ADD2021-00150 Lee County ePlan



ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Mark Brumfield, DR Horton filed an application for an administrative amendment to a Mixed Use Planned Development on a project known as Bentley Crossing to relocate required open space and indigenous open space areas based on an updated FLUCCS map for the property located at 7341, 7350, and 7990 Buckingham Road, described more particularly as:

LEGAL DESCRIPTION: In Section 21, Township 44 South, Range 26 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was originally rezoned by Resolution Z-15-015 (with a subsequent amendment ADD2020-00141A); and

WHEREAS, the subject property is located in the Urban Community Future Land Use Category as designated by the Lee Plan; and

WHEREAS, Resolution Z-15-015 adopted a Master Concept Plan (MCP) that depicts open space and indigenous open space as required by the Land Development Code (LDC); and

WHEREAS, Amendment ADD2020-00141A adopted an amended MCP, a copy of this amendment is included as Exhibit "C"; and

WHEREAS, the applicant is proposing a revised MCP included as Exhibit "B", that depicts the proposed overall open space and indigenous open space modifications; and

WHEREAS, the applicant has submitted a revised and updated Florida Land Use, Cover and Classification System (FLUCCS) map, included as Exhibit "D", in support of the proposed changes to the existing indigenous open space; and

WHEREAS, areas previously designated as indigenous open space no longer meets the definition to be classified as such based in the most recent FLUCCS map; and

WHEREAS, the total indigenous open space and overall open space is not being reduced by more than 10% of the required area; and

WHEREAS, Section 33-1401 of the Lee County Land Development Code requires the owner or agent of a planned development zoning action to conduct one publicly-advertised information session within the Lehigh Acres Planning Community prior to obtaining approval or finding of sufficiency; and

WHEREAS, the applicant conducted a public information session in accordance with this requirement on August 26, 2021, and has provided a meeting summary document as required by the LDC, included as Exhibit "E"; and

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

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

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

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

**Approval is subject to the following conditions:**

1. **The Development must be in compliance with the amended Master Concept Plan, dated October 20, 2021, a reduced copy of which is attached hereto as Exhibit "B."**

2. **The terms and conditions of the original zoning resolution, and subsequent amendments thereto, remain in full force and effect, except as amended herein.**

3. **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**

Duly passed, adopted, and electronically signed on 12/7/2021

Anthony R. Rodriguez, AICP, Zoning Manager

Exhibits
Exhibit A – Legal Description
Exhibit B – Master Concept Plan
Exhibit C – ADD2020-00141A
Exhibit D – Revised FLUCCS map
Exhibit E – Public Information Meeting Summary

# EXHIBIT A

CASE NUMBER: ADD2021-00150

## LEGAL DESCRIPTION

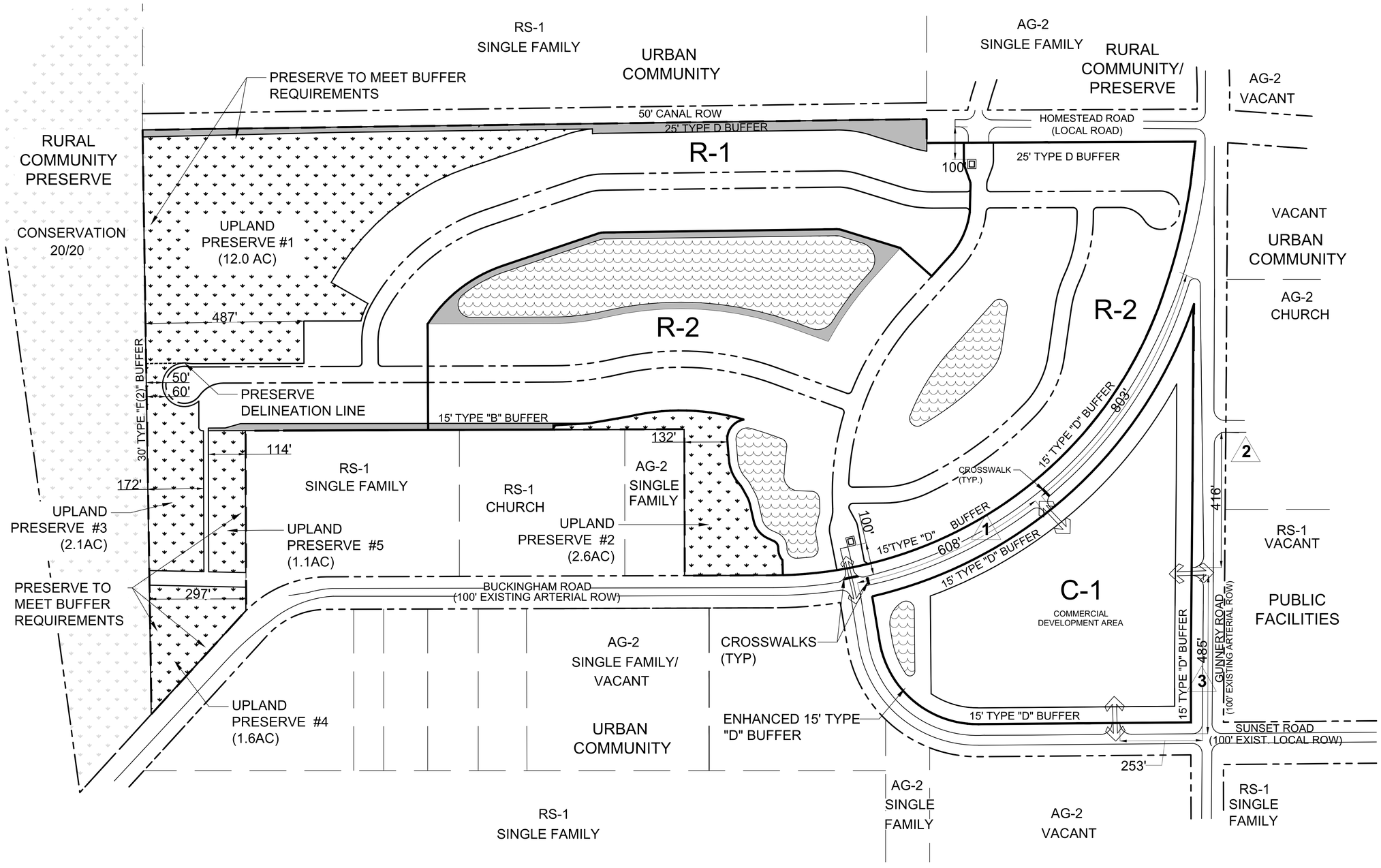
PARCEL "C" AND LOTS 1, 2, 12, 13, 14, 15, 16, 17, 18, 19, 20 AND 21, BLOCK 40, PLAT OF BUCKINGHAM PARK SOUTH SECTION, A SUBDIVISION, LOCATED IN SECTION 21, TOWNSHIP 44, RANGE 26 EAST AS RECORDED IN PLAT BOOK 9, PAGE 99, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

## STRAP NUMBER

21-44-26-01-00040.0170

21-44-26-01-00040.0010

# Exhibit B




## Legend

**R-1 : Residential**
**R-2 : Residential**
**C-1: Commercial**

**1** **Deviation Location**

**Open Space**

**Indigenous Area**

**Water Management / Lakes**

**Entry Gate**

PROJECT:

BENTLEY
CROSSINGS
MIXED USE
PLANNED
DEVELOPMENT

LOCATION:

7990, 7431, 7350
BUCKINGHAM ROAD
FORT MYERS, FL. 33905

CLIENT:

BENTLEY
BUCKINGHAM, LLC

CONSULTANT:

MORRIS DEPEW
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS
FL CA NO. 6532 / FL CERT NO. LB6891 / LC26000330

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Tallahassee, Florida 32301
Toll free: 866-337-7341

**Destin**
5597 Highway 98
Unit 201
Santa Rosa Beach, Florida 32459
Toll free: 866-337-7341

PREPARED BY:

| REVISIONS | DATE |
|---|---|
| OPTION B - REV 01 | - |
| OPTION B - REV 02 | - |

| | |
|---|---|
| PROJECT MANAGER: | TME |
| DRAWING BY: | TDM |
| JURISDICTION: | LEE COUNTY |
| DATE: | 10/20/2021 |

SHEET TITLE:

MASTER
CONCEPT PLAN

SHEET NUMBER: 1 OF 2

N ## 0 ## ##
SCALE 1"=##'

JOB/FILE NUMBER: 20008

© COPYRIGHT MORRIS-DEPEW ASSOCIATES, INC. 2021 ALL RIGHTS RESERVED G:\20008 - LSI - Bentley Crossing\Plans\20008-02 MCP\Current Plans\20008-LSI Buffer Exhibit - OPTION B.dwg - Sheet 1> - Oct 20 2021 10:11:50 am PLOTTED BY: mlicolino

## Notes:

1. **Proposed is a rezoning from AG-2 to a Mixed Use Planned Development to permit 283 dwelling units and 110,000 square feet of commercial uses.**
2. **Future Land Use Designation:**
   **Urban Community**
3. **The project will connect to Florida Goverment Utility Authority for water & sewer service.**
4. **The property is not located on a public transit (Lee Tran) route.**
5. **All internal roads will have sidewalks on one side of the road.**
6. **Property adjacent to public roadway will provide sidewalks and bicycle paths in compliance with Chapter 10 of the Land Development Code and County administrative code.**

## Open Space Calculations:

| AREA | APPROX. ACREAGE | REQUIRED RESIDENTIAL OPEN SPACE 40% | REQUIRED COMMERCIAL OPEN SPACE 30% | REQUIRED OPEN SPACE | REQUIRED INDIGENOUS OPEN SPACE | CREDIT % APPLIED | ADDITIONAL 10% CREDIT PER LDC 10-415(b)(3)(b) | CREDIT ACREAGE PROVIDED | PROVIDED INDIGENOUS PRESERVE | PROVIDED OPEN SPACE |
|---|---|---|---|---|---|---|---|---|---|---|
| NORTH PARCEL | 80.9 | | | | | | | | | |
| SOUTH PARCEL | 14.7 | | | | | | | | | |
| TOTAL ACREAGE | 95.6 | | | | | | | | | |
| RESIDENTIAL AREA | 80.9 | 32.4 | | | | | | | | 3.5 |
| COMMERCIAL AREA | 14.7 | | 4.4 | | | | | | | 0.44 |
| REQUIRED OPEN SPACE | | | | 36.8 | 18.4 | | | | | |
| LAKES** | 8.3 | | | | | | | | | 8.0 |
| UPLAND PRESERVE #1 | 12.0 | | | | | 150%* | +10%**** | 7.2 | 19.2 | |
| UPLAND PRESERVE #2 | 2.6 | | | | | | | | 2.6 | |
| UPLAND PRESERVE #3 | 2.1 | | | | | | | | 2.1 | |
| UPLAND PRESERVE #4 | 1.6 | | | | | | | | 1.6 | |
| UPLAND PRESERVE #5 | 1.1 | | | | | | | | 1.1 | |
| INDIGENOUS PRESERVE SUBTOTAL | 19.4 | | | | | | | | | |
| INDIGENOUS PRESERVE W/ CREDIT SUBTOTAL | | | | | | | | | 26.6 | 26.6 |
| TOTAL PROVIDED OPEN SPACE *** | | | | | | | | | | 38.5 |

* ADDITIONAL OPEN SPACE CREDIT APPLIED PER SECTION 10-415(a)

** TWENTY-FIVE PERCENT (25%) OF REQUIRED OPEN SPACE MAY BE COMPRISED OF LAKE AREA

***TOTAL PROVIDED OPEN SPACE EQUALS PROVIDED OPEN SPACE FROM RESIDENTIAL & COMMERICAL OPEN SPACE & LAKES IN ADDITION TO PROVIDED INDIGENOUS OPEN SPACE WITH CREDIT.

****UPLAND PRESERVE IS CONNECTED TO OFFSITE PUBLIC OR PRIVATE ENVIRONMENTAL CONSERVATION OR PRESERVE AREAS LDC 10-415(b)(3)(b)(2)

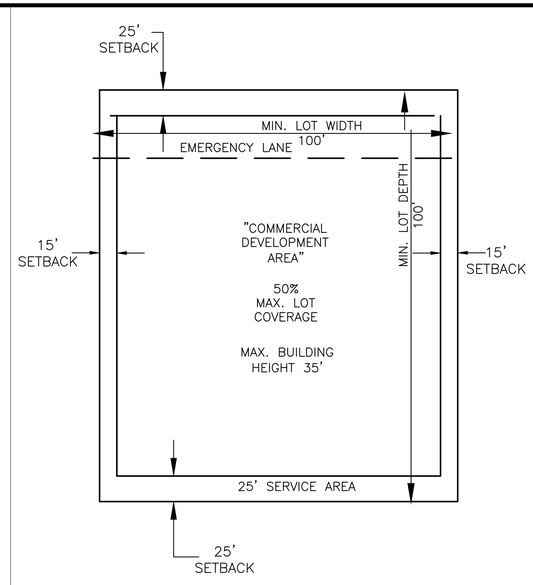
**OPEN SPACE REQUIREMENT**
40% OF RESIDENTIAL AREA = 32.4 ACRES
30% OF COMMERCIAL AREA = 4.4 ACRES
TOTAL REQUIRED OPEN SPACE =36.8 ACRES
PER SEC. 10-415

| | Required | Provided |
|---|---|---|
| Open Space | 36.8 AC | 38.5 AC |

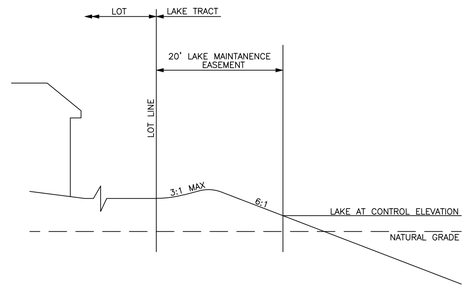
**INDIGENOUS REQUIREMENT**
1/2 of REQUIRED OPEN SPACE
REQUIRED OPEN SPACE = 36.8 AC
PER SEC. 10-415(b)(1)(a)

| | Required | Provided |
|---|---|---|
| Open Space | 18.4 AC | 26.6 SF* |

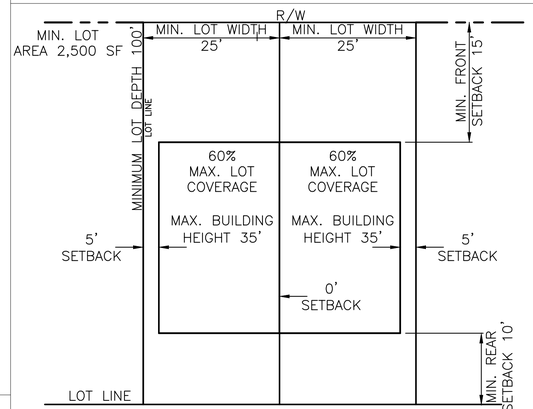
*PROVIDED INDIGENOUS INCLUDES CREDITS.
SEE CHART ABOVE FOR CREDITS & CALCULATIONS



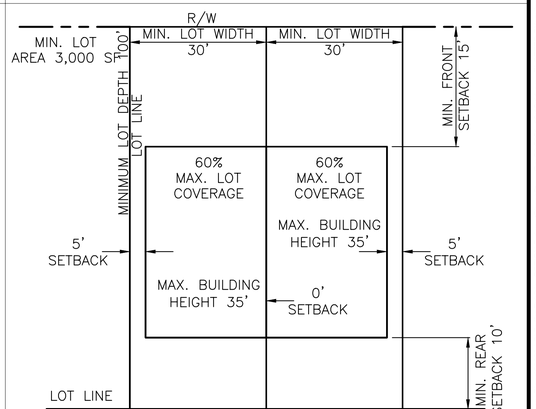

1 TYPICAL COMMERCIAL LOT N.T.S.



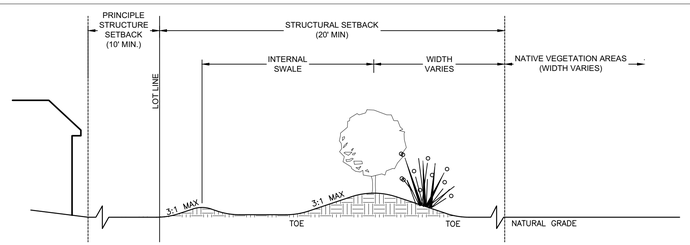

2 TYPICAL LAKES SECTION N.T.S.



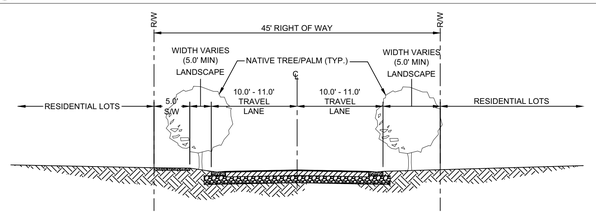

3 TYPICAL TOWNHOME N.T.S.



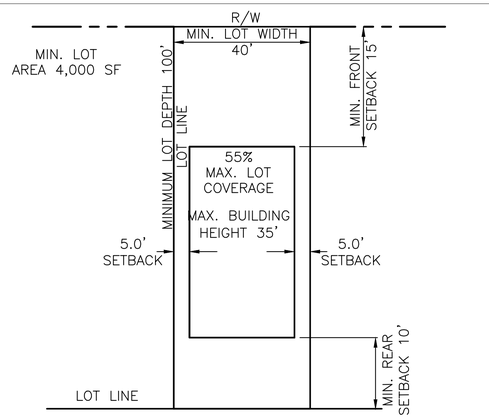

6 4 TYPICAL TWO FAMILY ATTACHED N.T.S.



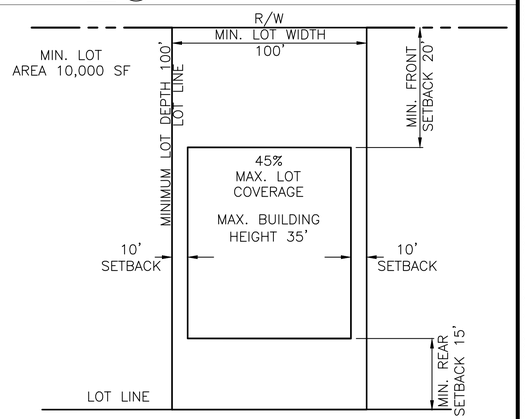

7 TYPICAL NATIVE HABITAT SETBACK DETAIL N.T.S.




7 8 INTERNAL ROAD N.T.S.




5 TYPICAL SINGLE FAMILY N.T.S.




6 TYPICAL MULTIFAMILY N.T.S.

PROJECT:

BENTLEY CROSSINGS MIXED USE PLANNED DEVELOPMENT

LOCATION:

7990, 7431, 7350
BUCKINGHAM ROAD
FORT MYERS, FL. 33905

CLIENT:

BENTLEY BUCKINGHAM, LLC

CONSULTANT:
MORRIS DEPEW
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS
FL CA NO. 6532 / FL CERT NO. LB6891 / LC26000330

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Toll free: 866-337-7341

PREPARED BY:

| REVISIONS | DATE |
|---|---|
| OPTION B - REV 01 | - |
| OPTION B - REV 02 | - |

| | |
|---|---|
| PROJECT MANAGER: | TME |
| DRAWING BY: | TDM |
| JURISDICTION: | LEE COUNTY |
| DATE: | 10/20/2021 |

SHEET TITLE:

MASTER CONCEPT PLAN

SHEET NUMBER: 2 OF 2

JOB/FILE NUMBER: 20008

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# Exhibit C

ADMINISTRATIVE AMENDMENT (PD) ADD2020-00141(A)

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

**NOTE**: This resolution has been amended to revise certain conditions of approval associated with the subject request to be consistent with revisions to the aforementioned conditions proposed by the applicant. Revisions are noted in ~~strikethrough~~/underline format.

