LEE COUNTY, FLORIDA
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING STAFF REPORT

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

CASE NUMBER: **DCI2016-00010**

HEARING EXAMINER DATE: **FEBRUARY 1, 2017**

APPLICATION SUMMARY

Applicant: Randy Thibaut in reference to Oak View RPD

Request: Request to rezone +/- 16.2 acres from Agricultural (AG-2) to Residential Planned Development (RPD) to allow the development of up to 60 single-family and/or two-family attached residential units with a maximum height of 35 feet.

Location: The subject property is located at 3600 Buckingham Road, Fort Myers Shores Planning Community, Lee County, FL. (District #5). The applicant indicates the STRAP number is: 32-43-26-00-00002.0000

RECOMMENDATION:

Staff recommends **APPROVAL** of the applicant's request for rezoning 16.2 ± acres from Agricultural (AG-2) to Residential Planned Development (RPD) with conditions and deviations per Attachment "B".

Findings and Conclusions:

Staff offers the following findings based on facts and analysis as contained in this staff report including attachments, and documents on file with this application. Specifically the property is in the Suburban Future Land Use category, appropriate for a variety of developments, including residential single-family and two-family uses. The AG-2-zoned property – 16.2 acres - was developed with cattle grazing, hay production and two single-family buildings. The property has an agricultural exemption from the Lee County Property Appraiser's Office.

The applicant proposes a moderate level of residential density (3.7 dwelling units per acre) utilizing single-family and two-family attached products. The maximum density in the Suburban Future Land Use category is 6 units per acre. The property is located on the west side and has access on Buckingham Road – a two-lane arterial road. The surrounding uses include the Verandah community, low-density residential zoning and uses on Buckingham Road, agricultural uses on Buckingham Road and the Buckingham Exceptional Student Center. The proposed mix of residential uses will have access to urban services including water, sewer and access via public roads.

Based upon an analysis of the application and the standards for approval of planned development rezonings, staff makes the following findings and conclusions:

1. The applicant has proven entitlement to the rezoning to Residential Planned Development (RPD) by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.

2. The requested zoning, as conditioned:

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

   b) is consistent with the densities, intensities and general uses set forth in the Lee Plan, specifically Policy 1.1.6, Policy 1.7.6, Objective 2.2, Policy 2.2.1, Goal 5, Objective 5.1, Policy 5.1.1., Policy 5.1.2, Policy 5.1.5, Goal 9, Objective 9.1, Objective 9.2, Policy 9.2.1, Policy 9.2.2., Goal 21, Objective 21.1, Policy 21.1.3, Objective 21.3, Policy 21.3.1, Objective 21.6, Policy 21.6.3; Objective 77.1, Objective 77.3, Goal 107, Policy 107.2.13, & Goal 114; and

   c) is compatible with existing or planned uses in the surrounding area, and

   d) The request, will not adversely affect environmentally critical areas or natural resources.

3. Approval of the request, as conditioned, will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.

4. Urban services, as defined in the Lee Plan, as conditioned, will be available and adequate to serve the proposed land use.

5. The proposed mix of uses, as conditioned, is appropriate at the subject location.

6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.

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

8. The deviations requested, as conditioned, enhance the planned development, and preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

BACKGROUND INFORMATION AND ANALYSIS:

Introduction/Synopsis

This is a request to rezone about 16.2 acres of land from Agricultural (AG-2) to Residential Planned Development (RPD). The request is for a maximum of 60 dwelling units with single-family and/or two-family attached residential development (about 3.7 units per acres). The property is zoned Agricultural (AG-2), has current agricultural uses (cattle grazing and hay production), two residential buildings, and an agricultural exemption from the Lee County Property Appraiser's office.

An application was filed for this RPD May 16, 2016. The application was found sufficient for public hearing December 6, 2016.

The subject property has not been the subject of other variances or other zoning actions. As of the date of this report there are no open building or code enforcement cases associated with the property.

The property is located on the west side of Buckingham Road, a two-lane County-maintained arterial road. State Road 80 (Palm Beach Boulevard), a state arterial road with four lanes, is about 1.5 miles to the north.

The property is within both the Fort Myers Shores Planning Community, and the Caloosahatchee Shores Planning Community.

The property is in the Suburban Future Land Use category. The property is not within the Mixed Use Overlay per the Lee Plan. The subject property is not located in a Coastal High Hazard Zone, nor is it in an Airport Noise Zone.

The applicant's agents held a public informational meeting to discuss the rezoning request with the Caloosahatchee Shores Planning Committee on January 10, 2017 (Attachment "Y"). Residents from the neighboring Verandah community and the Caloosahatchee Shores Planning Committee provided staff with comments and concerns regarding the request, two-family housing, and the deviations and density proposed. The applicant has provided analysis of the surrounding density, and has proposed adequate measures to and design features to address compatibility issues raised by both. Also see "Neighborhood Compatibility Issues" and analysis below. Both single-family homes and two-family attached homes are considered "single-family" products per the LDC as it pertains to compatibility and buffers. The applicant proposes moderate density utilizing single-family and two-family products which - as conditioned - are compatible with surrounding single-family uses and zoning.

Staff recommends approval of the rezoning with conditions and deviations per Attachment "B".

Master Concept Plan

The master concept plan (Attachment "D") is three pages. The first page is a cover page showing the general location of the property and project data. The second page shows the general location of the property in relation to roads and surrounding developments. The master concept plan shows general locations of residential development, access on Buckingham Road, internal roads, emergency access, an indigenous preserve area, buffers on Buckingham Road, a lake, recreation area, and locations of proposed deviations. There are areas designated for

single-family development (R-1) and two-family attached (R-2). The third page includes development details related to deviation requests, buffers, and the proposed lake.

Lee Plan Considerations

POLICY 1.1.5: *The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. Commercial development greater than neighborhood centers, and industrial land uses are not permitted. This category has a standard density range from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre). The maximum total density may only be increased to eight dwelling units per acre (8 du/acre) utilizing Greater Pine Island Transfer of Development Units. Other forms of bonus densities are not allowed. (Amended by Ordinance No. 94-30, 16-07)*

The property is all within the Suburban Future Land Use category. Property within this Future Land Use category is appropriate for a modest level of residential development and zoning. The property is on an arterial road. The maximum density permitted is 6 units per acre. The applicant proposes 60 dwelling units on 16.2 acres, about 3.7 units per acre. No bonus density or transfer of development rights is proposed. The property has AG-2 zoning with agricultural uses on it. The requested uses and intensities, as conditioned, are consistent with the intent of the Suburban future land use category. The request is of higher intensity than surrounding residential developments and zoning. Concerns about compatibility can be adequately addressed through site design, buffers, and conditions of approval. Also see "Neighborhood Compatibility Issues" and analysis below. Single-family development is generally compatible with single-family development, provided there is compliance with all the development standards per the LDC and the proposed conditions. The requested rezoning is **CONSISTENT** with **POLICY 1.1.5** of the Lee Plan, as conditioned.

POLICY 1.7.6: *The Planning Communities Map and Acreage Allocation Table (see Map 16 and Table 1(b) and Policies 1.1.1 and 2.2.2) depicts the proposed distribution, extent, and location of generalized land uses for the year 2030. Acreage totals are provided for land in each Planning Community in unincorporated Lee County. No final development orders or extensions to final development orders will be issued or approved by Lee County which would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded.*

The subject property is located in the Fort Myers Shores Planning Community. An allocation table for land use was adopted by the Lee County Board of County Commissioners (Table 1B, Year 2035 Allocations). In Fort Myers, the total residential allocation is 4,500 acres, of which 2,071 acres have been inventoried and 2,429 acres remain. In the Suburban category, 1,810 acres have been allocated, 1,240 acres have been inventoried, and 570 acres remain. Staff finds the request **CONSISTENT** with the allocations for the Planning Community of Fort Myers Shores. This finding is not a guarantee that there will be sufficient allocations for development in the future. Such a determination will be made at time of local development order.

OBJECTIVE 2.2: DEVELOPMENT TIMING. *Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections*

163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance. (Amended by Ordinance No. 94-30, 00-22)

POLICY 2.2.1: *Rezonings and development-of-regional-impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare. (Amended by Ordinance No. 94-30, 00-22)*

This application proposes a modest level of single-family development on property within an urban future land use category which is continuing to grow and develop. The property is served by Buckingham Road, an arterial road with no sidewalks on either side of the road. The site is within the Lee County Utilities water and wastewater franchise areas, which has capacity to serve the property (Attachment "J"). Lee Tran service is 1.5 miles to the north per Route 100 on Palm Beach Boulevard (Attachment "M"). Lee County EMS, Lee County Solid Waste, the Fort Myers Shores Fire District and Lee County Sheriff's Office also provide urban services. The Lee County Sheriff's substation in Lehigh Acres is about 10 miles to the south. Fort Myers Shores Fire Station 1 on Palm Beach Boulevard is about 3.4 miles north and west on Palm Beach Boulevard and provides both fire and EMS services. The property is in Service Area 4 per Lee County Solid Waste. The service provider is Progressive Waste Solutions. The site is in proximity to residential, commercial and civic uses. Verandah's residential community is to the west. Buckingham Exceptional Student Center is to the north on Buckingham Road, as is the Portico residential development. Lee County's Manatee Park is 5.1 miles to the west on Palm Beach Boulevard. Buckingham Community Center is 1.4 miles to the south. The intersection of Buckingham Road and Palm Beach Boulevard, about 1.5 miles to the north, includes commercial development, retail and services. Riverdale Branch Library is about 1.4 miles to the north on Buckingham Road, as is Riverdale High School. Manatee Elementary School and Oak Hammock Middle School are about 5 miles to the west. There are no classroom capacity issues associated with this request per the Lee County School District (Attachment "Z"). The proposed uses - as conditioned by staff – will be compatible with surrounding existing uses and zoning. Therefore, staff finds that the rezoning of the subject property **CONSISTENT** with **OBJECTIVE 2.2** and **POLICY 2.2.1** of the Lee Plan, as conditioned.

GOAL 5: RESIDENTIAL LAND USES. *To provide sufficient land in appropriate locations on the Future Land Use Map to accommodate the projected population of Lee County in the year 2030 in attractive and safe neighborhoods with a variety of price ranges and housing types. (Amended by Ordinance No. 94-30, 07-12)*

OBJECTIVE 5.1: *All development approvals for residential, commercial, and industrial land uses must be consistent with the following policies, the general standards under Goal 11, and other provisions of this plan. (Amended by Ordinance No. 94-30, 00-22)*

POLICY 5.1.1: *Residential developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as planned residential developments. (Amended by Ordinance No. 00-22)*

The property is in an urban category surrounded by modest levels of development and zoning. Per LDC Sec. 34-341 the residential threshold for a major planned development is 500 dwelling units. This proposed development is 60 units, well below this threshold. However, due to the location adjacent to modest density single-family developments, an RPD is an appropriate

zoning request, which can be conditioned. This request furthers and is **CONSISTENT** with **GOAL 5, OBJECTIVE 5.1** and **POLICY 5.1.1.** of the Lee Plan as conditioned.

POLICY 5.1.2: *Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.*

No physical constraints or hazards appear to exist or require the density or design to be adjusted any further. Access is addressed through conditions. Appropriate conditions to address this policy have been provided by staff. As conditioned, this proposed development is **CONSISTENT** with **POLICY 5.1.2** of the Lee Plan.

POLICY 5.1.5: *Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments. (Amended by Ordinance No. 94-30, 99-15, 00-22)*

This is residential single-family development in proximity to rural ranches and other residential developments and subdivisions of low to moderate density and intensity. Staff recommends appropriate conditions in deference to the rural and low-density character of the community and Buckingham Road. This proposed development is **CONSISTENT** with **POLICY 5.1.5** of the Lee Plan, as conditioned*. Also see Neighborhood Compatibility Issues below.*

GOAL 9: AGRICULTURAL LAND USES. *To protect existing and potential agricultural lands from the encroachment of incompatible land uses and to discourage the introduction or expansion of agricultural uses in the Future Urban Areas. (Amended by Ordinance No. 00-22)*

OBJECTIVE 9.1: *Place existing active and passive agricultural uses, that are zoned AG, have an agricultural exemption from the property appraiser's office, and are located outside of areas anticipated for urban use during the life of the plan on an agricultural overlay. Non-contiguous parcels less than 100 acres in size will not be included on this Overlay. A bi-annual review of this map will be conducted to track changes in the inventory of agriculturally used land in the non-urban areas of Lee County. (Amended by Ordinance No. 94-30, 03-04)*

OBJECTIVE 9.2: *To prevent the location of agricultural uses proximate to incompatible urban uses and to promote the efficient use of existing and programmed urban infrastructure, new agricultural uses should be directed away from Future Urban Areas. (Added by Ordinance No. 00-22)*

POLICY 9.2.1: *Rezoning of land to agricultural zoning districts is prohibited in those areas designated by the Lee Plan as Future Urban Areas, with the exception of those areas designated as Sub-Outlying Suburban, Outlying Suburban, or Suburban where parcels five*

acres or larger may request rezoning to an agricultural zoning district. These requests will be reviewed on a case by case basis. Approval will be based on:

a. current and future availability of urban infrastructure;
b. compatibility of the existing and future land uses;
c. acreage of rezoning request;
d. cumulative effect on county tax base; and
e. Suburban and Sub-Outlying Suburban lands must be located within the Pine Island and Caloosahatchee Shores Planning Communities;
f. evaluation of how environmental features, including but not limited to flowways, protected species, and habitat, will be protected or mitigated.
(Added by Ordinance No. 00-22, Amended by Ordinance No. 14-01)

POLICY 9.2.2: *Planned Development rezonings within the Future Urban Areas must not establish new, or expand existing, agricultural uses. Bona fide agricultural uses that exist at the time of rezoning may be approved and the use allowed to continue until development commences. The approved existing agricultural uses must not expand beyond the boundaries that existed at the time of rezoning. Existing agricultural uses within any tract or phase must be discontinued upon local development order approval including that tract or phase. (Added by Ordinance No. 00-22)*

The subject property has agricultural zoning and an agricultural use (cattle grazing and hay production), with an agricultural exemption from the Lee County Property Appraiser's Office (Attachment "E"). Staff recommends a condition addressing the current agricultural use, which would allow it to continue until time of local development order approval for a residential development. The property is limited in size, located in an urban future land use category, and not in an agricultural overlay. Residential zoning is appropriate consistent with other RPDs also on Buckingham Road. This area is transitioning from predominately rural agricultural uses to a more suburban and urban environment. Agricultural uses are of greater intensity potentially than the modest residential density and intensity proposed in this RPD. As conditioned, staff finds that the proposed development is **CONSISTENT** with **GOAL 9, OBJECTIVE 9.1, OBJECTIVE 9.2, POLICY 9.2.1** and **POLICY 9.2.2** of the Lee Plan.

GOAL 21: CALOOSAHATCHEE SHORES: *To protect the existing character, natural resources and quality of life in Caloosahatchee Shores, while promoting new development, redevelopment and maintaining a more rural identity for the neighborhoods east of I-75 by establishing minimum aesthetic requirements, planning the location and intensity of future commercial and residential uses, and providing incentives for redevelopment, mixed use development and pedestrian safe environments. This Goal and subsequent objectives and policies apply to the Caloosahatchee Shores boundaries as depicted on Map 1, page 2 of 8 in the Appendix. (Added by Ordinance No. 03-21)*

OBJECTIVE 21.1: COMMUNITY CHARACTER. *The Caloosahatchee Shores community will draft and submit regulations, policies and discretionary actions affecting the character and aesthetic appearance of the Caloosahatchee Shores for Lee County to consider for adoption and enforcement to help create a visually attractive community. (Added by Ordinance No. 03-21)*

POLICY 21.1.3: *Lee County is discouraged from approving any deviation that would result in a reduction of landscaping, buffering, signage guidelines or compliance with architectural standards. (Added by Ordinance No. 03-21)*

The subject property lies within the Fort Myers Shores Planning Community per Lee Plan Map 16 “Lee County Planning Communities.” Within Fort Myers Shores is Caloosahatchee Shores per Goal 21. This property is also within Caloosahatchee Shores. A moderate degree of residential single-family development is appropriate for this portion of the community. Any development must be consistent with the LDC requirements including Chapter 33 regulations specific for the Caloosahatchee Shores Community. Development must also be consistent with proposed conditions. The proposed development, including deviations, are appropriate and will not reduce required buffering, landscaping, or aesthetic controls. This proposed development is **CONSISTENT** with **GOAL 21, OBJECTIVE 21.1** and **POLICY 21.1.3** of the Lee Plan, as conditioned.

OBJECTIVE 21.3: RESIDENTIAL USES: *Lee County will protect and enhance the residential character of the Caloosahatchee Shores Community by strictly evaluating adjacent uses, natural resources, access and recreational or open space. (Added by Ordinance No. 03-21)*

POLICY 21.3.1: *By the end of 2007, the Caloosahatchee Shores community will draft and submit regulations and policies for Lee County to review and consider for amendment or adoption as regulations in the Land Development Code to provide for greater buffering between distinctly different adjacent commercial and residential properties, modified however when a project is of mixed use nature. (Added by Ordinance No. 03-21, Amended by Ordinance No. 07-12)*

The applicant proposes a modest amount of residential density utilizing urban infill land. No commercial uses are proposed. No multi-family uses are proposed. As designed, there are no compatibility issues with single-family development adjacent to other single-family uses. The applicant has adequately addressed open space and preservation of natural resources on site. This proposed development is **CONSISTENT** with **OBJECTIVE 21.3** and **POLICY 21.3.1** of the Lee Plan, as conditioned.

OBJECTIVE 21.6: PUBLIC PARTICIPATION. *Lee County will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals. (Added by Ordinance No. 03-21)*

POLICY 21.6.3: *The owner or agent of a requested Lee Plan amendment or zoning action (planned development, conventional rezoning, special exception, or variance requests) within the Caloosahatchee Shores Community must conduct one public informational session where the agent will provide a general overview of the project for any interested citizens. Lee County encourages zoning staff to participate in the public information session. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space, providing notice of the meeting, and providing security measures as needed. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the public information session; and a proposal for how the applicant will respond to any issues that were raised. (Added by Ordinance No. 03-21, Amended by Ordinance No. 11-24)*

The applicant held a public meeting with the Caloosahatchee Shores Planning Committee at the Fort Myers Shores Fire District office January 10, 2017 to discuss the rezoning proposal, take public input and respond to public concerns (Attachment “Y”). The committee found the density

requested inconsistent with the surrounding properties including the Verandah. The committee recommended a reduction of density of 1-3 dwelling units. The committee also recommended denial of all the deviation requests. This meeting fulfills the "Community Review" requirements per LDC Sec. 33-1482 in Caloosahatchee Shores. As conditioned, staff finds that the proposed development is **CONSISTENT** with **OBJECTIVE 21.6** and **POLICY 21.6.3** of the Lee Plan.

Neighborhood Compatibility Issues

The subject property is located in the Fort Myers Shores Planning Community. This community is described in the Lee Plan as follows:

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

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

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

Palm Beach Boulevard: The Palm Beach Boulevard Community actually encompasses part of the City of Fort Myers and is bounded by Billy's Creek on the west and south, I-75 on the east, and Caloosahatchee River on the north. This is one of the older urban areas of Lee County and Fort Myers, and it has experienced significant demographic and economic change over the last decade. The future vision is of an attractive, mixed-use community with an abundance of employment and shopping opportunities. Palm Beach Blvd. will be improved with medians and landscaping, and an effort will be made to renovate and beautify aging commercial centers along the corridor. Opportunities for mixed use developments within obsolete commercial centers and a general upgrading of the housing stock will be a priority. (Added by Ordinance No. 99-15, Amended by Ordinance No. 03-21)

The subject property is on the west side of Buckingham Road. The west side of Buckingham Road is within the Suburban category of the Lee Plan (6 units per acre maximum). The east side of Buckingham Road is within the Sub-Outlying Suburban category, which permits 1-2 units per acre maximum per below:

POLICY 1.1.11: *The Sub-Outlying Suburban areas are residential areas that are predominantly low-density development. Generally the requisite infrastructure needed for higher density development is not planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas and are placed within communities where higher densities are incompatible with the surrounding area and where there is a desire to retain a low-density community character. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to two dwelling units per acre (2 du/acre). Bonus densities are not allowed.*

To the south is more rural – the Buckingham Community and the Rural Community Preserve Future Land Use category (1 unit per acre maximum).

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

As such, low-density residential development is to the south and east. More suburban-style development (including the Verandah) is to the west and north (Palm Beach Boulevard). The applicant proposes a moderate level of density (3.7 units per acre) with a mix of single-family homes (with 50-foot wide lots), and two-family homes (30-foot wide lots per unit). The applicant has provided a surrounding density exhibit which accurately describes the surrounding density, land uses, and lot sizes of the surrounding neighborhood. For example, the Verandah MPD (south, west and north in the Suburban category) has a density of about 1 unit per acre, and includes a golf course, preserves and open space. Buckingham 345 RPD – to the east – has a density of 2 units per acre (Sub-Outlying Suburban). Portico RPD to the east also has a density of 2 units per acre. Hemmingway Pointe to the north and east has a density of 3 units per acre. And Riverdale Shores, to the north and east has a density of about 3.5 units per acre.

Staff has provided the zoning resolutions for surrounding RPDs and the Verandah MPD per Attachments O through S for reference.

NORTH
To the north is the Verandah MPD. Single-family homes on Fairway Cove Drive are about 300 feet to the north separated by landscaping, golf course, and a lake. The single-family homes are on lots which range in size with some about 50 feet wide and 145 feet deep. The master concept plan shows either single-family or two-family attached homes (R-1 or R-2) may be built to the north. No buffer is required per the LDC nor is one proposed. Due to the separation of uses and existing vegetation and buffers within the Verandah, there are no compatibility issues to the north.

SOUTH
To the south is AG-2 zoned land with two single-family homes on 1-acre lots. South of this is Citrus Creek Court at Verandah, with landscaping, open space, then single-family development (some lots about 75 feet in width and 145 feet in depth). The closest single-family home is about 20 feet to the south (AG-2 zoning). The applicant proposes single-family homes (R-1), a 1-acre indigenous preserve to the south, open space, and no buffer. The LDC does not require a buffer to the south adjacent to single-family uses. Due to the preserve, open space, and separation of uses, conditions and limitations - compatibility issues with development to the south are adequately addressed.

EAST
To the east is Buckingham Road. East of this is Buckingham 345 RPD and Portico RPD. Buckingham 345 is undeveloped and has agricultural uses and exemptions. Portico RPD is under development with single-family homes. Development to the east is limited to 2 units per acre generally (Sub-Outlying Suburban). To the northeast is the Buckingham Exceptional Student Center, including bus parking, educational and office uses. The proposed MCP includes a lake, recreation area and single-family or two-family development (R-1 and R-2) to the east. A Type “D” buffer is proposed by the applicant, which is above and beyond the requirements of the LDC. There are no compatibility issues to the east.

WEST
West of the subject property is single-family development within the Verandah on Palmetto Grove Drive, Sabal Point Drive and Citrus Creek Court. These homes are potentially the most impacted by any development on the subject property. The closest single-family homes are about 40 feet from the subject property. Lots range in size with some about 50 feet in width and 150 feet in depth. Within the Verandah there is buffering, landscaping and solid walls separating the single-family homes within the Verandah to the subject property. The applicant proposes no buffer to the north, nor is one required per the LDC. The proposed MCP shows single-family and two-family development to the west (R-1 and R-2). There is open space and a 1-acre preserve to the north as well. The applicant has provided reasonable protections, separation, and site design to minimize impacts to the west. Due to the buffers and walls within the Verandah, any impacts from the proposed developments, will be greatly minimized.

Staff finds the proposed rezoning and proposed use of the property compatible with the surrounding mix of uses, including residential uses and agricultural uses on an arterial road, as conditioned by staff. Staff recommends conditions minimizing the use of model homes. The conditions seek to provide conditions for model homes more in keeping with the rural atmosphere of Buckingham Road. Staff appreciates the applicant limiting amenity areas to the Buckingham Road frontage rather than near existing residential areas in the Verandah. Staff recommends reasonable limitations in amenities to minimize external impacts. Staff also appreciates the placement of the more intensive two-family development in limited areas on the MCP and not the whole of the RPD.

Staff recommends a condition to ensure that the R-1 and R-2 areas on the MCP stay generally as shown and that amendments to expand or change the R-2 areas go through a public hearing amendment process, and not be approved administratively. This adds predictability to the future development in deference to the more rural and low-density surrounding residential uses and neighborhoods. This addresses compatibility concerns raised by neighbors in the Verandah and the Caloosahatchee Shores community pertaining to the difference in both density and product types adjacent to their community and on Buckingham Road. Two-family uses on the entire site – or most of the site - raises legitimate concerns to staff and the public. This condition furthers Policy 5.1.5 to protect existing residential uses from "*any encroachment of uses that are potentially destructive to the character and integrity of the residential environment."* This condition furthers Goal 21 "*To protect the existing character, natural resources and quality of life in Caloosahatchee Shores".* The intent of this community plan is "maintaining a more rural identity" than urban parts of the county. The expansion of the two-family products above and beyond those shown on the proposed MCP need to be evaluated as part of the public hearing process, including public input. This furthers Lee Plan Objective 21.6 stating "*Lee County will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals."*

Environmental and Natural Resource Issues

Environmental staff provided substantive comments per Attachment ""X" and below.

"The applicant has submitted a request to rezone a 16.2 acre Agricultural (AG-2) zoned property to a Residential Planned Development (RPD). The parcel is located in the Suburban and Wetland Future Land Use Classification and the Ft. Myers Shores Planning Community."

"Environmental Sciences zoning staff conducted a field inspection on December 2, 2016. The site is an old agricultural field with various small depressional wetlands throughout the pasture. The parcel is lined along the property line with Brazillian pepper and Sabal palmettos. The parcel has a wetland at the southwestern corner of the property that is mostly made up of Bald Cypress and Sabal palmetto. No protected species were found within the pasture or the Cypress head. The wetland will be preserved to meet the indigenous open space requirement."

"The applicant is providing the required open space per the Land Development Code. The two-family attach lots will not meet lot size and coverage so 40% open space must be provided per the LDC. The single family lots will meet the 6,500 square feet and 45% lot coverage so no open space will be required."

"The parcel is adjacent to a single family subdivision to the west and north; single family lot to the south; and Buckingham Road to the east. The applicant is rezoning the property to a RPD and is not required buffers adjacent to single family subdivisions, single family lots, or right of ways. The applicant has provided a Type D (15 foot wide buffer with five trees per 100 linear feet and a double staggered hedge) adjacent to Buckingham Road."

"The rezoning is in compliance with the following Lee Plan Goals, Objectives, and Policies Goals"

Goal 114: Wetlands. *To maintain and enforce a regulatory program for development in wetlands that is cost-effective, complements federal and state permitting processes, and protects that fragile ecological characteristics of the wetland system.*

Policy 107.2.13: *Promote optimal conditions rather than minimum conditions for the natural system as the basis for sound planning.*

Goal 107: Resource Protection. *To manage the county's wetland and upland ecosystems so as to maintain and enhance native habitats, floral and faunal species diversity, water quality, and natural surface water characteristics.*

Objective 77.1: *Development regulations will continue to require that new residential developments provide sufficient open space to meet the needs of their residents.*

Objective 77.3: *New developments must use innovative open space design to preserve existing native vegetation, provide visual relief, and buffer adjacent uses and proposed and/or existing rights-of-way. This objective and subsequent policies are to be implemented through the zoning process.*

Transportation Issues

The applicant provided a Traffic Impact Statement per Attachment "K". This application and TIS were reviewed by Development Services traffic and infrastructure staff. Substantive comments are per Attachment "V" and "W".

"Infrastructure Planning staff has reviewed the application for public hearing. This project is located on the west side of Buckingham Road south of State Road 80. Access to the project will be provided via an access drive and an emergency stabilized access drive to Buckingham Road which is a two lane undivided arterial roadway maintained by County. Infrastructure Planning staff has no objection to the application."

Development Services traffic staff agreed with the applicant's analysis that there are no Level of Service (LOS) issues and the application is consistent with Lee Plan policies related to transportation.

"The subject site is currently partially-developed and zoned as an agricultural (AG-2) district. With the subject case, the applicant proposes to rezone the site to Residential Planned Development (RPD) to permit a maximum intensity with respect to the proposed schedule of uses as described in ***Table 2****."*

Table 2
Development Parameters

Land Use	Intensity
single-family residential	60 dwelling units

"The applicant analyzed traffic-related impacts assuming full site build-out with the greatest intense use with respect to the proposed schedule of uses. As part of the analysis, the applicant reviewed the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition, and calculated generated trips in order to assess the traffic impacts of the proposed zoning. Trip generation results as calculated by DSS staff are described in ***Table 3****. Traffic volumes shown in this table are new traffic volumes on the surrounding roadway network, and reflect a reduction for internal capture traffic (traffic interacting between differing uses on the site) and pass-by traffic (non-newly generated traffic already on the roadway network) if applicable."*

Table 3

New Trip Generation

Zoning Description	AM Peak Hour			PM Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Proposed RPD	13	39	52	42	24	66	656

"New trips associated with the subject case were assigned to the surrounding road network in order to assess level of service (LOS) impacts on sections expected to be most impacted by the proposed development. Per Administrative Code AC-13-17 Traffic Study Guidelines for Planned Development Rezonings, "significant impact is defined as 10%....of the LOS "C" service volumes for the links at build out."

*In the subject case, using the trip assignments described in the applicant's final traffic impact statement (TIS), no roadway sections are expected to be significantly impacted by the proposed zoning. **Table 4** describes the roadway section adjacent to the subject site that is expected to be most impacted by the proposed development along with corresponding DSS staff pre- and post-project build-out level of service estimates with respect to the proposed zoning."*

Table 4

Roadway Section(s) Adjacent to Subject Site
Expected to be Most Impacted by Proposed Rezoned Development

Roadway	Location	Significant Impact Expected?	Level of Service (v/c)*		
			Existing	Future	Future + Project
Buckingham Road	Orange River Boulevard to Palm Beach Boulevard (SR 80)	no	C (0.61)	C (0.61)	C (0.64)

*AM/PM worse case; v/c is defined as traffic volume/capacity ratio; future year 2022

*"Based on a review of applicable traffic volumes in the 2015 Lee County "Concurrency Report", the most current "Lee County Link Specific Service Volumes" tables (for short-term analyses of 5 years or less from table date), and/or the most current "Lee County Generalized Peak Hour Directional Service Volumes" tables (for long-term analyses of more than 5 years from table date), the roadway section described in **Table 4** currently operates at LOS "C". Utilizing the 2015 Lee County Traffic Count Report and assuming a project build-out year of 2022, this roadway section is estimated to operate at LOS "C" with future background traffic volumes. Once project build-out traffic is added to this section, it is estimated to operate at LOS "C". Based on the LOS standards as set forth in The Lee Plan for the "unconstrained" roadway section described in **Table 4**, LOS "C" is an acceptable level of service.*

No link improvements along County-maintained roadways are expected to be required to accommodate the proposed zoning. At the time of local development order review, proposed projects will be further reviewed to determine what, if any, site-related traffic improvements to the nearby roadway network are required."

"Due to the relatively low number of trips associated with the proposed development(less than 100 during the AM or PM peak hour), roadway intersection traffic operations level of service *analyses were not performed at the site access, intersections within one-quarter mile of site access, and/or intersections expected to be most impacted by the proposed development.*

At the time of local development order review, proposed projects will be further reviewed to determine what, if any, site-related traffic improvements to nearby roadway intersections are required."

Conclusion

Rezoning the subject property from Agricultural (AG-2) to Residential Planned Development (RPD), as conditioned, is consistent with the Lee Plan. As conditioned, the requested rezoning is compatible with the surrounding uses including residential uses and agricultural uses proximate to the subject property. As conditioned, this application meets all the criteria for rezoning including compliance with the Land Development Code. The request, will not adversely affect environmentally critical areas or natural resources, as conditioned. Approval of the request, as conditioned, will not place an undue burden upon existing transportation or planned infrastructure facilities. Urban services, as defined in the Lee Plan, as conditioned, will be available and adequate to serve the proposed mix of moderate density single-family residential uses. The proposed mix of residential uses, as conditioned, is appropriate. Staff recommends approval, as conditioned, including deviation requests.

ATTACHMENTS:

A. Expert Witness Information
B. Recommended Conditions and Deviations
C. Maps: surrounding zoning, future land use, aerial photographs
D. Master Concept Plan, NOVEMBER 14, 2016
E. Agricultural Use Affidavit and Attachment
F. Applicant's Narrative and Lee Plan Analysis
G. Applicant's Deviation Narrative
H. Applicant's Surface Water Management Plan
I. Applicant's Schedule of Uses and Property Development Regulations
J. Lee County Utilities Water and Wastewater Availability Letter
K. Applicant's Traffic Impact Statement and Supplemental Letter
L. Applicant's Density Exhibit
M. Lee Tran Route 100 Map and Schedule
N. Spatial District Query Report, Zoning Notes, Property Data
O. Zoning Resolution Z-04-80 Portico RPD
P. Zoning Resolution Z-05-074 Buckingham 345
Q. Zoning Resolution Z-05-081 Verandah MPD
R. Zoning Resolution Z-05-091 Buckingham Chase RPD
S. Zoning Resolution Z-06-085 Hemingway Pointe RPD
T. Correspondence to Staff from Neighbors
U. Staff Photographs
V. Development Services Traffic Comments
W. Infrastructure Staff Comments
X. Environmental Staff Comments
Y. Notes and Minutes, Caloosahatchee Shores Planning Committee meeting, January 10, 2017

Z. School District Comments

EXHIBITS:

A. Legal Description, Sketch, Boundary Survey

cc: Applicant
County Attorney
Zoning File

ATTACHMENT A

LEE COUNTY STAFF EXPERT WITNESS INFORMATION
PROVIDED PURSUANT TO AC-2-6, SECTION 2.2.b (5) (f) 3.

Case Number: **DCI2016-000110**

Project Name: **OAK VIEW RPD**

Hearing Examiner Date: **FEBRUARY 1, 2016**

Tony Palermo AICP, Senior Planner, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, zoning, and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Beth Workman, Environmental Planner, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, and Environmental Sciences.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Marcus Evans, PE, Senior Engineer, Lee County Department of Transportation, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in Traffic Engineering and Transportation Planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Brandon Dunn, Principal Planner, Planning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.

- Seeking to be qualified as an expert witness in the Lee Plan and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Andy Getch, PE, Infrastructure Planning Manager, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in Traffic Engineering and Transportation Planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

ATTACHMENT B

Conditions

1. **Master Concept Plan/Development Parameters**

   Development must be substantially consistent with the 3-page Master Concept Plan (MCP) entitled MASTER CONCEPT PLAN dated NOV 14, 2016 (Attachment "D") except as modified by the conditions below.

   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.

   This zoning allows a maximum of 60 dwelling units.

2. **Uses and Site Development Regulations**

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

   Schedule of Uses

   Accessory Uses and Structures
   Administrative Office
   Agricultural Uses (See Condition 8)
   Dwelling Units – Single-family, two-family attached (Maximum 60 units)
   Entrance Gates and Gatehouses
   Essential Services
   Essential Services Facilities, Group I
   Excavation, Water Detention and Retention
   Fences, Walls
   Home Occupation

   Models: (Maximum 8, also see Condition 9)
   Model Homes with Real Estate Sales

   Parking Lot, Accessory, Temporary

   Recreational Facilities, Private On-Site (Recreation Area only) – may include clubhouse and residential amenities. Maximum 10,000 square feet in building area. No consumption on premises.

   Signs per Chapter 30 and 33
   Temporary Uses

b. Site Development Regulations

DEVELOPMENT REGULATIONS	SINGLE-FAMILY R-1	TWO-FAMILY ATTACHED R-2	RECREATIONAL AMENITIES
MINIMUM LOT WIDTH	50 FEET	30 FEET PER UNIT	100 FEET
MINIMUM LOT DEPTH	130 FEET	120 FEET	100 FEET
MINIMUM LOT AREA	6,500 S/F	3,600 S/F	10,000 S/F
MAXIMUM HEIGHT	35 FEET	35 FEET	35 FEET
MAXIMUM LOT COVERAGE	45%	60%	30%
MINIMUM SETBACKS			
BUCKINGHAM ROAD	25 FEET	25 FEET	25 FEET
PRIVATE ROADS	20 FEET *	20 FEET *	20 FEET *
SIDE	5 FEET	5 FEET/0 FEET **	10 FEET
REAR	10 FEET	10 FEET	10 FEET
ACCESSORY	PER THE LDC	PER THE LDC	PER THE LDC
PRESERVE	20 FEET	20 FEET	20 FEET
WATERBODY	25 FEET	25 FEET	25 FEET

* 15 feet for side entry garages
** 0 feet applies to internal lot line only

3. **Single-Family/Two Family**

Single-family dwelling units may be developed on the R-1 and or R-2 areas on the approved master concept plan. Two-Family Attached dwelling units are permitted in only portions of the approved Master Concept Plan labeled R-2. Amendments to the master concept plan significantly altering or expanding the R-2 areas may only be approved through the planned development amendment process (public hearing required).

4. **No Blasting**

Blasting is prohibited.

5. **Vehicular/Pedestrian Impacts**

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

6. **Lee Plan Consistency**

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

7. **State/Federal Permits**

Issuance of a development permit by Lee County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County if the Developer: (a) does not obtain requisite approvals or fulfill obligations imposed by state or federal agencies or (b) undertakes actions that result in a violation of state or federal law.

8. **Agricultural Uses**

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

a. Bona fide agricultural uses that are in existence at the time the application for this project was filed, and as shown on ATTACHMENT "E" attached hereto, may continue until approval of a local development order for the area of the project containing those uses.

b. Additional clearing of trees or other vegetation in agricultural areas is prohibited. Existing areas of bona fide agricultural use may be maintained, i.e., mowed, but not cleared or expanded. This prohibition is not intended to preclude County approved requests for the removal of invasive exotic vegetation.

c. Prior to issuance of a local development order, the property owner must provide written proof, subject to approval by the County Attorney's Office, of the following:

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

a) the date the agricultural uses ceased;

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

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

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

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

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

9. **Model Homes/Real Estate Sales**

Model homes and real estate sales are permitted in compliance with the following conditions and per LDC Sec. 34-1951 through 34-1956.

a. Each model home must be a unique example. Multiple examples of the same model home are not permitted.
b. All model home sites must be designated on the development order plans.
c. The number of model homes will be limited to no more than 8 within the development at one time.
d. No model home temporary parking areas, model units, model display groups, model display centers, or speculative homes are permitted.
e. Dry models are prohibited.
f. Real estate sales are limited to the sale of lots or units within the development only.
g. Real estate sales are limited to model homes, and within recreational area buildings and/or clubhouse.
h. Hours of operation for both models and real estate sales are limited to Monday through Sunday 8 a.m. to 8 p.m.

Deviations

Deviation #1 *from LDC Section 10-254, which requires side lot lines be, as nearly as practical, at right angles to straight street lines and radial to curve street lines, to allow the lot design shown on the Master Concept Plan in those areas where Deviation 1 is applied.*

This deviation request applies to the last lot at the terminal end of small dead end roadways where no cul de sac exists. The applicant makes a case that this design provides adequate access to the last lot where a private drive will continue on the same trajectory as the road. The continued roadway is not needed to serve additional units further down the road so there is no public health safety or welfare issue raised by the request.

The intent of this LDC requirement is to provide a uniform lot pattern along roadways where adequate access is provided to all lots. The applicant makes the case that this last lot will follow the pattern created by homes along the street and will have ample and reasonable access at the terminal end of the right of way.

Staff agrees with the applicant's analysis. Staff finds the deviation requested does enhance the planned development, and does preserve and promote the general intent of the LDC to protect the public health, safety and welfare. Staff recommends **APPROVAL** of the request.

Deviation #2 *from LDC Section 10-296(p)(1) to eliminate the requirement that a dead-end street be closed at one end by a circular turnaround, to allow an alternative turnaround.*

This deviation request applies to two locations on the site plan. The applicant makes the case that the proposed design results in land that can be more effectively and efficiently used for purposes to enhance the overall development such as project amenities, landscaping, open space and water management lakes which would otherwise be encumbered by a road right of way and only serve a few homes. Development Services traffic staff recommended approval of this request with a condition per Attachment "V".

Staff agrees with the applicant's analysis. Staff finds the deviation requested does enhance the planned development, and does preserve and promote the general intent of the LDC to protect the public health, safety and welfare. Staff recommends **APPROVAL** of the request with one condition*: 1. Prior to development order issuance, the applicant will provide the Lee County Development Services Director with correspondence from the Fort Myers Shore Fire Department chief indicating that the alternate turn-around design is sufficient for emergency-response equipment and vehicle access.*

Deviation #3 *from LDC Section 10-703 to allow lot size to be measured as indicated on the Master Concept Plan.*

This deviation request applies to the last lot at the terminal end of small dead end roadways where there are no cul-de-sacs. This last lot is a continuation of a string of lots which are consistent in width and depth which allow for the same line-up of dwelling units to be constructed.

The applicant makes a case that this design provides adequate access to the last lot where the private drive will continue on the same trajectory as the road. Since continued roadway is not necessary to serve units in this area it allows the homeowner to obtain this land for private benefit.

Staff agrees with the applicant's analysis. Staff finds the deviation requested does enhance the planned development, and does preserve and promote the general intent of the LDC to protect the public health, safety and welfare. Staff recommends **APPROVAL** of the request.

Deviation #4 *from LDC Section 10-291(3) which requires developments of more than five acres to provide more than one means of ingress or egress to allow one primary access and one emergency stabilized access.*

Buckingham Road is the only means of access on this property and there are no opportunities to create a second access point elsewhere, or through existing developments such as the Verandah.

The proposed project access aligns with the approved access for Buckingham 345 RPD on the east side of Buckingham Road. The applicant makes the case that due to the moderate level density proposed, traffic from this development is not expected to be high.

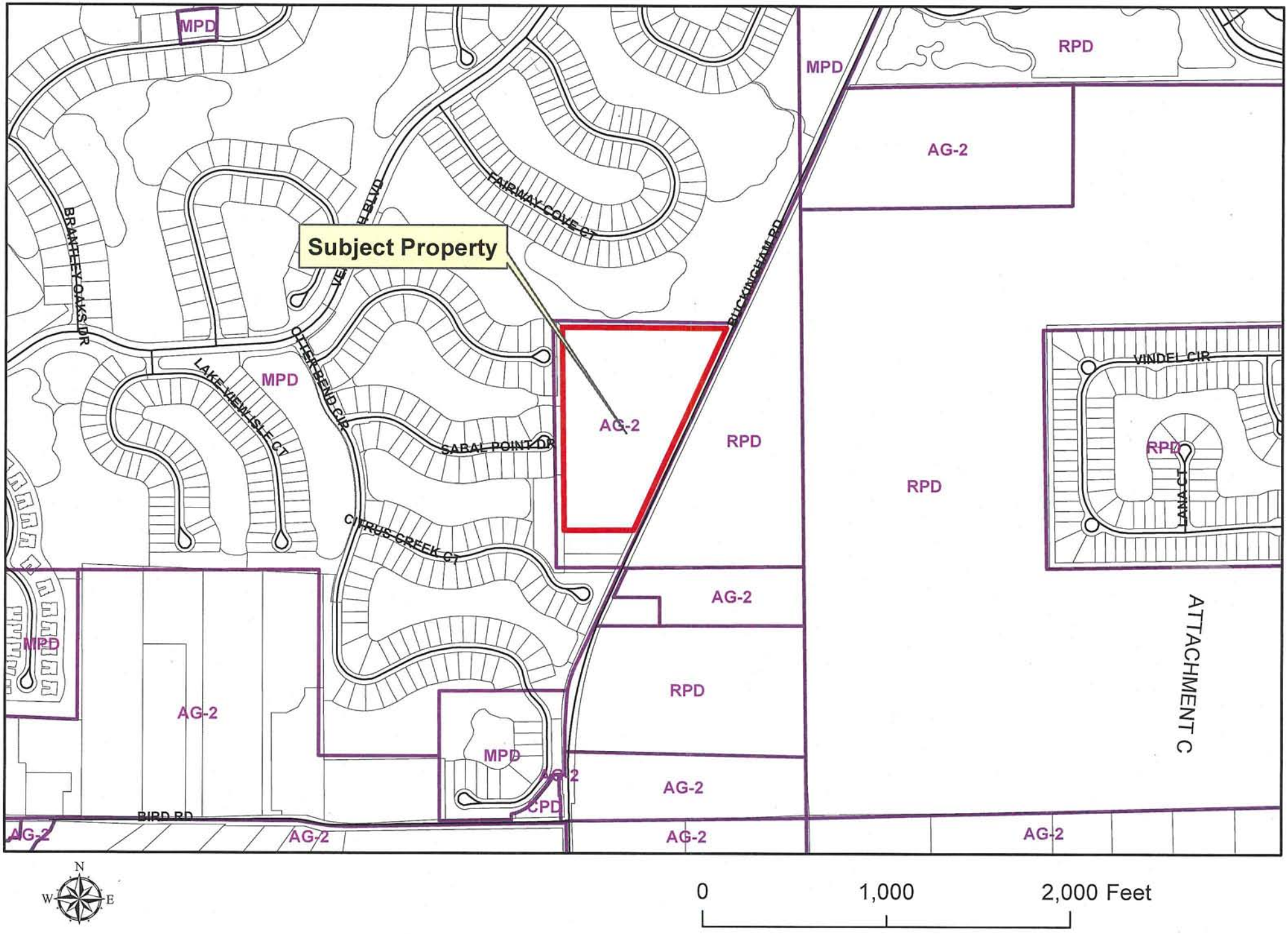
To address the public safety, health and welfare of the residents of Oak View, a second emergency stabilized access is proposed at the northeast corner of the site.

Staff recommends conditions similar to Buckingham Chase RPD which has sole access on Buckingham Road for a modest size and low density residential development.

Staff agrees with the applicant's analysis. Staff finds the deviation requested does enhance the planned development, and does preserve and promote the general intent of the LDC to protect the public health, safety and welfare. Staff recommends **APPROVAL** of the request with the following conditions: *1. The development order include both an access on Buckingham Road and an emergency stabilized access consistent with the approved master concept plan. 2. Prior to issuance of a development order, the developer must provide written documentation from the Fort Myers Shores Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles.*

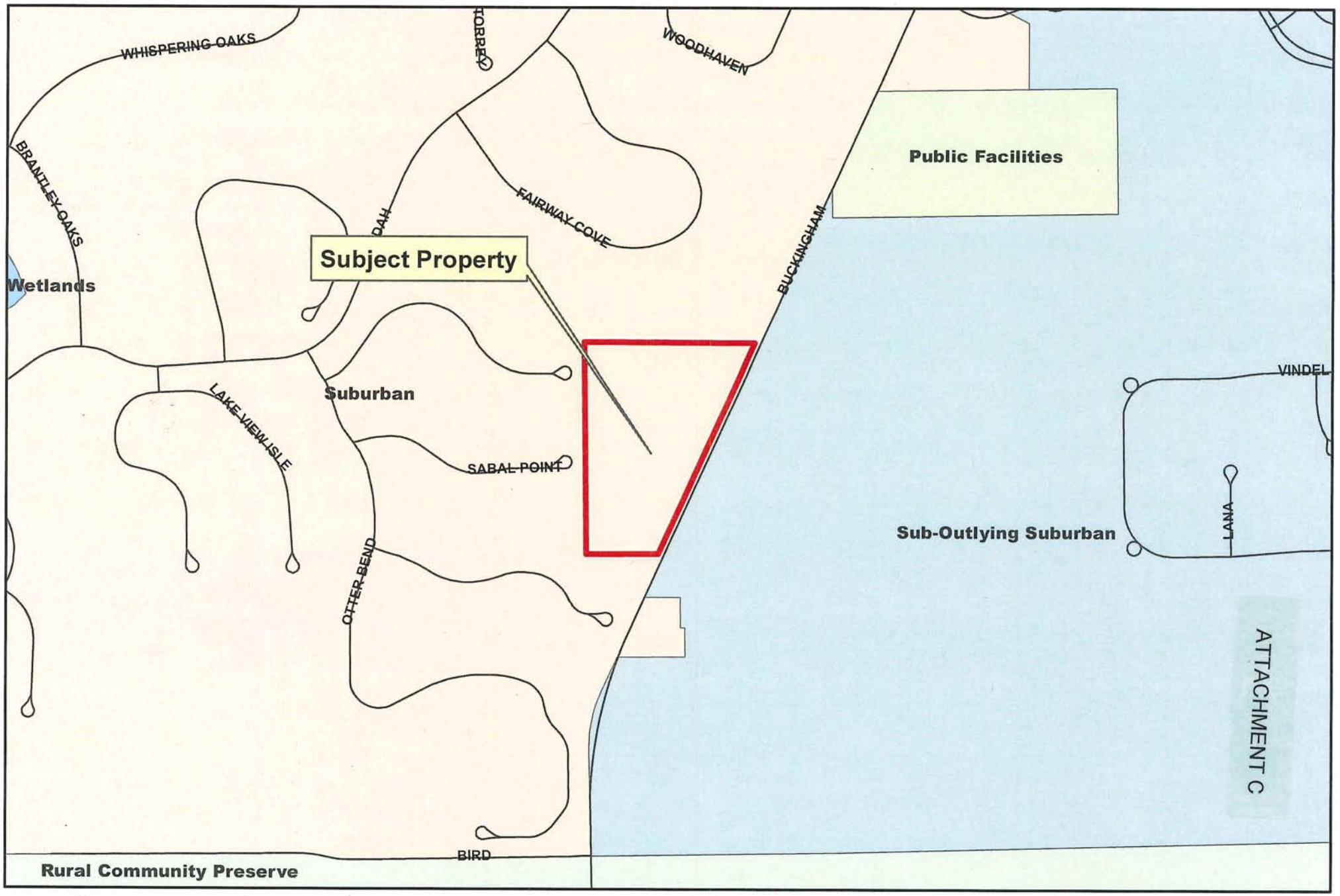
DCI2016-00010

ZONING



DCI2016-00010

Future Land Use



DCI2016-00010

2016 AERIAL



N
W E

0 1,500 3,000 Feet

DCI2016-00010

2016 AERIAL



MASTER CONCEPT PLAN

FOR

ATTACHMENT D

OAK VIEW

RESIDENTIAL PLANNED DEVELOPMENT

PART OF SECTION 32, TOWNSHIP 43 SOUTH, RANGE 26 EAST
FORT MYERS, LEE COUNTY, FLORIDA

PROJECT DATA

SITE ADDRESS
3600 BUCKINGHAM ROAD
FORT MYERS, FLORIDA 33905

PROJECT DATUM
FLORIDA STATE PLANE WEST ZONE (NAD1983/90)
NATIONAL GEODETIC VERTICAL DATUM (NGVD) 1929

ZONING
CURRENT: AG-2
PROPOSED: RPD

RECORD PLAT
-

FLOOD ZONE
ACCORDING TO F.I.R.M. NO. 12071C0311F, MAP REVISED: AUGUST 28, 2008, THE PROPERTY IS LOCATED IN ZONE "AE" & "X"

STRAP NUMBERS
32-43-26-00-00002.0000

PERMIT REQUIREMENTS

AGENCY	STATUS	NOTES
S. FLORIDA WATER MANAGEMENT DISTRICT	PENDING	-
LEE COUNTY DEVELOPMENT ORDER	PENDING	-
FLORIDA DEPARTMENT OF HEALTH	PENDING	-
FLORIDA DEPT. OF ENVIRONMENTAL PROTECTION	PENDING	-
F.D.O.T. CONNECTION PERMIT	PENDING	-
F.D.O.T. DRAINAGE CONNECTION PERMIT	PENDING	-
F.D.O.T. UTILITY PERMIT	PENDING	-
ARMY CORPS OF ENGINEERS	PENDING	-
F.D.E.P. NOTICE OF INTENT	PENDING	-

NOTE: CONTRACTOR MUST OBTAIN AND KEEP ON FILE A COPY OF ALL PERMITS REQUIRED PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ACTIVITY

DESIGN TEAM

PROJECT ENGINEER
CARL A BARRACO

PROJECT MANAGEMENT
STEVE COLEMAN

DESIGN ENGINEER
TIM GAVIN

PROJECT SURVEYOR
SCOTT A. WHEELER, PSM

LEAD DESIGN TECHNICIAN
WES KAYNE

SITE PLANNING
ANGELICA CARLEY

DESIGN STAFF
JAN BILDZUKEWICZ

LANDSCAPE DESIGN
BY OTHERS

QUALITY CONTROL
CHRIS VAN BUSKIRK

LAND PLANNER
JENNIFER SAPEN

THESE PLANS MAY HAVE BEEN MODIFIED IN SIZE BY REPRODUCTION. THIS MUST BE CONSIDERED WHEN OBTAINING SCALED DATA.

ALL DIMENSIONS ARE IN FEET.



PROJECT LOCATION

N
W E
S

LOCATION MAP

0 750 1500 3000
SCALE IN FEET

811 KNOW WHAT'S BELOW ALWAYS CALL 811 BEFORE YOU DIG
It's fast. It's free. It's the law.
www.sunshine811.com

INDEX OF DRAWINGS

SHEET	DESCRIPTION	XREF	DRAWING NAME
1	COVER SHEET AND LOCATION MAP	A	23354Z01.DWG
2	MASTER CONCEPT PLAN	B	23354Z02.DWG
3	DETAILS AND DEVIATIONS	-	23354Z03.DWG

CROSS-REFERENCED DRAWINGS:

XREF	DESCRIPTION	DRAWING NAME
A	AERIAL PHOTOGRAPH	LOC2015.JPG
B	BASE PLAN	23354Z00.DWG

PLAN STATUS

NOT FOR CONSTRUCTION

Barraco and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - LANDSCAPE DESIGN
www.barraco.net
2271 McGREGOR BLVD., SUITE 100
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

Land Solutions inc.
10471 BEN C. PRATT / SIX MILE
CYPRESS PKWY. #402
FORT MYERS, FL 33966
PHONE (239) 482-1500
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

OAK VIEW

LEE COUNTY, FLORIDA

RECEIVED
NOV 14 2016
COMMUNITY DEVELOPMENT
DCI2016-00010

DRAWING NOT VALID WITHOUT SEAL, SIGNATURE AND DATE
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FILE NAME	23354-Z01.DWG
LOCATION	J:\23354\DWG\ZONING\
PLOT DATE	THU, 11-3-2016 - 9:54 AM
PLOT BY	JENNIFER SAPEN

CROSS REFERENCED DRAWINGS

MASTER = BAI-COVER-1.DWG

PLAN REVISIONS

7-25-16	PER LEE COUNTY COMMENTS
10-26-16	PER LEE COUNTY

PLAN STATUS

NOT FOR CONSTRUCTION

COVER SHEET AND LOCATION MAP

PROJECT / FILE NO.	SHEET NUMBER
23354	1

ATTACHMENT D

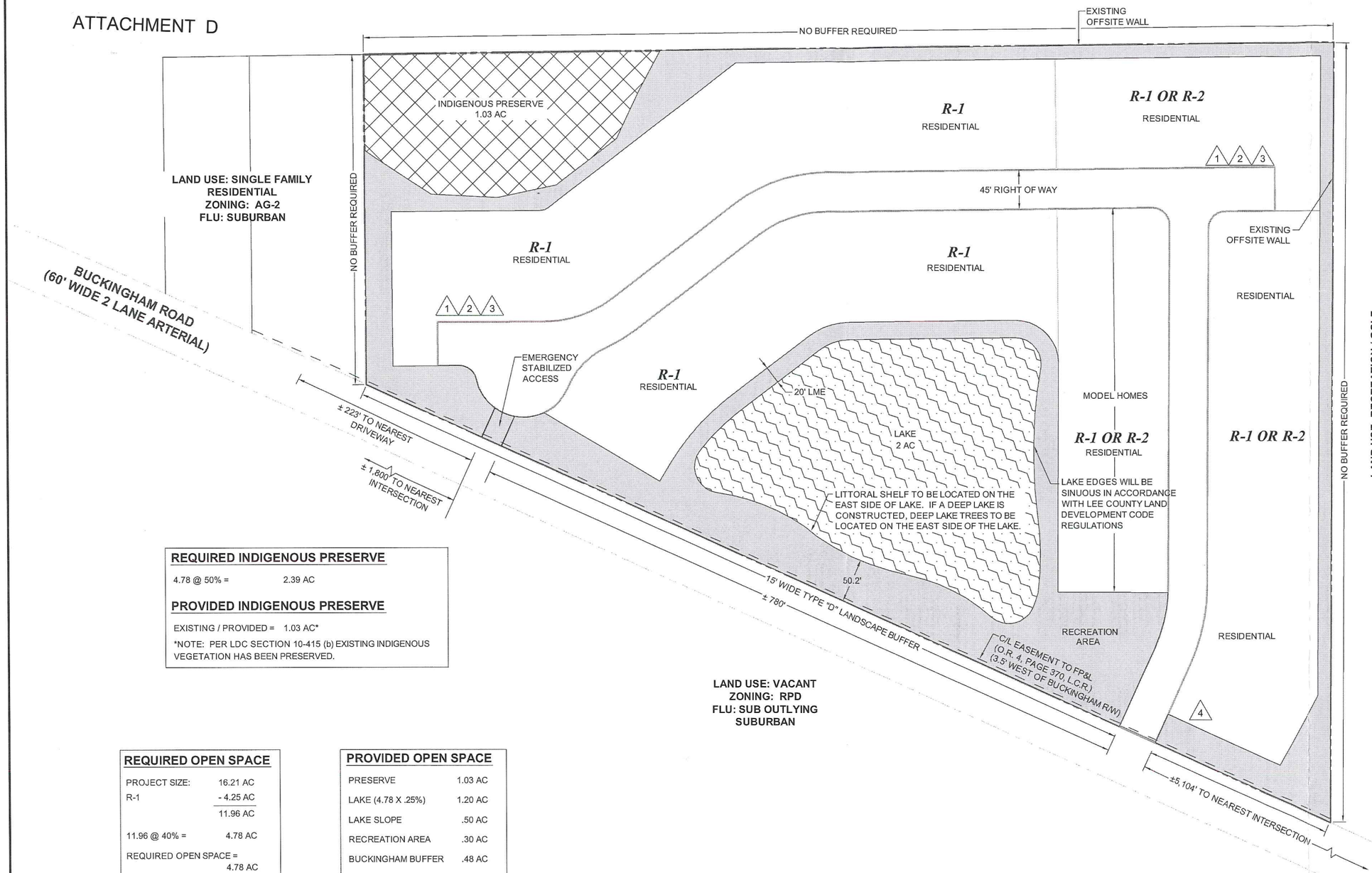
LEGEND

LAKE	OPEN SPACE
INDIGENOUS PRESERVE	DEVIATION REQUEST (#)

LAND USE: SINGLE FAMILY RESIDENTIAL
ZONING: MPD
FLU: SUBURBAN

0 30 60 120
SCALE IN FEET

W S N E



LAND USE: VACANT
ZONING: RPD
FLU: SUB OUTLYING SUBURBAN

REQUIRED INDIGENOUS PRESERVE

4.78 @ 50% = 2.39 AC

PROVIDED INDIGENOUS PRESERVE

EXISTING / PROVIDED = 1.03 AC*

*NOTE: PER LDC SECTION 10-415 (b) EXISTING INDIGENOUS VEGETATION HAS BEEN PRESERVED.

REQUIRED OPEN SPACE

PROJECT SIZE:	16.21 AC
R-1	- 4.25 AC
	11.96 AC
11.96 @ 40% =	4.78 AC
REQUIRED OPEN SPACE =	4.78 AC

PROVIDED OPEN SPACE

PRESERVE	1.03 AC
LAKE (4.78 X .25%)	1.20 AC
LAKE SLOPE	.50 AC
RECREATION AREA	.30 AC
BUCKINGHAM BUFFER	.48 AC
REAR YARD DRAINAGE & PERIMETER BERM	1.27 AC
TOTAL	4.78 AC

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FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

Land Solutions inc.
10471 BEN C. PRATT / SIX MILE CYPRESS PKWY. #402
FORT MYERS, FL 33966
PHONE (239) 482-1500
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

OAK VIEW

LEE COUNTY, FLORIDA

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FILE NAME	23354-Z02.DWG
LOCATION	J:\23354\DWG\ZONING\
PLOT DATE	THU, 11-3-2016 - 9:54 AM
PLOT BY	JENNIFER SAPEN

CROSS REFERENCED DRAWINGS

BASEPLAN = 23354-Z00.DWG

PLAN REVISIONS

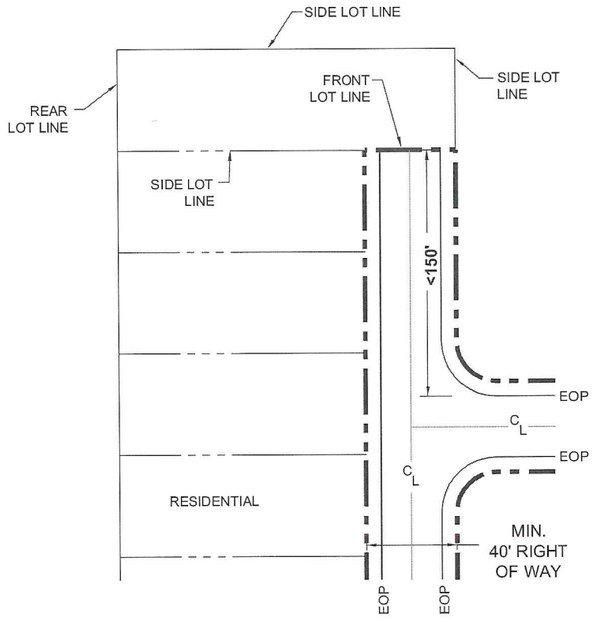
7-25-16	PER LEE COUNTY COMMENTS
10-26-16	PER LEE COUNTY

PLAN STATUS

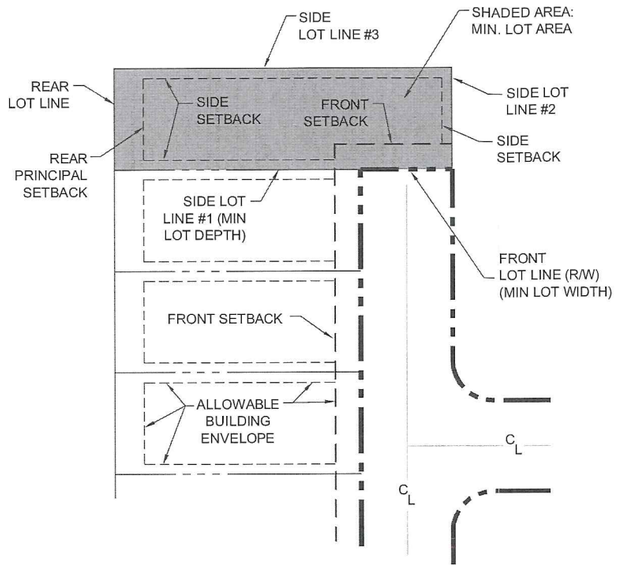
MASTER CONCEPT PLAN

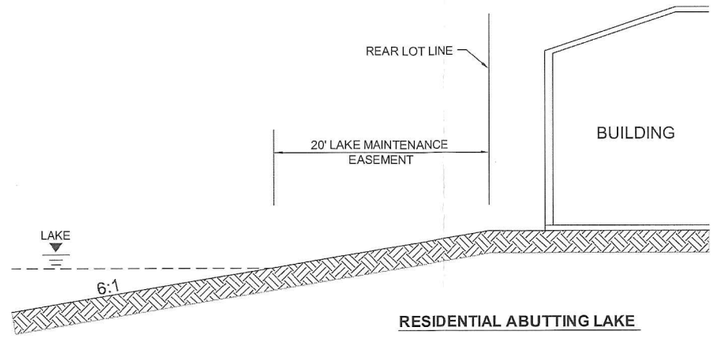
PROJECT / FILE NO.	SHEET NUMBER
23354	2

DEVIATION 1 RIGHT ANGLE SIDE LOT LINE
DEVIATION 2 DEAD-END DETAIL

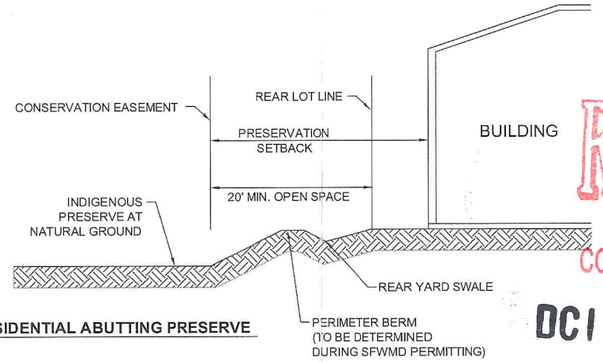


DEVIATION 3 LOT SIZE DETAIL



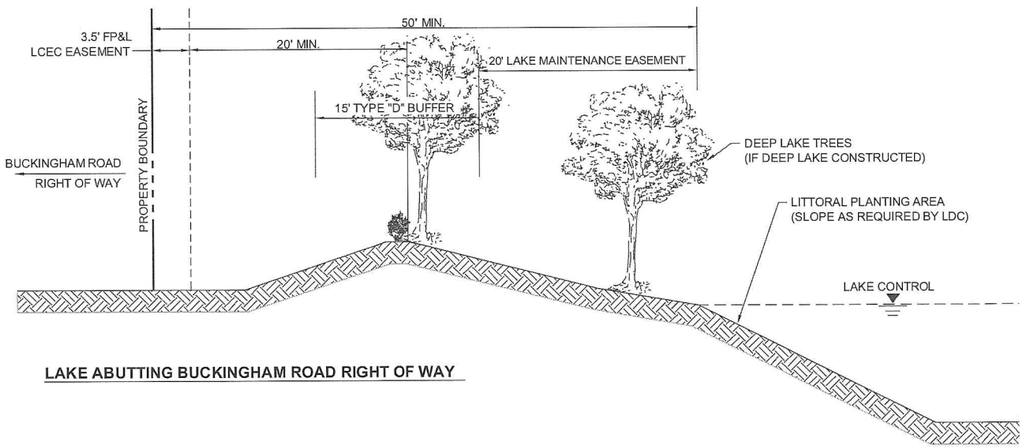


RESIDENTIAL ABUTTING LAKE

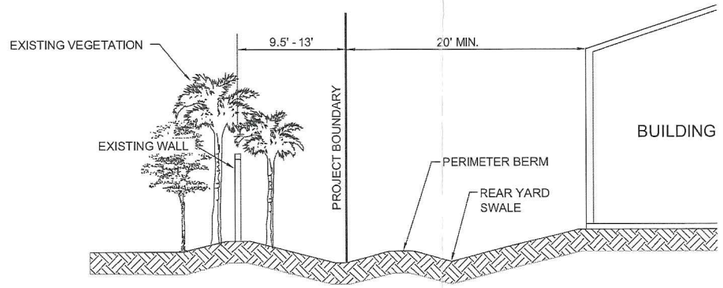


RESIDENTIAL ABUTTING PRESERVE

ATTACHMENT D



LAKE ABUTTING BUCKINGHAM ROAD RIGHT OF WAY



RESIDENTIAL ABUTTING VERANDAH

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PROJECT DESCRIPTION

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LEE COUNTY, FLORIDA

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PLOT BY	JENNIFER SAPEN

CROSS REFERENCED DRAWINGS

PLAN REVISIONS	
7-25-16	PER LEE COUNTY COMMENTS
10-26-16	PER LEE COUNTY

PLAN STATUS

DEVIATIONS AND DETAILS

PROJECT / FILE NO.	SHEET NUMBER
23354	3

EXISTING AGRICULTURAL USE AFFIDAVIT

STATE OF Florida
COUNTY OF Lee

BEFORE ME, the undersigned authority, on this 3rd day of March, 2016, personally appeared _____, who is the _____ of 32-43-26-00-00002.0000, and who is personally known to me or who produced _____ _____ as identification and who did take an oath, who deposes and says as follows:

1. That I am the Buckingham 16, LLC/Managing Member of the property more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

2. The agricultural uses that currently exist on the referenced property include hay production and/or cattle grazing. The location of this use is depicted on Exhibit "B" (entitled the "Agricultural Uses at Time of Zoning Application Map").

3. The existing agricultural activities will remain active until approval of a local Development Order affecting the property described in Exhibit "A" and depicted on Exhibit "B".

FURTHER AFFIANT SAYETH NAUGHT.

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_____
Randy Thibaut
Managing Member

SWORN TO and subscribed before me on the date and year first above written.

