D		
TR	0.38	0.409	22.8	1.000	1400	0.50	0.8	0.0	23.6	C	25.7	C
Westbound												
L	0.57	0.091	48.0	1.000	164	0.50	13.8	0.0	61.7	E		
TR	0.46	0.409	23.6	1.000	1469	0.50	1.0	0.0	24.7	C	29.2	C
Northbound												
L	0.34	0.227	35.6	1.000	410	0.50	2.3	0.0	37.9	D		
TR	0.17	0.136	42.0	1.000	230	0.50	1.6	0.0	43.7	D	39.2	D
Southbound												
L	0.07	0.227	33.4	1.000	410	0.50	0.3	0.0	33.7	C		
TR	0.57	0.136	44.5	1.000	225	0.50	10.2	0.0	54.7	D	50.8	D

Intersection Delay = 31.1 (sec/veh)

Intersection LOS = C

SUPPLEMENTAL PERMITTED LT WORKSHEET
for exclusive lefts

APPROACH

EB WB NB SB

Cycle Length, C 110.0 sec
 Actual Green Time for Lane Group, G
 Effective Green Time for Lane Group, g
 Opposing Effective Green Time, go
 Number of Lanes in Lane Group, N
 Number of Opposing Lanes, No
 Adjusted Left-Turn Flow Rate, Vlt
 Proportion of Left Turns in Opposing Flow, Plto
 Adjusted Opposing Flow Rate, Vo
 Lost Time for Lane Group, tl
 Left Turns per Cycle: LTC=VltC/3600
 Opposing Flow per Lane, Per Cycle: Volc=VoC/3600fluo
 Opposing Platoon Ratio, Rpo (Table 9-2 or Eqn 9-7)
 $gf = [Gexp(-a * (LTC ** b))] - tl$, $gf \leq g$
 Opposing Queue Ratio: $gro = 1 - Rpo(go/C)$
 $gq = (4.943Volc ** 0.762)(gro ** 1.061) - tl$, $gq \leq g$
 $gu = g - gq$ if $gq > gf$, $= g - gf$ if $gq < gf$
 $n = (gq - gf) / 2$, $n \geq 0$
 $Ptho = 1 - Plto$
 $Pl = Plt[1 + ((N-1)g / (gf + gu / El1 + 4.24))]$
 El1 (Figure 9-7)
 $El2 = (1 - Ptho ** n) / Plto$, $El2 \geq 1.0$
 $fmin = 2(1 + Plt) / g$ or $fmin = 2(1 + Pl) / g$
 $gdifff = \max(gq - gf, 0)$
 $fm = [gf/g] + [gu/g][1 / (1 + Pl(El1 - 1))]$, (min=fmin; max=1.00)
 $flt = fm = [gf/g] + gdifff[1 / (1 + Plt(El2 - 1))]$
 $+ [gu/g][1 / (1 + Plt(El1 - 1))]$, (min=fmin; max=1.0) or $flt = [fm + 0.91(N-1)] / N **$
 flt

For special case of single-lane approach opposed by multilane approach, see text.

* If $Pl \geq 1$ for shared left-turn lanes with $N > 1$, then assume de-facto left-turn lane and redo calculations.

** For permitted left-turns with multiple exclusive left-turn lanes, $flt = fm$.
 For special case of multilane approach opposed by single-lane approach or when $gf > gq$, see text.

SUPPLEMENTAL PERMITTED LT WORKSHEET
for shared lefts

APPROACH

EB WB NB SB

Cycle Length, C 110.0 sec
 Actual Green Time for Lane Group, G
 Effective Green Time for Lane Group, g
 Opposing Effective Green Time, go
 Number of Lanes in Lane Group, N
 Number of Opposing Lanes, No
 Adjusted Left-Turn Flow Rate, Vlt
 Proportion of Left Turns in Lane Group, Plt
 Proportion of Left Turns in Opposing Flow, Plto
 Adjusted Opposing Flow Rate, Vo
 Lost Time for Lane Group, tl
 Left Turns per Cycle: LTC=VltC/3600
 Opposing Flow per Lane, Per Cycle: Volc=VoC/3600fluo
 Opposing Platoon Ratio, Rpo (Table 9-2 or Eqn 9-7)
 $gf = [Gexp(-a * (LTC ** b))] - tl$, $gf \leq g$
 Opposing Queue Ratio: $qro = 1 - Rpo(go/C)$
 $gq = (4.943Volc ** 0.762)(qro ** 1.061) - tl$, $gq \leq g$
 $gu = g - gq$ if $gq \geq gf$, $= g - gf$ if $gq < gf$
 $n = (gq - gf) / 2$, $n \geq 0$
 $Ptho = 1 - Plto$
 $Pl* = Plt[1 + ((N-1)g / (gf + gu / El1 + 4.24))]$
 El1 (Figure 9-7)
 $El2 = (1 - Ptho ** n) / Plto$, $El2 \geq 1.0$
 $fmin = 2(1 + Plt) / g$ or $fmin = 2(1 + Pl) / g$
 $gdifff = \max(gq - gf, 0)$
 $fm = [gf/g] + [gu/g][1 / (1 + Pl(El1 - 1))]$, (min=fmin; max=1.00)
 $flt = fm = [gf/g] + gdifff[1 / (1 + Plt(El2 - 1))]$
 $+ [gu/g][1 / (1 + Plt(El1 - 1))]$, (min=fmin; max=1.0) or $flt = [fm + 0.91(N-1)] / N **$
 flt Primary

For special case of single-lane approach opposed by multilane approach, see text.

* If $Pl \geq 1$ for shared left-turn lanes with $N > 1$, then assume de-facto left-turn lane and redo calculations.

** For permitted left-turns with multiple exclusive left-turn lanes, $flt = fm$. For special case of multilane approach opposed by single-lane approach or when $gf > gq$, see text.

SUPPLEMENTAL UNIFORM DELAY WORKSHEET

EBLT WBLT NBLT SBLT

Adj. LT Vol from Vol Adjustment Worksheet, v
v/c ratio from Capacity Worksheet, X
Primary phase effective green, g
Secondary phase effective green, gq
(From Supplemental Permitted LT Worksheet), gu
Cycle length, C 110.0 Red =(C-g-gq-gu), r
Arrivals: $v/(3600(\max(X,1.0)))$, qa
Primary ph. departures: $s/3600$, sp
Secondary ph. departures: $s(gq+gu)/(gu*3600)$, ss
XPerm
XProt
XCase
Queue at beginning of green arrow, Qa
Queue at beginning of unsaturated green, Qu
Residual queue, Qr
Uniform Delay, d1

DELAY/LOS WORKSHEET WITH INITIAL QUEUE

Appr/ Lane Group	Initial	Dur.	Uniform Delay		Initial	Final	Initial	Lane
	Unmet Demand Q veh	Unmet Demand t hrs.	Unadj. ds	Adj. d1 sec	Queue Param. u	Unmet Demand Q veh	Queue Delay d3 sec	Group Delay d sec

Eastbound

Westbound

Northbound

Southbound

Intersection Delay 31.1 sec/veh	Intersection LOS C
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HCS: Signals Release 3.1b

Inter: SR 80 and Buckingham
 Analyst: Shute
 Date: 10/3/99
 E/W St: SR 80

City/St: Ft. Myers, FL
 Proj #: 99103
 Period: AM WITH project 2005
 N/S St: Buckingham

SIGNALIZED INTERSECTION SUMMARY

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	1	2	0	1	2	0	1	1	0	1	1	0
LGConfig	L	TR		L	TR		L	TR		L	TR	
Volume	41	315	183	127	586	40	407	44	158	27	27	106
Lane Width	12.0	12.0		12.0	12.0		12.0	12.0		12.0	12.0	
RTOR Vol			20			20			5			5

Duration 0.25 Area Type: All other areas

Signal Operations

Phase Combination		1	2	3	4	5	6	7	8
EB	Left	P				NB	Left	P	
	Thru		P				Thru	P	
	Right		P				Right	P	
	Peds						Peds		
WB	Left	P				SB	Left	P	
	Thru		P				Thru	P	
	Right		P				Right	P	
	Peds						Peds		
EB	Right					EB	Right		
SB	Right					WB	Right		
Green		10.0	45.0				25.0	15.0	
Yellow		3.0	4.0				2.0	4.0	
All Red		0.0	1.0				0.0	1.0	
Cycle Length:	110.0	secs							

Intersection Performance Summary

Approach	Lane Group	Capacity	Adj Sat Flow Rate (s)	Ratios		Lane Group		Approach	
				v/c	g/C	Delay	LOS	Delay	LOS
Eastbound									
R	164		1805	0.28	0.091	50.9	D		
	1401		3425	0.38	0.409	23.5	C	25.7	C
Westbound									
R	164		1805	0.86	0.091	90.2	F		
	1469		3592	0.46	0.409	24.7	C	36.0	D
Northbound									
R	410		1805	1.10	0.227	117.6	F		
	229		1679	0.96	0.136	96.3	F	110.7	F
Southbound									
R	410		1805	0.07	0.227	33.7	C		
	228		1675	0.62	0.136	57.0	E	52.9	D

Intersection Delay = 57.1 (sec/veh) Intersection LOS = E

HCS: Signals Release 3.1b

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OPERATIONAL ANALYSIS

Intersection: SR 80 and Buckingham
City/State: Ft. Myers, FL
Analyst: Shute
Project No: 99103
Time Period Analyzed: AM WITH project 2005
Date: 10/3/99
East/West Street Name: SR 80
North/South Street Name: Buckingham

VOLUME DATA

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
Volume	41	315	183	127	586	40	407	44	158	27	27	106
PHF	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
PK 15 Vol	11	88	51	35	163	11	113	12	44	8	8	29
Hi Ln Vol												
% Grade	0			0			0			0		
Ideal Sat	1900	1900		1900	1900		1900	1900		1900	1900	
ParkExist												
NumPark												
% Heavy Veh	0	0	0	0	0	0	0	0	0	0	0	0
No. Lanes	1	2	0	1	2	0	1	1	0	1	1	0
LGConfig	L	TR		L	TR		L	TR		L	TR	
Lane Width	12.0	12.0		12.0	12.0		12.0	12.0		12.0	12.0	
RTOR Vol			20			20			5			5
Adj Flow	46	531		141	673		452	219		30	142	
%InSharedLn												
Prop Turns			0.34			0.03			0.78			0.79
NumPeds			0			0			0			0
NumBus	0	0		0	0		0	0		0	0	

Duration 0.25 Area Type: All other areas

OPERATING PARAMETERS

	Eastbound				Westbound				Northbound				Southbound		
	L	T	R		L	T	R		L	T	R		L	T	R
Init Unmet	0.0	0.0			0.0	0.0			0.0	0.0			0.0	0.0	
Arriv. Type	3	3			3	3			3	3			3	3	
Unit Ext.	3.0	3.0			3.0	3.0			3.0	3.0			3.0	3.0	
I Factor		1.000				1.000				1.000				1.000	
Lost Time	2.0	2.0			2.0	2.0			2.0	2.0			2.0	2.0	
Ext of g	2.0	2.0			2.0	2.0			2.0	2.0			2.0	2.0	
Ped Min g		0.0				0.0				0.0				0.0	

PHASE DATA

Phase Combination		1	2	3	4	5	6	7	8
EB	Left		P			NB	Left	P	
	Thru			P			Thru		P
	Right			P			Right		P
	Peds						Peds		
WB	Left		P			SB	Left	P	
	Thru			P			Thru		P
	Right			P			Right		P
	Peds						Peds		
NB	Right					EB	Right		
SB	Right					WB	Right		
Green		10.0	45.0				25.0	15.0	
Yellow		3.0	4.0				2.0	4.0	
All Red		0.0	1.0				0.0	1.0	

Cycle Length: 110.0 secs

VOLUME ADJUSTMENT WORKSHEET

Appr./ Movement	Mvt Volume	PHF	Flow Rate	No. Lanes	Lane Group	RTOR	Adjusted Flow Rate In Lane Grp	Prop. Left Turns	Prop. Right Turns
Eastbound									
Left	41	0.90	46	1	L		46		
Thru	315	0.90	350	2	TR		531		
Right	183	0.90	181	0		20			0.34
Westbound									
Left	127	0.90	141	1	L		141		
Thru	586	0.90	651	2	TR		673		
Right	40	0.90	22	0		20			0.03
Northbound									
Left	407	0.90	452	1	L		452		
Thru	44	0.90	49	1	TR		219		
Right	158	0.90	170	0		5			0.78
Southbound									
Left	27	0.90	30	1	L		30		
Thru	27	0.90	30	1	TR		142		
Right	106	0.90	112	0		5			0.79

* Value entered by user.

SATURATION FLOW ADJUSTMENT WORKSHEET

[illegible]

Lost Time/Cycle, L = 15.00 sec	Sum (v/s) critical = 0.65
	Critical v/c(X) = 0.75

LEVEL OF SERVICE WORKSHEET

Appr/ Lane Grp	Ratios		Unf Del d1	Prog Adj Fact	Lane Grp Cap	Incremental		Res Del d3	Lane Group		Approach		
	v/c	g/C				Factor k	Del d2		Delay	LOS	Delay	LOS	
Eastbound													
L	0.28	0.091	46.6	1.000	164	0.50	4.2	0.0	50.9	D			
TR	0.38	0.409	22.7	1.000	1401	0.50	0.8	0.0	23.5	C	25.7	C	
Westbound													
L	0.86	0.091	49.3	1.000	164	0.50	40.8	0.0	90.2	F			
TR	0.46	0.409	23.6	1.000	1469	0.50	1.0	0.0	24.7	C	36.0	D	
Northbound													
L	1.10	0.227	42.5	1.000	410	0.50	75.1	0.0	117.6	F			
TR	0.96	0.136	47.2	1.000	229	0.50	49.2	0.0	96.3	F	110.7	F	
Southbound													
L	0.07	0.227	33.4	1.000	410	0.50	0.3	0.0	33.7	C			
TR	0.62	0.136	44.8	1.000	228	0.50	12.2	0.0	57.0	E	52.9	D	

Intersection Delay = 57.1 (sec/veh) Intersection LOS = E

SUPPLEMENTAL PERMITTED LT WORKSHEET
for exclusive lefts

APPROACH

EB WB NB SB

Cycle Length, C 110.0 sec
 Actual Green Time for Lane Group, G
 Effective Green Time for Lane Group, g
 Opposing Effective Green Time, go
 Number of Lanes in Lane Group, N
 Number of Opposing Lanes, No
 Adjusted Left-Turn Flow Rate, Vlt
 Proportion of Left Turns in Opposing Flow, Plto
 Adjusted Opposing Flow Rate, Vo
 Lost Time for Lane Group, tl
 Left Turns per Cycle: LTC=VltC/3600
 Opposing Flow per Lane, Per Cycle: Volc=VoC/3600
 Opposing Platoon Ratio, Rpo (Table 9-2 or Eqn 9-7)
 $gf = [G \exp(-a * (LTC ** b))] - tl$, $gf \leq g$
 Opposing Queue Ratio: $qro = 1 - Rpo(go/C)$
 $gq = (4.943 Volc ** 0.762)(qro ** 1.061) - tl$, $gq \leq g$
 $gu = g - gq$ if $gq > gf$, $= g - gf$ if $gq < gf$
 $n = (gq - gf) / 2$, $n \geq 0$
 $Ptho = 1 - Plto$
 $Pl* = Plt[1 + ((N-1)g / (gf + gu / El1 + 4.24))]$
 El1 (Figure 9-7)
 $El2 = (1 - Ptho ** n) / Plto$, $El2 \geq 1.0$
 $fmin = 2(1 + Plt) / g$ or $fmin = 2(1 + Pl) / g$
 $gdifff = \max(gq - gf, 0)$
 $fm = [gf/g] + [gu/g][1 / (1 + Pl(El1 - 1))]$, (min=fmin; max=1.00)
 $flt = fm = [gf/g] + gdifff[1 / (1 + Plt(El2 - 1))]$
 $+ [gu/g][1 / (1 + Plt(El1 - 1))]$, (min=fmin; max=1.0) or $flt = [fm + 0.91(N-1)] / N **$
 flt

For special case of single-lane approach opposed by multilane approach, see text.

* If $Pl \geq 1$ for shared left-turn lanes with $N > 1$, then assume de-facto left-turn lane and redo calculations.

** For permitted left-turns with multiple exclusive left-turn lanes, $flt = fm$. For special case of multilane approach opposed by single-lane approach or when $gf > gq$, see text.

SUPPLEMENTAL PERMITTED LT WORKSHEET
for shared lefts

APPROACH

EB WB NB SB

Cycle Length, C 110.0 sec
 Actual Green Time for Lane Group, G
 Effective Green Time for Lane Group, g
 Opposing Effective Green Time, go
 Number of Lanes in Lane Group, N
 Number of Opposing Lanes, No
 Adjusted Left-Turn Flow Rate, Vlt
 Proportion of Left Turns in Lane Group, Plt
 Proportion of Left Turns in Opposing Flow, Plto
 Adjusted Opposing Flow Rate, Vo
 Lost Time for Lane Group, tl
 Left Turns per Cycle: LTC=VltC/3600
 Opposing Flow per Lane, Per Cycle: Volc=VoC/3600fluo
 Opposing Platoon Ratio, Rpo (Table 9-2 or Eqn 9-7)
 $gf = [Gexp(-a * (LTC ** b))] - tl$, $gf \leq g$
 Opposing Queue Ratio: $gro = 1 - Rpo(go/C)$
 $gq = (4.943Volc ** 0.762)(gro ** 1.061) - tl$, $gq \leq g$
 $gu = g - gq$ if $gq \geq gf$, $= g - gf$ if $gq < gf$
 $n = (gq - gf) / 2$, $n \geq 0$
 $Ptho = 1 - Plto$
 $Pl* = Plt[1 + ((N-1)g / (gf + gu / El1 + 4.24))]$
 El1 (Figure 9-7)
 $El2 = (1 - Ptho ** n) / Plto$, $El2 \geq 1.0$
 $fmin = 2(1 + Plt) / g$ or $fmin = 2(1 + Pl) / g$
 $gdifff = \max(gq - gf, 0)$
 $fm = [gf/g] + [gu/g][1 / (1 + Pl(El1 - 1))]$, (min=fmin; max=1.00)
 $flt = fm = [gf/g] + gdifff[1 / (1 + Plt(El2 - 1))]$
 $+ [gu/g][1 / (1 + Plt(El1 - 1))]$, (min=fmin; max=1.0) or $flt = [fm + 0.91(N-1)] / N **$
 flt Primary

For special case of single-lane approach opposed by multilane approach, see text.

* If $Pl \geq 1$ for shared left-turn lanes with $N > 1$, then assume de-facto left-turn lane and redo calculations.

* For permitted left-turns with multiple exclusive left-turn lanes, $flt = fm$.

For special case of multilane approach opposed by single-lane approach or when $gf > gq$, see text.

SUPPLEMENTAL UNIFORM DELAY WORKSHEET

EBLT WBLT NBLT SBLT

Adj. LT Vol from Vol Adjustment Worksheet, v
v/c ratio from Capacity Worksheet, X
Primary phase effective green, g
Secondary phase effective green, gq
(From Supplemental Permitted LT Worksheet), gu
Cycle length, C 110.0 Red =(C-g-gq-gu), r
Arrivals: $v/(3600(\max(X,1.0)))$, qa
Primary ph. departures: $s/3600$, sp
Secondary ph. departures: $s(gq+gu)/(gu*3600)$, ss
XPerm
XProt
XCase
Queue at beginning of green arrow, Qa
Queue at beginning of unsaturated green, Qu
Residual queue, Qr
Uniform Delay, d1

DELAY/LOS WORKSHEET WITH INITIAL QUEUE

Appr/ Lane Group	Initial Unmet Demand Q veh	Dur. Unmet Demand t hrs.	Uniform Delay		Initial Queue Param. u	Final Unmet Demand Q veh	Initial Queue Delay d3 sec	Lane Group Delay d sec
			Unadj. ds	Adj. d1 sec				

Eastbound

Westbound

Northbound

Southbound

Intersection Delay 57.1 sec/veh	Intersection LOS E
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HCS: Signals Release 3.1b

Inter: SR 80 and Buckingham
 Analyst: Shute
 Date: 10/3/99
 E/W St: SR 80

City/St: Ft. Myers, FL
 Proj #: 99103
 Period: PM W/O project 2005
 N/S St: Buckingham

SIGNALIZED INTERSECTION SUMMARY

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	1	2	0	1	2	0	1	1	0	1	1	0
LGConfig	L	TR		L	TR		L	TR		L	TR	
Volume	81	1265	137	97	333	65	128	24	123	67	21	68
Lane Width	12.0	12.0		12.0	12.0		12.0	12.0		12.0	12.0	
RTOR Vol			20			20			5			5

Duration 0.25 Area Type: All other areas

Signal Operations

Phase Combination	1	2	3	4	5	6	7	8
EB Left	P				P			
Thru		P				P		
Right		P				P		
Peds								
WB Left	P				P			
Thru		P				P		
Right		P				P		
Peds								
NB Right								
SB Right								
Green	10.0	45.0			25.0	15.0		
Yellow	3.0	4.0			2.0	4.0		
All Red	0.0	1.0			0.0	1.0		
Cycle Length:	110.0	secs						

Intersection Performance Summary

Appr/ Lane Grp	Lane Group Capacity	Adj Sat Flow Rate (s)	Ratios		Lane Group		Approach	
			v/c	g/C	Delay	LOS	Delay	LOS
Eastbound								
L	164	1805	0.55	0.091	60.4	E		
TR	1458	3564	1.05	0.409	71.6	E	70.9	E
Westbound								
L	164	1805	0.66	0.091	67.2	E		
TR	1451	3546	0.29	0.409	22.3	C	31.5	C
Northbound								
L	410	1805	0.35	0.227	38.0	D		
TR	227	1664	0.70	0.136	61.6	E	50.4	D
Southbound								
L	410	1805	0.18	0.227	35.2	D		
TR	230	1685	0.40	0.136	48.6	D	42.7	D

Intersection Delay = 58.8 (sec/veh) Intersection LOS = E

HCS: Signals Release 3.1b

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OPERATIONAL ANALYSIS

Intersection:	SR 80 and Buckingham
City/State:	Ft. Myers, FL
Analyst:	Shute
Project No:	99103
Time Period Analyzed:	PM W/O project 2005
Date:	10/3/99
East/West Street Name:	SR 80
North/South Street Name:	Buckingham

VOLUME DATA

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
Volume	81	1265	137	97	333	65	128	24	123	67	21	68
PHF	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
PK 15 Vol	23	351	38	27	93	18	36	7	34	19	6	19
Hi Ln Vol												
& Grade		0			0			0			0	
Ideal Sat	1900	1900		1900	1900		1900	1900		1900	1900	
ParkExist												
NumPark												
& Heavy Veh	0	0	0	0	0	0	0	0	0	0	0	0
No. Lanes	1	2	0	1	2	0	1	1	0	1	1	0
LGConfig	L	TR		L	TR		L	TR		L	TR	
Lane Width	12.0	12.0		12.0	12.0		12.0	12.0		12.0	12.0	
RTOR Vol			20			20			5			5
Adj Flow	90	1536		108	420		142	158		74	93	
InSharedLn												
Prop Turns			0.08			0.12			0.83			0.75
NumPeds			0			0			0			0
NumBus	0	0		0	0		0	0		0	0	

Duration	0.25	Area Type: All other areas
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OPERATING PARAMETERS

	Eastbound				Westbound				Northbound				Southbound		
	L	T	R		L	T	R		L	T	R		L	T	R
Init Unmet	0.0	0.0			0.0	0.0			0.0	0.0			0.0	0.0	
Arriv. Type	3	3			3	3			3	3			3	3	
Unit Ext.	3.0	3.0			3.0	3.0			3.0	3.0			3.0	3.0	
I Factor		1.000				1.000				1.000				1.000	
Lost Time	2.0	2.0			2.0	2.0			2.0	2.0			2.0	2.0	
Ext of g	2.0	2.0			2.0	2.0			2.0	2.0			2.0	2.0	
Ped Min g		0.0				0.0				0.0				0.0	

PHASE DATA

Phase Combination		1	2	3	4	5	6	7	8
EB	Left		P			NB	Left	P	
	Thru			P			Thru		P
	Right			P			Right		P
	Peds						Peds		
WB	Left		P			SB	Left	P	
	Thru			P			Thru		P
	Right			P			Right		P
	Peds						Peds		
NB	Right					EB	Right		
SB	Right					WB	Right		
Green		10.0	45.0				25.0	15.0	
Yellow		3.0	4.0				2.0	4.0	
All Red		0.0	1.0				0.0	1.0	

Cycle Length: 110.0 secs

Appr./ Movement	Mvt Volume	PHF	Flow Rate	No. Lanes	Lane Group	RTOR	Adjusted Flow Rate In Lane Grp	Prop. Left Turns	Prop. Right Turns
Eastbound									
Left	81	0.90	90	1	L		90		
Thru	1265	0.90	1406	2	TR		1536		0.08
Right	137	0.90	130	0		20			
Westbound									
Left	97	0.90	108	1	L		108		
Thru	333	0.90	370	2	TR		420		0.12
Right	65	0.90	50	0		20			
Northbound									
Left	128	0.90	142	1	L		142		
Thru	24	0.90	27	1	TR		158		0.83
Right	123	0.90	131	0		5			
Southbound									
Left	67	0.90	74	1	L		74		
Thru	21	0.90	23	1	TR		93		0.75
Right	68	0.90	70	0		5			

SATURATION FLOW ADJUSTMENT WORKSHEET

[illegible]

CAPACITY ANALYSIS WORKSHEET

Appr/ Mvmt	Lane Group	Adj Flow Rate (v)	Adj Sat Flow Rate (s)	Flow Ratio (v/s)	Green Ratio (g/C)	--Lane Group-- Capacity (c)	v/c Ratio
Eastbound							
Pri.							
Sec.							
Left	L	90	1805	0.05	0.091	164	0.55
Thru	TR	1536	3564	# 0.43	0.409	1458	1.05
Right							
Westbound							
Pri.							
Sec.							
Left	L	108	1805	# 0.06	0.091	164	0.66
Thru	TR	420	3546	0.12	0.409	1451	0.29
Right							
Northbound							
Pri.							
Sec.							
Left	L	142	1805	# 0.08	0.227	410	0.35
Thru	TR	158	1664	# 0.09	0.136	227	0.70
Right							
Southbound							
Pri.							
Sec.							
Left	L	74	1805	0.04	0.227	410	0.18
Thru	TR	93	1685	0.06	0.136	230	0.40
Right							

Lost Time/Cycle, L = 15.00 sec Sum (v/s) critical = 0.66
Critical v/c(X) = 0.77

LEVEL OF SERVICE WORKSHEET

Appr/ Lane Grp	Ratios		Unf Del d1	LEVEL OF		SERVICE WORKSHEET			Lane Group		Approach		
	v/c	g/C		Prog Adj Fact	Lane Grp Cap	Incremental Factor k	Del d2	Res Del d3	Delay	LOS	Delay	LOS	
Eastbound													
L	0.55	0.091	47.8	1.000	164	0.50	12.6	0.0	60.4	E			
TR	1.05	0.409	32.5	1.000	1458	0.50	39.1	0.0	71.6	E	70.9	E	
Westbound													
L	0.66	0.091	48.3	1.000	164	0.50	18.9	0.0	67.2	E			
TR	0.29	0.409	21.8	1.000	1451	0.50	0.5	0.0	22.3	C	31.5	C	
Northbound													
L	0.35	0.227	35.6	1.000	410	0.50	2.3	0.0	38.0	D			
TR	0.70	0.136	45.3	1.000	227	0.50	16.2	0.0	61.6	E	50.4	D	
Southbound													
L	0.18	0.227	34.2	1.000	410	0.50	1.0	0.0	35.2	D			
TR	0.40	0.136	43.4	1.000	230	0.50	5.2	0.0	48.6	D	42.7	D	

Intersection Delay = 58.8 (sec/veh) Intersection LOS = E

SUPPLEMENTAL PERMITTED LT WORKSHEET
for exclusive lefts

APPROACH

EB WB NB SB

Cycle Length, C 110.0 sec
 Actual Green Time for Lane Group, G
 Effective Green Time for Lane Group, g
 Opposing Effective Green Time, go
 Number of Lanes in Lane Group, N
 Number of Opposing Lanes, No
 Adjusted Left-Turn Flow Rate, Vlt
 Proportion of Left Turns in Opposing Flow, Plto
 Adjusted Opposing Flow Rate, Vo
 Lost Time for Lane Group, tl
 Left Turns per Cycle: $LTC = VltC/3600$
 Opposing Flow per Lane, Per Cycle: $Volc = VoC/3600$
 Opposing Platoon Ratio, Rpo (Table 9-2 or Eqn 9-7)
 $gf = [Gexp(-a * (LTC ** b))] - tl, gf \leq g$
 Opposing Queue Ratio: $gro = 1 - Rpo(go/C)$
 $gq = (4.943Volc ** 0.762)(gro ** 1.061) - tl, gq \leq g$
 $gu = g - gq$ if $gq \geq gf$, $= g - gf$ if $gq < gf$
 $n = (gq - gf)/2, n \geq 0$
 $Ptho = 1 - Plto$
 $Pl* = Plt[1 + ((N-1)g/(gf + gu/El1 + 4.24))]$
 El1 (Figure 9-7)
 $El2 = (1 - Ptho ** n)/Plto, El2 \geq 1.0$
 $fmin = 2(1 + Plt)/g$ or $fmin = 2(1 + Pl)/g$
 $gdif = \max(gq - gf, 0)$
 $fm = [gf/g] + [gu/g][1/(1 + Pl(El1 - 1))], (min = fmin; max = 1.00)$
 $flt = fm + [gf/g] + gdif[1/(1 + Plt(El2 - 1))]$
 $+ [gu/g][1/(1 + Plt(El1 - 1))], (min = fmin; max = 1.0)$ or $flt = [fm + 0.91(N-1)]/N**$
 flt

For special case of single-lane approach opposed by multilane approach, see text.

* If $Pl \geq 1$ for shared left-turn lanes with $N > 1$, then assume de-facto left-turn lane and redo calculations.

* For permitted left-turns with multiple exclusive left-turn lanes, $flt = fm$.
 For special case of multilane approach opposed by single-lane approach or when $gf > gq$, see text.

SUPPLEMENTAL PERMITTED LT WORKSHEET
for shared lefts

APPROACH	EB	WB	NB	SB
Cycle Length, C 110.0 sec				
Actual Green Time for Lane Group, G				
Effective Green Time for Lane Group, g				
Opposing Effective Green Time, go				
Number of Lanes in Lane Group, N				
Number of Opposing Lanes, No				
Adjusted Left-Turn Flow Rate, Vlt				
Proportion of Left Turns in Lane Group, Plt				
Proportion of Left Turns in Opposing Flow, Plto				
Adjusted Opposing Flow Rate, Vo				
Lost Time for Lane Group, tl				
Left Turns per Cycle: LTC=VltC/3600				
Opposing Flow per Lane, Per Cycle: Volc=VoC/3600				
Opposing Platoon Ratio, Rpo (Table 9-2 or Eqn 9-7)				
gf=[Gexp(- a * (LTC ** b))]-tl, gf<=g				
Opposing Queue Ratio: qro=1-Rpo(go/C)				
gq=(4.943Volc**0.762)(qro**1.061)-tl, gq<=g				
gu=g-gq if gq>=gf, =g-gf if gq<gf				
n=(gq-gf)/2, n>=0				
Ptho=1-Plto				
Pl*=Plt[1+((N-1)g/(gf+gu/El1+4.24))]				
El1 (Figure 9-7)				
El2=(1-Ptho**n)/Plto, El2>=1.0				
fmin=2(1+Plt)/g or fmin=2(1+Pl)/g				
gdifff=max(gq-gf,0)				
fm=[gf/g]+[gu/g][1/(1+Pl(El1-1))], (min=fmin;max=1.00)				
flt=fm=[gf/g]+gdifff[1/(1+Plt(El2-1))]				
+ [gu/g][1/(1+Plt(El1-1))], (min=fmin;max=1.0) or flt=[fm+0.91(N-1)]/N**				
flt Primary				

For special case of single-lane approach opposed by multilane approach, see text.

* If Pl>=1 for shared left-turn lanes with N>1, then assume de-facto left-turn lane and redo calculations.

* For permitted left-turns with multiple exclusive left-turn lanes, flt=fm.
For special case of multilane approach opposed by single-lane approach or when gf>gq, see text.

SUPPLEMENTAL UNIFORM DELAY WORKSHEET

EBLT WBLT NBLT SBLT

Adj. LT Vol from Vol Adjustment Worksheet, v
v/c ratio from Capacity Worksheet, X
Primary phase effective green, g
Secondary phase effective green, gg
(From Supplemental Permitted LT Worksheet), gu
Cycle length, C 110.0 Red = (C-g-gg-gu), r
Arrivals: $v/(3600(\max(X, 1.0)))$, qa
Primary ph. departures: $s/3600$, sp
Secondary ph. departures: $s(gg+gu)/(gu*3600)$, ss
XPerm
XProt
XCase
Queue at beginning of green arrow, Qa
Queue at beginning of unsaturated green, Qu
Residual queue, Qr
Uniform Delay, d1

DELAY/LOS WORKSHEET WITH INITIAL QUEUE

Appr/ Lane Group	Initial Unmet Demand Q veh	Dur. Unmet Demand t hrs.	Uniform Delay Unadj. ds	Adj. d1 sec	Initial Queue Param. u	Final Unmet Demand Q veh	Initial Queue Delay d3 sec	Lane Group Delay d sec
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Eastbound

Westbound

Northbound

Southbound

Intersection Delay 58.8 sec/veh Intersection LOS E

HCS: Signals Release 3.1b

Inter: SR 80 and Buckingham
Analyst: Shute
Date: 10/3/99
E/W St: SR 80

City/St: Ft. Myers, FL
Proj #: 99103
Period: PM WITH project 2005
N/S St: Buckingham

SIGNALIZED INTERSECTION SUMMARY

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	1	2	1	1	2	0	1	1	1	1	1	0
LGConfig	L	T	R	L	TR		L	T	R	L	TR	
Volume	81	1265	418	224	333	65	286	44	250	67	56	68
Lane Width	12.0	12.0	12.0	12.0	12.0		12.0	12.0	12.0	12.0	12.0	
RTOR Vol			20			20			5			5

Duration 0.25 Area Type: All other areas

Signal Operations

Phase Combination		1	2	3	4	5	6	7	8
EB	Left	P				NB Left	P		
	Thru		P			Thru		P	
	Right		P			Right		P	
	Peds					Peds			
WB	Left	P				SB Left	P		
	Thru		P			Thru		P	
	Right		P			Right		P	
	Peds					Peds			
NB	Right					EB Right			
SB	Right					WB Right			
Green		10.0	45.0				25.0	15.0	
Yellow		3.0	4.0				2.0	4.0	
All Red		0.0	1.0				0.0	1.0	
Cycle Length:		110.0		secs					

Intersection Performance Summary

Appr/ Lane Grp	Lane Group Capacity	Adj Sat Flow Rate (s)	Ratios		Lane Group		Approach	
			v/c	g/C	Delay	LOS	Delay	LOS
Eastbound								
	164	1805	0.55	0.091	60.4	E		
	1477	3610	0.95	0.409	45.9	D	43.4	D
	661	1615	0.67	0.409	31.7	C		
Westbound								
	164	1805	1.52	0.091	311.9	F		
R	1451	3546	0.29	0.409	22.3	C	130.1	F
Northbound								
	410	1805	0.78	0.227	53.3	D		
	259	1900	0.19	0.136	43.7	D	109.3	F
	220	1615	1.24	0.136	186.6	F		
Southbound								
	410	1805	0.18	0.227	35.2	D		
R	239	1749	0.55	0.136	53.3	D	46.8	D

Intersection Delay = 72.6 (sec/veh) Intersection LOS = E

HCS: Signals Release 3.1b

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OPERATIONAL ANALYSIS

Intersection: SR 80 and Buckingham
City/State: Ft. Myers, FL
Analyst: Shute
Project No: 99103
Time Period Analyzed: PM WITH project 2005
Date: 10/3/99
East/West Street Name: SR 80
North/South Street Name: Buckingham

VOLUME DATA

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
Volume	81	1265	418	224	333	65	286	44	250	67	56	68
PHF	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
PK 15 Vol	23	351	116	62	93	18	79	12	69	19	16	19
Hi Ln Vol												
% Grade	0			0			0			0		
Ideal Sat	1900	1900	1900	1900	1900		1900	1900	1900	1900	1900	
ParkExist												
NumPark												
% Heavy Veh	0	0	0	0	0	0	0	0	0	0	0	0
No. Lanes	1	2	1	1	2	0	1	1	1	1	1	0
LGConfig	L	T	R	L	TR		L	T	R	L	TR	
Lane Width	12.0	12.0	12.0	12.0	12.0		12.0	12.0	12.0	12.0	12.0	
RTOR Vol			20			20			5			5
Adj Flow	90	1406	442	249	420		318	49	272	74	132	
InSharedLn												
Prop Turns						0.12						0.53
NumPeds			0			0			0			0
NumBus	0	0	0	0	0		0	0	0	0	0	

Duration 0.25 Area Type: All other areas

OPERATING PARAMETERS

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
Init Unmet	0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0	0.0	0.0	
Arriv. Type	3	3	3	3	3		3	3	3	3	3	
Unit Ext.	3.0	3.0	3.0	3.0	3.0		3.0	3.0	3.0	3.0	3.0	
I Factor		1.000			1.000			1.000			1.000	
Lost Time	2.0	2.0	2.0	2.0	2.0		2.0	2.0	2.0	2.0	2.0	
Ext of g	2.0	2.0	2.0	2.0	2.0		2.0	2.0	2.0	2.0	2.0	
Ped Min g		0.0			0.0			0.0			0.0	

PHASE DATA

Phase Combination		1	2	3	4	5	6	7	8
EB	Left		P			NB	Left	P	
	Thru			P			Thru		P
	Right			P			Right		P
	Peds						Peds		
WB	Left		P			SB	Left	P	
	Thru			P			Thru		P
	Right			P			Right		P
	Peds						Peds		
NB	Right					EB	Right		
SB	Right					WB	Right		
Green		10.0	45.0				25.0	15.0	
Yellow		3.0	4.0				2.0	4.0	
All Red		0.0	1.0				0.0	1.0	

Cycle Length: 110.0 secs

Appr./ Movement	Mvt Volume	PHF	Flow Rate	No. Lanes	Lane Group	RTOR	Adjusted Flow Rate In Lane Grp	Prop. Left Turns	Prop. Right Turns
Eastbound									
Left	81	0.90	90	1	L		90		
Thru	1265	0.90	1406	2	T		1406		
Right	418	0.90	442	1	R	20	442		
Westbound									
Left	224	0.90	249	1	L		249		
Thru	333	0.90	370	2	TR		420		0.12
Right	65	0.90	50	0		20			
Northbound									
Left	286	0.90	318	1	L		318		
Thru	44	0.90	49	1	T		49		
Right	250	0.90	272	1	R	5	272		
Southbound									
Left	67	0.90	74	1	L		74		
Thru	56	0.90	62	1	TR		132		0.53
Right	68	0.90	70	0		5			

SATURATION FLOW ADJUSTMENT WORKSHEET

Appr/ Lane Group	Ideal Sat Flow	f W	f HV	f G	f P	f BB	f A	f LU	f RT	f LT	Adj Sat Flow
Eastbound							Sec LT	Adj/LT	Sat:		
L	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	----	0.950	1805
P	1900	1.000	1.000	1.000	1.000	1.000	1.00	0.95	1.000	1.000	3610
R	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	0.850	----	1615
Westbound							Sec LT	Adj/LT	Sat:		
L	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	----	0.950	1805
R	1900	1.000	1.000	1.000	1.000	1.000	1.00	0.95	0.982	1.000	3546

Northbound							Sec LT	Adj/LT	Sat:		
	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	----	0.950	1805
	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	1.000	1.000	1900
	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	0.850	----	1615
Southbound							Sec LT	Adj/LT	Sat:		
	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	----	0.950	1805
R	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	0.920	1.000	1749

CAPACITY ANALYSIS WORKSHEET

Appr/ Mvmt	Lane Group	Adj Flow Rate (v)	Adj Sat Flow Rate (s)	Flow Ratio (v/s)	Green Ratio (g/C)	--Lane Group-- Capacity (c)	v/c Ratio
Eastbound							
Pri.							
Sec.							
Left	L	90	1805	0.05	0.091	164	0.55
Thru	T	1406	3610	# 0.39	0.409	1477	0.95
Right	R	442	1615	0.27	0.409	661	0.67
Westbound							
Pri.							
Sec.							
Left	L	249	1805	# 0.14	0.091	164	1.52
Thru	TR	420	3546	0.12	0.409	1451	0.29
Right							
Northbound							
Pri.							
Sec.							
Left	L	318	1805	# 0.18	0.227	410	0.78
Thru	T	49	1900	0.03	0.136	259	0.19
Right	R	272	1615	# 0.17	0.136	220	1.24
Southbound							
Pri.							
Sec.							
Left	L	74	1805	0.04	0.227	410	0.18
Thru	TR	132	1749	0.08	0.136	239	0.55
Right							

Lost Time/Cycle, L = 15.00 sec Sum (v/s) critical = 0.87
Critical v/c(X) = 1.01

LEVEL OF SERVICE WORKSHEET

Appr/ Lane Grp	Ratios		Unf Del d1	Prog Adj Fact	Lane Grp Cap	Incremental			Lane Group		Approach	
	v/c	g/C				Factor	Del d2	Res Del d3	Delay	LOS	Delay	LOS
Eastbound												
L	0.55	0.091	47.8	1.000	164	0.50	12.6	0.0	60.4	E		
T	0.95	0.409	31.5	1.000	1477	0.50	14.5	0.0	45.9	D	43.4	D
R	0.67	0.409	26.4	1.000	661	0.50	5.3	0.0	31.7	C		
Westbound												
L	1.52	0.091	50.0	1.000	164	0.50	261.9	0.0	311.9	F		
TR	0.29	0.409	21.8	1.000	1451	0.50	0.5	0.0	22.3	C	130.1	F
Northbound												
L	0.78	0.227	39.9	1.000	410	0.50	13.4	0.0	53.3	D		
T	0.19	0.136	42.1	1.000	259	0.50	1.6	0.0	43.7	D	109.3	F
R	1.24	0.136	47.5	1.000	220	0.50	139.1	0.0	186.6	F		
Southbound												
L	0.18	0.227	34.2	1.000	410	0.50	1.0	0.0	35.2	D		
TR	0.55	0.136	44.4	1.000	239	0.50	8.9	0.0	53.3	D	46.8	D

Intersection Delay = 72.6 (sec/veh) Intersection LOS = E

SUPPLEMENTAL PERMITTED LT WORKSHEET
for exclusive lefts

APPROACH

EB WB NB SB

Cycle Length, C 110.0 sec
 Actual Green Time for Lane Group, G
 Effective Green Time for Lane Group, g
 Opposing Effective Green Time, go
 Number of Lanes in Lane Group, N
 Number of Opposing Lanes, No
 Adjusted Left-Turn Flow Rate, Vlt
 Proportion of Left Turns in Opposing Flow, Plto
 Adjusted Opposing Flow Rate, Vo
 Lost Time for Lane Group, tl
 Left Turns per Cycle: $LTC = VltC/3600$
 Opposing Flow per Lane, Per Cycle: $Volc = VoC/3600$
 Opposing Platoon Ratio, Rpo (Table 9-2 or Eqn 9-7)
 $gf = [Gexp(-a * (LTC ** b))] - tl$, $gf \leq g$
 Opposing Queue Ratio: $gro = 1 - Rpo(go/C)$
 $gq = (4.943Volc ** 0.762)(gro ** 1.061) - tl$, $gq \leq g$
 $gu = g - gq$ if $gq \geq gf$, $= g - gf$ if $gq < gf$
 $n = (gq - gf)/2$, $n \geq 0$
 $Ptho = 1 - Plto$
 $Pl* = Plt[1 + ((N-1)g/(gf + gu/El1 + 4.24))]$
 El1 (Figure 9-7)
 $El2 = (1 - Ptho * n) / Plto$, $El2 \geq 1.0$
 $fmin = 2(1 + Plt)/g$ or $fmin = 2(1 + Pl)/g$
 $gdifff = \max(gq - gf, 0)$
 $fm = [gf/g] + [gu/g][1/(1 + Pl(El1 - 1))]$, (min=fmin; max=1.00)
 $flt = fm = [gf/g] + gdifff[1/(1 + Plt(El2 - 1))]$
 $+ [gu/g][1/(1 + Plt(El1 - 1))]$, (min=fmin; max=1.0) or $flt = [fm + 0.91(N-1)]/N$
 flt

For special case of single-lane approach opposed by multilane approach, see text.

* If $Pl \geq 1$ for shared left-turn lanes with $N > 1$, then assume de-facto left-turn lane and redo calculations.

** For permitted left-turns with multiple exclusive left-turn lanes, $flt = fm$. For special case of multilane approach opposed by single-lane approach or when $gf > gq$, see text.

SUPPLEMENTAL PERMITTED LT WORKSHEET
for shared lefts

APPROACH

EB WB NB SB

Cycle Length, C 110.0 sec
 Actual Green Time for Lane Group, G
 Effective Green Time for Lane Group, g
 Opposing Effective Green Time, go
 Number of Lanes in Lane Group, N
 Number of Opposing Lanes, No
 Adjusted Left-Turn Flow Rate, Vlt
 Proportion of Left Turns in Lane Group, Plt
 Proportion of Left Turns in Opposing Flow, Plto
 Adjusted Opposing Flow Rate, Vo
 Lost Time for Lane Group, tl
 Left Turns per Cycle: LTC=VltC/3600
 Opposing Flow per Lane, Per Cycle: Volc=VoC/3600
 Opposing Platoon Ratio, Rpo (Table 9-2 or Eqn 9-7)
 $gf = [G \exp(-a * (LTC ** b))] - tl$, $gf \leq g$
 Opposing Queue Ratio: $gro = 1 - Rpo(go/C)$
 $gq = (4.943 Volc ** 0.762) (gro ** 1.061) - tl$, $gq \leq g$
 $gu = g - gq$ if $gq \geq gf$, $= g - gf$ if $gq < gf$
 $n = (gq - gf) / 2$, $n \geq 0$
 $Ptho = 1 - Plto$
 $Pl = Plt [1 + ((N-1)g / (gf + gu / El1 + 4.24))]$
 El1 (Figure 9-7)
 $El2 = (1 - Ptho ** n) / Plto$, $El2 \geq 1.0$
 $fmin = 2(1 + Plt) / g$ or $fmin = 2(1 + Pl) / g$
 $gdifff = \max(gq - gf, 0)$
 $fm = [gf/g] + [gu/g][1 / (1 + Pl(El1 - 1))]$, (min=fmin; max=1.00)
 $flt = fm = [gf/g] + gdifff[1 / (1 + Plt(El2 - 1))]$
 $+ [gu/g][1 / (1 + Plt(El1 - 1))]$, (min=fmin; max=1.0) or $flt = [fm + 0.91(N-1)] / N **$
 flt Primary

For special case of single-lane approach opposed by multilane approach, see text.

* If $Pl \geq 1$ for shared left-turn lanes with $N > 1$, then assume de-facto left-turn lane and redo calculations.

** For permitted left-turns with multiple exclusive left-turn lanes, $flt = fm$. For special case of multilane approach opposed by single-lane approach or when $gf > gq$, see text.

SUPPLEMENTAL UNIFORM DELAY WORKSHEET

EBLT WBLT NBLT SBLT

Adj. LT Vol from Vol Adjustment Worksheet, v
 v/c ratio from Capacity Worksheet, X
 Primary phase effective green, g
 Secondary phase effective green, gg
 (From Supplemental Permitted LT Worksheet), gu
 Cycle length, C 110.0 Red =(C-g-gg-gu), r
 Arrivals: $v/(3600(\max(X,1.0)))$, qa
 Primary ph. departures: $s/3600$, sp
 Secondary ph. departures: $s(gg+gu)/(gu*3600)$, ss
 XPerm
 XProt
 XCase
 Queue at beginning of green arrow, Qa
 Queue at beginning of unsaturated green, Qu
 Residual queue, Qr
 Uniform Delay, d1

DELAY/LOS WORKSHEET WITH INITIAL QUEUE

Appr/ Lane Group	Initial	Dur.	Uniform Delay		Initial	Final	Initial	Lane
	Unmet Demand Q veh	Unmet Demand t hrs.	Unadj. ds	Adj. d1 sec	Queue Param. u	Unmet Demand Q veh	Queue Delay d3 sec	Group Delay d sec

Eastbound

Westbound

Northbound

Southbound

Intersection Delay 72.6 sec/veh	Intersection LOS E
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HCS: Signals Release 3.1b

Inter: Buckingham & Orange River
 Analyst: Shute
 Date: 10/3/99
 E/W St: Orange River

City/St: Ft Myers
 Proj #: 99103
 Period: AM 2005 w/o project
 N/S St: Buckingham

SIGNALIZED INTERSECTION SUMMARY

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	1	0	1	0	0	0	1	1	0	0	1	1
LGConfig	L		R				L	T			T	R
Volume	68		41				67	100		109	81	
Lane Width	12.0		12.0				12.0	12.0		12.0	12.0	
RTOR Vol			5								5	

Duration 0.25 Area Type: All other areas

Signal Operations

Phase Combination	1	2	3	4	5	6	7	8
EB Left	P				P			
Thru					P	P		
Right	P							
Peds								
NB Left					P			
Thru								
Right						P		
Peds						P		
WB Right								
SB Right								
Green	18.0				10.0	20.0		
Yellow	4.0				2.0	4.0		
All Red	1.0				0.0	1.0		
Cycle Length: 60.0	secs							

Intersection Performance Summary

Approach/Lane	Lane Group	Adj Sat Flow Rate (s)	Ratios		Lane Group		Approach	
Grp	Capacity		v/c	g/c	Delay	LOS	Delay	LOS
Eastbound								
	542	1805	0.14	0.300	15.9	B	15.7	B
	485	1615	0.08	0.300	15.4	B		
Westbound								
Northbound								
	301	1805	0.25	0.167	23.7	C		
	1013	1900	0.11	0.533	7.2	A	13.8	B
Southbound								
	633	1900	0.19	0.333	14.9	B	14.8	B
	538	1615	0.16	0.333	14.7	B		
Intersection Delay = 14.6 (sec/veh)					Intersection LOS = B			

HCS: Signals Release 3.1b

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OPERATIONAL ANALYSIS

Intersection: Buckingham & Orange River
City/State: Ft Myers
Analyst: Shute
Project No: 99103
Time Period Analyzed: AM 2005 w/o project
Date: 10/3/99
East/West Street Name: Orange River
North/South Street Name: Buckingham

VOLUME DATA

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
Volume	68		41				67	100		109	81	
PHF	0.90		0.90				0.90	0.90		0.90	0.90	
PK 15 Vol	19		11				19	28		30	23	
Hi Ln Vol												
% Grade		0						0				
Ideal Sat	1900		1900				1900	1900		1900	1900	
ParkExist												
NumPark												
% Heavy Veh	0		0				0	0		0	0	
No. Lanes	1	0	1	0	0	0	1	1	0	0	1	1
LGConfig	L		R				L	T		T	R	
Lane Width	12.0		12.0				12.0	12.0		12.0	12.0	
RTOR Vol			5								5	
Adj Flow	76		40				74	111		121	84	
InSharedLn												
Prop Turns												
NumPeds			0			0					0	
NumBus	0		0				0	0		0	0	

Duration 0.25 Area Type: All other areas

OPERATING PARAMETERS

	Eastbound				Westbound				Northbound				Southbound		
	L	T	R		L	T	R		L	T	R		L	T	R
Init Unmet	0.0		0.0						0.0	0.0			0.0	0.0	
Arriv. Type	3		3						3	3			3	3	
Unit Ext.	3.0		3.0						3.0	3.0			3.0	3.0	
I Factor		1.000								1.000			1.000		
Lost Time	2.0		2.0						2.0	2.0			2.0	2.0	
Ext of g	2.0		2.0						2.0	2.0			2.0	2.0	
Ped Min g		0.0								0.0			0.0		

PHASE DATA

Phase Combination		1	2	3	4		5	6	7	8
EB	Left		P			NB	Left	P		
	Thru						Thru	P	P	
	Right		P				Right			
	Peds						Peds			
WB	Left					SB	Left			
	Thru						Thru		P	
	Right						Right		P	
	Peds						Peds			
NB	Right					EB	Right			
SB	Right					WB	Right			
Green		18.0						10.0	20.0	
Yellow		4.0						2.0	4.0	
All Red		1.0						0.0	1.0	

Cycle Length: 60.0 secs

VOLUME ADJUSTMENT WORKSHEET

Appr./ Movement	Mvt Volume	PHF	Flow Rate	No. Lanes	Lane Group	RTOR	Adjusted Flow Rate In Lane Grp	Prop. Left Turns	Prop. Right Turns
Eastbound									
Left	68	0.90	76	1	L		76		
Thru				0					
Right	41	0.90	40	1	R	5	40		
Westbound									
Left				0					
Thru				0					
Right				0					
Northbound									
Left	67	0.90	74	1	L		74		
Thru	100	0.90	111	1	T		111		
Right				0					
Southbound									
Left				0					
Thru	109	0.90	121	1	T		121		
Right	81	0.90	84	1	R	5	84		

* Value entered by user.

SATURATION FLOW ADJUSTMENT WORKSHEET

Appr/ Lane Group	Ideal Sat Flow	f W	f HV	f G	f P	f BB	f A	f LU	f RT	f LT	Adj Sat Flow
Eastbound											
1900	1.000	1.000	1.000	1.000	1.000	1.000	1.00	1.00	-----	0.950	1805
1900	1.000	1.000	1.000	1.000	1.000	1.000	1.00	1.00	0.850	-----	1615
Westbound											
Sec LT Adj/LT Sat:											

Northbound											
1900	1.000	1.000	1.000	1.000	1.000	1.000	1.00	1.00	-----	0.950	1805
1900	1.000	1.000	1.000	1.000	1.000	1.000	1.00	1.00	1.000	1.000	1900
Southbound											
Sec LT Adj/LT Sat:											

1900	1.000	1.000	1.000	1.000	1.000	1.000	1.00	1.00	1.000	1.000	1900
1900	1.000	1.000	1.000	1.000	1.000	1.000	1.00	1.00	0.850	-----	1615

CAPACITY ANALYSIS WORKSHEET

Appr/ Mvmt	Lane Group	Adj Flow Rate (v)	Adj Sat Flow Rate (s)	Flow Ratio (v/s)	Green Ratio (g/C)	--Lane Group-- Capacity (c)	v/c Ratio
Eastbound							
Pri.							
Sec.							
Left	L	76	1805	# 0.04	0.300	542	0.14
Thru							
Right	R	40	1615	0.02	0.300	485	0.08
Westbound							
Pri.							
Sec.							
Left							
Thru							
Right							
Northbound							
Pri.							
Sec.							
Left	L	74	1805	# 0.04	0.167	301	0.25
Thru	T	111	1900	0.06	0.533	1013	0.11
Right							
Southbound							
Pri.							
Sec.							
Left							
Thru	T	121	1900	# 0.06	0.333	633	0.19
Right	R	84	1615	0.05	0.333	538	0.16

Lost Time/Cycle, L = 12.00 sec Sum (v/s) critical = 0.15
Critical v/c(X) = 0.18

SUPPLEMENTAL PERMITTED LT WORKSHEET
for exclusive lefts

APPROACH

EB WB NB SB

Cycle Length, C 60.0 sec
 Actual Green Time for Lane Group, G
 Effective Green Time for Lane Group, g
 Opposing Effective Green Time, go
 Number of Lanes in Lane Group, N
 Number of Opposing Lanes, No
 Adjusted Left-Turn Flow Rate, Vlt
 Proportion of Left Turns in Opposing Flow, Plto
 Adjusted Opposing Flow Rate, Vo
 Lost Time for Lane Group, tl
 Left Turns per Cycle: $LTC = VltC/3600$
 Opposing Flow per Lane, Per Cycle: $Volc = VoC/3600$
 Opposing Platoon Ratio, Rpo (Table 9-2 or Eqn 9-7)
 $gf = [Gexp(-a * (LTC ** b))] - tl$, $gf \leq g$
 Opposing Queue Ratio: $gro = 1 - Rpo(go/C)$
 $gq = (4.943Volc ** 0.762)(gro ** 1.061) - tl$, $gq \leq g$
 $gu = g - gq$ if $gq \geq gf$, $= g - gf$ if $gq < gf$
 $n = (gq - gf)/2$, $n \geq 0$
 $Ptho = 1 - Plto$
 $Pl* = Plt[1 + ((N-1)g/(gf+gu/El1+4.24))]$
 El1 (Figure 9-7)
 $El2 = (1 - Ptho ** n)/Plto$, $El2 \geq 1.0$
 $fmin = 2(1 + Plt)/g$ or $fmin = 2(1 + Pl)/g$
 $gdifff = \max(gq - gf, 0)$
 $fm = [gf/g] + [gu/g][1/(1 + Pl(El1 - 1))]$, (min=fmin; max=1.00)
 $flt = fm = [gf/g] + gdifff[1/(1 + Plt(El2 - 1))]$
 $+ [gu/g][1/(1 + Plt(El1 - 1))]$, (min=fmin; max=1.0) or $flt = [fm + 0.91(N-1)]/N **$
 flt

For special case of single-lane approach opposed by multilane approach, see text.

* If $Pl \geq 1$ for shared left-turn lanes with $N > 1$, then assume de-facto left-turn lane and redo calculations.

* For permitted left-turns with multiple exclusive left-turn lanes, $flt = fm$.
 For special case of multilane approach opposed by single-lane approach or when $gf > gq$, see text.

LEVEL OF SERVICE WORKSHEET												
Appr/ Lane Grp	Ratios		Unf Del d1	Prog Adj Fact	Lane Grp Cap	Incremental		Res Del d3	Lane Group		Approach	
	v/c	g/C				Factor	Del d2		Delay	LOS	Delay	LOS
Eastbound												
L	0.14	0.300	15.3	1.000	542	0.50	0.5	0.0	15.9	B	15.7	B
R	0.08	0.300	15.1	1.000	485	0.50	0.3	0.0	15.4	B		
Westbound												
Northbound												
L	0.25	0.167	21.7	1.000	301	0.50	1.9	0.0	23.7	C	13.8	B
T	0.11	0.533	6.9	1.000	1013	0.50	0.2	0.0	7.2	A		
Southbound												
T	0.19	0.333	14.2	1.000	633	0.50	0.7	0.0	14.9	B	14.8	B
R	0.16	0.333	14.1	1.000	538	0.50	0.6	0.0	14.7	B		
Intersection Delay = 14.6 (sec/veh)						Intersection LOS = B						

SUPPLEMENTAL PERMITTED LT WORKSHEET
for shared lefts

APPROACH

EB WB NB SB

Cycle Length, C 60.0 sec
 Actual Green Time for Lane Group, G
 Effective Green Time for Lane Group, g
 Opposing Effective Green Time, go
 Number of Lanes in Lane Group, N
 Number of Opposing Lanes, No
 Adjusted Left-Turn Flow Rate, Vlt
 Proportion of Left Turns in Lane Group, Plt
 Proportion of Left Turns in Opposing Flow, Plto
 Adjusted Opposing Flow Rate, Vo
 Lost Time for Lane Group, tl
 Left Turns per Cycle: LTC=VltC/3600
 Opposing Flow per Lane, Per Cycle: Volc=VoC/3600fluo
 Opposing Platoon Ratio, Rpo (Table 9-2 or Eqn 9-7)
 $gf = [Gexp(-a * (LTC ** b))] - tl$, $gf \leq g$
 Opposing Queue Ratio: $gro = 1 - Rpo(go/C)$
 $gq = (4.943Volc ** 0.762)(gro ** 1.061) - tl$, $gq \leq g$
 $gu = g - gq$ if $gq \geq gf$, $= g - gf$ if $gq < gf$
 $n = (gq - gf) / 2$, $n \geq 0$
 $Ptho = 1 - Plto$
 $Pl* = Plt[1 + ((N-1)g / (gf + gu / El1 + 4.24))]$
 El1 (Figure 9-7)
 $El2 = (1 - Ptho ** n) / Plto$, $El2 \geq 1.0$
 $fmin = 2(1 + Plt) / g$ or $fmin = 2(1 + Pl) / g$
 $gdifff = \max(gq - gf, 0)$
 $fm = [gf/g] + [gu/g][1 / (1 + Pl(El1 - 1))]$, (min=fmin; max=1.00)
 $flt = fm = [gf/g] + gdifff[1 / (1 + Plt(El2 - 1))]$
 $+ [gu/g][1 / (1 + Plt(El1 - 1))]$, (min=fmin; max=1.0) or $flt = [fm + 0.91(N-1)] / N **$
 flt Primary

For special case of single-lane approach opposed by multilane approach, see text.

* If $Pl \geq 1$ for shared left-turn lanes with $N > 1$, then assume de-facto left-turn lane and redo calculations.

* For permitted left-turns with multiple exclusive left-turn lanes, $flt = fm$.
 For special case of multilane approach opposed by single-lane approach or when $gf > gq$, see text.

