



# GIS Tracking Sheet

Case No.: DLI 2005-00075

Intake Date:

Project Name: BUCKINGHAM 320

STRAP Number(s): 33-43-26-00-00004.0000, .0010  
32-43-26-00-00003.0000

Planner Name: \_\_\_\_\_ Ext. \_\_\_\_\_

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## LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING

Date:

INTAKE:

LEGAL SUFFICIENT

☐ YES

☐ NO

Initials: \_\_\_\_\_

If not, give brief explanation:

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## MAP UPDATE following FINAL ACTION

Date: 18 JAN 06

☐ Hearing Examiner Decision



Board of County Commissioner's Resolution

☐ Administrative Approval

☐

Blue Sheet

Zoning Notes: Z-05-076, DLI 2005-00075, 03 OCT 05, BUCKINGHAM 320 RPD,  
MASTER CONCEPT PLAN EXTENDED TO DEC 4, 2006.

MAP UPDATED

YES

☐ NO

Initials: hjj

If not, give brief explanation:

Note to RPD: 000073 + RPD: 000070

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

WHEREAS, an application was filed by Lee County Homes Associate I, LLLP to extend the duration of the Master Concept Plan (MCP) rights, in accordance with LDC §34-381, for an additional 12 months to December 4, 2006; and

WHEREAS, the Master Concept Plan for Buckingham RPD was originally approved by the Board of County Commissioners on December 4, 2004 as an attachment to Resolution Z-00-029 which allows 640 single-family dwelling units on 325 acres; and

WHEREAS, zoning Resolution Z-00-029 was subsequently amended administratively by ADD2003-00067 to refine the controlling MCP, which is attached to this resolution as Exhibit "A".

WHEREAS, the subject parcel currently supports a hay farming operation and other agricultural uses consistent with the existing agricultural exemption; and

WHEREAS, in December 2004, Lee County received an application to amend the Buckingham 320 RPD zoning resolution; and

WHEREAS, the requested MCP extension is necessary to allow the developer to pursue development order approval for the site preparation phases of development while the pending zoning application makes its way through the hearing process; and

WHEREAS, Staff has reviewed the request for MCP extension in light of the criteria set forth in LDC §34-381(c)(1)(b) and recommends approval of the extension.

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

1. The MCP attached as Exhibit "A" is consistent with the current Lee Plan.
2. The attached MCP and supporting zoning conditions set forth in Resolution Z-00-029 allow development that is compatible with existing an approved development in the surrounding neighborhood and the Fort Myers Shores planning community.
3. Extension of the effective duration of the MCP will not, by itself or in conjunction with existing and approved development, place an unreasonable burden on essential public facilities.
4. The required development order implementing the MCP adopted under Resolution Z-00-029, as amended, has not been approved for reasons that are reasonably beyond the control of the applicant and, the applicant is diligently pursuing approval of the required development order.

**COPY**

5. The subject property is located at 3621 Buckingham Road, Fort Myers, Florida and legally described in Exhibit B.
6. The MCP attached as Exhibit A for Buckingham 320 RPD, as adopted by Resolution Z-00-029, is hereby extended from December 4, 2002 to December 4, 2006.

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

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

DULY PASSED AND ADOPTED this 3<sup>rd</sup> day of October 2005.

ATTEST:  
CHARLIE GREEN, CLERK

BY: *Sara Pierce*  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: *W. Hall*  
Vice Chairman

Approved as to form by:

*Dawn E. Perry-Lehnert*  
Dawn E. Perry-Lehnert  
County Attorney's Office



Attachments

Exhibit A - MCP for Buckingham 320  
Exhibit B - Legal description and sketch

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MINUTES OFFICE  
2005 OCT 27 PM 4:29





PROPERTY DESCRIPTION

THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, LYING EAST OF FORT MYERS BUCKINGHAM HIGHWAY THROUGH SAID SECTION; ALSO THAT PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER (OF SECTION 33) LYING EAST OF FORT MYERS BUCKINGHAM HIGHWAY THROUGH SAID LAND; ALSO, THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (OF SECTION 33) AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (OF SECTION 33) AND THE SOUTH HALF OF THE SOUTH HALF OF SECTION 33; ALL OF SAID LAND BEING IN TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; ALSO THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER LYING EASTERLY OF FORT MYERS BUCKINGHAM HIGHWAY IN SECTION 32, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA LESS AND EXCEPT PARCEL AS DESCRIBED IN OFFICIAL RECORD BOOK 1616, PAGE 2070, BUT INCLUDING THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER; AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LYING EAST OF BUCKINGHAM ROAD.

TOGETHER WITH

THE SOUTH HALF OF THE NORTHWEST QUARTER; AND THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER; AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER; AND THE SOUTH HALF OF THE SOUTH HALF OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA.

LESS AND EXCEPT

THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER AND THE WEST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33.

ALSO BEING DESCRIBED AS:

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

BEGIN AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.89°06'45"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 2647.58 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 33; THENCE RUN S.89°06'35"W., ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 2647.40 FEET, TO THE SOUTHWEST CORNER OF SAID SECTION 33; THENCE RUN N.00°56'26"W., ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1329.87 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S.89°35'38"W., ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 43 SOUTH, RANGE 26 EAST, FOR A DISTANCE OF 978.47 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF BUCKINGHAM ROAD, A 60.00 FOOT RIGHT-OF-WAY; THENCE RUN N.24°23'58"E., ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF BUCKINGHAM ROAD, FOR A DISTANCE OF 2286.09 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S.00°56'26"E., ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 80.68 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N.89°04'22"E., ALONG THE NORTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1498.70 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA.

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NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N.00°46'36"W., ALONG THE WEST LINE OF THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 662.58 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N.89°09'14"E., ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1167.13 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S.00°38'54"E., ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1321.87 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S.88°59'29"W., ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1330.50 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S.00°47'40"E., ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1331.24 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N.89°03'02"E., ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1327.10 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N.89°03'03"E., ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1322.10 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE RUN N.00°43'16"W., ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1333.99 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE RUN N.88°59'29"E., ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1320.42 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 33; THENCE RUN S.00°47'37"E., ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 2670.83 FEET TO THE POINT OF BEGINNING; CONTAINING 324.657 ACRES, MORE OR LESS.

## NOTES:

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

BEARINGS REFER TO STATE PLANE FLORIDA WEST ZONE NORTH AMERICAN DATUM 1983, 1990 ADJUSTMENT, WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, BEING S.89°06'45"W.

THE FRACTIONAL PORTION OF THE PROPERTY DESCRIPTION SHOWN HEREON WAS PROVIDED BY CLIENT AS CONTAINED IN TITLE INSURANCE COMMITMENT PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY.

PROPERTY AREA: 324.646 ACRES, MORE OR LESS

HOLE MONTES, INC.  
CERTIFICATION OF AUTHORIZATION LB #1772

Applicant's Legal Checked  
by [Signature] 21 AUG 03

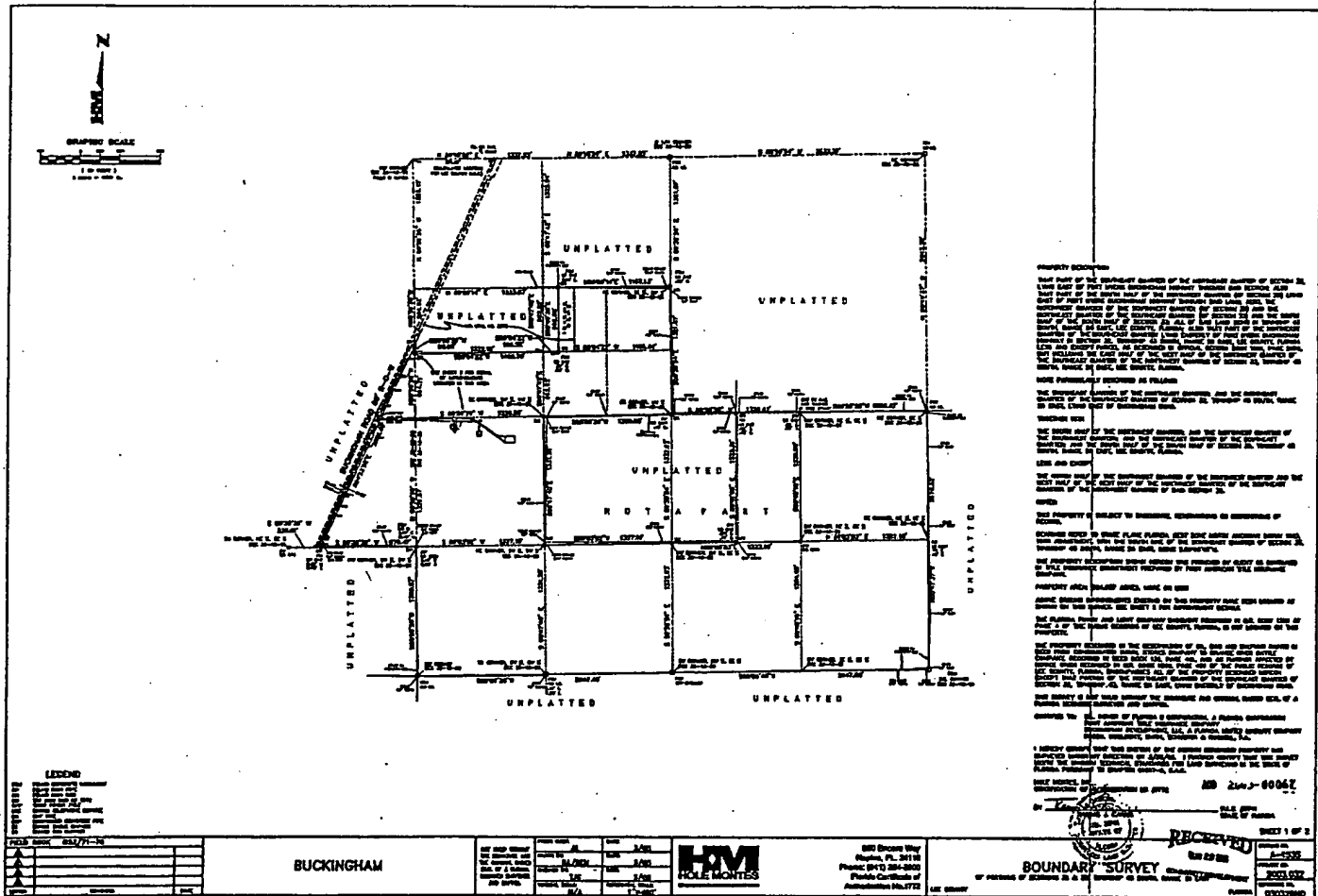
BY [Signature] P.S.M. #6130  
JERRY L. RIFFELMACHER STATE OF FLORIDA

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**MEMORANDUM**  
**FROM THE**  
**DEPARTMENT OF**  
**COMMUNITY DEVELOPMENT**  
**ZONING DIVISION**

**DATE:** September 20, 2005

**TO:** Zoning File - DCI2005-00075

**FROM:** Jamie Princing

**RE:** Notice of Public Hearing - October 6, 2005  
Lee County Board of County Commissioners Meeting  
for DCI2005-00075/Buckingham 320

There were **NO** participants  
according to the recommendation, therefore a  
**NOTICE TO PARTICIPANT** will not be necessary  
to create and mail.



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Bob Janes  
District One

September 14, 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

**MS. BEVERLY GRADY  
ROETZEL & ANDRESS  
2320 FIRST ST  
FORT MYERS, FL 33901**

**RE: Agenda Schedule for BUCKINGHAM 320 RPD  
Case No. DCI2005-00075**

Dear MS. BEVERLY GRADY :

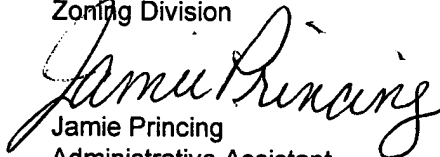
Your zoning request has been scheduled before the Board of County Commissioners to take final action after reviewing the Hearing Examiner's recommendation.

**DATE & TIME:** Monday, October 3, 2005. Meeting commences at 9:30 a.m.

**LOCATION:** Commissioners' Meeting Room  
2120 Main Street  
Ft. Myers, Florida

Call if you have any questions.

**DEPARTMENT OF COMMUNITY DEVELOPMENT  
Zoning Division**

  
Jamie Prining  
Administrative Assistant

**cc: LEE COUNTY HOMES I LLLP  
BEVERLY GRADY, ROETZEL & ANDRESS, LPA  
Tony Palermo, Senior Planner  
Zoning File**



LEE COUNTY  
SOUTHWEST FLORIDA

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J

## APPLICATION FOR MASTER CONCEPT PLAN EXTENSION

NOTE: This application form is to be utilized for requests for extensions which must be filed not more than one (1) year and no fewer than 120 days prior to the date that the current Master Concept Plan vacates [Sec. 34-381(c)]. An extension may not add new uses or increase density or intensity of the Master Concept Plan. Such changes require an application in accordance with section 34-373 et. seq. Vacated Master Concept Plans may not be extended but may be subject to reinstatement [Sec. 34-381(d)].

Applicant's Name: Lee County Homes Associates I, LLLP Phone # 954-753-1730  
Project Name: Buckingham 320  
Project Case Number: DCI964568; ADD2003-00067  
STRAP Number(s): 33-43-26-00-00004.0000 32-43-26-00-00003.0000 33-43-26-00-00004.0010

\*\*\*\*\*  
STAFF USE ONLY

Case Number: DCI2005-00075 Commission District: 5  
Current Zoning: RPD Fee Amount: 1800-  
Land Use Classification: Outlying Sub. Intake by: J  
Planning Community: Ft. Myers Shores

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



**F.1. Authorized Agent:** This is the person who will receive all county-initiated correspondence regarding this application. [34-202(b)(1)c.]

Company Name: Roetzel & Andress, LPA

Address: 2320 First Street, Ft. Myers FL 33901

Contact Person: Beverly Grady

Phone Number: 337-3850

Fax Number: 337-0970

E-mail: bgrady@ralaw.com

**F.2. Additional Agent(s):** List the names of other authorized agents the county may contact concerning this application. [34-202(b)(1)c.]

F.2.a. Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

F.2.b. Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

F.2.c. Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

F.2.d. Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

**PART II  
GENERAL INFORMATION**

**A. Action Requested - Please describe requested action.**

to extend the time of the Master Concept Plan approved on December 4, 2000, and as amended  
on August 25, 2003, for 12 months to December 4, 2006.

**B. Legal Description, Boundary Survey, Certified sketch of description**

B.1. X Attached is a legible copy of the legal description labeled **Exhibit II-B-1.A.** [34-202(a)(1)]

           Attached is an electronic copy of the legal description labeled **Exhibit II-B-1.B.**

B.2. X Attached is a boundary survey or certified sketch of description meeting the minimum technical standards set out in chapter 61G 17-6.006 FAC. labeled **Exhibit II-B-2.** [34-202(a)(2)]

B.3.            The property consists only of one or more undivided lots within a platted subdivision recorded in the Official Plat Books of Lee County. Attached is a copy of the Plat Book Page labeled **Exhibit II-B-3,** with the subject property clearly marked. [34-202(a)(2)]

B.4. **Subdivision Name:** n/a

Plat Book:            Page            Unit            Block            Lot(s)           

Section:            Township            Range           

B.5. **STRAP Number:** 33-43-26-00-00004.0000 32-43-26-00-00003.0000

33-43-26-00-00004.0010

**C. Property Location**

C.1. **Project Street Address:** 3621 Buckingham Road

C.2. **General Location Of Property:** Located on the East side of Buckingham Road, south of Palm  
Beach Blvd.

**D. Notice Information**

D.1. X Planning Community(ies) in which located: Fort Myers Shores

D.2. X Area Location Map: An area location map, 8 by 11 inches in size, is attached as **Exhibit II-D-2:**  
[34-202(a)(4)]

D.3. X A list of surrounding property owners is attached as **Exhibit II-D-3.** [34-202(a)(6)]

D.4. X A map displaying all surrounding parcels attached as **Exhibit II-D-4.** [34-202(a)(7)]

D.5. X Two copies of mailing labels attached as **Exhibit II-D-5.**

**E. Present Use of Property**

E.1. Please indicate if any development orders have been issue on the property. \_\_\_\_\_ YES  
\_\_\_\_\_ ☒ NO If YES, please provide the Case Number(s)

E.2. Briefly describe current use of the property: leased to David W. Meloy for agricultural use

**PART III OTHER INFORMATION**

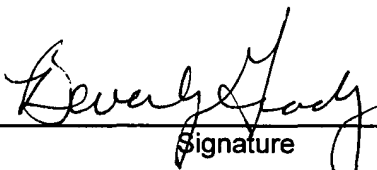
- A. Provide current copies of the approved version of the Master Concept Plan reflecting the uses, deviations and other modifications set forth in the approving resolution (see section 34-377(b)(6) & 7). The Plan must be in accordance with sections 34-201 and 34-202. Label as Exhibit III-A. [34-381(c)(1)a.ii]
- B. Provide current copies of the approved planned development Zoning Resolution and all amending Resolutions. Label as Exhibit III-B. [34-381(c)(1)a.iii]
- C. Provide a current Traffic Impact statement (TIS) prepared pursuant to section 34-373(a)(7). Label as Exhibit II-C. [34-381(c)(1)a.iv.]
- D. Provide a narrative explaining why the required Development Order(s) has not been approved and a chronology documenting that the required development Order(s) has been diligently pursued. Label as Exhibit III-D. [34-381(c)(1)a.vi.]
- E. Provide a narrative demonstrating how the Master Concept Plan is consistent with the current Lee Plan. Label as exhibit III-E. [34-381(c)(1)a.iv & 34-381(c)(1)b.i.]
- F. Provide a narrative showing how the Master Concept plan is compatible with the existing and approved development in the Planning Community. Label as Exhibit III-F. [34-381(c)(1)a.iv & 34-381(c)(1)b.ii.]
- G. Provide a narrative describing how the Master Concept Plan will not, by itself or in conjunction with existing and approved development, place an undue burden on essential public facilities. Label as Exhibit III-G. [34-381(c)(1)a.iv & 34-381(c)(1)b.iii.]
- H. Provide a description showing that the reasons the required Development Order(s) is not approved is reasonably beyond the control of the applicant and the applicant is diligently pursuing the required development order(s). [34-381(c)(1)a.iv & 34-381(c)(1)b.iv.]

