

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

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

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

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

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

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

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

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

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

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

COPY

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

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

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

DULY PASSED AND ADOPTED this 3rd day of October 2005.

ATTEST:
CHARLIE GREEN, CLERK

BY: *Sisa Pierce*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *T. Hall*
Vice-Chairman

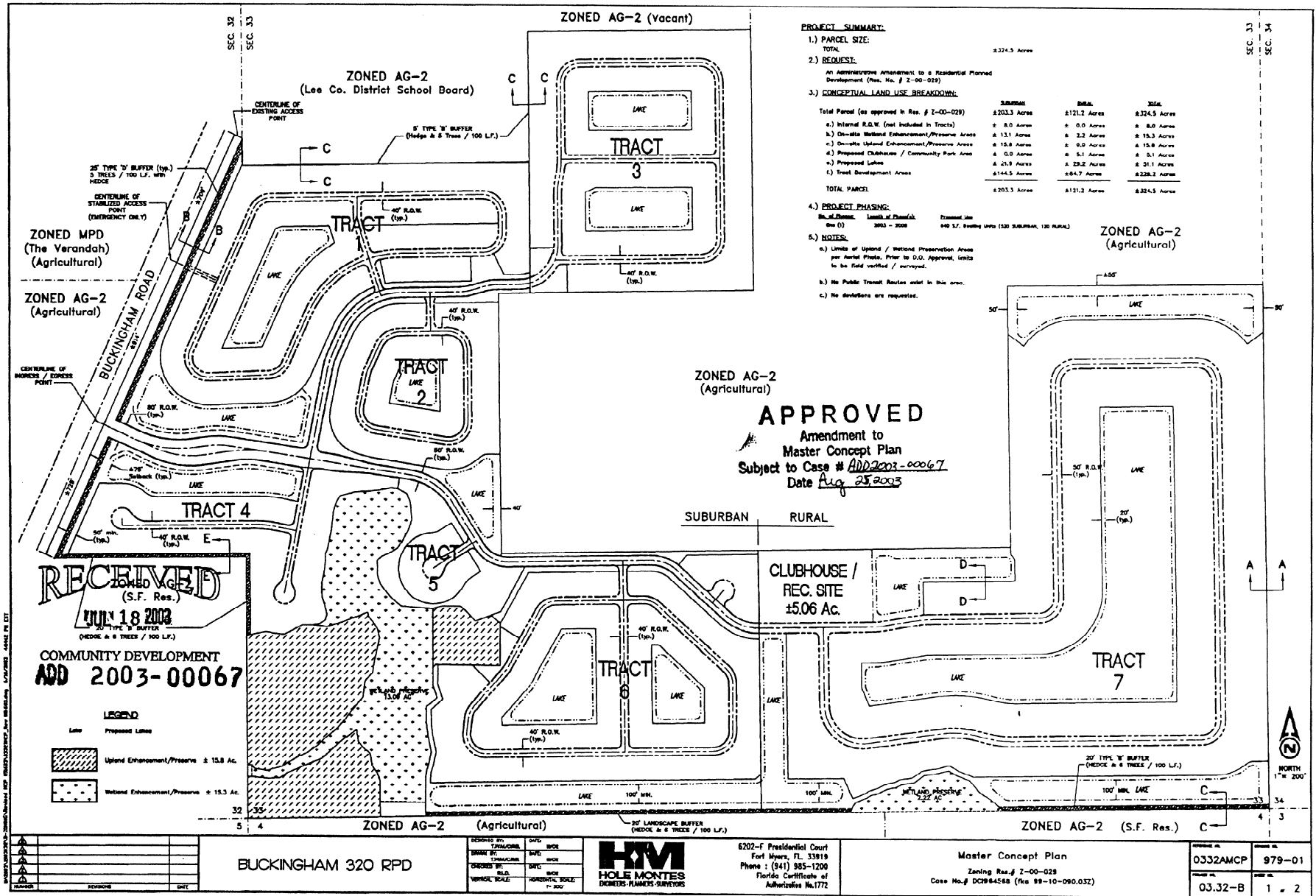
Approved as to form by:

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



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

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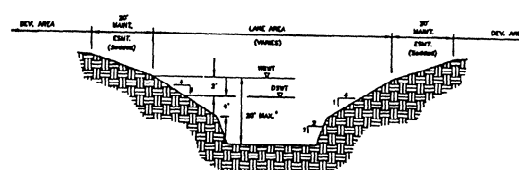
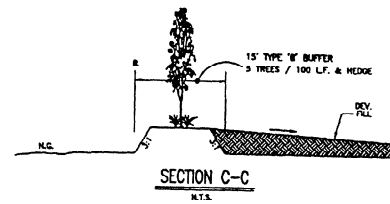
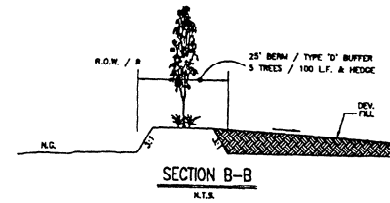
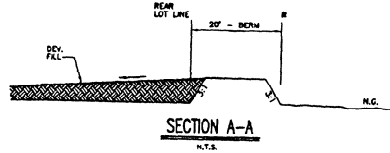
TRACT AREA - LAND USE BREAKDOWN						
TRACT No.	LAND AREA (Acres)	R.O.B. (Acres)	SOY AREA (Acres)	GREEN AREA (Acres)	TOTAL AREA (Acres)	UNITS / TYPE
#1	5.32	4.91	24.57	8.94	41.74	136 / S.F.
#2	2.30	1.84	11.34	3.54	19.02	67 / S.F.
#3	3.83	4.38	23.31	3.08	35.00	111 / S.F.
#4	2.46	1.78	10.85	4.17	19.26	66 / S.F.
#5	-	8.40	3.24	2.73	14.37	13 / S.F.
#6	9.14	4.67	28.21	4.06	46.08	146 / S.F.
#7	22.30	8.17	68.0	11.65	110.12	150 / S.F.
#8	16.14	28.25	167.94	37.95	230.28	840 / S.F.

