



GIS Tracking Sheet

Case No.:

DCI2005-00027

Intake Date:

3-11-05

Project Name:

Buckingham Villages

STRAP Number(s):

22-44-26-00-00003.0000

Planner Name:

Ext.

Josh Philpott

8365

LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING

Date: 05/16/2005

ArcGIS

INTAKE:

DCI05027

LEGAL SUFFICIENT☒ YES☐ NO

Initials: LGM

If not, give brief explanation:

MAP UPDATE following FINAL ACTION

Date: 06MAR07

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

Zoning Notes: Z-06-006, DCI2005-00027 & REZ2005-00004, 17 APRIL 06, BUCKINGHAM VILLAGES, REZONE 59.39 ACRES FROM AG-2 AND RS-1 TO RPD TO ALLOW 631 MULTI FAMILY DWELLING UNITS, INCLUDING 253 BONUS DENSITY UNITS; CONDS

MAP UPDATED☒ YES☐ NO

Initials: JPH

If not, give brief explanation:

CREATED RPD:501374

LEGAL DESCRIPTION

THAT PORTION OF SECTION 22, TOWNSHIP 44 SOUTH, RANGE 26 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE POINT OF INTERSECTION OF THE EAST LINE OF BUCKINGHAM PARK NORTHEAST SECTION, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 9, AT PAGES 59 TO 65 WITH THE NORTH LINE OF SECTION 22, THENCE RUN S89°52'10"E ALONG SAID SECTION LINE FOR 500 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S89°52'10"E ALONG SAID NORTH LINE OF SAID SECTION 22, A DISTANCE OF 2590.88 FEET TO THE NORTHEAST CORNER OF SAID SECTION 22; THENCE RUN S01°11'39"E ALONG THE EAST LINE OF SAID SECTION 22, A DISTANCE OF 2026.42 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF HOMESTEAD ROAD(100' RIGHT-OF-WAY); THENCE RUN N51°44'46"W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 2745.79 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 1482.40 FEET, A DELTA ANGLE OF 20°54'21" AND A CHORD BEARING OF N62°11'06"W, THENCE RUN ALONG SAID CURVE TO THE LEFT AND SAID NORTHERLY RIGHT-OF-WAY LINE, AN ARC LENGTH OF 540.89 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID HOMESTEAD ROAD; THENCE N00°49'20"W A DISTANCE OF 80.85 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 22 AND THE POINT OF BEGINNING.

Applicant's Legal Checked

by Lgm 5/16/2005

DC12005-00027

RECORDED
MAY 02 2005

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.


KRIS A. SLOSSER, STATE OF FLORIDA, (P.S.M. #5560)
SEE ATTACHED SKETCH

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN
SECTION 22, TOWNSHIP 44 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

KRIS A SLOSSER P.S.M.
4650 VILLA CAPRI LN. BONITA SPRINGS
FLORIDA 34134 (239) 947-1915

DRAWN BY: KAS
DRAWING: 40725 SKETCH

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

WHEREAS, Quattrone & Associates, Inc., filed an application on behalf of the property owners, Lehigh Acres Acquisition, LLC, and Lehigh Acres Management, LLC, to rezone a 59.39±-acre parcel from Agricultural (AG-2) and Single-Family Residential (RS-1) to Residential Planned Development (RPD), and to utilize the Cash Contribution Option of the Bonus Density Program to increase the permissible density of the property above the Lee Plan standard density range for a project known as Buckingham Villages; and,

WHEREAS, the density applicable to a conventional zoning district may be increased using affordable housing bonus density units only through the public hearing process; and,

WHEREAS, a public hearing was advertised and held on January 11, 2006, 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 January 27, 2006. This date was extended to February 10, 2006, and then to February 24, 2006. The Hearing Examiner gave full consideration to the evidence in the record for Case Nos. DCI2005-00027 (Rezoning) and REZ2005-00004 (Bonus Density Application); and,

WHEREAS, a second public hearing was advertised and held on April 17, 2006, 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 in accordance with the procedures set forth in §34-83(b) of the Land Development Code. In addition, the Board considered the proposed bonus density contract based on the criteria set forth in LDC §34-1517(c).

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

SECTION A. REQUEST

The applicant filed a request to:

1. Rezone a 59.39±-acre parcel from AG-2 and RS-1 to RPD, to allow 631 multi-family dwelling units, including 253 bonus density units, at 15320 Homestead Road. Blasting is not requested.

The property is located in the Urban Community Future Land Use Category and is legally described in attached Exhibit A. The request to rezone the property to RPD is APPROVED for a total of 356 dwelling units SUBJECT TO the conditions and deviation specified in Sections B and C below. The request to utilize bonus density to increase the permissible density in the Urban Community Future Land Use Category by an additional four units per acre is approved pending consideration of applicant's proposal to exercise the Site Specific

Bonus Density Option pursuant to the Land Development Code. A revised Master Concept Plan (MCP) reflecting the terms of such approval will supercede Exhibit B at such time as the Board approves the contract for site specific bonus density.

SECTION B. CONDITIONS:

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

1. Development must be consistent with the one-page MCP entitled "Buckingham Villages," prepared by Quattrone & Associates, Inc, stamped received on November 29, 2006, and attached hereto as Exhibit B, 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.

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

a. Schedule of Uses

Accessory Uses and Structures

Dwelling Units: (limited to **356** units until such time as the Board executes a bonus density contract exercising the site specific option allowing the construction of up to 237 additional units)

Multi-Family

Townhouse

Entrance Gate and Gatehouses

Essential Services

Essential Service Facilities: Group I

Excavation: Water Retention

Fences, Walls

Home Occupation

Parking Lots, Accessory

Model Display Group

Model Units

Real Estate Sales Office

Recreational Facilities:

Personal

Private On-site

Signs, in accordance with Chapter 30

b. Site Development Regulations

Minimum Lot Width

Multi-Family: 75 Feet

Townhome: 20 Feet

Minimum Lot Depth
Multi-Family: 75 Feet
Townhome: 75 Feet

Setbacks:
Perimeter: 25 Feet
Street: 20 Feet
Side: 5 Feet (zero feet for internal units)
Rear: 20 Feet

Building Separation: 20 Feet
Accessory Structures:
Side: 15 Feet
Rear: 15 Feet

Maximum Building Height: 35 Feet /2 stories (a maximum of 45 feet and three (3) stories is permitted for the seven buildings indicated with an asterisk (*) on the Master Concept Plan)

Maximum Lot Coverage: 60 Percent

3. Approval of this rezoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
4. Approval of this 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, the retail commercial standards for site area, including range of gross floor area, location, tenant mix, and general function, as well as all other Lee Plan provisions.
5. Development must comply with the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.
6. Development orders will be granted only upon a clear showing that the development will not cause the mandatory levels of service in Lee Plan Policy 95.1.3 to be exceeded. The granting of a development order will not release the property owner from any obligations under the privately funded infrastructure overlay.
7. The project must connect to a public water and sanitary sewer system. No development order will be approved unless these services are provided.
8. Prior to development order approval, the developer must provide written documentation from the Tice Fire and Rescue District stating no objection to the proposed T-turnaround.

9. Prior to local development order approval, provision for and locations of the solid waste collection/disposal facilities must be provided on the development order plans, and must comply with the provisions of the Land Development Code. Proposed locations and method of disposal is subject to review and approval by the Lee County Solid Waste Division.
10. Prior to development order approval, the plans must delineate lakes that mimic natural shorelines and are not geometric in shape as shown on the MCP.
11. Developer must install a five-foot wide pedestrian sidewalk along the project's Unice Avenue North frontage. The location of this sidewalk will be determined through the final permitting process for the project and be included within the first development order approval for the project.
12. Developer must, at a minimum, install a Type D buffer with three-foot high berm along Unice Avenue North. This buffer must be depicted on the MCP and be included within the first development order approval for the project. The required right-of-way buffer trees must be native canopy trees (no palm trees).
13. No building or accessory structures will exceed the airport approach surface heights as noted on the Master Concept Plan and outlined in LDC §34-1004-(1)d.3.i. The MCP must continue to depict those approach surface height restrictions.
14. Model Display Group and Model Units are permitted for a maximum of three years from issuance of a Certificate of Occupancy for the first model home and/or model units.
15. One Real Estate Sale Office is permitted for a maximum of three years from the issuance of a Certificate of Occupancy for the Real Estate Sales Office or until sellout of the development, whichever is most restrictive.
16. Buildings must meet the building separation requirements outlined in LDC §34-935(e)4.
17. Proximity of Airfield.
 - a. Prior to the issuance of the first development order for this project, the Applicant must record the following statement in the Public Records of Lee County, Florida:

Notification of Proximity to Air Strip - The property described in Exhibit A, attached hereto, is located proximate to an active aircraft landing strip. Future owners residing on the property may experience aircraft over-flight activity, including noise, associated with the use of the land strip of Buckingham Army Airfield.
 - b. This statement must also be included in the covenants and deed restriction documents for the proposed development.

EXHIBIT C: DEVIATION

1. Deviation (1) seeks relief from the LDC §10-296 requirement to provide a 90-foot diameter cul-de-sac at the end of dead-end streets; to allow a T-style turnaround in the southeast portion of the subject property. This deviation is APPROVED, SUBJECT TO Condition 8 above.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

- Exhibit A: Legal description and sketch of the property
Exhibit B: Master Concept Plan stamped received November 29, 2006.
Exhibit C: Area Map (subject parcel identified with shading)

The applicant has indicated that the STRAP number for the property is: 22-44-26-00-00003.0000.

SECTION B. FINDINGS AND CONCLUSIONS:

1. As to the Residential Planned Development Rezoning Request:
 - a. The applicant has proven entitlement to the RPD rezoning by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes and regulations.
 - b. The RPD rezoning, as approved:
 - i. meets or exceeds the performance and locational standards set forth for the potential uses allowed by the request; and,
 - ii. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - iii. is compatible with existing or planned uses in the surrounding area; and,
 - iv. 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,
 - v. will not adversely affect environmentally critical areas or natural resources.
 - c. The RPD rezoning satisfies the following criteria:
 - i. the proposed use or mix of uses is appropriate at the subject location; and
 - ii. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

- iii. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
 - d. Urban services, as defined in the Lee Plan, will be available and adequate to serve the proposed land use.
 - e. The approved deviation, as conditioned, enhances 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.
2. As to the Request for Bonus Density:
- a. The request for 253 bonus density units complies and is consistent with, the Lee Plan and other Lee County regulations provided those units are formally authorized pursuant to a Bonus Density Contract exercising the site specific option for bonus density.

Commissioner Judah made a motion to adopt the foregoing resolution, seconded by Commissioner St. Cerny. The vote was as follows:

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

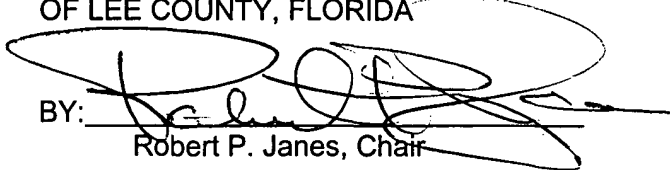
DULY PASSED AND ADOPTED this 17th day of April 2006.

ATTEST:
CHARLIE GREEN, CLERK

BY: 

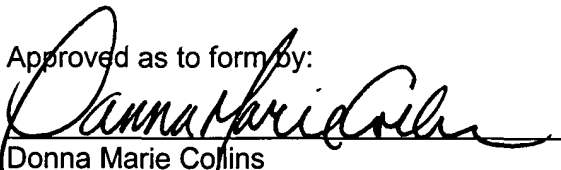
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 

Robert P. Janes, Chair

Approved as to form by:



Donna Marie Collins
County Attorney's Office



EXHIBIT A
Legal Description,
Property located in Lee County,
Florida

Page 1 of 2

LEGAL DESCRIPTION

THAT PORTION OF SECTION 22, TOWNSHIP 44 SOUTH, RANGE 26 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE POINT OF INTERSECTION OF THE EAST LINE OF BUCKINGHAM PARK NORTHEAST SECTION, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 9, AT PAGES 59 TO 65 WITH THE NORTH LINE OF SECTION 22, THENCE RUN S89°52'10"E ALONG SAID SECTION LINE FOR 500 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S89°52'10"E ALONG SAID NORTH LINE OF SAID SECTION 22, A DISTANCE OF 2590.88 FEET TO THE NORTHEAST CORNER OF SAID SECTION 22; THENCE RUN S01°11'39"E ALONG THE EAST LINE OF SAID SECTION 22, A DISTANCE OF 2026.42 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF HOMESTEAD ROAD(100' RIGHT-OF-WAY); THENCE RUN N51°44'46"W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 2745.79 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 1482.40 FEET, A DELTA ANGLE OF 20°54'21" AND A CHORD BEARING OF N62°11'06"W, THENCE RUN ALONG SAID CURVE TO THE LEFT AND SAID NORTHERLY RIGHT-OF-WAY LINE, AN ARC LENGTH OF 540.89 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID HOMESTEAD ROAD; THENCE N00°49'20"W A DISTANCE OF 80.85 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 22 AND THE POINT OF BEGINNING.

Applicant's Legal Checked
by Lgm 5/16/2005

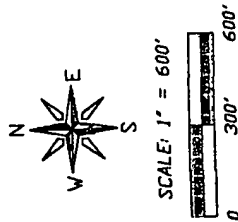
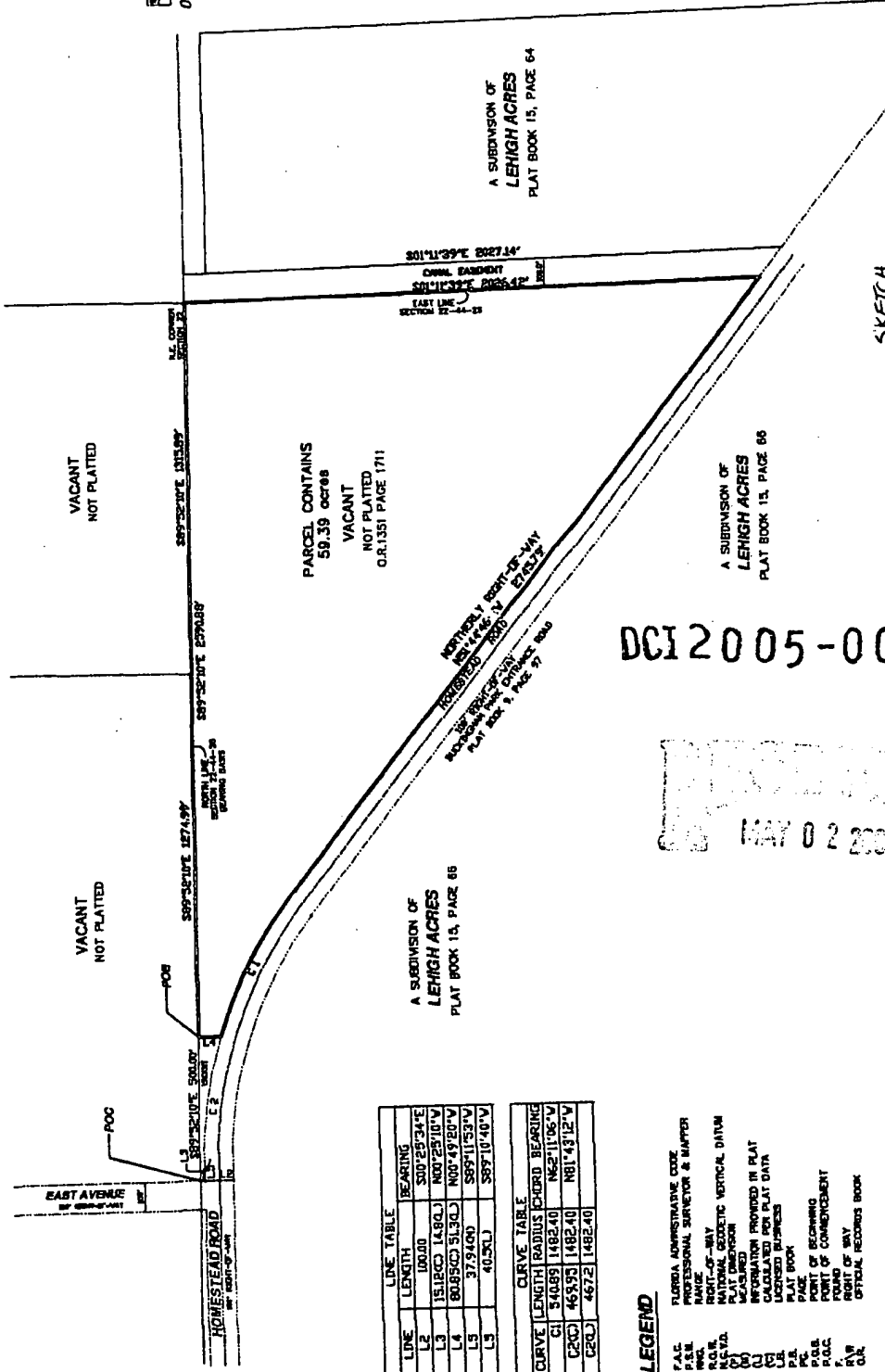
DC12005-00027

INDEXED
MAY 02 2005

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR
RESTRICTIONS OF RECORD.


KRIS A. SLOSSER, STATE OF FLORIDA, (P.S.M. #5560)
SEE ATTACHED SKETCH

DRAWING: 40726 SKETCH	DRAWN BY: EAS	LEGAL DESCRIPTION A PARCEL OF LAND LOCATED IN SECTION 22, TOWNSHIP 44 SOUTH, RANGE 26 EAST LEE COUNTY, FLORIDA	KRIS A SLOSSER P.S.M. 4650 VILLA CAPRI LN. BONITA SPRINGS FLORIDA 34134 (239) 947-1915
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DCI2005-00027

MAY 02 2005

LINE	LENGTH	BEARING
L1	500.07	S89°32'10"E
L2	100.00	S00°25'34"E
L3	15.180	N00°25'10"W
L4	80.850	S13°30'00"W
L5	37.940	S89°11'53"W
L6	40.500	S89°18'40"W

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	BEARING
C1	540.89	1482.40	N62°11'06"W	
C2(C)	463.93	1482.40	N81°43'12"W	
C2(Q)	467.2	1482.40		

LEGEND

- F.A.C. FLORIDA ADMINISTRATIVE CODE
- P.S.N. PROFESSIONAL SURVEYOR & MAPPER
- R.M.C. RANGE OF WAY
- N.C.S. NATIONAL GEODETIC SURVEY DATUM
- P.L.D. PLAT DESCRIPTION
- C.L. CALCULATED LENGTH
- C.A. CALCULATED AREA
- C.B. CALCULATED BEARING
- P.L.B. PLAT BOOK
- P.C. PAGE OF BEGINNING
- P.O. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- P.O.W. POINT OF WAY
- P.R. PLAT RECORDS BOOK

NOTES:

- 1) BEARING SHOWN HEREON BASED ON A ASSUMED BEARING OF S89°32'10"E ALONG THE RIGHT LINE OF SAID SECTION 22, TOWNSHIP 44 SOUTH, RANGE 26 EAST OF EAST LEE COUNTY, FLORIDA.
- 2) THIS PROPERTY IS SUBJECT TO EASEMENTS, ENCUMBRANCES OR RESTRICTIONS OF RECORD.
- 3) DIMENSIONS SHOWN HEREON ARE OF FEET AND DECIMALS THEREOF.
- 4) THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND SEAL OF THE ORIGINAL SURVEYOR.
- 5) IMPROVEMENTS OTHER THAN THOSE SHOWN HAVE NOT BEEN LOCATED.
- 6) THIS PROPERTY IS LOCATED WITHIN AN AREA OF NO SPECIAL FLOOD HAZARD FOR FLOOD INSURANCE RATE DETERMINATION.
- 7) DIMENSIONS SHOWN HEREON ARE PER LOCAL UNLESS OTHERWISE NOTED.

THIS IS NOT A SURVEY

SKETCH TO ACCOMPANY LEGAL

A PORTION OF

SECTION 22, TOWNSHIP 44 SOUTH, RANGE 26 EAST

LEE COUNTY, FLORIDA

KRIS A SLOSSER P.S.M.
4650 VILLA CAPRI LN. BONITA SPRINGS
FLORIDA 34134 (941) 947-1915

FIELD BOOK 2005
L2
DRAWN BY LAR
DRAWING APPROVED BY
SCALE: 1" = 600'

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2005-00027 & REZ2005-00004
APPLICANT: QUATTRONE & ASSOCIATES, INC., in reference to
BUCKINGHAM VILLAGES
HEARING DATE: JANUARY 11, 2006
WRITTEN SUBMISSION: JANUARY 27, 2006
WRITTEN SUBMISSION
TIME EXTENSIONS: FEBRUARY 10, 2006
FEBRUARY 24, 2006

RECEIVED
MAR 21 2006
ZONING

I. APPLICATION:

This matter came before the Lee County Hearing Examiner as an Application for a Rezoning to a Residential Planned Development (RPD) pursuant to Lee County Land Development Code; and an Application for bonus density under Chapter 34, Division 12, Subdivision III, Housing Bonus Density for Provision of Very Low and Low-Income Housing, of Lee County Land Development Code (LDC). The Applicant seeks to utilize LDC Section LDC Section 34-1519, the "cash-contribution density bonus (Option 2)."

Filed by QUATTRONE & ASSOCIATES, INC., c/o AL QUATTRONE, 11000 Metro Parkway, Suite 30, Fort Myers, Florida 33912 (Applicant/Agent); BAGLEY ENVIRONMENTAL AND PLANTING SERVICES, INC., c/o MARSHALL BAGLEY, 4850 Cedar Hammock Circle, Fort Myers, Florida 33905; KRIS A. SLOSSER, PSM, 4650 Villa Capri Lane, Bonita Springs, Florida 34134 (Agents); LEHIGH ACRES ACQUISITION, LLC and LEHIGH ACRES MANAGEMENT, LLC, c/o ANTONIO BISMONTI, 921 Ash Street, Winnetka, Illinois 60093 (Owner).

Request is to:

1) Rezone 59.39+/- acres from Agriculture (AG-2) and Single-Family Residential (RS-1) to Residential Planned Development (RPD), to allow a 631 Multi-Family dwelling unit development located at 15320 Homestead Road (nka Unice Avenue North). In a companion case, number REZ2005-00004, 253 Bonus Density units are requested. No Blasting is requested.

2) Participate in Lee County's Housing Bonus Density Program under the provisions of the Lee County Land Development Code (LDC). Per LDC Section 34-1519, the Applicant is seeking to utilize the "cash-contribution density bonus (Option 2)" to develop 253 bonus density dwelling units. The total project proposes 631 multiple family dwelling units on approximately 59.39 acres. The applicant is requesting a total of approximately 10 dwelling units per acre on the subject site.

The subject property is located at 15320 Unice Avenue North (fka Homestead Road), Lehigh Acres, Florida 33905, in Section 22, Township 44 South, Range 26 East, Lee County, Florida, (District #5).

II. STAFF REPORT AND RECOMMENDATION: APPROVAL WITH CONDITIONS

The Department of Community Development Staff Report was prepared by Josh Philpott. 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 **DENY** the Applicant's request to participate in Lee County's Housing Bonus Density Program, under the provisions of the Lee County Land Development Code LDC Section 34-1511, et. seq. The Applicant is seeking to utilize the "cash-contribution density bonus (option 2)" to develop 253 bonus density dwelling units, bringing the total of multi-family dwelling units on the subject property to 631.

IF, however, the Board elects to approve bonus density for this site, the Hearing Examiner recommends that it approve a lesser number of units to reduce its potential impacts on and incompatibility with the surrounding lower density residential uses. In that event, she recommends that the Board approve the bonus density contract attached hereto, with the proper revisions.

The undersigned Lee County Hearing Examiner recommends that the Lee County Board of County Commissioners **APPROVE** the Applicant's request to rezone 59.39+/- acres from Agriculture (AG-2) and Single-Family Residential (RS-1) to Residential Planned Development (RPD) for **356 multi-family dwelling units** for the real estate described in Section IX. Legal Description WITH THE FOLLOWING CONDITIONS AND DEVIATION:

A. CONDITIONS:

1. The development of this project must be consistent with the 1-page Master Concept Plan (MCP), entitled "Buckingham Villages - Rezoning to RPD," ~~stamped received October 26, 2005, by the permit counter, last revised October 25, 2005, prepared by Quattrone & Associates, Inc., dated January 11, 2006, date stamped "Received January 18, 2006," attached hereto as Exhibit B,~~ except as modified by the conditions below.

This development must comply with all requirements of the Lee County LDC at time of Local Development Order Approval, except as may be granted by deviation as part of this Planned Development. If changes to the MCP 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
Dwelling Units: (limited to **356** units)
 Multi-Family
 Townhouse
Entrance Gate and Gatehouses
Essential Services
Essential Service Facilities: Group I

Excavation: Water Retention
 Fences, Walls
 Home Occupation
 Parking Lots, Accessory
 Model Display Group
 Model Units
 Real Estate Sales Office
 Recreational Facilities:
 Personal
 Private On-site
 Signs, in accordance with Chapter 30

b. Site Development Regulations

Minimum Lot Width	
Multi-Family:	75 Feet
Townhome:	20 Feet
Minimum Lot Depth	
Multi-Family:	75 Feet
Townhome:	75 Feet
Setbacks:	
Perimeter:	25 Feet
Street:	20 Feet
Side:	5 Feet (zero feet for internal units)
Rear:	20 Feet
Building Separation:	20 Feet
Accessory Structures:	
Side:	15 Feet
Rear:	15 Feet
Maximum Building Height:	35 Feet /2 stories (a maximum of 45 feet and three (3) stories is permitted for the seven buildings indicated with an asterisk (*) on the Master Concept Plan)
Maximum Lot Coverage:	60 Percent

3. Approval of this rezoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a Local Development Order.

4. Approval of this 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, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.

5. 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.

6. Development orders for the project will be granted only upon a clear showing that the development will not cause the mandatory levels of service in Lee Plan Policy 95.1.3 to be exceeded. The granting of a development order will not release the property owner from any obligations under the privately funded infrastructure overlay.

7. The project must connect to a public water and sanitary sewer system. No development order will be approved unless these services are provided.

8. Prior to development order approval, the Applicant/Developer must provide written documentation from the Tice Fire and Rescue District stating no objection to the proposed T-turnaround.

9. Prior to local development order approval, provision for and locations of the solid waste collection/disposal facilities must be provided on the development order plans, and must comply with the provisions of the Land Development Code. Proposed locations and method of disposal is subject to review and approval by the Lee County Solid Waste Division.

10. Prior to development order approval, the plans must delineate lakes that mimic natural shorelines, and are not geometric in shape as shown on the MCP.

11. The Developer must install a 5-foot-wide pedestrian sidewalk along the project's Unice Avenue North frontage. The location of this sidewalk will be determined through the final permitting process for the project and be included within the first development order approval for the project.

12. The Developer must, at a minimum, install a Type D buffer, with 3-foot-high berm, along Unice Avenue North. This buffer must be depicted on the Master Concept Plan and be included within the first development order approval for the project. The required right-of-way buffer trees must be native canopy trees (no palm trees).

13. No building or accessory structures will exceed the airport approach surface heights as noted on the Master Concept Plan and outlined in LDC Section 34-1004-(1)d.3.i. The Master Concept Plan must continue to depict those approach surface height restrictions.

14. Model Display Group and Model Units are permitted for a maximum of three years from issuance of a Certificate of Occupancy for the first Model Home and/or Model Units.

15. One Real Estate Sale Office is permitted for a maximum of three (3) years from the issuance of a Certificate of Occupancy for the Real Estate Sales Office or until sellout of the development, whichever is most restrictive.

16. Buildings must meet the building separation requirements outlined in LDC Section 34-935(e)4.

17. A. Prior to the issuance of the first development order for this project, the Applicant must record the following statement in the Public Records of Lee County, Florida:

Notification of Proximity to Air Strip - The property described in **Exhibit A** attached hereto is located proximate to an active aircraft landing strip. Future owners residing on the property may experience aircraft over-flight activity, including noise, associated with the use of the land strip of Buckingham Army Airfield.

B. This statement must also be included in the covenants and deed restriction documents for the proposed development.

B. DEVIATION:

The Deviation requests relief from Section 10-296 of the Lee County Land Development Code, which requires a 90-foot diameter cul-de-sac at the end of dead-end street, to allow a T-style turnaround in the southeast portion of the subject property. The Hearing Examiner recommends **APPROVAL** of this deviation request, subject to Condition 8.

IV. HEARING EXAMINER DISCUSSION:

This is a two-part request to rezone the subject property lying on the north side of Unice Avenue North Road (fka Homestead Road), about 1.5 miles north of Lee Boulevard, in Lehigh Acres. The first part of the request is to rezone the 59.39-acre parcel from AG-2 to RPD (Residential Planned Development) for development of a 378-unit multi-family and townhouse project. The second part is for approval of an additional 253 bonus density units, to bring the total number of units for the project to 631.

The subject property is triangular in shape, and has about 3,268 feet of frontage on Unice Avenue North. It is abutted on the northeast by the Harrn's Marsh water management area and on the northwest by vacant, AG-2 zoning. Single-family and duplex units are scattered throughout the pockets of RM-2 and the surrounding RS-1 zoned lands lying southwest, east and south of the site. A new elementary school abuts the east boundary, and a middle school is expected to be constructed on the same premises. On the west side of the site (across Industry Avenue) is the Buckingham Army Airfield, which is the base of operations for the Lee County Mosquito Control District. The subject property is designated Urban Community in the Lee Plan, which has a standard density range of one to six units per acre, with a 10-unit-per-acre maximum density through the use of bonus density.

Issues

Two issues arose in the public hearing - both related to the gross density (10+ units per acre) for the subject property. The first issue was raised by the Hearing Examiner and related to Applicant's right to utilize one-half the public right-of-way of Unice Avenue North (3.77 acres) in the project's density calculations. Applicant is requesting the maximum density - 10 units per acre - for this project, which, if calculated only on the 59.39 acres, would be 593 dwelling units. Instead, Applicant is requesting a total of 631 dwelling units, which is achieved by allowing Applicant to add one-half the Unice Avenue North right-of-way (3.77 acres) to the 59.39 acres, and then multiply the resulting 63.16 acres by 10 units per acre. The Hearing Examiner's concern, as stated in the public hearing, centered around whether the LDC gave Staff and Applicant the right to use that right-of-way in the density calculations for this site.

The second issue related to the compatibility and appropriateness of the proposed gross density on the surrounding land uses. Several neighbors and members of the public expressed concerns about the compatibility and appropriateness of the maximum density being requested for this site. They were concerned about the traffic impacts that would be generated by the 631 households, noting that the area has an existing density ranging from 3.5 to about 4.0 units per acre. They asserted that the narrow local streets were just adequate to accommodate the existing density, and expressed concerns for the safety of the residents and their families. This project is almost triple the density of the area, and its traffic will introduce major impacts on those roadways, as well as on the other residents who are already utilizing these roadways. They explained that traffic has already increased because of the new elementary school in this neighborhood, and this large project would really compound the problems already being experienced by the current residents. It was noted that, when the middle school was constructed on the property with the elementary school, the roadways will be tied up with parents and school buses. They did not want the excess traffic or the excessive number of people that this project will create in this location.

Background

The subject property was originally part of the 1940's Buckingham Army Airfield training facility. Sometime between the 1940's and the present, the structures, facilities and all but a portion of the runway were removed from this site, and it has remained vacant/undeveloped since that time. As can be seen from the aerial photograph, the subject property is east of and directly north of the extended centerline of the existing runway and flight path.

Applicant proposes to construct the 631-unit multi-family housing in 60 buildings, two and three story in height, grouped into three development areas: Tract A (17.68 acres - 15 buildings) is located in the southeast point/corner of the triangularly shaped site; Tract B (14.56 acres - 19 buildings) occupies the northern point/portion; and Tract C (27.15 acres - 26 buildings) is located on the west side of the site. It appears from the Master Concept Plan (MCP) that the multi-family units will be constructed in Tract C, and the townhouse units will be constructed in Tracts A and B. Tract C also contains an area designated for two optional clubhouse facilities. All three Tracts will contain their own indigenous vegetation preserve areas, and there will be two small lakes - one each in Tract B and Tract C.

The MCP depicts two divided access points onto Unice Avenue North: one at the east end and the other at the west end of the project. The west access point provides direct access into Tract C, while the east access serves all three Tracts.

Given the property's close proximity to the end of the Airfield's runway and the planes' flight path, this development will have to comply with the approach surface (glide slope) height restrictions for lands abutting or within the take-off/landing zone. Thus, the Tract C buildings closest to the west boundary will be restricted to two stories/35 feet in height. The seven 3-story buildings will be grouped in the center of that Tract, and will be limited to 45 feet in height. The approach surface heights for the maximum allowable building heights are delineated on the MCP, starting at the west boundary and ending in the approximate center of the site.

Applicant explained that one of the County's goals for the Lehigh community is to provide a variety of housing types, instead of having only single-family homes in that area. They stated that this property is one of the few properties in Lehigh Acres of sufficient size to accommodate multi-family housing. Given the lack of other suitable parcels, Applicant has requested the maximum density of 10 units per acre to provide as many units of this housing type as possible. They recognized that the bulk of the surrounding lands are platted for single-family use at about 3.5 units per acre, but pointed out that there were several pockets of RM-2 zoned lands on the north side of Lee Boulevard. The closest RM-2 parcel is located southwest of this property, bordering the Airfield property, and is already developing with duplexes. He believed that RM-2 parcel will have a higher density than the single-family areas, and that this project will be compatible and consistent with both densities.

They asserted that this project's increased density and the building types will not be detrimental to the adjacent areas of lower density, predominantly single story uses, because of the site's configuration and the project's site design. They pointed out that this site is separated from the RS-1 homesites by Unice Avenue North, which has a 100-foot-wide right-of-way, and all the multi-family structures along Unice Avenue North will be kept at a maximum of two stories. The intervention of the roadway, the denser buffer and the restricted height of the buildings will help alleviate any visual and nuisance impacts associated with a multi-family development. Further, it was their opinion that this project will help to buffer the single-family uses from the noise and visual impacts of the school(s) found on the east boundary of this property.

With regard to traffic impacts on the area, Applicant asserted that their project will not have an adverse impact on the surrounding roadway network. They pointed out that the existing traffic on the surrounding roadways is not close to capacity, and that this project will not degrade the level of service to an unacceptable level. They acknowledged that the subject property is about 1.5 miles from Lee Boulevard, the closest arterial, and that Lee Boulevard would be reached via Sunniland Boulevard, a 2-laned roadway classified as a major collector. Although there are a number of other local roads that also access Lee Boulevard, Applicant believes that most of the traffic will use Sunniland Boulevard, thereby alleviating the concerns of the neighbors about the amount of traffic on the surrounding local roadways.

Although the issue arose as to which water/sewer provider would service the subject property - Lee County Utilities or Florida Governmental Utility Association, Applicant and Staff agreed that the project would not be able to obtain any development orders until an acceptable service provider was identified. (The subject property was inside the Lee County franchise area, but was closest to the FGUA lines.)

Applicant requested one Deviation with the RPD rezoning request. That Deviation was to allow a hammerhead (T-style) turnaround at the end of a dead-end street in Tract A, instead of the required 90-foot-diameter cul-de-sac. The purpose of the hammerhead turnaround was to protect the adjacent indigenous preserve, because the cul-de-sac would have to encroach into the indigenous preserve, whereas the hammerhead turnaround would not. They also obtained a letter of acceptability from the Tice Fire and Rescue District for this hammerhead turnaround.

Staff recommended approval, with conditions, of the RPD zoning for 378 multi-family dwelling units and the 253-unit bonus density rezoning request, finding that each met the criteria for approval set out in the Land Development Code, and that the requests were consistent with the intent of the Lee Plan and the Land Development Code. They found that the proposed density of 10+ units per acre was appropriate in this location, and would be consistent and compatible with the surrounding mixture of single-family and duplex uses and zoning districts. They also found that the request, as conditioned, would not be detrimental nor injurious to the persons and properties in the area, nor to the public health, safety and welfare.

Staff agreed with Applicant that the proposed development would offer a residential housing type not commonly seen in Lehigh Acres, but for which there was a definite need in that community. They found the proposed development consistent with Lee Plan Goal 5, which encouraged the provision of a variety of housing types, and price ranges, throughout the County.

They also agreed with Applicant that the multi-family and townhouse units, at the proposed density, would be compatible with the lower density in the surrounding area, because of the 100-foot-wide right-of-way separation between the properties, as well as the Type "D" buffer that Applicant must install along that roadway. They pointed out that Applicant's buildings will have a maximum height of two stories (35 feet) along the perimeter, which was consistent with the 2-story/35-foot heights allowed in the RS-1 zoning districts. In their opinion, the magnitude of this development would not adversely affect, visually or otherwise, the single-family residential uses surrounding the subject property.

When questioned about Applicant's use of one-half the right-of-way of Homestead Boulevard, a public street, to achieve the requested 631 units, Planning Staff indicated that this had been Staff's interpretation of the provisions in LDC Section 34-1493(2)(c)(1)ii for many years.¹ He acknowledged that this LDC Subsection specifically addressed density calculations for existing development and lots, but explained that, years ago, Staff decided it was only fair to treat all developers the same, regardless of whether it was new development or existing development. Thus, Staff instituted the interpretation that all rezoning requests were entitled to include one-half the adjacent right-of-way for purposes of gross density calculations. He commented that not all developers took advantage of that interpretation, but it had been available, nonetheless.

Staff also noted that, at one time, there had been discussions about limiting the amount of right-of-way that could be added, but Planning and Zoning Staff ultimately decided that the provision should apply to all developments, even those on multi-laned arterials. He asserted that this interpretation and application has been in effect since the 1990's, even though the LDC does not reflect that interpretation and has never been amended to do so. He also pointed out that there have been a hundred or more cases in which the gross density was calculated in this manner. He believed that those previous approvals established a clear precedent for the approval of this case.

¹ Section 34-1493 governs the calculation of total permissible housing units in various situations. Subsection (1) addresses the calculations for proposed developments, and Subsection (2) addresses calculating density for existing developments and lots.

He asserted that the purpose of including the abutting right-of-way was to reach the Lee Plan and LDC's requirement of "gross density." The Hearing Examiner pointed out that Section 34-1492 defined "gross density" and did not include one-half of the abutting right-of-way, but that the calculation could include the proposed (internal) streets and rights-of-way. Planning Staff conceded that the Hearing Examiner was right about the definition not including the adjacent right-of-way, but, when Staff read Sections 34-1492 and 34-1493 together, they determined that the inclusion of one-half the right-of-way should be applied to every rezoning case as "standard operating procedure."

Staff conceded that the inclusion of the 3.77 acres of Unice Avenue North enabled Applicant to add 37 more units to the site; that, at 10 units per acre, Applicant would have been allowed 593 units, without the additional right-of-way. However, they did not believe that the additional 37 units created any additional impacts, or caused any adverse conditions that would make the project incompatible with the existing and future development in the area.

Public Input

As noted above, the majority of the neighbors and property owners speaking at the public hearing were against the rezoning, citing too high a density resulting in too many people in that little area and too much traffic. In response to a question by one member of the public, Applicant stated that the 631 units would be a mixture of two and three bedrooms, which would equate to about 1,500 residents (using the 2.5 persons per household) on the subject property. The Lehigh residents were concerned about the effect this many people and the traffic would have on their lives and their community.

The public hearing was also attended by a couple of community leaders, who supported the project, noting that Lehigh Acres needed housing types other than single-family. They pointed out that affordable housing was really needed in Lehigh Acres, and "hoped" these multi-family and townhouse units would be more affordable than the single-family units have been.

Hearing Examiner Discussion

RPD request

The undersigned Hearing Examiner concurs, for the most part, with Staff's analysis, findings and recommendation of approval, with conditions, of the RPD rezoning, finding that the request, as conditioned herein, meets the criteria for approval set out in LDC Section 34-145. She also finds that the RPD request, as conditioned herein, is consistent with the intent and provisions of the Lee Plan and the Land Development Code, and will be compatible with the surrounding uses and development. Also, as conditioned herein, the RPD will not be detrimental nor injurious to the surrounding residents, properties or the public health, safety and welfare.

Although the Hearing Examiner wishes she could recommend that the Board of County Commissioners (Board) approve the proposed RPD for the requested 378 units on an equity basis, she cannot do that as it would be a violation of the existing regulations. The Hearing Examiner's job is to apply and enforce the duly adopted provisions of the Land Development Code and the Lee Plan; to recommend approval of the requested 378 dwelling units would be a violation of the existing provisions relating to the calculation of gross density for planned developments.

The controlling language in the LDC reads, as follows: (bolded for ease of reading)

Section 34-1492 - Definitions

The following words, terms and phrases, when used in this subdivision, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Gross residential acres means the total land area of a residential development as follows:

- (1) **Land areas to be included** are as follows:
 - a. The area of existing and proposed artificial water bodies within the parcel boundaries;
 - b. Parks, noncommercial recreational facilities and open space;
 - c. Schools (noncommercial);
 - d. Police, fire and emergency services;
 - e. Sewage, water and drainage facilities;
 - f. **Land proposed to be used for street rights-of-way or street easements;**
 - g. **Land proposed to be used for utility rights-of-way or easements; and**
 - h. **Land used for residential buildings and normal residential accessory uses.**

Gross residential density means the ratio of housing units per gross residential acre.

Total land area means the total area of land, expressed in acres or fractions thereof, **contained within the boundary lines of a development.**

The Subsection of Section 34-1493 relied upon by Staff to allow the inclusion of the abutting right-of-way in a planned development reads: (bolded for ease in reading)

Subsection 34-1493(2) ***Existing developments and lots***

Due to the problems of computing gross density in the same manner as set forth for new developments, the following procedures must be followed:

- (c) ***Townhouse or multi-family structures.*** Except as limited by Section 34-1495, any legally existing lot or record which is zoned for townhouse or multi-family development will be permitted dwelling units as follows:

1. ***Developments which are not planned developments or PUD's.*** When reviewing a request for a building permit for a townhouse or multi-family building **which is not part of a PUD or planned development**, the maximum permitted dwelling units will be determined by the property development regulations set forth for the zoning district in which located for the particular type of building proposed, provided

- i. The maximum number of dwelling units permitted will not exceed the standard density range for the land use category in which located; and
- ii. **The parcel area must be calculated as the area of the lot in question plus one-half of any abutting right-of-way or easement.**

Despite Staff's argument that reading the two LDC provisions together gave rise to the current interpretation, the Hearing Examiner points out that the interpretation and application advocated by Staff is clearly not permitted by the very terms of Section 34-1493(2). As such, to allow Staff to continue to interpret and apply the regulations in this manner is blatantly inconsistent with the adopted regulations and requirements of the LDC. To allow the continued use of Staff's interpretation, Staff must revise the bolded language or delete it from these LDC Sections, and have the revisions/deletions adopted through the formal ordinance amendment process. The implementation of this interpretation as a "policy," without a corresponding revision to the existing LDC provisions, is totally contrary to those lawfully adopted provisions, and is, therefore, illegal.

She is aware of Staff's testimony that many cases utilizing this interpretation were approved between the mid-1990's and 2006, and can offer no explanation for the County Attorney's Office and the Hearing Examiners' failures to pick up on this incorrect interpretation in the past. Now that the interpretation has come to light, the Hearing Examiner must notify the Board and make recommendations to ensure that the incorrect interpretation is not allowed to continue. Although Staff asserted that, given the precedents, it would not be "fair" to deny the use of that interpretation in this case, the Hearing Examiner cannot recommend allowing the continuation of what is virtually an illegal interpretation of the Lee County land development regulations.

In addition, the Hearing Examiner strongly suggests that the Board instruct Staff to either:

- 1) Cease using this interpretation in cases involving planned developments, or
- 2) Change the pertinent provisions of LDC Sections 34-1492 and 1493 to authorize the inclusion of one-half the right-of-way in the gross density calculations for planned developments.

For these reasons, the Hearing Examiner recommends that the Board approve a maximum of 356 multi-family and townhouse units on the subject property. That number of units is arrived at by multiplying the 59.39 acres by the standard density of 6-units-per-acre allowed in the Urban Community land use category. The Hearing Examiner finds that the standard density of 6-units-per-acre, with a Type "D" buffer and 3-foot-high-high berm is appropriate in this location and compatible with the existing and future residential uses of 3.5 to 4.0 units per acre, and will not be detrimental to the persons, properties or public health, safety and welfare.

The Hearing Examiner also recommends approval of the Deviation from the cul-de-sac turnaround for Tract A, as conditioned herein. She notes that Applicant has submitted, in a post-hearing submittal, a letter from the Tice Fire and Rescue District offering no objection to the hammerhead turnaround. She is not removing Condition 8 hereinabove, which

requires the submittal of such a letter, as the letter was not reviewed and accepted by Staff prior to its receipt by the Hearing Examiner.

It is also her opinion that the conditions imposed herein are reasonably related to the impacts anticipated from the multi-family uses, and, with other regulations, will safeguard the public interests.

Bonus Density

The Hearing Examiner is also recommending denial of the bonus density request, finding that it does not comply with the approval criteria set forth in LDC Sections 34-145 and 34-1516. She also finds that the proposed density of 10 units per acre - achievable only through the bonus density request - is incompatible and inconsistent with the existing and future surrounding uses at densities of 3.5 to 4.0 units per acre, and is inconsistent with the intent of Lee Plan Policy 5.1.5 and Policy 39.1.4.

With regard to the compatibility issue, the Hearing Examiner understands that Applicant desires the maximum density on the subject property, and that the provision of these housing types is encouraged in the Lee Plan. Nevertheless, she finds that the bonus density, which enables Applicant to have 10 units per acre, is neither consistent nor compatible with the surrounding mixture of RM-2 and RS-1 zoning districts and existing uses. She does not disagree with Applicant's assertions that the RM-2 zoned properties in the area could be developed with a higher density than the single-family lots. However, she points out that the largest and closest RM-2 zoned property to this site abuts the east/west runway or tarmac (plane storage area) of the Airfield, and is already being developed with duplex uses. Thus, it is clear, from a review of the aerial photograph, the zoning maps and her site visit, that this area is developing and will continue to develop with a lower density residential use than Applicant's proposed 10 units per acre.

The Hearing Examiner also understands Staff's and Applicant's assertions that the 2-story buildings in this development are consistent with the height limitations allowed for the adjacent single-family residences, but disagrees with the underlying premise that 2-story structures are compatible, regardless of size and configuration. She points out that there is a major difference in the visual impact occurring between a single-family 2-story home and a 2-story building containing as many as 14 two or three bedroom dwelling units. The mass of the multi-family buildings will be easily discernible and experienced by all the residents of the surrounding RS-1 properties, despite the 100-foot-wide right-of-way and the Type D buffer recommended by Staff.

Further, Applicant's MCP depicts at least eight large buildings lining Unice Avenue North, with only minimal setbacks (25 feet) from that roadway. The Type "D" buffer being required by Staff is only 15 feet wide - with NO berm - and will have five trees (canopy type) and a 36-inch-high double hedge. This buffer will not conceal the size or number of these large buildings on the site. Unlike single-family homes, which have side yards, there could be only a minimal separation (20 feet) between these large 2-story multi-family structures. This narrow spacing will add to the perception of a "wall" of structures lining Unice Avenue North.

Without the bonus density units, Applicant will be able provide additional setbacks and building separations, which will help reduce the visual impacts on the surrounding community.

The Hearing Examiner also finds that the additional 253 units will max-out the development plan for this site. She concedes that the site design complies with the minimum LDC requirements for setbacks, open space and indigenous preserves. However, it is her opinion that the minimum requirements may not be sufficient to camouflage the number and size of the buildings required for the bonus density units, nor will they alleviate the nuisance impacts resulting from this large number of people living in such close quarters.

Thus, it is the opinion of the Hearing Examiner that this project, with the 253 bonus units, will have extensive adverse visual and nuisance impacts on the surrounding single-family neighborhood, and is not compatible with the existing and future life style in the area.

As noted above, the Hearing Examiner also finds the bonus density request to be inconsistent with the Lee Plan. She agrees that a variety of housing types are needed in the Lehigh community, and that this project will provide that. However, she does not agree that the lack of larger parcels in Lehigh justifies maximizing the density of the multi-family units on this site. In her opinion, maximizing the density on this property ignores the existing and planned uses in the immediate area to the detriment of the current and future residents and owners.

Both parties agree that single-family residential (RS-1) is the predominant zoning district in the area, and the lots are platted at a density of 3.5 to 4.0 units per acre. Based on the preceding discussion, the Hearing Examiner finds that this development, with the bonus units, will be more than double the existing density and will change the residential character and nature of this existing community. That result is inconsistent with the intent of Policy 5.1.5, which reads, in pertinent part:

Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. . . . 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 must be denied altogether.. (Emphasis added)

In addition, even though the subject property is only one block from Sunniland Boulevard, a narrow 2-laned "major" collector, the traffic from this project will still have to traverse 1.5 miles of lower density, single-family residential development to reach the only east/west arterial in the area, Lee Boulevard. Lee County Transportation Staff determined that the requested 378 dwelling units will generate a traffic impact of 179 PM peak hour trips, and that 631 dwelling units will generate 272 PM peak hour trips. They indicated that the LOS "E" traffic volume on a 2-laned collector roadway is 880 trips, and that the traffic associated with this development is well below that volume. However, Staff also advised that there is no historic traffic information for either Sunniland Boulevard or Unice Avenue North, so they are not certain of the existing volume on those roadways, or of the impacts that could be created by the addition of 272 peak hour trips.

For those reasons, the Hearing Examiner believes that the requested density, which can only be achieved through the bonus density program, is not consistent with the intent of Policy 39.1.4, which reads, in pertinent part:

Main access points from new development will not be established where traffic is required to travel through areas with significantly lower densities or intensities (e.g. multifamily access through single-family areas, or commercial access through residential areas) except where adequate mitigation can be provided. (Emphasis added)

Since no adequate mitigation can be provided, and access must occur on Unice Avenue North and Sunniland Boulevard, the only alternative is to deny the bonus density units so the project's density is not significantly higher than the surrounding density.

It is also the opinion of the Hearing Examiner that, given the large number of peak hour trips with the bonus units, this project would be more appropriately located on or much nearer an arterial roadway, or in an area of similar densities. As was noted above, the subject property is located 1.5 miles north of Lee Boulevard, and, although Sunniland Boulevard is designated as a "major" collector, the Hearing Examiner found it to be only a minimal 2-laned roadway, with no center or edge striping. Numerous residential lots lining this roadway are being developed and the mailboxes of the existing homes are located adjacent to the paved portion of this roadway - creating the perception of a rural local road. Therefore, the Hearing Examiner finds that the timing of the development of this proposed project, with the bonus density, is premature for this location.

Further, the Hearing Examiner does not agree with Staff's findings that the bonus density request fulfills the criteria set out in LDC Section 34-1516(c). She finds that the requested bonus density:

- **does not comply with and is not consistent** with the Lee Plan and other applicable regulations;
- will include only property zoned for the type of dwelling units to be constructed; and
- does limit the proposed density to the maximum total density or less, allowed by the Lee County category applicable to the subject property; and
- in the proposed development plan **has substantially increased intensities of land uses along its perimeters** (given eight buildings at up to 14 units per building) and **is not** adjacent to existing or approved development of a similar intensity; and
- **traffic will be required to travel through areas with significantly lower densities** before reaching the nearest arterial, and that the nearest collector is a narrow 2-laned facility that functions more as a rural local road; and
- does not so overwhelm the existing and public facilities that the requested density increase would be contrary to the overall public interest; and
- does not decrease the required open space, buffering landscaping and preservation areas; and

- is not in a Category 1 Storm Surge Zone; and,
- as part of the resulting development, **will not be compatible** with existing and planned surrounding land uses.

For the above stated findings, the Hearing Examiner recommends that the Board of County Commissioners deny Applicant's request for the additional 4-units-per-acre bonus density. She points out that the BOCC is not "required" to approve any bonus density request, even if all the findings are favorable for the project. LDC Section 34-1516 recognizes that the approval of a bonus density request is "solely within the discretion of the Board" in the following language:

The Bonus Density program allows the Board of County Commissioners the discretion to grant bonus density to developments in accordance with the Lee Plan and the following criteria [Subparagraph (c)]. Although approval of the use of bonus density credits is solely with the discretion of the Board, applicants must comply with the minimum requirements set forth herein.
(Emphasis added)

The Hearing Examiner believes that the Board can clearly find that the proposed use of the bonus density units does not "comply with the minimum requirements" set forth in LDC Section 34-1516(c).

She, also, recommends that the Board not sign the bonus density contract attached hereto.

IF, HOWEVER, the Board elects to approve bonus density for this site, the Hearing Examiner recommends that they approve a lesser number of units to reduce the potential impacts on and incompatibility with the surrounding lower density residential uses.

SUMMARY

1. The Hearing Examiner recommends that the Board of County Commissioners approve the RPD request, as conditioned herein, for 356 multi-family dwelling units.

The Hearing Examiner also strongly suggests that the Board instruct Staff to either change the provisions of LDC Sections 34-1492 and 1493 to authorize their interpretation to utilize the abutting right-of-way, or to instruct Staff to cease using this interpretation in cases involving planned developments.

2. The Hearing Examiner recommends that the Board of County Commissioners deny the bonus density request for 253 multi-family dwelling units, and that the Board not sign the bonus density contract offered by Staff and Applicant.

OR If the Board elects to approve bonus density on this site, the Hearing Examiner recommends that it approve a lesser number of units to reduce the potential impacts on and incompatibility with the surrounding lower density residential uses.

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:

Residential Planned Development

- A. That the Applicant has proved entitlement to the RPD zoning, as conditioned herein, by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes or regulations.
- B. That the RPD development, as conditioned herein, will meet or exceed all performance and locational standards set forth for the potential uses allowed by the request.
- C. That the RPD development, as conditioned and at six units per acre for 59.39 acres, is consistent with the densities, intensities and general uses set forth in the Lee Plan.
- D. That the RPD uses, as conditioned herein, is compatible with existing or planned uses in the surrounding area.
- E. That approval of the RPD development, at 356 units and 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 RPD development, as conditioned herein, will not adversely affect environmentally critical areas and natural resources.
- G. That the proposed mix of uses, as conditioned herein, are appropriate at the subject location.
- H. That the recommended conditions to the Master Concept Plan are reasonably related to the impacts anticipated from the proposed development, and, with other regulations, will provide sufficient safeguard to the public interest.
- I. That the approved Deviation, as conditioned, will enhance the objective of the proposed development, and will promote the protection of the public health, safety and welfare.
- J. That urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use, or it will not be allowed to develop

Bonus Density

The request for 253 bonus density units:

- A. Does not comply with and is not consistent with the provisions of the Lee Plan and other Lee County regulations; and
- B. Will involve property zoned for the type of dwelling units to be constructed; and

- C. Complies with the maximum total density allowed by the Lee County category applicable to the subject property; and
- D. Will put substantially increased intensities of land uses along the project's perimeters, and is not adjacent to existing or approved development of a similar intensity; and
- E. Will result in its traffic traveling through areas of significantly lower densities to reach the nearest arterial, and that the nearest collector is located one block away, but is only a narrow 2-laned facility that functions more as a rural local road; and
- F. Is not expected to so overwhelm the existing and public facilities that the requested density increase would be contrary to the overall public interest; and
- G. Will not result in a decrease of the minimally required open space, buffering landscaping and preservation areas; and
- H. Is not on property located in a Category 1 Storm Surge Zone; and,
- I. Will not be compatible with existing and planned surrounding land uses.

VI. LIST OF EXHIBITS:

Master Concept Plan (MCP), dated October 25, 2005, prepared by Quattrone & Associates, Inc., date stamped "RECEIVED OCTOBER 26, 2005 PERMIT COUNTER" [24" x 36"]

STAFF'S EXHIBITS

- 1 An aerial photograph of the subject property and surrounding area with yellow overlay depicting the zoning districts for the subject property and surrounding properties, prepared by Lee County DCD Zoning Division, dated October 27, 2005 (color) [24" x 36"]
- 2 An aerial photograph of the subject property and the immediate surrounding area, with gray and blue overlay depicting the proposed Master Concept Plan, as revised October 5, 2005, prepared by Lee County DCD Zoning Division, October 27, 2005 (color) [24" x 36"]
- 3 A map entitled, Lehigh Acres Forecasting Model, Current Land Use, with its source, Lee County Property Appraiser, December 2003, Department of Revenue (DOR) Codes (color) [board exhibit]
- 4 A map entitled, Lehigh Acres Forecasting Model, Zoning, with its source, Lee County Zoning Department, December 2003 (color) [board exhibit]
- 5 Composite Exhibit including a memorandum from Lee County Planners, Josh Philpott and Matt Noble, with Staff's proposed language for "Notification of Proximity to Air Strip", and a proposed Development Contract between The Board of County Commissioners, Lee County Florida, and Lehigh Acres Acquisition, LLC, for The Cash Contribution Option of the Housing Bonus Density Program (9 pages) [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 Two copies of the Master Concept Plan, 1-page, dated January 11, 2006, prepared by Quattrone & Associates, Inc., date stamped "RECEIVED JAN 18, 2006" [1 copy 24" x 36" & 1 copy 11" x 17"]
- 2 Composite Exhibit including a memorandum from Richard W. Pringle, Esquire, of Strayhorn & Strayhorn, P.L., with proposed language for the overflight activity; a copy of correspondence from the Tice Fire District regarding the proposed T intersection; and two copies of the proposed Development Contract between The Board of County Commissioners, Lee County Florida, and Lehigh Acres Acquisition, LLC, for The Cash Contribution Option of the Housing Bonus Density Program (17 pages) [Post Hearing Submittal]

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

VII. PRESENTATION SUMMARY:

Before the Hearing Examiner commenced the hearing process, Donna Marie Collins, Assistant County Attorney, introduced herself and made her opening remarks for the benefit of the public in attendance at the hearing. She indicated that all participants, who wished to speak and/or receive a copy of the Hearing Examiner's recommendation to the BOCC, needed to complete a Public Participation form and submit it to the Hearing Examiner. At the conclusion of Staff's presentation, the Hearing Examiner would open the hearing for public participation, at which time, they would have an opportunity to voice their concerns relative to the application.

She advised that the case would be presented in two parts. One component of the case was to request a rezoning of property to allow for the development of a Residential Planned Development (RPD). The second component was to request Bonus Density units, which were units over and above what would normally be allowed in this land use category.

She advised that the Hearing Examiner's Recommendation would go to the Board of County Commissioners (BOCC), where it would receive another public hearing. In order for the public participants to speak to the BOCC, they had to speak to the Hearing Examiner during this public hearing. The BOCC hearing date would be advertised in the newspaper, and if they filled out a Public Participation form, then they would receive a subsequent mailing from the County notifying them of that date.

After Ms. Collins completed her presentation, the Hearing Examiner advised that, during their testimony, all public participants keep their comments germane to the issue at hand. The issue at hand would be what effect the rezoning and the use of the property for multi-family residential would have on their lives, their property or their community. After discussing the break procedures and the need for quiet in the hearing room, the Hearing Examiner placed all the participants under oath.

Ken Markgraf, representing the owners of the subject property, introduced himself, and explained that the plan in the Staff Report was a collaboration and a consensus of the various groups and entities that would be discussed during the Applicant's presentation. He noted that they had reached out to numerous individuals, groups, and agencies that had been active in this endeavor. They have also had people provide comments to them before the public hearing. The groups included the Lehigh Community Planning Corporation, the Lehigh Chamber of Commerce, and the School District of Lee County. In particular, they dealt with the kind of product they wanted, safety issues, and water and sewer issues.

They also spoke with the Lee County Mosquito Control District regarding concerns about the development plans, safety issues, and issues related to the airport. They spoke with the East County Water Control District about their use of the Harns Marsh and the canal their surface water management system would be draining into. They had discussions with Bill Spikowski, who did the overall Comprehensive Plan for Lehigh, and Robert Anderson of The Lehigh Watchdog Group regarding water and sewer issues. They also spoke with Wayne Daltrey of Smart Growth, Jim Mudd of the Lee County Department of Community Development, and various members of the Lee County Management and Planning Committee.

They had ongoing dialogue regarding water and sewer with Rick Diaz of Lee County Utilities, Florida Governmental Utility Authority (FGUA), and the City of Fort Myers. There were public comments they had received prior to the hearing. Staff handled some of them individually or notified the Applicant, which, then, dealt with them.

When they bought the property, it became obvious, through these various conversations, that it would be a unique opportunity within Lehigh to do what he would call good community planning. An elementary and middle school were being built there, and the School District was worried about safety and the type of product they were developing. This project would be a place where children could walk to school and people could work in the community and be a part of the community.

When they met with the airport, it became apparent that there were other issues. Residual land would be developed either publicly or privately, and those discussions were ongoing now. It became apparent that this would be a place to go to school, live, work, and form a community.

Mr. Markgraf advised that, through this development, the impact fees, water fees and sewer fees would be somewhere in the range of about 2.5 to 3 million dollars. Density fees were in the range of about \$2.8 million. These monies should and would be used to expand and enhance utilities to that area, thereby allowing all the residents to tap into sewer and water and would promote the development that needed to happen in that area for the schools and the airport area. Having concluded his presentation, he introduced Al Quattrone, who would be addressing the Staff Report recommendations, and then Richard Pringle, who would address any issues not previously covered.

Mr. Quattrone, of the engineering planning firm of Quattrone & Associates, introduced himself, noting that they proposed to rezone 59.39 acres from Agricultural (AG-2) to Residential Planned Development (RPD) to allow a 631-unit multi-family development. The land use category, Urban Community, typically allowed one to six units per acre, with a maximum density of 10 units per acre through participation in the Bonus Density Program. They have elected to participate in that Program, to obtain the maximum density of 10 units

per acre. They arrived at the 631 units, because the property contained 59.39 acres and they were allowed to include one-half the adjacent right-of-way width.

He pointed out the triangular project site on the exhibit and described it as approximately 2,000 x 2,000, with a little more than 3,000 feet of frontage on what was originally called Unice Avenue North. He believed that road has been renamed to Unice Avenue. The project was north of Lee Boulevard, and access to the site would be via Sunniland Boulevard. Gunnery Road was off to the west, and Sunshine Boulevard was further east. He pointed out the Mosquito Control Airport to the west. North of the site was Harns Marsh, which was a preserve area owned and maintained by the East County Water Control District for water retention purposes. Directly to the east of the site, although not shown on the aerial was the new middle school that they spoke about. He believed the new aerial Staff had showed it being under construction.

They proposed to construct primarily a combination of standard multi-family type units and townhouse type units. They had 34 townhouse buildings, which was about 262 units, and, on the west side of the project, they showed about 26 multi-family buildings having a total of about 369 units. In working with Staff and Mosquito Control, some height restrictions were established, relative to the relative to the Mosquito Control airport and the approach. For the most part, the buildings would not exceed two stories, although there were a handful in the center of the multi-family portion that were planned for three stories, which would exceed the 35-foot height.

Mr. Quattrone explained that they worked closely with Staff throughout the design process to get their input on the things they felt the community needed and what they thought was good planning practice. Ultimately, they came up with the current site plan. They tried to set aside what Staff and they felt were the best indigenous areas, as the site was not 100 percent indigenous. However, there were some indigenous areas throughout the site, including the south corner and the north corner and some trees in the multi-family side.

As indicated in the Conditions, Staff had asked them to include a type "D" buffer, which was very typical, but to limit it to native species and canopy type trees. The current MCP had been updated since Staff gave them the comments, and had additional notes further restricting them to native canopy trees. They also showed a 5-foot-wide sidewalk that ran across the entire frontage of the property, and there has been some discussion of eventually connecting the project to the school property. They would look into that, at the time of Development Order, to see the feasibility of connecting some sidewalks across the canal. That East County Water Control District canal would likely be their discharge point for drainage purposes.

They had gone through the Staff Report and the Schedule of Uses, and found them to be consistent with what they were asking. They were in full agreement with the County and Staff's Conditions, including the buffers, sidewalk and some of the other ancillary Conditions. They were only requesting one deviation with the project and that was for the hammerhead turnaround, which was in lieu of a typical cul-de-sac. That roadway only served a few units and the hammerhead turnaround would limit the impact to the indigenous area that they were trying to save.

The Hearing Examiner understood from reading the report that the town homes would have their own garages, so it was really more of a public turnaround than for the residents. He said it would probably also be for moving vans or emergency vehicles, and was designed so

that a fire truck could turn around there without having to back up. He believed that the general guideline was that if a dead-end road exceeded 150 feet in length, they had to provide a turnaround.

Mr. Quattrone noted that, as indicated in the Staff Report, the project was consistent with the County Comprehensive Plan. Upon concluding his presentation, he was asked by Mr. Philpott, Lee County Planner, to describe the notations on the exterior portion of the project labeled on the MCP, regarding height.

Mr. Quattrone explained that those were the restrictions because of their proximity to the Mosquito Control Airport. He wasn't an expert in airports but he pointed out on the aerial the location of the primary runway and the tarmac where they parked the planes. The FAA has established a zone coming off of that runway for landing and takeoff, and established the maximum heights of structures in that zone, based on the distance from the end of the runway. Those notations represented the heights (20 feet, 25 feet, 30 feet and so forth). He said that 45 feet was the maximum height that the project had proposed.

Mr. Philpott also asked him to discuss the 3-story buildings. Mr. Quattrone explained that, in order to achieve the density they were requesting, they were looking at having some 3-story buildings clustered through the center of the site. These were seven buildings, grouped together, which they showed at a maximum of three stories and the maximum number of units per each of the buildings. It was not really necessary for each one of the buildings to be three stories, but it gave them some variation in case they wanted to put fewer units on the top floor to give some character to the building. Those were the only buildings shown as three stories throughout the entire project, and exceeded the 35-foot height requirement. He believed that the height was measured as it would be in the LDC, to the mid-span of a roof.

They would work with Staff and Mosquito Control on those issues as they got further into the Development Order process to verify and make sure they had the lines exactly where they were shown. They were very confident they were correctly shown now, but that was something they would probably look at in the development order stage. He believed that was also a condition of the Staff Report.

The Hearing Examiner wondered if he could tell her where exactly in the LDC the provision was found regarding using one half of the adjacent right-of-way in calculating the density. Under the Section about density, it said "proposed right-of-way" could be included for gross residential acreage, but she didn't see anything that said "abutting right-of-way of public streets". He didn't know. So she asked County Staff to answer that question in their presentation.

Mr. Quattrone noted that, on the MCP, the acreage totaled 3.76 acres. The Hearing Examiner commented that the inclusion of that acreage created a difference of about 40 units in their development, so she needed to understand how it was used. She could understand it being added if it were a private roadway, wherein the property owner would own to the middle of that roadway; however, this was a public roadway. Staff would have to provide her with the information for density calculation.

She wanted to know if there were any amenities in the development such as a clubhouse or anything like that. Mr. Quattrone said they didn't show any buildings or pools but indicated they had designated two open areas for optional clubhouse facilities. As they further

developed the site, they might want to separate it into two different communities, and might want to have two separate and distinct clubhouses.

The Hearing Examiner questioned if the use of those open areas would cause them problems with complying with their open space requirement. Mr. Quattrone responded they had allowed enough open space area for that.

At Mr. Markgraf's request, Mr. Quattrone explained that the landscaping requirement along Unice Avenue North was a type "D" buffer, which was 15 feet wide and, he believed, required 5 trees per 100 linear feet and a double row hedge. That would run along to the developed portion of the site, excluding the indigenous area he indicated. Staff had also gone one step further and was requiring them to utilize native trees and canopy trees, but no palm trees in the buffer. That was to further conceal the site and camouflage the taller buildings. He indicated that, typically, they tried to use palms on a commercial site to allow some visibility of the buildings. The goal here, however, was to actually camouflage those buildings.

The Hearing Examiner wanted to know if there would be a berm, and he indicated there would not be a berm. Although it was not required by the LDC, it might be something that they added later in the final landscaping plan. However, it was not required now.

Mr. Markgraf added that he thought there was an easement and then the buffer, so the full "buffer" would be wider than 15 feet. Mr. Quattrone explained that the buildings were located along the side and the building setback was set at 25 feet. therefore, some of the patios might encroach into that 25-foot setback, but the buffer would actually be greater than 25 feet, based on the final design. That 25 feet included the minimum 15-foot-wide buffer.

The Hearing Examiner noted that the section of Unice Avenue North was a 2-laned roadway, and questioned if there were any plans for that to be improved to something wider. Mr. Quattrone said there were no such plans, but that Sunniland Boulevard was the collector road and would probably be the access from Lee Boulevard to it. Neither roadway was not on any County plans for improvements.

She asked that he should her where Sunniland Boulevard came in to the property. He referred to the aerial and showed her where Lee Boulevard was, and where Sunniland Boulevard curved around. He stated that Unice Avenue North was only a short section that, basically, ran through an area and then cut across a canal to become a different road. That road had been recently renamed to something other than "Homestead". Sunniland Boulevard would turn from Lee Boulevard and then there were three separate roads that would go into the project site.

Mr. Richard Pringle introduced himself as an attorney, noting that he was present on behalf of the Applicant. He was going last to ensure that everything that was needed was on the record. Mr. Quattrone had explained the project and Mr. Pringle wanted to make sure that the record reflected that the Applicant was agreeing to the Conditions proposed by County Staff. There was only one deviation request, and it was also acceptable, as conditioned by Staff.

He also wanted to make sure the record reflected Staff's Recommendation, Findings and Conclusions, and that Staff was recommending approval of the RPD rezoning request. They determined that the Applicant had proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and the other applicable codes

and regulations; and that the requested zoning, as conditioned, met or exceeded all the standards, was consistent with the densities and general uses set forth in the Lee Plan, and would not adversely affect environmentally critical areas or natural resources.

Mr. Quattrone had not mentioned it specifically, but had referenced the separate application for the Bonus Density request - that request was designated Case #REZ2005-00004. The Staff's Findings, in that case, was that the Bonus Density request was consistent with the criteria contained in Section 34-1516(c), and that the request should be granted. Staff's recommendation was for approval of the additional 253 dwelling units.

Mr. Pringle wanted to make one other point for the record. Because of some conversations they had, and in anticipation of some possible comments that might come from the public, he wanted to address their provision of sanitary sewer service. There would not be septic tanks; they would be providing sanitary sewer service. There was quite a bit of discussion with Lee County and FGUA relating to which would provide the services in that area, and discussion about Lee County taking over the service provision in that area. Currently, FGUA was still providing that service, so they had dealt with FGUA, which has recently expanded their service boundaries to include the subject property. So, at the appropriate time, the subject property would be serviced by FGUA since it was within its boundary limits.

Even though the final capacity letter was not ripe to be issued at this time, they had received correspondence from FGUA, which indicated that FGUA stood ready to serve this parcel upon acceptance of the contract with FGUA by the developer. They were in the process of finishing the negotiations of those contract terms. FGUA has the capacity to serve this project and is ready to do so, once the final contract, between FGUA and the developer, was signed.