PART IV. AFFIDAVIT A1

**AFFIDAVIT FOR PUBLIC HEARING  
APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT**

I, Beverly Grady, Roetzel & Andress, LPA, swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

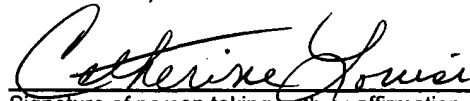
  
Signature

Beverly Grady, Roetzel & Andress, LPA  
(Type or printed name)

STATE OF FLORIDA

COUNTY OF LEE

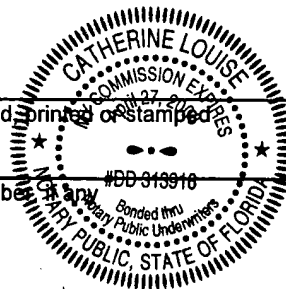
The foregoing instrument was sworn to (or affirmed) and subscribed before me this 1<sup>st</sup> day of August, 2005 (date) by Beverly Grady, Roetzel & Andress, LPA (name of person providing oath or affirmation), who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification.

  
Signature of person taking oath or affirmation

\_\_\_\_\_  
Title or rank

\_\_\_\_\_  
Name typed, printed or stamped

\_\_\_\_\_  
Serial number



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**PART V  
SUBMITTAL REQUIREMENTS**

	TYPE OF APPLICATION	Copies	Exhibit	Item
	Extension of MCP	6		Completed application [34-381(c)(1)a.]
	Extension of MCP	6	Part III; A1 or A2	Applicant's Affidavit of Authorization [34-202(b)(1)b]
	Extension of MCP	2	I-A-3	Copy of Blue Sheet (if County initiated application)
	Extension of MCP	2	I-C-2	Subject property owners list [34-202(a)(5)]
	Extension of MCP	2	I-D-1 & I-D-2	Disclosure Form (if applicable) [34-201(b)(2)]
	Extension of MCP	2	I-E-1	Deed Restrictions [34-202(b)(2)]
	Extension of MCP	2	I-E-2	Deed Restrictions Narrative [34-202(b)(2)]
	Extension of MCP	2	II-B-1-A	Legal Description [34-202(a)(1)]
	Extension of MCP	1	II-B-1-B	Electronic version of legal description
	Extension of MCP	2	II-B-2	Boundary Survey or Certified Sketch [34-202(a)(2)]
	Extension of MCP	2	II-B-3	Plat Book Page [34-201(a)(1)]
	Extension of MCP	2	II-D-2	Area Location Map on 8 ½ by 11 paper [34-202(a)(4)]
	Extension of MCP	2	II-D-3	Surrounding Property Owners List [34-202(a)(6)]
	Extension of MCP	2	II-D-4	Surrounding Parcels Map [34-202(a)(7)]
	Extension of MCP	2	II-D-5	Mailing Labels (sets)
	Extension of MCP	6	III-A	Approved Master Concept Plan [34-381(c)(1)a.ii.]
	Extension of MCP	6	III-B	Zoning Resolution & amendments [34-381(c)(1)a.iii.]
	Extension of MCP	6	III-C	Current Traffic Impact Statement [34-381(c)(1)a.v.]
	Extension of MCP	6	III-D	Narrative Re: Pursuit of Dev. Order [34-381(1)a.vi)]
	Extension of MCP	6	III-E	Narrative Re: Lee Plan Consistency [34-381(c)(1)b.i]
	Extension of MCP	6	III-F	Narrative Re; MCP compatibility [34-381(c)(1)b.ii]
	Extension of MCP	6	III-G	Narrative Re: Public facilities [34-381(c)(1)b.iii.]
	Extension of MCP	6	III-H	Reasons DO(s) is not approved [34-381(c)(1)b.iv]

**LETTER OF AUTHORIZATION  
TO LEE COUNTY COMMUNITY DEVELOPMENT**

The undersigned does hereby swear or affirm that it is the fee simple titleholder and owner of the properties commonly known as: 3621 Buckingham Road, Strap Nos. 33-43-26-00-00004.0000, 32-43-26-00-00003.0000; 33-43-26-00-00004.0010, and legally described in Exhibit A attached hereto.

The undersigned hereby designates **Beverly Grady on behalf of Roetzel & Andress, a Legal Professional Association.**, to be an agent of an application for Planned Development.

**Lee County Homes Associates I, LLLP, A Florida Limited Partnership**

By: Lee County Homes I Corporation  
Its: GENERAL PARTNER

BY: \_\_\_\_\_

(Signature)

Alan Fant

Printed Name

Its: \_\_\_\_\_ (Title) Vice President

STATE OF FLORIDA  
COUNTY OF BROWARD

Sworn to (or affirmed) and subscribed before me this 29th day of July, 2005, by, Alan Fant, as Vice President, of Lee County Homes I Corporation, who is personally known to me or who has produced \_\_\_\_\_ as identification and who did (did not) take an oath.



Carol Deluca  
Signature of Notary Public

\_\_\_\_\_  
(Name typed, printed or stamped)

\*If more than one owner then all owners must sign. See explanation on back.

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DEC 2005-00075

**EXHIBIT I-D-1 or I-D-2  
DISCLOSURE OF INTEREST FORM FOR:**

**33-43-26-00-00004.0000**

**STRAP NO.** 32-43-26-00-00003.0000 **CASE NO.** \_\_\_\_\_

**33-43-26-00-00004.0010**

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, Address, and Office	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. **Lee County Homes Associates I, LLLP**

Name and Address	Percentage of Ownership
<b>Lee County Homes I Corporation</b>	<b>1%</b>
<b>1401 University Dr, #200</b>	_____
<b>Coral Springs FL 33071</b>	_____
_____	_____
<b>GL Homes Limited Corporation</b>	<b>99%</b>
<b>1401 University Dr, #200</b>	_____
<b>Coral Springs FL 33071</b>	_____
_____	_____
_____	_____

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, Address, & Office(if applicable)	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.

Signature: \_\_\_\_\_

(Applicant)

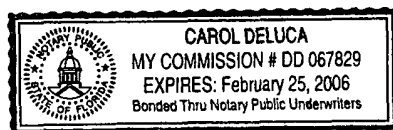
Alan Fant, Vice President

(Printed or typed name of applicant)

STATE OF FLORIDA

COUNTY OF ~~LEE~~ BROWARD

The foregoing instrument was acknowledged before me this 29th day of July 2005,  
by Alan Fant who is personally known to me or who has  
produced \_\_\_\_\_ as identification.



Carol DeLuca  
Signature of Notary Public

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2005-00075

## PROPERTY DESCRIPTION

THAT PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, LYING EAST OF FORT MYERS BUCKINGHAM HIGHWAY THROUGH SAID SECTION; ALSO THAT PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER (OF SECTION 33) LYING EAST OF FORT MYERS BUCKINGHAM HIGHWAY THROUGH SAID LAND; ALSO, THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER SECTION 33) AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (OF SECTION 33) AND THE SOUTH HALF OF THE SOUTH HALF OF SECTION 33; ALL OF SAID LAND BEING IN TOWNSHIP 43 SOUTH, RANGE 26 EAST LEE COUNTY, FLORIDA; ALSO THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER LYING EASTERLY OF FORT MYERS BUCKINGHAM HIGHWAY IN SECTION 32, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA LESS AND EXCEPT PARCEL AS DESCRIBED IN OFFICIAL RECORD BOOK 1616, PAGE 2070, BUT INCLUDING THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA.

### MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER; AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LYING EAST OF BUCKINGHAM ROAD.

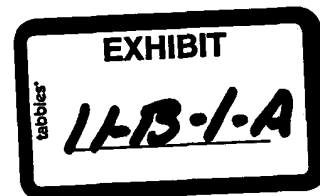
### TOGETHER WITH

THE SOUTH HALF OF THE NORTHWEST QUARTER; AND THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER; AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; AND THE SOUTH HALF OF THE SOUTH HALF OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA.

### LESS AND EXCEPT

THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER AND THE WEST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33.

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### ALSO BEING DESCRIBED AS:

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

BEGIN AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.89°06'45"W., ALONG THE SOUTH LINE OF SOUTHEAST QUARTER OF 2AID SECTION 33, FOR A DISTANCE OF 2647.58 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 33; THENCE RUN S.89°06'35"W., ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 2647.40 FEET, TO THE SOUTHWEST CORNER OF SAID SECTION 33; THENCE RUN N.00°56'26"W., ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1329.87 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S.89°35'38"W., ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 43 SOUTH, RANGE 26 EAST, FOR A DISTANCE OF 978.47 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF BUCKINGHAM ROAD, A 60 FOOT RIGHT-OF-WAY; THENCE RUN N. 24°23'58"E., ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF BUCKINGHAM ROAD, FOR A DISTANCE OF 2286.09 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S.00°56'26"E., ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 80.68 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N.89°04'22"E., ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1498.70 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N.00°46'36"W., ALONG THE WEST LINE OF THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 662.58 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, THENCE RUN N.89°09'14"E., ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1167.13 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, THENCE RUN S.00°38'54"E., ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1321.87 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S.88°59'29"W., ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1330.50 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S.00°47'40"E., ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1331.24 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N.89°03'02"E., ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1327.10 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N.89°03'03"E., ALONG THE NORTH LINE



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OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1322.10 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE RUN N.00°43'16"W., ALONG THE WEST LINE OF TH NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1333.99 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE RUN N.88°59'29"E., ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1320.42 FEET. TO THE EAST QUARTER CORNER OF SAID SECTION 33; THENCE RUN S.00°47'37"E., ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 2670.83 FEET TO THE POINT OF BEGINNING; CONTAINING 324.657 ACRES, MORE OR LESS.

AND

THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LYING AND BEING IN LEE COUNTY, FLORIDA. CONTAINING 20.225 ACRES, MORE OR LESS.

TKW CONSULTING ENGINEERS, INC.

SIGNED:

*Eric V. Sandoval*

ERIC V. SANDOVAL P.S.M

DATE:

11-16-04

STATE OF FLORIDA # 5223

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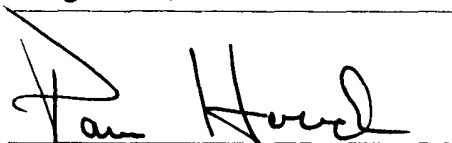
TKW CONSULTING ENGINEERS, INC.  
3000 WEST 10TH AVENUE  
SUITE 200  
DENVER, CO 80202  
TEL: 303.733.8800  
FAX: 303.733.8801  
WWW.TKWENGINEERS.COM

**MEMORANDUM**  
**FROM THE**  
**DEPARTMENT OF COMMUNITY DEVELOPMENT**  
**DIVISION OF ZONING**

**DATE:** August 26, 2005

**To:** The Lee County Board of  
County Commissioners

**FROM:**



Pam Houck, Zoning Director

**RE:** DCI2005-00075 BUCKINGHAM 320 - MCP EXTENSION REQUEST

This is a request to allow for a 12-month extension of the duration of rights for the approved Buckingham 320 Residential Planned Development (RPD) located at 3621 Buckingham Road, Fort Myers, FL.

Buckingham 320 RPD (#Z-00-029) was approved December 4, 2000 by the Lee County Board of County Commissioners for 640 dwelling units (single-family only) on 325 acres of land (1.97 dwelling units per acre). The property is currently used for hay farming and other agricultural uses (agricultural exemption on site).

On December 17, 2004 the Lee County Department of Community Development received an application to amend Buckingham 320 RPD to permit a maximum of 690 single-family dwelling units (an increase of 50 dwelling units) on 345 acres of land (20 acre addition of adjacent AG-zoned land). Buckingham 345 (DCI2004-00090) is scheduled for public hearing by the Lee County Hearing Examiner September 14, 2005.

The reason for this 12-month extension request is to allow the developer to pursue development orders for the first phases of development using the existing zoning approval, while the pending amendment goes through the process of staff review and public hearings. Without the 12-month extension, the developer runs the risk of losing development rights at the end of this year.

Per LDC Section 34-381(c)(1)(b), staff's findings are as follow:

1. The Master Concept Plan is CONSISTENT with the current Lee Plan;

**Staff Finding:**

The subject property is located within the Outlying Suburban Future Land Use category with a maximum of 2 units per acre. The current zoning allows for less than 2 units per acre. There are a number of appropriate conditions that protect the rural integrity of the community. Property to the north has been rezoned to Residential Planned Development (Portico RPD) and property to the east is still zoned Residential Planned Development (Hawks Haven/River Hall RPD). The property to the South is still under Agricultural (AG-2) zoning. To the west is the Verandah, which was rezoned to a Mixed Use Planned Development (MPD). This



development is consistent with those changes and with the goals and policies of the Lee Plan.

2. The Master Concept Plan is compatible with existing and approved development in the Fort Myers Shores planning community;

Staff Finding:

The approved Master Concept Plan is compatible with the existing and proposed uses. There are adequate buffers, setbacks and other conditions that make this development compatible with the uses and intensities approved with this planned development. Approval of this request is not expected to result in any incompatibilities with the adjoining properties or neighborhood.

3. The Master Concept Plan will not, by itself or in conjunction with existing and approved development, place an unreasonable burden on essential public facilities;

Staff Finding:

This development by itself or in conjunction with other development will not place an unreasonable burden on essential services in the area. The proposed development will pay impact fees and will be required to provide for any site-related improvements during the local development order process. The County approved an amendment to the Lee Plan CPA2002-04, changing the Future Land Use of this property from Suburban and Rural to all Outlying Suburban (2 units per acre maximum). Public facilities will be available to service this development. Development Services traffic analysis of Buckingham 345 (690 dwelling units) showed a Level of Service of "E" on Buckingham Road with the project, Level of Service "D" without it. Lee County Department of Transportation notes the future 4-laning of Buckingham Road is not on the current 2020 plans for roads. However, the 4-laning of this road will be reevaluated by the county later this calendar year.

4. The reasons the required development order is not approved is reasonably beyond the control of the applicant and the application is diligently pursuing approval of the required development order.

Staff Finding:

Subsequent to approval in December 2000, there were a series of planning activities relating to the property and to the Caloosahatchee Shores Community. The applicant is diligently pursuing activities to add property (20 acres), to amend the zoning and ultimately receive a development order on the property.

A Lee Plan amendment (CPA2002-04) was approved by the Board of County Commissioners October 23, 2003. Lee County Homes Associates I, LLLP closed on the 325 acres in March 2004. On May 27, 2004 the property owner entered into a contract to purchase a contiguous 20 acres. An amendment to develop the entire 345 acres was submitted to Lee County Community Development December 17, 2004. The application was found sufficient by staff May 26, 2005, and is scheduled for its first public hearing September 14, 2005.

TKW Engineering is in the process of preparing a development order application for a portion of the community. It seems reasonable to allow

a 12-month extension to allow a development order to be pursued for the preliminary phases while the zoning amendment is under consideration.

Staff recommends APPROVAL of the requested MCP extension to December 4, 2006.

cc. Tony Palermo, Senior Planner  
Dawn Lehnert, County Attorney's Office  
Kim Trebatoski, Environmental Sciences  
· Andy Getch, LCDOT

ATTACHMENTS

Resolution #Z-00-029  
Administrative Amendment #ADD2003-00067  
Applicant's Narrative  
Applicant's Traffic Impact Statement  
Development Services Traffic Analysis (Buckingham 345 RPD)

## RESOLUTION NUMBER Z-00-029

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

WHEREAS, an application was filed by the property owner, Thomas Gore, Trustee, to rezone a 325± parcel from Agricultural (AG-2) to Residential Planned Development (RPD); and

WHEREAS, a public hearing was advertised and held on May 24, 2000 before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI964568 fka 99-10-090.03Z; and

WHEREAS, a second public hearing was advertised and held on December 4, 2000 before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 325± acre parcel from AG-2 to RPD to allow a maximum of 1,320 dwelling units in a mix of housing types, with personal and private recreational facilities and a private club (no golf course). Buildings are not to exceed 35 feet in height within a maximum of three stories. The property is located in the Suburban, Rural and Wetlands Land Use Categories and legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions specified in Section B below.

