

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

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

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

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

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

SECTION A. REQUEST

The applicant filed a request to:

1. rezone a 20±-acre parcel from AG-2 to RPD; and
2. amend Zoning Resolution Z-00-029 to permit a RPD with a maximum of 690 single-family dwelling units (an increase of 50 dwelling units) on 345± acres of land. The 345± acres includes the 20± acres rezoned from AG-2 to RPD; and
3. limit proposed maximum building heights to three (3) stories/35 feet for residential uses, and three (3) stories/45 feet for other uses (gate houses, recreational facilities); and
4. include a potential public school site, and a maximum of 7,500 square feet of commercial uses within a clubhouse setting.

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

SECTION B. CONDITIONS:

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

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

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

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

Maximum Number of Dwelling Units: 690

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

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

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

- a. **Schedule of Uses**

Accessory Uses and Structures

Administrative Offices

Agricultural Uses SEE AGRICULTURAL CONDITION 9

Club, private - LIMITED TO "REC. TRACT" ON THE APPROVED MASTER CONCEPT PLAN. CLUBHOUSE BUILDINGS MAY NOT EXCEED 40,000 SQUARE FEET IN TOTAL FLOOR AREA. This total includes the 7,500 square feet permitted for limited commercial uses. Also see Condition 23

Dwelling Units, Single-family, Zero-Lot-Line. The number of units is also subject to compliance with concurrency requirements.

Entrance Gates and Gatehouse

Essential Services

Essential Service Facilities, Group I

Excavation, Water Retention - not to include the removal of excavated material from the site. Blasting is prohibited.

Fences and Walls.

Home Occupation, No outside help.

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

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

Parking Lot, Accessory

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

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

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

Schools, Non-commercial

Signs, in compliance with LDC Chapter 30

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

Temporary Uses, Temporary Sales, Temporary Construction

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

Bank and Financial Establishments - Group I (including ATMs)

Consumption on Premises - Indoor only

Food & Beverage Service, Limited

Personal Services, Group I

b. Site Development Regulations

Overall Project:

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

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

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

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

Open Space: 40 percent minimum.

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

Indigenous open space must be provided as depicted on the MCP

Tracts 2 and 5

Single Family

Minimum Lot Areas and Dimensions

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

Minimum Setbacks

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

Accessory Use: Per the LDC

Perimeter Setbacks: 25 feet

Maximum Lot Coverage: 50 percent

Tracts 1, 3 and 4

Zero-Lot-Line

Minimum Lot Areas and Dimensions

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

Minimum Setbacks

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

Accessory Use: Per the LDC

Perimeter Setbacks: 25 feet

Maximum Lot Coverage: 55 percent

Recreational Tract

Minimum Lot Areas and Dimensions

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

Minimum Setbacks

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

Accessory Use: Per the LDC.

Minimum Building Separation: 20 feet.

Maximum Lot Coverage: 40 percent

3. The following recommendations are presented to mitigate future hurricane damage and loss of life, as well as to ensure compliance with Lee Plan objectives.
 - a. The developer must establish a homeowners' or residents' association. The organization must provide an educational program on an annual basis, in conjunction with the staff of Emergency Management, that will provide literature, brochures and speakers for Hurricane Awareness/Preparedness Seminars, describing the risks of natural hazards. The intent of this condition is to provide a mechanism to educate residents concerning the actions necessary to mitigate the dangers inherent in these hazards.

- b. The developer must formulate an emergency hurricane notification and evacuation plan for the development that will be subject to review and approval by the Lee County Office of Emergency Management.
 - c. Hurricane preparedness and impact mitigation, if required, must comply with the provisions of LDC §2-481 *et seq.*
4. DELETED.
5. The developer must provide written disclosure to all potential and actual property owners of the existence of The School District of Lee County's transportation facility on the Buckingham campus and the potential for expansion of this facility.
6. Model units and homes (and real estate sales) are permitted in compliance with the following conditions:
- a. Each model must be a unique example. Multiple examples of the same unit are not permitted.
 - b. All model sites must be designated on the development order plans.
 - c. Prior to model home construction, the lots upon which model homes will be constructed must be shown on a preliminary plat (not the final). The preliminary plat must be filed concurrently with the local development order application. The model homes must comply with the setbacks set forth in the property development regulations for this project.
 - d. Dry models are prohibited.
 - e. The number of model homes or model units will be limited to no more than 15 within the development at one time.
 - f. Model homes or units must be developed within the areas identified as "model homes, sales location center, parking for sales center, rec. tract" on the approved MCP.
 - g. Model display Centers or Model Display Groups must be shown on the development order plans. Parking areas for these uses will be buffered with a single-row hedge and tree canopy for parking areas per the LDC.
 - h. Real estate sales are limited to the sale of lots or units within the development only.
 - i. Real estate sales are limited to temporary real estate trailers, model units, model display centers, recreational area and clubhouse.
 - j. Hours of operation for both models and real estate sales are limited to Monday through Sunday 8 a.m. to 8 p.m.