On a final note regarding sanitary sewer services for this project, Mr. Pringle wanted to remind everyone that they were at the rezoning stage of this project. The provision of sewer service, as set out in the Staff Report, was a condition of the development order, and they were not at that review stage yet. So they would have further discussions with Lee County and FGUA, and were confident that, once the development order is applied for, they will have all the necessary capacity letters and a signed contract with FGUA.

Mr. Pringle wanted all of that on the record, because he understood there were some public concerns about that matter. The essence of it was that he had addressed it today, but, technically speaking, it was not a relevant topic for this rezoning hearing, as it would be addressed at the development order stage, not the rezoning stage.

The Hearing Examiner indicated that she had received a copy of a draft contract, dated January 6, 2006, from the Assistant County Attorney, and wanted to know if Mr. Pringle had reviewed that document. He stated that he had just seen that about 30 minutes before the hearing and had not had an opportunity to really review it. The Hearing Examiner advised that part of her Recommendation to the BOCC would be whether to approve the Bonus Density request and the contract, so she would need comments from him if he had any. She was amenable to leaving the record open for him to make a post-hearing submittal, if he had some disagreement with the contents of that contract. She could not recommend to the BOCC that they sign something that the parties were not all happy with. Mr. Pringle said he greatly appreciated the opportunity to present those statements to her. He had spoken to the Assistant County Attorney, just briefly before the hearing and talked about the fact that they

did need to review the terms of that contract and make sure they had it all finalized. He assured her that they would get that to her.

Mr. Pringle confirmed that the Applicant agreed with the conditions that were recommended in the DCI rezoning case and the REZ bonus density case. He agreed that all of the conditions were acceptable and they intended to carry them out. There were no further questions for Mr. Pringle at that time.

The Hearing Examiner called for Staff to begin their presentation. Mr. Philpott introduced himself and noted that his resume was on file with the Hearing Examiner's Office, and that he had previously been accepted as an expert witness. He asked to be accepted again as an expert witness in planning and zoning. After hearing no objections from the Applicant, he was accepted as such by the Hearing Examiner.

Mr. Philpott described the subject property as being 59.39 acres, located on the north side of Unice Avenue North, currently zoned Agricultural (AG-2) and in the Urban Community land use category. North of the subject property was Harns Marsh, designated Conservation in the Lee Plan, and currently zoned AG-2. He referred to it on the aerial photograph, dated 2005. Just to the west of Harns Marsh was a large parcel zoned AG-2 as well. West of the subject property was the Buckingham Airport facility. It was in the Public Facilities Future Land Use category and was zoned Community Facilities 3 (CF-3). The southerly portion of that property actually had residential zoning. Across Unice Avenue North, along the eastern portion of the subject property, was a large RS-1 platted area of Lehigh. Closer to the airfield was more residential zoning (RM-2), one of the most intense multi-family zoning categories in the Land Development Code.

It could be seen from the MCP that the townhouse units were depicted on the eastern portion of the subject property. The southeast area was a large 17-acre indigenous preservation area. The eastern portion of the property would be the multi-family buildings; seven of which were indicated as 3-story buildings. A note attached to those buildings limited them to no more than three stories. The rest of the development would be two stories or less.

As Mr. Quattrone had stated earlier, because of the location of the subject property and the old airfield, a 50:1 glide slope had to be maintained. That meant, that for every horizontal 50-foot distance, structures were allowed to go up (vertical) 1-foot. The Applicant had provided those measurements on the MCP, out to the area of the maximum height they were requesting. Mr. Philpott pointed out where the 45-foot height would be.

Mr. Philpott noted that the Applicant had requested a deviation from Section 10-296 of the LDC, which required a cul-de-sac at the end of dead-end streets. Staff had recommended approval of the deviation with the condition that approval from the Tice Fire District must be submitted at the time of development order review.

Mr. Philpott explained that Matt Noble would provide further information on many of the details. Based on the Staff Report and the information provided in the Staff Report, Staff had recommended approval, with conditions. The Applicant had already indicated they were in agreement with the conditions. Staff found that the proposed development was compatible with the surrounding area and consistent with the Lee Plan.

The Hearing Examiner asked Mr. Philpott to point out the RM-2 zoned property. He pointed out that it was southeast of the airfield. On the aerial exhibit, it was polygonal in shape and

was labeled "RM-2." It extended along the tarmac up to Sunniland Boulevard with one small portion extending to Unice Avenue North. The Hearing Examiner commented that, even though that was zoned RM-2, given its proximity to the airport and so forth, the height would be greatly restricted, and asked if Staff agreed. Mr. Philpott agreed to a degree, noting that he was not an expert in aviation. He pointed out that the cone that restricted glide slope was established for a certain distance/degree off the center line of the runway. As noted earlier, it required a 50:1 ratio, and the lands within the area would probably be severely restricted. Other lands, not covered by that cone, would be allowed taller structures.

He believed that they stated that section of the LDC that restricted the glide slope and that would probably be more detailed. The Hearing Examiner surmised that, by restricting the height in the major area to the northeast, would also restrict the intensity of the use on the RM-2 parcel. He responded that, obviously, height was always an issue with density and intensity, so duplexes were mostly what would be constructed in that area, given the density and lot size. He believed that the current height restriction was 35 feet in the RM-2 area outside the glide slope cone. He advised that his presentation was completed, and that he was available for cross examination.

At that point, Matt Noble, with the Lee County Division of Planning, introduced himself, advising that he has been previously accepted as an expert witness in planning and zoning and wished to be accepted as such for this hearing. After hearing no objections from the Applicant, Mr. Noble was accepted as such by the Hearing Examiner.

His presentation was going to cover the Bonus Density Program, and he indicated that it was set up to help foster affordable housing in Lee County. Several methodologies were created in the inception of this program, and the Applicant was pursuing one of the options inserted into the LDC. The Applicant was not proposing to do affordable housing on the site, but make a payment into the the County's affordable housing trust fund to provide affordable housing elsewhere in the County.

About a year ago, Staff approached the BOCC about raising the Bonus Density fee, which, at that time, was \$2,000.00 per bonus unit. Today, the fee was \$11,429.00 per bonus unit, and that was the figure that would be applied to each bonus unit in this case. That equated to almost \$2.9 million referenced by Mr. Markgraf in his presentation. Staff also wanted to put into the record, that this recommendation was not simply about the money; Staff always reviews these projects separately from that enticement. They reviewed whether the overall project worked on the site, the design of the project, the context of the project, and the area in which it was being proposed. Those were the central issues in the review of Bonus Density and whether it met the criteria as set out in the LDC and was consistent with all applicable state and federal regulations, and the Lee Plan.

Mr. Noble explained that Staff did find that the project was consistent with the Lee Plan. The subject site was in the Urban Community land use category, which had a standard density of up to six units per acre, with the ability to get up to ten units per acre through bonus density provisions. It was one of the provisions that a developer could seek through the LDC. As had been mentioned in the hearing, it was a collaborative effort. They did have some neighborhood input. He didn't see any of the neighboring property owners at the hearing, but knew that a lot of discussions took place over the last few months about the project.

He wanted to discuss the locations of the indigenous preserves, which were depicted on the Applicant's MCP. Tract A was a scrubby oak area that Staff recognized in the review of the

project. It had some value and they thought that it should be preserved. It provided a break in the urban development adjacent to the school and provided some buffering of the project for some of the single family homes. On the south side was Unice Avenue North.

Staff had also worked with the Applicant to assure that the project itself would interface well with the single family neighborhood. Buildings were limited along Unice Avenue North to two habitable stories. An expanded buffer, including canopy trees and hedges, would be put in front of those buildings to soften the impact, even though the single family homes to the south of Unice Avenue North could be two stories in height. So they felt that the heights would be very compatible with anything that could be developed south of the road. The buffer would also help conceal the potential three habitable story buildings in the more central portion of the site. Also, there would be three internal canopy trees. All of that landscaping should help to soften the visual impact to the neighbors to the south.

Mr. Noble explained Mr. Quattrone had incorporated a couple of small indigenous areas into the site design, and Staff was very supportive of those as internal relief. He pointed out an indigenous area, on the aerial, that was about one third of an acre, noting that it captured some of the existing oak trees. Another indigenous area he wanted to touch on, was in the northwestern portion of the site. It abutted the lands to the north that were vacant and zoned AG-2, but were located within the Buckingham Rural Community Preserve. That preserve area helped in the "step down" of uses to the preserve land. Two buildings were shown adjacent to that preserve, and they could only be two stories in height.

The Hearing Examiner wanted to know where the preserve actually ended and if it was marked on the aerial. It wasn't marked, but Mr. Noble explained that it went to the property line. She commented that it covered, essentially, the northwest third of the site, and asked for an explanation of the land type to the east of that preserve. Mr. Noble responded that it was Harns Marsh, which showed up in the Conservation Land Use designation, even though it was really part of the "working landscape." He didn't want anyone going away thinking that it was straight out a conservation area; it really was not. It was an area for surface water detention and retention, and was one of the main outfalls for Lehigh Acres. It was really a surface water management area with some conservation attributes. The Hearing Examiner wanted to know if it was wet year round or just seasonally, to which he stated that the water levels within the marsh fluctuated.

Those were some of the basic good planning principles applied to this request. He reiterated that the potential 3-story buildings will be internalized, the single-family uses will be buffered from the off-site uses, and the development will provide such amenities as a sidewalk along Unice Avenue North and Eunice Avenue. The sidewalk would allow any children from the project to walk alongside Unice Avenue North to, at least, the nearby school property, instead of having to walk in the roadway. The Hearing Examiner wondered if Staff was going to require the Applicant to provide a bridge over the ditch/canal that separated the subject property from the school property. She was advised that they had not required the Applicant to do that, but it was something that would have to be reviewed as this request went forward.

Mr. Noble then turned his attention to the transportation aspects of the case, acknowledging that a Traffic Impact Study (TIS) had been submitted and reviewed by the County Staff. The TIS was found to be acceptable. Staff went one step further in the traffic review of the Bonus Density request; they reviewed the surrounding local roads, which typically was not done, particularly with any degree of certainty, because of traffic count issues and the lack of data. However, the Lee County Department of Transportation (LDCOT) Staff did view all of the

surrounding local roads, including the intersections. They declared that the project would not cause any of those local roads or intersections to fail. They recognized that the project was able to access many collector and arterial roads in a relatively short distance from the entrance to the subject property.

Mr. Noble pointed out that Sunniland Boulevard was a major collector, which connected to the arterial road, Lee Boulevard. There was a short block from the subject site to Sunniland Boulevard. There was also a cut-through route used by many of the locals to gain access over to Buckingham Road. In the future there might be additional access in that direction, with the Luckett Road Extension, but that was a future access issue.

The property was also relatively close, through local roads, to Sunshine Boulevard. He pointed out a bridge and noted a local road that gave access to Sunshine Boulevard. LCDOT was currently talking about the 2030 Financially Feasible Plan, in which the extension of Sunshine Boulevard to State Road 80 was being considered. In the future, it would even better as far as a wider ability to distribute traffic.

The Hearing Examiner noted that it would have to go on one side, or the other, of the Hickey Creek Mitigation Bank, and he agreed there were all kinds of issues as far as specific locations for the extension. That extension would be determined through the PD&E process, and it would probably be 2020 to 2030 before that would happen.

Mr. Noble referred to a zoning/land use map, which was based on the Department of Revenue coding, and wanted it known that Staff knew that some of the notations were wrong. He pointed out several lots that were in "tax default", based on the December 2003 data. The County's departments were currently updating it through the efforts of the Lehigh community. Nevertheless, the current map was the best available. He wanted to make several points about the map. First, the functional classification of the surrounding roadways was accurate as depicted. Sunniland Boulevard was the major collector. Another east/west major collector was 12th Street West, which provided access to Gunnery Road, another main north-south transportation network.

The Hearing Examiner wanted to know the purpose of the white areas on the exhibit in the area near the subject property. He explained that those areas were not part of Lehigh Acres; they were in the Buckingham Rural Community Preserve, or were in the Harns Marsh conservation area.

The point Mr. Noble was trying to make was that they had given a lot of thought to the request, and had taken care with "stepping down" the uses to Buckingham Road, through the indigneous area and the 2-story buildings, which were also set a little further back from the perimeters. There was about a 200-foot-wide wide berm maintenance area before the Harns Marsh began, which added to the ultimate setbacks of the buildings. That circumstance could change, but, currently, the Marsh was approximately 200 feet north of the actual property boundary.

The nature of Lehigh Acres could be ascertained from the exhibit, which displayed the amount of residential and single-family residential lots in the community. He referred to another board exhibit, which was created with December 2003 data, noting that the would be using it for general information. The general zoning pattern in 2003 could be seen; there was single-family zoning and multi-family zoning. Most of the multi-family area was developing

with duplexes; not the more intense multi-family structures. An important point was that the opportunity for townhouse and multi-family development in Lehigh Acres was very limited.

The Hearing Examiner commented that, on that map, the subject property was shown as part of Buckingham. Mr. Noble clarified that the map was just depicting the AG-2 zoning for the subject property.

He explained that the Lee Plan spoke to gross residential density, and, in the past, there had been internal discussion as to what that provision meant. Those discussions centered on the amount of right-of-way that could be included in applications for rezonings, and he referred to an LDC section that dealt with existing development and lots. In section 34-1493(2)(c)(1)ii, it was clear how those should be treated. He read into the record "The parcel area must be calculated as the area of the lot in question plus one half of any abutting right-of-way or easement." The Hearing Examiner pointed out that it was referring to a lot; the subject property was not a lot, it was acreage. Mr. Noble acknowledged that was correct, although it did talk about existing developments and lots.

The Hearing Examiner reiterated that it was not an existing development, but was vacant land, which was exactly why she found this to be puzzling. Mr. Noble said that was the internal discussion that Staff had, back in Robert Gurnham's time frame, when he maintained the Code. It was always Staff's interpretation that a new development was included in that provision, since it covered existing development and existing lots.

The Hearing Examiner said she could understand adding it to a lot, because, generally, it was a smaller area, but asked him to explain Staff's thinking in acreage situations, particularly when the abutting road is a public road, not a private one. Mr. Noble explained his understanding was that the initial thought was that the roads came from somewhere; that, ultimately, a lot of the public roads came from private property and were dedicated through development processes. Over time that thought had been refined. Originally, the planning department held that only up to 30 feet (from the adjacent roadway) could be included, because they were only willing to give credit for local roads then. That concept changed when the Zoning Staff brought this LDC provision to Planning Staff's attention. He believed that interpretation has been in effect since the mid-1990s. Zoning and Planning got together and agreed that from that point forward it would be any right-of-way, just like for the existing developments or a lot.

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The Hearing Examiner wanted to know if that interpretation in that enlarged parcel increased the intensity of the use on the property or the density of the residential development. He agreed that it did, but they felt that it was consistent with the notion in the Plan of gross residential density. She remembered this in conjunction with single lots and with private right-of-ways and roadways, but did not remember it being brought out using public roadways. He recalled that it had come up with the multi-family structure near the Sanibel Causeway. It wasn't a thought that had changed from Staff; the only change had been the movement away from capping it at a 60-foot-wide right-of-way. Staff had always allowed abutting right-of-ways to be included. Some Applicants had included it through their application processes, and some had ignored it.

He asserted that there had been hundreds of cases approved that had included half of the abutting right-of-way and some of them had included the Summerlin Road right-of-way and it was very wide. The Hearing Examiner wanted to know Staff's interpretation of Section 34-1492, which defined gross residential acreage and did not include half of the abutting right-of-

way, but said, "should include the proposed streets and rights-of-way internal". So she thought Staff was giving them a little bonus. Mr. Noble said that the thought in the mid-1990s was that it was really an equity issue. Someone with an existing RM-2 zoned lot could claim one half of the abutting right-of-way, yet a vacant piece of ground didn't have that same ability. In the end, Staff agreed with it.

The Hearing Examiner noted it seemed to be a matter of equal protection, and he stated that it was fair to everyone across the field. The Hearing Examiner indicated that she wasn't sure that it was fair to the public. Mr. Noble thought that principle went to the root of gross density, asserting that it was not a net density calculation. Everything in the Codes was based on gross density. She understood that, and that was why it surprised her when she read this, because the definition of gross density does not include that "principle." When she couldn't find a definition or anything anywhere, she thought she had overlooked something. Mr. Noble said she was right about the definition, but, reading Sections 34-1492 and 34-1493 together, Staff reached the interpretation to apply that principle as standard operating procedure. That was not to say that it would not be revisited. He heard at one Board hearing that it might be revisited, but it had not been.

Mr. Margraft stated that they had a similar project where there were two RM-2 properties on either side of a road, and they were vacating the road between them to create one large project. Through the typical vacation process, one half of the right-of-way goes to the adjacent owners on either side of the right-of-way. So, in that particular situation, when they vacate the road, the ownership of that road would go to the adjacent RM-2 owners and was clearly part of the calculation. Perhaps that was some of the rationale that, if vacating a road, one half of the road right-of-way would go to the adjacent owners. Mr. Noble said that was part of the discussion. She understood that situation in which a road was vacated. She was familiar with it on a private street, but they were referring to vacating a public street. Mr. Noble explained that he had been involved in public road right-of-way vacation and, sometimes, it was not half and half; it all depended on where the fee-simple originated when the road was created.

She thought this interpretation did not meet the "letter of the law" because of the definitions written in the LDC. Staff had modified the interpretation and application of the provisions but had not modified them in the LDC. He agreed. She thought they might need to investigate that, and he agreed that it would have been best for everyone to have codified it in the LDC and Section 34-1492 changed accordingly. He thought maybe they should do that at this point. The Hearing Examiner thought that, since this matter has come up now, she wanted it understood that a clear reading of the provisions did not give the Applicant one-half of the right-of-way. That was why she brought it up. She addressed the Assistant County Attorney and said that they might want to look at it and figure out what they would do with it.

Mr. Noble noted the lengthy discussion in the Staff Report regarding their determination of the eligibility of the project for the Bonus Density Program, pointing out that it was consistent with all of the LDC review criteria, which were also set out in the Staff Report.

Policy 5.1.5 seeks to protect emerging and existing residential areas. He thought, with the design of the project, she could be assured that the project would be consistent with the single-family and duplex neighborhood to the south/southwest of the subject site. One point he didn't mention was that there was a large separation between these buildings and the single-family units on the south side of Unice Avenue North. There was the road right-of-way, which was quite large, and the building setbacks required on the RS-1 zoned lots and RM-2

zoned lots on the south side, as well as the building setbacks of this project and the buffer. This distance came up to 250 feet, in his recollection, from building wall to building wall. Staff found that to be a relatively large building separation compared to many projects they have dealt with.

The project also dealt with its specific locational attributes, i.e., it was located near the Mosquito Control Airport. Staff's conditions would simply require that the Applicant continue to maintain those measurements on the Master Concept Plan (MCP) to aid in the review at development order stage and to assure that the project would still be consistent with that provision in the LDC. Then, they wouldn't have any issue with Mosquito Control, as Mosquito Control accepted that and was in favor of the project as long as its flights are respected.

Mr. Noble added that the project was also consistent with the amount of development that the County envisioned in Lehigh Acres out to the year 2020. It was consistent with the acreage allocation table, Table 1B of the Lee Plan, as well as the Planning Communities Map, as there were thousands of acres in Lehigh that has not been used for residential development. This project was less than 60 acres. The report indicated that there was almost 5,600 acres of unused residential allocation at the moment, so there was no issue there.

Staff was aware of the commercial needs of Lehigh Acres, and had talked with the Applicant about providing commercial uses on the site. However, its location was really against there being any commercial uses there. The neighborhood was relatively undeveloped to the south and southwest, and this property was toward the rear of the neighborhood. There would not be great visibility of the site from many arterial roads. There would be some minor visibility from a major collector road, but they didn't feel that, as far as locational attributes were concerned, the site really represented a good opportunity to provide commercial uses. That was not to say that, in the future, the project could not be amended to provide some neighborhood amenity, but they thought it was marginal at best.

As had been mentioned, the project would have to connect to utilities. Mr. Noble explained that the project was within the Lee County franchise area, but not within the Lee County service area. The Applicant has petitioned FGUA to put it into their franchise and service areas, and he was not sure what the status of that request was at this time. He thought Mr. Pringle could discuss that, if there were questions. He wanted to make the point that it was somewhat irrelevant at this stage of review. Mr. Pringle had mentioned that the service would have to be assured at the development order stage, whether it was Lee County or FGUA. Whichever it was, the project would have to be connected to those services in order to be built.

There was some doubt as to who would actually be the service provider. Given the speed of the acquisition, Staff didn't know whether the "political will" would be there for Lee County to actually acquire it. There were some expansion plans by FGUA, however, our utility people weren't sure those expansion plans would be satisfactory. All of that would have to be ironed out, because the project could not be built without those services being provided.

Mr. Noble also mentioned that Lee County was looking to acquire the Sunniland (aka Gulf Coast Center) site, a relatively large site on Buckingham Road. The County was seeking to acquire the whole site for a variety of uses, one of which would be for a new wastewater treatment plant and a water treatment plant. If that happened, the County would, then, have the ability to provide infrastructure and services from that site to the subject site. That might also happen if FGUA was acquired by the County. It might be one of the expansion areas to accommodate future development in an FGUA service area. All of that was kind up in the

air at the moment with the political process and, perhaps, over the next year, it would gel a little more. The rezoning and Bonus Density were conditioned to assure that those services would be there.

There was a condition, in the approval, related to solid waste, which was requested by the Solid Waste Staff. That Staff wanted the project to demonstrate the ability to accommodate the necessary dumpsters or curbside service, before the developer gets a development order. He didn't think anyone had any particular issue with that, even though it wasn't a standard condition. Rather late in the review, he brought up the matter that specific dumpster locations hadn't been dealt with. He believed that the plan itself had enough flexibility that he didn't see it as an issue. There were multiple areas that the dumpsters could be placed. The town house part of the development might actually achieve curbside service, so it would be moot on that side of the development.

Lee County EMS reviewed the Bonus Density proposal and indicated no particular problems with it, as long as their budgets continued to reflect the growth. They, also, had no problem accommodating the project with emergency medical services. He had received no particular comments from the fire district.

Regarding transportation, Mr. Noble said Staff and the Applicant actually took a more detailed look at the local road network around the subject property. There were some comments in the Staff Report, generally in favor of mass transit. Staff was seeking additional sidewalks in the area, which he thought was a little larger issue.

Lastly, even though the project was asking to provide the contribution, in lieu of providing affordable housing on the site, he thought it could be seen through the exhibits, displayed by Staff, that the project did satisfy a market niche in Lehigh Acres that was not readily available. They saw two benefits from the project. The first was a cash contribution that could be used to provide affordable housing in other locations. Secondly, the development was providing a dwelling unit type that wasn't common to Lehigh Acres. They found the project consistent with Goal 135, thereby meeting the housing needs of the community.

Mr. Pringle came forward. Referring back to Mr. Noble's discussion on project density, and that lengthy discussion on the inclusion of the roadway. He wanted Mr. Noble to clarify, for the record, that the inclusion of the road right-of-way did have an impact on this project. It added about 3.7 acres to the site, which resulted in about 37 units. He wanted to clarify that Mr. Noble had treated this project the same as he had treated other similarly factually situated projects, and Mr. Noble verified that there had been hundreds of other projects for Bonus Density. Mr. Pringle wanted to make sure Mr. Noble had come to the same conclusions on the other projects, and were treating this project the same way as the other projects - neither differently nor better than the other projects. Mr. Pringle wanted to establish for the record that their request and review was consistent with what had happened with other projects.

Mr. Noble had indicated a 250-foot separation between buildings from their project site to the residential area across the way, but the actual separation was 150 feet. He pointed out that figure was set out in the Staff Report, which was based on the 100-foot-right-of-way and the 25-foot building setbacks on each property.

Mr. Pringle mentioned the discussion about the project and the school, noting that, at one point, they did show a proposed connection between the school. However, they were no longer sure that the school was truly in favor of that connection. They still wanted to have

that connection, but did not want it to be a condition of the zoning, just in case the school refuses it. Mr. Noble indicated that he could testify to that matter, as he has had conversations with the School Board's planners, and Mr. Pringle's statements were correct. The School Board was not at all supportive of that connection. He thought their position flew in the face of logic and reasonableness, but that is where they have ended up. He hoped the public would take up the matter and get something done about it. Mr. Pringle reiterated that his client was open to making that connection; it just wasn't something that they thought the school wanted.

The school was the other reason that they were not putting retail uses on the site. Frankly, the school didn't want it nor did Staff, as some of the uses could be a gathering point or a point of problems for the safety of the children, as well as other issues. So, they were all glad to take that off of the table. The matter of a connecting bridge was also related to security issues for the school, which Mr. Noble advised were such security and operational issues as who would unlock the gates, if the School Board or the Applicant wanted it gated.

Then there were issues with the surface water management system, as well as a variety of other issues that had been brought up. The Hearing Examiner stated that those were things she had not thought of; her thoughts were that it would be so much easier for everyone from the development to go straight across the bridge and be at school. At her question, Staff described the canal as "dry" for the most part.

Then Kim Trebatoski, Principal Environmental Planner, with the Division of Environmental Sciences, introduced herself, noting that she planned to give some quick statements regarding the open space on the property. She was surprised no one had mentioned that this site was part of the historic Buckingham training facilities for the armed services. As such, it had been pretty much cleared at some point in time. On the site visit, she saw some of the old concrete that had been the runway or a work area. The native vegetation on the site was really regrowth. There had been a lot of reference to areas as indigenous, and there were native trees with some indigenous understory coming back, but the site was disturbed in many senses. The palmetto prairie in the upper northeast quadrant was really the closest to true, complete indigenous plant community, but it was overgrown with palmettos, so there wasn't a lot of diversity in the plants in that area. No listed species were found on the site.

In evaluating the natural features that were of significance and could be best integrated into the project and have the greatest benefit to the public and the project, one plan had the entire palmetto prairie as preserve. Staff asked the Applicant to redesign the plan to incorporate some of the areas with the large live oaks. Those areas were more usable open space for the human inhabitants and it also provided park-like settings to break up some of the urban development.

Harns Marsh is a good example of a green infrastructure. It was a rectangular marsh system created by man as part of the overall water management system. It was a good example of how utilizing that type of green infrastructure did naturalize over time. It held a lot of natural value, but they did not give it the same weight as a naturally existing marsh system, or the kind of protection, i.e., setbacks, etc., that are given to a naturally existing system. It was really more an actively managed green infrastructure.

In the redesign of the project, the Applicant was able to incorporate some of the larger treed areas. At the time of local development order, they would now be required to have indigenous management plans for the preserve areas. These were some of the things she

wanted to let people know about. Further, a preserve designation does not mean that the area cannot be used for passive recreation and such. The oak areas actually lend themselves very well to the management plans to retard the growth of weeds. Trails can also be put in the preserve areas; in fact, they had thought, at one point, about putting in a meandering sidewalk so the children wouldn't have to walk along the road right-of-way. The three oak areas would also be good for parks with playgrounds and picnic tables, and Staff had found that, over time, those preserve areas were better managed because the residents were using them.

There were some fairly large trees that helped break up the urban environment. The Hearing Examiner wondered if that meant the residents could install BBQ grills. Ms. Trebatoski explained that, in this situation, since it was a complete plant community and there were not listed species on the site, small BBQ grills would be appropriate as long as no trees were removed. They wouldn't be allowed in a complete plant community being managed for gopher tortoises, but they didn't have any listed species using the areas. It was probably used by migrating song birds, which were attracted to the oaks, and some squirrels. She reiterated that it was disturbed land, with the potential for mowing and managing so it would not become overgrown and hinder the development instead of being an asset to the area. That was why there would be impacts to the palmetto prairie and the preservation of the tree areas. Instead of one large preserve, they had pocket preserves that will actually lend themselves to a good quality design for use by the community.

Mr. Noble wanted to know if the open spaces depicted on the MCP satisfied the LDC minimum requirements, and Ms. Trebatoski pointed out that the Applicant had committed to meeting the minimum. It was her understanding that their indigenous preserves did meet the requirements, and the other open space would be verified at the time of local development order for preciseness. Just glancing at the MCP, she felt there should not be any issues with open space; it actually looked like quite a bit of useful open space.

With the completion of the Staff's presentation, the Hearing Examiner opened the hearing to public comment. Carol Stewart, of Unice Avenue North/Homestead Road, wanted to know approximately how many people would be living in the development. She also noticed that they had been speaking about all of the roadways the development would be utilizing, but there was nothing on the west side. Everything was to the east, which would bring traffic down 25th Street West to Sunshine to Lee Boulevard, where there was a light. Stores, pharmacies, and the hospital were on that east side. The only thing down Gunnery Boulevard and 12th Street was the library and the high school. No one had brought up that matter, though.

Ms. Stewart thought the link from Sunniland to Lee Boulevard was very dangerous, as there was no traffic light. At the Hearing Examiner's request, Ms. Stewart indicated that she lived right across the street from the proposed development. She noted that there was no sidewalk out there now, and there was a "little bit" of a canal there. She didn't really see anybody walking around the roadways right now. She reiterated her question about the number of people anticipated to reside in the development, because she believed it would cause a lot of traffic.

The Hearing Examiner asked Mr. Quattrone to answer that question, and he explained that the typical density was generally 2.5 people per unit, so it would be about 1,200 to 1,500 people as an average.

Ms. Stewart then questioned the size of the units, to which he responded that the plans had not been prepared as yet. They thought the units would be the typical 3-bedroom plan. She reiterated that would be a lot of people. The Hearing Examiner wondered if he was referring to the town homes and the multi-family homes. He restated his understanding that they would have two and three bedroom units, adding that, perhaps, Mr. Markgraf could elaborate on that. Although they had not drawn up those plans, they thought it would be a mix of two and three bedroom units.

Ms. Stewart explained that she lived there with her aunt, Ana Pomaes. She was against the project.

Vernon Allen of 3420 32nd Street West, explained that he lived on the opposite side of the main canal. His back yard overlooked the marsh, then the school was to the west and the proposed project was a little further west of that. His property was across both canals. One of the questions he had concerned using the rights-of-way for the density calculation. He wanted to know if they planned to research the law and find out if it was legal to do that, or if they were just accepting it and it would be approved based on what they did in the past. He wanted to know if it was legal to do that, and Mr. Noble believed it was. The Hearing Examiner explained that he needed to ask the Assistant County Attorney that question, as Mr. Noble couldn't answer as to "legal or illegal". Mr. Noble said he was just explaining the way that Staff had done it, and that it was standard operating procedure. Not every Applicant pursued it, but of those that did, Staff had determined long ago that it was lawful.

Mr. Allen understood that was what the meeting was about, determining whether the thing should go through or should not go through, so that was one of the aspects. Mr. Noble said it was a question of 37 units. Mr. Allen wanted to know if it was being interpreted correctly or not. Ms. Collins explained that, historically, Staff had interpreted in that fashion and that it was a reasonable interpretation. Mr. Allen then referred to the question brought up by the Hearing Examiner, and Ms. Collins answered that the Hearing Examiner had questioned whether it was appropriate in this case, and that it has been uniformly applied in this manner. He thought that still didn't make it right. She went on to explain that, absent a reason to treat this property differently, Staff had included that extra area within the calculation for density. As to whether the requested density was appropriate for the site, that was really a separate issue. It was their wish that they would be allowed to include half of the right-of-way to reach their desired number.

He said it made a big difference; they wanted 631 units. Ms. Collins said they were not entitled to that number, but the Hearing Examiner could determine whether or not that right-of-way was included in their calculation. She indicated that she had reviewed the request, the area, and the available infrastructure, and it was her (Ms. Collins) opinion that only 400 units were appropriate, or some other lesser number, based on what she heard from the public or what else was on the record. The 631 units was the Applicant's aspiration and goal; the question was whether that was consistent with the regulations and compatible with the area.

Mr. Noble interjected that it went that way for every case. Mr. Allen stated he wanted to make a point for the record; he wanted it researched. Ms. Collins told him they had looked at it before. He wanted it addressed again, because it had obviously been brought up as a question. The Hearing Examiner said she would in the course of her discussion for the BOCC, point out that this had been historically interpreted and applied by Staff, but that the

regulations did not specifically give the Staff the right to do it or the Applicants the right to rely on this.

If the BOCC agreed with Staff, then they needed to direct Staff to make the proper changes and appropriate changes to the zoning code. If they disagreed with Staff's interpretation, then they needed to direct Staff to stop making that interpretation. She intended to address this with the BOCC in her discussion. Right now, in a legal reading of the LDC, that was not in there and, consequently, if push came to shove, even though Staff had done this historically and treated everyone uniformly, if a strict reading of this came out that it could not be done, that was what she was going to bring up to the BOCC. They needed to understand that the Staff needed to address the issue in whatever fashion the BOCC felt was appropriate.

Continuing, Mr. Allen said he was against the density of 10 units per acre, primarily because he lived in the immediate area and left for work each morning and returned home each afternoon. He already had a one hour commute time. As had been pointed out, several roads dumped into that, but every road was a "one-road street" leading out of there. Eventually, it came back to one focus point heading toward Fort Myers, as traffic primarily channeled toward Fort Myers. He knew that his travel time would go from one hour to two hours, because of that increase in density.

He noted they kept indicating that it was all duplexes, but 98 percent of the homes in the area were single-family; there were very few duplexes. He knew that because he drove it everyday. Mr. Noble agreed with Mr. Allen, but clarified that the lots were zoned for duplex use. Mr. Allen was correct in saying that the majority of the existing structures were single-family homes, with only a few scattered duplexes. Mr. Allen wanted it on the record because Mr. Noble made it sound like it was a lot of duplexes. The Hearing Examiner said she would check it out when she went out there.

He was also concerned about the sewage situation, because, presently, when there was runoff, treated sewage was being dumped into the canals. He knew they were talking about building facilities to handle this extra load, but they weren't built yet. He wanted things in place, so they were assured they could handle them, before projects like this were approved. Then they could consider building them, not after the fact. They kept indicating they would build the project and hide it with trees, so the neighborhood would not be as aware of the density. Obviously, the developer was aware that it was a residential community out there, and their project would have an impact on changing that residential community. Otherwise, they wouldn't be so concerned about trying to have a buffer or trees to hide it.

Mr. Allen said he moved out there under good faith that the area was a single-family community. That was what he expected it to be. He knew the developer kept saying that this was not about the money, but he thought money was an issue.

It had been indicated earlier that the density was presently at six units per acre, he understood it was four and that they were going from four to 10, not from six to 10. Mr. Noble testified that the land use category that was existing on the subject site, the urban community, allowed up to six units per acre as standard density. Then, there was an increment up to 10 units per acre that could be sought through the Bonus Density program, a variety of mechanisms that the County had for allowing greater density.

Mr. Allen said that everything he had checked came up to four units per acre, but allowed that he could be wrong. Mr. Noble agreed with him on that point also. He thought that, in some locations, it was generally lower than four units per acre. Ms. Collins stated that he might be referring to the actual density on the ground. Mr. Noble agreed that four units per acre was a safe generalized assumption, but Mr. Allen reiterated that was all he had found. Mr. Noble said his assumption was the density was changeable as to how many of those duplex lots were actually developed with duplexes versus the number of single-family homes. Either unit type was allowed under the zoning in place.

There were single family homes adjacent to duplexes. It was a guess as to how many of the lots were actually developed with each particular unit type. Given the platting out there, it was a safe assumption that it was in the neighborhood of about four units per acre south of Unice Avenue North. Mr. Allen wanted to point out that they were talking about a larger increase than two more units per acre, with that amount of acreage. There were no traffic plans anywhere in the near future to change any roadways out there. He didn't think it was fair to add the number of people and amount of traffic on the existing community. He knew they wanted to build the project and they had money to make from it, but it wasn't fair to the people who lived there. He thought, if the Applicant or Staff lived out there, their opinions would be very different, too.

Mr. Noble inquired what Mr. Allen wanted the property to be used for, to which Mr. Allen responded that he wanted it to say the same as it was - single-family dwelling units. That was what he expected and what he would like to see. The two schools going in there have already caused a drastic increase in traffic, and he thought that was enough for the people in that area to take. Adding this to the community, in addition to the schools, was wrong and definitely too much. He was against the project.

Richard Gristchuk was a property owner who lived in Michigan; nevertheless he was definitely against the project. He had purchased his property more than thirty years ago, with assurances from the Lehigh Corporation that it would be a residential project. He contended that, in fact, there was some agreement between the State of Florida and the State of Michigan that said it could only be a residential community, and that they could only purchase in that section. He didn't know if that law still existed, but that was why he has flown down from Michigan to address this request. He heard that there were 5,600 acres available in the County. Mr. Noble clarified that there were 5,600 acres, designated for Urban Community land use in the Lehigh Acres Planning Community, that were eligible to be developed prior to the year 2020. The Hearing Examiner further clarified that it was for residential use. In other words, there was 5,600 acres, of residential lots.

Mr. Gristchuk said there was a significant area out there that could be developed, instead of this parcel, which was platted for residential use. He pointed out the lot that he owned, noting that it was vacant, but he and his wife plan to retire from Michigan in three or four years. They will then build a house on their property. The Hearing Examiner noted he had written the parcel ID for his Lehigh property.

Mr. Gristchuk was against the density. He heard mention of the possibility of patios being extended into the buffer zone. The Hearing Examiner noted that Mr. Quattrone might have said something about encroaching, but that wouldn't be allowed. Mr. Quattrone said he was saying that there was a 25-foot building setback requirement and within that 25-foot building setback, there was a 15-foot buffer. The patios could extend out into the building setback but could not extend into a buffer - that was about a 10-foot difference. The Hearing Examiner

noted that was as long as the patios did not have any upright structures and were flat concrete. Mr. Quattrone added there could not be second floor extensions and that no extensions would extend into the buffer. The Hearing Examiner restated that it would be a whole buffer, undivided by patios.

She wanted to know if Mr. Gristchuk would be happier with a berm in that buffer. He said he would be happy with residential. She explained it would be residential; it was just a different kind of residential use. He saw no plans for a commercial construction zone entrance, adding that those heavy construction vehicles will have to come in off of the light roads. He didn't think the roads looked like they were capable of handling day-in and day-out use by cement trucks and so forth, and he wondered who would fix it after the road was destroyed. Would it be Lee County? The developer? The Hearing Examiner stated that was a good question, and she didn't know the answer.

He also mentioned the indigenous zones and the discussion that would allow uses into them. It almost looked like the roadways could extend into them in the future, which would increase the density even more. The Hearing Examiner explained that they would not be able to do that without coming back for hearing. They could not build anything else on the site, other than what was actually approved through this hearing process. If they decided they wanted to change that MCP, and lay the units out differently or put in roads, they would have to come back through and have Staff review it. She would also have to review it, then the BOCC would have to pass on it. It would be open for public comment again, if they changed that plan. Mr. Noble explained that it would even be under higher scrutiny because they would require a plan amendment at that point, in order to have a different land use category.

Ms. Collins noted that if the proposed project was approved as requested, it would be maxed out, based on the land they had. So, if they wanted anything different than that, the Hearing Examiner clarified that they would have to come back through the rezoning process, and several things would have to be done. Ms. Collins said they could encroach into those areas but could not add to the units; they would have to spread out what was already approved. The Hearing Examiner said they couldn't even do that, because that would diminish the open space. Ms. Trebatoski had testified that it met open space now, so they couldn't put buildings up in the open space areas, because then it would be in violation of the County's regulations.

The Hearing Examiner said that, if it was approved as it sat right there, that was exactly what they would have to build without coming back through the process. They could build less than 631 units, just not more.

Jim Fleming then came forward, advising that he is the incoming Chairman of the East County Water Control District. He was also the founding Chairman of the Lehigh Acres Community Planning Corporation (LACPC) and the founding Co-chairman of the Lehigh Acres Community Redevelopment Agency. Obviously, he was an interested party, since he was a neighbor, and a member of the East County Water Control District for the people of the district-owned Harns Marsh, which was immediately to the north. It was interesting to note that their district considered the project a positive thing, even though it was normal to think that the run-off from an impervious surface was a bad thing for water control. The runoff from this proposed project would, in fact, be sending cleaner water into the filtration marsh, which would help to hydrate that marsh year-round. That was a good thing. He was speaking in favor of the project, but he wanted to make some comments on planning and zoning in Lehigh Acres, in general.

He hated to contradict Staff, but he said there were not thousands of acres of farmland in Lehigh Acres that were not being threatened by over development. Every single acre of farmland or Agricultural (AG) lands in Lehigh Acres was somewhere in the pipeline to be rezoned, to multi-family from AG. He knew Staff knew that.

For the record, the proposed project lay outside the study area of the Lehigh Acres Planning Corporation. They couldn't and shouldn't object to it at all. He was here as a member of the East County Water Control District, and, from a water control standpoint, he could tell them that the project will have no adverse impact and, in fact, might have a positive impact on Harn's Marsh. However, he wanted to discuss, in general, planning in Lehigh Acres, since this project was immediately adjacent to that community.

The biggest problem they had in Lehigh Acres was the proliferation of multi-family roof-tops, at the expense of space for public spaces, such as schools, water recharge areas, shopping centers, public facilities and anything they could think of that was other-than commercial or residential. They had a tremendous lack of those things. Less than two percent of the total land area was dedicated to commercial, and most of that was located in inadequate areas that would never be developed as successful commercial. So that was a problem that Staff would have to deal with and wrestle with for a long, long time.

He planned to be back at the podium, in the future, in opposition to a lot of the projects that would be rezoned without commercial components. On this particular project, a commercial component did not make sense; the Applicant was correct in that. Further, the School Board did not think that a commercial component on this property would be a compatible use to the school and he agreed with that. He also agreed that the surrounding area as it was today, would not support the economic viability of a commercial node or component within that project, agreeing with Staff on that matter, too.

Mr. Fleming referenced the argument that the transportation network would be overwhelmed, stating that he didn't live out there, but could appreciate that the people who lived there could see it coming. He didn't know what could be done to mitigate that, however, he could tell them that Staff was correct in saying that, on the 2020 Feasibility Plan, the 19th Avenue extension would give needed relief to Lee Boulevard and be extremely close to this project.

As he saw it, the big issue out there was the provision of water and sewer, which would have to be dealt with by the developers and was really not a subject in this hearing. It would be difficult, because the current capacity did not exist to serve all the residents, which really exacerbated the problem of all of the multi-family homes coming on line all at once. Staff was well aware of the lack of capacity. He didn't know how that provision would happen, but, if it did, he wanted to see the developer at least "put a saddle on that water line" in their bargaining with FGUA or the County, and extend the lines southward for use by the existing homes. He understood that one of the problems they might face in the future would be assessments, noting that they would certainly hate to see the assessments, just because they happened to get water and sewer. It was outside their area. He wanted to see that happen if that was at all possible. He thought that would be a way to mitigate the impact of this project on the single-family residents across the street.

From a planning standpoint, the project met all of the classic planning criteria. In addition, the developer has been very forthcoming with the groups like the LACPC, the East County Water Control District, and the Lehigh Acres Watchdog, and trying to get input from the groups and citizens to make it a better project. The sidewalks, park area, the passive park

in the triangular area, and the park buffering Harns Marsh, were all resulting from conversations with people in the community. They had been good corporate citizens.

By itself, Mr. Fleming thought it was a positive benefit to the community of Lehigh Acres and he certainly had no objection to the project. He just cautioned Staff not to tell people they "could sit on the train tracks because the train wasn't coming," because the train was coming. There would be more and more of these cases coming before the Hearing Examiner. He was pleading with Staff to look very carefully at these rezoning requests in the red zone especially, (the Commercial Land Use overlay), because they simply couldn't continue to add fuel to the fire by adding more and more density to Lehigh Acres. Lehigh Acres was platted with 126,000 individual lots. At build-out, that would be an enormous population, if it was multiplied by the 2.36 that everyone said existed today. It would be a tremendous amount of population, so they couldn't continue to do this over and over again.

He was thankful for the probing questions about Sections 34-1492 and -1493. The interpretations concerned them as well. If they were looking at this as a planning group, they would ask those very same questions, but this was outside the purview of their group. Finally, he wanted to reemphasize that the devil you know is better than the devil you don't know and these people were good cooperative people and there was no way they could be stopped. He couldn't see anything in their plan that did not conform to the land development regulations, and felt it would be very difficult to stop them. So if you can't beat them, join them; work with them. This developer was one of the first that had ever come to the community and asked for their concerns and questions, and he applauded him and his consultants for that. One more caution to the Staff was that they, please, look at the red zone very carefully and remember "the train is coming."

The Hearing Examiner again reminded the public participants to advise her if they had not been sworn.

Robert Anderson was next to speak. He was the President of Lehigh Acres Watchdog Association and has had conversations with County Staff and the developer to come to some understanding of the project. However, he did have some questions. He believed that Lehigh needed more multi-family uses, even though he understood the neighbors' concerns about the amount of development proposed here. His group had been formed to distribute information to the citizens of Lehigh. In looking at this MCP, he believed the homes would be affordable to some of the residents. He advised that he leases a house right now, but that he might be able to afford to purchase one of these homes. That was what he was looking for - affordable homes. In one way, he was in favor of the development. However, he still had to answer to the citizens and he understood the concerns.

He was also very concerned about water and sewer provision to the project. The development was not in the FGUA franchise area; it was in Lee County's franchise area, but not its service area. He knew the developer had petitioned FGUA and Mr. Anderson had been sitting at that board meeting when they agreed to let the developer in. However, the BOCC had to approve such action, under the statutes, and that has not been done. He said if you went into a franchise area, that franchisee must allow you to; Staff couldn't just say it was ok to go in the area. It was actually the BOCC that had to approve it.

He liked the development, but, during development order review, he wasn't sure if they would have water and sewer, as the matter has not been before the BOCC.

Another issue brought up to him was that the development was in Tice Fire District, not the Lehigh Fire District. The Hearing Examiner indicated having read that, but thought it was a misprint. He wondered how a Tice firetruck or ambulance would get to the units. Lehigh had to be entered one way or the other. The closest fire station was Lehigh. The Hearing Examiner wanted to know if he was talking about districts. He was. Mr. Noble confirmed Mr. Anderson's statement. The subject property was outside of the Lehigh district, but was in the Tice Fire District. The developer did exactly what they were supposed to do in contacting the Tice Fire District, but his question was how would they get a Tice firetruck there in a timely manner. He didn't want to stop the development, he thought it was a good development, but there were two issues that needed to be addressed. The Tice Fire District was not in Lehigh and he wondered if this should be reviewed by Lehigh. He thought they might have an inter-local agreement with Tice.

As an example, he explained that the Lehigh Senior Highschool was in the Tice Fire District, but it had an inter-local agreement to service that high school. There was also an inter-local agreement to serve the development beside that highschool. He thought, perhaps, an inter-local agreement would need to be signed for this development.

Wayne Gale spoke next, stating that he is the Operations Manager for Lee County Mosquito Control District. The District owned Buckingham Airfield and the acreage surrounding that. He believed it was stated earlier that the District was in favor of this project, but, in reality, he did not believe that they had said they were for or against it. They had said they had no objection to the project. They had some initial concerns about safety issues of airspace and those issues were addressed with the height restrictions on the buildings. They were thankful that those concerns were addressed.

They also had concerns about how the development might affect their operation and it was their intent and concern to protect their ability to continue to do their job in the manner they have been. The main issue they could see from the proposed development was noise, as this high density development was in the direct flight path of an active runway. It was fairly active, being used by the District, the Lee County's Sheriff's Department, and individuals in the three airparks that surrounded the airport. Mosquito Control Operations involved low-flying aircraft and a significant number of those flights took place late at night, usually between 9:00 p.m. and 2:00 a.m. or 3:00 a.m. It would be a high density residential area in the immediate flight path of that type of operation. During their busy season, there would be up to three aircraft taking off and landing just about every evening and flying directly over their heads at a low level. Although the development didn't violate the safety issues about takeoff and landing, they could see potential problems with being good neighbors and having to work out noise issues.

The Hearing Examiner was aware of the federal noise zone designations, but thought those only applied to public airports. Mr. Philpott said she was correct, they referred to commercial aviation facilities. The Hearing Examiner then surmised that this was considered a private facility and that no noise control designations were in effect. Mr. Philpott responded that there were no noise zones established for this facility.

Mr. Gale's concern was that residents moving into that area might not be aware that the airport was there, or would not be aware of the type of operations that occurred there. He wanted to know if there was any way to notify the people moving into that development of the operation and that they might experience some of that uncomfortable noise as part of living in that development.

The Hearing Examiner addressed the Assistant County Attorney, asking if they would require, from the developer, the same type of easement that they got from the residents of Fiddlesticks. Ms. Collins responded that there were no Lee Plan provisions that addressed developments in close proximity to this airport. The Hearing Examiner wanted to know if there were any provisions that addressed developments proximate to "any" private airport, to which Ms. Collins stated that she did not believe so. Mr. Noble said they did not have any such provisions; it was the same issue for any lot that would be developed adjacent to an airport facility. Unfortunately, there was no provision in the County regulations that would protect against that. Ms. Collins suggested that the Hearing Examiner take this into account as part of this testimony.

The Hearing Examiner wondered if aviation easements were only required for regional airports, to which Ms. Collins advised that they were no longer required, as they had been deleted from the Lee Plan. She explained that subsequent case law had really rendered the easements useless, so Lee County didn't ask for them anymore.

This matter had been discussed by the Applicant and Staff. Mr. Quattrone said it was mentioned when they met with Mosquito Control. At that time, they indicated that they were willing to add a provision in the homeowner's documents, advising the buyers that they might be exposed to plane traffic from the District's runways. Staff could add that as a general condition to their zoning, so the provisions would be included in the property owner's documents. Ms. Collins recommended that they put a similar statement on the face of the plat. She knew they had done that with other projects proximate to the International Airport. In some cases, they had requested that they be inserted into deeds to maximize the notice to potential property owners.

The Hearing Examiner noted that in the noise zone areas there was a standard condition that required extra insulation in hotels or commercial uses that were allowed in those things. She wondered if that was an acceptable condition to put here to require extra sound insulation in the units. She wondered if that would take care of or address part of his concern.

Mr. Philpott said he was not overly familiar with that area and was not sure if the extra insulation would provide that. Obviously that came down to the Applicant and whether they were willing to do that. He didn't think Staff would have an objection to it. The Hearing Examiner said it was a standard condition anytime there was a commercial development inside one of the noise zones. It was quite standard that they utilized sound insulation or additional insulation or sound dampening techniques in the construction of the structures. They needed to think about it. Mr. Quattrone made a note of it. They understood the operational issues and their concern about the community raising issues especially about the noise at night and the Applicant would need to let the owners know that this condition exists.

Jim Flemming came back to the podium to make some additional comments about the District's operation. He stated that the District had an absolutely wonderful operation out there that was only going to get larger, not even necessarily as part of the airport operation, but because that property will be the site of the multi-divisional governmental campus. Currently, the East County Water Control District (ECWCD) was in the beginning stages of moving to the Mosquito Control District's (MCD) site. The ECWCD would be building a new governmental campus that would be quite unique. They would be doing a retro-architecture design to make the building(s) look like an airbase from Great Britain, with metal roofs and exposed beams and lap siding. He thought it was going to be very attractive, and thought it was a good thing for the developer to work with the MCD to see if it couldn't have

something more architecturally compatible with what the ECWCD would be doing out there. The ECWCD wanted to plan a campus that had a really attractive street scape along that road. He mentioned his wish that the ECWCD had had the opportunity to do sector plans, so they could make plans for "chunks" of property.

The Hearing Examiner clarified that the ECWCD was actually moving there and doing commercial development in the area, which he explained was not the typical public commercial; it was more of a public facility. The ECWCD would operate from that area and he understood that DOT was also planning to expand their operation there. The Sheriff 's Department was already out there with a gun range and planned to put up another facility there. Eventually, the MCD site could be the "City Hall" area for the City of Lehigh Acres if it was ever incorporated. They had big plans for that area, and felt it would be really nice. After a short break, the Applicant advised that they had some responses to matters that had arisen during the public hearing. Mr. Pringle would start the rebuttal and others would be called as necessary. One comment from the public related to the additional traffic that would be created by this project. First of all, he didn't believe there had been any indication or any evidence that there would be a change in the Level of Service (LOS) of the roadways as a result of the development of the project. Since there was not change in the LOS, he did not believe there was a factual basis for the Hearing Examiner to prohibit them from developing what they wanted because of the increased traffic. Any development, whether single-family, multi-family or otherwise, would add traffic on the streets; that was a foregone conclusion. However, this project did not cross any thresholds that would mandate or require the denial of the density they were seeking. So, they felt their request was okay on that point.

Regarding the project being a multi-family development, it was a planned development with a set MCP. There were only a few sites in Lehigh that were large enough to accommodate a planned development like this. He commented that they could have put in multi-family duplexes, just like everyone else, which would have added to the high number of duplex lots in the area. However, if they had done that, their project would not have had the areas for parks or the infrastructure they were planning to place in this development. The County would not have had the opportunity to request sidewalks along the main street as part of their project. The Applicant appreciated that other property owners in the area really didn't want to see a planned development come in, but he thought a planned development was a much better use of the property, in comparison to a whole bunch more multi-family duplex lots. This was one of the last pieces of property where the Applicant could reasonably have a planned development to create some of those amenities that he mentioned. The MCP even referenced the possibility of a future clubhouse, at which the Hearing Examiner stated she understood that it was optional. He responded that they had provided space for that use, and, if this property was developed as a bunch of duplex lots, the clubhouse would not have existed either.

They believed the development of this parcel as a planned development was a good move and a good thing for Lehigh. It provided town homes that were not otherwise in existence in large numbers in Lehigh. It was a unique market niche and provided a product that, hopefully, folks like Mr. Anderson could avail themselves of.

The noise was not really an issue of an ordinance to be dealt with at hearing, but it might be an issue in the marketing of the units. If the County desired, they would be glad to make an advisory note of the location of the airport and its close proximity, so, at least, there was disclosure to any potential buyers in the development.

Fire protection was another item raised. In addition to representing developers, he also represented Tice Fire Control District and Lehigh Fire Control District, which suggested to them that their legal council might be able to intervene and make sure there would be adequate fire protection for this project, once it was developed. As an aside, he noted that the Tice Fire Station was located at Gulfcoast Center; it was the Tice Fire Station Number Two, and it was not located that far away from the project. The station that would respond was not the main Tice station, but was the one right up the street from the subject property. He believed it was even closer than the Lehigh station, or was, at least, the same distance away. He believed that they would be adequate fire protection.

He stated that the water and sewer matter was not an issue for this hearing. It was, rather, a matter to be dealt with during the development order review.

Mr. Quattrone noted that there was some discussion as to why this could not be more single-family homes. He reiterated that there were very few areas conducive to multi-family units, and that Staff had strongly discouraged the Applicant from having single-family and duplex uses. Those uses were removed from the Schedule of Uses and the Applicant supported those deletions, noting that single-family residential developments, with certain lot sizes, didn't have to provide open space or indigenous preservation.

In response to Mr. Allen's comments, Mr. Pringle recognized that the County, at any time, had the ability to modify the current regulations and to prohibit the inclusion of the right-of-way for gross density calculations. At this time, under the current regulations, the current interpretation has been carried out throughout all projects and consistently in all projects that had been considered and had asked for it. The interpretation applied in all of the other projects was the same interpretation applied here, therefore they were not being treated differently, nor with any favoritism. As a result, the precedents setting this interpretation needs to be followed in this case, as well. At the point in time when the regulations changed, then it would be a different story; however, right now, the precedent was clear, according to County Staff, that one-half of the right-of-way should be included.

Mr. Allen had also suggested that density out there was actually four units per acre. Mr. Pringle's response was that the area had not developed, and that there was a considerable amount of vacant land there. When it is developed, it could develop at the allowed six units per acre. He wanted the record clarified that the allowed density in the area was six units per acre, even though they were not currently at build-out in the area, so the density average might be four units per acre. Six units per acre was the target. He did not want the public to surmise that they were trying to get something more than what was allowed. They were paying for a density increase, but they were not getting two extra units slipped in, that they were not paying for.

Mr. Noble thought that the fire district issue was a non-issue, and agreed with the Applicant that there was adequate fire suppression and rescue services provided by those districts. The boundary issues were not unique to the site; it happened all over Lee County. The County and the Fire Districts had addressed it through a multitude of mutual inter-local agreements. If, at a later point, it was determined that the project required something like that, it would be something that the Districts would do as a matter of course. Nevertheless, this issue was not something typically evaluated at the time of rezoning. He had contacted the Tice and Lehigh Fire Districts, and neither raised any objections to the rezoning. The Tice Fire Station was just less than four miles from the middle of the site. If there was a need

for mutual aid or an inter-local agreement, the Districts would work it out at the appropriate time. There should be no LOS issues for those operations.

The Applicant was not clear, as yet, on what the utilities' services would be. Staff had indicated that, in order for the project to be developed, it would have to connect to those services. He also wanted to note that Lee County did have an existing infrastructure in the proximate area of Gulf Coast Center; an existing water line was extended to that facility a couple of years ago. Indications from the utility director were that the line had capacity to provide service to this site, hence, there was no potable water issue. The County could require the extension of the line from Gulf Coast Center and provide potable water. Sewer was a different issue, but the conditions were being offered to address that. The project could not go forward without those services in place.

Mr. Noble said that road maintenance was a typical issue that Lee County had with every development that occurred. Projects cause damage to the road network. The County can, and typically does, require the developer, as part of the development order approval, to fix whatever damage it creates on the roadways. Also, construction access would be dealt with through the development order process.

He had no indication from the review data, the TIS, or the traditional review by the Lee County Department of Transportation, that there was any problem with traffic. They had not assumed that all of the traffic would go in any one direction. Assumptions made on the traffic split put a lot of the traffic heading south down Sunniland Boulevard to Lee Boulevard and then out toward Fort Myers. There were developing employment centers in that direction, but the traffic was assumed to have been distributed in a variety of directions. He thought that was logical, given the road access to the site. No one direction had a majority of the trips.

The Hearing Examiner didn't know what her recommendation would be. She was concerned about the fact that the property bordered the Buckingham Preserve, which was limited to one unit per acre. Given the fact that it was such a small portion of the property, some of her concerns in that area were taken care of. The only other thing she was concerned about was allowing ten units per acre in this area.

She needed to look at the roadways, even though she was familiar with some of them. She indicated that she would keep the comments made in the hearing in mind while she was reviewing the area. She was going to include some discussion for the BOCC concerning the inclusion of right-of-way. In looking at the County's regulations, she understood that 1493 talked about existing development and lots, that one-half of the right-of-way was to enable and give more area to a lot. This was acreage and giving one-half right-of-way to acreage would greatly increase the amount of development. In this case, it added 37 more dwelling units.

The property was located far north with existing development around it. She would leave the decision to the BOCC regarding the legal issue of the inclusion of right-of-way, since it was not in the LDC. Even though Staff had historically done it, she thought it was the first time it had come before her with the breakdown and explanation in a memorandum. She noted that it was her responsibility and duty to interpret and apply the Code as it was written. Currently it was not written with one-half right-of-way added to vacant acreage, but she reiterated that she would allow the BOCC to make the final decision. They might go ahead and approve this, but instruct Staff to amend the Ordinance so that it did allow that, or they

could deny it and instruct Staff to stop adding right-of-way in anything but what was set out in Section 34-1493. The Recommendation would be done in approximately one month. The record would remain open for submissions of the contract and a condition including the developer language for the plat, with notification requirement for the flight path.

Mr. Noble wanted it noted that it was obvious that Unice Avenue would be rebuilt. There was a large budget of maintenance funds dedicated to Lehigh. If the Development was approved with multi-family, along with the school impact there already, there would be improvements made. He wanted that kept in mind. It was typically how Lee County dealt with roads in Lehigh, because the roads were substandard for so long. As development happened, the dedicated money was used.

The Hearing Examiner wanted to know if the Staff and Applicant took in account the existing school and future school traffic when they did their evaluation. Mr. Noble said they did. They were doing a super concurrency look at it. They did an assumption on the platted areas and on how much that would be developed within the planning time frame. They added in the school trips and distributed it on the road network. Ms. Collins said the school did not have PM peak hour trips.

In regard to the Buckingham Preserve area, Mr. Pringle had spoken to Chris Bundschu and Keith Arnold (leaders in that area) about the project and, in fact, forwarded a copy of the MCP to them. Neither of them had reservations or comments.

The Hearing Examiner stated, since there were only a couple buildings there and the preserve only ran into a portion of the property, that went a long way in alleviating some of her concerns about it. She commented that type of property was typically looked at as a "step-down".

In conclusion, the Hearing Examiner indicated that she would conduct a site visit prior to issuing her recommendation to the Board of County Commissioners (BOCC). The hearing was then closed.

VIII. OTHER PARTICIPANTS AND SUBMITTALS:

ADDITIONAL APPLICANT'S REPRESENTATIVES:

1. Ken W. Markgraf, c/o Lehigh Acres Acquisition, 921 Ash Street, Wineetha, Illinois 60093
2. Richard Pringle, c/o Strayhorn & Strayhorn, P. O. Box 1545, Fort Myers, Florida 33902

ADDITIONAL COUNTY STAFF:

1. Donna Marie Collins, Assistant County Attorney, P. O. Box 398, Fort Myers, Florida 33902
2. Kim Trebatoski, Principal Environmental Planner, P.O. Box 398, Fort Myers, Florida 33902

PUBLIC PARTICIPATION:

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

For:

1. Jim Fleming, 536 Whispering Wind Bend, Lehigh Acres, Florida 33936

Against:

1. Vernon Allen, 3420 32nd Street West, Lehigh Acres, Florida 33971
2. Richard Gristchuk, 47780 Harbor Drive, Chesterfield Township, MI 48047
3. Carol Stewart, 2009 Unice Avenue N, Lehigh Acres, Florida 33971

General:

1. Robert Anderson, P. O. Box 1778, Lehigh Acres, Florida 33970
2. Wayne Gale, P. O. Box 60005, Fort Myers, Florida 33906

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

For: NONE

Against: NONE

General: 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 20th day of March, 2006. Notice or copies will be forwarded to the offices of the Lee County Board of County Commissioners.

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

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

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

XII. COPIES OF TESTIMONY AND TRANSCRIPTS:

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



DIANA M. PARKER
LEE COUNTY CHIEF 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

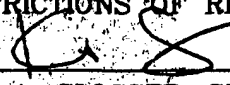
THAT PORTION OF SECTION 22, TOWNSHIP 44 SOUTH, RANGE 26 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE POINT OF INTERSECTION OF THE EAST LINE OF BUCKINGHAM PARK NORTHEAST SECTION, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 9, AT PAGES 59 TO 65 WITH THE NORTH LINE OF SECTION 22, THENCE RUN S89°52'10"E ALONG SAID SECTION LINE FOR 500 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S89°52'10"E ALONG SAID NORTH LINE OF SAID SECTION 22, A DISTANCE OF 2590.88 FEET TO THE NORTHEAST CORNER OF SAID SECTION 22; THENCE RUN S01°11'39"E ALONG THE EAST LINE OF SAID SECTION 22, A DISTANCE OF 2026.42 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF HOMESTEAD ROAD(100' RIGHT-OF-WAY); THENCE RUN N51°44'46"W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 2745.79 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 1482.40 FEET, A DELTA ANGLE OF 20°54'21" AND A CHORD BEARING OF N62°11'06"W, THENCE RUN ALONG SAID CURVE TO THE LEFT AND SAID NORTHERLY RIGHT-OF-WAY LINE, AN ARC LENGTH OF 540.89 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID HOMESTEAD ROAD; THENCE N00°49'20"W A DISTANCE OF 80.85 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 22 AND THE POINT OF BEGINNING.

Applicant's Legal Checked
by Lgm 5/16/2005

DC12005-00027

MAY 02 2005

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR
RESTRICTIONS OF RECORD.


KRIS A. SLOSSER, STATE OF FLORIDA, (P.S.M. #5560)
SEE ATTACHED SKETCH

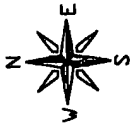
LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN
SECTION 22, TOWNSHIP 44 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

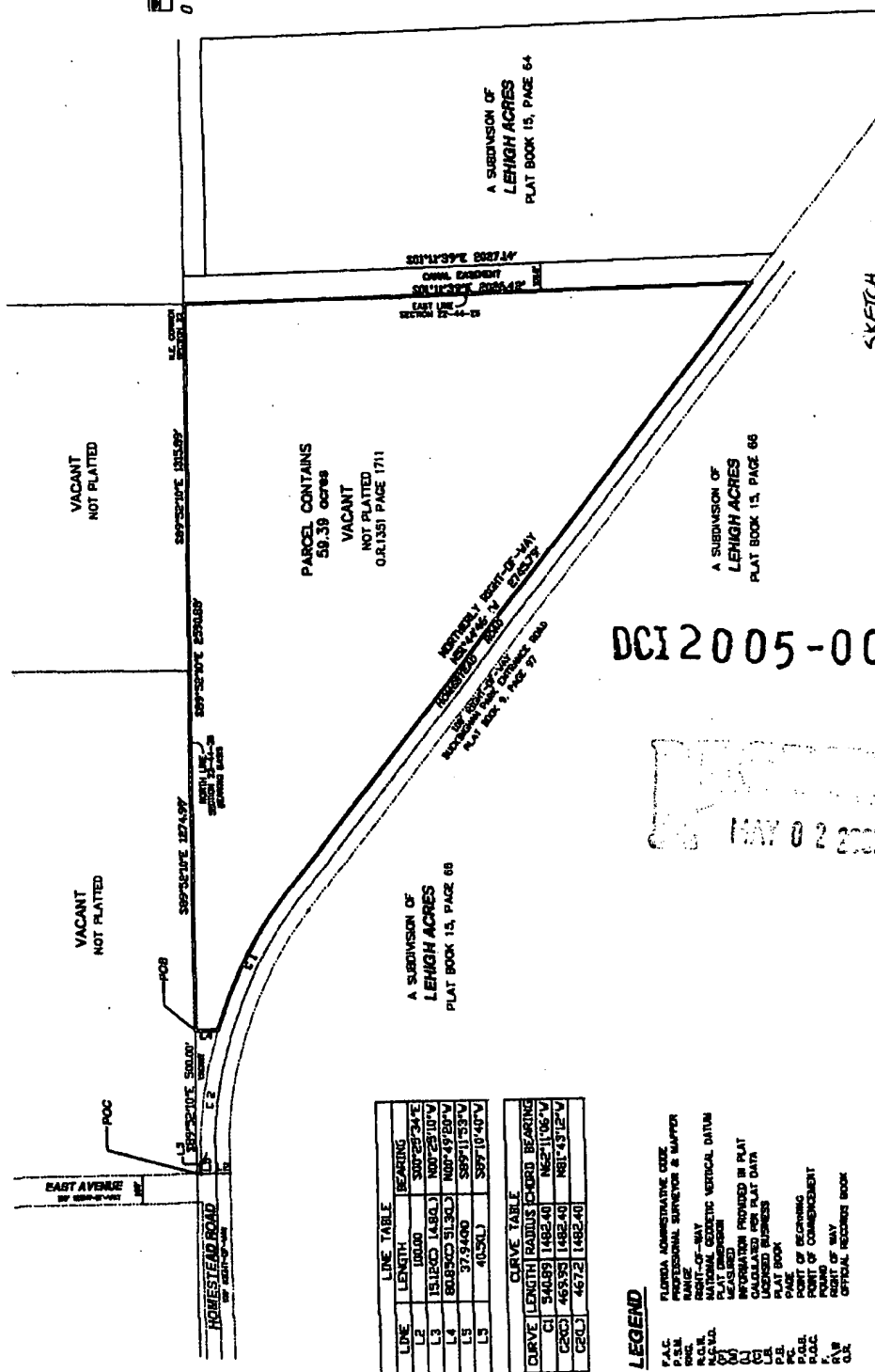
KRIS A SLOSSER P.S.M.
4650 VILLA CAPRI LN. BONITA SPRINGS
FLORIDA 34134 (239) 947-1915

DRAWN BY: KAS
DRAWING: 40726 SKETCH

EXHIBIT A



SCALE: 1" = 600'



PARCEL CONTAINS
59.39 ACRES
VACANT
NOT PLATTED
O.R. 1351 PAGE 1711

A SUBDIVISION OF
LEHIGH ACRES
PLAT BOOK 15, PAGE 64

A SUBDIVISION OF
LEHIGH ACRES
PLAT BOOK 15, PAGE 66

A SUBDIVISION OF
LEHIGH ACRES
PLAT BOOK 15, PAGE 68

LINE TABLE		
LINE	LENGTH	BEARING
L1	100.00	S00°25'24"E
L2	151.80	N01°25'10"W
L3	80.89	N08°49'00"W
L4	37.94	S89°11'33"W
L5	40.50	S89°10'40"W

CURVE TABLE		
CURVE	LENGTH	RADIUS
C1	1482.40	1482.40
C2	1482.40	1482.40
C3	1482.40	1482.40

LEGEND

- P.S.M. FLORIDA ADMINISTRATIVE CODE
- P.S.M. PROFESSIONAL SURVEYOR & MAPPER
- R.O.C. RANGE
- A.C.M. ALICE
- N.C.M. NATIONAL GEODETIC VERTICAL DATUM
- P.L. PLAT
- A.U. ADJUSTED
 C.L. CALCULATED | L.B. LEASED BUSINESS | P.L. PLAT BOOK | P.C. POINT OF BEGINNING | P.O.C. POINT OF COMMENCEMENT | P.O.M. POINT OF MEASUREMENT | P.O.W. POINT OF WITNESS | C.O. OFFICIAL RECORDS BOOK |

NOTES:

- 1) BEARING AND DISTANCE MEASURED TO A CORNER BEARING OF SURVEYOR'S ALONG THE SOUTH LINE OF PLAT SECTION 24, TOWNSHIP 44 SOUTH, RANGE 26 EAST, COUNTY, FLORIDA.
- 2) THE PROPERTY IS SUBJECT TO EASEMENTS, ENCUMBRANCES OR RESTRICTIONS OF RECORD.
- 3) THE PROPERTY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL PLAT BOOK OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 4) IMPROVEMENTS OTHER THAN THOSE SHOWN HAVE NOT BEEN LOCATED.
- 5) THE PROPERTY IS LOCATED WITHIN AN AREA OF NO SPECIAL FLOOD HAZARD PER F.E.M. 1984 CODE 2, 96/11/94.
- 6) DISTANCES BEING MEASURED ARE PER LOCAL ORDINANCES NOTED.

