LEE COUNTY ORDINANCE NO. 10-15
(Buckingham Community Plan)
(CPA2007-49)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2007-49 (PERTAINING TO THE BUCKINGHAM COMMUNITY PLAN) APPROVED DURING THE COUNTY'S 2008-2009 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR PURPOSE, INTENT AND SHORT TITLE; AMENDMENTS TO ADOPTED TEXT, MAPS AND TABLES; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Comprehensive Plan ("Lee Plan") Policy 2.4.1 and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners ("Board"); and,

WHEREAS, the Board, in accordance with §163.3181, Florida Statutes, and Lee County Administrative Code 13-6 provide an opportunity for private individuals to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ("LPA") held public hearings pursuant to Florida Statutes and the Lee County Administrative Code on November 19, 2007, April 28, 2008, April 27, 2009, and June 3, 2009; and,

WHEREAS, the Board held a public hearings for the transmittal of the proposed amendment on September 24, 2009 and October 28, 2009. At the hearing, the Board approved a motion to send, and did later send, proposed amendment CPA2007-49 pertaining to the Buckingham Community Plan effort to the Florida Department of Community Affairs ("DCA") for review and comment; and,

WHEREAS, at the October 29, 2009 meeting, the Board announced its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report." DCA issued their ORC Report on January 15, 2010; and;

WHEREAS, at a public hearing on March 3, 2010, the Board moved to adopt the proposed amendment to the Lee Plan adopting the Buckingham Community Plan as more particularly set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:

SCANNED

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code 13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt the amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." This amending ordinance may be referred to as the "2008-2009 Regular Comprehensive Plan Amendment Cycle CPA2007-49 Buckingham Community Plan Ordinance."

SECTION TWO: LEE PLAN AMENDMENT ADOPTION OF CPA2007-49: BUCKINGHAM COMMUNITY PLAN

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, known as CPA2007-49. CPA2007-49 amends the Plan to incorporate the recommendations flowing from the Buckingham Community Planning effort by establishing a Goal and subsequent Objectives and Policies specific to the Buckingham Planning Community as set forth below.

The corresponding Staff Reports and Analysis including all attachments along with documents submitted by the applicant to support this amendment are adopted as "Support Documentation" for the Lee Plan.

To follow are amendments to the Lee Plan. Additional text is identified by underlining; deleted text is identified by strike thru.

II.FUTURE LAND USE

GOAL 17: BUCKINGHAM. To manage the future growth in the Buckingham ~~area~~ Community; to preserve the existing rural and agricultural land use pattern; to diversify the choice of housing for Lee County by maintaining and enhancing the historic and rural character; and to protect the unique historical and environmental values of the Buckingham Community. For the purposes of this plan, the precise boundaries of the Buckingham Community are indicated on the Future Land Use Map Series, Map 1, Page 2 of 8, Special Treatment Areas. To help maintain the rural and historic character, and create a visually attractive community, the Buckingham Community will draft and submit amendments to the Lee County Land Development Code to implement the intent of the Buckingham Community objectives and policies for Lee County to review and consider for adoption.

OBJECTIVE 17.1: LAND USE. The primary land use designation for the Buckingham ~~area~~ Community is "Rural Community Preserve." Other land use designations exist within the Buckingham Community, such as Rural, Sub-Outlying Suburban, Conservation Lands, and Wetlands. Public Facilities have also been designated as appropriate. ~~After the adoption of this amendment n~~No land in the Buckingham Community 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. Land use decisions will be guided by preserving the rural and agricultural land use pattern.

POLICY 17.1.1: No property within the Buckingham Community will be rezoned to RVPD.

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~~ Community. With the exception of the uses and the property identified in this policy, ~~N~~no new commercial ~~activities~~ development 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. Commercial uses permitted in agricultural zoning districts, such as Feed and Tack stores, are allowed outside of the commercial node if appropriate zoning approval is granted. Commercial boarding stables throughout the Rural Community Preserve will be allowed to give lessons and clinics if lawfully existing or appropriate zoning approval is granted. Commercial uses are permitted on the property zoned C-1 located at 9140 Buckingham Road.

POLICY 17.1.3: Except for those clustered areas approved in accordance with Policy 17.1.5, ~~Any~~ all lots created in the Rural Community Preserve ~~after the adoption of this amendment~~ land use category must have a minimum area of 43,560 square feet, unless a Minimum Use Determination has been issued. Calculation of lot size must exclude any road right-of-way or easement areas, water management areas, and natural water bodies. ~~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.~~

POLICY 17.1.4: Bonus density is prohibited in the Rural Community Preserve.

POLICY 17.1.5: Clustering of residential development in the Rural Community Preserve requires residential planned development (RPD) zoning. Density in clustered developments will be based on upland acreage. Dwelling units must be located away from the property boundaries. Clustering of residential development is limited in the following fashion:

1) Buildings must be set back a minimum of 100 feet from the RPD boundary.
2) The RPD must have a minimum of 10 acres in order to cluster homesites.

POLICY 17.1.6: When possible, residential development adjacent to the Rural Community Preserve boundary should make appropriate transitions to the community with a graduated increase in density as development moves away from the Rural Community Preserve boundaries. Appropriate buffers will be established for projects adjacent to the Rural Community Preserve.

POLICY 17.1.7: To preserve the shoreline, a 50 foot set back is required from the Orange River. The setback will be measured from the mean high water line or from the top of bank of the Orange River, whichever is further landward. Docks are exempt from this setback requirement.

OBJECTIVE 17.2: TRANSPORTATION. ~~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 feet (except for Buckingham Road and Luckett Road extensions).~~

~~7. The extension and connection of Long Road to Ellis road is prohibited.~~

Lee County supports the community desire to protect the rural character of the Buckingham Community by keeping the majority of the roadways within the community to two lanes. For purposes of this objective, improvements related to bicycle, pedestrian and equestrian facilities or safety improvements, including but not limited to intersection and turn lane additions or improvements, will not be deemed an expansion of the roadway.

POLICY 17.2.1: Future multi-lane expansions within the Buckingham Community will be limited to the four-laning of Buckingham Road (except for the portion of Buckingham Road that is encompassed by the Luckett Road Extension). All other existing roadways within the boundaries of the Buckingham Community will remain in their two-lane configuration. This policy does not include bicycle, pedestrian and equestrian facilities or safety improvements on roadways within the boundaries of the Buckingham Community that may be deemed necessary by the Lee County Department of Transportation. As part of any future expansions of Buckingham Road or segments of Buckingham Road within the boundaries of the Buckingham Community, the Lee County Department of Transportation must have at least one public meeting within the community, and the Lee County Board of County Commissioners must have at least one public meeting after 5:00 p.m. regarding the proposed road expansion.

POLICY 17.2.2: Future extensions of roadways into or through the boundaries of the Buckingham Community will be limited to the Luckett Road Extension on the alignment and in the configuration as adopted by the Board of County Commissioners on June 3, 2008. During the June 3rd meeting the Board recognized the potential to avoid bisecting the Heritage Lakes parcel by shifting the alignment to the east, and that this could be accomplished if the Heritage Lakes parcel is ultimately acquired through the Conservation 20/20 program. If the Heritage Lakes parcel is acquired, a revision in the alignment will be coordinated with CLASAC. Any proposal to further change the adopted alignment of the Luckett Road Extension within the Buckingham Community (beyond the one discussed above) will require analysis and public input. The Lee County Department of Transportation must have at least one public meeting within the community, and the Lee County Board of County Commissioners must have at least on public meeting after 5:00 p.m. regarding the proposed road changes. The analysis must consider the community's desire to have this alignment as far south as possible, starting east of Pangola, in order to skirt the Buckingham Community. In addition, specific roadway extensions are prohibited as follows:

1. The extension of State Road 31 south of the Orange River is prohibited.

2. The extension of Ellis Road is prohibited.

3. The extension of Staley Road to State Road 82 is prohibited.

4. The extension and connection of Long Road to Ellis Road is prohibited.

5. No new east/west collector roadways will be planned or built within the Rural Community Preserve.

POLICY 17.2.3: The Lee County Department of Transportation will work with the Buckingham Community to identify issues, propose options, and develop a plan directed at improving safety on roads, limiting the negative effects of traffic, and improving the overall functionality of roads within the Buckingham Community to the extent practicable and consistent with the balance of applicable policies.

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.~~ To protect the rural character of the Buckingham Community, public facilities and utilities will be designed to maintain or enhance the overall rural character of the community.

POLICY 17.3.1: In order to discourage unwanted urban development, central sewer lines will not be extended into the Rural Community Preserve, except to the areas identified by Lee Plan Map 7 as Future Sanitary Sewer Service Areas, the existing Resource Recovery Facility, the adjacent Lee County Parks and Recreation Facility, and any future public facility. Sewer lines may be extended to future public facilities after one or more public meetings are held in the community and a public hearing is held before the Board of County Commissioners. The County may also extend transmission/force mains through the Rural Community Preserve, if necessary. Under no circumstances will the availability of central sewer lines be accepted as justification for a density or intensity increase, or reduction of lot size requirements (except as provided in Policy 17.1.5), within the Rural Community Preserve. The County will consider waivers to Lee County Utility's central sewer mandatory connection requirement in the Buckingham Community. A waiver may not be granted unless the landowner has the approval of the Health Department, and the request is in accordance with section 381.00655(2)(b), F.S.

POLICY 17.3.2: Central water lines may be extended along roads of the Rural Community Preserve upon request of property owners, with extension and connection fees paid by the person(s) receiving the water service. The County may also extend central water lines through the Rural Community Preserve, if necessary. Extension of public central water lines will require the Lee County Board of County Commissioners to hold at least one public meeting after 5:00 p.m. 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 or intensity increase,

or reduction of lot size requirements (except as provided in Policy 17.1.5), within the Rural Community Preserve.

POLICY 17.3.3: All new large developments (as defined in chapter 10 of the Land Development Code) must install utilities underground. Utilities include, but are not limited to, electricity, telephone, and cable lines.

POLICY 17.3.4: East County Water Control District is encouraged to continue to develop and maintain its infrastructure to minimize flooding, manage flows down the Orange River, and improve water quality. In addition, ECWCD is encouraged to work with the Lee County Emergency Operations Center to develop a system to warn residents in advance of large releases of water.

POLICY 17.3.5: Any development or redevelopment of the property must be developed in a manner that does not adversely impact the rural community. Any use must provide appropriate separation, buffering, traffic mitigation and control, and environmental protection.

POLICY 17.3.6: Detention and correctional facilities are prohibited within the Buckingham Community boundaries.

POLICY 17.3.7: No new landfills or resource recovery facilities are permitted in the Buckingham Community. Expansion of the Resource Recovery facilities located on the County property is permitted, including the introduction of new operations and facilities to address solid waste needs.

POLICY 17.3.8: Lee County Staff will continue to participate in the selection of proper locations and routes for electrical and natural gas transmission lines, and utilities facilities, such as electrical substations and power plants, by facilitating public input from the affected communities. However, the final determination of location and transmission line routes is determined by the State of Florida.

OBJECTIVE 17.4: LANDSCAPING, BUFFERING, COMMUNITY AESTHETICS, AND QUALITY OF LIFE. Adequate and appropriate landscaping, open space, and buffering must be provided as a means of protecting and enhancing the Buckingham Community's historic rural character and environmental values from developments, utilities, public services, roads, and land use changes or other improvements.

POLICY 17.4.1: Essential Service and Community Facilities must provide an appropriate native vegetative buffer to address compatibility issues and to enhance the Buckingham Community's rural and low density residential character. Buffering materials must be designed to enhance and protect the aesthetic values inherent to the Buckingham Community.

POLICY 17.4.2: Lee County will continue, through Lee County Solid Waste Collection Agreements, to require all current and future solid waste collection contractors to perform weekly litter collection along approximately one and one half miles of Buckingham Road, in the vicinity of the Resource Recovery Facility.

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 must be designed to be undulating.

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

POLICY 17.4.5: Lee County is discouraged from approving any deviation that would result in a reduction of landscaping, buffering, or signage guidelines.

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 work with the Buckingham Community to develop a plan for an interconnected system of parks, hiking, and horse riding trails within the Buckingham Community.

POLICY 17.5.2: The Orange River has areas where it is narrow, with fluctuating levels of water flow and surrounding low density residential uses. Any access to the Orange River, except for single family docks, will be reviewed through the Planned Development zoning process to insure consistency with surrounding areas. Docks, except for single family docks, approved prior to March 3, 2010 may remain but may not be expanded unless the expansion complies with this policy.

POLICY 17.5.3: The removal of invasive exotic plants, as defined by the state or county, is required for all new development within the Rural Community Preserve.

OBJECTIVE 17.6: It is the policy of Lee County to protect the historical agricultural uses within the Buckingham Community. These uses include a variety of agricultural applications such as tree farms, citrus farms, stables, cattle, cows, goats, and other livestock and crops of varying sizes. Lee County will accommodate existing agriculture uses into the future.

POLICY 17.6.1: Lee County will, when asked by the Property Appraiser, advise the Property Appraiser that it is the intent of the Lee Plan to protect and maintain agriculture in the Buckingham Community.

POLICY 17.6.2: Growing of crops for alternative energy sources on an experimental basis, such as *Jatropha curcas*, will be considered an agricultural use.

OBJECTIVE 17.7: PUBLIC PARTICIPATION. Lee County will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals that affect the Buckingham Community.

POLICY 17.7.1: As a courtesy, Lee County will register citizen groups and civic organizations within the Buckingham Planning Community that desire notification of pending review of Land Development Code amendments and Lee Plan amendments. Upon registration, Lee County will provide registered groups with documentation regarding these pending amendments through mail, email, or other electronic means. This notice is a courtesy only and is not jurisdictional. Accordingly, the County's failure to mail/email or to timely provide the notice, or failure of a group to receive notice, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

POLICY 17.7.2: The owner or agent of a requested zoning action (planned development, conventional rezoning, special exception, or variance requests) within or adjacent to the Buckingham Planning Community, or with access to Buckingham Road must conduct one public informational session within the Buckingham Community where the agent will provide a general overview of the project for any interested citizens. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space, providing notice of the meeting, and providing security measures as needed. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised.

SECTION THREE: AMENDMENT OF LEE PLAN MAPS

Lee Plan Map 16 is hereby amended to reflect the precise boundary of the Buckingham Planning Community as identified on attached Exhibit A.

SECTION FOUR: AMENDMENT TO YEAR 2030 ALLOCATION TABLE

Lee Plan Table 1(b) pertaining to the Year 2030 Allocation is amended as indicated on Exhibit B with underlining identifying additional text and strike thru indicating deleted text.

SECTION FIVE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

SECTION SIX: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

SECTION SEVEN: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

SECTION EIGHT: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Comprehensive Plan. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION NINE: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administrative Commission finding the amendment in compliance with Section 163.3184(9), Florida Statutes, or until the Administrative Commission issues a final order determining the adopted amendment to be in compliance in accordance with 163.3184(10), Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status. A copy of such resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

Commissioner Mann made a motion to adopt the foregoing ordinance, seconded by Commissioners Judah. The vote was as follows:

Robert P. Janes	Aye*
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

*By telephone.

DONE AND ADOPTED this 3rd day of March, 2010

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: _____
Tammara Hall, Chairwoman

DATE: 3/3/10

Approved as to form by:

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

Attachments:
A. Map 16
B. Table 1(b) Year 2030 Allocation Table



S:\LU\DPL\Lee Plan\Ord 10-15 - CPA2007-49 - Buckingham Community Plan DPL

LEE COUNTY PLANNING COMMUNITIES

Year 2030
Planning Communities

- City Limits
- 1. Alva
- 2. Boca Grande*
- 3. Bonita Springs
- 4. Fort Myers Shores
- 5. Burnt Store
- 6. Cape Coral
- 7. Captiva
- 8. Fort Myers
- 9. Fort Myers Beach
- 10. Gateway/Airport
- 11. Daniel Parkway
- 12. Iona/McGregor
- 13. San Carlos
- 14. Sanibel
- 15. South Fort Myers
- 16. Pine Island*
- 17. Lehigh Acres
- 18. Southeast Lee County
- 19. North Fort Myers
- 20. Buckingham*
- 21. Estero*
- 22. Bayshore*

* Area specific Lee Plan Goals, Objectives, & Policies may apply.

The Planning Communities Map and Acreage Allocation Table (see Table 1(b) and Policies 1.1.1 and 2.2.2) depict the proposed distribution, extent, and location of generalized land uses for the year 2030.

LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

N W E S

1 0.5 0 1 2 3 4
Miles

Map Generated: March 2010
City Limits current to date of map generation
Adopted by Ordinance No. 98-09
Amended by Ordinance No.
02-02, 03-01, 03-02, 03-04, 03-21, 07-09, 07-13

Lee Plan Map 16

AS AMENDED
By Board of County Commissioners
March 3, 2010

EXHIBIT A

EXHIBIT B

PROPOSED
TABLE 1(b)
Year 2030 Allocations

Proposed Changes per CPA2007-49, CPA2008-06 and CPA2008-07

	Future Land Use Classification	Lee County Totals Existing	Lee County Totals Proposed	Alva	Boca Grande	Bonita Springs	Fort Myers Shores	Burnt Store	Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway/ Airport	Daniels Parkway	Iona/ McGregor
Residential By Future Land Use Category	Intensive Development	~~1,325~~	1,367	0	0	0	20	0	27	0	250	0	0	0	0
	Central Urban	~~14,787~~	14,787	0	0	0	225	0	0	0	230	0	0	0	375
	Urban Community	~~18,622~~	18,425	520	485	0	637	0	0	0	0	0	0	0	850
	Suburban	~~16,623~~	16,623	0	0	0	1,810	0	0	0	85	0	0	0	2,488
	Outlying Suburban	~~4,105~~	4,105	30	0	0	40	20	2	500	0	0	0	1,700	377
	Sub-Outlying Suburban	~~1,531~~	1,548	0	0	0	367	0	0	0	0	0	0	0	0
	Industrial Development	~~79~~	79	0	0	0	0	0	0	0	39	0	20	0	5
	Public Facilities	~~1~~	1	0	0	0	0	0	0	1	0	0	0	0	0
	University Community	~~850~~	850	0	0	0	0	0	0	0	0	0	0	0	0
	Destination Resort Mixed Use Water Dependent	~~8~~	8	0	0	0	0	0	0	0	0	0	0	0	8
	Burnt Store Marina Village	~~4~~	4	0	0	0	0	4	0	0	0	0	0	0	0
	Industrial Interchange	~~0~~	0	0	0	0	0	0	0	0	0	0	0	0	0
	General Interchange	~~42~~	42	0	0	0	0	0	0	0	0	0	0	2	0
	General/Commercial Interchange	~~0~~	0	0	0	0	0	0	0	0	0	0	0	0	0
	Industrial/Commercial Interchange	~~0~~	0	0	0	0	0	0	0	0	0	0	0	0	0
	University Village Interchange	~~0~~	0	0	0	0	0	0	0	0	0	0	0	0	0
	New Community	~~900~~	900	0	0	0	0	0	0	0	0	0	900	0	0
	Airport	~~0~~	0	0	0	0	0	0	0	0	0	0	0	0	0
	Tradeport	~~9~~	9	0	0	0	0	0	0	0	0	0	9	0	0
	Rural	~~8,320~~	8,313	1,948	0	0	1,400	636	0	0	0	0	0	1,500	0
	Rural Community Preserve	~~3,046~~	3,100	0	0	0	0	0	0	0	0	0	0	0	0
	Coastal Rural	~~1,300~~	1,300	0	0	0	0	0	0	0	0	0	0	0	0
	Outer Islands	~~202~~	202	5	0	0	1	0	0	150	0	0	0	0	1
	Open Lands	~~2,805~~	2,805	250	0	0	0	590	0	0	0	0	0	120	0
	Density Reduction/Groundwater Resourse	~~6,905~~	6,905	711	0	0	0	0	0	0	0	0	94	0	0
	Conservation Lands Uplands	~~0~~	0	0	0	0	0	0	0	0	0	0	0	0	0
	Wetlands	~~0~~	0	0	0	0	0	0	0	0	0	0	0	0	0
	Conservation Lands Wetlands	~~0~~	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Residential		~~81,464~~	81,373	3,464	485	0	4,500	1,250	29	651	604	0	1,023	3,322	4,104
Commercial		~~12,763~~	12,763	57	52	0	400	50	17	125	150	0	1,100	440	1,100
Industrial **		~~6,620~~	13,801	26	3	0	400	5	26	0	300	0	3,100	10	320
Non Regulatory Allocations															
Public		~~82,192~~	81,853	7,100	421	0	2,000	7,000	20	1,961	350	0	7,500	2,416	3,550
Active Agriculture		~~24,957~~	17,776	5,100	0	0	550	150	0	0	0	0	0	20	0
Passive Agriculture		~~45,859~~	45,859	13,549	0	0	2,500	109	0	0	0	0	1,491	20	0
Conservation (wetlands)		~~81,948~~	81,948	2,214	611	0	1,142	3,236	133	1,603	748	0	2,809	1,719	9,306
Vacant		~~21,372~~	21,802	1,953	0	0	226	931	34	0	45	0	300	20	975
Total		~~357,175~~	357,175	33,463	1,572	0	11,718	12,731	259	4,340	2,197	0	17,323	7,967	19,355
Population Distribution*		~~495,000~~	495,000	5,090	1,531	0	30,861	3,270	225	530	5,744	0	11,582	16,488	34,538

* Population for Unincorporated Area of Lee County
** See Policy 33.1.4

PROPOSED
TABLE 1(b)
Year 2030 Allocations

Proposed Changes per CPA2007-49, CPA2008-06 and CPA2008-07

	Future Land Use Classification	San Carlos	Sanibel	South Fort Myers	Pine Island	Lehigh Acres CPA2008-07 Existing	Lehigh Acres CPA2008-07 Proposed	Southeast Lee County CPA2008-06 Existing	Southeast Lee County CPA2008-06 Proposed	North Fort Myers	Buckingham CPA2007-49 Existing	Buckingham CPA2007-49 Proposed	Estero	Bayshore
Residential By Future Land Use Category	Intensive Development	0	0	660	3	~~0~~	42	~~0~~	0	365	~~0~~	0	0	0
	Central Urban	17	0	3,140	0	~~8,200~~	8,200	~~0~~	0	2,600	~~0~~	0	0	0
	Urban Community	1,000	0	860	500	~~13,269~~	13,013	~~0~~	0	0	~~51~~	110	450	0
	Suburban	1,975	0	1,200	675	~~0~~	0	~~0~~	0	6,690	~~0~~	0	1,700	0
	Outlying Suburban	0	0	0	600	~~0~~	0	~~0~~	0	382	~~0~~	0	454	0
	Sub-Outlying Suburban	25	0	0	0	~~0~~	0	~~0~~	0	140	~~49~~	66	0	950
	Industrial Development	5	0	10	0	~~0~~	0	~~0~~	0	0	~~0~~	0	0	0
	Public Facilities	0	0	0	0	~~0~~	0	~~0~~	0	0	~~0~~	0	0	0
	University Community	850	0	0	0	~~0~~	0	~~0~~	0	0	~~0~~	0	0	0
	Destination Resort Mixed Use Water Dependent	0	0	0	0	~~0~~	0	~~0~~	0	0	~~0~~	0	0	0
	Burnt Store Marina Village	0	0	0	0	~~0~~	0	~~0~~	0	0	~~0~~	0	0	0
	Industrial Interchange	0	0	0	0	~~0~~	0	~~0~~	0	0	~~0~~	0	0	0
	General Interchange	0	0	0	0	~~0~~	0	~~15~~	15	7	~~0~~	0	6	12
	General/Commercial Interchange	0	0	0	0	~~0~~	0	~~0~~	0	0	~~0~~	0	0	0
	Industrial/Commercial Interchange	0	0	0	0	~~0~~	0	~~0~~	0	0	~~0~~	0	0	0
	University Village Interchange	0	0	0	0	~~0~~	0	~~0~~	0	0	~~0~~	0	0	0
	New Community	0	0	0	0	~~0~~	0	~~0~~	0	0	~~0~~	0	0	0
	Airport	0	0	0	0	~~0~~	0	~~0~~	0	0	~~0~~	0	0	0
	Tradeport	0	0	0	0	~~0~~	0	~~0~~	0	0	~~0~~	0	0	0
	Rural	90	0	0	190	~~14~~	14	~~0~~	0	500	~~57~~	50	635	1,350
	Rural Community Preserve	0	0	0	0	~~0~~	0	~~0~~	0	0	~~3,046~~	3,100	0	0
	Coastal Rural	0	0	0	1,300	~~0~~	0	~~0~~	0	0	~~0~~	0	0	0
	Outer Islands	0	0	0	45	~~0~~	0	~~0~~	0	0	~~0~~	0	0	0
	Open Lands	0	0	0	0	~~0~~	0	~~0~~	0	45	~~0~~	0	0	1,800
	Density Reduction/Groundwater Resourse	0	0	0	0	~~0~~	0	~~4,000~~	4,000	0	~~0~~	0	0	2,100
	Conservation Lands Uplands	0	0	0	0	~~0~~	0	~~0~~	0	0	~~0~~	0	0	0
	Wetlands	0	0	0	0	~~0~~	0	~~0~~	0	0	~~0~~	0	0	0
	Conservation Lands Wetlands	0	0	0	0	~~0~~	0	~~0~~	0	0	~~0~~	0	0	0
Total Residential		3,962	0	5,870	3,313	~~21,483~~	21,269	~~4,015~~	4,015	10,729	~~3,203~~	3,326	3,245	6,212
Commercial		1,944	0	2,100	226	~~1,420~~	1,420	~~38~~	38	1,687	~~18~~	18	1,700	139
Industrial **		450	0	900	64	~~300~~	300	~~65~~	7,246	554	~~5~~	5	87	5
Non Regulatory Allocations														
Public		2,660	0	3,500	2,100	~~15,000~~	15,289	~~12,000~~	12,000	4,000	~~2,114~~	1,486	7,000	1,500
Active Agriculture		0	0	0	2,400	~~0~~	0	~~15,101~~	7,920	200	~~411~~	411	125	900
Passive Agriculture		0	0	0	815	~~0~~	0	~~18,000~~	18,000	1,556	~~3,619~~	3,619	200	4,000
Conservation (wetlands)		2,798	0	188	14,767	~~1,496~~	1,541	~~31,530~~	31,530	1,317	~~381~~	336	5,068	882
Vacant		244	0	309	3,781	~~7,377~~	8,085	~~500~~	500	2,060	~~1,278~~	1,000	809	530
Total		12,058	0	12,867	27,466	~~47,076~~	47,904	~~81,249~~	81,249	22,103	~~11,029~~	10,201	18,234	14,168
Population Distribution*		36,963	0	58,363	13,265	~~164,702~~	164,699	~~1,270~~	1,270	70,659	~~6,114~~	6,117	25,395	8,410

* Population for Unincorporated Area of Lee County
** See Policy 33.1.4

STATE OF FLORIDA

COUNTY OF LEE

I Charlie Green, Clerk of Circuit Court, Lee County, Florida, and ex-Officio Clerk of the Board of County Commissioners, Lee County, Florida, do hereby certify that the above and foregoing is a true and correct copy of Ordinance 10-15, as approved by the Board of Lee County Commissioners in the Regular Meeting of March 03, 2010, and same filed in the Clerk of the Court's Office.

Given under my hand and seal, at Fort Myers, Florida, this 12th day of March, 2010.

CHARLIE GREEN,
Clerk of Circuit Court
Lee County, Florida

By: Lisa J Pierce
Deputy Clerk



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 ¼ 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

SCANNED

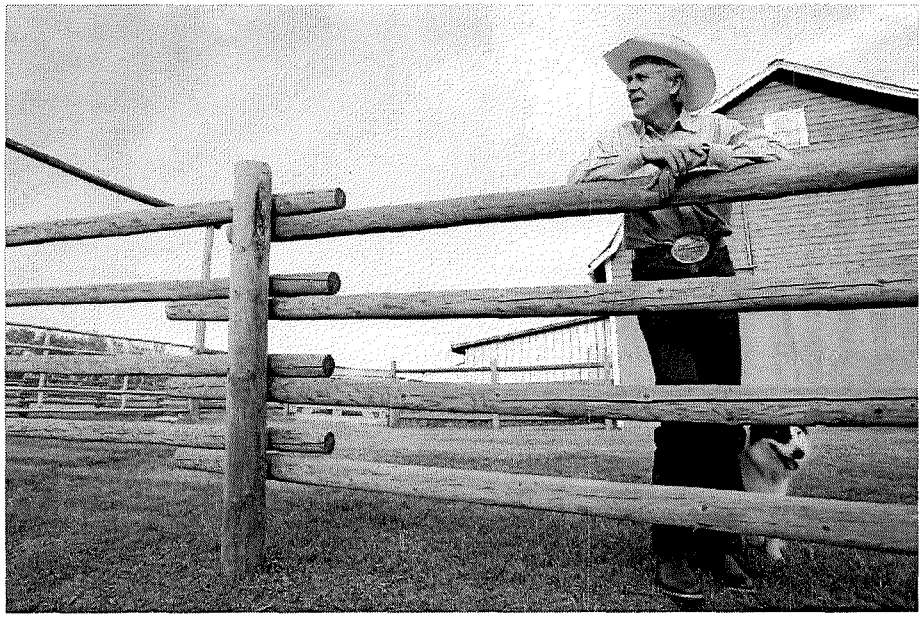
County will accommodate the anticipated growth through the time horizon of the plan, staff is recommending that the commercial allocation only be increased to provide for the same level of commercial uses per resident as is currently allowed by the allocation table. In the Buckingham Planning Community, 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 Raod, 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



KEEP RURAL PRESERVE IN BUCKINGHAM COMMUNITY

SAY NO TO:

URBAN SPRAWL

WATER/SEWER TREATMENT PLANTS

FEMA TRAILERS

THANKS!!! for coming to the meeting at Kelley Tractor - we were excited and pleased to see so many friends and neighbors there. The Panel and County Staff were surprised by the turn-out but we knew Buckingham residents would show up in force once they knew something was going on. Now we need to work together to protect our way of life and let everyone know how we feel about changes being made or proposed. *Remember the squeaky wheel gets the oil.* Here is how YOU can help:

☆ Plan to attend the PUBLIC HEARING in March or April. We do not exact date yet but plan to get the word out with flyers, e-mails, and updated signs. The address is 2120 Main Street in the Commission Chambers. We will try to request special date/time.

☆ Write letters expressing your wishes to "keep it rural" to Commissioner Frank Mann, District 5. His address is P.O. Box 398, Fort Myers, FL 33902-0398. Please copy all other Commissioners on your letters for greater impact.

☆ Call, fax, or e-mail your Commissioner or fax him at (239) 533-2225 (phone), (239) 485-2092 (fax), or dist5@leegov.com. Copy all commissioners on all correspondence.

☆ Keep informed by going to www.lee-county.com and review the plan at www.planbuckingham.net.

DIVISION OF PLANNING LEE COUNTY

MEMORANDUM SOUTHWEST FLORIDA

to: Board of County Commissioners

from: Paul O'Connor, AICP, Director

subject: October 28, 2009 Comprehensive Plan Transmittal Hearing
Status of Three Remaining Comp Plan Amendments

date: October 23, 2009

The continuation of three proposed amendments, **Babcock, Buckingham, and the DR/GR,** and final action to officially transmit the 2008/2009 amendment package are scheduled for the October 28th public hearing, with October 29th as a backup day. Attached to this memo are the agenda and three documents with information regarding each amendment.

The first attachment is the latest draft of the staff recommended language for the new transportation policies addressing the impacts from the **Babcock Ranch Community** in Charlotte County. Through meetings between the developer, affected parties and county staff, revised policy language has been developed for the Board's consideration. In an attempt to reduce the concern that the amendment is in fact adopting specific roadway improvements, the tables that identified possible road way additions and improvements have been removed. Additional language has been added to emphasize the County's support of the proposed East-West connector as a priority and to stress transportation/mobility improvements as alternatives to simply widening roadways. This new language has also been attached to this memo.

Regarding the **Buckingham Community,** staff has exchanged language drafts and conducted several meetings with the Buckingham Community's representative to try to resolve the outstanding issues. Several areas of compromise have been identified and they have been incorporated in the second attached document as the Staff Recommended Language. Unfortunately, the community's latest proposal expanded rather than narrowed the list of issues. The community is proposing additional policies and continuing to propose policies that staff is not comfortable with transmitting. The remaining issues have been identified and the list is included in the second attached document. A revised Map 16, with an agreed upon revised Buckingham Community boundary, and staff recommended revisions to Table 1(b) the Year 2030 Allocation Table are also included.

The third amendment on the agenda will be the **Implementation of the DR/GR Study.** On October 26th at a Board Workshop, the consultants will present the components of the proposal and respond to Board questions. The third attachment to this memo is a revised DR/GR Map 17, the proposed "Rural Residential" overlay showing revised Mixed-Use Communities for the Fountains and the Ginn properties.

As always, I will adjust my schedule to meet with you to discuss any or all of the proposed amendments prior to the public hearings at your convenience.

P.O. Box 398 ▪ Fort Myers, FL 33902-0398 ▪ (239) 533-8585 ▪ Fax (239) 485-8319

SCANNED

CONTINUED
2008/2009 REGULAR LEE PLAN AMENDMENTS
TRANSMITTAL HEARING

OCTOBER 28, 2009, 9:30 A.M.

COMMISSION CHAMBERS
2120 MAIN STREET

AGENDA

1. Call to order

2. Administrative Agenda

   A. CPA2006-08 – Babcock Ranch Community

   B. CPA2007-49 – Buckingham Community Plan Update

   C. CPA2008-06 – Implement DR/GR Study

3. Motion to Transmit 2008-2009 Round of Comprehensive Plan Amendments to the Florida Department of Community Affairs

4. Motion to Adjourn

BUCKINGHAM COMMUNITY PLAN UPDATE
STAFF RECOMMENDED LEE PLAN LANGUAGE
CHANGES ARE SHOWN FROM THE EXISTING LEE PLAN TEXT
IN STRIKE-THRU UNDERLINED FORMAT

GOAL 17: BUCKINGHAM. To manage the future growth in the Buckingham ~~area~~ Community; to preserve the existing rural and agricultural land use pattern; to diversify the choice of housing for Lee County by maintaining and enhancing the historic and rural character; and to protect the unique historical and environmental values of the Buckingham Community. For the purposes of this plan, the precise boundaries of the Buckingham Community are indicated on the Future Land Use Map Series, Map 1, Page 2 of 6, Special Treatment Areas. To help maintain the rural and historic character, and create a visually attractive community, the Buckingham Community will draft and submit amendments to the Lee County Land Development Code to implement the intent of the Buckingham Community objectives and policies for Lee County to review and consider for adoption.

OBJECTIVE 17.1: LAND USE. The primary land use designation for the Buckingham ~~area~~ Community is "Rural Community Preserve." Other land use designations exist within the Buckingham Community, such as Rural, Sub-Outlying Suburban, Conservation Lands, and Wetlands. Public Facilities have also been designated as appropriate. ~~After the adoption of this amendment n~~No land in the Buckingham Community 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. Land use decisions will be guided by preserving the rural and agricultural land use pattern.

POLICY 17.1.1: No property within the Buckingham Community will be rezoned to RVPD.

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~~ Community. With the exception of the uses and the property identified in this policy, ~~N~~no new commercial ~~activities~~ development 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. Commercial uses permitted in agricultural zoning districts, such as Feed and Tack stores, are allowed outside of the commercial node if appropriate zoning approval is granted.

Commercial boarding stables throughout the Rural Community Preserve will be allowed to give lessons and clinics if lawfully existing or appropriate zoning approval is granted. Commercial uses are permitted on the property zoned C-1 located at 9140 Buckingham Road.

POLICY 17.1.3: Except for those clustered areas approved in accordance with Policy 17.1.5, ~~Any~~ all lots created in the Rural Community Preserve ~~after the adoption of this amendment~~ land use category must have a minimum area of 43,560 square feet, unless a Minimum Use Determination has been issued. Calculation of lot size must exclude any road right-of-way or easement areas, water management areas, and natural water bodies. ~~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.~~

POLICY 17.1.4: Bonus density is prohibited in the Rural Community Preserve.

POLICY 17.1.5: Clustering of residential development in the Rural Community Preserve requires residential planned development (RPD) zoning. Density in clustered developments will be based on upland acreage. Dwelling units must be located away from the property boundaries. Clustering of residential development is limited in the following fashion:

1) Buildings must be set back a minimum of 100 feet from the RPD boundary.
2) The RPD must have a minimum of 10 acres in order to cluster homesites.

POLICY 17.1.6: When possible, residential development adjacent to the Rural Community Preserve boundary should make appropriate transitions to the community with a graduated increase in density as development moves away from the Rural Community Preserve boundaries. Appropriate buffers will be established for projects adjacent to the Rural Community Preserve.

POLICY 17.1.7: To preserve the shoreline, a 50 foot set back is required from the Orange River. The setback will be measured from the mean high water line or from the top of bank of the Orange River, whichever is further landward. Docks are exempt from this setback requirement.

OBJECTIVE 17.2: TRANSPORTATION. ~~To protect the rural character of the Buckingham area, the following restrictions apply:~~ The Lee County Department of Transportation must have at least one public meeting in the Buckingham Community on any proposed road expansion or extension proposed within the community. The Lee County Board of County Commissioners must have at least one public meeting after 5:00 p.m. on

any proposed road expansion or extension within the community. All roadway extensions or expansions must consider the protection of the rural character of the Buckingham Community. For purposes of this objective, safety improvements such as intersection improvements and turn lane additions or improvements, will not be deemed an expansion or extension.

POLICY 17.2.1: The following restrictions will apply to future road plans:

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.~~

   Any proposal to change the adopted alignment of Luckett Road within the Buckingham Community will require analysis and public input. The analysis must consider the community's desire to have this alignment as far south as possible, starting east of Pangola, in order to skirt the Buckingham Community.

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 the Buckingham Community will be no greater than 100 feet (except for Buckingham Road and Luckett Road extensions).

7. The extension and connection of Long Road to Ellis rRoad is prohibited. (Amended by Ordinance No. 94-30, 99-15, 00-22)

POLICY 17.2.2: The Lee County Department of Transportation will work with the Buckingham Community to identify issues, propose options, and develop a plan

directed at improving safety on roads, limiting the negative effects of traffic, and improving the overall functionality of roads within the Buckingham Community.

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 will be designed to maintain or enhance the overall rural character of the community.

POLICY 17.3.1: In order to discourage unwanted urban development, central sewer lines will not be extended into the Rural Community Preserve, except to the areas identified by Lee Plan Map 7 as Future Sanitary Sewer Service Areas, the existing Resource Recovery Facility, the adjacent Lee County Parks and Recreation Facility, and any future public facility. Sewer lines may be extended to future public facilities after one or more public meetings are held in the community and a public hearing is held before the Board of County Commissioners. The County may also extend transmission/force mains through the Rural Community Preserve, if necessary. Under no circumstances will the availability of central sewer lines be accepted as justification for a density or intensity increase, or reduction of lot size requirements (except as provided in Policy 17.1.5), within the Rural Community Preserve.

POLICY 17.3.2: Central water lines may be extended along roads of the Rural Community Preserve upon request of property owners, with extension and connection fees paid by the person(s) receiving the water service. The County may also extend central water lines through the Rural Community Preserve, if necessary. Extension of public central water lines will require the Lee County Board of County Commissioners to hold at least one public meeting after 5:00 p.m. 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 or intensity increase, or reduction of lot size requirements (except as provided in Policy 17.1.5), within the Rural Community Preserve.

POLICY 17.3.3: All new large developments (as defined in chapter 10 of the Land Development Code) must install utilities underground. Utilities include, but are not limited to, electricity, telephone, and cable lines.

POLICY 17.3.4: East County Water Control District is encouraged to continue to develop and maintain its infrastructure to minimize flooding, manage flows down the Orange River, and improve water quality. In addition, ECWCD is encouraged to work with the Lee County Emergency Operations Center to develop a system to warn residents in advance of large releases of water.

POLICY 17.3.5: If the Gulf Coast Center is acquired by Lee County, the development or redevelopment of the property must be developed in a manner that does not adversely impact the rural community. Any use must provide appropriate separation or buffering, traffic mitigation and control, and environmental protection.

POLICY 17.3.6: Detention and correctional facilities are prohibited within the Buckingham Community boundaries.

POLICY 17.3.7: No new landfills or resource recovery facilities are permitted in the Buckingham Community. Expansion of the Resource Recovery facilities located on the County property is permitted, including the introduction of new operations and facilities to address solid waste needs.

OBJECTIVE 17.4: LANDSCAPING, BUFFERING, COMMUNITY AESTHETICS, AND QUALITY OF LIFE. Adequate and appropriate landscaping, open space, and buffering must be provided as a means of protecting and enhancing the Buckingham Community's historic rural character and environmental values from developments, utilities, public services, roads, and land use changes or other improvements.

POLICY 17.4.1: Essential Service and Community Facilities must provide an appropriate native vegetative buffer to address compatibility issues and to enhance the Buckingham Community's rural and low density residential character. Buffering materials must be designed to enhance and protect the aesthetic values inherent to the Buckingham Community.

POLICY 17.4.2: Lee County will continue, through Lee County Solid Waste Collection Agreements, to require all current and future solid waste collection contractors to perform weekly litter collection along approximately one and one half miles of Buckingham Road, in the vicinity of the Resource Recovery Facility.

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 must be designed to be undulating.

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

POLICY 17.4.5: Lee County is discouraged from approving any deviation that would result in a reduction of landscaping, buffering, or signage guidelines.

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 work with the Buckingham Community to develop a plan for an interconnected system of parks, hiking, and horse riding trails within the Buckingham Community.

POLICY 17.5.2: The Orange River has areas where it is narrow, with fluctuating levels of water flow and surrounding low density residential uses. Any access to the Orange River, except for single family docks, will be reviewed through the Planned Development zoning process to insure consistency with surrounding areas. Docks, except for single family docks, approved prior to [the date of adoption] may remain but may not be expanded unless the expansion complies with this policy.

POLICY 17.5.3: The removal of invasive exotic plants, as defined by the state or county, is required for all new development within the Rural Community Preserve.

OBJECTIVE 17.6: It is the policy of Lee County to protect the historical agricultural uses within the Buckingham Community. These uses include a variety of agricultural applications such as tree farms, citrus farms, stables, cattle, cows, goats, and other livestock and crops of varying sizes. Lee County will accommodate existing agriculture uses into the future.

POLICY 17.6.1: Lee County will, when asked by the Property Appraiser, advise the Property Appraiser that it is the intent of the Lee Plan to protect and maintain agriculture in the Buckingham Community.

POLICY 17.6.2: Growing of crops for alternative energy sources on an experimental basis, such as Jatropha curcas, will be considered an agricultural use.

OBJECTIVE 17.7: PUBLIC PARTICIPATION. Lee County will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals that affect the Buckingham Community.

POLICY 17.7.1: As a courtesy, Lee County will register citizen groups and civic organizations within the Buckingham Planning Community that desire notification of pending review of Land Development Code amendments and Lee Plan amendments. Upon registration, Lee County will provide registered groups with documentation regarding these pending amendments through mail, email, or other electronic means. This notice is a courtesy only and is not jurisdictional. Accordingly, the County's failure to mail/email or to timely provide the notice, or failure of a group to receive notice, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

POLICY 17.7.2: The owner or agent of a requested zoning action (planned development, conventional rezoning, special exception, or variance requests) within or adjacent to the Buckingham Planning Community, or with access to Buckingham Road must conduct one public informational session within the Buckingham Community where the agent will provide a general overview of the project for any interested citizens. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space, providing notice of the meeting, and providing security measures as needed. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised.

Unresolved Issues with the Buckingham Planning Panel:

The following is a list of issues that the Buckingham Panel wants included in the transmittal. Staff does not recommend transmittal of these proposed issues for a variety of reasons.

LAND USE:
Expansion of the land area controlled by the provisions of Goal 17.

Requiring a finding of overriding public necessity by a **super majority** of the Board for land use changes, versus the current requirement of three members of the Board.

A new definition of "Legal Lots" versus the current process of obtaining a Minimum Use Determinations that is already included in the Administrative Chapter of the Lee Plan.

Requiring Planned Development zoning for projects located **adjacent to** the Buckingham Community.

Requiring a 100 foot setback for projects located **adjacent to** the Buckingham Community.

Delegate the authority to the Development Services Director to administratively approve minor subdivisions consisting of minimum 2.5 acre lots located on substandard roads (less than category D).

TRANSPORTATION:
Requiring Board of County Commission to schedule and hold meetings in the Buckingham Community after 5:30 p.m. concerning any proposed road expansion or extension into the Buckingham planning area. *Staff is recommending staff attended meetings in the community with Board meetings downtown after 5:00 P.M.*

Requiring that no future rights of way in the Buckingham Community will be greater than 80 feet versus the current restriction of 100 feet.

PUBLIC FACILITIES AND UTILITIES:
Public facilities and utilities will not impose an **economic burden** on residents within the Rural Community Preserve and the community is requesting **connection waivers** from state mandated connection requirements. *Staff notes that this process is already addressed in State Statutes on a case by case basis.*

New petroleum, methane, or fuel transmission lines are presumed to be incompatible with the Buckingham Community and require notification and a public meeting in the Community. A public hearing would also be required and the Board of County Commissioners would have to make a finding that the presumption of incompatibility has been overcome. Notice of the public hearing shall be provided to all landowners within 2,000 feet of the proposed fuel transmission line. Any transmission line must be located in a manner that does not bisect existing residential and agricultural uses and does not adversely impact the Rural Community Preserve. *Staff notes that no data or analysis has been submitted to support this proposed policy.*

The panel desires to maintain the **historic uses** of the Buckingham Army Airfield and any new uses must be approved through the planned development zoning process with a public meeting with the community prior to the application being found sufficient. Minutes of the meeting must be taken and made part of the record. *Staff is concerned that the historic use was an Army training facility and the use of the field has evolved over time. Future uses will continue to evolve and staff does not want to limit the field to past uses.*

No uses on the Gulf Coast Center parcels will be permitted that will increase the **ambient** noise levels or allow **industrial uses** within five hundred (500) feet of the Buckingham Community.

Expanded water treatment, sewage treatment or reclamation facility must be reviewed and approved as a planned development and located a minimum of three hundred (300) feet from the property boundary.

New requirement for essential services and community facilities to be approved utilizing the **Planned Development** zoning process and located underground, when possible.

The panel wants the County to provide direction to the Property Appraiser regarding: small family farms; community farms; and, agricultural or conservation easements when assessing property in Buckingham.

CPA2007-00049
LEE COUNTY PLANNING COMMUNITIES

PROPOSED

Year 2030

Planning Communities

- City Limits
- Areas Proposed to Change
- 1. Alva
- 2. Boca Grande*
- 3. Bonita Springs
- 4. Fort Myers Shores
- 5. Burnt Store
- 6. Cape Coral
- 7. Captiva
- 8. Fort Myers
- 9. Fort Myers Beach
- 10. Gateway/Airport
- 11. Daniel Parkway
- 12. Iona/McGregor
- 13. San Carlos
- 14. Sanibel
- 15. South Fort Myers
- 16. Pine Island*
- 17. Lehigh Acres
- 18. Southeast Lee County
- 19. North Fort Myers
- 20. Buckingham*
- 21. Estero*
- 22. Bayshore*

* Area specific Lee Plan Goals, Objectives, & Policies may apply.

The Planning Communities Map and Acreage Allocation Table (see Table 1(b) and Policies 1.1.1 and 2.2.2) depict the proposed distribution, extent, and location of generalized land uses for the year 2030.

LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

N W E S

1 0.5 0 1 2 3 4
Miles

Map Generated: October 2009
City Limits current to date of map generation

Last Amended: August 13, 2007
Adopted by Ordinance No. 98-09
Amended by Ordinance No.
02-02, 03-01, 03-02, 03-04, 03-21, 07-09, 07-13

PROPOSED

Lee Plan Map 16

PROPOSED
TABLE 1(b)
Year 2030 Allocations

	Future Land Use Classification	Lee County Totals	Alva	Boca Grande	Bonita Springs	Fort Myers Shores	Burnt Store	Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway/ Airport	Daniels Parkway	Iona/ McGregor
Residential By Future Land Use Category	Intensive Development	1,367	0	0	0	20	0	27	0	250	0	0	0	0
	Central Urban	14,787	0	0	0	225	0	0	0	230	0	0	0	375
	Urban Community	18,425	520	485	0	637	0	0	0	0	0	0	0	850
	Suburban	16,623	0	0	0	1,810	0	0	0	85	0	0	0	2,488
	Outlying Suburban	4,105	30	0	0	40	20	2	500	0	0	0	1,700	377
	Sub-Outlying Suburban	1,548	0	0	0	367	0	0	0	0	0	0	0	0
	Industrial Development	79	0	0	0	0	0	0	0	39	0	20	0	5
	Public Facilities	1	0	0	0	0	0	0	1	0	0	0	0	0
	University Community	850	0	0	0	0	0	0	0	0	0	0	0	0
	Destination Resort Mixed Use Water Dependent	8	0	0	0	0	0	0	0	0	0	0	0	8
	Burnt Store Marina Village	4	0	0	0	0	4	0	0	0	0	0	0	0
	Industrial Interchange	0	0	0	0	0	0	0	0	0	0	0	0	0
	General Interchange	42	0	0	0	0	0	0	0	0	0	0	2	0
	General/Commercial Interchange	0	0	0	0	0	0	0	0	0	0	0	0	0
	Industrial/Commercial Interchange	0	0	0	0	0	0	0	0	0	0	0	0	0
	University Village Interchange	0	0	0	0	0	0	0	0	0	0	0	0	0
	New Community	900	0	0	0	0	0	0	0	0	0	900	0	0
	Airport	0	0	0	0	0	0	0	0	0	0	0	0	0
	Tradeport	9	0	0	0	0	0	0	0	0	0	9	0	0
	Rural	8,313	1,948	0	0	1,400	636	0	0	0	0	0	1,500	0
	Rural Community Preserve	3,100	0	0	0	0	0	0	0	0	0	0	0	0
	Coastal Rural	1,300	0	0	0	0	0	0	0	0	0	0	0	0
	Outer Islands	202	5	0	0	1	0	0	150	0	0	0	0	1
	Open Lands	2,805	250	0	0	0	590	0	0	0	0	0	120	0
	Density Reduction/Groundwater Resourse	6,905	711	0	0	0	0	0	0	0	0	94	0	0
	Conservation Lands Uplands	0	0	0	0	0	0	0	0	0	0	0	0	0
	Wetlands	0	0	0	0	0	0	0	0	0	0	0	0	0
	Conservation Lands Wetlands	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Residential		81,373	3,464	485	0	4,500	1,250	29	651	604	0	1,023	3,322	4,104
Commercial		12,763	57	52	0	400	50	17	125	150	0	1,100	440	1,100
Industrial		6,620	26	3	0	400	5	26	0	300	0	3,100	10	320
Non Regulatory Allocations														
Public		81,853	7,100	421	0	2,000	7,000	20	1,961	350	0	7,500	2,416	3,550
Active Agriculture		24,957	5,100	0	0	550	150	0	0	0	0	0	20	0
Passive Agriculture		45,859	13,549	0	0	2,500	109	0	0	0	0	1,491	20	0
Conservation (wetlands)		81,948	2,214	611	0	1,142	3,236	133	1,603	748	0	2,809	1,719	9,306
Vacant		21,802	1,953	0	0	226	931	34	0	45	0	300	20	975
Total		357,175	33,463	1,572	0	11,718	12,731	259	4,340	2,197	0	17,323	7,967	19,355
Population Distribution*		495,000	5,090	1,531	0	30,861	3,270	225	530	5,744	0	11,582	16,488	34,538

* Population for Unincorporated Area of Lee County

PROPOSED
TABLE 1(b)
Year 2030 Allocations

	Future Land Use Classification	San Carlos	Sanibel	South Fort Myers	Pine Island	Lehigh Acres		Southeast Lee County	North Fort Myers	Buckingham		Estero	Bayshore
						Adopted	Proposed			Adopted	Proposed		
Residential By Future Land Use Category	Intensive Development	0	0	660	3	~~0~~	42	0	365	~~0~~	0	0	0
	Central Urban	17	0	3,140	0	~~8,200~~	8,200	0	2,600	~~0~~	0	0	0
	Urban Community	1,000	0	860	500	~~13,269~~	13,013	0	0	~~51~~	110	450	0
	Suburban	1,975	0	1,200	675	~~0~~	0	0	6,690	~~0~~	0	1,700	0
	Outlying Suburban	0	0	0	600	~~0~~	0	0	382	~~0~~	0	454	0
	Sub-Outlying Suburban	25	0	0	0	~~0~~	0	0	140	~~49~~	66	0	950
	Industrial Development	5	0	10	0	~~0~~	0	0	0	~~0~~	0	0	0
	Public Facilities	0	0	0	0	~~0~~	0	0	0	~~0~~	0	0	0
	University Community	850	0	0	0	~~0~~	0	0	0	~~0~~	0	0	0
	Destination Resort Mixed Use Water Dependent	0	0	0	0	~~0~~	0	0	0	0	0	0	0
	Burnt Store Marina Village	0	0	0	0	~~0~~	0	0	0	~~0~~	0	0	0
	Industrial Interchange	0	0	0	0	~~0~~	0	0	0	~~0~~	0	0	0
	General Interchange	0	0	0	0	~~0~~	0	15	7	~~0~~	0	6	12
	General/Commercial Interchange	0	0	0	0	~~0~~	0	0	0	~~0~~	0	0	0
	Industrial/Commercial Interchange	0	0	0	0	~~0~~	0	0	0	~~0~~	0	0	0
	University Village Interchange	0	0	0	0	~~0~~	0	0	0	~~0~~	0	0	0
	New Community	0	0	0	0	~~0~~	0	0	0	~~0~~	0	0	0
	Airport	0	0	0	0	~~0~~	0	0	0	0	0	0	0
	Tradeport	0	0	0	0	~~0~~	0	0	0	~~0~~	0	0	0
	Rural	90	0	0	190	~~14~~	14	0	500	~~57~~	50	635	1,350
	Rural Community Preserve	0	0	0	0	~~0~~	0	0	0	~~3,046~~	3,100	0	0
	Coastal Rural	0	0	0	1,300	~~0~~	0	0	0	~~0~~	0	0	0
	Outer Islands	0	0	0	45	~~0~~	0	0	0	~~0~~	0	0	0
	Open Lands	0	0	0	0	~~0~~	0	0	45	~~0~~	0	0	1,800
	Density Reduction/Groundwater Resourse	0	0	0	0	~~0~~	0	4,000	0	~~0~~	0	0	2,100
	Conservation Lands Uplands	0	0	0	0	~~0~~	0	0	0	~~0~~	0	0	0
	Wetlands	0	0	0	0	~~0~~	0	0	0	~~0~~	0	0	0
	Conservation Lands Wetlands	0	0	0	0	~~0~~	0	0	0	~~0~~	0	0	0
Total Residential		3,962	0	5,870	3,313	~~21,483~~	21,269	4,015	10,729	~~3,203~~	3,326	3,245	6,212
Commercial		1,944	0	2,100	226	~~1,420~~	1,420	38	1,687	~~48~~	18	1,700	139
Industrial		450	0	900	64	~~300~~	300	65	554	~~5~~	5	87	5
Non Regulatory Allocations													
Public		2,660	0	3,500	2,100	~~15,000~~	15,289	12,000	4,000	~~2,144~~	1,486	7,000	1,500
Active Agriculture		0	0	0	2,400	~~0~~	0	15,101	200	~~411~~	411	125	900
Passive Agriculture		0	0	0	815	~~0~~	0	18,000	1,556	~~3,619~~	3,619	200	4,000
Conservation (wetlands)		2,798	0	188	14,767	~~1,496~~	1,541	31,530	1,317	~~384~~	336	5,068	882
Vacant		244	0	309	3,781	~~7,377~~	8,085	500	2,060	~~1,278~~	1,000	809	530
Total		12,056	0	12,867	27,466	~~47,076~~	47,904	81,249	22,103	~~11,029~~	10,201	18,234	14,168
Population Distribution*		36,963	0	58,363	13,265	~~164,702~~	164,699	1,270	70,659	~~6,114~~	6,117	25,395	8,410

* Population for Unincorporated Area of Lee County

PLANNING DIVISION

M E M O R A N D U M

LEE COUNTY
SOUTHWEST FLORIDA

to: Local Planning Agency

from: Paul O'Connor, AICP, Director

subject: Revised Buckingham Staff Report

date: May 27, 2009

Planning Staff has revised the staff report for CPA 2007-49 to make the references to the Buckingham Planning area more consistent. The area covered by the plan amendment is now referred to throughout the report as the Buckingham community. Please disregard the report dated May 20, 2009 that was mailed to you previously. The enclosed report dated May 27, 2009 includes the revised language.

