



part one.
2007/2008

Lee County Board of County Commissioners
Department of Community Development
Division of Planning
Post Office Box 398
Fort Myers, FL 33902-0398
Telephone: (239) 479-8585
FAX: (239) 479-8519

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D _____

REC'D BY: _____

APPLICATION FEE _____

TIDEMARK NO: _____

THE FOLLOWING VERIFIED:

Zoning ☐

Commissioner District ☐

Designation on FLUM ☐

(To be completed by Planning Staff)

Plan Amendment Cycle: ☐ Normal ☐ Small Scale ☐ DRI ☐ Emergency

Request No: _____

APPLICANT PLEASE NOTE:

Answer all questions completely and accurately. Please print or type responses. If additional space is needed, number and attach additional sheets. The total number of sheets in your application is: 59

Submit **6** copies of the complete application and amendment support documentation, including maps, to the Lee County Division of Planning. Additional copies may be required for Local Planning Agency, Board of County Commissioners hearings and the Department of Community Affairs' packages.

I, the undersigned owner or authorized representative, hereby submit this application and the attached amendment support documentation. The information and documents provided are complete and accurate to the best of my knowledge.

9/24/07
DATE

SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

SCANNED

I. APPLICANT/AGENT/OWNER INFORMATION

Bill Burdette, Buckingham Community Planning Panel

APPLICANT

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ADDRESS

Fort Myers

FL

33905

CITY

STATE

ZIP

239- 936- 1404

TELEPHONE NUMBER

FAX NUMBER

Margaret Banyan, Ph.D., Johnson Engineering

AGENT*

PO Box 1550

ADDRESS

Fort Myers

FL

33901

CITY

STATE

ZIP

239- 461- 2450

TELEPHONE NUMBER

239- 334- 3361

FAX NUMBER

OWNER(s) OF RECORD

ADDRESS

CITY

STATE

ZIP

TELEPHONE NUMBER

FAX NUMBER

Name, address and qualification of additional planners, architects, engineers, environmental consultants, and other professionals providing information contained in this application.

* This will be the person contacted for all business relative to the application.

II. REQUESTED CHANGE (Please see Item 1 for Fee Schedule)

A. TYPE: (Check appropriate type)

☒ Text Amendment

☐ Future Land Use Map Series Amendment
(Maps 1 thru 21)
List Number(s) of Map(s) to be amended

B. SUMMARY OF REQUEST (Brief explanation):

Amending Buckingham Community Plan Goal 17 of the Lee Plan.

III. PROPERTY SIZE AND LOCATION OF AFFECTED PROPERTY (for amendments affecting development potential of property)

1. Site Address: Please see Section 6

2. STRAP(s): Please see Section 6

B. Property Information

Total Acreage of Property: Please see Section 6

Total Acreage included in Request: Please see Section 6

Area of each Existing Future Land Use Category: N/A

Total Uplands: N/A

Total Wetlands: N/A

Current Zoning: N/A

Current Future Land Use Designation: N/A

Existing Land Use: N/A

- C. State if the subject property is located in one of the following areas and if so how does the proposed change effect the area:

Lehigh Acres Commercial Overlay: N/A

Airport Noise Zone 2 or 3: N/A

Acquisition Area: N/A

Joint Planning Agreement Area (adjoining other jurisdictional lands): N/A

Community Redevelopment Area: N/A

- D. Proposed change for the Subject Property:

Please see Section 3

- E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density N/A

Commercial intensity N/A

Industrial intensity N/A

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density N/A

Commercial intensity N/A

Industrial intensity N/A

IV. AMENDMENT SUPPORT DOCUMENTATION

At a minimum, the application shall include the following support data and analysis. These items are based on comprehensive plan amendment submittal requirements of the State of Florida, Department of Community Affairs, and policies contained in the Lee County Comprehensive Plan. Support documentation provided by the applicant will be used by staff as a basis for evaluating this request. To assist in the preparation of amendment packets, the applicant is encouraged to provide all data and analysis electronically. (Please contact the Division of Planning for currently accepted formats)

A. General Information and Maps

NOTE: For each map submitted, the applicant will be required to provide a reduced map (8.5" x 11") for inclusion in public hearing packets.

The following pertains to all proposed amendments that will affect the development potential of properties (unless otherwise specified).

1. Provide any proposed text changes. **Please see Section 3.**
2. Provide a Future Land Use Map showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources. **N/A**
3. Map and describe existing land uses (not designations) of the subject property and surrounding properties. Description should discuss consistency of current uses with the proposed changes. **N/A**
4. Map and describe existing zoning of the subject property and surrounding properties. **N/A**
5. The legal description(s) for the property subject to the requested change. **N/A**
6. A copy of the deed(s) for the property subject to the requested change. **N/A**
7. An aerial map showing the subject property and surrounding properties. **N/A**
8. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner. **Please see Section 1.**

B. Public Facilities Impacts

NOTE: The applicant must calculate public facilities impacts based on a maximum development scenario (see Part II.H.).

1. Traffic Circulation Analysis **N/A**
The analysis is intended to determine the effect of the land use change on the Financially Feasible Transportation Plan/Map 3A (20-year horizon) and on the Capital Improvements Element (5-year horizon). Toward that end, an applicant must submit the following information:

Long Range – 20-year Horizon: N/A

- a. Working with Planning Division staff, identify the traffic analysis zone (TAZ) or zones that the subject property is in and the socio-economic data forecasts for that zone or zones;
- b. Determine whether the requested change requires a modification to the socio-economic data forecasts for the host zone or zones. The land uses for the proposed change should be expressed in the same format as the socio-economic forecasts (number of units by type/number of employees by type/etc.);

- c. If no modification of the forecasts is required, then no further analysis for the long range horizon is necessary. If modification is required, make the change and provide to Planning Division staff, for forwarding to DOT staff. DOT staff will rerun the FSUTMS model on the current adopted Financially Feasible Plan network and determine whether network modifications are necessary, based on a review of projected roadway conditions within a 3-mile radius of the site;
- d. If no modifications to the network are required, then no further analysis for the long range horizon is necessary. If modifications are necessary, DOT staff will determine the scope and cost of those modifications and the effect on the financial feasibility of the plan;
- e. An inability to accommodate the necessary modifications within the financially feasible limits of the plan will be a basis for denial of the requested land use change;
- f. If the proposal is based on a specific development plan, then the site plan should indicate how facilities from the current adopted Financially Feasible Plan and/or the Official Trafficways Map will be accommodated.

Short Range – 5-year CIP horizon: **N/A**

- a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediated development plan, identify the existing roadways serving the site and within a 3-mile radius (indicate laneage, functional classification, current LOS, and LOS standard);
- b. Identify the major road improvements within the 3-mile study area funded through the construction phase in adopted CIP's (County or Cities) and the State's adopted Five-Year Work Program;

Projected 2020 LOS under proposed designation (calculate anticipated number of trips and distribution on roadway network, and identify resulting changes to the projected LOS);

- c. For the five-year horizon, identify the projected roadway conditions (volumes and levels of service) on the roads within the 3-mile study area with the programmed improvements in place, with and without the proposed development project. A methodology meeting with DOT staff prior to submittal is required to reach agreement on the projection methodology;
- d. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.

- 2. Provide an existing and future conditions analysis for: **N/A**
 - a. Sanitary Sewer
 - b. Potable Water
 - c. Surface Water/Drainage Basins
 - d. Parks, Recreation, and Open Space.

Analysis should include (but is not limited to) the following: **N/A**

- Franchise Area, Basin, or District in which the property is located;
- Current LOS, and LOS standard of facilities serving the site;
- Projected 2020 LOS under existing designation;
- Projected 2020 LOS under proposed designation;
- Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements; and
- Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (state if these revisions are included in this amendment).

3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including: **N/A**

- a. Fire protection with adequate response times;
- b. Emergency medical service (EMS) provisions;
- c. Law enforcement;
- c. Solid Waste;
- d. Mass Transit; and
- e. Schools.

In reference to above, the applicant should supply the responding agency with the information from Section's II and III for their evaluation. This application should include the applicant's correspondence to the responding agency.

C. Environmental Impacts **N/A**

Provide an overall analysis of the character of the subject property and surrounding properties, and assess the site's suitability for the proposed use upon the following:

1. A map of the Plant Communities as defined by the Florida Land Use Cover and Classification system (FLUCCS).
2. A map and description of the soils found on the property (identify the source of the information).
3. A topographic map with property boundaries and 100-year flood prone areas indicated (as identified by FEMA).
4. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.
5. A table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, state or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as FLUCCS map).

D. Impacts on Historic Resources N/A

List all historic resources (including structure, districts, and/or archeologically sensitive areas) and provide an analysis of the proposed change's impact on these resources. The following should be included with the analysis:

1. A map of any historic districts and/or sites, listed on the Florida Master Site File, which are located on the subject property or adjacent properties.
2. A map showing the subject property location on the archeological sensitivity map for Lee County.

E. Internal Consistency with the Lee Plan N/A

1. Discuss how the proposal affects established Lee County population projections, Table 1(b) (Planning Community Year 2020 Allocations), and the total population capacity of the Lee Plan Future Land Use Map.
2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective. **No additional Goals or objectives are affected.**
3. Describe how the proposal affects adjacent local governments and their comprehensive plans.
4. List State Policy Plan and Regional Policy Plan goals and policies which are relevant to this plan amendment.

F. Additional Requirements for Specific Future Land Use Amendments N/A

1. Requests involving Industrial and/or categories targeted by the Lee Plan as employment centers (to or from)
 - a. State whether the site is accessible to arterial roadways, rail lines, and cargo airport terminals,
 - b. Provide data and analysis required by Policy 2.4.4,
 - c. The affect of the proposed change on county's industrial employment goal specifically policy 7.1.4.
2. Requests moving lands from a Non-Urban Area to a Future Urban Area
 - a. Demonstrate why the proposed change does not constitute Urban Sprawl. Indicators of sprawl may include, but are not limited to: low-intensity, low-density, or single-use development; 'leap-frog' type development; radial, strip, isolated or ribbon pattern type development; a failure to protect or conserve natural resources or agricultural land; limited accessibility; the loss of large amounts of functional open space; and the installation of costly and duplicative infrastructure when opportunities for infill and redevelopment exist.

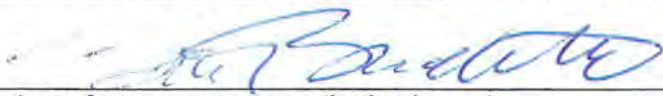
3. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.
 4. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.
- G. Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis.

Item 1: Fee Schedule

Map Amendment Flat Fee	\$2,000.00 each
Map Amendment > 20 Acres	\$2,000.00 and \$20.00 per 10 acres
Small Scale Amendment (10 acres or less)	\$1,500.00 each
Text Amendment Flat Fee	\$2,500.00 each

AFFIDAVIT

I, **Bill Burdette**, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application. (PLEASE contact applicant before entering property).


Signature of owner or owner-authorized agent

9/24/07
Date

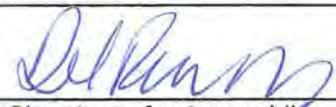
Bill Burdette

Typed or printed name

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 24th day of September 20 07,
by Bill Burdette who is personally known to me or who has produced
as identification.




Signature of notary public

Debra L. Pendlebury
Printed name of notary public

Panel Member and Consultant Contact Information

Buckingham Community Planning Panel

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Planning Narrative

Planning History and Background

The Buckingham Community Plan is the product of the Buckingham Community Planning Panel (BCPP). The BCPP and the planning effort were formed in the attempt to carefully study the challenges and opportunities associated with the protection and preservation of a rural community while providing for limited growth and development.

This community plan was funded by the Board of County Commissioners through the Lee County Department of Community Development. Lee County allocates community planning funds through Administrative Code 13-3, which outlines the process by which communities are able to request up to \$50,000 for the purpose of planning. The BCPP requested and was approved for funding in July 2007. The Community Planning Agreement requires, as a deliverable, that the community plan include data and analysis to support recommended amendments to the Lee Plan. As a result, the purpose of this plan is twofold: 1) provide a document that guides future community decisions and 2) provide a document that fulfills the requirements of the Community Planning Agreement between the BCCP and Lee County.

The Buckingham Community Plan aims to guide the future growth, character, and quality of life in the Buckingham Planning Community. The means to guide future growth is through the amendment and adoption of goals, objectives, and policies into the Lee Plan. The Buckingham community is currently designated in the Lee Plan through Goal 17, which defines the area in the future land use map and sets out the vision for the Buckingham Rural Community Preserve and other items designed to preserve the community's rural integrity. The amended Goal 17 will provide the foundation for specific regulations to be adopted in the Lee County Land Development Code. These policies will provide direction on land use and infrastructure, thereby ensuring that future development remains consistent with the stated vision of the community. It encourages approved development to strive toward these goals.

Buckingham Physical and Community Characteristics

Physical Characteristics

The Buckingham community is a 16 square mile section of unincorporated Lee County, located east of the City of Fort Myers and west of unincorporated Lehigh Acres. The Buckingham community is 'sandwiched' between two high growth communities, which creates challenges for maintaining the rural character of the community.

External / Surrounding Neighborhood Characteristics

Development in Lehigh Acres affects the Buckingham community by creating the need for additional infrastructure to support increasing populations. These external pressures include:

- The perceived need to provide transportation routes between Lehigh Acres and major work centers in Fort Myers and Cape Coral
- The need for additional solid waste and waste water treatment facilities
- The need to manage water in Lehigh Acres, which has the effect of flooding the Orange River during the rainy season
- Perceived needs for additional residential development

Population Demographics ¹

Based on statistics from the 2000 Census, the population of Buckingham was 3,742 with 16.8% of individuals below the poverty line (compared with 12.4% in the United States). 64% of the community is in the labor force and travels an average of 25.6 minutes to work (very consistent with national percentages of 63.9% in labor force and 25.5 minutes mean travel time). The median household income in Buckingham was \$51,068 (compared with \$41,994 nationally). Buckingham boasts a high owner occupancy rate of 90.3%, compared to 76.5% in Lee County and 66.2% nationally.

Governance

Currently, Buckingham is part of unincorporated Lee County, meaning that it is formally governed by the Board of County Commissioners for Lee County. The initial development of Goal 17 in the Lee Plan was a product of early community efforts. In 1989 the Buckingham Preservation Committee was formed as a subcommittee of the fifty-year-old Buckingham Community Club. The Buckingham Preservation Committee is credited with the writing of the original community plan amendments (Goal 17), adopted in 1991. The Buckingham Conservancy, Inc. was incorporated as a Florida Non Profit Corporation in 1995. The core group of the Conservancy continues to meet from time to time as needed.²

Tensions and Planning

Underlying this plan and the process of development are some fundamental conflicts that create tensions that must be balanced in the planning process. These are:

- The rights of individuals to develop private property versus the rights of the community character as a whole
- The challenges associated with maintaining rural character in the midst of high growth

Planning Elements

The content of this plan was developed over the course of an eight-month period. Data were collected using the methods outlined in Section 4 of this document. The planning elements that appear below are based on the conclusions of the data collection, public participation, and community planning panel decisions.

Community Vision / Community Character

The Buckingham community shares a set of distinct values that center on its identity as a rural community with a unique history. The policies expressed in this plan are consistent with a rural community, and include the desire to maintain an agricultural land use pattern, maintain a diverse housing style, enhance the rural character, and protect its environmental and historical values.

The Lee Plan recognizes the Buckingham community values in their vision statement,

20. Buckingham - This Community is located between Lehigh Acres and the City of Fort Myers and Buckingham Road and the Orange River. It is considered the

¹ United States Government. 2000. *U.S. Census 2000*. United States Government. Data were accessed for Buckingham as a Census Defined Place.

² Blackburn, Don. 2007. *Personal Communication*. September 20, 2007. The Buckingham Community Club primarily managed the Cemetery and held a Christmas Party every year. It was made up of old family members who were born and raised in Buckingham.

Buckingham Rural Community Preserve. The property in this community is predominantly designated Rural Community Preserve with some pockets of Public Facilities, Rural, and Outlying Suburban. The residents will continue to work to maintain the rural nature of this area of the county. The residents have limited the commercial activity within the community to a node focused around the intersections of Buckingham Road and Cemetery Road and Buckingham Road and Orange River Boulevard. It is their preference that the majority of the communities commercial needs be met outside of their community. They also have concerns with any transportation projects which increase the volume of traffic through their community. The population of Buckingham will not change substantially during the life of this plan. (Added by Ordinance No. 99-15)³

Land Use and Development

One of the ways in which the Buckingham community protects its rural character is through the development of policies that encourage lower-density development. This is a challenge in the community due to its placement within two high density areas. As a result, the community confronts pressures to place utilities, residential development, and commercial operations within the community. The community addresses these pressures in several different ways as outlined below.

The Rural Community Preserve is accompanied by other land use categories that are smaller in size relative to the Rural Community Preserve. These include Public Facilities, Urban Community, and Outlying Suburban. Whereas Goal 17 previously was bound by the Rural Community Preserve, this plan extends those boundaries to meet the community planning boundaries as identified in the Lee Plan. A map of this boundary appears in Section 6 of this document.

Density and Lot Size

The community has used several strategies to limit dense development within its boundaries. The first strategy that limits density involves retaining the “Rural Community Preserve,” which is the primary future land use category within the Buckingham community. The Rural Community Preserve category is defined as,

POLICY 1.4.3: The Rural Community Preserves are established following special studies of Lee County's intact rural communities. Within these areas, special design approaches are to be used to maintain the existing rural character, for example: conservation easements, flexible road design standards (including relocation of future arterials not serving the rural community), special fencing and sign standards, and retention of historic rural uses. These areas are not to be programmed to receive urban-type capital improvements. Lands within this category are not intended to be converted to any Future Urban Areas; rather, they are to remain permanently rural in character and use. These areas are restricted to low density residential uses (with minimum lot size requirements), agricultural uses, and minimal non-residential uses that are needed to serve the rural community. Property in this category may not be rezoned to any RV district. Additional goals, objectives, policies, and standards for these areas may be included in this plan based on the special studies (see for example, Goal 17). Maximum

³ Lee County. 2005. *The Lee Plan*. Fort Myers, FL: Lee County Board of County Commissioners.

density is one dwelling unit per acre (1 du/acre). (Amended by Ordinance No. 91-19, 94-30)⁴

The Buckingham community supports the rural character of the community by mandating that all new lots must have a minimum of 43,560 square feet or 1 acre. Beyond lot size, the community further limits density by constraining residential development to one unit per buildable acre (previously allowed higher densities are excluded). Whereas the Rural Community Preserve land use category in the county is constrained to one dwelling unit per acre, the Buckingham community density is to be based on buildable acres. Buildable acres will include no more than 20% wetlands, and exclude road right of ways, water management areas, or natural water bodies. The community acknowledges that other land use categories in the Buckingham Community may be entitled to higher densities.

Clustered Development

Another mechanism to preserve the rural character of the Buckingham community involves allowing clustered development. The purpose of clustering residential development is to preserve the maximum amount of open space possible within the community. "Clustering is defined as a form of development where the buildings in a project are grouped together into compact arrangements, or clusters, while other portions of the site are preserved as permanent open space."⁵ Clustered developments on larger lots (over 10 acres in size) allow residential housing to be moved closer together and create more open space on the perimeter of the property. The following figures illustrate the differences between non-clustered and clustered developments, where natural areas are preserved.

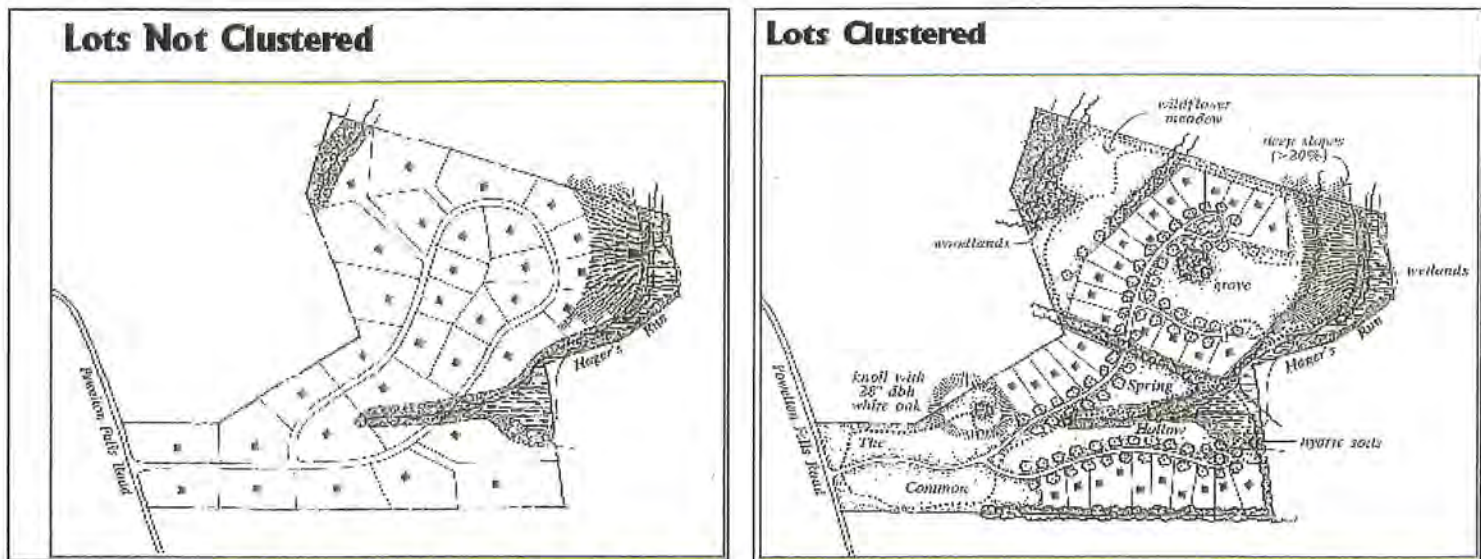


Figure 1 Source: Randall G. Arendt, *Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks*, Island Press, 1996.

⁴ Ibid.

⁵ Bass, Beverly. 2006. *A Citizen's Guide to the Forest Conservation Act in Maryland*. Chesapeake Bay, MD: Chesapeake Bay Foundation. Website publication retrieved September 7, 2007 from http://www.cbf.org/citizenguides/final_forest_conserv_site/4fc_clustering.htm.

Transitional Densities and Development

Other efforts to preserve the rural character of the community involve the way in which surrounding developments transition to the Buckingham Rural Community Preserve and to the Buckingham community. These developments should be appropriately designed as to gradually decrease density (or the appearance of density) as they approach the boundaries of the community and the preserve. In addition, those developments that buttress the preserve should be single-family. This will provide a graduated aesthetic appropriate for the community and its surrounding areas.

Other Land Uses: Commercial and RVPD

Additional means to limit density and preserve the rural character in the Buckingham community involve limiting commercial development and prohibiting recreational vehicle developments. Consistent with the Lee Plan vision for the Buckingham community (see above), commercial properties, unless already zoned, are confined to the intersection of Orange River Boulevard and Buckingham Road. While commercial development should be limited, the community supports commercial activity as it relates to agricultural operations. For example, commercial nurseries should be allowed, as it supports the rural and agricultural character of the community. For this reason, the community supports commercial uses allowed in agricultural zoning districts. For a listing of these uses, see the Use Regulations Table in the Lee County Land Development Code Sec. 34-653.

In the spirit of retaining a historically rural community, Recreation Vehicle Planned Developments (RVPD) are also excluded within the Buckingham boundaries.⁶

Roads and Traffic

As a result of its physical location between the City of Fort Myers and the unincorporated area of Lehigh Acres, the Buckingham community experiences the pressure of traffic and roads. Many residents of Lehigh Acres travel west and southwest to work in other areas of Lee County, which requires travel through the Buckingham community. 63.1% of respondents to the May 2007 survey stated that traffic was their greatest safety concern. When asked to rank their concerns about specific roads, respondents ranked Buckingham Road as being their first concern, followed by Orange River Boulevard, Tice Street, Neal Road, Staley Road, and Cemetery Road (in rank order).

Road Development

In response to these community concerns, several restrictions on road development have been in place to limit traffic impacts. These are limitation on road extensions for: State Route 31 south of the Orange River, Ellis Road, Long Road, and Staley Road. There are also limitations on the planning and building of east/west collector roadways and constraining right-of-ways to no more than 80 feet on all roads except for Buckingham and Luckett Roads.

Recognizing that roads and traffic will continue to be an area of concern for the Buckingham community well into the future, the impacts from traffic must be minimized. The means for doing this

⁶ The Lee County Land Development Code Sec. 34-931 (c)(3) defines the principle use of a RVPD district as, "the principal use of a recreational vehicle planned development is recreational vehicle emplacement, although some ancillary commercial uses for the convenience of the development guests may also be permitted."

includes restricting collector roads and analyzing alternative routes. These traffic impacts should be accompanied by efforts to minimize light pollution and install landscaping that is consistent with the rural character of the community. At the same time, new institutional developments must be accompanied by road improvements designed to improve safety and accommodate increases in traffic.

Traffic Safety

External traffic from other areas outside the Buckingham community have a large impact on the safety of the roads within the community. Buckingham roads must be improved to increase safety for travelers. However, in no way should the community desire for increased road safety serve as a justification for increasing traffic volume from other areas outside the community.

Public Facilities and Utilities

The Buckingham community, as one of the less developed areas of the county, is often targeted for the placement of public facilities and utilities. An overuse of the community in this way, however, will ultimately diminish its rural character. At the same time, certain facilities are part of the community's history. Public facilities and utilities within the Buckingham community should be appropriately balanced to preserve the rural character of the community while providing only the appropriate infrastructure to other parts of the county. This section addresses the limitations on utility provision, outlines the appropriate facilities for the community, and recognizes the value of historic public facilities in the community.

Utility Placement and Management

As a means to limit urban development, the Buckingham community limits central sewer and commercial natural gas lines. These limitations exclude central sewer in those areas that have previously been identified in Map 7 (see Section 6) or are within the existing Resource Recovery Facility and the Lee County Parks and Recreation facility. Central water is allowable, but only if paid for and requested by private property owner(s). Natural gas lines that serve residential purposes are also allowed within the community. In addition, utilities that accompany new developments must consider the preservation of the rural character by ensuring that all developments for which a development order are required to install utilities (e.g., electricity, gas, telephone, and cable lines) underground.

In addition to utility placement, the management of utilities has significant impacts on the community. Of particular concern is the need for management of water in the surrounding areas. The East County Water Control District (ECWCD) is responsible for water management in the Lehigh Acres community. During the rainy season the district will release large quantities of water into the Orange River. These large water releases tend to cause flooding and water quality impacts downriver. The ECWCD should consider the impacts of water management outside its district and is encouraged to develop storm water retention and control systems and take steps to improve water quality.

Appropriate Facilities and Utilities

As noted above, the Buckingham community is one of the few locations in the county that offers opportunities to place large scale facilities. The placement of any new public facilities and utilities in the community must consider the rural character of the community. There is a range of appropriate

public facilities and utilities that may be considered in the community. Those that are inappropriate are detention and correctional facilities, water treatment, sewage treatment, reclamation facilities, landfills, industrial facilities, and resource recovery facilities, FEMA trailers, and immediate emergency aftermath facilities.

Of particular concern is Gulf Coast Center (previously known as Sunland Training Center), a large tract of land located at 5820 Buckingham Road. Gulf Coast Center currently operates as a vocational service under the Agency for Persons with Disabilities through the State of Florida. Gulf Coast Center is scheduled to close December 31, 2010. The site upon which the center is located is a large tract of land. As with all public facilities, the Buckingham community supports the conversion of the center to be consistent with the community character. In no way should those facilities and utilities noted above as inappropriate be located at the Gulf Coast Center site.

Public Service Facilities

Of particular importance to the community are those public facilities that provide a historically important service. These facilities include the Buckingham Army Airfield, the Buckingham airparks, the Mosquito Control District headquarters, and the Lee County Gun Range (operated by the Lee County Sheriff's Office). The Buckingham Army Airfield and the Buckingham airfields have historic importance to the community. The airfield was instituted in the community by the U.S. Army 1942 as a gunnery school. The airfield was previously intended to be the Buckingham Air Base, and was to house 3000 men.⁷ The Lee County Mosquito Control currently operates the airfield. The Lee County Gun Range sits on property owned by Lee County, bordering the Mosquito Control facilities and the Lee County Sheriff's Office Aviation unit uses the airfield. Also of significance are the airparks in the community, with many residents owning and operating planes. Residents expressed that these facilities are highly valued and should be protected. New developments should not put at risk any historically or otherwise valued public service facility that is recognized in this planning document.

Landscaping, Buffering, Community Aesthetics, and Quality of Life

Maintaining a rural character for the community depends in part on its appearance. The community is not interested in defining the appearance of 'rural', but could more practically identify what is not rural in character. Given that there are a variety of uses within the Buckingham community, mitigating these 'non rural' uses through buffering, landscaping, and other regulations is important.

For example, several facilities in Buckingham, such as electrical substations and resource recovery facilities are not consistent with 'rural character'. These facilities must be buffered to enhance the aesthetic in the community using native planting materials. Similarly, the waste-to-energy incinerator that operates in the Buckingham community was installed in the community with the understanding that there would be no trash or otherwise unsightly affects outside the facility boundaries. Regular trash pickup on those roads affected by the incinerator as well as vegetative buffers to minimize the industrial appearance of this facility must be maintained.

To maintain the rural aesthetic, residential developments must not install walls as boundaries, but may build berms that provide the appropriate buffering as might be required by Lee County. Light pollution

⁷ Southwest Florida Online. 2007. *Florida Aviation and Southwest Florida - 1910 to 1996*. Website retrieved 9/5/07 from: <http://members.aol.com/browne/aviation.html>.

also causes a negative impact on the rural character of the community and must be minimized in residential developments, commercial developments, and roads.

Finally, the quality of life in the Buckingham community is tied to the Orange River. To the extent possible, the Orange River should be maintained in its natural state. Residential uses should minimize their impacts and build no new residential buildings or screen enclosures closer than 50 feet from the top of the bank of the river.

Environment, Open Space and Parks

The maintenance of the natural environment, open spaces, and parks is an essential feature of the Buckingham community. The community is one of the few areas in Lee County that provides the extent of open space and diversity of opportunities for enjoyment. However, the community maintains a strong desire to ensure that recreational and environmental uses are directed towards its historic roots in agriculture.

Recreational uses therefore, should focus on naturalized parks, hiking, and horse riding trails that ultimately will form an interconnected system. Property acquisition in the future therefore, should be directed towards developing this interconnected system.

Additionally, in the spirit of a rural community, the recreational uses in the area should be carefully managed to ensure that commercial recreational uses are not allowed on the Orange River.

The June 2007 Community Survey showed that residents are concerned about eradication of invasive exotic plant species. 88.7 percent of survey respondents strongly agreed or agreed that invasive exotic plants should be eradicated. Through the planning process, the panel and community members agreed that it is up to the Lee County code and individual residents to pursue eradication.

Agriculture

Agriculture and small family farms are important to this history and culture of Buckingham. This plan identifies two primary elements important of preserving the rural character of the community.

Agricultural Uses

The Buckingham community, in encouraging agricultural uses, wishes to allow small scale commercial and non-commercial agricultural operations. Several agricultural uses are noteworthy:

- 1) Absent clear guidelines that define small-scale commercial agricultural uses, those uses that are approved in agricultural zoning districts should be allowed. For example, allowable uses would include both nursery growing operations as well as retail nurseries operated in the community.
- 2) Small family farms are important activities in Buckingham and serve to expand the lifestyle options available in Lee County. However, some small family farms may not desire a commercial agricultural operation or match criteria for commercial agricultural operations. Thus, the community agrees that owner-occupied farms of no more than ten acres should be regarded as viable agricultural activity.
- 3) The community is interested in encouraging equestrian related activities in Buckingham. Currently, stables are allowed only to give lessons and clinics to boarders. This plan seeks to

support equestrian related activities by allowing stables to provide lessons and clinics to non-boarders as well.

Tax exemptions

While the Buckingham community is interested in encouraging small family farms, taxing policies affect individual property owners ability to sustain operations. The Lee County Property Appraiser plays an important role in maintaining the rural character of the community. The Buckingham community encourages the Lee County Property Appraiser to develop policies that continue to encourage small family farms through favorable interpretations of the agricultural tax exemptions. Specifically, the Property Appraiser is encouraged to give full consideration to Goal 17 in assessing land value and granting agricultural exemptions. There should also be recognition and full consideration given to property that is in an agricultural or conservation easement. The Property Appraiser is encouraged to establish a tax classification that specifically meets the criteria of small family farms and equestrian facilities in Buckingham. Furthermore, should a family farm lose or relinquish its agricultural exemption, the affected property would be assessed and taxed under the Save Our Homes cap rate, with the same base year as the homestead application. Finally, crops grown for research and education purposes should be considered legitimate agricultural activity.

Conclusions

As demonstrated in Section 4 of this document, there is widespread support for the Lee Plan Amendments the accompany this plan. The process was transparent, enjoyed considerable public participation, and incorporated many items generated from community members. This plan represents the central goal of the community to maintain its rural nature while being a good steward of land and community resources.

Lee Plan Amendments

GOAL 17: BUCKINGHAM. To manage the future growth in the Buckingham area; to preserve the existing agricultural land use pattern; to diversify the choice of housing for Lee County by maintaining and enhancing the historic rural character; and to protect the unique historical and environmental values of the Buckingham Community. The boundaries of the Buckingham community shall be extended to the Buckingham Planning Community boundaries. For the purposes of this plan, the precise boundaries of Buckingham are indicated on ~~the Future Land Use Map~~ Map 16 of the Lee Plan. (Added by Ordinance No. 91-19, Amended by Ordinance No. 93-25, 94-30)

OBJECTIVE 17.1: LAND USE. The primary land use designation for the Buckingham area is "Rural Community Preserve." Other smaller land use designations exist in the boundaries, such as public facilities, urban community, and outlying suburban. Existing public facilities have also been designated as appropriate. After the adoption of this amendment, no land in Buckingham will be changed to a land use category more intense than Rural Community Preserve (including Public Facilities) unless property is within a pre-existing higher density or a finding of overriding public necessity is determined by three members of the Board of County Commissioners. (Amended by Ordinance No. 00-22)

POLICY 17.1.1: No property within ~~the Buckingham~~ Buckingham community will be rezoned to RVPD. (Amended by Ordinance No. 00-22)

POLICY 17.1.2: The southeast and northeast quadrants of the intersection of Orange River Boulevard and Buckingham Road is designated as the commercial node for the Buckingham area. No new commercial ~~activities~~ development (as defined by F.S. 380.04) will be located outside of this commercial node. All new commercial developments in the node are required to provide a minimum of 30% open space. This commercial node is described as those lands 300 feet eastward from the easterly right-of-way of Buckingham Road and lying between Cemetery Road and a point 300 feet north of the intersection of Buckingham Road and Orange River Boulevard. In no way should this policy be construed to prohibit the designation of or commercial uses allowed in agricultural zoning districts. (Amended by Ordinance No. 94-30, 98-09, 00-22)

POLICY 17.1.3: Any lot created in the Rural Community Preserve land use category after the adoption of this amendment must have a minimum area of 43,560 square feet. Existing lots are excluded. Any residential planned development zoning granted in the Rural Community Preserve land use category will require a minimum size of one acre (43,560 square feet) for every residential lot. (Amended by Ordinance No. 00-22).

Policy 17.1.4: Density within the Buckingham community will be no more than one unit per buildable acre. Densities allowable prior to the adoption of this amendment are excluded. A buildable acre will not include more than 20% wetlands and will exclude road right of ways, water management areas, or natural water bodies. Bonus density is prohibited within the Buckingham community.

Policy 17.1.5: Clustering of residential development is allowed in the Buckingham community only with residential planned development (RPD) zoning. In no case will clustered developments exceed the overall density of 1 unit per buildable acre. Density in clustered developments will be based on buildable acreage and be moved away from the property boundaries. No additional commercial space will be granted, regardless of clustered development. Clustering of residential development is achieved by limiting the areas of property available for residential homesites in the following fashion.

- 1) Homesites must be no less than 100 feet away from the RPD boundary.
- 2) The RPD must have a minimum of 10 acres in order to cluster homesites.

Policy 17.1.6: Residential development along the Buckingham community boundary should make appropriate transitions to the community by allowing only single-family homes with a graduated density as development moves away from the planning community boundaries.

Policy 17.1.7: To preserve the shoreline, all new residential buildings, including attached screen enclosures will be no closer than 50 feet from the top of bank of the Orange River.

OBJECTIVE 17.2: TRANSPORTATION AND ROADS. To protect the rural character of the Buckingham area, the following restrictions apply:

1. The existing publicly maintained Luckett Road segments currently functioning as local roads will be retained. Any proposal to change the functionality of Luckett Road, such as to provide Lehigh Acres with access to I-75 at the Luckett Road interstate interchange, will require an analysis (Alignment Study, including public input) of the impacts to the ~~Buckingham Rural Community Preserve~~Buckingham community. This analysis will include the review of alignments including diverting the proposed collector or arterial corridor as far south as possible, starting east of Pangola, in order to skirt the Buckingham area.
2. The extension of State Route 31 south of the Orange River is prohibited;
3. The extension of Ellis Road is prohibited;
4. The extension of Staley Road to State Route 82 is prohibited;
5. No new east/west collector roadways will be planned or built within the ~~Buckingham Rural Community Preserve~~Buckingham community;
6. All ~~future~~-rights-of-way in Buckingham will be no greater than ~~100-80~~ feet (except for Buckingham Road and Luckett Road extensions);
7. The extension and connection of Long Road to Ellis ~~road~~Road is prohibited. (Amended by Ordinance No. 94-30, 99-15, 00-22)

Policy 17.2.1: Lee County will make every effort to design and construct roads that support traffic routes around, and not through, Buckingham. Lee County will also make every effort to reduce traffic and its affects through the Buckingham community. This includes, but is not limited to, restricting the number of collector roads, analyzing alternative routes, limiting light

pollution, and installing landscaping compatible with the rural character of the Buckingham community.

Policy 17.2.2: Any future institutional or school sites affecting the Buckingham community will be accompanied by road improvements, including sidewalks, to accommodate increased traffic and improve safety.

OBJECTIVE 17.3: PUBLIC FACILITIES AND UTILITIES. To protect the rural character of the Buckingham community, public facilities and utilities that detract or diminish the overall community character are prohibited.

