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November 16, 2020

Mr. Chahram Badamtchian, AICP  
Lee County Community Development  
Zoning Section  
1500 Monroe Street  
Fort Myers, FL 33901

**RE: DCI2020-00010 Lee County Homes Insufficiency Letter  
Lee County Homes Associates I, LLLP (MDA 19079)**

Dear Mr. Badamtchian;

The purpose of this letter is to provide a response to the Lee County Community Development Zoning Staff review comments dated October 30, 2020 for the above referenced Residential Planned Development application. We always appreciate interaction with Staff on matters related to this application and welcome additional calls and emails that will assist us to address any concerns in the most efficient manner.

**ZONING SECTION***Comment/Condition:*

*Please revise the Master Concept Plan in compliance with the requirements of Policy 20.1.6, which requires developments adjacent to the Rural Community Preserve to provide appropriate transitions with a graduated increase in density.*

**Response:**

To demonstrate consistency with Policy 20.1.6, a gradual transition in density is provided through the proposal of 3 lot types as well as the physical separation discussed above. The proposed Master Concept Plan has three lot sizes proposed, the largest at 13,600 square feet is adjacent to the southern property boundary. With the orientation of the lots and proposed street network additional open space is provided along with a 30 foot enhanced buffer. When considered together, the overall density that can be constructed next to the southern property boundary is significantly less than the maximum density of 3 units per acre permitted by the property's future land use. The lot count is 1,015. The lots typical are reconciled to the MCP plan and new lot typicals are provided for the R-3 development tract which include a 45' rear setback and a 55% lot coverage. In addition to the larger lot size and the 45' rear setback, the width of the enhanced landscape buffer along the south boundary is 30 feet. Additional open space is provided along the southern boundary. Notes and cross sections are adjusted as necessary on the MCP to promote clarity. Revisions to the MCP are enumerated below:

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- New lot size of 80' by 170' established for R-3 development tract;
- New lot typicals provided for R-3 development tract;
- A 45' rear setback for R-3 lots is provided;
- A lot coverage of 55% for R-3 lots is provided
- Lot count reduced to 1,015;
- Lot typical reconciled to updated PDRs;
- Landscaping buffer width along south boundary increased to 30 feet;
- Additional open space provided along south boundary;
- Notes and open space table adjusted;
- Cross section of landscape buffer along southern boundary line adjusted to reflect additional 10' width;

With the landscape buffer width of 30' and a 45' rear setback, a 75' physical separation is provided between future buildings in the RPD and the Rural Community Preserve. The increase lot size of lots along the south boundary, reduced lot count, additional open space, 55% lot coverage of R-3 lots and the physical separation created by the increase rear setback and wider buffer, demonstrate a gradual transition in density away from the Rural Community Preserve consistent with Policy 20.1.6. The open space and a lot coverage of 55% for the R-3 lots further contribute to creating consistency between the proposed RPD and the Rural Community Preserve.

Please let us know if there are any additional materials or questions prior to finding this application sufficient.

Sincerely,

**MORRIS-DEPEW ASSOCIATES, INC.**



Tina M. Ekblad, MPA, AICP, LEED AP  
Partner – Planning Director

Enclosure:

Revised RPD Application

Revised Project Narrative

Revised Lee Plan Consistency

Revised MCP

Revised Property Development Regulations

Revised Schedule of Uses

Revised Conditions

Cc: Mr. Kevin Ratterree  
Steve C. Hartsell, Esq.



# APPLICATION FOR PLANNED DEVELOPMENT PUBLIC HEARING UNINCORPORATED AREAS ONLY

**Project Name:** Lee County Homes Associates I, LLLP (Lee County Homes)

**Request:** Rezone from: RPD

To: RPD

Type: ☒ Major PD

☐ Minor PD

☐ DRI w/Rezoning

☐ PRFPD

☐ Major PD Amendment

☐ Minor PD Amendment

**Bonus Density included?** ☒ NO ☐ YES<sup>1</sup> for: \_\_\_\_\_ Bonus Units

<sup>1</sup> If YES, submit additional fee required by LDC 2-147(A)(3)

## Summary of Project:

Rezoning of an existing Residential Planned Development of 344 acres to permit 1,015 dwelling units

.....

## PART 1 APPLICANT/AGENT INFORMATION

**A. Name of Applicant:** Lee County Homes I Corporation General Partner, Kevin Ratterree, Vice President

Address: 1600 Sawgrass Corporate Pkwy, Suite 400

City, State, Zip: Sunrise, Florida, 33323

Phone Number: 954-753-1730, Ext 2240

E-mail Address: Kevin.ratterree@glhomes.com

**B. Relationship of Applicant to owner (check one) and provide [Affidavit of Authorization](#) form:**

☐ Applicant is the sole owner of the property. [34-201(a)(1)a.1.]

☒ Applicant has been authorized by the owner(s) to represent them for this action. [34-202(a)(3)]

☐ Application is County initiated. Attach BOCC authorization.

**C. Authorized Agent: (If different than applicant) Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202(a)(4)]**

1. Company Name: Morris-Depew Associates, Inc.

Contact Person: Tina M. Ekblad, MPA, AICP, LEED AP

Address: 2914 Cleveland Ave.

City, State, Zip: Fort Myers, FL. 33901

Phone Number: 239-337-3993

Email: Tekblad@m-da.com

2. **[Additional Agent\(s\)](#):** Provide the names of other agents that the County may contact concerning this application. [34-202(a)(4)]

LEE COUNTY COMMUNITY DEVELOPMENT  
PO BOX 398 (1500 MONROE STREET), FORT MYERS, FL 33902  
PHONE (239) 533-8585

**PART 2  
PROPERTY OWNERSHIP**

- A. Property owner(s):** If multiple owners (corporation, partnership, trust, association), provide a list with owner interest. [34-202(a)(2)]

Name: Lee County Homes Associates I, LLLP (Lee County Homes)

Address: 1600 Sawgrass Corporate Pkwy, Suite 400

City, State, Zip: Sunrise, FL. 33323

Phone Number: 954-753-1730 Ext 2240

Email: Tekblad@m-da.com

- B. Disclosure of Interest [34-202(a)(2)]:**

☒ Attach [Disclosure of Interest](#) Form.

- C. Multiple parcels:**

☐ Property owners list. [34-202(a)(8)]

☐ Property owners map. [34-202(a)(8)]

- D. Certification of Title and Encumbrances [34-202(a)(7)]**

1. Title certification document, no greater than 90 days old.

2. Date property was acquired by present owner(s): March 3, 2004 and September 30, 2004

**PART 3  
PROPERTY INFORMATION**

- A. STRAP Number(s):** [Attach extra sheets if additional space is needed.] [34-203(a)(5)]

See Attached List

- B. Street Address of Property:** Access Undetermined

- C. Legal Description (must submit) [34-202(a)(5)]:**

☒ Legal description (metes and bounds) (8½"x11") and sealed sketch of the legal description.

**OR**

☐ Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. ([Click here](#) to see an example of a legal description with no metes and bounds.)

**AND**

**Boundary Survey [34-202(a)(6):**

☒ A Boundary survey, tied to the state plane coordinate system.

**OR**

☐ Not required if the property is located within a subdivision platted per F.S. Chapter 177.

- D. Surrounding property owners** (within 500 feet of the perimeter of the subject parcel or portion thereof that is subject of the request):

1. ☒ List of surrounding property owners. [34-202(a)(9)]

2. ☒ Map of surrounding property owners. [34-202(a)(9)]

3. ☒ One set of mailing labels. [34-202(a)(9)]

*Note: When the case is found complete/ sufficient, a new list and mailing labels must be submitted.*

- E. Current Zoning of Property:** Residential Planned Development

☒ Provide a list of all Zoning Resolutions and Zoning Approvals applicable to the subject property.

- F. Use(s) of Property:**

1. Current uses of property are: Agricultural

2. Intended uses of property are: Residential

**G. Future Land Use Classification (Lee Plan):**

Outlying Suburban	<u>344.77</u>	Acres	100	% of Total
		Acres		% of Total
		Acres		% of Total

**H. Property Dimensions:**

1. Width (average if irregular parcel):	<u>6000</u>	Feet		
2. Depth (average if irregular parcel):	<u>3300</u>	Feet		
3. Total area:	<u>344.77</u>	Acres or square feet		
4. Frontage on road or street:	<u>2200</u>	Feet on	<u>Buckingham Road</u>	Street
2 <sup>nd</sup> Frontage on road or street:		Feet on		Street

**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.

- ☐ Not Applicable  
☐ 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. [34-201(c)]

**PART 4**  
**TYPES OF LAND AREA ON PROPERTY**

<b>A. Gross Acres (total area within described parcel)</b>		<u>344.7</u>	<b>Acres</b>
1. Submerged land subject to tidal influence		<u>0</u>	Acres
2. a. Preserved freshwater wetlands	<u>7.9</u>	Acres	
b. Impacted wetlands	<u>3.19</u>	Acres	
c. Preserved saltwater wetlands		Acres	
d. Total wetlands (A.2.a. plus A.2.b. plus A.2.c.)		<u>11.09</u>	Acres
3. R-O-W providing access to non-residential uses			Acres
4. Non-residential use areas <sup>(1)(2)</sup>			Acres
<b>B. Total area not eligible as gross residential acreage (Items A.1. + A.3. + A.4.).</b>		<u>3.19</u>	<b>Acres</b>
<b>C. Gross residential acres. (A minus B) <sup>(3)</sup></b>		<u>341.51</u>	<b>Acres</b>
<b>D. Gross residential acres (by Land Use Category)</b>			
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	_____	Acres
	b.	Suburban – preserved freshwater wetlands	_____	Acres
	c.	Suburban – impacted wetlands	_____	Acres
5.	a.	Outlying Suburban – upland	333.68	Acres
	b.	Outlying Suburban – preserved freshwater wetlands	7.9	Acres
	c.	Outlying Suburban – impacted wetlands	3.19	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)

**344.776 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:** Outlying Suburban

		<b>Lee Plan Table 1(a)</b>	
		<b>Max. standard density</b>	<b>Units</b>
1.	<b>Standard Units</b>		
a.	Total upland acres (from Part 4, D.)	333.68 x 3du/ac equals	1,001.05
b.	Total preserved freshwater wetlands acres (from Part 4, D.)	7.95 x 3du/ac equals	23.7
c.	Total impacted wetlands acres (from Part 4, D.)	3.11 x 1du/20ac equals	0
d.	<b>Total Allowed Standard Units <sup>(1)</sup></b>		<b>1,024.75</b>
2.	<b>Bonus Units [2-143]</b>		
a.	Site-built Affordable Housing		
b.	Transferrable Dwelling Units		
c.	Sub-total		
3.	<b>Total Permitted Units <sup>(1)</sup></b>		<b>1,025</b>

**Note:**

- (1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.

**PART 6**  
**COMMERCIAL, INDUSTRIAL, MINING, ASSISTED LIVING FACILITIES, HOTELS & MOTELS**  
**PRELIMINARY INTENSITY CALCUATIONS**

<b>A. Commercial</b>		<b>Height</b>	<b>Total Floor Area (Square Feet)</b>
1.	Medical	NA	NA
2.	General Office	NA	NA
3.	Retail	NA	NA
4.	Other: _____	NA	NA
5.	<b>TOTAL FLOOR AREA</b>		<b>NA</b>
<b>B. Industrial</b>		<b>Height</b>	<b>Total Floor Area (Square Feet)</b>
1.	Under Roof	NA	NA
2.	Not Under Roof	NA	NA
3.	<b>TOTAL FLOOR AREA</b>		<b>NA</b>
<b>C. Mining</b>		<b>Depth</b>	<b>Total Acres</b>
1.	Area to be excavated	NA	NA
<b>D. Assisted Living Facilities</b>		<b>Height</b>	<b>Total Beds/Units</b>
1.	Dependent Living Units	NA	NA
2.	Independent Living Units	NA	NA
3.	<b>TOTAL BEDS/UNITS</b>		<b>NA</b>
<b>E. Hotels/Motels (Room Size)</b>		<b>Height</b>	<b>Total Rental Units</b>
1.	< 425 sq. ft.	NA	NA
2.	426-725 sq. ft.	NA	NA
3.	725 < sq. ft.	NA	NA
4.	<b>TOTAL UNITS</b>		<b>NA</b>

**PART 7**  
**ACTION REQUESTED**

- A. Request Statement:** Provide a single narrative explaining the nature of the request and how the property qualifies for the rezoning to a planned development. This narrative should include how the proposed development complies with the Lee Plan, the Land Development Code, and the applicable findings/review criteria set forth in LDC section 34-145(d)(4). This narrative may be utilized by the Board of County Commissioners, Hearing Examiner and staff in establishing a factual basis for the granting or denial of the rezoning. **[34-373(a)(5)]**
- B. Traffic Impact Statement.** A traffic impact statement in a format and to the degree of detail required by the County and in conformance with the adopted Lee County Administrative Code. TIS is not required for an existing development. **[34-373(a)(7)]**
- C. Master Concept Plan:**
- Master Concept Plan, Non-PRFPD:** A graphic illustration (Master Concept Plan) of the proposed development, showing and identifying the information required by LCLDC Section 34-373(a)(6)a. Copies of the Master Concept Plan must be provided in two sizes, 24"x36" and 11"x17", and must be clearly legible and drawn at a scale sufficient to adequately show and identify the required information. In addition to the Master Concept Plan, an open space design plan delineating the indigenous preserves and/or native tree preservation areas as required by LDC Section 10-415(b) must be submitted. **[34-373(a)(6)]**
  - Schedule of Uses:** A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property including the information required by LCLDC Section 34-373(a)(8). **[34-373(a)(8)]**

3. **Schedule of Deviations and Written Justification:** A schedule of deviations and a written justification for each deviation requested as part of the Master Concept Plan accompanied by documentation including sample detail drawings illustrating how each deviation would enhance the achievement of the objectives of the planned development and will not cause a detriment to public interests. The location of each requested deviation must be located/shown on the Master Concept Plan. [34-373(a)(9)]

**D. Bonus Density: [34-202(a)(11)]**

- ☒ Not Applicable  
☐ Bonus Density will be used. Provide the number of Bonus Density units being requested and a narrative of how the request meets the requirements of LDC Section 2-146.

## PART 8 ENVIRONMENTAL REQUIREMENTS

- A. Topography:** Describe the range of surface elevations of the property. Attach a county topographic map (if available) or a USGS quadrangle map showing the subject property. [34-373(a)(4)b.iv.]  
 Please see the attached Topography Map
- 
- B. Sensitive Lands:** Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the LEE Plan Section XII), flowways, creek beds, sand dunes, other unique land forms [see LEE Plan Policy 77.1.1 (2)] or listed species occupied habitat [see LCLDC Section 10-473(f)].  
 Please see the attached environmental report prepared by Passarella and Associates
- 
- C. Preservation/Conservation of Natural Features:** Describe how the lands listed in PART 6.B. above will be protected by the completed project:  
 Please see the attached environmental report prepared by Passarella and Associates
- 
- D. Shoreline Stabilization:** If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:  
 Please see the attached environmental report prepared by Passarella and Associates
- 
- E. Soils Map:** Attach maps drawn at the same scale as the Master Concept Plan marked or overprinted to show the soils classified in accordance with the USDA/SCS System. [34-373(a)(4)b.i.]
- F. FLUCCS Map:** A Florida Land Use, Cover and Classification System (FLUCCS) map, at the same scale as the Master Concept Plan, prepared by an environmental consultant. The FLUCCS map must clearly delineate any Federal and State jurisdictional wetlands and other surface waters, including the total acreage of Federal and State wetlands. [34-373(a)(4)c.]
- G. Rare & Unique Upland Habitat Map:** Maps drawn at the same scale as the Master Concept Plan marked or overprinted to show significant areas of rare and unique upland habitat as defined in the LEE Plan Section XII. [34-373(a)(4)b.iii.]
- H. Existing and Historic Flow-Ways Map:** Map(s) drawn at the same scale as the master concept plan marked or overprinted to show existing and historic flow-ways. [34-373(a)(4)b.v.]

## PART 9 SANITARY SEWER & POTABLE WATER FACILITIES

- A. Special Effluent:** If the discharge of any special effluent is anticipated, please specify what it is and what strategies will be used to deal with its' special characteristics:  
 NA
- 
- B. Private On-Site Facilities:** If a private on-site wastewater treatment and disposal facility is proposed, please provide a detailed description of the system including:
1. Method and degree of treatment:  
 NA
  2. Quality of the effluent:  
 NA

3. Expected life of the facility:  
NA

4. Who will operate and maintain the internal collection and treatment facilities:  
NA

5. Receiving bodies or other means of effluent disposal:  
NA

C. **Spray Irrigation:** If spray irrigation will be used, specify:

1. The location and approximate area of the spray fields:  
NA

2. Current water table conditions:  
NA

3. Proposed rate of application:  
NA

4. Back-up system capacity:  
NA

**PART 10  
ADDITIONAL REQUIREMENTS**

A. **Major Planned Developments:**

1. **Surface Water Management Plan.** A written description of the surface water management plan as required by LCLDC Section 34-373(b)(1). **[34-373(b)(1)]**
2. **Phasing Program.** If the development is to be constructed in phases or if the Traffic Impact Statement utilized phasing, then a description of the phasing program must be submitted. **[34-373(b)(3)]**
3. **Protected Species Survey.** A protected species survey is required for large developments (as defined in LCLDC Section 10-1) as specified in LCLDC Section 10-473. **[34-373(b)(2)]**

B. **Amendments to Built Planned Developments:** The consent of the owners of the remainder of the original planned development is not required, but these owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property. **Attach proof of notice to other property. [34-373(c)]**

C. **Development of Regional Impact:** Binding letter of interpretation from DCA or a complete and sufficient ADA. (See also Application for Public Hearing for DRI Form.) **[34-373(d)(9)]**

D. **Private Recreational Facility Planned Developments (PRFPDs):**

1. **Master Concept Plan, PRFPD.** Master Concept Plan showing and identifying information required by LDC Section 34-941(g)(1). Copies of the Master Concept Plan must be provided in two sizes, 24"x36" and 11"x17", and must be clearly legible and drawn at a scale sufficient to adequately show and identify the required information. **[34-941(g)(1)]**
2. **Conceptual Surface Water Management Plan.** A Conceptual Surface Water Management Plan must be submitted. The plan must be viable and take into consideration any natural flowway corridors, cypress heads, natural lakes, and the restoration of impacted natural flowway corridors. **[34-941(d)(3)b.i.1)]**
3. **Well Drawdown Information.** If within an area identified as an anticipated drawdown area for existing or future well development, demonstration of compliance with LCLDC Section 34-941(d)(3)d.i & ii. must be provided. **[34-941(d)(3)d.]**
4. **Preliminary Indigenous Restoration Plan.** A Preliminary Indigenous Restoration Plan must be provided if on-site indigenous restoration is being used to meet the indigenous native plant community preservation requirement. **[34-941(e)(5)f.iii.]**