At the April 27, 2009 LPA meeting the LPA directed staff to work with the community to draft revised policies that were acceptable to both staff and the Buckingham Community Planning Panel. Staff made several attempts to schedule a meeting with the planning panel members, but were told that the planning panel members had not suggested any revisions and that it did not appear that a meeting would be productive. Attached are copies of correspondence between staff and the planning panel president.

SCANNED

P.O. Box 398 ▪ Fort Myers, FL 33902-0398 ▪ (239) 533-8585 ▪ Fax (239) 485-8319

Mudd, James

From: Mudd, James
Sent: Monday, April 27, 2009 3:44 PM
To: billburdette@comcast.net
Cc: Noble, Matthew; O Connor, Paul; Lehnert, Dawn; Dr. Margaret Banyan
Subject: Buckingham amendment

Bill, the LPA gave clear direction today with how to proceed with the Buckingham plan amendment. The LPA gave three options for the Buckingham amendment. 1. To recommend denial. 2. To recommend the Board transmit staff's recommendation. 3. To send it back to the community to arrive at an acceptable plan amendment. Please let me know if you intend on pursuing #3 and when the planning panel is available to further discuss the amendment with staff.

The LPA asked us to bring the Buckingham amendment back to them at the June 3, 2009 LPA meeting, which gives us until May 15 to revise the report and recommendations. Staff is going to look over the amendment and will try to standardize the language referencing the Buckingham planning area.

Time is of the essence and I am available to meet with the panel most evenings.

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

From: Mudd, James
Sent: Tuesday, May 05, 2009 7:23 AM
To: billburdette@comcast.net; Dr. Margaret Banyan
Cc: O Connor, Paul; Noble, Matthew
Subject: Buckingham amendment

Just a reminder that the LPA directed staff to bring the Buckingham amendment back to them on June 3. Is the planning panel available to meet with me to discuss the amendment and address staff's concerns? We do not have a lot of time. Please let me know.

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

From: Mudd, James
Sent: Friday, May 08, 2009 9:17 AM
To: billburdette@comcast.net; bill@burdetteinc.com
Cc: O Connor, Paul; Noble, Matthew
Subject: Buckingham amendment

Bill, we only have until next Friday to try and arrive at some mutually agreeable plan language to send back to the LPA on June 3rd. I'm more than happy to meet with the planning panel to discuss the amendment as directed by the LPA last month. Please let me know when we can meet.

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

From: Bill Burdette [billburdette@comcast.net]
Sent: Tuesday, May 12, 2009 3:49 PM
To: Noble, Matthew
Cc: bill@burdetteinc.com; Mudd, James; O Connor, Paul; Bob Murray; Bruce Strayhorn; chrisbundschu@bundschukraft.com; Christina Hatch; Gloria Vernay; Gordon L Brandt; Matt Steele; Mike Roeder; Sawyer Smith; Tim Mann; Tom Feminella; Tommy Lee Cook; Banyan, Dr. Margaret; Collins, Donna Marie; Lehnert, Dawn
Subject: Re: Buckingham amendment
Attachments: billburdette.vcf

Hi Matt,
The Planning Panels members have not suggested any revisions. Since neither Panel nor staff propose revised language, it does not appear that a community meeting would be productive. I'll work on presentations to clarify some of the polices prior to the LPA meeting. Okay?
Bill Burdette

Noble, Matthew wrote:

> Bill,
>
> Staff was luke warm at best to the extension, but it is clear to us now that this is all being done to take property rights away from those properties. The County is facing several Bert Harris claims, and staff really does not want to create additional claims. I take it from your email that we are at an impasse...the staff report contains the staff recommendation. If the panel would like to propose alternative language, staff is willing to consider it...I believe we have a mail deadline approaching...
>
> ---
>
> **From:** Bill Burdette [mailto:billburdette@comcast.net]
> **Sent:** Monday, May 11, 2009 8:27 AM
> **To:** Mudd, James
> **Cc:** bill@burdetteinc.com; O Connor, Paul; Noble, Matthew; Bob Murray; Bruce Strayhorn; chrisbundschu@bundschukraft.com; Christina Hatch; Gloria Vernay; Gordon L Brandt; Matt Steele; Mike Roeder; Sawyer Smith; Tim Mann; Tom Feminella; Tommy Lee Cook; Banyan, Dr. Margaret; Tina Mayfield
> **Subject:** Re: Buckingham amendment
>
> Hello Jim,
>
> I'm not sure what LPA really expects us to provide.
>
> Certainly, the proposed boundary and land use classifications is confusing. I can provide LPA with an illustrated map and simple rationale to explain the boundary. I cannot explain why staff supported the change for so long, then suddenly reversed position and opposed it. What is the explanation for that?
>
> You suggest "mutually agreeable language." Are you prepared to propose language that serves to implement the proposed policies? That would be very helpful, but at the last meeting we were told that staff was not negotiable on core issues. Has that changed?

Thanks for your help,

Bill Burdette

Mudd, James wrote:

> Bill, we only have until next Friday to try and arrive at some mutually agreeable plan language to send back to the LPA on June 3rd. I'm more than happy to meet with the planning panel to discuss the amendment as directed by the LPA last month. Please let me know when we can meet.
>
> 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

Dunn, Brandon

From: Banyan, Dr. Margaret [mbanyan@fgcu.edu]
Sent: Wednesday, September 02, 2009 9:13 AM
To: Noble, Matthew; Bill Burdette
Cc: Dunn, Brandon
Subject: RE: Buckingham Plan Amendment

Attachments: Buckingham Proposed Language April 24 Revision.doc



Buckingham
oposed Language A

Hi Matt:

Attached is the last revision to the Buckingham Goal 17 that was approved by the planning panel. Because there were conversion problems with word perfect, this is not in MS word's 'track changes' but is underlined instead.

Let me know if you need any more back up information.

Thanks ~~

Margaret

********** Confidentiality Notice **********

Florida has a very broad public records law. As a result, any written communication created or received by Florida Gulf Coast University employees is subject to disclosure to the public and the media, upon request, unless otherwise exempt. Under Florida law, e-mail addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

From: Noble, Matthew [NOBLEMA@leegov.com]
Sent: Tuesday, September 01, 2009 11:23 AM
To: Bill Burdette; Banyan, Dr. Margaret
Cc: Dunn, Brandon
Subject: Buckingham Plan Amendment

Bill & Margaret,

Would you be able to send us an electronic copy of the policy changes that the community is seeking. We are trying to get back up to speed on this proposed amendment, and any help you can give us would be appreciated.

Matthew A. Noble, Principal Planner
Lee County Division of Planning
P.O. Box 398
Fort Myers, Florida 33902-0398
Phone: 239-533-8548
Fax: 239-533-8319

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 Lee Plan Map 16, as amended August 13, 2007. (Adopted by Ordinance No. 98-09; Amended by Ordinance No. 02-02, 07-09, 07-13)

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, 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 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: Except for those clustered areas as approved by Policy 17.1.5, ~~A~~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 Rural Community Preserve will be no more than one unit per buildable acre. 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 Rural Community Preserve. The community strongly recommends

density of no more than one unit per acre throughout the remainder of the Buckingham Community and bonus density to be disallowed.

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: The Lee County Department of Transportation will work with the Buckingham Community to identify issues, propose options, and develop a plan directed at improving safety on roads, limiting the negative effects of traffic, and improving the overall functionality of roads within the Buckingham Community.

POLICY 17.2.2: The Director of Development Services shall have the authority under Section 10-104 of the LDC to grant administrative variances to Section 10-174(4)(c) 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.

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.

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 Lee Plan Map 7 (effective January 21, 2004) 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. An exception should be made for a methane gas line to the Resource Recovery Facility that does not encroach on any other property within the Buckingham Community.

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 work with the Buckingham community to 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 will be limited to non-commercial residential use.

POLICY 17.5.3: The removal of invasive 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 under this objective will 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 farms 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 if the operation does not create a use, road access, or drainage nuisance to its neighbors.

Dunn, Brandon

From: Noble, Matthew
Sent: Thursday, October 08, 2009 9:01 AM
To: Dunn, Brandon
Subject: FW: Buckingham

From: Newman, William
Sent: Thursday, October 08, 2009 8:59 AM
To: Noble, Matthew
Subject: Buckingham

Matt:
Sorry I didn't get back to you sooner but my advanced age has ruined my memory (I just forgot to send the e-mail).I suggest the following language for the Buckingham Plan: "Current and future Lee County Solid Waste Collection Agreements require contractors to provide personnel to perform litter collection on approximately one and one half miles of Buckingham Road in the vicinity of the Resource Recovery Facility on a weekly basis."

Bill Newman
Operations Manager
Solid Waste Division
(239) 533-8000

Noble, Matthew

From: Newman, William
Sent: Thursday, October 08, 2009 3:32 PM
To: Noble, Matthew
Cc: Sampson, Lindsey
Subject: RE: Buckingham Proposed Language April 24 Revision NM Edits 9-30-09.doc

Matt:
17.3.3 Requires public hearings for pipelines including Methane (landfill gas). This may cause delays if we ever want to do
something with landfill gas.
17.3.6 Requires visual buffering for temporary disaster aftermath facilities. This is not practical or reasonable.
17.3.8 Prohibits certain solid waste facilities. We don't need this in the Plan. The normal permitting process should be sufficient.
17.4.2 The language I sent you should suffice.

Bill Newman
Operations Manager
Solid Waste Division
(239) 533-8000

From: Noble, Matthew
Sent: Thursday, October 08, 2009 1:56 PM
To: Loveland, David; Pavese, Michael; Houck, Pamela; Gibbs, Mary; Daltry, Wayne; Wegis, Howard; Newman, William; O Connor, Paul; Ottolini, Roland; Price, Robert; Horsting, Michael; Sweigert, Rebecca; Griffith, Douglas; Eckenrode, Peter
Subject: FW: Buckingham Proposed Language April 24 Revision NM Edits 9-30-09.doc

Can you all look this over and provide any comments or concerns ASAP. This plan amendment will go back to the BoCC on October 28th...

From: Neale Montgomery [mailto:NealeMontgomery@Paveselaw.com]
Sent: Tuesday, October 06, 2009 8:42 AM
To: Noble, Matthew
Subject: Buckingham Proposed Language April 24 Revision NM Edits 9-30-09.doc

Ok, here is my draft. Bill burdette sent me an email and submitted that it is a good start. This indicates that he isn't entirely happy with what I did. The only way I know to get done by the bocc date is for you to look at it at the same time they look at it in an effort to try to find the common ground. I know you are in a hearing, but when you get out and have a chance give either me or Kathleen a call and I'll run over and sit down with it and you can tell me what works, what is a good start, and what can be improved, and hopefully there isn't anything you totally hate.

Dunn, Brandon

From: Noble, Matthew
Sent: Friday, October 09, 2009 2:50 PM
To: Dunn, Brandon
Subject: FW: Buckingham Proposed Language April 24 Revision NM Edits 9-30-09.doc
Attachments: Buckingham Proposed Language April 24 Revision NM Edits 9-30-09.doc

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From: Osterhout, Thom
Sent: Friday, October 09, 2009 1:58 PM
To: Lavender, James; Meurer, Douglas; Wegis, Howard
Cc: Noble, Matthew
Subject: FW: Buckingham Proposed Language April 24 Revision NM Edits 9-30-09.doc

It looks okay to me Howard; we will have to jump through some hoops for lack of better verbiage if we decide to site a WTP or WWTP at Gulfcoast (GCC). The 300' set back should not be a deal breaker in my opinion.
Yes I did forward this to Jim and Doug for there input as well since we already filed a letter of interest to purchase GCC.
Thanks
Thom Osterhout
Senior Manager
Development
Lee County Utilities
1500 Monroe Street
Fort Myers, Florida 33901
TOsterhout@leegov.com
(239) 533-8165
Fax (239) 485-8385

From: Wegis, Howard
Sent: Thursday, October 08, 2009 3:17 PM
To: Osterhout, Thom
Subject: FW: Buckingham Proposed Language April 24 Revision NM Edits 9-30-09.doc

Thom,
Matt sent this to me. I think you should take a look at it to see if it looks O.K. to you. I think we should also share it with Doug. Your thoughts?

Howard S. Wegis
Staff Engineer
Lee County Utilities
P.O. Box 398
Fort Myers, FL 33901
Phone#: (239) 533-8163
Fax#: (239) 485-8385

From: Noble, Matthew
Sent: Thursday, October 08, 2009 1:56 PM
To: Loveland, David; Pavese, Michael; Houck, Pamela; Gibbs, Mary; Daltry, Wayne; Wegis, Howard; Newman, William; O Connor, Paul; Ottolini, Roland; Price, Robert; Horsting, Michael; Sweigert, Rebecca; Griffith, Douglas; Eckenrode, Peter

Subject: FW: Buckingham Proposed Language April 24 Revision NM Edits 9-30-09.doc

Can you all look this over and provide any comments or concerns ASAP. This plan amendment will go back to the BoCC on October 28th...

From: Neale Montgomery [mailto:NealeMontgomery@Paveselaw.com]
Sent: Tuesday, October 06, 2009 8:42 AM
To: Noble, Matthew
Subject: Buckingham Proposed Language April 24 Revision NM Edits 9-30-09.doc

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Dunn, Brandon

From: Noble, Matthew
Sent: Friday, October 09, 2009 11:13 AM
To: Dunn, Brandon
Subject: FW: Buckingham Proposed Language April 24 Revision NM Edits 9-30-09.doc

---

From: Horsting, Michael
Sent: Thursday, October 08, 2009 4:02 PM
To: Noble, Matthew
Subject: RE: Buckingham Proposed Language April 24 Revision NM Edits 9-30-09.doc

No Comments

Mike Horsting, AICP
Principal Planner - Lee County Transit
239-533-0333 tel

From: Noble, Matthew
Sent: Thursday, October 08, 2009 1:56 PM
To: Loveland, David; Pavese, Michael; Houck, Pamela; Gibbs, Mary; Daltry, Wayne; Wegis, Howard; Newman, William; O Connor, Paul; Ottolini, Roland; Price, Robert; Horsting, Michael; Sweigert, Rebecca; Griffith, Douglas; Eckenrode, Peter
Subject: FW: Buckingham Proposed Language April 24 Revision NM Edits 9-30-09.doc

Can you all look this over and provide any comments or concerns ASAP. This plan amendment will go back to the BoCC on October 28th...

From: Neale Montgomery [mailto:NealeMontgomery@Paveselaw.com]
Sent: Tuesday, October 06, 2009 8:42 AM
To: Noble, Matthew
Subject: Buckingham Proposed Language April 24 Revision NM Edits 9-30-09.doc

Ok, here is my draft. Bill burdette sent me an email and submitted that it is a good start. This indicates that he isn't entirely happy with what I did. The only way I know to get done by the bocc date is for you to look at it at the same time they look at it in an effort to try to find the common ground. I know you are in a hearing, but when you get out and have a chance give either me or Kathleen a call and I'll run over and sit down with it and you can tell me what works, what is a good start, and what can be improved, and hopefully there isn't anything you totally hate.

Noble, Matthew

From: Wilson, John
Sent: Saturday, October 10, 2009 5:40 PM
To: Noble, Matthew
Cc: Dickerson, Kim (Mary); Saniter, David
Subject: RE: Buckingham Proposed Language April 24 Revision NM Edits 9-30-09.doc

Matt:

OBJECTIVE 17.1: LAND USE. The primary land use designation for the Buckingham area is "Rural Community Preserve." Other land use designations exist within the boundaries in a lesser amount, such as Public Facilities, Urban Community, and Outlying Suburban. Existing public facilities have also been designated as appropriate. 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 a super majority of the Board of County Commissioners. The Board of County Commissioners must ensure the land is developed in a manner that will not adversely impact the Buckingham Rural Community Preserve.. (Amended by Ordinance No. 00-22)

Would this language preclude us from building or placing an EMS station in this area should response time considerations warrant it?

POLICY 17.3.6: The Gulf Coast Center may be acquired by Lee County or other public entity. The development, redevelopment, or temporary uses on the property must be developed in a manner that does not adversely impact the rural community. Any use must provide appropriate separation or buffering, traffic mitigation and control, and environmental protection. Any additional uses or facilities must be approved through the planned development zoning process. If the property is used for temporary or emergency operation disaster aftermath facilities, the facilities must be located internal to the site and visually buffered from the surrounding rural community with adequate environmental protection and rodent control. No uses will be permitted that will increase the ambient noise level in the Buckingham Community. No industrial uses can be located on the property within five hundred (500) feet of the Buckingham Community..

While the language precluding the County from putting a temporary mobile home site on the property has been removed (assuming we get a chance to purchase the land over FGCU's request), the new conditions in the proposed language severely hamper the ability to put such a facility in place within 90 days following a major or catastrophic disaster. What standards will constitute "location internal to the site" and "visually buffered from the surrounding rural community" after a major or catastrophic disaster impacts Lee County (where they maybe debris all over the place)? What standards will be used to determine "adequate environmental protection and rodent control" following a disaster? Do any exist now to evaluate this or will this be used to delay or otherwise inhibit the use of the land for such purposes because none exist? FEMA and Corps of Engineers have developed some pretty strict standards for developing these "emergency group sites" and I believe these should apply under these circumstances rather than the County placing additional land use or zoning requirements taking precedence over providing safe, sanitary and secure housing facilities for those having none.

John Wilson, Director Lee County Public Safety

NOTE NEW PHONE # 239-533-3911

From: Noble, Matthew
Sent: Fri 10/9/2009 8:01
To: Wilson, John; Campbell, Harry; Dickerson, Kim (Mary)
Subject: FW: Buckingham Proposed Language April 24 Revision NM Edits 9-30-09.doc

Could you look at this ASAP, pretty please! This will be discussed at a BoCC hearing on October 28th. We see issues, we would appreciate your comments...

From: Neale Montgomery [mailto:NealeMontgomery@Paveselaw.com]
Sent: Tuesday, October 06, 2009 8:42 AM
To: Noble, Matthew
Subject: Buckingham Proposed Language April 24 Revision NM Edits 9-30-09.doc

Ok, here is my draft. Bill burdette sent me an email and submitted that it is a good start. This indicates that he isn't entirely happy with what I did. The only way I know to get done by the bocc date is for you to look at it at the same time they look at it in an effort to try to find the common ground. I know you are in a hearing, but when you get out and have a chance give either me or Kathleen a call and I'll run over and sit down with it and you can tell me what works, what is a good start, and what can be improved, and hopefully there isn't anything you totally hate.

Dunn, Brandon

From: Lehnert, Dawn
Sent: Monday, October 12, 2009 8:41 AM
To: Noble, Matthew; Dunn, Brandon
Subject: RE: Buckingham Proposed Language April 24 Revision NM Edits 9-30-09.doc

With respect to the first comment, I think the answer is yes. The word "existing" appears to be the impediment to future creation.

As to the second comment, I agree with john. The proposed text attempts to create a set of constraints designed to make the County simply give up instead of suing the site. The FEMA standards should be the benchmark in the disaster scenario as the public health, safety and welfare should be deemed paramount during that time.

Dawn E. Perry-Lehnert
Assistant County Attorney
Lee County Attorney's Office
Phone: 239-533-2236
Fax: 239-485-2106
Lehnertd@leegov.com

Please note: Florida has a very broad public records law. Most written communications to or from County Employees and Officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

From: Noble, Matthew
Sent: Monday, October 12, 2009 8:21 AM
To: Dunn, Brandon; Lehnert, Dawn
Subject: FW: Buckingham Proposed Language April 24 Revision NM Edits 9-30-09.doc

FYI...

From: Wilson, John
Sent: Saturday, October 10, 2009 5:40 PM
To: Noble, Matthew
Cc: Dickerson, Kim (Mary); Saniter, David
Subject: RE: Buckingham Proposed Language April 24 Revision NM Edits 9-30-09.doc

Matt:

> **OBJECTIVE 17.1: LAND USE.** The primary land use designation for the Buckingham area is "Rural Community Preserve." Other land use designations exist within the boundaries in a lesser amount, such as Public Facilities, Urban Community, and Outlying Suburban. Existing public facilities have also been designated as appropriate. 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 a super majority of the Board of County Commissioners. The Board of County Commissioners must ensure the land is developed in a

manner that will not adversely impact the Buckingham Rural Community Preserve.. (Amended by Ordinance No. 00-22)

Would this language preclude us from building or placing an EMS station in this area should response time considerations warrant it?

> **POLICY 17.3.6:** The Gulf Coast Center may be acquired by Lee County or other public entity. The development, redevelopment, or temporary uses on the property must be developed in a manner that does not adversely impact the rural community. Any use must provide appropriate separation or buffering, traffic mitigation and control, and environmental protection. Any additional uses or facilities must be approved through the planned development zoning process. If the property is used for temporary or emergency operation disaster aftermath facilities, the facilities must be located internal to the site and visually buffered from the surrounding rural community with adequate environmental protection and rodent control. No uses will be permitted that will increase the ambient noise level in the Buckingham Community. No industrial uses can be located on the property within five hundred (500) feet of the Buckingham Community..
>
> **While the language precluding the County from putting a temporary mobile home site on the property has been removed (assuming we get a chance to purchase the land over FGCU's request), the new conditions in the proposed language severely hamper the ability to put such a facility in place within 90 days following a major or catastrophic disaster. What standards will constitute "location internal to the site" and "visually buffered from the surrounding rural community" after a major or catastrophic disaster impacts Lee County (where they maybe debris all over the place)? What standards will be used to determine "adequate environmental protection and rodent control" following a disaster? Do any exist now to evaluate this or will this be used to delay or otherwise inhibit the use of the land for such purposes because none exist? FEMA and Corps of Engineers have developed some pretty strict standards for developing these "emergency group sites" and I believe these should apply under these circumstances rather than the County placing additional land use or zoning requirements taking precedence over providing safe, sanitary and secure housing facilities for those having none.**

John Wilson, Director Lee County Public Safety
NOTE NEW PHONE # 239-533-3911

From: Noble, Matthew
Sent: Fri 10/9/2009 8:01
To: Wilson, John; Campbell, Harry; Dickerson, Kim (Mary)
Subject: FW: Buckingham Proposed Language April 24 Revision NM Edits 9-30-09.doc

Could you look at this ASAP, pretty please! This will be discussed at a BoCC hearing on October 28th. We see issues, we would appreciate your comments...

From: Neale Montgomery [mailto:NealeMontgomery@Paveselaw.com]
Sent: Tuesday, October 06, 2009 8:42 AM
To: Noble, Matthew
Subject: Buckingham Proposed Language April 24 Revision NM Edits 9-30-09.doc

Ok, here is my draft. Bill burdette sent me an email and submitted that it is a good start. This indicates that he isn't entirely happy with what I did. The only way I know to get done by the bocc date is for you to look at it at the same time they look at it in an effort to try to find the common ground. I know you are in a hearing, but when you get out and have a chance give either me or Kathleen a call and I'll run over and sit down with it and you can tell me what works, what is a good start, and what can be improved, and hopefully there isn't anything you totally hate.

Noble, Matthew

From: Burris, Richard
Sent: Monday, October 12, 2009 9:17 AM
To: Noble, Matthew
Subject: Start of Comments

17: - the additional "and" between historic and rural makes the last part of the sentence redundant – this verbiage is more specific.
The boundary expansion description only describes one tract of land but the maps add in 2 additional areas. The description should either be changed to address all of the proposed expansions, or exclude all of that portion of the proposed Goal change and rely on the map amendment for the actual boundary of the community plan area. The correct map to depict the "special treatment area (community plan) is Map 1 page 2. The goal could state that the boundary on page 2 is the same as the Buckingham Planning Community as depicted on map 16.
17.1: The Outlying Suburban area was changed to Sub-Outlying Suburban. The objective may need to have a provision that changes in the Community Plan boundaries will also be approved by a super majority. The last statement is vague, it may be directed to the previously mentioned FLUM change – this may be better stated in a separate policy, the Goal already states the intent to preserve the character of Buckingham.
17.1.1: The term "Buckingham Community" should be more specific, is it the Buckingham Planning Community, or the Buckingham Community Plan area.
17.1.2: The added language could be reworded to be more clear

Commercial uses, permitted by right, in the existing agricultural districts are allowed outside of the designated commercial node. Boarding Stables, permitted by the existing zoning, will be allowed to offer riding lessons and clinics as an accessory use. (need clear definition of lessons and clinics as an accessory use)

17.1.3: &
17.1.4: All lots created in the Rural Community Preserve land use category not zoned RPD must have a minimum of 43,560 square feet of buildable land area excluding ROW, easements, water management areas, and natural water bodies. Ponds used for agricultural purposes will be considered as "buildable land area" provided the pond is within the lot boundaries.

(legally created lots not meeting these requirements are protected with the minimum use provision)

17.1.5: Within the Rural Community Preserve land use category, smaller clustered lots are allowed as part of a RPD

RPD's must consist of a minimum of 10 acres if clustered lots are requested.
Density will be based on the upland portion of the RPD no density will be calculated from wetland portions of the project (internal ROW, easements, and water management areas will be used for calculating density)
Buildings must be set back a minimum of 100 feet from the boundary of the RPD.

The new policy that follows 17.1.5 is inconsistent with the request which is to expand the Buckingham Community Plan area to coincide with the Buckingham Planning Community boundary. The term "immediately adjacent to" is also confusing, the word immediate would imply that the property abuts the Buckingham Planning Community (shares a border with) but the policy states that any project within 200 feet implying that a gap could exist between the project and the planning community boundary (or is the 200 feet to ensure that tracts of land across roads and canals are included?).

Richard R. Burris, AICP
Principal Planner
Lee County Department of Community Development/Division of Planning
burrisrx@leegov.com
239-533-8526

Dunn, Brandon

From: Charles Basinait [Charles.Basinait@henlaw.com]
Sent: Tuesday, October 13, 2009 1:08 PM
To: Dunn, Brandon; NealeMontgomery@Paveselaw.com
Subject: FW: Buckingham Proposed Language April 24 Revision NM Edits 9-30-09.doc
Importance: High
Attachments: Buckingham Proposed Language April 24 Revision NM Edits 9-30-09.doc

Brandon and Neale
My initial reaction to this document is that I received the draft document this morning and I only have about 2 weeks left before the BOCC hearing and it is very little time to be able to give meaningful comment on the draft and get some revisions made if necessary. My second comment is that I do not understand Goal 17---it appears that some verbiage has been left out concerning the boundaries of the Buckingham Community. Can one of you fill this in for me. Obviously this paragraph is critical to how my clients will view the remainder of the document and no meaningful review can be commenced until this paragraph is cleared up.
Thank you.
Chuck

Charles Basinait
Attorney at Law
Henderson, Franklin, Starnes & Holt, P.A.
1715 Monroe Street
P.O. Box 280
Fort Myers, FL 33902
Direct Dial: 239.344.1204
Direct Fax: 239.344.1580
Charles.Basinait@henlaw.com
www.henlaw.com

Henderson|Franklin
ATTORNEYS AT LAW

CONFIDENTIALITY STATEMENT

Henderson, Franklin, Starnes & Holt, P.A.

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To reply to our e-mail administrator directly, please send an e-mail to administrator@henlaw.com

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From: Dunn, Brandon [mailto:BDunn@leegov.com]
Sent: Tuesday, October 13, 2009 10:55 AM
To: Charles Basinait; Fred@qainc.net
Cc: Noble, Matthew
Subject: FW: Buckingham Proposed Language April 24 Revision NM Edits 9-30-09.doc

Here is language for the Buckingham Community Plan that has been written by Neale Montgomery. It is the latest correspondence we have received from the community. We are in the process of revising/rewriting this and are looking for any comments that you may have about Neale's proposed language.

If you have comments or concerns please get them to us as soon as possible.

Thank you,

Brandon D Dunn,
Development Review Representative
Lee County Community Development
(239) 533-8989 ext. 48809
bdunn@leegov.com

Think Green & please print this e-mail only if necessary.

From: Noble, Matthew
Sent: Wednesday, October 07, 2009 7:51 AM
To: Dunn, Brandon
Subject: FW: Buckingham Proposed Language April 24 Revision NM Edits 9-30-09.doc

---

From: Neale Montgomery [mailto:NealeMontgomery@Paveselaw.com]
Sent: Tuesday, October 06, 2009 8:42 AM
To: Noble, Matthew
Subject: Buckingham Proposed Language April 24 Revision NM Edits 9-30-09.doc

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Dunn, Brandon

From: Noble, Matthew
Sent: Wednesday, October 14, 2009 1:20 PM
To: Dunn, Brandon
Subject: FW: Buckingham Proposed Language April 24 Revision NM Edits 9-30-09.doc

---

From: Loveland, David
Sent: Wednesday, October 14, 2009 11:13 AM
To: Noble, Matthew
Cc: Gibbs, Mary; Daltry, Wayne; O Connor, Paul; Campbell, Harry; Getch, Andrew; Collins, Donna Marie; Deberry, Donald; Gilbertson, Scott
Subject: RE: Buckingham Proposed Language April 24 Revision NM Edits 9-30-09.doc

First let me say that I don't think it's fair to staff for the Buckingham reps to introduce a whole bunch of additional changes in the month between one transmittal hearing and another – if we are to seriously consider their new proposals, this package should be pushed to the next amendment cycle. Also, Neale's submittal doesn't seem to accurately reflect the changes from existing plan language in terms of strike-through/underline designations, which has created a confusing mish-mash.

Going back to my general comments from 2007 and 2008, "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." Also, "What if every community doing a plan has the same objective, limiting traffic impacts in their community – then regional transportation planning throughout the County is doomed."

On a more specific basis:

Objective 17.2
At the last minute they are now proposing to revise this objective, and in a very significant way. The new language requires DOT and the BOCC to have one or more public meetings in Buckingham after 5:30 p.m. on any proposed roadway expansion or extension into their planning area. DOT already as a matter of practice has public meetings within the affected community for our major road projects, to answer questions and get input during the corridor alignment study or design process. We did that for the Luckett Road Extension. Those meetings are typically scheduled over a two-hour window, from 4-6 p.m. We don't agree with this specific requirement that treats Buckingham differently than the rest of the County, forcing meetings after 5:30 p.m. And what about intersection safety improvements, smaller scale improvements that we don't consider a "proposed road expansion or extension" like the left turn lane we just added at the Buckingham Road/Cemetary Road intersection? We typically don't have public meetings for those type of improvements, and we have a duty and obligation to determine which safety improvements are appropriate and implement them. Also, if an alignment issue has to be decided by the Board, that is normally done at a regularly scheduled Board meeting in Chambers, open to the public – staff shouldn't agree to forcing the Board to have meetings at a specific time and in locations other than Chambers.

The other part of Objective 17.2 that is revised is changing the general reference of "protecting the rural character of the Buckingham planning area" to "all roadway extensions or expansions shall consider the protection of the low density residential uses and rural character of the Buckingham area." I am not clear how this would be implemented, since widening an existing roadway or extending a roadway corridor by itself does not change surrounding land use density in any way, shape or form. Changing density requires a separate plan amendment or rezoning process, so how exactly do we consider the protection of low density residential uses when considering a road improvement. This language would seem to open the door for a lot of arguing about the

potential impact of a road improvement, and we cannot support it.

New Policy 17.2.1
In relation to subsection 1, I had noted back in December 2008 that the Luckett Road Extension corridor study was already completed. We don't agree with the revisions proposed by Neale, and agree with you that this section should probably be rewritten to reflect the fact that the scale and alignment of the Luckett Road Extension has already been approved by the Board.

In relation to subsection 6, we had already agreed to the ROW limitation of 100 feet as reflected in the current plan language – going back to 2007, we have never agreed with further reducing that limitation to 80 feet. As we noted then, this appears to be an attempt to limit collector roadways, since the minimum ROW standards in the LDC for collector roads start at 100 feet, but we don't feel that is good planning.

New Policy 17.2.2 (which Neale has numbered 17.2.1)
This language is a compromise based on DOT's objection to an earlier proposal, but we would note that there would be a significant cost to doing such a plan (estimated over $100,000), which raises the question of how that would be funded, since this would not be a top DOT priority given our County-wide needs. Also, the language that says "limiting the negative effects of traffic, and improving the overall functionality of roads" is actually contradictory, since implementing context sensitive solutions that limit the negative effects of traffic will reduce the overall functionality of the road. Collector roads need to function as collector roads.

New Policy 17.2.2 (as numbered by Neale, not in the staff report)
This is not a DOT issue, so I'll leave it to you and Development Services; I would simply question whether it belongs under this objective.

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: Noble, Matthew
Sent: Thursday, October 08, 2009 1:56 PM
To: Loveland, David; Pavese, Michael; Houck, Pamela; Gibbs, Mary; Daltry, Wayne; Wegis, Howard; Newman, William; O Connor, Paul; Ottolini, Roland; Price, Robert; Horsting, Michael; Sweigert, Rebecca; Griffith, Douglas; Eckenrode, Peter
Subject: FW: Buckingham Proposed Language April 24 Revision NM Edits 9-30-09.doc

Can you all look this over and provide any comments or concerns ASAP. This plan amendment will go back to the BoCC on October 28th...

From: Neale Montgomery [mailto:NealeMontgomery@Paveselaw.com]
Sent: Tuesday, October 06, 2009 8:42 AM
To: Noble, Matthew
Subject: Buckingham Proposed Language April 24 Revision NM Edits 9-30-09.doc

Ok, here is my draft. Bill burdette sent me an email and submitted that it is a good start. This indicates that he isn't entirely happy with what I did. The only way I know to get done by the bocc date is for you to look at it at the same time they look at it in an effort to try to find the common ground. I know you are in a hearing, but when you get out and have a chance give either me or Kathleen a call and I'll run over and sit down with it and you can tell me what works, what is a good start, and what can be improved, and hopefully there isn't anything you totally hate.

Dunn, Brandon

From: Sweigert, Rebecca
Sent: Thursday, October 15, 2009 1:28 PM
To: Browning, Bradley; Dunn, Brandon
Cc: Lis, Carol; Noble, Matthew
Subject: RE: Buckingham comments.

Brandon,

On proposed policy 17.5.2 for docks on the orange river, in case the board decides to keep the language maybe we suggest the following alterative

The Orange River has large areas where it is narrow, with low flows and surrounding low density low density residential. Any access to the Orange River, except for single family docks, will be reviewed through a rezoning to a planned development to insure consistency with surrounding areas. Any previously approved ~~permitted~~ docks prior to this plan date, may remain without additional rezoning or public hearings.

I think it should be much simpler language if left within the Lee Plan . Too many details are mentioned within the proposed policy that should be left for LDC language.

Just a thought...

Becky Sweigert
Principal Environmental Planner
Lee County Division of Environmental Sciences
PO Box 398
Fort Myers, FL 33902-0398
rsweigert@leegov.com

239-533-8552
239-485-8344 (fax)

From: Browning, Bradley
Sent: Thursday, October 15, 2009 10:43 AM
To: Dunn, Brandon
Cc: Sweigert, Rebecca
Subject: Buckingham comments.

Brandon- Below are ES staff comments for Buckingham Community.

Policy 17.1.2- The land development code will need to be amended to require 30% open space for all commercial developments located in the commercial node for the rural community preserve.
Policy 17.1.7- ES staff has no issues with the proposed language created by staff.
Policy 17.4- ES staff suggest replacing "shall provide" with "must provide" in the proposed language.
Policy 17.4.1- Buffering requirements for public facilities (Essential Services) are regulated by Section 10-416 and Section 34-1616 of the land development code. If the Buckingham community would like to increase the current buffer requirements and require all native plant material for public facilities (Essential Services) then the Land Development Code will have to be amended. Again, some buffer standards need to provided or clarification on buffer proposal. If the community is requesting additional buffering requirements beyond LDC 10-416 and 34-1616 then that needs to be stated in the policy.

Policy 17.4.5- ES staff suggest striking out this language because the variance and deviation process is already discouraged by the county but is sometimes necessary to due to existing site constraints.
Objective 17.5- ES staff has no issues with this policy but if the Buckingham community would like to increase the required open space then the Land Development Code will have to be amended.

Policy 17.5.2.- ES staff suggest striking out this language because this language could affect docks that have been approved thru zoning buthas not applied for or been issued a Dock and Shoreline permit.
Objective 17.6- ES staff suggest striking out this Objective and the polices because the County does not have any control over what the Property Appraiser does or how land is valued.

Brad Browning

Senior Environmental Planner

Lee County Environmental Sciences

bbrowning@leegov.com

Phone:239-533-8157
Fax:239-485-8344

PAVESE
LAW FIRM

NEALE MONTGOMERY

Direct dial: (239) 336-6235
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1833 Hendry Street, Fort Myers, Florida 33901 | P.O. Drawer 1507, Fort Myers, Florida 33902-1507 | (239) 334-2195 | Fax (239) 332-2243

October 27, 2009

RECEIVED
OCT 29 2009
COMMUNITY DEVELOPMENT

Mr. Paul O'Connor
Mr. Matt Noble
Lee County Planning Department
1500 Monroe Street
Fort Myers, FL 33901

RE: Buckingham Plan Amendments

Dear Mr. O'Connor and Mr. Noble:

I want to say how much I appreciate the time and effort expended by Brandon Dunn, Matt Noble, Dawn Lehnert and Donna Marie Collins. Brandon and Matt worked especially hard on verbiage changes to the policies to address the concerns of the staff and the community. A lot of progress was made at our meetings. I am dismayed that the information provided to the Board of County Commissioners belies the tremendous progress. The list of unresolved issues includes issues that are resolved. Please allow me to respond to the staff memorandum.

1. Object 17.1 - Super Majority Vote to change the FLUM
The objective provides, in part:

> "No land in the Buckingham community 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."

The staff accurately notes that the Community requested a super majority instead of three members. The community would prefer the super majority language, but the staff made a valid point that if a super majority requirement were included in the Buckingham Community Plan then other communities would want a similar provision in their community plan. The concern about creating a precedent is understandable, and if the Board of County Commissioners (BOCC) determines that it would not establish a precedent then the community would favor the change.

2. Policy 17.1.3 – MUD versus Vested Rights
There is no disagreement.

The community and the staff understand the need to protect those parties that have a pre-existing legal right. The staff preference was to use the minimum use determination process. This process addresses the legal concern and it provides the opportunity to address vested rights situations in a way that is fair to the community and the landowners.

3. Policy 17.1.6.
There is no disagreement.

This policy requires appropriate buffers and an appropriate transition of uses. The policy as worded by the staff provides a framework for addressing the community concerns. If a setback is necessary to protect the community, the staff will be able to rely on this policy to provide for an appropriate buffer and transition of uses instead of relying on an automatic 100 foot setback. If the standard buffers and setbacks in a standard zoning district don't meet the requirements of this policy, the community assumes that the staff will encourage someone seeking a rezoning to proceed with a planned development zoning application as the staff often does.

4. Objective 17.2.
There is no disagreement.

The community language originally included a 5:30 meeting time since most of residents in the community work. The staff was persuasive in noting that the 5:05 time frame is consistent with normal County practice. The community would love for it to be at 5:30, but 5:05 is acceptable.

5. Policy 17.2.1.6. – Future Right of Way Widths
This is an unresolved issue.

> "All future rights-of-way in the Buckingham Community will be no greater than ~~100~~ 80 feet (except for Buckingham Road and Luckett Road extensions)."

The staff is correct, the community disagrees with the increase in roadway width. The community wants to retain the rural character. The Buckingham Community is the home of families, dogs, and an array of large animals in a bucolic setting. The community wants roads designed for slower speeds to reduce high speeds, cut through traffic, and pedestrian and animal conflicts with speeding vehicles.

6. Policy 17.3.1. – Acknowledging the Ability to Have a Waiver from Sewer Connection
This is an unresolved issue.

The community does not want sewer lines extended into the area in a manner that compels residents to connect, especially when the residents are located on small family farms. The community is keenly aware of the negative fiscal impact on residents in Cape Coral when they were compelled to connect at a high cost. The staff has submitted that it may be necessary to extend sewer lines to provide relief for projects such as The Hut. The community doesn't want to prevent properties on failing systems from connecting to a central system, but the community doesn't want to be compelled to assist in the funding of The Hut's connection especially when it would cause an economic hardship that could result in the loss of the family farm. The BOCC was previously advised that the statute mandated a connection. The current staff memorandum accurately notes that the BOCC has the ability to waive the obligation to connect. Section 381.00655(2)(b), F.S. provides, "A publically owned or investor-owned sewerage system may, with the approval of the department, waive the requirements of mandatory onsite sewage disposal connection if it

determines that such connection is not required in the public interest due to public health considerations." An Attorney General Opinion is attached hereto which confirms the ability to grant a waiver. The Community would recommend an amendment to the staff policy 17.3.1.

Staff recommendation:
In order to discourage unwanted urban development, central sewer lines will not be extended in the Rural Community Preserve, except to the areas identified by Lee Plan Map 7 as future Sanitary Sewer Service Areas, the existing Resource Recovery Facility, the adjacent Lee County Parks and Recreation Facility, and any future public facility. Sewer lines may be extended to future public facilities after one or more public meetings are held in the community and a public hearing is held before the Board of County Commissioners. The County may also extend transmission/force mains through the Rural Community Preserve, if necessary. Under no circumstances will the availability of central sewer lines be accepted as justification for a density or intensity increase, or reduction of lot size requirements (except as provided in Policy 17.1.5), within the Rural Community Preserve.

Proposed Addition:
The Board of County Commissioners will consider waivers to the County's central sewer mandatory connection requirement in the Buckingham Community. A waiver cannot be granted unless the landowner has the approval of the Health Department and the request is in accordance with the Section 381.00655(2)(b), F.S.

The community has been advised and some Board members have been advised that waivers cannot be granted, and the community wants to be assured that everyone knows that the Board can and will consider waivers. The primary concern is an economic one.

7. Policy 17.3.3. – Limit or Preclude New Fuel/Chemical Transmission Lines
The staff expressed a need for more information.

The staff advised the applicant that they were not certain the policy as originally proposed could be implemented due to concerns about pre-emption.

Original Proposed Language:
Residential natural gas lines and the existing TECO natural gas line are allowed within the Buckingham Community. New petroleum, methane, or fuel transmission lines are presumed to be incompatible with the Buckingham Community. No new petroleum, methane or other fuel transmission lines, including commercial natural gas lines are permitted without a public meeting in the Community. A public hearing would also be required and the Board of County Commissioners would have to make a finding that the presumption of incompatibility has been overcome. Notice of the public hearing shall be provided to all landowners within 2,000 feet of the proposed fuel transmission line. Any transmission line must be located in a manner that does not bisect existing residential and agricultural uses and does not adversely impact the Rural Community Preserve.

The state requirements for the siting of transmission lines, petroleum lines, and natural gas lines include provisions for comments from the local community. The Community would suggest the following change:

Proposed change:
The Board of County Commissioners will hold a public meeting after 5:00 to obtain input from the Buckingham Community before commenting to any state agency on the appropriateness of a new or expanded natural gas, petroleum, methane or other chemical or fuel transmission line proposed to pass into or through the Buckingham Community. If the County is permitted by law to restrict the location of a petroleum, methane or other fuel transmission line, including commercial natural gas lines, the Board of County Commissioners will evaluate the impacts of said line on the Buckingham Community at a noticed public hearing. The Board will evaluate the impact on the Rural Community Preserve, and the potential adverse impacts on the Rural Community Preserve.

8. The Buckingham Army Airfield.
This is an unresolved issue.

The community proposed the following as Policy 17.3.5:

> The historic value and historic uses of the Buckingham Army Airfield, and the residential airparks should be protected. Any new uses of the Buckingham Army Airfield must be approved through the planned development zoning process. A public meeting with the community must be held in the community prior to completion of the sufficiency process for the planned development. Minutes of the meeting must be taken and made part of the record. . Any new uses must be developed in a manner that is consistent with the rural community.

The staff has noted that the property is already zoned CF-3. CF-3 permits uses that do not currently exist and which are incompatible with the surrounding community. It is understood that the Board does not want to be in a position of taking away legally permitted uses. Thus, the community would recommend the following revised recommendation:

> Any use of the Buckingham Army Airfield that is not permitted by the zoning in place on [Date of Plan Amendment Adoption] ,2010, must be rezoned to a planned development in accordance with all pertinent provisions of the Buckingham Community Plan.

9. Gulf Coast Center
This is no disagreement with the staff on Gulf Coast Center.

The Community concerns will be addressed if the staff language is accepted. The policy should be written to include any owner.

> Any development or redevelopment of the property must be accomplished in a manner that does not adversely impact the rural community. Any use must provide appropriate separation, buffering, traffic mitigation and control, and environmental protection.

I appreciate the opportunity to respond to the staff memorandum. I am hopeful that the hard work of the community and the staff will be reflected in the final product.

Your consideration of this matter is greatly appreciated.

Sincerely,

Neale Montgomery

Signed in absentia
to avoid delay

Neale Montgomery

NM/kc

cc: Lee County Board of County Commissioners
Mr. Charles Basinait
Mr. Bruce Strayhorn
Mr. Chris Bundschu
Mr. Bob Murray
Mr. Bill Burdette

Attachment

Florida Attorney General
Advisory Legal Opinion

1. **Number: AGO 2000-71**
Date: December 14, 2000
Subject: Sewers--mandatory connection sewerage system

Mr. Michael S. Mullin
Nassau County Attorney
Post Office Box 1010
Fernandina Beach, Florida 32035-1010

RE: COUNTIES--SEWER SYSTEMS--residential owners whose property is served by onsite septic system required to connect with an investor-owned sewerage system after written notification of system's availability. s. 381.00655, Fla. Stat.

Dear Mr. Mullin:

On behalf of the Nassau County Board of County Commissioners, you ask substantially the following question:

Does section 381.00655, Florida Statutes, mandate that residential property owners whose property is currently served by an onsite septic system connect to an investor-owned sewerage system, and may the costs of such sewerage line be assessed to the property owners that do not hook up to the system?

In sum:

The Legislature, through the enactment of section 381.00655, Florida Statutes, has required residential owners whose property is served by an onsite septic system to connect with an investor-owned sewerage system after written notification by the owner of the investor-owned sewerage system that the system is available for connection. The statute, however, permits the investor-owned sewerage system to waive the connection with the consent of the Department of Health.

The Legislature has enacted section 381.00655, Florida Statutes, which requires property owners who currently have onsite sewage

treatment and disposal systems to connect to available central sewerage systems. An onsite sewage treatment system includes such things as septic systems.[1] Pursuant to the statute:

"The owner of a properly functioning onsite sewage treatment and disposal system . . . *must connect* the system or the building's plumbing to an available publicly owned or investor-owned sewerage system within 365 days after written notification by the owner of the publicly owned or investor-owned sewerage system that the system is available for connection. The publicly owned or investor-owned sewerage system must notify the owner of the onsite sewage treatment and disposal system of the availability of the central sewerage system. No less than 1 year prior to the date the sewerage system will become available, the publicly owned or investor-owned sewerage system shall notify the affected owner of the onsite sewage treatment and disposal system of the anticipated availability of the sewerage system and shall also notify the owner that the owner will be required to connect to the sewerage system within 1 year of the actual availability. . . ."[2] (e.s.)

If an onsite sewage treatment and disposal system must be repaired in order to function or to comply with the requirements of sections 381.0065-381.0067, Florida Statutes, or rules adopted thereunder, the owner of such system must connect to an available publicly owned or investor-owned sewerage system within 90 days after written notification from the department.[3] In hardship cases, upon request of the owner the department may approve one extension of not more than 90 days for sewerage connection.

The statute recognizes that there may be instances where the requirement of mandatory sewer hookup may be waived. Section 381.00655(2)(b), Florida Statutes, provides:

"A publicly owned or investor-owned sewerage system may, with the approval of the [Department of Health], waive the requirement of mandatory onsite sewage disposal connection if it determines that such connection is not required in the public interest due to public health considerations."

It is, however, the publicly owned or investor-owned system that determines, with the approval of the Department of Health, whether the mandatory hookup provisions of section 381.00655, Florida Statutes, may be waived. The statute makes no provision for the property owner to decline to connect to the system.

Section 381.00655(1)(a), Florida Statutes, grants the property

owner the option of prepaying the amortized value of required connection charges in equal monthly installments over a period not to exceed 2 years from the date of the initial notification of anticipated availability. In addition, the local governing body of the jurisdiction in which the owner of the onsite sewage treatment and disposal system resides may provide that any connection fee charged under this section by an investor-owned sewerage system may be paid without interest in monthly installments, over a period of time not to exceed 5 years from the date the sewerage system becomes available, if it determines that the owner has demonstrated a financial hardship.[4]

Although the statute requires sewer hookup and makes provision for payment of hookup fees, there are no statutorily prescribed penalties for failure to connect to the system within the designated time period. A companion bill in the House of Representatives to Committee Substitute for Senate Bill 158 provided:

"If the owner of an onsite sewage treatment and disposal system has not connected to an available publicly owned or investor-owned sewerage system within the time required by this subsection, the publicly owned or investor-owned sewerage system may charge the owner any connection fees, customer charges, or minimum billing charges as if the owner had connected to the available sewerage system on the last day of the notification period. Such charges may be collected or enforced as permitted by applicable tariffs or rules and regulations of the sewerage system or as otherwise permitted by law."[5]

No such provisions are contained in the Senate Bill that passed as Chapter 93-151, Laws of Florida, creating section 381.00655, Florida Statutes. Nor does section 381.00655, Florida Statutes, specifically grant enforcement authority to any agency or entity.

This office, however, has stated that a county or a municipality may take local legislative action providing for the enforcement of section 381.00655, Florida Statutes, under home rule powers.[6] The statute itself clearly recognizes the authority of counties and municipalities to "enforce other laws for the protection of the public health and safety."[7] Moreover, section 381.0065(5)(b)1., Florida Statutes, provides that the Department of Health may issue citations containing an order of correction or an order to pay a fine, or both, for violations of sections 381.0065-381.0067 or the rules adopted by the department, when a violation of these sections or rules is enforceable by an

administrative or civil remedy, or when a violation of these sections or rules is a misdemeanor of the second degree.[8] A citation issued under sections 381.0065-381.0067, Part I of Chapter 386, or Part III of Chapter 489, Florida Statutes, constitutes a notice of proposed agency action.

Accordingly, I am of the view that the Legislature, through the enactment of section 381.00655, Florida Statutes, requires residential owners whose property is served by an onsite septic system to connect with an investor-owned sewerage system after written notification by the owner of the investor-owned sewerage system that the system is available for connection, unless the investor-owned sewerage system waives the connection with the consent of the Department of Health.

Sincerely,

Robert A. Butterworth
Attorney General

RAB/tjw

---

[1] *See,* s. 381.0065(2)(j), Fla. Stat., as amended by s. 10, Ch. 2000-242, Laws of Florida, defining an "Onsite sewage treatment and disposal system" as used in ss. 381.0065-381.0067, Fla. Stat., to mean

"a system that contains a standard subsurface, filled, or mound drainfield system; an aerobic treatment unit; a graywater system tank; a laundry wastewater system tank; *a septic tank*; a grease interceptor; a pump tank; a solids or effluent pump; a waterless, incinerating, or organic waste-composting toilet; or a sanitary pit privy that is installed or proposed to be installed beyond the building sewer on land of the owner or on other land to which the owner has the legal right to install a system. The term includes any item placed within, or intended to be used as a part of or in conjunction with, the system. This term does not include package sewage treatment facilities and other treatment works regulated under chapter 403." (e.s.)

[2] Section 381.00655(1)(a), Fla. Stat.

[3] Section 381.00655(1)(b), Fla. Stat.

[4] Section 381.00655(2)(a), Fla. Stat. The statute requires the local governing body to establish criteria for making the determination that the owner has demonstrated a financial hardship, taking into account the owner's net worth, income, and financial needs.

[5] Section 2, HB 2133, 1993 legislative session.

[6] *See,* Op. Att'y Gen Fla. 96-09 (1996), and Inf. Op. to Alan C. Jensen, dated August 27, 1999.

[7] Section 381.00655(1)(a), Fla. Stat.

[8] *Cf.*, Rule 64E-6.022(1)(p), Fla.Admin.C., establishing disciplinary guidelines for the installation, modification, or repair of an onsite sewage treatment and disposal system in violation of the standards of s. 381.0065 or s. 381.00655, Fla. Stat., or chapter 64E-6, Fla.Admin.C.: First violation, $500 per specific standard violated; repeat violation, 90 day suspension or revocation.

File:
CPA2007-99

Buckingham Community Planning Panel, Inc.

4931 Shady River Lane, Fort Myers, Florida 33905

January 6, 2010

Paul O'Connor
Lee County Community Development
PO Box 398
Fort Myers, Florida 33902-0398

Dear Mr. O'Connor:

The Buckingham Community Planning Panel has been officially dissolved as a Florida corporation, effective December 30, 2009.

We remain committed to serving the community and available to advise the County individually, to the best of our ability, on matters relative to Buckingham. Please let me know if assistance is needed in preparing the Buckingham plan amendment for final adoption.

I request that notices of applications for zoning, development approval, plan amendments, and similar matters of interest to Buckingham be provided to the Buckingham Conservancy, Inc. Notices may be sent in care of the Conservancy's president, Chris Bundschu, chrisbundschu@bundschukraft.com, or the vice president, Bill Burdette, bill@burdetteinc.com.

Respectfully,

Bill Burdette
Former President, Buckingham Community Planning Panel, Inc.

copy: Board of County Commissioners
Buckingham Community Planning Panel
Mary Gibbs
Joan LaGuardia
Kim Kirtin
Matt Noble

Henderson | Franklin
ATTORNEYS AT LAW

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Bonita Springs • Sanibel

Reply to
Charles J. Basinait
Direct Fax Number 239.344.1580
Direct Dial Number 239.344.1204
E-Mail: charles.basinait@henlaw.com

January 22, 2010

HAND DELIVERY AND E-MAIL

Matt Noble
Lee County Community Development
1500 Monroe Street
Fort Myers, FL 33901

Re: CPA2007-49 Buckingham Community Plan/Mosquito Control District

Dear Matt:

Please be advised that this law firm represents the interests of the Mosquito Control District (MCD) in connection with the above referenced proposed Lee County Comprehensive Plan amendment relating to the Buckingham Community Plan.