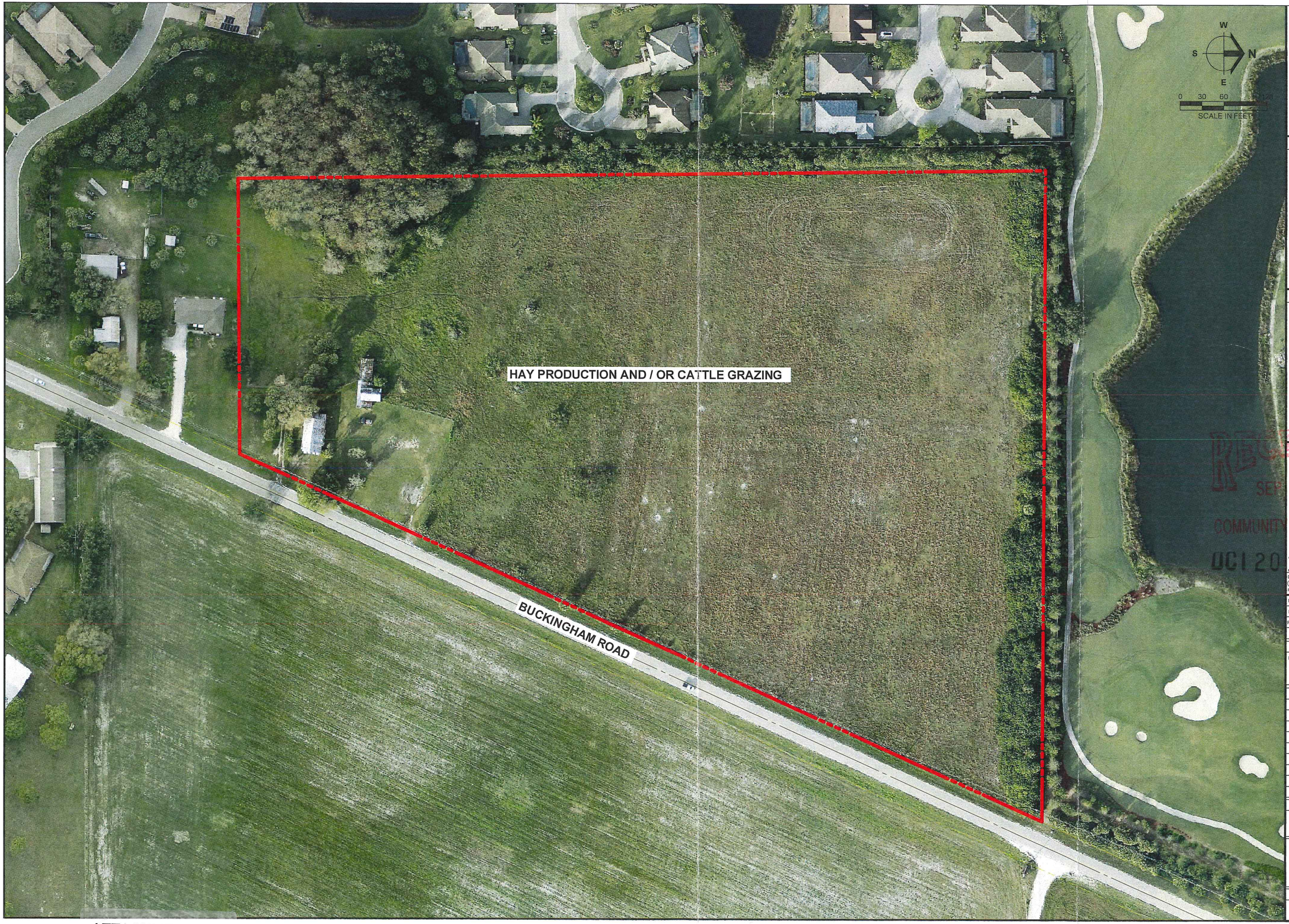
(Notary Seal)

SUSAN JANEEN JONES
Notary Public - State of Florida
My Comm. Expires Nov 19, 2016
Commission # EE 852905

Susan J. Jones
Signature of Notary Public

Susan J. Jones
(Print, type or stamp commissioned name and Commission Number of Notary Public)

ATTACHMENT E



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PROJECT DESCRIPTION

OAK VIEW

LEE COUNTY, FLORIDA

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PLOT DATE	FRI. 9-30-2016 - 2:13 PM
PLOT BY	ANGELICA HARDY

CROSS REFERENCED DRAWINGS

BASEPLAN = 23354-Z00.DWG

PLAN REVISIONS

PLAN STATUS

EXHIBIT B

AGRICULTURAL USES AT TIME OF ZONING APPLICATION MAP

PROJECT / FILE NO.	SHEET NUMBER
23354	1

ATTACHMENT E

ATTACHMENT F

OAK VIEW RPD

RESIDENTIAL PLANNED DEVELOPMENT

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Request and Compliance Statement

Land Solutions, Inc. is submitting this application for Residential Planned Development (RPD) on a 16.2 acre site in Section 32, Township 43 South, Range 26 East, Lee County, Florida. The applicant is requesting a rezoning from Agricultural (AG-2) to Residential Planned Development (RPD) to allow up to 60 single-family and two-family attached units.

The subject property is located in the Fort Myers Shores Planning Community and is located on the west side of Buckingham Road, approximately 1.3 miles south of SR 80. The property is located in the Suburban Community Future Land Use Category and the property is currently vacant. The RPD proposes one full access and one emergency stabilized access on Buckingham Road.

Compliance with Design Standards. Section 34-411;

a) As provided further in this report, the planned development is consistent with the provisions of the Lee Plan.
b) The planned development will be designed and constructed in accordance with all applicable country regulations. Four (4) deviations have been requested in accordance with section 34-373 (a)(9). Justifications to deviations are included herein.
c) The planned development will be designed to be compatible with adjacent uses and therefore will not negatively impact surrounding properties and the general interest (see Lee Plan policy 5.2.4). The subject property is of adequate size to accommodate the proposed structures, required open space, pedestrian ways, buffers, parking, access, on-site utilities, and water management areas. Community and regional park impact fees will be paid during the Development Order process.
d) The planned development will have access to Buckingham Road, an arterial roadway. With a level service of "C" pre- and post-development, it has sufficient capacity to handle the traffic generated by the proposed land use as well as the traffic generated by existing land uses.
e) The planned development is located within the Lee Tran service area. Stop #649 on Lee Tran Route 100 is within 2 miles of planned development.
f) As described in this report, the planned development will not create hazards to persons or property, whether on or off the site, nor shall it impose a nuisance on surrounding land uses or the public's interest.
g) The planned development will not unnecessarily destroy or alter natural, historic, or archeological features of the site. It will preserve and protect the existing wetlands present. As shown in the Master Concept Plan, all existing wetlands are proposed to be preserved. No historic or archeological features are known to exist on the property.

h) The planned development was designed to produce an architecturally integrated human environment by preserving wetlands and promoting open space.
i) In addition to the existing wall and landscaping at Verandah, the planned development will utilize building setbacks and perimeter buffers and/or open space to minimize impacts on surrounding land uses. Verandah already provides the site with a buffer on two sides, the north and west, which consists of a six-foot decorative stone wall surrounded by vegetation. The side of the wall facing the proposed site is covered with tall palm trees and various shrubbery. Altogether, this buffer is ±50' wide. A type "D" buffer will be implemented along Buckingham Road.
j) As demonstrated with the Lee Plan Policy 5.2.4 compliance statement in this report, the planned development is designed to promote compatibility with the existing uses in the surrounding area.
k) The planned development will be separated and mutually protected from the surrounding land uses by the required and existing perimeter buffering.
l) At 60 units, the maximum proposed unit allotment is small enough to function as a single neighborhood. It is not large enough to benefit from the creation of neighborhoods or internal communities within the development. It will function as a neighborhood with the aid of a homeowners association. Design practices will be used to promote a community environment, including street lighting and a central mail facility to encourage pedestrian interaction.
m) There will be no conflicting uses within the development. The two types of housing that have been proposed (single family and two-family attached) share identical, fee simple land use, and complement each other by promoting diversity of housing options within the project.
n) Parameters of intensity have been used to optimize the location and compatibility of land uses. As demonstrated with the Lee Plan Policy 5.2.4 compliance statement in this report, the proposed dwelling unit density, type of use, and lot dimensions are all consistent with the surrounding environment.
o) Minimum parking and loading requirements will be met.
p) Internal consistency for the proposed development will be encouraged through architectural controls, signage and uniform planting schedules. As a master planned community, each aspect of the development has been designed to create a functionally optimal and aesthetically desirable place for residents to live. A home owners association will be established to preserve internal consistency, maintain the preserve and water management system, and meet the needs of the future residents.

Surrounding Services

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- Public sewer and water
  - Potable water, Wastewater and Reuse: Lee County Utilities
  - Availability letters enclosed
- Paved streets and roads
  - Buckingham Road (arterial)
- Public transit

- Lee Tran Route 100, Stop Number 649; intersection of Palm Beach Boulevard and Cartagena Ave; within 2 miles

- Parks and recreation facilities
  - Riverdale Shores Park; within 2 miles
  - Riverdale Community Pool; within 2 miles
  - Manatee Park; within 3 miles
  - Shores Nature Trail Park; within 3 miles
  - Buckingham Community Park; within 5 miles
  - Lee Civic Center; within 6 miles
  - Hickey Creek Mitigation Park; within 6 miles

- Urban levels of police, fire and emergency services
  - Tice Fire Department Station 3; within 2 miles
  - Fort Myers Shores Fire Department Station 1; within 4 miles
  - Lehigh Regional Medical Center; within 10 miles
  - Promise Hospital of Fort Myers; within 10 miles
  - Lee Memorial Hospital; within 14 miles
  - Lee County Sheriff's Department, Homestead Road; within 10 miles

- Schools
  - Buckingham Exceptional Student Center; within 1 mile
  - River Hall Elementary School; within 3 miles
  - Oak Hammock Middle School; within 4 miles
  - Riverdale High School; within 2 miles

- Employment, industrial, and commercial centers
  - Winn-Dixie; within 2 miles
  - Riverdale High School; within 2 miles
  - Florida Power and Light; within 5 miles
  - Shops at Verandah; within 4 miles
  - The Forum at Fort Myers; within 11 miles
  - Jet Blue Pak; within 19 miles
  - Southwest International Airport; within 19 miles

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- Community facilities
  - Buckingham Community Center; within 2 miles
  - Riverdale Branch Library; within 2 miles
  - Olga Community Center; within 3 miles

Policy 1.1.5: Suburban

The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. The areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard

residential densities are the same as the Urban Community category, one to six dwelling units per acre (1-6 du/acre) with a maximum total density of eight units per acre (8 du/acre). Higher densities, commercial development greater then neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed.

The proposed rezoning application requests a residential development with a maximum of 60 dwelling units. Residential uses are intended as single family detached and two-family attached units with a maximum density of 3.7 dwelling units per acre. Therefore, the residential development program and densities outlined in this application meet the description of the Suburban Land Use category maximum threshold of 6 du/ac and the intent of the Policy.

Lee Plan Policy 1.7.6: Acreage Allocations

Acreage totals are provided for land in each Planning Community in unincorporated Lee County. No final development orders or extensions to final development orders will be issued or approved by Lee County which would allow the acreage for residential, commercial or industrial uses contained in Table 1(b) to be exceeded.

Suburban Acreage Allocations

Land Use	Acreage Allocation for Year 2030
Residential	1,810 ac

The subject property is located within the Fort Myers Shores Community per Map 16 of the Lee Plan. As illustrated in the table above, there are 1810 available acres currently allocated towards residential land uses within the Suburban Future Land Use Category in this planning community. The RPD proposes +/- 16.2 acres of residential development which is well within the allowable acreages set forth by the Lee Plan and therefore the proposed project is in compliance with this policy.

Lee Plan Policy 2.1: Development Location

Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where large tracts of land are by-passed in favor of development *more distant from services and existing communities.*

Located in an area of growth in Lee County, the site utilizes existing services and infrastructure. As outlined in this report, residents will be afforded opportunities for services, employment and education near the site, lessoning traffic burden associated with sprawl development. Police and fire services are near the site and utility services are available. As shown in the Table below and demonstrated by the aerial location map, the site serves as an infill development and does not bypass larger tracts of land. Further, the Future Land Use designation of Suburban is characterized by land with readily available urban services. As such, the proposed development and rezoning request is compatible with this provision of the Lee Plan.

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Abutting Land Use

DIRECTION	FUTURE LAND USE	LAND USE / ZONING
North	Suburban	Single Family Residential & Recreational / MPD
South	Suburban	Single Family Residential/ AG-2
East	Sub-Outlying Suburban	Vacant / RPD
West	Suburban	Single Family Residential / MPD

Lee Plan Objective 2.2: New Development to Provide Required Infrastructure

Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance.

Lee Plan Policy 2.2.1: New Development Proximity to Required Infrastructure

Rezonings and development-of-regional-impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare.

Lee Plan Policy 5.1.3: Direct Higher Density Residential Development to Certain Areas

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

The proposed residential development is located within 2-4 miles of 3 levels of education: River Hall Elementary, Oak Hammock Middle and Riverdale High School. Buckingham Exceptional Student Center (within 1 mile) is also available to students with disabilities. Park and recreation opportunities are near the project including Riverdale Shores Park (within 2 miles), Riverdale Community Park (within 2 miles) Manatee Park (within 3 miles), Buckingham Community Park (within 5 miles), Hickey Creek Mitigation Park (within 6 miles) and Lee Civic Center (within 6 miles). As demonstrated by the Lee Plan Map 3D-1, Map 3D-2 and Map 22, biking and trail systems exist nearby and are planned adjacent to the development.

Lee Tran route #100 travels near the site along Palm Beach Boulevard with the end of the bus line turning back west at Winn-Dixie Plaza on Old Olga Road at Cristobal Street. The closest stop on that route is at Palm Beach Boulevard and Cartagena Avenue approximately 2 miles from the site.

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Shopping, employment and commercial services are available at the Publix and Winn-Dixie Plazas along with various commercial establishments along Palm Beach Boulevard. Other employment opportunities exist at the FP&L plant on Palm Beach Boulevard, and, with easy access to I-75 via State Road 80, other major employment hubs are a short drive away.

Lee Plan Policy 5.1.2: Prohibit Residential Development where Hazards Exist

Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental imitations; aircraft noise; or other characteristics that may endanger the residential community.

The areas within the proposed development area range at existing site elevations of 15.3 to 18.3 NAVD which will not be a constraint to residential development. Site soil conditions consist of soils suitable for residential development and the site is not within an Airport Noise Zone. As such, the proposed development is not proposed where physical constraints or hazards exist.

Lee Plan Policy 5.1.4: Prohibit Residential Development near Industrial Development and Airport Noise Zone

Prohibit residential development in all Industrial development areas and Airport Noise Zone B as indicated on the Future Land Use Map, except for residences in the Industrial Development area for a caretaker or security guard, and except as provided in Chapter XIII.

The site is not located within an industrial development area nor the Airport Noise Zone B.

Lee Plan Policy 5.2.4: Compatibility

The site design of the proposed development must be compatible with surrounding land uses to the maximum extent possible.

The proposed development is compatible with the surrounding developments and entitled residential properties. The property development regulations approved for nearby developments allow for single family, two-family attached, townhouse, and multifamily housing. The proposed single family and two-family attached land use types will help meet housing demand in the same form and function as the surrounding planned developments.

As demonstrated in the table below, the proposed density of 3.7 du/ac is consistent with development along Buckingham Road; see Riverdale Shores at 3.5 du/ac and Hemmingway Pointe at 3.0 du/ac. The residential dimensions proposed are also consistent. At 50', the minimum lot width proposed for single family units is identical to those approved for Verandah, Hemmingway Pointe, and Portico. The 30' minimum lot width proposed for the two-family attached units matches or exceeds the minimum widths of Verandah's and Hemmingway Pointe's fee simple Townhouse products. Therefore, the proposed residential products are

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highly compatible with the existing Verandah development, which surrounds Oak View on three sides.

Densities- Comparison Table

COMMUNITY	DU/AC	Product Types	Min. Lot Width
Proposed / Oak View	3.7	Single family & Two-family attached	50' (Single family) 30' (Two-family attached)
Riverdale Shores	3.5	Single family & Multifamily	65'/75' (Single family)
Hemmingway Pointe	3.0	Single family, Townhouse & Multifamily	50' (Single family) 33' (Townhouse)
Riverdale Estates	2.8	Single family	65'/75' (Single family)
Hawk's Preserve	2.0	Single family	65'/75' (Single family)
Buckingham 345	2.0	Single family & Zero lot line	70' (Single family) 50' (Zero lot line)
Portico	2.0	Single family & Townhouse	50' (Single family) 22' (Townhouse)
Verandah	1.0	Single family & Multifamily	50' (Single family) 40' (Two-family) 30' (Townhouse)
River Hall	1.0	Single family & Multifamily	45' (Single family)

The compatibility evident between Oak View and the surrounding residents goes beyond a neutral relationship. Based on similar characteristics and a complimentary fit, the proposed development would have a positive relationship with the surrounding residents. Nearby homeowners will benefit from the increased values of their home that can be expected from contiguous investment. Because the cleared agricultural land is prime for development, surrounding neighbors may perceive this undeveloped land as a liability, concerned about what may come. Less compatible uses allowed in the Ag-2 zoning district which may negatively impact property values include uses such as administrative offices, bed and breakfast, community residential home or day care. Establishing a compatible residential development on this parcel now can be a comfort to the weary neighbors who are concerned about what other uses could be developed on this land.

The proposed density of 3.7 du/ac is well below the 6.0 du/ac suburban density maximum set forth in Lee Plan Policy 1.1.5. The proposed compact growth design is in accordance to Lee County's goals to "*contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where large tracts of land are by-passed in favor of* development *more distant from services and existing communities.*" 60 units in this location will make greater use of the existing infrastructure. Utilizing infrastructure where available is in the best interest to the taxpayers of

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Lee County.

The existing agricultural land use is an enclave amongst developed property. It no longer matches its surroundings and will become more anomalous when Buckingham 345 builds on its entitlements. Converting the proposed lot use to residential will continue the landscaping along the west side of Buckingham Road and more appropriately match the aesthetic of the neighboring developments once they are complete.

Lee Plan Policy 5.1.5: Protect Existing and Future Residential Areas

Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments.

Due to its compatibility with the surrounding residential environment, the proposed development design does not possess a destructive character to threaten the integrity of its surroundings. The proposed quiet, suburban design will protect existing neighboring residential housing by providing open space around the perimeter of the site, preserving the onsite wetland, and installing buffers along Buckingham Road. The north property boundary is over ±300' from the backyards of the nearest homes, posing no threat to the golf course views enjoyed by the residents. The wall and dense, well established vegetation on the west side provides the current residents with a ±50' buffer. This, with an additional 20' of open space to the nearest proposed backyard, provides a comfortable distance between the two developments. The short property boundary to the south borders a single home. The proposed building closest to this home is also a fee simple residential unit, with similar building dimensions and orientated in the same direction. The proposed development offers ±30' of open space between Oak View and the offsite parcel to prevent impacts on the existing home. The proposed design eliminates any negative environmental impact on the indigenous wetland partially within the site. The wetland will be protected and maintained with stewardship that may not be currently provided with the existing agricultural use.

Lee Plan Goal 11: Water, Sewer, Traffic and Environmental Review

To insure that appropriate water, sewer, traffic, and environmental review standards are considered in reviewing rezoning applications and are met prior to issuance of a county development order.

The proposed development is consistent with Goal 11 through the provision of letters of capacity and availability of service from Lee County Utilities, please see attached. A Traffic Impact Statement has been included within the application, indicating that the proposed development will not have a detrimental impact on the surrounding road system and an

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acceptable LOS will be maintained on all affected roadways. Lastly, the environmental review has also been included.

ATTACHMENT F

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Civil Engineers, Land Surveyors and Planners

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Oak View RPD
Residential Planned Development
Schedule of Deviations

DCI2016-00010

1) **Deviation from LDC Section 10-254, which requires side lot lines be, as nearly as practical, at right angles to straight street lines and radial to curve street lines, to allow the lot design shown on the Master Concept Plan in those areas where Deviation 1 is applied.**

Justification: This deviation request applies to the last lot at the terminal end of small dead end roadways where no cul de sac exists. This last lot is a continuation of a string of lots which are parallel to one another. The lot in question, and side lot lines of the string of lots, is perpendicular to the road as the LDC requires. The road right of way ends at the first side lot line of the terminal lot. This design provides adequate access to the last lot where a private drive will continue on the same trajectory as the road. The continued roadway is not needed to serve additional units further down the road so there is no public harm and a benefit is created because it allows the homeowner to utilize and maintain the land for private benefit.

This design creates a different, but adequate lot configuration. The front lot line becomes the termination of the right of way, at the width of the right of way. The first side lot line runs parallel with the string of lots along the road and connects to the end of the right of way. The other side lot line, and the purpose of this deviation request, is an extension of the right of way on the far side of the road. This side lot line, as an extension of the right of way, is parallel to the road and therefore does not meet the LDC requirement of being perpendicular to the road.

The intent of this LDC requirement is to provide a uniform lot pattern along roadways where adequate access is provided to all lots. This last lot and home will follow the pattern created by homes along the street and will have ample and reasonable access at the terminal end of the right of way.

As proposed, the lot described becomes a premium lot for the development. Homeowners are availed the opportunity to utilize land which would otherwise be dedicated unnecessarily to right of way. The proposed development plans show six locations where this request applies, which enhances the overall project appeal to a variety of prospective buyers.

According to the Florida Fire Prevention Code, Chapter 18.2.3.4.4 regarding dead-ends, only dead-end access roads in excess of 150 feet in length are required to provide approved provisions for fire apparatus to turnaround. In the instance of this request the

dead end roadway is less than 150' and as such, the proposed deviation will not create a detriment to the public health, safety, or welfare.

2) **Deviation from LDC Section 10-296(p)(1) to eliminate the requirement that a dead-end street be closed at one end by a circular turnaround, to allow an alternative turnaround.**

Justification: This deviation request applies to two locations on the site plan. The proposed design results in land that can be more effectively and efficiently used for purposes to enhance the overall development such as project amenities, landscaping, open space and water management lakes which would otherwise be encumbered by a road right of way and only service a few residences.

According to the Florida Fire Prevention Code, Chapter 18.2.3.4.4 regarding dead-ends, only dead-end access roads in excess of 150 feet in length are required to provide approved provisions for fire apparatus to turnaround. In both instances of this request the dead end roadways are less than 150'.

Typically fire trucks pull to a fire hydrant and service the emergency by foot. As a condition of this deviation request, the applicant agrees to prohibit fire hydrants on the dead end streets. By locating fire hydrants only on the main streets the fire trucks will stop at the hydrant and not enter the dead end.

By limiting all dead end streets to a maximum of 150' and prohibiting fire hydrants on the dead ends the proposed deviation will not create a detriment to the public health, safety, or welfare.

3) **Deviation from LDC Section 10-703 to allow lot size to be measured as indicated on the Master Concept Plan.**

Justification: This deviation request applies to the last lot at the terminal end of small dead end roadways where no cul de sac exists. This last lot is a continuation of a string of lots which are consistent in width and depth which allow for the same line-up of model units to be constructed.

The road right of way ends at the first side lot line of the terminal lot. This design provides adequate access to the last lot where the private drive will continue on the same trajectory as the road. Since continued roadway is not necessary to serve units in this area it allows the homeowner to obtain this land for private benefit.

This design creates an unusual lot configuration consisting of three side lot lines. The front lot line becomes the termination of the right of way, at the width of the right of way. As detailed on page 3 of the MCP, line #1 runs parallel with the string of lots along the road and connects to the end of the right of way. The lot line #2 is an extension of the

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right of way on the far side of the road. This second side lot line, while technically defined as a side lot line, is the length of the lot width typical throughout the development. Lot line #3 is 90 degrees to side lot line two. Lot line three is the length of lot line one plus the width of the right of way. Using the criteria for measuring lot depth as illustrated in LDC Section 10-703, side lot line #2 would cause this end lot to fail to meet minimum lot depth. To assist in future compliance review and to clarify this request additional notes have been added to Deviation 3 detail on the plans.

As proposed, the lot described becomes a premium lot for the development. Homeowners are availed the opportunity to utilize land which would otherwise be dedicated right of way for unique driveway entries and private uses such as small recreational areas or enhanced landscape features. The proposed development plan shows one location where this request applies, which enhance the overall project appeal to a variety of prospective buyers. The lot and home in question will be a continuation of the lot pattern throughout the development and as such will not create a detriment to the public interest.

4) **Deviation from LDC Section 10-291(3) which requires developments of more than five acres to provide more than one means of ingress or egress to allow one primary access and one emergency stabilized access.**

Justification: The proposed project access aligns with the approved access for Buckingham 345 RPD on the east side of Buckingham Road. Due to the low density proposed by Oak View, traffic from this 80-unit development is not expected to be high. However, Buckingham 345 RPD anticipates much higher traffic generation with 690 single family units with access at only one location.

Locating the only access point for Oak View at the same location as Buckingham 345 creates a cross roads and dual residential entries where drivers along Buckingham Road will expect turning movements. An additional secondary access for Oak View would create non-typical and unexpected turning movements for a small handful of cars.

A single access at the same location as Buckingham 345 aesthetically enhances the proposed development by aligning Oak View's access with a another residential entry with enhanced landscaping and residential planned development flavor. Additionally, by creating only one access point with a cul de sac at the southern end of the site the southern lots are lower traffic areas of the small development, thereby increasing the value of these lots. One access point allows the developer to focus enhanced landscaping at one location, lessening overall project costs while still providing the required buffers along Buckingham Road.

To ensure the public safety, health and welfare for the residents of Oak View, a second emergency stabilized access is proposed at the northeast corner of the site.

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Barraco and Associates, Inc.
www.barraco.net
Civil Engineers, Land Surveyors and Planners

OAK VIEW RPD

Surface Water Management Plan

A. Run-off characteristics of the property in its existing state.

Existing rainfall runoff sheet flows east to the existing roadside swale along Buckingham Road.

B. In general terms, the drainage concept proposed, including the outfall to canals or natural water bodies, including how drainage flow from adjacent properties will be maintained.

Storm water runoff will be directed via storm pipe to onsite lakes which will provide treatment and attenuation for the system. The control structures will discharge into a roadside swale along Buckingham Road and ultimately Orange River via the Buckingham Road swale system.

C. The retention features (including existing natural features) that will be incorporated into the drainage system and legal mechanisms, which will guarantee their maintenance.

Water quality for the system will be provided through wet detention lakes. Control structures will provide water quality and quantity attenuation within the wet detention lake system. Onsite surface water management systems will be maintained in perpetuity by the Community Development District or Property Owner's Association.

D. How will existing natural features be preserved? Include an estimate of the ranges of the existing post development water table elevations, where appropriate.

The existing natural features preserved will have buffers as required by SFWMD surrounding them to protect preserves from proposed hardscape areas. The proposed preserve area will not be included in the surface water management for the proposed project nor is it included in the surface water management system of the neighboring property. The off-site lake to the west of the preserve is separated from the preserve area by a perimeter berm. Maintenance responsibilities of the shared preserve area will be coordinated during the SFWMD permit process. Control elevations for the site will comply with the future SFWMD permit requirements.

E. If the property is subject to seasonal inundation or is subject to inundation by extreme swollen, by the rains of a 100-year storm event, indicate the measures that will be taken to mitigate the affects of expected flooding.

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2271 McGregor Boulevard • Fort Myers, Florida 33901
Phone (239) 461-3170 • Fax (239) 461-3169

Measures that will be taken to mitigate the effects of expected flooding by rains of a 100-year storm event will be the construction of finished floors of buildings at or above the maximum 100-year storm stage elevation. Review and approval by South Florida Water Management District will be required.

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DCI 2016-00010

2271 McGregor Boulevard • Fort Myers, Florida 33901
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Barraco and Associates, Inc.
www.barraco.net
Civil Engineers, Land Surveyors and Planners

Oak View RPD
Residential Planned Development
Schedule of Uses

Residential:

Accessory Uses and structures
Administrative Offices
Club, Private
Dwelling Units:
- Single family
- Two-family attached

Entrance Gates and Gatehouse
Essential Services
Essential Services Facilities, Group 1
Excavation, Water Retention
Fences, Walls
Home Occupation
Models: (Maximum of 8 model units)
- Model Display Group
- Model Homes
- Model Units

Parking Lot:
- Accessory

Recreational Facilities, Private-On-Site
Sales:
- Real Estate Sales Office, Limited to sales of dwelling units within the development

Signs in accordance with LDC Chapters 33 and 34
Temporary Sales Center
Temporary Construction Trailer, during construction

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ATTACHMENT I

Post Office Drawer 2800 • Fort Myers, FL 33902
Phone (239) 461-3170 • Fax (239) 461-3169

Oak View RPD
Residential Planned Development
Property Development Regulations

DEVELOPMENT REGULATIONS	SINGLE FAMILY (R-1)	TWO FAMILY ATTACHED (R-2)
Minimum lot Width:	50'	30'
Minimum lot Depth:	130'	120'
Minimum lot Area:	6500 sf	3600 sf
Max. Building Height:	35'	35'
Maximum lot Coverage	45%	60%
Minimum Setbacks:		
Front (right of way)	20' (*)	20' (*)
Side Yard	5'	5'/0' (**)
Rear Yard (principal)	10'	10'
Rear Yard (accessory)	5'	5'
Preserve	20'	20'

NOTE:

* Setback shall be reduced to 15-feet for side entry garages.

** 0-foot setback to apply to internal lot line.

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DCI 2016-00010

ATTACHMENT I

DCI 2016-00010

Lee County
Southwest Florida
BOARD OF COUNTY COMMISSIONERS

John E. Manning
District One

Cecil L. Pendergrass
District Two

Larry Kiker
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
Hearing Examiner

Writer's Direct Dial Number: (239) 533-8532

August 11, 2015

Steve Coleman
Barroco and Associates, Inc.
2271 McGregor Blvd, Suite 100
Fort Myers, FL 33901

RECEIVED
MAY 16 2016
COMMUNITY DEVELOPMENT

RE: Potable Water and Wastewater Availability
3600 Buckingham Road
STRAP # 32-43-26-00-00002.0000

Dear Mr. Coleman:

The subject property is located within Lee County Utilities Future Service Area as depicted on Maps 6 and 7 of the Lee County Comprehensive Land Use Plan. Potable water and sanitary sewer lines are in operation adjacent to the property mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of 60 single family residential units with an estimated flow demand of approximately 15,000 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

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

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

Prior to beginning design work on this project, please schedule a meeting with Thom Osterhout to determine the best point of connection and discuss requirements for construction.

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

Further, this letter of availability of Water and Wastewater service to be utilized for request for general purposes for this project Only. Individual letters of availability will be required to obtaining building permits.

Sincerely,

LEE COUNTY UTILITIES

Mary McCormic
Technician Senior
UTILITIES ENGINEERING

VIA EMAIL

ATTACHMENT J

Lee County
Southwest Florida

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MAY 16 2016
COMMUNITY DEVELOPMENT

LEE COUNTY UTILITIES
REQUEST FOR LETTERS OF AVAILABILITY

DATE: AUGUST 11, 2015 DCI 2016-00010

TO: Mary McCormic
Utilities' Senior Engineering Technician

FROM: STEVE COLEMAN
FIRM: BARRACO AND ASSOCIATES, INC.
ADDRESS: 2271 MCGREGOR BLVD., SUITE 100
ADDRESS: FORT MYERS, FL 33901 -
PHONE#: (239)461-3170 FAX: (239)461-3169
E-MAIL ADDRESS: STEVEC@BARRACO.NET

PROJECT NAME:

PROJECT ID (IF APPLICABLE):

STRAP #: 32-43-26-00-00002.0000

LOCATION/SITE ADDRESS: 3600 BUCKINGHAM ROAD, FORT MYERS, FL 33905

PURPOSE OF LETTER:

☐ DEVELOPMENT ORDER SUBMITTAL ☐ FINANCING ☐ EFFLUENT REUSE

☐ PERMITTING OF SURFACE WATER MANAGEMENT (SOUTH FLORIDA WATER MANAGEMENT DISTRICT)

☒ OTHER: (PLEASE SPECIFY) PURCHASE

PLANNED USE:

☐ COMMERCIAL ☐ INDUSTRIAL ☒ RESIDENTIAL - (☒ SINGLE-FAMILY ☐ MULTI-FAMILY)

☐ OTHER: (PLEASE SPECIFY) ____

PLANNED # OF UNITS/BUILDINGS: 60

TOTAL SQUARE FOOTAGE (COMMERCIAL/INDUSTRIAL)____

AVERAGE ESTIMATED DAILY FLOW (GPD): ____ (☐ WATER ☐ WASTE-WATER ☐ REUSE)

PLEASE SHOW CALCULATION USED TO DETERMINE AVERAGE ESTIMATED DAILY FLOW (GPD) PER CRITERIA SET FORTH IN LEE COUNTY UTILITIES OPERATIONS MANUAL, SECTION 5.2: ____

____

____

____

Please e-mail the completed form at mccormmm@leegov.com . If you are unable to e-mail the completed form, please fax to (239) 485-8311. If you should have any questions or require assistance, please feel free to call our office at (239) 533-8532.

Mccormic, Mary

From: Colleen Harris [ColleenH@barraco.net]
Sent: Monday, August 10, 2015 4:32 PM
To: Mccormic, Mary
Subject: Letter of Availability Request
Attachments: LCU Request for Letter of Availability - form.doc

Good afternoon, Mary:

Steve Coleman asked me to forward the attached Letter of Availability Request form to your attention.

Thank you!

Colleen Harris
Barraco and Associates, Inc.
Civil Engineers ~ Surveyors ~ Planners
2271 McGregor Boulevard, Suite 100
Fort Myers, FL 33901
P 239.461.3170 F 239.461.3169
www.barraco.net

File:

In order to use electronic files provided by Barraco and Associates, Inc. you must agree to the following:

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The recipient accepts responsibility for confirming with Barraco and Associates, Inc. that the electronic file is current at the time of use by the recipient. The recipient also agrees to hold Barraco and Associates, Inc. harmless for any cost or damages incurred due to the recipient's use of an outdated electronic file and for any costs associated with updating the recipient's electronic files in the event of future revisions by Barraco and Associates, Inc.

The recipient agrees not to use these drawings and data, in whole or in part, for any purpose or project other than the project which is the subject of this agreement, nor shall the recipient provide that attached data to any other party not indicated as a recipient in the "To" field of this message. The recipient agrees to waive all claims against Barraco and Associates, Inc. resulting in any way from any unauthorized changes or reuse of the drawings and data for any other project by anyone other than Barraco and Associates, Inc.

In addition, the recipient agrees, to the fullest extent permitted by law, to indemnify and hold Barraco and Associates, Inc. harmless from any damage, liability or costs, including reasonable attorney fees and costs of defense, arising from any changes made by anyone other than Barraco and Associates, Inc. or from any reuse of the drawings and data without the prior written consent of Barraco and Associates, Inc.



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DCI 2016-00010

Mccormic, Mary

From: Osterhout, Thom
Sent: Tuesday, August 11, 2015 3:08 PM
To: Mccormic, Mary
Subject: RE: Letter of Availability Request - 3600 BUCKINGHAM ROAD

Okay

Thom Osterhout
Senior Manager
Development
Lee County Utilities
1500 Monroe Street
Fort Myers, Florida 33901
(239) 533-8165
tosterhout@leegov.com

From: Mccormic, Mary
Sent: Tuesday, August 11, 2015 8:35 AM
To: Osterhout, Thom
Subject: Letter of Availability Request - 3600 BUCKINGHAM ROAD

Thom,
I have a Letter of Availability Request for **WATER AND WASTEWATER**
Purpose of Letter – **PURCHASE**
Project Name – **3600 BUCKINGHAM ROAD**
Location – **3600 BUCKINGHAM ROAD – this parcel is located on the east side of Buckingham about ¼ mile NORTH of Bird Road.**
Proposed – **60 SINGLE-FAMILY UNITS**
Estimated Daily Flows – **15,000 GPD**
This request is from Barraco & Associates, Inc.
Is it okay to write this letter?

Thank you!
Mary McCormic
Technician Senior
Engineering Development
Lee County Utilities
1500 Monroe Street
Fort Myers, Fl. 33901
mccormmm@leegov.com
Phone 239-533-8532
Fax 239-485-8385

ATTACHMENT J

TR TRANSPORTATION CONSULTANTS, INC.

TRAFFIC IMPACT STATEMENT

FOR

OAK VIEW

PROJECT NO. 1601.09

RECEIVED
MAY 16 2016
COMMUNITY DEVELOPMENT

PREPARED BY:
TR Transportation Consultants, Inc.
2726 Oak Ridge Court, Suite 503
Fort Myers, Florida 33901
239-278-3090

ATTACHMENT K
DCI 2016-00010

March 2, 2016

TRANSPORTATION CONSULTANTS, INC.

CONTENTS

I. INTRODUCTION

II. EXISTING CONDITIONS

III. PROPOSED DEVELOPMENT

IV. TRIP GENERATION

V. TRIP DISTRIBUTION

VI. FUTURE TRAFFIC CONDITIONS

VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

VIII. CONCLUSION

I. INTRODUCTION

TR Transportation Consultants, Inc. has conducted a traffic impact statement to fulfill requirements set forth by the Lee County Department of Community Development for projects seeking approval for zoning. This report has been completed in compliance with guidelines established in the Lee County Traffic Impact Statement Guidelines. The development site is located on the west side of Buckingham Road south of State Road 80 in Lee County, Florida. The site location is illustrated on **Figure 1**.

The Developer is proposing to re-zone the subject site from AG-2 to RPD to permit the development of up to 60 single family dwelling units on the approximately 16.84 acre site. Primary access to the development will be provided via a single access drive to Buckingham Road and an exit only will be provide to Buckingham Road north of the primary site access drive.

This report examines the impact of the development on the surrounding roadways and intersections. Trip generation and assignments to the various surrounding intersections will be completed and analysis conducted to determine the impacts of the development on the surrounding streets and intersections.

II. EXISTING CONDITIONS

The subject site is currently vacant. The site is bordered on the north by The Verandah residential golf course community, the west and south by residential uses, and to the east by Buckingham Road.

Buckingham Road is a two lane undivided arterial roadway that borders the site to the east. Buckingham Road extends south from S.R. 80 to S.R. 82. Buckingham Road, adjacent to the subject site, has a posted speed limit of 45 mph and is under the jurisdiction of the Lee County Department of Transportation.

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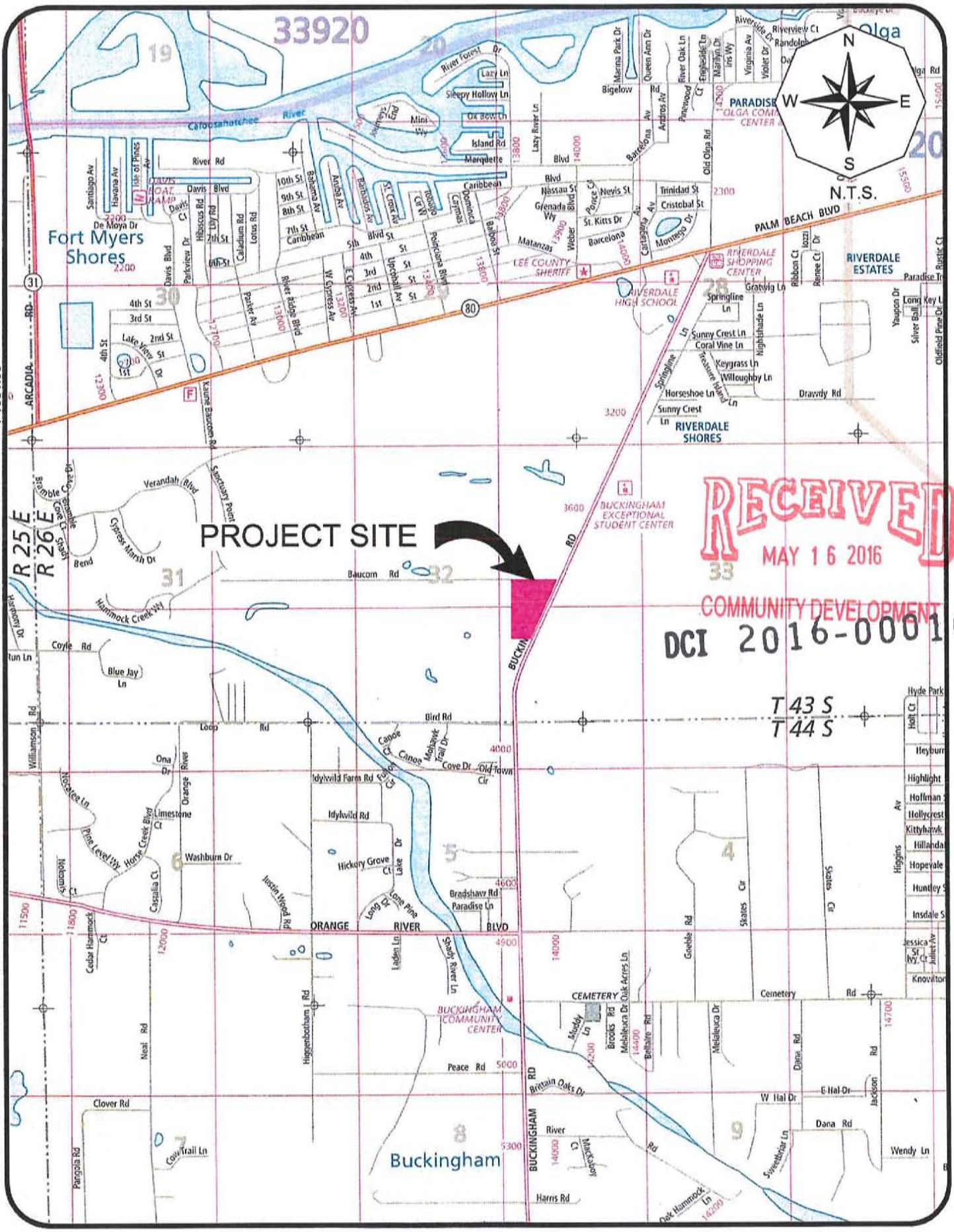

TRANSPORTATION CONSULTANTS, INC.

PROJECT LOCATION MAP
OAK VIEW ZONING

Figure 1

State Road 80 (Palm Beach Boulevard) is a four lane divided roadway near the Buckingham Road intersection. S.R. 80 has a posted speed limit of 45 mph near the Buckingham Road intersection and is under the jurisdiction of the Florida Department of Transportation (FDOT).

Orange River Boulevard is a two lane undivided arterial located approximately one mile south of the subject site. Orange River Boulevard has a posted speed limit of 35 mph west of Buckingham Road and is under the jurisdiction of the Lee County Department of Transportation.

III. PROPOSED DEVELOPMENT

Oak View is an approximately 16.84 acre proposed residential planned community within Lee County. The proposed development intensity was taken from the Master Concept plan prepared by Barraco and Associates.

Table 1 summarizes the land uses utilized for trip generation purposes for the subject development.

Table 1
Oak View
Land Uses

Land Use	Size
Single Family	60 Dwelling Units

IV. TRIP GENERATION

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled ***Trip Generation***, 9th Edition. Land Use Code 210 (Single-Family Detached Housing) was utilized for trip generation purposes. The equations for this land use are contained in the Appendix of this report for reference. **Table 2** outlines the anticipated weekday A.M. and P.M. peak hour trip

generation of the Oak View project as currently proposed. The daily trip generation is also indicated in the table.

Table 2
Gully Creek
Trip Generation

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily
	In	Out	Total	In	Out	Total	2-way
Single Family (60 Units)	13	39	52	42	24	66	656

V. TRIP DISTRIBUTION

The trips shown in Table 2 were then assigned to the surrounding roadway system based on the anticipated routes the drivers will utilize to approach the site. Based on current and projected population in the area and other existing or planned competing/complementary uses in the area, a distribution of the site traffic was formulated. The anticipated trip distribution of the development traffic is shown on **Figure 2**. Also shown on Figure 2 is the assignment of project related trips to the site access drives on Buckingham Road.

In order to determine which roadway segments surrounding the site will be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines, **Table 1A**, contained in the Appendix, was created. This table indicates which roadway links will accommodate greater than 10% of the Peak Hour – Peak Direction Level of Service "C" volumes, as defined by the Lee County Generalized Peak Hour Directional Service Volume Tables. A copy of the Generalized Service Volume Table is located in the Appendix of this report for reference.

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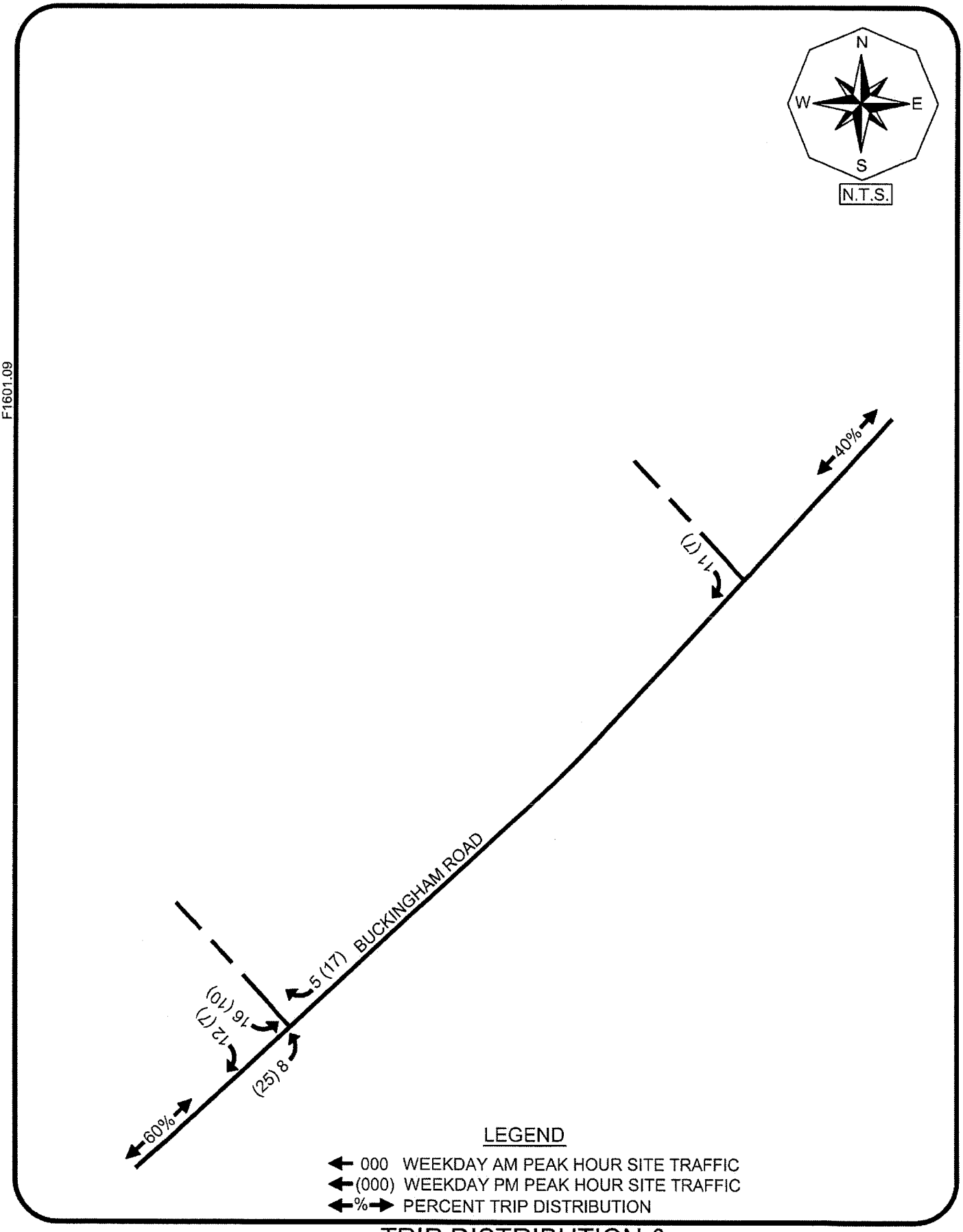

TRANSPORTATION CONSULTANTS, INC.

TRIP DISTRIBUTION & SITE TRAFFIC ASSIGNMENT OAK VIEW ZONING

Figure 2

VI. FUTURE TRAFFIC CONDITIONS

A horizon year analysis of 2022 was selected as the analysis year to evaluate the future impacts this project will have on the surrounding roadway network. Based on this horizon year, a growth rate was applied to the existing traffic conditions for all roadway links that could be significantly impacted by this development. The existing roadway volumes utilized to compute the historical growth rate were obtained from the ***2014 Lee County Traffic Count Report.*** Based on the project distribution shown in Figure 2, the link data was analyzed for the year 2022 without the development and year 2022 with the development. The existing roadway link volumes were obtained from data contained in the ***2015 Lee County Concurrency Report.***

Figure 3 indicates the year 2022 peak hour – peak direction traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 3 is the peak hour – peak direction volume and Level of Service of each link should no development occur on the subject site and the peak hour – peak direction volume and Level of Service for the weekday A.M. and P.M. peak hours with the development traffic added to the roadways. These figures are also derived from **Table 2A** contained in the Appendix.

VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

Figure 3 details the Levels of Service for all links inside the project's area of influence based on this analysis. In comparing the links' functional classification and calculated 2022 traffic volumes to the Service Volume Tables, it was determined that all roadway links analyzed will continue to operate at an acceptable Level of Service in 2022 both with and without the proposed development. Buckingham Road is shown to operate at LOS "C" both with and without the project in the year 2022. Therefore no roadway capacity improvements will be warranted as a result of the additional traffic to be generated by the proposed development.

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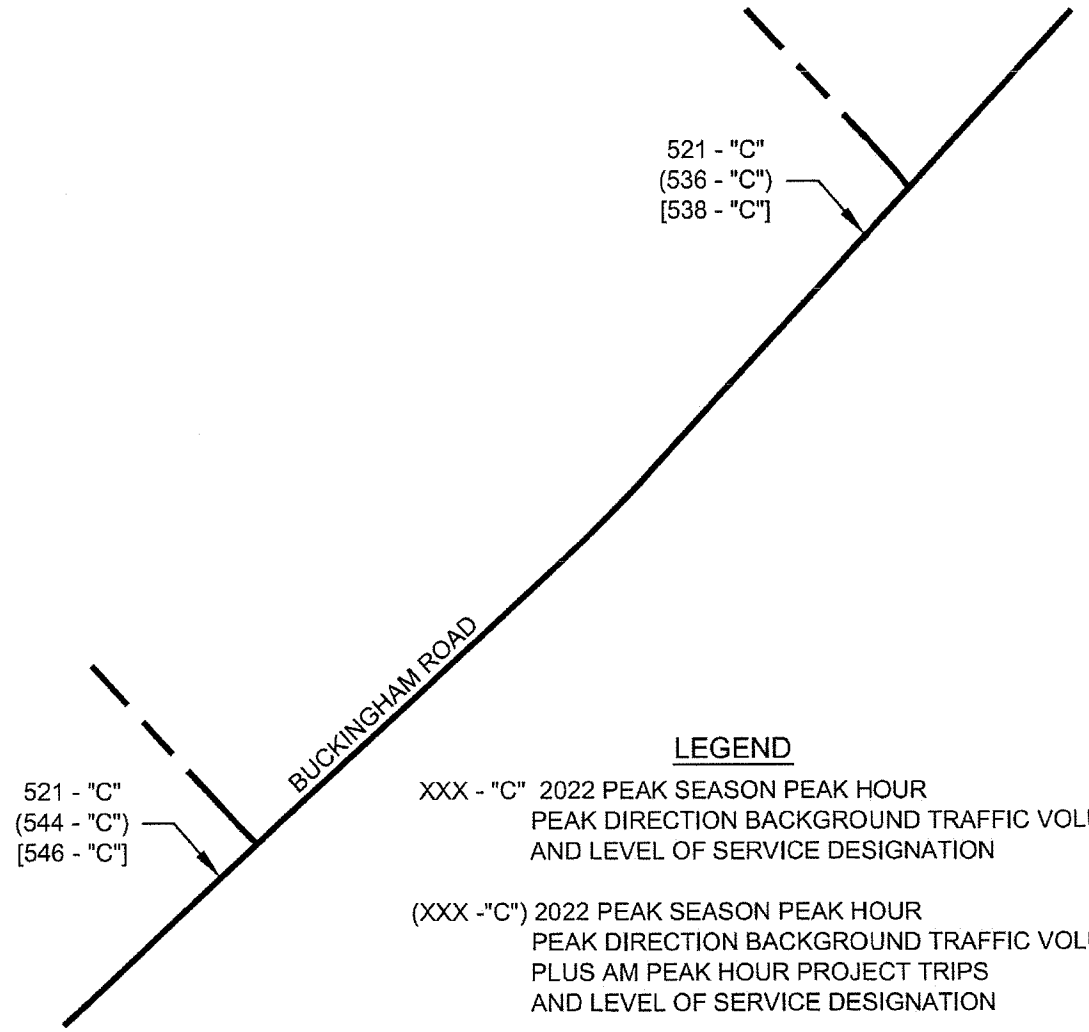

LEGEND

XXX - "C" 2022 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND TRAFFIC VOLUME
AND LEVEL OF SERVICE DESIGNATION

(XXX -"C") 2022 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND TRAFFIC VOLUME
PLUS AM PEAK HOUR PROJECT TRIPS
AND LEVEL OF SERVICE DESIGNATION

[XXX -"C"] 2022 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND TRAFFIC VOLUME
PLUS PM PEAK HOUR PROJECT TRIPS
AND LEVEL OF SERVICE DESIGNATION

TR TRANSPORTATION CONSULTANTS, INC.

PROJECTED 2022 LEVEL OF SERVICE
OAK VIEW ZONING

Figure 3

VIII. CONCLUSION

The development of the subject property with approximately 60 single family residential dwelling units on the west side of Buckingham Road south of State Road 80 in Lee County, Florida will not degrade the Level of Service on the adjacent roadway links. The projected Level of Service on the roads is above the minimum recommended Level of Service as contained in the Lee County Comprehensive Plan. Buckingham Road is shown to operate at LOS "C" both with and without the project in the year 2022. The existing roadway network can accommodate the additional new vehicle trips the development is anticipated to generate. Site specific turn lane improvements will be warranted based on the Lee County Turn Lane Policy and will be further defined in the Development Order process.

APPENDIX

TABLES 1A & 2A

TABLE 1A
PEAK DIRECTION PROJECT TRAFFIC VS. LOS C LINK VOLUMES
OAK VIEW ZONING

TOTAL AM PEAK HOUR PROJECT TRAFFIC =	52 VPH	IN=	13	OUT=	39
TOTAL PM PEAK HOUR PROJECT TRAFFIC =	66 VPH	IN=	42	OUT=	24

ROADWAY	SEGMENT	ROADWAY CLASS	LOS A VOLUME	LOS B VOLUME	LOS C VOLUME	LOS D VOLUME	LOS E VOLUME	PROJECT TRAFFIC DISTRIBUTION	NEW PROJ TRAFFIC AM PEAK	NEW PROJ TRAFFIC PM PEAK	PROJ/ LOS C
Buckingham Rd.	South of SR 80	2LD	0	140	800	860	860	40%	16	17	2.10%
	North of Orange River Blvd.	2LD	0	140	800	860	860	60%	23	25	3.15%

* The Level of Service thresholds for all roadway segments were obtained from Lee County Generalized Peak Hour Directional Service Volumes (Sept. 2013)

TABLE 2A
HORIZON YEAR TRAFFIC VOLUMES AND 100TH HIGHEST HOUR LEVEL OF SERVICE ANALYSIS
OAK VIEW ZONING

TOTAL AM PEAK HOUR PROJECT TRAFFIC =	52 VPH	IN=	13	OUT=	39
TOTAL PM PEAK HOUR PROJECT TRAFFIC =	66 VPH	IN=	42	OUT=	24

ROADWAY	SEGMENT	SITE/ STATION	BASE YR ADT	2014 ADT	YRS OF GROWTH	ANNUAL RATE	2014 PK HR PK SEASON PEAK DIR.[1]	2022 PK HR PK SEASON PEAK DIRECTION VOLUME	LOS	PROJECT TRAFFIC DISTRIBUTION	AM PROJ TRAFFIC	PM PROJ TRAFFIC	2022 BCKGRND + AM PROJ VOLUME	LOS	2022 BCKGRND + PM PROJ VOLUME	LOS
Buckingham Rd.	South of SR 80	11	8,700	9,000	9	1.00%	481	521	C	40%	16	17	536	C	538	C
	North of Orange River Blvd.	11	8,700	9,000	9	1.00%	481	521	C	60%	23	25	544	C	546	C

[1]The 2014 peak hour, peak season, peak direction traffic volumes were taken from the 2015 Lee County Concurrency Report

2015 LEE COUNTY CONCURRENCY REPORT

ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE STANDARD		2014 100th HIGHEST HR		EST 2015 100th HIGHEST HR		FORECAST FUTURE VOL		NOTES*	LINK NO.
				LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME		
BONITA BEACH RD	IMPERIAL ST	I-75	6LD	E	2,740	C	1,876	C	1,876	C	1,876		02800
BONITA BEACH RD	I-75	BONITA GRANDE DR	4LD	E	2,000	B	462	B	462	B	462		02900
BONITA BEACH RD	BONITA GRANDE DR	LOGAN BLVD EXT	4LD	E	2,000	B	462	B	462	B	462		02950
BOY SCOUT DR	SUMMERLIN RD	US 41	6LD	E	2,550	D	998	D	998	D	998		03200
BRANTLEY RD*	SUMMERLIN RD	US 41	2LU	E	860	C	116	C	116	C	116		03300
BRIARCLIFF DR*	US 41	TRIPLE CROWN CT	2LU	E	860	C	203	C	203	C	213		03400
BROADWAY (ALVA)*	PALM BEACH BL (SR 80)	NORTH RIVER RD	2LU	E	860	C	181	C	181	C	181		03500
BROADWAY (ESTERO)*	LOGAN AVE	US 41	2LU	E	860	C	239	C	242	C	262		03600
BUCKINGHAM RD	IMMOKALEE RD (SR 82)	GUNNERY RD	2LU	E	990	C	350	C	350	C	362		03700
BUCKINGHAM RD	GUNNERY RD	ORANGE RIVER BL	2LU	E	990	D	529	D	530	D	530		03730
BUCKINGHAM RD	ORANGE RIVER BL	PALM BEACH BL (SR 80)	2LU	E	990	D	481	D	482	F	1,162		03800
BURNT STORE RD	PINE ISLAND RD (SR 78)	DIPLOMAT PKWY	2LU	E	1,100	C	664	C	664	D	690	4 Ln construction in FY's 16/17 & 18/19	03900
BURNT STORE RD	DIPLOMAT PKWY	CHARLOTTE COUNTY LINE	2LU	E	1,100	B	356	B	357	C	453	4 Ln construction up to Van Buren in FY 14/15	04000
BUS 41 (SR 739)	FORT MYERS CITY LIMIT	PONDELLA RD	6LD	D	2,740	C	2,051	C	2,051	C	2,148		04200
BUS 41 (SR 739)	PONDELLA RD	PINE ISLAND RD (SR 78)	6LD	D	2,740	C	1,414	C	1,414	C	1,414		04300
BUS 41 (SR 739)	PINE ISLAND RD (SR 78)	LITTLETON RD	4LD	D	1,820	B	824	B	824	B	836		04400
BUS 41 (SR 739)	LITTLETON RD	US 41	2LU	D	1,080	A	380	A	380	A	431		04500
CAPE CORAL BR RD	DEL PRADO BL	McGREGOR BL	4L	E	4,000	C	2,616	C	2,616	C	2,616		04600
CAPTIVA RD*	BLIND PASS	SOUTH SEAS PLANTATION	2LU	E	860	C	267	C	267	C	324	Constrained v/c = 0.31	04700
CEMETERY RD	BUCKINGHAM RD	HIGGINS AVE	2LU	E	860	C	285	C	291	C	291		04800
CHAMBERLIN PKWY	AIRPORT ENT	DANIELS PKWY	4LD	E	1,790	C	93	C	94	C	94	Port Authority maintained	04900
COCONUT RD*	SPRING CREEK RD	US 41	2LN	E	860	C	366	C	366	C	411	No count since 2007	05000
COCONUT RD*	US 41	THREE OAKS PKWY	4LD	E	1,790	C	588	C	651	C	805		05030
COLLEGE PKWY*	McGREGOR BL	WINKLER RD	6LD	E	2,980	D	1,831	C	1,837	C	1,878		05100
COLLEGE PKWY	WINKLER RD	WHISKEY CREEK DR	6LD	E	2,980	D	1,872	D	1,872	D	1,872		05200
COLLEGE PKWY*	WHISKEY CREEK DR	SUMMERLIN RD	6LD	E	2,980	D	2,371	C	2,455	C	2,486		05300
COLLEGE PKWY	SUMMERLIN RD	US 41	6LD	E	2,980	D	1,456	D	1,456	D	1,479		05400
COLONIAL BL*	McGREGOR BL	SUMMERLIN RD	6LD	E	2,780	D	2,628	D	2,628	D	2,628		05500
COLONIAL BL	SUMMERLIN RD	US 41	6LD	E	2,780	F	2,836	F	2,836	F	2,836	Alternatives analysis in FY 18/19	05600
COLONIAL BL (SR 884)	US 41	FOWLER ST	6LD	E	2,780	D	2,535	D	2,535	D	2,535		05700
COLONIAL BL (SR 884)	FOWLER ST	METRO PKWY	6LD	E	2,780	F	3,125	F	3,125	F	3,125	N. Airport Rd. Ext. current funding for design & construction	05800

LEE COUNTY GENERALIZED SERVICE VOLUME TABLE

Lee County
Generalized Peak Hour Directional Service Volumes
Urbanized Areas

Sept. 2013 c:\input4

Uninterrupted Flow Highway

Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	120	420	840	1,190	1,640
2	Divided	1,060	1,810	2,560	3,240	3,590
3	Divided	1,600	2,720	3,840	4,860	5,380

Arterials

Class I (40 mph or higher posted speed limit)

Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	140	800	860	860
2	Divided	*	260	1,840	1,960	1,960
3	Divided	*	410	2,840	2,940	2,940
4	Divided	*	550	3,840	3,940	3,940

Class II (35 mph or slower posted speed limit)

Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	*	330	710	780
2	Divided	*	*	710	1,590	1,660
3	Divided	*	*	1,150	2,450	2,500
4	Divided	*	*	1,580	3,310	3,340

Controlled Access Facilities

Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	160	880	940	940
2	Divided	*	270	1,970	2,100	2,100
3	Divided	*	430	3,050	3,180	3,180

Collectors

Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	*	310	670	740
1	Divided	*	*	330	710	780
2	Undivided	*	*	740	1,460	1,460
2	Divided	*	*	780	1,530	1,530

Note: the service volumes for I-75 (freeway), bicycle mode, pedestrian mode, and bus mode should be from FDOT's most current version of LOS Handbook.

TRAFFIC DATA FOR BUCKINGHAM ROAD

STREET	LOCATION	Station #	Daily Traffic Volume (AADT) 2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	PCS
BRANTLEY RD	W OF US 41	230	3500	3900	3400	3600	3400	2700					9
BRIARCLIFF RD	E OF US 41	460	5900	5500	5600	4800	4700						9
BROADWAY (ESTERO)	W OF US 41	463	3400	3500	3600	4300	4400	5300	3500		5200		25
BROADWAY AVE	S OF M.L.K. BLVD (SR 82)	600	2600	3700	3700	3100	2700						29
BROADWAY AVE	N OF SOLOMON AVE	601	7700	8300	7700	7000	6300						29
BROADWAY RD	S OF ALVA BRIDGE	231	5200	5800	4900	5300	3800						11
BUCKINGHAM RD	S OF PALM BEACH BLVD	11	8700	9900	9600	8000	8200	8400	8400	8900	8800	9000	
BUCKINGHAM RD	S OF CEMETERY RD	227						2300				10600	11
BUCKINGHAM RD	E OF ALVIN AVE	232	5200	7400	7600	5900	5700	5700				7000	11
BURNT STORE RD	N OF PINE ISLAND RD	233	11800	12200	11800	12800	11300	11700	11100		12600	12600	12
BURNT STORE RD	S OF CHARLOTTE CO. LINE	12	5900	6100	5800	5400	5500	5600	5300	5000	5200	6300	
BUSINESS 41 (SR 739)	N OF EDISON BRIDGE	41	33600	34900	29300	25000	25900	26100	25500	24800	25100	27200	
BUSINESS 41 (SR 739)	N OF PONDELLA RD	397	27700	27900	24400	21600	22200						41
BUSINESS 41 (SR 739)	N OF POWELL DR	394	22100	19500	17400	14600	13300						41
BUSINESS 41 (SR 739)	N OF LAUREL DR	396	9300	8300	7700	8500	7300						41
CAPE CORAL PKWY	E OF SKYLINE BLVD	13	28800	30100	28200	25900	26800	26200	26700	25000	26400	27700	
CAPE CORAL PKWY	W OF PALM TREE	56	54200	54000	51000	31900	31800	38500	40800	40100	44800	44100	13
CAPE CORAL BRIDGE	W OF BRIDGE	234	47900	48400	47500			39700			45600	51600	13

TRIP GENERATION EQUATIONS

TRIP GENERATION EQUATIONS
OAK VIEW
ITE TRIP GENERATION REPORT, 9th EDITION

Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour	Daily (2-way)
Single Family Detached Housing (LUC 210)	T = 0.70 (X) + 9.74 (25% In / 75% Out)	Ln (T) = 0.90 Ln (X) + 0.51 (63% In / 37% Out)	Ln (T) = 0.92 Ln (X) + 2.72
T = Number of Trips, X = Number of dwelling units			

TR TRANSPORTATION CONSULTANTS, INC.

2726 OAK RIDGE COURT, SUITE 503
FORT MYERS, FL 33901-9356
OFFICE 239.278.3090
FAX 239.278.1906
WWW.TRTRANS.NET

TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

July 19, 2016

Ms. Jennifer Sapen
Barraco & Associates, Inc.
2271 McGregor Blvd.
Suite 100
Fort Myers, FL 33901

RE: Oak View RPD
DCI2016-00010

Dear Ms. Sapen:

TR Transportation Consultants, Inc. has reviewed the comments issued by the Lee County Department of Community Development for the proposed Oak View RPD application. The comments and TR Transportation's response to those comments are listed below for reference.

LC ZTIS PD Application Sufficiency Checklist

3) The TIS [or master concept plan] does not appear to contain a drawing that shows the location of site access points in relation to non-site access points on both sides of the street within the proximity of the site. Please review and revise the TIS [or master concept plan] accordingly.

See Master Concept Plan prepared by Barraco & Associates.

10) The site parameters that are stated in the TIS do not appear to correspond to the parameters that are stated and/or depicted in the non-TIS submittals. The TIS and the MCP do not appear to agree with respect to the number of access points and the permissible directional movements at them. Please clarify how many access points are proposed for the site and what permissible movements (if any for the secondary access) are expected at each of them, and review and revise the TIS accordingly.

The MCP was modified since the original TIS was prepared. The correct MCP reflects one full site access to Buckingham Road and an emergency only access to Buckingham Road. Figure 2 was revised and is attached for reference.