5. **Environmental Assessment.** An Environmental Assessment must be provided which includes, at a minimum, an analysis of the environment, historical and natural resources. [34-941(g)(2)]
6. **Demonstration of Compatibility.** Written statements concerning how the applicant will assure the compatibility of the proposed development with nearby land uses (by addressing such things as noise, odor, lighting and visual impacts), and the adequate provision of drainage, fire and safety, transportation, sewage disposal and solid waste disposal must be provided. [34-941(g)(4)]
- E. **Potable Water & Central Sewer.** Will the project be connected to potable water and central sewer as part of any development of the property?
- ☒ **YES** (Provide a letter from the appropriate Utility to which the connection(s) are proposed confirming availability of service.) [34-202(a)(10)]
- ☐ **NO** (Provide a narrative explaining why the connection is not planned and how the water and sewer needs of the project will be met.) [34-202(a)(10)]
- F. **Existing Agricultural Use:** If the property owner intends to continue an existing agricultural use on the property subsequent to the zoning approval, an Existing Agricultural Use Affidavit must be provided. Entitle as "Existing Agricultural Uses at Time of Zoning Application." [34-202(a)(12)]
- G. **Flood Hazard:**
- ☐ Not applicable
- ☐ The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s.
- ☒ The minimum elevation required for the first habitable floor is 13 NAVD (MSL)
- H. **Excavations/Blasting:**
- ☒ No blasting will be used in the excavation of lakes or other site elements.
- ☐ If blasting is proposed, provide Information Regarding Proposed Blasting (including soil borings, a map indicating the location of the proposed blasting, and other required information).
- I. **Hazardous Materials Emergency Plan for Port Facilities:** [12-110(a)(16)]
- ☒ Not Applicable
- ☐ Provide a Hazardous materials emergency plan.
- J. **Mobile Home Park:** [34-174(h)]
- ☒ Not Applicable
- ☐ Request includes rezoning of a Mobile Home Park. Provide facts related to the relocation of dislocated owners that meets the requirements of F.S. § 723.083 (1995).
- K. **Airport Zones & Lee County Port Authority (LCPA) Requirements:**
- ☒ Not Applicable
- ☐ Property is located within \_\_\_\_\_ Airport Noise Zone: [34-1104]
- ☐ Property is located within Airport Runway Protection Zone. Indicate which Zone below. [34-1105]
- ☐ Property is located within Airport Residential and Educational Protection Zone: [34-1106]
- ☐ Property is located in an Airport Obstruction Notification Zone and subject to LCPA regulations. [34-1107]
- ☐ A Tall Structures Permit is required. [34-1108]

PART 5 SUBMITTAL REQUIREMENT CHECKLIST		
<i>Clearly label your attachments as noted in bold below</i>		
Copies Required		SUBMITTAL ITEMS
3	<input checked="" type="checkbox"/>	Completed application for Public Hearing [34-202(a)(1)]
1	<input checked="" type="checkbox"/>	Filing Fee - [34-201(d)]
1	<input type="checkbox"/>	Bonus Density Filing Fee - (if applicable) [34-202(a)(11)]
3	<input checked="" type="checkbox"/>	<a href="#">Affidavit of Authorization</a> (notarized) Form [34-202(a)(3)]
3	<input checked="" type="checkbox"/>	<a href="#">Additional Agents</a> [34-202(a)(4)]
3	<input type="checkbox"/>	<b>Multiple Owners List</b> (if applicable) [34-202(a)(2)]
3	<input checked="" type="checkbox"/>	<a href="#">Disclosure of Interest</a> Form (multiple owners) [34-202(a)(2)]
3	<input checked="" type="checkbox"/>	<b>Legal description (must submit)</b> [34-202(a)(5)]
	<input type="checkbox"/>	Legal description (metes and bounds) and sealed sketch of legal description
		<b>OR</b>
	<input checked="" type="checkbox"/>	Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. ( <a href="#">Click here</a> to see an example of a legal description with no metes and bounds.)
3	<input checked="" type="checkbox"/>	<b>Boundary Survey</b> – not required if platted lot (2 originals required) [34-202(a)(6)]
3	<input type="checkbox"/>	<b>Property Owners list</b> (if applicable) [34-202(a)(8)]
3	<input type="checkbox"/>	<b>Property Owners map</b> (if applicable) [34-202(a)(8)]
3	<input checked="" type="checkbox"/>	Confirmation of <b>Ownership/Title Certification</b> [34-202(a)(7)]
3	<input checked="" type="checkbox"/>	<b>STRAP Numbers</b> (if additional sheet is required) [34-202(a)(5)]
1	<input checked="" type="checkbox"/>	<b>List of Surrounding Property Owners</b> [34-202(a)(9)]
1	<input checked="" type="checkbox"/>	<b>Map of Surrounding Property Owners</b> [34-202(a)(9)]
1	<input checked="" type="checkbox"/>	<b>Mailing labels</b> [34-202(a)(9)]
3	<input checked="" type="checkbox"/>	List of <b>Zoning Resolutions</b> and Approvals
3	<input type="checkbox"/>	Summary of <b>Public Informational Session</b> (if applicable)
3	<input type="checkbox"/>	<b>Waivers</b> from Application Submission Requirements (if applicable) [34-201(c)]
3	<input checked="" type="checkbox"/>	Preliminary <b>Density</b> Calculations (if applicable)
3	<input checked="" type="checkbox"/>	<b>Request Statement</b> [34-373(a)(5)]
3	<input checked="" type="checkbox"/>	Traffic Impact Statement ( <b>TIS</b> ) (not required for existing development) [34-373(a)(7)]
3	<input checked="" type="checkbox"/>	Master Concept Plan ( <b>MCP</b> ), <b>Non-PRFPD</b> [34-373(a)(6)]
3	<input checked="" type="checkbox"/>	<b>Schedule of Uses</b> [34-373(a)(8)]
3	<input checked="" type="checkbox"/>	Schedule of <b>Deviations</b> and Written <b>Justification</b> [34-373(a)(9)]
3	<input checked="" type="checkbox"/>	<b>Topography</b> (if available) [34-373(a)(4)b.iv.]
3	<input type="checkbox"/>	<b>Soils Map</b> [34-373(a)(4)b.9.]
3	<input checked="" type="checkbox"/>	<b>FLUCCS Map</b> [34-373(a)(4)c.]
3	<input checked="" type="checkbox"/>	Rare & Unique <b>Upland Habitat Map</b> [34-373(a)(4)b.iii.]
3	<input checked="" type="checkbox"/>	Existing and Historic <b>Flow-Ways Map</b> [34-373(a)(4)b.v.]
3	<input type="checkbox"/>	<b>Surface Water Management Plan</b> (if applicable) [34-373(b)(1)]
3	<input type="checkbox"/>	<b>Phasing Program</b> (if applicable) [34-373(b)(3)]
3	<input checked="" type="checkbox"/>	<b>Protected Species Survey</b> (if applicable) [34-373(b)(2)]
3	<input type="checkbox"/>	<b>Proof of Notice</b> (if applicable) [34-373(c)]

3	<input type="checkbox"/>	<b>Binding Letter</b> from DCA (if applicable) [34-373(d)(9)]
3	<input type="checkbox"/>	<b>Master Concept Plan (MCP), PRFPD</b> (if applicable) [34-941(g)(1)]
3	<input type="checkbox"/>	<b>Conceptual Surface Water Management Plan</b> (if applicable) [34-941(d)(3)b.i.1]]
3	<input type="checkbox"/>	<b>Well Drawdown</b> Information (if applicable) [34-941(d)(3)d.]
3	<input type="checkbox"/>	Preliminary Indigenous <b>Restoration Plan</b> (if applicable) [34-941(e)(5)f.iii.]
3	<input checked="" type="checkbox"/>	<b>Environmental Assessment</b> (if applicable) [34-941(g)(2)]
3	<input type="checkbox"/>	Demonstration of <b>Compatibility</b> (if applicable) [34-941(g)(4)]
3	<input checked="" type="checkbox"/>	<b>Potable Water &amp; Sanitary Sewer.</b> Letter from the appropriate utility entity indicating the utility entity or explanation of how water and sewer needs will be met if connection will not be made. [34-202(a)(10)]
3	<input type="checkbox"/>	Existing <b>Agricultural Use Affidavit</b> (if applicable) [34-202(a)(12)]
3	<input type="checkbox"/>	Information Regarding <b>Proposed Blasting</b> (if applicable).
3	<input type="checkbox"/>	Hazardous Materials <b>Emergency Plan</b> (if applicable)
3	<input type="checkbox"/>	Mobile Home Park <b>Dislocated Owners</b> Information (if applicable) [34-202(b)(4)]
3	<input type="checkbox"/>	<b>Tall Structures Permit</b> (if applicable) [34-1108]

**MORRIS**

2891 Center Pointe Drive Unit 100 | Fort Myers, Florida 33916

**DEPEW**

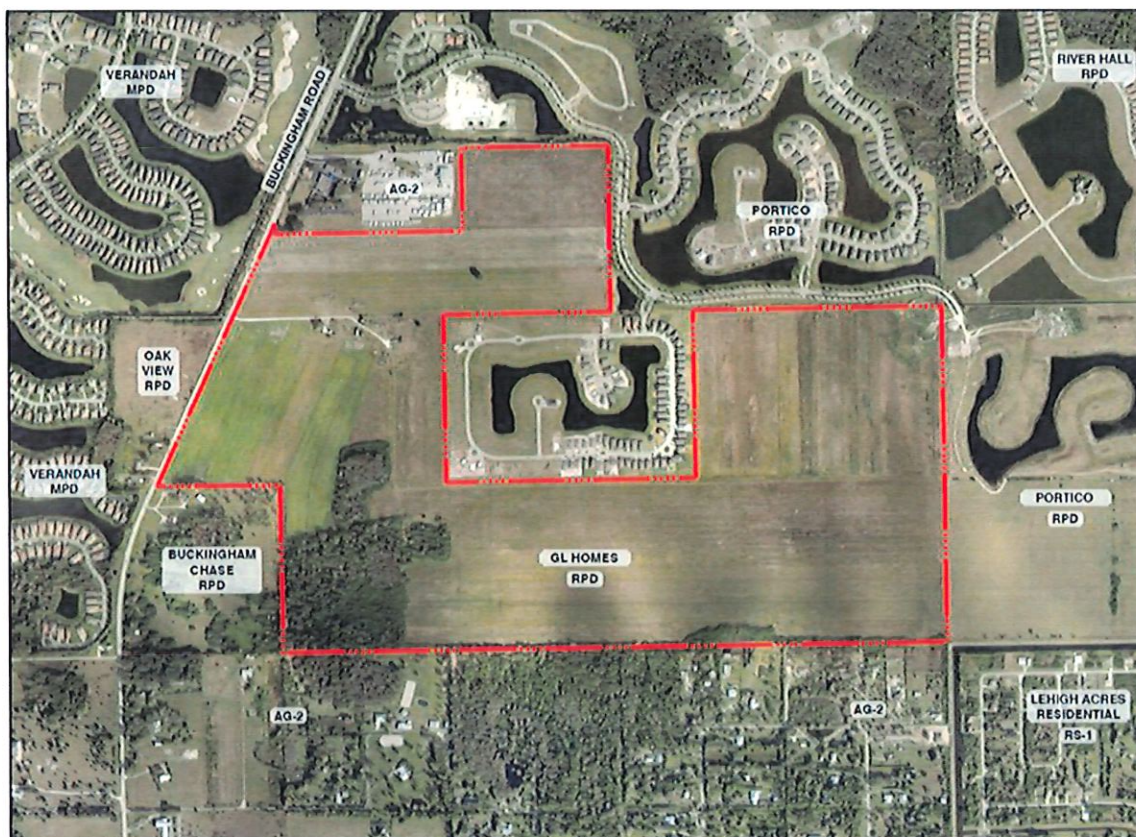
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ENGINEERS • PLANNERS • SURVEYORS  
LANDSCAPE ARCHITECTS**Lee County Homes Associates I, LLLP****Residential Plan Development**

## Lee Plan Consistency

The property subject to this application request is the existing Buckingham 345 Residential Planned Development, an approximately ±344 acre community located on Buckingham Road in eastern Lee County in the Fort Myers Shores Planning Community. The property is currently designated Sub-Outlying Suburban, is zoned Residential Planned Development.



**Figure 1. Location of Subject Property**

The subject property was originally approved as a residential planned development in December 2000 by Resolution Z-00-029. At that time, Resolution Z-00-029 authorized 640 single family units on approximately 325 acres. In 2005, the existing 325 acres was rezoned, and an additional 20 acres were included in the overall project, increasing the density, and amending the property development regulations to permit a maximum density of 690 dwelling units per Resolution Z-05-074.

Lee County Homes Associates I, LLLP is seeking a rezoning to Residential Planned Development Application to permit the addition of approximately 317 dwelling units to the existing development for a maximum total of 1,015 dwelling units with a density of 2.9 dwelling units per acre. A concurrent Comprehensive Plan Map Amendment (CPA2020-00002) to reallocate 344 acres from the Sub-Outlying Suburban FLU category to Outlying Suburban FLU; increasing the overall density by 1 dwelling unit per acre. The proposed FLUM Map amendment will establish a density that transitions from the slightly higher densities west in the Verandah Planned Development to the approved Portico subdivision in the Outlying Suburban FLU at the same density of 3 dwelling units per acre, River Hall to the east at a range of 1 to 2 dwelling units per acre and the Lehigh Acres Community in the Urban Community FLU at 6 dwelling units per acre. The density within the proposed subdivision transitions from south, lower density, to north, higher density, ensuring compatibility with the Rural Community Preserve in the Buckingham Community.

### **Future Land Use**

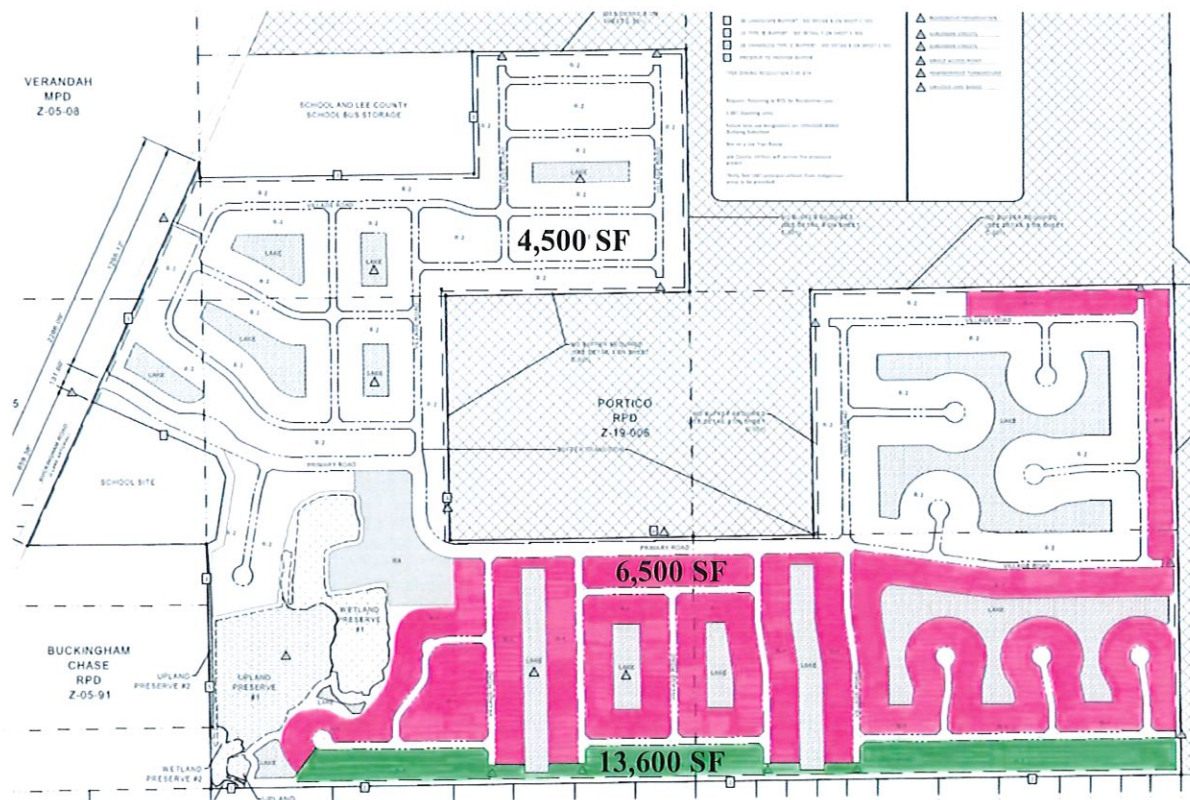
The ±344 acre subject property is currently within the Sub-Outlying Suburban Future Land Use Category and within the Fort Myers Shores/Caloosahatchee Shores Planning Community. The Lee County Comprehensive Plan (Lee Plan) outlines the permitted densities and intensities for each Future Land Use Category as well as additional planning requirements for development within the Planning Communities.

The companion Comprehensive Plan Amendment would reallocate approximately 344.7 acres of the existing Sub-Outlying Suburban FLU to Outlying Suburban. Given the existing land uses in the immediate proximity, including built and under construction subdivisions of Verandah, River Hall, Portico, and the platted community of Lehigh Acres as well as the proximity to Buckingham Road, the additional density permitted by the requested amendment will be consistent with the surrounding communities and provide an infill location for the additional units to promote more efficient use of the land and existing infrastructure.

### **Wetlands**

A jurisdictional determination was recently completed with the South Florida Water Management District and confirmed the extent of the wetlands, which were provided to Lee County. A total of 11.09 acres are identified as wetlands; approximately 7.9 acres will be preserved by the Master Concept Plan with the remaining approximately 3.11 acres being impacted. Table 1A Note 8 of the Lee Plan allows dwelling units to be relocated at the rate of the developable contiguous uplands designated Outlying Suburban, when wetlands are preserved. When wetlands are impacted density is calculated at 1 unit per 20 acres. The density associated with the approximately 7.9 acres of wetlands is 23.7 dwelling units and proposed for transfer to the contiguous uplands. The MCP identifies the location of the preserved wetlands on site as well as the development tracts for the proposed maximum of 1,015 dwelling units on the 344.7 acre subject property.

The requested dwelling unit count is reduced to 1,015 to provide a gradual transition between the density of the Rural Community Preserve in the south, which is 1 unit per acre to higher densities in the north of up to 3 dwelling units per acre. The lot size proposed along the south property line is the largest at 80 feet by 170 feet with a minimum lot area of 13,600 square feet; thereby reducing the density immediately adjacent to the Rural Community Preserve. The next lot size proposed is 6,500 square feet clustered in the central portions of the community. Finally, the third lot size proposed is 4,500 square feet generally located in the northern portion of the community. This design promotes a gradual density increase across the property from south to north as the development occurs further away from the Rural Community Preserve.



**Figure 2. Lot Layout Transition of Proposed MCP**

In addition to the location of the lot types and varying minimum lot area, design enhancements are proposed immediately adjacent to the southern property boundary. The Land Development Code does not require a buffer between residential properties; however, the current zoning approval includes an enhanced buffer. The proposed MCP expands this enhanced buffer to 30 feet and maintains the wall or fence with dense native vegetation to provide screening of the proposed subdivision from the Rural Community Preserve. The large residential lots proposed adjacent to the enhanced buffer have an increased rear setback of 45 feet. Collectively the enhanced buffer and rear setback ensure there is a minimum physical separation between the

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future residential structure and the southern property boundary of 75 feet. Due to the design characteristics of the large lots and street network, additional open space is also provided adjacent to the southern property boundary as demonstrated by the Master Concept Plan. The lot layout, rear setback and buffer promote compatibility with the Rural Community Preserve and consistency with the necessary density transition described by the Lee Plan.

### **Outlying Suburban**

The Outlying Suburban Future Land Use is described by Policy 1.1.6:

*"...characterized by its peripheral location in relation to established urban areas. In general, this category is rural in nature or contains existing low-density development. Some of the requisite infrastructure needed for higher density development is planned or in place. Industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed."*

The subject property is surrounded by a mix of uses in an area of Lee County that has significant residential and commercial development as well as vacant land and some preservation. This area exhibits many of the qualities described by Policy 1.1.6. A full slate of urban services is available to serve the existing units within the community as well as the requested additional dwelling units. The existing surrounding area as well as the subject property exhibits many of the qualities described by Policy 1.1.6.