NOTE: S.F. REFERS TO DETACHED SINGLE FAMILY RESIDENCE.

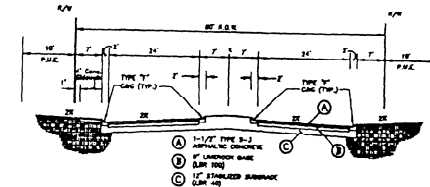
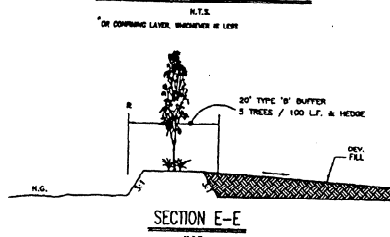
PROPERTY DEVELOPMENT REGULATIONS		
TRACTS 1 - 8		
Min. Lot Area	5,250 sq. ft.	
Min. Lot Width	35'	
Min. Lot Depth	100'	
Min. Street Setback	100'	
Min. Side Setback	5' & 5' for Lots Lot Line Width 7.5' for all others, except those where lot (2) or more boundaries are on a development block, in which case building separation shall be 20'	
Min. Rear Setback	20'	
Min. Parkway Setback	30'	
Min. Lot Coverage	40%	
Min. Building Height	30' / 3 stories	
TRACT 7		
Min. Lot Area	30,000 sq. ft.	
Min. Lot Width	150'	
Min. Lot Depth	100'	
Min. Street Setback	20'	
Min. Side Setback	10'	
Min. Rear Setback	20'	
Min. Parkway Setback	20'	
Min. Lot Coverage	40%	
Min. Building Height	30' / 3 stories	

CONCEPTUAL OPEN SPACE:

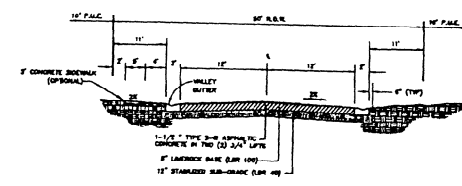
- | | |
|---|-----------------|
| a.) Total Required Open Space (400K) (per L.C.D.C.): | |
| 2324.5 Acres $\times 0.4 =$ | ± 129.8 Ac. |
| b.) Total Provided Open Space: | |
| Individual Lot Areas (8.75% of Req'd. 400K) | ± 32.5 Ac. |
| Proposed Lake Areas ($8 \pm 28.0\%$ of 129.8 Ac.) | ± 32.5 Ac. |
| Proposed Upland Enhancement/Preservation Area | ± 15.8 Ac. |
| Proposed Wetland Enhancement/Preservation Area | ± 15.3 Ac. |
| Green Space / Open Space within Tract Dev. Area | ± 33.7 Ac.* |
| Total Open Space Provided: | ± 129.8 Ac. |
| *647.3 Acres is available, however only 233.7 Acres is being claimed for this calculation | |
| c.) Indigenous Preserve Area Provided (per Zoning Reg. # 2-00-029): | |
| Upland Preserve | ± 15.8 Ac. |
| Wetland Preserve | ± 15.3 Ac. |
| Total Indigenous Preserve Area Provided: | ± 31.1 Ac. |



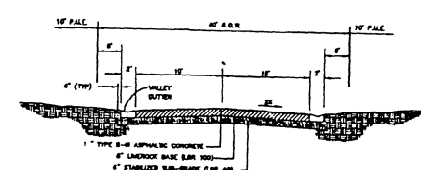
SECTION D-D
TYPICAL LAKE CROSS SECTION



TYPICAL SECTION - 80 FT. R.O.W.



50 FT. R.O.W.
PRIVATE/MINOR COLLECTOR ROAD CROSS SECTION
M.T.S.



PRIVATE / LOCAL ROAD CROSS SECTION

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COMMUNITY DEVELOPMENT
ADD 2003-00067

APPROVED
Amendment to
Master Concept Plan
Subject to Case # AD2003-0006?
Date Aug. 28 2003

                                		BUCKINGHAM 320 RPD		DESIGNED BY DRAWN BY CHECKED BY THERMAL SCALE	DATE DATE DATE HORIZONTAL SCALE AIR MILES	 H.M. HOLE MONTES ENGINEERS-PLANNERS-SURVEYORS	6202-F Presidential Court Fort Myers, FL 33819 Phone: (941) 985-1200 Florida Certificate of Authorization No.1772	Master Concept Plan Notes and Site Details Zoning Map 2-00-029 Case No. 9 DCT964368 (188 99-10-090.032)	OFFICIAL SEAL 0332AMDP 03.32-B	DRAWING NO. 979-02 PAGE NO. 2 of 2
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PROPERTY DESCRIPTION

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

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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

TOGETHER WITH

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

LESS AND EXCEPT

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

ALSO BEING DESCRIBED AS:

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

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

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

NOTES:

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

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

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

PROPERTY AREA: 324.646 ACRES, MORE OR LESS

HOLE MONTES, INC.

CERTIFICATION OF AUTHORIZATION LB #1772

Applicant's Legal Checked

by Aggy 21 AUG 03

BY

Jerry L. Riffelmacher
JERRY L. RIFFELMACHER

P.S.M. #6130

STATE OF FLORIDA

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