RECEIVED
SEP 30 2016
COMMUNITY DEVELOPMENT
DCI 2016-00010



Barraco and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - LANDSCAPE DESIGN
www.barraco.net
2271 McGREGOR BLVD., SUITE 100
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

Land Solutions inc.
10471 BEN C. PRATT / SIX MILE
CYPRESS PKWY. #402
FORT MYERS, FL 33966
PHONE (239) 482-1500
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

OAK VIEW

RECEIVED
SEP 30 2016
LEE COUNTY, FLORIDA
COMMUNITY DEVELOPMENT
DCI2016-00010

N
W E
S

0 300 600 1200
SCALE IN FEET

DRAWING NOT VALID WITHOUT SEAL, SIGNATURE AND DATE
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REPRODUCTION, CHANGES OR ASSIGNMENTS ARE PROHIBITED

FILE NAME	23354-SURRDEN.DWG
LOCATION	J:\23354\DWG\ZONING\
PLOT DATE	FRI. 9-30-2016 - 2:08 PM
PLOT BY	ANGELICA HARDY

CROSS REFERENCED DRAWINGS

PLAN REVISIONS

PLAN STATUS

SURROUNDING DENSITY EXHIBIT

PROJECT / FILE NO.	SHEET NUMBER
23354	

ATTACHMENT L



December 21, 2016

Bus Stops

1:18,056

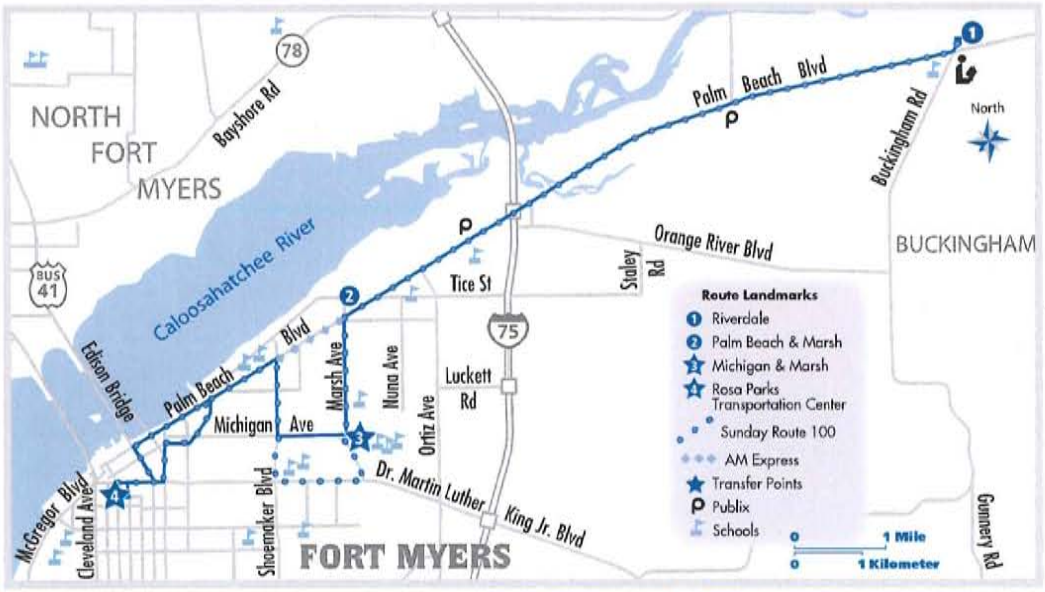
0 0.15 0.3 0.6 mi

0 0.175 0.35 0.7 km

Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community

ATTACHMENT M

ROUTE 100



MONDAY – FRIDAY SERVICE

WESTBOUND				EASTBOUND			
1	2	3	4	4	3	2	1
Riverdale	Marsh & Palm Beach	Michigan & Marsh	Rosa Parks Center	Rosa Parks Center	Michigan & Marsh	Marsh & Palm Beach	Riverdale
5:25	5:40	- -	6:00	5:17	5:35	5:39	5:55
5:55	6:10	- -	6:30	5:42	6:00	6:04	6:20
6:20	6:36	6:40	7:00	6:05	6:23	6:27	6:43
6:45	7:01	7:05	7:25	6:35	6:53	6:57	7:13
7:13	7:29	7:34	7:55	7:05	7:23	7:27	7:43
7:43	7:59	8:04	8:25	7:30	7:48	7:52	8:08
8:13	8:29	8:34	8:55	8:01	8:19	8:23	8:39
8:43	8:59	9:04	9:25	8:31	8:49	8:53	9:09
9:13	9:29	9:34	9:55	9:01	9:19	9:23	9:39
9:43	9:59	10:04	10:25	9:31	9:49	9:53	10:09
10:13	10:29	10:34	10:55	10:01	10:19	10:23	10:39
10:43	10:59	11:04	11:25	10:31	10:49	10:53	11:09
11:13	11:29	11:34	11:55	11:01	11:19	11:23	11:39
11:43	11:59	**12:04**	**12:25**	11:31	11:49	11:53	**12:09**
12:13	**12:29**	**12:34**	**12:55**	**12:01**	**12:19**	**12:23**	**12:39**
12:43	**12:59**	**1:04**	**1:25**	**12:31**	**12:49**	**12:53**	**1:09**
1:13	**1:29**	**1:34**	**1:55**	**1:01**	**1:19**	**1:23**	**1:39**
1:43	**1:59**	**2:04**	**2:25**	**1:31**	**1:49**	**1:53**	**2:09**
2:13	**2:29**	**2:34**	**2:55**	**2:01**	**2:19**	**2:23**	**2:39**
2:43	**2:59**	**3:04**	**3:25**	**2:31**	**2:49**	**2:53**	**3:09**
3:13	**3:29**	**3:34**	**3:55**	**3:01**	**3:19**	**3:23**	**3:39**
3:43	**3:59**	**4:04**	**4:25**	**3:31**	**3:49**	**3:53**	**4:09**
4:13	**4:29**	**4:34**	**4:55**	**4:01**	**4:19**	**4:23**	**4:39**
4:43	**4:59**	**5:04**	**5:25**	**4:31**	**4:49**	**4:53**	**5:09**
5:13	**5:29**	**5:34**	**5:55**	**5:01**	**5:19**	**5:23**	**5:39**
5:43	**5:59**	**6:04**	**6:25**	**5:31**	**5:49**	**5:53**	**6:09**
6:13	**6:29**	**6:34**	**6:55**	**6:01**	**6:19**	**6:23**	**6:39**
6:43	**6:59**	**7:04**	**7:25**	**6:31**	**6:49**	**6:53**	**7:09**
7:13	**7:29**	**7:34**	**7:55**	**7:01**	**7:19**	**7:23**	**7:39**
7:43	**7:59**	**8:04**	**8:25**	**8:01**	**8:19**	**8:23**	**8:39**
8:43	**8:59**	**9:04**	**9:25**	**8:31**	**8:49**	**8:53**	**9:09**
				9:31	**---**	**9:45**	**10:00**

Express Trips

SUNDAY SERVICE

WESTBOUND				EASTBOUND			
1	2	3	4	4	3	2	1
Riverdale	Marsh & Palm Beach	Michigan & Marsh	Rosa Parks Center	Rosa Parks Center	Michigan & Marsh	Marsh & Palm Beach	Riverdale
-	-	-	-	7:35	7:55	8:01	8:15
8:15	8:30	8:35	8:55	9:00	9:20	9:26	9:40
9:45	10:00	10:05	10:25	10:30	10:50	10:56	11:10
11:15	11:30	11:35	11:55	**12:00**	**12:20**	**12:26**	**12:40**
12:45	**1:00**	**1:05**	**1:25**	**1:30**	**1:50**	**1:56**	**2:10**
2:15	**2:30**	**2:35**	**2:55**	**3:00**	**3:20**	**3:26**	**3:40**
3:45	**4:00**	**4:05**	**4:25**	**4:30**	**4:50**	**4:56**	**5:10**
5:15	**5:30**	**5:35**	**5:55**	**6:00**	**6:20**	**6:26**	**6:40**

SATURDAY SERVICE

WESTBOUND			
1	2	3	4
Riverdale	Marsh & Palm Beach	Michigan & Marsh	Rosa Parks Center
-	-	-	-
5:30	5:46	5:50	6:05
6:10	6:26	6:30	6:45
6:50	7:06	7:10	7:30
7:30	7:46	7:50	8:10
8:15	8:31	8:35	8:55
8:55	9:11	9:15	9:35
9:40	9:56	10:00	10:20
10:20	10:36	10:40	11:00
11:05	11:21	11:25	11:45
11:45	**12:01**	**12:05**	**12:25**
12:30	**12:46**	**12:50**	**1:10**
1:10	**1:26**	**1:30**	**1:50**
1:55	**2:11**	**2:15**	**2:35**
2:35	**2:51**	**2:55**	**3:15**
3:20	**3:36**	**3:40**	**4:00**
4:00	**4:16**	**4:20**	**4:40**
4:45	**5:01**	**5:05**	**5:25**
5:25	**5:41**	**5:45**	**6:05**
6:10	**6:26**	**6:30**	**6:50**
6:50	**7:06**	**7:10**	**7:30**
8:15	**8:31**	**8:35**	**8:55**

EASTBOUND			
4	3	2	1
Rosa Parks Center	Michigan & Marsh	Marsh & Palm Beach	Riverdale
5:35	5:50	5:54	6:10
6:10	6:25	6:29	6:45
6:50	7:05	7:09	7:25
7:35	7:50	7:54	8:10
8:15	8:30	8:34	8:50
9:00	9:15	9:19	9:35
9:40	9:55	9:59	10:15
10:25	10:40	10:44	11:00
11:05	11:20	11:24	11:40
11:50	**12:05**	**12:09**	**12:25**
12:30	**12:45**	**12:49**	**1:05**
1:15	**1:30**	**1:34**	**1:50**
1:55	**2:10**	**2:14**	**2:30**
2:40	**2:55**	**2:59**	**3:15**
3:20	**3:35**	**3:39**	**3:55**
4:05	**4:20**	**4:24**	**4:40**
4:45	**5:00**	**5:04**	**5:20**
5:30	**5:45**	**5:49**	**6:05**
6:10	**6:25**	**6:29**	**6:45**
6:55	**7:10**	**7:14**	**7:30**
7:35	**7:50**	**7:54**	**8:10**

ATTACHMENT M

ATTACHMENT M

TRANSIT ID

· ID cards enable people 65 years of age ıre, people with disabilities, and full-time ts to ride at a reduced fare. Transit photo ID are made at the Rosa Parks Transportation ·, 2250 Widman Way, Fort Myers, at -time cost of $1.00. Seniors must show of age; persons with disabilities must show al certification; and students must show of enrollment.

LOST AND FOUND

ıs left on the buses are collected at the end day and held for 30 days. If you have ı item on the bus, please call 533-8726 to nine if it can be recovered. LeeTran is not ısible for lost or stolen items.

IDENTIFICACIONES DE TRANSPORTE

ırjetas de identificación de transporte itan a personas de 65 años de edad, o ıas con incapacidades, estudiantes y niños ıar una tarifa reducida. Las tarjetas de dad de transporte con foto son hechas en el ı de Transporte Rosa Parks, 2250 Widman Fort Myers, y solamente se pagará una vez tidad de $1.00.

OBJETOS PERDIDOS Y ENCONTRADOS

ıbjetos que fueron olvidados en los uses son recogidos al finalizar el día ın guardados por 30 días. Si usted ha do un objeto en el autobús, por favor al 533-8726 para determinar si se puede erar. LeeTran no es responsable por los ıs olvidados o robados.

TRANSIT NOTES

- Be at bus stop 5 minutes before scheduled time.
- Cell phone conversations must not disturb other passengers; speakerphones prohibited.
- Out of courtesy to fellow passengers, smoking, drinking, eating, gambling, littering, and music without headphones are not allowed.
- No service provided on the following days:

New Year's Day	Labor Day
Memorial Day	Thanksgiving Day
July 4th	Christmas

FARE INFORMATION

Adult Fare	$1.50
Discount Fare (available with Medicare card, or as disabled person, full-time student or age 65 or older with LeeTran photo I.D. card)	$ .75
Children under 42 inches:	Free

Exact Fare required.

PASSES

All Day*	$4.00
Adult 7-Day	$15.00
Senior/Disabled 7-Day	$11.00
Student 7-Day	$12.00
Adult 31-Day	$40.00
Senior/Disabled 31-Day	$23.00
Student 31-Day	$25.00
Adult 12-Trip	$13.50
Senior/Disabled 12-Trip	$6.50
Student 12-Trip	$6.75

*Sold on board the buses.

LeeTran complies with Title VI of the Civil Rights Act of 1964 which prohibits discrimination on the basis of race, color or national origin. If you feel you have been discriminated you may file a complaint by calling LeeTran at 533-8726 or Lee County's Office of Equal Employment Opportunity 533-2245.

NOTAS DEL TRANSITO

- Este en la parada de autobus 5 minutos antes de tiempo
- Las conversaciones sobre teléfonos celulares no deber molestar a los otros pasajeros; el uso de bocinas telefónicas esta prohibido.
- Para la comodidad de todos nuestros pasajeros en el autobus no se permite fumar, el beber o comer, el juego o el oir musica sin audifonos.
- Los servicios de transito no operan so siguientes dias de fiesta:

Ano Nuevo	El dia del Trabajador
El dia Conmemorativo	El dia de Accion
El 4 de julio	de Gracias
	Navidad

TARIFAS DE PASEJE

Tarifas para Adultos	$1.50
Tarifa con descuento (con tarjeta de Medicare o con un ID de LeeTran)	$.75
Niños menos de 42 pulgadas: Se require cambio exado.	Gratis

PASES

Pase para todo el día*	$4.00
Pase de 7 días para Adultos	$15.00
Pase de 7 dias para las personas mayores/discapacitados	$11.00
Pase de 7 dias para los estudiantes..	$12.00
Pase de 31 dias para Adultos	$40.00
Pase de 31 dias para las personas mayores/discapacitados	$23.00
Pase de 31 dias para los estudiantes	$25.00
Pase de doce viajes para Adultos	$13.50
Pase de doce viajes para las personas mayores/discapacitados	$6.50
Pase de doce viajes para los estudiantes	$6.75

.*Pases en venta en los autobuses.*

LeeTran cumple con el Titulo VI del Acta de Derechos Civiles de 1964 que prohíbe la discriminación por causa de su raza, color o nación de origen en cualquier programa o actividad que recibe dinero federal. Para reportar violaciones llame a LeeTran al 533-8726 o las oficinas del Condado de Lee al 533-2245.

BUS PASS OUTLET LOCATIONS

Available at all Publix locations in Lee County

Fort Myers:
Rosa Parks Transportation Center,
2250 Widman Way
LeeTran office,
3401 Metro Parkway
Cape Coral:
Cape Coral City Hall,
1015 Cultural Park Blvd.

Public Libraries:
15290 Bass Rd., Fort Myers
2001 N. Tamiami Tr., N. Ft. Myers
921 SW 39th Terr., Cape Coral
881 Gunnery Rd., Lehigh Acres
2421 Buckingham Rd., Fort Myers

Or purchase passes on our secure website at
www.rideleetran.com

Free WiFi
At Rosa Parks Transportation Center & Edison Mall Station



ROUTE 100

Riverdale • Downtown Ft Myers

Effective 1/22/2015

lee tran
Your Ride Is Here

Monday - Sunday
Lunes - Domingo

SERVING THE FOLLOWING AREAS SERVIR LAS AREAS SIGUIENTES

- Riverdale
- Palm Beach & Marsh
- Michigan & Marsh
- Rosa Parks Transportation Center

TRANSFER POINTS ADJOINING ROUTE	
PUNTOS DE LA TRANSFERENCIA	RUTAS COLINDANTES
Michigan & Marsh	15, 20
Rosa Parks Center	10, 15, 20, 70, 140

MORE INFO

(239) 533-8726 (LEE-TRAN)
www.rideleetran.com
All buses are wheelchair accessible.
Todos los autobúses son sillón de ruedas accesibl

Property Data

STRAP: 32-43-26-00-00002.0000 Folio ID: 10301406

Owner Of Record

BUCKINGHAM 16 LLC
10471 SIX MILE CYPRESS PKY 402
FORT MYERS FL 33966

Site Address

3600 BUCKINGHAM RD
FORT MYERS FL 33905

Property Description

NE 1/4 OF SE 1/4 W OF BLVD
LESS S 230 FT

Classification / DOR Code

GRAZING LAND CLASS I / 60

[Tax Map Viewer]



[Pictometry Aerial Viewer]

Current Working Values

Just	272,898	As Of	08/01/2016

Attributes

Land Units Of Measure	AC
Units	16.23
Frontage	0
Depth	0
Total Number of Buildings	1
Total Bedrooms / Bathrooms	2 / 1.0
Total Living Area	864
1st Year Building on Tax Roll	1927
Historic District	No

ATTACHMENT N

Image of Structure



Photo Date October of 2015

Exemptions

Exemption	Amount
Agriculture	185,545.00

Values (2016 Tax Roll)

Property Values		Attributes	
Just	272,898	Land Units Of Measure	AC
Assessed	87,353	Units	16.23
Portability Applied	0	Frontage	0
Cap Assessed	87,353	Depth	0
Taxable	87,353	Total Number of Buildings	1
Cap Difference	0	Total Bedrooms / Bathrooms	2 / 1.0
		Total Living Area	864
		1st Year Building on Tax Roll	1927
		Historic District	No

Taxing Authorities

FORT MYERS SHORES FIRE / 066

Name / Code	Category	Mailing Address
LEE CO GENERAL REVENUE / 044	County	LEE COUNTY BUDGET SERVICES PO BOX 398 FORT MYERS FL 33902-0398
LEE CO ALL HAZARDS PROTECTION DIST / 101	Dependent District	LEE COUNTY BUDGET SERVICES PO BOX 398 FORT MYERS FL 33902-0398
LEE CO LIBRARY DIST / 052	Dependent District	LEE COUNTY BUDGET SERVICES PO BOX 398 FORT MYERS FL 33902-0398
LEE CO UNINCORPORATED MSTU / 020	Dependent District	LEE COUNTY BUDGET SERVICES PO BOX 398 FORT MYERS FL 33902-0398
FORT MYERS SHORES FIRE DISTRICT / 039	Independent District	DAVID (DUEY) DUNCAN, FIRE CHIEF 12345 PALM BEACH BLVD FORT MYERS, FL 33905
LEE CO HYACINTH CONTROL DIST / 051	Independent District	RUSSELL BAKER 15191 HOMESTEAD RD LEHIGH ACRES FL 33971
LEE CO MOSQUITO CONTROL DIST / 053	Independent District	RUSSELL BAKER 15191 HOMESTEAD RD LEHIGH ACRES FL 33971
WEST COAST INLAND NAVIGATION DIST / 098	Independent District	CHARLES W LISTOWSKI EXECUTIVE DIRECTOR 200 MIAMI AVE E VENICE FL 34285-2408
PUBLIC SCHOOL - BY LOCAL BOARD / 012	Public Schools	AMI DESAMOURS BUDGET DEPARTMENT 2855 COLONIAL BLVD FORT MYERS FL 33966
PUBLIC SCHOOL - BY STATE LAW / 013	Public Schools	AMI DESAMOURS BUDGET DEPARTMENT 2855 COLONIAL BLVD FORT MYERS FL 33966
SFWMD-DISTRICT-WIDE / 110	Water District	MICHELLE QUIGLEY 3301 GUN CLUB RD WEST PALM BEACH, FL 33406
SFWMD-EVERGLADES CONSTRUCTION PROJECT / 084	Water District	MICHELLE QUIGLEY 3301 GUN CLUB RD WEST PALM BEACH, FL 33406
SFWMD-OKEECHOBEE BASIN / 308	Water District	MICHELLE QUIGLEY 3301 GUN CLUB RD WEST PALM BEACH FL 33406

Sales / Transactions

Sale Price	Date	OR Number	Type	Description	Vacant/Improved
260,000.00	10/08/2015	2015000220492	01	**Sales qualified and included for sales ratio analysis** Transfers qualified as arm's length because of examination of the deed or other instrument transferring ownership of real property	I
100.00	10/16/2009	2009000288613	11	**Sales disqualified as a result of examination of the deed** Corrective Deed, Quit Claim Deed, or Tax Deed; deed bearing Florida Documentary Stamp at the minimum rate prescribed under Chapter 201, F.S.; transfer of ownership in which no documentary stamps were paid	I
100.00	08/13/2003	4034/4474	01	**Sales disqualified as a result of examination of the deed** Disqualified (Doc Stamp .70 / SP less th $100 / Other Disq)	I
100.00	04/01/1994	2494/3839	01	**Sales disqualified as a result of examination of the deed** Disqualified (Doc Stamp .70 / SP less th $100 / Other Disq)	I
100.00	12/01/1992	2350/3984	01	**Sales disqualified as a result of examination of the deed** Disqualified (Doc Stamp .70 / SP less th $100 / Other Disq)	I

Location Information

Township	Range	Section	Block	Lot
43	26E	32		

Municipality	Latitude	Longitude

Lee County Unincorporated	26.69142	-81.73101

Links

View Parcel on Google Maps | View Parcel on GeoView | View Parcel on GeoView

Solid Waste (Garbage) Roll Data

Solid Waste District	Roll Type	Category	Unit / Area	Tax Amount
004 - Service Area 4	R - Residential Category		1	203.04

Collection Days

Garbage	Recycling	Horticulture
Thursday	Thursday	Thursday

Flood and Storm Information

Storm Surge Zone	Evacuation Zone	Flood Insurance [FIRM Look-up]			
		Community	Panel	Version	Date
B	B	125124	0303	F	8/28/2008

Appraisal Details (2016 Tax Roll)

Land

Land Tracts

Use Code	Use Code Description	Depth	Frontage	Number of Units	Unit of Measure
100	Single Family Residential	0	0	0.78	Acres
6011	Pasture, Improved, Fair	0	0	14.45	Acres
6500	Pasture, Waste	0	0	1.00	Acres

Buildings

Building 1 of 1

Building Characteristics

Improvement Type	Model Type	Stories	Living Units
97 - Cottage/Bungalow	1 - single family residential	1.0	1
Bedrooms	**Bathrooms**	**Year Built**	**Effective Year Built**
2	1.0	1927	1979

Building Subareas

Description	Heated / Under Air	Area (Sq Ft)
BAS - BASE	Y	864
FEP - FINISHED ENCLOSED PORCH	N	240
FEP - FINISHED ENCLOSED PORCH	N	216

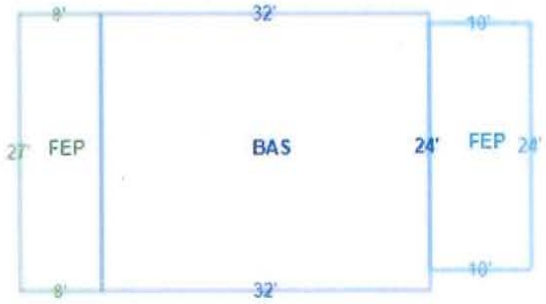
Building Features

Description	Year Added	Units
FIREPLACE - TYPE B	1927	1
BARN - WOOD (SOME FLOOR - FINISH)	1983	928
SHED - POLE	1983	304
DECK - WOOD	1989	80

Building Front Photo | **Building Footprint**



Photo Date: October of 2015



TRIM (proposed tax) Notices are available for the following tax years
[2007 2008 2009 2010 2011 2012 2013 2014 2015 2016]

Previous Parcel Number Next Parcel Number New Query Search Results Home

Spatial District Query Report

STRAP Number: 32-43-26-00-00002.0000

District Name	District Value		Pct of Parcel in District (if fractional)	Notes
Airport Noise Zone			NOT FOUND	
Airspace Notification			NOT FOUND	
Census Tract	Tract ID	302.01	100%	
Coastal Building Zone			NOT FOUND	
Coastal High Hazard Area			NOT FOUND	
Fire District	Fire District Taxing Authority	Ft Myers Shores 039	100%	
Evacuation Zone	Zone	B	100%	
Active Evacuation Status			NOT FOUND	
Flood Insurance Zone	Flood Zone Assigned Number	X 100	72.92%	1
	Flood Zone Assigned Number	0.2 PCT ANNUAL CHANCE FLOOD HAZARD (X) 200	14.29%	1
	Flood Zone Assigned Number	AE-EL9 (NAVD88) 409	12.79%	1
Flood Insurance Zone - Old	Flood Zone	B	96.31%	
	Flood Zone	A6-EL12 (NGVD 29)	3.18%	2
FIRM Floodway			NOT FOUND	
FIRM Floodway - Old			NOT FOUND	
Flood Insurance Panel	Community Panel Map Number Effective Date Revised Date	125124 0303 12071C0303F 8/28/2008 12:00:00 AM	100%	
Flood Insurance Panel - Old	Community Panel Version Date	125124 0250 B 091984	100%	
Flowway - 2005	Composition	COPELAND SANDY LOAM, DEPRESSIONAL	13.26%	
	Composition	VALKARIA FINE SAND	3.65%	2
(DNR Flood Zones) Zone A BFE			NOT FOUND	
Zone A - Estimated BFE			NOT FOUND	
DNR Flood Zones - Old			NOT FOUND	
Coastal Barrier Resources System (COBRA)			NOT FOUND	
Coastal Barrier Resources System (COBRA) - Old			NOT FOUND	
Lighting District/MSTBU			NOT FOUND	
Preliminary MSTBU Districts			NOT FOUND	
Taxing Authorities	Authority Name	District #066		
	Authority Name	Lee County Library Fund	100%	
	Authority Name	SFL Water MGMT Okeechobee Levy	100%	
	Authority Name	SFL Water Mgmt Everglades Const	100%	
	Authority Name	Lee County All Hazards Unic	100%	

	Authority Name	Lee County Mosquito Control	100%	
	Authority Name	Lee County Unincorporated MSTU	100%	
	Authority Name	Lee County Hyacinth Control	100%	
	Authority Name	SFL Water Mgmt District Levy	100%	
	Authority Name	Solid Waste Area 4	100%	
	Authority Name	Fort Myers Shores Fire	100%	
	Authority Name	West Coast Inland Waterway	100%	
	Authority Name	Lee County General Revenue	100%	
	Authority Name	School District By State Law	100%	
	Authority Name	School District By Local Board	100%	
Planning Community	ID Plan Community	4 Fort Myers Shores	100%	
Community Planning Area	Planning Area Goal	Caloosahatchee Shores See Goal 21 for Objectives and Policies specific To the Caloosahatchee Shores and Olga Areas	100%	
Future Land Use Map	Designation	Suburban	100%	
Sanibel/County Agreement			NOT FOUND	
School Board District	District School Board Member	5 Pamela H. LaRiviere	100%	
School Choice Zone	Choice Zones	East Zone 2	100%	
	Choice Zones	East Zone	100%	
Solid Waste District	District Area	Area 4	100%	
Storm Surge	Category	B	100%	
Subdivisions			NOT FOUND	
Traffic Analysis Zone	TAZ	1301	100%	
Archaeological Sensitivity			NOT FOUND	
Sea Turtle Lighting Zone			NOT FOUND	
Watersheds	Shed ID	Orange River	100%	
FLUCCS2004	Land Cover Land Use	3100 2610	83.65%	
	Land Cover Land Use	1110 1110	7.69%	
	Land Cover Land Use	2120 2120	5.31%	2
	Land Cover Land Use	6215 6215	3.35%	2
Vegetation Permit Required			NOT FOUND	
Soil	Map Symbol Soil Name	28 IMMOKALEE SAND	65.88%	
	Map Symbol Soil Name	33 OLDSMAR SAND	14.12%	
	Map Symbol Soil Name	45 COPELAND SANDY LOAM, DEPRESSIONAL	13.29%	3
	Map Symbol Soil Name	14 VALKARIA FINE SAND	3.66%	2 3
	Map Symbol Soil Name	13 BOCA FINE SAND	3.06%	2
Panther Habitat			NOT FOUND	

Eagle Nesting Site Buffer			NOT FOUND	
Commissioner District	Commissioner District	Frank Mann 5	100%	
Unincorporated Lee County Zoning	Zoning Designation Zoning Polygon	AG-2 4441011	100%	Zoning Notes
Minimum Use Determination			NOT FOUND	
Development Orders	Wet Season Water Table Status Development Order	 99-03-130-11L	2.13%	2
Road Impact Fee Districts	Name Tidemark ID District	CENTRAL 53 3	100%	
Water Franchise	Franchise Name	Lee County Utilities	100%	
Water Treatment Plant Service Area	Treatment Plant	OLG	100%	
Wastewater Franchise	Franchise Name	Lee County Utilities	100%	
Wastewater Treatment Plant Service Area	Treatment Plant	FMC	100%	
Res. Garbage Collection Day	Hauling Day	Th	100%	
Res. Recycling Collection Day	Hauling Day	Th	100%	
Res. Horticulture Collection Day	Hauling Day	Th	100%	
DEP Impaired Waters and TMDLs	TMDL Status IWR Status IWR Parameters	No TMDL Impaired (Category 4) DO (4d)	100%	
Wind Speed Building Risk Category I	FL Building Code Figure Design Wind Speed	1609C 140 mph	100%	
Wind Speed Building Risk Category II	FL Building Code Figure Design Wind Speed	1609A 160 mph	100%	
Wind Speed Building Risk Category III and IV	FL Building Code Figure Design Wind Speed	1609B 170 mph	100%	
Microwave Radio Relay Path			NOT FOUND	
Wellfield Protection Zones			NOT FOUND	
Local Jurisdiction	Incorporated Government	Unincorporated Lee County	100%	

Flood Insurance Rate Map zones assigned by FEMA:
X: Outside the Special Flood Hazard Area (SFHA); flood insurance is not mandatory in this zone, however, lenders, on their own initiative, may require the purchase of flood insurance even if a building is located outside the SFHA. Up to 25% of all NFIP flood losses arise from outside SFHA's (B, C and X zones).
A, AE, VE: In the SFHA; mortgage lenders will likely require flood insurance on property in these zones.

The flood insurance zone "EL" represents the base flood elevation (BFE) measured in feet using the North American Vertical Datum of 1998.
For "A" zones that don't reference a BFE, refer to the "Zone A – Estimated BFE" section which will display the community determined Base Flood Elevation.

If you need a Special Flood Hazard Area (SFHA) determination letter (FIRM letter) from Lee County for a parcel located in unincorporated Lee County, please call Community Development at (239)533-8585 and ask for the Certified Floodplain Manager or email FIRMInfo@leegov.com to request a letter.

Residents of the following incorporated jurisdictions may obtain flood information from that municipality as they independently participate in the NFIP; Bonita Springs (239-949-6262), Cape Coral (239-547-0401), Fort Myers (239-321-7000), Sanibel (239-472-3700), Village of Estero (239-319-2811) and Town of Fort Myers Beach (239-765-0202).

Your municipality will be displayed in the "Local Jurisdiction" report row. For example, if your property is located in unincorporated Lee County, the Districts Query report will display "Unincorporated Lee County" as the Incorporated

Government in the Local Jurisdiction row of the report.

[Modify Report Settings]

Note	Details
1	The Flood Zone with the highest corresponding assigned number is the recognized flood zone designation for this property. Residents of unincorporated Lee County may call Community Development at (239)533-8585 and ask for the Certified Floodplain Manager or email FIRMInfo@leegov.com with additional questions. Residents of incorporated areas should call the city in which they reside to verify flood zone status.
2	Small percentages can result from slight variations in the way lines are drawn or imported into our system. Such values may not accurately reflect an overlap with the subject parcel.
3	Contact DEP (239) 344-5600 for wetland determination

LEE COUNTY ZONING NOTES

STRAP: 32-43-26-00-00002.0000

These notes apply only to the portion on the Parcel (STRAP) that is included in the specified zone

Zone **Zoning Polygon ID: 4441011** **Percentage: 100%**

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*Zones less than 6% of the parcel size may not be listed on this report.

ATTACHMENT N

RESOLUTION NUMBER Z-04-080

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

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

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

WHEREAS, a second public hearing was advertised and held on March 21, 2005, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 589± acre parcel from AG-2 to RPD, to allow 1,058 single-family and 120 townhouse units (1,178 total dwelling units). The proposed maximum building heights are two stories/35 feet for single-family, three stories/50 feet for townhouses, and two stories/50 feet for a clubhouse. No development blasting is requested. The property is located in the Outlying Suburban Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. The development of this project must be consistent with the 8-page Master Concept Plan entitled MASTER CONCEPT PLAN FOR PORTICO stamped received May 3, 2005, except as modified by the conditions below.

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

ATTACHMENT O

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

a. Schedule of Uses

ACCESSORY USES AND STRUCTURES
ADMINISTRATIVE OFFICES
CONSUMPTION ON PREMISES - Amenity sites only. See Condition 10.
CLUBS, CLUBHOUSE - PRIVATE. Amenity sites only as shown on the approved Master Concept Plan. Also see Condition 10.
DOCKS, FISHING PIERS
DWELLING UNITS
SINGLE-FAMILY - 1,058 maximum
TOWNHOUSE - 120 maximum. See Condition 15.
1,178 MAXIMUM Dwelling units
ENTRANCE GATES, AND GATEHOUSE - In compliance with LDC §34-1748
ESSENTIAL SERVICES
ESSENTIAL SERVICE FACILITIES -Group I ONLY
Communication, telephone and electrical distribution facilities up to 425 square feet in area and 10 feet in height.
EXCAVATION, WATER RETENTION - NO blasting or removal of excavated material off site.
FENCES, WALLS, Per LDC §34-1741
FOOD AND BEVERAGE SERVICES - Amenity sites only. See Condition 10.
HOME OCCUPATION, Per LDC §34-1741 *et seq.* - NO outside help.
MODELS: Per LDC §34-1951 *et seq.* - See Condition 5.
Model Display Center
Model Home
Model Unit
PARKING LOT, ACCESSORY
PERSONAL SERVICES - Group I - Amenity sites only, see Condition 10.
REAL ESTATE SALES - See Condition 5.
RECREATION FACILITIES, PERSONAL, PRIVATE, ON SITE
SIGNS, In accordance with Chapter 30
STORAGE, INDOORS
TEMPORARY USES - TEMPORARY SALES, TEMPORARY CONSTRUCTION

b. Site Development Regulations

Single Family

Minimum Lot Areas and Dimensions

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

Minimum Setbacks

Street	20 feet
Side	5 feet (Per Condition 10)

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

Building Separation: 10 feet

Perimeter Setbacks: 15 feet

Maximum Height: 2 stories/35 feet

Maximum Lot Coverage: 60 percent

Townhouse

Minimum Lot Areas and Dimensions

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

Minimum Setbacks:

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

Building Separation: 20 feet

Perimeter Setbacks: 15 feet

Maximum Height: 3 stories / 50 feet

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

Maximum Lot Coverage: 60 percent

Clubhouse/Amenity Sites

Minimum Lot Areas and Dimensions

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

Minimum Setbacks

Street	20 feet
Side	10 feet

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

Building Separation: 20 feet

Perimeter Setbacks: 15 feet

Maximum Height: 2 stories / 50 feet

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

Maximum Lot Coverage: 60 percent

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

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

   a. Bona fide agricultural uses that are in existence at the time this resolution is approved and as shown on Exhibit B attached hereto may continue until approval of a local development order for the area of the project containing those uses.

   b. Additional clearing or grading of existing agricultural uses is prohibited. This prohibition is not intended to preclude County approved requests for the removal of exotic species.

   c. The property owner must terminate the agricultural tax exemption for any portion of the property that receives a local development order. The agricultural use must cease by December 31st of the calendar year in which the local development order is issued. The exemption termination must be filed with the Property Appraiser's Office by December 31st of the calendar year in which the local development order is issued. A copy of the exemption termination must be provided to the Office of the County Attorney.

5. *Model Homes/Temporary Real Estate Sales/Temporary Sales Trailer.*

   a. The number of model homes or model units will be limited to no more than 30 within the development at one time.

   b. Any model homes or units must be developed within the area identified as "models", "townhouse site" or "model display center" on the approved Master Concept Plan.

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

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

e. Real Estate sales are limited to temporary real estate trailers, model units, model homes, model display centers, models within the townhouse site, amenity sites, and clubhouses.

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

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

h. Model homes and temporary real estate sales will be valid for a period of up to six years from the date of issuance of a Certificate of Occupancy of a model home per LDC §34-1954(d)(1).

6. All required buffers must utilize 100 percent native vegetation.

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

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

9. *Five-foot setback.*

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

b. Prior to issuance of Certificate of Occupancy on each lot, the Engineer of Record must certify that the drainage for each lot is built in compliance with the typical lot grading detail (See Exhibit D Sheet 8 of the approved Master Concept Plan) provided as part of the building permit process.

10. *Consumption on Premises, Food & Beverage Services, Personal Services, Group I (all uses).*

a. These uses are limited to a maximum of 7,500 square feet of floor area for the entire development.

b. Consumption on Premises, Personal Services Group I, and Food and Beverage Services are limited to amenity sites only, as shown on the approved Master

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

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

d. Hours of operation for these uses are limited to 7:00 a.m. to midnight daily.

e. Consumption on Premises is permitted only at amenity sites (and clubhouse) and outdoor seating for Consumption on Premises must be located within the fenced area at the clubhouse as shown on Sheet 7 of the attached Master Concept Plan.

f. Outdoor seating (outside of the fenced clubhouse area) for Consumption on Premises may be approved by Special Exception only (public hearing required).

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

h. The clubhouse as shown on the amenity site of the approved Master Concept Plan is limited to a maximum 10,000 (5,904) square feet building under air and 16,000 square feet under roof. There must be a minimum 366± feet of separation between the front door of the clubhouse and the school property, and a minimum of 1,122± feet of separation from the clubhouse building to the school building in accordance with the Master Concept Plan.

11. Prior to local development order approval, a protected species survey for burrowing owls and burrows within the upland portions of the project within the phase being covered in the development order must be submitted for review, field verification, and approval by the Division of Environmental Sciences' staff. If burrowing owls or burrows are located, then a burrowing owl management plan, including an appropriate preservation area within the project, must be submitted.

12. Prior to local development order approval, the development order plans must include ±8.67 acres of open space within the townhouse tract of which ±6.62 acres must be indigenous preservation, and approximately ±25 acres of wetland preservation on the remainder of the site.

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

14. The development order must provide a 25-foot-wide landscaped buffer/berm combination along the southern boundary of the subject property where it abuts the school site. Atop the berm will be intermittent landscaping and/or wall with a minimum height of six feet. All berming and walls must meet LDC requirements.

15. Townhouse buildings must be set back a minimum of ±1,000 linear feet from Buckingham Road, as shown on the approved Master Concept Plan.

16. The 20-foot-wide lake maintenance easements, along lakes that are completely surrounded by private lots, must be made accessible by maintenance vehicles from a road, through a 20-foot-wide lake access easement.

17. Any additional site access points, such as a separate construction access, would require an amendment to the RPD zoning.

18. There are several pyramid shaped symbols and text shown along Buckingham Road on the MCP that are not legible. The applicant must revise the MCP so that all information is clearly legible.

19. If the developer desires to deviate from the regulations contained in LDC Chapter 30, pertaining to project signage, the proposed sign package must be submitted for review and approval by the Lee County Department of Community Development prior to the issuance of any local development order for the property.

20. During the March 21, 2005, Board Zoning Hearing, the applicant voluntarily offered to dedicate a 25-foot wide strip along Buckingham Road for County right-of-way purposes, at no cost to Lee County. Dedication of this 25 foot strip may be accomplished by recording an instrument (ie. deed or plat) that grants or dedicates to the County an exclusive easement for right-of-way purposes. [If the easement is dedicated via a plat, the dedication must be clear and unambiguous. Use of the label "future right-of-way" will not be acceptable.] The dedicated area may not be used for required development buffering or any other non-county right-of-way improvements. This dedication must be complete prior to issuance of the first building permit allowing permanent vertical construction within the project.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §10-328(a) requirement to provide a minimum 20-foot-wide maintenance access easement along lake perimeters, to allow zero feet where lakes are bulkheaded. This deviation is DENIED.

2. Deviation (2) seeks relief from the LDC §10-329(d)(1)a.2 requirement prohibiting excavation for water retention or detention within 50 feet of any existing or proposed right-of-way line or easement for a collector or arterial street, to allow excavation within 50 feet of an existing or proposed right-of-way line or easement. This deviation is APPROVED, SUBJECT TO the following conditions:

    a. Approval is limited to water retention and detention areas as shown on the approved Master Concept Plan.

    b. Appropriate protection for wayward vehicles must be provided at the time of local development order.

3. Deviation (3) seeks relief from the LDC §10-329(d)(1)a.3 requirement for water retention or detention excavation to set back 50 feet from any private property line under separate

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

a. Approval is limited to water retention and detention areas as shown on the approved Master Concept Plan.

b. A minimum 4-foot high fence or other approved barrier must be provided along the property line adjacent to the lake.

4. Deviation (4) seeks relief from the LDC §10-329(d)(4) requirement that lake banks be sloped at a maximum 4:1, to allow bulkheads at the shoreline. This deviation is APPROVED, SUBJECT TO the following conditions:

a. Prior to local development order approval, any bulkheads to be installed within Lakes A, B, or D as labeled on the attached Master Concept Plan must be delineated on the landscape and engineering plans. The bulkheads may not encompass more than 30 percent of the linear shoreline of the lake measured at control elevation. A compensatory littoral zone equal to the linear footage of the bulkhead must be provided within the same lake meeting the following criteria:

(1) A 5-foot-wide littoral shelf planted with herbaceous wetland plants to provide 50 percent coverage at time of planting; or

(2) An 8:1 slope littoral shelf with herbaceous wetland plants to provide 50 percent coverage at time of planting; or

(3) An equivalent littoral shelf design as approved by the Division of Environmental Sciences' Staff.

(4) The compensatory littoral zone must be planted with native wetland plants calculated as two per linear foot of shoreline for lakes utilizing bulkheads up to 20 percent of the shoreline, and three plants per linear foot of shoreline for lakes utilizing bulkheads along 21 percent to 31 percent of the shoreline.

5. Deviation (5) seeks relief from the LDC §10-384(b) requirement to provide a 20-foot-wide fire department access lane in the rear of buildings that fall into classes set forth in LDC §10-384(a)(3), to allow decks ancillary to the amenity site to be located zero feet from a water body. This deviation is APPROVED, SUBJECT TO the following conditions:

a. Approval is limited to amenity areas, water retention and detention areas as shown on the approved Master Concept Plan.

b. The developer must provide written documentation from the Fort Myers Shores Fire Department indicating that this design is acceptable and allows adequate access for emergency vehicles.

6. Deviation (6) - WITHDRAWN.

7. Deviation (7) seeks relief from LDC §34-934 Note 23 which restricts the operation of real estate sales centers for a period not to exceed five years, to allow the operation of a sales office within Portico RPD for a period of six years. This deviation is APPROVED, SUBJECT TO the condition that the real estate sales office remains in compliance with Condition 5 above.

8. Deviation (8) - WITHDRAWN.

9. Deviation (9) seeks relief from the LDC §34-2194(b) requirement to provide a 25-foot setback for buildings from a water body, to allow a zero-foot setback at bulkhead areas. This deviation is APPROVED, SUBJECT TO Deviation (4) above.

10. Deviation (10) seeks relief from the LDC §34-935(b)(2) requirement that parking or internal roads or drives not be closer to the development perimeter than the greater of either the width of any buffer area or landscape strip required by Chapter 10, to allow an emergency access road within this area. This deviation is APPROVED, SUBJECT TO the condition that the approval is limited to the emergency access point shown as Deviation (10) on the approved Master Concept Plan.

11. Deviation (11) seeks relief from the LDC §10-418 requirement that storm water ponds be designed to mimic the function of natural systems, to allow for the use of bulkheads. This deviation is APPROVED, SUBJECT TO Deviation (4) above.

12. Deviation (12) seeks relief from the LDC §10-714 design standards for cul-de-sacs, to allow the use of "eyebrow" road elements on the Village Roads within the community. This deviation is APPROVED, SUBJECT TO the following conditions:

    a. Approval is limited to the detail plan and locations as shown on the approved Master Concept Plan.

    b. Traffic calming devices indicated in the approved Master Concept Plan must be included in the homeowner documents to be reviewed and recorded during the local development order process.

13. Deviation (13) - Withdrawn.

14. Deviation (14) seeks relief from the LDC §34-152(4)c.4 requirement that on-site directional signage be set back a minimum of 15 feet from the edge of the street right-of-way or easement, to allow on-site directional signs to have a setback of four feet. This deviation is DENIED in accordance with Condition 19.

15. Deviation (15) seeks relief from the LDC §10-285(a) requirement that the centerline distance for local roads be 125 feet, to allow for centerline distances of no less than 60 feet for the eyebrow road features. This deviation is APPROVED, SUBJECT TO the following conditions:

    a. Approval is limited to the detail plan and locations as shown on the approved Master Concept Plan.

b. Traffic calming devices indicated in the approved Master Concept Plan must be included in the homeowner documents to be reviewed during the local development order process.

c. Stop signs will be provided for vehicles exiting the eyebrow element.

d. Traffic control devices will be determined during development order review.

16. Deviation (16) seeks relief from the LDC §10-291(3) requirement that residential developments of more than five acres provide more than one means of ingress or egress, to allow for one main access on Buckingham Road and a minimum of two emergency access points. This deviation is APPROVED, SUBJECT TO the following conditions:

a. No walls, fences or entrance gates may be constructed within the access point area per the approved Master Concept Plan.

b. All utilities along the entrance from Buckingham Road as shown on the approved Master Concept Plan must be placed underground.

c. The local development order must depict a 70-foot-wide divided entrance on Buckingham Road that must include a 14-foot-wide median with two 11-foot-wide lanes on both sides of the median for ingress and egress in accordance with the primary corridor typical shown on the approved Master Concept Plan.

d. The local development orders must include emergency access gates to be constructed on two emergency access points as shown on the approved Master Concept Plan.

e. The installation of any access gates must comply with all applicable regulations pertaining to emergency equipment that are in effect at the time of installation.

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

g. If the emergency access point located near the southeast corner of Phase 2, into Hawks Haven is not available at time of local development order submittal for that phase of work, then the emergency access must connect to the Lehigh Acres roadway system through the existing platted roadway easement. This will require a culvert across the east-west canal lying south of Phase 2 of Portico RPD. Such a change can be approved administratively.

17. Deviation (17) seeks relief from the LDC §10-416(d)(6) requirement that roadways must be set back 125 feet from any existing residential development or provide a 30-foot-wide buffer consisting of an 8-foot-high wall constructed a minimum of 25 feet from the residential property line with landscaping planted between the wall and the residential property line, to allow an 8-foot-high wall a minimum of 10 feet from the residential property line with

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

SECTION D. EXHIBITS AND STRAP NUMBER:

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

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

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

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.

2. The rezoning, as approved:

   a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,

   b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,

   c. is compatible with existing or planned uses in the surrounding area; and,

   d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,

   e. will not adversely affect environmentally critical areas or natural resources.

3. The rezoning satisfies the following criteria:

   a. the proposed use or mix of uses is appropriate at the subject location; and

   b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

   c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

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

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

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

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

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

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairman

BOARD OF COUNTY COMMISSIONERS SEAL LEE COUNTY, FLORIDA

Approved as to form by:

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

RECEIVED
MINUTES OFFICE
2005 MAY 10 PM 3:44

JOHNSON ENGINEERING

SINCE 1945

DCI2004-00031

RECEIVED
JUL 30 2004
PERMIT COUNTER

May 10, 2004

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

A tract or parcel of land lying in Sections 33 and 34, Township 43 South, Range 26 East, Lee County, Florida, which tract or parcel is described as follows:

From the northeast corner of said Section 33 run S 00° 50' 15" E along the east line of the northeast quarter (NE-1/4) of said Section 33 for 187.50 feet to the Point of Beginning.

From said Point of Beginning continue S 00° 50' 15" E along said east line for 2250.05 feet to an intersection with a non-tangent curve; thence departing said east line run southeasterly along an arc of a curve to the right of radius 240.00 feet (delta 06° 55' 14") (chord bearing S 48° 34' 00" E) (chord 28.97 feet) for 28.99 feet to a point of tangency; thence run S 45° 06' 23" E for 156.71 feet to a point of curvature; thence run southeasterly along an arc of a curve to the right of radius 240.00 feet (delta 21° 30' 24") (chord bearing S 34° 21' 11" E) (chord 89.56 feet) for 90.09 feet to an intersection with a non-tangent line and the north line of the south half (S-1/2) of said Section 34; thence run N 89° 15' 30" E along said north line for 5,100.79 feet to the northeast corner of said south half (S-1/2) of Section 34; thence run S 00° 59' 28" E along the east line of said fractional section for 2,654.48 feet to the southeast corner of said Section 34; thence run S 89° 04' 55" W along the south line of said fractional section for 5,290.35 feet to the southwest corner of said fractional section; thence run N 00° 47' 28" W along the west line of said fractional section for 2,670.74 feet to the northwest corner of said fractional section; thence run S 88° 59' 10" W along the north line of the southeast quarter (SE-1/4) of said Section 33 for 1,980.78 feet to the northeast corner of the west half (W-1/2) of the northwest quarter (NW-1/4) of the southeast quarter (SE-1/4) of said Section 33; thence run S 00° 41' 08" E along the east line of said fractional section for 1,333.22 feet to an intersection with the north line of the south half (S-1/2) of the south half (S-1/2) of said Section 33; thence run S 89° 02' 54" W along said north line for 1,988.34 feet to the southwest corner of the northeast quarter (NE-1/4) of the southwest quarter (SW-1/4) of said Section 33; thence run N 00° 56' 52" W along the west line of said fractional section for 1,331.03 feet to the northwest corner of said fractional section; thence run N 88° 59' 10" E along the north line of said fractional section for 1,334.18 feet to the southwest corner of the northeast quarter (NE-1/4) of said Section 33; thence run N 00° 39' 01" W along the west line of said fractional section for 1,321.78 feet to the southeast corner of the north half (N-1/2) of the northwest quarter (NW-1/4) of said Section 33; thence run S 89° 09' 28" W along the south line of said fractional section for 2,391.80 feet to an intersection with the southeasterly right-of-way line of Buckingham Road (right-of-way varies);

2158 Johnson Street ▪ Post Office Box 1550 ▪ Fort Myers, Florida 33902-1550

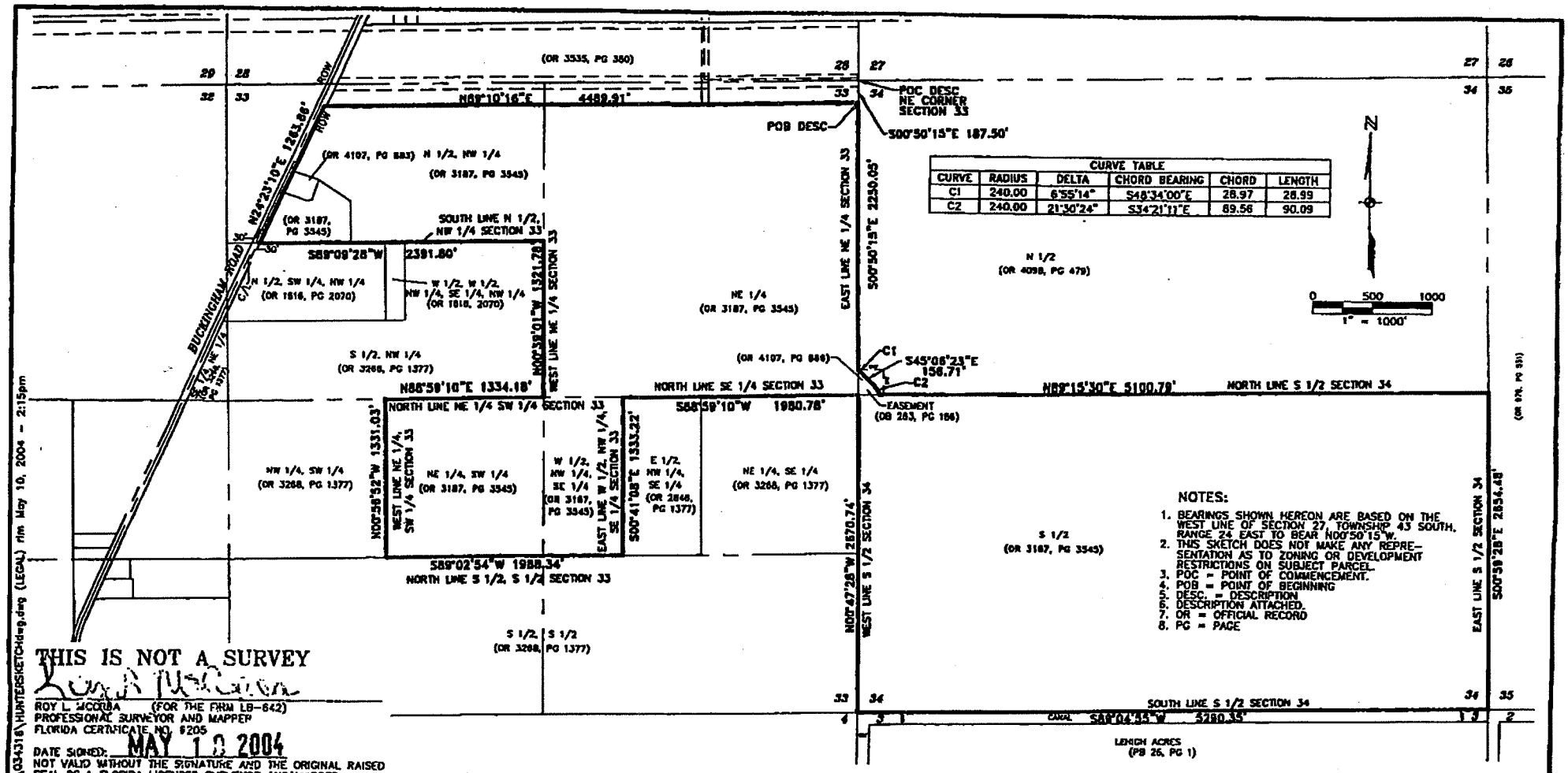
thence run N 24° 23' 10" E along said southeasterly line for 1,263.86 feet to an intersection with the westerly prolongation of the south line of lands as described in deed recorded in Official Record Book 3535 at Page 380, Public Records of Lee County, Florida; thence run N 89° 10' 16" E along said prolongation and south line for 4489.91 feet to an intersection with the east line of the northeast quarter (NE-1/4) of said Section 33 and the Point of Beginning.

Containing 25,663,514 square feet (589.15 acres), more or less.

Bearings hereinabove mentioned are based on Plane Coordinates for the Florida West Zone NAD 1983 (1990 Adjustment) whereas the east line of the Northeast Quarter of Section 33, Township 43 South, Range 26 East bears S 00° 50' 15" E.

Applicant's Legal Checked
by _____ August 7, 2006

Roy L. McCrea (for The Firm LB-642)
Professional Land Surveyor
Florida Certificate No. 6205



THIS IS NOT A SURVEY

ROY L. MCCRUBA (FOR THE FIRM LB-642)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5205

DATE SIGNED: MAY 10 2004

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

S:\034316\HUNTERSKETCHdwg.dwg (LEGAL) rlm May 10, 2004 - 2:15pm

EXHIBIT A

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

JOHNSON ENGINEERING

2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642

SKETCH TO ACCOMPANY DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
05/10/04	20034316	33-43-26	1" = 100'	1 OF 1

RECEIVED
MAY 13 2004
COMMUNITY DEVELOPMENT

DCI2004-00031

Applicant's SKETCH Survey Checked
By [signature] August 7, 2004.

EXHIBIT "F" – Resolution 02-025
(Page 1 of 3)

DCI 2004-00031

AFFIDAVIT

STATE OF FLORIDA)
COUNTY OF LEE)

BEFORE ME, the undersigned authority, on this 23rd day of July, 2004, personally appeared THOMAS SPENCE, who is personally known to me or who produced FLA. DRIV. LIC. as identification and who did take an oath, who deposes and says as follows:

1. That I am the owner of the following described property, to wit:

   See attached Exhibit "A"

2. That the above described property was used for bona fide agricultural purposes, to wit livestock grazing and pasturage, at the time of the Lee County Board of County Commissioners review and consideration of the rezoning of the property described on the attached Exhibit "A" on _____

3. The agricultural use of the property is an existing bona fide agricultural use.

4. The agricultural use is being conducted on the entire 589.15 acres. The entire property described on the attached Exhibit "A" is being used for the grazing of livestock.

5. Affiant further states that he is familiar with the nature of an oath; and with the penalties as provided by the laws of the State of aforesaid for falsely swearing to statements made in an instrument of this nature. Affiant further certifies that he has read, or has hear read to him, the full facts of this affidavit and understands its meaning and context.

FURTHER AFFIANT SAYETH NAUGHT.

THOMAS R. SPENCE
V.P. TAYLOR WOODROW Communities at PORTICO LLC

SWORN TO and subscribed before me on the data and year first above written.

(Notary Seal)

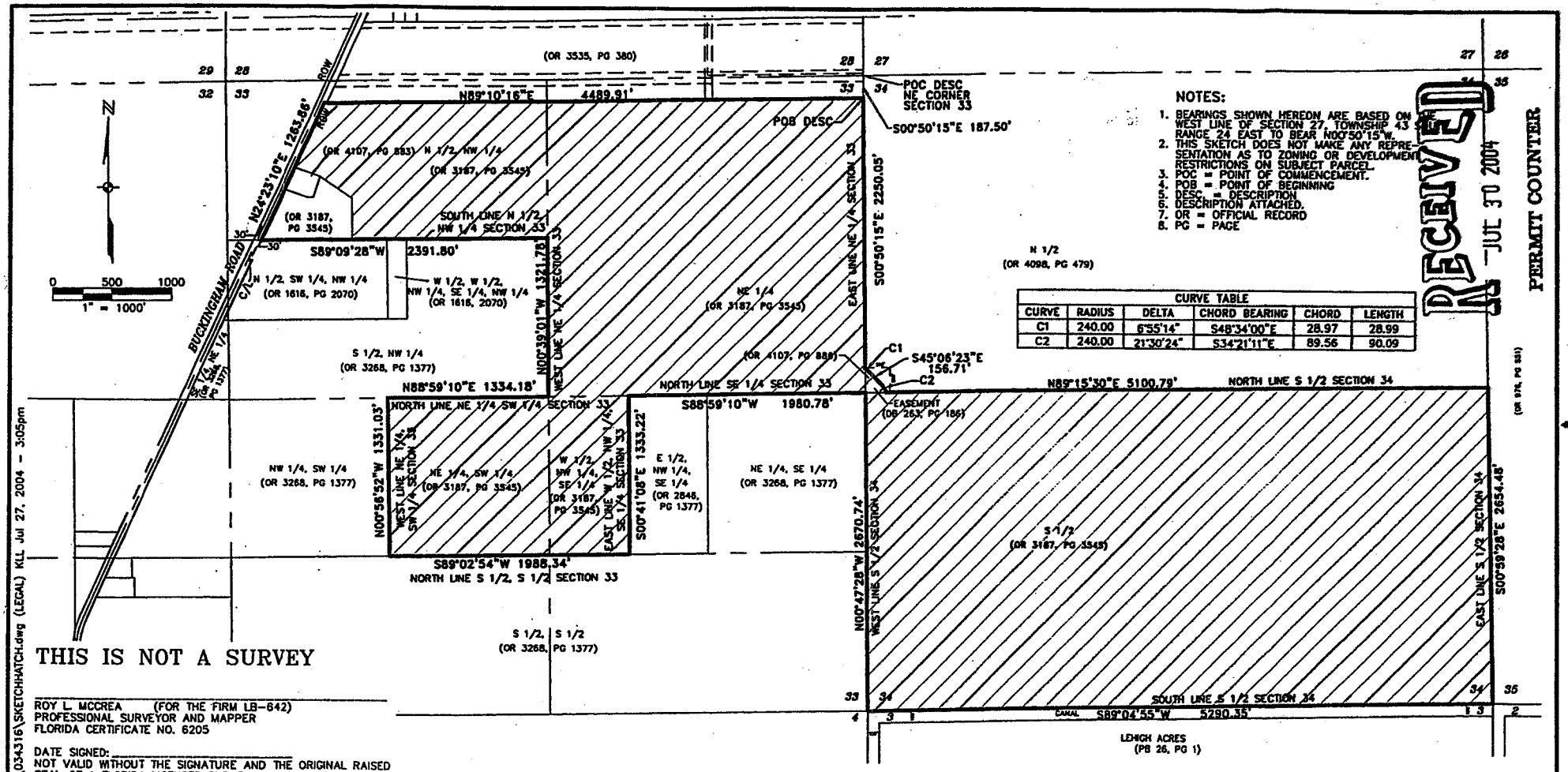
DIANA A. YOUNG
Notary Public - State of Florida
My Commission Expires Apr 29, 2005
Commission # DD021192

Signature of Notary Public

DIANA A. YOUNG
(Print, type or stamp commissioned name of Notary Public)

Commission No.

RECEIVED
JUL 30 2004
PERMIT COUNTER



THIS IS NOT A SURVEY

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

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

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JUL 30 2004
PERMIT COUNTER

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

JOHNSON ENGINEERING
2158 JOHNSON STREET
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PHONE (239) 334-0046
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E.B. #642 & L.B. #642

SKETCH TO ACCOMPANY DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
05/10/04	20034316	33-43-26	1" = 100'	1 OF 1

20034316

JOHNSON ENGINEERING

SINCE 1946

RECEIVED
JUL 30 2004
PERMIT COUNTER

May 10, 2004

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

A tract or parcel of land lying in Sections 33 and 34, Township 43 South, Range 26 East, Lee County, Florida, which tract or parcel is described as follows:

From the northeast corner of said Section 33 run S 00° 50' 15" E along the east line of the northeast quarter (NE-1/4) of said Section 33 for 187.50 feet to the Point of Beginning.

From said Point of Beginning continue S 00° 50' 15" E along said east line for 2250.05 feet to an intersection with a non-tangent curve; thence departing said east line run southeasterly along an arc of a curve to the right of radius 240.00 feet (delta 06° 55' 14") (chord bearing S 48° 34' 00" E) (chord 28.97 feet) for 28.99 feet to a point of tangency; thence run S 45° 06' 23" E for 156.71 feet to a point of curvature; thence run southeasterly along an arc of a curve to the right of radius 240.00 feet (delta 21° 30' 24") (chord bearing S 34° 21' 11" E) (chord 89.56 feet) for 90.09 feet to an intersection with a non-tangent line and the north line of the south half (S-1/2) of said Section 34; thence run N 89° 15' 30" E along said north line for 5,100.79 feet to the northeast corner of said south half (S-1/2) of Section 34; thence run S 00° 59' 28" E along the east line of said fractional section for 2,654.48 feet to the southeast corner of said Section 34; thence run S 89° 04' 55" W along the south line of said fractional section for 5,290.35 feet to the southwest corner of said fractional section; thence run N 00° 47' 28" W along the west line of said fractional section for 2,670.74 feet to the northwest corner of said fractional section; thence run S 88° 59' 10" W along the north line of the southeast quarter (SE-1/4) of said Section 33 for 1,980.78 feet to the northeast corner of the west half (W-1/2) of the northwest quarter (NW-1/4) of the southeast quarter (SE-1/4) of said Section 33; thence run S 00° 41' 08" E along the east line of said fractional section for 1,333.22 feet to an intersection with the north line of the south half (S-1/2) of the south half (S-1/2) of said Section 33; thence run S 89° 02' 54" W along said north line for 1,988.34 feet to the southwest corner of the northeast quarter (NE-1/4) of the southwest quarter (SW-1/4) of said Section 33; thence run N 00° 56' 52" W along the west line of said fractional section for 1,331.03 feet to the northwest corner of said fractional section; thence run N 88° 59' 10" E along the north line of said fractional section for 1,334.18 feet to the southwest corner of the northeast quarter (NE-1/4) of said Section 33; thence run N 00° 39' 01" W along the west line of said fractional section for 1,321.78 feet to the southeast corner of the north half (N-1/2) of the northwest quarter (NW-1/4) of said Section 33; thence run S 89° 09' 28" W along the south line of said fractional section for 2,391.80 feet to an intersection with the southeasterly right-of-way line of Buckingham Road (right-of-way varies);

DCI 2004-00031

thence run N 24° 23' 10" E along said southeasterly line for 1,263.86 feet to an intersection with the westerly prolongation of the south line of lands as described in deed recorded in Official Record Book 3535 at Page 380, Public Records of Lee County, Florida; thence run N 89° 10' 16" E along said prolongation and south line for 4489.91 feet to an intersection with the east line of the northeast quarter (NE-1/4) of said Section 33 and the Point of Beginning.

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Bearings hereinabove mentioned are based on Plane Coordinates for the Florida West Zone NAD 1983 (1990 Adjustment) whereas the east line of the Northeast Quarter of Section 33, Township 43 South, Range 26 East bears S 00° 50' 15" E.

Roy L. McGrea (for The Firm LB-642)
Professional Land Surveyor
Florida Certificate No. 6205

DCI2004-00031 PORTICO RPD

10/12/2004

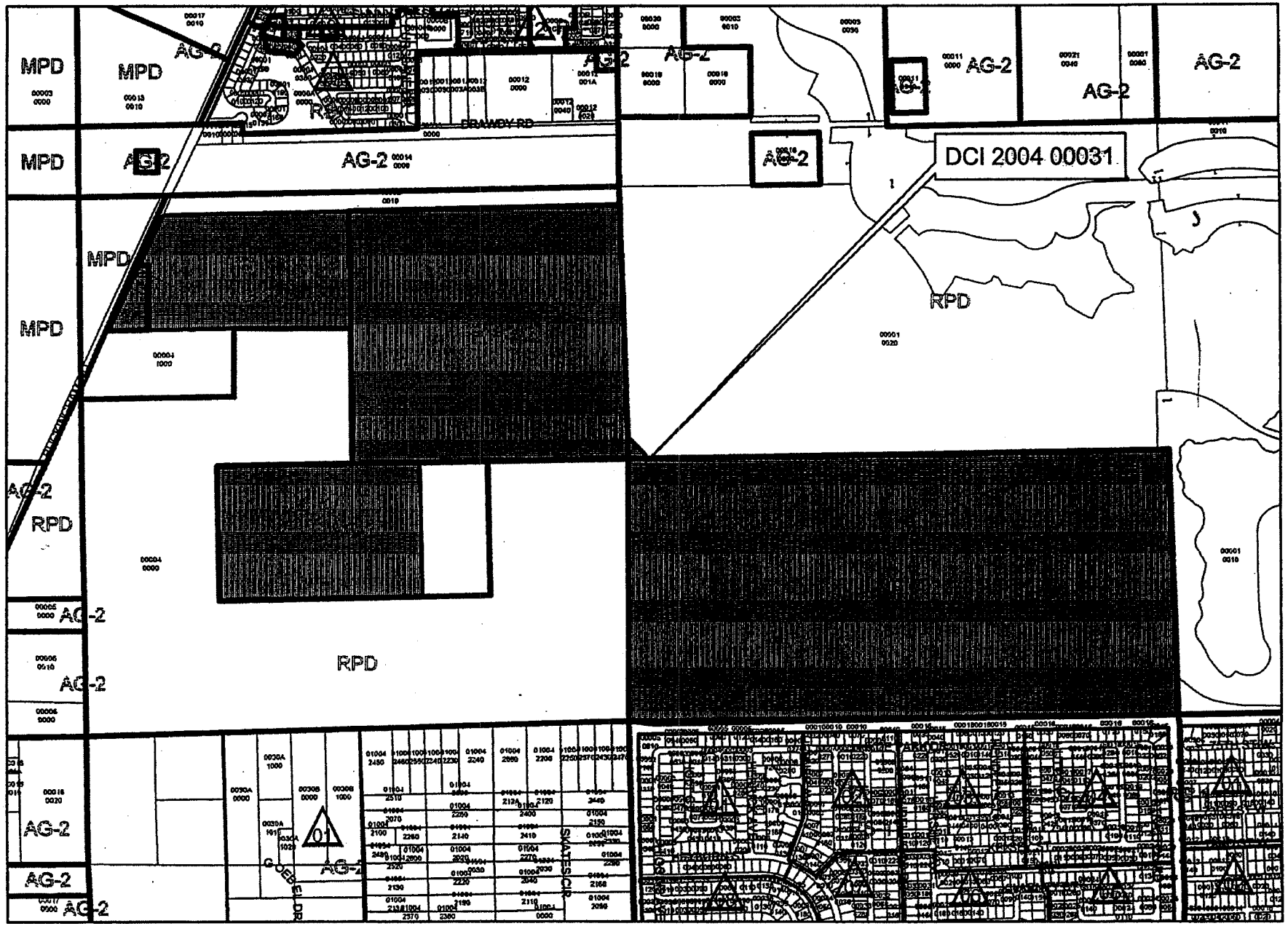


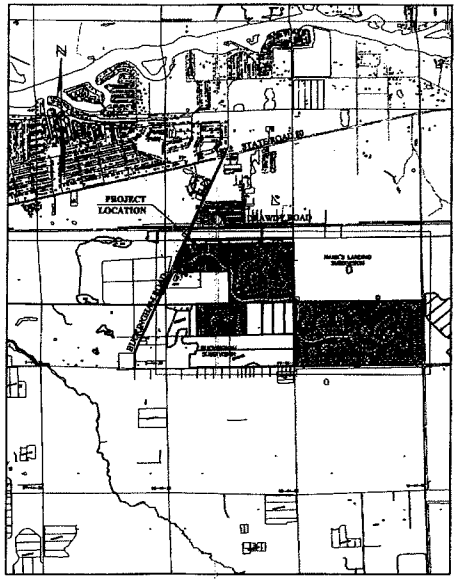
EXHIBIT C

N
W E
S

1,500 750 0 1,500 Feet

MASTER CONCEPT PLAN
FOR
PORTICO

DCI 2004-00031



SECTION 28, 33 & 34, TOWNSHIP 43 S., RANGE 26 E.
LEE COUNTY, FLORIDA

APRIL, 2005

LOCATION MAP

0 2000 4000
SCALE IN FEET

INDEX OF PLANS

SHEET NO.	DESCRIPTION
1	COVER (AREA LOCATION MAP)
2	MASTER CONCEPT PLAN
3	MASTER CONCEPT PLAN PHASE ONE A
4	MASTER CONCEPT PLAN PHASE ONE B
5	MASTER CONCEPT PLAN PHASE TWO
6	MASTER CONCEPT PLAN PHASE THREE
7	PRELIMINARY AMENITY CENTER SITE
8	MASTER CONCEPT NOTES
9	TOPOGRAPHY MAP

OWNER

TAYLOR WOODROW, INC.