SUPPLEMENTAL UNIFORM DELAY WORKSHEET

EBLT WBLT NBLT SBLT

Adj. LT Vol from Vol Adjustment Worksheet, v
v/c ratio from Capacity Worksheet, X
Primary phase effective green, g
Secondary phase effective green, gq
(From Supplemental Permitted LT Worksheet), gu
Cycle length, C 60.0 Red =(C-g-gq-gu), r
Arrivals: $v/(3600(\max(X,1.0)))$, qa
Primary ph. departures: s/3600, sp
Secondary ph. departures: $s(gq+gu)/(gu*3600)$, ss
XPerm
XProt
XCase
Queue at beginning of green arrow, Qa
Queue at beginning of unsaturated green, Qu
Residual queue, Qr
Uniform Delay, d1

DELAY/LOS WORKSHEET WITH INITIAL QUEUE

Appr/ Lane Group	Initial Unmet Demand Q veh	Dur. Unmet Demand t hrs.	Uniform Delay <hr/> Unadj. Adj. ds d1 sec	Initial Queue Param. u	Final Unmet Demand Q veh	Initial Queue Delay d3 sec	Lane Group Delay d sec
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Eastbound

Westbound

Northbound

Southbound

Intersection Delay 14.6 sec/veh	Intersection LOS B
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HCS: Signals Release 3.1b

Inter: Buckingham & Orange River
Analyst: Shute
Date: 10/3/99
E/W St: Orange River

City/St: Ft Myers
Proj #: 99103
Period: AM 2005 with project
N/S St: Buckingham

SIGNALIZED INTERSECTION SUMMARY.

[illegible]

Duration	0.25	Area Type: All other areas
		Signal Operations

Phase Combination				Signal Conditions					
	1	2	3	4		5	6	7	8
EB	Left	P			NB	Left	P		
	Thru					Thru	P	P	
	Right	P				Right			
	Peds					Peds			
WB	Left				SB	Left			
	Thru					Thru		P	
	Right					Right		P	
	Peds					Peds			
NB	Right				EB	Right			
SB	Right				WB	Right			
Green	18.0					10.0	20.0		
Yellow	4.0					2.0	4.0		
All Red	1.0					0.0	1.0		

Cycle Length: 60.0 secs

Intersection Performance Summary.

Appr/ Lane Grp	Lane Group Capacity	Adj Sat Flow Rate (s)	Ratios		Lane Group		Approach	
			v/c	g/C	Delay	LOS	Delay	LOS
Eastbound								
	542	1805	0.21	0.300	16.6	B	16.3	B
	485	1615	0.08	0.300	15.4	B		
Westbound								
Northbound								
	301	1805	0.25	0.167	23.7	C	12.5	B
	1013	1900	0.16	0.533	7.5	A		
Southbound								
	633	1900	0.44	0.333	17.8	B	17.6	B
	538	1615	0.37	0.333	17.2	B		
Intersection Delay = 15.6 (sec/veh) Intersection LOS = B								

HCS: Signals Release 3.1b

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OPERATIONAL ANALYSIS

Intersection: Buckingham & Orange River
City/State: Ft Myers
Analyst: Shute
Project No: 99103
Time Period Analyzed: AM 2005 with project
Date: 10/3/99
East/West Street Name: Orange River
North/South Street Name: Buckingham

VOLUME DATA

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
Volume	103		41				67	147		249	186	
PHF	0.90		0.90				0.90	0.90		0.90	0.90	
PK 15 Vol	29		11				19	41		69	52	
Hi Ln Vol												
% Grade		0						0		0		
Ideal Sat	1900		1900				1900	1900		1900	1900	
ParkExist												
NumPark												
% Heavy Veh	0		0				0	0		0	0	
No. Lanes	1	0	1	0	0	0	1	1	0	0	1	1
LGConfig	L		R				L	T		T		R
Lane Width	12.0		12.0				12.0	12.0		12.0	12.0	
RTOR Vol			5								5	
Adj Flow	114		40				74	163		277	201	
InSharedLn												
Prop Turns												
NumPeds			0			0					0	
NumBus	0		0				0	0		0	0	

Duration 0.25 Area Type: All other areas

OPERATING PARAMETERS

	Eastbound				Westbound				Northbound				Southbound		
	L	T	R		L	T	R		L	T	R		L	T	R
Init Unmet	0.0		0.0						0.0	0.0			0.0	0.0	
Arriv. Type	3		3						3	3			3	3	
Unit Ext.	3.0		3.0						3.0	3.0			3.0	3.0	
I Factor		1.000								1.000			1.000		
Lost Time	2.0		2.0						2.0	2.0			2.0	2.0	
Ext of g	2.0		2.0						2.0	2.0			2.0	2.0	
Ped Min g		0.0								0.0			0.0		

PHASE DATA

Phase Combination		1	2	3	4	5	6	7	8
EB	Left		P			NB	Left	P	
	Thru						Thru	P	P
	Right		P				Right		
	Peds						Peds		
WB	Left					SB	Left		
	Thru						Thru		P
	Right						Right		P
	Peds						Peds		
NB	Right					EB	Right		
SB	Right					WB	Right		
Green		18.0						10.0	20.0
Yellow		4.0						2.0	4.0
All Red		1.0						0.0	1.0

Cycle Length: 60.0 secs

VOLUME ADJUSTMENT WORKSHEET

Appr./ Movement	Mvt Volume	PHF	Flow Rate	No. Lanes	Lane Group	RTOR	Adjusted Flow Rate In Lane Grp	Prop. Left Turns	Prop. Right Turns
Eastbound									
Left	103	0.90	114	1	L		114		
Thru				0					
Right	41	0.90	40	1	R	5	40		
Westbound									
Left				0					
Thru				0					
Right				0					
Northbound									
Left	67	0.90	74	1	L		74		
Thru	147	0.90	163	1	T		163		
Right				0					
Southbound									
Left				0					
Thru	249	0.90	277	1	T		277		
Right	186	0.90	201	1	R	5	201		

* Value entered by user.

SATURATION FLOW ADJUSTMENT WORKSHEET

Appr/ Lane Group	Ideal Sat Flow	f W	f HV	f G	f P	f BB	f A	f LU	f RT	f LT	Adj Sat Flow
Eastbound											
							Sec LT	Adj/LT	Sat:		
1900	1.000	1.000	1.000	1.000	1.000	1.000	1.00	1.00	----	0.950	1805
1900	1.000	1.000	1.000	1.000	1.000	1.000	1.00	1.00	0.850	----	1615
Westbound											
							Sec LT	Adj/LT	Sat:		

Northbound											
							Sec LT	Adj/LT	Sat:		
1900	1.000	1.000	1.000	1.000	1.000	1.000	1.00	1.00	----	0.950	1805
1900	1.000	1.000	1.000	1.000	1.000	1.000	1.00	1.00	1.000	1.000	1900
Southbound											
							Sec LT	Adj/LT	Sat:		

1900	1.000	1.000	1.000	1.000	1.000	1.000	1.00	1.00	1.000	1.000	1900
1900	1.000	1.000	1.000	1.000	1.000	1.000	1.00	1.00	0.850	----	1615

Appr/ Mvmt	Lane Group	Adj Flow Rate (v)	Adj Sat Flow Rate (s)	Flow Ratio (v/s)	Green Ratio (g/C)	--Lane Group-- Capacity (c)	v/c Ratio
Eastbound							
Pri.							
Sec.							
Left	L	114	1805	# 0.06	0.300	542	0.21
Thru							
Right	R	40	1615	0.02	0.300	485	0.08
Westbound							
Pri.							
Sec.							
Left							
Thru							
Right							
Northbound							
Pri.							
Sec.							
Left	L	74	1805	# 0.04	0.167	301	0.25
Thru	T	163	1900	0.09	0.533	1013	0.16
Right							
Southbound							
Pri.							
Sec.							
Left							
Thru	T	277	1900	# 0.15	0.333	633	0.44
Right	R	201	1615	0.12	0.333	538	0.37

Lost Time/Cycle, L = 12.00 sec	Sum (v/s) critical = 0.25
	Critical v/c(X) = 0.31

Appr/ Lane Grp	Ratios		Unf Del d1	Prog Adj Fact	Lane Grp Cap	Incremental		Res Del d3	Lane Group		Approach	
	v/c	g/c				Factor k	Del d2		Delay	LOS	Delay	LOS
Eastbound												
L	0.21	0.300	15.7	1.000	542	0.50	0.9	0.0	16.6	B	16.3	B
R	0.08	0.300	15.1	1.000	485	0.50	0.3	0.0	15.4	B		
Westbound												
Northbound												
L	0.25	0.167	21.7	1.000	301	0.50	1.9	0.0	23.7	C	12.5	B
T	0.16	0.533	7.1	1.000	1013	0.50	0.3	0.0	7.5	A		
Southbound												
T	0.44	0.333	15.6	1.000	633	0.50	2.2	0.0	17.8	B	17.6	B
R	0.37	0.333	15.2	1.000	538	0.50	2.0	0.0	17.2	B		
Intersection Delay = 15.6 (sec/veh)						Intersection LOS = B						

SUPPLEMENTAL PERMITTED LT WORKSHEET
for exclusive lefts

APPROACH

EB WB NB SB

Cycle Length, C 60.0 sec
 Actual Green Time for Lane Group, G
 Effective Green Time for Lane Group, g
 Opposing Effective Green Time, go
 Number of Lanes in Lane Group, N
 Number of Opposing Lanes, No
 Adjusted Left-Turn Flow Rate, Vlt
 Proportion of Left Turns in Opposing Flow, Plto
 Adjusted Opposing Flow Rate, Vo
 Lost Time for Lane Group, tl
 Left Turns per Cycle: LTC=VltC/3600
 Opposing Flow per Lane, Per Cycle: Volc=VoC/3600fluo
 Opposing Platoon Ratio, Rpo (Table 9-2 or Eqn 9-7)
 $gf = [Gexp(-a * (LTC ** b))] - tl$, $gf \leq g$
 Opposing Queue Ratio: $gro = 1 - Rpo(go/C)$
 $gq = (4.943Volc ** 0.762)(gro ** 1.061) - tl$, $gq \leq g$
 $gu = g - gq$ if $gq \geq gf$, $= g - gf$ if $gq < gf$
 $n = (gq - gf) / 2$, $n \geq 0$
 $Ptho = 1 - Plto$
 $Pl = Plt[1 + ((N-1)g / (gf + gu / El1 + 4.24))]$
 El1 (Figure 9-7)
 $El2 = (1 - Ptho * n) / Plto$, $El2 \geq 1.0$
 $fmin = 2(1 + Plt) / g$ or $fmin = 2(1 + Pl) / g$
 $gdiff = \max(gq - gf, 0)$
 $fm = [gf/g] + [gu/g][1 / (1 + Pl(El1 - 1))]$, (min=fmin; max=1.00)
 $flt = fm = [gf/g] + gdiff[1 / (1 + Plt(El2 - 1))]$
 $+ [gu/g][1 / (1 + Plt(El1 - 1))]$, (min=fmin; max=1.0) or $flt = [fm + 0.91(N-1)] / N **$
 flt

For special case of single-lane approach opposed by multilane approach, see text.

* If $Pl \geq 1$ for shared left-turn lanes with $N > 1$, then assume de-facto left-turn lane and redo calculations.

* For permitted left-turns with multiple exclusive left-turn lanes, $flt = fm$.
 For special case of multilane approach opposed by single-lane approach or when $gf > gq$, see text.

SUPPLEMENTAL PERMITTED LT WORKSHEET
for shared lefts

APPROACH

EB WB NB SB

Cycle Length, C 60.0 sec
 Actual Green Time for Lane Group, G
 Effective Green Time for Lane Group, g
 Opposing Effective Green Time, go
 Number of Lanes in Lane Group, N
 Number of Opposing Lanes, No
 Adjusted Left-Turn Flow Rate, Vlt
 Proportion of Left Turns in Lane Group, Plt
 Proportion of Left Turns in Opposing Flow, Plto
 Adjusted Opposing Flow Rate, Vo
 Lost Time for Lane Group, tl
 Left Turns per Cycle: LTC=VltC/3600
 Opposing Flow per Lane, Per Cycle: Volc=VoC/3600fluo
 Opposing Platoon Ratio, Rpo (Table 9-2 or Eqn 9-7)
 $gf = [Gexp(-a * (LTC ** b))] - tl$, $gf \leq g$
 Opposing Queue Ratio: $gro = 1 - Rpo(go/C)$
 $gq = (4.943Volc ** 0.762)(gro ** 1.061) - tl$, $gq \leq g$
 $gu = g - gq$ if $gq > gf$, $= g - gf$ if $gq < gf$
 $n = (gq - gf) / 2$, $n \geq 0$
 $Ptho = 1 - Plto$
 $Pl* = Plt[1 + ((N-1)g / (gf + gu / El1 + 4.24))]$
 El1 (Figure 9-7)
 $El2 = (1 - Ptho ** n) / Plto$, $El2 \geq 1.0$
 $fmin = 2(1 + Plt) / g$ or $fmin = 2(1 + Pl) / g$
 $gdifff = \max(gq - gf, 0)$
 $fm = [gf/g] + [gu/g][1 / (1 + Pl(El1 - 1))]$, (min=fmin; max=1.00)
 $flt = fm = [gf/g] + gdifff[1 / (1 + Plt(El2 - 1))]$
 $+ [gu/g][1 / (1 + Plt(El1 - 1))]$, (min=fmin; max=1.0) or $flt = [fm + 0.91(N-1)] / N **$
 flt Primary

For special case of single-lane approach opposed by multilane approach, see text.

* If $Pl \geq 1$ for shared left-turn lanes with $N > 1$, then assume de-facto left-turn lane and redo calculations.

** For permitted left-turns with multiple exclusive left-turn lanes, $flt = fm$. For special case of multilane approach opposed by single-lane approach or when $gf > gq$, see text.

SUPPLEMENTAL UNIFORM DELAY WORKSHEET

EBLT WBLT NBLT SBLT

Adj. LT Vol from Vol Adjustment Worksheet, v
 v/c ratio from Capacity Worksheet, X
 Primary phase effective green, g
 Secondary phase effective green, gq
 (From Supplemental Permitted LT Worksheet), gu
 Cycle length, C 60.0 Red =(C-g-gq-gu), r
 Arrivals: $v/(3600(\max(X,1.0)))$, qa
 Primary ph. departures: $s/3600$, sp
 Secondary ph. departures: $s(gq+gu)/(gu*3600)$, ss
 XPerm
 XProt
 XCase
 Queue at beginning of green arrow, Qa
 Queue at beginning of unsaturated green, Qu
 Residual queue, Qr
 Uniform Delay, d1

DELAY/LOS WORKSHEET WITH INITIAL QUEUE

Appr/ Lane Group	Initial Unmet Demand Q veh	Dur. Unmet Demand t hrs.	Uniform Delay		Initial Queue Param. u	Final Unmet Demand Q veh	Initial Queue Delay d3 sec	Lane Group Delay d sec
			Unadj. ds	Adj. d1 sec				

Eastbound

Westbound

Northbound

Southbound

Intersection Delay 15.6 sec/veh	Intersection LOS B
---------------------------------------	-----------------------

ERROR MESSAGES

No errors to report.

HCS: Signals Release 3.1b

Inter: Buckingham & Orange River
 Analyst: Shute
 Date: 10/3/99
 E/W St: Orange River

City/St: Ft Myers
 Proj #: 99103
 Period: PM 2005 without project
 N/S St: Buckingham

SIGNALIZED INTERSECTION SUMMARY

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	1	0	1	0	0	0	1	1	0	0	1	1
LGConfig	L		R				L	T			T	R
Volume	125		165				61	150		146	109	
Lane Width	12.0		12.0				12.0	12.0		12.0	12.0	
RTOR Vol			5								5	

Duration 0.25 Area Type: All other areas

Signal Operations

Phase Combination	1	2	3	4	5	6	7	8
EB Left	P				NB Left	P		
Thru					Thru	P	P	
Right	P				Right			
Peds					Peds			
WB Left					SB Left			
Thru					Thru	P		
Right					Right	P		
Peds					Peds			
NB Right					EB Right			
SB Right					WB Right			
Green	18.0					10.0	20.0	
Yellow	4.0					2.0	4.0	
All Red	1.0					0.0	1.0	

Cycle Length: 60.0 secs

Intersection Performance Summary

Appr/ Lane Grp	Lane Group Capacity	Adj Sat Flow Rate (s)	Ratios		Lane Group		Approach	
			v/c	g/c	Delay	LOS	Delay	LOS
Eastbound								
	542	1805	0.26	0.300	17.1	B	18.0	B
	485	1615	0.37	0.300	18.7	B		
Westbound								
Northbound								
	301	1805	0.23	0.167	23.4	C		
	1013	1900	0.16	0.533	7.5	A	12.1	B
Southbound								
	633	1900	0.26	0.333	15.6	B	15.4	B
	538	1615	0.22	0.333	15.3	B		
Intersection Delay = 15.5 (sec/veh)					Intersection LOS = B			

HCS: Signals Release 3.1b

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OPERATIONAL ANALYSIS

Intersection: Buckingham & Orange River
City/State: Ft Myers
Analyst: Shute
Project No: 99103
Time Period Analyzed: PM 2005 without project
Date: 10/3/99
East/West Street Name: Orange River
North/South Street Name: Buckingham

VOLUME DATA

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
Volume	125		165				61	150		146	109	
PHF	0.90		0.90				0.90	0.90		0.90	0.90	
PK 15 Vol	35		46				17	42		41	30	
Hi Ln Vol												
% Grade		0						0				
Ideal Sat	1900		1900				1900	1900		1900	1900	
ParkExist												
NumPark												
% Heavy Veh	0		0				0	0		0	0	
No. Lanes	1	0	1	0	0	0	1	1	0	0	1	1
LGConfig	L		R				L	T		T	R	
Lane Width	12.0		12.0				12.0	12.0		12.0	12.0	
RTOR Vol			5								5	
Adj Flow	139		178				68	167		162	116	
InSharedLn												
Prop Turns												
sumPeds			0			0					0	
sumBus	0		0				0	0		0	0	

Duration 0.25 Area Type: All other areas

OPERATING PARAMETERS

	Eastbound				Westbound				Northbound				Southbound		
	L	T	R		L	T	R		L	T	R		L	T	R
Init Unmet	0.0		0.0						0.0	0.0			0.0	0.0	
Arriv. Type	3		3						3	3			3	3	
Unit Ext.	3.0		3.0						3.0	3.0			3.0	3.0	
I Factor		1.000								1.000			1.000		
Lost Time	2.0		2.0						2.0	2.0			2.0	2.0	
Ext of g	2.0		2.0						2.0	2.0			2.0	2.0	
Ped Min g		0.0								0.0			0.0		

PHASE DATA

Phase Combination		1	2	3	4	5	6	7	8
EB	Left		P			NB	Left	P	
	Thru						Thru	P	P
	Right		P				Right		
	Peds						Peds		
WB	Left					SB	Left		
	Thru						Thru		P
	Right						Right		P
	Peds						Peds		
NB	Right					EB	Right		
SB	Right					WB	Right		
Green		18.0						10.0	20.0
Yellow		4.0						2.0	4.0
All Red		1.0						0.0	1.0

Cycle Length: 60.0 secs

VOLUME ADJUSTMENT WORKSHEET

Appr./ Movement	Mvt Volume	PHF	Flow Rate	No. Lanes	Lane Group	RTOR	Adjusted Flow Rate In Lane Grp	Prop. Left Turns	Prop. Right Turns
Eastbound									
Left	125	0.90	139	1	L		139		
Thru				0					
Right	165	0.90	178	1	R	5	178		
Westbound									
Left				0					
Thru				0					
Right				0					
Northbound									
Left	61	0.90	68	1	L		68		
Thru	150	0.90	167	1	T		167		
Right				0					
Southbound									
Left				0					
Thru	146	0.90	162	1	T		162		
Right	109	0.90	116	1	R	5	116		

* Value entered by user.

SATURATION FLOW ADJUSTMENT WORKSHEET

Appr/ Lane Group	Ideal Sat Flow	f W	f HV	f G	f P	f BB	f A	f LU	f RT	f LT	Adj Sat Flow
Eastbound											
							Sec	LT	Adj/LT	Sat:	
1	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	----	0.950	1805
2	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	0.850	----	1615
Westbound											
							Sec	LT	Adj/LT	Sat:	

Northbound											
							Sec	LT	Adj/LT	Sat:	
1	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	----	0.950	1805
2	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	1.000	1.000	1900
Southbound											
							Sec	LT	Adj/LT	Sat:	
1	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	1.000	1.000	1900
2	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	0.850	----	1615

CAPACITY ANALYSIS WORKSHEET

Appr/ Mvmt	Lane Group	Adj Flow Rate (v)	Adj Sat Flow Rate (s)	Flow Ratio (v/s)	Green Ratio (g/C)	--Lane Group-- Capacity (c)	v/c Ratio
Eastbound							
Pri.							
Sec.							
Left	L	139	1805	0.08	0.300	542	0.26
Thru							
Right	R	178	1615	# 0.11	0.300	485	0.37
Westbound							
Pri.							
Sec.							
Left							
Thru							
Right							
Northbound							
Pri.							
Sec.							
Left	L	68	1805	# 0.04	0.167	301	0.23
Thru	T	167	1900	0.09	0.533	1013	0.16
Right							
Southbound							
Pri.							
Sec.							
Left							
Thru	T	162	1900	# 0.09	0.333	633	0.26
Right	R	116	1615	0.07	0.333	538	0.22

Lost Time/Cycle, L = 12.00 sec Sum (v/s) critical = 0.23
Critical v/c(X) = 0.29

LEVEL OF SERVICE WORKSHEET

Appr/ Lane Grp	Ratios		Unf Del d1	Prog Adj Fact	Lane Grp Cap	Incremental Factor k	Del d2	Res Del d3	Lane Group		Approach	
	v/c	g/C							Delay	LOS	Delay	LOS
Eastbound												
L	0.26	0.300	15.9	1.000	542	0.50	1.1	0.0	17.1	B	18.0	B
R	0.37	0.300	16.5	1.000	485	0.50	2.1	0.0	18.7	B		
Westbound												
Northbound												
L	0.23	0.167	21.6	1.000	301	0.50	1.7	0.0	23.4	C		
T	0.16	0.533	7.2	1.000	1013	0.50	0.4	0.0	7.5	A	12.1	B
Southbound												
T	0.26	0.333	14.6	1.000	633	0.50	1.0	0.0	15.6	B	15.4	B
R	0.22	0.333	14.4	1.000	538	0.50	0.9	0.0	15.3	B		
<hr/>												
Intersection Delay = 15.5 (sec/veh)							Intersection LOS = B					

SUPPLEMENTAL PERMITTED LT WORKSHEET
for exclusive lefts

APPROACH

EB WB NB SB

Cycle Length, C 60.0 sec
 Actual Green Time for Lane Group, G
 Effective Green Time for Lane Group, g
 Opposing Effective Green Time, go
 Number of Lanes in Lane Group, N
 Number of Opposing Lanes, No
 Adjusted Left-Turn Flow Rate, Vlt
 Proportion of Left Turns in Opposing Flow, Plto
 Adjusted Opposing Flow Rate, Vo
 Lost Time for Lane Group, tl
 Left Turns per Cycle: LTC=VltC/3600
 Opposing Flow per Lane, Per Cycle: Volc=VoC/3600fluo
 Opposing Platoon Ratio, Rpo (Table 9-2 or Eqn 9-7)
 $gf = [Gexp(-a * (LTC ** b))] - tl$, $gf \leq g$
 Opposing Queue Ratio: $gro = 1 - Rpo(go/C)$
 $gq = (4.943Volc ** 0.762)(gro ** 1.061) - tl$, $gq \leq g$
 $gu = g - gq$ if $gq \geq gf$, $= g - gf$ if $gq < gf$
 $n = (gq - gf) / 2$, $n \geq 0$
 $Ptho = 1 - Plto$
 $Pl = Plt[1 + ((N-1)g / (gf + gu / El1 + 4.24))]$
 El1 (Figure 9-7)
 $El2 = (1 - Ptho ** n) / Plto$, $El2 \geq 1.0$
 $fmin = 2(1 + Plt) / g$ or $fmin = 2(1 + Pl) / g$
 $gdifff = \max(gq - gf, 0)$
 $fm = [gf/g] + [gu/g][1 / (1 + Pl(El1 - 1))]$, (min=fmin; max=1.00)
 $flt = fm = [gf/g] + gdifff[1 / (1 + Plt(El2 - 1))]$
 $+ [gu/g][1 / (1 + Plt(El1 - 1))]$, (min=fmin; max=1.0) or $flt = [fm + 0.91(N-1)] / N **$
 flt

For special case of single-lane approach opposed by multilane approach, see text.

* If $Pl \geq 1$ for shared left-turn lanes with $N > 1$, then assume de-facto left-turn lane and redo calculations.

** For permitted left-turns with multiple exclusive left-turn lanes, $flt = fm$. For special case of multilane approach opposed by single-lane approach or when $gf > gq$, see text.

SUPPLEMENTAL PERMITTED LT WORKSHEET
for shared lefts

APPROACH

EB WB NB SB

Cycle Length, C 60.0 sec
 Actual Green Time for Lane Group, G
 Effective Green Time for Lane Group, g
 Opposing Effective Green Time, go
 Number of Lanes in Lane Group, N
 Number of Opposing Lanes, No
 Adjusted Left-Turn Flow Rate, Vlt
 Proportion of Left Turns in Lane Group, Plt
 Proportion of Left Turns in Opposing Flow, Plto
 Adjusted Opposing Flow Rate, Vo
 Lost Time for Lane Group, tl
 Left Turns per Cycle: LTC=VltC/3600
 Opposing Flow per Lane, Per Cycle: Volc=VoC/3600fluo
 Opposing Platoon Ratio, Rpo (Table 9-2 or Eqn 9-7)
 $gf = [Gexp(-a * (LTC ** b))] - tl$, $gf \leq g$
 Opposing Queue Ratio: $gro = 1 - Rpo(go/C)$
 $gq = (4.943Volc ** 0.762)(gro ** 1.061) - tl$, $gq \leq g$
 $gu = g - gq$ if $gq \geq gf$, $= g - gf$ if $gq < gf$
 $n = (gq - gf) / 2$, $n \geq 0$
 $Ptho = 1 - Plto$
 $Pl = Plt[1 + ((N - 1)g / (gf + gu / El1 + 4.24))]$
 El1 (Figure 9-7)
 $El2 = (1 - Ptho ** n) / Plto$, $El2 \geq 1.0$
 $fmin = 2(1 + Plt) / g$ or $fmin = 2(1 + Pl) / g$
 $gdiff = \max(gq - gf, 0)$
 $fm = [gf/g] + [gu/g][1 / (1 + Pl(El1 - 1))]$, (min=fmin; max=1.00)
 $flt = fm = [gf/g] + gdiff[1 / (1 + Plt(El2 - 1))]$
 $+ [gu/g][1 / (1 + Plt(El1 - 1))]$, (min=fmin; max=1.0) or $flt = [fm + 0.91(N - 1)] / N **$
 flt Primary

For special case of single-lane approach opposed by multilane approach, see text.

* If $Pl \geq 1$ for shared left-turn lanes with $N > 1$, then assume de-facto left-turn lane and redo calculations.

** For permitted left-turns with multiple exclusive left-turn lanes, $flt = fm$. For special case of multilane approach opposed by single-lane approach or when $gf > gq$, see text.

SUPPLEMENTAL UNIFORM DELAY WORKSHEET

EBLT WBLT NBLT SBLT

Adj. LT Vol from Vol Adjustment Worksheet, v
v/c ratio from Capacity Worksheet, X
Primary phase effective green, g
Secondary phase effective green, gg
(From Supplemental Permitted LT Worksheet), gu
Cycle length, C 60.0 Red =(C-g-gg-gu), r
Arrivals: $v/(3600(\max(X,1.0)))$, qa
Primary ph. departures: $s/3600$, sp
Secondary ph. departures: $s(gg+gu)/(gu*3600)$, ss
XPerm
XProt
XCase
Queue at beginning of green arrow, Qa
Queue at beginning of unsaturated green, Qu
Residual queue, Qr
Uniform Delay, d1

DELAY/LOS WORKSHEET WITH INITIAL QUEUE

Appr/ Lane Group	Initial Unmet Demand	Dur. Unmet Demand	Uniform Delay Unadj.	Adj. d1 sec	Initial Queue Param.	Final Unmet Demand	Initial Queue Delay	Lane Group Delay
	Q veh	t hrs.	ds		u	Q veh	d3 sec	d sec

Eastbound

Westbound

Northbound

Southbound

Intersection Delay 15.5 sec/veh	Intersection LOS B
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HCS: Signals Release 3.1b

Inter: Buckingham & Orange River
 Analyst: Shute
 Date: 10/3/99
 E/W St: Orange River

City/St: Ft Myers
 Proj #: 99103
 Period: PM 2005 with project
 N/S St: Buckingham

SIGNALIZED INTERSECTION SUMMARY

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	1	0	1	0	0	0	1	1	0	0	1	1
LGConfig	L		R				L	T			T	R
Volume	230		165				61	290		225	169	
Lane Width	12.0		12.0				12.0	12.0		12.0	12.0	
RTOR Vol			5								5	

Duration 0.25 Area Type: All other areas

Signal Operations

Phase Combination		1	2	3	4	5	6	7	8
EB Left		P				NB Left	P		
Thru						Thru	P	P	
Right		P				Right			
Peds						Peds			
WB Left						SB Left			
Thru						Thru		P	
Right						Right		P	
Peds						Peds			
NB Right						EB Right			
SB Right						WB Right			
Green		18.0					10.0	20.0	
Yellow		4.0					2.0	4.0	
All Red		1.0					0.0	1.0	

Cycle Length: 60.0 secs

Intersection Performance Summary

Appr/ Lane Grp	Lane Group Capacity	Adj Sat Flow Rate (s)	Ratios		Lane Group		Approach	
			v/c	g/c	Delay	LOS	Delay	LOS

Eastbound

L	542	1805	0.47	0.300	20.1	C	19.5	B
R	485	1615	0.37	0.300	18.7	B		

Westbound

Northbound

L	301	1805	0.23	0.167	23.4	C		
R	1013	1900	0.32	0.533	8.7	A	11.3	B

Southbound

L	633	1900	0.39	0.333	17.2	B	17.0	B
R	538	1615	0.34	0.333	16.7	B		

Intersection Delay = 16.0 (sec/veh) Intersection LOS = B

HCS: Signals Release 3.1b

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OPERATIONAL ANALYSIS

Intersection: Buckingham & Orange River
 City/State: Ft Myers
 Analyst: Shute
 Project No: 99103
 Time Period Analyzed: PM 2005 with project
 Date: 10/3/99
 East/West Street Name: Orange River
 North/South Street Name: Buckingham

VOLUME DATA

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
Volume	230		165				61	290		225	169	
PHF	0.90		0.90				0.90	0.90		0.90	0.90	
PK 15 Vol	64		46				17	81		63	47	
Hi Ln Vol												
% Grade		0						0		0		
Ideal Sat	1900		1900				1900	1900		1900	1900	
ParkExist												
NumPark												
% Heavy Veh	0		0				0	0		0	0	
No. Lanes	1	0	1	0	0	0	1	1	0	0	1	1
LGConfig	L		R				L	T		T	R	
Lane Width	12.0		12.0				12.0	12.0		12.0	12.0	
RTOR Vol			5								5	
Adj Flow	256		178				68	322		250	182	
%InSharedLn												
Prop Turns												
NumPeds			0			0					0	
NumBus	0		0				0	0		0	0	

Duration 0.25 Area Type: All other areas

OPERATING PARAMETERS

	Eastbound				Westbound				Northbound				Southbound		
	L	T	R		L	T	R		L	T	R		L	T	R
Init Unmet	0.0		0.0						0.0	0.0			0.0	0.0	
Arriv. Type	3		3						3	3			3	3	
Unit Ext.	3.0		3.0						3.0	3.0			3.0	3.0	
I Factor		1.000								1.000				1.000	
Lost Time	2.0		2.0						2.0	2.0			2.0	2.0	
Ext of g	2.0		2.0						2.0	2.0			2.0	2.0	
Ped Min g		0.0								0.0				0.0	

PHASE DATA

Phase Combination		1	2	3	4		5	6	7	8
EB	Left		P				NB	Left	P	
	Thru							Thru	P	P
	Right		P					Right		
	Peds							Peds		
WB	Left						SB	Left		
	Thru							Thru	P	
	Right							Right	P	
	Peds							Peds		
NB	Right						EB	Right		
SB	Right						WB	Right		
Green		18.0						10.0	20.0	
Yellow		4.0						2.0	4.0	
All Red		1.0						0.0	1.0	

Cycle Length: 60.0 secs

VOLUME ADJUSTMENT WORKSHEET

Appr./ Movement	Mvt Volume	PHF	Flow Rate	No. Lanes	Lane Group	RTOR	Adjusted Flow Rate In Lane Grp	Prop. Left Turns	Prop. Right Turns
Eastbound									
Left	230	0.90	256	1	L		256		
Thru				0					
Right	165	0.90	178	1	R	5	178		
Westbound									
Left				0					
Thru				0					
Right				0					
Northbound									
Left	61	0.90	68	1	L		68		
Thru	290	0.90	322	1	T		322		
Right				0					
Southbound									
Left				0					
Thru	225	0.90	250	1	T		250		
Right	169	0.90	182	1	R	5	182		

* Value entered by user.

SATURATION FLOW ADJUSTMENT WORKSHEET

Appr/ Lane Group	Ideal Sat Flow	f W	f HV	f G	f P	f BB	f A	f LU	f RT	f LT	Adj Sat Flow
Eastbound											
1	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	-----	0.950	1805
2	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	0.850	-----	1615
Westbound											
Sec LT Adj/LT Sat: -----											

Northbound											
Sec LT Adj/LT Sat: -----											
1	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	-----	0.950	1805
2	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	1.000	1.000	1900
Southbound											
Sec LT Adj/LT Sat: -----											
1	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	1.000	1.000	1900
2	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	0.850	-----	1615

CAPACITY ANALYSIS WORKSHEET

Appr/ Mvmt	Lane Group	Adj Flow Rate (v)	Adj Sat Flow Rate (s)	Flow Ratio (v/s)	Green Ratio (g/C)	--Lane Group-- Capacity (c)	v/c Ratio
Eastbound							
Pri.							
Sec.							
Left	L	256	1805	# 0.14	0.300	542	0.47
Thru							
Right	R	178	1615	0.11	0.300	485	0.37
Westbound							
Pri.							
Sec.							
Left							
Thru							
Right							
Northbound							
Pri.							
Sec.							
Left	L	68	1805	0.04	0.167	301	0.23
Thru	T	322	1900	# 0.17	0.533	1013	0.32
Right							
Southbound							
Pri.							
Sec.							
Left							
Thru	T	250	1900	0.13	0.333	633	0.39
Right	R	182	1615	0.11	0.333	538	0.34
Lost Time/Cycle, L = 10.00 sec				Sum (v/s) critical = 0.31			
				Critical v/c(X) = 0.37			

LEVEL OF SERVICE WORKSHEET

Appr/ Lane Grp	Ratios		Unf Del d1	Prog Adj Fact	Lane Grp Cap	LEVEL OF SERVICE WORKSHEET			Lane Group		Approach		
	v/c	g/c				Incremental Factor k	Del d2	Res Del d3	Delay	LOS	Approach		
											Delay	LOS	
Eastbound													
L	0.47	0.300	17.1	1.000	542	0.50	2.9	0.0	20.1	C	19.5	B	
R	0.37	0.300	16.5	1.000	485	0.50	2.1	0.0	18.7	B			
Westbound													
Northbound													
L	0.23	0.167	21.6	1.000	301	0.50	1.7	0.0	23.4	C	11.3	B	
T	0.32	0.533	7.9	1.000	1013	0.50	0.8	0.0	8.7	A			
Southbound													
T	0.39	0.333	15.4	1.000	633	0.50	1.8	0.0	17.2	B	17.0	B	
R	0.34	0.333	15.0	1.000	538	0.50	1.7	0.0	16.7	B			

Intersection Delay = 16.0 (sec/veh) Intersection LOS = B

SUPPLEMENTAL PERMITTED LT WORKSHEET
for exclusive lefts

APPROACH

EB WB NB SB

Cycle Length, C 60.0 sec
 Actual Green Time for Lane Group, G
 Effective Green Time for Lane Group, g
 Opposing Effective Green Time, go
 Number of Lanes in Lane Group, N
 Number of Opposing Lanes, No
 Adjusted Left-Turn Flow Rate, Vlt
 Proportion of Left Turns in Opposing Flow, Plto
 Adjusted Opposing Flow Rate, Vo
 Lost Time for Lane Group, tl
 Left Turns per Cycle: LTC=VltC/3600
 Opposing Flow per Lane, Per Cycle: Volc=VoC/3600fluo
 Opposing Platoon Ratio, Rpo (Table 9-2 or Eqn 9-7)
 $gf = [Gexp(-a * (LTC ** b))] - tl$, $gf \leq g$
 Opposing Queue Ratio: qro=1-Rpo(go/C)
 $gq = (4.943Volc ** 0.762)(qro ** 1.061) - tl$, $gq \leq g$
 $gu = g - gq$ if $gq \geq gf$, $= g - gf$ if $gq < gf$
 $n = (gq - gf) / 2$, $n \geq 0$
 $Ptho = 1 - Plto$
 $Pl* = Plt[1 + ((N-1)g / (gf + gu / El1 + 4.24))]$
 El1 (Figure 9-7)
 $El2 = (1 - Ptho ** n) / Plto$, $El2 \geq 1.0$
 $fmin = 2(1 + Plt) / g$ or $fmin = 2(1 + Pl) / g$
 $gdifff = \max(gq - gf, 0)$
 $fm = [gf / g] + [gu / g][1 / (1 + Pl(El1 - 1))]$, (min=fmin;max=1.00)
 $flt = fm = [gf / g] + gdifff[1 / (1 + Plt(El2 - 1))]$
 $+ [gu / g][1 / (1 + Plt(El1 - 1))]$, (min=fmin;max=1.0) or $flt = [fm + 0.91(N-1)] / N **$
 flt

For special case of single-lane approach opposed by multilane approach, see text.

* If $Pl \geq 1$ for shared left-turn lanes with $N > 1$, then assume de-facto left-turn lane and redo calculations.

** For permitted left-turns with multiple exclusive left-turn lanes, $flt = fm$.

For special case of multilane approach opposed by single-lane approach or when $gf > gq$, see text.

SUPPLEMENTAL PERMITTED LT WORKSHEET
for shared lefts

APPROACH	EB	WB	NB	SB
Cycle Length, C 60.0 sec				
Actual Green Time for Lane Group, G				
Effective Green Time for Lane Group, g				
Opposing Effective Green Time, go				
Number of Lanes in Lane Group, N				
Number of Opposing Lanes, No				
Adjusted Left-Turn Flow Rate, Vlt				
Proportion of Left Turns in Lane Group, Plt				
Proportion of Left Turns in Opposing Flow, Plto				
Adjusted Opposing Flow Rate, Vo				
Lost Time for Lane Group, tl				
Left Turns per Cycle: LTC=VltC/3600				
Opposing Flow per Lane, Per Cycle: Volc=VoC/3600fluo				
Opposing Platoon Ratio, Rpo (Table 9-2 or Eqn 9-7)				
$gf = [Gexp(-a * (LTC ** b))] - tl$, $gf \leq g$				
Opposing Queue Ratio: $gro = 1 - Rpo(go/C)$				
$gq = (4.943Volc ** 0.762)(gro ** 1.061) - tl$, $gq \leq g$				
$gu = g - gq$ if $gq \geq gf$, $= g - gf$ if $gq < gf$				
$n = (gq - gf) / 2$, $n \geq 0$				
$Ptho = 1 - Plto$				
$Pl* = Plt[1 + ((N-1)g / (gf + gu / El1 + 4.24))]$				
El1 (Figure 9-7)				
$El2 = (1 - Ptho ** n) / Plto$, $El2 \geq 1.0$				
$fmin = 2(1 + Plt) / g$ or $fmin = 2(1 + Pl) / g$				
$gdifff = \max(gq - gf, 0)$				
$fm = [gf/g] + [gu/g][1 / (1 + Pl(El1 - 1))]$, (min=fmin;max=1.00)				
$flt = fm = [gf/g] + gdifff[1 / (1 + Plt(El2 - 1))]$				
$+ [gu/g][1 / (1 + Plt(El1 - 1))]$, (min=fmin;max=1.0) or $flt = [fm + 0.91(N-1)] / N **$				
flt Primary				

For special case of single-lane approach opposed by multilane approach, see text.

* If $Pl \geq 1$ for shared left-turn lanes with $N > 1$, then assume de-facto left-turn lane and redo calculations.

* For permitted left-turns with multiple exclusive left-turn lanes, $flt = fm$.

For special case of multilane approach opposed by single-lane approach or when $gf > gq$, see text.

SUPPLEMENTAL UNIFORM DELAY WORKSHEET

EBLT WBLT NBLT SBLT

Adj. LT Vol from Vol Adjustment Worksheet, v
v/c ratio from Capacity Worksheet, X
Primary phase effective green, g
Secondary phase effective green, gq
(From Supplemental Permitted LT Worksheet), gu
Cycle length, C 60.0 Red =(C-g-gq-gu), r
Arrivals: $v/(3600(\max(X,1.0)))$, qa
Primary ph. departures: $s/3600$, sp
Secondary ph. departures: $s(gq+gu)/(gu*3600)$, ss
XPerm
XProt
XCase
Queue at beginning of green arrow, Qa
Queue at beginning of unsaturated green, Qu
Residual queue, Qr
Uniform Delay, d1

DELAY/LOS WORKSHEET WITH INITIAL QUEUE

Appr/ Lane Group	Initial	Dur.	Uniform Delay		Initial	Final	Initial	Lane
	Unmet Demand Q veh	Unmet Demand t hrs.	Unadj. ds	Adj. d1 sec	Queue Param. u	Unmet Demand Q veh	Queue Delay d3 sec	Group Delay d sec

Eastbound

Westbound

Northbound

Southbound

Intersection Delay 16.0 sec/veh	Intersection LOS B
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HCS: Signals Release 3.1b

Inter: SR 80 and SR 31
Analyst: Shute
Date: 10/3/99
E/W St: SR 80

City/St: Fort Myers
Proj #: 99103
Period: AM 2005 with project
N/S St: SR 31

SIGNALIZED INTERSECTION SUMMARY

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	1	2	0	0	2	1	0	0	0	1	0	1
LGConfig	L	T		T	R					L		R
Volume	30	660		1405	175					151		119
Lane Width	12.0	12.0		12.0	12.0					12.0		12.0
RTOR Vol					45							30

Duration 0.25 Area Type: All other areas

Signal Operations

Phase Combination		1	2	3	4	5	6	7	8
EB	Left	P				NB	Left		
	Thru		P				Thru		
	Right						Right		
	Peds						Peds		
WB	Left					SB	Left	P	
	Thru		P				Thru		
	Right		P				Right	P	
	Peds						Peds		
NB	Right					EB	Right		
SB	Right					WB	Right		
Green		10.0	25.0				10.0		
Yellow		2.0	4.0				4.0		
All Red		0.0	1.0				1.0		
Cycle Length: 57.0		secs							

Intersection Performance Summary

Appr/ Lane Grp	Lane Group Capacity	Adj Sat Flow Rate (s)	Ratios		Lane Group		Approach	
			v/c	g/C	Delay	LOS	Delay	LOS
Eastbound								
	317	1805	0.10	0.175	20.4	C		
	1583	3610	0.46	0.439	12.2	B	12.6	B
Westbound								
	1583	3610	0.99	0.439	35.4	D	33.3	C
	708	1615	0.20	0.439	10.5	B		
Northbound								
Southbound								
	317	1805	0.53	0.175	27.6	C		
	283	1615	0.35	0.175	24.0	C	26.3	C
Intersection Delay = 26.9			(sec/veh)		Intersection LOS = C			

HCS: Signals Release 3.1b

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OPERATIONAL ANALYSIS

Intersection: SR 80 and SR 31
City/State: Fort Myers
Analyst: Shute
Project No: 99103
Time Period Analyzed: AM 2005 with project
Date: 10/3/99
East/West Street Name: SR 80
North/South Street Name: SR 31

VOLUME DATA

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
Volume	30	660			1405	175				151		119
PHF	0.90	0.90			0.90	0.90				0.90		0.90
PK 15 Vol	8	183			390	49				42		33
Hi Ln Vol												
% Grade		0			0					0		
Ideal Sat	1900	1900			1900	1900				1900		1900
ParkExist												
NumPark												
% Heavy Veh	0	0			0	0				0		0
No. Lanes	1	2	0	0	2	1	0	0	0	1	0	1
LGConfig	L	T			T	R				L		R
Lane Width	12.0	12.0			12.0	12.0				12.0		12.0
RTOR Vol						45						30
Adj Flow	33	733			1561	144				168		99
InSharedLn												
Prop Turns												
NumPeds						0			0			0
NumBus	0	0			0	0				0		0

Duration 0.25 Area Type: All other areas

OPERATING PARAMETERS

	Eastbound				Westbound				Northbound				Southbound		
	L	T	R		L	T	R		L	T	R		L	T	R
Init Unmet	0.0	0.0			0.0	0.0							0.0		0.0
Arriv. Type	3	3			3	3							3		3
Unit Ext.	3.0	3.0			3.0	3.0							3.0		3.0
I Factor		1.000			1.000									1.000	
Lost Time	2.0	2.0			2.0	2.0							2.0		2.0
Ext of g	2.0	2.0			2.0	2.0							2.0		2.0
Ped Min g		0.0			0.0									0.0	

PHASE DATA

Phase Combination		1	2	3	4	5	6	7	8
EB	Left		P			NB	Left		
	Thru			P			Thru		
	Right						Right		
	Peds						Peds		
WB	Left					SB	Left	P	
	Thru			P			Thru		
	Right			P			Right	P	
	Peds						Peds		
NB	Right					EB	Right		
SB	Right					WB	Right		
Green		10.0	25.0				10.0		
Yellow		2.0	4.0				4.0		
All Red		0.0	1.0				1.0		
Cycle Length:	57.0		secs						

VOLUME ADJUSTMENT WORKSHEET

Appr./ Movement	Mvt Volume	PHF	Flow Rate	No. Lanes	Lane Group	RTOR	Adjusted Flow Rate In Lane Grp	Prop. Left Turns	Prop. Right Turns
Eastbound									
Left	30	0.90	33	1	L		33		
Thru	660	0.90	733	2	T		733		
Right				0					
Westbound									
Left				0					
Thru	1405	0.90	1561	2	T		1561		
Right	175	0.90	144	1	R	45	144		
Northbound									
Left				0					
Thru				0					
Right				0					
Southbound									
Left	151	0.90	168	1	L		168		
Thru				0					
Right	119	0.90	99	1	R	30	99		

* Value entered by user.

SATURATION FLOW ADJUSTMENT WORKSHEET

Appr/ Lane Group	Ideal Sat Flow	f W	f HV	f G	f P	f BB	f A	f LU	f RT	f LT	Adj Sat Flow
Eastbound											
L	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	----	0.950	1805
T	1900	1.000	1.000	1.000	1.000	1.000	1.00	0.95	1.000	1.000	3610

Westbound											
										Sec LT Adj/LT Sat:	
L	1900	1.000	1.000	1.000	1.000	1.000	1.00*	0.95	1.000	1.000	3610
T	1900	1.000	1.000	1.000	1.000	1.000	1.00*	1.00	0.850	----	1615
Northbound											
										Sec LT Adj/LT Sat:	

Southbound											
										Sec LT Adj/LT Sat:	
L	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	----	0.950	1805
T	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	0.850	----	1615

Appr/ Mvmt	Lane Group	Adj Flow Rate (v)	Adj Sat Flow Rate (s)	Flow Ratio (v/s)	Green Ratio (g/C)	--Lane Group-- Capacity (c)	v/c Ratio
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Lost Time/Cycle, L = 12.00 sec	Sum (v/s) critical = 0.54
	Critical v/c(X) = 0.69

Lost Time/Cycle, L = 12.00 sec

LEVEL OF SERVICE WORKSHEET												
Appr/ Lane Grp	Ratios		Unf Del d1	Prog Adj Fact	Lane Grp Cap	Incremental		Res Del d3	Lane Group		Approach	
	v/c	g/C				Factor	Del d2		Delay	LOS	Delay	LOS
Eastbound												
L	0.10	0.175	19.7	1.000	317	0.50	0.7	0.0	20.4	C		
T	0.46	0.439	11.3	1.000	1583	0.50	1.0	0.0	12.2	B	12.6	B
Westbound												
T	0.99	0.439	15.8	1.000	1583	0.50	19.6	0.0	35.4	D	33.3	C
R	0.20	0.439	9.9	1.000	708	0.50	0.6	0.0	10.5	B		
Northbound												
Southbound												
L	0.53	0.175	21.4	1.000	317	0.50	6.2	0.0	27.6	C		
R	0.35	0.175	20.6	1.000	283	0.50	3.4	0.0	24.0	C	26.3	C
Intersection Delay = 26.9 (sec/veh) Intersection LOS = C												

SUPPLEMENTAL PERMITTED LT WORKSHEET
for exclusive lefts

APPROACH

EB WB NB SB

Cycle Length, C 57.0 sec
 Actual Green Time for Lane Group, G
 Effective Green Time for Lane Group, g
 Opposing Effective Green Time, go
 Number of Lanes in Lane Group, N
 Number of Opposing Lanes, No
 Adjusted Left-Turn Flow Rate, Vlt
 Proportion of Left Turns in Opposing Flow, Plto
 Adjusted Opposing Flow Rate, Vo
 Lost Time for Lane Group, tl
 Left Turns per Cycle: LTC=VltC/3600
 Opposing Flow per Lane, Per Cycle: Volc=VoC/3600
 Opposing Platoon Ratio, Rpo (Table 9-2 or Eqn 9-7)
 $gf = [G \exp(-a * (LTC ** b))] - tl$, $gf \leq g$
 Opposing Queue Ratio: $gro = 1 - Rpo(go/C)$
 $gq = (4.943 Volc ** 0.762)(gro ** 1.061) - tl$, $gq \leq g$
 $gu = g - gq$ if $gq \geq gf$, $= g - gf$ if $gq < gf$
 $n = (gq - gf) / 2$, $n \geq 0$
 $Ptho = 1 - Plto$
 $Pl = Plt[1 + ((N-1)g / (gf + gu / El1 + 4.24))]$
 El1 (Figure 9-7)
 $El2 = (1 - Ptho ** n) / Plto$, $El2 \geq 1.0$
 $fmin = 2(1 + Plt) / g$ or $fmin = 2(1 + Pl) / g$
 $gdiff = \max(gq - gf, 0)$
 $fm = [gf/g] + [gu/g][1 / (1 + Pl(El1 - 1))]$, (min=fmin; max=1.00)
 $flt = fm + [gf/g] + gdiff[1 / (1 + Plt(El2 - 1))]$
 $+ [gu/g][1 / (1 + Plt(El1 - 1))]$, (min=fmin; max=1.0) or $flt = [fm + 0.91(N-1)] / N **$
 flt

For special case of single-lane approach opposed by multilane approach, see text.

* If $Pl \geq 1$ for shared left-turn lanes with $N > 1$, then assume de-facto left-turn lane and redo calculations.

** For permitted left-turns with multiple exclusive left-turn lanes, $flt = fm$. For special case of multilane approach opposed by single-lane approach or when $gf > gq$, see text.

SUPPLEMENTAL PERMITTED LT WORKSHEET
for shared lefts

APPROACH	EB	WB	NB	SB
Cycle Length, C 57.0 sec				
Actual Green Time for Lane Group, G				
Effective Green Time for Lane Group, g				
Opposing Effective Green Time, go				
Number of Lanes in Lane Group, N				
Number of Opposing Lanes, No				
Adjusted Left-Turn Flow Rate, Vlt				
Proportion of Left Turns in Lane Group, Plt				
Proportion of Left Turns in Opposing Flow, Plto				
Adjusted Opposing Flow Rate, Vo				
Lost Time for Lane Group, tl				
Left Turns per Cycle: LTC=VltC/3600				
Opposing Flow per Lane, Per Cycle: Volc=VoC/3600fluo				
Opposing Platoon Ratio, Rpo (Table 9-2 or Eqn 9-7)				
$gf=[Gexp(-a * (LTC ** b))]-tl, gf \leq g$				
Opposing Queue Ratio: gro=1-Rpo(go/C)				
$gq=(4.943Volc**0.762)(gro**1.061)-tl, gq \leq g$				
$gu = g - gq$ if $gq \geq gf, = g - gf$ if $gq < gf$				
$n=(gq-gf)/2, n \geq 0$				
$Ptho=1-Plto$				
$Pl*=Plt[1+((N-1)g/(gf+gu/El1+4.24))]$				
El1 (Figure 9-7)				
$El2=(1-Ptho*n)/Plto, El2 \geq 1.0$				
$fmin=2(1+Plt)/g$ or $fmin=2(1+Pl)/g$				
$gdifff=max(gq-gf,0)$				
$fm=[gf/g]+[gu/g][1/(1+Pl(El1-1))], (min=fmin;max=1.00)$				
$flt=fm=[gf/g]+gdifff[1/(1+Plt(El2-1))]$				
$+ [gu/g][1/(1+Plt(El1-1))], (min=fmin;max=1.0)$ or $flt=[fm+0.91(N-1)]/N**$				
flt Primary				

For special case of single-lane approach opposed by multilane approach, see text.

* If $Pl \geq 1$ for shared left-turn lanes with $N > 1$, then assume de-facto left-turn lane and redo calculations.

* For permitted left-turns with multiple exclusive left-turn lanes, $flt=fm$.

For special case of multilane approach opposed by single-lane approach or when $gf > gq$, see text.

SUPPLEMENTAL UNIFORM DELAY WORKSHEET

EBLT WBLT NBLT SBLT

Adj. LT Vol from Vol Adjustment Worksheet, v
v/c ratio from Capacity Worksheet, X
Primary phase effective green, g
Secondary phase effective green, gg
(From Supplemental Permitted LT Worksheet), gu
Cycle length, C 57.0 Red =(C-g-gg-gu), r
Arrivals: $v/(3600(\max(X,1.0)))$, qa
Primary ph. departures: s/3600, sp
Secondary ph. departures: $s(gg+gu)/(gu*3600)$, ss
XPerm
XProt
XCase
Queue at beginning of green arrow, Qa
Queue at beginning of unsaturated green, Qu
Residual queue, Qr
Uniform Delay, d1

DELAY/LOS WORKSHEET WITH INITIAL QUEUE

Appr/ Lane Group	Initial	Dur.	Uniform Delay		Initial	Final	Initial	Lane
	Unmet Demand Q veh	Unmet Demand t hrs.	Unadj. ds	Adj. d1 sec	Queue Param. u	Unmet Demand Q veh	Queue Delay d3 sec	Group Delay d sec

Eastbound

Westbound

Northbound

Southbound

Intersection Delay	26.9	sec/veh	Intersection LOS	C
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HCS: Signals Release 3.1b

Inter: SR 80 and SR 31
Analyst: Shute
Date: 10/3/99
E/W St: SR 80

City/St: Fort Myers
Proj #: 99103
Period: pM 2005 with project
N/S St: SR 31

SIGNALIZED INTERSECTION SUMMARY

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	1	2	0	0	2	1	0	0	0	1	0	1
LGConfig	L	T			T	R				L		R
Volume	100	1610		988	133					259		100
Lane Width	12.0	12.0		12.0	12.0					12.0		12.0
RTOR Vol					45							30

Duration 0.25 Area Type: All other areas

Signal Operations

Phase Combination		1	2	3	4	5	6	7	8
EB	Left	P							
	Thru		P						
	Right								
	Peds								
WB	Left								
	Thru		P						
	Right		P						
	Peds								
NB	Right								
SB	Right								
Green		10.0	25.0			10.0			
Yellow		2.0	4.0			4.0			
All Red		0.0	1.0			1.0			
Cycle Length: 57.0		secs							

Intersection Performance Summary

Intersection Performance Summary								
Appr/ Lane Grp	Lane Group Capacity	Adj Sat Flow Rate (s)	Ratios		Lane Group		Approach	
			v/c	g/C	Delay	LOS	Delay	LOS
Eastbound								
L	317	1805	0.35	0.175	23.7	C		
R	1583	3610	1.13	0.439	83.2	F	79.7	E
Westbound								
L	1583	3610	0.69	0.439	15.4	B	15.0	B
R	708	1615	0.14	0.439	10.0-	A		
Northbound								
Southbound								
L	317	1805	0.91	0.175	54.9	D		
R	283	1615	0.28	0.175	22.8	C	48.0	D
Intersection Delay = 54.7			(sec/veh)		Intersection LOS = D			

HCS: Signals Release 3.1b

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OPERATIONAL ANALYSIS

Intersection: SR 80 and SR 31
City/State: Fort Myers
Analyst: Shute
Project No: 99103
Time Period Analyzed: pM 2005 with project
Date: 10/3/99
East/West Street Name: SR 80
North/South Street Name: SR 31

VOLUME DATA

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
Volume	100	1610		988	133					259		100
PHF	0.90	0.90		0.90	0.90					0.90		0.90
PK 15 Vol	28	447		274	37					72		28
Hi Ln Vol												
% Grade		0		0							0	
Ideal Sat	1900	1900		1900	1900					1900		1900
ParkExist												
NumPark												
% Heavy Veh	0	0		0	0					0		0
No. Lanes	1	2	0	0	2	1	0	0	0	1	0	1
LGConfig	L	T		T	R					L		R
Lane Width	12.0	12.0		12.0	12.0					12.0		12.0
RTOR Vol					45							
Adj Flow	111	1789		1098	98							
InSharedLn										288		78
Prop Turns												
NumPeds					0				0			0
NumBus	0	0		0	0					0		0

Duration 0.25 Area Type: All other areas

OPERATING PARAMETERS

	Eastbound				Westbound				Northbound				Southbound		
	L	T	R		L	T	R		L	T	R		L	T	R
Init Unmet	0.0	0.0			0.0	0.0							0.0		0.0
Arriv. Type	3	3			3	3							3		3
Unit Ext.	3.0	3.0			3.0	3.0							3.0		3.0
I Factor		1.000			1.000								1.000		
Lost Time	2.0	2.0			2.0	2.0							2.0		2.0
Ext of g	2.0	2.0			2.0	2.0							2.0		2.0
Ped Min g		0.0			0.0								0.0		

PHASE DATA

Phase Combination		1	2	3	4	5	6	7	8
EB	Left		P			NB	Left		
	Thru			P			Thru		
	Right						Right		
	Peds						Peds		
WB	Left					SB	Left	P	
	Thru			P			Thru		
	Right			P			Right	P	
	Peds						Peds		
NB	Right					EB	Right		
SB	Right					WB	Right		
Green		10.0	25.0				10.0		
Yellow		2.0	4.0				4.0		
All Red		0.0	1.0				1.0		
Cycle Length:		57.0	secs						

VOLUME ADJUSTMENT WORKSHEET

Appr./ Movement	Mvt Volume	PHF	Flow Rate	No. Lanes	Lane Group	RTOR	Adjusted Flow Rate In Lane Grp	Prop. Left Turns	Prop. Right Turns
Eastbound									
Left	100	0.90	111	1	L		111		
Thru	1610	0.90	1789	2	T		1789		
Right				0					
Westbound									
Left				0					
Thru	988	0.90	1098	2	T		1098		
Right	133	0.90	98	1	R	45	98		
Northbound									
Left				0					
Thru				0					
Right				0					
Southbound									
Left	259	0.90	288	1	L		288		
Thru				0					
Right	100	0.90	78	1	R	30	78		

* Value entered by user.