Policy 17.3.1: ~~SEWER AND WATER.~~ In order to discourage unwanted urban development, central sewer lines will not be extended into the ~~Buckingham Rural Community Preserve~~Buckingham community, except in the areas identified by Map 7 as Future Sanitary Sewer Service Areas, the existing Resource Recovery Facility, and the adjacent Lee County Parks and Recreation Facility.

Policy 17.3.2: Central water lines may be extended along ~~major~~ roads of the Buckingham Rural Preserve upon request of property owners, with extension and connection fees paid by the person(s) requesting the water service. Connection to this expanded water service network will be on a voluntary basis. Under no circumstances will the availability of central water be accepted as justification for a density increase, or reduction of lot size requirements, within the ~~Buckingham Rural Community Preserve~~Buckingham community. (Amended by Ordinance No. 00-22, 03-19)

Policy 17.3.3: Residential natural gas lines are allowed within the Buckingham community. All other fuel transmission lines, including commercial natural gas lines are prohibited.

Policy 17.3.4: All new large developments for which a local development order is required, shall install utilities underground. Utilities include, but not limited to, electricity, telephone, and cable lines.

Policy 17.3.5: The Buckingham community recognizes the historic value of the Buckingham Army Airfield, the residential airparks, and the public service contributions of the Mosquito Control District and other public safety uses of the airfield. The Buckingham Community supports the Mosquito Control District in limiting its activities to those consistent with its purpose and the provision of other public services.

Policy 17.3.6: The Buckingham community encourages Lee County to acquire Gulf Coast Center for uses consistent with and appropriate to those values of historic rural character and environmental protection expressed in Goal 17 of the Lee Plan. No temporary or emergency operation disaster aftermath facilities will be allowed, including FEMA trailers.

Policy 17.3.7: Detention and correctional facilities are prohibited within the Buckingham community boundaries.

Policy 17.3.8: Additional water treatment, sewage treatment, reclamation facilities, landfills, industrial facilities, and resource recovery facilities are prohibited in the Buckingham community.

Policy 17.3.9: East County Water Control District is encouraged to continue to develop and maintain its infrastructure to minimize flooding and manage flows down the Orange River. In addition, ECWCD is encouraged to develop a system to warn residents in advance of large releases of water. ECWCD is also encouraged to develop means to improve water quality.

OBJECTIVE 17.4 LANDSCAPING, BUFFERING, ~~AND~~ COMMUNITY AESTHETICS, AND QUALITY OF LIFE. As a means for protecting and enhancing the Buckingham community's historic rural character and environmental values, developments, utilities, public services, road, and land use changes or improvements shall provide appropriate landscaping, buffering, and community aesthetics to ensure that a rural lifestyle is preserved.

Policy 17.4.1: Public facilities are required to establish and maintain an appropriate vegetative buffer using native materials. Buffering materials must be designed to enhance and protect the aesthetic values inherent to the Buckingham community. This is to include, electrical facilities, substations, distribution and transmission lines; resource recovery facilities; and telephone facilities should install and maintain buffers that obscure unsightly facilities.

Policy 17.4.2: Lee County will mitigate the negative aesthetic effects of the waste-to-energy incinerator in the Buckingham community by regularly providing trash pick up on affected roads and establishing and maintaining an appropriate vegetative buffer.

Policy 17.4.3: Within the Buckingham community, residential walls are prohibited as boundaries for housing subdivisions or large residential developments. Berms are allowed in accordance with the Lee County Land Development Code, but should be designed to be undulating.

Policy 17.4.4: Residential and commercial lighting should be designed to reduce light pollution and light trespass in the Buckingham community.

OBJECTIVE 17.5 ENVIRONMENT, OPEN SPACE AND PARKS. The Buckingham community values its rural environment and has a goal of protecting open space for the present and future generations.

Policy 17.5.1: Lee County will develop a plan for an interconnected system of parks, hiking, and horse riding trails within the Buckingham community.

Policy 17.5.2: Any access to the Orange River within the Buckingham community that is to be developed by Lee County will be limited to non-commercial residential use.

Policy 17.5.3: The removal of exotic plants, as defined by the state or county, is encouraged within the Buckingham community.

OBJECTIVE 17.6. AGRICULTURE. In order to preserve and promote the existing agricultural land use pattern in the Buckingham Community, all policies in the Buckingham Plan shall consider and be applied in a manner that will protect agricultural activity and small family farms.

Policy 17.6.1: Lee County will work closely with the Property Appraiser to insure that the Goal, Objectives and Policies of the Buckingham Plan are given full consideration in assessing the value of land in Buckingham and in the granting of agricultural exemptions.

Policy 17.6.2: The Buckingham Community Plan recognizes the land use of small family farm of no more than ten acres, where the owner resides on the property, and stipulates that it can be a viable commercial activity.

Policy 17.6.3: If a small family farm loses its agricultural exemption, the Property Appraiser will utilize appropriate formulas for applying the homestead exemption to the former agricultural land.

Policy 17.6.4: The Property Appraiser will give full consideration to any agricultural or conservation easements when assessing property in Buckingham.

Policy 17.6.5: Crops grown for alternative energy sources on an experimental basis, such as *Jatropha curcas*, shall be considered as a commercial agricultural activity by the Property Appraiser.

Policy 17.6.6: Boarding stables will be allowed to give lessons and clinics to non-boarders by right if the owner or operator resides on site, if no clinics are held after 7PM, and the operation does not create a use, road access or drainage nuisance to its neighbors.

Data Collection Methods and Public Participation

Several methods were used to collect data in preparation of this plan and amendments. These included data and document(s) research, interviews, surveys, and meeting

Community and Subcommittee Meetings

The Buckingham Community Planning Panel collected information from community members over a series of community meetings in which participants identified the main issues facing the Buckingham community. Community meetings were publicly advertised through a series of email lists and public notices in the Lehigh News Star (copies of the advertisements appear later in this Section 4).

The issues identified in earlier meetings were researched and developed through a series of subcommittee meetings. Subcommittees focused on the following:

Infrastructure, Land Use, and Development Meetings

- Tuesday April 17th at 5pm at the Riverdale Library Branch
- Tuesday April 24th at 5pm at the Buckingham Community Center

Agriculture, Open Space, Environmental, Quality of Life Meetings

- Thursday April 19th at 5pm Location Tice Fire Station 1
- Wednesday April 25th at 5pm Location Tice Fire Station 1

Traffic and Roads Meetings

- Monday April 16th at 6pm at Kelly Tractor
- Monday April 23rd at 6pm at Kelly Tractor

Subcommittees were charged with developing preliminary policies that were needed above and beyond the previously existing Goal 17. These items were again presented at the May 2007 Community Planning meeting where citizens gave comments and feedback on the policies.

Each of the meetings had substantial attendance, as documented later in this Section 4.

Interviews

Interviews and representation by experts and stakeholders were also conducted to further understand existing policies and issues in the community.

- Lehigh Acres President Bo Turbeville (review proposed boundaries, transition areas, and common interests)
- Lee County Mosquito Control (Carmen McKinney)
- Tice Fire Department (represented by Gordon Brandt)
- Lee County Sheriff's Office Training Division (Capt. Stephan Pierce)
- Lee County Port Authority (Bill Horner)
- State of Florida Department of Transportation (Jeffrey R. Leopold, Aaron Smith)
- Lee County Department of Transportation (Sarah Clarke)
- Florida Power and Light (Karl Kauffman)

- University of Florida IFAS (Institute of Food and Agricultural Sciences)
- 20/20 Conservation Program (represented by Bill Burdette)
- Regional Planning Council (David Burr)
- Lehigh Villages developer (Max Lummis)
- Waterman Development Group (Sean Martin)
- Heidt and Associates, Inc. (Walter Fluegel)
- Community members and residents

Surveys

Two surveys were conducted within the community. Each survey was designed to collect unique information from the community. The first was to identify problems and issues, the second was to identify support (or lack of support) for proposed amendments.

- June 2007 Buckingham Community Survey. Letters were mailed to all property owners in the Buckingham planning area inviting them to participate in an on-line survey. Participants visited the www.PlanBuckingham.org website to access the survey. Those who did not have access were mailed a copy of the survey. Consultant entered paper surveys, analyzed all results, and presented survey findings. The June 2007 survey had 365 respondents. The results from the June 2007 survey appears in later in this Section 4.
- August / September 2007 Lee Plan Amendment Survey. Letters were mailed to all property owners in the Buckingham planning area inviting them to participate in a second on-line survey. This survey posted the Lee Plan Amendments as drafted by the Buckingham Community Planning Panel and asked participants to give feedback on specific areas of the plan that they favored. In order to take part, participants visited the www.PlanBuckingham.org website to access the survey link. Those who did not have access were mailed a copy of the survey. Consultant entered paper surveys, analyzed all results, and presented survey findings. 78 respondents provided feedback. The results from the August / September 2007 survey appears later in this Section 4.

Public Notice(s)

SATURDAY, JULY 7, 2007

Local History

AMATEUR RADIO CLUB



GRILLHOUSE

IN FRONT OF THE NEW HOLIDAY INN, FORT MYERS
2431 CLEVELAND AVENUE (US41) - 239.337.CHAR
RESERVATIONS ACCEPTED FOR PARTIES OF 7 OR MORE
*VEGETARIAN & GLUTEN-FREE FRIENDLY!

IN THE SWIM



Buckingham Community Planning Panel Meetings

July 12, 2007 at 6 PM
Riverdale Library, 14561 State Road 80
239-461-3130

July 26, 2007 & Sept. 13, 2007 at 7 PM
Buckingham Community Center
4940 Buckingham Road

For Free Estimates
3580 • Cell: (239) 424-0141

ms • New Construction
by Homes & Duplexes
or Small Projects
ised & Insured

Figure 2: July 7 2007 Meeting Notice

NEWS STAR, A SECTION, WEDNESDAY, JULY 18, 2007

Buckingham Community Planning Panel Meetings

July 26, 2007 at 7 PM
Buckingham Community Center
4940 Buckingham Road

September 13, 2007 at 7 PM
Buckingham Community Center
4940 Buckingham Road

OBITUARIES

Emma Jean Lee

Our Lord and Savior, Jesus Christ, reached down from Heaven to take Emma Jean Lee, 78, of Lehigh Acres, Fla., home to be with him on July 3, 2007, at her daughter's residence.

In lieu of flowers consider a donation to the memory of Jean Lee Baptist Church of 1102 Leeland Heights Lehigh Acres, FL 33401. Your local chapter American Cancer Society. Please visit www...

Figure 3: July 18, 2007 Meeting Notice

Buckingham Community Planning Panel Meeting

Aug. 23rd & Sept. 17th, 2007 at 7 PM
Buckingham Community Center
4940 Buckingham Road

Obituaries

Orva C. Valenze

Orva M. Valenze, 84, beloved wife of William A. Valenze, joined our Lord on July 13, 2007.

She was born Aug. 23, 1922, to Goldwin G. Clark and

Point/Champlain, N.Y., area.

Orva was employed at Miner Institute as the executive assistant to the president for 26 years before retiring on Jan. 7, 1983. Following her retirement,

Lehigh Acres.

Prior to her husband Willie's death, both were active members of the North Country Golf Club in Rouses Point, N.Y., and the Elk's Club in Plattsburgh, N.Y., and

Lehigh Acres.

Donations may be made to the American Cancer Society P.O. Box 22718 Oklahoma City, Okla. 73123-1718.

Funeral arrangements by Anderson Funeral Home in

Figure 4: August 18 2007 Meeting Notice

C2 | NEWS STAR, A SECTION, WEDNESDAY, SEPTEMBER 5, 2007



Gateway Charter swim team member, Ally Benton, 15, practices with teammates.

Dedicated swimmers up before dawn each school day

By Annabelle Tometich

through Friday. The girls' team is composed of two members, and the boys' squad has three.

"I love swimming, and I've been swimming for a long time just regular at home, so I thought it would be cool to come try it out," a towel-wrapped Benton said after practice.

"The first day, it was hard. It's so early and I was so tired in the morning, but at

down the street from the campus, which was only available from 5 to 7 a.m.

Wagner never worried that the early practice time might keep potential swimmers away — he actually thinks of it as an advantage.

"Any kids that would come out, but that don't have an interest in being here at 5 a.m. probably have no interest in being here in the long run anyway," Wagner said.

mers we want."

get showered, get dressed and then leave for school. ... The bell rings at 7:40."

Wagner said spirits are pretty glum when his squad first arrives on deck, but once they hit the water, they're ready to go.

"How you guys feeling?" Wagner yelled to his team.

"Super," junior Jonathan Ponce said from the far lane. "Really, come on?" ques-

WEEK TWO FOOTBALL GAMES

Lehigh (0-1) vs. Cape Coral (1-0)

Quick facts: The Lightning suffered a tough loss at the hands of Fort Myers last week.

The 42-19 loss was the 11th consecutive time the Lightning have fallen to the Green Wave.

Cape Coral should prove to be another difficult test for the Lightning, but if Lehigh's offense can continue to improve, the team could pull off the upset and get its first win of the season.

News Star pick: Lehigh 14, Cape Coral 28

Riverdale (1-0) at Ida Baker (1-0)

Quick facts: Ida Baker is coming off its first varsity win yard run.

But turnovers — three interceptions by senior quarterback Jose Vidal — allowed Fort Myers to maintain all of the game's momentum.

"We gave up the big plays," Lehigh coach Matt Perkowski said. "We weren't physical, and we made too many mistakes. That's it."

Fort Myers senior running back Kai Oliveira rushed for 88

0 are slim as the Raiders are coming to town.

Riverdale had an impressive 21-13 outing against Cypress Lake last week and will likely improve to 2-0 this week.

Look for the Raiders to have this game in hand by half time.

News Star pick: Riverdale 45, Ida Baker 10

East Lee County (0-1) vs. Mariner (1-0)

Quick facts: The Jaguars opened up the season with a poor showing against Ida Baker.

The Jaguars lost their first varsity game 42-0.

Unfortunately for East Lee County, things are bound to get a bit tougher from here on

the Jaguars' best chance of getting a win this season.

News Star pick: East Lee Mariner 35

Gateway (1-0) vs. Moore Haven (0-0)

Quick facts: Gateway has already beaten Moore Haven this year in a scrimmage game in which the Griffins won by score of 40-6.

This game probably won't be as big a blowout, but Gateway still will come out with a win.

The Griffins are coming off a huge 51-6 win on the road against Academy at the Lake.

If the Griffins can continue to put big numbers on offense, they could end up having a very successful season.

Buckingham Community Planning Panel Meeting

September 13, 2007 at 7 PM
Buckingham Community Center
4940 Buckingham Road

Figure 5: September 5 2007 Meeting Notice

Notifications to Residents

Buckingham Community Planning Panel, Inc.
A FLORIDA NOT FOR PROFIT CORPORATION

Buckingham
Community
Planning Panel

Bill Burdette
President
bill@burdetteinc.com

Michael Rippe
Vice President
rippemj@earthlink.net

Gordon Brandt
Secretary
gordon@ellbrandt.net

Bob Murray
Treasurer
BobMurray@HMeng.com

Tommy Lee Cook
Director
tommvcook@aol.com

Tom Feminella
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Tim Mann
Director
Tim@MetronFL.com

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Bruce Strayhorn
Director
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Gloria Vernay
Director
glivcountrylady@aol.com

May 11, 2007

Dear Neighbor:

In order to plan for the future, the members of Buckingham have organized a planning panel. With your input, the panel will identify common issues and identify strategies to resolve community concerns.

The Planning Process

The Buckingham Community Planning Panel has requested funding from the Lee County Board of County Commissioners to update the existing community plan to be incorporated into the Lee County Comprehensive Plan. This plan will identify goals, objectives, and policies that will guide the future decisions.

We are working with Johnson Engineering who will collect information and draft the community plan documents. The community plan must be submitted to Lee County government by September 2007.

What We Need

Fill out the Survey. Because this plan will affect all homeowners, residents, investors, businesses, and other stakeholders, the Planning Panel needs your input. Please visit the link to the Buckingham Community Planning Panel survey located at www.planbuckingham.org. In order to meet the deadline, it is important for you to fill out the survey no later than **midnight, May 23, 2007**.

If you do not have access to the internet, or would prefer to fill the survey out by hand, please contact Margaret Banyan at 239-461-2450 or mbanyan@johnsoneng.com for a paper copy.

Attend Meetings. In addition, the Planning Panel would like your input at meetings. The Planning Panel meets at 7pm every fourth Thursday at the Buckingham Community Center located at 4940 Buckingham Road. If you have questions about the survey, the planning process, or involvement opportunities, please contact any one of our members.

Sincerely,

The Buckingham Community Planning Panel

Dear Neighbor:

The Buckingham Community Planning Panel has been working on developing a community plan and amendments to the Lee Plan. The purpose of the plan will be to identify goals, objectives, and policies that will guide the community future.

After numerous subcommittee and full panel meetings, the Planning Panel has developed draft amendments to the Lee Plan. At this point, we need your input, recommendations, or comments on that draft.

Please go to the Buckingham Community Planning Panel website at:
www.planbuckingham.org to view the draft document and give us feedback through a link to the Survey Monkey website.

In order for the Planning Panel to make fully informed decisions, the deadline for comments is no later than August 31, 2007 at midnight.

Consistent with the earlier survey process, if you do not have access to the internet, or would prefer to fill the survey out by hand, please contact Tammy Peacock 239-461-3339 or tpeacock@johnsoneng.com for a paper copy that can be faxed or mailed back.

The Planning Panel will meet to discuss community feedback and revisions on August 23 at 7pm at the Buckingham Community Center at 4930 Buckingham Road. Please join us if you are available.

Sincerely,

Buckingham Community Planning Panel

Meeting Attendance

Feb 22 Meeting

Name	Email	Phone
Jenny Sanders	JSanders3@earthlink.net	694-8220
Gordon L. Braudt		694-6680
Karl Kauffman	KARL KAUFFMAN@AOL.COM	693-2696
Bonnie Kauffman	BKSCUTZEN@AOL.COM	693-2696
Chris Bundschu	chrisbundschu@bundschu.com	694-8991
James L. Hagen	JHAGEN@HAGEN-PALEN.COM	694-539X
Gloria Vernay	GHUCOUNTRYLAD@AOL.COM	694-8878
Billy & Zetzel Burdette		694-4738
Mike Rippe	rippemj@earthlink.net	694-0451
Kimberly Simpson	Rksimpson@comcast.net	337-1764
Helen Simmons		694-5946
MATT STEELIE	M1STEELIE4@SPRINT.PCS.COM	340-1969
Tim Barrett	tbarrett@SpartanFire.com	694-0419
Kristine Barrett	DTMRE@min.com	694-0419
Tom Fennella	TOMCAT05@COMCAST.NET	693-8971
Paul & Sarah Cox	MUSTANG2PC@Excite.com	694-8482
Peep Stevens	Peepstevens@earthlink.net	481-6504
Michael Borko	MEBorko@Gate.net	693-0909
Rose Caskey		693-1165
Carol Scherrer		694-6006
Glenn Scherrer		694-6006
Don Caskey		693-1165
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LAURA J. HAGEN		694-5394

SIGN IN

3/22/07

entered
3/23/07

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Kristine Barrett	
Steven Hebert	LeeCountyHomes@AOL.com
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MIKE ROEDER	MRoeder@Knott-law.com

20076761 Buckingham

4/17/07

Sign-In Infrastructure / Land Use Subcommittee
Sanger C. Smith
Bill, Dardette

Jim McKeever

mcKeever@LCMCD.ORG

Chris Bundschuh

Bruce Strayhorn

Don Blackburn

Buckingham Planning Panel May 24, 2007

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Michael Borko	693-6533	
Terni Lodge	989-5690	+lodge@c2i-sunbelt.com

June 28, 2007 Buckingham Mtg.
Attendance

	NAME	Phone	Email
✓	Tony Pellicer	694-0266	pellicer@leegovico.com
✓	EGGY Schmidt	694-3245	Schmidt_richprg
✓	Richard Schmidt	"	@earthlink.net
added ✓	Jeff Gerberick	694-5230	surfgerber@aol.com
✓	Carol & Amber Tricke	694-5278	CAF 4344@msn.com
✓	Martha & Jim Scott	644-6409	
added ✓	Gordon / Pracht	694-6680	Gordon@q16.com.net
added ✓	Sue & Lenny Barshinger	693-3821	Sue @Sue4simple@ ⁹⁰³ com
✓	Fred & Charlotte Stamp	"	
✓	Don Blackburn		donblackburn@yahoo.com
added ✓	Dick Workman		Coastplan@embarcmail.com

Buckingham Community Planning Panel

7-12-2007

<u>NAME</u>	<u>PHONE</u>	<u>EMAIL</u>
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Jack i Kothi Lucie	694-3709	grovelgdu de @earthlink.net
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Mike Rippe	694-0451	
JoAnne Ambulsey	693 0734	Dubbbw012@earthlink.net
Joan Brown	694-4577	BROWNJE@LEEGOV.CON
George Kuplinski	694-6261	
Sarah Clarke	694-6261	
RICHARD SCHMIDT	694 2245	SCHMIDT_RICH@EARTHINK.NET
Kerri Goldsmith	694-1418	kagoldsmith@earthlink.net

Buckingham Community Planning Panel 7/26/2007

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Cameron McKinney	694-2174	mcKinney@lcmco.org
Jessica Cavanaugh	693-9210	



Updated in
e-mail list
8/2/07

8/23/07

PLANNING PANEL MEETING

NAME	PHONE	EMAIL
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George Kubiak	694-6261	
BOB MURRAY	8985-1200	

BUCKINGHAM COMMUNITY PLANNING PANEL

SEPT. 13, 2007 MEETING

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Bruce Skaggs	281-6288	
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Dan Caskey	693-1165	
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Tommy Cox	545 5057	TommyL.Cox@48L.com
Mike Reeder		

Page 2 of 2

Buckingham Planning Panel Mtg 9/13/07

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Helen Louise Mosley	694-1064	NA
Michael Barko		
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Tommy Cook	565-5877	TommyL.Cook@AOL.com

June 2007 Community Survey Results

Q1. Do you presently live in Buckingham?

answer options	Response Percent	Response Count
Year-round	82.70%	302
Part time	2.70%	10
I do not live in Buckingham	15.10%	55
	answered question	365
	skipped question	0

Q2. What is the approximate size of your property?

answer options	Response Percent	Response Count
Less than one acre	23.20%	84
1-2 acres	29.00%	105
3-5 acres	25.70%	93
More than 5 acres	23.20%	84
	answered question	362
	skipped question	3

Q3. What are the primary uses of your property? (Please check all that apply)

answer options	Response Percent	Response Count
Vacant	8.80%	32
Residential	84.90%	308
Farm	6.30%	23
Horse Ranch/boarding stables	10.50%	38
Other livestock/Ranch	14.10%	51
Plant growers/ nursery sales	3.90%	14
Trucking, tractor service	0.80%	3
Retail or business	1.40%	5
Home office	9.40%	34
Other (please specify)	7.70%	28
	answered question	363
	skipped question	2

Q4. Commercial buildings should be regulated to have uniform architectural styles.

answer options	Response Percent	Response Count
Strongly agree	34.30%	119
Agree	39.80%	138
Disagree	19.60%	68
Strongly disagree	6.30%	22
	answered question	347
	skipped question	18

Q6. I would support a policy to eradicate invasive exotic plant species.

answer options	Response Percent	Response Count
Strongly agree	38.10%	134
Agree	50.60%	178
Disagree	8.20%	29
Strongly disagree	3.10%	11
	answered question	352

skipped question

13

Q7. Please rank/prioritize the need for the following open space improvements (please rank, with #1 being the greatest concern).

answer options	1	2	3	4	
Greenways and trails	56	136	81	34	307
Recreation parks	41	70	118	73	302
Equestrian trails	26	47	64	171	308
Preserve areas	214	51	39	23	327
				answered question	349
				skipped question	16

Q8. I am most concerned about traffic on the following roads (please rank, with #1 being the greatest concern).

answer options	1	2	3	4	5	6	Response Count
Cemetery Road	51	59	57	35	35	60	297
Buckingham Road	160	101	30	22	14	1	328
Staley Road	17	28	36	86	86	39	292
Tice Street	12	21	28	57	77	94	289
Orange River Boulevard	83	90	116	14	14	2	319
Neal Road	23	13	37	74	58	88	293
						answered question	349
						skipped question	16

Q9. There are sufficient stores and businesses to serve the Buckingham Community.

answer options	Response Percent	Response Count
Strongly agree	34.40%	118
Agree	38.50%	132
Disagree	19.00%	65
Strongly Disagree	8.20%	28
	answered question	343
	skipped question	22

Q10. I am most concerned about the following public safety problems (please rank, with #1 being the greatest concern).

answer options	1	2	3	4	5	6	Response Count
Personal security	61	52	85	60	21	1	280
Property security	43	134	72	28	14	1	292
Traffic	202	37	62	12	6	1	320
ATV/off-road vehicles	14	42	27	94	80	17	274
Code enforcement	19	29	30	62	118	19	277
None	5	2	3	6	5	75	96
						answered question	346
						skipped question	19

Q11. The density of development outside of Buckingham should gradually decrease as it gets closer to Buckingham.

answer options	Response Percent	Response Count
Strongly agree	58.90%	205
Agree	27.90%	97
Disagree	5.50%	19
Strongly disagree	2.60%	9
Don't know	5.20%	18
	answered question	348
	skipped question	17

Q12. I think new developments in Buckingham should be able to cluster homes on smaller lots in order to preserve larger areas of undeveloped land, as long as total density is not more than 1 home per acre.

answer options	Response Percent	Response Count
Strongly agree	20.40%	70
Agree	40.70%	140
Disagree	15.10%	52
Strongly disagree	23.80%	82
	answered question	344
	skipped question	21

Q13. It's okay to extend municipal water service in Buckingham, as long as connecting is voluntary.

answer options	Response Percent	Response Count
Strongly agree	22.40%	78
Agree	51.00%	178
Disagree	11.20%	39
Strongly disagree	15.50%	54
	answered question	349
	skipped question	16

Q14. It's okay to extend municipal sewer service in Buckingham, as long as connecting is voluntary.

answer options	Response Percent	Response Count
Strongly agree	20.10%	70
Agree	50.10%	175
Disagree	12.90%	45
Strongly disagree	16.90%	59
	answered question	349
	skipped question	16

Q15. Homes and businesses should not be built within 50 feet of the Orange River.

answer options	Response Percent	Response Count
Strongly agree	55.90%	195
Agree	36.70%	128
Disagree	3.20%	11
Strongly disagree	4.30%	15
	answered question	349
	skipped question	16

Q16. Lee County should acquire Gulf Coast Center for the following purposes (select as many as appropriate).

answer options	Response Percent	Response Count
Conservation/ nature preserve	68.60%	218
Community center	48.40%	154
Recreation park	54.10%	172
IFAS agricultural research	35.50%	113
Schools	21.40%	68
Emergency Operations Center	34.30%	109
Other (please specify)	8.80%	28
	answered question	318
	skipped question	47

Q17. I am concerned about Lehigh Acres traffic being routed through Buckingham.

answer options	Response Percent	Response Count
Strongly agree	85.00%	294
Agree	11.30%	39
Disagree	2.00%	7
Strongly disagree	1.70%	6
	answered question	346
	skipped question	19

Q18. Development should be discouraged if it interferes with Buckingham Airport or Mosquito Control Operations

answer options	Response Percent	Response Count
Strongly agree	54.40%	185
Agree	39.10%	133
Disagree	4.10%	14
Strongly disagree	2.40%	8
	answered question	340
	skipped question	25

Lee Plan Amendment Survey Results

Q1. GOAL 17: BUCKINGHAM.

answer options	Response Percent	Response Count
I support this Goal as stated	85.90%	67
I support this Goal with changes	11.50%	9
I do not support this Goal	2.60%	2
Comments		7
answered question		78
skipped question		5

Q2. OBJECTIVE 17.1: POLICY 17.1.1-Policy 17.1.4;

answer options	Response Percent	Response Count
I support Objective 17.1 and Policies 17.1.1 through 17.1.4	76.70%	56
I support Objective 17.1 and Policies 17.1.1 -- 17.1.4 with revisions	16.40%	12
I do not support Objective 17.1 and Policies 17.1.1 through 17.1.4	6.90%	5
answered question		73
skipped question		10

Q3. Policy 17.1.5: -- Policy 17.1.8.

answer options	Response Percent	Response Count
I support Policies 17.1.5 through 17.1.8	64.90%	48
I support Policies 17.1.5 through 17.1.8 with revisions	24.30%	18
I do not support Policies 17.1.5 through 17.1.8	10.80%	8
answered question		74
skipped question		9

Q4. OBJECTIVE 17.2 and POLICIES

answer options	Response Percent	Response Count
I support Objective 17.2 and Policies	74.00%	54
I support Objective 17.2 and Policies with revisions	16.40%	12
I do not support Objective 17.2 and Policies	9.60%	7
answered question		73
skipped question		10

Q5. OBJECTIVE 17.3 and Policies

answer options	Response Percent	Response Count
I support Objective 17.3 and Policies	76.40%	55
I support Objective 17.3 and Policies with revisions	18.10%	13
I do not support Objective 17.3 and Policies	5.60%	4
answered question		72
skipped question		11

Q6. OBJECTIVE 17.4 and POLICIES

answer options	Response Percent	Response Count
----------------	------------------	----------------

I support Objective 17.4 and Policies	85.50%	59
I support Objective 17.4 and Policies with revisions	11.60%	8
I do not support Objective 17.4 and Policies	2.90%	2
answered question		69
skipped question		14

Q7. OBJECTIVE 17.5 AND POLICIES

answer options	Response Percent	Response Count
I support Objective 17.5 and Policies	88.40%	61
I support Objective 17.5 and Policies with revisions	10.10%	7
I do not support Objective 17.5 and Policies	1.50%	1
answered question		69
skipped question		14

Q8. OBJECTIVE 17.6. AND POLICIES

answer options	Response Percent	Response Count
I support Objective 17.6 and Policies	75.40%	52
I support Objective 17.6 and Policies with revisions	17.40%	12
I do not support Objective 17.6 and Policies	7.30%	5
answered question		69
skipped question		14



September 21, 2007

Mr. Fredrick Gaske, Director
Florida Division of Historical Resources
Florida Department of State Division of Historical Resources
500 S. Bronough Street
Tallahassee, FL 32399

Re: Buckingham Community Plan Comprehensive Plan Amendment

Dear Mr. Gaske:

We are in the process of preparing an application for a Comprehensive Plan Amendment for the Buckingham Community. The community has drafted text amendments to the Lee County Comprehensive Plan to amend the existing Buckingham Community plan.

The Comprehensive Plan Amendment application requires that we provide letters for the various providers of service to this area establishing the adequacy/provision of existing and proposed support facilities to this site. Johnson Engineering will file this application on Monday September 24, 2007 after which Jim Mudd, County Planner, will receive comments. Please provide comments regarding this plan amendment to:

Jim Mudd
Lee County Community Development
1500 Monroe Street
Fort Myers, FL 33901

We appreciate your attention to this matter. If you have any questions, or require additional information, please contact Jim Mudd (239) 533-8180 or myself at: (239) 334-0046.

Very truly yours,

JOHNSON ENGINEERING, INC.

Margaret Banyan, Ph.D
Community Planner

MEB:tem:20076761



September 21, 2007

Mr. Lindsey Sampson, Director
Lee County Solid Waste Department
10500 Buckingham Road
Fort Myers, Florida 33905

Re: Buckingham Community Plan Comprehensive Plan Amendment

Dear Mr. Sampson:

We are in the process of preparing an application for a Comprehensive Plan Amendment for the Buckingham Community. The community has drafted text amendments to the Lee County Comprehensive Plan to amend the existing Buckingham Community Plan.

The Comprehensive Plan Amendment application requires that we provide letters for the various providers of service to this area establishing the adequacy/provision of existing and proposed support facilities to this site. Johnson Engineering will file this application on Monday September 24, 2007 after which Jim Mudd, County Planner, will receive comments. Please provide comments regarding this plan amendment to:

Jim Mudd
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

We appreciate your attention to this matter. If you have any questions, or require additional information, please contact Jim Mudd (239) 533-8180 or myself at: (239) 334-0046.

Very truly yours,

JOHNSON ENGINEERING, INC.

Margaret Banyan, Ph.D
Community Planner

MEB:tem:20076760

September 21, 2007

Ms. Derek C.S. Burr, AICP, Long Range Planner
Lee County School District
Planning, Growth and School Capacity Department
3308 Canal Street
Fort Myers, Florida 33916

Re: Buckingham Community Plan Comprehensive Plan Amendment

Dear Ms. Burr:

We are in the process of preparing an application for a Comprehensive Plan Amendment for the Buckingham Community. The community has drafted text amendments to the Lee County Comprehensive Plan to amend the existing Buckingham Community Plan.

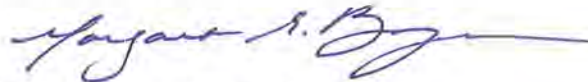
The Comprehensive Plan Amendment application requires that we provide letters for the various providers of service to this area establishing the adequacy/provision of existing and proposed support facilities to this site. Johnson Engineering will file this application on Monday September 24, 2007 after which Jim Mudd, County Planner, will receive comments. Please provide comments regarding this plan amendment to:

Jim Mudd
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

We appreciate your attention to this matter. If you have any questions, or require additional information, please contact Jim Mudd (239) 533-8180 or myself at: (239) 334-0046.

Very truly yours,

JOHNSON ENGINEERING, INC.



Margaret Banyan, Ph.D
Community Planner

MEB:tem:20076760

September 21, 2007

Mr. Wayne Gale, Director
Lee County Mosquito Control District
15191 Homestead Road
Lehigh Acres, Florida 33971

Re: Buckingham Community Plan Comprehensive Plan Amendment

Dear Mr. Gale:

We are in the process of preparing an application for a Comprehensive Plan Amendment for the Buckingham Community. The community has drafted text amendments to the Lee County Comprehensive Plan to amend the existing Buckingham Community Plan.

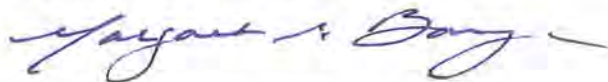
The Comprehensive Plan Amendment application requires that we provide letters for the various providers of service to this area establishing the adequacy/provision of existing and proposed support facilities to this site. Johnson Engineering will file this application on Monday September 24, 2007 after which Jim Mudd, County Planner, will receive comments. Please provide comments regarding this plan amendment to:

Jim Mudd
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

We appreciate your attention to this matter. If you have any questions, or require additional information, please contact Jim Mudd (239) 533-8180 or myself at: (239) 334-0046.

Very truly yours,

JOHNSON ENGINEERING, INC.



Margaret Banyan, Ph.D
Community Planner

MEB:tem:20076760

September 21, 2007

Mr. S. Ivan Velez, P.E.
Deputy Director
Lee County Utilities
1500 Monroe Street
Fort Myers, Florida 33901

Re: Buckingham Community Plan Comprehensive Plan Amendment

Dear Mr. Velez:

We are in the process of preparing an application for a Comprehensive Plan Amendment for the Buckingham Community. The community has drafted text amendments to the Lee County Comprehensive Plan to amend the existing Buckingham Community Plan.

The Comprehensive Plan Amendment application requires that we provide letters for the various providers of service to this area establishing the adequacy/provision of existing and proposed support facilities to this site. Johnson Engineering will file this application on Monday September 24, 2007 after which Jim Mudd, County Planner, will receive comments. Please provide comments regarding this plan amendment to:

Jim Mudd
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

We appreciate your attention to this matter. If you have any questions, or require additional information, please contact Jim Mudd (239) 533-8180 or myself at: (239) 334-0046.

Very truly yours,

JOHNSON ENGINEERING, INC.



Margaret Banyan, Ph.D
Community Planner

MEB:tem:20076760



September 21, 2007

Captain Mike Clifton
Commander of Facilities and Project Development
Lee County Sheriff's Office
14750 Six Mile Cypress Parkway
Fort Myers, Florida 33912

Re: Buckingham Community Plan Comprehensive Plan Amendment

Dear Captain Clifton:

We are in the process of preparing an application for a Comprehensive Plan Amendment for the Buckingham Community. The community has drafted text amendments to the Lee County Comprehensive Plan to amend the existing Buckingham Community Plan.

The Comprehensive Plan Amendment application requires that we provide letters for the various providers of service to this area establishing the adequacy/provision of existing and proposed support facilities to this site. Johnson Engineering will file this application on Monday September 24, 2007 after which Jim Mudd, County Planner, will receive comments. Please provide comments regarding this plan amendment to:

Jim Mudd
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

We appreciate your attention to this matter. If you have any questions, or require additional information, please contact Jim Mudd (239) 533-8180 or myself at: (239) 334-0046.

Very truly yours,

JOHNSON ENGINEERING, INC.

Margaret Banyan, Ph.D
Community Planner

MEB:tem:20076760



September 21, 2007

Chief Gregory A. Bradley
Tice Fire & Rescue District
9351 Workmen Way
Fort Myers, FL 33905

Re: Buckingham Community Plan Comprehensive Plan Amendment

Dear Chief Bradley:

We are in the process of preparing an application for a Comprehensive Plan Amendment for the Buckingham Community. The community has drafted text amendments to the Lee County Comprehensive Plan to amend the existing Buckingham Community Plan.

The Comprehensive Plan Amendment application requires that we provide letters for the various providers of service to this area establishing the adequacy/provision of existing and proposed support facilities to this site. Johnson Engineering will file this application on Monday September 24, 2007 after which Jim Mudd, County Planner, will receive comments. Please provide comments regarding this plan amendment to:

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Very truly yours,

JOHNSON ENGINEERING, INC.

Margaret Banyan, Ph.D
Community Planner

MEB:tem:20076761



September 21, 2007

Deputy Chief Kim Dickerson, EMS Ground Operations Manager
Lee County Emergency Medical Services
Lee County Division of Public Safety
14752 Six Mile Cypress Parkway
Fort Myers, FL 33912

Re: Buckingham Community Plan Comprehensive Plan Amendment

Dear Deputy Chief Dickerson:

We are in the process of preparing an application for a Comprehensive Plan Amendment for the Buckingham Community. The community has drafted text amendments to the Lee County Comprehensive Plan to amend the existing Buckingham Community Plan.

The Comprehensive Plan Amendment application requires that we provide letters for the various providers of service to this area establishing the adequacy/provision of existing and proposed support facilities to this site. Johnson Engineering will file this application on Monday September 24, 2007 after which Jim Mudd, County Planner, will receive comments. Please provide comments regarding this plan amendment to:

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Very truly yours,

JOHNSON ENGINEERING, INC.