DCI 2005-00027

MAY 02 2005

SKETCH OF
Applicant's Survey Checked
By Lgm 5/16/2005

THIS IS NOT A SURVEY

SKETCH TO ACCOMPANY LEGAL

A PORTION OF

SECTION 22, TOWNSHIP 44 SOUTH, RANGE 26 EAST

LEE COUNTY, FLORIDA

KRIS A SLOSSER P.S.M.
4650 VILLA CAPRI LN. BONITA SPRINGS
FLORIDA 34134 (941) 947-1915

FIELD BOOK 2005

PLAT BOOK 15

PLAT BOOK 15

PLAT BOOK 15

PLAT BOOK 15

2005-00027

KRIS A SLOSSER P.S.M.
4650 VILLA CAPRI LN. BONITA SPRINGS
FLORIDA 34134 (941) 947-1915

BOUNDARY SURVEY
A PORTION OF
SECTION 15 TOWNSHIP 44 SOUTH RANGE 26 EAST
LEE COUNTY, FLORIDA

DATE	10/1/78
TIME	10:00 AM
LOCATION	1000 10th St NW
REPORTING OFFICER	SA [redacted]
REPORTING AGENCY	ATLANTA
REPORTING OFFICER'S TITLE	SA
REPORTING OFFICER'S PHONE	404-525-1111
REPORTING OFFICER'S FAX	
REPORTING OFFICER'S E-MAIL	
REPORTING OFFICER'S ADDRESS	
REPORTING OFFICER'S CITY	ATLANTA
REPORTING OFFICER'S STATE	GA
REPORTING OFFICER'S ZIP	30303
REPORTING OFFICER'S COUNTRY	USA
REPORTING OFFICER'S PHONE	404-525-1111
REPORTING OFFICER'S FAX	
REPORTING OFFICER'S E-MAIL	
REPORTING OFFICER'S ADDRESS	
REPORTING OFFICER'S CITY	ATLANTA
REPORTING OFFICER'S STATE	GA
REPORTING OFFICER'S ZIP	30303
REPORTING OFFICER'S COUNTRY	USA

78
JAMES A. GLOSSER, STATE OF FLORIDA (P.S.N. 65600)
REVISED CERTIFICATIONS 1/25/85
DEED STATE PLANE COORDINATES 4/22/85

10. ELEVATIONS SHOWN ARE BASED ON MATERIAL GEODETIC VERTICAL DATUM 1929. "WES BULK" CONCRETE & BRASS MARKER 5.15 FEET OF WAY OF STATE ROAD 67. 112 MONUMENTAL PARE CONCRETE 21.42.

11. CORROBOGATED SHOULDER ARE BASED ON "WES BULK" CONCRETE & BRASS MARKER 5.15 FEET OF WAY OF STATE ROAD 67. 112 MONUMENTAL PARE CONCRETE.

PROPERTY DESCRIPTION

[illegible]

NOTES:

[illegible]

CERTIFIED TO:

LEHIGH ACRES ACQUISITION, LLC
LAKE FOREST BANK & TRUST COMPANY
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

CERTIFICATION:

HERNIM CERTIFY THAT THIS BOUNDARY SURVEY OF THE HEREIN DESCRIBED PROPERTY WAS SURVEYED UNDER MY RESPONSIBLE CHARGE ON 2/07/04. THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 60G17-4, F.A.C. PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

62
JAMES A. GLOSSER, STATE OF FLORIDA (P.S.N. #5500)

LINE TABLE		
LINE	LENGTH	BEARING
12	99.68	S00°25'34"E
13	15.12	N00°25'34"W
14	80.85	N00°49'20"W
15	27.84	S00°11'00"E

CURVE TABLE			
CURVE	LENGTH	RADIUS	CHORD BEARING
C1	540.89	1482.40	N62°11'06" W
C2	460.95	1482.40	N81°42'12" W

LEGEND

[illegible]



EXIST. RESIDENTIAL
R3-1 ZONING
LEE COUNTY SCHOOL
URBAN COMMUNITY
NO BUFFER REQUIRED

**FUTURE LEE COUNTY
SCHOOL UNDER
CONSTRUCTION**

RECEIVED
JAN 18 2006

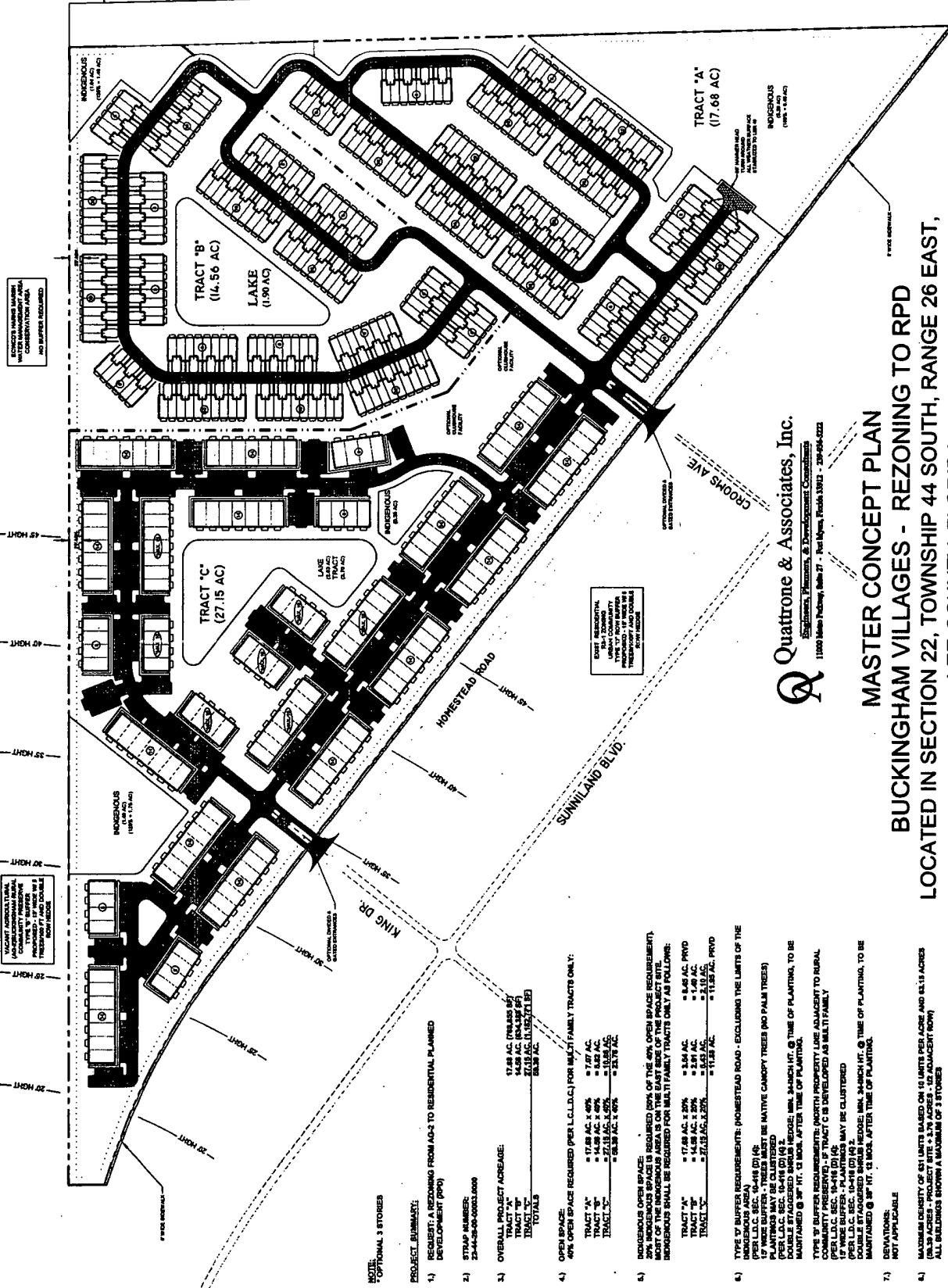
2005-00027

NORTH 

EXHIBIT 6-J

APPLICANT'S EXHIBIT #1
X12005-00027+
PC23005-0004
Post Hb Summary

JAN 11 2008



Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
11700 Mesa Ridge, Suite 27 - East Mesa, Florida 33137 - 305.844.4777

**MASTER CONCEPT PLAN
BUCKINGHAM VILLAGES - REZONING TO RPD
LOCATED IN SECTION 22, TOWNSHIP 44 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA**

EXHIBIT B

DEVELOPMENT CONTRACT

between

**THE BOARD OF COUNTY COMMISSIONERS
Lee County, Florida**

and

LEHIGH ACRES ACQUISITION, LLC

The Cash Contribution Option

of the

Housing Bonus Density Program

AGREEMENT

This Agreement is made and entered into this__ day of _____ 2006, between Lee County, a political subdivision of the State of Florida, hereinafter referred to as the "County" and Lehigh Acres Acquisition, LLC, a Florida Limited Liability Corporation with a principal address of 921 Ash Street, Winnetka, IL 60093, hereinafter referred to as the "Developer."

In consideration of the mutual terms and conditions, promises, covenants and payment hereinafter set forth, County and the Developer hereby agree as follows:

ARTICLE I **Definitions**

1.1 For the purpose of this Agreement and the various covenants, conditions, terms and provisions which follow, the Definitions set forth in this Agreement will be consistent with those set forth in the Lee County Land Development Code (LDC), as amended.

ARTICLE II **Intentions**

2.1 In order to establish the background, context and frame of reference for this agreement, and to manifest the objectives and the intentions of the respective parties herein, the following statements, representations, and explanations are set forth. Such statements, representations, and explanations will be accepted as predicates for the undertakings and commitments included within the provisions that follow, and may be relied upon by the parties as essential elements of the mutual considerations upon which the Agreement is based.

2.2 The County adopted a Comprehensive Plan pursuant to Chapters 125 and 163, Florida Statutes by Lee County Ordinance 89-02.

2.3 The Housing Element of the Comprehensive Plan includes a Goal that requires the County to, in part, develop mechanisms to encourage the provision of very low and low income housing.

2.4 The County created a Housing Bonus Density Program to stimulate the construction of very low and low income housing in Lee County. One option under the Program is for Developers to obtain bonus density through contributions to the Affordable Housing Trust Fund.

2.5 The Developer desires to contribute funds to the Housing Bonus Density Program's Affordable Housing Trust Fund to support very low and low income housing in order to

obtain permission to construct **253** ____ bonus density units on a 59.39±-acre parcel of land (~~plus 3.76 acres of right-of-way~~) described in attached Exhibit A.

2.6 The County authorizes the development of **253** ____ bonus density units upon execution of this agreement and receipt of the contribution to the Affordable Housing Trust Fund described herein.

ARTICLE III **Implementation**

3.1 No development activity may begin until the Development Order is approved and permits are issued.

3.2 The Developer must complete the project in accordance with the time frames for construction set forth in the in the Development Order issued by the County.

ARTICLE IV **Assurances**

4.1 The Developer enters into this contract as a condition for issuance of a Development Order that will authorize the construction of ~~253~~ ____ bonus density units on the property described in Exhibit A. The Developer must comply with the terms and conditions of the Development Order approval.

4.2 The Developer agrees to fulfill all pre-contract conditions as a pre-requisite for participating in the Housing Density Bonus Program.

4.3 The Developer agrees to comply with all other legal requirements imposed by current or future federal, state, or local laws and regulations.

4.4 The Developer agrees to pay \$11,429.00 per bonus density unit or a total sum of:

~~\$2,891,537 = \$11,429.00 x 253 units~~ \$ ____ = \$11, 429.00 x ____ Units

4.5 The Developer and his successors are bound by the following conditions:

- a. Development must be consistent with Exhibit B, which is the ____-page Buckingham Villages Master Concept Plan (dated _____) stamped received _____, except as modified by the conditions set forth herein.
- b. Development must comply with all requirements of the LDC at time of local Development Order Approval. If changes to the plan of development are desired, appropriate approvals will be necessary.

- c. This Agreement is not a building permit nor a Development Order. It does not vest development rights other than an increase in density by ~~253~~ _____ units. Development must comply with all applicable federal, state or Lee County permitting requirements. No variances or deviations from the LDC open space, parking, or buffering have been granted by virtue of this Agreement. Furthermore, the Developer may not seek variances or deviations from those specific provisions of the LDC in the future.
- d. The Developer must pay the total figure calculated in Paragraph 4.4 above ~~a total of \$2,891,537~~ into the County's Affordable Housing Trust Fund as payment for ~~253~~ _____ bonus dwelling units (\$11,429 per bonus unit). The contribution must be paid in full prior to the issuance of the first Development Order for this project. In accordance with Lee County Land Development Code Section 34-1519(b)(4), contributions will not be refunded once made, even if the development in question fails to occur.
- e. The Developer must, at a minimum, install a Type D buffer, with 3-foot-high berm, along Unice Avenue North. This buffer must be depicted on the Master Concept Plan and be included within the first Development Order approval for the project. The required right-of-way buffer trees must be native canopy trees (no palm trees).
- f. The Developer must install a five-foot wide pedestrian sidewalk along the project's Unice Avenue North frontage. The location of this sidewalk will be determined through the final permitting process for the project and be included within the first Development Order approval for the project.
- g. All buildings on the perimeter of the project are limited to two habitable stories as depicted on the Master Concept Plan. No building or accessory structures will exceed the Land Development Code approach surface heights as noted on the Master Concept Plan, and the Master Concept Plan must continue to depict the LDC's approach surface height restrictions.
- h. Development orders will be granted only upon a clear showing that the development will not cause the mandatory levels of service set forth in Lee Plan Policy 95.1.3 to be exceeded. The granting of a Development Order will not release the property owner from any obligations under the Privately Funded Infrastructure Overlay.
- i. The project must connect to a public water system and must connect to a sanitary sewer system. No Development Order will be approved unless these services are provided to the site.
- j. Prior to Local Development Order approval, provisions and locations for solid waste collection/disposal must be provided on the Development Order plans in

compliance with the LDC. Proposed locations and method(s) of disposal are subject to review and approval by Lee County Solid Waste Division.

- k. Prior to issuance of the first Development Order, the Applicant/Developer must record the following statement in the Public Records of Lee County, Florida:

Notification of Proximity to Air Strip - The property described in Exhibit "A" attached hereto is located proximate to an active aircraft landing strip. Future owners residing on the property may experience aircraft over-flight activity and noise associated with the use of the landing strip of the Buckingham Army Airfield.

This language must also be included in the covenants and deed restriction documents for the proposed development.

- 4.7 The County authorizes the development of ~~253~~ ____ bonus density units, provided the conditions set forth in this Agreement are fully satisfied by the Developer.

ARTICLE V **Assignability**

- 5.1 Density bonuses for which contributions are made will run with the specific Master Concept Plan submitted and approved by the County concurrent with the request for bonus density units. The development of units pursuant to this Agreement binds all successors in interest and future owners to the terms and conditions stated herein, and the conveyance of any unit must be made subject to the terms and conditions of this contract.

ARTICLE VI **Breach**

- 6.1 Enforcement of this Agreement will be governed by Lee County Ordinances. Waiver by the County of a breach of any provision of this Agreement will not be construed to be a modification of the terms of this Agreement.

ARTICLE VII **Miscellaneous Provisions**

- 7.1 This Document incorporates and includes all prior negotiation, correspondence, conversation, or understanding applicable to the authorization to construct ~~253~~ ____ bonus density units on the subject property. The parties agree that there are no commitments, agreements, or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, it is agreed that no deviation from the terms of this Agreement will be predicated upon any prior representations or agreements, whether oral or written.

7.2 It is understood by the Developer that the County will not be held responsible for refunding any portion of the contribution for the County's termination of the Agreement due to the Developer's failure to abide by the provisions of the Agreement or any conditions imposed by the LDC.

7.3 The Developer agrees to indemnify and hold the County harmless from or on account of any injuries, damages, omissions, commissions, actions or causes of action accruing as a result of services performed, or not performed, pursuant to this Agreement. Developer will be liable for all claims, suits, judgments or damages arising from the services or lack of services provided pursuant to this Agreement.

ARTICLE VIII **Amendments**

8.1 The covenants, terms and provisions contained in this Agreement may be amended upon the mutual acceptance thereof, in writing, by both parties to this Agreement. The Chairman of the Lee County Board of County Commissioners, or designated representative, will act on behalf of the County in executing Amendments to the Agreement. The Developer, as an individual, or, a corporation, by its corporate president or vice president, may act in executing Amendments to the Agreement. In the event of conflicts between the requirements, provision or terms of the Agreement and written Amendments, the requirements, provisions or terms of the latest executed Amendment will take precedence.

8.2 Changes in the terms of this Agreement are subject to the approval of the County Attorney.

IN WITNESS OF THE ABOVE, the parties, by their duly authorized representatives, execute this Agreement effective the day and year first written above.

ATTEST:

LEE COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

CLERK OF CIRCUIT COURT
Charlie Green, Clerk

By: _____
Deputy Clerk

By: _____
Tammara Hall, Chairwoman

LEHIGH ACRES ACQUISITION, LLC,
a Florida Limited Liability Corporation

(Witness)

By: Lehigh Acres Management, LLC,
a Florida Limited Liability Corporation
Its Managing Member

(Witness)

By: _____
Antonio Bismonte
Managing Member

State of _____
County of _____

The foregoing contract was acknowledged before me this _____ day of _____
2006, by Antonio Bismonte, in his capacity as the Managing Member of Lehigh Acres
Management, LLC, a Florida Limited Liability Corporation, the Managing Member of Lehigh
Acres Acquisition, LLC, a Florida Limited Liability Corporation. He is personally known
to me or has produced _____ as identification.

(Signature of person taking acknowledgment)

(Name typed, printed, or stamped)
(Title or Rank)
(Serial Number, if any)

APPROVED AS TO FORM

Donna Marie Collins
Office of the County Attorney

Exhibit A: Legal Description

Exhibit B: Buckingham Villages Master Concept Plan

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

ORDER FOR CONTINUANCE

CASE NUMBER: DCI2005-00027 & REZ2005-00004
APPLICANT: QUATTRONE & ASSOCIATES, INC.,
in reference to BUCKINGHAM VILLAGES
HEARING DATE: JANUARY 11, 2006
WRITTEN SUBMISSION DATE: JANUARY 27, 2006
EXTENDED SUBMISSION DATES: FEBRUARY 10, 2006
FEBRUARY 24, 2006

The hearing on the above-styled case began as scheduled on January 11, 2006. At the conclusion of the presentations of Staff and Applicant and, following the comments and presentations of other interested parties present, the matter was continued to January 27, 2006 and February 10, 2006 to allow the Staff and the Applicant to submit the following additional materials, which are responsive to questions, issues and concerns which arose during the course of the proceedings.

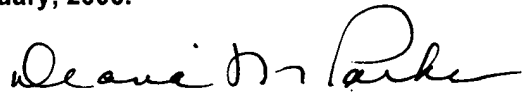
Written submissions shall be in the form of:

- 1) The finalized Agreement between Lee County and the Applicant;
- 2) Language regarding notification of overflight; and
- 3) A Master Concept Plan (MCP) submitted through the Lee County Department of Community Development's Permit Counter.

However, after receiving a second request from the Applicant's representative for an extension of time for the above mentioned items, this matter is continued to **FRIDAY, FEBRUARY 24, 2006 by 5:00 P.M., FOR SUBMISSION OF THOSE MATERIALS 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.

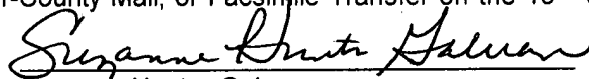
DONE AND ORDERED this 13TH day of February, 2006.



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 13TH day of February, 2006.



Suzanne Hunter-Galvan
Office Manager

February 13, 2006

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

ORDER FOR CONTINUANCE

CASE NUMBER: DCI2005-00027 & REZ2005-00004
APPLICANT: QUATTRONE & ASSOCIATES, INC.,
in reference to BUCKINGHAM VILLAGES
HEARING DATE: JANUARY 11, 2006
WRITTEN SUBMISSION DATE: JANUARY 27, 2006
EXTENDED SUBMISSION DATE: FEBRUARY 10, 2006

The hearing on the above-styled case began as scheduled on January 11, 2006. At the conclusion of the presentations of Staff and Applicant and, following the comments and presentations of other interested parties present, the matter was continued to January 27, 2006 to allow the Staff and the Applicant to submit the following additional materials, which are responsive to questions, issues and concerns which arose during the course of the proceedings.

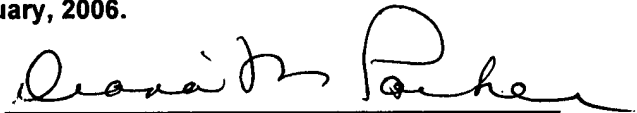
Written submissions shall be in the form of:

- 1) The finalized Agreement between Lee County and the Applicant;
- 2) Language regarding notification of overflight; and
- 3) A Master Concept Plan (MCP) submitted through the Lee County Department of Community Development's Permit Counter.

However, after receiving a request from the Applicant's representative for a extension of time for the above mentioned items, this matter is continued to **FRIDAY, FEBRUARY 10, 2006** by 5:00 P.M. **FOR SUBMISSION OF THOSE MATERIALS 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.

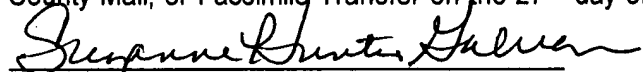
DONE AND ORDERED this 27TH day of January, 2006.



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 27TH day of January, 2006.



Suzanne Hunter-Galvan
Office Manager

January 27, 2006

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

ORDER FOR CONTINUANCE

CASE NUMBER: DCI2005-00027
APPLICANT: QUATTRONE & ASSOCIATES, INC., in reference to
BUCKINGHAM VILLAGES
RESPONSE DATES: JANUARY 27, 2006

The hearing on the above-styled case began as scheduled on January 11, 2006. At the conclusion of the presentations of Staff and Applicant and, following the comments and presentations of other interested parties present, the matter was continued to the date and time set forth below to allow the Staff and the Applicant to submit additional materials, only as requested by the Hearing Examiner, which are responsive to questions, issues and concerns which arose during the course of the proceedings.

Written submissions shall be in the form of:

- 1) The finalized Agreement between Lee County and the Applicant;
- 2) Language regarding notification of overflight; and
- 3) A Master Concept Plan (MCP) submitted through the Lee County Department of Community Development's Permit Counter.

This matter is continued to FRIDAY, JANUARY 27, 2006 by 5:00 P.M., FOR SUBMISSION OF MATERIALS AS REQUESTED BY THE HEARING EXAMINER. At, or before this time, the requested materials will be submitted to the Hearing Examiner, and other responding parties, and the Hearing Examiner will determine if these submissions are sufficient. **NO HEARING WILL BE HELD AND NO TESTIMONY WILL BE HEARD.** If the Hearing Examiner determines that these submissions are insufficient, a subsequent hearing will be set to discuss this matter further and notices will be sent to all parties involved.

Accordingly, written submittals will be delivered to the Office of the Hearing Examiner, 1500 Monroe Street, Suite 218, Fort Myers, Florida, on or before these dates. Copies of this order will be furnished to the Staff, the Applicant, and all hearing participants.

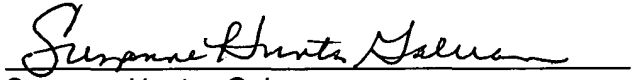
DONE AND ORDERED this 11TH day of January, 2006.



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 12TH day of January, 2006.

A handwritten signature in cursive script, reading "Suzanne Hunter-Galvan", is written over a horizontal line.

Suzanne Hunter-Galvan
Office Manager

January 12, 2006

LEE COUNTY, FLORIDA

ZONING DIVISION

STAFF REPORT

TYPE OF CASE: PLANNED DEVELOPMENT/DCI

CASE NUMBER: DCI2005-00027

HEARING EXAMINER DATE: January 11, 2006

APPLICATION SUMMARY:

Applicant: Quattrone & Associates, Inc. in ref to Buckingham Villages

Request: Rezone 59.39+/- acres from Agriculture (AG-2) and Single-Family Residential (RS-1) to Residential Planned Development (RPD) to allow a 631 Multi-Family dwelling unit development located at 15320 Homestead Road. 253 Bonus Density units are requested in a companion case, number REZ2005-00004. No Blasting is requested.

Lehigh Acres Acquisition, LLC, is requesting to participate in Lee County's Housing Bonus Density Program under the provisions of the Lee County Land Development Code (LDC). Per LDC Section 34-1519, the applicant is seeking to utilize the "cash-contribution density bonus (option 2)" to develop 253 bonus density dwelling units. The total project proposes 631 multiple family dwelling units on approximately 59.39 acres. The applicant is requesting a total of approximately 10 dwelling units per acre on the subject site.

Location: The subject property is located at 15320 Homestead Road, Lehigh Acres, FL 33905, in S22-T44S-26E, Lee County, FL. (District #5)

Future Land Use Plan Designation, Current Zoning and Use of Subject Property:

Future Land Use Designation:	Urban Community
Zoning:	Agriculture (AG-2)
Current Use:	Vacant / Undeveloped

Existing Surrounding Zoning & Land Use

Future Land Use

Northeast: Harns Marsh Water Management Area zoned Agriculture (AG-2)

Conservation

Northwest: Vacant undeveloped land zoned Agriculture (AG-2)

Rural Community Preserve

East: Harns Marsh Elementary School zoned Single-Family Residential (RS-1)

Urban Community

South: Homestead Road then Single-Family Residences zoned Single-Family Residential (RS-1)

Urban Community

West: Industry Avenue then Buckingham Air Field zoned
Community Facilities (CF-3)

Public Facilities

Size of Property: 59.39± acres

RECOMMENDATION:

Staff recommends **APPROVAL** of the Applicant's request for rezoning from Agriculture (AG-2) to Residential Planned Development (RPD) to allow a 631 Multi-Family dwelling unit development subject to the following conditions and deviations:

Conditions

1. The development of this project must be consistent with the one page Master Concept Plan entitled "Buckingham Villages - Rezoning to RPD," stamped received October 26, 2005 by the permit Counter, last revised October 25, 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

Dwelling Units:

Multi-Family

Townhouse

Entrance Gate and Gatehouses

Essential Services

Essential Service Facilities:

Group I

Excavation: Water Retention

Fences, Walls

Home Occupation

Parking Lots, Accessory

Model Display Group

Model Units

Real Estate Sales Office

Recreational Facilities:

Personal

Private On-site

Signs, in accordance with Chapter 30

b. Site Development Regulations

Minimum Lot Width

Multi-Family:

75-Feet

Townhome:

20-Feet

Minimum Lot Depth

Multi-Family:

75-Feet

Townhome:	75-Feet
Setbacks:	
Perimeter:	25-Feet
Street:	20-Feet
Side:	5-Feet (0-Feet for internal Townhomes)
Rear:	20-Feet
Building Separation:	20-Feet
Accessory Structures:	
Side:	15-Feet
Rear:	15-Feet
Maximum Building Height:	35-Feet /2 stories (a maximum of 45-Feet and 3 stories is permitted for the seven buildings indicated with an asterisk (*) on the Master Concept Plan)
Maximum Lot Coverage:	60-Percent

3. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
4. Approval of this 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, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.
5. 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.
6. Development orders for the project will be granted only upon a clear showing that the development will not cause the mandatory levels of service in Lee Plan Policy 95.1.3 to be exceeded. The granting of a development order will not release the property owner from any obligations under the privately funded infrastructure overlay.
7. The project must connect to a public water system and must connect to a sanitary sewer system. No development order will be approved unless these services are provided.
8. Prior to Development Order approval the applicant must provide written documentation from the Tice Fire District stating no objection to the proposed T-turnaround.
9. Prior to local development order approval provisions and locations for solid waste collection/disposal, in compliance with the LDC, must be provided on the development order plans. Proposed locations and method of disposal is subject to review and approval by Lee County Solid Waste Division.
10. Prior to Development Order Approval, the plans must delineate lakes that mimic natural shorelines, and not geometric in shape as shown on the Master Concept Plan.
11. The developer must install a 5 foot wide pedestrian sidewalk along the project's Homestead Road frontage. The location of this sidewalk will be determined through the

final permitting process for the project and be included within the first development order approval for the project.

12. The developer must, at a minimum, install a Type D buffer along Homestead Road. This buffer must be depicted on the master concept plan and be included within the first development order approval for the project. The required right of way buffer trees must be native canopy trees (no palm trees).
13. No building or accessory structures will exceed the airport approach surface heights as noted on the master concept plan and outlined in LDC Section 34-1004-(1)d.3.i. The master concept plan must continue to depict the LDC's approach surface height restrictions.
14. Model Display Group and Model Units are permitted for a maximum of three years from issuance of a Certificate of Occupancy for the first Model Home and/or Model Units.
15. One Real Estate Sale Office is permitted for a maximum of 3 years from the issuance of a certificate of occupancy for the Real Estate Sales Office or until sellout of the development, whichever is most restrictive.
16. Buildings must meet the building separation requirements outlined in LDC Section 34-935(e)4.

Deviations

A deviation from Section 10-296 of the Lee County Land Development Code which requires a 90-foot diameter cul-de-sac at the end of dead-end street, to allow a T-style turnaround in the southeast portion of the subject property.

The applicant is requested the above stated deviation to limit the potential impact to the indigenous area by providing a T-style turnaround instead of a full 90-foot radius cul-de-sac. Staff has recommends approval of the requested deviation as conditioned (See Condition 8)

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 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, will be available and adequate to serve the proposed land use.
- 5. The proposed use or mix of uses is appropriate at the subject location.
- 6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.
- 7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
- 8. The deviations granted:
 - a) enhance the objectives of the planned development; and
 - b) preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

Introduction

The subject property consists of approximately 59.39 acres of undeveloped land located at 15320 Homestead Road in Lehigh Acres. The subject property is located within the Urban Community Future Land Use Designation and is currently zoned Agriculture (AG-2). The applicant is requesting to rezone from Agriculture (AG-2) to Residential Planned Development (RPD) to permit the construction of a 631 multi-family residential development. 253 of the 631 dwelling units are requested to be approved as part of a bonus density application in case number REZ2005-00004. The staff report for the bonus density application is attached hereto as Attachment "C".

Access to this site is provided by Homestead Road, a local road maintained by Lee County. To access Lee Boulevard, the closest arterial road to the subject property, a vehicle must travel one block south of Homestead Road to Sunniland Boulevard, classified as a major collector, which travels south approximately 1.4 miles to Lee Boulevard.

In the mid 1940's the subject property was part of the Buckingham Army Airfield training facility. The runway that existed in the mid 1940's was much larger than the existing runway and extended onto the subject property. A large portion of the old runway still exists in the middle of the subject property. All other portions of the old runway and facilities have since been removed from the subject property leaving the remaining portion as a vacant, undeveloped parcel.

Master Concept Plan

The master concept plan shows the layout of the proposed multi-family and townhouse development. The proposed development will consist mainly of two-story structures with the

ability to construct seven buildings with a maximum height of three-stories in the center of the development. The townhomes will have private drives with the possibility of garages while the multi-family development will provide parking through common parking lots.

Due to the proximity to the airfield, the proposed development must comply with glide slope height restrictions as outlined in Section 34-1004(1)d.3.i. of the Lee County Land Development Code. This section restricts the height of the of buildings constructed near the airfields by allowing 1-foot of height permitted to every 50-feet horizontal distance measured from the end of the runway. The applicant has included the height restriction limitations relating to the aircraft glide slope outlined in the Land Development Code. Staff and the applicant worked with the Lee County Mosquito Control District, Lee County Port Authority and the Buckingham Army Airfield to assure the proposed structures would not create a safety hazard for the existing airport facility.

The proposed development consists of approximately 23.76 acres of open space of which approximately 8.07 acres will be indigenous areas. Although the subject property is currently vacant, there is limited amount of high quality indigenous areas. Staff has worked with the applicant to preserve those indigenous areas as part of the proposed development. To help reduce impact to the proposed indigenous area along the southeast portion of the property the applicant has requested a deviation from the requirement of installing a 90-foot diameter cul-de-sac to permit a hammerhead turnaround instead.

Lee Plan Considerations

The following analysis has been provided by Lee County Division of Planning and is included in the Staff report prepared for the Bonus Density request in case number REZ2005-00004.

Lee Plan Objective 1.1 describes the County's Future Urban Areas as areas intended to "provide for a full range of urban activities." Under Objective 1.1, Future Urban Areas, the Urban Community future land use category is described in Lee Plan Policy 1.1.4 which is reproduced below:

POLICY 1.1.4: The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre).

As Policy 1.1.4 states, the Urban Community areas have a "distinctly urban character." The Urban Community category allows for a relatively intense mixture of commercial, residential uses, and limited light industrial land uses as well as public and quasi-public uses. The subject site is located in northeast Lehigh Acres in a relatively large area that is designated with the Urban Community land use category. The subject site is in an area of fairly intense develop

associated with the Buckingham airfield and the on-going development of platted residential lots. Surrounding land uses are discussed in further detail below.

Goal 2 of the Lee Plan seeks to coordinate the location and timing of new development with the provision of infrastructure. Objective 2.1 addresses desired "Development Location" and is reproduced below:

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.*

Objective 2.2, in part, directs "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."

Staff finds that the proposal is consistent with the intent of Objective 2.1 and Objective 2.2. The subject site is in an area of relatively intense residential development. Staff has reviewed the project for infrastructure availability, and has determined that all necessary infrastructure is currently available or could be available to serve the subject property. The subject property is located within the Lee County franchise area for both potable water and sanitary sewer. The subject property, however, is outside of the Lee County Service Areas (Lee Plan Maps 6 and 7). The developer has petitioned Florida Governmental Utility Authority (FGUA) to add the subject site into the Lehigh Acres franchise area. Lee County is currently considering acquiring the Lehigh Acres utility operations of FGUA.

The Lee Plan, in Goal 11, Standards 11.1 and 11.2 requires "any new residential development that exceeds 2.5 dwelling units per gross acre" must connect to a public water system and must connect to a sanitary sewer system. Planning staff believes that the Board of County Commissioners bonus density contract, and the RPD rezoning resolution should include a condition that assures consistency with Standard 11.1 and 11.2. No development order will be approved unless these services are provided to the site.

The subject site is depicted on Lee Plan Map 1 Page 4 of 5 as being within the "Privately Funded Infrastructure Overlay." Lee Plan Goal 3, Objective 3.1, and subsequent policies set forth the concept of the Overlay "to assist in the provision of a full range of privately funded urban infrastructure" in designated areas. Objective 3.1, Funding Mechanisms, provides that certain areas on the Future Land Use Map are permitted urban-level densities and intensities "because most necessary infrastructure will be provided through the creation of multifunction taxing and/or benefit districts, community development districts, direct developer provision, or an effective combination of similar financing mechanisms." Policy 3.1.6 provides further guidance concerning requests for rezoning. This policy is reproduced below:

POLICY 3.1.6: *Rezoning to permit increased densities that are granted after the effective date of this policy (March 1, 1989) but before the district (or equivalent funding mechanism) has been established and an infrastructure plan has been prepared will be subject to a special requirement that further development orders will be granted only upon a clear showing that the development will not cause the mandatory levels of service in Policy 70.1.3 to be exceeded. The granting of a development order will not release the property owner from any obligations under the privately funded infrastructure overlay. This*

requirement will not apply if it would preclude the constitutionally mandated reasonable use of a parcel of land. (Amended by Ordinance No. 93-25, 00-22)

Planning staff believes that the Board of County Commissioners bonus density contract, and the RPD rezoning resolution should include a condition that assures consistency with Policy 3.1.6. (See Condition 6).

Policy 4.1.1 of the Lee Plan provides some general design criteria to be used in evaluating development designs. This policy is reproduced below:

POLICY 4.1.1: Development designs will be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements.

Staff believes that the request is consistent with Policy 4.1.1. The proposal preserves the major natural features of the site, including an oak area along Homestead Road. This area is included in the 5.28 acre preserve in the south east area of the site as depicted on the site plan. The majority of the rest of the site has been previously cleared. The physical design of the project minimizes the expansion and construction of street and utility improvements. The design concentrates development along several loop roads that run through the project.

Lee Plan Goal 5 seeks "to provide sufficient land in appropriate locations on the Future Land Use Map to accommodate the projected population of Lee County in the year 2020 in attractive and safe neighborhoods with a variety of price ranges and housing types." Objective 5.1 provides that "all development approvals for residential, commercial, and industrial land uses must be consistent with the" policies under Goal 5. Policy 5.1.2, under Objective 5.1, seeks to "prohibit residential development where physical constraints or hazards exist, or require the density to be adjusted accordingly. Such constraints or hazards may 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." Staff has not identified any physical constraints or hazards other than height issues due to the location near the Buckingham Airfield which has been addressed. Staff is, however, concerned with the overriding need for affordable housing that has been identified by several studies and the past problems in identifying appropriate sites for increased densities.

Consideration must be given to the individual characteristics of a particular proposal, such as compatibility with existing uses, desired urban form, the type of housing proposed, and the availability of a multitude of urban services. The Urban Community Future Land Use Category in this part of the County was intended to provide a mixture of relatively intense commercial and residential uses, and to have a distinctly urban character. This property represents a rare opportunity to provide multiple family dwelling units in an area that is predominantly single family in nature. In other words, the proposal is an opportunity to provide a different housing type in an area of the County that has limited potential to provide multiple family dwelling units.

Policy 5.1.3 states that residential development should be directed to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities. The property is in close proximity to several employment and shopping centers in the western Lehigh Acres area. The subject property is also in close proximity to public schools, including Harns Marsh Elementary School as well as a proposed middle school.

Staff concludes, that for reasons outlined above, the proposed bonus density on the subject property would be consistent with the Lee Plan. LDC Section 34-1516(c)(1)(a) provides that all requests for participation in the bonus density program must be consistent with the Lee Plan. The subject request meets the minimum requirements for participation in the bonus density program.

Surrounding Zoning

To the northeast of the subject property is a manmade filter marsh known as Harns Marsh and is zoned Agriculture (AG-2).

To the northwest of the subject property is a large undeveloped parcel zoned Agriculture (AG-2). Due to this parcel being in the Rural Community Preserve future land use Designation the maximum density obtainable is one dwelling unit per net acre.

Across Industry Avenue to the west of the subject property is the Buckingham Air Field. This facility is currently used by both small private aircraft as well as large aircraft used by Lee County Mosquito Control. The subject property is approximately 650-feet from the end of the existing runway. Due to the proximity of the of the proposed development to the existing airport facility staff has imposed specific conditions relating to building height. A letter of no objection to the proposed development has been submitted to staff from the Buckingham Airport Manager, Jim McKeever (See Attachment "E")

To the southwest of the subject property are platted lots which are approximately one-quarter acre zoned Residential Multi-Family (RM-2). The RM-2 zoning district is the most intense multi-family zoning category in the Lee County Land Development Code. This zoning category permits the construction of single-family, duplex and multi-family dwelling units. Because size of the platted lots, many of these parcels are being developed as duplex residential dwelling units due to the lack of area to construct the multi-family dwelling units. These dwelling units are being constructed within 70-feet of the airport facility.

Across Homestead Road to the south of the subject property are approximately one-quarter acre platted lots. This area resembles much of the Lehigh Acres Community with the majority of the lots currently vacant with scattered single-family residences among them.

The subject property is bordered on the west by a drainage canal maintained by East County Water Control District. Beyond the Drainage Canal is the Harns Marsh Elementary School. A middle school is planned to be constructed on the same property as the existing elementary school but is not currently under construction. The Lee County School District has submitted a letter requesting that the applicant construct a sidewalk along the Homestead road frontage for the safety of the pedestrians traveling between the community and the schools (See Attachment F).

Neighborhood Compatibility

The applicant proposes a multiple family project. As noted above, the project is in an area of duplex and single family dwelling units. The subject property represents the only relatively large tract of land suitable for multiple family development. The project proposes townhomes and multiple family buildings with heights to two habitable stories for all buildings located on the perimeter of the project, with 7 internally located buildings that have an optional ability to achieve

three habitable stories. The proposed townhomes, located adjacent to the elementary school, have been limited to 2 stories in height. The project is also proposing a Type "D" buffer adjacent to Homestead Road to buffer the single family homes south of Homestead Road. The project design orients the possible 3 story buildings internal to the site. The Buckingham Village master concept plan also proposes a 5.28 acre indigenous preserve along Homestead Road adjacent to the school site. Homestead Road is a 100 foot wide right of way creating a substantial setback to the RS-1 zoned lots on the south side of Homestead Road. Development on the RS-1 zoned lots will include a 25 foot building setback to Homestead Road. Adding this setback and the Homestead right of way, and the Buckingham Village Homestead Road buffer (15 feet) and building setback results in a total building distance separation of approximately 150 feet. The applicant has also agreed to install a sidewalk along the project's Homestead Road frontage. With these circumstances staff finds the proposal compatible with the surrounding residential uses. Staff believes that the Board of County Commissioners bonus density contract, and the RPD rezoning resolution should include a condition that assures the Homestead Road buffer and sidewalk are installed as part of the first development order approval for the project (See Conditions 11 and 12). Staff also recommends that any approval limit all buildings on the perimeter of the project to two habitable stories as depicted on the master concept plan. Staff supports the request to permit seven structures internal to the project to be constructed with a maximum of 3 habitable stories as indicated on the Master Concept Plan.

Environmental Issues

Lee County Environmental Sciences has reviewed the proposed development and conducted a site visit. No protected species were observed on site. A staff report prepared by Lee County Division of Environmental Sciences has been attached as Attachment D of the staff report.

Transportation

The segment of Homestead Rd. adjacent to this project is a local road which, based on the aerial photograph, doesn't connect to Lee Blvd. The next street over, Sunniland Blvd. connects to Lee Blvd. and is classified as a major collector. However, there is no historic traffic for either of these roads in the Concurrency Report or the Traffic Count Report.

Based on the ITE Trip Generation Report 7th Edition, 378 multi-family units would generate 179 PM peak hour trips. With the added 253 bonus units, for a total of 631 units, the PM peak hour generation would be 272. Based on the Lee County D.O.T. link-specific service volumes, these project traffic volumes are well below the level of service "E" volume of 880 for a two-lane collector road.

ATTACHMENTS:

- A. Map of surrounding zoning
- B. Master Concept Plan
- C. Lee County Planning Division Staff Report
- D. Lee County Environmental Sciences Staff Report
- E. Letter of no objection from Buckingham Airport Manager
- F. Letter From Lee County School District

EXHIBITS

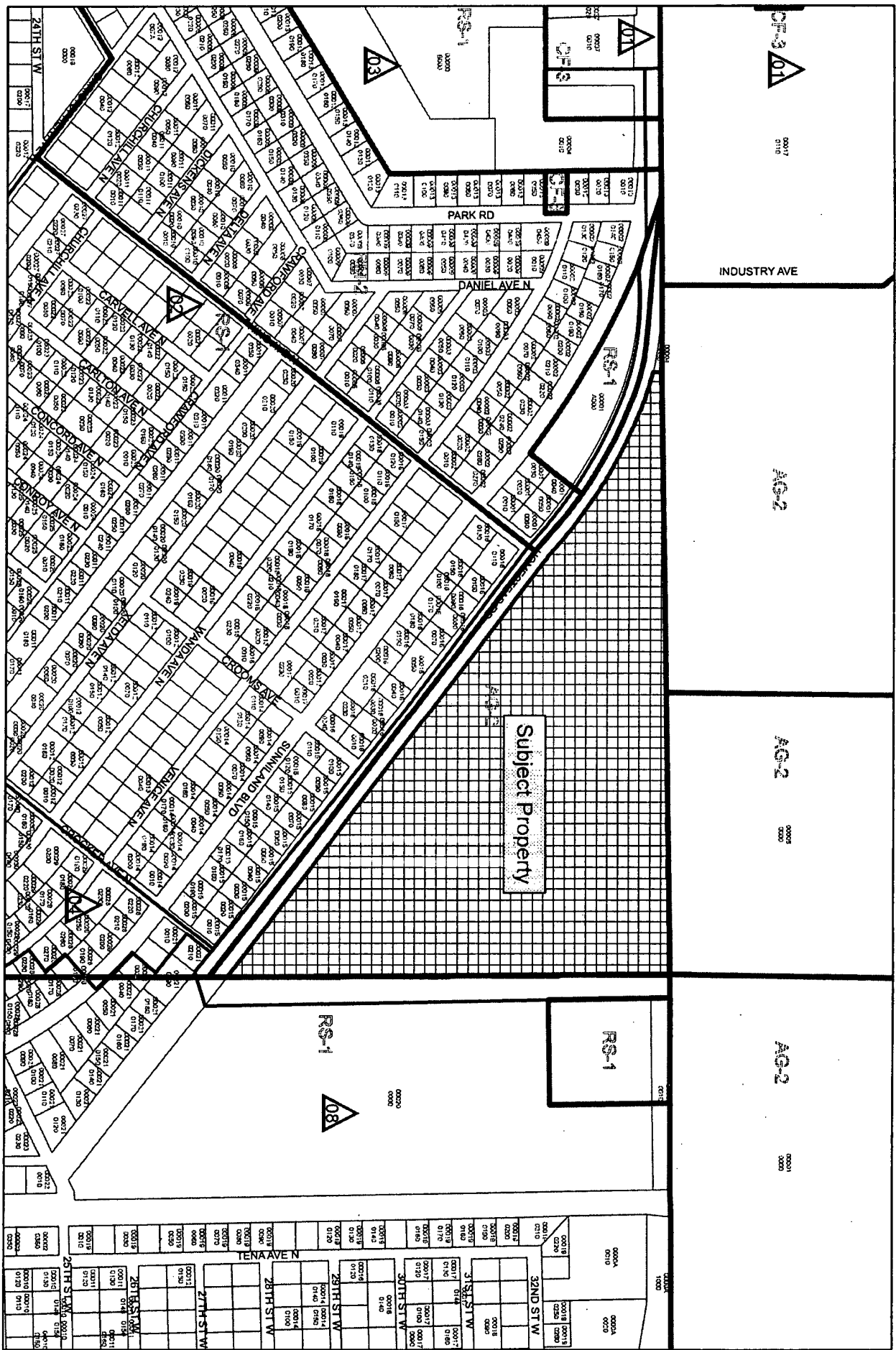
A. Legal Description

cc: Applicant
County Attorney
Zoning/DCI File

Attachment A

ZONING MAP

12/23/2005



500 250 0 500 Feet

LOCATION MAP

EXIST RESIDENTIAL
RS-1 ZONING
LEE COUNTY SCHOOL
URBAN COMMUNITY
NO BUFFER REQUIRED

FUTURE LEE COUNTY
SCHOOL UNDER
CONSTRUCTION

EXHIBIT 6-J

RECEIVED
JUN 1 1961

TRANSMIT COUNT: 12
OCT 25 2005

2005-00027

ECWCD'S HARRIS MARSH
WATER MANAGEMENT AREA
CONSERVATION AREA

VACANT AGRICULTURAL
(AG 2)BUCKINGHAM RURAL
COMMUNITY PRESERVE
TYPE "B" BUFFER
PROPOSED - 15' WIDE W/ 5
FEET 15'00 FT AND DOUBLE
ROW HEDGE

INDIGENOUS
(1.04 AC)
(1.35% = 1.42 AC)

TRACT "B"
(14.56 AC)

LAKE
(1.90 AC)TRACT "C"
(27.15 AC)

30 HGT
ORIGINAL DIVISION
CITIZENSHIP DIVISION

NG DR.

PROJECT SUMMARY:

1.) REQUEST: A REZONING FROM AG-2 TO RESIDENTIAL PLANNED DEVELOPMENT (R2PD)

2.) STRAP NUMBER:
22-44-26-00-00003.0000

3.) OVERALL PROJECT ACREAGE:

TRACT "A"	17.08 AC. (769)
TRACT "B"	14.56 AC. (634)
TRACT "C"	27.18 AC. (1,184)
	58.82 AC.

4.) OPEN SPACE:
40% OPEN SPACE REQUIRED (PER L.C.L.D.C.) FOR MULTI FAMILY TRACTS ONLY:

TRACT "A"
TRACT "B"
TRACT "C"

INDIGENOUS OPEN SPACE: 59.39 AC. x 40% = 23.76 AC.

INDIGENOUS SPACE IS REQUIRED (50% OF THE 40% OPEN
MOST OF THE INDIGENOUS AREA IS ON THE EAST SIDE OF THE
INDIGENOUS SHALL BE REQUIRED FOR MULTI FAMILY TRACTS

TRACT "A"	TRACT "B"	TRACT "C"
17.68 AC. x 20%	14.68 AC. x 20%	27.15 AC. x 20%
3.54 AC.	2.91 AC.	5.43 AC.
		11.88 AC.

6.) TYPE 'D' BUFFER REQUIREMENTS: (HOMESTEAD ROAD)
JDEB L. D.C. SEC. 10-416 (M) (A)

15' WIDE BUFFER - PLANTINGS MAY BE CLUSTERED
(PER L.D.C. SEC. 10-416 (D) (4) 2.
DOUBLE STAGGERED SHRUB HEDGE; MIN. 24-INCH HT. @ TIME
PLANTING; @ 3' WIDE HT. 15 MOS. AFTER TIME OF PLANTING.

TYPE 'B' BUFFER REQUIREMENTS. (NORTH PROPERTY LINE AND
COMMUNITY PRESERVE) - IF TRACT C IS DEVELOPED AS MUL

15" WIDE BUFFER - PLANTINGS MAY BE CLUSTERED
(PER L.O.C. SEC. 10-418 (D) (4) 2.
DOUBLE STAGGERED SHRUB HEDGE; MIN. 24-INCH HT. @ TIME
OF PLANTING. PLANTINGS TO BE MAINTAINED FOR A PERIOD OF 5 YEARS.

7.) DEVIATIONS:
NOT APPLICABLE

8.) MAXIMUM DENSITY OF 831 UNITS BASED ON 10 UNITS PER ACRE (59.39 ACRES - PROJECT SITE ÷ 3.78 ACRES ÷ 1/2 ADJACENT PLOTS)

9.1. PARKING SHALL BE IN ACCORDANCE WITH SEC. 34-2020(J)(C). ALL BUILDINGS SHOWN A MAXIMUM OF 3 STORIES.

Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
11000 Metro Parkway, Suite 27 • Fort Myers, Florida 33912 • 239-936-5222

0000 Metro Parkway, Suite 27 • Fort Myers, Florida 33912 • 239-936-5222

MASTER CONCEPT PLAN
BUCKINGHAM VILLAGES - REZONING TO RPD
LOCATED IN SECTION 22, TOWNSHIP 44 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA

5.) **INDIGENOUS OPEN SPACE:**
20% INDIGENOUS SPACE IS REQUIRED (50% OF THE 40% OPEN SPACE REQUIREMENT). MOST OF THE INDIGENOUS AREA IS ON THE EAST SIDE OF THE PROJECT SITE. INDIGENOUS TRACTS MUST BE REQUIRED FOR MILD FAMILY TRACTS ONLY AS FOLLOWS:

TRACT "A"	= 17.68 AC. ± 20%	= 3.54 AC.	= 8.45 AC. PRVD
TRACT "B"	= 14.56 AC. ± 20%	= 2.91 AC.	= 1.40 AC.
TRACT "C"	= 37.55 AC. ± 20%	= 5.43 AC.	= 2.10 AC.

TRACT C - 27.19 AC. 2.70%
11.88 AC.
11.95 AC. PRVD

6.) TYPE "D" BUFFER REQUIREMENTS (NOBELS LEAD RUMBLE)
(PER L.D.C. SEC. 10-416 (D) (4))
15' WIDE BUFFER - PLANTINGS MAY BE CLUSTERED
(PER L.D.C. SEC. 10-416 (D) (4) 2)
MIN. 24 INCHES - TIME OF PLANTING TO BE

DOUBLE STAGGERED SHRUB HEDGE, 24" HIGHT, 3" LINE SPACING, MAINTAINED @ 36" HT. 12 MOS. AFTER TIME OF PLANTING.

TYPE 'B' BUFFER REQUIREMENTS: (NORTH PROPERTY LINE ADJACENT TO RURAL HIGHWAY AND SOUTH PROPERTY LINE ADJACENT TO RURAL HIGHWAY)

(PER L.D.C. SEC. 10-418 (D) (4):
15' WIDE BUFFER - PLANTINGS MAY BE CLUSTERED
(PER L.D.C. SEC. 10-418 (D) (4) 2.

7) DEVIATIONS:

6.] MAXIMUM DENSITY OF 631 UNITS BASED ON 10 UNITS PER ACRE AND 63.16 ACRES
NOT APPLICABLE

(89.39 ACRES - PROJECT SITE + 3.78 ACRES - 1/2 ADJACENT ROW)
ALL BUILDINGS SHOWN A MAXIMUM OF 3 STORIES

9.) PARKING SHALL BE IN ACCORDANCE WITH REC. 34-2020(1)(C) OF THE LEE COUNTY LAND DEVELOPMENT CODE.

ATTACHMENT C



LEE COUNTY
SOUTHWEST FLORIDA

DIVISION OF PLANNING

**STAFF REPORT & FINDINGS
FOR
REQUESTED DENSITY INCREASE**

**A REQUEST TO USE OPTION 2 OF THE
BONUS DENSITY OPTIONS**

**IN ACCORDANCE WITH THE LEE COUNTY LAND DEVELOPMENT CODE
CHAPTER 34, ARTICLE VII, DIVISION 12, SUBDIVISION III, HOUSING BONUS
DENSITY FOR PROVISION OF VERY LOW AND LOW-INCOME HOUSING**

FOR A DEVELOPMENT KNOWN AS:

BUCKINGHAM VILLAGES
Case Number: REZ 2005-00004

December 22, 2005

Date of Application: March 11, 2005

Applicant/Agent: Lehigh Acres Acquisition, LLC/Quattrone and Associates, Inc.

Subject Property: 15320 Homestead Road, Lehigh Acres, Florida 33905

STRAP Numbers: 22-44-26-00-00003.0000

Total Acreage: 59.39 site acres plus 3.76 acres of adjacent ROW

FLUM Designation: Urban Community

Zoning: AG-2 (proposed density increase concurrent with rezoning to RPD, DCI2005-00027)

Number of Bonus Units: 253

Number of Non-Bonus Units: 378

Total Number of Units: 631

PLANNING STAFF ANALYSIS:

STAFF RECOMMENDATION

Planning staff recommends that the Board of County Commissioners enter into a contract with the developer for the requested 253 bonus units. The contract will bind the developer to the standard contribution per bonus unit at a rate of \$11,429. This recommendation is based on the analysis and conditions provided below. If approved the request equates to a \$2,891,537 contribution to the County's Affordable Housing Trust Fund.

APPLICATION SUMMARY

The above mentioned applicant and agent have submitted a request for participation in Lee County's Housing Density Bonus Program. The project, known as Buckingham Villages, is generally located on the northeast side of Homestead Road in the northwest quadrant of Lehigh Acres, approximately 1.5 miles north of Lee Boulevard. The property is accessed via Sunniland Boulevard, and a variety of local roads such as Crocker Avenue, Crooms Avenue, and King Avenue North. The property is also accessible from Sunshine Boulevard North via 25th Street West. The property is located south and east of the Buckingham Army Airfield. The subject parcel is located in the Urban Community Future Land Use category and contains approximately 60± acres.

The applicant is requesting bonus density under Chapter 34, Division 12, Subdivision III, *Housing Bonus Density for Provision of Very Low and Low-Income Housing*, of the County's Land Development Code (LDC). The applicant is seeking to utilize LDC Section 34-1519, the cash-contribution density bonus (option 2). In part, this section of the LDC requires the execution of a contract with the Board of County Commissioners. The applicant is asking for approval to increase the density of a proposed development in conjunction with a proposed rezoning to a Residential Planned Development (RPD). The applicant proposes a total of 253 bonus dwelling units in addition to 378 non-bonus dwelling units, for a total of 631 dwelling units for the development. These dwelling units are proposed to be constructed in two general building types, townhomes, and multiple-family buildings. The majority of the buildings to be developed on site are proposed not to exceed two habitable stories. Seven buildings are proposed to have the optional ability to achieve 3 habitable stories. Staff notes that these seven buildings have been sited internal to the project and that none of the buildings along the perimeter of the project exceed two habitable stories. Staff also notes that the single family lots south of Homestead Road could be developed with two habitable stories. The majority of these lots are currently vacant.

The Urban Community Future Land Use Map category has a standard density of up to 6 dwelling units per acre, and a bonus density of up to 4 additional dwelling units per acre for a total of 10 dwelling units per acre. The applicant's request equates to 10 dwelling units per acre on the subject site.

ELIGIBILITY FOR PROGRAM

The eligibility requirements for the Housing Density Bonus Program are contained in Section 34-1516 of the LDC. This section provides that a developer may be eligible to exceed the standard density range for a particular land use category if the developer either: 1.) makes the additional dwelling units achieved through the density bonus program available to eligible families in a site-specific manner as described in LDC section 34-1518; or 2.) makes a cash contribution to the Affordable Housing Trust Fund as described in section 34-1519. The applicant has chosen the latter cash-contribution option.

The Lee Plan (see Table 1a, Summary of Residential Densities) provides that Bonus Density can be achieved in the Intensive Development, Central Urban, and Urban Community Future Land Use Categories. LDC section 34-1516(b) repeats these maximum bonus densities for the eligible Lee Plan Future Land Use Categories. The subject property is located in the Urban Community Future Land Use Category. The Urban Community category allows up to 10 dwelling units per acre utilizing bonus density. As noted above, the applicant is seeking the maximum bonus density of 10 dwelling units per acre.

LDC Section 34-1516 minimum requirements also specify that all requests for participation in the program must comply with and be consistent with the Lee Plan and all other applicable federal, state and regional laws and regulations. Lee Plan consistency is discussed below. LDC Section 34-1516 also specifies that requests for participation in the program must include only property zoned for the type of dwelling units to be constructed and limit the proposed density to the maximum total density,

or less, allowed by the Lee Plan category applicable to the subject property. Staff notes that the applicant is seeking a concurrent rezoning request to accommodate the project and is seeking the maximum allowable density. These issues are further discussed below.

LAND DEVELOPMENT CODE REVIEW CRITERIA

The LDC provides specific criteria upon which a bonus density application is to be reviewed. These criteria are contained in Section 34-1516(c). Staff has considered each of the criteria contained in Section 34-1516(c) in formulating its recommendation. The result of staff's analysis are contained in the following paragraphs.

LDC Section 34-1516(c)(1)(a) provides that any request for participation in the bonus density program must comply with and be consistent with the Lee Plan and all other applicable federal, state, and regional laws and regulations. Staff provides the following analysis concerning Lee Plan consistency.

Goal 1: The Future Land Use Map and Project Density

Lee Plan Objective 1.1 describes the County's Future Urban Areas as areas intended to "provide for a full range of urban activities." Under Objective 1.1, Future Urban Areas, the Urban Community future land use category is described in Lee Plan Policy 1.1.4 which is reproduced below:

***POLICY 1.1.4:** The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre).*

As Policy 1.1.4 states, the Urban Community areas have a "distinctly urban character." The Urban Community category allows for a relatively intense mixture of commercial, residential uses, and limited light industrial land uses as well as public and quasi-public uses. The subject site is located in northeast Lehigh Acres in a relatively large area that is designated with the Urban Community land use category. The subject site is in an area of fairly intense develop associated with the Buckingham airfield and the on-going development of platted residential lots. Surrounding land uses are discussed in further detail below.

Surrounding Uses

To the east of the site, zoned RS-1, is the new Harns Marsh Elementary school. A middle school is also proposed to be located to the east of the subject site on the same site as the elementary school.

The area south of the subject site is zoned RS-1 and is platted into lots that are about 12,500 square feet in size that are a part of Lehigh Acres. Development of scattered single family homes are ongoing in this immediate area. This area equates to a density of approximately 3.5 dwelling units per acre. To the Southwest of the site is an RM-2 zoned area that is developing with a mix of duplex and single family units.

Immediately north of the subject site is the AG-2 zoned Harns Marsh. The Marsh is a storm water retention area for the East County Water Control District. Also north of the subject site are vacant AG-2 lands that are within the Buckingham Rural Community Preserve land use category.

West of the subject are RS-1 and RM-2 Lehigh acres residential lots and then the CF-3 zoned Buckingham Airfield.

Project Density

Staff has calculated the maximum standard density for the property based on the density limits provided in the Lee Plan and acreage figures provided by the applicant. The legal description supplied by the applicant provides that the parcel contains 59.39 acres. The Lee County Land Development Code provides that half of the abutting rights of way can be included in the gross residential density calculation. Half of the Homestead Road right of way equates to approximately 3.77 acres. Therefore, the eligible land area that can be included in the gross density calculation equates to approximately 63.16 acres (59.39 acres + 3.77 acres).

Applying standard density limits for the Urban Community category for the subject property, results in a standard density limitation of 378 dwelling units (63.16 X 6 dwelling units per acre). Thus, 378 dwelling units are the maximum number of dwelling units that can be permitted under the Lee Plan's standard density of the Urban Community future land use category.

The applicant is requesting a total of 631 dwelling units. Therefore, the applicant needs 253 bonus dwelling units to achieve the desired level of development. The desired level of development, 631 dwelling units, equates to slightly under 10 dwelling units per acre (9.991 units per acre).

Surrounding Uses Discussion - Compatibility

The applicant proposes a multiple family project. The proposed use is compatible with the existing, planned, and projected surrounding land uses. As noted above, the project is in an area of duplex and single family dwelling units. The subject property represents the only relatively large tract of land suitable for multiple family development. The project proposes townhomes and multiple family buildings. The development proposes limiting building heights to two habitable stories for all buildings located on the perimeter of the project, with 7 internally located buildings that have an optional ability to achieve three habitable stories. The proposed townhomes, located adjacent to the elementary school, have been limited to 2 stories in height. The project is also proposing a Type "D" buffer adjacent to Homestead Road to buffer the single family homes south of Homestead Road. The project design orients the possible 3 story buildings internal to the site. The Buckingham Village master concept plan also proposes a 5.28 acre indigenous preserve along Homestead Road

adjacent to the school site. Homestead Road is a 100 foot wide right of way creating a substantial setback to the RS-1 zoned lots located on the south side of Homestead Road. Development of the RS-1 zoned lots will include a 25 foot building setback to Homestead Road. Adding this setback and the Homestead right of way, and the Buckingham Village Homestead Road buffer (15 feet) and building setback results in a total building distance separation of approximately 150 feet. The applicant has also agreed to install a sidewalk along the project's Homestead Road frontage. With these circumstances staff finds the proposal compatible with the surrounding residential uses. Planning staff believes that the Board of County Commissioners bonus density contract, and the RPD rezoning resolution should include a condition that assures the Homestead Road buffer and sidewalk are installed as part of the first development order approval for the project. Staff also recommends that the required Homestead Road buffer trees be native canopy trees. Staff also recommends that any approval limit all buildings on the perimeter of the project to two habitable stories as depicted on the master concept plan.

Proposed Conditions:

1. The developer must, at a minimum, install a Type D buffer along Homestead Road. This buffer must be depicted on the master concept plan and be included within the first development order approval for the project. The required right of way buffer trees must be native canopy trees (no palm trees).
2. The developer must install a 5 foot wide pedestrian sidewalk along the project's Homestead Road frontage. The location of this sidewalk will be determined through the final permitting process for the project and be included within the first development order approval for the project.
3. All buildings on the perimeter of the project are limited to two habitable stories as depicted on the master concept plan.

Objective 1.7: Special Treatment Areas

The Lee Plan designates "Special Treatment Areas" on the Future Land Use Map. These areas contain special restrictions or allowances in addition to all of the requirements of their underlying land use categories. The discussion below identifies Special Treatment Areas and how they might impact the proposed development.

- The project is **not** located in an identified Airport Noise Zone.

The project is, however, located adjacent to the Buckingham Airfield. The field is utilized by a variety of activities including the Lee County Mosquito Control District and private airplanes. The Buckingham Village master concept plan was modified to show the regulatory approach surface height restrictions (also known as a glide slope). Staff believes that it is appropriate and consistent with LDC Section 34-1004(1)d.3.i. to condition the approval so that no building height or accessory structures will exceed these heights as noted on the master concept plan. The LDC requires a slope

of 50 to 1 (one foot vertically for every 50 feet horizontally) for the first 10,000 feet from the runway end. No structure or obstruction is permitted within this "approach surface" and the master concept plan has been revised to include these approach surface height restrictions.

Lee County Mosquito Control District staff have reviewed the proposal and have provided the following statement (see attached memo):

"After reviewing the proposed development, we have no objection to the building height."

Proposed Condition:

3. (condition 3 second sentence) No building or accessory structures will exceed the Land Development Code approach surface heights as noted on the master concept plan. The master concept plan must continue to depict the LDC's approach surface height restrictions.

Objective 1.7 Continued discussion:

- The project is **not** located on the Development of Regional Impact Overlay (DRI).
- The project is located on the Privately Funded Infrastructure Overlay.

The subject site is depicted on Lee Plan Map 1 Page 4 of 5 as being within the "Privately Funded Infrastructure Overlay." Lee Plan Goal 3, Objective 3.1, and subsequent policies set forth the concept of the Overlay "to assist in the provision of a full range of privately funded urban infrastructure" in designated areas. Objective 3.1, Funding Mechanisms, provides that certain areas on the Future Land Use Map are permitted urban-level densities and intensities "because most necessary infrastructure will be provided through the creation of multifunction taxing and/or benefit districts, community development districts, direct developer provision, or an effective combination of similar financing mechanisms." Policy 3.1.6 provides further guidance concerning requests for rezoning. This policy is reproduced below:

POLICY 3.1.6: Rezoning to permit increased densities that are granted after the effective date of this policy (March 1, 1989) but before the district (or equivalent funding mechanism) has been established and an infrastructure plan has been prepared will be subject to a special requirement that further development orders will be granted only upon a clear showing that the development will not cause the mandatory levels of service in Policy 70.1.3 to be exceeded. The granting of a development order will not release the property owner from any obligations under the privately funded infrastructure overlay. This requirement will not apply if it would preclude the constitutionally mandated reasonable use of a parcel of land. (Amended by Ordinance No. 93-25, 00-22)

Planning staff believes that the Board of County Commissioners bonus density contract, and the RPD rezoning resolution should include a condition that assures consistency with Policy 3.1.6.

Proposed Condition:

4. Development orders for the project will be granted only upon a clear showing that the development will not cause the mandatory levels of service in Lee Plan Policy 95.1.3 to be exceeded. The granting of a development order will not release the property owner from any obligations under the privately funded infrastructure overlay.

- The project is **not** located on the Water-Dependent Overlay.
- The project is **not** located on the Public Acquisition Overlay.
- The project is **not** located on the Agricultural Overlay.

Policy 1.7.6: Planning Communities Map 16 and Acreage Allocation Table 1 (b)

The Planning Communities Map and Acreage Allocation Table, Lee Plan Table 1(b), regulates the allowable acres of residential, commercial, and industrial land uses. Lee Plan Policy 1.7.6 provides that "no final development orders or extensions to final development orders will be issued or approved by Lee County which would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded."

The proposed development is within the Lehigh Acres Planning Community, and it falls within the Urban Community future land use category. Table 1(b) allocates 8,037 acres for residential use in the Urban Community portion of this community before the year 2020. The Planning Division's existing land use database indicates that 2,438 acres have been already developed with residential uses, leaving 5,599 acres available for residential development before the year 2020. The applicant is proposing residential use on approximately 60 acres within the Urban Community category, therefore, the proposed development is consistent with the Acreage Allocation Table 1(b).

Goal 2: Growth Management and Utilities

Goal 2 of the Lee Plan seeks to coordinate the location and timing of new development with the provision of infrastructure. Objective 2.1 addresses desired "Development Location" and is reproduced below:

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.*

Objective 2.2, in part, directs "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."

Staff finds that the proposal is consistent with the intent of Objective 2.1 and Objective 2.2. The subject site is in an area of relatively intense residential development. Staff has reviewed the project

for infrastructure availability, and has determined that all necessary infrastructure is currently available or could be available to serve the subject property. The subject property is located within the Lee County franchise area for both potable water and sanitary sewer. The subject property, however, is outside of the Lee County Service Areas (Lee Plan Maps 6 and 7). The developer has petitioned Florida Governmental Utility Authority (FGUA) to add the subject site into the Lehigh Acres franchise area. Lee County is currently considering acquiring the Lehigh Acres utility operations of FGUA.

The Lee Plan, in Goal 11, Standards 11.1 and 11.2 requires "any new residential development that exceeds 2.5 dwelling units per gross acre" must connect to a public water system and must connect to a sanitary sewer system. Planning staff believes that the Board of County Commissioners bonus density contract, and the RPD rezoning resolution should include a condition that assures consistency with Standard 11.1 and 11.2. No development order will be approved unless these services are provided to the site.

Proposed Condition:

5. The project must connect to a public water system and must connect to a sanitary sewer system. No development order will be approved unless these services are provided.

Solid Waste

Lee County Solid Waste Division has reviewed the bonus density request. They have indicated that the County's solid waste system is capable of processing the waste and recyclable materials anticipated to be generated from this project, including the 253 additional units of bonus density. Solid Waste staff did, however, raise a concern as to the manner in which the solid waste material will be collected from the site. Public Works staff suggest that a condition be included in these approvals to address this issue.

Proposed Condition:

6. Prior to local development order approval provisions and locations for solid waste collection/disposal, in compliance with the LDC, must be provided on the development order plans. Proposed locations and method of disposal is subject to review and approval by Lee County Solid Waste Division.

Fire

The subject parcel is located in the Tice Fire Protection and Rescue District. The District has raised no objections to the bonus density request.

EMS

Lee County EMS has reviewed the bonus density request, and did not raise any objections to the requested number of bonus density units. EMS staff provide that if current projected resources

(ambulances and personnel) are approved annually by the BoCC, LCEMS should be able to respond in accordance with BoCC mandate to the additional demands this project represents.

The School District of Lee County

The School District of Lee County has reviewed the project as well as the bonus density request and provided written comments (dated October 19, 2005) to Lee County staff. The School District staff review was based on 631 multifamily dwelling units. According to the School District, the project "could generate up to 69 additional school-aged children." The memo notes that "this could create the need for approximately 3 new classrooms in the system, as well as additional staff and core facilities." The memo notes that the Lee County Board of County Commissioners adopted a School Impact Fee Ordinance on November 27, 2001 and that the developers of Buckingham Village will be expected to pay the impact fee at the appropriate time. The memo also notes that "the School District has requesting (sic) sidewalks for the safety of students walking to and from this community." Staff notes that a condition has been included to require the installation of a sidewalk along Homestead Road.

Transportation

The subject site is located along Homestead Road in the north west portion of Lehigh Acres. The site, through a network of local roads, has access to Buckingham Road, Sunniland Boulevard, and Sunshine Boulevard. The site's location and existing road network allows traffic to be distributed onto a number of collector and arterial facilities that provide access in all directions, north south, east, and west.

Lee County Department of Transportation (LCDOT) staff and Development Services staff have reviewed the rezoning request, which includes the bonus density, and provided comments. LCDOT staff have determined that the project with bonus density will not alter the future road network plans. Development Services staff have concluded that the proposed project will not cause any of the affected roadway links to fall below any adopted level of service standards.

Mass Transit

Lee Tran staff have reviewed the bonus density application and provided that "in general, transit staff is in favor of higher densities in the County." Lee Tran staff note that "in the case of Buckingham Villages, the nearest transit service is currently on Lee Boulevard, approximately 1.5 miles away." Transit staff also noted that "short term and long range plans do not bring any new routes closer than the existing route." Staff suggested that the availability of sidewalks and bikeways in the area between the development and Lee Boulevard should be addressed for access to the transit system.