As you may recall, both myself and, as I understand it, Carmen McKinney with the MCD, have spoken to you prior to and during the BoCC transmittal hearings in September and October of 2009 on the subject amendment and made it abundantly clear that the MCD vigorously opposes any comprehensive plan amendment which would require the MCD to seek a planned development rezoning in order to modify the zoning for either all or a portion of the MCD property. The specific language I am referring to is contained in a October 27, 2009 letter from Neale Montgomery (copy attached) on page 4 of 5 of the letter and is delineated as Policy 17.3.5. To be clear, Ms. Montgomery's letter includes an original proposal and a revised proposal---my clients object to both.

In addition to the Montgomery proposal in her October 27 letter, another version of the proposal was contained in the staff analysis that was attached to the transmittal document that was attached as a part of the Buckingham Plan amendment that was transmitted to the Department of Community Affairs (DCA). The provision was contained on page 23 of 38 in the staff analysis portion of the transmittal document and is also delineated as Policy 17.3.5. In this instance the staff does not agree with the proposed language and recommends against transmitting it to DCA. The BoCC agreed and this language was stricken from the version of the Buckingham Community Plan that was transmitted to DCA. My clients agree with the staff position regarding this

version of Policy 17.3.5 and MCD would note for the record its objection if this policy were to be included in the Lee Plan.

While none of the above proposals were approved by the BoCC and transmitted to the DCA as a part of the Buckingham Community Plan I did not want there to be any confusion on the part of the County as to the position of the MCD on this subject. The MCD is prepared to comply with the Land Development Code with respect to any future development of the site but they do not want to be singled out and made to comply with special restrictions relating to a possible rezoning of the property. Further, if there is any attempt to include this requirement in the adopted version of the Buckingham Community Plan my clients will oppose this at the March 3 and 4, 2010 BoCC adoption hearings.

We appreciate the staff's prior concurrence and cooperation with the MCD position on this matter.

Thank you for the opportunity to provide input and please let me know if you have any questions or if staff's position has changed on this subject. Certainly I would also appreciate it if you would notify me if there is any indication that the BoCC's position has changed. I would also like to receive copies of any correspondence you may receive on this matter and please notify me if you become aware that the Buckingham community intends to raise this issue at the adoption hearings.

Sincerely,

Charles J. Basinait

CJB/sbm
Enclosure
cc: Carmen McKinney - Lee County Mosquito Control District

PAVESE
LAW FIRM

NEALE MONTGOMERY

Direct dial: (239) 336-6235
Email: NealeMontgomery@paveselaw.com

1833 Hendry Street, Fort Myers, Florida 33901 | P.O. Drawer 1507, Fort Myers, Florida 33902-1507 | (239) 334-2195 | Fax (239) 332-2243

October 27, 2009

Mr. Paul O'Connor
Mr. Matt Noble
Lee County Planning Department
1500 Monroe Street
Fort Myers, FL 33901

RE: Buckingham Plan Amendments

Dear Mr. O'Connor and Mr. Noble:

I want to say how much I appreciate the time and effort expended by Brandon Dunn, Matt Noble, Dawn Lehnert and Donna Marie Collins. Brandon and Matt worked especially hard on verbiage changes to the policies to address the concerns of the staff and the community. A lot of progress was made at our meetings. I am dismayed that the information provided to the Board of County Commissioners belies the tremendous progress. The list of unresolved issues includes issues that are resolved. Please allow me to respond to the staff memorandum.

1. Object 17.1 - Super Majority Vote to change the FLUM
The objective provides, in part:

> "No land in the Buckingham community 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."

The staff accurately notes that the Community requested a super majority instead of three members. The community would prefer the super majority language, but the staff made a valid point that if a super majority requirement were included in the Buckingham Community Plan then other communities would want a similar provision in their community plan. The concern about creating a precedent is understandable, and if the Board of County Commissioners (BOCC) determines that it would not establish a precedent then the community would favor the change.

2. Policy 17.1.3 – MUD versus Vested Rights
There is no disagreement.

The community and the staff understand the need to protect those parties that have a pre-existing legal right. The staff preference was to use the minimum use determination process. This process addresses the legal concern and it provides the opportunity to address vested rights situations in a way that is fair to the community and the landowners.

3. Policy 17.1.6.
There is no disagreement.

This policy requires appropriate buffers and an appropriate transition of uses. The policy as worded by the staff provides a framework for addressing the community concerns. If a setback is necessary to protect the community, the staff will be able to rely on this policy to provide for an appropriate buffer and transition of uses instead of relying on an automatic 100 foot setback. If the standard buffers and setbacks in a standard zoning district don't meet the requirements of this policy, the community assumes that the staff will encourage someone seeking a rezoning to proceed with a planned development zoning application as the staff often does.

4. Objective 17.2.
There is no disagreement.

The community language originally included a 5:30 meeting time since most of residents in the community work. The staff was persuasive in noting that the 5:05 time frame is consistent with normal County practice. The community would love for it to be at 5:30, but 5:05 is acceptable.

5. Policy 17.2.1.6. – Future Right of Way Widths
This is an unresolved issue.

> "All future rights-of-way in the Buckingham Community will be no greater than ~~100~~ 80 feet (except for Buckingham Road and Luckett Road extensions)."

The staff is correct, the community disagrees with the increase in roadway width. The community wants to retain the rural character. The Buckingham Community is the home of families, dogs, and an array of large animals in a bucolic setting. The community wants roads designed for slower speeds to reduce high speeds, cut through traffic, and pedestrian and animal conflicts with speeding vehicles.

6. Policy 17.3.1. – Acknowledging the Ability to Have a Waiver from Sewer Connection
This is an unresolved issue.

The community does not want sewer lines extended into the area in a manner that compels residents to connect, especially when the residents are located on small family farms. The community is keenly aware of the negative fiscal impact on residents in Cape Coral when they were compelled to connect at a high cost. The staff has submitted that it may be necessary to extend sewer lines to provide relief for projects such as The Hut. The community doesn't want to prevent properties on failing systems from connecting to a central system, but the community doesn't want to be compelled to assist in the funding of The Hut's connection especially when it would cause an economic hardship that could result in the loss of the family farm. The BOCC was previously advised that the statute mandated a connection. The current staff memorandum accurately notes that the BOCC has the ability to waive the obligation to connect. Section 381.00655(2)(b), F.S. provides, "A publically owned or investor-owned sewerage system may, with the approval of the department, waive the requirements of mandatory onsite sewage disposal connection if it

determines that such connection is not required in the public interest due to public health considerations." An Attorney General Opinion is attached hereto which confirms the ability to grant a waiver. The Community would recommend an amendment to the staff policy 17.3.1.

Staff recommendation:
In order to discourage unwanted urban development, central sewer lines will not be extended in the Rural Community Preserve, except to the areas identified by Lee Plan Map 7 as future Sanitary Sewer Service Areas, the existing Resource Recovery Facility, the adjacent Lee County Parks and Recreation Facility, and any future public facility. Sewer lines may be extended to future public facilities after one or more public meetings are held in the community and a public hearing is held before the Board of County Commissioners. The County may also extend transmission/force mains through the Rural Community Preserve, if necessary. Under no circumstances will the availability of central sewer lines be accepted as justification for a density or intensity increase, or reduction of lot size requirements (except as provided in Policy 17.1.5), within the Rural Community Preserve.

Proposed Addition:
The Board of County Commissioners will consider waivers to the County's central sewer mandatory connection requirement in the Buckingham Community. A waiver cannot be granted unless the landowner has the approval of the Health Department and the request is in accordance with the Section 381.00655(2)(b), F.S.

The community has been advised and some Board members have been advised that waivers cannot be granted, and the community wants to be assured that everyone knows that the Board can and will consider waivers. The primary concern is an economic one.

7. Policy 17.3.3. – Limit or Preclude New Fuel/Chemical Transmission Lines
The staff expressed a need for more information.

The staff advised the applicant that they were not certain the policy as originally proposed could be implemented due to concerns about pre-emption.

Original Proposed Language:
Residential natural gas lines and the existing TECO natural gas line are allowed within the Buckingham Community. New petroleum, methane, or fuel transmission lines are presumed to be incompatible with the Buckingham Community. No new petroleum, methane or other fuel transmission lines, including commercial natural gas lines are permitted without a public meeting in the Community. A public hearing would also be required and the Board of County Commissioners would have to make a finding that the presumption of incompatibility has been overcome. Notice of the public hearing shall be provided to all landowners within 2,000 feet of the proposed fuel transmission line. Any transmission line must be located in a manner that does not bisect existing residential and agricultural uses and does not adversely impact the Rural Community Preserve.

The state requirements for the siting of transmission lines, petroleum lines, and natural gas lines include provisions for comments from the local community. The Community would suggest the following change:

Proposed change:
The Board of County Commissioners will hold a public meeting after 5:00 to obtain input from the Buckingham Community before commenting to any state agency on the appropriateness of a new or expanded natural gas, petroleum, methane or other chemical or fuel transmission line proposed to pass into or through the Buckingham Community. If the County is permitted by law to restrict the location of a petroleum, methane or other fuel transmission line, including commercial natural gas lines, the Board of County Commissioners will evaluate the impacts of said line on the Buckingham Community at a noticed public hearing. The Board will evaluate the impact on the Rural Community Preserve, and the potential adverse impacts on the Rural Community Preserve.

8. The Buckingham Army Airfield.
This is an unresolved issue.

The community proposed the following as Policy 17.3.5:

The historic value and historic uses of the Buckingham Army Airfield, and the residential airparks should be protected. Any new uses of the Buckingham Army Airfield must be approved through the planned development zoning process. A public meeting with the community must be held in the community prior to completion of the sufficiency process for the planned development. Minutes of the meeting must be taken and made part of the record. . Any new uses must be developed in a manner that is consistent with the rural community.

The staff has noted that the property is already zoned CF-3. CF-3 permits uses that do not currently exist and which are incompatible with the surrounding community. It is understood that the Board does not want to be in a position of taking away legally permitted uses. Thus, the community would recommend the following revised recommendation:

Any use of the Buckingham Army Airfield that is not permitted by the zoning in place on [Date of Plan Amendment Adoption] ,2010, must be rezoned to a planned development in accordance with all pertinent provisions of the Buckingham Community Plan.

9. Gulf Coast Center
This is no disagreement with the staff on Gulf Coast Center.

The Community concerns will be addressed if the staff language is accepted. The policy should be written to include any owner.

Any development or redevelopment of the property must be accomplished in a manner that does not adversely impact the rural community. Any use must provide appropriate separation, buffering, traffic mitigation and control, and environmental protection.

I appreciate the opportunity to respond to the staff memorandum. I am hopeful that the hard work of the community and the staff will be reflected in the final product.

Your consideration of this matter is greatly appreciated.

Sincerely,

Neale Montgomery

Signed in absentia
to avoid delay

Neale Montgomery

NM/kc

cc: Lee County Board of County Commissioners
Mr. Charles Basinait
Mr. Bruce Strayhorn
Mr. Chris Bundschu
Mr. Bob Murray
Mr. Bill Burdette

Attachment

Florida Attorney General
Advisory Legal Opinion

1. Number: AGO 2000-71
Date: December 14, 2000
Subject: Sewers--mandatory connection sewerage system

Mr. Michael S. Mullin
Nassau County Attorney
Post Office Box 1010
Fernandina Beach, Florida 32035-1010

RE: COUNTIES--SEWER SYSTEMS--residential owners whose property is served by onsite septic system required to connect with an investor-owned sewerage system after written notification of system's availability. s. 381.00655, Fla. Stat.

Dear Mr. Mullin:

On behalf of the Nassau County Board of County Commissioners, you ask substantially the following question:

Does section 381.00655, Florida Statutes, mandate that residential property owners whose property is currently served by an onsite septic system connect to an investor-owned sewerage system, and may the costs of such sewerage line be assessed to the property owners that do not hook up to the system?

In sum:

The Legislature, through the enactment of section 381.00655, Florida Statutes, has required residential owners whose property is served by an onsite septic system to connect with an investor-owned sewerage system after written notification by the owner of the investor-owned sewerage system that the system is available for connection. The statute, however, permits the investor-owned sewerage system to waive the connection with the consent of the Department of Health.

The Legislature has enacted section 381.00655, Florida Statutes, which requires property owners who currently have onsite sewage

treatment and disposal systems to connect to available central sewerage systems. An onsite sewage treatment system includes such things as septic systems.[1] Pursuant to the statute:

"The owner of a properly functioning onsite sewage treatment and disposal system . . . *must connect* the system or the building's plumbing to an available publicly owned or investor-owned sewerage system within 365 days after written notification by the owner of the publicly owned or investor-owned sewerage system that the system is available for connection. The publicly owned or investor-owned sewerage system must notify the owner of the onsite sewage treatment and disposal system of the availability of the central sewerage system. No less than 1 year prior to the date the sewerage system will become available, the publicly owned or investor-owned sewerage system shall notify the affected owner of the onsite sewage treatment and disposal system of the anticipated availability of the sewerage system and shall also notify the owner that the owner will be required to connect to the sewerage system within 1 year of the actual availability. . . ."[2] (e.s.)

If an onsite sewage treatment and disposal system must be repaired in order to function or to comply with the requirements of sections 381.0065-381.0067, Florida Statutes, or rules adopted thereunder, the owner of such system must connect to an available publicly owned or investor-owned sewerage system within 90 days after written notification from the department.[3] In hardship cases, upon request of the owner the department may approve one extension of not more than 90 days for sewerage connection.

The statute recognizes that there may be instances where the requirement of mandatory sewer hookup may be waived. Section 381.00655(2)(b), Florida Statutes, provides:

"A publicly owned or investor-owned sewerage system may, with the approval of the [Department of Health], waive the requirement of mandatory onsite sewage disposal connection if it determines that such connection is not required in the public interest due to public health considerations."

It is, however, the publicly owned or investor-owned system that determines, with the approval of the Department of Health, whether the mandatory hookup provisions of section 381.00655, Florida Statutes, may be waived. The statute makes no provision for the property owner to decline to connect to the system.

Section 381.00655(1)(a), Florida Statutes, grants the property

owner the option of prepaying the amortized value of required connection charges in equal monthly installments over a period not to exceed 2 years from the date of the initial notification of anticipated availability. In addition, the local governing body of the jurisdiction in which the owner of the onsite sewage treatment and disposal system resides may provide that any connection fee charged under this section by an investor-owned sewerage system may be paid without interest in monthly installments, over a period of time not to exceed 5 years from the date the sewerage system becomes available, if it determines that the owner has demonstrated a financial hardship.[4]

Although the statute requires sewer hookup and makes provision for payment of hookup fees, there are no statutorily prescribed penalties for failure to connect to the system within the designated time period. A companion bill in the House of Representatives to Committee Substitute for Senate Bill 158 provided:

"If the owner of an onsite sewage treatment and disposal system has not connected to an available publicly owned or investor-owned sewerage system within the time required by this subsection, the publicly owned or investor-owned sewerage system may charge the owner any connection fees, customer charges, or minimum billing charges as if the owner had connected to the available sewerage system on the last day of the notification period. Such charges may be collected or enforced as permitted by applicable tariffs or rules and regulations of the sewerage system or as otherwise permitted by law."[5]

No such provisions are contained in the Senate Bill that passed as Chapter 93-151, Laws of Florida, creating section 381.00655, Florida Statutes. Nor does section 381.00655, Florida Statutes, specifically grant enforcement authority to any agency or entity.

This office, however, has stated that a county or a municipality may take local legislative action providing for the enforcement of section 381.00655, Florida Statutes, under home rule powers.[6] The statute itself clearly recognizes the authority of counties and municipalities to "enforce other laws for the protection of the public health and safety."[7] Moreover, section 381.0065(5)(b)1., Florida Statutes, provides that the Department of Health may issue citations containing an order of correction or an order to pay a fine, or both, for violations of sections 381.0065-381.0067 or the rules adopted by the department, when a violation of these sections or rules is enforceable by an

administrative or civil remedy, or when a violation of these sections or rules is a misdemeanor of the second degree.[8] A citation issued under sections 381.0065-381.0067, Part I of Chapter 386, or Part III of Chapter 489, Florida Statutes, constitutes a notice of proposed agency action.

Accordingly, I am of the view that the Legislature, through the enactment of section 381.00655, Florida Statutes, requires residential owners whose property is served by an onsite septic system to connect with an investor-owned sewerage system after written notification by the owner of the investor-owned sewerage system that the system is available for connection, unless the investor-owned sewerage system waives the connection with the consent of the Department of Health.

Sincerely,

Robert A. Butterworth
Attorney General

RAB/tjw

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[1] *See*, s. 381.0065(2)(j), Fla. Stat., as amended by s. 10, Ch. 2000-242, Laws of Florida, defining an "Onsite sewage treatment and disposal system" as used in ss. 381.0065-381.0067, Fla. Stat., to mean

"a system that contains a standard subsurface, filled, or mound drainfield system; an aerobic treatment unit; a graywater system tank; a laundry wastewater system tank; *a septic tank*; a grease interceptor; a pump tank; a solids or effluent pump; a waterless, incinerating, or organic waste-composting toilet; or a sanitary pit privy that is installed or proposed to be installed beyond the building sewer on land of the owner or on other land to which the owner has the legal right to install a system. The term includes any item placed within, or intended to be used as a part of or in conjunction with, the system. This term does not include package sewage treatment facilities and other treatment works regulated under chapter 403." (e.s.)

[2] Section 381.00655(1)(a), Fla. Stat.

[3] Section 381.00655(1)(b), Fla. Stat.

[4] Section 381.00655(2)(a), Fla. Stat. The statute requires the local governing body to establish criteria for making the determination that the owner has demonstrated a financial hardship, taking into account the owner's net worth, income, and financial needs.

[5] Section 2, HB 2133, 1993 legislative session.

[6] *See,* Op. Att'y Gen Fla. 96-09 (1996), and Inf. Op. to Alan C. Jensen, dated August 27, 1999.

[7] Section 381.00655(1)(a), Fla. Stat.

[8] *Cf.*, Rule 64E-6.022(1)(p), Fla.Admin.C., establishing disciplinary guidelines for the installation, modification, or repair of an onsite sewage treatment and disposal system in violation of the standards of s. 381.0065 or s. 381.00655, Fla. Stat., or chapter 64E-6, Fla.Admin.C.: First violation, $500 per specific standard violated; repeat violation, 90 day suspension or revocation.

MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY

VIA EMAIL ONLY

DATE: February 12, 2010

TO: Brandon Dunn
Development Review
Representative

FROM: Dawn E. Perry-Lehnert
Assistant County Attorney

RE: Buckingham Planning Community (CPA2007-49)
Transmission Line Siting Acts
LU–2090.N

As part of its Community Planning effort the Buckingham Community Planning Panel raised an issue with respect to utility transmission lines running through the community planning area. The Community's main concern appears to be the extension of fuel transmission lines through the community, though other utility facilities also present a concern.

The attempt to locally control the siting and construction of electrical transmission lines (including power plant transmission lines that may include pipelines and fuel-up loading facilities) or natural gas transmission lines raises a legal concern. Under the Florida Statutes, the County is pre-empted with respect to the siting of Electrical power plants, substations and transmission lines; and Natural Gas transmission lines. See F.S. §§ 403.510; 403.536; and 403.942. Consequently, it does not appear appropriate to adopt a Lee Plan provision that prohibits the siting of electrical and gas utility facilities in the Buckingham Community.

Although local governments do not have the authority to certify/approve the location of transmission lines and related facilities, the statutes do afford the local government an opportunity to hold informational public meetings and provide input for consideration by an Administrative Law Judge in the Department of Administrative Hearings (DOAH) process. There may also be a limited opportunity for a directly affected private property owner to provide additional input or alternatives for consideration in the DOAH process. An overview of the processes involved are set forth in Attachment A.

In light of the above, please consider recommending adoption of a policy that reads as follows:

> **POLICY 17.3.3:** All new large developments (as defined in chapter 10 of the Land development Code) subject to permit and approval by Lee County must install utilities underground. Utilities include, but are not limited to electricity, telephone, and cable lines.

Re: Buckingham Planning Community (CPA2007-49)
Transmission Line Siting Acts
LU–2090.N

With respect to the siting of electrical transmission lines, electrical power plants, natural gas transmission lines and the related facilities, the County will hold a public informational meeting in accord with the appropriate provision as set forth in Florida States Chapter 403.

Should you have any questions concerning the above, please do not hesitate to contact me.

DPL:tlb
Attachment

cc via email only: David M. Owen, County Attorney
Mary Gibbs, Director, DCD
Paul O'Connor, Director, Planning Division
Donna Marie Collins, Chief Assistant County Attorney
Gregory S. Hagen, Chief Assistant County Attorney
Matt Noble, Principal Planner, DCD

ATTACHMENT A

To follow is an overview of the statutes applicable to Natural Gas and Electrical Transmission Line and Power Plant Siting Acts. The overview is intended to provide a general understanding of the process involved. Please be sure to review the Acts in their entirety.

Natural Gas Transmission Pipeline Siting Act
(FS §§403.9401-403.9425)

403.9402 The legislative intent of the act is to

1. Establish a centralized and coordinated permitting process for the location of natural gas transmission pipeline corridors and the construction and maintenance of the pipelines.
2. Further the goal of ensuring, through available and reasonable methods, that the location of natural gas transmission pipelines produce minimal adverse affect on the environment and public health, safety and welfare.
3. To fully balance the need for natural gas supplies with the broad interest of the public in order to affect a reasonable balance between the need for the transmission pipeline, the impact on the public and the environment.

403.9403 Certification means the approval by the Governor and Cabinet of a corridor, and of the construction and maintenance of a pipeline within that corridor, along with any changes or conditions the Governor and Cabinet considers appropriate. Certification is evidenced by a written order of the Governor and Cabinet.

403.9405 Applicability, exemptions...

403.94055 Application filed with the Department of Environmental Protection (DEP). Must include the beginning and ending point of a pipelining/corridor along with all structures and maintenance and access roads required to be constructed. As proposed the width of the corridor is limited to 1/3 of a mile wide. The corridor is narrowed after the property acquisition process to include only land within pipeline right-of-way.

403.9406. An Administrative Law Judge (ALJ) is selected within 7 days after application filing.

403.9407 A list of those affected or agencies entitled to notice and copies of application is prepared. 7 days after DEP determines the application is complete a schedule for submissions by agencies and affected parties is established and copies of application and supporting documents are distributed.

403.9408 DEP determines whether the application is complete within 15 days of receipt. If not complete, then a request is made to the applicant for information. This process continues until a determination of completeness is rendered or the application is withdrawn.

403.9409 Within 45 days after the completeness determination is issued, DEP files a statement with DOAH regarding sufficiency of the application. This continues until the application is found sufficient or is withdrawn.

403.941 Reports

1. The affected agencies have 60 days after the application is first received to issue a preliminary statement regarding issues. This statement is made available to local governments for use in the informational meeting under 403.9424.
2. 60 days after application is deemed sufficient, affected agencies must provide a report to DEP regarding:
   a. *DEP report*: impact on matters under its jurisdiction;
   b. *Water Management (WMD) District report*: impact on water resources and other matters under their jurisdiction;
   c. *DCA report*: recommendations addressing impact upon the public; consistency with the state comprehensive plan; consistency with strategic regional policy/plans, local comprehensive plans and land development regulations (LDRs).
   d. *Fish and Wildlife Conservation (FWC) report*: impact on fish and wildlife resources.
   e. *Local Government report*: consistency with local ordinances, regulations, standards, criteria, including local comprehensive plans, zoning regulations, LDRs, environmental regulations. [Local government can not amend its regulations applicable to the certification area after the report is filed, unless certification is denied or application is withdrawn.]
   f. *Regional Planning Council (RPC) report*: impacts on the public, degree of consistency with strategic regional policy
   g. Florida Department of Transportation report: matters within its jurisdiction, including roadway crossings

   All reports must include information regarding variance and proposed conditions of certification.
3. DEP prepares written analysis summarizing and compiling agency reports; including variances, exemptions, exceptions and conditions. DEP report due to ALJ 115 days after app sufficient.
4. Issues not raised by an agency in their report will be precluded at the DOAH hearing and are deemed waived.

403.9411 Notice Requirements; Parties.

1. *Notices*
   a. Within 15 days after application is complete, applicant publishes notice of the application.
   b. Applicant publishes notice of hearing date at least 80 days before date set by ALJ. Notice includes deadline for filing notice of intent to be a party.
   c. Applicant publishes reminder notice 10 days before certification hearing.
   d. Specific newspaper publication criteria required.
   e. DEP publishes notice in Florida Administrative Weekly.
2. *DOAH hearing* required to be conducted no later than 215 days after application complete [unless the hearing is rescheduled due to alternate corridor proposals]. Hearing located in central proximity of proposed corridor.
3. *Optional local public hearing*.
   a. Local government has until 50 days after application is complete to notify ALJ they want to hold a local public hearing. (This is different than the informational public meeting.)
   b. Within 5 days after request, ALJ determines date of local government hearing. County chooses location, unless 2 or more local governments in same county notify ALJ requesting a hearing. Then ALJ consolidates the public hearings and chooses a central location.
   c. Local public hearing is for members of the public that are not parties to the certification hearing to testify.
   d. If the County (local government) does not request a hearing, people residing in the County may testify during the public hearing portion of certification hearing. (This testimony is not sworn.)
4. *ALJ Recommendation* to Governor and Cabinet: issued no later than 60 days after the transcripts of certification and public hearings are filed with DOAH. Order must include findings of fact and conclusions of law.
5. *Parties*
   a. Includes all person/entities with right to file a report to DEP.
   b. However, County must file notice of intent to be a party at least 30 days before certification hearing, or the County will be deemed to have waived its right to be a party.
   c. Additional potential parties:
      1. Agency not required to file a report, if notice is filed.
      2. Domestic nonprofit corporation/associations formed for a variety of listed purposes and operating within the area encompassed by the proposed corridor. This includes community planning panels and homeowners associations. Notice of intent to be a party is required.

3. Persons with substantial interests affected. Petition for intervention required to be filed at least 30 days before certification hearing.

d. ALJ provides opportunity for public comment during hearing by non-parties. Statements provided whether written or oral are unsworn.

403.9412. Alternate Corridors

1. Any party can propose an alternate corridor. Proposals must be filed 50 days before the originally scheduled certification hearing. Proposals must be accompanied by certain supporting documentation.
2. Within 7 days after receipt of notice as to alternate corridor, applicant and DEP file, with ALJ and parties, a notice of acceptance or rejection of proposed alternate corridor.
   a. If rejected by either DEP or Applicant, the certification hearing is held on date originally scheduled.
   b. If accepted, the certification hearing is rescheduled and held no later than 135 days after original hearing to allow a review of alternate corridors. [No additional alternate corridor proposals are permitted during this time, unless the applicant amends the application and the proposed corridor alignment.]
   c. Within 25 days after proposed alternate corridor accepted, proposing party must provide supplementary data to support alternate. If data is not sufficient, then additional time is provided. Agencies file reports regarding alternative corridors no later than 45 days after data submitted is sufficient.
   d. DEP prepares supplemental written analysis to ALJ at least 40 days before certification hearing.
3. During certification hearing, any party can discuss proposed alternate corridors, whether rejected or not, and present testimony showing the corridor does or does not meet the statutory criteria in 403.9415.

403.9415 Final Disposition by Governor and Cabinet ("Board")

1. Board considers and acts on ALJ recommendation within 60 days after receipt by accepting, rejecting or modifying recommendation.
2. Board may hold a hearing. Issues at hearing a limited to those raised in certification proceedings or ALJ recommended order.
3. If denied, Board must state action necessary to secure approval.
4. Board must consider whether, and to what extent the location, construction and maintenance of the corridor will effect a reasonable balance between the need for the natural gas transmission pipeline as a means of providing natural gas energy, and the impact upon the public and environment resulting from the proposed location of the corridor. This balance is based upon whether and the extent to which the project will:

a. Ensure natural gas delivery reliability and integrity;
b. Meet the natural gas energy needs of the state in an orderly and timely fashion;
c. Comply with the nonprocedural requirements of agencies;
d. Adversely affect historical sites and natural environment;
e. Adversely affect health, safety and welfare of the residents of the affected local government;
f. Be consistent with applicable local government comprehensive plans and LDRs; and
g. Avoid densely populated areas to the maximum extent feasible. If densely populated areas cannot be avoided, locate, to the maximum extent feasible, within existing utility corridors or rights-of-way.

5. The Board will certify the corridor that meets the criteria and has the least adverse impact regarding the criteria, including costs.
The Board can chose to certify a rejected corridor if it meets the criteria and has the least adverse impact.
If two or more corridors meet the criteria and area is substantially equal with respect to adverse impacts, the Board will certify the corridor preferred by the applicant.

403.9416 Effect of Certification

1. Certification constitutes the sole license of the state and any agency as to the approval of the corridor location and construction. Certification is valid for the life of the transmission pipeline. But certification is void if construction is not commenced within 5 years after certification is issued, unless otherwise authorized by Board.
2. Certification authorizes location, construction and maintenance, subject only to stated conditions.
3. Certification may include conditions that constitute variances and exemption from nonprocedural standards/regulations expressly considered in the proceeding. Each party has an obligation to notify the applicant of any nonprocedural requirements that are not listed in the application from which a variance, exemption, exception or other relief is necessary in order for the Board to certify the proposed corridor (as part of report to DEP regarding the application or a proposed alternate corridor).
4. Certification is in lieu of any other permits, certificates, licenses etc.

403.9417 The applicant has 60 days after the certification is issued to file a notice of the certified route.

403.9418 Modification of certification is possible in accord with the specified process.

403.942 Superseded Laws, Regulations and Certification Power.

1. *Act controls.* Any provision limitation, restriction, regulation, rule, or ordinance of the state or any political subdivision, municipality or agency that conflicts Act is deemed superceded.
2. The state preempts the certification and regulations of natural gas transmission pipelines and corridors subject to the Act.

403.9424 Local Government; Informational Meetings

1. Local government (County) may hold informational public meetings in addition to the hearings authorized by the ALJ. Informational meetings should be held no later than 80 days after the complete application is filed. The purpose of the meeting is to inform the public about the proposed natural gas pipeline, obtain comments and formulate a recommendation. Neither the meetings nor the recommendation may address the need for the pipeline.
2. Informational meetings are optional.

Florida Electrical Power Plant Siting Act

FS §§403.501-403.518

403.502 It is the intent of the legislature to seek courses of action that will fully balance the increasing demand for electrical power plant location and operation with the broad interests of the public and to

1. Assure Florida citizens that the operation safeguards are technically sufficient for their welfare and protection.
2. Effect a reasonable balance between the need for the facility and the environmental impact resulting from construction and operation of the facility, including air and water quality, fish and wildlife, and the water resources and other natural resources of the state.
3. Meet the need for electrical energy established in 403.519.
4. Assure citizens that renewable energy sources and technologies, as well as conservation measures, are used to the extent reasonablely available.

Policy of the state: ensure through available and reasonable methods that the location and operation of electrical power plants will produce minimal adverse impacts on human health, the environment, the ecology of the land, wildlife, state waters, and aquatic life, and not unduly conflict with the goals established by the applicable local comprehensive plans.

403.506 Applicability. The Act basically applies to any electrical power plant except a power plant of less than 75 megawatts in gross capacity, unless the applicant chooses to request certification.
Certification is not required under the Act if the proposed/expanded electrical plant will use nuclear materials as fuel. This exemption applies to the related transmission lines, among other things.

Any facilities necessary for the construction of the electrical power plant become part of the certified power plant upon completion of construction.

403.5064 Application filing.

1. Application filed with DEP.
2. Alternate corridor option. If the applicant exercises its option to allow alternate corridor considerations, the transmission line corridors are processed in accord with electrical transmission line siting act provisions.
3. Within 7 days after application filed.
   a. DEP provides notice/list to DOAH regarding agencies and persons entitled to notice of application. Applicant has 5 days to provide copies to those on list.
   b. DEP establishes a schedule for filings etc. related to processing the application. This schedule is sent to DOAH and an order regarding the schedule is issued.
   c. Administrative Law Judge (ALJ) is appointed (403.5065)
4. Notice of filing application is published in accord with public notice provisions (403.5115).

403.5066 Application Completeness Determination

1. 30 days after filing application affected agencies file statement with DEP regarding completeness.
2. 40 days after app filed, DEP files statement with DOAH regarding completeness. If application not complete, applicant has 15 days to take action. Applicant can withdraw application; file additional information within 30 days after statement filed with DOAH; contest determination; or request more time. This continues until application is complete.

403.50663 Informational Public Meeting

1. Within 70 days after application filed, local government may hold a public informational meeting, which is in addition to any hearings required by the Act. If the local government does not hold a meeting, the Regional Planning Council may chose to do so.
2. The purpose of the meeting is to inform the public about the proposed electrical power plant and associated facilities, and obtain comments to assist in preparing the required recommendation.
3. The applicant may, but is not required, to attend the meeting.
4. 5 days before meeting, published notice is required in accord with 403.5115(5).
5. Failure to hold a meeting is not a basis for denial of certificate.

403.50665 Land Use Consistency

1. The application must include a statement regarding consistency of the site and facilities with existing land use plan and zoning regulations in

effect on the date the application was filed. The application must also identify the facilities that are exempt from land use and zoning requirements under FS ch 163 and 380.04(3).

2. 45 days after application is filed, County must file statement with DEP and all other parties regarding consistency of the site and associated facilities that are not exempt from land use and zoning regulations in effect on date of application.
3. Notice of consistency determination must be published.
4. Applicant may file for local approval to address inconsistencies identified by County. County must commence proceedings to consider application within 45 days after receipt and issue a revised determination 30 days following conclusion of local proceeding. Filing of application with County tolls time for certification hearings.
5. A substantially affected person can dispute the County determination by filing a petition with the ALJ 21 days after notice of consistency published.
6. If the County determines a proposed site or nonexempt facility conforms to the land use plan and zoning regulations, the County can not take action to change regulations to prevent construction or operation of the facilities unless certification is withdrawn or denied.

403.507 Reports

1. 40 days after application is determined complete all agencies (includes County) are to submit a preliminary statement.
2. 100 days after application is determined complete, the following agencies must submit a report to DEP and applicant regarding:
   a. *DCA report*: recommendations to address impact on public; degree proposed plant is consistent with state comprehensive plan and other matters within its jurisdiction; may also comment on consistency with local comp plan and LDRs.
   b. *WMD report*: impact on water resources, regional water supply and district-owned lands/works.
   c. *County report*: consistency of proposed plant with applicable local regulations that apply to the proposed electrical power plant, including environmental regulations.
   d. FWC report: matters under FWC jurisdiction.
   e. RPC report: recommendation to address impact of plant on the public; consistency of plant with strategic regional plan.
   f. FDOT report: matters under its jurisdiction.
3. Each report must contain:
   a. Notice of nonprocedural requirements from which a variance, exemption, exception or other relief is necessary to certify the plant. Failure to notify DEP as to these items constitutes a waiver.
   b. Recommendation to approve or deny.

c. Proposed conditions of certification on matters under agency jurisdiction.

4. 150 days after application filed, Public Service Commission (PSC) prepares a report regarding present and future need for the electrical generating capacity to be supplied by the proposed plant.
5. 130 days after application deemed complete DEP files analysis including
   a. Statement whether the proposed plant will be in compliance/consistent with DEP standards as well as nonprocedural requirements of affected agencies.
   b. Copies of required reports and studies.
   c. Comments from other agencies.
   d. Recommendation as to disposition of application, variances, exemptions, and other relief; proposed conditions on certification.

403.508 Land Use and Certification Hearings; Parties.

1. If a petition is filed under 403.50665 disputing the local government determination with respect to consistency of proposed plant with land use plan and LDRS, the ALJ has 5 days to schedule a hearing, which must occur no later than 30 days after the petition is received. Notice must be published in accord with 403.5115.
2. The sole issue for determination at the hearing on the land use petition is whether or not the proposed site or non exempt associated facility is consistent and in compliance with existing land use plans and zoning ordinances.
   If the ALJ concludes the plant or facilities are not consistent with the land use plan or zoning regulations, then the ALJ receives evidence during the course of this hearing and, includes in the recommended order any changes to or approvals or variances under, the applicable land use plans or zoning regulations that will render the proposed site/facilities consistent and in compliance with local regulations.
3. ALJ has 30 days after hearing concludes to issue recommended order; Board (Governor and Cabinet) have 60 days after receipt of ALJ recommendation to review it.
4. If Board determines plant/facilities in compliance with local regulations, then County can't changes regulations to create inconsistency or prevent construction.
5. If Board determines plant/facilities not consistent with local regulations, then Board may authorize a variance or other necessary approval to the adopted land use plan or zoning regulations required to render the site/facilities consistent with local regulations (based upon a determination after notice, hearing and consideration of recommended order that the plant/facilities are in the public interest).

The Board action is not controlled by any other procedural requirements of law.

If the Board denies the variance or other approvals, the applicant must seek the necessary approvals (as determined by the Board) to make the proposed site/facilities consistent/compliant with local land use plan and zoning regulations before the application can move forward.

6. Within 265 days after the application is filed, the certification hearing must be held. The hearing must be located in proximity to the proposed site.
7. Required parties to the proceeding include: Applicant, PSC, DCA, FWC, WMD, RPC, County, FDOT. But parties can waive right to participate if they fail to file notice of intent to be a party 90 days before certification hearing.
8. Others can become a party by filing a notice of intent with ALJ no later than 75 days after application is filed.
9. ALJ may give any person an opportunity to present oral or written communications at the hearing. If considered by ALJ, then the communication must be subject to cross-examination.
10. ALJ has 45 days after transcript is filed to issue a recommended order.
11. DEP can request that the ALJ cancel the hearing if all parties agree to application. If granted, DEP issues the final order on the application.

403.509 Final Disposition by Governor and Cabinet ("Board")

1. Board considers and acts on ALJ recommendation within 60 days after receipt by accepting, rejecting or modifying recommendation.
2. Board may hold a hearing. Issues at hearing are limited to those raised in certification proceedings or ALJ recommended order.
3. If denied, Board must state action necessary to secure approval.
4. Board must consider whether, and to what extent the location, construction and operation of the plant will:
    a. Provide reasonable assurance that operational safeguards are technically sufficient for public welfare and protection;
    b. Comply with the nonprocedural requirements of agencies;
    c. Be consistent with applicable local government comprehensive plans and LDRs;
    d. Meet electrical energy needs of the state in an orderly, reliable, and timely fashion;
    e. Effect a reasonable balance between the need for the facility and the impacts upon air and water quality, fish and wild life, water resources, and other natural resources;
    f. Minimize through reasonable and available methods, the adverse effects on human health, the environment and the ecology of the land, wildlife, state waters and aquatic life; and

g. Serve and protect the broad interests of the public.

5. The Board will certify the corridor that meets the criteria and has the least adverse impact regarding the criteria, including costs.
   If the board finds that a rejected alternate corridor meets the criteria and has the least adverse impact, the Board may deny the certification or allow the applicant to submit and amend application to include the corridor.
   If two or more corridors meet the criteria and area is substantially equal with respect to adverse impacts, the Board will certify the corridor preferred by the applicant.

403.510 Superseded Laws, Regulations and Certification Power.

1. *The Act controls.* Any provision limitation, restriction, regulation, rule, or ordinance of the state or any political subdivision, municipality or agency that conflicts with the Act is deemed superceded.
2. The state preempts the certification and regulations of natural gas transmission pipelines and corridors subject to the Act.

403.511 Effect of Certification.

1. Certification constitutes the sole license of the state and any agency as to the approval of the site/facility location and construction.
2. Certification authorizes location, construction and maintenance, subject only to stated conditions.
3. Certification may include conditions that constitute variances and exemption from nonprocedural standards/regulations expressly considered in the proceeding.
4. Certification is in lieu of any other permits, certificates, licenses etc.
5. Act does not affect PSC ratemaking power; or ability of County to charge fees or require construction in compliance with building code.

403.5185 Applicable law

Any application for electrical power plant certification filed pursuant to §§403.501-403.518 "shall" be processed under the provisions of the law applicable at the time the application was filed.

Florida Electric Transmission Line Siting Act

§§403.52-403.5365

403.521 Intent

1. Establish a centralized and coordinated licensing process for the location, construction, operation and maintenance of electric transmission lines.
2. Ensure through available and reasonable methods that location, construction, operation and maintenance of electric transmission corridors and lines produce minimal adverse effects on environment, public health, safety and welfare.

3. Fully balance the need for transmission lines with broad interest of the public to effect reasonable balance between need for facility and impact on the public and environment.

403.524 Applicability

1. Act applies to each transmission line, except a line certified under the Florida Electrical Power Plant Siting Act.
2. Exemptions: for lines approved under FS ch. 380; lines in established rights-of-way for roads, railroads, gas, water, oil, electricity, sewage or any other public purpose; transmission lines that are less than 15 miles in length or located in a single county within the state.
3. Exemption of transmission line under this Act does not constitute an exemption from applicable permitting processes or local government regulations.

403.525 Within 7 days after application received, DEP request DOAH to designate ALJ.

403.5251 Application

1. Formal application filing date established when copies of application filed and fee paid.
2. DEP identifies additional agencies to receive notice of application and provides copies to these entities within 7 days of application filing.
3. Application must identify starting and ending points for transmission lines.
4. Within 15 days of application filing DEP determines schedule for completeness, reports, etc.

403.5252 Completeness Determination

1. Within 30 days of application filing, affected agencies must file statement with DEP containing recommendations as to completeness.
2. Within 37 days of application filing, DEP files statement with DOAH, applicant and parties regarding completeness based upon input from affected agencies.
3. If DEP declares application incomplete, the applicant must take action within 14 days. Actions include withdrawing application; providing additional information; contest the DEP's determination, request additional time to respond.
4. If applicant contests determination, ALJ sets a hearing not later than 21 days after DEP files statement. ALJ renders a decision within 7 days after hearing.
   a. If deemed incomplete, applicant must withdraw application or make necessary submittals to reach completeness.
   b. If application deemed complete, the time schedule commences.

c. If additional information needed applicant has 14 days to submit, and the process continues until completeness is reached.

403.526 Reports

1. Each affected agency files a preliminary statement of issues to DEP.
2. No later than 90 days after application filed, agencies must submit report to DEP regarding:
   a. *DEP report*: impact of each proposed line/corridor as it relates to matters within its jurisdiction.
   b. *Water Management District report*: impact on water resources and other matters within jurisdiction.
   c. *DCA report*: recommendation to address the impact of the proposed line/corridor on the public based upon degree to which the line/corridor is consistent with state comprehensive plan, emergency management; consistency with applicable strategic regional policy plans or local comprehensive plans and LDRs.
   d. *FWC report*: impact on fish and wildlife.
   e. *County report*: impact of each line/corridor on matters within County jurisdiction including consistency with local regulations, standards, criteria that apply to transmission lines/corridor, local comp plan, zoning, environmental and land development regulations. Regulation amendments accomplished after transmission line application filed do not affect the application.
   f. *RPS report*: impact on public based upon degree line/corridor is consistent with strategic regional policy plan and other matters under its jurisdiction.
   g. *PSC report*: determination under 403.537 and other matters within jurisdiction.
3. Reports must contain:
   a. Notice of any nonprocedural requirements from which a variance, exemption, exception or other relief is necessary in order for the proposed corridor to be certified. Failure to provide notice constitutes a waiver from the nonprocedural requirement.
   b. Recommendation of approval or denial.
   c. Proposed conditions, including reference to regulations upon which condition is based.
4. 115 days after application filed, DEP provides analysis to ALJ based upon reports from agencies and includes:
   a. Statement of compliance with rules of DEP and other agencies.
   b. Comments received.

c. Recommendation as to disposition of application, variances, exemptions, exceptions, and other proposed relief; conditions of certification.

403.527 Certification Hearing; Parties

1. No later than 145 days after application filed, ALJ must conduct certification hearing at a central location in proximity to proposed lines/corridor.
2. Notice of certification hearing must be published in accord with 403.5363.
3. Hearing parties include: Applicant, DEP, PSC, DCA, FWC, FDOT, WMD, County, RPC.
4. 30 days before certification hearing, parties must file a notice of intent to participate. Failure to file notice constitutes waiver of the right to participate.
5. A notice of intent to be a party or a petition for intervention may be filed with ALJ no later than 30 days before hearing to achieve recognition as a party by agencies not listed above or certain nonprofit corporations or associations; or any person whose substantial interests are effected or determined by the proceedings.
6. The ALJ may give any person an opportunity to present oral or written communications. If considered by the ALJ, the communications must be subject to cross-examination, challenge and rebuttal.
7. One Public hearing where nonparty members of the public may testify "shall" be held in conjunction with the certification hearing.
   a. Local government (County) requests right to hold public hearing for non-parties who reside within the County
   b. County must notify ALJ and all parties no later than 50 days after application filing regarding intent to hold a meeting. County is responsible for providing the location if the meeting is held separately from the certification hearing.
   c. Within 5 days after notice, ALJ determines the date of the public hearing. If 2 or more local governments in the same county request a public hearing, the ALJ will consolidate the hearings and the locations is determined by the ALJ.
   d. If County does not request public hearing in 50 days, nonparty members of the public who reside in the County may testify during certification hearing.
8. No later than 45 days after receipt of transcripts for public hearing and certification hearing, ALJ must issue recommendation.
9. No later than 29 days before certification hearing, DEP may request ALJ to relinquish jurisdiction because there are no disputed issues of material fact or law.

   If ALJ grants DEPs request, then DEP prepares and issues the final order.

403.5271 Alternate Corridors

1. No later than 45 days before the originally scheduled certification hearing any party may propose an alternative corridor.
2. Notice of the proposed alternative must be filed with ALJ, all parties and affected local government. Filing must include maps etc and statement why alternate corridor should be certified.
3. Within 7 days after notice of alternative filed, applicant and DEP file notice of acceptance or rejection of proposed alternate.
   If rejected, certification hearing goes on as scheduled.
   If accepted, certification hearing is rescheduled.
   Rescheduled certification hearing must be held no more than 90 days after the previously scheduled hearing date, unless the data supporting the alternative is not complete. Then the proposer gets additional time to provide the information.
4. Proponent of alternate corridor is responsible to publish notice of alternative. If notice is not timely published, the alternative is deemed withdrawn.
5. Within 21 days after acceptance of proposed alternate, proposing party must provide data to all agencies; agencies must issue supplemental report to DEP within 15 days after submittal. DEP issues determination of completeness 22 days after receipt of data. If deemed not complete the proposing party gets additional time to submit data to reach completeness.
6. 24 days after alternative deemed complete, supplementary reports must be submitted to DEP.
7. 16 days after DEP receives reports, DEP files report with ALJ.
8. Evidence may be presented at certification hearing on any corridor, whether accepted or rejected, provided the alternate corridor was proposed at least 45 days before the originally scheduled certification hearing date.
9. Party proposing alternative has burden to prove corridor can be certified.
10. If an alternate corridor is accepted by the applicant and DEP based upon a notice of acceptance and the corridor is ultimately determined to be the corridor meeting the criteria set forth in 403.529(4) and (5), the Board "shall" certify the corridor.

403.5272 Informational Public Hearing

1. Within 55 days after application filed, local government may hold a public informational meeting, which is in addition to any hearings required by the Act. If the local government does not hold a meeting, the Regional Planning Council may chose to do so. (The meetings are optional.)
2. The purpose of the meeting is to inform the public about the proposed transmission line and obtain comments to assist in preparing the require recommendation.

3. Informational meetings are held solely at the local government or RPC's option. No party, other than the applicant and DEP, is required to attend.
4. Not less than 15 days before meeting, the County/RPC is required to publish notice in accord with 403.527(2)(a) and 403.5363(4).
5. Failure to hold a meeting is not a basis for denial of certificate.

403.529 Final Disposition by Governor and Cabinet ("Board")

1. Board considers and acts on ALJ recommendation within 60 days after receipt by accepting, rejecting or modifying recommendation.
2. Board may hold a hearing. Issues at hearing are limited to those raised in certification proceedings or ALJ recommended order.
3. If denied, Board must state action necessary to secure approval.
4. Board must consider whether, and to what extent the location, construction, operation and maintenance of the line/corridor will:
   a. Ensure electrical power system reliability and integrity;
   b. Meet electrical energy needs of the state in an orderly, economical and timely fashion;
   c. Comply with the nonprocedural requirements of agencies;
   d. Be consistent with applicable local government comprehensive plans; and
   e. Effect a reasonable balance between the need for the lines and the impacts upon the public and environment resulting from location, construction, operation and maintenance of the lines.
5. The Board will certify the corridor that meets the criteria and has the least adverse impact regarding the criteria, including costs.
   If the board finds that a rejected alternate corridor meets the criteria and has the least adverse impact, the Board may deny the certification or allow the applicant to submit and amend application to include the corridor.
   If two or more corridors meet the criteria and area is substantially equal with respect to adverse impacts, the Board will certify the corridor preferred by the applicant.

403.531 Effect of Certification.

1. Certification constitutes the sole license of the state and any agency as to the approval of the line/corridor location, construction, operation and maintenance.
   Certification is valid for the life of the transmission line if action to construction or acquire the right-of-way occurs within 5 years after the date of the certification.
2. Certification authorizes location, construction and maintenance, subject only to stated conditions.

3. Certification may include conditions that constitute variances and exemptions from nonprocedural standards/regulations expressly considered in the proceeding.
4. Certification is in lieu of any other permits, certificates, licenses etc.
5. Act does not affect PSC ratemaking power; or ability of County to charge fees or require construction in compliance with the National Electrical Safety Code.

403.536 Superseded Laws, Regulations and Certification Power.

1. *The Act controls.* Any provision limitation, restriction, regulation, rule, or ordinance of the state or any political subdivision, municipality or agency that conflicts with the Act is deemed superceded.
2. The state preempts the certification and regulations of transmission lines and corridors.

Dunn, Brandon

From: Bill Burdette [bill@burdetteinc.com]
Sent: Friday, February 19, 2010 8:38 AM
To: Dunn, Brandon
Cc: neale montgomery; Noble, Matthew
Subject: Buckingham plan

Brandon,

I recommend the following revisions to the draft plan amendment:

OBJECTIVE 17.2: TRANSPORTATION
Item 5 should remain (as recommended by staff at transmittal hearing)

last paragraph - revise first sentence to state "Lee County supports the community desire to protect the rural character of the Buckingham Community by keeping the majority of the roadways within the community to 2 lanes." delete the second sentence (simplifies and clarifies the intent)

I don't detect any problems with rest of transportation policies. Disappointed with Policy 17.3.8 regarding transmission lines but don't see a solution.

Let me know if you have any questions. I thank you for the opportunity to review and comment.

Bill Burdette
4931 Shady River Lane, Fort Myers, FL 33905
Tel. (239) 936-1404
Fax (239) 936-1802
bill@burdetteinc.com

I am using the Free version of SPAMfighter.
We are a community of 6 million users fighting spam.
SPAMfighter has removed 94960 of my spam emails to date.
The Professional version does not have this message.

RECEIVED
OCT 16 2009
COMMUNITY DEVELOPMENT

LEE COUNTY
SOUTHWEST FLORIDA

Lee County Board of County Commissioners
Department of Community Development
Division of Planning
Post Office Box 398
Fort Myers, FL 33902-0398
Telephone: (239) 533-8585
FAX: (239) 485-8319

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: _____

Submit **6** copies of the complete application and amendment support documentation, including maps, to the Lee County Division of Planning. Up to 90 additional copies will be required for Local Planning Agency, Board of County Commissioners hearings and the Department of Community Affairs' packages. Staff will notify the applicant prior to each hearing or mail out.

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.

October 15, 2009
DATE SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

SCANNED
SCANNED

I. APPLICANT/AGENT/OWNER INFORMATION

CARLTON LAND HOLDINGS, LLC
APPLICANT
P.O. BOX 2491
ADDRESS
BONITA SPRINGS | FLORIDA | 33413
CITY | STATE | ZIP
(239) 947.2111 | (239) 947-4941
TELEPHONE NUMBER | FAX NUMBER

Fred Drovdlic, AICP – Vice President, Quattrone & Associates, Inc.
AGENT*
4301 Veronica Shoemaker Boulevard
ADDRESS
Fort Myers | Florida | 33916
CITY | STATE | ZIP
(239) 936.5222 | fred@qainc.net | (239) 936.7226
TELEPHONE NUMBER | EMAIL | FAX NUMBER

CARLTON LAND HOLDINGS, LLC
OWNER(s) OF RECORD
8841 WEST TERRY ST
ADDRESS
BONITA SPRINGS | FLORIDA | 33135
CITY | STATE | ZIP
(239) 947.2111 | (239) 947-4941
TELEPHONE NUMBER | FAX NUMBER

BUCKINGHAM CMC LLC and GRAND ISLE 407 LLC
OWNER(s) OF RECORD
28351 S. TAMIAMI TRAIL
ADDRESS
BONITA SPRINGS | FLORIDA | 33134
CITY | STATE | ZIP
(239) 947.2111 | (239) 947-4941
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 22)
List Number(s) of Map(s) to be amended
Maps 1 and 16

1. Future Land Use Map amendments require the submittal of a complete list, map, and two sets of mailing labels of all property owners and their mailing addresses, for all property within 500 feet of the perimeter of the subject parcel. The list and mailing labels may be obtained from the Property Appraisers office. The map must reference by number or other symbol the names of the surrounding property owners list. The applicant is responsible for the accuracy of the list and map.

   At least 15 days before the Local Planning Agency (LPA) hearing, the applicant will be responsible for posting signs on the subject property, supplied by the Division of Planning, indicating the action requested, the date of the LPA hearing, and the case number. An affidavit of compliance with the posting requirements must be submitted to the Division of Planning prior to the LPA hearing. The signs must be maintained until after the final Board adoption hearing when a final decision is rendered.

B. SUMMARY OF REQUEST (Brief explanation):

1. Amend the Future Land Use designation (Map 1): for a 95.60 acre parcel of land located in the West ½ of Section 19, Township 44 South, Range 26 East, Lee County, Florida, lying South and East of Buckingham Park Road according to the plat thereof, as recorded in Plat Book 9, Page 98, Public Records of Lee County, Florida from Rural to Urban Community.

2. Change the Planning Community Boundary (Map 16): redefining the boundary between Lehigh Acres and the Buckingham Community by moving the subject property out of Buckingham and into the Lehigh Acres Planning Community.

3. Prepare a text amendment to adjust Table 1 (b): to make changes to the commercial and industrial regulated land totals to the Lehigh Acres Planning Community.

4. Rezone from AG-2 to a combination of a Commercial Planned Development (CPD) and Industrial Planned Development (IPD). The intent is to create a commercial office, retail and recreation center, and a light industrial park that is sensitive to and compatible with the Buckingham Community and the abutting single-family houses in Lehigh Acres.