Margaret Banyan, Ph.D
Community Planner

MEB:tem:20076761



September 21, 2007

Mr. Terry Kelly
Emergency Management Coordinator
Lee County Emergency Management
2665 Ortiz Ave.
Fort Myers, FL 33905

Re: Buckingham Community Plan Comprehensive Plan Amendment

Dear Mr. Kelly:

We are in the process of preparing an application for a Comprehensive Plan Amendment for the Buckingham Community. The community has drafted text amendments to the Lee County Comprehensive Plan to amend the existing Buckingham Community Plan.

The Comprehensive Plan Amendment application requires that we provide letters for the various providers of service to this area establishing the adequacy/provision of existing and proposed support facilities to this site. Johnson Engineering will file this application on Monday September 24, 2007 after which Jim Mudd, County Planner, will receive comments. Please provide comments regarding this plan amendment to:

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Very truly yours,

JOHNSON ENGINEERING, INC.

Margaret Banyan, Ph.D
Community Planner

MEB:tem:20076761



September 21, 2007

Mr. Mike Horsting, AICP
Transit Planner
Lee County Transit Division
6035 Landing View Road
Fort Myers, FL 33907

Re: Buckingham Community Plan Comprehensive Plan Amendment

Dear Mr. Horsting:

We are in the process of preparing an application for a Comprehensive Plan Amendment for the Buckingham Community. The community has drafted text amendments to the Lee County Comprehensive Plan to amend the existing Buckingham Community plan.

The Comprehensive Plan Amendment application requires that we provide letters for the various providers of service to this area establishing the adequacy/provision of existing and proposed support facilities to this site. Johnson Engineering will file this application on Monday September 24, 2007 after which Jim Mudd, County Planner, will receive comments. Please provide comments regarding this plan amendment to:

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Fort Myers, FL 33901

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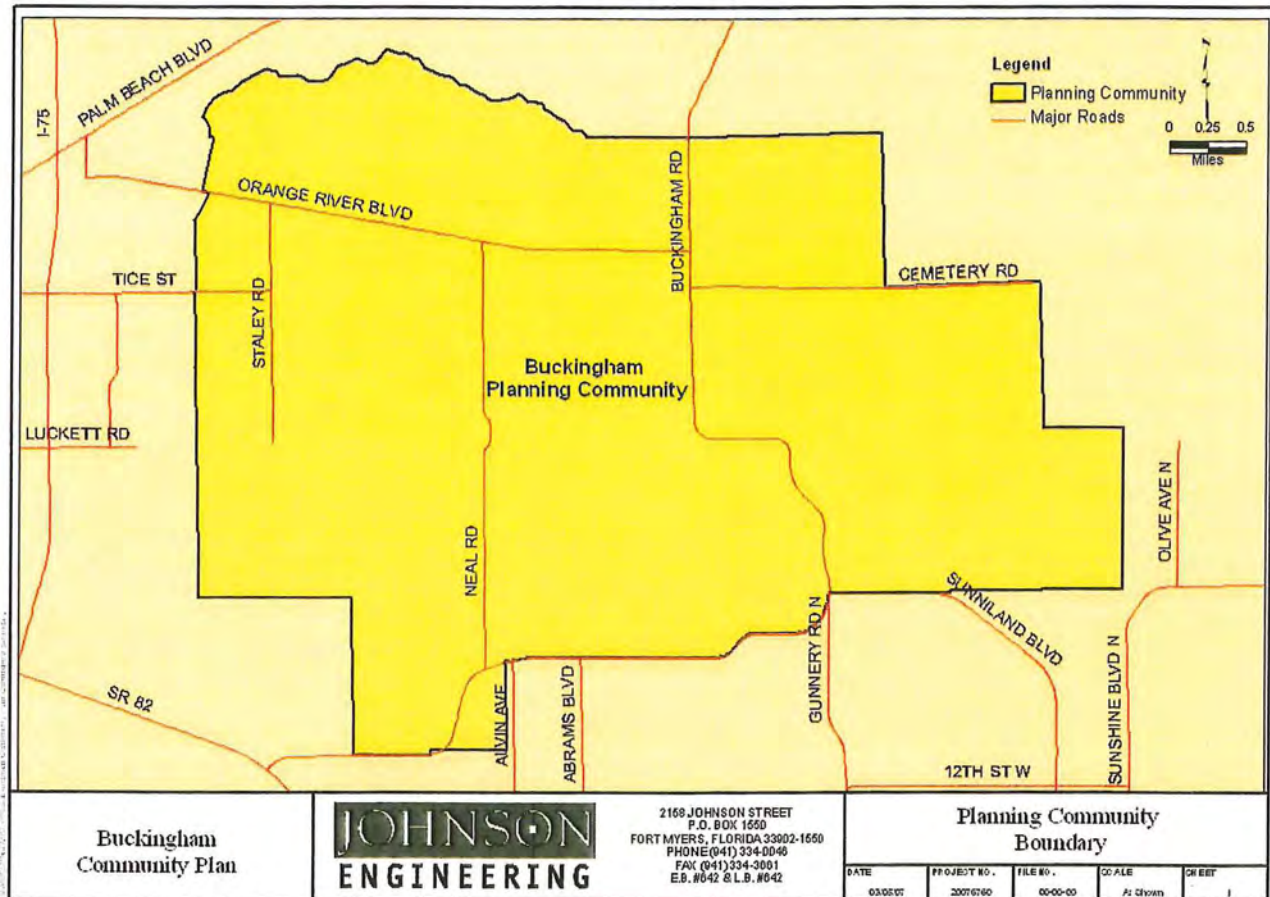
JOHNSON ENGINEERING, INC.

Margaret Banyan, Ph.D
Community Planner

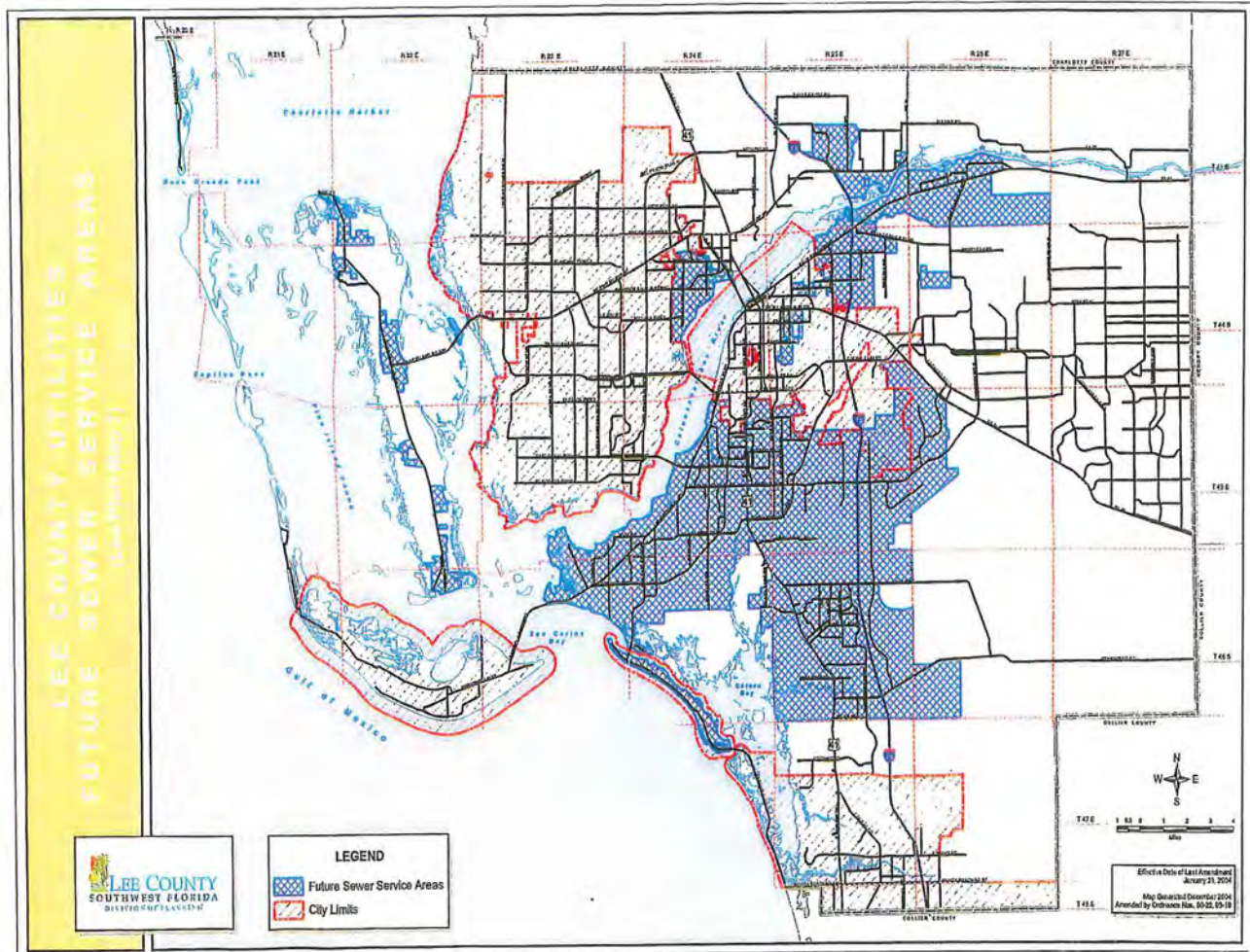
MEB:tem:20076761

Maps

Community Planning and Planning Community Boundary Map

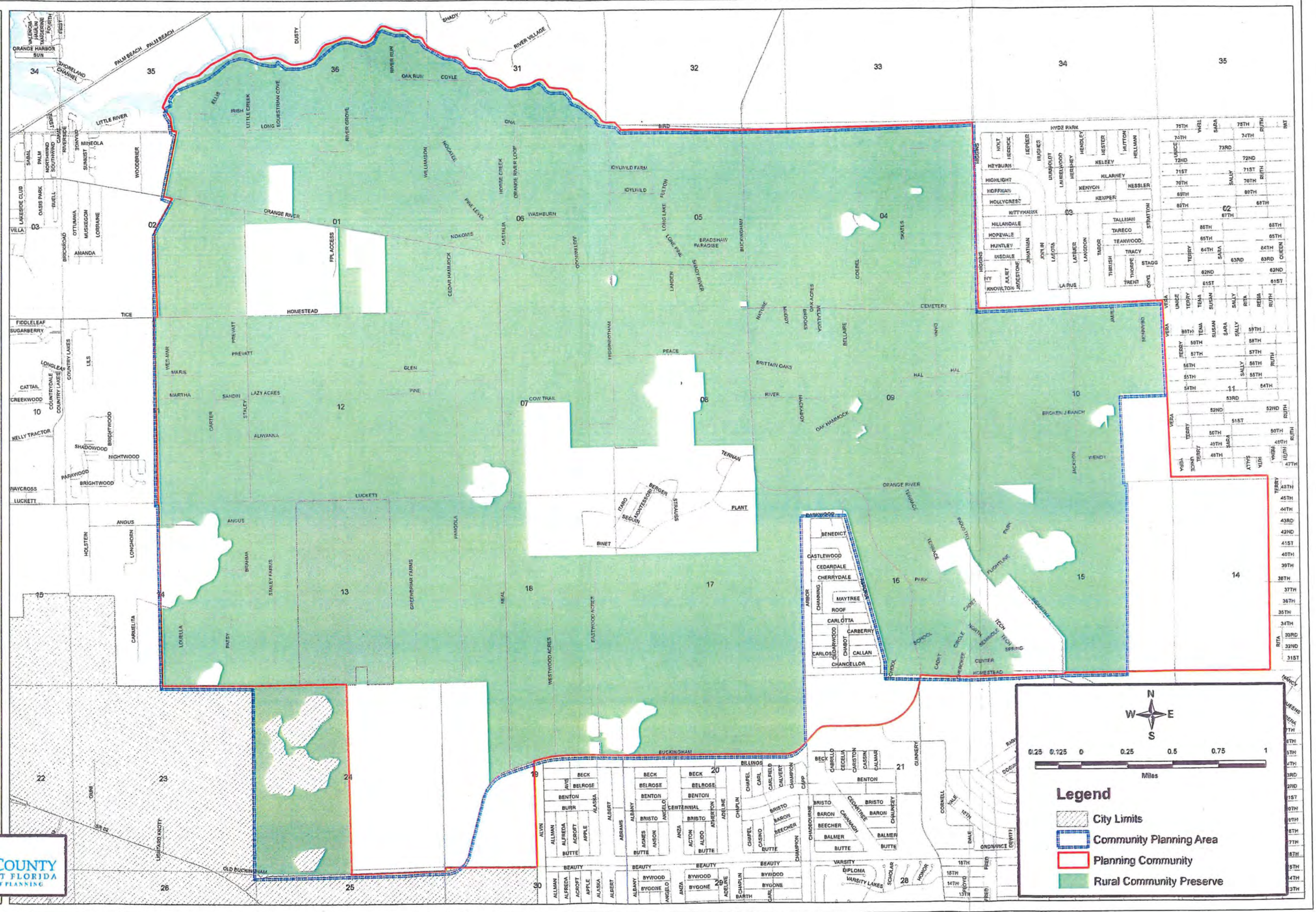


Map 7



BUCKINGHAM BOUNDARIES

Planning Community and Community Planning Area



NOTES TO USERS

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Boundaries of the **floodways** were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by **flood control structures**. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures for this jurisdiction.

The **projection** used in the preparation of this map was Florida State Plane west zone (FIPSZONE 902). The **horizontal datum** was NAD 83, GRS80 spheroid. Differences in datum, spheroid, projection or State Plane zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

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NGS Information Services
NOAA, NIMS512
National Geodetic Survey
SSMC-3, #9202
1315 East-West Highway
Silver Spring, Maryland 20910-3282
(301) 713-3242

To obtain current elevation, description, and/or location information for **bench marks** shown on this map, please contact the Information Services Branch of the National Geodetic Survey at (301) 713-3242, or visit its website at <http://www.ngs.noaa.gov>.

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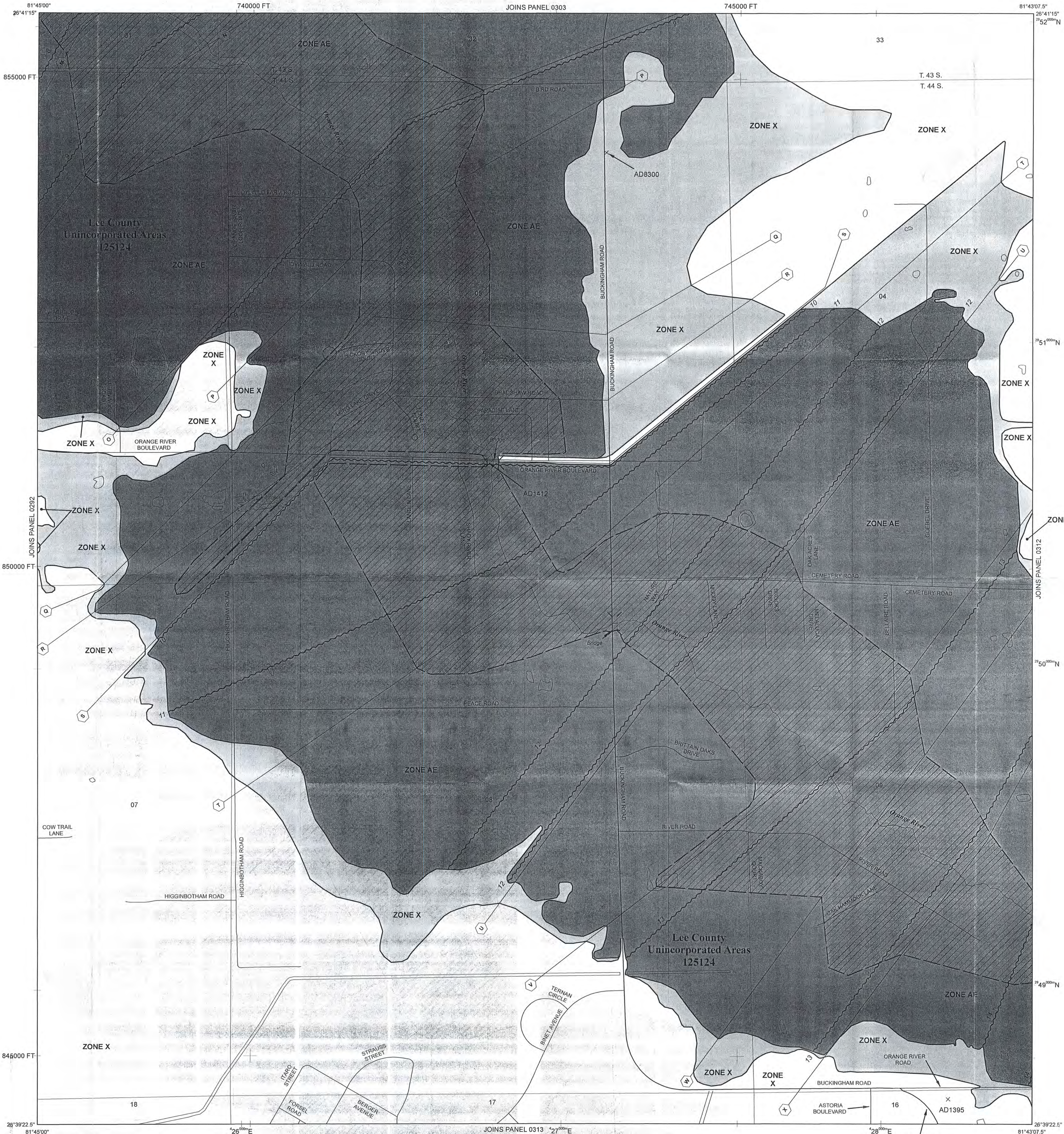
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LEGEND

SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

- ZONE A** No Base Flood Elevations determined.
- ZONE AE** Base Flood Elevations determined.
- ZONE AH** Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
- ZONE AO** Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
- ZONE AR** Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently deteriorated. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
- ZONE A99** Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
- ZONE V** Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
- ZONE VE** Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

ZONE X Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

OTHER AREAS

ZONE X Areas determined to be outside the 0.2% annual chance floodplain.

ZONE D Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

- Floodplain boundary
- Floodway boundary
- Zone D boundary
- CBRS and OPA boundary
- Boundary dividing Special Flood Hazard Area zones; and boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.
- Base Flood Elevation line and value; elevation in feet*
- Base Flood Elevation value where uniform within zone; elevation in feet*

* Referenced to the North American Vertical Datum of 1988

Cross section line

Transsect line

87°07'45", 32°22'30" Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere

17 1000-meter Universal Transverse Mercator grid values, zone

600000 FT 5000-foot grid ticks: Florida State Plane coordinate system, West zone (FIPSZONE 9002), Transverse Mercator projection

DX5510 x Bench mark (see explanation in Notes to Users section of this FIRM panel)

• M1.5 River Mile

MAP REPOSITORY Refer to listing of Map Repositories on Map Index

EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP August 28, 2008

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your Insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

MAP SCALE 1" = 500'

250 0 500 1000 FEET 150 0 150 300 METERS

NFIP
NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0311F

FIRM

FLOOD INSURANCE RATE MAP

LEE COUNTY, FLORIDA AND INCORPORATED AREAS

PANEL 311 OF 685

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
LEE COUNTY	125124	0311	F

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER

12071C0311F

EFFECTIVE DATE

AUGUST 28, 2008

Federal Emergency Management Agency

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NOAA, N/NGS12
National Geodetic Survey
SSMC-3, #9202
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Silver Spring, Maryland 20910-3282
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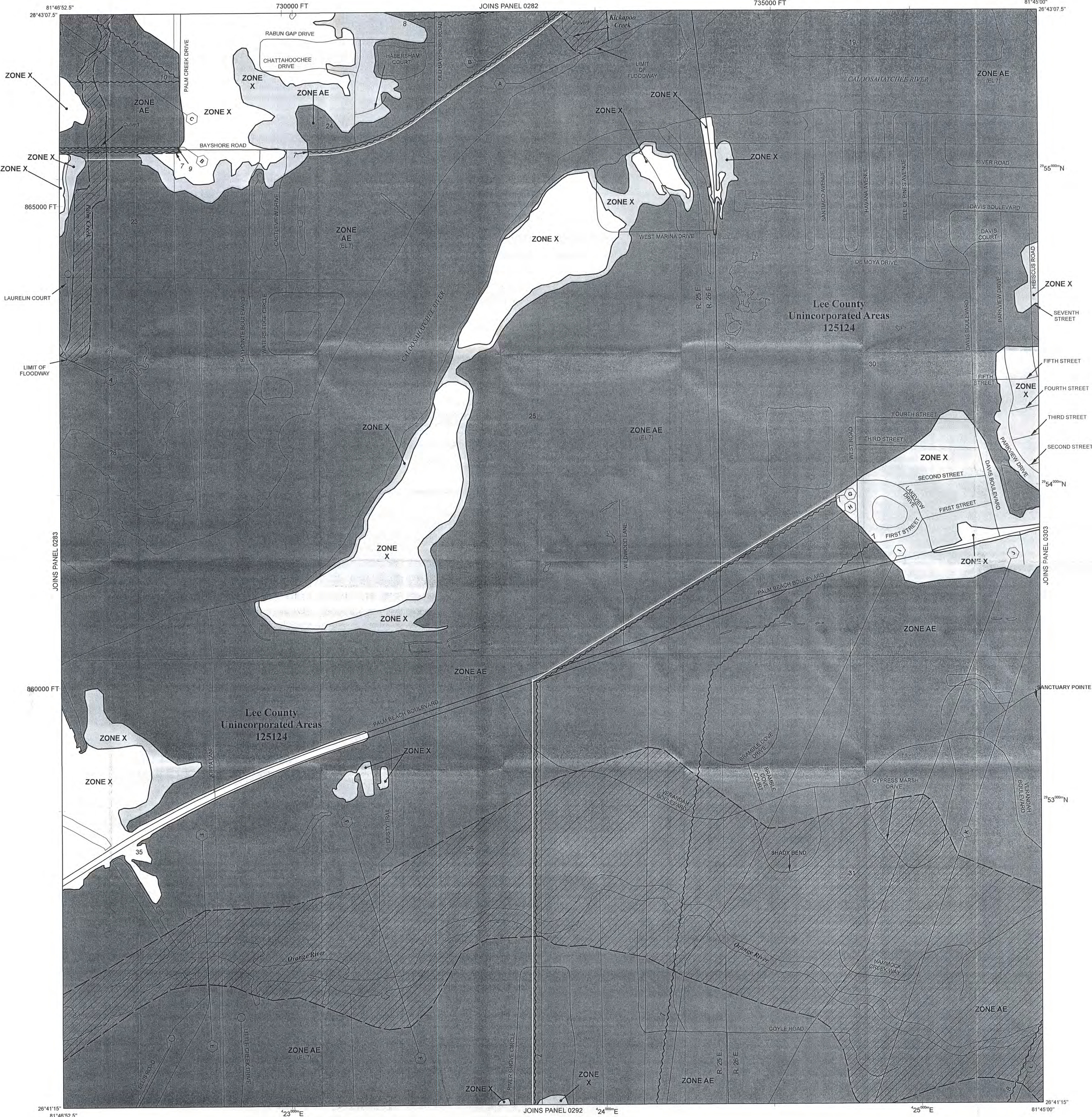
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LEGEND

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FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

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- Base Flood Elevation value where uniform within zone; elevation in feet*

* Referenced to the North American Vertical Datum of 1988

A Cross section line

B Transsect line

67°07'45", 32°22'30"

27°76'00"N

600000 FT

DX5510 x

M 1:5

MAP REPOSITORY

Refer to listing of Map Repositories on Map Index

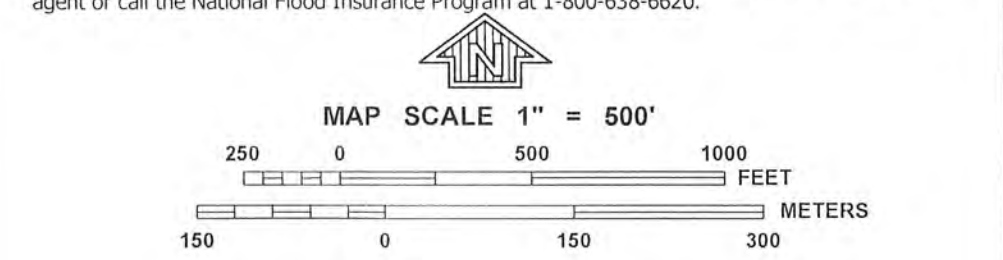
EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP

August 28, 2008

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL

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NFIP

PANEL 0284F

FIRM

FLOOD INSURANCE RATE MAP

LEE COUNTY, FLORIDA AND INCORPORATED AREAS

PANEL 284 OF 685

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS	COMMUNITY	NUMBER	PANEL	SUFFIX
LEE COUNTY	125124	0284	F	

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MAP NUMBER
12071C0284F

EFFECTIVE DATE
AUGUST 28, 2008

Federal Emergency Management Agency

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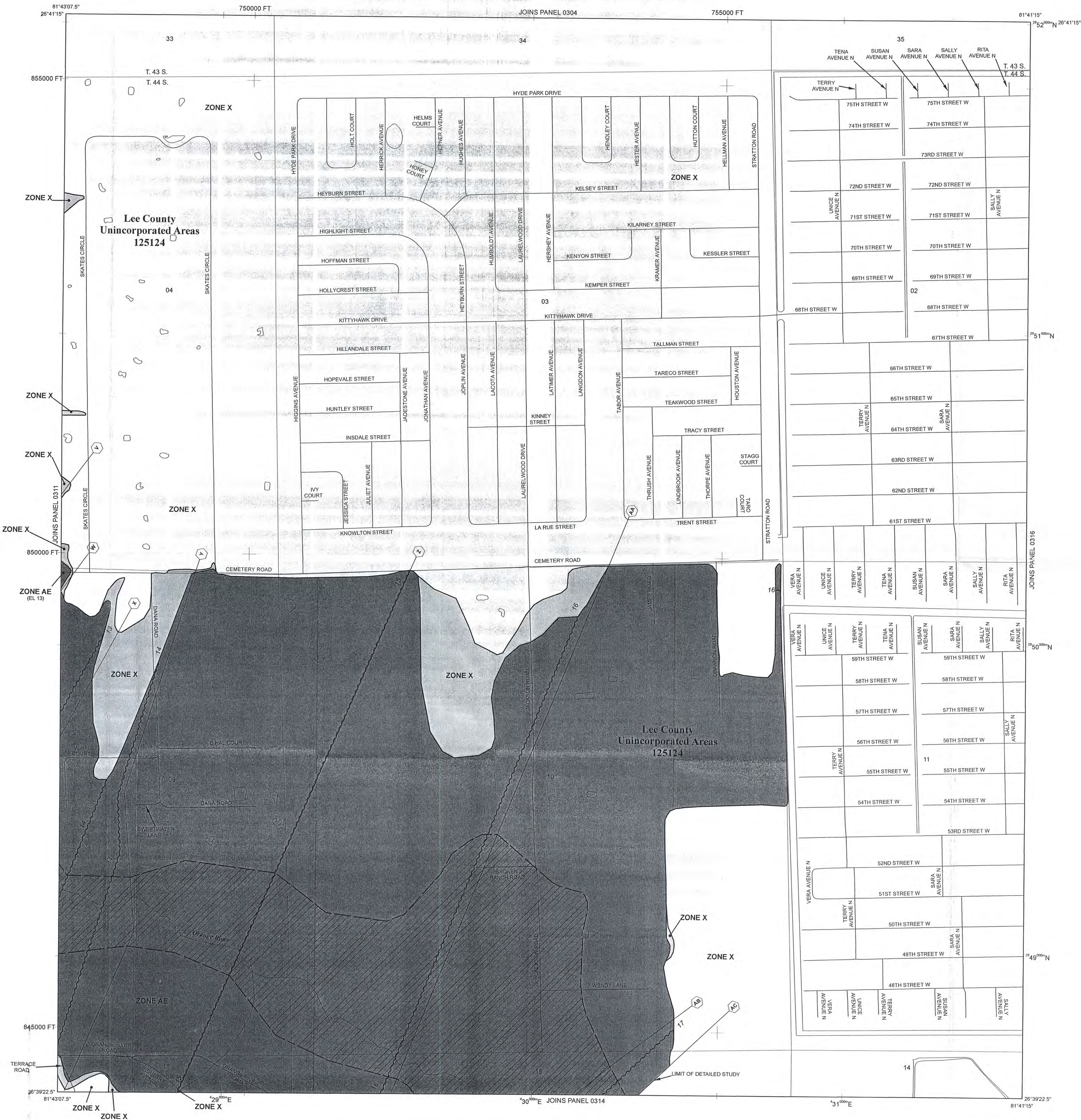
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LEGEND

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ZONE AH: Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
ZONE AO: Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
ZONE AR: Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
ZONE A99: Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
ZONE V: Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
ZONE VE: Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

ZONE X: Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

OTHER AREAS

ZONE X: Areas determined to be outside the 0.2% annual chance floodplain. Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

Boundary symbols:

- Floodplain boundary
- Floodway boundary
- Zone D boundary
- Zone D boundary
- CBRS and OPA boundary
- Boundary dividing Special Flood Hazard Area zones and boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.
- Base Flood Elevation line and value; elevation in feet*
- Base Flood Elevation value where uniform within zone; elevation in feet*

* Referenced to the North American Vertical Datum of 1988

Other symbols:

- Cross section line
- Transect line
- Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere
- 1000-meter Universal Transverse Mercator grid values, zone 17
- 5000-foot grid ticks: Florida State Plane coordinate system, West zone (FIPSZONE 902), Transverse Mercator projection
- Bench mark (see explanation in Notes to Users section of this FIRM panel)
- River Mile

Map Repository:

Refer to listing of Map Repositories on Map Index

EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP:

August 28, 2008

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL:

MAP REPOSITORY:

Refer to listing of Map Repositories on Map Index

EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP:

August 28, 2008

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL:

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

MAP SCALE: 1" = 500'

FEET: 0 500 1000

METERS: 0 150 300

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0312F

FIRM

FLOOD INSURANCE RATE MAP

LEE COUNTY, FLORIDA AND INCORPORATED AREAS

PANEL 312 OF 685

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
LEE COUNTY	125124	0312	F

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER: 12071C0312F

EFFECTIVE DATE: AUGUST 28, 2008

Federal Emergency Management Agency

MAP NUMBER: 12071C0312F

EFFECTIVE DATE: AUGUST 28, 2008

Federal Emergency Management Agency

NOTES TO USERS

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Coastal Base Flood Elevations shown on this map apply only landward of 0.0' North American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Stillwater Elevations table in the Flood Insurance Study report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations table should be used for construction and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the **floodways** were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by **flood control structures**. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures for this jurisdiction.

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Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same vertical datum. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at <http://www.ngs.noaa.gov> or contact the National Geodetic Survey at the following address:

NGS Information Services
NOAA, NNGS12
National Geodetic Survey
SSMC-3, #9202
1315 East-West Highway
Silver Spring, Maryland 20910-3282
(301) 713-3242

To obtain current elevation, description, and/or location information for **bench marks** shown on this map, please contact the Information Services Branch of the National Geodetic Survey at (301) 713-3242, or visit its website at <http://www.ngs.noaa.gov>.

Base map information shown on this FIRM was provided in digital format by the Lee County GIS Department. The road centerline information was constructed based on orthophotography produced at a scale of 1"=100' from aerial imagery flown in 1998 and updated using orthophotography dated 2002 and 2005. The surface water features were also constructed based on orthophotography produced at a scale of 1"=100' from aerial imagery flown in 1998.

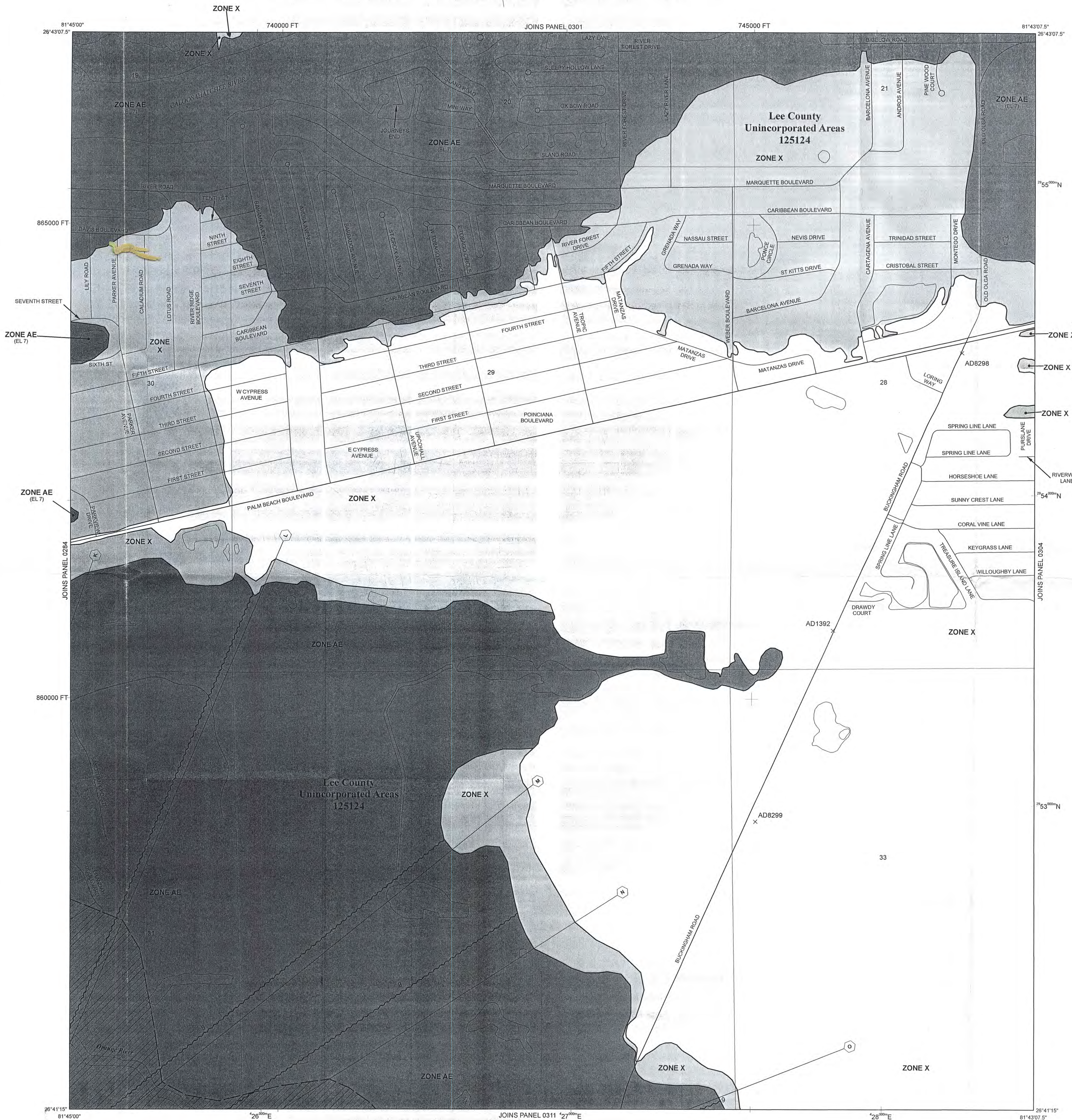
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Contact the **FEMA Map Service Center** at 1-800-358-9616 for information on available products associated with this FIRM. Available products may include previously issued Letters of Map Change, a Flood Insurance Study report, and/or digital versions of this map. The FEMA Map Service Center may also be reached by Fax at 1-800-358-9620 and its website at <http://www.msc.fema.gov>.

If you have **questions about this map** or questions concerning the National Flood Insurance Program in general, please call 1-877-FEMA MAP (1-877-336-2627) or visit the FEMA website at <http://www.fema.gov>.



LEGEND

SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

ZONE A No Base Flood Elevations determined.
ZONE AE Base Flood Elevations determined.
ZONE AH Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
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ZONE AR Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently described. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
ZONE A99 Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
ZONE V Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
ZONE VE Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

ZONE X Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 1% annual chance flood.

OTHER AREAS

ZONE D Areas determined to be outside the 0.2% annual chance floodplain.