SATURATION FLOW ADJUSTMENT WORKSHEET

Appr/ Lane Group	Ideal Sat Flow	f W	f HV	f G	f P	f BB	f A	f LU	f RT	f LT	Adj Sat Flow
Eastbound											
								Sec LT Adj/LT Sat:			
1	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	----	0.950	1805
2	1900	1.000	1.000	1.000	1.000	1.000	1.00	0.95	1.000	1.000	3610

Westbound											
								Sec LT Adj/LT Sat:			
1	1900	1.000	1.000	1.000	1.000	1.000	1.00*	0.95	1.000	1.000	3610
2	1900	1.000	1.000	1.000	1.000	1.000	1.00*	1.00	0.850	----	1615
Northbound											
								Sec LT Adj/LT Sat:			

Southbound											
								Sec LT Adj/LT Sat:			
1	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	----	0.950	1805
2	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	0.850	----	1615

CAPACITY ANALYSIS WORKSHEET

Appr/ Mvmt	Lane Group	Adj Flow Rate (v)	Adj Sat Flow Rate (s)	Flow Ratio (v/s)	Green Ratio (g/C)	--Lane Group-- Capacity (c)	v/c Ratio
Eastbound							
Pri.							
Sec.							
Left	L	111	1805	# 0.06	0.175	317	0.35
Thru	T	1789	3610	# 0.50	0.439	1583	1.13
Right							
Westbound							
Pri.							
Sec.							
Left							
Thru	T	1098	3610	0.30	0.439	1583	0.69
Right	R	98	1615	0.06	0.439	708	0.14
Northbound							
Pri.							
Sec.							
Left							
Thru							
Right							
Southbound							
Pri.							
Sec.							
Left	L	288	1805	# 0.16	0.175	317	0.91
Thru							
Right	R	78	1615	0.05	0.175	283	0.28
Lost Time/Cycle, L = 12.00 sec				Sum (v/s) critical = 0.72			
				Critical v/c(X) = 0.91			

Appr/ Lane Grp	Ratios		Unf Del d1	Prog Adj Fact	Lane Grp Cap	Incremental Factor k	Del d2	Res Del d3	Lane Group		Approach	
	v/c	g/c							Delay	LOS	Delay	LOS
Eastbound												
L	0.35	0.175	20.6	1.000	317	0.50	3.0	0.0	23.7	C		
T	1.13	0.439	16.0	1.000	1583	0.50	67.2	0.0	83.2	F	79.7	E
Westbound												
T	0.69	0.439	12.9	1.000	1583	0.50	2.5	0.0	15.4	B	15.0	B
R	0.14	0.439	9.6	1.000	708	0.50	0.4	0.0	10.0-	A		
Northbound												
Southbound												
L	0.91	0.175	23.1	1.000	317	0.50	31.8	0.0	54.9	D		
R	0.28	0.175	20.4	1.000	283	0.50	2.4	0.0	22.8	C	48.0	D
Intersection Delay = 54.7 (sec/veh)						Intersection LOS = D						

SUPPLEMENTAL PERMITTED LT WORKSHEET
for exclusive lefts

APPROACH

EB WB NB SB

Cycle Length, C 57.0 sec
 Actual Green Time for Lane Group, G
 Effective Green Time for Lane Group, g
 Opposing Effective Green Time, go
 Number of Lanes in Lane Group, N
 Number of Opposing Lanes, No
 Adjusted Left-Turn Flow Rate, Vlt
 Proportion of Left Turns in Opposing Flow, Plto
 Adjusted Opposing Flow Rate, Vo
 Lost Time for Lane Group, tl
 Left Turns per Cycle: $LTC = VltC/3600$
 Opposing Flow per Lane, Per Cycle: $Volc = VoC/3600$
 Opposing Platoon Ratio, Rpo (Table 9-2 or Eqn 9-7)
 $gf = [Gexp(-a * (LTC ** b))] - tl$, $gf \leq g$
 Opposing Queue Ratio: $gro = 1 - Rpo(go/C)$
 $gq = (4.943Volc ** 0.762)(gro ** 1.061) - tl$, $gq \leq g$
 $gu = g - gq$ if $gq \geq gf$, $= g - gf$ if $gq < gf$
 $n = (gq - gf)/2$, $n \geq 0$
 $Ptho = 1 - Plto$
 $Pl = Plt[1 + ((N-1)g/(gf+gu/El1+4.24))]$
 El1 (Figure 9-7)
 $El2 = (1 - Ptho ** n)/Plto$, $El2 \geq 1.0$
 $fmin = 2(1 + Plt)/g$ or $fmin = 2(1 + Pl)/g$
 $gdifff = \max(gq - gf, 0)$
 $fm = [gf/g] + [gu/g][1/(1 + Pl(El1 - 1))]$, (min=fmin;max=1.00)
 $flt = fm = [gf/g] + gdifff[1/(1 + Plt(El2 - 1))]$
 $+ [gu/g][1/(1 + Plt(El1 - 1))]$, (min=fmin;max=1.0) or $flt = [fm + 0.91(N-1)]/N **$
 flt

For special case of single-lane approach opposed by multilane approach, see text.

* If $Pl \geq 1$ for shared left-turn lanes with $N > 1$, then assume de-facto left-turn lane and redo calculations.

* For permitted left-turns with multiple exclusive left-turn lanes, $flt = fm$.
 For special case of multilane approach opposed by single-lane approach or when $gf > gq$, see text.

SUPPLEMENTAL PERMITTED LT WORKSHEET
for shared lefts

APPROACH

EB WB NB SB

Cycle Length, C 57.0 sec
 Actual Green Time for Lane Group, G
 Effective Green Time for Lane Group, g
 Opposing Effective Green Time, go
 Number of Lanes in Lane Group, N
 Number of Opposing Lanes, No
 Adjusted Left-Turn Flow Rate, Vlt
 Proportion of Left Turns in Lane Group, Plt
 Proportion of Left Turns in Opposing Flow, Plto
 Adjusted Opposing Flow Rate, Vo
 Lost Time for Lane Group, tl
 Left Turns per Cycle: LTC=VltC/3600
 Opposing Flow per Lane, Per Cycle: Volc=VoC/3600
 Opposing Platoon Ratio, Rpo (Table 9-2 or Eqn 9-7)
 $gf = [Gexp(-a * (LTC ** b))] - tl$, $gf \leq g$
 Opposing Queue Ratio: $gro = 1 - Rpo(go/C)$
 $gq = (4.943Volc ** 0.762)(gro ** 1.061) - tl$, $gq \leq g$
 $gu = g - gq$ if $gq \geq gf$, $= g - gf$ if $gq < gf$
 $n = (gq - gf) / 2$, $n \geq 0$
 $Ptho = 1 - Plto$
 $Pl = Plt [1 + ((N-1)g / (gf + gu / El1 + 4.24))]$
 El1 (Figure 9-7)
 $El2 = (1 - Ptho ** n) / Plto$, $El2 \geq 1.0$
 $fmin = 2(1 + Plt) / g$ or $fmin = 2(1 + Pl) / g$
 $gdif = \max(gq - gf, 0)$
 $fm = [gf/g] + [gu/g][1 / (1 + Pl(El1 - 1))]$, (min=fmin; max=1.00)
 $flt = fm = [gf/g] + gdif[1 / (1 + Plt(El2 - 1))]$
 $[gu/g][1 / (1 + Plt(El1 - 1))]$, (min=fmin; max=1.0) or $flt = [fm + 0.91(N-1)] / N$
 flt Primary

For special case of single-lane approach opposed by multilane approach, see text.

If $Pl \geq 1$ for shared left-turn lanes with $N > 1$, then assume de-facto left-turn lane and redo calculations.

* For permitted left-turns with multiple exclusive left-turn lanes, $flt = fm$.
 For special case of multilane approach opposed by single-lane approach or when $gf > gq$, see text.

SUPPLEMENTAL UNIFORM DELAY WORKSHEET

EBLT WBLT NBLT SBLT

Adj. LT Vol from Vol Adjustment Worksheet, v
v/c ratio from Capacity Worksheet, X
Primary phase effective green, g
Secondary phase effective green, gg
(From Supplemental Permitted LT Worksheet), gu
Cycle length, C 57.0 Red =(C-g-gg-gu), r
Arrivals: $v/(3600(\max(X,1.0)))$, qa
Primary ph. departures: $s/3600$, sp
Secondary ph. departures: $s(gg+gu)/(gu*3600)$, ss
XPerm
XProt
XCase
Queue at beginning of green arrow, Qa
Queue at beginning of unsaturated green, Qu
Residual queue, Qr
Uniform Delay, d1

DELAY/LOS WORKSHEET WITH INITIAL QUEUE

Appr/ Lane Group	Initial Unmet Demand Q veh	Dur. Unmet Demand t hrs.	Uniform Delay Unadj. Adj. ds d1 sec	Initial Queue Param. u	Final Unmet Demand Q veh	Initial Queue Delay d3 sec	Lane Group Delay d sec
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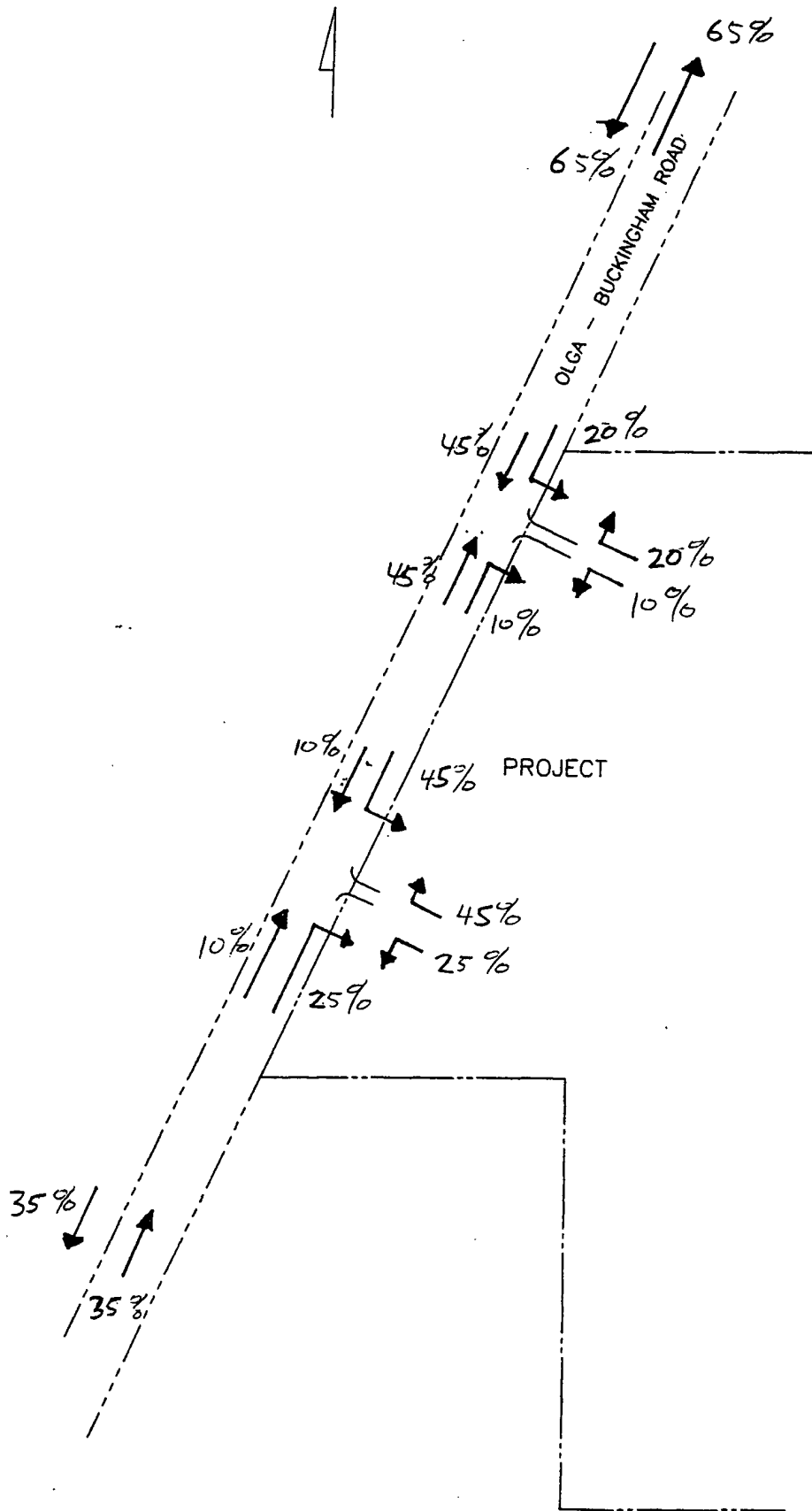
Eastbound

Westbound

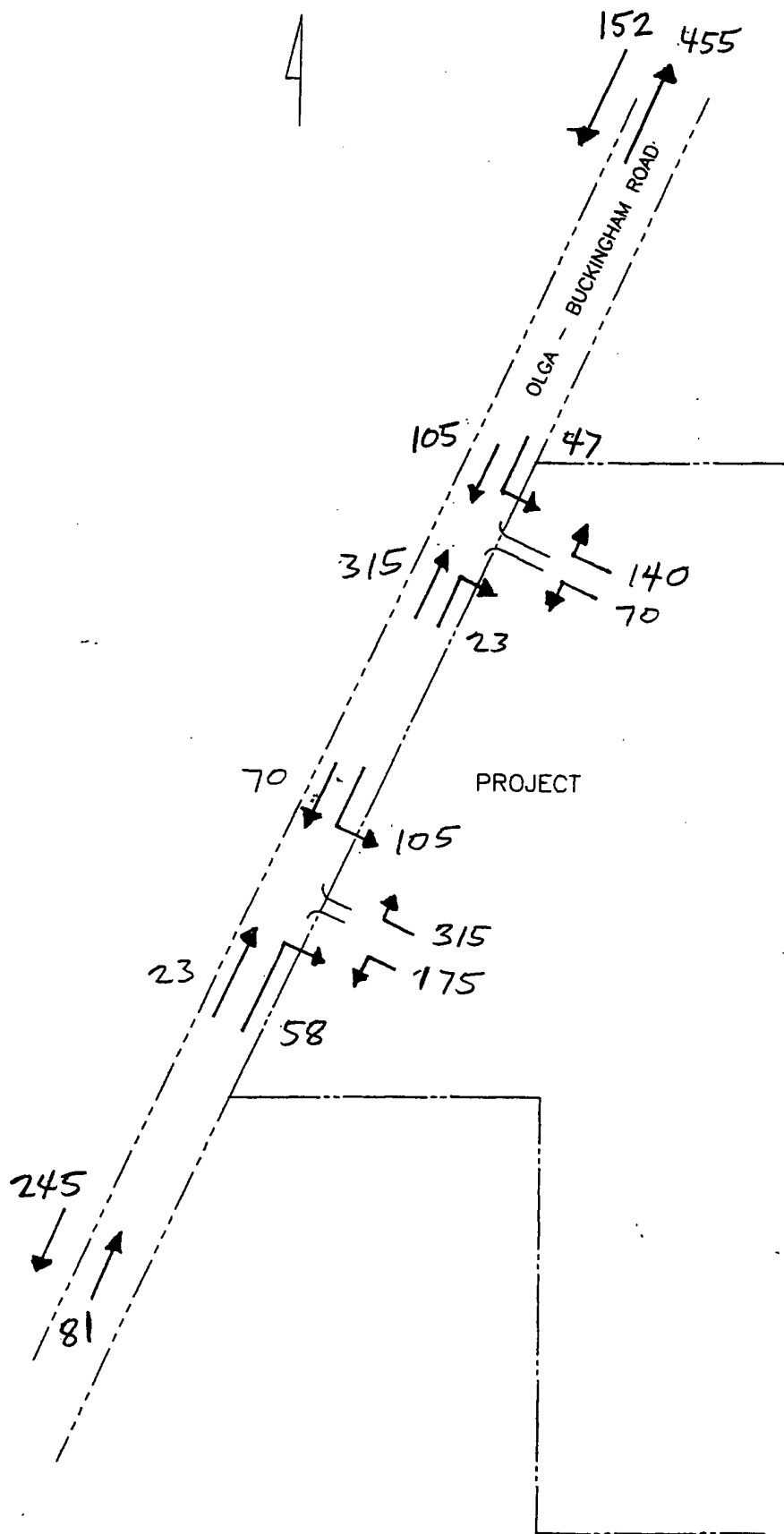
Northbound

Southbound

Intersection Delay 54.7 sec/veh	Intersection LOS D
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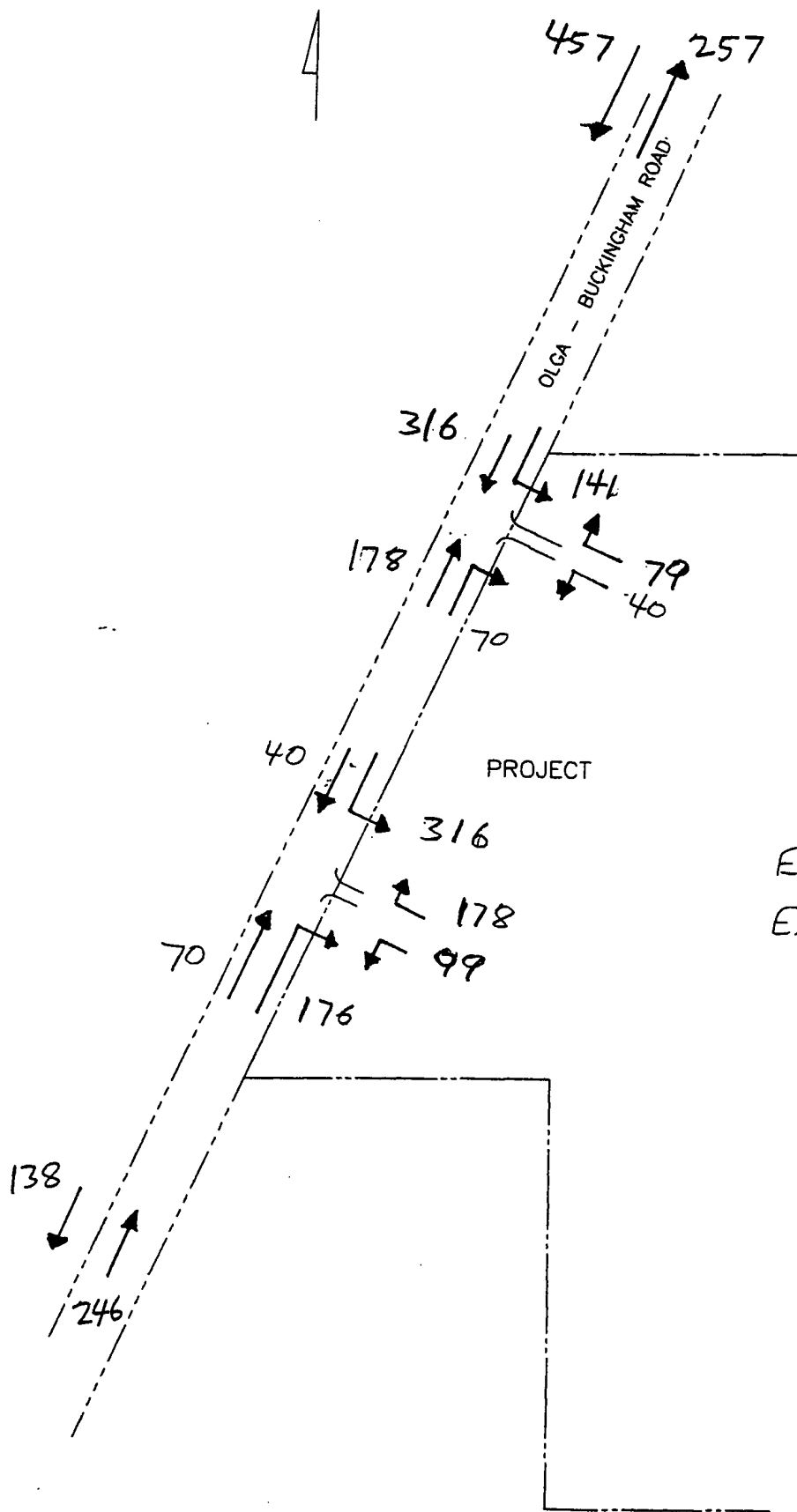


SITE TRIP DISTRIBUTION DIAGRAM



Entering = 233
 Exiting = 700

SITE TRIP DISTRIBUTION DIAGRAM AM Peak Hour

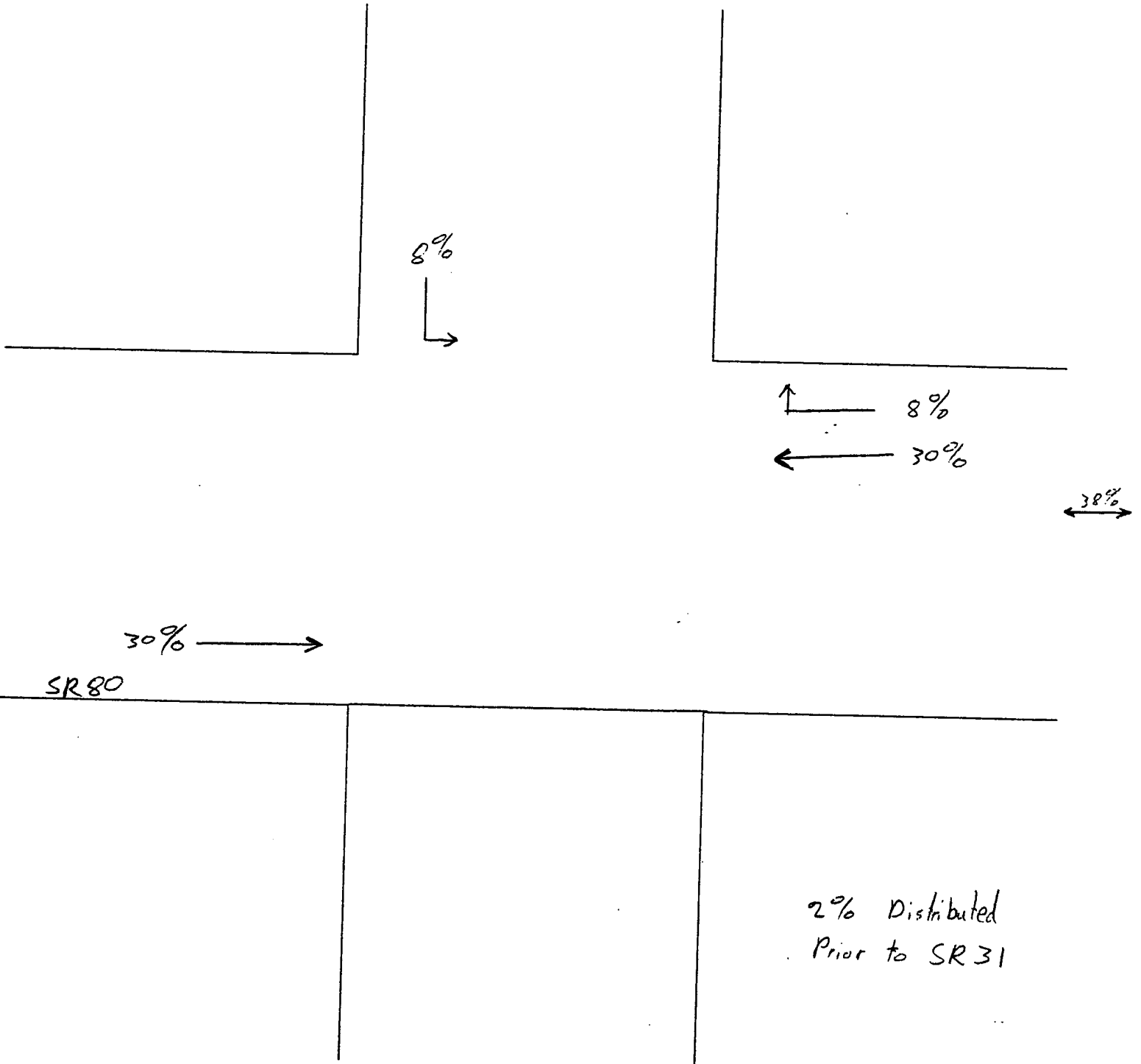


Entering = 703

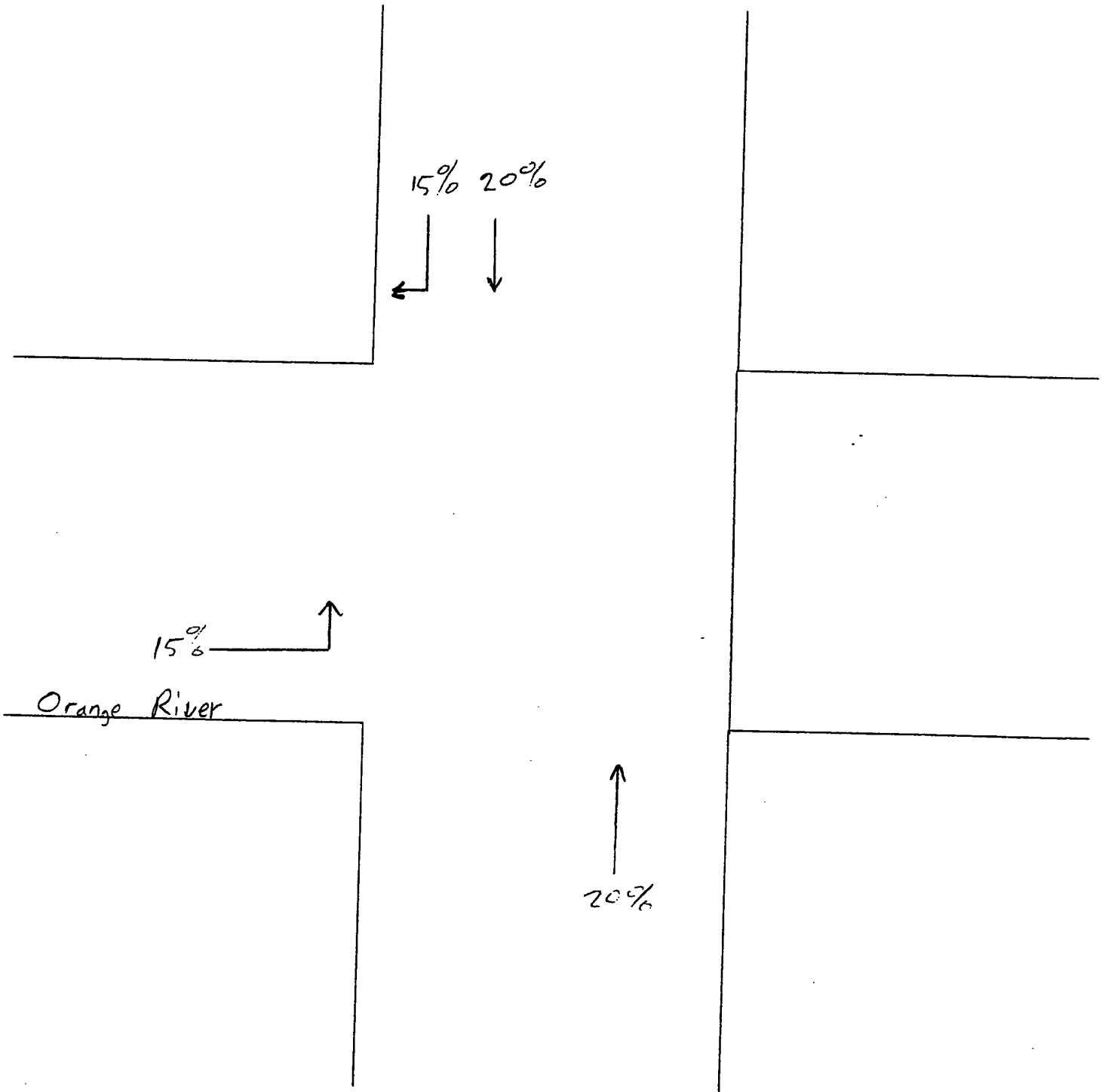
Exiting = 395

SITE TRIP DISTRIBUTION DIAGRAM PM Peak Hour

● ○ Trip Distribution
SR 80 + SR 31

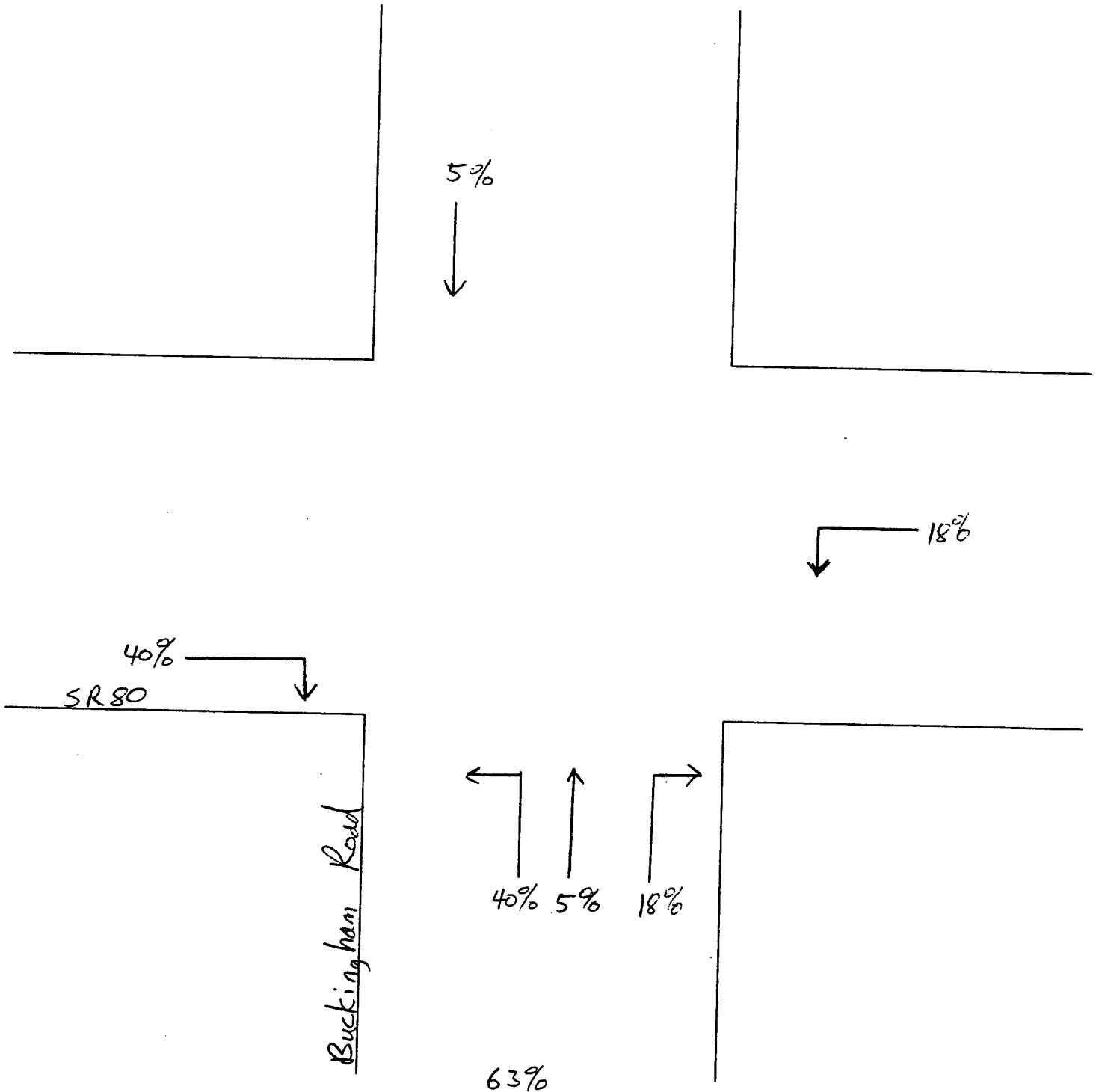


Trip Distribution
Orange River and
Buckingham



Trip Distribution
SR 80 + Buckingham Road

4



Single-Family Detached Housing (210)

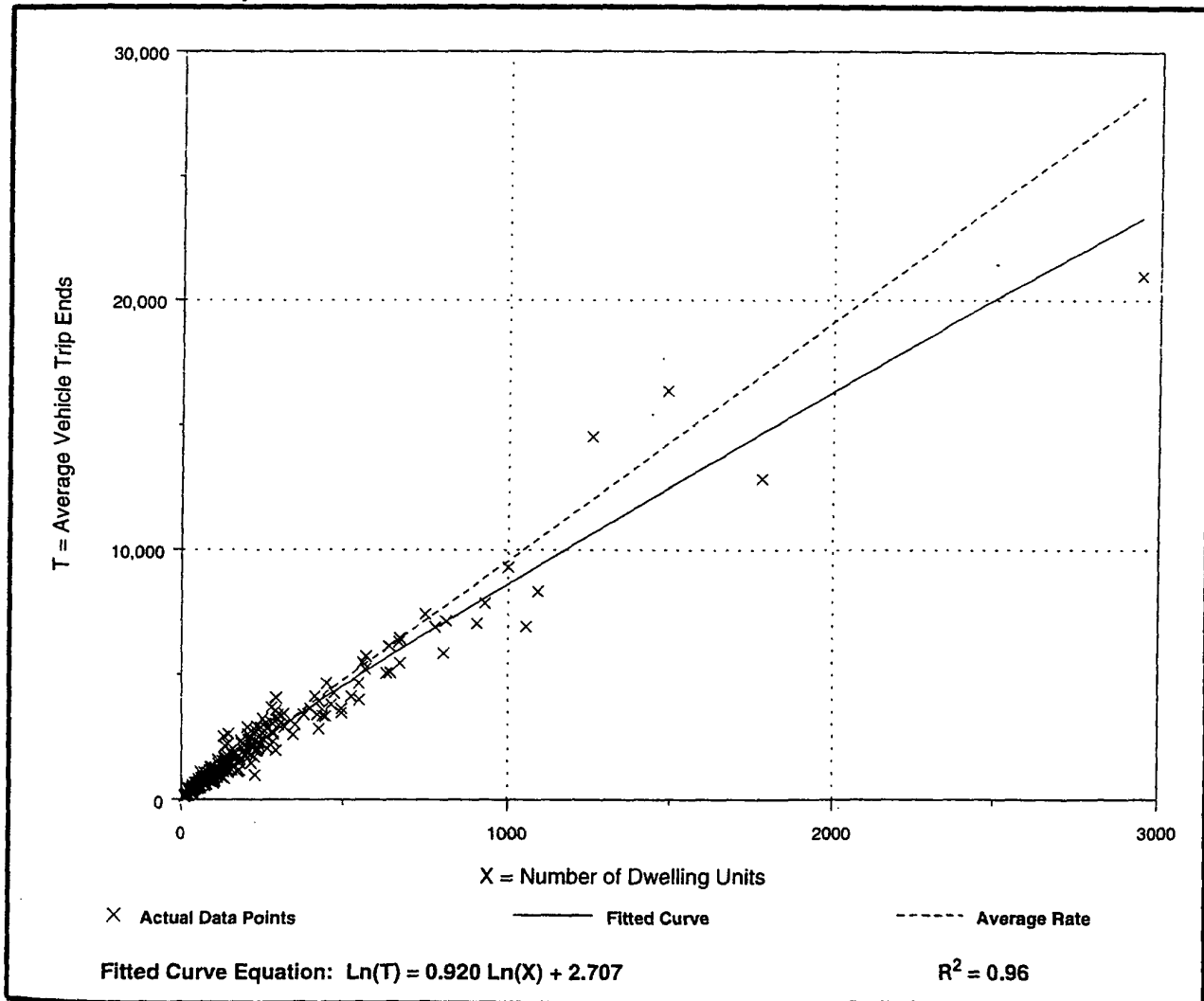
Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Number of Studies: 348
Avg. Number of Dwelling Units: 198
Directional Distribution: 50% entering, 50% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
9.57	4.31 - 21.85	3.69

Data Plot and Equation



Single-Family Detached Housing (210)

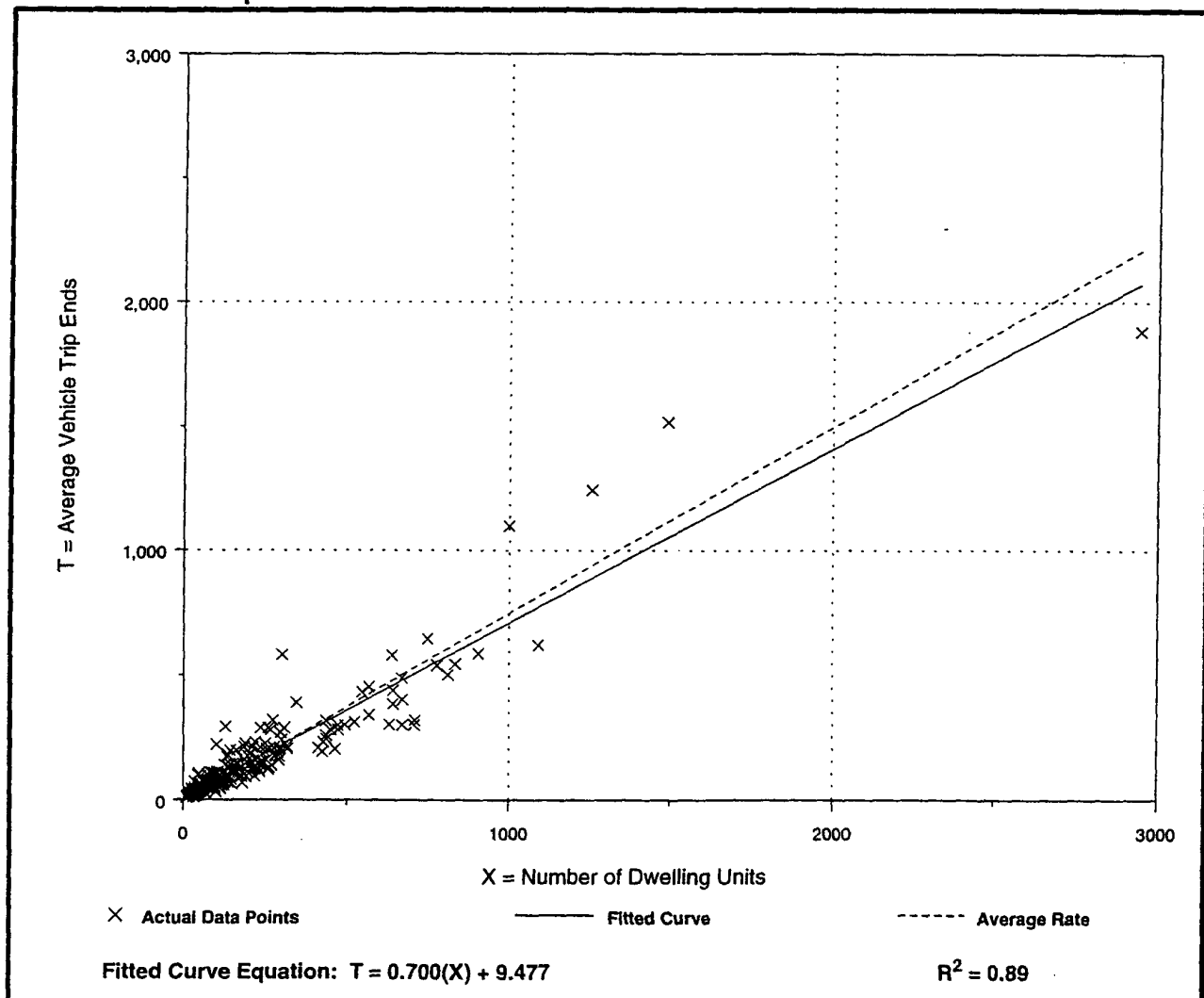
Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

Number of Studies: 271
 Avg. Number of Dwelling Units: 202
 Directional Distribution: 25% entering, 75% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.75	0.33 - 2.27	0.90

Data Plot and Equation



Single-Family Detached Housing (210)

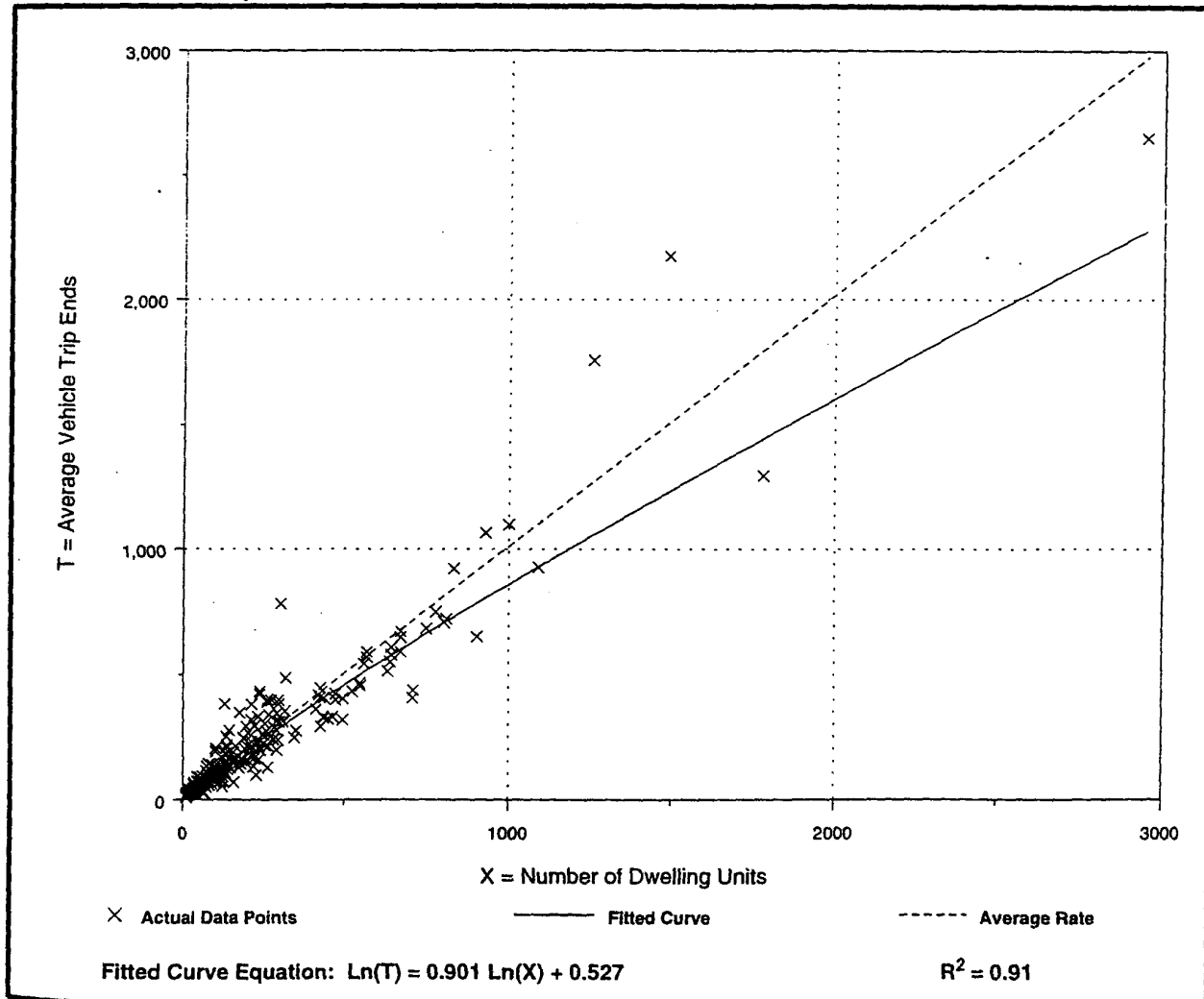
Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Number of Studies: 294
 Avg. Number of Dwelling Units: 216
 Directional Distribution: 64% entering, 36% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
1.01	0.42 - 2.98	1.05

Data Plot and Equation



BUCKINGHAM 345
NARRATIVE
LEE PLAN COMPLIANCE AND
LAND DEVELOPMENT CODE COMPLIANCE

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PERMIT COUNTER

This application is a request for approval of a Residential Planned Development District (RPD) for a single family community consisting of 690 units with accessory uses on 345 acres along Buckingham Road in the Caloosahatchee Shores Community Plan area. The Caloosahatchee Shores Community Plan was approved on October 23, 2003 by the Board of County Commissioners.

The subject property is designated Outlying Suburban by the Lee Plan. The Outlying Suburban land use designation for the portion of Caloosahatchee Shores Community Plan area in which the subject property is located permits a density of 2 dwelling units per acre and therefore supports 690 units on the subject property.

A 325-acre portion of the subject property was previously approved for a community of 650 units by the Board of County Commissioners pursuant to Resolution No. Z-00-029 dated December 4, 2000. This application adds a contiguous 20-acre parcel to the community and requests a density of 690 units for the community, consisting of the 650 units which were previously approved and an additional 40 units based upon the 20-acre addition to the community. The 690 units will consist of conventional single family lots and zero lot line single family units.

The Lee Plan describes the Outlying Suburban land use designation as follows:

“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 density than other Future Urban Areas. As in the Suburban areas, commercial development greater than neighborhood centers, industrial land uses are not permitted.”
Policy 1.1.6

As noted above, the Outlying Suburban land use designation permits 2 dwelling units per acre for the portion of the Caloosahatchee Shores Community Plan area in which the subject property is located. The Lee Plan Glossary II-2 provides that the densities specified in this Plan area are gross residential density. For the purposes of calculating gross residential density, the total acreage of a development includes those lands to be used for residential uses, and includes 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 water bodies contained within the residential development.

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1

The community will include a 5-1/2 acre recreational tract which will include a clubhouse facility. The recreation tract is buffered by the transportation system on two sides and a wetland preserve system on the other two sides, resulting in the recreation tract abutting only two of the single family lots.

This application is requesting an opportunity to provide for a limited accessory commercial uses of no more than 7,500 square feet which will be incorporated into the clubhouse facility. Such limited accessory commercial uses could include: food and beverage service and consumption on the premises for residents only; convenience, food and beverage items; personal services such as salon or barber shop; banking services; and a daycare center. These support uses are located internally in the community and are uses of necessity for the residents of the community. Therefore, permitting these support uses would result in capturing trips that would otherwise add traffic to the Lee County public transportation system.

Consistent with Policy 13.4.2, bicycle and pedestrian facilities will be provided throughout the development.

The Master Concept Plan provides for a neighborhood school site. The owner has met with representatives of the Lee County School District who look very favorably upon this as an appropriate location for a future neighborhood school. Of course, the details of such a school are not ready to be finalized. The development site would be placed in the District's future capital element. The details could likely be handled by providing in the zoning decision that at the time the School District is ready for design it could be accomplished by an Administrative Amendment to the RPD by the District.

The purpose of the Caloosahatchee Shores community element to the Lee Plan as set forth in Goal 13 is:

“To protect the existing character, natural resources and quality of life in Caloosahatchee Shores, while promoting new developments, redevelopment and maintaining a more rural identity for the neighborhoods east of I-75 by establishing minimum aesthetic requirements, planning the location and intensity of future commercial and residential uses, and providing incentives for redevelopment, mixed use development and pedestrian safe environments.”

The infrastructure is planned to be in place at the time of the development of this community with regard to the adopted leveled service and transportation, water and sewer and other areas of concurrency. The Board of County Commissioners has already found that the previously approved request for 650 units on 325 acres was consistent with the Lee Plan and met all of the locations standards and performance standards of the Land Development Code. This Master Concept Plan has been designed to implement and enhance the goals and objectives of the Caloosahatchee Shore set forth in Goal 13.

Section 34-145 sets forth the considerations for rezoning to include the following:

1. consistency with the goals objective policies and intent of the Lee Plan;

2. whether the request meets or exceeds all performance in locational standards;
3. whether the request will protect and conserve environmental critical areas and natural resources;
4. whether the request will be compatible with existing or planned uses;
5. will the request cause damage, hazard, nuisance or other detriment to persons or property;
6. compliance with all general zoning provisions and supplemental regulations pertaining to the use.

We respectfully submit that, with regard to the performance in locational standards, the protection and conservation of environmentally critically areas and natural resources and compatibility with planned uses, a determination of compliance was previously made by the Board of County Commissioners when it approved a community of 650units on 325 acres of the subject property pursuant to Resolution No. Z-00-029 dated December 4, 2000.

The changes being proposed in this application implement and are compatible with the Outlying Suburban category within the Caloosahatchee Shores element. This is a residential community which will be compatible with its neighbors and consistent with the Lee Plan and in compliance with all the general zoning provisions and supplemental regulations.

PROPERTY DESCRIPTION

THAT PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, LYING EAST OF FORT MYERS BUCKINGHAM HIGHWAY THROUGH SAID SECTION; ALSO THAT PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER (OF SECTION 33) LYING EAST OF FORT MYERS BUCKINGHAM HIGHWAY THROUGH SAID LAND; ALSO, THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER SECTION 33) AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (OF SECTION 33) AND THE SOUTH HALF OF THE SOUTH HALF OF SECTION 33; ALL OF SAID LAND BEING IN TOWNSHIP 43 SOUTH, RANGE 26 EAST LEE COUNTY, FLORIDA; ALSO THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER LYING EASTERLY OF FORT MYERS BUCKINGHAM HIGHWAY IN SECTION 32, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA LESS AND EXCEPT PARCEL AS DESCRIBED IN OFFICIAL RECORD BOOK 1616, PAGE 2070, BUT INCLUDING THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER; AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LYING EAST OF BUCKINGHAM ROAD.

TOGETHER WITH

THE SOUTH HALF OF THE NORTHWEST QUARTER; AND THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER; AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; AND THE SOUTH HALF OF THE SOUTH HALF OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA.

LESS AND EXCEPT

THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER AND THE WEST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33.

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ALSO BEING DESCRIBED AS:

PERMIT COUNTER

A PORTION OF SECTIONS 32 AND 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.89°06'45"W., ALONG THE SOUTH LINE OF SOUTHEAST QUARTER OF 2AID SECTION 33, FOR A DISTANCE OF 2647.58 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 33; THENCE RUN S.89°06'35"W., ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 2647.40 FEET, TO THE SOUTHWEST CORNER OF SAID SECTION 33; THENCE RUN N.00°56'26"W., ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1329.87 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S.89°35'38"W., ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 43 SOUTH, RANGE 26 EAST, FOR A DISTANCE OF 978.47 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF BUCKINGHAM ROAD, A 60 FOOT RIGHT-OF-WAY; THENCE RUN N. 24°23'58"E., ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF BUCKINGHAM ROAD, FOR A DISTANCE OF 2286.09 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S.00°56'26"E., ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 80.68 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N.89°04'22"E., ALONG THE NORTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1498.70 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N.00°46'36"W., ALONG THE WEST LINE OF THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 662.58 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, THENCE RUN N.89°09'14"E., ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1167.13 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, THENCE RUN S.00°38'54"E., ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1321.87 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S.88°59'29"W., ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1330.50 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S.00°47'40"E., ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1331.24 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N.89°03'02"E., ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1327.10 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N.89°03'03"E., ALONG THE NORTH LINE

DCI 2004-00090



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OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1322.10 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE RUN N.00°43'16"W., ALONG THE WEST LINE OF TH NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1333.99 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE RUN N.88°59'29"E., ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1320.42 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 33; THENCE RUN S.00°47'37"E., ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 2670.83 FEET TO THE POINT OF BEGINNING; CONTAINING 324.657 ACRES, MORE OR LESS.

AND

THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LYING AND BEING IN LEE COUNTY, FLORIDA. CONTAINING 20.225 ACRES, MORE OR LESS.

TKW CONSULTING ENGINEERS, INC.

SIGNED:

ERIC V. SANDOVAL P.S.M

DATE:

11-16-04

STATE OF FLORIDA # 5223

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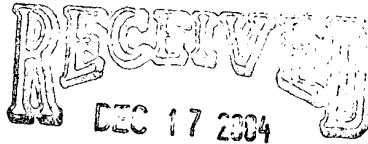
RECORD AND RETURN TO:

CAROL D. HOLLER, CLAS
ANDERSON, SMITH, SCHUSTER & RUSSELL, P.A.
POST OFFICE BOX 1900
FORT LAUDERDALE, FLORIDA 33302

INSTR # 6173811
DR BK 04219 Pgs 1967 - 1969; (3pgs)
RECORDED 03/08/2004 02:09:09 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 15.00
DEED DOC 102,267.20
DEPUTY CLERK L Ambrosio

This instrument prepared by or under the supervision of
(and after recording should be returned to):

Name: Carlos M. Rodriguez, Esq.
Address: Greenberg Traurig, P.A.
1221 Brickell Avenue
Miami, Florida 33131



(Space Reserved for Clerk of Court)

Parcel ID No. 32-43-26-00-00003-0000
33-43-26-00-00004-0000

RECEIVED

SPECIAL WARRANTY DEED

THIS DEED, made as of the 3rd day of March, 2004, by BUCKINGHAM DEVELOPMENT, L.L.C., a Florida limited liability company, ("Grantor"), whose post office address is 8045 N.W. 155th Street, Miami Lakes, Florida 33016, to LEE COUNTY HOMES ASSOCIATES I, LLLP, a Florida limited liability limited partnership whose mailing address is 1401 University Drive, Suite 200, Coral Springs, Florida 33071, ("Grantee"). Wherever used herein, the terms "Grantor" and "Grantee" shall include all of the parties to this instrument and their successor and assigns.

WITNESSETH:

That Grantor, for and in consideration of the sum of Ten And No/100 Dollars (\$10.00) and other valuable consideration to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the Grantee, and Grantee's successors and assigns forever, the following described land, situate, lying and being in Lee County, Florida, to wit:

That Part of SE 1/4 of NE 1/4 of Section 32, Lying East of Fort Myers Buckingham Highway through said Section; Also that part of S 1/2 of NW 1/4 of Section 33, lying East of Fort Myers Buckingham Highway through said land; Also, the NW 1/4 of SW 1/4 of Section 33; and NE 1/4 of SE 1/4 of Section 33; and S 1/2 of S 1/2 of Section 33; all of said land being in Township 43 South, Range 26 East, Lee County, Florida; also that part of NE 1/4 of SE 1/4 lying Easterly of Fort Myers Buckingham Highway in Section 32, Township 43 South, Range 26 East, Lee County, Florida, LESS AND EXCEPT parcel as described in Official Record Book 1616, Page 2070, but including the East 1/2 of the West 1/2 of the Northwest 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 33, Township 43 South, Range 26 East, Lee County, Florida.

More particularly described as follows:

The SE 1/4 of the NE 1/4; and the NE 1/4 of the SE 1/4 of Section 32, Township 43 South, Range 26 East, lying East of Buckingham Road. Together with the South 1/2 of the Northwest 1/4; and the NW 1/4 of the SW 1/4; and the NE 1/4 of the SE 1/4; and the S 1/2 of the S 1/2 of Section 33, Township 43 South, Range 26 East, Lee County, Florida. LESS AND EXCEPT The N 1/2 of the SW 1/4 of the NW

DCI 2004-00090

1/4; and the W1/2 of W1/2 of the NW 1/4 of the SE 1/4 of the NW 1/4 of said Section 33. (the "Property").

Subject only to:

1. Agreements and reservations of record, without reimposing same.
2. Real Estate Taxes for the year 2004 and subsequent years.

TO HAVE AND TO HOLD unto Grantee and Grantee's, successors and assigns in fee simple forever.

AND Grantor does hereby specially warrant the title to the Property subject to the foregoing matters, and will defend the same against the lawful claims of all persons claiming by, through, or under the Grantor and no others.

[Signature on next page.]

IN WITNESS WHEREOF, Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in the presence of:

BUCKINGHAM DEVELOPMENT,
L.L.C., a Florida limited liability
company

[Signature]
(Signature of Witness)

By: [Signature]
Eddy Garcia, Manager

DAVID KARRASON
(Printed Name of Witness)

-3-3-7
(Signature of Witness)

RAMIRO BUENO
(Printed Name of Witness)

STATE OF Florida)
COUNTY OF MIAMI-DADE) SS:

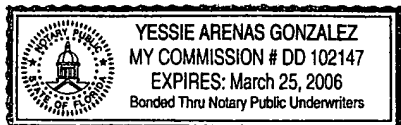
The foregoing instrument was acknowledged before me this 3rd day of March, 2004, by Eddy Garcia, as Manager of BUCKINGHAM DEVELOPMENT, L.L.C., a Florida limited liability company. He is personally known to me or have produced Fl. dr. lic, as identification.

My commission expires:

NOTARY PUBLIC

[Signature]
Notary Public, State of Florida At Large
Yessie Arenas Gonzalez
(Printed Name of Notary Public)

Commission No. _____



[NOTARY SEAL]

RECORD AND RETURN TO:
CAROL D. HOLLEN, CLAS
GREEN, McCLOSKEY, SMITH, SCHUSTER & RUSSELL, P.A.
POST OFFICE BOX 1900
FORT LAUDERDALE, FLORIDA 33302



This instrument prepared by or under the supervision of
(and after recording should be returned to):

Name: Ricardo L. Fraga, Esq.
Address: Greenberg Traurig, P.A.
1221 Brickell Avenue
Miami, Florida 33131

INSTR # 6486666
OR BK 04465 Pgs 2417 - 2419; (3pgs)
RECORDED 10/14/2004 12:23:50 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 27.00
DEED DOC 6,371.40
DEPUTY CLERK C Keller

Parcel ID No. 33-43-26-00-00003.0000

(Space Reserved for Clerk of Court)

SPECIAL WARRANTY DEED

9 THIS DEED, made as of the 30th day of September, 2004, by BUCKINGHAM DEVELOPMENT, L.L.C., a Florida limited liability company, ("Grantor"), whose post office address is 8045 N.W. 155th Street, Miami Lakes, Florida 33016, to LEE COUNTY HOMES ASSOCIATES I, LLLP, a Florida limited liability limited partnership whose mailing address is 1401 University Drive, Suite 200, Coral Springs, Florida 33071, ("Grantee"). Wherever used herein, the terms "Grantor" and "Grantee" shall include all of the parties to this instrument and their successor and assigns.

WITNESSETH:

That Grantor, for and in consideration of the sum of Ten And No/100 Dollars (\$10.00) and other valuable consideration to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the Grantee, and Grantee's successors and assigns forever, the following described land, situate, lying and being in Lee County, Florida, to wit:

East 1/2 of the Northwest 1/4 of the Southeast 1/4 of Section 33, Township 43 South, Range 26 East, all in Lee County, Florida.

Subject only to:

1. Agreements and reservations of record, without reimposing same.
2. Real Estate Taxes for the year 2004 and subsequent years.

TO HAVE AND TO HOLD unto Grantee and Grantee's, successors and assigns in fee simple forever.

AND Grantor does hereby specially warrant the title to the Property subject to the foregoing matters, and will defend the same against the lawful claims of all persons claiming by, through, or under the Grantor and no others.

[Signature on next page.]

IN WITNESS WHEREOF, Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in the presence of:

BUCKINGHAM DEVELOPMENT,
L.L.C., a Florida limited liability
company

[Signature]
(Signature of Witness)

By: [Signature]
Eddy Garcia, Manager

Maria D Garcia
(Printed Name of Witness)

[Signature]
(Signature of Witness)

JOSE' CATA'
(Printed Name of Witness)

STATE OF Florida)
COUNTY OF Dade) SS:

The foregoing instrument was acknowledged before me this 29 day of September, 2004, by Eddy Garcia, as Manager of BUCKINGHAM DEVELOPMENT, L.L.C., a Florida limited liability company. He is personally known to me or have produced Personally known, as identification.

NOTARY PUBLIC

My commission expires: June 16 2005

[Signature]
Notary Public, State of Fla At Large

Maria D Garcia
(Printed Name of Notary Public)

Commission No. _____



Maria D Garcia
My Commission DD033924
Expires June 16, 2005

[NOTARY SEAL]

DESIGN STANDARDS COMPLIANCE

The proposed development has been carefully designed as to minimize negative impacts on the surrounding communities, and the public in general. The design proposed contains a storm water management plan which will affectively provide all pertinent means of runoff retention, and preserve environmentally sensitive land and waters.

Access to the parcel of land proposed for this application is provided from Buckingham Road. Two access points are proposed, one of which is a stabilized emergency access. Please see the included Traffic Impact Statement as provided by Metro Transportation Group, Inc.

This project is not located within the LeeTran service area, according to the LeeTran system map.

Since the proposed development is residential, excessive noise, glare, dust, odor, and air or water pollutants is not anticipated. A Pollution Prevention Plan will be in place, as required, prior to construction, utilizing best management practices in order to minimize negative impacts due to erosion, and to protect the general public from the above-mentioned nuisances. A Storm Water Management Plan will be adequately designed as to not increase net runoff discharge to surrounding properties.

For protection of natural, historic or archaeological features of the site, please refer to the attached Environmental Site Assessment, as provided by Ardaman & Associates, Inc.

Creative use of open space, to produce an architecturally integrated human environment, as coordinated with the preservation of environmentally sensitive land and waters and archaeological sites in mind, has been used as a fundamental principle of planning this development.

Negative impacts of the planned development on surrounding land and land uses have been minimalized as much as is possible.

The creative design and the architecturally integrated human environment proposed as a part of the planned development will promote pleasing separation of conflicting uses within.

Sufficient parking will be provided as required in Article VII, Divisions 25 and 26 Chapter 34.

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EXHIBIT 6-M

Schedule of Uses - Buckingham 345

Administrative Office

Agricultural Uses (cattle raising in undeveloped phases prior to development and nursery operations for plantings used on-site only)

Club, Private

Dwelling Units – single family and zero lot line

Entrance Gates and Gatehouse

Excavation, Water Retention – not to include the removal of excavated material from the site

Fences, Walls – in compliance with LDC §34-1741 et seq.

Model Homes and Model Units – in compliance with LDC §34-1954

Model Display Center – in compliance with LDC §34-1955

Parking Lot – Accessory

Real Estate Sales Office – limited to sales of lots, homes and units within the development, except as may be permitted by LDC §34-1951 et seq.

Recreational Facilities – private, on-site only

Residential Accessory Uses – in compliance with LDC §34-633(c)42 and LDC Article VII, Division II

Schools - Noncommercial

Signs – in compliance with LDC Chapter 30

The following commercial uses in compliance with LDC §34-937, to be located in the recreational facilities only and together not to exceed 7,500 square feet:

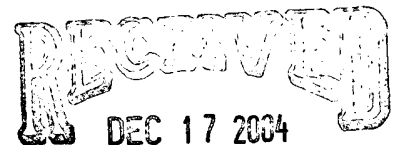
Bank and Financial Establishments – Group I

Consumption on the Premises

Day Care Center

Food and Beverage Service Limited

Personal Services - Group I



PERMIT COUNTER

OCI 2004-00090

SURFACE WATER MANAGEMENT SYSTEM

A system of catch basins and culverts will direct storm water runoff to a series of interconnected lakes. These lakes will provide the necessary means of water treatment, prior to discharging to the wetlands existing in the southwest corner of the site. Current undeveloped flow is from the northeast of the site to the aforementioned wetlands in the southwest. Ultimately, these wetlands discharge to the Orange River via a ditch which runs under Buckingham Road, consisting of three (3) 60" culverts. The proposed design will retain the current flow profile, and satisfy requirements set by SFWMD.

RECEIVED
DEC 17 2004

PERMIT COUNTER

DCI 2004-00090

Buckingham Road Tract

Environmental Assessment

RECEIVED
DEC 17 2004

PERMIT COUNTER

Boylan
Environmental
Consultants, Inc.