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

A. Property Location: **Subject parcel is located on Buckingham Road approximately 1 mile east of Immokalee Road (SR 82) and is approximately 3 miles from exit 138 on I-75 via Immokalee Road to Buckingham Road.**

1. Site Address: 9711 Buckingham Road, Lehigh Acres, Florida 33971
2. STRAP(s): 19-44-26-00-00003.0000

B. Property Information

Total Acreage of Property: 95.60 Acres

Total Acreage included in Request: 95.60

Total Uplands: 95.60

Total Wetlands: 0.00 acres

Current Zoning: Agricultural (AG-2)

Current Future Land Use Designation: RURAL

Area of each Existing Future Land Use Category: 95.60 acres

Existing Land Use: Vacant Agricultural Land, former Lee County Land Fill

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: No

Airport Noise Zone 2 or 3: No

Acquisition Area: No

Joint Planning Agreement Area (adjoining other jurisdictional lands): No

Community Redevelopment Area: No

D. Proposed change for the subject property:

Move the subject property into the Lehigh Acres Planning Community (Map 16) and amend the Future Land Use Map (1) designation to Urban Community to allow a commercial office, retail and recreation area (i.e. bowling alley, arcade, miniature golf, batting range, etc) and a light industrial park.

E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density:	95 units/1 dwelling unit per acre
Commercial intensity:	0.0 sq. ft./not permitted in Rural FLUM
Industrial intensity:	0.0 sq. ft./not permitted in Rural FLUM

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density:	573 total residential units at up to 6 du/acre (maximum of 401 single-family units - 4.2 du/acre). However, former land fill status would restrict residential developments from occurring by both the market and environmentally.
Commercial intensity:	742,500 sq. ft. calculating 67.5 acres developable at an intensity of 11,000 square feet of building per acre.
Industrial intensity:	877,500 sq. ft. calculating 67.5 acres developable at an intensity of 13,000 square feet of building per acre.

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.
See attached document – Exhibit A-1.

2. Provide a current Future Land Use Map at an appropriate scale showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.
   See Attached Map - Exhibit A-2.

3. Provide a proposed Future Land Use Map at an appropriate scale showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.
   See Attached Map - Exhibit A-3 and A-4.

   The subject property is located within the Buckingham Planning Community with a Future Land Use designation of Rural and is zoned AG-2. The subject property is currently vacant and is being used for cattle grazing. The site was used back in the early to mid 1970' as a county land fill and has remained vacant since ceasing the land fill operation in approximately 1976. Although the property is located with the Buckingham Planning Community and has a FLUM designation of Rural, the prior use of the land renders the land unusable for residential use making it more consistent with a commercial or industrial type use. Given the type of uses to the west and south and the separation between the subject parcel and the residential lots to the east, it is unlikely the proposed land use change would adversely affect the adjacent parcels or the character of the Buckingham area.

   The property to the east is part of the Lehigh Acres Planning Community with a Future Land Use designation of Urban Community and is zoned RS-1. Of the 35 residential lots adjacent to the subject parcel's east property line, less than half the residential lots are improved. The residential lots are separated from the subject parcel by a 120' wide East Canal Water Control District canal right-of-way and by a 100' wide FP&L easement located along the easterly 100' of the subject parcel.

   The property to the south is within the City of Fort Myers city limits with a Future Land Use designation of Rural and is zoned MU, which allows wide range of uses. The City is in permit review with DEP for a 12-24 million GPD wastewater treatment plant slated to be operational in 2009.

   Directly west of the site is the County owned Buckingham Park which consists of multiple football and baseball fields, a community playground, hiking trails, and recreational facilities for dogs. West of the park is the county incinerator. Both parcels have a Future Land Use designation of Public Facilities. The park is zoned CF-2 and the incinerator is zoned IPD. South west is a dense multi-family residential development within the City named Olympiad.

   There are three parcels located directly north of the site and they are part of the Rural Community Preserve Planning Community with a Future Land Use designation of Rural and are zoned AG-2. Two of the three parcels have improvements on them.

4. 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.
   See Attached Map - Exhibit A-3 and A-4.

   Subject parcel is zoned AG-2
   East of subject parcel is zoned RS-1
   North of subject parcel is zoned AG-2
   West of subject parcel is zoned CF-2
   South of subject parcel is zoned MU & REC (City of Fort Myers)

5. Map and describe existing zoning of the subject property and surrounding properties.
   West ½ of Section 19, Township 44 South, Range 26 East, Lee County, Florida, lying South and East of Buckingham Park Road according to the plat thereof, as recorded in Plat Book 9, Page 98, Public Records of Lee County, Florida.

6. The certified legal description(s) and certified sketch of the description for the property subject to the requested change. A metes and bounds legal description must be submitted specifically describing the entire perimeter boundary of the property with accurate bearings and distances for every line. The sketch must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment) with two coordinates, one coordinate being the point of beginning and the other an opposing corner. If the subject property contains wetlands or the proposed amendment includes more than one land use category a metes and bounds legal description, as described above, must be submitted in addition to the perimeter boundary of the property for each wetland or future land use category.
   See Attached.

7. A copy of the deed(s) for the property subject to the requested change.
   See Attached Warranty Deed.

8. An aerial map showing the subject property and surrounding properties.
   See Attached Map – Exhibit A-7.

9. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner.
   Applicant is the owner.

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

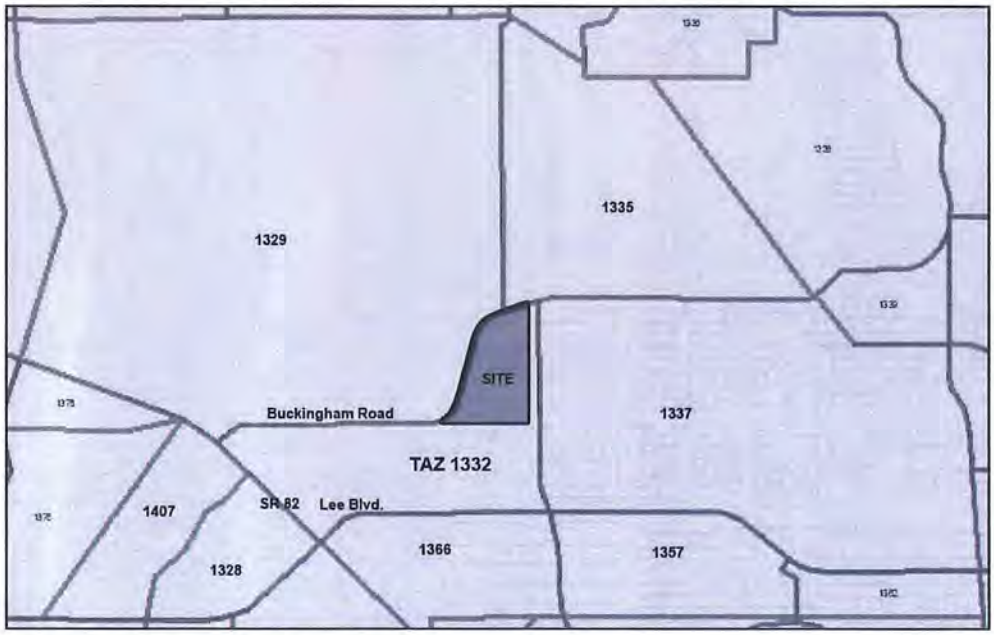
The analysis is intended to determine the effect of the land use change on the Financially Feasible Transportation Plan/Map 3A (20-year horizon) and on the Capital Improvements Element (5-year horizon). Toward that end, an applicant must submit the following information:

Long Range – 20-year Horizon:

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;
See Attached Document – Exhibit B-1a.

The subject parcel is located in TAZ 1332 encompassing the area from SR 82 east to Alvin Avenue and from Buckingham Road south to Lee Boulevard as shown below. It is anticipated that the socio-economic data will need to be updated due to the intensity of this project. The updating will be done per Lee DOT running the FSUTMS model on the 2020 or 2030 Financially Feasible Plan network.

See graphic below taken from the LDOT TAZ map.



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.);

It is likely given the density and intensity possibilities for this parcel that the data will need to be updated. A change to Urban Community FLUM on 95.6 acres makes provisions for:

- **Up to 573 total residential units at up to 6 du/acre (maximum of 401 single-family units - 4.2 du/acre). However, former land fill status would restrict residential developments from occurring by both the market and environmentally. The single-family calculation is based on our experience with the Land Development Code. Due to the open space, minimum lot size requirements, lot coverage maximums, buffer requirements, water management regulations, access roads the maximum density a single-family development can realistically achieve through the planned development process is slightly greater than 4 units per acre; or**
- **Up to 742,500 square feet of commercial office, retail and recreational uses; or**
- **Up to 877,500 square feet of light industrial development.**

In a meeting with Lee DOT and planning we were advised to provide development parameters for this analysis to the conducted by Lee DOT.

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;

We anticipate that the modifications are going to be minor given the TAZ includes intense development areas near SR 82 and Lee Boulevard. Additionally, the 2020 Financially Feasible Network includes four-laning Buckingham Road from the project west to SR 82 and from the project east/north to SR 80.Within the three-mile radius Colonial Boulevard is to be extended to six lanes from SR 82 to I-75 and SR 82 is to be widened to 6-lanes from Lee Boulevard/Colonial east to Daniels Parkway. Given the road expansions the overall traffic impact from the full development potential of this project the road network for 2020 and the newly proposed 2030 FFN should be able to be absorbed the impact adequately.



In a meeting with Lee DOT and planning we were advised that Lee DOT would run the FSUTMS and determine if, given our development parameters whether an improvement to the road network would be necessary.

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;

It is not anticipated that improvements to the road network beyond the 2020 FFN will be required; however, it is our understanding that the applicant would have an opportunity to financially contribute to the improvements necessary for the road network to absorb the traffic impacts created by the development if it were determined that the project made the network fail.

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;
Understood.

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.
See Attached Master Concept Plan.

Short Range – 5-year CIP horizon:

b. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediate development plan, identify the existing roadways serving the site and within a 3-mile radius (indicate laneage, functional classification, current LOS, and LOS standard);

It is anticipated that the subject parcel will have an immediate development plan prepared upon approval of the Future Land Use Amendment. The major roads within a 3-mile radius are as follows:

Road Name	*Laneage*	*Funct Class*	*LOS Crnt*	*LOS Stnd*
Buckingham Road	*2 Lane*	*Art*	*C*	*E*
SR 82 W. of Buckingham	*2 Lane*	*Art*	*D*	*E*
SR 82 E. of Buckingham	*2 Lane*	*Art*	*D*	*E*
Interstate 75 N. of SR82	*4 Lane*	*Art*	*E*	*C*
Interstate 75 S. of SR82	*4 Lane*	*Art*	*E*	*C*
Alvin Avenue	*2 Lane*	*Col*	*na*	*na*
Lee Boulevard	*6 Lane*	*Art*	*B*	*E*
Colonial Boulevard	*4 Lane*	*Art*	*B*	*E*

Westgate Boulevard	***4 Lane***	***Col***	***B***	***E***
Gunnery Road	***2 Lane***	***Art***	***B***	***D***

c. 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;

Colonial Boulevard from SR 82 west to I-75 is programmed to be six-laned. Project Number 4054 on the Lee County FY 05/06 to FY 09/10 (includes design for Six Mile Parkway to I-75 for City of Fort Myers).

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

In a meeting with Lee DOT and planning we were advised that Lee DOT would run the FSUTMS and determine the resulting number of trips, distribution and impact on LOS for impacted roadways projected to 2020.

e. 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;

In a meeting with Lee DOT and planning we were advised that Lee DOT would run the FSUTMS and determine the resulting number of trips, distribution and impact on LOS for the 3-mile radius of roadways.

f. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.

In a meeting with Lee DOT and planning we were advised that Lee DOT would run the FSUTMS and determine the improvements necessary, if any, to accommodate the project on the road network within a 3-mile radius. We do not anticipate improvements will need to be made beyond those deemed financially feasible in the 2020 FFN map.

2. Provide an existing and future conditions analysis for:
   a. Sanitary Sewer
   b. Potable Water

The site is located within the Florida Governmental Utility Agency

franchise service area. We understand FGUA does not have capacity to serve the project. Currently the subject parcel is NOT located within the future water or sewer franchise areas as depicted on Lee Plan Maps 6 and 7.

Our intention is to connect to the City of Fort Myers Utilities for water and wastewater treatment. The City has an existing 6" Force Main and an existing 12" Water Main located adjacent to the site. A letter of response is attached from the City. In summary the City WILL grant connection to water and has adequate capacity. The City is also willing to commit to sewer connection in 2009. The City is in the process of DEP permitting to build and construct a wastewater treatment plant on the parcel abutting the southern border of the subject property. The 2009 commitment should not affect the status of this project. Development of this project will not be able to take place earlier than 2009. This application for a Comprehensive Plan Amendment (CPA) is vital to site development since we view a former landfill as undesirable land for 1-acre lot single-family housing and not the highest and best use of a large tract of land abutting Lehigh Acres. The CPA decision will not be rendered until mid 2007. At that time, if approved, the applicant will need to rezone the property from AG-2 to an IPD, CPD or a combination. That process will take until mid 2008 at best. At that time, if rezoning is approved, a development order must be submitted and approved taking until early to mid 2009. At that time, if the City is unable to provide a connection the applicant is willing to commit to an onsite package plant with an agreement to connect to wastewater utilities at the time of availability and cease onsite treatment.

The Lee County Incinerator, located directly west of the site, is serviced by the City of Fort Myers Utilities although that property is also in the unincorporated portion of Lee County. The Olympiad residential development 500 feet to the southwest is connected to the City utilities and within the City of Fort Myers limits.

We anticipate that the plan amendment will intensify the development potential of the property substantially. Currently the FLUM is Rural which allows the following development density/intensity:

Residential Units/Density:	**95 units/1 dwelling unit per acre**
Commercial intensity:	**0.0 sq. ft./not permitted in Rural FLUM**
Industrial intensity:	**0.0 sq. ft./not permitted in Rural FLUM**

The maximum allowable development under proposed FLUM based on the proposed site plan enclosed and/or maximum development potential:

Residential Units/Density:	**573 multi-family residential units; or 401 single-family units.** • **AN INCREASE OF 478 UNITS**
or	
Commercial intensity:	**742,500 sq. ft.** • **AN INCREASE OF 742,500 sq. ft.**
or	
Industrial intensity:	**877,500 sq. ft.** • **AN INCREASE OF 877,500 sq. ft.**

Based on these calculations the total expected water and wastewater treatment volumes will be approximately 90,555 GPD.

c. Surface Water/Drainage Basins

The subject parcel is located in the Orange River Drainage Basin and is located directly adjacent to an existing East County Water Control District canal that runs parallel to Alvin Avenue. The ECWCD can not make a commitment at this time to permit the site into the district. The District is mitigating potential flood issues with Orange River while pending development from Lehigh Villages is inside the district and requesting access. Until the Board rectifies these issues they can not make new commitments to outside parcels.

As a result, the project intends to maintain historical drainage patterns of the Orange River Drainage Basin. The project site is located in the Orange River Drainage Basin which has an allowable peak discharge of 35 CSM which equates to approximately 5.2 CFS for our 95 acre site. Onsite detention areas in the form of either lakes and/or dry detention areas will be constructed to provide water quality treatment and attenuate the additional runoff associated with the developed site to comply with the peak allowable discharge rates. Historical drainage patterns for this site are from South to North towards the Orange River. Therefore it is anticipated that an outfall structure will be placed on the north side of the project discharging into the South Buckingham Road swale. At time of project design, additional analysis will be made of the conveyance system from the project site to the Orange River to verify capacity. The onsite water management system will be designed accordingly and if necessary enlarged to further reduce offsite discharge rates.

d. Parks, Recreation, and Open Space.

The subject parcel is located directly across from Buckingham Park.

Analysis should include (but is not limited to) the following:

- Franchise Area, Basin, or District in which the property is located;
- Current LOS, and LOS standard of facilities serving the site;

Road Name	*Laneage*	*Funct Class*	*LOS Crnt*	*LOS Stnd*
Buckingham Road	*2 Lane*	*Art*	*C*	*E*
SR 82 W. of Buckingham	*2 Lane*	*Art*	*D*	*E*
SR 82 E. of Buckingham	*2 Lane*	*Art*	*D*	*E*
Interstate 75 N. of SR82	*4 Lane*	*Art*	*E*	*C*
Interstate 75 S. of SR82	*4 Lane*	*Art*	*E*	*C*
Alvin Avenue	*2 Lane*	*Col*	*na*	*na*
Lee Boulevard	*6 Lane*	*Art*	*B*	*E*
Colonial Boulevard	*4 Lane*	*Art*	*B*	*E*
Westgate Boulevard	*4 Lane*	*Col*	*B*	*E*
Gunnery Road	*2 Lane*	*Art*	*B*	*D*

- Projected 2020 LOS under existing designation;

  In a meeting with Lee DOT and planning we were advised that Lee DOT would run the FSUTMS and determine the resulting number of trips, distribution and impact on LOS for the 3-mile radius of roadways for 2020.

- Projected 2020 LOS under proposed designation;

  In a meeting with Lee DOT and planning we were advised that Lee DOT would run the FSUTMS and determine the resulting number of trips, distribution and impact on LOS for the 3-mile radius of roadways for 2020.

- Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements; and

  Colonial Boulevard from SR 82 west to I-75 is being six-laned. Project Number 4054 on the Lee County FY 05/06 to FY 09/10 (includes design for Six Mile Parkway to I-75 for City of Fort Myers). The improvements in the 2020 FFN should prove more than adequate for the proposed land use change.

- Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (state if these revisions are included in this amendment).

  We do not anticipate the need for parks or recreation to increase in the area do to the proposed possible development. Given the history f the parcel as a landfill the applicant does not intent to propose residential development. The project does propose to have

commercial recreational activities such as bowling, go-carts, miniature golf.

3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including:
   a. Fire protection with adequate response times;
   b. Emergency medical service (EMS) provisions;
   c. Law enforcement;
   d. Solid Waste;
   e. Mass Transit; and
   f. Schools.

   Letters from the above listed agencies are attached or correspondence included.

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

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).
   See Attached Map – Exhibit C-1 and C-2.

2. A map and description of the soils found on the property (identify the source of the information).
   See Attached Map – Exhibit C-1 and C-2.

3. A topographic map depicting the property boundaries and 100-year flood prone areas indicated (as identified by FEMA).
   See Attached Map – Exhibit C-3.

4. A map delineating the property boundaries on the Flood Insurance Rate Map effective August 2008.
   See Attached Map – Exhibit C-3.

5. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.
   See Attached Map – Exhibit C-4.
   The site does not have any wetlands, rare & unique uplands and is not within an aquifers recharge area. As previously indicated the site was once a county land fill and as such has been previously disturbed.

6. 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).
   See Attached Map – Exhibit C-5.

   Due to the sites previous disturbed status there are not any protected or listed species located on the property.

D. Impacts on Historic Resources
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.

   Due to the sites previous disturbed status there are not any historical resources located on the property.

2. A map showing the subject property location on the archeological sensitivity map for Lee County.
   See Attached Exhibit D-1.

   Due to the sites previous disturbed status there are not any archeological resources located on the property. The subject parcel is NOT located in one of the two sensitivity areas.

E. Internal Consistency with the Lee Plan
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.
   See Attached Exhibit E, Section 1.

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.
   See Attached Exhibit E, Section 2.

3. Describe how the proposal affects adjacent local governments and their comprehensive plans.
   See Attached Exhibit E, Section 3.

4. List State Policy Plan and Regional Policy Plan goals and policies which are relevant to this plan amendment.
   See Attached Exhibit E, Section 4.

F. Additional Requirements for Specific Future Land Use Amendments

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.

      The subject parcel is located on a 2-lane arterial road (Buckingham Road) with direct access to SR 82 and I-75.

   b. Provide data and analysis required by Policy 2.4.4.

      With the growth rates of Lehigh Acres and new residential developments being constructed within the adjacent City of Fort Myers there is a growing need for light industrial and commercial uses to serve these areas. The closest industrial park to the subject site is the Westgate Airpark Center which is located south of the subject parcel on the south side of Lee Boulevard. This industrial park has seen tremendous development activity within the last five years and is close to build out.

   c. The affect of the proposed change on county's industrial employment goal specifically policy 7.1.4.

      The proposed land use amendment will further the goal of policy 7.1.4. by providing light industrial related manufacturing uses that will serve primarily the Lehigh Acres area. The goal is to also assist the Lehigh Acres community in attaining commercial and industrial employment centers in response to Ord 06-04 and other stated BoCC goals concerning employment centers in Lehigh Acres.

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.

   The adjacent properties are heavily developed with the incinerator and park to the north and west, a high density multi-family development to the southwest and Lehigh Acres platted single-family housing to the east. To the south is more former landfill which has yet to develop but is zoned Mixed Use (MU) which is to be developed into a wastewater treatment plant by the City for 2009.

Although the subject parcel is located in the Rural Land use category in the Buckingham Planning Community the proposed land use amendment to Urban Community FLUC is appropriate in that the parcel is located on the western fringe of the Rural Land use category and is directly adjacent to Urban Community land use on the east side. The project intends to develop as a mix of commercial, recreation and light industrial. There is industrial zoned property (Lee County Incinerator) located directly north/west of the subject parcel. A wastewater treatment plant is slated for the southern property abutting the parcel. To the west is a dense residential development and Buckingham Road is to widened to a 4 lane by 2020. The property is able to connect to City water now and will be able to connect to City sewer in 2009, well before the Comp Plan Amendment, Rezoning and Development Order is in place. An Urban Community FLUC is appropriate for the subject parcel given the fact that it was formerly a land fill and would not be best suited for even low density residential.

3. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.

   The lands are not in critical areas. The parcels status as a former land fill removes it from consideration.

4. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.

   The lands are not in critical areas. The parcels status as a former land fill removes it from consideration.

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.
See Attached Exhibit E (Introduction to the Project).

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, **Kevin M. Webb**, certify that I am the owner or authorized representative of the property described herein **as 9711 Buckingham Road, Lehigh Acres, FL 33971, STRAP# 19-44-26-00-00003.0000**, 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.

Signature of owner or owner-authorized agent

October 14, 2009
Date

Kevin M. Webb, Manager of Carlton Land Trust, LLC
Typed or printed name

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 14th day of October 20 09, by Kevin M. Webb, who is ~~personally known to me~~ or who has produced _____ as identification.

(SEAL)

EILEEN E. IOVINE
MY COMMISSION # DD 891373
EXPIRES: June 29, 2013
Bonded Thru Notary Public Underwriters

Signature of notary public

EILEEN E. IOVINE
Printed name of notary public

AFFIDAVIT

I, **Patrick Ciniello**, certify that I am the owner or authorized representative of the property described herein **as 9711 Buckingham Road, Lehigh Acres, FL 33971, STRAP# 19-44-26-00-00003.0000** 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.

Signature of owner or owner-authorized agent

October 14, 2009
Date

Patrick Ciniello, Authorized Representative of Grand Isle 407, LLC and Buckingham CMC, LLC
Typed or printed name

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 14th day of October 20 09, by Patrick Ciniello, who is personally known to me or who has produced _____ as identification.

(SEAL)

EILEEN E. IOVINE
MY COMMISSION # DD 891373
EXPIRES: June 29, 2013
Bonded Thru Notary Public Underwriters

Eileen E. Iovine
Signature of notary public

EILEEN E. IOVINE
Printed name of notary public

WEBB COMPREHENSIVE PLAN AMENDMENT

9711 Buckingham Road
Lee County, Florida

Exhibit E1-4: Project Narrative/Internal Consistency with Lee Plan

Quattrone & Associates, Inc.

EXHIBIT E 1-4
INTERNAL CONSISTENCY WITH THE LEE PLAN

WEBB BUCKINGHAM CPA (a.k.a. CARTLON PROPERTY)
Future Land Use Map and Text Amendment
STRAP#: 19-44-26-00-00003.0000
9711 Buckingham Road, Lehigh Acres, Florida 33971

INTRODUCTION

The property is located in the Buckingham Planning Community on the south side of Buckingham Road adjacent to the Buckingham Park, just east of the Lee County Incinerator, north of the City of Fort Myers future wastewater treatment plant site currently under DEP review, and west of an FPL easement, canal and Lehigh Acre single-family housing. The property occupies 95.6 acres and in the 1970's was the Lee County land fill. The property is currently in the Rural land use category. The status as a former landfill makes residential housing undesirable, but commercial or light industrial uses appropriate. We contend that the parcel is more accurately represented in the Lehigh Acres community and a land use change to Urban Community is a public benefit.

REQUEST

The application is requesting a change to the Future Land Use Map (Lee Plan Map 1) by moving the property from Rural to the Urban Community FLUC. Also requested is moving the property from the Buckingham Planning Community to the Lehigh Acres Planning Community by revising Lee Plan Map 16. Development plans are for a mixed use commercial and industrial park including retail and office commercial, commercial recreation and light industrial park ranging from mini-storage to indoor manufacturing to warehousing. The intent is to create a shopping and employment center to benefit the Lehigh Acres shortfall in these areas.

THE INTENT

A zoning change to an industrial and commercial planned development allow business park, industrial park employment centers with uses such as:

- self storage,
- commercial recreational uses (bowling, family fun center),
- retail commercial within the areas determined by the commercial site location standards and development parameters to be determined in the planned development process,
- professional / general / and medical offices, and
- limited light industrial uses.
- NO RESIDENTAIL!

WHY A LAND USE CHANGE?

Currently the Rural FLUC limits the site to very minor commercial of very limited size and uses and 1 housing unit per acre. Since the land is a former landfill, residential housing would be, at best, difficult to sell and placing families over a landfill would be irresponsible, bad planning, which in my capacity as a certified planner I can not recommend. Moreover,

any areas abutting Lehigh Acres do not need more opportunities for rooftops, particularly single-family housing, a point that I feel all can agree.

By requesting the Urban Community FLUC and agreeing to limit the property to commercial and light industrial uses only, we can look towards meeting the needs of a growing Lehigh Acres community desperately in need of lands dedicated to uses other than residential housing.

SMART GROWTH
Van Buskirk, Ryffel, and Associates, Inc.
"Population Model to Forecast Population Growth of Lehigh Acres Over Time to Build-out"
The original planning of Lehigh Acres as a pre-platted community left a lack of designated support land uses. Lands for commercial and industrial uses (and other uses) were not provided in sufficient amounts to meet the needs of future populations. The result: residents of Lehigh Acres, for the most part, will need to travel outside their community for goods, services and employment opportunities. This increase in vehicle trips and trip lengths puts added loading on the county's transportation network that results in added cost of road improvements and traffic congestion and is an added burden on county finances.

The lack of needed support land uses such as commercial, industrial, parks, and schools are long-term inhibitors to Lehigh Acres from being what is generally considered a sound, well-balanced, quality community.

So what is the deficiency . . .

Allocated Land Uses vs. Needed Land Uses for Lehigh Acres

Land Use	Allocated	Need	Deficient
Commercial	1,599	2,895	(**1,296**)
Industrial	370	690	(**320**)
Parks	7	2,629	(2,622)
Schools	251	975	(724)

In summary, the lack of designated land uses in Lehigh Acres results in a deficiency of sufficient lands designated for economic viability such as commercial lands for retail trade, services and industrial development This disapportionment of necessary designated land uses, results in lower values of developed land, resident's quality of life and higher cost of services.

An industrial and commercial employment center at this location supports fundamental smart growth principals, whose goal is a balanced community, and looks FORWARD to the inevitable growth of east Lee County's preplatted destiny.

WHY PLANNING COMMUNITY CHANGE?
To this point there has been almost no mention of the Buckingham Planning Community. Of course, I am not ignoring the significance of the parcel to the Buckingham residents, but rather have been speaking to the importance of this parcel to the needs of the Lehigh Acres

Community. The Buckingham residents care deeply about the character of the land within their community. The portion of the proposal removing the land from the PC ignites fears that their planning boundaries can be eroded in a piecemeal manner. I would argue that releasing the property from the PC actually enhances the hard physical boundary of Buckingham Road as the southern and eastern extents – a line to not be crossed, if you please.

Our logic to remove the parcel from the PC runs in this manner:

1. Support from planning staff. The Lee Plan vision statement seems to place the parcel in Lehigh Acres.
2. Physical boundaries of the Buckingham PC remain steadfast to Buckingham Road, except for this parcel which follows the CRA line established in the 1970's;
3. The property is outside of the Rural Preserve;
4. The surrounding properties do not encompass the values or development potential of the Buckingham Community. The property character is much more like Lehigh than Buckingham; and

We agree with staff recommendations that the property makes more planning sense to be considered part of the Lehigh Planning Community.

Nevertheless, planning on paper can represent a vacuum. After **meeting** with the Buckingham residents in October and again December 6, my understanding of their primary concern is the removal of the property from the PC and the precedence that could set. Wishing to remain **flexible**, we listened. The residents have proposed to keep the property in the Buckingham Planning Community, while understanding the development potential of the property. I believe they understand that residential development is not a good use for the property. I believe they understand that an industrial and business park is a logical use. While I can not say they agree with the proposed development intensity, the residents have expressed that they would rather have the development take place while under the auspices of the Buckingham Community. If they feel that this will better preserve there influence over a rezoning process and allow for a greater weight of input on development limitations, then I understand. We do not object to the property remaining in the Buckingham PC with there blessing to allow the land use change to Urban Community or Commercial FLUC.

JUSTIFICATION

The subject property is unique in both location and characteristic and despite being in the Buckingham Community the site looks, feels and is surrounded by existing or proposed uses similar in intensity to Lehigh Acres, more so than the rural nature of the Buckingham Community and particularly the Buckingham Rural Preserve. The property is the only parcel south of Buckingham Road to be included within the Buckingham Planning Community. The subject parcel is the only parcel south of Buckingham Road not in the City or Lehigh. The site is also the southern most portion of the Buckingham Community and is separated from the Buckingham Community Preserve by Buckingham Road, Buckingham Park and the Lee County Incinerator. The Lehigh Acres Planning Community description in the Lee Plan Vision describes the community area as *". . . generally north of SR 82, and east of Buckingham Road/the Buckingham Rural Community Preserve to the eastern Lee County*

line." By all accounts this would seem to include the subject property. Although we do understand that the description is very general and should in fact state that the Lehigh Acres Community is north of SR 82 and south/east of Buckingham Road to the eastern county line. Likewise, the Buckingham Community Vision description seems to not include this land. *"This Community is located between Lehigh Acres and the City of Fort Myers and Buckingham Road and the Orange River. It is considered the Buckingham Rural Community Preserve."* The parcel is definitively not in the preserve area. We propose that in terms of Lee Plan consistency the parcel "fits" much better within Lehigh Acres Vision description.

The property is surrounded by existing or proposed intense uses that are incompatible with the Buckingham Vision and should therefore be in the Lehigh Acres Community. To the north of the property is the Lee County Incinerator, the Buckingham Park and the Buckingham Preserve separated by what will be a 4 lane arterial. To the south of the project is former land fill area part of the City of Fort Myers currently vacant and zoned MU (Intense Mixed Use). This property is currently the subject of Department of Environmental Protection (DEP) permitting for the City of Fort Myers future 12-24 million GPD wastewater treatment plant proposed to be operational in 2009. To the west is a dense multi-family development under construction (Olympiad) in the City of Fort Myers. The project's eastern boundary abuts the northwestern most portion of Lehigh Acres. The eastern boundary is separated by a 120 foot canal and 100 foot Florida Power and Light easement. The properties in Lehigh (east) of this project are single-family platted lots that are mostly developed. The proximity to Lehigh enables this project to fulfill some of the needs of the Lehigh residents concerning employment centers.

The Board of County Commissioners has recognized the growing need to provide employment centers, commercial nodes and industrial land uses within the Lehigh Acres Community. Earlier this year they passed **Ordinance 06-04** to place a moratorium on single-family residential rezonings in order to give the community time to produce a study determining the areas and need for tracts of land capable of providing commercial and industrial land uses for the community. The massive pre-platting has caused shortages in several areas affecting the long term viability and self-sufficiency of the Lehigh community. In addition to needs for alternative housing choices there are shortages of large tracts of land for commercial and industrial employment centers and retail shopping areas. Without these the regional transportation network will be over burdened with Lehigh residents commuting long distances for basic, daily needs and work. The site is not appropriate for residential housing of any kind due to the former land fill status and intense industrial uses described in the prior paragraph (Incinerator and wastewater plant), but is appropriate in location, compatibility and road access in light of the expansion of Buckingham Road to four lanes (2020 Financially Feasible) for a mixed retail, office and light industrial park. As stated in the Lee Plan, "*Lehigh will continue to struggle with providing sufficient non-residential uses to accommodate a community of its size. New provisions for providing these uses has been implemented and will aid in this problem, however, residents will continue to commute from this community to the core communities such as Fort Myers, South Fort Myers, and Gateway/Airport for employment, shopping and other services.*"

On the other hand the Buckingham Community policy is ". . .*that the majority of the communities commercial needs be met outside of their community*". The two policies are at odds. The subject property is centered between these two communities which creates a

logical compromise position for the county and the applicant. The County can permit commercial and industrial uses through a land use change that provides employment, shopping and commercial uses "outside" of Buckingham without over burdening the County's road network by forcing Buckingham residents into long commutes for basic needs. Meanwhile, the industrial and commercial centers will serve local Lehigh residents near the intensely developing western SR 82/Lee Boulevard area providing alternatives for shopping and employment from Lee Boulevard and SR82/Colonial. The applicant can provide significant buffering and has ample space to arrange intensity of uses appropriately so that abutting properties are very minimally affected.

This development will assist to ease the burden on the traffic infrastructure and commuting patterns of Lehigh residents, and fulfill an identified need for commercial and industrial employment centers in Lehigh Acres. The move from Buckingham to Lehigh will increase the applicability of the Lee Plan descriptions for both communities through a more logical, well defined, consistent area definitions.

CHANGES SINCE 2006 LPA and BoCC HEARING

1. **A new access road from Lee Boulevard to Buckingham Road:** One of the objections to the request was the access to the property. We recognize that the property is only accessible via Buckingham Road. Lehigh residents must access Buckingham Road through primarily residential neighborhoods or by using SR 82 and further exacerbating the terrible traffic situation on the SR 82 segment from Lee Boulevard to Buckingham Road. If the commercial and industrial uses are to serve the needs of Lehigh residents how are they to access it without worsening traffic patterns. A tentative solution is in the works. The City of Fort Myers desires a road from there property that lies directly south of ours and fronts Lee Boulevard (the future site of the proposed wastewater treatment plant). We are offering a dedication of right-of-way for public access across our property to Buckingham Road with a connection to the treatment plant and Lee Boulevard. In a meeting with Saeed Kazemi and a letter from his office the City is willing to state that they intend to pursue this connection and our cooperation.

2. **A statement from the Lehigh Acres Planning:** Bo Tuberville was quoted in the News-Press after the LPA hearing stating that they planning group would not oppose commercial development near Lehigh. We placed calls to him but the reaction was there was not a great need to meet over a property that is not in Lehigh and that they would like to see anything but residential.

3. **Additional meeting with representatives from Buckingham:** to take place on December 6, 2006 after distribution of the application. But a subject to be discussed is NOT moving the property out of Buckingham. We can agree that the property can be retained in Buckingham and still move towards a commercial and industrial park.

Quattrone & Associates, Inc.

SECTION I

TABLE 1(b)(Planning Community Year 2020 Allocations)

We are requesting a change in the **Planning Communities Map 16** so that the subject property is removed from the Buckingham Planning Community and included within the Lehigh Acres Planning Community. Text changes include moving 96 acres out of Buckingham non-regulatory vacant land into Lehigh Acres regulated industrial and commercial allocations.

Justification

The subject property presents a unique location and characteristic. The property is the only parcel south of Buckingham Road to be included within the Buckingham Planning Community. All other property to south of the arterial is in either the City of Fort Myers or Lehigh Acres Planning Community. The Buckingham Special Treatment Area boundary established for the Buckingham Rural Community Preserve uses Buckingham road as the boundary leaving this property as an unconnected piece of rural land separated from the preserve and Buckingham Community by a major arterial and further separated by the Lee County Incinerator and Buckingham Park. The Lehigh Acres Planning Community description in the Lee Plan Vision describes the community area as *". . . generally north of SR 82, and east of Buckingham Road/the Buckingham Rural Community Preserve to the eastern Lee County line."* By all accounts this would seem to include the subject property. Likewise, the Buckingham Community Vision description seems to not include this land. *"This Community is located between Lehigh Acres and the City of Fort Myers and Buckingham Road and the Orange River. It is considered the Buckingham Rural Community Preserve."* Moreover, the Board of County Commissioners has recognized the growing need to provide employment centers, commercial nodes and industrial land uses within the Lehigh Acres Community. Earlier this year they passed Ordinance 06-04 to place a moratorium on single-family residential rezonings in order to give the community time to produce a study determining the areas and levels of need for tracts of land capable of providing commercial and industrial land uses for the community.

Moving the subject property into the Lehigh Acres Planning Community and permitting the land use change to Urban Community helps rectify identified issues within the Lehigh Acres Community described in the Vision. *"Lehigh will continue to struggle with providing sufficient non-residential uses to accommodate a community of its size. New provisions for providing these uses has been implemented and will aid in this problem, however, residents will continue to commute from this community to the core communities such as Fort Myers, South Fort Myers, and Gateway/Airport for employment, shopping and other services."* The move will also contribute to the solution sought by the community study by proving commercial and industrial uses within the planning community reducing commute times roadway traffic burdens outside of the community.

Analysis

According to our analysis the current Future Land Use Category for the 95.6 acre subject property is Rural. Table 1(b) of the Lee Plan specifies that the Buckingham Community has only 57 acres allocated for Rural (Residential by Future Land Use Category). This means that the allocation for the former land fill did not go to a residential designation. The table also provides regulatory allocations to Industrial and Commercial. Nevertheless, in

Buckingham only 18 acres for Industrial and 5 acres for Commercial uses were allocated. It is our conclusion that the Lee Plan did not allocate the subject property to a regulatory category.

Table 1(b) continues to break down the 11,255 acres in the Buckingham Planning Community to five non-regulatory categories: Public, Active Agriculture, Passive Agriculture, Conservation and Vacant. The properties status as a former land fill leads us to believe that the allocation would not have been either Agricultural category nor Conservation. We believe the allocation for the subject property has to be within the 2,114 Public acres or in the 1,278 Vacant acres. It appears that a large amount of land has been mapped as Public on the FLUM most of which is dedicated to public purposes as the Lee County Incinerator and Buckingham Park. The subject property does not have a current public purpose and is in private ownership; therefore, we believe that the allocation for the subject property is within the 1,278 acres of vacant land in the Buckingham Community.

Conclusion
We request that this category be reduced and redistributed to the regulatory category of Industrial and Commercial in the Lehigh Acres Planning Community as follows:

BUCKINGHAM

Current Non-Regulatory Category Allocation		REQUESTED CHANGE	
VACANT	1,278 Acres	1,182 Acres	(-96 Acres)

LEHIGH ACRES

Current Regulatory Category Allocation		REQUESTED CHANGE	
COMMERCIAL	452 Acres	490 Acres	(+38 Acres)
INDUSTRIAL	216 Acres	274 Acres	(+58 Acres)

The distribution to Commercial and Industrial is based on the master concept plan that depicts approximately 40% of the project for commercial purposes and 60% for industrial.

SECTION II
THE LEE PLAN

This request is consistent with the goals, objectives, policies and intent of the Lee Plan in accordance with the following:

LEE PLAN VISION

Planning Community

Lehigh Acres *- This community is the Lehigh Acres development, which was platted starting in 1954. This community is located south of Township 43 South, generally north of SR 82, and east of Buckingham Road/the Buckingham Rural Community Preserve to the eastern Lee County line. This community is designated as Urban Community, Central Urban, Industrial Development and Public Facilities. The Lehigh Community will continue to grow through the year 2020 at a rate faster than the county average growth rate. This*

community, however, will not be close to build out by 2020. The Lehigh community will grow from a 1996 permanent population of 26,000 to over 71,000 permanent residents in the year 2020. The build out potential for the Lehigh Community is more than double the projected 2020 population. Lehigh will continue to struggle with providing sufficient non-residential uses to accommodate a community of its size. New provisions for providing these uses has been implemented and will aid in this problem, however, residents will continue to commute from this community to the core communities such as Fort Myers, South Fort Myers, and Gateway/Airport for employment, shopping and other services. This community will also struggle with providing an adequate road network to reduce traffic congestion as the population grows. (Added by Ordinance No. 99-15)

The project abuts to the west the northwestern most portion of Lehigh Acres. The property is separated by a 120 foot canal and 100 foot Florida Power and Light easement. The properties in Lehigh to the west of this project are single-family platted lots that are mostly developed. The proximity to Lehigh enables this project to fulfill some of the needs of the Lehigh residents.

The massive pre-platting has caused shortages in several areas affecting the long term viability and self-sufficiency of the Lehigh community. In addition to needs for alternative housing choices there are shortages of large tracts of land for commercial and industrial employment centers and retail shopping areas. The site is not appropriate for residential housing of any kind due to the former land fill status, but is appropriate in location, compatibility and in light of the expansion of Buckingham Road to four lanes (2020 Financially Feasible) for a mixed retail, office and light industrial park. As stated above "*Lehigh will continue to struggle with providing sufficient non-residential uses to accommodate a community of its size. New provisions for providing these uses has been implemented and will aid in this problem, however, residents will continue to commute from this community to the core communities such as Fort Myers, South Fort Myers, and Gateway/Airport for employment, shopping and other services.*" This development will greatly ease the burden of the traffic network and commuting patterns of Lehigh residents.

***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 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 Road. 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)*

The proposed project, at first, seems to be at odds with the Buckingham communities policy. If the project were in a different location within Buckingham it is agreed that the project would be inappropriate and incompatible with the communities goals, objectives and

policies. However, below are substantial reasons why the project does not adversely affect the policies of the Buckingham Planning Community and is in fact a positive use of the land as well as a beneficial change for the area.

- The site is the southernmost portion of Buckingham abutting Lehigh Acres the entire length of its eastern boundary and the City of Fort Myers for its entire southern boundary and separated by Buckingham Road along its entire north and western boundaries. The site is cut-off from the Buckingham Rural Community Preserve and is not considered in the Preserve FLUC. Intense development from the City of Forty Myers and Lehigh Acres surrounds the projects east and south. North and west are large public uses that again separate the site from the preserve. In short, the site feels, looks, and is more a part of Lehigh Acres than Buckingham.
- The parcel's former use as a land fill makes environmental conservation and large lot housing unreasonable.
- Proximity to large industrial public uses (Lee County Incinerator and Buckingham Park) make it compatible and appropriate for light industrial uses and commercial recreation as proposed.
- The site will increase traffic on Buckingham road but the traffic will mostly be directed towards the major arterials such as I-75, SR 82, Colonial and Lee Boulevard, all west and south of the Buckingham Community, except for the traffic from Buckingham who would use the facilities, shop at the site or be employed in the industrial uses. If the Buckingham policy is ". . .*that the majority of the communities commercial needs be met outside of their community*", then the Urban Community FLUC and move to Lehigh Acres is a compromise that provides employment, shopping and commercial uses "outside" of the community without overly burdening the County's road network by forcing Buckingham residents into long commutes for basic needs.

We feel the Urban Community FLUC is appropriate whether the land is in the Lehigh Acres or Buckingham Community.

GOAL 1: FUTURE LAND USE

OBJECTIVE 1.1: FUTURE URBAN AREAS. *Designate on the Future Land Use Map (Map 1) categories of varying intensities to provide for a full range of urban activities. These designations are based upon soil conditions, historic and developing growth patterns, and existing or future availability of public facilities and services.*

POLICY 1.1.1: *The* ***Future Land Use Map*** *contained in this element is hereby adopted as the pattern for future development and substantial redevelopment within the unincorporated portion of Lee County. Map 16 and Table 1(b) are an integral part of the Future Land Use Map series (see Policies 1.7.6 and 2.2.2). They depict the extent of development through the year 2020. No development orders or extensions to development orders will be issued or approved by Lee County which would allow the Planning Community's acreage totals for residential, commercial or industrial uses established in Table 1(b) to be exceeded (see Policy 1.7.6). The cities of Fort Myers, Cape Coral, and Sanibel arc depicted on these maps only to indicate the approximate intensities of development permitted under the comprehensive plans of those cities. Residential densities are described in the following policies and summarized in Table 1(a). (Amended by Ordinance No. 94-29, 98-09)*

The intent is to amend the Future Land Use Map to **Urban Community** and the Planning Community Map (16) to allow the subject property to be part of Lehigh Acres and developed as a light industrial park with certain recreational and commercial uses. Although the subject property is in the Rural Land Use Category and is within the Buckingham Planning Community, given the property's proximity to the County Incinerator to the west which is zoned IPD, medium density residential lots in the Urban Community directly to the east and the City of Fort Myers MU zoning to the south with a pending wastewater treatment plant, and the high density residential development to the west (Olympiad) the proposed change appears to be consistent and not detrimental to the surrounding community.

See the project narrative, Section I, for more detail concerning the justification for the request.

Included above in Section II is the request for reallocating the uses depicted in Table 1(b) to accommodate this request.

POLICY 1.1.4: *The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by Ordinance No. 94-30, 02-02)*

Given the subject property's location and prior use in the 70's as a County landfill, this property is ideally suited for Commercial and Industrial Development, uses greatly needed for the growing Lehigh Acres Community. Lehigh Acres, which is comprised of over 100 square miles of medium to high density residential development, has only one industrial park which is nearing build out and few large tract commercial opportunities. It has long been acknowledged that the Lehigh Acres Community has a severe shortage of industrial and commercial property to serve its anticipated population. A fact the Board of County Commissioners recognized earlier this year when they passed Ordinance 06-04 to place a moratorium on single-family residential rezonings in order to give the community time to produce a study determining the areas and levels of need for tracts of land capable of providing commercial and industrial land uses for the community. Therefore, it is critical to Lehigh Acres' economic well being to look for opportunities to create additional industrial parks within its boundaries and/or adjacent to it.

The subject property fronts on a 2 lane arterial roadway (Buckingham Road) which is slated to be four-laned by 2020 and is located only three miles from I-75. Currently Buckingham Road does not exceed its level of service standard and is not anticipated to

do so with the conversion of this property to commercial recreation, retail, office, and light industrial uses.

GOAL 2: GROWTH MANAGEMENT

OBJECTIVE 2.1: DEVELOPMENT LOCATION. *Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities. (Amended by Ordinance No. 94-30, 00-22)*

To maintain the integrity of the non-urban categories and still meet the needs of the Lehigh Acres Community it essential to be able to amend the land use category for the subject parcel to Urban Community to enable commercial and light industrial development.

OBJECTIVE 2.2: DEVELOPMENT TIMING. *Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance. (Amended by Ordinance No. 94-30, 00-22)*

The subject parcel is currently served by an adequate road system that is below the level of service standard and is also served by adequate utilities (water and sewer). A 6" diameter force main and 12" diameter water main have been extended by the City of Fort Myers to serve the Incinerator across the street. The City has stated that the project will be able to connect to water immediately and sewer in 2009 pending the development of the wastewater treatment plan currently under permit review locate directly south of the project. In addition, the property is also across the street from the existing Buckingham Park and is served by the Tice Fire District.

OBJECTIVE 2.4: FUTURE LAND USE MAP AMENDMENTS. *Regularly examine the Future Land Use Map in light of new information and changed conditions, and make necessary modifications.*

POLICY 2.4.1: *The County will accept applications from private landowners or non-profit community organizations to modify the boundaries as shown on the Future Land Use Map. Procedures, fees, and timetables for this procedure will be adopted by administrative code. (Amended by Ordinance No. 94-30).*

In accordance with this policy the applicant is requesting approval to amend the Land Use Map to put in place a Land Use that is more appropriate for the subject parcel given its location, past use as a landfill and need for commercial and industrial employment centers by the Lehigh Acres Community.

POLICY 2.4.4: *Lee Plan amendment applications to expand the Lee Plan's employment centers, which include light industrial, commercial retail and office land uses, will be evaluated by the Board of County Commissioners in light of the locations and cumulative totals already designated for such uses, including the 1994 addition of 1,400 acres to the Tradeport category just south of the Southwest Florida International Airport. (Added by Ordinance No. 97-05, Amended by Ordinance No, 00-22. 04-16)*

This application is driven by the shortage of commercial and light industrial land in and near the Lehigh Acres Community and is a direct attempt to contribute to the needs of the Lehigh community for employment centers. The 1,400 acres added to the Tradeport category doesn't directly benefit the Lehigh Acre Community and the existing Westgate Industrial Park is nearing build out.

GOAL 5: RESIDENTIAL LAND USES

OBJECTIVE 5.1: *All development approvals for residential, commercial, and industrial land uses must be consistent with the following policies, the general standards under Goal 11, and other provisions of this plan. (Amended by Ordinance No. 94-30, 00-22)*

POLICY 5.1.2: *Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.*

The site is a former landfill making the property unable to support residential development from an environmental and marketing standpoint.

GOAL 6: COMMERCIAL LAND USES

Policy 6.1.1: *All applications for commercial development will be reviewed and evaluated as to:*

- *Traffic and access impacts are minimal given projected trip ends.*
  Access point are minimized and align with Buckingham Park and Neal Road. Only two access points are being requested for the entire 95.6 acres.

- *Screening and buffering can be provided to meet County standards.*
  The Master Concept Plan depicts buffers that exceed the County standards in all cases.

- *Sewer and water facilities are available, as well as all other utilities.*
  Sewer and water facilities are available through the City of Fort Myers. The property is actually in the FGUA utilities area and is not within Lee County's future Franchise areas for sewer or water. The Cities utilities run very close to the subject property with a six inch force main and 12 inch water main running to the Lee County

incinerator adjacent to the west. The City has agreed the project can connect to the City water immediately and sewer in 2009 after the construction of the wastewater treatment currently in permit review by DEP located to the south of the project.

- *No residential uses adjacent to the project are impacted.*
  The commercial uses are located very far from any existing residential uses. The light industrial uses will be separated by a minimum of 220 feet (FPL easement and canal) and heavy vegetation from the existing homes to the east in Lehigh Acres.

- *Similar uses are located in the area.*
  Industrial uses are located north and west of the subject property. Commercial uses are not in the immediate area.

- *There are no environmental concerns with this property.*
  The site was a former landfill. There are not any conservation or preservation concerns, nor any wetlands or environmentally sensitive plant communities.

POLICY 6.1.2: *All commercial development must be consistent with the location criteria in this policy, except where specifically excepted by this policy or by Policy 6.1.7, or in Lehigh Acres by Policies 1.8.1 through 1.8.3.*

The property is located on an arterial. Neal Road is a county maintained minor collector and is adjacent to the northern boundary of the project. Alvin Avenue is a county maintained major collector located approximately 300 feet to the east of the project nearly abutting the eastern boundary of the project. The site development plan calls for a 60 foot wide road transecting the site from the Neal Road entrance south to the center of the project and then continuing west to the entrance of Buckingham Park on Buckingham Road. It is our belief that this will serve as an extension of Neal Road and the road serving Buckingham Park and assist the project with an additional location at an intersection of an arterial and collector. With this criteria the entire western portion of the site should fall "at the intersection" of an arterial and collector enabling the site from Neal road south along Buckingham Road to its southern border to fall under Neighborhood Commercial and support up to 100,000 square feet of retail commercial uses.

POLICY 6.1.3: *Commercial developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as commercial planned developments designed to arrange uses in an integrated and cohesive unit in order to:*

- *provide visual harmony and screening;*
- *reduce dependence on the automobile;*
- *promote pedestrian movement within the development;*
- *utilize joint parking, access and loading facilities;*
- *avoid negative impacts on surrounding land uses and traffic circulation;*
- *protect natural resources; and*
- *provide necessary services and facilities where they are inadequate to serve the proposed use. (Amended by Ordinance No. 94-30, 00-22)*

The project intends to provide substantial screening and buffering as depicted on the MCP with 50 buffers and Type "F" plantings. The location of the project provides necessary services (commercial, industrial) to Lehigh Acres residents. The surrounding transportation network is adequate and in line to be expanded in the 2020 Financially Feasible Plan.

Policy 6.1.6: *The land development regulations will require that commercial development provide adequate and appropriate landscaping, open space, and buffering. Such development is encouraged to be architecturally designed so as to enhance the appearance of structures and parking areas and blend with the character of existing or planned surrounding land uses.*

The project intends to adhere to all LDC requirements as well as those put forth by the Buckingham Community in the Lee Plan.

GOAL 7: INDUSTRIAL LAND USES

OBJECTIVE 7.1: *All development approvals for industrial land uses must be consistent with the following policies, the general standards under Goal 11, and other provisions of this plan. (Amended by Ordinance No. 94-30)*

POLICY 7.1.1: *In addition to the standards required herein, the following factors apply to industrial rezoning and development order applications:*

1. *The development must comply with local, state, and federal air, water, and noise pollution standards.*
2. *When located next to residential areas, industry must not generate noise levels incompatible with the residential development.*
3. *Bulk storage or production of toxic, explosive, or hazardous materials will not be permitted near residential areas.*
4. *Contamination of ground or surface water will not be permitted.*
5. *Applications for industrial development will be reviewed and evaluated as to;*
   a. air emissions (rezoning and development orders);
   b. impact and effect on environmental and natural resources (rezoning and development orders);
   c. effect on neighbors and surrounding land use (rezoning);
   d. impacts on water quality and water needs (rezoning and development orders);
   e. drainage system (development orders);
   f. employment characteristics (rezoning);
   g. fire and safety (rezoning and development orders);
   h. noise and odor (rezoning and development orders);
   i. buffering and screening (planned development rezoning and development orders);
   j. impacts on transportation facilities and access points (rezoning and development orders);
   k. access to rail, major thoroughfares, air, and, if applicable, water (rezoning and development orders);
   l. Utility needs (rezoning and development orders); and
   m. Sewage collection and treatment (rezoning and development orders). (Amended by Ordinance No. 00-22)

The property is ideally suited for complying with the above standards. The property is buffered from the adjacent residential property to the east by a 120' wide East County Water Control District Canal and by a 100' wide FP&L Utility Easement. The majority of the property to the south is zoned in the City of Fort Myers as Recreational Use and the balance is zoned Mixed Use which allows a variety of uses, including uses which are potentially more intensive than the current proposal. There is only a small amount of Agriculturally zoned property to the north and the balance of the property to the west of Buckingham Road is the County Park and Incinerator.

POLICY 7.1.2: *Industrial developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as Planned Developments designed to arrange uses as an integrated and cohesive unit in order to:*

- *promote compatibility and screening;*
- *reduce dependence on the automobile;*
- *promote pedestrian movement within the development;*
- *utilize joint parking, access and loading facilities;*
- *avoid negative impacts on surrounding land uses and traffic circulation;*
- *protect natural resources; and*
- *provide necessary facilities and services where they are inadequate to serve the proposed use. (Amended by Ordinance No. 94-30, 98-09, 00-22)*

The project intends to provide substantial screening and buffering as depicted on the MCP with 50 buffers and Type "F" plantings. The location of the project provides necessary services (commercial, industrial) to Lehigh Acres residents. The surrounding transportation network is adequate and in line to be expanded in the 2020 Financially Feasible Plan.

POLICY 7.1.3: *Industrial land uses must be located in areas appropriate to their special needs and constraints, including, but not limited to, considerations of topography; choice and flexibility in site selection; access by truck, air, deep water, and rail; commuter access from home-to-work trips: and utilities: greenbelt and other amenities; air and water quality considerations; proximity to supportive and related land uses; and compatibility with neighboring uses. (Amended by Ordinance No. 93-25, 94-30, 00-22)*

As stated above the subject property is located within 3 miles of I-75 via SR 80 (Immokalee Road) and Buckingham Road. The property is also directly adjacent to Lehigh Acres which allows it to directly serve the need of that community for industrial property. In addition, given the prior use of the property, it is not suitable or desirable for residential use.