- k. Model homes and real estate sales will be valid for a period of up to 5 years from the date of issuance of a certificate of occupancy of a model home in accordance with LDC § 34-1954(d)(1).
- 7. DELETED.
- 8. A. **BUFFER ON SOUTHERN AND WESTERN PROPERTY LINES**

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

The Development Order must provide an enhanced 25-foot Type "D" buffer along Buckingham Road including 10 trees per 100 linear feet (which must include live oaks, no palms) and a berm a minimum of 3 feet in height.
- 9. **AGRICULTURAL USES:** Existing bona fide agricultural uses on this site in the form of cattle pasture and the raising of hay are allowed only in strict compliance with the following:
 - (a) Bona fide agricultural uses of cattle grazing and the raising of hay in existence at the time the application for rezoning was filed, and as shown on Exhibit D attached hereto, may continue until approval of a local development order for the area of the project containing those uses.
 - (b) Additional clearing of trees or other vegetation in agricultural areas is prohibited. Existing areas of bona fide agricultural use may be maintained, i.e., mowed, but not cleared or expanded. This prohibition is not intended to preclude County approved requests for the removal of invasive exotic vegetation.
 - (c) Prior to issuance of a local development order, the property owner must provide written proof, subject to approval by the County Attorney's Office, of the following:
 - (1) Termination of all agricultural use on any portion of the property included in the development order application/approval. Proof must include a sworn affidavit from the person or entity holding title to the subject property that specifically provides:
 - a) the date the agricultural uses ceased;

- b) the legal description of the property subject to the development order approval;
- c) an affirmative statement that the owner acknowledges and agrees that all agricultural uses are illegal and prohibited on the property and that the owner covenants with the county that they will not allow any such uses on the property unless and until the property is rezoned to permit such uses; and,
- d) that the affidavit constitutes a covenant between the owner and the county that is binding on the owner and their assignees and successors in interest.

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

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

10. DELETED.

11. DELETED.

12. DELETED.

13. DELETED.

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

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

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

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

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

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

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

20. SETBACKS Applicable to Tracts 2 and 5.

- A. No structures, including but not limited to, sidewalks, mechanical equipment, door stoops, walls, etc. may be constructed or placed within the required 6-foot side setbacks; **or**
- B. Prior to issuance of Certificate of Occupancy on each lot, the Engineer of Record must certify that the drainage for each lot is built in compliance with the *typical lot grading detail* provided as part of the building permit process.

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

22. ACCESS TO BUCKINGHAM ROAD

- A. The approved MCP and local development order must depict a minimum 70-foot wide divided entrance on Buckingham Road that includes a 14-foot wide median with two 11-foot wide lanes on both sides of the median for ingress and egress.
- B. The local development orders must include an emergency access point on Buckingham Road as shown on the approved MCP.
- C. Prior to issuance of a development order, the developer must provide written documentation from the Fort Myers Shores Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles.

23. COMMERCIAL USES AND CONSUMPTION ON PREMISES.

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

- A. Commercial uses are limited to amenity "Recreation" sites only as shown on the approved MCP.
- B. Commercial uses are limited to members and guests of a private club. Use by the general public is prohibited.

- C. Consumption on Premises (indoor only) is limited to sales within a residential clubhouse setting only. No restaurants, bars, package stores, or similar uses are permitted.
- D. Hours of operation for consumption on premises (indoor only) is limited to 7:00 a.m. to midnight, daily. Other commercial uses may operate at hours consistent with the LDC.
- E. Outdoor seating for Consumption on Premises may only be approved by Special Exception (public hearing required).
- F. Outdoor sale of alcohol is prohibited, and may not be permitted on a temporary or permanent basis.

24. PUBLIC SCHOOL USE.

- A. If the school site is transferred to the Lee County School District, the zoning approval may be amended administratively to remove the 13-acre parcel from the MCP. The deletion of the school site from the MCP will not affect applicant's right to develop 690 single-family dwelling units on the remaining portion of the land covered by the approved MCP.
- B. The "Future School Site" may be developed with single-family and accessory uses consistent with the Land Development Regulations for Tracts 2 and 5.
- C. If the "Future School Site" is utilized for residential development, no more than 690 dwelling units may be permitted for the entire development.
- D. Deleted at public hearing.
- E. Deleted at public hearing.

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

SECTION C. DEVIATIONS:

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

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

SECTION D. EXHIBITS AND STRAP NUMBER:

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

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

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

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the RPD rezoning by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes or regulations.
2. The RPD rezoning, as approved:
 - a. meets or exceeds the performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
 - e. will not adversely affect environmentally critical areas or natural resources.