*Wetland & Wildlife Surveys, Environmental Permitting,
Impact Assessments*

11000 Metro Parkway, Suite 202, Fort Myers, Florida, 33912 Phone:(941) 418-0671 Fax:(941) 418-0672

January 24, 2003

Revised March 18, 2003

DCI 2004-00090

INTRODUCTION

Two environmental scientists from Boylan Environmental Consultants, Inc conducted a field investigations on the subject property on January 6, 2003, January 23 , 2003, and March 17, 2003. The purpose of the investigation was to identify the presence and approximately locate any environmentally sensitive lands such as wetlands. Wildlife observations were also noted.

The property is situated off of Buckingham Road in portions of Section 33, T43S, and R26E in Lee County.

The site is bordered on the west by a Buckingham Road. Several Agricultural fields, and pasture lands surround a majority of the site. In addition, some residential areas are located south of the parcel. The site is currently being utilized for hay baling.

The U.S. Army Corps of Engineers (ACOE) and the South Florida Water Management District (SFWMD) are the regulatory agencies that regulate development activities in wetlands. In general, to be considered wetland by the ACOE or the SFWMD, the area should exhibit wetland hydrology, wetland vegetation, and hydric soils.

EXISTING SITE CONDITIONS

Because hydric soil, wetland hydrology, and wetland vegetation are needed for an area to be considered as wetland, we searched the property for indicators of these parameters.

SOILS

Hydric soils are identified by certain characteristics that are unique to wetland soils. Wetland hydrology is normally present if the soil is saturated or inundated for a long duration sometime during the growing season, which normally occurs during the wet season. In our region, the wet season occurs in the summer and early fall, therefore, if an area exhibits soil saturation or is inundated for a period of time the area is considered to have wetland hydrology. In the absence of visual signs of saturation or inundation, one may use hydrologic indicators such as adventitious rooting, lichen lines, or algal matting. Wetland vegetation is present if the majority of the plants that are present are ones that are adapted to saturated soil conditions.

The soils on the property have been mapped by the Soil Conservation Service (SCS). See attached map for SCS mappings, and breakdown of Hydric Soil approximate acreages. These mappings are general in nature, but can provide a certain level of information about the site as to the possible extent of wetland area. The agencies commonly use these mappings as justification for certain wetland determinations.

Below is a table showing the soils types and approximate acreage of that soil type.

SOIL TYPE	Acreage of Soil
NON-HYDRIC SOIL	
28 – Immokalee Sand	169.66
33 – Oldsmar Sand	115.82
	Total ~285.48 ac
HYDRIC SOILS	
13 – Boca fine sand (N)	21.14
14 – Valkaria fine sand (N, L)	7.57
34 – Malabar fine sand (N, L)	6.93
44 – Malabar fine sand, depressional (N, L)	1.36
45 – Copeland sandy loam, depressional (N, L)	14.17
49 – Felda fine sand, depressional (N, L)	2.91
	Total ~54.08 ac

VEGETATION

Vegetation communities were mapped in the field according to the system in use by the agencies, the Florida Land Use Cover and Forms Classification System (FLUCCS). Vegetation is one parameter used in determining the presence of a wetland, and these communities mappings will generally reflect whether an area could be considered as wetland, although the presence of wetland hydrology and hydric soil are also technically required. The attached FLUCCS map shows these communities.

Uplands

The following community would likely be considered as upland. There may be no wetland regulatory requirements with these areas.

100 Residential

This area consists of the home and farm site which manages the fields.

215 Field Crops

This category of land has been cleared, tilled and reseeded with grasses such as Bahia grass. Hay grasses are the primary field crop. The area is currently being used for hay bailing.

321 Palmetto Prairie

This community is dominated by saw palmetto and has no canopy. Associated vegetation includes wire grass, grapevine, Spanish needles, Caesar weed, fetterbush, dos fennel, and wax myrtle. Brazilian pepper was also present in this community.

411 Pine Flatwoods

This community is located in several areas of the property. There are areas adjacent to the cypress wetlands in the southwest corner of the property, and also in association with the palmetto prairie in the north parcel. The canopy was composed of Slash Pine, along with some scattered cabbage palm, oaks, and wax myrtle. The understory was dominated by saw palmetto. Other vegetation present includes grapevine, crab's eye vine, Spanish needles, Caesar weed, dog fennel, rusty lyonia, and wire grass. Brazilian pepper is found within much of these areas as well.

422 Brazilian pepper

This cover type occurred on the spoil piles situated along the southern boundary and in portions of the property. These areas are predominantly composed of Brazilian pepper.

428/422 Cabbage Palm and Brazilian Pepper

This area is composed of pine and cabbage palm heavily invaded by Brazilian Pepper.

814 Roads

This area consists of the dirt road, which leads into the property

Wetlands

Based on the overwhelming dominance of wetland vegetation and signs of hydrology, the following communities would likely be considered as wetland. Wetland vegetation is present if the majority of the plants that are present are ones that are adapted to saturated soil conditions.

***215H Field Crops**

This category of land has been cleared, tilled and reseeded with grasses such as Bahia grass. Hay grasses are the primary field crop. Other wetland vegetation was observed in some areas, including Coin wart (*Hydrocotyle spp.*), which was underlain by hydric soils. Due to the presence of wetland vegetation and hydric soils the Army Corps of Engineers may consider these areas jurisdictional. These areas were not considered as wetlands under South Florida Water Management.

422H Hydric Brazilian pepper

This wet area dominated by a Brazilian Pepper monoculture and is found on the east corner of the Cypress wetland.

429/422H Wax myrtle and Brazilian Pepper

Subcanopy, mainly wax myrtle and Brazilian pepper dominate this community. Some scattered oaks were found in this area near the southern portion of the property. The ground cover was minimal, but some Caesar weed was found in the majority of the areas. This area is underlain by hydric soils and exhibited signs of wetland hydrology.

621 Cypress

This community was dominated by large Cypress, and Southern Red Maple. The understory is composed of swamp fern. This area was inundated with water during the field investigations.

740H Disturbed Wetlands

This portion of wetlands has been previously cleared of the forested wetlands for a trail. It is now composed of pickerel weed, maidencane, and various sedges and rushes. This area was inundated during the field investigations.

Other Surface Waters

Excavated water bodies such as ditches and lakes are typically considered as other surface waters. Mitigation is typically not required for impacts to other surface waters, where the waters are located in former uplands or in non-hydric soils. Mitigation is sometimes required for impacts to other surface water where these areas are located in former wetlands and still exhibit signs of hydrology and wetland vegetation.

500 Open Water

This created ditch area borders the southwest corner of the wetland area. Some Bacopa and pickerelweed were seen in the ditch area. This ditch is located in hydric soils, exhibits wetland hydrology and contains wetland vegetation. Mitigation may be required for impacts to this ditch.

Several wet swales were also located throughout the property, with wetland vegetation including Cattails, and pickerel weed and coin wort with standing water. These swales are located in non-hydric soils and mitigation should not be required for impacts to these swales.

LISTED SPECIES

The site does have community types in which protected species could reside, however, during our preliminary investigation; we did not identify any individuals or signs of listed species. A formal Protected Species Survey was conducted on July 19, 20, and 30, 1999. No nest-like structures or tree cavities were noted. No tortoise burrows were identified. However, a survey

has not been conducted on the 20 ac parcel in the north portion of the tract. This area should be surveyed for possible Gopher Tortoises.

Lee County was also contacted about the location of any eagle nests in the project vicinity. Lee County records reflect no eagle nests in the project vicinity.

DISCUSSION

Wetland locations were estimated and drawn by using a non-rectified aerial with approximate property boundaries, hence their location, aerial extent, and acreage is approximate. Before any detailed site planning, it is recommended that the wetland lines be flagged, approved by the agencies and that professional land surveyors survey the wetland lines.

Generally, with regard to impacts to wetlands, The Army Corps of Engineers does not regulate activities in isolated wetlands or the excavation of wetlands where there is only incidental fill back of fill material. The recent U.S. Supreme Court decision in the Solid Water Agency of Northern Cook County v. U.S. Army Corps of Engineers (SWANCC) provides that the Corps does not have jurisdiction over isolated wetlands. Since this ruling there has been no guidance regarding how the Corps should define what is an isolated wetland. Currently the Corps' position on most all wetlands is that the Corps has jurisdiction.

With the Corps, impacts to wetlands that are less than 0.5 acres, the activity can usually be processed as a Nationwide Permit application. For projects with greater than 0.5 acres of impact the application will be processed as an individual permit application. This involves a public notice process and coordination with other federal agencies such as the EPA and the FWS.

The SFWMD requires mitigation for impacts to wetlands, but usually no mitigation is required for impacts to isolated wetlands not used by listed (protected) species that are less than 0.5 acres in size. Impacts greater than 0.5 acres would require mitigation. Mitigation is a way to compensate for wetland impacts, which could consist of wetland enhancement, wetland creation, wetland preservation, upland compensation, or off- site mitigation. Mitigation costs and time involved usually increase with an increase in the proposed impacts.



environmental • civil • structural

Introduction

TKW Consulting Engineers' Environmental Scientist, Andrew Kelly, conducted an on-site review, throughout May and June, 2004, of the property known as Buckingham 320 to ground truth earlier reviews. The resulting summary and FLUCCS map follows.

The 324.66 +/- acre site has a previous wetland determination by the SFWMD from 1999 by Craig Schmittler, PWS. The site was again visited by SFWMD staff in 2003 when Boylan Environmental Consulting requested a site inspection and wetland jurisdictional, but a follow-up FLUCCS map was not submitted to the District for approval.

Methodology

A combination of aerial photo interpretation, soil survey maps, and ground truthing were utilized. The presence of wetlands was determined by the definitions and methodologies pursuant to 62-340 of the Florida Administrative Code.

Summary of Findings

The 324.66 acre site is located in Township 43 South, Range 26 East, and Sections 32 & 33 within the jurisdictional boundaries of Lee County. The property is adjacent to Buckingham Road on the west, a school and pastures to the north, pastures to the east, and unimproved/undeveloped areas and several single family residences to the south.

The majority of the site is currently being farmed for hay. There is a single family residence and barn on the west-central property, and a vegetated area on the southwest corner consisting of both wetlands and uplands, see the attached FLUCCS map for details and sizes.

State and Federal listed species were not observed on the property.

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Tony Palermo

DATE: 05/26/2005

Dawn Lehnert, Asst County Attorney
DS Reviewer - Susan Hollingsworth
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Tina Silcox, Lee County School District
Brad Vance, Natural Resources
Luis Machado, Zoning

PROJECT NAME: BUCKINGHAM 320 RPD

CASE #: DCI2004-00090

INFORMATION SUMMARY:

To update your file
X Review and forward substantive comments **ASAP**.

RESPONSE REQUIRED BY: 06/06/2005

Additional Comments:

Sufficiency letter distribution

cc: DCI planner/working file
DCI Zone File

Distributed by: Luisa V Villa

Date: 05/26/2005



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 479-8325

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County Attorney

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County Hearing
Examiner

May 26, 2005

MR. DANIEL JOHNSON
TKW CONSULTING ENGINEERS, INC
5621 BANNER DRIVE
FORT MYERS, FL 33912

Re: BUCKINGHAM 320 RPD
DCI2004-00090 - PDA Application (PD Amendment)

Dear MR. DANIEL JOHNSON :

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:

Request to Amend Zoning Resolution #Z-00-029 to permit a maximum of 690 single-family dwelling units (an increase of 50 dwelling units) on +/- 345 acres of land. The amendment includes the addition of +/- 20 acres of Agricultural (AG-2) land. Maximum building heights proposed are 3 stories/35 feet for residential uses, and 3 stories/45 feet for other uses (gate houses, recreational facilities). No development blasting is requested.

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 June 9, 2005 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 August 3, 2005. 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.

MR. DANIEL JOHNSON
TKW CONSULTING ENGINEERS, INC
RE: BUCKINGHAM 320 RPD
DCI2004-00090
May 26, 2005
Page 2

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, Fort Myers Shores Civic Association, 2253 Davis Blvd., Fort
Myers, FL 33905

copy w/o attachments

Dawn Lehnert, Assistant County Attorney
DS Reviewer - Susan Hollingsworth
Pamela Houck, Division Director
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Brad Vance, Natural Resources
Andy Getch, LCDOT
Tina Silcox, Lee County School District
Jamie Prining, DCD Admin
DCI Zoning File
DCI Working File

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Dawn Lehnert, Asst County Attorney

FROM: Tony Palermo

DATE: 05/20/2005

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: BUCKINGHAM 320 RPD

CASE #: DCI2004-00090

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
☒ Review and forward sufficiency
questions or make finding of
sufficiency

RESPONSE REQUIRED BY: 06/03/2005

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: Luisa V Villa

Date: 05/23/2005



advisory • civil • structural

May 20, 2005

RECEIVED
MAY 20 2005

Mr. Peter J. Eckenrode
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, FL 33901

Project Name: Buckingham 345
Re: DCI2004-00090
TKW Job #: 03783.01

Dear Mr. Eckenrode,

We are in receipt of your letter dated April 1, 2005 regarding the above-mentioned job. Our responses are as follows:

Development Review Checklist

4) Miscellaneous items.

Comment 1: The Design Standards Compliance states that there are two access proposed, however, only one is shown on the MCP. Designate the second on the access plan.

Response: There two access points depicted on the master concept plan. One of the access points is designated as an emergency access only. These access points are located and designated to be consistent with the master concept plan approved with the Administrative Amendment (PD) ADD2003-00067 to the RPD Zoning Resolution Z-00-029.

5) Contact. The reviewer may be contacted regarding questions on the Development Review Sufficiency Checklist. Susan Hollingsworth, Manager, 479-8587 x16.

1) Sufficiency Comments.

Comment 1: 1. The school shown in the Master Concept Plan needs to be included in the Traffic Impact Statement analysis.

Response: Per conversations and emails between the owners attorney, Lee County DOT and Lee County Zoning, not including the school would not be an impediment to sufficiency of the application because we are clearly stating that we are in agreement with the condition that would not permit construction of the school until appropriate traffic information is filed, reviewed and accepted by Lee County some date in the future.

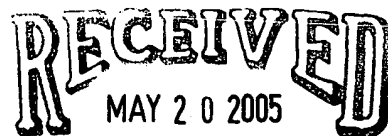
2) The LCDOT reviewer may be contacted regarding any questions on the LCDOT Checklist. Lili Wu.. 479-8580 ext 5395.

TKW CONSULTING ENGINEERS, INC.
5621 Banner Drive, Fort Myers, FL 33912, Tel 239.273.1992, Website: www.tkwonline.com



Lee County Sufficiency Checklist for Planned Developments, Amendments, and Existing Developments Requesting Planned Development Zoning

21) Miscellaneous Items.



County Attorney Comments:

Comment 1: 1. The Ag affidavit is not legally sufficient. The statement from the property owner must be notarized and an appropriate exhibit must be referred to in the body of the affidavit and attached to the affidavit. In the alternative, the applicant can forge providing the affidavit and give up the right to continued Ag uses.

Response: AG use affidavit from property owner has been notarized and attached

Comment 2: 2. Based upon the proposed schedule for uses, it appears the applicant is seeking the ability to expand the AG uses on the property through the PD process. This is not appropriate or allowed under the code. [Especially true since the majority of the property is currently zoned RPD.]

Response: The original RPD Resolution Z-00-029 allows bona fide agricultural use as a permitted use until development commences. This application requests rezoning of AG to RPD of 20 acres and wants to continue with bona fide agricultural use as stated in the property owner statement for the entire parcel for grazing and hay. There is no expansion.

Zoning Comments:

Comment 1: 1. Please clarify, in your response to Development Review's 1 comment, you said "the second access point is depicted on the revised MCP." However, you appear to have provided an emergency access to the north, and a school access to the south. (the school access clearly isn't intended to be used for residential development, and likewise the emergency access is for emergency vehicle or evacuation purposes).

Response: See response to comment 2 and development review response to comment 1.

Comment 2: I recommend you request a deviation from LDC Sec. 10-291. Staff can consider it, and recommend appropriate conditions.

Response: Pursuant to discussion with zoning staff, the access provided in the submitted master concept plan is consistent with the current approved master plan and as such, no deviation from the current approved RPD zoning and master concept plan is required. Therefore, no deviation from LDC10-291 is being requested.



environmental • civil • structural

Lee County Responses
May 20, 2005
Page 3 of 3

Comment 3: 2. Please don't forget to submit both 11 X17 and full size MCPs.

Response: The MCP full size and 11x17 copies have been previously submitted. No changes are included with this response and thus no additional copies are provided..

If you have any questions, or if we can provide any further information, please contact our office.

Sincerely,
TKW CONSULTING ENGINEERS, INC.

Daniel P. Johnson, P.E.
Project Manager

DPJ/abb

cc: GL Homes, Richard Arkin
Roetzell and Andress, Beverly Grady
TKW File

RECEIVED
MAY 20 2005

DCI2004-00090

TKW CONSULTING ENGINEERS, INC.

Affidavit by Owner Regarding Agricultural Uses

All 345 acres as shown on Exhibit "A" attached to and made a part of this Affidavit are owned by Lee County Homes Associates I, LLLP and are leased to David W. Meloy for the bona fide agricultural use of pasturing cattle and/or growing hay. This agricultural use was in existence at the time this application was filed. No additional clearing or grading for agricultural use is anticipated.

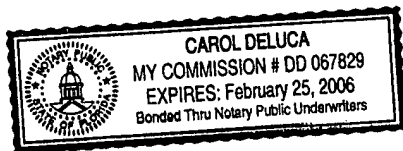
Lee County Homes Associates I, LLLP,
a Florida limited liability limited partnership

By: Lee County Homes I Corporation,
a Florida corporation, its general partner

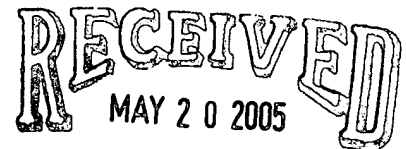
By: [Signature]
Name: Richard M. Norwalk
Title: Vice President

The foregoing instrument was acknowledged before me this 2 day of May, 2005 by Richard M. Norwalk. He personally appeared before me, and is personally known to me or produced _____ as identification.

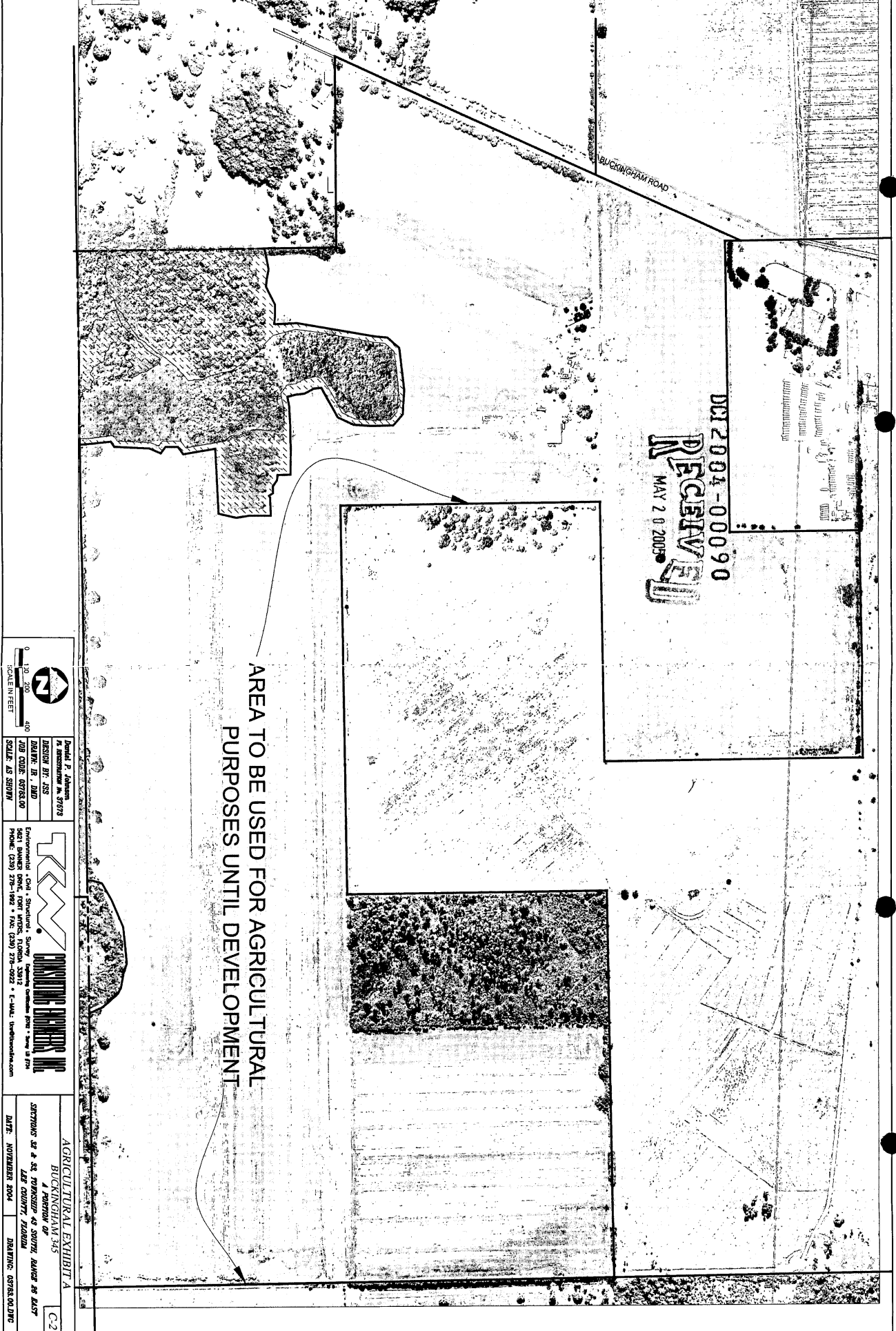
[NOTARY SEAL]



Notary: [Signature]
Print Name: _____
Notary Public, State of Florida
My commission expires: _____



DCI 2004-00090



David P. Johnson
in accordance to 97673
DESIGN BY: JSS
DRAWN BY: DJD
JOB CODE: 03783.00
SCALE: AS SHOWN

TKW CONSTRUCTION SERVICES, INC.
Environmental • Civil • Structural • Survey • Planning • Consulting • Permit • Survey & Map
Phone: (239) 279-1900 • Fax: (239) 279-0922 • E-Mail: tkw@tkwservices.com

AGRICULTURAL EXHIBIT A
BUCKINGHAM 315
A PORTION OF
SECTIONS 32 & 33, TOWNSHIP 43 SOUTH, RANGE 86 EAST
LEE COUNTY, FLORIDA
DATE: NOVEMBER 2004
DRAWING: 03783.00.DWG

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 479-8325

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County Manager

James G. Yeager
County Attorney

Diana M. Parker
County Hearing
Examiner

April 1, 2005

MR. DANIEL JOHNSON
TKW CONSULTING ENGINEERS, INC
5621 BANNER DRIVE
FORT MYERS, FL 33912

Re: BUCKINGHAM 320 RPD
DCI2004-00090 - PDA Application (PD Amendment)

Dear MR. DANIEL JOHNSON :

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

MR. DANIEL JOHNSON
TKW CONSULTING ENGINEERS, INC
RE: BUCKINGHAM 320 RPD
DCI2004-00090
April 1, 2005
Page 2

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Roland Ottolini, Natural Resources
Andy Getch, LCDOT
Jamie Prancing, DCD Admin
Dawn Lehnert, Assistant County Attorney
Susan Hollingsworth, Development Review
DCI Zoning File
DCI Working File

MR. DANIEL JOHNSON
TKW CONSULTING ENGINEERS, INC
RE: BUCKINGHAM 320 RPD
DCI2004-00090
April 1, 2005
Page 3

Development Review Checklist

4) Miscellaneous items.

The Design Standards Compliance states that there are two access proposed, however, only one is shown on the MCP. Designate the second access on the plan.

5) Contact. The reviewer may be contacted regarding questions on the Development Review Sufficiency Checklist.

Susan Hollingsworth, Manager, 479-8587 x16.

1) Sufficiency Comments.

1. The school shown in the Master Concept Plan needs to be included in the Traffic Impact Statement analysis.

2) The LCDOT reviewer may be contacted regarding any questions on the LCDOT Checklist.

Lili Wu 479-8580 ext 5395

**Lee County Sufficiency Checklist for Planned Developments,
Amendments, and Existing Developments Requesting Planned
Development Zoning**

MR. DANIEL JOHNSON
TKW CONSULTING ENGINEERS, INC
RE: BUCKINGHAM 320 RPD
DCI2004-00090
April 1, 2005
Page 4

21) Miscellaneous Items.

County Attorney Comments:

1. The Ag affidavit is not legally sufficient. The statement from the property owner must be notarized and an appropriate exhibit must be referred to in the body of the affidavit and attached to the affidavit. In the alternative, the applicant can forge providing the affidavit and give up the right to continued Ag uses.
2. Based upon the proposed schedule for uses, it appears the applicant is seeking the ability to expand the AG uses on the property through the PD process. This is not appropriate or allowed under the code. [Especially true since the majority of the property is currently zoned RPD.]

Zoning Comments:

1. Please clarify, in your response to Development Review's 1 comment, you said "the second access point is depicted on the revised MCP." However, you appear to have provided an emergency access to the north, and a school access to the south. (the school access clearly isn't intended to be used for residential development, and likewise the emergency access is for emergency vehicle or evacuation purposes).

I recommend you request a deviation from LDC Sec. 10-291. Staff can consider it, and recommend appropriate conditions.

2. Please don't forget to submit both 11X17 and full size MCPs.

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Tony Palermo

DATE: 03/16/2005

Dawn Lehnert, Asst County Attorney
DS Reviewer - Susan Hollingsworth
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Tina Silcox, Lee County School District
Roland Ottolini, Natural Resources
Luis Machado, Zoning

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: BUCKINGHAM 320 RPD

CASE #: DCI2004-00090

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
☒ Review and forward sufficiency
questions or make finding of
sufficiency

RESPONSE REQUIRED BY: 03/30/2005

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: Jessica M Smith

Date: 03/21/2005



5621 BANNER DRIVE • FORT MYERS, FLORIDA 33912
(239) 278-1992 • FAX (239) 278-0922 • E-MAIL info@tkwonline.com

LETTER OF TRANSMITTAL

To: Lee County Department of Community Development 1500 Monroe Street Fort Myers, FL 33901	Date: March 18, 2005
	Attn: Pete Eckenrode
	Project: Buckingham 345
	Job No.: 03783.01

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via _____ the following items:

☐ Shop drawings ☐ Prints ☒ Plans ☐ Samples ☐ Specifications

☐ Copy of letter ☐ Change order ☒ PUD Resubmittal

COPIES	DATE	NO.	DESCRIPTION
11	3/18/05	1	Response Letter
5	3/18/05	7	Traffic Impact Statement
12	3/18/05		Meeting Minutes
12	3/18/05		Schedule of Uses
12	3/18/05		Owners Statement
	3/18/05	12	Signed and Sealed Legal Description with Sketch
12	3/18/05		Sets of Plans
12	3/18/05		Agricultural Exhibit
12	3/18/05		Signed and Sealed Boundary Survey

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THESE ARE TRANSMITTED as marked below:

☒ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval

☐ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution

☐ As requested ☐ Returned for corrections ☐ Return _____ corrected prints

☐ For review and comment ☐ _____

☐ FOR BIDS DUE _____ 20 _____ ☐ PRINTS RETURNED AFTER LOAN TO US

COPY TO: Richard Arkin, GL Homes
TKW File

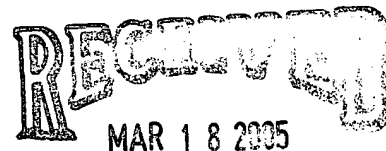
SIGNED: Daniel P. Johnson, P.E.



Environmental • civil • structural

March 17, 2005

Mr. Peter J. Eckenrode
Development Services Coordinator
Lee County Department of Community Development
P.O. Box 398
Fort Myers, FL. 33902-0398



PERMIT COUNTER

RE: Buckingham 345
DCI2004-00090
TKW Job No. 03783.00

Dear Peter:

We are in receipt of your letter dated January 11, 2005, regarding the application for the above-mentioned job. Our responses are as follows:

Development Review Checklist

Comment 1: *The Design Standards Compliance states that there are two access proposed, however, only one is shown on the MCP. Designate the second access on the plan.*

Response: **The second access point is depicted on the revised MCP.**

5) Contact. The reviewer may be contacted regarding questions on the Development Review Sufficiency Checklist. Susan Hollingsworth, Manager, 479-8587 x16.

Legal Requirements Sufficiency Checklist

6) All applications requiring a public hearing must include the following: [34-202(a)] See below

Comment 1: *6a3) If the application includes multiple abutting parcels or consists of other than one or more undivided platted lots, the legal description must specifically describe the perimeter of the total property, by metes & bounds with accurate bearings and distances for every line, but need not describe each individual parcel. [34-202(a)(1)]*

Response: **A legal description has been prepared describing/laying the total property by metes and bounds with accurate bearings and distances and distances for every line.**

Comment 2: *The submitted legal description is not acceptable because it includes "together with & less and except language" and/or "it is not describing property with metes and bounds." Please, review the criteria for applications in LDC Section (34-202). It explains the minimum acceptable standards for legal descriptions. Please note that as per the above-referenced LDC requirement, the Legal Description must be revised and re-submitted on an 8 ½" by 11" page, that specifically describe the PERIMETER BOUNDARY of the PROPERTY by metes and bounds "excluding together with & less and except language" by providing accurate bearings and distances for every line, but NOT each individual parcel. Please make sure that legal calls match the survey calls.*

Response: **An 8 ½" x 11' page is has been prepared describing the perimeter boundary on the property by metes and bounds.**

TKW CONSULTING ENGINEERS, INC.
5621 Banner Drive, Fort Myers, FL 33912, Tel: 239.278.1992, Website: www.tkwonline.com

DCI 2004-00090



environmental • civil • structural

Mr. Peter J. Eckenrode
Lee County Department of Community Development
March 17, 2005
Page 2

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)]

Comment 3: Please, provide Staff with a Certified Sketch of Description to accompany the revised legal description.

Response: An 8 1/2" x 11" certified sketch of description has been prepared.

Comment 4: 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)]

Response: The survey boundary has been tied to the state plane coordinate system for the Florida West Zone.

Comment 5: As per the above-referenced LDC requirement, tie and display at least (2) coordinates on two opposing corners on Survey. "The county prefers that at least one of the coordinates be for the point of beginning". Thanks.

Response: Two corners on opposing corners on the survey have been tied and Displayed; one of the corners is for the point of beginning.

7) Miscellaneous items.

Comment 1: The applicant must schedule a public informational meeting with the Caloosahatchee Shores Planning Community Panel before the application can be found Sufficient. Then, it must provide Staff with a summary memorandum of the meeting.

Response: The plan and the application were presented at the February 28th meeting of the East Lee County Council at the Olga Community Center. Please see the meeting minutes enclosed herein.

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, Planning Technician / Zoning at (239) 479-8485 or e-mail lmachado@leegov.com

1) Sufficiency Comments.

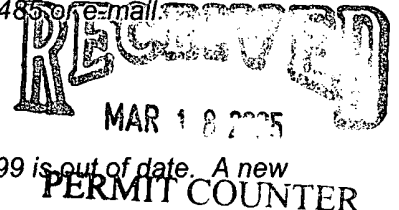
Comment 1: The Traffic Impact Statement (TIS) dated Sept. 29, 1999 is out of date. A new TIS shall be submitted for review.

Response: An updated TIS is submitted herewith.

Comment 2: The application indicates that this application is a request for approval of a RPD for a single family community consisting of 690 units with accessory uses. But, a future school site was shown on the Master Concept Plan (MCP) and the MCP does not show any access point for the school site.

Response: The school site access point is depicted on the revised MCP.

2) The LCDOT reviewer may be contacted regarding any questions on the LCDOT Checklist. Lili Wu 479-8580 ext 5395



CONSULTING ENGINEERS, INC.

DCI 2004-00090

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. Tony Palermo, #239-479-8325*

County Attorney Comments

Comment 1: The package provided to the CAO does not include agent authorization forms.

Response: Part V Affidavit A-2 was executed and notarized by the owner of the subject property. The owner listed TKW as the authorized agent in Part I C.1 of the application and listed additional agents as Part I C.2 and specified those agents on the appropriate exhibit PH-1.C.2 which exhibit was included as part of the application and in compliance with the general instruction page 2 of 5, part I c. and d.

Comment 2: The application indicates the property (20 acres) is in AG use. However, no AG affidavit is included, nor is there a definitive statement as to whether the use will continue.

Response: Agriculture operations. Section 34-202(b)(7) requires a statement from the property owner describing the type and intensity of agricultural uses in existence on the property and the date of the application with an exhibit depicting the location of the uses on a copy of the boundary sketch. Attached with this response is the agricultural uses at the time the zoning application exhibit and property owner's statement.

Comment 3: The TIS included in the package is from 1999. It is greater than 5 years old and is likely of questionable value as much can change with respect to the roadway system in 5 years.

Response: An updated TIS is enclosed herewith.

Comment 4: The CAO package does not include a legal description and sketch for the RPD boundary as it is proposed to exist upon completion of the zoning action.

Response: A revised legal description and sketch is enclosed.

ZONING COMMENTS:

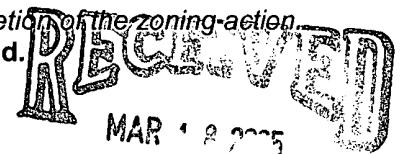
1. Please review the following wording:

Comment 1: Request to Amend Zoning Resolution #Z-00-029 to permit a maximum of 690 single-family dwelling units (an increase of 50 dwelling units) on +/- 345 acres of land (an increase of 20 acres). No development blasting is requested.

Response: The wording of the request is as follows: Request a rezoning from RPD and Agricultural (AG) to RPD to permit a maximum of 690 single family dwelling units on ±345 acres of land. (no blasting is requested). The original property was believed to be 320 acres resulting in a request of 640 dwelling units. During the prior zoning process it was discovered that the original parcel was actually 325 acres but it was too late and too confusing to add the additional 10 units. We believe the wording of our request is accurate.

Comment 2: Please place the # of lanes, road width and classification on Buckingham Rd.

DCI 2004-00090



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Response: These items are depicted on the revised MCP.

Comment 3: *Per LCDOT, where is the school access point? Will it also trigger a deviation for the residential access point? You state the final design of the school can be handled with an administrative amendment, however, you at least need to propose an access point, which we can stipulate is preliminary and can be administratively amended.*

Response: The school site access point is depicted on the revised MCP.

Comment 4: *You are in the Fort Myers Shores Community. Have you met with any Fort Myers Shores or East County community groups to discuss your request? If so, please provide notes or minutes.*

Response: The parcel is located within the Caloosahatchee Shores Community. The plan and the application were presented at the February 28th meeting of the East Lee County Council at the Olga Community Center. Please see the meeting minutes enclosed herein.

Comment 5: *Please confirm no blasting is requested.*

Response: No blasting requested.

Comment 6: *Please confirm no deviations are requested.*

Response: No deviations requested.

Comment 7: *Please indicate on the MCP how large the school site is.*

Response: School site acreage is shown on the revised MCP.

Comment 8: *Pending BCC action on DC12004-00031 - the MCP will need to be updated to show that Portico RPD is a neighboring property (you show AG-2 zoning).*

Response: MCP will be revised pending BCC action on the Portico RPD. At the time of this submittal, the Portico RPD has not yet been approved.

Comment 9: *TIS comments pending a current TIS. Please note the pending Portico RPD may have an impact on the Level of Service on Buckingham Rd.*

Response: An updated TIS is enclosed herewith.

Comment 10: *Environmental Sciences comments pending.*

Response: Comment noted.

Comment 11: *Please clarify the status of the agricultural uses, and provide the appropriate exhibits if you desire agricultural uses to continue until first development order.*

Response: The subject property is a hay farm. Please see the owners statement and exhibit. The owner intends to continue the existing agricultural use on this site.

Comment 12: *Is it correct to assume you generally want the same schedule of uses?*

Response: A revised schedule of uses is enclosed.

Comment 13: *And is it correct to assume the conditions in Z-00-029 (as amended by ADD2003-00067) are generally acceptable with minor modifications and updates? (such as agricultural conditions, model homes, references to the rural future land use, etc) What is your opinion of the condition regarding excess excavated material in Z-00-029? Is it necessary?*

Response: The owner is generally in agreement with the conditions in Resolution Z-00-029 amended by ADD2003-0067 and concurs that modifications are necessary to said conditions. Condition 1: (Master Concept Plan) and

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Condition 2 (Schedule of Uses) must be modified to recognize current applications. Condition 3, 5, and 6 are acceptable. The plan complies with the 50 foot lake setback rendering condition 4 as unnecessary. No multi-family uses being requested so condition 7 is unnecessary. Condition 8: We are submitting alternate language regarding our proposed buffer along the perimeter property lines which will provide for a combination of berm and plantings. Condition 9 is acceptable regarding existing agricultural uses. Condition 10 regarding the Lee Plan sub parts and a and b are not necessary since the Lee Plan has been amended and this application complies with the Lee Plan. Condition 10c can remain as it appears to be a condition placed in all rezoning approvals. Condition 11 can be eliminated because the Master Concept Plan provides the water retention area discussed in that condition. Conditions 12 and 13 are acceptable and should remain as we believe the condition excavation is appropriate. ADD2003-00067 revised the Master concept Plan and site development regulations but provided no additional conditions.

Comment 14: Please provide general locations for model homes, and a model display center (and real estate sales office)

Response: General locations for model homes, a model display center, and a sales office with parking is depicted on the revised MCP.

Comment 15: Z-00-029 and ADD2003-00067 state 640 dwelling units are permitted. Your narrative states 650 dwelling units are permitted. Which is correct? If 640 is correct, you need to change your request to 680 dwelling units maximum (assuming you are adding 40 units and 20 acres)

Response: As explained earlier, the original parcel size in the first RPD zoning request was believed to be 320 acres resulting in the revised request of 640 dwelling units. During the prior zoning process it was discovered that the parcel was actually 325 acres but it was too late and too confusing to add the additional 10 units. In this request we are adding an additional 20 acres.

Comment 16: If only one access point is proposed, it will require a deviation request (per development services comment) or an additional access point.

Response: There is a secondary emergency access depicted on the revised MCP.

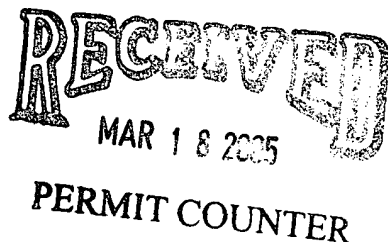
If you have any questions or we can provide any further information, please contact our office.

Sincerely,
TKW CONSULTING ENGINEERS, INC.

Daniel P. Johnson, P.E.
Project Manager

DPJ/smc

Cc: Richard Arkin, GL Homes
TKW File





12651 MCGREGOR BOULEVARD
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SIGNAL SYSTEMS/DESIGN

METRO TRANSPORTATION GROUP, INC.
Your Transportation Resource

MEMORANDUM

TO: Mr. Dan Johnson
TKW Consulting Engineers, Inc.

FROM: Ted B. Treesh
Principal/Regional Manager

David L. Wheeler
Transportation Consultant

DATE: March 11, 2005

RE: Buckingham 345 Rezoning
Lee County, Florida

Metro Transportation Group, Inc. (Metro) has completed a trip generation and Level of Service analysis on Buckingham Road for the proposed Buckingham 345 Rezoning in Lee County, Florida per the request of the Lee County Department of Transportation. This analysis only addresses the impact, if any, that the proposed amendment to the Buckingham 320 RPD re-zoning will have on the Level of Service Conditions on Buckingham Road.

The subject site is located on the east side of Buckingham Road south of its intersection with State Route 80 in Lee County, Florida. Access to the site is proposed to the site via a full access drive on Buckingham Road. **Figure 1** illustrates the location of the subject site. The site is currently zoned for 640 dwelling units and was approved under Zoning Resolution Z-00-029 and amended under ADD2003-00067.

PROPOSED DEVELOPMENT

If approved, the amendment to the Buckingham 320 RPD will add approximately 25 acres as well as approximately 50 dwelling units. The application is now referred to as the Buckingham 345 RPD. Land Use Code 210 (Single-Family Detached Housing) was

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utilized for the trip generation purposes of the proposed Buckingham 345 rezoning.

The TIS for the recently approved Portico RPD was also referenced in determining the anticipated internal capture that will be present with the amenities that will be provided on-site. In order to account for the trips from the development that will utilize the amenities located within the site, an internal capture rate of four percent (4%) was utilized for Land Use Code 210, consistent with the reduction permitted for the Portico RPD, which is proposed to provide similar type amenities in that community. **Table 1** outlines the estimated weekday AM and PM peak hour trip generation of the project as currently proposed.

Table 1
Trip Generation
Buckingham 345 Rezoning

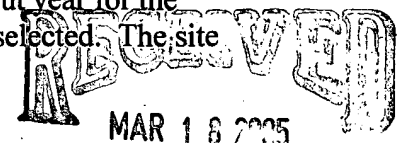
Land Use	Weekday AM Peak Hour			Weekday PM Peak Hour			Daily 2-way
	In	Out	Total	In	Out	Total	
Single-Family Detached Housing (690 dwelling units)	125	365	490	385	225	610	6,145
Less Internal Capture for LUC 210	-5	-15	-20	-15	-10	-25	-245
Total Trips (Utilizing the Public Roadway Network)	120	350	470	370	215	585	5,900

LEVEL OF SERVICE ANALYSIS

A Level of Service analysis was conducted on Buckingham Road for the build-out traffic conditions of the Buckingham 345 Rezoning assuming the site is developed with the maximum land use intensity allowed by zoning. Also included in the analysis of Buckingham Road was the traffic from the pending Portico RPD. The attached **Tables 1A and 2A** indicate the projected traffic volumes and Level of Service conditions on Buckingham Road at the build-out of the project. For this analysis it was assumed that the traffic would follow the same distribution as presented in the Portico RPD zoning TIS as prepared by David Plummer & Associates, Inc. **Figure 2** illustrates the project traffic distribution and site traffic assignment utilized for the proposed Buckingham 345 Rezoning.

Based on the Level of Service analysis performed within this report, Buckingham Road from S.R. 80 to Gunnery Road will be significantly impacted by the proposed Buckingham 345 Rezoning. Significant Impact is defined as any roadway link that will accommodate greater than 10% of the Peak Hour – Peak Direction Level of Service “C” volumes, as defined by the Lee County Link Specific Service Volume tables provided by the Lee County Department of Transportation. The projected build-out year for the Buckingham 345 Rezoning is 2008, so an analysis year of 2009 was selected. The site

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Mr. Dan Johnson
Buckingham 345 Rezoning
March 11, 2005
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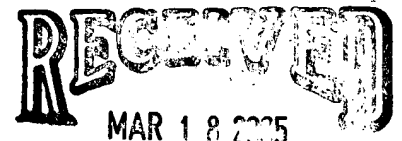
traffic from the pending Portico RPD (DCI2004-00031) was also accounted for in the Level of Service analysis.

Based on the analysis indicated within Table 2A, all roadway segments analyzed were shown to operate at acceptable Level of Service conditions under the projected 2009 build-out traffic conditions for the proposed Buckingham 345 rezoning. Therefore, no roadway improvements will be warranted as a result of the proposed Buckingham 345 rezoning.

CONCLUSION

Based on the trip generation and Level of Service analysis contained within this report, Buckingham Road will operate at acceptable Level of Service conditions after the addition of the project traffic. Therefore, no roadway improvements will be warranted as a result of the proposed Buckingham 345 rezoning located on the east side of Buckingham Road south of its intersection with State Route 80 in Lee County, Florida.

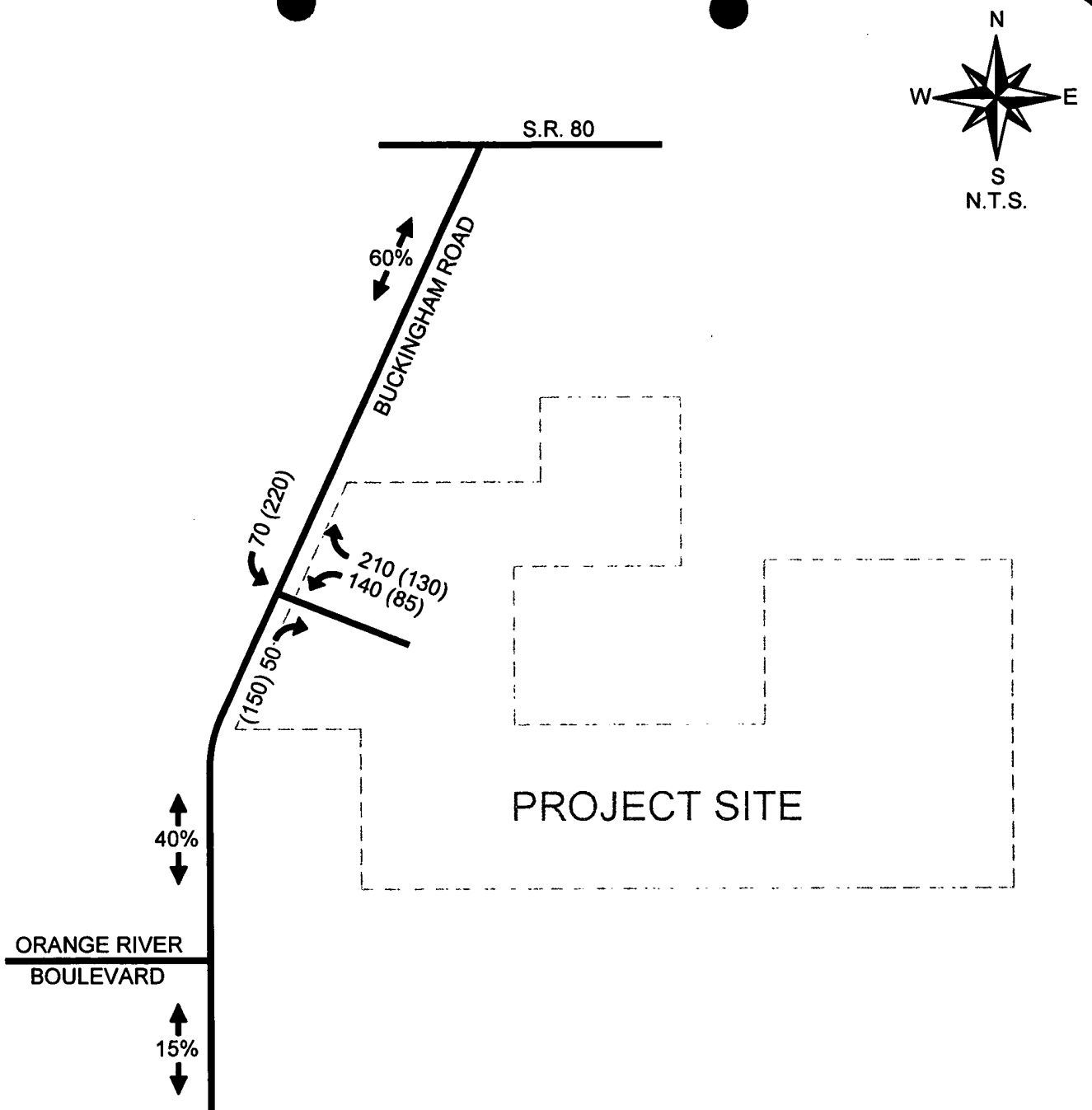
Attachments



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**PROJECT TRAFFIC DISTRIBUTION & ASSIGNMENT
BUCKINGHAM 345 REZONING**

Figure 2

OCT 2004-00090

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

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 470 VPH

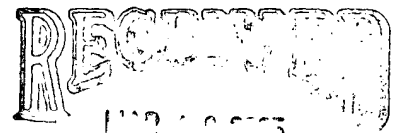
IN= 120 OUT= 350

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 585 VPH

IN= 370 OUT= 215

ROADWAY	SEGMENT	ROADWAY CLASS	LOS A		LOS B		LOS C		LOS D		LOS E		PERCENT		PROJECT TRAFFIC	PROJECT TRAFFIC	PROJ/ LOS C
			VOLUME		VOLUME		VOLUME		VOLUME		VOLUME		PROJECT TRAFFIC				
Buckingham Rd.	N. of SR 82	2LN	130		310		530		870		940		0%		0		0.0%
	N. of Gunnery Rd.	2LN	130		310		530		870		940		15%		56		10.5%
	N. of Orange River Blvd.	2LN	130		310		530		870		940		40%		148		27.9%
	N. of Project Entrance	2LN	130		310		530		870		940		60%		222		41.9%

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



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TABLE 2A

OUT= 350

¹ Obtained from the TIS for the Portico RPD (DCI2004-00031) as prepared by David Plummer & Associates, Inc.

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**Buckingham 345
Caloosahatchee Shores Community Meeting
February 28, 2005**

Attendees: Caloosahatchee Community Members

Board Members:

Hal Waters (Vice President)

Mike Roeder

Douglas Vincent

TKW Representatives:

Dan Johnson, P.E.

Jeremy Seiden, E.I.

G.L. Homes Representative:

Richard Arkin

6:35p Pledge of Allegiance

6:40p New Police and Crime Prevention Specialists introduced
Motion for approval of Jan. meeting minutes, approved
William B. Davis award goes to an Animal Hospital

6:45p Olga Community Plan Presentation

6:55p Sheriff personnel dismissed

7:00p Doug Roeder, Community Panel Member, introduces Vice President of G.L. Homes, Richard Arkin, and Engineer, Dan Johnson, P.E. of TKW Consulting Engineers, Inc.

Richard Arkin

Explains a brief history of G.L. Homes

Explains that the density originally requested by the previous developer is not sought by G.L. homes, but in fact a lesser density is requested

Explains the addition of 20 acres to the project

Dan Johnson, P.E.

Explains that the original submittal, previously approved by C.S., is same as the new proposal

Explains the purpose and method of a Master Concept Plan

Explains the difference between the originally approved plan and the new plan

Explains buffers, zoning issues, the difference in density for the original zoning versus the new zoning category by Lee County

Explains the density of 2 units per acre

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Explains that TKW and G.L. Homes are looking for a zoning amendment to comply with the Future Land Use Plan of Lee County

Richard Arkin

Explains the school site and lot sizes

(Questions by community members)

Response

Are these all single family homes?

Yes.

Is this a gated community?

Yes.

What is the product price?

\$200,000 - \$1,000,000.

Is there a pool and clubhouse?

Yes, and other amenities

What are lot sizes?

50 x 130, 70 x 130, 1 and two story

How many accesses?

2, 1 emergency

The community members and panel members express their liking of vernacular and rural architecture.

Richard Arkin

Explains that the side setbacks are greater than originally proposed.

(Questions, comments by community)

Are there additional EMS services?

What is the acreage?

Is the site on the school board list?

(No)

Is it better to move the school by the other one?

(No)

There will be too much school bus traffic.

Is there a CDD provided?

(No)

Does G.L. Homes own the piece of land in the middle? (No, portico)

2 units per acre or up to 2 units per acre?

(up to)

Any road improvements?

DJ - Turn lanes

Connected to the Sewer System?

Yes

Is G.L. homes local?

RA - based in Ft. Lauderdale

Are there sidewalks?

RA - Yes

Sidewalk along Buckingham Road?

Verandah will have a sidewalk from Bird Road to
S.R. 80

Where has G.L. Homes built on the east coast?

RA - explains the G.L. products

7:25p Douglas Vincent calls for the end of the presentation.

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EXHIBIT 6-M

Schedule of Uses - Buckingham 345

Administrative Office

Agricultural Uses (cattle raising and hay farming in undeveloped phases prior to development and nursery operations for plantings used on-site only)

Club, Private

Dwelling Units – single family and zero lot line

Entrance Gates and Gatehouse

Excavation, Water Retention – not to include the removal of excavated material from the site

Fences, Walls – in compliance with LDC §34-1741 et seq.

Model Homes and Model Units – in compliance with LDC §34-1954

Model Display Center – in compliance with LDC §34-1955

Parking Lot – Accessory

Real Estate Sales Office – limited to sales of lots, homes and units within the development, except as may be permitted by LDC §34-1951 et seq.

Recreational Facilities – private, on-site only

Residential Accessory Uses – in compliance with LDC §34-633(c)42 and LDC Article VII, Division II

Schools - Noncommercial

Signs – in compliance with LDC Chapter 30

The following commercial uses in compliance with LDC §34-937, to be located in the recreational facilities only and together not to exceed 7,500 square feet:

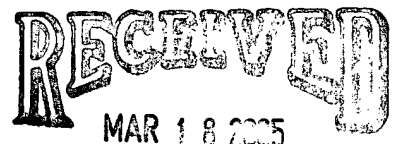
Bank and Financial Establishments – Group I

Consumption on the Premises

Day Care Center

Food and Beverage Service Limited

Personal Services - Group I



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Statement by Owner Regarding Agricultural Uses.

All 640 units are under lease for a bona fide commercial purpose of raising hay with David W. Meloy. This is bona fide agricultural use in existence at the time the application was filed. No additional clearing or grading for agricultural use is anticipated.

Property Owner Statement, Lee County Homes Associates, I, LLP,
a Florida limited liability partnership

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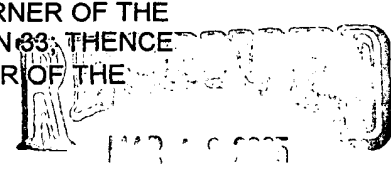
LEGAL DESCRIPTION

BUCKINGHAM 345

A PARCEL OF LAND LOCATED IN SECTIONS 32 AND 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE RUN S 89°06'45" W, ALONG THE SOUTH LINE OF SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 2,647.58 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 33; THENCE RUN S 89°06'35" W, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 2,647.40 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 33; THENCE RUN N 00°56'26" W, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,329.87 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S 89°35'38" W, ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 43 SOUTH, RANGE 26 EAST, FOR A DISTANCE OF 978.47 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF BUCKINGHAM ROAD, A 60 FOOT RIGHT-OF-WAY; THENCE RUN N 24°23'58" E, ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF BUCKINGHAM ROAD, FOR A DISTANCE OF 2,286.09 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S 00°56'26" E, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 80.68 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N 89°04'22" E, ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,498.70 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N 00°46'36" W, ALONG THE WEST LINE OF THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 662.58 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, THENCE RUN N 89°09'14" E, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,167.13 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, THENCE RUN S 00°38'54" E, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,321.87 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S 88°59'29" W, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,330.50 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S 00°47'40" E, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,331.24 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N 89°03'02" E, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE

(Page 1 of 2)





environmental • civil • structural

(continued)

SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,327.10 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N 89°03'03" E, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 661.05 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE RUN N 00°41'05" W, ALONG THE WEST LINE OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,333.31 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE RUN N 88°59'29" E, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,980.63 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 33; THENCE RUN S 00°47'37" E, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 2,670.83 FEET TO THE POINT OF BEGINNING, CONTAINING 344.882 ACRES, MORE OR LESS.

TKW CONSULTING ENGINEERS, INC.

SIGNED:

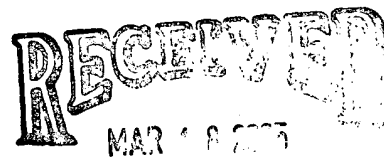
Eric V. Sandoval

DATE:

1-14-05

ERIC V. SANDOVAL P.S.M

STATE OF FLORIDA # 5223



PERMIT COUNTER

(Page 2 of 2)

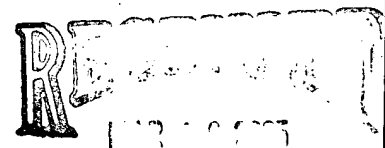
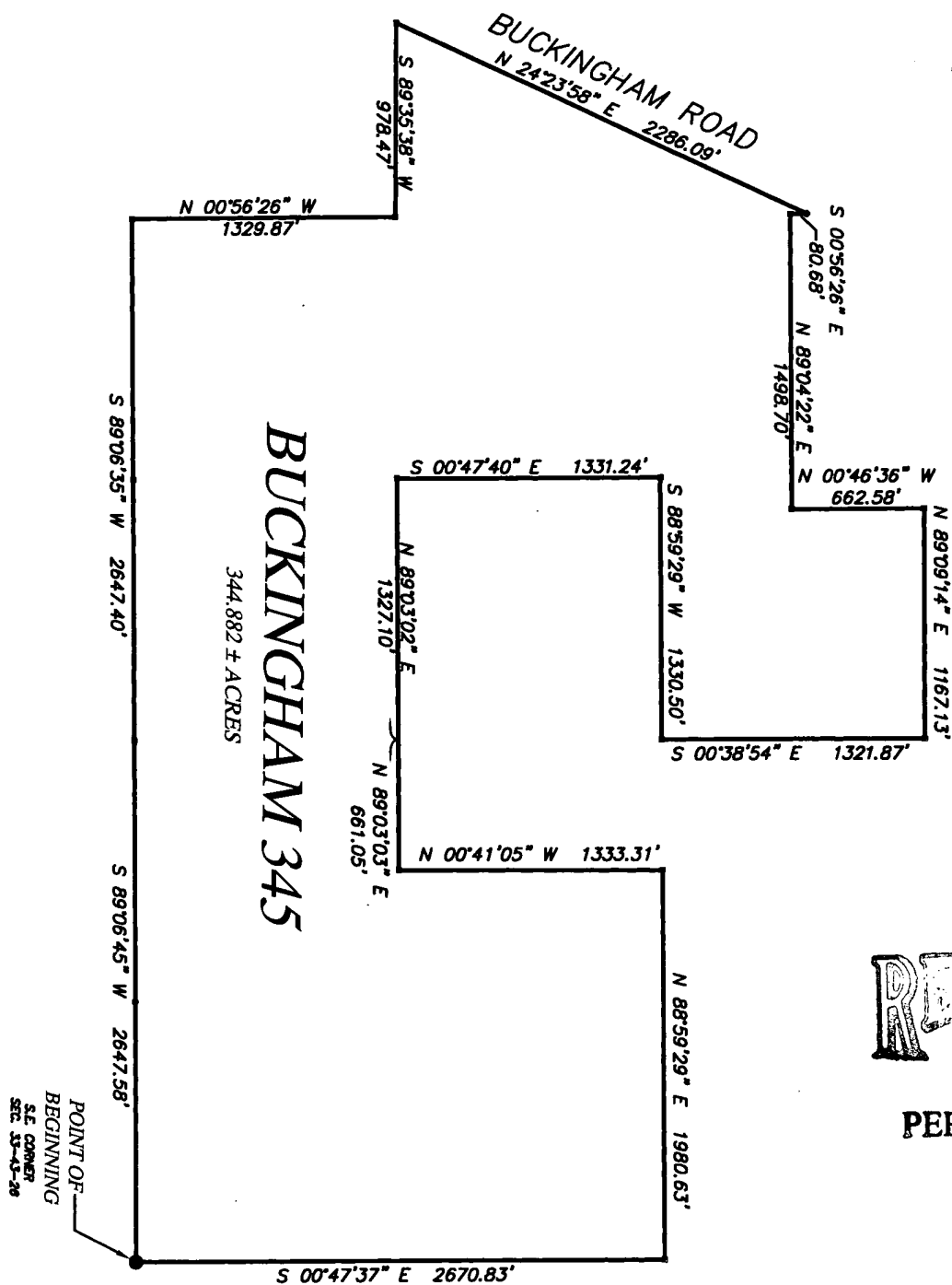
P:\Survey\projects\03783.00 BUCKINGHAM 320\LEGALS\OVERALL METES
BOUNDS.doc

DCI 2004-00090

CONSULTING ENGINEERS, INC.



SCALE: 1" = 800'



PERMIT COUNTER

DCI 2004-00090

* THIS IS NOT A SURVEY *

TKW
CONSULTING ENGINEERS, INC.

environmental-civil-structural-survey

5621 Banner Drive
Fort Myers, Florida 33912
(239) 278-1992 • FAX (239) 278-0922
E-MAIL tkw@tkwonline.com
Certification # 734

DRAWN BY: A.D. JOB NO.: 03783.00 SHEET 1 OF 1

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

BUCKINGHAM 345
A PORTION OF
SECTIONS 32 & 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA

DATE: JANUARY 2005

DRAWING: 03783SCKT



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

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yeager
County Attorney

Diana M. Parker
County Hearing
Examiner

January 11, 2005

MR. DANIEL JOHNSON
TKW CONSULTING ENGINEERS, INC
5621 BANNER DRIVE
FORT MYERS, FL 33912

Re: BUCKINGHAM 320 RPD
DCI2004-00090 - PDA Application (PD Amendment)

Dear MR. DANIEL JOHNSON :

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

MR. DANIEL JOHNSON
TKW CONSULTING ENGINEERS, INC
RE: BUCKINGHAM 320 RPD
DCI2004-00090
January 11, 2005
Page 2

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Roland Ottolini, Natural Resources
Andy Getch, LCDOT
Jamie Princing, DCD Admin
Dawn Lehnert, Assistant County Attorney
Susan Hollingsworth, Development Review
DCI Zoning File
DCI Working File

Development Review Checklist

4) Miscellaneous items.

The Design Standards Compliance states that there are two access proposed, however, only one is shown on the MCP. Designate the second access on the plan.

5) Contact. The reviewer may be contacted regarding questions on the Development Review Sufficiency Checklist.

Susan Hollingsworth, Manager, 479-8587 x16.