STRAP NUMBER

33-43-26-00-00002.0000
33-43-26-00-00002.0020
33-43-26-00-00002.0030
34-43-26-00-00001.0000

SIZE OF PARCEL

589.15± ACRES

ZONING

EXISTING AG-2
REQUESTING RPD

PROPERTY ADDRESS

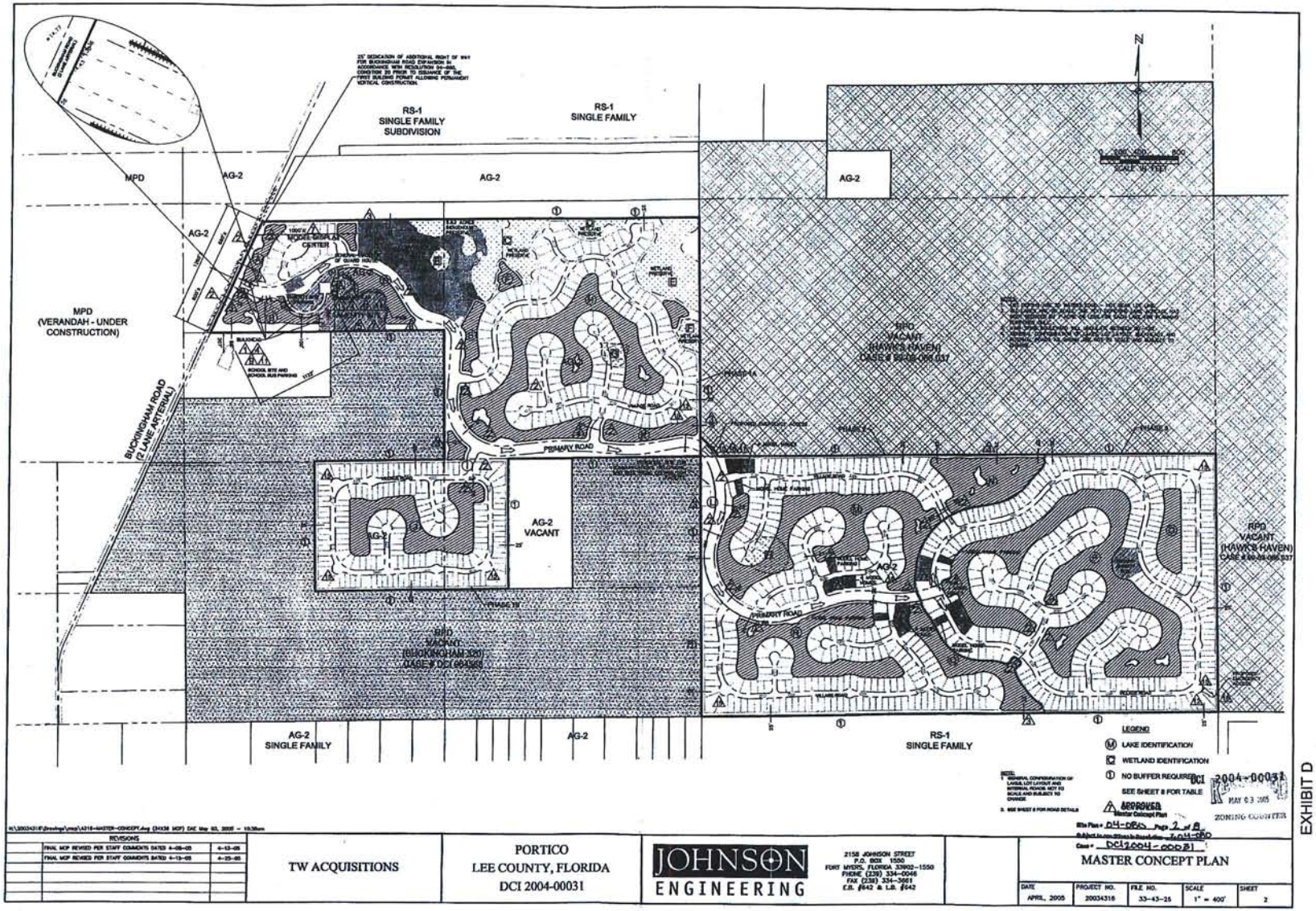
APPROVED
Master Concept Plan
Site Plan # 04-080 Page 1 of 8
Subject to conditions in Resolution Z-04-080
Case # DCI2004-00031

RECEIVED
MAY 02 2005
ZONING COUNTER

DCI 2004-00031

JOHNSON ENGINEERING
2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642

EXHIBIT D



REVISIONS	
FINAL MCP REVISED PER STAFF COMMENTS DATED 4-08-05	4-13-05
FINAL MCP REVISED PER STAFF COMMENTS DATED 4-13-05	4-25-05

TW ACQUISITIONS

PORTICO
LEE COUNTY, FLORIDA
DCI 2004-00031

JOHNSON ENGINEERING
2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642

MASTER CONCEPT PLAN

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
APRIL, 2005	20034316	33-43-25	1" = 400'	2

EXHIBIT D

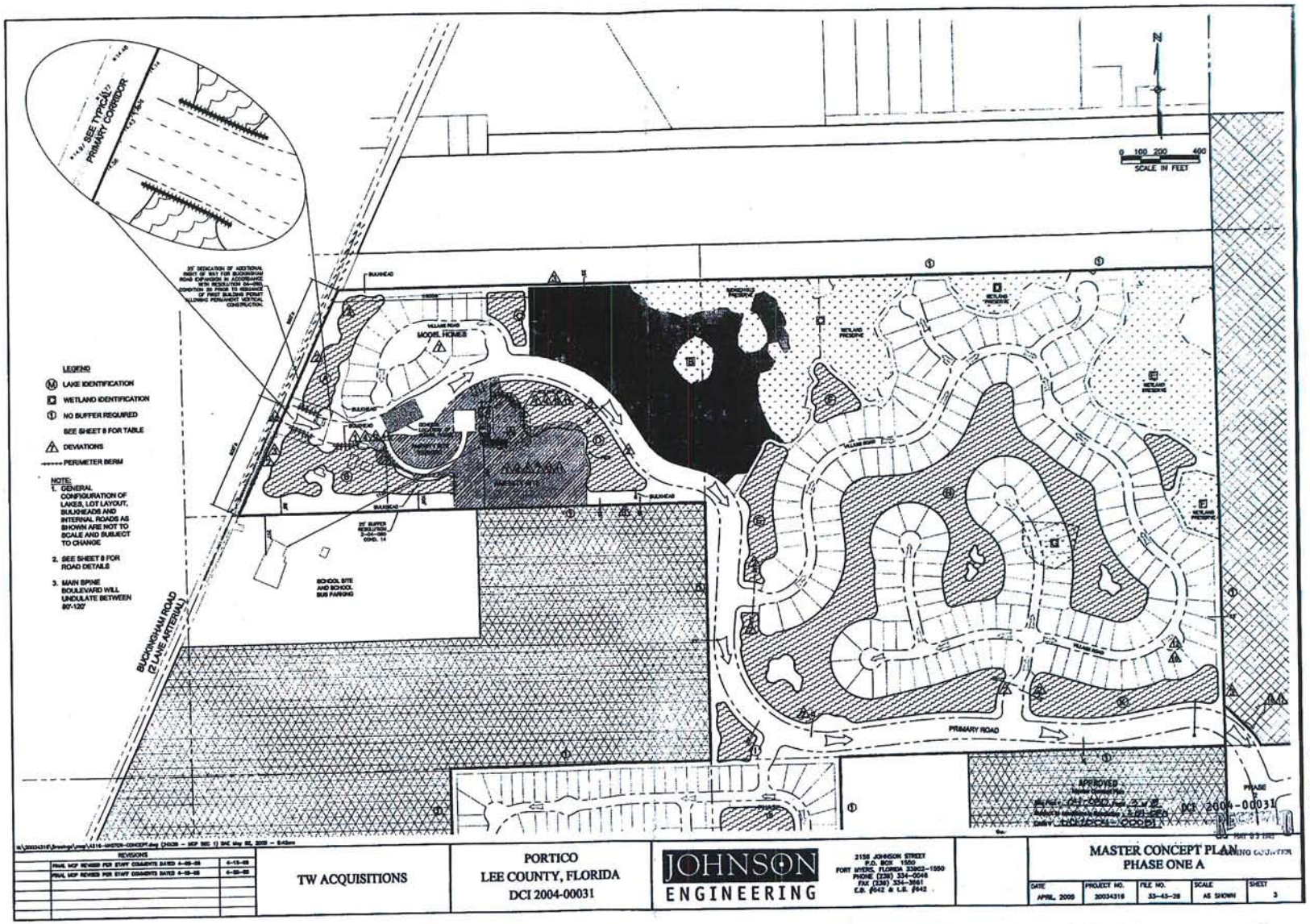


EXHIBIT D

REVISIONS	
FINAL MCP REVISED PER STAFF COMMENTS DATED 4-15-05	4-15-05
FINAL MCP REVISED PER STAFF COMMENTS DATED 4-18-05	4-18-05

TW ACQUISITIONS

PORTICO
LEE COUNTY, FLORIDA
DCI 2004-00031

JOHNSON ENGINEERING

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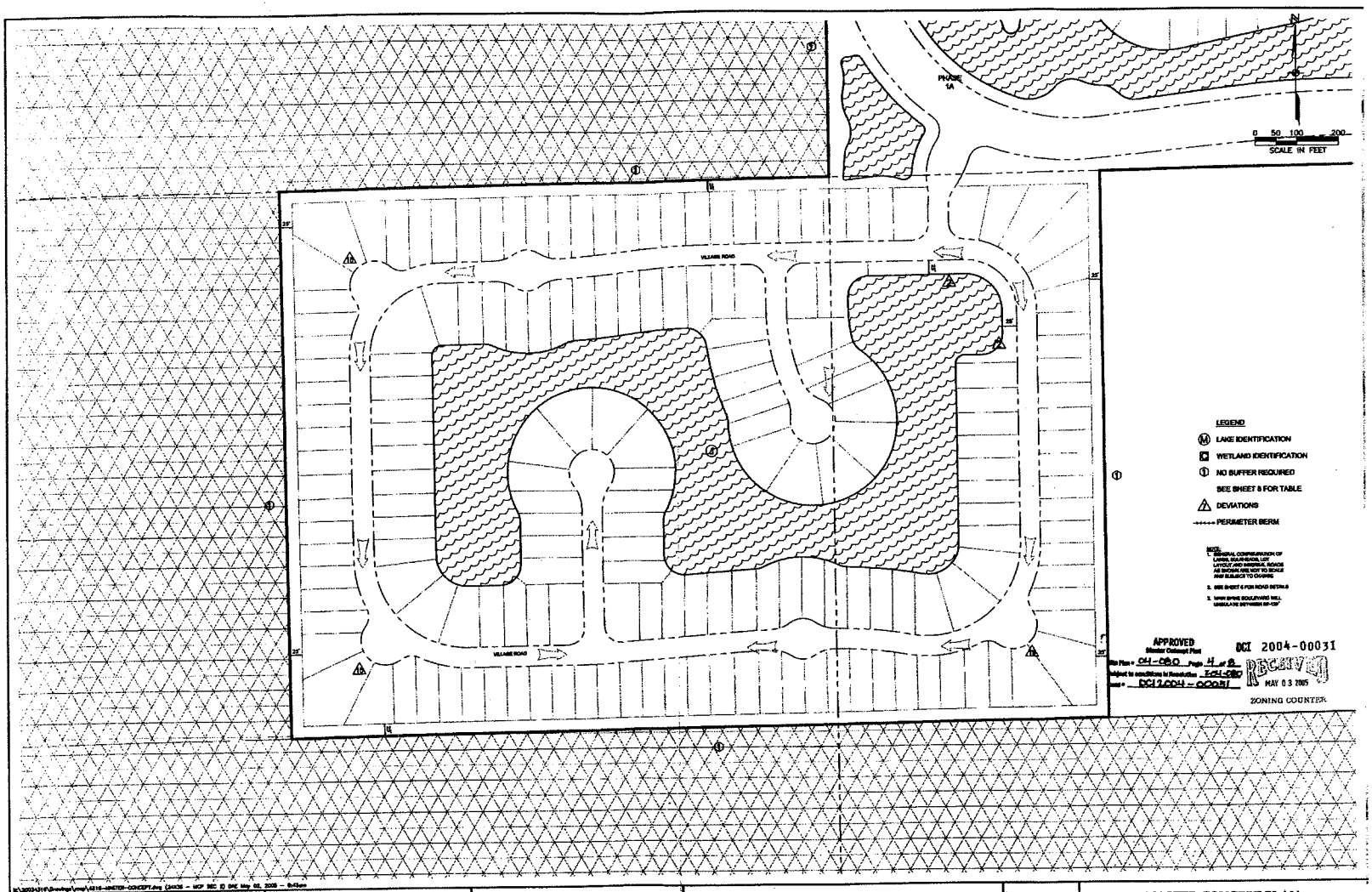
E.B. #642 & L.B. #642

MASTER CONCEPT PLAN
PHASE ONE A

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
APRIL, 2005	20034316	33-45-28	AS SHOWN	3



REVISIONS	
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FINAL MCP REVISED PER STAFF COMMENTS DATED 4-18-05	4-20-05

TW ACQUISITIONS

PORTICO
LEE COUNTY, FLORIDA
DCI 2004-00031

JOHNSON ENGINEERING
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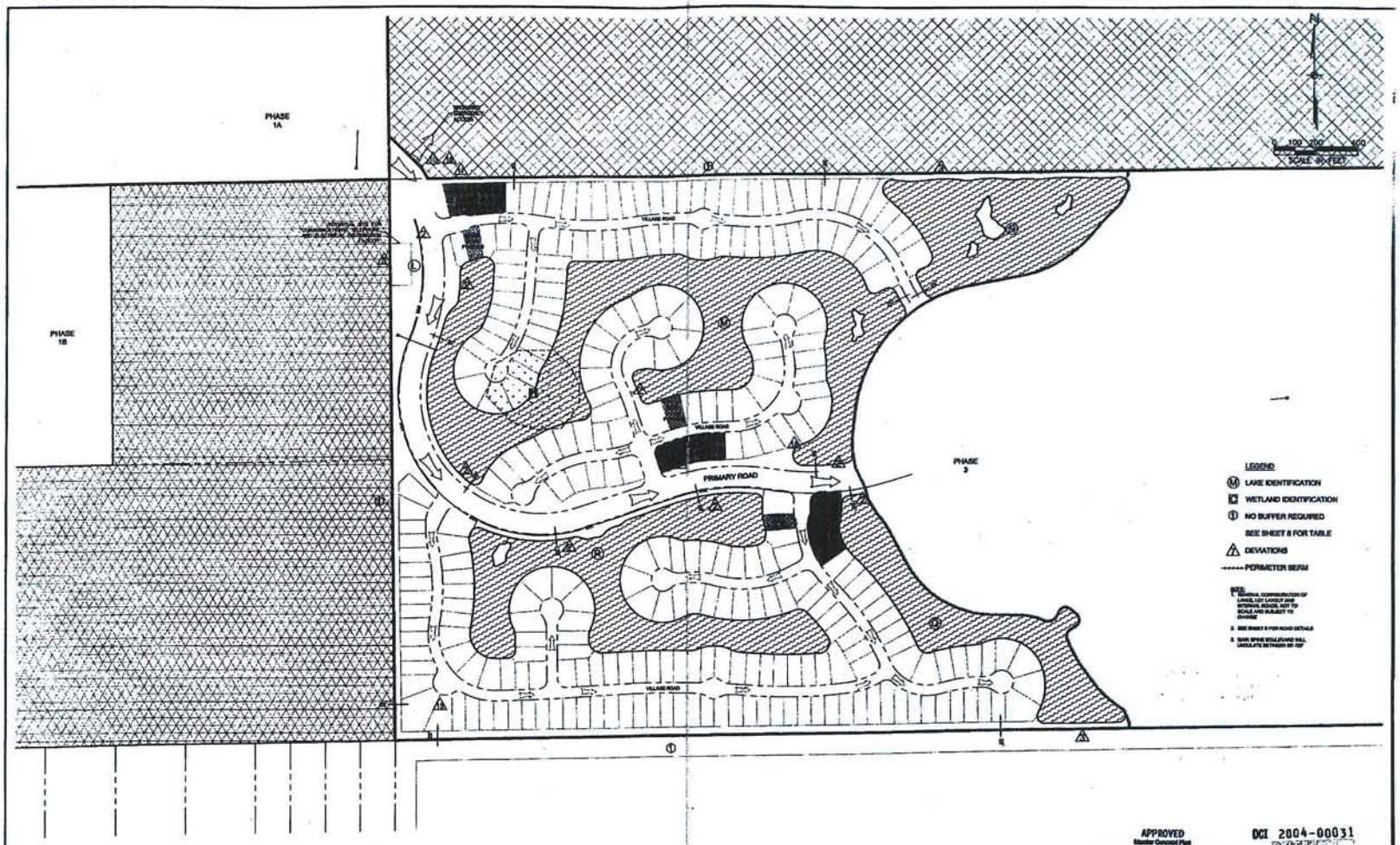
FAX (239) 334-3661
C.A. #642 & L.B. #642

MASTER CONCEPT PLAN
PHASE ONE B

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
APRIL, 2005	20034316	33-43-26	1" = 100'	4

EXHIBIT D



APPROVED
Master Concept Plan
Site Plan # 04-080 Page 6 of 8
Subject to conditions in Resolution Z-04-080
Case # DCI2004-00031

DCI 2004-00031
RECEIVED
MAY 03 2005
ZONING COUNTER

EXHIBIT D

REVISIONS		
	FINAL MCP REVISED PER STAFF COMMENTS DATED 4-08-05	4-13-05
	FINAL MCP REVISED PER STAFF COMMENTS DATED 4-18-05	4-25-05

TW ACQUISITIONS

PORTICO
LEE COUNTY, FLORIDA
DCI 2004-00031

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FORT MYERS, FLORIDA 33902-1550
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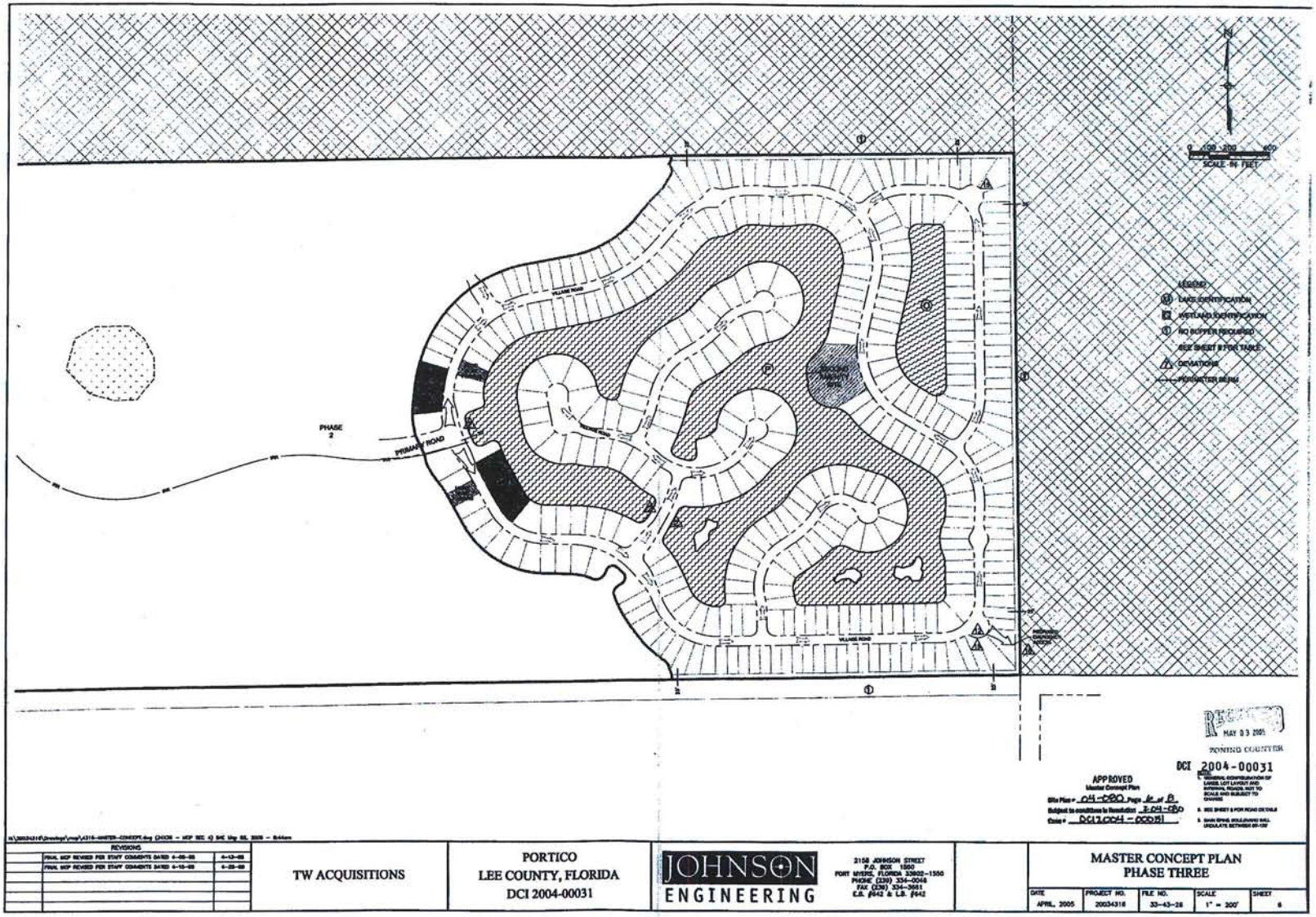
E.B. #642 & L.B. #642

MASTER CONCEPT PLAN
PHASE TWO

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
APRIL, 2005	20034316	33-43-26	1" = 200'	5



REVISIONS	
FINAL MCP REVISED PER STAFF COMMENTS DATED 4-05-05	4-13-05
FINAL MCP REVISED PER STAFF COMMENTS DATED 4-15-05	4-29-05

TW ACQUISITIONS

PORTICO
LEE COUNTY, FLORIDA
DCI 2004-00031

JOHNSON ENGINEERING
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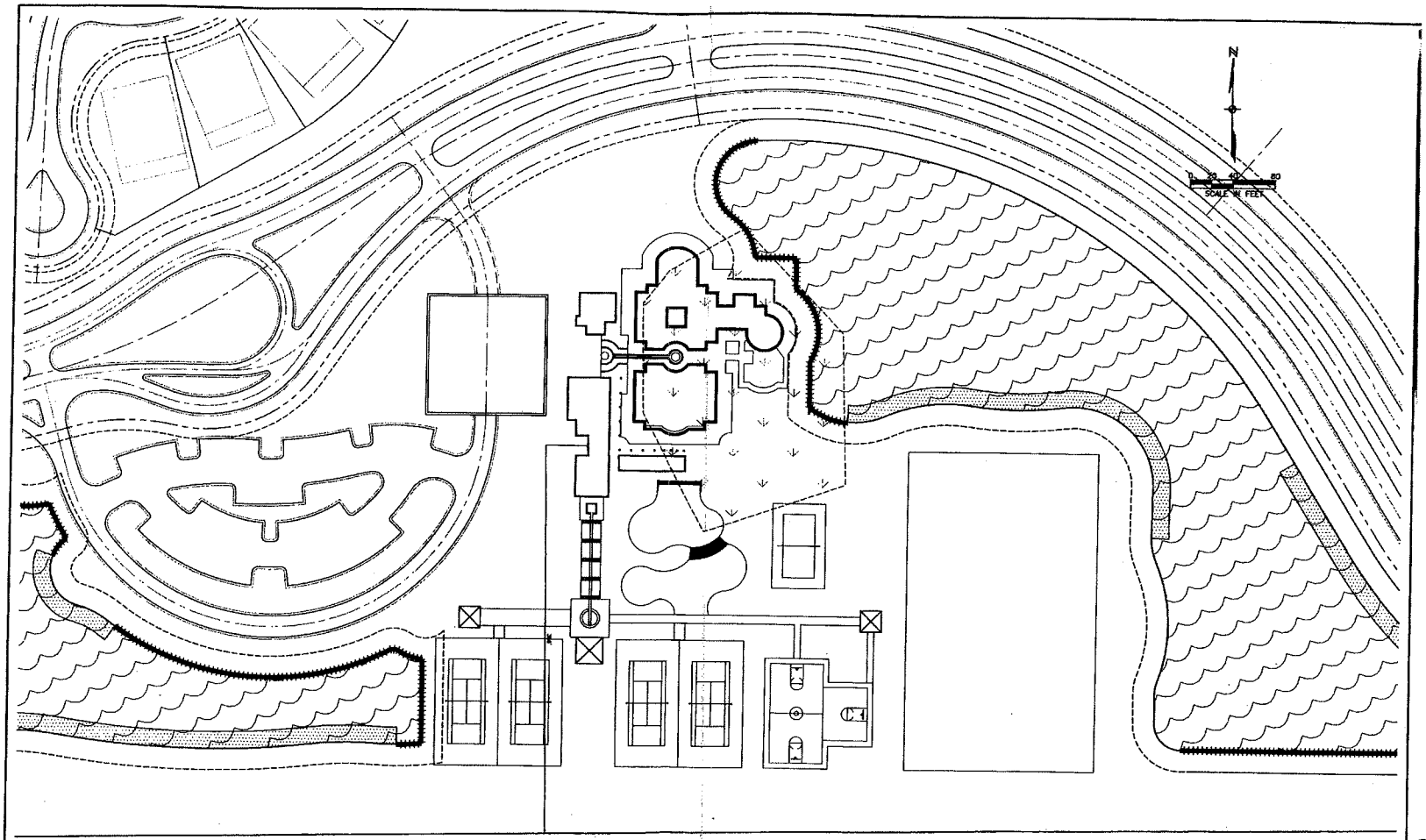
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642

MASTER CONCEPT PLAN
PHASE THREE

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
APRIL, 2005	20034318	33-43-28	1" = 200'	6

EXHIBIT D



DCI 2004-00031

PRELIMINARY AMENITY CENTER SITE
(SUBJECT TO CHANGE)

APPROVED
Master Concept Plan

RECEIVED
MAY 03 2005
ZONING COUNTER

Site Plan # 84-080 Page 7 of 8
Public Hearing(s) Resolution # ZAB-080
Case # DCI 2004-00031

REVISIONS	
FINAL MCP REVISED PER STAFF COMMENTS DATED 4-06-05	4-13-05
FINAL MCP REVISED PER STAFF COMMENTS DATED 4-19-05	4-26-05

TW ACQUISITIONS

PORTICO
LEE COUNTY, FLORIDA

JOHNSON ENGINEERING

2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642

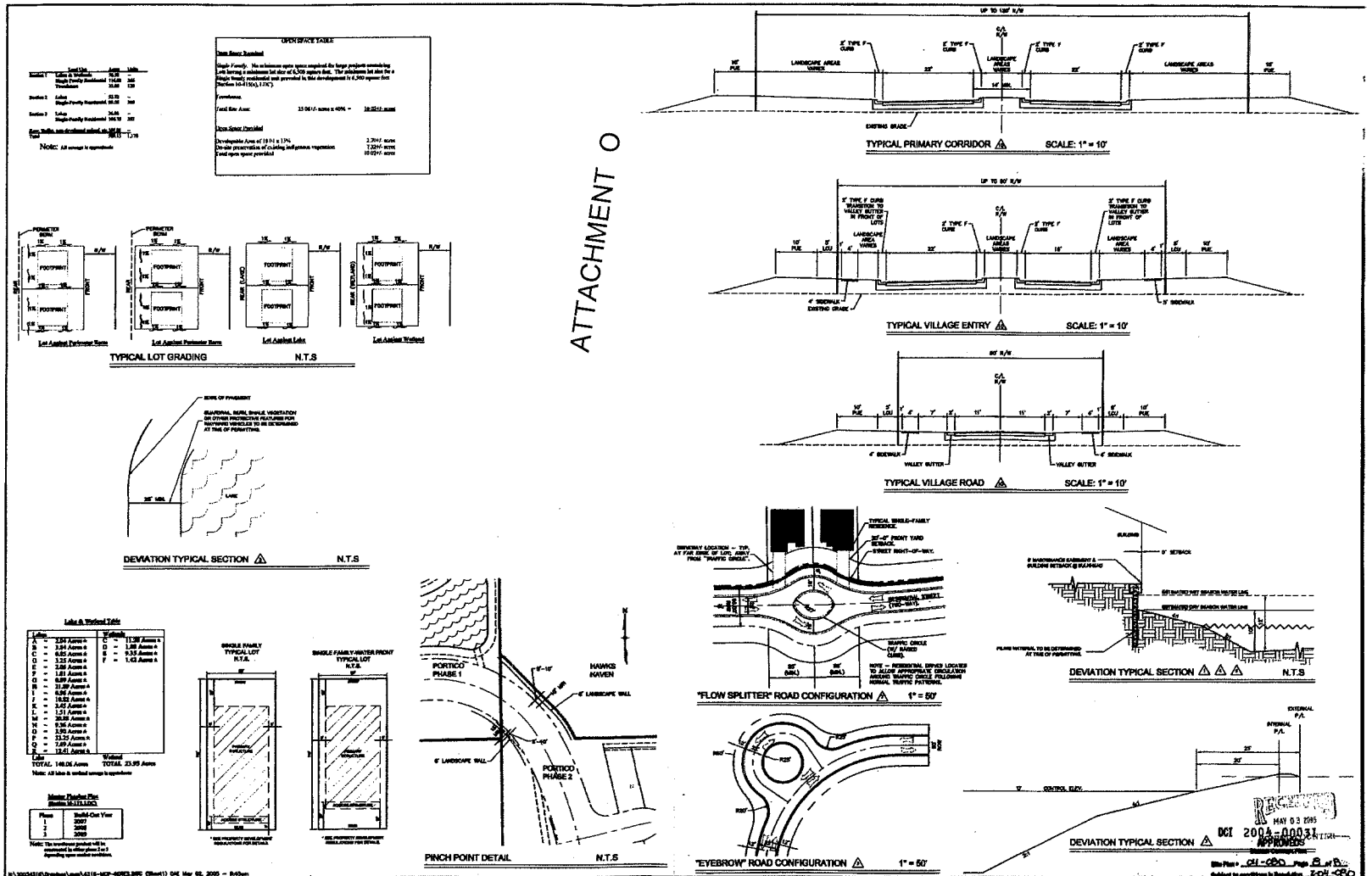
PRELIMINARY AMENITY CENTER SITE

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
APRIL, 2005	20034316	33-43-26	1" = 40'	7

EXHIBIT D

ATTACHMENT O

EXHIBIT D



RESOLUTION NUMBER Z-05-074

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

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

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

WHEREAS, a second public hearing was advertised and held on November 21, 2005, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST ATTACHMENT "P"

The applicant filed a request to:

1. rezone a 20±-acre parcel from AG-2 to RPD; and

2. amend Zoning Resolution Z-00-029 to permit a RPD with a maximum of 690 single-family dwelling units (an increase of 50 dwelling units) on 345± acres of land. The 345± acres includes the 20± acres rezoned from AG-2 to RPD; and

3. limit proposed maximum building heights to three (3) stories/35 feet for residential uses, and three (3) stories/45 feet for other uses (gate houses, recreational facilities); and

4. include a potential public school site, and a maximum of 7,500 square feet of commercial uses within a clubhouse setting.

The property is located in the Outlying Suburban Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

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

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

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

   Maximum Number of Dwelling Units: 690

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

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

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

   a. **Schedule of Uses**

      Accessory Uses and Structures
      Administrative Offices
      Agricultural Uses SEE AGRICULTURAL CONDITION 9
      Club, private - LIMITED TO "REC. TRACT" ON THE APPROVED MASTER CONCEPT PLAN. CLUBHOUSE BUILDINGS MAY NOT EXCEED 40,000 SQUARE FEET IN TOTAL FLOOR AREA. This total includes the 7,500 square feet permitted for limited commercial uses. Also see Condition 23
      Dwelling Units, Single-family, Zero-Lot-Line. The number of units is also subject to compliance with concurrency requirements.
      Entrance Gates and Gatehouse
      Essential Services
      Essential Service Facilities, Group I
      Excavation, Water Retention - not to include the removal of excavated material from the site. Blasting is prohibited.
      Fences and Walls.
      Home Occupation, No outside help.

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

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

Parking Lot, Accessory

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

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

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

Schools, Non-commercial

Signs, in compliance with LDC Chapter 30

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

Temporary Uses, Temporary Sales, Temporary Construction

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

Bank and Financial Establishments - Group I (including ATMs)

Consumption on Premises - Indoor only

Food & Beverage Service, Limited

Personal Services, Group I

b. Site Development Regulations

***Overall Project*:**

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

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

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

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

Open Space: 40 percent minimum.

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

Indigenous open space must be provided as depicted on the MCP

Tracts 2 and 5

Single Family

Minimum Lot Areas and Dimensions

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

Minimum Setbacks

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

Accessory Use: Per the LDC

Perimeter Setbacks: 25 feet

Maximum Lot Coverage: 50 percent

Tracts 1, 3 and 4

Zero-Lot-Line

Minimum Lot Areas and Dimensions

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

Minimum Setbacks

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

Accessory Use: Per the LDC

Perimeter Setbacks: 25 feet

Maximum Lot Coverage: 55 percent

Recreational Tract

Minimum Lot Areas and Dimensions

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

Minimum Setbacks

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

Accessory Use: Per the LDC.

Minimum Building Separation: 20 feet.

Maximum Lot Coverage: 40 percent

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

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

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

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

4. DELETED.

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

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

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

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

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

d. Dry models are prohibited.

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

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

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

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

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

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

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

7. DELETED.

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

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

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

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

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

(a) Bona fide agricultural uses of cattle grazing and the raising of hay in existence at the time the application for rezoning was filed, and as shown on Exhibit D attached hereto, may continue until approval of a local development order for the area of the project containing those uses.

(b) Additional clearing of trees or other vegetation in agricultural areas is prohibited. Existing areas of bona fide agricultural use may be maintained, i.e., mowed, but not cleared or expanded. This prohibition is not intended to preclude County approved requests for the removal of invasive exotic vegetation.

(c) Prior to issuance of a local development order, the property owner must provide written proof, subject to approval by the County Attorney's Office, of the following:

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

a) the date the agricultural uses ceased;

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

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

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

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

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

10. DELETED.

11. DELETED.

12. DELETED.

13. DELETED.

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

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

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

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

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

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

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

20. SETBACKS Applicable to Tracts 2 and 5.

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

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

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

22. ACCESS TO BUCKINGHAM ROAD

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

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

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

23. COMMERCIAL USES AND CONSUMPTION ON PREMISES.

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

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

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

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

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

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

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

24. PUBLIC SCHOOL USE.

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

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

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

D. Deleted at public hearing.

E. Deleted at public hearing.

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

SECTION C. DEVIATIONS:

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

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

SECTION D. EXHIBITS AND STRAP NUMBER:

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

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

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

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the RPD rezoning by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes or regulations.

2. The RPD rezoning, as approved:

   a. meets or exceeds the performance and locational standards set forth for the potential uses allowed by the request; and,

   b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,

   c. is compatible with existing or planned uses in the surrounding area; and,

   d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,

   e. will not adversely affect environmentally critical areas or natural resources.

3. The RPD rezoning satisfies the following criteria:

   a. the proposed use or mix of uses is appropriate at the subject location; and

   b. the recommended conditions to the master concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

   c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

4. Urban services, as defined in the Lee Plan, will be available and adequate to serve the proposed land use.

5. The approved deviation, as conditioned, enhances achievement of the planned development objectives, and preserves and promotes the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

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

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

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

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Tammara Hall, Chairwoman

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MINUTES OFFICE
2005 DEC -6 PM 3:11

Approved as to form by:

_____
Donna Marie Collins
County Attorney's Office

mini · civil · structural

TKW CONSULTING ENGINEERS, INC.
5621 Banner Drive, Fort Myers, FL 33912, Tel: 239.278.1992, Website: www.tkwonline.com

LEGAL DESCRIPTION

BUCKINGHAM 345

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

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

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PERMIT COUNTER

environmental • civil • structural

(continued)

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

Applicant's Legal Checked
by lgm 3/29/2005.

TKW CONSULTING ENGINEERS, INC.

SIGNED: Eric V. Sandoval DATE: 1-14-05

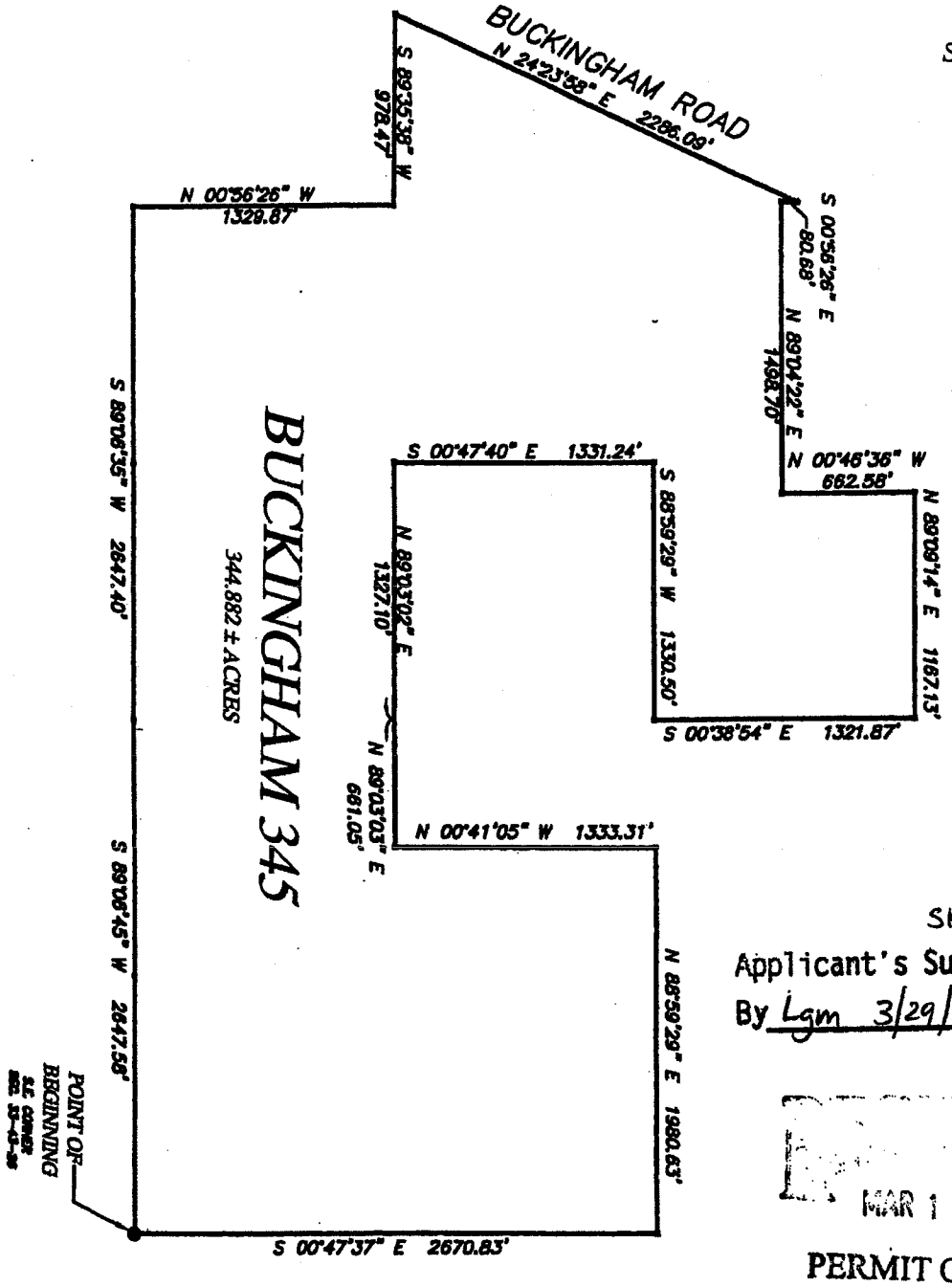
ERIC V. SANDOVAL P.S.M STATE OF FLORIDA # 5223

EXHIBIT "A"
(Page 2 of 4)

MAR 16 2005
PERMIT COUNTER

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

DCI 2004-00090



SKETCH OF

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

MAR 1 8 2005

PERMIT COUNTER

** THIS IS NOT A SURVEY **

CONSULTING ENGINEERS, INC.
environmental-civil-structural-survey
9451 Bonner Drive
Fort Myers, Florida 33912
(239) 278-1992 • FAX (239) 278-0922
E-MAIL tkw@tkwenline.com
Certification # 734

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

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

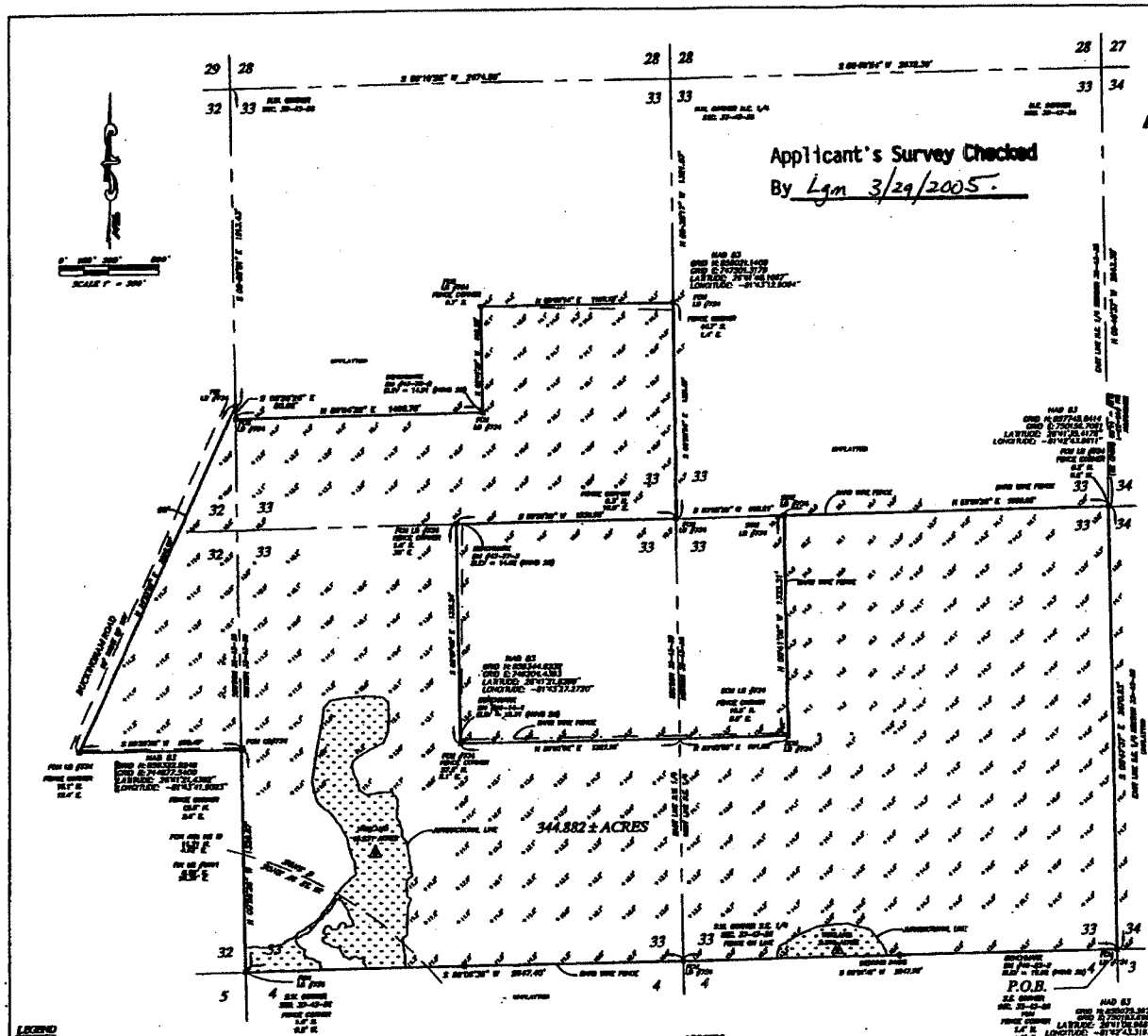
BUCKINGHAM 345
A PORTION OF
SECTIONS 32 & 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA

DATE: JANUARY 2005	DRAWING: 03783SCKT

DCI 2004-00090

EXHIBIT "A"

EXHIBIT "A"
(Page 4 of 4)



LEGAL DESCRIPTION

BUCKINGHAM 345

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

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CERTIFIED TO:

D.L. HOMES OF FLORIDA A CORPORATION
FIRST AMERICAN TITLE INSURANCE COMPANY
RIDEN, McCLOSKY, [illegible] RUSSELL, P.A.

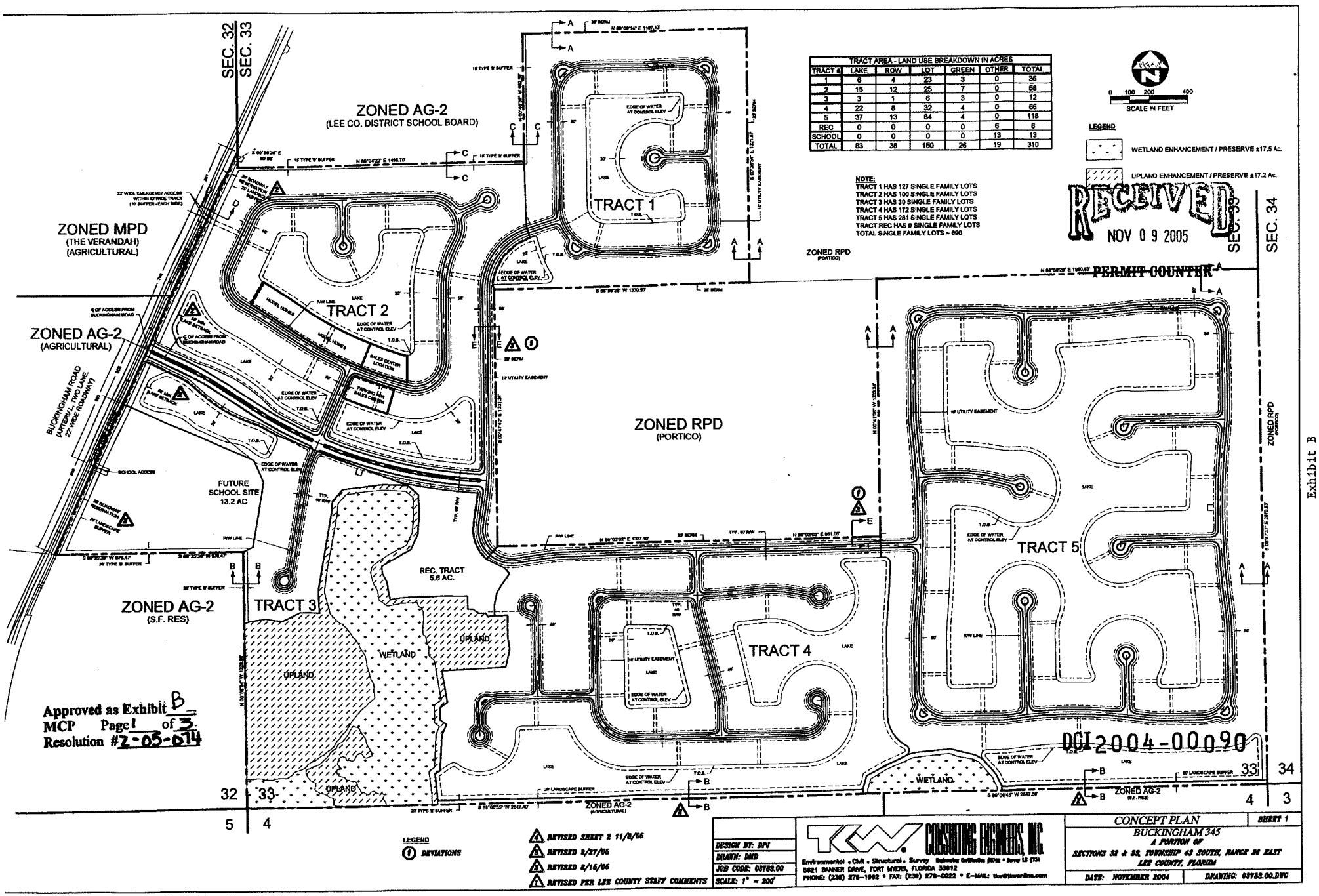
ERIC E. SANDERLIN, FOR THE FIRM (LB-754)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5467

1-31-05
DATE SIGNED

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

LEGEND

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
FIRE	FIRE HYDRANT
WM	WATER METER
WV	WATER VALVE
SS	SANITARY SEWER MANHOLE
CO	SANITARY SEWER CLEANOUT
⊙	5/8" IRON ROD AND CAP
●	5/8" IRON ROD AND CAP, L.B. #754
▲	NAIL
■	CONCRETE MONUMENT
⊕	CENTERLINE
⊗	POINT OF INTERSECTION
⊙	POINT OF CURVATURE
⊙	POINT OF TANGENCY
⊙	POINT OF REVERSE CURVATURE
⊙	POINT OF COMPOUND CURVATURE
⊙	POINT OF NON-TANGENCY
⊙	POINT OF NON-RADIAL
⊙	POINT OF RADIAL
⊙	POINT OF RADIAL INTERSECTION
⊙	POINT OF RADIAL INTERSECTION
⊙	POINT OF RADIAL INTERSECTION



TRACT AREA - LAND USE BREAKDOWN IN ACRES						
TRACT #	LAKE	ROW	LOT	GREEN	OTHER	TOTAL
1	6	4	23	3	0	36
2	15	12	25	7	0	56
3	3	1	6	3	0	12
4	22	8	32	4	0	66
5	37	13	64	4	0	118
REC	0	0	0	0	6	6
SCHOOL	0	0	0	0	13	13
TOTAL	83	38	150	26	19	310

NOTE:
TRACT 1 HAS 127 SINGLE FAMILY LOTS
TRACT 2 HAS 100 SINGLE FAMILY LOTS
TRACT 3 HAS 30 SINGLE FAMILY LOTS
TRACT 4 HAS 172 SINGLE FAMILY LOTS
TRACT 5 HAS 281 SINGLE FAMILY LOTS
TRACT REC HAS 0 SINGLE FAMILY LOTS
TOTAL SINGLE FAMILY LOTS = 690

0 100 200 400
SCALE IN FEET

LEGEND
WETLAND ENHANCEMENT / PRESERVE ±17.5 Ac.
UPLAND ENHANCEMENT / PRESERVE ±17.2 Ac.

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Approved as Exhibit B
MCP Page 1 of 3
Resolution #Z-05-074

DCI2004-00090

LEGEND
① DEVIATIONS

⚠1 REVISED SHEET 2 11/8/05
⚠2 REVISED 9/27/05
⚠3 REVISED 8/16/05
⚠4 REVISED PER LEE COUNTY STAFF COMMENTS

DESIGN BY: DPJ
DRAWN: DMD
JOB CODE: 03763.00
SCALE: 1" = 200'

TKW CONSULTING ENGINEERS, INC.
Environmental • Civil • Structural • Survey Engineering Certificate #3761 • Survey LB #734
5621 BANNER DRIVE, FORT MYERS, FLORIDA 33912
PHONE: (239) 278-1962 • FAX: (239) 278-0222 • E-MAIL: tkw@tkwonline.com

CONCEPT PLAN — SHEET 1
BUCKINGHAM 345
A PORTION OF
SECTIONS 32 & 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA
DATE: NOVEMBER 2004 — DRAWING: 03763.00.DWG

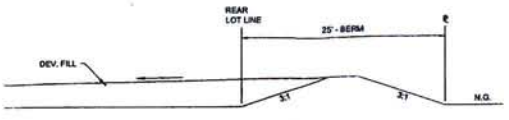
Exhibit B
Page 1 of 2

CONCEPTUAL OPEN SPACE:

A.) TOTAL REQUIRED OPEN SPACE (40%) @PER L.C.L.D.C.):
±344.9 AC. X 0.4 = ±138.0 AC.

B.) TOTAL PROVIDED OPEN SPACE:

INDIVIDUAL LOT AREAS (@ 10% OF REQ'D. 40%)	±15.0 AC.
PROPOSED LAKE AREAS @ ± 25.0% OF TOTAL AC.)	±20.7 AC.
PROPOSED UPLAND ENHANCEMENT/PRESERVATION AREA	±17.2 AC.
PROPOSED WETLAND ENHANCEMENT/PRESERVATION AREA	±18.1 AC.
GREEN SPACE / OPEN SPACE WITHIN TRACT DEV. AREA	±78.5 AC.
TOTAL OPEN SPACE PROV'D.:	±149.5 AC.



SECTION A-A
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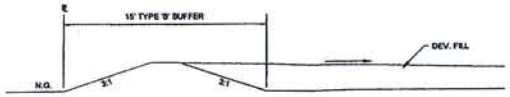

SECTION C-C
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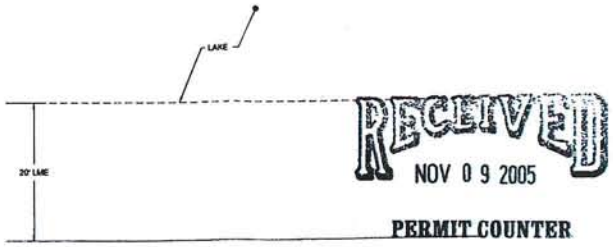

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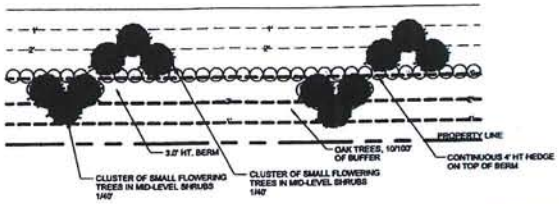

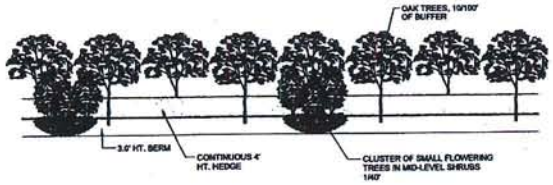

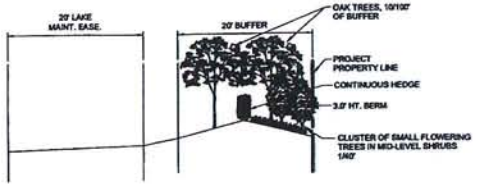

SECTION B-B ⚠2
SOUTH LANDSCAPE BUFFER - ENHANCED LANDSCAPING
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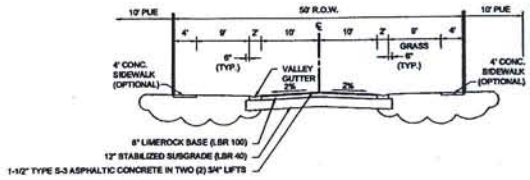

50 ft. R.O.W.
PRIVATE / MINOR COLLECTOR ROAD CROSS SECTION
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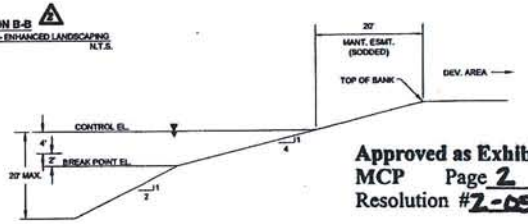
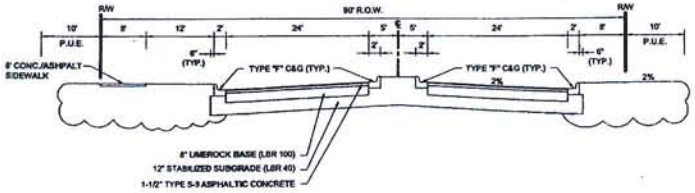


TYPICAL LAKE SECTION
N.T.S.

Approved as Exhibit B
MCP Page 2 of 3
Resolution #2-05-07



TYPICAL SECTION - 90 ft. R.O.W.
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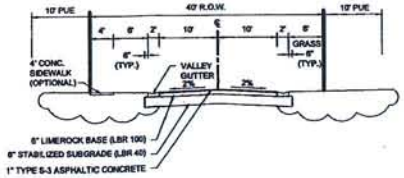
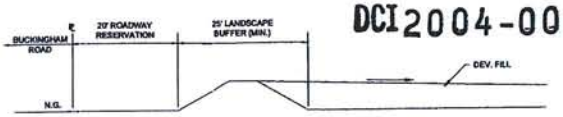


PRIVATE / LOCAL ROAD CROSS SECTION
N.T.S.



SECTION D-D ⚠2
N.T.S.

DCI2004-00090

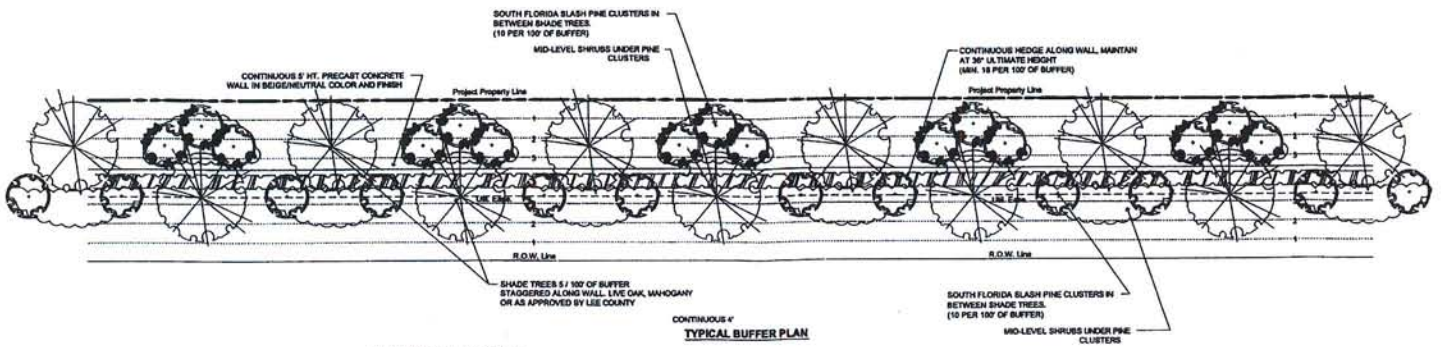
⚠1 REVISED 11/8/06
⚠2 REVISED 9/27/06
⚠3 REVISED 8/16/06

DESIGN BY: BPJ	
DRAWN: DMD	
JOB CODE: 03783.00	
SCALE: N.T.S.	

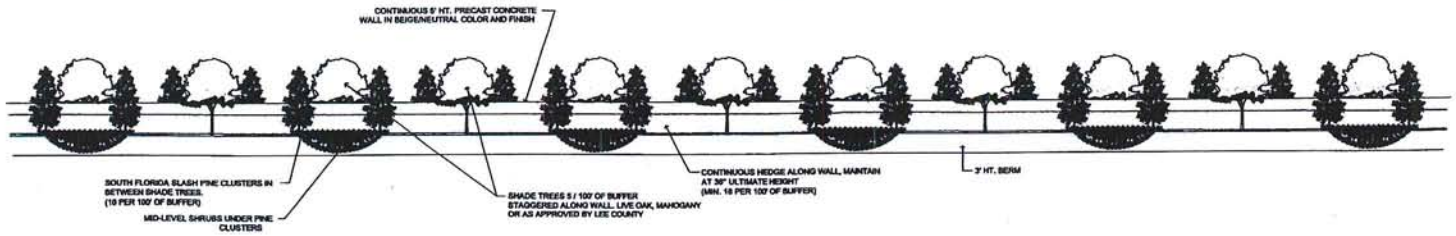
TKW CONSULTING ENGINEERS, INC.
Environmental • Civil • Structural • Survey
5621 BANNER DRIVE, FORT MYERS, FLORIDA 33912
PHONE: (239) 278-1992 • FAX: (239) 278-0022 • E-MAIL: tkw@tkwonline.com

DETAILS — SHEET 2
BUCKINGHAM 345
A PORTION OF
SECTIONS 32 & 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA
DATE: NOVEMBER 2004 — DRAWING: 03783.00.DWG

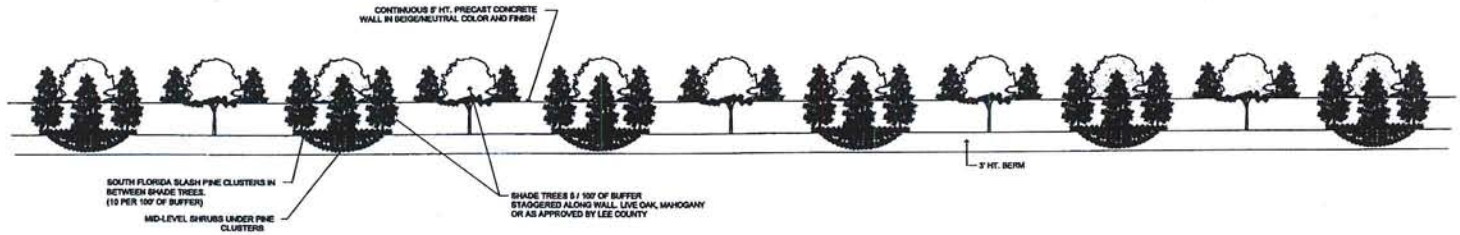
Exhibit B
Page 2 of 2



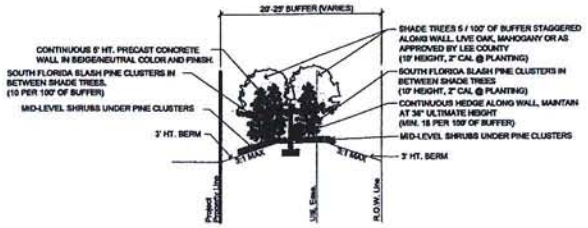
TYPICAL BUFFER PLAN



TYPICAL BUFFER ELEVATION FROM BUCKINGHAM 345



TYPICAL BUFFER ELEVATION FROM PORTICO



TYPICAL BUFFER SECTION E-E

REVISED 9/27/06

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PERMIT COUNTER

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

DCI2004-00090

Exhibit C

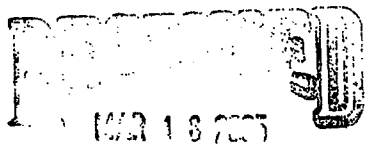
DESIGN BY:	TKW CONSULTING ENGINEERS, INC.	DEVIATION (1) DETAILS	SHEET 3
DRAWN: DMD	Environmental • Civil • Structural • Survey Engineering Certificate #2052 • Survey LB #704	BUCKINGHAM 345	
JOB CODE: 03783.00	5421 BANNER DRIVE, FORT MYERS, FLORIDA 33912	A PORTION OF	
SCALE: N.T.S.	PHONE: (239) 278-1962 • FAX: (239) 278-0922 • E-MAIL: tkw@tkwonline.com	SECTIONS 32 & 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST LEE COUNTY, FLORIDA	
		DATE: NOVEMBER 2004	DRAWING: 03783.00.DVG

Statement by Owner Regarding Agricultural Uses.

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

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

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



PERMIT COUNTER

DCI 2004-00090

Affidavit by Owner Regarding Agricultural Uses

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

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

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

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

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

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

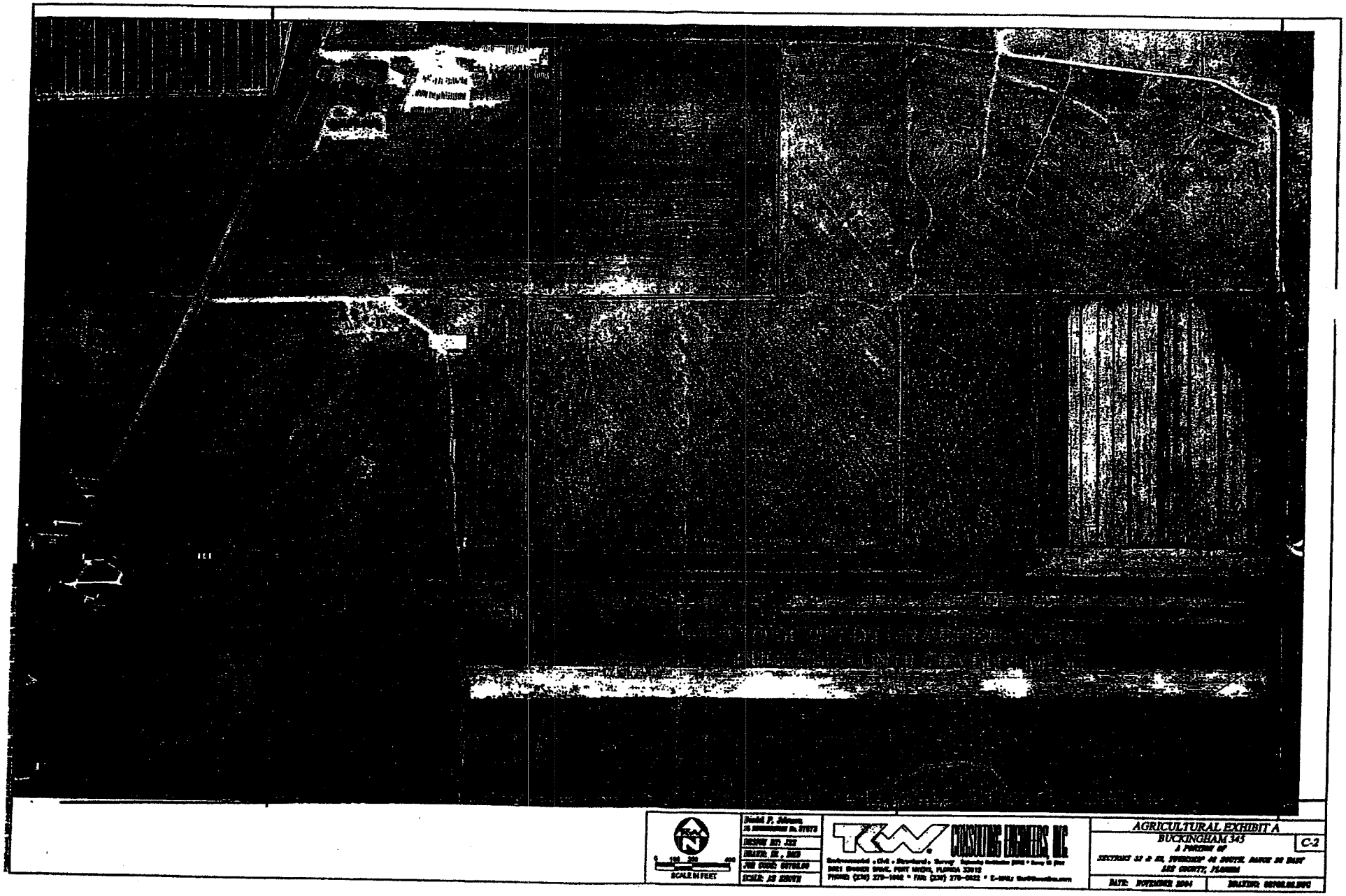
[NOTARY SEAL]

CAROL DELUCA
MY COMMISSION # DD 067629
EXPIRES: February 25, 2006
Bonded Thru Notary Public Underwriters

RECEIVED
MAY 20 2005

DCI2004-00090

EXHIBIT "D"
(Page 2 of 3)



AGRICULTURAL EXHIBIT A
BUCKINGHAM 345
A PORTION OF
SECTIONS 33 & 34, TOWNSHIP 43 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

C-2

EXHIBIT "D"
(Page 3 of 3)

DCI2004-00090 BUCKINGHAM 345 RPD

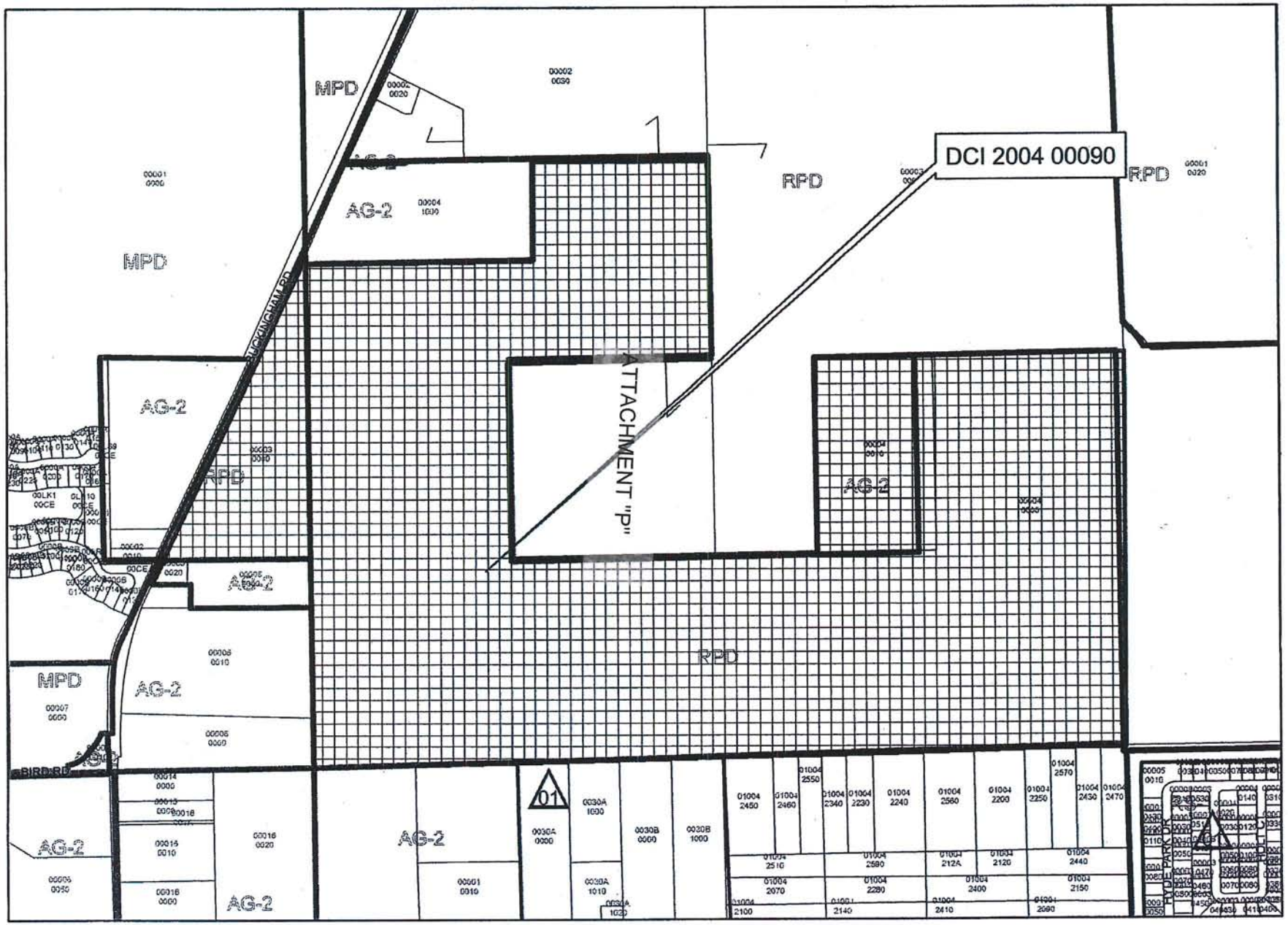


EXHIBIT "E"
Zoning Map

ATTACHMENT Q RESOLUTION NUMBER Z-05-081

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

WHEREAS, Dan Delisi filed an application on behalf of the property owner, Verandah Development, L.L.C., to amend Mixed Use Planned Development (MPD) Resolution Z-01-057 in reference to The Verandah; and

WHEREAS, a public hearing was advertised and held on October 5, 2005, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2005-00012; and

WHEREAS, a second public hearing was advertised and held on December 5, 2005, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to amend the Verandah Mixed Use Planned Development (MPD) Resolution #Z-01-057 to permit an additional 200 dwelling units, 45,000 square feet of commercial uses including 15,000 square feet of general office and 30,000 square feet of retail and allow for site plan changes for Phase II. Current approvals allow a maximum 1,500 dwelling units including a golf course (36 holes) and 185,000 square feet of commercial uses including 25,000 square feet of general office, and 160,000 square feet of retail on approximately 1,456.1 acres of land. Building heights proposed are a maximum of 45 feet/three stories in limited multi-family residential areas, and 35 feet/two stories in commercial areas. No development blasting is requested. The property is located in the Suburban and Wetlands Land Use Categories and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. The development of this project must be consistent with the 5-page Master Concept Plan (MCP) entitled "Verandah MPD Master Concept Plan, "stamped received December 21, 2005," except as modified by the conditions below.