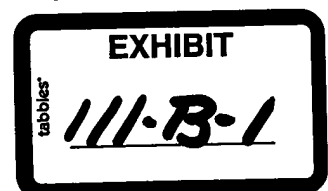
SECTION B. CONDITIONS:

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

1. The development of this project must be consistent with the one-page Master Concept Plan (MCP), entitled "Conceptual Site Plan-Buckingham 320 RPD," stamped received April 26, 2000, last revised April 26, 2000, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.
2. The following limits apply to the project and uses:

CASE NO:DCI964568 fka 99-10-090.03Z

Z-00-029  
Page 1 of 7



a. **Schedule of Uses**

Administrative Office

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

Club, private

Dwelling Units

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

Entrance Gates and Gatehouse

Excavation, Water Retention - not to include the removal of excavated material from the site

Model Home and Model Unit - must be in compliance with LDC §34-1954 only

Model Display Center - must be in compliance with LDC §34-1955, limited to one, which must be located in the sales center area shown on the MCP and must only serve this project

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

Recreational Facilities - Private, On-site only

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

Signs, in compliance with LDC Chapter 30

b. **Site Development Regulations**

**Overall Project:**

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

Building Height: 35 feet/three stories (not to exceed either parameter)  
Open Space: 40 percent minimum  
10 percent must be distributed to individual dwelling units having immediate private ground floor access.  
Indigenous open space must be provided as depicted on the MCP

Minimum Water Body Setback: 25 feet  
Maximum Lot Coverage: 40 percent

**Phases 1-6:**

Minimum Lot Area: 5,250 square feet  
Minimum Lot Width: 50 feet  
Minimum Lot Depth: 105 feet  
Minimum Street Setback: 20 feet  
Minimum Side Setback: zero feet and five feet for zero lot line units, 7.5 feet for all others, except that where there are two or more principal buildings on a development tract, the minimum separation of buildings will be no less than 20 feet  
Minimum Rear Setback: 20 feet

**Phases 7 & 8:**

Minimum Lot Area: 20,000 square feet  
Minimum Lot Width: 100 feet  
Minimum Lot Depth: 100 feet  
Minimum Street Setback: 20 feet  
Minimum Side Setback: 10 feet  
Minimum Rear Setback: 25 feet

3. The following recommendations are presented in order to mitigate future hurricane damage and/or loss of life, as well as to ensure compliance with Lee Plan objectives.
  - a. The Developer must initiate the establishment of a homeowners' or residents' association. The organization must provide an educational program on an annual basis, in conjunction with the staff of Emergency Management, which will provide literature, brochures and speakers for Hurricane Awareness/Preparedness Seminars, describing the risks of natural hazards. The intent of this recommendation is to provide a mechanism to educate residents concerning the actions they should take to mitigate the dangers inherent in these hazards.
  - b. The Developer must formulate an emergency hurricane notification and evacuation plan for the development, which will be subject to review and approval by the Lee County Office of Emergency Management.

- c. Hurricane preparedness and impact mitigation, if required, must comply with the provisions of LDC §2-481 *et seq.*
- 4. Prior to Development Order Approval, the MCP must be revised to show compliance with the required 50-foot-minimum lake setback from Buckingham Road, an arterial roadway. Approval of this MCP does not grant any deviation from this requirement.
- 5. The developer must provide written disclosure to all potential and actual property owners within this project, of the existence of The School District of Lee County's transportation facility on the Buckingham campus and the potential for expansion of this facility.
- 6. Model units and homes are permitted in compliance with the following conditions:
  - a. Each model must be a unique example. Multiple examples of the same unit are not permitted; and
  - b. All model sites must be designated on the development order plans; and
  - c. Prior to model home construction, the lots upon which model homes will be constructed must be shown on a preliminary plat (not the final). The preliminary plat must be filed concurrently with the local development order application. The model homes must comply with the setbacks set forth in the property development regulations for this project.
  - d. Dry models are prohibited.
- 7. Multi-family uses within Phase 1 must be located north of the upland preserve area as depicted on the MCP, and no such structures may be constructed within 150 feet of the southern or western property line (excluding those areas where the western boundary abuts Buckingham Road).
- 8. A buffer 20 feet in width must be planted along the southern and western property line (excluding lands abutting Buckingham Road) *prior to the approval of building permits* for any dwelling units in Phases 1, 6 or 7. The vegetation in the buffer must contain, at a minimum, six native trees per 100 linear feet. All trees must be a minimum of 10 feet tall at time of planting. All shrubs must be a minimum of four feet tall at the time of planting and must create an unbroken hedge. Existing indigenous native vegetation may be counted toward the vegetation requirements of this condition, and no buffer is required in the area on the MCP shown as upland preserve areas.
- 9. Bona fide agricultural uses that are now in existence may continue in a given phase until the development of that phase commences, except for those areas designated as wetland/preserve area on the MCP, which will be specifically provided protection from intrusion by existing or continued agricultural uses prior to commencement of Phase 1.

However, no development activity of any kind may occur on the property, including clearing of vegetation or cutting of trees, unless such activity is reviewed and approved in accordance with all applicable Lee County regulations as if no agricultural use existed on the property. The purpose of this condition is to eliminate any exemption or other special considerations or procedures that might otherwise be available under Lee County regulations by virtue of the existing agricultural uses on the property.

10. The following conditions are included to address Lee Plan consistency issues:
  - a. The portion of the property within the Rural future land use category must maintain densities of one dwelling unit per acre or less. No more than 120 dwelling units may be constructed in the Rural designated areas of the project.
  - b. Given the limited existing available Suburban 2020 Planning Community Acreage Allocation at the time of rezoning, the available Suburban allocation must be determined by the Planning Division, prior to any Development Order approval for residential uses in the Suburban portions of the site. No development order will be issued or approved if the acreage, when added to the acreage contained in the updated existing land use database, exceeds the limitation established by Lee Plan Table 1(b), Acreage Allocation Table (per Lee Plan Policy 1.7.6). In that event, in order for Applicant to develop the Suburban acreage with residential uses, the Lee Plan must be amended to change the Suburban residential acreage allocation for the Fort Myers Shores planning community in Table 1(b). Adequate data and analysis to support this amendment must be submitted by the Applicant at the time of the request for the Lee Plan amendment. Development in excess of the current Table 1(b) allocations will not be permitted until Table 1(b) is amended accordingly.
  - c. Approval of this rezoning does not guarantee local development order approval or vest present or future development rights for Lee Plan consistency. Development Order approvals must be reviewed for and found to be consistent with all other Lee Plan provisions.
11. Prior to Development Order approval, the MCP must be amended to depict a water retention area, no less than 100 feet wide, along the south property line (outside of the indigenous preserve areas) where such south property line is adjacent to Riverdale Ranches, Rancho Eight or Skates Circle. This condition does not include those areas of Phase 1 that are separated from Buckingham Road by the indigenous areas.
12. This development must comply with all of the requirements of the LDC at the time of local development order Approval, except as may be granted by deviations approved as part of this planned development or subsequent amendments thereto.

13. No excess excavated material may be removed from the site unless the developer can demonstrate to the Director of Community Development that the material to be removed:
  - a) is unsuitable material that cannot be used on-site; and
  - b) the material must be excavated to meet the minimum requirements to provide a water management system on the site. The purpose of this condition is to prohibit the voluntary creation of excess fill material for use off-site.

SECTION C. EXHIBITS:

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

- Exhibit A: The legal description and STRAP number of the property.  
Exhibit B: Zoning Map (subject parcel identified with shading)  
Exhibit C: The Master Concept Plan

SECTION D. FINDINGS AND CONCLUSIONS:

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



- c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. Buckingham Rural Community Preserve Area limits density to one unit per acre. The subject property is outside, but adjacent to, the Preserve Area. A transitional density of two units per gross project acre is appropriate and will serve to protect and preserve the existing cultural and community atmosphere in this area of the County.

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

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

DULY PASSED AND ADOPTED this 4th day of December, 2000.

ATTEST:  
CHARLIE GREEN, CLERK

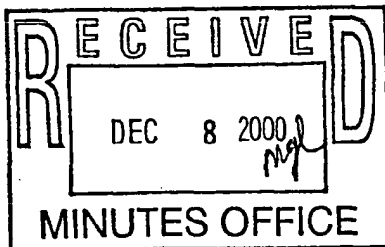
BY: Michelle S. Leismann  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: [Signature]  
Chairman

Approved as to form by:

[Signature]  
County Attorney's Office



CASE NO:DCI964568 fka 99-10-090.03Z

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Z-00-029  
Page 7 of 7

DCI 2005-00075

Exhibit "A"  
DCI964568

O.R. 2561 PG. 5108

Applicant's Legal Checked  
by gm 4/10/22

LAND DESCRIPTION:

THE SE 1/4 OF THE NE 1/4 AND THE NE 1/4 OF THE SE 1/4 OF SECTION 32,  
TOWNSHIP 43 SOUTH, RANGE 26 EAST, LYING EAST OF BUCKINGHAM ROAD,  
TOGETHER WITH  
THE SOUTH 1/2 OF THE NORTHWEST 1/4 AND THE NW 1/4 OF THE SW 1/4  
AND THE NE 1/4 OF THE SE 1/4 AND THE S 1/2 OF THE S 1/2 OF SECTION 33,  
TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA.  
LESS AND EXCEPT  
THE N 1/2 OF THE SW 1/4 OF THE NW 1/4, AND THE W 1/2 OF W 1/2 OF THE  
NW 1/4, OF THE SE 1/4 OF THE NW 1/4 OF SAID SECTION 33.  
CONTAINING 324.6090 ACRES MORE OR LESS.

SECTION 33

567

N88°59'16"E 1320.53'

O.R. 2846 PG. 1377

N00°43'05"W 1334.06'

1322.15'

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DCI964568

DCI 2005-00075

## **EXHIBIT "A"**

### **LEGAL DESCRIPTION**

The applicant has indicated that the STRAP number for the subject property is: 32-43-26-00-00003.0000 & 33-43-26-00-00004.0000

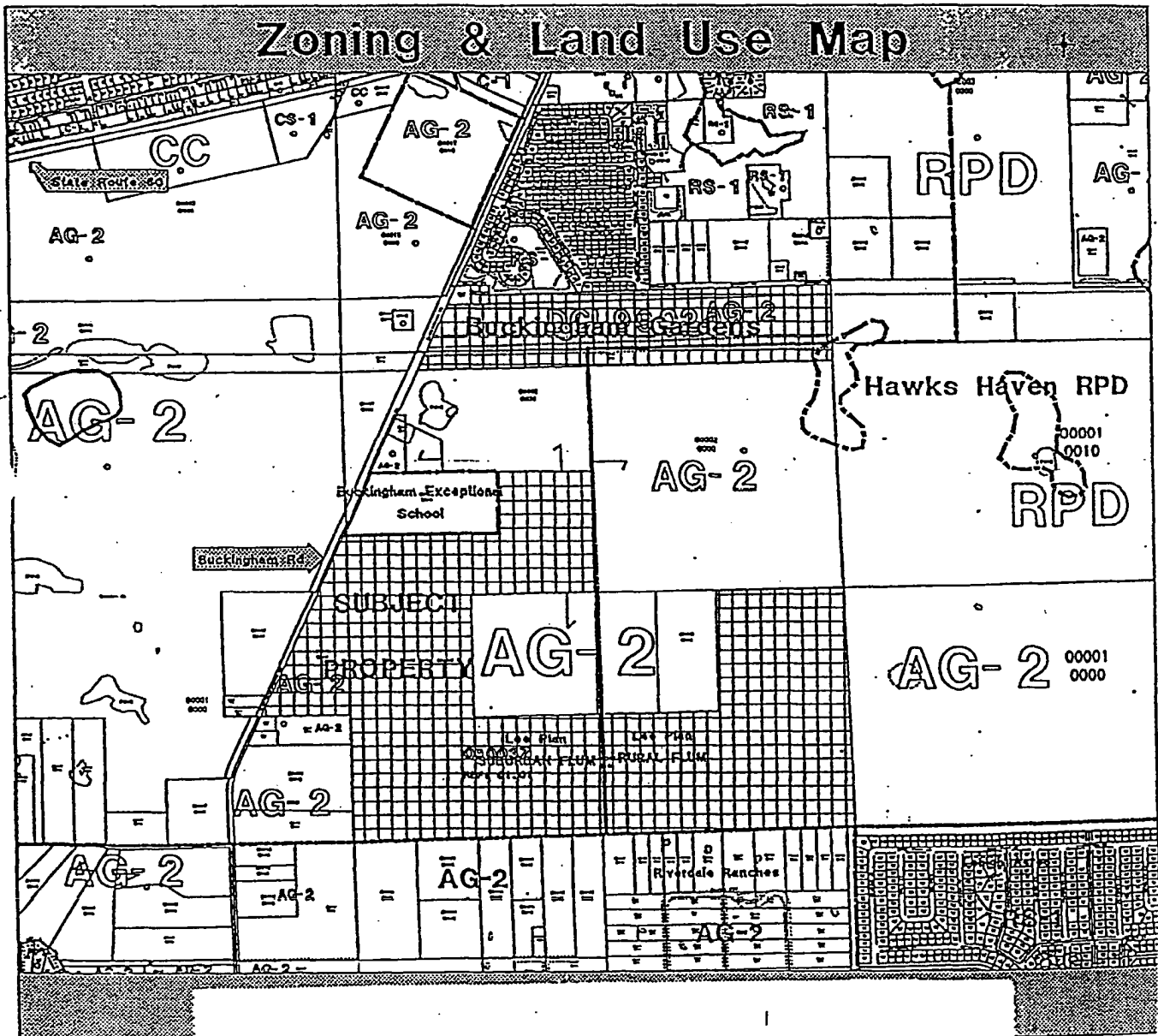


EXHIBIT B

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AUG 04 2005

DCI 2005-00075

ADMINISTRATIVE AMENDMENT (PD) ADD2003-00067

ADMINISTRATIVE AMENDMENT  
LEE COUNTY, FLORIDA

WHEREAS, G.L. Homes of Florida II Corporation filed an application for administrative approval to a Residential Planned Development on a project known as Buckingham 320 RPD for minor changes to the Master Concept Plan to bring the Master Concept Plan into compliance with zoning resolution Z-00-029 and relocate the clubhouse on property located at 3621 Buckingham Rd., described more particularly as:

LEGAL DESCRIPTION: In Section 32 & 33, Township 43 South, Range 26 East, Lee County, Florida:

See Exhibit "A"

WHEREAS, the property was originally rezoned in case number 99-10-090.03Z; and

WHEREAS, Hole Montes Inc., the authorized agent, has applied for an administrative amendment for minor changes to the Master Concept Plan approved in Zoning Resolution Z-00-029; and

WHEREAS, a more detailed site plan was submitted to accurately show what was approved under zoning resolution Z-00-029 ; and

WHEREAS, minor changes have been made to redesign the layout of the development; and

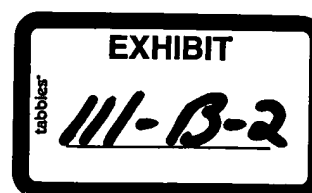
WHEREAS; the Phases which were originally approved under zoning resolution Z-00-029 are now referred to as Tracts; and

WHEREAS, the Clubhouse facilities have been moved from the Suburban Land Use classification to the Rural Land Use classification; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.



NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to Residential Planned Development is **APPROVED**.

Approval is subject to the following conditions:

1. The Development must be in compliance with the amended 2-page Master Concept Plan, dated December, 2002 and stamped received by Community Development July 18, 2003. Master Concept Plan for ADD2003-00067 is hereby **APPROVED** and adopted. A reduced copy is attached hereto.
2. The terms and conditions of the original zoning resolutions remain in full force and effect except as amended herein.
3. The Development is limited to 640 Single-Family dwelling units, of which no more than 520 units may be located in the Suburban Land Use category, and no more than 120 units may be located in the Rural Land Use category.

4. **Site Development Regulations**

**Tracts 1-6:**

Minimum Lot Area:	5,250 square feet
Minimum Lot Width:	50 feet
Minimum Lot Depth:	105 feet
Minimum Street Setback:	20 feet
Minimum Side Setback:	zero feet and five feet for zero lot line units, 7.5 feet for all others, except that where there are two or more principal buildings on a development tract, the minimum separation of buildings will be 20 feet
Minimum Rear Setback:	20 feet
Minimum Waterbody Setback:	25 feet

**Phases 7 & 8:**

Minimum Lot Area:	20,000 square feet
Minimum Lot Width:	100 feet
Minimum Lot Depth:	100 feet
Minimum Street Setback:	20 feet
Minimum Side Setback:	10 feet
Minimum Rear Setback:	25 feet
Minimum Waterbody Setback:	25 feet

DULY SIGNED this 25<sup>th</sup> day of August, A.D., 2003.

BY: Pam Houck

Pam Houck, Director  
Division of Zoning  
Department of Community Development

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AUG 04 2005

PROPERTY DESCRIPTION

THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, LYING EAST OF FORT MYERS BUCKINGHAM HIGHWAY THROUGH SAID SECTION; ALSO THAT PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER (OF SECTION 33) LYING EAST OF FORT MYERS BUCKINGHAM HIGHWAY THROUGH SAID LAND; ALSO, THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (OF SECTION 33) AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (OF SECTION 33) AND THE SOUTH HALF OF THE SOUTH HALF OF SECTION 33; ALL OF SAID LAND BEING IN TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; ALSO THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER LYING EASTERLY OF FORT MYERS BUCKINGHAM HIGHWAY IN SECTION 32, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA LESS AND EXCEPT PARCEL AS DESCRIBED IN OFFICIAL RECORD BOOK 1616, PAGE 2070, BUT INCLUDING THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER; AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LYING EAST OF BUCKINGHAM ROAD.

TOGETHER WITH

THE SOUTH HALF OF THE NORTHWEST QUARTER; AND THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER; AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER; AND THE SOUTH HALF OF THE SOUTH HALF OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA.

LESS AND EXCEPT

THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER AND THE WEST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33.

ALSO BEING DESCRIBED AS:

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

BEGIN AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.89°06'45"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 2647.58 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 33; THENCE RUN S.89°06'35"W., ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 2647.40 FEET, TO THE SOUTHWEST CORNER OF SAID SECTION 33; THENCE RUN N.00°56'26"W., ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1329.87 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S.89°35'38"W., ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 43 SOUTH, RANGE 26 EAST, FOR A DISTANCE OF 978.47 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF BUCKINGHAM ROAD, A 60.00 FOOT RIGHT-OF-WAY; THENCE RUN N.24°23'58"E., ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF BUCKINGHAM ROAD, FOR A DISTANCE OF 2286.09 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S.00°56'26"E., ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 80.68 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N.89°04'22"E., ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1498.70 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33.