### **Transportation**

Buckingham Road is the only north/south arterial roadway intersecting with SR 80 east of Interstate 75. The existing approved entry to the subject property which will be maintained is just over a mile south of the intersection of SR 80/Palm Beach Boulevard and Buckingham Road. This intersection supports commercial uses and public facilities at the periphery of urban development. As a roadway within the Strategic Intermodal System, SR 80 is considered a priority roadway for mobility of goods, services, and residents. Therefore, development along this roadway is expected to occur in support of a statewide economic vision as well as local municipal long-range planning efforts. Additionally, interconnecting roadways are expected to support the further distribution of goods, services, and residents. The existing zoning approval includes the required donation of right-of-way along Buckingham Road to support future improvements. The applicant agrees this condition should continue to be carried forward as part of this approval.

### **Development**

A number of the existing surrounding residential communities are within areas defined by the Lee Plan as "Future Urban Areas and Future Suburban Areas." Immediately to the south of the subject property, is the platted community of Lehigh Acres; within the Urban Community Future Land Use and having a density of approximately 4 dwelling units per acre, Lehigh Acres has been defined as a "Future Urban Area" by the Lee Plan. To the west across Buckingham Road is the

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existing Verandah community within the Suburban FLU which is defined as a "Future Suburban Area" by the Lee Plan. To the north is the Portico community within the Outlying Suburban FLU which is also defined as a "Future Suburban Area" by the Lee Plan.

Public Infrastructure for all Urban Services is available to service the existing communities, as well as the subject property. The proposed development of the subject property is consistent with the Outlying Suburban Future Land Use Category and will continue to provide lower density infill development between existing urban areas with adequate public infrastructure in Lee County.

### Growth Management

Goal 2 of the Lee Plan establishes land use policy to support projects that propose an economically feasible plan for development. Specifically, the objectives and policies supporting this goal encourage contiguous and compact growth patterns in locations where adequate public facilities exist.

The subject property has access to all urban services. The proposed Residential Planned Development maintains a clustered development pattern, similar to the existing approved Master Concept Plan, to promote the preservation of existing natural resources and provide appropriate open space and recreational activities. The proposed Planned Development continues to promote a compact growth pattern and enables additional units to be located with an existing subdivision that is contiguous to other existing or planned residential subdivisions as desired by Objective 2.1.

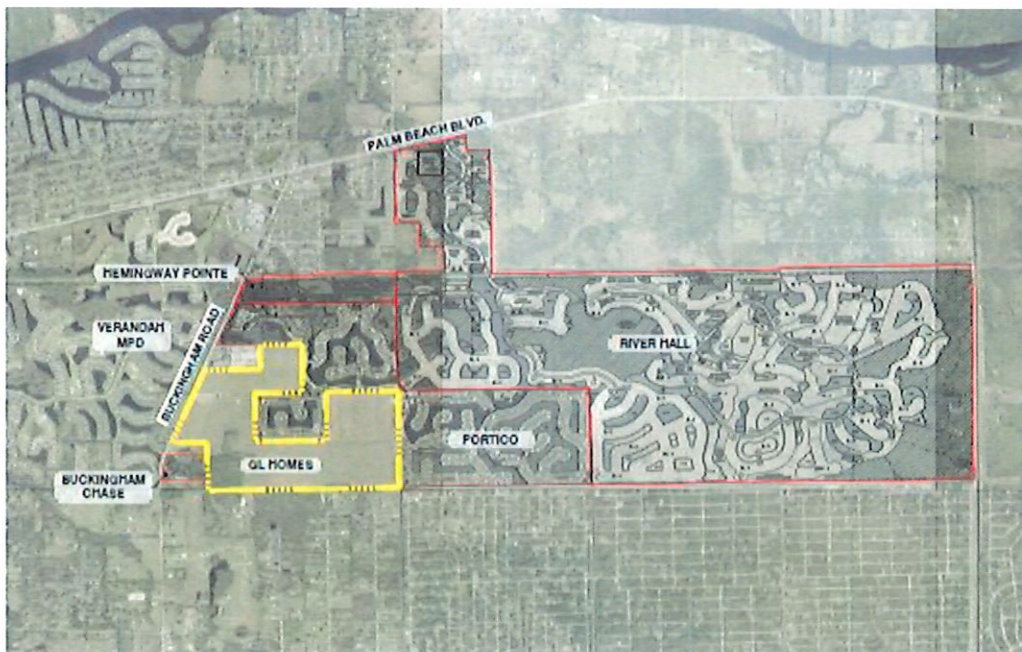


Figure 3. Existing and Planned Residential Developments

A separate Public Facilities analysis has been prepared for the companion Comprehensive Plan Amendment demonstrating urban services are available to service the existing planned development and have adequate capacity to serve the additional dwelling units within the time horizon of the Lee Plan. The available urban services and capacity to serve the additional units demonstrates consistency with Objective 2.2 and Policy 2.2.1, which seek to ensure the requested development will be located in an area with adequate public infrastructure.

### **General Development Standards**

Goal 4 of the Lee Plan establishes that land development regulations will be developed that balance service availability and protection of natural resources. Water, sewer and environmental standards are specifically outlined in the standards supporting Objective 4.1.

#### *Water*

The subject property is within the service area for Lee County Utilities as demonstrated on Lee Plan Map 6. Consistent with this standard and Policies 53.1.2 and 95.1.3, there is adequate capacity at the Olga Water Treatment Facility to service the existing residential units as well as the proposed 344 dwelling units. A Letter of Availability from Lee County Utilities is included in the supporting materials to the application.

#### *Sewer*

The subject property is within an area of the County in which an interlocal agreement has been implemented with the City of Fort Myers for wastewater treatment. According to the Lee County 2019 Concurrency Report there is adequate capacity to service the existing dwelling units as well as the proposed dwelling units consistent with this standard and Policies 56.1.2 and 95.1.3.

#### *Environmental Factors*

Due to the existing mostly cleared nature of the subject property and existing agricultural use on-site, only a small portion of wetlands and indigenous habitat exist on-site. The Planned Development proposes to maintain these areas and has provided the required protected species survey and FLUCCS Mapping. Additionally, the applicant is undergoing a Jurisdictional Determination with the South Florida Water Management District and will provide a copy upon receipt.

### **Residential Land Uses**

Goal 5 provides for sufficient land to be provided in appropriate locations on the Future Land Use Map to accommodate the projected population of Lee County. The subject property is located within a "Future Suburban Area" which are areas of the county that are expected to grow within the 2030 time horizon of the Lee Plan. Objective 5.1 and its supporting Policies establish the required consistency with the various elements of the Lee Plan and evaluation criteria for residential developments most appropriately implemented at the time of zoning.

The existing approved Residential Planned Development of the subject property is consistent with these criteria and the proposed Residential Planned Development will continue to

demonstrate consistency with these criteria. The submittal of the PD application will ensure the proposed development is consistent with policy 5.1.1. The subject property is not in a location of flood, storm or hurricane hazards, airport noise or unstable geologic conditions therefore the requested additional dwelling units will not be endangered consistent with policy 5.1.2. The requested density is appropriately considered low-density; however, it is within a mile of existing commercial development, schools and existing mass transit consistent with policy 5.1.3. Utilizing a clustered pattern of development, similar to existing surrounding residential communities, will ensure that appropriate open space, buffering, landscaping and amenities are provided consistent with 5.1.6 and 5.1.7.

The proposed residential planned development is an infill project surrounded by approved housing developments and is in close proximity to urban services. Until Coastal High Hazard Area policies are reevaluated to address the increase in population, it is important to note that the proposed project does not request that density increase occur within the CHHA, thus an increase to the approved number of units at this location is an appropriate request and complies with Policy 14.3.3.

Finally, as previously discussed, the subject property is located in an area that is surrounded by existing residential development. The existing and approved dwelling units are proposed to be clustered within development tracts preserving the existing indigenous habitat on-site and providing appropriate open space and recreational opportunities. Therefore, the requested additional units will not be destructive to the character and integrity of the residential environment consistent with policy 5.1.5.

#### **Caloosahatchee Shores Community Plan**

The subject property is identified on Lee Plan Map 16 as being within the Fort Myers Shores Planning Community. Goal 21 and Lee Plan Map 1 page 2 of 8 further specifies this area of the County as the Caloosahatchee Shores Community Planning Area. The Lee Plan describes Caloosahatchee Shores as having a more rural character than the other areas within Fort Myers Shores but that it is anticipated to "grow substantially over the life of this plan. This area also has a mixture of future land use designations." Consistent with Lee Plan Map 1 page 2 of 8, the following analysis demonstrates consistency of the requested residential planned development with the Caloosahatchee Shores Community Plan.

The stated goal of the Caloosahatchee Shores Community Plan is "to protect the existing character, natural resources and quality of life in Caloosahatchee Shores, while promoting new development, redevelopment and maintaining a more rural identify 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 is supported by Objective 21.1 and 21.3 which establish residential uses needed to maintain the existing rural character of Caloosahatchee Shores. The requested RPD will reinforce this goal by enabling additional dwelling units to support population growth in a location that is already identified for residential

development. No additional impacts will occur to lands identified as low density or contributing to the rural identity of the planning community. Additionally, while the stated goal is to maintain "a more rural identity for the neighborhoods east of I-75" many of these neighborhoods are within Future Land Use categories that are identified by the Lee Plan as Suburban and have densities above 1 unit per acre. Policy 21.1.5 requires that amendments to the future land use map which request an increase in density or intensity must be accompanied by a concurrent planned development rezoning application which demonstrates compatibility with the rural character of the area. The current application and companion Comprehensive Plan Amendment, (CPA2020-00002), abide by the latest amendments to the Lee Plan regarding Caloosahatchee Shores.

Due to the existing zoning approval for the subject property, right of way is required to be dedicated for Buckingham Road and an enhanced buffer is required by Z-05-047 adjacent to this right-of way. The proposed master concept plan and conditions for the RPD continue to include these requirements ensuring the ultimate residential community constructed on the subject property demonstrates community character consistent with the rural and natural aesthetics of the Caloosahatchee Community.

Policy 21.6.3 requires a public meeting to be held with the Caloosahatchee Shores Community to provide a general overview of the project. The necessary meeting summary was provided from the June Community Meeting.

#### **Buckingham Community Plan**

The southern property boundary of the proposed subdivision is adjacent to the Buckingham Planning Community and the Rural Community Preserve Future Land Use. As a result, specific elements of the Buckingham Community Plan are evaluated to demonstrate the request's compatibility with this Community's vision.

The proposed development is located in the Caloosahatchee Shore Planning Community; however consistent with Policy 20.1.5, the overall property is greater than 10 acres. The submitted Boundary Survey demonstrates the project is 344 acres. The Master Concept Plan demonstrates the proposed development is designed in a clustered development pattern with residential tracts, stormwater management, open space, indigenous preservation and buffers; consistent with Policy 20.1.5. A 45' rear setback for the 80' by 170' lots and the 30' buffer width creates a 75' physical separation between residential structures and the Rural Community Preserve. Due to the project's location within the Caloosahatchee Shores Planning Community, this separation is provided to promote compatibility with Policy 20.1.5 but is not required.

The Buckingham Community Plan in Policy 20.1.6 states:

"When possible, residential development adjacent to the Rural Community Preserve future land use category should make appropriate transitions to the Community Plan area with a graduated increase in density as development moves away from the Rural Community Preserve future land use category boundary. Appropriate buffers will be

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established for projects adjacent to the Rural Community Preserve future land use category boundary during the rezoning process.”

To demonstrate consistency with Policy 20.1.6, a gradual transition in density is provided through the proposal of 3 lot types as well as the physical separation discussed above. The proposed Master Concept Plan has three lot sizes proposed, the largest at 13,600 square feet is adjacent to the southern property boundary. With the orientation of the lots and proposed street network additional open space is provided along with a 30 foot enhanced buffer. When considered together, the overall density that can be constructed next to the southern property boundary is significantly less than the maximum density of 3 units per acre permitted by the property’s future land use. Transitioning north of the area designated for the largest lot type, are lots with a minimum of 6,500 square feet in area. Finally, the northernmost portion of the property is proposed for lots within a minimum of 4,500 square feet in area. As a result of the proposed development tracts and lot types, the Master Concept Plan demonstrates that the density will gradually transition and increase as the development moves away from the Rural Community Preserve consistent with Policy 20.1.6.

In addition to the location of the proposed lot types, the Master Concept Plan demonstrates other design features that will also provide a physical separation between a future residential structure and the Rural Community Preserve. The Land Development Code does not require a landscape buffer between residential communities. However, the Master Concept Plan demonstrates a 30 foot enhanced buffer along the southern property boundary. This buffer has been increased in width from the current zoning approval for the subject property yet retains the required wall and increased native plantings. Additionally, the large 13,600 sf lots include a large rear setback of 45 feet. When combined, the buffer and rear setback ensure that a future residential structure is at least 75 feet from the Rural Community Preserve. Together the density transition and physical separation ensure the proposed residential planned development is consistent with Policy 20.1.6.

Due to the entry of the subdivision on Buckingham Road one public information session within the Buckingham Community is required per Policy 20.1.8. A public meeting was held within the Buckingham Community on June 7<sup>th</sup> and the necessary meeting summary was provided.

### **Transportation**

A detailed transportation analysis has been prepared by TR Transportation and is attached in the supporting materials to this application request. In addition to the conclusions reached by TR Transportation, the Lee Plan establishes in Policy 39.2.2 “Future Suburban areas will have an emphasis on movement by motor vehicle” through a series of criteria. The requested Outlying Suburban FLU is identified as a “future Suburban Area” as are the Suburban and Sub-Outlying Suburban FLU categories within and surrounding the subject property. Consistent with policy 39.2.2, the property utilizes Buckingham Road for vehicular connectivity. As described previously, the applicant will continue to commit to donating right of way along Buckingham as well as installing required turn lanes, sidewalks, and buffering at the time of Development Order

consistent with the existing zoning approval and design requirements of the Administrative Code and LDC Chapter 10. The desired pedestrian and vehicular interconnectivity are already identified and supports the existing units within the area and will be available to support the requested dwelling units on the subject property. While the development is a little over a mile from an existing transit stop and route, the future build out of this subdivision, with the requested infill units, as well as the other permitted surrounding subdivisions will assist with increasing the area's density to a level that will support mass transit options.

### **Resource Protection**

The Lee Plan has established Goal 107 and its supporting objectives and policies to ensure the protection of wetland and upland habitats as well as species diversity. The proposed master concept plan and additional units will not negatively impact or alter the existing on-site indigenous habitat ensuring consistency with Lee County's policies to protect natural resources.

Goal 60 and Goal 61 along with the supporting objectives and policies speak to the protection of water resources throughout the development process and state that new development and additions to existing development must not degrade surface and ground water quality and that proposed surface water management systems shall mimic function of natural systems. The subject property will be required to secure an Environmental Resource Permit and Development Order subsequent to construction occurring on-site. As part of this permitting process a full review of the proposed stormwater management plan will occur by the WMD and Lee County to ensure surface and ground water is not degraded.

A surface water management plan is included in the current submittal outlining the proposed stormwater management strategy employed in the Planned Development. Two additional drainage exhibits are provided which demonstrate the proposed project outfalls and drainage system. The existing topography which has been previously cleared for farming, directs stormwater runoff from the northeast to southwest, discharging into wetlands at the southwest corner of the property. The stormwater runoff from the wetlands will be directed through proposed on-site drainage conveyance facilities at the time the Development Order and Environmental Resource Permit plans are designed. Ultimately, these on-site conveyances will interconnect with three (3) 60" culverts crossing under Buckingham Road to a drainage ditch which crosses under Bird Road and ultimately directs the runoff to Orange River. The project site straddles two watersheds; Orange River and Olga. The proposed stormwater design is consistent with Policy 60.2.1 as it identifies the basin and most appropriate site outfalls to replicate the natural flow ways, drainage patterns and considers existing development.

Consistent with Policy 60.4.1, Policy 60.4.2 and Policy 60.4.3 The proposed development area is connected by an interconnected wet detention lake system with three (3) offsite discharge outfall structures. Stormwater runoff within the controlled basins will be directed to the interconnected drainage structures via sheet flow, conveying the runoff to the wet detention lakes. The interconnected lake system provides the required water quality and attenuation for the 25 year - 3 day storm event for the entire proposed development (including the future school site). The

stormwater runoff from the wetlands shall be directed through proposed on-site drainage conveyance facilities at the time the Development Order and Environmental Resource Permit plans are designed. Ultimately, these proposed on-site conveyances will interconnect with three (3) existing 60" culverts crossing under Buckingham Road, to a drainage ditch that meanders through which crosses under Bird Road, ultimately directing the runoff to Orange River. The design is consistent with Objective 61.2 and the supporting policies as it moves water through the proposed project mimicking the natural system as much as possible by moving stormwater through the various lakes and wetland area, controlling velocity and volume of water throughout the project. No adverse water quality or quantity impacts are anticipated as a result from the proposed project consistent with Objective 61.3 and the supporting policies. The property is no longer located in a flood zone subject to the 100-year inundation as indicated on the current FEMA FIRM. The proposed development will have no impact on the floodplain management consistent with Policies 61.3.2 and 61.3.3. The proposed project has maintained extensive natural features in the form of indigenous preserves most of which will be placed under conservation easements with the SFWMD as a requirement of the ERP consistent with intent of Goal 123.

The proposed MCP will provide features which "are considered sufficient to mimic the function of natural systems, improve water quality and provide habitat for a variety of aquatic species, including wading birds and other waterfowl." The proposed design will provide over three acres of littoral shelves which do not currently exist on-site, and which may be utilized by limpkin and other wading birds for foraging. Goal 123 of the Lee Plan is to "Manage coastal, wetland and upland ecosystems and natural resources in order to maintain and enhance native habitats, floral and faunal species diversity, water quality, and natural surface water characteristics." The proposed design will protect and enhance 99 percent of the existing on-site indigenous upland and wetland ecosystems (i.e. native habitats) through preservation and exotic vegetation removal. Specifically, the project will preserve and enhance the Cypress, Disturbed (FLUCFCS Code 6219) habitat which may be utilized by limpkin and other wading birds.

#### **Planning Communities and Acreage Allocation**

Policy 1.7.6 provides for the proposed distribution, extent, and location of generalized land uses for the year 2030. The concurrent Comprehensive Plan Amendment would revise Table 1(b) to recognize the future land use map amendment. The approved planned development, existing infrastructure, and concurrent comprehensive plan amendment provides for a suburban level of density which is more consistent with the type of development existing and proposed in this area of the Fort Myers Shores Planning Community. Consistent with the vision for the Caloosahatchee Shores Community Planning Area, the proposal seeks to promote infill. It is noted that Lee County is unable to issue final development orders or extensions which would allow acreage in Table 1(b) to be exceeded.