   If changes to the MCP are subsequently pursued, appropriate approvals will be necessary. Minor changes in parcel boundaries, adjustments in parcel intensity or density, or the location of lakes or internal access points and the like, may be changed at time of local

development order if the changes are deemed to be minor and appropriate by the Director of Development Services. Nothing in this condition or this resolution precludes the developer from submitting an administrative amendment to the MCP consistent with the LDC standards. Conversion from Single-Family to Multi-Family, or Multi-Family to Single-Family may be approved administratively. As part of the Administrative application, the developer must demonstrate that internal compatibility concerns are addressed.

a. Upon approval of this resolution, Zoning Resolution #Z-01-057 and Administrative Amendments ADD2004-00043 and ADD2004-00207 will become null and void.

Administrative Amendments:

ADD2004-00215 "PARCEL A" Final Plan Approval for The Shops at Verandah;
ADD2005-00204 "PARCEL C" Final Plan Approval for Colonial Bank at Verandah;
ADD2005-00006 "PARCEL F" Final Plan Approval for AmSouthBank;
ADD2005-00054 "PARCEL E" Final Plan Approval for Wachovia;
ADD2005-00095 "PARCEL G" Final Plan Approval for Mobil Service Station;
and, ADD2005-00250 Consumption on Premises for River Village are all still in effect. Development within the Neighborhood Commercial area must be in compliance with this zoning resolution.

b. Per LDC §34-936, the conditions of approval in the zoning resolution will be incorporated into covenants, restrictions and rules of operation binding on the developer, his successors and heirs, tenants-in-fee or leasehold.

c. Development is limited to a maximum of 1,700 dwelling units total with a 36-hole golf course (and accessory and recreational uses), a maximum of 230,000 square feet of commercial floor space including a maximum of 40,000 square feet of commercial office and 190,000 square feet of commercial retail.

d. Final Plan Approval is not necessary for development within the Neighborhood Commercial parcel. Development in the Neighborhood Commercial parcel will require Development order approval consistent with and in compliance with the LDC and this resolution.

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

a. **SCHEDULE OF USES**

Recreation

These uses are permitted within the areas that are shown as golf course or non-preserve open space on the MCP.

Agriculture - See Condition 16
All uses permitted in LDC §34-983 (except single-family uses)
Entrance gates and gatehouse
Essential Services

Essential Services Facilities, Group I
Consumption on Premises (in conjunction with Golf Course) See Condition 13.
Golf Driving Range and Training Facility (Limited to one in conjunction with Clubhouse)
Excavation, water retention excavated material may not be removed from the site. No blasting.
Golf Course & accessory facilities
Recreational facilities, personal private (on-site)
Signs (as per Chapter 30)
Trails

Residential

Accessory uses and structures, as defined by the LDC.
Agricultural uses as further limited by conditions - See Condition 16
Boat Docks (as shown on the MCP, and as further limited in other conditions in the resolution).
Dwelling units limited to a total of 1,700 and as further limited by the Parcel Summary/Open Space Table.
- Single family
- Duplex
- Zero lot line
- Multi-family
- Townhouse
- Two-family attached

Entrance gates and gatehouse
Essential Services
Essential Services Facilities, Group I
Excavation: water retention in compliance with the LDC. Excavated material may not be removed from the site. No blasting.
Fences, Walls
Home occupation
Model homes, model units and speculative homes (per LDC § 34-1954)
Observation Decks
Recreational Facilities, personal and private (on-site)
Residential Accessory Uses
Signs (in compliance with Chapter 30)
Temporary Construction Trailer
Temporary Sales Office (Per LDC § 34-3041)

River Village

All uses are intended for the use and convenience of residents, members and guests.

Agriculture - Subject to Condition 16.
ATM (automatic teller machine)

Business services, Group I - Limited to clerical services, computer or data processing services, real estate agents/brokers, travel agencies.
Consumption on Premises - Subject to Condition 13.
Day care center, child
Dwelling unit: Limited to a maximum of 30 to be either single-family or two-family attached.
Excavation: water retention. Excavated material may not be removed from the site. No blasting.
Essential Services
Essential Services Facilities, Group I
Fences, Walls
Food & beverage services, limited to use for the private or country club.
Food stores, Group I
Specialty Retail Shops, Group I. Limited to book stores, fishing equipment stores (not bait shops), gift shops, golfing equipment, news stands.
Clubs, Private, Country - limited to one clubhouse for residents and their guests only, and in conjunction with the golf course.
Golf course & accessory uses
Golf driving range/training facility
Model Home
Outdoor Seating - in conjunction with Food and Beverage Services at the River Club as conditioned.
Personal services
Groups I & II (excluding Massage Parlors, Steam or Turkish baths, coin operated laundries and laundromats)
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.* (Subject to Condition 11)
Recreational Facilities, Private On-Site
Rental or Leasing Establishments, Limited to Beach Chairs, Umbrellas and Similar Facilities, Bicycles, Mopeds, Movies, Videotape, Party or Banquet Supplies and Golf Carts - Ancillary to residential uses only. Not to include rental car pick up or drop off.
Signs (as per Chapter 30)

The following uses are further subject to other conditions and limitations: Canoe Launch, Canoe Livery, Dockage (Tie up slips), Fishing Piers, Rental or Leasing Establishments as limited above.

Community Facility

All uses permitted in LDC § 34-983 except single-family uses. (Environmentally Critical District)
Accessory Uses and Structures, as defined by the LDC.
Agriculture - Subject to other conditions (See Condition 16)
Banks and Financial Establishments: Groups I and II.
Business Services: Group I only. No Group II
Clothing Stores, general

Clubs, Private. Limited to one club without Consumption on Premises approval. Any outdoor seating or Consumption on Premises uses will require a public hearing.
Day Care Center, Child, Adult
Drugstore, Pharmacy
Dwelling Unit: limited to 40 multi-family units
Essential Services
Essential Services Facilities; Group I
Excavation: water retention. Excavated material may not be removed from the site. No blasting.
Fences, Walls
Hobby, Toy and Game Shops
Household and Office Furnishing: Groups I, II, and III. No outdoor display or storage.
Lawn and Garden Supply Stores - No outdoor display or storage.
Medical Office
Personal Services: Groups I and II, excluding massage and excluding Steam and Turkish Baths.
Pet Shops - no outdoor runs.
Real estate sales office (only in support of on-site sales)
Repair Shops: Groups I, II, and III
Restaurant: Groups I, II, and II. No Group IV or Fast Food.
Schools: Commercial
Signs in accordance with Chapter 30
Speciality Retail Shops: Groups I - IV. No ammunition or firearms.
Variety Store

Neighborhood Commercial

Administrative Offices
Agriculture - subject to Condition 16.
Animal clinic or kennel, no outdoor runs. Outside kennels prohibited.
Auto parts store - limited to one and only on outparcels 1-4
Auto repair and service, Group I only. Limited to one and only on outparcels 1-4
Bar and cocktail lounge - limited to one
Banks and financial establishments, Groups I & II
Boat parts store
Business services, Group I
Clothing store, General
Consumption on Premises - limited to 3 for standard restaurants only. See Condition 13 Outdoor seating in conjunction with a Consumption on Premises for a permitted use (pursuant to LDC § 34-1264.
Contractors and Builders, Group I
Cultural Facilities
Convenience food and beverage store - limited to one. Only on outparcels 2 or 3
Day care center
Drive-thru for any permitted use (Excluding fast food.)
Drugstore, Pharmacy - limited to one and only on outparcels 1-4

Essential services
Essential service facilities, Group I
Excavation: water retention.
Excavated material may not be removed from the site. No blasting.
Food stores, Group I
Gift & souvenir shop
Hardware store - subject to condition 15.
Health care facilities Groups I, II and III
Hobby, Toy and game shop
Household & office furnishings, Groups I & II
Laundry or dry cleaning, Group I
Medical Office
Paint, glass and wallpaper
Package store - limited to one.
Personal services, Groups I & II
Pet shop, pet services - no outdoor runs.
Real estate sales office
Recreation facilities, private, on-site, off-site
Recreation facilities Groups I & V
Restaurant, Groups I, II & III
Restaurants, Fast Food. No freestanding. No drive-through. Limited to a multi-occupancy building only.
Rental or leasing establishments, Groups I & IV
Repair shops, Groups I & II
Research & development laboratories, Groups II and IV.
Schools, commercial, non-commercial
Self-service fuel pumps - limited to outparcel 3, and subject to Condition 34.
Signs - in accordance with Chapter 30 and Deviation 13.
Specialty retail shops, Group I-IV
Temporary uses
Used Merchandise, Groups I and II
Variety Store

Maintenance Facility

Administrative Offices
Agriculture - See Condition 16
Essential Services
Essential Services Facilities, Group I
Golf course and accessory uses
Golf and Community Maintenance areas
Storage, indoor, open, - accessory to the principal use.

Temporary Uses (For the School only)

Agriculture uses - Subject to Condition 16. No retail sales from this site.
Existing Schools Access & Parking

Animals (animal husbandry)
ROTC practice area

Wetland/Preserve Uses

All uses per Deviation 12, as conditioned.
Nature and foot paths including pedestrian boardwalks (as conditioned)
Wildlife management areas
Passive observation areas
Mitigation activities
Signs, limited to educational signs only
Water Management Facilities, as permitted by SFWMD. No blasting.
Billboard - One, Existing only

Communication Tower

Communication Tower (existing only, as approved by Case 94-01-06-SE-02, Refer to Condition 29)
Fences, Walls
Ancillary uses

B. **LAND USE AND DEVELOPMENT PROGRAM SUMMARY**

PARCEL	EST. AREA	PERMITTED USES	DEVELOPMENT PROGRAM	
			Intensity	Notes:
Residential	447.1 Acres	Residential Uses as specified in the List of Permitted Uses	1,700 units	Density may not exceed 1.2 dwelling units per gross acre on overall project.
NEIGHBORHOOD COMMERCIAL				
Parcel A	14.25 Acres	Retail Uses	100,000 sq. ft.	Total neighborhood commercial area, incl. both A and B: Office may not exceed 25,000 sf.; and Retail may not exceed 160,000 sf.
		Office Uses	Limits 0 - 25,000 sq. ft.	
Parcel B	5.95 Acres	Retail Uses	Limits 60,000 sq. ft.	
		Office Uses	Limits 0 - 25,000 sq. ft.	
RIVER VILLAGE				

Zone 1-3	26.5 Acres	River Village Uses. See the Land Use Table on Sheet 4 of the MCP.	The Principal buildings for the River Club, Canoe Livery, Fitness Center, Nature Center, and Pro Shop at the River Village will be campus style and will not exceed 35,000 sq. ft. (as depicted on Page 5 of the MCP). The Cart Barn will not exceed 17,000 sq. ft.. Up to 30 residential units are permitted within the River Village.	See Sheet 4 of the 4-page MCP.
COMMUNITY FACILITIES/OPEN SPACE/RECREATION				
Golf Course	447.5 Acres	All Open Space Uses as specified in the List of Permitted Uses.	36 Holes of Golf	Golf may be reduced without amending MCP.
Community Facilities	10.3 Acres	All Uses as specified in the Schedule of Uses	Limits 0 - 25,000 sq. ft. Up to 40 residential units.	Office may not exceed 15,000 sq. ft. Retail may not exceed 30,000 sq.ft.

C. PROPERTY DEVELOPMENT REGULATIONS

Land Use	Min. Lot Area (sf)	Min. Lot Width (ft)	Min. Lot Depth (ft)	Setbacks (ft)					Max. Ht. (ft)	Floors	Bldg. Separation (ft)
				Road	Side	Corner	Rear	Lake (1)			
Single Family	6,500	50	100	20 (4)	5	7.5	15	25	35	3	NA
Zero-Lot-Line (5)	6,500	45	100	20 (4)	0/7.5	7.5	15	25	35	3	NA
Two-Family Attached	3,750	40	100	20 (4)	0/5	7.5	15	25	35	3	NA
Town-house	2,700	30	90	20	0/5	7.5	15	25	35	3	NA
Duplex	7,500	75	100	20 (4)	0/5	7.5	15	25	35	3	NA
MULTI-FAMILY											
Multi-Family	7,500	NA	NA	20	0/10	10	20	25	45	3	20
RESIDENTIAL TRACTS 1-B, 1-C, 1-D, 2-E (River front Parcels)											
Single-Family	6,500	NA	NA	10	0	5	15	25	35	2	10
NEIGHBORHOOD COMMERCIAL											
Retail	30,000	100	100	20	15	15	20	25	35	2	20
Office	10,000	100	100	20	15	15	20	25	35	2	20
COMMUNITY FACILITIES											
River Village	NA	NA	NA	15	7.5	NA	20	20 (2)	45	2	15
Comm. Facilities	NA	NA	NA	20	15	NA	20	20 (2)	35	2	15
Mainte-nance Facility	40,000	100	100	25	20	NA	5	25	Note (3)	1	15
ACCESSORY STRUCTURES (RESIDENTIAL)											
Pools, Decks, Screened Enclo-sures	NA	NA	NA	20	5	5	10	15	NA	NA	NA

Docks, Fishing Piers, Gazebos	NA	NA	NA	20	5	5	5	0 (2)	NA	NA	NA

Unless modified by approved deviations or subject to other conditions.

NOTES:

(1) Lake Setbacks must be measured from control elevation, and River Setbacks must be measured from Mean High Waterline (MHWL). For river front lots the principal structure will be no closer than 50 feet from the MHWL. In no case will the rear or side lot line of a residential lot line be closer than 25 feet from the MHWL. As long as the minimum standards for river setbacks are achieved, then the minimum rear and side setbacks in the property development regulations table will apply. See "Orange River Setback Exhibit."

(2) Reduced lake/river setbacks have been approved for specific areas. Refer to Deviations 3, 8, and 12.

(3) The height for the principal use is limited to a maximum of 17.5 feet, and the accessory structures are limited to a maximum height of 25 feet.

(4) The front setback for "Single-Family" units may be reduced to 12 feet for side entry garages.

(5) Zero-Lot-Line units may have a zero-foot accessory setback. See exhibit titled "Verandah MPD Potential Zero-Lot-Line Layout Detail."

D. PARCEL SUMMARY / OPEN SPACE SUMMARY

LAND USE	PERMITTED USE	EST. UNITS	EST. ACRES	REQUIRED * OPEN SPACE	INDIGENOUS * REQUIREMENTS
RESIDENTIAL - PHASE 1					
PARCEL1-A	Multi-Family	112	10.4	4.2 Acres	4.3 Acres
PARCEL 1-B	Single-Family	28	14.7	N/A	
PARCEL 1-D	Single-Family	24	12.3	N/A	
PARCEL 1-E	Single-Family	44	14.0	N/A	
PARCEL 1-F	Single-Family	64	14.0	N/A	
PARCEL 1-G	Multi-Family	112	11.0	4.4 Acres	
PARCEL 1-H	Single-Family	54	21.3	N/A	
PARCEL 1-I	Single-Family	32	9.1	N/A	
PARCEL 1-J	Single-Family	29	13.0	N/A	
PARCEL 1-K	Single-Family	8	3.3	N/A	
PARCEL 1-L	Single-Family	34	17.0	N/A	
RESIDENTIAL - PHASE 2					

PARCEL 2-A	Single-Family	37	17.1	N/A	
PARCEL 2-B	Single-Family	49	21.4	N/A	
PARCEL 2-C	Single-Family	74	26.6	N/A	
PARCEL 2-D	Multi-Family	177	19.2	7.7 Acres	
PARCEL 2-E	Single-Family	27	9.8	N/A	
PARCEL 2-F1	Single-Family	48	7.9	N/A	
PARCEL 2-F2	Single-Family	48	8.5	N/A	
PARCEL 2-G	Single-Family	45	14.3	N/A	
PARCEL 2-H1	Single-Family	35	9.2	N/A	17.5 Acres
PARCEL 2-H2	Single-Family	41	10.6	N/A	
PARCEL 2-H3	Single-Family	36	7.9	N/A	
PARCEL 2-H4	Single-Family	54	13.2	N/A	
PARCEL 2-I	Single-Family	37	14.3	N/A	
PARCEL 2-J	Single-Family	69	21.7	N/A	
PARCEL 2-K	Single-Family	69	22.6	N/A	
PARCEL 2-L1	Single-Family	66	10.9	N/A	
PARCEL 2-L2	Multi-Family	31	8.9	3.6 Acres	
PARCEL 2-M	Single-Family	32	5.8	N/A	
PARCEL 2-N	Single-Family	69	13.4	5.4 Acres	
PARCEL 2-O1	Multi-Family	33	3.8	1.5 Acres	
PARCEL 2-O2	Multi-Family	91	8.5	3.4 Acres	
PARCEL 2-P1	Single-Family	105	23.8	9.5 Acres	
PARCEL 2-Q	Single-Family	51	9.4	3.8 Acres	
TOTAL RESIDENTIAL			**448.9 Acres**	**43.5 Acres**	**21.8 Acres**
COMMUNITY FACILITY	Multi-Family	40	10.0	4.0 Acres	2.0 Acres
MAINTENANCE FACILITY			4.7	1.9 Acres	1.0 Acre *
NEIGHBORHOOD COM. "A"			14.25	4.3 Acres	2.2 Acres *
NEIGHBORHOOD COM. "B"			5.95	1.8 Acres	0.9 Acre *
RIVER VILLAGE	Single-Family/ Two-Family		26.5	10.6 Acres	5.3 Acres *
ROW / EASEMENTS			40.8	16.3 Acres	8.2 Acres

OPEN SPACE / GOLF			369.9	148.0 Acres	74.0 Acres
WETLANDS / PRESERVES ***			245.6	98.2 Acres	49.1 Acres
LAKES			245.7	98.3 Acres	49.2 Acres
POWER LINE EASEMENT / COMMUNICATION TOWER			43.8	N/A	N/A
TOTAL		**1905**	**1,456.1**	**426.9 Acres**	**213.7 Acres ****

* Required indigenous and open space areas will be located throughout the project site, as depicted on the MCP. No residential or commercial parcel is required to provide indigenous internal to the pod.

Residential and commercial areas are required to provide a minimum of 10 percent open space within each pod. However, open space within residential lots may be applied to this requirement. Indigenous areas may be located within designated preserves and are not required within individual development pods.

** The project will provide a minimum of 220 acres of indigenous vegetation per Condition 3.

*** This category includes both indigenous vegetation and preserve that may not classify as indigenous vegetation.

E. Development of multi-family dwelling units on Parcel 1A must include enhanced buffering per Sheet 5 of the approved Master Concept Plan (Parcel 1A buffer exhibit);

F. Development of multi-family dwelling units on Parcel 1A is limited in height to 35-foot, 2-story structures.

3. Environmental Conditions

a. Open space areas must be designed to incorporate as many of the large native trees and Sabal palms as possible. Healthy Sabal palms with a minimum eight-foot-clear trunks must be salvaged if conditions (e.g., no rock) and sequence of construction allows. If sequence of construction does not allow the on-site relocation of Sabal palms, efforts must be made to identify an off-site recipient site. The salvage efforts must be coordinated with the Division of Environmental Sciences staff whether used on-site or otherwise. Any Sabal palms being relocated must be moved in a horticulturally correct manner per Lee County Extension Services brochure Lee 8/2000A. Prior to local development order approval, for a specific area, the developer will submit a plan showing proposed clearing limits and areas where Sabal palms can be salvaged. Preserved trees and relocated Sabal palms will receive protected tree credits per LDC §10-420(h). This requirement will not be interpreted in a manner to impair good golf course design, nor may it result in the loss of residential lots.

b. Prior to local development order approval, management plans meeting the requirements of LDC §10-474 must be submitted to the Division of Environmental Sciences (ES) staff for review and approval for the following: gopher tortoises;

alligators; and sandhill cranes. These plans must address the issues discussed within the ES staff report dated August 28, 2001.

c. Prior to issuance of a Certificate of Compliance for the development order for the River Village that includes the community docks, back-to-back manatee signs must be placed at the eastern and western property limits along the Orange River. The wording of the signage must be consistent with the most current Florida Fish and Wildlife Conservation Commission standards. The upgrading of manatee signage in the vicinity of Manatee Park must be coordinated with the Lee County Division of Natural Resources.

d. Prior to issuance of a Certificate of Compliance for the first development order within the River Village, an educational manatee display must be provided within the River Village, informing the residents of the manatees' natural history, use of the Orange River, and boater safety regarding manatees.

e. Invasive exotic removal must be done by hand, in such a manner as to maintain river bank stabilization, within the 25-foot natural waterway buffer.

f. Prior to the issuance of a Certificate of Compliance for a local development order for a tract which abuts the Orange River, a qualitative estimate of the native plant coverage of the 25-foot natural area abutting the Orange River must be submitted for that tract. If, for that tract, there is less than 50% existing native plant coverage within the 25-foot natural waterway buffer adjacent to the Orange River, then a replanting plan to reach the 50% coverage of the 25-foot natural waterway buffer must be submitted to the Division of Environmental Sciences Staff for review and approval. Any plantings required pursuant to this condition must be installed to receive the Certificate of Compliance.

g. Docks and Shoreline Structures: The docks and shoreline structures associated with the Verandah MPD are restricted to residential, compliance with state permits, and the following conditions. There are two existing docks on the Verandah property. These are known as the Baucom and Moorey docks. The Baucom dock may be utilized until the River Village community dock replaces it. The Moorey dock may remain as long as the total number of single-family docks does not exceed 29 docks. Both docks are SUBJECT TO the following limitations, except the Baucom dock is further limited to a maximum of one temporary motorized slip:

(1) Twenty-nine single-family docks or observation decks are permitted as depicted on the MCP. The observation decks are restricted pursuant to LDC §26-73. The single-family docks are approved as a use, but may not be constructed until a comprehensive manatee protection program is in effect or adopted by Lee County. The single-family docks are further restricted as follows:

(a) One motorized water craft slip; and

(b) One non-motorized water craft slip; and

(c) The maximum width of an accessway through the 25-foot natural waterway buffer is limited to the minimum width needed to meet American with Disabilities (ADA) standards; and

(d) Maximum 25-foot long slips (areas of docks with hand rails are not included in this 25-foot limit); and

(e) Prior to the issuance of the first dock permit, the developer will submit to the County a copy of its deed restrictions limiting motorized watercraft to a maximum vessel draft of two-feet; and

(f) Boat houses are prohibited;

(g) No variances will be granted, (i.e., the docks must meet all LDC standards); and

(h) Prop guards or equivalent must be used on all motorized water craft with motors of 25 horse-power or greater.

(2) One community dock limited to five temporary tie-up slips at the Canoe Livery and one fishing pier/observation deck at the River House with the following conditions:

(a) No overnight or permanent mooring of any water craft; and

(b) One slip may be used for a passenger pick-up location for community association pontoon boat; and

(c) The terminal platform of these docks may be designed to be fishing piers (i.e., with hand rails prohibiting mooring; incorporation of built in benches); and

(d) The community association pontoon boat will practice "passive observation" of manatees only (i.e., observations of manatees from a distance, and no feeding or touching of manatees); and

(e) A monofilament recycling station will be established within an appropriate location at the Canoe Livery.

(3) Two canoe launches may be permitted in conjunction with the River Village in the general location depicted on the MCP. The canoe launch must be situated to avoid impacts to large, existing native trees. The design must prohibit the use of the launch by motorized watercraft.

(4) Dredging or filling of the Orange River is prohibited.

(5) Any proposed gazebos or boardwalks (except for accessways to docks and canoe launches) must be located landward of the 25-foot natural waterway buffer/Conservation Easement.

(6) Only organic mulch (no cypress mulch) pathways are allowed within the 25-foot natural waterway buffer, and only in areas in which the understory was previously removed. The maximum width for any pathway is five feet. The pathway must meander to avoid existing trees with a 4-inch or greater caliper and existing native shrubs. Any native shrubs or trees removed must be replaced with the same species and size within the vicinity of removal. Any proposed pathways within the 25-foot natural waterway must be flagged for the Division of Environmental Sciences Staff field verification and possible adjustment.

h. The developer will record a "Master Declaration of Covenants, Conditions and Restrictions" (CCR's) that provides for the establishment of "Design Review Guidelines" (DRG's) and an "Architectural Review Committee" (ARC). The ARC will consist of individuals appointed by the developer, and will be the implementing entity of the DRG's. The DRG's will include standards that encourage the preservation of existing indigenous trees and shrubs on individual single-family lots. A copy of the recorded Master CCR's must be provided to Lee County prior to the approval of a development order for the first residential pod. In addition to this commitment, the developer will include language in the individual Neighborhood CCR's in pods located in forested areas similar to the following: The landscape plans of each lot owner, including any plans for removal or alteration of the natural vegetation on any lot, will require prior approval by the ARC. No indigenous tree measuring four or more inches in diameter at a point two feet above ground level, nor any species of oak, regardless of size, may be removed, unless such tree is located within five feet of a structure or driveway approved by the ARC. A continuous landscape separation consistent with the community-wide standard established by the ARC must be provided for the lots located adjacent to a golf course.

I. Seventy percent of Oak trees with a DBH (diameter breast height) greater than 4-inches and located within the "River Village's Oak Park" must be preserved. Environmental Sciences must review the tree preservation plan for the River Village Oak Park prior to issuance of a development order for the River Village.

j. A minimum of approximately 220 acres of existing indigenous plant communities must be preserved onsite, and must be in substantial compliance with the MCP. Prior to local development order approval, the indigenous preserves must be delineated and quantified on the development order plans for each tract. The native plants within the indigenous preserves must be preserved in perpetuity. Any management techniques utilized within the preserves must maintain the existing plant communities, and be approved by the Division of Environmental Sciences Staff prior to commencing any work within the preserves.

k. The developer must provide Conservation Easements for the preserves and natural waterway buffer along the Orange River. Prior to Certificate of Compliance for the first development order that abuts the river, a copy of the recorded Conservation Easement for that phase (i.e. the project consists of two phases as delineated on the MCP) must be submitted.

4. Prior to issuance of a Certificate of Compliance or Completion for any portion of this project, the developer must provide a bikeway (bike path) along the entire project frontage of State Route (S.R.) 80 and a pedestrian way (sidewalk) along the entire project frontage of Buckingham Road. The bikeway must be constructed meeting the off-road standards of the LDC as noted herein. All bikeways must be eight feet in width and constructed of either: (1) four-inch thick Portland cement concrete or, (2) a minimum of 1.5-inch asphaltic concrete of Florida Department of Transportation (FDOT) type S-111 of a four-inch limerock base and six-inch type B subgrade. For facilities constructed of Portland cement concrete, all driveway crossings must be a minimum of six inches thick. The developer may submit an alternate design, subject to the approval of the Development Services Division Director, provided it is structurally equal to or better than, the options set forth above.

   The developer is entitled to road impact fee credits for the difference in cost associated with the construction of the bikeway versus the construction of a pedestrian way along S.R. 80. The developer is not entitled to road impact fee credits for the construction of the sidewalk along Buckingham Road.

   The bikeway may be constructed in phases. Phase I includes the project frontage along S.R. 80 which is the subject of a current application for local development order (that being the project's frontage from the western property line to the intersection of S.R. 80 and Parker Avenue). Phase II includes the remainder of the project's frontage along S.R. 80 and the project's entire frontage along Buckingham Road. Phase I must be constructed prior to issuance of a Certificate of Compliance (CC) for the first local development order within the commercial tract. Phase II must be constructed by the developer prior to issuance of a Certificate of Compliance for the Phase II infrastructure unless the developer posts a bond or other surety acceptable to the County as assurance of completion of the improvements.

5. Approval of this zoning request does not address access onto S.R. 80, since Lee County has no jurisdiction over that roadway. The developer must pursue S.R. 80 access issues with the FDOT. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order. Approval of this rezoning does not give the developer an undeniable right to receive local development order approval. Future development order approvals must satisfy concurrency requirements as required by Lee Plan Objective 2.2.

6. The developer must cooperate with Lee County DOT to set aside 20 feet of right-of-way for the planned widening of Buckingham Road. Lee County will compensate the property owner for the reservation of this property, in accordance with statutory and constitutional requirements for just compensation if, and when, the County needs the property for right-of-way purposes.

7. Emergency vehicle access from Buckingham Road must be provided to the subject property through Parcel 2-H3. This access must provide a stabilized surface for emergency vehicles. This emergency access must be provided prior to the Certificate of Completion for the road infrastructure on Parcels 2-H3 and 2-H4. This stabilized surface may be grassed.

8. The Golf Driving Range is limited to operating during daylight hours.

9. Conditions regarding the proposed buffers:

Types 1 & 3:

a. The buffer plantings must be installed on the road side of the fence.

b. The fence must be placed to allow a minimum 10-foot planting area on the roadside of the fence.

c. The buffer must contain a continuous single row hedge of shrubs (minimum 24-inches in height and 3-gallon container).

d. A wall or fence will not be required along the S.R. 80 frontage.

Type 4 - Maintenance Facility Buffer:

The S.R. 80 buffer must be a minimum of 25 feet wide with an 8-foot-high wall. A minimum 20-foot wide planting area must be provided on the S.R. 80 side of the wall. The landscaping must include 10 trees per 100 linear feet. Trees may be clustered and must be a minimum of 14-foot at planting. The S.R. 80 landscaping must include a minimum of 40 three-gallon shrubs and 12 ten-gallon shrubs at planting per 100 linear feet. The planting island located perpendicular to the entrance of the maintenance facility must include a minimum of two 14-foot canopy trees or 5 Sabal Palms and 18 shrubs.

The developer will install a Type "D" buffer between the Proposed Maintenance Facility (as located on the MCP) and the existing fire station.

When planted to comply with landscape requirements, leather ferns must be a minimum 24-inches in height and 3-gallon size, planted 36-inches on-center, and, if 3-gallon plants are unavailable, then 1-gallon plants may be substituted and planted 24-inches on-center.

All required perimeter buffer plantings must be placed upon the neighboring property owner side of the wall, not the planned development side of the wall.

The developer must paint the wall on the Riverdale High School side and plant native vegetation on the school side to further soften the effect of the wall. Furthermore the developer must maintain the wall and vegetation on an on-going basis as they maintain the project side of the wall, but will not be required to repair school-generated damage as agreed upon between the School District and the developer.

If multi-family units are located in Parcels 2-C, 2-D, 2-F1, 2 F2, 2-H1, 2-H2, 2-H3, 2-H4, and/or Community Facility, then the developer will provide a Type "B" buffer per LDC §10-416.2E, for those areas adjacent to the development perimeter.

10. Model units, model homes and speculative homes are permitted in compliance with LDC §34-1951.

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

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

    c. Hours of operation for model homes and real estate sales within model units are limited to Monday through Sunday 8:00 a.m. to 8:00 p.m.

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

    e. The number of model units is limited to a maximum of 30 for the entire development, at any one time.

11. Real estate sales offices in the River Village or in the Real Estate Sales Center in the Community Facilities Area are limited to sales of lots, homes or units within this development. The location of, and approval for, the real estate sales office will be valid for a period of time not to exceed the later of the build out date or the last residential Certificate of Occupancy (CO) date.

12. Development order submittals must include a running inventory showing the overall number of units and commercial (retail and office) square footage that have been built, approved to be built, or are in the development approval process.

13. Consumption on Premises (COP):

    a. COPs are limited to a maximum of 7 COPs:

       Community Facility - One.

       Neighborhood Commercial Area – a maximum of 3. Any out-parcel COP must be in conjunction with a full service restaurant only.

       River Village Complex - Two

       Golf course - One (to include service to both golf courses via a food and beverage cart)

    b. Any outdoor COP's may receive approval through the Administrative Amendment process. Outdoor seating in conjunction with the service of alcohol at the River Club will be limited as follows: The closest point of the River Club deck area will be

located a minimum of 300 feet (measured structure to structure) from the nearest residence located across the Orange River. In the alternative, the River Club principal structure may be located 25 feet from the mean high water line with the deck area limited to the western side of the principal structure. The final design will be reviewed and may be approved administratively to ensure external compatibility concerns are addressed.

14. Uses in the River Village area are limited as follows and will be incorporated in the covenants and restrictions pursuant to LDC §34-936:

    a. Uses are limited to residents, members and guests only.

    b. Hours of operation for the River Club is limited to 7 a.m. to 10 p.m., except for special events, which may permit expanded hours.

    c. Hours of operation for the Canoe Livery are limited to 6 a.m. to 10 p.m., except for special events, which may permit expanded hours.

    d. Deliveries are prohibited between the hours of 9 p.m. and 7 a.m.

    e. Outside speakers systems, loud speakers, public address systems, and outdoor entertainment are prohibited for the River Club and Canoe Livery, except for special events.

    f. Special events are permitted in accordance with LDC §34-1264(d).

    g. Uses within the River Village are SUBJECT TO compliance with all requirements of LDC §34-937.

    h. The River Club and Canoe Livery river front buffer must be in accordance with Sheet 4 of the four-page MCP.

15. Site Development Regulations are limited to the Property Development Regulations listed above, and further limited below:

    a. General Project Commercial Square Footage Limitations:

        (1) As set out in Condition 1.c above; and

        (2) Uses that must meet retail commercial site standards of the Lee Plan must not exceed 190,000 square feet. Any freestanding, single use, commercial, retail development of five acres or more is prohibited. The development must provide cumulative totals for each development order submittal showing compliance with this condition; and

        (3) This project can be comprised of medical, general office, retail, or service uses (in compliance with the Land Use and Development Program Summary), or any combination of those uses, up to the maximum square

footage, provided all limiting conditions and parking, open space, buffering, and water management requirements are met; and

(4) The setbacks must comply with the Property Development Regulations set out in Condition 2 above. Compliance with all other applicable LDC requirements will be demonstrated prior to the issuance of each local development order.

b. Outdoor seating in conjunction with a COP will be reviewed administratively through the Administrative Amendment process.

16. Agricultural Uses. Agriculture is not a permitted use in the approved Schedule of Uses for this property (except as provided herein). All existing bona fide agricultural uses must cease upon approval of the requested rezoning, EXCEPT as follows:

a. The developer or his agent is entitled to continue the specific bona fide agricultural uses already existing within that portion of the property identified as Phase 2 and depicted on Exhibit D but excluding the following property: 28.1 acres previously zoned CC, 9.5 acres previously zoned CS-1, three of the eight acres of the former Tom Moorey residence and one acre for the former Donald Baucom residence. The agricultural uses in Phase 2 are limited to the areas and specific uses of row crops or grazing as identified on Exhibit D. Additionally, no agricultural use may continue within any area of committed preserve as shown on the approved MCP.

b. Additional clearing of existing agricultural areas is prohibited, except for County approved removal of invasive exotic vegetation. Existing areas of agricultural use may be maintained, i.e., mowed, but may not be cleared or expanded.

c. Intensification of existing agricultural uses is prohibited. For example, livestock grazing areas may not be intensified to crop production, wooded areas may not be cleared for grazing, etc.

d. Any agricultural tax exemption applicable to the portion of the property within Phase 1 as depicted on the above referenced plan (Exhibit D) may be continued through 2002, but must be terminated for the 2003 tax year and thereafter. This provision applies whether or not any portion of Phase 1 of the site is actually developed in 2002. Additionally, the agricultural exemption for the excluded properties identified within Phase 2 must also be terminated for the 2003 tax year and thereafter.

e. Any existing agricultural use (and agricultural tax exemption) on property in Phase 2 and identified on the above referenced plan attached as Exhibit D, must be discontinued upon the approval of a local development order for the individual tract identified in the local development order.

f. Within six months of the date of the zoning approval, the developer must fence committed preserve areas located adjacent to areas under agricultural use.

17. Except for County approved removal of exotic vegetation, development activity within, or alteration of any area designated as Wetland or Preserve on the MCP is prohibited unless that activity is reviewed and approved in accordance with the LDC regulations as if no agricultural use existed on the property. Further, no indigenous vegetation may be removed from the remaining portions of the property without appropriate county review. The purpose of this condition is to eliminate impacts to wetlands and preserves, or the removal of indigenous vegetation, as a result of any exemption or other special considerations that might otherwise be available under Lee County regulations by virtue of the existing agricultural uses on the property.

18. Prior to the issuance of a local development order for an area containing an identified potential archaeological/historical site, the developer must conduct more intensive assessment as described below per the recommendations of: "An Archaeological and Historical Survey of the Baucom Parcel, Lee County, Florida" by John G. Beriault, B.A., Field Director, conducted under the direction of Robert S. Carr, M.S. Archaeological and Historical Conservancy for Mark Price Trustee, AHC Technical Report #247 July, 1999 (hereinafter referred to as: AHC #247):

    a. A professional archaeologist must conduct a more intensive archaeological resource assessment in order to establish site depth, cultural materials present, cultural affiliation, if possible, and significance of archaeological sites 8LL1982 and 8LL1983. The two archaeological sites, 8LL1982 and 8LL1983, documented on the parcel are prehistoric camps and/or extraction stations and are of local significance, but based on available data do not qualify for listing on the National Register of Historic Places. Nonetheless, these investigations were limited in scope and if development proceeds at these sites, some additional archaeological documentation is recommended for these two sites (AHC #247 p 26).

    b. A professional archaeologist must conduct a more intensive archaeological resource assessment survey for the two areas of archaeological sensitivity encompassing targets 14, 15, and 16 and a separate area-encompassing target 17 so that all archaeological resources can be located and evaluated. Archaeological investigations must be conducted in order to identify and evaluate additional sites.

    c. A professional archaeologist must establish site depth, cultural materials present, cultural affiliation and, if possible, its significance. Likewise, additional investigations are recommended for the two areas of archaeological sensitivity encompassing targets 14, 15, and 16, and a separate area encompassing target 17 (AHC #247 p. 26).

    d. A professional archaeologist/historian must conduct a more intensive archaeological resource assessment in order to establish site depth, cultural materials present, cultural affiliation, if possible, and significance of archaeological site 8LL1984, the citrus packing site which is of historical significance and in order to document the historic activity on the overall parcel. Of the seven historic sites and features, only one, the citrus packing site, 8LL1984, is of historic significance. That site, as well as historic activity on the overall parcel, need to be further documented prior to development of the property (AHC #247 p. 26).

e. A professional archaeologist must be retained to monitor dredging or demucking activities conducted on any lowland areas (such as a cypress head/solution pond) to assure that if archaeological resources or mortuary features are located these are identified, evaluated and documented and that appropriate salvage, mitigation and/or preservation activities are conducted. "The large size of the parcel and its advantageous location near two rivers suggests there is still the potential of other discrete archaeological sites and material existing, and should subsequent development reveal this, efforts should be made to protect or document these resources. There is also the potential due to the presence of at least three deep cypress solution ponds on the property that Archaic period mortuary features (such as the Bay West site, 8CR200) may occur. Similar mortuary remains or other preserved archaeological material may be found in any low ground features in the subject tract. Any cypress head/solution pond found in the subject tracts has the potential of yielding Archaic mortuary features. If dredging or demucking is conducted at any of these lowland areas, some form of archaeological monitoring should occur. (AHC #247 p. 26)

f. If in the course of development archaeological resources, such as objects, artifacts or human remains are uncovered, all ground disturbing activity within the area of that site should stop. The developer must contact the Lee County Planning Division and retain a professional archaeologist to identify, evaluate and document the resources and the appropriate salvage, mitigation and/or preservation activities are conducted.

g. Reports prepared must contain information determined necessary by the professional archaeologist.

19. Exterior lighting within the River Village must be hooded, shuttered, or shielded and must not exceed 12 feet in height. Mercury vapor lamps/lights are prohibited. Individual exterior building lighting must be of the lowest intensity to meet safety standards. The scale of the fixtures and the type of hooding, shuttering and shielding is SUBJECT TO review for compliance with this condition prior to the approval of a development order. The individual building fixtures must be directly fixed to the building and may not exceed ten feet in height. Incandescent lamps are encouraged.

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

21. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions. The County will make its best efforts to assure that the necessary acreage for the Verandah project will be available when it is needed by the applicant.

22. Construction access will not be permitted from Bird Road.

23. This development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development or subsequent amendments.

24. The pedestrian and golf cart crossing that extend from Parcel 1-B to the River Village will be permitted as now shown on the MCP. The location of the pedestrian and golf cart crossings must be field verified by the Environmental Sciences' Staff at the time of development order. Passive recreational uses are permitted within this area.

25. The north-south flowway must be preserved in substantial compliance as now shown on the MCP.

26. The eastern wetland/preserve adjacent to Parcel 2-A must be preserved in substantial compliance as now shown on the MCP. Passive recreational uses are permitted within this area.

27. Any of the approved conditions listed herein requiring modifications to the plan of development are reflected on the MCP that has been submitted to the County following approval of the project by the Board of County Commissioners.

28. Golf Course Conditions:

    a. The golf course developer must use fertilizers with a low leaching potential (slow release). Fertilizers must not be applied after active growth of the turfgrass has ceased, and must be kept to the lowest reasonable levels; and

    b. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of broad spectrum pesticides is prohibited. The IPM program must minimize the use of pesticides and must include the use of the U.S. Department of Agriculture - Natural Resources Conservation Service (USDA-NRCS) Soil Pesticide Interaction Rating guide to select pesticides for use that have a minimum potential for leaching or loss from runoff. The nutrient management program must be based upon the USDA-NRCS Nutrient Management Standard and must include the use of soil tests to determine needed applications of nutrients. Only EPA-approved chemicals may be used. Turf managed areas (including fairways, tees, and greens) are prohibited within 35 feet of wetlands or preserve areas, unless a structural buffer is used. The setback may be reduced to zero feet if a structural buffer is used. The chemical management plan must be reviewed and approved by Lee County Natural Resources Division prior to development order approval.

    c. The golf course manager must coordinate the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients.

    d. The developer must utilize a golf course manager licensed by the state to use restricted pesticides and experienced in the principles of IPM. The golf course manager is responsible for ensuring that the golf course fertilizers are selected and

applied to minimize fertilizer runoff into the surface water and the leaching of those same fertilizers into the groundwater.

e. The storage, mixing, and loading of fertilizer and pesticides must be designed to prevent/minimize the pollution of the natural environment.

f. Prior to the issuance of local development order approval, the developer must demonstrate compliance with "Best Management Practices for Golf Course Maintenance Departments," (as they apply to physical improvements) prepared by the Florida Department of Environmental Protection, May 1995, as amended, as outlined below:

(1) The development order must demonstrate separate mixing and loading facilities for pesticides, and provide a separate pesticide storage area, in compliance with materials specified in the above referenced document. The development order must demonstrate separate mixing and loading facilities for fertilizer, and provide a separate fertilizer storage area, in compliance with materials specified in the above referenced document.

(2) The development order plans must specify the construction material for all buildings in compliance with "Best Management Practices for Golf Course Maintenance Departments."

(3) Equipment to apply pesticides and fertilizers must be stored in an area protected from rainfall.

g. The golf course must be planted with a turfgrass cultivated variety that is drought and pest resistant, while requiring relatively low fertilizer use;

h. The irrigation system must operate on an "as needed" basis through the utilization of weather forecasting and ongoing assessment of the moisture content of the soil.

I. All fairways, greens, and tees must be elevated above the 25-year flood level, and all greens must utilize underdrains. The effluent from these underdrains must be treated in accordance with the goals of the Audubon Cooperative Sanctuary Program.

j. Stormwater run-off must be pre-treated through an acceptable recreated natural system or dry retention or detention and water retention or detention system, prior to discharging the run-off into existing lake or wetland (any aquatic) systems.

k. The operator of the golf course, or its assigns, must submit an annual monitoring report of ground water and surface water quality. The monitoring program must include: testing to assess whether there are any unacceptable increased levels of herbicide, pesticide or fertilizer at project outfalls; identifying the locations for the ground water monitoring and testing on a map; setting forth the testing and recording requirements. The developer must submit the test results with the monitoring report to the Lee County Natural Resources Division. The monitoring

program will be established and operated at the expense of the developer, or other comparable legal entity charged with the legal responsibility of managing the golf course. The monitoring plan will continue in perpetuity. Compliance with this plan will be evaluated at the project outfalls in accordance with the water quality standards set forth in Chapter 62-302, F.A.C. This plan will be approved by the Division of Natural Resources and evaluated in accordance with the requirements of Chapter 62-302, F.A.C., water quality standards.

l. If groundwater or surface water pollution occurs, as that term is defined by applicable state and federal rules or regulations, and if the pollution is caused by the application of fertilizers, herbicides or pesticides to the golf course, the application of the material containing the pollutant must cease until there is a revised management plan. If mitigation is necessary to address the pollution, a mitigation plan approved by Lee County must be implemented by the developer.

m. Prior to Development order approval for the golf course, the developer must submit results of the pre-development groundwater analysis. The submittal must include the proposed plan for the surface water analysis. The analysis is intended to establish baseline data for groundwater and surface water monitoring for the project. The water quality monitoring plans must be designed to identify those nutrients and chemicals that are anticipated to be associated with the golf course.

29. Upon approval of this rezoning request to amend the MCP, the communication tower that is located on the site (approved via case 94-01-06-SE-02) will become a legal non-conforming use. The tower use will remain SUBJECT TO the site plan and conditions of approval contained in the Hearing Examiner action for case #94-01-06-SE-02.

30. The developer must provide a copy of any flood plain modeling required by the South Florida Water Management District (SFWMD) to the Department of Natural Resources and the Development Services Division at or about the same time the modeling data is provided to the District. The developer must submit a copy of the flood plain modeling accepted by the District with the first local development order for any lands included within the floodplain or any lands impacted by the modeling. This information will be reviewed by the Department of Natural Resources and the Development Services Division to ensure compliance with Lee County regulations.

31. In order to ensure compatibility along the Orange River, no multi-family units will be permitted within 500-foot landward of the Orange River mean high water line.

32. The Temporary Uses that have been designated for the Riverdale High School's use must be removed prior to any local development order approval for the area contained within the local development order.

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

34. Self-service fuel pumps are limited to Parcel 3 within the Neighborhood Commercial area depicted on the MCP and further subject to the following:

a. The use must be developed consistent with the Design Standards and Guidelines for Commercial Buildings and Developments as set forth in LDC §10-600 et al, and

b. All lighting, including canopy lighting, must be shielded, filtered or directed in such a manner so as to not cause light trespass, and such that it is not injurious or offensive to owners or occupants of adjacent premises, nearby residents or to the community.

c. The number of self-service fuel pumps is limited to a maximum of six pumps with 12 fueling stations. (See ADD2005-00095)

d. The car wash is limited to a single-bay automatic car wash as an accessory use to the convenience food and beverage store. (See ADD2005-00095)

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

SECTION C. DEVIATIONS:

The following Deviations were previously approved in Resolution Z-01-057, and are set out herein for continuity of terms and conditions applicable to this development. The only changes associated with this amendment request are found in Deviation 13.

1. Deviation (1) seeks relief from the LDC §10-291(3) requirement that two or more means of ingress or egress be provided for any residential project in excess of five or more acres on separate roadways, to allow two entrances on S.R. 80, and internal parcel entrances as depicted on the MCP. This Deviation was approved in 2002, with the following condition:

   A permanent access onto Buckingham Road will not be required; however, the developer must provide an emergency access in accordance with Condition 7.

2. Deviation (2) withdrawn.

3. Deviation (3) seeks relief from the LDC §10-329(f)(1)a requirement to provide a 25-foot setback for water retention lakes along a local street right-of-way or easements, to allow a zero-foot setback from back of curb to edge of water control elevation. This Deviation was approved in 2002, with the following conditions:

   The developer must provide: 1) a non-mountable curb on the water side of the road; and, 2) the speed bumps and speed limit signs, or other suitable traffic calming devices, subject to review and approval by Development Services Staff at time of local development order approval.

4. Deviation (4) seeks relief from the LDC §10-329(E)(4) requirement to provide maximum 4:1 bank slopes for water retention lakes, to allow a maximum of 40% of any lake edge to incorporate retaining walls landward of the control elevation pursuant to South Florida Water Management District (SFWMD) permits. This Deviation was approved in 2002, with the following conditions:

   a. Prior to local development order approval, the plans must show the location of the bulkheads to confirm that no more than 30% of any lake shoreline within the golf course or common areas consists of bulkhead or rip-rap. A maximum of 50% of the

lakes within the golf course or common areas may utilize bulkheads. Lakes where bulkheads are proposed must be designed to provide one linear-foot of compensatory littoral zone with an 8:1slope for each linear-foot of bulkhead. LDC required littoral plants must be clustered within the 8:1 slope portion of the lake. An administrative deviation may be allowed for up to 40% of the lake shoreline for any lake within the golf course or common areas to consist of bulkheads or rip-rap if additional details are provided at the time of development order submittal.

b. The excavation slope intersects the bulkhead at the control elevation. This will mimic the same condition of lake slopes without a bulkhead.

5. Deviation (5) withdrawn.

6. Deviation (6) withdrawn.

7. Deviation (7) withdrawn.

8. Deviation (8) seeks relief from the LDC §34-2194 (c)(3)b requirement to provide a 10-foot setback for a non-seawalled artificial body of water, to allow a zero-foot setback for recreational/amenity structures at the lake control elevation. This Deviation was approved in 2002, with the following conditions:

   a. The required number of littoral plantings is not reduced;

   b. The SFWMD permit allows structures as they are being requested in Deviation 8a; and

   c. Approval is limited to dock, gazebo, and deck structures limited to 30 percent of any lake shoreline.

8.b. Deviation (8b) seeks relief from the LDC §10-328 requirement to provide a 20-foot-wide lake maintenance access easement, to allow a zero-foot-wide easement for specific recreational/amenity structures only. This Deviation was approved in 2002, with the following conditions:

   a. Adequate maintenance access is maintained; and

   b. The SFWMD permit allows the reduction in the lake maintenance easement.

9. Deviation (9) withdrawn.

10. Deviation (10) withdrawn.

11. Deviation (11) seeks relief from the LDC §§ 10-296(b) and 10-296(m)(4)(a) requirement that privately maintained accessways are not required to meet minimum roadway right-of-way widths of 40-feet for access to 50 or fewer dwelling units, to provide accessways that provide access to up to 150 units as identified on the MCP for phase one only except parcel 1-G (this deviation is withdrawn for phase two). This Deviation was approved in 2002 for Phase I only.

12. Deviation (12) seeks relief from the LDC §10-416 requirement that there must be a 25-foot-wide buffer along natural waterways, to allow zero-foot setback for canoe launches, temporary mooring slips, decks, canoe livery, gazebos, fishing piers and boardwalks at the River Village and pedestrian pathways, single-family docks and fishing piers along the river. This Deviation was approved in 2002, subject to the limitations set forth in the dock and shoreline conditions.

13. Deviation (13) seeks relief from the LDC §§ 30-153(2)(a) and 30-153(2)(b) requirement to regulate the location and size of signage, to allow two 200-square-foot identification signs (Type A on Sheet 3 of 5 of the approved Master Concept Plan) and five 96-square-foot Monument Signs (Type B on Sheet 3 of 5 of the approved Master Concept Plan). The locations of the identification and monument signage must be generally in compliance with the "Neighborhood Commercial Area," as now shown on Sheet 3 of the five-page MCP. Any other standard signage permitted by LDC Chapter 30 will be regulated through the local development order and sign permit process. This deviation is APPROVED.

14. Deviation (14) withdrawn.

15. Deviation (15) withdrawn.

16. Deviation (16) withdrawn.

17. Deviation (17) withdrawn.

18. Deviation (18) seeks relief from the LDC §10-416(d)(9) requirement that existing vegetation located in the 25-foot-wide vegetative buffer landward of the mean-high-water line be retained, to allow for the removal of vegetation for the installation and maintenance of drainage pipes and headwalls in those areas of the project as shown on the approved SFWMD permit. This Deviation was approved in 2002, provided the developer coordinated with Lee County Environmental Sciences' Staff prior to issuance of a development order for property that would utilize this Deviation to field-locate the impact areas to avoid existing large trees and to minimize the impact areas as much as possible.

19. Deviation (19) withdrawn.

20. Deviation (20) withdrawn.

21. Deviation (21) withdrawn.

22. Deviation (22) seeks relief from the LDC §34-2020(4)(j)(2) requirement that each boat ramp provide ten 10-foot-wide x 40-foot-long parking spaces to accommodate a vehicle with a boat trailer, to allow smaller parking space dimensions at the canoe launch and livery within the River Village. This Deviation was approved in 2002, subject to the condition that no boats with trailers would utilize the boat ramps.

23. Deviation (23) seeks relief from the LDC §34-2020 requirement to provide required parking spaces based on the proposed uses, to allow a reduction in the required parking spaces in the River Village from 272 spaces to 250. This Deviation was approved in 2002, and limited to the River Village only.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

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

The applicant has indicated that the STRAP numbers for the subject property are:

28-43-26-00-00013.0010, 29-43-26-00-00004,0000
30-43-26-00-00003.0000, 30-43-26-00-00003.0010
30-43-26-00-00003.0050, 31-43-26-00-00003.0000
31-43-26-00-00003. 0010, 31-43-26-00-00003.0020
31-43-26-00-00003.0030, 31-43-26-00-00009.0000
32-43-26-00-00001.0000, 32-43-26-00-00001.0010
33-43-26-00-00001.0000, 36-43-25-00-00013.0000
36-43-25-00-00013.1000, 36-43-25-00-00013.1010
36-43-25-00-00019.0010, 30-43-26-00-00008.0010
30-43-26-00-00005.0000, 30-43-26-00-00005.0010
31-43-26-00-00001.0000, 31-43-26-00-00002.0000
32-43-26-00-00007.0000, 32-43-26-00-00010.0020
32-43-26-00-00010.0030, 33-43-26-00-00001.0010
28-43-26-00-00017.0000, 29-43-26-00-00003.0000
25-43-25-00-00004.0000, 30-43-26-00-00006.0000

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.

2. The rezoning, as approved:

   a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,

   b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,

   c. is compatible with existing or planned uses in the surrounding area; and,

   d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,

   e. will not adversely affect environmentally critical areas or natural resources.

3. The rezoning satisfies the following criteria:

   a. the proposed use or mix of uses is appropriate at the subject location; and

   b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

   c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

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

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

6. A "special case" exists as set out in Lee Plan Policy 6.1.2. Accordingly, the property may be developed so as to allow a maximum of 160,000 square feet of gross floor area for retail commercial uses at the locations designated on the MCP.

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

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

DULY PASSED AND ADOPTED this 5th day of December 2005.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Tammara Hall
Chairwoman

Approved as to form by:

_____
Robert D. Spickerman
County Attorney's Office

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November 7, 2001

DESCRIPTION

PARCEL IN
SECTIONS 25 AND 36, TOWNSHIP 43 SOUTH, RANGE 25 EAST
AND
SECTIONS 28, 29, 30, 31, 32 AND 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

A tract or parcel of land lying in Sections 25 and 36, Township 43 South, Range 25 East, and Sections 28, 29, 30, 31, 32 and 33, Township 43 South, Range 26 East, Lee County, Florida, being more particularly described as follows:

Beginning at the southwest corner of the Northeast Quarter (NE-1/4) of the Northeast Quarter (NE-1/4) of Section 36, Township 43 South, Range 25 East run S 89° 08' 18" W along the south line of the Northwest Quarter (NW-1/4) of the Northeast Quarter (NE-1/4) of said Section 36 for 1324.04 feet; thence run N 00° 50' 29" W along the west line of said fraction for 740.15 feet to an intersection with the southeasterly right-of-way line of Palm Beach Boulevard (State Road No. 80); thence run N 71° 36' 06" E (140.00 feet southeasterly of and parallel with the centerline of State Road No. 80 as shown on right-of-way map Section 12020-2538) along said southeasterly right-of-way line for 1465.40 feet; thence run S 18° 23' 54" E along the southwesterly line of lands as described by deed recorded in Official Record Book 3091 at Page 3870 of the Public Records of Lee County, Florida, for 10.00 feet; thence run S 71° 36' 06" W along the northwesterly line of said lands for 49.43 feet; thence run southerly, southeasterly and easterly along the southwesterly line of said lands and along the arc of a curve to the left of radius 350.00 feet (chord bearing S 56° 17' 11" E) (chord 397.61 feet) (delta 69° 13' 26") for 422.87 feet to a point of tangency; thence run N 89° 06' 06" E for 45.96 feet; thence run N 18° 23' 54" W along the northeasterly line of said lands for 337.62 feet to an intersection with said southeasterly line of said Palm Beach Boulevard; thence run N 71° 36' 06" E (140.00 feet southeasterly of and parallel with said centerline of State Road No. 80) along said right-of-way line for 95.73 feet; thence run S 18° 23' 54" E for 10.00 feet; thence run N 71° 36' 06" E (150.00 feet southeasterly of and parallel with said centerline of State Road No. 80) along said southeasterly right-of-way line for 978.51 feet to an intersection with the east line of said Section 25, Township 43 South, Range 25 East; thence run N 00° 43' 19" W along said east line for 27.29 feet; thence run N 71° 36' 06" E (124.00 feet southeasterly of and parallel with said centerline of State Road No. 80) along the southeasterly right-of-way line of Palm Beach Boulevard for 313.06 feet; thence run S 18° 23' 54" E for 16.00 feet; thence run N 71° 36' 06" E (140.00 feet southeasterly of and parallel with said centerline of State Road No. 80) along said southeasterly right-

EXHIBIT A
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of-way line for 661.54 feet to a point of curvature; thence run northeasterly along said southeasterly right-of-way line and an arc of said curve to the right of radius 5589.55 feet (chord bearing N 72° 17' 37" E) (chord 135.00 feet) (delta 01° 23' 02") for 135.00 feet; thence run N 17° 00' 52" W for 20.00 feet; thence run northeasterly (120.00 feet southeasterly of and parallel with said centerline of State Road No. 80) along said southeasterly right-of-way line and along the arc of a curve to the right of radius of 5609.55 feet (chord bearing N 73° 59' 12" E) (chord 196.03 feet) (delta 02° 00' 09") for 196.05 feet; thence run N 67° 44' 10" E along said southeasterly right-of-way line for 299.35 feet; thence run N 77° 10' 13" E (75.00 feet southeasterly of and parallel with said centerline of State Road No. 80) along said southeasterly right-of-way line for 961.79 feet to an intersection with the westerly line of lands described by deed recorded in Official Record Book 1200 beginning at page 710 of the Public Records of Lee County, Florida; thence run S 12° 49' 47" E along said west line for 175.00 feet; thence run N 77° 10' 13" E along the south line of said parcel for 125.00 feet; thence run N 12° 49' 47" W along the east line of said parcel for 175.00 feet to an intersection with the southeasterly right-of-way line of said Palm Beach Boulevard; thence run N 77° 10' 13" E (75.00 feet southeasterly of and parallel with said centerline of State Road No. 80) along said southeasterly right-of-way line for 1781.13 feet to an intersection with the west line of lands described by deed recorded in Official Record Book 1418 beginning at Page 2194 of said Public Records; thence run S 12° 49' 47" E along said west line for 155.00 feet; thence run N 77° 10' 13" E along the south line of said parcel for 95.00 feet to an intersection with the west line of lands described by deed in recorded Official Record Book 655 beginning at Page 407 of said Public Records; thence run S 01° 29' 33" E along said west line for 865.78 feet to an intersection with the north line of a Florida Power & Light Company Transmission Line Easement; thence run N 89° 02' 25" E along said north line for 2281.83 feet; thence run N 01° 29' 33" W along the west line of lands as described by deed recorded in Official Record Book 2571 at Page 1261 of said Public Records for 1502.56 feet to an intersection with the southeasterly right-of-way line of said Palm Beach Boulevard; thence run N 77° 10' 13" E (75.00 feet southeasterly of and parallel with said centerline of State Road No. 80) along said southeasterly right-of-way line for 3785.98 feet; thence run S 24° 33' 10" W along the westerly line of lands as described by deed recorded in Official Record Book 1797 at Page 1141 of said Public Records for 377.20 feet; thence run N 77° 10' 13" E along the southerly line of said lands for 700.86 feet; thence run S 24° 33' 10" W along the westerly line of lands as described by deed recorded in Official Record Book 643 at Page 499 of said Public Records for 882.33 feet; thence run S 65° 27' 20" E along the southerly line of said lands for 1320.81 feet to an intersection with the northwesterly right-of-way line of Buckingham Road (100 feet wide); thence run S 24° 32' 53" W along said northwesterly right-of-way line for 576.76 feet; thence continuing along said right-of-way line run S 24° 29' 54" W for 220.89 feet to an intersection with a line 50.00 feet north of (as measured on a perpendicular) and parallel with the centerline of said Florida Power & Light Company Transmission Line Easement; thence run N 89° 02' 25" E along said

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line for 22.15 feet; thence run S 24° 29' 54" W along said northwesterly right-of-way line of Buckingham Road (60.00 feet wide) for 88.69 feet; thence run S 24° 23' 10" W continuing along the northwesterly right-of-way line of Buckingham Road for 3484.76 feet to an intersection with the north line of the Southeast Quarter (SE-1/4) of said Section 32; thence run N 89° 46' 39" W along said north line for 893.56 feet; thence run S 00° 41' 52" E along the west line of the Northeast Quarter (NE-1/4) of said Southeast Quarter (SE-1/4) of Section 32 for 1343.62 feet; thence run N 89° 36' 23" E along the south line of said fraction for 270.55 feet to an intersection with said westerly right-of-way line of Buckingham Road (60.00 feet wide); thence run S 24° 23' 10" W along said right-of-way line for 533.98 feet to a point of curvature; thence run southerly along an arc of said curve to the left of radius 730.00 feet (chord bearing S 11° 34' 12" W) (chord 323.87 feet) (delta 25° 37' 58") for 326.59 feet to a point of tangency; thence run S 01° 14' 47" E along the westerly right-of-way line of Buckingham Road (60.00 feet wide) for 292.11; thence run S 88° 59' 59" W along a line parallel with the north right-of-way of Bird Road (50.00 feet wide) and 240.00 feet north of the centerline (as measured on a perpendicular) for 38.99 feet to an intersection with a non-tangent curve; thence southwesterly (25.00 feet southeasterly and concentric with a proposed right-of-way 50.00 feet wide) along an arc of said curve to the right of radius 200.00 feet (chord bearing S 27° 50' 42" W) (chord 80.90 feet) (delta 23° 20' 16") for 81.46 feet to a point of tangency; thence run S 39° 30' 50" W for 90.84 feet to a point of curvature; thence southwesterly (25.00 feet southeasterly and concentric with said proposed right-of-way) along an arc of said curve to the right of radius 200.00 feet (chord bearing S 59° 56' 50" W) (chord 139.65 feet) (delta 40° 51' 59") for 142.65 feet to an intersection with a non-tangent line; thence run S 01° 14' 47" E parallel with said westerly right-of-way line of Buckingham Road for 32.26 feet to an intersection with the north right-of-way line of Bird Road; thence run S 88° 59' 59" W along the northerly right-of-way line of Bird Road as described by deed recorded in Deed Book 242 at Page 118 of said Public Records for 380.35 feet; thence run N 00° 34' 58" W along the west line of the Southeast Quarter (SE-1/4) of the Southwest Quarter (SW-1/4) of the Southeast Quarter (SE-1/4) of said Section 32, Township 43 South, Range 26 east for 327.62 feet; thence run S 89° 09' 03" W along the south line of the North Half (N-1/2) of the Southwest Quarter (SW-1/4) of the Southwest Quarter (SW-1/4) of the Southeast Quarter (SE-1/4) of said Section 32 for 659.45 feet; thence run N 00° 28' 09" W along the west line of the Southeast Quarter (SE-1/4) of said Section 32 for 1018.10 feet; thence run N 87° 48' 58" W along the north line of the South Half (S-1/2) of the Southwest Quarter (SW-1/4) of said Section 32 for 1311.96 feet; thence run S 00° 04' 13" E along the East line of the Southwest Quarter (SW-1/4) of the Southwest Quarter (SW-1/4) of said Section 32 for 852.37 feet; thence run N 87° 48' 58" W parallel with the north line of said Southwest Quarter (SW-1/4) of the Southwest Quarter (SW-1/4) for 497.77 feet; thence run S 00° 04' 13" E parallel with the east line of said Southwest Quarter (SW-1/4) of the Southwest Quarter (SW-1/4) for 540.88 feet; thence run S 89° 45' 59" W along said northerly right-of-way line of Bird Road for 40.00 feet; thence run

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S 00° 14' 01" E along the westerly end of said right-of-way of Bird Road for 40.00 feet to an intersection with the south line of said Section 32, Township 43 South, Range 26 East; thence run S 89° 45' 59" W along said south line for 172.45 feet to the northerly Mean High Water Line of the Orange River; thence run the following courses and distances along said Mean High Water Line: N 45° 06' 26" W for 18.87 feet; N 56° 46' 36" W for 46.08 feet; N 53° 57' 48" W for 34.41 feet; N 57° 56' 07" W for 41.99 feet; N 43° 24' 08" W for 45.63 feet; N 47° 59' 50" W for 16.92 feet; N 43° 34' 39" W for 29.33 feet; N 15° 33' 28" E for 39.23 feet; N 01° 42' 28" E for 27.66 feet; N 23° 32' 32" W for 47.19 feet; N 69° 46' 03" W for 42.51 feet; N 71° 54' 43" W for 31.75 feet; N 77° 41' 11" W for 18.84 feet; N 89° 26' 13" W for 19.03 feet; S 84° 16' 30" W for 54.47 feet; S 84° 42' 25" W for 58.03 feet; N 84° 08' 32" W for 46.34 feet; S 85° 31' 26" W for 16.73 feet; S 84° 49' 31" W for 58.03 feet; N 24° 36' 26" W for 77.71 feet; S 47° 16' 14" W for 77.49 feet; N 51° 14' 41" W for 59.52 feet; N 23° 25' 46" W for 16.65 feet; S 89° 32' 08" E for 17.25 feet; S 77° 31' 32" E for 62.12 feet; N 36° 20' 59" E for 22.55 feet; N 74° 21' 25" W for 53.45 feet; N 86° 50' 06" W for 59.74 feet; N 34° 58' 31" W for 105.56 feet; N 26° 07' 51" W for 112.76 feet; N 57° 18' 44" W for 100.20 feet; N 65° 20' 44" W for 102.12 feet; N 71° 47' 03" W for 42.09 feet; N 63° 39' 58" W for 56.62 feet; N 36° 32' 48" W for 27.09 feet; N 57° 17' 09" W for 62.14 feet; N 40° 19' 05" W for 37.96 feet; N 48° 08' 05" W for 62.73 feet; N 49° 48' 48" W for 100.01 feet; N 65° 11' 42" W for 103.29 feet; N 77° 37' 55" W for 112.16 feet; N 35° 35' 30" W for 103.58 feet; N 19° 39' 12" W for 116.72 feet; N 56° 13' 47" W for 166.68 feet; N 79° 13' 22" W for 107.29 feet; N 85° 55' 45" W for 100.13 feet; N 84° 43' 02" W for 48.54 feet; N 80° 49' 06" W for 50.05 feet; N 81° 30' 18" W for 50.03 feet; N 82° 59' 38" W for 50.00 feet; N 84° 08' 23" W for 50.00 feet; N 83° 03' 46" W for 20.84 feet; N 66° 51' 37" W for 44.07 feet; N 05° 42' 14" W for 29.45 feet; N 32° 42' 14" W for 67.21 feet; N 35° 27' 33" W for 54.18 feet; N 41° 21' 52" W for 57.32 feet; N 42° 42' 36" W for 28.67 feet; N 61° 57' 35" W for 70.56 feet; S 85° 43' 59" W for 70.45 feet; S 69° 46' 22" W for 50.69 feet; S 57° 39' 00" W for 53.78 feet; S 76° 56' 04" W for 100.08 feet; S 60° 30' 04" W for 105.61 feet; S 72° 51' 47" W for 50.31 feet; S 78° 33' 58" W for 150.01 feet; N 88° 35' 07" W for 102.30 feet; S 73° 30' 53" W for 100.50 feet; S 71° 27' 09" W for 100.93 feet; S 84° 45' 26" W for 75.11 feet; N 60° 17' 41" W for 94.30 feet; N 54° 34' 16" W for 100.55 feet; N 53° 31' 30" W for 50.38 feet; N 46° 36' 41" W for 51.53 feet; N 47° 34' 22" W for 41.06 feet; N 62° 57' 57" W for 35.03 feet; N 71° 21' 06" W for 50.89 feet; N 74° 59' 20" W for 77.43 feet; N 81° 33' 02" W for 107.08 feet; N 18° 07' 10" W for 135.58 feet; N 79° 02' 14" W for 105.41 feet; N 44° 03' 08" W for 104.32 feet; N 65° 16' 53" W for 100.34 feet; N 86° 23' 50" W for 111.08 feet; N 88° 49' 57" W for 65.84 feet; N 78° 30' 23" W for 74.62 feet; N 80° 48' 46" W for 75.66 feet; N 66° 18' 15" W for 44.22 feet; N 43° 05' 21" W for 81.79 feet; N 37° 21' 11" W for 116.45 feet; N 46° 17' 31" W for 73.27 feet; N 52° 18' 55" W for 101.05 feet; N 74° 36' 15" W for 83.75 feet; N 80° 01' 16" W for 100.85 feet;

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N 87° 33' 44" W for 103.52 feet; S 87° 38' 31" W for 35.74 feet; N 77° 39' 57" W for 57.72 feet; N 57° 23' 13" W for 21.93 feet; N 51° 27' 33" W for 28.52 feet; N 71° 03' 05" W for 42.12 feet; N 55° 50' 43" W for 36.63 feet; N 12° 38' 42" E for 62.00 feet; S 43° 27' 37" E for 53.83 feet; S 53° 31' 07" E for 38.84 feet; N 71° 27' 46" E for 28.94 feet; N 24° 34' 16" E for 50.66 feet; N 87° 41' 20" E for 74.49 feet; N 07° 19' 19" E for 10.30 feet; N 48° 56' 11" E for 50.16 feet; S 73° 38' 34" E for 46.36 feet; N 78° 15' 50" E for 41.47 feet; N 82° 02' 15" E for 49.30 feet; N 51° 17' 47" E for 37.12 feet; N 29° 29' 45" E for 37.23 feet; N 22° 40' 51" E for 44.44 feet; N 41° 02' 55" E for 38.07 feet; N 47° 57' 27" E for 37.23 feet; N 44° 16' 56" E for 19.49 feet; N 68° 50' 25" E for 14.57 feet; S 80° 06' 11" E for 8.69 feet; S 21° 20' 21" E for 17.38 feet; S 11° 02' 23" W 17.69 feet; S 10° 23' 34" E for 29.02 feet; S 20° 09' 45" E for 19.16 feet; S 33° 19' 00" E for 18.71 feet; S 43° 52' 52" E for 13.14 feet; S 56° 04' 47" E for 17.05 feet; S 85° 58' 36" E for 25.05 feet; N 55° 09' 03" E for 16.25 feet; N 23° 20' 52" E for 18.38 feet; N 31° 18' 30" E for 26.84 feet; N 58° 56' 24" E for 44.83 feet; N 85° 22' 09" E for 30.52 feet; N 71° 46' 13" E for 37.07 feet; N 74° 29' 04" E for 24.64 feet; N 19° 56' 59" E for 28.91 feet; N 28° 49' 11" E for 43.73 feet; N 67° 29' 07" E for 26.50 feet; S 82° 38' 04" E for 33.41 feet; S 49° 12' 32" E for 37.03 feet; S 71° 36' 38" E for 8.38 feet; S 60° 33' 08" E for 15.21 feet; S 01° 46' 40" W for 2.82 feet; S 68° 05' 27" E for 15.16 feet; S 83° 52' 05" E for 36.79 feet; S 86° 59' 33" E for 31.85 feet; S 47° 44' 05" E for 17.99 feet; S 10° 55' 59" E for 39.26 feet; S 33° 03' 17" E for 13.76 feet; S 64° 38' 24" E for 24.53 feet; N 46° 42' 10" E for 27.16 feet; N 43° 41' 59" E for 24.94 feet; S 30° 54' 52" E for 25.36 feet; S 04° 54' 48" E for 22.36 feet; S 38° 47' 51" E for 14.21 feet; S 79° 14' 26" E for 18.79 feet; N 61° 12' 13" E for 20.15 feet; N 73° 41' 37" E for 27.62 feet; N 61° 10' 59" E for 25.89 feet; N 79° 09' 50" E for 12.66 feet; S 83° 45' 11" E for 19.22 feet; S 54° 34' 35" E for 20.46 feet; S 84° 33' 17" E for 15.44 feet; S 87° 03' 22" E for 13.94 feet; N 79° 24' 28" E for 20.27 feet; N 57° 05' 20" E for 17.59 feet; N 38° 33' 12" E for 20.41 feet; N 09° 11' 05" W for 19.97 feet; N 07° 01' 50" E for 18.08 feet; N 69° 18' 49" E for 6.64 feet; S 84° 48' 23" E for 17.43 feet; N 88° 24' 50" E for 22.39 feet; S 49° 30' 56" E for 20.02 feet; S 39° 07' 26" E for 24.66 feet; S 54° 23' 12" E for 21.02 feet; N 30° 33' 02" W for 23.39 feet; N 39° 06' 59" W for 25.77 feet; N 55° 02' 48" W for 22.20 feet; N 83° 00' 06" W for 29.53 feet; S 85° 08' 45" W for 12.98 feet; S 68° 26' 31" W for 8.53 feet; S 32° 16' 14" W for 11.69 feet; S 04° 38' 50" W for 11.89 feet; S 12° 43' 25" W for 15.88 feet; S 06° 11' 25" W for 13.99 feet; S 53° 27' 20" W for 26.35 feet; N 88° 31' 34" W for 15.71 feet; N 79° 18' 58" W for 20.09 feet; N 54° 44' 16" W for 24.36 feet; S 83° 12' 12" W for 39.97 feet; S 66° 41' 45" W for 57.72 feet; S 77° 09' 04" W for 10.60 feet; N 87° 27' 35" W for 13.12 feet; N 15° 29' 15" W for 14.68 feet; N 14° 08' 19" E for 24.22 feet; S 74° 19' 20" W for 13.37 feet; N 09° 16' 01" W for 23.33 feet; S 84° 39' 37" W for 15.22 feet; S 47° 14' 52" W for 50.32 feet; S 83° 51' 57" W for 8.42 feet; N 09° 08' 00" W for 35.15 feet; N 20° 15' 17" W for 22.74 feet; N 44° 02' 09" W for 21.64 feet; N 84° 48' 44" W for 50.31 feet; N 82° 25' 35" W for 30.68 feet; N 63° 03' 33" W for 11.35 feet; S 60° 24' 24" W for 3.49 feet; N 57° 59' 35" W for 15.19 feet; N 03° 41' 29" W

for 7.39 feet; N 40° 33' 16" W for 21.13 feet; N 70° 52' 44" W for 24.20 feet; N 85° 26' 59" W for 21.64 feet; S 76° 54' 10" W for 24.51 feet; S 55° 03' 33" W for 13.08 feet; S 37° 21' 36" W for 40.55 feet; S 13° 40' 53" W for 13.81 feet; S 31° 23' 28" W for 26.81 feet; S 69° 26' 21" W for 16.03 feet; S 81° 46' 39" W for 18.06 feet; S 84° 45' 44" W for 23.61 feet; S 79° 32' 37" W for 32.77 feet; S 60° 36' 51" W for 17.33 feet; S 49° 21' 45" W for 42.86 feet; S 17° 09' 36" W for 27.28 feet; S 53° 52' 37" W for 19.21 feet; N 81° 59' 46" W for 15.06 feet; N 48° 57' 38" W for 21.40 feet; N 27° 41' 09" W for 17.58 feet; N 17° 17' 52" W for 20.09 feet; N 12° 34' 40" W for 15.97 feet; N 03° 49' 54" W for 18.05 feet; N 11° 17' 42" E for 11.66 feet; N 16° 22' 28" W for 27.94 feet; N 87° 36' 44" W for 19.14 feet; S 55° 10' 52" W for 42.24 feet; S 47° 59' 06" W for 38.25 feet; S 41° 02' 55" W for 38.07 feet; S 31° 37' 16" W for 42.75 feet; S 15° 03' 42" W for 36.49 feet; S 45° 15' 07" W for 37.77 feet; S 88° 49' 58" W for 47.91 feet; S 83° 57' 47" W for 36.88 feet; N 78° 29' 40" W for 45.40 feet; S 58° 44' 26" W for 44.23 feet; S 78° 14' 05" W for 67.79 feet; S 87° 59' 14" W for 11.88 feet; S 69° 01' 11" W for 42.10 feet; N 66° 25' 19" W for 50.29 feet; N 80° 56' 55" W for 50.54 feet; S 55° 19' 33" W for 81.37 feet; N 63° 01' 18" W for 101.41 feet; N 68° 14' 24" W for 100.29 feet; N 66° 18' 32" W for 100.60 feet; N 62° 22' 56" W for 50.80 feet; N 30° 47' 22" W for 67.07 feet; N 23° 46' 42" W for 178.60 feet; N 48° 04' 37" W for 51.68 feet; N 55° 51' 39" W for 109.33 feet; N 83° 18' 40" W for 100.20 feet; N 86° 07' 27" W for 121.31 feet; N 30° 37' 36" W for 114.37 feet; N 69° 28' 19" W for 101.49 feet; N 49° 27' 28" W for 48.79 feet; N 67° 01' 19" W for 39.09 feet; N 87° 58" 08" W for 100.02 feet; S 82° 51' 42" W for 101.02 feet; N 71° 27' 29" W for 52.15 feet; N 85° 42' 38" W for 64.74 feet; N 73° 39' 57" W for 53.59 feet; N 62° 54' 06" W for 50.05 feet; N 56° 56' 34" W for 69.88 feet; N 68° 15' 54" W for 47.88 feet; N 67° 42' 10" W for 42.23 feet; N 81° 39' 25" W for 60.10 feet; S 76° 46' 24" W for 57.11 feet; S 56° 31' 23" W for 14.95 feet to an intersection with the west line of the Southeast Quarter (SE-1/4) of the Northeast Quarter (NE-1/4) of Section 36, Township 43 South, Range 25 East; thence run N 00° 46' 17" W along said west line for 987.65 feet to the Point of Beginning.