Legal Requirements Sufficiency Checklist

*6) All applications requiring a public hearing must include the following:
[34-202(a)]*

See below

6a3) If the application includes multiple abutting parcels or consists of other than one or more undivided platted lots, the legal description must specifically describe the perimeter of the total property, by metes & bounds with accurate bearings and distances for every line, but need not describe each individual parcel. [34-202(a)(1)]

The submitted legal description is not acceptable because it includes "together with & less and except language" and/or "it is not describing property with metes and bounds." Please, review the criteria for applications in LDC Section (34-202). It explains the minimum acceptable standards for legal descriptions. Please note that as per the above-referenced LDC requirement, the Legal Description must be revised and re-submitted on an 8 1/2" by 11" page, that specifically describe the PERIMETER BOUNDARY of the PROPERTY by metes and bounds "excluding together with & less and except language" by providing accurate bearings and distances for every line, but NOT each individual parcel. Please make sure that legal calls match the survey calls.

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 Staff with a Certified Sketch of Description to accompany the revised legal description.

MR. DANIEL JOHNSON
TKW CONSULTING ENGINEERS, INC
RE: BUCKINGHAM 320 RPD
DCI2004-00090
January 11, 2005
Page 4

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)]

As per the above-referenced LDC requirement, tie and display at least (2) coordinates on two opposing corners on Survey. "The county prefers that at least one of the coordinates be for the point of beginning". Thanks.

7) Miscellaneous Items.

The applicant must schedule a public informational meeting with the Caloosahatchee Shores Planning Community Panel before the application can be found Sufficient. Then, it must provide Staff with a summary memorandum of the meeting.

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, Planning Technician / Zoning at (239) 479-8485 or e-mail: lmachado@leegov.com

1) Sufficiency Comments.

1. The Traffic Impact Statement (TIS) dated Sept. 29, 1999 is out-of-date. A new TIS shall be submitted for review.

2. The application indicates that this application is a request for approval of a RPD for a single family community consisting of 690 units with accessory uses. But, a future school site was shown on the Master Concept Plan (MCP) and the MCP does not show any access point for the school site.

2) The LCDOT reviewer may be contacted regarding any questions on the LCDOT Checklist.

Lili Wu 479-8580 ext 5395

**Lee County Sufficiency Checklist for Planned Developments,
Amendments, and Existing Developments Requesting Planned
Development Zoning**

MR. DANIEL JOHNSON
TKW CONSULTING ENGINEERS, INC
RE: BUCKINGHAM 320 RPD
DCI2004-00090
January 11, 2005
Page 5

20) Contact. The Zoning Planner may be contacted regarding any questions on the Planned Development Sufficiency Checklist.

MR. DANIEL JOHNSON
TKW CONSULTING ENGINEERS, INC
RE: BUCKINGHAM 320 RPD
DCI2004-00090
January 11, 2005
Page 6

TONY PALERMO, #239-479-8325

County Attorney Comments

1. The package provided to the CAO does not include agent authorization forms.
2. The application indicates the property (20 acres) is in AG use. However, no Ag affidavit is included, nor is there a definitive statement as to whether the use will continue.
3. The TIS included in the package is from 1999. it is greater than 5 years old and is likely of questionable value as much can change with respect to the roadway system in 5 years.
4. The CAO package does not include a legal description and sketch for the RPD boundary as it is proposed to exist upon completion of the zoning action.

ZONING COMMENTS:

1. Please review the following wording:

Request to Amend Zoning Resolution #Z-00-029 to permit a maximum of 690 single-family dwelling units (an increase of 50 dwelling units) on +/- 345 acres of land (an increase of 20 acres). No development blasting is requested.

2. Please place the # of lanes, road width and classification on Buckingham Rd.

3. Per LCDOT, where is the school access point? Will it also trigger a deviation for the residential access point? You state the final design of the school can be handled with an administrative amendment, however, you at least need to propose an access point, which we can stipulate is preliminary and can be administratively amended.

4. You are in the Fort Myers Shores Community. Have you met with any Fort Myers Shores or East County community groups to discuss your request? If so, please provide notes or minutes.

5. Please confirm no blasting is requested.

6. Please confirm no deviations are requested.

7. Please indicate on the MCP how large the school site is.

8. Pending BCC action on DCI2004-00031 - the MCP will need to be updated to show that Portico RPD is a neighboring property (you show AG-2 zoning).

MR. DANIEL JOHNSON
TKW CONSULTING ENGINEERS, INC
RE: BUCKINGHAM 320 RPD
DCI2004-00090
January 11, 2005
Page 7

9. TIS comments pending a current TIS. Please note the pending Portico RPD may have an impact on the Level of Service on Buckingham Rd.

10. Environmental Sciences comments pending.

11. Please clarify the status of the agricultural uses, and provide the appropriate exhibits if you desire agricultural uses to continue until first development order.

12. Is it correct to assume you generally want the same schedule of uses?

13. And is it correct to assume the conditions in Z-00-029 (as amended by ADD2003-00067) are generally acceptable with minor modifications and updates? (such as agricultural conditions, model homes, references to the rural future land use, etc) What is your opinion of the condition regarding excess excavated material in Z-00-029? Is it necessary?

14. Please provide general locations for model homes, and a model display center (and real estate sales office)

15. Z-00-029 and ADD2003-00067 state 640 dwelling units are permitted. Your narrative states 650 dwelling units are permitted. Which is correct? If 640 is correct, you need to change your request to 680 dwelling units maximum (assuming you are adding 40 units and 20 acres)

16. If only one access point is proposed, it will require a deviation request (per development services comment) or an additional access point.

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Tony Palermo

DATE: 12/17/2004

Dawn Lehnert, Asst County Attorney
DS Reviewer - Susan Hollingsworth
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Tina Silcox, Lee County School District
Roland Ottolini, Natural Resources
Luis Machado, Zoning

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: BUCKINGHAM 320 RPD

CASE #: DCI2004-00090

INFORMATION SUMMARY:

NEW SUBMITTAL

To update your file
X Review and forward sufficiency
questions or make finding of
sufficiency

RESPONSE REQUIRED BY: 12/31/2004

Additional Comments:

1st 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: Jodi M Payne

Date: 12/21/2004



5621 BANNER DRIVE • FORT MYERS, FLORIDA 33912
(239) 278-1992 • FAX (239) 278-0922 • E-MAIL info@tkwonline.com

RECEIVED
DEC 17 2004

LETTER OF TRANSMITTAL

PERMIT COUNTER

To: Lee County Department of Community Development 1500 Monroe Street Fort Myers, FL 33901	Date: December 16, 2004
	Attn: Pete Eckenrode
	Project: Buckingham 345
	Job No.: 03783.01

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via _____ the following items:

☐ Shop drawings ☐ Prints ☒ Plans ☐ Samples ☐ Specifications

☐ Copy of letter ☐ Change order ☒ Public Hearing Submittal w/ Supp D

COPIES	DATE	NO.	DESCRIPTION
10	12/16/04	2	Public Hearing Applications
	12/16/04	1	Check in the Amount of \$5,000.00
12	12/16/04		Warranty Deed
	12/16/04	3	Boundary/Topographic Surveys
9	12/16/04	3	Supplement D Applications
12	12/16/04		Lee Plan Compliance and Land Development Compliance
4	12/16/04		Traffic Impact Statements
12	12/16/04		Location Map
12	12/16/04		Schedule of Uses
11	12/16/04	1	Map of Surrounding Property Owners and List of Surrounding Property Owners
12	12/16/04		Surface Water Management System Description
12	12/16/04		Environmental Assessment
	12/16/04	12	Soils Map and Aerial
	12/16/04	12	FLUCCS Maps
	12/16/04	3	Boundary/ Topographic Surveys
	12/16/04	12	11" x 17" Concept Plans
	12/16/04	12	24" x 36" Concept Plans
	12/16/04	12	Signed and Sealed Legal Descriptions

THESE ARE TRANSMITTED as marked below:

☒ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval

☐ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution

☐ As requested ☐ Returned for corrections ☐ Return _____ corrected prints

☐ For review and comment ☐ _____

☐ FOR BIDS DUE _____ 20 _____ ☐ PRINTS RETURNED AFTER LOAN TO US

SIGNED: Daniel P. Johnson, P.E..

If enclosures are not as noted, kindly notify us at once

DCI 2004-00090



TKW Consulting Engineers, Inc. • civil • structural

December 16, 2003

Mr. Peter J. Eckenrode
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, FL 33902

RECEIVED
DEC 17 2004

Re: **Buckingham 345**
Application for a Public Hearing with Supplement D
STRAP No. 33-43-26-00-00004.0000

PERMIT COUNTER

Dear Mr. Eckenrode:

Included is an Application for Public Hearing with Supplement D for Buckingham 345.

Included with submittal are the following items:

1. Applications for Public Hearing and Supplement D
2. Legal Descriptions (twelve copies)
3. Lee Plan and Land Development Compliance (twelve copies)
4. Location Map (twelve copies)
5. Schedule of Uses (twelve copies)
6. Map and List of Surrounding Property Owners (one original, twelve copies)
7. Surface Water Management System Description (twelve copies)
8. Environmental Assessment (twelve copies)
9. Soils Map and Aerial (twelve originals)
10. FLUCCS Map (twelve originals)
11. Check in the Amount of \$5,000.00
12. Title Assurance (Warranty Deed) (twelve copies)
13. Traffic Impact Statement (four copies)
14. 11" x 17" Concept Plans, (twelve copies)
15. 24" x 36" Concept Plans
16. Boundary Survey (six signed and sealed copies)

If you need any additional information , please call me at 278-1992.

Sincerely,

TKW Consulting Engineers, Inc.

Daniel P. Johnson, P.E.
Civil Engineering Manager

DCI 2004-00090

w/Encl.

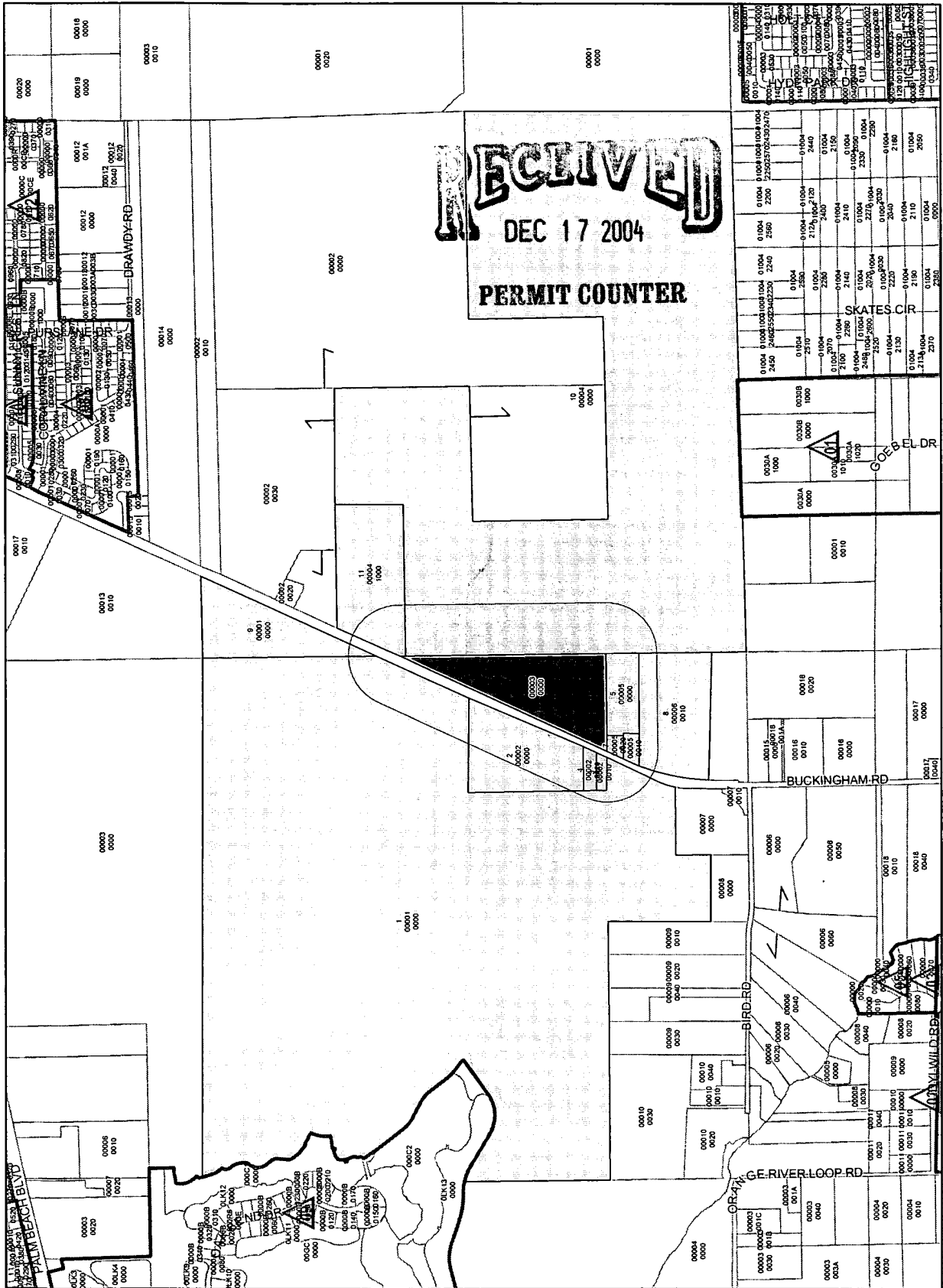
Cc: Clark Leaming, GL Homes
TKW File

TKW CONSULTING ENGINEERS, INC.
5821 Banner Drive, Fort Myers, FL 33912, Tel: 239.278.1992, Website: www.tkwonline.com

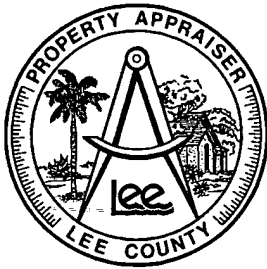
VARIANCE REPORT

11/4/2004

Subject Parcels : 1 Affected Parcels : 11 Buffer Distance : 500 ft



DCI2004-00090



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: November 04, 2004
Buffer Distance: 500 ft
Parcels Affected: 11
Subject Parcel: 32-43-26-00-00003.0000

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>Map Index</u>
VERANDAH DEVELOPMENT LLC 9990 COCONUT RD STE 200 BONITA SPRINGS FL 34135	32-43-26-00-00001.0000 3250 BUCKINGHAM RD FORT MYERS FL 33905	N1/2 W OF BUCKINGHAM RD + NE1/4 OF SW1/4 + NW1/4 LESS SEWER EASE LESS OR 4026 PG 2899 + SUBD	1
SANTIN TOM HENRY 50% INT+ 17160 CYPRESS CREEK DR NORTH FORT MYERS FL 33917	32-43-26-00-00002.0000 3600 BUCKINGHAM RD FORT MYERS FL 33905	NE 1/4 OF SE 1/4 W OF BLVD LESS S 230 FT	2
SAPP HILTON + BIRDIE M 3750 BUCKINGHAM RD FT MYERS FL 33905	32-43-26-00-00002.0010 3750 BUCKINGHAM RD FORT MYERS FL 33905	S 100 FT OF NE 1/4 OF SE 1/4 LYING W OF BLVD	3
SANTIN MARION L + RUBY W 3720 BUCKINGHAM RD FT MYERS FL 33905	32-43-26-00-00002.0020 3720 BUCKINGHAM RD FORT MYERS FL 33905	N 130 FT OF S 230 FT OF NE 1/4 OF SE 1/4 WLY OF BUCKINGHAM RD	4
MESSIER SHARON LOUISE PER REP 3771 BUCKINGHAM RD FORT MYERS FL 33905	32-43-26-00-00005.0000 3771 BUCKINGHAM RD FORT MYERS FL 33905	PARL IN S E 1/4 OF S E 1/4 DESC IN OR 1251 PG 1893 LESS PAR 5.001 + 5.0020 OR 2900/401	5
PECK DAVID + GIA 3791 BUCKINGHAM RD FORT MYERS FL 33905	32-43-26-00-00005.0010 3791 BUCKINGHAM RD FORT MYERS FL 33905	PARL IN N E 1/4 OF S E 1/4 SEC 32 TWP 43 RGE 26 DESC IN OR 1394 PG 0601	6
CANTRELL RALPH E 3773 BUCKINGHAM RD FT MYERS FL 33905	32-43-26-00-00005.0020 3763 BUCKINGHAM RD FORT MYERS FL 33905	PARL IN THE SE 1/4 OF THE SE 1/4 DESC OR 2900/399	7
PETERSEN JERRY L + NANCY M 2395 HARMONY LN UNIT #101 NAPLES FL 34109	32-43-26-00-00006.0010 3851 BUCKINGHAM RD FORT MYERS FL 33905	PARL IN SE 1/4 OF SE 1/4 E OF BUCKINGHAM RD AS DESC IN OR 1916 PG 1717 LES RD R/W	8
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	9
LEE COUNTY HOMES ASSOCIATES I 1401 UNIVERSITY DR STE 200 CORAL SPRINGS FL 33071	33-43-26-00-00004.0000 ACCESS UNDETERMINED FORT MYERS FL 33905	PARL IN S 3/4 OF SEC 33 DESC IN OR 1414 PG 1744 LESS PARL 4.100 + 2.0000 + 2. 0030	10
LEE COUNTY DIST SCHOOL BOARD 2055 CENTRAL AVE FORT MYERS FL 33901	33-43-26-00-00004.1000 3291 BUCKINGHAM RD FORT MYERS FL 33905	PARL IN S 1/2 OF NW 1/4 DESC IN OR 1647 PG 2775	11

11 RECORDS PRINTED

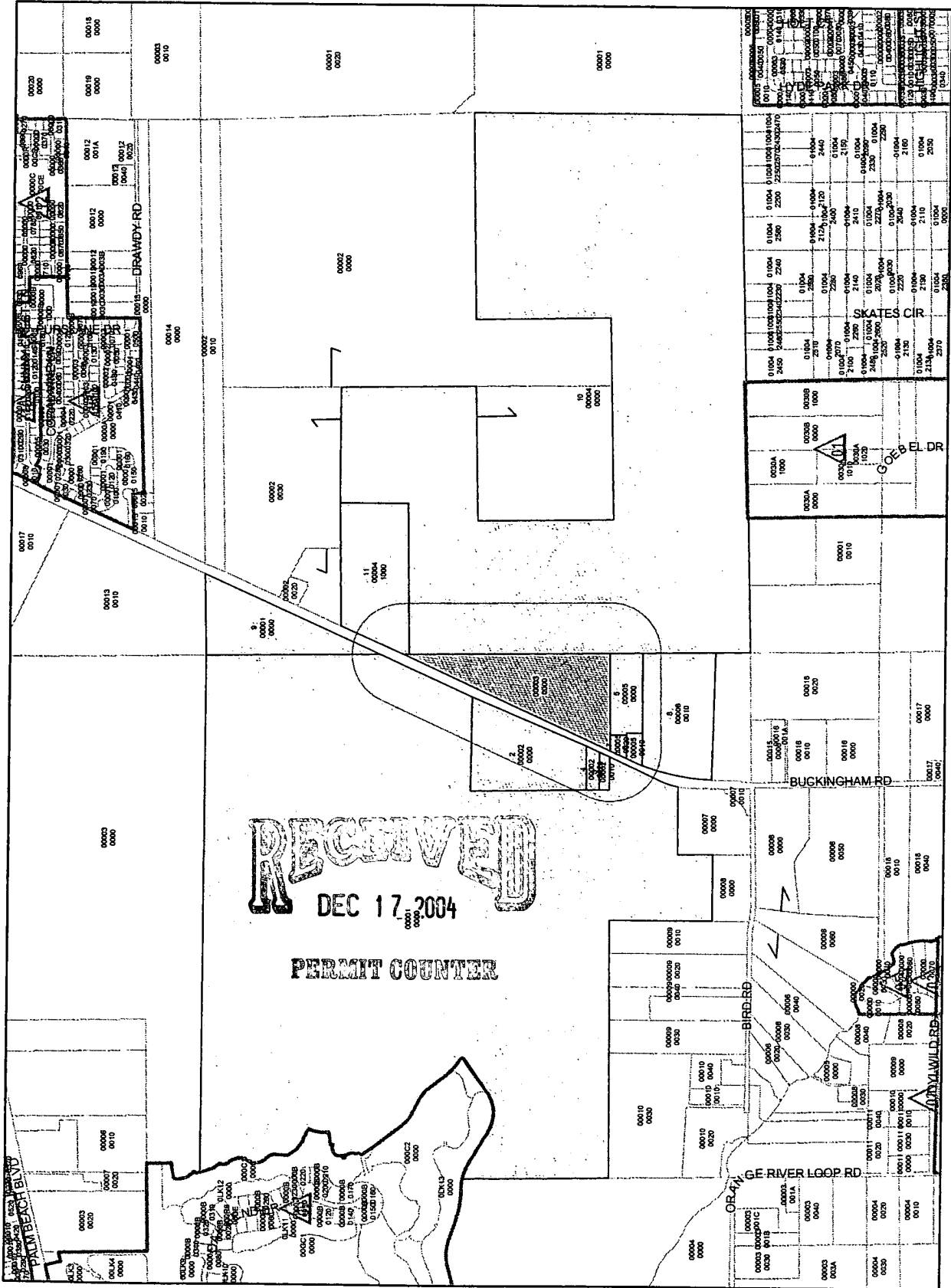
RECEIVED
DEC 17 2004

PERMIT COUNTER DCI 2004-00090

VARIANCE REPORT

11/4/2004

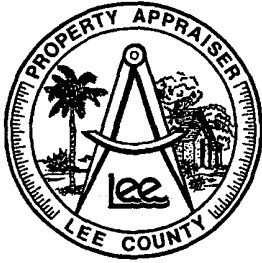
Subject Parcels : 1 Affected Parcels : 11 Buffer Distance : 500 ft



DCI2004-00090

32-43-26-00-00003.0000

1,500 750 0 1,500 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: November 04, 2004
Buffer Distance: 500 ft
Parcels Affected: 11
Subject Parcel: 32-43-26-00-00003.0000

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>Map Index</u>
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SANTIN TOM HENRY 50% INT+ 17160 CYPRESS CREEK DR NORTH FORT MYERS FL 33917	32-43-26-00-00002.0000 3600 BUCKINGHAM RD FORT MYERS FL 33905	NE 1/4 OF SE 1/4 W OF BLVD LESS S 230 FT	2
SAPP HILTON + BIRDIE M 3750 BUCKINGHAM RD FT MYERS FL 33905	32-43-26-00-00002.0010 3750 BUCKINGHAM RD FORT MYERS FL 33905	S 100 FT OF NE 1/4 OF SE 1/4 LYING W OF BLVD	3
SANTIN MARION L + RUBY W 3720 BUCKINGHAM RD FT MYERS FL 33905	32-43-26-00-00002.0020 3720 BUCKINGHAM RD FORT MYERS FL 33905	N 130 FT OF S 230 FT OF NE 1/4 OF SE 1/4 WLY OF BUCKINGHAM RD	4
MESSIER SHARON LOUISE PER REP 3771 BUCKINGHAM RD FORT MYERS FL 33905	32-43-26-00-00005.0000 3771 BUCKINGHAM RD FORT MYERS FL 33905	PARL IN SE 1/4 OF SE 1/4 DESC IN OR 1251 PG 1893 LESS PAR 5.001 + 5.0020 OR 2900/401	5
PECK DAVID + GIA 3791 BUCKINGHAM RD FORT MYERS FL 33905	32-43-26-00-00005.0010 3791 BUCKINGHAM RD FORT MYERS FL 33905	PARL IN NE 1/4 OF SE 1/4 SEC 32 TWP 43 RGE 26 DESC IN OR 1394 PG 0601	6
CANTRELL RALPH E 3773 BUCKINGHAM RD FT MYERS FL 33905	32-43-26-00-00005.0020 3763 BUCKINGHAM RD FORT MYERS FL 33905	PARL IN THE SE 1/4 OF THE SE 1/4 DESC OR 2900/399	7
PETERSEN JERRY L + NANCY M 2395 HARMONY LN UNIT #101 NAPLES FL 34109	32-43-26-00-00006.0010 3851 BUCKINGHAM RD FORT MYERS FL 33905	PARL IN SE 1/4 OF SE 1/4 E OF BUCKINGHAM RD AS DESC IN OR 1916 PG 1717 LES RD R/W	8
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	9
LEE COUNTY HOMES ASSOCIATES I 1401 UNIVERSITY DR STE 200 CORAL SPRINGS FL 33071	33-43-26-00-00004.0000 ACCESS UNDETERMINED FORT MYERS FL 33905	PARL IN S 3/4 OF SEC 33 DESC IN OR 1414 PG 1744 LESS PARL 4.100 + 2.0000 + 2. 0030	10
LEE COUNTY DIST SCHOOL BOARD 2055 CENTRAL AVE FORT MYERS FL 33901	33-43-26-00-00004.1000 3291 BUCKINGHAM RD FORT MYERS FL 33905	PARL IN S 1/2 OF NW 1/4 DESC IN OR 1647 PG 2775	11

11 RECORDS PRINTED

32-43-26-00-00001.0000
VERANDAH DEVELOPMENT LLC
9990 COCONUT RD STE 200
BONITA SPRINGS, FL 34135

32-43-26-00-00002.0010
SAPP HILTON + BIRDIE M
3750 BUCKINGHAM RD
FT MYERS, FL 33905

32-43-26-00-00005.0000
MESSIER SHARON LOUISE PER REP
3771 BUCKINGHAM RD
FORT MYERS, FL 33905

32-43-26-00-00005.0020
CANTRELL RALPH E
3773 BUCKINGHAM RD
FT MYERS, FL 33905

33-43-26-00-00001.0000
VERANDAH DEVELOPMENT LLC
9990 COCONUT RD STE 200
BONITA SPRINGS, FL 34135

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LEE COUNTY DIST SCHOOL BOARD
2055 CENTRAL AVE
FORT MYERS, FL 33901

32-43-26-00-00002.0000
SANTIN TOM HENRY 50% INT+
17160 CYPRESS CREEK DR
NORTH FORT MYERS, FL 33917

32-43-26-00-00002.0020
SANTIN MARION L + RUBY W
3720 BUCKINGHAM RD
FT MYERS, FL 33905

32-43-26-00-00005.0010
PECK DAVID + GIA
3791 BUCKINGHAM RD
FORT MYERS, FL 33905

32-43-26-00-00006.0010
PETERSEN JERRY L + NANCY M
2395 HARMONY LN UNIT #101
NAPLES, FL 34109

33-43-26-00-00004.0000
LEE COUNTY HOMES ASSOCIATES I
1401 UNIVERSITY DR STE 200
CORAL SPRINGS, FL 33071

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NAPLES, FL 34109

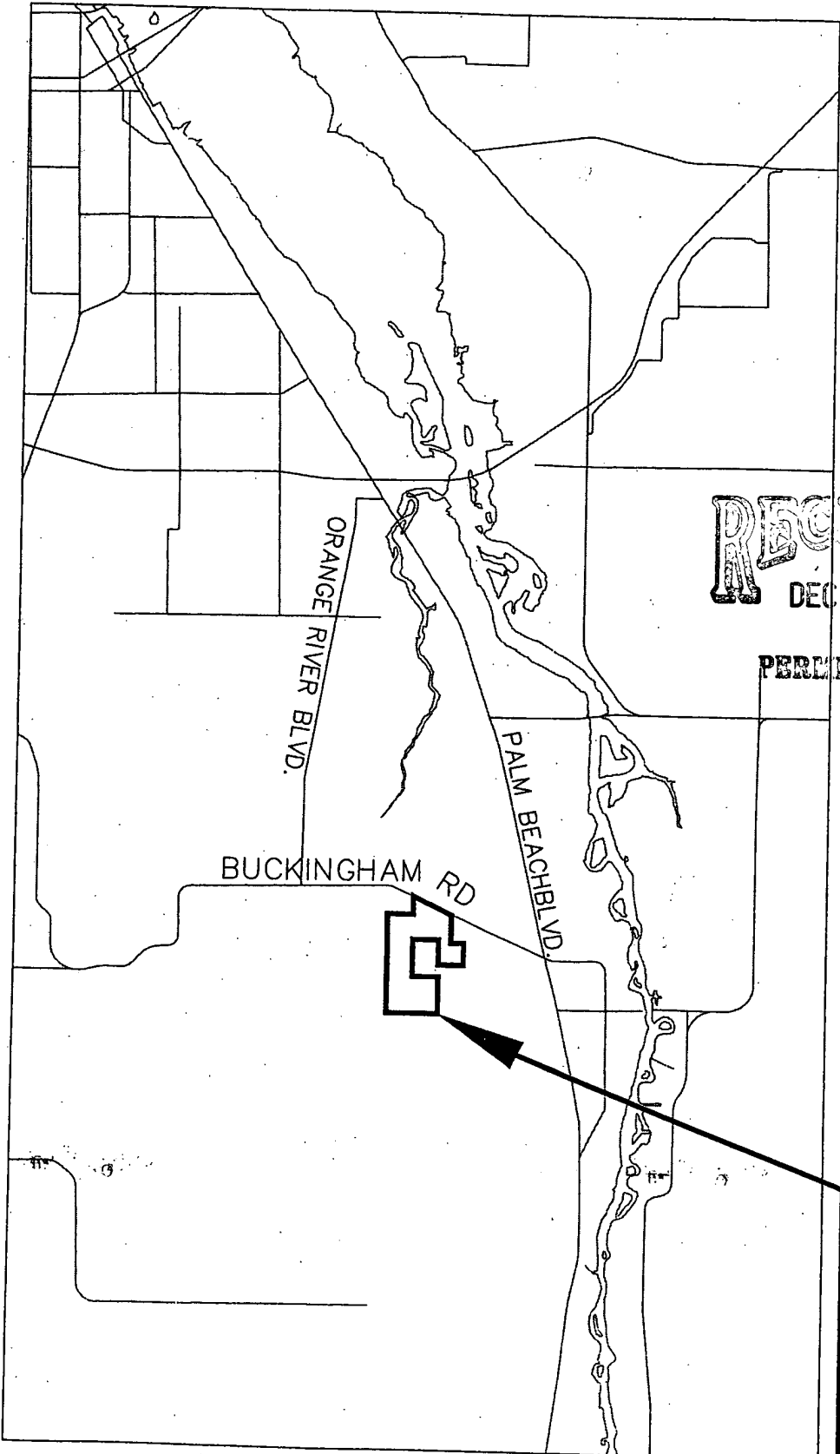
33-43-26-00-00004.0000
LEE COUNTY HOMES ASSOCIATES I
1401 UNIVERSITY DR STE 200
CORAL SPRINGS, FL 33071

Received
DEC 17 2004

PERMIT COUNTER

**PROJECT
LOCATION**

DCI2004-00090



VICINITY MAP

0 1000 2000 4000
SCALE IN FEET

PART OF SECTION 32 & 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA





LEE COUNTY
SOUTHWEST FLORIDA

**COURTESY NOTICE
OF RECEIPT OF ZONING APPLICATION**

Date: December 22, 2004

Case Number: DCI2004-00090

Case Name: BUCKINGHAM 320 RPD

Request: Permit 690 residential dwelling units on 345 acres of land.

Location: 3621 Buckingham Road

Location Map: SEE REVERSE

PROPERTY OWNER'S
REPRESENTATIVE: MR. DANIEL JOHNSON
TKW CONSULTING ENGINEERS, INC
239 278-1992

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.

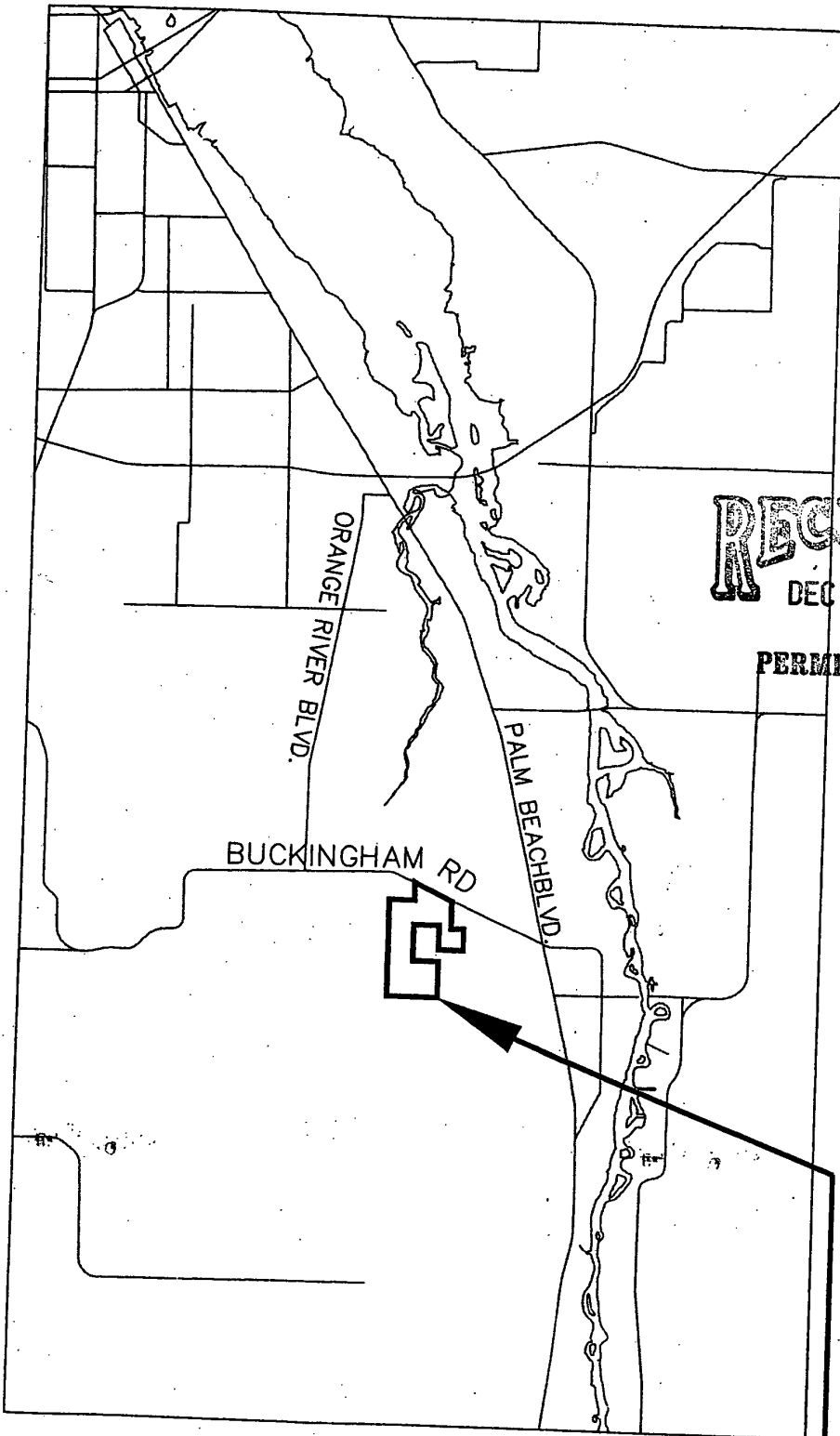
JMP

RECEIVED
DEC 17 2004

PERMIT COUNTER

**PROJECT
LOCATION**

DCI2004-00090



VICINITY MAP

0 1000 2000 4000
SCALE IN FEET

PART OF SECTION 32 & 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA



32-43-26-00-00001.0000
VERANDAH DEVELOPMENT LLC
9990 COCONUT RD STE 200
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NAPLES, FL 34109

33-43-26-00-00004.0000
LEE COUNTY HOMES ASSOCIATES I
1401 UNIVERSITY DR STE 200
CORAL SPRINGS, FL 33071

RECEIVED
DEC 17 2004

PERMIT COUNTER

DCI 2004-00090

RECEIVED
OCT 20 2005

COMMUNITY DEVELOPMENT

MEMORANDUM
FROM
THE OFFICE OF THE
LEE COUNTY HEARING EXAMINER

DATE: October 20, 2005
TO: THE FILE
FROM: Diana M. Parker *Dm Parker*
County Hearing Examiner

RE: Case DCI2004-00090 - Buckingham 345
Error/Omission in Hearing Examiner Recommendation

The Hearing Examiner's Recommendation contains an error or an omission. The following deletions ("strike-thrus") and additions ("underlines") will correct the Recommendation:

In Section IV. HEARING EXAMINER DISCUSSION [page 14]:

~~No Deviations have been requested for this RPD.~~

In Section V. FINDINGS AND CONCLUSIONS [Page 16]:

~~J. — That no Deviations from Chapters 10 or 34, Land Development Code, have been requested in this RPD.~~

The Hearing Examiner regrets any inconvenience this error may have caused.

cc: Tim Jones, County Attorney's Office
Jamie Princing, Development Services Division
Tony Palermo, Planner, Development Services Division
Donna Marie Collins, County Attorney's Office
Applicant/Applicant's Representative(s)
Hearing Participants *[if applicable]*

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

RECEIVED
OCT 18 2005

COMMUNITY DEVELOPMENT

REZONING: DCI2004-00090
APPLICANT: LEE COUNTY HOMES ASSOCIATION I, LLP,
in reference to BUCKINGHAM 345
HEARING DATE: SEPTEMBER 14, 2005
WRITTEN SUBMISSION: SEPTEMBER 30, 2005

I. APPLICATION:

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

Filed by LEE COUNTY HOMES ASSOCIATES I, LLLP, % RICHARD NORWALK & ALAN FANT, 1401 University Drive, Suite 200, Coral Springs, Florida, 33071; and G. L. HOMES LIMITED CORPORATION, 1401 University Drive, Suite 200, Coral Springs, Florida 33071 (Applicant/Owner); TKW CONSULTING ENGINEERS, Inc., % DANIEL P. JOHNSON PE., 5621 Banner Drive, Fort Myers, Florida 33912; METRO TRANSPORTATION GROUP, c/o TED TREESH, 12651 McGregor Boulevard, Suite 4-403, Fort Myers, Florida, 33919-4489; and BEVERLY GRADY, ESQUIRE, c/o ROETZEL & ANDRESS LAW FIRM, 2320 First Street, Suite 1000, Fort Myers, Florida 33901 (Agents).

Request is to amend Zoning Resolution #Z-00-029 to permit a Residential Planned Development (RPD) with a maximum of 690 single-family dwelling units (an increase of 50 dwelling units) on +/- 345 acres of land. The proposed amendment includes the addition of +/- 20 acres of Agricultural (AG-2) land. Maximum building heights proposed are three (3) stories/35 feet for residential uses, and three (3) stories/45 feet for other uses (gate houses, recreational facilities).

The request also includes a potential public school site, and a maximum of 7,500 square feet of commercial uses within a clubhouse setting. No development blasting is requested. One Deviation from LDC Section 10-416(d)(6), which requires an 8-foot-high wall or wall/berm combination along any roadway located within 125 feet of existing or approved single-family residential uses.

The subject property is located at 3621 Buckingham Road, in Section 32, Township 43 South, Range 26 East, Lee County, Florida (District #5).

II. STAFF REPORT AND RECOMMENDATION: APPROVE WITH CONDITIONS

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

III. RECOMMENDATION OF HEARING EXAMINER:

The undersigned Lee County Hearing Examiner recommends that the Lee County Board of County Commissioners **APPROVE** the Applicant's request to amend the existing Buckingham 320 Residential Planned Development (RPD) to add 20 acres and 50 single-family dwelling units, for a maximum of 690 single-family dwelling units, for the real estate described in Section IX. Legal Description WITH THE FOLLOWING CONDITIONS AND DEVIATIONS:

A. CONDITIONS:

Changes to Zoning Resolution #Z-00-029 are shown in strike-through underline format.

1. The development of this project must be consistent with the ~~one two-~~ 2-page Master Concept Plan (MCP) for Buckingham 345, Sheets 1 & 2, and 1-page Landscape Buffer Plan, Sheet 3, all prepared by TKW Consulting Engineers, dated November 2004, last revised September 27, 2005, entitled "Conceptual Site Plan-Buckingham 320 RPD," stamped received April 26, 2000, last revised April 26, 2000, "BUCKINGHAM 345", and date stamped AUGUST 19, 2005 "Received September 28, 2005 Zoning," 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 MCP are subsequently pursued, appropriate approvals will be necessary.

The Resolution approving this amendment contains the pertinent and applicable terms and conditions of the previous approval, as well as new conditions relating to the proposed changes to the RPD. The Resolution approving this amendment supersedes that previous Resolution (#Z-00-029), thereby rendering it null and void.

Maximum Number of Dwelling Units: 690

Commercial uses are limited to a maximum +/- 7,500 square feet of floor area and ancillary to a recreational/clubhouse use only. See "Club, Private" and Condition 23.

Upon passage of this Zoning Resolution, Zoning Resolution #Z-00-29 and Administrative Amendment ADD2003-00067 will become null and void.

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

a. Schedule of Uses

Accessory Uses and Structures

Administrative Offices

Agricultural Uses (cattle raising in undeveloped phases prior to development and nursery operations for plantings used on-site only) SEE AGRICULTURAL CONDITION 9

Club, private - LIMITED TO "REC. TRACT" ON THE APPROVED MASTER CONCEPT PLAN. CLUBHOUSE

BUILDINGS MAY NOT EXCEED 40,000
SQUARE FEET IN TOTAL FLOOR AREA TOTAL.
This is inclusive of the 7,500 square feet permitted for
limited commercial uses. Also see Condition 23

Dwelling Units, Single-family, Zero-Lot-Line and zero-lot line.

- ~~(1) A maximum of 640 units to be comprised solely of single-family construction (densities may not be shifted between land use categories unless a new public hearing occurs and the provisions of Policy 5.1.11 of the Lee Plan are followed). [120 units within Rural Land Use area; up to 520 units in Suburban Land Use area]~~
- ~~(2) Single-family units may be located in any of the Phases/Development Areas within the Suburban land use category - whether or not so indicated on the approved Master Concept Plan, PROVIDED the trips do not exceed 8,759 ADT, 640 AM peak hour, and 845 PM peak hour - as set out in the Zoning Traffic Impact Study.~~
- ~~(3) The number of units is also subject to compliance with concurrency requirements.~~

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 Home and Model Unit - must be in compliance with LDC §34-1954 only. ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITION 6

Model Display Center - must be in compliance with LDC §34-1955, limited to one, which must be located in the sales center area shown on the MCP and must only serve this project. ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITION 6.

Parking Lot, Accessory

Real Estate Sales Office - limited to sales of lots, homes or units within the development, except as may be permitted in LDC §34-1951 et seq. The location of, and approval for, the real estate sales office will be valid for a period of time not to exceed five years from the date the Certificate of Occupancy for the sales office is issued. ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITION 6.

Recreational Facilities - Private, On-site only. LIMITED TO "REC. ON THE APPROVED MASTER CONCEPT PLAN.

Residential Accessory Uses - In compliance with LDC §34-622(c)42 and LDC Article VII, Division 2

Schools, Non-commercial

Signs, in compliance with LDC Chapter 30

Storage, Indoors - LIMITED TO RESIDENTS WITHIN THE DEVELOPMENT ONLY.

Temporary Uses, Temporary Sales, Temporary Construction

The following commercial uses may be located in the clubhouse/on-site recreational facilities only and in compliance with Condition 23.

Bank and Financial Establishments - Group I (including ATMs)
Consumption on Premises - Indoor only
Food & Beverage Service, Limited
Personal Services, Group I

b. Site Development Regulations

Overall Project:

Setbacks: (structure, parking areas, water management areas and pavement): In compliance with LDC §10-329 for water detention/retention excavation setbacks and LDC §10-416(d)(6)

Building Height: 35 feet/~~three~~ two stories for residential uses.
(~~not to exceed either parameter~~)

45 feet/~~three~~ two stories for all other structures such as ~~gate houses~~, clubhouses and recreational facilities. Also See Condition 14

45 feet/three stories for gatehouses. Also See Condition 14

Open Space: 40 percent minimum.

10 percent must be distributed to individual dwelling units having immediate private ground floor access.

Indigenous open space must be provided as depicted on the MCP

Minimum Water Body Setback: ~~_____~~ 25 feet

Maximum Lot Coverage: ~~_____~~ 40 percent

Phases 1-6:

Minimum Lot Area: ~~_____~~ 5,250 square feet

Minimum Lot Width: ~~_____~~ 50 feet

Minimum Lot Depth: ~~_____~~ 105 feet

Minimum Street Setback: ~~_____~~ 20 feet

~~Minimum Side Setback: zero feet and five feet for zero lot line units, 7.5 feet for all others, except that where there are two or more principal buildings on a development tract, the minimum separation of buildings will be no less than 20 feet~~

~~Minimum Rear Setback: 20 feet~~

~~Phases 7 & 8:~~

~~Minimum Lot Area: 20,000 square feet~~

~~Minimum Lot Width: 100 feet~~

~~Minimum Lot Depth: 100 feet~~

~~Minimum Street Setback: 20 feet~~

~~Minimum Side Setback: 10 feet~~

~~Minimum Rear Setback: 25 feet~~

Tracts 2 and 5

Single Family

Minimum Lot Areas and Dimensions

Lot Size: 7,350 square feet

Lot Width: 70 feet

Lot Depth: 105 feet

Minimum Setbacks

Street 20 feet - garage 15 feet - house

Side 6 feet - Side Corner 17.5 feet. 25 percent of lot width for lots over 50 feet wide.

Rear 10 feet

Water body 25 feet

Accessory Use: Per the LDC

Perimeter Setbacks: 25 feet

Maximum Height: 3 stories/35 feet for residential uses
3 stories/45 feet for other uses. Also See Condition 14

Maximum Lot Coverage: 50 percent

Tracts 1, 3 and 4

Single Family Zero-Lot-Line

Minimum Lot Areas and Dimensions

Lot Size: 5,250 square feet
Lot Width: 50 feet
Lot Depth: 105 feet

Minimum Setbacks

Street 20 feet - garage 15 feet - house
Side Zero feet and 10 feet for Zero-lot-line
Rear 10 feet
Side corner 12.5 feet or 25 percent of lot widths for lots greater
than 50 feet.
Water body 25 feet

Accessory Use: Per the LDC

Perimeter Setbacks: 25 feet

~~Maximum Height: 3 stories/35 feet for residential uses~~
~~3 stories/45 feet for other uses. Also See Condition 14~~

Maximum Lot Coverage: 55 percent

Recreational Tract

Minimum Lot Areas and Dimensions

Lot Size: +/- 5.6 Acres
Lot Width: N/A
Lot Depth: N/A

Minimum Setbacks

Street Buckingham Road 25 feet/20 feet all other streets
Side 15 feet
Rear 20 feet
Water body 25 feet

Accessory Use: Per the LDC.

Minimum Building Separation: 20 feet.

~~Maximum Height: 3 stories/45 feet (non-residential uses). Also See~~
~~Condition 14.~~

Maximum Lot Coverage: 40 percent

3. The following recommendations are presented in order to mitigate future hurricane damage and/or loss of life, as well as to ensure compliance with Lee Plan objectives.

a. The Developer must initiate the establishment of a homeowners' or residents' association. The organization must provide an educational program on an annual basis, in conjunction with the staff of Emergency Management, which will provide literature, brochures and speakers for Hurricane Awareness/Preparedness Seminars, describing the risks of natural hazards. The intent of this recommendation is to provide a mechanism to educate residents concerning the actions they should take to mitigate the dangers inherent in these hazards.

b. The Developer must formulate an emergency hurricane notification and evacuation plan for the development, which will be subject to review and approval by the Lee County Office of Emergency Management.

c. Hurricane preparedness and impact mitigation, if required, must comply with the provisions of LDC §2-481 *et seq.*

4. ~~DELETED. Prior to Development Order Approval, the MCP must be revised to show compliance with the required 50-foot-minimum-lake setback from Buckingham Road, an arterial roadway. Approval of this MCP does not grant any deviation from this requirement.~~

5. The Developer must provide written disclosure to all potential and actual property owners within this project, of the existence of The School District of Lee County's transportation facility on the Buckingham campus and the potential for expansion of this facility.

6. Model units and homes (and real estate sales) are permitted in compliance with the following conditions:

a. Each model must be a unique example. Multiple examples of the same unit are not permitted. ~~and~~

b. All model sites must be designated on the development order plans.

c. Prior to model home construction, the lots upon which model homes will be constructed must be shown on a preliminary plat (not the final). The preliminary plat must be filed concurrently with the local development order application. The model homes must comply with the setbacks set forth in the property development regulations for this project.

d. Dry models are prohibited.

e. The number of model homes or model units will be limited to no more than 15 within the development at one time.

f. Any model homes or units must be developed within the areas identified as "model homes, sales location center, parking for sales center, rec. tract" on the approved Master Concept Plan.

g. Model display Centers or Model Display Groups must be shown on the development order plans. Parking areas for these uses will be buffered with a single-row hedge and tree canopy for parking areas per the LDC.

h. Real estate sales are limited to the sale of lots or units within the development only.

i. Real estate sales are limited to temporary real estate trailers, model units, model display centers, recreational area and clubhouse.

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

k. Model homes and real estate sales will be valid for a period of up to 5 years from the date of issuance of a certificate of occupancy of a model home per LDC § 34-1954(d)(1).

7. ~~DELETED. Multi-family uses within Phase 1 must be located north of the upland preserve area as depicted on the MCP, and no such structures may be constructed within 150 feet of the southern or western property line (excluding those areas where the western boundary abuts Buckingham Road).~~

8. A. **BUFFER ON SOUTHERN AND WESTERN PROPERTY LINES**

A buffer 20 feet in width must be planted along the southern and western property line (excluding lands abutting Buckingham Road) prior to the approval of building permits for any dwelling units in ~~phases 1, 6 or 7~~ Tracts 4 and 5. A 6-foot-high wall or fence must also be installed along the southern property line - in compliance with the provisions of LDC Chapter 10 where it must encroach into the preserved wetlands. The vegetation in the buffer must contain, at a minimum, six native trees per 100 linear feet. All trees must be a minimum of 10 feet tall at time of planting. All shrubs must be a minimum of four feet tall at the time of planting and must create an unbroken hedge. Existing indigenous native vegetation may be counted toward the vegetation requirements of this condition, and no buffer is required in the area on the approved MCP shown as upland preserve areas.

B. **BUFFER ON LANDS ABUTTING BUCKINGHAM ROAD**

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.

9. ~~Bona fide agricultural uses that are now in existence may continue in a given phase until the development of that phase commences, except for those areas designated as wetland/preserve area on the MCP, which will be specifically provided protection from intrusion by existing or continued agricultural uses prior to commencement of Phase 1. However, no development activity of any kind may occur on the property, including clearing of vegetation or cutting of trees, unless such activity is reviewed and approved in accordance with all applicable Lee County regulations as if no agricultural use existed on the property. The purpose of this condition is to eliminate any exemption or other special considerations or procedures that might otherwise be available under Lee County regulations by virtue of the existing agricultural uses on the property.~~

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 B 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.

10. ~~DELETED. The following conditions are included to address Lee Plan consistency issues:~~

a. ~~The portion of the property within the Rural future land use category must maintain densities of one dwelling unit per acre or less. No more than 120 dwelling units may be constructed in the Rural designated areas of the project.~~

~~b. Given the limited existing available Suburban 2020 Planning Community Acreage Allocation at the time of rezoning, the available Suburban allocation must be determined by the Planning Division, prior to any Development Order approval for residential uses in the Suburban portions of the site. No development order will be issued or approved if the acreage, when added to the acreage contained in the updated existing land use database, exceeds the limitation established by Lee Plan Table 1(b), Acreage Allocation Table (per Lee Plan Policy 1.7.6). In that event, in order for Applicant to develop the Suburban acreage with residential uses, the Lee Plan must be amended to change the Suburban residential acreage allocation for the Fort Myers Shores planning community in Table 1(b). Adequate data and analysis to support this amendment must be submitted by the Applicant at the time of the request for the Lee Plan amendment. Development in excess of the current Table 1(b) allocations will not be permitted until Table 1(b) is amended accordingly.~~

~~c. Approval of this rezoning does not guarantee local development order approval or vest present or future development rights for Lee Plan consistency. Development Order approvals must be reviewed for and found to be consistent with all other Lee Plan provisions.~~

11. DELETED. Prior to Development Order approval, the MCP must be amended to depict a water retention area, no less than 100 feet wide, along the south property line (outside of the indigenous preserve areas) where such south property line is adjacent to Riverdale Ranches, Rancho Eight or Skates Circle. This condition does not include those areas of Phase 1 that are separated from Buckingham Road by the indigenous areas.

12. DELETED. This development must comply with all of the requirements of the LDC at the time of local development order Approval, except as may be granted by deviations approved as part of this planned development or subsequent amendments thereto.

13. DELETED. No excess excavated material may be removed from the site unless the developer can demonstrate to the Director of Community Development that the material to be removed:

a) ~~is unsuitable material that cannot be used on-site; and~~

b) ~~the material must be excavated to meet the minimum requirements to provide a water management system on the site. The purpose of this condition is to prohibit the voluntary creation of excess fill material for use off-site.~~

14. Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC Section 34-2174(a) and 34-935(e)(4).

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

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

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

18. 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.

19. The Developer has offered to voluntarily reserve a 20-foot wide strip along Buckingham Road for county right of way purposes. Dedication of this 20-foot strip may be accomplished by recording an instrument (i.e. deed or plat) that grants or dedicates to the County an exclusive easement for right-of-way purposes. The developer will be eligible for 100% road impact fee credits for land dedicated for Buckingham Road.

If the easement is dedicated via a plat, the dedication must be clear and unambiguous. Use of the label "Future Right-of-Way" will not be acceptable. The dedicated area may not be used for required development buffering or any other non-county right-of-way improvements. This dedication must be complete prior to the issuance of the first building permit allowing vertical construction within the project.

20. 6-FOOT SETBACKS (Applicable only to Tracts 2 and 5).

A. No structures, including but not limited to, sidewalks, mechanical equipment, door stoops, walls, etc. may be constructed or placed within the required 6-foot side setbacks; or

B. Prior to issuance of Certificate of Occupancy on each lot, the Engineer of Record must certify that the drainage for each lot is built in compliance with the typical lot grading detail provided as part of the building permit process.

21. All required buffers must utilize 100% all native vegetation.

22. ACCESS TO BUCKINGHAM ROAD

A. The approved Master Concept Plan and local development order must depict a minimum 70-foot wide divided entrance on Buckingham Road that includes a 14-foot wide median with two 11-foot wide lanes on both sides of the median for ingress and egress.

B. The local development orders must include an emergency access point on Buckingham Road as shown on the approved Master Concept Plan.

C. 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.

23. COMMERCIAL USES AND CONSUMPTION ON PREMISES.

Commercial uses are limited to a maximum of +/- 7,500 square feet of floor area for the entire development.

A. Commercial uses are limited to amenity "Recreation" sites only as shown on the approved Master Concept Plan.

B. Commercial uses are limited to members and guests of a private club. Use by the general public is prohibited.

C. Consumption on Premises (indoor only) is limited to sales within a residential clubhouse setting only. No restaurants, bars, package stores, or similar uses are permitted.

D. Hours of operation for consumption on premises (indoor only) is limited to 7:00 a.m. to midnight, daily. Other commercial uses may operate at hours consistent with the LDC.

E. Outdoor seating for Consumption on Premises may only be approved by Special Exception (public hearing required).

F. Outdoor sales of alcohol is prohibited, and may not be permitted on a temporary or permanent basis.

24. PUBLIC SCHOOL USE.

A. If the school site is transferred to the Lee County School District, the zoning approval may be amended administratively to remove the 13-acre parcel from the MCP. The deletion of the school site from the MCP will not affect Applicant's right to develop 690 single-family dwelling units on the remaining portion of the land covered by the approved MCP.

B. The "Future School Site" may be developed with single-family and accessory uses consistent with the Land Development Regulations for Tracts 2 and 5.

C. If the "Future School Site" is utilized for residential development, no more than 690 dwelling units may be permitted for the entire development.

D. Deleted at public hearing.

E. Deleted at public hearing.

25. Prior to local development order approval, a brochure must be provided to Division of Environmental Sciences and the Division of Zoning for review and approval that will be given to all residents advising 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.

B. DEVIATIONS:

Deviation is sought from LDC Section 10-416(d)(6), which requires, where a road is located less than 125 feet from an adjacent single family residential subdivision, a combination berm and solid wall not less than eight (8) feet in height be constructed not less than 25 feet from the abutting property and landscaped between the wall and abutting property with a Type "C" buffer (a minimum of five (5) trees and 18 shrubs per 100 linear feet), to allow certain landscaping and a 3-foot-high berm/5-foot-high wall combination to be located closer to the abutting property at the certain location depicted on the landscape buffer plan, attached as **Exhibit C**. The Hearing Examiner recommends Approval of this Deviation subject to the following condition:

Development must be consistent with the 1-page G.L. Homes "Buckingham 345 Landscape Buffer Plan," Sheet 3, date stamped "Received September 28, 2005."

IV. HEARING EXAMINER DISCUSSION:

This is a request to amend the existing Buckingham 320 RPD to add 20 acres, bringing the total to 345 acres, and to add 50 dwelling units, bringing the total to 690 dwelling units. The subject property is located on the east side of Buckingham Road, about 1.75 miles south of State Road 80 (Palm Beach Boulevard). It is abutted on the north by the Buckingham Exceptional School, the School Board's east region bus depot, and Portico RPD, on the east by Portico RPD and RiverHall RPD (fka Hawk's Haven), on the south by single-family residences and ranches on acreage zoned AG-2, and on the west by Buckingham Road then the Verandah MPD. It is designated Outlying Suburban in the Lee Plan and falls within the Caloosahatchee Shore Community Plan.

Issues

Although there were no issues between Staff and Applicant, the public raised questions about the project's drainage and the developer's ability to prevent additional flooding of their properties. They indicated that they already experience serious flooding in major storm events, and are concerned that this development will cause additional run-off right onto their properties. They also stated concerns about the safety of their livestock and the security of their properties, noting that children within the development could be attracted to the variety of farm animals and other livestock they raise on their properties. They did not want the children walking through the "buffer" along the south boundary, because there is no project wall or fence around that property, and then climbing their fences to get at their animals.

Background

The Buckingham 320 RPD was previously approved in 2000 for 640 dwelling units on 325-acres. Under that approval, the subject property was divided between Suburban and Rural land use categories, and the Master Concept distributed the 640 dwelling units in accordance with those categories. The higher density was located along Buckingham Road, while the one unit per acre density was located on the east side of the site.

Since that 2000 approval, the Lee Plan has been amended to change the land use categories on this property to that of "Outlying Suburban," which allows a density of up to three units per acre. Since the RPD was previously approved at an overall density of two units per acre, Applicant decided to comply with that density on the enlarged site, when they purchased the additional 20 acres and requested the amendment of the RPD.

The addition of the 20-acre parcel to the RPD will increase the total project area to 345 acres, and the addition of the additional 50 single-family dwelling units will increase the total number of dwelling units to 690 - which is exactly two units per acre. Applicant pointed out that their previous density was actually 1.97 units per acre because they actually had 325 acres within the project - even though it was titled Buckingham 320. Thus, they believed the increase from 1.97 to 2.0 units per acre is a very minimal increase and will not have any adverse impacts on the surrounding properties, roadways or environment.

The proposed changes to the original Master Concept Plan are quite minor. The overall plan of development has been revised to accommodate the additional 20 acres and to redistribute the dwelling units more evenly over the subject property. A 13.2-acre parcel, fronting on Buckingham Road, is designated for a public school use, but no final arrangements have been made with the School Board regarding that parcel. If the parcel is not accepted by the School Board, Applicant will develop it with single-family homes similar in size and type to those proposed for Tracts 2 and 5. (Tracts 1, 3 and 4 are designed for zero-lot line single-family homes.)

No Deviations have been requested for this RPD.

Staff recommended approval of the RPD amendment, with conditions, finding that the request, as conditioned, is consistent with the intent of the Lee Plan and the Land Development Code, and will be compatible and consistent with the existing, approved and future development of the area. They also found that the requested amendment, as conditioned, would not be detrimental or injurious to the neighborhood or the public health, safety and welfare.

Public Input

As indicated above, several adjoining property owners attended the public hearing to express their concerns about this project's effect on the existing drainage problems and their use of their properties for the breeding and maintenance of livestock. They explained that their properties already flood during the summer and regular storm events, with this property being vacant to help absorb some of its own sheet flow. They believed that covering this property with buildings and other hardscape would reduce the property's ability to absorb even some of the surface waters, which would result in those waters flowing straight onto their properties. Standing water is not healthy for their family, pets, livestock or plants, or for the surrounding areas, and would, thus, endanger their lives and their homes. They also feared that the development of this site, without serious water management provisions, would place a strain on the existing area-wide drainage capabilities, which will affect everyone and everything in the area.

Their second concern was that the lack of a fence or wall between their properties and the subject property will allow the children from the subject property to cross into their properties to get at their animals and livestock. They pointed out that they had fences along their property lines but that children could easily climb those fences, once they learned that the livestock and other animals were there. They wanted a fence or wall placed along the south boundary line to contain the project's children, and to help protect their property and animals.

Another concern raised by these property owners was the lack of a stoplight in close proximity to their access onto Buckingham Road, which meant that they, sometimes, had to wait for several minutes before they could pull out or turn in. They asked that a traffic light be installed at the entrance to this project, which would give them periodic breaks in the traffic flow, so they could get onto Buckingham Road. It was explained to them that a traffic light can only be installed when the situation on the road warrants it, which, in this case, will be sometime in the future.