3. The RPD rezoning satisfies the following criteria:
- a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the master concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, will be available and adequate to serve the proposed land use.
5. The approved deviation, as conditioned, enhances achievement of the planned development objectives, and preserves and promotes the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

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

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

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

ATTEST:
CHARLIE GREEN, CLERK

BY: Isa Pierce

Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Tammara Hall

Tammara Hall, Chairwoman

Approved as to form by:

RECEIVED
CLERK'S OFFICE

Donna Marie Collins
Donna Marie Collins
County Attorney's Office

2005 DEC -6 PM 3:11

Legal Description,
Property located in Lee County,
Florida

trial • civil • structural

LEGAL DESCRIPTION

BUCKINGHAM 345

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

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

EXHIBIT "A"
(Page 1 of 4)

P:\Surve
BOUND

1 METES
PERMIT COUNTER



environmental • civil • structural

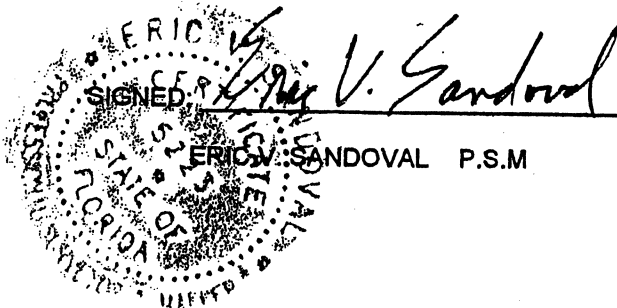
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SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,327.10 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N 89°03'03" E, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 661.05 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE RUN N 00°41'05" W, ALONG THE WEST LINE OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,333.31 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE RUN N 88°59'29" E, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,980.83 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 33; THENCE RUN S 00°47'37" E, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 2,670.83 FEET TO THE POINT OF BEGINNING, CONTAINING 344.882 ACRES, MORE OR LESS.

Applicant's Legal Checked

by lgm 3/29/2005.

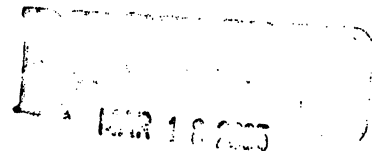
TKW CONSULTING ENGINEERS, INC.



DATE: 1-14-05

STATE OF FLORIDA # 5223

EXHIBIT "A"
(Page 2 of 4)



PERMIT COUNTER

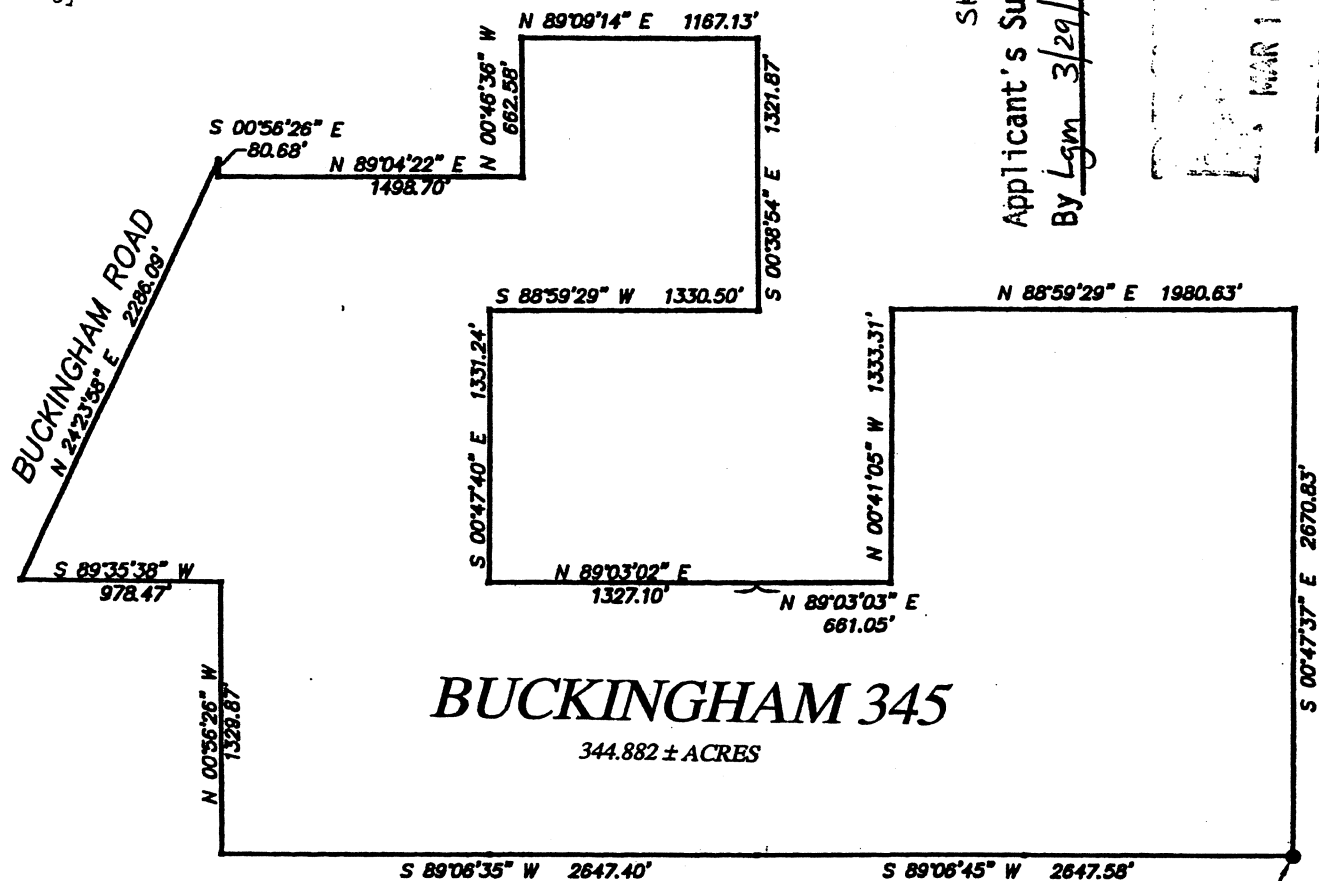
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BOUNDS.doc

DCI 2004-00090

TKW CONSULTING ENGINEERS, INC.