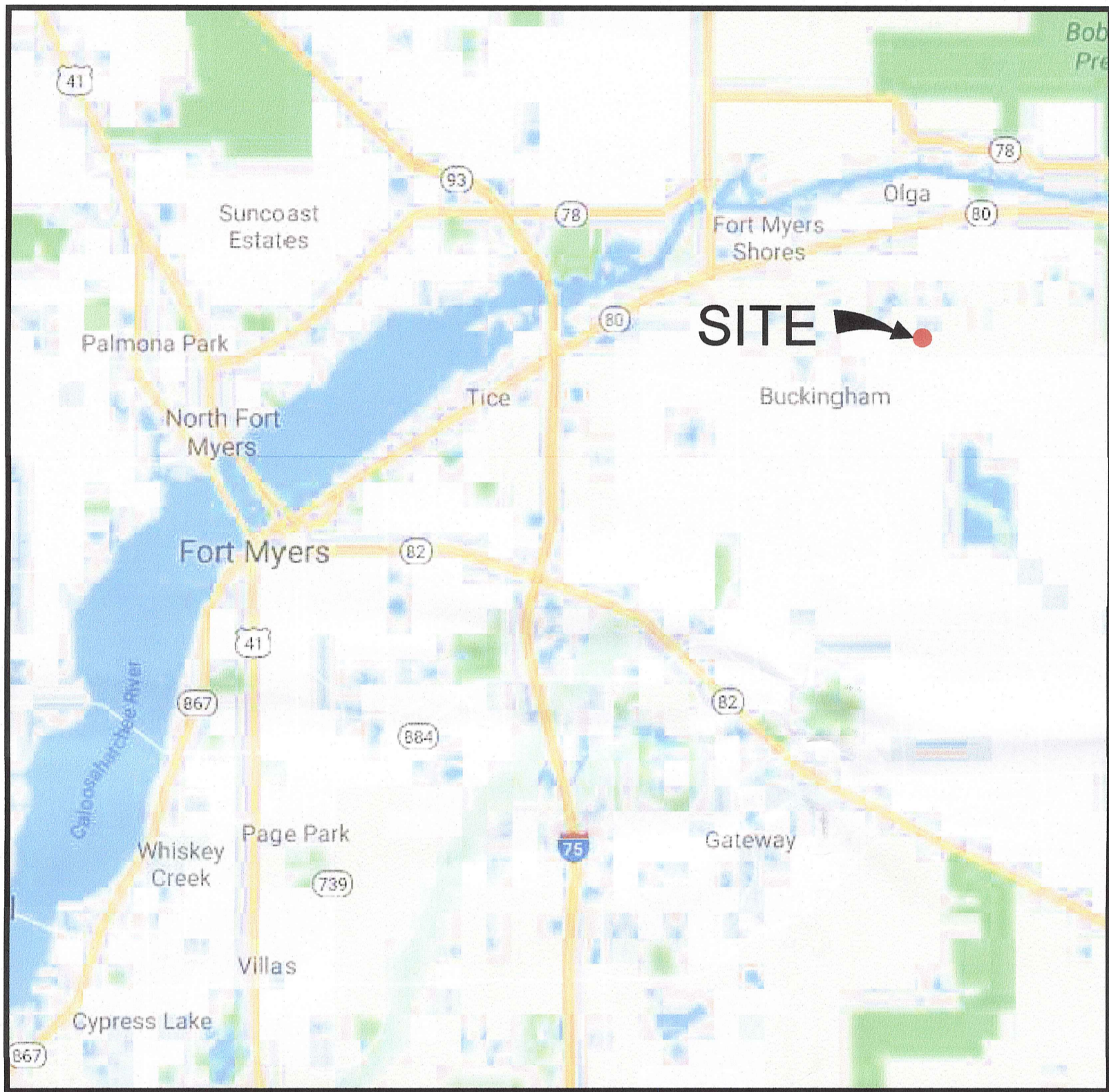
The applicant has proposed a text amendment to Table 1(b) to address the area of Sub-Outlying Suburban being moved to the Outlying Suburban that will be utilized for residential units. This text amendment is based upon the areas of the Master Concept Plan identified for residential development.


MASTER CONCEPT PLAN FOR

LEE COUNTY HOMES ASSOCIATES I, LLLP

LEE COUNTY, FLORIDA

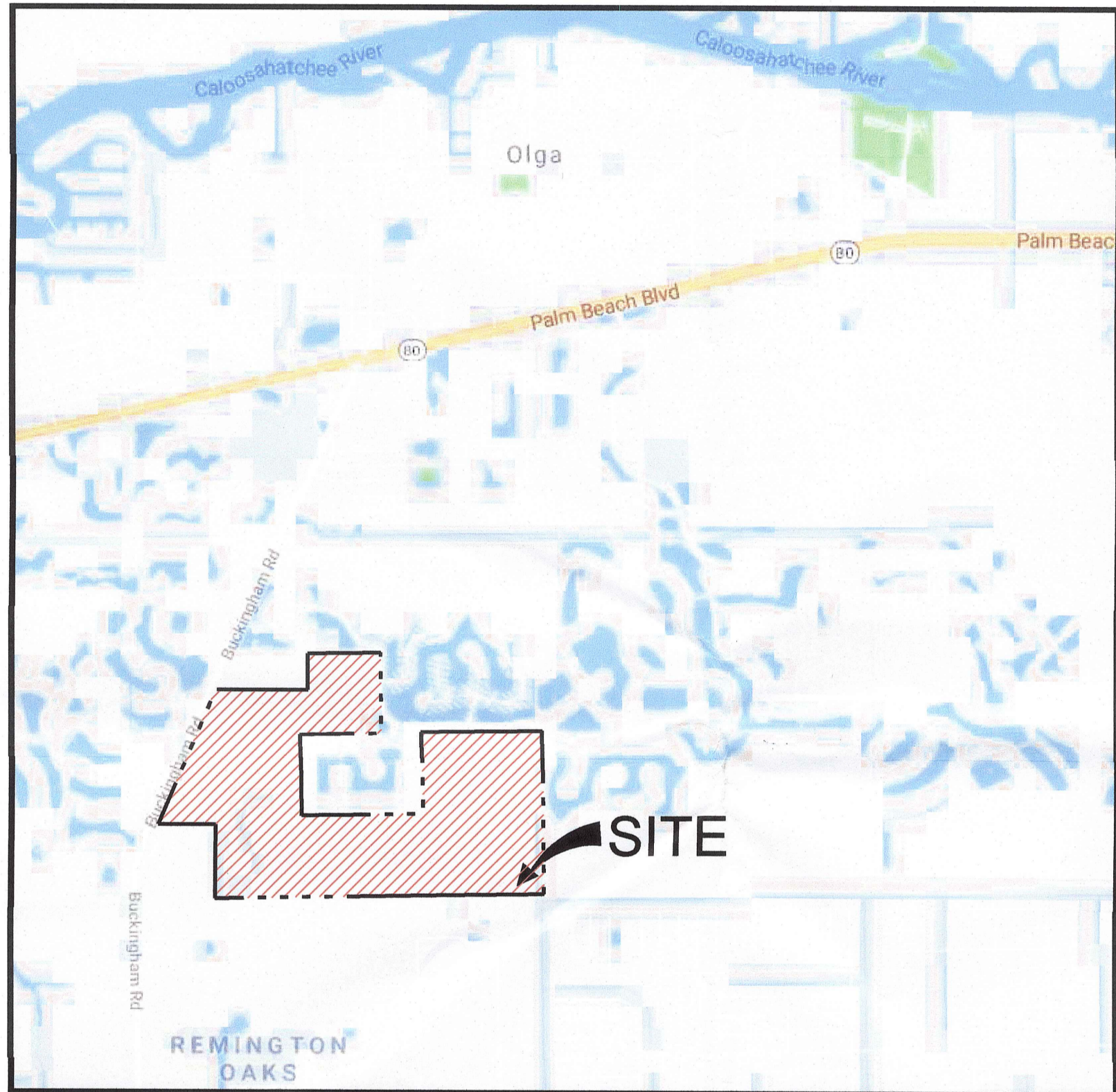
SECTION 33, TOWNSHIP 43, RANGE 26E  
LEE COUNTY, FLORIDA




 SITE VICINITY MAP

N.T.S.

BID	CONSTRUCTION	LEE COUNTY	SF/WD	LC/UDOH/FDEP	SHEET INDEX	
					DESCRIPTION	SHEET
GENERAL						
	✓			COVER SHEET	COVER	
PLANNING						
	✓			MASTER CONCEPT PLAN	C-101	
	✓			OPEN SPACE PLAN	C-102	
	✓			NOTES AND TYPICAL SECTIONS	C-501	
	✓			LOT TYPICALS	C-502	



 SITE LOCATION MAP

N.T.S.

PROJECT:

LEE COUNTY  
HOMES  
ASSOCIATES I,  
LLLP

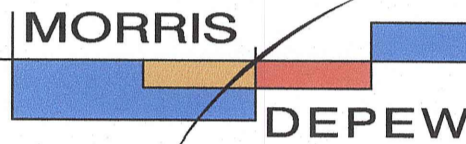
LOCATION:

BUCKINGHAM ROAD  
LEE COUNTY, FLORIDA

CLIENT:

LEE COUNTY HOMES  
ASSOCIATES I, LLLP

CONSULTANT:



ENGINEERS • PLANNERS • SURVEYORS  
LANDSCAPE ARCHITECTS  
FL CA NO. 6532 / FL CERT NO. LB8891 / LC260000330

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PREPARED BY:

REVISIONS

DATE

PROJECT MANAGER:

TME

DRAWING BY:

MML

JURISDICTION:

LEE COUNTY

DATE:

11/16/2020

SHEET TITLE:

COVER SHEET

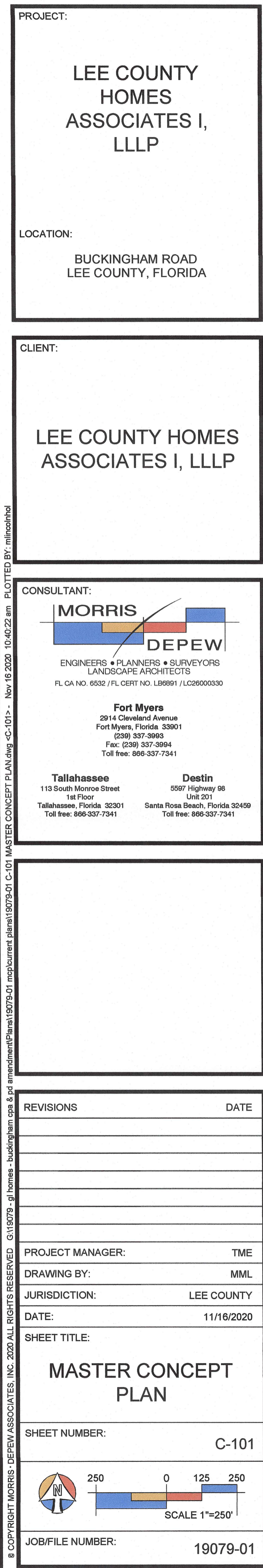
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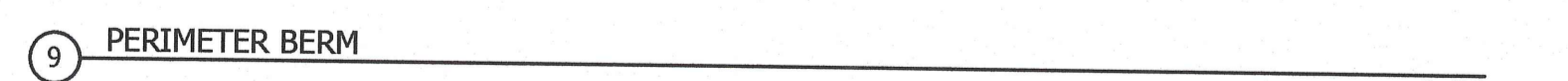
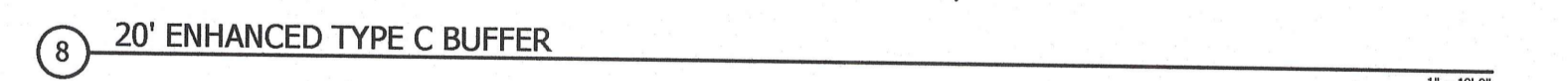
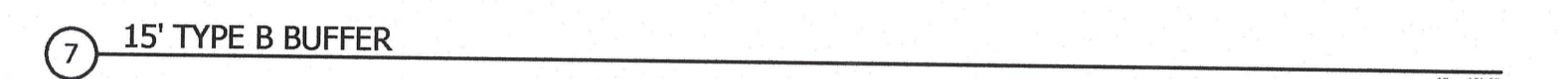
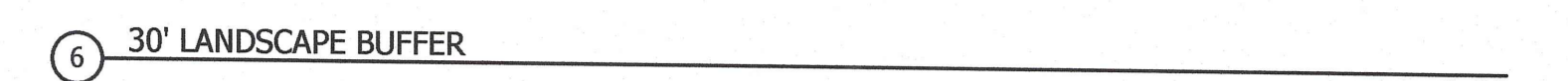
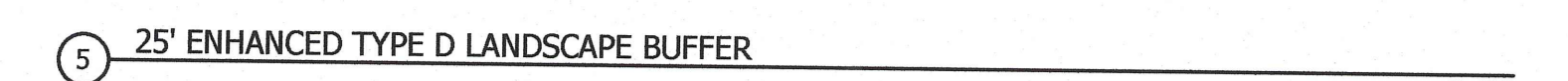
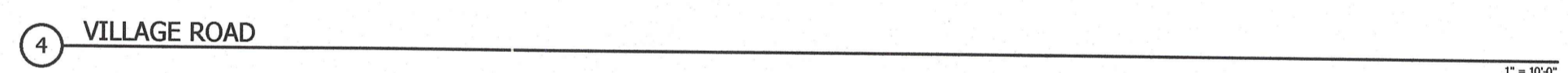
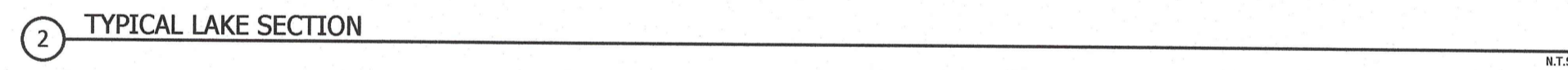
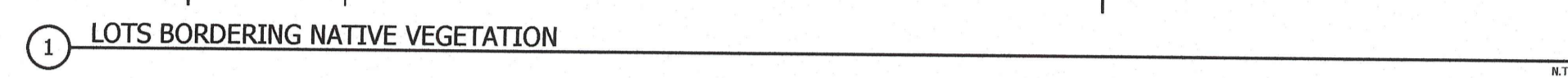
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19079-01

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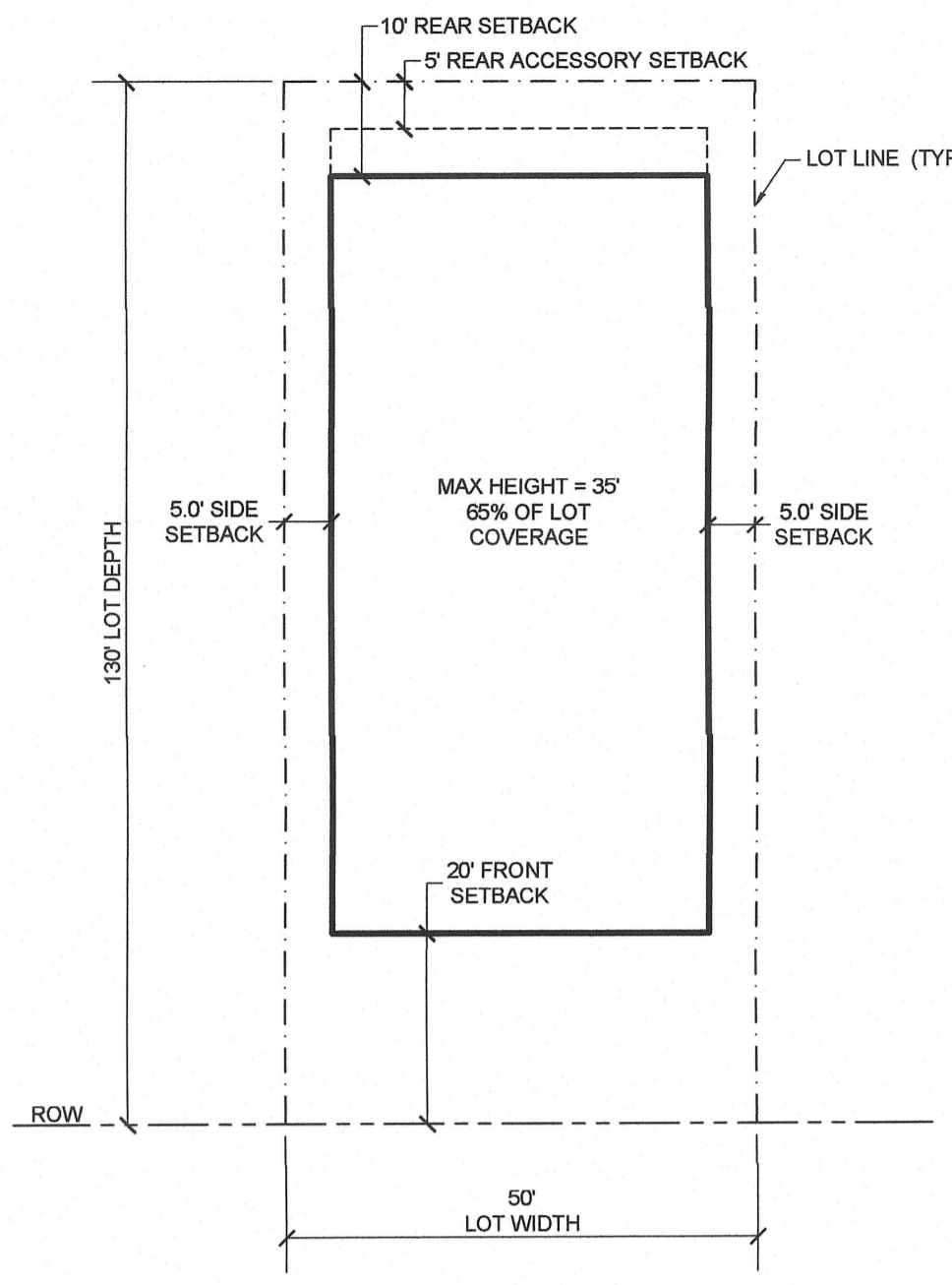