ZONE X Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

Floodplain boundary
Floodway boundary
Zone D boundary
CBRS and OPA boundary
Boundary dividing Special Flood Hazard Area zones and boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.
Base Flood Elevation line and value; elevation in feet*
Base Flood Elevation value where uniform within zone; elevation in feet*
* Referenced to the North American Vertical Datum of 1988

87°07'45", 32°22'30"
600000 FT
DX5510 X
M1.5
MAP REPOSITORY
Refer to listing of Map Repositories on Map Index
EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP
August 28, 2006
EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.
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MAP SCALE 1" = 500'
250 0 500 1000 FEET
150 0 150 300 METERS

NFIP **PANEL 0303F**

FIRM
FLOOD INSURANCE RATE MAP

LEE COUNTY, FLORIDA AND INCORPORATED AREAS

PANEL 303 OF 685
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
LEE COUNTY	125124	0303	F

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER
12071C0303F

EFFECTIVE DATE
AUGUST 28, 2008

Federal Emergency Management Agency

NOTES TO USERS

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National Geodetic Survey
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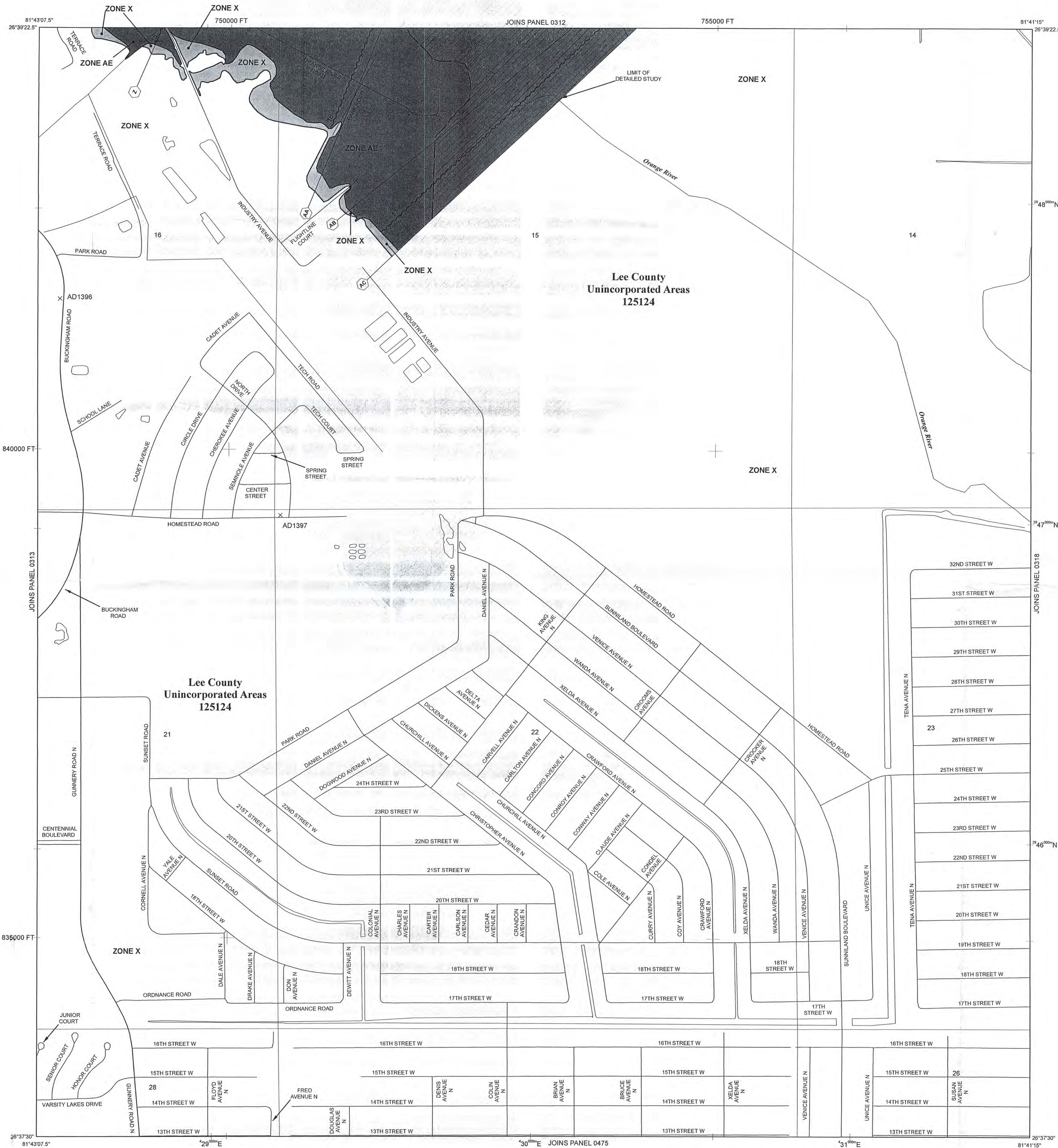
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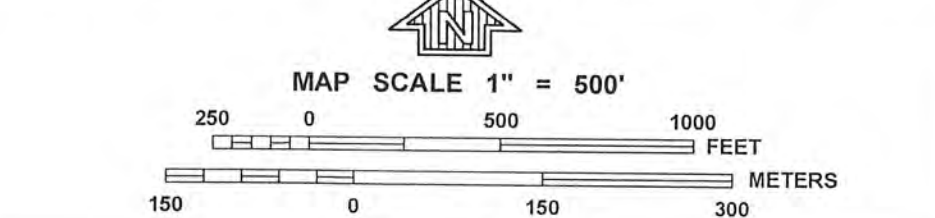
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LEGEND

- SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD**
- The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.
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- FLOODWAY AREAS IN ZONE AE**
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 - Floodway boundary
 - Zone D boundary
 - CBRS and OPA boundary
 - Boundary dividing Special Flood Hazard Area zones and boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.
 - Base Flood Elevation line and value; elevation in feet*
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- Legend:**
- Cross section line
 - Transect line
 - Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere
 - 1000-meter Universal Transverse Mercator grid values, zone 17
 - 5000-foot grid ticks: Florida State Plane coordinate system, West zone (FIPZONE 0902), Transverse Mercator projection
 - Bench mark (see explanation in Notes to Users section of this FIRM panel)
 - River Mile
- MAP REPOSITORY**
- Refer to listing of Map Repositories on Map Index
- EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP**
- August 28, 2008
- EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL**

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.



NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0314F

FIRM

FLOOD INSURANCE RATE MAP

LEE COUNTY, FLORIDA AND INCORPORATED AREAS

PANEL 314 OF 685

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
LEE COUNTY	125124	0314	F

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MAP NUMBER 12071C0314F

EFFECTIVE DATE AUGUST 28, 2008

Federal Emergency Management Agency

CPA2007-00049
BUCKINGHAM COMMUNITY PLAN
BoCC SPONSORED
AMENDMENT
TO THE

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

LPA Public Hearing Document
for the
November 19, 2007 Public Hearing

Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(239) 533-8585

November 15, 2007

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2007-00049**

☒

Text Amendment

☐

Map Amendment

<input checked="" type="checkbox"/>	This Document Contains the Following Reviews:
<input checked="" type="checkbox"/>	Staff Review
<input type="checkbox"/>	Local Planning Agency Review and Recommendation
<input type="checkbox"/>	Board of County Commissioners Hearing for Transmittal
<input type="checkbox"/>	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
<input type="checkbox"/>	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: November 15, 2007

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. SPONSOR/APPLICANT:

A. SPONSOR:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

B. APPLICANT

BUCKINGHAM COMMUNITY PLANNING PANEL

2. REQUEST:

Update Goal 17 of the Lee Plan to revise policies specific to the Buckingham Community and expand the planning area beyond the Buckingham Rural Community Preserve to match the Buckingham Planning Community boundary.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

1. RECOMMENDATION: Planning staff recommends that the Board of County Commissioners transmit the proposed amendment, with the modifications proposed by staff. The applicants proposed

changes to Goal 17 of the Lee Plan are shown below in strike through underline. Staff's recommendation are shown in bold strike through, bold underline in Part II of this report.

GOAL 17: BUCKINGHAM. To manage the future growth in the Buckingham area; to preserve the existing agricultural land use pattern; to diversify the choice of housing for Lee County by maintaining and enhancing the historic rural character; and to protect the unique historical and environmental values of the Buckingham Community. The boundaries of the Buckingham Community shall be extended to the Buckingham planning community boundaries. For the purposes of this plan, the precise boundaries of Buckingham are indicated on ~~the Future Land Use Map~~ Map 16 of the Lee Plan. (Added by Ordinance No. 91-19, Amended by Ordinance No. 93-25, 94-30)

OBJECTIVE 17.1: LAND USE. The primary land use designation for the Buckingham area is "Rural Community Preserve." Other smaller land use designations exist in the boundaries, such as Public Facilities, Urban Community, and Outlying Suburban. Existing Ppublic facilities have also been designated as appropriate. After the adoption of this amendment, no land in Buckingham will be changed to a land use category more intense than Rural Community Preserve (including Public Facilities) unless property is within a pre-existing higher density or a finding of overriding public necessity is determined by three members of the Board of County Commissioners. (Amended by Ordinance No. 00-22)

POLICY 17.1.1: No property within the Buckingham Community will be rezoned to RVPD. (Amended by Ordinance No. 00-22)

POLICY 17.1.2: The southeast and northeast quadrants of the intersection of Orange River Boulevard and Buckingham Road is designated as the commercial node for the Buckingham area. No new commercial development (as defined by F.S. 380.04) will be located outside of this commercial node. All new commercial developments in the node are required to provide a minimum of 30% open space. This commercial node is described as those lands 300 feet eastward from the easterly right-of-way of Buckingham Road and lying between Cemetery Road and a point 300 feet north of the intersection of Buckingham Road and Orange River Boulevard. In no way should this policy be construed to prohibit the designation of or commercial uses allowed in agricultural zoning districts. (Amended by Ordinance No. 94-30, 98-09, 00-22)

POLICY 17.1.3: Any lot created in the Rural Community Preserve land use category after the adoption of this amendment must have a minimum area of 43,560 square feet. Existing lots are excluded. Any residential planned development zoning granted in the Rural Community Preserve land use category will require a minimum size of one acre (43,560 square feet) for every residential lot. (Amended by Ordinance No. 00-22).

POLICY 17.1.4: Density within the Buckingham Community will be no more than one unit per buildable acre. Densities allowable prior to the adoption of this amendment are excluded. A buildable acre will not include more than 20% wetlands and will exclude road right of ways, water management areas, or natural water bodies. Bonus density is prohibited within the Buckingham Community.

POLICY 17.1.5: Clustering of residential development is allowed in the Buckingham Community only with residential planned development (RPD) zoning. In no case will clustered developments exceed the overall density of 1 unit per buildable acre. Density in clustered developments will be based on buildable acreage and be moved away from the property boundaries. No additional commercial space will be granted, regardless of clustered development. Clustering of residential development is achieved by limiting the areas of property available for residential homesites in the following fashion.

- 1 Homesites must be no less than 100 feet away from the RPD boundary.
- 2 The RPD must have a minimum of 10 acres in order to cluster homesites.

POLICY 17.1.6: Residential development along the Buckingham Community boundary should make appropriate transitions to the community by allowing only single-family homes with a graduated density as development moves away from the planning community boundaries.

POLICY 17.1.7: To preserve the shoreline, all new residential buildings, including attached screen enclosures will be no closer than 50 feet from the top of bank of the Orange River.

OBJECTIVE 17.2: TRANSPORTATION AND ROADS. To protect the rural character of the Buckingham area, the following restrictions apply:

1. The existing publicly maintained Luckett Road segments currently functioning as local roads will be retained. Any proposal to change the functionality of Luckett Road, such as to provide Lehigh Acres with access to I-75 at the Luckett Road interstate interchange, will require an analysis (Alignment Study, including public input) of the impacts to the Buckingham ~~Rural~~ **Community Preserve**. This analysis will include the review of alignments including diverting the proposed collector or arterial corridor as far south as possible, starting east of Pangola, in order to skirt the Buckingham area.
2. The extension of State Route 31 south of the Orange River is prohibited;
3. The extension of Ellis Road is prohibited;
4. The extension of Staley Road to State Route 82 is prohibited;
5. No new east/west collector roadways will be planned or built within the Buckingham ~~Rural~~ **Community Preserve**;
6. All future rights-of-way in Buckingham will be no greater than ~~100~~ 80 feet (except for Buckingham Road and Luckett Road extensions);
7. The extension and connection of Long Road to Ellis ~~r~~Road is prohibited. (Amended by Ordinance No. 94-30, 99-15, 00-22)

POLICY 17.2.1: Lee County will make every effort to reduce traffic and its affects through the Buckingham Community. This includes, but is not limited to, restricting the number of collector roads, analyzing alternative routes, limiting light pollution, and installing landscaping compatible with the rural character of the Buckingham Community.

POLICY 17.2.2: Lee County will improve the operational and safety issues on roads within the Buckingham Community. Specifically, Lee County will improve safety on Neal Road, Orange River Boulevard, Buckingham Road, Orange River Road, and Cemetery Road.

OBJECTIVE 17.3: ~~SEWER AND WATER~~ PUBLIC FACILITIES AND UTILITIES. ~~In order to discourage unwanted urban development, central sewer lines will not be extended into the Buckingham Rural Community Preserve, except in the areas identified by Map 7 as Future Sanitary Sewer Service Areas, Resource may be extended along major roads of the Buckingham Rural Preserve upon request of property owners, with extension and connection fees paid by th person(s) requesting the water service. Connection to this expanded water service network will be on a voluntary basis. Under no circumstances will the availability of central water be accepted as justification for a density increase, or reduction of lot size requirements, within the Buckingham Rural Community Preserve. (Amended by Ordinance No. 00-22, 03-19) To protect the rural character of the Buckingham Community, public facilities and utilities that detract or diminish the overall community character are prohibited.~~

POLICY 17.3.1: In order to discourage unwanted urban development, central sewer lines will not be extended into the Buckingham Community, except in the areas identified by Map 7 as Future Sanitary Sewer Service Areas, the existing Resource Recovery Facility, and the adjacent Lee County Parks and Recreation Facility.

POLICY 17.3.2: Central water lines may be extended along roads of the Buckingham Rural Preserve upon request of property owners, with extension and connection fees paid by the person(s) requesting the water service. Connection to this expanded water service network will be on a voluntary basis. Under no circumstances will the availability of central water be accepted as justification for a density increase, or reduction of lot size requirements, within the Buckingham Community. (Amended by Ordinance No. 00-22, 03-19)

POLICY 17.3.3: Residential natural gas lines are allowed within the Buckingham Community. All other fuel transmission lines, including commercial natural gas lines are prohibited.

POLICY 17.3.4: All new large developments for which a local development order is required, shall install utilities underground. Utilities include, but not limited to, electricity, telephone, and cable lines.

POLICY 17.3.5: The Buckingham Community recognizes the historic value of the Buckingham Army Airfield, the residential airparks, and the public service contributions of the Mosquito Control District and other public safety uses of the airfield. The Buckingham Community supports

the Mosquito Control District in limiting its activities to those consistent with its purpose and the provision of other public services.

POLICY 17.3.6: The Buckingham community encourages Lee County to acquire Gulf Coast Center for uses consistent with and appropriate to those values of historic rural character and environmental protection expressed in Goal 17 of the Lee Plan. No temporary or emergency operation disaster aftermath facilities will be allowed, including FEMA trailers.

POLICY 17.3.7: Detention and correctional facilities are prohibited within the Buckingham Community boundaries.

POLICY 17.3.8: Additional water treatment, sewage treatment, reclamation facilities, landfills, industrial facilities, and resource recovery facilities are prohibited in the Buckingham Community.

POLICY 17.3.9: East County Water Control District is encouraged to continue to develop and maintain its infrastructure to minimize flooding and manage flows down the Orange River. In addition, ECWCD is encouraged to develop a system to warn residents in advance of large releases of water. ECWCD is also encouraged to develop means to improve water quality.

OBJECTIVE 17.4: LANDSCAPING, BUFFERING, COMMUNITY AESTHETICS, AND QUALITY OF LIFE. As a means for protecting and enhancing the Buckingham Community's historic rural character and environmental values, developments, utilities, public services, road, and land use changes or improvements shall provide appropriate landscaping, buffering, and community aesthetics to ensure that a rural lifestyle is preserved.

POLICY 17.4.1: Public facilities are required to establish and maintain an appropriate vegetative buffer using native materials. Buffering materials must designed to enhance and protect the aesthetic values inherent to the Buckingham community. This is to include, electrical facilities, substations, distribution and transmission lines; resource recovery facilities; and telephone facilities should install and maintain buffers that obscure unsightly facilities.

POLICY 17.4.2: Lee County will mitigate the negative aesthetic effects of the waste-to-energy incinerator in the Buckingham Community by regularly providing trash pick up on affected roads and establishing and maintaining an appropriate vegetative buffer.

POLICY 17.4.3: Within the Buckingham Community, residential walls are prohibited as boundaries for housing subdivisions or large residential developments. Berms are allowed in accordance with the Lee County Land Development Code, but should be designed to be undulating.

POLICY 17.4.4: Residential and commercial lighting should be designed to reduce light pollution and light trespass in the Buckingham Community.

OBJECTIVE 17.5: ENVIRONMENT, OPEN SPACE AND PARKS. The Buckingham community values its rural environment and has a goal of protecting open space for the present and future generations.

POLICY 17.5.1: Lee County will develop a plan for an interconnected system of parks, hiking, and horse riding trails within the Buckingham Community.

POLICY 17.5.2: Any access to the Orange River within the Buckingham Community that is to be developed by Lee County will be limited to non-commercial residential use.

POLICY 17.5.3: The removal of exotic plants, as defined by the state or county, is encouraged within the Buckingham Community.

OBJECTIVE 17.6: AGRICULTURE. In order to preserve and promote the existing agricultural land use pattern in the Buckingham Community, all policies in the Buckingham Plan shall consider value of land in Buckingham and in the granting of agricultural exemptions.

POLICY 17.6.1: Lee County will work closely with the Property Appraiser to insure that the Goal, Objectives and Policies of the Buckingham Plan are given full consideration in assessing the value of land in Buckingham and in the granting of agricultural exemptions.

POLICY 17.6.2: The Buckingham Community Plan recognizes the land use of small family farm of no more than ten acres, where the owner resides on the property, and stipulates that it can be a viable commercial activity.

POLICY 17.6.3: If a small family farm loses its agricultural exemption, the Property Appraiser will utilize appropriate formulas for applying the homestead exemption to the former agricultural land.

POLICY 17.6.4: The Property Appraiser will give full consideration to any agricultural or conservation easements when assessing property in Buckingham.

POLICY 17.6.5: Crops grown for alternative energy sources on an experimental basis, such as *Jatropha curcas*, shall be considered as a commercial agricultural activity by the Property Appraiser.

POLICY 17.6.6: Boarding stables will be allowed to give lessons and clinics to non-boarders by right if the owner or operator resides on site, if no clinics are held after 7:00 PM and the operation does not create a use, road access or drainage nuisance to its neighbors.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Buckingham Community Plan update has been sponsored as a community service by the Board of County Commissioners.
- The Buckingham community held a series of public meetings to collect information and to determine the communities vision of the future of the Buckingham area.
- Two surveys were conducted by the planning panel's consultant to collect additional information from the community.
- The planning panel's consultant interviewed stakeholders in the community and in adjacent areas.
- The Buckingham community has expressed a clear desire to retain their rural character.
- The Buckingham Community Plan update was financed by the Board of County Commissioners.

C. BACKGROUND INFORMATION

The Buckingham Preservation Committee submitted the original Sector Plan for the Buckingham Community to the County on September 20, 1990. The sector plan provided a description of the history of the area, a description of the then existing land uses, soils, and ground water recharge, vegetation and wildlife, parks and recreation, community facilities and services, housing and transportation. The original Lee Plan Goal specific to the Buckingham community was a direct result of the work conducted by the Buckingham Preservation Committee and was adopted by the Board of County Commissioners on July 9, 1991.

The Buckingham Preservation Committee, working with County staff, updated the Lee Plan Goal specific to the Buckingham community in the late 1990's and an amendment to that Goal was adopted by the Board of County Commissioners on November 22, 1999. A second amendment to the Buckingham Goal was adopted by the Board of County Commissioners on October 23, 2003.

Early in 2007, residents in the Buckingham community formed the Buckingham Community Planning Panel, Inc. (BCPP) and requested funding from the County to undertake a more comprehensive update to what is now Goal 17 of the Lee Plan specific to the Buckingham community. This proposed plan amendment is a direct result of the work conducted by the BCPP.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

The proposed publicly-initiated amendment application was received by the County on September 26, 2007. Planning staff provided copies of the proposed amendment and requested comments from various County departments, including:

County Attorney's Office; EMS Division; Lee County Sheriff; Natural Resources Division; Lee Tran; Parks and Recreation; School District of Lee County; Lee County Department of Transportation; Development Services Division; Environmental Sciences Division; Lee County Port Authority; Economic Development; Public Works Department; Utilities Division; Zoning Division; Lee County Health Department; Public Safety; Human Services.

Written comments were received from the County Attorneys Office, DOT, Public Safety and the Department of Human Services. Those comments are attached as backup to this report.

Planning staff recommends that the Board of County Commissioners transmit the proposed amendment, with the modifications proposed by staff. Staff's recommended changes to the proposed changes to Goal 17 are shown in bold strike-through, bold underline.

GOAL 17: BUCKINGHAM. To manage the future growth in the Buckingham area; to preserve the existing agricultural land use pattern; to diversify the choice of housing for Lee County by maintaining and enhancing the historic rural character; and to protect the unique historical and environmental values of the Buckingham Community. **The boundaries of the Buckingham Community shall be extended to the Buckingham planning community boundaries.** For the purposes of this plan, the precise boundaries of **the Buckingham Community** are indicated on ~~the Future Land Use Map~~ **Map 16 of the Lee Plan.** (Added by Ordinance No. 91-19, Amended by Ordinance No. 93-25, 94-30)

The Buckingham Community desires to expand the boundaries of the planning area to match with the Buckingham Planning Community. No reduction in allowable densities will be imposed on the areas outside of the Rural Community Preserve, but within the Buckingham Planning Community. Staff concurs with that change to the planning area.

OBJECTIVE 17.1: LAND USE. The primary land use designation for the Buckingham area is "Rural Community Preserve." **Other smaller land use designations exist in the boundaries, such as Public Facilities, Urban Community, and Sub-Outlying Suburban.** Existing public facilities have also been designated as appropriate. ~~After the adoption of this amendment n~~ **No land in Buckingham will be changed to a land use category more intense than Rural Community Preserve (including Public Facilities) unless a finding of overriding public necessity is determined by three members of the Board of County Commissioners.** (Amended by Ordinance No. 00-22)

Staff concurs with this Objective.

POLICY 17.1.1: No property within the ~~Buckingham~~ **Rural** Community **Preserve** will be rezoned to RVPD. (Amended by Ordinance No. 00-22)

This is an existing policy with no changes. The implication is for the areas being added to the planning area. There is a potential Burt J. Harris liability for those areas because an existing potential to rezone those areas to RVPD is being taken away. Staff recommends adding the language in bold underline above.

POLICY 17.1.2: The southeast and northeast quadrants of the intersection of Orange River Boulevard and Buckingham Road is designated as the commercial node for the ~~Buckingham area~~ **Rural Community Preserve**. No new commercial development (as defined by F.S. 380.04) will be located outside of this commercial node. All new commercial developments in the node are required to provide a minimum of 30% open space. Th**Rural Community Preserve** commercial node is described as those lands 300 feet eastward from the easterly right-of-way of Buckingham Road and lying between Cemetery Road and a point 300 feet north of the intersection of Buckingham Road and Orange River Boulevard. In no way should this policy be construed to prohibit ~~the designation of or~~ commercial uses **allowed that are uses by right** in agricultural zoning districts. (Amended by Ordinance No. 94-30, 98-09, 00-22)

The recommended changes to the Policy are intended to make it clear that this Policy only applies to the Rural Community Preserve and that commercial uses that are uses by right in agricultural zoning districts will not be affected.

POLICY 17.1.3: Any lot created in the Rural Community Preserve land use category after the adoption of this amendment must have a minimum area of 43,560 square feet **if located within a conventional zoning district.** Existing lots are excluded. ~~Any residential planned development zoning granted in the Rural Community Preserve land use category will require a minimum size of one acre (43,560 square feet) for every residential lot.~~ (Amended by Ordinance No. 00-22).

Policy 17.1.3 is inconsistent with Policy 17.1.5 below. The community intends to allow clustering with residential planned development zoning. The requirement to have a minimum lot size of 43,560 square feet is intended only for conventional zoning districts.

POLICY 17.1.4: Density within th~~Buckingham Community~~**Rural Community Preserve** will be no more than one unit per buildable acre. ~~Densities allowable prior to the adoption of this amendment are excluded.~~ A buildable acre will not include more than 20% wetlands and will exclude road right of ways, water management areas, or natural water bodies. Bonus density is prohibited within the ~~Buckingham~~ **Rural Community Preserve.**

This policy, as proposed, would take the ability for the Urban Community land in the Buckingham Planning Community to achieve bonus density. Further, It could be argued that densities allowable prior to the adoption of this amendment would be that of the existing zoning, not the Future Land Use category.

Bonus density is not allowed in the Rural Community Preserve, but the community would like the last sentence to reinforce that restriction. Staff recommends transmitting the language above, as modified.

POLICY 17.1.5: Clustering of residential development is allowed in the **Buckingham Community Rural Community Preserve** only with residential planned development (RPD) zoning. In no case will clustered developments exceed the overall density of 1 unit per buildable acre. Density in clustered developments will be based on buildable acreage and be moved away from the property boundaries. No additional commercial space will be granted, regardless of clustered development. Clustering of residential development is achieved by limiting the areas of property available for residential homesites in the following fashion.

- Homesites must be no less than 100 feet away from the RPD boundary.
- The RPD must have a minimum of 10 acres in order to cluster homesites.

Staff recommends transmittal of Policy 17.1.5.

POLICY 17.1.6: Residential development along the Buckingham Community boundary should make appropriate transitions to the community by allowing ~~only single-family homes with a~~ graduated density as development moves away from the planning community boundaries.

While it may be appropriate to gradually transition density away from the Rural Community Preserve, this policy needs clarification. It appears to regulate the development of property outside of the boundary of the Buckingham community. The proposed policy raises Bert J. Harris implications since much of the property adjacent to the Buckingham Planning Community has urban land use designations that allow for higher densities and intensities including multi-family development. The Buckingham community would like to transmit the language as submitted to make a statement that their intent is to not have multi-family development, or higher densities or intensities of uses adjacent to their rural community.

POLICY 17.1.7: To preserve the shoreline, all new residential buildings, including attached screen enclosures will be no closer than 50 feet from the top of bank of the Orange River.

The County Attorney's office commented that increasing the riverbank setback from 25 to 50 feet raises the potential for claims under the Bert J. Harris Act.

OBJECTIVE 17.2: TRANSPORTATION AND ROADS. To protect the rural character of the Buckingham area, the following restrictions apply:

1. The existing publicly maintained Luckett Road segments currently functioning as local roads will be retained. Any proposal to change the functionality of Luckett Road, such as to provide Lehigh Acres with access to I-75 at the Luckett Road interstate interchange, will require an analysis (Alignment Study, including public input) of the impacts to the Buckingham ~~Rural~~**Rural**

~~Community Preserve~~ **Preserve**. This analysis will include the review of alignments including diverting the proposed collector or arterial corridor as far south as possible, starting east of Pangola, in order to skirt the Buckingham area.

2. The extension of State Route 31 south of the Orange River is prohibited;
3. The extension of Ellis Road is prohibited;
4. The extension of Staley Road to State Route 82 is prohibited;
5. No new east/west collector roadways will be planned or built within the Buckingham ~~Rural~~ **Rural** Community ~~Preserve~~ **Preserve**;
6. All future rights-of-way in Buckingham will be no greater than ~~100~~ **80 100** feet (except for Buckingham Road and Luckett Road extensions);
7. The extension and connection of Long Road to Ellis ~~r~~Road is prohibited. (Amended by Ordinance No. 94-30, 99-15, 00-22)

DOT's comment is that the expansion of the boundaries from the Rural Community Preserve to the whole planning community is a concern when it comes to the road limitations under Objective 17.2. DOT is well into the Luckett Road alignment study, working with the objective as currently written, so a change could cause problems.

The change to point 6 under the objective is a concern. The change from 100 feet to 80 feet would appear to be an attempt to prohibit collector roads which is not good transportation planning. Buckingham is positioned between Lehigh Acres and Fort Myers and traffic is going to come through their community. Additional collector roads may be necessary in the future.

POLICY 17.2.1: Lee County will make every effort to reduce traffic and its affects through the Buckingham Community. This includes, but is not limited to, restricting the number of collector roads, analyzing alternative routes, limiting light pollution, and installing landscaping compatible with the rural character of the Buckingham Community.

Lee County DOT staff cannot support this policy as written. Please see the attached comments. Buckingham residents believe this policy is very important and think it is essential to help them maintain the rural character of their community.

POLICY 17.2.2: Lee County will improve the operational and safety issues on roads within the Buckingham Community. Specifically, Lee County will improve safety on Neal Road, Orange River Boulevard, Buckingham Road, Orange River Road, and Cemetery Road.

Staff is unsure what measures to improve safety on Neal Road, Orange River Boulevard, Buckingham Road, Orange River Road, and Cemetery Road the community is expecting.

Depending on the traffic situation that needs to be addressed, 4-laning with a median might improve the safety, but that may not be a solution that the community would want. There is no data and analysis that indicates there is a safety problem on those roads and no funding sources have been identified to pay for any safety improvements. Staff does not recommend transmitting the proposed policy as written for the above reasons and because the policy language is too vague.

Additional Comments from the Department of Transportation and the County Attorney's Office are attached.

OBJECTIVE 17.3: SEWER AND WATER PUBLIC FACILITIES AND UTILITIES. ~~In order to discourage unwanted urban development, central sewer lines will not be extended into the Buckingham Rural Community Preserve, except in the areas identified by Map 7 as Future Sanitary Sewer Service Areas, the existing Resource may be extended along major roads of the Buckingham Rural Preserve upon request of property owners, with extension and connection fees paid by the person(s) requesting the water service. Connection to this expanded water service network will be on a voluntary basis. Under no circumstances will the availability of central water be accepted as justification for a density increase, or reduction of lot size requirements, within the Buckingham Rural Community Preserve. (Amended by Ordinance No. 00-22, 03-19) To protect the rural character of the Buckingham Community, public facilities and utilities that detract or diminish the overall community character are prohibited.~~

Objective 17.3 is not measurable. Whether a public facility would diminish the overall community character is subjective. The County may need a wastewater treatment facility within the Gulf Coast Town Center, if acquired. The County is currently negotiating the purchase of land owned by Lee County Mosquito Control and is planning an Emergency Operations Center on that site.

POLICY 17.3.1: In order to discourage unwanted urban development, central sewer lines will not be extended into the Buckingham Community, except in the areas identified by Map 7 as Future Sanitary Sewer Service Areas, the existing Resource Recovery Facility, the adjacent Lee County Parks and Recreation Facility, and any future Emergency Operations Center facility.

This policy raises issues with those urban areas within the Buckingham Community where the full range of urban services are anticipated. There is also the potential to affect the planned Emergency Operations Center on property the County is negotiating to acquire from Lee County Mosquito Control. Even if the County is not prevented from bringing sewer service to the EOC site, the ability of others to tie into this line may be limited, thus burdening the County with a larger portion of the cost. It is the desire of the community not to require any connection to the extension of central sewer lines. With the exception of the revision recommended by staff, this policy language is already in the Lee Plan under Objective 17.3.

POLICY 17.3.2: Central water lines may be extended along roads of the Buckingham Rural Community Preserve upon request of property owners, with extension and connection fees paid by the person(s) requesting the water service. Connection to this expanded water service network will be on a voluntary basis. Under no circumstances will the availability of central water be

accepted as justification for a density increase, or reduction of lot size requirements, within the Buckingham Community. (Amended by Ordinance No. 00-22, 03-19)

Staff does not have a problem with proposed Policy 17.3.2. Virtually the same language is already in the Lee Plan in Objective 17.3.

POLICY 17.3.3: Residential natural gas lines are allowed within the Buckingham Community. All other fuel transmission lines, including commercial natural gas lines are prohibited.

Planning staff received no comments on Policy 17.3.3.

POLICY 17.3.4: All new large development, as defined in Chapter 10 of the Land Development Code, for which a local development order is required, shall must install utilities underground. Utilities include, but not limited to, electricity, telephone, and cable lines.

Large development is defined as a project of ten acres or more in land area or two acres or more in impervious surface. This requirement to install utilities under ground could increase the cost of construction, however the ability to cluster development as described in proposed policy 17.1.5 could help offset costs to some degree.

POLICY 17.3.5: The Buckingham Community recognizes the historic value of the Buckingham Army Airfield, the residential airparks, and the public service contributions of the Mosquito Control District and other public safety uses of the airfield. The Buckingham Community supports the Mosquito Control District in limiting its activities to those consistent with its purpose and the provision of other public services.

POLICY 17.3.6: The Buckingham community encourages Lee County to acquire Gulf Coast Center for uses consistent with and appropriate to those values of historic rural character and environmental protection expressed in Goal 17 of the Lee Plan. No temporary or emergency operation disaster aftermath facilities will be allowed, including FEMA trailers.

Lee County Public Safety and Lee County Human Services have objections to this policy. In the event of a natural disaster providing temporary housing in the Buckingham Community may be a necessity. It could be argued that a regional wastewater treatment facility or some other facility that may be proposed for that site would not be consistent and appropriate with the historical rural character of Buckingham.

POLICY 17.3.7: Detention and correctional facilities are prohibited within the Buckingham Community boundaries.

Although staff did not receive any comments on this policy, we have concerns about precluding any future need for a detention or correctional facility in this part of Lee County.

POLICY 17.3.8: Additional water treatment, sewage treatment, reclamation facilities, landfills, industrial facilities, and resource recovery facilities are prohibited in the Buckingham Community.

Lee County may need to place a regional wastewater treatment facility in the Buckingham Community at some future time to serve the Lehigh Acres community to the east. This policy would prevent such a facility from being constructed.

POLICY 17.3.9: East County Water Control District is encouraged to continue to develop and maintain its infrastructure to minimize flooding and manage flows down the Orange River. In addition, ECWCD is encouraged to develop a system to warn residents in advance of large releases of water. ECWCD is also encouraged to develop means to improve water quality.

OBJECTIVE 17.4: LANDSCAPING, BUFFERING, COMMUNITY AESTHETICS, AND QUALITY OF LIFE. As a means for protecting and enhancing the Buckingham Community's historic rural character and environmental values, developments, utilities, public services, road, and land use changes or improvements ~~shall~~ **will** provide appropriate landscaping, buffering, and community aesthetics to ensure that a rural lifestyle is preserved.

Buffering requirements are located in Chapters 10 and 34 of the Land Development Code. The Buckingham Community has no buffering requirements in excess of those found in the LDC. If the community would like buffering requirements specific to Buckingham then new land development regulations will need to be adopted.

POLICY 17.4.1: Public Utility infrastructure facilities are required to establish and maintain an appropriate vegetative buffer using native materials. Buffering materials must be designed to enhance and protect the aesthetic values inherent to the Buckingham community. This is to include, electrical facilities, substations, ~~distribution and transmission lines~~, resource recovery facilities; and ~~telephone facilities~~. Utility companies should install and maintain buffers that obscure unsightly facilities.

Staff does not know how the County could effectively buffer transmission lines. It is unclear what telephone facilities are.

Buffering requirements are regulated by Section 10-416 of the Land Development Code. The buffering requirement for public facilities are the same as those required for commercial uses. There are no buffering requirements for public facilities that are specific to the Buckingham community. If the Buckingham community would like to see different buffering requirements for public facilities it will require an amendment to the land development regulations.

POLICY 17.4.2: Lee County will mitigate the negative aesthetic effects of the waste-to-energy incinerator in the Buckingham Community by regularly providing trash pick up on affected roads and establishing and maintaining an appropriate vegetative buffer.

The Buckingham community is concerned about trash blowing off of trucks that are traveling to the County incinerator and would like for the County to increase efforts to collect that debris.

POLICY 17.4.3: Within the Buckingham Community, residential walls are prohibited as boundaries for housing subdivisions or large residential developments. Berms are allowed in accordance with the Lee County Land Development Code, but should be designed to be undulating.

There is precedent for prohibiting walls in the Pine Island community. Policy 14.3.5 states: The county will amend its land development code to provide specific regulations for neighborhood connectivity and walls and gates on Greater pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These regulations would require interconnections between adjoining neighborhoods wherever feasible and would no longer allow perimeter walls around larger developments (Added by Ordinance No. 03-03)

The Land Development Code was amended as follows:

Sec. 33-1086. Residential project fences and walls. *New residenetial project fences or walls are not permitted in Greater Pine Island (see section 34-1743). This restriction does not affect buffer walls that may be required by section 10-416.*

The Land Development Code should be amended to implement Policy 17.4.3.

POLICY 17.4.4: Residential and commercial lighting should be designed to reduce light pollution and light trespass in the Buckingham Community.

Outdoor Lighting Standards are addressed in Section 34-625 of the Land Development Code. Policy 17.4.4 is not inconsistent with those standards.

OBJECTIVE 17.5: ENVIRONMENT, OPEN SPACE AND PARKS. The Buckingham community values its rural environment and has a goal of protecting open space for the present and future generations.

~~POLICY 17.5.1: Lee County will develop a plan for an interconnected system of parks, hiking, and horse riding trails within the Buckingham Community.~~

The Board of County Commissioners adopted the Lee County Greenways Multi-Purpose Recreational Trails Master Plan on May 16, 2007. It is unclear what additional plans are anticipated by this policy, or what funding sources would be used to pay for them. Staff does not recommend transmitting this policy at this time.

~~POLICY 17.5.2: Any access to the Orange River within the Buckingham Community that is to be developed by Lee County will be limited to non-commercial residential use.~~

Staff can envision the benefit of a limited commercial use, such as a boat rental facility, at locations that access the Orange River. Policy 17.5.2 would prevent such a facility in the future. The Buckingham community does not want any commercial facilities, such as boat rentals, near the Orange River. Residents are concerned about protecting that resource and believe that an attraction such as a boat rental operation would cause too much impact to the river.

POLICY 17.5.3: The removal of exotic plants, as defined by the state or county, is encouraged within the Buckingham Community.

The removal of exotic vegetation is encouraged County wide.

OBJECTIVE 17.6: AGRICULTURE. In order to preserve and promote the existing agricultural land use pattern in the Buckingham Community, all policies in the Buckingham Plan ~~shall~~ **will** consider value of land in Buckingham and in the granting of agricultural exemptions.

Objective 17.6 and several of the following policies regarding the Property Appraiser, assessments and agricultural exemptions were written with the assistance of the Lee County Property Appraiser. Staff does not necessarily see the benefit of the following policies but does not object to them.

POLICY 17.6.1: Lee County will work closely with the Property Appraiser to insure that the Goal, Objectives and Policies of the Buckingham Plan are given full consideration in assessing the value of land in Buckingham and in the granting of agricultural exemptions.

POLICY 17.6.2: The Buckingham Community Plan recognizes the land use of small family farm of no more than ten acres, where the owner resides on the property, and stipulates that it can be a viable commercial activity.

POLICY 17.6.3: If a small family farm loses its agricultural exemption, the Property Appraiser will utilize appropriate formulas for applying the homestead exemption to the former agricultural land.

POLICY 17.6.4: The Property Appraiser will give full consideration to any agricultural or conservation easements when assessing property in Buckingham.

POLICY 17.6.5: Crops grown for alternative energy sources on an experimental basis, such as *Jatropha Curcas*, ~~shall~~ **will** be considered as a commercial agricultural activity by the Property Appraiser.

POLICY 17.6.6: Boarding stables will be allowed to give lessons and clinics to non-boarders by right if the owner or operator resides on site, if no clinics are held after 7: PM, and the operation does not create a use, road access or drainage nuisance to its neighbors.

This policy should be further clarified in the Land Development Code. Hours of operation and scope of use are typically addressed in the Land Development Code.