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NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N.00°46'36"W., ALONG THE WEST LINE OF THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 662.58 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N.89°09'14"E., ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1167.13 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S.00°38'54"E., ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1321.87 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S.88°59'29"W., ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1330.50 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S.00°47'40"E., ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1331.24 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N.89°03'02"E., ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1327.10 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N.89°03'03"E., ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1322.10 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE RUN N.00°43'16"W., ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1333.99 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE RUN N.88°59'29"E., ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1320.42 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 33; THENCE RUN S.00°47'37"E., ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 2670.83 FEET TO THE POINT OF BEGINNING; CONTAINING 324.657 ACRES, MORE OR LESS.

## NOTES:

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

BEARINGS REFER TO STATE PLANE FLORIDA WEST ZONE NORTH AMERICAN DATUM 1983, 1990 ADJUSTMENT, WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, BEING S.89°06'45"W.

THE FRACTIONAL PORTION OF THE PROPERTY DESCRIPTION SHOWN HEREON WAS PROVIDED BY CLIENT AS CONTAINED IN TITLE INSURANCE COMMITMENT PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY.

PROPERTY AREA: 324.646 ACRES, MORE OR LESS

HOLE MONTES, INC.  
CERTIFICATION OF AUTHORIZATION LB #1772

Applicant's Legal Checked  
by [Signature] 21 AUG 03

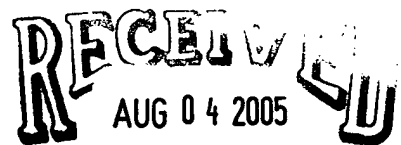
BY [Signature] P.S.M. #6130  
JERRY L. RIFFELMACHER STATE OF FLORIDA

2005-00075

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DCI 2005-00075



**Exhibit III-D**  
**Narrative Regarding Pursuit of Development Order**  
**Exhibit III-E**  
**Narrative Regarding Lee Plan Consistency**  
**Exhibit III-F**  
**Narrative Regarding MCP Compatibility**  
**Exhibit III-G**  
**Narrative Regarding Public Facilities**  
**Exhibit III-H**  
**Reasons DO is not approved**

Lee County Homes Associates I, LLLP has diligently pursued development of the 325 acre tract, formerly known as Buckingham 320 which was purchased in March 2004. (The calculation of the actual acreage was determined after the proposed community was given a project name.)

The 325 acre parcel was rezoned to Residential Planned Development (RPD) on December 4, 2000 by a unanimous vote of the 5 County Commissioners for a 640 single family dwelling unit community at 2 dwelling units per acre.

In 2003 an administrative amendment ADD2003-00067 was pursued and granted on August 25, 2003, to GL Homes, the contract purchaser at that time and the parent entity of Lee County Homes Associates I, LLLP to clarify the Master Concept Plan for Buckingham 320.

Simultaneously, the East Lee County Council pursued an amendment to the Lee Plan CPA2002-04, the Caloosahatchee Shores Community Plan, which would change the subject property from the Lee Plan designation of Suburban and Rural land use categories to designate the 325 acre parcel as Outlying Suburban. The owner (seller) of the subject property had provided support to the East Lee County Council in pursuing this Comprehensive Plan Amendment. The area subject to the Caloosahatchee Shores Community Plan is part of the larger Fort Myers Shores Planning District set forth in the Lee Plan.

Changing the Lee Plan categories and adopting special rules, goals, and policies throughout 2003 had to be monitored and followed by Lee County Homes Associates I, LLLP. In addition there were certain negotiations between neighboring property owners that needed to be completed to make this plan work. In fact, at the transmittal hearing, the predecessor owner filed a letter with the Board of County Commissioners requesting a withdrawal of the subject property from CPA2002-04 and requested no change from the then current designation of Suburban/Rural, see Exhibit A, letter to the Board of County Commissioners dated June 25, 2003. At the transmittal hearing, the staff persuaded the Board of County Commissioners to transmit the amendment. However, the staff stated to the Board that if the property owners did not come to an agreement that the staff would recommend that the CPA 2002-04 amendment not be adopted at the adoption hearing.

During the summer of 2003 the owner worked with the neighbors and the East Lee County Council.

At the Board of County Commissioners adoption hearing for Ordinance 03-02 on October 23, 2003, the owner supported the change from Suburban and Rural to Outlying Suburban. A letter of support dated October 15, 2003, attached as Exhibit B, was filed at the hearing on behalf of Buckingham 320. At the adoption hearing for CPA 2002-04, certain statements were made for the record to the Board of County Commissioners on behalf of Buckingham 320 approval, including that its prior objection to CPA 2002-04 was withdrawn and committed support for the change from Suburban to Outlying Suburban. The record reflects that the owner stated that Outlying Suburban designation was consistent with the existing RPD granted by the Board of County Commissioners for Buckingham 320 and that the vision outlined in this Comprehensive Plan Amendment is consistent with the residential community plan approved unanimously by the Board of County Commissioners for Buckingham 320. The support by the owner for CPA 2002-04 was with the understanding that the Comprehensive Plan Amendment only worked if a companion change was made in the future to the Lee Plan Acreage Allocation Table for this planning district. The Board may recall there was an extensive discussion of potential Bert Harris claim(s) with the County Attorney's office due to the Lee Plan Amendment decreasing the density of certain properties. The Board appreciated the property owners working together and working with the East Lee County Council. A copy of the Board of County Commissioners October 23, 2003 Minutes on the adoption hearing is attached as Exhibit C.

On December 17, 2003, notification was issued that the Florida Department of Community Affairs would be publish a Notice of Intent regarding Lee County Ordinance 03-2 (CPA 2002-04) and said notice advised of the right to file a petition for a hearing with the Division of Administrative Hearings within 21 days after the publication of the Notice of Intent, which appeal period terminated in January 2004. The Notice is attached as Exhibit D. As stated earlier, Lee County Homes Associates I, LLLP, closed on the 325 acres thereafter in March 2004.

On May 27, 2004, the owner of the property entered into a contract to purchase a contiguous tract of 20 acres for a total acreage of 345 acres. The added parcel was contiguous on two property lines. Therefore, the RPD needed to be amended to integrate the additional 20 acres. On September 30, 2004, the contract closed, resulting in the subject parcel being increased to 345 acres.

In addition, an amendment to the RPD was appropriate because the original resolution contained a condition that provided for no more than 120 units in the Rural Land Use Category and no more than 520 units in the Suburban land use category, which condition was no longer necessary or relevant. On December 17, 2004, TKW Engineering filed an application to amend the RPD to integrate the additional 20 acres.

TKW Engineering is in the process of preparing a development order application for a substantial portion of the community which is for at least 128 single family lots. We anticipate that the Development Order application will be filed by August 15, 2005.

On February 28, 2005, a meeting was held with the East Lee County Council regarding the revised RPD application.

Lee Plan Amendment CPA 2004-15 is currently in process to amend the Lee Plan Acreage Allocation Table for the Fort Myers Shores Planning Community. On May 23, 2005, on behalf of Lee County Homes Associates, I, LLLP, a representative attended the Local Planning Agency hearing on CPA2004-15 supporting the amendment to the acreage allocation table. That amendment has been transmitted by the Board of County Commissioners pursuant to a public hearing held on June 1, 2005, the Department of Community Affairs.

The RPD approved on December 4, 2000, and amended administratively on August 25, 2003, is consistent with the current Outlying Suburban designation as defined in the Lee Plan and consistent with the Lee Plan Density Table 1(a) to not exceed 2 dwelling units per acre. The current RPD is consistent with community plan set forth in Lee Plan Goal 13. The density is in compliance with the Lee Plan. The use of single family is in compliance with the Lee Plan.

The Master Concept Plan approved by the County as part of the RPD is compatible with existing and approved development in the planning community. On March 21, 2005, the Board unanimously approved a rezoning to RPD for Portico which is adjacent to a portion of the north property line and adjacent on the east property line for 1,178 units on 589 acres, to include townhouse and single family uses. This approval in March of this year was for 2 dwelling units per acre. This community is located in the same planning community and subject to CPA 2002-04.

Public facilities were found by the staff, the Hearing Examiner and the Board of County Commissioners to be available to serve these additional 1,178 dwelling units in March of this year.

Based upon the staff report and the Local Planning Agency recommendation, the Board of County Commissioners transmitted a Comprehensive Plan Amendment for an increase of 300 acres in the acreage allocation for the Outlying Suburban category for the Fort Myers Shores Planning Community on June 1, 2005. This area has the public facilities and infrastructure to support the approved development.

The current allocation to Outlying Suburban category in the Lee Plan is zero. See current Lee Plan Acreage Allocation Table attached as Exhibit E. This is substantial reason for not proceeding earlier with a development order until Outlying Suburban was in a process to be included in the mandatory acreage allocation table of the Lee Plan for this planning district.

This request meets all of the criteria of Land Development Code Section 34-381 for a 12 month extension to the Master Concept Plan until December 4, 2006. The owner has patiently waited for the County to pursue and adopt the amendments to the Lee Plan for the Caloosahatchee Shores Community Plan and to pursue the now pending amendment to the Acreage Allocation Table which will permit development of the approved single family community. The owner respectfully submits that entitlement to a mere 12 month extension has been thoroughly established.



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

June 25, 2003

Chairman Ray Judah  
Commissioner John Albion  
Commissioner Andy Coy  
Commissioner Robert Janes  
Commissioner Doug St. Cerney  
2120 Main Street  
Fort Myers, FL 33901

**Re: Comprehensive Plan Amendment 2002-04 Coloosa Shores Community Plan**

Dear Commissioners:

Please be advised that this firm represents Buckingham Development, L.L.C. which is the owner of the following parcels:

334326-00-00004.0000  
324326-00-00003.0000  
284326-00-00014.0000

Please be advised that the above referenced property is hereby withdrawn from Comprehensive Plan Amendment 2002-04 which proposes to change it from Suburban and Rural to Outlying Suburban with special limitations.

Buckingham Development, L.L.C. has worked closely with the East Lee County Council and Lee County staff. When reviewing this approximately 1,000 acre change you will see that the reduction shown in the staff calculation falls on the parcels identified in this correspondence as the remaining parcels actually received an increase in density by adoption of a land use map change. The owners do not want their property transmitted as part of the Caloosahatchee Shores Amendment and want no change on the land use designation.

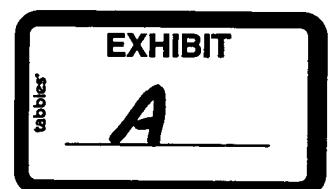
Thank you for your consideration of this matter.

Very truly yours,

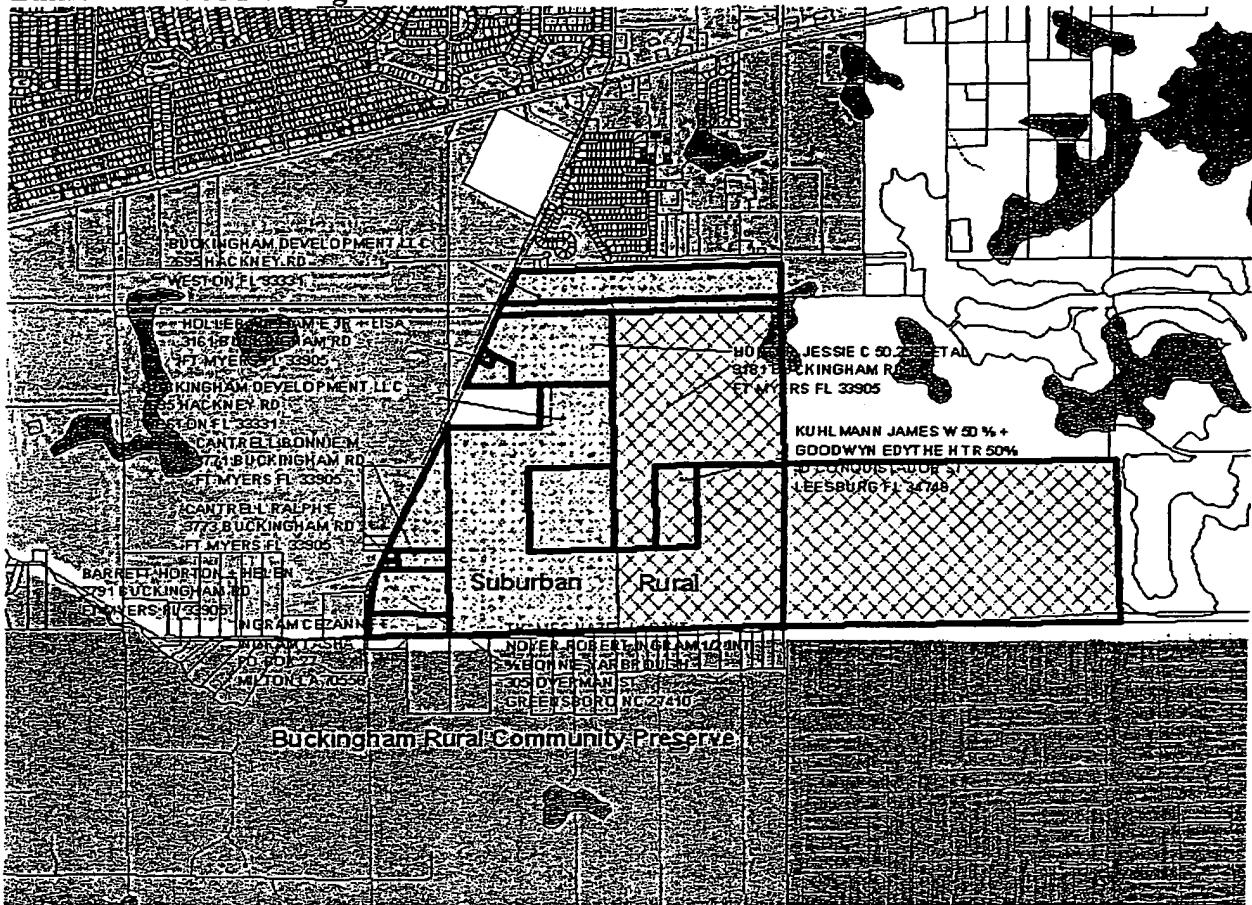
*Beverly Grady*  
Signed electronically to expedite

Beverly Grady  
For the Firm

BG/umr



## Exhibit 2: FLUM Change Area



In order to allow for unified projects to shift their higher density units away from Buckingham Road, and also to ensure that future projects do not develop higher density units along Buckingham Road, this plan proposes a Land Use Map change for the parcels highlighted in Exhibit 2 from Suburban and Rural to Outlying Suburban – not to exceed two dwelling units per gross acre. This would call for an amendment to Lee Plan Table 1a, footnote 6, which limits specific Outlying Suburban areas to two units per acre. In order to create a transition density, the northern most rectangular parcel identified in Exhibit 3 would be allowed up to 3 units per acre, consistent with the standard density for the outlying Suburban category. Exhibits 3 and 4 show what the FLUM would look like after the change.

This map change would create a “transitional” Land Use Category and also lead to a net reduction in the total allowable density on the Future Land Use Map. Table 6 below calculates the maximum allowable density under the current Future Land Use Map and the total allowable density with the proposed change. Please note that because we have not surveyed each property, all calculations are approximate in terms of acreage and allowable density.

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AUG 04 2005

Vanasse  
Daylor

DCI 2005-00075



**Table 6: Density Reduction Under Proposed FLUM**

Property	Rural Acres	Suburban Acres	Total Acres
----------	-------------	----------------	-------------

Hunter, et. al.	169	86	
	320	6	
<b>Total</b>	<b>489</b>	<b>92</b>	<b>581</b>

Buckingham Development LLC	119	176	
		49*	
		21	
<b>Total</b>	<b>119</b>	<b>246</b>	<b>365</b>

James Kuhlmann	20		
Bonnie and Ralph Cantrell		6	
William Holler		1	
David Peck		1	
Thames Hazel		19	
Ingram Cezanne		10	
<b>Total</b>	<b>20</b>	<b>37</b>	<b>57</b>

<b>Total</b>	<b>628</b>	<b>375</b>	<b>1,003</b>
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<b>Maximum Total Units</b>	<b>628</b>	<b>2,250</b>	<b>2,878</b>
----------------------------	------------	--------------	--------------

<b>Total With Map Change*</b>	<b>2,055</b>		
-------------------------------	--------------	--	--

<b>Total Reduction</b>	<b>823</b>		
------------------------	------------	--	--

\* Property that is proposed for 3 du/acre. This accounted for in the "Total After Map Change."  
Source: Lee County Property Appraiser

**ROETZEL & ADDRESS**  
A LEGAL PROFESSIONAL ASSOCIATION

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

October 15, 2003

Chairman Ray Judah  
Commissioner John Albion  
Commissioner Andy Coy  
Commissioner Robert Janes  
Commissioner Doug St. Cerney  
2120 Main Street  
Fort Myers, FL 33901

**Re: 2002-04 Caloosahatchee Shores Community Plan,  
Amendment to Future Land Use Element of the Lee Plan**

Dear Commissioners:

Please be advised that this firm represents Buckingham Development, L.L.C. (Buckingham) which is the owner of the following parcels:

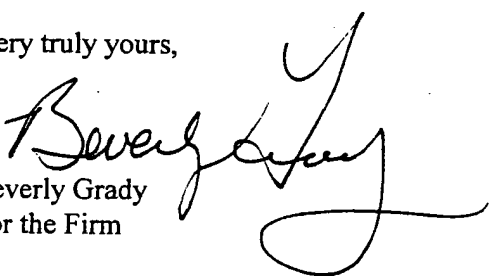
334326-00-00004.0000  
324326-00-00003.0000  
284326-00-00014.0000

We appeared at your hearing of June 25, 2003 and filed correspondence relating to our concern on the Comprehensive Plan Amendment. Buckingham has worked closely with the East Lee County Council and Lee County staff. Since June 25, 2003, Buckingham has worked closely with its neighbors.