They argued that their area has historically been rural, which has been very conducive to their lifestyles. They understood that the area would be developing and were not unhappy with the proposed development; they just wanted to be sure that their interests and lifestyles were protected.

Hearing Examiner Discussion

The undersigned Hearing Examiner concurs with Staff's analysis, findings and recommendation of approval, with conditions, for the amendment to the RPD, finding that the request, as conditioned, meets the criteria for approval set out in LDC Section 34-145, and is consistent with the Lee Plan and the Land Development Code. She also finds that the request, as conditioned, will be compatible and consistent with the existing and future uses in the area, and will not be detrimental or injurious to the neighbors or the public health, safety and welfare.

After listening to the concerns and fears discussed by the adjacent property owners, the Hearing Examiner has included a 6-foot-high fence or wall requirement in the buffer condition for the south boundary. She believes that the existing residents should not suffer from the requested development or from the other large scale developments being approved for this area of the County.

It was acknowledged in the public hearing that this project and a couple of other large-scale residential projects will greatly increase the traffic on Buckingham Road, at their build-outs. However, Buckingham Road is only a 2-laned arterial right now, and is not contained on the long-range MPO for 4-laning before 2030. The improvements to arterial and collector roads is determined by a "needs" assessment, and Buckingham Road has not, historically, had enough traffic to demonstrate an adequate need to schedule its improvement on the long-range plan. However, Staff expects that to change since the recent approvals of the three large-scale residential communities in the area. County Staff is already reviewing the "need" on Buckingham Road, and trying to determine when the 4-laning improvement will become necessary and feasible, when compared with the "needs" of other Lee County roadways.

It is the opinion of the Hearing Examiner that the conditions imposed herein are reasonably related to the impacts anticipated from the proposed development, and, with other regulations, will adequately protect the public's interests.

V. FINDINGS AND CONCLUSIONS:

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

- A. That the Applicant has proved entitlement to the amendment of this existing RPD, as conditioned, by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes or regulations.
- B. That the amendment, as conditioned, will meet or exceed all performance and locational standards set forth for the potential uses allowed by the request.
- C. That the amendment, as conditioned, is consistent with the densities, intensities and general uses set forth in the Lee Plan.
- D. That the proposed uses, as conditioned, are compatible with existing or planned uses in the surrounding area.
- E. That approval of the request, as conditioned, will not place an undue burden upon existing transportation or planned infrastructure facilities, and the development will be served by streets with the capacity to carry traffic it generates.
- F. That the amendment, as conditioned, will not adversely affect environmentally critical areas and natural resources.
- G. That the proposed uses, as conditioned, are appropriate at the subject location.
- H. That the recommended conditions to the Master Concept Plan are reasonably related to the impacts anticipated from the proposed development, and, with other regulations, will provide sufficient safeguard to the public interest.
- I. That urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
- J. That no Deviations from Chapters 10 or 34, Land Development Code, have been requested in this RPD.

VI. LIST OF EXHIBITS:

Master Concept Plan for Buckingham 345 (2 Sheets), prepared by TKW Consulting Engineers, Inc., dated November 2004, last revised August 15, 2005, received on August 19, 2005

STAFF'S EXHIBITS

- 1 Aerial photograph (color)
- 2 Composite exhibit (eight pages) consisting of various photographs, dated June 24, 2005, and text description of subject property, prepared by Tony Palermo

- 3 Calooshatchee Shores Community Plan, prepared by Vanasse Daylor, dated September 2002 (8 ½" x 11" copy)
- 4 Hearing Examiner Recommendation for Buckingham 320 (Case DCI964568 - fka 99-10-090-03Z) (copy)
- 5 Memorandum from Tony Palermo, dated September 29, 2005 consisting of Applicant and Staff's joint submittal of proposed deviation language, condition and revised Master Concept Plan, Sheets 1 and 2, and Landscape Buffer Plans, Sheet 3, last revised September 27, 2005 and date stamped "Received September 28, 2005 Zoning" (1-full size set / 1-11" x 17" copy)[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 Composite exhibit consisting of letter from Beverly Grady, Esquire to BOCC, dated June 25, 2003 and several attachments, re: Buckingham 345 withdrawn from Lee Plan Amendment 2002-2004 to change it from Suburban and Rural to Outlying Suburban with special limitations
- 2 Master Concept Plan for Buckingham 345 (color), prepared by TKW Engineers, Inc., dated November 2004, last revised August 15, 2005
- 3 Master Concept Plan for Buckingham 320, Sheet 1 of 2, prepared by Hole-Montes Engineers, dated December 2002, date stamped "Received July 18, 2003 Community Development"
- 4 Landscape Buffer Plan for Buckingham by G. L. Homes, Sheet 1 of 1, prepared by G. L. Homes Landscape Architecture, dated August 12, 2005
- 5 G. L. Homes Brochure (color) consisting of four pages
- 6 Daniel P. Johnson, P. E. Resume
- 7 Lee County Zoning Resolution Z-04-080 (copy)

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

VII. PRESENTATION SUMMARY:

See Official Court Reporter Transcript

VIII. OTHER PARTICIPANTS AND SUBMITTALS:

ADDITIONAL APPLICANT'S REPRESENTATIVES:

1. Richard Arkin, c/o G. L. Homes, 1401 S. University Drive, Coral Springs, Florida 33071

2. Patty Campbell, c/o G. L. Homes, 1401 S. University Drive, Coral Springs, Florida 33071

ADDITIONAL COUNTY STAFF:

1. Donna Marie Collins, Assistant County Attorney, P. O. Box 398, Fort Myers, Florida 33902-0398
2. Andy Getch, Lee County Department of Transportation, P. O. Box 398, Fort Myers, Florida 33902-0398

PUBLIC PARTICIPATION:

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

For:

1. Kurt Nusbaum, P. O. Box 61921, Fort Myers, Florida 33905
2. William Shay, 4170 Guseble Drive, Fort Myers, Florida 33905

Against:

1. Robert Harding, 4261 Buckingham Road, Fort Myers, Florida 33905
2. Karen L. Redmond, 4261 Buckingham Road, Fort Myers, Florida 33905
3. B. J. Kraft, 4203 Buckingham Road, Fort Myers, Florida 33905

General:

1. Joanne Czirr, 439 Aragon Avenue, Coral Gables, Florida 33134
2. Neale Montgomery, 1833 Hendry Street, Fort Myers, Florida 33901

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

For: NONE

Against: NONE

IX. LEGAL DESCRIPTION:

See Exhibit A (scanned legal description).

X. UNAUTHORIZED COMMUNICATIONS:

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

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

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

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

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

XI. HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS:

A. This recommendation is made this 18TH day of October, 2005. 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.

A handwritten signature in black ink, appearing to read "Diana M. Parker", written over a horizontal line.

DIANA M. PARKER
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

LEGAL DESCRIPTION

BUCKINGHAM 345

A PARCEL OF LAND LOCATED IN SECTIONS 32 AND 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE RUN S 89°06'45" W, ALONG THE SOUTH LINE OF SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 2,647.58 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 33; THENCE RUN S 89°06'35" W, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 2,647.40 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 33; THENCE RUN N 00°56'26" W, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,329.87 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S 89°35'38" W, ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 43 SOUTH, RANGE 26 EAST, FOR A DISTANCE OF 978.47 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF BUCKINGHAM ROAD, A 60 FOOT RIGHT-OF-WAY; THENCE RUN N 24°23'58" E, ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF BUCKINGHAM ROAD, FOR A DISTANCE OF 2,286.09 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S 00°56'26" E, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 80.68 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N 89°04'22" E, ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,498.70 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N 00°46'36" W, ALONG THE WEST LINE OF THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 662.58 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, THENCE RUN N 89°09'14" E, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,167.13 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, THENCE RUN S 00°38'54" E, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,321.87 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S 88°59'29" W, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,330.50 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S 00°47'40" E, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,331.24 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N 89°03'02" E, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE

(Page 1 of 2)

P:\Surve
BOUND

EXHIBIT A

1 METES
PERMIT COUNTER



environmental • civil • structural

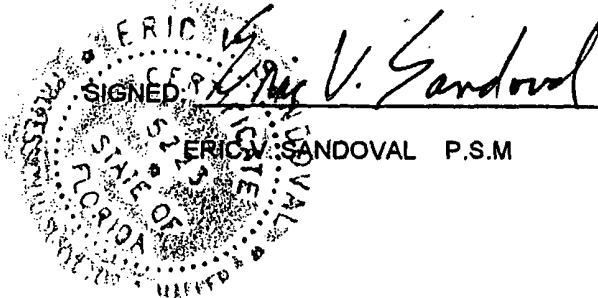
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Applicant's Legal Checked

by lgm 3/29/2005.

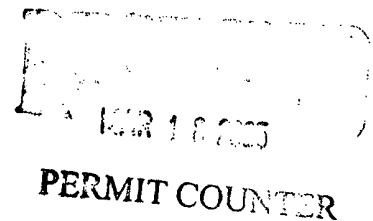
TKW CONSULTING ENGINEERS, INC.



DATE: 1-14-05

STATE OF FLORIDA # 5223

(Page 2 of 2)



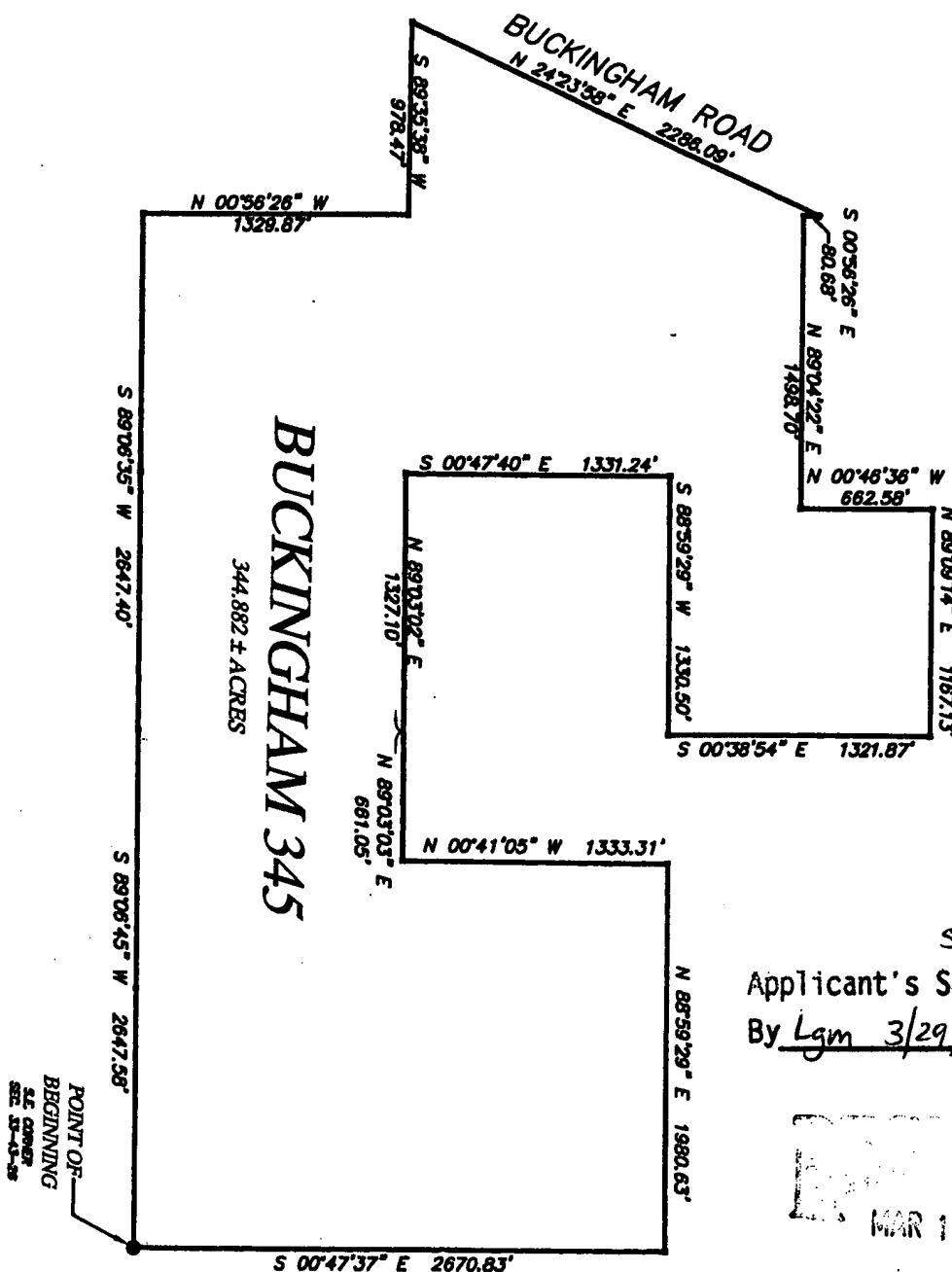
P:\Survey\projects\03783.00 BUCKINGHAM 320\LEGALS\OVERALL METES
BOUNDS.doc

DCI 2004-00090

TKW CONSULTING ENGINEERS, INC.



SCALE: 1" = 800'



SKETCH
OF
Applicant's Survey Checked
By Lgm 3/29/2005.

MAR 1 8 2005

PERMIT COUNTER

* THIS IS NOT A SURVEY *

DRAWN BY: A.D. JOB NO.: 03783.00 SHEET 1 OF 1

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

BUCKINGHAM 345
A PORTION OF
SECTIONS 32 & 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA

DATE: JANUARY 2005 DRAWING: 03783SCKT

TKW
CONSULTING ENGINEERS, INC.

environmental-civil-structural-survey
8881 Banner Drive
Fort Myers, Florida 33912
(239) 278-1892 • FAX (239) 278-0922
E-MAIL tkw@tkwonline.com
Certification # 734

DCI 2004-00090

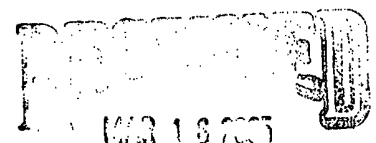
Statement by Owner Regarding Agricultural Uses.

All 640 units are under lease for a bona fide commercial purpose of raising hay with David W. Meloy. This is bona fide agricultural use in existence at the time the application was filed. No additional clearing or grading for agricultural use is anticipated.

Property Owner Statement, Lee County Homes Associates, I, LLP,
a Florida limited liability partnership

ATTACHMENT L

EXHIBIT B



PERMIT COUNTER

DCI 2004-00090

Affidavit by Owner Regarding Agricultural Uses

All 345 acres as shown on Exhibit "A" attached to and made a part of this Affidavit are owned by Lee County Homes Associates I, LLLP and are leased to David W. Meloy for the bona fide agricultural use of pasturing cattle and/or growing hay. This agricultural use was in existence at the time this application was filed. No additional clearing or grading for agricultural use is anticipated.

Lee County Homes Associates I, LLLP,
a Florida limited liability limited partnership

By: Lee County Homes I Corporation,
a Florida corporation, its general partner

By: [Signature]
Name: Richard M. Norwalk
Title: Vice President

The foregoing instrument was acknowledged before me this 2 day of MAY, 2005 by Richard M. Norwalk. He personally appeared before me, and is personally known to me or produced _____ as identification.

[NOTARY SEAL]



Notary: [Signature]
Print Name: _____
Notary Public, State of Florida
My commission expires: _____

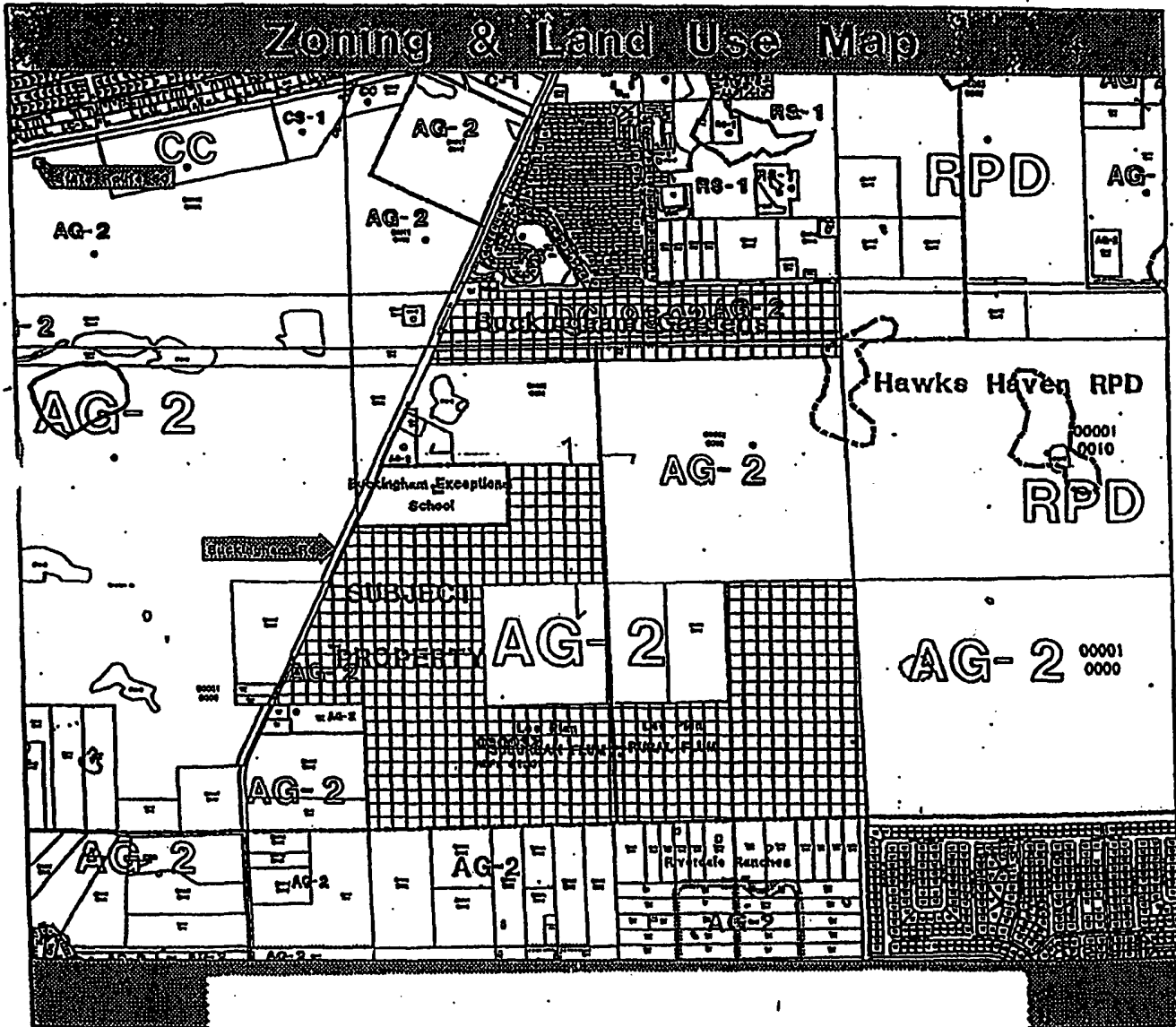
RECEIVED
MAY 20 2005

DCI2004-00090

ATTACHMENT L

[illegible]

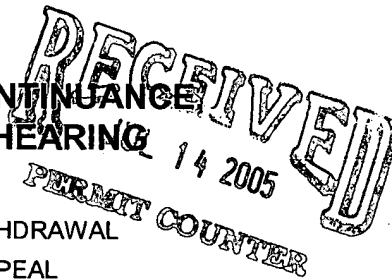
Zoning & Land Use Map





LEE COUNTY
SOUTHWEST FLORIDA

APPLICATION FOR REQUEST FOR CONTINUANCE
DEFERRAL, WITHDRAWAL, OR REHEARING



REQUEST FOR: (refer to back of sheet for special notes)

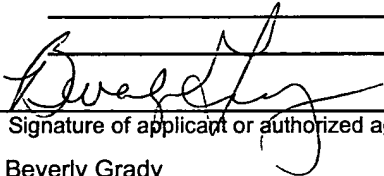
____ CONTINUANCE ☒ DEFERRAL ____ WITHDRAWAL
____ REHEARING ____ WITHDRAWAL OF ADMINISTRATIVE APPEAL

If a DEFERRAL OR CONTINUANCE is requested, please indicate:

Length of time One month

From: ☒ Hearing Examiner ____ BOCC

1. Date of Scheduled Hearing: July 13, 2005
2. Applicant/Project Name: Buckingham 345 CPD
3. Tracking/Hearing/Application Number: DCI2004-00090
4. Date Decision was Rendered: _____
5. Type of Application-Check
☒ Rezoning ____ Special Exception ____ Variance ____ Other
6. Reason for request (If rehearing is requested, see Special Notes on Back):
Applicant needs additional time to work with staff on outstanding issues


Signature of applicant or authorized agent

July 13, 2005
Date

Beverly Grady

Name (typed or printed legibly)

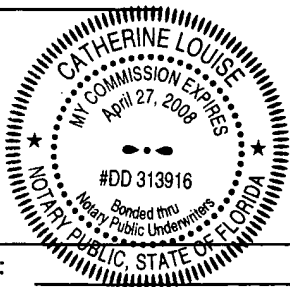
Roetzel & Andress, 2320 First Street, Ft. Myers, FL 33901

Address

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 13th day of July
20 05 by Beverly Grady who is personally known to me or who produced
____ as identification.




Signature of Notary Public

Catherine Louise

Printed Name of Notary Public

FEE \$ _____

DATE PAID: _____

RECEIPT NUMBER: _____

INTAKE BY: _____



ROETZEL & ADDRESS

A LEGAL PROFESSIONAL ASSOCIATION

MEMORANDUM

2320 FIRST STREET
SUITE 1000
FORT MYERS, FL 33901-2904
239.338.4207 DIRECT
239.337.3850 MAIN
239.337.0970 FAX

TO: Tony Palermo, Planner
FROM: Beverly Grady
DATE: July 26, 2005
RE: DCI2004-00090 – Buckingham

RECEIVED
JUL 26 2005

DCI 2004-00090

Attached is an updated Variance Report with mailing labels for the above-referenced application.

BG/cl

195440.1.112901.0001



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

August 15, 2005

479-8585

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

MR. DANIEL JOHNSON
TKW CONSULTING ENGINEERS, INC
5621 BANNER DRIVE
FORT MYERS, FL 33912

RE: Agenda Schedule for BUCKINGHAM 345 RPD
Case No. DCI2004-00090

Dear MR. DANIEL JOHNSON :

Your zoning request has been scheduled before the Hearing Examiner on Wednesday, September 14, 2005, at 1:00 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 encourages the applicant to provide reduced copies of these exhibits for the record as an alternative to a full size copy.

Your zoning sign will be ready for pickup any time after Wednesday, August 17, 2005, 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, August 30, 2005, and is to remain posted until final decision is rendered.

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

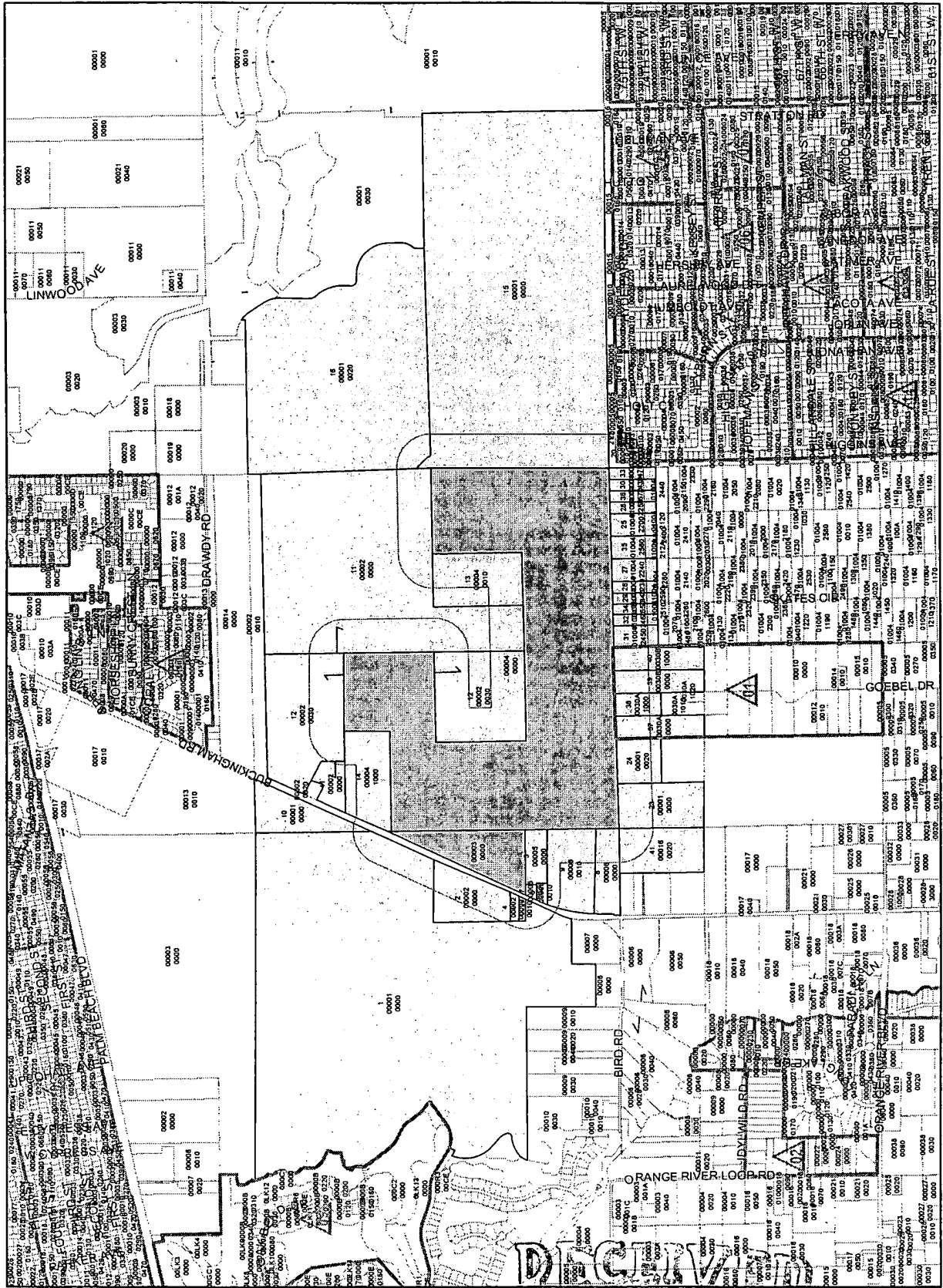
Jessica M Smith
Administrative Assistant

cc: MR. RICHARD NORWALK, LEE COUNTY HOMES ASSOCIATES I,
MR. THOMAS GORE TR
MS. BEVERLY GRADY
Tony Palermo, Senior Planner

Zoning File

7/25/2005

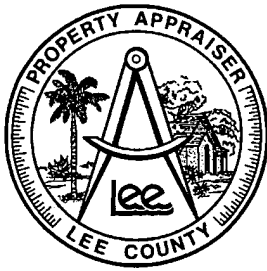
Subject Parcels : 2 Affected Parcels : 41 Buffer Distance : 500 ft



RECEIVED
JUL 26 2005
DCI 2004-00090

32-43-26-00-00003.0000 et al.

2,300	1,150	0	2,300 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: July 25, 2005

Buffer Distance: 500 ft

Parcels Affected: 41

Subject Parcel: 32-43-26-00-00003.0000, 33-43-26-00-00004.0000

OCI 2004-00090
RECEIVED
JUL 26 2005

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>Map Index</u>
VERANDAH DEVELOPMENT LLC 9990 COCONUT RD STE 200 BONITA SPRINGS FL 34135	32-43-26-00-00001.0000 3250 BUCKINGHAM RD FORT MYERS FL 33905	N1/2 W OF BUCKINGHAM RD + NE1/4 OF SW1/4 + NW1/4 LESS SEWER EASE LESS OR 4026 PG 2899 + SUBD	1
SANTIN TOM HENRY 50% INT+ 17160 CYPRESS CREEK DR NORTH FORT MYERS FL 33917	32-43-26-00-00002.0000 3600 BUCKINGHAM RD FORT MYERS FL 33905	NE 1/4 OF SE 1/4 W OF BLVD LESS S 230 FT	2
SAPP HILTON + BIRDIE M 3750 BUCKINGHAM RD FT MYERS FL 33905	32-43-26-00-00002.0010 3750 BUCKINGHAM RD FORT MYERS FL 33905	S 100 FT OF NE 1/4 OF SE 1/4 LYING W OF BLVD	3
SANTIN MARION L + RUBY W 3720 BUCKINGHAM RD FT MYERS FL 33905	32-43-26-00-00002.0020 3720 BUCKINGHAM RD FORT MYERS FL 33905	N 130 FT OF S 230 FT OF NE 1/4 OF SE 1/4 WLY OF BUCKINGHAM RD	4
MESSIER SHARON LOUISE PER REP 3771 BUCKINGHAM RD FORT MYERS FL 33905	32-43-26-00-00005.0000 3771 BUCKINGHAM RD FORT MYERS FL 33905	PARL IN SE 1/4 OF SE 1/4 DESC IN OR 1251 PG 1893 LESS PAR 5.001 + 5.0020 OR 2900/401	5
PECK DAVID + GIA 3791 BUCKINGHAM RD FORT MYERS FL 33905	32-43-26-00-00005.0010 3791 BUCKINGHAM RD FORT MYERS FL 33905	PARL IN NE 1/4 OF SE 1/4 SEC 32 TWP 43 RGE 26 DESC IN OR 1394 PG 0601	6
CANTRELL RALPH E 3773 BUCKINGHAM RD FT MYERS FL 33905	32-43-26-00-00005.0020 3763 BUCKINGHAM RD FORT MYERS FL 33905	PARL IN THE SE 1/4 OF THE SE 1/4 DESC OR 2900/399	7
INGRAM CEZANNE + 4755 WOODLAWN RD MAURICE LA 70555	32-43-26-00-00006.0000 3971 BUCKINGHAM RD FORT MYERS FL 33905	PARL IN SE 1/4 OF SE 1/4 E OF BUCKINGHAM RD AS DESC IN OR 2171 PG 331 LESS RD R/W OR 3326 PG 1608	8
JD + M DEVELOPMENT LLC 5500 RAVINE RIDGE COVE AUSTIN TX 78746	32-43-26-00-00006.0010 3851 BUCKINGHAM RD FORT MYERS FL 33905	PARL IN SE 1/4 OF SE 1/4 E OF BUCKINGHAM RD AS DESC IN OR 1916 PG 1717 LES RD R/W	9
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	10
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	11
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	12
LEE COUNTY HOMES ASSOCIATES I 1401 UNIVERSITY DR STE 200 CORAL SPRINGS FL 33071	33-43-26-00-00004.0010 ACCESS UNDETERMINED FT MYERS FL 33905	EAST 1/2 OF NW 1/4 OF SE 1/4 OF SEC 33	13
LEE COUNTY DIST SCHOOL BOARD 2055 CENTRAL AVE FORT MYERS FL 33901	33-43-26-00-00004.1000 3291 BUCKINGHAM RD FORT MYERS FL 33905	PARL IN S 1/2 OF NW 1/4 DESC IN OR 1647 PG 2775	14

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
TAYLOR WOODROW COMMUNITIES AT 8430 ENTERPRISE CIR STE 100 BRADENTON FL 34202	34-43-26-00-00001.0000 ACCESS UNDETERMINED ALVA FL 33920	S 1/2 SEC 34 + OR 4107 PG 886	15
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	16
FERRANTE THOMAS B + GAIL A 9025 N MOBLEY RD ODESSA FL 33556	03-44-26-01-00001.0130 6151 HIGGINS AVE FORT MYERS FL 33905	LEHIGH ACRES UNIT 1 BLK 1 PB 26 PG 2 LOT 13	17
DINGER PAUL + 1150 LEE BLVD STE B LEHIGH ACRES FL 33936	03-44-26-01-00001.0140 6153 HIGGINS AVE FORT MYERS FL 33905	LEHIGH ACRES UNIT 1 BLK 1 PB 26 PG 2 LOT 14	18
GROSSENBAUGH DUSTIN L + 16511 SHELBY LN N FORT MYERS FL 33917	03-44-26-01-00003.0010 6152 HIGGINS AVE FORT MYERS FL 33905	LEHIGH ACRES UNIT 1 BLK 3 PB 26 PG 2 LOT 1	19
QUANG LUULY 4925 SKATES CIR FORT MYERS FL 33905	03-44-26-01-00005.0010 3858 HYDE PARK DR FORT MYERS FL 33905	LEHIGH ACRES UNIT 1 BLK 5 PB 26 PG 2 LOTS 1 + 2 + BLK 1 LOT 15	20
EL PHILEMON LLC 5051 CASTELLO DR #206 NAPLES FL 34103	03-44-26-01-00005.0030 3854 HYDE PARK DR FORT MYERS FL 33905	LEHIGH ACRES UNIT 1 BLK 5 PB 26 PG 2 LOT 3	21
BARICKMAN ROBERT L 2409 MANSFIELD AVE S LEHIGH ACRES FL 33971	03-44-26-01-00005.0040 3852 HYDE PARK DR FORT MYERS FL 33905	LEHIGH ACRES UNIT 1 BLK 5 PB 26 PG 2 LOT 4	22
HARDING ROBERT G + 4181 BUCKINGHAM RD FT MYERS FL 33905	04-44-26-00-00001.0000 4181 BUCKINGHAM RD FORT MYERS FL 33905	W1/2 OF NW1/4 OF NW1/4	23
KRAFT BILLIE J TR 4203 BUCKINGHAM RD FT MYERS FL 33905	04-44-26-00-00001.0020 4203 BUCKINGHAM RD FORT MYERS FL 33905	N 1/2 OF THE E 689 FT OF THE NW 1/4 OF THE NW 1/4 AS DESC IN OR 3129 PG 803	24
EVANS JOHN L + SYLVIA J 4555 SKATES CIR FORT MYERS FL 33905	04-44-26-00-01004.2200 4555 SKATES CIR FORT MYERS FL 33905	E 1/2 OF NW 1/4 OF NE 1/4 OF NE 1/4 E 1/2 LOT 13 RIVERDALE RANCHES	25
BARNES AMANDA B 4471 SKATES CIR FORT MYERS FL 33905	04-44-26-00-01004.2230 4471 SKATES CIR FORT MYERS FL 33905	E1/2 OF W1/2 OF NE1/4 OF NW 1/4 OF NE 1/4 LOT 14A.2 RIVERDALE RANCHES UNREC	26
MAURER TAMMY R 4499 SKATES CIR FORT MYERS FL 33905	04-44-26-00-01004.2240 4499 SKATES CIR FORT MYERS FL 33905	E 1/2 OF NE 1/4 OF NW 1/4 OF NE 1/4	27
DEMERS GLEN E + MARIE L 4575 SKATES CIR FORT MYERS FL 33905	04-44-26-00-01004.2250 4575 SKATES CIR FORT MYERS FL 33905	W 1/2 OF W 1/2 OF NE 1/4 OF NE 1/4 OF NE 1/4 AKA LOT 12A	28
MAY JAMES R + SUSAN 4463 SKATES CIR FORT MYERS FL 33905	04-44-26-00-01004.2340 4463 SKATES CIR FORT MYERS FL 33905	W 1/2 OF W 1/2 OF NE 1/4 OF NW 1/4 OF NE 1/4 LOT 14 A-1	29
HOWARD MITCHELL M + LAURIE 4595 SKATES CIR FORT MYERS FL 33905	04-44-26-00-01004.2430 4595 SKATES CIR FORT MYERS FL 33905	W1/2 OF E1/2 OF NE1/4 OF NE1/4 OF NE1/4 AKA LT 12C RIVERDALE RANCHES UNREC	30
WIGELSWORTH PATRICIA C 6866 WIGELY PL LIVE OAK FL 32060	04-44-26-00-01004.2450 4423 SKATES CIR FORT MYERS FL 33905	W1/2 OF NW1/4 OF NW1/4 OF NE1/4 AKA LOT 15-A	31
WIGELSWORTH PATRICIA C 6866 WIGELY PL LIVE OAK FL 32060	04-44-26-00-01004.2460 4441 SKATES CIR FORT MYERS FL 33905	W1/2 OF E1/2 OF NW1/4 OF NW1/4 OF NE1/4 AKA LOT 15-B-1	32

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>Map Index</u>
HOWARD MITCHELL M III + LAURIE 4595 SKATES CIR FORT MYERS FL 33905	04-44-26-00-01004.2470 4609 SKATES CIR FORT MYERS FL 33905	E1/2 OF E1/2 OF NE1/4 OF NE1/4 OF NE1/4 AKA LOT 12D RIVERDALE RANCHES	33
HANSEN EDWARD K III + JENNIFER 4455 SKATES CIR FT MYERS FL 33905	04-44-26-00-01004.2550 4455 SKATES CIR FT MYERS FL 33905	E 1/2 OF THE E 1/2 OF THE NW 1/4 OF THE NW 1/4 OF THE NE 1/4	34
KERNER THOMAS F + CHRISTINA T 363 OTTUMWA AVE FORT MYERS FL 33905	04-44-26-00-01004.2560 4525 SKATES CIR FT MYERS FL 33905	THE W 1/2 OF THE NW 1/4 OF THE NE 1/4 OF THE NE 1/4 AS DESC IN OR 3063 PG 4033	35
FARINAS LAZARO JESUS 4585 SKATES CIR FORT MYERS FL 33905	04-44-26-00-01004.2570 4585 SKATES CIR FORT MYERS FL 33905	THE E 1/2 OF THE W 1/2 OF THE NE 1/4 OF THE NE 1/4 OF THE NE 1/4	36
SHAY WILLIAM E + CHERYL HELEN 4170 GOEBEL DR FT MYERS FL 33905	04-44-26-01-0030A.0000 4170 GOEBEL DR FORT MYERS FL 33905	RANCHO EIGHTY UNREC OR 891 PG 305 W 1/2 OF TRACT A	37
NUSBAUM KURT + CARLA + P O BOX 61921 FT MYERS FL 33906	04-44-26-01-0030A.1000 4190 GOEBEL DR FORT MYERS FL 33905	RANCHO EIGHTY UNREC OR891 PG305 TRACT A N 1/2 OF E 1/2	38
CZIRR JOANNE 439 ARAGON AVE CORAL GABLES FL 33134	04-44-26-01-0030B.0000 4211 GOEBEL DR FORT MYERS FL 33905	RANCHO EIGHTY UNREC OR 891 PG 305 TRACT B PART OF THE W 1/2	39
RUSSELL ANDREW FRANCIS 13316 GOLF CREST CIR TAMPA FL 33618	04-44-26-01-0030B.1000 4231 GOEBEL DR FORT MYERS FL 33905	RANCHO EIGHTY UNREC OR 891 PG 305 TRACT B THE E 1/2	40
WATKINS HUGH ALEXANDER 4171 N BUCKINGHAM RD FORT MYERS FL 33905	05-44-26-00-00016.0020 4175 BUCKINGHAM RD FT MYERS FL 33905	E1/2 OF NE1/4 OF NE1/4 DESC OR 3286 PG 3928	41

41 RECORDS PRINTED

RECEIVED
JUL 26 2005

OCI 2004-00090

32-43-26-00-00001.0000
VERANDAH DEVELOPMENT LLC
9990 COCONUT RD STE 200
BONITA SPRINGS, FL 34135

32-43-26-00-00002.0010
SAPP HILTON + BIRDIE M
3750 BUCKINGHAM RD
FT MYERS, FL 33905

32-43-26-00-00005.0000
MESSIER SHARON LOUISE PER REP
3771 BUCKINGHAM RD
FORT MYERS, FL 33905

32-43-26-00-00005.0020
CANTRELL RALPH E
3773 BUCKINGHAM RD
FT MYERS, FL 33905

32-43-26-00-00006.0010
JD + M DEVELOPMENT LLC
5500 RAVINE RIDGE COVE
AUSTIN, TX 78746

33-43-26-00-00002.0000
TAYLOR WOODROW COMMUNITIES AT
8430 ENTERPRISE CIR STE 100
BRADENTON, FL 34202

33-43-26-00-00004.0010
LEE COUNTY HOMES ASSOCIATES I
1401 UNIVERSITY DR STE 200
CORAL SPRINGS, FL 33071

34-43-26-00-00001.0000
TAYLOR WOODROW COMMUNITIES AT
8430 ENTERPRISE CIR STE 100
BRADENTON, FL 34202

03-44-26-01-00001.0130
FERRANTE THOMAS B + GAIL A
9025 N MOBLEY RD
ODESSA, FL 33556

03-44-26-01-00003.0010
GROSSENBAUGH DUSTIN L +
16511 SHELBY LN
N FORT MYERS, FL 33917

32-43-26-00-00002.0000
SANTIN TOM HENRY 50% INT+
17160 CYPRESS CREEK DR
NORTH FORT MYERS, FL 33917

32-43-26-00-00002.0020
SANTIN MARION L + RUBY W
3720 BUCKINGHAM RD
FT MYERS, FL 33905

32-43-26-00-00005.0010
PECK DAVID + GIA
3791 BUCKINGHAM RD
FORT MYERS, FL 33905

32-43-26-00-00006.0000
INGRAM CEZANNE +
4755 WOODLAWN RD
MAURICE, LA 70555

33-43-26-00-00001.0000
VERANDAH DEVELOPMENT LLC
9990 COCONUT RD STE 200
BONITA SPRINGS, FL 34135

33-43-26-00-00002.0030
TAYLOR WOODROW COMMUNITIES AT
8430 ENTERPRISE CIR STE 100
BRADENTON, FL 34202

33-43-26-00-00004.1000
LEE COUNTY DIST SCHOOL BOARD
2055 CENTRAL AVE
FORT MYERS, FL 33901

34-43-26-00-00001.0020
LEVITT AND SONS AT HAWKS HAVEN
7777 GLADES RD STE 410
BOCA RATON, FL 33434

03-44-26-01-00001.0140
DINGER PAUL +
1150 LEE BLVD STE B
LEHIGH ACRES, FL 33936

03-44-26-01-00005.0010
QUANG LUULY
4925 SKATES CIR
FORT MYERS, FL 33905

03-44-26-01-00005.0030
EL PHILEMON LLC
5051 CASTELLO DR #206
NAPLES, FL 34103

04-44-26-00-00001.0000
HARDING ROBERT G +
4181 BUCKINGHAM RD
FT MYERS, FL 33905

04-44-26-00-01004.2200
EVANS JOHN L + SYLVIA J
4555 SKATES CIR
FORT MYERS, FL 33905

04-44-26-00-01004.2240
MAURER TAMMY R
4499 SKATES CIR
FORT MYERS, FL 33905

04-44-26-00-01004.2340
MAY JAMES R + SUSAN
4463 SKATES CIR
FORT MYERS, FL 33905

04-44-26-00-01004.2450
WIGELSWORTH PATRICIA C
6866 WIGELY PL
LIVE OAK, FL 32060

04-44-26-00-01004.2470
HOWARD MITCHELL M III + LAURIE
4595 SKATES CIR
FORT MYERS, FL 33905

04-44-26-00-01004.2560
KERNER THOMAS F + CHRISTINA T
363 OTTUMWA AVE
FORT MYERS, FL 33905

04-44-26-01-0030A.0000
SHAY WILLIAM E + CHERYL HELEN
4170 GOEBEL DR
FT MYERS, FL 33905

04-44-26-01-0030B.0000
CZIRR JOANNE
439 ARAGON AVE
CORAL GABLES, FL 33134

03-44-26-01-00005.0040
BARICKMAN ROBERT L
2409 MANSFIELD AVE S
LEHIGH ACRES, FL 33971

04-44-26-00-00001.0020
KRAFT BILLIE J TR
4203 BUCKINGHAM RD
FT MYERS, FL 33905

04-44-26-00-01004.2230
BARNES AMANDA B
4471 SKATES CIR
FORT MYERS, FL 33905

04-44-26-00-01004.2250
DEMERS GLEN E + MARIE L
4575 SKATES CIR
FORT MYERS, FL 33905

04-44-26-00-01004.2430
HOWARD MITCHELL M + LAURIE
4595 SKATES CIR
FORT MYERS, FL 33905

04-44-26-00-01004.2460
WIGELSWORTH PATRICIA C
6866 WIGELY PL
LIVE OAK, FL 32060

04-44-26-00-01004.2550
HANSEN EDWARD K III + JENNIFER
4455 SKATES CIR
FT MYERS, FL 33905

04-44-26-00-01004.2570
FARINAS LAZARO JESUS
4585 SKATES CIR
FORT MYERS, FL 33905

04-44-26-01-0030A.1000
NUSBAUM KURT + CARLA +
P O BOX 61921
FT MYERS, FL 33906

04-44-26-01-0030B.1000
RUSSELL ANDREW FRANCIS
13316 GOLF CREST CIR
TAMPA, FL 33618

File
copy

MEMORANDUM
FROM THE
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ZONING

To: THE LEE COUNTY HEARING EXAMINER	DATE: <u>SEPTEMBER 6, 2005</u> FROM: TONY PALERMO SENIOR PLANNER
---	--

RE: DCI2004-00090 BUCKINGHAM 345 RPD - SEPTEMBER 14, 2005

PLEASE CONSIDER THE FOLLOWING CORRECTIONS TO THE AUGUST 29, 2005 STAFF REPORT.

PAGE 3 OF 24 ZERO LOT LINE SHOULD BE INCLUDED IN THE SCHEDULE OF USES.

DWELLING UNITS, SINGLE-FAMILY, ZERO LOT LINE.

PAGE 5 OF 24 TRACTS 1,3, AND 4 SHOULD INCLUDE REGULATIONS FOR 0-LOT LINE DEVELOPMENT.

PLEASE REPLACE SINGLE-FAMILY WITH "ZERO LOT LINE" ON TRACTS 1,3, AND 4.

ADD PLEASE MAKE THE FOLLOWING CHANGES:

SIDE - 0 FEET AND 10 FEET FOR ZERO LOT LINE

SIDE CORNER - 12.5 FEET. 25% OF LOT WIDTH FOR LOTS OVER 50 FEET

I AM AT 239-479-8325 IF YOU HAVE QUESTIONS OR CONCERNS REGARDING THIS MATTER.

CC. TIM JONES, COUNTY ATTORNEY
BEVERLY GRADY, ATTORNEY, 2320 FIRST STREET, SUITE 1000, FORT MYERS, FL 33901
DANIEL JOHNSON, TKW, 5621 BANNER DRIVE, FORT MYERS, FL 33912
ED KIMBALL, FORT MYERS SHORES CIVIC ASSOCIATION, 2253 DAVIS BOULEVARD, FORT MYERS, FL 33905

MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
ZONING DIVISION

DATE: August 30, 2005

TO: File - DCI2004-00090

FROM: Jessica Smith
Secretary, Internal Services

RE: Notice of Public Hearing - September 14, 2005 HEX

I, Jessica Smith, 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: DCI2004-00090

CASE NAME: BUCKINGHAM 345 RPD

REQUEST: Amend Zoning Resolution #Z-00-029 to permit a Residential Planned Development (RPD) with a maximum of 690 single-family dwelling units (an increase of 50 dwelling units) on +/- 345 acres of land. The proposed amendment includes the addition of +/- 20 acres of Agricultural (AG-2) land. Maximum building heights proposed are 3 stories/35 feet for residential uses, and 3 stories/45 feet for other uses (gate houses, recreational facilities). The request also includes a potential public school site, and a maximum of +/- 7,500 square feet of commercial uses within a clubhouse setting. No development blasting is requested.

LOCATION: The subject property is located at 3621 Buckingham Road, in S32 (Section)-T43 (Township)S-R26 (Range)E, Lee County, Florida.

SIZE OF PROPERTY: 345.00 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 OWNER'S REPRESENTATIVE: MR. DANIEL JOHNSON
TKW CONSULTING ENGINEERS, INC
239 278-1992

MR. TED TREESH
METRO TRANSPORTATION GROUP
239-278-3090

Notice is hereby given that the Lee County Hearing Examiner will hold a public hearing at 1:00PM PM on 09/14/2005 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 Jessica M Smith at 239/479-8585.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

32-43-26-00-00001.0000
VERANDAH DEVELOPMENT LLC
9990 COCONUT RD STE 200
BONITA SPRINGS, FL 34135

32-43-26-00-00002.0010
SAPP HILTON + BIRDIE M
3750 BUCKINGHAM RD
FT MYERS, FL 33905

32-43-26-00-00005.0000
MESSIER SHARON LOUISE PER REP
3771 BUCKINGHAM RD
FORT MYERS, FL 33905,

32-43-26-00-00005.0020
CANTRELL RALPH E
3773 BUCKINGHAM RD
FT MYERS, FL 33905

32-43-26-00-00006.0010
JD + M DEVELOPMENT LLC
5500 RAVINE RIDGE COVE
AUSTIN, TX 78746

33-43-26-00-00002.0000
TAYLOR WOODROW COMMUNITIES AT
8430 ENTERPRISE CIR STE 100
BRADENTON, FL 34202

33-43-26-00-00004.0010
LEE COUNTY HOMES ASSOCIATES I
1401 UNIVERSITY DR STE 200
CORAL SPRINGS, FL 33071

~~34-43-26-00-00001.0000
TAYLOR WOODROW COMMUNITIES AT
8430 ENTERPRISE CIR STE 100
BRADENTON, FL 34202~~

03-44-26-01-00001.0130
FERRANTE THOMAS B + GAIL A
9025 N MOBLEY RD
ODESSA, FL 33556

03-44-26-01-00003.0010
GROSSENBAUGH DUSTIN L +
16511 SHELBY LN
N FORT MYERS, FL 33917

32-43-26-00-00002.0000
SANTIN TOM HENRY 50% INT+
17160 CYPRESS CREEK DR
NORTH FORT MYERS, FL 33917

32-43-26-00-00002.0020
SANTIN MARION L + RUBY W
3720 BUCKINGHAM RD
FT MYERS, FL 33905

32-43-26-00-00005.0010
PECK DAVID + GIA
3791 BUCKINGHAM RD
FORT MYERS, FL 33905

32-43-26-00-00006.0000
INGRAM CEZANNE +
4755 WOODLAWN RD
MAURICE, LA 70555

~~33-43-26-00-00001.0000
VERANDAH DEVELOPMENT LLC
9990 COCONUT RD STE 200
BONITA SPRINGS, FL 34135~~

~~33-43-26-00-00002.0030
TAYLOR WOODROW COMMUNITIES AT
8430 ENTERPRISE CIR STE 100
BRADENTON, FL 34202~~

33-43-26-00-00004.1000
LEE COUNTY DIST SCHOOL BOARD
2055 CENTRAL AVE
FORT MYERS, FL 33901

34-43-26-00-00001.0020
LEVITT AND SONS AT HAWKS HAVEN
7777 GLADES RD STE 410
BOCA RATON, FL 33434

03-44-26-01-00001.0140
DINGER PAUL +
1150 LEE BLVD STE B
LEHIGH ACRES, FL 33936

03-44-26-01-00005.0010
QUANG LUULY
4925 SKATES CIR
FORT MYERS, FL 33905

03-44-26-01-00005.0030
EL PHILEMON LLC
5051 CASTELLO DR #206
NAPLES, FL 34103

03-44-26-01-00005.0040
BARICKMAN ROBERT L
2409 MANSFIELD AVE S
LEHIGH ACRES, FL 33971

04-44-26-00-00001.0000
HARDING ROBERT G +
4181 BUCKINGHAM RD
FT MYERS, FL 33905

04-44-26-00-00001.0020
KRAFT BILLIE J TR
4203 BUCKINGHAM RD
FT MYERS, FL 33905

04-44-26-00-01004.2200
EVANS JOHN L + SYLVIA J
4555 SKATES CIR
FORT MYERS, FL 33905

04-44-26-00-01004.2230
BARNES AMANDA B
4471 SKATES CIR
FORT MYERS, FL 33905

04-44-26-00-01004.2240
MAURER TAMMY R
4499 SKATES CIR
FORT MYERS, FL 33905

04-44-26-00-01004.2250
DEMERS GLEN E + MARIE L
4575 SKATES CIR
FORT MYERS, FL 33905

04-44-26-00-01004.2340
MAY JAMES R + SUSAN
4463 SKATES CIR
FORT MYERS, FL 33905

04-44-26-00-01004.2430
HOWARD MITCHELL M + LAURIE
4595 SKATES CIR
FORT MYERS, FL 33905

04-44-26-00-01004.2450
WIGELSWORTH PATRICIA C
6866 WIGELY PL
LIVE OAK, FL 32060

04-44-26-00-01004.2460
~~WIGELSWORTH PATRICIA C~~
~~6866 WIGELY PL~~
~~LIVE OAK, FL 32060~~

~~04-44-26-00-01004.2470~~
~~HOWARD MITCHELL M III + LAURIE~~
~~4595 SKATES CIR~~
~~FORT MYERS, FL 33905~~

04-44-26-00-01004.2550
HANSEN EDWARD K III + JENNIFER
4455 SKATES CIR
FT MYERS, FL 33905

04-44-26-00-01004.2560
KERNER THOMAS F + CHRISTINA T
363 OTTUMWA AVE
FORT MYERS, FL 33905

04-44-26-00-01004.2570
FARINAS LAZARO JESUS
4585 SKATES CIR
FORT MYERS, FL 33905

04-44-26-01-0030A.0000
SHAY WILLIAM E + CHERYL HELEN
4170 GOEBEL DR
FT MYERS, FL 33905

04-44-26-01-0030A.1000
NUSBAUM KURT + CARLA +
P O BOX 61921
FT MYERS, FL 33906

04-44-26-01-0030B.0000
CZIRR JOANNE
439 ARAGON AVE
CORAL GABLES, FL 33134

04-44-26-01-0030B.1000
RUSSELL ANDREW FRANCIS
13316 GOLF CREST CIR
TAMPA, FL 33618

05-44-26-00-00016.0020
 WATKINS HUGH ALEXANDER
 4171 N BUCKINGHAM RD
 FORT MYERS, FL 33905

Mr. Thomas Gore. Trust *owner
 1334 Gasparilla Drive
 Fort Myers, FL 33901

Mr. Richard Norwalk *applicant
 1401 University Drive Suite 200
 Coral Springs, FL 33071

Mr. Daniel Johnson *agent
 TKW Consulting Engineering
 5621 Banner Drive
 Fort Myers, FL 33912

Mr. Ted Treesh *agent
 Metro Transportation Group
 12651 McGregor Blvd. Suite 4-403
 Fort Myers, FL 33919

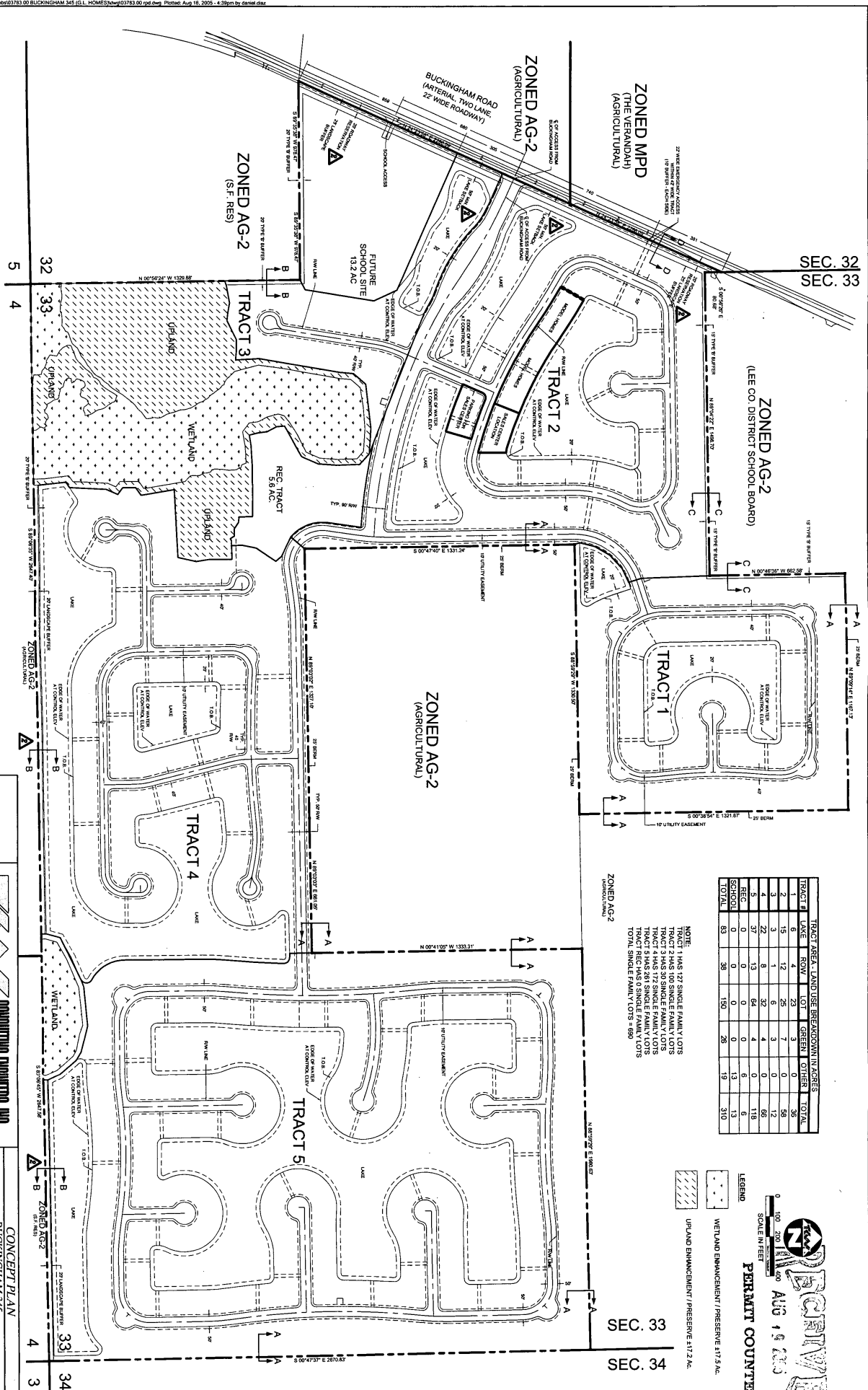
Ms. Bevery Grady *agent
 2320 First St. Suite 1000
 Fort Myers, FL 33901

Mr. Mike Roeder *association
 East Lee County Council
 1625 Hendry St. Suite 301
 Fort Myers, FL 33901

Ms. Shirley Radkiewicz *association
 East Lee County Council
 1535 Sunkist Way
 Fort Myers, FL 33905

Clarence Bowman *association
 Morse Shores Civic Association
 260 Alameda Ave
 Fort Myers, FL 33905

05-44-26-00-00016.0020
 WATKINS HUGH ALEXANDER
 4171 N BUCKINGHAM RD
 FORT MYERS, FL 33905



LEE COUNTY
HEARING EXAMINER
05 SEP 28 PM 1:56

LEE COUNTY HEARING EXAMINER MEETING

RE: DCI2004-00090

IN RE: Lee County Homes Association I, LLP in
Ref to Buckingham 345

Transcript of Proceedings

Before Diana Parker, Chief Lee County Hearing
Examiner, held at the Hearing Examiner's Hearing
Room, 1500 Monroe Street, Fort Myers, Florida, on
September 14, 2005.

PRESENT:

Tony Palermo, Senior Planner
Donna Marie Collins, Assistant County Attorney
Andy Getch, County Professional Engineer
Beverly Grady, Attorney for the Applicant
Neale Montgomery, Attorney representing Taylor Woodrow

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

ORIGINAL

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1 HEARING EXAMINER: Good afternoon, folks. I'm
2 Diana Parker, Chief Hearing Examiner for Lee County.

3 This is Wednesday, September the 14th, Case No.
4 DCI2004-00090. This is the Lee County Homes Associates in
5 reference to Buckingham 345.

6 Okay. The County attorney is going to make a
7 statement for everyone to explain some of the processes
8 and whatnot, so please give her your attention.

9 MS. COLLINS: Good afternoon.

10 My name is Donna Marie Collins, and I'm an
11 Assistant County Attorney in the Land Use Division of the
12 County Attorney's Office. I'm here today representing the
13 Board of County Commissioners. But I'm also here to
14 assist staff and the applicant to make sure that the
15 record for today's hearing is complete.

16 If you'd like to speak at today's hearing and be
17 part of the record, I encourage you to fill out one of
18 those white forms that are on this table up here if you
19 haven't already done so. You can do that now or at any
20 time during the hearing, and just make sure that the
21 completed form is left by the Hearing Examiner before the
22 conclusion of the hearing.

23 The hearing today is not final with her
24 recommendation. Her recommendation will be forwarded to
25 the Board of County Commissioners at which point there

1 will be a final hearing. If you would like the
2 opportunity to address the Board of County Commissioners
3 when that final hearing time comes, you must be a part of
4 this record before the Hearing Examiner today.

5 That means you must come to the podium, state
6 your name and address and give your comments or opinions
7 as to this current application.

8 Okay. I'm just going to take a minute. I'm
9 going to go around the table to explain who these people
10 are. Once again, there will be an opportunity for the
11 public to speak at the conclusion of the County's case.
12 First the applicant will go and then the County will go
13 and then the Hearing Examiner will open it up for public
14 input. At that time it's appropriate for you to come
15 forward, ask any questions you may have or state your
16 opinion about this pending application.

17 Okay. At the table starting immediately to my
18 right is Tony Palermo. He works for Lee County. He was
19 the staff planner that evaluated this application; the
20 court reporter; the Hearing Examiner, Diana Parker; and
21 this is the applicant, I only know who the attorney is,
22 that's Bev Grady, but she's here with her clients that are
23 requesting to make this change to the existing residential
24 planned development today.