Contains 1,455.37 acres, more or less.

Bearings hereinabove mentioned are plane coordinate for the Florida West Zone, NAD 1983 (1990 Adjustment).

Applicant's Legal Checked by Lgm 8/03/2005.
Legal description doc, 6 pages long.

4/12/05

Michael A. Ward (for The Firm LB-642)
Professional Land Surveyor
Florida Certificate No. 5301

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MAY 04 2005
PERMIT COUNTER

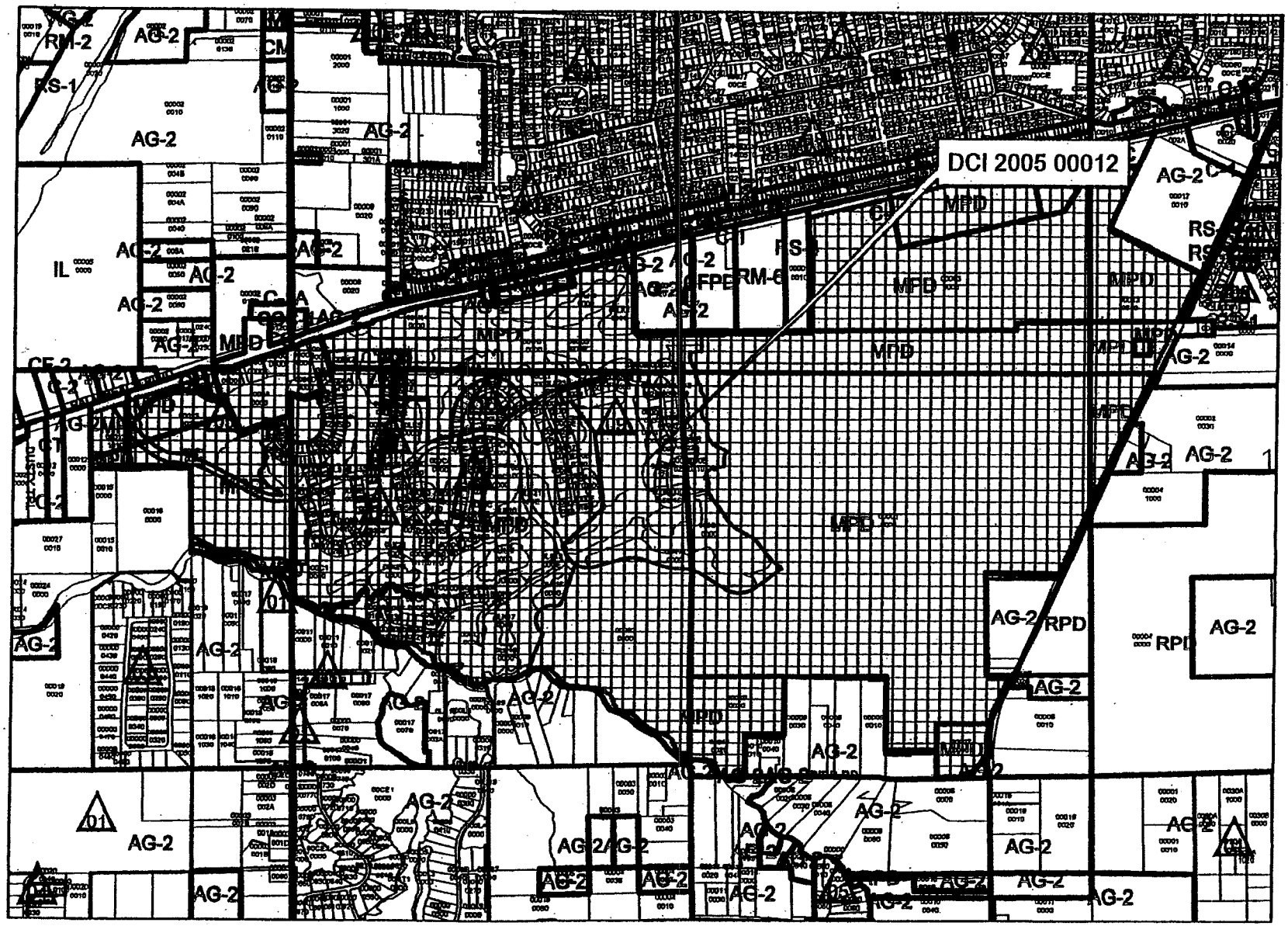
DCI2005-00012

20002118/Description 110701

EXHIBIT A
PAGE 6 OF 6

P. 6/6

DCI2005-00012 VERANDAH AMENDMENT (MPD) 5/12/2005



N
W E
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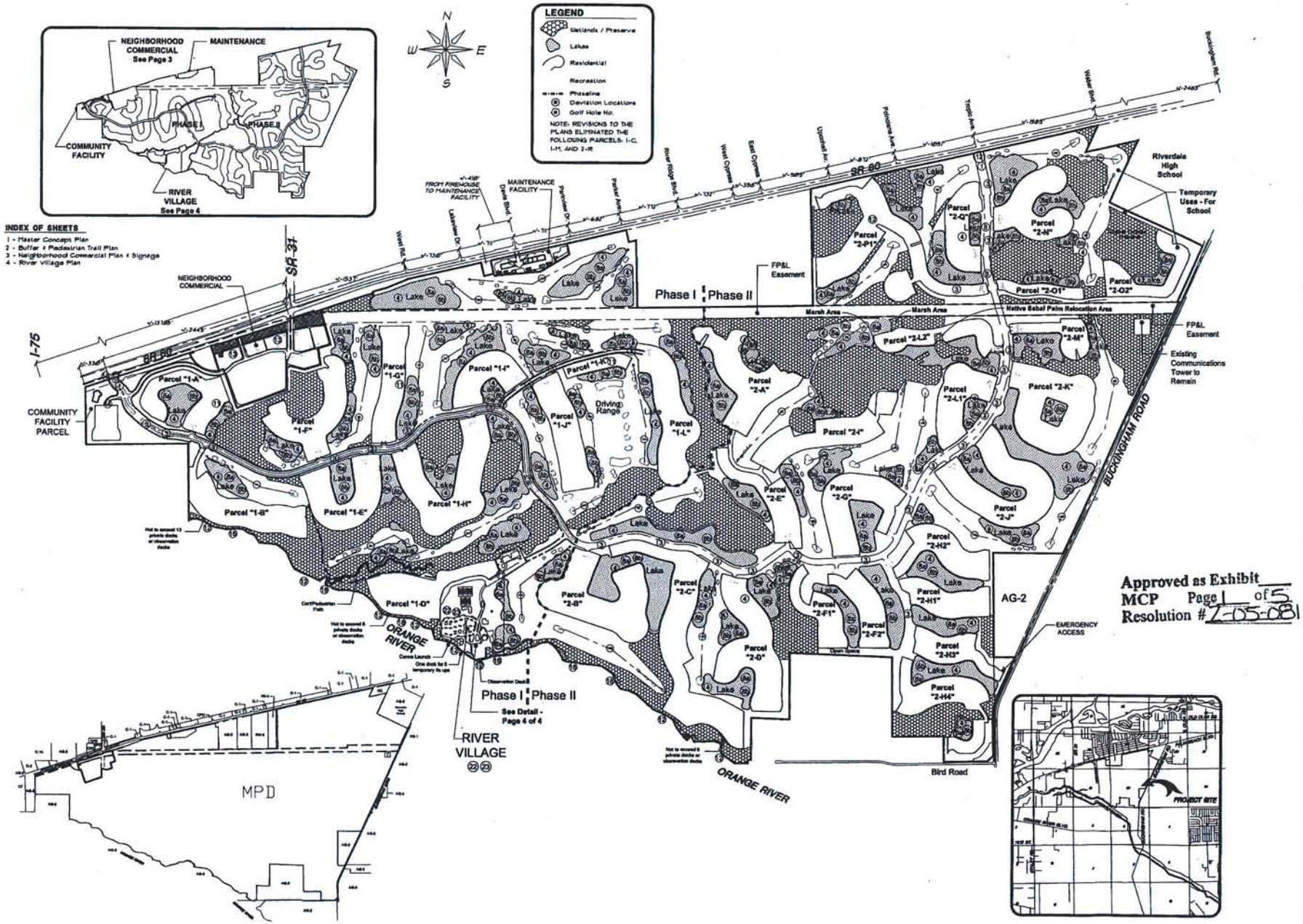
EXHIBIT B

2,000 1,000 0 2,000 Feet



Approved as Exhibit
MCP Page 1 of 5
Resolution # Z-05-081

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DEC 21 2005

Vanasse Daylor

Verandah Development LLC
9990 Coconut Road, Suite 200
Bonita Springs, FL 34135-8488

State Road 80
East Lee County

VERANDAH MPD MASTER CONCEPT PLAN
Exhibit B-J DCI 2005-00012

Sheet No. 1 of 5

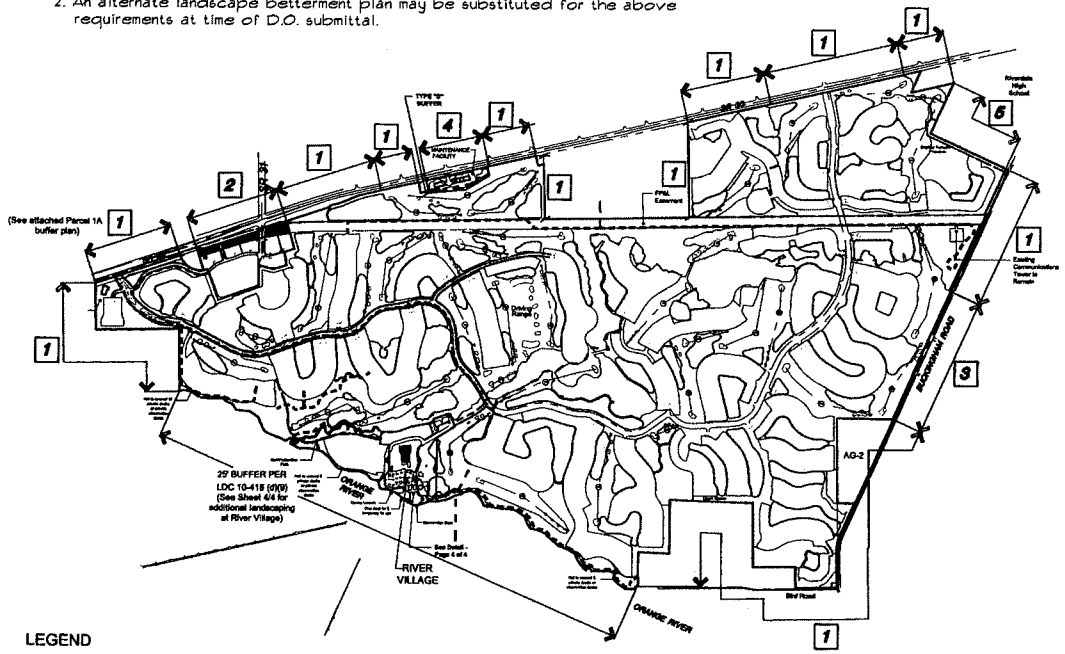
EXHIBIT "C"
(Page 1 of 5)

DCI 2005-00012

BUFFER KEY SUBJECT TO CONDITION #9

BUFFER #	WIDTH	TREES	SHRUBS	FENCE/ WALL	Notes
1	15'	5 / 100'	18 / 100'	6' HIGH VINYL COATED CHAIN LINK FENCE	
2	15'	5 / 100'	DOUBLE-ROW	N/A	Equal to Type "D" buffer (LDC 10-416). Buffer to be located behind FPL easement.
3	15'	5 / 100'	18 / 100'	6' HIGH VINYL COATED CHAIN LINK FENCE	See detail this sheet
4	25'	10 / 100'	52 / 100 Per Condition #3	8' HIGH WALL	See Condition #3
5	15'	5 / 100'	18 / 100'	8' HIGH WALL	Plantings to be on inside of wall.

NOTES:
1. Preserved indigenous vegetation may be counted toward buffer plantings.
2. An alternate landscape betterment plan may be substituted for the above requirements at time of D.O. submittal.

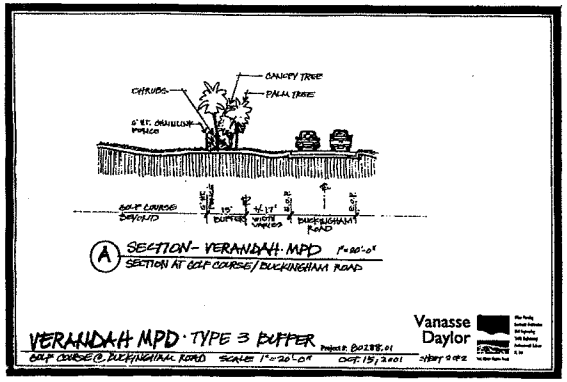


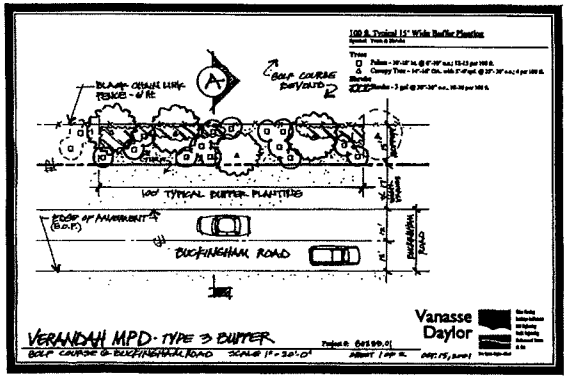
LEGEND

X BUFFER TYPE

INTERNAL PEDESTRIAN TRAIL

Perimeter Buffer & Internal Pedestrian Trail Plan





Approved as Exhibit
MCP Page 2 of 5
Resolution # Z-05-082

DEC 21 2005

EXHIBIT "C"
(Page 2 of 5)

Vanasse Daylor

Verandah Development LLC
9990 Coconut Rd. Ste. 200
Bonita Springs, FL 34135-6468

State Road 80
East Lee County

VERANDAH MPD MASTER CONCEPT PLAN
Exhibit 6-J DCI 2005-00012

80814
80814-BUF-F03

Sheet No. 2 of 5

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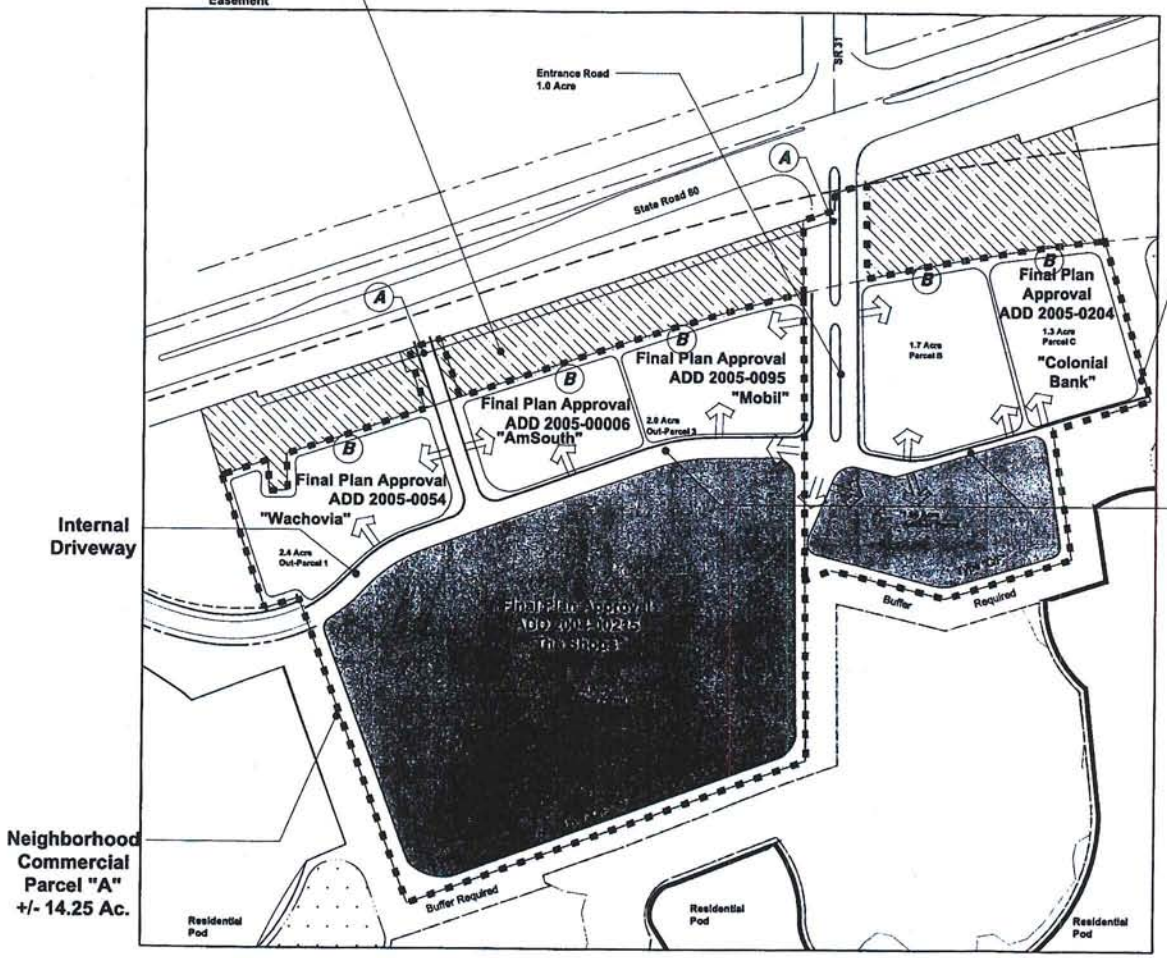


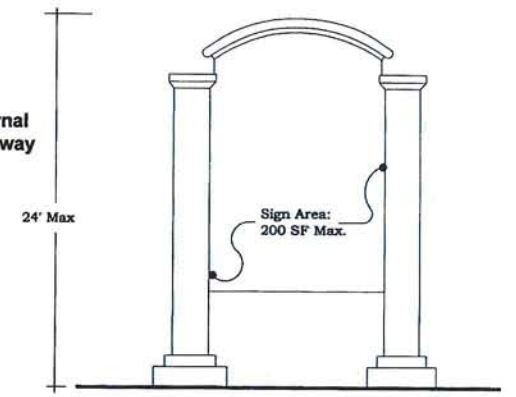
Note: See Condition 1.A Administrative Amendments

Neighborhood Commercial Parcel "B" +/- 5.95 Ac.

Internal Driveway

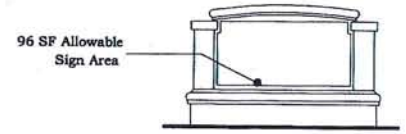
SIGN TYPES PER DEVIATION 13

TYPE A



POLE SIGN ALTERNATIVE
SCALE: N.T.S.

TYPE B



MONUMENT SIGN
SCALE: N.T.S.

NEIGHBORHOOD COMMERCIAL AREA

SCALE 1" = 200'

Note: See Condition 1A Administrative Amendments.

Note: The 2 "Type A" signs will be for establishments in the Anchor Parcel as shown in grey area above. The 4 "Type B" signs will be for freestanding establishments in the out parcels. Establishments in the outparcels are allowed to provide identification on the "Type A" signs, as long as they are not also identified on any "Type B" sign.

Approved as Exhibit MCP Page 3 Resolution #Z-05-089

DEC 21 2005

EXHIBIT "C" (Page 3 of 5)

Vanasse Daylor

Verandah Development LLC
9990 Coconut Road, Suite 200
Bonita Springs, FL 34135-8488

State Road 80
East Lee County

Verandah MPD
EXHIBIT G-J DCI 2005-00012

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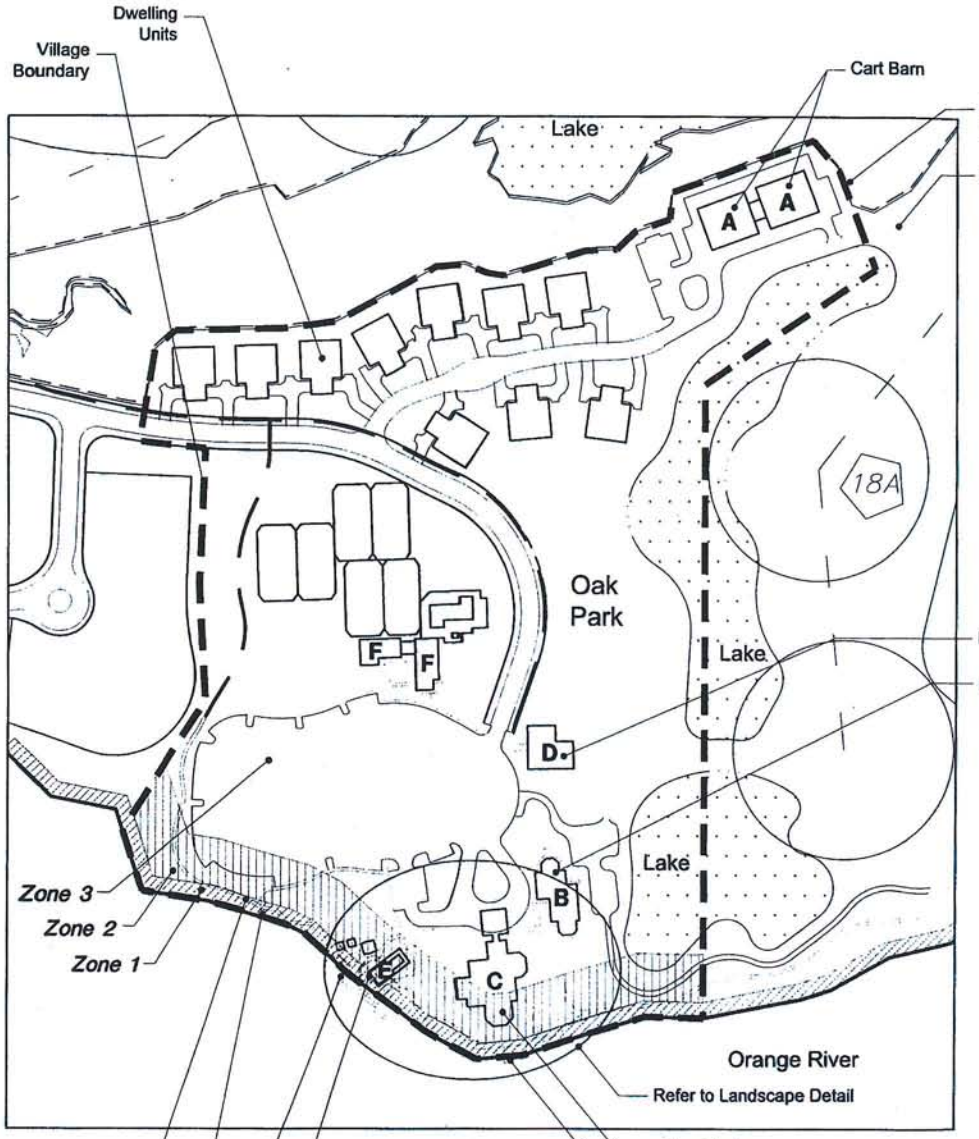


RIVER VILLAGE
SCALE: 1" = 200'

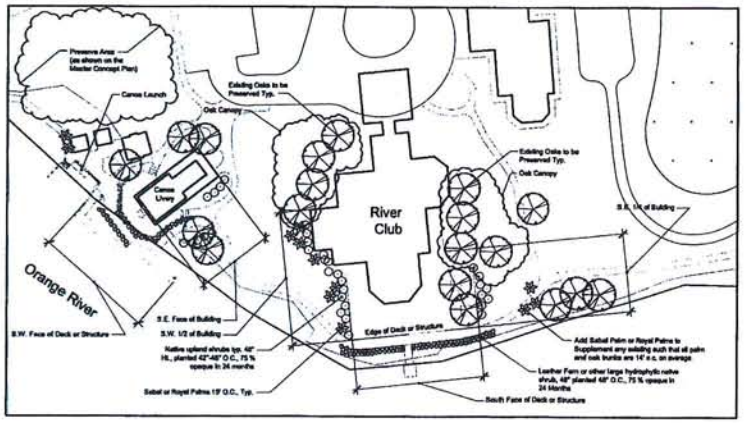
LEGEND:

A	Cart Barn	Zone 1
B	Pro-Shop & Locker Area	Zone 2
C	River Club	Zone 3
D	Nature Center	
E	Canoe Livery & Riverside Deck	
F	Health & Tennis Club	

NOTE:
Please refer to the River Village Land Use Table for additional limitations on use and placement within each Zone of the River Village Area.

RIVER VILLAGE LAND USE TABLE

	Area Description:	Permitted Use:	AREA Limits:	Height Limitation:	General Notes:
Zone 1	*Area 1 extends 25' landward of the mean high water line, and includes the required 25' natural waterbody buffer. Uses within this area must be called out and generally depicted, with an anticipated square footage of impact.*	*Observation Deck* *Pathways* *Canoe Launch (2)* *1 Dock (5 Temporary Tie Ups)* *Decks (Canoe Livery & Club)* *Canoe Livery*	*100 SF* *See Note 1:* *See Note 1:* *400 SF* *720 SF* *8,500 SF (Zone 1)* *2,000 SF (Zone 1)*	*10' from MHW* *N/A* *N/A* *As Shown* *N/A* *10' from MHW* *20' - single story*	1. *All decks, boardwalks and paths shall be elevated or field located to ensure minimal impact on existing, native habitat. Boardwalks and paths within Zones 1 shall meet ADA requirements (54").* 2. *No outdoor entertainment or service of alcohol is permitted within Zones 1 and 2 after 10:00 pm.* 3. *All service and mechanical equipment must be screened from view.* 4. *Within Zones 1 and 2, all outdoor illumination shall be limited to 12' in height, and directed away from adjacent properties.* 5. *Boat Ramps, or the storage of fuel or oil in conjunction with the River Village is not permitted.* 6. *To the extent necessary, all required landscaping shall be placed between or adjacent to structures in Zones 1 and 2 and the Orange River to provide enhanced visual screen.* 7. *All landscaping within Zone 1 shall be indigenous plant material.* 8. *The location and use of buildings within Zones 1-2 shall conform to the regulations included in this table, and the River Village exhibit on Page 1 of 1 of the MCP. However, the building configurations shown in this exhibit are preliminary, and may be adjusted without amending the master concept plan, provided that the total envelope area and general location is consistent with the MCP.* 9. *All non-residential buildings within the River Village shall have a consistent architectural theme.* 10. *70% of all oak trees greater than 4" DBH shall be preserved in the Oak Park.* 11. *The preserve hatch is not shown on this sheet for clarity.* 12. *The River Village Club facilities will be built campus style. The total area will not exceed 35,000 square feet.*
Zone 2	*Area 2 extends between 25' and 100' from mean high water line. The uses in this zone are limited to those shown with a maximum building envelope and height. The placement of uses within this area must generally conform to the envelope shown, although minor adjustments to the envelope may be permitted.*	*Boardwalks* *Pathways* *Canoe Launch* *Decks (Canoe Livery & Club)* *River Club* *Canoe Livery* *Parking (As depicted)*	*See Note 1:* *See Note 1:* *As Shown* *See Note 1: 8,000 SF* *5,500 SF (Zone 2)* *3,500 SF (Total)* *N/A*	*N/A* *N/A* *N/A* *N/A* *35' + - single story* *20' + - single story* *N/A* ** From Base Flood Elevation*	
Zone 3	*Area 3 is the remainder of the River Village.*	*All Uses Permitted in the River Village. Recreational Facilities, Private, on-site (Oak Park)* *Dwelling Units, Single and Two Family*	*See area limitation in General Notes #12*	*35' - two story*	



LANDSCAPE DETAIL
SCALE: 1" = 100'

Approved as Exhibit
MCP Page 4 of 5
Resolution #Z-05-00

DCI 2005-00012

EXHIBIT "C"

NO.	DATE	BY	REVISION
1	4-20-05	NI	REVISED PER COUNTY COMMENTS 2-24-05
2	12-12-05	NI	REVISED PER RESOLUTION

NOTE: The information shown on these plans is conceptual in nature and is subject to change as more detailed information is developed during the zoning process.

SCALE: As Shown
DRAWN: RMJ 02-03-05
CHECKED: MCF 02-03-05
APPROVED: MCF 02-03-05

PREPARED FOR: Verandah Development LLC, 9990 Coconut Road, Suite 200, Bonita Springs, FL 34135-8488

PROJECT LOCATION: State Road 80, East Lee County

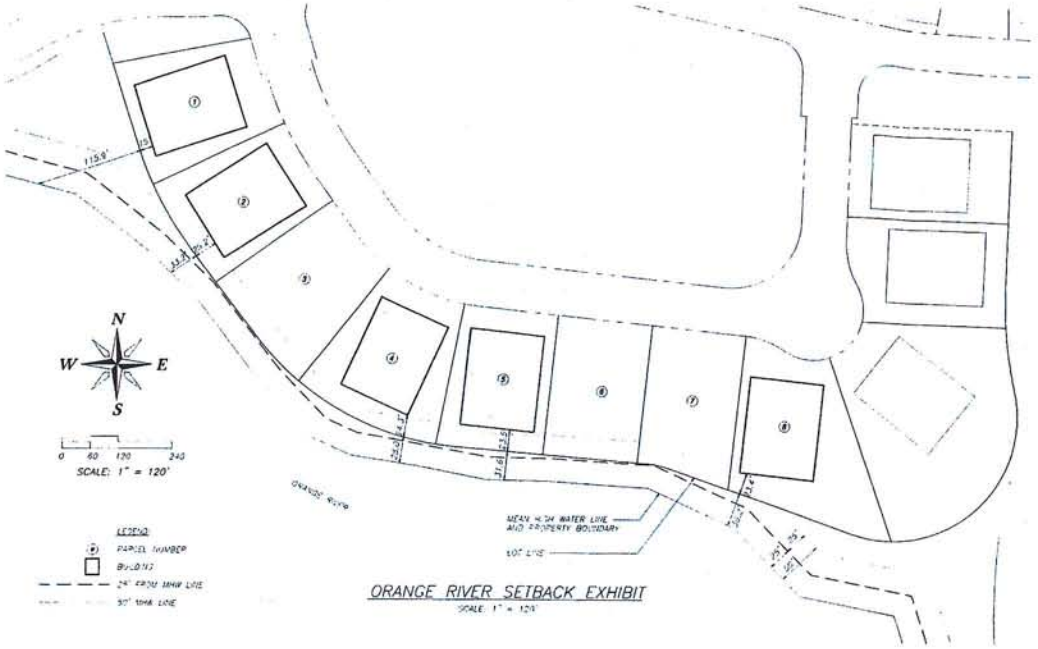
Wilson Miller Planning, Landscape Architecture, Traffic Engineering, Environmental Science, FL 3M

Vanasse Daylor

PROJECT NO. 80814
ACAD FILE NO. 80814-RV-103

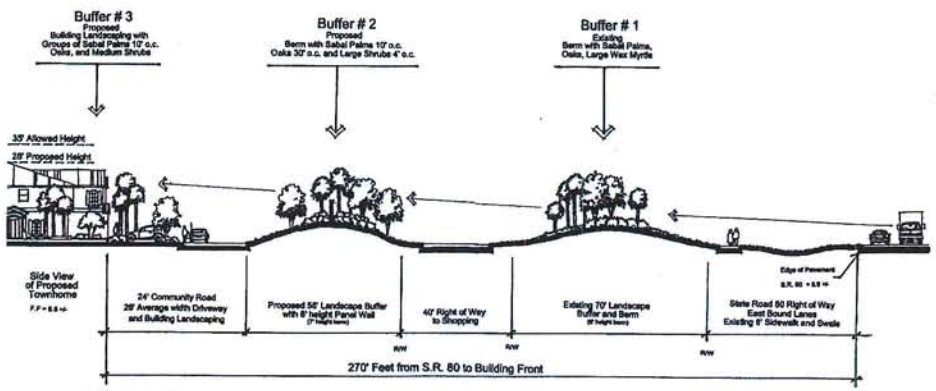
PROJECT & SHEET TITLE: VERANDAH MPD MASTER CONCEPT PLAN
EXHIBIT 6-J DCI 2005-00012

Sheet No. 4 of 5



ORANGE RIVER SETBACK EXHIBIT

SCALE: 1" = 120'

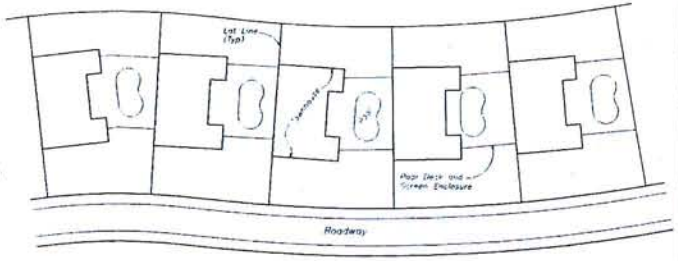


Verandah

PARCEL 1A BUFFER EXHIBIT

SCALE: 1" = 40'

Approved as Exhibit
MCP Page 5 of 5
Resolution #Z-05-081



POTENTIAL ZERO LOT LINE LAYOUT DETAIL

N.T.S.

Vanasse Daylor

Verandah Development LLC
9990 Coconut Road, Suite 200
Bonita Springs, FL 34135-8488

State Road 80
East Lee County

VERANDAH MPD MASTER CONCEPT PLAN
Exhibit 6J DCI 2005-00012

DEC 21 2005
COMMUNITY DEVELOPMENT

EXHIBIT "C"
(Page 5 of 5)

Sheet No. 5 of 5

AFFIDAVIT

RECEIVED
JUL 19 2005
PERMIT COUNTER

STATE OF FLORIDA)
COUNTY OF LEE)

BEFORE ME, the undersigned authority, on this 5th day of July, 2005, personally appeared Katherine C. Green, who is personally known to me ~~or who produced _____ as identification~~ and who did take an oath, who deposes and says as follows:

1. That I am the owner of the following described property, to wit:

   See Attached Exhibit "A"

2. That the above described property was used for bona fide agricultural purposes, to wit livestock grazing and pasturage, at the time of the Lee County Board of County Commissioners review and consideration of the rezoning of the property described on the attached Exhibit "A" on 8/19/02

3. The agricultural use of the property is an existing bona fide agricultural use.

4. The agricultural use is being conducted on the entire 794.59 acres. The entire property described on the attached Exhibit "A" is being used for the grazing of livestock.

5. Affiant further states that he is familiar with the nature of an oath; and with the penalties as provided by the laws of the State of aforesaid for falsely swearing to statements made in an instrument of this nature. Affiant further certifies that he has read, or has heard read to him, the full facts of this affidavit and understands its meaning and context.

FURTHER AFFIANT SAYETH NAUGHT.

_____
Affiant

SWORN TO and subscribed before me on the date and year first above written.

(Notary Seal)

Linda J. Antonacci
MY COMMISSION # DD030432 EXPIRES
August 18, 2005
BONDED THRU TROY FAIN INSURANCE INC

_____
Signature of Notary Public

_____
(Print, type or stamp commissioned name of Notary Public)

Commission No.

DCI 2005-00012
JUL 19 2005

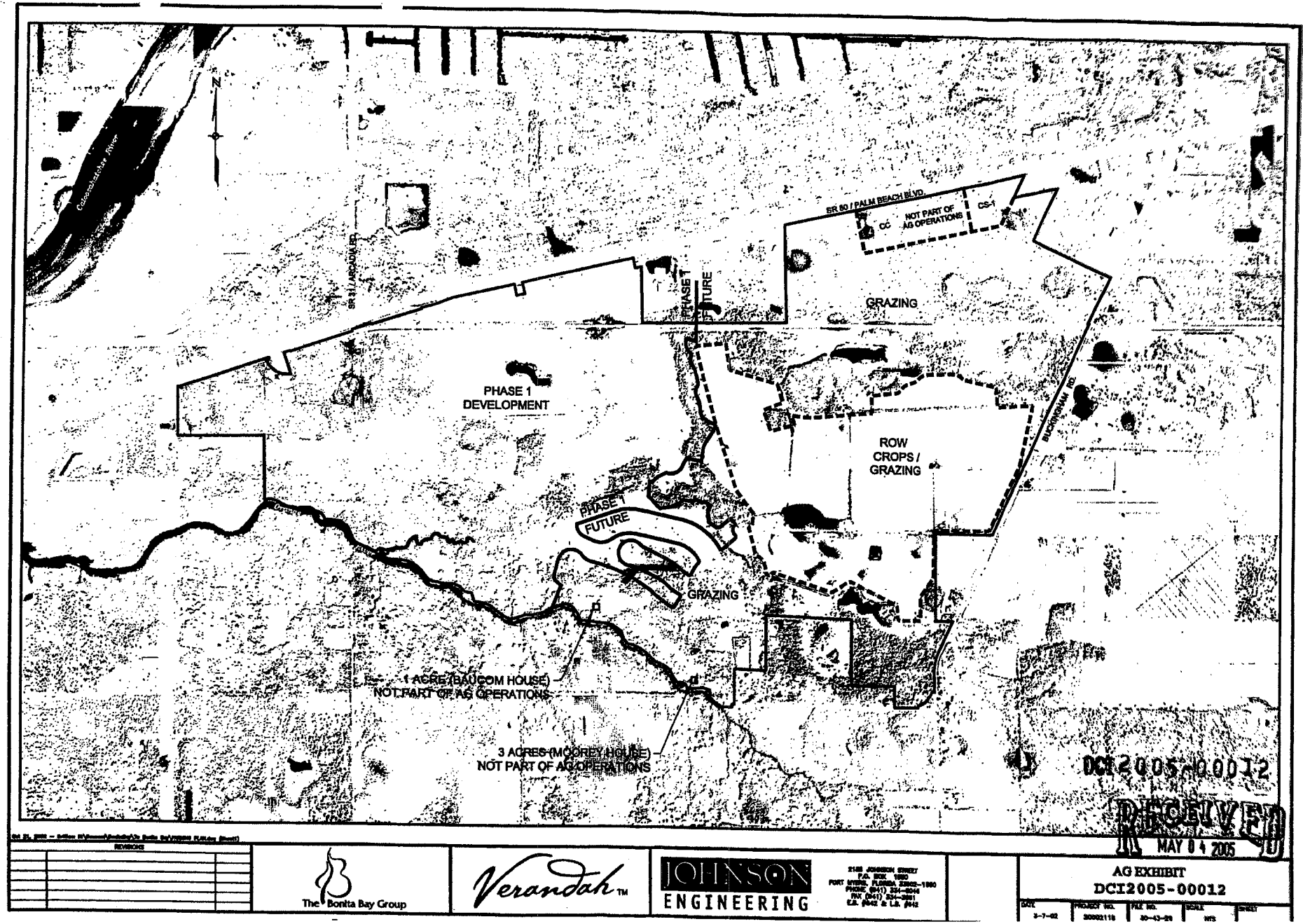


EXHIBIT D
(Page 2 of 3)

JOHNSON ENGINEERING

The Verandah
Application for Public Hearing
DCI2005-00012

Description	Acres
Verandah Phase 2 Boundary Survey	836.12
less and except:	
Parcel previously zoned CC	28.1
Parcel previously zoned CS-1	9.5
3 of the 8 ac. Moorey residence	3.0
1 ac. of the Baucom residence	1.0
Total Excluded	41.6
Total AG area (Phase 2 only)	794.52

ATTACHMENT Q

RECEIVED
JUL 19 2005
PERMIT COUNTER

DCI 2005-00012

AG Lands total.xls

2158 Johnson Street ■ Post Office Box 1550 ■ Fort Myers, Florida 33902-1550
(239) 334-0046 ■ Fax (239) 334-3661

7/14/2005

JUL 19 2005

ATTACHMENT R RESOLUTION NUMBER Z-05-091

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

WHEREAS, an application was filed by James Ink & Associates, L.L.P., on behalf of the property owners, Jerry L. and Nancy M. Petersen, to rezone a 18.9±-acre parcel from Agricultural (AG-2) to Residential Planned Development (RPD) in reference to a project known as Buckingham Chase (fka Tuscany Estates RPD); and,

WHEREAS, a public hearing was advertised and held on November 9, 2005, before the Lee County Zoning Hearing Examiner, Diana M. Parker, who continued the hearing to November 30, 2005. The Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2004-00073; and,

WHEREAS, a second public hearing was advertised and held on February 20, 2006, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 18.9±-acre parcel from AG-2 to RPD, to allow 33 single-family dwelling units with a maximum height of 35 feet/two stories.

The property is located in the Outlying Suburban and Suburban Future Land Use Categories and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. Development must be consistent with the three-page Master Concept Plan (MCP) entitled "BUCKINGHAM CHASE", last revised April 6, 2006, date stamped received March 17, 2006, except as modified by the conditions below:

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

Maximum Dwelling Units: 33

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

a. **Schedule of Uses**

Accessory Uses and Structures
Administrative Office
Dwelling Units, single-family only - 33 maximum
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Home Occupation, No outside help.
Model Home and Model Unit - ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Parking Lot, Accessory
Real Estate Sales - ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Recreational Facilities - Private, On-site only. LIMITED TO THOSE SHOWN ON THE APPROVED MASTER CONCEPT PLAN (Neighborhood Park)
Residential Accessory Uses
Signs, in compliance with LDC Chapter 30
Temporary Uses

b. **Site Development Regulations ALL USES**

Minimum Lot Areas and Dimensions

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

Minimum Setbacks

Street	25 feet
Side	7.5 feet
Rear	20 feet
Waterbody	25 feet

All Accessory Uses: Per the LDC.

All Setbacks from Preserve Areas: Per the LDC.

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 15 feet.

Building Height: 35 feet/2 stories

Maximum Lot Coverage: 40 percent

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

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

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

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

   d. Dry models are prohibited.

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

   f. Any model homes or units must be developed within the areas identified as "model" on the approved MCP.

   g. Model display Centers or Model Display Groups are not permitted uses.

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

   i. Real estate sales are limited to within model homes only.

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

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

4. Perimeter Buffers.

   a. No buffer is required on the southern and northern property lines.

   b. Buffer on lands abutting Buckingham Road:

The development order must provide an enhanced 25-foot Type "D" buffer along Buckingham Road including six trees per 100 linear feet (which must include live oaks, no palms), scattered ground cover, and a single row hedge maintained at a minimum height of 60 inches after the first year of growth.

5. **AGRICULTURAL USES:** The existing agricultural uses in the form of cattle grazing must cease upon passage of this zoning resolution. No agricultural uses are permitted on site.

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

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

8. Development blasting is not permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.

9. All required buffers must utilize 100 percent native vegetation.

10. ACCESS TO BUCKINGHAM ROAD

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

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

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

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

13. Prior to local development order approval, the landscape plan must include the detailed Flowway Planting Pallet (attached hereto as Exhibit B) for the portion of the flowway north of the proposed roadway. The ground cover plants must be a minimum two-inch liner size

and the trees must be a minimum three-gallon container size. Any blue flag iris areas that are within the proposed impact areas must be salvaged and utilized onsite within the flow-way or along the appropriate areas of the lake littoral zone.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §10-355(a)(1) requirement to provide utility easements on each side of the street right-of-way; to allow for the placement of utility easements within the right-of-way, provided applicable utility companies do not object. The request is only for the area noted as neighborhood park. This deviation is APPROVED, SUBJECT to the condition that, at the time of local development order, the applicant provide Development Services Division staff with "letters of no objection" from the applicable providers of public and/or private utilities (such as water, sewer, cable, telephone and electric).

2. Deviation (2) seeks relief from the LDC §10-285 requirement to provide intersection separation of 660 feet on an arterial road (Buckingham Road); to permit an intersection separation of 300 feet, as shown on the approved MCP. This deviation is APPROVED.

3. Deviation (3) seeks relief from the LDC § 10-291(3) requirement which provides that developments of more than five acres provide more than one means of egress and ingress; to permit a single entrance, as shown on the approved MCP. This deviation is APPROVED, SUBJECT TO Condition 10, above.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

Exhibit A: Legal description
Exhibit B: Buckingham Chase Flowway Planting Pallet
Exhibit C: Zoning Map (subject parcel identified with shading)
Exhibit D: Concept Plan entitled "BUCKINGHAM CHASE", last revised April 6, 2006, date stamped received March 17, 2006

The applicant has indicated that the STRAP number for the subject property is: 32-43-26-00-00006.0010.

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes or regulations.

2. The RPD rezoning, as approved:

   a. meets or exceeds the performance and locational standards set forth for the potential uses allowed by the request; and,

DULY PASSED AND ADOPTED this 21st day of February 2006.

ATTEST:
CHARLIE GREEN, CLERK

BY: Michele D. Cooper
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Tammara Hall, Chairwoman

Approved as to form by:

_____
Donna Marie Collins
County Attorney's Office

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mgc
2006 MAR 30 PM 12:25

b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,

c. is compatible with existing or planned uses in the surrounding area; and,

d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,

e. will not adversely affect environmentally critical areas or natural resources.

3. The RPD rezoning satisfies the following criteria:

a. the proposed use or mix of uses is appropriate at the subject location; and

b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

4. Urban services, as defined in the Lee Plan, will be available and adequate to serve the proposed land use.

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

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

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

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

DESCRIPTION:

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 32, TOWNSHIP 43 SOUTH, RANGE 26 EAST, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 32; THENCE N.00°57'46"W. ALONG THE EAST LINE OF SAID SECTION 32 FOR A DISTANCE OF 333.36 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE S.88°59'37"W. ALONG A LINE THAT IS PARALLEL TO THE SOUTH LINE OF SAID SECTION 32 (AND POSITIONED BY DIVIDING THE SENIOR PARCEL ACREAGE INTO THE NORTH 2/3 AND THE SOUTH 1/3), FOR A DISTANCE OF 1,256.13 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF BUCKINGHAM ROAD (PER ORDER OF TAKING RECORDED IN OFFICIAL RECORD BOOK 3293, PAGE 2793 AND BOOK 3298, PAGE 3652, PUBLIC RECORDS OF LEE COUNTY, FLORIDA), SAID POINT BEING A POINT ON A NON-TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S.87°21'00"E., A RADIAL DISTANCE OF 2,241.83 FEET; THENCE NORTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 18°13'44" FOR A DISTANCE OF 713.25 FEET; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE N.89°34'47"E. ALONG A LINE PARALLEL WITH AND 315 FEET SOUTH OF THE NORTH LINE OF THE SOUTHEAST QUARTER (SE ¼) OF THE SOUTHEAST QUARTER (SE ¼) FOR A DISTANCE OF 1,099.71 FEET ALONG THE NORTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2605, PAGE3 1194, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, TO THE EAST LINE OF SAID SECTION 32; THENCE S.00°57'46"E. ALONG SAID EAST LINE FOR A DISTANCE OF 681.42 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 823,134 SQUARE FEET, OR, 18.90 ACRES, MORE OR LESS.

(THIS PARCEL IS DESCRIBED AS THE NORTH ⅔ OF THE LANDS DESCRIBED IN EXHIBIT "A" OF O.R. 2605, PAGE 1194, PUBLIC RECORDS OF LEE COUNTY, FL.
THE SOUTH LINE WAS INDETERMINATE AND A BOUNDARY LINE AGREEMENT IS BEING MADE BASED ON THE POSITION AS SHOWN ON THE MAP. BASED ON A DESCRIPTION OF THE PARCEL BEING USED IN THE AGREEMENT AS PREPARED BY METRON SURVEYING AND MAPPING, LLC.)

Applicant's Legal Checked
by _____ 12/22/2004.

RECEIVED
DEC 15 2004
PERMIT COUNTER

DCI2004-00073

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JAMES M INK PE
FLORIDA REG NO. 44706

DATE

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James Ink & Associates, LLP
"WATERFRONT DESIGN WITH A DIFFERENCE"
PLANNERS · DESIGNERS · ENGINEERS
E-MAIL: JAMESINKASSOCIATES@EARTHLINK.NET
2041 WEST FIRST STREET
FORT MYERS, FLORIDA 33901
TEL: (239) 3342450
FAX: (239) 3340278

Legal Description	JOB #: J04015
Tuscany Estates	DATE: 12/04/04
Buckingham, Florida	SHEET: 1

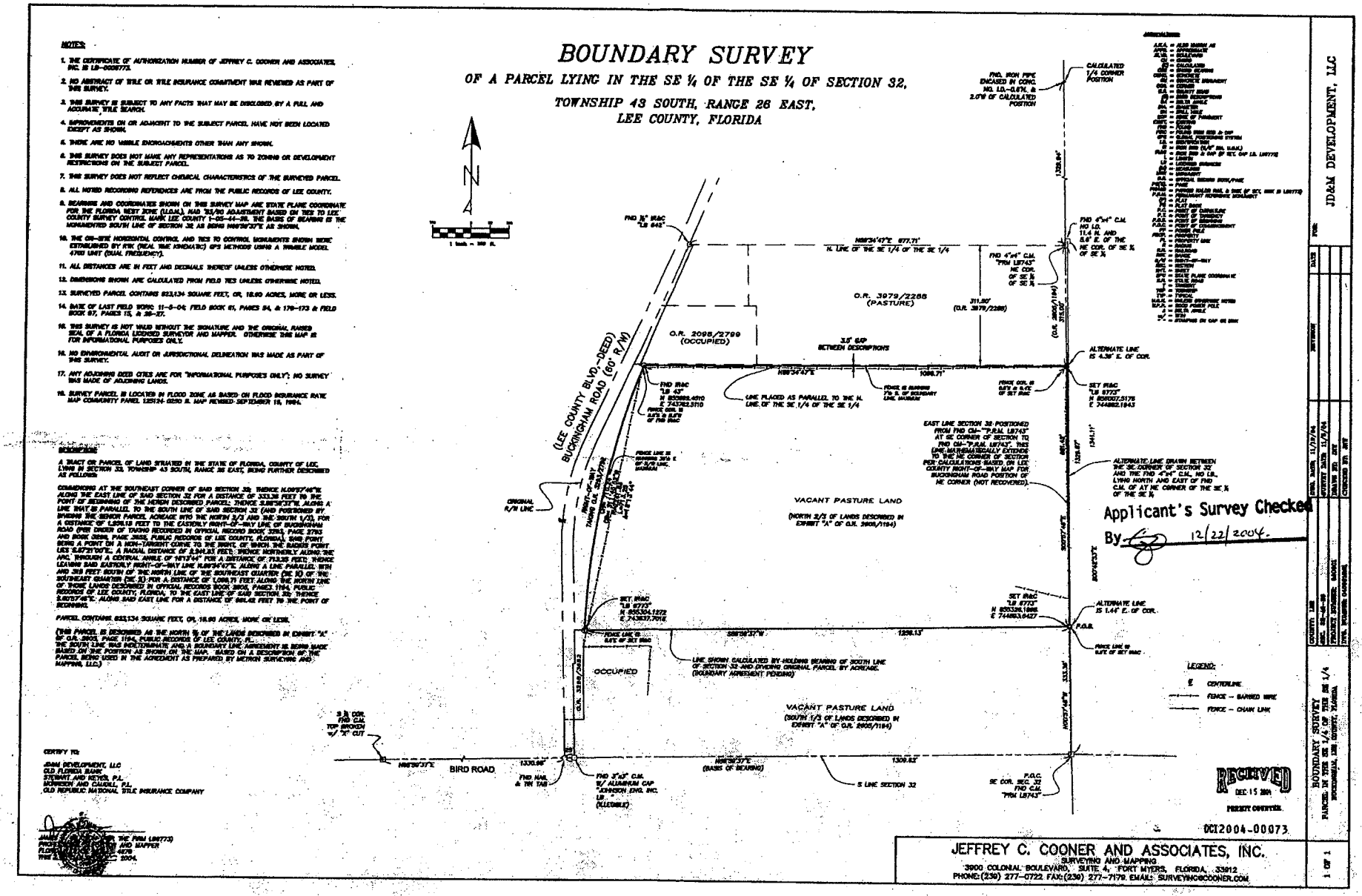

BOUNDARY SURVEY
OF A PARCEL LYING IN THE SE ¼ OF THE SE ¼ OF SECTION 32,
TOWNSHIP 43 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA
NOTES:
1. THE CERTIFICATE OF AUTHORIZATION NUMBER OF JEFFREY C. COONER AND ASSOCIATES, INC. IS LB-0005773.
2. NO ABSTRACT OF TITLE OR TITLE INSURANCE COMMITMENT WAS REVIEWED AS PART OF THIS SURVEY.
3. THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
4. IMPROVEMENTS ON OR ADJACENT TO THE SUBJECT PARCEL HAVE NOT BEEN LOCATED EXCEPT AS SHOWN.
5. THERE ARE NO VISIBLE ENCROACHMENTS OTHER THAN ANY SHOWN.
6. THIS SURVEY DOES NOT MAKE ANY REPRESENTATIONS AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON THE SUBJECT PARCEL.
7. THIS SURVEY DOES NOT REFLECT CHEMICAL CHARACTERISTICS OF THE SURVEYED PARCEL.
8. ALL NOTED RECORDING REFERENCES ARE FROM THE PUBLIC RECORDS OF LEE COUNTY.
9. BEARINGS AND COORDINATES SHOWN ON THIS SURVEY MAP ARE STATE PLANE COORDINATE FOR THE FLORIDA WEST ZONE (U.S.M.), NAD '83/90 ADJUSTMENT BASED ON TIES TO LEE COUNTY SURVEY CONTROL MARK LEE COUNTY 1-05-44-36. THE BASIS OF BEARING IS THE MONUMENTED SOUTH LINE OF SECTION 32, AS BEING N89°39'37"E AS SHOWN.
10. THE ON-SITE HORIZONTAL CONTROL AND TIES TO CONTROL MONUMENTS SHOWN WERE ESTABLISHED BY RTK (REAL TIME KINEMATIC) GPS METHODS USING A TRIMBLE MODEL 4700 UNIT (DUAL FREQUENCY).
11. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF UNLESS OTHERWISE NOTED.
12. DIMENSIONS SHOWN ARE CALCULATED FROM FIELD TIES UNLESS OTHERWISE NOTED.
13. SURVEYED PARCEL CONTAINS 823,134± SQUARE FEET, OR, 18.90 ACRES, MORE OR LESS.
14. DATE OF LAST FIELD WORK: 11-5-04; FIELD BOOK 61, PAGES 94, & 179-173 & FIELD BOOK 97, PAGES 15, & 26-27.
15. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. OTHERWISE THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY.
16. NO ENVIRONMENTAL AUDIT OR JURISDICTIONAL DELINEATION WAS MADE AS PART OF THIS SURVEY.
17. ANY ADJOINER DEED CITES ARE FOR "INFORMATIONAL PURPOSES ONLY"; NO SURVEY WAS MADE OF ADJOINING LANDS.
18. SURVEY PARCEL IS LOCATED IN FLOOD ZONE AS BASED ON FLOOD INSURANCE RATE MAP COMMUNITY PANEL 125124 0020 B, MAP REVISED SEPTEMBER 15, 1984.
DESCRIPTION:
A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 32, TOWNSHIP 43 SOUTH, RANGE 26 EAST, BEING FURTHER DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 32; THENCE N.00°57'46"E. ALONG THE EAST LINE OF SAID SECTION 32 FOR A DISTANCE OF 333.36 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE S.89°39'37"W. ALONG A LINE THAT IS PARALLEL TO THE SOUTH LINE OF SAID SECTION 32 (AND POSITIONED BY HOLDING THE GRANTOR PARCEL ACREAGE INTO THE NORTH 2/3 AND THE SOUTH 1/3), FOR A DISTANCE OF 1,256.13 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF BUCKINGHAM ROAD (PER ORDER OF TAKING RECORDED IN OFFICIAL RECORD BOOK 3293, PAGE 3793 AND BOOK 3699, PAGE 3855, PUBLIC RECORDS OF LEE COUNTY, FLORIDA); SAID POINT BEING A POINT ON A NON-TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S.87°27'00"E., A RADIAL DISTANCE OF 8,340.83 FEET; THENCE NORTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 10°13'44" FOR A DISTANCE OF 713.88 FEET; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE N.89°54'47"E. ALONG A LINE PARALLEL WITH AND 333 FEET SOUTH OF THE NORTH LINE OF THE SOUTHEAST QUARTER (SE ¼) OF THE SOUTHEAST QUARTER (SE ¼), FOR A DISTANCE OF 1,096.71 FEET ALONG THE NORTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3908, PAGES 1194, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, TO THE EAST LINE OF SAID SECTION 32; THENCE S.00°57'46"W. ALONG SAID EAST LINE FOR A DISTANCE OF 995.42 FEET TO THE POINT OF BEGINNING.
PARCEL CONTAINS 823,134 SQUARE FEET, OR, 18.90 ACRES, MORE OR LESS.
(THIS PARCEL IS DESCRIBED AS THE NORTH ⅔ OF THE LANDS DESCRIBED IN EXHIBIT "A" OF O.R. 3900, PAGE 1194, PUBLIC RECORDS OF LEE COUNTY, FL... THE SOUTH LINE WAS INDETERMINATE AND A BOUNDARY LINE AGREEMENT IS BEING MADE BASED ON THE POSITION AS SHOWN ON THE MAP, BASED ON A DESCRIPTION OF THE PARCEL BEING USED IN THE AGREEMENT AS PREPARED BY METRON SURVEYING AND MAPPING, LLC.)
CERTIFY TO:
JDAM DEVELOPMENT, LLC
OLD FLORIDA BANK
STEWART AND REYES, P.A.
MORRISON AND CALDWELL, P.L.
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
N
1 inch = 300 ft.
FND. IRON PIPE ENCASED IN CONC. NO I.D.-0.6'N. & 2.0'W OF CALCULATED POSITION
CALCULATED ¼ CORNER POSITION
FND 5/8" IRAC "LB 643"
N89°34'47"E 977.71' N. LINE OF THE SE ¼ OF THE SE ¼
FND 4"x4" C.M. NO I.D. 11.4 N. AND 0.6' E. OF THE NE COR. OF SE ¼ OF SE ¼
FND 4"x4" C.M. "PRM LB743" NE COR. OF SE ¼ OF SE ¼
O.R. 3979/2288 (PASTURE)
311.90' (O.R. 3979/2288)
O.R. 2095/2769 (OCCUPIED)
3.5' GAP BETWEEN DESCRIPTIONS
(LEE COUNTY BLVD.-DEED) BUCKINGHAM ROAD (66' R/W)
ALTERNATE LINE IS 4.39' E. OF COR.
FND IRAC "LB 643" N 858886.4010 E 744382.3110
LINE PLACED AS PARALLEL TO THE N. LINE OF THE SE 1/4 OF THE SE 1/4
N89°34'47"E 1096.71'
FENCE IS RUNNING 7'± S. OF BOUNDARY LINE, MAINLY
FENCE COR. IS 0.6'E & 0.4'E OF SET IRAC
SET IRAC "LB 5737" N 858087.5175 E 744882.1843
EAST LINE SECTION 32 POSITIONED FROM FND CM-"P.R.M. LB743" AT SE CORNER OF SECTION TO FND CM-"P.R.M. LB743", THIS LINE MATHEMATICALLY EXTENDS TO THE NE CORNER OF SECTION PER CALCULATIONS BASED ON LEE COUNTY RIGHT-OF-WAY MAP FOR BUCKINGHAM ROAD POSITION OF NE CORNER (NOT RECOVERED).
ALTERNATE LINE DRAWN BETWEEN THE SE. CORNER OF SECTION 32 AND THE FND 4"x4" C.M., NO I.D., LYING NORTH AND EAST OF FND C.M. OF AT NE CORNER OF THE SE ¼ OF THE SE ¼
ORIGINAL R/W LINE
VACANT PASTURE LAND
(NORTH 2/3 OF LANDS DESCRIBED IN EXHIBIT "A" OF O.R. 3908/1194)
Applicant's Survey Checked By 12/22/2004.
SET IRAC "LB 5737" N 855334.1872 E 744837.7918
SET IRAC "LB 5737" N 855334.1866 E 744853.6427
ALTERNATE LINE IS 1.44' E. OF COR.
P.O.B.
FENCE LINE IS 0.6'E OF SET IRAC
S89°39'37"W 1256.13
LINE SHOWN CALCULATED BY HOLDING BEARING OF SOUTH LINE OF SECTION 32 AND DIVIDING ORIGINAL PARCEL BY ACREAGE. (BOUNDARY AGREEMENT PENDING)
OCCUPIED
O.R. 3858/2453
VACANT PASTURE LAND
(SOUTH 1/3 OF LANDS DESCRIBED IN EXHIBIT "A" OF O.R. 3908/1194)
N00°57'46"E 333.36'
S.00°57'46"W. 995.42'
3.5 COR. FND C.M. TOP BROKEN W/ "X" CUT
BIRD ROAD
N89°39'37"E 1320.99'
FND NAIL & TIN TAB
FND 3"x5" C.M. W/ ALUMINUM CAP "JOHNSON ENG. INC. LB "
N89°39'37"E (BASIS OF BEARING)
1309.82'
S LINE SECTION 32
P.O.C. SE COR. SEC. 32 FND C.M. "PRM LB743"
LEGEND:
℄ CENTERLINE
FENCE - BARBED WIRE
FENCE - CHAIN LINK
RECEIVED
DEC 15 2004
PERMIT CENTER
DCI2004-00073
JEFFREY C. COONER AND ASSOCIATES, INC.
SURVEYING AND MAPPING
3900 COLONIAL BOULEVARD, SUITE 4, FORT MYERS, FLORIDA, 33912
PHONE:(239) 277-0722 FAX:(239) 277-7179 EMAIL: SURVEYING@COONER.COM
JD&M DEVELOPMENT, LLC
BOUNDARY SURVEY OF A PARCEL LYING IN THE SE ¼ OF THE SE ¼ OF SECTION 32, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA
1 OF 1

EXHIBIT A

BUCKINGHAM CHASE
FLOWWAY PLANTING PALLET

The proposed flowway through Buckingham Chase contains areas of existing wetland and non jurisdictional areas. The species listed below may be planted within the two zones of the proposed enhanced / created flowway based on a seasonal high water elevation of approximately 8.3 feet. Zone A is below 8.5 feet. Zone B is above 8.5 feet.