Infrastructure, Public Services, and Goal 2 Conclusions

From the above discussions, Planning staff concludes that adequate infrastructure exists, or will exist to accommodate the proposed bonus density request. The request is therefore consistent with the intent of Goal 2. Staff also notes that the development will contribute to various infrastructure development through the payment of impact fees. Infrastructure adequacy issues will be further addressed during the local development order process.

Goal 4: Development Design

Goal 4 of the Lee Plan addresses individual project design. Objective 4.1 provides that the County is to "maintain the current planned development rezoning process which combines site planning flexibility with rigorous review."

Policy 4.1.1 of the Lee Plan provides some general design criteria to be used in evaluating development designs. This policy is reproduced below:

***POLICY 4.1.1:** Development designs will be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements.*

Staff believes that the request is consistent with Policy 4.1.1. The proposal preserves the major natural features of the site, including an oak area along Homestead Road. This area is included in the 5.28 acre preserve in the south east area of the site as depicted on the site plan. The majority of the rest of the site has been previously cleared. The physical design of the project minimizes the expansion and construction of street and utility improvements. The design concentrates development along several loop roads that run through the project.

Hurricane Issues, Coastal Issues, and Goal 5: Residential Land Uses

The subject site is located within the category 4/5 storm surge zones for a landfalling hurricane as depicted in the 1991 Hurricane Storm Tide Atlas for Lee County prepared by The Southwest Florida Regional Planning Council. Given the project's location, the request does not raise hurricane or coastal issues.

Lee Plan Goal 5 seeks "to provide sufficient land in appropriate locations on the Future Land Use Map to accommodate the projected population of Lee County in the year 2020 in attractive and safe neighborhoods with a variety of price ranges and housing types." Objective 5.1 provides that "all development approvals for residential, commercial, and industrial land uses must be consistent with the" policies under Goal 5. Policy 5.1.2, under Objective 5.1, seeks to "prohibit residential development where physical constraints or hazards exist, or require the density to be adjusted accordingly. Such constraints or hazards may 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." Staff has not identified any physical constraints or hazards other than height issues due to the location near the Buckingham Airfield which has been addressed. Staff is, however, concerned with the overriding need for affordable housing that has been identified by several studies and the past problems in identifying appropriate sites for increased densities.

Consideration must be given to the individual characteristics of a particular proposal, such as compatibility with existing uses, desired urban form, the type of housing proposed, and the

availability of a multitude of urban services. The Urban Community Future Land Use Category in this part of the County was intended to provide a mixture of relatively intense commercial and residential uses, and to have a distinctly urban character. This property represents a rare opportunity to provide multiple family dwelling units in an area that is predominantly single family in nature. In other words, the proposal is an opportunity to provide a different housing type in an area of the County that has limited potential to provide multiple family dwelling units.

Policy 5.1.3 states that residential development should be directed to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities. The property is in close proximity to several employment and shopping centers in the western Lehigh Acres area. The subject property is also in close proximity to public schools, including Harns Marsh Elementary School as well as a proposed middle school.

Policy 5.1.5 of the Lee Plan is to protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Staff has completed an analysis of the surrounding land uses and density, and has concluded that the requested density and dwelling unit types are compatible with the existing residential environment in the subject area. The development is proposing a buffer along Homestead Road, and the development plan represents a substantial building distance separation from the existing single family lots.

Goal 135: Meeting Housing Needs

This bonus density request would further Lee Plan Goal 135 which seeks to provide decent, safe, and sanitary housing in suitable neighborhoods at affordable costs to meet the needs of the present and future residents of Lee County. More specifically, Objective 135.1, "Housing Affordability," states that Lee County will, "Work with private and public housing providers to ensure that the approximately 48,562 additional dwellings needed by 2010 are provided in types, costs, and locations to meet the needs of the Lee County population."

By allowing Bonus Density on this site, the County would be promoting the provision of affordable housing in two ways. Allowing these 253 additional dwelling units will require the payment of the contribution fee of \$11,429 per unit. The County can utilize these funds to provide affordable housing in another location. In addition, while there are no assurances these units will be affordable, this type of multifamily development does address a portion of our housing needs.

Lee Plan Consistency Conclusion

Staff concludes, that for reasons outlined above, the proposed bonus density on the subject property would be consistent with the Lee Plan. LDC Section 34-1516(c)(1)(a) provides that all requests for participation in the bonus density program must be consistent with the Lee Plan. The subject request does meet the minimum requirements for participation in the bonus density program.

LDC Section 34-1516(c) Other Minimum Requirements

LDC Section 34-1516(c)(1)(b) provides that any request for participation in the bonus density program must include only property zoned for the type of dwelling units to be constructed. The applicant proposes to rezone the subject site to a Residential Planned Development (RPD) concurrent with the application for bonus density. If approved, the bonus density units would be accommodated by the RPD. The RPD proposed schedule of uses includes multi-family and townhome units. The request, if the RPD proposal is approved, meets the requirement of Section 34-1516(c)(1)(b) that the property be zoned for the type of dwelling units to be constructed.

LDC Section 34-1516(c)(1)(c) provides that any request for participation in the bonus density program must limit the proposed density to the maximum total density or less, allowed by the Lee Plan category applicable to the subject property. As mentioned previously, the resulting density, including the bonus units, will be limited to the maximum total density of 10 dwelling units per acre allowed in the Urban Community land use category. The request, therefore, meets the requirement of Section 34-1516(c)(1)(c) that the proposed density must be limited to the maximum total density or less, as set out by the applicable land use category.

LDC Section 34-1516(c)(2)(a) provides that all requests for participation in the bonus density program must be designed so that the resulting development does not have substantially increased intensities of land uses along its perimeter, unless adjacent to existing or approved development of a similar intensity. As noted previously, the project orients the more intense 3 story structures internal to the project. The proposed master concept plan provides enhanced buffers and setbacks to existing neighboring uses. Staff concludes that the bonus density request does meet the requirements of LDC Section 34-1516(c)(2)(a) in that the resulting development does not have substantially increased intensities of land uses along its perimeter.

LDC Section 34-1516(c)(2)(b) provides that all requests for participation in the bonus density program must be designed so that the additional traffic associated with the bonus units will not be required to travel through areas with significantly lower densities before reaching the nearest collector or arterial road. The site is located along Homestead Road, just one block away from Sunniland Boulevard. Sunniland Boulevard is functionally classified as a major collector. The site is also near 25th Street West, which provides access to Sunshine Boulevard. Thus the bonus units will not be required to travel through areas with significantly lower densities before reaching the nearest collector or arterial road. Staff finds that the bonus density request meets the requirements of LDC Section 34-1516(c)(2)(b).

LDC Section 34-1516(c)(2)(c) provides that all requests for participation in the bonus density program must be designed so that existing and committed public facilities are not so overwhelmed that a density increase would be contrary to the overall public interest. As discussed in the Growth Management (Lee Plan Goal 2) section of this report, the requested bonus units will not significantly impact existing and committed public facilities and services. Staff has verified the availability and capacity of public services. Staff finds that the bonus density request meets the

requirements of LDC Section 34-1516(c)(2)(c). This finding assumes the developer makes the necessary provisions for utilities to serve the site.

LDC Section 34-1516(c)(2)(d) provides that all requests for participation in the bonus density program must be designed so that there will be no decrease in required open space, buffering, landscaping and preservation areas, or adverse impacts on surrounding land uses. Staff have reviewed the project and has found that the project meets the intent of the LDC concerning open space and landscape issues. The addition of bonus units, therefore, will not result in a decrease in landscaping, buffering, open space, or preservation areas. Staff finds that the bonus density request meets the requirements of LDC Section 34-1516(c)(2)(d).

LDC Section 34-1516(c)(2)(e) provides that all requests for participation in the bonus density program must be designed so that storm shelters or other appropriate mitigation is provided if the development is located within the Category 1 Storm Surge Zone for a land-falling storm as defined by the October 1991 Hurricane Storm Tide Atlas for Lee County prepared by the Southwest Florida Regional Planning Council. As stated previously, the subject site is located within the category 4/5 storm surge zones for a landfalling hurricane as depicted in the 1991 Hurricane Storm Tide Atlas for Lee County prepared by The Southwest Florida Regional Planning Council. Staff notes that the Land Development Code now requires that hazard mitigation be provided for all new residential development that is located in a Category Three or less storm surge zone at the time of Development Order approval.

LDC Section 34-1516(c)(2)(f) provides that all requests for participation in the bonus density program must be designed so that the resulting development will be compatible with existing and planned surrounding land uses. Staff has analyzed the surrounding land uses and existing infrastructure. Staff believes that, with regard to LDC Section 34-1516(c)(2)(f), the proposed unit type and residential density are compatible with the surrounding land uses.

CONCLUSIONS

Staff believes that this amount of bonus density is appropriate for the subject property and is consistent with the Lee Plan and Land Development Code.

STAFF FINDINGS

In summary, this bonus density request is consistent with the criteria contained in Section 34-1516(c). Detailed discussion of each of these criteria have been provided. Staff makes the following findings in accordance with Sec. 34-1516(c) of the Land Development Code:

- a. The request is in **compliance** with and **consistent** with the Lee Plan.
- b. The request includes **only** property that is zoned for the type of dwelling units to be constructed if the RPD request is approved.

c. The request equates to the maximum total bonus density for the Urban Community land use category.

d. The proposed development would **not** have substantially increased intensities of land uses along its perimeter.

e. The project is **not** in a location where the additional traffic will be required to travel through areas with significantly lower densities before reaching the nearest collector or arterial road.

f. The development is **not** in a location where existing and committed public facilities are so overwhelmed that a density increase would be contrary to the overall public interest. This assumes that utilities are provided to the subject site.

g. The request will **not** decrease any required open space, buffering, landscaping, and preservation areas.

h. The proposed development is located within the category 4/5 storm surge zones for a landfalling hurricane as depicted in the 1991 Hurricane Storm Tide Atlas for Lee County prepared by The Southwest Florida Regional Planning Council.

i. The resulting development **will be** compatible with existing and planned surrounding land uses.

RECOMMENDATION

Staff recommends **approval** of the request for participation in the County's Bonus Density Program in order to achieve 253 dwelling units of bonus density on the subject property.

BASIS FOR RECOMMENDATION

The request for bonus density complies with all of the criteria listed in Section 34-1516(c) that must be met in order to grant an approval of a density increase.

PROPOSED MASTER CONCEPT PLAN



**FUTURE LEE COUNTY
SCHOOL UNDER
CONSTRUCTION**



ECWCD'S HARNIS MARSH
WATER MANAGEMENT AREA
CONSERVATION AREA
NO BUFFER REQUIRED

EXIST. RESIDENTIAL
RS-1 ZONING
URBAN COMMUNITY
TYPE "D" ROW BUFFER
PROPOSED - 15' WIDE W/ 8
TREES/100FT AND DOUBLE
ROW HEDGE

**5.) INDIGENOUS OPEN SPACE:
20% INDIGENOUS SPACE IS REQUIRED (50% OF THE 40% OPEN SPACE REQUIREMENT).**

MOST OF THE INDIGENOUS AREA IS ON THE EAST SIDE OF THE PROJECT SITE. INDIGENOUS SHALL BE REQUIRED FOR MULTI FAMILY TRACTS ONLY AS FOLLOWS:

TRACT "A" ■ 17.68 AC, x 20%
TRACT "B" ■ 4.45 AC, x 70%
TRACT "C" ■ 3.54 AC,
■ 8.45 AC, PRVD
■ 4.46 AC

	■ 7.40 AC.
TRACT "C"	■ 5.43 AC.
	■ 2.10 AC.
	■ 11 RR AC
	■ 11.95 AC.
	DDVD

[illegible]

6.) TYPE 'D' BUFFER REQUIREMENTS: (HOMESTEAD ROAD)
(PER I.D.C. SEC. 10-416 (D) (4):

**15' WIDE BUFFER - PLANTINGS MAY BE CLUSTERED
(PER I.D.C. SEC. 10-416 (D) (4) 2.**

DOUBLE STAGGERED SHRUB HEDGE; MIN. 24-INCH HT. @ TIME OF PLANTING, TO BE MAINTAINED @ 38" HT. 12 MOS. AFTER TIME OF PLANTING.

TYPE 'B' BUFFER REQUIREMENTS: (NORTH PROPERTY LINE ADJACENT TO RURAL COMMUNITY DISTRICTS) - IF TRACT C IS DEVELOPED AS PER THE FAMILY VACATION ACT, THE TRACT C DEVELOPMENT SHALL BE CONSIDERED A TYPE 'B' DEVELOPMENT.

COMMITMENT PRESERVING IF TRACT C IS DEVELOPED AS RURAL FAMILY
(PER L.D.C. SEC. 10-416 (D) (4):
15' WIDE BUFFER - PLANTINGS MAY BE CLUSTERED

PER L.D.C. SEC. 10-416 (D) (4) 2.
DOUBLE STAGGERED SHRUB HEDGE; MIN. 24-INCH HT. @ TIME OF PLANTING. TO BE

MAINTAINED @ 36" HT. 12 MOS. AFTER TIME OF PLANTING.

7.) DEVIATIONS:
NOT APPLICABLE

81 MAY/1983 INVENTORY OF 234 LITTER PLANTS ON 40 LITTER BEDS, 1000-10000 CM² PLANT AREA

REGULATORY DENSITY OF 631 UNITS BASED ON 10 UNITS PER ACRE AND 63.15 ACRES (59.39 ACRES - PROJECT SITE + 3.76 ACRES - 1/2 ADJACENT ROW)
ALL BUILDINGS SHOWING A MAXIMUM OF 3 STORIES

ALL VOLUNTEERS WHO WIN A MODERATOR OF 3 STORIES

9.) PARKING SHALL BE IN ACCORDANCE WITH SEC. 34-202(1)C. OF THE LEE COUNTY LAND DEVELOPMENT CODE.

LEGAL DESCRIPTION

LEGAL DESCRIPTION

THAT PORTION OF SECTION 22, TOWNSHIP 44 SOUTH, RANGE 26 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE POINT OF INTERSECTION OF THE EAST LINE OF BUCKINGHAM PARK NORTHEAST SECTION, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 9, AT PAGES 59 TO 65 WITH THE NORTH LINE OF SECTION 22, THENCE RUN S89°52'10"E ALONG SAID SECTION LINE FOR 500 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S89°52'10"E ALONG SAID NORTH LINE OF SAID SECTION 22, A DISTANCE OF 2590.88 FEET TO THE NORTHEAST CORNER OF SAID SECTION 22; THENCE RUN S01°11'39"E ALONG THE EAST LINE OF SAID SECTION 22, A DISTANCE OF 2026.42 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF HOMESTEAD ROAD(100' RIGHT-OF-WAY); THENCE RUN N51°44'46"W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 2745.79 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 1482.40 FEET, A DELTA ANGLE OF 20°54'21" AND A CHORD BEARING OF N62°11'06"W, THENCE RUN ALONG SAID CURVE TO THE LEFT AND SAID NORTHERLY RIGHT-OF-WAY LINE, AN ARC LENGTH OF 540.89 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID HOMESTEAD ROAD; THENCE N00°49'20"W A DISTANCE OF 80.85 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 22 AND THE POINT OF BEGINNING.

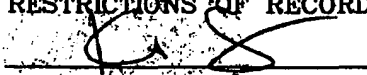
Applicant's Legal Checked

by Lgm 5/16/2005

DC12005-00027

MAY 02 2005

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.


KRIS A. SLOSSER, STATE OF FLORIDA, (P.S.M. #5560)
SEE ATTACHED SKETCH

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN
SECTION 22, TOWNSHIP 44 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

**KRIS A SLOSSER P.S.M.
4650 VILLA CAPRI LN. BONITA SPRINGS
FLORIDA 34134 (239) 947-1915**

DRAWING: 40725 SKETCH

DRAWN BY: KAS



KRIS A SLOSSER P.S.M.
4650 VILLA CAPRI LN. BONITA SPRINGS
FLORIDA 34134 (941) 947-1915

SKETCH TO ACCOMPANY LEGAL

**A PORTION OF
SECTION 22, TOWNSHIP 44 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA**

FIELD BOOK AND VOLUME	STATIONERS	STATIONERS
123	STATIONERS	STATIONERS
STATIONERS	STATIONERS	STATIONERS

Applicant's Survey Checked
By Lgm 5/16/2005.

DCI 2005-00027

1997 02 20

LINE TABLE		
LINE	LENGTH	BEARING
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LEGEND

- | | |
|--------|----------------------------------|
| P.A.C. | FLORIDA ADMINISTRATIVE CODE |
| P.E.M. | PERSONNEL EMPLOYMENT & HAPPER |
| P.W.C. | RANGE |
| P.S.A. | RIGHT-OF-WAY |
| P.C.N. | NATIONAL GEODESIC VERTICAL DATUM |
| P.C.I. | MEASURED |
| P.U. | INFORMATION PROVIDED IN PLAT |
| P.C.T. | CALCULATED FOR PLAT DATA |
| P.L. | LICENSED SURVEYORS |
| P.E. | PLAT BOOK |
| P.C. | PLAT PAGE |
| P.O.A. | PORT OF BEGINNING |
| P.O.C. | POINT OF COMMENCEMENT |
| P.A. | RIGHT OF WAY |
| P.B. | OFFICIAL RECORDS BOOK |

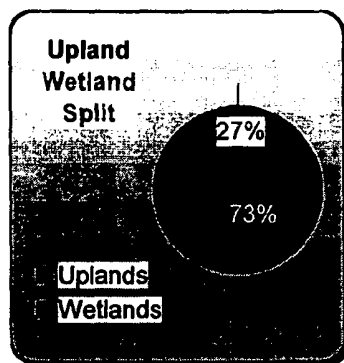
NOTES:

- 1) RECENTLY RECEIVED INFORMED REFERS TO A ASSUMED READING OF REPORT IN THE NEW SPRINGFIELD TRAVELER ON THE 10TH OF APRIL 1968 AT THE HOME OF THE WIFE OF THE SAID PERSON 2ND WEDNESDAY 44 4 SOUTH WALTON IN DADE COUNTY FLORIDA
- 2) THE PERSON IS CONTACT FLORIDA
- 3) THE PERSON IS CONTACT TO RECEIVED REMARKS ON RECEIVED OF RECEIVED
- 4) INCREASING THE PERSON AGE IS FEET AND WEIGHT THIRTY POUNDS
- 5) THE PERSON IS CONTACT TO RECEIVED REMARKS ON RECEIVED OF RECEIVED
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- 43) THE PERSON IS CONTACT TO RECEIVED REMARKS

LEE PLAN DENSITY CALCULATION PRINTOUT

Input Box	
Do not alter data outside of this box	
Area and Use Category	Uplands Wetlands Total
Uplands (Acres)	63.16
Wetlands (Acres)	0

Do not alter fields below this line



Acres		Units	
63.16	Uplands	63	Minimum
0	Wetlands	378	Standard
		378	Maximum with Bonus from Wetlands
		631	Maximum with Bonus from TDR
		442	Units with 25% of Bonus Range
		505	Units with 50% of Bonus Range
		568	Units with 75% of Bonus Range

REVIEW MEMOS

From: Kim Trebatoski
To: Noble, Matthew
Date: 12/12/05 10:42AM
Subject: Re: Buckingham Villages REZ2005-00004 & DCI2005-00027

Matt - This project is meeting the open space and preservation requirement. ES staff does not have any issue with granting the bonus density.

Kim Trebatoski
Principal Environmental Planner
DCD - Environmental Sciences
trebatkm@leegov.com
239-479-8183
FAX 239-479-8319

>>> Matthew Noble 12/12/05 10:35AM >>>
Good morning,

Planning staff is finalizing the staff review for the above mentioned cases. The project is seeking to utilize bonus density. The MCP is attached for your review. The applicant, Lehigh Acres Acquisition, LLC, is seeking 253 bonus units for a total of 631 multiple family dwelling units. The project is located at 15320 Homestead Road, Lehigh Acres, just south and east of the Buckingham airfield. The property STRAP is: 22-44-26-000-00003.0000. I would appreciate any comments ASAP, as I would like to issue the report prior to the Christmas break...

Matthew A. Noble, Principal Planner
Lee County Department of Community Development
Division of Planning
Email: noblema@leegov.com
(239) 479-8548
(941) 479-8319 FAX

From: Michael Horsting
To: Noble, Matthew
Date: 12/21/05 2:55PM
Subject: Re: Buckingham Villages

Thanks for the reminder Matt.

In general, transit staff is in favor of higher densities in the county. In the case of Buckingham Villages, the nearest transit service is currently on Lee Boulevard, approximately 1.5 miles away from this proposed development. Short term and long range plans do not bring any new routes closer than the existing route. I would suggest the availability of sidewalks and bikeways in the area between the development and Lee Boulevard to be addressed for access to the transit system. We do consider our service area for bicyclists to be a 2 mile buffer surrounding our bus routes so this development would feasibly be accessible to them.

Mike Horsting
Transit Planner
Lee County Transit
6035 Landing View Road
Fort Myers, FL 33907
mhorsting@leegov.com
(239) 533-0333 - Telephone
(239) 277-5064 - FAX

>>> Matthew Noble 12/21/05 01:48PM >>>

I was just wondering if you had looked over the proposal and had any comments concerning the bonus units requested...

Matthew A. Noble, Principal Planner
Lee County Department of Community Development
Division of Planning
Email: noblema@leegov.com
(239) 479-8548
(941) 479-8319 FAX

From: Robert Rentz
To: Noble, Matthew
Date: 12/21/05 8:36AM
Subject: Re: Buckingham Villages REZ2005-00004 & DCI2005-00027

Matt - The segment of Homestead Rd. adjacent to this project is a local road which, based on the aerial photograph, doesn't connect to Lee Blvd. The next street over, Sunniland Blvd. connects to Lee Blvd. and is classified as a major collector. However, there is no historic traffic for either of these roads in the Concurrency Report or the Traffic Count Report.

Based on the ITE Trip Generation Report 7th Edition, 378 multi-family units would generate 179 PM peak hour trips. With the added 253 bonus units, for a total of 631 units, the PM peak hour generation would be 272.

Based on the Lee County D.O.T. link-specific service volumes, these project traffic volumes are well below the level of service "E" volume of 880 for a two-lane collector road.

Robert G. Rentz, P.E.
Development Review Engineer
DCD-Development Services
E-mail: RENTZRG@leegov.com
Telephone: (239) 479-8587 X12
Fax: (239) 479-8313

>>> Matthew Noble 12/12/05 10:35AM >>>
Good morning,

Planning staff is finalizing the staff review for the above mentioned cases. The project is seeking to utilize bonus density. The MCP is attached for your review. The applicant, Lehigh Acres Acquisition, LLC, is seeking 253 bonus units for a total of 631 multiple family dwelling units. The project is located at 15320 Homestead Road, Lehigh Acres, just south and east of the Buckingham airfield. The property STRAP is: 22-44-26-000-00003.0000. I would appreciate any comments ASAP, as I would like to issue the report prior to the Christmas break...

Matthew A. Noble, Principal Planner
Lee County Department of Community Development
Division of Planning
Email: noblema@leegov.com
(239) 479-8548
(941) 479-8319 FAX

From: Lili Wu
To: Getch, Andrew; Loveland, David; Noble, Matthew
Date: 12/14/05 2:10PM
Subject: Re: Fwd: Buckingham Villages REZ2005-00004 & DCI2005-00027

Matthew:

We have reviewed the above application which requests 253 bonus units for a total of 631 multiple family dwelling units at 15320 Homestead Road, Lehigh Acres (Buckingham Village -DCI2005-00027) and determined the project will not alter the future road network plans.

Wu

>>> Andrew Getch 12/12/05 10:42AM >>>

Wu,
please review

Andy Getch, P.E.
Senior Engineer
Lee County Department of Transportation
getchaj@leegov.com
PHONE (239) 479-8510
FAX (239) 479-8520



THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901 • (239) 334-1102 • TTD/TTY (239) 335-1512

ELINOR D. SCRIPPA, Ph.D.
CHAIRMAN • DISTRICT 5

ROBERT D. CHILMONIK
VICE CHAIRMAN • DISTRICT 1

JEANNE B. DOZIER
DISTRICT 2

JANE E. KUCKEL, Ph.D.
DISTRICT 3

STEVEN K. TRUBER
DISTRICT 4

JAMES W. BROWDER, Ed.D.
SUPERINTENDENT

KEITH B. MARTIN
BOARD ATTORNEY

October 19, 2005

Mr. Josh Philpott
Lee County Development Services Division
P.O. Box 398
Fort Myers, FL 33902-0398

Re: Buckingham Villages, DCI Substantive Review, Case #DCI2005-00027

Dear Mr. Philpott:

Thank you for the opportunity to review the Buckingham Villages for substantive comments with regard to educational impacts. This proposed development is in the East Choice Zone of the District, on Homestead Road adjacent to Harns Marsh Elementary in the East Fort Myers Planning Area. This letter is in response to your request dated October 5, 2005.

The School District has requesting sidewalks for the safety of students walking to and from this community. The Master Concept Plan does not include sidewalks along Homestead Road. The developer could easily connect to the sidewalks in front of the elementary school along Homestead Road.

Based on the proposed maximum total of 631 multifamily residential dwelling units, the Lee County School District is estimating that the proposal could generate up to 69 additional school aged children. This uses a generation rate of 0.109 students generated in the East Choice Zone of Lee County for multifamily units. This would create the need for approximately three 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.

The Lee County Board of County Commissioners adopted a School Impact Fee Ordinance on November 27, 2001, effective at this time. As such, the lake Buckingham Villages 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,

DISTRICT VISION

TO BE A WORLD-CLASS SCHOOL SYSTEM

DISTRICT MISSION

TO PROVIDE A QUALITY EDUCATION IN A SAFE AND WELL-MANAGED ENVIRONMENT

Mr. Josh Phillpot
Lee County Department of Community Development
Zoning Division
1500 Monroe Street, Second Floor
P.O. Box 398
Fort Myers, FL 33902-0398

September, 16th 2005

Project Name: Buckingham Village Case # DC12005-00027

After reviewing the proposed development, we have no objection to the building height.

Sincerely,


Jim McKeever
Airport Manager
Buckingham Airport

RECEIVED
SEP 20 2005

COMMUNITY DEVELOPMENT

JM

**LEHIGH ACRES ACREAGE
ALLOCATION TABLE**

Planning Community of Lehigh Acres

Year	Population	
	Permanent	Functional
1995	29,565	31,438
1996	30,452	32,381
1997	21,447	33,439
1998	32,495	34,554
1999	33,876	36,022
2000	34,906	37,117
2001	36,246	38,542
2002	38,884	41,347
2020*	91,734	

* Forecast

Residential Use by Future Land Use Category	Acreage		
	Allocation for Year 2020	Existing	Available
Central Urban (CU)	3,052	2,942	110
Urban Community (UC)	8,037	2,438	5,599
Suburban (S)	0	0	0
Rural (R)	10	0	10
Wetlands (RPA)	0	2	-2
Total Residential	11,099	5,382	5,717

	Acreage		
	Allocation		

Other Uses	for Year 2020	Existing	Available
Commercial	452	275	177
Industrial	216	108	108

[Click here](#) to return to the previous page.

ATTACHMENT D

**STAFF REPORT
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ENVIRONMENTAL SCIENCES**

Date: December 20, 2005

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



Project: Buckingham Villages RPD
Case: DCI2005-00027
STRAP: 22-44-26-00-00003.0000

The Division of Environmental Sciences (ES) staff have reviewed the proposed multi-family residential planned development (RPD) and conducted a field inspection.

The property consists of previously filled lands including a former military airfield (2.41 acres), open land (39.05 acres), and revegetated palmetto prairie with live oak and pine trees (17.92 acres).

The proposed development is required to provide 40% or 23.76 acres of open space of which fifty percent or 11.88 acres must be provided as indigenous plant community and native tree preservation. The proposed Master Concept Plan (MCP) indicates that the Land Development Code (LDC) open space and preservation requirements will be met.

A protected species survey for Lee County listed species was conducted, and no listed species were observed. ES staff field verified the protected species survey.

The proposed MCP delineates lakes that are triangular in shape. The final design of the lakes must mimic natural shorelines and not be geometric in shape. ES staff recommend the following condition:

Prior to local development order approval, the plans must delineate lakes that mimic natural shorelines, and not geometric in shape as shown on the Master Concept Plan.

ATTACHMENT E

Mr. Josh Phillpot
Lee County Department of Community Development
Zoning Division
1500 Monroe Street, Second Floor
P.O. Box 398
Fort Myers, FL 33902-0398

September, 16th 2005

Project Name: Buckingham Village Case # DC12005-00027

After reviewing the proposed development, we have no objection to the building height.

Sincerely,


Jim McKeever
Airport Manager
Buckingham Airport

RECEIVED
SEP 20 2005

COMMUNITY DEVELOPMENT

JM

ATTACHMENT F

**THE SCHOOL DISTRICT OF LEE COUNTY**

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ELINOR D. SCRIPPA, PH.D.
CHAIRMAN • DISTRICT 5ROBERT D. CHILMONIK
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DISTRICT 2JANE E. KUCKEL, PH.D.
DISTRICT 3STEVEN K. TRUBER
DISTRICT 4JAMES W. BROWDER, ED.D.
SUPERINTENDENTKEITH B. MARTIN
BOARD ATTORNEY

October 19, 2005

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P.O. Box 398
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EXHIBIT A

LEGAL DESCRIPTION

THAT PORTION OF SECTION 22, TOWNSHIP 44 SOUTH, RANGE 26 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE POINT OF INTERSECTION OF THE EAST LINE OF BUCKINGHAM PARK NORTHEAST SECTION, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 9, AT PAGES 59 TO 65 WITH THE NORTH LINE OF SECTION 22, THENCE RUN S89°52'10"E ALONG SAID SECTION LINE FOR 500 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S89°52'10"E ALONG SAID NORTH LINE OF SAID SECTION 22, A DISTANCE OF 2590.88 FEET TO THE NORTHEAST CORNER OF SAID SECTION 22; THENCE RUN S01°11'39"E ALONG THE EAST LINE OF SAID SECTION 22, A DISTANCE OF 2026.42 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF HOMESTEAD ROAD(100' RIGHT-OF-WAY); THENCE RUN N51°44'46"W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 2745.79 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 1482.40 FEET, A DELTA ANGLE OF 20°54'21" AND A CHORD BEARING OF N62°11'06"W, THENCE RUN ALONG SAID CURVE TO THE LEFT AND SAID NORTHERLY RIGHT-OF-WAY LINE, AN ARC LENGTH OF 540.89 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID HOMESTEAD ROAD; THENCE N00°49'20"W A DISTANCE OF 80.85 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 22 AND THE POINT OF BEGINNING.

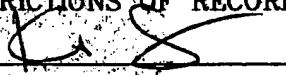
Applicant's Legal Checked

by Lgm 5/16/2005

DC12005-00027

MAY 02 2005

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.


KRIS A. SLOSSER, STATE OF FLORIDA, (P.S.M. #5560)
SEE ATTACHED SKETCH

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN
SECTION 22, TOWNSHIP 44 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

KRIS A SLOSSER P.S.M.
4650 VILLA CAPRI LN. BONITA SPRINGS
FLORIDA 34134 (239) 947-1915

DRAWING: 40725 SKETCH

DRAWN BY: KAS

INSTRUCTIONS

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

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

- Signs for case #DCI2005-00027 must be posted by **Tuesday, December 27, 2005**.
- 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.
- 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.
- 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.
- 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 Al Quattone, P.E.
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 OF APPLICANT OR AGENT

NAME (TYPED OR PRINTED)

ST. OR PO BOX

CITY, STATE & ZIP

#DCI2005-00027/BUCKINGHAM VILLAGES/01/11/2006/LVV

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to and subscribed before me this 23 day December
2005 by Al Quattone, personally known to me or who produced
as identification and who did/did not take an oath.

Signature of Notary Public

Printed Name of Notary Public



Iniavette Ramirez
Commission #DD370027
Expires: Nov 08, 2008
Bonded Thru
Atlantic Bonding Co., Inc.

My Commission Expires:
(Stamp with serial number)

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

WHEREAS, Quattrone & Associates, Inc., filed an application on behalf of the property owners, Lehigh Acres Acquisition, LLC, and Lehigh Acres Management, LLC, to rezone a 59.39±-acre parcel from Agricultural (AG-2) and Single-Family Residential (RS-1) to Residential Planned Development (RPD), and to utilize the Cash Contribution Option of the Bonus Density Program to increase the permissible density of the property above the Lee Plan standard density range for a project known as Buckingham Villages; and,

WHEREAS, the density applicable to a conventional zoning district may be increased using affordable housing bonus density units only through the public hearing process; and,

WHEREAS, a public hearing was advertised and held on January 11, 2006, 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 January 27, 2006. This date was extended to February 10, 2006, and then to February 24, 2006. The Hearing Examiner gave full consideration to the evidence in the record for Case Nos. DCI2005-00027 (Rezoning) and REZ2005-00004 (Bonus Density Application); and,

WHEREAS, a second public hearing was advertised and held on April 17, 2006, 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 in accordance with the procedures set forth in §34-83(b) of the Land Development Code. In addition, the Board considered the proposed bonus density contract based on the criteria set forth in LDC §34-1517(c); and,

WHEREAS, the Board approved the Hearing Examiner's recommendation on the requested rezoning and indicated that they would favorably consider a request for Bonus Density under the Site Specific Option if such an agreement is presented at a future date; and,

WHEREAS, Richard Pringle, Esq., on behalf of the applicant, filed a request for rehearing of the Lee County Board of County Commissioners' decision to accept the Hearing Examiner's recommendation to exclude one-half the abutting right-of-way of Buckingham Road from the calculation of the total acreage of the property for the purposes of determining gross available density (Case No. DCI2006-00040).

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

1. The request for rehearing filed by Richard Pringle on behalf of the property owners, Lehigh Acres Acquisition, LLC, and Lehigh Acres Management, LLC, to reconsider the Board's decision to accept the Hearing Examiners recommendation to exclude one-half the abutting

right-of-way of Buckingham Road from calculation of the total acreage of the property for the purposes of determining gross available density is hereby denied.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Judah, seconded by Commissioner Janes, 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	Absent

DULY PASSED AND ADOPTED this 12th day of June 2006.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *Isa Pierce*

Deputy Clerk

BY: *T Hall*

Tammara Hall, Chairwoman

Approved as to form by:

Donna Marie Collins

Donna Marie Collins
County Attorney's Office

Exhibit A: Legal Description

RECEIVED
MINUTES OFFICE

lp

2006 SEP 28 PM 1:26

Exhibit A
Legal Description
Property located in Lee County,
Florida
Page 1 of 2

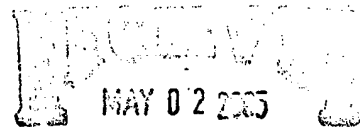
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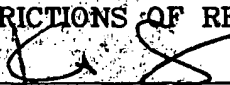
Applicant's Legal Checked

by Lgm 5/16/2005

DC12005-00027



THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.


KRIS A. SLOSSER, STATE OF FLORIDA, (P.S.M. #5560)
SEE ATTACHED SKETCH

LEGAL DESCRIPTION

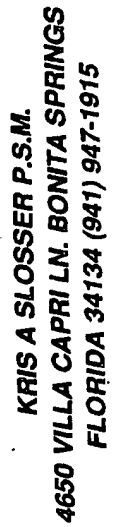
A PARCEL OF LAND LOCATED IN
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LEE COUNTY, FLORIDA

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4650 VILLA CAPRI LN. BONITA SPRINGS
FLORIDA 34134 (239) 947-1915

DRAWING: 40725 SKETCH

DRAWN BY: KAS

Page 2 of 2



**MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY**

DATE: December 8, 2006

To: Jamie Princing
Development Services

FROM: 
Ann Polito
Legal Administrative Secretary

**RE: Buckingham Villages RPD
Case #DCI2005-00027 and REZ2005-00004
Resolution #Z-06-006**

Attached is the legal verification correspondence pertaining to the above-referenced zoning case. Please place this information 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



Engineers, Planners & Development Consultants

11000 Metro Parkway, Suite 30 • Fort Myers, Florida 33912
Tel: (239) 936-5222 • Fax: (239) 936-7228

December 4, 2006

Lee County Attorneys Office
c/o Donna Marie Collins
P.O. Box 398
Fort Myers, Florida 33902-0398

**RE: Buckingham Villages RPD
Zoning Case # DCI2005-00027 and REZ2005-00004
Resolution No. Z-06-006**

Dear Ms. Collins,

I have fully reviewed the draft resolution and legal description provided in your office's correspondence dated June 14, 2006. I find the resolution accurately reflects the Hearing Examiner's recommendation. I find that the legal description attached to the draft resolution accurately reflects the property to be rezoned.

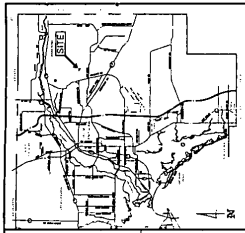
Please contact me if you have any questions.

Sincerely,

QUATTRONE & ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read 'Fred Drovdic', with a long horizontal flourish extending to the right.

Fred Drovdic, AICP
Planning Director



LOCATION MAP

Approved as Exhibit B
MCP Page 7 of 10
Resolution # 2005-00027

THIS IS A PRELIMINARY
PLAN. IT IS NOT TO BE
USED FOR CONSTRUCTION
WITHOUT THE NECESSARY
PERMITS AND APPROVALS.

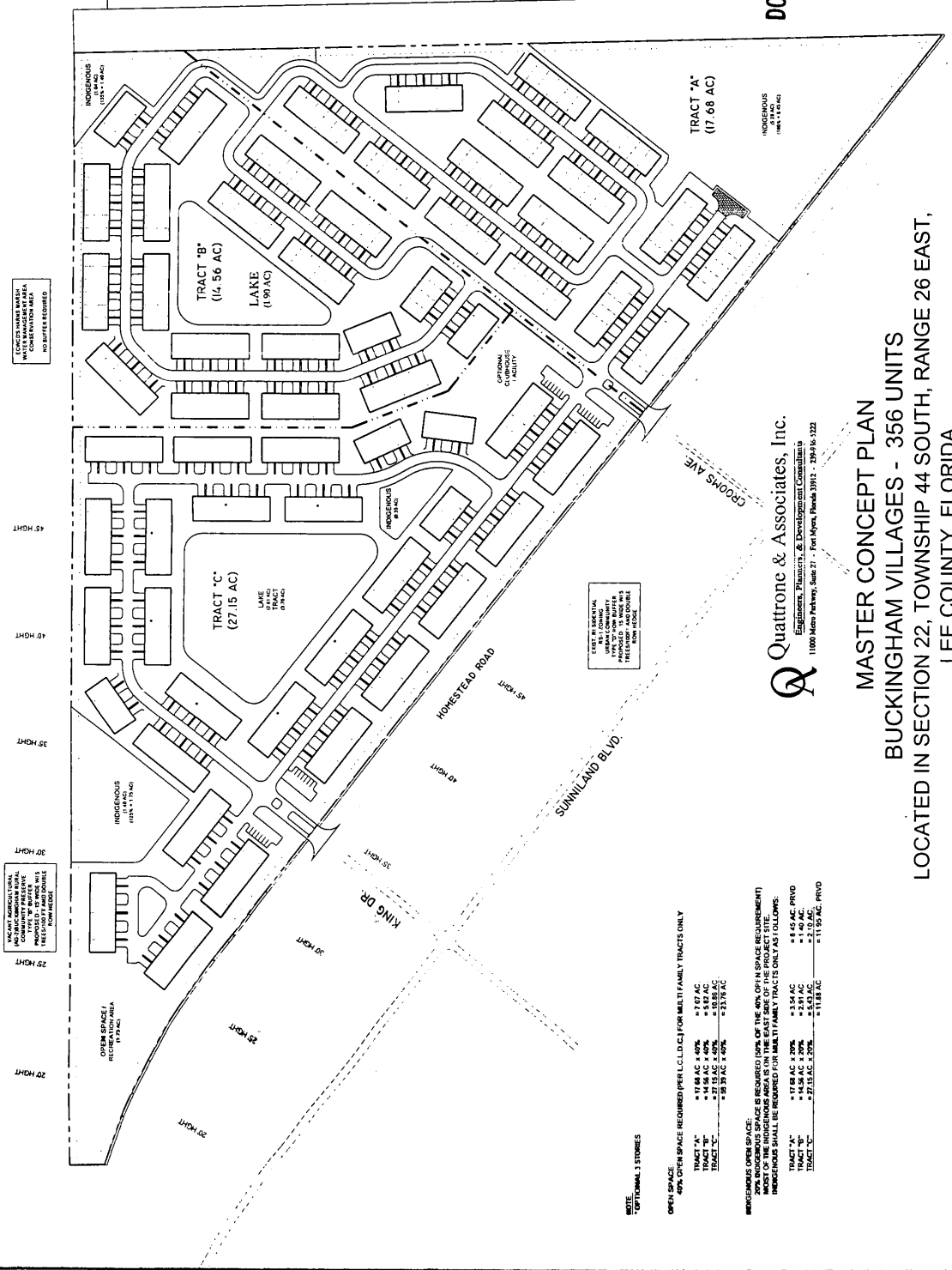
FUTURE LEE COUNTY
SCHOOL UNDER
CONSTRUCTION

RECEIVED
NOV 29 2006

DCI 2005-00027

NORTH
EXHIBIT 6-J
1" = 100'

NOVEMBER 28, 2006



Quattrone & Associates, Inc.
ENGINEERS, PLANNERS, & DEVELOPMENT CONSULTANTS
11000 Alton Parkway, Suite 211 - Fort Myers, Florida 33911 - 339-94-1323

MASTER CONCEPT PLAN
BUCKINGHAM VILLAGES - 356 UNITS
LOCATED IN SECTION 22, TOWNSHIP 44 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA

NOTE:
OPTIONAL: 3 STORIES

OPEN SPACE:
40% OPEN SPACE REQUIRED (PER L.C.D.C.) FOR MULTI-FAMILY TRACTS ONLY

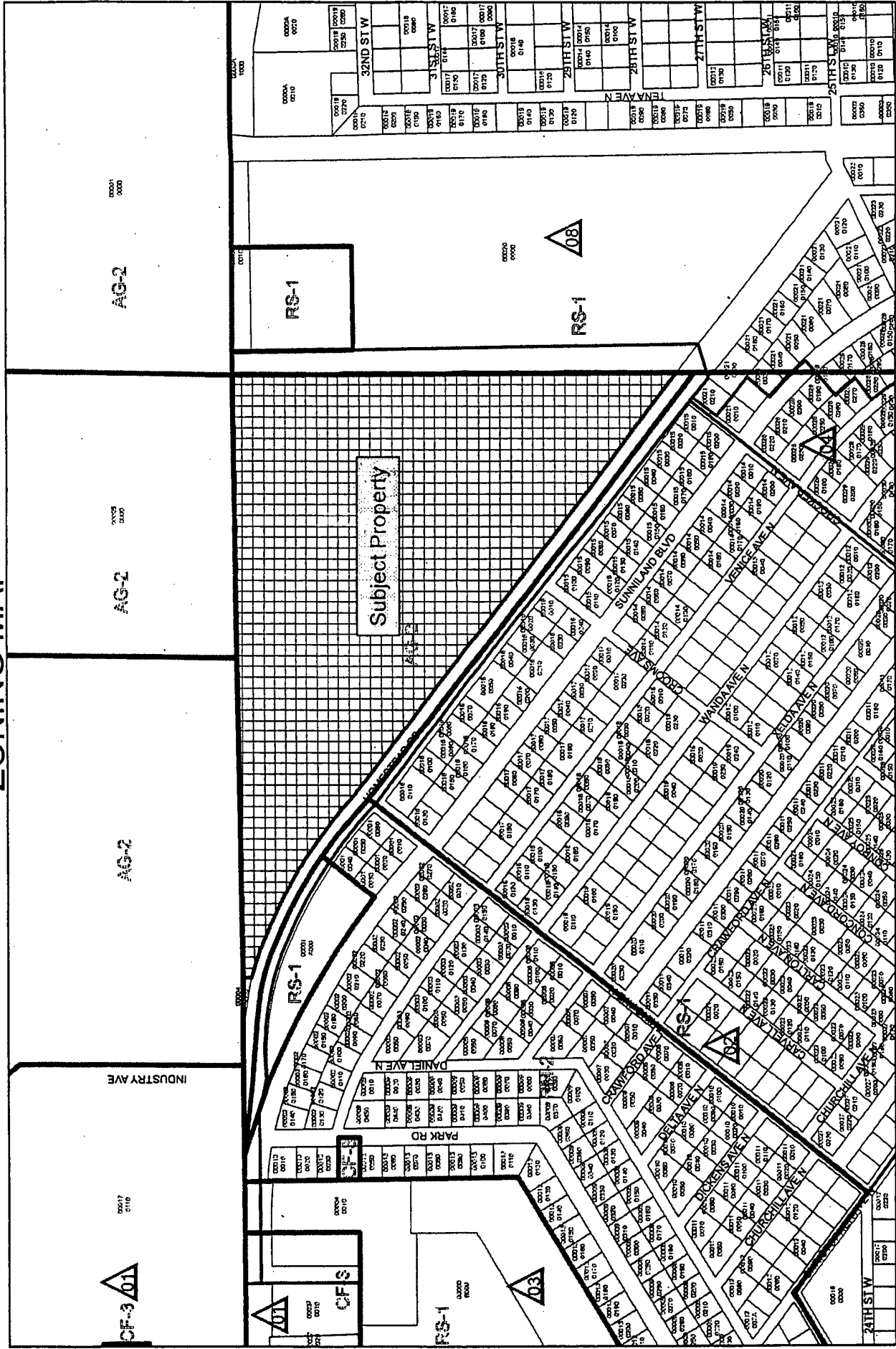
TRACT "A"	17.68 AC x 40% = 7.07 AC
TRACT "B"	14.56 AC x 40% = 5.82 AC
TRACT "C"	27.15 AC x 40% = 10.86 AC
TOTAL	23.75 AC

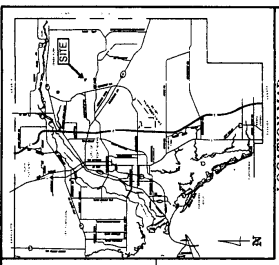
INDIGENOUS OPEN SPACE:
40% OPEN SPACE REQUIRED (PER L.C.D.C.) FOR MULTI-FAMILY TRACTS ONLY
MOST OF THE INDIGENOUS AREA IS ON THE EAST SIDE OF THE PROJECT SITE.

TRACT "A"	17.68 AC x 20% = 3.54 AC
TRACT "B"	14.56 AC x 20% = 2.91 AC
TRACT "C"	27.15 AC x 20% = 5.43 AC
TOTAL	11.88 AC

TRACT "A"	17.68 AC x 20% = 3.54 AC
TRACT "B"	14.56 AC x 20% = 2.91 AC
TRACT "C"	27.15 AC x 20% = 5.43 AC
TOTAL	11.88 AC

ZONING MAP





LOCATION MAP

Approved as Exhibit
MCP Page 1 of 1
Resolution #2005-00027

LEAVE EXISTING
LEE COUNTY SCHOOL
SCHOOL UNDER
CONSTRUCTION
NO BUFFER REQUIRED

FUTURE LEE COUNTY
SCHOOL UNDER
CONSTRUCTION

RECEIVED
NOV 29 2006

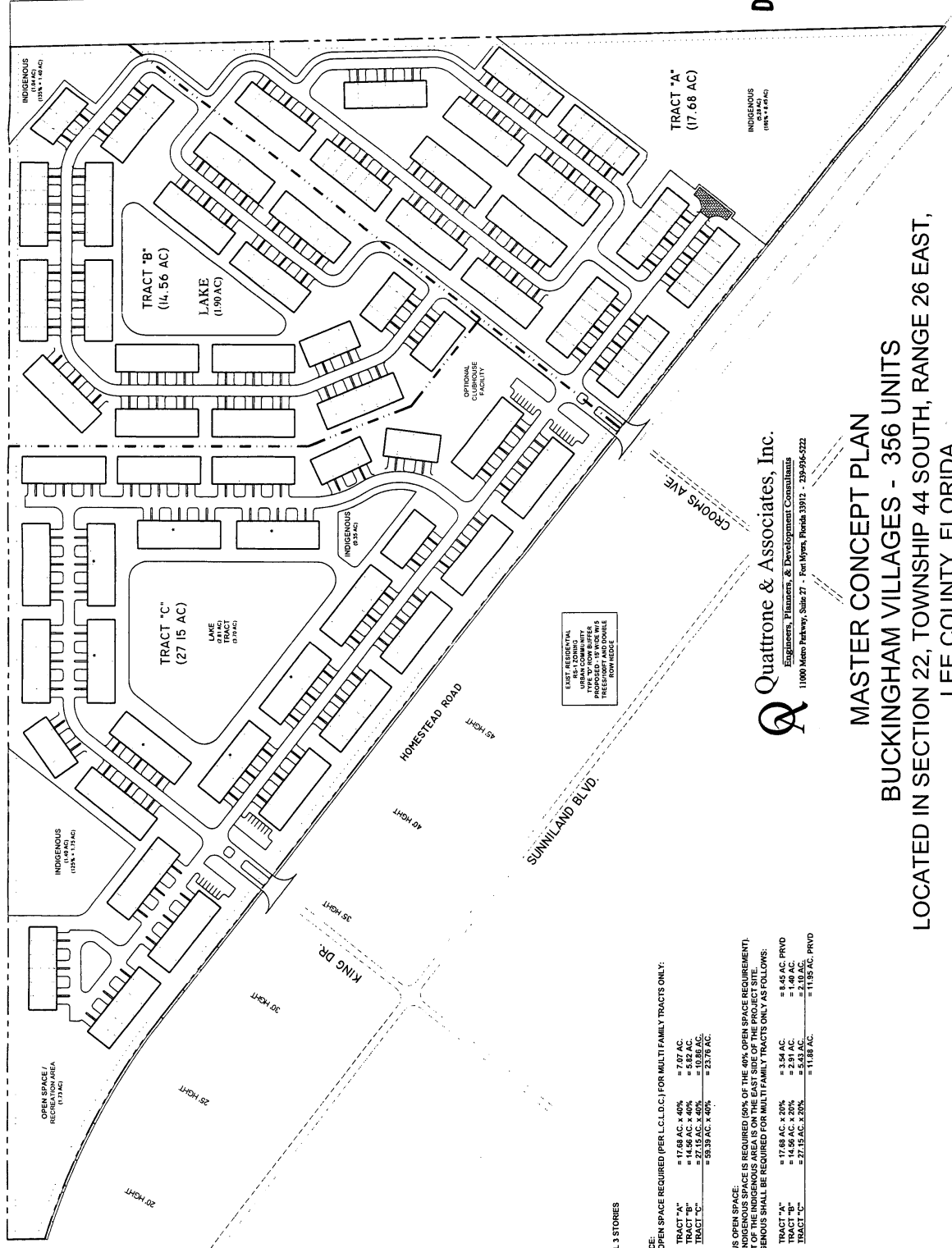
DCI 2005-00027

NORTH
EXHIBIT 6-J
1" = 100'

NOVEMBER 28, 2006

EXISTING AGENCIES WATER
MANAGEMENT AREA
CONSERVATION AREA
NO BUFFER REQUIRED

VACANT AGRICULTURAL
LAND PRESERVE
COMMUNITY PRESERVE
PROPOSED 15' WIDE ROW
HESSEMAN ROAD DOUBLE
ROW HEDGE



EXISTING RESIDENTIAL
15-20' ROW
PROPOSED 15' WIDE ROW
HESSEMAN ROAD DOUBLE
ROW HEDGE

Quatrone & Associates, Inc.
Engineers, Planners, & Development Consultants
11000 Metro Parkway, Suite 27 - Fort Myers, Florida 33912 - 238-945-5222

MASTER CONCEPT PLAN
BUCKINGHAM VILLAGES - 356 UNITS
LOCATED IN SECTION 22, TOWNSHIP 44 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA

NOTE:
OPTIONAL 3 STORES

OPEN SPACE:
40% OPEN SPACE REQUIRED (PER L.C.D.C.) FOR MULTI-FAMILY TRACTS ONLY:

TRACT "A"	= 17.68 AC. x 40%	= 7.07 AC.
TRACT "B"	= 14.56 AC. x 40%	= 5.82 AC.
TRACT "C"	= 50.39 AC. x 40%	= 20.16 AC.

INDIGENOUS OPEN SPACE:
20% INDIGENOUS SPACE IS REQUIRED (5% OF THE 40% OPEN SPACE REQUIREMENT).
MOST OF THE INDIGENOUS AREA IS ON THE EAST SIDE OF THE PROJECT SITE.
INDIGENOUS SHALL BE REQUIRED FOR MULTI-FAMILY TRACTS ONLY AS FOLLOWS:

TRACT "A"	= 17.68 AC. x 20%	= 3.54 AC.
TRACT "B"	= 14.56 AC. x 20%	= 2.91 AC.
TRACT "C"	= 50.39 AC. x 20%	= 10.08 AC.



APPLICATION FOR PUBLIC HEARING
FOR
UNINCORPORATED AREAS ONLY

Applicant's Name: Quattrone & Associates, Inc.

Project Name: Buckingham Villages

STRAP Number(s): 22-44-26-00-00003.0000

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)

RECEIVED
MAR 11 2005

PERMIT COUNTER

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: DCI2005-00027 Commission District: 5
Current Zoning: AG2/RS1 Fee Amount: \$5000.00
Land Use Classification: URBAN Community Intake by: pu
Planning Community: LEHIGH ACCESS

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

DCI 2005 00027

PART 1
APPLICANT\AGENT INFORMATION

A. Name of applicant: Quattrone & Associates, Inc.

Address: Street: 11000 Metro Parkway, Suite 30
City: Fort Myers State: FL Zip: 33912
Phone: Area Code: 239 Number: 936-5222 Ext: _____
Fax: Area Code: 239 Number: 936-7228
E-mail address: Al@qainc.net

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

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

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

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

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

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

 N/A 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: Quattrone & Associates, Inc.

Contact Person: Al Quattrone

Address: Street : 11000 Metro Parkway, Suite 30
City: Fort Myers State: FL Zip: 33912
Phone: Area Code: 239 Number: 936-5222 Ext: _____
Fax: Area Code: 239 Number: 936-7228
E-mail address: Al@qainc.net

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

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MAR 11 2005

PERMIT COUNTER

**PART 2
PROPERTY OWNERSHIP**

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

A.1. Name: Lehigh Acres Acquisition, LLC

Mailing Address: Street: 921 Ash Street
City: Winnetka State: IL Zip: 60093
Phone: Area Code: 321 Number: 543-1043 Ext: _____
Fax: Area Code: 321 Number: 896-7445
E-mail: Antonio@Bismonte.com

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

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

D. Date property was acquired by present owner(s): 01-26-05

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MAR 11 2005

PERMIT COUNTER

**PART 3
PROPERTY INFORMATION**

A. STRAP Number(s): 22-44-26-00-00003.0000

B. Street Address of Property: 15320 Homestead Road, Lehigh Acres, Florida 33905

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)]

X **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)

N/A 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)]

N/A 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

X Boundary survey attached as **Exhibit PH-3.D.2** [34-202(a)(2)]

N/A 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: Lehigh Acres

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: East on Lee Boulevard to Sunniland Boulevard. North on Sunniland Boulevard to Crocker Avenue. East on Crocker Avenue to Homestead Road which the property fronts on .

G. Surrounding property owners:

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

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

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

H. Current Zoning of Property: AG-2

I. Current use of property: Vacant / Cattle Grazing

Current Non-agricultural uses of the property are: None

RECEIVED
MAR 11 2005

PERMIT COUNTER

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

J. Land Use Classification:

Urban Community	59.39±	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.

N/A The minimum elevation required for the first habitable floor is _____ NGVD (MSL)

L. Deed Restrictions

- L.1.** X There are no deed restrictions or other covenants on this property that affect this request.
- L.2.** N/A Deed restrictions\ covenants that may affect this request are attached as **Exhibit PH-3.L.2.**
- L.3.** N/A 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>1,635'+</u> | Feet | |
| 2. Depth (average if irregular parcel): | <u>780+</u> | Feet | |
| 3. Total area: | <u>59.39+</u> | Acres or square feet | |
| 4. Frontage on road or street: | <u>3,268'</u> | Feet on | <u>Homestead Rd</u> Street |
| 2 nd Frontage on road or street: | | Feet on | Street |

**PART 4
ACTION REQUESTED**

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

- N/A **Special Exception** for _____ Attached is Supplement A
- N/A **Variance** for _____ Attached is Supplement B
- N/A **Conventional Rezoning from:** _____ to _____ Attached is Sup. C
- X **Planned Development rezoning from** AG-2 to RPD
- N/A DCI - Major: **Attached is Supplement D**
- X DCI - Minor: **Attached is Supplement D**
- N/A Request is for PRFPD zoning in the Private Recreational Facilities Overlay Area.
Attached is Supplement D

N/A **Planned Development Amendment.** Attached is the Supplement D

N/A **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)

X 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)]

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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]

N/A A tall structures permit will be required.

N/A 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

N/A

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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**PART 6
SUBMITTAL REQUIREMENTS**

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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)]
				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	N/A	SUP-D	Planned Development Amendment
0	0	N/A	SUP D	PRFPD in in Overlay Area Rezoning supplement
0	0	N/A	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	N/A	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	N/A	PH-2.C.1	Subject property owners list (if applicable) [34-202(a)(5)]
1	1	N/A	PH-2.C.2	Subject Property Owners map (if applicable) [34-202(a)(5)]
2	2	3	PH-3.C.1	Legal Description [34-202(a)(1)]
1	1	1	PH-3.C.2	Electronic version of legal description (if available)
1	1	N/A	PH-3.D.1	Copy of Plat Book Page (if applicable) [34-202(a)(1)]
1	1	N/A	PH-3.D.2	Certified sketch of description (less than ten acres) [34-202(a)(2)]
1	1	4	PH-3.D.3	Boundary survey (all PDs and anything ten acres or more) [34-202(a)(2) & [34-373(a)(4)a.]
1	1	0	PH-3.F	Area Location Map on 8 by 11 paper pursuant to sec. 34-202(a)(4). (Non Planned Developments)
0	0	0		Area Location Map for Planned Developments - see Supplement D
1	1	3	PH-3.G.1	List of Surrounding Property Owners [34-202(a)(6)]
1	1	3	PH-3.G.2	Map of Surrounding Property Owners [34-202(a)(7)]
2	2	2	PH-3.G.3	Mailing labels [34-202(a)(6)]
0	1	12	PH-3.I	Agricultural uses at time of zoning application. [34-202(b)(7)]
1	1	N/A	PH-3.L.2	Deed Restrictions\Covenants [34-202(b)(2)]
1	1	N/A	PH-3.L.3	Narrative addressing effect of Deed Restrictions [34-202(b)(2)]

1	1	N/A	PH-4.B	Location of proposed blasting (if applicable). [34-202(b)(6)]
0	0	12	PH-4.C	Bonus Density units (if applicable) [34-202(b)(5)]
1	1	N/A	PH-4.D	Hazardous materials emergency plan (if applicable) [34-202(b)(4)]
0	1	N/A	PH-4.E	Mobile Home Park Information (if applicable) [34-203(d)]
1	1	N/A	PH-4.F	Aviation Hazard (if applicable) [34-1001 et seq.]
1	1	N/A	PH-4.G	Developments located within Estero Planning District [34-373-(a)(10)]
1	1	N/A	PH-4.H	Developments located within Captiva Planning District [Lee Plan Policy 21.7)
1	1	N/A	PH-4.I	Approved Waivers [34-202(a)]
ADDITIONAL REQUIREMENTS FOR DRIs NOT INVOLVING A REZONING				
0	0	N/A		Notice of proposed change Substantial Deviations Form RPM-BSP-Proposed Change - 1 pursuant to Section 380.06(19) F.S.
0	0	N/A		DRI, AMDA, FQD Form RPM-BSP-ADA - 1. Application for Development Approval pursuant to Section 380.06 F.S.
0	0	N/A		Abandonment Form RPM-BSP-Abandonment-DRI-1. Application for abandonment of a DRI.

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**EXHIBIT PH-1.C.2
ADDITIONAL AGENTS**

Company Name: Quattrone and Associates, Inc.

Contact Person: Al Quattrone

Address: **Street:** 11000 Metro Parkway Suite 30

City: Fort Myers **State:** Fl **Zip:** 33912

Phone: **Area Code:** 239 **Number:** 936-5222 **Ext:**

Fax: **Area Code:** 239 **Number:** 936-7228

E-mail address: Al@qainc.net

Company Name: Bagley Environmental and Planting Services, Inc.

Contact Person: Marshall Bagley

Address: **Street:** 4850 Cedar Hammock Circle

City: Fort Myers **State:** Fl **Zip:** 33905

Phone: **Area Code:** 239 **Number:** 872-7479 **Ext:**

Fax: **Area Code:** 239 **Number:** 936-7228

E-mail address:

Company Name: Kris A. Slosser, PSM

Contact Person: Kris A. Slosser

Address: **Street:** 4650 Villa Capri Lane

City: Bonita Springs **State:** FL **Zip:** 34134

Phone: **Area Code:** 239 **Number:** 947-1915 **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:

EXHIBIT

Agricultural Uses at time of Zoning Application

I, Antonio Bismonte certify that I am the Manager of Lehigh Acres Management, LLC which is the manager of Lehigh Acres Acquisition, LLC of which is the owner of the property described on the attached exhibit and sketch, and that the property is currently zoned agricultural (AG-2) and although the property is currently not being used for agricultural purposes or have an agricultural tax exemption it is our current intent to use the property for agricultural purposes until such time that construction starts on the property for the purposes of developing the property. The intended agricultural use will be cattle grazing and/or as a nursery.

[Signature]

Signature of Owner or Owner-authorized Agent

4/26/05

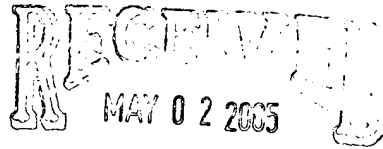
Date

By: Lehigh Acres Acquisition, LLC
By: Lehigh Acres Management, LLC
Its: Manager

[Signature]

By: Antonio Bismonte
Its: Manager

Typed or printed name and title



DCI2005-00027

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 26 day of April 2005.

By Antonio Bismonte who is personally known to me or who has produced Driver's license as identification.

(SEAL)



[Signature]

Signature of notary public

Ellen A. Jablonowski

Printed name of notary public

LETTER OF AUTHORIZATION

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as Strap # 22-44-26-00-00003.0000 and legally described per attached legal description.

The property described herein is the subject of an application for zoning or development. We hereby designate Quattrone & Associates, Inc. - Al Quattrone, P.E. as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

By: Lehigh Acres Acquisition, LLC
By: Lehigh Acres Management, LLC
Its: Manager

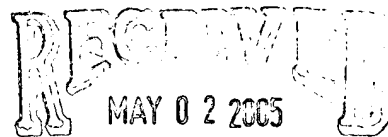
By: Antonio Bismonte
Its: Manager
Printed Name

STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 26 day of April, 2005, by
ANTONIO BISMONTE, who is personally known to me or who has produced
D.L. as identification.

Ellen A Jablonowski
Notary Public

ELLEN A JABLONOWSKI
(Name typed, printed or stamped)



DCI2005-00027

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, * Antonio Bismonte as Manager of Lehigh Acres Management, LLC, 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.

Lehigh Acres Management, LLC

*Name of Entity (corporation, partnership, LLP, LC, etc)

[Signature]

Signature

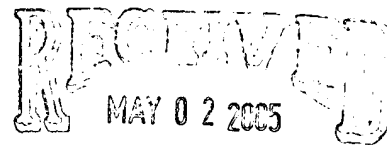
DCI 2005-00027

Antonio Bismonte

(Typed or Printed name)

Manager

(Title of signatory)



STATE OF IL
COUNTY OF Cook

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 4/26/2005 (date) by ANTONIO Bismonte (name of person providing oath or affirmation), who is personally known to me or who has produced D.L. (type of identification) as identification.

[Signature]

Signature of person taking oath or affirmation

Ellen A. Jablonowski

Name typed, printed, or stamped

Title or Rank

Serial number, if any

*Notes:

- If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.
- If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member".
- If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
- If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.
- If the applicant is a trustee, then 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.



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, Lehigh Acres Management, LLC as Manager of Lehigh Acres Acquisition, LLC, 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.

Lehigh Acres Management, LLC

*Name of Entity (corporation, partnership, LLP, LC, etc)

h ro

Signature

Leigh Acres Management LLC

By: Antonio Bismonte

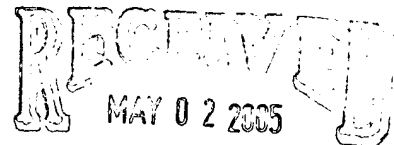
Its: Manager

(Title of signatory)

DCI 2005-00027

Antonio Bismonte

(Typed or Printed name)



STATE OF IL
COUNTY OF Cook

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 4-26-05 (date) by ANTONIO Bismonte (name of person providing oath or affirmation), who is personally known to me or who has produced D.L. (type of identification) as identification.

Ellen A. Jablonski

Signature of person taking oath or affirmation

ELLEN A. JABLONOWSKI

Name typed, printed, or stamped

Title or Rank

Serial number, if any

*Notes:

- If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.
- If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member".
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- 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.

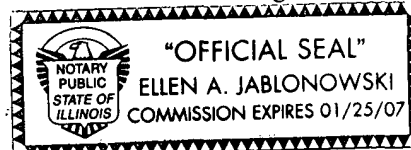


**EXHIBIT PH-2.B.1
DISCLOSURE OF INTEREST FORM FOR:**

STRAP NO. 22-44-26-00-00003.0000

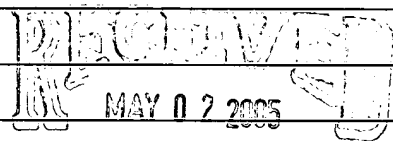
CASE NO.

DCI 2005-00027

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

Lehigh Acres Management, LLC

100%

See Attached for

List of Members of Lehigh Acres Management, LLC

Page 1 of 2

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

Name and Address	Percentage of Stock
	DCI2005-00027

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

Name and Address	Percentage of Stock
	RECEIVED MAY 02 2005

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

[Signature]
Applicant

Antonio Bismonte, Manager

Lehigh Acres Acquisition, LLC, By: Lehigh Acres Management, LLC, Its: Manager, By Antonio Bismonte, its Manager

Printed or typed name of applicant

STATE OF FLORIDA
COUNTY OF LEE

The Forgoing instrument was acknowledged before me this 26 day of APRIL 2005 by ANTONIO Bismonte who is personally known to me or has produced D.L. as identification.

[Signature]
Signature of Notary Public
ELLEN A. JABLONOWSKI
Printed name of Notary Public



Page 2 of 2

EXHIBIT A

Effective as of January 27, 2005, each Member's Capital Contribution and Percentage Interest in the Profits and Losses of the Company are as follows:

Member	Capital Contribution	Percentage Interest
Richard May	\$100,000	3.93%
Michael Peter	\$90,000	3.54%
James Hicks	\$50,000	1.97%
Anne B. Voshel	\$100,000	3.93%
Arvid A. Povilaitis	\$100,000	3.93%
David Ford	\$50,000	1.97%
The Orput Companies	\$100,000	3.93%
Lehigh Acres Management, LLC	\$824,999	32.44%
Mark Glazer	\$1,000,000	39.32%
Jordan Schulgasser	\$100,000	3.93%
Anthony D. Wood	\$28,351	1.11%
Total	\$2,543,350	100.00%

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MAY 02 2005

DCI2005-00027

**EXHIBIT PH-2.B.1
DISCLOSURE OF INTEREST FORM FOR:**

STRAP NO. 22-44-26-00-00003.0000

CASE NO. _____

1. If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address

Percentage of Ownership

2. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name and Address

Percentage of Stock

3. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address

Percentage of Interest

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

See Attached Sheet

DCI 2005-00027 **RECEIVED**
MAR 11 2005

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.

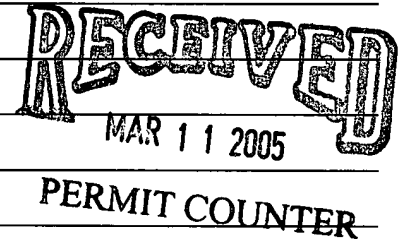
Name and Address

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.

Ken W. Markgraf
Applicant

Ken Markgraf
Printed or typed name of applicant

STATE OF FLORIDA
COUNTY OF LEE

The Forgoing instrument was acknowledged before me this 10 day of March 2005 by Ken W. Markgraf who is personally known to me or has produced _____ as identification.

[Signature]
Signature of Notary Public

Printed name of Notary Public

(seal)



Iniavette Ramirez
Commission #DD370027
Expires: Nov 08, 2008
Bonded Thru
Atlantic Bonding Co., Inc.

Page 2 of 2

DCI 2005 00027

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, * Ken W. Markgraf as Managing Member of Lehigh Acres Acquisition, LLC, 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.

Lehigh Acres Acquisition, LLC

*Name of Entity (corporation, partnership, LLP, LC, etc)

Ken W. Markgraf
Signature

Manager

(Title of signatory)

Ken W. Markgraf
(Typed or Printed name)

RECEIVED
MAR 11 2005

STATE OF FL
COUNTY OF Lee

PERMIT COUNTER

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 10-Mar-2005 (date) by Ken W. Markgraf (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

Name typed, printed, or stamped



Iniavette Ramirez
Commission #DD370027
Expires: Nov 08, 2008
Bonded Thru
Atlantic Bonding Co., Inc.

Title or Rank

Serial number, if any

*Notes:

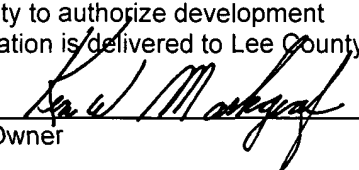
- If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.
- If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member".
- If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
- If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.
- If the applicant is a trustee, then 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 2005 00027

LETTER OF AUTHORIZATION

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as **Strap Number 22-44-26-00-00003.0000** and legally described as **PARL IN NE COR SEC 22, TWP 44 RG 26, DESC IN OR 273 PG 36.**

The property described herein is the subject of an application for zoning or development. We hereby designate **Quattrone & Associates, Inc.** as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.


Owner

Ken W. Markgraf
Printed Name

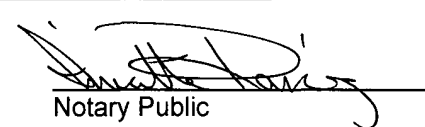
STATE OF FL
COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me this 10th day of March, 2005, by

Ken W. Markgraf, who is personally known to me or who has produced
_____ as identification.



Iniavette Ramirez
Commission #DD370027
Expires: Nov 08, 2008
Bonded Thru
Atlantic Bonding Co., Inc.