PART III - LOCAL PLANNING AGENCY

REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: November 19, 2007

A. LOCAL PLANNING AGENCY REVIEW

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

NOEL ANDRESS

DEREK BURR

LES COCHRAN

RONALD INGE

CARLETON RYFFEL

RAE ANN WESSEL

LELAND TAYLOR

PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT

DATE OF TRANSMITTAL HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

A. BRIAN BIGELOW	_____
TAMMARA HALL	_____
ROBERT P. JANES	_____
RAY JUDAH	_____
FRANKLIN B. MANN	_____

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: _____

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

B. STAFF RESPONSE

PART VI - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT

DATE OF ADOPTION HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

A. BRIAN BIGELOW

TAMMARA HALL

ROBERT P. JANES

RAY JUDAH

FRANKLIN B. MANN

CPA2007-00049
BUCKINGHAM COMMUNITY PLAN
BoCC SPONSORED
AMENDMENT
TO THE

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Public Hearing Document
for the
October 22, 2008 Transmittal Hearing

Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(239) 533-8585

October 8, 2008

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2007-00049**

☒

Text Amendment

☐

Map Amendment

✓	This Document Contains the Following Reviews:
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
	Board of County Commissioners Hearing for Transmittal
	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: November 15, 2007

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. SPONSOR/APPLICANT:

A. SPONSOR:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

B. APPLICANT

BUCKINGHAM COMMUNITY PLANNING PANEL

2. REQUEST:

Amend the Future Land Use Element, text and Future Land Use Map series to incorporate the recommendations of the Buckingham Community Planning effort. Update Goal 17 of the Lee Plan to revise policies specific to the Buckingham Community and expand the affect of Goal 17 beyond the Rural Community Preserve land use category to the Buckingham Planning Community boundary. Amend Map 1, Page 2 of 6, Special Treatment Areas to indicate that a revised Goal specific to the Buckingham Planning Community has been adopted. Update Table 1(b), Year 2030 Allocations, for the Buckingham community to allow for the projected growth through the year 2030.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

1. RECOMMENDATION: Planning staff recommends that the Board of County Commissioners transmit the proposed amendment, with the modifications proposed by staff. The applicants proposed changes to Goal 17 of the Lee Plan are shown below in strike through underline. Staff's recommendation are shown in bold strike through, bold underline in Part II of this report.

GOAL 17: BUCKINGHAM. To manage the future growth in the Buckingham area; to preserve the existing agricultural land use pattern; to diversify the choice of housing for Lee County by maintaining and enhancing the historic rural character; and to protect the unique historical and environmental values of the Buckingham Community. The boundaries of the Buckingham Community shall be extended to the Buckingham planning community boundaries. For the purposes of this plan, the precise boundaries of Buckingham are indicated on ~~the Future Land Use Map~~ Map 16 of the Lee Plan. (Added by Ordinance No. 91-19, Amended by Ordinance No. 93-25, 94-30)

OBJECTIVE 17.1: LAND USE. The primary land use designation for the Buckingham area is "Rural Community Preserve." Other smaller land use designations exist in the boundaries, such as Public Facilities, Urban Community, and Outlying Suburban. Existing Ppublic facilities have also been designated as appropriate. After the adoption of this amendment, no land in Buckingham will be changed to a land use category more intense than Rural Community Preserve (including Public Facilities) unless property is within a pre-existing higher density or a finding of overriding public necessity is determined by three members of the Board of County Commissioners. (Amended by Ordinance No. 00-22)

POLICY 17.1.1: No property within the Buckingham Community will be rezoned to RVPD. (Amended by Ordinance No. 00-22)

POLICY 17.1.2: The southeast and northeast quadrants of the intersection of Orange River Boulevard and Buckingham Road is designated as the commercial node for the Buckingham area. No new commercial development (as defined by F.S. 380.04) will be located outside of this commercial node. All new commercial developments in the node are required to provide a minimum of 30% open space. This commercial node is described as those lands 300 feet eastward from the easterly right-of-way of Buckingham Road and lying between Cemetery Road and a point 300 feet north of the intersection of Buckingham Road and Orange River Boulevard. In no way should this policy be construed to prohibit the designation of or commercial uses allowed in agricultural zoning districts. (Amended by Ordinance No. 94-30, 98-09, 00-22)

POLICY 17.1.3: Any lot created in the Rural Community Preserve land use category after the adoption of this amendment must have a minimum area of 43,560 square feet. Existing lots are excluded. Any residential planned development zoning granted in the Rural Community Preserve land use category will require a minimum size of one acre (43,560 square feet) for every residential lot. (Amended by Ordinance No. 00-22).

POLICY 17.1.4: Density within the Buckingham Community will be no more than one unit per buildable acre. Densities allowable prior to the adoption of this amendment are excluded. A buildable acre will not include more than 20% wetlands and will exclude road right of ways, water management areas, or natural water bodies. Bonus density is prohibited within the Buckingham Community.

POLICY 17.1.5: Clustering of residential development is allowed in the Buckingham Community only with residential planned development (RPD) zoning. In no case will clustered developments exceed the overall density of 1 unit per buildable acre. Density in clustered developments will be based on buildable acreage and be moved away from the property boundaries. No additional commercial space will be granted, regardless of clustered development. Clustering of residential development is achieved by limiting the areas of property available for residential homesites in the following fashion.

- 1 Homesites must be no less than 100 feet away from the RPD boundary.
- 2 The RPD must have a minimum of 10 acres in order to cluster homesites.

POLICY 17.1.6: Residential development along the Buckingham Community boundary should make appropriate transitions to the community by allowing only single-family homes with a graduated density as development moves away from the planning community boundaries.

POLICY 17.1.7: To preserve the shoreline, all new residential buildings, including attached screen enclosures will be no closer than 50 feet from the top of bank of the Orange River.

OBJECTIVE 17.2: TRANSPORTATION AND ROADS. To protect the rural character of the Buckingham area, the following restrictions apply:

1. The existing publicly maintained Lockett Road segments currently functioning as local roads will be retained. Any proposal to change the functionality of Lockett Road, such as to provide Lehigh Acres with access to I-75 at the Lockett Road interstate interchange, will require an analysis (Alignment Study, including public input) of the impacts to the Buckingham Rural Community Preserve. This analysis will include the review of alignments including diverting the proposed collector or arterial corridor as far south as possible, starting east of Pangola, in order to skirt the Buckingham area.
2. The extension of State Route 31 south of the Orange River is prohibited;
3. The extension of Ellis Road is prohibited;
4. The extension of Staley Road to State Route 82 is prohibited;
5. No new east/west collector roadways will be planned or built within the Buckingham Rural Community Preserve;

6. All future rights-of-way in Buckingham will be no greater than ~~100~~ 80 feet (except for Buckingham Road and Lockett Road extensions);
7. The extension and connection of Long Road to Ellis ~~r~~Road is prohibited. (Amended by Ordinance No. 94-30, 99-15, 00-22)

POLICY 17.2.1: Lee County will make every effort to reduce traffic and its affects through the Buckingham Community. This includes, but is not limited to, restricting the number of collector roads, analyzing alternative routes, limiting light pollution, and installing landscaping compatible with the rural character of the Buckingham Community.

POLICY 17.2.2: Lee County will improve the operational and safety issues on roads within the Buckingham Community. Specifically, Lee County will improve safety on Neal Road, Orange River Boulevard, Buckingham Road, Orange River Road, and Cemetery Road.

OBJECTIVE 17.3: SEWER AND WATER PUBLIC FACILITIES AND UTILITIES. ~~In order to discourage unwanted urban development, central sewer lines will not be extended into the Buckingham Rural Community Preserve, except in the areas identified by Map 7 as Future Sanitary Sewer Service Areas, Resource may be extended along major roads of the Buckingham Rural Preserve upon request of property owners, with extension and connection fees paid by th person(s) requesting the water service. Connection to this expanded water service network will be on a voluntary basis. Under no circumstances will the availability of central water be accepted as justification for a density increase, or reduction of lot size requirements, within the Buckingham Rural Community Preserve. (Amended by Ordinance No. 00-22, 03-19)~~ To protect the rural character of the Buckingham Community, public facilities and utilities that detract or diminish the overall community character are prohibited.

POLICY 17.3.1: In order to discourage unwanted urban development, central sewer lines will not be extended into the Buckingham Community, except in the areas identified by Map 7 as Future Sanitary Sewer Service Areas, the existing Resource Recovery Facility, and the adjacent Lee County Parks and Recreation Facility.

POLICY 17.3.2: Central water lines may be extended along roads of the Buckingham Rural Preserve upon request of property owners, with extension and connection fees paid by the person(s) requesting the water service. Connection to this expanded water service network will be on a voluntary basis. Under no circumstances will the availability of central water be accepted as justification for a density increase, or reduction of lot size requirements, within the Buckingham Community. (Amended by Ordinance No. 00-22, 03-19)

POLICY 17.3.3: Residential natural gas lines are allowed within the Buckingham Community. All other fuel transmission lines, including commercial natural gas lines are prohibited.

POLICY 17.3.4: All new large developments for which a local development order is required, shall install utilities underground. Utilities include, but not limited to, electricity, telephone, and cable lines.

POLICY 17.3.5: The Buckingham Community recognizes the historic value of the Buckingham Army Airfield, the residential airparks, and the public service contributions of the Mosquito Control District and other public safety uses of the airfield. The Buckingham Community supports the Mosquito Control District in limiting its activities to those consistent with its purpose and the provision of other public services.

POLICY 17.3.6: The Buckingham community encourages Lee County to acquire Gulf Coast Center for uses consistent with and appropriate to those values of historic rural character and environmental protection expressed in Goal 17 of the Lee Plan. No temporary or emergency operation disaster aftermath facilities will be allowed, including FEMA trailers.

POLICY 17.3.7: Detention and correctional facilities are prohibited within the Buckingham Community boundaries.

POLICY 17.3.8: Additional water treatment, sewage treatment, reclamation facilities, landfills, industrial facilities, and resource recovery facilities are prohibited in the Buckingham Community.

POLICY 17.3.9: East County Water Control District is encouraged to continue to develop and maintain its infrastructure to minimize flooding and manage flows down the Orange River. In addition, ECWCD is encouraged to develop a system to warn residents in advance of large releases of water. ECWCD is also encouraged to develop means to improve water quality.

OBJECTIVE 17.4: LANDSCAPING, BUFFERING, COMMUNITY AESTHETICS, AND QUALITY OF LIFE. As a means for protecting and enhancing the Buckingham Community's historic rural character and environmental values, developments, utilities, public services, road, and land use changes or improvements shall provide appropriate landscaping, buffering, and community aesthetics to ensure that a rural lifestyle is preserved.

POLICY 17.4.1: Public facilities are required to establish and maintain an appropriate vegetative buffer using native materials. Buffering materials must be designed to enhance and protect the aesthetic values inherent to the Buckingham community. This is to include, electrical facilities, substations, distribution and transmission lines; resource recovery facilities; and telephone facilities should install and maintain buffers that obscure unsightly facilities.

POLICY 17.4.2: Lee County will mitigate the negative aesthetic effects of the waste-to-energy incinerator in the Buckingham Community by regularly providing trash pick up on affected roads and establishing and maintaining an appropriate vegetative buffer.

POLICY 17.4.3: Within the Buckingham Community, residential walls are prohibited as boundaries for housing subdivisions or large residential developments. Berms are allowed in accordance with the Lee County Land Development Code, but should be designed to be undulating.

POLICY 17.4.4: Residential and commercial lighting should be designed to reduce light pollution and light trespass in the Buckingham Community.

OBJECTIVE 17.5: ENVIRONMENT, OPEN SPACE AND PARKS. The Buckingham community values its rural environment and has a goal of protecting open space for the present and future generations.

POLICY 17.5.1: Lee County will develop a plan for an interconnected system of parks, hiking, and horse riding trails within the Buckingham Community.

POLICY 17.5.2: Any access to the Orange River within the Buckingham Community that is to be developed by Lee County will be limited to non-commercial residential use.

POLICY 17.5.3: The removal of exotic plants, as defined by the state or county, is encouraged within the Buckingham Community.

OBJECTIVE 17.6: AGRICULTURE. In order to preserve and promote the existing agricultural land use pattern in the Buckingham Community, all policies in the Buckingham Plan shall consider value of land in Buckingham and in the granting of agricultural exemptions.

POLICY 17.6.1: Lee County will work closely with the Property Appraiser to insure that the Goal, Objectives and Policies of the Buckingham Plan are given full consideration in assessing the value of land in Buckingham and in the granting of agricultural exemptions.

POLICY 17.6.2: The Buckingham Community Plan recognizes the land use of small family farm of no more than ten acres, where the owner resides on the property, and stipulates that it can be a viable commercial activity.

POLICY 17.6.3: If a small family farm loses its agricultural exemption, the Property Appraiser will utilize appropriate formulas for applying the homestead exemption to the former agricultural land.

POLICY 17.6.4: The Property Appraiser will give full consideration to any agricultural or conservation easements when assessing property in Buckingham.

POLICY 17.6.5: Crops grown for alternative energy sources on an experimental basis, such as *Jatropha curcas*, shall be considered as a commercial agricultural activity by the Property Appraiser.

POLICY 17.6.6: Boarding stables will be allowed to give lessons and clinics to non-boarders by right if the owner or operator resides on site, if no clinics are held after 7:00 PM and the operation does not create a use, road access or drainage nuisance to its neighbors.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Buckingham Community Plan update has been sponsored as a community service by the Board of County Commissioners.
- The Buckingham community held a series of public meetings to collect information and to determine the communities vision of the future of the Buckingham area.
- Two surveys were conducted by the planning panel's consultant to collect additional information from the community.
- The planning panel's consultant interviewed stakeholders in the community and in adjacent areas.
- The Buckingham community has expressed a clear desire to retain their rural character.
- The Buckingham Community Plan update was financed by the Board of County Commissioners.

C. BACKGROUND INFORMATION

The Buckingham Preservation Committee submitted the original Sector Plan for the Buckingham Community to the County on September 20, 1990. The sector plan provided a description of the history of the area, a description of the then existing land uses, soils, and ground water recharge, vegetation and wildlife, parks and recreation, community facilities and services, housing and transportation. The original Lee Plan Goal specific to the Buckingham community was a direct result of the work conducted by the Buckingham Preservation Committee and was adopted by the Board of County Commissioners on July 9, 1991.

The Buckingham Preservation Committee, working with County staff, updated the Lee Plan Goal specific to the Buckingham community in the late 1990's and an amendment to that Goal was adopted by the Board of County Commissioners on November 22, 1999. A second amendment to the Buckingham Goal was adopted by the Board of County Commissioners on October 23, 2003.

Early in 2007, residents in the Buckingham community formed the Buckingham Community Planning Panel, Inc. (BCPP) and requested funding from the County to undertake a more comprehensive update to what is now Goal 17 of the Lee Plan specific to the Buckingham community. This proposed plan amendment is a direct result of the work conducted by the BCPP.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

The proposed publicly-initiated amendment application was received by the County on September 26, 2007. Planning staff provided copies of the proposed amendment and requested comments from various County departments, including:

County Attorney's Office; EMS Division; Lee County Sheriff; Natural Resources Division; Lee Tran; Parks and Recreation; School District of Lee County; Lee County Department of Transportation; Development Services Division; Environmental Sciences Division; Lee County Port Authority; Economic Development; Public Works Department; Utilities Division; Zoning Division; Lee County Health Department; Public Safety; Human Services.

Written comments were received from the County Attorneys Office, DOT, Public Safety and the Department of Human Services. Those comments are attached as backup to this report.

Planning staff recommends that the Board of County Commissioners transmit the proposed amendment, with the modifications proposed by staff. Staff's recommended changes to the proposed changes to Goal 17 are shown in bold strike-through, bold underline.

GOAL 17: BUCKINGHAM. To manage the future growth in the Buckingham area; to preserve the existing agricultural land use pattern; to diversify the choice of housing for Lee County by maintaining and enhancing the historic rural character; and to protect the unique historical and environmental values of the Buckingham Community. **The boundaries of the Buckingham Community shall be extended to the Buckingham planning community boundaries.** For the purposes of this plan, the precise boundaries of **the Buckingham Community** are indicated on the **Future Land Use Map Map 16 of the Lee Plan.** (Added by Ordinance No. 91-19, Amended by Ordinance No. 93-25, 94-30)

The Buckingham Community desires to expand the boundaries of the planning area to match with the Buckingham Planning Community. No reduction in allowable densities will be imposed on the areas outside of the Rural Community Preserve, but within the Buckingham Planning Community. Staff concurs with that change to the planning area.

OBJECTIVE 17.1: LAND USE. The primary land use designation for the Buckingham area is "Rural Community Preserve." **Other smaller land use designations exist in the boundaries, such as Public Facilities, Urban Community, and Sub-Outlying Suburban.** Existing ~~P~~public facilities have also been designated as appropriate. **After the adoption of this amendment n**No land in Buckingham will be changed to a land use category more intense than Rural Community Preserve (including Public

Facilities) unless a finding of overriding public necessity is determined by three members of the Board of County Commissioners. (Amended by Ordinance No. 00-22)

Staff concurs with this Objective.

POLICY 17.1.1: No property within the Buckingham Rural Community Preserve will be rezoned to RVPD. (Amended by Ordinance No. 00-22)

There is a potential Burt J. Harris liability for areas outside of the Rural Community Preserve that are being added to the planning area because an existing potential to rezone those areas to RVPD is being taken away. Staff recommends transmitting the policy as revised to indicate that this policy is specific to the Rural Community Preserve.

POLICY 17.1.2: The southeast and northeast quadrants of the intersection of Orange River Boulevard and Buckingham Road is designated as the commercial node for the Buckingham area Rural Community Preserve. No new commercial development (as defined by F.S. 380.04) will be located outside of this commercial node. All new commercial developments in the node are required to provide a minimum of 30% open space. This Rural Community Preserve commercial node is described as those lands 300 feet eastward from the easterly right-of-way of Buckingham Road and lying between Cemetery Road and a point 300 feet north of the intersection of Buckingham Road and Orange River Boulevard. In no way should this policy be construed to prohibit the designation of or commercial uses allowed that are uses by right in agricultural zoning districts. (Amended by Ordinance No. 94-30, 98-09, 00-22)

The recommended changes to the Policy are intended to make it clear that this Policy only applies to the Rural Community Preserve and that commercial uses that are uses by right in agricultural zoning districts will not be affected.

POLICY 17.1.3: Any lot created in the Rural Community Preserve land use category after the adoption of this amendment must have a minimum area of 43,560 square feet if located within a conventional zoning district. Existing lots are excluded. ~~Any residential planned development zoning granted in the Rural Community Preserve land use category will require a minimum size of one acre (43,560 square feet) for every residential lot.~~ (Amended by Ordinance No. 00-22).

Policy 17.1.3 is inconsistent with Policy 17.1.5 below. The community intends to allow clustering with residential planned development zoning. The requirement to have a minimum lot size of 43,560 square feet is intended only for conventional zoning districts.

POLICY 17.1.4: Density within the Buckingham Community Rural Community Preserve will be no more than one unit per buildable acre. Densities allowable prior to the adoption of this amendment are excluded. A buildable acre will not include more than 20% wetlands and will exclude road right of ways, water management areas, or natural water bodies. Bonus density is prohibited within the Buckingham Rural Community Preserve.

This policy, as proposed, would take the ability for the Urban Community land in the Buckingham Planning Community to achieve bonus density. Further, It could be argued that densities allowable prior to the adoption of this amendment would be that of the existing zoning, not the Future Land Use category.

Bonus density is not allowed in the Rural Community Preserve, but the community would like the last sentence to reinforce that restriction. Staff recommends transmitting the language above, as modified.

POLICY 17.1.5: Clustering of residential development is allowed in the **Buckingham Community Rural Community Preserve** only with residential planned development (RPD) zoning. In no case will clustered developments exceed the overall density of 1 unit per buildable acre. Density in clustered developments will be based on buildable acreage and be moved away from the property boundaries. No additional commercial space will be granted, regardless of clustered development. Clustering of residential development is achieved by limiting the areas of property available for residential homesites in the following fashion.

- Homesites must be no less than 100 feet away from the RPD boundary.
- The RPD must have a minimum of 10 acres in order to cluster homesites.

Staff recommends transmittal of Policy 17.1.5.

POLICY 17.1.6: Residential development along the Buckingham Community boundary should make appropriate transitions to the community by allowing **only single-family homes with a** graduated density as development moves away from the planning community boundaries.

While it may be appropriate to gradually transition density away from the Rural Community Preserve, this policy needs clarification. It appears to regulate the development of property outside of the boundary of the Buckingham community. The proposed policy raises Bert J. Harris implications since much of the property adjacent to the Buckingham Planning Community has urban land use designations that allow for higher densities and intensities including multi-family development. The Buckingham community would like to transmit the language as submitted to make a statement that their intent is to not have multi-family development, or higher densities or intensities of uses adjacent to their rural community.

POLICY 17.1.7: To preserve the shoreline, all new residential buildings, including attached screen enclosures will be no closer than 50 feet from the top of bank of the Orange River.

The County Attorney's office commented that increasing the riverbank setback from 25 to 50 feet raises the potential for claims under the Bert J. Harris Act.

OBJECTIVE 17.2: TRANSPORTATION AND ROADS. To protect the rural character of the Buckingham area, the following restrictions apply:

1. The existing publicly maintained Lockett Road segments currently functioning as local roads will be retained. Any proposal to change the functionality of Lockett Road, such as to provide Lehigh Acres with access to I-75 at the Lockett Road interstate interchange, will require an analysis (Alignment Study, including public input) of the impacts to the Buckingham ~~Rural~~Rural Community Preserve. This analysis will include the review of alignments including diverting the proposed collector or arterial corridor as far south as possible, starting east of Pangola, in order to skirt the Buckingham area.
2. The extension of State Route 31 south of the Orange River is prohibited;
3. The extension of Ellis Road is prohibited;
4. The extension of Staley Road to State Route 82 is prohibited;
5. No new east/west collector roadways will be planned or built within the Buckingham ~~Rural~~Rural Community Preserve;
6. All future rights-of-way in Buckingham will be no greater than ~~100~~ 80 100 feet (except for Buckingham Road and Lockett Road extensions);
7. The extension and connection of Long Road to Ellis ~~r~~Road is prohibited. (Amended by Ordinance No. 94-30, 99-15, 00-22)

DOT's comment is that the expansion of the boundaries from the Rural Community Preserve to the whole planning community is a concern when it comes to the road limitations under Objective 17.2. DOT is well into the Lockett Road alignment study, working with the objective as currently written, so a change could cause problems.

The change to point 6 under the objective is a concern. The change from 100 feet to 80 feet would appear to be an attempt to prohibit collector roads which is not good transportation planning. Buckingham is positioned between Lehigh Acres and Fort Myers and traffic is going to come through their community. Additional collector roads may be necessary in the future.

POLICY 17.2.1: Lee County will make every effort to reduce traffic and its affects through the Buckingham Community. This includes, but is not limited to, restricting the number of collector roads, analyzing alternative routes, limiting light pollution, and installing landscaping compatible with the rural character of the Buckingham Community.

Lee County DOT staff cannot support this policy as written. Please see the attached comments. Buckingham residents believe this policy is very important and think it is essential to help them maintain the rural character of their community.

POLICY 17.2.2: Lee County will improve the operational and safety issues on roads within the Buckingham Community. Specifically, Lee County will improve safety on Neal Road, Orange River Boulevard, Buckingham Road, Orange River Road, and Cemetery Road.

Staff is unsure what measures to improve safety on Neal Road, Orange River Boulevard, Buckingham Road, Orange River Road, and Cemetery Road the community is expecting. Depending on the traffic situation that needs to be addressed, 4-laning with a median might improve the safety, but that may not be a solution that the community would want. There is no data and analysis that indicates there is a safety problem on those roads and no funding sources have been identified to pay for any safety improvements. Staff does not recommend transmitting the proposed policy as written for the above reasons and because the policy language is too vague.

Additional Comments from the Department of Transportation and the County Attorney's Office are attached.

OBJECTIVE 17.3: SEWER AND WATER PUBLIC FACILITIES AND UTILITIES. ~~In order to discourage unwanted urban development, central sewer lines will not be extended into the Buckingham Rural Community Preserve, except in the areas identified by Map 7 as Future Sanitary Sewer Service Areas, the existing Resource may be extended along major roads of the Buckingham Rural Preserve upon request of property owners, with extension and connection fees paid by the person(s) requesting the water service. Connection to this expanded water service network will be on a voluntary basis. Under no circumstances will the availability of central water be accepted as justification for a density increase, or reduction of lot size requirements, within the Buckingham Rural Community Preserve. (Amended by Ordinance No. 00-22, 03-19) To protect the rural character of the Buckingham Community, public facilities and utilities that detract or diminish the overall community character are prohibited.~~

Objective 17.3 is not measurable. Whether a public facility would diminish the overall community character is subjective. The County may need a wastewater treatment facility within the Gulf Coast Center, if acquired. The County is currently negotiating the purchase of land owned by Lee County Mosquito Control and is planning an Emergency Operations Center on that site.

POLICY 17.3.1: In order to discourage unwanted urban development, central sewer lines will not be extended into the Buckingham Community, except in the areas identified by Map 7 as Future Sanitary Sewer Service Areas, the existing Resource Recovery Facility, the adjacent Lee County Parks and Recreation Facility, and any future Emergency Operations Center facility.

This policy raises issues with those urban areas within the Buckingham Community where the full range of urban services are anticipated. There is also the potential to affect the planned Emergency Operations Center on property the County is negotiating to acquire from Lee County Mosquito Control. Even if the County is not prevented from bringing sewer service to the EOC site, the ability of others to tie into this line may be limited, thus burdening the County with a larger portion of the cost. It is the desire of the community not to require any connection to the

extension of central sewer lines. With the exception of the revision recommended by staff, this policy language is already in the Lee Plan under Objective 17.3.

POLICY 17.3.2: Central water lines may be extended along roads of the Buckingham Rural Community Preserve upon request of property owners, with extension and connection fees paid by the person(s) requesting the water service. Connection to this expanded water service network will be on a voluntary basis. Under no circumstances will the availability of central water be accepted as justification for a density increase, or reduction of lot size requirements, within the Buckingham Community. (Amended by Ordinance No. 00-22, 03-19)

Staff does not have a problem with proposed Policy 17.3.2. Virtually the same language is already in the Lee Plan in Objective 17.3.

POLICY 17.3.3: Residential natural gas lines are allowed within the Buckingham Community. All other fuel transmission lines, including commercial natural gas lines are prohibited.

Planning staff received no comments on Policy 17.3.3.

POLICY 17.3.4: All new large development, as defined in Chapter 10 of the Land Development Code, for which a local development order is required, **shall must** install utilities underground. Utilities include, but not limited to, electricity, telephone, and cable lines.

Large development is defined as a project of ten acres or more in land area or two acres or more in impervious surface. This requirement to install utilities under ground could increase the cost of construction, however the ability to cluster development as described in proposed policy 17.1.5 could help offset costs to some degree.

POLICY 17.3.5: The Buckingham Community recognizes the historic value of the Buckingham Army Airfield, the residential airparks, and the public service contributions of the Mosquito Control District and other public safety uses of the airfield. The Buckingham Community supports the Mosquito Control District in limiting its activities to those consistent with its purpose and the provision of other public services.

POLICY 17.3.6: The Buckingham community encourages Lee County to acquire Gulf Coast Center for uses consistent with and appropriate to those values of historic rural character and environmental protection expressed in Goal 17 of the Lee Plan. **No temporary or emergency operation disaster aftermath facilities will be allowed, including FEMA trailers.**

Lee County Public Safety and Lee County Human Services have objections to this policy. In the event of a natural disaster providing temporary housing in the Buckingham Community may be a necessity. It could be argued that a regional wastewater treatment facility or some other facility that may be proposed for that site would not be consistent and appropriate with the historical rural character of Buckingham.

POLICY 17.3.7: Detention and correctional facilities are prohibited within the Buckingham Community boundaries.

Although staff did not receive any comments on this policy, we have concerns about precluding any future need for a detention or correctional facility in this part of Lee County.

POLICY 17.3.8: ~~Additional water treatment, sewage treatment, reclamation facilities, landfills, industrial facilities, and resource recovery facilities are prohibited in the Buckingham Community.~~

Lee County may need to place a regional wastewater treatment facility in the Buckingham Community at some future time to serve the Lehigh Acres community to the east. This policy would prevent such a facility from being constructed.

POLICY 17.3.9: East County Water Control District is encouraged to continue to develop and maintain its infrastructure to minimize flooding and manage flows down the Orange River. In addition, ECWCD is encouraged to develop a system to warn residents in advance of large releases of water. ECWCD is also encouraged to develop means to improve water quality.

OBJECTIVE 17.4: LANDSCAPING, BUFFERING, COMMUNITY AESTHETICS, AND QUALITY OF LIFE. As a means for protecting and enhancing the Buckingham Community's historic rural character and environmental values, developments, utilities, public services, road, and land use changes or improvements ~~shall~~ **will** provide appropriate landscaping, buffering, and community aesthetics to ensure that a rural lifestyle is preserved.

Buffering requirements are located in Chapters 10 and 34 of the Land Development Code. The Buckingham Community has no buffering requirements in excess of those found in the LDC. If the community would like buffering requirements specific to Buckingham then new land development regulations will need to be adopted.

POLICY 17.4.1: Public Utility infrastructure facilities are required to establish and maintain an appropriate vegetative buffer using native materials. Buffering materials must be designed to enhance and protect the aesthetic values inherent to the Buckingham community. This is to include, electrical facilities, substations, ~~distribution and transmission lines~~; resource recovery facilities; and ~~telephone facilities~~. Utility companies should install and maintain buffers that obscure unsightly facilities.

Staff does not know how the County could effectively buffer transmission lines. It is unclear what telephone facilities are.

Buffering requirements are regulated by Section 10-416 of the Land Development Code. The buffering requirement for public facilities are the same as those required for commercial uses. There are no buffering requirements for public facilities that are specific to the Buckingham

community. If the Buckingham community would like to see different buffering requirements for public facilities it will require an amendment to the land development regulations.

POLICY 17.4.2: Lee County will mitigate the negative aesthetic effects of the waste-to-energy incinerator in the Buckingham Community by regularly providing trash pick up on affected roads and establishing and maintaining an appropriate vegetative buffer.

The Buckingham community is concerned about trash blowing off of trucks that are traveling to the County incinerator and would like for the County to increase efforts to collect that debris.

POLICY 17.4.3: Within the Buckingham Community, residential walls are prohibited as boundaries for housing subdivisions or large residential developments. Berms are allowed in accordance with the Lee County Land Development Code, but should be designed to be undulating.

There is precedent for prohibiting walls in the Pine Island community. Policy 14.3.5 states: The county will amend its land development code to provide specific regulations for neighborhood connectivity and walls and gates on Greater pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These regulations would require interconnections between adjoining neighborhoods wherever feasible and would no longer allow perimeter walls around larger developments (Added by Ordinance No. 03-03)

The Land Development Code was amended as follows:

Sec. 33-1086. Residential project fences and walls. *New residenetial project fences or walls are not permitted in Greater Pine Island (see section 34-1743). This restriction does not affect buffer walls that may be required by section 10-416.*

The Land Development Code should be amended to implement Policy 17.4.3.

POLICY 17.4.4: Residential and commercial lighting should be designed to reduce light pollution and light trespass in the Buckingham Community.

Outdoor Lighting Standards are addressed in Section 34-625 of the Land Development Code. Policy 17.4.4 is not inconsistent with those standards.

OBJECTIVE 17.5: ENVIRONMENT, OPEN SPACE AND PARKS. The Buckingham community values its rural environment and has a goal of protecting open space for the present and future generations.

POLICY 17.5.1: ~~Lee County will develop a plan for an interconnected system of parks, hiking, and horse riding trails within the Buckingham Community.~~

The Board of County Commissioners adopted the Lee County Greenways Multi-Purpose Recreational Trails Master Plan on May 16, 2007. It is unclear what additional plans are

anticipated by this policy, or what funding sources would be used to pay for them. Staff does not recommend transmitting this policy at this time.

POLICY 17.5.2: Any access to the Orange River within the Buckingham Community that is to be developed by Lee County will be limited to non-commercial residential use.

Staff can envision the benefit of a limited commercial use, such as a boat rental facility, at locations that access the Orange River. Policy 17.5.2 would prevent such a facility in the future. The Buckingham community does not want any commercial facilities, such as boat rentals, near the Orange River. Residents are concerned about protecting that resource and believe that an attraction such as a boat rental operation would cause too much impact to the river.

POLICY 17.5.3: The removal of exotic plants, as defined by the state or county, is encouraged within the Buckingham Community.

The removal of exotic vegetation is encouraged County wide.

OBJECTIVE 17.6: AGRICULTURE. In order to preserve and promote the existing agricultural land use pattern in the Buckingham Community, all policies in the Buckingham Plan **shall will** consider value of land in Buckingham and in the granting of agricultural exemptions.

Objective 17.6 and several of the following policies regarding the Property Appraiser, assessments and agricultural exemptions were written with the assistance of the Lee County Property Appraiser. Staff does not necessarily see the benefit of the following policies but does not object to them.

POLICY 17.6.1: Lee County will work closely with the Property Appraiser to insure that the Goal, Objectives and Policies of the Buckingham Plan are given full consideration in assessing the value of land in Buckingham and in the granting of agricultural exemptions.

POLICY 17.6.2: The Buckingham Community Plan recognizes the land use of small family farm of no more than ten acres, where the owner resides on the property, and stipulates that it can be a viable commercial activity.

POLICY 17.6.3: If a small family farm loses its agricultural exemption, the Property Appraiser will utilize appropriate formulas for applying the homestead exemption to the former agricultural land.

POLICY 17.6.4: The Property Appraiser will give full consideration to any agricultural or conservation easements when assessing property in Buckingham.

POLICY 17.6.5: Crops grown for alternative energy sources on an experimental basis, such as *Jatropha Curcas*, shall will be considered as a commercial agricultural activity by the Property Appraiser.

POLICY 17.6.6: Boarding stables will be allowed to give lessons and clinics to non-boarders by right if the owner or operator resides on site, if no clinics are held after 7:00 PM, and the operation does not create a use, road access or drainage nuisance to its neighbors.

This policy should be further clarified in the Land Development Code. Hours of operation and scope of use are typically addressed in the Land Development Code.

PART III - LOCAL PLANNING AGENCY

REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: November 19, 2007

A. LOCAL PLANNING AGENCY REVIEW

Planning staff gave an overview of the proposal and explained their recommendations to the LPA. Questions and answers ensued regarding: 1) traffic counts/accident data; 2) population estimates; 3) location of existing commercial development; 4) the allocation table that was distributed to the LPA; 5) Staff's proposed 2030 allocation for Buckingham; 6) impacts due to a large tract of land on Tice Road purchased by the School District; 7) impacts due to a large tract being proposed to be annexed into the City of Fort Myers on Lockett Road; 8) the County's plans for mitigating some of these impacts; 9) the planning community and planning area boundaries; 10) outreach efforts; 11) how staff will evaluate applications that are not within the community boundary but are adjacent to it; 12) Bert Harris issues; and, 13) Map 7 regarding sewage utility service and its extension.

The president of the Buckingham Community Planning Panel stated that they did meet with the Lehigh Acres Community Planning Panel and the expanded planning area proposed for the Buckingham community did not conflict with the Lehigh Acres planning effort. He stated that reducing traffic and its effects was very important to the Buckingham community. He stated that the expansion of sewer and public utilities that could lead to the urbanization of the Buckingham community was not supported, but they did not object to sewer service being expanded to the proposed Emergency Operations Center facility if the community did not have to subsidize that expansion by being required to connect to the sewer service. They did object to the construction of a tower at the EOC site because of possible conflicts with the airfield.

He went on to say that the Buckingham Community did support Policy 17.3.6 that prohibits temporary emergency housing and supports Policy 17.5.2 that limits access to the Orange River to non-commercial residential use. He stated that the community wanted to keep Objective 17.6 and subsequent policies regarding the value of land and agricultural exemptions in their plan. Finally, he stated that the planning panel did not consider the allocation tables as a component of their plan, and did not address them specifically.

Several members of the public, including the President of the Buckingham Conservancy, and the

consultant that assisted in the drafting of the Buckingham Community Plan, spoke in favor of the amendment and asked the LPA to recommend transmittal of their original language.

The public comment segment was closed and one LPA member suggested the Buckingham Community Planning area be expanded beyond the Rural Community Preserve to match the Buckingham Planning Community boundaries. He stated that would give the community greater control over a larger area of land, especially growth that will affect the community. He believed the allocation table would need to be amended as well to reflect that the expanded Community Planning area is located in the Urban Community Future Land Use Map category.

One LPA member expressed concern over Objective 17.6 having people in various communities lobby the Property Appraiser to outline parameters by which the Property Appraiser should appraise properties in the plan. He had concerns with that level of specificity in the plan and having different documents for the Property Appraiser to use for the different planning communities.

Another LPA member stated there were many traffic problems on some of the roads, in particular, Buckingham Road and in the Rural Community Preserve area. She stated she wanted to see LCDOT be more proactive in trying to address some of these issues by working together with the Buckingham community.

An LPA member stated that he did not have any overall objection to this plan amendment. His concern was that there are several areas of the plan that are not specific enough. He believed this would be a problem when it is transmitted to the Department of Community Affairs for review.

An LPA member stated this community has been working on this plan for a long period of time. He did not feel the County should make changes that would override everything this community has been working towards. He stated that many of the items staff proposed to delete should be reinstated and that they needed to work with the community to help write some appropriate goal language to help them accomplish these goals.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY.

1. RECOMMENDATION: Recommend that the Board of County Commissioners transmit CPA 2007-00049 with the following changes to staff's recommendation:

- a. Adopt the planning community boundary as the new community planning area boundary for the Buckingham community.
- b. **POLICY 17.2.1: Lee County will ~~make every effort~~ work with the Buckingham community to reduce traffic and its effects through the Buckingham Community. This includes, but is not limited to, restricting the number of collector roads, analyzing alternative routes and safety issues, limiting light pollution, and installing landscaping compatible with the rural character of the Buckingham Community.**

- c. **POLICY 17.3.6:** The Buckingham community encourages Lee County to acquire Gulf Coast Center for uses consistent with and appropriate to those values of historic rural character and environmental protection expressed in Goal 17 of the Lee Plan. No temporary or emergency operation disaster aftermath facilities will be allowed, including FEMA trailers.
- d. **POLICY 17.5.1:** Lee County will work with the Buckingham community to develop a plan for an interconnected system of parks, hiking, and horse riding trails within the Buckingham Community.
- e. **POLICY 17.5.2:** Any access to the Orange River within the Buckingham Community that is to be developed by Lee County will be limited to non-commercial residential use.
- f. **POLICY 17.6.6:** Boarding stables will be allowed to give lessons and clinics to non-boarders by right if the owner or operator resides on site, if no clinics are held after 7:00 PM and if the operation does not create a use, road access or drainage nuisance to its neighbors.