SCALE: 1" = 800'



BUCKINGHAM 345

344.882 ± ACRES

POINT OF
BEGINNING
SE CORNER
SEC. 33-43-38

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

RECORDED
MAR 18 2005

PERMIT COUNTER

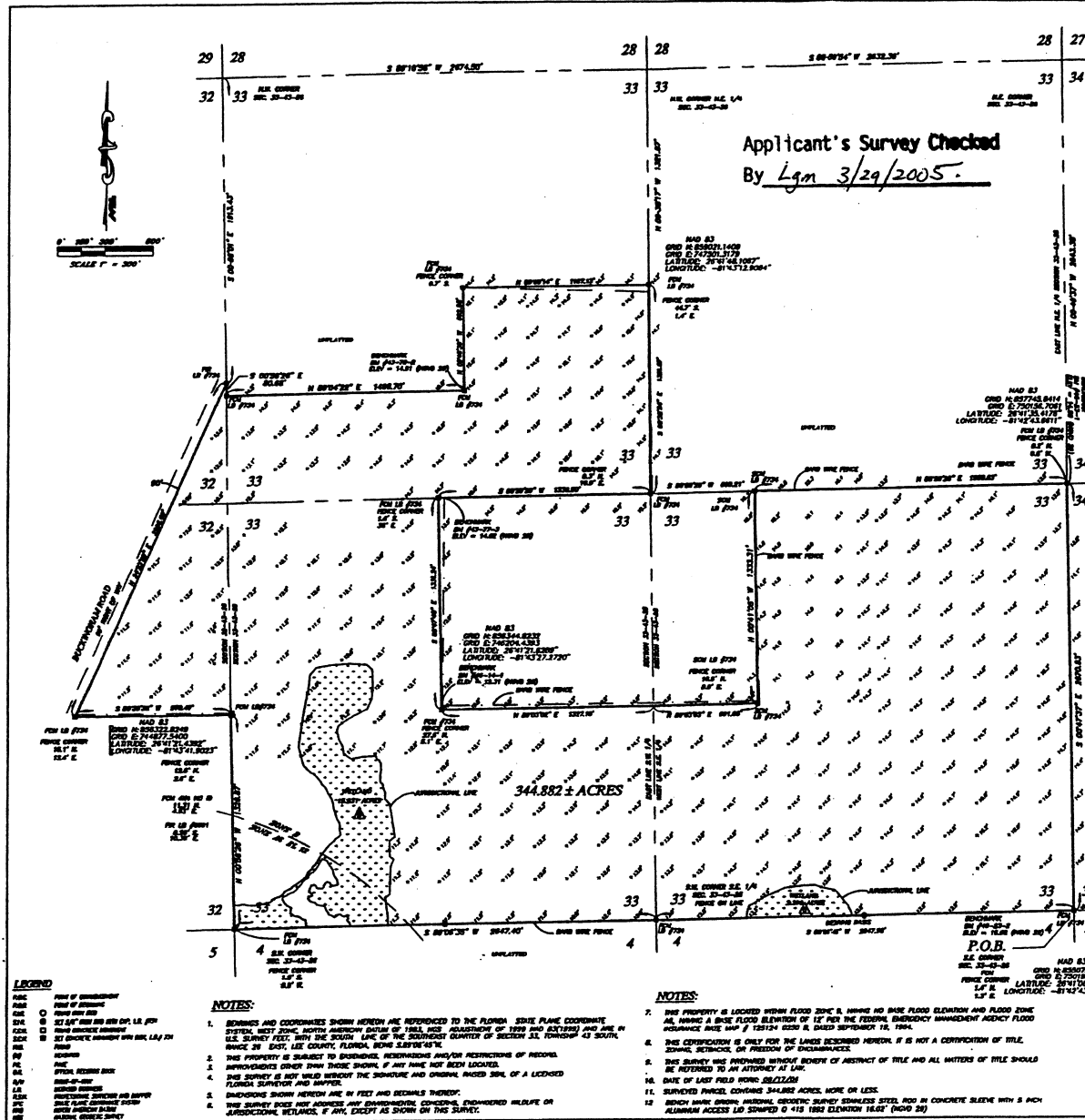
* THIS IS NOT A SURVEY *

DRAWN BY: A.D.	JOB NO.: 03783.00	SHEET 1 OF 1
SKETCH TO ACCOMPANY LEGAL DESCRIPTION		
BUCKINGHAM 345 A PORTION OF SECTIONS 32 & 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA		
DATE: JANUARY 2005	DCI 2004-00090	DRAWING: 03783SCKT

TKW CONSULTING ENGINEERS, INC.
environmental-civil-structural-survey
4413 Sawyer Drive
Fort Myers, FL 33912
(238) 278-1182 FAX (238) 278-0822
E-MAIL tkw@tkwengr.com
Certification # 754