WHEREAS, Charles Idelson of Bentley Buckingham, LLC filed an application for an administrative amendment to the Bentley Crossings Mixed Use Planned Development (MPD) to amend the approved Master Concept Plan and certain conditions of approval and to request two additional deviations affecting property located 7350 & 7990 Buckingham Road; and

WHEREAS, the applicant has indicated that the properties' current STRAP numbers are 21-44-26-01-00040.0010 and 21-44-26-01-00040.0170 (see Exhibit "A"); and

WHEREAS, the property was originally rezoned to Mixed Use Planned Development (MPD) in case number Z-15-015; and

WHEREAS, the subject property is located in the Urban Community Future Land Use Category as designated by the Lee Plan; and

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

WHEREAS, Resolution Z-15-015 approved a maximum of 283 dwelling units consisting of a maximum of 226 single-family detached dwelling units and a maximum of 57 multifamily dwelling units (see Exhibit "C"); and

WHEREAS, Resolution Z-15-015 prohibited the development of two-family attached and multifamily dwelling units in the R-1 area north of the internal road as depicted on the Master Concept Plan (see Exhibit "C"); and

WHEREAS, the applicant has filed a request to amend the schedule of uses to permit the development of two-family attached dwelling units on all residential development tracts; and

WHEREAS, the Hearing Examiner recommendation associated with the original rezoning limited development within the residential portion of the project closest to the Buckingham Community Plan Area to single-family dwelling units to assure appropriate transitions to the Buckingham Rural Community Preserve consistent with the Lee Plan; and

WHEREAS, the applicant's request narrative notes that two-family attached dwelling units are defined as "single, freestanding, conventional buildings designed as two dwelling units attached by a common wall or roof, but wherein each dwelling unit is located on a separate lot under separate ownership," thereby giving the appearance of a single-family dwelling (see Exhibit "D"); and

WHEREAS, the Lee Plan policy cited in the Hearing Examiner's recommendation at the time of the original rezoning was amended by Ordinance 18-18 to make specific reference to making appropriate transitions to the Rural Community Preserve future land use category rather than the Buckingham Rural Community Preserve; and

WHEREAS, the R-1 area to the north of the internal road depicted on the Master Concept Plan abuts the Urban Community future land use category and not the Rural Community Preserve future land use category; and

WHEREAS, lands designated Rural Community Preserve, which lie west of the subject property, are buffered from the proposed development by preserve areas and buffers in a manner consistent with the Lee Plan (see Exhibit "B"); and

WHEREAS, the request to permit two-family attached dwelling units on all development tracts is consistent with the Lee Plan, as amended; and

WHEREAS, the applicant has filed a request to amend the property development regulations associated with the proposed development to clarify the application of building height limitations (see Exhibits "D" and "F"); and

WHEREAS, the applicant proposes to establish a separate condition addressing building height limitations while deleting reference to building height limitations from the property development regulations (see Exhibit "G"); and

WHEREAS, the applicant has filed a request for a deviation from LDC Section 10-296(e)(1)i.5, which requires sidewalks along both sides of internal roadways, to allow the construction of sidewalks on one side of the proposed internal roadway (see Exhibit "H"); and

WHEREAS, the applicant's justification for the requested deviation notes the private nature of the roadway, low traffic volume, and reduced speeds within the proposed development; and

WHEREAS, the proposed Master Concept Plan provides a typical cross section depicting the proposed internal roadway design (see Exhibit "B"); and

WHEREAS, Development Services staff reviewed the requested deviation and raised no objection; and

WHEREAS, the applicant included a request for a reduction in required right-of-way width as part of the subject deviation; and

WHEREAS, LDC Section 10-296(b) establishes a minimum right-of-way width of 40 feet for privately-maintained streets with closed drainage and 45 feet for privately-maintained streets with open drainage; and

WHEREAS, the typical cross section depicts a right-of-way width of 45 feet consistent with this provision, thereby eliminating the need for this portion of the deviation request; and

WHEREAS, the applicant has filed a request for a deviation from LDC Sections 33-1434(a) and (d), which require duplexes to have a maximum of one door to directly face a street right-of-way

and requires garages to be designed for side entry or to be recessed a minimum of four feet behind the front façades or porches of a dwelling unit, to allow each building containing a two-family attached dwelling unit to have two doors facing the street right-of-way and to allow front loading, un-recessed garages for two-family attached dwelling units (see Exhibit "H"); and

WHEREAS, the applicant's justification for the requested deviation notes that the subject property will be developed with a master planned community that will provide for uniform development and that lots containing two-family attached dwelling units are of insufficient width to accommodate side entry garages while providing code-required parking; and

WHEREAS, staff has reviewed the requested deviation and has concluded that the request enhances the achievement of the objectives of the planned development and protects public health, safety, and welfare consistent with the purpose and intent of the Land Development Code; and

WHEREAS, the applicant proposes to amend Condition 29 of Resolution Z-15-015 to clarify architectural style requirements associated with the subject development (see Exhibit "G"); and

WHEREAS, the applicant proposes to amend Condition 18 of Resolution Z-15-015 to ensure consistency with the cross section depicted on the Master Concept Plan and to incorporate Condition 30 of Resolution Z-15-015 for ease of administration (see Exhibit "G"); and

WHEREAS, the modifications to Condition 18 of Resolution Z-15-015 clarify the number and type of shade trees proposed along the internal roadway consistent with the cross section depicted on the Master Concept Plan and the requested deviation from LDC Section 10-296; and

WHEREAS, Development Services staff and Environmental Zoning staff reviewed the proposed modifications and offered no objection to the request; and

WHEREAS, the proposed Master Concept Plan also corrects scrivener's errors related to maximum density, the location of proposed commercial tracts, and removes community garden locations consistent with recently adopted amendments to the Land Development Code (see Exhibits "B" and "D"); and

WHEREAS, the applicant has filed a request to remove Condition 3 of Resolution Z-15-015, which prohibits blasting, to reflect recently adopted amendments to the Land Development Code; and

WHEREAS, the subject property is located in the Lehigh Acres Community Plan Area established by the Lee Plan; and

WHEREAS, LDC Section 33-1401(a) requires the owner or agent seeking approval of a planned development zoning action to conduct a publicly-advertised public information session within the Lehigh Acres Planning Community prior to a finding of sufficiency or issuance of approval; and

WHEREAS, the applicant conducted a public information session with the Lehigh Acres Architectural, Planning, and Zoning Review Board on December 17, 2020 and has furnished the required meeting summary document in accordance with LDC Section 33-1401(b) (see Exhibit "I"); and

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

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

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to the Bentley Crossing Mixed Use Planned Development is **APPROVED, subject to the following conditions:**

1. **Development of the property must be in compliance with the amended Master Concept Plan entitled Master Concept Plan, Bentley Crossings Mixed Use Planned Development, prepared by Morris-Depew Associates, dated October 5, 2020, a reduced copy of which is attached hereto as Exhibit "B."**

2. **Condition 2.a of Resolution Z-15-015 (Schedule of Uses) is hereby amended as follows:**

**RESIDENTIAL (R-1 and R-2 areas)**
Accessory Uses and Structures
Administrative Offices
Clubs, Private
Dwelling Units
- Single-Family
- Live-Work per §34-1773 - may be allowed in any dwelling unit type, limited to the following uses:
  - Administrative Office
  - Business Services, Group I only and excluding blood banks, blood donor stations, caterers, oxygen tent services, and telephone solicitation services including call centers
  - Non-store retailer, Group I only
  - Personal Services, Group I only and limited to barber or beauty shops, clothing alterations and repair (including dressmakers, tailors, and seamstresses), and shoe repair or shoe shining services for individual customers
  - Printing and publishing
  - Specialty retail, Group I only and limited to antique or curio shops, clock or watch shops, gift, novelty and souvenir shops, jewelry stores, music stores, and novelty shops
  - Studios
- Two-Family Attached per §33-1434
- Townhouse, Multiple-Family - but not allowed in the R-1 area north of the road shown on the approved MCP

Entrance Gates and Gatehouses (Gatehouses limited to 1 for the entire MPD) Essential Services
Essential Service Facilities, Group I only

ADD2020-00141 Lee County ePlan

Excavation, Water Retention
Fences, Walls
Home Occupation
Model Homes, Model Display Center, Model Units - limited to 6 models (Also see Condition 12)
Parking Lot, Accessory
Real Estate Sales Office - see Condition 12 of Resolution Z-15-015
Recreation Facilities, Private on site
Recreation Facilities, Personal
Signs, Per LDC Chapters 30 and 33
Temporary Uses

**COMMERCIAL (C-1 area)**

*Remains unchanged (see Resolution Z-15-015)*

3. **Condition 2.b of Resolution Z-15-015 (Site Development Regulations) is hereby amended as follows:**

**Single-Family**

**Minimum Lot Area and Dimensions**

| | |
|---|---|
| Lot Size: | 4,000 square feet |
| Lot Width: | 40 feet |
| Lot Depth: | 100 feet |

**Minimum Setbacks**

| | |
|---|---|
| Street: | 15 feet |
| Side: | 5 feet |
| Rear: | 10 feet |
| Water body: | 25 feet |
| All Accessory Uses: | Per §34-1171 et seq. |

**Other Property Regulations**

| | |
|---|---|
| Minimum Building Separation: | 10 feet |
| Maximum Lot Coverage: | 55 percent |
| Maximum Building Height | 35 feet (see Condition 7 herein) |

**Two-Family Attached**

**Minimum Lot Area and Dimensions**

| | |
|---|---|
| Lot Size: | 3,000 square feet |
| Lot Width: | 30 feet |
| Lot Depth: | 100 feet |

**Minimum Setbacks**

| | |
|---|---|
| Street: | 15 feet |
| Side: | 0 (internal) or 5 feet |
| Rear: | 10 feet |
| Water body: | 25 feet |
| All Accessory Uses: | Per §34-1171 et seq. |
| Minimum Perimeter Setback: | 25 feet |

**Other Property Regulations**

| | |
|---|---|
| Minimum Building Separation: | 10 feet |
| Maximum Lot Coverage | 60 percent |
| Maximum Building Height | 35 feet (see Condition 7 herein) |

**Townhouse**

**Minimum Lot Area and Dimensions**

| | |
|---|---|
| Lot Size: | 2,500 square feet |
| Lot Width: | 25 feet |
| Lot Depth: | 100 feet |

**Minimum Setbacks**

| | |
|---|---|
| Street: | 15 feet |
| Side: | 0 (internal) or 5 feet |
| Rear: | 10 feet |
| Water body: | 25 feet |
| All Accessory Uses: | Per §34-1171 et seq. |
| Minimum Perimeter Setback: | 25 feet |

**Other Property Regulations**

| | |
|---|---|
| Minimum Building Separation: | 10 feet |
| Maximum Lot Coverage | 60 percent |
| Maximum Building Height | 35 feet (see Condition 7 herein) |

**Multiple-Family**

**Minimum Lot Area and Dimensions**

| | |
|---|---|
| Lot Size: | 10,000 square feet |
| Lot Width: | 100 feet |
| Lot Depth: | 100 feet |

**Minimum Setbacks**

| | |
|---|---|
| Street: | 20 feet |
| Side: | 10 feet |
| Rear: | 15 feet |
| Water body: | 25 feet |
| All Accessory Uses: | Per §34-1171 et seq. |
| Minimum Perimeter Setback: | 25 feet |

**Other Property Regulations**

| | |
|---|---|
| Minimum Building Separation: | 20 feet |
| Maximum Lot Coverage | 45 percent |
| Maximum Building Height | 35 feet (see Condition 7 herein) |

**Residential Amenities, Clubs, Recreational Buildings within R-1 and R-2**

**Minimum Lot Area and Dimensions**

| | |
|---|---|
| Lot Size: | 10,000 square feet |
| Lot Width: | 100 feet |
| Lot Depth: | 100 feet |

**Minimum Setbacks**

| | |
|---|---|
| Street: | 15 feet |
| Side: | 10 feet |
| Rear: | 10 feet |
| Water body: | 25 feet |
| All Accessory Uses: | Per §34-1171 et seq. |
| Minimum Perimeter Setback: | 25 feet |

**Other Property Regulations**

| | |
|---|---|
| Minimum Building Separation: | 20 feet |
| Maximum Lot Coverage | 60 percent |
| Maximum Building Height | 35 feet (see Condition 7 herein) |

**Commercial C-1**

*Remains unchanged (see Resolution Z-15-015)*

4. **Condition 3 of Resolution Z-15-015 (No Blasting) is hereby deleted.**

5. **Condition 18 of Resolution Z-15-015 (Pedestrian-Friendly Design) is hereby amended as follows:**

The development must be designed with all of the following design elements:

a. Traffic calming measures within internal roadways, including but not limited to speed bumps or tables, raised pedestrian crossings, street trees and pedestrian-friendly landscaping; street furniture; or the use of pavers and contrasting materials within the roadways.

b. An internal sidewalk~~/shared-use path network~~, on one side of the internal roads not less than 5 feet in width, connecting the ~~residential uses to the commercial uses and providing a safe means of connecting~~ internal uses ~~and buildings with adjacent uses~~. Such facilities must be shown on the approved MCP and included in local development order plans as part of construction of the project's infrastructure.

ADD2020-00141 Lee County ePlan

c. Streetscaping is required adjacent to the sidewalks and paths along the internal roadways within the residential areas of this development. A planting strip must be provided between the roadway and the sidewalk/path not less than 5 feet in width with not less than 2 shade trees per 100 linear feet. All plantings must be native vegetation, consistent with species types within the Land Development Code. Palms are prohibited.

d. A minimum of two pedestrian plazas must be provided within the MPD. For purposes of this condition, a pedestrian plaza is a public space created around walking accessible areas, within roadway roundabouts or at major intersections. Pedestrian plazas will serve to improve the overall aesthetic of the development, assisting in interconnections between the neighborhoods, and access to the commercial area to the south. Pedestrian plazas should consist of both landscape and hardscape features and encompass an area of not less than 500 square feet per plaza. At least two shade trees must be a feature of each plaza.

e. Bicycle racks must be provided in the commercial area, near amenities and in the multifamily areas.

f. Sidewalks~~/shared-use paths~~ must be provided along the project's side of adjacent public roads.

g. In addition to the crosswalk across Buckingham Road between the commercial and residential portions of the project, if determined appropriate by the Director of DCD, the developer must provide external crosswalks across Sunset Road to create pedestrian/bicycle connections between the commercial area and the surrounding Neighborhood Node and residential areas.

6. **Condition 29 of Resolution Z-15-015 (Architectural Consistency) is hereby amended as follows:**

   The commercial and residential development must be constructed with a unified architectural style to include components described generally as either Old Florida, Key West, Colonial Revival, Coastal, Low Country, Craftsman, or other similar style deemed compatible with or complementary to these styles. No distinct vernacular style need incorporate all of these components, but rather are encouraged to be creative in the application of these styles to modern building techniques and technologies.

7. **Condition 30 of Resolution Z-15-015 (Streetscaping) is hereby deleted.**

8. **Maximum building height is limited to 25 feet within 50 feet of the north perimeter boundary in the R-1 development area and within 100 feet of the north perimeter boundary in the R-2 development area.**

9. **Deviation (6), which seeks relief from LDC Sections 33-1434(a) and (d), which require duplexes to have a maximum of one door to directly face a street right-of-way and requires garages to be designed for side entry or to be recessed a minimum of four feet behind the front façades or porches of a dwelling unit, to allow each building**

**containing a two-family attached dwelling unit to have two doors facing the street right-of-way and to allow front loading, un-recessed garages for two-family attached dwelling units, is hereby APPROVED.**

10. **Deviation (7), which seeks relief from LDC Section 10-296(e)(1)i.5, which requires sidewalks along both sides of internal roadways, to allow the construction of sidewalks on one side of the proposed internal roadway, is hereby APPROVED.**

11. **The terms and conditions of the original zoning resolutions remain in full force and effect.**

12. **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**

Duly passed, adopted, and electronically signed on 2/12/2021

Anthony R. Rodriguez, AICP, Principal Planner, Interim Zoning Manager

List of Exhibits
Exhibit A: STRAP numbers
Exhibit B: Master Concept Plan
Exhibit C: Resolution Z-15-015
Exhibit D: Applicant Request Narrative
Exhibit E: Applicant Proposed Schedule of Uses
Exhibit F: Applicant Proposed Property Development Regulations
Exhibit G: Applicant Proposed Conditions
Exhibit H: Applicant Proposed Schedule of Deviations
Exhibit I: Public Information Session Summary

# EXHIBIT A

CASE NUMBER: ADD2020-00141

STRAP NUMBERS

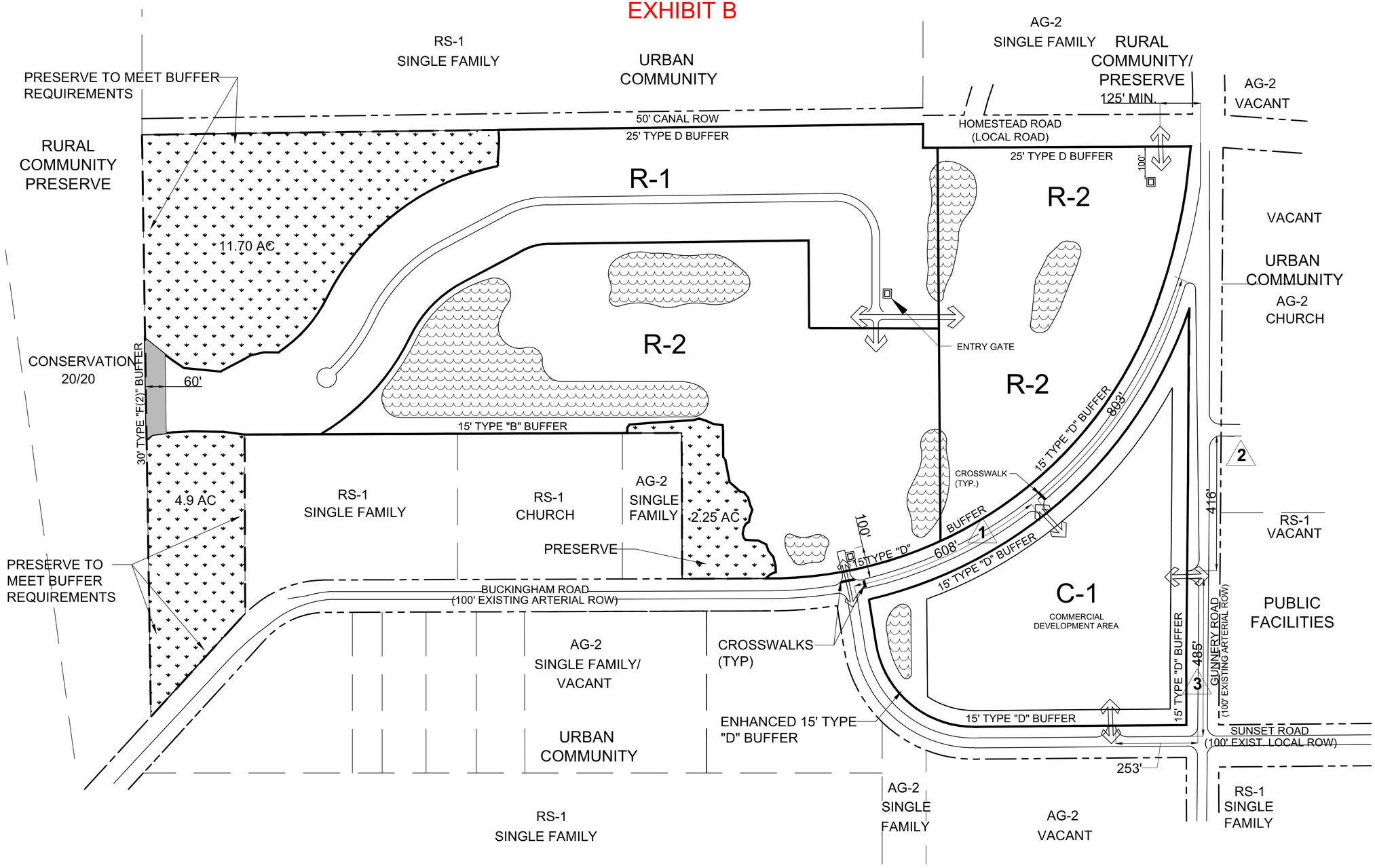
21-44-26-01-00040.0010

21-44-26-01-00040.0170

***REVIEWED***
***ADD2020-00141***
***Daniel Munt, Planner***
***Lee County DCD***
***11/17/2020***

ADD2020-00160 Lee County ePlan

# EXHIBIT B




## Legend

**R-1 : Residential**
**R-2 : Residential**
**C-1: Commercial**

**1** **Deviation Location**

**Open Space**

**Indigenous Area**

**Water Management**

**Entry Gate**

PROJECT:

BENTLEY CROSSINGS MIXED USE PLANNED DEVELOPMENT

LOCATION:

7990, 7431, 7350
BUCKINGHAM ROAD
FORT MYERS, FL. 33905

CLIENT:

BENTLEY BUCKINGHAM, LLC

CONSULTANT:

MORRIS DEPEW

ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS
FL CA NO. 6532 / FL CERT NO. LB6891 / LC26000330

**Fort Myers**
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(239) 337-3993
Fax: (239) 337-3994
Toll free: 866-337-7341

**Tallahassee**
113 South Monroe Street
1st Floor
Tallahassee, Florida 32301
Toll free: 866-337-7341

**Destin**
5597 Highway 98
Unit 201
Santa Rosa Beach, Florida 32459
Toll free: 866-337-7341

| REVISIONS | DATE |
|---|---|
| OPTION B - REV 01 | - |
| OPTION B - REV 02 | - |

| | |
|---|---|
| PROJECT MANAGER: | TME |
| DRAWING BY: | TDM |
| JURISDICTION: | LEE COUNTY |
| DATE: | 10/5/2020 |

SHEET TITLE:

MASTER CONCEPT PLAN

SHEET NUMBER: 1 OF 2

SCALE 1"=##'

JOB/FILE NUMBER: 20008

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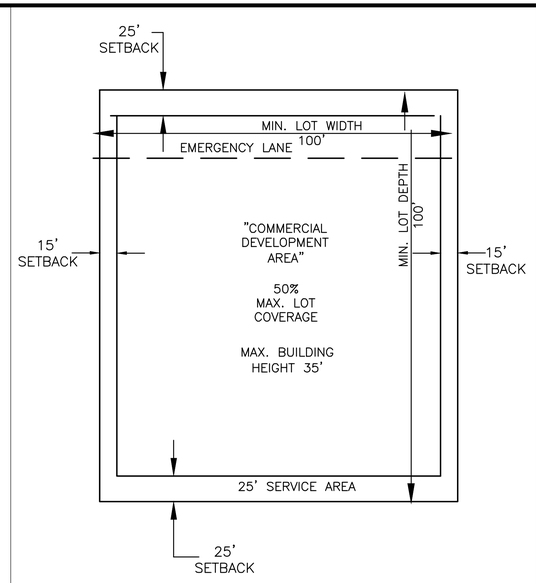
ADD2020-00160 Lee County ePlan

## Notes:

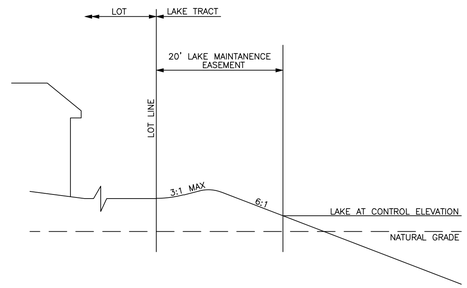
1. **Proposed is a rezoning from AG-2 to a Mixed Use Planned Development to permit 283 dwelling units and 110,000 square feet of commercial uses.**
2. **Future Land Use Designation:**
   **Urban Community**
3. **The project will connect to Florida Goverment Utility Authority for water & sewer service.**
4. **The property is not located on a public transit (Lee Tran) route.**
5. **All internal roads will have sidewalks on one side of the road.**
6. **Property adjacent to public roadway will provide sidewalks and bicycle paths in compliance with Chapter 10 of the Land Development Code and County administrative code.**

## Open Space Calculations:

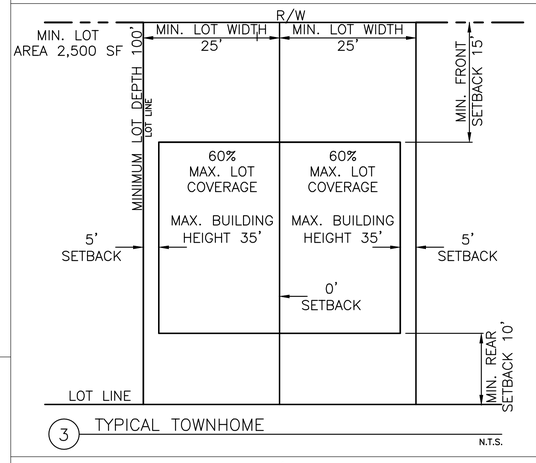
| Area | Approx. Acreage | Required Indigenous Preserve | Provided Indigenous Preserve | Required Open Space | Provided Open Space |
|---|---|---|---|---|---|
| North Parcel | 80.9 | | | | |
| South Parcel | 14.7 | | | | |
| **TOTAL PROPERTY ACREAGE** | 95.6 | | | | |
| Residential Area | 80.9 | | | 32.4 | 3.2 |
| Commercial Area | 14.7 | | | 4.4 | 0.44 |
| Lakes* | 7.7 | | | | 7.7 |
| Indigenous Upland Credit** | 2.25 | | 2.25 | | 2.8 |
| Indigenous Upland Credit #2** | 11.7 | | 11.7 | | 17.6 |
| Indigenous Upland Credit #3** | 4.9 | | 4.9 | | 7.4 |
| TOTAL | | 18.4 | 18.9 | 36.8*** | 39.1 |
| * Per 10-415(d)(2) proposed stormwater management areas may offset up to 25% of the required open space | | | | | |
| ** Per 10-415(b)(3) incentive to preserve indigenous native upland plant communities | | | | | |
| *** Per 10-415(a) Residential developments will provide 40% open space and Commercial 30% | | | | | |