The motion passed 6-1. The LPA member that voted no stated his reasons were that he was concerned about transmitting language that pertained to the property appraiser (17.6.1 through 17.6.5), and said that rather than transmitting a policy that directs Lee County to develop a plan for an interconnected system of parks, hiking, and horse riding trails within the Buckingham community, the community should work with the County to have the greenways map amended.

Another LPA member made a motion to recommend transmittal of Policy 17.3.8 with the following changes:

- g. **Policy 17.3.8:** ~~Additional~~ The construction of potential water treatment, sewage treatment, reclamation facilities, landfills, industrial facilities, and resource recovery facilities are prohibited in not consistent with the goals of the Buckingham Community.

The motion passed 6-1.

The LPA clarified that the motion to change the Buckingham planning area included the corresponding change in Table 1(b), Year 2030 Allocations. That would include a proposed allocation for Buckingham of 135 acres in Urban Community.

- 2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff.

C. **VOTE:** The following vote was the same for both of the above motions:

NOEL ANDRESS	AYE
DEREK BURR	AYE
LES COCHRAN	AYE
RONALD INGE	NAY
CARLETON RYFFEL	AYE
RAE ANN WESSEL	AYE
LELAND TAYLOR	AYE

DATE OF PUBLIC HEARING: April 28, 2008

D. LOCAL PLANNING AGENCY REVIEW

During the implementation of the Evaluation and Appraisal Report in 2006 and 2007, the Board of County Commissioners decided not to increase any of the residential or commercial acreage allocations in Lee Plan Table 1(b), Year 2030 Allocation, in the Buckingham area. At that time the Board asked that the issue be addressed in the ongoing Buckingham Community Planning process. The Bucking Community Planning update did not address the acreage allocation issue. Staff recommended that the allocations contained in the EAR amendment for Table 1(b), accounting for an additional 10 years of growth in the Buckingham Planning Community, be included.

Staff presented an April 21, 2008 memo and maps of residential uses within the Urban Community portion of the Buckingham Planning Community that is attached to this report. Staff's recommendation included increasing the Urban Community allocation from 51 acres to 150 acres; increasing the Outlying Suburban allocation from 49 acres to 66 acres; increasing the Rural allocation from 57 acres to 100 acres; and increasing the Rural Community Preserve allocation from 3,046 acres to 3,100 acres.

Staff distributed a document with some revised numbers for the allocation and reviewed the handout and the basis of the allocations with the LPA and public. At a minimum, staff recommends transmittal of the Urban Community allocation.

General questions and answers ensued between the LPA and staff. Topics discussed were: 1) Lehigh Village; 2) Industrial allocations; 3) the rationale for this increase; 4) Buckingham exceeding the allocation in the Urban Community designation within the Buckingham planning community; and, 5) how this information is used for keeping track of infrastructure needs relative to growth.

The LPA Chairman asked if anyone from the public wished to comment on this item. Public comment was received from:

Four members of the public spoke against staff's recommendation. An attorney representing the interests of several clients and their affiliated legal entities spoke in favor of staff's recommendation.

An LPA member felt there seemed to be a piece missing that would link this exercise with establishing infrastructure needs. There are 95 acres of single family homes already platted, so we have some large acreages that may be designated Urban Community, but there is no Development Order approval yet. She did not feel this amendment was helping to plan this community. She asked why we would increase these allocations when we have no infrastructure change to support it.

Another LPA member noted these allocations were a planning tool, however, the rules seem to have changed and the Board has decided that these allocations have meaning beyond just a planning tool. These allocations only seem to deal with development, but the people in the community do not want any development, so these county-wide allocations do not work for this particular community. He did not want to support staff's recommendations because although they may make sense from a planning perspective, they did not fit in with the perspective of the people in the community.

Another LPA member did not see any reason to change this because it does not take care of the underlying problem. The allocation is currently fixed at 51. As time goes on, that number is going to continue to grow as these lots are developed. Eventually, there will be no more Urban Community available in this community. Therefore, he did not see the point in making this change.

Another LPA member expressed concern with using our Land Use Map as a Zoning Map. He noted there were two separate processes in Lee County. The Land Use Map designates the future land use. However, there is still a zoning process that includes the Hearing Examiner and the Board of County Commissioners. If these changes go through, it does not mean that a contentious zoning case automatically happens. The Board of County Commissioners would make the final decision on that regardless of what the map says. He was in support of staff's recommendation since they explained why they felt these acreages need to be changed.

Another LPA member stated her main concern was the amount of the increase since the numbers are changing from 51 to 150. She felt this was a huge increase projection and was uncertain if that projection would continue to increase over time. She was also not certain whether 150 was a realistic number.

An LPA member stated the current system is of concern to the people in this community. He felt staff should approach the Board and discuss modifying the procedure that has always been used in the past so that when a single family lot is sold the allocation will automatically adjust. If this is done, staff will no longer need approvals or actions from the LPA.

An LPA member stated that one of the concerns is that no one is envisioning stopping any single family platted lots. There are currently 95 acres undeveloped that have not been zoned and have not received development orders. She reiterated that we are not linking our infrastructure needs to these development numbers.

Another LPA member agreed this is a problem because the property is already in the FLUM in this category, but it cannot be developed because of the allocation. The zoning does not match the FLUM. He noted this was a problem all over the County.

After lengthy discussion a motion was made to transmit the allocations recommended by staff in the April 21, 2008 memo. The motion failed 4-2. No other action was taken by the LPA.

E. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY.

1. **RECOMMENDATION:** A motion to recommend that the Board of County Commissioners make the changes to the allocation tables that are set forth in the April 21st, 2008 memo from staff to the LPA failed 4-2. According to Administrative Code 13-6 this is a recommendation to not transmit the staff recommended changes to Table 1(b).

F. VOTE:

NOEL ANDRESS	NAY
LES COCHRAN	NAY
RONALD INGE	AYE
JACQUE RIPPE	NAY
CARLETON RYFFEL	ABSENT
RAE ANN WESSEL	NAY
LELAND TAYLOR	AYE

PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT

DATE OF TRANSMITTAL HEARING: October 22, 2008

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

A. BRIAN BIGELOW

TAMMARA HALL

ROBERT P. JANES

RAY JUDAH

FRANKLIN B. MANN

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: _____

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

B. STAFF RESPONSE

PART VI - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT

DATE OF ADOPTION HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

A. BRIAN BIGELOW	_____
TAMMARA HALL	_____
ROBERT P. JANES	_____
RAY JUDAH	_____
FRANKLIN B. MANN	_____

MEMORANDUM

FROM
THE DEPARTMENT OF
COMMUNITY DEVELOPMENT
DIVISION OF PLANNING

DATE: April 21, 2008

TO: Local Planning Agency **FROM:** Jim Mudd, AICP, Principal Planner

RE: **Buckingham Year 2030 Allocations**

At the December 13, 2006 Board of County Commissioners Transmittal Hearing the Board voted unanimously to transmit staff's recommendation for updating Table 1b of the Lee Plan, Year 2030 Allocations, with the exception of the Buckingham Planning Community. The president of the Buckingham Community Planning Panel asked the Board not to transmit the modification to the Buckingham Planning Community allocations until they completed their community plan. The Board agreed that to transmit the 2030 allocations for Buckingham was premature.

The Buckingham Community Plan has been completed and the Local Planning Agency recommended the Board transmit the Community Plan amendment; however, the 2030 allocations for Buckingham were not addressed. There was discussion about the allocations during the planning process, but no recommendations were put forward by the community.

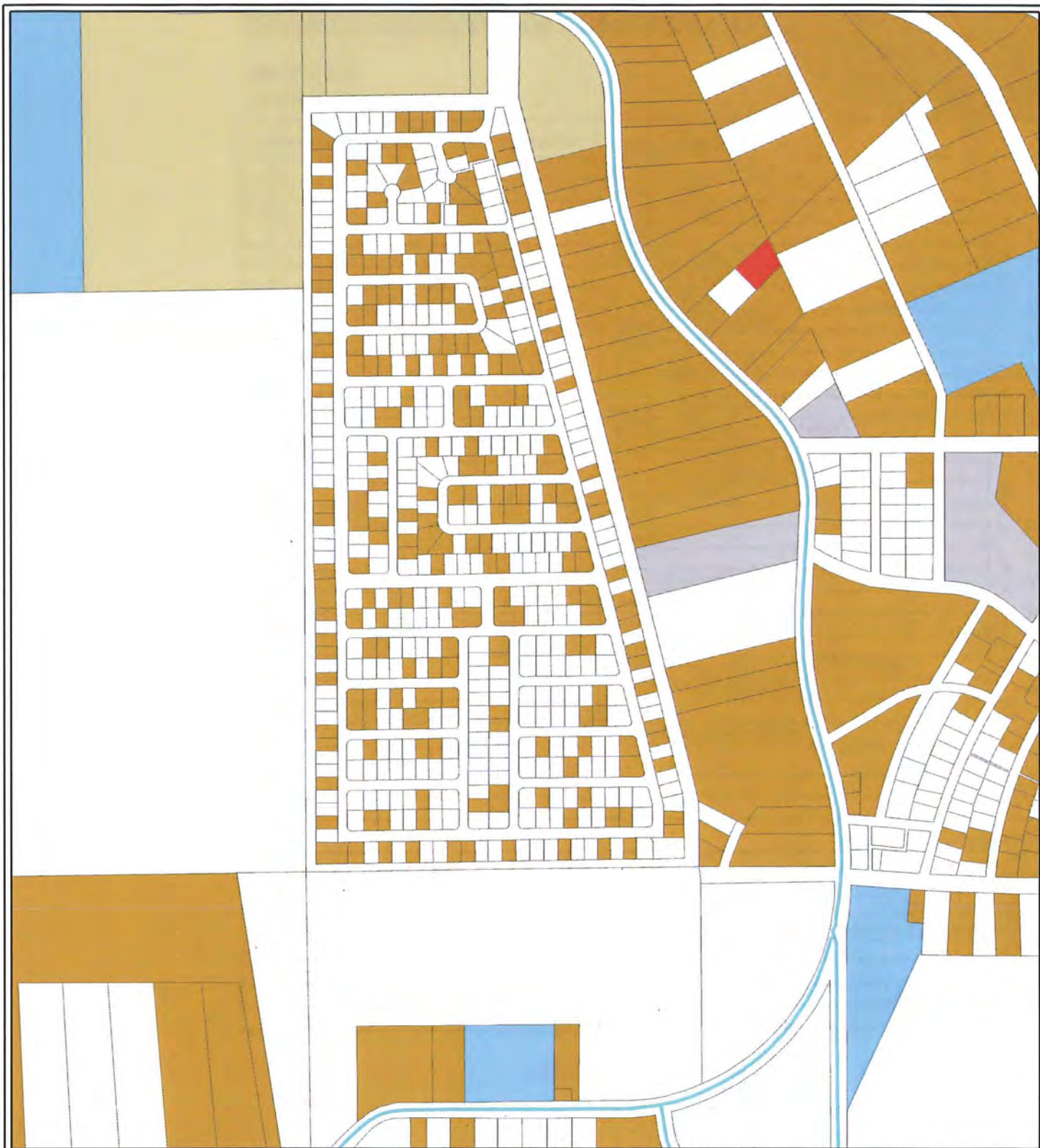
There are currently 51 acres allocated to Urban Community, 49 acres allocated to Sub-Outlying Suburban, 57 acres allocated to Rural, and 3,046 acres allocated to Rural Community Preserve. After subtracting existing development there are 3 acres remaining in Urban Community, 48 acres remaining in Sub-Outlying Suburban, 57 acres remaining in Rural, and 338 acres remaining in Rural Community Preserve. Staff recommends updating the allocation to accommodate the projected growth in the Buckingham Planning Community through the year 2030. Staff recommends increasing the Urban Community allocation from 51 acres to 150 acres; increasing the Outlying Suburban allocation from 49 acres to 66 acres; increasing the Rural allocation from 57 acres to 100 acres; and increasing the Rural Community Preserve allocation from 3,046 acres to 3,100 acres.

The LPA recommended that the Board transmit staff's recommended increase in allocation for the entire County, including Buckingham, at its November 27, 2006 LPA meeting. If the LPA desires not to recommend transmittal of the full allocations, staff recommends that at a minimum the LPA recommend transmittal of the Urban Community allocation.

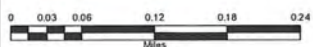
This amendment is not currently part of the Community Plan, but along with the LPA recommendation staff will fold this into the Buckingham Community Plan amendment, CPA 2007-00049, prior to taking it to the BoCC for their transmittal hearing.

Buckingham		Allocation	Existing	Remaining
R e s i d e n t i a l A c r e a g o r y	Intensive Development	0	0	0
	Central Urban	0	0	0
	Urban Community	51	60	(9)
	Suburban	0	0	0
	Outlying Suburban	0	0	0
	Sub-Outlying Suburban	49	1	48
	Commercial	0	0	0
	Industrial Development	0	0	0
	Public Facilities	0	0	0
	University Community	0	0	0
	Industrial Interchange	0	0	0
	General Interchange	0	0	0
	General/Commercial Interchange	0	0	0
	Industrial/Commercial Interchange	0	0	0
	University Village Interchange	0	0	0
	New Community	0	0	0
	Airport	0	0	0
	Tradeport	0	0	0
	Rural	57	0	57
	Rural Community Preserve	3,046	2,729	317
	Coastal Rural	0	0	0
	Outer Islands	0	0	0
	Open Lands	0	0	0
	Density Reduction/Groundwater Resource	0	0	0
	Conservation Lands Upland	0	0	0
	Wetlands	0	0	0
	Conservation Lands Wetland	0	0	0
Total Residential		3,203	2,793	410
Commercial		18	10	8
Industrial		5	0	5
Non Regulatory Allocations				
Public		2,114	1,722	392
Active Agriculture		411	658	(247)
Passive Agriculture		3,619	3,609	10
Conservation (wetlands)		381	381	0
Vacant		1,278	2,181	(903)
Total		11,029	11,355	(326)
Population Distribution		5,227	4,210	1,017

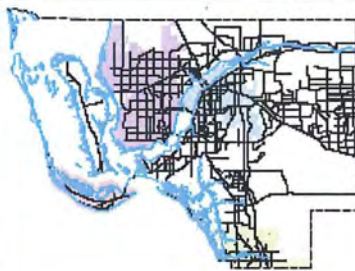
[back to Planning Communities Map](#)





LEE COUNTY
 SOUTHWEST FLORIDA
 DIVISION OF PLANNING



Data Source: Lee County DCD/Planning
 Existing Landuse Inventory
 Current through January 1, 2008
 Map Generated April 2008



Buckingham Park Existing Landuse Map

 Residential	 Agriculture
 Residential Amenity/Golf	 Pasture
 Commercial	 ROW
 Industrial	 Wetland
 Public	 Vacant
 Multiple Uses	




LEE COUNTY
 SOUTHWEST FLORIDA
 DIVISION OF PLANNING



Data Source: Lee County DCD/Planning
 Existing Landuse Inventory
 Current through January 1, 2008
 Map Generated April 2008



Buckingham Park Residential Properties





0 0.03 0.06 0.12 0.18 0.24
Miles

Data Source: Lee County DCD/Planning
Existing Landuse Inventory
Current through January 1, 2008
Map Generated April 2008



Buckingham Park Residential Properties Built as of January 1, 2000

 Lot Lines




LEE COUNTY
 SOUTHWEST FLORIDA
 DIVISION OF PLANNING

0 0.03 0.06 0.12 0.18 0.24
 Miles

Data Source: Lee County DCD/Planning
 Existing Landuse Inventory
 Current through January 1, 2008
 Map Generated April 2008



Buckingham Park Residential Properties Built as of January 1, 2005

 Lot Lines




0 0.03 0.06 0.12 0.18 0.24
Miles

Data Source: Lee County DCD/Planning
Existing Landuse Inventory
Current through January 1, 2008
Map Generated April 2008

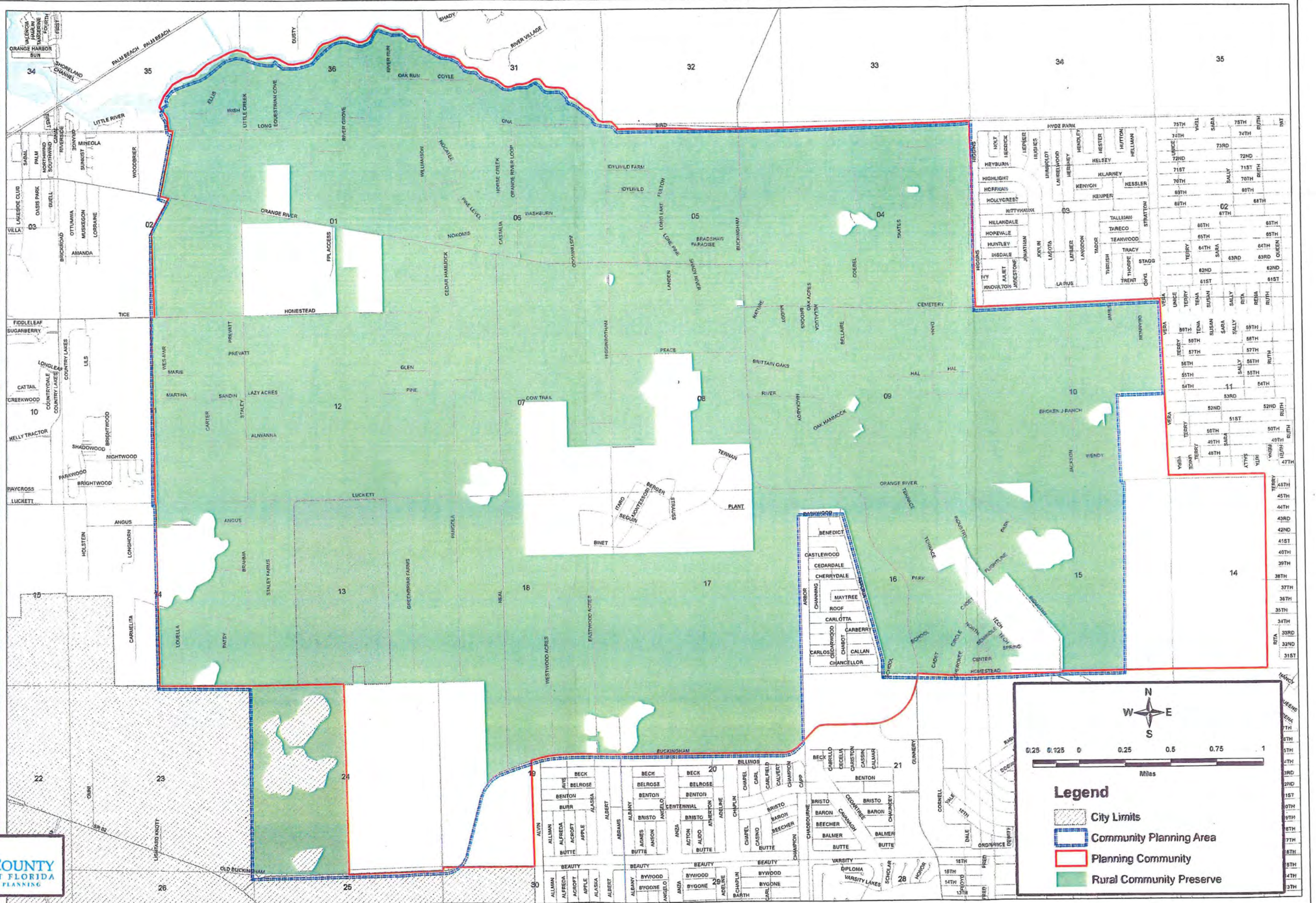


Buckingham Park Residential Properties Built as of January 1, 2008

 Lot Lines

BUCKINGHAM BOUNDARIES

Planning Community and Community Planning Area



CPA2007-49
BUCKINGHAM COMMUNITY PLAN
BoCC SPONSORED
AMENDMENT
TO THE

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

Non Transmittal Document

Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(239) 533-8585

October 22, 2008

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2007-00049**

☒

Text Amendment

☐

Map Amendment

<input checked="" type="checkbox"/>	This Document Contains the Following Reviews:
<input checked="" type="checkbox"/>	Staff Review
<input checked="" type="checkbox"/>	Local Planning Agency Review and Recommendation
<input checked="" type="checkbox"/>	Board of County Commissioners Hearing for Transmittal
	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: November 15, 2007

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. SPONSOR/APPLICANT:

A. SPONSOR:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

B. APPLICANT

BUCKINGHAM COMMUNITY PLANNING PANEL

2. REQUEST:

Amend the Future Land Use Element, text and Future Land Use Map series to incorporate the recommendations of the Buckingham Community Planning effort. Update Goal 17 of the Lee Plan to revise policies specific to the Buckingham Community and expand the affect of Goal 17 beyond the Rural Community Preserve land use category to the Buckingham Planning Community boundary. Amend Map 1, Page 2 of 6, Special Treatment Areas to indicate that a revised Goal specific to the Buckingham Planning Community has been adopted. Update Table 1(b), Year 2030 Allocations, for the Buckingham community to allow for the projected growth through the year 2030.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

1. RECOMMENDATION: Planning staff recommends that the Board of County Commissioners transmit the proposed amendment, with the modifications proposed by staff. The applicants proposed changes to Goal 17 of the Lee Plan are shown below in strike through underline. Staff's recommendation are shown in bold strike through, bold underline in Part II of this report.

GOAL 17: BUCKINGHAM. To manage the future growth in the Buckingham area; to preserve the existing agricultural land use pattern; to diversify the choice of housing for Lee County by maintaining and enhancing the historic rural character; and to protect the unique historical and environmental values of the Buckingham Community. The boundaries of the Buckingham Community shall be extended to the Buckingham planning community boundaries. For the purposes of this plan, the precise boundaries of Buckingham are indicated on ~~the Future Land Use Map~~ Map 16 of the Lee Plan. (Added by Ordinance No. 91-19, Amended by Ordinance No. 93-25, 94-30)

OBJECTIVE 17.1: LAND USE. The primary land use designation for the Buckingham area is "Rural Community Preserve." Other smaller land use designations exist in the boundaries, such as Public Facilities, Urban Community, and Outlying Suburban. Existing Ppublic facilities have also been designated as appropriate. After the adoption of this amendment, no land in Buckingham will be changed to a land use category more intense than Rural Community Preserve (including Public Facilities) unless property is within a pre-existing higher density or a finding of overriding public necessity is determined by three members of the Board of County Commissioners. (Amended by Ordinance No. 00-22)

POLICY 17.1.1: No property within the Buckingham Community will be rezoned to RVPD. (Amended by Ordinance No. 00-22)

POLICY 17.1.2: The southeast and northeast quadrants of the intersection of Orange River Boulevard and Buckingham Road is designated as the commercial node for the Buckingham area. No new commercial development (as defined by F.S. 380.04) will be located outside of this commercial node. All new commercial developments in the node are required to provide a minimum of 30% open space. This commercial node is described as those lands 300 feet eastward from the easterly right-of-way of Buckingham Road and lying between Cemetery Road and a point 300 feet north of the intersection of Buckingham Road and Orange River Boulevard. In no way should this policy be construed to prohibit the designation of or commercial uses allowed in agricultural zoning districts. (Amended by Ordinance No. 94-30, 98-09, 00-22)

POLICY 17.1.3: Any lot created in the Rural Community Preserve land use category after the adoption of this amendment must have a minimum area of 43,560 square feet. Existing lots are excluded. Any residential planned development zoning granted in the Rural Community Preserve land use category will require a minimum size of one acre (43,560 square feet) for every residential lot. (Amended by Ordinance No. 00-22).

POLICY 17.1.4: Density within the Buckingham Community will be no more than one unit per buildable acre. Densities allowable prior to the adoption of this amendment are excluded. A buildable acre will not include more than 20% wetlands and will exclude road right of ways, water management areas, or natural water bodies. Bonus density is prohibited within the Buckingham Community.

POLICY 17.1.5: Clustering of residential development is allowed in the Buckingham Community only with residential planned development (RPD) zoning. In no case will clustered developments exceed the overall density of 1 unit per buildable acre. Density in clustered developments will be based on buildable acreage and be moved away from the property boundaries. No additional commercial space will be granted, regardless of clustered development. Clustering of residential development is achieved by limiting the areas of property available for residential homesites in the following fashion.

- 1 Homesites must be no less than 100 feet away from the RPD boundary.
- 2 The RPD must have a minimum of 10 acres in order to cluster homesites.

POLICY 17.1.6: Residential development along the Buckingham Community boundary should make appropriate transitions to the community by allowing only single-family homes with a graduated density as development moves away from the planning community boundaries.

POLICY 17.1.7: To preserve the shoreline, all new residential buildings, including attached screen enclosures will be no closer than 50 feet from the top of bank of the Orange River.

OBJECTIVE 17.2: TRANSPORTATION AND ROADS. To protect the rural character of the Buckingham area, the following restrictions apply:

1. The existing publicly maintained Luckett Road segments currently functioning as local roads will be retained. Any proposal to change the functionality of Luckett Road, such as to provide Lehigh Acres with access to I-75 at the Luckett Road interstate interchange, will require an analysis (Alignment Study, including public input) of the impacts to the Buckingham Rural Community Preserve. This analysis will include the review of alignments including diverting the proposed collector or arterial corridor as far south as possible, starting east of Pangola, in order to skirt the Buckingham area.
2. The extension of State Route 31 south of the Orange River is prohibited;
3. The extension of Ellis Road is prohibited;
4. The extension of Staley Road to State Route 82 is prohibited;
5. No new east/west collector roadways will be planned or built within the Buckingham Rural Community Preserve;

6. All future rights-of-way in Buckingham will be no greater than ~~100~~ 80 feet (except for Buckingham Road and Luckett Road extensions);
7. The extension and connection of Long Road to Ellis ~~r~~Road is prohibited. (Amended by Ordinance No. 94-30, 99-15, 00-22)

POLICY 17.2.1: Lee County will make every effort to reduce traffic and its affects through the Buckingham Community. This includes, but is not limited to, restricting the number of collector roads, analyzing alternative routes, limiting light pollution, and installing landscaping compatible with the rural character of the Buckingham Community.

POLICY 17.2.2: Lee County will improve the operational and safety issues on roads within the Buckingham Community. Specifically, Lee County will improve safety on Neal Road, Orange River Boulevard, Buckingham Road, Orange River Road, and Cemetery Road.

OBJECTIVE 17.3: SEWER AND WATER PUBLIC FACILITIES AND UTILITIES. ~~In order to discourage unwanted urban development, central sewer lines will not be extended into the Buckingham Rural Community Preserve, except in the areas identified by Map 7 as Future Sanitary Sewer Service Areas, Resource may be extended along major roads of the Buckingham Rural Preserve upon request of property owners, with extension and connection fees paid by th person(s) requesting the water service. Connection to this expanded water service network will be on a voluntary basis. Under no circumstances will the availability of central water be accepted as justification for a density increase, or reduction of lot size requirements, within the Buckingham Rural Community Preserve. (Amended by Ordinance No. 00-22, 03-19) To protect the rural character of the Buckingham Community, public facilities and utilities that detract or diminish the overall community character are prohibited.~~

POLICY 17.3.1: ~~In order to discourage unwanted urban development, central sewer lines will not be extended into the Buckingham Community, except in the areas identified by Map 7 as Future Sanitary Sewer Service Areas, the existing Resource Recovery Facility, and the adjacent Lee County Parks and Recreation Facility.~~

POLICY 17.3.2: ~~Central water lines may be extended along roads of the Buckingham Rural Preserve upon request of property owners, with extension and connection fees paid by the person(s) requesting the water service. Connection to this expanded water service network will be on a voluntary basis. Under no circumstances will the availability of central water be accepted as justification for a density increase, or reduction of lot size requirements, within the Buckingham Community. (Amended by Ordinance No. 00-22, 03-19)~~

POLICY 17.3.3: ~~Residential natural gas lines are allowed within the Buckingham Community. All other fuel transmission lines, including commercial natural gas lines are prohibited.~~

POLICY 17.3.4: All new large developments for which a local development order is required, shall install utilities underground. Utilities include, but not limited to, electricity, telephone, and cable lines.

POLICY 17.3.5: The Buckingham Community recognizes the historic value of the Buckingham Army Airfield, the residential airparks, and the public service contributions of the Mosquito Control District and other public safety uses of the airfield. The Buckingham Community supports the Mosquito Control District in limiting its activities to those consistent with its purpose and the provision of other public services.

POLICY 17.3.6: The Buckingham community encourages Lee County to acquire Gulf Coast Center for uses consistent with and appropriate to those values of historic rural character and environmental protection expressed in Goal 17 of the Lee Plan. No temporary or emergency operation disaster aftermath facilities will be allowed, including FEMA trailers.

POLICY 17.3.7: Detention and correctional facilities are prohibited within the Buckingham Community boundaries.

POLICY 17.3.8: Additional water treatment, sewage treatment, reclamation facilities, landfills, industrial facilities, and resource recovery facilities are prohibited in the Buckingham Community.

POLICY 17.3.9: East County Water Control District is encouraged to continue to develop and maintain its infrastructure to minimize flooding and manage flows down the Orange River. In addition, ECWCD is encouraged to develop a system to warn residents in advance of large releases of water. ECWCD is also encouraged to develop means to improve water quality.

OBJECTIVE 17.4: LANDSCAPING, BUFFERING, COMMUNITY AESTHETICS, AND QUALITY OF LIFE. As a means for protecting and enhancing the Buckingham Community's historic rural character and environmental values, developments, utilities, public services, road, and land use changes or improvements shall provide appropriate landscaping, buffering, and community aesthetics to ensure that a rural lifestyle is preserved.

POLICY 17.4.1: Public facilities are required to establish and maintain an appropriate vegetative buffer using native materials. Buffering materials must be designed to enhance and protect the aesthetic values inherent to the Buckingham community. This is to include, electrical facilities, substations, distribution and transmission lines; resource recovery facilities; and telephone facilities should install and maintain buffers that obscure unsightly facilities.

POLICY 17.4.2: Lee County will mitigate the negative aesthetic effects of the waste-to-energy incinerator in the Buckingham Community by regularly providing trash pick up on affected roads and establishing and maintaining an appropriate vegetative buffer.

POLICY 17.4.3: Within the Buckingham Community, residential walls are prohibited as boundaries for housing subdivisions or large residential developments. Berms are allowed in accordance with the Lee County Land Development Code, but should be designed to be undulating.

POLICY 17.4.4: Residential and commercial lighting should be designed to reduce light pollution and light trespass in the Buckingham Community.

OBJECTIVE 17.5: ENVIRONMENT, OPEN SPACE AND PARKS. The Buckingham community values its rural environment and has a goal of protecting open space for the present and future generations.

POLICY 17.5.1: Lee County will develop a plan for an interconnected system of parks, hiking, and horse riding trails within the Buckingham Community.

POLICY 17.5.2: Any access to the Orange River within the Buckingham Community that is to be developed by Lee County will be limited to non-commercial residential use.

POLICY 17.5.3: The removal of exotic plants, as defined by the state or county, is encouraged within the Buckingham Community.

OBJECTIVE 17.6: AGRICULTURE. In order to preserve and promote the existing agricultural land use pattern in the Buckingham Community, all policies in the Buckingham Plan shall consider value of land in Buckingham and in the granting of agricultural exemptions.

POLICY 17.6.1: Lee County will work closely with the Property Appraiser to insure that the Goal, Objectives and Policies of the Buckingham Plan are given full consideration in assessing the value of land in Buckingham and in the granting of agricultural exemptions.

POLICY 17.6.2: The Buckingham Community Plan recognizes the land use of small family farm of no more than ten acres, where the owner resides on the property, and stipulates that it can be a viable commercial activity.

POLICY 17.6.3: If a small family farm loses its agricultural exemption, the Property Appraiser will utilize appropriate formulas for applying the homestead exemption to the former agricultural land.

POLICY 17.6.4: The Property Appraiser will give full consideration to any agricultural or conservation easements when assessing property in Buckingham.

POLICY 17.6.5: Crops grown for alternative energy sources on an experimental basis, such as *Jatropha curcas*, shall be considered as a commercial agricultural activity by the Property Appraiser.

POLICY 17.6.6: Boarding stables will be allowed to give lessons and clinics to non-boarders by right if the owner or operator resides on site, if no clinics are held after 7:00 PM and the operation does not create a use, road access or drainage nuisance to its neighbors.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Buckingham Community Plan update has been sponsored as a community service by the Board of County Commissioners.
- The Buckingham community held a series of public meetings to collect information and to determine the communities vision of the future of the Buckingham area.
- Two surveys were conducted by the planning panel's consultant to collect additional information from the community.
- The planning panel's consultant interviewed stakeholders in the community and in adjacent areas.
- The Buckingham community has expressed a clear desire to retain their rural character.
- The Buckingham Community Plan update was financed by the Board of County Commissioners.

C. BACKGROUND INFORMATION

The Buckingham Preservation Committee submitted the original Sector Plan for the Buckingham Community to the County on September 20, 1990. The sector plan provided a description of the history of the area, a description of the then existing land uses, soils, and ground water recharge, vegetation and wildlife, parks and recreation, community facilities and services, housing and transportation. The original Lee Plan Goal specific to the Buckingham community was a direct result of the work conducted by the Buckingham Preservation Committee and was adopted by the Board of County Commissioners on July 9, 1991.

The Buckingham Preservation Committee, working with County staff, updated the Lee Plan Goal specific to the Buckingham community in the late 1990's and an amendment to that Goal was adopted by the Board of County Commissioners on November 22, 1999. A second amendment to the Buckingham Goal was adopted by the Board of County Commissioners on October 23, 2003.

Early in 2007, residents in the Buckingham community formed the Buckingham Community Planning Panel, Inc. (BCPP) and requested funding from the County to undertake a more comprehensive update to what is now Goal 17 of the Lee Plan specific to the Buckingham community. This proposed plan amendment is a direct result of the work conducted by the BCPP.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

The proposed publicly-initiated amendment application was received by the County on September 26, 2007. Planning staff provided copies of the proposed amendment and requested comments from various County departments, including:

County Attorney's Office; EMS Division; Lee County Sheriff; Natural Resources Division; Lee Tran; Parks and Recreation; School District of Lee County; Lee County Department of Transportation; Development Services Division; Environmental Sciences Division; Lee County Port Authority; Economic Development; Public Works Department; Utilities Division; Zoning Division; Lee County Health Department; Public Safety; Human Services.

Written comments were received from the County Attorneys Office, DOT, Public Safety and the Department of Human Services. Those comments are attached as backup to this report.

Planning staff recommends that the Board of County Commissioners transmit the proposed amendment, with the modifications proposed by staff. Staff's recommended changes to the proposed changes to Goal 17 are shown in bold strike-through, bold underline.

GOAL 17: BUCKINGHAM. To manage the future growth in the Buckingham area; to preserve the existing agricultural land use pattern; to diversify the choice of housing for Lee County by maintaining and enhancing the historic rural character; and to protect the unique historical and environmental values of the Buckingham Community. **The boundaries of the Buckingham Community shall be extended to the Buckingham planning community boundaries.** For the purposes of this plan, the precise boundaries of **the Buckingham Community** are indicated on **the Future Land Use Map-Map 16 of the Lee Plan.** (Added by Ordinance No. 91-19, Amended by Ordinance No. 93-25, 94-30)

The Buckingham Community desires to expand the boundaries of the planning area to match with the Buckingham Planning Community. No reduction in allowable densities will be imposed on the areas outside of the Rural Community Preserve, but within the Buckingham Planning Community. Staff concurs with that change to the planning area.

OBJECTIVE 17.1: LAND USE. The primary land use designation for the Buckingham area is "Rural Community Preserve." **Other smaller land use designations exist in the boundaries, such as Public Facilities, Urban Community, and Sub-Outlying Suburban.** Existing Ppublic facilities have also been designated as appropriate. **After the adoption of this amendment n**No land in Buckingham will be changed to a land use category more intense than Rural Community Preserve (including Public

Facilities) unless a finding of overriding public necessity is determined by three members of the Board of County Commissioners. (Amended by Ordinance No. 00-22)

Staff concurs with this Objective.

POLICY 17.1.1: No property within the Buckingham Rural Community Preserve will be rezoned to RVPD. (Amended by Ordinance No. 00-22)

There is a potential Burt J. Harris liability for areas outside of the Rural Community Preserve that are being added to the planning area because an existing potential to rezone those areas to RVPD is being taken away. Staff recommends transmitting the policy as revised to indicate that this policy is specific to the Rural Community Preserve.

POLICY 17.1.2: The southeast and northeast quadrants of the intersection of Orange River Boulevard and Buckingham Road is designated as the commercial node for the Buckingham area Rural Community Preserve. No new commercial development (as defined by F.S. 380.04) will be located outside of this commercial node. All new commercial developments in the node are required to provide a minimum of 30% open space. This Rural Community Preserve commercial node is described as those lands 300 feet eastward from the easterly right-of-way of Buckingham Road and lying between Cemetery Road and a point 300 feet north of the intersection of Buckingham Road and Orange River Boulevard. In no way should this policy be construed to prohibit the designation of or commercial uses allowed that are uses by right in agricultural zoning districts. (Amended by Ordinance No. 94-30, 98-09, 00-22)

The recommended changes to the Policy are intended to make it clear that this Policy only applies to the Rural Community Preserve and that commercial uses that are uses by right in agricultural zoning districts will not be affected.

POLICY 17.1.3: Any lot created in the Rural Community Preserve land use category after the adoption of this amendment must have a minimum area of 43,560 square feet if located within a conventional zoning district. Existing lots are excluded. ~~Any residential planned development zoning granted in the Rural Community Preserve land use category will require a minimum size of one acre (43,560 square feet) for every residential lot.~~ (Amended by Ordinance No. 00-22).

Policy 17.1.3 is inconsistent with Policy 17.1.5 below. The community intends to allow clustering with residential planned development zoning. The requirement to have a minimum lot size of 43,560 square feet is intended only for conventional zoning districts.