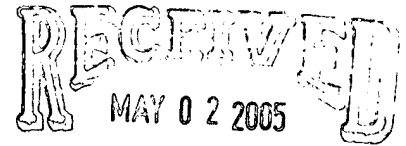

Notary Public

Iniavette Ramirez
(Name typed, printed or stamped)

DCI 2005 00027

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MAR 11 2005

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SUPPLEMENT DDCI 2005-00027

**ADDITIONAL REQUIRED INFORMATION FOR
A PLANNED DEVELOPMENT APPLICATION
UNINCORPORATED LEE COUNTY**

Case Number: DCI2005-00027

Project Name: Buckingham Villages

Authorized agent: Al Quattrone, Quattrone & Associates, Inc.

STRAP Number(s): 22-44-26-00-00003.0000

Select one only

- | | |
|---|---|
| ☐ DRI (rezoning required) | DCI-Minor - Amend. to approved master concept plan ⁽²⁾ |
| ☒ 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**

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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):

DCI 2005-00027

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.

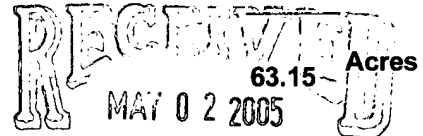
☒ The property is located within one or more Future Land Use categories. Density has been calculated in **Part 3** of this application and is summarized below:

Intensive Development	_____	Proposed dwelling units
Central Urban	_____	Proposed dwelling units
☒ Urban Community	<u>631</u>	Proposed dwelling units
Suburban	_____	Proposed dwelling units
Outlying Suburban	_____	Proposed dwelling units
TOTAL	<u>631</u>	Proposed dwelling units

PART 2
TYPES OF LAND AREA ON PROPERTY

DC12005-00027

A.	Gross Acres (total area within described parcel) (59.39 AC site + 3.76 AC ½ ROW)	<u>63.15</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>0.0</u>	Acres
C.	Gross residential acres. (A minus B) ⁽²⁾	<u>63.15</u>	Acres
D.	Gross residential acres by Land Use Category		
	1. a. Intensive development - Upland	<u> </u>	Acres
	b. Intensive development - freshwater wetland	<u> </u>	Acres
	2. a. Central Urban - Upland	<u> </u>	Acres
	b. Central Urban - freshwater wetland	<u> </u>	Acres
	3. a. Urban Community or Suburban - Upland	<u>63.15</u>	Acres
	b. Urban Community or Suburban freshwater wetland	<u> </u>	Acres
	4. a. Outlying Suburban - Upland	<u> </u>	Acres
	b. Outlying Suburban - freshwater wetland	<u> </u>	Acres
	5. a. Rural, Outer Island, Rural Community Preserve - Upland	<u> </u>	Acres
	b. Rural, Outer Island, Rural Community Preserve - freshwater wetland	<u> </u>	Acres
	6. a. Open Lands - Upland	<u> </u>	Acres
	b. Open Lands - freshwater wetland	<u> </u>	Acres
	7. a. DR/GR - Upland	<u> </u>	Acres
	b. DR/GR - freshwater wetland	<u> </u>	Acres
	8. a. Wetlands - freshwater	<u> </u>	Acres
	b. Wetlands - not - freshwater	<u> </u>	Acres
	9. a. New Community - Upland	<u> </u>	Acres
	b. New Community - freshwater wetland	<u> </u>	Acres
	10. a. University Community - Upland	<u> </u>	Acres
	b. University Community - freshwater wetland	<u> </u>	Acres
11.	TOTAL (should equal C above)	<u>63.15</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-made waterbodies.

PART 3
RESIDENTIAL DEVELOPMENTS
PRELIMINARY DENSITY CALCULATIONS*

DCI 2005-00027

- * 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	N/A	Maximum standard density	Units
a. Total upland Acres (from Part 2, D.1.a.)		times 14 equals	_____
b. Total freshwater wetland Acres (from Part 2, D.1.b.)		times 14 equals	_____
c. Preliminary Total Standard units (a. plus b.) ⁽¹⁾			_____
2. Maximum Permitted Units		Maximum permitted	Units
a. Total upland Acres (from Part 2, D.1.a.)		times 18 equals	_____
3. Total allowed standard units (A.1.c. or A.2.a., whichever is less)			_____
4. Bonus Units ⁽²⁾			
a. Low-moderate housing density:			_____
b. TDR units:			_____
c. Sub-total (A.4.a. plus A.4.b.)			_____
5. Total Permitted Units (A.3. plus A.4.c.): ⁽¹⁾			_____

B. Central Urban Category **N/A**

1. Preliminary Standard Units		Maximum standard density	Units
a. Total upland Acres (from Part 2, D.2.a.)		times 10 equals	_____
b. Total freshwater wetland Acres (from Part 2, D.2.b.)		times 10 equals	_____
c. Preliminary Total Standard units (a. plus b.) ⁽¹⁾			_____
2. Maximum Permitted Units		Maximum permitted	Units
a. Total upland Acres (from Part 2, D.2.a.)		times 12.5 equals	_____
3. Total allowed standard units (B.1.c. or B.2.a., whichever is less)			_____
4. Bonus Units ⁽²⁾			
a. Low-moderate housing density:			_____
b. TDR units:			_____
c. Sub-total (B.4.a. plus B.4.b.)			_____
5. Total Permitted Units (B.3. plus B.4.c.): ⁽¹⁾			_____

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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.

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C. Urban Community Category

1. Preliminary Standard Units	Maximum standard density	Units
a. Total upland Acres (from Part 2, D.3.a.)	<u>63.15</u> times 6 equals	<u>378</u>
b. Total freshwater wetland Acres (from Part 2, D.3.b.)	<u>0.0</u> times 6 equals	
c. Preliminary Total Standard units (a. plus b.) ⁽¹⁾		<u>378</u>
2. Maximum Permitted Units	Maximum permitted	Units
a. Total upland Acres (from Part 2, D.3.a.)	<u>63.15</u> times 8 equals	<u>505</u>
3. Total allowed standard units (C.1.c. or C.2.a, whichever is less)		<u>378</u>
4. Bonus Units ⁽²⁾		
a. Low-moderate housing density:		
b. TDR units:		
c. Sub-total (D.4.a. plus D.4.b.)		<u>253</u>
5. Total Permitted Units (C.3. plus C.4.c.): ⁽¹⁾		<u>631</u>

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 **N/A**

1. Preliminary Standard Units	Maximum standard density	Units
a. Total upland Acres (from Part 2, D.3.a.)	_____ times 6 equals	_____
b. Total freshwater wetland Acres (from Part 2, D.3.b.)	_____ times 6 equals	_____
c. Preliminary Total Standard units (a. plus b.) ⁽¹⁾		_____
2. Maximum Permitted Units	Maximum permitted	Units
a. Total upland Acres (from Part 2, D.3.a.)	_____ times 8 equals	_____
3. Total allowed standard units (D.1.c. or D.2.a., whichever is less)		_____

E. Outlying Suburban Category **N/A**

1. Preliminary Standard Units	Maximum standard density	Units
a. Total upland Acres (from Part 2, D.4.a.)	_____ times 3 equals	_____
b. Total freshwater wetland Acres (from Part 2, D.4.b.)	_____ times 3 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.4.a.)	_____ times 4 equals ⁽¹⁾	_____
3. Total allowed standard units (E.1.c. or E.2.a., whichever is less)		_____

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.

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**PART 3A
COMMERCIAL, INDUSTRIAL, MINING, ASSISTED LIVING FACILITIES,
HOTELS & MOTELS
PRELIMINARY DENSITY CALCULATIONS**

A.	Commercial	Habitable Stories	Height	Total Floor Area	
A.1.	Medical	<hr/>	<hr/>	<hr/>	Sq. Ft.
A.2.	General Office	<hr/>	<hr/>	<hr/>	Sq. Ft.
A.3.	Retail	<hr/>	<hr/>	<hr/>	Sq. Ft.
A.4.	Other	<hr/>	<hr/>	<hr/>	Sq. Ft.
A.5.	TOTAL FLOOR AREA			<hr/>	Sq. Ft.
B.	Industrial	Habitable Stories	Height	Total Floor Area	
B.1.	Under Roof			<hr/>	Sq. Ft.
B.2.	Not under Roof	NA		<hr/>	Sq. Ft.
B.3.	TOTAL FLOOR AREA			<hr/>	Sq. Ft.
C.	Mining		Depth	Total Acres	
C1.	Area to be excavated	NA	<hr/>	<hr/>	Acres
D.	Assisted Living Facilities	Habitable Stories	Height	Total Number of Beds/Units	
D.1.	Dependent Living Units	<hr/>	<hr/>	<hr/>	Beds/Units
D.2.	Independent Living Units	<hr/>	<hr/>	<hr/>	Beds/Units
D.3.	TOTAL BEDS/UNITS			<hr/>	Beds/Units
E.	Hotels/Motels				
	Room Size	Habitable Stories	Height	Number of Rental Units	
E.1.	< 425 sq. ft.	<hr/>	<hr/>	<hr/>	Units
E.2.	426-725 sq. ft.	<hr/>	<hr/>	<hr/>	Units
E.3.	725 < sq. ft.	<hr/>	<hr/>	<hr/>	Units
E.4.	TOTAL UNITS			<hr/>	Units

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PART 4**ENVIRONMENTAL ISSUES**

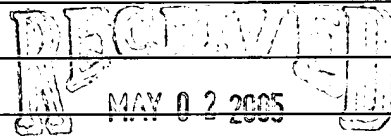
A. Topography: Describe the range of surface elevations of the property:

The existing site elevations range from 19.2' at the north end of the site and slopes up to as high as 24.9' at Homestead Road. The site had been cleared at one time and has revegetated with minimal scattered native vegetation (palmetto and palms). There are no minor or major drainage features on the site.

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 prepared by Bagley Environmental and Planting Services, Inc.

There are no environmentally sensitive lands within the project limits.

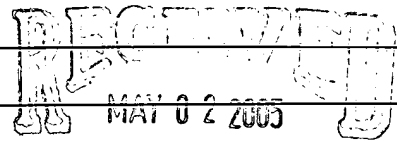


C. **Preservation/Conservation of Natural Features:** Describe how the lands listed in B. above will be protected by the completed project:

The property primarily consists of previously disturbed lands that have been filled most likely when this area was used as part of the Buckingham Airfield Base. The primary FLUCCS codes for the site are 190F (open land – former filled grasses) and a lesser amount of 321 (former filled – revegetated palmetto and shrub). The 321 contains native vegetation which will be incorporated into the multi family master concept plan options to the greatest extent possible.

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:

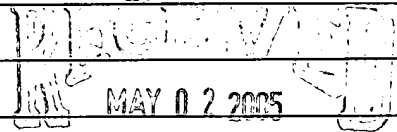
N/A

- 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: **N/A**

1. Method and degree of treatment:

2. Quality of the effluent:

3. Expected life of the facility:



4. Who will operate and maintain the internal collection and treatment facilities:

5. Receiving bodies or other means of effluent disposal:

C. **Spray Irrigation:** If spray irrigation will be used, specify: **N/A**

1. The location and approximate area of the spray fields:

2. Current water table conditions:

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3. Proposed rate of application:

4. Back-up system capacity:

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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	4	1-B	Historical or Archaeological sites: The nature and location of any known or recorded historical or archaeological sites as listed on the Florida Master Site File or the Lee County Historical Site Survey, and the location of any part of the property that is located within level 1 or level 2 zones of archaeological sensitivity pursuant to chapter 22. The plan must show the outline of historic buildings and approximate extent of archaeological sites. A description of proposed improvements that may impact archaeological or historical resources must also be provided. [34-373(a)(4)h.]
N/A	12	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	4	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 as well as the location of existing easements and rights-of-way on or abutting the property. [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 DCI 2005-00027
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	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	5	6-L	Traffic Impact Statement. A traffic impact statement in a format and to the degree of detail required by the county and in conformance with the adopted county administrative code. [34-373(a)(7)] TIS is not required for an existing development. [34-341(b)(2)d.1.]
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	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			
N/A	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	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			
N/A	4	6-R	Proof of notice to other property owners. Although the consent of the owners of the remainder of the original planned development is not required, the owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property. [34-373(c)]
REQUIREMENTS FOR DRIs			
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

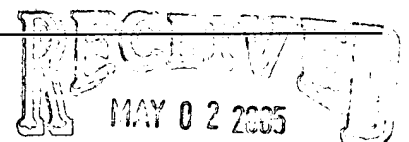
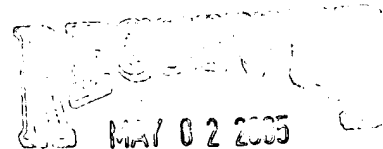


EXHIBIT 6-M

Schedule of Uses
Request for Rezoning from AG-2 to RPD
Buckingham Villages
April 28, 2005



The Buckingham Villages Project Summary

PERMIT COUNTER

Future Land Use	Urban Community
Existing Zoning/Requested Zoning	AG-2 to RPD
Development Program	Attached Single Family, Detached Single Family or Multi-Family
Residential Units	631 Attached Single Family or Multi-Family
Gross Residential Density	10.00 DUS/acre
Fire District	Lehigh Fire District
Water & Sanitary Sewer Utilities	Florida Governmental Utility Authority
Minimum Regulatory Open Space	40% (multifamily tracts only)
Minimum Regulatory Native Open Space	20% (multifamily tracts only)

The Buckingham Villages RPD Use Schedule

ACCESSORY USES AND STRUCTURES
DWELLING UNITS: DUPLEXES, MULTIPLE FAMILY BUILDINGS, CONVENTIONAL
SINGLE FAMILY RESIDENCES, ZERO LOT LINE RESIDENCES, TWO FAMILY
ATTACHED RESIDENCES, TOWNHOUSES
ENTRANCE GATES AND GATEHOUSE
ESSENTIAL SERVICES
ESSENTIAL SERVICE FACILITIES: GROUP I
EXCAVATION: WATER RETENTION
FENCES, WALLS
HOME OCCUPATION
PARKING LOT: ACCESSORY
MODELS: MODEL HOME, MODEL DISPLAY GROUP
REAL ESTATE SALES OFFICE
RESIDENTIAL ACCESSORY USES
RECREATIONAL FACILITIES: PERSONAL, PRIVATE ON-SITE

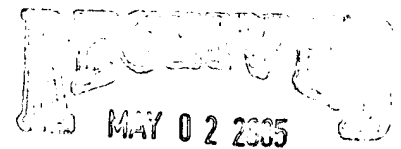
Residential Development Standards:

Multi-Family / Townhouse Dwelling Units – Tract A

Minimum Building Setbacks:

♦ Street/Front (with Garage or Carport)	20 ft.
♦ Side Yard	20 ft.
♦ Rear Yard Setback	20 ft.
♦ Distance Between Structures	20 ft.
♦ Project Perimeter Setback	25 ft.
♦ Accessory Structures (Side & Rear Yard)	15 ft.
Maximum Building Height *	45-ft./3 stories
Maximum Lot Coverage	60%

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Multi-Family / Townhouse Dwelling Units – Tract B

Minimum Building Setbacks:

- ◆ Street/Front (with Garage or Carport)
- ◆ Side Yard
- ◆ Rear Yard Setback
- ◆ Distance Between Structures
- ◆ Project Perimeter Setback
- ◆ Accessory Structures (Side & Rear Yard)

Maximum Building Height *

Maximum Lot Coverage

20 ft.

20 ft. ~~PROJECT PERIMETER~~

20 ft.

20 ft.

25 ft.

15 ft.

45-ft./3 stories

60%

Multi-Family / Townhouse Dwelling Units – Tract C

Minimum Building Setbacks:

- ◆ Street/Front (with Garage or Carport)
- ◆ Side Yard
- ◆ Rear Yard Setback
- ◆ Distance Between Structures
- ◆ Project Perimeter Setback
- ◆ Accessory Structures (Side & Rear Yard)

Maximum Building Height *

Maximum Lot Coverage

20 ft.

20 ft.

20 ft.

20 ft.

25 ft.

15 ft.

45-ft./3 stories

60%

Two Family Attached / Duplex Dwelling Units – Tracts B & C

(per Alternate MCP)

Minimum Area Dimensions:

- ◆ Min. Lot Area
- ◆ Min. Lot Depth
- ◆ Min. Lot Width

3,750 sq.ft.

110 ft.

35 ft.

Minimum Building Setbacks:

- ◆ Street/Front (with Garage or Carport)
- ◆ Side Yard
- ◆ Rear Yard Setback
- ◆ Distance between Structures
- ◆ Project Perimeter Setback
- ◆ Accessory Structures (Side & Rear Yard)

20 ft.

0 ft.

5 ft.

10 ft.

25 ft.

5 ft.

Maximum Building Height *

35-ft./2 stories

Maximum Lot Coverage

60%

Single Family Detached / Zero Lot Line Dwelling Units - Tracts B & C

(per Alternate MCP)

Minimum Area Dimensions:

- ◆ Min. Lot Area
- ◆ Min. Lot Depth
- ◆ Min. Lot Width

7,500 sq.ft.

110 ft.

70 ft.

Minimum Building Setbacks:

- ◆ Street/Front (with Garage or Carport)
- ◆ Side Yard
- ◆ Rear Yard Setback
- ◆ Distance Between Structures
- ◆ Project Perimeter Setback
- ◆ Accessory Structures (Side & Rear Yard)

20 ft.

5 ft.

5 ft.

10 ft.

10 ft.

5 ft.

Maximum Building Height *

35-ft./2 stories

Maximum Lot Coverage

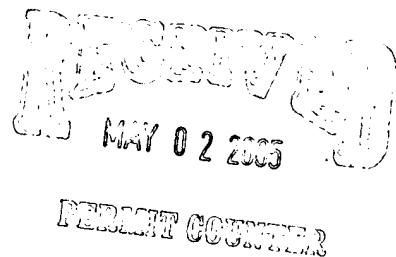
45%

* Building height is subject to final approval from Development Services based on height restrictions associated with the projects proximity to the Mosquito Control Airport.

DCI2005-00027

Project Notes and General Conditions

1. If Tract's 'A', 'B', and/or 'C' are developed per the Master Concept Plan (MCP), each Tract may have a maximum density of 15 units per acre with the overall maximum density of the project not to exceed 10 units per acre which totals 631 units based on 10 units per acre over 63.15 acres (59.39 acres - project site + 3.76 acres - 1/2 adjacent row).
2. If Tracts 'B' and/or 'C' are developed per the Alternative MCP they shall have a maximum density of 6.5 units per acre and Tract 'A' may have a maximum density of 15 units per acre with the overall maximum density of the project not to exceed 10 units per acre which totals 631 units based on 10 units per acre over 63.15 acres (59.39 acres - project site + 3.76 acres - 1/2 adjacent row).
2. The plans' final layout, parking and circulation areas, surface water management system, and other functional elements will be substantially consistent with the Master Concept Plans. The Master Concept Plan and the Alternate Master Concept Plan depict the project's general configuration and as such, is for conceptual review and zoning purposes only. The final Plan will be determined at the projects Development Order stage.
3. If Tracts B & C are developed as Multi Family they will be required to provide the balance of the overall required open space and indigenous preservation as depicted on the Master Concept Plan.
4. Unless otherwise noted, project parking and circulation shall conform with LDC 34-2013 – 2020. Required parking for Private On-site Group Recreation facilities at one space per 300 sq.ft.
5. The project's surface water management system will comply and be maintained in accordance with all relevant local, state and federal rules and regulations.
6. Phase one may consist of roads, utilities and the storm water management system for any identified tracts. Lots and tracts shall obtain individual development orders and further subdividing may be permitted at the time of final development order permitting.



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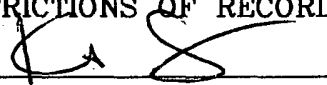
LEGAL DESCRIPTION

THAT PORTION OF SECTION 22, TOWNSHIP 44 SOUTH, RANGE 26 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE POINT OF INTERSECTION OF THE EAST LINE OF BUCKINGHAM PARK NORTHEAST SECTION, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 9, AT PAGES 59 TO 65 WITH THE NORTH LINE OF SECTION 22, THENCE RUN S89°52'10"E ALONG SAID SECTION LINE FOR 500 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S89°52'10"E ALONG SAID NORTH LINE OF SAID SECTION 22, A DISTANCE OF 2590.88 FEET TO THE NORTHEAST CORNER OF SAID SECTION 22; THENCE RUN S01°11'39"E ALONG THE EAST LINE OF SAID SECTION 22, A DISTANCE OF 2026.42 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF HOMESTEAD ROAD(100' RIGHT-OF-WAY); THENCE RUN N51°44'46"W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 2745.79 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 1482.40 FEET, A DELTA ANGLE OF 20°54'21" AND A CHORD BEARING OF N62°11'06"W, THENCE RUN ALONG SAID CURVE TO THE LEFT AND SAID NORTHERLY RIGHT-OF-WAY LINE, AN ARC LENGTH OF 540.89 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID HOMESTEAD ROAD; THENCE N00°49'20"W A DISTANCE OF 80.85 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 22 AND THE POINT OF BEGINNING.

DCI2005-00027

RECORDED
JAN 02 2005

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

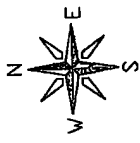

KRIS A. SLOSSER, STATE OF FLORIDA, (P.S.M. #5560)
SEE ATTACHED SKETCH

LEGAL DESCRIPTION

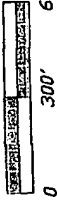
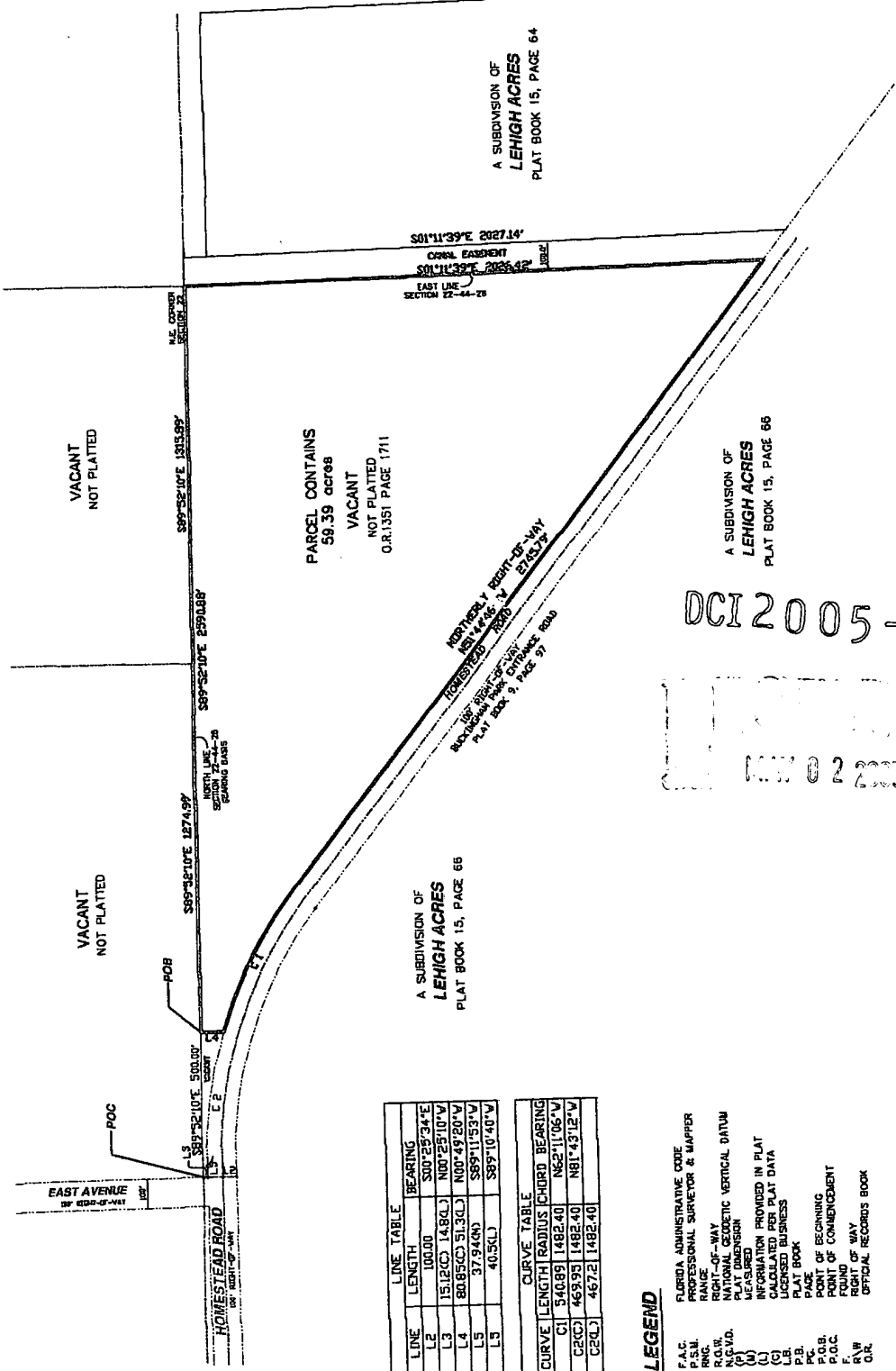
A PARCEL OF LAND LOCATED IN
SECTION 22, TOWNSHIP 44 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

KRIS A SLOSSER P.S.M.
4650 VILLA CAPRI LN. BONITA SPRINGS
FLORIDA 34134 (239) 947-1915

DRAWN BY: KAS
DRAWING: 40725 SKETCH



SCALE: 1" = 600'



PARCEL CONTAINS
59.39 acres
VACANT
NOT PLATTED
O.R. 1551 PAGE 1711

A SUBDIVISION OF
LEHIGH ACRES
PLAT BOOK 15, PAGE 66

A SUBDIVISION OF
LEHIGH ACRES
PLAT BOOK 15, PAGE 64

A SUBDIVISION OF
LEHIGH ACRES
PLAT BOOK 15, PAGE 66

DCI2005-00027

LINE TABLE		
LINE	LENGTH	BEARING
L1	100.00	S00°25'34"E
L2	151.20	N07°25'10"W
L3	151.20	N07°25'10"W
L4	80.85	N07°43'20"W
L5	37.94	S89°11'53"W
L6	40.50	S89°10'40"W

CURVE TABLE		
CURVE	LENGTH	RADIUS
C1	540.89	1482.40
C2	469.95	1482.40
C3	467.21	1482.40

LEGEND

- F.A.C. FLORIDA ADMINISTRATIVE CODE
- P.S.M. PROFESSIONAL SURVEYOR & MAPPER
- R.N.C. RIGHT-OF-WAY
- N.C.V.D. NATIONAL CELESTIC VERTICAL DATUM
- P.L.D. PLAT DIMENSION
- M.E.D. MEASURED IN PLAT
- C.A.L. CALCULATED PER PLAT DATA
- L.B. LICENSED BUSINESS
- P.B. PLAT BOOK
- P.C. PAGE
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- F.O.C. FOUND
- R.W. RIGHT OF WAY
- O.R. OFFICIAL RECORDS BOOK

NOTES:

- 1.) BEARINGS SHOWN HEREON REFER TO A ASSUMED BEARING OF S89°21'0"E ALONG THE NORTH LINE OF LAND SECTION 22, TOWNSHIP 44 SOUTH, RANGE 28 EAST LEE COUNTY, FLORIDA.
- 2.) THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.
- 3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
- 4.) THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A LICENSED SURVEYOR AND MAPPER.
- 5.) IMPROVEMENTS OTHER THAN THOSE SHOWN HAVE NOT BEEN LOCATED.
- 6.) THIS PROPERTY IS LOCATED WITHIN AN AREA OF NO SPECIAL FLOOD HAZARD PER F.I.E.A. 15124-000 B, 06/18/84.
- 7.) DIMENSIONS SHOWN HEREON ARE PER LOCAL UNLESS OTHERWISE NOTED.

THIS IS NOT A SURVEY

SKETCH TO ACCOMPANY LEGAL

A PORTION OF
SECTION 22, TOWNSHIP 44 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

KRIS A SLOSSER P.S.M.
4650 VILLA CAPRI LN. BONITA SPRINGS
FLORIDA 34134 (941) 947-1915

FIELD BOOK AND PAGE

DRAWN BY: KAS

DRAWING: LOTTER SURVEY

SCALE: 1" = 600'

LEHIGH ACRES ACQUISITION, LLC
RESOLUTION AND CONSENT OF MEMBERS

The undersigned, being the sole Manager of LEHIGH ACRES MANAGEMENT, LLC, a Florida limited liability company (the "Company"), does affirmatively vote for, consent to, adopt, approve, and ratify the following acts and resolutions:

WHEREAS, the Company desires to submit application for the rezoning of that certain property owned by the Company consisting of approximately 59.39 acres located in Lehigh Acres, Florida, more particularly described on the boundary survey dated 12/07/04 prepared by Kris A. Slosser, P.S.M (the "Property");

WHEREAS, the Company desires to appoint Ken Markgraf, as authorized agent of the Company to be permitted to execute all of the documents necessary to effectuate the rezoning of the Property.

NOW, THEREFORE, be it resolved that the following resolutions are approved:

RESOLVED, that Ken Markgraf, shall be authorized to execute all of the documents necessary to effectuate the rezoning of the Property, including, but not limited to the rezone application and related documents to be submitted to Lee County.

The undersigned constitutes the sole Manager of the Company.

This consent shall be effective as of the 9th day of March, 2005.

LEHIGH ACRES MANAGEMENT, LLC,
a Florida limited liability company

By: *Antonio Bismonte*

Antonio Bismonte

Its: Manager

2096962_1.doc 3/9/2005

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PERMIT COUNTER

18.50
35.150.00

RECORD & RETURN TO:
SCOTT W. DUVAL, ESQ.
CUMMINGS & LOCKWOOD LLC
3001 TAMiami TRAIL NORTH
NAPLES, FL 34103

This Instrument prepared by:
LEONARD E. ZEDECK, ESQ.
13790 N.W. 4th Street, Suite 113
Sunrise, Florida 33325

Folio No. 22-44-26-00-00003.0000

INSTR # 6624384
OR BK 04573 Pgs 3199 - 3200; (2pgs)
RECORDED 01/31/2005 01:10:04 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 10.50
DEED DOC 30,450.00
DEPUTY CLERK L Ambrosio

SPACE ABOVE THIS LINE FOR PROCESSING DATA

WARRANTY DEED

THIS INDENTURE MADE This 16th day of January, A.D.2005,

BETWEEN I-75 DEVELOPMENT, LLC, a Florida Limited Liability Company party of the first part, whose post office address is: 13790 N.W. 4th Street, Suite 113, Sunrise, Florida 33325

and LEHIGH ACRES ACQUISITION, LLC, a Florida Limited Liability Company, party of the second part, whose post office address is: 921 Ash Street, Winnetka, Illinois 60093

WITNESSETH, that the said party of the first part, for and in consideration of the sum of **TEN AND NO/100 Dollars**, to it in hand paid by the said party of the second part, and other good and valuable consideration, the receipt whereof is hereby acknowledged, by their presents have granted, bargained, sell, alien, remise, convey and confirm to the said party of the second part forever, the following described land, situate, lying and being in the County of Lee, State of Florida, to wit:

That portion of Section 22, Township 44 South, Range 26 East, lying and being East of Buckingham Park, as shown by plat recorded in Plat Book 9, Page 61, and lying and being North of Homestead Road, as shown by plat of Buckingham Park Entrance Roads, recorded in Plat Book 9, Page 97; excepting therefrom that part of Section 22 deeded to Theodore C. Handwerg and Grace E. Handwerg, his wife, which deed is recorded in Deed Book 232, Page 378 and described as follows: Beginning at the point of intersection of the east line of Buckingham Park Northeast Section, according to plat recorded in Plat Book 9, Pages 59 to 65 with the North line of Section 22, run S 89° 52' 10" E along said section line for 500 feet; thence run S 00° 49' 20" E for 51.3 feet to the north line of Homestead Road; thence run westerly along said north line on an arc of a curve to the left of radius 1,482.4 feet for 467.2 feet to a point of tangency; thence run S 89° 52' 40" W along said north line for 40.5 feet to said east line of Buckingham Park; thence run N 00° 25' 10" W along said east line for 14.8 feet to the point of beginning.

Subject to easements, restrictions, reservations of record and taxes for the current year. And the said party of the first part covenants with the party of the second part that it is lawfully seized of said land in fee simple, that it has good right and lawful authority to sell and convey said land, that the said land is free from all encumbrances and does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomever.

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IN WITNESS WHEREOF, the said party of the first part has caused these presents to be signed in its name the day and year first above written by its duly authorized officer.

Signed, sealed and delivered
in the presence of:

I-75 DEVELOPMENT, LLC, a Florida limited
liability company

WITNESS:

sign: Sherrie M Adlr
print: Sherrie M Adlr
sign: Veronica Abram
print: Veronica Abram

By: [Signature]
ASHLEY BLOOM, Manager

STATE OF FLORIDA)
) SS.
COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me this 20th day of January, 2005, by ASHLEY BLOOM, as Manager of I-75 DEVELOPMENT, LLC, a Florida Limited Liability Company, on behalf of the company. He is personally known to me and did not take an oath.

NOTARY PUBLIC:

sign: Sherrie M Adlr
print: Sherrie M Adlr
STATE OF FLORIDA AT LARGE

(SEAL)

My Commission Expires:



Sherrie M. Adlr
Commission # DD262369
Expires November 17, 2007
Bonded Troy Feltz - Insurance, Inc. 800-666-7019

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MAR 11 2005

PERMIT COUNTER

Commitment To Insure

ALTA Commitment - 1970 Rev.

CA



OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, a Minnesota corporation, herein called the Company, for a valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A: upon payment of the premiums and charges therefor; all subject to the provisions of Schedule A and B and to the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate six months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company.

IN WITNESS WHEREOF, Old Republic National Title Insurance Company has caused this Commitment to be signed and sealed as of the effective date of Commitment shown in Schedule A, the Commitment to become valid when countersigned by an authorized signatory.

CONDITIONS AND STIPULATIONS

1. The term "mortgage", when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and the Conditions and Stipulations and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and made a part of this Commitment except as expressly modified herein.
4. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.

NOTE: The policy committed for may be examined by inquiry at the office which issued the commitment, and a specimen copy of the policy form (or forms) referred to in this commitment will be furnished promptly upon request.

Delivered with and printed on this Commitment Jacket is the Closing Protection Letter promulgated under Rule 4-186.010, F.A.C.

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
A Stock Company
400 Second Avenue South, Minneapolis, Minnesota 55401
(612) 371-1111

CUMMINGS & LOCKWOOD LLC

Authorized Signatory

RECEIVED
MAR 11 2005

President

Attest
Secretary

Closing Protection Letter

The operation and scope of the following Closing Protection Letter ("Letter") is limited to the transaction which is the subject of the commitment to which this Letter is attached and is also directed to those person(s) and/or entity (ies) set forth in the Letter and identified as a proposed insured in the commitment.

RE: Issuing Agent: Agent countersigning the attached commitment.

1. Failure of said Issuing Agent to comply with your written closing instructions to the extent that they relate to (a) the status of the title to said interest in land or the validity, enforceability and priority of the lien of said mortgage on said interest in land, including the obtaining of documents and the disbursement of funds necessary to establish such status of title or lien, or (b) the obtaining of any other document, specifically required by you, but not to the extent that said instructions require a determination of the validity, enforceability or effectiveness of such other document, or (c) the collection and payment of funds due you, or
2. Fraud or dishonesty of said Issuing Agent in handling your funds or documents in connection with such closing.

If you are a lender protected under the foregoing paragraph, your borrower in connection with a loan secured by a mortgage on a one-to-four family dwelling shall be protected as if this letter were addressed to your borrower.

Conditions and Exclusions

- A. Old Republic National Title Insurance Company will not be liable to you for loss arising out of:
 1. Failure of said Issuing Agent to comply with your closing instructions which require title insurance protection inconsistent with that set forth in the title insurance binder or commitment issued by Old Republic National Title Insurance Company. Instructions which require the removal of specific exceptions to title or compliance with the requirements contained in said binder or commitment shall not be deemed to be inconsistent.
 2. Loss or impairment of your funds in the course of collection or while on deposit with a bank due to bank failure, insolvency or suspension, except such as shall result from failure of said Issuing Agent to comply to your written closing instructions to deposit the funds in a bank which you designated by name.
 3. Mechanics' and materialmen's liens in connection with your purchase or lease or construction loan transactions, except to the extent that protection against such liens is afforded by a title insurance binder, commitment or policy of Old Republic National Title Insurance Company.
 4. The periodic disbursement of construction loan proceeds or funds furnished by the owner to pay for construction costs during the construction of improvements on the land to be insured, unless an officer of the company has specifically accepted the responsibility to you for such disbursement program in writing.
- B. When Old Republic National Title Insurance Company shall have reimbursed you pursuant to this letter, it shall be subrogated to all rights and remedies which you would have had against any person or property had you not been so reimbursed. Liability of Old Republic National Title Insurance Company for such reimbursement shall be reduced to the extent that you have knowingly and voluntarily impaired the value of such right of subrogation.
- C. Any liability of Old Republic National Title Insurance Company for loss incurred by you in connection with closings of real estate transactions by said Issuing Agent shall be limited to the protection provided by this letter. However, this letter shall not affect the protection afforded by a title insurance binder, commitment or policy of Old Republic National Title Insurance Company. The dollar amount of liability hereby incurred shall not be greater than the amount of the title insurance binder, commitment or policy of title insurance to be issued, and liability hereunder as to any particular loan transaction shall be coextensive with liability under the policy issued to you in connection with such transaction. Payment in accordance with the terms of this letter shall reduce by the same amount the liability under such policy and payment under such policy shall reduce by the same amount the company's liability under the terms of this letter.
- D. Claims of loss shall be made promptly to Old Republic National Title Insurance Company at its principal office at 400 Second Avenue South, Minneapolis, Minnesota 55401-2499. When the failure to give prompt notice shall prejudice Old Republic National Title Insurance Company then liability of Old Republic National Title Insurance Company, hereunder shall be reduced to the extent of such prejudice. Old Republic National Title Insurance Company shall not be liable hereunder unless notice of loss in writing is received by Old Republic National Title Insurance Company within ninety (90) days from the date of discovery of such loss.
- E. Nothing contained herein shall be construed as authorizing compliance by any issuing agent with any such closing instructions, compliance with which would constitute a violation of any applicable law, rule or regulation relating to the activity of title insurers, their issuing agents, and their failure to comply with any such closing instructions shall not create any liability under the terms of this letter.
- F. The protection herein offered will be effective until cancelled by written notice from Old Republic National Title Insurance Company. Any previous Insured Closing Service Letter or similar agreement is hereby cancelled, except as to closings of your real estate transactions regarding which you have previously sent (or within 30 days hereafter send) written closing instructions to said Issuing Agent.

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**ORNT File Number: 04114243 KP****Agent File Number: Boca-Santoro****Commitment Number: CA****SCHEDULE A**

1) Effective Date: October 21, 2004 at 6:00 AM

2) Policy or Policies to be issued:

Amount:

- a) ALTA Owners Policy Standard Form B 1992 \$4,350,000.00
(amended 10/17/92 with Florida Modifications)

Proposed Insured:

Lehigh Acres Acquisition, LLC, a Florida Limited Liability Company, or its assigns

- b) ALTA Standard Loan Policy 1992 \$2,827,500.00
(amended 10/17/92 with Florida Modifications)

Proposed Insured:

Lake Forest Bank and Trust Company

3) The estate or interest in the land described or referred to in this Commitment and covered herein is a FEE SIMPLE.

4) Title to the Fee Simple estate or interest in said land is at the effective date hereof vested in:

Jean C. Sylvester

5) The land referred to in this Commitment is described as follows:

That portion of Section 22, Township 44 South, Range 26 East. lying and being East of Buckingham Park, as shown by plat recorded in Plat Book 9, Page 61, and lying and being North of Homestead Road, as shown by plat of Buckingham Park Entrance Roads, recorded in Plat Book 9, Page 97; excepting therefrom that part of Section 22 deeded to Theodore C. Handwerg and Grace E. Handwerg, his wife, which deed is recorded in Deed Book 232, Page 378, and described as follows: Beginning at the point of intersection of the east line of Buckingham Park Northeast Section, according to plat recorded in Plat Book 9, at Pages 59 to 65 with the North line of Section 22, run S 89° 52' 10" E along said section line for 500 feet; thence run S 00° 49' 20" E for 51.3 feet to the north line of Homestead Road; thence run westerly along said north line on an arc of a curve to the left of radius 1,482.4 feet for 467.2 feet to a point of tangency; thence run S 89° 10' 40" W along said north line for 40.5 feet to said east line of Buckingham Park; thence run N 00° 25' 10" W along said east line for 14.8 feet to the point of beginning.

This Commitment valid only if Schedule B is attached.

ORNT File Number: 04114243 KP

SCHEDULE B - SECTION I

The following are the requirements to be complied with:

1. Payment of the full consideration to, or for the account of, the grantors or mortgagors.
2. Instrument(s) necessary to create the estate or interest to be insured must be properly executed, delivered and duly filed for record:
 - a) Warranty Deed from Jean C. Sylvester, joined by spouse or with recitation of non-homestead language on deed, to I-75 Development, LLC, a Florida Limited Liability Company, conveying the property described under Schedule "A" hereof to be recorded of the Public Records.
 - b) Warranty Deed from I-75 Development, LLC, a Florida limited liability company, to Lehigh Acres Acquisition, LLC, a Florida Limited Liability Company, conveying the property described under Schedule "A" hereof to be recorded of the Public Records.
 - c) Mortgage from Lehigh Acres Acquisition, LLC, a Florida Limited Liability Company to Lake Forest Bank and Trust Company, encumbering the property described under Schedule "A" hereof in the original principal sum of \$2,827,500.00, to be recorded of the Public Records. Execution of the proposed mortgage by all members of the limited liability company unless the articles of organization provide that the company shall be governed by managers, and if so, then execution of the mortgage by all said managers.
 - d) Production of a copy of the articles of organization, and regulations (if adopted) with an affidavit stating that it is a true and correct copy of the articles of Lehigh Acres Acquisition, LLC, a Florida Limited Liability Company organization and regulations and all amendments thereto, and that said limited liability company is active and in good standing with the Secretary of State in aforementioned state and has not been dissolved.
 - e) Certificate of Good Standing for I-75 Development, LLC, a Florida limited liability company, to be recorded in the Public Records.

SCHEDULE B SECTION II IS CONTINUED ON AN ADDED PAGE

ORNT File Number: 04114243 KP

SCHEDULE B - SECTION II

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
2. Facts which would be disclosed by an accurate and comprehensive survey of the premises herein described.
3. Rights or claims of parties in possession.
4. Construction, Mechanic's, Contractors' or Materialmen's lien claims, if any, where no notice thereof appears of record.
5. Easements or claims of easements not shown by the public records.
6. General or special taxes and assessments required to be paid in the year 2004 and subsequent years. Taxes for the year 2004 in the amount of \$5,810.96 become a lien on the land January 1, 2004 and have been paid. Tax I.D. No. 22-44-26-00-00003.0000.
7. Reservations of Oil, Gas and Mineral Rights reserved in Deed recorded in Deed Book 219, page 403, Public Records of Lee County, Florida.
8. Any lien provided by Chapter 159 Florida Statutes, in favor of any municipality or authority for unpaid charges for services by any water, sewer or gas system to the land described herein.

EXHIBIT PH-3.C.1

LEGAL DESCRIPTION

EXHIBIT PH-3.C.1

DCI 2005 00027

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MAR 11 2005

PERMIT COUNTER

EXHIBIT PH-3.C.1.

Legal Description
Request for Rezoning from AG-2 to RPD
Buckingham Villages

PROPERTY DESCRIPTION

THAT PORTION OF SECTION 22, TOWNSHIP 44 SOUTH, RANGE 26 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE POINT OF INTERSECTION OF THE EAST LINE OF BUCKINGHAM PARK NORTHEAST SECTION, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 9, AT PAGES 59 TO 65 WITH THE NORTH LINE OF SECTION 22, THENCE RUN S89°52'10"E ALONG SAID SECTION LINE FOR 500 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S89°52'10"E ALONG SAID NORTH LINE OF SAID SECTION 22, A DISTANCE OF 2590.88 FEET TO THE NORTHEAST CORNER OF SAID SECTION 22; THENCE RUN S01°11'39"E ALONG THE EAST LINE OF SAID SECTION 22, A DISTANCE OF 2026.42 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF HOMESTEAD ROAD(100' RIGHT-OF-WAY); THENCE RUN N51°44'46"W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 2745.79 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 1482.40 FEET, A DELTA ANGLE OF 20°54'21" AND A CHORD BEARING OF N62°11'06"W, THENCE RUN ALONG SAID CURVE TO THE LEFT AND SAID NORTHERLY RIGHT-OF-WAY LINE, AN ARC LENGTH OF 540.89 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID HOMESTEAD ROAD; THENCE RUN N00°49'20"W A DISTANCE OF 80.85 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 22 AND THE POINT OF BEGINNING.

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EXHIBIT PH-3.D.3
EXHIBIT 6-A

BOUNDARY SURVEY

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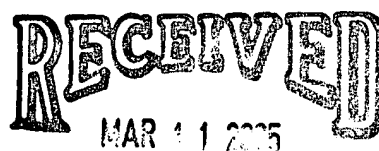
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EXHIBIT PH-3.D.3

EXHIBIT PH-3.G.1
EXHIBIT PH-3.G.2
EXHIBIT PH-3.G.3

LIST AND MAP
OF SURROUNDING
PROPERTY OWNERS
MAILING LABELS

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EXHIBIT PH-3.G.1, PH-3.G.2, PH-3.G.3

EXHIBIT

Agricultural Uses at time of Zoning Application

I, Ken W. Markgraf certify that I am the owner of the property described on the attached exhibit, and that the property is currently zoned agricultural (AG-2) and although the property is currently not being used for agricultural purposes or have an agricultural tax exemption it is our current intent to use the property for agricultural purposes until such time that construction starts on the property for the purposes of developing the property. The intended agricultural use will be cattle grazing and/or as a nursery.

Ken W. Markgraf
Signature of Owner or Owner authorized Agent

3/11/05
Date

Ken W. Markgraf

Typed or printed name and title

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 11 day of MARCH 2005,

By Ken W. Markgraf who is personally known to me or who has produced ILL.D.L. M626-5195-3355 as identification.

(SEAL)



Sheridan S McCown
My Commission DD134897
Expires July 17 2006

Sheridan S. McCown
Signature of notary public

Printed name of notary public

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EXHIBIT 1

**APPLICATION FOR PARTICIPATION IN
LEE COUNTY'S HOUSING DENSITY BONUS PROGRAM**

1. Application for a Housing Bonus Density shall be made in conjunction with application for a Final Development Order or a Building Permit in the case of a duplex, whichever is most applicable.
2. Application for a Bonus Density shall be reviewed by the Lee County Department of Community Development for compliance with the Lee Plan. Proposed developments inconsistent with the Lee Plan shall not be eligible for bonus density. Those approved for a bonus density and who designate appropriate levels of residential units for low and moderate income families may be eligible for a density above the standard density range.
3. Signed agreements for the Bonus Density shall be attached and become conditions of any Final Development Order or Building Permit issued for developments receiving density above the Standard Density Range.
4. Low and moderate income shall be defined as follows:

LOW - Up to 50% of Lee County Median income as established by HUD

VERY LOW - 51% to 85% of Lee County Median Income as established by HUD

MODERATE - 86% to 120% of Lee County Median income as established by HUD

5. Guidelines for Bonus Density Range:

GUIDELINES FOR BONUS DENSITY*

Lee Plan Land Use Category	Standard Density Range (in dwelling units per acre)	Maximum Bonus Density (in dwelling units per acre)
Intensive Development Area	8-14	8
Central Urban Area	5 to 10	5
Urban Community Area	1 to 6	4

**Applications and information including the Housing Density Bonus Ordinance and Administrative Procedures are available at the Lee County Planning Division.*

Date of Application: _____

AC 13-12 with 2004 Income Limits Continued

Name of Project (if known): Buckingham Villages

Developer (If non-profit, include copy of certification): Lehigh Acres Acquisition, LLC

I. LOCATION OF PROPERTY

- A. Strap Number (s): 22-44-26-00-00003.0000
- B. General Location (road(s) fronted upon): Northeast side of
Homestead Road. Approximately 1.5 miles north
of Lee Boulevard via Sunniland Boulevard
- C. Land Use Map Classification Per Lee Plan: Urban Community Area
- D. Present Zoning: AG-2

II. NET AREA AVAILABLE FOR DEVELOPMENT

59.39 Acres 376 Acres of Adjacent ROW = 63.15 Acres

III. TYPE AND DENSITY OF HOUSING UNITS

1. Total Number of dwelling units proposed: No Bonus Units 631 units Total
253 Bonus Units
2. Type of units or structures proposed: Multi Family and/or Attached Single Family
- a. Single Family (detached)
- b. Single Family (attached),
Duplex , Townhouses
- c. 631 Multi-family Units
- d. Other (type and number)
3. Bedroom size distribution: N/A
 1 Bd, 2 Bd, 3 Bd, 4 + Bd. (Applicable for site specific Density Bonus Option only)
4. Proposed rental or sales price of Density Bonus Units: N/A
 1 Bd, 2 Bd, 3 Bd, 4 Bd. (Applicable for site specific Density Bonus Option only)
5. Net Density: 6.0 units per acre without Bonus
Net Density: 10.0 units per acre with Bonus

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AC 13-12 with 2004 Income Limits Continued

- IV. A. Total number of dwelling units proposed for the development: 631
B. Total number of bonus density units proposed for the development: 253
C. Total number of dwelling units designed for low and moderate income families (relevant for site density bonus specific option only): N/A

V. OPTION SELECTED BY DEVELOPER

- A. Site specific option
B. ✓ Cash contribution option

VI. DATES

- A. Date expected to apply for building permit/final development order: 6/15/03
B. Date expected to receive certificate of occupancy: 9/1/06
C. Date bond received (site specific option only): N/A
D. Board Approval of Agreement Date: _____
E. Development Order Number: _____
F. Building Permit Number: _____
G. Date Received Certificate of Occupancy: _____
H. Date Due for Annual Report (rental-site specific only): _____

Ker W. Marked 3/11/05
Signature, Developer or Authorized Agent Date

Signature, Planning Division Director Date

Signature, Development Services Division Director Date

Signature, Community Development Department Director Date



EXHIBIT 6-B

AREA LOCATION MAP

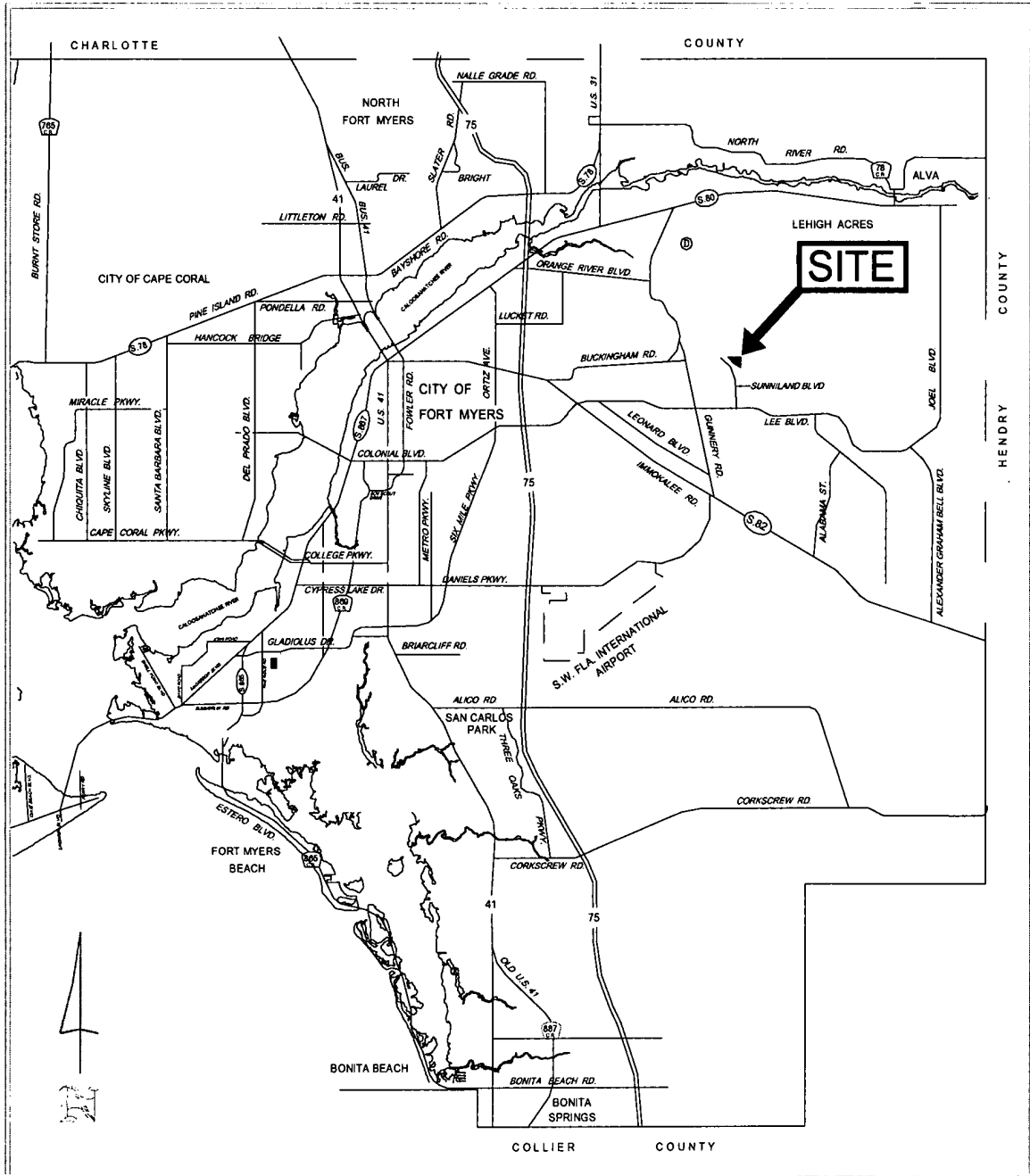
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EXHIBIT 6-B

EXHIBIT 6-B
Area Location Map
Request for Rezoning from AG-2 to RPD
Buckingham Villages



LOCATION MAP

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EXHIBIT 6-C

EXISTING ZONING AND CURRENT LAND USES

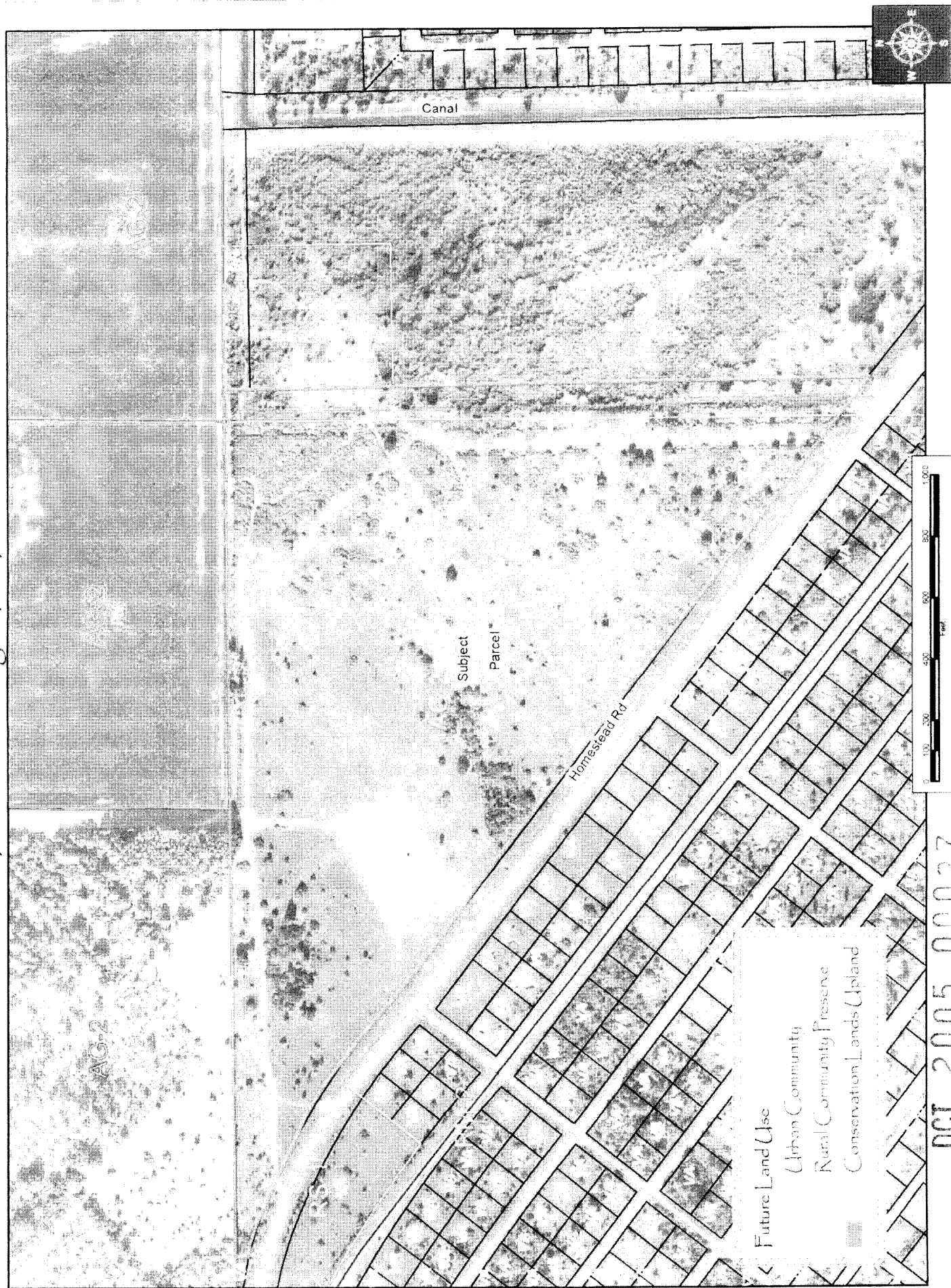
EXHIBIT 6-C

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DCI 2005 0002

Informal meeting 11/04/04 8:30



DCI 2005 00027

EXHIBIT 6-D

AERIAL PHOTOGRAPH

EXHIBIT 6-D



PERMIT COUNTER

DOT 2005 00027

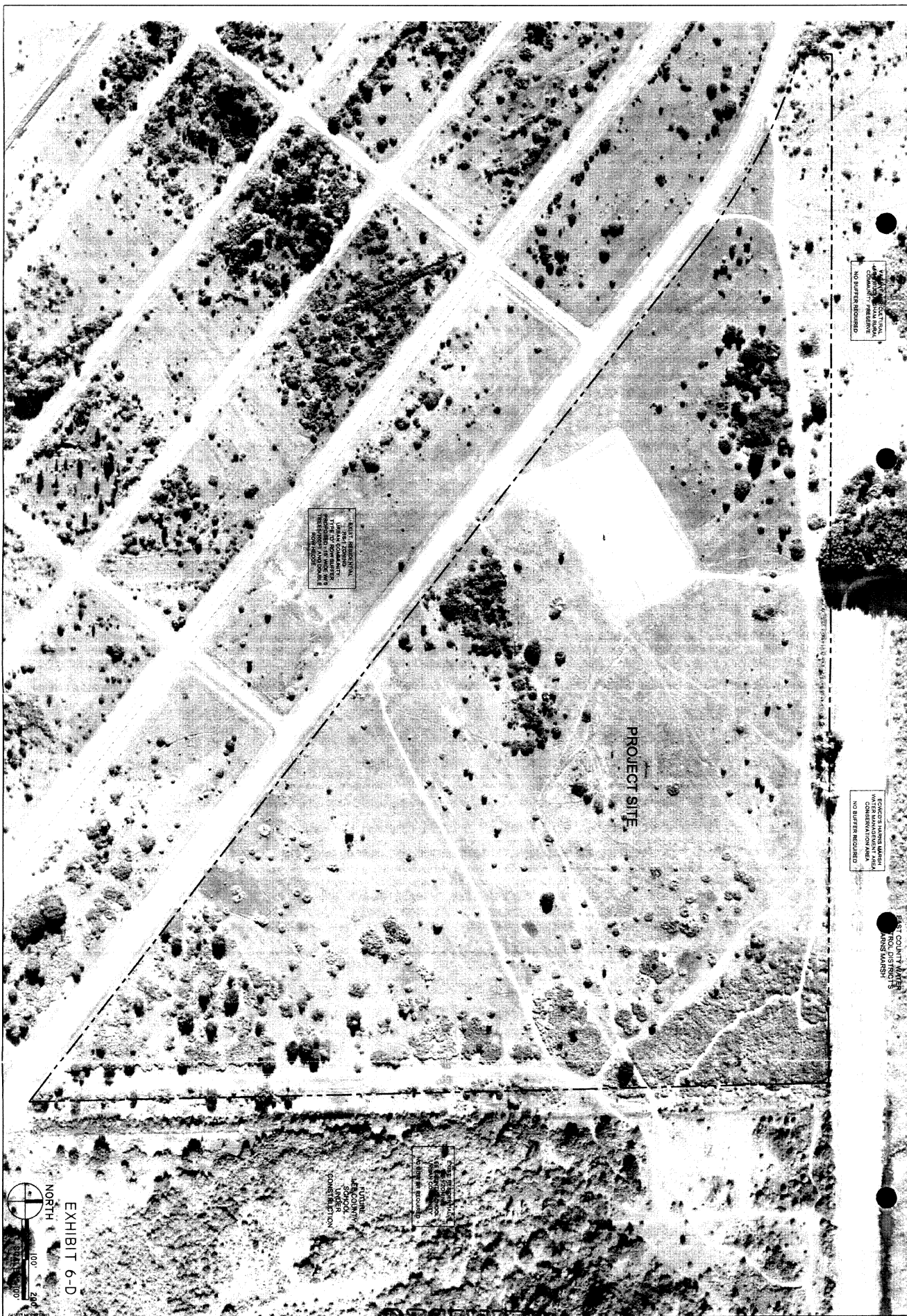


EXHIBIT 6-E
EXHIBIT 6-F

SOILS & FLUCCS MAP

EXHIBIT 6-E, 6-F

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EXHIBIT 6-G
EXHIBIT 6-H
EXHIBIT 6-I

NARRATIVE COMPLIANCE
STATEMENTS

EXHIBIT 6-G, 6-H, 6-I

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EXHIBIT 6-G

Narrative for Compliance with Lee Plan
Request for Rezoning to RPD
Buckingham Villages
March 8, 2005

The Buckingham Villages RPD is located on the northeast side of Homestead Road in the northwest quadrant of Lehigh Acres, approximately 1.5 miles north of Lee Boulevard and is accessed via Sunniland Boulevard. The property is a 59.39 acre triangular shaped tract with 3,268 feet of frontage on Homestead Road and a maximum depth of approximately 1,500 feet. The property is within the Lehigh Acres Planning Community and is located within the Future Urban Community land use Category. Neighboring land uses include existing Urban Community residential lots to the south which are less than 25% build out, directly north on the east side of the property is Upland Conservation Lands (East County Water Control District's Harns Marsh) and directly north on the west side is vacant agricultural zoned property located in the Buckingham Rural Community Preserve. Directly east of the property is RS-1 zoned property; however this entire tract is currently being developed by the Lee County School Board for a future elementary and middle school.

The project is characterized as a residential infill development. According to the FLUCFCS Map prepared by Bagley Environmental & Planning Services, Inc., the entire site has been disturbed at one time and now primarily consists of former filled open land grasses (190F) and former filled revegetated palmetto and shrub (321). The property is broken down into three tracts and is proposed to be developed in one of three ways. The northeast tract (Tract A) is intended to be multifamily and is currently shown to consist of two story townhouse units with garages. However, the schedule of uses is set up such that this tract can be modified to include three story units with or without garages. This tract is shown to have a 3.12 acre indigenous tract which with the uplift credits of 160% (indigenous area over 3 acres and being adjacent to conservation lands) brings this indigenous area to 4.98 acres (only 3.32 acres is required for this tract). Tract B is shown to be developed as either a single family attached and/or duplexes or as two to three story multifamily. The proposed lots are a minimum of 7,500 SF (3,750 SF per unit), therefore If developed as attached single family or duplex lots this tract is not required to preserve indigenous space. If developed as multifamily this tract is shown to have a 1.97 acre indigenous tract, which with the uplift credits of 135% (indigenous area over 1 acre and being adjacent to a roadway) brings this indigenous area to 2.67 acres. Tract C is similar to Tract B in that the master concept plans are drawn to show either single family attached and/or duplex lots without indigenous preservation or as multifamily with a 2.37 acre indigenous tract which uplifts to 2.96 acres with 125% credit for being over 1 acre. Also as indicated in the protected species report there were no signs of protected species.

The property is currently zoned AG-2. The rezoning request is to change the zoning from AG-2 to RPD to create a multifamily residential community or to allow a combination of single family attached and/or duplex lots.

As stated in the LDC, the purpose and intent of the planned development (PD) districts is to further implement the goals, objectives and policies of the Lee Plan while providing

some degree of flexibility in planning and designing developments.

The Schedule of Uses that is being requested for this rezoning are those typically sought for a residential community.

Rezoning the subject property to RPD with related uses is compatible as evident by surrounding residential communities.

This request is consistent with the goals, objectives, policies and intent of the Lee Plan in accordance with the following:

Goal 1: Future Land Use Map. To maintain and enforce a Future Land Use Map showing the proposed distribution, location, and extent of future land uses by type, density, and intensity in order to protect natural and man-made resources, provide essential services in a cost-effective manner, and discourage urban sprawl.

Policy 1.1.4: The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slight lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases or urban services and expand and strengthen them accordingly. Standard densities ranges from one dwelling unit per acres (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acres (10 du/acre).

The subject property is located off Sunniland Boulevard on Homestead Road in the northwest quadrant of Lehigh Acres and is in the Urban Community Land Use Category. This category allows for up to 10 residential units per acre. This rezoning request is to allow the maximum density of 10.00 residential units per acre for a total number of units of 631 which include 252 Bonus Density Units which are being requested concurrently with the rezoning application. There is a strong need in Lee County for affordable housing and particularly in Lehigh Acres. This site is ideal for a multifamily community based on it's proximity to both Fort Myers and downtown Lehigh Acres and the new elementary and middle schools being constructed directly adjacent to the site.

Goal 2: Growth Management. To provide for an economically feasible plan which coordinates the location and timing of new development with the provision of infrastructure by government agencies, private utilities, and other sources.

Objective 2.1: Development Location. Contiguous and compact growth patterns shall 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.

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.

Objective 2.6: Redevelopment. Future redevelopment activities shall be directed in appropriate areas, consistent with sound planning principles, the goals, objectives, and policies contained within this plan, and the desired community character.

The property is located directly adjacent to the Florida Governmental Utility Authority's (FGUA) franchise area and is expected to be included into their franchise area in May, 2005. In cooperation with the Lee County School Board water and sewer services are being extended to the property. The school board is under construction of the utility extensions to serve their new school which is directly adjacent to this property. These utility lines are being upsized to also accommodate this project. The project is best characterized as an urban infill development that serves to promote a continuous and compact growth pattern. This growth pattern is consistent with the medium density residential development pattern associated with this area which includes ¼ acre single family residential lots and duplex lots (west of the subject parcel). This project is consistent with Objective 2.1: Development Location due to its proximity to downtown Lehigh Acres, the new shopping center constructed at the intersection of Lee Boulevard and State Road 82, and to Fort Myers. It is also consistent with Objective 2.1: Development Timing and 2.2: Redevelopment as evident by the construction of the new school and the extension of utilities to this area. For these reasons the project will continue to further advance the growth management goals and objectives for this area of Lehigh Acres.

Goal 3: Privately Funded Infrastructure. Not Applicable.

Goal 4: Development Design - General. To maintain innovative land development regulations, which encourage creative site designs and mixed use developments.

Policy 4.1.1: Development design shall be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements.

Policy 4.1.2: Development design shall be evaluated to ensure that the internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive effect on the activities and function contained within or adjacent to the development.

The project is consistent with Development Design Goal 4. The subject property is located off of Sunniland Boulevard which has direct access to Lee Boulevard. The project has adequate access points and

infrastructure to support the activities. The project has been designed to develop new affordable housing that is critically needed in Lee County. As demonstrated in the Master Concept Plans, although this site has limited indigenous areas, the project has been designed to preserve these indigenous areas to the greatest extent possible. The largest and densest of these indigenous areas is located in the northeast corner and is shown for preservation by making Tract A a multifamily tract in all scenarios. The Master Concept Plan and Alternate Master Concept Plan #1 utilize the indigenous areas along the east boundary to create a buffer between the new development and the proposed school. The project layout takes advantage of the proposed lake views and the views of the indigenous preservation areas and the Harns Marsh.

The project is currently drawn to show two gated entrances. These entrances line up with existing local road intersections. The internal roads have been laid out to allow adequate and safe vehicle circulation throughout the project.

Goal 5: Residential Land Uses. To provide sufficient land in appropriate locations on the Future Land Use Map to accommodate the projects population of Lee County in the year 2020 in attractive and safe neighborhoods with a variety of price range and housing types.

Policy 5.1.2: Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted according. Such constraints or hazards include but are not limited to flood, storm or hurricane hazards; unstable soil or geological conditions; environmental limitations, aircraft noise, or other characteristics that may endanger the residential community.

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.

The project is consistent with Development Design Goal 5 primarily due to the lack of large tracts of land available for multifamily projects in Lehigh Acres. There are very few multifamily tracts in Lehigh Acres to be able to construct projects of this type and to provide affordable housing. The fact that the Lee County School Board is developing the adjacent tract demonstrates the compatibility of this area for a project of this type. Lehigh Acres is historically known for it's higher ground elevations and less flood potential than other areas of Lee County. The environmental impacts of this project are minimal since there are no wetlands or protected species on the property and a limited amount of indigenous vegetation which is slated for some preservation. Although close to the Lee County Mosquito Control Airport this area is not in a aircraft noise zone. In fact this type of development is the highest and best use since an upscale residential community would likely struggle given the surrounding development and being situated between the airport and the new school.

Goal 6: Commercial Land Uses. Not Applicable.

Goal 7: Industrial Land Uses. Not Applicable.

Goal 8: Marine Oriented Land Uses. Not Applicable.

Goal 9: Agricultural Land Uses. Not Applicable.

Goal 10: Natural Resource Extraction. Not Applicable.

Goal 11: Water, Sewer, Traffic, and Environmental Review Standards. To insure that appropriate water, sewer, traffic, and environmental review standards are considered in reviewing rezoning applications and are met prior to issuance of a county development order.

This rezoning request is consistent with the goals, objectives, and policies, and the intent of the Lee Plan, and with the general uses set forth in the Lee Plan. As indicated above water and sewer are being extended to the site by the Lee County School Board and the roads leading to the property have adequate capacity.