ZONE A (below 8.5 feet)

Trees
cypress (*Taxodium* sp.)
pop ash (*Fraxinus caroliniana*)
red maple (*Acer rubrum*)

Ground Cover
canna (*Canna flaccida*)
iris (*Iris* sp.)
lovegrass (*Eragrostis* sp.)
panicum grass (*Panicum* sp.)
sand cordgrass (*Spartina bakeri*)
soft rush (*Juncus effusus*)
spikerush (*Eleocharis* sp.)
swamp lily (*Crinum americanum*)
Virginia chain fern (*Woodwardia virginica*)

ZONE A (above 8.5 feet)

Trees
cabbage palm (*Sabal palmetto*)
dahoon holly (*Ilex cassine*)
laurel oak (*Quercus laurifolia*)
slash pine (*Pinus elliottii*)

Ground Cover
broomsedge (*Andropogon* sp.)
lovegrass (*Eragrostis* sp.)
muhly grass (*Muhlenbergia* sp.)
sand cordgrass (*Spartina bakeri*)

The final species list will be based upon site specific conditions and on plant material availability at the time of planting.

W:\INKJ-2\flowway list.doc

EXHIBIT B

DCI2004-00073 BUCKINGHAM CHASE (FKA TUSCANY ESTATES) RPD

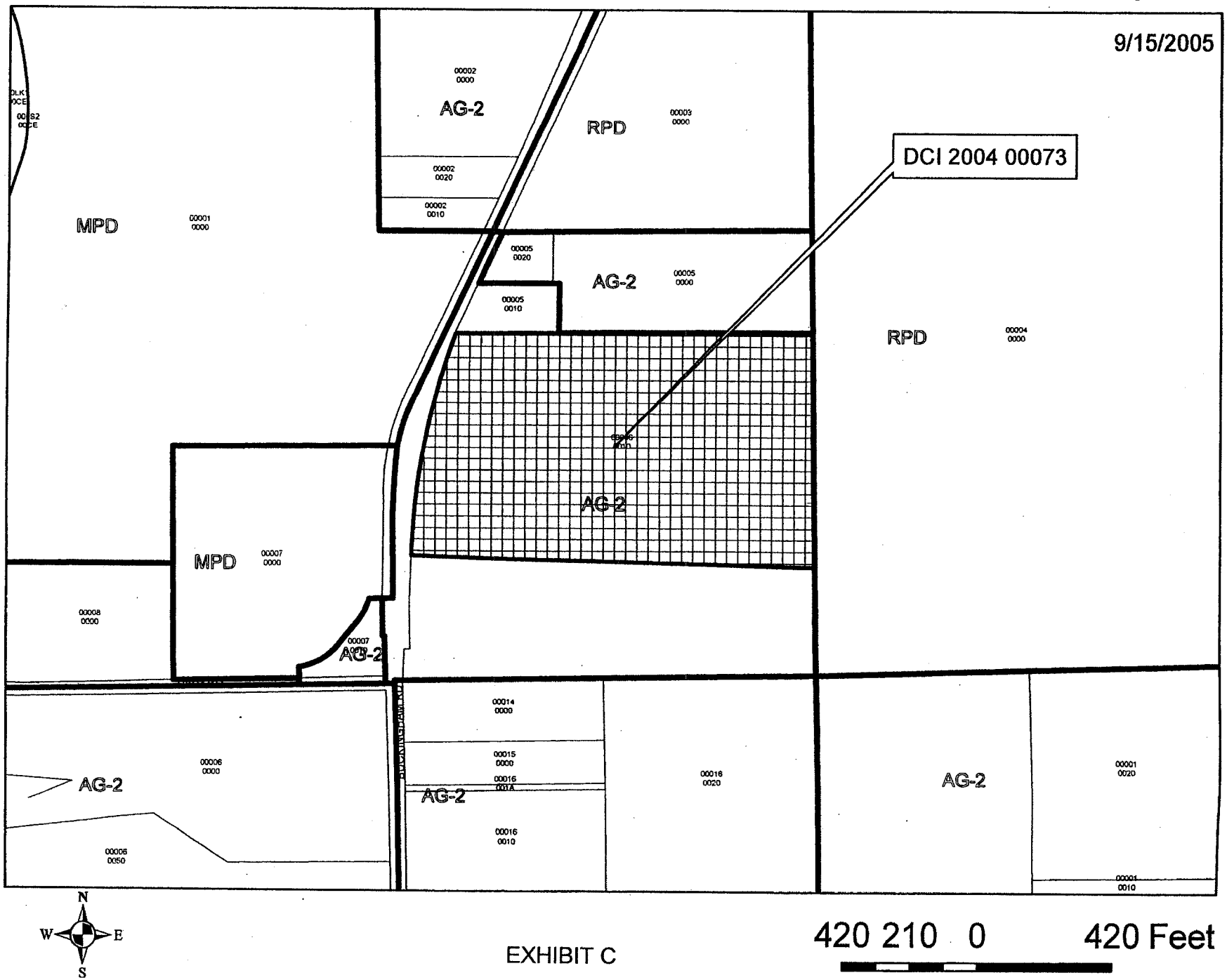


EXHIBIT C

Approved as Exhibit D
MCP Page 1 of 13
Resolution # Z-05-091

Documents For Public Hearing Request

BUCKINGHAM CHASE

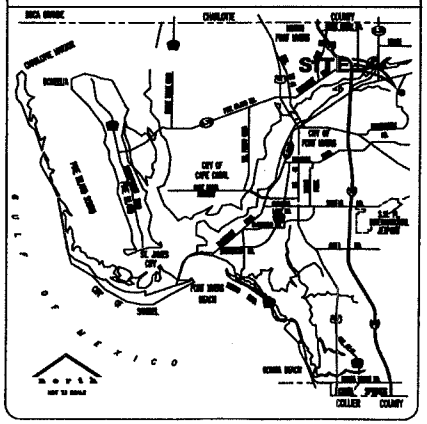
fka: Tuscany Estates
A Residential Planned Development
3851 Buckingham Road
Fort Myers, FL. 33905

RECEIVED
MAR 17 2006
COMMUNITY DEVELOPMENT

DCI 2004-00073

Exhibit D
Page 1 of 2

LOCATION MAP



CONSULTANTS

CIVIL ENGINEERS & PLANNERS:
JAMES INK & ASSOCIATES, INC.
2041 WEST FIRST STREET
FORT MYERS, FLORIDA 33901
TEL: (239) 334-2450
FAX: (239) 334-0278
CONTACT: JAMES M. INK, P.E.

ENVIRONMENTAL:
DEE BENDER AND ASSOCIATES, LLP
2041 WEST FIRST STREET
FORT MYERS, FLORIDA 33901
TEL: (239) 334-2450
FAX: (239) 334-0278
CONTACT: TYLER KING

LAND SURVEYORS:
JEFFREY C COONER AND ASSOC, INC
3900 COLONIAL BLVD
FORT MYERS, FLORIDA 33912
TEL: (239) 277-0722
FAX: (239) 277-7179
CONTACT: JEFFERY COONER, P.S.M.

UTILITIES & AGENCIES

WATER SEWER:
LEE COUNTY UTILITIES
1500 MONROE STREET
FORT MYERS, FL 33901
(239) 479-8181

TELEPHONE:
SPRINT
P.O. BOX 1370
FORT MYERS, FLORIDA 33901
(239) 336-3111

ELECTRIC:
LEE COUNTY COOPERATIVE
10560 BAYSHORE RD
FORT MYERS, FLORIDA 33917
(239) 543-3060

CATV:
COMCAST
8320 BEAU DRIVE
NORTH FORT MYERS, FLORIDA 33903
(239) 432-9277

REFUSE COLLECTION:
FLORIDA RECYLONG SERVICES
2465 HIGHLAND AVE
FORT MYERS , FLORIDA 33916
(239) 332-8500

FIRE:
TICE FIRE DISTRICT
5650 BUCKINGHAM ROAD
FORT MYERS, FL
(239) 694-2380

LAW ENFORCEMENT
LEE COUNTY SHERIFF DEPT.
EAST DISTRICT
FORT MYERS, FL 33903
(239) 477-1820

SCHEDULE OF DRAWINGS

1	COVER SHEET
2	MASTER CONCEPT PLAN
3	DEVIATIONS AND NOTES

SITE DATA

PROJECT INTENT:
REZONING REQUEST FROM AG-2 TO RPD

PROPERTY OWNERS:
JD + M DEVELOPMENT, LLC
5500 RAVINE RIDGE COVE
AUSTIN, TX 78746

STRAP NO.:
32-43-26-00-00008.0010

FUTURE LAND USE:
OUTLYING SUBURBAN

PROJECT LOCATION:
3851 BUCKINGHAM ROAD
FORT MYERS, FL 33905

PROPERTY ZONING:
AG-2

FLOOD ZONE:
BASED ON THE NATIONAL FLOOD INSURANCE PROGRAM F.I.R.M. MAP COMMUNITY NO. 125124, PANEL NUMBER 0250, DATED 9-19-1984, THE ABOVE DESCRIBED PROPERTY IS WITHIN ZONE CATEGORY 2, A6, ELEVATION 12.0.

PREPARED BY

James Ink & Associates, LLP

"WATERFRONT DESIGN WITH A DIFFERENCE"

PLANNERS · DESIGNERS · ENGINEERS

2055 WEST FIRST STREET
FORT MYERS, FLORIDA 33901
TEL: (239) 334-2450
FAX: (239) 334-0278

JAMES M INK PE
Florida Reg. No. 44706

DATE

James Ink & Associates, LLP
PLANNERS · DESIGNERS · ENGINEERS
2055 WEST FIRST STREET
FORT MYERS, FLORIDA 33901
TEL: (239) 334-2450
FAX: (239) 334-0278

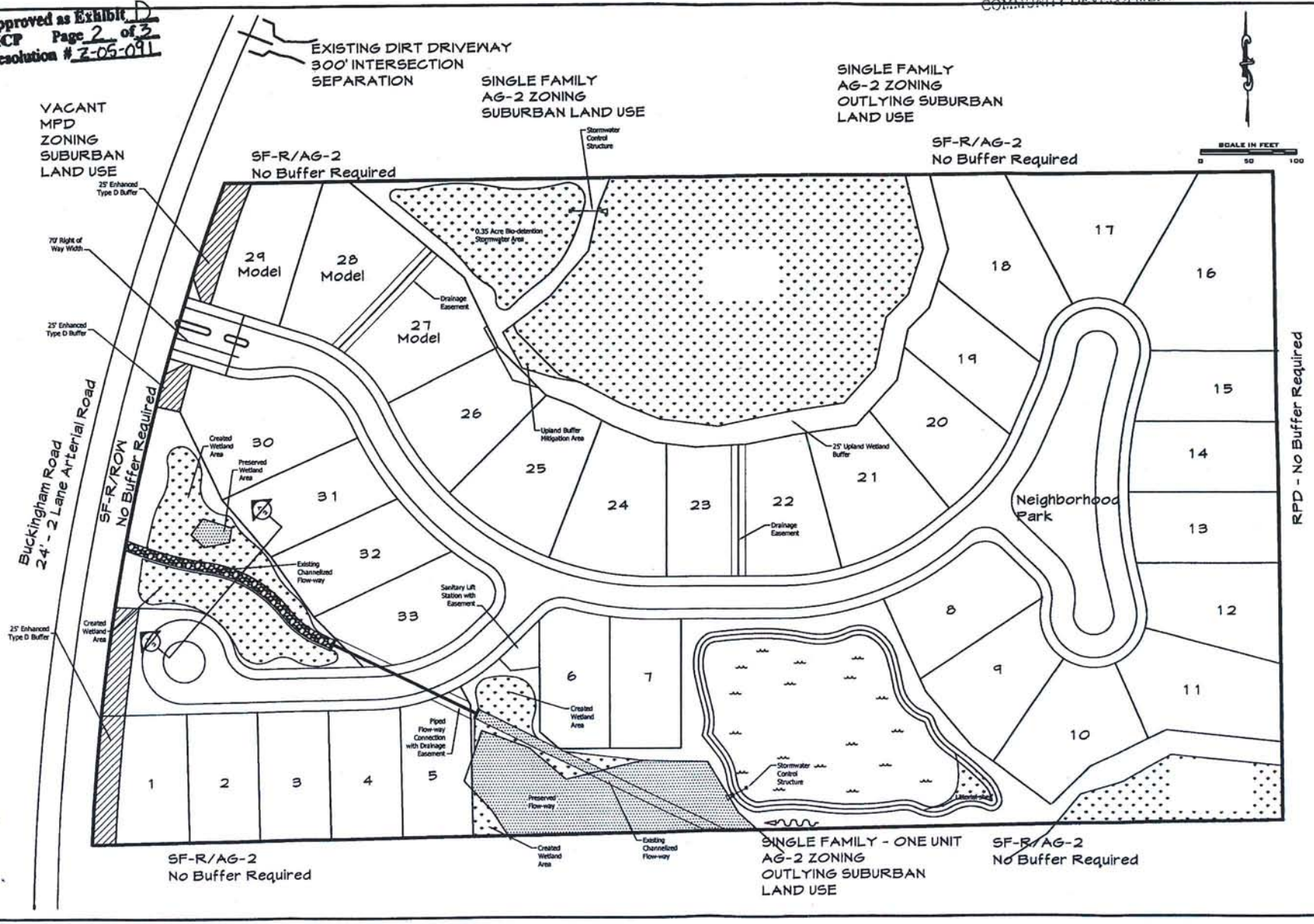
PROJECT NO. J04015 | DATE 10.01.04 | REVISED 8.15.05

BUCKINGHAM CHASE RPD – ZONING DOCUMENTS

Approved as Exhibit D
MCP Page 2 of 3
Resolution # Z-05-091

MAR 17 2006
COMMUNITY DEVELOPMENT

DCI 2004-00073



Master Concept Plan

Buckingham Chase

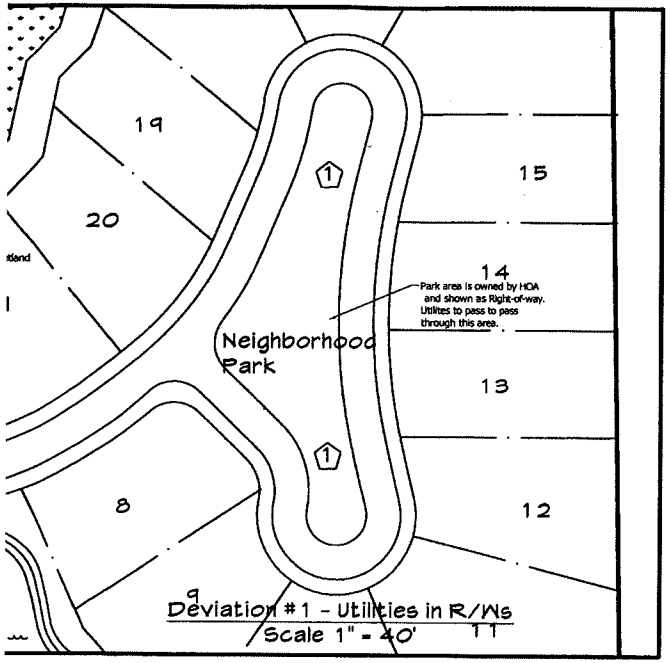
A Residential Planned Development
Buckingham Road, Fort Myers, FL

James Ink & Associates, LLP
"WATERFRONT DESIGN WITH A DIFFERENCE"
PLANNERS · DESIGNERS · ENGINEERS
2041 WEST FIRST STREET
FORT MYERS, FLORIDA 33901
TEL: (239) 3342450
FAX: (239) 3340278
E-MAIL: JAMESINKASSOCIATES@EARTHLINK.NET

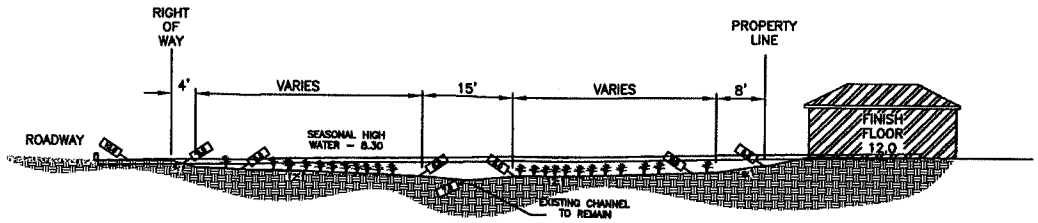
PROJECT NO.	J04015
PROJECT MANAGER	James Ink P.E.
DRAWN BY	BWM
DATE	03.06.04
SCALE	1"= 100'
SHEET NO. OF 3	2

Final MCP - Z-05-091

Exhibit D
Page 2 of 3



Deviation #1 - Utilities in R/Ws
Scale 1" = 40'



SECTION A–A
N.T.S.

RECEIVED
MAR 17 2006
COMMUNITY DEVELOPMENT

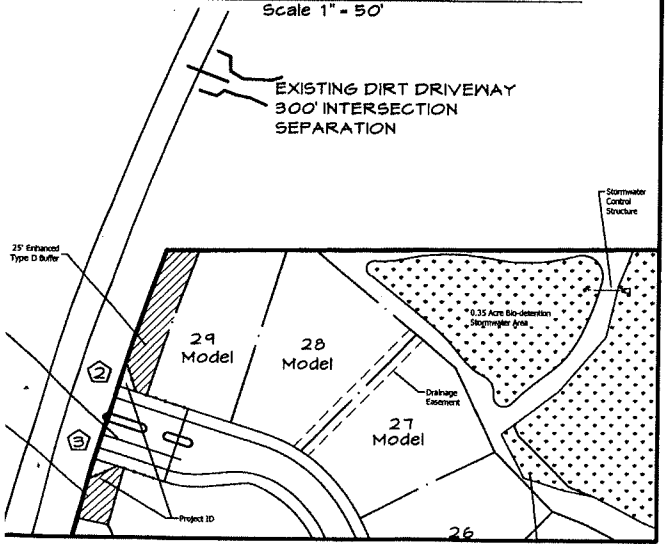
Deviation Requests

1. Request to modify the requirement to provide utility easements on each side of the street right-of-way (Section 10-355 (a)(1)) to allow for placement of utility easements within the right-of-way provided applicable utility companies do not object. The request is only for the area noted as neighborhood park.

2. Request deviation of intersection separation per LDC 10-285 requiring an intersection separation of 660 feet for a Arterial road. The request is to an intersection separation of 300'. Justification is the requested deviation is the maximum separation within parcel boundaries and requested deviation is only location that access to Buckingham Road can be made.

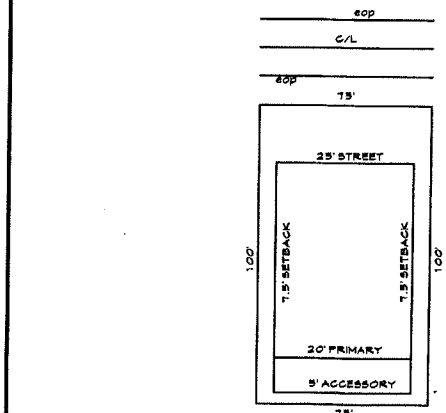
3. Seek relief from LDC Sec. 10-291(3) which requires residential development of more than 3 acres to provide more than 1 means of egress to allow a single means of ingress and egress.

Deviation #2 - Divided Entrance in lieu of two entrances
Deviation #3 - Reduced intersection separation to 300'
Scale 1" = 50'



DCI 2004-00073

ATTACHMENT R



TYPICAL LOT MINIMUMS
not to scale

Approved as Exhibit D
MCP Page 3 of 3
Resolution # Z-05-091

ATTACHMENT S RESOLUTION NUMBER Z-06-085

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

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

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

WHEREAS, a second public hearing was advertised and held on January 29, 2007, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 75.1 acre parcel from AG-2 to RPD, to allow 225 multi-family dwelling units. The property is located in the Outlying Suburban Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. The development of this project must be consistent with the 1-page Master Concept Plan, entitled "HEMINGWAY POINT," stamped "Received December 27, 2006," and attached hereto as Exhibit C, except as modified by the conditions below.

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

   Maximum Number of Dwelling Units: 207

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

COPY

a. Schedule of Uses

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

b. Site Development Regulations

Multi-Family, Town Home

Minimum Lot Areas and Dimensions

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

Minimum Setbacks

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

Accessory Setbacks: Per the LDC

Setbacks from Preserves: Per the LDC

Building Separation: 20 feet.

Perimeter Setbacks: 25 feet

Maximum Height: Two stories/35 feet

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

Clubhouse

Minimum Lot Areas and Dimensions

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

Minimum Setbacks

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

Accessory Setbacks: Per the LDC

Setbacks from Preserves: Per the LDC

Building Separation: 20 feet.

Perimeter Setbacks: 25 feet

Maximum Height: Two stories/35 feet

Maximum Lot Coverage: 45 percent

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

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

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

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

   a. Bona fide agricultural uses that are in existence at the time the application for this project was filed, and as shown on Exhibit D attached hereto, may continue until approval of a local development order for the area of the project containing those uses.

   b. Additional clearing of trees or other vegetation in agricultural areas is prohibited. Existing areas of bona fide agricultural use may be maintained, i.e., mowed, but not cleared or expanded. This prohibition is not intended to preclude County approved requests for the removal of invasive exotic vegetation.

   c. Prior to issuance of a local development order, the property owner must provide written proof, SUBJECT TO approval by the County Attorney's Office, of the following:

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

         a) the date the agricultural uses ceased;

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

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

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

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

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

8. Model Units /Real Estate Sales

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

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

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

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

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

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

   g. Dry models are prohibited.

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

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

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

10. ACCESS TO BUCKINGHAM ROAD

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

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

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

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

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

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

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

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

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

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

SECTION C. DEVIATIONS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION D. EXHIBITS AND STRAP NUMBER:

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

Exhibit A: Legal description of the property
Exhibit B: Zoning Map (with the subject parcel indicated)
Exhibit C: The Master Concept Plan
Exhibit D: Bona fide agricultural uses

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

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.

2. The rezoning, as approved:

   a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,

   b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,

   c. is compatible with existing or planned uses in the surrounding area; and,

   d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,

   e. will not adversely affect environmentally critical areas or natural resources.

3. The rezoning satisfies the following criteria:

   a. the proposed use or mix of uses is appropriate at the subject location; and

   b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

   c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

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

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

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

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

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

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Robert P. Janes
Chairman

Approved as to form by:

_____
Robert D. Spickerman
County Attorney's Office

RECEIVED
MINUTES OFFICE

2007 FEB 12 AM 7:37

Banks Engineering, Inc.

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

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

(BOUNDARY)

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

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

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

PARCEL CONTAINS 75.05 ACRES, MORE OR LESS.

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

DESCRIPTION PREPARED: 02-23-06

Robert Tad Simpson
ROBERT TAD SIMPSON
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 5559

DCI 2006-00010

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EXHIBIT A
Page 1 of 2

EXHIBIT A

SKETCH OF DESCRIPTION

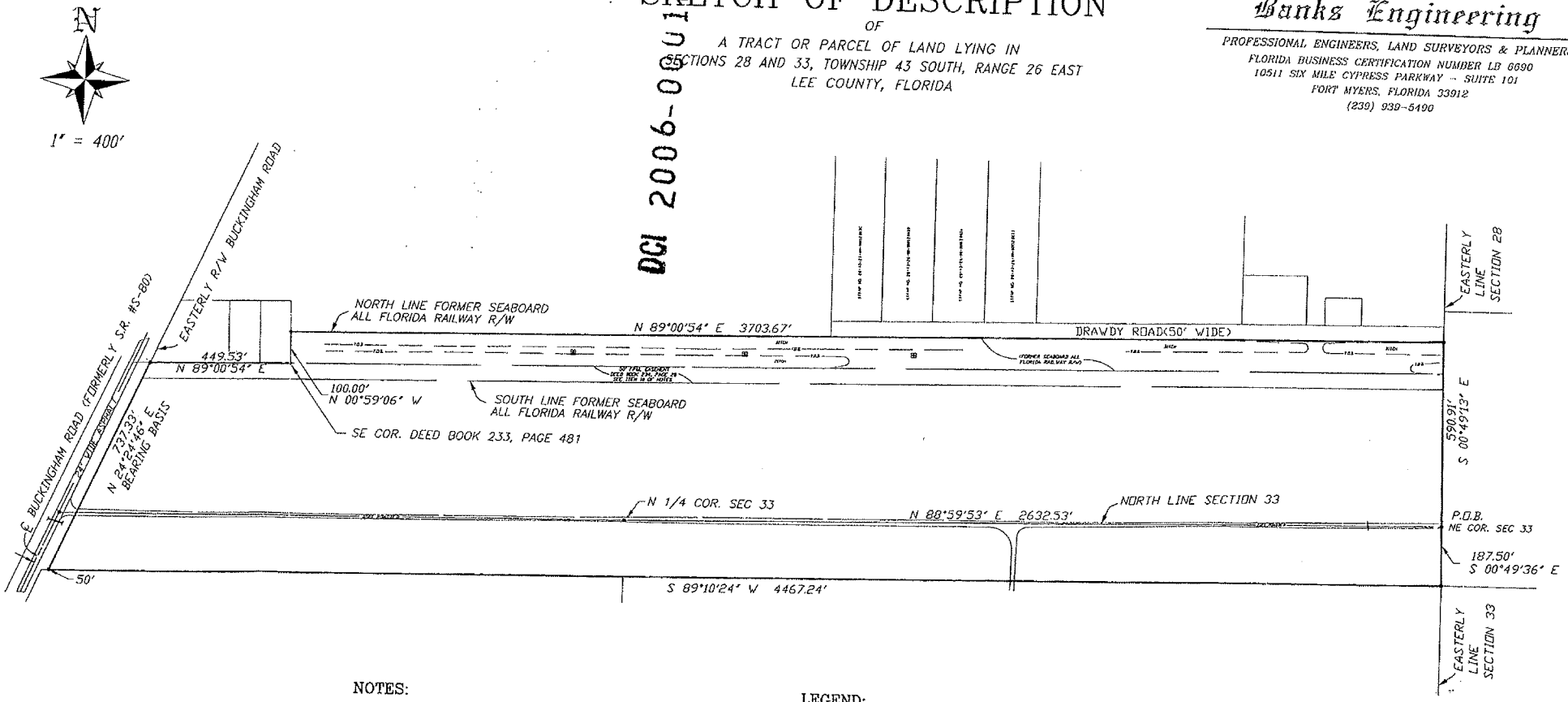
OF

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

DCI 2006-00011

Banks Engineering

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



NOTES:

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

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

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

LEGEND:

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

SEE SHEETS 1 AND 2 OF 3 FOR COMPLETE DESCRIPTION.

THIS SKETCH OF DESCRIPTION IS NOT A BOUNDARY SURVEY

Robert Tad Simpson

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

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

S:\JOBS\20XX\2096\SURVEY\DESCRIPTIONS\2096_DESC.DOC
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PREPARED 02-23-06
SHEET 2 OF 2

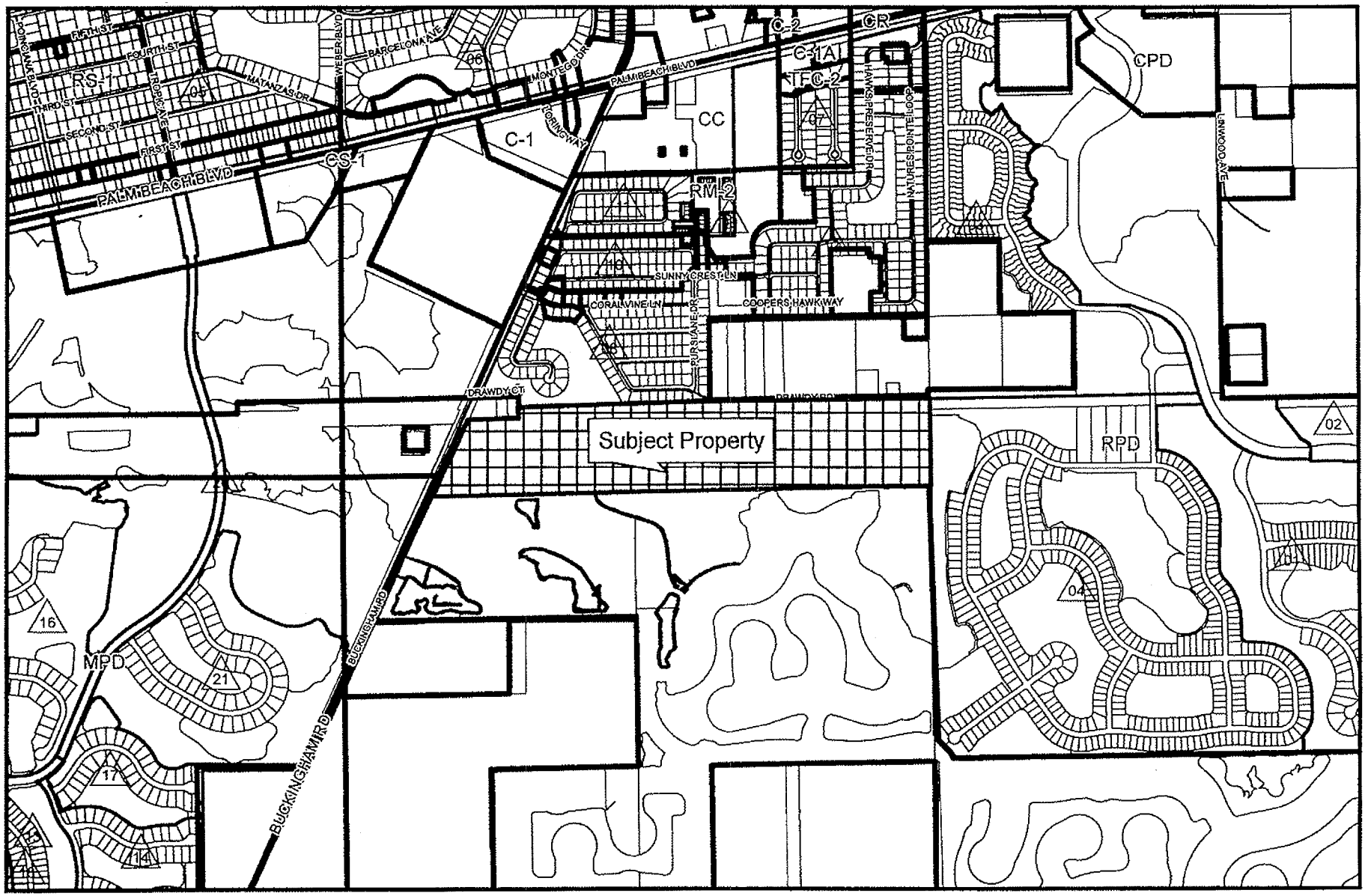
EXHIBIT B

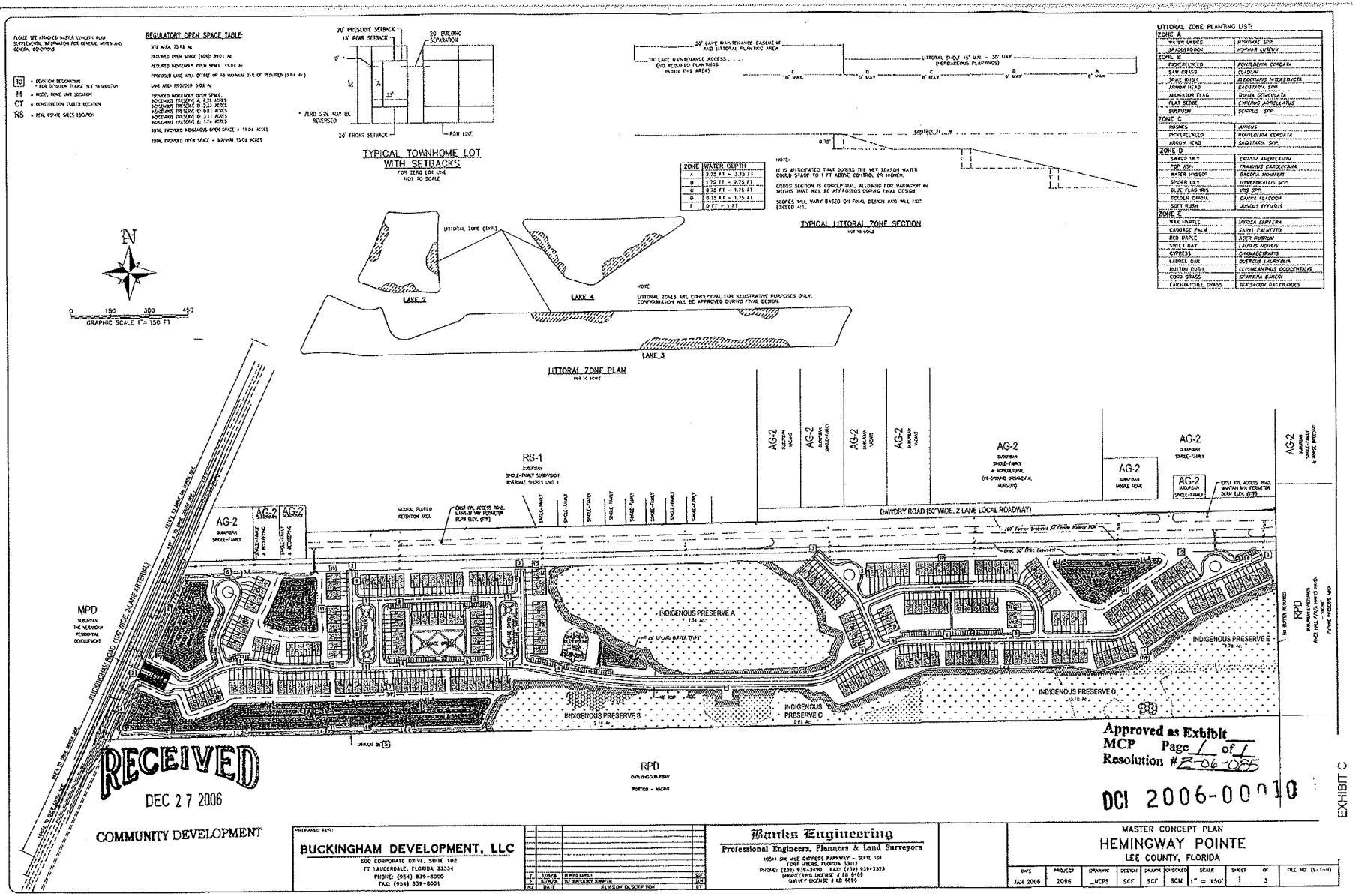
DCI2006-00010 HEMINGWAY POINT RPD

Zoning Map

DCI2006-00010

8/18/2006




PLEASE SEE ATTACHED WAIVER CONCEPT PLAN SUPPLEMENTAL INFORMATION FOR GENERAL NOTES AND GENERAL CONDITIONS
19 = DEVIATION DESIGNATION * FOR DEVIATION PLEASE SEE RESOLUTION
M = MODEL HOME UNIT LOCATION
CT = CONSTRUCTION TRAILER LOCATION
RS = REAL ESTATE SALES LOCATION
REGULATORY OPEN SPACE TABLE:
SITE AREA 70.93 AC
REQUIRED OPEN SPACE (40%) 28.01 AC
REQUIRED INDIGENOUS OPEN SPACE 15.06 AC
PROPOSED LAKE AREA OFFSET UP TO MAXIMUM 35% OF REQUIRED (9.84 AC)
LAKE AREA PROVIDED 9.08 AC
PROVIDED INDIGENOUS OPEN SPACE
INDIGENOUS PRESERVE A 7.28 ACRES
INDIGENOUS PRESERVE B 2.53 ACRES
INDIGENOUS PRESERVE C 0.81 ACRES
INDIGENOUS PRESERVE D 3.11 ACRES
INDIGENOUS PRESERVE E 1.76 ACRES
TOTAL PROVIDED INDIGENOUS OPEN SPACE = 15.01 ACRES
TOTAL PROVIDED OPEN SPACE = MINIMUM 15.06 ACRES
20' PRESERVE SETBACK
15' REAR SETBACK
20' BUILDING SEPARATION
* ZERO SIDE MAY BE REVERSED
20' FRONT SETBACK
ROW LINE
TYPICAL TOWNHOME LOT WITH SETBACKS
NOT TO SCALE
20' LAKE MAINTENANCE EASEMENT AND LITTORAL PLANTING AREA
10' LAKE MAINTENANCE ACCESS (NO REQUIRED PLANTINGS WITHIN THIS AREA)
LITTORAL SHELF 15' MIN. - 30' MAX. (HERBACEOUS PLANTINGS)
0.75'
ZONE | WATER DEPTH
A | 2.75 FT - 3.25 FT
B | 1.75 FT - 2.75 FT
C | 0.75 FT - 1.25 FT
D | 0.75 FT - 1.25 FT
E | 0 FT - +1 FT
NOTE: IT IS ANTICIPATED THAT DURING THE WET SEASON WATER COULD RISE TO 1 FT ABOVE CONTROL OR HIGHER.
CROSS SECTION IS CONCEPTUAL, ALLOWING FOR VARIATION IN WIDTHS THAT WILL BE APPROVED DURING FINAL DESIGN
SLOPES WILL VARY BASED ON FINAL DESIGN AND WILL NOT EXCEED 4:1.
TYPICAL LITTORAL ZONE SECTION
NOT TO SCALE
LITTORAL ZONE PLANTING LIST:
ZONE A
WATER LILIES | NYMPHAE SPP.
ARROWHEAD | SAGITTARIA LUNIFOLIA
ZONE B
PICKEREL WEED | PONTEDERIA CORDATA
SAW GRASS | CLADIUM
SPIKE RUSH | ELEOCHARIS INTERSTINCTA
ARROW HEAD | SAGITTARIA SPP.
ALLIGATOR FLAG | THALIA GEOCULATA
FLAT SEDGE | CYPERUS ARTICULATUS
BULRUSH | SCIRPUS SPP.
ZONE C
RUSHES | JUNCUS
PICKEREL WEED | PONTEDERIA CORDATA
ARROW HEAD | SAGITTARIA SPP.
ZONE D
SWAMP LILY | CRINUM AMERICANUM
POP ASH | FRAXINUS CAROLINIANA
WATER HYSSOP | BACOPA MONNIERI
SPIDER LILY | HYMENOCALLIS SPP.
BLUE FLAG IRIS | IRIS SPP.
BOSTON FERN | NEPHROLEPIS EXALTATA
SOFT RUSH | JUNCUS EFFUSUS
ZONE E
WAX MYRTLE | MYRICA CERIFERA
CABBAGE PALM | SABAL PALMETTO
RED MAPLE | ACER RUBRUM
SWEET BAY | LAURUS NOBILIS
CYPRESS | CHAMAECYPARIS
LAUREL OAK | QUERCUS LAURIFOLIA
BUTTONBUSH | CEPHALANTHUS OCCIDENTALIS
COCO GRASS | SCARTHIA BAKERI
PANAMA TOWN GRASS | PASPALUM DILATATUM
LITTORAL ZONE (TYP.)
LAKE 2
LAKE 4
LAKE 3
NOTE: LITTORAL ZONES ARE CONCEPTUAL FOR ILLUSTRATIVE PURPOSES ONLY. CONFIGURATION WILL BE APPROVED DURING FINAL DESIGN.
LITTORAL ZONE PLAN
NOT TO SCALE
N
0 150 300 450
GRAPHIC SCALE 1" = 150 FT
AG-2 SUBURBAN SINGLE-FAMILY
AG-2 SUBURBAN SINGLE-FAMILY & RECREATIONAL
AG-2 SUBURBAN SINGLE-FAMILY & AGRICULTURAL (RE-GRADING PROHIBITED WITHIN PRESERVE)
AG-2 SUBURBAN MOBILE HOME
AG-2 SUBURBAN SINGLE-FAMILY & MOBILE HOME
RS-1 SUBURBAN SINGLE-FAMILY SUBDIVISION RIVERDALE SHORES UNIT 1
DAVORY ROAD (50' WIDE, 2-LANE LOCAL ROADWAY)
BUCKINGHAM ROAD (100' WIDE, 2-LANE ARTERIAL)
MPD SUBURBAN THE HEMINGWAY RESIDENTIAL DEVELOPMENT
RPD OUTLYING SUBURBAN PORTION - VACANT
INDIGENOUS PRESERVE A 7.28 Ac.
INDIGENOUS PRESERVE B 2.53 Ac.
INDIGENOUS PRESERVE C 0.81 Ac.
INDIGENOUS PRESERVE D 3.11 Ac.
INDIGENOUS PRESERVE E 1.76 Ac.
75' UPLAND BUFFER (TYP.)
NATURAL PLANTED RETENTION AREA
CODE ENF. ACCESS ROAD, MINIMUM 18% PERIMETER ROW ELEV. (TYP.)
100 Year Proposed at Finish Floor MSL
End 30' Dia. Lowmen
NO BUFFER REQUIRED
RECEIVED
DEC 27 2006
COMMUNITY DEVELOPMENT
Approved as Exhibit
MCP Page 1 of 1
Resolution # Z-06-085
DCI 2006-00010
EXHIBIT C
PREPARED FOR:
BUCKINGHAM DEVELOPMENT, LLC
600 CORPORATE DRIVE, SUITE 102
FT LAUDERDALE, FLORIDA 33334
PHONE: (954) 839-8000
FAX: (954) 839-8001
1 5/31/06 REVISED LAYOUT SCF
2 8/31/06 1ST SUFFICIENCY SUBMITTAL JKM
NO. DATE REVISION DESCRIPTION BY
Banks Engineering
Professional Engineers, Planners & Land Surveyors
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33912
PHONE: (239) 939-3400 FAX: (239) 939-2523
CERTIFICATE LICENSE # EB 6418
SURVEY LICENSE # LB 6690
MASTER CONCEPT PLAN
HEMINGWAY POINTE
LEE COUNTY, FLORIDA
DATE JAN 2006 | PROJECT 2096 | DRAWING MCP5 | DESIGN SCF | DRAWN SCF | CHECKED SCM | SCALE 1" = 150' | SHEET 1 OF 3 | FILE NO (5-1-8)

AFFIDAVIT

STATE OF MICHIGAN)
)
COUNTY OF OAKLAND)

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

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

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

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

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

FURTHER, AFFIANT SAYETH NAUGHT.

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

Bernard Glieberman

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

My Commission Expires:

Notary Public

Printed Name

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

RECEIVED
AUG 10 2006
PERMIT COUNTER

DCI 2006-00010

AGRICULTRUAL USES AT TIME OF ZONING APPLICATION

OF

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

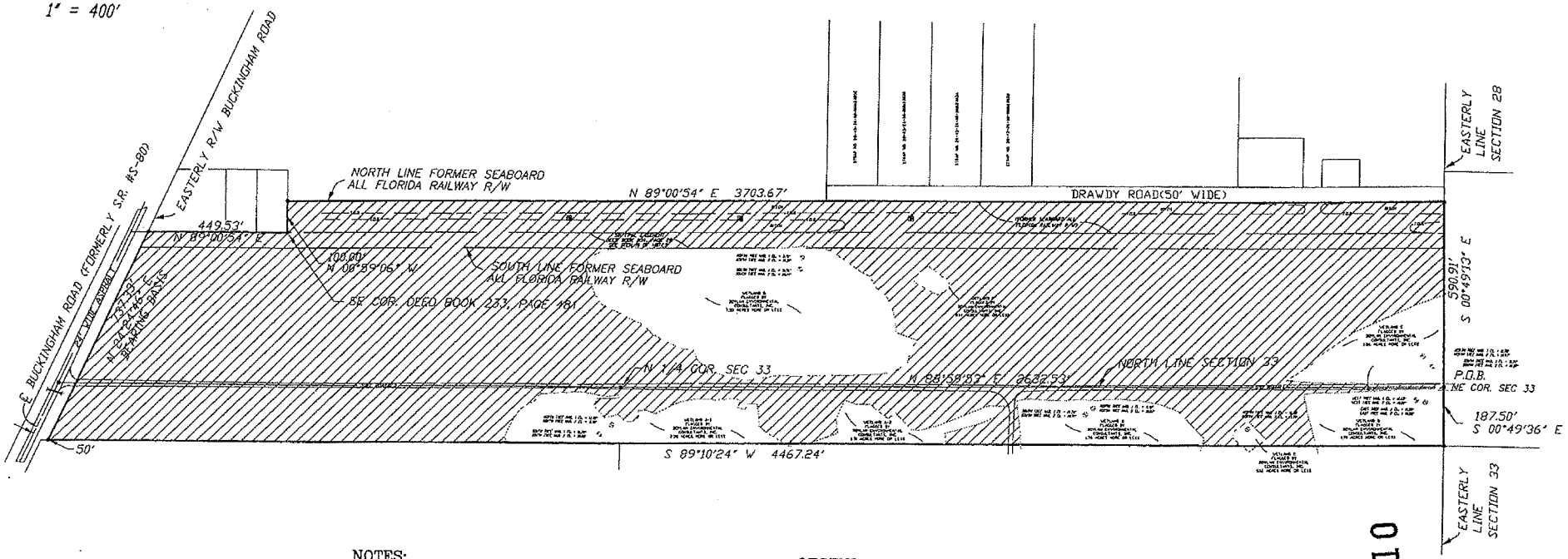
Banks Engineering

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

N

58.63± ACRES AGRICULTURAL USES
HARVESTING HAY

1" = 400'



NOTES:

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

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

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

LEGEND:

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

ATTACHMENT S

RECEIVED
AUG 10 2006
DCI 2006-00010

Palermo, Anthony

From: Charles Gibson [chg-nash@comcast.net]
Sent: Thursday, June 30, 2016 3:31 PM
To: Palermo, Anthony
Cc: Linda Lach; Jack Oltman; Dave Keeley; Maggie Kennedy; Wallace Watson; Len Sanguine; William Haveron; Rudy Cifolelli; Costigan, Al; Gary Reich
Subject: Oak View RPD Case #DC12016-00010
Attachments: Oak View RPD Letter.jpg; Oak View RPD Aerial View.pdf; Oak View RPD Application Doc exerpts.pdf

Charles H. Gibson
13500 Sabal Point Dr
Fort Myers, FL 33905

June 29, 2016

Dear Mr Palermo,

I am writing in response to the Courtesy Notice that I received from Lee County in reference to the Oak View RPD, Case #DC12016-00010 on Buckingham Road. I am interested in the progress on this project because I live less than 100 yards from the proposed project. I reviewed the Documents pertaining to this case on the Lee County website so that I would understand the nature of the project. I have two observations that I would like to share with you.

First, I have a concern about the reference to a 1.00 acre wetland that is to be preserved. This wetland is an integral part of the character of our neighborhood offering a great deal of protection from the traffic noise on Buckingham Road. To remove this natural barrier would be the equivalent of taking down the sound barriers on I-75. I believe that the wetland is considerably larger than 1.00 acre and that all of it should be protected to preserve the character of the surrounding community. A 1.00 acre wetland would not stand much chance of long term survival. Before decisions are finalized, I would encourage the Planners to personally visit the site and review the area being discussed.

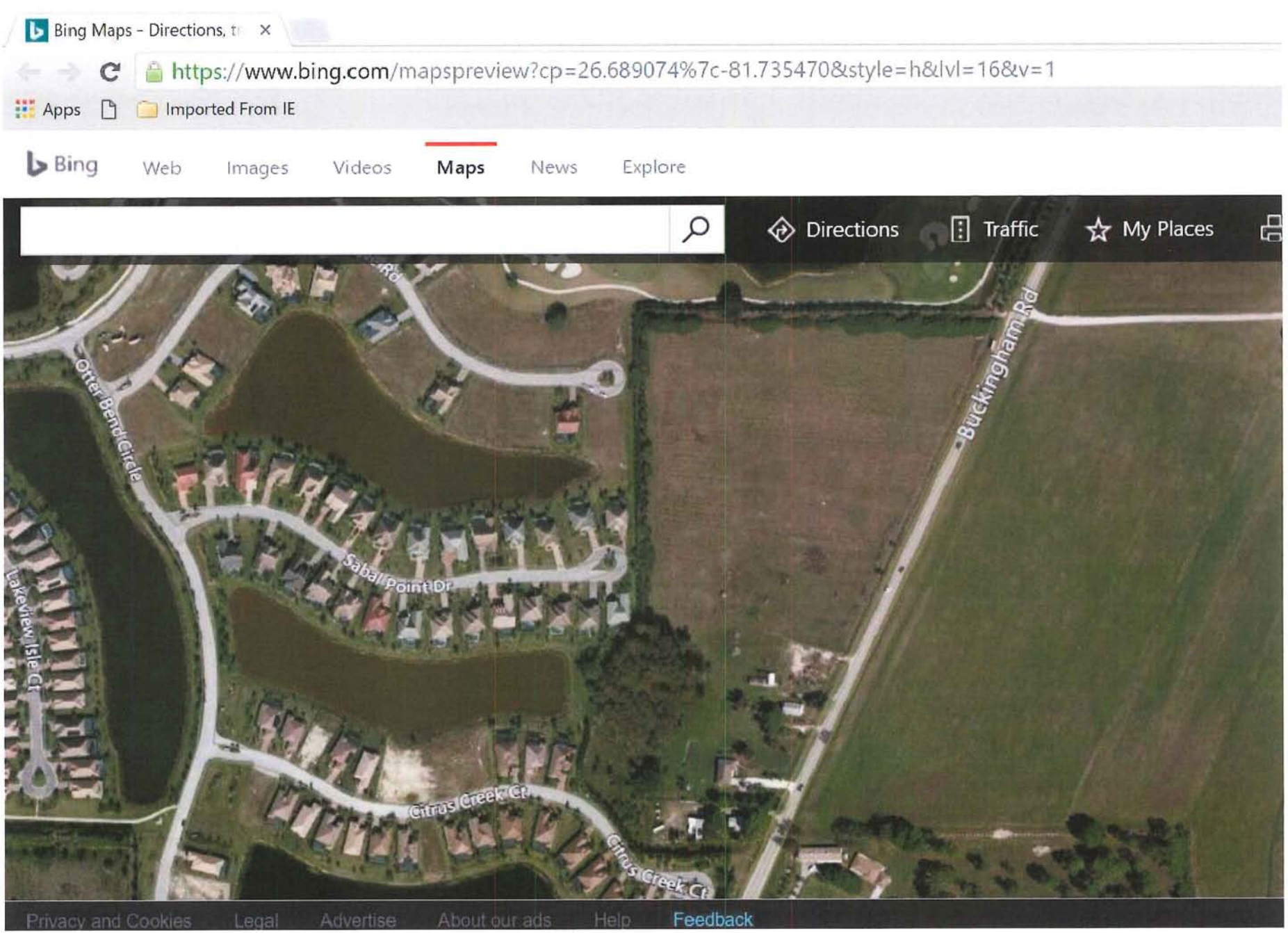
Secondly, I note that in Part 5, Section A on page 4 (see attached) that the petitioner is claiming that the Total Allowed Standard Units is 97.2 based upon his numbers for the surrounding area. This appears to be based on his calculations on page 7 where he claims that Verandah is approved for 1729 Units on 445 acres, yielding a DU/AC of 3.9. I would submit that this calculation is in gross error. Verandah consists of 1476 acres yielding a DU/AC of 1.17. The petitioner shows River Hall to be approved for 1999 units on 715.5 acres. The River Hall website states that it consists of 1500 acres which would yield a DU/AC of only 1.33. I do not have the information to make the same comparison for the Villages of Buckingham. But those numbers should be verified by your office.

If I understand the process, this means that in order to be compatible with the surrounding community, the 16 acres being rezoned should be approved for only about 20 homes, not the 60 homes that is being proposed.

Thank you for addressing these concerns. Because I have not communicated with you previously, I'm not sure that this eMail will reach you. Please confirm your receipt with a simply "reply". Also, please see attachments.

Charles H. Gibson
Chg-nash@comcast.net

ATTACHMENT T


Bing Maps - Directions, t
https://www.bing.com/mapspreview?cp=26.689074%7c-81.735470&style=h&lvl=16&v=1
Apps
Imported From IE
Bing
Web
Images
Videos
Maps
News
Explore
Directions
Traffic
My Places
Otter Bend Circle
Sabal Point Dr
Lakeview Isle Ct
Citrus Creek Ct
Citrus Creek Ct
Buckingham Rd
Privacy and Cookies
Legal
Advertise
About our ads
Help
Feedback

Lee County
Southwest Florida

COURTESY NOTICE TO ADJACENT PROPERTY OWNERS OF RECEIPT OF ZONING APPLICATION

)ate:	June 7, 2016
:ase Number:	DCI2016-00010
:ase Name:	OAK VIEW RPD
:equest:	Request to rezone +/- 16.2 acres from Agrilcultual (AG-2) to Residential Planned Development (RPD) to allow the development of up to 60 single family and/or two family attached residential units
.ocation:	3600 BUCKINGHAM RD, FORT MYERS SHORES PLANNING COMMUNITY, LEE COUNTY, FL
'ROPERTY OWNER'S :EPRESENTATIVE:	JENNIFER SAPEN BARRACO & ASSOCIATES, INC 239-461-3170
.ee County Planner:	Tony Palermo, AICP (239) 533-8325

'his is a courtesy notice. A public hearing date has not yet been set. You will receive another notice ›nce the hearing date and time have been established.

'he file may be reviewed Monday through Friday between the hours of 7:30 a.m. and 4:30 p.m. at the Lee :ounty Zoning Division, 1500 Monroe St., Fort Myers, FL 33901. You may also view and track this zoning ase online, through eConnect at http://apps.leegov.com/econnect. Call 239/533-8585 for additional information.

G. Future Land Use Classification (Lee Plan) [34-202(a)(8)]:

Suburban	16.21	Acres	100	% of Total
		Acres		% of Total
		Acres		% of Total

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

1. Width (average if irregular parcel): +/- 1109 Feet
2. Depth (average if irregular parcel): +/- 685 Feet
3. Total area: 26.2 Ac Acres or square feet
4. Frontage on road or street: 1215.62 Feet on Buckingham Road
   2nd Frontage on road or street: _____ Feet on _____
   3rd Frontage on road or street: _____ Feet on _____

I. Planning Communities/Community Plan Area Requirements: If located in one of the following planning communities/community plan areas, provide a meeting summary document of the required public informational session. **[34-202(a)(10)]**

- ☐ Not Applicable
- ☐ Estero Planning Community. **[33-54(a)&(b); Lee Plan Policy 19.5.3]**
- ☐ Captiva Planning Community (Captiva Island). **[33-1612(a)&(b); Lee Plan Policy 13.1.7]**
- ☐ North (Upper) Captiva Community Plan area. **[33-1711]**
- ☐ Boca Grande Planning Community. **[Lee Plan Policy 22.1.5]**
- ☒ Caloosahatchee Shores Community Plan area. **[33-1482(a)&(b); Lee Plan Policy 21.6.3]**
- ☐ Page Park Community Plan area. **[33-1203(a) & (b); Lee Plan Policy 27.11.2]**
- ☐ Palm Beach Boulevard Community Plan area. **[Lee Plan Policy 23.5.2]**
- ☐ Buckingham Planning Community. **[Lee Plan Policy 17.7.2]**
- ☐ Pine Island Planning Community. **[33-1004(a) & (b); Lee Plan Policy 14.7.1]**
- ☐ Lehigh Acres Planning Community. **[33-1401(a)&(b); Lee Plan Policy 32.12.2]**
- ☐ North Fort Myers Planning Community. **[33-1532(a)&(b)]**
- ☐ North Olga Community Plan area. **[33-1663(a)&(b)]**

J. Waivers from Application Submission Requirements: Attach waivers, if any, approved by the Director of Zoning. **[34-202(a)]**

PART 4
TYPES OF LAND AREA ON PROPERTY

A.	**Gross Acres (total area within described parcel)**			**16.2**	**Acres**
	1. Submerged land subject to tidal influence			_____	Acres
	2. **a.** Preserved freshwater wetlands	1.0	Acres		
	b. Impacted wetlands	_____	Acres		
	c. Preserved saltwater wetlands	_____	Acres		
	d. Total wetlands (A.2.a. plus A.2.b. plus A.2.c.)			1.0	Acres
	3. R-O-W providing access to non-residential uses			_____	Acres
	4. Non-residential use areas (1) (2)			_____	Acres
B.	**Total area not eligible as gross residential acreage** (Items A.1. + A.3. + A.4.).			_____	**Acres**
C.	**Gross residential acres. (A minus B)** (3)			**16.2**	**Acres**
D.	**Gross residential acres (by Land Use Category)**				
	1. **a.** Intensive Development – upland			_____	Acres
	b. Intensive Development – preserved freshwater wetlands			_____	Acres
	c. Intensive Development – impacted wetlands			_____	Acres
	2. **a.** Central Urban – upland			_____	Acres
	b. Central Urban – preserved freshwater wetlands			_____	Acres
	c. Central Urban – impacted wetlands			_____	Acres
	3. **a.** Urban Community or Suburban – upland			_____	Acres
	b. Urban Community or Suburban – preserved freshwater wetlands			_____	Acres
	c. Urban Community or Suburban – impacted wetlands			_____	Acres

4.	a.	Suburban – upland	15.2	Acres
	b.	Suburban – preserved freshwater wetlands	1.00	Acres
	c.	Suburban – impacted wetlands		Acres
5.	a.	Outlying Suburban – upland		Acres
	b.	Outlying Suburban – preserved freshwater wetlands		Acres
	c.	Outlying Suburban – impacted wetlands		Acres
6.	a.	Sub-Outlying Suburban – upland		Acres
	b.	Sub-Outlying Suburban – preserved freshwater wetlands		Acres
	c.	Sub-Outlying Suburban – impacted wetlands		Acres
7.	a.	Rural, Outer Island, Rural Community Preserve – upland		Acres
	b.	Rural, Outer Island, Rural Community Preserve – wetlands		Acres
8.	a.	Open Lands – upland		Acres
	b.	Open Lands – wetlands		Acres
9.	a.	Resource – upland		Acres
	b.	Resource – wetlands		Acres
10.	a.	Wetlands		Acres
11.	a.	New Community – upland		Acres
	b.	New Community – wetlands		Acres
12.	a.	University Community – upland		Acres
	b.	University Community – wetlands		Acres
13.	a.	Coastal Rural – upland		Acres
	b.	Coastal Rural – wetlands		Acres
		TOTAL (should equal "C" above)	**16.2**	**Acres**

Notes:

(1) Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included except within the Mixed Use Overlay {see Note (2) below}.

(2) Within the Mixed Use Overlay, lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses may be included in density calculations {see Lee Plan Objective 4.3}.

(3) Lands to be used for residential uses including land within the development proposed to be used for streets & street rights of way, utility rights-of-way, public & private parks, recreation & open space, schools, community centers, & facilities such as police, fire & emergency services, sewage & water, drainage, and existing man-made waterbodies.

PART 5
RESIDENTIAL DEVELOPMENT - PRELIMINARY DENSITY CALCULATIONS

i. Complete only if living units are proposed in a Future Land Use Category.

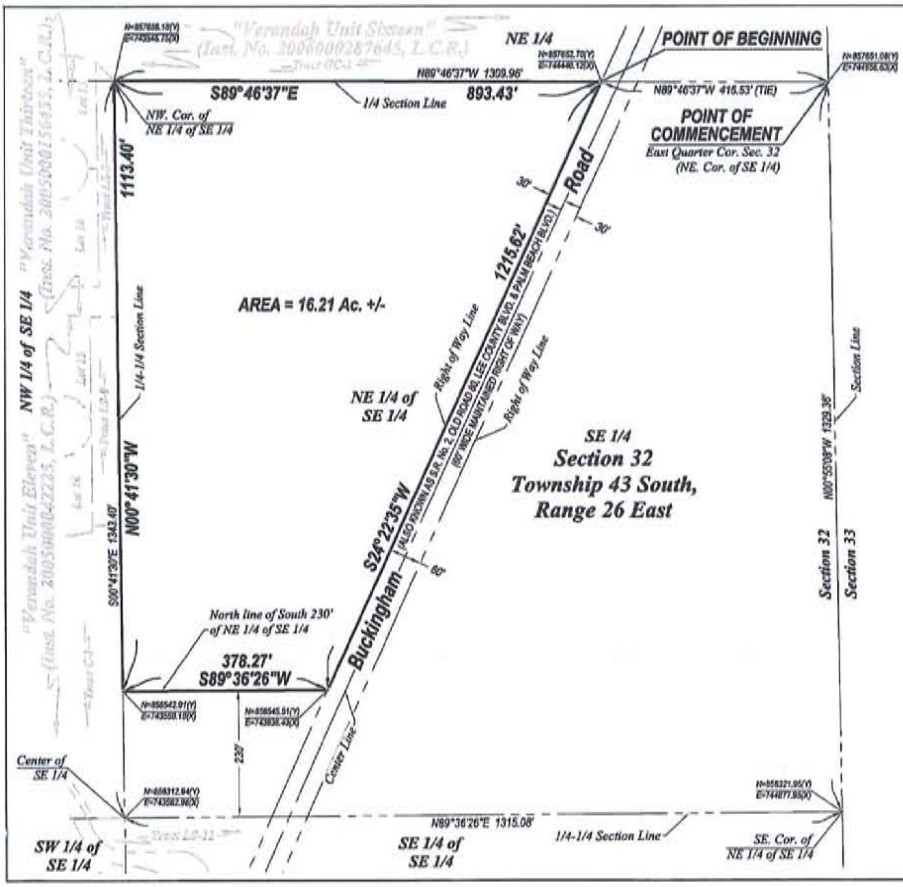
ii. If more than one classification, calculations for each classification must be submitted. Attach extra sheets as necessary.

iii. If wetlands are located on the property, density calculations are considered preliminary pending a wetlands jurisdictional determination.

A. Future Land Use Category: **Suburban**

		Lee Plan Table 1(a) Max. standard density		Units
1.	**Standard Units**			
	a. Total upland acres (from Part 4, D.)	15.2	x 6 equals	91.2
	b. Total preserved freshwater wetlands acres (from Part 4, D.)	1.0	x 6 equals	6.0
	c. Total impacted wetlands acres (from Part 4, D.)		x equals	
	d. **Total Allowed Standard Units** (1)			**97.2**
2.	**Bonus Units** (2) (3)			
	a. Low-moderate-housing density			
	b. TDR units			
	c. Sub-total			
3.	**Total Permitted Units** (1)			**97.2**

(see notes on next page)



RECEIVED
MAY 16 2016
COMMUNITY DEVELOPMENT

DCI 2016-00010

N
W E
S
0 100 200
SCALE IN FEET

NOTES:

1. ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. D.B. - DENOTES DEED BOOK.
3. D.E. - DENOTES DRAINAGE EASEMENT.
4. INST. No.- DENOTES INSTRUMENT NUMBER, LEE COUNTY PUBLIC RECORDS.
5. O.R. - DENOTES OFFICIAL RECORD BOOK, LEE COUNTY PUBLIC RECORDS.
6. (P) - DENOTES PLAT.
7. P.B. - DENOTES PLAT BOOK.
8. PG. - DENOTES PAGE.
9. P.U.E. - DENOTES PUBLIC UTILITY EASEMENT.
10. BEARINGS AS SHOWN ARE STATE PLANE FLORIDA WEST ZONE (NAD1983 (NSRS 2007)) ARE BASED ON THE NORTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 32 TO BEAR N89°46'37"W.
11. DESCRIPTION IS ATTACHED.

THIS IS NOT A SURVEY

4/26/16

SCOTT A. WHEELER (FOR THE FIRM - LB-6940)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5949

DATE SIGNED:

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

Barraco and Associates, Inc.
www.barraco.net

Land Solutions, Inc.

A Parcel of Land in Section 32, Township 43 South, Range 26 East, Lee County, Florida

SKETCH TO ACCOMPANY DESCRIPTION

2 OF 2

International Airport.

Lee Plan Policy 5.1.2: Prohibit Residential Development where Hazards Exist

Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental imitations; aircraft noise; or other characteristics that may endanger the residential community.

The areas within the proposed development area range at existing site elevations of 15.3 to 18.3 NAVD which will not be a constraint to residential development. Site soil conditions consist of soils suitable for residential development and the site is not within an Airport Noise Zone. As such, the proposed development is not proposed where physical constraints or hazards exist.

Lee Plan Policy 5.1.4: Prohibit Residential Development Near Industrial Development and Airport Noise Zone

Prohibit residential development in all Industrial development areas and Airport Noise Zone B as indicated on the Future Land Use Map, except for residences in the Industrial Development area for a caretaker or security guard, and except as provided in Chapter XIII.

The site is not located within an industrial development area nor the Airport Noise Zone B.

Lee Plan Policy 5.2.4: Compatibility

The site design of the proposed development must be compatible with surrounding land uses to the maximum extent possible.

The proposed development is compatible with the surrounding community and consistent of the residential growth trends of the area. As demonstrated by the Density Comparison Table below, the proposed density of this rezoning request is nearly identical to many developments in the surrounding area.

Densities- Comparison Table

COMMUNITY	ACREAGE	# OF UNITS	DU/AC
Verandah	445	1,729	3.9
Villages of Buckingham	68.6	252	3.8
River Hall	712.5	1,999	2.8
Proposed		60	3.7
Oak View	16.2		

*Densities and Acreage based on Lee County Property Appraiser and Lee Spins Data.

Palermo, Anthony

From: Paul Martin [pmartin@kolter.com]
Sent: Monday, July 11, 2016 3:27 PM
To: Palermo, Anthony
Subject: Oak View RPD
Attachments: DOC071116.pdf

Good afternoon Tony,

It has recently been brought to my attention by several of my Verandah residents that there is a new zoning application in for review on a property adjacent to Verandah on Buckingham Road; Oak View RPD. See attached.

They are particularly concerned in the amount of units per acre that are being requested and after looking through the attached application have noticed some incorrect information listed concerning Verandah.

The attached application has Verandah listed as 445 acres and 1,729 units and 3.9 DU/AC. The correct information for Verandah is no more than 1,700 units and 1,456 acres and 1.17 DU/AC. Also, I don't have the exact information on Riverhall but I believe they are around 1.3 DU/AC as well.

Please take this into consideration when reviewing this application as we are definitely not in support of having 60 units on a 16 acre parcel this close to our community. I would expect a significant group of residents from Verandah to be showing up at this zoning hearing to express that.

Please feel free to give me a call or email back if you have any other questions I can answer.

Paul Martin
Regional Development Manager
Kolter Land Partners
(o) 239.694.5930
(c) 239.273.4675

This email may contain information that is proprietary, legally privileged and/or confidential. If the reader of this email is not the intended recipient(s) or the employee or agent responsible for delivering the message to the intended recipient(s), you are hereby notified: (i) that any dissemination, distribution or copying of this email is strictly prohibited and may be unlawful; and (ii) to contact the sender immediately by reply email and delete this email and any attachments without retaining any copies.