EXHIBIT "A"

(Draw 2 of 4)



LEGAL DESCRIPTION

BUCKINGHAM 345

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

A BEGIN AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE RUN S 89°08'45" W, ALONG THE SOUTH LINE OF SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 2,647.58 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 33; THENCE RUN S 89°08'35" W, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 2,647.40 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 33; THENCE RUN N 00°56'26" W, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,329.87 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S 89°35'38" W, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 43 SOUTH, RANGE 26 EAST, FOR A DISTANCE OF 978.47 FEET TO THE SOUTHEASTLY RIGHT-OF-WAY LINE OF BUCKINGHAM ROAD, A 60 FOOT RIGHT-OF-WAY; THENCE RUN N 24°23'58" E, ALONG THE SOUTHEASTLY RIGHT-OF-WAY LINE OF BUCKINGHAM ROAD, FOR A DISTANCE OF 2,286.09 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S 87°54'26" 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 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 1,488.70 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N 00°46'38" W, ALONG THE WEST LINE OF THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST 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 SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N 89°09'14" E, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,167.13 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S 00°38'34" E, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,321.87 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N 89°59'29" W, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,330.50 FEET TO THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE RUN S 00°47'40" E, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,331.24 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST 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 SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 661.05 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N 00°41'05" W, ALONG THE WEST LINE OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,333.31 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE RUN N 89°59'29" E, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,980.63 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 33; THENCE RUN S 00°47'32" E, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 2,670.83 FEET TO THE POINT OF BEGINNING, CONTAINING 344.882 ACRES, MORE OR LESS.

CERTIFIED TO:

ALL HOMES OF FLORIDA, INC. CORPORATION
FIRST MEMPHIS TITLE INSURANCE COMPANY
RICHMOND, VIRGINIA 23261-1000

DATE: 03-29-05

DATE SIGNED: 03-29-05

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

CONSULTING ENGINEERS, INC.

PREPARED FOR:

G.L. HOMES

PROJECT DESCRIPTION:

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

PROFESSIONAL SURVEYOR

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

DRAWING DATA

FILE NAME	ESTIMATED/2/05
APPROVED BY	E.V.A.
SURVEY DATE	03/23/05
DRAWN BY	D.L.
CHECKED BY	D.L.
SCALE	1" = 300'
FIELD BOOK	03/29/05