POLICY 7.1.4: *The Future Land Use Map must designate a sufficient quantity of land to accommodate industrial development that will employ 3% of the county's population in manufacturing activities by the year 2010. A report will be prepared by county staff every two years to monitor the county's progress towards this employment goal. (Amended by Ordinance No. 93-25, 94-30, 00-22)*

The intent of the amendment is to further the goal of the County to reach the 3% manufacturing goal. The goal is to also assist the Lehigh Acres community in attaining

commercial and industrial employment centers in response to Ord 06-04 and other stated BoCC goals concerning employment centers in Lehigh Acres.

POLICY 7.1.5: *The timing and location of industrial development will be permitted only with the availability and adequacy of existing or planned services and facilities. (Amended by Ordinance No. 00-22)*

The need for the industrial park is immediate and the there are adequate services and facilities that can serve the property.

POLICY 7.1.6: *Land that is located outside of the Industrial Development, Tradeport, and Industrial Interchange areas but within the designated Future Urban Areas may be developed for light industrial purposes so long as adequate services and facilities are available, the use will not adversely impact surrounding land uses, and natural resources are protected, if one of the following conditions is met:*

a. *The parcel is located in the Intensive Development, Central Urban, or Urban Community land use categories, was zoned IL or IG prior to the adoption of the 1984 Lee Plan, and does not exceed 50 acres in size (unless it is adjacent to other existing or designated industrial lands); or*

b. *The parcel is located in the Intensive Development, Central Urban, Urban Community, General Interchange, Industrial Commercial Interchange, or University Village Interchange land use categories, and is zoned as a Planned Development. (Amended by Ordinance No. 94-30, 98-09, 99-18, 04-16)*

The intent is to amend the land use for the subject property to Industrial Development whereby making this policy not applicable.

POLICY 7.1.8: *Land development regulations will require that industrial uses be adequately buffered and screened from adjacent existing or proposed residential areas so as to prevent visual blight and noise pollution. (Amended by Ordinance No. 00-22)*

The subject property will be adequately buffered in accordance with the Lee County Land Development Code. In addition the ECWCD Canal and FP&L easement along the eastern property line will further aid in buffering the property and an enhanced buffer is being offered along Buckingham Road (50 feet wide in lieu of 15 feet).

POLICY 7.1.9: *Industrial development will not be permitted if it allows industrial traffic to travel through predominantly residential areas. (Amended by Ordinance No. 00-22)*

The subject parcel is located directly on a 2 lane arterial road and will not have direct access to any other road, including any residential local roads.

GOAL 11: WATER, SEWER, TRAFFIC, AND ENVIRONMENTAL REVIEW STANDARDS

Standard 11.1: Water
Standard 11.2: Sewer

Utility connections are available through the City of Fort Myers. Water immediately and sewer in 2009.

GOAL 39: DEVELOPMENT REGULATIONS.

Maintain clear, concise, and enforceable development regulations that fully address on-site and off-site development impacts and protect and preserve public transportation facilities. (Amended by Ordinance No. 98-09, 99-15)

OBJECTIVE 39.1: DEVELOPMENT IMPACTS. *The county will maintain and enforce development regulations to ensure that impacts of development approvals occur concurrently with adequate roads, and to achieve maximum safety, efficiency, and cost effectiveness. (Amended by Ordinance No. 99-15)*

POLICY 39.1.1: *New development must:*

- *Have adequate on-site parking.*
- *Have access to the existing or planned public road system except where other public policy would prevent such access.*
- *Fund all private access and intersection work and mitigate all site-related impacts on the public road system; this mitigation is not eligible for credit against impact fees. (Amended and Relocated by Ordinance No. 99-15)*

The project intends to adhere or exceed all LDC requirements.

POLICY 39.1.4: *Main access points from new development will not be established where traffic is required to travel through areas with significantly lower densities or intensities (e.g. multifamily access through single-family areas, or commercial access through residential areas) except where adequate mitigation can be provided. (Amended and Relocated by Ordinance No. 99-15)*

Direct access to the project is on an arterial.

POLICY 39.1.5: *The Land Development Code will continue to require appropriate landscaping for developments abutting arterial and collector roads. (Amended and Relocated by Ordinance No. 99-15)*

The project plans to exceed the buffer requirements in terms of depth along Buckingham Road.

POLICY 39.1.6: *Through the zoning process, the county will direct high-intensity land uses to parcels which abut designated future transit corridors identified in Map 3C. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15)*

While the location is appropriate for the uses requested, Lee Tran does not plan on providing service to Buckingham Road.

GOAL 53: POTABLE WATER INFRASTRUCTURE.

To ensure the public health, welfare, and safety by the provision of high-quality central potable water service throughout the future urban areas of unincorporated Lee County, and to ensure that the costs of providing facilities for the supply of potable water are borne by those who benefit from them.

OBJECTIVE 53.1: *The County will ensure the provision of acceptable levels of potable water service throughout the future urban areas of the unincorporated county. either directly by Lee County Utilities, or indirectly through franchised utility companies. (Amended by Ordinance No. 94-30, 00-22, 03-04)*

POLICY 53.1.1: *The Board of County Commissioners hereby establishes service areas for the Lee County Utilities water systems throughout which it will provide standard service as required by demand, and within which it will challenge applications by private water utilities to obtain a Certificate of Operation from the Florida Public Service Commission and reject all applications for a county franchise therein. These service areas are illustrated in Map 6. Within the Fort Myers urban reserve area, the service areas shown on the map are subject to modifications in accordance with existing and future interlocal agreements. (Amended by Ordinance No. 93-25)*

Although this property is not located in the City of Fort Myers Utility Franchise Area the City has extended potable water and sewer lines to the incinerator west of the property which is adequately sized to serve future development on the subject parcel. The City has agreed the project can connect to the City water immediately and sewer in 2009 after the construction of the wastewater treatment currently in permit review by DEP located to the south of the project.

GOAL 53: SANITARY SEWER INFRASTRUCTURE.

To protect the public health and environmental quality by encouraging and ensuring the provision of sanitary sewer service and wastewater treatment and disposal throughout the future urban areas of the unincorporated county and to Fort Myers Beach. (Amended by Ordinance No. 98-09)

OBJECTIVE 56.1: *The comity will ensure the provision of acceptable levels of sanitary sewer service throughout the future urban areas of the unincorporated county, either directly by Lee County Utilities or a utility authority, or indirectly through franchised utility companies. (Amended by Ordinance No. 00-22)*

POLICY 56.1.1: *The Board of County Commissioners hereby establishes service areas for the Fort Myers Beach Iona sewer system, the South Fort Myers sewer system, the East Lee County sewer system, and the Matlacha sewer system throughout which it will provide standard service as required by demand, and within which it will challenge applications by private sanitary sewer utilities to obtain a Certificate of Operation from the Florida Public Service Commission and reject all applications for a county franchise therein. These service areas are illustrated in Map 7. Within the Fort Myers urban reserve area, the service areas shown on the map are subject to modifications in accordance with existing and future interlocal agreements. (Amended by Ordinance No. 93-25)Although this property is not located in the City of Fort Myers Utility Franchise Area the City has extended potable water and sewer lines to the incinerator west of the property which is adequately sized to serve future development on the subject parcel.*

Although this property is not located in the City of Fort Myers Utility Franchise Area the City has extended potable water and sewer lines to the incinerator west of the property which is adequately sized to serve future development on the subject parcel. The City has agreed the project can connect to the City water immediately and sewer in 2009 after the construction of the wastewater treatment currently in permit review by DEP located to the south of the project.

SECTION III

AFFECTS ON ADJACENT LOCAL GOVERNMENT AND ITS COMPREHENSIVE PLAN

The subject property is located within the unincorporated portion of Lee County and is bound on the south by the City of Fort Myers. The adjacent City property although currently vacant is zoned MU which allows a wide variety of use upon approval through a public hearing process. The proposed amendment is unlikely to have an adverse impact on the City's properties.

SECTION IV

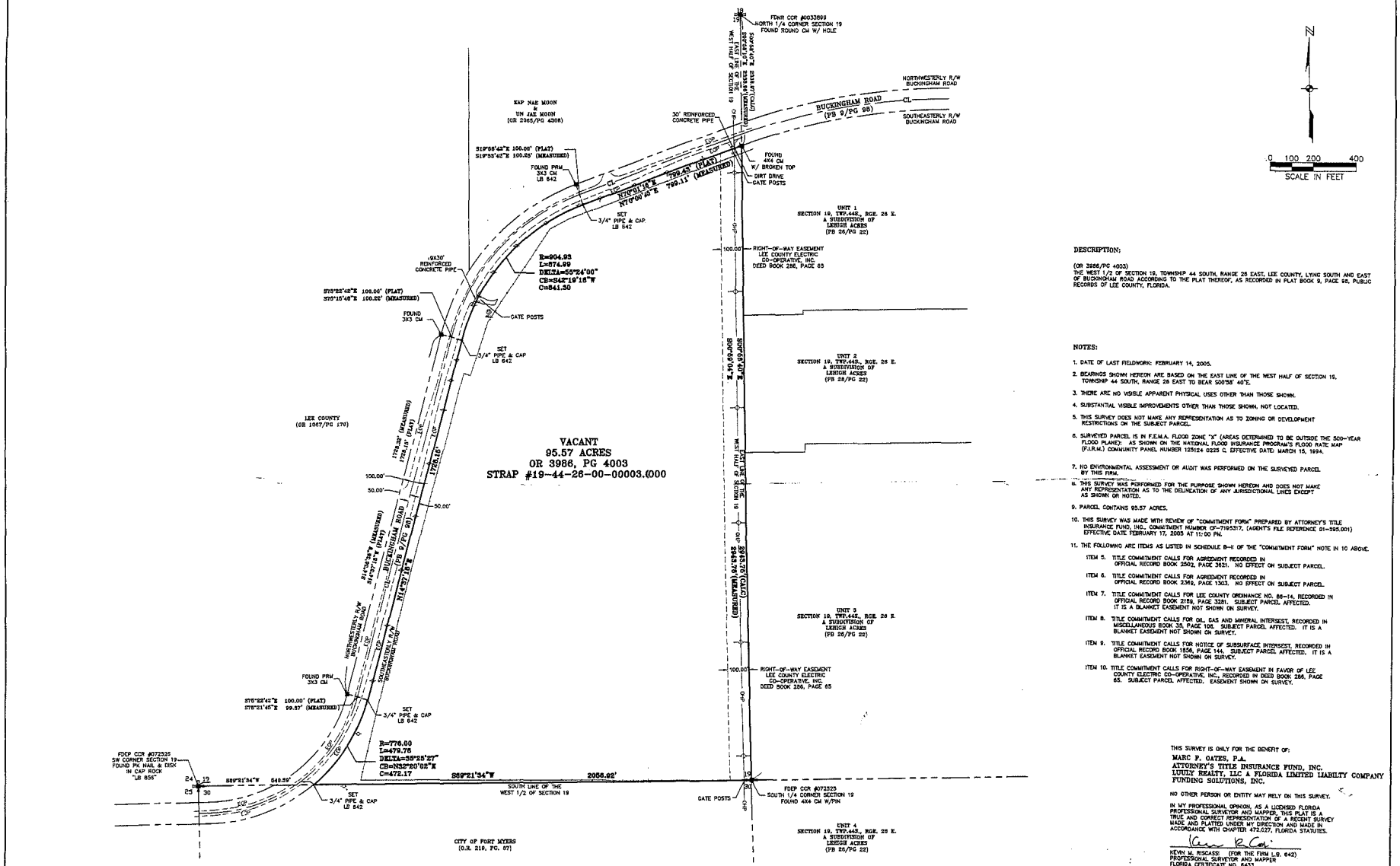
STATE POLICY PLAN AND REGIONAL POLICY PLAN GOALS AND POLICIES

State and Regional Policy Plans are consistent with the Lee County Comprehensive Plan and as such have been addressed.

WEBB COMPREHENSIVE PLAN AMENDMENT

9711 Buckingham Road
Lee County, Florida

Survey



REVISION: 3/22/05 ADD ITEMS 8, 9 & 10 FROM SIGNED TITLE COMMITMENT

DESCRIPTION:

(OR 3986/PG 4003)
THE WEST 1/2 OF SECTION 19, TOWNSHIP 44 SOUTH, RANGE 26 EAST, LEE COUNTY, LYING SOUTH AND EAST OF BUCKINGHAM ROAD ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGE 98, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

NOTES:

1. DATE OF LAST FIELDWORK: FEBRUARY 14, 2005.
2. BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF THE WEST HALF OF SECTION 19, TOWNSHIP 44 SOUTH, RANGE 26 EAST TO BEAR S00°58' 40"E.
3. THERE ARE NO VISIBLE APPARENT PHYSICAL USES OTHER THAN THOSE SHOWN.
4. SUBSTANTIAL VISIBLE IMPROVEMENTS OTHER THAN THOSE SHOWN, NOT LOCATED.
5. THIS SURVEY DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON THE SUBJECT PARCEL.
6. SURVEYED PARCEL IS IN F.E.M.A. FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD PLANE). AS SHOWN ON THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD RATE MAP (F.I.R.M.) COMMUNITY PANEL NUMBER 125124 0225 C, EFFECTIVE DATE: MARCH 15, 1994.
7. NO ENVIRONMENTAL ASSESSMENT OR AUDIT WAS PERFORMED ON THE SURVEYED PARCEL BY THIS FIRM.
8. THIS SURVEY WAS PERFORMED FOR THE PURPOSE SHOWN HEREON AND DOES NOT MAKE ANY REPRESENTATION AS TO THE DELINEATION OF ANY JURISDICTIONAL LINES EXCEPT AS SHOWN OR NOTED.
9. PARCEL CONTAINS 95.57 ACRES.
10. THIS SURVEY WAS MADE WITH REVIEW OF "COMMITMENT FORM" PREPARED BY ATTORNEY'S TITLE INSURANCE FUND, INC., COMMITMENT NUMBER OF-7195317, (AGENT'S FILE REFERENCE 01-395.001) EFFECTIVE DATE FEBRUARY 17, 2005 AT 11:00 PM.
11. THE FOLLOWING ARE ITEMS AS LISTED IN SCHEDULE B-II OF THE "COMMITMENT FORM" NOTE IN 10 ABOVE.

ITEM 5. TITLE COMMITMENT CALLS FOR AGREEMENT RECORDED IN OFFICIAL RECORD BOOK 2502, PAGE 3621. NO EFFECT ON SUBJECT PARCEL.

ITEM 6. TITLE COMMITMENT CALLS FOR AGREEMENT RECORDED IN OFFICIAL RECORD BOOK 2368, PAGE 1303. NO EFFECT ON SUBJECT PARCEL.

ITEM 7. TITLE COMMITMENT CALLS FOR LEE COUNTY ORDINANCE NO. 86-14, RECORDED IN OFFICIAL RECORD BOOK 2158, PAGE 3281. SUBJECT PARCEL AFFECTED. IT IS A BLANKET EASEMENT NOT SHOWN ON SURVEY.

ITEM 8. TITLE COMMITMENT CALLS FOR OIL, GAS AND MINERAL INTERSEST, RECORDED IN MISCELLANEOUS BOOK 33, PAGE 108. SUBJECT PARCEL AFFECTED. IT IS A BLANKET EASEMENT NOT SHOWN ON SURVEY.

ITEM 9. TITLE COMMITMENT CALLS FOR NOTICE OF SUBSURFACE INTERSEST, RECORDED IN OFFICIAL RECORD BOOK 1856, PAGE 144. SUBJECT PARCEL AFFECTED. IT IS A BLANKET EASEMENT NOT SHOWN ON SURVEY.

ITEM 10. TITLE COMMITMENT CALLS FOR RIGHT-OF-WAY EASEMENT IN FAVOR OF LEE COUNTY ELECTRIC CO-OPERATIVE, INC., RECORDED IN DEED BOOK 286, PAGE 65. SUBJECT PARCEL AFFECTED. EASEMENT SHOWN ON SURVEY.

THIS SURVEY IS ONLY FOR THE BENEFIT OF:

MARC F. OATES, P.A.
ATTORNEY'S TITLE INSURANCE FUND, INC.
LUXURY REALTY, LLC A FLORIDA LIMITED LIABILITY COMPANY
FUNDING SOLUTIONS, INC.

NO OTHER PERSON OR ENTITY MAY RELY ON THIS SURVEY.

IN MY PROFESSIONAL OPINION, AS A LICENSED FLORIDA PROFESSIONAL SURVEYOR AND MAPPER, THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF A RECENT SURVEY MADE AND PLATTED UNDER MY DIRECTION AND MADE IN ACCORDANCE WITH CHAPTER 472.027, FLORIDA STATUTES.

KEVIN M. RISCASSI (FOR THE FIRM L.B. 642)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 6433

DATE SIGNED: MAR 22 2005

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

LEGEND:

POC = POINT OF COMMENCEMENT	PRM = PERMANENT REFERENCE MONUMENT	NGVD = NATIONAL GEODETIC VERTICAL DATUM	
POB = POINT OF BEGINNING	POP = PERMANENT CONTROL POINT	R = RADIUS	
OR = OFFICIAL RECORD BOOK	W/ = WITH	L = LENGTH	
PB = PLAT BOOK	CM = CONCRETE MONUMENT	DELTA = DELTA ANGLE	
PG = PAGE	S.R. = STATE ROAD	CB = CHORD BEARING	
R/W = RIGHT-OF-WAY	C.R. = COUNTY ROAD	C = CHORD	
C/L = CENTER LINE	FDEP = FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION	-x-x- = BARB WIRE FENCE	
EOP = EDGE OF PAVEMENT	CCR = CERTIFIED CORNER RECORD	⟶ = GUY ANCHOR	
OHP = OVERHEAD POWER	CCR = CERTIFIED CORNER RECORD	○ = WOOD POWER POLE	
DESC = DESCRIPTION	FDNR = FLORIDA DEPARTMENT OF NATURAL RESOURCES	◇ = CONCRETE POWER POLE	
CALC = CALCULATED	PLS = PROFESSIONAL LAND SURVEYOR		
	LB = SURVEYING AND MAPPING BUSINESS		

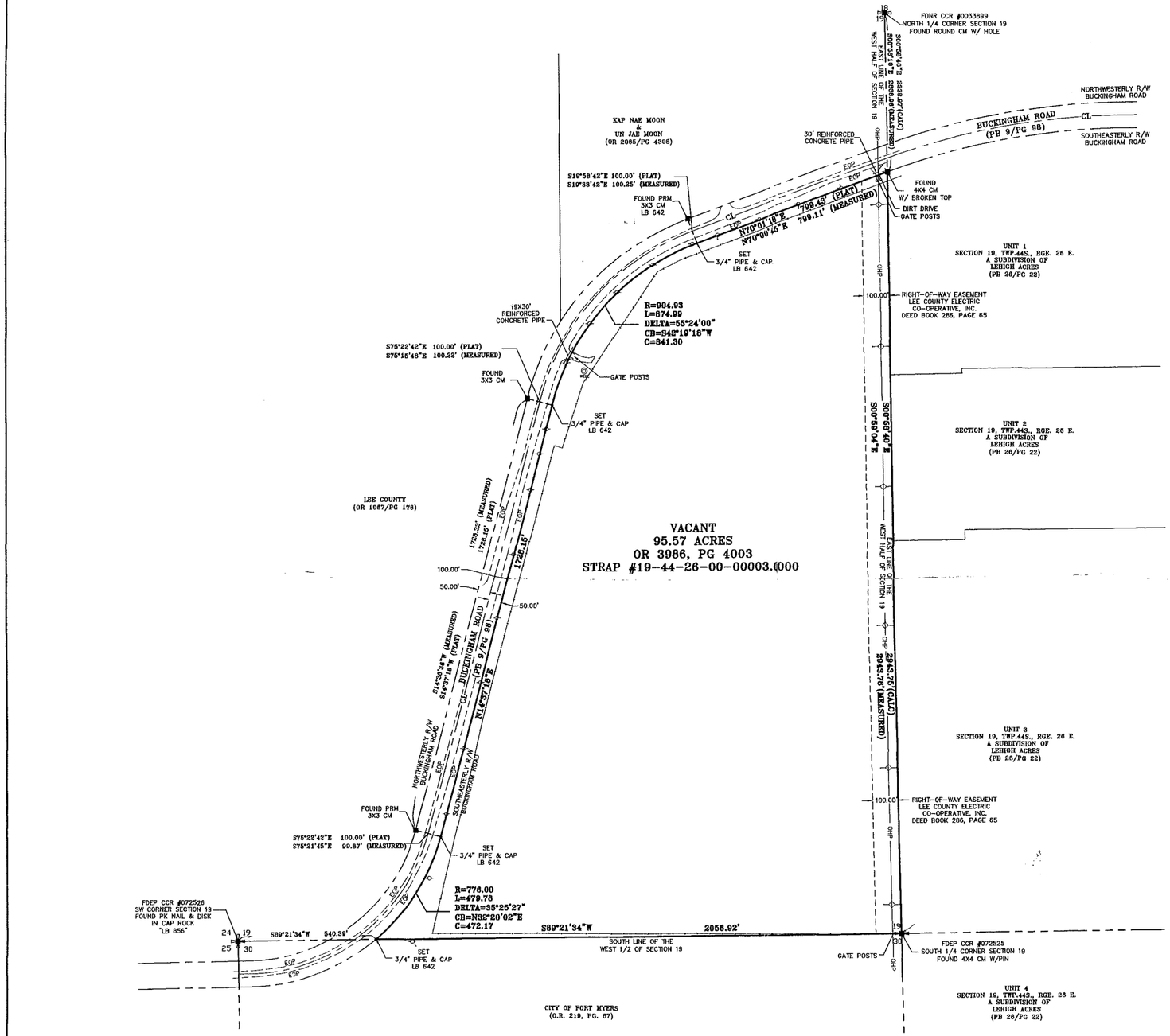
PB 3488, PG 85
PB 3981, PG 15-17

WEST HALF OF SECTION 19
LYING SOUTH & EAST OF
BUCKINGHAM ROAD AS RECORDED IN PB 9, PG 98
SECTION 19, TOWNSHIP 44 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

JOHNSON ENGINEERING
2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & S. #642

BOUNDARY SURVEY

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
03/08/05	20055135	19-44-26	1" = 200'	1 OF 1



REVISION: 3/22/05 ADD ITEMS 8, 9 & 10 FROM SIGNED TITLE COMMITMENT

S:\20055135\055135BNDRY.dwg (Sheet 1) KWR Mar 22, 2005 - 1:14pm

LEGEND:

POC = POINT OF COMMENCEMENT	PRM = PERMANENT REFERENCE MONUMENT	NGVD = NATIONAL GEODETIC VERTICAL DATUM	
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CALC = CALCULATED	PLS = PROFESSIONAL LAND SURVEYOR		
	LB = SURVEYING AND MAPPING BUSINESS		FB 2452, PG 62 FB 2581, PG 15-17

DESCRIPTION:

(OR 3986/PG 4003)
THE WEST 1/2 OF SECTION 19, TOWNSHIP 44 SOUTH, RANGE 26 EAST, LEE COUNTY, LYING SOUTH AND EAST OF BUCKINGHAM ROAD ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGE 98, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

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THIS SURVEY IS ONLY FOR THE BENEFIT OF:

MARC P. OATES, P.A.
ATTORNEY'S TITLE INSURANCE FUND, INC.
LUULY REALTY, LLC A FLORIDA LIMITED LIABILITY COMPANY
FUNDING SOLUTIONS, INC.

NO OTHER PERSON OR ENTITY MAY RELY ON THIS SURVEY.

IN MY PROFESSIONAL OPINION, AS A LICENSED FLORIDA PROFESSIONAL SURVEYOR AND MAPPER, THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF A RECENT SURVEY MADE AND PLATTED UNDER MY DIRECTION AND MADE IN ACCORDANCE WITH CHAPTER 472.027, FLORIDA STATUTES.

KEVIN M. RISCASSI (FOR THE FIRM L.B. 642)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 6433

DATE SIGNED: MAR 22 2005

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

WEST HALF OF SECTION 19
LYING SOUTH & EAST OF
BUCKINGHAM ROAD AS RECORDED IN PB 9, PG 98
SECTION 19, TOWNSHIP 44 SOUTH, RANGE 26 EAST
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BOUNDARY SURVEY

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
03/08/05	20055135	19-44-26	1" = 200'	1 OF 1

WEBB COMPREHENSIVE PLAN AMENDMENT

9711 Buckingham Road
Lee County, Florida

Legal and Ownership Information

INSTR # 2006000012635, Doc Type D, Pages 2, Recorded 01/10/2006 at 04:09 PM, Charlie Green, Lee County Clerk of Circuit Court, Deed Doc. D $0.70 Rec. Fee $18.50 Deputy Clerk KCARTWRIGHT

Prepared by and return to:

Duncan & Tardif, P.A.
1601 Jackson Street Suite 101
Fort Myers, FL 33901

File Number: **2005186**
Will Call No.: 24

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 5 day of **January, 2006** between **Carlton Land Holdings, LLC, a Florida limited liability company** whose post office address is **8841 West Terry Street, Bonita Springs, FL 34135**, grantor, and **Buckingham CMC, LLC, a Florida limited liability** whose post office address is **28351 S. Tamiami Trail, Bonita Springs, FL 34134**, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Lee County**, **Florida** to-wit:

An undivided 25% interest in:
The West 1/2 of Section 19, Township 44 South, Range 26 East, Lee County, Lying South and East of Buckingham Road according to the Plat thereof, as recorded in Plat Book 9, Page 98, Public Records of Lee County, Florida.

Parcel Identification Number: 19-44-26-00-00003.0000

Subject to: Covenants, conditions, restrictions, easements, limitations and zoning ordinances of record, if any and Taxes for the year 2006 and subsequent.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to **December 31, 2005**.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Name: Gayden Duncan

Witness Name: Trisha Locke

Carlton Land Holdings, LLC

By: _____
Kevin Webb, Manager

State of Florida
County of Lee

The foregoing instrument was acknowledged before me this 5 day of January, 2006 by Kevin Webb of Carlton Land Holdings, LLC, a Florida limited liability company, on behalf of the corporation. He/she [_] is personally known to me or [X] has produced a driver's license as identification.

[Notary Seal]

TRISHA LOCKE
Notary Public, State of Florida
My comm. exp. July 25, 2006
Comm. No. DD 136730

Trisha Locke
Notary Public

Printed Name: Trisha Locke

My Commission Expires: 7-25-06

DoubleTime®

LEE COUNTY PROPERTY APPRAISER

PROPERTY DATA FOR PARCEL 19-44-26-00-00003.0000
TAX YEAR 2009 FINAL

Parcel data is available for the following tax years:
[2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 (Final)]

[Next Lower Parcel Number | Next Higher Parcel Number | Display Tax Bills on this Parcel | Tax Estimator]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE. LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2009 FINAL ROLL.

PROPERTY DETAILS

OWNER OF RECORD

CARLTON LAND HOLDINGS LLC 50%+ GRAND ISLE 407 LLC 25% +

BUCKINGHAM CMC LLC 25% T/C
PO BOX 2202
BONITA SPRINGS FL 34133

SITE ADDRESS

9711 BUCKINGHAM RD
LEHIGH ACRES FL 33905

LEGAL DESCRIPTION

W 1/2 LYING S + E OF SLY SI

[VIEWER] TAX MAP [PRINT]



IMAGE OF STRUCTURE



Photo Date: January of 2008

BUCKINGHAM
RD

[PICTOMETRY AERIAL VIEWER]

TAXING DISTRICT	DOR CODE
046 - TICE FIRE	60 - GRAZING LAND CLASS I

PROPERTY VALUES (TAX ROLL 2009) [HISTORY CHART]		
JUST		1,434,000
ASSESSED		124,770
ASSESSED SOH		124,770
TAXABLE		124,770
BUILDING		0
BUILDING FEATURES	0	INCL. IN BLDG VALUE.
LAND		124,770
LAND FEATURES	0	INCL. IN LAND VALUE.
SOH DIFFERENCE		0

EXEMPTIONS	
HOMESTEAD	0
WIDOW	0
WIDOWER	0
DISABILITY	0
WHOLLY	0
AGRICULTURE	1,309,230

ATTRIBUTES	
LAND UNITS OF MEASURE	AC
TOTAL NUMBER OF LAND UNITS	95.60
FRONTAGE	0
DEPTH	0
BEDROOMS	
BATHROOMS	
TOTAL BUILDING SQFT	
1ST YEAR BUILDING ON TAX ROLL	0
HISTORIC DISTRICT	No

SALES/TRANSACTIONS

SALE PRICE	DATE	OR NUMBER	TRANSACTION DETAILS TYPE	DESCRIPTION	VACANT / IMPROVED
100	1/5/2006	2006000012635	01	Disqualified (Doc Stamp .70 / SP less th $100 / Other Disq)	V
1,750,000	1/5/2006	2006000012634	08	Disqualified (Doc Stamps Greater than .70/SP Gr. than $100)	V
590,000	7/1/2003	3986/4003	06	Qualified (Fair Market Value / Arms Length / One STRAP #)	V
100,000	1/1/1987	1890/2148	01	Disqualified (Doc Stamp .70 / SP less th $100 / Other Disq) There are 2 additional parcel(s) with this document (may have been split after the transaction date)... 22-43-25-00-00017.0190, 22-43-25-02-0000A.0010	V

13,300 12/1/1970	661/353	01	Disqualified (Doc Stamp .70 / SP less th $100 / Other Disq)	V

SOLID WASTE (GARBAGE) ROLL DATA

SOLID WASTE DISTRICT	ROLL TYPE	CATEGORY	UNIT/AREA	TAX AMOUNT
004 - Service Area 4	-		0	0.00

COLLECTION DAYS

ELEVATION INFORMATION

STORM SURGE CATEGORY	FLOOD INSURANCE (FIRM FAQ)				
	RATE CODE	COMMUNITY	PANEL	VERSION	DATE
4/5	X	125124	0295	F	8/28/2008

Please contact Lee County DCD at 239-533-8597 option 4 to verify your flood zone status.

[Show] **APPRAISAL DETAILS**

TRIM (*proposed* tax) Notices are available for the following tax years:
[1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009]

[Next Lower Parcel Number | Next Higher Parcel Number]

[New Query | Parcel Queries Page | Lee PA Home]

This page was last updated on 10/15/2009



Detail by Entity Name

Florida Limited Liability Company

CARLTON LAND HOLDINGS, LLC

Filing Information

Document Number	L03000020617
FEI/EIN Number	320115175
Date Filed	06/09/2003
State	FL
Status	INACTIVE
Last Event	ADMIN DISSOLUTION FOR ANNUAL REPORT
Event Date Filed	09/25/2009
Event Effective Date	NONE

Principal Address

8841 WEST TERRY ST
BONITA SPRINGS FL 34135 US

Mailing Address

P.O. BOX 2491
BONITA SPRINGS FL 33413-3 US

Registered Agent Name & Address

RISTIC, RANDY D
12021 BRAMBLE COVE DR
FORT MYERS FL 33905 US

Address Changed: 01/17/2006

Manager/Member Detail

Name & Address

Title MGR

WEBB, KEVIN M
12201 HAMMOCK CREEK WAY
FORT MYERS FL 33905 US

Title MGRM

RISTIC, RANDY D
12021 BRAMBLE COVE DR
FORT MYERS FL 33905

Annual Reports

Report Year	Filed Date
2006	01/17/2006
2007	01/24/2007
2008	01/09/2008

Document Images

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01/17/2006 -- ANNUAL REPORT	View image in PDF format
02/15/2005 -- ANNUAL REPORT	View image in PDF format
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Detail by Entity Name

Florida Limited Liability Company

GRAND ISLE 407, LLC

Filing Information

Document Number	L04000039387
FEI/EIN Number	201162318
Date Filed	05/25/2004
State	FL
Status	INACTIVE
Last Event	ADMIN DISSOLUTION FOR ANNUAL REPORT
Event Date Filed	09/15/2006
Event Effective Date	NONE

Principal Address

28351 S. TAMIAMI TRAIL
BONITA SPRINGS FL 34134 US

Mailing Address

28351 S. TAMIAMI TRAIL
BONITA SPRINGS FL 34134 US

Registered Agent Name & Address

CINIELLO, PATRICK
70 SOUTHPORT DRIVE
BONITA SPRINGS FL 34134 US

Manager/Member Detail

Name & Address

Title MGRM

CINIELLO, PATRICK
70 SOUTHPORT DRIVE
BONITA SPRINGS FL 34134 US

Title MGRM

MUSCI, LAWRENCE A
11466 PHOENIX WAY
NAPLES FL 34119 US

Title MGRM

CATTANEO, HENRY
757 RIVERSVILLE ROAD
GREENWICH CT 06831 US

Annual Reports

Report Year	Filed Date
2005	04/20/2005

Document Images

04/20/2005 -- ANNUAL REPORT View image in PDF format

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Detail by Entity Name

Florida Limited Liability Company

BUCKINGHAM CMC, LLC

Filing Information

Document Number	L05000123424
FEI/EIN Number	204028378
Date Filed	12/29/2005
State	FL
Status	ACTIVE
Effective Date	01/01/2006

Principal Address

28351 S. TAMIAMI TRAIL
BONITA SPRINGS FL 34134 US

Mailing Address

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BONITA SPRINGS FL 34134 US

Registered Agent Name & Address

CINIELLO, PATRICK
70 SOUTHPORT DRIVE
BONITA SPRINGS FL 34134 US

Manager/Member Detail

Name & Address

Title MGRM

CINIELLO, PATRICK
70 SOUTHPORT DRIVE
BONITA SPRINGS FL 34134 US

Title MGRM

MUSCI, LAWRENCE A
11466 PHOENIX WAY
NAPLES FL 34119 US

Title MGRM

CATTANEO, HENRY
757 RIVERSVILLE ROAD
GREENWICH CT 06831 CT

Annual Reports

Report Year	Filed Date
2007	04/05/2007
2008	03/28/2008
2009	03/19/2009

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BONITA SPRINGS FL 34134 US

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WEBB COMPREHENSIVE PLAN AMENDMENT

9711 Buckingham Road
Lee County, Florida

Environmental Study

November 12, 2008

Mr. Bill Krumbholz
Environmental Administrator
Florida Department of Environmental Protection
PO Box 2549
Fort Myers, FL 33902-2549

RE: Waste Material Relocation Planning Letter Report
Webb Landfill Roadway Project

Dear Mr. Krumbholz:

The submittal of this waste relocation plan letter report constitutes a request for initial concurrence from the Florida Department of Environmental Protection (FDEP) regarding proposed roadway construction at a site known as the Buckingham Landfill. This site was previously utilized as a municipal waste and horticultural waste landfill by Lee County and considerable deposits of waste material exist on site. A site location map is included as Attachment A.

The relocation of waste material will provide for the establishment of areas on the property that are suitable for phased development. The first proposed phase consists of an access roadway for the City of Fort Myers East Water Reclamation Facility (WRF) and Public Works property to the south of the site. Waste will be relocated within the footprint of the landfill on the site for this initial phase. Subsequent phases of the development will most likely occur over time and require additional communication with the FDEP. An overall site development plan prepared by Quattrone & Associates, Inc. depicting the roadway and other property utilization is presented under Attachment B.

This landfill was closed prior to the advent of current closure regulation and the site does not have a closure permit. The regulatory requirement governing the reuse of old, closed landfills is derived from Chapter 62-701.601 (7), F.A.C. and reads as follows:

> "Closed landfill areas, if disturbed, are a potential hazard to public health, ground water and the environment. The Department retains regulatory control over any activities which may affect the integrity of the environmental protection measures

such as the landfill cover, drainage, liners, monitoring system or leachate and stormwater controls. Consultation with the Department is required prior to conducting activities at the closed landfill areas. "

This regulatory requirement has led to the formulation of a guidance document from the Florida Department of Environmental Protection (FDEP) entitled "Guidance for Disturbance and Use of Old Closed Landfills or Waste Disposal Areas in Florida". This guidance document was prepared to allow for owners of property where wastes were deposited to properly manage these waste materials at the site when considering site reuse alternatives. It is the property owner's approach that this plan and the work proposed to be conducted on site will follow the recommendations of this guidance document in order to safely and effectively complete the work. The following details highlight the property owner's planned adherence to FDEP guidance documentation:

Site Description and History

The project site is located at 9711 Buckingham Road in Section 19, Township 44S, Range 26E of Lehigh Acres, Florida. The overall project site is approximately 95.6 acres in size.

Along the south side of the site is the former City of Fort Myers municipal landfill. Development of this site as a water reclamation facility is in the planning stage. The area east of the site and across an East County Water Control District Canal is a well established single family residential neighborhood. Buckingham Road borders the site to the west and north with the Lee County owned and operated waste to energy plant located on the west side of Buckingham Road.

During the time the facility was operated as a landfill by Lee County, a variety of waste materials were accepted. Wastes collected throughout the County were sent to the landfill and either deposited on the surface in layers or placed within trenches which were excavated below the water table elevation in the area. Historical aerial photographs depicting the operational transition of this landfill are attached with this report as Attachment C.

Many areas of the site are covered with dense vegetation. While there are some native species on the site, exotic vegetation including Brazilian Pepper has encroached onto much of the site. The topography of the site consists of extensive, irregular mounds of covered soil and debris. The depth of soil

deposited over the waste materials is not consistent, with most areas covered by a thin soil layer.

Subsequent to the discontinuation of operations as a landfill, a monitoring program was initiated and completed through the FDEP to determine whether contaminants of concern above regulatory guidance concentration were present in the groundwater in this area. This monitoring program was concluded in 2003 when the FDEP issued a letter indicating that monitoring operations could be discontinued based upon the maintenance of regulatory standards for groundwater quality at the site. Groundwater wells used for this monitoring program where subsequently abandoned by the County. Several groundwater monitoring wells, in the area of the site, were installed and are maintained by the United States Geological Service (USGS). These wells are not currently used for contaminant analysis.

Proposed Site Uses

This property may be developed for a variety of uses. Planning is currently in its most preliminary stage as far as site development with the access roadway project the only proposed element at this time. Attachment B shows a rudimentary bubble plan of a potential layout and utilization of the site and includes the following elements:

1. **Access Roadway to Water Reclamation Facility:** The site will initially provide dedicated right of way for an access roadway to the City of Fort Myers East Water Reclamation Facility Campus to the south. This is proposed as the first phase of the site.

2. **Light Industrial/Commercial Development:** Subsequent phasing will include approximately 38.2 acres of light industrial and 29.3 acres of commercial development. These areas would be subdivided per the Conceptual Site Plan shown in Attachment D and would be built out as development of the site proceeds.

3. **Stormwater Treatment:** Stormwater will be treated on site via dry detention as much as possible. Detailed stormwater plans will be provided in forthcoming Environmental Resource Permit Applications.

Subsurface Evaluation

In order to verify the location, depth and rough quantity of waste material present at the site, a series of soil borings were conducted in two phases. These borings were placed in a grid pattern throughout the site. Allied Engineering and Testing (Allied) completed the initial soil borings on the site in January of 2004. Following an evaluation of the initial borings, additional borings were completed in May of 2005. A copy of the soil profiles and boring location map is included with this report as Attachment D.

An evaluation for landfill gases was not completed during these boring events. There could be residual pockets of methane present at the site and/or low levels of methane could be produced over time. In order to provide protection for this possibility, the contractor will be required to monitor ambient air quality prior to construction, during construction, and after construction activities. The requirement will be that combustible gases in confined spaces will not exceed 25% of the LEL.

Odor and Dust Control

The contractor will be required to provide odor suppression chemicals prior to the start of any waste material relocation. This odor control chemical would be in the form of a sprayed chemical to suppress odor should it become a problem. The concentration of the chemical and frequency of application in the relocation area will be determined on site. Additional measures that may be used to reduce odors would include the temporary covering of material with either soil or tarps.

Dust resulting from the material relocation will be controlled so that dust does not become a nuisance to areas surrounding the project site. Relocation work may be sprinkled as necessary to minimize dust with any runoff collected and contained on site.

Leachate/Water Quality Controls

The project will incorporate dry detention features as much as possible for stormwater treatment to minimize the need for wet retention features. Smaller leachate collection systems in the form of temporary berms or temporary detention areas may be utilized during construction to isolate certain areas of the project and retain discharge water on site.

National Pollutant Discharge Elimination System (NPDES) practices will be implemented at the site by the contractor during construction including the preparation and maintenance of a Stormwater Pollution Prevention Plan (SWPPP). Best Management Practices will be utilized for erosion control including the use of silt screens and hay bales. The contractor will be required to maintain all sedimentation/turbidity control measures in place from project initiation until the completion of construction.

Water quality monitoring of the groundwater and leachate in the area may be conducted to make sure there are no adverse impacts from the waste relocation activity.

Waste Handling Methodology

The initial phase of this project will involve the removal of the predominantly vegetative cover from the site in the area needed to for placement of the access roadway. The contractor will be required to ship this vegetative material to the Lee County Class III Landfill. Safeguards will be established around the perimeter of the area to be developed per the site development standard to insure maintenance of water quality standards.

The relocation of waste material on site will be accomplished by utilization of standard earth moving equipment supplemented by contractor selected specialty equipment. Excavation and/or grading of the site per the plan will progress utilizing track hoes, bulldozers and similar equipment. The screening of fines from the waste may be completed by the contractor to allow for an initial layer of soil prior to final placement of cover.

Any material encountered during the relocation operation that could be deemed a hazardous waste either through definition or by characteristic will be addressed per the requirements of Chapter 62-730 F.A.C. The FDEP will be notified and work stopped until a course of action consistent with regulatory requirements is determined. The contractor will be required through his site specific health and safety plan to provided protective gear and training for all workers on site in the eventuality that hazardous materials or situations are encountered. Employee training would be an important component of this health and safety plan.

There may be circumstances during the waste relocation effort where the differential handling of material may be required based upon the qualities or quantity of that material. Historically, waste materials in this landfill area were deposited in a random manner. From the boring log information collected to date waste material will not be encountered throughout the length of the roadway project. The volume of waste material to be relocated during the roadway construction project is estimated roughly at 3,000 tons. This material will be relocated within the existing landfill footprint.

Upon completion of the material relocation activity, the area will be graded and compacted to subgrade per construction plans. Additional clean fill will be brought in to the site and deposited in compacted lifts at a minimum of two feet above any relocated landfill material. The surface will be stabilized by sodding or hydroseeding the area. It is estimated that the overall roadway project can be completed within a six month time frame.

To recap the information presented herein, this facility was closed prior to the regulatory requirement for a closure permit and the proposed activities will follow the stipulations from the FDEP's "Guidance for Disturbance and Use of Old Closed Landfills or Waste Disposal Areas in Florida" as follows:

1. This letter plan is submitted for review and approval by the FDEP to address the waste relocation activities that are proposed for the first phase of this former landfill facility. This plan includes:

    a. A site map and plans showing where the waste will be removed and where it will be relocated.

    b. An estimate of the relocated waste volume and the time required to complete the project.

    c. The methodologies for waste excavation and relocation.

    d. An odor and leachate control plan.

2. Any waste material that may be moved will be relocated within the existing landfill footprint and will be covered with a minimum of two feet of soil which will be compacted and re-vegetated.

3. Off- site wastes will not be brought to the site.

4. If hazardous wastes are encountered the FDEP will be immediately notified and the waste managed in accordance Chapter 62-730 F.A.C. requirements.

5. The wastes that will be relocated initially will be those necessary to complete the roadway / construction project. Some areas of the site will not be disturbed.

6. The sorting of concrete is not planned for this project.

7. Water quality monitoring of the groundwater and leachate in the area may be conducted to make sure there are no adverse impacts from the waste relocation activity. These activities will be detailed in a PCAP if required by the FDEP.

Per the provisions of the FDEP's Guidance Document, "Guidance for Disturbance and Use of Old Closed Landfills or Waste Disposal Areas in Florida", and the property owner's assurance of adherence to the provisions therein, it is requested that the FDEP concur with this proposed plan and the conditions as presented. Additional regulatory applications will be forthcoming to address Environmental Resource Permitting for this project through the South Florida Water Management District. Additional communications with the FDEP as the phasing of this development proceeds would also be forthcoming.

Your input and prompt consideration of the proposed elements as outlined in this letter are appreciated.

Sincerely,
JCB CONSULTING SERVICES, LLC

John Barker
Principal

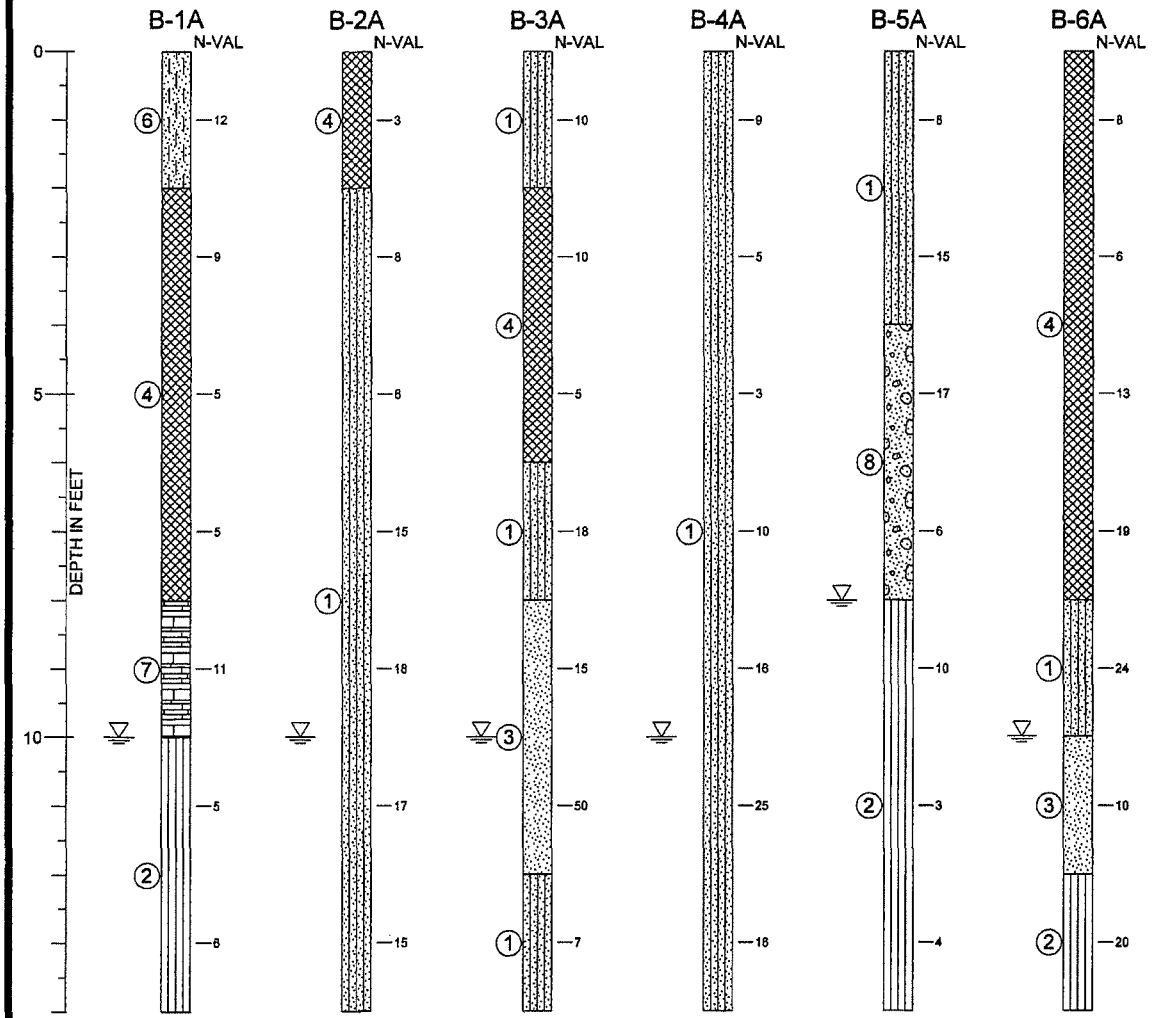
Cc: Mr. Fred Drovdlic, Quattrone & Associates, Inc.

ATTACHMENT A

ATTACHMENT B

ATTACHMENT C

SOIL PROFILES



SOIL PROFILE LEGEND

B-X = BORING NUMBER

SOIL TYPE (X)

N = TEST VALUE

GROUND WATER LEVEL

SOIL SYMBOL

INDICATES PRACTICAL REFUSAL TO BORING EQUIPMENT

= INDICATES GRADUAL TRANSITION IN SOIL TYPES

NOTES:

N - STANDARD PENETRATION RESISTANCE TEST VALUE, BLOWS PER FOOT.