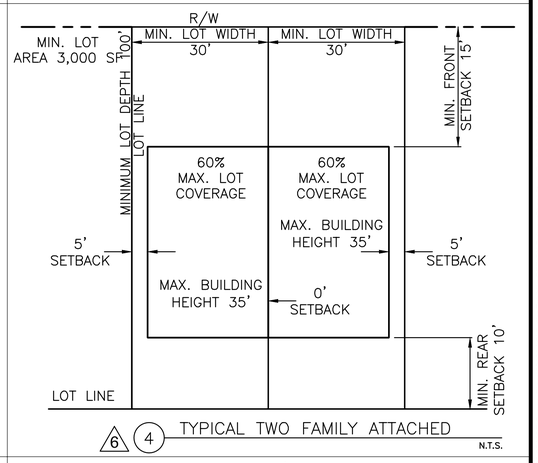

1 TYPICAL COMMERCIAL LOT N.T.S.



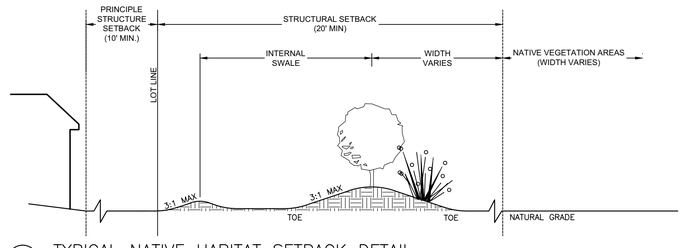

2 TYPICAL LAKES SECTION N.T.S.



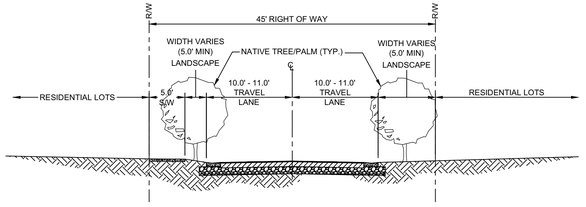

3 TYPICAL TOWNHOME N.T.S.



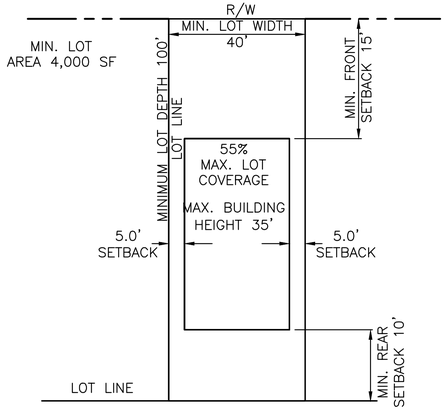

6 4 TYPICAL TWO FAMILY ATTACHED N.T.S.



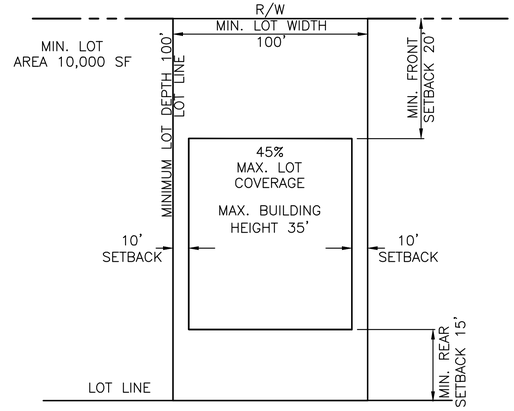

7 TYPICAL NATIVE HABITAT SETBACK DETAIL N.T.S.




7 8 INTERNAL ROAD N.T.S.




5 TYPICAL SINGLE FAMILY N.T.S.




6 TYPICAL MULTIFAMILY N.T.S.

PROJECT:

BENTLEY CROSSINGS MIXED USE PLANNED DEVELOPMENT

LOCATION:

7990, 7431, 7350
BUCKINGHAM ROAD
FORT MYERS, FL. 33905

CLIENT:

BENTLEY BUCKINGHAM, LLC

CONSULTANT:
MORRIS DEPEW
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS
FL CA NO. 6532 / FL CERT NO. LB6891 / LC26000330

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Tallahassee, Florida 32301
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5597 Highway 98
Unit 201
Santa Rosa Beach, Florida 32459
Toll free: 866-337-7341

| REVISIONS | DATE |
|---|---|
| OPTION B - REV 01 | - |
| OPTION B - REV 02 | - |

| | |
|---|---|
| PROJECT MANAGER: | TME |
| DRAWING BY: | TDM |
| JURISDICTION: | LEE COUNTY |
| DATE: | 10/5/2020 |

SHEET TITLE:

MASTER CONCEPT PLAN

SHEET NUMBER: 2 OF 2

JOB/FILE NUMBER: 20008

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# EXHIBIT C

RESOLUTION NUMBER Z-15-015

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

WHEREAS, Max Lummis filed an application on behalf of the property owner, Buckingham Village LLC to rezone a 95.6± acre parcel from Agricultural (AG-2) to Mixed Use Planned Development (MPD) in reference to Bentley Crossings; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Laura B. Belflower, was advertised and held on August 26, 2015 and August 27, 2015. On August 27, 2015, the Hearing Examiner continued the hearing until October 1, 2015. On October 1, 2015, the public hearing was held; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2014-00005 and recommended APPROVAL of the Request; and

WHEREAS, a second public hearing was advertised and held on January 6, 2016, before the Lee County Board of Commissioners; and,

WHEREAS, the Lee County Board of Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone 95.6± acres from AG-2 to MPD to permit a maximum of 110,000 square feet of commercial uses and a maximum of 283 residential dwelling units.

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

SECTION B. CONDITIONS:

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

1. Development of this project must be substantially consistent with the two-page Master Concept Plan (MCP) entitled "Bentley Crossings Mixed Used Planned Development, Master Concept Plan **OPTION B**," prepared by Morris Depew, dated 06/24/2015, last revised 06/24/2015 and date-stamped "2016 Jan -8 AM 7:31 Received by Lee Co. Attorney," and attached hereto as Exhibit "C," except as modified by the conditions below.



010616 Z

ADD2020-00150 Lee County ePlan

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

Project intensity is limited to a maximum of 283 dwelling units, which may be a mix of residential single-family and multi-family, with not more than 226 dwelling units to be configured as single-family detached and not more than 57 dwelling units to be configured as multi-family, and a maximum of 80,000 square feet of commercial retail floor area, and 30,000 square feet of office – which can include up to a maximum of 20,000 square feet of medical office.

2.a. **Schedule of Uses**

The following limits apply to the project and uses:

**RESIDENTIAL (R-1 and R-2 areas)**

Accessory Uses and Structures
Administrative Offices
Clubs, Private
Community Gardens per §34-1716
Dwelling Units
- Single-Family
- Live-Work per §34-1773 – may be allowed in any dwelling unit type, limited to the following uses:
  - Administrative Office
  - Business Services, Group I only and excluding blood banks, blood donor stations, caterers, oxygen tent services, and telephone solicitation services including call centers
  - Nonstore retailer, Group I only
  - Personal Services, Group I only and limited to barber or beauty shops, clothing alterations and repair (including dressmakers, tailors, and seamstresses), and shoe repair or shoe shining services for individual customers
  - Printing and publishing
  - Specialty retail, Group I only and limited to antique or curio shops, clock or watch shops, gift, novelty and souvenir shops, jewelry stores, music stores, and novelty shops
  - Studios
- Two-Family Attached per §33-1434 – but not allowed in the R-1 area north of the road shown on the approved MCP
- Townhouse, Multiple-Family – but not allowed in the R-1 area north of the road shown on the approved MCP

Entrance Gates and Gatehouses (Gatehouses limited to 1 for the entire MPD)
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention
Fences, Walls

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Home Occupation
Model Homes, Model Display Center, Model Units – limited to 6 models (Also see Condition 12)
Parking Lot, Accessory
Real Estate Sales Office – see Condition 12
Recreation Facilities, Private on site
Recreation Facilities, Personal
Signs, Per LDC Chapters 30 and 33
Temporary Uses

**COMMERCIAL (C-1 area)**

Accessory Uses and Structures
Administrative Offices
Animal Clinic – no outdoor runs
ATM
Auto Parts Store
Bait and Tackle Shop
Banks and Financial Establishments, Group I only
Boat Parts Store
Business Services, Group I only
Cleaning and Maintenance Services
Clothing Stores, General
Clubs, Commercial, Fraternal, Private
Computer and Data Processing Services
Consumption on Premises – See Condition 13
Convenience Food and Beverage Store, per §34-1353, limited to 1 for the entire MPD, 6,200 square feet maximum floor area for the entire MPD
Cultural Facility
Day Care, Child, Adult
Department Store
Drive-Through Facility for any permitted use
Drugstore, Pharmacy
EMS, Fire or Sheriff's Office
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention
Fences, Walls
Food Store, Group I only
Gift and Souvenir Shop
Hardware Store
Health Care Facilities, Groups I and III
Hobby Toy and Game Shops
Household and Office Furnishings, Groups I and II
Insurance Companies
Medical Office
Motion Picture Production Studio
Non-Store Retailers, Groups I, II and III
Paint Glass and Wallpaper

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Parcel and Express Services
Parking Lot, Accessory
Personal Services, Groups I, II and III Pet Shop – no outdoor runs
Post Office
Place of Worship Photofinishing Laboratory
Printing and Publishing
Religious Facilities
Repair Shops, Group I only
Restaurants, Fast Food – stand-alone fast food limited to 2 for the entire MPD
Restaurants, Groups II and III
Schools, Commercial
Self-service Fuel Pumps – limited to a maximum of 16 pumps and an accessory use to a Convenience Food and Beverage store only
Signs, per LDC Chapters 30 and 33
Social Services, Group I only
Specialty Retail Shops, Groups I and II
Studios
Temporary Uses
Theatre, Indoor
Used Merchandise Stores, Groups I and II
Variety Store

2.b. **Site Development Regulations**

**Residential**

**Single-Family**

**Minimum Lot Areas and Dimensions**

| | |
|---|---|
| Lot Size: | 4,000 square feet |
| Lot Width: | 40 feet |
| Lot Depth: | 100 feet |

**Minimum Setbacks**

| | |
|---|---|
| Street: | 15 feet |
| Side: | 7.5 feet |
| Rear: | 10 feet |
| Water body: | 25 feet |
| Preserve: | 30 feet |
| All Accessory Uses: | Per §34-1171 *et seq.* |
| Minimum Perimeter Setback: | 25 feet |

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**Other Property Regulations**

| | |
|---|---|
| Minimum Building Separation: | 15 feet |
| Maximum Lot Coverage: | 45 percent |
| Maximum Building Height: | 35 feet, except: |

Within 50 feet of the north and west property boundaries in R-1, height will be limited to 25 feet; and

Within 100 feet of the north property boundary in R-2, height will be limited to 25 feet.

**Two-Family Attached**

**Minimum Lot Areas and Dimensions**

| | |
|---|---|
| Lot Size: | 3,000 square feet |
| Width: | 30 feet |
| Lot Depth: | 100 feet |

**Minimum Setbacks**

| | |
|---|---|
| Street: | 15 feet |
| Side: | 0 (internal) or 5 feet |
| Rear: | 10 feet |
| Water body: | 25 feet |
| Preserve: | 30 feet |
| All Accessory Uses: | Per §34-1171 *et seq.* |
| Minimum Perimeter Setback: | 25 feet |

**Other Property Regulations**

| | |
|---|---|
| Minimum Building Separation: | 10 feet |
| Maximum Lot Coverage: | 60 percent |
| Maximum Building Height: | 35 feet, except: |

Within 50 feet of the north and west property boundaries in R-1, height will be limited to 25 feet; and

Within 100 feet of the north property boundary in R-2, height will be limited to 25 feet.

**Townhouse**

**Minimum Lot Areas and Dimensions**

| | |
|---|---|
| Lot Size: | 2,500 square feet |
| Lot Width: | 25 feet |
| Lot Depth: | 100 feet |

ADD2020-00150 Lee County ePlan

**Minimum Setbacks**

| | |
|---|---|
| Street: | 15 feet |
| Side: | 0 (internal) or 5 feet |
| Rear: | 10 feet |
| Water body: | 25 feet |
| Preserve: | 30 feet |
| All Accessory Uses: | Per §34-1171 *et seq.* |
| Minimum Perimeter Setback: | 25 feet |

**Other Property Regulations**

| | |
|---|---|
| Minimum Building Separation: | 10 feet |
| Maximum Lot Coverage: | 60 percent |
| Maximum Building Height: | 35 feet, except: |

Within 50 feet of the north and west property boundaries in R-1, height will be limited to 25 feet; and

Within 100 feet of the north property boundary in R-2, height will be limited to 25 feet.

**Multiple-Family**

**Minimum Lot Areas and Dimensions**

| | |
|---|---|
| Lot Size: | 10,000 square feet |
| Lot Width: | 100 feet |
| Lot Depth: | 100 feet |

**Minimum Setbacks**

| | |
|---|---|
| Street: | 20 feet |
| Side: | 10 feet |
| Rear | 15 feet |
| Water body: | 25 feet |
| Preserve: | 30 feet |
| All Accessory Uses: | Per §34-1171 *et seq.* |
| Minimum Perimeter Setback: | 25 feet |

ADD2020-00150 Lee County ePlan

**Other Property Regulations**

| | |
|---|---|
| Minimum Building Separation: | 20 feet |
| Maximum Lot Coverage: | 45 percent |
| Maximum Building Height: | 35 feet, except: |

Within 50 feet of the north and west property boundaries in R-1, height will be limited to 25 feet; and

Within 100 feet of the north property boundary in R-2, height will be limited to 25 feet.

**Residential Amenities, Clubs, Recreational Buildings within R-1 and R-2**

**Minimum Lot Areas and Dimensions**

| | |
|---|---|
| Lot Size: | 10,000 square feet |
| Lot Width: | 100 feet |
| Lot Depth: | 100 feet |

**Minimum Setbacks**

| | |
|---|---|
| Street: | 15 feet |
| Side: | 10 feet |
| Rear: | 10 feet |
| Water body: | 25 feet |
| Preserve: | 30 feet |
| All Accessory Uses: | Per §34-1171 *et seq.* |
| Minimum Perimeter Setback: | 25 feet |

**Other Property Regulations**

| | |
|---|---|
| Minimum Building Separation: | 20 feet |
| Maximum Lot Coverage: | 60 percent |
| Maximum Building Height: | 35 feet, except: |

Within 50 feet of the north and west property boundaries in R-1, height will be limited to 25 feet; and

Within 100 feet of the north property boundary in R-2, height will be limited to 25 feet.

**Commercial C-1**

**Minimum Lot Areas and Dimensions**

| | |
|---|---|
| Lot Size: | 10,000 square feet |
| Lot Width: | 100 feet |
| Lot Depth: | 100 feet |

ADD2020-00150 Lee County ePlan

**Minimum Setbacks**

| | |
|---|---|
| Street: | 25 feet |
| Side: | 15 feet |
| Rear: | 20 feet |
| Water body: | 25 feet |
| Preserve: | 30 feet |
| All Accessory Uses: | Per §34-1171 *et seq.* |
| Minimum Perimeter Setback: | 25 feet |

**Other Property Regulations**

| | |
|---|---|
| Minimum Building Separation: | 30 feet |
| Maximum Building Height: | 35 feet |
| Maximum Lot Coverage: | 50 percent |

3. **No Blasting**

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

4. **Concurrency**

Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

5. **Accessory Uses**

Accessory uses within the Commercial (C-1) parcels 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.

6. **Vehicular/Pedestrian Impacts**

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

7. **Lee Plan Consistency/Concurrency**

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

ADD2020-00150 Lee County ePlan

8. **Solid Waste Management**

As part of any local development order approval for vertical development, the development order plans must include facilities in compliance with §10-261 and Lee County Solid Waste Ordinance No. 11-27 for the pick-up/disposal of solid waste and recyclables. The minimum area required for, and specific locations of, these facilities will be reviewed at the time of local development order application.

9. **Utilities**

Water and sewer services are available to the site, and this development must connect to those services as part of the first local development order for the site that proposes actual construction of facilities.

10. **Agricultural Uses**

No agricultural uses exist on this site or are approved through this zoning. Community Gardens are permitted, consistent with the requirements of § 34-1716.

11. **Buffer Enhancements**

In addition to the requirements of § 33-1405, as applicable, the following conditions must also be met:

a. As part of local development order approval, all buffer plantings must be 100 percent native vegetation.

b. The MCP must depict, and the development order must provide, a buffer along the north boundary of the R-1 and R-2 areas with the following enhancements to the proposed Type "B" and Type "D" buffers: a minimum width of 25 feet, a minimum of 6 trees per 100 linear feet (which must include live oaks, no palms), scattered ground cover, and a double hedge row installed at a minimum of 36 inches in height, to be maintained at a minimum height of 60 inches after first year of growth.

c. The commercial areas will provide not less than a 15-foot wide buffer to adjacent residential uses as depicted on the MCP. All service areas will be screened from adjoining uses by the installation of architectural features, visual screens, vegetative buffers or some combination thereof.

d. The MCP must depict, and the development order must provide, an enhanced Type D buffer along the west of the C-1 parcel, shown as hatched on the MCP, with the following enhancements: a minimum width of 15 feet, a minimum of 6 trees per 100 linear feet (which must include live oaks, no palms), scattered ground cover, and a double hedge row installed at a minimum of 36 inches in height, to be maintained at a minimum height of 48 inches after the first year of growth.

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12. **Model Units/Real Estate Sales.**

a. Model homes and/or units are limited to a maximum of 6 units at one time (see Schedule of Uses).

b. Outside of commercial areas (C-1), real estate sales are limited to clubhouses, model homes, model units, temporary sales centers, temporary construction offices/trailers, and residential recreational facilities.

c. Real estate sales within the residential area will be limited to the sale of lots or units within the development only. Real estate sales in the commercial area (C-1) are not limited.

d. Hours of operation for model units and real estate sales in the residential area are limited to Monday through Sunday 8:00 a.m. to 8:00 p.m. Real estate sales in the commercial area (C-1) are not limited.

e. No dry models are permitted.

f. Single-family model homes are prohibited within 300 feet of Buckingham Road.

13. **Consumption on Premises / COP**

Consumption on Premises is a permitted use - indoor only and only in conjunction with a Group II or III Restaurant. Outdoor consumption on premises will require special exception approval (public hearing required) if within 500 feet of a religious facility, school (non- commercial), day care center (child), park, or dwelling unit under separate ownership outside the boundaries of the MPD. Measurement of distances is per §34-1264(b)(1)3. Outdoor consumption on premises otherwise may be approved by an amendment to the planned development (administrative approval or public hearing).

14. **Lighting**

Lighting of the subject property must comply with the more restrictive of §§34-625 and 33-1413, and the following requirements:

a. Provide pedestrian level lighting of building entryways.

b. Lighting must be given a distinct architectural theme that complements the building's exterior and complements the commercial, residential and amenity buildings closest to where the lighting is located. Light fixtures must complement the overall building development.

c. Provide lighting throughout all parking areas utilizing decorative light poles/fixtures. Other than pedestrian light fixtures, all other outdoor light fixtures must be fully shielded. Lighting must be directed to avoid intrusion on adjacent properties and away from adjacent thoroughfares.

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d. Lighting plans must be coordinated with landscape plans to identify and eliminate potential conflicts.

e. Buildings, awnings, roofs, windows, doors and other elements may not be designed to be outlined with light. Exposed neon and backlit awnings are prohibited. Temporary seasonal lighting during the month of December is excluded from this requirement.

f. Lighting structures are limited to a maximum height of 20 feet.

15. **Fences and Walls**

All required or proposed fences and walls must be architecturally designed to complement the proposed development. Chain link fences (if any) must be green or black to blend in with the natural preserve, environment, indigenous areas, buffers, and landscaping. Gates and fences separating the residential and commercial components within the MPD are prohibited.

16. **Signage**

The development of the subject property must include a unified, common signage plan and graphic theme throughout the project. The signage and graphic design theme must be reviewed and approved by the Lee County Department of Community Development (DCD) prior to the issuance of a local development order.

17. **Outdoor Storage/Outdoor Display**

Outdoor storage and outdoor fabrication are all prohibited in conjunction with any permitted use. Outdoor display is limited to temporary/seasonal display of merchandise for sale or rent in accordance with §34-3004. Outdoor display must be located a minimum of 50 feet from any neighboring residentially or agriculturally zoned property external to the MPD boundary.

18. **Pedestrian-Friendly Design**

The development must be designed with all of the following design elements:

a. Traffic calming measures within internal roadways, including but not limited to: speed bumps or tables, raised pedestrian crossings, street trees and pedestrian-friendly landscaping; street furniture; or the use of pavers and contrasting materials within the roadways.

b. An internal sidewalk/shared-use path network, not less than 5 feet in width, connecting the residential uses to the commercial uses and providing a safe means of connecting internal uses and buildings with adjacent uses. Such facilities must be shown on the approved MCP and included in local development order plans as part of construction of the project's infrastructure.

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c. A minimum of two pedestrian plazas must be provided within the MPD. For purposes of this condition, a pedestrian plaza is a public space created around walking accessible areas, within roadway roundabouts or at major intersections. Pedestrian plazas will serve to improve the overall aesthetic of the development, assisting in interconnections between the neighborhoods, and access to the commercial area to the south. Pedestrian plazas should consist of both landscape and hardscape features, and encompass an area of not less than 500 square feet per plaza. At least two shade trees must be a feature of each plaza.

d. Bicycle racks must be provided throughout the development.

e. Sidewalks/shared-use paths must be provided along the project's side of adjacent public roads.

f. In addition to the crosswalk across Buckingham Road between the commercial and residential portions of the project, if determined appropriate by the Director of DCD, the developer must provide external crosswalks across Sunset Road to create pedestrian/bicycle connections between the commercial area and the surrounding Neighborhood Node and residential areas.