Approving the requested rezoning from AG-2 to RPD should not cause damage, hazard, nuisance or other detriment to persons or property in and around this project site. The rezoning to RPD will also allow staff and the County Commission to place conditions on the property, if deemed necessary, to assure compliance with the Lee Plan and the Land Development Code.

**EXHIBIT 6-H Design Standards
and
EXHIBIT 6-I Decision Guidelines**

Request for Rezoning from AG-2 to RPD
Buckingham Villages
Project Description Report
March 8, 2005

The Buckingham Villages RPD is a standard multifamily type community that is designed to take advantage of the limited native vegetation on the site, the proposed water management lakes and the views of ECWCD's Harns Marsh. The project is being rezoned with a Master Concept Plan and two alternate Master Concept Plans. The primary MCP shows all Multifamily with a maximum density of 631 residential units, clubhouse amenities, water management facilities, and upland indigenous preservation areas. The two alternate MCPs show a combination of single family attached and/or duplex lots in combination with multifamily units. It is anticipated that if the project is developed with the single family attached or duplex lots the density may be somewhat lower than 631 units depending on the final design of the multifamily buildings and the amount of the site designated for multifamily. The design provides for safe and sensible circulation based upon the two access points and the goal of creating three separate sub communities. The project use schedule reflects the specific nature of the project by including the attached single-family residential housing types and/or duplexes and multifamily along with related accessory, recreation and infrastructure uses. As identified in the Lee Plan Consistency Report (see Exhibit 6-G) the project's design complies with all key design and residential use goals and policies. Of particular note is the project's consistency with Development Design Goal 4 and Neighborhood Protection Policy 5.1.5. As such the project complies with LDC 34-145(d)(3.a) in demonstrating rezoning entitlement.

As previously discussed in Exhibit 6-G, the Buckingham Villages RPD is 59.39 acres and is located on the northeast side of Homestead Road in the northwest quadrant of Lehigh Acres, approximately 1.5 miles north of Lee Boulevard. Depending on the final plan permitted the project sets aside between 3.3 to 11.9 acres of indigenous area for perpetual preservation. The multifamily portions of the project are required to provide 40% open space of which 50% will be indigenous preservation and if portions of the project are developed as single family attached they will comply with the minimum lot size requirements of 7,500 SF (3,750 SF per unit) to not require open space and/or indigenous preservation (refer to the Alternate Master Concept Plans) As such the project will comply with all of the open space provisions of section 0-415 of the Land Development Code (LDC). The requested residential density is based upon 59.39 acres of developable land plus 3.76 acres of adjacent road right-of-way (1/2 the ROW). This land is of the size and quality suited for residential development. Thus the project complies with LDC 34-145(d)(3)d.

The Master Concept Plan is shaped around the existing indigenous vegetation areas and since there are no protected species on the property the project conforms to LDC 34-145(d)(3)f. and LDC 34-411 (g)

The use of two gated entrances on Homestead Road and the project's proximity to Sunniland Boulevard and Lee Boulevard, which both have adequate traffic capacity for this project demonstrates the project's compliance with section 34-145(d)(3)e. The project complies with LDC 34-145 (d) (3)h in that central water and sanitary sewer services are being extended to this project and fire, police and EMS services are available to service the project. The project will not burden or overwhelm existing or committed public facilities.

EXHIBIT 6-J

MASTER CONCEPT PLAN

EXHIBIT 6-J

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EXHIBIT 6-L

TRAFFIC IMPACT STATEMENT

EXHIBIT 6-L

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TRAFFIC IMPACT STATEMENT

LEHIGH 58

Proposed Site: Homestead Road, Lehigh Acres, FL

PROJECT DESCRIPTION:

This development will comprise 631 residential units classified as 'Residential Condo / Townhouse' for purposes of this analysis. The project has two access points on Homestead Road. Homestead Road (local road) feeds Sunniland Blvd (2-lane collector road). Most traffic will likely feed Lee Blvd. (6-lane arterial road) directly from Sunniland Blvd. However, a small percentage of traffic is likely to feed Lee Blvd from Gunnery Road via miscellaneous local roads.

Development: Residential Condo / Townhouse (230)

Proposed Building: 631 units

Calculated AWDTE'S: 3,698 (24-hour, 2-way volume)*

Calculated AMPHTE'S: 278 (44 enter, 233 exit)*

Calculated PMPHTE'S: 328 (221 enter, 107 exit)*

DISTRIBUTION OF TRAFFIC (TURNING MOVEMENTS)

The following Trip Distribution is assumed:

PM PEAK HOUR: Homestead Road

	North Access (30%)	South Access (70%)	
ENTER from North	9 (15%)	14 (10%)	
ENTER from South	57 (85%)	141 (90%)	
EXIT to northbound	4 (15%)	7 (10%)	
EXIT to southbound	28 (85%)	68 (90%)	
TOTALS	98	230 =	328

**Trip Generation by Microtrans Version 5 (Source: Institute of Transportation Engineers Trip Generation, 7th Edition, 2003) 'Equations'*

Link-Specific Service Volumes on Arterials in Lee County (2002) Data

Lee County Road Link Volumes

Lee County Periodic Count Station Data (2003)

PM PEAK HOUR: Lee Boulevard

	Gunnery Rd (30%)	Sunniland Blvd. (70%)		
Right Westbound (exit)	25	67		
Left Eastbound (exit)	2	8		
Straight Southbound (exit)	5	-		
Left Northbound (enter)	26	174		
Right Northbound (enter)	2	12		
<u>Straight Northbound (enter)</u>	<u>7</u>	<u>-</u>		
TOTALS	67	261	=	328

AM PEAK HOUR: Homestead Road

	North Access (30%)	South Access (70%)		
ENTER from North	1	2		
ENTER from South	12	29		
EXIT to northbound	9	5		
<u>EXIT to southbound</u>	<u>62</u>	<u>158</u>		
TOTALS	84	194	=	278

AM PEAK HOUR: Lee Boulevard

	Gunnery Rd (30%)	Sunniland Blvd. (70%)		
Right Westbound (exit)	8	198		
Left Eastbound (exit)	3	22		
Straight Southbound (exit)	3	-		
Left Northbound (enter)	2	26		
Right Northbound (enter)	1	15		
<u>Straight Northbound (enter)</u>	<u>0</u>	<u>-</u>		
TOTALS	17	261	=	278

TURN LANE ANALYSIS (Lee County AC-11-4)**Homestead Road**

North Access Point: No turn lanes required.

South Access Point: Right turn lane required (Warrant V-C)

Lee Boulevard At:

Gunnery Road: Currently a signalized intersection. Traffic movements from Gunnery to Lee can access the right-turn lane (westbound) and the left-turn lane (eastbound). The right-turn lane is of sufficient length (325-feet) to accommodate the estimated 30-additional vehicle trips

heading west during the PM peak hour. The left-turn lane is of sufficient length (315-feet) to accommodate the estimated 2-additional vehicle trips heading east during the PM peak hour. No turn lane improvements are required.

Sunniland Blvd: Currently a full median opening with a 380-foot protected directional left-turn lane on Lee Blvd to Sunniland Blvd. A 425-foot right-turn lane is required to accommodate the estimated 67-additional vehicle trips heading west during the PM peak hour and estimated 125-additional vehicle trips in the AM. A 300-foot left-turn lane is also required to accommodate the estimated 32-additional vehicle trips heading east during the AM peak hour.

CONCLUSIONS:

In accordance with criteria outlined in Lee County AC-11-4 Sec. V.C.2.(b) and Sec. VI.C.2. and based upon the trip calculation above, the following improvements are required:

Homestead Rd South Access Point:

Right-turn lane (265-feet)

Sunniland Boulevard:

Right-turn lane (425-feet)

Left-turn lane (300-feet)

Lee Boulevard:

At Sunniland Blvd (Left-turn): Increase existing turn bay from 385-feet to 700-feet

100TH HIGHEST HOUR LEVEL OF SERVICE CALCULATION LEE BOULEVARD

QUATTRONE & ASSOC. , INC.
Gregg R. Strakaluse, P.E.

ENGINEER:

DATE:

March 9, 2005

PROJECT NAME:

LEHIGH 58

PROJECT LOCATION:

Homestead Road

PERMANENT COUNTING STATION NUMBER:

22

100TH HOUR V.P.H. (Year & Rate) =

2004

1,636

YEAR FOLLOWING PROJECT CONSTRUCTION:

2008

ADJUSTMENT FACTOR =

Count & Yr_{min}

15100

1994

Count & Yr_{max}

20600

2003

Adjustment Factor = (20600 / 15100^{0.11})⁴

1.148

ADJUSTED 100TH HOUR V.P.H. =

1,636 x 1.148

1,878

EXISTING LEVEL OF SERVICE =

B

PROJECT V.P.H. =

174

TOTAL V.P.H. =

1,878 + 174

2,052

LEVEL OF SERVICE =

B

COMMENTS:

LEHIGH 58

Summary of Trip Generation Calculation

For 631 Dwelling Units of Residential Condominium / Townhouse

March 10, 2005

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
<hr/>				
Avg. Weekday 2-Way Volume	5.86	3.09	1.00	3698
7-9 AM Peak Hour Enter	0.07	0.00	1.00	44
7-9 AM Peak Hour Exit	0.37	0.00	1.00	233
7-9 AM Peak Hour Total	0.44	0.69	1.00	278
4-6 PM Peak Hour Enter	0.35	0.00	1.00	221
4-6 PM Peak Hour Exit	0.17	0.00	1.00	107
4-6 PM Peak Hour Total	0.52	0.75	1.00	328
Saturday 2-Way Volume	5.67	3.10	1.00	3578
Saturday Peak Hour Enter	0.25	0.00	1.00	158
Saturday Peak Hour Exit	0.22	0.00	1.00	139
Saturday Peak Hour Total	0.47	0.71	1.00	297

Note: A zero indicates no data available.

Source: Institute of Transportation Engineers

Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

LEHIGH 58

Summary of Average Vehicle Trip Generation

For 631 Dwelling Units of Residential Condominium / Townhouse

March 10, 2005

	24 Hour Two-Way Volume	7-9 AM Pk Hour		4-6 PM Pk Hour	
		Enter	Exit	Enter	Exit
Average Weekday	3698	44	233	221	107

	24 hour Two-Way Volume	Peak Hour	
		Enter	Exit
Saturday	3578	158	139
Sunday	3054	139	145

Note: A zero indicates no data available.

Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

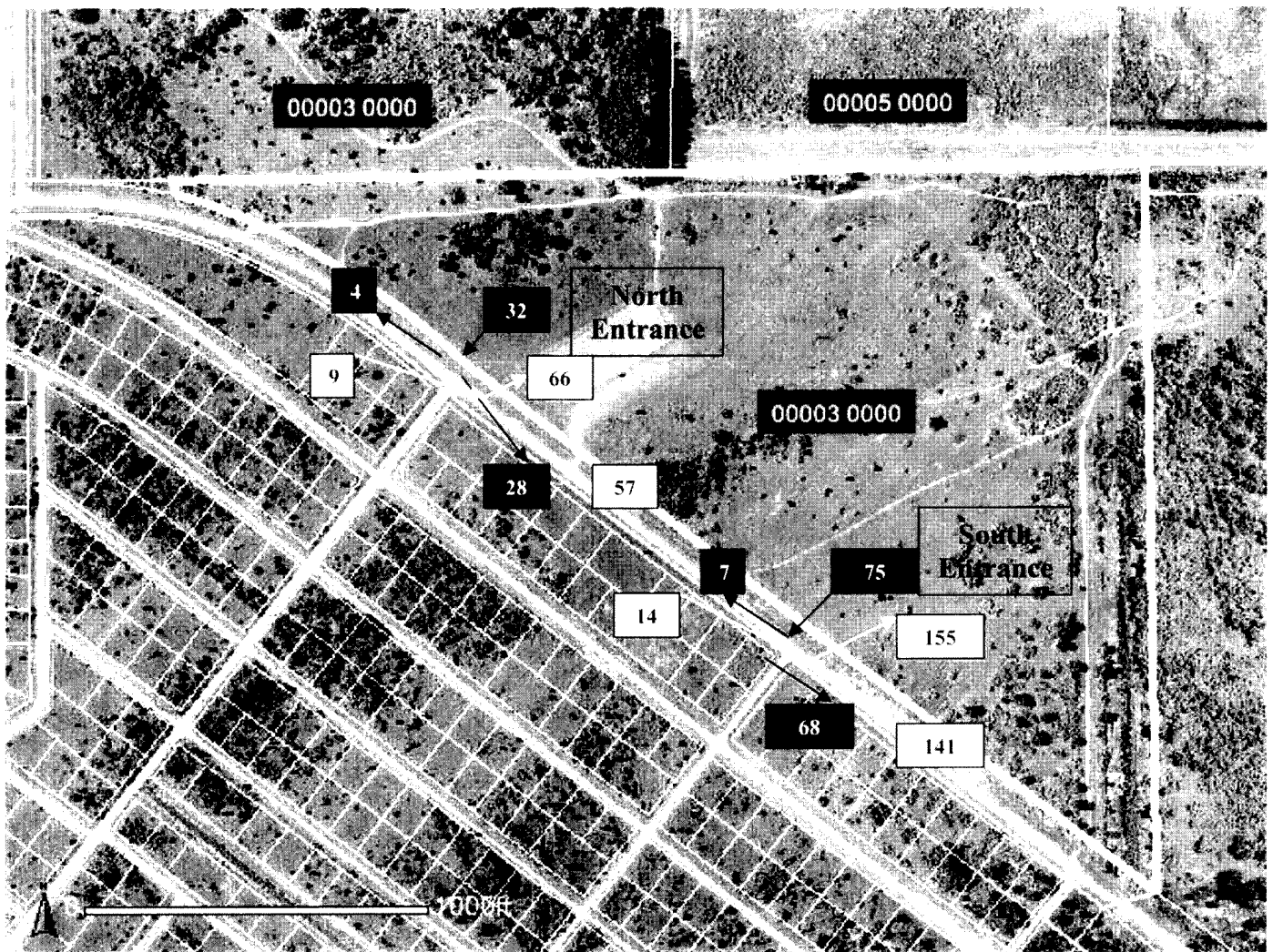


FIGURE 1. PM PEAK HOUR TRAFFIC DISTRIBUTION (HOMESTEAD ROAD)

MAR 11 2005

PERMIT COUNTER

DCI 2005 00027

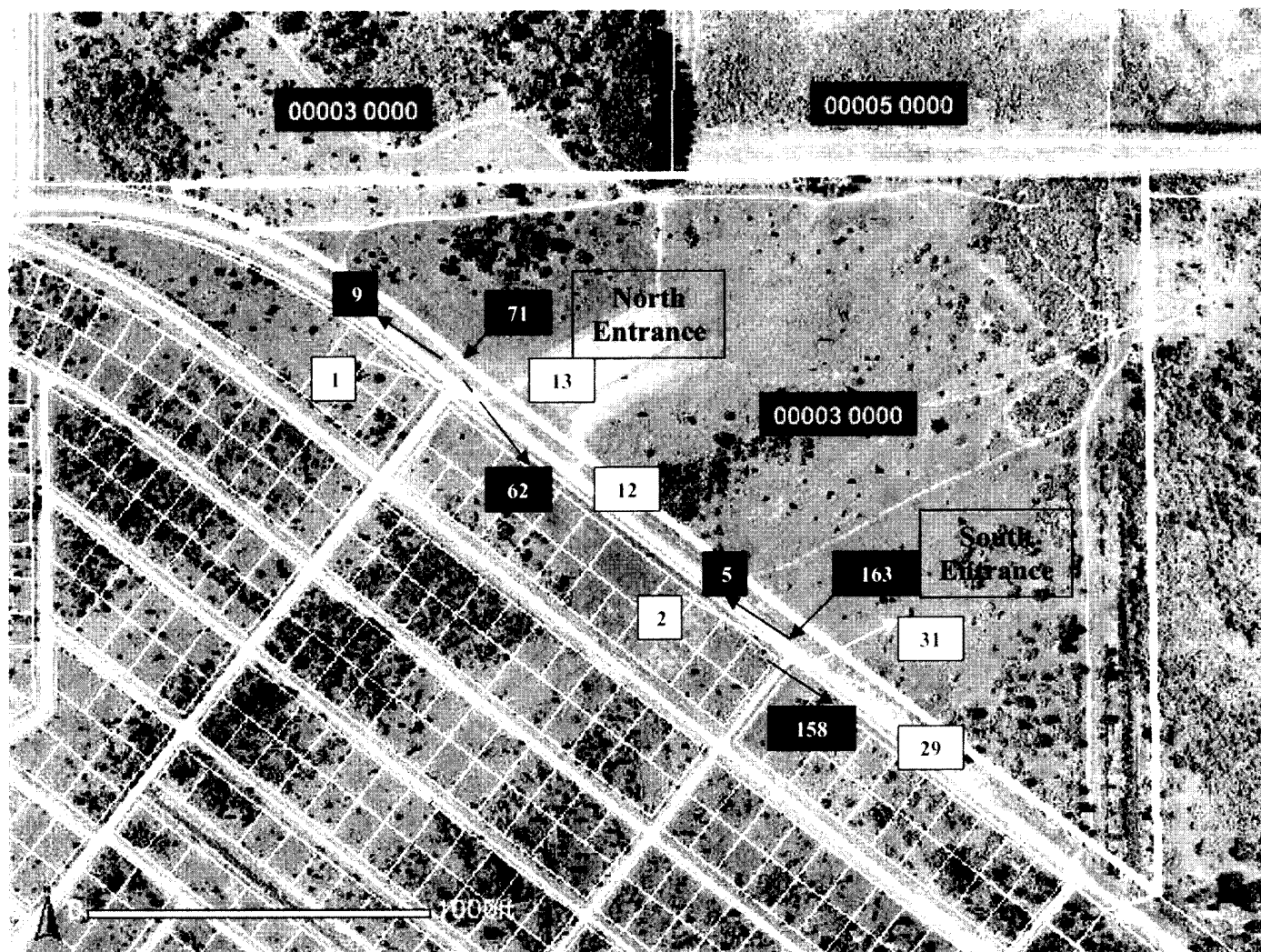


FIGURE 2. AM PEAK HOUR TRAFFIC DISTRIBUTION (HOMESTEAD ROAD)



PERMIT COUNTER

DCI 2005 00027

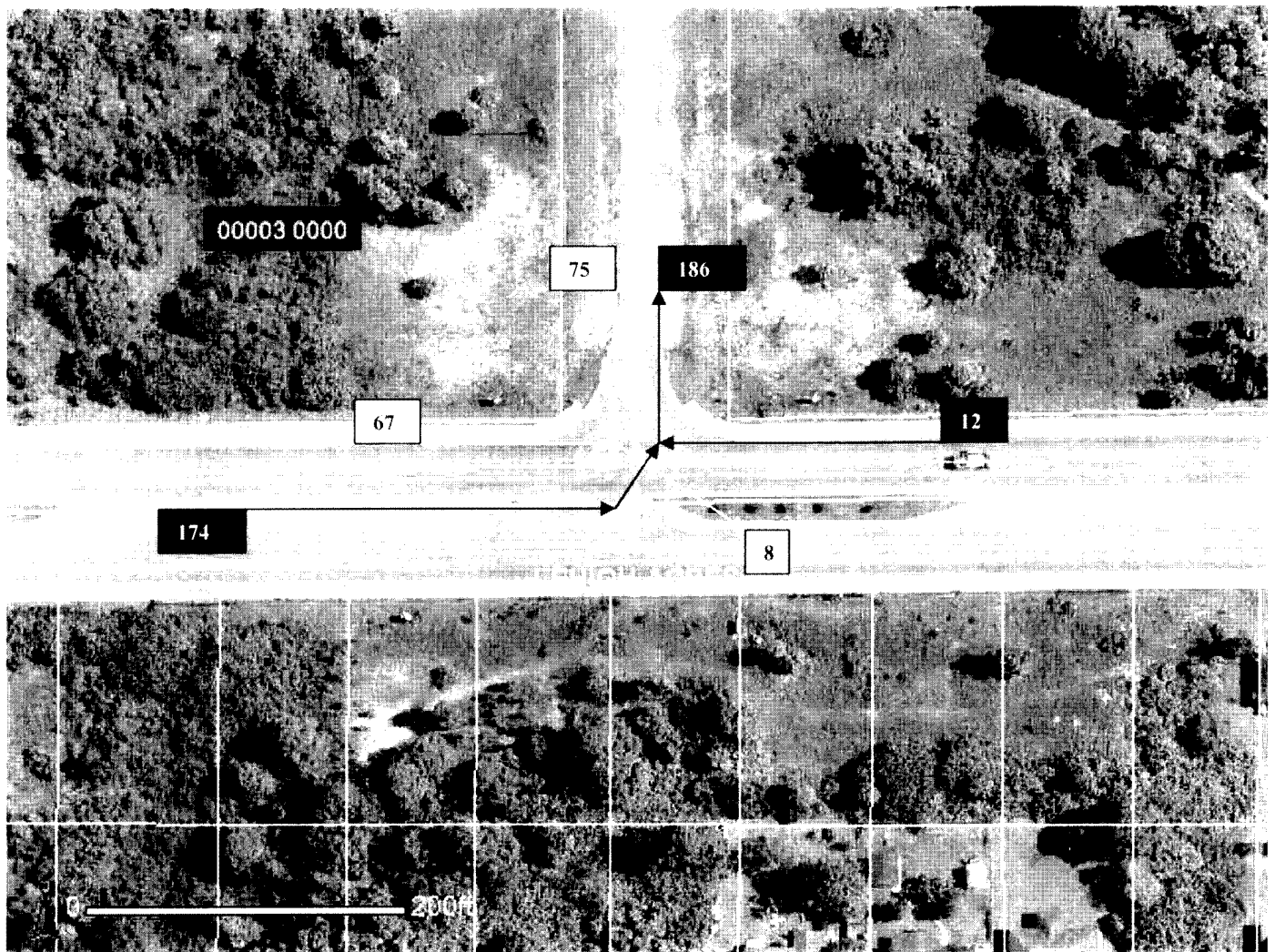


FIGURE 3. PM PEAK HOUR TRAFFIC DISTRIBUTION (SUNNILAND BLVD)

MAR 11 2005

PERMIT COUNTER

DOT 2005-00027

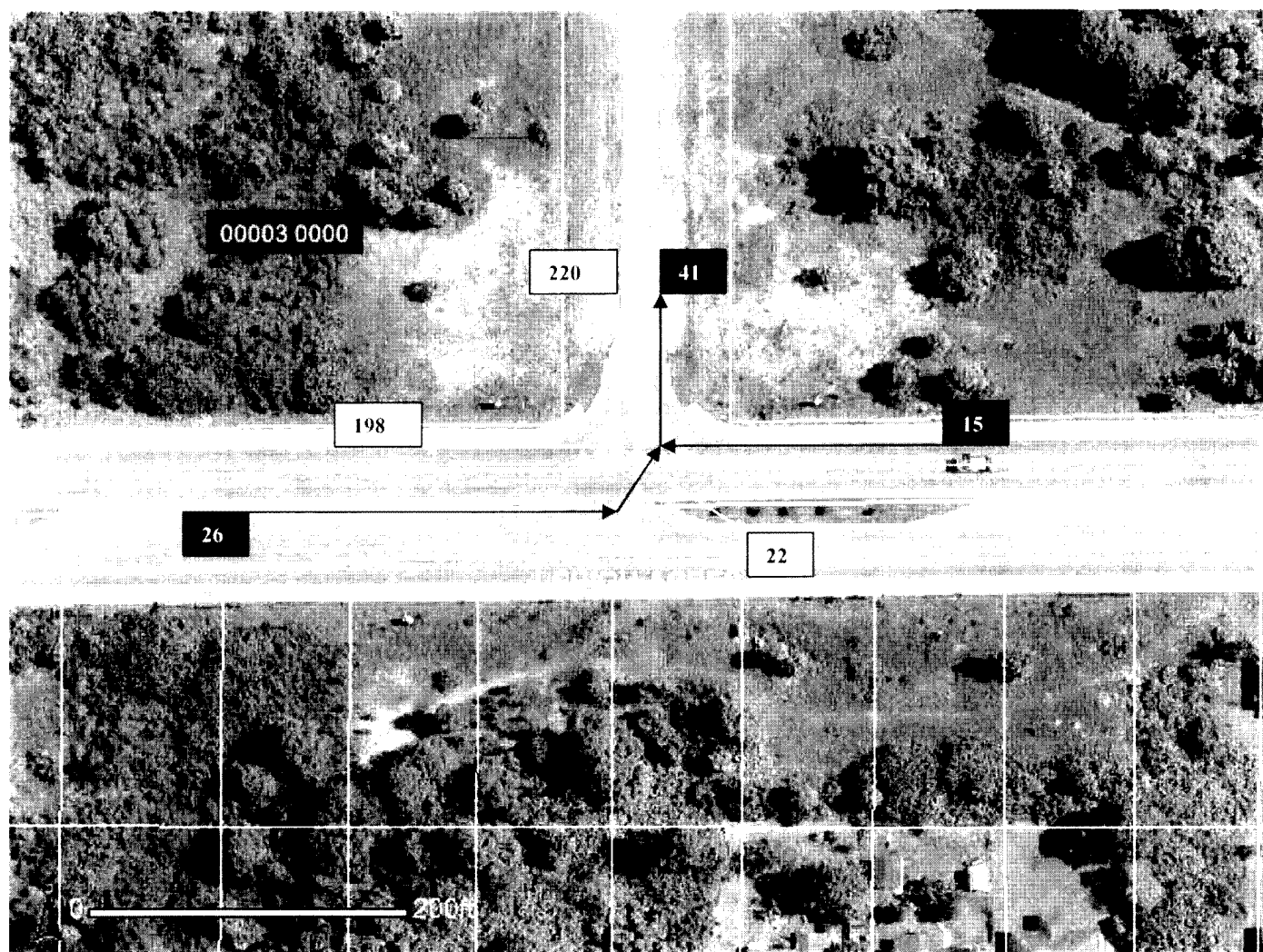


FIGURE 4. AM PEAK HOUR TRAFFIC DISTRIBUTION (SUNNILAND BLVD)

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DCI 2005-00027

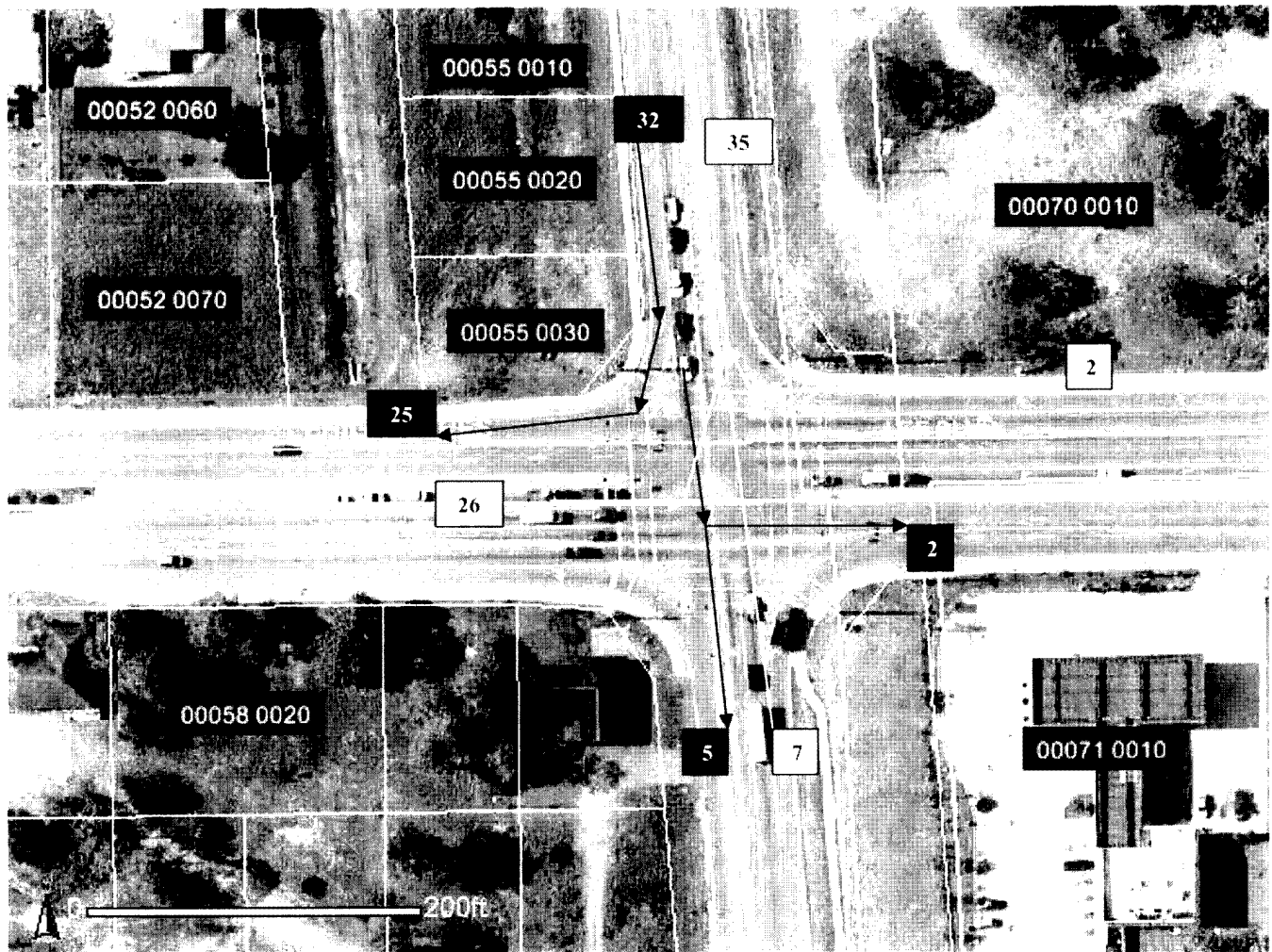


FIGURE 5: PM PEAK HOUR TRAFFIC DISTRIBUTION (LEE BLVD @ GUNNERY RD)

DCI 2005 00027

MAR 11 2005

PERMIT COUNCIL

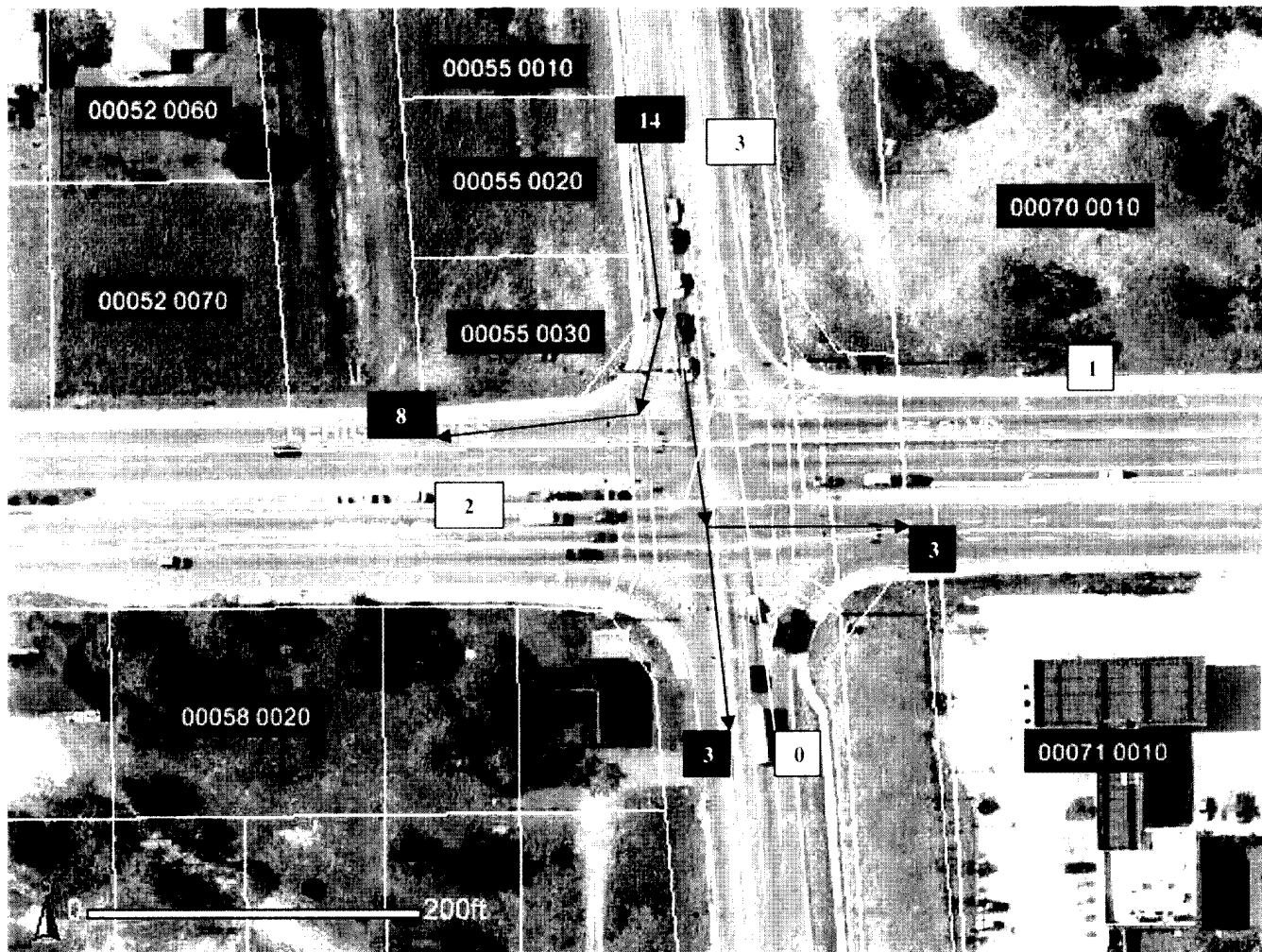


FIGURE 6: AM PEAK HOUR TRAFFIC DISTRIBUTION (LEE BLVD @ GUNNERY RD)

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EXHIBIT 6-M

SCHEDULE OF USES

EXHIBIT 6-M

DCI 2005-00027

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EXHIBIT 6-M

Schedule of Uses
Request for Rezoning from AG-2 to RPD
Buckingham Villages
March 8, 2005

The Buckingham Villages Project Summary

Future Land Use	Urban Community
Existing Zoning/Requested Zoning	AG-2 to RPD
Development Program	Attached Single Family, Detached Single Family or Multi-Family
Residential Units	631 Attached Single Family or Multi-Family
Gross Residential Density	10.00 DUS/acre
Fire District	Lehigh Fire District
Water & Sanitary Sewer Utilities	Florida Governmental Utility Authority
Minimum Regulatory Open Space	40% (multifamily tracts only)
Minimum Regulatory Native Open Space	20% (multifamily tracts only)

The Buckingham Villages RPD Use Schedule

ACCESSORY USES AND STRUCTURES
DWELLING UNIT: SINGLE FAMILY ATTACHED, SINGLE FAMILY DETACHED,
MULTI-FAMILY
ENTRANCE GATES AND GATEHOUSE
ESSENTIAL SERVICES
ESSENTIAL SERVICE FACILITIES: GROUP I
EXCAVATION: WATER RETENTION
FENCES, WALLS
HOME OCCUPATION
PARKING LOT: ACCESSORY
MODELS: MODEL HOME, MODEL DISPLAY GROUP
REAL ESTATE SALES OFFICE
RESIDENTIAL ACCESSORY USES
RECREATIONAL FACILITIES: PERSONAL, PRIVATE ON-SITE

Residential Development Standards:

Multi-Family Dwelling Units – Tract A

Minimum Building Setbacks:

◆ Street/Front (with Garage or Carport)	20 ft.
◆ Side Yard	20 ft.
◆ Rear Yard Setback	20 ft.
◆ Distance Between Structures	20 ft.
◆ Project Perimeter Setback	25 ft.
◆ Accessory Structures (Side & Rear Yard)	15 ft.
Maximum Building Height	45-ft./3 stories
Maximum Lot Coverage	60%

Multi-Family Dwelling Units – Tract B

Minimum Building Setbacks:

◆ Street/Front (with Garage or Carport)	20 ft.
◆ Side Yard	20 ft.
◆ Rear Yard Setback	20 ft.
◆ Distance Between Structures	20 ft.
◆ Project Perimeter Setback	25 ft.
◆ Accessory Structures (Side & Rear Yard)	15 ft.
Maximum Building Height *	45-ft./3 stories
Maximum Lot Coverage	60%

Multi-Family Dwelling Units – Tract C

Minimum Building Setbacks:

◆ Street/Front (with Garage or Carport)	20 ft.
◆ Side Yard	20 ft.
◆ Rear Yard Setback	20 ft.
◆ Distance Between Structures	20 ft.
◆ Project Perimeter Setback	25 ft.
◆ Accessory Structures (Side & Rear Yard)	15 ft.
Maximum Building Height *	45-ft./3 stories
Maximum Lot Coverage	60%

Single Family Attached Dwelling Units – Tracts B & C

Minimum Area Dimensions:

◆ Min. Lot Area	3,750 sq.ft.
◆ Min. Lot Depth	110 ft.
◆ Min. Lot Width	35 ft.

Minimum Building Setbacks:

◆ Street/Front (with Garage or Carport)	20 ft.
◆ Side Yard	0 ft.
◆ Rear Yard Setback	5 ft.
◆ Distance between Structures	10 ft.
◆ Project Perimeter Setback	25 ft.
◆ Accessory Structures (Side & Rear Yard)	5 ft.
Maximum Building Height	35-ft./2 stories
Maximum Lot Coverage	60%

Single Family Detached Dwelling Units - Tracts B & C

Minimum Area Dimensions:

◆ Min. Lot Area	7,500 sq.ft.
◆ Min. Lot Depth	110 ft.
◆ Min. Lot Width	70 ft.

Minimum Building Setbacks:

◆ Street/Front (with Garage or Carport)	20 ft.
◆ Side Yard	5 ft.
◆ Rear Yard Setback	5 ft.
◆ Project Perimeter Setback	10 ft.
◆ Accessory Structures (Side & Rear Yard)	35-ft./2 stories
Maximum Lot Coverage	60%

Project Notes and General Conditions

1. The project as a whole is approved for a total density of 631 units based on 10 units per acre (59.39 acres onsite plus 3.76 acres of adjacent right-of-way).
2. The plans' final layout, parking and circulation areas, surface water management system, and other functional elements will be substantially consistent with the Master Concept Plans. The Master Concept Plan and the two Alternate Master Concept Plans depict the project's general configuration and as such, is for conceptual review and zoning purposes only. The final Plan will be determined at the projects Development Order stage.
3. If Tracts B & C are developed as Multi Family they will be required to provide the balance of the overall required open space and indigenous preservation as depicted on the Master Concept Plan.
4. Unless otherwise noted, project parking and circulation shall conform with LDC 34-2013 – 2020. Required parking for Private On-site Group Recreation facilities at one space per 300 sq.ft.
5. The project's surface water management system will comply and be maintained in accordance with all relevant local, state and federal rules and regulations.
6. Phase one may consist of roads, utilities and the storm water management system for any identified tracts. Lots and tracts shall obtain individual development orders and further subdividing may be permitted at the time of final development order permitting.

EXHIBIT 6-Q

PROTECTED SPECIES SURVEY

EXHIBIT 6-Q

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Bagley Environmental & Planting Services, Inc.**BE&P**4850 Cedar Hammock Court
Fort Myers, Florida 33905

Ph: 239.693.3919

Fax: 239.694.5405

Protected Species Report with FLUCCS**Project:** 15320 Homestead Rd Lehigh, Florida**Location:** STRAP 22-44-26-00-00003.0000**Prepared by:** Marshall Bagley, Environmental Specialist**Date:** March 04, 2005**General**

The $\pm$ 58 acre parcel is located within Section 22 Twsp. 44 Rge. 26E at 15320 Homestead Rd. Lehigh Acres, Lee County just east of the Buckingham airstrip, as the parcel was formerly part of the old Buckingham army airfield (Figure 1: location map). The project site consists of a formerly cleared, but revegetated condition. One concrete pad of approx 400' X 200' is present in the center of the parcel, otherwise the piece has regenerated in palmetto and native/invasive grasses over what appears to be old coarse rocky/sandy fill. The site was surveyed by Bagley Environmental in January 2005 over the full week of January 10th, 2005. The project site was transected to determine the presence of protected species and to map the Florida Land Use Cover Forms Classification System types (FLUCCS).

All of the project site can be described as formerly cleared and filled undeveloped land aside from the remaining concrete pad. The site has revegetated over time and now supports some typical palmetto habitat that for some reason is generally unoccupied by typical palmetto associate fauna. 100% of the grassy portions of the site have been directly observed, while as is typical approx 80% of the very dense palmetto has been directly observed.

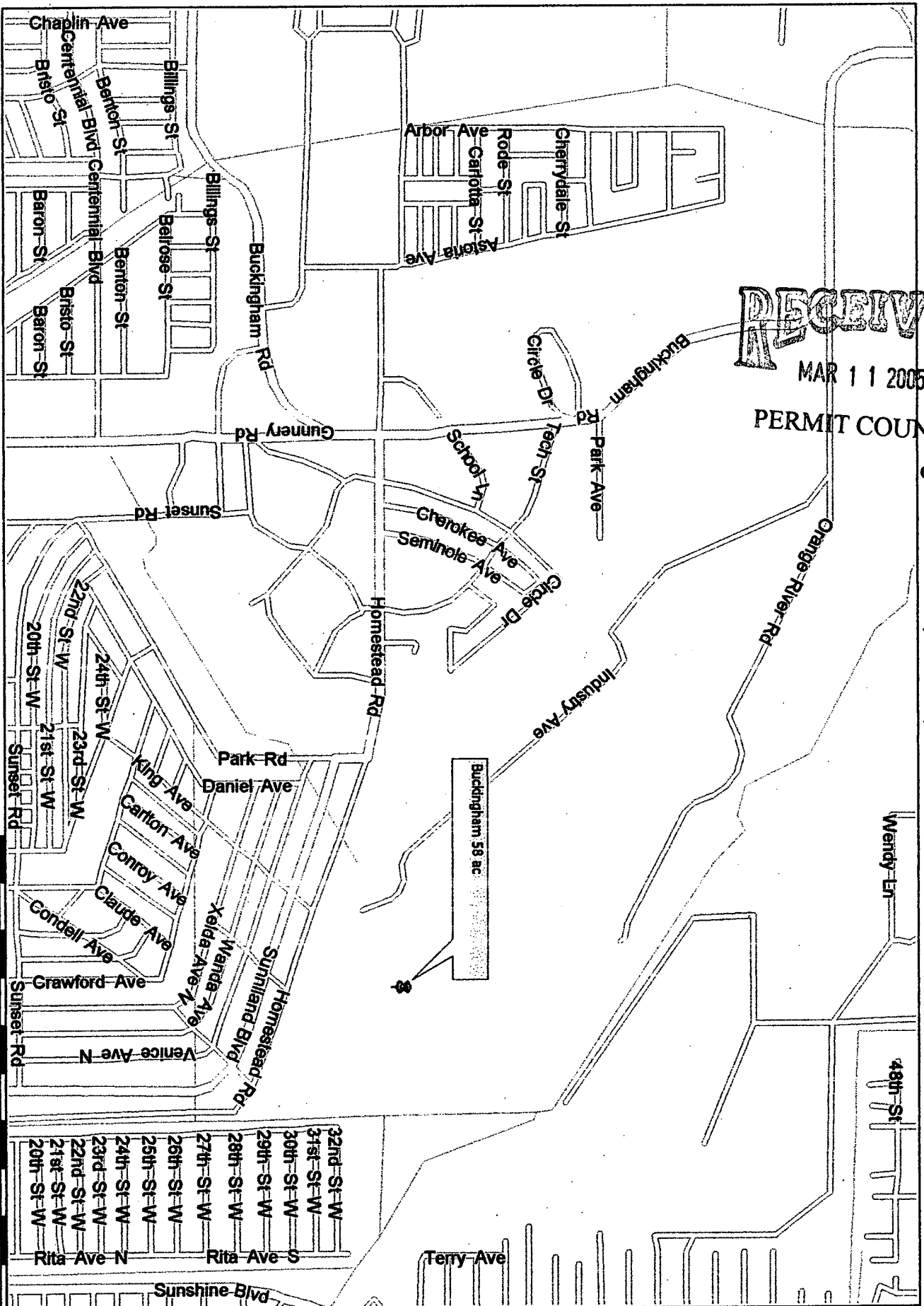
Methodology

In compliance with the Lee County Endangered Species ordinance 89-34, Bagley Environmental surveyed the site for protected species by Florida Land Use, Cover Forms and Classification System (FLUCCS). First FLUCCS codes were assigned to the property as they occurred, then the given FLUCCS code areas were surveyed for the species identified within the Lee County

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Lehigh Acres area, Florida, United States



Protected Species List per the FLUCCS code they typically occur in through pedestrian transects in combination with stop look and listen points. The intent of the survey is to visually cover 80 – 90% of the parcel scanning for spoor of species and ultimately protected species and / or their homes. Upon locating the homes of protected species they are flagged by number then sketched onto an aerial for future tracking and inventory.

Vegetation (FLUCCS) - Figure 2

According to the Florida Land Use, Cover Forms and Classification System (FLUCCS) guide the property consists of the following land types:

190F – Open Land Former Filled Military Revegetated Grasses

173F - Asphalt Former Military Unknown Purpose

321* - Former Filled Revegetated Palmetto & Shrub

Wetlands

No wetlands occur on the site. Efficient drainage of the site continues through a ditch located along the east property line and the Harns Marsh East County Water Control District site along the north property line. The elevation of the marsh appears to be as much as 10 – 20 vertical feet in elevation below this site and may have been the source of fill for this site.

Protected Species

The site was surveyed for sightings or signs of listed species of wildlife and plants. Pedestrian transects were conducted over the entire site to determine if listed species were present or utilizing the site. Marshall Bagley and Eric Brickson conducted the survey on January 10 - 14, 2005.

Approximately 100% of the open grassy portion of the parcel was directly observed, while as is typical realistically approx. 80% of the very dense palmetto has been directly observed in

Transect. The property was surveyed for protected flora and fauna according to the Lee County Protected Species List.

Surprisingly, no gopher tortoise, scat tracks or tortoise burrows were observed on the site, which we assume must have to do with the former use of the site and the current recreational offroad vehicle use on the site. No protected species or signs of species are present on the site.

BUCKINGHAM VILLAGES

STRAP #22-44-26-00-00003.0000

LEE COUNTY, FLORIDA

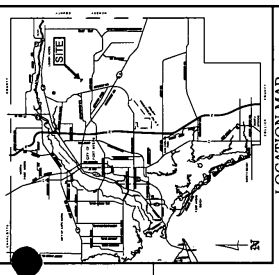
RESIDENTIAL PLANNED DEVELOPMENT
REZONING

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OCT 2005 00027

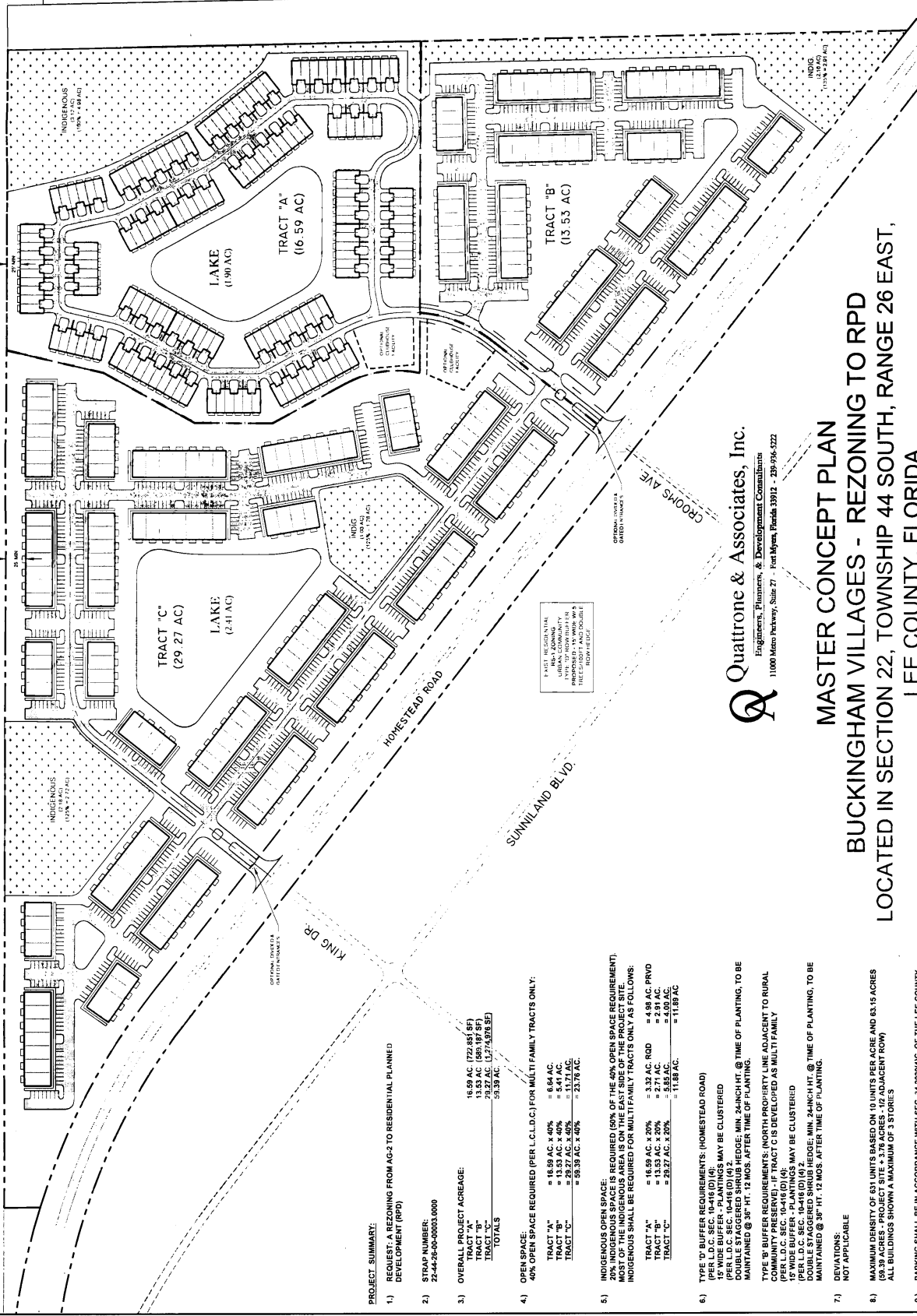
BUCKINGHAM VILLAGES



LOCATION MAP

CONSERVATION AREA
WATER MANAGEMENT
CONSERVATION AREA
NO BUFFER REQUIRED

INDIGENOUS
100% + 2.72 AC



PROJECT SUMMARY:

- 1.) REQUEST: A REZONING FROM AG-2 TO RESIDENTIAL PLANNED DEVELOPMENT (RPD)
- 2.) STRAP NUMBER: 22-44-26-00-0003.0000
- 3.) OVERALL PROJECT ACREAGE:

TRACT	TRACT ACREAGE
TRACT "A"	16.59 AC (722,851 SF)
TRACT "B"	13.53 AC (589,187 SF)
TRACT "C"	29.27 AC (1,274,978 SF)
TOTALS	59.39 AC
- 4.) OPEN SPACE:

40% OPEN SPACE REQUIRED (PER L.C.D.C.) FOR MULTI-FAMILY TRACTS ONLY:	
TRACT "A"	6.64 AC
TRACT "B"	5.41 AC
TRACT "C"	11.71 AC
TOTALS	23.76 AC
- 5.) INDIGENOUS OPEN SPACE:

20% INDIGENOUS SPACE IS REQUIRED (50% OF THE 40% OPEN SPACE REQUIREMENT).	
TRACT "A"	3.32 AC
TRACT "B"	2.71 AC
TRACT "C"	5.86 AC
TOTALS	11.89 AC
- 6.) TYPE "D" BUFFER REQUIREMENTS (HOMESTEAD ROAD):

TYPE "D" BUFFER REQUIREMENTS (HOMESTEAD ROAD)	
TRACT "A"	16.59 AC x 20% = 3.32 AC
TRACT "B"	13.53 AC x 20% = 2.71 AC
TRACT "C"	29.27 AC x 20% = 5.86 AC
TOTALS	11.89 AC
- 7.) DEVIATIONS:

DEVIATIONS	
TRACT "A"	16.59 AC x 20% = 3.32 AC
TRACT "B"	13.53 AC x 20% = 2.71 AC
TRACT "C"	29.27 AC x 20% = 5.86 AC
TOTALS	11.89 AC
- 8.) MAXIMUM DENSITY OF 631 UNITS BASED ON 10 UNITS PER ACRE AND 63.15 ACRES (PER L.C.D.C. SEC. 10-416 (D) (4) 2).
- 9.) PARKING SHALL BE IN ACCORDANCE WITH SEC. 34-2020(1)(C) OF THE LEE COUNTY LAND DEVELOPMENT CODE.

FUTURE LEE COUNTY
SCHOOL UNDER
CONSTRUCTION

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EXHIBIT 6-J
1" = 100'

MARCH 10, 2005

Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
11000 Main Parkway, Suite 27 - Fort Myers, Florida 33912 - 239-936-5222

MASTER CONCEPT PLAN
BUCKINGHAM VILLAGES - REZONING TO RPD
LOCATED IN SECTION 22, TOWNSHIP 44 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA



LOCATION MAP

EXIST. INDUSTRIAL
LEE COUNTY SCHOOL
SIT. ZONING
NO BUFFER REQUIRED

FUTURE LEE COUNTY
SCHOOL UNDER
CONSTRUCTION

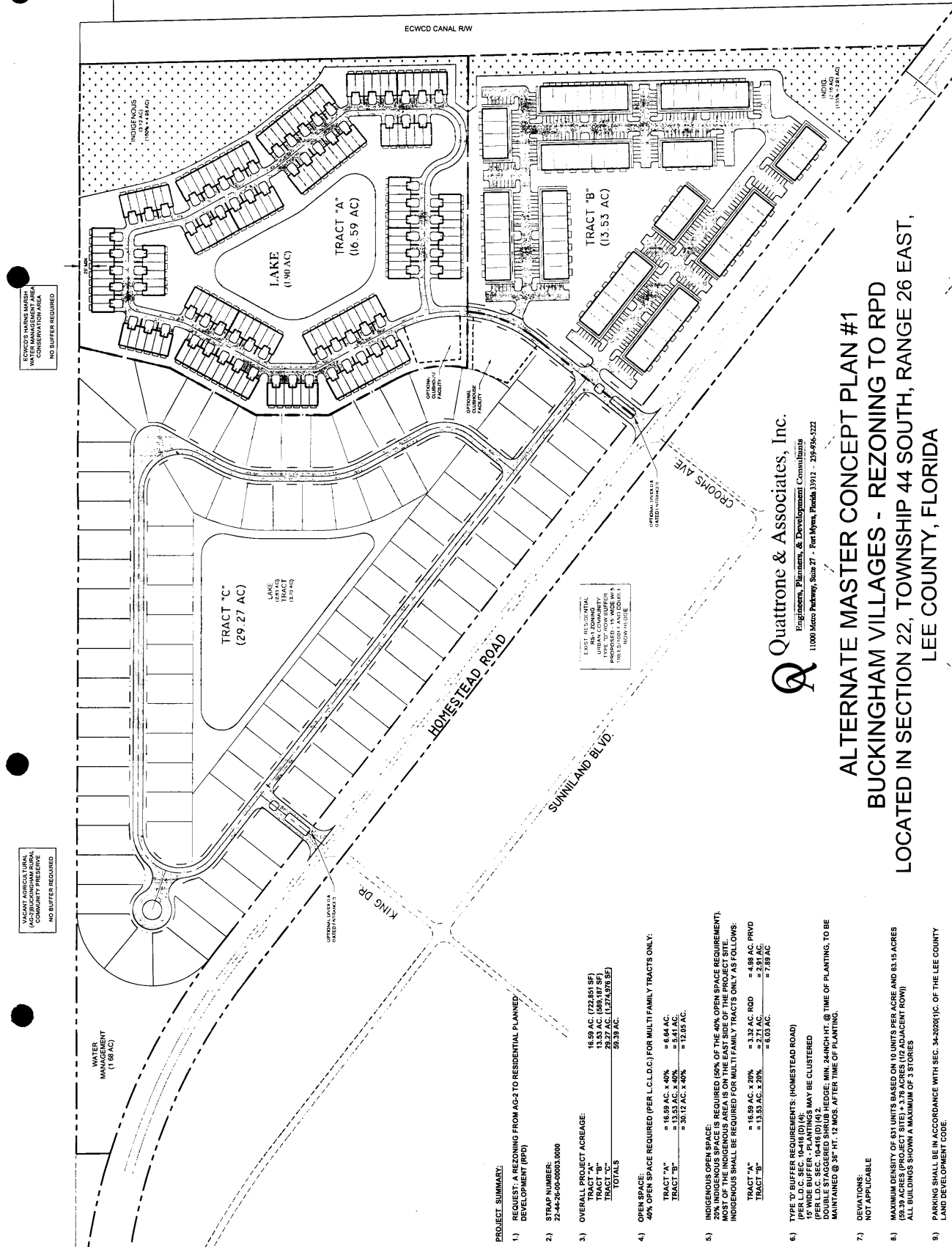
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EXHIBIT 6-J (I)
1" = 100'

MARCH 10, 2005

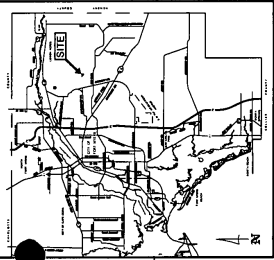


Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
11000 Metro Parkway, Suite 27 - Fort Myers, Florida 33912 - 239-456-1222

ALTERNATE MASTER CONCEPT PLAN #1
BUCKINGHAM VILLAGES - REZONING TO RPD
LOCATED IN SECTION 22, TOWNSHIP 44 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA

PROJECT SUMMARY:

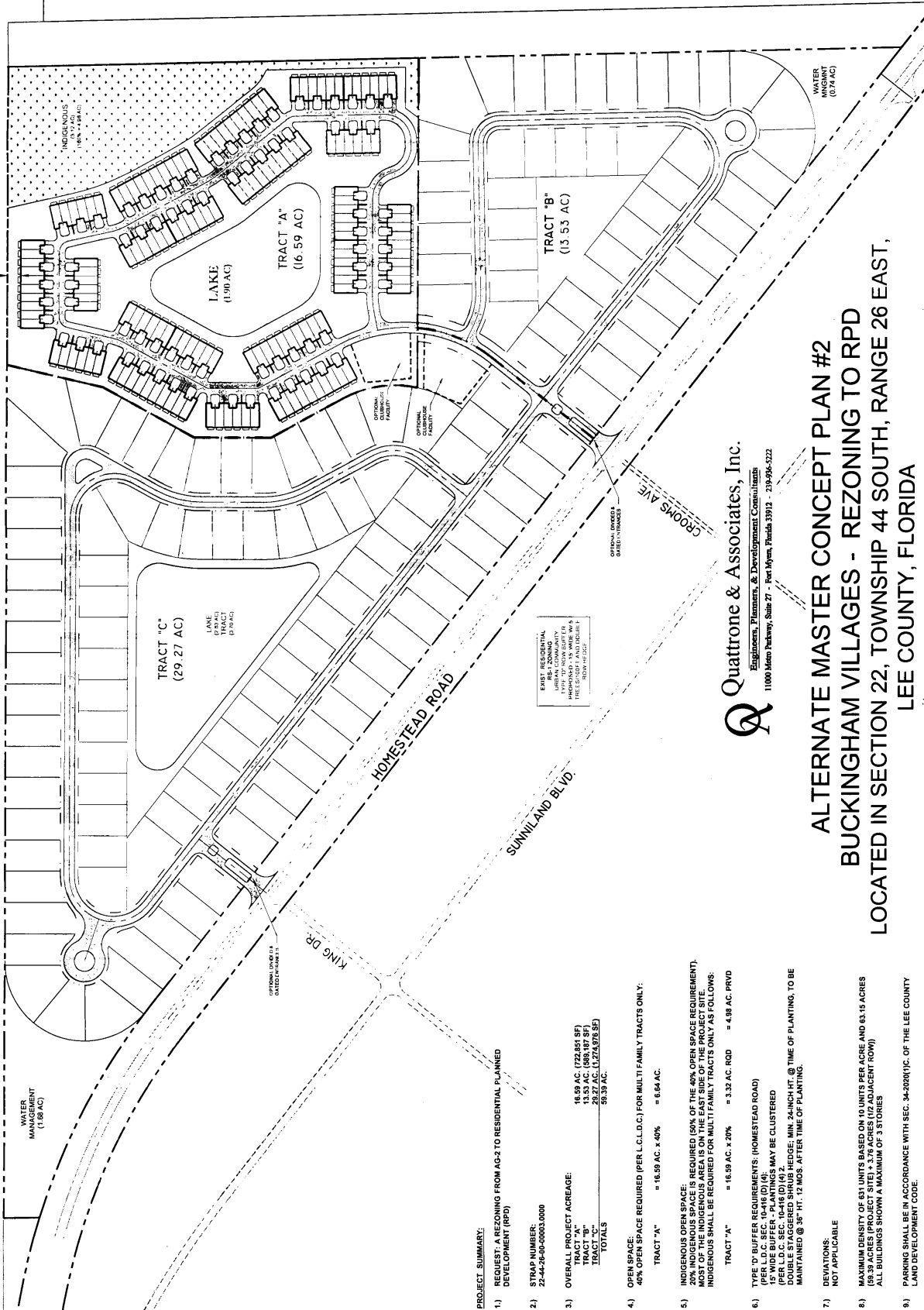
1. REQUEST: A REZONING FROM AG-2 TO RESIDENTIAL PLANNED DEVELOPMENT (RPD)
2. STRAP NUMBER: 22-44-26-00-0003.0000
3. OVERALL PROJECT ACREAGE:
TRACT "A" 16.59 AC (722,851 SF)
TRACT "B" 13.53 AC (589,187 SF)
TRACT "C" 29.27 AC (1,274,575 SF)
TOTALS 59.39 AC
4. OPEN SPACE:
40% OPEN SPACE REQUIRED (PER L.C.L.D.C.) FOR MULTI-FAMILY TRACTS ONLY:
TRACT "A" = 16.59 AC x 40% = 6.64 AC
TRACT "B" = 13.53 AC x 40% = 5.41 AC
TRACT "C" = 29.27 AC x 40% = 11.71 AC
TOTALS 23.76 AC
5. INDIGENOUS OPEN SPACE:
20% INDIGENOUS SPACE IS REQUIRED (50% OF THE 40% OPEN SPACE REQUIREMENT).
INDIGENOUS SPACE SHALL BE REQUIRED FOR MULTI-FAMILY TRACTS ONLY AS FOLLOWS:
TRACT "A" = 16.59 AC x 20% = 3.32 AC RPD = 4.59 AC RPD
TRACT "B" = 13.53 AC x 20% = 2.71 AC RPD = 3.81 AC RPD
TRACT "C" = 29.27 AC x 20% = 5.85 AC RPD = 8.18 AC RPD
TOTALS 11.84 AC RPD = 16.59 AC RPD
6. TYPE "D" BUFFER REQUIREMENTS: (HOMESTEAD ROAD)
(PER L.C.C. SEC. 16-418 (D) (4))
TYPE "D" BUFFER REQUIREMENTS SHALL BE MAINTAINED
(PER L.C.C. SEC. 16-418 (D) (4))
DOUBLE STAGGERED SHRUB HEDGE; MIN. 24-INCH HT. @ TIME OF PLANTING, TO BE
MAINTAINED @ 3" HT. 12 MOS. AFTER TIME OF PLANTING.
7. DEVIATIONS:
NOT APPLICABLE
8. MAXIMUM DENSITY OF 631 UNITS BASED ON 10 UNITS PER ACRE AND 63.15 ACRES
OF LAND (631 UNITS / 10 UNITS PER ACRE = 63.1 UNITS PER ACRE)
ALL BUILDINGS SHOWN A MAXIMUM OF 3 STORIES
9. PARKING SHALL BE IN ACCORDANCE WITH SEC. 34-32001(C) OF THE LEE COUNTY
LAND DEVELOPMENT CODE.



LOCATION MAP

EXISTING WATERSHED
WATER CONSERVATION AREA
NO BUFFER REQUIRED

WATERSHED
WATER CONSERVATION AREA
NO BUFFER REQUIRED



EXISTING RESIDENTIAL
RS-7 ZONING
FUTURE LEE COUNTY
SCHOOL UNDER
CONSTRUCTION
NO BUFFER REQUIRED

FUTURE LEE COUNTY
SCHOOL UNDER
CONSTRUCTION

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EXHIBIT 6-J (2)
1" = 100'

MARCH 10, 2005

Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
11000 Metro Parkway, Suite 27 - Fort Myers, Florida 33912 - 239-936-5222

ALTERNATE MASTER CONCEPT PLAN #2 BUCKINGHAM VILLAGES - REZONING TO RPD LOCATED IN SECTION 22, TOWNSHIP 44 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA

PROJECT SUMMARY:

1) REQUEST: A REZONING FROM AG-2 TO RESIDENTIAL PLANNED DEVELOPMENT (RPD)

2) STRAP NUMBER: 25-44-000000000.0000

3) OVERALL PROJECT ACREAGE:
TRACT "A" 16.59 AC (722,851 SF)
TRACT "B" 13.53 AC (588,187 SF)
TRACT "C" 29.27 AC (1,274,978 SF)
TOTALS 59.39 AC

4) OPEN SPACE:
40% OPEN SPACE REQUIRED (PER L.C.D.C.) FOR MULTI-FAMILY TRACTS ONLY:
TRACT "A" = 16.59 AC. x 40% = 6.64 AC.

5) INDIGENOUS OPEN SPACE:
REQUIRED 10% OF THE OPEN SPACE REQUIREMENT.
THE INDIGENOUS OPEN SPACE IS ON THE EAST SIDE OF THE PROJECT SITE.
INDIGENOUS SHALL BE REQUIRED FOR MULTI-FAMILY TRACTS ONLY AS FOLLOWS:

TRACT "A" = 16.59 AC. x 20% = 3.32 AC. RPD = 4.98 AC. PRVD

6) TYPE OF BUFFER REQUIREMENTS: (HOMESTEAD ROAD)
PER L.C. SEC. 10-416 (D) (4) 2.
15' WIDE BUFFER - PLANTINGS MAY BE CLUSTERED
@ TIME OF PLANTING, TO BE MAINTAINED @ 35" HT. 12 MOS. AFTER TIME OF PLANTING.

7) DEVIATIONS:
NOT APPLICABLE

8) MAXIMUM DENSITY OF 631 UNITS BASED ON 10 UNITS PER ACRE AND 63.15 ACRES
ALL BUILDINGS SHOWN A MAXIMUM OF 3 STORIES

9) PARKING SHALL BE IN ACCORDANCE WITH SEC. 34-202(1)(C) OF THE LEE COUNTY
LAND DEVELOPMENT CODE.

EXIST. RESIDENTIAL
RS-1 ZONING
LEE COUNTY SCHOOL
URBAN COMMUNITY
NO BUFFER REQUIRED

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DEC 2005 000027

ECWCD'S HARNS MARSH
WATER MANAGEMENT AREA
CONSERVATION AREA
NO BUFFER REQUIRED

VACANT AGRICULTURAL
AG-2/BUCKINGHAM RURAL
COMMUNITY PRESERVE
NO BUFFER REQUIRED

EXIST RESIDENTIAL
HS-1 ZONING
URBAN COMMUNITY
TYPE "D" ROW BUFFER
PROPOSED - 15' WIDE W/5
THE STREET AND DOUBLE
ROW WEDGE

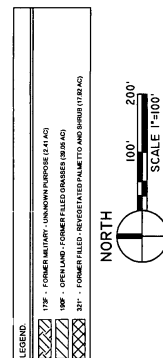
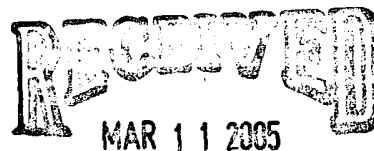


EXHIBIT PH-3.C.1.

Legal Description
Request for Rezoning from AG-2 to RPD
Buckingham Villages

PROPERTY DESCRIPTION

THAT PORTION OF SECTION 22, TOWNSHIP 44 SOUTH, RANGE 26 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE POINT OF INTERSECTION OF THE EAST LINE OF BUCKINGHAM PARK NORTHEAST SECTION, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 9, AT PAGES 59 TO 65 WITH THE NORTH LINE OF SECTION 22, THENCE RUN $S89^{\circ}52'10''E$ ALONG SAID SECTION LINE FOR 500 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE $S89^{\circ}52'10''E$ ALONG SAID NORTH LINE OF SAID SECTION 22, A DISTANCE OF 2590.88 FEET TO THE NORTHEAST CORNER OF SAID SECTION 22; THENCE RUN $S01^{\circ}11'39''E$ ALONG THE EAST LINE OF SAID SECTION 22, A DISTANCE OF 2026.42 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF HOMESTEAD ROAD(100' RIGHT-OF-WAY); THENCE RUN $N51^{\circ}44'46''W$ ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 2745.79 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 1482.40 FEET, A DELTA ANGLE OF $20^{\circ}54'21''$ AND A CHORD BEARING OF $N62^{\circ}11'06''W$, THENCE RUN ALONG SAID CURVE TO THE LEFT AND SAID NORTHERLY RIGHT-OF-WAY LINE, AN ARC LENGTH OF 540.89 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID HOMESTEAD ROAD; THENCE $N00^{\circ}49'20''W$ A DISTANCE OF 80.85 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 22 AND THE POINT OF BEGINNING.