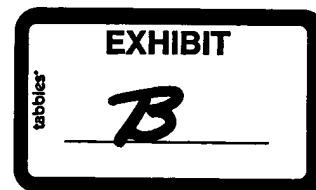
Please be advised that Buckingham withdraws any objection to Comprehensive Plan Amendment 2002-04 Caloosahatchee Shores Community Plan and hereby supports the Board of County Commissioners adoption of the CPA 2002-04 Amendment for the Future Land Use element of the Lee Plan Text and Future Land Use Map which incorporates the recommendation of the Caloosahatchee Shores Community Planning effort and establishes a new goal, vision statement and objectives and policies for the area.

Thank you for your consideration of this matter.

Very truly yours,

  
Beverly Grady  
For the Firm

BG/umr



OCTOBER 23, 2003

A Meeting of the Board of Lee County Commissioners was held this date to conduct a Public Hearing to adopt the 2002-2003 Regular Lee Plan Amendments to the Lee County Comprehensive Plan, with the following Commissioners present:

Ray Judah, Chairman  
John E. Albion, Vice-Chairman  
Douglas R. St. Cerny  
Robert P. Janes

COMMISSIONER COY WAS ABSENT FOR THE ENTIRE MEETING, AS HE WAS OUT OF TOWN.

ON FILE IN THE MINUTES OFFICE: ALL CPA REPORTS, ALONG WITH THEIR BACKUP MATERIAL; PROPOSED ORDINANCES; THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA) OBJECTIONS, RECOMMENDATIONS, AND COMMENTS REPORT (ORC); AND A MEMORANDUM FROM COMMUNITY DEVELOPMENT PLANNING DIRECTOR PAUL S. O'CONNOR, DATED OCTOBER 9, 2003.

**1. Call to order; Certification of Affidavit of Publication.**

The Chairman called the meeting to order at 9:32 a.m. Assistant County Attorney Donna Marie Collins approved as to legal form and sufficiency, the Affidavit of Publication regarding this item; and informed the public if anyone wished to receive a copy of the Notice of Intent from the Florida Department of Community Affairs (DCA) prior to its publication in the newspaper, a sign-up sheet had been provided at the rear of the Chambers. At this time, Community Development Planning Director Paul S. O'Connor asked that Consent Items (d) and (f) be pulled for discussion.

**2. Public Comment on Consent Agenda**

The Chairman called for public input; however no one came forward.

**3. Consent Agenda items to be pulled for discussion by the Board:**

There were no requests for Consent Agenda items to be pulled for discussion by the individual Commissioners; however items (d) and (f) were pulled as noted above.

**4. Lee Plan Amendments Adoption Consent Agenda**

**A. CPA 2002-06 - Outlying Suburban Residential Allocations**

Amend Table 1(b), Planning Community Year 2020 Allocations, by correcting the Outlying Suburban Allocation for the Alva Community.

**RECOMMENDATIONS:**

The Board's recommendation for CPA 2002-06 was sent to the Department of Community Affairs (DCA) on June 25, 2003.

The DCA's ORC Report, dated September 05, 2003, stated that DCA had no objections, recommendations, or comments concerning this amendment.

Staff's recommendation is to adopt the amendment as transmitted.

Commissioner Albion moved approval, seconded by Commissioner Janes, called and carried with Commissioner Coy absent.

**B. CPA2002-08 - Conservation Lands**

Amend the Future Land Use Map series, Map 1, by updating the Conservation Lands land use categories.

**RECOMMENDATIONS:**

The Board's recommendation for CPA 2002-08 was sent to the Department of Community Affairs (DCA) on June 25, 2003.

**EXHIBIT**

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The DCA's ORC Report, dated September 05, 2003, stated that DCA had no objections, recommendations, or comments concerning this amendment.

Staff's recommendation is to adopt the amendment as transmitted.

Commissioner Albion moved approval, seconded by Commissioner Janes, called and carried with Commissioner Coy absent.

**C. CPA2002-11 - Buckingham Potable Water**

Amend Goal 17, Buckingham, of the Future Land Use Element by adding language that allows water lines to be extended to serve the Buckingham Rural Community Preserve on a voluntary basis, with costs of extension to be paid by the petitioner. Amend Map 6, Future Water Service Areas, to show all of the Buckingham Rural Community Preserve to be within the Future Water Service Areas of the County. Amend Map 7, Future Sewer Service Areas, to add certain public facility sites (Gulf Cost Center and Tice Fire Station) to the Future Sanitary Sewer Service Area Map.

**RECOMMENDATIONS:**

The Board's recommendation for CPA 2002-11 was sent to the Department of Community Affairs (DCA) on June 25, 2003.

The DCA's ORC Report, dated September 05, 2003, stated that DCA had no objections, recommendations, or comments concerning this amendment.

Staff's recommendation is to adopt the amendment as transmitted.

Commissioner Albion moved approval, seconded by Commissioner Janes, called and carried with Commissioner Coy absent.

**D. CPA2002-13-M/T - Financially Feasible Transportation Maps**

Amend the Transportation Maps of the Future Land Use Map Series and any related policy references to reflect the latest Lee County Metropolitan Planning Organization (MPO) 2020 Financially Feasible Transportation Plan map.

**RECOMMENDATIONS:**

The Board's recommendation for CPA 2002-13-M/T was sent to the Department of Community Affairs (DCA) on June 25, 2003.

The DCA's ORC Report, dated September 05, 2003, stated that DCA had no objections, recommendations, or comments concerning this amendment as transmitted; however, the transmittal reflected the MPO's 2020 Financially Feasible Plan as adopted on January 17, 2003 and the Staff write-up indicated that an additional amendment of the MPO's plan was in the works. In fact, the MPO adopted a revised plan in a public hearing process on June 20, 2003, just prior to the Board of County Commissioner's transmittal hearing. DCA noted their interest was in reflecting the most recent version of the MPO's plan in Maps 3A, 3B, and 3H, and in Policy 21.1.1. Therefore, Staff is recommending revisions to the maps and Policy 21.1.1 to reflect the June 20, 2003 MPO Plan for the adoption hearing, which can be found on page 16 of the CPA 2002-02 Public Hearing Document.

Staff's recommendation is to adopt the proposed amendment with the changes to Policy 21.1.1 as shown on Part V, Section B of the report.

**PULLED FOR DISCUSSION**

Community Development Planning Director Paul S. O'Connor stated that this item is an update of the transportation maps in the Lee County Comprehensive Plan; noted that the updated maps from the Metropolitan Planning Organization (MPO) plan are the most recent version of maps 3(a), 3(b), and 3(h), and there are also changes in Policy 21.1.1; and pointed out that, although the information was different than what was transmitted, Staff had indicated in the report that there would be changes through the process. Commissioner Albion asked whether the Board had approved the changes during the process. DOT Transportation Planning Manager David Loveland confirmed that the Board had approved the changes under their role as members of the MPO. Commissioner Albion moved item (d) with the changes provided by Staff, seconded by Commissioner Janes, called and carried with Commissioner Coy absent.

**E. CPA2002-15-T - Constrained Roads**

Update Table 2(a), Constrained Roads/State and County Roads, to eliminate Old 41, which is now a City of Bonita Springs road.

RECOMMENDATIONS:

The Board's recommendation for CPA 2002-15-T was sent to the Department of Community Affairs (DCA) on June 25, 2003.

The DCA's ORC Report, dated September 05, 2003, stated that DCA had no objections, recommendations, or comments concerning this amendment.

Staff's recommendation is to adopt the amendment as transmitted.

Commissioner Albion moved approval, seconded by Commissioner Janes, called and carried with Commissioner Coy absent.

**F. CPA2002-19 - Capital Improvements Program**

Amend the Capital Improvements Element (Tables 3 and 4) to reflect the latest adopted Capital Improvement Program.

RECOMMENDATIONS:

The Board's recommendation for CPA 2002-19 was sent to the Department of Community Affairs (DCA) on June 25, 2003.

The DCA's ORC Report, dated September 05, 2003, stated that DCA had no objections, recommendations, or comments concerning this amendment.

Staff's recommendation is to adopt the amendment as transmitted.

**PULLED FOR DISCUSSION**

Community Development Planning Director Paul S. O'Connor reviewed the item, and clarified the reason for pulling this item for discussion was to make certain the plan contained the most recent tables (copy on file in the Minutes Office). Commissioner Albion moved item (f) with the changes submitted by Staff, seconded by Commissioner Janes, called and carried with Commissioner Coy absent.

**G. CPA2002-22 - Policy 100.2.3 Text Update**

Amend Policy 100.2.3. of the Housing Element by replacing the outdated reference to the approval process of "Special Permit" with the current process of "Special Exception".

RECOMMENDATIONS:

The Board's recommendation for CPA 2002-22 was sent to the Department of Community Affairs (DCA) on June 25, 2003.

The DCA's ORC Report, dated September 05, 2003, stated that DCA had no objections, recommendations, or comments concerning this amendment.

Staff's recommendation is to adopt the amendment as transmitted.

Commissioner Albion moved approval, seconded by Commissioner Janes, called and carried with Commissioner Coy absent.

**5. Adopt an Ordinance which adopts the Consent Agenda Items (Proposed Draft Ordinance)**

Commissioner Albion moved approval, seconded by Commissioner Janes, called and carried with Commissioner Coy absent. The Ordinance adopted by the Board and filed was LEE COUNTY ORDINANCE NO. 03-19, ENTITLED:

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE LAND USE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" ADOPTED BY THE ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENTS APPROVED ON THE CONSENT AGENDA DURING THE COUNTY'S 2002/2003 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT, MAPS

AND TABLES; PURPOSE AND SHORT TITLE; LEGAL EFFECT;  
GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION,  
SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

**6. Lee Plan Amendments Adoption Administrative Agenda**

**A. CPA2002-02 - Estero 60**

Amend the Future Land Use Map series for a portion of a specified parcel of land located in Section 20, Township 46 South, Range 25 East to change the classification shown on Map 1, the Future Land Use Map, from "Rural" to "Outlying Suburban". Amend Lee Plan Policy 1.1.6 by limiting the density in the reclassified area to two dwelling units per acre. Also, amend Table 1(a), Note 6 to require central sewer service for development in the subject property.

**RECOMMENDATIONS:**

The Board's recommendation for CPA 2002-02 was sent to the Department of Community Affairs (DCA) on June 25, 2003.

The DCA's ORC Report, dated September 05, 2003, along with its objections and recommendations, can be found on page 16 of the CPA 2002-02 Public Hearing Document.

Staff's recommendation is to adopt the proposed amendment with the amended language as shown on Part V, Section B of the report.

Planning Division Planner Pete Blackwell reviewed the proposed amendment; stated that Table 1(a), Note 6, requires the utilization of clustering in any planning development processing for future development; and noted that new language submitted by the Applicant has addressed several of Staff's concerns on issues such as increased density on the property and the provision of central water and sewer system to the site. He mentioned that the Applicant addressed clustering of the future development which allows the southern portion of the subject site to be preserved in its original condition and to be purchased by a government agency; and recommended that the Board adopt the proposed amendment with the revised language. In response to Commissioner Judah's inquiry regarding the balance of the property set aside other than the slough to be purchased by the County, State, or Federal Government; Community Development Planning Director Paul S. O'Connor stated that Staff has drafted language included in the policy that addresses clustering the development in the northwest portion of the site ±32 acres, having a preserve area in the southern portion of the site, and preserving the slough with the exception of the crossing to access the site. He remarked that the language provides assurance that that would be the plan approved for the site; and noted that the current language doubles the density from 60 to 120, but the plan is for 90 of the units to be developed in the northwestern part of the site, and that the remaining 30 units to be attached to the conservation land so it can have value to be purchased. In response to Commissioner Judah's question, Mr. O'Connor apprised that the County cannot require the State to purchase the property through the Comp Plan; noted that the Department of Environmental Protection (DEP) desires to acquire this portion of the property; and pointed out that the 10-acre Smith parcel was swapped out through DEP for a smaller portion of land with commercial development and more value. He mentioned that the swap has left the southern portion of Estero 60 surrounded by the aquatic preserve buffer on three sides. In response to Commissioner St. Cerny's question whether DCA would agree with the changes, Mr. O'Connor replied that DCA was included in several of the negotiations concerning this language, and noted that the Applicant prepared a document that addressed all of DCA's concerns. Attorney Neale Montgomery, of the law firm of Pavese, Haverfield, et al., representing the Applicant, expressed appreciation to Staff for their help; stated that the Applicant has addressed the ORC report's clustering issue by putting development on 35 acres and preserving the remaining area; and pointed out that several reviews by environmental consultants have determined that there are no scrub habitat or endangered species on the property. The Chairman called for public input; however, no one came forward. Mr. O'Connor stated that Policy 1.1.6, under subparagraph 1(b) should be corrected to read: "...The remainder of the property shall will be designated as preserve/open space..."; and also added the "±" sign to any specific acreages in the policy to give reasonable amount of leeway. Commissioner Albion moved the amendment as modified, seconded by Commissioner Janes. At this time, the individual Commissioners thanked Staff for their great job and teamwork with the Applicant; and expressed hope that the DCA will approve the amendment. The motion was called and carried with Commissioner Coy absent.

**B. Adopt an Ordinance which adopts CPA2002-02 (Proposed Draft Ordinance)**

Commissioner Janes moved to adopt the ordinance, seconded by Commissioner Albion, called and carried with Commissioner Coy absent. The Ordinance adopted by the Board and filed was LEE COUNTY ORDINANCE NO. 03-20, ENTITLED:

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN", ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2002-02 (PERTAINING TO ESTERO 60) APPROVED DURING THE COUNTY'S 2002/2003 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT, FUTURE LAND USE MAP AND TABLES; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

**C. CPA2002-04 - Caloosahatchee Shores Community Plan**

Amend the Future Land Use Element of the Lee Plan, text and Future Land Use Map series, to incorporate the recommendations of the Caloosahatchee Shores Community Planning effort, establish a new Goal, Vision Statement, and subsequent Objectives and Policies.

**RECOMMENDATIONS:**

The Board's recommendation for CPA 2002-04 was sent to the Department of Community Affairs (DCA) on June 25, 2003.

The DCA's ORC Report, dated September 05, 2003, stated that DCA had no objections, recommendations, or comments concerning this amendment.

Staff's recommendation is to adopt the amendment as transmitted, as shown in Part V, Section B of the report, contingent upon the agreement of all impacted property owners.

Planning Division Community Planner James Mudd, with the use of an aerial map, indicated the future land use map changes for State Road 80 and State Route 31 from Suburban to Urban Community that would allow large retail uses, and for Buckingham 320 area from Suburban/Rural to the Outlying Suburban (OS) Land Use category; and stated that there is a lack of 2020 allocation for the outlying suburban area in the Caloosahatchee Shores Planning area. Community Development Planning Director Paul S. O'Connor apprised that the issues among the property owners affected by the amendment were resolved; explained that the changes propose the OS category at a reduced density and spreads it over more land; and noted that the remaining issue is the 2020 allocation for OS within the planning community. After referencing a memorandum provided to the Board dated June 25, 2003 (copy on file in the Minutes Office), Mr. O'Connor stated that Staff located 85 acres that could be converted from other residential categories to the OS category; remarked that Staff would be looking at the entire 2020 allocation in the amendment process following the Evaluation and Appraisal Report (EAR); and noted that the City of Fort Myers' large annexations has skewed Staff's numbers in the allocation table and that the tables would be reevaluated. Mr. O'Connor noted that the affected property owners were assured that the allocation has never been used or intended to be punitive or to stop development; remarked that the allocation numbers should accurately reflect the zoning activity or development order activity in the different planning areas, as the projections and the allocation table are used for long-term planning in traffic analysis zones; and commented that, although the property owners are not completely comfortable with the level of allocation of the OS, they are willing to go forward with the table until the next amendment process. East Lee County Council Task Force Chairman Mike Roeder, representing the Applicant, stated that this is a successful community planning effort; noted that there are no other pending issues besides the allocation issue; and asked the Board to assure that Staff makes the evaluation of the allocation table a priority. He noted that several landowners and architects want to implement the vision on State Road 80; mentioned that Policy 13.4.1 limits the multi-family density to four units per acre along State Road 80, unless it is a mixed-use development; and pointed out that Staff had suggested that the landowners with zoning impacted by this plan could add commercial uses to the residential density to meet the policy and preserve the density. The Chairman called for public input, and the following individuals came forward to withdraw any objections and express support for the amendment, and request that the Board direct Staff to prioritize the evaluation of the allocation table:

Attorney Beverly Grady, of the law firm of Roetzel Andress, representing Buckingham Development LLC

Attorney Russell P. Schropp, of the law firm of Henderson, Franklin, Starnes and Holt, representing the Hunter Family (copy of Attorney Grady's letter withdrawing objections is on file in the Minutes Office)

Mr. O'Connor requested that the motion include that the changes discussed in the memorandum to be implemented into Table 1(b). Assistant County Attorney Timothy Jones advised the Board that there are provisions within the amendment that could raise a Burt Harris (BH) Act claim, mentioned that he was not sure that the support and consensus of the landowners was sufficient to waive any claims under the Act, and apprised that he did not know what

the actual financial exposure would be if someone were to raise a claim. Brief discussion was held among the Commissioners, Attorney Jones, and Mr. Roeder regarding the Attorney's recommendation to conduct an analysis that would provide a clear idea of the potential liability, and an analysis that would determine every possible landowner that could be affected and have a claim and get them to waive their claim effectively; the fact that the notice provided to the landowners by the Applicant is not sufficient to waive a claim; and the fact that Buckingham 320 decision did not raise a BH claim because it was based on regulations that existed before the BH Act became effective. Commissioner Albion stated that the Board is now aware of the potential claims; and noted that, if there are problems in the future, the legitimacy and the level of concern would be reviewed and appropriate action taken at that time. Commissioner Judah stated that the Board would make a separate motion to incorporate direction to Staff on the prioritization of the allocation table. In response to Commissioner St. Cerny's question, Attorney Jones replied that the County Attorney's Office can respond to the lawsuit and defend the County, and the County can decide at that time to repeal the provisions in the plan; mentioned that the Board cannot adopt amendments that are inconsistent with the plan to settle a BH claim, but can amend the plan as to the particular property and revert it back to its original state. Commissioner Albion moved the amendment, seconded by Commissioner Janes. Commissioner Albion commented on the County's trust to the landowners by approving an amendment with possible BH claims. The motion was called and carried with Commissioner Coy absent.