19. **Retail Floor Area Limitations**

While individual structures may be larger in size, the maximum floor area for a single user retail store is limited to a maximum of 30,000 square feet.

20. **Table 1(c)**

Future development order approvals must satisfy the requirements of Table 1(c) of the Lee Plan "Mixed Use Overlay/Lehigh Acres Specialized Mixed Use Node Ratios." For purposes of this condition, compliance with Table 1(c) is calculated using the entire Neighborhood Mixed Use Activity Center node within which the subject property is located.

21. **Gopher Tortoises**

A final Gopher Tortoise Management Plan in conceptual compliance with the Gopher Tortoise Management Plan, dated February 2015, date-stamped "2016 Jan -8 AM 7:32 Received by Lee Co. Attorney," attached as Exhibit "D," must be provided as part of local development order approvals. The final plan must indicate also that the applicant must first seek approval for on-site preservation of the gopher tortoises through avoidance or relocation before pursuing off-site relocation options. All communication with Florida Fish and Wildlife Conservation Commission (FWC) verifying on-site avoidance or relocation attempts were made must be provided to the Lee County Division of Environmental Sciences Staff.

Prior to any construction activities, excavation, and moving of any gopher tortoises a copy of the appropriate gopher tortoise relocation permit(s) issued by the FWC must be submitted to the Lee County Division of Environmental Sciences Staff. Any gopher tortoises and commensal species found during burrow excavation must be relocated as approved by the FWC and Lee County Division of Environmental Sciences Staff.

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22. **American Alligators and Listed Wading Bird Species**

An American alligator and listed wading bird species management plan meeting the requirements of §10-474 must be provided as part of local development order approvals. The management plan must include an informational brochure for residents on living with alligators and wading birds as well as the importance of the littoral areas and adjacent preserves for providing foraging habitat. Also, the development order plans must include the location and details of signage to be located between the residential buildings and the lakes which provide warning alligators may be present and that it is dangerous and illegal to feed or harass alligators. Language concerning these requirements must also be included in the deed restrictions.

23. **Open Space**

Development order plans must depict open space in substantial compliance with the approved MCP open space calculations table.

24. **Indigenous Preserve**

Development order plans must depict indigenous preserve in substantial compliance with the approved MCP.

25. **Buffer (Single-Family Lot along Buckingham Road)**

Development order landscape plans must include a statement that: "A minor change approval is required to depict and indicate supplemental planting densities required to, at a minimum, meet the requirements of a Type B buffer within the 2.25 acre preserve which abuts the large single-family lot located adjacent to Buckingham Road."

26. **Adjacent 20/20 Conservation Lands Buffer**

As part of development order approval, landscape plans must depict a 60-foot wide west property line Type F perimeter buffer, to be planted with native vegetation compatible with the adjacent public conservation lands prescribed burn program. Highly combustible plant material such as cabbage palms, saw palmetto and wax myrtle should not be used.

Prior to prescribed burn management activities occurring on the adjacent public preserve lands, if notified by park staff, the Homeowners Association (HOA) must notify all residents of the prescribed burn activities and general education material on prescribe burn management activities must be provided. If a covenants or deed restrictions are required, the documents must include language requiring each deed holder will be informed of their purchase of a lot adjacent to public preserve land which is managed with prescribed burning and each deed holder will be presented with education material on prescribe burn management activities at the time of purchase.

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27. **No Interconnection North**

All pedestrian or vehicular connections or construction access points along the north boundary of this project are prohibited, except for the vehicular connection/ construction access point depicted on the MCP to Homestead Road.

28. **Air Strip Notification**

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

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

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

29. **Architectural Consistency**

The commercial and residential development must be constructed with a unified architectural style described generally as either Old Florida, Key West, Colonial Revival, Coastal, Low Country, Craftsman, or other similar style deemed compatible with or complimentary to these styles. No distinct vernacular style need incorporate all of the features, but rather are encouraged to be creative in the application of these styles to modern building techniques and technologies.

30. **Streetscaping**

Streetscaping is required adjacent to the sidewalks and paths along the internal roadways within the residential areas of this development. A planting strip must be provided between the roadway and the sidewalk/path not less than 5 feet in width with not less than 5 trees per 100 linear feet. All plantings must be native vegetation, with not less than 50 percent live oaks and no palms.

SECTION C. DEVIATIONS:

1. Deviation (1) **Connection Separation 1** seeks relief from the §10-285(a), Table 1 requirement to provide 660 feet of street/accessway separation on an arterial road, to allow a separation distance of ±608 feet between the intersection of Buckingham and Sunset roads and the proposed commercial access point to the east. This deviation is APPROVED.

2. Deviation (2) **Connection Separation 2** seeks relief from the §10-285(a) Table 1 requirement to provide 660 feet of street/accessway separation on an arterial road, to allow a separation distance of ±416 feet between the access drive to the existing church on the east side of Gunnery Road and the proposed commercial access point, to the south. This deviation if APPROVED.

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3. Deviation (3) **Connection Separation 3** seeks relief from the §10-285(a) Table 1 requirement to provide 660 feet of street/accessway separation on an arterial road, to allow a separation distance of ±485 feet between the intersection of Sunset and Gunnery Roads and the proposed commercial access point, to the north. This deviation if APPROVED.

4. Deviation (4) **Setbacks** seeks relief from the §34-2192(a) requirement to provide a 20-foot front setback from a private roadway, to allow a 15-foot front setback from a private roadway. This deviation is APPROVED.

5. Deviation (5) **Shared-use path width** seeks relief from the §10-1 definition of "shared use path," if the width description of 8 to 12 feet is a regulation, to allow shared use path widths as narrow as 5 feet. This deviation is APPROVED.

SECTION D. EXHIBITS:

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

Exhibit A: Legal description of the property
Exhibit B: Zoning Map (with the subject parcel indicated)
Exhibit C: The Master Concept Plan
Exhibit D: Gopher Tortoise Management Plan

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the LeePlan, specifically the applicable Lehigh Acres provisions under Goal 32, the relevant Buckingham provisions under Goal 17, and the other applicable Lee Plan provisions, including Objectives 2.1, 2.2, 2.7, and 77.3, Policies 1.1.4, 1.7.6, 2.2.1, 5.1.2, 5.1.5, 6.1.2, 6.1.3, 6.1.4, 6.1.6, and 135.9.5, and Standards 11.2, 11.2, and 11.4.

2. The rezoning, as approved:

   a. Meets the LDC, by meeting the MPD requirements, the planned development design requirements, and the other applicable LDC requirements, and qualifies for the requested deviations.

   b. Includes a mix of uses appropriate at the proposed location.

   c. Is made compatible with existing and planned uses in the surrounding area through:

      1. Limited density, housing types, and intensities;
      2. Enhanced perimeter buffering and separations;
      3. Separation of the commercial area from surrounding residential areas; and
      4. Community integrating characteristics, such as a unified architectural theme and pedestrian-friendly features.

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d. Will provide access sufficient to support the proposed development intensity and the expected impacts on existing or planned transportation facilities will be mitigated through existing County regulations or conditions of approval.

e. Will not adversely affect environmentally critical or sensitive areas and natural resources.

3. The rezoning satisfies the following criteria:

a. The proposed use or mix of uses will be served by the requisite urban services.

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

c. Includes deviations that:

1. Enhances the achievement of the objectives of the planned development; and

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

Commissioner Manning made a motion to adopt the foregoing resolution, seconded by Commissioner Hamman. The vote was as follows:

| | |
|---|---|
| John Manning | Aye |
| Cecil L Pendergrass | Nay |
| Larry Kiker | Absent |
| Brian Hamman | Aye |
| Franklin B. Mann | Aye |

DULY PASSED AND ADOPTED this 6th day of January, 2016.

ATTEST:
LINDA DOGGETT, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Franklin B. Mann, Chair

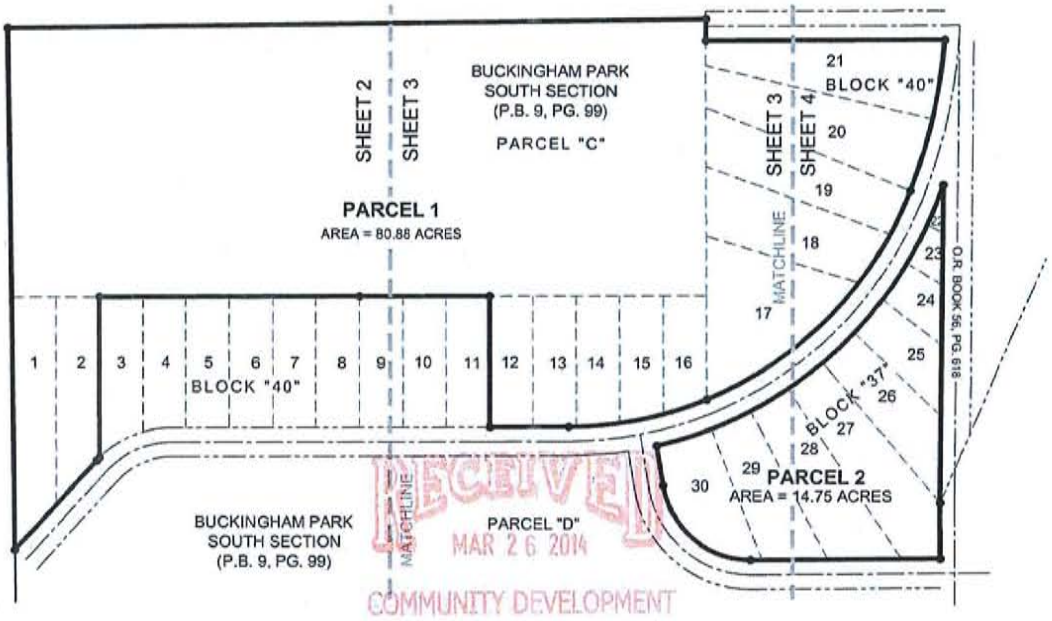
BOARD OF COUNTY COMMISSIONERS SEAL LEE COUNTY, FLORIDA

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

_____
Michael D. Jacob
Managing Assistant County Attorney
County Attorney's Office

RECEIVED
MINUTES OFFICE
2016 JAN 12 AM 8:25

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RECEIVED
MAR 26 2014
COMMUNITY DEVELOPMENT

## DESCRIPTION

DCI 2014-00005

### PARCEL 1:

PARCEL "C" AND LOTS 1 AND 2, AND ALSO LOTS 12 THROUGH 21, INCLUSIVE, BLOCK 40, BUCKINGHAM PARK, SOUTH SECTION, AS RECORDED IN PLAT BOOK 9, PAGES 99 THROUGH 101, INCLUSIVE, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
CONTAINING 80.88 ACRES, MORE OR LESS.

### PARCEL 2:

THAT PART OF LOTS 22 THROUGH 30, INCLUSIVE, BLOCK 37, BUCKINGHAM PARK, SOUTH SECTION, AS RECORDED IN PLAT BOOK 9, PAGE 99, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING WESTERLY OF THAT CERTAIN RIGHT-OF-WAY KNOWN AS GUNNERY ROAD, RECORDED IN OFFICIAL RECORDS BOOK 56, PAGE 618, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY POINT COMMON TO SAID LOTS 26 AND 27, BEING ALSO THE POINT-OF-BEGINNING OF THE DESCRIPTION FOR SAID GUNNERY ROAD; THENCE N.0°32'05"E. ALONG THE WESTERLY BOUNDARY LINE OF SAID GUNNERY ROAD RIGHT-OF-WAY, A DISTANCE OF 1092.81 FEET TO THE NORTHWESTERLY CORNER OF SAID LOT 22 TO A NON-RADIAL INTERSECTION WITH THE CURVED SOUTHEASTERLY RIGHT-OF-WAY LINE OF BUCKINGHAM ROAD, AS SHOWN ON SAID PLAT OF BUCKINGHAM PARK, SOUTH SECTION; THENCE SOUTHWESTERLY, LEAVING SAID WESTERLY RIGHT-OF-WAY LINE OF GUNNERY ROAD, ALONG SAID BUCKINGHAM ROAD RIGHT-OF-WAY LINE, BEING A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,950.00 FEET, A CENTRAL ANGLE OF 01°47'56" AND WHOSE CHORD BEARS S.20°15'14"W. FOR A DISTANCE OF 61.22 FEET, HAVING AN ARC LENGTH OF 61.22 FEET, TO A POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT; THENCE ALONG AN ARC OF SAID RIGHT-OF-WAY LINE, HAVING A RADIUS OF 1370.00 FEET, A CENTRAL ANGLE OF 55°48'35" AND WHOSE CHORD BEARS S.49°03'29"W. FOR A DISTANCE OF 1282.33 FEET, HAVING AN ARC LENGTH OF 1334.46 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF IMMOKALEE ROAD, AS SHOWN ON SAID PLAT OF BUCKINGHAM PARK, SOUTH SECTION; THENCE ALONG THE EASTERLY AND NORTHERLY RIGHT-OF-WAY LINE OF SAID IMMOKALEE ROAD FOR THE NEXT THREE (3) COURSES; S.09°04'10"E. FOR A DISTANCE OF 138.48 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 305.00 FEET, A CENTRAL ANGLE OF 81°25'34" AND WHOSE CHORD BEARS S.49°46'53"E. FOR A DISTANCE OF 397.89 FEET, HAVING AN ARC LENGTH OF 433.45 FEET; THENCE N.89°30'20"E. FOR A DISTANCE OF 654.43 FEET TO THE MOST SOUTHEASTERLY CORNER OF SAID LOT 27; THENCE N.0°08'40"W. ALONG THE EASTERLY LINE OF SAID LOT 27, A DISTANCE OF 193.00 FEET TO THE SAID POINT-OF-BEGINNING OF THIS DESCRIPTION.
CONTAINING 14.75 ACRES, MORE OR LESS.

### SURVEY NOTES:

THE DESCRIPTION SHOWN HEREON WAS PROVIDED BY THE CLIENT.
ORIENTATION IS BASED ON THE NORTH LINE OF SECTION 21 AS BEARING N.88°12' 40" E.
BEARING ARE BASED ON STATE PLANE GRID FLORIDA WEST ZONE (NAD 83).
UNLESS IT BEARS THE ORIGINAL SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, AND ALL SHEETS ARE INCLUDED, THIS MAP IS NOT VALID.
THIS IS NOT A SURVEY!

0 500
SCALE OF FEET
1" = 500'

N
W E
S

PREPARED BY

Applicant's Legal Checked by CSG 3/24/14

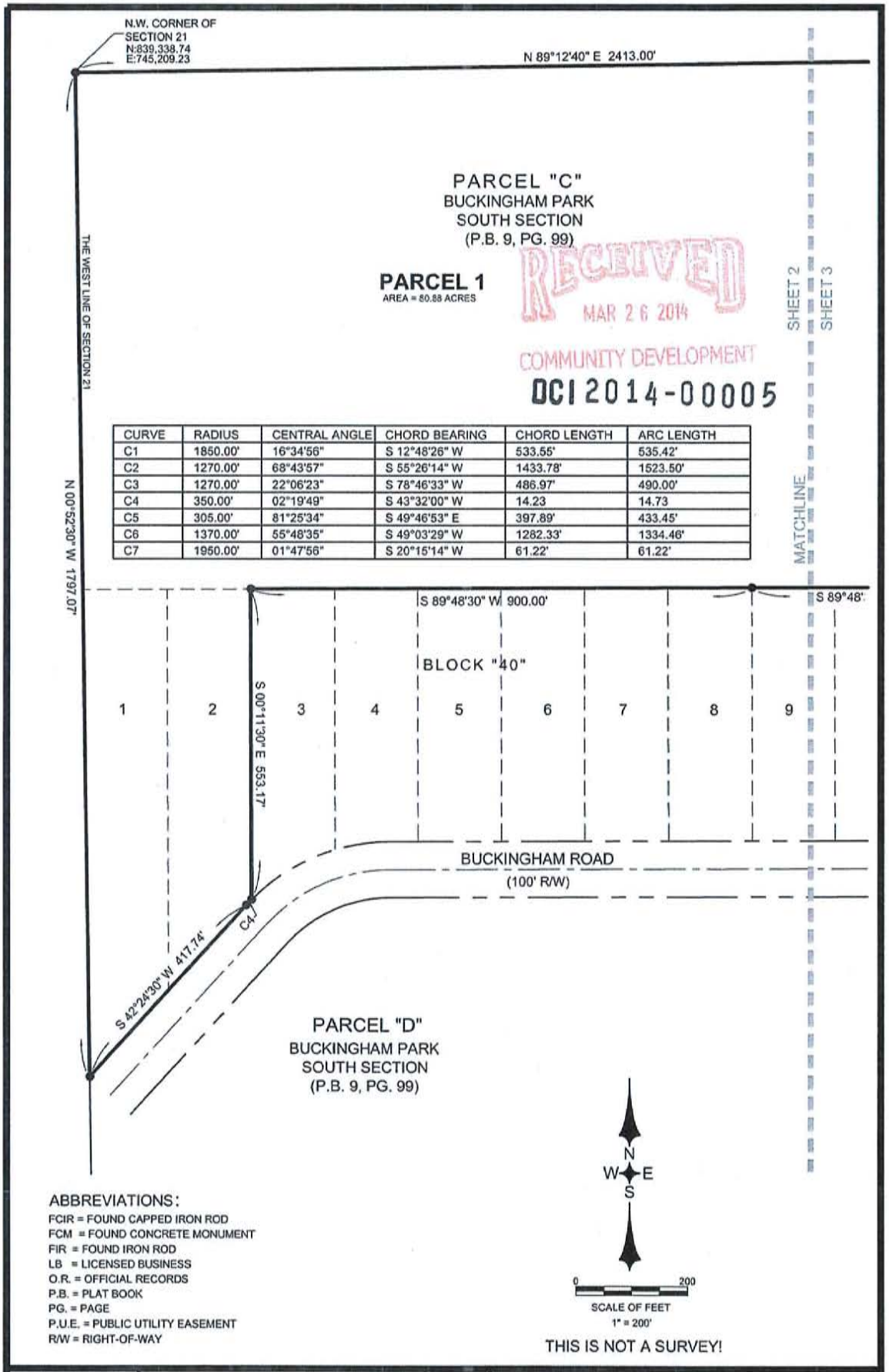
2-24-14

MARK A. HATFIELD P.S.M. DATE
FLORIDA CERT. NO. 4155

| | | |
|---|---|---|
| MDA PROJECT: 13095 | SKETCH AND DESCRIPTION<br>PARCEL OF LAND IN SECTION 21, TOWNSHIP 44 SOUTH, RANGE 28 EAST<br>LEE COUNTY, FLORIDA | MORRIS DEPEW<br>ENGINEERS • PLANNERS • SURVEYORS<br>LANDSCAPE ARCHITECTS<br>FL CA NO. 6532 / FL CERT NO. LB6691 / LC26000330<br>• Fort Myers<br>• Tallahassee<br>Metro Centre 1<br>2651 Cantel Pointe Drive, Unit 100<br>Fort Myers, Florida 33913<br>(239) 337-3993<br>Fax: (239) 337-2994<br>Toll Free: 888-337-7341 |
| CHECKED BY: MAH / DRAWN BY: BMH | | |
| DATE: 2-21-14 | BENTLEY CROSSINGS | |
| SHEET: 1 OF 4 | | |

EXHIBIT A

ADD2020-00150 Lee County ePlan



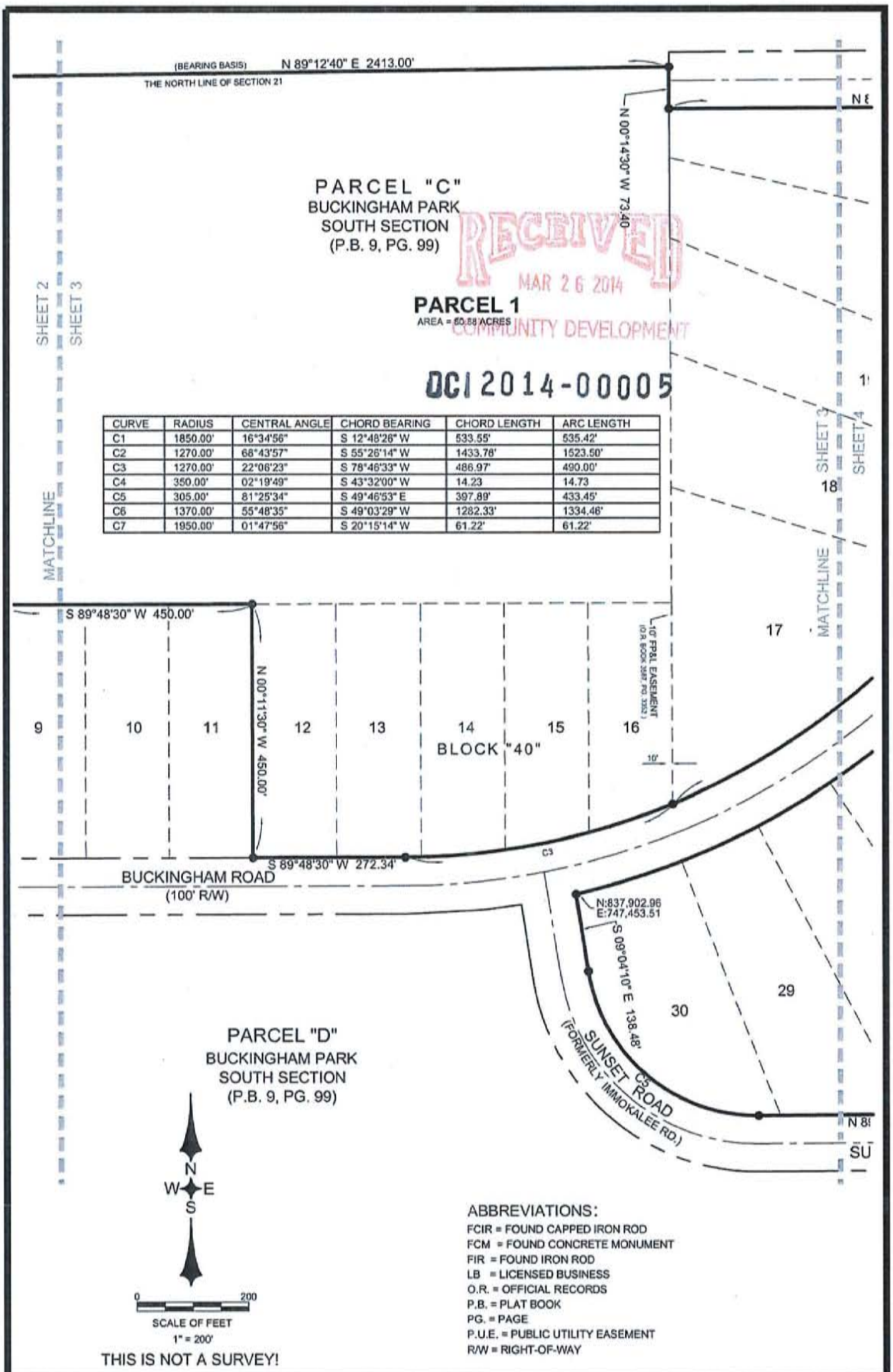

| CURVE | RADIUS | CENTRAL ANGLE | CHORD BEARING | CHORD LENGTH | ARC LENGTH |
|---|---|---|---|---|---|
| C1 | 1850.00' | 16°34'56" | S 12°48'26" W | 533.55' | 535.42' |
| C2 | 1270.00' | 68°43'57" | S 55°26'14" W | 1433.78' | 1523.50' |
| C3 | 1270.00' | 22°06'23" | S 78°46'33" W | 486.97' | 490.00' |
| C4 | 350.00' | 02°19'49" | S 43°32'00" W | 14.23 | 14.73 |
| C5 | 305.00' | 81°25'34" | S 49°46'53" E | 397.89' | 433.45' |
| C6 | 1370.00' | 55°48'35" | S 49°03'29" W | 1282.33' | 1334.46' |
| C7 | 1950.00' | 01°47'56" | S 20°15'14" W | 61.22' | 61.22' |