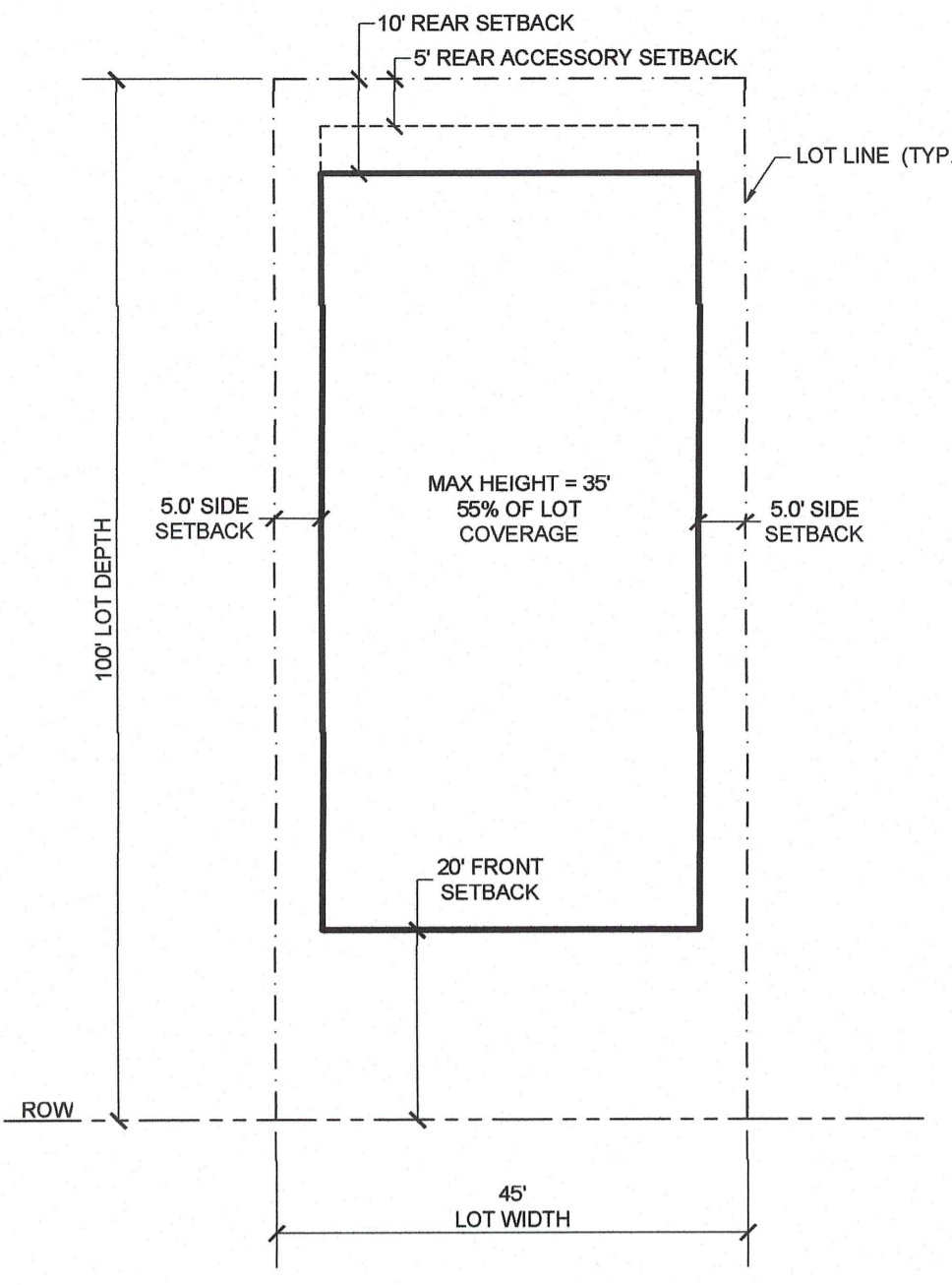
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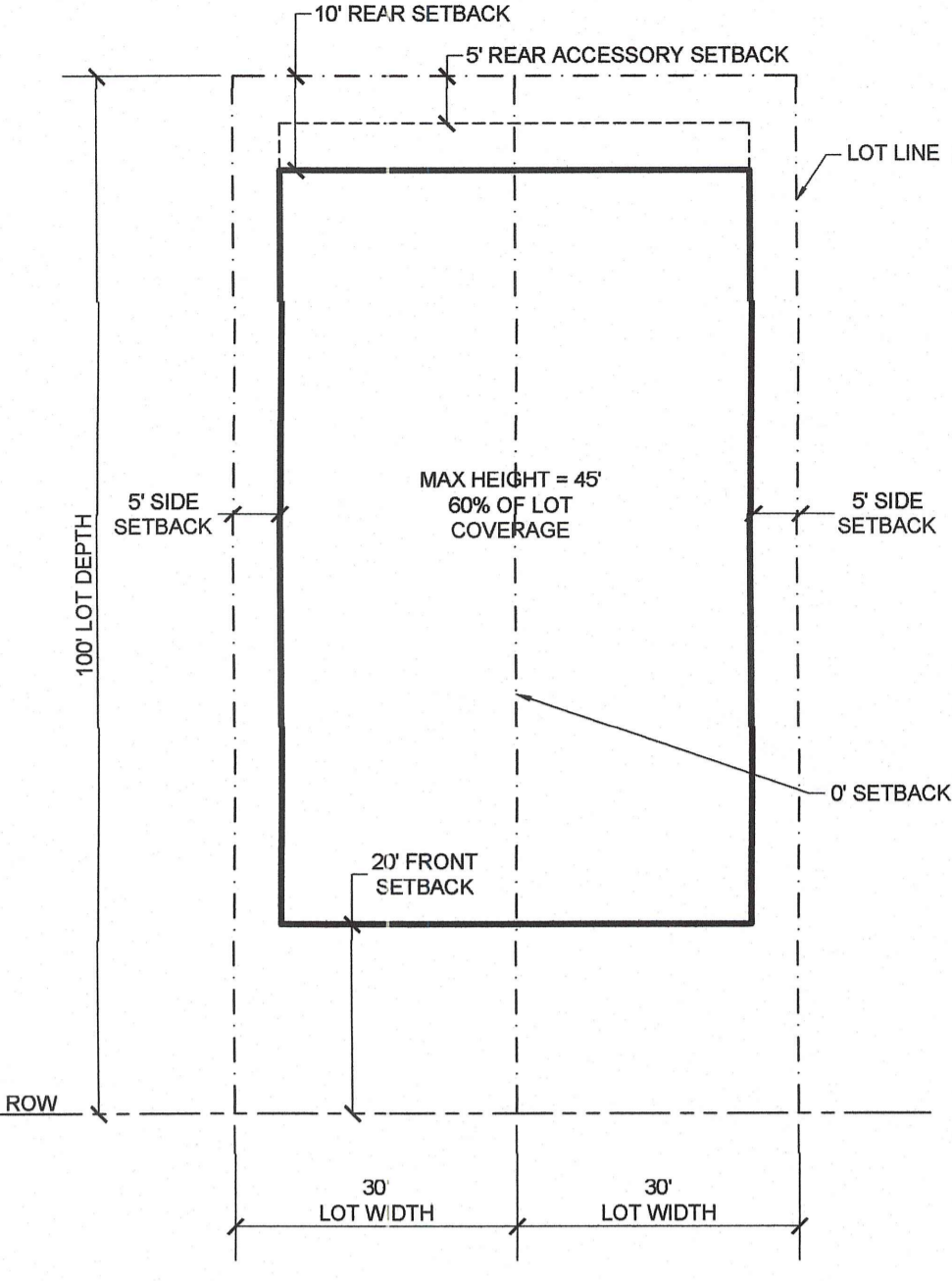
REVISIONS	DATE
PROJECT MANAGER:	TME
DRAWING BY:	MML
JURISDICTION:	LEE COUNTY
DATE:	11/16/2020
TITLE:	
NOTES AND TYPICAL SECTIONS	
SHEET NUMBER:	C-501
JOB/FILE NUMBER: 19079-01	



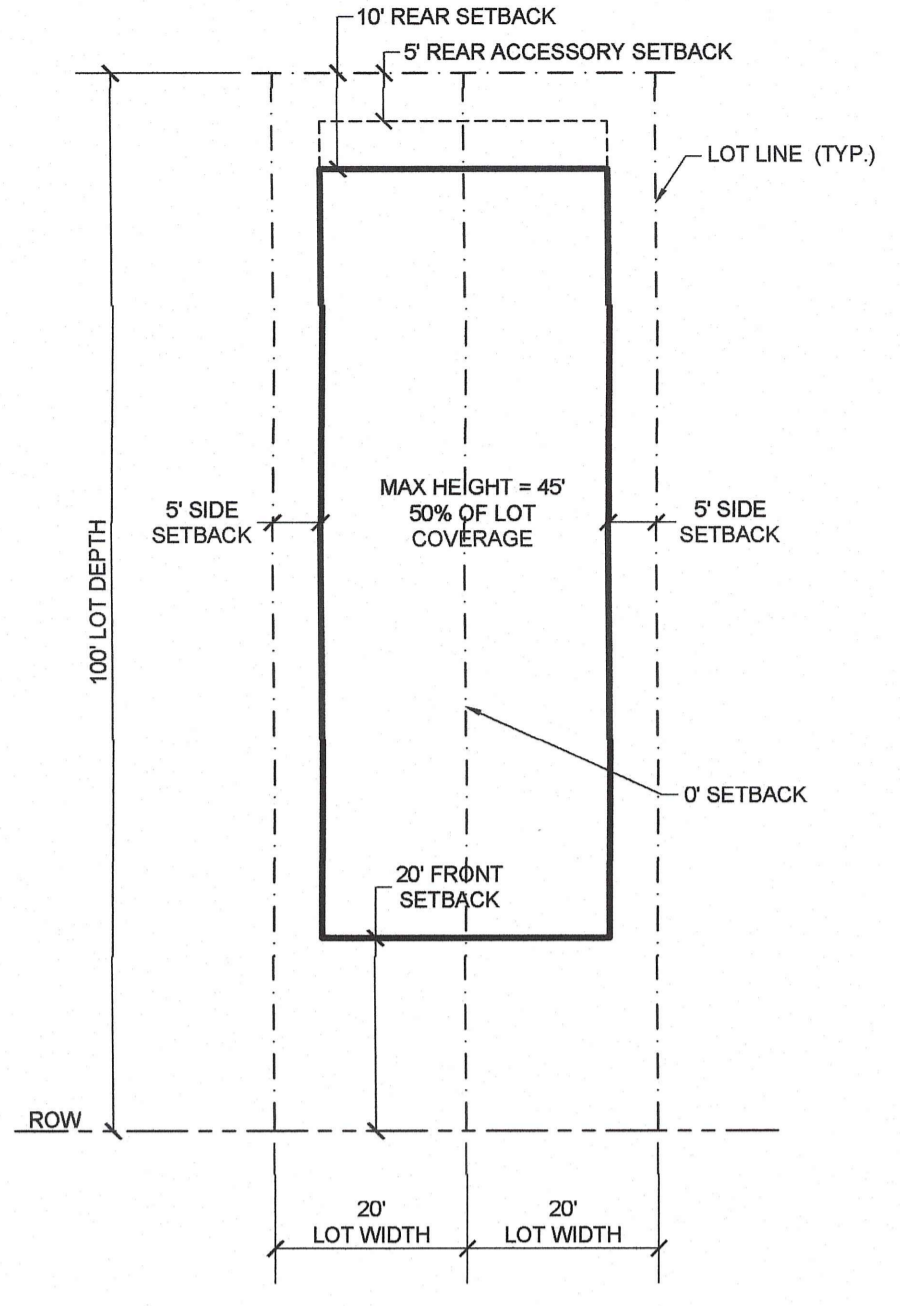
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NOTE: 15' FRONT SETBACK FOR SIDE LOAD GARAGE. N.T.S.



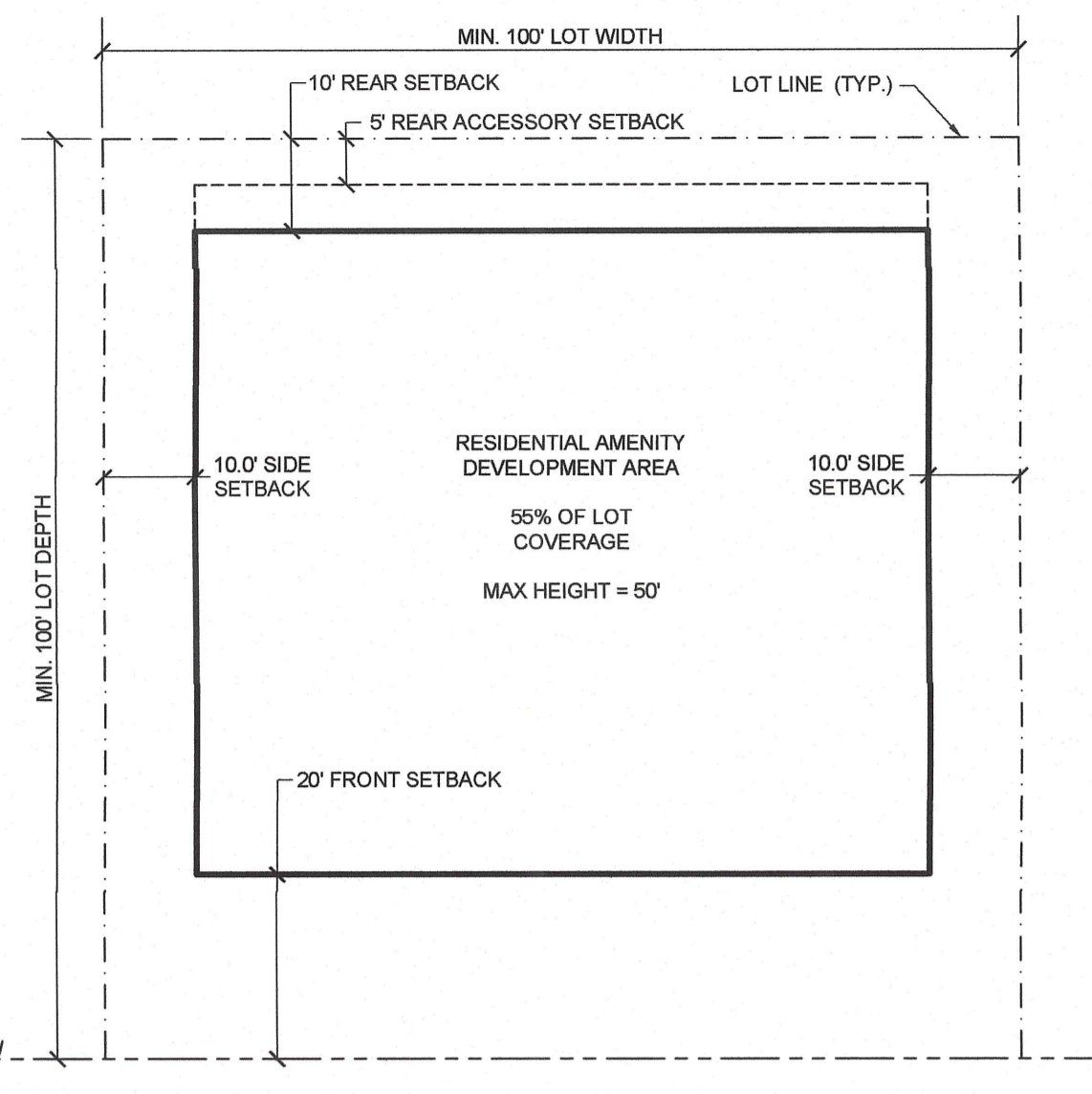
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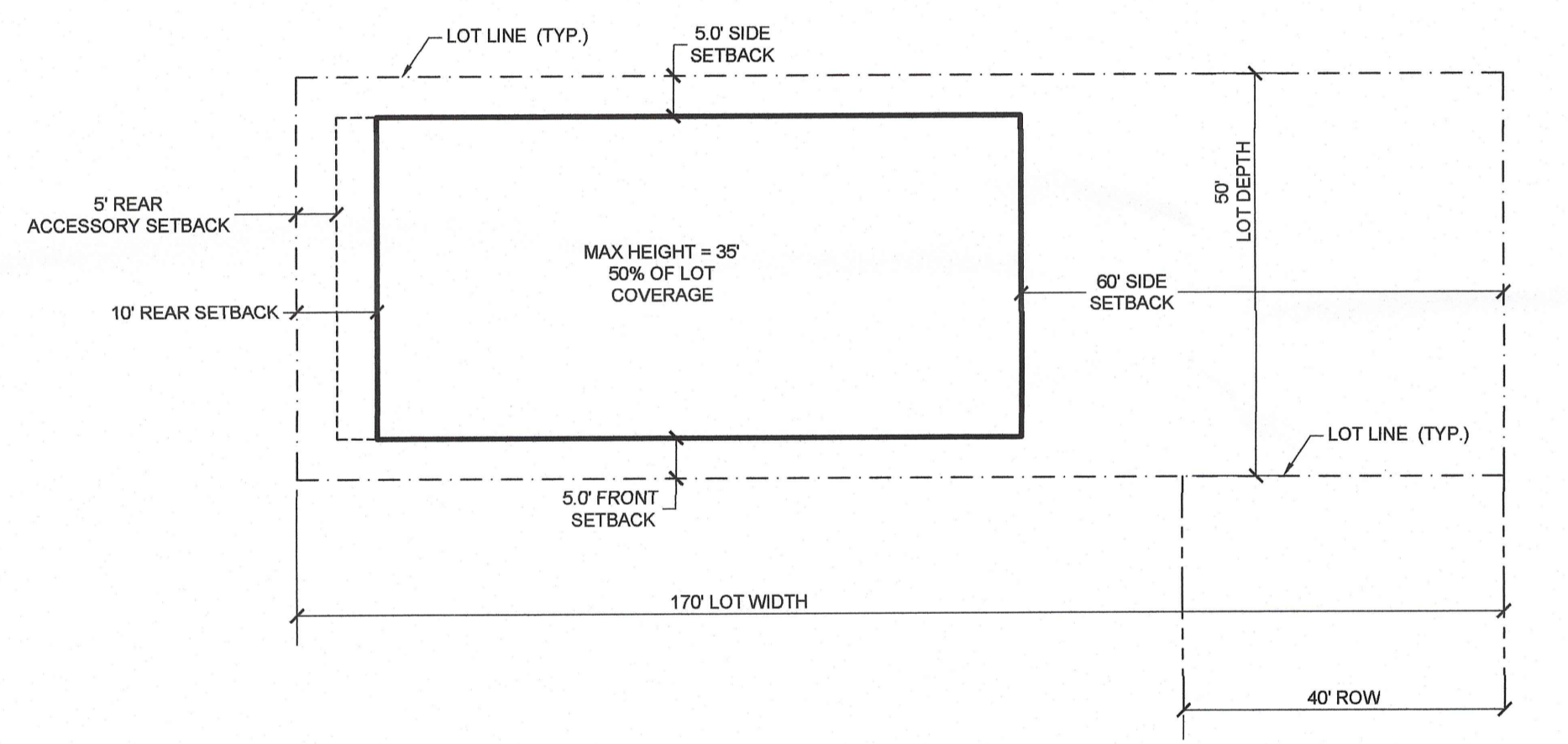
3 TYPICAL TWO FAMILY ATTACHED LOT(S) N.T.S.



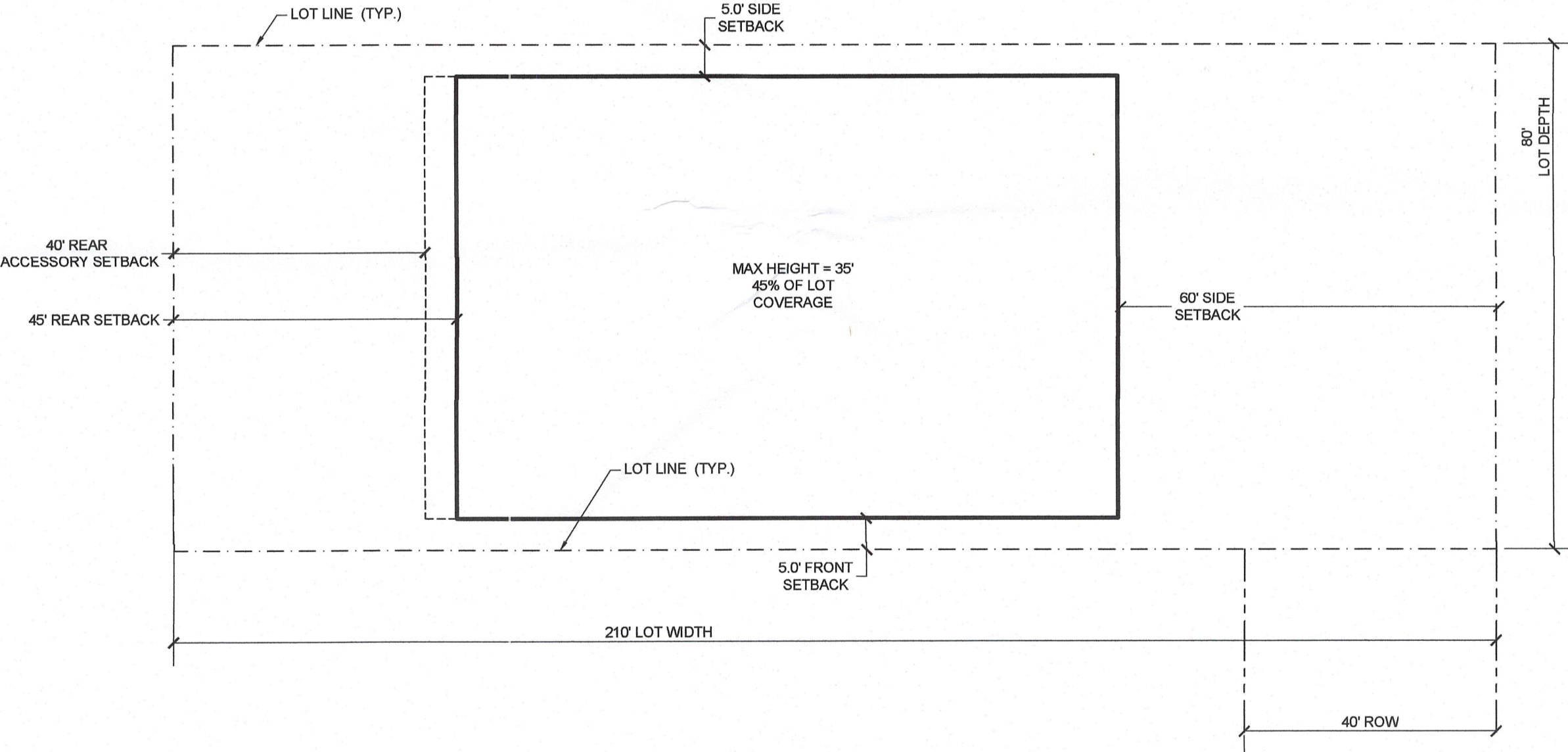
4 TYPICAL TOWNHOME LOT(S) N.T.S.