**D. Adopt an Ordinance which adopts CPA2002-04 (Proposed Draft Ordinance)**

Commissioner Albion moved approval, seconded by Commissioner Janes, called and carried with Commissioner Coy absent. The Ordinance adopted by the Board and filed was LEE COUNTY ORDINANCE NO. 03-21, ENTITLED:

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN", ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2002-04 (PERTAINING TO THE CALOOSAHATCHEE SHORES COMMUNITY PLAN) APPROVED DURING THE COUNTY'S 2002/2003 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

The Chairman requested a separate motion to give direction to Staff to prioritize the 2020 allocation table as discussed with the rest of Caloosahatchee Shores planning. Commissioner Janes so moved, seconded by Commissioner St. Cerny, called and carried with Commissioner Coy absent.

The Chairman thanked Community Development Planning Director Paul S. O'Connor and Staff for the smooth and efficient way the amendments have moved forward.

The Chairman adjourned the meeting at 10:15 a.m.

ATTEST:  
CHARLIE GREEN, CLERK

\_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Chairman, Lee County Commission



### **CITIZEN COURTESY INFORMATION STATEMENT**

Dear Citizen:

You recently commented on comprehensive plan amendments under consideration by Lee Co 03-2. This is to notify you pursuant to Section 163.3184(8)(b)2, Florida Statutes, that the Department of Community Affairs will be publishing a Notice of Intent for the Lee County 03-2 Comprehensive Plan Amendment(s), Docket No. 03-2-NOI-3601, adopted by Ordinance Number(s) 03-19, 03-20 and 03-21 in the legal classified section of the FT. MYERS NEWS PRESS on approximately December 22, 2003. This Notice of Intent will also be posted on the agency's Internet site at <http://www.dca.state.fl.us/fdcp/Advisories/DCPAdvisoriesSelect.asp>. Please be advised that any affected person as defined by Section 163.3184, Florida Statutes, has a right to petition for an administrative hearing to challenge the agency's determination within 21 days after publication of the Notice of Intent, and must include all of the information and contents described in Uniform Rule 28-106.201, Florida Administrative Code.

**EXHIBIT**

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**Table 1(b)**  
**Planning Community Year 2020 Allocations**

Future Land Use Category		Lee County Totals	Alva	Boca Grande	Bonita Springs	Fort Myers Shores	Burnt Store	Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway/ Airport	Daniels Parkway
<b>Residential By Future Land Use Category</b>	Intensive Development	1,493				89		27		297			
	Central Urban	9,558				208				545			
	Urban Community	13,077	519	437		633							
	Suburban	15,448				1,803				206			
	Outlying Suburban	4,931	15				20	2	435				1,352
	Industrial	96								48		18	
	Public Facilities	2		1					1				
	University Community	860											
	Industrial Interchange												
	General Interchange	53											2
	General Commercial Interchange	7				7							
	Industrial Commercial Interchange												
	University Village Interchange												
	Mixed Use Interchange												
	New Community	1,644								360		1,284	
	Tradeport	9										9	
	Airport												
	Rural	8,977	1,419			783	633			184		111	1,255
	Rural Community Preserve	3,046											
	Outer Island	215	5						172				
	Open Lands	2,091	175				588						47
	Density Reduction/ Groundwater Resource	5,544	40									94	
	Wetlands												
Unincorporated County Total Residential		67,051	2,173	438		3,523	1,241	29	608	1,640		1,516	2,656
Commercial		9,460	46	56		257	26	17	112	153		824	398
Industrial		6,311	26	14		391	5	26		733		3,096	10
<b>Non Regulatory Allocations</b>													
Public		58,676	3,587	537		1,724	1,193	6	1,981	750		6,136	1,854
Active AG		34,145	6,098			620				279		569	254
Passive AG		65,522	14,633			4,483	6,987	10		631		3,580	575
Conservation		79,488	2,236	296		1,125	3,672		1,347	1,006		3,482	1,918
Vacant		44,720	1,525	2		33	1,569	25	5	495		792	578
<b>Total</b>		<b>365,373</b>	<b>30,324</b>	<b>1,343</b>		<b>12,156</b>	<b>14,693</b>	<b>113</b>	<b>4,053</b>	<b>5,687</b>		<b>19,995</b>	<b>8,243</b>

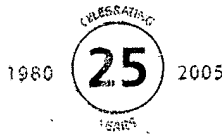
Amended By Ordinance No. 02-02, 03-19

Table 1(b) - Page 1 of 2



**Table 1(b)**  
**Planning Community Year 2020 Allocations**

Future Land Use Category		Iona/ McGregor	San Carlos	Sanibel	South Fort Myers	Pine Island	Lehigh Acres	Southeast Lee County	North Fort Myers	Buckingham	Estero	Bayshore
<b>Residential By Future Land Use Category</b>	Intensive Development				704	5			371			
	Central Urban	462	15		2,778		3,052		2,498			
	Urban Community	697	930		920	526	8,037			51	327	
	Suburban	2,471	2,250		1,217	636			5,293		1,572	
	Outlying Suburban	396				466			610	49	837	749
	Industrial	7	13		10							
	Public Facilities											
	University Community		860									
	Industrial Interchange											
	General Interchange							15	9		15	12
	General Commercial Interchange											
	Industrial Commercial Interchange											
	University Village Interchange											
	Mixed Use Interchange											
	New Community											
	Tradeport											
	Airport											
	Rural		160			1,129	10	702	383	57	900	1,251
	Rural Community Preserve									3,046		
	Outer Island	1				37						
	Open Lands								45			1,236
	Density Reduction/ Groundwater Resource							3,573				1,837
	Wetlands											
Unincorporated County Total Residential		4,034	4,228		5,629	2,799	11,099	4,290	9,209	3,203	3,651	5,085
Commercial		782	1,613		1,849	165	452	31	1,158	18	1,399	104
Industrial		298	350		723	64	216	55	209	5	87	3
<b>Non Regulatory Allocations</b>												
Public		2,970	1,085		3,394	1,722	13,738	7,700	2,015	2,114	4,708	1,462
Active AG						2,313		21,066	381	411	833	1,321
Passive AG			90			960		21,110	4,113	3,867	90	4,393
Conservation		8,879	3,283		128	13,703	1,455	30,882	1,293	359	3,626	798
Vacant		1,912	11		690	4,577	19,561	321	4,242	1,278	5,794	1,310
<b>Total</b>		<b>18,875</b>	<b>10,660</b>		<b>12,413</b>	<b>26,303</b>	<b>46,521</b>	<b>85,455</b>	<b>22,620</b>	<b>11,255</b>	<b>20,188</b>	<b>14,476</b>



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## MEMORANDUM

TO: Mr. Dan Johnson  
TKW Consulting Engineers, Inc.

FROM: Ted B. Treesh  
Principal/Regional Manager

David L. Wheeler  
Transportation Consultant

DATE: August 3, 2005

RE: Buckingham 320 Zoning Extension  
Lee County, Florida

**RECEIVED**  
AUG 04 2005

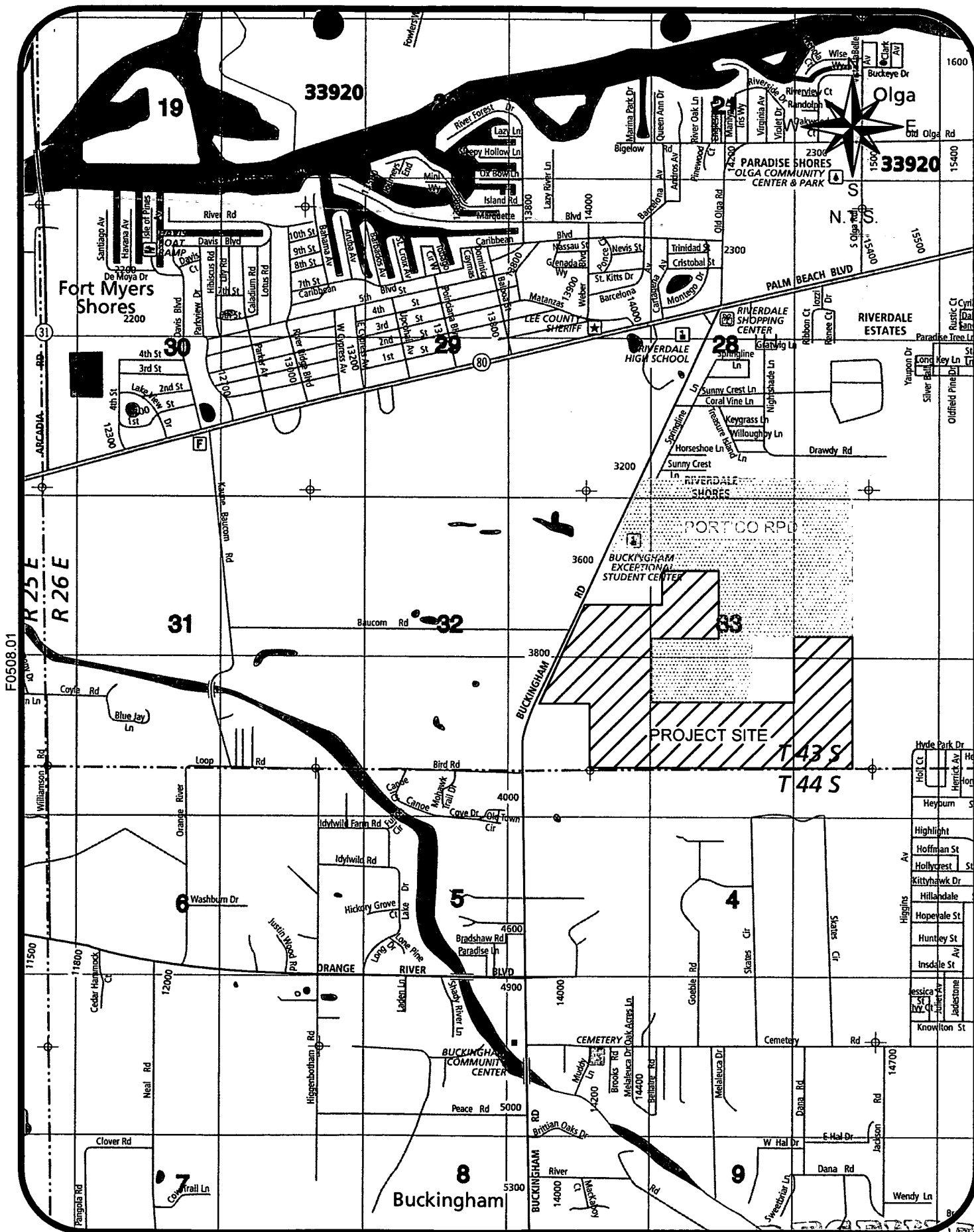
Metro Transportation Group, Inc. (Metro) has completed a trip generation and Level of Service analysis for the proposed zoning extension for the Buckingham 320 development in Lee County, Florida. This analysis only addresses the impact, if any, that the zoning extension for the proposed Buckingham 320 development will have on the Level of Service Conditions on the surrounding roadway network.

The subject site is located on the east side of Buckingham Road south of its intersection with State Route 80 in Lee County, Florida. Access to the site is proposed to the site via a full access drive on Buckingham Road. **Figure 1** illustrates the location of the subject site. The site is currently zoned for 640 single-family dwelling units and was approved under Zoning Resolution Z-00-029 and amended under ADD2003-00006.

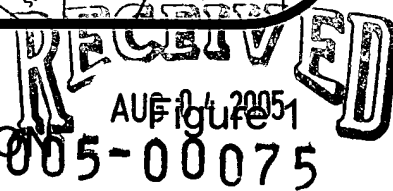
### PROPOSED DEVELOPMENT

If approved, the zoning extension for the Buckingham 320 development will extend the current zoning on the site by two (2) years. Land Use Code 210 (Single-Family Detached Housing) was utilized for the trip generation purposes of the proposed development.

**001 2005-00075**



# PROJECT LOCATION MAP BUCKINGHAM 320 ZONING EXTENSION





**Table 1** outlines the estimated weekday AM and PM peak hour trip generation of the project as currently proposed.

**Table 1**  
**Trip Generation**  
**Buckingham 320 Zoning Extension**

Land Use	Weekday AM Peak Hour			Weekday PM Peak Hour			Daily
	In	Out	Total	In	Out	Total	2-way
Single-Family Housing (640 dwelling units)	115	340	455	360	210	570	5,735

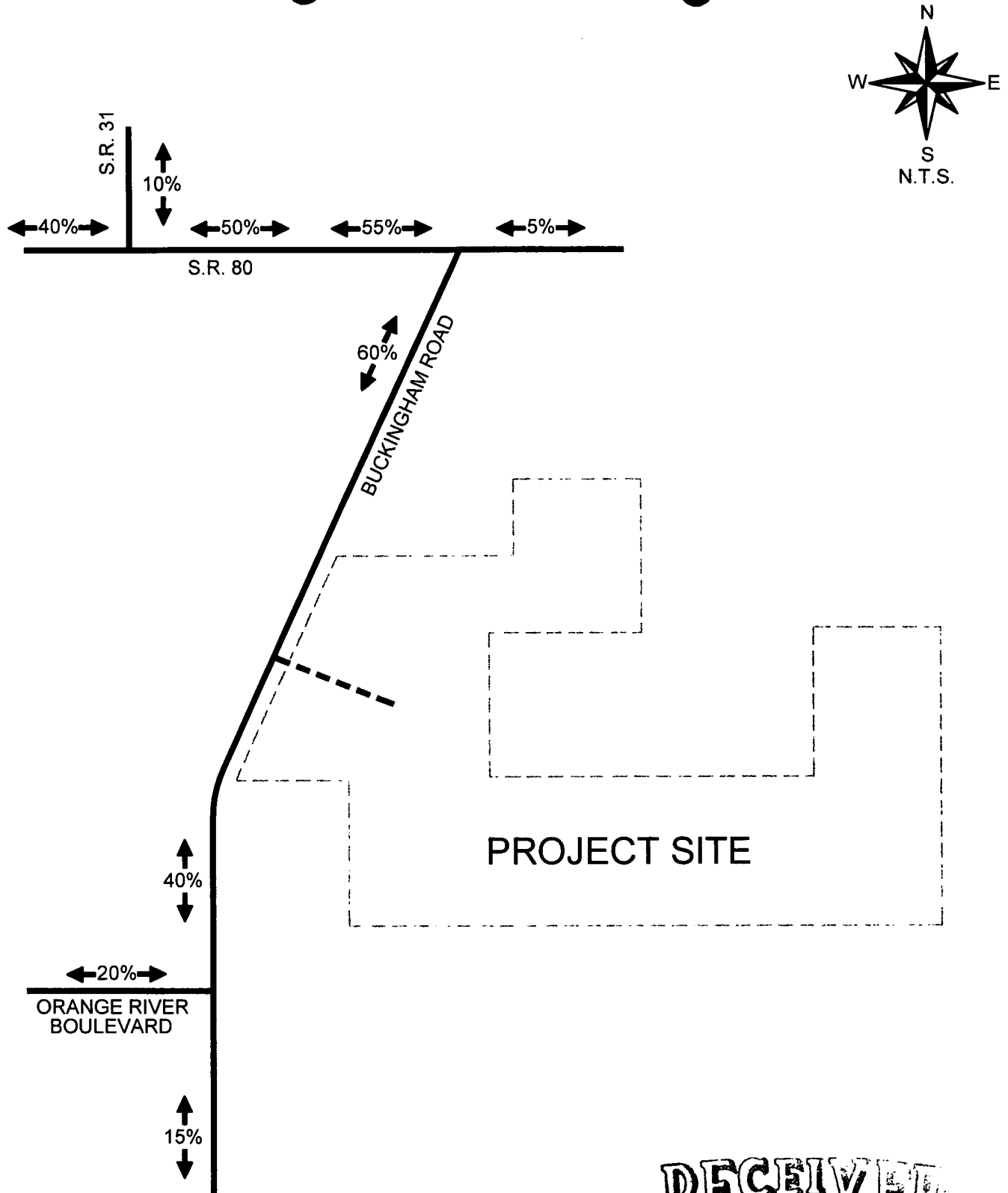
### LEVEL OF SERVICE ANALYSIS

A Level of Service analysis was conducted on Buckingham Road for the build-out traffic conditions of the Buckingham 320 Zoning Extension assuming the site is developed with the maximum land use intensity allowed by the current zoning. Also included in the analysis of Buckingham Road was the traffic from the recently approved Portico RPD. The attached tables 1A and 2A indicate the projected traffic volumes and Level of Service conditions on the surrounding roadway network at the build-out of the project. For this analysis it was assumed that the traffic would follow the same distribution as presented in the Portico RPD zoning TIS as prepared by David Plummer & Associates, Inc. **Figure 2** illustrates the project traffic distribution utilized for the proposed Buckingham 320 Zoning Extension.