ABBREVIATIONS:
FCIR = FOUND CAPPED IRON ROD
FCM = FOUND CONCRETE MONUMENT
FIR = FOUND IRON ROD
LB = LICENSED BUSINESS
O.R. = OFFICIAL RECORDS
P.B. = PLAT BOOK
PG. = PAGE
P.U.E. = PUBLIC UTILITY EASEMENT
R/W = RIGHT-OF-WAY

THIS IS NOT A SURVEY!

| | | |
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| CHECKED BY: MAH / DRAWN BY: BMH | | |
| DATE: 2-21-14 | BENTLEY CROSSINGS | |
| SHEET 2 OF 4 | | |

ADD2020-00150 Lee County ePlan

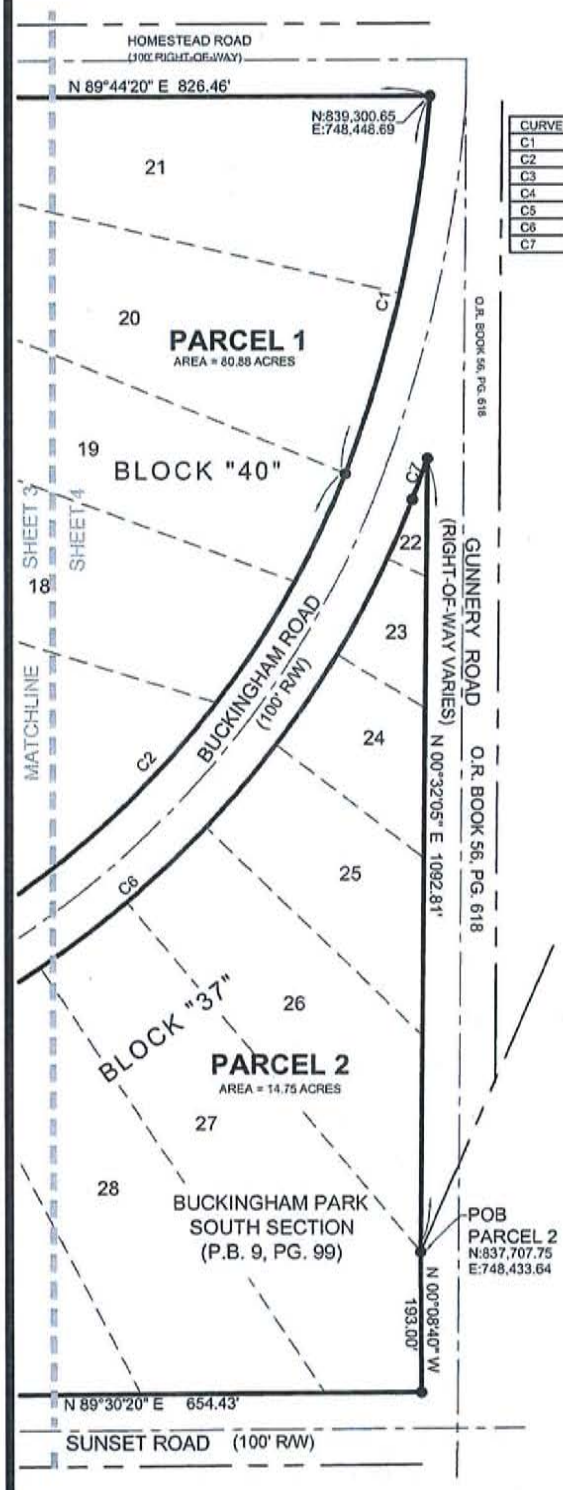



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| C4 | 350.00' | 02°19'49" | S 43°32'00" W | 14.23 | 14.73 |
| C5 | 305.00' | 81°25'34" | S 49°46'53" E | 397.89' | 433.45' |
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| CHECKED BY: MAH / DRAWN BY: BMH | | |
| DATE: 2-21-14 | BENTLEY CROSSINGS | |
| SHEET 3 OF 4 | | |

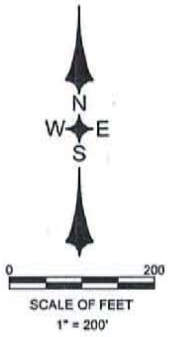
ADD2020-00150 Lee County ePlan




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RECEIVED
MAR 26 2014
COMMUNITY DEVELOPMENT
DCI 2014-00005

PARCEL "E"
BUCKINGHAM PARK
SOUTH SECTION
(P.B. 9, PG. 99)

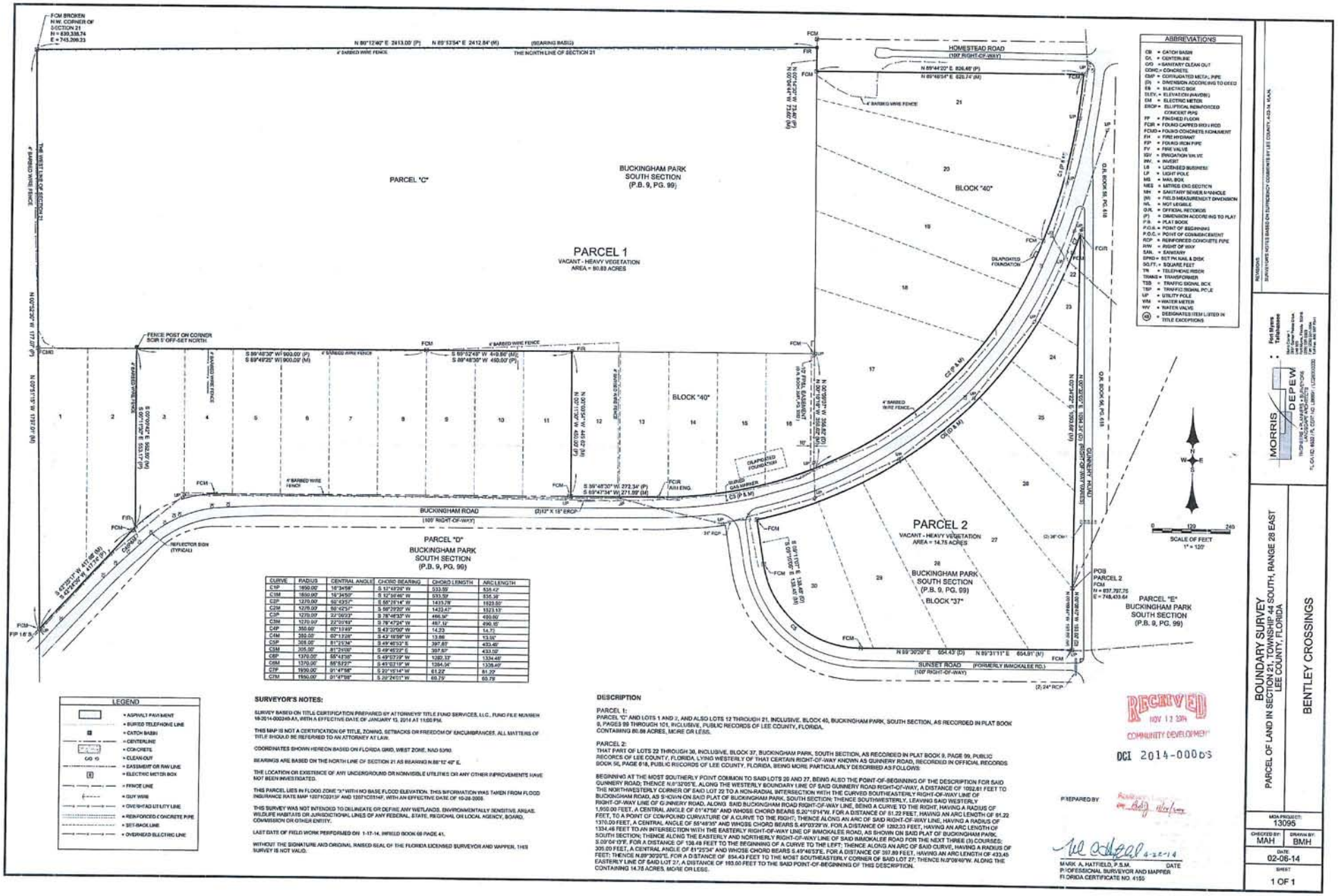



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| | | |
|---|---|---|
| MDA PROJECT: 13095 | SKETCH AND DESCRIPTION<br>PARCEL OF LAND IN SECTION 21, TOWNSHIP 44 SOUTH, RANGE 28 EAST<br>LEE COUNTY, FLORIDA | MORRIS DEPEW<br>ENGINEERS • PLANNERS • SURVEYORS<br>LANDSCAPE ARCHITECTS<br>FL CA NO. 6532 / FL CERT NO. LB0891 / LC26000330<br>• Fort Myers<br>• Tallahassee |
| CHECKED BY: MAH / DRAWN BY: BMH | | |
| DATE: 2-21-14 | BENTLEY CROSSINGS | |
| SHEET 4 OF 4 | | |

ADD2020-00150 Lee County ePlan




| CURVE | RADIUS | CENTRAL ANGLE | CHORD BEARING | CHORD LENGTH | ARC LENGTH |
|---|---|---|---|---|---|
| C1P | 1850.00' | 16°34'58" | S 51°49'26" W | 533.59' | 535.42' |
| C1M | 1850.00' | 16°34'50" | S 52°08'46" W | 533.59' | 535.38' |
| C2P | 1270.00' | 82°43'57" | S 55°25'14" W | 1433.78' | 1833.80' |
| C2M | 1270.00' | 82°42'51" | S 56°29'20" W | 1432.47' | 1832.13' |
| C3P | 1270.00' | 22°09'23" | S 76°48'33" W | 488.36' | 490.90' |
| C3M | 1270.00' | 22°09'49" | S 76°47'24" W | 487.12' | 490.15' |
| C4P | 350.00' | 60°13'49" | S 43°37'09" W | 14.23' | 14.75' |
| C4M | 350.00' | 60°13'26" | S 43° 16'59" W | 13.86' | 13.09' |
| C5P | 308.00' | 81°23'34" | S 49°46'33" E | 397.87' | 433.46' |
| C5M | 305.00' | 81°21'06" | S 49°45'22" E | 397.57' | 433.09' |
| C6P | 1370.00' | 55°43'56" | S 49°17'23" W | 1280.12' | 1334.48' |
| C6M | 1370.00' | 55°53'27" | S 49°03'19" W | 1284.04' | 1336.49' |
| C7P | 1930.00' | 91°47'58" | S 20°15'14" W | 61.22' | 61.22' |
| C7M | 1930.00' | 91°47'58" | S 20°24'01" W | 60.79' | 60.79' |

**SURVEYOR'S NOTES:**

SURVEY BASED ON TITLE CERTIFICATION PREPARED BY ATTORNEYS' TITLE FUND SERVICES, LLC., FUNG FILE NUMBER 16-2014-000240-A1, WITH A EFFECTIVE DATE OF JANUARY 13, 2014 AT 11:00 PM.

THIS MAP IS NOT A CERTIFICATION OF TITLE, ZONING, SETBACKS OR FREEDOM OF ENCUMBRANCES. ALL MATTERS OF TITLE SHOULD BE REFERRED TO AN ATTORNEY AT LAW.

COORDINATES SHOWN HEREON BASED ON FLORIDA GRID, WEST ZONE, NAD 83/90.

BEARINGS ARE BASED ON THE NORTH LINE OF SECTION 21 AS BEARING N 89°12' 40" E.

THE LOCATION OR EXISTENCE OF ANY UNDERGROUND OR NONVISIBLE UTILITIES OR ANY OTHER IMPROVEMENTS HAVE NOT BEEN INVESTIGATED.

THIS PARCEL LIES IN FLOOD ZONE "X" WITH NO BASE FLOOD ELEVATION. THIS INFORMATION WAS TAKEN FROM FLOOD INSURANCE RATE MAP 12071C0313F AND 12071C0314F, WITH AN EFFECTIVE DATE OF 10-28-2008.

THIS SURVEY WAS NOT INTENDED TO DELINEATE OR DEFINE ANY WETLANDS, ENVIRONMENTALLY SENSITIVE AREAS, WILDLIFE HABITATS OR JURISDICTIONAL LINES OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY, BOARD, COMMISSION OR OTHER ENTITY.

LAST DATE OF FIELD WORK PERFORMED ON 1-17-14, INFIELD BOOK 68 PAGE 41.

WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER, THIS SURVEY IS NOT VALID.

**DESCRIPTION**

PARCEL 1:
PARCEL "C" AND LOTS 1 AND 2, AND ALSO LOTS 12 THROUGH 21, INCLUSIVE, BLOCK 40, BUCKINGHAM PARK, SOUTH SECTION, AS RECORDED IN PLAT BOOK 9, PAGES 99 THROUGH 101, INCLUSIVE, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
CONTAINING 80.89 ACRES, MORE OR LESS.

PARCEL 2:
THAT PART OF LOTS 22 THROUGH 30, INCLUSIVE, BLOCK 37, BUCKINGHAM PARK, SOUTH SECTION, AS RECORDED IN PLAT BOOK 9, PAGE 99, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING WESTERLY OF THAT CERTAIN RIGHT-OF-WAY KNOWN AS GUNNERY ROAD, RECORDED IN OFFICIAL RECORDS BOOK 56, PAGE 618, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY POINT COMMON TO SAID LOTS 29 AND 27, BEING ALSO THE POINT-OF-BEGINNING OF THE DESCRIPTION FOR SAID GUNNERY ROAD; THENCE N.9°32'05"E. ALONG THE WESTERLY BOUNDARY LINE OF SAID GUNNERY ROAD RIGHT-OF-WAY, A DISTANCE OF 1092.81 FEET TO THE NORTHWESTERLY CORNER OF SAID LOT 22 TO A NON-RADIAL INTERSECTION WITH THE CURVED SOUTHEASTERLY RIGHT-OF-WAY LINE OF BUCKINGHAM ROAD, AS SHOWN ON SAID PLAT OF BUCKINGHAM PARK, SOUTH SECTION; THENCE SOUTHWESTERLY, LEAVING SAID WESTERLY RIGHT-OF-WAY LINE OF GUNNERY ROAD, ALONG SAID BUCKINGHAM ROAD RIGHT-OF-WAY LINE, BEING A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,930.00 FEET, A CENTRAL ANGLE OF 01°47'56" AND WHOSE CHORD BEARS S.20°15'14"W. FOR A DISTANCE OF 61.22 FEET, HAVING AN ARC LENGTH OF 61.22 FEET, TO A POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT; THENCE ALONG AN ARC OF SAID RIGHT-OF-WAY LINE, HAVING A RADIUS OF 1370.00 FEET, A CENTRAL ANGLE OF 55°48'35" AND WHOSE CHORD BEARS S.49°03'29"W. FOR A DISTANCE OF 1282.33 FEET, HAVING AN ARC LENGTH OF 1334.48 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF IMMOKALEE ROAD, AS SHOWN ON SAID PLAT OF BUCKINGHAM PARK, SOUTH SECTION; THENCE ALONG THE EASTERLY AND NORTHERLY RIGHT-OF-WAY LINE OF SAID IMMOKALEE ROAD FOR THE NEXT THREE (3) COURSES: S.09°04'13"E. FOR A DISTANCE OF 138.48 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 305.00 FEET, A CENTRAL ANGLE OF 81°23'34" AND WHOSE CHORD BEARS S.49°45'33"E. FOR A DISTANCE OF 397.87 FEET, HAVING AN ARC LENGTH OF 433.45 FEET; THENCE N.89°30'20"E. FOR A DISTANCE OF 654.43 FEET TO THE MOST SOUTHEASTERLY CORNER OF SAID LOT 27; THENCE N.3°09'46"W. ALONG THE EASTERLY LINE OF SAID LOT 27, A DISTANCE OF 193.00 FEET TO THE SAID POINT-OF-BEGINNING OF THIS DESCRIPTION.
CONTAINING 14.75 ACRES, MORE OR LESS.

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NOV 13 2014
COMMUNITY DEVELOPMENT
DCI 2014-00065

PREPARED BY:

MARK A. HATFIELD, P.S.M. — DATE
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 4155