ATTACHMENT T

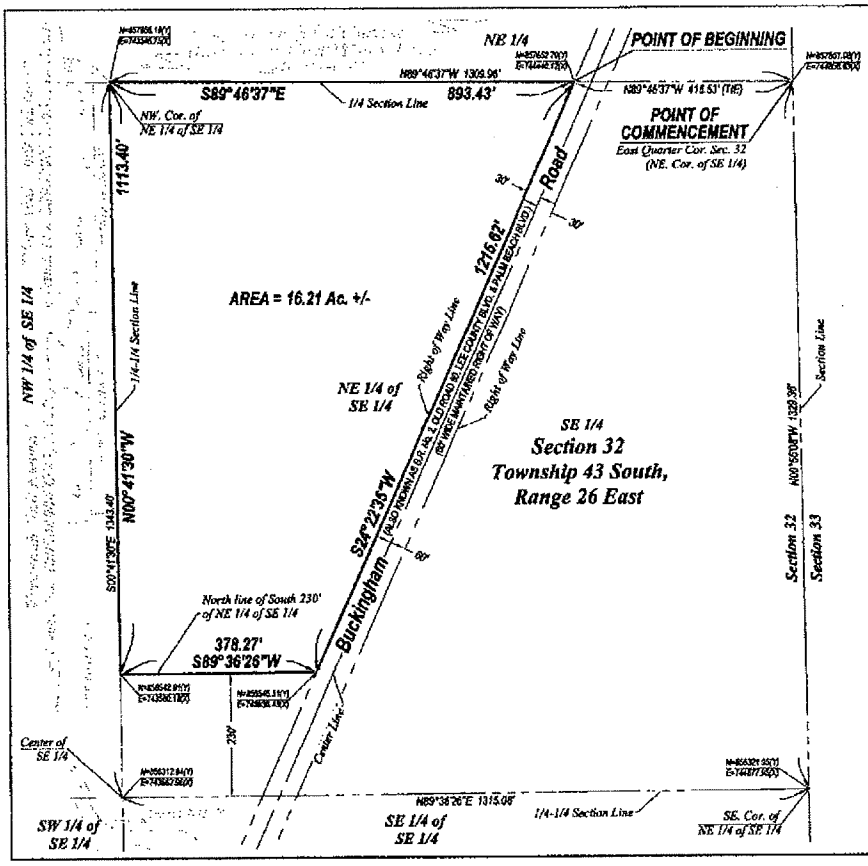
Lee County
Southwest Florida

COURTESY NOTICE TO ADJACENT PROPERTY OWNERS OF RECEIPT OF ZONING APPLICATION

)ate:	June 7, 2016
;ase Number:	DCI2016-00010
;ase Name:	OAK VIEW RPD
tequest:	Request to rezone +/- 16.2 acres from Agrilcultual (AG-2) to Residential Planned Development (RPD) to allow the development of up to 60 single family and/or two family attached residential units
ocation:	3600 BUCKINGHAM RD, FORT MYERS SHORES PLANNING COMMUNITY, LEE COUNTY, I
'ROPERTY OWNER'S :EPRESENTATIVE:	JENNIFER SAPEN BARRACO & ASSOCIATES, INC 239-461-3170
ee County Planner:	Tony Palermo, AICP (239) 533-8325

'his is a courtesy notice. A public hearing date has not yet been set. You will receive another notice nce the hearing date and time have been established.

'he file may be reviewed Monday through Friday between the hours of 7:30 a.m. and 4:30 p.m. at the Lee ;ounty Zoning Division, 1500 Monroe St., Fort Myers, FL 33901. You may also view and track this zoning ase online, through eConnect at http://apps.leegov.com/econnect. Call 239/533-8585 for additional information.



RECEIVED
MAY 16 2016
COMMUNITY DEVELOPMENT

DCI 2016-00010

NOTES:

1. ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. D.B. - DENOTES DEED BOOK.
3. D.E. - DENOTES DRAINAGE EASEMENT.
4. INST. No.- DENOTES INSTRUMENT NUMBER, LEE COUNTY PUBLIC RECORDS
5. O.R. - DENOTES OFFICIAL RECORD BOOK, LEE COUNTY PUBLIC RECORDS.
6. (P) - DENOTES PLAT.
7. P.B. - DENOTES PLAT BOOK.
8. PG. - DENOTES PAGE.
9. P.U.E. - DENOTES PUBLIC UTILITY EASEMENT.
10. BEARINGS AS SHOWN ARE STATE PLANE FLORIDA WEST ZONE (NAD1983 (NSRS 2007)) ARE BASED ON THE NORTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 32 TO BEAR N89°46'37"W.
11. DESCRIPTION IS ATTACHED.

THIS IS NOT A SURVEY

SCOTT A. WHEELER (FOR THE FIRM - LB-6940)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5949

DATE SIGNED: 4/26/16

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

Barraco and Associates, Inc.
www.barraco.net

Land Solutions, P.C.

A Parcel of Land in Section 32, Township 43 South, Range 26 East, Lee County, Florida

SKETCH TO ACCOMPANY DESCRIPTION

2 OF 2

G. **Future Land Use Classification (Lee Plan) [34-202(a)(8)]:**

Suburban	16.21	Acres	100	% of Total
		Acres		% of Total
		Acres		% of Total

H. **Property Dimensions [34-202(a)(8)]:**

1. Width (average if irregular parcel): +/- 1109 Feet
2. Depth (average if irregular parcel): +/- 685 Feet
3. Total area: 26.2 Ac Acres or square feet
4. Frontage on road or street: 1215.62 Feet on Buckingham Road
   2nd Frontage on road or street: _____ Feet on _____
   3rd Frontage on road or street: _____ Feet on _____

I. **Planning Communities/Community Plan Area Requirements:** If located in one of the following planning communities/community plan areas, provide a meeting summary document of the required public informational session. **[34-202(a)(10)]**

- ☐ Not Applicable
- ☐ Estero Planning Community. **[33-54(a)&(b); Lee Plan Policy 19.5.3]**
- ☐ Captiva Planning Community (Captiva Island). **[33-1612(a)&(b); Lee Plan Policy 13.1.7]**
- ☐ North (Upper) Captiva Community Plan area. **[33-1711]**
- ☐ Boca Grande Planning Community. **[Lee Plan Policy 22.1.5]**
- ☒ Caloosahatchee Shores Community Plan area. **[33-1482(a)&(b); Lee Plan Policy 21.6.3]**
- ☐ Page Park Community Plan area. **[33-1203(a) & (b); Lee Plan Policy 27.11.2]**
- ☐ Palm Beach Boulevard Community Plan area. **[Lee Plan Policy 23.5.2]**
- ☐ Buckingham Planning Community. **[Lee Plan Policy 17.7.2]**
- ☐ Pine Island Planning Community. **[33-1004(a) & (b); Lee Plan Policy 14.7.1]**
- ☐ Lehigh Acres Planning Community. **[33-1401(a)&(b); Lee Plan Policy 32.12.2]**
- ☐ North Fort Myers Planning Community. **[33-1532(a)&(b)]**
- ☐ North Olga Community Plan area. **[33-1663(a)&(b)]**

J. **Waivers from Application Submission Requirements**: Attach waivers, if any, approved by the Director of Zoning. **[34-202(a)]**

PART 4
TYPES OF LAND AREA ON PROPERTY

A. **Gross Acres (total area within described parcel)**			**16.2**	**Acres**
1. Submerged land subject to tidal influence			_____	Acres
2. a. Preserved freshwater wetlands	1.0	Acres		
b. Impacted wetlands	_____	Acres		
c. Preserved saltwater wetlands	_____	Acres		
d. Total wetlands (A.2.a. plus A.2.b. plus A.2.c.)			1.0	Acres
3. R-O-W providing access to non-residential uses			_____	Acres
4. Non-residential use areas (1) (2)			_____	Acres
B. **Total area not eligible as gross residential acreage** (Items A.1. + A.3. + A.4.).			_____	**Acres**
C. **Gross residential acres. (A minus B)** (3)			**16.2**	**Acres**
D. **Gross residential acres (by Land Use Category)**				
1. a. Intensive Development – upland			_____	Acres
b. Intensive Development – preserved freshwater wetlands			_____	Acres
c. Intensive Development – impacted wetlands			_____	Acres
2. a. Central Urban – upland			_____	Acres
b. Central Urban – preserved freshwater wetlands			_____	Acres
c. Central Urban – impacted wetlands			_____	Acres
3. a. Urban Community or Suburban – upland			_____	Acres
b. Urban Community or Suburban – preserved freshwater wetlands			_____	Acres
c. Urban Community or Suburban – impacted wetlands			_____	Acres

International Airport.

Lee Plan Policy 5.1.2: Prohibit Residential Development where Hazards Exist

Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental imitations; aircraft noise; or other characteristics that may endanger the residential community.

The areas within the proposed development area range at existing site elevations of 15.3 to 18.3 NAVD which will not be a constraint to residential development. Site soil conditions consist of soils suitable for residential development and the site is not within an Airport Noise Zone. As such, the proposed development is not proposed where physical constraints or hazards exist.

Lee Plan Policy 5.1.4: Prohibit Residential Development Near Industrial Development and Airport Noise Zone

Prohibit residential development in all Industrial development areas and Airport Noise Zone B as indicated on the Future Land Use Map, except for residences in the Industrial Development area for a caretaker or security guard, and except as provided in Chapter XIII.

The site is not located within an industrial development area nor the Airport Noise Zone B.

Lee Plan Policy 5.2.4: Compatibility

The site design of the proposed development must be compatible with surrounding land uses to the maximum extent possible.

The proposed development is compatible with the surrounding community and consistent of the residential growth trends of the area. As demonstrated by the Density Comparison Table below, the proposed density of this rezoning request is nearly identical to many developments in the surrounding area.

Densities- Comparison Table

COMMUNITY	ACREAGE	# OF UNITS	DU/AC
Verandah	445	1,729	3.9
Villages of Buckingham	68.6	252	3.8
River Hall	712.5	1,999	2.8
Proposed		60	3.7
Oak View	16.2		

1729/1456 = 1.1

1999/1500 = 1.3

*Densities and Acreage based on Lee County Property Appraiser and Lee Spins Data.

4.	a.	Suburban – upland	15.2	Acres
	b.	Suburban – preserved freshwater wetlands	1.00	Acres
	c.	Suburban – impacted wetlands		Acres
5.	a.	Outlying Suburban – upland		Acres
	b.	Outlying Suburban – preserved freshwater wetlands		Acres
	c.	Outlying Suburban – impacted wetlands		Acres
6.	a.	Sub-Outlying Suburban – upland		Acres
	b.	Sub-Outlying Suburban – preserved freshwater wetlands		Acres
	c.	Sub-Outlying Suburban – impacted wetlands		Acres
7.	a.	Rural, Outer Island, Rural Community Preserve – upland		Acres
	b.	Rural, Outer Island, Rural Community Preserve – wetlands		Acres
8.	a.	Open Lands – upland		Acres
	b.	Open Lands – wetlands		Acres
9.	a.	Resource – upland		Acres
	b.	Resource – wetlands		Acres
10.	a.	Wetlands		Acres
11.	a.	New Community – upland		Acres
	b.	New Community – wetlands		Acres
12.	a.	University Community – upland		Acres
	b.	University Community – wetlands		Acres
13.	a.	Coastal Rural – upland		Acres
	b.	Coastal Rural – wetlands		Acres
		TOTAL (should equal "C" above)	**16.2**	**Acres**

Notes:

(1) Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included except within the Mixed Use Overlay {see Note (2) below}.

(2) Within the Mixed Use Overlay, lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses may be included in density calculations {see Lee Plan Objective 4.3}.

(3) Lands to be used for residential uses including land within the development proposed to be used for streets & street rights of way, utility rights-of-way, public & private parks, recreation & open space, schools, community centers, & facilities such as police, fire & emergency services, sewage & water, drainage, and existing man-made waterbodies.

PART 5
RESIDENTIAL DEVELOPMENT - PRELIMINARY DENSITY CALCULATIONS

i. Complete only if living units are proposed in a Future Land Use Category.

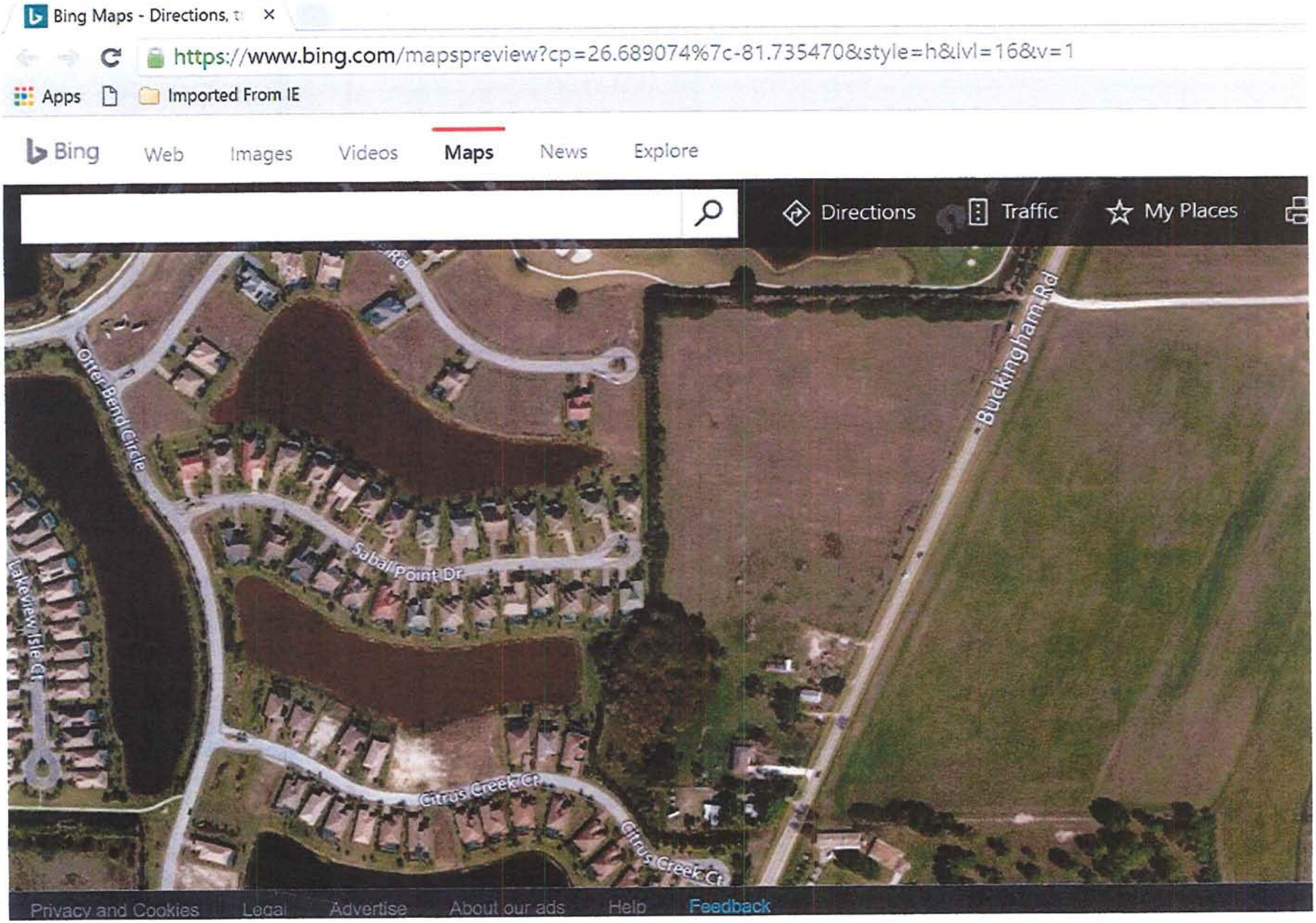
ii. If more than one classification, calculations for each classification must be submitted. Attach extra sheets as necessary.

iii. If wetlands are located on the property, density calculations are considered preliminary pending a wetlands jurisdictional determination.

A. Future Land Use Category: Suburban

		Lee Plan Table 1(a) Max. standard density		Units
1.	**Standard Units**			
	a. Total upland acres (from Part 4, D.)	15.2	x 6 equals	91.2
	b. Total preserved freshwater wetlands acres (from Part 4, D.)	1.0	x 6 equals	6.0
	c. Total impacted wetlands acres (from Part 4, D.)		x equals	
	d. Total Allowed Standard Units (1)			**97.2**
2.	**Bonus Units** (2) (3)			
	a. Low-moderate-housing density			
	b. TDR units			
	c. Sub-total			
3.	**Total Permitted Units** (1)			**97.2**

(see notes on next page)



ATTACHMENT T

Dec. 20, 2016



Dec. 20, 2016

ATTACHMENT U



Dec. 20, 2016 VERANDAH



ATTACHMENT U

Lee County
Southwest Florida

Department of Community Development
Development Services Section

MEMORANDUM

Date: December 16, 2016

To: A. Palermo
Senior Planner

ATTACHMENT V

From: M. Evans ME.
Senior Engineer

Subject: **Oak View RPD Residential Planned Development (RPD)**
Transportation-Related Analysis and Recommendations
Case No. DCI2016-00010
STRAP No. 32-43-26-00-00002.0000 (lowest)

Purpose

The purpose of this memorandum is to provide substantive comments related to Development Services Section (DSS) staff review of subject-case documents provided Lee County by the applicant that relate to transportation elements.

Location and Access

The approximately 16.2-acre subject site is located on the west side of Buckingham Road between Bird Road and Portico Boulevard within the Fort Myers Shores Planning Community. The roadway proposed to directly service the subject site as depicted on the applicant's Master Concept Plan (MCP) is described in **Table 1A**.

Table 1A
Site Access Intersecting Roadway Information

Roadway	Maintenance Authority(1)	Functional Class(1)	2-Way Lane Configuration	Controlled Access?	Constrained?(2)	Speed Limit (mph)
Buckingham Road	Lee County	arterial	2-lane undivided	no	no	45

(1) based on information obtained from the most current Lee County-maintained Geographic Information System (GIS) database
(2) see *The Lee Plan* Objective 37.2 and related policies

Access to the subject site is proposed on the applicant's Master Concept Plan (MCP) as described in **Table 1B**.

Table 1B
Site Access Location(s)

Roadway	Proposed Location(1)	Access Type (assumed)
Buckingham Road	approximately 2,630 feet north of Bird Road and 2,300 feet south of Portico Boulevard	direct full access

(1) distance approximate from site access/roadway centerlines

In referencing the *Lee County Land Development Code,* Chapter 33, DSS staff found no pertinent access location requirements related to this local planning community.

Current and Proposed Zoning

The subject site is currently partially-developed and zoned as an agricultural (AG-2) district. With the subject case, the applicant proposes to rezone the site to Residential Planned Development (RPD) to permit a maximum intensity with respect to the proposed schedule of uses as described in **Table 2.**

Table 2
Development Parameters

Land Use	Intensity
single-family residential	60 dwelling units

Trip Generation Review

The applicant analyzed traffic-related impacts assuming full site build-out with the greatest intense use with respect to the proposed schedule of uses. As part of the analysis, the applicant reviewed the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 9th Edition,* and calculated generated trips in order to assess the traffic impacts of the proposed zoning. Trip generation results as calculated by DSS staff are described in **Table 3**. Traffic volumes shown in this table are new traffic volumes on the surrounding roadway network, and reflect a reduction for internal capture traffic (traffic interacting between differing uses on the site) and pass-by traffic (non-newly generated traffic already on the roadway network) if applicable.

Table 3
New Trip Generation

Zoning Description	AM Peak Hour			PM Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Proposed RPD	13	39	52	42	24	66	656

Roadway Section Traffic Operations Level of Service Analysis

New trips associated with the subject case were assigned to the surrounding road network in order to assess level of service (LOS) impacts on sections expected to be most impacted by the proposed development. Per Administrative Code AC-13-17 *Traffic Study Guidelines for Planned Development Rezonings*, "significant impact is defined as 10%....of the LOS "C" service volumes for the links at build out."

In the subject case, using the trip assignments described in the applicant's final traffic impact statement (TIS), no roadway sections are expected to be significantly impacted by the proposed zoning. **Table 4** describes the roadway section adjacent to the subject

site that is expected to be most impacted by the proposed development along with corresponding DSS staff pre- and post-project build-out level of service estimates with respect to the proposed zoning.

Table 4
Roadway Section(s) Adjacent to Subject Site
Expected to be Most Impacted by Proposed Rezoned Development

Roadway	Location	Significant Impact Expected?	Level of Service (v/c)*		
			Existing	Future	Future + Project
Buckingham Road	Orange River Boulevard to Palm Beach Boulevard (SR 80)	no	C (0.61)	C (0.61)	C (0.64)

*AM/PM worse case; v/c is defined as traffic volume/capacity ratio; future year 2022

Based on a review of applicable traffic volumes in the 2015 Lee County "Concurrency Report", the most current "Lee County Link Specific Service Volumes" tables (for short-term analyses of 5 years or less from table date), and/or the most current "Lee County Generalized Peak Hour Directional Service Volumes" tables (for long-term analyses of more than 5 years from table date), the roadway section described in **Table 4** currently operates at LOS "C". Utilizing the 2015 Lee County Traffic Count Report and assuming a project build-out year of 2022, this roadway section is estimated to operate at LOS "C" with future background traffic volumes. Once project build-out traffic is added to this section, it is estimated to operate at LOS "C". Based on the LOS standards as set forth in *The Lee Plan* for the "unconstrained" roadway section described in **Table 4**, LOS "C" is an acceptable level of service.

No link improvements along County-maintained roadways are expected to be required to accommodate the proposed zoning. At the time of local development order review, proposed projects will be further reviewed to determine what, if any, site-related traffic improvements to the nearby roadway network are required.

Roadway Intersection Traffic Operations Level of Service Analysis

Due to the relatively low number of trips associated with the proposed development(less than 100 during the AM or PM peak hour), roadway intersection traffic operations level of service analyses were not performed at the site access, intersections within one-quarter mile of site access, and/or intersections expected to be most impacted by the proposed development.

At the time of local development order review, proposed projects will be further reviewed to determine what, if any, site-related traffic improvements to nearby roadway intersections are required.

Applicant Proposed Deviation Review and Conditions

Development Services Section (DSS) staff reviewed the applicant's proposed transportation-related *Land Development Code* (LDC) deviations for the subject case and provides the following comments:

Deviation #2 requests relief from the requirements of the *Land Development Code* (LDC) Section 10-296(p)(1) which indicates that permanent dead-end streets must be closed at one end by a circular turn-around for vehicles and constructed to specified geometric standards. Staff **recommends approval of this proposed deviation subject to the following condition**:

DSS Staff Condition A: *Prior to development order issuance, the applicant will provide the Lee County Development Services Director with correspondence from the Fort Myers Shore Fire Department chief indicating that the alternate turn-around design is sufficient for emergency-response equipment and vehicle access.*

MJE:mje

Copy: S. Hollingsworth – Lee County Department of Community Development
L. Wu – Lee County Department of Community Development
file

ATTACHMENT V

Lee County
Southwest Florida

DEPARTMENT OF COMMUNITY DEVELOPMENT

Memo

To: Tony Palermo, Senior Planner

From: Lili Wu, Senior Transportation Planner

Date: Dec. 6, 2016

Subject: Oak View RPD (DCI2016-00010)

Infrastructure Planning staff has reviewed the application for public hearing. This project is located on the west side of Buckingham Road south of State Road 80. Access to the project will be provided via an access drive and an emergency stabilized access drive to Buckingham Road which is a two lane undivided arterial roadway maintained by County. Infrastructure Planning staff has no objection to the application.

ATTACHMENT W

ATTACHMENT X

Lee County
Southwest Florida

Department of Community Development
Zoning Division
Environmental Review

MEMORANDUM

Date: **December 5, 2016**

To: **Tony Palermo, Senior Planner**

From: **Beth Workman, Environmental Planner** EW
239.533.8793
EWorkman@leegov.com

Subject: **Oak View RPD**
DCI2016-00010
STRAP: 32-43-26-00-00002.0000

The applicant has submitted a request to rezone a 16.2 acre Agricultural (AG-2) zoned property to a Residential Planned Development (RPD). The parcel is located in the Suburban and Wetland Future Land Use Classification and the Ft. Myers Shores Planning Community.

Species and Indigenous
Environmental Sciences zoning staff conducted a field inspection on December 2, 2016. The site is an old agricultural field with various small depressional wetlands throughout the pasture. The parcel is lined along the property line with Brazillian pepper and Sabal palmettos. The parcel has a wetland at the southwestern corner of the property that is mostly made up of Bald Cypress and Sabal palmetto. No protected species were found within the pasture or the Cypress head. The wetland will be preserved to meet the indigenous open space requirement.

Open Space
The applicant is providing the required open space per the Land Development Code. The two-family attach lots will not meet lot size and coverage so 40% open space must be provided per the LDC. The single family lots will meet the 6500 square feet and 45% lot coverage so no open space will be required.

Buffers
The parcel is adjacent to a single family subdivision to the west and north; single family lot to the south; and Buckingham Road to the east. The applicant is rezoning the property to a RPD and is not required buffers adjacent to single family subdivisions, single family lots, or right of ways. The applicant has provided a Type D (15 foot wide buffer with five trees per 100 linear feet and a double staggered hedge) adjacent to Buckingham Road.

ATTACHMENT X

Lee County
Southwest Florida

Department of Community Development
Zoning Division
Environmental Review

MEMORANDUM

The rezoning is in compliance with the following Lee Plan Goals, Objectives, and Policies Goals:

Goal 114: Wetlands. To maintain and enforce a regulatory program for development in wetlands that is cost-effective, complements federal and state permitting processes, and protects that fragile ecological characteristics of the wetland system.

Policy 107.2.13: Promote optimal conditions rather than minimum conditions for the natural system as the basis for sound planning.

Goal 107: Resource Protection. To manage the county's wetland and upland ecosystems so as to maintain and enhance native habitats, floral and faunal species diversity, water quality, and natural surface water characteristics.

Objective 77.1: Development regulations will continue to require that new residential developments provide sufficient open space to meet the needs of their residents.

Objective 77.3: New developments must use innovative open space design to preserve existing native vegetation, provide visual relief, and buffer adjacent uses and proposed and/or existing rights-of-way. This objective and subsequent policies are to be implemented through the zoning process.

DCI2016-00010 OAK VIEW

SUMMARY OF COMMUNITY REVIEW MEETING IN COMPLIANCE WITH LDC §33-1482(b)

§33-1482(b) *Meeting requirements*. The applicant is responsible for providing the meeting space, providing notice of the meeting, and providing security measures as needed. The meeting location will be determined by the applicant. Meetings may, but are not required to, be conducted before non-County formed boards, committees, associations, or planning panels. During the meeting, the agent will provide a general overview of the project for any interested citizens. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. The applicant is not required to receive an affirmative vote or approval of citizens present at the meeting.

On Tuesday, January 10, 2017 at 3pm, the Applicant's representatives appeared before the Caloosahatchee Shores Community Planning group to discuss the proposed rezoning of the Subject Property from AG-2 to RPD. An attendance sheet was circulated at the meeting and is attached.

The Applicant presented its request, providing detail of the location of the Subject Property, a description of the proposed residential development, as well as each of the four (4) deviations being sought. At the end of its presentation, the Applicant invited all attendees to pose questions and provide any comments.

A summary of the issues raised by attendees follows, with Applicant's response in parenthesis:

- Will the project have a deceleration or turn lane at the entrance (Applicant informed the group this will be addressed at time of development order, which will also require a meeting with this group prior to approval);
- Inquiries regarding the size of the lots (Applicant advised the requested minimum lot size would be 50' x 130', and provided examples of proximate developments with similar lot sizes);
- Questions regarding stormwater flow, including hydration of the wetland and the stormwater facilities related to the lake (Applicant explained the general stormwater management system as proposed, and identified the need to obtain SFWMD permitting approval prior to any development);
- Will the project be served by central utilities (Applicant advised letters of service confirmation for water and sewer are included in the application);

ATTACHMENT Y

- Will emergency vehicles be provided sufficient access (Applicant advised that conditions of the zoning would require coordination and review with the Fire District prior to development);

- What will be the density of the development (Applicant responded the proposal is for 60 units on roughly 16 acres, and noted the lack of a golf course or significant amenity areas in the proposed development);

- Requests for information on the type of product which will be built on the Subject Property (Applicant replied that a specific builder has not yet been identified, but assured that the product type will be similar to existing developments in this area to maximize marketability of the proposed homes); and

- Inquiries regarding the distance between the proposed homes and the existing homes in the Veranda (Applicant responded with information regarding the width of the existing vegetation, the existing wall, and the proposed buffering along the shared property boundary).

Caloosahatchee Shores Planning Committee Mtg. – 1/10/2017

Committee Members:

Ed Kimball – Chairman ELCC
Beth Stark- FMSCA/ELCC
Janet Jones – Sec. ELCC
Gloria Moff – Olga
Jim Giedeman – Olga/ELCC
Rosalie Prestarri- Olga/ELCC
Deidre Heindl – Ft. Myers Shores/ELCC
Bob Reige – Olga/ELCC
Korf- Sun-n-Fun/ELCC
Jack Oltmon- Veranda Community
David Keeley- Veranda Community
Linda Lach- Veranda Community

Applicant Members:
Amanda Brock – Henderson Franklin
Ron Inge – Inge Associates
Jennifer Sapen Barraco Associates

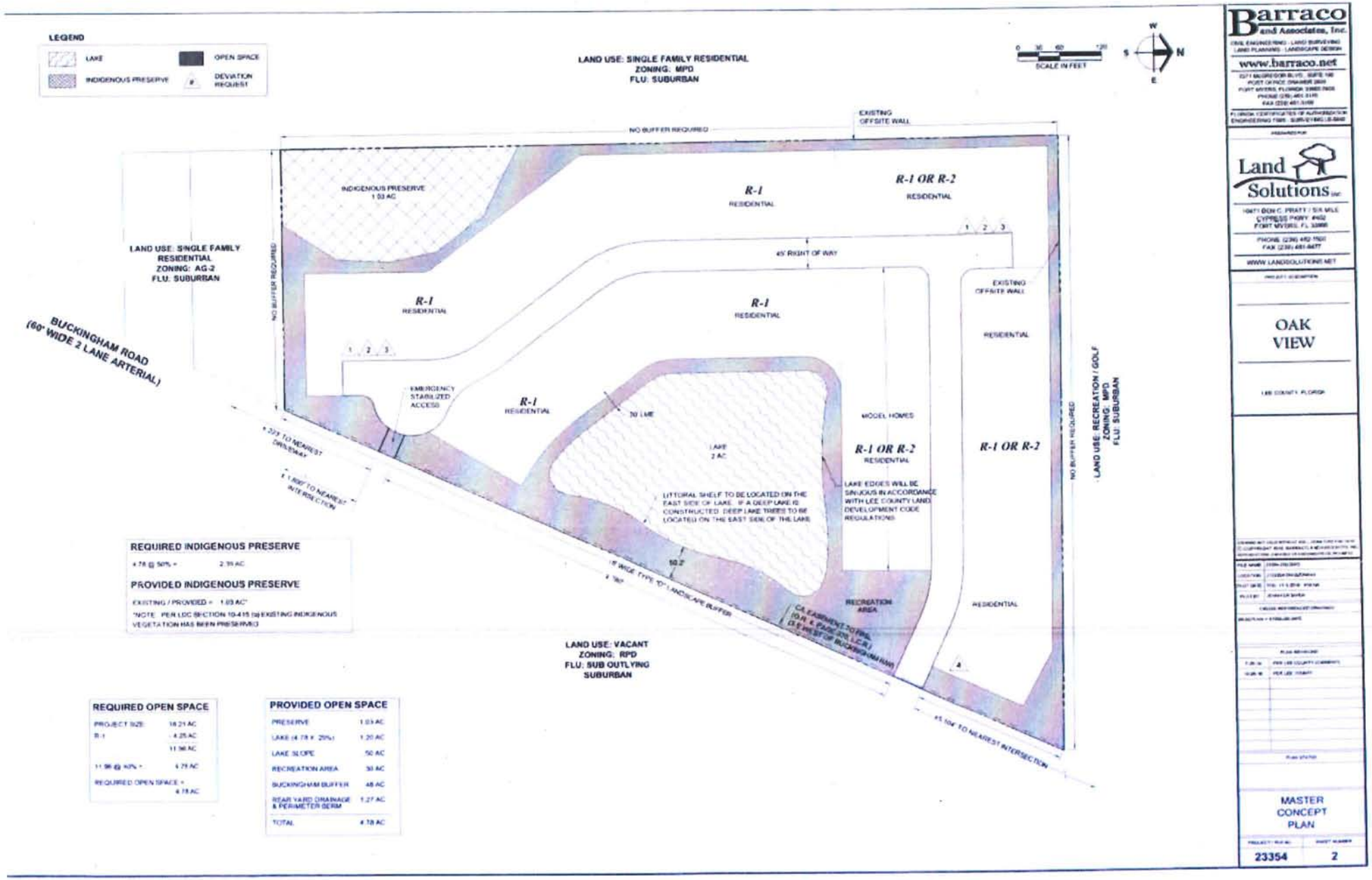
Item for Consideration: Oak View RPD-DCI2016-00010- Plan Deviation Application

The Committee found the requested dwelling unit density inconsistent with the surrounding properties. The Veranda Community to the west, while being in the Suburban Land Use Category, is designed and built at 1 Dwelling Unit per Acre. The properties East are in the Sub Outlying Suburban Category and allowed between 1&2 Units per acre. The Committee recommends that a Dwelling Unit Density of 1-3 units would be appropriate.

With regard to the Deviations, the Committee found that Deviations 1-3 are being generated by the excessive dwelling units being requested and should be denied. The Committee would also recommend that Deviation 4 be denied and Southern access be fully functional , given the ever growing traffic on Buckingham Road.

Ed Kimball
Chair- Caloosahatchee Shores Plng. Comm.

ATTACHMENT Y



Barraco and Associates, Inc.
CIVIL ENGINEERING · LAND SURVEYING
LAND PLANNING · LANDSCAPE DESIGN
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OAK VIEW

LEE COUNTY, FLORIDA

MASTER CONCEPT PLAN

23354 | 2

Barraco and Associates, Inc.
www.barraco.net
Civil Engineers, Land Surveyors and Planners

Oak View RPD
Residential Planned Development
Schedule of Deviations

1) **Deviation from LDC Section 10-254, which requires side lot lines be, as nearly as practical, at right angles to straight street lines and radial to curve street lines, to allow the lot design shown on the Master Concept Plan in those areas where Deviation 1 is applied.**

Justification: This deviation request applies to the last lot at the terminal end of small dead end roadways where no cul de sac exists. This last lot is a continuation of a string of lots which are parallel to one another. The lot in question, and side lot lines of the string of lots, is perpendicular to the road as the LDC requires. The road right of way ends at the first side lot line of the terminal lot. This design provides adequate access to the last lot where a private drive will continue on the same trajectory as the road. The continued roadway is not needed to serve additional units further down the road so there is no public harm and a benefit is created because it allows the homeowner to utilize and maintain the land for private benefit.

This design creates a different, but adequate lot configuration. The front lot line becomes the termination of the right of way, at the width of the right of way. The first side lot line runs parallel with the string of lots along the road and connects to the end of the right of way. The other side lot line, and the purpose of this deviation request, is an extension of the right of way on the far side of the road. This side lot line, as an extension of the right of way, is parallel to the road and therefore does not meet the LDC requirement of being perpendicular to the road.

The intent of this LDC requirement is to provide a uniform lot pattern along roadways where adequate access is provided to all lots. This last lot and home will follow the pattern created by homes along the street and will have ample and reasonable access at the terminal end of the right of way.

As proposed, the lot described becomes a premium lot for the development. Homeowners are availed the opportunity to utilize land which would otherwise be dedicated unnecessarily to right of way. The proposed development plans show six locations where this request applies, which enhances the overall project appeal to a variety of prospective buyers.

According to the Florida Fire Prevention Code, Chapter 18.2.3.4.4 regarding dead-ends, only dead-end access roads in excess of 150 feet in length are required to provide approved provisions for fire apparatus to turnaround. In the instance of this request the

2271 McGregor Boulevard • Fort Myers, Florida 33901
Phone (239) 461-3170 • Fax (239) 461-3169

dead end roadway is less than 150' and as such, the proposed deviation will not create a detriment to the public health, safety, or welfare.

2) **Deviation from LDC Section 10-296(p)(1) to eliminate the requirement that a dead-end street be closed at one end by a circular turnaround, to allow an alternative turnaround.**

Justification: This deviation request applies to two locations on the site plan. The proposed design results in land that can be more effectively and efficiently used for purposes to enhance the overall development such as project amenities, landscaping, open space and water management lakes which would otherwise be encumbered by a road right of way and only service a few residences.

According to the Florida Fire Prevention Code, Chapter 18.2.3.4.4 regarding dead-ends, only dead-end access roads in excess of 150 feet in length are required to provide approved provisions for fire apparatus to turnaround. In both instances of this request the dead end roadways are less than 150'.

Typically fire trucks pull to a fire hydrant and service the emergency by foot. As a condition of this deviation request, the applicant agrees to prohibit fire hydrants on the dead end streets. By locating fire hydrants only on the main streets the fire trucks will stop at the hydrant and not enter the dead end.

By limiting all dead end streets to a maximum of 150' and prohibiting fire hydrants on the dead ends the proposed deviation will not create a detriment to the public health, safety, or welfare.

3) **Deviation from LDC Section 10-703 to allow lot size to be measured as indicated on the Master Concept Plan.**

Justification: This deviation request applies to the last lot at the terminal end of small dead end roadways where no cul de sac exists. This last lot is a continuation of a string of lots which are consistent in width and depth which allow for the same line-up of model units to be constructed.

The road right of way ends at the first side lot line of the terminal lot. This design provides adequate access to the last lot where the private drive will continue on the same trajectory as the road. Since continued roadway is not necessary to serve units in this area it allows the homeowner to obtain this land for private benefit.

This design creates an unusual lot configuration consisting of three side lot lines. The front lot line becomes the termination of the right of way, at the width of the right of way. As detailed on page 3 of the MCP, line #1 runs parallel with the string of lots along the road and connects to the end of the right of way. The lot line #2 is an extension of the

right of way on the far side of the road. This second side lot line, while technically defined as a side lot line, is the length of the lot width typical throughout the development. Lot line #3 is 90 degrees to side lot line two. Lot line three is the length of lot line one plus the width of the right of way. Using the criteria for measuring lot depth as illustrated in LDC Section 10-703, side lot line #2 would cause this end lot to fail to meet minimum lot depth. To assist in future compliance review and to clarify this request additional notes have been added to Deviation 3 detail on the plans.

As proposed, the lot described becomes a premium lot for the development. Homeowners are availed the opportunity to utilize land which would otherwise be dedicated right of way for unique driveway entries and private uses such as small recreational areas or enhanced landscape features. The proposed development plan shows one location where this request applies, which enhance the overall project appeal to a variety of prospective buyers. The lot and home in question will be a continuation of the lot pattern throughout the development and as such will not create a detriment to the public interest.

4) **Deviation from LDC Section 10-291(3) which requires developments of more than five acres to provide more than one means of ingress or egress to allow one primary access and one emergency stabilized access.**

Justification: The proposed project access aligns with the approved access for Buckingham 345 RPD on the east side of Buckingham Road. Due to the low density proposed by Oak View, traffic from this 80-unit development is not expected to be high. However, Buckingham 345 RPD anticipates much higher traffic generation with 690 single family units with access at only one location.

Locating the only access point for Oak View at the same location as Buckingham 345 creates a cross roads and dual residential entries where drivers along Buckingham Road will expect turning movements. An additional secondary access for Oak View would create non-typical and unexpected turning movements for a small handful of cars.

A single access at the same location as Buckingham 345 aesthetically enhances the proposed development by aligning Oak View's access with a another residential entry with enhanced landscaping and residential planned development flavor. Additionally, by creating only one access point with a cul de sac at the southern end of the site the southern lots are lower traffic areas of the small development, thereby increasing the value of these lots. One access point allows the developer to focus enhanced landscaping at one location, lessening overall project costs while still providing the required buffers along Buckingham Road.

To ensure the public safety, health and welfare for the residents of Oak View, a second emergency stabilized access is proposed at the northeast corner of the site.

	A	B	C	D	E	G
1	**Sign- in Sheet**		**Caloosahatchee Shores Community Plan - Review Panel**			**1/10/2016- 3pm**
2			**Oak View Project**			
3						
4	**Attendee Name**		**Organization**		**Tel. #**	**E- Mail Address**
5	Janet Jones		ELCC		239-728-3311	alvadogan@gmail.com
6	Gloria Moff		ELCC		239-481-0421	baselinesurvey@comcast.net
7	ROSALIE PROSPERI		ELCC		239-220-4633	
8	TIM SIEDEMAN		"		694 5987	JIMGIED@YAHOO.
9	BOB REGE		"		481-0421	
10	Amanda Brock		Henderson Franklin		344-1269	amanda.brock@henlaw.com
11	RON INEZ		INEZ ASSOC		454-4999 X 211	rone.inez@associates.com
12	Jennifer Sapan		Barraco & Assoc.		461-3170	jennifers@barraco.net
13	RICHARD G. KORF		SUN-N-FUN		(239) 693-8636	
14	Jack OLTMANS		Veranda		309 231 7730	
15	Deidre Heindl		VP - FMSCA		239-898-4807	info@FortMyersShores.org
16	David Keeley		Sabal Point HOA		207-441-1069	David@theKeeleyGroup.com
17	LINDA LACH		SABAL POINT HOA		239-288 4845	LLACH55@GMAIL.COM
18	Beth Stark		FMSCA		513-270-5135	bethstarkrealestate@gmail.com
19						
20						
21						
22						
23						
24						
25	######					

ATTACHMENT Y

East Lee County Council

The object and purpose of the East Lee County Council shall be to combine the efforts and interests of those civic associations along the Greater Palm Beach Boulevard Corridor, east of the Fort Myers city limits out to the Hendry County line, working together to protect and improve the livability, bring about a spirit of harmony, encourage efforts to beautify the neighborhoods, increase property values, and otherwise provide for its well being.



ELCC Board Members

President:
Ed Kimball

Vice President:
Jim Green

Treasurer:

Secretary:
Janet Jones

Board Members:
Ken Breffre
Bruce Strayhorn
Rosalie Prestarri

Webmaster:
Deidre Heindl

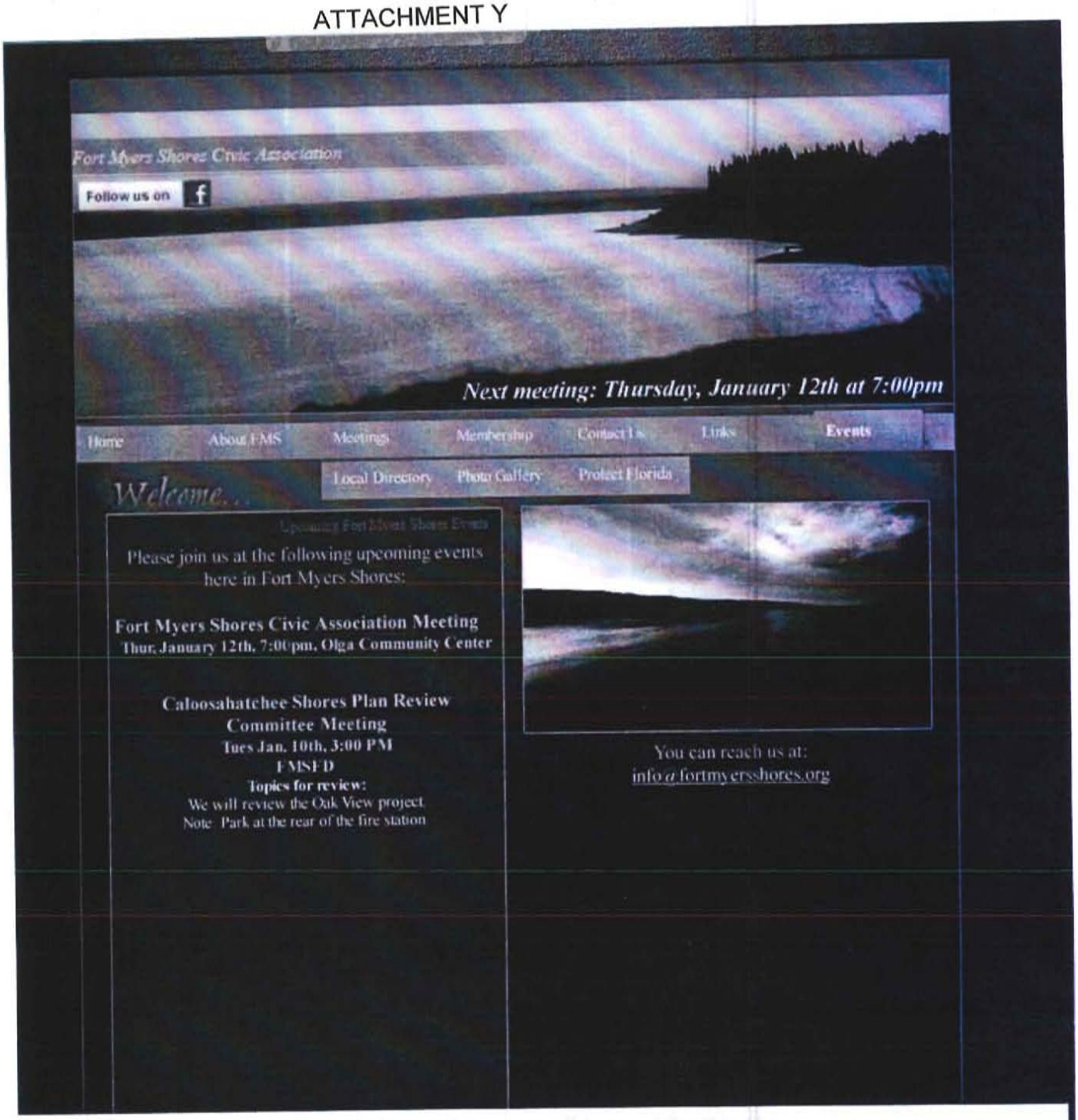
UPCOMING MEETINGS:

Fort Myers Shores Civic Association Meeting
Thur, Jan. 12th, 7:00pm
Olga Community Center

Caloosahatchee Shores Plan Review Committee Meeting
Tues Jan. 10th, 3:00 PM
FMSFD
12345 Palm Beach Blvd.

Topics for review:
We will conduct a review of the Oak View project. Note: Park at the rear of the fire station.

ATTACHMENT Y



ATTACHMENT Z

THE SCHOOL DISTRICT OF LEE COUNTY

2855 COLONIAL BLVD. ♦ FORT MYERS, FLORIDA 33966 ♦ WWW.LEESCHOOLS.NET

DAWN M HUFF
LONG-RANGE PLANNER
Planning, Growth & School Capacity
Phone: 239-337-8142
FAX: 239-335-1460

STEVEN K. TEUBER
CHAIRMAN, DISTRICT 4
MARY FISCHER
VICE CHAIRMAN, DISTRICT 1
JEANNE S. DOZIER
DISTRICT 2
CATHLEEN O'DANIEL MORGAN
DISTRICT 3
PAMELA H. LARIVIERE
DISTRICT 5
GREGORY K. ADKINS, ED. D.
SUPERINTENDENT
KEITH B. MARTIN, ESQ.
BOARD ATTORNEY

May 23, 2016

Tony Palermo, AICP
Lee County Development Services Division
P.O. Box 398
Fort Myers, FL 33902-0398

RE: DCI2016-00010
Oak View RPD

ATTACHMENT Z

Dear Mr. Palermo:

This letter is in response to your request for comments dated May 16, 2016 for the Oak View RPD in regard to educational impact. This project is located in the South Choice Zone, Sub Zone 2.

The request is for development of 60 single-family or two multi-family dwelling units and for the purpose of determining capacity, the greater impact will be utilized which is single-family. With regard to the inter-local agreement for school concurrency, the generation rates are created from the type of dwelling unit and further broken down by grade level.

For single-family homes, the generation rate is .295 and further broken down by grade level into the following, .147 for elementary, .071 for middle and .077 for high. A total of 18 school-aged children would be generated and utilized for the purpose of determining sufficient capacity to serve the development.

The Concurrency Analysis attached, displays the impact of this development. Capacities for elementary seats is not an issue within the Concurrency Service Area (CSA). For middle and high school, the development adds to the projected deficit for the CSA, however, there are sufficient seats available to serve the need within the contiguous CSA.

Thank you for your attention to this issue. If I may be of further assistance, please call.

Sincerely,

Dawn Huff

Dawn Huff,
Long Range Planner

LEE COUNTY SCHOOL DISTRICT'S SCHOOL CONCURRENCY ANALYSIS

REVIEWING AUTHORITY	Lee School District
NAME/CASE NUMBER	Oak View RPD/DCI2016-00010
OWNER/AGENT	Buckingham 16 LLC
ITEM DESCRIPTION	various amendments; all impacts in East CSA, sub area E2
LOCATION	West side of Buckingham Rd north of Orange River Blvd
ACRES	16.80
CURRENT FLU	Suburban (S)
CURRENT ZONING	Agricultural (AG-2)

PROPOSED DWELLING UNITS BY TYPE

Single Family	Multi Family	Mobile Home
60	0	0

	Student Generation Rates			
STUDENT GENERATION	**SF**	**MF**	**MH**	**Projected Students**
Elementary School	0.147			8.82
Middle School	0.071			4.26
High School	0.077			4.62

Source: Lee County School District, May 23, 2016 letter

CSA SCHOOL NAME 2019/20	CSA Capacity (1)	CSA Projected Enrollment (2)	CSA Available Capacity	Projected Impact of Project	Available Capacity W/Impact	LOS is 100% Perm FISH Capacity	Adjacent CSA Available Capacity w/Impact
East CSA, Elementary	14,923	13,566	1,357	9	1348	91%	
East CSA, Middle	6,464	7,017	-553	4	-557	109%	
East CSA, High	7,702	7,891	-189	5	-194	103%	

(1) Permanent Capacity as defined in the Interlocal Agreement and adopted in the five (5) years of the School District's Five Year Plan

(2) Projected Enrollment per the five (5) years of the School District's Five Year Plan plus any reserved capacity (development has a valid finding of capacity)

(3) Available Adjacent CSA capacity is subject to adjacency criteria as outlined in the Interlocal Agreement and the School District's School Concurrency Manual

Prepared by: Dawn Huff, Long Range Planner

ATTACHMENT Z

Barraco and Associates, Inc.
www.barraco.net
Civil Engineers, Land Surveyors and Planners

DESCRIPTION

Parcel in
Section 32, Township 43 South, Range 26 East
Lee County, Florida

A tract or parcel of land lying in Section 32, Township 43 South, Range 26 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Commencing at the Northeast Corner of the Southeast Quarter (SE 1/4) of said Section 32 run N89°46'37"W along the North line of said Fraction for 416.53 feet to an intersection with the Northwesterly right of way line of Buckingham Road, (60 feet wide right of way) and the POINT OF BEGINNING.

From said Point of Beginning run S24°22'35"W along said Northwesterly right of way line of Buckingham Road for 1,215.62 feet to an intersection with the North line of the South 230 feet of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of said Section 32; thence run S89°36'26"W along said North line for 378.27 feet to an intersection with the West line of line of said Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4); thence run N00°41'30"W along said West line for 1,113.40 feet to an intersection with the North line of said Southeast Quarter (SE 1/4); thence run S89°46'37"E along said North line for 893.43 feet to the POINT OF BEGINNING.
Containing 16.21 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/NSRS 2007) and are based on the North line of the Southeast Quarter (SE 1/4) of Section 32 to bear N89°46'37"W.

Scott A. Wheeler 10/10/16

Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

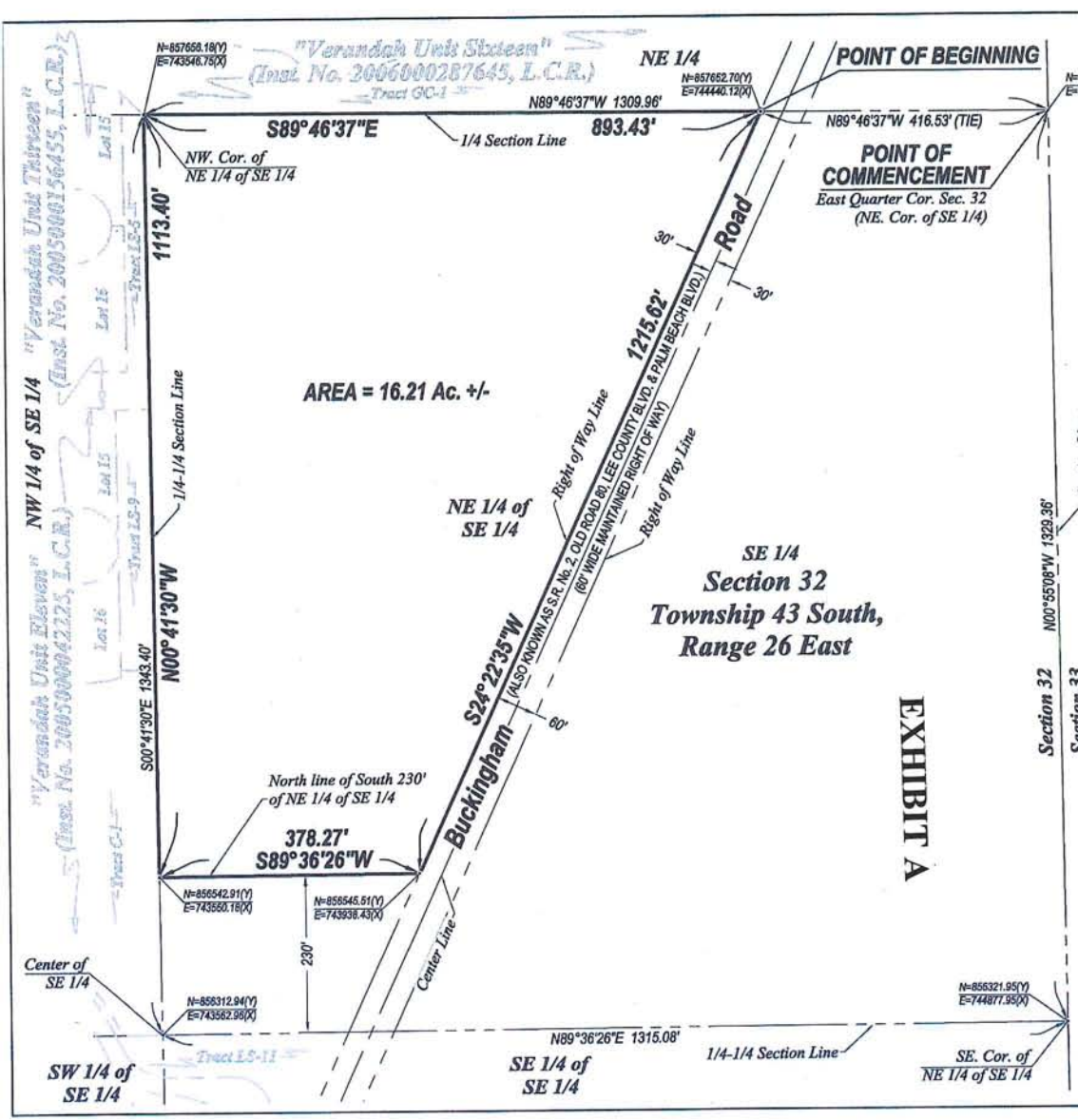
L:\23354 - LSI 3600 Buckingham Road\Survey\Descriptions\Sketch\23354SK01.doc

EXHIBIT A

DCI 2016-00010

RECEIVED
OCT 11 2016
COMMUNITY DEVELOPMENT

Post Office Drawer 2800 • Fort Myers, FL 33902
Phone (239) 461-3170 • Fax (239) 461-3169



RECEIVED
OCT 11 2016
COMMUNITY DEVELOPMENT

DCI 2016-00010

Applicant's Legal Checked
By CS 10/12/16

N
W E
S
0 100 200
SCALE IN FEET

NOTES:

1. ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. D.B. - DENOTES DEED BOOK.
3. D.E. - DENOTES DRAINAGE EASEMENT.
4. INST. No.- DENOTES INSTRUMENT NUMBER, LEE COUNTY PUBLIC RECORDS.
5. O.R. - DENOTES OFFICIAL RECORD BOOK, LEE COUNTY PUBLIC RECORDS.
6. (P) - DENOTES PLAT.
7. P.B. - DENOTES PLAT BOOK.
8. PG. - DENOTES PAGE.
9. P.U.E. - DENOTES PUBLIC UTILITY EASEMENT.
10. BEARINGS AS SHOWN ARE STATE PLANE FLORIDA WEST ZONE (NAD1983 (NSRS 2007)) ARE BASED ON THE NORTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 32 TO BEAR N89°46'37"W.
11. DESCRIPTION IS ATTACHED.

THIS IS NOT A SURVEY

10/10/16

SCOTT A. WHEELER (FOR THE FIRM - LB-6940)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5949

DATE SIGNED:

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

Barraco and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - LANDSCAPE DESIGN
www.barraco.net
2271 McGREGOR BLVD., SUITE 100
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7905 - SURVEYING LB-6940

PREPARED FOR
Land Solutions Inc.
10471 BEN C. PRATT / SIX MILE CYPRESS PKWY., #402
FORT MYERS, FL 33966
PHONE (239) 482-1503
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

A Parcel of Land in Section 32, Township 43 South, Range 26 East, Lee County, Florida

PROJECT SURVEYOR

STATE OF FLORIDA SCOTT A. WHEELER PROFESSIONAL SURVEYOR AND MAPPER
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

FILE NAME	2429SK01.DWG
LAYOUT	2
LOCATION	J:\2429\Dwg\SURV\2429SK01.DWG
PLOT DATE	THU, 9-17-2015 - 9:08 AM
PLOT BY	PETER OLSEN

DRAWING DATA

SURVEY DATE	09-17-2015
DRAWN BY	P. OLSEN
CHECKED BY	SAW
SCALE	1"=200'
FIELD BOOK	

PLAN REVISIONS

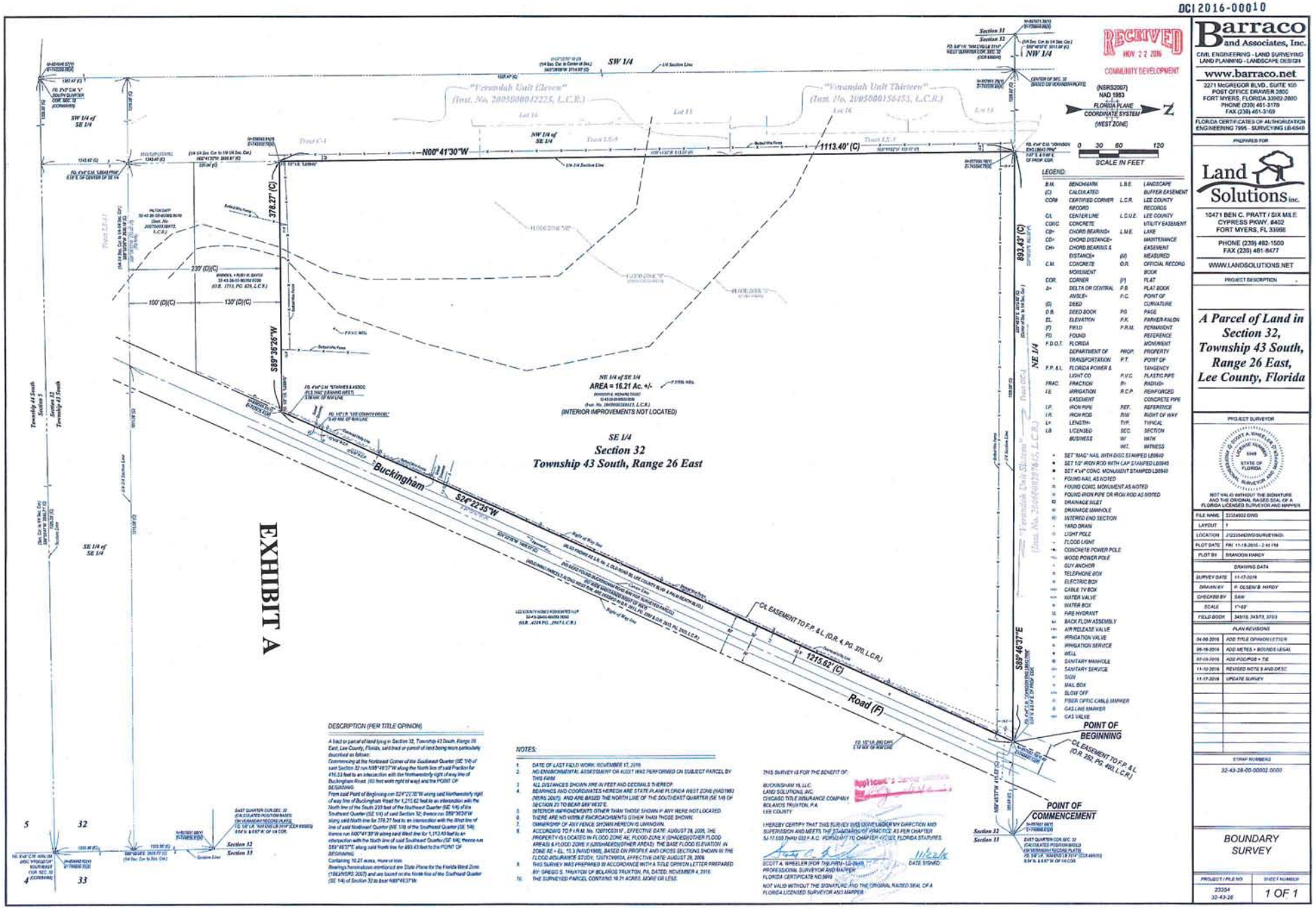
STRAP NUMBERS

32-43-26-00-00002.0000

SKETCH TO ACCOMPANY DESCRIPTION

PROJECT / FILE NO.	SHEET NUMBER
2394 32-43-26	2 OF 2

DCI 2016-00010



RECEIVED
NOV 22 2016
COMMUNITY DEVELOPMENT

LEGEND:

B.M.	BENCHMARK	L.B.E.	LANDSCAPE BUFFER EASEMENT
(C)	CALCULATED	L.C.R.	LEE COUNTY RECORDS
COR#	CERTIFIED CORNER RECORD	L.C.U.E.	LEE COUNTY UTILITY EASEMENT
C/L	CENTER LINE	L.K.	LAKE
CONC.	CONCRETE	L.M.E.	LAKE MAINTENANCE EASEMENT
CB=	CHORD BEARING=	(M)	MEASURED
CD=	CHORD DISTANCE=	O.R.	OFFICIAL RECORD BOOK
CH=	CHORD BEARING & DISTANCE=	(P)	PLAT
C.M.	CONCRETE MONUMENT	P.B.	PLAT BOOK
COR.	CORNER	P.C.	POINT OF CURVATURE
Δ=	DELTA OR CENTRAL ANGLE=	P.G.	PAGE
(D)	DEED	P.K.	PARKER-KALON
D.B.	DEED BOOK	P.R.M.	PERMANENT REFERENCE MONUMENT
EL.	ELEVATION	PROP.	PROPERTY
(F)	FIELD	P.T.	POINT OF TANGENCY
FD.	FOUND	P.V.C.	PLASTIC PIPE
F.D.O.T.	FLORIDA DEPARTMENT OF TRANSPORTATION	R=	RADIUS=
F.P. & L.	FLORIDA POWER & LIGHT CO	R.C.P.	REINFORCED CONCRETE PIPE
FRAC.	FRACTION	REF.	REFERENCE
I.E.	IRRIGATION EASEMENT	R/W	RIGHT OF WAY
I.P.	IRON PIPE	TYP.	TYPICAL
I.R.	IRON ROD	SEC.	SECTION
L=	LENGTH=	WF	WITH
LB	LICENSED BUSINESS	WIT.	WITNESS

- SET "MAG" NAIL WITH DISC STAMPED LB5940
- SET 5/8" IRON ROD WITH CAP STAMPED LB5940
- SET 4"x4" CONC. MONUMENT STAMPED LB5940
- FOUND NAIL AS NOTED
- FOUND CONC. MONUMENT AS NOTED
- FOUND IRON PIPE OR IRON ROD AS NOTED
- DRAINAGE INLET
- DRAINAGE MANHOLE
- MITERED END SECTION
- YARD DRAIN
- LIGHT POLE
- FLOOD LIGHT
- CONCRETE POWER POLE
- WOOD POWER POLE
- GUY ANCHOR
- TELEZPHONE BOX
- ELECTRIC BOX
- CABLE TV BOX
- WATER VALVE
- WATER BOX
- FIRE HYDRANT
- BACK FLOW ASSEMBLY
- AIR RELEASE VALVE
- IRRIGATION VALVE
- IRRIGATION SERVICE
- WELL
- SANITARY MANHOLE
- SANITARY SERVICE
- SIGN
- MAIL BOX
- BLOW OFF
- FIBER OPTIC CABLE MARKER
- GAS LINE MARKER
- GAS VALVE

SE 1/4
Section 32
Township 43 South, Range 26 East

DESCRIPTION (PER TITLE OPINION)

A tract or parcel of land lying in Section 32, Township 43 South, Range 26 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:
Commencing at the Northeast Corner of the Southeast Quarter (SE 1/4) of said Section 32 run N89°46'37"W along the North line of said Fraction for 416.53 feet to an intersection with the Northwesterly right of way line of Buckingham Road, (60 feet wide right of way) and the POINT OF BEGINNING
From said Point of Beginning run S24°22'35"W along said Northwesterly right of way line of Buckingham Road for 1,215.62 feet to an intersection with the North line of the South 230 feet of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of said Section 32; thence run S89°36'26"W along said North line for 378.27 feet to an intersection with the West line of line of said Southeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4); thence run N00°41'30"W along said West line for 1,113.40 feet to an intersection with the North line of said Southeast Quarter (SE 1/4); thence run S89°46'37"E along said North line for 893.43 feet to the POINT OF BEGINNING.
Containing 16.21 acres, more or less.
Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/NSRS 2007) and are based on the North line of the Southeast Quarter (SE 1/4) of Section 32 to bear N89°46'37"W.

NOTES:

1. DATE OF LAST FIELD WORK: NOVEMBER 17, 2016
2. NO ENVIRONMENTAL ASSESSMENT OR AUDIT WAS PERFORMED ON SUBJECT PARCEL BY THIS FIRM.
3. ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
4. BEARINGS AND COORDINATES HEREON ARE STATE PLANE FLORIDA WEST ZONE (NAD1983 (NSRS 2007)) AND ARE BASED THE NORTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 23 TO BEAR S89°46'37"E.
5. INTERIOR IMPROVEMENTS OTHER THAN THOSE SHOWN IF ANY WERE NOT LOCATED.
6. THERE ARE NO VISIBLE ENCROACHMENTS OTHER THAN THOSE SHOWN.
7. OWNERSHIP OF ANY FENCE SHOWN HEREON IS UNKNOWN.
8. ACCORDING TO F.I.R.M. No. 12071C0311F , EFFECTIVE DATE: AUGUST 28, 2008, THE PROPERTY IS LOCATED IN FLOOD ZONE AE, FLOOD ZONE X (SHADED)(OTHER FLOOD AREAS) & FLOOD ZONE X (UNSHADED)(OTHER AREAS). THE BASE FLOOD ELEVATION IN ZONE AE = EL. 10.3 (NAVD1988), BASED ON PROFILE AND CROSS SECTIONS SHOWN IN THE FLOOD INSURANCE STUDY, 12071CIV001A, EFFECTIVE DATE: AUGUST 28, 2008
9. THIS SURVEY WAS PREPARED IN ACCORDANCE WITH A TITLE OPINION LETTER PREPARED BY: GREGG S. THURTON OF BOLANOS THURTON, PA. DATED: NOVEMBER 4, 2016.
10. THE SURVEYED PARCEL CONTAINS 16.21 ACRES, MORE OR LESS.

THIS SURVEY IS FOR THE BENEFIT OF:
BUCKINGHAM 19, LLC,
LAND SOLUTIONS, INC.
CHICAGO TITLE INSURANCE COMPANY
BOLANOS THURTON, P.A.
LEE COUNTY

I HEREBY CERTIFY THAT THIS SURVEY WAS CONDUCTED BY MY DIRECTION AND SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS PER CHAPTER 5J-17.050 THRU 052 F.A.C. PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.

SCOTT A. WHEELER (FOR THE FIRM) - LS-5949
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO.5949
DATE SIGNED: 11/22/16
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

Barraco and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
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FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6949

PREPARED FOR
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10471 BEN C. PRATT / SIX MILE CYPRESS PKWY. #402
FORT MYERS, FL 33966
PHONE (239) 482-1500
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

A Parcel of Land in Section 32, Township 43 South, Range 26 East, Lee County, Florida

PROJECT SURVEYOR

SCOTT A. WHEELER, LICENSE NUMBER 5949, STATE OF FLORIDA, PROFESSIONAL SURVEYOR AND MAPPER

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

FILE NAME	23254502.DWG
LAYOUT	1
LOCATION	J:\23254\DWG\SURVEY\NDI\
PLOT DATE	FRI, 11-18-2016 - 2:41 PM
PLOT BY	BRANDON HARDY

DRAWING DATA

SURVEY DATE	11-17-2016
DRAWN BY	P. OLSEN/ B. HARDY
CHECKED BY	SAW
SCALE	1"=60'
FIELD BOOK	345/19, 345/73, 370/3

PLAN REVISIONS

04-06-2016	ADD TITLE OPINION LETTER
06-16-2016	ADD METES + BOUNDS LEGAL
07-05-2016	ADD POC/POB + TIE
11-10-2016	REVISED NOTE 9 AND DESC
11-17-2016	UPDATE SURVEY

STRAP NUMBERS
32-43-26-00-00002.0000

BOUNDARY SURVEY

PROJECT / FILE NO.	SHEET NUMBER
23254 32-43-26	1 OF 1