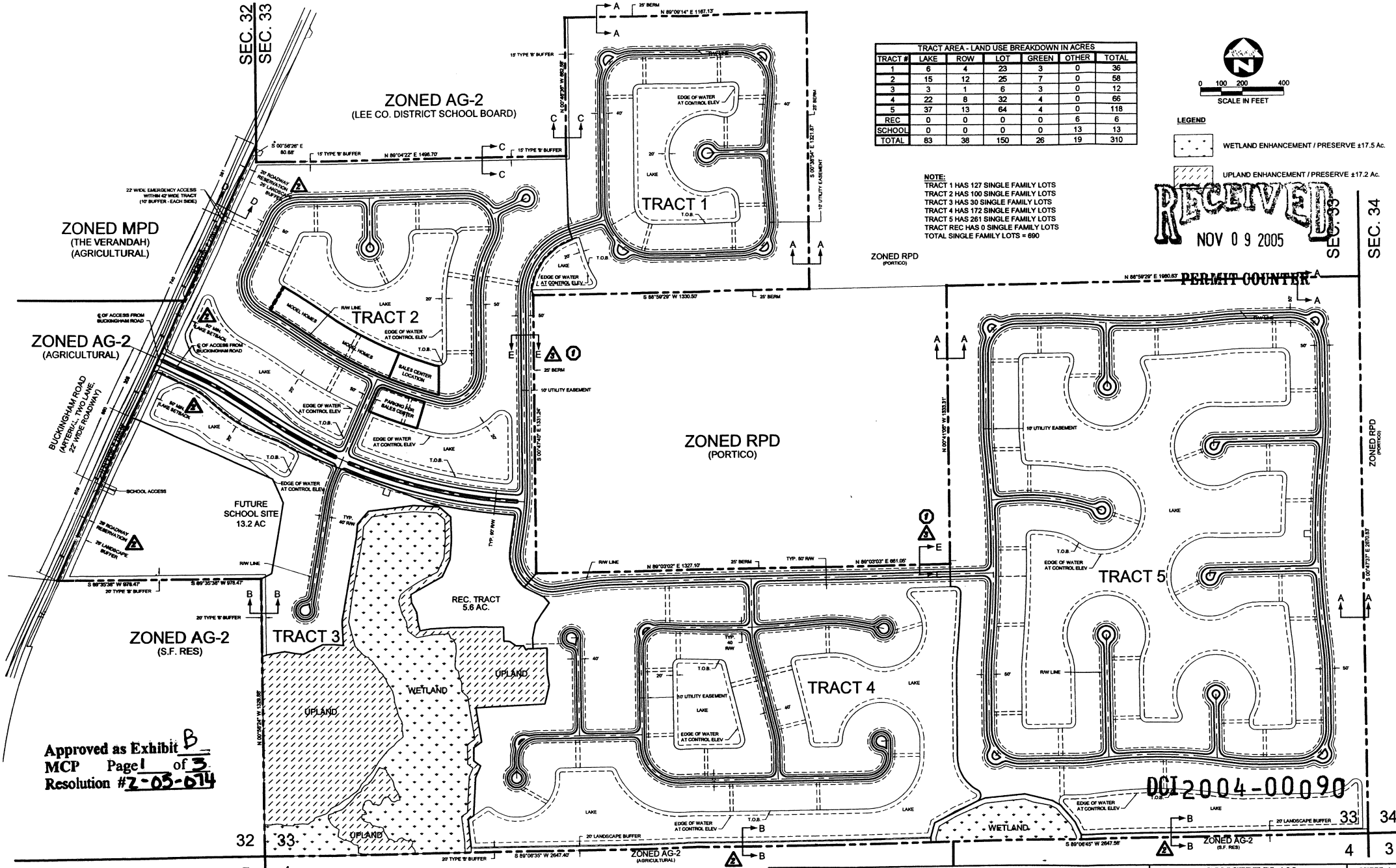
REVISIONS

NO.	REVISION	DATE
1	ADDED WETLAND AREAS	03/29/05

STRAP MEASUREMENTS

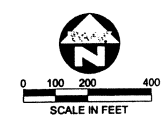
STRAP #	25-0505-0001-0001
PERMIT NUMBER	2004-00090
PROJECT	SECTION 32 & 33-03-26

Project: 2004-00090, BUCKINGHAM 345, LEE COUNTY, FLORIDA. Drawn: 11/8/05. Project: Nov 08, 2004. 1:25000 by aerial photo.



TRACT AREA - LAND USE BREAKDOWN IN ACRES						
TRACT #	LAKE	ROW	LOT	GREEN	OTHER	TOTAL
1	6	4	23	3	0	36
2	15	12	25	7	0	58
3	3	1	6	3	0	12
4	22	8	32	4	0	66
5	37	13	64	4	0	118
REC	0	0	0	0	6	6
SCHOOL	0	0	0	0	13	13
TOTAL	83	38	150	26	19	310

NOTE:
TRACT 1 HAS 127 SINGLE FAMILY LOTS
TRACT 2 HAS 100 SINGLE FAMILY LOTS
TRACT 3 HAS 30 SINGLE FAMILY LOTS
TRACT 4 HAS 112 SINGLE FAMILY LOTS
TRACT 5 HAS 281 SINGLE FAMILY LOTS
TRACT REC HAS 0 SINGLE FAMILY LOTS
TOTAL SINGLE FAMILY LOTS = 690



LEGEND

- WETLAND ENHANCEMENT / PRESERVE ±17.5 AC.
- UPLAND ENHANCEMENT / PRESERVE ±17.2 AC.