25 Hearing Examiner, I believe we can start with the

1 hearing now.

2 HEARING EXAMINER: Okay. All right. Folks, let
3 me do say one thing for those of you who wish to speak,
4 members of the public who wish to speak. The County
5 Attorney has indicated that, you know, it's appropriate
6 for you to ask questions and state your opinions. I need
7 you to keep your opinions germane to the issue at hand.
8 You know, if it's a neighborhood dispute, I can't do a
9 thing about it. All right? I have no control over those
10 kinds of laws. The only thing that I can do is to
11 determine whether or not the request as conditioned by the
12 staff is going to be compatible with your property, your
13 use of your neighborhood and your vision of your
14 community. Okay?

15 So what I need you to do is keep your comments
16 germane to those issues. Don't tell me you don't like
17 your neighbor because your neighbor likes the developer or
18 you like your neighbor but your neighbor doesn't like the
19 developer. Those kind of things have no bearing on my
20 decision.

21 I need to know what effect you feel this request,
22 if approved, is going to have on you, your use of your
23 property, or your vision for your community. Okay?

24 So at this time, if you intend to speak in
25 today's hearing, you need to be sworn in. If you're an

1 attorney and testifying to facts, you need to be sworn in
2 as well. So if you intend to speak, please raise your
3 right hand.

4 (The witnesses were sworn.)

5 HEARING EXAMINER: Thank you.

6 All right. Now, if I've not sworn you in and you
7 feel the burning desire to speak after staff and applicant
8 have made their presentations, please let me know when you
9 come up to the front, I can swear you in at that time.
10 It's just easier to swear everybody in all at one time.
11 Okay?

12 Applicants ready to go forward?

13 MS. GRADY: Yes, we are.

14 HEARING EXAMINER: All right.

15 Thereupon,

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

20 MS. GRADY: Good afternoon, Madam Hearing
21 Examiner.

22 My name is Beverly Grady with Roetzel & Andress
23 representing Lee County Homes Associates I, LLLP. The
24 parent company is GL Homes, and this is a request to amend
25 an existing residential planned development.

1 The existing development is known as Buckingham
2 320 and is approved for 640 units on the property. A
3 revised residential planned development request has been
4 made. We call this Buckingham 345 because it has 345
5 acres for 690 single-family units. They are all single
6 units on each of the lots.

7 Buckingham 320 was approved in December 2000 and
8 found consistent with the Lee County Comprehensive Plan
9 known as the Lee Plan, and all of the criteria for
10 rezoning for the Land Development Code, and it was
11 unanimous approval of the Board of County Commissioners.

12 We have added a 20-acre tract to the site. This
13 is the current Master Concept Plan. This is its location,
14 and staff has posted an aerial on which they have outlined
15 the 20-acre addition.

16 Everything else has already been approved, the
17 325 acres. Even though it was called Buckingham 320, it
18 was 325 acres, it has already been approved for 640 units.
19 So it is an increase of 50 units and an increase of 20
20 acres.

21 We have revised the plan to be consistent with
22 the Caloosahatchee Shores community plan, which was
23 adopted by the County Commission on October 23rd, 2003.
24 It's now Goal 21 of the Lee Plan.

25 We have met with the East County Council and

1 presented this plan, and we concur with the Staff Report
2 as amended by the September 6th memo with its
3 recommendation of approval and with the staff conditions.

4 We concur this is an application that is
5 consistent with the Lee Plan, the locational performance
6 standards of the Lee Plan and it is an improvement with
7 this Master Concept Plan from the already approved Master
8 Concept Plan.

9 We have no changes to staff conditions. There is
10 one staff condition and I -- we have discussed it. We
11 need to add the actual use of school in this schedule of
12 uses. It was actually in the applicant's request, but
13 through taking the original resolution and amending it,
14 somehow it just didn't make it in there but we concur that
15 that's what the applicant has requested and it's clear by
16 the conditions that staff has reviewed it and conditioned
17 it appropriately.

18 HEARING EXAMINER: Okay. So that's going to be a
19 public school; is that correct?

20 MS. GRADY: That is correct.

21 HEARING EXAMINER: Not private?

22 MS. GRADY: That is correct.

23 So we accept and state for the record that we
24 accept all the staff conditions, and we think there's one
25 thing very unique about this application. There are no

1 deviations. And I think the Hearing Examiner can
2 recognize that that is unique in a planned development
3 zoning.

4 I would like to just briefly discuss the Lee Plan
5 amendment background and how this amendment to a
6 residential planned development and the Master Concept
7 Plan are implementing the amendment that was made by the
8 County Commission to designate this property as outlying
9 suburban.

10 East Lee County Council pursued an amendment to
11 the Lee Plan known as CPA2002-04, the Caloosahatchee
12 Shores community plan. And what that did was change this
13 subject property from the Lee Plan designation of suburban
14 and rural land use categories to designate the 325-acre
15 parcel as outlying suburban and the 20-acre addition.

16 At that time the owner of the property, which was
17 the seller to the owner here today, had provided support
18 to the East Lee County Council to pursue this
19 Comprehensive Plan amendment. And the area subject to the
20 Caloosahatchee Shores community plan is part of a larger
21 Lee planned community district known as the Fort Myers
22 Shores planning district set forth on Map 16 of the Lee
23 Plan.

24 Changing the Lee Plan categories and adopting
25 special rules, goals, policies throughout 2003 was

1 monitored and followed by Lee County Homes Associates I,
2 LLLP.

3 In fact, at the transmittal hearing, this was,
4 with a number of neighboring property owners participating
5 in this, there was an actual issue at that time, and I'm
6 going to file an exhibit, which I have given to staff,
7 that just reviews the history of pursuing that Lee Plan
8 amendment.

9 What that correspondence notes, dated June 25th,
10 2003, is that the change from suburban and rural outlying
11 suburban actually reduced the potential density on this
12 property and attached to that letter was a draft of the
13 Caloosahatchee Shores community plan which reflected the
14 properties, which is this property that was receiving that
15 reduction to outlying suburban with the limit of two units
16 per acre, and it talks about one of the purposes of
17 pursuing this plan was to allow for unified projects to
18 shift their higher density away from Buckingham Road so
19 that that density could be more evenly spread over the
20 project.

21 And also noted is Exhibit B, which was the staff
22 sheet at the transmittal hearing in June 2003, and you'll
23 see that the staff at that point said to the County
24 Commission if no agreement is reached for the October 25th
25 adoption hearing, staff recommends that the future land

1 use change not be approved.

2 During the summer of 2003, property owners worked
3 together, worked with staff and the East Lee County
4 Council and at the adoption hearing the property owners
5 supported that and Exhibit C is the letter that was filed
6 on behalf of the owner of this property, which was being
7 monitored by GL Homes, supporting the designation from
8 suburban and rural to outlying suburban.

9 At the Board of County Commissioners meeting for
10 this ordinance that changed the Lee Plan and the support
11 was given by the property owner as shown by Exhibit C,
12 there was a presentation made on behalf of the property
13 recognizing how the property owners had worked together
14 and that there was one other change that would need to be
15 made.

16 At the time this was changed, there was no
17 allocation for any units in the allocation table that's
18 necessary for development. Since that time, of course,
19 the County has pursued that amendment to the plan, but the
20 point is there was great cooperation between the owners
21 and the County to achieve this plan amendment and to
22 recognize that even though changes would need to be made
23 in the future, that there was good faith reliance on Lee
24 County making those allocations so that the development
25 label they had given them could be pursued.

1 Upon adoption of that change to the Lee Plan and
2 then the acquisition of the additional 20 acres which are
3 zoned AG, came about this request to amend the Master
4 Concept Plan.

5 One option was just to add the 20 acres to the
6 existing plan and the other one was to recognize the goal
7 of the Lee Plan was to take the density which had been
8 approved on the suburban, the eastern portion of the
9 property -- western portion of the property closer to
10 Buckingham and recognize that the rural portion which had
11 the lower density, that since the goal of that amendment
12 was to spread that density and make it more equal, that
13 also amended the Master Concept Plan to take that density
14 and place it equally over the property, and this Master
15 Concept Plan obtains that goal and resulted in the plan
16 that we have before you today and which has been received
17 full staff support.

18 This plan also provides for a school site, a
19 12-acre site for the school district which we believe is
20 an asset to the community. It's outlined in orange along
21 Buckingham Road. It would be the appropriate size for an
22 elementary school.

23 This would reserve this tract to make it
24 available to the district and as citizens, I'm sure we are
25 all constantly made aware of the school district's

1 difficulty in actually finding land and sites to meet the
2 needs, and this would provide an opportunity in the
3 neighborhood to meet that need.

4 I'd like to introduce to you the team that is
5 present from GL Homes. We have here today Richard Arkin,
6 vice-president of GL Homes, and Patty Campbell is the
7 Division of -- the Southwest Florida Division of GL
8 Homes. Dan Johnson is with TKW Professional Engineers,
9 and will be presenting the surrounding uses in the Master
10 Concept Plan. And Ted Treesh from Metro Transportation
11 will be presenting testimony on the existence of the
12 infrastructure to handle the development.

13 As we stated, this really is an increase the 50
14 units from the existing approval on the site. And with
15 that we would like to introduce Dan Johnson to review with
16 you the Master Concept Plan that's being proposed and the
17 surrounding uses.

18 Thank you.

19 HEARING EXAMINER: Okay. Thank you.

20 Thereupon,

21 DANIEL JOHNSON,
22 called as a witness by the Applicant, having been
23 previously duly sworn, was examined and testified as
24 follows:

25 MR. JOHNSON: Thank you again.

1 For the record, Dan Johnson with TKW Consulting
2 Engineers.

3 I think Bev just stole a lot of my thunder here,
4 because she pretty much gave a verbal description of
5 primarily what's driven the revisions to the plan. But I
6 will go through the plan anyway and kind of reiterate some
7 of these items but I don't know that that's going to pose
8 a problem here.

9 Obviously, what we have on the board here is the
10 proposed rezoning exhibit, and then what we have next to
11 it is what the administrative approved Master Concept Plan
12 was that was administratively approved in 2003.

13 This is an update to the original approved Master
14 Concept Plan to give it a little bit more detail and to
15 make it a little more consistent, and that's the most
16 accurate representation we have to be able to make
17 comparisons.

18 The objective of the development of the Master
19 Concept Plan that's being presented today is to retain as
20 much of what was approved under the original approved
21 Master Concept Plan and zoning approval and combine those
22 elements to the existing plan with a minimal amount of
23 changes involved.

24 For those who don't know, this project is
25 approximately a mile and a half south of State Road 80,

1 it's on the east side of Buckingham Road. As Bev
2 mentioned, it's 345 acres versus the 325 that was
3 originally approved under the original Master Concept
4 Plan.

5 Surrounding the property we have the Lee County
6 School District's Exceptional Student Facility and
7 transportation east, their busing facility up there. All
8 around these edges in here that I'm pointing to right now
9 (indicating), those are all part of the now, which has
10 recently been approved, Portico (RPD). That's about 1,178
11 acres.

12 Off to this side we have Hawk's Haven, which is
13 another RPD. The south side is basically a lot of single
14 family large lots, rural in character, along this edge, as
15 well. Along the opposite side of Buckingham Road we have
16 the Verandah, mixed use planned development. And this is
17 vacant right now but agriculturally zoned.

18 The primary elements that we tried to keep intact
19 so that there would be minimal impact from what was
20 originally improved and what's being proposed now centered
21 around how we deal with the perimeter buffering of the
22 project.

23 If you'll note, there were specific buffers that
24 were identified on the Concept Plan that was approved, and
25 they run all along this line I'm pointing to, Buckingham

1 Road, the north line up to the edge of the school
2 property, down this edge, and all the way along the south
3 line (indicating).

4 The original approved Master Concept Plan
5 provided for a 20-foot buffer along that whole south line,
6 a 25-foot buffer along Buckingham Road and a 15 foot Type
7 B buffer adjoining to the school district property.

8 Those elements which are identified there and
9 included in the original Master Concept Plan are included
10 in this Master Concept Plan.

11 In addition to that, because of the rural nature
12 of the abutting properties to the south, there was an
13 effort to try and provide additional buffering, if you
14 will, with the water management system. So all these
15 areas in blue you see down here (indicating) are actually
16 lake areas. There are retained wetlands and that's the
17 wetland (indicating), retained uplands as well to
18 provide -- well, for buffering or preserve requirements,
19 number one, but also to include the buffering that in
20 combination with the water management provides roughly
21 150-foot strip between the property line and the rear of
22 the lots, and plus in some other cases. But that was the
23 intent along the south side. You can see all of that was
24 included down here (indicating), not colored out, but I'm
25 telling you it's there, that was included in the original

1 Master Concept Plan, and we are adopting that same
2 philosophy with the development of the proposed Master
3 Concept Plan.

4 As Bev had mentioned, the only other difference
5 being the addition of the 20 acres, and we provided for
6 the future school site.

7 There is water and sewer availability coming down
8 Buckingham Road, and that's what we would be tying into.
9 Water comes down to about right there (indicating) and the
10 force main comes all the way down and continues on down
11 past the property.

12 Water management system would basically be the
13 tying in of all of these lakes, interconnecting them and
14 discharging into this wetland system to keep it hydrated
15 and do what we need to do to provide for South Florida
16 Water Management District permitting requirements.

17 The only other clarification that might be worth
18 mentioning here at this moment, when Bev was mentioning
19 the shift in density, the original Master Concept Plan
20 had that future land use element that was designated as
21 suburban lying to the west side, rural to the east side,
22 which made this a higher density, this a lower density to
23 keep the overall aggregate density at two units per acre.

24 Pretty much what drove the land use amendment to
25 create the outlying suburban district was to allow for

1 that density to be spread throughout the project, and
2 that's pretty much what drove the internal makings of how
3 this land plan was developed was to be able to spread the
4 densities from having an all front next to Buckingham Road
5 and spread it out throughout the property.

6 That's pretty much the nuts and bolts of the
7 Master Concept Plan.

8 Do you want to have Ted --

9 MS. GRADY: You want to see if there's any
10 questions?

11 MR. JOHNSON: Fine, thank you.

12 MS. GRADY: Questions?

13 MS. COLLINS: I have no questions.

14 HEARING EXAMINER: All right, folks, you'll be
15 given the opportunity -- oh, Neale, did you want -- Dan,
16 don't go anywhere.

17 MS. MONTGOMERY: I just have a couple short
18 questions.

19 HEARING EXAMINER: All right, come up. Neale is
20 an attorney, I'm going to allow her to ask the questions.

21 MS. MONTGOMERY: I noticed in your property
22 development regulations that your single family are three
23 story. Are you really envisioning three story single
24 families?

25 MR. JOHNSON: No.

1 MS. MONTGOMERY: Can we change that to two story?

2 MR. JOHNSON: No problem.

3 MS. MONTGOMERY: Okay. The other thing is that
4 the road appears to be within 125 feet of the residential.
5 Do you know what I'm talking about right there?

6 MR. JOHNSON: I'm sure you're talking about these
7 areas here (indicating)?

8 MS. MONTGOMERY: Yes. And I see a berm on there.
9 I know Beverly said you aren't asking for any deviation.
10 There's supposed to be a wall and buffer when within 25
11 feet of residential. Now, it's not shown here maybe
12 because you have it shown as AG, but it is --

13 MR. JOHNSON: At the time it was AG, yes.

14 MS. MONTGOMERY: So how is that going to be now?

15 MR. JOHNSON: Well, we'll provide -- I mean, the
16 plan provides for a 25 foot strip of land, but if we have
17 to enhance it as part of the Land Development regs, as a
18 part of the Development Order plan approval, then we will.

19 MS. MONTGOMERY: I'm not sure how it turns out
20 now because it's shown as ag so you wouldn't have the 125
21 foot in the buffer that's under the regs next to
22 residential. If this was approved with just the berm and
23 the same types of setbacks, now I would assume you'd argue
24 that that controls over the regs, although Bev said you
25 didn't ask for deviations. I'm just asking a question, I

1 don't know how it turns out. How does it turn out?

2 HEARING EXAMINER: Tony, can you or the County
3 attorney answer that question as far as, you know, if it's
4 shown on the Master Concept Plan without the 125 foot
5 setback or without the buffer and the wall, what happens
6 if it's approved without either one of those as shown?
7 Does that mean that when he gets over to the Development
8 Order stage that they're going to require them to do that
9 automatically?

10 MS. COLLINS: Without a deviation, I would say
11 yes unless there's a deviation incorporated into the
12 resolution itself.

13 HEARING EXAMINER: Okay.

14 MR. PALERMO: That's correct. If it's a
15 residential use, that would be a deviation.

16 HEARING EXAMINER: So is it -- in your opinion,
17 would it be necessary to add a condition in here that with
18 the roadway configuration as set up there along the inside
19 portion, that a wall and buffer is going to be required to
20 buffer that roadway from the adjacent property, because
21 that's part of the Portico RPD?

22 MR. JOHNSON: Yes.

23 HEARING EXAMINER: Okay. So it's been rezoned to
24 an RPD.

25 MS. MONTGOMERY: I'm not necessarily saying the

1 wall and buffer is the best thing. Maybe, you know,
2 vegetation is better than a wall. But, unfortunately,
3 since they didn't ask for a deviation, I don't know that
4 we can do that. I just wanted to know what was going to
5 happen.

6 HEARING EXAMINER: Okay. Okay.

7 MS. GRADY: Let us respond to that -- when we're
8 completed, then we'll respond to that.

9 HEARING EXAMINER: Okay. All right.

10 MS. MONTGOMERY: The only other question is the
11 yellow recreational tract, that is three stories, 45
12 feet?

13 HEARING EXAMINER: That's what the regs have.

14 MS. MONTGOMERY: Right. I guess I was wondering
15 how close is the single family from Portico, is the
16 closest three-story building if you know?

17 MR. JOHNSON: Well, there has been no detailed
18 site layout out on that yet. I mean, obviously, it's got
19 to be at least whatever this distance is.

20 MS. MONTGOMERY: I know you have some idea of
21 what maybe that's going to lay out.

22 MS. GRADY: Why don't we take the questions for
23 Dan and we'll get your questions and those that are --

24 MS. MONTGOMERY: Those are my questions right
25 now. I'm sorry I asked the wrong person.

1 HEARING EXAMINER: That's all right.

2 Okay. Dan, let me do follow up on one thing
3 now. All right. In looking at the two Master Concept
4 Plans, the proposed one obviously has a different internal
5 arrangement now than the one that was -- the 2003 or 2004
6 version here, the latest version.

7 And that was necessitated by the actual spreading
8 out -- the redistribution of all those -- the units that
9 had already been approved as well as the increase of 50
10 units?

11 MR. JOHNSON: Right.

12 HEARING EXAMINER: Okay. Are you all anywhere in
13 the process right now of getting your water management
14 permits or anything? Is there going to be any problems
15 with that?

16 MR. JOHNSON: We're in the process of obtaining a
17 water management system approval on what is known as the
18 Buckingham 320.

19 HEARING EXAMINER: Okay. So that may have to
20 change, then, if this is approved -- if this request is
21 approved?

22 MR. JOHNSON: We will -- yes, we'll have to
23 permit a Buckingham 345 as well.

24 HEARING EXAMINER: All right. Looking at your
25 little lake system down here right along the south

1 boundary, what is the narrowest spot there? Can you tell
2 by looking at it?

3 MR. JOHNSON: From blue to blue? 100 feet.

4 HEARING EXAMINER: 100 feet. Okay. So it's a
5 minimum of 100 hundred feet wide then?

6 MR. JOHNSON: Right.

7 HEARING EXAMINER: Okay. All right. And I know
8 that you're asking for zero lot line. Have you got an
9 idea where they're going? 1, 3 and 4, is that what it
10 was?

11 MR. JOHNSON: 1, 3 and 4.

12 HEARING EXAMINER: Okay. So 2 and 5 were the
13 single family.

14 MR. JOHNSON: They're all single family, 70
15 footers as opposed to 50.

16 HEARING EXAMINER: I understand. It's just a
17 zero lot line is a tighter project. Okay. Okay. Where
18 is the -- and there is no cross access into Portico or
19 into Hawk's Haven?

20 MR. JOHNSON: None.

21 HEARING EXAMINER: Okay. What about, is this
22 Lehigh over here in the bottom corner on the area where
23 the graph is at? Is that into Lehigh?

24 MR. PALERMO: That is Lehigh.

25 HEARING EXAMINER: Okay. All right. Any

1 questions based on what I -- now, you can't ask your
2 questions until it's time for the public to ask, okay, so
3 just hang onto it and I'll let you come up. I'm letting
4 the attorney do it because she is an attorney, okay? But
5 I'll let the public ask their questions when they come up,
6 and we'll answer them at that time.

7 Okay. Anything else of Dan? All right. Thank
8 you.

9 Your next witness.

10 MS. GRADY: Richard Arkin. We'll ask Richard to
11 introduce GL Homes, then answer the question on the height
12 of the recreation clubhouse.

13 HEARING EXAMINER: Okay.

14 Thereupon,

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

19 MR. ARKIN: Good afternoon, Madam Hearing
20 Examiner. My name is Richard Arkin. I'm a vice-president
21 of GL Homes, which, as Beverly Grady mentioned, is the
22 parent of the applicant.

23 With respect to the question regarding the height
24 of the clubhouse, we have not drawn up any plans for the
25 clubhouse. As Dan Johnson said, basically what we try to

1 do in coming in with the application for the current plan
2 is to change as few conditions as possible as were in the
3 prior approval and the prior approval allowed for a
4 three-story clubhouse with the heights that are set forth
5 in these staff conditions I believe.

6 We have no problem bringing that down to two
7 stories like the house if that would satisfy your concern.

8 HEARING EXAMINER: Okay. So you're volunteering
9 to bring the height of the clubhouse down to 35 feet, two
10 stories?

11 MR. ARKIN: All right. I'd like not to limit the
12 height restriction because we don't know what the roof
13 lines will be, but it won't be a three-story structure.
14 It will probably be a one-story structure, because that's
15 typically what we do. But just because we haven't
16 designed it yet, we'd like to have the flexibility.

17 HEARING EXAMINER: Okay. I don't know if the
18 County accepts no specific height. I think 35 feet is the
19 typical height in outlying suburban situation.

20 Is the County going to be happy with a two-story
21 situation and no maximum height?

22 MR. PALERMO: We were recommending three stories,
23 45 feet. Tony Palermo for the record.

24 HEARING EXAMINER: You were?

25 MR. PALERMO: Yeah. Two stories, and 35 feet or

1 45 feet would be acceptable.

2 HEARING EXAMINER: Okay. So 45 feet, two stories
3 then. Is 45 feet going to work for the house?

4 MR. ARKIN: We'll live with the two story.

5 MS. COLLINS: We're talking about the clubhouse
6 right now?

7 MR. PALERMO: We're talking about the clubhouse
8 right now.

9 HEARING EXAMINER: Right. Okay. So the 35, two
10 stories for the clubhouse is okay. Are you now
11 volunteering two stories, 35 for the clubhouse; is that
12 what I'm hearing you say? What I'm trying to do is to
13 figure out what you're saying.

14 MR. ARKIN: Yeah. We're not going to do a three-
15 story clubhouse.

16 HEARING EXAMINER: Okay. So it will be a
17 two-story clubhouse, but staff is recommending 45 feet.
18 Do you want 45 or 35?

19 MR. ARKIN: We'd like to have the ability to go
20 as high as 45 on the roof line.

21 HEARING EXAMINER: Okay. Let's just leave it
22 then at 45 feet; is that all right?

23 MR. ARKIN: But We're voluntarily agreeing that
24 we will not exceed two stories in height on the structure
25 itself.

1 MR. PALERMO: I hate to confuse things, but on
2 the residential portion we're going to stick with the two
3 story, 35 feet.

4 HEARING EXAMINER: Right. Right. And then the
5 45 foot, two story for the gate house and clubhouses.
6 Okay. All right.

7 MS. GRADY: I have no questions.

8 HEARING EXAMINER: Any questions of this witness
9 by the County?
10 County Attorney, questions?

11 MS. COLLINS: I see the two story, 45 feet on the
12 residential -- recreational tract, but where does that
13 bring in the gate house? I'm confused as to that. There
14 has to be a setback to accept that.

15 HEARING EXAMINER: I don't know. Are you guys
16 anticipating the gate houses being three stories, I mean,
17 you know, 45 feet tall?

18 MR. PALERMO: Hold on a second. On Page 4 of 24
19 you'll find under Building Heights, regulations stating 45
20 feet, three stories for all other structures such as gate
21 houses. So if they want to voluntarily lower that, that's
22 fine, but staff recommended 45 feet, three stories as a
23 maximum.

24 MR. ARKIN: And we agree with staff's
25 recommendation as to gate houses.

1 HEARING EXAMINER: Okay. So you want it kept at
2 three stories? That's 45 and three.

3 MR. ARKIN: Yes.

4 MS. COLLINS: But that would not apply to the
5 clubhouse or other recreational facilities; is that
6 correct?

7 MR. ARKIN: Correct.

8 HEARING EXAMINER: All right. Anything else from
9 the County of this witness?

10 MR. PALERMO: Nothing.

11 HEARING EXAMINER: Andy, any questions from you?

12 All right. I don't have any either.

13 MR. ARKIN: Thank you.

14 MS. GRADY: Next witness is Patty Campbell, and
15 if you could present the details on the buffering plan
16 along the south property line. I think we've covered it
17 up with the original Master Concept Plan.

18 HEARING EXAMINER: All right. Do me a favor,
19 Dan. Stick a -- an A-3 on that, in the lower right-hand
20 corner, please, so my secretaries will know what number to
21 give that little fellow, an A-3.

22 A-2 will be the colored Master Concept Plan. A-4
23 will be the landscape plan, and the A is for applicant.

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

1 Thereupon,

2 PATTY CAMPBELL,

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

6 MS. CAMPBELL: Good afternoon, Madam Hearing
7 Examiner. My name is Patty Campbell, and I am the
8 division president for the Southwest Florida Division for
9 GL Homes.

10 Good afternoon, everyone. I'm going to review
11 the upgraded landscaping plan that we've worked on with
12 staff for the south boundary of the property.

13 As Dan mentioned, the entire south boundary of
14 the property will have lakes and preserve and they are a
15 minimum of 100 feet wide.

16 In addition, as you come off the lake maintenance
17 easements, you will have a 20-foot buffer that will lead
18 up to a three-foot berm and on top of that three-foot
19 berm will be a continuous four-foot hedge, and then we
20 have added an additional about 40 percent more oak trees
21 on that three-foot berm. There will be ten oak trees for
22 every 100 feet versus the required six per every 100 feet.
23 And we also have added additionally every 40 feet a small
24 cluster -- a small group of clustering small flowering
25 trees. And they will be surrounded at the bottom by small

1 mid-level shrubs, so that is all in addition to the
2 requirements.

3 We believe that that berm will be rich and lush
4 and provide tremendous beauty and privacy for the south
5 boundary residents, to the neighbors to the south.

6 HEARING EXAMINER: All right. And the graphic up
7 here is a depiction of --

8 MS. CAMPBELL: This is actually, yes, of the
9 landscape plan. This is the typical --

10 HEARING EXAMINER: Those trees are going to be
11 staggered, right?

12 MS. CAMPBELL: Yes.

13 HEARING EXAMINER: I mean, you're not going to
14 have ten trees -- ten oaks right together?

15 MS. CAMPBELL: Up here you can see that they're
16 staggered, both the oaks are staggered and the cluster of
17 small flowering trees.

18 HEARING EXAMINER: Okay. Questions of your
19 witness?

20 MS. GRADY: I have no questions.

21 HEARING EXAMINER: Questions by the County?

22 MR. PALERMO: No, thank you.

23 HEARING EXAMINER: Andy? Okay.

24 Neale, any questions? All right.

25 Thank you, Patty.

1 MS. CAMPBELL: Thank you.

2 MS. GRADY: Our next witness is Ted Treesh of
3 Metro Transportation. And we'd like to have Ted qualified
4 as an expert in transportation.

5 Thereupon,

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

10 MR. TREESH: Ted Treesh for the record. My
11 resume is on file with the Hearing Examiner's office.

12 HEARING EXAMINER: Okay. Any objections from --

13 MR. PALERMO: No.

14 HEARING EXAMINER: Okay. Accepted as an expert
15 in transportation planning or --

16 MR. TREESH: Yes.

17 HEARING EXAMINER: Okay. Thank you.

18 MR. TREESH: Just briefly, I want to go through
19 the traffic analysis that Metro prepared on behalf of this
20 application. We looked at the traffic volumes anticipated
21 on Buckingham Road and in the area of the project at build
22 out of this project which is anticipated for the year
23 2009.

24 Based on that, there will be adequate capacity on
25 this roadway. Our analysis did also include the recent

1 rezoning of the Portico RPD to the north, which I believe
2 was just over 1,100 residential dwelling units. So this
3 analysis did take into account their traffic as well
4 looking out in the future in terms of adequate level of
5 service on this roadway.

6 You know, it is -- as a two-lane road it is by
7 that date projected to be reaching close to its capacity,
8 but our analysis shows that there will be adequate
9 capacity available based on this project as well as the
10 Portico and as well as continuing increase in background
11 traffic that occurs, you know, based on other development
12 in that area of Lee County.

13 We have filed for Development Order, you know,
14 based on the existing zoning, and there will be turn lanes
15 that will be warranted at the site access intersection,
16 both left and right turn lanes on Buckingham Road at the
17 site access intersection, so we anticipate once the
18 Development Order is filed for this increased density,
19 that those turn lanes may get a little longer than what
20 they're currently designed for but they haven't been built
21 yet so -- but there will be turn lanes to accommodate the
22 ingress and egress movements at our site access location.

23 I would like to address just -- our TIS did not
24 include the school site just because of the uncertainty at
25 this time of what the school district wants to do with

1 that property, but there is a condition in the Staff
2 Report that indicates that once the school decides, they
3 have to come back in for an administrative review and
4 concurrency will be evaluated when they come back in for
5 an application for a Development Order.

6 That's really all the comments I had. I'd be
7 more than happy to answer any questions.

8 HEARING EXAMINER: Questions by the applicant?

9 MS. GRADY: Mr. Treesh, is it your professional
10 opinion that based on your TIS study that this project
11 will stay within the accepted level of service within the
12 Lee Plan?

13 MR. TREESH: Correct. Yes, it will.

14 MS. GRADY: Thank you. I have no other
15 questions.

16 HEARING EXAMINER: Questions by staff?

17 MR. PALERMO: No, ma'am.

18 HEARING EXAMINER: County Engineer?

19 All right. Ted, let me ask you just a couple of
20 quick questions now. In reading the Staff Report and all
21 the backup to it, it seems to indicate that Buckingham is
22 going to be four laned but God knows when. Do you have
23 any idea, you know, closer than 2030?

24 MR. TREESH: I can tell you that I have been
25 looking at that very strong because I'm involved in the

1 Hawk's Haven project right now that's in the process of
2 going through a zoning amendment. I have been working
3 with the MPO staff. Right now they are in the development
4 of the 2030 long range transportation plan that Mr. Getch
5 referred to. And as of today's date, that roadway is
6 shown to be four laned. The need of a four lane
7 Buckingham Road from south of State Road 80 to Bird
8 Road -- if I can on the aerial point out Bird Road, it's
9 right here (indicating).

10 HEARING EXAMINER: Okay.

11 MR. TREESH: So just south of the project. It's
12 shown on the MPO plan as a needed improvement. Now, what
13 has to happen between now and December is basically the
14 laundry list of needed improvements will be gone over with
15 a fine-tooth comb and they'll be weeded out until what's
16 called a financially feasible plan. And then once that
17 plan is presented to the MPO board, then that will be
18 adopted as the new long range transportation plan.

19 Like I said, the Hawk's Haven group as well as
20 other interested parties in the area are lobbying heavily
21 for that to be maintained on the financially feasible
22 plan.

23 This project is setting aside and will dedicate
24 to the County 20 feet of right-of-way along the frontage
25 of this project along Buckingham for that widening of that

1 road.

2 HEARING EXAMINER: Do you recall if the Verandah
3 MPD as part of their transportation proportionate share or
4 whatever, if they were required to do anything on
5 Buckingham Road?

6 MR. TREESH: I don't believe they were and it's
7 mainly because they do not have an access to Buckingham.

8 HEARING EXAMINER: Okay. So they're not going to
9 have an access at all on Buckingham?

10 MR. TREESH: No. Their access is all out to
11 State Road 80.

12 HEARING EXAMINER: Strictly Palm Beach
13 Boulevard. All right. How often does the MPO meet for
14 these financially feasible or --

15 MR. TREESH: This is new, and Mr. Getch can
16 elaborate if necessary, but this is a major update to the
17 long range plan so this doesn't occur as often as other
18 meetings, but there are amendments to the plan made
19 throughout the process, but my best guess, you know, based
20 on my layman's opinion of the MPO, if it's on the 2030
21 financially feasible plan, then that allows DOT and puts
22 in motion the funding mechanisms to be able to get that
23 roadway done.

24 HEARING EXAMINER: Before 2030?

25 MR. TREESH: Right. I mean, based on the amount

1 of development that's coming out in this area of the
2 county, I mean, I fully anticipate that it will occur
3 within the next five to ten years.

4 HEARING EXAMINER: Yeah. I mean, that's what I
5 was getting at because, I mean, we've got a lot of, you
6 know, RPD housing developments that are going in there,
7 which is a lot of traffic, and now all of a sudden we've
8 got a two-lane road and they're not looking to do anything
9 to it.

10 MR. TREESH: Another thing that plays into that
11 is the impact fees that are collected from these
12 projects. You know, right now the County, that's a major
13 source of -- the gas tax and the impact fees are a major
14 funding source for roadway improvements. There hasn't
15 been a lot of impact fees collected out here to date but
16 between this RPD, Portico and Hawk's Haven, I mean, you're
17 talking over 3,500 units.

18 HEARING EXAMINER: I know.

19 MR. TREESH: And if the impact fees get increased
20 to \$5,000 a unit, I mean, that's considerable more dollars
21 that are generated, you know, to work into future roadway
22 improvements.

23 HEARING EXAMINER: There's already one major -- I
24 won't say major, but one established housing community up
25 closer to State Road 80 --

1 MR. TREESH: Buckingham Preserve, right.

2 HEARING EXAMINER: Okay. I just -- you know, I
3 might mention to the Board that maybe they need to be
4 looking at this a little sooner than 25 years. They're
5 going to be having people out there, standing there
6 directing traffic.

7 Okay. Any questions of this witness? County
8 Attorney?

9 MS. COLLINS: Ted, can you tell me, is there any
10 plans to create an internal connection to the school site
11 from this project?

12 MR. TREESH: I didn't develop the Master Concept
13 Plan. Mr. Johnson would probably be more -- it doesn't
14 appear, based on the Master Concept Plan, at this time
15 that there is. But, I mean, I think potentially there's a
16 pedestrian connection, but the school, we'd have to work
17 with the school district, they have security issues. You
18 know, they typically put 65 foot high chain link fences
19 around their school sites.

20 MS. COLLINS: Okay. Well, I have some questions
21 of other representatives of the applicant then.

22 HEARING EXAMINER: All right. Andy, questions of
23 this witness?

24 MR. GETCH: No, ma'am.

25 HEARING EXAMINER: All right. Anything else?

1 MR. TREESH: Thank you.

2 HEARING EXAMINER: Any other witnesses for the
3 applicant?

4 MS. GRADY: No. This would really conclude our
5 presentation. I just have one other thing I'd like to
6 provide to the Hearing Examiner. Although the staff has
7 25 conditions, because it's based on the prior approval,
8 six of those have been eliminated, so really there are
9 only 17 conditions provided by staff and a number of those
10 are the standard ones, and then we have some that adopt
11 the special buffer to the south.

12 And one of the unique ones is the last condition
13 that for Development Order the applicant prepare a
14 brochure that gives information on the Caloosahatchee
15 Shores planning area and the neighboring Buckingham area.
16 So we have a draft that's been prepared that we've given
17 to staff. It's still receiving comments, but we would
18 like to submit that as an exhibit.

19 HEARING EXAMINER: Okay. Thank you.

20 MS. GRADY: At this time this would conclude our
21 presentation. We believe the original approval is
22 consistent with the Lee Plan and this amendment is
23 consistent with the Lee Plan that has been requested and
24 then at the conclusion of the staff presentation, public
25 comments and questions, we'd like the opportunity to

1 respond to that.

2 Thank you.

3 HEARING EXAMINER: All right. Thank you, ma'am.

4 Staff's ready to go forward?

5 MS. COLLINS: I have a question of the applicant.

6 HEARING EXAMINER: I'm sorry, County Attorney.

7 MS. COLLINS: Is the proposal to sell this parcel
8 to the school district, this school site here?

9 MS. GRADY: It would be to work with the school
10 district, yes, and have the ability to receive school
11 credits.

12 MS. COLLINS: Is there going to be an internal
13 connection via a road to that site?

14 MS. GRADY: There is not one proposed.

15 MS. COLLINS: So when the Master Concept Plan is
16 amended, it would be to remove that parcel from the
17 project; is that correct?

18 MS. GRADY: Well, the amendment as recognized, it
19 would not have to be removed because other parcels create
20 subdivisions and parcels are sold to end users in the same
21 way as any lot that's in there is sold to an end user, but
22 you can create a lot that would be conveyed to the school
23 district.

24 MS. COLLINS: That is not integrated to the
25 community through internal road network which is

1 customarily the case when you have a PD without parcels or
2 other tracts. I'm not familiar with a PD where you would
3 have a tract created that's not accessible from the PD
4 that would -- I'm just wondering how that -- you would
5 amend the PD to designate that use for a public school but
6 there's no -- it's really a free standing parcel and once
7 it's conveyed to the school district, I'm not sure what
8 relation it has to this project.

9 MS. GRADY: Well, it's -- part of this project
10 and the conditions require that if it is, in fact, desired
11 to be used by the school district, that they have to come
12 in and actually amend this PD and --

13 MS. COLLINS: To remove the parcel?

14 MS. GRADY: Well, and to show the plan and also
15 deal with the transportation issue, the concurrency issue.

16 MS. COLLINS: It seems appropriate in light of
17 that condition that the parcel simply be removed once it's
18 conveyed to the school district because, otherwise,
19 they're going to be responsible for some kind of
20 cumulative impact of this project being part of it by the
21 addition of the school trips.

22 HEARING EXAMINER: And "they" being the applicant
23 here; is that what you're saying?

24 MS. COLLINS: The school district would then be
25 the applicant under the scenario Ms. Grady just presented.

1 HEARING EXAMINER: Right.

2 MS. GRADY: But as provided for in the Code,
3 there are planned developments where it's a very large
4 planned development, a master builder and then other
5 developers come in and take sub parcels and then they come
6 back and they amend their portion and there's even
7 parameters provided for amending portions of planned
8 developments. And so we find that the planned development
9 should not be any kind of impediment in order -- we see
10 that in the Code that it would preclude the creation of a
11 separate tract that's subject to coming back for further
12 review by the County, particularly related to
13 transportation.

14 MS. COLLINS: Well, wouldn't that be the case if
15 it was removed from the PD anyway, it would come in as a
16 free-standing tract, and it would be subject to all our
17 land development regulations?

18 MS. GRADY: I'm -- I guess --

19 MS. COLLINS: I'm just confused as to why there's
20 a condition that requires an amendment to the Master
21 Concept Plan to keep the parcel in if it's going to be
22 conveyed to the school district and there's going to be no
23 integration between that parcel and the community.

24 HEARING EXAMINER: Okay. Let's walk the Hearing
25 Examiner through this now. If the parcel stays in and it

1 does not have the connection, what is the ramifications to
2 the applicant or to the county with -- approving this
3 without an interconnection, assuming that the parcel stays
4 in this -- what are the ramifications?

5 MS. COLLINS: I don't understand what point it is
6 to keep it in if it's going to be conveyed to the school
7 district.

8 MS. GRADY: Because that is an option that if the
9 school district decides to pursue that, then would at
10 least provide the use being permitted there and they would
11 have to deal with the traffic issue and come back and
12 amend the Master Concept plan so the County was satisfied
13 that the traffic issue had been handled.

14 If, in fact, for some reason, the school district
15 decides they are not interested in the property, that
16 parcel stays part of the Master Concept Plan, part of the
17 RPD and will be developed residentially with the same cap
18 of units, the 690 units.

19 MS. COLLINS: I understand the second prong of
20 the argument. I do not understand the first prong where
21 if the school district takes the parcel down, why they
22 remain part of the project. It seems as though they would
23 then -- the project would be amended to remove the parcel
24 entirely.

25 MS. GRADY: I mean, that would be fine because --

1 MS. COLLINS: That creates an issue with regard
2 to the --

3 HEARING EXAMINER: Well, see, that's what I'm
4 asking here. You know, I mean, what are the
5 ramifications? Whether it is in or it is out, you know,
6 what are the ramifications? Who's going to suffer what?
7 What effect is this going to have on the County? I'm
8 obviously missing something here.

9 MS. COLLINS: My question is, must this parcel
10 remain part of the PD to support the density that is
11 requested?

12 MR. PALERMO: We've got two points we need to
13 make here. Number one, Condition 24 in the Staff Report
14 is there because their Traffic Impact Statement does not
15 take into account a school use.

16 HEARING EXAMINER: Right. And I understand that.

17 MR. PALERMO: I can't answer the question of, you
18 know, do they make concurrency with the school there. We
19 don't know if it's an elementary school. It's not big
20 enough for anything else, but it could be used for some
21 other school purposes. We don't know that so we left the
22 door open, saying come back for an administrative
23 amendment.

24 Right. The second point I would make is on Page
25 16 of the Staff Report, this is what I'm relying under is

1 that the outlying suburban future land use allows two
2 units per acre. That's a given. I also looked up the
3 definition of density, and it specifically says that the
4 acreage per school, community centers, facilities, open
5 space recreation, that still counts as part of the
6 density, and that, I think, is to encourage developers to
7 put in elements like that and not punish them for putting
8 them in there.

9 HEARING EXAMINER: So then if the school were
10 removed -- if the school property, the 13 acres, were
11 removed, that would be 26 units then that these folks
12 would lose out of the overall total if they're approved
13 for the 690 units based on -- or considering the school as
14 part of the RPD, if that portion, if that parcel is
15 removed and they use the corresponding -- they lose the
16 corresponding density that went with that 13 acres; is
17 that correct?

18 MR. PALERMO: I didn't come to that conclusion.

19 MS. COLLINS: I don't know if I am either.

20 HEARING EXAMINER: That's where the County
21 Attorney, I think, is going, and that's what I'm not
22 seeing. I mean, once it's approved for 690 acres, you
23 know, if the school takes it out, do they lose it? Does
24 it have to stay in? I don't think this question has ever
25 come up before. I don't know that --

1 MS. COLLINS: In my opinion --

2 HEARING EXAMINER: Okay.

3 MS. COLLINS: -- I think they probably would not
4 suffer the density problem because it was -- it was
5 contemplated that this would be taken by the school
6 district, so the density was used consistent with the plan
7 and then when it's ultimately turned over to the school
8 district -- personally, I think it should be removed from
9 the Master Concept Plan because it's not part of the
10 project. It really is not part of the project unless
11 there's some kind of interconnection.

12 HEARING EXAMINER: All right. But you don't want
13 it removed until such time as the school decides what it's
14 going to do either. You want it removed now. If you want
15 it removed now, Donna Marie, does that not take away the
16 13 acres from the overall total, thereby, no matter what
17 the density allowance is and no matter how you calculate
18 it, if you don't have the 13 acres for the school site as
19 part of the project, you don't have the 13 acres on which
20 to have density?

21 MS. COLLINS: I don't want to remove it now
22 because they need to retain the option of developing it as
23 part of their project if the school district does not take
24 the land.

25 I'm referring to Condition 24 as to public

1 schools when it talks about if the public schools take the
2 land.

3 HEARING EXAMINER: Right.

4 MS. COLLINS: And there's going to be amendment
5 to the Master Concept Plan.

6 HEARING EXAMINER: Right.

7 MS. COLLINS: The amendment should be to remove
8 the parcel from the project.

9 HEARING EXAMINER: All right.

10 MS. COLLINS: And then the transportation will be
11 addressed by the school board in accordance with our Land
12 Development Code which they're subject to anyway.

13 HEARING EXAMINER: All right. So the applicant
14 is not going to have to address the transportation. Will
15 they have to address it if the school board -- I mean,
16 obviously, if the parcel stays in and it's used for
17 residential uses, they will have to address --

18 MS. COLLINS: No, because --

19 HEARING EXAMINER: Okay. They are distributing
20 the rest of the units, all right, so there's no increase.
21 But if the school board takes it out, then whatever the
22 school board's traffic is, the school board is then
23 responsible for?

24 MS. COLLINS: Which is what they're contemplating
25 in Condition 24 anyway. So I'm saying if the school board

1 is going to be responsible for their impacts on Buckingham
2 Road, either way, and there is no interconnection between
3 the school site and this project, then if the school takes
4 the land and develops it as a school, the Master Concept
5 Plan should be amended, yes. But the amendment is to
6 remove it.

7 HEARING EXAMINER: Just delete that, okay. So
8 that would be to remove that use and to remove that
9 acreage. Okay.

10 MS. COLLINS: And I don't think that what we
11 would have resulting is a project that does not conform to
12 density, because I think the whole purpose of the Code --
13 and it was contemplated that we would encourage the school
14 to take it. You know, I mean, because the school is going
15 to be subject to some of these conditions. It's not like
16 there's a separate --

17 HEARING EXAMINER: All right. So would your
18 concern then be different if there was an interconnection
19 shown to the spine road?

20 MS. COLLINS: Yes, I would feel more comfortable
21 about leaving it in, yes. I see no reason to leave it in
22 if there's no interconnection.

23 HEARING EXAMINER: Even a foot path, even a
24 pedestrian walkway for the kids that, you know, would walk
25 through the development?

1 MS. COLLINS: I just raised that as something to
2 be considered.

3 HEARING EXAMINER: Okay. All right. I think you
4 all need to talk about that a little bit more, you know.

5 MS. GRADY: We are contemplating a pedestrian
6 connection. We were not contemplating any vehicular --

7 HEARING EXAMINER: Any kind of vehicular?

8 MS. GRADY: Nor dictating to the district some
9 kind of driveway that they'd have to then design around.
10 I think that as long as the Hearing Examiner's
11 recommendation and the County Commissioner resolution is
12 clear of consistency with the Lee Plan for the density
13 requested and the appreciation of the school site was
14 contemplated in the Lee Plan and, therefore, it's clear in
15 that resolution, that we then have no objection to at the
16 point at which the district would want to utilize this
17 parcel, that it could be separated and at least made not
18 subject to all the other conditions which are really not
19 applicable to the school district.

20 MS. COLLINS: Because the school doesn't need
21 school site to be listed as a permitted use if they take
22 the property because our Lee Plan and our zoning
23 regulations allow public schools anywhere.

24 HEARING EXAMINER: Right. Okay.

25 Okay. Well, then, if you all don't have any

1 objections, you know, at some point during the hearing,
2 somebody draft up a revision to Condition 24 for me.
3 Okay? And we'll talk about that.

4 All right. Anything else, Donna Marie, you
5 wanted to ask before we take staff input?

6 MS. COLLINS: No.

7 HEARING EXAMINER: Okay. Tony, are you ready?

8 MR. PALERMO: Yes.

9 Thereupon,

10 TONY PALERMO,
11 called as a witness by the Staff, having been previously
12 sworn, was examined and testified as follows:

13 MR. PALERMO: Good afternoon, Madam Hearing
14 Examiner.

15 My name is Tony Palermo. I'm a Senior Planner
16 with the Lee County Department of Community Development.
17 I have a brief presentation.

18 Just a few housekeeping items to take care of.
19 Number one, I'd like to be recognized as an expert in
20 planning, zoning and land use. And my resume is on file.
21 I have been recognized before.

22 HEARING EXAMINER: Any objections?

23 MS. GRADY: No objection.

24 HEARING EXAMINER: Accepted then.

25 MR. PALERMO: Thank you.

1 Madam Hearing Examiner, during the course of this
2 rezoning amendment, I have received maybe a dozen or so
3 comments and questions from the public from between eight
4 to ten individuals who were curious about what was
5 happening in their neighborhood. They were concerned
6 about the rural integrity of their neighborhood, and for a
7 number of them I did provide copies of the Staff Report
8 and conditions.

9 This is the third housekeeping point I'll make is
10 that the school board has copies of the Staff Report and
11 Master Concept Plan as does the representative for the
12 Fort Myers Shores community as well as a few neighbors.

13 Next item, on Page 3 of 24, I would have no
14 objection to, just in the abundance of caution, listing
15 the list of uses, schools, non-commercial, specifying Lee
16 County School District future school sites, however you
17 want to word that. The school issue has now become kind
18 of complicated.

19 And, number five, I just want to make sure the
20 Hearing Examiner does have a copy of this September 6 memo
21 that corrected everything involving zero lot lines.

22 HEARING EXAMINER: Right.

23 MR. PALERMO: And just the last correction I
24 would make is that -- it was just brought to my attention
25 by the County Attorney's Office, but to go on Page 10 of

1 24, there's Condition 19, need to strike out the phrase
2 "at no cost to the County." We can go a little bit more
3 into that a little bit later, but we wanted to cross out
4 "at no cost to the County".

5 HEARING EXAMINER: Thank you.

6 MR. PALERMO: I'll do three things for this
7 presentation, and I'll try to keep it brief because I
8 want to get to the public and I want them to have input on
9 this case.

10 Number one, I'll put some exhibits on the
11 record. Number two, I'll go through just a few of the
12 highlights of the August 29th Staff Report. And the third
13 thing I'll do is just tell you what staff's conclusions
14 are and recommendations are.

15 As for the exhibits, they're real clear. The
16 2002 aerial is Staff Exhibit No. 1. The second thing you
17 have is a -- you do have a copy of really three things.
18 You have the staff photographs that are really this
19 presentation. You have a copy of just a portion of the
20 Caloosahatchee Shores Community Plan dated September 2002
21 that goes through some of the rural issues that the
22 applicant has been talking about. And No. 3 you do have
23 the Hearing Examiner's original recommendation for
24 Buckingham 320.

25 (Staff's Exhibits Nos. 1, 2 and 3 were marked for

1 identification.)

2 MR. PALERMO: Let me just get into some of the
3 detail of the August 29 Staff Report.

4 This property, as you know, is in the outlying
5 suburban future land use category and will allow two units
6 an acre in compliance with the Lee Comprehensive Plan.

7 It's currently zoned 325 acres of residential
8 planned development, that's Buckingham 320, 20 acres of
9 additional agricultural land to be added. Right now there
10 are agricultural uses and residential uses on site.

11 Staff, as you know, recommends approval of this
12 amendment with conditions that are in the August 29 Staff
13 Report and in the September 6th correction memo.

14 This resolution, if passed, will void zoning
15 Resolution Z-00-29 and also one of our administrative
16 amendments, ADD2003, No. 67.

17 This is a request for two units per acre which is
18 the maximum. With the additional 20 acres to the
19 property, the change staff finds from 1.97 dwelling units
20 per acre to 2.0 dwelling units per acre is negligible.

21 Staff will also note there is a 5.6 acre
22 recreational tract for clubhouse facilities with some
23 limited commercial uses that are intended for the
24 residents.

25 There's also a 13.2 acre potential public school

1 site on Buckingham Road.

2 New conditions are recommended by staff. Those
3 are kind of explained on Pages 14 and 15 of the Staff
4 Report.

5 The last condition is the interesting one, is
6 that some literature will be provided to the new
7 homeowners pointing out sort of the rural lifestyle and
8 issues and history environments of this community, and
9 you've got a copy of kind of their first draft of it so
10 far.

11 I won't get into it, but Page 16 we really start
12 with the Lee Plan considerations. We went through all the
13 relevant policies, including Policy 1.16, the outlying
14 suburban. We found this consistent with that policy of
15 the Lee Plan. We also found it consistent -- you'll find
16 the analysis on Page 19 -- with Goal 17 which is the
17 neighboring Buckingham community. And we also went and
18 took a close look at the school issues which are on Page
19 19 and 21. Especially important was Goal 46 and related
20 policies regarding schools, their appropriate location and
21 whether it's compatible or not. So, obviously we think a
22 school is a compatible use and a positive use in this
23 community.

24 The applicant did meet with the Caloosahatchee
25 Shores community, the East Lee County Council. They met

1 February 28th, 2005, and there are minutes in your
2 attachments.

3 This is also in the Fort Myers Shores planning
4 community. I think the applicant described very well what
5 sets north, south, east and west of the property. Just
6 the bottom line is as conditioned and as buffered, the
7 request is compatible with the surrounding neighborhood.

8 Just briefly, Environmental Sciences did review
9 this application. They reviewed it in the past during the
10 previous zoning. They decided to keep the environmental
11 conditions as is regarding preserves and other issues.

12 Page 23 really goes through some of the major
13 transportation issues. First there were no level of
14 service issues. The road does not fail. 20 feet are
15 reserved for Buckingham Road, that's a good thing.

16 Our Land Development Code will require sidewalks
17 on this arterial road so that will have to be addressed at
18 the Development Order stage.

19 And Condition 24 looks like we're going to work
20 on, but that's something to address school concurrency
21 issues.

22 Just in conclusion, I'll just put in the record
23 that this requested amendment as we conditioned it and as
24 agreed to by the applicant, it meets the criteria
25 necessary for a residential planned development. It's

1 consistent with the Lee Plan. It's compatible with the
2 surrounding neighborhood. It won't adversely affect the
3 environment, and the request will not place an undue
4 burden on our road network.

5 I know there's a lot of conditions, there's a lot
6 of detail, and I'll answer any questions you have.

7 HEARING EXAMINER: Questions of this witness by
8 the County Attorney?

9 MS. COLLINS; Yes. I want clarification on the
10 buffer that will be provided along this southern boundary
11 here if this site is developed as part of the residential
12 project. I noticed they're proposing an enhanced buffer
13 along this southern boundary per one of the conditions.
14 But the condition doesn't specifically -- I didn't find a
15 condition that specifically addresses the buffer that
16 would go along that border if it is developed for
17 residential use. And can you direct me to it if there is
18 a condition?

19 MR. PALERMO: I don't have a condition in the
20 Staff Report. The second page of the Master Concept Plan
21 has some details for the buffer on that, but I don't see
22 specifically --

23 MS. COLLINS: Okay. Because I think what would
24 happen, Hearing Examiner, is if this parcel came in for
25 development and no buffer was specified, the buffer that

1 would be provided between that and this property here to
2 the south would be in accordance with the Land Development
3 Code. So we need to consider whether that would be
4 appropriate.

5 If it is, perhaps it would be nice to have a note
6 in the resolution that says, you know, if this site is
7 developed for residential uses rather than a school, the
8 buffer along the southern boundary of that parcel will be
9 as follows, LDC or other.

10 MR. PALERMO: I'd be open to that, because the
11 Land Development Code as it stands doesn't require a
12 buffer, single family on single family. And that's what
13 the two uses are, if this is not developed as a school
14 site.

15 MS. COLLINS: Right. And if the applicant is
16 proposing something other than no buffer, then we need to
17 put a condition in there that says they're going to give
18 20 feet or what have you.

19 HEARING EXAMINER: Right. Okay.

20 Anything else from the County Attorney of this
21 witness?

22 MS. COLLINS: No.

23 HEARING EXAMINER: Questions by applicant?

24 MS. GRADY: Yes. Mr. Palermo, is it your
25 professional opinion, based upon review of the application

1 with your conditions, that this application is consistent
2 with the Lee Plan, including, but not limited to, the
3 outlying suburban category?

4 MR. PALERMO: Oh, yes, absolutely.

5 MS. GRADY: And it's your position that the
6 amendment to the RPD meets or exceeds all performance and
7 locational standards as set forth in the application?

8 MR. PALERMO: Yes, I agree with that, too, and
9 that's in the Staff Report.

10 MS. GRADY: Thank you. And is it your opinion
11 that the application is consistent with the densities,
12 intensities and general uses set forth in the Lee Plan?

13 MR. PALERMO: Yes.

14 MS. GRADY: And I believe you said this, but I'm
15 just going to ask you again, is it your professional
16 opinion that the Master Concept Plan as designed is
17 compatible with the existing and planned uses in the
18 surrounding area?

19 MR. PALERMO: I believe it's compatible. I think
20 there will be a discussion about whether a deviation is
21 going to be needed next to that road having contemplated
22 that issue, but we can get into that later. But, yes, I
23 would agree that this Master Concept Plan is compatible
24 with the surrounding uses.

25 MS. GRADY: Thank you. And are the urban

1 services currently available and adequate to serve this
2 amended RPD?

3 MR. PALERMO: I certainly hope so. Yes, they
4 will be.

5 MS. GRADY: I have no other questions.

6 MR. PALERMO: Thank you, ma'am.

7 HEARING EXAMINER: Hang on. Yes, I haven't asked
8 anything yet.

9 Okay. Go to Page 11 of 24, Condition No. 20,
10 six foot setbacks? Now, you're talking about structures
11 and whatnot, and you've got this in the six foot setback.
12 But when you did the -- when you added the zero lot line,
13 that setback changed to ten feet. Okay. The six foot
14 site setback became zero feet and ten feet on the zero lot
15 line. That's on Page 5 of 24.

16 Were these conditions also intended to be applied
17 to that ten foot setback or are they --

18 MR. PALERMO: No, absolutely not. They're only
19 for the circumstance where there's a six foot setback, and
20 that can only happen in the single family tracts 2 and 5.

21 HEARING EXAMINER: Okay. Good. Now, the next
22 question that I have deals with the public school use,
23 Condition No. 24, particularly Subparagraph B where it
24 says, "If no public school site is included in the
25 development, the 'Future School Site' may be developed

1 with single family and accessory uses consistent with the
2 Land Development Regulations for Tracts 2 and 5."

3 MR. PALERMO: Correct.

4 HEARING EXAMINER: Now, so no zero lot line were
5 considered on this parcel even though it's abutting zero
6 lot line? I don't understand. See what I'm saying?

7 MR. PALERMO: Yeah.

8 HEARING EXAMINER: Because 2 and 5 are your
9 single family detached, and 1, 3 and 4 are the single
10 family or zero lot line. But the school site is going to
11 go with 2 and 5, which is single family detached rather
12 than zero lot line which is right abutting in Tract 3?

13 MR. PALERMO: That's the way the condition
14 reads. It would be a single family site, not that there's
15 much difference between a zero lot line and single family
16 uses in terms of compatibility. But it was envisioned
17 that if you don't have a school there, that you would have
18 single family uses there.

19 MS. COLLINS: Well, don't forget what it's
20 adjacent to here. Single family may be more compatible
21 with the zero lot line.

22 HEARING EXAMINER: But what I'm looking at right
23 now, though, is that that is a parcel that's right on
24 Buckingham. It seems like the -- well, so is Tract No. 2
25 to the north, too. Okay. All right.

1 Well, you know, if the applicant doesn't have any
2 concerns about it being -- or including zero lot line --
3 my whole question was, was it intended also to include the
4 zero lot line which has been added in at this point or was
5 it strictly for the single family detached, and you're
6 telling me it was strictly for single family detached.

7 MR. PALERMO: 2 and 5 are for single family
8 detached, but it doesn't make much difference to me.

9 HEARING EXAMINER: Okay. All right. Then you
10 guys need to think about it, because you've got the
11 dwelling units broken down into two types, single family
12 and zero lot line. And so if you're saying just single
13 family as set out in Tracts 2 and 5, then it's obviously
14 no zero lot line.

15 MR. PALERMO: Yes, they would be stuck with the
16 single family.

17 HEARING EXAMINER: Okay. So you all need to
18 decide whether or not you want to carry that forward or
19 amend that. All right. I think that is actually the only
20 two questions that I had in here, Tony. I'll start back
21 at Page 1. That's it. That's it. Okay.

22 Anything else from anybody at the table? All
23 right. Thank you, Tony.

24 Okay. Andy, are you going to make a presentation
25 for us?

1 MR. GETCH: Yes.

2 HEARING EXAMINER: All right. Thank you, sir.
3 Thereupon,

4 ANDY GETCH,

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

7 MR. GETCH: For the record, Andy Getch with the
8 Lee County Department of Transportation. I am a
9 professional engineer registered in the State of Florida.
10 I work for the Lee County DOT in the Planning Section.
11 And I have previously been accepted as an expert in
12 transportation engineering by the Hearing Examiner. My
13 resume also is on file.

14 HEARING EXAMINER: All right. Any objections to
15 him being accepted as a transportation engineer?

16 MS. GRADY: No objection.

17 HEARING EXAMINER: All right, accepted.

18 MR. GETCH: Just a couple of brief comments,
19 Madam Hearing Examiner, to help answer some of the
20 questions you had asked Mr. Treesh and if you have more,
21 then that's fine.

22 Buckingham Road in relation to long range
23 planning efforts, it has not been on the long range plan
24 by the MPO because that's based on population projections,
25 employment projections in the county, and to be honest,

1 even at the time of the last major update, which was in
2 the year 2000, the population projections in this part of
3 the county were largely rural.

4 There was no Verandah, there was no Hawk's Haven,
5 there was no Portico, or some of the other larger projects
6 that we've been seeing.

7 And the traffic volumes in terms of what's out
8 there today don't approach the need for four laning.
9 However, when you add in some of those other developments
10 that I just mentioned, and that's what the applicant did
11 in their traffic study, then it starts looking closer.
12 And like anything else, it will depend on the reality of
13 how fast all those developments proceed in terms of when
14 the four laning need is going to be prompted.