Fort Myers
Tallahassee

MORRIS DEPEW
LAND PLANNING & SURVEYING
LAND DEVELOPMENT CONSULTANTS
FLCA LC #4631 / FLCSP LC #6661 / LC26000220

BOUNDARY SURVEY
PARCEL OF LAND IN SECTION 21, TOWNSHIP 44 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

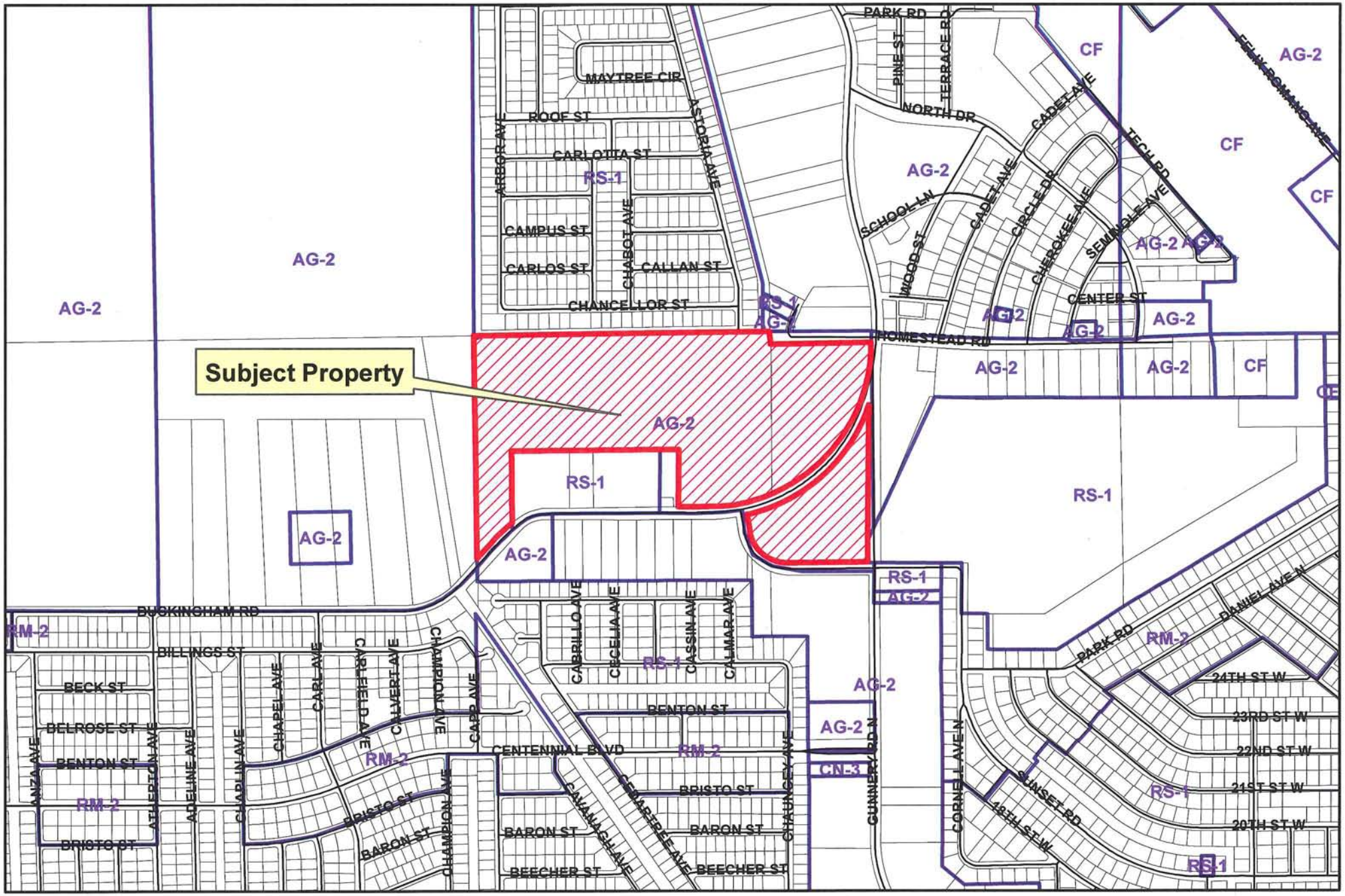
BENTLEY CROSSINGS

| MDA PROJECT: | |
|---|---|
| 13095 | |
| CHECKED BY: MAH | DRAWN BY: BMH |
| DATE: 02-06-14 | |
| SHEET: 1 OF 1 | |

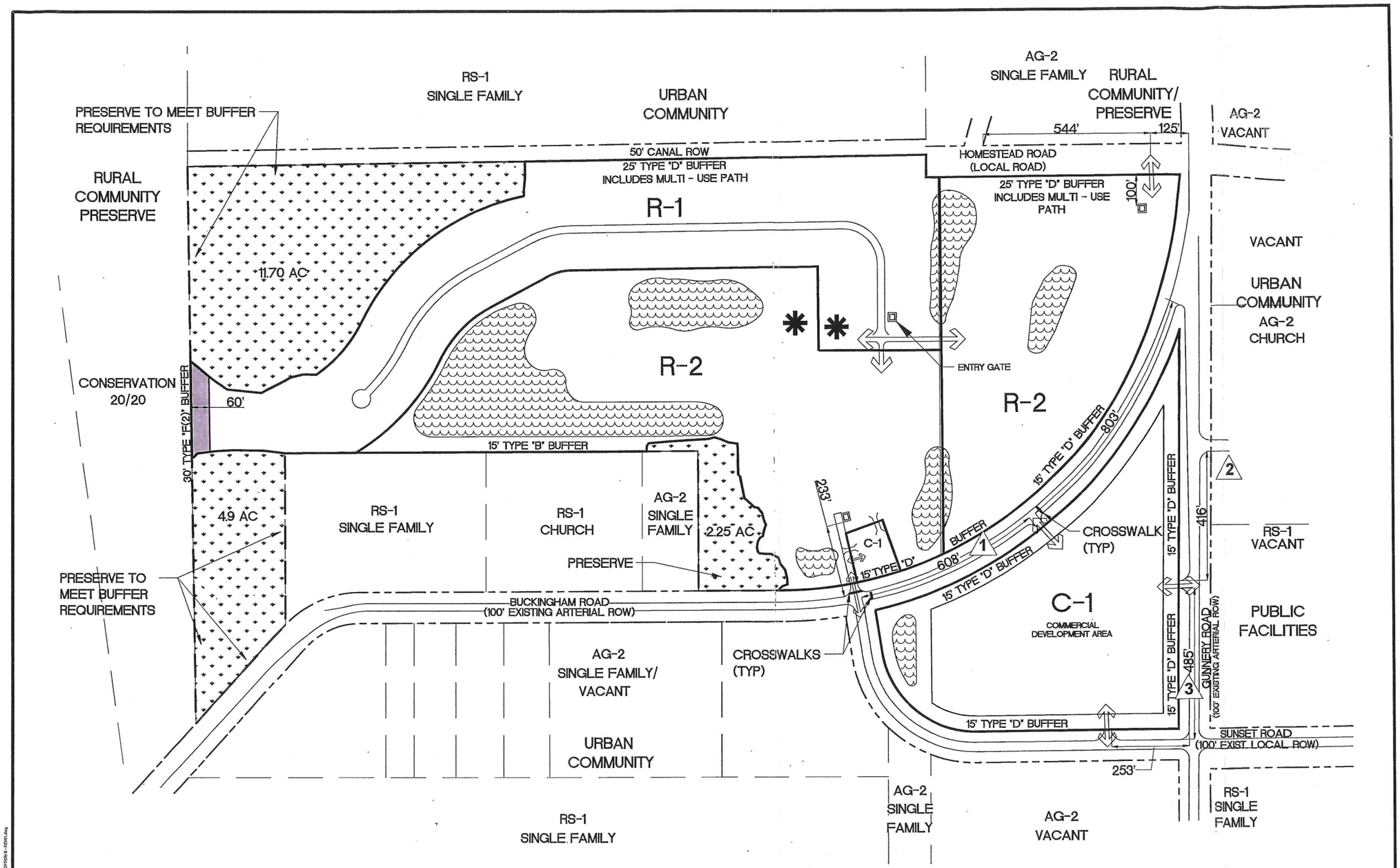
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# DCI2014-00005

# ZONING MAP



ADD2020-00150 Lee County ePlan




## Legend

R-1 : Residential
R-2 : Residential
C-1: Commercial
1 Deviation Location

Open Space
Indigenous Area
Water Management

COMMUNITY GARDEN
ENTRY GATE
PEDESTRIAN CONNECTION

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LEE CO. ATTORNEY
2016 JAN -8 AM 7:31

Approved as Exhibit C
MCP Page 1 of 2
Resolution # Z-15-015

PROJECT:
Bentley Crossings
Mixed Use Planned
Develepment

ADDRESS:
7990, 7431, 7350
Buckingham Road
Fort Myers, Fl. 33905

DEVELOPER:
Buckingham Village, LLC & LPH, LLC
26132 Fawnwood Ct.
Bonita Springs, Fl. 34134

CONTACT:

CONSULTANT:
MORRIS DEPEW
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS
FL CA NO. 6027 / FL CERT NO. LB0891 / LC26000330

Fort Myers
2891 Center Pointe Drive
Unit 100
Fort Myers, Florida 33916
(239) 337-3993
Fax: (239) 337-3994
Toll free: 866-337-7341

Tallahassee
297 Office Plaza
Suite 113
Tallahassee, Florida 32301
(850) 224-6686

Gainesville
414 SW 140th Terrace
Suite 100
Newberry, FL 32669
(352) 378-3450

Destin
755 Grand Boulevard
Suite B105-152
Miramar Beach, FL 32550
Toll free: 866-337-7341

REP:
H. Max Lummis IV
26132 Fawnwood Ct.
Bonita Springs, Fl. 34134

| REVISIONS | DATE |
|---|---|
| OPTION B - REV01 | 09/24/2015 |

| | |
|---|---|
| PROJECT MANAGER: | TME |
| DRAWING BY: | ALR |
| JURISDICTION: | LEE COUNTY |
| DATE: | 08/22/2015 |

TITLE:
Master Concept Plan
OPTION B

SHEET NUMBER: 1 OF 2

SCALE: 150 0 75 150
SCALE 1"=150'

JOB/FILE NUMBER: 13095

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DC12014-00005

ADD2020-00150 Lee County ePlan

## Notes:

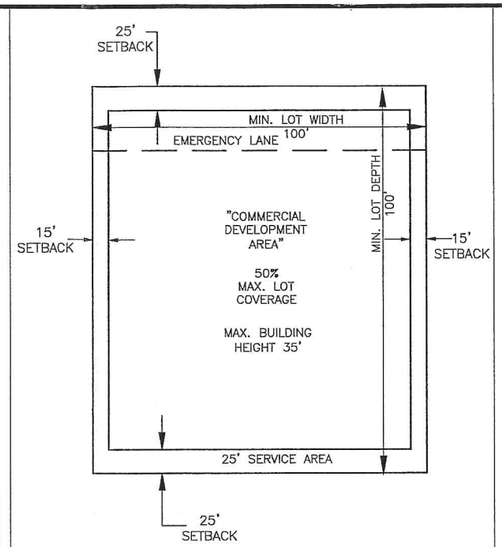
1. Proposed is a rezoning from AG-2 to a Mixed Use Planned Development to permit 400 dwelling units and 150,000 square feet of commercial uses.
2. Future Land Use Designation:
   Urban Community
3. The project will connect to Florida Goverment Utility Authority for water & sewer service.
4. The property is not located on a public transit (Lee Tran) route.
5. All internal roads will have pedestrian and bike paths.
6. Property adjacent to public roadway will provide sidewalks and bicycle paths in compliance with Chapter 10 of the Land Development Code and County administrative code.

## Open Space Calculations:

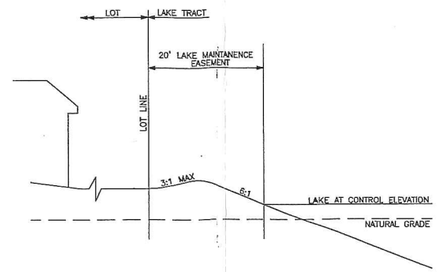
| Area | Approx. Acreage | Required Indigenous Preserve | Provided Indigenous Preserve | Required Open Space | Provided Open Space |
|---|---|---|---|---|---|
| North Parcel | 80.9 | | | | |
| South Parcel | 14.7 | | | | |
| **TOTAL PROPERTY ACREAGE** | 95.6 | | | | |
| Residential Area | 80.4 | | | 32.2 | 3.2 |
| Commercial Area | 15.2 | | | 4.6 | 0.46 |
| Lakes* | 7.7 | | | | 7.7 |
| Indigenous Upland Credit** | 2.25 | | 2.25 | | 2.8 |
| Indigenous Upland Credit #2** | 11.7 | | 11.7 | | 17.6 |
| Indigenous Upland Credit #3** | 4.9 | | 4.9 | | 7.4 |
| TOTAL | | 18.4 | 18.9 | 36.8*** | 39.1 |
| * Per 10-415(d)(2) proposed stormwater management areas may offset up to 25% of the required open space | | | | | |
| ** Per 10-415(b)(3) incentive to preserve indigenous native upland plant communities | | | | | |
| *** Per 10-415(a) Residential developments will provide 40% open space and Commercial 30% | | | | | |

Approved as Exhibit C
MCP Page 2 of 2
Resolution # Z-15-015

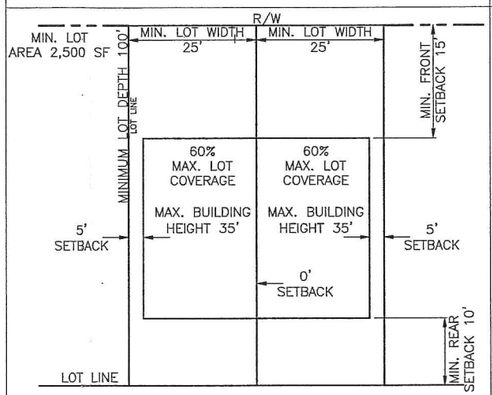
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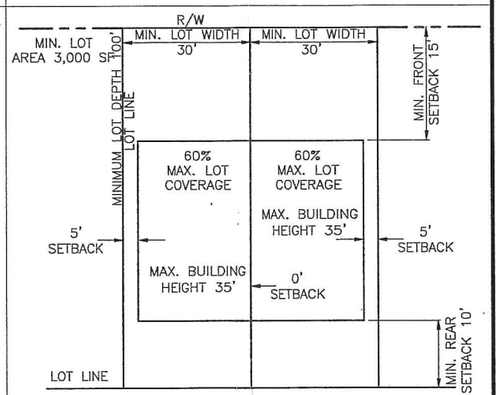

TYPICAL COMMERCIAL LOT N.T.S.



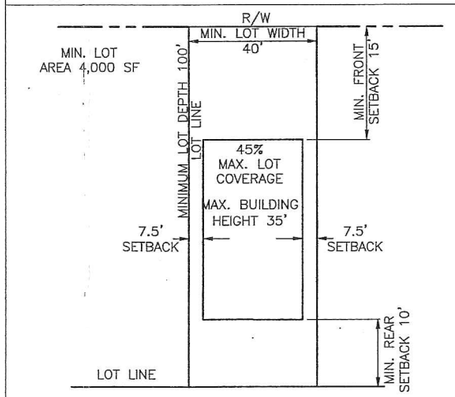

TYPICAL LAKES SECTION N.T.S.



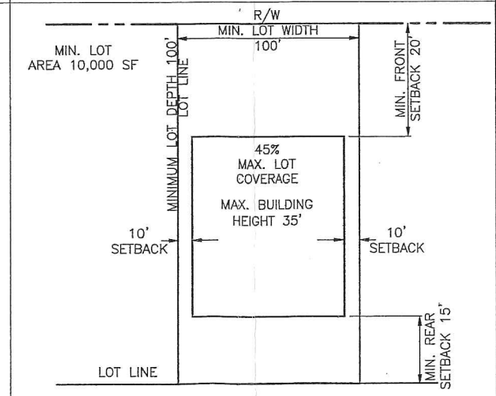

TYPICAL TOWNHOME OR LIVE WORK N.T.S.




TYPICAL TWO FAMILY ATTACHED N.T.S.




TYPICAL SINGLE FAMILY N.T.S.




TYPICAL MULTIFAMILY N.T.S.

PROJECT:
Bentley Crossings
Mixed Use Planned
Develepment

ADDRESS:
7990, 7431, 7350
Buckingham Road
Fort Myers, Fl. 33905

DEVELOPER:
Buckingham Village, LLC & LPH, LLC
26132 Fawnwood Ct.
Bonita Springs, Fl. 34134

CONTACT:

CONSULTANT:
MORRIS DEPEW
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS
FL CA NO. 6532 / FL CERT NO. LB6891 / LC26000330

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Toll free: 866-337-7341

Tallahassee
327 Office Plaza
Suite 113
Tallahassee, Florida. 32301
(850) 224-6686

Gainesville
414 SW 140th Terrace
Suite 100
Newberry, FL 32669
(352) 378-3450

Destin
755 Grand Boulevard
Suite B103-152
Miramar Beach, FL 32550
Toll free: 866-337-7341

REP:
H. Max Lummis IV
26132 Fawnwood Ct.
Bonita Springs, Fl. 34134

| REVISIONS | DATE |
|---|---|
| OPTION B - REV00 | 06/22/2015 |

| | |
|---|---|
| PROJECT MANAGER: | TME |
| DRAWING BY: | ALR |
| JURISDICTION: | LEE COUNTY |
| DATE: | 06/22/2015 |

TITLE:
Master Concept Plan
OPTION B

SHEET NUMBER: 2 OF 2

SCALE: N/A

JOB/FILE NUMBER: 13095

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G:\13095 - Buckingham Village\Re-Zoning\Dwg\Zoning\MCP\13095-2015-06-22 Zoning Plan - OPTION B - REV00.dwg
6/22/2015

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BOYLAND ENVIRONMENTAL CONSULTANTS, INC. EST. 1989

Celebrating 25 YEARS IN SW FLORIDA

# Bentley Crossings

Section 21; Township 44 South; Range 26 East
Lee County, Florida

## Gopher Tortoise Management Plan

STRAP #: 21-44-26-01-00040.0010
21-44-26-01-00040.0170
21-44-26-01-00037.0250

DCI2014-00005

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FEB 26 2015
COMMUNITY DEVELOPMENT

February 2015

Project No. 2013-49

11000 Metro Parkway Suite 4
Fort Myers, Florida 33966
(239) 418-0671 phone / (239) 418-0672 fax

EXHIBIT D

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## INTRODUCTION

The following gopher tortoise management plan is being provided for the 95.63± acre property located in portions of Section 21, Township 44 South, Range 26 East, in Lee County, Florida. Specifically, it is situated north of Buckingham Road with Gunnery Road North bordering the eastern perimeter of the property. The property contains mostly pine flatwoods and upland hardwood forests. There are also patches of herbaceous dry prairie and Australian pines. The indigenous preserve will encompass 19.23± acres of pine flatwoods and upland hardwood forest habitat.

As a result of gopher tortoises (*Gopherus polyphemus*) being identified on the property, protection requirements of the Lee County LDC require that a tortoise relocation plan be provided. Provided below is a sequence of activities as it relates to the management of tortoises prior to construction followed by a description of the manner in which burrows are to be excavated.

## BACKGROUND

A species survey was conducted on December 16th and 17th, 2013 by an environmental scientist from Boylan Environmental Consultants, Inc. The site contained thirty-one (31) active burrows, fifteen (15) inactive burrows, and thirteen (13) abandoned burrows. All burrows were flagged, labeled, and GPS surveyed.

## CURRENT PLAN

Based on the proposed site plan and the proposed current plan, the project is anticipated to impact approximately eight (8) active and five (5) inactive gopher tortoise burrows. The remaining burrows will remain intact within the onsite preserve and conservation easement area. The relocation area will be determined at the time of permitting.

A Conservation Permit will be acquired from FWC in order to relocate any impacted tortoises' offsite. The recipient site will take into consideration the distance from the site, including assessing the potential for keeping any relocated tortoises within Lee County. If no recipient sites area available within Lee County at the time of permitting, the tortoises may be relocated to an approved and FWC permitted recipient site.

## PRE-CONSTRUCTION

Once a relocation permit has been acquired, the property will be resurveyed for gopher tortoises no longer than 4 weeks prior to site clearing. The preserve area will be survey staked. The Indigenous Preserve / GT Recipient area staking will be inspected by county staff. A vegetation clearing permit will be issued for minor clearing for the exotic removal and the installation of the tortoise fencing to be installed prior to construction.



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FEB 26 2015
COMMUNITY DEVELOPMENT

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Following this fence work, county staff will be contacted for an inspection. After the inspection, the chicken wire and silt fence will be installed around the Indigenous Preserve / GT Recipient area. Chicken wire will be installed and a portion of the fence will be trenched underground. The silt fence will be installed to the outside of the chicken wire. Installation of the fencing will occur once the area is re-inspected by county staff, and then a vegetation permit for minor clearing to excavate the tortoises will be issued.

## EXCAVATION AND RELOCATION

The physical relocation will be done by a qualified Gopher Tortoise Agent and will occur as follows: A flexible hose will be snaked down the burrow in order to track the direction and the descent of the burrow. A backhoe will carefully excavate soil material until just before reaching the burrow walls. Excavation will then occur manually to ensure no injury to the tortoise. All captured tortoises will be measured and their scutes will be notched according to the prearranged numbering system per the recipient site requirements, and then placed in crates and moved over to the gopher tortoise on-site preserve area.

Coordination between the recipient site and biologist excavating the tortoises will occur to determine the transportation method to the designated relocation area.

In addition, commensal species that are found within burrows will also be safely relocated to the on-site preserve. If any Eastern Indigo Snakes are encountered, they will be allowed to safely vacate the area prior to continuation of work.

*Note: "tortoises shall not be captured / relocated on days for which the overnight low temperature for that day and the two consecutive days thereafter is forecasted by the U.S. National Weather Service to be below 60°F. This 3-day window of milder overnight temperatures is to allow the relocated tortoises to settle into the recipient site".*

## POST-CONSTRUCTION

When construction on-site is completed, the tortoise fence will be removed.

A physical barrier will be constructed in between the preserves and the entry roads as well as between the preserves and the buildings. Per the conditions of the approved zoning, the barrier to be placed between the preserve and the entry roads will consist of a spreader swale adjacent to the preserves with a 301 linear foot long retaining wall and sidewalk running along the edge of the roads. A 4' high handrail will be installed. The physical barrier to be placed between the preserves and the buildings will consist of spreader swale. A perimeter berm will be installed on the top of the berm adjacent to the preserves and a Type D curb will be installed on the top of the berm adjacent to the parking lot for the buildings.

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## ON-SITE GOPHER TORTOISE PRESERVE AREA MANAGEMENT

**Exotic Vegetation Removal, Non-native Vegetation, and Nuisance or Invasive Plant Control.**
The gopher tortoise preserve area as identified on the attached map will be walked and all exotic and nuisance plants shall be killed. These plants will be treated or removed in a manner consistent with current exotic and nuisance plant removal practices while ensuring that neighboring plants are left unharmed and the soil left as undisturbed as possible. Exotic and nuisance species are those listed by the Florida Exotic Pest Plant Council's list at the time this plan is approved.

Annual Maintenance and Inspections. The tortoise preserve area will be walked and inspected at least once yearly for the presence of exotic vegetation. Every two years the preserve will be evaluated for manual trimming. Preserve trimming shall be conducted prior to the start of the rainy season; this will promote new growth of the recently trimmed material. Trimming will only occur as necessary to maintain the open space required for the gopher tortoises inhabiting the preserve area. The maintenance program will be conducted in perpetuity. Maintenance shall be the responsibility of the developer, or their successor.

General Maintenance. The tortoise preserve area shall be maintained in its natural state and must be kept free of refuse and debris.

Signage. Signs will be placed every 300', at locations abutting the tortoise preserve area. The signs will be placed following the construction of the work authorized by this D.O., stating the following:

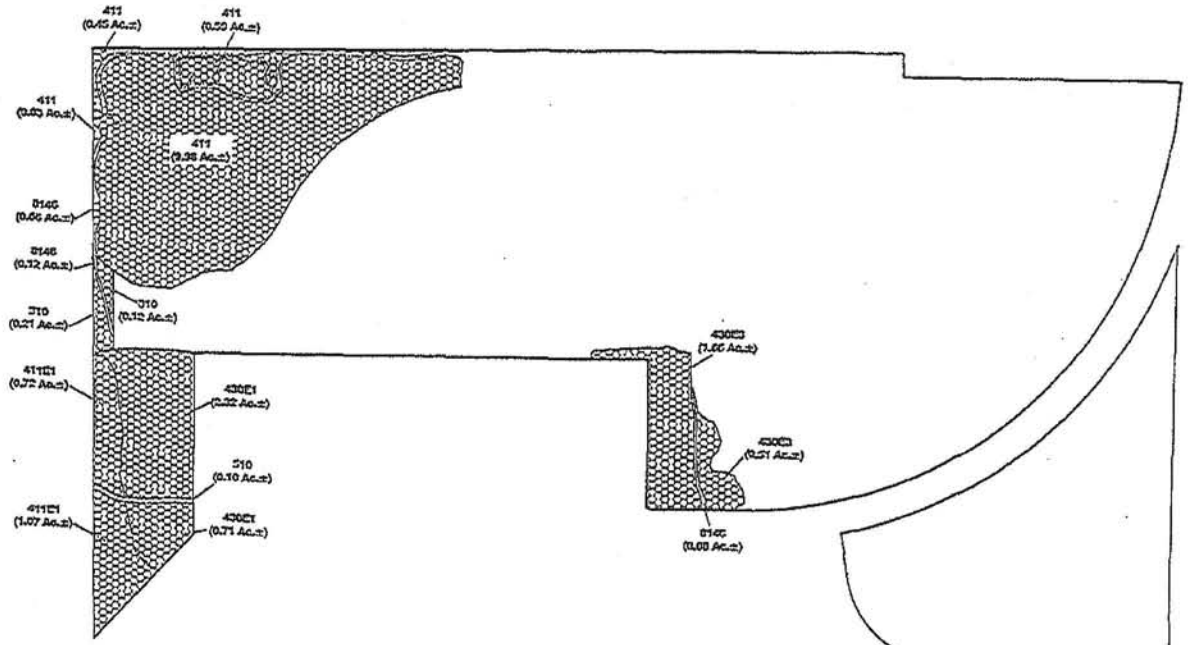



Preserve Sign Detail

FEB 26 2015
COMMUNITY DEVELOPMENT



DCI2014-00005




N

Scale: 1" = 150'

2016 JAN -8 AM 7:32
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LEE CO. ATTORNEY

| Preserve by FLUCFCS | | | |
|---|---|---|---|
| FLUCFCS Code | Community | Upland Preserve | OSW Preserve |
| 310 | Herbaceous (Dry Prairie) | 0.33± Ac | - |
| 411 | Pine Flatwoods | 11.05± Ac | - |
| 411 E1 | Pine Flatwoods(1-24% Exotics) | 1.70± Ac | - |
| 430 E1 | Upland Hardwood Forest(1-24% Exotics) | 3.03± Ac | - |
| 430 E3 | Upland Hardwood Forest(50-74% Exotics) | 2.17± Ac | - |
| 510 | Ditches | - | 0.10± Ac |
| 8146 | Primitive Trails | 0.85± Ac | - |
| | Total | 19.23± Ac | 0.10± Ac |

LEGEND

Upland Preserve (19.23± Ac.)