PERMIT COUNTER

DCI 2005 00027

Spatial District Query Report

STRAP Number: 22-44-26-00-00003.0000

District Name	District Value(s)		Pct of Parcel in District (if fractional)	Notes
Airport Noise Zone			NOT FOUND	
Airspace Notification	Notification Height	75' - 100' AMSL	58.4%	
	Facility	Lehigh Acres West Airpark		
	Notification Height	50' - 75' AMSL	35.18%	
	Facility	Lehigh Acres West Airpark		
	Notification Height	25' - 50' AMSL	4.43%	1
	Facility	Lehigh Acres West Airpark		
	Notification Height	100' - 125' AMSL	1.99%	1
	Facility	Lehigh Acres West Airpark		
Census Tract	Tract ID	401.02		
Coastal Building Zone			NOT FOUND	
Coastal High Hazard Area			NOT FOUND	
Fire District	Fire District	Tice	99.98%	
	Taxing Authority	088		
	Fire District	Lehigh Acres	0.02%	1
	Taxing Authority	088		
Flood Insurance Zone	Flood Zone	B		
FIRM Floodway			NOT FOUND	
Flood Insurance Panel	Community	125124		
	Panel	0250		
	Version	B		
	Date	091984		
DNR Flood Zones			NOT FOUND	
Flood Insurance Coastal Barrier			NOT FOUND	
Lighting District	Lighting District	Lehigh Acres	1.11%	1
	Taxing Authority	055		
Planning Community	ID	17	99.99%	
	Plan Community	Lehigh Acres		
	ID	20	0.01%	1
	Plan Community	Buckingham		
Planning Land Use 2010	Landuse	Urban Community	99.98%	
	Landuse	Conservation Lands Upland	0.02%	1
	Landuse	Rural Community Preserve	< 0.01%	1
Sanibel/County Agreement			NOT FOUND	
School Board District	District	5		
	School Board Member	Elinor Scricca, Ph.D.		
School Choice Zone	Choice Zones	East Zone 2	> 99.99%	
	Choice Zones	East Zone	> 99.99%	
Solid Waste District	District Area	Area 4		
Storm Surge	Category	4/5		

Subdivisions	Subdivision No.	23442608	0.01%	1
	Subdivision Name	LEHIGH PARK		
	Book Page 1	UNIT 1		
	Book Page 2			
	Book Page 3			
Traffic Analysis Zone	TAZ	497	87.46%	
	TAZ	498	12.54%	
Archaeological Sensitivity	Sensitivity Level	2	33.37%	
Sea Turtle Lighting Zone			NOT FOUND	
Watersheds	Shed ID	Orange River		
FLUCCS1995	Code	211	83.63%	
	Landuse	Improved pastures		
	Code	6172	8.28%	
	Landuse	Mixed wetland hardwoods - mixed shrubs		
	Code	192	8.03%	
	Landuse	Inactive land with street pattern		
	Code	411	0.05%	1
	Landuse	Pine flatwoods		
Vegetation Permit Required			NOT FOUND	
Soil	Map Symbol	28	47.81%	
	Soil Name	IMMOKALEE SAND		
	Map Symbol	69	33%	
	Soil Name	MATLACHA GRAVELLY FINE SAND		
	Map Symbol	33	12.83%	
	Soil Name	OLDSMAR SAND		
	Map Symbol	42	5.76%	1
	Soil Name	WABASSO SAND, LIMESTONE SUBSTRATUM		
	Map Symbol	74	0.44%	1 2
	Soil Name	BOCA FINE SAND, SLOUGH		
	Map Symbol	13	0.16%	1
	Soil Name	BOCA FINE SAND		
Panther Habitat			NOT FOUND	
Eagle Nesting Site buffer			NOT FOUND	
Commissioner District	District	5		
	Commissioner	John Albion		
Unincorporated Lee County Zoning	Zoning Designation	AG-2	91.51%	
	Zoning Designation	RS-1	8.49%	
Development Orders	Development Order	DOS2004-00122	< 0.01%	1
	Status	(null)		
	Wet Season Water Table	(null)		
Fort Myers Beach Interim Zoning			NOT FOUND	
Road Impact Fee Districts	District	3		
	Tidemark ID	53		
	Name	CENTRAL		

[[Modify](#)] Report Settings

Note	Details
1	Small percentages can result from slight variations in the way lines are drawn or imported into our system. Such values may not accurately reflect an overlap with the subject parcel.
2	Contact DEP (239) 332-6975 for wetland determination

Our goal is to provide the most accurate data available, however no warranties, expressed or implied, are provided with this data, its use, or interpretation.
All information subject to change without notice.

**MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
ZONING DIVISION**

DATE: December 28, 2005

TO: File - DC12005-00027 **FROM:** Luisa Villa
Secretary, Internal Services

RE: Notice of Public Hearing - January 11, 2006 - HEX

I, Luisa Villa, Secretary, Internal Services, Development Services Division, do hereby certify that I have mailed notices to the adjacent property owners on the above referenced date, in the attached style, pursuant to the list marked and attached hereto and made a part of this certification.

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

CASE NUMBER: DCI2005-00027 and REZ2005-00004

CASE NAME: BUCKINGHAM VILLAGES

REQUEST: Rezone 59.39+/- acres from Agriculture (AG-2) and Single-Family Residential (RS-1) to Residential Planned Development (RPD) to allow a 631 Multi-Family dwelling unit development located at 15320 Homestead Road. 253 Bonus Density units are requested in a companion case, number REZ2005-00004. No Blasting is requested.

Lehigh Acres Acquisition, LLC, is requesting to participate in Lee County's Housing Bonus Density Program under the provisions of the Lee County Land Development Code (LDC). Per LDC Section 34-1519, the applicant is seeking to utilize the "cash-contribution density bonus (option 2)" to develop 253 bonus density dwelling units. The total project proposes 631 multiple family dwelling units on approximately 59.39 acres. The applicant is requesting a total of approximately 10 dwelling units per acre on the subject site.

LOCATION: The subject property is located at 15320 Homestead Road (East on Lee Blvd. to Sunniland Blvd. North on Sunniland Blvd. to Crocker Ave. East on Crocker Ave. to Homestead Rd. which the property fronts on) in S22-T44S-R26E, Lee County, FL.

SIZE OF PROPERTY: 59.39 Acres ±

STAFF REPORT: Direct inquiries to Josh Philpott, Senior Planner, at (239) 479-8365, at the Department of Community Development, 1500 Monroe St., Ft. Myers, FL 33901.

PROPERTY OWNERS
REPRESENTATIVE: MR. AL QUATTRONE
QUATTRONE AND ASSOC.
239-936-5222

Notice is hereby given that the Lee County Hearing Examiner will hold a public hearing at 1:00PM PM on 01/11/2006 on the above case. The public hearing will be held in the Hearing Examiner's Meeting Room, 1500 Monroe St., Ft. Myers, FL 33901.

You must appear in person, or through counsel, or an authorized agent and provide testimony, legal argument or other evidence at the hearing to become a participant with the right to address the Board of County Commissioners.

After the Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the Board of County Commissioners who will review the recommendation and make a final decision.

If you do not appear before the Hearing Examiner, by law, you will not be allowed to appear before the Board of County Commissioners at the final hearing in this case.

Copies of the staff report will be available two weeks prior to the hearing. The file may be reviewed at the Development Services Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/479-8585 for additional information.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Luisa V Villa at 239/479-8585.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

14-44-26-00-00001.0000
EAST COUNTY WATER CONTROL DIST
601 EAST COUNTY LN
LEHIGH ACRES, FL 33936

15-44-26-00-00003.0000
MARIAN LAND CO
PO BOX 10
MAPLEWOOD, NJ 07040

15-44-26-00-00005.0000
EAST COUNTY WATER CONTROL DIST
601 EAST COUNTY LN
LEHIGH ACRES, FL 33936

15-44-26-01-00017.0110
LEE CO MOSQUITO CONTROL DIST
P O BOX 60005
FT MYERS, FL 33906

22-44-26-00-00004.0000
MARIAN LAND COMPANY
PO BOX 10
MAPLEWOOD, NJ 07040

22-44-26-02-00014.0010
PARRIS LEON A
2315 RODMAN ST
HOLLYWOOD, FL 33020

22-44-26-02-00014.0020
SEMKO PETER J JR + ELOISE J
214 RAINBOW DR
BLOOMINGDALE, OH 43910

22-44-26-02-00014.0030
HUANG CAROL HSIHSIN
901 SW 176TH AVE
PEMBROKE PINES, FL 33029

22-44-26-02-00014.0040
HUANG CAROL HSIHSIN
901 SW 176TH AVE
PEMBROKE PINES, FL 33029

22-44-26-02-00014.0050
BERMUDEZ OSVALDO J +
3908 WEST PARK RD
HOLLYWOOD, FL 33021

22-44-26-02-00014.0060
FIRST HOME BUILDERS OF FLORIDA
2503 DEL PRADO BLVD STE 300
CAPE CORAL, FL 33904

22-44-26-02-00014.0070
RICHARDSON JANET
15738 W CIMARRON DR
SURPRISE, AZ 85374

22-44-26-02-00014.0080
BORGES LEIDY
2680 W 60 STREET
MIAMI, FL 33016

22-44-26-02-00014.0090
WALSH R N + ALICE P
1579 HUNTERS CREEK DR
CANTONMENT, FL 32533

22-44-26-02-00014.0100
ROCCO RICHARD C + LUCILLE M
18590 SAN QUENTIN DR
LATHRUP VILLAGE, MI 48076

22-44-26-02-00015.0010
MILLS BONNIE K
524 S RICHMOND ST
HARTFORD CITY, IN 47348

22-44-26-02-00015.0020
JIMENEZ FERNANDO TR
7821 BUCKINGHAM RD
FORT MYERS, FL 33905

22-44-26-02-00015.0030
ORTIZ JUAN J +
2055 SW 122 AVE #417
MIAMI, FL 33175

22-44-26-02-00015.0040
WOOD STEVEN P + CYNTHIA A
100 DOROTHY
MORO, IL 62067

22-44-26-02-00015.0050
NOSAR RAIMUNDO + MARTHA
7699 WEST 36TH AVE #8
HIALEAH, FL 33018

OCT 2005 - 00027

22-44-26-02-00015.0060
HOUSING + LAND IMPROVEMENT CO
320 NORWOOD TR #N213
BOCA RATON, FL 33431

22-44-26-02-00015.0080
FIRST HOME BUILDERS OF FLORIDA
2503 DEL PRADO BLVD STE 300
CAPE CORAL, FL 33904

22-44-26-02-00015.0100
HAMMOND LORETTA D
47780 HARBOR DR
CHESTERFIELD, MI 48047

22-44-26-02-00015.0120
LOPEZ LAZARO J
5212 19TH PL SW
NAPLES, FL 34116

22-44-26-02-00015.0140
ALI FAROUK + ZALINA
163 BEDFORD G
WEST PALM BEACH, FL 33417

22-44-26-02-00015.0160
WOODS SHARI +
PO BOX 721
ADA, MI 49301

22-44-26-02-00015.0180
FIRST HOME BUILDERS OF FLORIDA
2503 DEL PRADO BLVD STE 300
CAPE CORAL, FL 33904

22-44-26-02-00015.0200
TUCKER-GAINER MILDRED G
1989 BISCAVNE DR
WINTER PARK, FL 32789

22-44-26-02-00016.0020
FONTAINE MIACASSIE
7050 NW 44TH ST #506
LAUDERHILL, FL 33319

22-44-26-02-00016.0040
POMALES ANA +
458 S SECOND AV
MT VERNON, NY 10550

22-44-26-02-00015.0070
CLARK RICHARD A
1090 HIGHWAY 41 S
BARNESVILLE, GA 30204

22-44-26-02-00015.0090
ADAMS HOMES OF NW FLORIDA INC
3000 GULF BREEZE PKWY
GULF BREEZE, FL 32561

22-44-26-02-00015.0110
DIONES ROMULO B + ODESA B
40046 FRASER DR
STERLING HEIGHTS, MI 48310

22-44-26-02-00015.0130
STERBANK JAYNE
4745 HEATHER STONE RD
BETTENDORF, IA 52722

22-44-26-02-00015.0150
FIRST HOME BUILDERS OF FLORIDA
2503 DEL PRADO BLVD STE 300
CAPE CORAL, FL 33904

22-44-26-02-00015.0170
BRETTWESTON CORPORATION
6635 WILLOW PARK DR
NAPLES, FL 34109

22-44-26-02-00015.0190
SHOULDERS RICHARD + JULIANNE Y
12152 STATE ROUTE 359
WAVERLY, KY 42462

22-44-26-02-00016.0010
SEITLER RICHARD P + REBECCA
HC 15 BOX 5A
ROCKSPRINGS, TX 78880

22-44-26-02-00016.0030
POMALES ANA +
458 S SECOND AV
MT VERNON, VT 10550

22-44-26-02-00016.0050
SNYDER CAROL
PO BOX 101666
CAPE CORAL, FL 33910

22-44-26-02-00016.0070
CRUZ GREGORIO DELACRUZ
1931 48TH ST SW
NAPLES, FL 34116

22-44-26-02-00016.0080
CRUZ GREGORIO DELACRUZ
1931 48TH ST SW
NAPLES, FL 34116

22-44-26-02-00016.0090
SURIEL WIBER Y +
805 BERT AVE N
LEHIGH ACRES, FL 33971

22-44-26-02-00016.0100
HILL JAMES D + GISELE F TR
9942 GULFSTREAM BLVD
ENGLEWOOD, FL 34224

22-44-26-02-00016.0110
ESPINDA LEONARD M + JEANETTE M
C/O LEO ESPINDA
46-316 KAUAHA PL
Kaneohe, HI 96744

22-44-26-02-00016.0130
TIMOTHY PROPERTIES INC
3949 EVANS AVE STE 205
FORT MYERS, FL 33901

22-44-26-02-00016.0140
MAYOR CONSTRUCTION OF NAPLES
211 14TH ST NE
NAPLES, FL 34120

22-44-26-02-00016.0150
MARONDA HOMES INC
5902 BRECKENRIDGE PKWY
TAMPA, FL 33610

22-44-26-02-00016.0160
DRUE CORP
6635 WILLOW PARK DR
NAPLES, FL 34109

22-44-26-02-00016.0170
DRUE CORP
6635 WILLOW PARK DR
NAPLES, FL 34109

22-44-26-02-00016.0180
DRUE CORP
6635 WILLOW PARK DR
NAPLES, FL 34109

22-44-26-02-00016.0190
BUADO YVONIE P
YVONIE P WEISINGER
1703 COBBLESTONE CT
RICHMOND, TX 77469

22-44-26-02-00016.0200
BUADO YVONIE P
YVONIE P WEISINGER
1703 COBBLESTONE CT
RICHMOND, TX 77469

22-44-26-02-00016.0210
CREARY ELAINE +
504 GREENWOOD AVE
LEHIGH ACRES, FL 33972

22-44-26-02-00016.0230
GONZALES ANTHONY JR + FRANCES
4922 W 134TH PL
HAWTHORNE, CA 90250

22-44-26-02-00016.0240
RACZKOWSKI STAN
623 SIERRA CRES SW
CALGARY, AB T2W 1S4
CANADA

22-44-26-02-00017.0010
MEETER JOHN + JOAN E
23034 PASEO DETERRADO
UNIT 1
DIAMOND BAR, CA 91765

22-44-26-02-00017.0020
RAICHURA S V & KUMUD
C/O N V RAICHURA
309 WHITCLIFF CT
GAITHERSBURG, MD 20878

22-44-26-02-00017.0030
RAICHURA S V & KUMUD
C/O N V RAICHURA
309 WHITCLIFF CT
GAITHERSBURG, MD 20878

22-44-26-02-00017.0040
FIRST HOME BUILDERS OF FLORIDA
2502 DEL PRADO BLVD STE 300
CAPE CORAL, FL 33904

22-44-26-02-00017.0050
GRECO CARL
3949 EVANS AVE #205
FORT MYERS, FL 33901

22-44-26-02-00017.0070
GORTON PATRICIA R
1952 BETHANY PL
NAPLES, FL 34109

22-44-26-02-00017.0090
ADONIS DEBRA
221 PURITAN RD
WEST PALM BEACH, FL 33405

22-44-26-02-00017.0120
ROCHOWIAK LEONARD E +
3369 APACHE TRL
PINCKNEY, MI 48169

22-44-26-03-00001.0020
MAYOR CONSTRUCTION OF NAPLES
211 14TH ST NE
NAPLES, FL 34120

22-44-26-03-00001.0040
GALLAGHER MICHAEL J + JOY
630 PETERSBURG RD
PETERSBURG, NJ 08270

22-44-26-03-00001.0060
KONIECZKI DOMINIC E +
497 BETHANY VILLAGE CIR
LEHIGH ACRES, FL 33936

22-44-26-03-00002.0080
COURT JASON + JENNIFER
6550 ARBOR AVE
FORT MYERS, FL 33905

22-44-26-03-00002.0100
SYDNI CORPORATION
6635 WILLOW PARK DR
NAPLES, FL 34109

22-44-26-03-00002.0170
MAYOR CONSTRUCTION OF NAPLES
211 14TH ST NE
NAPLES, FL 34120

22-44-26-02-00017.0060
BRANNON DENNIS + DEBBIE
8219 HOLLYLEAF DR
SPRING, TX 77379

22-44-26-02-00017.0080
DOYLE PATRICK D +
1201 E PARK BLVD APT 1726
PLANO, TX 75074

22-44-26-02-00017.0110
DAVIS HAROLD B + MARTHA R TR
1801 E LUDLOW DR
PHOENIX, AZ 85022

22-44-26-03-00001.0010
COX WALTER T + M JEAN
682 NANCY DR
COLDWATER, MI 49036

22-44-26-03-00001.0030
MATO SANTIAGO + DONATILA
2080 16TH AVE SW
NAPLES, FL 34117

22-44-26-03-00001.0050
NICKERSON CAROL ANN
1223 BROOKLINE DR
CANTON, MI 48187

22-44-26-03-00001.A000
CHESTER PAUL + JACKLYN
496 MICHELE DR
WEST CHESTER, PA 19380

22-44-26-03-00002.0090
DIEUJUSTE RICOT + ANNE
131 19TH ST NW
NAPLES, FL 34120

22-44-26-03-00002.0160
GATTER JOHN M + PEGGY A
14940 AUBREY
REDFORD, MI 48239

22-44-26-03-00002.0180
GUTIERREZ NOSLEN RUIZ
9591 FONTAINBLEAU BLVD #2211
MIAMI, FL 33172

22-44-26-03-00002.0190
RP III CONSTRUCTION INC
2080 KEANE AVE
NAPLES, FL 34117

22-44-26-03-00002.0210
RAMOS JOSE + KAREN
36 SW 17TH PL
CAPE CORAL, FL 33991

22-44-26-03-00002.0230
FIRST HOME BUILDERS OF FLORIDA
2503 DEL PRADO BLVD STE 300
CAPE CORAL, FL 33904

22-44-26-03-00002.0250
NEMCHIK JAMES A +
153 STARLITE RD
LEMONT FURNACE, PA 15456

22-44-26-03-00002.0270
WATKINS ERNEST
704 MEDLOCK RD
DECATUR, GA 30033

22-44-26-04-00021.0020
LEHIGH HOLDING CO LLC
C/O REED DEVELOPMENT CO
5130 MAIN ST STE 6
NEW PORT RICHEY, FL 34652

22-44-26-04-00028.0210
PIERCY ROBERT J + L FAYE
BOX 280
MILDEN, SK S0L 2L0
CANADA

23-44-26-08-00020.0000
LEE COUNTY DIST SCHOOL BOARD
2055 CENTRAL AVE
FORT MYERS, FL 33901

23-44-26-08-00021.0030
REDDIN MICHAEL L
10310 W C R 700 SOUTH
MIDDLETON, IN 47356

23-44-26-08-00021.0050
FIORELLI SARAH
303 CONTESTOGA DR
BRAMPTON, ON L6W 2R3
CANADA

22-44-26-03-00002.0200
ALLEN JOHN MICHAEL
140 CHERRY VALLEY DR #D23
INKSTER, MI 48141

22-44-26-03-00002.0220
RIVERSTONE INVESTMENTS
10971 NW 12TH CRT
PLANTATION, FL 33322

22-44-26-03-00002.0240
MILLER W D + MILDRED E
29 BAYOU SHADOWS ST
HOUSTON, TX 44024

22-44-26-03-00002.0260
GROFF CONSTRUCTION INC
PO BOX 1450
LEHIGH ACRES, FL 33970

22-44-26-04-00021.0010
YOUNG DEBORAH B
12380 ORANGE BLVD
WEST PALM BEACH, FL 33412

22-44-26-04-00028.0200
SMOOT ISHMELL SR +
304 S LABURNUM AV
RICHMOND, VA 23223

22-44-26-04-00028.0220
FIRST HOME BUILDERS OF FLORIDA
2503 DEL PRADO BLVD STE 300
CAPE CORAL, FL 33904

23-44-26-08-00020.0010
EAST COUNTY WATER CONTROL DIST
601 EAST COUNTY LN
LEHIGH ACRES, FL 33936

23-44-26-08-00021.0040
DRUE CORP
6635 WILLOW PARK DR
NAPLES, FL 34109

23-44-26-08-00021.0060
BUTLER RONALD E + ANNETTE L
4647 GOODISON PL DR
OAKLAND TWP, MI 48306

23-44-26-08-00021.0150
QUERTINIER JEAN-PAUL
RUE DU ROI ALBERT 10
B-5600 TAMINES,
BELGIUM

23-44-26-08-00021.0170
PALMER WINDEL +
1383 SCOTTSDALE RD E
WEST PALM BEACH, FL 33417

23-44-26-08-00021.0190
FLORIDA SUN + PALMS CORP
PO BOX 512
LEHIGH ACRES, FL 33970

23-44-26-08-00021.0160
PALMER WINDEL +
1333 SCOTTSDALE RD E
WEST PALM BEACH, FL 33417

23-44-26-08-00021.0180
FLORIDA SUN + PALMS CORP
PO BOX 512
LEHIGH ACRES, FL 33970

23-44-26-08-00021.0210
FLORIDA SUN + PALMS CORP
PO BOX 512
LEHIGH ACRES, FL 33970

Robert Anderson
Lehigh Acres Watchdog Inc.
PO Box 1778
Lehigh Acres, FL 33970

Jim Fleming
Lehigh Acres Community Planning Assoc.
536 Whispering Wind Bend
Lehigh Acres, FL 33936

Charlie DiFelice
Lehigh Acres Community Planning Assoc.
702 Willow Drive
Lehigh Acres, FL 33936

Mr. Al Quattrone
Quattrone & Associates, Inc.
11000 Metro Parkway, Suite 30
Fort Myers, FL 33912

Lehigh Acres Acquisition, LLC
921 Ash Street
Winnetka, IL 60093





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

Writer's Direct Dial Number (239) 335-2236

Facsimile 239-335-2606

September 20, 2006

RECEIVED
SEP 20 2006

COMMUNITY DEVELOPMENT

Richard Pringle, Esq.
Strayhorn and Strayhorn
P. O. Box 1288
Fort Myers, FL 33902

Re: Buckingham Villages RPD
Zoning Case #'s DCI2005-00027 and REZ2005-00004
Resolution No. Z-06-006

Dear Mr. Pringle:

Thank you for your correspondence dated August 17, 2006, with a proposed Bonus Density Contract exercising the Site Specific Option. The correspondence included a revised draft resolution Z-06-006 incorporating the terms of the proposed bonus density contract. Unfortunately, there has been a misunderstanding regarding the proper procedure in connection with documenting the Board's approval on this case. As I explained in my correspondence dated June 14, 2006, it will be necessary to finalize the Board's action on April 17, 2006, prior to the consideration of a Bonus Density Contract exercising the Site Specific Option.

The enclosed draft resolution reflects the Board's approval of the requested six units per acre and indicates that the project qualifies for bonus density of additional four units per acre if a "Site Specific Bonus Density Option Contract" is presented at a later date. The Master Concept Plan that accompanies Resolution Z-06-006 must reflect the site plan for 356 units. In the alternative, it would be appropriate for the Master Concept Plan to depict the proposed bonus units with shading. If the shading option is selected, the plan should include a notation that the shaded units cannot be constructed until the Board executes a Bonus Density Contract exercising the site specific option.

The Board accepted the staff recommendation of 10 units per acre if 40% of the units were affordable under the LDC site specific bonus density option. A maximum of four bonus density units can be authorized per acre in the Urban Community Land Use Category. Given that the site consists of 59.39± acres, the maximum number of bonus density units that can be approved under the plan is 237. The proposed site plan should be revised accordingly.

In order for the proposed Option 1 Bonus Density Contract to be processed in the ordinary course, it will be necessary for you to formally submit the proposed Contract through the front counter on the first floor of the Public Works Building. The Bonus Density Contract should include a site plan reflecting the total number of units

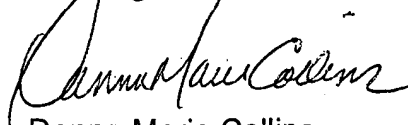
Re: Buckingham Villages RPD
Zoning Case #DCI2005-00027 and REZ2005-00004
Resolution No. Z-06-006

requested. The documents attached to your e-mail proposes 238 bonus units. However, as noted in the previous paragraph, a maximum of four bonus density units can be authorized per acre in the Urban Community Land Use Category. Given that the site consists of 59.39± acres, the maximum number of bonus density units that can be approved under the plan is 237. If the Board accepts Option 1 Bonus Density Contract as proposed by your client, this would result in a total number of dwelling units of 593. A completed contract reflecting these parameters has been enclosed for your use. Prior to submitting the contract at the front counter, kindly revise the site plan to conform with the density constraints of the Lee Plan.

It has been five months since the April 17, 2006 hearing on this case. Despite several requests for a Master Concept Plan reflecting the Board's action, there has not been a submittal in compliance with the instructions provided with those requests. Kindly submit a site plan consistent with the instruction set forth in the second paragraph so that the resolution may be finalized. As explained in the fourth paragraph, we encourage the applicant to formally submit a request for approval of a Option 1 Bonus Density Contract accompanied by a site plan at their earliest convenience. The proposed contract will be scheduled for Board consideration at an upcoming zoning hearing.

If I may be of further assistance, do not hesitate to contact me.

Kind regards,



Donna Marie Collins
Assistant County Attorney

DMC/amp

Enclosures: (1) Draft Resolution for Buckingham Villages RPD
(2) Draft Bonus Density Contract utilizing Site Specific Option

cc: Timothy Jones, Chief Assistant County Attorney
Matt Noble, Planning Division
Josh Philpott, Planner, Zoning Division
Billie Jacoby, Zoning Division
Al Quattrone, Quattrone & Associates, Inc.
11000 Metro Parkway, Suite 30
Fort Myer, Florida 33912



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

Douglas R. St. Cerny
District Two

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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

June 14, 2006

Richard Pringle, Esq.
Strayhorn and Strayhorn
P. O. Box 1288
Fort Myers, FL 33902

Re: Buckingham Villages RPD
Zoning Case #DCI2005-00027 and REZ2005-00004
Resolution No. Z-06-006

Dear Mr. Pringle:

As you know, on April 17, 2006, the Board of County Commissioners approved a request for rezoning for a project known as Buckingham Villages RPD. The Board denied the subsequent request for rehearing. The enclosed draft resolution reflects the terms of the Board's April approval. Specifically, the Board approved six units per acre and indicated that bonus density would be appropriate on the site, if a bonus density request came back for their consideration in the form of a contract under the "Site Specific Option." As noted in previous e-mail correspondence, since the Hearing Examiner did not accept the calculation of density proffered by the applicant, it is not clear whether the Board accepted the staff recommendation of ten units per acre. Since a precise number of units or density per acre was not discussed by the Board in connection with the request for bonus density, it is not appropriate to assume the number they will approve. The number of bonus density units acceptable to the Board will be clarified when the Option 1 Bonus Density Contract is presented for consideration at a future date.

That said, the zoning resolution on the Board's April 17, 2006, action must be finalized. The proposed draft reflects the Board's approval of the requested six units per acre and indicates that the project qualifies for bonus density if a "Site Specific Bonus Density Option Contract" is presented at a later date. The Master Concept Plan must accurately reflect the Board's action; however, until a contract for bonus density is accepted by the Board, the Master Concept Plan should reflect a site plan for 356 units. Accordingly, please revise the Buckingham Villages site plan to depict a maximum of 356 dwelling units. Kindly remove all notes placed on the plan with the exception of the open-space tables. It would be appropriate for the Master Concept Plan to include a note that the Board indicated they would consider bonus density on the site under to the Site Specific Option. The note should also state that the configuration and number of units will be clarified by the bonus density contract when accepted by the Board.

Jamie Pringle

Writer's Direct Dial Number (239) 335-2236

Facsimile 239-335-2606

RECEIVED
JUN 15 2006

COMMUNITY DEVELOPMENT

Richard Pringle, Esq.
June 14, 2006
Page 2

Re: Buckingham Villages RPD
Zoning Case #DCI2005-00027 and REZ2005-00004
Resolution No. Z-06-006

Kindly revise the Master Concept Plan as requested above. Deliver the revised Master Concept Plan, including the 11 required copies (in both full sized and reduced 11" x 17" sheets) to County staff at the first floor zoning counter at the Department of Community Development (1500 Monroe Street). After the revised Master Concept Plan has been received, it will be reviewed for conformity with the Board's April 17, 2006, approval, and, if correct, will be attached to the zoning resolution and directed to the Chairman for execution.

Finally, please confirm whether the legal description attached to the proposed resolution accurately describes the property intended to be rezoned. Kindly provide a legal verification letter to my attention at the County Attorney's Office. The final resolution will not be executed by the Board until confirmation of the legal description has been received.

At your request, our Office will be happy to schedule a meeting that includes appropriate County staff to discuss the required changes to the Master Concept Plan and resolution to conform to the Board's action.

Kind regards,



Donna Marie Collins
Assistant County Attorney

DMC/amp
Enclosure

cc: Dawn Perry-Lehnert, Assistant County Attorney
Pam Houck, Director, Zoning Division
Matt Noble, Planning Division
Josh Philpott, Planner, Zoning Division
Kim Trebatoski, Environmental Sciences
Jamie Prining, Zoning Division
Al Quattrone, Quattrone & Associates, Inc.
11000 Metro Parkway, Suite 30
Fort Myers, Florida 33912



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

Richard Pringle, Esq.
Strayhorn and Strayhorn
P. O. Box 1288
Fort Myers, FL 33902

Re: Buckingham Villages RPD
Zoning Case #DCI2005-00027 and REZ2005-00004
Resolution No. Z-06-006

Dear Mr. Pringle:

On April 17, 2006, the Board approved a request for a rezoning for a project known as Buckingham Villages RPD. The enclosed draft resolution reflects the Board's approval. However, before this document may be sent to the Chairman for execution, the applicant must prepare a revised Master Concept Plan (MCP).

The MCP currently in my files does not accurately reflect the Board's action. Please submit a revised MCP to the Department of Community Development for review, approval, and transmittal to our office for attachment to the resolution. A marked copies of the available MCP is attached to assist in compliance with this request.

Once prepared, please deliver the revised MCP, including the required 11 copies (in both full-sized and reduced 11" by 17" sheets) to County Staff at the first floor zoning counter at the Department of Community Development (1500 Monroe Street). After the revised MCP has been received, it will be reviewed for conformity with the Board's approval and, if correct, will be attached to the zoning resolution and directed to the Chairman for execution.

Finally, we have found that the legal description submitted with the zoning application often does not accurately represent the property intended to be rezoned. Kindly review the attached legal description to confirm that the property intended to be rezoned is described accurately. It will be necessary to provide a legal verification letter before the resolution may be issued. Please mail this verification to my attention at the County Attorney's Office.

At your request, our office will be happy to schedule a meeting that includes appropriate County staff to discuss the required changes to the MCP and resolution to conform to the Board's action.

Kind regards,

Donna Marie Collins
Assistant County Attorney

DMC/amp
Enclosure

cc: Dawn Perry-Lehnert, Assistant County Attorney
Pam Houck, Director, Zoning Division

Writer's Direct Dial Number (239) 335-2236

Facsimile 239-335-2606

April 18, 2006

RECEIVED
APR 20 2006

COMMUNITY DEVELOPMENT

April 19, 2006
Page 2

Re: Buckingham Villages RPD
Zoning Case #DCI2005-00027 and REZ2005-00004
Resolution No. Z-06-006

Matt Noble, Planning Division
Josh Philpott, Planner, Zoning Division
Kim Trebatoski, Environmental Sciences
Billie Jacoby, Zoning Division
Al Quattrone, Quattrone & Associates, Inc.
11000 Metro Parkway, Suite 30
Fort Myer, Florida 33912



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: _____

Bob Janes
District One

March 29, 2006

479-8585

Douglas R. St. Cerny
District Two

MR. AL QUATTRONE
QUATTRONE AND ASSOC.
11000-30 METRO PKWY
FORT MYERS, FL 33912

Ray Judah
District Three

Tammy Hall
District Four

RE: Agenda Schedule for BUCKINGHAM VILLAGES

John E. Albion
District Five

Case No. DCI2005-00027 & REZ2005-00004

Donald D. Stilwell
County Manager

Dear MR. AL QUATTRONE :

David M. Owen
County Attorney

Your zoning request has been scheduled before the Board of County Commissioners to take final action after reviewing the Hearing Examiner's recommendation.

Diana M. Parker
County Hearing Examiner

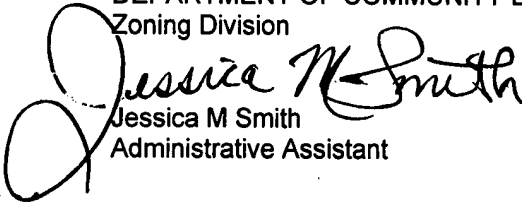
DATE & TIME: Monday, April 17, 2006. Meeting commences at 9:30 a.m.

LOCATION: Commissioners' Meeting Room

2120 Main Street
Ft. Myers, Florida

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division


Jessica M Smith
Administrative Assistant

cc: Josh Philpott, Senior Planner

Zoning File

LEHIGH ACRES ACQUISITION, LLC

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 335-2111

Internet address <http://www.lee-county.com>

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 335-2111
AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

Internet address <http://www.lee-county.com>

AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
ZONING DIVISION

DATE: February 24, 2006

To: Diana Parker
Chief Hearing Examiner

FROM: Josh Philpott & Matt Noble
Lee County Planners

RE: Buckingham Villages
DCI2005-00027 & Rez2005-0004

Unfortunately, Staff and the applicant have been unable to come to agreement on the terms of the proposed bonus density contract as well as the airport noise notification language.

Staff and the applicant do not agree to the proposed airport noise and overflight language. Staff has included language that identifies specific impacts that can be expected due to the close proximity of the development to the Buckingham Airfield. Staff recommends the following language to be included as a condition of approval:

"Prior to issuance of first Development Order the applicant must record the following statement in the public records of Lee County Florida:

"Notification Of Proximity To Air Strip"

The property described in exhibit "A" attached hereto is located proximate to an active aircraft landing strip. Future owners residing on the property may experience aircraft over-flight activity and noise associated with the landing strip of Buckingham Airfield.

This statement must also be included in the covenants and deed restriction documents for the proposed development."

The proposed language includes a direct indication that aviation noise can be expected to impact the area surrounding the Buckingham Airport. Staff recommends including the language as proposed to allow future residents advance notice of the conditions that can be expected in the vicinity of Buckingham Airfield.

Staff recommends the following bonus density provisions be included in the Hearing Examiner recommendation. Staff has attached a copy of the Bonus Density

contract as proposed by staff as Attachment A. The main disagreements reside with the issue of specifying the total cash payment due, if the project is approved as proposed by the applicant. Staff recommends that the contract include a total contribution amount reflective of the total bonus units approved. The applicant has provided a contract proposal based on the number of units approved without including a total contribution amount. Although this might seem trivial, staff notes that all previously approved contracts have provided a specific total amount to be paid to the County. This is important because of the legally binding nature of this contract and the fact that there has been consideration given to the proposed project based on the proposed level of development.

Specifically, for section 4.4 of the Contract staff recommends that the following language be included:

"\$2,891,537= \$11,429.00 X 253 Units"

For Section 4.5 d. of the Contract staff recommends including the following language:

"The developer must pay a total of \$2,891,537.00 into the County's Affordable Housing Trust Fund as payment for 253 bonus units (\$11,429.00 per bonus unit). The contribution must be paid in full prior to issuance of the first Development Order approval for this project. Contributions will not be refunded once made, even if the project in question fails to occur."

If the Hearing Examiner makes a recommendation that is less than the proposed 253 bonus units, staff would recommend the contribution figure be altered to the appropriate cash contribution amount relating to the bonus units recommended by the Hearing Examiner.

ATTACHMENTS:

- A. Proposed Bonus Density Contract

ATTACHMENT A

DEVELOPMENT CONTRACT

between

THE BOARD OF COUNTY COMMISSIONERS
Lee County, Florida

and

LEHIGH ACRES ACQUISITION, LLC

The Cash Contribution Option

of the

Housing Bonus Density Program

AGREEMENT

This agreement is made and entered into this__ day of _____ 2006, between Lee County, a political subdivision of the State of Florida, hereinafter referred to as the "County" and Lehigh Acres Acquisition, LLC, a Florida Limited Liability Corporation with a principal address of 921 Ash Street, Winnetka, IL 60093, hereinafter referred to as the "Developer."

In consideration of the mutual terms and conditions, promises, covenants and payment hereinafter set forth, County and the Developer hereby agree as follows:

ARTICLE I **Definitions**

1.1 For the purpose of this Agreement and the various covenants, conditions, terms and provisions which follow, the Definitions set forth in this Agreement will be consistent with those set forth in the Lee County Land Development Code (LDC), as amended.

ARTICLE II **Intentions**

2.1 In order to establish the background, context and frame of reference for this agreement, and to manifest the objectives and the intentions of the respective parties herein, the following statements, representations, and explanations are set forth. Such statements, representations, and explanations will be accepted as predicates for the undertakings and commitments included within the provisions that follow, and may be relied upon by the parties as essential elements of the mutual considerations upon which the Agreement is based.

2.2 The County adopted a Comprehensive Plan pursuant to Chapters 125 and 163, Florida Statutes by Lee County Ordinance 89-02.

2.3 The Housing Element of the Comprehensive Plan includes a Goal that requires the County to, in part, develop mechanisms to encourage the provision of very low and low income housing.

2.4 The County created a Housing Bonus Density Program to stimulate the construction of very low and low income housing in Lee County. One option under the Program is for Developers to obtain bonus density through contributions to the Affordable Housing Trust Fund.

2.5 The Developer desires to contribute funds to the Housing Bonus Density Program's Affordable Housing Trust Fund to support very low and low income housing in order to

obtain permission to construct 253 bonus density units on a 59.39±-acre parcel of land (plus 3.76 acres of right-of-way) described in attached Exhibit A.

2.6 The County authorizes the development of 253 bonus density units upon execution of this agreement and receipt of the contribution to the Affordable Housing Trust Fund described herein.

ARTICLE III **Implementation**

3.1 No development activity may begin until the Development Order is approved and permits are issued.

3.2 The Developer must complete the project in accordance with the time frames for construction set forth in the Development Order issued by the County.

ARTICLE IV **Assurances**

4.1 The Developer enters into this contract as a condition for issuance of a Development Order that will authorize the construction of 253 bonus density units on the property described in Exhibit A. The Developer must comply with the terms and conditions of the Development Order approval.

4.2 The Developer agrees to fulfill all pre-contract conditions as a pre-requisite for participating in the Housing Density Bonus Program.

4.3 The Developer agrees to comply with all other legal requirements imposed by current or future federal, state, or local laws and regulations.

4.4 The Developer agrees to pay:

$$\$2,891,537 = \$11,429.00 \times 253 \text{ units}$$

4.5 The Developer and his successors are bound by the following conditions:

- a. Development must be consistent with Exhibit B, which is the ____-page Buckingham Villages Master Concept Plan (dated _____) stamped received _____, except as modified by the conditions set forth herein.
- b. Development must comply with all requirements of the LDC at time of local Development Order Approval. If changes to the plan of development are desired, appropriate approvals will be necessary.

- c. This agreement is not a building permit or Development Order. It does not vest development rights other than an increase in density by 253 units. Development must comply with all applicable federal, state or Lee County permitting requirements. No variances or deviations from the LDC open space, parking, or buffering have been granted by virtue of this Agreement. Furthermore, the Developer may not seek variances or deviations from those specific provisions of the LDC in the future.
- d. The Developer must pay a total of \$2,891,537 into the County's Affordable Housing Trust Fund as payment for 253 bonus dwelling units (\$11,429 per bonus unit). The contribution must be paid in full prior to the issuance of the first Development Order for this project. Contributions will not be refunded once made, even if the development in question fails to occur.
- e. The developer must, at a minimum, install a Type D buffer along Homestead Road. This buffer must be depicted on the master concept plan and be included within the first development order approval for the project. The required right of way buffer trees must be native canopy trees (no palm trees).
- f. The developer must install a five-foot wide pedestrian sidewalk along the project's Homestead Road frontage. The location of this sidewalk will be determined through the final permitting process for the project and be included within the first development order approval for the project.
- g. All buildings on the perimeter of the project are limited to two habitable stories as depicted on the master concept plan. No building or accessory structures will exceed the Land Development Code approach surface heights as noted on the master concept plan. The master concept plan must continue to depict the LDC's approach surface height restrictions.
- h. Development orders will be granted only upon a clear showing that the development will not cause the mandatory levels of service set forth in Lee Plan Policy 95.1.3 to be exceeded. The granting of a development order will not release the property owner from any obligations under the Privately Funded Infrastructure Overlay.
- i. The project must connect to a public water system and must connect to a sanitary sewer system. No development order will be approved unless these services are provided to the site.
- j. Prior to local development order approval, provisions and locations for solid waste collection/disposal must be provided on the development order plans in compliance with the LDC. Proposed locations and method of disposal is subject to review and approval by Lee County Solid Waste Division.

4.7 The County authorizes the development of 253 bonus density units provided the conditions set forth in this agreement are fully satisfied by the Developer.

ARTICLE V
Assignability

5.1 Density bonuses for which contributions are made will run with the specific Master Concept Plan submitted and approved by the County concurrent with the request for bonus density units. The development of units pursuant to this Agreement binds all successors in interest and future owners to the terms and conditions stated herein, and the conveyance of any unit must be made subject to the terms and conditions of this contract.

ARTICLE VI
Breach

6.1 Enforcement of this Agreement will be governed by Lee County Ordinances. Waiver by the County of a breach of any provision of this Agreement will not be construed to be a modification of the terms of this Agreement.

ARTICLE VII
Miscellaneous Provisions

7.1 This document incorporates and includes all prior negotiation, correspondence, conversation, or understanding applicable to the authorization to construct 253 bonus density units on the subject property. The parties agree that there are no commitments, agreements, or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, it is agreed that no deviation from the terms of this Agreement will be predicated upon any prior representations or agreements whether oral or written.

7.2 It is understood by the Developer that the County will not be held responsible for refunding any portion of the contribution for the County's termination of the Agreement due to the Developer's failure to abide by the provisions of the Agreement or any conditions imposed by the LDC.

7.3 The Developer agrees to indemnify and hold the County harmless from or on account of any injuries, damages, omissions, commissions, actions or causes of action accruing as a result of services performed, or not performed, pursuant to this Agreement. Developer will be liable for all claims, suits, judgments or damages arising from the services or lack of services provided pursuant to this Agreement.

ARTICLE VIII
Amendments

8.1 The covenants, terms and provisions contained in this Agreement may be amended upon the mutual acceptance thereof, in writing, by both parties to this Agreement. The Chairman of the Lee County Board of County Commissioners, or his designated representative, will act on behalf of the County in executing Amendments to the Agreement. The Developer, as an individual, or, a corporation, by its corporate president or vice president, may act in executing Amendments to the Agreement. In the event of conflicts between the requirements, provision or terms of the Agreement and written Amendments, the requirements, provisions or terms of the latest executed Amendment will take precedence.

8.2 Changes in the terms of this Agreement are subject to the approval of the County Attorney.

IN WITNESS OF THE ABOVE, the parties, by their duly authorized representatives, execute this Agreement effective the day and year first written above.

ATTEST:

LEE COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

CLERK OF CIRCUIT COURT
Charlie Green, Clerk

By: _____
Deputy Clerk

By: _____
Tammara Hall, Chairwoman

LEHIGH ACRES ACQUISITION, LLC,
a Florida Limited Liability Corporation

(Witness)

By: Lehigh Acres Management, LLC,
a Florida Limited Liability Corporation
Its Managing Member

(Witness)

By: _____
Antonio Bismonte
Managing Member

State of _____
County of _____

The foregoing contract was acknowledged before me this _____ day of _____
2006, by Antonio Bismonte, in his capacity as the Managing Member of Lehigh Acres
Management, LLC, a Florida Limited Liability Corporation, the Managing Member of Lehigh
Acres Acquisition, LLC, a Florida Limited Liability Corporation. He is personally known
to me or has produced _____ as identification.

(Signature of person taking acknowledgment)

(Name typed, printed, or stamped)
(Title or Rank)
(Serial Number, if any)

APPROVED AS TO FORM

Donna Marie Collins
Office of the County Attorney

Exhibit A: Legal Description
Exhibit B: Buckingham Villages Master Concept Plan

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution
Donna Marie Collins, Asst County Attorney
DS Reviewer - Susan Hollingsworth
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences

FROM: Josh Philpott

DATE: 01/18/2006

PROJECT NAME: BUCKINGHAM VILLAGES

CASE #: DCI2005-00027

INFORMATION SUMMARY:

To update your file

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

RESPONSE REQUIRED BY: 01/28/2006

Additional Comments:

cc: DCI planner/working fileDCI Zone File

Distributed by: Jamie Princing

Date: 01/19/2006

Quattrone & Associates, Inc.

Engineers, Planners & Development Consultants

11000 Metro Parkway, Suite 30 • Fort Myers, Florida 33912

Tel: (239) 936-5222 • Fax: (239) 936-7228

LETTER OF TRANSMITTAL

RECEIVED
JAN 18 2006

COMMUNITY DEVELOPMENT

TO: Lee County

DATE: 18-Jan-06

PROJECT: Buckingham Villages

JOB #: 04-10-13

DCI2005-00027

THE FOLLOWING ITEMS ARE BEING SENT VIA:

☐

FAX with ___ pages to follow

☐

U.S. Mail

☒

Hand delivery

☐

Federal/Airborne Express

Quantity	DESCRIPTION
13	Master Concept Plans
13	11 X 17 Master Concept Plans

REMARKS:

Revised Master Concept Plans per staff comments.

CC: _____

FROM: Al Quattrone, P.E.

Please notify us at once if attachments are not as noted



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

December 12, 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. AL QUATTRONE
QUATTRONE AND ASSOC.
11000-30 METRO PKWY
FORT MYERS, FL 33912

RE: Agenda Schedule for BUCKINGHAM VILLAGES
Case No. DCI2005-00027

Dear MR. AL QUATTRONE :

Your zoning request has been scheduled before the Hearing Examiner on Wednesday, January 11, 2006, 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 accepts exhibits on boards for demonstrative purposes and for use in her/his decision making; however, an official exhibit entered into the record must be either a foldable copy of the exhibit or an 11 x 17 duplicate of the board exhibit (clipping the exhibit to the board rather than gluing it is an acceptable form since it can be removed from the board and folded to be put in the file.

Your zoning sign will be ready for pickup any time after Wednesday, December 14, 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, December 27, 2005, and is to remain posted until final decision is rendered.

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Luisa V Villa
Administrative Assistant

cc:

LEHIGH ACRES ACQUISITION LLC
Josh Philpott, Senior Planner
Zoning File

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution
Dawn Lehnert, Asst County Attorney
DS Reviewer - Susan Hollingsworth
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Luis Machado, Zoning

FROM: Josh Philpott

DATE 10/26/2005

PROJECT NAME: BUCKINGHAM VILLAGES

CASE #: DCI2005-00027

INFORMATION SUMMARY:

To update your file
☒ Review and forward substantive comments **ASAP**.

RESPONSE REQUIRED BY: 11/05/2005

Additional Comments:

cc: DCI planner/working file
DCI Zone File

Distributed by: Luisa V Villa

Date: 10/28/2005



Engineers, Planners & Development Consultants

11000 Metro Parkway, Suite 30 • Fort Myers, Florida 33912
Tel: (239) 936-5222 • Fax: (239) 936-7228

LETTER OF TRANSMITTAL

TO: Josh Phillpott
Lee Co. Development

DCI 2005-00027

DATE: 26-Oct-05
PROJECT: Lehigh 58 - Buckingham Villages
JOB #: 04-10-13

THE FOLLOWING ITEMS ARE BEING SENT VIA:

☐ FAX with page(s) to follow ☐ U.S. Mail
☒ Hand delivery ☐ Federal/Airborne Express

Quantity	DESCRIPTION
13	11 X17 Master Concept Plan
13	Full size master concept plans
5	Agricultural Uses at time of Zoning Application
5	Legal description
5	Legal sketch

REMARKS:

RECEIVED
OCT 26 2005
PERMIT COUNTER

CC: File

FROM: Al Quattrone

Please notify us at once if attachments are not as noted

DCI 2005-00027

EXHIBIT

Agricultural Uses at time of Zoning Application

I, Antonio A. Bismonte certify that I am the manager of the property described on the attached exhibit, and that although the property is currently zoned agricultural (AG-2) the property is currently not being used for agricultural purposes nor does it have an agricultural tax exemption on it. Pending approval of the rezoning request to RPD we do not have intentions of using the property for agricultural purposes and will not be requesting an agricultural tax exemption on the property.

[Signature]

Signature of Owner or Owner-authorized Agent

10/24/05

Date

Antonio A. Bismonte, Manager,
Lehigh Acres Acquisition, LLC

Typed or printed name and title

STATE OF ILLINOS)
COUNTY OF COOK)

The foregoing instrument was certified and subscribed before me this 24 day of October 2005,

By Antonio A. Bismonte who is personally known to me or who has produced _____ as identification.

(SEAL)



[Signature]

Signature of notary public

ELLEN A. JABLONOWSKI

Printed name of notary public

RECEIVED
OCT 26 2005

PERMIT COUNTER

DCI 2005-00027

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

FROM: Josh Philpott

DATE: 10/20/2005

TO: Distribution

Dawn Lehnert, Asst County Attorney
DS Reviewer - Susan Hollingsworth
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Tina Silcox, Lee County School District
Brad Vance, Natural Resources
Luis Machado, Zoning

PROJECT NAME: BUCKINGHAM VILLAGES

CASE #: DCI2005-00027

INFORMATION SUMMARY:

To update your file

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

RESPONSE REQUIRED BY: 10/31/2005

Additional Comments:

cc: DCI planner/working fileDCI Zone File

Distributed by: Jodi M Payne

Date: 10/20/2005



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 479-8365

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

October 20, 2005

MR. AL QUATTRONE
QUATTRONE AND ASSOC.
11000-30 METRO PKWY
FORT MYERS, FL 33912

Re: BUCKINGHAM VILLAGES
DCI2005-00027 - PDS Application (Minor PD)

Dear MR. AL QUATTRONE :

The Zoning Division has reviewed the information provided and supplemented for the rezoning request referenced above. The application is now sufficient and the formal request has been drafted from your application as follows:

Rezone 59.39+/- acres from Agriculture (AG-2) and Single-Family Residential (RS-1) to Residential Planned Development (RPD) to allow a 631 Multi-Family dwelling units development located at 15320 Homestead Road. Bonus Density is requested in case number REZ2005-00004. No 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 November 3, 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 January 11, 2006. However, please note that this is a tentative date that is subject to change and that Lee County will be held harmless for any potential delay in effectuating compliance with the tentative hearing date.

MR. AL QUATTRONE
QUATTRONE AND ASSOC.
RE: BUCKINGHAM VILLAGES
DCI2005-00027
October 20, 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



Josh Philpott
Senior Planner

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 Prancing, DCD Administration

DCI Zoning File
DCI Working File

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Dawn Lehnert, Asst County Attorney
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

FROM: Josh Philpott

DATE: 10/05/2005

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: BUCKINGHAM VILLAGES

CASE #: DCI2005-00027

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
☒ Review and forward sufficiency
questions or make finding of
sufficiency

RESPONSE REQUIRED BY: 10/19/2005

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: Jamie Princing

Date: 10/06/2005

Quattrone & Associates, Inc.

Engineers, Planners & Development Consultants

11000 Metro Parkway, Suite 30 • Fort Myers, Florida 33912

Tel: (239) 936-5222 • Fax: (239) 936-7228

October 5, 2005

Mr. Josh Philpott
Lee County Division of Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RE: BUCKINGHAM VILLAGES
DCI2005-00027 – PDS Application (Minor PD)
4th Resubmittal

RECEIVED
OCT 13 2005

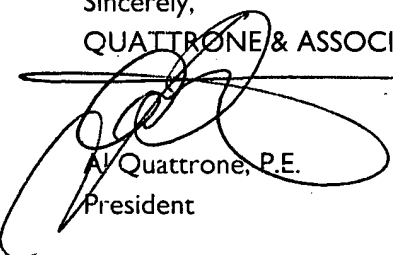
PERMIT COUNTER

Dear Mr. Philpott,

Please find attached copies of the revised MCP for the above-mentioned project per staff's comments dated September 28, 2005. The site plan has been modified to ensure that the traffic from no more than 100 units passes any of the residential unit parking spaces (refer to attached 11x17 marked up print).

Please call if you have any questions or need additional information.

Sincerely,
QUATTRONE & ASSOCIATES, INC.


AJ Quattrone, P.E.
President

DCI 2005-00027

ZONING DIVISION
LEE COUNTY

PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Dawn Lehnert, Asst County Attorney
DS Reviewer - Susan Hollingsworth
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Brad Vance, Natural Resources
Luis Machado, Zoning
Bill Opp, Mosquito Control

FROM: Josh Philpott

DATE: 09/07/2005

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: BUCKINGHAM VILLAGES

CASE #: DCI2005-00027

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
☒ Review and forward sufficiency
questions or make finding of
sufficiency

RESPONSE REQUIRED BY: 09/21/2005

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: 09/09/2005



Engineers, Planners & Development Consultants

11000 Metro Parkway, Suite 30 • Fort Myers, Florida 33912
Tel: (239) 936-5222 • Fax: (239) 936-7228

RECEIVED
SEP 07 2005

COMMUNITY DEVELOPMENT

LETTER OF TRANSMITTAL

TO: Josh Phillpott
Lee County Development

DATE: 07-Sep-05
PROJECT: Buckingham Villages
JOB #: 04-10-13

THE FOLLOWING ITEMS ARE BEING SENT VIA:

- | | |
|---|---|
| ☐ FAX with page(s) to follow | ☐ U.S. Mail |
| ☐ Hand delivery | ☐ Federal/Airborne Express |

Quantity	DESCRIPTION
10	24 X24 Master Concept Plan
15	11 X 17 Master Concept Plan

REMARKS:

DC12005-00027

CC: File

FROM: Carmalita Dowling

Please notify us at once if attachments are not as noted



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 479-8365

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

September 28, 2005

MR. AL QUATTRONE
QUATTRONE AND ASSOC.
11000-30 METRO PKWY
FORT MYERS, FL 33912

Re: BUCKINGHAM VILLAGES
DCI2005-00027 - PDS Application (Minor PD)

Dear MR. AL QUATTRONE :

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



Josh Philpott
Senior Planner

MR. AL QUATTRONE
QUATTRONE AND ASSOC.
RE: BUCKINGHAM VILLAGES
DCI2005-00027
September 28, 2005
Page 2

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Brad Vance, Natural Resources
Andy Getch, LCDOT
Jamie Prinding, DCD Admin
Dawn Lehnert, Assistant County Attorney
Susan Hollingsworth, Development Review
DCI Zoning File
DCI Working File

MR. AL QUATTRONE
QUATTRONE AND ASSOC.
RE: BUCKINGHAM VILLAGES
DCI2005-00027
September 28, 2005
Page 3

**Lee County Sufficiency Checklist for Planned Developments,
Amendments, and Existing Developments Requesting Planned
Development Zoning
Development Review Checklist**

4) Miscellaneous items.

Back out parking must meet the requirements of Chapter 10 - Section 296
(m) (4) a. , or a deviation must be requested.

*5) Contact. The reviewer may be contacted regarding questions on the
Development Review Sufficiency Checklist.*

Susan Hollingsworth 479-8587 x 16

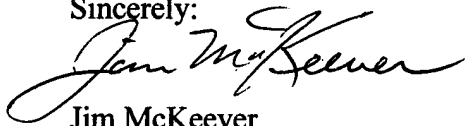
Mr. Josh Philpot
Lee county Development Services
Zoning Division
1500 Monroe Street
Fort Myers, Florida 33901

July 20, 2005

Project Name: Buckingham Village Case# DC12005-00027

After reviewing the proposed development, we have no objection on the building height, however it will subject the residents to the airport noise. We recommend as a condition for approval that, as stated in Airport noise Zone 3 paragraph a., the applicant must sign and record a noise and aviation easement to the county authorizing any and all aircraft noise on and overflights of the property which might occur during the operations at Buckingham Airport .

Sincerely:

A handwritten signature in cursive script, appearing to read "Jim McKeever", written in dark ink.

Jim McKeever
Airport Manager
Buckingham Airport

ZONING DIVISION
LEE COUNTY

PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Josh Philpott

DATE: 07/07/2005

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
Bill Opp, Lee County Mosquito Control

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: BUCKINGHAM VILLAGES

CASE #: DCI2005-00027

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
X Review and forward sufficiency
questions or make finding of
sufficiency

RESPONSE REQUIRED BY: 07/21/2005

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: 07/08/2005

Quattrone & Associates, Inc.

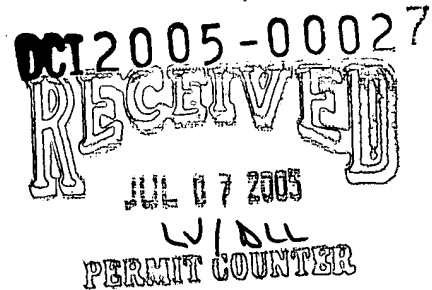
Engineers, Planners & Development Consultants

11000 Metro Parkway, Suite 30 • Fort Myers, Florida 33912
Tel: (239) 936-5222 • Fax: (239) 936-7228

July 6, 2005

Mr. Josh Philpott
Lee County Division of Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RE: BUCKINGHAM VILLAGES
DCI2005-00027 – PDS Application (Minor PD)
3rd Resubmittal

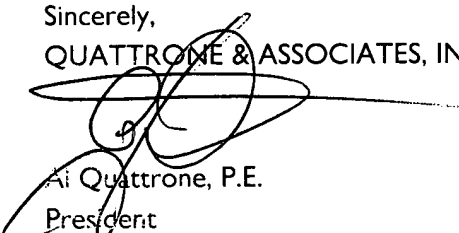


Dear Mr. Philpott,

Please find attached copies of the revised MCP and Schedule of Uses exhibit for the above mentioned project per our meeting on June 23, 2005. As discussed we are only providing one Master Concept Plan which shows tracts 'A' & 'B' as multi family and tract 'C' as the single family or duplex lots. In addition, we included notes on the MCP requiring the developer to record an avigation easement, to install a sidewalk along Homestead Road, and provide an enhanced road right of way buffer along Homestead Road (2.5 foot high undulating berm and 14' tall trees adjacent to the multi family portion). We also showed the setbacks for the various building heights and included notes on the plans and made slight revisions to address development services future concerns regarding private driveways and access points for projects greater than 100 units (we included an additional entrance off of Homestead Road and interconnected the multi family tracts).

Please call if you have any questions or need additional information.

Sincerely,
QUATTRONE & ASSOCIATES, INC.



Ai Quattrone, P.E.
President

EXHIBIT 6-M

Schedule of Uses
Request for Rezoning from AG-2 to RPD
Buckingham Villages
July 06, 2005

The Buckingham Villages Project Summary

Future Land Use	Urban Community
Existing Zoning/Requested Zoning	AG-2 to RPD
Development Program	Attached Single Family, Detached Single Family or Multi-Family
Residential Units	631 Attached Single Family or Multi-Family
Gross Residential Density	10.00 DUS/acre
Fire District	Lehigh Fire District
Water & Sanitary Sewer Utilities	Florida Governmental Utility Authority
Minimum Regulatory Open Space	40% (multifamily tracts only)
Minimum Regulatory Native Open Space	20% (multifamily tracts only)

The Buckingham Villages RPD Use Schedule

ACCESSORY USES AND STRUCTURES
DWELLING UNITS: DUPLEXES, MULTIPLE FAMILY BUILDINGS, CONVENTIONAL SINGLE FAMILY RESIDENCES, ZERO LOT LINE RESIDENCES, TWO FAMILY ATTACHED RESIDENCES, TOWNHOUSES
ENTRANCE GATES AND GATEHOUSE
ESSENTIAL SERVICES
ESSENTIAL SERVICE FACILITIES: GROUP I
EXCAVATION: WATER RETENTION
FENCES, WALLS
HOME OCCUPATION
PARKING LOT: ACCESSORY
MODELS: MODEL HOME, MODEL DISPLAY GROUP
REAL ESTATE SALES OFFICE
RESIDENTIAL ACCESSORY USES
RECREATIONAL FACILITIES: PERSONAL, PRIVATE ON-SITE

RECEIVED
JUL 07 2005

PERMIT COUNTER

Residential Development Standards:

DCI2005-00027

Multi-Family / Townhouse Dwelling Units – Tract A (Open Space Required)

Minimum Building Setbacks:

◆ Street/Front (with Garage or Carport)	20 ft.
◆ Side Yard	20 ft.
◆ Rear Yard Setback	20 ft.
◆ Distance Between Structures	20 ft.
◆ Project Perimeter Setback	25 ft.
◆ Accessory Structures (Side & Rear Yard)	15 ft.
Minimum Lot Area per Unit	3,000 sf
Minimum Lot Size (Townhouse Buildings)	3,000 sf
Maximum Building Height *	45-ft./3 stories
Maximum Lot Coverage	60%

Multi-Family / Townhouse Dwelling Units – Tract B (Open Space Required)

Minimum Building Setbacks:

◆ Street/Front (with Garage or Carport)	20 ft.
◆ Side Yard	20 ft.
◆ Rear Yard Setback	20 ft.
◆ Distance Between Structures	20 ft.
◆ Project Perimeter Setback	25 ft.
◆ Accessory Structures (Side & Rear Yard)	15 ft.
Minimum Lot Area per Unit	3,000 sf
Minimum Lot Size (Townhouse Buildings)	3,000 sf
Maximum Building Height *	45-ft./3 stories
Maximum Lot Coverage	60%

Two Family Attached / Duplex Dwelling Units – Tract C

Minimum Area Dimensions:

◆ Min. Lot Size	7,500 sq ft
◆ Min. Lot Area per Unit	3,750 sq.ft.
◆ Min. Lot Depth	110 ft.
◆ Min. Lot Width	35 ft.

Minimum Building Setbacks:

◆ Street/Front (with Garage or Carport)	20 ft.
◆ Side Yard	0 ft.
◆ Rear Yard Setback	5 ft.
◆ Distance between Structures	10 ft.
◆ Project Perimeter Setback	25 ft.
◆ Accessory Structures (Side & Rear Yard)	5 ft.
Maximum Building Height *	35-ft./2 stories
Maximum Lot Coverage	45%

Single Family Detached / Zero Lot Line Dwelling Units - Tract C

Minimum Area Dimensions:

◆ Min. Lot Size	7,500 sq ft
◆ Min. Lot Area per Unit	7,500 sq.ft.
◆ Min. Lot Depth	110 ft.
◆ Min. Lot Width	70 ft.

Minimum Building Setbacks:

◆ Street/Front (with Garage or Carport)	20 ft.
◆ Side Yard	5 ft.
◆ Rear Yard Setback	5 ft.
◆ Distance Between Structures	10 ft.
◆ Project Perimeter Setback	10 ft.
◆ Accessory Structures (Side & Rear Yard)	5 ft.
Maximum Building Height *	35-ft./2 stories
Maximum Lot Coverage	45%

* Building height is subject to final approval from Development Services based on height restrictions associated with the projects' proximity to the Mosquito Control Airport.

PERMIT COUNTER

DCI2005-00027

Project Notes and General Conditions

1. Tracts 'A' and 'B' may have a maximum density of 15 units per acre with the overall maximum density of the project not to exceed 10 units per acre which totals 631 units based on 10 units per acre over 63.15 acres (59.39 acres - project site + 3.76 acres - 1/2 adjacent row).
2. Tract 'C' shall have a maximum density of 6.5 units per acre.
2. The plans' final layout, parking and circulation areas, surface water management system, and other functional elements will be substantially consistent with the Master Concept Plans. The Master Concept Plan and the Alternate Master Concept Plan depict the project's general configuration and as such, is for conceptual review and zoning purposes only. The final Plan will be determined at the projects Development Order stage.
3. Unless otherwise noted, project parking and circulation shall conform with LDC 34-2013 – 2020. Required parking for Private On-site Group Recreation facilities at one space per 300 sq.ft.
4. The project's surface water management system will comply and be maintained in accordance with all relevant local, state and federal rules and regulations.
5. Phase one may consist of roads, utilities and the storm water management system for any identified tracts. Lots and tracts shall obtain individual development orders and further subdividing may be permitted at the time of final development order permitting.

RECEIVED
JUL 07 2005
PERMIT COUNTER

DCI2005-00027



EXIST. RESIDENTIAL
RS-1 ZONING
LEE COUNTY SCHOOL
URBAN COMMUNITY
NO BUFFER REQUIRED

FUTURE LEE COUNTY
SCHOOL UNDER
CONSTRUCTION

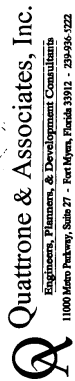
RECEIVED
JUL 6 1955
PERMIT COUNTY

DCI 2005-00027

NORTH

XHIBIT 6-J (2)
1" = 100'

JULY 06, 2005



**MASTER CONCEPT PLAN
BUCKINGHAM VILLAGES - REZONING TO RPD
LOCATED IN SECTION 22, TOWNSHIP 44 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA**

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Dawn Lehnert, Asst County Attorney
DS Reviewer - Susan Hollingsworth
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Tina Silcox, Lee County School District
Brad Vance, Natural Resources
Luis Machado, Zoning

FROM: Josh Philpott

DATE: 06/06/2005

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: BUCKINGHAM VILLAGES

CASE #: DCI2005-00027

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
☒ Review and forward sufficiency
questions or make finding of
sufficiency

RESPONSE REQUIRED BY: 06/20/2005

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: 06/07/2005

Quattrone & Associates, Inc.

Engineers, Planners & Development Consultants

11000 Metro Parkway, Suite 30 • Fort Myers, Florida 33912
Tel: (239) 936-5222 • Fax: (239) 936-7228

May 25, 2005

Mr. Josh Philpott
Lee County Division of Community Development
1500 Monroe Street
Fort Myers, Florida 33901



RE: BUCKINGHAM VILLAGES
DCI2005-00027 – PDS Application (Minor PD)
2nd Resubmittal

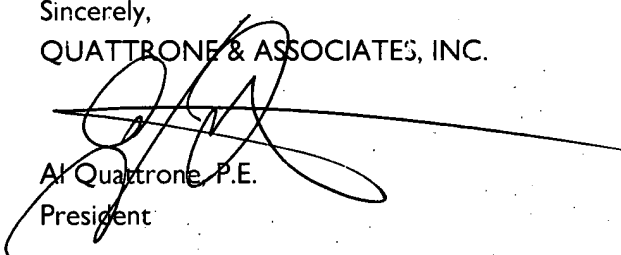
Dear Mr. Philpott,

Please find attached copies of the revised MCP and a Deviations exhibit for the above mentioned project per your comments dated May 20, 2005. In addition, below are written responses to your comments.

Lee County Sufficiency Checklist for Planned Developments, Amendments, and Existing Developments Requesting Planned Development Zoning

- 1) Please provide minimum lot areas and dimensions for the MF uses, including lot area per unit.
Refer to the revised schedule of uses per staff's request.
- 2) Please note that a distinct area must be provided showing the location of zero-lot line dwelling units prior to issuance of a development order. A mixture of single-family detached will not be permitted.
We acknowledge staff's comments and agree that the communities would not be a mixture of single family and multi family or duplex units. We recommend staff adding a note to the zoning approval stipulating that this be reviewed at time of Development Order approval.
- 3) Will consumption on premises be requested in conjunction with the clubhouse facility?
At this time we will not be seeking approval for consumption on premises. If it is deemed necessary later, the owner will seek approval through the Special Exception process.

Sincerely,
QUATTRONE & ASSOCIATES, INC.


Al Quattrone, P.E.
President

DCI 2005-00027

EXHIBIT 6-M

Schedule of Uses
Request for Rezoning from AG-2 to RPD
Buckingham Villages
June 06, 2005

The Buckingham Villages Project Summary

Future Land Use	Urban Community
Existing Zoning/Requested Zoning	AG-2 to RPD
Development Program	Attached Single Family, Detached Single Family or Multi-Family
Residential Units	631 Attached Single Family or Multi-Family
Gross Residential Density	10.00 DUS/acre
Fire District	Lehigh Fire District
Water & Sanitary Sewer Utilities	Florida Governmental Utility Authority
Minimum Regulatory Open Space	40% (multifamily tracts only)
Minimum Regulatory Native Open Space	20% (multifamily tracts only)

The Buckingham Villages RPD Use Schedule

ACCESSORY USES AND STRUCTURES
DWELLING UNITS: DUPLEXES, MULTIPLE FAMILY BUILDINGS, CONVENTIONAL
SINGLE FAMILY RESIDENCES, ZERO LOT LINE RESIDENCES, TWO FAMILY
ATTACHED RESIDENCES, TOWNHOUSES
ENTRANCE GATES AND GATEHOUSE
ESSENTIAL SERVICES
ESSENTIAL SERVICE FACILITIES: GROUP I
EXCAVATION: WATER RETENTION
FENCES, WALLS
HOME OCCUPATION
PARKING LOT: ACCESSORY
MODELS: MODEL HOME, MODEL DISPLAY GROUP
REAL ESTATE SALES OFFICE
RESIDENTIAL ACCESSORY USES
RECREATIONAL FACILITIES: PERSONAL, PRIVATE ON-SITE

Residential Development Standards:

Multi-Family / Townhouse Dwelling Units – Tract A (Open Space Required)

Minimum Building Setbacks:

- ◆ Street/Front (with Garage or Carport)
- ◆ Side Yard
- ◆ Rear Yard Setback
- ◆ Distance Between Structures
- ◆ Project Perimeter Setback
- ◆ Accessory Structures (Side & Rear Yard)

Minimum Lot Area per Unit

Minimum Lot Size (Townhouse Buildings)

Maximum Building Height *

Maximum Lot Coverage

RECEIVED
JUN 06 2005
20 ft.
20 ft.
20 ft.
20 ft.
25 ft.
15 ft.
3,000 sf
3,000 sf
45-ft./3 stories

OCI 2005-00027

Multi-Family / Townhouse Dwelling Units – Tract B (Open Space Required)

Minimum Building Setbacks:

◆ Street/Front (with Garage or Carport)	20 ft.
◆ Side Yard	20 ft.
◆ Rear Yard Setback	20 ft.
◆ Distance Between Structures	20 ft.
◆ Project Perimeter Setback	25 ft.
◆ Accessory Structures (Side & Rear Yard)	15 ft.
Minimum Lot Area per Unit	3,000 sf
Minimum Lot Size (Townhouse Buildings)	3,000 sf
Maximum Building Height *	45-ft./3 stories
Maximum Lot Coverage	60%

Multi-Family / Townhouse Dwelling Units – Tract C (Open Space Required)

Minimum Building Setbacks:

◆ Street/Front (with Garage or Carport)	20 ft.
◆ Side Yard	20 ft.
◆ Rear Yard Setback	20 ft.
◆ Distance Between Structures	20 ft.
◆ Project Perimeter Setback	25 ft.
◆ Accessory Structures (Side & Rear Yard)	15 ft.
Minimum Lot Area per Unit	3,000 sf
Minimum Lot Size (Townhouse Buildings)	3,000 sf
Maximum Building Height *	45-ft./3 stories
Maximum Lot Coverage	60%

Two Family Attached / Duplex Dwelling Units – Tracts B & C

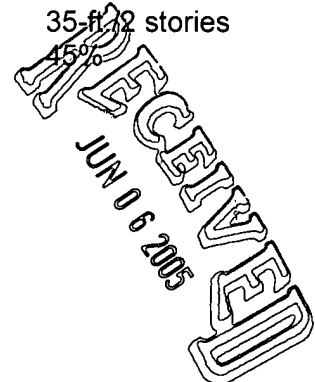
(per Alternate MCP)

Minimum Area Dimensions:

◆ Min. Lot Size	7,500 sq ft
◆ Min. Lot Area per Unit	3,750 sq.ft.
◆ Min. Lot Depth	110 ft.
◆ Min. Lot Width	35 ft.