15 You had asked Mr. Treesh about, you know, how
16 often the MPO updates are planned. It's every five years
17 and that's mandated federally for all. MPO stands for
18 Metropolitan Planning Organization. And as the Hearing
19 Examiner knows, but perhaps some of the public doesn't
20 know, the MPO is actually comprised of the County
21 Commissioners and representatives from each city,
22 depending on the population in the various cities. So all
23 five commissioners are on the Metropolitan Planning
24 Organization, and they make the decisions on the long
25 range plan in terms of what roads ultimately go on there.

1 There is technical input from staff, from the
2 various agencies, the county, cities as well as the
3 Florida Department of Transportation, but ultimately it's
4 the Metropolitan Planning Organization elected officials
5 that comprise the membership that make those decisions.

6 I can tell you that as part of the test runs and
7 the analyses, the traffic volumes projected for the year
8 2030 for Buckingham Road do show a four-lane demand as Mr.
9 Treesh had pointed out. Just when we get there between
10 2005 and 2030 depends on how fast things progress.

11 Staff had been kind of leaning on the
12 trafficway's map which the Hearing Examiner is familiar
13 with, and it was just developed in the 1980s, which
14 showed Buckingham Road as an ultimate four-lane road even
15 back then. And based on that, we've been asking the
16 Verandah and Portico and this developer to provide an
17 accommodation, and they've all graciously worked with us
18 to set back or set aside some right-of-way so that
19 acquisition is a little less painful. It's still going to
20 be more difficult in some areas, but we'll have to deal
21 with that at the time the design is actually programmed.

22 In order for us to program design, it first has
23 to be in the long range plan, so assuming that it becomes
24 part of the long range plan in December, then in the next
25 CIP cycle next year, the staff and the board can consider

1 whether or not it's appropriate to program Buckingham Road
2 for four laning and when.

3 HEARING EXAMINER: Okay. So, in other words, if
4 it's on the 2030 doesn't mean that you're not going to
5 actually develop it or improve it until the 2030, you may
6 end up improving it on 2012. But first it has to get on
7 the long range plan and then you guys start really --
8 okay. When you look at it for the 2030, do you use a
9 background growth factor? I mean, do you factor in all of
10 these recent approvals and set a background growth factor
11 based on the recent approvals or is that sort of an
12 aberration?

13 MR. GETCH: There is a computer program which has
14 an acronym of ULAM, U-L-A-M, which stands for the Urban
15 Land Use Allocation Model, that takes the population
16 projections that come down from the University of Florida
17 for the county and allocates them throughout the county
18 based on various factors, you know, what's existing and
19 what's approved.

20 HEARING EXAMINER: Historicals.

21 MR. GETCH: Yeah, historical stuff. And there is
22 some consideration for things that are platted and zoned,
23 but frankly and honestly is all Lehigh Acres in the plan,
24 no. Is all of Cape Coral in the plan, no. Is all of Fort
25 Myers Shores in the plan, no. Is the house on every empty

1 lot in Buckingham in the plan, no. But there's an
2 assumption on a percentage of growth that it's somehow
3 magically balanced by this computer program county wide to
4 come up with where the population and employment is going
5 to be. And then based on that the MPO staff starts
6 testing road networks, different alternate road
7 improvements and the traffic gets distributed and assigned
8 throughout the county based on that.

9 HEARING EXAMINER: Okay. So even with this thing
10 looking at more of the historical and assigning this sort
11 of, you know, across the county and whatnot, you all can
12 still keep real current by looking at the actual zonings
13 that are happening in that area?

14 MR. GETCH: We try to and as the zoning projects
15 come in, we try to look at them on a case-by-case basis
16 and certainly at the time of Development Order, Department
17 of Community Development does that as well with the
18 concurrency process where they track the number of trips
19 from each project and where they're distributed to in an
20 attempt to comply with concurrency requirements.

21 HEARING EXAMINER: Okay. All right. Do you have
22 anything you want to add regarding the statements made by
23 the applicant's transportation expert, anything you want
24 to add or clarify for the record?

25 MR. GETCH: That's basically it. I'm basically

1 in agreement with what Mr. Treesh had presented in terms
2 of the traffic study.

3 HEARING EXAMINER: Okay. All right. Questions
4 by the County Attorney of this witness?

5 MS. COLLINS: No questions of this witness.

6 HEARING EXAMINER: Okay. Staff questions?

7 MR. PALERMO: No.

8 HEARING EXAMINER: All right. Applicant
9 questions?

10 MS. GRADY: Mr. Getch, let me just ask you, is
11 public attendance welcome at the MPO meetings?

12 MR. GETCH: The MPO meetings are also open to the
13 public.

14 MS. GRADY: And is it helpful if the public
15 actually participates and attends and would, say,
16 encourage the movement or recognition of Buckingham to be
17 placed on the financially feasible map?

18 MR. GETCH: The Metropolitan Planning
19 Organization is responsive to public input.

20 MS. GRADY: Thank you very much.

21 HEARING EXAMINER: Okay. Any other staff
22 witnesses?

23 MR. PALERMO: No.

24 HEARING EXAMINER: Okay. Let's take a ten-minute
25 break. The court reporter needs to change paper. Water

1 only in this room. If you find a machine that has cold
2 drinks or whatnot in it, please water only in this room.
3 All right. Be back here, please, at 2:30. We'll take up
4 with public input at that time.

5 (A recess was taken.)

6 HEARING EXAMINER: Let's go back on the record.

7 All right. Anything else from staff or the
8 applicant before I take public input? I've already had
9 one woman indicate that she needs to leave like
10 yesterday.

11 So we need to go ahead and take her. Okay.

12 All right. Neale, I'm going to start with this
13 lady over here. Hang on just a second.

14 Yes, ma'am. Come up to the podium. Have you
15 turned in one of these white forms?

16 MS. KRAFT: Yes, I did.

17 HEARING EXAMINER: Okay. Give me your name then.
18 Thereupon,

19 BILLIE J. KRAFT,
20 called as a witness, having been previously duly sworn,
21 was examined and testified as follows:

22 MS. KRAFT: Billie J. Kraft, K-r-a-f-t.

23 I live at 4201 and 4203 Buckingham, which is this
24 property right in here (indicating). I bought the
25 property in '99. I have put quite a bit into it.

1 My concerns and what I have really put into it is
2 drainage of horse pasture. I have kept the cypress head
3 so we keep the constant flow of water.

4 One thing that is not -- that I'm having a whole
5 lot of trouble figuring out with this, where you've got
6 the school area going, right now is drainage for all the
7 properties that run along here because there is, at this
8 point, a small drainage ditch. It empties into somewhere
9 in through here (indicating) a ditch that goes into this
10 area, that goes underneath Buckingham Road and goes into
11 the Orange River.

12 This is not being addressed. In the fact of
13 you're putting lakes all along all properties on the south
14 side. We have hellacious rains and even during the
15 non-hurricane wet season, my pastures can actually have
16 three to four inches of running water across them that go
17 into those ditches.

18 Where is all this water going to go once you do
19 this? I don't need it standing in my pastures. Neither
20 do the other people.

21 Number two question. You've got four foot high
22 trees, three foot high, whatever fence. I have horses.
23 My liability, with you people putting in homes like that,
24 with all these kids, is going to go sky high unless you
25 put up something more than a three foot, four foot high

1 fence that kids can climb, because kids are kids and they
2 love to get into things. I board horses. I have my own
3 horses. We train horses some.

4 I don't need people coming onto my property just
5 for the heck of it because kids are kids, and I'm not
6 putting kids down. I've got a granddaughter. But she
7 also knows how to do and is trained how to work with
8 horses.

9 You get six, seven hundred kids over there that
10 don't know a thing, and where does that put me and other
11 homeowners that have animals that can -- because of lack
12 of knowledge, people can hurt, they can hurt the people.
13 And I'm sorry, putting out your little paper of informing
14 people about the ruralness of Buckingham is going to be a
15 waste of time because those people aren't going to read
16 it. It's not going to mean a thing to them.

17 I moved there because I wanted peace and quiet
18 and rural. Okay. I'm losing it. This is a done deal, I
19 realize this. What I want is a guarantee of some type of
20 fencing, and I'm talking at least six foot high that these
21 people, children cannot get over to get onto my property
22 and the other people's property that are along the south
23 border.

24 Not saying that we are compatible with what
25 you're doing. No, we're not. I'm sorry.

1 You do not, cannot run stock next to suburban,
2 and that's what this is, not without some type of very,
3 very good drainage and keeping the people from our
4 property. And we were here first.

5 HEARING EXAMINER: Okay. So I'm taking it that
6 you are -- you've marked your white form as against --

7 MS. KRAFT: I'm not against this -- I'm sorry,
8 they're donating the school land, it's a done deal. What
9 I am saying is that I need at least a six foot high buffer
10 fence, not a three to four footer, and we need something
11 to -- because as I said, my pastures drain towards this
12 (indicating), and I'm not going to raise my pastures more
13 than I already have.

14 But there needs to be some kind of drainage for
15 this water so when we have rains, the hurricane, for it to
16 go some place else but then to come back on our property
17 or even to go on their roads and flood them out, because
18 the houses will be high enough but the roads aren't going
19 to be, and I can tell you personally, after Charley and
20 Francis, what we went through and it wasn't pleasant.

21 No, we didn't get hurricane damage, but we sure
22 as heck had one heck of a lot of high water, and that's
23 not being addressed.

24 One more thing that's not being addressed in all
25 this, all these plans, all these, et cetera, are being

1 included in the road, et cetera. We have 124 acres that's
2 over here on the other side of us that is also getting
3 ready to be developed. Nobody has included that, period,
4 into the traffic. And our road, Buckingham Road, is now,
5 whether they want to admit it or not, a direct route from
6 80 to the airport, to Cape Coral, to the south of Fort
7 Myers and traffic is bad. There's times when we have to
8 sit there in our drive for ten to fifteen minutes to get
9 out.

10 HEARING EXAMINER: Okay.

11 MS. KRAFT: That's it, folks.

12 HEARING EXAMINER: Okay.

13 MS. GRADY: I have one question. What is your
14 address for this property?

15 MS. KRAFT: 4203 and 4201 Buckingham. It's 20
16 acres but it's divided into two lots. I own both of them.

17 MS. GRADY: Thank you.

18 HEARING EXAMINER: Thank you, ma'am.

19 Okay. Karen Redmond. I didn't know if you two
20 were together or not.

21 MS. REDMOND: No, we live next to each other.
22 Thereupon,

23 KAREN REDMOND,
24 called as a witness, having been previously duly sworn,
25 was examined and testified as follows:

1 MS. REDMOND: Let me go ahead and explain where I
2 live. We have this 20-acre parcel right here which is up
3 against what I'm assuming is going to be an undisturbed
4 area, but there actually -- this upland area is able to be
5 walked through and we would also require some kind of
6 fencing.

7 I run cattle and goats, and I have emus which are
8 all fairly aggressive animals. My bull is -- none of my
9 cattle are polled, they're all horned. They're exotic
10 cattle, and we have to have some kind of an -- also a
11 brick wall here (indicating) of some kind to keep kids out
12 because my livestock is dangerous.

13 I have a lot of concerns about liability with
14 trespassers being injured because up to this point we've
15 had no problems.

16 Now, we've also got a predator problem. Due to
17 this slough that goes through here, we've got an
18 endangered Florida panther that runs this. It's a radial
19 collared male. Now, I don't know if there's been any
20 studies done by that, by the Fish & Wildlife Commission,
21 but this is going to affect his area. And what I've done
22 is I've fenced off my property in a certain way that I run
23 big dogs at night. So I keep the predators away from my
24 livestock, my dairy goats, my baby cattle. We raise
25 pigs. I have been able to come to a balance with the

1 predator problem, but I can't come to a balance with a
2 trespasser problem because I can't afford liability
3 insurance due to illness in the family. My husband has
4 cancer and we just can't afford more insurance.

5 Another question that I have is this water
6 retention lake right here (indicating), where is this
7 water going to come from? Is this going to come from
8 ground water because when the Verandah went into existence
9 over there, all the south end of the Verandah lost their
10 wells.

11 Now, is the developer going to redrill for me
12 because I don't have the money to expend three or four
13 thousand dollars redrilling my well? I have to have water
14 for my agricultural concerns. I've got exotic trees.
15 I've got a lot of hoof stock. I breed a lot of things
16 there, dogs. I have a lot of stuff going on, that is part
17 of my income to help support because my husband doesn't
18 work. So I need to know, you know, what they're going to
19 do about that.

20 I'm afraid with this retention lake here, if this
21 water is not properly managed, what's going to happen is
22 my cypress head right here is going to gradually die. And
23 I've got wild orchids in there and it's a habitat of --
24 this here reflects two types of hawks, swallow tail hawks
25 and red shouldered hawks and we've got bobcats. We've got

1 the Florida panther.

2 This is very much of a natural area here, and if
3 this is all drained out, my cypress head dies, that's the
4 whole reason I bought my property and I worked all my life
5 to be able to afford that. It's a very expensive
6 property.

7 There has to be some security issues addressed.
8 The water table has to be addressed. There's said that
9 there was some kind of a study done. Has the Fort Myers
10 Water Management District explained the impact of this on
11 my sheet flow and how this is going to drain and how it
12 will affect my cypress head and the hardwood hammock, and
13 where are the studies for fish and game, for fish and
14 wildlife for this development on the radial collared
15 panther because that's also something that we need to
16 address.

17 Another problem that we're going to have on my
18 property is right here (indicating), I have a hog wire
19 fence which is basically a four-foot fence. Is the
20 developer planning on taking this down because the survey
21 markers don't match up on this survey that they did to the
22 survey markers that when I bought the property. So if he
23 takes that down, I'm running livestock in this area, and I
24 need a six-month notice to be able to try to get money or
25 if they would help me financially put up another hog wire

1 fence, you know, matching their survey markers or
2 something like that because I run livestock in there, and
3 my cattle are exotics and they're expensive, I don't need
4 to lose them. So I need notice if that hog wire fence is
5 going to be disturbed.

6 Let's see. The buffer zone, I already talked a
7 little bit about the buffer zone. This right here
8 (indicating) would be able to, being it's close to the
9 school and close to this community, kids can just walk
10 through here. It's fairly high and dry a certain part of
11 the year, and they could just come over my hog wire fence
12 here and then we could have these liability problems with
13 lawsuits. You know, due to the nature of my animals, the
14 emus, other things like that, you know, I handle them but
15 kids, no. They could be seriously injured.

16 Another question I had was, is this a gated
17 community? I assume that it is. Okay. Now, is the gate
18 house going to be manned? Is that going to be manned on a
19 24 hour basis or a daily basis, you know, certain hours,
20 is there going to be someone there? Because this would
21 obviously control crime coming from the development
22 towards the ranchers. That would be something that I
23 would feel would really protect us a lot.

24 And my next question is the increase in the cost
25 of flood insurance because as B.J. pointed out, this right

1 here (indicating) is low land. You're going to have to
2 fill this up to put a school in here, which is going to
3 stop the sheet flow going this way which is going to back
4 it up this way which could increase my cost of flood
5 insurance, because we had like two feet standing water
6 after Francis around my property and my livestock. And
7 especially I have a growing concern, one of my sources of
8 income is exotic fruit trees, so if I have all this water
9 back up and come back into my pasture areas, it's going to
10 financially impact me a lot. And right now I need that
11 financial thing because my husband is not working.

12 And then, of course, with the traffic flow, my
13 suggestion to that is the traffic flow is very heavy right
14 now. I drive a large truck. I have to haul feed in and
15 out. I don't have a fast response coming out of my gate.

16 What I'd like to see the developer do is put in a
17 stop light so there's a pulse on the highway, and that way
18 that will give me time to get with my farm vehicles,
19 tractors, you know, heavy trucks, to get my feed in and
20 out to my ranch.

21 If there's a light, there would be a pulse, I
22 think I can make it. I think I could deal with the
23 traffic flow until 2015 or whenever they four lane it.

24 Let's see. Oh, and I had something else. Maybe
25 not. Maybe that was it.

1 Yes. The worst problem I had was with
2 trespassing because just this last weekend, this last
3 Sunday, I had an incident where somebody trespassed on my
4 north end of the property. I had to file a police report,
5 05241342, from trespassers tearing down my no trespassing
6 signs, and this was on this end of the property, which is
7 the property where the surveyors have been going. I don't
8 know what's going on there, but I did make a police report
9 and there was already activity back there because I do a
10 once a week fence line check to make sure my fence line's
11 intact, we don't have wild pig problems, you know, things
12 like that. And I found boot prints and my signs torn
13 down. So I had to make a police report. So I am very
14 concerned about security.

15 And I think that we could work with the developer
16 real well if he would consider the ground water, the
17 traffic and the security issues, those are my main
18 concerns.

19 HEARING EXAMINER: Okay.

20 Bob, did you want to say anything?

21 MS. GRADY: Could I just ask you, could you state
22 your address for the record?

23 MS. REDMOND: I'm sorry, it's 4261 Buckingham
24 Road. And I also gave a copy of all this to your
25 vice-president so that he could look it over.

1 MS. GRADY: Thank you. And your neighbor that
2 just spoke, is she on the east side of you or --

3 MS. REDMOND: Yes, she's on the east side.

4 MS. GRADY: Thank you.

5 HEARING EXAMINER: How does she get a Buckingham
6 Road address being on the east side?

7 MR. HARDING: We have a private drive that comes
8 off of Buckingham Road. It dead ends in our neighbor's
9 property.

10 MS. REDMOND: It's an unnamed dirt road.

11 HEARING EXAMINER: All right. So you put your
12 mailboxes out along Buckingham?

13 MR. HARDING: Buckingham Road.

14 HEARING EXAMINER: I see. Okay. That explains
15 it.

16 Thereupon,

17 ROBERT HARDING,
18 called as a witness, having been previously duly sworn,
19 was examined and testified as follows:

20 MR. HARDING: I'm Robert Harding. My wife just
21 spoke. 4261 Buckingham Road.

22 One of the things my wife didn't address is when
23 this development is happening, is this going to be a five
24 day a week, six day a week or a seven day a week
25 construction activity? I haven't heard anybody mention

1 this because in some of these projects around the county,
2 they work seven days a week. Well, let's face it.
3 There's a lot of noise. There's dust, and in the initial
4 stages, there is going to be fires when they burn the
5 refuse and whatever else, and when the wind blows out of
6 the north, that blows a lot of smoke right towards us. So
7 how many days a week is this development going to be going
8 on?

9 I guess I'm addressing you because you're the
10 vice-president.

11 HEARING EXAMINER: Do you have any idea?

12 MR. ARKIN: We have no current plans. We're not
13 at that stage yet where we're ready to develop the
14 property. Generally speaking, we don't build seven days a
15 week.

16 MR. HARDING: Okay. But you are aware at the
17 very end of our drive there's a Buckingham Presbyterian
18 church and just to the south of that there's a Baptist
19 church. Every Sunday they have, you know, a big part of
20 the day they have their religious things going on, and I'm
21 not a member of either of those churches, but I am
22 religious and I just don't feel Sunday should be a day
23 that any type of construction should be going on in this
24 development, and I'm sure other people in the community
25 would take issue with that if this does become a problem.

1 But with that said, you know, we'll just have to deal with
2 that at the time.

3 The one fellow with the traffic planning thing,
4 you talked a lot about the traffic on Buckingham Road as
5 far as current populations and projected populations. But
6 like my neighbor, B.J. touched on a little bit, Buckingham
7 Road right now and has been for many years, it's an
8 arterial north-south road which you have to take that
9 traffic into consideration.

10 I know, even though I'm not working now, prior to
11 my getting my cancer, when I go to work every day and I
12 come home every day between those hours from six o'clock
13 to nine o'clock, 3:30 till 5:30, six o'clock, the volume
14 of traffic on Buckingham is much greater, not just because
15 of the residents that live in that general area, but
16 people coming from the south of Lee County, from Lehigh
17 Acres, or wherever elsewhere, if they're going up to East
18 Fort Myers, out to Alva, out to LaBelle. So you have to
19 take that into consideration, you know, with the traffic.

20 Now, I understand that the moneys might not be
21 there for quite a while to four lane it, but like my wife
22 suggested, a very, very simple cheap, relatively cheap
23 solution would be to put a traffic light either at the
24 entrance to their development, wherever that is, I guess
25 right in here (indicating), or maybe better by the school

1 because there already is an existing school there.

2 That would create a pulse because between the
3 light at Orange River Boulevard and Buckingham, the next
4 light is up by the Riverdale High School. The speeds get
5 50 miles an hour and then around the curve, they do come
6 down to 45. By having a traffic light there approximately
7 in the middle, you would create more of a pulse thing, and
8 it would just make the traffic a lot safer. And you can't
9 just look at this as being cars and trucks.

10 A lot of times these trucks are pulling horse
11 trailers, trailers with cattle in them, feed, stacks and
12 stacks of hay stopping and going. Unless you've actually
13 lived on that road, you don't understand. Sometimes it
14 takes a while for a vehicle to get going. It takes them a
15 while to stop, to safely stop to make their turn. And how
16 many times have I been on that road coming home and I've
17 had somebody behind me not paying attention, they're in a
18 hurry, they might not even be living in the neighborhood,
19 they might be going to Lehigh or South Fort Myers, they're
20 right on my tail. I put my directional signal on way
21 back, and they're right on my bumper when I have to stop
22 and turn in.

23 There has been a number of times I've almost been
24 rear ended, 50 miles an hour in that stretch, and if it
25 happens to me, it happens to everybody else that lives out

1 there.

2 There will be something of approximately 1,200
3 more cars being just to the north of us. There's no way
4 that this isn't going to affect us in a very quick
5 dramatic way.

6 A couple of fatalities and the legal lawsuits
7 that will be involved with them is going to be a lot more
8 expensive than it is the county being a little smart about
9 it and using a little wisdom, put the traffic light in.
10 You can always take it out later when you four lane it or
11 whatever, but a traffic light will help to reduce the
12 number of fatalities, potential for, you know -- not just
13 fatalities but just accidents in general. And I really
14 strongly feel that that's something that should be
15 addressed a lot sooner than later.

16 And I guess that's really about all I have to say
17 because my wife pretty much addressed the other thing.
18 Although -- one other thing I'll say about the liability.
19 Because I haven't heard that it's going to be done as far
20 as this fencing or somehow to protect us from any kind of
21 intruders or trespassers, but if a child were to -- any
22 child come over, hop the fence or just walk through the
23 woods, come on our property, forget about going near our
24 cattle or anything that could hurt them, just playing in
25 the trees and they fall out of the tree and they break

1 their leg, if they break their leg on our property, are we
2 liable then when that child breaks their leg on our
3 property? I think we are.

4 So we're pretty adamant about having some type of
5 barrier to keep the kids from coming on our property
6 because it's going to happen if you don't put the barrier
7 there.

8 I guess that's all I have to say.

9 HEARING EXAMINER: Thank you, sir.

10 Okay. Neale, you're the only other one I've got
11 here, so --

12 MS. MONTGOMERY: I guess it's my turn then.

13 HEARING EXAMINER: Yeah.

14 Thereupon,

15 NEALE MONTGOMERY,

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

18 MS. MONTGOMERY: For the record, my name is Neale
19 Montgomery and I represent Taylor Woodrow who is the owner
20 of adjacent property known as Portico.

21 We did have a little chance to talk during the
22 break. I mean, earlier I had asked questions, Tony was
23 nice enough to grab the book. The section of the rights
24 in question is 10-416.

25 MR. PALERMO: (d)(6).

1 MS. MONTGOMERY: And it's a section that says if
2 roads, drives or parking areas are located less than 125
3 feet from existing residents in subdivisions, and even
4 though that says AG, it is an approved residential
5 subdivision, then you have to do the eight foot wall or a
6 wall and a berm to get to eight foot and it identifies
7 plantings that are required.

8 It's my understanding that Ms. Grady would like
9 to pursue a deviation or some alternative to that, but at
10 this point in time we don't know what that is so we can't
11 agree to that. But I think that Beverly is going to ask
12 for some kind of time frame to allow us to talk about
13 that.

14 HEARING EXAMINER: Okay.

15 MS. MONTGOMERY: The houses are going to have the
16 main entry roads shining in their back door. I mean, they
17 obviously are going to need attention right here
18 (indicating). And so I expressed that to Beverly, and
19 they're mindful of that.

20 I noticed the clubhouse has the potential to be
21 very close to our single-family residents and so one of
22 the things that we'd like you to consider is including a
23 condition about no exterior music or speakers, you know,
24 at the clubhouse so that that's not an effect. And I
25 think we clarified earlier that single family is going to

1 be two stories, but I just want to make sure that that
2 ends up somewhere in writing.

3 And I think that GL Homes agreed to no more than
4 two stories for the clubhouse but it still would be 45
5 feet. So any 45-foot building, I guess we'd ask that that
6 be at least 75 foot away from our single family, so that
7 they don't have any kind of shading or issues with being
8 in close proximity to the clubhouse.

9 If they're going to have outdoor events at the
10 clubhouse, like outdoor bar mitzvahs or outdoor weddings
11 or any of those things, we'd ask that those be at least
12 125 feet away from our single family.

13 When I look at the list of permitted uses, it
14 indicates that daycare is permitted within the clubhouse,
15 daycare for adults and children. It doesn't limit it to
16 just adults and children within the subdivision. So what
17 we'd like is that if you're going to have adults and
18 children in the daycare, that no play areas or outdoor
19 activity areas for the daycare people would again be
20 within 125 feet of Portico property.

21 I guess another question is in regards to parking
22 lot lighting and any athletic lighting that might be
23 associated with the recreational tract, I want to make
24 sure that the height of that is limited and it's all
25 shielded so it doesn't have an effect on our single

1 family.

2 And then the concern is Tract 1 and zeros, and
3 Beverly said that they will look a lot -- just like our
4 family except I don't have any assurance of that based on
5 what's in the property development regulations. So
6 without some kind of assurance that the zeros are going to
7 be just like our single family, what I'd like is that
8 20-foot buffer, because it's shown down in the lower
9 right-hand corner, of their landscape plan to be along
10 that boundary unless there's some kind of assurance that
11 they will be similar.

12 And I think that's it.

13 HEARING EXAMINER: Okay. Questions of this
14 witness by anyone at the table?

15 MR. PALERMO: No.

16 MS. GRADY: None.

17 MS. MONTGOMERY: Thank you.

18 HEARING EXAMINER: Thanks, Neale.

19 Okay. Anyone else here from the public who
20 wishes to speak on this matter?

21 Okay, sir, you need to state your name, please.
22 Have you been sworn in, Mr. Shay?

23 MR. SHAY: Yes, I did.

24 Thereupon,

25 WILLIAM SHAY,

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

3 MR. SHAY: My name is William Shay, S-h-a-y.
4 Address is 4170 Goebel Road.

5 And my concern is drainage just like the first
6 two people up here, B.J. and the Hardings. Water flow is
7 from the south to the north, which is in the direction of
8 this project, and I just wanted that addressed. I've
9 already talked to Richard over there about it and the
10 architect.

11 Basically, that's it.

12 HEARING EXAMINER: Can you show me, sir, where
13 your property is?

14 MS. SHAY: I'm the third one over. I'm right
15 there -- that's Goebel, that's me right here
16 (indicating). This is the first person that spoke, second
17 person, I'm the third property from the southwest corner.

18 HEARING EXAMINER: And you actually have a street
19 address. Everybody else has a Buckingham address.

20 MR. SHAY: Yes. It comes down here and the rest
21 of the property, these four ten-acre tracts, used to be
22 ten-acre tracts, come off Goebel. Then the rest of these
23 properties come off site. We go down Cemetery to Goebel.

24 HEARING EXAMINER: I see.

25 MR. SHAY: These people come off Buckingham and

1 that's why they have a Buckingham address, these two.

2 HEARING EXAMINER: Okay.

3 MR. SHAY: That's it.

4 HEARING EXAMINER: Okay. Any questions of this
5 witness? Don't go anywhere. Any questions of this
6 witness?

7 MS. GRADY: No questions, thank you.

8 HEARING EXAMINER: All right. Thank you, sir.

9 Okay. Mr. Nusbaum.

10 Thereupon,

11 KURT NUSBAUM,

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

14 MR. NUSBAUM: I am right next to Mr. Shay, to the
15 east.

16 HEARING EXAMINER: State your name, please.

17 MR. NUSBAUM: Kurt Nusbaum.

18 HEARING EXAMINER: So you're on the other side of
19 Goebel?

20 MR. NUSBAUM: Well, no, we're on -- Goebel turns
21 this way.

22 HEARING EXAMINER: Oh, it runs north, okay. It
23 runs north, south and east west. Okay.

24 MR. NUSBAUM: It here and then it dead ends right
25 there (indicating). And my property actually is this

1 property, five acres right here (indicating). And the
2 same issue is the drainage.

3 Right now I have been looking into it because I'm
4 in the process of trying to build on my parcel, and
5 this -- there's an aquifer that runs partially underground
6 around to here (indicating) where this sticks out. So the
7 fear is if they build this up with that berm, it keeps the
8 natural flow of the water from going. And the other is
9 what happens when all these lakes drain into this? You
10 got water coming from both directions now so what's going
11 to happen is this area below here almost has to flow.

12 HEARING EXAMINER: Okay. So right now your
13 property is vacant, there's no house or anything on it?

14 MR. NUSBAUM: Yes.

15 HEARING EXAMINER: Are you running any kind of
16 livestock or any kind of agricultural --

17 MR. NUSBAUM: No.

18 HEARING EXAMINER: -- enterprise? Okay.

19 MS. GRADY: What's your address, please?

20 MR. NUSBAUM: That address or my --

21 MR. GRADY: Your address for this property.

22 MR. NUSBAUM: 4190 Goebel.

23 HEARING EXAMINER: Okay. Yes, ma'am.

24 Thereupon,

25 JO ANNE CZIRR,

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

3 MS. CZIRR: My name is Jo Anne Czirr and I live
4 at 4211 Goebel, which is the ten acres. And, no, I
5 haven't developed it yet, but my intentions was to retire
6 on it. And I have had the same concern about the water,
7 you know.

8 HEARING EXAMINER: Okay. Questions? Thank you,
9 ma'am.

10 HEARING EXAMINER: Okay. Anyone else wish to
11 speak who has not spoken in regard to this hearing?

12 Now, folks, if you are here and you are
13 interested, you need to speak because if you don't like my
14 recommendation to the Board of County Commissioners, you
15 cannot tell them you don't like it. All right? You must
16 speak to me first, give me the opportunity to consider
17 your concerns in addressing them. Okay? If you don't let
18 me consider them and address them in my recommendation,
19 you cannot point them out to the Board of County
20 Commissioners. Regulations are written that way.

21 All right. Applicant need a few minutes to talk
22 before they do their final response and whatnot?

23 I would like, if Dan or somebody can respond a
24 little bit to the drainage that the people have asked
25 about. Okay. All right.

1 All right, folks, let's take a five-minute break
2 here and let the applicant talk to her consultants and
3 whatnot and put together her final closing on this, and
4 she will respond to some of the questions that have come
5 up. So if you want to hang around, you'll get an answer
6 on some of your questions.

7 (A recess was taken.)

8 HEARING EXAMINER: Okay. Let's go back on the
9 record.

10 The applicant has their rebuttal response.

11 MS. GRADY: Yes.

12 Beverly Grady for the record. I think first I'd
13 like to introduce Dan to address the drainage issue. I
14 think that was the one the people had named the most. I
15 would like to file for Dan -- this is Dan's resume. He's
16 a professional engineer licensed by the State of Florida,
17 with TKW, and we do want him qualified as an expert in
18 civil engineering, and that would include drainage.

19 HEARING EXAMINER: Okay. Any objections from
20 staff?

21 MR. PALERMO: No, ma'am.

22 HEARING EXAMINER: All right, accepted.

23 MS. GRADY: Dan, if you would go ahead and just
24 talk about the permitting process for drainage and how we
25 would need local Development Orders and water management

1 district permits after the zoning amendment is received.

2 MR. JOHNSON: All right. I can speak on the
3 permitting issue, number one, but I think we now have a
4 little bit better knowledge of what's going on in this
5 drainage area, and I think I can probably elaborate on
6 that a little bit as well.

7 Number one, this project will need to go through
8 a South Florida Water Management District permit. Some of
9 the items that you were citing in your ground water.
10 Those ground water conditions are assessed at the time the
11 permitting is being reviewed. We actually assess them in
12 our professional judgment. They become reinforced by
13 South Florida Water Management District staff as we go
14 through the permitting process. They basically hold the
15 water levels at the same water levels that are being held
16 now.

17 I know you alluded to some conditions with
18 Verandah where there were some wells that ran dry, that
19 probably has nothing to do with the lakes themselves in
20 their design capacity, but probably is a part of the
21 dewatering operation where they dewater to excavate. I
22 don't know the specifics of what would cause those well
23 problems, but probably it has nothing to do with what
24 elevation the lakes were established at.

25 The issue of discharge into these wetlands.

1 Again, part of the whole process of South Florida Water
2 Management District permitting has to address, number one,
3 rehydration of wetlands. There is a wetland down at that
4 southwest corner and we all know it. We can't take water
5 away from it. That's in violation of South Florida Water
6 Management District rules. Basically, the bulk of this
7 project drains down right into that wetland in its natural
8 state. We have to maintain that drainage and that we
9 intend to do. The lake system is built out there in an
10 effort to attenuate so that the discharge that comes down
11 after you develop it with all the roads, the houses and
12 everything else that goes into the lake, it gets retarded
13 so that you don't have flood flows coming down but you
14 have this reduced out flow that maintains the
15 pre-development rate of discharge.

16 If there's water down there now, when this
17 project is over with, there will still be water down
18 there.

19 You happen to think that you're probably sitting
20 in a flood plane. If I recall the flood maps, and I don't
21 have it in my documents here, but right down by that
22 southeast corner -- or southwest corner of the site there
23 is a little piece of our property that's designated as
24 flood planes in the FEMA mapping. You're downstream of us
25 and you're in the middle of it. So we can't really fix

1 your current drainage problem, and this site development
2 is not going to fix that problem, but we will make sure
3 that as a part of this whole process that unfolds, the
4 South Florida Water Management District will make the best
5 effort to maintain the hydrology that exists now will be
6 no better for you, but it shouldn't be any worse either.

7 I think there was a question regarding the out
8 fall, that was yours.

9 MS. REDMOND: I have a question. During the dry
10 season and the lakes go down, how are you going to
11 recharge this, from the aquifer?

12 MR. JOHNSON: No.

13 MS. REDMOND: Okay. So how would they be
14 recharged during the dry season?

15 MR. JOHNSON: Currently -- they wouldn't be.
16 They wouldn't be --

17 MS. REDMOND: The lakes would just go down?

18 MR. JOHNSON: The lakes would go down.

19 MS. REDMOND: Okay. So you're not going to be
20 pumping out of the aquifer then?

21 MR. JOHNSON: I don't think we've determined
22 exactly how we're dealing with the -- because that becomes
23 an irrigation issue. We are going to be doing some
24 irrigation of some of the minor areas, but as far as the
25 full development irrigation and how that's being dealt

1 with, that hasn't been finalized yet. If, in fact, we got
2 into a full-fledged, we're going to irrigate everything
3 out of a master system, then that would be an issue and
4 that would require a Water Use Permit. That Water Use
5 Permit will go through the South Florida Water Management
6 District review process as well as a Water Use Permit. If
7 there are draw-down impacts, things of that nature that
8 are going to negatively impact the area, that's all being
9 reviewed when you go through the water use permitting with
10 the South Florida Water Management District.

11 As I had mentioned earlier, we are in the permit
12 review process with South Florida Water Management
13 District with the Buckingham 320 project, the one before
14 we added the 20 acres, and that in the review process, we
15 haven't finalized it yet, but some of these issues that
16 you're raising are being addressed right now as we go
17 through that permitting process. And in the end, when we
18 get all done, we will comply with the rules and
19 regulations that are set forth before us by the South
20 Florida Water Management District.

21 MS. REDMOND: Will we get copies of those reports
22 as homeowners?

23 MR. JOHNSON: No.

24 MS. COLLINS: But they are public records and you
25 may request a copy from the water management district.

1 MS. REDMOND: Okay.

2 MR. JOHNSON: Close to that, you're right, they
3 are public records, you can go down and pull them.

4 MS. REDMOND: Okay.

5 MS. COLLINS: But they're not going to notify
6 you, you know, that the application has been filed and
7 that it's pending. You're going to have to continue to
8 check.

9 MS. REDMOND: Okay.

10 MR. JOHNSON: Thank you.

11 HEARING EXAMINER: Hang on a second, Dan, let me
12 ask a question here. Several of the folks indicated that
13 they had concerns about, you know, security on their
14 property, about the fencing and stuff. Have you all
15 thought anything at all about fencing?

16 MR. JOHNSON: Yes.

17 HEARING EXAMINER: Bev, are you going to address
18 that?

19 MS. GRADY: Yes, I am.

20 HEARING EXAMINER: All right. Then I don't have
21 any questions. Thank you.

22 MS. GRADY: In fact, it's ironic because the
23 first buffering plan had provisions for a six-foot fence
24 along that, and I had thought we were looking more towards
25 the rural flavor, so that was actually removed, so we

1 would be amenable to adding back as part of that buffer
2 plan on the south property line a six-foot fence or wall,
3 we'll look at both of those options, but a six-foot fence
4 or wall that would be along that south property line. The
5 only thing we have to be concerned about is, looking at
6 the aerial, looking at the site plan, see what we can do.
7 So we wouldn't want that as a caveat that there's a
8 recognition that sometimes permitting difficulties placing
9 any kind of structure in a wetlands. But certainly
10 outside the wetlands, we would be able to place that
11 six-foot fence or wall at the south property line.

12 HEARING EXAMINER: Okay.

13 MS. GRADY: And then there was a question about
14 the gate house and how it's operated. Patty, did you want
15 to respond to that or -- okay.

16 MS. CAMPBELL: The plans are for it to be a
17 manned gate house. It's not typically manned as soon as
18 we go in there and begin construction. It's manned at
19 some point as construction is completed and people start
20 moving into the community. But it will be -- the plans
21 are for it to be a manned gate house.

22 However, when we do turn it over to the HOA later
23 in time once we're out of it, then the rules and
24 regulations are up to the homeowners. But our intention
25 is for it to be manned once there's a good amount of

1 people living in the community.

2 MS. GRADY: And there was a question about the
3 signalization, and if I have it correctly, that is
4 actually handled by having to meet warrants or certain
5 standards that are held by the Lee County Department of
6 Transportation on a county road. It's my understanding
7 that our project with 690 units would not meet those
8 requirements for signals. Ted, is that stated correctly?

9 MR. TREESH: Yes.

10 MS. GRADY: Thank you. Okay. Neale Montgomery
11 had a list here. Let me review that. The one thing we
12 wanted to leave open was the ability -- we want to request
13 a deviation on the record from section LDC 10-416(d)(6)
14 which is the provision of a street from the existing
15 single family where there's a subdivision of single family
16 lots.

17 So we want to request a deviation to something
18 less than what is required there and leave it open, so
19 that we would have a chance to meet that issue with a time
20 certain so that a written response would be filed which
21 would include county, Neale Montgomery's client and the
22 applicant.

23 HEARING EXAMINER: All right. County review and
24 -- okay. So you want a three-way review on that, the
25 county, the applicant and the Portico folks.

1 MS. GRADY: Right. All right. There was a
2 question on exterior speakers. They do have speakers that
3 are out at the pool and the thought that we would offer is
4 we could offer a limitation that the speakers would not
5 operate any later than 6:00 p.m.

6 It's accurate that the single family has a
7 limitation of two story. The clubhouse is limited to two
8 story. And that the clubhouse itself would be a minimum
9 of 75 feet away from the single family on the Portico.

10 We are eliminating the use of daycare. We'll
11 just take that out.

12 We would submit that the Land Development Code
13 very appropriately handles any lighting issues. It's very
14 restrictive, and so we think compliance with the Code will
15 satisfy that issue.

16 The one issue that was raised is requesting
17 buffering residential to residential. There are --
18 Portico single family is here (indicating), we have single
19 family in Tract 1 and Tract 2, and I think there was a
20 request of Tract 1 because that was the zero lot line.
21 There already is an area of 25 feet that's provided that
22 will contain berm on our side. We actually think there's
23 footage also on their side before they get to their lot,
24 and I wanted to just file the Portico resolution because
25 it reflects the size of the lots. The minimum lot width

1 for their single family is 50 feet. The minimum lot width
2 for our zero lot line is 50 feet. You're really talking
3 about very similar lots, residential to residential, so we
4 don't see the need for any type of enhanced buffering, a
5 special consideration that there is outside of each of the
6 lots an area that is set aside for a berm within 25 feet
7 outside the lot against the perimeter property line. I
8 just brought one copy of that resolution.

9 HEARING EXAMINER: Okay.

10 MS. GRADY: The other comments were drainage, all
11 right.

12 Condition 24 on the school site. We have revised
13 language. This would be revised language for Condition
14 24.A, and I will read that into the record, the full
15 condition.

16 HEARING EXAMINER: Okay.

17 MS. GRADY: "If the school site is transferred to
18 Lee County School District, the zoning approval may be
19 amended administratively to remove a 13-acre parcel from
20 the Master Concept Plan. The deletion of the school site
21 from the Master Concept Plan will not affect applicant's
22 right to develop 690 single family dwelling units on the
23 remaining portion of the land covered by the approved
24 Master Concept Plan."

25 And then there are revisions to other subsections

1 but I don't have those in front of me. Would you read the
2 revision to B?

3 MS. COLLINS: Yes. Donna Marie Collins,
4 Assistant County Attorney. Condition 24.B, we would
5 delete everything up to the word "the future school site,"
6 and so that condition would start with "The future school
7 site may be developed."

8 C would remain as proposed. D and E is to be
9 deleted, No longer necessary.

10 HEARING EXAMINER: Okay.

11 MS. COLLINS: So Condition 24 will have Part A,
12 Part B and Part C.

13 HEARING EXAMINER: All right.

14 MS. GRADY: Is that everything on everyone else's
15 list, because that's everything that I have on my list?

16 MS. COLLINS: Yes. And I would just like an
17 opportunity when you're finished to go through the report
18 to make sure I've got all the changes since I'm going to
19 be preparing the final resolution in this case.

20 MS. GRADY: Yes. Thank you.

21 So we would request the Hearing Examiner's
22 recommendation of approval of the Lee Plan and
23 implementation of the revisions for the Caloosahatchee
24 Shores community planning panel plan that was adopted.
25 Thank you.

1 HEARING EXAMINER: All right. Beverly, let me
2 ask a question here now. You said that you wanted to meet
3 with the county and with Portico on that deviation. Are
4 we leaving the record open for you all to submit the final
5 language on that deviation?

6 MS. GRADY: Yes.

7 HEARING EXAMINER: Because if we are, then we
8 need to set a date for this. Are we looking at two
9 weeks? You think two weeks is sufficient for everybody
10 to --

11 MS. GRADY: Yes, absolutely.

12 HEARING EXAMINER: -- get together? Okay. All
13 right. That works out on your schedule, Tony?

14 MR. PALERMO: Yes, plenty of time.

15 HEARING EXAMINER: All right. County Attorney?

16 MS. COLLINS: Yes.

17 HEARING EXAMINER: So two weeks from today is
18 what? Today is what, the 14th? It would be the 30th?

19 MS. GRADY: 28th.

20 HEARING EXAMINER: 28th. Okay. So I don't know
21 how many days are in a week. What do I know?

22 Sorry. I was actually thinking Friday is the
23 30th. So let's make it Friday, the 30th, at 5:00 p.m.
24 Okay?

25 For the deviation and -- now, I do need to ask

1 one question for the County Attorney.

2 Having the deviation added at this point is not
3 going to require that the case be readvertised, is it?

4 MS. COLLINS: No, ma'am.

5 HEARING EXAMINER: All right. I didn't think so,
6 but there have been some of the times when all of a
7 sudden --

8 MS. COLLINS: We don't include that in the public
9 notice or in the letter to surrounding property owners.

10 HEARING EXAMINER: Okay. That's interesting
11 because sometimes the deviations can make or break the
12 case.

13 MS. COLLINS: That's true.

14 HEARING EXAMINER: Okay. Anything else now from
15 the applicant?

16 MS. GRADY: Nothing further.

17 HEARING EXAMINER: Okay. All right, staff.

18 Tony --

19 MR. PALERMO: I covered all the issues I had.

20 HEARING EXAMINER: Okay. Donna Marie?

21 MS. COLLINS: Can I just run through the Staff
22 Report?

23 HEARING EXAMINER: Certainly.

24 MS. COLLINS: We are going to be adding a
25 deviation from Section 10-416(d)(6) which will have a

1 condition attached to it that will be provided to the
2 Hearing Examiner within two weeks.

3 We are deleting the use of daycare center, adult
4 and/or child.

5 Under site development regulations for the
6 overall project, when it speaks of building height,
7 building height is going to be 35 feet, two stories for
8 residential uses. It's going to be 45 feet, two stories
9 on all other structures such as gate houses.

10 HEARING EXAMINER: No, the gate houses are 45 and
11 three, that's what my notes have; is that correct?

12 MS. COLLINS: Okay. 45 and three for gate
13 houses?

14 HEARING EXAMINER: For gate houses, uh-huh. And
15 45 and two for clubhouses and recreational facilities.

16 MS. COLLINS: Okay.

17 HEARING EXAMINER: Okay.

18 MS. COLLINS: And then as to Tracts 2 and 5,
19 under single family, maximum height is going to be two
20 stories, 35 feet residential uses, and that would be the
21 same for Tract 1, 3 and 4 for single family, maximum
22 height, two stories, 35 feet for residential uses.

23 Skipping down to recreational tract, maximum
24 height, two stories, 45 feet.

25 Condition 19, we're going to delete the language

1 "at no cost to Lee County" from the second line there. A
2 period will appear after the word "purposes". And this is
3 in recognition that the developer will be eligible for
4 impact fee credits or cash in accordance with the Land
5 Development Code.

6 HEARING EXAMINER: All right.

7 MS. COLLINS: Condition 20, the six-foot setback
8 condition, my understanding was that those conditions
9 apply only to single family Tracts 2 and 5.

10 The public school use condition, No. 24, has been
11 modified to include a new A, a revised B, and C as
12 written. Sections D and E are deleted.

13 I already mentioned the deviation. That's
14 everything that I have.

15 HEARING EXAMINER: Go back to Page 5 where it
16 talks about height, two stories, 35 feet for residential.
17 It's still sitting here three stories. We need other uses
18 as set out in -- set out in overall project or something,
19 otherwise you're going to have to list the gate houses and
20 the clubhouse and rec separate, that's both in the single
21 family and in the zero lot line, both of those have the 45
22 feet, three stories. So that's fine for the gate house,
23 but it's 45 and two stories for the clubhouse and the
24 recreational facility. Is the clubhouse and recreational
25 facility in one location?

1 MR. ARKIN: No.

2 HEARING EXAMINER: Okay. So we don't actually
3 have it under single family or under -- it's under the
4 overall, and it should be left under the overall, right?
5 We don't need to put this in each one of these. Are you
6 planning on having individual gate houses in every tract?

7 MR. ARKIN: No.

8 HEARING EXAMINER: So we could take out all
9 references then to three stories, 45 feet under both
10 single family and zero lot line because it's already
11 referenced in the overall?

12 MS. COLLINS: Am I lost?

13 HEARING EXAMINER: Page 5, Donna Marie.

14 MS. COLLINS: So it appears twice?

15 HEARING EXAMINER: Yes.

16 MS. COLLINS: Just remove it?

17 HEARING EXAMINER: Yes, just remove it the second
18 time. I think that would work all right, and it would
19 stay on Page 4. Because it says 45, two stories for all
20 other structures such as clubhouses and recreational
21 facilities and 45, three stories for the gate houses.
22 That's already set out on Page 4, so I think we can just
23 remove that language from the individual Land Development
24 regulations under Tracts 2 and 5 and Tracts 1, 3, 4.

25 MS. COLLINS: So that those conditions will just

1 say maximum height, two story, 35 feet for residential
2 uses?

3 HEARING EXAMINER: For residential uses.

4 MS. COLLINS: Also see Condition 14.

5 HEARING EXAMINER: I don't know what 14 is.

6 MR. ARKIN: That is Condition 14 but it's only
7 for buildings exceeding 35 feet in height.

8 HEARING EXAMINER: So then that wouldn't be
9 necessary there, it would be necessary over under the 45
10 feet, under the overall.

11 MS. COLLINS: Okay. So that language would come
12 out as well?

13 HEARING EXAMINER: Yes. I think the whole thing
14 can be just removed.

15 MS. COLLINS: And then it will all be captured
16 under that first section?

17 HEARING EXAMINER: Yes. Everything other than
18 the residential uses, and, you know, we actually could
19 probably take the maximum height out of both of those
20 because it's already set out under -- on Page 4. But, you
21 know, I don't have any problem leaving it in if the gate
22 houses -- if each one of the pods doesn't have a gate
23 house and each one of the pods doesn't have a separate
24 clubhouse and recreational facility, then we don't need to
25 include the -- if there's only one centralized

1 recreational pod, then I think it's covered in the first
2 part there. Okay.

3 That's the only other thing that I would add.

4 MR. PALERMO: I thought there were two other
5 things. I thought there was a mention of keeping the
6 clubhouse 75 foot back from residential uses.

7 HEARING EXAMINER: That's what Neale wanted. I
8 wanted to ask a question here, though. Looking at the
9 shape of that parcel, dealing with the location of the
10 clubhouse, dealing with the location of the exterior --
11 the pool and the exterior speakers and whatnot, is it
12 illogical to consider that the pool house or that the
13 clubhouse is going to be between the pool and the Portico
14 property?

15 MR. ARKIN: Yes.

16 HEARING EXAMINER: I mean, you know, so as far as
17 the outside speakers are concerned, I don't think they're
18 even going to be aimed in that direction.

19 MR. ARKIN: They will not be.

20 HEARING EXAMINER: So, you know, I'm not sure
21 that an outside speaker condition is actually necessary.
22 If you feel that you need to put one in there, then we'll
23 go ahead and put one in there, but if you're going to have
24 the building -- if the building is going to shield the
25 pool area and those speakers, you know, they're not going

1 to be aimed at Portico anyway. So it's up to you guys.

2 MS. GRADY: That's correct. That's how that
3 design will be. We agree with you.

4 HEARING EXAMINER: So and the 75 foot, do you
5 have any idea what the yellow parcel is, what the distance
6 is across the road there from the very corner of their
7 properties, any idea?

8 MR. JOHNSON: The parcel itself is 75 feet.

9 HEARING EXAMINER: Anything else, Tony?

10 MR. PALERMO: No, that's all I've got.

11 HEARING EXAMINER: All right. Anything from
12 anybody? Anything else?

13 MS. REDMOND: I'd like to make a point. Would
14 the speakers be in the direction of our ranch, because it
15 carries all the way from Riverdale High School when they
16 have football games.

17 HEARING EXAMINER: Oh, those are major speakers.
18 I mean, those are major, major.

19 MS. REDMOND: Well, I don't know. I'm just
20 asking a question.

21 HEARING EXAMINER: Probably so. And I don't know
22 how they're going to set the pool up. The whole thing is
23 the building is probably going to be along the roadway and
24 then they're going to have the pool and whatever other
25 amenities they have probably behind that.

1 MS. REDMOND: Sound carries actually pretty well
2 through that area because we get it all the way from
3 Riverdale High School.

4 And then another question, too, how long will it
5 be before the next meeting comes out where this is all
6 discussed again, ball park figure?

7 HEARING EXAMINER: All right. By next meeting,
8 then the next meeting that will come up on this will be in
9 front of the Board of County Commissioners and that won't
10 happen until after my decision is rendered to them, and it
11 will be anywhere from two to six weeks afterwards based on
12 whatever their -- they only hear zoning cases now the
13 first, third and fifth Mondays of the month.

14 MS. COLLINS: You can count on late October or
15 November.

16 HEARING EXAMINER: Yeah. We're probably looking
17 at October at this point because of the way it works out
18 on their schedule, because they've got quite a few of them
19 that are piled up there at their door. But you will
20 receive a notice. As soon as it's scheduled for the Board
21 of County Commissioners, a notice will be sent to everyone
22 who spoke in this hearing.

23 MS. REDMOND: Okay.

24 HEARING EXAMINER: So you all will receive a
25 notice from the county telling you that it's going to be

1 on such and such a date and what you have to do to speak
2 in front of the Board if you wish to speak in front of
3 the Board. Okay?

4 All right. We're going to leave the record open
5 then until Friday, September the 30th, at 5:00 p.m., for
6 the deviation from LDC, Section 10-416(d)(6), and any
7 condition that might be worked out between everybody. And
8 if you all cannot come up with a joint condition, then
9 send me separate ones and I'll make a decision based on
10 what I get. All right. Nothing else will be acceptable.
11 All right. Okay.

12 MS. GRADY: Thank you.

13 HEARING EXAMINER: All right. This hearing is
14 closed.

15 (Hearing concluded.)
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20
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22
23
24
25

1 STATE OF FLORIDA)

2 COUNTY OF LEE)

3

4 I, Roberta June Bishop, Registered Professional
5 Reporter, do certify that I was authorized to and did
6 stenographically report the foregoing proceedings, and
7 that the typewritten transcript, consisting of pages
8 numbered 1 through 121, is a true record.

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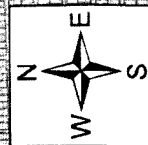
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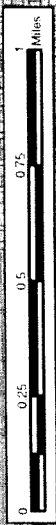
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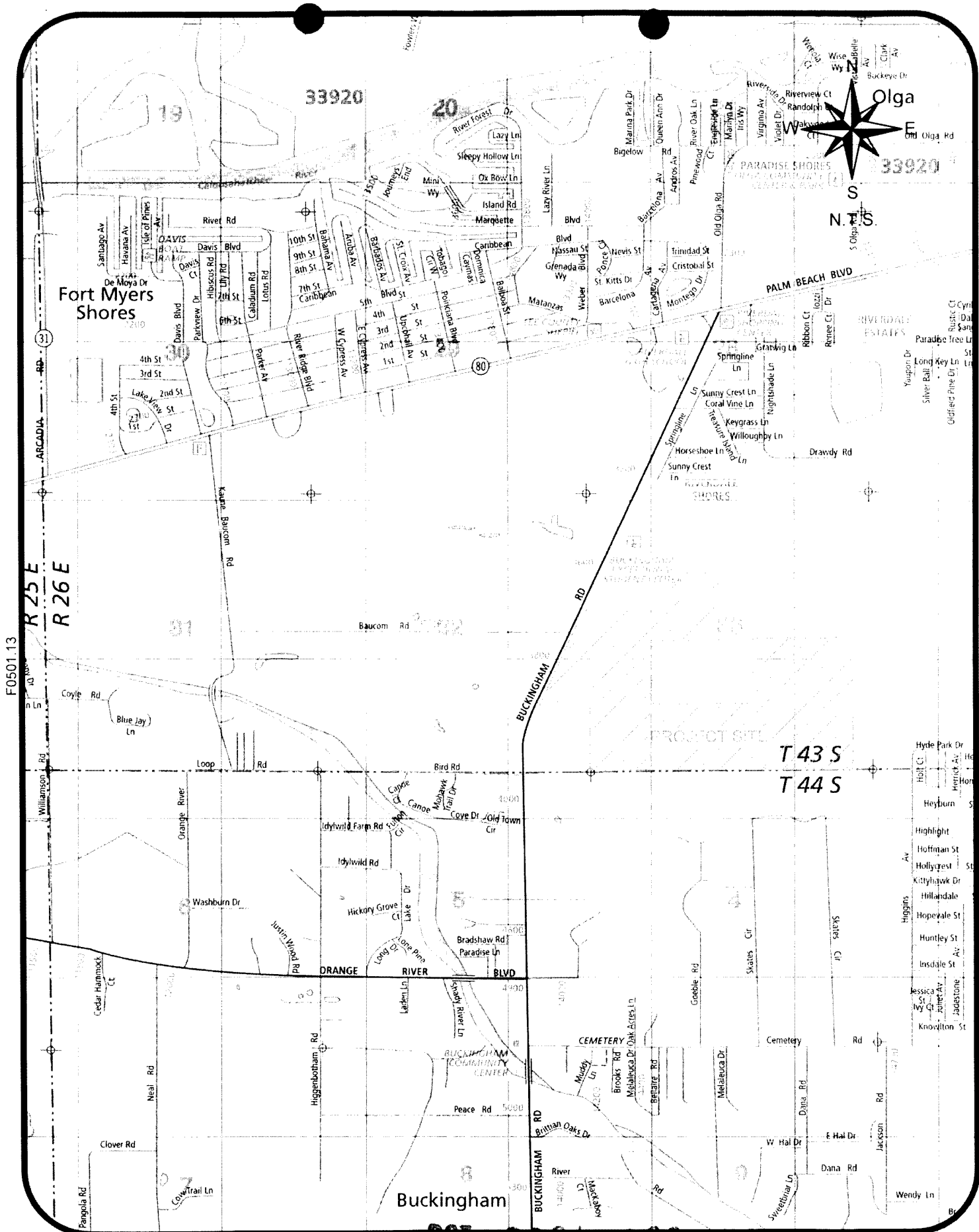
ATTACHMENT B



LEE COUNTY
SOUTH FLORIDA
DIVISION OF PLANNING

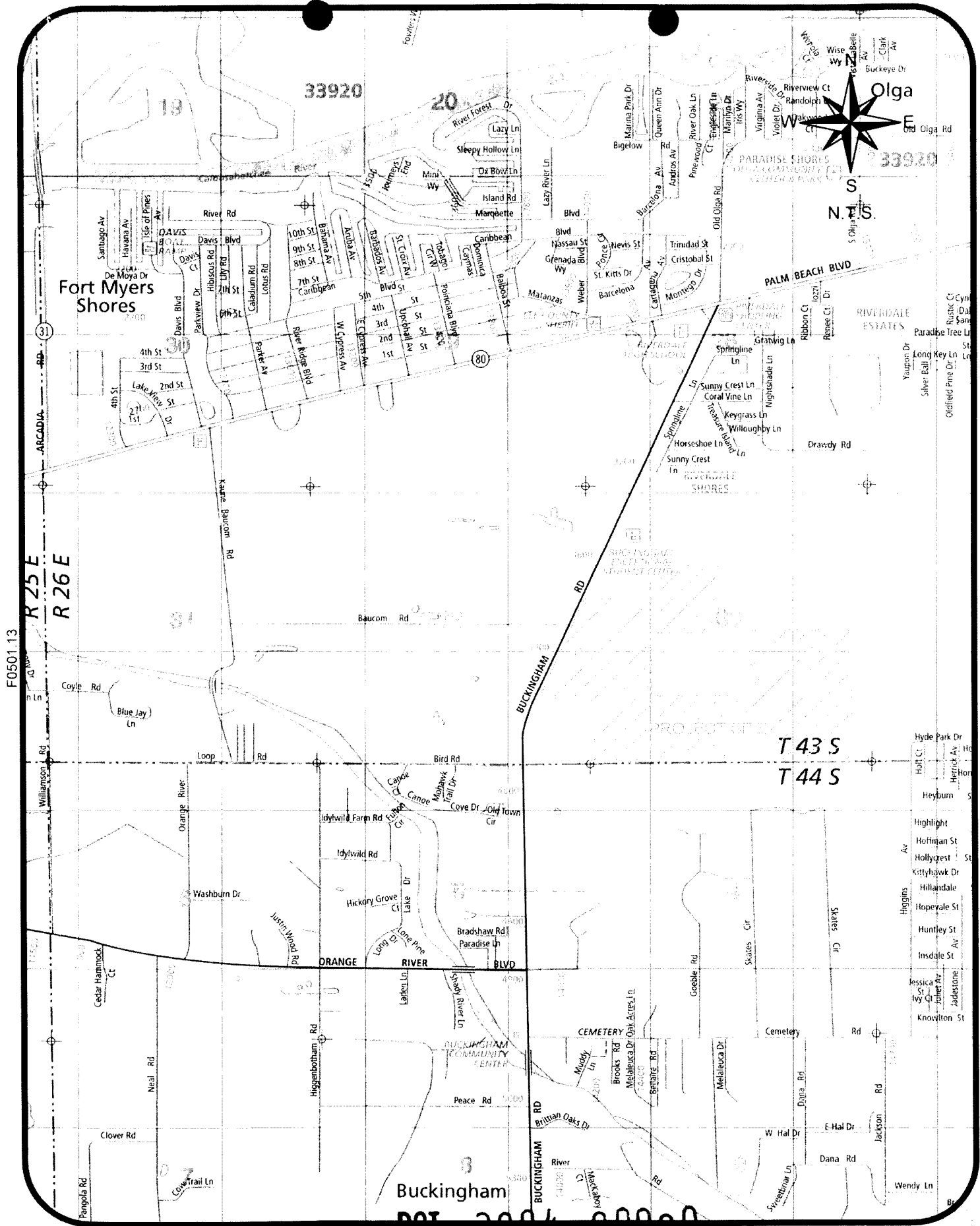


- Urban Community
- Suburban
- Public Facilities
- Rural Community Preserve
- Rural
- Open Lands
- Wetlands
- Outlying Suburban at 2 Units Per Acre
- Outlying Suburban at 3 Units per Acre



PROJECT LOCATION MAP BUCKINGHAM 345 REZONING

Figure 1



PROJECT LOCATION MAP
BUCKINGHAM 345 REZONING

Figure 1

DOI 2004 00090

PERMIT COL-1000