OSW Preserve (0.10± Ac.)

DCI2014-00005

NOTES:

FLUCFCS lines estimated from 1"=200' aerial photographs and locations approximated.

FLUCFCS per Florida Land Use, Cover and Forms Classification System (FLUCFCS) (FDOT 1999).

Boylan Environmental Consultants, Inc.

| Drawn By: | Date: |
|---|---|
| BKM | 2/25/15 |
| Job Number | |
| 2013-49 | |
| S/T/R | |
| 21/44S/26E | |

# Bentley Crossings

## Preserve Map

| Category | Revisions | Date | Page |
|---|---|---|---|
| Preserve | | | |
| Scale: 1" = 150' | | | |
| County: Lee | | | Exhibit |

ADD2020-00150 Lee County ePlan

MORRIS DEPEW
ENGINEERS · PLANNERS · SURVEYORS
LANDSCAPE ARCHITECTS

EXHIBIT D

2914 Cleveland Avenue | Fort Myers, Florida 33901
Phone (239) 337-3993 | Toll Free (866) 337-7341
www.morris-depew.com

# Bentley Crossings

## Administrative Amendment to Mixed Use Planned Development

Project Narrative

Bentley Crossings is an existing Mixed Use Planned Development located on Buckingham Road just west of the intersection with Gunnery Road. The requested administrative amendment is limited to two parcels 21-44-26-01-00040.0010 and 21-44-26-01-00040.0170. As depicted in Figure 1 below, parcels 21-44-26-01-00040.0010 and 21-44-26-01-00040.0170 are located north of Buckingham Road and west of Gunnery Road. The amendment does not include the commercial parcel south of Buckingham Road. The subject property is within the Lehigh Acres Planning Community and identified as a Neighborhood Mixed Use Activity Center on Lee Plan Map 1 page 8 of 8. Currently, the property is vacant. The subject property was rezoned from Agricultural (AG-2) to a Mixed Use Planned Development (MPD) by Zoning Resolution Z-15-015, permitting a maximum of 283 residential dwelling units with 80,000 square feet of retail space and 30,000 square feet of office, which can include up to 20,000 square feet of medical office.




**Figure 1. Bentley Crossings Aerial Location Map**

This area is targeted by the Lee Plan and the Lehigh Acres Planning Community for this type of development. The property is within the Urban Community Future Land Use outlined in Policy 1.1.4 of the Lee Plan as a,

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*"mixture of relatively intense commercial and residential uses." Principal land uses preferred are residential, commercial, with some quasi-public, and light industry. Future development is encouraged to be mixed use as these areas are considered well suited for commercial and residential uses. The standard density range is 1 to 6 dwelling units per acre."*

The residential portion of the subject property is 81.7 acres, at 6 dwelling units per acre 490 dwelling units are permitted. The approved Mixed Use Planned Development has limited the maximum density of the property to 283 dwelling units. The administrative amendment is requested to amend several aspects of the Master Concept Plan; revisions to the supporting conditions are also proposed.

***Residential Uses***

Two-family attached dwellings are currently restricted to the R-2 development tract. Resolution Z-15-15 limited the housing type in the R-1 development area to single family detached. The definition of a two-family attached unit is "a single, freestanding, conventional building designed for one dwelling unit", (emphasis added); the prohibition on two-family attached units is not consistent with the LDC definition. The addition of two-family units to the R-1 development tract would maintain consistency with the LDC definition.

The property to the north of the subject property shares the same Urban Community FLU, even though these properties are in the Buckingham Community. No portion of the northern boundary abuts the Rural Community Preserve FLU. 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 established for projects adjacent to the Rural Community Preserve future land use category boundary during the rezoning process."*

As a result, Policy 20.1.6 does not apply to the north portion of the R-1 development tract as the north abutting properties are in the Urban Community FLU. The indigenous preserve area provides an appropriate transition in density to the east. The density for the project was reduced to 283 units from 490 by the Hearing Examiner in 2015. A density transition is provided, and the number of overall units is significantly less than the density permitted in the Urban Community FLU, which is up to 6 units. Policy 20.1.6 was amended by Ordinance 18-18, after the approval of the Bentley Crossing MPD.

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**POLICY ~~17~~20.1.6:** When possible, residential development adjacent to the Rural Community Preserve future land use category ~~boundary~~ should make appropriate transitions to the ~~e~~Community Plan area with a graduated increase in density as development moves away from the Rural Community Preserve ~~boundaries~~ future land use category boundary. Appropriate buffers will be established for projects adjacent to the Rural Community Preserve future land use category boundary during the rezoning process. (Ordinance No. 10-15)

The policy was clarified as demonstrated above to apply to the Rural Community Preserve FLU and not the boundary. However, the Bentley Crossing MPD design provides a clustered development pattern, which directs the development away from the Buckingham Community and provides a physical separation between the proposed development and the Buckingham Community.

The number of potential dwelling units that can be placed in the area north of the east-west roadway adjacent to the Buckingham Community is limited. The approximately 12-acre indigenous preserve in the northwest corner of the property limits the area where dwelling units can be placed, as dwelling units may not be placed within the preserve area. The entrance to the community from Homestead Road to the east further reduces the area where units can be placed, resulting in the clustered pattern approved by Z-15-05. The proposed units are clustered away from properties in the Rural Community Preserve FLU, which is located to the west of the subject property not to the north.

The single-family lot width is 40' while the two-family attached lot width is 30' as demonstrated by the lot typical on the MCP. Each two-family attached building is comprised of two units. Therefore, a two-family attached building requires 60 feet of lot area.

Adjacent to the project along a portion of the north boundary is a 50' wide canal. A 25' wide landscaping buffer is proposed along the northern boundary between the western boundary of the preserve and the intersection of Buckingham Road and Homestead Road on the east. The lot typicals also show a 10' rear setback for single family and two family attached units. This results in a minimum 85' separation between proposed units and existing homes in the Buckingham Community. The portions of the R-1 tract that are north of the east-west roadway are limited to 25' in height if the structure is closer than 50' to the north project boundary. This restriction effectively results in an additional 25' setback from the boundary line. Increasing the potential physical separation between new homes and existing homes in the Buckingham Community north of the subject property to 110'.

The schedule of uses is proposed to be amended to permit two family attached units in all residential development tracts. Two-family attached units are consistent in appearance to a small single-family home with the only difference being a shared common wall or roof. To enable consistency with the traditional architecture of a conventional single-family home, a deviation from the architectural standards is requested. The deviation is to allow two-family units designed

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with front facing garages and provide relief from requiring the garage to be set behind the front entry way. The Lehigh Acres architectural standards when applied to the approved property development regulations would not promote a consistent architectural theme as desired by the Condition 29 of Z-15-015. The deviation will not negatively impact the Lehigh Acres community as the units will be constructed on the interior of the master planned community and will not be visible along the exterior roadways. Please see the schedule of deviations for additional details.

The applicant is requesting a reduction in the approved side setback to 5 feet. Resolution Z-05-015, and the lot typical on the MCP attached to the resolution, limit the side setback to 7.5 feet. Similar reductions have been granted in other planned developments. The minimum building separation is reduced from 15 feet to 10 feet due to the reduction in the side setback. The lot coverage is increased from 45 percent to 55 percent. The lot coverage increase is a function of the reduced setback and is consistent with allowance in the Land Development Code for master planned communities. Open space and preserved areas are planned to be part of the community which will help to offset the additional lot coverage. The result is no net impact as the additional lot coverage increase will be included in the design of the stormwater management.

Additionally, a cross section was added to the Master Concept Plan to clarify the measurement indigenous habitat structural setback rather than providing a separate line item in the Property Development Regulations. This cross section would apply to any structure adjacent to indigenous upland habitat. The separate setback line for the preserve was eliminated from all uses in the Property Development Regulations. A cross section has been added to the MCP.

The height limitations were removed from the property development regulations and established as a new condition to provide further clarity. The height limitations are written to apply to the development tract from the development boundary not the individual lots. The proposed change is appropriate to ensure that height limitations are applied as written and not mistakenly applied to individual lot line. The height limitation exception was clarified to reference the north project boundary line only. The indigenous preserve is located on the western boundary, so the height limitation is not necessary along the west as the development tract is more than 50’ from the property boundary to the location of a development tract.

***Roadway Design***

There are several conditions in Resolution Z-15-015 that require design features adjacent to the internal roadways. These conditions were included to address pedestrian connectivity and streetscaping. However, due to amendments to the Land Development Code since 2015, they create inconsistencies with the current street design standards outlined in LDC Chapter 10-296 which were adopted after the zoning was approved. As a result, a roadway cross section is proposed to be added to the Master Concept Plan to clarify the location and dimension of any pedestrian supporting improvements. A deviation is requested in conjunction with the cross

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section to reduce the road right of way to 45 feet and provided sidewalks on one side of the internal roadways.

Condition 18, "Pedestrian-Friendly Design", is proposed to be amended consistent with the supplied cross section and incorporates Condition 30, "Streetscaping", to increase clarity and assist in coordination of design elements between pedestrian amenities and proposed streetscaping. The design of the project is such that the volume of activity on the internal roads will be limited to residents therefore a lower speed is expected for vehicular traffic. The limitation of the sidewalk to one side of the road will not limit mobility and will not be detrimental to the safety of residents and guests.

As currently approved, the streetscaping condition limits the use of trees planted in the landscaping strip between the sidewalk and roadway to Live Oaks. Live Oaks do not thrive in small areas. When planted in narrow planting strips along a right of way, Live Oaks tend to cause premature failure of sidewalks and even right of way as the root systems spread as the tree grows. A 5-foot planting strip is sufficient for growth of other native shade trees. The condition is amended to allow planting of native shade trees within the 5-foot planting area in lieu of Live Oaks.

***MCP Corrections***

The MCP plan attached to Resolution Z-15-015 is the incorrect MCP. It shows the location of a commercial tract on the north side of Buckingham Road. A review of the agenda materials and case file demonstrates this version of the MCP is not approved by the Hearing Examiner or Board of County Commissioners. As such the proposed MCP eliminates this small area of commercial property north of Buckingham Road. As a result of the elimination of the small commercial area, the entry gate location is reduced from 233 feet to the code required 100 feet for residential subdivisions.

The MCP has a note that incorrectly specifies that the number of approved residential units is 400. Resolution Z-05-015 indicates that the number of approved units is 283. Note 1 is amended to correct the number of dwelling units from 400 to 283 consistent with the text of Resolution Z-15-015.

Community garden locations were shown on the original MCP. The Land Development Code was amended since the adoption of Z-15-051, and community gardens no longer need to be shown on the MCP. The proposed Master Concept Plan eliminates the community garden locations from the MCP. The use will remain within the approved schedule of uses and if desired, located at the time of Development Order approval.

***Inconsistent Conditions***

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Condition 3 of the existing zoning approval prohibits blasting. Blasting in residential areas is no longer regulated by the Land Development Code. As a result, the condition is proposed to be eliminated.

***Conclusion***

The amendment is requested to clarify and correct the MCP and remove inconsistency with the current Land Development Code. The MCP attached to resolution Z-05-015 is the incorrect MCP. The revised MCP provides necessary revisions to reconcile the text of resolution Z-05-015 and clarify the application of the proposed conditions of Z-05-015. Additionally, deviation requests are consistent with the provisions of the Land Development Code and outlined below.

The requested amendments may be administratively approved under LDC Section 34-174 which stipulated that the Community Development Director is authorized to administratively approve deviations. The request to allow two-family attached units in all development tracts is consistent with the Land Development Code definition of a single-family home and is a change internal to the development and will not impact the external surrounding development. Section 33-1403 permits deviations from the architectural and site design guidelines in the Lehigh Acres Planning Community. The requested deviation is consistent with what is allowed for single family homes in the planned development and will promote visual continuity within the residential subdivision.

Section 10-104 specifically allows relief through an administrative deviation for the width of the internal roadways and the reduction of the sidewalk to a single side of the right of way. A cross section to demonstrate the deviation is provided consistent with the code requirements. The design of the project is such that the volume of activity on the internal roads will be limited to residents and will not provide interconnectivity to other residential areas. The internal roadways are expected to have a lower speed than local roads interconnected to multiple neighborhoods. The design provides sufficient connectivity to convey vehicular and non-vehicular traffic through the planned development.

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# Bentley Crossing

## Administrative Amendment to Mixed Use Planned Development

Schedule of Uses

RESIDENTIAL (R-1 and R-2 areas)

Accessory Uses and Structures
Administrative Offices
Clubs, Private
Community Gardens per §34-1716
Dwelling Units
- Single-Family
- Live-Work per §34-1773 - may be allowed in any dwelling unit type, limited to the following uses:
  - -Administrative Office
  - -Business Services, Group I only and excluding blood banks, blood donor stations, caterers, oxygen tent services, and telephone solicitation services including call centers
  - -Non-store retailer, Group I only
  - -Personal Services, Group I only and limited to barber or beauty shops, clothing alterations and repair (including dressmakers, tailors, and seamstresses), and shoe repair or shoe shining services for individual customers
  - -Printing and publishing
  - -Specialty retail, Group I only and limited to antique or curio shops, clock or watch shops, gift, novelty and souvenir shops, jewelry stores, music stores, and novelty shops
  - -Studios
- Two-Family Attached per §33-1434 ~~- but not allowed in the R-1 area north of the road shown on the approved MCP~~
- Townhouse, Multiple-Family - but not allowed in the R-1 area north of the road shown on the approved MCP

Entrance Gates and Gatehouses (Gatehouses limited to 1 for the entire MPD)
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention
Fences, Walls

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Home Occupation
Model Homes, Model Display Center, Model Units - limited to 6 models (Also see Condition 12)
Parking Lot, Accessory
Real Estate Sales Office - see Condition 12
Recreation Facilities, Private on site
Recreation Facilities, Personal
Signs, Per LDC Chapters 30 and 33
Temporary Uses

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# Bentley Crossing

## Administrative Amendment to Mixed Use Planned Development

Property Development Regulations

**Single-Family**

**Minimum Lot Areas and Dimensions**

| | |
|---|---|
| Lot Size: | 4,000 square feet |
| Lot Width: | 40 feet |
| Lot Depth: | 100 feet |

**Minimum Setbacks**

| | |
|---|---|
| Street: | 15 feet |
| Side: | ~~7.5~~ 5 feet |
| Rear: | 10 feet |
| Water body: | 25 feet |
| ~~Preserve:~~ | ~~30 feet~~ |
| All Accessory Uses: | Per ·§34-1171 et seq. |
| Minimum Perimeter Setback: | 25 feet |

**Other Property Regulations**

| | |
|---|---|
| Minimum Building Separation: | ~~15~~10 feet |
| Maximum Lot Coverage: | ~~45~~ 55 percent |
| Maximum Building Height: | 35 feet, except: |

~~Within 50 feet of the north and west property boundaries in R-1, 'height will be limited to 25 feet; and~~
~~Within 100 feet of the north property boundary in R-2, height will be limited to 25 feet.~~

**Two Family Attached**

**Minimum Lot Areas and Dimensions**

| | |
|---|---|
| Lot Size: | 3,000 square feet |
| Lot Width: | 30 feet |
| Lot Depth: | 100 feet |

**Minimum Setbacks**

| | |
|---|---|
| Street: | 15 feet |
| Side: | 0 (internal) or 5 feet |
| Rear: | 10 feet |
| Water body: | 25 feet |
| ~~Preserve:~~ | ~~30 feet~~ |
| All Accessory Uses: | Per §34-1171 et seq. |

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| | |
|---|---|
| Minimum Perimeter Setback: | 25 feet |

**Other Property Regulations**

| | |
|---|---|
| Minimum Building Separation: | 10 feet |
| Maximum Lot Coverage: | 60 percent |
| Maximum Building Height: | 35 feet, except: |

~~Within 50 feet of the north and west property boundaries in R-1, height will be limited to 25 feet; and~~
~~Within 100 feet of the north property boundary in R-2, height will be limited to 25 feet.~~

**Townhouse**

**Minimum Lot Areas and Dimensions**

| | |
|---|---|
| Lot Size: | 2,500 square feet |
| Lot Width: | 25 feet |
| Lot Depth: | 100 feet |

**Minimum Setbacks**

| | |
|---|---|
| Street: | 15 feet |
| Side: | 0 (internal) or 5 feet |
| Rear: | 10 feet |
| Water body: | 25 feet |
| ~~Preserve:~~ | ~~30 feet~~ |
| All Accessory Uses: | Per §34-1171 et seq. |
| Minimum Perimeter Setback: | 25 feet |

**Other Property Regulations**

| | |
|---|---|
| Minimum Building Separation: | 10 feet |
| Maximum Lot Coverage: | 60 percent |
| Maximum Building Height: | 35 feet, except: |

~~Within 50 feet of the north and west property boundaries in R-1, height will be limited to 25 feet; and~~
~~Within 100 feet of the north property boundary in R-2, height will be limited to 25 feet.~~

**Multiple-Family**

**Minimum Lot Areas and Dimensions**

| | |
|---|---|
| Lot Size: | 10,000 square feet |
| Lot Width: | 100 feet |
| Lot Depth: | 100 feet |

**Minimum Setbacks**

| | |
|---|---|
| Street: | 20 feet |

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| | |
|---|---|
| Side: | 10 feet |
| Rear: | 15 feet |
| Water body: | 25 feet |
| ~~Preserve:~~ | ~~30 feet~~ |
| All Accessory Uses: | Per §34-1171 et seq. |
| Minimum Perimeter Setback: | 25 feet |

**Other Property Regulations**

| | |
|---|---|
| Minimum Building Separation: | 20 feet |
| Maximum Lot Coverage: | 45 percent |
| Maximum Building Height: | 35 feet, except: |

~~Within 50 feet of the north and west property boundaries in R-1, height will be limited to 25 feet; and~~
~~Within 100 feet of the north property boundary in R-2, height will be limited to 25 feet.~~

**Residential Amenities, Clubs, Recreational Buildings within R-1 and R-2**

**Minimum Lot Areas and Dimensions**

| | |
|---|---|
| Lot Size: | 10,000 square feet |
| Lot Width: | 100 feet |
| Lot Depth: | 100 feet |

**Minimum Setbacks**

| | |
|---|---|
| Street: | 15 feet |
| Side: | 10 feet |
| Rear: | 10 feet |
| Water body: | 25 feet |
| ~~Preserve:~~ | ~~30 feet~~ |
| All Accessory Uses: | Per §34-1171 et seq. |
| Minimum Perimeter Setback: | 25 feet |

**Other Property Regulations**

| | |
|---|---|
| Minimum Building Separation: | 20 feet |
| Maximum Lot Coverage: | 60 percent |
| Maximum Building Height: | 35 feet, except: |

~~Within 50 feet of the north and west property boundaries in R-1, height will be limited to 25 feet; and~~
~~Within 100 feet of the north property boundary in R-2, height will be limited to 25 feet.~~

EXHIBIT G

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# LSI-Bentley Crossing

## Administrative Amendment-Planned Development

Project Conditions

~~**3. No Blasting**~~

~~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: Residential blasting is no longer prohibited by the Land Development Code. Chapter 7 was amended to remove the prohibition.**

**18. Pedestrian-Friendly Design**

The development must be designed with all of the following design elements:

a. Traffic calming measures within internal roadways, including but not limited to speed bumps or tables, raised pedestrian crossings, street trees and pedestrian-friendly landscaping; street furniture; or the use of pavers and contrasting materials within the roadways.

b. An internal sidewalk~~/shared-use path network~~, on one side of the internal roads not less than 5 feet in width, connecting the ~~residential uses to the commercial uses and providing a safe means of connecting~~ internal uses ~~and buildings with adjacent uses~~. Such facilities must be shown on the approved MCP and included in local development order plans as part of construction of the project's infrastructure.

c. Streetscaping is required adjacent to the sidewalks and paths along the internal roadways within the residential areas of this development. A planting strip must be provided between the roadway and the sidewalk/path not less than 5 ~~5~~ 2 shade trees per 100 linear feet. All plantings must be native vegetation, consistent with species types within the Land Development Code ~~with not less than 50 percent live oaks~~ and no palms.

d. ~~c.~~ A minimum of two pedestrian plazas must be provided within the MPD. For purposes of this condition, a pedestrian plaza is a public space created around walking accessible areas, within roadway roundabouts or at major intersections. Pedestrian plazas will serve to improve the overall aesthetic of the development, assisting in interconnections between the neighborhoods,

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and access to the commercial area to the south. Pedestrian plazas should consist of both landscape and hardscape features and encompass an area of not less than 500 square feet per plaza. At least two shade trees must be a feature of each plaza.

e. ~~d.~~ Bicycle racks must be provided in the commercial area, near amenities and in the multifamily areas. ~~throughout the development~~.

f. ~~e.~~ Sidewalks~~/shared-use paths~~ must be provided along the project's side of adjacent public roads.

g. ~~f.~~ In addition to the crosswalk across Buckingham Road between the commercial and residential portions of the project, if determined appropriate by the Director of DCD, the developer must provide external crosswalks across Sunset Road to create pedestrian/bicycle connections between the commercial area and the surrounding Neighborhood Node and residential areas.