Minimum Building Setbacks:

◆ Street/Front (with Garage or Carport)	20 ft.
◆ Side Yard	0 ft.
◆ Rear Yard Setback	5 ft.
◆ Distance between Structures	10 ft.
◆ Project Perimeter Setback	25 ft.
◆ Accessory Structures (Side & Rear Yard)	5 ft.
Maximum Building Height *	35-ft./2 stories
Maximum Lot Coverage	45%



OCI 2005-00027

Single Family Detached / Zero Lot Line Dwelling Units - Tracts B & C (per Alternate MCP)

Minimum Area Dimensions:

♦ Min. Lot Size	7,500 sq ft
♦ Min. Lot Area per Unit	7,500 sq.ft.
♦ Min. Lot Depth	110 ft.
♦ Min. Lot Width	70 ft.

Minimum Building Setbacks:

♦ Street/Front (with Garage or Carport)	20 ft.
♦ Side Yard	5 ft.
♦ Rear Yard Setback	5 ft.
♦ Distance Between Structures	10 ft.
♦ Project Perimeter Setback	10 ft.
♦ Accessory Structures (Side & Rear Yard)	5 ft.
Maximum Building Height *	35-ft./2 stories
Maximum Lot Coverage	45%

* Building height is subject to final approval from Development Services based on height restrictions associated with the projects proximity to the Mosquito Control Airport.

Project Notes and General Conditions

1. If Tract's 'A', 'B', and/or 'C' are developed per the Master Concept Plan (MCP), each Tract may have a maximum density of 15 units per acre with the overall maximum density of the project not to exceed 10 units per acre which totals 631 units based on 10 units per acre over 63.15 acres (59.39 acres - project site + 3.76 acres - 1/2 adjacent row).
2. If Tracts 'B' and/or 'C' are developed per the Alternative MCP they shall have a maximum density of 6.5 units per acre and Tract 'A' may have a maximum density of 15 units per acre with the overall maximum density of the project not to exceed 10 units per acre which totals 631 units based on 10 units per acre over 63.15 acres (59.39 acres - project site + 3.76 acres - 1/2 adjacent row).
2. The plans' final layout, parking and circulation areas, surface water management system, and other functional elements will be substantially consistent with the Master Concept Plans. The Master Concept Plan and the Alternate Master Concept Plan depict the project's general configuration and as such, is for conceptual review and zoning purposes only. The final Plan will be determined at the projects Development Order stage.
3. If Tracts B & C are developed as Multi Family they will be required to provide the balance of the overall required open space and indigenous preservation as depicted on the Master Concept Plan.
4. Unless otherwise noted, project parking and circulation shall conform with LDC 34-2013 - 2020. Required parking for Private On-site Group Recreation facilities at one space per 300 sq.ft.
5. The project's surface water management system will comply and be maintained in accordance with all relevant local, state and federal rules and regulations.
6. Phase one may consist of roads, utilities and the storm water management system for any identified tracts. Lots and tracts shall obtain individual development orders and further subdividing may be permitted at the time of final development order permitting.

DCP 2005-00027



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 479-8365

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

May 20, 2005

**MR. AL QUATTRONE
QUATTRONE AND ASSOC.
11000-30 METRO PKWY
FORT MYERS, FL 33912**

Re: **BUCKINGHAM VILLAGES**
DCI2005-00027 - PDS Application (Minor PD)

Dear MR. AL QUATTRONE :

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



Josh Philpott
Senior Planner

MR. AL QUATTRONE
QUATTRONE AND ASSOC.
RE: BUCKINGHAM VILLAGES
DCI2005-00027
May 20, 2005
Page 2

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Roland Ottolini, Natural Resources
Andy Getch, LCDOT
Jamie Pringing, DCD Admin
Dawn Lehnert, Assistant County Attorney
Susan Hollingsworth, Development Review
DCI Zoning File
DCI Working File

MR. AL QUATTRONE
QUATTRONE AND ASSOC.
RE: BUCKINGHAM VILLAGES
DCI2005-00027
May 20, 2005
Page 3

Environmental Sciences Planned Development Sufficiency Checklist

5) Open Space. The percentage of open space must be clearly stated on the Master Concept Plan unless the proposed development consists solely of conventional single family dwelling units on lots of no less than 6,500 square feet. [34-373(a)(6)f.; 34-373(a)(8)iii.]

The two family attached/duplex lots will be limited to 45% lot coverage.

13) Contact. The Environmental Planner may be contacted regarding any question on the Environmental Sciences Sufficiency Checklist.

KimTrebatoski, Principal Environmental Planner
239-479-8183
trebatkm@leegov.com

Lee County Sufficiency Checklist for Planned Developments, Amendments, and Existing Developments Requesting Planned Development Zoning

12d1) Parcels/Lots. The general location, configuration, and approximate dimensions of each lot or parcel (including outparcels). [34-373(a)(6)c.]

Please provide minimum lot areas and imensions for the MF uses, including lot aea per unit.

12e3) Residential Dwelling Units. If residential is proposed, the maximum number of dwelling units by type. [34-373(a)(6)d.iii.]

Please note that a a distinct area must be provided showing the location of zero-lot line dwelling units prioir to issuance of a development order. A mixture of single-family detached will not be permitted.

14) Schedule of Uses. A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property must be provided including the following: [34-373(a)(8)]

Will consumption on premises be requested in conjunction with the clubhouse facility?

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Josh Philpott

DATE: 05/02/2005

Dawn Lehnert, Asst County Attorney
Susan Hollingsworth, DS Reviewer
Bob Rentz, TIS Reviewer
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Tina Silcox, Lee County School District
Roland Ottolini, Natural Resources
Luis Machado, Zoning
Bill Opp, Mos. Control
Bill Horner, Port Auth.

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: BUCKINGHAM VILLAGES

CASE #: DCI2005-00027

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
☒ Review and forward sufficiency
questions or make finding of
sufficiency

RESPONSE REQUIRED BY: 05/16/2005

Additional Comments:

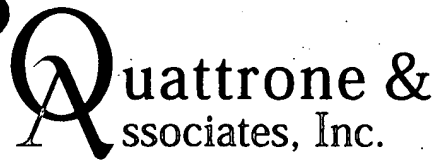
(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

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: 05/03/2005

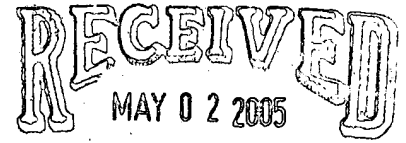


Engineers, Planners & Development Consultants

11000 Metro Parkway, Suite 30 • Fort Myers, Florida 33912
Tel: (239) 936-5222 • Fax: (239) 936-7228

April 28, 2005

Mr. Josh Philpott
Lee County Development Services
1500 Monroe Street
Fort Myers, Florida 33901



DCI2005-00027

Re: BUCKINGHAM VILLAGES
DCI2005-00027 – PDS APPLICATION (MAJOR PD) - RESUBMITTAL

Dear Mr. Philpott:

Please find attached copies of the revised Master Concept Plan and written responses to each of staff's comments in the checklist:

Legal Requirements Sufficiency Checklist

- 1) Per CAO cursory review comment, the provided authorization letter was not properly executed because Mr. Markgraf signed it in his individual capacity. Instead it must be signed by the Managing Member of Lehigh Acre Acquisition, LLC.
The form has been re-executed by Antonio Bismonte, the Managing Member of the LLC.
- 2) Per CAO cursory review comments, information obtained from the Florida Department of State, Division of Corporations Online the Managing Member of Lehigh Acres Acquisition, LLC is Lehigh Acre Management, LLC, whose designated managing member is Antonio Bismonte. The Disclosure of Interest form is not properly executed (see Above) and the file does not include the referenced attachment sheet.
The form has been reexecuted by Antonio Bismonte and the attachment is now included.
- 3) As per the above referenced LDC requirement, please provide Staff with a Certified Sketch of Description to accompany the metes & bounds legal description document. This is in addition to the already provided Boundary Survey.
See attached sketch.
- 4) As per the above referenced LCD requirement, please 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".
Refer to revised survey.
- 5) Per CAO cursory review comments, the Ag affidavit is not properly executed and it does not include the required map depiction the location and type of "ongoing Ag uses". [Note that this property does not currently enjoy an Ag exemption].

Refer to the revised Ag affidavit and sketch. It is likely the owner will be pursuing the Ag exemption for all or part of the property next year.

- 6) Please revise all 3 versions of the MCP to label the (100' ECWCD Canal) running along the eastern boundary line of the subject property. Note that only Exhibit 6-J(1) labels it while Exhibit 6 J and Exhibit 6-J(2) do not.

Refer to the revised MCPs. Please note that we are now only proposing two MCPs.

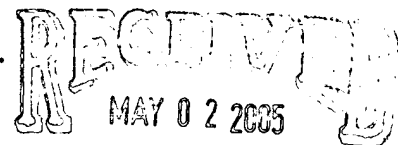
Environmental Sciences Planned Development Sufficiency DCI 2005-00027

- 1) The proposed development standards state 60% lot coverage for the single family detached and single family attached tracts. The waiver of open space requirements for single family and two family dwelling units under LDC Section 10-415(a) is based on conventional zoning district standards. The proposed development provides for the minimum lot size requirement, however, the lot coverage exceeds any conventional single family or two family lot coverage. The maximum lot coverage under conventional zoning g for these uses is 45%. Please either revise the development standard to limit the lot coverage to 45% for the single family detached and single family attached tracts, or revise the MCP options to provide 40% common open space with fifty percent of the required open space being provided as preservation of indigenous plant communities.

The schedule of uses has been revised to allow a maximum lot coverage of 45%.

- 2) Pending response to open space comment.

See above. No additional open space is being proposed.



T.I.S. Checklist

- 1) The TIS must be based on the use, or mix of uses, that would generate the highest volume of traffic. The trip generation was based on strictly multi-family, but the proposed Master Concept Plan, particularly Alternate Master Concept Plan #2, shows a significant volume of single-family units.

While the maximum proposed density for the development is 10-units per acre (631 total units), the Alternate Master Concept Plan allows for detached single family but cannot achieve the total maximum density units per acre. The ratio of development units becomes: 248 Multi-Family, 139 Detached Single Family. Using Microtrans Trip Generation, the trips generated from the proposed alternate development become:

ALTERNATE MCP (248mf, 139sf)

PROPOSED MCP (631mf)

AWDTE's: 2,783 (24-hr, 2-way vol.)

3,698 (24-hr, 2-way vol.)

AMPHTE's: 213 (43 enter, 170 exit)

278 (44 enter, 233 exit)

PMPHTE's: 269 (176 enter, 93 exit)

328 (221 enter, 107 exit)

Based on the comparison of 631 Multi-Family units (as provided in the original TIS and depicted in the proposed Mater Concept Plan) versus the Alternate Master Concept Plan (as outlined above), the proposed Master Concept Plan containing 631 Multi-Family units

generates the highest volume of traffic. Please see the attached Microtrans printouts.

- 2) Sunniland Blvd. is functionally classified as a major collector and is within the area of influence, so therefore it needs to be analyzed.

According to the Lee County Department of Transportation Traffic Ways Map, Sunniland Blvd is classified as a local road at this time. As such, Lee County does not collect traffic data on Sunniland; hence, the data necessary to perform a LOS determination is not available. However, based on visual roadway inspections and driving runs on Sunniland Blvd during the PM peak hours, the roadway LOS on Sunniland Blvd. is, at worst case, 'B' (no greater than 20-second actual time delay along the corridor). According to Lee County Service Volumes on Collectors (2003 Data), a LOS 'B' has a 100th highest hour service volume of 130 (peak hour/peak direction. Assuming the build-out year for this proposed project to be 2010 and an annual trip generation growth rate of 3% in the project area, the LOS on Sunniland Blvd. in 2009 remains 'B' at 150 (peak hour/peak direction). The addition of the maximum potential one-way vehicle trips in the PM peak hour by this development is 221 at build-out. This would bring the 100th highest hour service volume during the p.m. peak hour to 371 or LOS 'C'.

- 3) Please indicate whether blasting is proposed.

Blasting is not proposed in conjunction with this project.

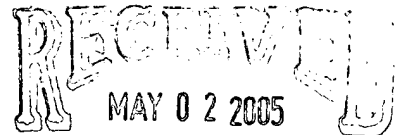
DCI 2005-00027

- 4) Please provide minimum building separation distances.

Refer to the attached schedule of uses which includes a line "Distance Between Structures".

- 5) Please provide a specific number of used for each product type.

Refer to the revised MCPs.



- 6) No schedule of uses was provided.

The schedule of uses should have been located directly after the TIS. A revised schedule of uses is attached for staff's review.

- 7) It appears on the MCP that some units may be constructed as townhouse types units. If so please delineate so on the schedule of uses and property development regulations.

Refer to the attached schedule of uses and revised MCPs.

- 8) Please revise your application to a Major Planned Development not a minor and pay the increased fee. Any rezoning for more than 300 residential dwelling units is considered a Major Planned Development.

The applications have been revised accordingly and the additional fee is attached to this resubmittal.

- 9) Please revise your request to include only on Master Concept Plan Option. If three options are needed please submit two additional Planned Development applications to allow the request to be reviewed independently.

Per our phone conversation we are going to revise the submittal to only include two MCPs.

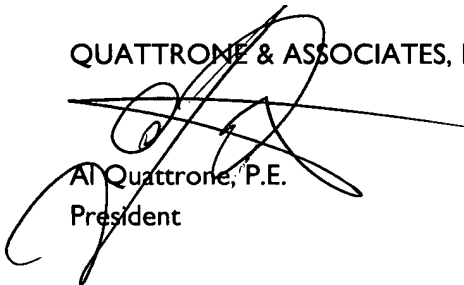
- 10) Please provide specific documentation as to how utilities will be provided to the site.

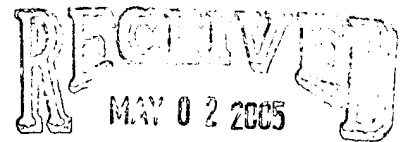
As staff is aware, our client is unable to participate with the school board at this time to increase the force main they are proposing to extend to the project. Per discussions with FGUA they are supportive of our client extending their own line and / or working directly with FGUA to enlarge the force main after the line is turned over to FGUA. Although FGUA has verbally indicated that they would provide service to this property, water and sewer availability can easily be stipulated in the zoning and / or addressed at time of development order permitting.

Please contact me if you have any further questions or need clarification of the above information or the attached plans.

Sincerely,

QUATTRONE & ASSOCIATES, INC.


Al Quattrone, P.E.
President



DCI2005-00027



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 479-8365

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

April 5, 2005

MR. AL QUATTRONE
QUATTRONE AND ASSOC.
11000-30 METRO PKWY
FORT MYERS, FL 33912

Re: BUCKINGHAM VILLAGES
DCI2005-00027 - PDS Application (Minor PD)

Dear MR. AL QUATTRONE :

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


Josh Philpott
Planner

MR. AL QUATTRONE
QUATTRONE AND ASSOC.
RE: BUCKINGHAM VILLAGES
DCI2005-00027
April 5, 2005
Page 2

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Roland Ottolini, Natural Resources
Andy Getch, LCDOT
Jamie Prining, DCD Admin
Dawn Lehnert, Assistant County Attorney
Susan Hollingsworth, Development Review
DCI Zoning File
DCI Working File

MR. AL QUATTRONE
QUATTRONE AND ASSOC.
RE: BUCKINGHAM VILLAGES
DCI2005-00027
April 5, 2005
Page 3

Legal Requirements Sufficiency Checklist

1a) The application was signed by the owner of the property or an authorized representative. [34-201(a)(1)a.1.]

Per CAO cursory review comments, the provided authorization letter was not properly executed because Mr. Markgraf signed it in his individual capacity. Instead it must be signed by the Managing Member of Lehigh Acres Acquisition, LLC.

1c1) The names of all parties having interest in the subject property including the names of all stockholders and the names of beneficiaries of trusts must be provided. [34-201(b)(2)a. & 34-202(b)(1)a]

Per CAO cursory review comments, information obtained from the Florida Department of State, Division of Corporations Online the Managing Member of Lehigh Acres Acquisition, LLC is Lehigh Acres Management, LLC, whose designated managing member is Antonio Bismonte. The Disclosure of Interest form is not properly executed (see above) and the file does not include the referenced attachment sheet.

6) All applications requiring a public hearing must include the following: [34-202(a)]

See below.

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)]

As per the above-referenced LDC requirement, please provide Staff with a Certified Sketch of Description to accompany the metes & bounds legal description document. This is in addition to the already provided Boundary Survey. Thanks.

6c3) If the property encompasses 10 or more acres the survey must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment). [34-202(a)(2)]

As per the above-referenced LDC requirement, please 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.

MR. AL QUATTRONE
QUATTRONE AND ASSOC.
RE: BUCKINGHAM VILLAGES
DCI2005-00027
April 5, 2005
Page 4

7) Miscellaneous Items.

1. Per CAO cursory review comments, the Ag affidavit is not properly executed and it does not include the required map depicting the location and type of "ongoing Ag uses". [Note that this property does not currently enjoy an Ag exemption].
2. Please revise all 3 versions of the MCP to label the (100' ECWCD Canal) running along the eastern boundary line of the subject property. Note that only Exhibit 6-J(1) labels it while Exhibit 6 J and Exhibit 6-J(2) do not.

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 / Zoning Technician at (239) 479-8485 or e-mail: lmachado@leegov.com

Environmental Sciences Planned Development Sufficiency Checklist

5) Open Space. The percentage of open space must be clearly stated on the Master Concept Plan unless the proposed development consists solely of conventional single family dwelling units on lots of no less than 6,500 square feet. [34-373(a)(6)f.; 34-373(a)(8)iii.]

The proposed development standards state 60% lot coverage for the single family detached and single family attached tracts. The waiver of open space requirements for single family and two family dwelling units under LDC Section 10-415(a) is based on conventional zoning district standards. The proposed development provides for the minimum lot size requirement, however, the lot coverage exceeds any conventional single family or two family lot coverage. The maximum lot coverage under conventional zoning for these uses is 45%. Please either revise the development standards to limit the lot coverage to 45% for the single family detached and single family attached tracts, or revise the MCP options to provide 40% common open space with fifty percent of the required open space being provided as preservation of indigenous plant communities.

6) Parks, Recreation Areas and Indigenous Areas. The general location of proposed parks, recreation areas and facilities as well as indigenous areas to be preserved must be shown on the Master Concept Plan. [34-373(a)(6)e]

Pending response to open space comment.

MR. AL QUATTRONE
QUATTRONE AND ASSOC.
RE: BUCKINGHAM VILLAGES
DCI2005-00027
April 5, 2005
Page 5

13) Contact. The Environmental Planner may be contacted regarding any question on the Environmental Sciences Sufficiency Checklist.

KimTrebatoski, Principal Environmental Planner
239-479-8183
trebatkm@leegov.com

T.I.S. Checklist

1) Description of Development & ITE Land Use Code. The TIS must contain a general description of each type of use proposed, the units of development (i.e. number of dwelling units, square feet of building floor area, etc.) and the Land Use Code for each type of use used in the Trip Generation (i.e. Single Family Detached Housing, 200 Lots, Land Use Code 210).

The TIS must be based on the use, or mix of uses, that would generate the highest volume of traffic. The trip generation was based on strictly multi-family, but the proposed Master Concept Plan, particularly Alternate Master Concept Plan #2, shows a significant volume of single-family units.

2a) Trip generation must be based on the combination of uses shown in the Schedule of Uses on the Master Concept Plan which generates the highest total number of trips during the A.M. and P.M. peak hour of the generator(s).

See previous comment.

7) Level of Service Analysis. The TIS for projects generating more than 100 net new trips during the A.M. or P.M. peak hour of the adjacent street must contain an analysis of the Level of Service for all links within the area of influence.

Sunniland Blvd. is functionally classified as a major collector and is within the area of influence, so therefore it needs to be analyzed.

11) Contact. The reviewer may be contacted with any questions relative to this TIS Sufficiency Checklist.

Contact Bob Rentz @ 479-8587 OR rentzrg@leegov.com

6n) If blasting is proposed, the application must show location of the blasting and demonstrate what measures will be used to ameliorate any negative impacts. This must include soil borings, drawings showing the location(s) of the blasting, and any other information deemed necessary to allow compatibility analysis. [34-202(b)(6)]

please indicate whether blasting is proposed.

12d3) Setbacks. The minimum proposed setbacks for principal structures on each lot or parcel (including outparcels). [34-373(a)(6)c.]

Please provide minimum building separation distances.

MR. AL QUATTRONE
QUATTRONE AND ASSOC.
RE: BUCKINGHAM VILLAGES
DCI2005-00027
April 5, 2005
Page 6

12e3) Residential Dwelling Units. If residential is proposed, the maximum number of dwelling units by type. [34-373(a)(6)d.iii.]

please provide aspecific number of uses for each product type.

14) Schedule of Uses. A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property must be provided including the following: [34-373(a)(8)]

No schedule of uses were provided.

14b) Units by Uses. The number of units (gross square feet for commercial/industrial uses, number of units for residential or motel/hotel uses, number of beds for institutional type uses, etc.) for each proposed use. [34-373(a)(8)ii]

It appears on the MCP that some units may be constructed as townhouse types units. If so please delinaete so on the schedule of uses and property development regulations.

16) Major Planned Developments. The following information is required for all Major Planned Development Zoning applications except PRFPDs. [34-373(b)]

Please revise your application to a Major Planned Development not a minor and pay the increased fee.

Any rezoning for more than 300 residential dwelling units is considered a Major Planned Development.

20) Contact. The Zoning Planner may be contacted regarding any questions on the Planned Development Sufficiency Checklist.

Please revise your request to include only one Master Concept Plan Option. If three options are needed please submit two additional Planned Development applications to allow the request to be reviewed independently.

21) Miscellaneous Items.

Please provide specific documentation as to how utilities will be provided to the site.

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Josh Philpott

DATE: 03/11/2005

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 VILLAGES

CASE #: DCI2005-00027

INFORMATION SUMMARY:

NEW SUBMITTAL

To update your file
☒ Review and forward sufficiency
questions or make finding of
sufficiency

RESPONSE REQUIRED BY: 03/25/2005

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: Jodi M Payne

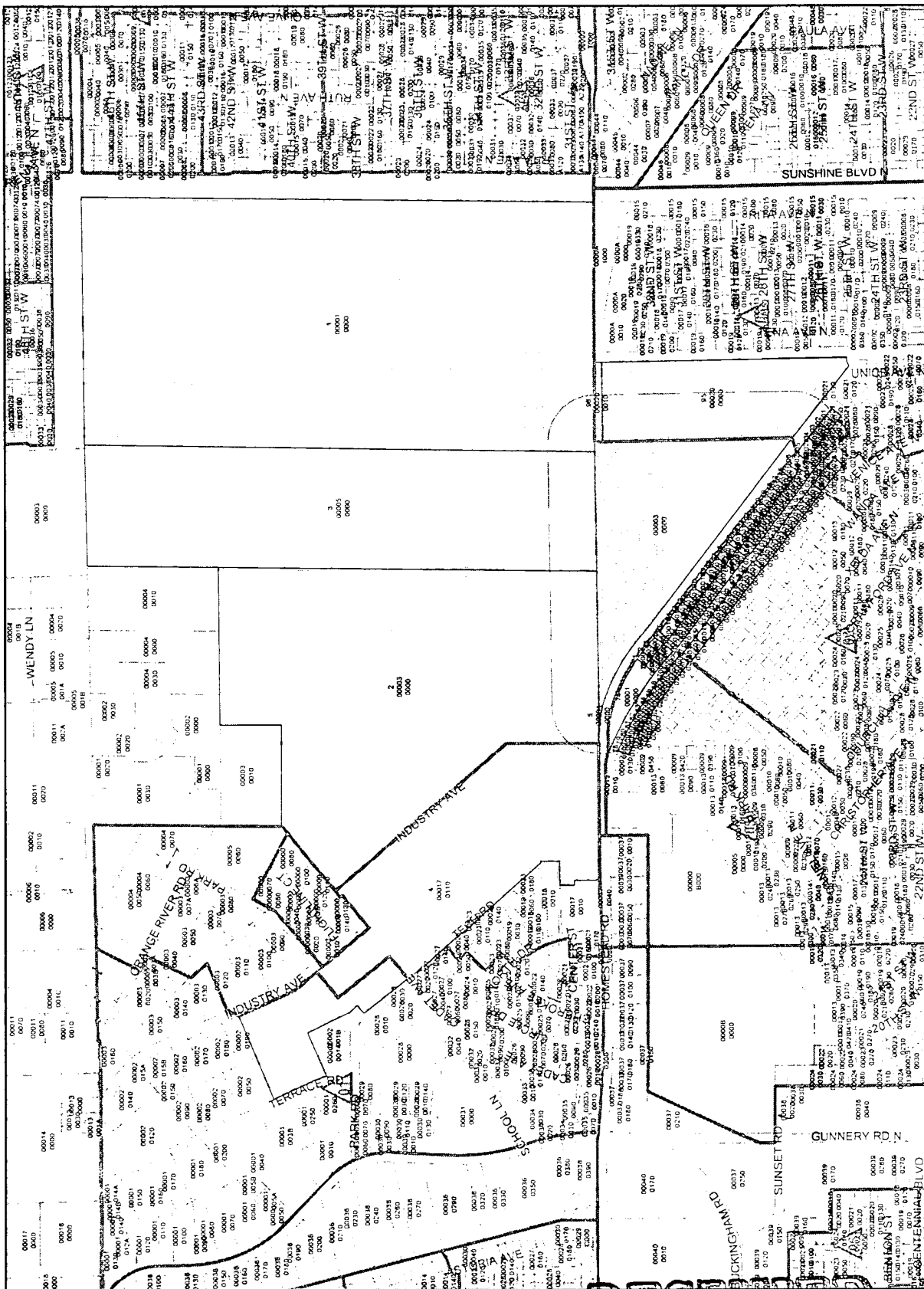
Date: 03/17/2005

10'S
E10170

VARIANCE REPORT

2/22/2005

Subject Parcels : 1 Affected Parcels : 106 Buffer Distance : 500 ft



DCI 2005 00027

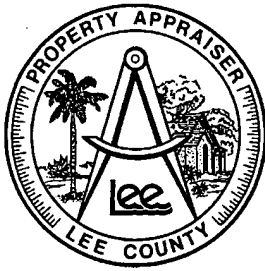
RECEIVED
MAR 4 2005

PERMIT COUNTER



22-44-26-00-00003.0000

1,700 850 0 1,700 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: February 22, 2005
Buffer Distance: 500 ft
Parcels Affected: 106
Subject Parcel: 22-44-26-00-00003.0000

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>Map Index</u>
EAST COUNTY WATER CONTROL DIST 601 EAST COUNTY LN LEHIGH ACRES FL 33936	14-44-26-00-00001.0000 ACCESS UNDETERMINED LEHIGH ACRES FL 33971	W 1/2 SEC 14 44 26	1
MARIAN LAND CO PO BOX 10 MAPLEWOOD NJ 07040	15-44-26-00-00003.0000 ACCESS UNDETERMINED FORT MYERS FL 33905	S 3/4 OF W 3/4 OF SEC 15 E OF BUCKINGHAM PARK SUBD.LES N1/2 OF SE1/4 OF NW1/4	2
EAST COUNTY WATER CONTROL DIST 601 EAST COUNTY LN LEHIGH ACRES FL 33936	15-44-26-00-00005.0000 ACCESS UNDETERMINED FORT MYERS FL 33905	E 1/2 OF E 1/2	3
LEE CO MOSQUITO CONTROL DIST P O BOX 60005 FT MYERS FL 33906	15-44-26-01-00017.0110 15191 HOMESTEAD RD LEHIGH ACRES FL 33971	BUCKINGHAM PARK N.E.SEC. SEC 15/16 BLK2+6-13THRU18 FOR LTS+ VAC R/W NOTES MAF	4
MARIAN LAND COMPANY PO BOX 10 MAPLEWOOD NJ 07040	22-44-26-00-00004.0000 ACCESS UNDETERMINED FORT MYERS FL 33905	PARL ON N LI SEC 22 TWP 44 R26 DESC IN OR 1071 P 1111	5
PARRIS LEON A 2315 RODMAN ST HOLLYWOOD FL 33020	22-44-26-02-00014.0010 2521 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK.14 PB 15 PG 65 LOT 1	6
SEMKO PETER J JR + ELOISE J 214 RAINBOW DR BLOOMINGDALE OH 43910	22-44-26-02-00014.0020 2523 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 14 PB 15 PG 65 LOT 2	7
HUANG CAROL HSIHSIN 901 SW 176TH AVE PEMBROKE PINES FL 33029	22-44-26-02-00014.0030 2525 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 14 PB 15 PG 65 LOT 3	8
HUANG CAROL HSIHSIN 901 SW 176TH AVE PEMBROKE PINES FL 33029	22-44-26-02-00014.0040 2527 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 14 PB 15 PG 65 LOT 4	9
BERMUDEZ OSVALDO J + 3908 WEST PARK RD HOLLYWOOD FL 33021	22-44-26-02-00014.0050 2529 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 14 PB 15 PG 65 LOT 5	10
FIRST HOME BUILDERS OF FLORIDA 2503 DEL PRADO BLVD STE 300 CAPE CORAL FL 33904	22-44-26-02-00014.0060 2531 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 14 PB 15 PG 65 LOT 6	11
RICHARDSON JANET 15738 W CIMARRON DR SURPRISE AZ 85374	22-44-26-02-00014.0070 2533 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 14 PB 15 PG 65 LOT 7	12
BORGES LEIDY 2680 W 60 STREET MIAMI FL 33016	22-44-26-02-00014.0080 2535 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 14 PB 15 PG 65 LOT 8	13
WALSH R N + ALICE P 1579 HUNTERS CREEK DR CANTONMENT FL 32533	22-44-26-02-00014.0090 2537 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 14 PB 15 PG 65 LOT 9	14

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
ROCCO RICHARD C + LUCILLE M 18590 SAN QUENTIN DR LATHRUP VILLAGE MI 48076	22-44-26-02-00014.0100 2539 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 14 PB 15 PG 65 LOT 10	15
MILLS BONNIE K 524 S RICHMOND ST HARTFORD CITY IN 47348	22-44-26-02-00015.0010 15418 HOMESTEAD RD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK.15 PB 15 PG 65 LOT 1	16
JIMENEZ FERNANDO TR 7821 BUCKINGHAM RD FORT MYERS FL 33905	22-44-26-02-00015.0020 15416 HOMESTEAD RD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 15 PB 15 PG 65 LOT 2	17
ORTIZ JUAN J + 2055 SW 122 AVE #417 MIAMI FL 33175	22-44-26-02-00015.0030 15414 HOMESTEAD RD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 15 PB 15 PG 65 LOT 3	18
WOOD STEVEN P + CYNTHIA A 100 DOROTHY MORO IL 62067	22-44-26-02-00015.0040 15412 HOMESTEAD RD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 15 PB 15 PG 65 LOT 4	19
NOSAR RAIMUNDO + MARTHA 7699 WEST 36TH AVE #8 HIALEAH FL 33018	22-44-26-02-00015.0050 15410 HOMESTEAD RD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 15 PB 15 PG 65 LOT 5	20
HOUSING + LAND IMPROVEMENT CO 320 NORWOOD TR #N213 BOCA RATON FL 33431	22-44-26-02-00015.0060 15408 HOMESTEAD RD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 15 PB 15 PG 65 LOT 6	21
CLARK RICHARD A 1090 HIGHWAY 41 S BARNESVILLE GA 30204	22-44-26-02-00015.0070 15406 HOMESTEAD RD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 15 PB 15 PG 65 LOT 7	22
FIRST HOME BUILDERS OF FLORIDA 2503 DEL PRADO BLVD STE 300 CAPE CORAL FL 33904	22-44-26-02-00015.0080 15404 HOMESTEAD RD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 15 PB 15 PG 65 LOT 8	23
ADAMS HOMES OF NW FLORIDA INC 3000 GULF BREEZE PKWY GULF BREEZE FL 32561	22-44-26-02-00015.0090 15402 HOMESTEAD RD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 15 PB 15 PG 65 LOT 9	24
HAMMOND LORETTA D 47780 HARBOR DR CHESTERFIELD MI 48047	22-44-26-02-00015.0100 15400 HOMESTEAD RD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 15 PB 15 PG 65 LOT 10	25
DIONES ROMULO B + ODESA B 40046 FRASER DR STERLING HEIGHTS MI 48310	22-44-26-02-00015.0110 2538 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK.15 PB 15 PG 65 LOT 11	26
LOPEZ LAZARO J 5212 19TH PL SW NAPLES FL 34116	22-44-26-02-00015.0120 2536 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 15 PB 15 PG 65 LOT 12	27
STERBANK JAYNE 4745 HEATHER STONE RD BETTENDORF IA 52722	22-44-26-02-00015.0130 2534 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 15 PB 15 PG 65 LOT 13	28
ALI FAROUK + ZALINA 163 BEDFORD G WEST PALM BEACH FL 33417	22-44-26-02-00015.0140 2532 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 15 PB 15 PG 65 LOT 14	29
FIRST HOME BUILDERS OF FLORIDA 2503 DEL PRADO BLVD STE 300 CAPE CORAL FL 33904	22-44-26-02-00015.0150 2530 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 15 PB 15 PG 65 LOT 15	30
WOODS SHARI + PO BOX 721 ADA MI 49301	22-44-26-02-00015.0160 2528 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 15 PB15 PG65 LOT 16	31
BRETTWESTON CORPORATION 6635 WILLOW PARK DR NAPLES FL 34109	22-44-26-02-00015.0170 2526 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 15 PB 15 PG 65 LOT 17	32

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
FIRST HOME BUILDERS OF FLORIDA 2503 DEL PRADO BLVD STE 300 CAPE CORAL FL 33904	22-44-26-02-00015.0180 2524 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 15 PB 15 PG 65 LOT 18	33
SHOULDERS RICHARD +JULIANNE Y 12152 STATE ROUTE 359 WAVERLY KY 42462	22-44-26-02-00015.0190 2522 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UT 2 BLK 15 PB 15 PG 65 LOT 19	34
TUCKER-GAINER MILDRED G 1989 BISCAYNE DR WINTER PARK FL 32789	22-44-26-02-00015.0200 2520 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 15 PB 15 PG 65 LOT 20	35
SEITLER RICHARD P + REBECCA HC 15 BOX 5A ROCKSPRINGS TX 78880	22-44-26-02-00016.0010 15322 HOMESTEAD RD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 16 PB 15 PG 65 LOT 1	36
FONTAINE MIACAISSIE 7050 NW 44TH ST #506 LAUDERHILL FL 33319	22-44-26-02-00016.0020 15320 HOMESTEAD RD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 16 PB 15 PG 65 LOT 2	37
POMALES ANA + 458 S SECOND AV MT VERNON VT 10550	22-44-26-02-00016.0030 15318 HOMESTEAD RD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 16 PB 15 PG 65 LOT 3	38
POMALES ANA + 458 S SECOND AV MT VERNON NY 10550	22-44-26-02-00016.0040 15316 HOMESTEAD RD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 16 PB 15 PG 65 LOT 4	39
SNYDER CAROL PO BOX 101666 CAPE CORAL FL 33910	22-44-26-02-00016.0050 15314 HOMESTEAD RD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 16 PB 15 PG 65 LOTS 5 + 6	40
CRUZ GREGORIO DELACRUZ 1931 48TH ST SW NAPLES FL 34116	22-44-26-02-00016.0070 15310 HOMESTEAD RD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 16 PB 15 PG 65 LOT 7	41
CRUZ GREGORIO DELACRUZ 1931 48TH ST SW NAPLES FL 34116	22-44-26-02-00016.0080 15308 HOMESTEAD RD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 16 PB 15 PG 65 LOT 8	42
SURIEL WIBER Y + 805 BERT AVE N LEHIGH ACRES FL 33971	22-44-26-02-00016.0090 15306 HOMESTEAD RD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 16 PB 15 PG 65 LOT 9	43
HILL JAMES D + GISELE F TR 9942 GULFSTREAM BLVD ENGLEWOOD FL 34224	22-44-26-02-00016.0100 15304 HOMESTEAD RD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 16 PB 15 PG 65 LOT 10	44
ESPINDA LEONARD M + JEANETTE M C/O LEO ESPINDA 46-316 KAUHAA PL KANE OHE HI 96744	22-44-26-02-00016.0110 15302 HOMESTEAD RD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 16 PB 15 PG 65 LOTS 11 + 12	45
TIMOTHY PROPERTIES INC 3949 EVANS AVE STE 205 FORT MYERS FL 33901	22-44-26-02-00016.0130 2562 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 16 PB 15 PG 65 LOT 13	46
MAYOR CONSTRUCTION OF NAPLES 211 14TH ST NE NAPLES FL 34120	22-44-26-02-00016.0140 2560 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 16 PB 15 PG 65 LOT 14	47
MARONDA HOMES INC 5902 BRECKENRIDGE PKWY TAMPA FL 33610	22-44-26-02-00016.0150 2558 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 16 PB 15 PG 65 LOT 15	48
DRUE CORP 6635 WILLOW PARK DR NAPLES FL 34109	22-44-26-02-00016.0160 2556 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 16 PB 15 PG 65 LOT 16	49
DRUE CORP 6635 WILLOW PARK DR NAPLES FL 34109	22-44-26-02-00016.0170 2554 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 16 PB 15 PG 65 LOT 17	50

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>Map Index</u>
DRUE CORP 6635 WILLOW PARK DR NAPLES FL 34109	22-44-26-02-00016.0180 2552 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 16 PB 15 PG 65 LOT 18	51
BUADO YVONIE P YVONIE P WEISINGER 1703 COBBLESTONE CT RICHMOND TX 77469	22-44-26-02-00016.0190 2550 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 16 PB 15 PG 65 LOT 19	52
BUADO YVONIE P YVONIE P WEISINGER 1703 COBBLESTONE CT RICHMOND TX 77469	22-44-26-02-00016.0200 2548 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 16 PB 15 PG 65 LOT 20	53
CREARY ELAINE + 504 GREENWOOD AVE LEHIGH ACRES FL 33972	22-44-26-02-00016.0210 2546 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 16 PB 15 PG 65 LOTS 21 + 22	54
GONZALES ANTHONY JR + FRANCES 4922 W 134TH PL HAWTHORNE CA 90250	22-44-26-02-00016.0230 2542 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 2 BLK 16 PB 15 PG 65 LOT 23	55
RACZKOWSKI STAN 623 SIERRA CRES SW CALGARY AB T2W 1S4 CANADA	22-44-26-02-00016.0240 2540 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 2 BLK 16 PB 15 PG 65 LOT 24	56
MEETER JOHN + JOAN E 23034 PASEO DETERRADO UNIT 1 DIAMOND BAR CA 91765	22-44-26-02-00017.0010 2541 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK.17 PB 15 PG 65 LOT 1	57
RAICHURA S V & KUMUD C/O N V RAICHURA 309 WHITCLIFF CT GAITHERSBURG MD 20878	22-44-26-02-00017.0020 2543 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 17 PB 15 PG 65 LOT 2	58
RAICHURA S V & KUMUD C/O N V RAICHURA 309 WHITCLIFF CT GAITHERSBURG MD 20878	22-44-26-02-00017.0030 2545 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 17 PB 15 PG 65 LOT 3	59
FIRST HOME BUILDERS OF FLORIDA 2503 DEL PRADO BLVD STE 300 CAPE CORAL FL 33904	22-44-26-02-00017.0040 2547 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 17 PB 15 PG 65 LOT 4	60
GRECO CARL 3949 EVANS AVE #205 FORT MYERS FL 33901	22-44-26-02-00017.0050 2549 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 17 PB 15 PG 65 LOT 5	61
BRANNON DENNIS + DEBBIE 8219 HOLLYLEAF DR SPRING TX 77379	22-44-26-02-00017.0060 2551 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 17 PB 15 PG 65 LOT 6	62
GORTON PATRICIA R 1952 BETHANY PL NAPLES FL 34109	22-44-26-02-00017.0070 2553 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 17 PB 15 PG 65 LOT 7	63
DOYLE PATRICK D + 1201 E PARK BLVD APT 1726 PLANO TX 75074	22-44-26-02-00017.0080 2555 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 17 PB 15 PG 65 LOT 8	64
ADONIS DEBRA 221 PURITAN RD WEST PALM BEACH FL 33405	22-44-26-02-00017.0090 2557 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 17 PB 15 PG 65 LOTS 9 + 10	65
DAVIS HAROLD B + MARTHA R TR 1801 E LUDLOW DR PHOENIX AZ 85022	22-44-26-02-00017.0110 2561 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 17 PB 15 PG 65 LOT 11	66
ROCHOWIAK LEONARD E + 3369 APACHE TRL PINCKNEY MI 48169	22-44-26-02-00017.0120 2563 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 2 BLK 17 PB 15 PG 65 LOT 12	67

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>Map Index</u>
COX WALTER T + M JEAN 682 NANCY DR COLDWATER MI 49036	22-44-26-03-00001.0010 2600 SUNNILAND BLVD #02 LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 3 BLK.1 PB 15 PG 66 LOT 1	68
MAYOR CONSTRUCTION OF NAPLES 211 14TH ST NE NAPLES FL 34120	22-44-26-03-00001.0020 2604 SUNNILAND BLVD #06 LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 3 BLK 1 PB 15 PG 66 LOT 2	69
MATO SANTIAGO + DONATILA 2080 16TH AVE SW NAPLES FL 34117	22-44-26-03-00001.0030 2608 SUNNILAND BLVD #10 LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 3 BLK 1 PB 15 PG 66 LOT 3	70
GALLAGHER MICHAEL J + JOY 630 PETERSBURG RD PETERSBURG NJ 08270	22-44-26-03-00001.0040 15288 HOMESTEAD RD #90 LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 3 BLK.1 PB 15 PG 66 LOT 4	71
NICKERSON CAROL ANN 1223 BROOKLINE DR CANTON MI 48187	22-44-26-03-00001.0050 15292 HOMESTEAD RD #94 LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 3 BLK 1 PB 15 PG 66 LOT 5	72
KONIECZKI DOMINIC E + 497 BETHANY VILLAGE CIR LEHIGH ACRES FL 33936	22-44-26-03-00001.0060 15296 HOMESTEAD RD #98 LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 3 BLK 1 PB 15 PG 66 LOT 6	73
CHESTER PAUL + JACKLYN 496 MICHELE DR WEST CHESTER PA 19380	22-44-26-03-00001.A000 2624 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 3 BLK.1 PB 15 PG 66 RESERVED AREA A	74
COURT JASON + JENNIFER 6550 ARBOR AVE FORT MYERS FL 33905	22-44-26-03-00002.0080 2428 VENICE AVE N #30 LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 3 BLK 2 PB 15 PG 66 LOT 8	75
DIEUJUSTE RICOT + ANNE 131 19TH ST NW NAPLES FL 34120	22-44-26-03-00002.0090 2432 VENICE AVE N #34 LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 3 BLK 2 PB 15 PG 66 LOT 9	76
SYDNI CORPORATION 6635 WILLOW PARK DR NAPLES FL 34109	22-44-26-03-00002.0100 2436 VENICE AVE N #38 LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 3 BLK 2 PB 15 PG 66 LOT 10	77
GATTER JOHN M + PEGGY A 14940 AUBREY REDFORD MI 48239	22-44-26-03-00002.0160 2645 SUNNILAND BLVD #47 LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 3 BLK 2 PB 15 PG 66 LOT 16	78
MAYOR CONSTRUCTION OF NAPLES 211 14TH ST NE NAPLES FL 34120	22-44-26-03-00002.0170 2641 SUNNILAND BLVD #43 LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 3 BLK 2 PB 15 PG 66 LOT 17	79
GUTIERREZ NOSLEN RUIZ 9591 FONTAINBLEAU BLVD #2211 MIAMI FL 33172	22-44-26-03-00002.0180 2637 SUNNILAND BLVD #39 LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 3 BLK 2 PB 15 PG 66 LOT 18	80
RP III CONSTRUCTION INC 2080 KEANE AVE NAPLES FL 34117	22-44-26-03-00002.0190 2633 SUNNILAND BLVD #35 LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 3 BLK 2 PB 15 PG 66 LOT 19	81
ALLEN JOHN MICHAEL 140 CHERRY VALLEY DR #D23 INKSTER MI 48141	22-44-26-03-00002.0200 2629/31 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 3 BLK 2 PB 15 PG 66 LOT 20	82
RAMOS JOSE + KAREN 36 SW 17TH PL CAPE CORAL FL 33991	22-44-26-03-00002.0210 2625 SUNNILAND BLVD #27 LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 3 BLK 2 PB 15 PG 66 LOT 21	83
RIVERSTONE INVESTMENTS 10971 NW 12TH CRT PLANTATION FL 33322	22-44-26-03-00002.0220 2621 SUNNILAND BLVD #23 LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 3 BLK 2 PB 15 PG 66 LOT 22	84
FIRST HOME BUILDERS OF FLORIDA 2503 DEL PRADO BLVD STE 300 CAPE CORAL FL 33904	22-44-26-03-00002.0230 2617 SUNNILAND BLVD #19 LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 3 BLK 2 PB 15 PG 66 LOT 23	85

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MILLER W D + MILDRED E 29 BAYOU SHADOWS ST HOUSTON TX 44024	22-44-26-03-00002.0240 2613 SUNNILAND BLVD #15 LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 3 BLK 2 PB 15 PG 66 LOT 24	86
NEMCHIK JAMES A + 153 STARLITE RD LEMONT FURNACE PA 15456	22-44-26-03-00002.0250 2609 SUNNILAND BLVD #11 LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 3 BLK 2 PB 15 PG 66 LOT 25	87
GROFF CONSTRUCTION INC PO BOX 1450 LEHIGH ACRES FL 33970	22-44-26-03-00002.0260 2605 SUNNILAND BLVD #07 LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 3 BLK 2 PB 15 PG 66 LOT 26	88
WATKINS ERNEST 704 MEDLOCK RD DECATUR GA 30033	22-44-26-03-00002.0270 2601 SUNNILAND BLVD #03 LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 3 BLK 2 PB 15 PG 66 LOT 27	89
YOUNG DEBORAH B 12380 ORANGE BLVD WEST PALM BEACH FL 33412	22-44-26-04-00021.0010 2518 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 1 BLK 21 PB 15 PG 64 LOT 1	90
LEHIGH HOLDING CO LLC C/O REED DEVELOPMENT CO 5130 MAIN ST STE 6 NEW PORT RICHEY FL 34652	22-44-26-04-00021.0020 2516 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 1 BLK 21 PB 15 PG 64 LOT 2	91
SMOOT ISHMELL SR + 304 S LABURNUM AV RICHMOND VA 23223	22-44-26-04-00028.0200 2513 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 1 BLK 28 PB 15 PG 64 LOT 20	92
PIERCY ROBERT J + L FAYE BOX 280 MILDEN SK SOL 2L0 CANADA	22-44-26-04-00028.0210 2515 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 1 BLK 28 PB 15 PG 64 LOT 21	93
FIRST HOME BUILDERS OF FLORIDA 2503 DEL PRADO BLVD STE 300 CAPE CORAL FL 33904	22-44-26-04-00028.0220 2517 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 1 BLK 28 PB 15 PG 64 LOT 22	94
LEE COUNTY DIST SCHOOL BOARD 2055 CENTRAL AVE FORT MYERS FL 33901	23-44-26-08-00020.0000 15511 HOMESTEAD RD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 1 BLK 20 PB 15 PG 64 BLK 20 LESS 20.001	95
EAST COUNTY WATER CONTROL DIST 601 EAST COUNTY LN LEHIGH ACRES FL 33936	23-44-26-08-00020.0010 0 ACCESS UNDETERMINED LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 1 BLK 20 PB 15 PG 64 PT BLK 20 DESC IN OR 1724 PG 0334	96
REDDIN MICHAEL L 10310 W C R 700 SOUTH MIDDLETON IN 47356	23-44-26-08-00021.0030 2514 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 1 BLK 21 PB 15 PG 64 LOT 3	97
DRUE CORP 6635 WILLOW PARK DR NAPLES FL 34109	23-44-26-08-00021.0040 2512 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 1 BLK 21 PB 15 PG 64 LOT 4	98
FIGORELLI SARAH 303 CONTESTOGA DR BRAMPTON ON L6W 2R3 CANADA	23-44-26-08-00021.0050 2510 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 1 BLK 21 PB 15 PG 64 LOT 5	99
BUTLER RONALD E + ANNETTE L 4647 GOODISON PL DR OAKLAND TWP MI 48306	23-44-26-08-00021.0060 2508 SUNNILAND BLVD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 1 BLK 21 PB 15 PG 64 LOT 6	100
QUERTINIER JEAN-PAUL RUE DU ROI ALBERT 10 B-5600 TAMINES BELGIUM	23-44-26-08-00021.0150 15512 HOMESTEAD RD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 1 BLK 21 PB 15 PG 64 LOT 15	101
PALMER WINDEL + 1333 SCOTTSDALE RD E WEST PALM BEACH FL 33417	23-44-26-08-00021.0160 15510 HOMESTEAD RD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 1 BLK 21 PB 15 PG 64 LOT 16	102
PALMER WINDEL + 1383 SCOTTSDALE RD E WEST PALM BEACH FL 33417	23-44-26-08-00021.0170 15508 HOMESTEAD RD LEHIGH ACRES FL 33971	LEHIGH PARK UNIT 1 BLK 21 PB 15 PG 64 LOT 17	103

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>Map Index</u>
FLORIDA SUN + PALMS CORP PO BOX 512 LEHIGH ACRES FL 33970	23-44-26-08-00021.0180 15506 HOMESTEAD RD LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 1 BLK 21 PB 15 PG 64 LOT 18	104
FLORIDA SUN + PALMS CORP PO BOX 512 LEHIGH ACRES FL 33970	23-44-26-08-00021.0190 15504 HOMESTEAD RD LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 1 BLK 21 PB 15 PG 64 LOTS 19 + 20	105
FLORIDA SUN + PALMS CORP PO BOX 512 LEHIGH ACRES FL 33970	23-44-26-08-00021.0210 15500 HOMESTEAD RD LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 1 BLK 21 PB 15 PG 64 LOT 21	106

106 RECORDS PRINTED



COURTESY NOTICE TO ADJACENT PROPERTY OWNERS OF RECEIPT OF ZONING APPLICATION

Date: March 23, 2005

Case Number: DCI2005-00027

Case Name: BUCKINGHAM VILLAGES

Request: Rezone 59.39+/- acres from Agriculture (AG-2) and Single-Family Residential (RS-1) to Residential Planned Development (RPD) to allow a 631 Multi-Family dwelling units development located at 15320 Homestead Road. Bonus Density is requested in case number REZ2005-00004. No Blasting is requested.

Location: 15320 Homestead Road, Lehigh Acres, FL 33905

Location Map: SEE REVERSE

PROPERTY OWNER'S REPRESENTATIVE: MR. AL QUATTRONE
QUATTRONE AND ASSOC.

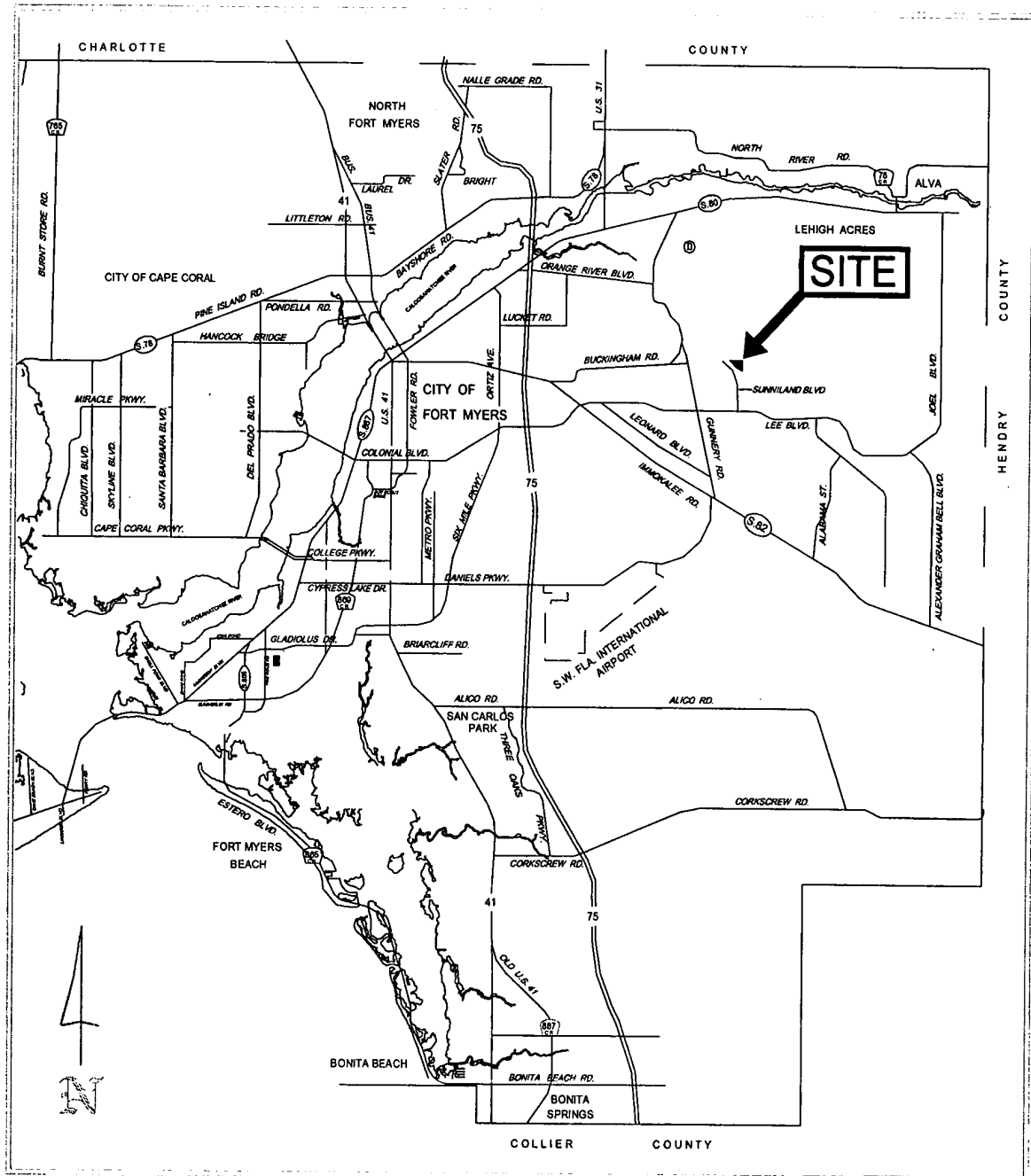
Lee County Planner: Josh Philpott
(239) 479-8365

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

EXHIBIT 6-B
Area Location Map
Request for Rezoning from AG-2 to RPD
Buckingham Villages



LOCATION MAP

RECEIVED
MAR 11 2005

DCI 2005 00027

PERMIT COUNTER

14-44-26-00-00001.0000
EAST COUNTY WATER CONTROL DIST
601 EAST COUNTY LN
LEHIGH ACRES, FL 33936

~~15-44-26-00-00005.0000
EAST COUNTY WATER CONTROL DIST
601 EAST COUNTY LN
LEHIGH ACRES, FL 33936~~

~~22-44-26-00-00004.0000
MARIAN LAND COMPANY
PO BOX 10
MAPLEWOOD, NJ 07040~~

22-44-26-02-00014.0020
SEMKO PETER J JR + ELOISE J
214 RAINBOW DR
BLOOMINGDALE, OH 43910

22-44-26-02-00014.0040
HUANG CAROL HSIHSIN
901 SW 176TH AVE
PEMBROKE PINES, FL 33029

22-44-26-02-00014.0060
FIRST HOME BUILDERS OF FLORIDA
2503 DEL PRADO BLVD STE 300
CAPE CORAL, FL 33904

22-44-26-02-00014.0080
BORGES LEIDY
2680 W 60 STREET
MIAMI, FL 33016

22-44-26-02-00014.0100
ROCCO RICHARD C + LUCILLE M
18590 SAN QUENTIN DR
LATHRUP VILLAGE, MI 48076

22-44-26-02-00015.0020
JIMENEZ FERNANDO TR
7821 BUCKINGHAM RD
FORT MYERS, FL 33905

22-44-26-02-00015.0040
WOOD STEVEN P + CYNTHIA A
100 DOROTHY
MORO, IL 62067

15-44-26-00-00003.0000
MARIAN LAND CO
PO BOX 10
MAPLEWOOD, NJ 07040

15-44-26-01-00017.0110
LEE CO MOSQUITO CONTROL DIST
P O BOX 60005
FT MYERS, FL 33906

22-44-26-02-00014.0010
PARRIS LEON A
2315 RODMAN ST
HOLLYWOOD, FL 33020

22-44-26-02-00014.0030
HUANG CAROL HSIHSIN
901 SW 176TH AVE
PEMBROKE PINES, FL 33029

22-44-26-02-00014.0050
BERMUDEZ OSVALDO J +
3908 WEST PARK RD
HOLLYWOOD, FL 33021

22-44-26-02-00014.0070
RICHARDSON JANET
15738 W CIMARRON DR
SURPRISE, AZ 85374

22-44-26-02-00014.0090
WALSH R N + ALICE P
1579 HUNTERS CREEK DR
CANTONMENT, FL 32533

22-44-26-02-00015.0010
MILLS BONNIE K
524 S RICHMOND ST
HARTFORD CITY, IN 47348

22-44-26-02-00015.0030
ORTIZ JUAN J +
2055 SW 122 AVE #417
MIAMI, FL 33175

22-44-26-02-00015.0050
NOSAR RAIMUNDO + MARTHA
7699 WEST 36TH AVE #8
HIALEAH, FL 33018

22-44-26-02-00015.0060
HOUSING + LAND IMPROVEMENT CO
320 NORWOOD TR #N213
BOCA RATON, FL 33431

22-44-26-02-00015.0080
~~FIRST HOME BUILDERS OF FLORIDA~~
~~2503 DEL PRADO BLVD STE 300~~
~~CAPE CORAL, FL 33904~~

22-44-26-02-00015.0100
HAMMOND LORETTA D
47780 HARBOR DR
CHESTERFIELD, MI 48047

22-44-26-02-00015.0120
LOPEZ LAZARO J
5212 19TH PL SW
NAPLES, FL 34116

22-44-26-02-00015.0140
ALI FAROUK + ZALINA
163 BEDFORD G
WEST PALM BEACH, FL 33417

22-44-26-02-00015.0160
WOODS SHARI +
PO BOX 721
ADA, MI 49301

22-44-26-02-00015.0180
~~FIRST HOME BUILDERS OF FLORIDA~~
~~2503 DEL PRADO BLVD STE 300~~
~~CAPE CORAL, FL 33904~~

22-44-26-02-00015.0200
TUCKER-GAINER MILDRED G
1989 BISCAYNE DR
WINTER PARK, FL 32789

22-44-26-02-00016.0020
FONTAINE MIACAISSÉ
7050 NW 44TH ST #506
LAUDERHILL, FL 33319

22-44-26-02-00016.0040
~~POMALES ANA +~~
~~458 S SECOND AV~~
~~MT VERNON, NY 10550~~

22-44-26-02-00015.0070
CLARK RICHARD A
1090 HIGHWAY 41 S
BARNESVILLE, GA 30204

22-44-26-02-00015.0090
ADAMS HOMES OF NW FLORIDA INC
3000 GULF BREEZE PKWY
GULF BREEZE, FL 32561

22-44-26-02-00015.0110
DIONES ROMULO B + ODESA B
40046 FRASER DR
STERLING HEIGHTS, MI 48310

22-44-26-02-00015.0130
STERBANK JAYNE
4745 HEATHER STONE RD
BETTENDORF, IA 52722

22-44-26-02-00015.0150
~~FIRST HOME BUILDERS OF FLORIDA~~
~~2503 DEL PRADO BLVD STE 300~~
~~CAPE CORAL, FL 33904~~

22-44-26-02-00015.0170
BRETTWESTON CORPORATION
6635 WILLOW PARK DR
NAPLES, FL 34109

22-44-26-02-00015.0190
SHOULDERS RICHARD + JULIANNE Y
12152 STATE ROUTE 359
WAVERLY, KY 42462

22-44-26-02-00016.0010
SEITLER RICHARD P + REBECCA
HC 15 BOX 5A
ROCKSPRINGS, TX 78880

22-44-26-02-00016.0030
POMALES ANA +
458 S SECOND AV
MT VERNON, VT 10550

22-44-26-02-00016.0050
SNYDER CAROL
PO BOX 101666
CAPE CORAL, FL 33910

22-44-26-02-00016.0070
CRUZ GREGORIO DELACRUZ
1931 48TH ST SW
NAPLES, FL 34116

22-44-26-02-00016.0090
SURIEL WIBER Y +
805 BERT AVE N
LEHIGH ACRES, FL 33971

22-44-26-02-00016.0110
ESPINDA LEONARD M + JEANETTE M
C/O LEO ESPINDA
46-316 KAUHAA PL
KANE OHE, HI 96744

22-44-26-02-00016.0140
MAYOR CONSTRUCTION OF NAPLES
211 14TH ST NE
NAPLES, FL 34120

22-44-26-02-00016.0160
DRUE CORP
6635 WILLOW PARK DR
NAPLES, FL 34109

22-44-26-02-00016.0180
DRUE CORP
6635 WILLOW PARK DR
NAPLES, FL 34109

22-44-26-02-00016.0200
BUADO YVONIE P
YVONIE P WEISINGER
1703 COBBLESTONE CT
RICHMOND, TX 77469

22-44-26-02-00016.0230
GONZALES ANTHONY JR + FRANCES
4922 W 134TH PL
HAWTHORNE, CA 90250

22-44-26-02-00017.0010
MEETER JOHN + JOAN E
23034 PASEO DETERRADO
UNIT 1
DIAMOND BAR, CA 91765

22-44-26-02-00017.0030
RAICHURA S V & KUMUD
C/O N V RAICHURA
309 WHITCLIFF CT
GAITHERSBURG, MD 20878

22-44-26-02-00016.0080
CRUZ GREGORIO DELACRUZ
1931 48TH ST SW
NAPLES, FL 34116

22-44-26-02-00016.0100
HILL JAMES D + GISELE F TR
9942 GULFSTREAM BLVD
ENGLEWOOD, FL 34224

22-44-26-02-00016.0130
TIMOTHY PROPERTIES INC
3949 EVANS AVE STE 205
FORT MYERS, FL 33901

22-44-26-02-00016.0150
MARONDA HOMES INC
5902 BRECKENRIDGE PKWY
TAMPA, FL 33610

22-44-26-02-00016.0170
DRUE CORP
6635 WILLOW PARK DR
NAPLES, FL 34109

22-44-26-02-00016.0190
BUADO YVONIE P
YVONIE P WEISINGER
1703 COBBLESTONE CT
RICHMOND, TX 77469

22-44-26-02-00016.0210
CREARY ELAINE +
504 GREENWOOD AVE
LEHIGH ACRES, FL 33972

22-44-26-02-00016.0240
RACZKOWSKI STAN
623 SIERRA CRES SW
CALGARY, AB T2W 1S4
CANADA

22-44-26-02-00017.0020
RAICHURA S V & KUMUD
C/O N V RAICHURA
309 WHITCLIFF CT
GAITHERSBURG, MD 20878

22-44-26-02-00017.0040
FIRST HOME BUILDERS OF FLORIDA
2503 DEL PRADO BLVD STE 300
CAPE CORAL, FL 33904

22-44-26-02-00017.0050
GRECO CARL
3949 EVANS AVE #205
FORT MYERS, FL 33901

22-44-26-02-00017.0070
GORTON PATRICIA R
1952 BETHANY PL
NAPLES, FL 34109

22-44-26-02-00017.0090
ADONIS DEBRA
221 PURITAN RD
WEST PALM BEACH, FL 33405

22-44-26-02-00017.0120
ROCHOWIAK LEONARD E +
3369 APACHE TRL
PINCKNEY, MI 48169

22-44-26-03-00001.0020
MAYOR CONSTRUCTION OF NAPLES
211 14TH ST NE
NAPLES, FL 34120

22-44-26-03-00001.0040
GALLAGHER MICHAEL J + JOY
630 PETERSBURG RD
PETERSBURG, NJ 08270

22-44-26-03-00001.0060
KONIECZKI DOMINIC E +
497 BETHANY VILLAGE CIR
LEHIGH ACRES, FL 33936

22-44-26-03-00002.0080
COURT JASON + JENNIFER
6550 ARBOR AVE
FORT MYERS, FL 33905

22-44-26-03-00002.0100
SYDNI CORPORATION
6635 WILLOW PARK DR
NAPLES, FL 34109

22-44-26-03-00002.0170
MAYOR CONSTRUCTION OF NAPLES
211 14TH ST NE
NAPLES, FL 34120

22-44-26-02-00017.0060
BRANNON DENNIS + DEBBIE
8219 HOLLYLEAF DR
SPRING, TX 77379

22-44-26-02-00017.0080
DOYLE PATRICK D +
1201 E PARK BLVD APT 1726
PLANO, TX 75074

22-44-26-02-00017.0110
DAVIS HAROLD B + MARTHA R TR
1801 E LUDLOW DR
PHOENIX, AZ 85022

22-44-26-03-00001.0010
COX WALTER T + M JEAN
682 NANCY DR
COLDWATER, MI 49036

22-44-26-03-00001.0030
MATO SANTIAGO + DONATILA
2080 16TH AVE SW
NAPLES, FL 34117

22-44-26-03-00001.0050
NICKERSON CAROL ANN
1223 BROOKLINE DR
CANTON, MI 48187

22-44-26-03-00001.A000
CHESTER PAUL + JACKLYN
496 MICHELE DR
WEST CHESTER, PA 19380

22-44-26-03-00002.0090
DIEUJUSTE RICOT + ANNE
131 19TH ST NW
NAPLES, FL 34120

22-44-26-03-00002.0160
GATTER JOHN M + PEGGY A
14940 AUBREY
REDFORD, MI 48239

22-44-26-03-00002.0180
GUTIERREZ NOSLEN RUIZ
9591 FONTAINBLEAU BLVD #2211
MIAMI, FL 33172

22-44-26-03-00002.0190
RP III CONSTRUCTION INC
2080 KEANE AVE
NAPLES, FL 34117

22-44-26-03-00002.0210
RAMOS JOSE + KAREN
36 SW 17TH PL
CAPE CORAL, FL 33991

~~22-44-26-03-00002.0230~~
FIRST HOME BUILDERS OF FLORIDA
~~2503 DEL PRADO BLVD STE 300~~
CAPE CORAL, FL 33904

22-44-26-03-00002.0250
NEMCHIK JAMES A +
153 STARLITE RD
LEMONT FURNACE, PA 15456

22-44-26-03-00002.0270
WATKINS ERNEST
704 MEDLOCK RD
DECATUR, GA 30033

22-44-26-04-00021.0020
LEHIGH HOLDING CO LLC
C/O REED DEVELOPMENT CO
5130 MAIN ST STE 6
NEW PORT RICHEY, FL 34652

22-44-26-04-00028.0210
PIERCY ROBERT J + L FAYE
BOX 280
MILDEN, SK S0L 2L0
CANADA

23-44-26-08-00020.0000
LEE COUNTY DIST SCHOOL BOARD
2055 CENTRAL AVE
FORT MYERS, FL 33901

23-44-26-08-00021.0030
REDDIN MICHAEL L
10310 W C R 700 SOUTH
MIDDLETON, IN 47356

23-44-26-08-00021.0050
FIORELLI SARAH
303 CONTESTOGA DR
BRAMPTON, ON L6W 2R3
CANADA

22-44-26-03-00002.0200
ALLEN JOHN MICHAEL
140 CHERRY VALLEY DR #D23
INKSTER, MI 48141

22-44-26-03-00002.0220
RIVERSTONE INVESTMENTS
10971 NW 12TH CRT
PLANTATION, FL 33322

22-44-26-03-00002.0240
MILLER W D + MILDRED E
29 BAYOU SHADOWS ST
HOUSTON, TX 44024

22-44-26-03-00002.0260
GROFF CONSTRUCTION INC
PO BOX 1450
LEHIGH ACRES, FL 33970

22-44-26-04-00021.0010
YOUNG DEBORAH B
12380 ORANGE BLVD
WEST PALM BEACH, FL 33412

22-44-26-04-00028.0200
SMOOT ISHMELL SR +
304 S LABURNUM AV
RICHMOND, VA 23223

22-44-26-04-00028.0220
~~FIRST HOME BUILDERS OF FLORIDA~~
~~2503 DEL PRADO BLVD STE 300~~
CAPE CORAL, FL 33904

23-44-26-08-00020.0010
~~EAST COUNTY WATER CONTROL DIST~~
~~601 EAST COUNTY LN~~
LEHIGH ACRES, FL 33936

23-44-26-08-00021.0040
DRUE CORP
6635 WILLOW PARK DR
NAPLES, FL 34109

23-44-26-08-00021.0060
BUTLER RONALD E + ANNETTE L
4647 GOODISON PL DR
OAKLAND TWP, MI 48306

23-44-26-08-00021.0150
QUERTINIER JEAN-PAUL
RUE DU ROI ALBERT 10
B-5600 TAMINES,
BELGIUM

23-44-26-08-00021.0170
PALMER WINDEL +
~~1383 SCOTTSDALE RD E~~
~~WEST PALM BEACH, FL 33417~~

23-44-26-08-00021.0190
FLORIDA SUN + PALMS CORP
~~PO BOX 512~~
~~LEHIGH ACRES, FL 33970~~

23-44-26-08-00021.0160
PALMER WINDEL +
1333 SCOTTSDALE RD E
WEST PALM BEACH, FL 33417

23-44-26-08-00021.0180
FLORIDA SUN + PALMS CORP
PO BOX 512
LEHIGH ACRES, FL 33970

23-44-26-08-00021.0210
~~FLORIDA SUN + PALMS CORP~~
~~PO BOX 512~~
~~LEHIGH ACRES, FL 33970~~