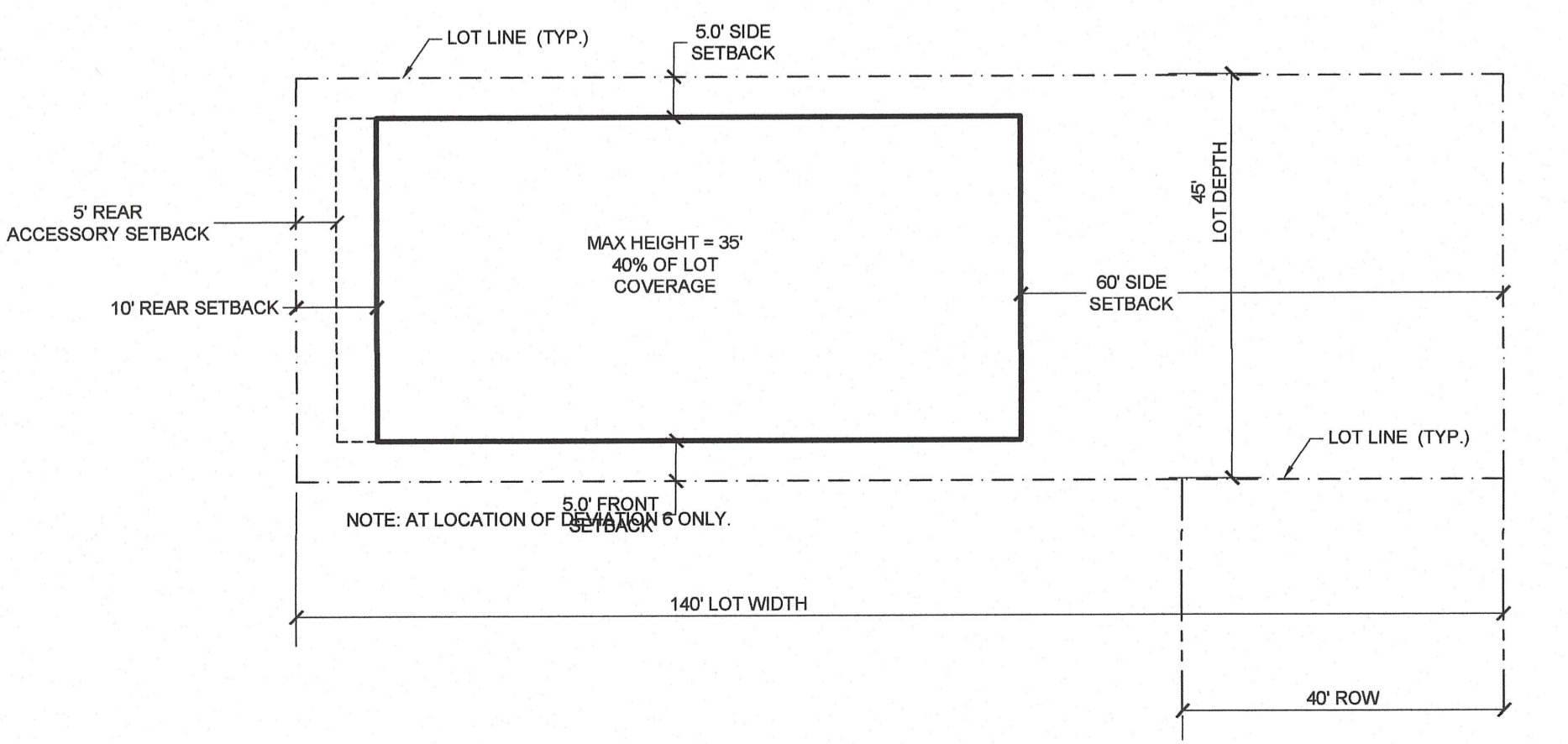
5 TYPICAL AMENITY LOT N.T.S.



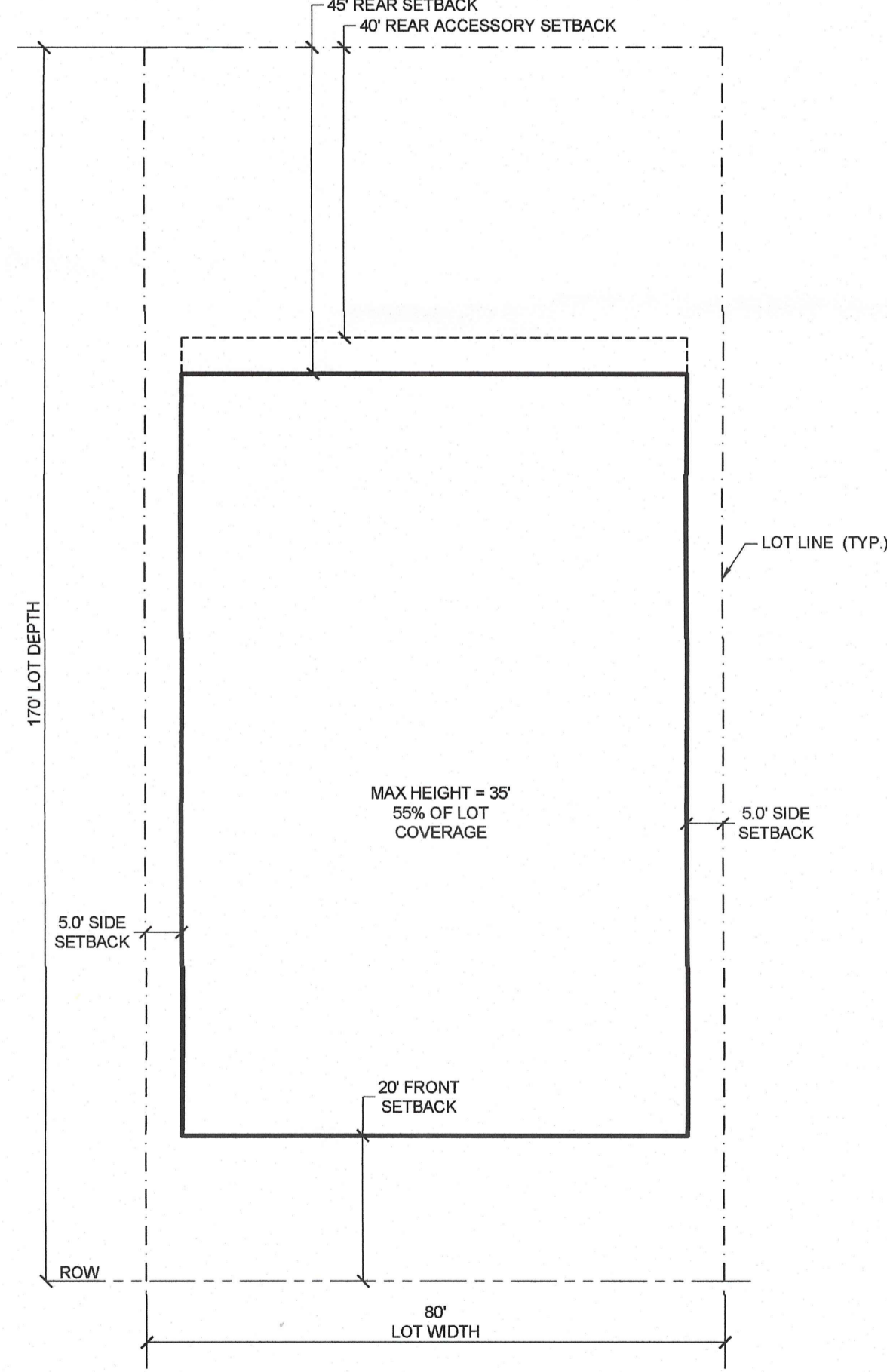
6 TYPICAL R-1 SINGLE FAMILY LOT AT DEAD END R.O.W. N.T.S.



8 TYPICAL R-3 SINGLE FAMILY LOT AT DEAD END R.O.W. N.T.S.



7 TYPICAL R-2 SINGLE FAMILY LOT AT DEAD END R.O.W. N.T.S.  
NOTE: AT LOCATION OF DEVIATION 6 ONLY.



9 TYPICAL R-3 SINGLE FAMILY LOT  
NOTE: 15' FRONT SETBACK FOR SIDE LOAD GARAGE. N.T.S.

PROJECT:

**LEE COUNTY HOMES ASSOCIATES I, LLLP**

LOCATION:

BUCKINGHAM ROAD  
LEE COUNTY, FLORIDA

CLIENT:

**LEE COUNTY HOMES ASSOCIATES I, LLLP**

CONSULTANT:

**MORRIS DEPEW**  
ENGINEERS • PLANNERS • SURVEYORS  
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REVISIONS	DATE
PROJECT MANAGER:	TME
DRAWING BY:	MML
JURISDICTION:	LEE COUNTY
DATE:	11/18/2020
TITLE:	LOT TYPICALS
SHEET NUMBER:	C-502
JOB/FILE NUMBER:	19079-01

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**MORRIS**

2914 Cleveland Avenue | Fort Myers, Florida 33901

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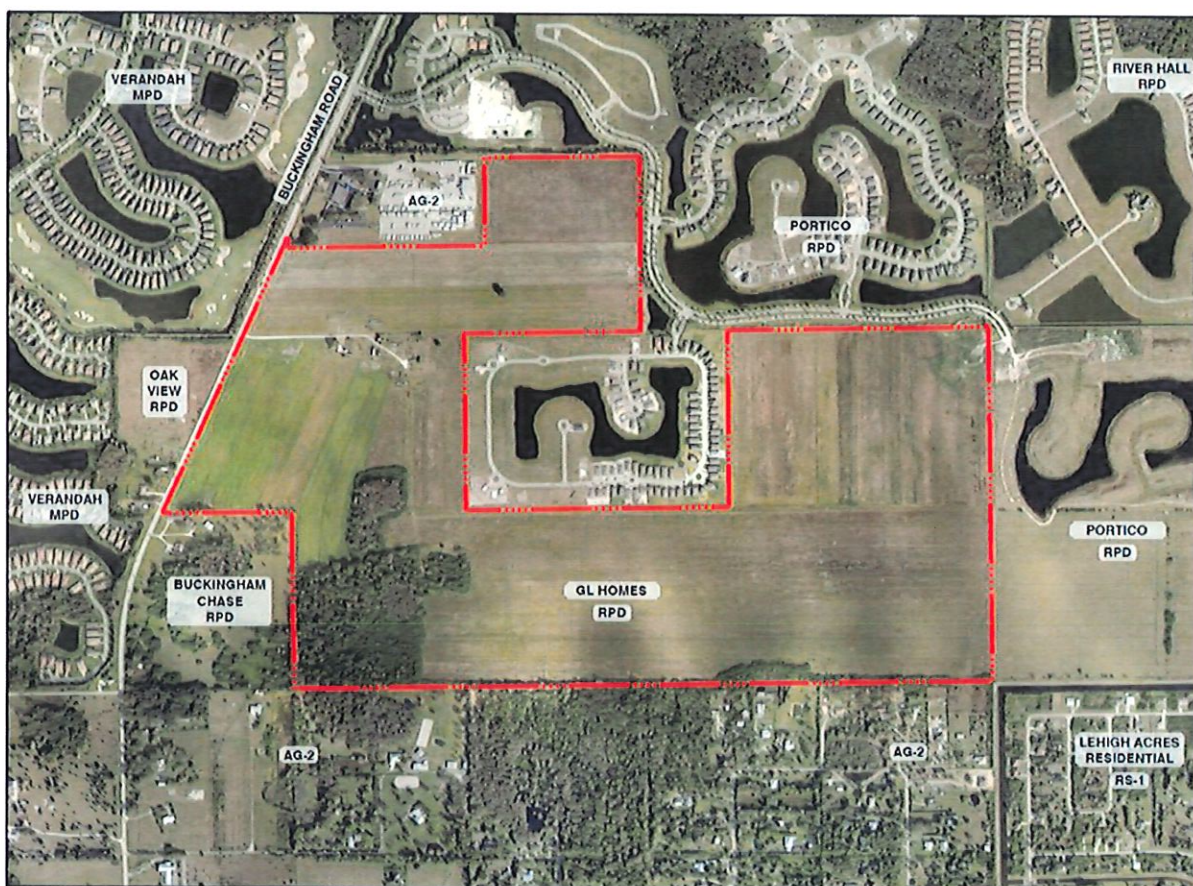
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**Lee County Homes Associates I, LLLP**  
**Residential Planned Development Amendment**  
 Project Request Narrative

The property subject to this application request is the existing Buckingham 345 Residential Planned Development, an approximately ±344 acre community located on Buckingham Road in eastern Lee County in the Fort Myers Shores Planning Community. The property is currently designated Sub-Outlying Suburban and is zoned Residential Planned Development.



**Figure 1. Project Aerial**

The subject property was originally approved as a residential planned development in December 2000 by Resolution Z-00-029. At that time, Resolution Z-00-029 authorized 640 single family units on approximately 325 acres. In 2005, the existing 325 acres was rezoned, and an additional 20 acres were included in the overall project, increasing the density, and amending the property development regulations to permit a maximum density of 690 dwelling units per Resolution Z-05-074.

### Concurrent Applications

Lee County Homes Associates I, LLLP, (hereinafter "Lee County Homes") is seeking a companion Comprehensive Plan Amendment to move approximately 344 acres from the Sub-Outlying Suburban FLU to the Outlying Suburban FLU. The proposed FLUM Map amendment will increase the residential density by 1 unit per acre and provides a transition from the slightly higher densities west in the Verandah Planned Development and the existing Portico subdivision at 2 dwelling units per acre, River Hall to the northeast corner at a range of 1 to 2 dwelling units per acre and the Lehigh Acres Community at 6 dwelling units per acre southeast of the subject property. Text Amendment is also requested to accommodate the population from the proposed density increase of 1 dwelling unit per acre as compared to the existing FLU.

This Residential Planned Development is requested to permit the additional units allocated to the property by the companion Comprehensive Plan Amendment. The requested RPD Amendment will limit the maximum number of dwelling units to 1,015 establishing an overall density of 2.9 dwelling units per acre for the subdivision. The Master Concept Plan is designed with 3 distinct development tracts; located in a manner that enables density to transition away from the south boundary. Larger lots with a lower density are adjacent to the Rural Community Preserve directly south of the subject property. Additionally, the rear setback of the largest lot size is 45 feet; which abuts a 30 foot enhanced buffer, establishing a 75 foot physical separation between future residential structures and the southern property boundary adjacent to the Rural Community Preserve.

### Future Land Use

The subject property is currently within the Sub-Outlying Suburban Future Land Use Category and the Fort Myers Shores/Caloosahatchee Shores Planning Community. The Lee County Comprehensive Plan (Lee Plan) outlines the permitted densities and intensities for each Future Land Use Category as well as additional planning requirements for development within the Planning Communities.

### Outlying Suburban

Approximately 344 acres of the subject property is proposed to be designated Outlying Suburban which is described by Policy 1.1.6 as "characterized by its peripheral location in relation to established urban areas. In general, this category is rural in nature or contains existing low-density development." The Outlying Suburban FLU category will permit the subject property to act as a transition between the surrounding varying densities. Given the existing land uses in the immediate proximity to the existing subdivision, (Verandah, River Hall, Portico and Lehigh Acres), which range from 6 dwelling units per acre to 1-2 dwelling units per acre, the requested density will provide a mid-range density and promote infill development for more efficient use of the land and existing available public services. Additionally, permitting additional units within an existing residential subdivision reduces development pressure on undeveloped, large acreage lands further east in Lee County and combats urban sprawl.

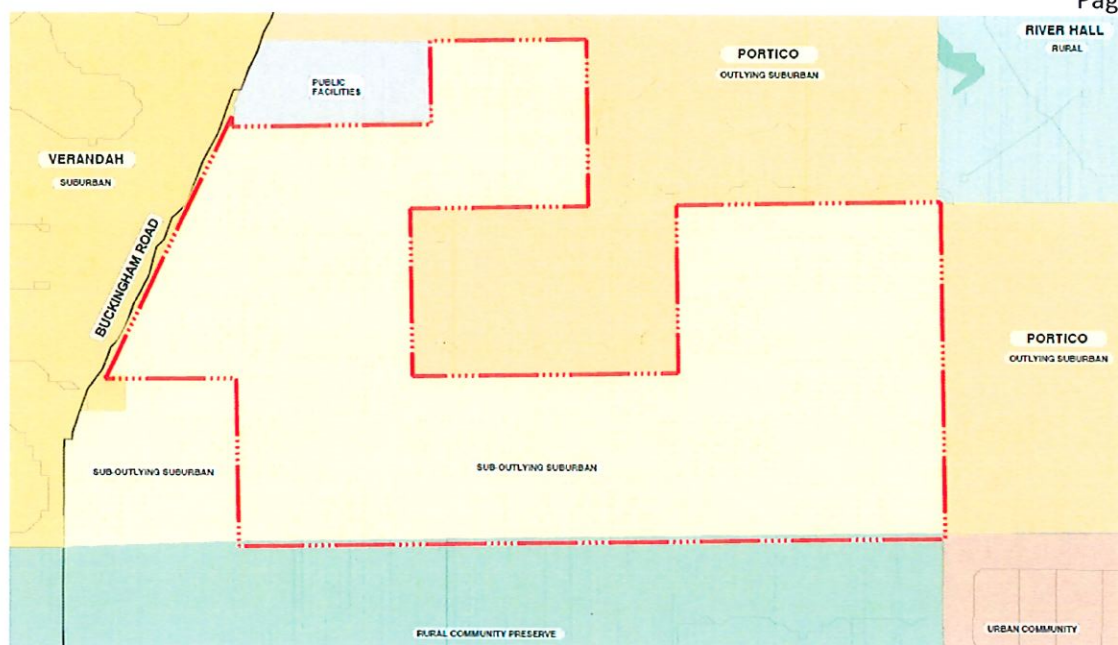


Figure 2. Existing Future Land Use Map

### Wetlands

A jurisdictional determination was recently completed with the South Florida Water Management District and confirmed the extent of the wetlands; which were provided to Lee County. A total of 11.09 acres are identified as wetlands; approximately 7.9 acres will be preserved by the Master Concept Plan with the remaining approximately 3.11 acres being impacted. Table 1A Note 8 of the Lee Plan allows dwelling units to be relocated at the rate of the developable contiguous uplands designated Outlying Suburban, when wetlands are preserved. When wetlands are impacted density is calculated at 1 unit per 20 acres. The density associated with the approximately 7.9 acres of wetlands is 23.7 dwelling units and proposed for transfer to the contiguous uplands. The MCP identifies the location of the preserved wetlands on site as well as the development tracts for the proposed maximum of 1,015 dwelling units on the 344.7-acre subject property.