POLICY 17.1.4: Density within the Buckingham Community Rural Community Preserve will be no more than one unit per buildable acre. Densities allowable prior to the adoption of this amendment are excluded. A buildable acre will not include more than 20% wetlands and will exclude road right of ways, water management areas, or natural water bodies. Bonus density is prohibited within the Buckingham Rural Community Preserve.

This policy, as proposed, would take the ability for the Urban Community land in the Buckingham Planning Community to achieve bonus density. Further, It could be argued that densities allowable prior to the adoption of this amendment would be that of the existing zoning, not the Future Land Use category.

Bonus density is not allowed in the Rural Community Preserve, but the community would like the last sentence to reinforce that restriction. Staff recommends transmitting the language above, as modified.

POLICY 17.1.5: Clustering of residential development is allowed in the **Buckingham Community Rural Community Preserve** only with residential planned development (RPD) zoning. In no case will clustered developments exceed the overall density of 1 unit per buildable acre. Density in clustered developments will be based on buildable acreage and be moved away from the property boundaries. No additional commercial space will be granted, regardless of clustered development. Clustering of residential development is achieved by limiting the areas of property available for residential homesites in the following fashion.

- Homesites must be no less than 100 feet away from the RPD boundary.
- The RPD must have a minimum of 10 acres in order to cluster homesites.

Staff recommends transmittal of Policy 17.1.5.

POLICY 17.1.6: Residential development along the Buckingham Community boundary should make appropriate transitions to the community by allowing **only single-family homes with a** graduated density as development moves away from the planning community boundaries.

While it may be appropriate to gradually transition density away from the Rural Community Preserve, this policy needs clarification. It appears to regulate the development of property outside of the boundary of the Buckingham community. The proposed policy raises Bert J. Harris implications since much of the property adjacent to the Buckingham Planning Community has urban land use designations that allow for higher densities and intensities including multi-family development. The Buckingham community would like to transmit the language as submitted to make a statement that their intent is to not have multi-family development, or higher densities or intensities of uses adjacent to their rural community.

POLICY 17.1.7: To preserve the shoreline, all new residential buildings, including attached screen enclosures will be no closer than 50 feet from the top of bank of the Orange River.

The County Attorney's office commented that increasing the riverbank setback from 25 to 50 feet raises the potential for claims under the Bert J. Harris Act.

OBJECTIVE 17.2: TRANSPORTATION AND ROADS. To protect the rural character of the Buckingham area, the following restrictions apply:

1. The existing publicly maintained Luckett Road segments currently functioning as local roads will be retained. Any proposal to change the functionality of Luckett Road, such as to provide Lehigh Acres with access to I-75 at the Luckett Road interstate interchange, will require an analysis (Alignment Study, including public input) of the impacts to the Buckingham ~~Rural~~Rural Community Preserve. This analysis will include the review of alignments including diverting the proposed collector or arterial corridor as far south as possible, starting east of Pangola, in order to skirt the Buckingham area.
2. The extension of State Route 31 south of the Orange River is prohibited;
3. The extension of Ellis Road is prohibited;
4. The extension of Staley Road to State Route 82 is prohibited;
5. No new east/west collector roadways will be planned or built within the Buckingham ~~Rural~~Rural Community Preserve;
6. All future rights-of-way in Buckingham will be no greater than ~~100~~ **80 100** feet (except for Buckingham Road and Luckett Road extensions);
7. The extension and connection of Long Road to Ellis ~~r~~Road is prohibited. (Amended by Ordinance No. 94-30, 99-15, 00-22)

DOT's comment is that the expansion of the boundaries from the Rural Community Preserve to the whole planning community is a concern when it comes to the road limitations under Objective 17.2. DOT is well into the Luckett Road alignment study, working with the objective as currently written, so a change could cause problems.

The change to point 6 under the objective is a concern. The change from 100 feet to 80 feet would appear to be an attempt to prohibit collector roads which is not good transportation planning. Buckingham is positioned between Lehigh Acres and Fort Myers and traffic is going to come through their community. Additional collector roads may be necessary in the future.

POLICY 17.2.1: Lee County will make every effort to reduce traffic and its affects through the Buckingham Community. This includes, but is not limited to, restricting the number of collector roads, analyzing alternative routes, limiting light pollution, and installing landscaping compatible with the rural character of the Buckingham Community.

Lee County DOT staff cannot support this policy as written. Please see the attached comments. Buckingham residents believe this policy is very important and think it is essential to help them maintain the rural character of their community.

POLICY 17.2.2: Lee County will improve the operational and safety issues on roads within the Buckingham Community. Specifically, Lee County will improve safety on Neal Road, Orange River Boulevard, Buckingham Road, Orange River Road, and Cemetery Road.

Staff is unsure what measures to improve safety on Neal Road, Orange River Boulevard, Buckingham Road, Orange River Road, and Cemetery Road the community is expecting. Depending on the traffic situation that needs to be addressed, 4-laning with a median might improve the safety, but that may not be a solution that the community would want. There is no data and analysis that indicates there is a safety problem on those roads and no funding sources have been identified to pay for any safety improvements. Staff does not recommend transmitting the proposed policy as written for the above reasons and because the policy language is too vague.

Additional Comments from the Department of Transportation and the County Attorney's Office are attached.

OBJECTIVE 17.3: SEWER AND WATER PUBLIC FACILITIES AND UTILITIES. In order to discourage unwanted urban development, central sewer lines will not be extended into the Buckingham Rural Community Preserve, except in the areas identified by Map 7 as Future Sanitary Sewer Service Areas, the existing Resource may be extended along major roads of the Buckingham Rural Preserve upon request of property owners, with extension and connection fees paid by the person(s) requesting the water service. Connection to this expanded water service network will be on a voluntary basis. Under no circumstances will the availability of central water be accepted as justification for a density increase, or reduction of lot size requirements, within the Buckingham Rural Community Preserve. (Amended by Ordinance No. 00-22, 03-19) To protect the rural character of the Buckingham Community, public facilities and utilities that detract or diminish the overall community character are prohibited.

Objective 17.3 is not measurable. Whether a public facility would diminish the overall community character is subjective. The County may need a wastewater treatment facility within the Gulf Coast Center, if acquired. The County is currently negotiating the purchase of land owned by Lee County Mosquito Control and is planning an Emergency Operations Center on that site.

POLICY 17.3.1: In order to discourage unwanted urban development, central sewer lines will not be extended into the Buckingham Community, except in the areas identified by Map 7 as Future Sanitary Sewer Service Areas, the existing Resource Recovery Facility, the adjacent Lee County Parks and Recreation Facility, and any future Emergency Operations Center facility.

This policy raises issues with those urban areas within the Buckingham Community where the full range of urban services are anticipated. There is also the potential to affect the planned Emergency Operations Center on property the County is negotiating to acquire from Lee County Mosquito Control. Even if the County is not prevented from bringing sewer service to the EOC site, the ability of others to tie into this line may be limited, thus burdening the County with a larger portion of the cost. It is the desire of the community not to require any connection to the

extension of central sewer lines. With the exception of the revision recommended by staff, this policy language is already in the Lee Plan under Objective 17.3.

POLICY 17.3.2: Central water lines may be extended along roads of the Buckingham Rural Community Preserve upon request of property owners, with extension and connection fees paid by the person(s) requesting the water service. Connection to this expanded water service network will be on a voluntary basis. Under no circumstances will the availability of central water be accepted as justification for a density increase, or reduction of lot size requirements, within the Buckingham Community. (Amended by Ordinance No. 00-22, 03-19)

Staff does not have a problem with proposed Policy 17.3.2. Virtually the same language is already in the Lee Plan in Objective 17.3.

POLICY 17.3.3: Residential natural gas lines are allowed within the Buckingham Community. All other fuel transmission lines, including commercial natural gas lines are prohibited.

Planning staff received no comments on Policy 17.3.3.

POLICY 17.3.4: All new large development, as defined in Chapter 10 of the Land Development Code, for which a local development order is required, **shall must** install utilities underground. Utilities include, but not limited to, electricity, telephone, and cable lines.

Large development is defined as a project of ten acres or more in land area or two acres or more in impervious surface. This requirement to install utilities under ground could increase the cost of construction, however the ability to cluster development as described in proposed policy 17.1.5 could help offset costs to some degree.

POLICY 17.3.5: The Buckingham Community recognizes the historic value of the Buckingham Army Airfield, the residential airparks, and the public service contributions of the Mosquito Control District and other public safety uses of the airfield. The Buckingham Community supports the Mosquito Control District in limiting its activities to those consistent with its purpose and the provision of other public services.

POLICY 17.3.6: The Buckingham community encourages Lee County to acquire Gulf Coast Center for uses consistent with and appropriate to those values of historic rural character and environmental protection expressed in Goal 17 of the Lee Plan. **No temporary or emergency operation disaster aftermath facilities will be allowed, including FEMA trailers.**

Lee County Public Safety and Lee County Human Services have objections to this policy. In the event of a natural disaster providing temporary housing in the Buckingham Community may be a necessity. It could be argued that a regional wastewater treatment facility or some other facility that may be proposed for that site would not be consistent and appropriate with the historical rural character of Buckingham.

POLICY 17.3.7: Detention and correctional facilities are prohibited within the Buckingham Community boundaries.

Although staff did not receive any comments on this policy, we have concerns about precluding any future need for a detention or correctional facility in this part of Lee County.

POLICY 17.3.8: ~~Additional water treatment, sewage treatment, reclamation facilities, landfills, industrial facilities, and resource recovery facilities are prohibited in the Buckingham Community.~~

Lee County may need to place a regional wastewater treatment facility in the Buckingham Community at some future time to serve the Lehigh Acres community to the east. This policy would prevent such a facility from being constructed.

POLICY 17.3.9: East County Water Control District is encouraged to continue to develop and maintain its infrastructure to minimize flooding and manage flows down the Orange River. In addition, ECWCD is encouraged to develop a system to warn residents in advance of large releases of water. ECWCD is also encouraged to develop means to improve water quality.

OBJECTIVE 17.4: LANDSCAPING, BUFFERING, COMMUNITY AESTHETICS, AND QUALITY OF LIFE. As a means for protecting and enhancing the Buckingham Community's historic rural character and environmental values, developments, utilities, public services, road, and land use changes or improvements ~~shall~~ **will** provide appropriate landscaping, buffering, and community aesthetics to ensure that a rural lifestyle is preserved.

Buffering requirements are located in Chapters 10 and 34 of the Land Development Code. The Buckingham Community has no buffering requirements in excess of those found in the LDC. If the community would like buffering requirements specific to Buckingham then new land development regulations will need to be adopted.

POLICY 17.4.1: Public Utility infrastructure facilities are required to establish and maintain an appropriate vegetative buffer using native materials. Buffering materials must be designed to enhance and protect the aesthetic values inherent to the Buckingham community. This is to include, electrical facilities, substations, ~~distribution and transmission lines~~; resource recovery facilities; and ~~telephone facilities~~. **Utility companies** should install and maintain buffers that ~~obscure unsightly facilities~~.

Staff does not know how the County could effectively buffer transmission lines. It is unclear what telephone facilities are.

Buffering requirements are regulated by Section 10-416 of the Land Development Code. The buffering requirement for public facilities are the same as those required for commercial uses. There are no buffering requirements for public facilities that are specific to the Buckingham

community. If the Buckingham community would like to see different buffering requirements for public facilities it will require an amendment to the land development regulations.

POLICY 17.4.2: Lee County will mitigate the negative aesthetic effects of the waste-to-energy incinerator in the Buckingham Community by regularly providing trash pick up on affected roads and establishing and maintaining an appropriate vegetative buffer.

The Buckingham community is concerned about trash blowing off of trucks that are traveling to the County incinerator and would like for the County to increase efforts to collect that debris.

POLICY 17.4.3: Within the Buckingham Community, residential walls are prohibited as boundaries for housing subdivisions or large residential developments. Berms are allowed in accordance with the Lee County Land Development Code, but should be designed to be undulating.

There is precedent for prohibiting walls in the Pine Island community. Policy 14.3.5 states: The county will amend its land development code to provide specific regulations for neighborhood connectivity and walls and gates on Greater pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These regulations would require interconnections between adjoining neighborhoods wherever feasible and would no longer allow perimeter walls around larger developments (Added by Ordinance No. 03-03)

The Land Development Code was amended as follows:

Sec. 33-1086. Residential project fences and walls. *New residenetial project fences or walls are not permitted in Greater Pine Island (see section 34-1743). This restriction does not affect buffer walls that may be required by section 10-416.*

The Land Development Code should be amended to implement Policy 17.4.3.

POLICY 17.4.4: Residential and commercial lighting should be designed to reduce light pollution and light trespass in the Buckingham Community.

Outdoor Lighting Standards are addressed in Section 34-625 of the Land Development Code. Policy 17.4.4 is not inconsistent with those standards.

OBJECTIVE 17.5: ENVIRONMENT, OPEN SPACE AND PARKS. The Buckingham community values its rural environment and has a goal of protecting open space for the present and future generations.

POLICY 17.5.1: Lee County will develop a plan for an interconnected system of parks, hiking, and horse riding trails within the Buckingham Community.

The Board of County Commissioners adopted the Lee County Greenways Multi-Purpose Recreational Trails Master Plan on May 16, 2007. It is unclear what additional plans are

anticipated by this policy, or what funding sources would be used to pay for them. Staff does not recommend transmitting this policy at this time.

POLICY 17.5.2: Any access to the Orange River within the Buckingham Community that is to be developed by Lee County will be limited to non-commercial residential use.

Staff can envision the benefit of a limited commercial use, such as a boat rental facility, at locations that access the Orange River. Policy 17.5.2 would prevent such a facility in the future. The Buckingham community does not want any commercial facilities, such as boat rentals, near the Orange River. Residents are concerned about protecting that resource and believe that an attraction such as a boat rental operation would cause too much impact to the river.

POLICY 17.5.3: The removal of exotic plants, as defined by the state or county, is encouraged within the Buckingham Community.

The removal of exotic vegetation is encouraged County wide.

OBJECTIVE 17.6: AGRICULTURE. In order to preserve and promote the existing agricultural land use pattern in the Buckingham Community, all policies in the Buckingham Plan ~~shall~~ **will** consider value of land in Buckingham and in the granting of agricultural exemptions.

Objective 17.6 and several of the following policies regarding the Property Appraiser, assessments and agricultural exemptions were written with the assistance of the Lee County Property Appraiser. Staff does not necessarily see the benefit of the following policies but does not object to them.

POLICY 17.6.1: Lee County will work closely with the Property Appraiser to insure that the Goal, Objectives and Policies of the Buckingham Plan are given full consideration in assessing the value of land in Buckingham and in the granting of agricultural exemptions.

POLICY 17.6.2: The Buckingham Community Plan recognizes the land use of small family farm of no more than ten acres, where the owner resides on the property, and stipulates that it can be a viable commercial activity.

POLICY 17.6.3: If a small family farm loses its agricultural exemption, the Property Appraiser will utilize appropriate formulas for applying the homestead exemption to the former agricultural land.

POLICY 17.6.4: The Property Appraiser will give full consideration to any agricultural or conservation easements when assessing property in Buckingham.

POLICY 17.6.5: Crops grown for alternative energy sources on an experimental basis, such as *Jatropha Curcas*, shall will be considered as a commercial agricultural activity by the Property Appraiser.

POLICY 17.6.6: Boarding stables will be allowed to give lessons and clinics to non-boarders by right if the owner or operator resides on site, if no clinics are held after 7:00 PM, and the operation does not create a use, road access or drainage nuisance to its neighbors.

This policy should be further clarified in the Land Development Code. Hours of operation and scope of use are typically addressed in the Land Development Code.

PART III - LOCAL PLANNING AGENCY

REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: November 19, 2007

A. LOCAL PLANNING AGENCY REVIEW

Planning staff gave an overview of the proposal and explained their recommendations to the LPA. Questions and answers ensued regarding: 1) traffic counts/accident data; 2) population estimates; 3) location of existing commercial development; 4) the allocation table that was distributed to the LPA; 5) Staff's proposed 2030 allocation for Buckingham; 6) impacts due to a large tract of land on Tice Road purchased by the School District; 7) impacts due to a large tract being proposed to be annexed into the City of Fort Myers on Luckett Road; 8) the County's plans for mitigating some of these impacts; 9) the planning community and planning area boundaries; 10) outreach efforts; 11) how staff will evaluate applications that are not within the community boundary but are adjacent to it; 12) Bert Harris issues; and, 13) Map 7 regarding sewage utility service and its extension.

The president of the Buckingham Community Planning Panel stated that they did meet with the Lehigh Acres Community Planning Panel and the expanded planning area proposed for the Buckingham community did not conflict with the Lehigh Acres planning effort. He stated that reducing traffic and its effects was very important to the Buckingham community. He stated that the expansion of sewer and public utilities that could lead to the urbanization of the Buckingham community was not supported, but they did not object to sewer service being expanded to the proposed Emergency Operations Center facility if the community did not have to subsidize that expansion by being required to connect to the sewer service. They did object to the construction of a tower at the EOC site because of possible conflicts with the airfield.

He went on to say that the Buckingham Community did support Policy 17.3.6 that prohibits temporary emergency housing and supports Policy 17.5.2 that limits access to the Orange River to non-commercial residential use. He stated that the community wanted to keep Objective 17.6 and subsequent policies regarding the value of land and agricultural exemptions in their plan. Finally, he stated that the planning panel did not consider the allocation tables as a component of their plan, and did not address them specifically.

Several members of the public, including the President of the Buckingham Conservancy, and the

consultant that assisted in the drafting of the Buckingham Community Plan, spoke in favor of the amendment and asked the LPA to recommend transmittal of their original language.

The public comment segment was closed and one LPA member suggested the Buckingham Community Planning area be expanded beyond the Rural Community Preserve to match the Buckingham Planning Community boundaries. He stated that would give the community greater control over a larger area of land, especially growth that will affect the community. He believed the allocation table would need to be amended as well to reflect that the expanded Community Planning area is located in the Urban Community Future Land Use Map category.

One LPA member expressed concern over Objective 17.6 having people in various communities lobby the Property Appraiser to outline parameters by which the Property Appraiser should appraise properties in the plan. He had concerns with that level of specificity in the plan and having different documents for the Property Appraiser to use for the different planning communities.

Another LPA member stated there were many traffic problems on some of the roads, in particular, Buckingham Road and in the Rural Community Preserve area. She stated she wanted to see LCDOT be more proactive in trying to address some of these issues by working together with the Buckingham community.

An LPA member stated that he did not have any overall objection to this plan amendment. His concern was that there are several areas of the plan that are not specific enough. He believed this would be a problem when it is transmitted to the Department of Community Affairs for review.

An LPA member stated this community has been working on this plan for a long period of time. He did not feel the County should make changes that would override everything this community has been working towards. He stated that many of the items staff proposed to delete should be reinstated and that they needed to work with the community to help write some appropriate goal language to help them accomplish these goals.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY.

1. RECOMMENDATION: Recommend that the Board of County Commissioners transmit CPA 2007-00049 with the following changes to staff's recommendation:

- a. Adopt the planning community boundary as the new community planning area boundary for the Buckingham community.
- b. **POLICY 17.2.1:** Lee County will ~~make every effort~~ work with the Buckingham community to reduce traffic and its effects through the Buckingham Community. This includes, but is not limited to, restricting the number of collector roads, analyzing alternative routes and safety issues, limiting light pollution, and installing landscaping compatible with the rural character of the Buckingham Community.

- c. **POLICY 17.3.6:** The Buckingham community encourages Lee County to acquire Gulf Coast Center for uses consistent with and appropriate to those values of historic rural character and environmental protection expressed in Goal 17 of the Lee Plan. No temporary or emergency operation disaster aftermath facilities will be allowed, including FEMA trailers.
- d. **POLICY 17.5.1:** Lee County will work with the Buckingham community to develop a plan for an interconnected system of parks, hiking, and horse riding trails within the Buckingham Community.
- e. **POLICY 17.5.2:** Any access to the Orange River within the Buckingham Community that is to be developed by Lee County will be limited to non-commercial residential use.
- f. **POLICY 17.6.6:** Boarding stables will be allowed to give lessons and clinics to non-boarders by right if the owner or operator resides on site, if no clinics are held after 7:00 PM and if the operation does not create a use, road access or drainage nuisance to its neighbors.

The motion passed 6-1. The LPA member that voted no stated his reasons were that he was concerned about transmitting language that pertained to the property appraiser (17.6.1 through 17.6.5), and said that rather than transmitting a policy that directs Lee County to develop a plan for an interconnected system of parks, hiking, and horse riding trails within the Buckingham community, the community should work with the County to have the greenways map amended.

Another LPA member made a motion to recommend transmittal of Policy 17.3.8 with the following changes:

- g. **Policy 17.3.8:** ~~Additional~~ The construction of potential water treatment, sewage treatment, reclamation facilities, landfills, industrial facilities, and resource recovery facilities are prohibited in not consistent with the goals of the Buckingham Community.

The motion passed 6-1.

The LPA clarified that the motion to change the Buckingham planning area included the corresponding change in Table 1(b), Year 2030 Allocations. That would include a proposed allocation for Buckingham of 135 acres in Urban Community.

- 2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff.

C. **VOTE:** The following vote was the same for both of the above motions:

NOEL ANDRESS	AYE
DEREK BURR	AYE
LES COCHRAN	AYE
RONALD INGE	NAY
CARLETON RYFFEL	AYE
RAE ANN WESSEL	AYE
LELAND TAYLOR	AYE

DATE OF PUBLIC HEARING: April 28, 2008

D. LOCAL PLANNING AGENCY REVIEW

During the implementation of the Evaluation and Appraisal Report in 2006 and 2007, the Board of County Commissioners decided not to increase any of the residential or commercial acreage allocations in Lee Plan Table 1(b), Year 2030 Allocation, in the Buckingham area. At that time the Board asked that the issue be addressed in the ongoing Buckingham Community Planning process. The Buckingham Community Planning update did not address the acreage allocation issue. Staff recommended that the allocations contained in the EAR amendment for Table 1(b), accounting for an additional 10 years of growth in the Buckingham Planning Community, be included.

Staff presented an April 21, 2008 memo and maps of residential uses within the Urban Community portion of the Buckingham Planning Community that is attached to this report. Staff's recommendation included increasing the Urban Community allocation from 51 acres to 150 acres; increasing the Outlying Suburban allocation from 49 acres to 66 acres; increasing the Rural allocation from 57 acres to 100 acres; and increasing the Rural Community Preserve allocation from 3,046 acres to 3,100 acres.

Staff distributed a document with some revised numbers for the allocation and reviewed the handout and the basis of the allocations with the LPA and public. At a minimum, staff recommends transmittal of the Urban Community allocation.

General questions and answers ensued between the LPA and staff. Topics discussed were: 1) Lehigh Village; 2) Industrial allocations; 3) the rationale for this increase; 4) Buckingham exceeding the allocation in the Urban Community designation within the Buckingham planning community; and, 5) how this information is used for keeping track of infrastructure needs relative to growth.

The LPA Chairman asked if anyone from the public wished to comment on this item. Public comment was received from:

Four members of the public spoke against staff's recommendation. An attorney representing the interests of several clients and their affiliated legal entities spoke in favor of staff's recommendation.

An LPA member felt there seemed to be a piece missing that would link this exercise with establishing infrastructure needs. There are 95 acres of single family homes already platted, so we have some large acreages that may be designated Urban Community, but there is no Development Order approval yet. She did not feel this amendment was helping to plan this community. She asked why we would increase these allocations when we have no infrastructure change to support it.

Another LPA member noted these allocations were a planning tool, however, the rules seem to have changed and the Board has decided that these allocations have meaning beyond just a planning tool. These allocations only seem to deal with development, but the people in the community do not want any development, so these county-wide allocations do not work for this particular community. He did not want to support staff's recommendations because although they may make sense from a planning perspective, they did not fit in with the perspective of the people in the community.

Another LPA member did not see any reason to change this because it does not take care of the underlying problem. The allocation is currently fixed at 51. As time goes on, that number is going to continue to grow as these lots are developed. Eventually, there will be no more Urban Community available in this community. Therefore, he did not see the point in making this change.

Another LPA member expressed concern with using our Land Use Map as a Zoning Map. He noted there were two separate processes in Lee County. The Land Use Map designates the future land use. However, there is still a zoning process that includes the Hearing Examiner and the Board of County Commissioners. If these changes go through, it does not mean that a contentious zoning case automatically happens. The Board of County Commissioners would make the final decision on that regardless of what the map says. He was in support of staff's recommendation since they explained why they felt these acreages need to be changed.

Another LPA member stated her main concern was the amount of the increase since the numbers are changing from 51 to 150. She felt this was a huge increase projection and was uncertain if that projection would continue to increase over time. She was also not certain whether 150 was a realistic number.

An LPA member stated the current system is of concern to the people in this community. He felt staff should approach the Board and discuss modifying the procedure that has always been used in the past so that when a single family lot is sold the allocation will automatically adjust. If this is done, staff will no longer need approvals or actions from the LPA.

An LPA member stated that one of the concerns is that no one is envisioning stopping any single family platted lots. There are currently 95 acres undeveloped that have not been zoned and have not received development orders. She reiterated that we are not linking our infrastructure needs to these development numbers.

Another LPA member agreed this is a problem because the property is already in the FLUM in this category, but it cannot be developed because of the allocation. The zoning does not match the FLUM. He noted this was a problem all over the County.

After lengthy discussion a motion was made to transmit the allocations recommended by staff in the April 21, 2008 memo. The motion failed 4-2. No other action was taken by the LPA.

E. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY.

- 1. RECOMMENDATION: A motion to recommend that the Board of County Commissioners make the changes to the allocation tables that are set forth in the April 21st, 2008 memo from staff to the LPA failed 4-2. According to Administrative Code 13-6 this is a recommendation to not transmit the staff recommended changes to Table 1(b).**

F. VOTE:

NOEL ANDRESS	NAY
LES COCHRAN	NAY
RONALD INGE	AYE
JACQUE RIPPE	NAY
CARLETON RYFFEL	ABSENT
RAE ANN WESSEL	NAY
LELAND TAYLOR	AYE

PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT

DATE OF TRANSMITTAL HEARING: October 22, 2008

A. BOARD REVIEW:

Staff advised the Board that the LPA recommendation was to transmit the amendment as recommended by the community with changes made by the LPA, **not** as recommended by staff with changes made by the LPA. Staff explained that the motion made by the LPA was not clear to them and that there was a misunderstanding.

Staff explained that if the amendment is to be transmitted as recommended by the community that there are several implications that needed to be explained and that there were a couple of conflicting policies that would need to be resolved. Staff reviewed those policies.

Following staff's presentation, several members of the public spoke in favor of transmitting the amendment as submitted by the community, with some of the LPA recommendations, but not with any of staff's recommendations.

The public hearing was closed and the amendment was discussed by the Board. The Board asked several questions of staff and after a short break a motion was made to **not** transmit the amendment and to include CPA 2007-00049 in the 2008/2009 round of amendments and to send it back to the LPA for their recommendation. The Board directed staff to work with the community prior to sending the amendment back to the LPA.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

Motion not to transmit CPA 2007-00049 and to include the amendment in the 2008/2009 round of comprehensive plan amendments.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The Board of County Commissioner accepted the findings of fact as advanced by staff and the LPA.

C. VOTE:

A. BRIAN BIGELOW	AYE
TAMMARA HALL	AYE
ROBERT P. JANES	AYE
RAY JUDAH	AYE
FRANKLIN B. MANN	AYE

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: _____

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

B. STAFF RESPONSE

PART VI - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT

DATE OF ADOPTION HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

A. BRIAN BIGELOW

TAMMARA HALL

ROBERT P. JANES

RAY JUDAH

FRANKLIN B. MANN

Gerald Campbell, FPEM
Chief of Planning
Lee County Emergency Management
PO Box 398
Fort Myers, FL 33902-0398
Telephone: 239-477-3620
Fax: 239-477-3636

From: Mudd, James P.

Sent: Thursday, August 02, 2007 3:16 PM

To: Campbell, George G.; Collins, Donna Marie; Daltry, Wayne; Eckenrode, Pete; Hansen, Chris; Horner, Bill; Houck, Pam; Jones, Timothy; Lavender, James; Lis, Carol A.; Loveland, David; Myers, Steve; Newman, William; Ottolini, Roland; Pavese, Michael; Richardson, Nettie; Roberts, Rick; Sampson, Lindsey; Smith, Regina Y.; Sweigert, Rebecca H.; Trebatoski, Kim; Velez, Sergio I.; Wilson, John; Yarbrough, John; Zettel, Mary

Subject: Upper Captiva and Buckingham proposed policies

Good afternoon, I've attached proposed policies for Upper Captiva and Buckingham. Johnson Engineering, the consultant working on those community plans, sent these to me so staff can provide comments prior to final submittal of the community plans in September. This is an opportunity for staff to provide input so that any issues we have can be resolved before the Lee Plan amendment deadline at the end of September. Please take the time to review the draft policies and let me know what policies would be problematic for your department or division. I'm going to a community meeting on Upper Captiva on August 18 (yes, Saturday - you're welcome to join me) so I would like your comments on those policies by August 16 and comments on Buckingham policies by the end of the month. Thanks for your help.

James Mudd, AICP
Principal Planner, Division of Planning
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, FL 33901-5500
P.O. Box 398
Fort Myers, FL 33902-0398

Phone: (239) 533-8180
Fax: (239) 485-8319

Mudd, James P.

From: Wilson, John
Sent: Tuesday, August 28, 2007 1:48 PM
To: Noble, Matthew A.; Cruz, Daniel L.; Mudd, James P.; Hawes, Karen B.
Cc: Campbell, George G.; Saniter, David J.; Gibbs, Mary ; Howell, Patricia J.; O Connor, Paul S.; Pavese, Michael P.; Howell, Patricia J.; Krejci, Jason; Bridges, Michael C.
Subject: RE: Upper Captiva and Buckingham proposed policies

Given that, then I guess we need to express our concerns on the proposed language in Objective 17.3 for the reasons documented in these emails.

John D. Wilson, Director
Lee County Public Safety
(239) 335-1600, Fax: (239) 335-1645
Cell: (239) 229-1117
wilsonjd@leegov.com
Mission: To provide help to those needing it, and the means by which to communicate that need.

From: Noble, Matthew A.
Sent: Tuesday, August 28, 2007 8:41 AM
To: Cruz, Daniel L.; Wilson, John; Mudd, James P.; Hawes, Karen B.
Cc: Campbell, George G.; Saniter, David J.; Gibbs, Mary ; Howell, Patricia J.; O Connor, Paul S.; Pavese, Michael P.; Howell, Patricia J.; Krejci, Jason; Bridges, Michael C.
Subject: RE: Upper Captiva and Buckingham proposed policies

I concur. This is a back-handed effort to limit the density on these Urban Community designated lands that are currently outside of the scope of the Buckingham goal. Clearly a Bert Harris issue....

From: Cruz, Daniel L.
Sent: Monday, August 27, 2007 8:17 PM
To: Wilson, John; Mudd, James P.; Hawes, Karen B.
Cc: Campbell, George G.; Saniter, David J.; Gibbs, Mary ; Howell, Patricia J.; Noble, Matthew A.; O Connor, Paul S.; Pavese, Michael P.; Howell, Patricia J.; Krejci, Jason; Bridges, Michael C.
Subject: RE: Upper Captiva and Buckingham proposed policies

John:

The implications of a prohibition on new sewer services may be even greater. Even if we are not prevented from bringing sewer service to our EOC site, the ability of others to tie into this line may be limited, thus burdening us with a larger portion of the cost. We had hoped to share this infrastructure cost with others.

Daniel Cruz

From: Wilson, John
Sent: Mon 8/27/2007 2:39 PM
To: Mudd, James P.; Hawes, Karen B.
Cc: Campbell, George G.; Saniter, David J.; Gibbs, Mary ; Howell, Patricia J.; Noble, Matthew A.; O Connor, Paul S.; Pavese, Michael P.; Cruz, Daniel L.; Howell, Patricia J.; Krejci, Jason; Bridges, Michael C.
Subject: RE: Upper Captiva and Buckingham proposed policies

10/26/2007

Thanks. If you could also include EMS stations in that as well, we'd appreciate it.

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Mission: To provide help to those needing it, and the means by which to communicate that need.

From: Mudd, James P.

Sent: Monday, August 27, 2007 2:22 PM

To: Wilson, John; Hawes, Karen B.

Cc: Campbell, George G.; Saniter, David J.; Gibbs, Mary ; Howell, Patricia J.; Noble, Matthew A.; O Connor, Paul S.; Pavese, Michael P.; Cruz, Daniel L.; Howell, Patricia J.; Krejci, Jason; Bridges, Michael C.

Subject: RE: Upper Captiva and Buckingham proposed policies

Thanks, John. I think at a minimum we can recommend excluding Critical Facilities from those policies. We may recommend going a little further than that. I'll keep you posted.

From: Wilson, John

Sent: Monday, August 27, 2007 1:56 PM

To: Mudd, James P.; Hawes, Karen B.

Cc: Campbell, George G.; Saniter, David J.; Gibbs, Mary ; Howell, Patricia J.; Noble, Matthew A.; O Connor, Paul S.; Pavese, Michael P.; Cruz, Daniel L.; Howell, Patricia J.; Krejci, Jason; Bridges, Michael C.

Subject: RE: Upper Captiva and Buckingham proposed policies

Importance: High

Jim,

I don't know if you receive my phone message I left a week or so ago regarding concerns I have with these proposed objectives (particularly 17.1 and 17.3) and their possible impact upon locating the County's proposed new EOC/Public Safety Building on property owned by Lee County Mosquito Control that the County is currently negotiating to buy. It seems to me that Policy 17.1.8 was written to preclude this new facility (assuming that it needs towers, which it does not). Also, Policy 17.3.1 and 17.3.5 could also preclude the building of this facility because the facility requires water and sewer connections that currently don't exist. Could Critical Facilities as defined in Article IV of the Land Development Code, Section 6.405, (3) be excluded from these requirements (i.e., "Structures used as law enforcement centers, fire stations, government vehicle and equipment storage facilities and emergency operations centers that are needed for emergency response activities before during and after a flood incident".)?

John D. Wilson, Director
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Mission: To provide help to those needing it, and the means by which to communicate that need.

From: Mudd, James P.

Sent: Monday, August 27, 2007 12:18 PM

To: Hawes, Karen B.

Cc: Campbell, George G.; Saniter, David J.; Gibbs, Mary ; Howell, Patricia J.; Noble, Matthew A.; O Connor, Paul S.; Pavese, Michael P.; Cruz, Daniel L.; Wilson, John; Howell, Patricia J.; Krejci, Jason

Subject: RE: Upper Captiva and Buckingham proposed policies

10/26/2007

The Buckingham planning community is a larger area than the Buckingham rural community preserve.

From: Hawes, Karen B.

Sent: Monday, August 27, 2007 11:54 AM

To: Mudd, James P.

Cc: Campbell, George G.; Saniter, David J.; Gibbs, Mary ; Howell, Patricia J.; Noble, Matthew A.; O Connor, Paul S.; Pavese, Michael P.; Cruz, Daniel L.; Wilson, John; Howell, Patricia J.; Krejci, Jason

Subject: RE: Upper Captiva and Buckingham proposed policies

Not understanding what the difference is between planning community and the rural community preserve. Will the use of FEMA trailers at Gulf Coast Center be an issue? As staff and in response to emergency situations how can we recommend any State or County owned parcel of land to be excluded from placing temporary housing if needed. Will a community plan over ride an emergency situation?

We have mapped GIS. We have review all county owned land and there are two parcels in Lee County, one in N. Ft. Myers, very small and the Buckingham Gulf Coast site. There is City of Ft. Myers land but if we were hit with a major storm this may not be accessible or advisable.

*Karen B. Hawes, Director
Department of Human Services
2440 Thompson Street
Ft. Myers, Florida 33901*

Telephone: 239-533-7930

Fax: 239-533-7960

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From: Mudd, James P.

Sent: Monday, August 27, 2007 11:40 AM

To: Hawes, Karen B.; Wilson, John; Howell, Patricia J.

Cc: Campbell, George G.; Saniter, David J.; Gibbs, Mary ; Howell, Patricia J.; Noble, Matthew A.; O Connor, Paul S.; Pavese, Michael P.; Cruz, Daniel L.

Subject: RE: Upper Captiva and Buckingham proposed policies

Attached is the latest version of the Buckingham plan amendment. The planning panel has modified Policy 17.3.5 to acknowledge the use of the Buckingham airfield by residents of the airparks. They have not changed Policy 17.3.6 which would prohibit FEMA trailers. They have been told that we will have a problem with that.

Please note that when the Buckingham community is referenced, they are referring to the Plannning community, not the rural community preserve. This proposed amendment will be submitted toward the end of September, so comments are still welcome.

From: Hawes, Karen B.

Sent: Friday, August 24, 2007 10:35 AM

To: Wilson, John; Howell, Patricia J.

Cc: Campbell, George G.; Saniter, David J.; Mudd, James P.; Gibbs, Mary ; Howell, Patricia J.

Subject: RE: Upper Captiva and Buckingham proposed policies

Hey all, from Long Term Recovery perspective we would recommend that the emergency situations be allowed. There are few parcels in the County that could be used as a transitional housing area. This of course would be a

10/26/2007

last resort but if we had a major we need to place people somewhere. Is there any way that we can strike the last line of this policy and worse case scenario allow this use? We would need permission from the BOCC to place trailers there anyway.

Policy 17.3.6: The Buckingham community encourages Lee County to acquire Gulf Coast Center for uses consistent with and appropriate to those values of historic rural character and environmental protection expressed in Goal 17 of the Lee Plan. ~~No temporary or emergency operation disaster aftermath facilities will be allowed, including FEMA trailers.~~

Karen B. Hawes, Director
Department of Human Services
2440 Thompson Street
Ft. Myers, Florida 33901

Telephone: 239-533-7930
Fax: 239-533-7960

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From: Wilson, John
Sent: Friday, August 03, 2007 11:08 AM
To: Hawes, Karen B.; Howell, Patricia J.
Cc: Campbell, George G.; Saniter, David J.
Subject: FW: Upper Captiva and Buckingham proposed policies
Importance: High

Karen and Patricia,

See attached comment from Gerald regarding some proposed amendments to the Lee Plan for the Buckingham area.

See the proposed language in Policy 17.3.6 (see pg 4 of attachment). Someone drafting this had some knowledge that the Gulf Coast Center was one of the sites being considered for a temporary housing site. Unless you tell me otherwise, I believe we need to express concerns to Planning regarding this language and its negative impact on the County's Disaster Housing Plan.