SOIL LEGEND

1. Light brown to dark brown and grayish brown, clean to slightly silty, fine SAND, very loose to medium dense, moist to wet (SP/SP-SM)
2. Light gray to white, sandy SILT with a trace of gravel, soft to very stiff, wet (ML)
3. Gray and brown, slightly silty and slightly clayey to clayey SAND with scattered zones containing a trace of gravel, loose to dense, wet (SP-SM, SP-SC/SC)
4. Brown to dark brown and gray to dark gray, slightly silty SAND with TRASH (paper, plastic, styrofoam, fabric, wood pieces), very loose to medium dense, moist (SP-SM, TRASH DEPOSIT)
5. Black, silty SAND and pockets of light gray to white SILT with a trace to some gravel, decayed organics, fabrics, gasoline odor, wet (SM, ML, TRASH DEPOSIT)
6. Light brown, silty SAND with a trace to some gravel, medium dense, moist (SM)
7. Light gray to light brown, weathered LIMESTONE (gravel and silty sand), very soft, wet (WLS)
8. Light gray to white, fine SNAD and SHELL, loose to medium dense, wet (SP/SHELL)

SOIL CLASSIFICATION

CORRELATION OF N - VALUES WITH RELATIVE DENSITY AND CONSISTENCY

COHESIONLESS SOIL

N - VALUE	RELATIVE DENSITY
0 - 4	VERY LOOSE
5 - 10	LOOSE
11 - 30	MEDIUM DENSE
31 - 50	DENSE
OVER 50	VERY DENSE

SILTS AND CLAYS

N - VALUE	CONSISTENCY
0 - 2	VERY SOFT
3 - 4	SOFT
5 - 8	FIRM
9 - 15	STIFF
16 - 30	VERY STIFF
31 - 50	HARD
OVER 50	VERY HARD

CORRELATION OF N-VALUES WITH HARDNESS DESCRIPTION LIMEROCK

N - VALUE	RELATIVE DENSITY
0 - 19	VERY SOFT
20 - 49	SOFT
50 - 100	MEDIUM HARD
50 FOR 2 TO 5"	MODERATELY HARD
50 FOR 0 TO 2"	HARD

APPROXIMATE FINES CONTENT	MODIFIERS
5% TO 15%	SLIGHTLY SILTY OR SLIGHTLY CLAYEY
15% TO 25%	SILTY OR CLAYEY
25% TO 49%	VERY SILTY OR VERY CLAYEY

APPROXIMATE SANDY GRAVEL CONTENT	MODIFIERS
5% TO 15%	SLIGHTLY SANDY OR SLIGHTLY GRAVELY
15% TO 25%	SANDY OR GRAVELY
25% TO 49%	VERY SANDY OR VERY GRAVELY

APPROXIMATE ROOT CONTENT	MODIFIERS
5% - 10%	TRACE
10% - 20%	TRACE TO SOME
20% - 40%	SOME
40% - 50%	AND

FIG. 3 - SOIL BORING PROFILE

AET

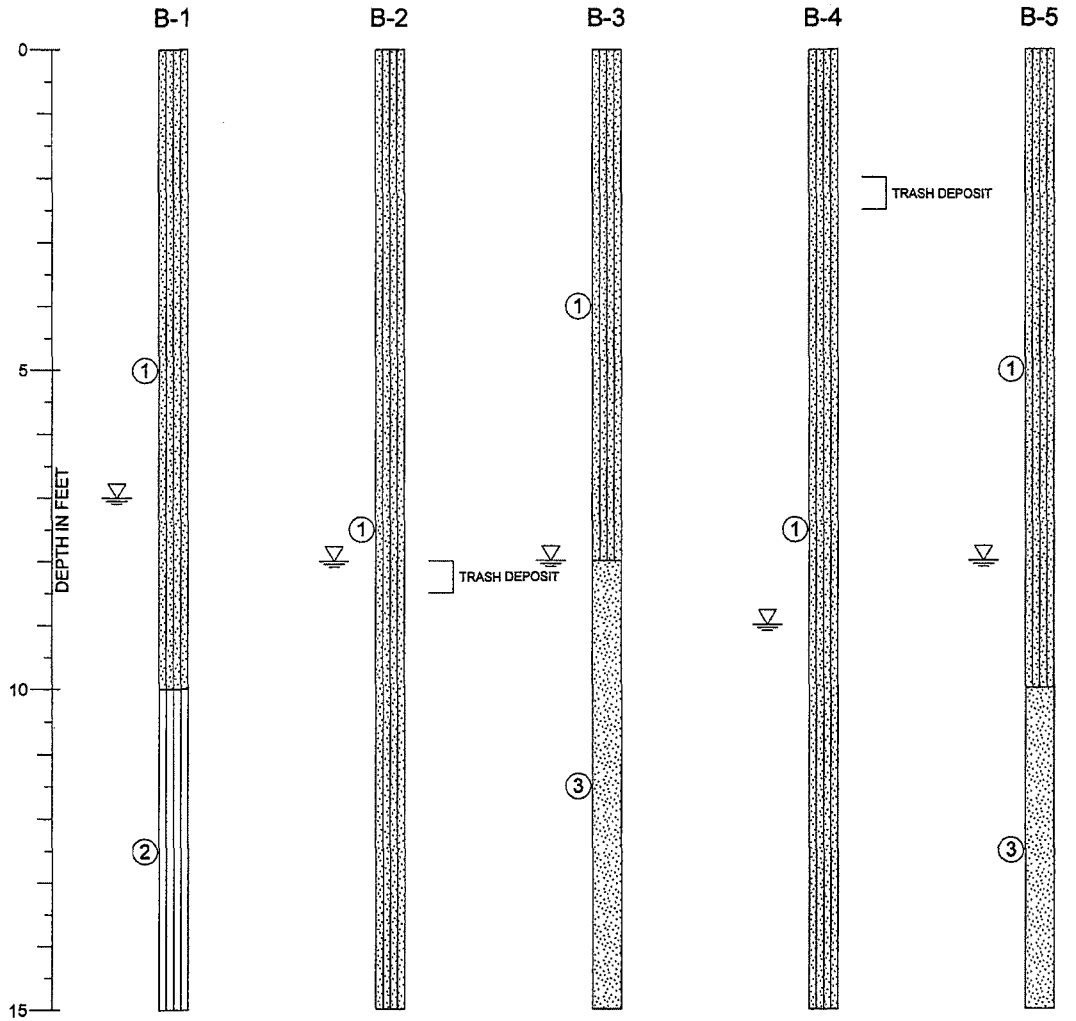
Allied Engineering & Testing, Inc.
5850 Corporation Circle
Fort Myers, Florida 33905
239-334-5633 * FAX 239-690-1582

Client: Luuly Realty Investments
Project: 9711 Buckingham Road Site
Lehigh Acres, Florida
Approved By: Jeff D'huyvetter

Date: 1/4/05
Job No.: 44-6048
Drawn By: CM

SOIL PROFILES 6 PER PAGE 44-6048.GPJ ALLIED ENG TESTING.GDT 11/14/06

SOIL PROFILES



SOIL PROFILE LEGEND

B-X = BORING NUMBER

SOIL TYPE (X)

GROUND WATER LEVEL

SOIL SYMBOL

INDICATES PRACTICAL REFUSAL TO BORING EQUIPMENT

= INDICATES GRADUAL TRANSITION IN SOIL TYPES

SOIL LEGEND

1. Light brown to dark brown and dark grayish brown, clean to slightly silty, fine SAND, with scattered zones containing a trace of gravel, moist to wet, (SP / SP-SM)
2. Light gray SILT with a trace of gravel, wet, (ML)
3. Light gray to dark gray, clean to slightly silty, fine SAND with scattered zones containing a trace of gravel, wet (SP-SM)
4. Light brown to dark brown and dark gray, clean to slightly silty, fine SAND with gravel, decayed organics, plastic, metal, styrofoam, fabric, glass, moist to wet, (SP / SP-SM, TRASH DEPOSIT)
5. Black, silty SAND and pockets of light gray to white SILT with a trace to some gravel, decayed organics, fabrics, gasoline odor, wet (SM, ML, TRASH DEPOSIT)

SOIL CLASSIFICATION

CORRELATION OF N-VALUES WITH RELATIVE DENSITY AND CONSISTENCY

COHESIONLESS SOIL

N-VALUE	RELATIVE DENSITY
0 - 4	VERY LOOSE
5 - 10	LOOSE
11 - 30	MEDIUM DENSE
31 - 50	DENSE
OVER 50	VERY DENSE

SILTS AND CLAYS

N-VALUE	CONSISTENCY
0 - 2	VERY SOFT
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5 - 8	FIRM
9 - 15	STIFF
16 - 30	VERY STIFF
31 - 50	HARD
OVER 50	VERY HARD

CORRELATION OF N-VALUES WITH HARDNESS DESCRIPTION LIMEROCK

N-VALUE	RELATIVE DENSITY
0 - 19	VERY SOFT
20 - 49	SOFT
50 - 100	MEDIUM HARD
50 FOR 2 TO 5"	MODERATELY HARD
50 FOR 0 TO 2"	HARD

APPROXIMATE FINES CONTENT	MODIFIERS
5% TO 15%	SLIGHTLY SILTY OR SLIGHTLY CLAYEY
15% TO 25%	SILTY OR CLAYEY
25% TO 49%	VERY SILTY OR VERY CLAYEY

APPROXIMATE SAND/ GRAVEL CONTENT	MODIFIERS
5% TO 15%	SLIGHTLY SANDY OR SLIGHTLY GRAVELY
15% TO 25%	SANDY OR GRAVELY
25% TO 49%	VERY SANDY OR VERY GRAVELY

APPROXIMATE ROOT CONTENT	MODIFIERS
5% - 10%	TRACE
10% - 20%	TRACE TO SOME
20% - 40%	SOME
40% - 50%	AND

FIG. 2 - SOIL BORING PROFILE

AET

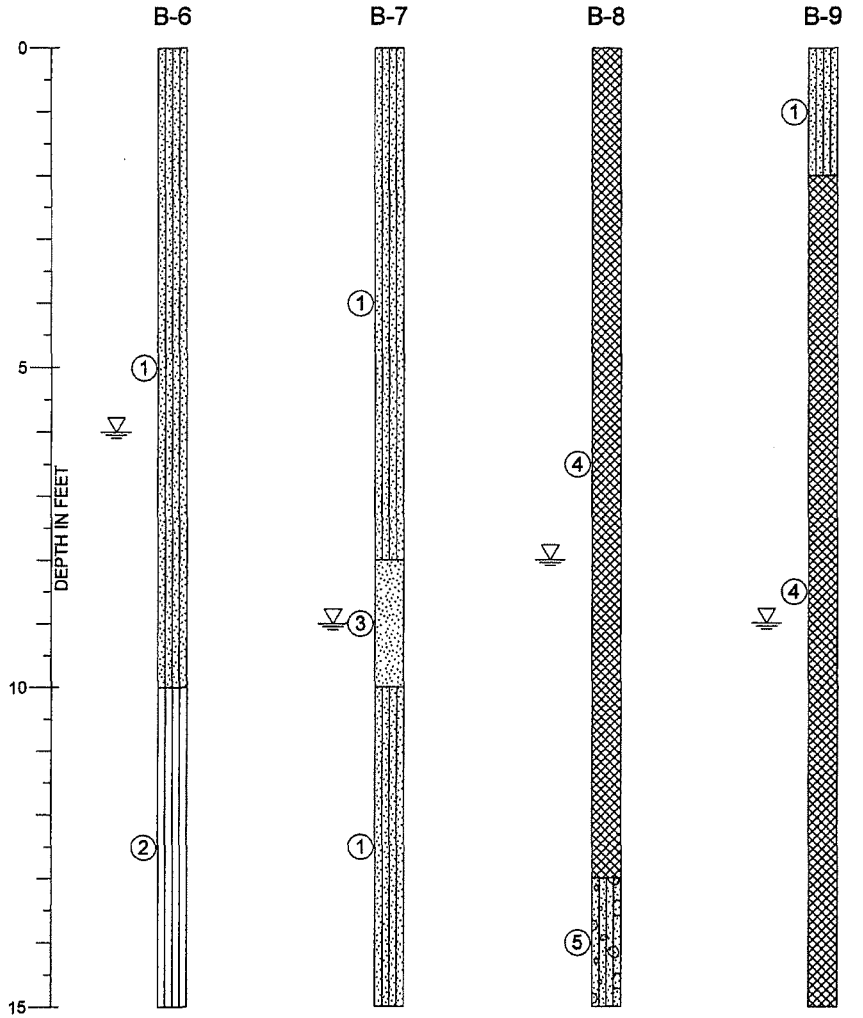
Allied Engineering & Testing, Inc.
5850 Corporation Circle
Fort Myers, Florida 33905
239-334-6633 * FAX 239-690-1582

Client: Mr. Rob James
Project: Buckingham Road Site
Fort Myers, Florida
Approved By: Jeff D'huyvetter

Date: 7/28/04
Job No.: 44-5946
Drawn By: SF

SOIL PROFILES 5 PER PAGE 44-5946.GPJ ALLIED ENG TESTING.GDT 11/14/08

SOIL PROFILES



SOIL PROFILE LEGEND

B-X = BORING NUMBER

SOIL TYPE (X)

GROUND WATER LEVEL

SOIL SYMBOL

INDICATES PRACTICAL REFUSAL TO BORING EQUIPMENT

= INDICATES GRADUAL TRANSITION IN SOIL TYPES

SOIL LEGEND

1. Light brown to dark brown and dark grayish brown, clean to slightly silty, fine SAND, with scattered zones containing a trace of gravel, moist to wet, (SP / SP-SM)
2. Light gray SILT with a trace of gravel, wet, (ML)
3. Light gray to dark gray, clean to slightly silty, fine SAND with scattered zones containing a trace of gravel, wet (SP-SM)
4. Light brown to dark brown and dark gray, clean to slightly silty, fine SAND with gravel, decayed organics, plastic, metal, styrofoam, fabric, glass, moist to wet, (SP / SP-SM, TRASH DEPOSIT)
5. Black, silty SAND and pockets of light gray to white SILT with a trace to some gravel, decayed organics, fabrics, gasoline odor, wet (SM, ML, TRASH DEPOSIT)

SOIL CLASSIFICATION

CORRELATION OF N - VALUES WITH RELATIVE DENSITY AND CONSISTENCY

COHESIONLESS SOIL		SILTS AND CLAYS	
N - VALUE	RELATIVE DENSITY	N - VALUE	CONSISTENCY
0 - 4	VERY LOOSE	0 - 2	VERY SOFT
5 - 10	LOOSE	3 - 4	SOFT
11 - 30	MEDIUM DENSE	5 - 8	FIRM
31 - 50	DENSE	9 - 15	STIFF
OVER 50	VERY DENSE	16 - 30	VERY STIFF
		31 - 50	HARD
		OVER 50	VERY HARD

CORRELATION OF N-VALUES WITH HARDNESS DESCRIPTION LIMEROCK

N - VALUE	RELATIVE DENSITY
0 - 19	VERY SOFT
20 - 49	SOFT
50 - 100	MEDIUM HARD
50 FOR 2 TO 5"	MODERATELY HARD
50 FOR 0 TO 2"	HARD

APPROXIMATE FINES CONTENT	MODIFIERS
5% TO 15%	SLIGHTLY SILTY OR SLIGHTLY CLAYEY
15% TO 25%	SILTY OR CLAYEY
25% TO 49%	VERY SILTY OR VERY CLAYEY

APPROXIMATE SAND/ GRAVEL CONTENT	MODIFIERS
5% TO 15%	SLIGHTLY SANDY OR SLIGHTLY GRAVELY
15% TO 25%	SANDY OR GRAVELY
25% TO 49%	VERY SANDY OR VERY GRAVELY

APPROXIMATE ROOT CONTENT	MODIFIERS
5% - 10%	TRACE
10% - 20%	TRACE TO SOME
20% - 40%	SOME
40% - 60%	AND

FIG. 3 - SOIL BORING PROFILE

AET

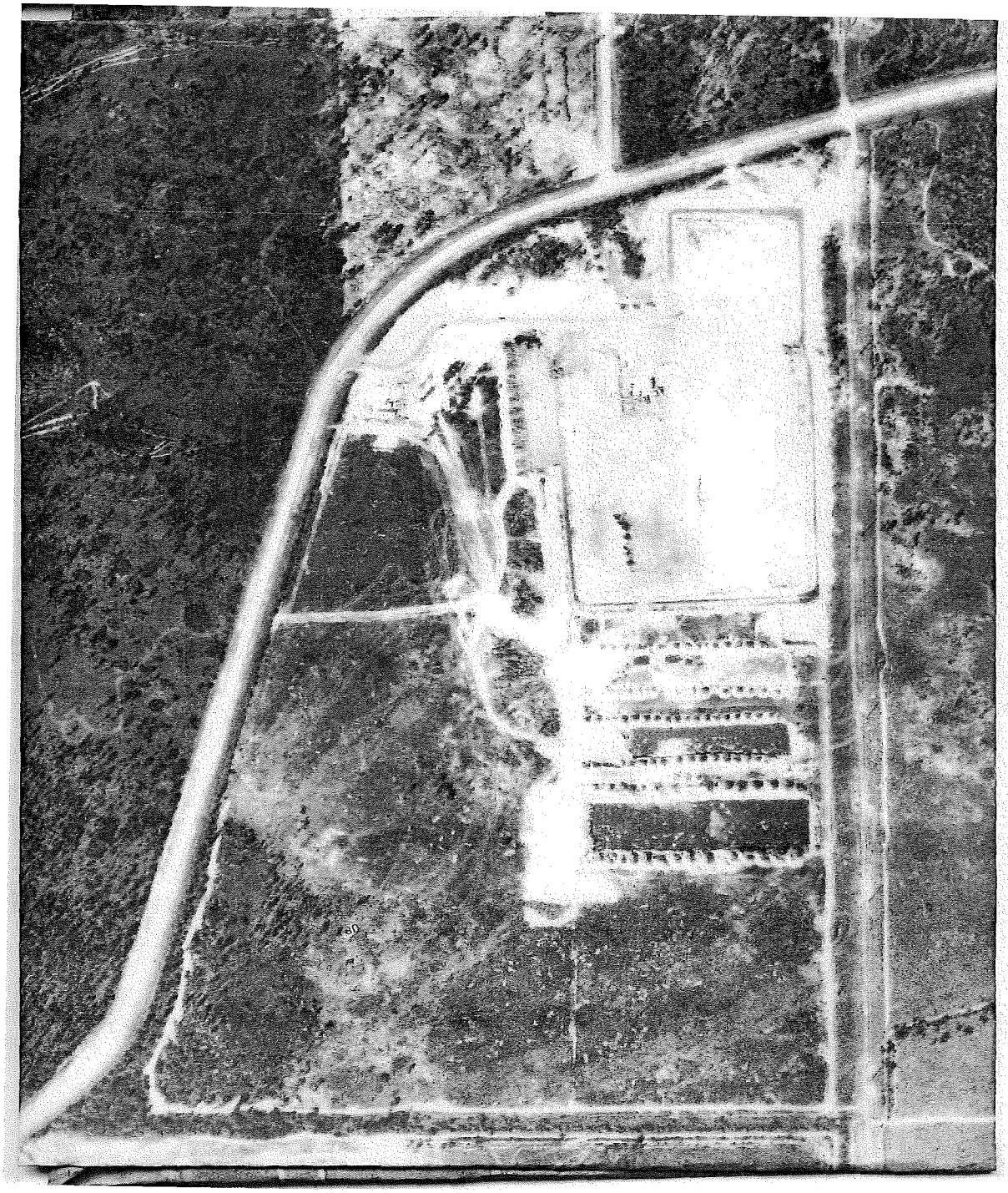
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SOIL PROFILES 5 PER PAGE 44-5946.GPJ ALLIED ENG TESTING.GDT 11/14/08

Lee County Aerial Photograph – 2/10/74
Section 19, Township 44S, Range 26E



N ↑

WEBB COMPREHENSIVE PLAN AMENDMENT

9711 Buckingham Road
Lee County, Florida

Traffic Study

TR TRANSPORTATION CONSULTANTS, INC.

13881 PLANTATION ROAD, SUITE 11
FORT MYERS, FL 33912-4339
OFFICE 239.278.3090
FAX 239.278.1906

TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

MEMORANDUM

TO: Mr. Fred Drovdlic, AICP
Quattrone & Associates, Inc.

FROM: David L. Wheeler
Transportation Consultant

Ted B. Treesh
President

DATE: December 10, 2007

RE: Webb Buckingham
Annexation and Comprehensive Plan Amendment

TR Transportation Consultants, Inc. has completed an analysis of the Lee County Metropolitan Planning Organization's (MPO) 2030 Financially Feasible Long Range Transportation Plan based upon the proposed Annexation and Comprehensive Plan Amendment request for the Webb Buckingham property. The subject site is located along the south side of Buckingham Road west of its intersection with Alvin Avenue in Lee County, Florida.

The following memo was prepared in order to analyze the impacts of the proposed change in Land Use Designation on the 95.6-acre property from the existing Rural designation to the proposed Light Industrial designation.

PROPOSED DEVELOPMENT

The proposed Comprehensive Plan Amendment would change the Future Land Use Designation on the subject site from the existing Rural designation to the proposed Light Industrial designation. Based upon the existing Rural designation, the subject site could be developed with up to approximately 95 residential units. Based upon the proposed Light Industrial designation, the subject site could be developed with up to approximately 228,000 square feet of mini-warehouse uses, up to approximately 904,248 square feet of general industrial uses, up to approximately 228,000 square feet of office uses, and up to approximately 513,703 square feet of retail uses. However, the Developer of the Webb

Buckingham site is proposing to limit the intensity of the permitted uses on the property though a Developers Agreement with the City of Fort Myers. Based upon the proposed Developers Agreement the subject site could be developed with up to approximately 100,000 square feet of mini-warehouse uses, up to approximately 396,600 square feet of general industrial uses, up to approximately 100,000 square feet of office uses, and up to approximately 223,000 square feet of retail uses. **Table 1** summarizes the land uses that could be constructed under the existing Land Use Designation, the proposed Land Use Designation, and the proposed Developers Agreement.

Table 1
Land Uses
Webb Buckingham

Existing/Proposed	Land Use Category	Intensity
Existing	Rural	95 residential units
Proposed Land Use Designation	Light Industrial	228,000 s.f. Mini-Warehouse
		904,248 s.f. General Industrial
		228,000 s.f. Office
		513,703 s.f. Retail
Proposed Developers Agreement	Light Industrial	100,000 s.f. Mini-Warehouse
		396,600 s.f. General Industrial
		100,000 s.f. Office
		223,000 s.f. Retail

LONG RANGE IMPACTS (20-YEAR HORIZON)

The Lee County Metropolitan Planning Organization's (MPO) 2030 long range transportation travel model was reviewed to determine the impacts the amendment would have on the surrounding area. The subject site lies within Traffic Analysis Zone (TAZ) 1332. The model has both productions and attractions included in this zone. The productions include both single-family and multi-family housing. The attractions include commercial employees and some but very few industrial employees. **Table 2** identifies the land uses currently contained in the long range travel model utilized by the MPO and City of Fort Myers for the Long Range Transportation Analysis.

Table 2
TAZ 1332
Land Uses in Existing 2030 Travel Model

Land Use Category	Intensity
Single Family Homes	32 residential units
Multi-Family Homes	482 residential units
Hotel Units	0 rooms
Industrial Employment	4 employees
Commercial Employment	60 employees
Service Employment	0 employees

The proposed Comprehensive Plan Amendment is anticipated to add industrial, commercial, and service employment within TAZ 1332. The proposed mini-warehouse uses were converted to industrial employment by utilizing a rate of 1.28 employees per 1,000 square feet. The proposed general industrial uses were converted to industrial employment by utilizing a rate of 2.16 employees per 1,000 square feet. The proposed office uses were converted to service employment by utilizing a rate of 3.84 employees per 1,000 square feet when 100,000 square feet of office uses were proposed and a rate of 3.22 employees per 1,000 square feet when 228,000 square feet of office uses were proposed. The proposed retail uses were converted to commercial employment utilizing a rate of 2.50 employees per 1,000 square feet. A copy of the source for the aforementioned conversion rates is attached to the end of this document for reference.

Table 3 indicates the revised data for TAZ 1332 based upon the proposed Land Use Designation and **Table 4** indicates the revised data for TAZ 1332 based upon the proposed Developers Agreement.

Table 3
Modified Data for TAZ 1332
Based Upon Proposed Land Use Designation

Land Use Category	Intensity
Single Family Homes	32 residential units
Multi-Family Homes	482 residential units
Hotel Units	0 rooms
Industrial Employment	2,249 employees
Commercial Employment	1,344 employees
Service Employment	734 employees

Table 4
Modified Data for TAZ 1332
Based Upon Proposed Developers Agreement

Land Use Category	Intensity
Single Family Homes	32 residential units
Multi-Family Homes	482 residential units
Hotel Units	0 rooms
Industrial Employment	989 employees
Commercial Employment	618 employees
Service Employment	384 employees

The modifications made to the TAZ data, including ZDATA1 and ZDATA2 files, are attached to the end of this document for reference. The 2030 Long Range Transportation model (FSUTMS) was run with the existing data shown in Table 2 then compared to runs with the modified data from Table 3 and Table 4 in order to indicate whether or not any additional improvements above and beyond those indicated in the 2030 Financially Feasible Plan Highway Element are necessary to support the proposed Comprehensive Plan Amendment request. The 2030 Financially Feasible Plan Highway Element improvements were included in the FSUTMS runs.

Two centroid connectors to TAZ 1332 were also added as a part of this analysis to all three scenarios, one to Buckingham Road and the other to Lee Boulevard. Currently TAZ 1332 is only shown to have a centroid connection to Alvin Avenue in the 2030 Financially Feasible Long Range Transportation Plan. However, TAZ 1332 will have direct access to Buckingham Road through the proposed Webb Buckingham development and direct access to Lee Boulevard through the proposed Lee Boulevard Commerce Park development.

Based on the 2030 MPO Financially Feasible plan, there are several roadway improvements programmed in the vicinity of the subject site which will help to alleviate traffic congestion in the vicinity of the subject site. Luckett Road will be extended from its existing terminus near I-75 east to Buckingham Road. Hanson Street will be extended from its existing terminus west of I-75 east to S.R. 82. Both of these east/west corridors will help to alleviate the traffic conditions along S.R. 82 and Lee Boulevard. S.R. 82 is also funded to be widened to six-lanes from I-75 to Colonial Boulevard.

Based on this analysis, Lee Boulevard is shown to operate below the adopted Level of Service standard in 2030 both with and without the proposed Comprehensive Plan Amendment. **Tables 1A, 2A,** and **3A** indicate the results of the FSUTMS analysis. Currently Lee Boulevard is one of the main routes in and out of the Lehigh Acres area. Both the Luckett Road extension and the Hanson Street extension will provide relief to this corridor. The Alico Road connector to the south, currently programmed as

contingent upon additional funding, will also provide relief to the Lee Boulevard corridor. The Alico Road connector will extend Alico Road from east of Ben Hill Griffin Parkway to S.R. 82.

In addition, there are currently several other roadway improvements programmed as 'contingent upon additional funding' in the 2030 Long Range Transportation Plan that will also help to alleviate the congestion along Lee Boulevard. Buckingham Road is programmed as contingent upon additional funding to be widened to four-lanes from Gunnery Road north to S.R. 80. S.R. 82 is programmed as contingent on additional funding to be widened to six-lanes from Colonial Boulevard to the Hendry County Line. In addition, an extension of Hanson Street from the terminus of the Financially Feasible portion of the Hanson Street Extension at S.R. 82 to Buckingham Road is also programmed as contingent upon additional funding.

Should any of these improvements become Financially Feasible, they will also help to alleviate the congestion along Lee Boulevard. Any proportionate share payments required of the Developer of the Webb Buckingham property will be determined at the time of Site Development Plan (SDP) application when there will be a clear picture of the type and intensity of development proposed on the subject site.

CONCLUSION

The proposed Comprehensive Plan Amendment is to modify the future land use designation on the subject site from the existing Rural designation to the proposed General Industrial designation. The approximately 95.6-acre site is located along the south side of Buckingham Road west of its intersection with Alvin Avenue in Lee County, Florida. An analysis of the 2030 Financially Feasible Long Range Transportation Plan indicates that the only roadway segment shown to operate below the adopted Level of Service standard is Lee Boulevard. Currently there are several roadway improvements within the current 2030 Financially Feasible Long Range Transportation Plan that will help to alleviate traffic conditions along Lee Boulevard. In addition, there are several roadway improvements on the 2030 Long Range Transportation Plan included as contingent upon additional funding that would also help to alleviate traffic conditions along Lee Boulevard. Any proportionate share payments required of the Developer of the Webb Buckingham property towards any of the aforementioned roadway improvements will be determined at the time of Site Development Plan (SDP) application when there will be a clear picture of the type and intensity of development proposed on the subject site.

Attachments

EXISTING 2030 FINANCIALLY FEASIBLE PLAN

Z-DATA 1 File

	TAZ	Single Family Data						Multi-Family Data						Hotel		
1	0 1332	32	0	0	119	0	29 71	482	0	0	964	0	0 100	0	99	0

Population:

	TAZ 1332
Single Family:	3.7 persons/unit
Multi Family:	2.0 persons/unit
Hotel:	0.0 persons/unit

Z_DATA 2 file

	TAZ	Indust. Emp.	Comm. Emp.	Serv. Emp.	Tot Emp	School Enr.		
2	1332	4	60	0	64	0	0	0

MODIFIED 2030 FINANCIALLY FEASIBLE PLAN
WITH PROPOSED COMP PLAN CHANGE
ALLOWED USES UNDER ZONING CATEGORY (1,873,951 S.F. TOTAL)

Z-DATA 1 File

	TAZ	Single Family Data							Multi-Family Data								Hotel		
1	0	1332	32	0	0	119	0	29	71	482	0	0	964	0	0	100	0	99	0

Population:

	TAZ 1332
Single Family:	3.7 persons/unit
Multi Family:	2.0 persons/unit
Hotel:	0.0 persons/unit

Z_DATA 2 file

	TAZ	Indust. Emp.	Comm. Emp.	Serv. Emp.	Tot Emp	School Enr.		
2	1332	2249	1344	734	4327	0	0	0

MODIFIED 2030 FINANCIALLY FEASIBLE PLAN
WITH PROPOSED COMP PLAN CHANGE
ALLOWED USES UNDER DEVELOPERS AGREEMENT (819,600 S.F. TOTAL)

Z-DATA 1 File

	TAZ	Single Family Data						Multi-Family Data						Hotel		
1	0	1332	32	0	0	119	0	29	71	482	0	0	964	0	0	100	0	99	0

Population:

	TAZ 1332
Single Family:	3.7 persons/unit
Multi Family:	2.0 persons/unit
Hotel:	0.0 persons/unit

Z_DATA 2 file

	TAZ	Indust. Emp.	Comm. Emp.	Serv. Emp.	Tot Emp	School Enr.		
2	1332	989	618	384	1991	0	0	0

TABLE 1A
2030 TRAFFIC CONDITIONS WITH EXISTING DENSITY
EXISTING PLUS PROGRAMMED ROAD NETWORK
WEBB BUCKINGHAM COMPREHENSIVE PLAN AMENDMENT

ROADWAY	SEGMENT	# OF LANES	LOS STANDARD	RAW FSUTMS PSWDT	P.C.S. #	PSWDT/AADT FACTOR[1]	2030 AADT	K-100 FACTOR[2]	D FACTOR[2]	TOTAL TRAFFIC PK DIRECTION	LOS SERVICE VOLUME[3]	LOS
Buckingham Rd.	E. of S.R. 82	2LN	E	10,827	11	1.117	9,693	0.104	0.53	534	920	C
	E. of Site	2LN	E	10,059	11	1.117	9,005	0.104	0.53	496	920	C
Lee Blvd.	E. of S.R. 82	6LD	E	59,101	22	1.073	55,080	0.102	0.59	3,315	2,920	F
	E. of Site	6LD	E	55,670	22	1.073	51,883	0.102	0.59	3,122	2,920	F

[1] Calculated based upon data from the 2006 Lee County Traffic Count Report.

[2] Obtained from the 2006 Lee County Traffic Count Report

[3] Obtained from the Lee County Generalized Service Volumes Table

TABLE 2A
2030 TRAFFIC CONDITIONS WITH USES BASED ON THE LAND USE DESIGNATION
228,000 S.F. MINI-WAREHOUSE, 904,248 S.F. INDUSTRIAL, 228,000 S.F. OFFICE, & 513,703 S.F. SHOPPING CENTER
EXISTING PLUS PROGRAMMED ROAD NETWORK
WEBB BUCKINGHAM COMPREHENSIVE PLAN AMENDMENT

ROADWAY	SEGMENT	# OF LANES	LOS STANDARD	RAW FSUTMS PSWDT	P.C.S. #	PSWDT/AADT FACTOR[1]	2030 AADT	K-100 FACTOR[2]	D FACTOR[2]	TOTAL TRAFFIC PK DIRECTION	LOS SERVICE VOLUME[3]	LOS
Buckingham Rd.	E. of S.R. 82	2LN	E	16,160	11	1.117	14,467	0.104	0.53	797	920	D
	E. of Site	2LN	E	12,305	11	1.117	11,016	0.104	0.53	607	920	C
Lee Blvd.	E. of S.R. 82	6LD	E	62,260	22	1.073	58,024	0.102	0.59	3,492	2,920	F
	E. of Site	6LD	E	59,472	22	1.073	55,426	0.102	0.59	3,336	2,920	F

[1] Calculated based upon data from the 2006 Lee County Traffic Count Report.

[2] Obtained from the 2006 Lee County Traffic Count Report

[3] Obtained from the Lee County Generalized Service Volumes Table

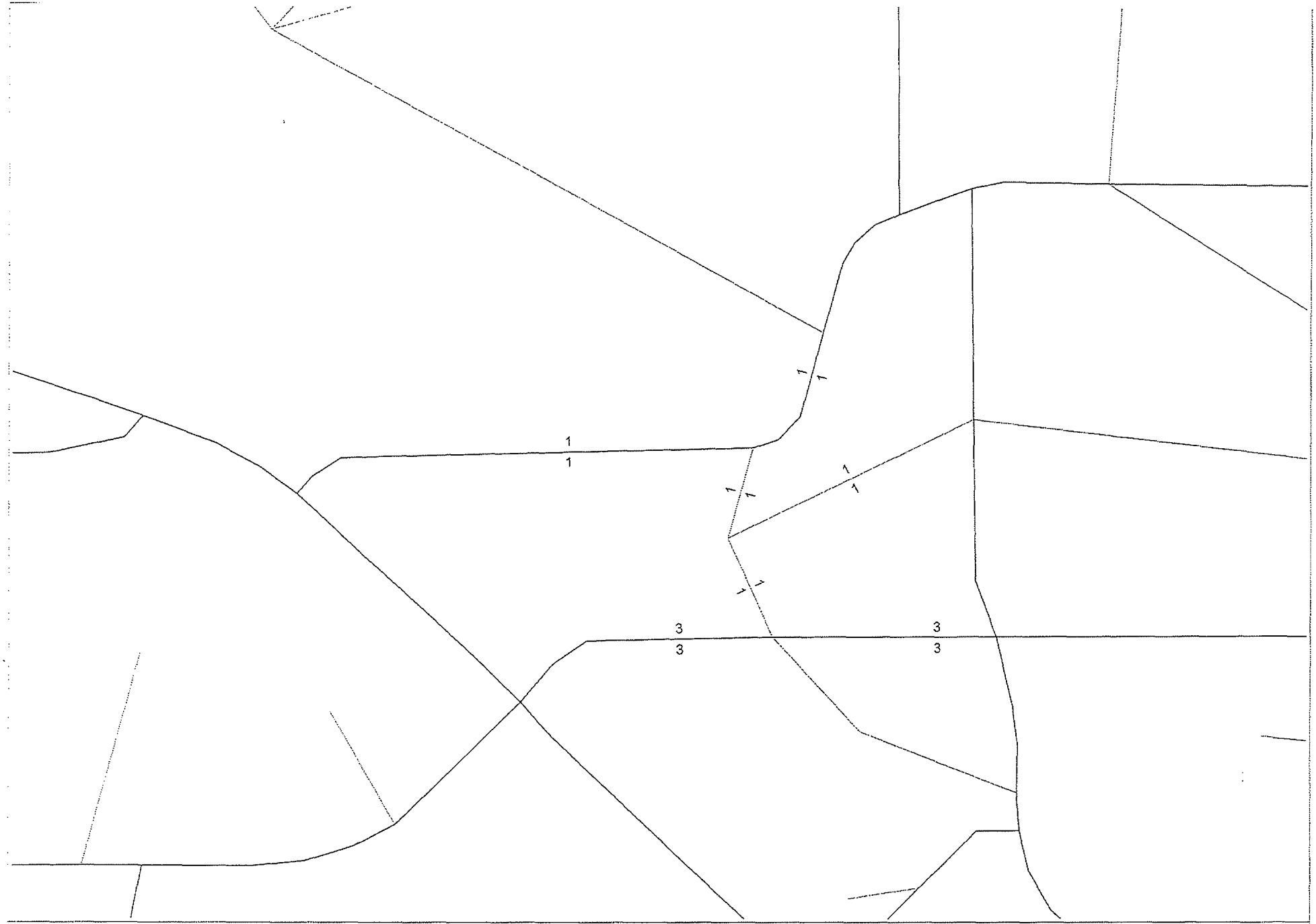
TABLE 3A
2030 TRAFFIC CONDITIONS WITH USES BASED ON DEVELOPERS AGREEMENT
100,000 S.F. MINI-WAREHOUSE, 396,600 S.F. INDUSTRIAL, 100,000 S.F. OFFICE, & 223,000 S.F. SHOPPING CENTER
EXISTING PLUS PROGRAMMED ROAD NETWORK
WEBB BUCKINGHAM COMPREHENSIVE PLAN AMENDMENT

ROADWAY	SEGMENT	# OF LANES	LOS STANDARD	RAW FSUTMS PSWDT	P.C.S. #	PSWDT/AADT FACTOR[1]	2030 AADT	K-100 FACTOR[2]	D FACTOR[2]	TOTAL TRAFFIC PK DIRECTION	LOS SERVICE VOLUME[3]	LOS
Buckingham Rd.	E. of S.R. 82	2LN	E	13,383	11	1.117	11,981	0.104	0.53	660	920	C
	E. of Site	2LN	E	11,154	11	1.117	9,986	0.104	0.53	550	920	C
Lee Blvd.	E. of S.R. 82	6LD	E	60,604	22	1.073	56,481	0.102	0.59	3,399	2,920	F
	E. of Site	6LD	E	57,507	22	1.073	53,595	0.102	0.59	3,225	2,920	F

[1] Calculated based upon data from the 2006 Lee County Traffic Count Report.

[2] Obtained from the 2006 Lee County Traffic Count Report

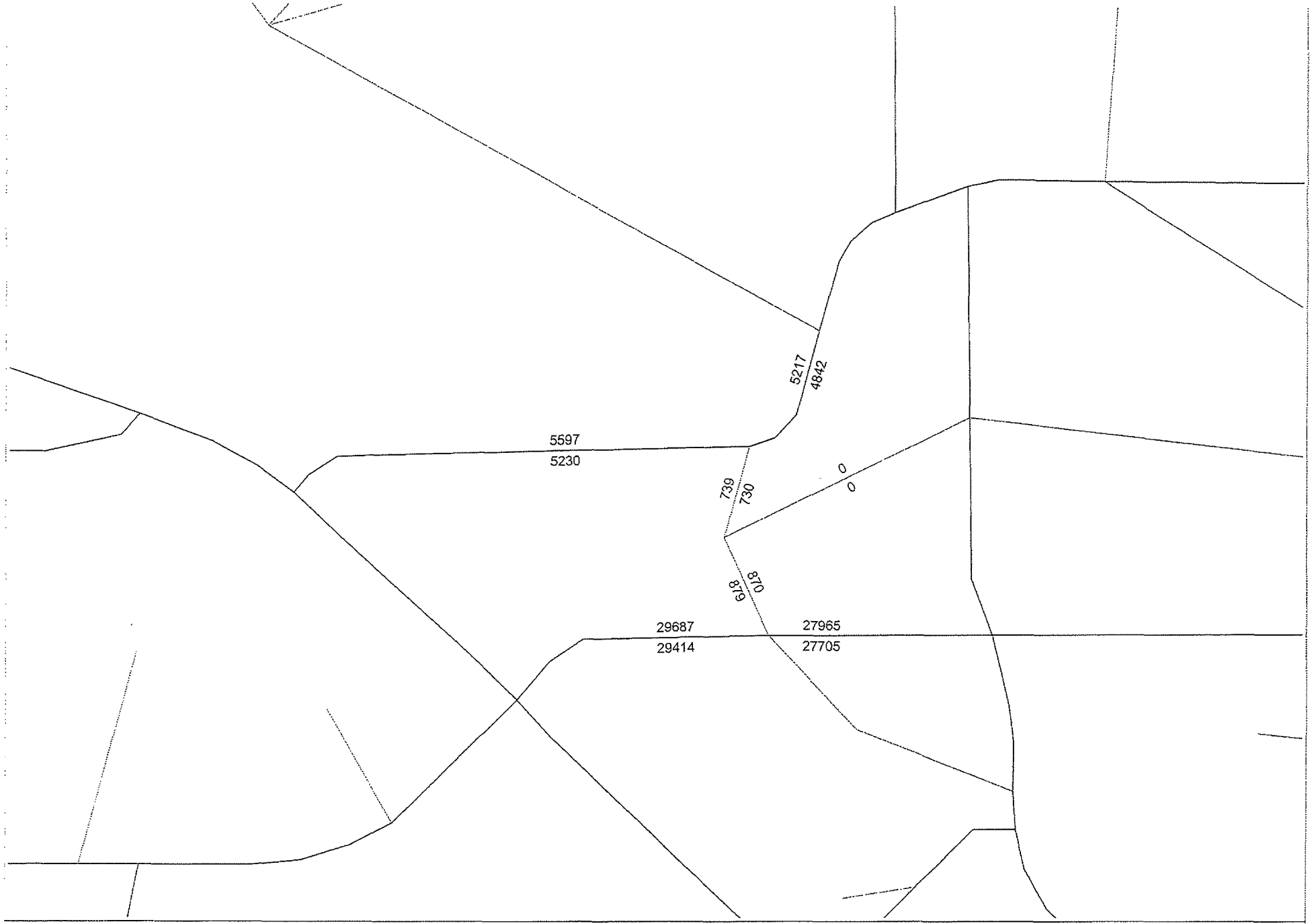
[3] Obtained from the Lee County Generalized Service Volumes Table



2030 Financially Feasible Plan
Number of Lanes Assumed in the Current LRTP
Webb Buckingham

Viper Software by The Urban Analysis Group

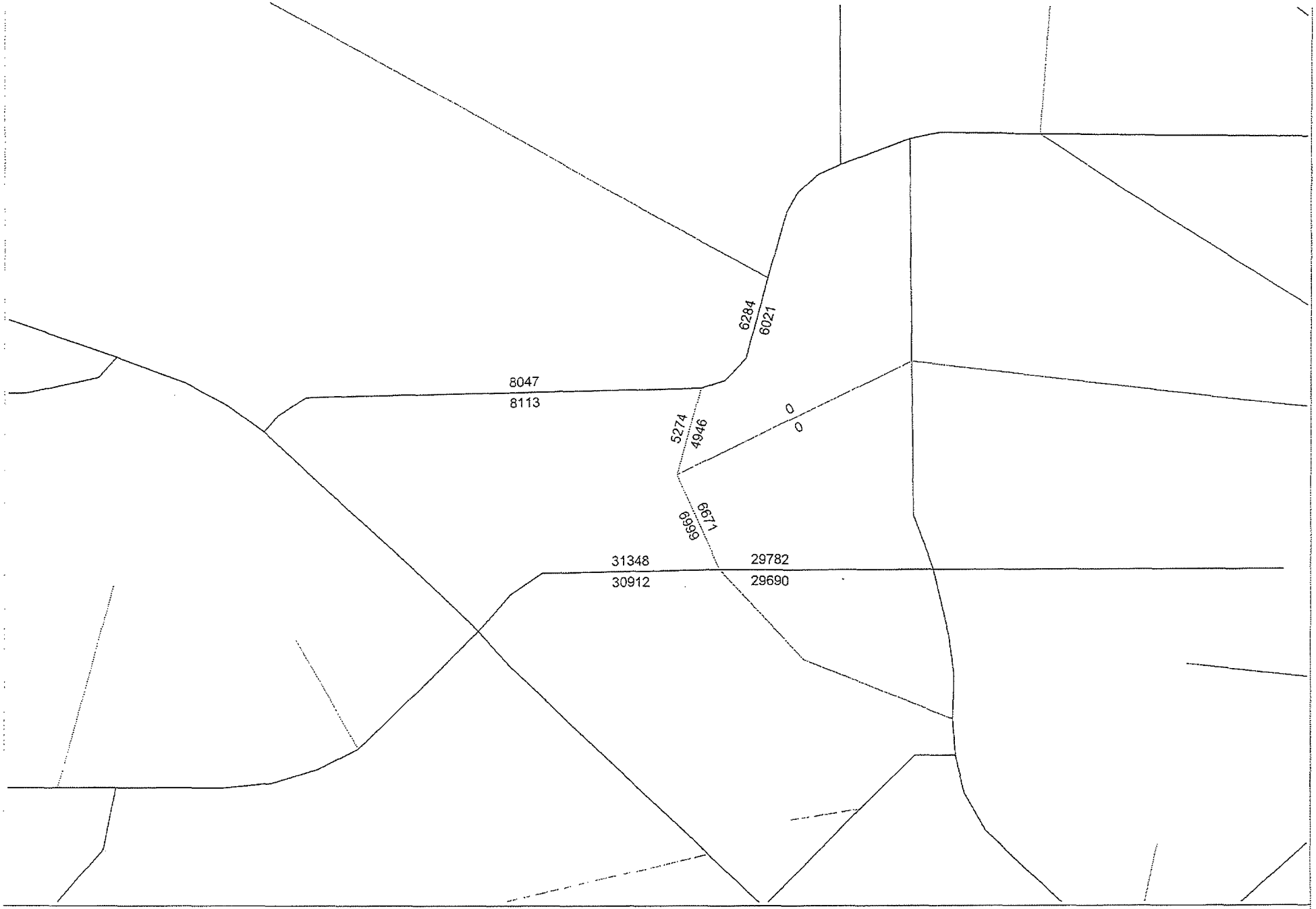
Licensed to Metro Transportation Group, Inc.



2030 Financially Feasible Plan
No Modifications
Webb Buckingham

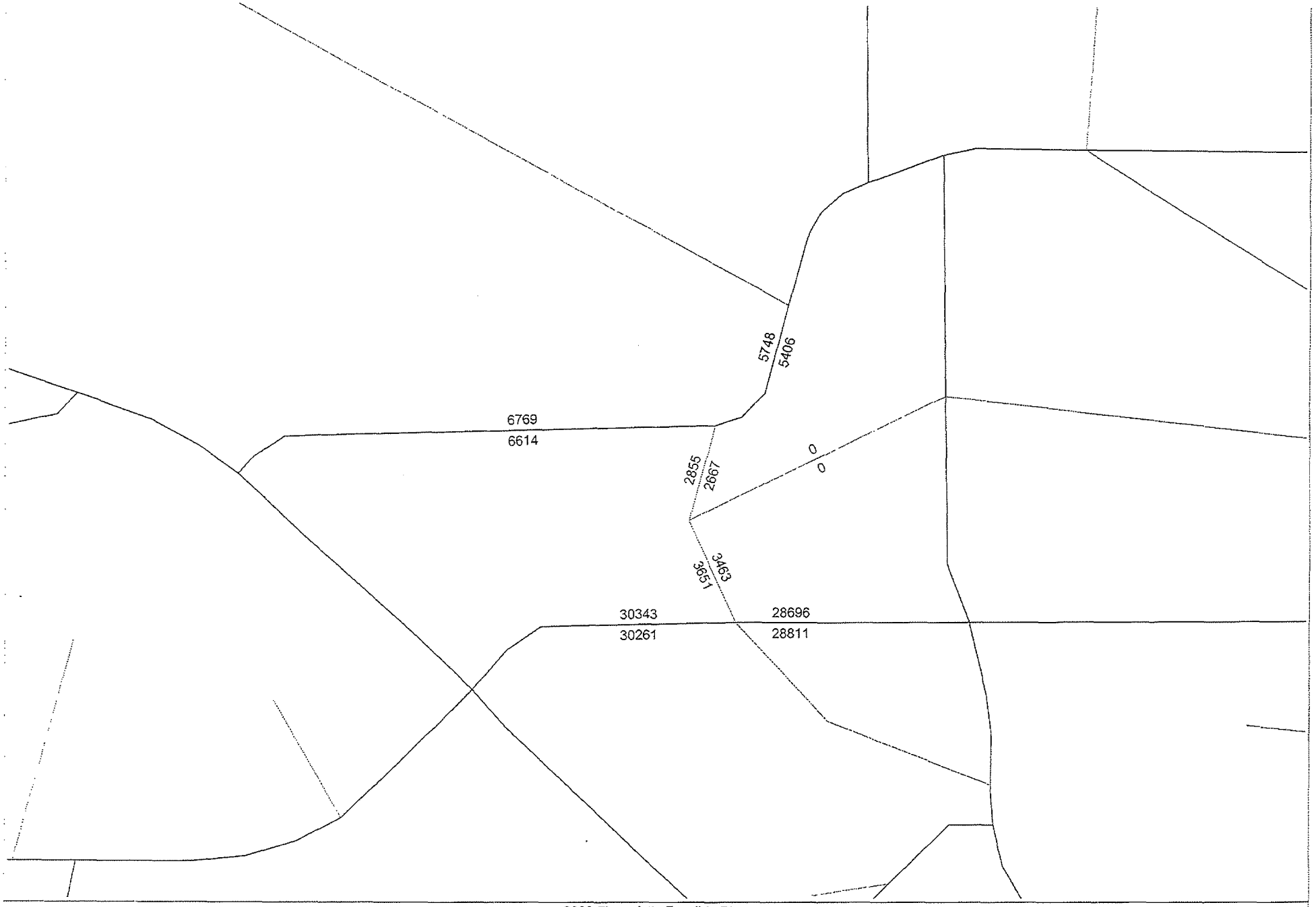
Viper Software by The Urban Analysis Group

Licensed to Metro Transportation Group, Inc.



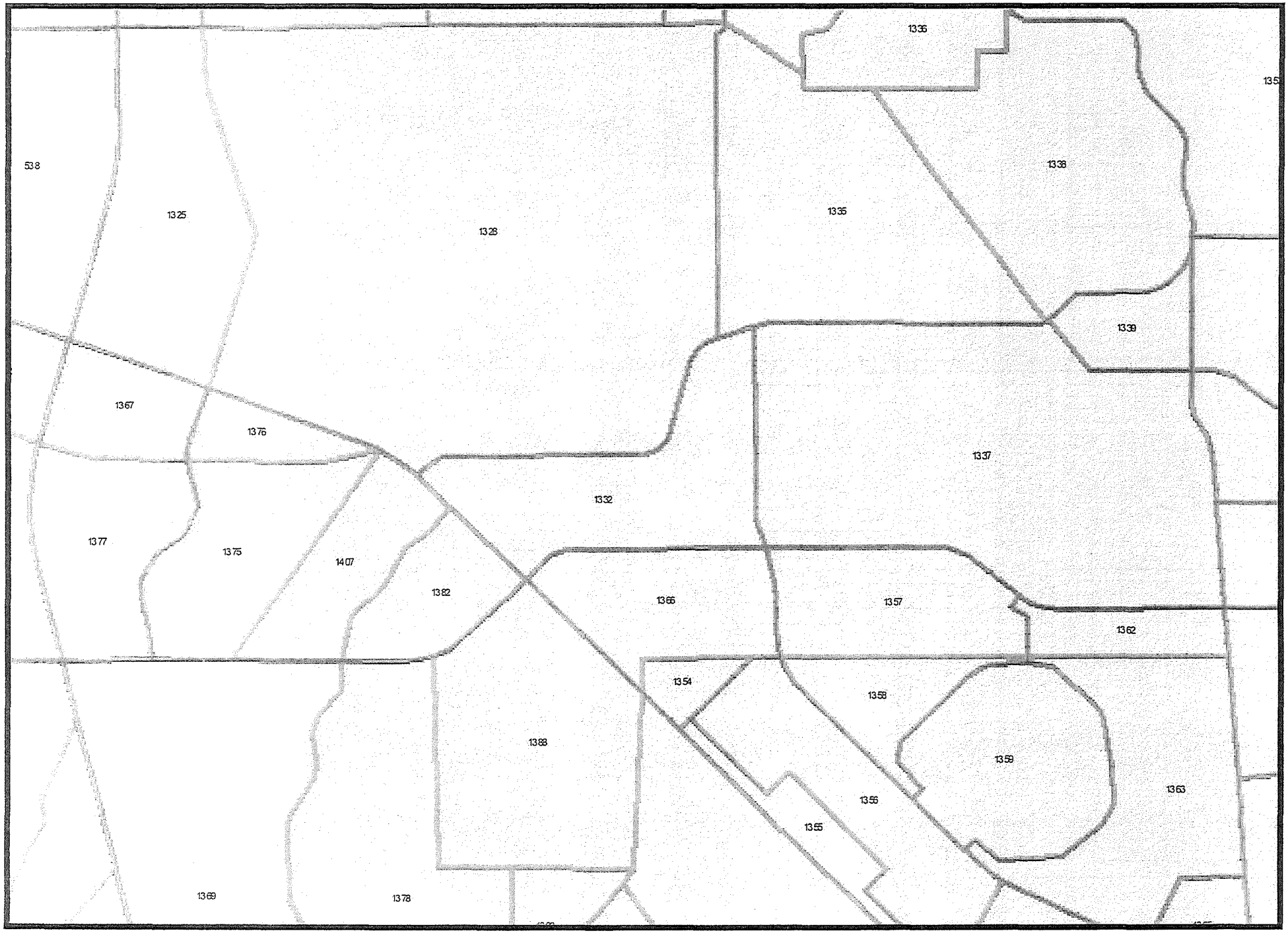
2030 Financially Feasible Plan
Worst Case Scenario Under Proposed Zoning
228,000 s.f. Mini-Warehouse, 904,248 s.f. Industrial, 228,000 s.f. Office, & 513,703 s.f. Shopping Center
Webb Buckingham

Viper Software by The Urban Analysis Group
Licensed to Metro Transportation Group, Inc.



2030 Financially Feasible Plan
Uses Based Upon Proposed Developer's Agreement
100,000 s.f. Mini-Warehouse, 396,600 s.f. Industrial, 100,000 s.f. Office, 223,000 s.f. Shopping Center
Webb Buckingham

Viper Software by The Urban Analysis Group
Licensed to Metro Transportation Group, Inc.


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TYPICAL EMPLOYMENT CONVERSION FACTORS

(October, 1991)

Land Use	Employees/ 1,000 Sq. Ft.[1]	Source[2]
Industrial		
Industrial	1.89	DCA
General Light Industrial	2.16	ITE, p. 82
Industrial Park	2.00	ITE, p. 125
Warehousing	1.28	ITE, p. 183
Office		
General Office, Below 100,000	3.39 4.80	ITE, p. 940 DCA
General Office, 100,000-200,000	3.84 4.40	ITE, p. 940 DCA
General Office, 201,000-500,000	3.22 3.50	ITE, p. 940 DCA
General Office, Above 500,000	2.88 3.50	ITE, p. 940 DCA
General Office, Average	3.29 4.00	ITE, p. 940 DCA
Medical-Dental Office Building	4.83	ITE, p. 975
Office Park	3.59	ITE, p. 1036
Research and Development Center	2.47	ITE, p. 1058
Retail/Commercial		
Retail/Commercial	2.50	DCA

Lee County
Generalized Peak Hour Directional Service Volumes
Urbanized Areas

Sept., 2005 c:\input2

Uninterrupted Flow Highway

Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	100	360	710	1,000	1,270
2	Divided	1,060	1,720	2,480	3,210	3,650
3	Divided	1,590	2,580	3,720	4,820	5,480

Arterials

Class I (>0.00 to 1.99 signalized intersections per mile)

Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	290	760	900	920
2	Divided	450	1,630	1,900	1,950	1,950
3	Divided	670	2,490	2,850	2,920	2,920
4	Divided	890	3,220	3,610	3,700	3,700

Class II (>2.00 to 4.50 signalized intersections per mile)

Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	210	660	850	900
2	Divided	*	490	1,460	1,790	1,890
3	Divided	*	760	2,240	2,700	2,830
4	Divided	*	1,000	2,970	3,500	3,670

Class III (more than 4.50 signalized intersections per mile)

Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	*	370	720	850
2	Divided	*	*	870	1,640	1,790
3	Divided	*	*	1,340	2,510	2,690
4	Divided	*	*	1,770	3,270	3,480

Controlled Access Facilities

Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	120	740	930	960	960
2	Divided	270	1,620	1,970	2,030	2,030
3	Divided	410	2,490	2,960	3,040	3,040

Collectors

Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	*	530	800	850
1	Divided	*	*	560	840	900
2	Undivided	*	*	1,180	1,620	1,720
2	Divided	*	*	1,240	1,710	1,800

Note: the service volumes for I-75 (freeway) should be from FDOT's most current version of LOS Handbook.