Based on the Level of Service analysis performed within this report, Buckingham Road from S.R. 80 to Gunnery Road and Orange River Boulevard from Staley Road to Buckingham Road will be significantly impacted by the proposed Buckingham 320 Zoning Extension. Significant Impact is defined as any roadway link that will accommodate greater than 10% of the Peak Hour – Peak Direction Level of Service “C” volumes, as defined by the Lee County Link Specific Service Volume tables provided by the Lee County Department of Transportation. The projected build-out year for the Buckingham 320 Zoning Extension is 2008, so an analysis year of 2009 was selected. The site traffic from the pending Portico RPD (DCI2004-00031) was also accounted for in the Level of Service analysis.

**Figure 3** illustrates the 2009 build-out traffic conditions for the proposed development. From Figure 3, all roadway segments analyzed were shown to operate at acceptable Level of Service conditions under the projected 2009 build-out traffic conditions for the proposed Buckingham 320 Zoning Extension. Therefore, no roadway improvements will be warranted as a result of the proposed Buckingham 320 Zoning Extension.

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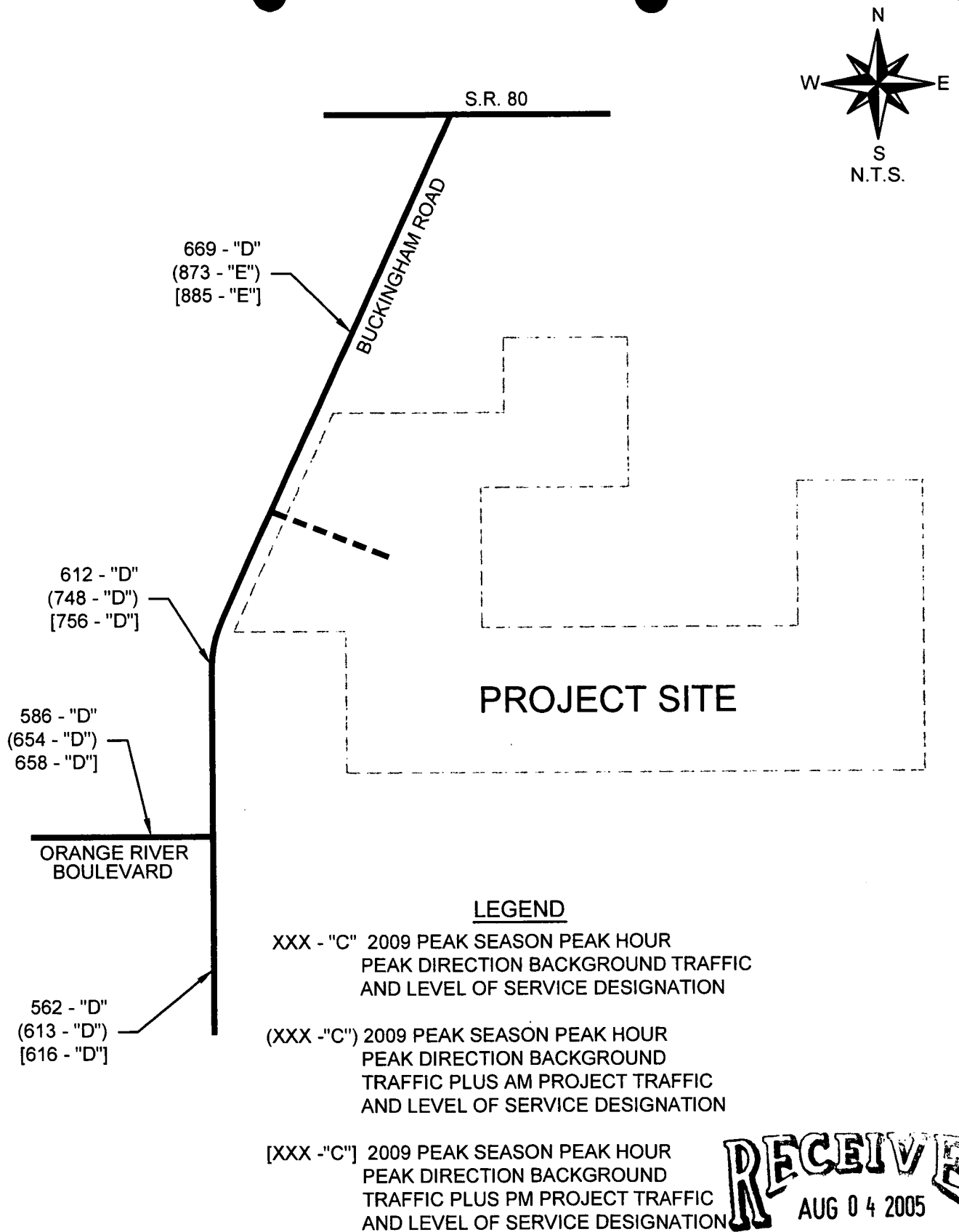
OCT 2005-00075



# PROJECT TRAFFIC DISTRIBUTION BUCKINGHAM 320 ZONING EXTENSION

Figure 2

F0508.01



2009 BUILDOUT TRAFFIC CONDITIONS  
BUCKINGHAM 320 ZONING EXTENSION

Figure 3

DOI 2005-00075





## **CONCLUSION**

Based on the trip generation and Level of Service analysis contained within this report, all roadway segments analyzed will operate at acceptable Level of Service conditions after the addition of the project traffic. Therefore, no roadway improvements will be warranted as a result of the proposed Buckingham 320 Zoning Extension located on the east side of Buckingham Road south of its intersection with State Route 80 in Lee County, Florida.

## **Attachments**

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

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 455 VPH										
TOTAL PM PEAK HOUR PROJECT TRAFFIC = 570 VPH										
ROADWAY	SEGMENT	ROADWAY CLASS	LOS A	LOS B	LOS C	LOS D	LOS E	PERCENT		
								PROJECT TRAFFIC	PROJ/LOS C	
Buckingham Rd.	N. of SR 82	2LN	130	310	530	870	940	0%	0	0.0%
	N. of Gunnerly Rd.	2LN	130	310	530	870	940	15%	54	10.2%
	N. of Orange River Blvd.	2LN	130	310	530	870	940	40%	144	27.2%
	N. of Project Entrance	2LN	130	310	530	870	940	60%	216	40.8%
Orange River Blvd	W. of Buckingham Rd	2LN	0	220	510	800	940	20%	72	14.1%
	W. of Staley Rd	2LN	0	220	510	800	940	0%	0	0.0%
SR 80	E. of Buckingham Rd	4LD	1690	2040	2050	2050	2050	5%	18	0.9%
	W. of Buckingham Rd	4LD	1690	2040	2050	2050	2050	55%	198	9.7%
	E. of SR 31	4LD	1690	2040	2050	2050	2050	50%	180	8.8%
	W. of SR 31	6LD	2570	3070	3080	3080	3080	40%	144	4.7%
SR 31	N. of SR 80	2LN	220	440	710	1120	1170	10%	36	5.1%

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

**TABLE 2A**  
**LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS**

TOTAL PROJECT TRAFFIC AM =		455	VPH	IN =	115	OUT=	340		
TOTAL PROJECT TRAFFIC PM =		570	VPH	IN=	360	OUT=	210		
<u>ROADWAY</u>	<u>SEGMENT</u>	2009							
		2009	PORTICO	PK HR	BCKGRND	PERCENT			
		BCKGRND	DEVELOPMT	PK SEASON	TRAFFIC	PROJECT			
		<u>TRAFFIC<sup>1</sup></u>	<u>TRAFFIC<sup>1</sup></u>	<u>PEAK DIR.</u>	<u>LOS</u>	<u>TRAFFIC</u>			
Buckingham Rd.	N. of Gunnerly Rd.	464	98	562	D	15%			
	N. of Orange River Blvd.	373	239	612	D	40%			
	N. of Project Entrance	313	356	669	D	60%			
Orange River Blvd	W. of Buckingham Rd	458	128	586	D	20%			
				2009		2009		2009	
				BCKGRND	BCKGRND	BCKGRND	BCKGRND	BCKGRND	BCKGRND
				+ AM PROJ	+ AM PROJ	+ AM PROJ	+ PM PROJ	+ PM PROJ	+ PM PROJ
				<u>TRAFFIC</u>	<u>TRAFFIC</u>	<u>LOS</u>	<u>TRAFFIC</u>	<u>LOS</u>	<u>LOS</u>
				613	54	D	616	D	D
				748	144	D	756	D	D
				873	216	E	885	E	E
				654	72	D	658	D	D

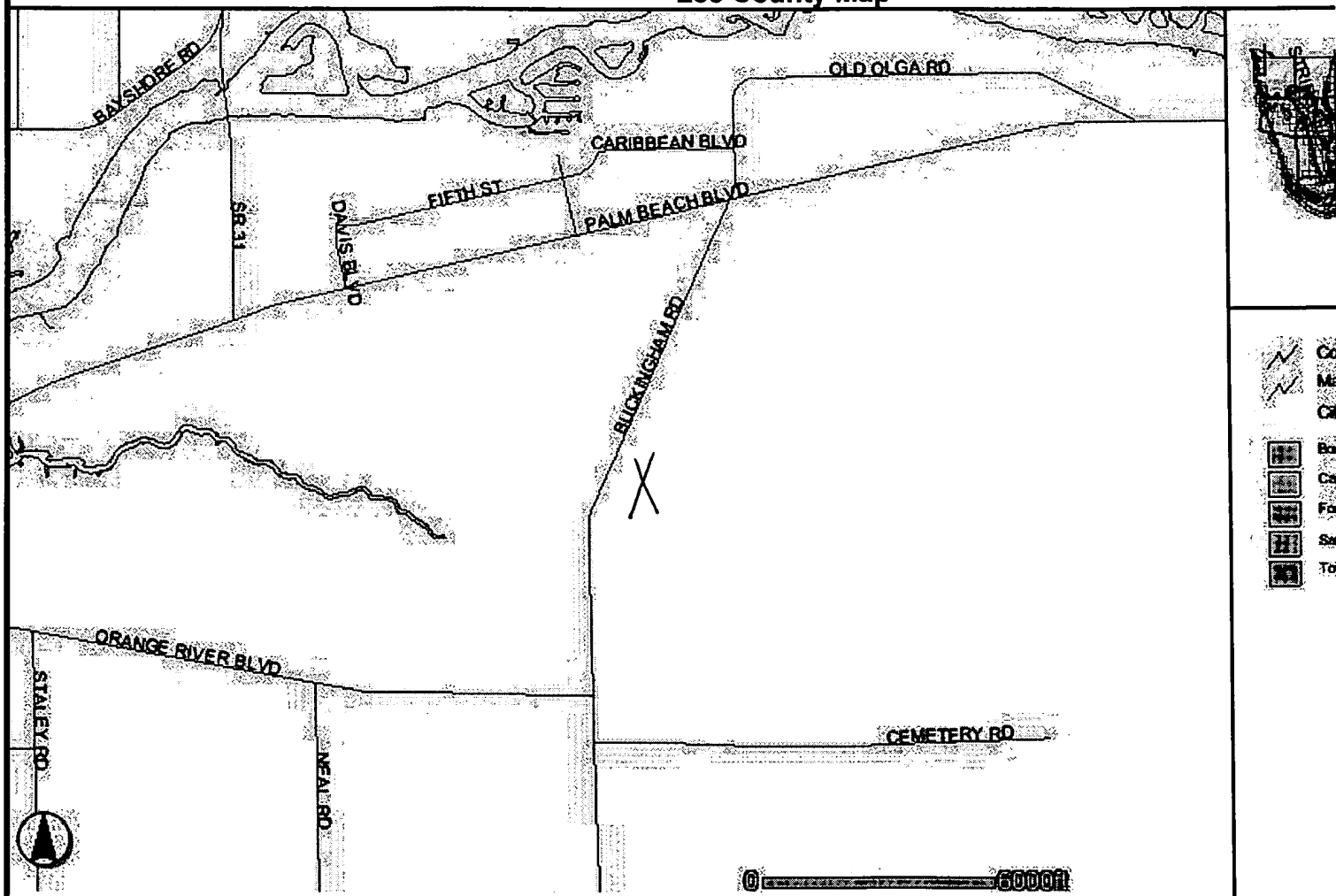
<sup>1</sup> Obtained from the TIS for the Portico RPD (DCI2004-00031) as prepared by David Plummer & Associates, Inc.



**TRIP GENERATION EQUATIONS  
BUCKINGHAM 320 ZONING EXTENSION  
ITE TRIP GENERATION REPORT, 7<sup>th</sup> EDITION**

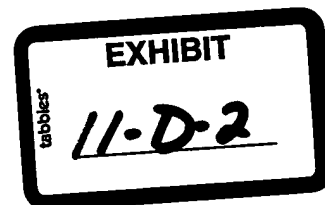
Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour	Weekday
Single-Family Detached Housing (LUC 210)	$T = 0.70 (X) + 9.43$ (25% In/75% Out)	$\ln (T) = 0.90 \ln (X) + 0.53$ (63% In/37% Out)	$\ln (T) = 0.92 \ln (X) + 2.71$
T = Trips, X = Number of dwelling units			

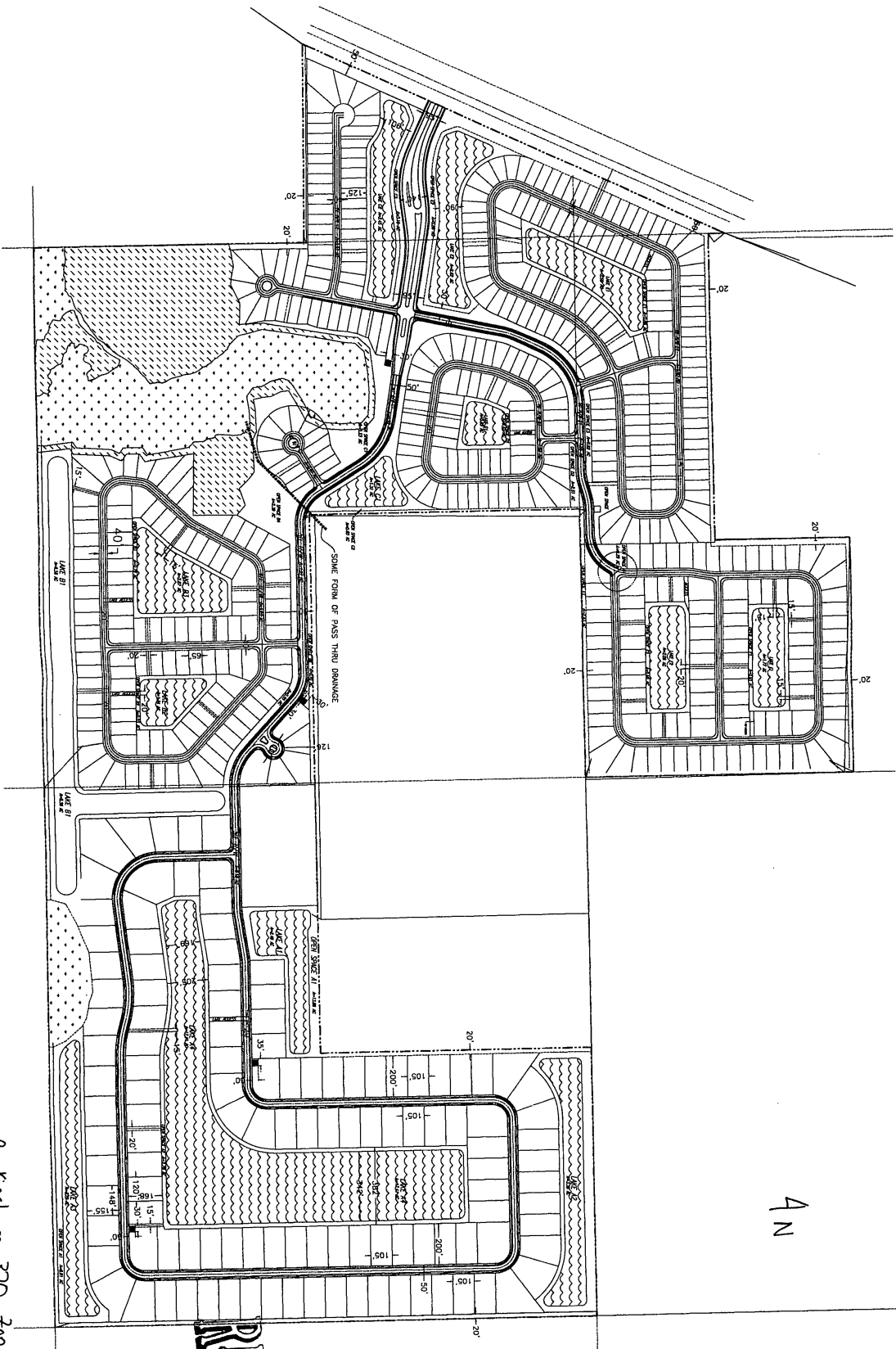
## Lee County Map



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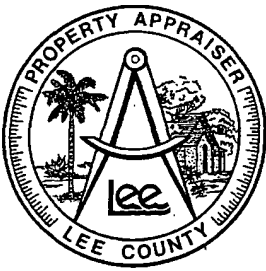




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Buckingham 320 Zoning Extension  
Site Plan  
DCI 2005-00075



# Lee County Property Appraiser

Kenneth M. Wilkinson, C.F.A.