	Proposed Future Land Use		
	Acreage	Dwelling Units/Acre	Dwelling Units permitted
<b>Outlying Suburban</b>			
Uplands	±333.68	3 du/ac	1,001.05
Preserved Wetlands	±7.9	3 du/ac	23.7
Impacted Wetlands	±3.19	1du/20acs	0
<b>Total Acres</b>	<b>±344.776</b>	<b>Total Dwelling Units</b>	<b>1024.75</b>
<b>Rounded Density</b>			<b>1,025</b>

Table 1: Maximum Density of the Subject Property

Lee County Homes Associates I, LLLP

Request Narrative

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The requested dwelling unit count has been reduced to 1,015 to provide a gradual transition between the density of the Community Rural Preserve in the south, which is 1 unit per acre, to higher densities in the north of up to 3 dwelling units per acre. The lot sizes along the south property line are the largest proposed at 80 feet by 170 feet with a minimum lot area of 13,600 square feet; thereby reducing the density immediately adjacent to the Rural Community Preserve. The next lot size proposed is 6,500 square feet clustered in the central portion of the community. Finally, the third lot size proposed is 4,500 square feet generally located in the northern portion of the community. This design promotes a gradual density increase across the property from south to north as the development is further from the Rural Community Preserve.

In addition to the location of the lot types and varying minimum lot area, design enhancements are proposed immediately adjacent to the southern property boundary. The Land Development Code does not require a buffer between residential properties; however, the current zoning approval includes an enhanced buffer. The current MCP expands this enhanced buffer to 30 ft and maintains the wall and dense native vegetation to provide screening of the proposed subdivision from the Rural Community Preserve. The large residential lots proposed adjacent to the enhanced buffer have an increased rear setback of 45 feet. Collectively the enhanced buffer and rear setback ensure there is a minimum physical separation between the future residential structure and the southern property boundary of 75 feet. Due to the design characteristics of the large lots and street network, additional open space is also provided adjacent to the southern property boundary as demonstrated by the Master Concept Plan. The lot layout, rear setback and buffer promote compatibility with the Rural Community Preserve and consistency with the necessary density transition described by the Lee Plan.

### **Surrounding Land Uses**

The subject property is surrounded by significant residential development as well as vacant, residential, agricultural, and school supporting land uses. This area of Lee County is continuing to develop and is transitioning to a more urban area. The expansion of Palm Beach Boulevard as part of the State's Strategic Intermodal System along with new commercial development, will ensure more services are available to existing and future residents within proximity to the existing and approved subdivisions of Portico, Verandah, River Hall, Hemmingway Pointe, etc.

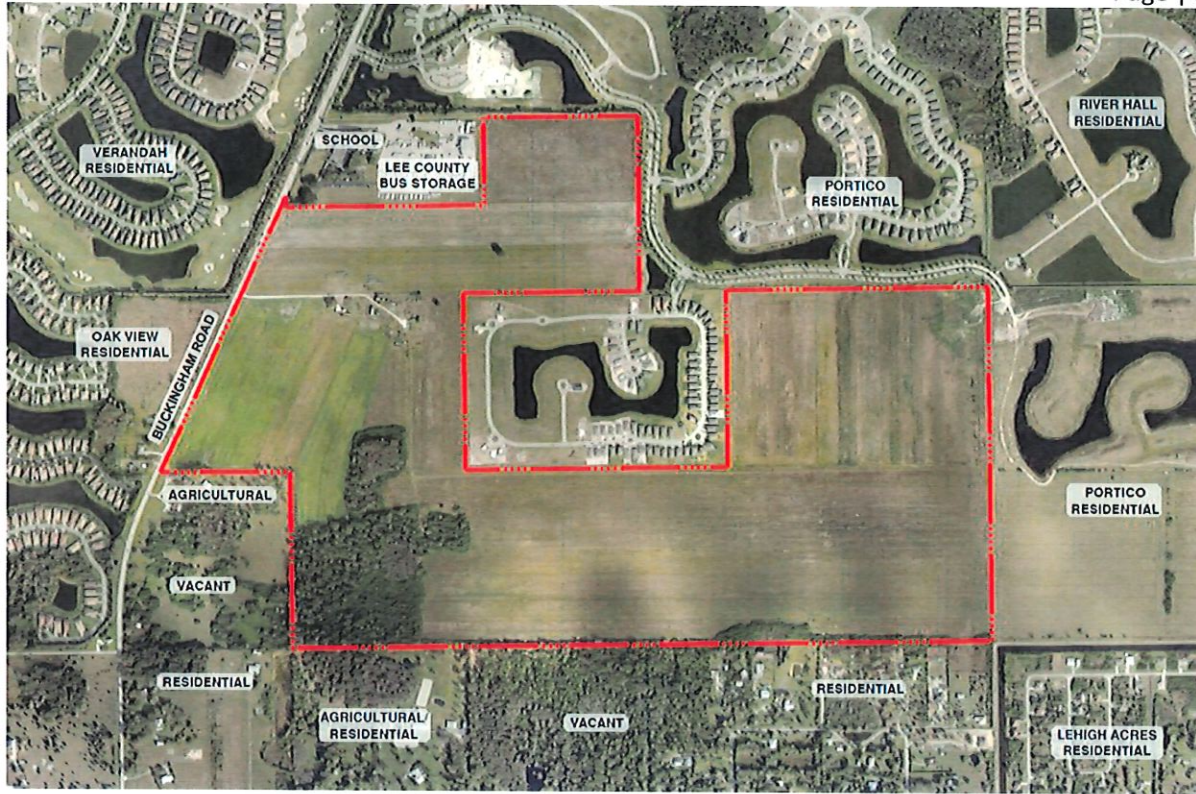


Figure 3. Surrounding Land Uses

#### North

The subject property has a unique geometry along the northern property boundary. Beginning at Buckingham Road for approximately .25 miles to the east, the adjacent northern property is owned by the Lee County School District. The front quarter of the School District property adjacent to Buckingham Road is the Lee County Buckingham Exceptional Student Center which is a special needs school from grade Pre-K to 12<sup>th</sup> grade. The remaining 3/4 of the property is utilized by the School District for outdoor storage of the District's bus fleet. The remainder of the northern property boundary is immediately adjacent to the Portico Subdivision, an existing Residential Planned Development that was amended in 2019 by Zoning Resolution Z-19-006 to allow 1,600 dwelling units on 589 acres.

At the northeast corner of the subject property, the Portico Subdivision is approximately 105 feet wide. The Portico spine road separates the subject property from the existing River Hall Subdivision which is approved by Zoning Resolution Z-15-003 for 2,695 dwelling units on approximately 1,978.5 acres for an overall density of 1.36 dwelling units per acre.

The requested residential planned development for the subject property will establish approximately 3 dwelling units per acre in a clustered development pattern with a master stormwater management system and community open space consistent with the adjacent and surrounding subdivisions of Portico and River Hall located north of the subject property. The

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proposed residential community is compatible with the existing surrounding residential communities.

**East**

The Portico Master Concept Plan in Z-19-006 shows single family residential along the Lee County Homes entire eastern property boundary, approximately 2,600 linear feet, which is also proposed for single family residential development in a similar development pattern. The requested residential planned development is compatible with the adjacent Portico Subdivision which has a similar development pattern and density as both communities are within the Outlying Suburban FLU.

**South**

Adjacent to the southwest corner of the subject property where the Master Concept Plan shows preservation of existing indigenous habitat is a 20-acre property owned by the School District that is currently vacant. North and south of the School District site are approximately 10-acre parcels, zoned Agricultural, each of which appears to have a single family home, and according to the Property Appraiser are used for cattle grazing.

The southern property boundary, approximately 6,600 linear feet, is adjacent to large lots ranging from 5 to 20 acres within the Buckingham Community. These properties are within the Rural Community Preserve and are vacant, used for agricultural activities, or single family residential.

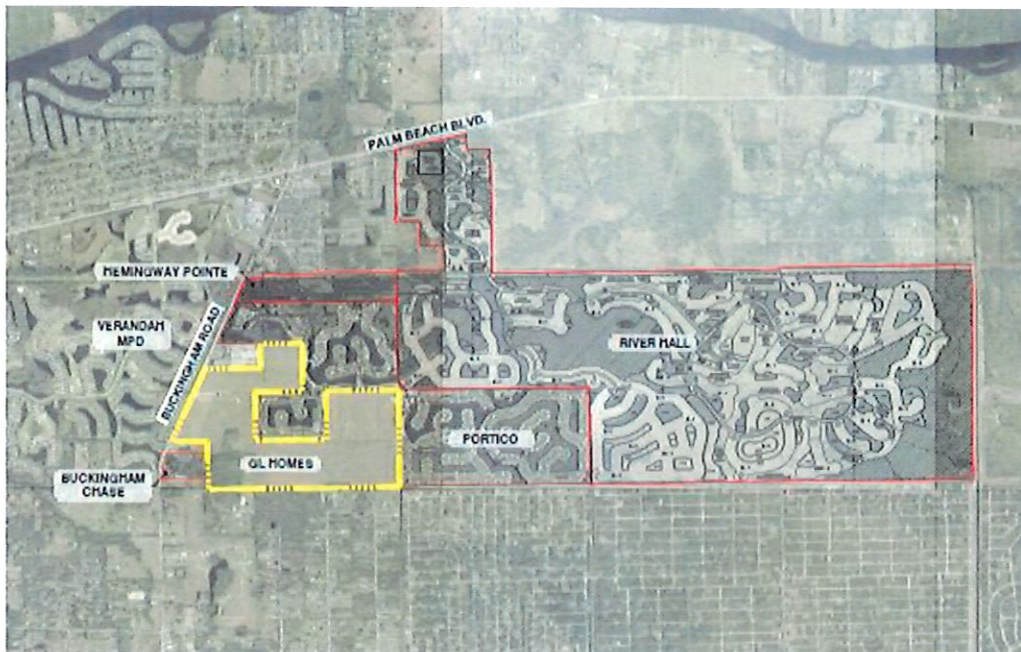
The southeast corner of the subject property is cater-corner to the platted community of Lehigh Acres. Lehigh Acres is an old platted subdivision with more than 500 acres of single-family lots with areas of multi-family residential uses within the Urban Community Future Land Use and is platted at a density of approximately 4 units per acre.

The proposed Master Concept Plan demonstrates the southwestern most portion of the property is indigenous preserve, open spaces associated with the amenity and a reserved portion of the property for the school district possible acquisition. The remaining portion of the southern property boundary is a clustered residential development pattern with lots a minimum of 13,600 square feet. As demonstrated by the lot types and labels on the development tracts of the MCP, the proposed lot sizes gradually decrease from south to north within the subdivision. The transition in density is to ensure consistency with Lee Plan Policy 20.1.6 of the Buckingham Community Plan. Additional open space, large rear setback, and 30 foot buffer width are additional design features that provide physical separation and ensure the proposed Residential Planned Development remains compatible with the existing and future land uses adjacent to the southern property boundary.

**West**

On the west boundary and serving as primary access to the subject property is the existing Buckingham Road, an arterial roadway serving the communities of Buckingham and Lehigh Acres. Further west of Buckingham Road is the Verandah a ±1,455-acre Mixed Use Planned

Development, approved for 1,700 dwelling units, 36 holes of golf with accessory and recreational uses and a maximum of 230,000 square feet of commercial uses. The residential density and commercial intensity are consistent with the community's Suburban Future Land Use Category. Much of the development is setback from Buckingham Road due to the Golf Course design. However, the lots within the vicinity of the subject property are developed with single family units at approximately 8,500 square feet or approximately 5 units to the acre. Like the proposed Master Concept Plan, the Verandah was developed with a clustered development pattern of single-family units incorporating open spaces and water management areas.



**Figure 4. Surrounding Planned Developments**

As demonstrated by the Master Concept Plan, the Lee County Homes proposed development pattern is similar to the existing and approved surrounding residential subdivisions. Each of the existing and approved subdivisions utilizes a clustered development pattern with preservation areas, open space and stormwater management lakes with similar dwelling unit types and minimum lot sizes. The requested Planned Development Amendment promotes infill development through the efficient utilization of existing infrastructure and available land by locating additional dwelling units within an already developed area that has urban services. The subject property is within proximity to existing clustered commercial nodes and Lee County Schools. The infrastructure necessary to support the additional dwelling units is in place.

Surrounding Land Uses			
	FLU Designation	Use	Notes
North	Public Facilities, Outlying Suburban	School & Fleet Storage, Residential	Buckingham Exceptional Student Center and Portico
South	Rural Community Preserve, and Urban Community	Vacant, Agricultural and Residential Development	Buckingham Community & Lehigh Acres
East	Outlying Suburban	Residential Development	Portico
West	Suburban	County Maintained Arterial Road, Residential Development	Buckingham Road & Verandah RPD

Table 2. Surrounding Land Uses

### Urban Services & Accessibility

The subject property is in an area of the County which has a full slate of Urban services available to support the existing and proposed development. All urban services are located adjacent to the subject property and are available to serve the property. A copy of all received Letters of Availability from each service provided are attached to the application for reference.

#### Utilities

The subject property is within the service area for Lee County Utilities as depicted on Maps 6 and 7 of the Lee Plan. Potable water and sewer infrastructure are available adjacent to the Lee County Homes Planned Development along Buckingham Road. Lee County Utilities has adequate capacity at the Olga Treatment Plant to provide water service to the additional dwelling units and associated population. The City of Fort Myers Central Advance Wastewater Treatment Facility will provide wastewater service. A Letter of Availability has been received from Lee County Utilities and is included in the application materials to demonstrate that adequate capacity is available to serve the additional units and associated population proposed by the Comprehensive Plan Amendment.

#### Public Safety

The subject property is well within the service limits for Emergency Medical Services, Fire and Police services. Lee County Emergency Medical Service is the primary EMS transport for the subject property. The primary ambulance for the subject property is Medic 11, located 5.6 miles west of the subject property. A Letter of Availability from the Lee County Emergency Medical Service Division has been received and is included in the application materials to demonstrate the ability to serve the requested additional units and associated population.

The subject property is served by the Fort Myers Shores Fire District from Station 81 located at 12345 Palm Beach Boulevard. A Letter of Availability from the Fort Myers Shores Fire District has been received and is included in the application materials to demonstrate the ability to serve the requested additional units and associated population.

The subject property is located wholly within the service area for the Lee County Sheriff. The Central District Station located at 14750 Six Mile Cypress Parkway is responsible for providing service to the subject property. A Letter of Availability from the Lee County Sherriff has been received and is included in the application materials to demonstrate the ability to serve the requested additional units and associated population.

#### Schools

The subject property is within the Lee County School District East Zone, E2. A request for a Letter of Availability from the Lee County School District was received. Based on the 2019 Concurrency Report, the proposed development is estimated to generate 306 school-age children. The East Zone is currently experiencing a deficit in seating for middle and high schools with and without the project. To address the immediate deficit, additional portable seats will be added at Harns Marsh, Oak Hammock and Lehigh middle schools. A new 1,200 seat middle school is programmed to open in the East Zone during the 2021-22 school year. At the high school level an addition to Lehigh Acres high school will address the immediate deficiencies. Additionally, it is important to note Lee County Schools has also acquired a school site in Gateway for a future high school, which is expected to be constructed and open August 2021. All projected deficits in the East Zone will be addressed within the 2030-time horizon of the Lee Plan. There is capacity within the entire school district to accommodate the additional students from the proposed development.

#### Solid Waste

The property is within the Lee County Solid Waste Franchise area and is served through Lee County's franchised hauling contractor. Disposal of waste generated from the subject property will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. Service is available to the subject property and plans have been established that target growth and long-term disposal capacity for this area. A Letter of Availability has been received from Lee County Solid Waste confirming capacity to serve the additional dwelling units and associated population.



Figure 10. Surrounding Area Urban Services

### Amended Zoning Conditions

Due to the existing approval of a Residential Planned Development on the subject property, several amendments are proposed to the Zoning Conditions. These amendments are proposed to reflect the changing conditions of the subject property and surrounding properties, address existing conditions, and improve clarity. A separate document has been prepared in strikethrough and underlined format of the existing zoning conditions to demonstrate with additional detail the amendments requested.

### Conclusions and Findings

Pursuant to 34-145(d)(4)a, to recommend approval of the requested Residential Planned Development Amendment, the Hearing examiner must find:

1. *The Request Complies with the Lee Plan*

A separate narrative is attached to the application materials demonstrating the request's consistency and compliance with the Lee Plan as codified in June 2020.

2. *Meets this Code and other applicable County regulations or qualifies for deviations*

A single deviation was approved via Z-05-074 and is requested to be carried forward into this Planned Development Amendment request. Additional deviations are requested to address the existing conditions of the current approval that are proposed to remain as well as address the

Lee County Homes Associates I, LLLP

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desired development pattern of the requested Residential Planned Development. If a deviation is not requested, the applicant intends to abide by the regulations of the land development code.

*3. Is compatible with existing and planned uses in the surrounding area*

The development pattern of the proposed Master Concept Plan demonstrates the layout of the internal roadways and lots cluster the residential development around preserve areas, open spaces and stormwater management lakes in a similar pattern to the existing and approved residential subdivisions of the surrounding area. By exhibiting similar characteristics to the surrounding developments, the requested Residential Planned Development is compatible to the surrounding development as that term is defined by LDC Section 34-2.

*4. Will provide access sufficient to support the proposed development intensity*

Access to the subject property is already approved and conditioned. The applicant is proposing to retain the condition requiring the donation of right of way toward future improvement of Buckingham Road and turn lanes will be constructed if needed at the time of Development Order. The existing conditions governing the single access point and emergency access are also proposed to be retained.

*5. The expected impacts on transportation facilities will be addressed by existing County regulations or conditions of approval;*

Access to the subject property is already approved, right of way will be donated toward future improvement of Buckingham Road and turn lanes will be constructed if necessary. Should additional mitigation measures be necessary, impact fees will be assessed at the time of building permit as will Growth Increment Funding – a County program which allocates the increase in property tax from new construction to an infrastructure fund

The Traffic Impact Statement prepared by TR Transportation concludes that all county-maintained road segments are not adversely impacted by the proposed additional residential units. Additionally, the proposed units do not trigger additional improvements. The improvements identified are already needed due to future traffic conditions with and without the project.

*6. Will not adversely affect environmentally critical or sensitive areas and natural resources;*

The proposed Master Concept Plan demonstrates the design of the residential community with existing indigenous habitat on-site and provides a minimum 25-foot separation from the development tracts.

*7. Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category.*

The subject property is located in area of Lee County with a full slate of urban services. A discussion of the urban services is provided in this narrative above and Letters of Availability were provided for the companion Comprehensive Plan Amendment.

Additionally, the Hearing Examiner must also find:

*a) The proposed use or mix of uses is appropriate at the proposed location;*

The uses included in the requested Schedule of Uses are the same as previously approved and remain appropriate. The uses have been restructured to demonstrate which uses are expected to be located within the residential development tracts and which uses are expected to be located within the residential amenity areas.

*b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development.*

The applicant has included a strikethrough underline version of the existing conditions and a brief discussion of any revisions proposed. Most of the requested revisions seek to promote clarity due to changes in the existing conditions of the surrounding properties.