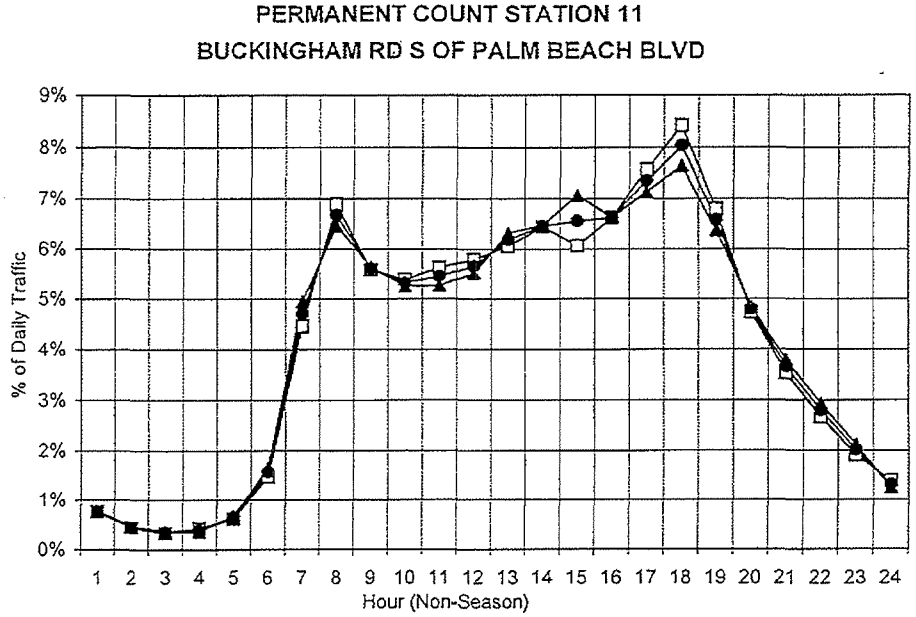
PERMANENT COUNT STATION 11
BUCKINGHAM RD S OF PALM BEACH BLVD

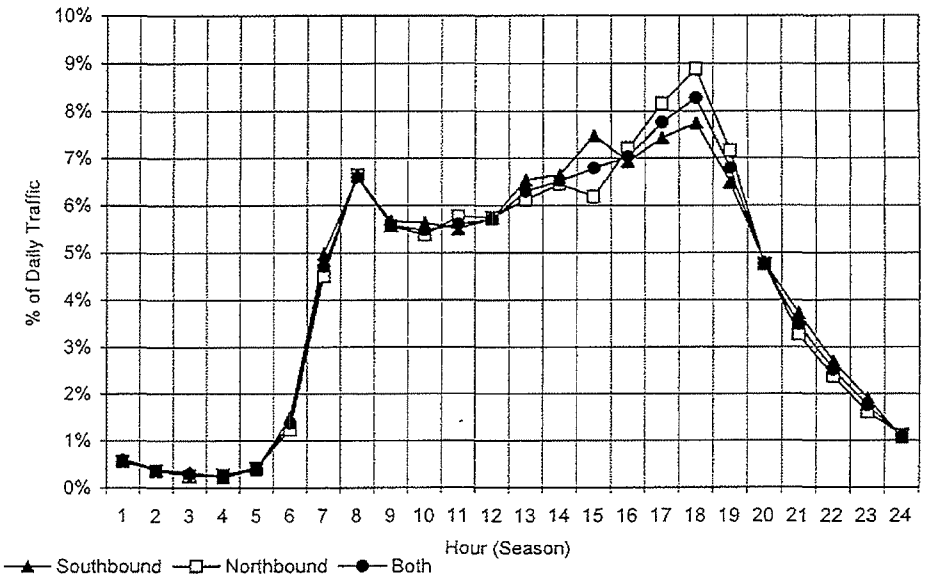
2006 AADT =	9900
K100 Factor -	0.104

Monthly ADT as a % of Annual ADT	
January	95%
February	102%
March	106%
April	99%
May	100%
June	90%
July	84%
August	100%
September	104%
October	104%
November	127%
December	90%

Day of Week as a % of Annual ADT	
Monday	101%
Tuesday	107%
Wednesday	109%
Thursday	110%
Friday	116%
Saturday	91%
Sunday	69%

Weekday Peak Flow Characteristics	Non-Season	Season
Peak Flow between 7 a.m. and 9 a.m		
1) as a % of weekday traffic	6.1%	6.1%
2) directional Split (peak direction)	51% Northbound	50% Southbound
Peak Flow between 4 p.m. and 6 p.m.		
1) as a % of weekday traffic	7.7%	8.0%
2) directional Split (peak direction)	52% Northbound	53% Northbound





PERMANENT COUNT STATION 22
LEE BLVD (SR 884) W OF GUNNERY RD

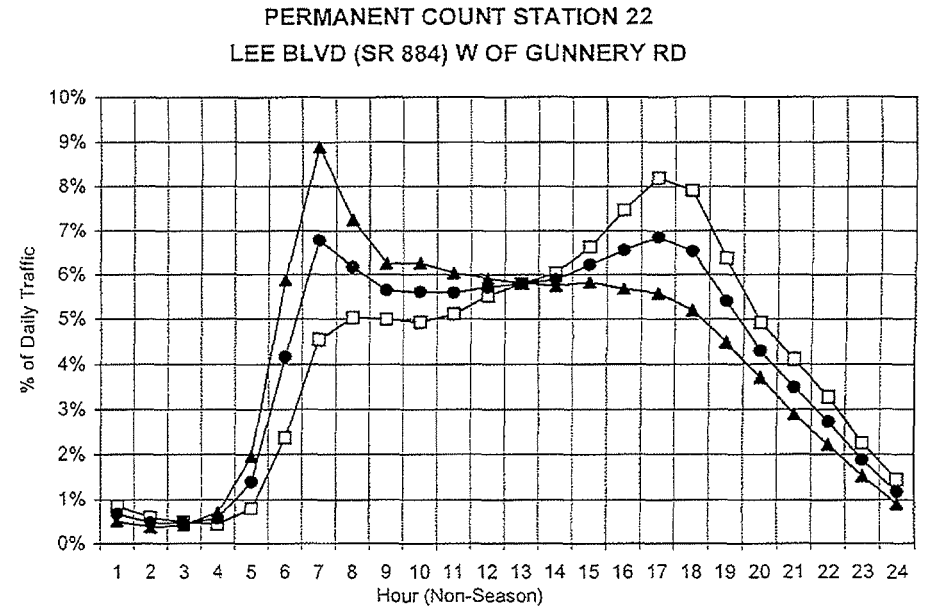
2006 AADT = **23500**

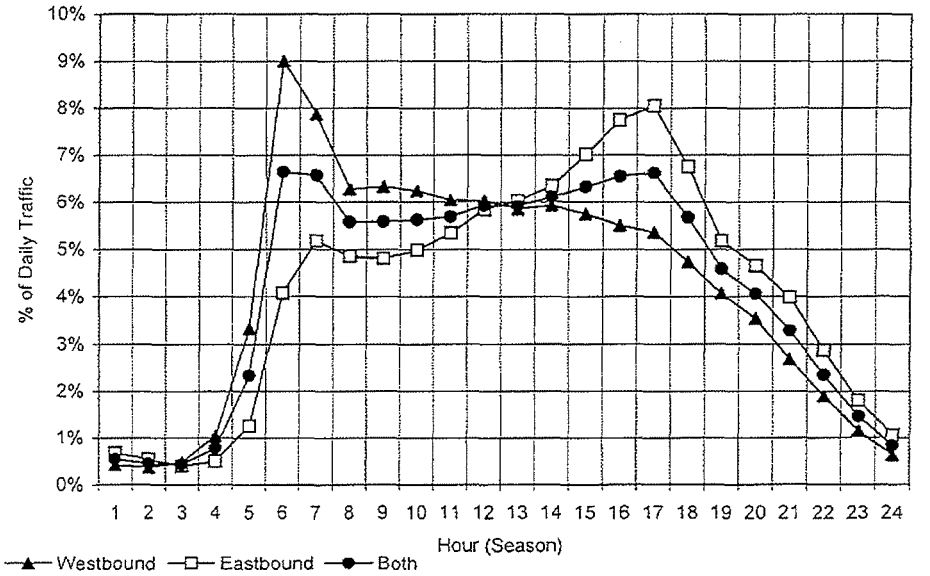
K100 Factor - 0.102

Monthly ADT as a % of Annual ADT	
January	
February	
March	
April	109%
May	109%
June	104%
July	101%
August	93%
September	91%
October	94%
November	96%
December	

Day of Week as a % of Annual ADT	
Monday	103%
Tuesday	106%
Wednesday	107%
Thursday	106%
Friday	115%
Saturday	90%
Sunday	71%

Weekday Peak Flow Characteristics	Non-Season	Season
Peak Flow between 7 a.m. and 9 a.m		
1) as a % of weekday traffic	5.9%	5.6%
2) directional Split (peak direction)	57% Westbound	57% Westbound
Peak Flow between 4 p.m. and 6 p.m.		
1) as a % of weekday traffic	6.7%	6.1%
2) directional Split (peak direction)	60% Eastbound	59% Eastbound





WEBB COMPREHENSIVE PLAN AMENDMENT

9711 Buckingham Road
Lee County, Florida

COMPREHENSIVE PLAN MAPS

WEBB COMPREHENSIVE PLAN AMENDMENT

9711 Buckingham Road
Lee County, Florida

Exhibit:
Public Transit

Quattrone & Associates, Inc.

EXHIBIT
PUBLIC TRANSIT

WEBB CPA (a.k.a. CARTLON PROPERTY)
Future Land Use Map and Text Amendment
STRAP#: 19-44-26-00-00003.0000
9711 Buckingham Road, Lehigh Acres, Florida 33971

As quoted from a Lee Tran representative in a correspondence to Lee County Planning "Current transit service is approximately ½ mile from the subject property along Lee Boulevard. This service could be accessed to and from the Carlton Property on foot or bicycle. The short range transit development plan does not identify a need for transit service in the area other than on Lee Boulevard, and the long-range transportation plan keeps transit service on the Lee Boulevard and SR 82 corridors. While transit service does not seem likely at this point on Buckingham Road, there will be some demand for access to transit. I feel the applicant should address pedestrian walkways and even bikeways that could be constructed for individuals to use getting to and from the transit corridors."

In response to these comments we offer the following comments. The route Lee Tran mentions is Route 110 (next page). As depicted on the map there is not an opportunity for the subject property to connect a pedestrian walkway or bikeway to the route access since many properties separate the site from Lee Tran access on Lee Boulevard. We do concede that this project, at build-out, may cause demand for transit access.

According to the Lee Plan Bikeways/Facilities Map (3) it appears bike path improvements are slated close to the subject property. If, at the time of development order such improvements would be required along Buckingham Road the applicant would gladly comply. The applicant would agree to any improvements required fronting the subject property to further enhance the bike path or walkway network of Lee County. Internally the site will offer pedestrian interconnections.

We have designated an area reserved for a Bus Shelter on the conceptual site plan.

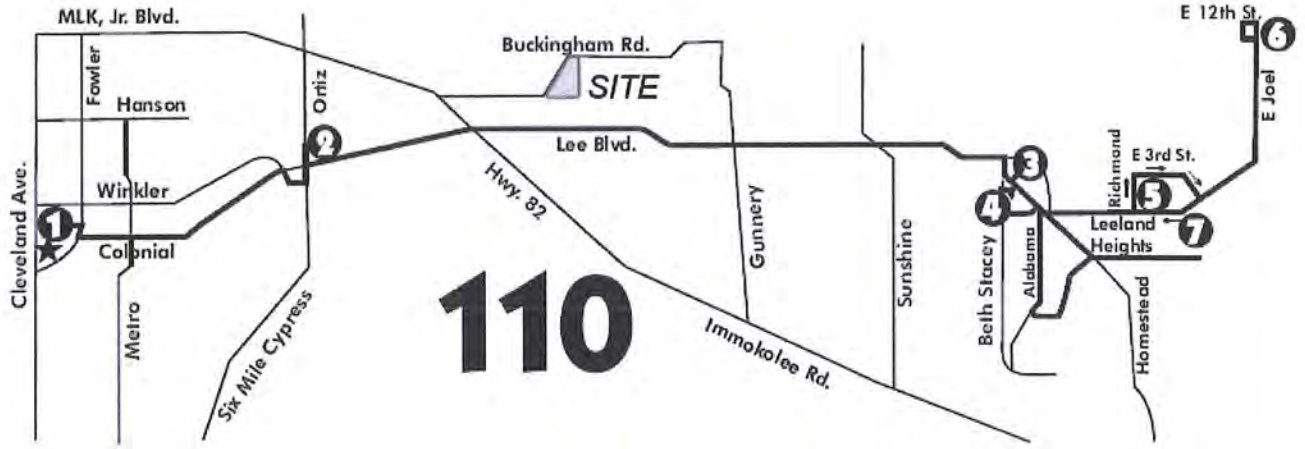
Quattrone & Associates, Inc.

Route 110 Landmarks

1. Edison Mall
2. Ruth Cooper Ctr.
3. Homestead Plaza
4. Sunshine Villas
5. E 3rd & Richmond
6. E 12th & Joel Blvd.
7. Joel Blvd. & Bell Blvd.
- ★ Transfer Centers

Monday - Friday Service

No Sunday Service on Route 110



EASTBOUND

1 Edison Mall	2 Ruth Cooper Center	3 Homestead Plaza	4 Sunshine Villas	5 E 3rd & Richmond	6 E 12th & Joel Blvd
--	-*	--	--	5:30	5:40
5:50	--	--	--	6:20	6:30
6:40	--	7:20	--	7:30	7:40
7:30	7:48	8:10	8:15	8:30	8:40
10:05	10:23	10:45	10:50	11:05	11:15
12:40	**12:58**	**1:20**	**1:25**	**1:40**	**1:50**
2:00	**2:18**	**2:40**	**2:45**	**3:00**	**3:10**
3:15	**3:33**	**3:55**	**4:00**	**4:15**	**4:25**
4:35	**4:53**	**5:15**	**5:20**	**5:35**	**5:45**
5:50	--	**6:30**	**6:35**	**6:50**	**7:00**
8:25	--	**9:02***	*	**9:20**	**9:30**

PM times in **BOLD**

* - Bus does not pull into Homestead Plaza parking lot.
** - Service on this trip will be provided to Alabama Rd.

Bus Pass Outlet Locations

Fort Myers	Rosa Parks Transportation Center -- 2250 Park Street
	LeeTran Office 6035 Landing View Road
So. Fort Myers	Edison College Student Services Building
Cape Coral	City Hall 1015 Cultural Parkway

WESTBOUND

All Times Approximate

6 E 12th & Joel Blvd	7 Joel Blvd. & Bell Blvd.	4 Sunshine Villas	3 Homestead Plaza	2 Ruth Cooper Ctr	1 Edison Mall
5:40	5:45	--	5:55**	--	6:30
6:30	6:35	--	6:45**	--	7:20
7:45	7:52	8:07	8:17	8:39	8:55
8:45	8:52	9:07	9:17	9:39	9:55
11:20	11:27	11:42	11:52	**12:14**	**12:30**
1:55	**2:02**	**2:17**	**2:27**	**2:49**	**3:05**
3:15	**3:22**	**3:37**	**3:47**	**4:09**	**4:25**
4:30	**4:37**	**4:52**	**5:02**	**5:24**	**5:40**
5:50	**5:57**	--	**6:07**	--	**6:40**
7:05	**7:12**	**7:27**	**7:37**	--	**8:15**
9:30	**9:37**	--	**9:45**	--	--

WEBB COMPREHENSIVE PLAN AMENDMENT

9711 Buckingham Road
Lee County, Florida

Conceptual Site Plan with City of Fort Myers Development Plan for property to south

WEBB COMPREHENSIVE PLAN AMENDMENT

9711 Buckingham Road
Lee County, Florida

City of Fort Myers Staff Letters

City of Fort Myers, Florida

Engineering Division
P.O. Box 2217
Ft. Myers, FL 33902-2217
Telephone (239)461-2689
Fax (239)332-6604

December 11, 2006

Fred Drovdlic, AICP
Quattrone & Associates, Inc.
11000 Metro Parkway, Suite 30
Fort Myers, FL 33966

RE: LETTER OF INTENT FOR PUBLIC ROADWAY
ADDRESS: 9711 Buckingham Road, Lehigh Acres, Florida 33971

Dear Mr. Drovdlic,

On November 22, 2006 you wrote a letter requesting verification of the City's intent to pursue a north-south connector road from Lee Boulevard north through the City's proposed wastewater treatment plant to Buckingham Road. This correspondence is to serve that request.

It is the desire and intent of the City of Fort Myers and Lee County Public Works/Solid Waste to secure a north-south public access connection from Lee Boulevard to Buckingham Road. The property referenced above, of which your firm represents as an authorized agent, lies between the proposed treatment plant and Buckingham Road. A public access through the property represents the preferred road alignment. We recognize that the owners of the property wish to coordinate with the City and assist in this effort by dedicating public right-of-way through the property, thus providing free and unlimited access for the public and traffic for the City of Fort Myers proposed wastewater treatment plant to the south.

We have reviewed the preliminary site plan and feel the proposed alignment generally meets the intent of the City for public access from Lee Boulevard to Buckingham Road. Please feel free to contact me with any questions.

Sincerely,

Saeed Kazemi, P.E.
City Engineer

City of Fort Myers, Florida

Roger Powell Robinson, P.E.
2200 Second Street
Ft. Myers, FL 33902-2217
Telephone (239) 332-6822
Fax (239) 332-6604
rrobinson@cityftmyers.com

August 11, 2006

Al Quattrone
11000 Metro Pkwy., Suite 30
Fort Myers, FL 33912

Re: Parcel No.: 19-44-26-00-00003.0000
3410 and 3450 Hanson Street
Water and Sewer Availability

Dear Al:

SEWAGE PLANT AND COLLECTION LINES:
There is an existing 4" sanitary sewer force main approximately 1,100 feet west of your southwest property corner. The City's wastewater plant can provide treatment capacity for the above project under the below listed conditions. Any additional on-site collection lines, pump stations, and appurtenances needed to handle project flows must be installed by the owner.

WATER PLANT AND DISTRIBUTION MAINS:
Potable Water– There is an existing 12" potable water transmission main approximately 1,100 feet west of your southwest property corner. The City's water plant can provide treatment capacity to serve the above project under the below listed conditions. The owner must install any additional on-site water mains and appurtenances needed for adequate domestic water supply and fire protection.

RECLAIMED WATER TRANSMISSION/DISTRIBUTION MAINS:
There is an existing 12" reclaim water transmission main approximately 1,100 feet from your southwest property corner. The City's current reclaimed treatment capacity is committed. The City plans to be able to provide additional capacity for irrigation by the end of 2007. When capacity does become available, the property owner would be required to enter into a separate reclaimed user agreement that includes provisions for bulk storage and special handling of effluent. The owner must install all on-site distribution lines and appurtenances needed to handle project flows. Please be advised that separate potable water irrigation meters may be available for irrigation needs upon request.

CONSTRUCTION OF MAINS AND APPURTENANCES
In each case above, service is provided on a first come first served basis, upon receipt of a formal request for service, payment of all appropriate fees and charges, and approval of all

State and Local Regulatory Agencies. The owner will be responsible for the installation and/or upgrading of any off site sewer, water, and reclaimed water system mains or appurtenances required to meet Project and area wide needs.

JURISDICTIONAL AUTHORITY APPROVAL

Since your project is outside of the jurisdictional boundaries of the City of Fort Myers, you will need to provide a "Letter of No Objection" from the authority having utility jurisdiction (either FGUA or Lee County Utilities) before we can approve your connection into our system. In addition, there are special requirements in the City Code regarding "Service outside City" (Sec. 122-31).

Public Works will do a thorough evaluation of total sewage handling and water servicing when proper building plans are submitted.

Sincerely,

Roger P. Robinson, P.E., Design Engineer

Cc: Saeed Kazemi, P.E., Robert Erickson, E. I.

WEBB COMPREHENSIVE PLAN AMENDMENT

9711 Buckingham Road
Lee County, Florida

Agency Comment Letters

Florida Department of Environmental Protection

South District
P.O. Box 2549
Fort Myers, Florida 33902-2549

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

January 16, 2009

John Barker, Principal
JCB Consulting Services, LLC
7769 Woodland Bend Circle
Fort Myers, Florida 33912

Re: Lee County – SW
Waste Material Relocation Planning Letter Report
Buckingham Landfill Project Phases

Dear Mr. Barker:

Let this acknowledge receipt and review of the referenced submittal, received by the Department on December 16, 2008.

Your previous submittal of September 10, 2007 addressed the relocation of waste in the City of Fort Myers Portion of the old Buckingham Landfill. Based on information in both submittals, the Landfill Disturbance Project may last for an extended period of time, and will be conducted in phases. Therefore, let this letter and our letter of July 12, 2007 (copy enclosed) govern disturbance of both the County and City Portions of the Buckingham Landfill.

Groundwater Monitoring

Groundwater quality monitoring was conducted at the facility until 2003 when it was demonstrated that no adverse impacts to groundwater were present. As approved by the Department, groundwater monitoring was discontinued and all monitoring wells were abandoned.

The Waste Material Relocation Planning Letter Report approximates 3,000 tons of on-site waste relocation will be required during the roadway construction project (initial phase). In accordance with your initial submittal, the City of Fort Myers has agreed to abide by the Solid Waste Department's Document, "*Guidance For Disturbance and Use Of Old Closed Landfills or Waste Disposal Areas In Florida*". Based on the amount of material to be relocated, the Department will require the submittal of a Preliminary Contamination Assessment Plan (PCAP) to monitor effects of the waste relocation on groundwater and leachate at the facility. Please refer to Appendix E of the referenced document summarizing the components of a PCAP. The PCAP submittal will be required prior to initiating waste relocation activities.

John Barker
Waste Material Relocation Planning Letter Report
Buckingham Landfill Project Phases
January 16, 2009

Construction

1) Applicants must apply for and obtain all necessary Department permits prior to construction, as addressed in the Department letter of July 12, 2007.

2) Applicants shall notify the Department at least two weeks prior to commencement of any construction phase.

3) Applicants shall allow all authorized representatives of the Department access to the Landfill Disturbance Project at reasonable times for the purpose of determining compliance with this Agreement and Department rules.

Our records indicate that the Portion of the Buckingham Landfill located at 9711 Buckingham Road, Lehigh Acres, Florida, formerly operated by Lee County, is no longer owned by the County. Therefore, please provide a letter from each of the three listed property owners (Carlton Land Holdings, LLC; Grand Isle 407, LLC; and Buckingham CMC, LLC) stating that they give their permission for the Landfill Disturbance Project in accordance with this letter before any activities take place on the site, and that they agree to abide by the aforementioned Document. Under these circumstances, a solid waste permit will not be necessary for the proposed construction at the old landfill site.

If you have any questions concerning this letter, please contact Bill Krumbholz at (239) 332- 6975, ext. 155; or Frank Nemec, ext. 156; concerning water monitoring. Your cooperation in this matter is appreciated.

Sincerely,

Bill Krumbholz for

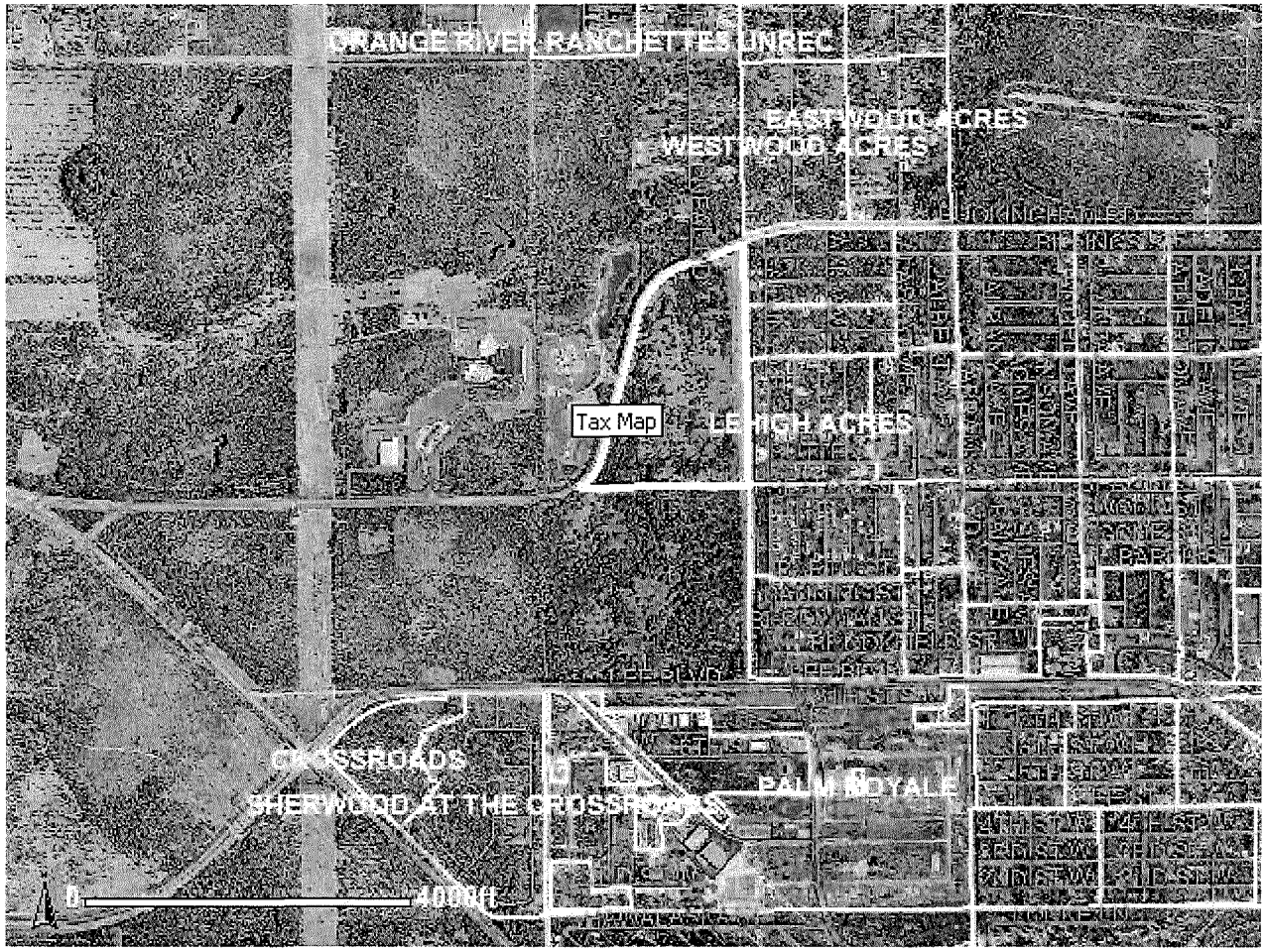
Charles Emery III
Environmental Administrator

Enclosure

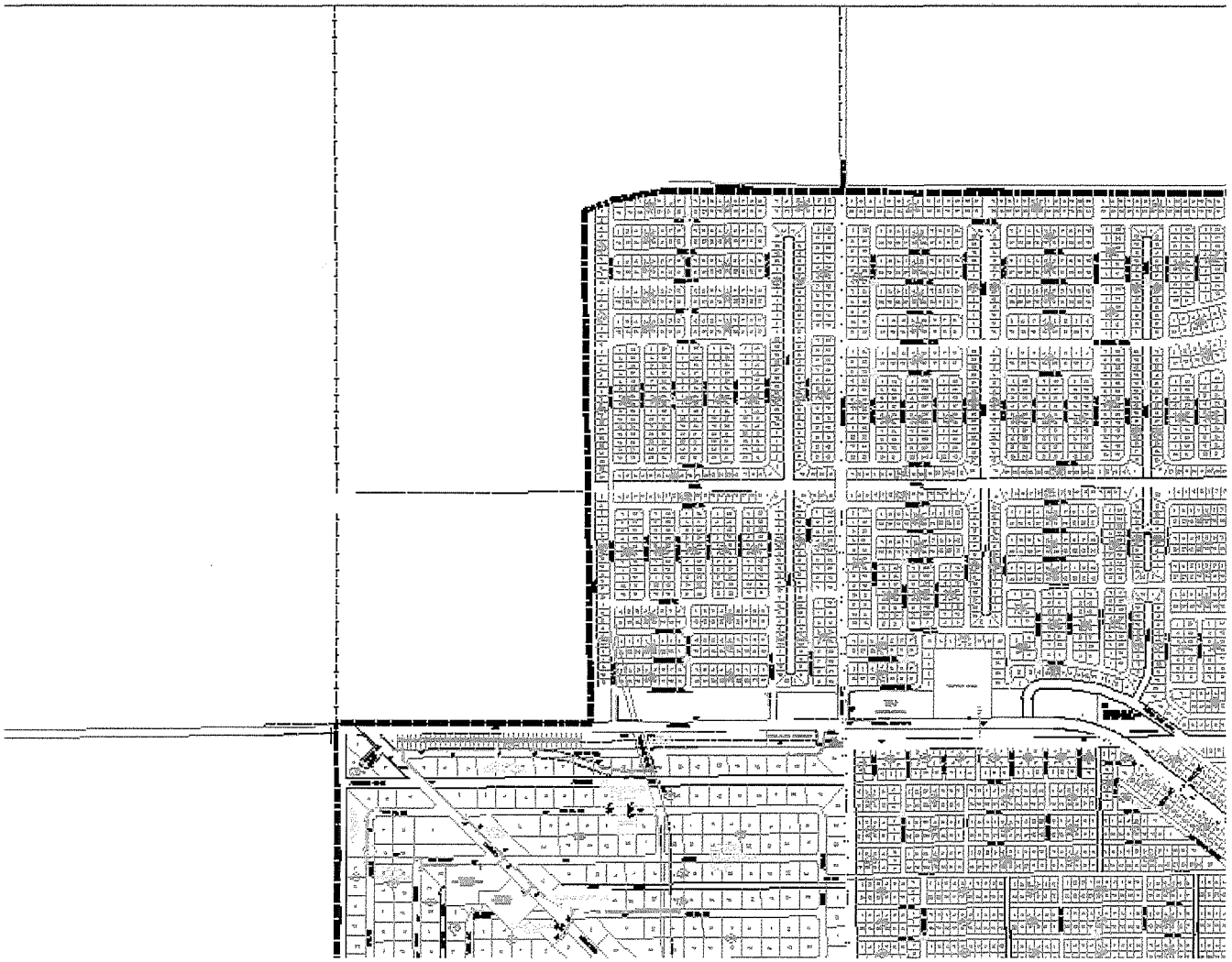
cc: Lucy Blair – w/encl.
Jack Myers – w/encl.
Charles Davault – w/encl.

3410 & 3450 Hanson Street
Parcel # 19-44-26-00-00003.0000
Water and sewer availability
As shown on the FGUA system maps shown on the next two pages

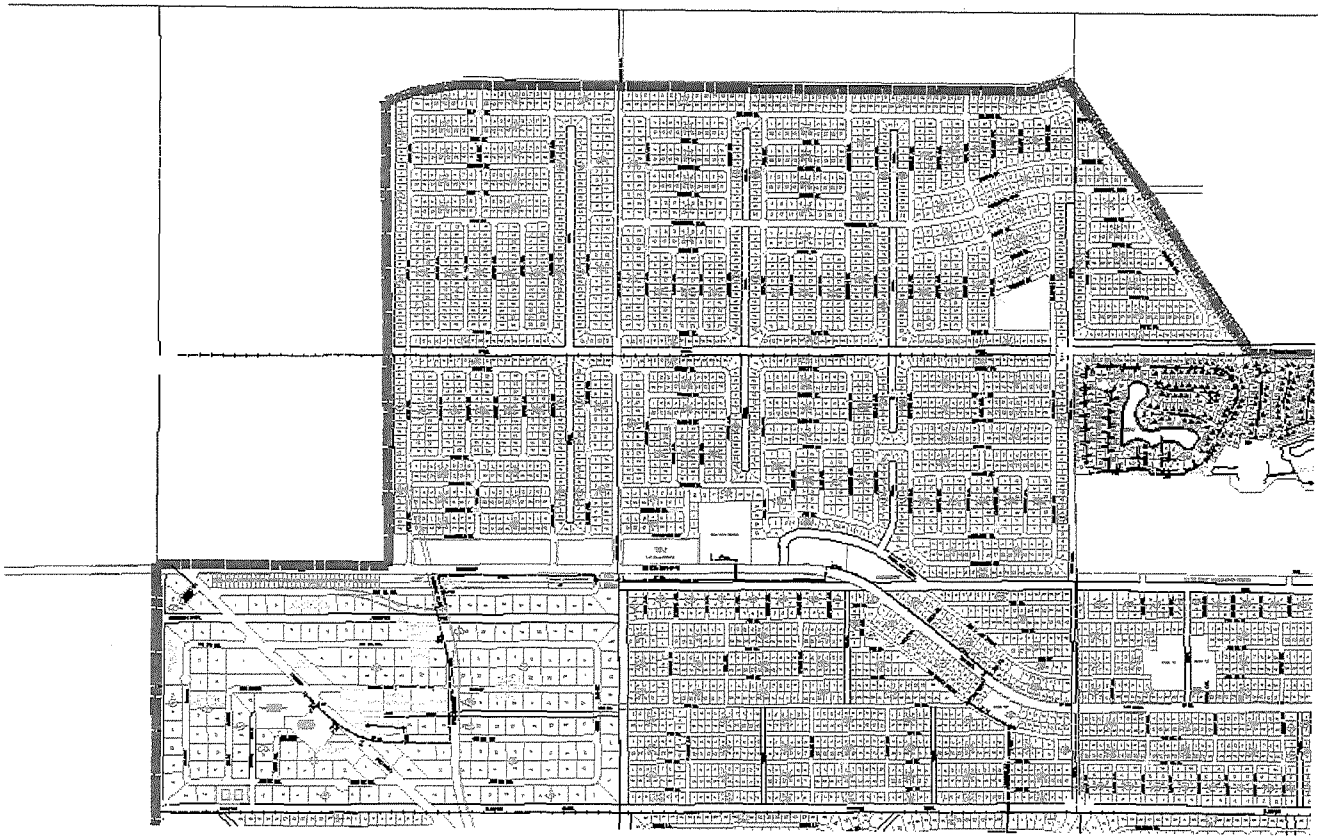
Lee Property Appraiser Web Tax Map



Water



Wastewater



TICE FIRE & RESCUE DISTRICT
FIRE PREVENTION & INSPECTIONS

Ted Ross Jr.
Fire Marshal
(239) 694-2380
www.ticefire.com

9351 Workmen Way
Ft. Myers, Fl. 33905
Fax (239) 694-7399

July 31, 2006

Quattrone & Associates
11000 Metro Parkway, Suite 27
Ft. Myers, FL 33912

Attn: Fred Drovdlic

RE: 9711 Buckingham Road

Dear Sir,

After reviewing the rezoning request for the building of up to 819,600 square feet of a mixed commercial and light industrial park, the Tice Fire & Rescue District does not object to the construction of this project. With the information provided about the specific types of occupancies that will be constructed, it is difficult to say what additional, if any, equipment will be required to support this project. We anticipate working with the developer as the project moves forward to address any conditions or needs. The district currently provides fire protection services to other industrial sites and parks located in the immediate area of this proposal. The district does reserve the right for future reference regarding the fire protection features as well as water supply and fire department access for this proposal. Anyone with any questions should feel free to contact me at 239 694-2380.

Respectfully,

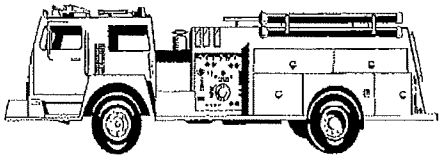
Ted Ross
Fire Marshal
Tice Fire / Rescue District

Smoke Detectors Save Lives

08/02/06 11:47pm P. 002 239 694 7399 TICE FIRE DIST

TICE FIRE & RESCUE DISTRICT

Chief
Gregory A. Bradley
(239) 694-2380
www.ticefire.com



9351 Workmen Way
Ft. Myers, Fl. 33905
Fax (239) 694-7399

FAX TRANSMITTAL COVER SHEET

TO: Iniavette Ramirez, Quattrone & Associates

FROM: Ted Ross

DATE: 8/3/06

TOTAL # OF PAGES INCLUDING COVER SHEET 2

FAX # 936-7228

COMMENTS:
If you need anything further, please let me know.

Ted Ross
Fire Marshal

This is intended only for the person so addressed. If you have accidentally received this transmission please immediately notify the sender at 239-694-2380. Thank you.

08/02/06 11:47PM P. 001 239 694 7388 TICE FIRE DIST

Mike Scott
Sheriff

State of Florida
County of Lee

Mr. Fred Drovdlic
Quattrone & Associates, Inc...
11000 Metro Parkway, Suite 30
Fort Myers, FL. 33912

August 17, 2006

Dear Mr. Drovdlic:

The Sheriff's Office has reviewed your letter dated June 27, 2006 outlining your intention to request Lee County to consider a comprehensive plan amendment for the area of 9711 Buckingham Road in Lehigh Acres, Florida (the Webb Buckingham project). According to my staff, the amendment, if approved, will increase the future density of the property from vacant land to approximately 819,600 square feet of light industrial and commercial use office space and has a tentative start date of sometime in mid to late 2009.

If the proposed development follows that which you have discussed with my staff then the Sheriff's Office has no objection to this project and I am confident that we can provide an adequate "core" level of law enforcement services to the area. As is our policy, we evaluate from year to year the demand for law enforcement services based on a formula derived from our calls for service, size of the service population and optimal response times. As this project builds out we will factor its impact into our annual manpower review and make adjustments accordingly.

We look forward to further discussions on this matter as the development progresses. Please let us know if there are any significant changes in the projected density of the project.

Sincerely,

Mike Scott
Sheriff, Lee County Florida

FLORIDA DEPARTMENT OF STATE
Sue M. Cobb
Secretary of State
DIVISION OF HISTORICAL RESOURCES

September 25, 2006

Fred Drovdlic, AICP
Quattrone & Associates, Inc.
11000 Metro Parkway, Suite 30
Fort Myers, FL 33912
Fax: 239-936-7228

Dear Mr. Drovdlic:

In response to your inquiry of September 21, 2006, the Florida Master Site File lists no previously recorded cultural resources in the following parcels:

T:44S R:26E Section 19 (also known as parcel 19-44-26-00-00003.0000)

In interpreting the results of our search, please remember the following points:

- **Areas which have not been completely surveyed, such as yours, may contain unrecorded archaeological sites, unrecorded historically important structures, or both.**
- **As you may know, state and federal laws require formal environmental review for some projects. Record searches by the staff of the Florida Master Site File do not constitute such a review of cultural resources. If your project falls under these laws, you should contact the Compliance Review Section of the Bureau of Historic Preservation at 850-245-6333 or at this address.**

If you have any further questions concerning the Florida Master Site File, please contact us as below.

Sincerely,

Ginny Jones
Senior Database Analyst, Florida Master Site File
Division of Historical Resources
R. A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399-0250

Phone: 850-245-6440, Fax: 850-245-6439
State SunCom: 205-6440
Email: *fmsfile@dos.state.fl.us*
Web: *http://www.dos.state.fl.us/dhr/msf/*

05-09-13
3.01

THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901 • (239) 334-1102 • TTD/TTY (239) 335-1512

STEVEN K. TRUBER, J.D.
CHAIRMAN • DISTRICT 4

ELINOR C. SCRICCA, PH.D.
VICE CHAIRMAN • DISTRICT 5

ROBERT D. CHILMONIK
DISTRICT 1

JEANNE S. DOZIER
DISTRICT 2

JANE E. KUCKEL, PH.D.
DISTRICT 3

JAMES W. BROWDER, ED.D.
SUPERINTENDENT

KEITH B. MARTIN
BOARD ATTORNEY

July 14, 2006

Ms. Iniavette Ramirez
Quattrone & Associates
11000 Metro Parkway, Suite 30
Fort Myers, FL 33912

Re: Comprehensive Plan Amendment and Rezoning
9711 Buckingham Road, Lehigh Acres

Dear Ms. Ramirez:

This letter is in response to your letter concerning the Comprehensive Plan Amendment and Rezoning of land located at 9711 Buckingham Road, Lehigh Acres. This proposed development is in the East Choice Zone of the District.

This development should have no impact on classroom needs based on the applicant's indication that this is a commercial project only and will not have any residential units.

Thank you for your attention to this issue. If I may be of further assistance, please give me a call at (239)337-8678.

Sincerely,

Ellen Lindblad

Ellen Lindblad, Long Range Planner
Planning Department

WEBB COMPREHENSIVE PLAN AMENDMENT

9711 Buckingham Road
Lee County, Florida

Proposed Schedule of Uses

Quattrone & Associates, Inc.

EXHIBIT 6-M
SCHEDULE OF USES

WEBB CPA (a.ka. CARTLON PROPERTY)
Future Land Use Map and Text Amendment
STRAP#: 19-44-26-00-00003.0000
9711 Buckingham Road, Lehigh Acres, Florida 33971

PROJECT SUMMARY

Planning Community	Buckingham
Current Future Land Use	Rural
Proposed Future Land Use	Urban Community
Current Zoning	AG-2
Requested Zoning	Combined IPD/CPD
Residential Units	None requested
Gross Square Footage	95.6 acres

SCHEDULE OF USES

INDUSTRIAL PLANNED DEVELOPMENT (IPD)
Accessory uses and structures
Accessory apartment
Administrative offices
Agricultural services
Agricultural uses and agricultural accessory uses
Animals: Clinic or kennel
Control center (including Humane Society)
Automobile repair and service (all groups)
Boat repair and service
Boat storage, dry
Broadcast studio, commercial radio and television
Cold storage, pre cooling, warehouse and processing plant
Communication facility, wireless
Computer and data processing services
Contractors and builders, all groups
Entrance gates and gatehouse
Emergency operations center
EMS, fire or sheriff's station
Essential services
Essential service facilities: Groups I and II
Fences, walls

Flea market: Open
Indoor
Forestry tower
Gasoline dispensing system, special
Insurance companies
Laundry or dry cleaning: Group II
Manufacturing of:
Apparel products
Electrical machinery and equipment
Food and kindred products: Group III
Furniture and fixtures
Leather products: Group II
Lumber and wood products: Groups II and IV
Machinery, Groups I and II
Measuring, analyzing and controlling instruments
Novelties, jewelry, toys and signs, all groups
Rubber and plastic products: Group II
Textile mill products, Group I
Maintenance facility (Government)
Parcel and express services
Parking lot: Accessory
Temporary
Photofinishing laboratory
Place of worship
Post office
Printing and publishing
Processing and warehousing
Recreation facilities:
Commercial: Group(s) I, III, IV, and V
Recreational vehicles
Religious facilities
Rental or leasing establishment: Group(s) I, II, III, and IV
Repair shops: Groups III, IV, and V
Research and development laboratories: Groups II and IV
Retail and wholesale sales, when clearly incidental and subordinate to a permitted principal use on the same premises
Signs (in accordance with chapter 30)
Storage: Indoor
Storage: Open
Warehouse: Mini warehouse
Private
Public
Cold storage only
Wholesale establishments: Groups III and IV

Quattrone & Associates, Inc.

COMMERCIAL PLANNED DEVELOPMENT (CPD)

Accessory uses and structures
Administrative offices
ATM (automatic teller machine)
Auto parts store
Automobile service station (one)
Bait and tackle shop
Banks and financial establishments: Group(s) I and II
Bar or cocktail lounge
Building material sales
Business services: Groups I and II
Car wash
Cleaning and maintenance services
Clothing stores, general
Clubs: Fraternal, membership organization
Private
Computer and data processing services
Consumption on premises
Department store
Drive through facility for any permitted use
Drugstore, pharmacy
Essential services
Essential service facilities: Group I
Fences, walls
Food and beverage service, limited
Food stores: Group(s) I and II
Gift and souvenir shop
Hardware store
Hobby, toy and game shops
Household and office furnishings, all groups
Laundry or dry cleaning: Group I
Lawn and garden supply stores
Library
Medical office
Nonstore retailers, all groups
Package store
Parking lot: Accessory
Personal services: Group(s) I, II, III, and IV
Pet services
Pet shop
Pharmacy
Place of worship
Plant nursery
Real estate sales office
Recreation facilities:
Commercial: Group(s) I, III, IV, and V
Religious facilities
Rental or leasing establishment: Groups I, II and III

Restaurants: Groups I, II and III
Signs (in accordance with chapter 30)
Social services: Group(s) I, II, III, and IV
Specialty retail shops: Group(s) I, II, III, and IV
Temporary uses
Theater, indoor
Used merchandise stores: Group(s) I, II, III and IV

PROPERTY DEVELOPMENT REGULATIONS

Minimum Area Dimensions:	
Min. Lot Size	20,000 sq. ft.
Min. Depth	100 sq. ft.
Min. Width	100 sq. ft.
Maximum Height	35 ft.
Maximum Lot Coverage	40%
Minimum Open Space	20% (CPD), 10% (IPD)
Minimum Setbacks:	
Buckingham Road	75 ft.
Rear (south)	25 ft.
Side Yard (east)	50 ft.
Water body	25 ft.
Accessory Structures (side and rear)	15 ft.

GENERAL PROJECT NOTES

1. No blasting is requested.

WEBB COMPREHENSIVE PLAN AMENDMENT

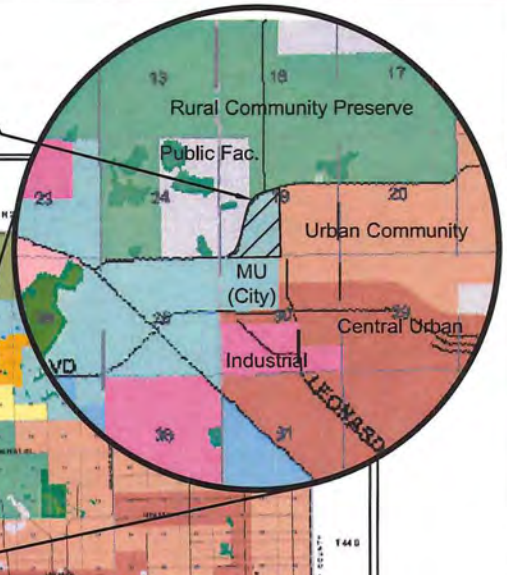
9711 Buckingham Road
Lee County, Florida

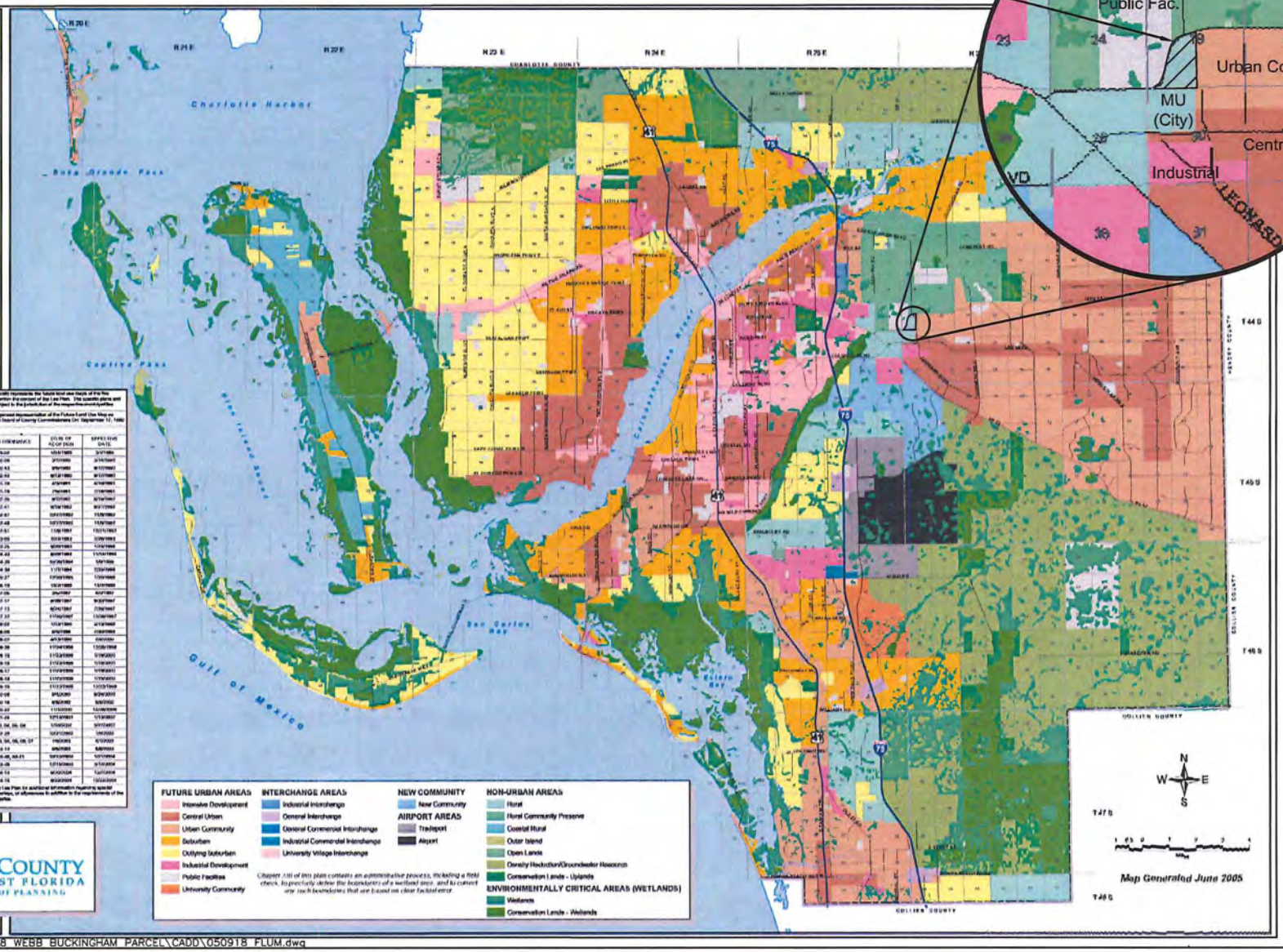
Exhibit A-2:
Current Future Land Use Map

FUTURE LAND USE MAP

(Lee Plan Map 1 Page 1 of 5)

SUBJECT PARCEL
STRAP #19-44-26-00-00003.0000
95.60 ACRES
CURRENT: **RURAL**





LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

WEBB BUCKINGHAM CPA
EXHIBIT A-2 CURRENT FLUM
CARLTON LAND HOLDINGS, LLC
LEE COUNTY, FLORIDA

Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
11000 Metro Parkway, Suite 30 - Fort Myers, Florida 33912 - 239-936-5222
Certificate of Authorization Number 3667

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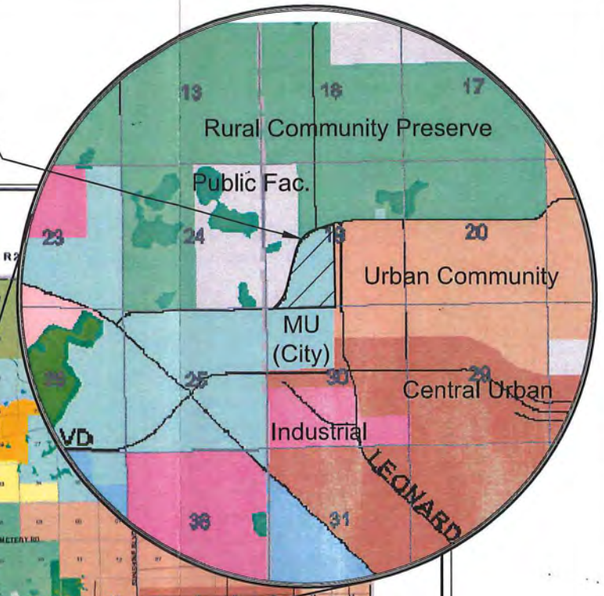
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1 of 2

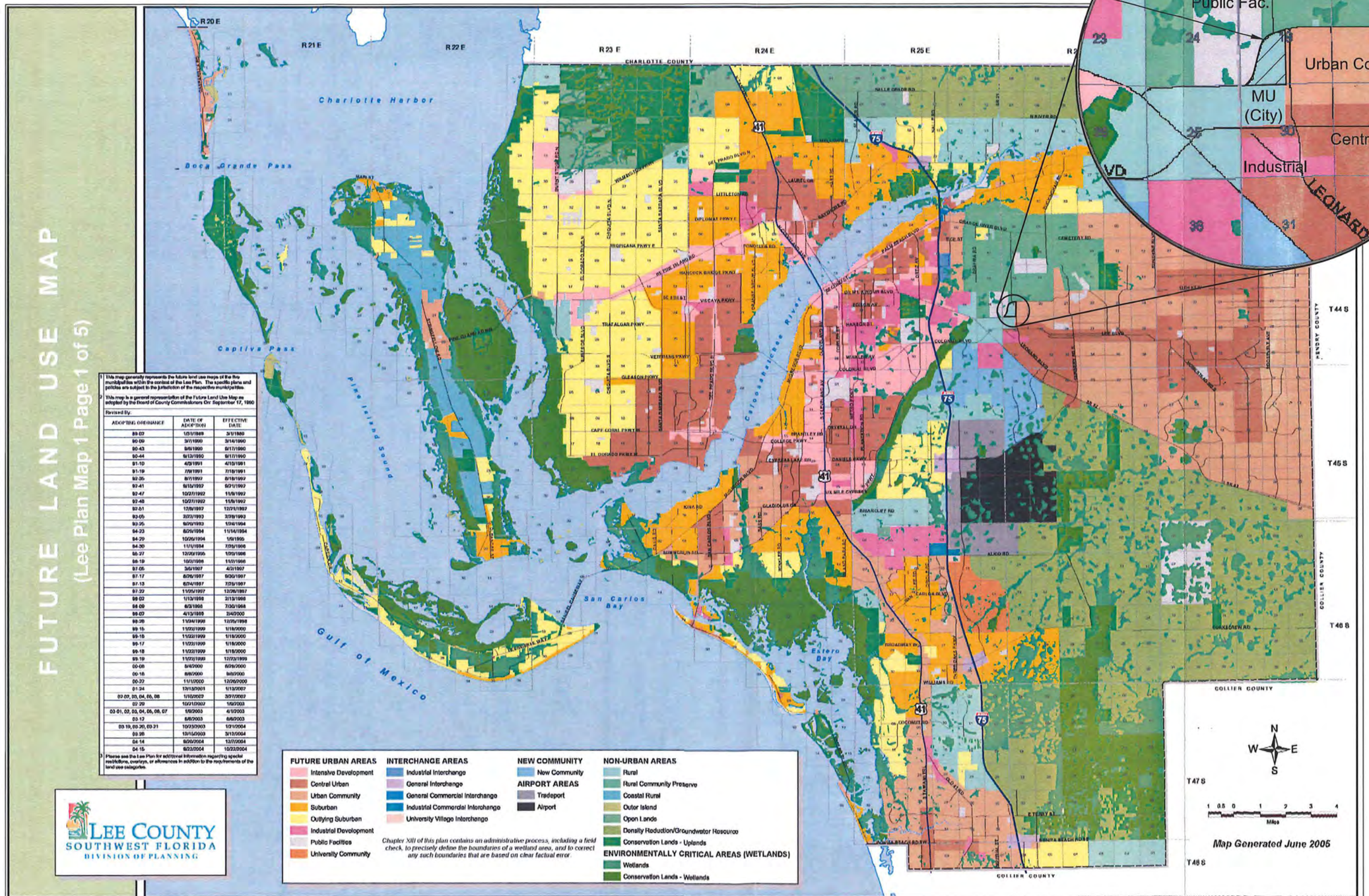
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FUTURE LAND USE MAP

(Lee Plan Map 1 Page 1 of 5)

SUBJECT PARCEL
STRAP #19-44-26-00-00003.0000
95.60 ACRES
CURRENT: **RURAL**





1) This map generally represents the future land use maps of the five municipalities within the context of the Lee Plan. The specific plans and policies are subject to the jurisdiction of the respective municipalities.

2) This map is a general representation of the Future Land Use Map as adopted by the Board of County Commissioners On: September 17, 1990

Revised By:

ADOPTING ORDINANCE	DATE OF ADOPTION	EFFECTIVE DATE
89-07	1/31/1989	3/1/1989
90-09	3/7/1990	3/14/1990
90-43	9/6/1990	9/17/1990
90-44	9/12/1990	9/17/1990
91-10	4/3/1991	4/15/1991
91-19	7/9/1991	7/18/1991
92-35	8/7/1992	8/18/1992
92-41	9/15/1992	9/21/1992
92-47	10/27/1992	11/9/1992
92-48	10/27/1992	11/9/1992
92-51	12/8/1992	12/21/1992
93-05	2/23/1993	2/28/1993
93-05	8/26/1993	1/24/1994
94-23	8/25/1994	11/14/1994
94-29	10/26/1994	1/9/1995
94-30	11/1/1994	7/25/1996
96-27	12/20/1995	1/20/1996
96-19	10/2/1996	11/2/1996
97-05	3/6/1997	4/3/1997
97-17	8/26/1997	9/30/1997
97-13	8/24/1997	7/25/1997
97-22	11/25/1997	12/26/1997
98-02	1/13/1998	2/13/1998
98-09	6/3/1998	7/30/1998
99-07	4/13/1999	2/4/2000
98-26	1/24/1998	12/25/1998
99-15	1/22/1999	1/18/2000
99-16	1/22/1999	1/18/2000
99-17	1/22/1999	1/18/2000
99-18	1/22/1999	1/18/2000
99-19	1/22/1999	12/23/1999
00-08	6/4/2000	6/26/2000
00-16	8/8/2000	9/8/2000
00-22	11/1/2000	12/26/2000
01-24	12/13/2001	1/13/2002
02-02, 03, 04, 05, 06	1/16/2002	3/27/2002
02-20	10/21/2002	1/6/2003
03-01, 02, 03, 04, 05, 06, 07	1/6/2003	4/1/2003
03-12	6/6/2003	6/6/2003
03-19, 03-20, 03-21	10/23/2003	1/21/2004
03-26	12/15/2003	3/12/2004
04-14	8/20/2004	12/7/2004
04-15	8/23/2004	10/22/2004

3) Please see the Lee Plan for additional information regarding special restrictions, overlays, or allowances in addition to the requirements of the land use categories.

LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

FUTURE URBAN AREAS
- Intensive Development
- Central Urban
- Urban Community
- Suburban
- Outlying Suburban
- Industrial Development
- Public Facilities
- University Community

INTERCHANGE AREAS
- Industrial Interchange
- General Interchange
- General Commercial Interchange
- Industrial Commercial Interchange
- University Village Interchange

NEW COMMUNITY
- New Community

AIRPORT AREAS
- Tradeport
- Airport

NON-URBAN AREAS
- Rural
- Rural Community Preserve
- Coastal Rural
- Outer Island
- Open Lands
- Density Reduction/Groundwater Resource
- Conservation Lands - Uplands

ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)
- Wetlands
- Conservation Lands - Wetlands

Chapter XIII of this plan contains an administrative process, including a field check, to precisely define the boundaries of a wetland area, and to correct any such boundaries that are based on clear factual error.