**Applicant's Justification: Condition 30 Streetscaping is relocated and renumbered to 18 (c) to increase clarity and assist in coordination of design between pedestrian amenities and proposed streetscaping. The condition was revised to allow use of native shade trees other than live oaks. Given the minimum width of the planting strip of 5 feet, live oaks are not the ideal tree to use on streets. Live oaks have a large root system and can cause premature failure of adjacent sidewalks/shared use paths as the root system grows. The Land Development Code has a variety of native shade trees that are better suited for the planting areas adjacent to sidewalks/shared use paths. The applicant has maintained the prohibition on palms and will use native shade trees along the internal roads. The number of shade trees is also reduced to allow further ensure survivability of the shade trees. Streetscaping will be limited to the side of the street with the sidewalk consistent with the cross section provided.**

**The sidewalk~~/shared use~~ path will be limited to one side of the internal road. A deviation requesting the sidewalk~~/shared use path~~ one side of the road is included on the enclosed schedule of uses. Condition 18(b) is revised to include the sidewalk~~/shared use path~~ on one side of the road. The reduction of the sidewalk~~/shared use path~~ to single side of the roadway will allow additional open area within the internal roadways. The design of the project is such that the volume of activity on the internal roads will be limited to residents and will not provide interconnectivity to other residential areas. The internal roadways are expected to have a lower speed than local roads interconnected to multiple neighborhoods. The limitation of the sidewalk to one side of the road will not limit mobility and will continue to protect the safety of residents and guests. Item "e" is requirement of chapter 10 and duplication is not necessary.**

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**29. Architectural Consistency**

The commercial and residential development must be constructed with a unified architectural style to include components described generally as either Old Florida, Key West, Colonial Revival, Coastal, Low Country, Craftsman, or other similar style deemed compatible with or complimentary to these styles. No distinct vernacular style need incorporate all of these components ~~features~~, but rather are encouraged to be creative in the application of these styles to modern building techniques and technologies.

**Applicant's Justification: Condition 26 is revised to provide additional flexibility in housing styles. Trends is housing styles change through time. As a result, the applicant is seeking to provide flexibility to incorporate components from the styles included in the condition, recognizing that the trends in future homes style may deviate through the years. The applicant agrees a unified architectural style is necessary. The proposed community will be gated, and the homes will be oriented to front on internal subdivision roadways, as a result the applicant is confident that the request to modify the condition will not have any adverse impacts on the surrounding community.**

~~**30. Streetscaping**~~

~~Streetscaping is required adjacent to the sidewalks and paths along the internal roadways within the residential areas of this development. A planting strip must be provided between the roadway and the sidewalk/path not less than 5 feet in width with not less than 5 trees per 100 linear feet. All plantings must be native vegetation, with not less than 50 percent live oaks and no palms.~~

**Applicant's Justification:**
**Condition 30 is struck in its entirety. The condition is incorporated in condition 18. Condition 30 was specific to streetscaping along sidewalks in the residential areas. It is appropriate to incorporate streetscaping in condition 14 to increase clarity and assist in coordination of the design of pedestrian amenities with proposed streetscaping.**

30. Maximum building height is limited to 25 feet within 50 feet of the north perimeter boundary in the R-1 development area and within 100 feet of the north perimeter boundary in the R-2 development area.

**Applicant's Justification:**
**A new condition is proposed to move the height limitation from the property development regulations to the project conditions. The change is proposed to clarify the application of height limitations. The height limitations are measured from the project boundary and impact a structure only within the distances referenced, not the entire lot. The property development regulations are applied at the lot level internal to a development tract. The**

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**concern is that the height restriction could be misconstrued to apply to a lot line instead of the property boundary and have a greater impact to proposed structures. The intention is to clarify that the height restriction applies to the development tract not the individual lots within the development tracts.**

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EXHIBIT H

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**Bentley Crossing**
**Administrative Amendment**
Schedule of Deviations

6. Deviation from LDC§ 33-1434 (a) &(d) requiring a maximum of one door on the primary façade and the garage to be designed for side entry or be recessed a minimum of four feet behind the front façades or porches of the dwelling unit to allow a door front door for each unit and the garages to be front loaded and not recessed.

**Justification:**
**The intention of LDC §33-1434(a) is to maintain the appearance of a single-family detached dwelling within the Lehigh Acres Community. However, the Planned Development is a master planned community with a clustered development pattern that will promote a uniform development throughout. Additionally, two family attached dwellings are functionally equivalent to single family units and defined as such by the LDC in Section 34-2. Two family attached units share a common wall or roof; however, each unit is located on a separate lot. As a result, each unit in the two family dwelling unit shall be accessed through a front door on the primary façade consistent with a single family detached unit.**

**The approved lot size of the two-family attached dwelling units by Z-15-015 is 30 feet by 100 feet with a 5ft setback. This lot width and side setback are not sufficient to allow a side loaded garage and allow the necessary turning radius to accommodate an average vehicle. LDC Section 33-1434(c) requires that the driveway and parking for two-family attached units be consistent with LDC Section §34-2020(a) which requires 2 parking spaces and a specific width and depth of the parking area, in this case the driveway and garage. The minimum required parking space width is 9 feet wide pursuant to 34-2016(1)(b). The side setback for the two-family attached unit is 5 feet. The side setback is too small to accommodate a side loaded garage and driveway, with the minimum required parking space width of 9 feet. Each two family unit is required to provide two parking spaces. One space will be accommodated in the garage the second space will be accommodated in the driveway, which is required by LDC Section §34-2020(a)(Note 4) to be a minimum of 27 feet from the edge of pavement. It is not feasible given the lot width of 30 feet to provide a side loaded garage; the entire front façade would be garage with no setback/articulation for the true front of the unit with pedestrian access.**

**A recess garaged as desired by this regulation will also change the appearance of the two family attached buildings into a non-conventional design. Single-family detached units in the planned development are not required to recess the garages. Therefore, the two family detached homes would visual appear different from the single family homes which is inconsistent with the intent of LDC §33-1434 (a). It is not feasible to meet LDC §33-1434 (a) or (d) and maintain the appearance of a single family unit.**

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**The requested deviation will enhance the planned development as all units are internal to the development and internal roadways only. As a result, the requested deviation will not negatively impact the health, safety and welfare of the public and will not be visible to the Lehigh Acres community.**

7. Deviation from LDC§ 10-296(e)(1)(i)(5) roadway cross section requiring sidewalks along both sides of internal roadways and a 50 foot wide right of way to allow the sidewalk along one side of the internal roadway and a 45 foot wide right of way.

**Justification: The mixed use planned development will be a private subdivision that is committed to providing pedestrian connectivity; however, the volume of activity on the internal roads will be limited to residents. The requested elimination of sidewalk on one sideof the roadway enables a reduction to the overall right of way without constraining the travel lanes or pedestrian access. The internal roadways are expected to have a lower speed than local roads and will still be able to provide a design that meets the vehicular and pedestrian needs of the community. The limitation of the sidewalk to one side of the road will not limit mobility and will continue to protect the safety of residents and guests. Sidewalks will be developed along the abutting external rights of way consistent with LDC Chapter 10.**

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# Bentley Crossing Administrative Amendment

## Lehigh Acres Community Information Meeting

12/17/2020 Meeting Summary

Meeting Attendees: Inke Schirrmacher, Thomas Pfuner, Mohamed Yasin, Claude Spellman, Tami Baker, Ken Bennett from LAFD, Melissa Barry, Secretary, Tina Ekblad, Heather Urwiller, MarySue Groth, Rhonda Brewer.

The Community Information session was held in conjunction with the Lehigh Acres Architectural, Planning & Zoning Review Board (LAAPZRB) to discuss the Bentley Crossing Administrative Amendment. The LAAPZRB meeting was advertised to begin at 5:30PM on December 17, 2020. The meeting was held virtually, and the meeting agenda is attached. By request of the Lehigh Acres Architectural, Planning & Zoning Review Board the information session was advertised with the date and time of the meeting. A contact email address was provided to obtain meeting log on information, the agenda and meeting materials (the meeting notice is attached). The meeting notice was discussed by phone with Anthony Rodriguez on December 4, 2020 and it was determined that the notice would be sufficient as discussed.

The following project representatives were present at the virtual meeting Tina Ekblad, MPA, AICP, LEED AP, Morris-Depew Associates; Heather Urwiller, AICP, CFM, Morris Depew Associates; MarySue Groth, Morris Depew Associates; and Rhonda Brewer, LSI Companies, Inc., Development Consultant. A brief description of the project request was provided by Heather Urwiller.

The questions asked and comments provided included the following:

Tami Baker stated surrounding residents are concerned with the flooding and asked if engineering has been done to address this issue yet. Tina Ekblad stated no engineering has been done yet, but that SFWMD standards would be applied.

Tami Baker asked if the Key West buildings would be block. She stated from an insurance perspective, block homes with hip roofs would be beneficial. Tina Ekblad stated Florida building codes and standards would be used.

Tami Baker asked if City water would be used on the project. Tina Ekblad stated Florida Governmental Utility Authority (FGUA) would be the provider.

Mohamed Yasin stated he was thankful this project was finally coming to fruition, but stated traffic congestion is already an issue along that stretch of Buckingham Rd. As an observation he stated that area is supposed to be widened already with FDOT. He asked if FDOT has been

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contacted yet. Tina Ekblad stated FDOT does have a plan on the docket and we will be coordinating with them as necessary.

Inke Schirrmacher stated concerns with the traffic as well and adding that many units would add impacts to the area. As an observation she stated a traffic light may be an improvement. She asked if the main entrance was at the crosswalk. Tina Ekblad stated two entrances to the development would be required by code. Mohamed Yasin stated there is a round-about in the planning stage for the intersection of Gunnery Road and Buckingham Road that would address traffic issues.

All questions were answered, and the information session concluded at 6:00PM with unanimous approval of the amendment by the Lehigh Acres Architectural, Planning, Zoning Review Board.

Enclosures:
Meeting Agenda
Advertisment Affidavit
Attendance Record

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**From:** Tami Baker
**To:** MarySue Groth
**Subject:** Re: FreeConferenceCall.com Detail Report
**Date:** Friday, December 18, 2020 8:56:03 AM
**Attachments:** image006.jpg
image007.png
image008.png
image009.jpg
image010.jpg
image011.jpg
image012.png
image013.png
image014.jpg
image015.jpg

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MarySue,
You are very welcome.

**Tami Baker**
**L.A. Insurance**
**(239)369-6000**
**(239)369-8238 fax**
**www.LA-Insurance.net**

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**From:** MarySue Groth <MGroth@M-DA.com>
**Sent:** Friday, December 18, 2020 8:55 AM
**To:** Tami Baker <tami@la-insurance.net>
**Subject:** RE: FreeConferenceCall.com Detail Report

Thanks for all your help!!!

**~ We would like to remind everyone that our offices will be closed December 25th and will reopen January 4th, 2021. We wish you and your family a Happy Holiday Season! ~**

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**MarySue Groth**
Assistant Planner

2914 Cleveland Avenue
Fort Myers, FL 33901
(239) 337-3993
telephone
(866) 337-7341 toll free

---

**From:** Tami Baker <tami@la-insurance.net>
**Sent:** Friday, December 18, 2020 8:54 AM
**To:** MarySue Groth <MGroth@M-DA.com>
**Subject:** Re: FreeConferenceCall.com Detail Report

MarySue,
Inke Schirrmacher, Thomas Pfuner, Mohamed Yasin, Claude Spellman & Tami Baker. Ken Bennett from LAFD and Melissa Barry, Secretary were both in attendance, as well.

**Tami Baker**
**L.A. Insurance**
**(239)369-6000**
**(239)369-8238 fax**
**www.LA-Insurance.net**

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**From:** MarySue Groth <MGroth@M-DA.com>
**Sent:** Friday, December 18, 2020 8:43 AM
**To:** Tami Baker <tami@la-insurance.net>
**Subject:** RE: FreeConferenceCall.com Detail Report

No worries!! Would you be able to tell me all the board member's names? I couldn't get them all down. Thanks Tami!

**~ We would like to remind everyone that our offices will be closed December 25th and will reopen January 4th, 2021. We wish you and your family a Happy Holiday Season! ~**

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**MarySue Groth**
Assistant Planner

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Fort Myers, FL 33901
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telephone
(866) 337-7341 toll free

---

**From:** Tami Baker <tami@la-insurance.net>
**Sent:** Friday, December 18, 2020 8:42 AM
**To:** MarySue Groth <MGroth@M-DA.com>
**Subject:** Fw: FreeConferenceCall.com Detail Report

Mary Sue,
I forgot to include you in the information below. Sorry.

Merry Christmas!

**Tami Baker**
**L.A. Insurance**
**(239)369-6000**
**(239)369-8238 fax**
**www.LA-Insurance.net**

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**From:** Tami Baker <tami@la-insurance.net>
**Sent:** Friday, December 18, 2020 8:39 AM
**To:** Al Quattrone <Al@qainc.net>; Heather Urwiller <HUrwiller@M-DA.com>; Melissa Barry <mbarrys@hotmail.com>; Inke Schirrmacher <inkebaker@live.com>; Lehigh Acres Architectural Planning & Zoning Review Board LAAPZRB <laapzrb@outlook.com>
**Subject:** Fw: FreeConferenceCall.com Detail Report

Good morning,
Attached is the information from last night's meeting. Please let me know if you need anything further.

**Tami Baker**
**L.A. Insurance**
**(239)369-6000**
**(239)369-8238 fax**
**www.LA-Insurance.net**

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**From:** FreeConferenceCall Services <noreply@freeconferencecall.com>
**Sent:** Thursday, December 17, 2020 6:20 PM

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**To:** tamibaker6000@msn.com <tamibaker6000@msn.com>
**Subject:** FreeConferenceCall.com Detail Report

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# Account Information

**Date:** December 17, 2020 5:03:15 PM
**Dial-in number:** (701) 802-5031
**Access code:** 8691704
**Account:** #s13156423

# Audio

| Caller | Service Type | Start Time | End Time | Duration |
|---|---|---|---|---|
| +1 239 936 5222 - QUATTRONE & ASC | | 5:03:15 PM | 5:09:32 PM | 7m |
| Heather Urwiller - hurwiller@m-da.com | | 5:05:54 PM | 6:00:56 PM | 55m |
| +1 239 770 2883 - TAMMY BAKER Host | | 5:12:33 PM | 6:20:15 PM | 68m |
| Rhonda Brewer - rbrewer@lsicompanies.com | | 5:15:46 PM | 6:01:58 PM | 47m |
| +1 239 936 5222 - QUATTRONE & ASC | | 5:23:20 PM | 5:47:18 PM | 24m |
| +1 208 312 1893 - BARRY MELISSA | | 5:23:29 PM | 6:03:25 PM | 40m |
| +1 239 223 2438 - CITY OF PALMS C | | 5:24:06 PM | 6:20:16 PM | 57m |
| +1 239 850 1843 - PFUNER | | 5:24:53 PM | 6:02:49 PM | 38m |
| +1 239 303 5300 - LEHIGH ACRES FI | | 5:25:21 PM | 6:02:48 PM | 38m |
| +1 561 797 0288 - MORRIS DEPEW AS | | 5:26:06 PM | 6:00:56 PM | 35m |
| MarySue Groth - mgroth@m-da.com | | 5:27:18 PM | 6:00:55 PM | 34m |

**Number of attendees:** 11
**Toll minutes:** 307m **VoIP minutes:** 136m

Note: All times in Eastern Time

# Online Meeting

| Caller | Service Type | Duration | |
|---|---|---|---|
| | | Screen Sharing | Video |
| Heather Urwiller - hurwiller@m-da.com | | | 2m |
| Rhonda Brewer - rbrewer@lsicompanies.com | | | 3m |
| tamibaker6000@msn.com - tamibaker6000@msn.com Host | | | 2m |

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| | | |
|---|---|---|
| MarySue Groth - mgroth@m-da.com | | 2m |

**Number of attendees:** 4

**Video minutes:** 9m **Screen sharing minutes:** 0m

# Recording

| Start Recording Time | End Recording Time | Duration |
|---|---|---|
| 5:28:27 PM | 6:04:48 PM | 37m |
| 6:04:50 PM | 6:20:16 PM | 16m |

**Recording Link:** Listen Now

**Reference Number** 5

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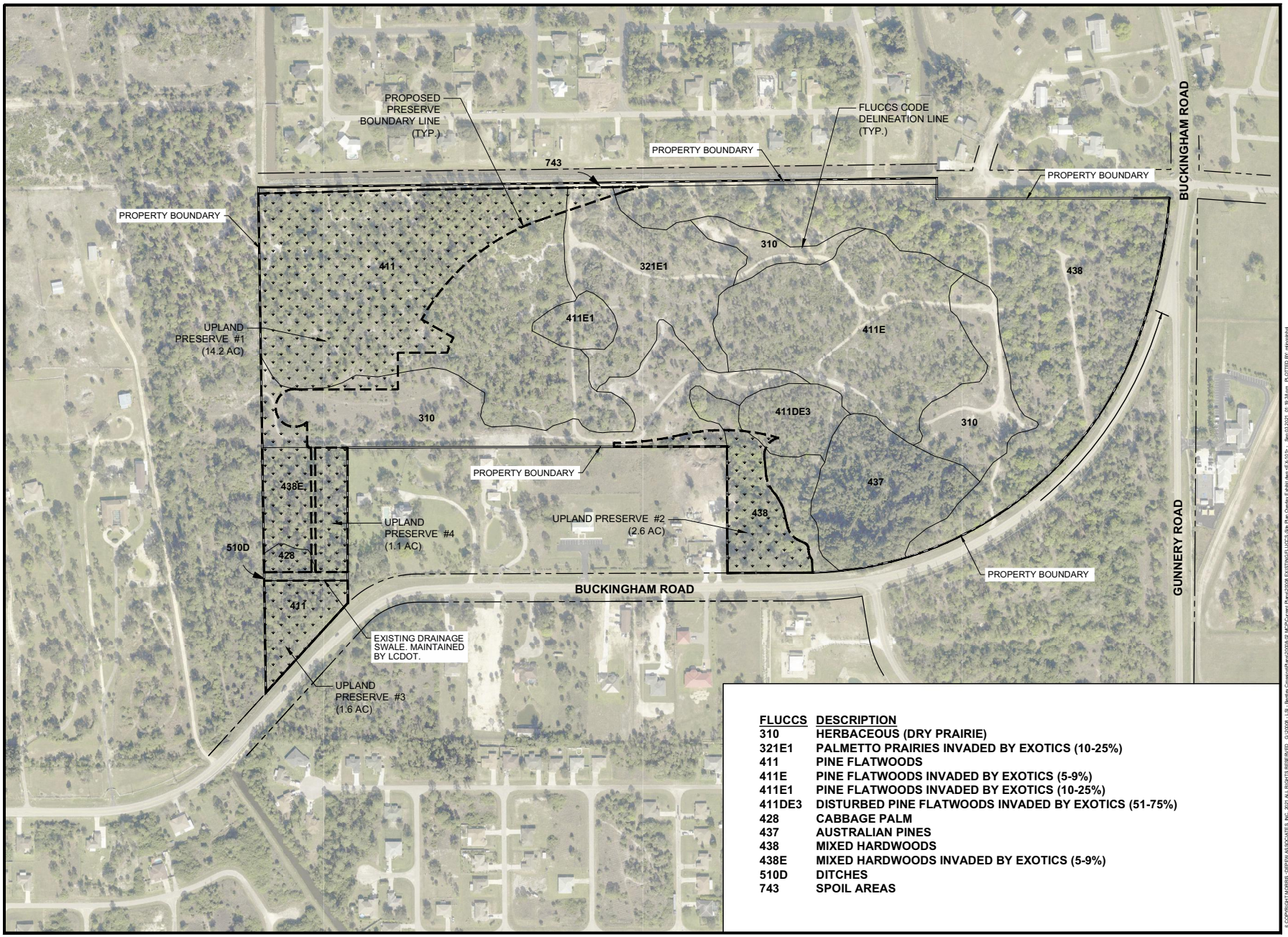
**FreeConferenceCall.com**

P O Box 41069 Long Beach, CA 90853

Tel: (844) 844-1322

Fax: (562) 432-5250

# Exhibit D




| FLUCCS | DESCRIPTION |
|---|---|
| 310 | HERBACEOUS (DRY PRAIRIE) |
| 321E1 | PALMETTO PRAIRIES INVADED BY EXOTICS (10-25%) |
| 411 | PINE FLATWOODS |
| 411E | PINE FLATWOODS INVADED BY EXOTICS (5-9%) |
| 411E1 | PINE FLATWOODS INVADED BY EXOTICS (10-25%) |
| 411DE3 | DISTURBED PINE FLATWOODS INVADED BY EXOTICS (51-75%) |
| 428 | CABBAGE PALM |
| 437 | AUSTRALIAN PINES |
| 438 | MIXED HARDWOODS |
| 438E | MIXED HARDWOODS INVADED BY EXOTICS (5-9%) |
| 510D | DITCHES |
| 743 | SPOIL AREAS |

PROJECT:

BENTLEY CROSSINGS MIXED USE PLANNED DEVELOPMENT

LOCATION:

7990, 7431, 7350 BUCKINGHAM ROAD FORT MYERS, FL. 33905

CLIENT:

BENTLEY BUCKINGHAM, LLC

CONSULTANT:

MORRIS DEPEW
ENGINEERS ■ PLANNERS ■ SURVEYORS
LANDSCAPE ARCHITECTS
FL CA NO. 6532 / FL CERT NO. LB6691 / LC26000330
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Toll free: 866-337-7341
Tallahassee
113 South Monroe Street
1st Floor
Tallahassee, Florida 32301
Toll free: 866-337-7341
Destin
559? Highway 98
Unit 201
Santa Rosa Beach, Florida 32459
Toll free: 866-337-7341

PREPARED BY:

| REVISIONS | DATE |
|---|---|
| | |

| | |
|---|---|
| PROJECT MANAGER: | TME |
| DRAWING BY: | TDM |
| JURISDICTION: | LEE COUNTY |
| DATE: | 10/5/2020 |

SHEET TITLE:

EXISTING FLUCCS MAP WITH PRESERVE BOUNDARY OVERLAY

SHEET NUMBER: EX-101

150 0 75 150
SCALE 1"=150'

JOB/FILE NUMBER: 20008

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Exhibit E

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## Bentley Crossing Development Order Application & ADD Amendment

### Lehigh Acres Architectural Planning and Zoning Review Board Application

Meeting Summary

Lehigh Acres Architectural Planning and Zoning Review Board (LAAPZRB) Meeting was held on Thursday August 26th 2021 at Lehigh Acres Municipal Services Improvements District, 601 East County Lane, Lehigh Acres FL, 33936. The meeting was advertised to begin at 5:30 which is consistent with LAAPZRB monthly meeting schedule. The proposed project, Bentley Crossing, was presented by Ryan M. Shute, P.E. of Morris-Depew Associates on behalf of the Applicant. There were no public attendees at the meeting. After the project summary provided to the Board, the project was approved by LAAPZRB.

Enclosures
LAAPZRB Approval