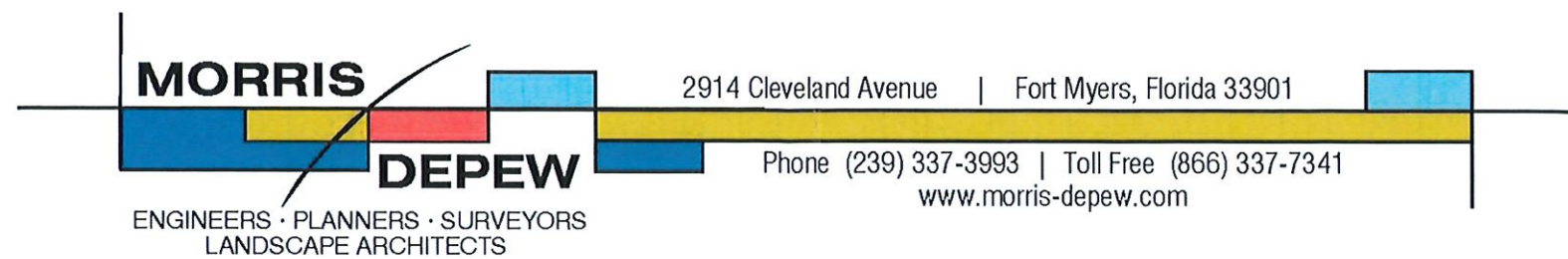
*c) If the application includes deviations pursuant to section 34-373(a)(9), that each requested deviation:*

*1) Enhances the achievement of the objectives of the planned development;*

The applicant requests the existing deviations previously approved to be carried forward and to memorialize existing conditions of the current approval that will be retained by the current request. Additional deviations are requested to promote a flexible design that enhances the planned development. These deviations will promote a consistent development pattern throughout the community, which is also similar to the development patterns of the surrounding constructed and approved subdivisions.

*2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.*

The existing deviations were found to preserve and promote the general intent of the code to protect the public health, safety and welfare. The newly requested deviations include a detailed justification demonstrating no impact to the public health, safety and welfare. A copy of the deviations with detailed justifications is attached to the application materials for review.



**Lee County Homes Associates I, LLLP**  
Residential Planned Development  
Property Development Regulations  
November 16, 2020

Land Uses	Min Lot Area (SF)	Min Lot Width (FT)	Min Lot Depth (FT)	Min Street Setback <sup>2</sup> (FT)	Min Side Setback (FT)	Min Rear Lot Setback <sup>3</sup> (FT)	Min Accessory Structure Side Setback (FT)	Min Accessory Structure Rear Setback (FT)	Building Separation (FT)	Max Building Height (FT)	Max Lot Coverage (%)
<b>R-1</b>											
Single-Family	6,500	50	130	20	5	10	5	5	10	35	<u>65</u>
Single-Family <sup>4</sup>	8,500	170	50	5	5 & 60	10	5	5	10	35	50
<b>R-2</b>											
Single-Family	4,500	45	100	20	5	10	5	5	10	35	55
Single-Family <sup>4</sup>	7,000	140	50	5	5 & 60	10	5	5	10	35	40
Zero-lot Line <sup>1</sup>	4,500	45	100	20	0 or 5	10	5	5	10 <sup>1</sup>	35	55
Two-Family Attached	3,000	30	100	20	0 or 5	10	5	5	10	45	60
Townhouse	2,000	20	100	20	0 or 5	10	5	5	10	45	50
<b>R-3</b>											
Single Family	13,600	80	170	20	5	45	5	40	10	35	55
Single-Family <sup>4</sup>	<u>16,800</u>	<u>80</u>	<u>210</u>	<u>60</u>	<u>5</u>	<u>45</u>	<u>5</u>	<u>40</u>	<u>10</u>	<u>35</u>	<u>45</u>
<b>Non-Residential</b>											
Clubhouse/Amenity Sites	10,000	100	100	20	10	10	10	5	10	50	55

Note 1: A minimum 10 foot building separation for zero lot line structures must be maintained.

Note 2: For Corner Lots, the secondary street setback is reduced to 5 feet to function as a side yard.

Note 3: Where lots abut a waterbody, setback is measured from the rear lot line.

Note 4: Lot dimensions and setbacks only apply to a residential lot intersecting with a dead end ROW consistent with the location of Deviation 6.

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**Lee County Homes Associates I, LLP**  
**Residential Planned Development**  
**Proposed Conditions**

The requested Residential Planned Development is technically a new zoning request; however, the subject property is currently an RPD. The applicant is proposing an amendment to the existing conditions to demonstrate compliance with the existing approval and modifications that may be necessary to address the additional density.

1. Development must be consistent with the two-page Master Concept Plan (MCP) for Lee County Homes Associates I, LLLP Residential Planned Development Buckingham 345, Sheets 1 and 2 (Exhibit B\_\_), prepared by ~~TKW Consulting Engineers~~ Morris-Depew Associates, Inc. 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 rezoning supersedes all that previous Resolutions (#Z-00-029), thereby rendering it them null and void.~~

Maximum Number of Dwelling Units: ~~690~~ 1,015

~~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.~~

**Applicants Justification:** The proposed revisions reflect the current conditions of the application and zoning request. The proposed deletions seek to promote clarity and eliminate duplicate references to the land development code (section 34-937(2)). As a full rezoning of the subject property the applicant acknowledges all previous resolutions and amendments would be null and void.

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

B. Schedule of Uses

**Residential R-1**

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, minimum lot size 6,500 square feet

~~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(c)(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

**Residential R-2**

Accessory Uses and Structures

Dwelling Units

Single-family

Zero Lot Line

Two Family Attached

Townhomes

Entrance Gates and Gatehouse

Essential Services

Essential Service Facilities, Group I

Excavation, Water Retention

Fences and Walls

Home Occupation

Model Home and Model Unit

Model Display Center

Model Display Group

Parking Lot, Accessory

Real Estate Sales Office

Signs

Temporary Uses, Temporary Sales, Temporary Construction

**Residential R-3**

Accessory Uses and Structures

Dwelling Units

Single-family, minimum lot size 13,600 square feet

Essential Services

Essential Service Facilities, Group I

Excavation, Water Retention

Fences and Walls

Home Occupation

Model Home and Model Unit

Model Display Center

Model Display Group

Parking Lot, Accessory

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.~~

**Residential Amenity (RA)**

Accessory Uses and Structures

Administrative Offices  
Bank and Financial Establishments - Group I (including ATMs)  
Communication Facility, Wireless -Towers prohibited  
Consumption on Premises -Indoor only  
Club, Private  
Essential Services  
Essential Service Facilities, Group I  
Excavation, Water Retention  
Fences and Walls  
Food & Beverage Service, Limited  
Parking Lot, Accessory  
Personal Services, Group I  
Recreational Facilities, Private  
Real Estate Sales Office  
Restaurant, Groups I, II, and III  
Signs  
Specialty Retail Shops, Groups I and II  
Storage, Indoor  
Temporary Uses, Temporary Sales, Temporary Construction

**Applicant's Justification:** The revisions proposed to the schedule of uses are to establish specific areas for related uses as identified on the Master Concept Plan and improve clarity. References to the Land Development Code and/or conditions below were removed to address duplication and improve clarity.

- **Agricultural Uses** – Condition 9 will remain to appropriately address this interim use of the property until the approval of a Development Order.
- **Commercial Uses accessory to an RPD** – LDC Section 34-937 will continue to govern the proposed commercial uses at the residential amenity.
- **Concurrency** – Conditions 15 and 16 will remain to appropriately address concurrency.
- **Models** – Condition 6 is will remain with an amendment to eliminate duplication of LDC Section 34-1954
- **Blasting** – Removed condition to reflect current regulations of the Land Development Code

C. **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 single family and zero-lot line residential uses.~~

~~45 feet/two stories for all other structures such as, two-family attached and townhome residential uses.~~

Lee County Homes Associates I LLLP

Proposed Conditions

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~~50 feet/three stories for 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: 6.5 feet

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

Rear 10 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~~ feetLot Depth: ~~N/A~~ feet**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.~~

Land Uses	Min Lot Area (SF)	Min Lot Width (FT)	Min Lot Depth (FT)	Min Street Setback <sup>2</sup> (FT)	Min Side Setback (FT)	Min Rear Lot Setback <sup>3</sup> (FT)	Min Accessory Structure Side Setback (FT)	Min Accessory Structure Rear Setback (FT)	Building Separation (FT)	Max Building Height (FT)	Max Lot Coverage (%)
<b>R-1</b>											
Single-Family	6,500	50	130	20	5	10	5	5	10	35	65
Single-Family <sup>4</sup>	8,500	170	50	5	5 & 60	10	5	5	10	35	50
<b>R-2</b>											
Single-Family	4,500	45	100	20	5	10	5	5	10	35	55
Single-Family <sup>4</sup>	7,000	140	50	5	5 & 60	10	5	5	10	35	40
Zero-lot Line <sup>1</sup>	4,500	45	100	20	0 or 5	10	5	5	10 <sup>1</sup>	35	55
Two-Family Attached	3,000	30	100	20	0 or 5	10	5	5	10	45	60
Townhouse	2,000	20	100	20	0 or 5	10	5	5	10	45	50
<b>R-3</b>											
Single Family	13,600	80	170	20	5	45	5	40	10	35	55
Single-Family <sup>4</sup>	16,800	80	210	60	5 & 60	45	5	40	10	35	45
<b>Non-Residential</b>											
Clubhouse/Amenity Sites	10,000	100	100	20	10	10	10	5	10	50	55

Note 1: A minimum 10 foot building separation for zero lot line structures must be maintained.Note 2: For Corner Lots, the secondary street setback is reduced to 5 feet to function as a side yard.Note 3: Where lots abut a waterbody, setback is measured from the rear lot line.Note 4: Lot dimensions and setbacks only apply to a residential lot intersecting with a dead end ROW consistent with the location of Deviation 6.

**Applicant's Justification:** The written site development section was replaced with a table to reflect the proposed Master Concept Plan.

- 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.~~

**Applicant's Justification:** The transportation site owned by the School District is an existing use, visible from Buckingham Road adjacent to the subject property; additional disclosures are not necessary.

~~4. 6. Model units, homes, model display centers, and real estate sales 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.~~
- ~~a. b. All Model Sites, Model Display Centers or Model Groups must be designated 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.~~
- ~~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.~~
- ~~b. 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.~~
- c. h. Real estate sales are limited to the sale of lots or units within the development only. Real estate sales are limited to temporary real estate trailers, model units, model display centers, recreational area and clubhouse.
- ~~i. Real estate sales are limited to temporary real estate trailers, model units, model display centers, recreational area and clubhouse.~~
- d. j. Hours of operation for both models and real estate sales are limited to Monday through Sunday 8 a.m. to 8 p.m.
- e. k. Model homes and real estate sales uses will be permissible 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 LDCS 34-1954(d)(1).

**Applicant's Justification:** The proposed revisions to this condition seek to address the type of models included in the schedule of uses, eliminate duplications from LDC Section 34-1951 et.al., provide clarity, and reflect the current process for permitting models.

~~7. DELETED.~~

5. 8.

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

A buffer ~~20~~ 30 feet in width must be planted along the southern ~~and western~~ property line (excluding lands abutting Buckingham Road) with the development order establishing lots adjacent to this property boundary prior to the approval of building permits for dwelling units in Tracts 4 and 5.

The developer must also install a berm with a wall or fence at a minimum height of 6 8-foot 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 upland preserved wetlands as identified on the MCP. The vegetation in the buffer must contain, at a minimum, six ten native oak trees per 100 linear feet along the with clusters of 10 slash pines between native trees. All trees must be a minimum of 10 feet tall at time of planting. All shrubs must be a minimum of ~~four feet~~ 36 inches 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.~~

**Applicant's Justification:** The Western Property Boundary is adjacent to the Portico Residential Subdivision. There is a discrepancy between the text of the condition and the attached Exhibit B depicting the landscape buffer layout and cross sections. The applicant agrees to maintain the enhanced buffer and provide 10 feet of additional width or 30 feet adjacent to the Buckingham Rural Preserve to address the transition that needs to occur

between the Outlying Suburban and Rural Preserve Densities. However, Portico and Lee County Homes are within the same Future Land Use Category, have similar development layouts, and an enhanced buffer is not necessary. The applicant would propose to delete the enhanced buffer from the western property boundary to be consistent with approved Exhibit B in the original Resolution.

The additional revisions to the condition seek to improve clarity and reflect the cross sections associated with Exhibit B of the previously approved MCP.

**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 with a wall or fence at a minimum of 3 8 feet in height.

**Applicant's Justification:** The applicant intends to provide a wall or fence adjacent to Buckingham Road and has added this to the written condition and cross sections on the MCP. The reference to the height has been adjusted to reflect the minimum height of the combined berm and wall or fence.

**C. BUFFER ADJACENT TO PORTICO AND INTERNAL ROW**

The Development Order must provide an enhanced 20-foot Type C Buffer where the Primary Road is less than 125 feet of an adjacent single-family subdivision. A berm with a wall or fence at a minimum height of 8 feet must be installed. The vegetation in the buffer must contain, at a minimum of 10 South Florida Slash Pine per 100 ft of buffer and mid-level shrubs under the Slash Pine clusters on the outside of the wall of fence. Additionally, 5 Shade Trees per 100 ft as well as, clustered Slash Pine and a continues hedge maintained at 36 inches must be provided internal to the wall.

**Applicant's Justification:** This condition accompanies Deviation #1 and reflects the cross section included in Exhibit B attached to Z-05-074. It was previously not included in the text of the Resolution but probably should have been.

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

- (a) Bona fide agricultural uses of cattle grazing and the raising of hay in existence at the time the application for rezoning was filed, and as shown on Exhibit D\_\_ attached hereto, may continue until approval of a local development order for the area of the project containing those uses.
- (b) Additional clearing of trees or other vegetation in agricultural areas is prohibited. Existing areas of bona fide agricultural use may be maintained, i.e., mowed, but not cleared or expanded. This prohibition is not intended to preclude County approved requests for the removal of invasive exotic vegetation.
- (c) Prior to issuance of a local development order, the property owner must provide written proof, subject to approval by the County Attorney's Office, of the following:
  - (1) Termination of all agricultural use on any portion of the property included in the development order application/approval. Proof must include a sworn affidavit from the person or entity holding title to the subject property that specifically provides:
    - a) the date the agricultural uses ceased;
    - b) the legal description of the property subject to the development order approval;
    - c) an affirmative statement that the owner acknowledges and agrees that all agricultural uses are illegal and prohibited on the property and that the owner covenants with the county that they will not allow any such uses on the property unless and until the property is rezoned to permit such uses; and,
    - d) that the affidavit constitutes a covenant between the owner and the county that is binding on the owner and their assignees and successors in interest. The covenant must be properly recorded in the public records of the county at the owner's expense.
  - (2) Termination of the agricultural tax exemption for any portion of the property included in the development order application/approval. Proof as to termination must include of a copy of the request to terminate the tax exemption provided to the Property Appraiser.

~~10. DELETED.~~

~~11. DELETED.~~

~~12. DELETED.~~

~~13. DELETED.~~

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

**Applicant's Justification: This is duplicate of the Land Development Code and is not necessary.**

- 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.

~~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.~~

**Applicant's Justification:** Since the time of the approval, the LDC has been amended to eliminate the residential blasting provisions.

~~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.~~

**Applicant's Justification:** Duplication of LDC §34-1173 & §34-1174.

9. ~~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.~~

**Applicant's Justification.** This condition is a duplication of LDC §34-2191 and 34-3104.

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

11. ~~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.

12. ~~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.~~
- ~~a. 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.~~

**Applicant's Justification: The Master Concept Plan and Schedule of Uses have been amended to only request Commercial Use and Consumption on Premise as a use within the Residential Amenity Tract. The general location of the amenity building, and outdoor seating have been demonstrated on the Master Concept Plan and are internal to the subdivision with native habitat buffering the amenity area from the adjacent property to the south. Given these changes to the request, the applicant does not feel this condition needs to remain.**

13. ~~24.~~ PUBLIC SCHOOL USE.

- A. If the school site is conveyed through purchase 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~~ 1,015 single-family dwelling units on the remaining portion of the land covered by the approved MCP.
- B. If not conveyed, the "Future School Site" may be developed with single-family and accessory uses consistent with the Land Development Regulations for ~~Tracts 2 and 5.~~ R-

Lee County Homes Associates I LLLP

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1 and R-2, and the enhanced buffer along Buckingham Road, without an amendment to the Master Concept Plan.

- C. If the "Future School Site" is utilized for residential development, no more than ~~690~~ 1,015 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.~~

**Applicant's Justification:** The property has been cleared and is currently being used for an active agricultural use and therefore is not environmentally sensitive. The property is also surrounded by other residential subdivisions with a similar entry features and land patterns, advising residents of the surrounding rural environment does not appear to consistent with the existing conditions surrounding the property. The applicant notes that there are Lee County Parks and Preserves in the surrounding area with education signage and features related to the history of the County and the unique feature existing off-site.

14. At the time of Development Order submittal, a water quality monitoring plan must be provided for review and approval by the Lee County Division of Natural Resources. At a minimum, the Water Quality Monitoring Plan must establish:

1. The overall Goals and Objectives of the Water Quality Monitoring Plan;
2. An outfall monitoring schedule during "wet" season of June through October, for Field Temperature, Total Kjeldahl Nitrogen, Total Nitrogen, Chlorophyll A, Nitrite, Nitrate, Phosphorus, Turbidity and Stage.
3. Water quality monitoring data must be provided to the Division of Natural Resources annually for 5 years and shall include a report with a comparison of State water quality standards, plots of parameters, and recommendations. Results shall also be reported as an Electronic Data Deliverable (EDD), in a format approved by the Division of Natural Resources.
4. A contingency plan in the event an exceedance of State Water Quality Standards is discovered. This plan must include notification to impacted residents and applicable authorities.

**Applicant's Justification:** The condition is included to address concerns raised by Department of Natural Resources during the review process. The applicant has provided a Surface Water Management Plan as part of the Planned Development submittal and will provide a water quality monitoring report at the time of Development Order.

**MORRIS**

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**Lee County Homes Associates I, LLLP****Residential Planned Development****Schedule of Uses****RESIDENTIAL R-1**

Accessory Uses and Structures

Dwelling Units:

Single-Family, minimum lot size 6,500 square feet

Entrance Gates and Gatehouse

Essential Services

Essential Service Facilities, Group I

Excavation, Water Retention

Fences and Walls

Home Occupation

Model Home and Model Unit

Model Display Center

Model Display Group

Parking Lot, Accessory

Real Estate Sales Office

Signs

Temporary Uses, Temporary Sales, Temporary Construction

**RESIDENTIAL R-2**

Accessory Uses and Structures

Dwelling Units:

Single-Family

Zero-Lot-Line

Two-Family Attached

Townhomes

Entrance Gates and Gatehouse

Essential Services

Essential Service Facilities, Group I

Excavation, Water Retention

Fences and Walls

Home Occupation

Model Home and Model Unit

Model Display Center

Parking Lot, Accessory

Real Estate Sales Office

Signs

Temporary Uses, Temporary Sales, Temporary Construction

**Residential R-3**

Accessory Uses and Structures

Dwelling Units

Single-family, minimum lot size 13,600 square feet

Essential Services

Essential Service Facilities, Group I

Excavation, Water Retention

Fences and Walls

Home Occupation

Model Home and Model Unit

Model Display Center

Model Display Group

Parking Lot, Accessory

Temporary Uses, Temporary Sales, Temporary Construction

**AMENITY AREA**

Accessory Uses and Structures

Administrative Offices

Bank and Financial Establishments - Group I (including ATMs)

Communication Facility, Wireless, rooftop mounted only

Consumption on Premises

Club, private

Essential Services

Essential Service Facilities, Group I

Excavation, Water Retention

Fences and Walls.

Food & Beverage Service, Limited

Model Display Center

Parking Lot, Accessory

Personal Services, Group I & II

Recreational Facilities – Private

Real estate sales office

Restaurant, Groups I, II, & III

Signs

Specialty Retail Shops, Groups I & II

Temporary Uses, Temporary Sales, Temporary Construction

Lee County Homes Associates I LLLP  
Schedule of Uses  
November 16, 2020  
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