GIS Department / Map Room

Phone: (239) 339-6159 • Fax: (239) 339-6139 • eMail: MapRoom@LeePA.org

## VARIANCE REPORT

**Date of Report:** July 25, 2005  
**Buffer Distance:** 500 ft  
**Parcels Affected:** 41  
**Subject Parcel:** 32-43-26-00-00003.0000, 33-43-26-00-00004.0000

<b>OWNER NAME AND ADDRESS</b>	<b>STRAP AND LOCATION</b>	<b>LEGAL DESCRIPTION</b>	<b>Map Index</b>
VERANDAH DEVELOPMENT LLC 9990 COCONUT RD STE 200 BONITA SPRINGS FL 34135	32-43-26-00-00001.0000 3250 BUCKINGHAM RD FORT MYERS FL 33905	N1/2 W OF BUCKINGHAM RD + NE1/4 OF SW1/4 + NW1/4 LESS SEWER EASE LESS OR 4026 PG 2899 + SUBD	1
SANTIN TOM HENRY 50% INT+ 17160 CYPRESS CREEK DR NORTH FORT MYERS FL 33917	32-43-26-00-00002.0000 3600 BUCKINGHAM RD FORT MYERS FL 33905	NE 1/4 OF SE 1/4 W OF BLVD LESS S 230 FT	2
SAPP HILTON + BIRDIE M 3750 BUCKINGHAM RD FT MYERS FL 33905	32-43-26-00-00002.0010 3750 BUCKINGHAM RD FORT MYERS FL 33905	S 100 FT OF NE 1/4 OF SE 1/4 LYING W OF BLVD	3
SANTIN MARION L + RUBY W 3720 BUCKINGHAM RD FT MYERS FL 33905	32-43-26-00-00002.0020 3720 BUCKINGHAM RD FORT MYERS FL 33905	N 130 FT OF S 230 FT OF NE 1/4 OF SE 1/4 WLY OF BUCKINGHAM RD	4
M. ER SHARON LOUISE PER REP 3771 BUCKINGHAM RD FORT MYERS FL 33905	32-43-26-00-00005.0000 3771 BUCKINGHAM RD FORT MYERS FL 33905	PARL IN S E 1/4 OF S E 1/4 DESC IN OR 1251 PG 1893 LESS PAR 5.001 + 5.0020 OR 2900/401	5
PECK DAVID + GIA 3791 BUCKINGHAM RD FORT MYERS FL 33905	32-43-26-00-00005.0010 3791 BUCKINGHAM RD FORT MYERS FL 33905	PARL IN N E 1/4 OF S E 1/4 SEC 32 TWP 43 RGE 26 DESC IN OR 1394 PG 0601	6
CANTRELL RALPH E 3773 BUCKINGHAM RD FT MYERS FL 33905	32-43-26-00-00005.0020 3763 BUCKINGHAM RD FORT MYERS FL 33905	PARL IN THE SE 1/4 OF THE SE 1/4 DESC OR 2900/399	7
INGRAM CEZANNE + 4755 WOODLAWN RD MAURICE LA 70555	32-43-26-00-00006.0000 3971 BUCKINGHAM RD FORT MYERS FL 33905	PARL IN SE 1/4 OF SE 1/4 E OF BUCKINGHAM RD AS DESC IN OR 2171 PG 331 LESS RD R/W OR 3326 PG 1608	8
JD + M DEVELOPMENT LLC 5500 RAVINE RIDGE COVE AUSTIN TX 78746	32-43-26-00-00006.0010 3851 BUCKINGHAM RD FORT MYERS FL 33905	PARL IN SE 1/4 OF SE 1/4 E OF BUCKINGHAM RD AS DESC IN OR 1916 PG 1717 LES RD R/W	9
VERANDAH DEVELOPMENT LLC 9990 COCONUT RD STE 200 BONITA SPRINGS FL 34135	33-43-26-00-00001.0000 3150 BUCKINGHAM RD FORT MYERS FL 33905	NW 1/4 W OF HWY LESS SEWER EAS 2613/2295	10
TAYLOR WOODROW COMMUNITIES AT 8430 ENTERPRISE CIR STE 100 BRADENTON FL 34202	33-43-26-00-00002.0000 3181 BUCKINGHAM RD FORT MYERS FL 33905	NE 1/4 + W 1/2 OF NW1/4 OF SE 1/4 + N 1/2 OF NW 1/4 E OF RD LESS 2.2 & 2.3	11
TAYLOR WOODROW COMMUNITIES AT 8430 ENTERPRISE CIR STE 100 BRADENTON FL 34202	33-43-26-00-00002.0030 3091 BUCKINGHAM RD FORT MYERS FL 33905	PARL IN W 1/2 AS DESC OR 1888 PG 4061	12
LEE COUNTY HOMES ASSOCIATES I 1401 UNIVERSITY DR STE 200 CORAL SPRINGS FL 33071	33-43-26-00-00004.0010 ACCESS UNDETERMINED FT MYERS FL 33905	EAST 1/2 OF NW 1/4 OF SE 1/4 OF SEC 33	13
LEE COUNTY DIST SCHOOL BOARD 2055 CENTRAL AVE FORT MYERS FL 33901	33-43-26-00-00004.1000 3291 BUCKINGHAM RD FORT MYERS FL 33905	PARL IN S 1/2 OF NW 1/4 DESC IN OR 1647 PG 2775	14

EXHIBIT

11-D-3



<b>OWNER NAME AND ADDRESS</b>	<b>STRAP AND LOCATION</b>	<b>LEGAL DESCRIPTION</b>	<b>Map Index</b>
TAYLOR WOODROW COMMUNITIES AT 8430 ENTERPRISE CIR STE 100 BRADENTON FL 34202	<b>34-43-26-00-00001.0000</b> ACCESS UNDETERMINED ALVA FL 33920	S 1/2 SEC 34 + OR 4107 PG 886	15
L T AND SONS AT HAWKS HAVEN 7777 GLADES RD STE 410 BOCA RATON FL 33434	<b>34-43-26-00-00001.0020</b> RESERVED FL	PARL IN N 1/2 OF SEC 34 AS DESC IN OR 4326 PG 1883	16
FERRANTE THOMAS B + GAIL A 9025 N MOBLEY RD ODESSA FL 33556	<b>03-44-26-01-00001.0130</b> 6151 HIGGINS AVE FORT MYERS FL 33905	LEHIGH ACRES UNIT 1 BLK 1 PB 26 PG 2 LOT 13	17
DINGER PAUL + 1150 LEE BLVD STE B LEHIGH ACRES FL 33936	<b>03-44-26-01-00001.0140</b> 6153 HIGGINS AVE FORT MYERS FL 33905	LEHIGH ACRES UNIT 1 BLK 1 PB 26 PG 2 LOT 14	18
GROSSENBAUGH DUSTIN L + 16511 SHELBY LN N FORT MYERS FL 33917	<b>03-44-26-01-00003.0010</b> 6152 HIGGINS AVE FORT MYERS FL 33905	LEHIGH ACRES UNIT 1 BLK 3 PB 26 PG 2 LOT 1	19
QUANG LUULY 4925 SKATES CIR FORT MYERS FL 33905	<b>03-44-26-01-00005.0010</b> 3858 HYDE PARK DR FORT MYERS FL 33905	LEHIGH ACRES UNIT 1 BLK 5 PB 26 PG 2 LOTS 1 + 2 + BLK 1 LOT 15	20
EL PHILEMON LLC 5051 CASTELLO DR #206 NAPLES FL 34103	<b>03-44-26-01-00005.0030</b> 3854 HYDE PARK DR FORT MYERS FL 33905	LEHIGH ACRES UNIT 1 BLK 5 PB 26 PG 2 LOT 3	21
BARICKMAN ROBERT L 2409 MANSFIELD AVE S LEHIGH ACRES FL 33971	<b>03-44-26-01-00005.0040</b> 3852 HYDE PARK DR FORT MYERS FL 33905	LEHIGH ACRES UNIT 1 BLK 5 PB 26 PG 2 LOT 4	22
HARDING ROBERT G + 4181 BUCKINGHAM RD FT MYERS FL 33905	<b>04-44-26-00-00001.0000</b> 4181 BUCKINGHAM RD FORT MYERS FL 33905	W1/2 OF NW1/4 OF NW1/4	23
K T BILLIE J TR 4200 BUCKINGHAM RD FT MYERS FL 33905	<b>04-44-26-00-00001.0020</b> 4203 BUCKINGHAM RD FORT MYERS FL 33905	N 1/2 OF THE E 689 FT OF THE NW 1/4 OF THE NW 1/4 AS DESC IN OR 3129 PG 803	24
EVANS JOHN L + SYLVIA J 4555 SKATES CIR FORT MYERS FL 33905	<b>04-44-26-00-01004.2200</b> 4555 SKATES CIR FORT MYERS FL 33905	E 1/2 OF NW 1/4 OF NE 1/4 OF NE 1/4 E 1/2 LOT 13 RIVERDALE RANCHES	25
BARNES AMANDA B 4471 SKATES CIR FORT MYERS FL 33905	<b>04-44-26-00-01004.2230</b> 4471 SKATES CIR FORT MYERS FL 33905	E1/2 OF W1/2 OF NE1/4 OF NW 1/4 OF NE 1/4 LOT 14A.2 RIVERDALE RANCHES UNREC	26
MAURER TAMMY R 4499 SKATES CIR FORT MYERS FL 33905	<b>04-44-26-00-01004.2240</b> 4499 SKATES CIR FORT MYERS FL 33905	E 1/2 OF NE 1/4 OF NW 1/4 OF NE 1/4	27
DEMERS GLEN E + MARIE L 4575 SKATES CIR FORT MYERS FL 33905	<b>04-44-26-00-01004.2250</b> 4575 SKATES CIR FORT MYERS FL 33905	W 1/2 OF W 1/2 OF NE 1/4 OF NE 1/4 OF NE 1/4 AKA LOT 12A	28
MAY JAMES R + SUSAN 4463 SKATES CIR FORT MYERS FL 33905	<b>04-44-26-00-01004.2340</b> 4463 SKATES CIR FORT MYERS FL 33905	W 1/2 OF W 1/2 OF NE 1/4 OF NW 1/4 OF NE 1/4 LOT 14 A-1	29
HOWARD MITCHELL M + LAURIE 4595 SKATES CIR FORT MYERS FL 33905	<b>04-44-26-00-01004.2430</b> 4595 SKATES CIR FORT MYERS FL 33905	W1/2 OF E1/2 OF NE1/4 OF NE1/4 OF NE1/4 AKA LT 12C RIVERDALE RANCHES UNREC	30
WIGELSWORTH PATRICIA C 6866 WIGELY PL LIVE OAK FL 32060	<b>04-44-26-00-01004.2450</b> 4423 SKATES CIR FORT MYERS FL 33905	W1/2 OF NW1/4 OF NW1/4 OF NE1/4 AKA LOT 15-A	31
WIGELSWORTH PATRICIA C 6866 WIGELY PL LIVE OAK FL 32060	<b>04-44-26-00-01004.2460</b> 4441 SKATES CIR FORT MYERS FL 33905	W1/2 OF E1/2 OF NW1/4 OF NW1/4 OF NE1/4 AKA LOT 15-B-1	32

<b>OWNER NAME AND ADDRESS</b>	<b>STRAP AND LOCATION</b>	<b>LEGAL DESCRIPTION</b>	<b>Map Index</b>
HOWARD MITCHELL M III + LAURIE 4595 SKATES CIR FORT MYERS FL 33905	<b>04-44-26-00-01004.2470</b> 4609 SKATES CIR FORT MYERS FL 33905	E1/2 OF E1/2 OF NE1/4 OF NE1/4 OF NE1/4 AKA LOT 12D RIVERDALE RANCHES	33
EDWARD K III + JENNIFER 4455 SKATES CIR FT MYERS FL 33905	<b>04-44-26-00-01004.2550</b> 4455 SKATES CIR FT MYERS FL 33905	E 1/2 OF THE E 1/2 OF THE NW 1/4 OF THE NW 1/4 OF THE NE 1/4	34
KERNER THOMAS F + CHRISTINA T 363 OTTUMWA AVE FORT MYERS FL 33905	<b>04-44-26-00-01004.2560</b> 4525 SKATES CIR FT MYERS FL 33905	THE W 1/2 OF THE NW 1/4 OF THE NE 1/4 OF THE NE 1/4 AS DESC IN OR 3063 PG 4033	35
FARINAS LAZARO JESUS 4585 SKATES CIR FORT MYERS FL 33905	<b>04-44-26-00-01004.2570</b> 4585 SKATES CIR FORT MYERS FL 33905	THE E 1/2 OF THE W 1/2 OF THE NE 1/4 OF THE NE 1/4 OF THE NE 1/4	36
SHAY WILLIAM E + CHERYL HELEN 4170 GOEBEL DR FT MYERS FL 33905	<b>04-44-26-01-0030A.0000</b> 4170 GOEBEL DR FORT MYERS FL 33905	RANCHO EIGHTY UNREC OR 891 PG 305 W 1/2 OF TRACT A	37
NUSBAUM KURT + CARLA + P O BOX 61921 FT MYERS FL 33906	<b>04-44-26-01-0030A.1000</b> 4190 GOEBEL DR FORT MYERS FL 33905	RANCHO EIGHTY UNREC OR 891 PG 305 TRACT A N 1/2 OF E 1/2	38
CZIRR JOANNE 439 ARAGON AVE CORAL GABLES FL 33134	<b>04-44-26-01-0030B.0000</b> 4211 GOEBEL DR FORT MYERS FL 33905	RANCHO EIGHTY UNREC OR 891 PG 305 TRACT B PART OF THE W 1/2	39
RUSSELL ANDREW FRANCIS 13316 GOLF CREST CIR TAMPA FL 33618	<b>04-44-26-01-0030B.1000</b> 4231 GOEBEL DR FORT MYERS FL 33905	RANCHO EIGHTY UNREC OR 891 PG 305 TRACT B THE E 1/2	40
WATKINS HUGH ALEXANDER 4171 N BUCKINGHAM RD FORT MYERS FL 33905	<b>05-44-26-00-00016.0020</b> 4175 BUCKINGHAM RD FT MYERS FL 33905	E1/2 OF NE1/4 OF NE1/4 DESC OR 3286 PG 3928	41

**41 RECORDS PRINTED**

# VARIANCE REPORT

7/25/2005

Subject Parcels : 2 Affected Parcels : 41 Buffer Distance : 500 ft

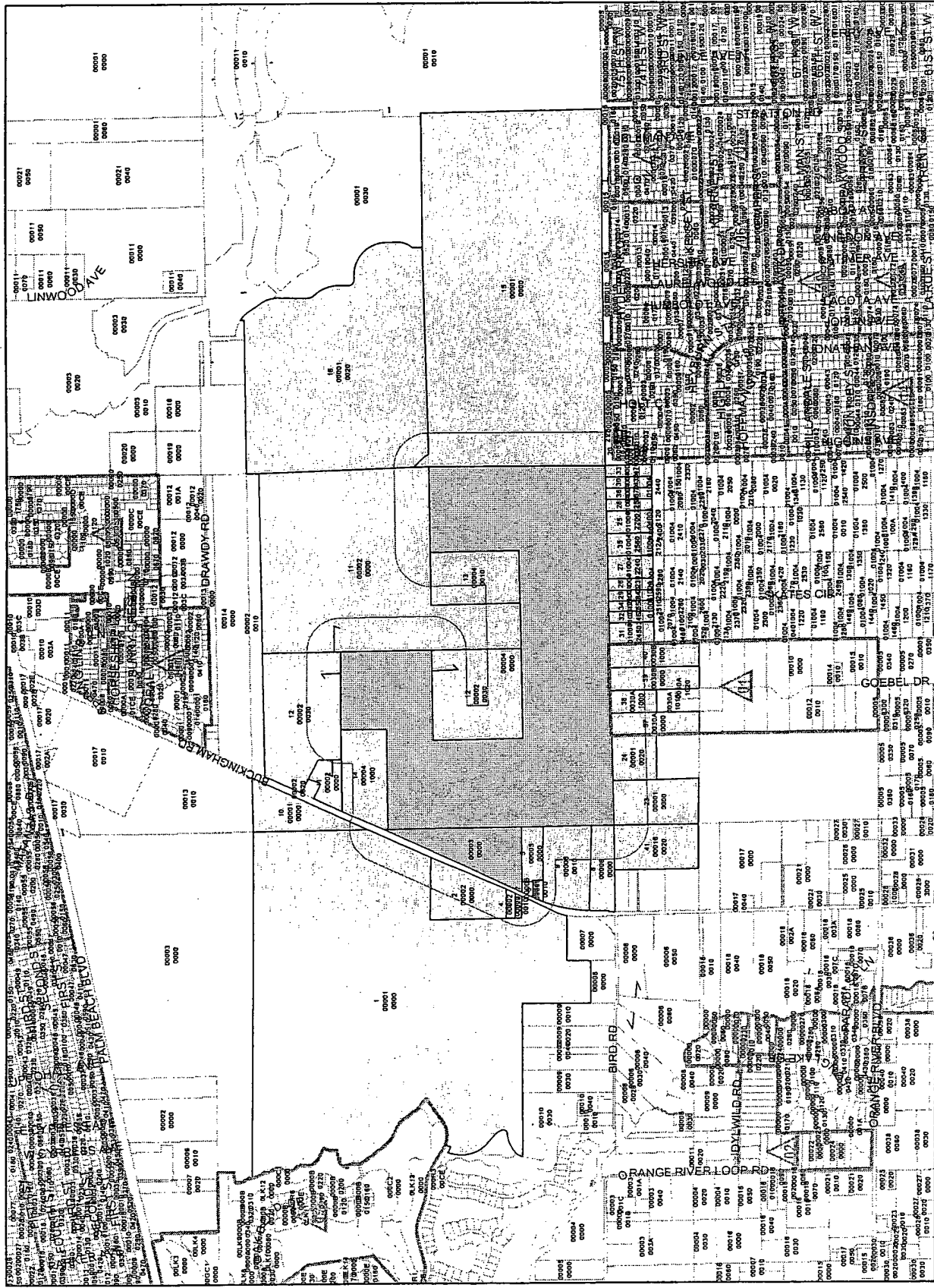


EXHIBIT  
11-D-4



32-43-26-00-00003.0000 et al.

2,300 1,150 0 2,300 Feet