RECEIVED
NOV 09 2005

Approved as Exhibit B
MCP Page 1 of 3
Resolution #2-03-074

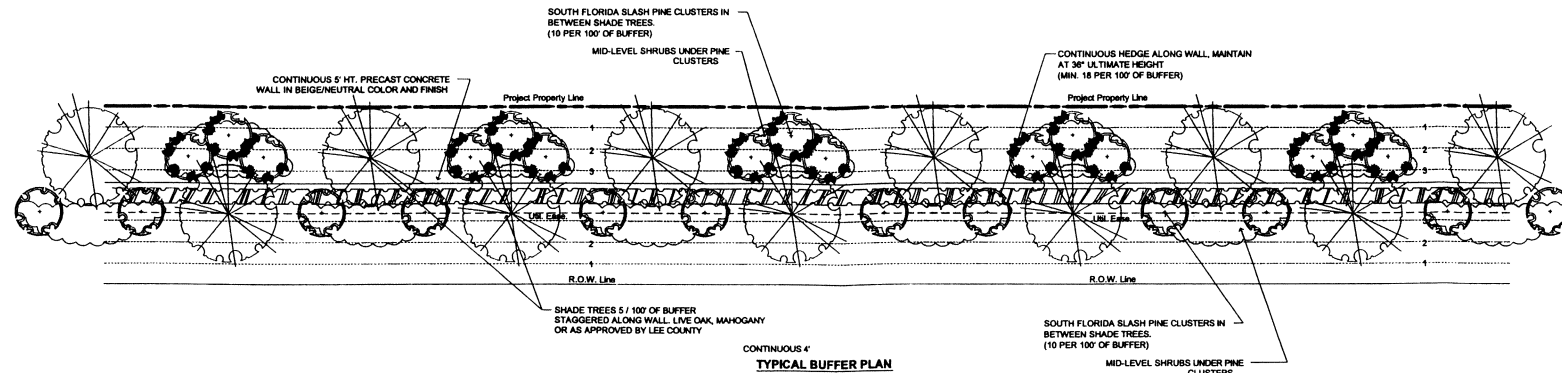
LEGEND
① DEVIATIONS

- △ REVISED SHEET 2 11/8/05
- △ REVISED 9/27/05
- △ REVISED 8/16/05
- △ REVISED PER LEE COUNTY STAFF COMMENTS

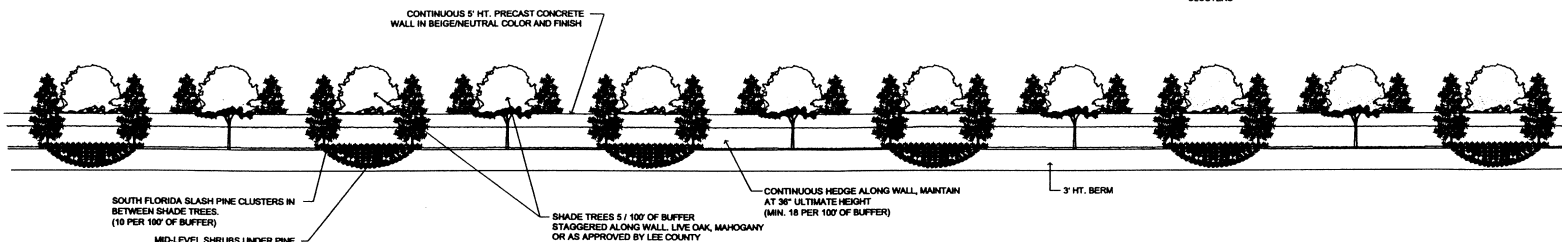
DESIGN BY: DPJ
DRAWN: DMD
JOB CODE: 03763.00
SCALE: 1" = 200'

TKW
CONSULTING ENGINEERS, INC.
Environmental • Civil • Structural • Survey
5621 SHAWNEE DRIVE, FORT MYERS, FLORIDA 33912
PHONE: (239) 278-1992 • FAX: (239) 278-0622 • E-MAIL: tkw@tkwonline.com

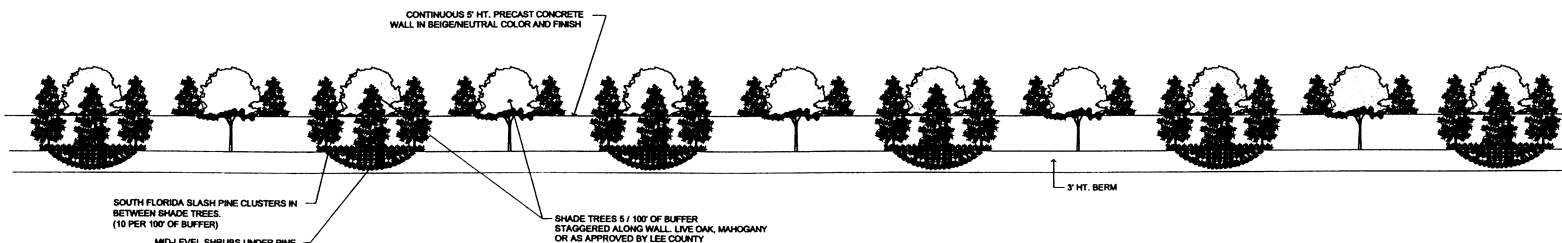
CONCEPT PLAN		SHEET 1
BUCKINGHAM 345 A PORTION OF SECTIONS 32 & 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST LEE COUNTY, FLORIDA		
DATE: NOVEMBER 2004	DRAWING: 03763.00.DWG	



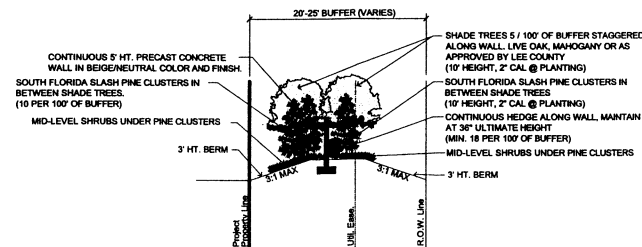
TYPICAL BUFFER PLAN



TYPICAL BUFFER ELEVATION FROM BUCKINGHAM 345



TYPICAL BUFFER ELEVATION FROM PORTICO



TYPICAL BUFFER SECTION E-E

REVISD 9/27/05

RECEIVED
NOV 09 2005

PERMIT COUNTER

Approved as Exhibit C
MCP Page 3 of 3
Resolution #2-05-074

DCI2004-00090

		DEVIATION ① DETAILS		SHEET 3
DESIGN BY:		BUCKINGHAM 345		
DRAWN: DMD		A PORTION OF		
JOB CODE: 03783.00		SECTIONS 32 & 33, TOWNSHIP 43 SOUTH, RANGE 26 EAST		
SCALE: N.T.S.		LEE COUNTY, FLORIDA		
		DATE: NOVEMBER 2004	DRAWING: 03783.00.DWG	

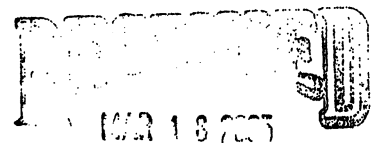
Exhibit C

Statement by Owner Regarding Agricultural Uses.