John D. Wilson, Director
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(239) 335-1600, Fax: (239) 335-1645
Cell: (239) 229-1117
wilsonjd@leegov.com
Mission: To provide help to those needing it, and the means by which to communicate that need.

From: Campbell, George G.
Sent: Friday, August 03, 2007 9:31 AM
To: Wilson, John; Saniter, David J.
Cc: Kelley, Terry M.
Subject: FW: Upper Captiva and Buckingham proposed policies

Community Development is not my area of expertise, but in reading the Buckingham document (specifically Objective 17.3) I see some potential for challenge to the new EOC location (and future disaster housing). I may be over reacting, but wanted to offer this for your consideration in case it is something we should address here.

10/26/2007

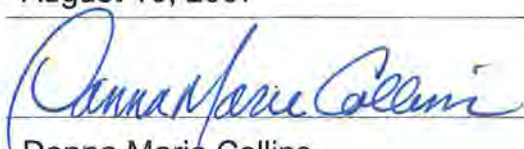
**MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY**

RECEIVED
AUG 20 2007

COMMUNITY DEVELOPMENT

DATE: August 16, 2007

TO: James Mudd, Principal Planner
Planning Division

FROM: 
Donna Marie Collins
Assistant County Attorney

RE: **Proposed Policies for Buckingham Community Plan
LU-06-12-2090.N.**

Thank you for the opportunity to review the proposed Lee Plan policies for the Buckingham Community. The scope of this review of the proposed policies was limited to the following three areas: 1) Legal; 2) Financial; and 3) Internal Consistency with the Lee Plan.

My observations and recommendations are set forth below:

1. Goal 17. Since there is no legal description of the "new" Buckingham Community, it is possible that parcels may be split by the boundary lines shown only as shading on a map.
2. Objective 17.1. This objective would benefit from some clarification. Is the prohibition on Comprehensive Plan Amendments only as to property currently within the Buckingham Rural Community Preserve (BRCP)? May the land use categories such as Public Facilities, Outlying Suburban, and Urban Community that are proposed for inclusion into the newly defined Buckingham Community be intensified? If the categories other than BRCP can still be intensified through the Comp Plan amendment process, then the proposed objective is satisfactory. This is because prohibition already exists as to property currently classified as BRCP. However, if other land use categories proposed for inclusion within the newly defined Buckingham Community may no longer be intensified, then the proposed prohibition raises issues under the Bert J. Harris, Jr., Private Property Protection Act (Bert J. Harris).
3. Policy 17.1.1. The prohibition on rezoning property to RVPD within the areas proposed for inclusion within the "new" Buckingham Community creates potential Bert J. Harris liability for the County. For this reason, the Office of the County Attorney recommends that the Planning Division inventory the property that would be subject to this prohibition so that the BOCC understands the range of property that will be affected by the proposed limitation of development potential. This inventory would include only those properties that are proposed for inclusion in the Buckingham Community.

Re: Proposed Policies for Buckingham Community Plan
LU-06-12-2090.N.

4. Policy 17.1.2. The text of this policy raises potential Bert J. Harris implications. The Outlying Suburban and Urban Community areas proposed for inclusion in the Buckingham Community can support commercial development at the intersection of roadways, but for the adoption of this policy. For this reason, the Planning Division should inventory the property in the newly defined Buckingham Community that could support commercial development so that the scope of potential liability can be analyzed and explained to the BOCC prior to the final adoption hearing. Also, please note that "development," as defined by Florida Statutes, Section 380.04, includes reconstruction and alteration of the size of structures, as well as material changes in the external appearance of structures. The definition also includes demolition within its scope. The proposed policy would prohibit even these activities outside the single commercial node of Orange River Boulevard and Buckingham Road.
5. Policy 17.1.4. This policy is confusing. If the intent is to limit density to one unit per acre in all areas in the newly defined Buckingham Community, then there are Bert J. Harris implications as to the property currently designated as Outlying Suburban and Urban Community. The Outlying Suburban Future Land Use Category allows from one to three dwelling units per acre. Areas within the Urban Community Future Land Use Category could support between one and six units per acre. Furthermore, property currently designated as Urban Community can potentially support bonus density up to 10 units per acre. The opportunity to achieve these density ranges will be foreclosed by the proposed policy. Lands currently classified as Future Urban will now have a limited scope of development and, for this reason, this policy creates potential liability under Bert J. Harris. While the future land use categories support a higher range of density, this policy appears to restrict the development potential to only one unit per acre.
6. Policy 17.1.5. Please consider the following grammatical suggestion:

Sub-Paragraph 1 - Substitute "and" for "and/or" in the first line.

Sub-paragraph 3: Please note that a conservation easement may not be appropriate over golf courses due to the limited uses that are permitted within conservation easement areas.

Sub-paragraph 6: Please consider relocating the text within this paragraph to the main paragraph of the policy. Also, clarification is necessary to determine whether the standard desired is County-maintained roads.
7. Policy 17.1.6. The language of this policy must be clarified. It appears to regulate the development of property outside the boundary of the proposed Buckingham Community. If this is the case, please note that there are Bert J. Harris implications since much of the

Re: Proposed Policies for Buckingham Community Plan
LU-06-12-2090.N.

area surrounding the BRCP has urban land use designations that support higher densities and intensities including multi-family development. Also, how far from the community boundary is this policy intended to apply? Feet or miles?

8. Policy 17.1.7. The increase in the riverbank set back from 25 to 50 feet raises the potential for claims under the Bert J. Harris Act.
9. Objective 17.2. Please consult with the Department of Transportation regarding Objective 17.2 and Policies that follow. Also note that paragraph one under Objective 17.2. may conflict with the County's plan to extend Lockett Road.
10. Policy 17.2.1. The proposed restriction of the number of collector roads within the Buckingham Community may result in level-of-service issues on existing roadways. The proposed limitations may raise Comprehensive Plan issues pertaining to transportation concurrency that DOT may wish to comment on further.

Please note that the proposed landscape installation will result in costs to Lee County if it is above what is considered "core" on existing roadways.

11. Policy 17.2.2. This policy would benefit from additional clarity as the term "improved safety" is subject to interpretation. What level of improvements are contemplated by this policy? Also, what is intended to be the funding source for these improvements?
12. Policy 17.3.1. This proposed policy raises issues pertaining to the areas that currently are classified as Urban Community where the full range of urban services are anticipated. This policy limits the scope of services that these landowners can anticipate in the future, which may result in a potential liability under the Bert J. Harris Act.
13. Policy 17.3.4. The use of the term "large" in this policy is vague. Please consider clarifying further what is to be encompassed by the term "large."
14. Policy 17.3.5. The wording of this policy is vague. What is the intended purpose? The Mosquito Control District owns land in the area that is suitable for development. Is this policy intended to limit the scope of uses that can be developed on those properties? If so, there are Bert J. Harris Act implications.
15. Policy 17.3.6. The proposed prohibition against the temporary use of the Gulf Coast Center property for emergency operations may potentially conflict with the Board's police power to act to preserve the health, safety, and welfare of the citizens of Lee County in a post-disaster scenario.

Re: Proposed Policies for Buckingham Community Plan
LU-06-12-2090.N.

16. Policy 17.3.7. Kindly share this proposed policy with the Public Works Department to determine whether the County's long-range plans include the placement of detention or correctional facilities within the newly proposed boundaries of the Buckingham Community.
17. Policy 17.3.8. Please allow the Division of Solid Waste and Department of Public Works the opportunity to review this policy and confirm whether the proposal conflicts with the County's long-range plans.
18. Policy 17.4.1. This policy is awkwardly worded. Please consider revisiting the structure of this paragraph, particularly the second sentence. Furthermore, please note that in 2006, the Florida Legislature amended Chapter 163, F.S., to allow electrical substations as a permitted use in certain areas. (See Section 163.3208, F.S.) The legislative intent set forth in the Statutes notes that it is essential that electric infrastructure be constructed and maintained in various locations in order to ensure the efficient and reliable delivery of electric service. While the Legislature concedes that electric infrastructure should be constructed to achieve compatibility with the adjacent and surrounding land uses, the Florida Legislature developed the criteria that will govern the achievement of the balance between the need for electricity and land use compatibility. As to electrical substations, local governments may only adopt and enforce land development regulations for new distribution electric substations that address set back, landscaping, buffering, screening, lighting, and other aesthetic compatibility-based standards only. This would appear to foreclose a prohibition of the use. In addition, the Statute prohibits vegetative buffers or screening beneath aerial access points in excess of 14 feet. New distribution electric sub-stations are deemed a permitted use in all land use categories and zoning districts within a utility service territory, except those areas designated as preservation, conservation, or historic preservation on the Future Land Use Map. A copy of the relevant Section of Florida Statutes has been appended to this memo for ready reference.
19. Policy 17.4.2. It is not clear what this policy seeks to accomplish.
20. Objective 17.5. This objective requires the County to develop a plan for an interconnected system of parks, hiking, and horse trails within the Buckingham Community. The references to this plan do not identify funding sources for this endeavor. Is an MSBU envisioned for property owners who will benefit from these improvements? If not, compliance with policy 17.5.1. will require both time and financial resources to develop and implement the plan and acquire the property necessary to make the envisioned improvements.
21. Policy 17.5.1. This policy appears to preclude public use by limiting access to residential uses. Was this the intent? Would this proposed policy preclude public launching areas?

Re: Proposed Policies for Buckingham Community Plan
LU-06-12-2090.N.

22. Policy 17.6.1. Please seek clarification on the type of "exemptions" contemplated by this policy.
23. Policy 17.6.2. The parameters set forth in this proposed policy are more appropriate in the Land Development Code. Hours of operation and scope of use are typically addressed in the Land Development Code.

Thank you for the opportunity to review the proposed plan amendments. As you can see from my comments above, several of the proposed policies have Bert J. Harris implications. In addition, other policies will require the County's financial involvement beyond core level services without an identified funding source. In closing, please note that the use of the word "shall" has been discontinued in the Lee Plan in favor of the words "must" and "will."

I look forward to further submittals in connection with the proposed Lee Plan Policies affecting Buckingham.

DMC/amp
Attachment

cc: Timothy Jones, Chief Assistant County Attorney
Paul O'Connor, Director, Planning Division
Matt Noble, Principal Planner, Planning Division
David Loveland, Manager, Public Works Operations, DOT Engineering
Andy Getch, Engineering Manager I, DOT Engineering

Mudd, James P.

From: Wilson, John
Sent: Tuesday, August 28, 2007 1:48 PM
To: Noble, Matthew A.; Cruz, Daniel L.; Mudd, James P.; Hawes, Karen B.
Cc: Campbell, George G.; Saniter, David J.; Gibbs, Mary ; Howell, Patricia J.; O Connor, Paul S.; Pavese, Michael P.; Howell, Patricia J.; Krejci, Jason; Bridges, Michael C.
Subject: RE: Upper Captiva and Buckingham proposed policies

Given that, then I guess we need to express our concerns on the proposed language in Objective 17.3 for the reasons documented in these emails.

John D. Wilson, Director
 Lee County Public Safety
 (239) 335-1600, Fax: (239) 335-1645
 Cell: (239) 229-1117
wilsonjd@leegov.com
 Mission: To provide help to those needing it, and the means by which to communicate that need.

From: Noble, Matthew A.
Sent: Tuesday, August 28, 2007 8:41 AM
To: Cruz, Daniel L.; Wilson, John; Mudd, James P.; Hawes, Karen B.
Cc: Campbell, George G.; Saniter, David J.; Gibbs, Mary ; Howell, Patricia J.; O Connor, Paul S.; Pavese, Michael P.; Howell, Patricia J.; Krejci, Jason; Bridges, Michael C.
Subject: RE: Upper Captiva and Buckingham proposed policies

I concur. This is a back-handed effort to limit the density on these Urban Community designated lands that are currently outside of the scope of the Buckingham goal. Clearly a Bert Harris issue....

From: Cruz, Daniel L.
Sent: Monday, August 27, 2007 8:17 PM
To: Wilson, John; Mudd, James P.; Hawes, Karen B.
Cc: Campbell, George G.; Saniter, David J.; Gibbs, Mary ; Howell, Patricia J.; Noble, Matthew A.; O Connor, Paul S.; Pavese, Michael P.; Howell, Patricia J.; Krejci, Jason; Bridges, Michael C.
Subject: RE: Upper Captiva and Buckingham proposed policies

John:

The implications of a prohibition on new sewer services may be even greater. Even if we are not prevented from bringing sewer service to our EOC site, the ability of others to tie into this line may be limited, thus burdening us with a larger portion of the cost. We had hoped to share this infrastructure cost with others.

Daniel Cruz

From: Wilson, John
Sent: Mon 8/27/2007 2:39 PM
To: Mudd, James P.; Hawes, Karen B.
Cc: Campbell, George G.; Saniter, David J.; Gibbs, Mary ; Howell, Patricia J.; Noble, Matthew A.; O Connor, Paul S.; Pavese, Michael P.; Cruz, Daniel L.; Howell, Patricia J.; Krejci, Jason; Bridges, Michael C.
Subject: RE: Upper Captiva and Buckingham proposed policies

Thanks. If you could also include EMS stations in that as well, we'd appreciate it.

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Mission: To provide help to those needing it, and the
means by which to communicate that need.

From: Mudd, James P.
Sent: Monday, August 27, 2007 2:22 PM
To: Wilson, John; Hawes, Karen B.
Cc: Campbell, George G.; Saniter, David J.; Gibbs, Mary ; Howell, Patricia J.; Noble, Matthew A.; O Connor, Paul S.; Pavese, Michael P.; Cruz, Daniel L.; Howell, Patricia J.; Krejci, Jason; Bridges, Michael C.
Subject: RE: Upper Captiva and Buckingham proposed policies

Thanks, John. I think at a minimum we can recommend excluding Critical Facilities from those policies. We may recommend going a little further than that. I'll keep you posted.

From: Wilson, John
Sent: Monday, August 27, 2007 1:56 PM
To: Mudd, James P.; Hawes, Karen B.
Cc: Campbell, George G.; Saniter, David J.; Gibbs, Mary ; Howell, Patricia J.; Noble, Matthew A.; O Connor, Paul S.; Pavese, Michael P.; Cruz, Daniel L.; Howell, Patricia J.; Krejci, Jason; Bridges, Michael C.
Subject: RE: Upper Captiva and Buckingham proposed policies
Importance: High

Jim,

I don't know if you receive my phone message I left a week or so ago regarding concerns I have with these proposed objectives (particularly 17.1 and 17.3) and their possible impact upon locating the County's proposed new EOC/Public Safety Building on property owned by Lee County Mosquito Control that the County is currently negotiating to buy. It seems to me that Policy 17.1.8 was written to preclude this new facility (assuming that it needs towers, which it does not). Also, Policy 17.3.1 and 17.3.5 could also preclude the building of this facility because the facility requires water and sewer connections that currently don't exist. Could Critical Facilities as defined in Article IV of the Land Development Code, Section 6.405, (3) be excluded from these requirements (i.e., "Structures used as law enforcement centers, fire stations, government vehicle and equipment storage facilities and emergency operations centers that are needed for emergency response activities before during and after a flood incident".)?

John D. Wilson, Director
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Cell: (239) 229-1117
wilsonjd@leegov.com
Mission: To provide help to those needing it, and the
means by which to communicate that need.

From: Mudd, James P.
Sent: Monday, August 27, 2007 12:18 PM
To: Hawes, Karen B.
Cc: Campbell, George G.; Saniter, David J.; Gibbs, Mary ; Howell, Patricia J.; Noble, Matthew A.; O Connor, Paul S.; Pavese, Michael P.; Cruz, Daniel L.; Wilson, John; Howell, Patricia J.; Krejci, Jason
Subject: RE: Upper Captiva and Buckingham proposed policies

The Buckingham planning community is a larger area than the Buckingham rural community preserve.

From: Hawes, Karen B.

Sent: Monday, August 27, 2007 11:54 AM

To: Mudd, James P.

Cc: Campbell, George G.; Saniter, David J.; Gibbs, Mary ; Howell, Patricia J.; Noble, Matthew A.; O Connor, Paul S.; Pavese, Michael P.; Cruz, Daniel L.; Wilson, John; Howell, Patricia J.; Krejci, Jason

Subject: RE: Upper Captiva and Buckingham proposed policies

Not understanding what the difference is between planning community and the rural community preserve. Will the use of FEMA trailers at Gulf Coast Center be an issue? As staff and in response to emergency situations how can we recommend any State or County owned parcel of land to be excluded from placing temporary housing if needed. Will a community plan over ride an emergency situation?

We have mapped GIS. We have review all county owned land and there are two parcels in Lee County, one in N. Ft. Myers, very small and the Buckingham Gulf Coast site. There is City of Ft. Myers land but if we were hit with a major storm this may not be accessible or advisable.

*Karen B. Hawes, Director
Department of Human Services
2440 Thompson Street
Ft. Myers, Florida 33901*

Telephone: 239-533-7930

Fax: 239-533-7960

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From: Mudd, James P.

Sent: Monday, August 27, 2007 11:40 AM

To: Hawes, Karen B.; Wilson, John; Howell, Patricia J.

Cc: Campbell, George G.; Saniter, David J.; Gibbs, Mary ; Howell, Patricia J.; Noble, Matthew A.; O Connor, Paul S.; Pavese, Michael P.; Cruz, Daniel L.

Subject: RE: Upper Captiva and Buckingham proposed policies

Attached is the latest version of the Buckingham plan amendment. The planning panel has modified Policy 17.3.5 to acknowledge the use of the Buckingham airfield by residents of the airparks. They have not changed Policy 17.3.6 which would prohibit FEMA trailers. They have been told that we will have a problem with that.

Please note that when the Buckingham community is referenced, they are referring to the Plannning community, not the rural community preserve. This proposed amendment will be submitted toward the end of September, so comments are still welcome.

From: Hawes, Karen B.

Sent: Friday, August 24, 2007 10:35 AM

To: Wilson, John; Howell, Patricia J.

Cc: Campbell, George G.; Saniter, David J.; Mudd, James P.; Gibbs, Mary ; Howell, Patricia J.

Subject: RE: Upper Captiva and Buckingham proposed policies

Hey all, from Long Term Recovery perspective we would recommend that the emergency situations be allowed. There are few parcels in the County that could be used as a transitional housing area. This of course would be a

last resort but if we had a major we need to place people somewhere. Is there any way that we can strike the last line of this policy and worse case scenario allow this use? We would need permission from the BOCC to place trailers there anyway.

Policy 17.3.6: The Buckingham community encourages Lee County to acquire Gulf Coast Center for uses consistent with and appropriate to those values of historic rural character and environmental protection expressed in Goal 17 of the Lee Plan. ~~No temporary or emergency operation disaster aftermath facilities will be allowed, including FEMA trailers.~~

Karen B. Hawes, Director
Department of Human Services
2440 Thompson Street
Ft. Myers, Florida 33901

Telephone: 239-533-7930

Fax: 239-533-7960

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From: Wilson, John
Sent: Friday, August 03, 2007 11:08 AM
To: Hawes, Karen B.; Howell, Patricia J.
Cc: Campbell, George G.; Saniter, David J.
Subject: FW: Upper Captiva and Buckingham proposed policies
Importance: High

Karen and Patricia,

See attached comment from Gerald regarding some proposed amendments to the Lee Plan for the Buckingham area.

See the proposed language in Policy 17.3.6 (see pg 4 of attachment). Someone drafting this had some knowledge that the Gulf Coast Center was one of the sites being considered for a temporary housing site. Unless you tell me otherwise, I believe we need to express concerns to Planning regarding this language and its negative impact on the County's Disaster Housing Plan.

John D. Wilson, Director
Lee County Public Safety
(239) 335-1600, Fax: (239) 335-1645
Cell: (239) 229-1117
wilsonjd@leegov.com

Mission: To provide help to those needing it, and the means by which to communicate that need.

From: Campbell, George G.
Sent: Friday, August 03, 2007 9:31 AM
To: Wilson, John; Saniter, David J.
Cc: Kelley, Terry M.
Subject: FW: Upper Captiva and Buckingham proposed policies

Community Development is not my area of expertise, but in reading the Buckingham document (specifically Objective 17.3) I see some potential for challenge to the new EOC location (and future disaster housing). I may be over reacting, but wanted to offer this for your consideration in case it is something we should address here.

10/26/2007

Gerald Campbell, FPEM
Chief of Planning
Lee County Emergency Management
PO Box 398
Fort Myers, FL 33902-0398
Telephone: 239-477-3620
Fax: 239-477-3636

From: Mudd, James P.

Sent: Thursday, August 02, 2007 3:16 PM

To: Campbell, George G.; Collins, Donna Marie; Daltry, Wayne; Eckenrode, Pete; Hansen, Chris; Horner, Bill; Houck, Pam; Jones, Timothy; Lavender, James; Lis, Carol A.; Loveland, David; Myers, Steve; Newman, William; Ottolini, Roland; Pavese, Michael; Richardson, Nettie; Roberts, Rick; Sampson, Lindsey; Smith, Regina Y.; Sweigert, Rebecca H.; Trebatoski, Kim; Velez, Sergio I.; Wilson, John; Yarbrough, John; Zettel, Mary

Subject: Upper Captiva and Buckingham proposed policies

Good afternoon, I've attached proposed policies for Upper Captiva and Buckingham. Johnson Engineering, the consultant working on those community plans, sent these to me so staff can provide comments prior to final submittal of the community plans in September. This is an opportunity for staff to provide input so that any issues we have can be resolved before the Lee Plan amendment deadline at the end of September. Please take the time to review the draft policies and let me know what policies would be problematic for your department or division. I'm going to a community meeting on Upper Captiva on August 18 (yes, Saturday - you're welcome to join me) so I would like your comments on those policies by August 16 and comments on Buckingham policies by the end of the month. Thanks for your help.

James Mudd, AICP
Principal Planner, Division of Planning
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, FL 33901-5500
P.O. Box 398
Fort Myers, FL 33902-0398

Phone: (239) 533-8180

Fax: (239) 485-8319

Mike Scott
Office of the Sheriff



State of Florida
County of Lee

October 25, 2007

Margaret Banyan
Johnson Engineering
2158 Johnson St
P.O. Box 1550
Ft Myers, FL 33902-1550
Reference to Project: Buckingham Community

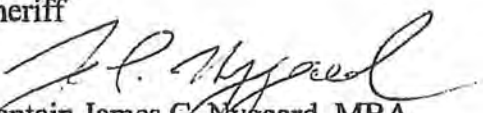
Dear Ms. Banyan

The Lee County Sheriff's Office has reviewed the proposed Buckingham Community Project located at Comprehensive Plan Amendment. In order to provide core law enforcement services to this site, a Crime Prevention through Environmental Design (CPTED) study must be conducted. This study involves a survey of the physical, mechanical and organizational structure of the development to identify features which may contribute to unwanted behaviors such as criminal acts.

Upon application to Lee County for a development order or building permit, please contact Kevin Farrell, Crime Prevention Practitioner, at (239)477-2821 or (239)851-2258 to have this study conducted. Thank you in advance for your cooperation in this matter.

Sincerely,

Mike Scott
Sheriff


Captain James C. Nygaard, MBA
Lee County Sheriff's Office
Administration Bureau
14750 Six Mile Cypress Pkwy
Fort Myers, FL 33912
239-477-1424 (Office)



Mudd, James P.

From: Loveland, David M.
Sent: Friday, November 09, 2007 9:11 AM
To: Mudd, James P.
Cc: Clarke, Sarah; Gilbertson, Scott M.
Subject: RE: buckingham

Jim, I'm glad you sent this to me, I do have some concerns as noted below.

Objective 17.2

The expansion of the boundaries from the Rural Preserve to the whole planning community is a concern when it comes to the road limitations under Objective 17.2. We are already well into our Luckett Road alignment study, working with the objective as written, so a change could cause us some problems.

Also, the change to point 6 under the objective is a concern. First, "Buckingham" is not defined – is that the Rural Preserve or the planning community? Second, the change from 100 feet to 80 feet would appear to be an attempt to prohibit collector roads, which might be their goal but is not good planning.

New Policy 17.2.1

First, the Buckingham community may not like it, but they can't ignore the fact that they are positioned between Lehigh Acres and Fort Myers and that traffic is going to come through their community. From a traffic circulation standpoint, we can't treat them like a gated community – the more we try to restrict traffic in Buckingham, the more traffic we force to other roads that are unable to handle it. We have to address the big picture from a regional traffic standpoint, we can't look at this community in isolation. Second, the section that refers to "restricting the number of collector roads" is not measurable – how many are too many? Also, did they provide any supporting data and analysis that suggests additional collector roads will destroy a rural community, or are they just assuming that would be the case? Lee County DOT cannot support this policy as written.

New Policy 17.2.2

How exactly is Lee County supposed to improve the safety of Neal Road, Orange River Boulevard, Buckingham Road, Orange River Road, and Cemetery Road? Depending on the traffic situation that needs to be addressed, 4-laning with a median might improve the safety, but I'm guessing that's not what they want. Did they provide data and analysis that indicates a specific safety problem? What exactly do they have in mind?

David M. Loveland, AICP
Manager, Transportation Planning
Lee County Dept. of Transportation
1500 Monroe Street
Fort Myers, FL 33901
NOTE CHANGE: (239)533-8509
loveladm@leegov.com

From: Mudd, James P.
Sent: Thursday, November 08, 2007 10:49 AM
To: Loveland, David M.
Subject: buckingham

Dave, can you look over Objective 17.2, Transportation. I'm concerned about a few of the changes they are proposing. Thanks.

James Mudd, AICP
Principal Planner, Division of Planning
Lee County Department of Community Development

11/9/2007

MEMORANDUM

FROM
THE DEPARTMENT OF
COMMUNITY DEVELOPMENT
DIVISION OF PLANNING

DATE: April 21, 2008

TO: Local Planning Agency FROM: Jim Mudd, AICP, Principal Planner

RE: **Buckingham Year 2030 Allocations**

At the December 13, 2006 Board of County Commissioners Transmittal Hearing the Board voted unanimously to transmit staff's recommendation for updating Table 1b of the Lee Plan, Year 2030 Allocations, with the exception of the Buckingham Planning Community. The president of the Buckingham Community Planning Panel asked the Board not to transmit the modification to the Buckingham Planning Community allocations until they completed their community plan. The Board agreed that to transmit the 2030 allocations for Buckingham was premature.

The Buckingham Community Plan has been completed and the Local Planning Agency recommended the Board transmit the Community Plan amendment; however, the 2030 allocations for Buckingham were not addressed. There was discussion about the allocations during the planning process, but no recommendations were put forward by the community.

There are currently 51 acres allocated to Urban Community, 49 acres allocated to Sub-Outlying Suburban, 57 acres allocated to Rural, and 3,046 acres allocated to Rural Community Preserve. After subtracting existing development there are 3 acres remaining in Urban Community, 48 acres remaining in Sub-Outlying Suburban, 57 acres remaining in Rural, and 338 acres remaining in Rural Community Preserve. Staff recommends updating the allocation to accommodate the projected growth in the Buckingham Planning Community through the year 2030. Staff recommends increasing the Urban Community allocation from 51 acres to 150 acres; increasing the Outlying Suburban allocation from 49 acres to 66 acres; increasing the Rural allocation from 57 acres to 100 acres; and increasing the Rural Community Preserve allocation from 3,046 acres to 3,100 acres.

The LPA recommended that the Board transmit staff's recommended increase in allocation for the entire County, including Buckingham, at its November 27, 2006 LPA meeting. If the LPA desires not to recommend transmittal of the full allocations, staff recommends that at a minimum the LPA recommend transmittal of the Urban Community allocation.

This amendment is not currently part of the Community Plan, but along with the LPA recommendation staff will fold this into the Buckingham Community Plan amendment, CPA 2007-00049, prior to taking it to the BoCC for their transmittal hearing.



Community Development

E-Connect

Online Permitting

Buckingham		Allocation	Existing	Remaining
R e s i d e n t i a l U s e C a t e g o r y	Intensive Development	0	0	0
	Central Urban	0	0	0
	Urban Community	51	48	3
	Suburban	0	0	0
	Outlying Suburban	0	0	0
	Sub-Outlying Suburban	49	1	48
	Commercial	0	0	0
	Industrial Development	0	0	0
	Public Facilities	0	0	0
	University Community	0	0	0
	Industrial Interchange	0	0	0
	General Interchange	0	0	0
	General/Commercial Interchange	0	0	0
	Industrial/Commercial Interchange	0	0	0
	University Village Interchange	0	0	0
	New Community	0	0	0
	Airport	0	0	0
	Tradeport	0	0	0
	Rural	57	0	57
	Rural Community Preserve	3,046	2,708	338
	Coastal Rural	0	0	0
	Outer Islands	0	0	0
	Open Lands	0	0	0
	Density Reduction/Groundwater Resource	0	0	0
	Conservation Lands Upland	0	0	0
	Wetlands	0	0	0
	Conservation Lands Wetland	0	0	0
Total Residential		3,203	2,759	444
Commercial		18	10	8
Industrial		5	0	5
Non Regulatory Allocations				
Public		2,114	1,695	419
Active Agriculture		411	704	(293)
Passive Agriculture		3,619	3,592	27
Conservation (wetlands)		381	381	0
Vacant		1,278	2,205	(927)
Total		11,029	11,347	(318)
Population Distribution		5,227	4,036	1,191

[back to Planning Communities Map](#)
[\[<<First Page\]](#) [\[<Previous Page\]](#) [\[Next Page>\]](#) [\[Last Page>>\]](#)

BUCKINGHAM PLANNING COMMUNITY

The Board of County Commissioners did not transmit Table 1(b) as proposed by staff. At the hearing, members from the Buckingham Community Planning Group requested that no changes in the allocation table be made to the Buckingham Planning Community to allow them time to update their community plan. Based on this input, staff was instructed to transmit no changes to the allocations in the Buckingham Planning Community. This change resulted in the accommodated population being reduced by 1,230. Staff was instructed to look for a resolution for this issue prior to the adoption hearing for this amendment. The Buckingham Planning Panel is in the process of updating their community plan. They are working to schedule a meeting between the chairman of their group and the chairman of the Lehigh Acres Planning Panel to discuss how the two plans can address transitioning between rural Buckingham and a more urban Lehigh Acres. The Buckingham Plan Update and the Lehigh Acres Community Plan are both expected to be completed by September 2007.

In the interim, staff has taken a close look at the development within lands designated Urban Community in the Buckingham Planning Community, see Lee Plan Map 16. This is the area north, west, and south of Buckingham Road. It consists of portions of the Buckingham Park-South Section plat and the resubdivision of Block B, Buckingham Park-Northwest Section replat. This area is not within the Buckingham Planning Area as depicted on Map 1 page 2 of the Future Land Use Map Series. The "South Section" is primarily vacant and under common ownership. There are 5 developed parcels in this area under separate ownership which are already developed with residential uses and a house of worship. The replat of Block B, in the "Northwest Section", is a subdivision of smaller $\frac{1}{4}$ acre± lots. This subdivision is 210 total acres with less than 140 acres contained in platted lots. The remaining land is either road rights-of-way or a dedicated drainage canal. There are currently 41 acres of residential use inventoried in this subdivision and the trend since 1996 has been nearly 3.5 acres of new residential uses each year. Also, based on outstanding residential permits this trend will continue at least for this year as well. Accommodating this trend in the construction activity for this subdivision requires an increase in the residential allocation in the Buckingham Community for the Urban Community category from the existing 51 acres to 135 acres. While the "South Section" area may be transitioning from the current 1953 plat to a more contemporary style of development, the replat of "Block B" is well established and not expected to change. Therefore, staff recommends that the Allocation table reflect an amount of development that is anticipated in the existing active development by the year 2030. Staff also contacted a representative of the major property owner in the Buckingham Park-South Section plat who stated they would wait to comment until the final staff report was issued.

Staff was also directed to not transmit any changes to the commercial component in the Buckingham Planning Community. Since the allocation is required to demonstrate how Lee County will accommodate the anticipated growth through the time horizon of the plan, staff

is recommending that the commercial allocation only be increased to provide for the same level of commercial uses per resident as is currently allowed by the allocation table. In the Buckingham Planning Community, the adopted Table 1(b) allocates 3.5 acres of commercial uses per 1,000 in population. Using this standard, to accommodate the additional 10 years included in the updated planning horizon, the recommended total commercial allocation is 21 acres. This allocation will not override any limitations on commercial development within the Buckingham Community Planning area. The fact that the Buckingham Planning Community is not the same as the boundary for the Buckingham Community Plan has been a point of misunderstanding. The Planning Community boundaries were established in 1997. The Lehigh CRA was still active and the CRA boundary was being used to define the area for the Lehigh Commercial Land Use Study. There was a gap between the CRA boundary and the Buckingham Preserve boundary. This area, on the north side of Buckingham Road, was assigned to the Buckingham Planning Community.

As directed, staff did not transmit any changes to the Industrial allocation and only changed the non-regulated allocations to reflect changes in existing conditions, such as the annexation of agricultural lands into the City of Fort Myers and the purchase of properties through the Conservation 20/20 program. Since there is currently no industrial uses within the Buckingham Planning Community staff does not recommend changing the industrial acreage allocation from the 5 acres that was adopted in Table 1(b) for the year 2020.

ADJUSTMENTS TO BALANCE CHANGES

The changes made to the allocations in the Buckingham Planning Community mandate changes in other communities to accommodate the residential, commercial, and industrial needs of the unincorporated area of Lee County. A portion of the residential need was met by the changes to the Alva Planning Community discussed above. However, there is a remaining population accommodation gap of 273 people. Since development patterns show that the next areas expected to grow are East and North, staff reassessed the allocations in these Planning Communities. The two areas that stood out as having tight allocations were Fort Myers Shores in the Central Urban category and North Fort Myers in the Intensive Development category.

The current Table 1(b) proposal for the Central Urban residential allocation in the Fort Myers Shores Planning Community is 210 acres, an increase of 2 acres from the adopted allocation. There are currently 194 acres of residential use in this area which equates to an available acreage allocation of 16 acres. There are 178 acres of undeveloped uplands in the Fort Myers Shores Planning Community designated Central Urban. The area in question is near the interchange of I-75 and SR 80 and much of this vacant land is expected to develop with non-residential uses. However, increasing the residential allocation to 225 acres does not seem unreasonable. This will increase the population accommodation by 184 people. One change made to Table 1(b) that has no affect on the population accommodation is the removal of the

Buckingham Community Planning Panel, Inc.

4931 Shady River Lane, Fort Myers, Florida 33905

Bill Burdette, President Mike Rippe, Vice President Bob Murray, Treasurer Gordon Brandt, Secretary
Directors:
Tom Cook Tom Feminella Tim Mann Sawyer Smith Matt Steele Bruce Strayhorn Gloria Vernay

October 16, 2008

Commissioner Frank Mann
Lee County Board of County Commissioners
PO Box 398
Fort Myers, Florida 33902-0398

Re: Buckingham Community Plan (CPA2007-00049)

Dear Commissioner Mann:

The residents of Buckingham are very appreciative of the opportunity you and the Board of County Commissioners have afforded us to guide future development in the community and protect our quality of life. Last night (October 15) the Buckingham Community Planning Panel met to discuss the LPA recommendation that will be before you next Wednesday. The purpose of this letter is to provide you with the final recommendation of the Buckingham Community Planning Panel in response to the staff and LPA recommendations.

The LPA basically endorsed the Buckingham Community Plan as submitted by the Panel and its consultants with some recommended changes that can be found on pages of 19 and 20 of your report, labeled a through f. The Planning Panel agrees with all those changes recommended by the LPA.

The LPA also made a separate motion to modify Policy 17.3.8 (item g) dealing with the construction of public facilities within Buckingham that would primarily serve areas outside of the Buckingham Community. The Planning Panel would ask that you retain the original language as submitted by the Panel which would prohibit these types of uses.

Finally, the LPA had concurred with Staff's recommendation to delete proposed Policy 17.2.2, which stated that Lee County would improve the operational and safety issues on roads within the Buckingham Community. The Planning Panel would respectfully request that you restore this policy to the Plan, and if the staff requires more details on what is being addressed, that can be provided in the implementation phase of the Plan.

Not in your staff report is another policy that was reviewed by the Buckingham Community Planning Panel and the LPA but which never received a formal resolution. That policy seeks to address the situation in Buckingham where many of the roads are unpaved and perfectly acceptable to the residents, but do not meet County standards in every respect such as right-of-way width or driving surface. In the past, when someone has wanted to request a lot split on one of these unpaved roads, it was necessary to request a variance from the Chapter 10 requirements

before the lot split could be approved. In virtually every instance, the Hearing Examiner approved such variances in recognition that the condition of the roads was appropriate for the Rural Buckingham Preserve, and the residents do not want these roads upgraded to any substantial degree. The new proposed Policy 17.2.3, which was approved by the Community Planning Panel at the meeting last night, would read as follows:

Policy 17.2.3: The Director of Development Services shall have the authority under Section 10-104 of the LDC to grant administrative variances to Section 10-171(5)(d) for minor subdivisions of at least 2.5 acre lots when, in the Director's sole discretion, it is determined that such a variance would be consistent with the road network in the area and not cause any other negative impacts or jeopardize the health, safety and welfare of the general public.

When the LPA reviewed this policy, they did not object to it, but questioned whether it should not be available County-wide. In subsequent conversations with Lee County Development Services Director Pete Eckenrode, he indicated that he recognized the need for this policy in Buckingham, but he would not want it to be available on a County-wide basis. Therefore, it would be appropriate to have the specific enabling policy within the Buckingham Community Plan. This is what was formally endorsed at the meeting on Wednesday, October 15 by the Community Planning Panel.

Finally, in your staff report, there is an LPA discussion of the staff recommendation to increase the 2030 residential allocation within the Urban Community portion of the Buckingham Planning Community. The LPA voted not to increase this allocation, and the Buckingham Community Panel continues to oppose this increase in the 2030 allocation for the Buckingham Planning Community.

To summarize, we support the LPA recommended changes with the two exceptions noted above relating to Policies 17.3.8 and 17.2.2. In addition, we are asking you to include the additional Policy 17.2.3 regarding the administrative approval of variances for rural road standards that has been reviewed by the Community Planning Panel and the LPA. Finally, we ask you to support the LPA's recommendation in regard to the 2030 residential allocation for the Buckingham Planning Community. Thank you very much for your consideration of these recommendations and your continued support for protecting the rural lifestyle of Buckingham.

Very truly yours,

Bill Burdette

President, Buckingham Community Planning Panel, Inc.