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

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

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



PERMIT COUNTER

DCI 2004-00090

Affidavit by Owner Regarding Agricultural Uses

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

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

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

By: [Signature]
Name: Richard M. Norwalk
Title: Vice President

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

[NOTARY SEAL]

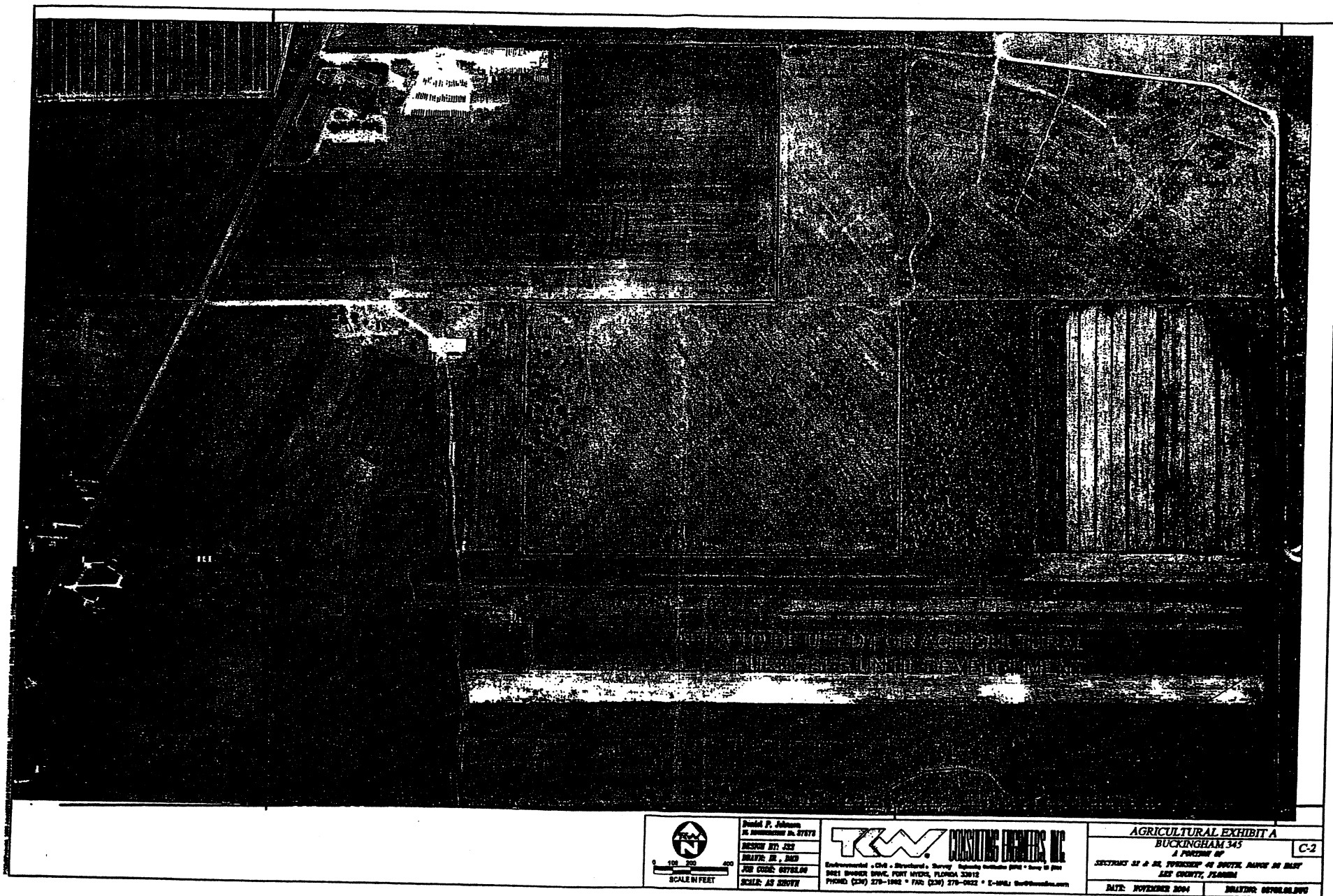


Notary: [Signature]
Print Name: _____
Notary Public, State of Florida
My commission expires: _____

RECEIVED
MAY 20 2005

DCI 2004-00090

EXHIBIT "D"
(Page 2 of 3)



David P. Johnson
is licensed in 07878
DESIGN BY JES
DRAWN BY JES
JOB CODE: 0576100
SCALE: AS SHOWN

T&W CONSULTING ENGINEERS, INC.
Environmental • Civil • Structural • Survey • Specialty Estimates (PMI) • Survey & Plan
3001 BRUNNEN DRIVE, FORT MYERS, FLORIDA 33912
PHONE (239) 278-1882 • FAX (239) 278-0622 • E-MAIL: info@tw-engineers.com

AGRICULTURAL EXHIBIT A
BUCKINGHAM 345
A PORTION OF
SECTION 32 & 33, TOWNSHIP 46 NORTH RANGE 30 EAST
LEE COUNTY, FLORIDA
DATE: NOVEMBER 2004
DRAWING: 0576100.DWG

C-2

EXHIBIT "D"
(Page 3 of 3)

DCI2004-00090 BUCKINGHAM 345 RPD



EXHIBIT "E"
Zoning Map



1,000 500 0 1,000 Feet