WEBB BUCKINGHAM CPA
EXHIBIT A-2 CURRENT FLUM
CARLTON LAND HOLDINGS, LLC
LEE COUNTY, FLORIDA

REVISIONS
DATE

Q Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
11000 Metro Parkway, Suite 30 - Fort Myers, Florida 33912 - 239-936-5222
Certificate of Authorization Number: 9465

VALID ONLY WITH EMBOSSED SEAL

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A-2
1 of 2

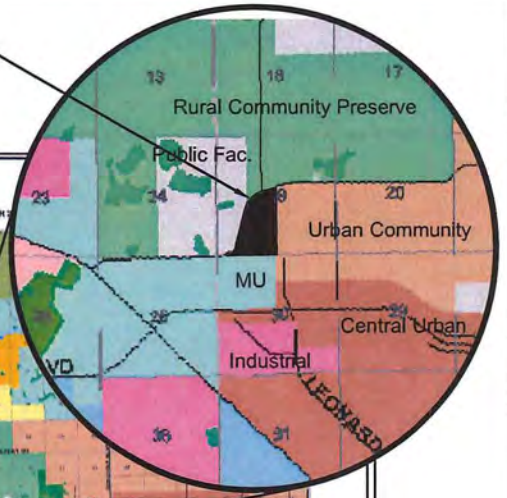
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WEBB COMPREHENSIVE PLAN AMENDMENT

9711 Buckingham Road
Lee County, Florida

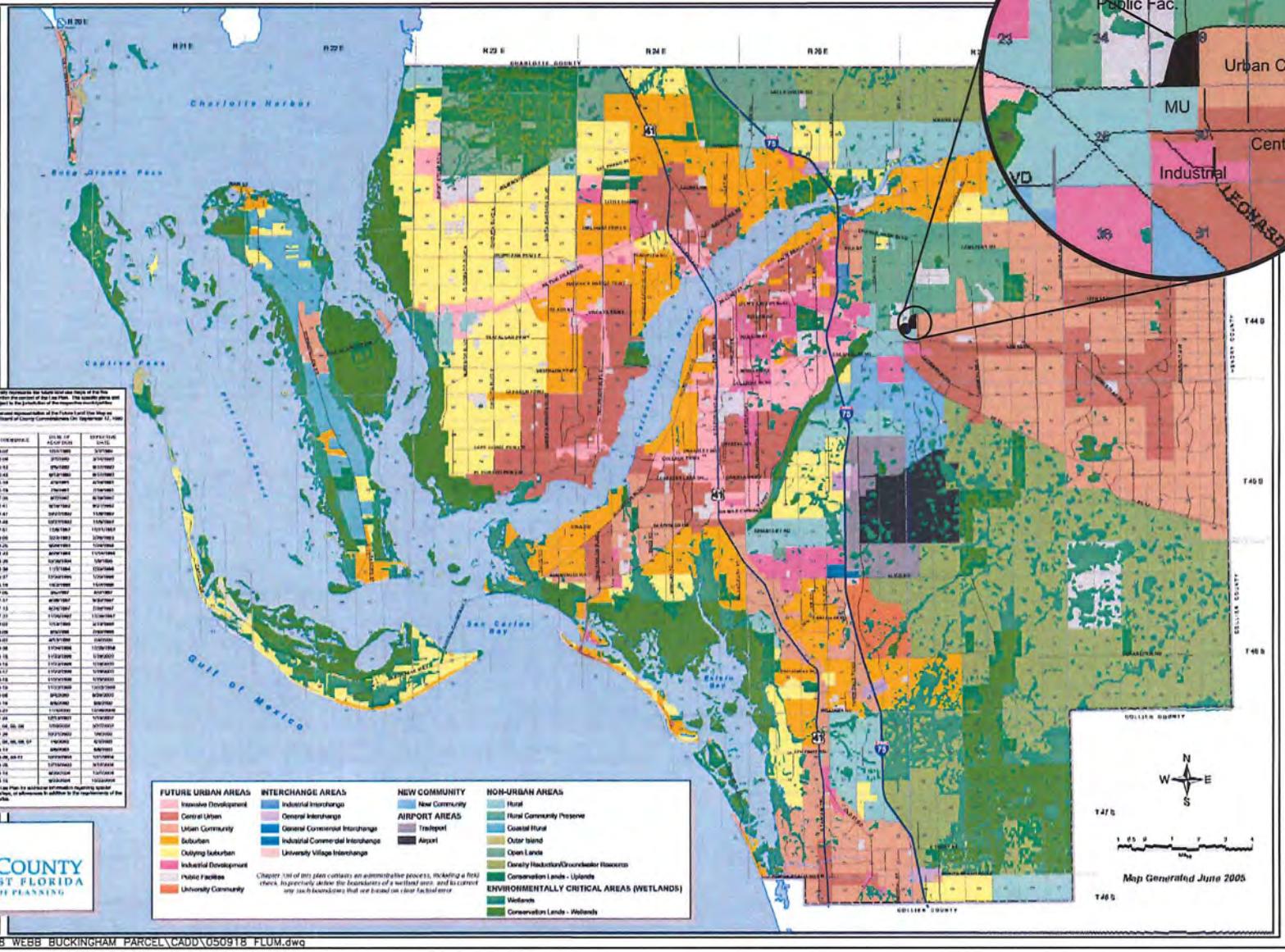
Exhibit A-2:
Proposed Future Land Use Map

SUBJECT PARCEL
STRAP #19-44-26-00-00003.0000
95.60 ACRES
PROPOSED: **URBAN COMMUNITY**



FUTURE LAND USE MAP

(Lee Plan Map 1 Page 1 of 5)



LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
11000 Metro Parkway, Suite 20 • Fort Myers, Florida 33912 • 239-936-1322
Certificate of Authorization Number 1481

WEBB BUCKINGHAM CPA
EXHIBIT A-2 PROPOSED FLUM
CARLTON LAND HOLDINGS, LLC
LEE COUNTY, FLORIDA

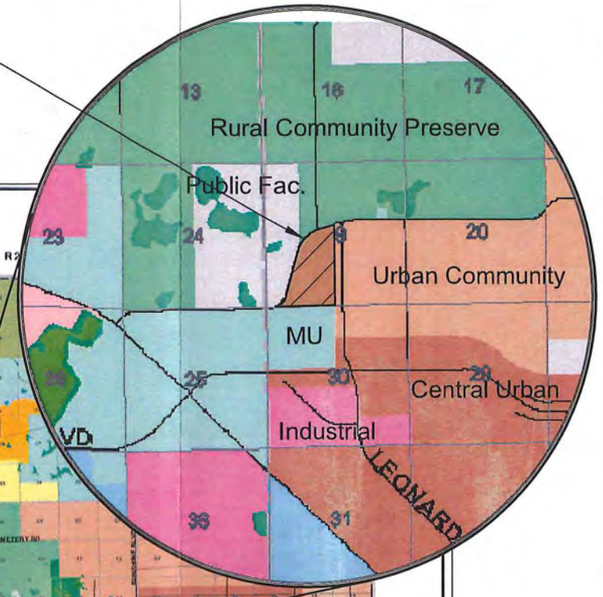
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REVISIONS

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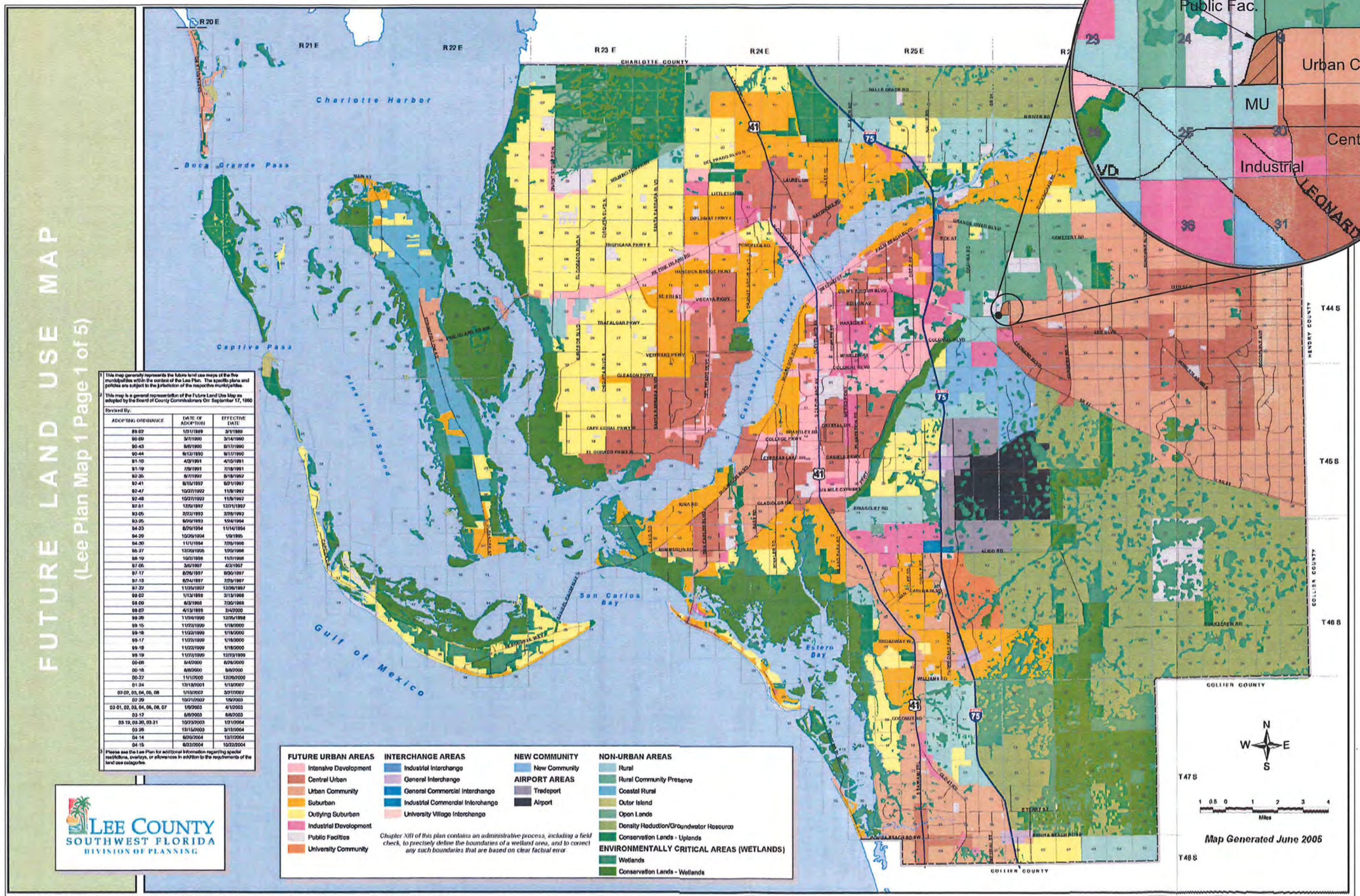
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SUBJECT PARCEL
STRAP #19-44-26-00-00003.0000
95.60 ACRES
PROPOSED: **URBAN COMMUNITY**



FUTURE LAND USE MAP

(Lee Plan Map 1 Page 1 of 5)



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LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

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- University Community

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WEBB BUCKINGHAM CPA
EXHIBIT A-2 PROPOSED FLUM
CARLTON LAND HOLDINGS, LLC
LEE COUNTY, FLORIDA

DATE | REVISIONS

Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
11000 Metro Parkway, Suite 30 - Fort Myers, Florida 33912 - 239-936-5222
Certificate of Authorization Number: 945

VALID ONLY WITH EMBOSSED SEAL

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FRI, 5-5-2006 9:04 AM

050918 FLUM.DWG

A-2
2 OF 2

P:\2005 Projects\050918 WEBB BUCKINGHAM PARCEL\CADD\050918 FLUM.dwg

WEBB COMPREHENSIVE PLAN AMENDMENT

9711 Buckingham Road
Lee County, Florida

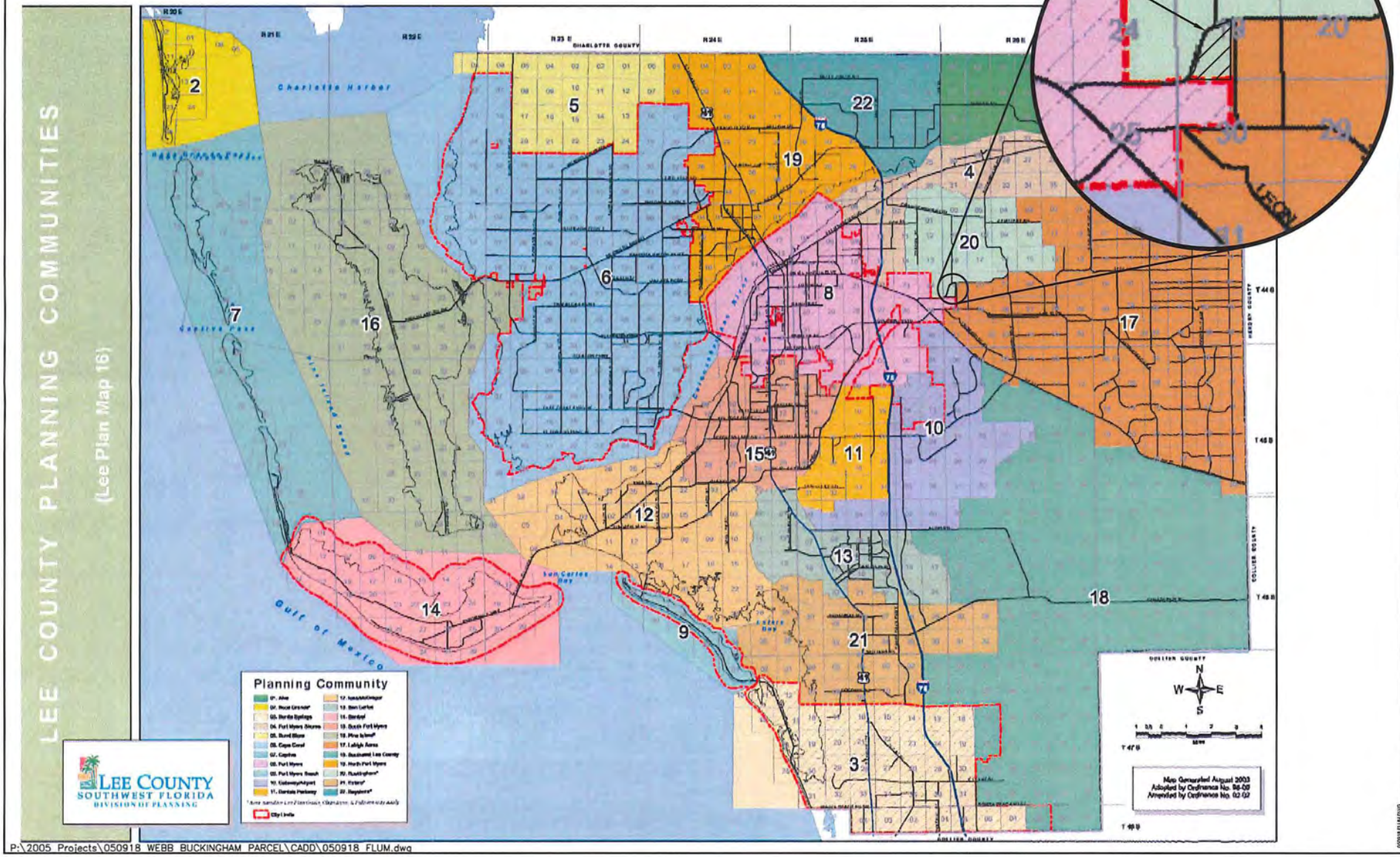
Exhibit A-2a:
Current Planning Communities Map

CURRENT PLANNING COMMUNITY MAP

SUBJECT PARCEL

STRAP #19-44-26-00-00003.0000, 95.60 ACRES

BUCKINGHAM PLANNING COMMUNITY



WEBB BUCKINGHAM CPA

EXHIBIT A-2a: EXISTING PLANNING COMMUNITIES

CARLTON LAND HOLDINGS, LLC

LEE COUNTY, FLORIDA

Quattrone & Associates, Inc.

Engineers, Planners, & Development Consultants

11800 Metro Parkway, Suite 30 - Fort Myers, Florida 33912 - 239/936-5222

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PLOTTED 7/7/2006 10:16 AM

A-2a

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CURRENT PLANNING COMMUNITY MAP

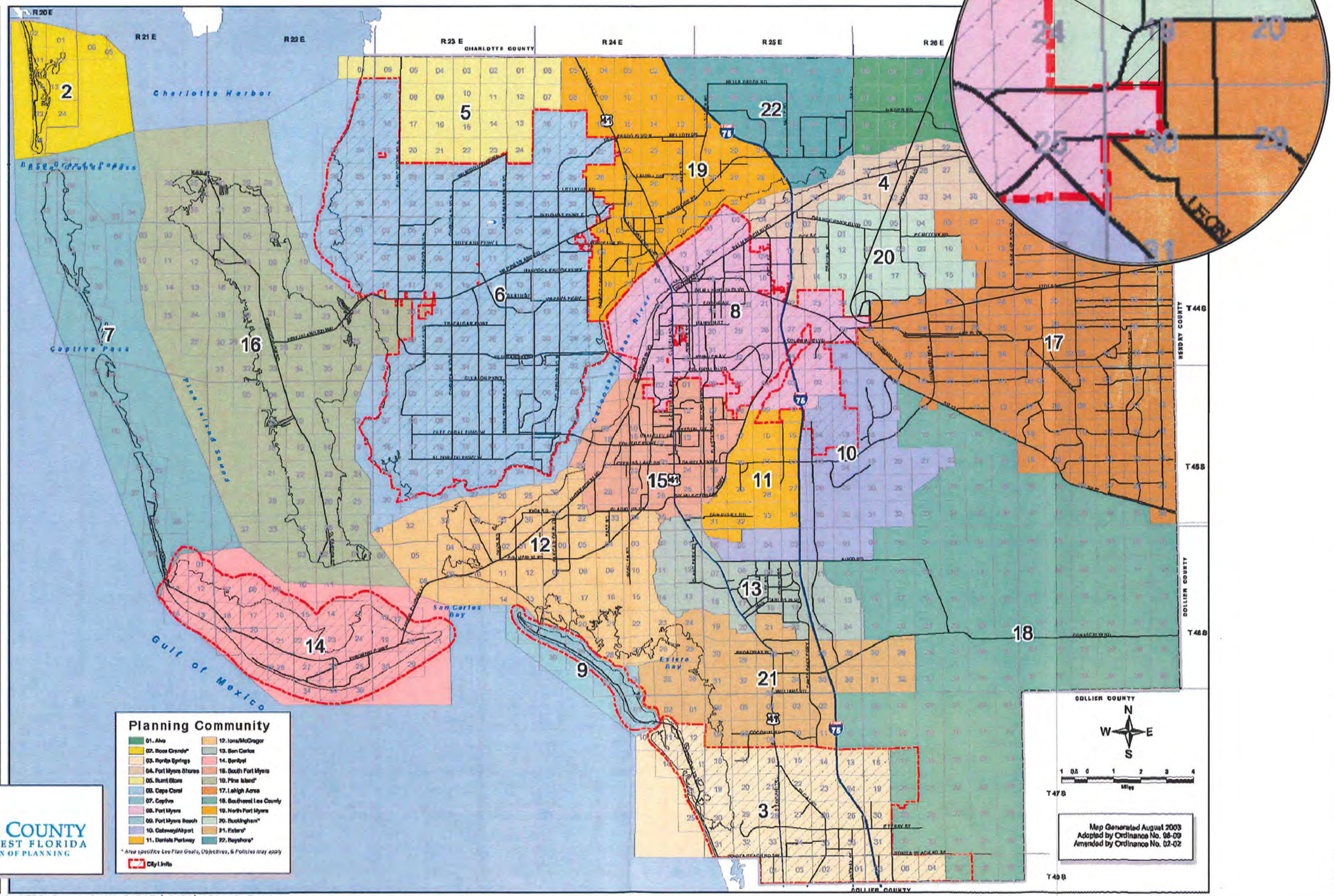
SUBJECT PARCEL

STRAP #19-44-26-00-00003.0000, 95.60 ACRES

BUCKINGHAM PLANNING COMMUNITY

LEE COUNTY PLANNING COMMUNITIES

(Lee Plan Map 16)



LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

WEBB BUCKINGHAM CPA

EXHIBIT A-2a: EXISTING PLANNING COMMUNITIES

CARLTON LAND HOLDINGS, LLC

LEE COUNTY, FLORIDA

REVISIONS | DATE

Quattrone & Associates, Inc.

Engineers, Planners, & Development Consultants

11000 Metro Parkway, Suite 30 - Fort Myers, Florida 33912 - 239-936-5222

Certificate of Authorization Number: 9465

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A-2a

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WEBB COMPREHENSIVE PLAN AMENDMENT

9711 Buckingham Road
Lee County, Florida

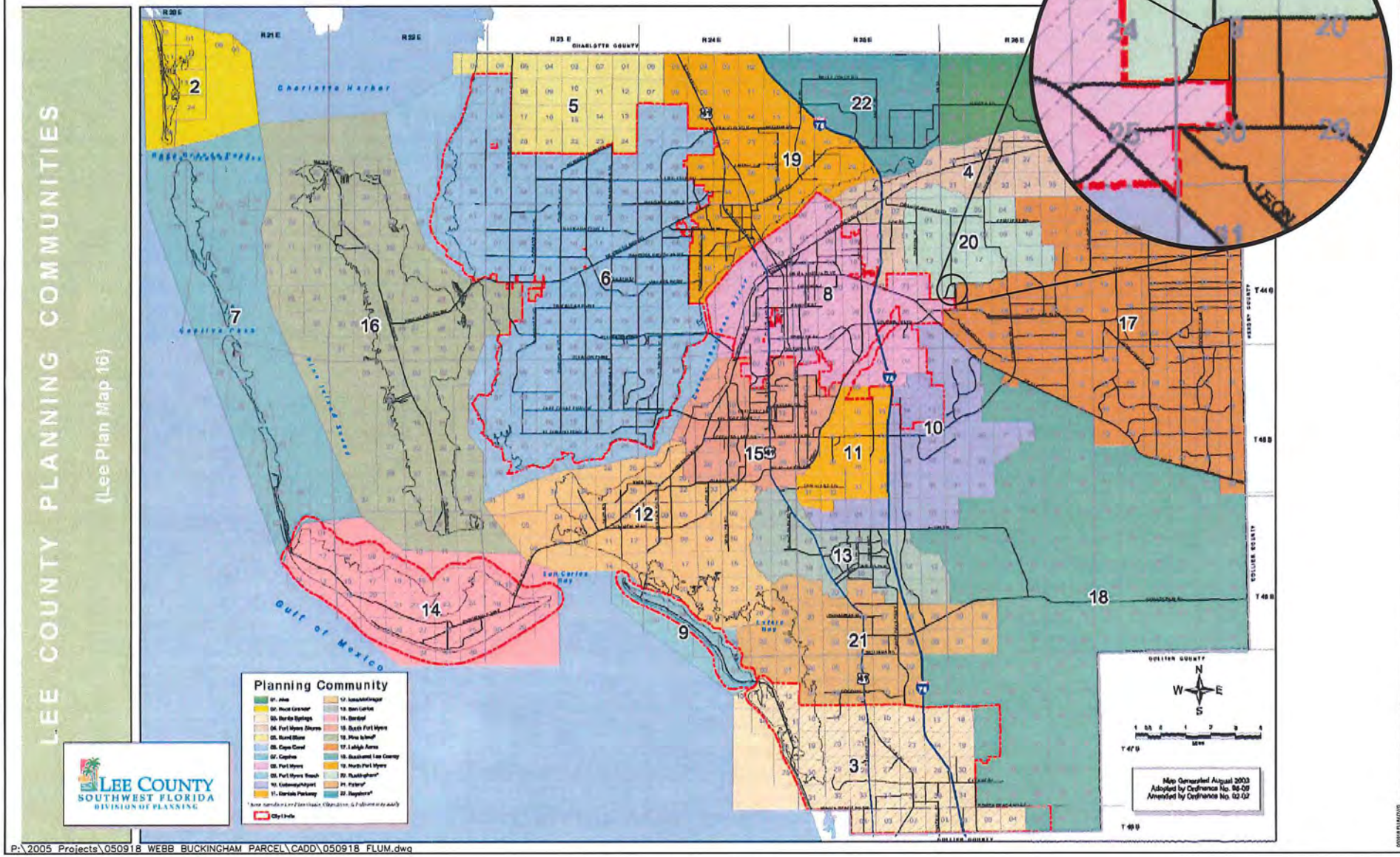
Exhibit A-2b:
Proposed Planning Communities Map

PROPOSED PLANNING COMMUNITY MAP

SUBJECT PARCEL

STRAP #19-44-26-00-00003.0000, 95.60 ACRES

LEHIGH ACRES PLANNING COMMUNITY



WEBB BUCKINGHAM CPA
EXHIBIT A-2b: PROPOSED PLANNING COMMUNITIES
CARLTON LAND HOLDINGS, LLC
LEE COUNTY, FLORIDA

Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
11000 Metro Parkway, Suite 30 - Fort Myers, Florida 33912 - 239-936-5222
Certificate of Authorization Number 3445

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A-2b

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PROPOSED PLANNING COMMUNITY MAP

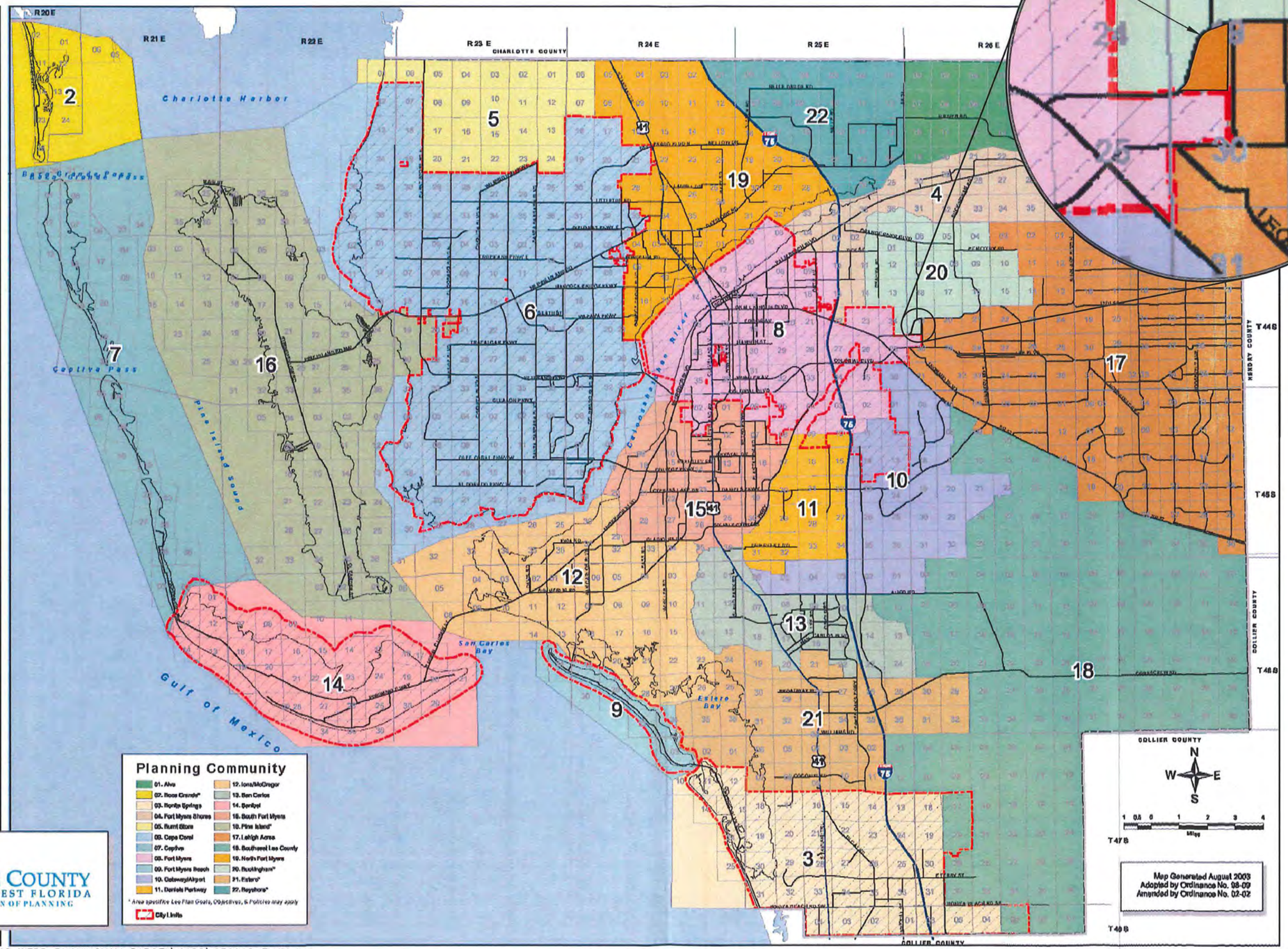
SUBJECT PARCEL

STRAP #19-44-26-00-00003.0000, 95.60 ACRES

LEHIGH ACRES PLANNING COMMUNITY

LEE COUNTY PLANNING COMMUNITIES

(Lee Plan Map 16)



LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

WEBB BUCKINGHAM CPA

EXHIBIT A-2b: PROPOSED PLANNING COMMUNITIES

CARLTON LAND HOLDINGS, LLC

LEE COUNTY, FLORIDA

REVISIONS

DATE

Quattrone & Associates, Inc.

Engineers, Planners, & Development Consultants

11000 Metro Parkway, Suite 30 - Fort Myers, Florida 33912 - 239-936-5222

Certificate of Authorization Number: #465

VALID ONLY WITH EMBOSSED SEAL

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050918 FLUM.DWG

A-2b

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WEBB COMPREHENSIVE PLAN AMENDMENT

9711 Buckingham Road
Lee County, Florida

Exhibit A-3 and 4:
Zoning and Land Use Map


CITY OF FORT MYERS
A
LOW DENSITY SINGLE FAMILY
VACANT
CITY OF FORT MYERS
A
LOW DENSITY SINGLE FAMILY
VACANT
LEE COUNTY
VACANT
AG-2
BUCKINGHAM COMMUNITY PRESERVE
LEE COUNTY
VACANT PARK LAND
CF-2
BUCKINGHAM COMMUNITY PRESERVE
NEALE ROAD
LEE COUNTY
ZONING: AG-2
FLUCS: BUCKINGHAM COMM PRESERVE
PARTIALLY DEVELOPED 1+ ACRE TRACTS
BUCKINGHAM ROAD
CITY OF FORT MYERS BOUNDARY
CITY OF FORT MYERS
A
LOW DENSITY SINGLE FAMILY
VACANT
LEE COUNTY INCINERATOR
IPD
PUBLIC FACILITIES
LEE COUNTY
BUCKINGHAM PARK
CF-2
PUBLIC FACILITIES
SUBJECT PARCEL
STRAP #19-44-26-00-00003.0000
95.60 ACRES
LEE COUNTY
AG-2
RURAL
150' ERER DARK
ALVAN AVENUE
BILLINGS STREET
BECK STREET
BELROSE STREET
BENTON STREET
BURN STREET
LEE COUNTY
LEHIGH ACRES SINGLE-FAMILY
RS-1
URBAN COMMUNITY
LEE COUNTY
RM-2
URBAN COMMUNITY
SCATTERED DEVELOPED
CENTENNIAL BLVD.
ALTMAN AVENUE
ASPHALT AVENUE
ADOPT AVENUE
ADEL AVENUE
ALASKA AVENUE
BUTTS STREET
BUCKINGHAM ROAD
CITY OF FORT MYERS
MIXED USE (MU)
VACANT
BEAUTY STREET
LEE COUNTY
LEHIGH ACRES SINGLE-FAMILY
RS-1
URBAN COMMUNITY
CITY OF FORT MYERS
MIXED USE (MU)
VACANT
(PROPOSED WASTEWATER
TREATEMENT PLANT)
BARTH STREET
BANNING STREET
BERRYMAN STREET
BROOKFIELD STREET
SR 82
CITY OF FORT MYERS
MIXED USE (MU)
OLYMPIA POINT SUBDIVISION
CPD
LEE COUNTY, C-2
CENTRAL URBAN
C-2
LEE BOULEVARD
CITY OF FORT MYERS
MIXED USE (MU)
VACANT
CFM
MIXED USE (MU)
PUBLIX SHOPPING CENTER
SHERWOOD SUBDIVISION
LEONARD BLVD.
LEE COUNTY
CC
INDUSTRIAL
WESTGATE BLVD.
LEE COUNTY
CPD
INDUSTRIAL
NORTH
400'
800'
SCALE 1"=400'
WEBB LAND USE AMENDMENT
EXISTING ZONING & LAND USES
CARLTON LAND HOLDINGS, LLC
LEE COUNTY, FLORIDA
Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
4301 Veronica Shoemaker Blvd. | Fort Myers, FL 33916 | 239.936.3222 | QAInc.net
Certificate of Authorization Number 1468
Land Use

CITY OF FORT MYERS
A
LOW DENSITY SINGLE FAMILY
VACANT

CITY OF FORT MYERS
A
LOW DENSITY SINGLE FAMILY
VACANT

LEE COUNTY
VACANT
AG-2
BUCKINGHAM COMMUNITY PRESERVE

LEE COUNTY
VACANT PARK LAND
CF-2
BUCKINGHAM COMMUNITY PRESERVE

LEE COUNTY
ZONING: AG-2
FLUCS: BUCKINGHAM COMM PRESERVE
PARTIALLY DEVELOPED 1+ ACRE TRACTS

NEALE ROAD

BUCKINGHAM ROAD

CITY OF FORT MYERS BOUNDARY

CITY OF FORT MYERS
A
LOW DENSITY SINGLE FAMILY
VACANT

LEE COUNTY INCINERATOR
IPD
PUBLIC FACILITIES

LEE COUNTY
BUCKINGHAM PARK
CF-2
PUBLIC FACILITIES

SUBJECT PARCEL
STRAP #19-44-26-00-00003.0000
95.60 ACRES

LEE COUNTY
AG-2
RURAL

150' ECNCD CANAL

BILLINGS STREET
BECK STREET
BELROSE STREET
BENTON STREET
BURR STREET
BUTTE STREET
BARTH STREET
BANNING STREET
BERRYMAN STREET
BROOKFIELD STREET

ALVIN AVENUE
ALLMAN AVENUE
ALFREDA AVENUE
ACROW AVENUE
APPLE AVENUE
AUSKA AVENUE

CENTENNIAL BLVD.

LEE COUNTY
LEHIGH ACRES SINGLE-FAMILY
RS-1
URBAN COMMUNITY

LEE COUNTY
RM-2
URBAN COMMUNTIY
SCATTERED DEVELOPED

LEE COUNTY
LEHIGH ACRES SINGLE-FAMILY
RS-1
URBAN COMMUNITY

LEE COUNTY
LEHIGH ACRES SINGLE-FAMILY
RS-1
URBAN COMMUNITY

BUCKINGHAM ROAD

CITY OF FORT MYERS
MIXED USE (MU)
VACANT

CITY OF FORT MYERS
MIXED USE (MU)
VACANT
(PROPOSED WASTEWATER
TREATEMENT PLANT)

CITY OF FORT MYERS
MIXED USE (MU)
OLYMPIA POINT SUBDIVISION

SR 82

CITY OF FORT MYERS
MIXED USE (MU)
VACANT

LEE BOULEVARD

CFM
MIXED USE (MU)
PUBLIX SHOPPING CENTER
SHERWOOD SUBDIVISION

LEE COUNTY
CC
INDUSTRIAL

LEONARD BLVD.

WESTGATE BLVD.

LEE COUNTY
CPD
INDUSTRIAL

CPD

LEE COUNTY, C-2
CENTRAL URBAN

C-2

LEE BOULEVARD

NORTH
400' 800'
SCALE 1"=400'

WEBB LAND USE AMENDMENT
EXISTING ZONING & LAND USES
CARLTON LAND HOLDINGS, LLC
LEE COUNTY, FLORIDA

REVISIONS
DATE

Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
4301 Veronica Shoemaker Blvd. | Fort Myers, FL 33916 | 239.936.5222 | QAInc.net
Certificate of Authorization Number: 9465

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PLOTTED BY: fmd
WED, 10-14-2009 5:19 PM

Land Use

050915-A (DP-2009) DWG

WEBB COMPREHENSIVE PLAN AMENDMENT

9711 Buckingham Road
Lee County, Florida

Exhibit A-7:
Project Aerial Map

AERIAL

Quattrone & Associates, Inc.

Engineers, Planners, & Development Consultants

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Certificate of Authorization Number: 9465

WEBB LAND USE AMENDMENT

PROJECT AERIAL

CARLTON LAND HOLDINGS, LLC

LEE COUNTY, FLORIDA

DATE	REVISIONS

NEALE ROAD

BUCKINGHAM ROAD

BILLINGS STREET

BECK STREET

ALVIN AVENUE

ALLMAN AVENUE

ALPREDA AVENUE

BELROSE STREET

BENTON STREET

BURR STREET

SUBJECT PARCEL

9711 Buckingham Road,
Lehigh Acres, Florida 33971

STRAP
#19-44-26-00-00003.0000
95.60 ACRES

BUTTE STREET

BEAUTY STREET

BUCKINGHAM ROAD

NORTH

200' 400'

SCALE 1"=200'

WEBB LAND USE AMENDMENT

PROJECT AERIAL

CARLTON LAND HOLDINGS, LLC
LEE COUNTY, FLORIDA

REVISIONS

DATE

Quattrone & Associates, Inc.

Engineers, Planners, & Development Consultants

4301 Veronica Shoemaker Blvd. | Fort Myers, FL 33916 | 239.936.5222 | QAInc.net

Certificate of Authorizations Number: 9465

VALID ONLY WITH EMBOSSED SEAL

AERIAL

WEBB COMPREHENSIVE PLAN AMENDMENT

9711 Buckingham Road
Lee County, Florida

Exhibit A-7:
Vicinity Aerial Map



AERIAL

Quattrone & Associates, Inc.

Engineers, Planners, & Development Consultants

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Certificate of Authorization Number: 9465

WEBB LAND USE AMENDMENT

VICINITY AERIAL

CARLTON LAND HOLDINGS, LLC

LEE COUNTY, FLORIDA

DATE	REVISIONS



AERIAL

PLOTTED BY: bnd
WED, 10-14-2009 4:56 PM

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Quattrone & Associates, Inc.

Engineers, Planners, & Development Consultants

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Certificate of Authorization Number: 9465

WEBB LAND USE AMENDMENT

VICINITY AERIAL

CARLTON LAND HOLDINGS, LLC

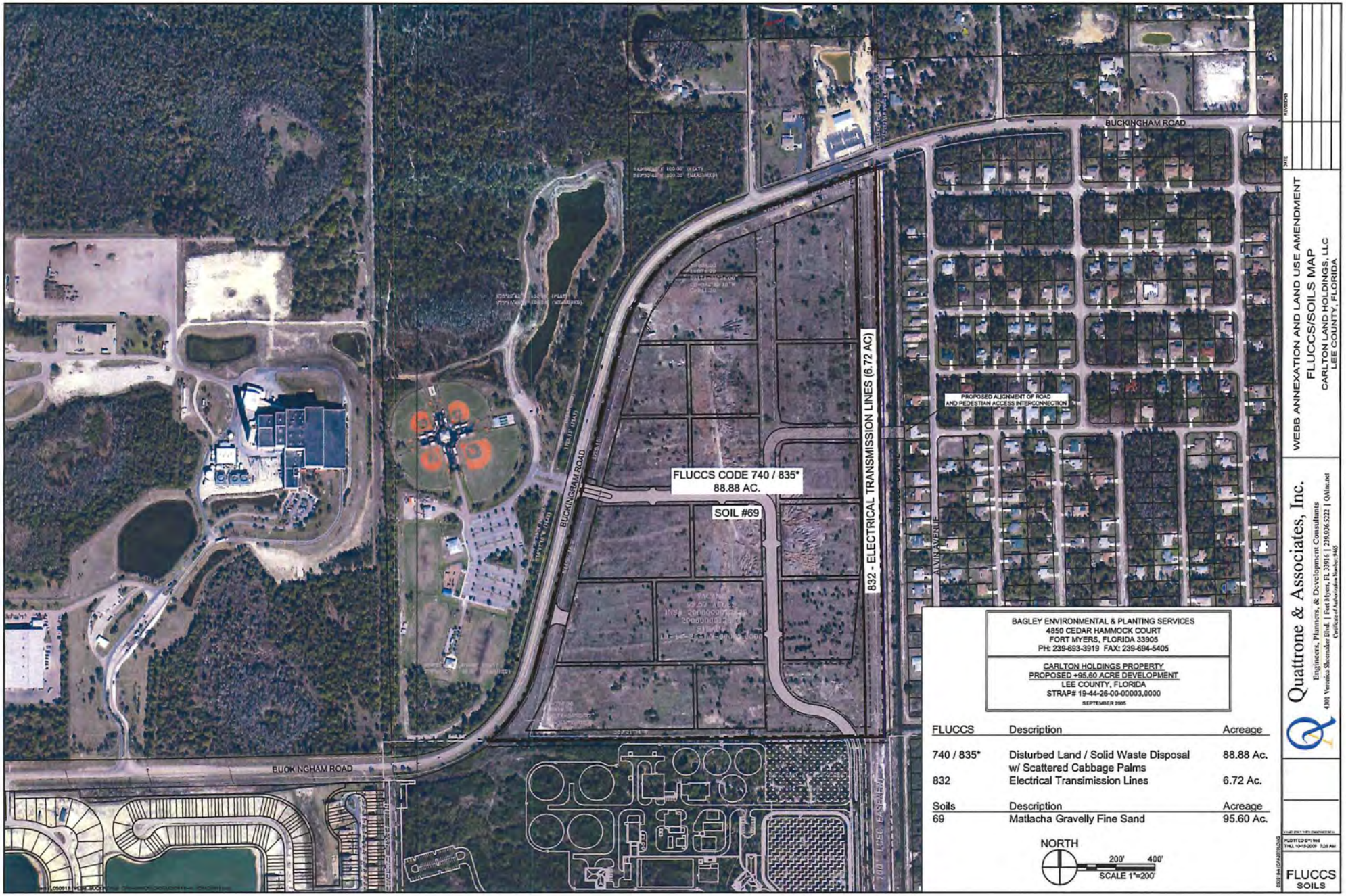
LEE COUNTY, FLORIDA

DATE	REVISIONS

WEBB COMPREHENSIVE PLAN AMENDMENT

9711 Buckingham Road
Lee County, Florida

Exhibit C 1 and 2:
FLUCCS and Soils Map



BAGLEY ENVIRONMENTAL & PLANTING SERVICES
4850 CEDAR HAMMOCK COURT
FORT MYERS, FLORIDA 33905
PH: 239-693-3919 FAX: 239-694-5405

CARLTON HOLDINGS PROPERTY
PROPOSED +95.60 ACRE DEVELOPMENT
LEE COUNTY, FLORIDA
STRAP# 19-44-26-00-00003.0000
SEPTEMBER 2005

FLUCCS	Description	Acreage
740 / 835*	Disturbed Land / Solid Waste Disposal w/ Scattered Cabbage Palms	88.88 Ac.
832	Electrical Transimission Lines	6.72 Ac.

Soils	Description	Acreage
69	Matlacha Gravelly Fine Sand	95.60 Ac.

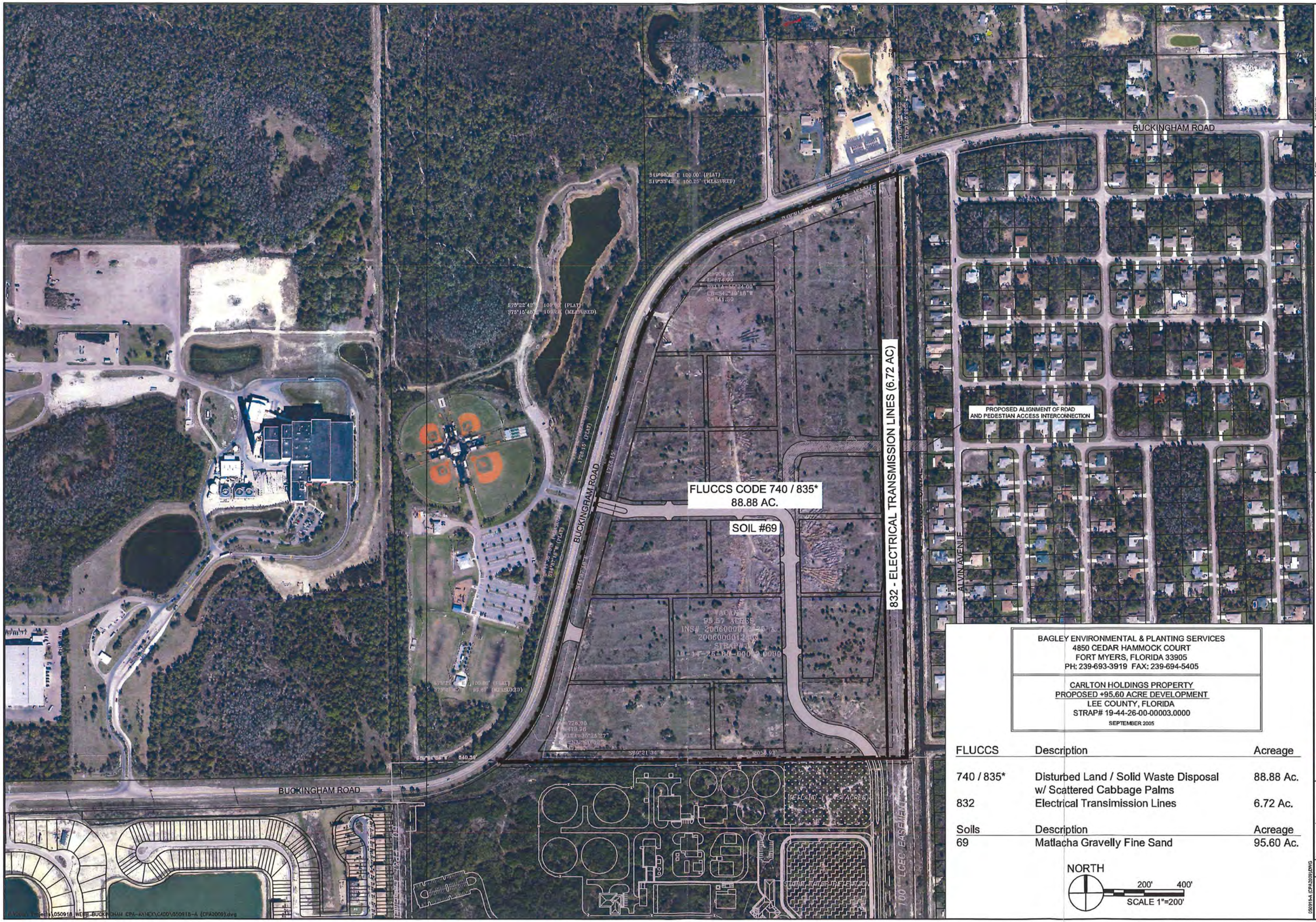
NORTH
200' 400'
SCALE 1"=200'

WEBB ANNEXATION AND LAND USE AMENDMENT
FLUCCS/SOILS MAP
CARLTON LAND HOLDINGS, LLC
LEE COUNTY, FLORIDA

Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
4301 Veronica Shoemaker Blvd. | Fort Myers, FL 33916 | 239.936.5222 | QAInc.net
Certificate of Authorization Number 3365

PLOTTED 9"=1 feet
THU, 10-15-2009 7:29 AM

FLUCCS
SOILS



BAGLEY ENVIRONMENTAL & PLANTING SERVICES
4850 CEDAR HAMMOCK COURT
FORT MYERS, FLORIDA 33905
PH: 239-693-3919 FAX: 239-694-5405

CARLTON HOLDINGS PROPERTY
PROPOSED +95.60 ACRE DEVELOPMENT
LEE COUNTY, FLORIDA
STRAP# 19-44-26-00-00003.0000
SEPTEMBER 2005

FLUCCS	Description	Acreage
740 / 835*	Disturbed Land / Solid Waste Disposal w/ Scattered Cabbage Palms	88.88 Ac.
832	Electrical Transimission Lines	6.72 Ac.

Soils	Description	Acreage
69	Matlacha Gravelly Fine Sand	95.60 Ac.

NORTH
200' 400'
SCALE 1"=200'

WEBB ANNEXATION AND LAND USE AMENDMENT
FLUCCS/SOILS MAP
CARLTON LAND HOLDINGS, LLC
LEE COUNTY, FLORIDA

DATE | REVISIONS

Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
4301 Veronica Shoemaker Blvd. | Fort Myers, FL 33916 | 239.936.5222 | QAInc.net
Certificate of Authorization Number: 9465

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WED. 10-14-2009 5:37 PM

050918A (CPA2009).DWG

FLUCCS
SOILS

WEBB COMPREHENSIVE PLAN AMENDMENT

9711 Buckingham Road
Lee County, Florida

Exhibit C-3: Flood Map

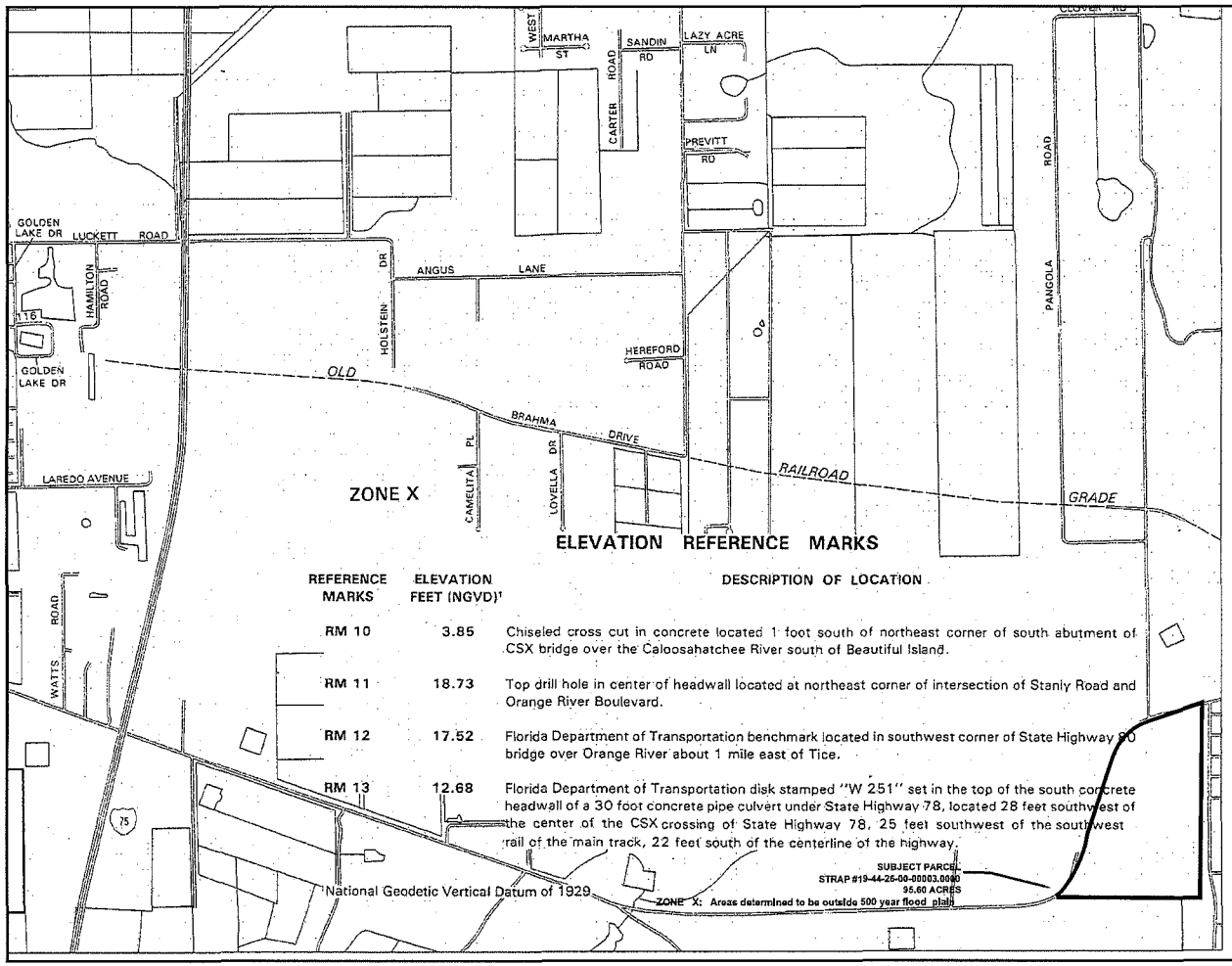
LEGEND

SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100 YEAR FLOOD
ZONE A: No base flood elevations determined
ZONE AE: Base flood elevations determined
ZONE X: Areas of 500 year flood; areas of 100 year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100 year flood

OTHER FLOOD AREAS
ZONE X: Area of 500 year flood; areas of 100 year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100 year flood

OTHER AREAS
ZONE X: Areas determined to be outside 500 year flood plain
ZONE D: Areas in which flood hazards are undetermined

EXPLANATION OF ZONE DESIGNATIONS
ZONE A: Areas of 100 year flood; base flood elevations and flood hazard factors not determined
ZONE A1 - A30: Areas of 100 year flood; base flood elevations and flood hazard factors determined
ZONE B: Areas between limits of the 100 year flood and 500 year flood; or certain areas subject to 100 year flooding with average depths less than (1) foot or where the contribution drainage area is less than one square mile; or areas protected by levees from the base flood.
ZONE C: Areas of minimal flooding
ZONE V1 - V30: Areas of 100 year coastal flood with velocity (wave action); base flood elevations and flood hazard factors determined



REFERENCE MARKS	ELEVATION FEET (NGVD)[1]	DESCRIPTION OF LOCATION
RM 10	3.85	Chiseled cross cut in concrete located 1 foot south of northeast corner of south abutment of CSX bridge over the Caloosahatchee River south of Beautiful Island.
RM 11	18.73	Top drill hole in center of headwall located at northeast corner of intersection of Stanly Road and Orange River Boulevard.
RM 12	17.52	Florida Department of Transportation benchmark located in southwest corner of State Highway 80 bridge over Orange River about 1 mile east of Tice.
RM 13	12.68	Florida Department of Transportation disk stamped "W 251" set in the top of the south concrete headwall of a 30 foot concrete pipe culvert under State Highway 78, located 28 feet southwest of the center of the CSX crossing of State Highway 78, 25 feet southwest of the southwest rail of the main track, 22 feet south of the centerline of the highway.

[1] National Geodetic Vertical Datum of 1929

APPROXIMATE SCALE
2000 0 2000 FEET

NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

LEE COUNTY,
FLORIDA
(UNINCORPORATED AREAS)

PANEL 225 OF 550
(SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER
125124 0225 C

MAP REVISED:
MARCH 15, 1994

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

WEBB BUCKINGHAM CPA
EXHIBIT C-3 FEMA FLOOD MAP
CARLTON LAND HOLDINGS, LLC
LEE COUNTY, FLORIDA

Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
11000 Metro Parkway, Suite 20 - Fort Myers, Florida 33912 - 239-936-5222
Certificate of Authorization Number 945

PLOT DATE/TIME
FRI, 5-5-2006 9:57 AM

C-3

P:\2005 Projects\050918 WEBB BUCKINGHAM PARCEL\CADD\050918.dwg

LEGEND

SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100 YEAR FLOOD

ZONE A: No base flood elevations determined
ZONE AE: Base flood elevations determined
ZONE X: Areas of 500 year flood; areas of 100 year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100 year flood

OTHER FLOOD AREAS

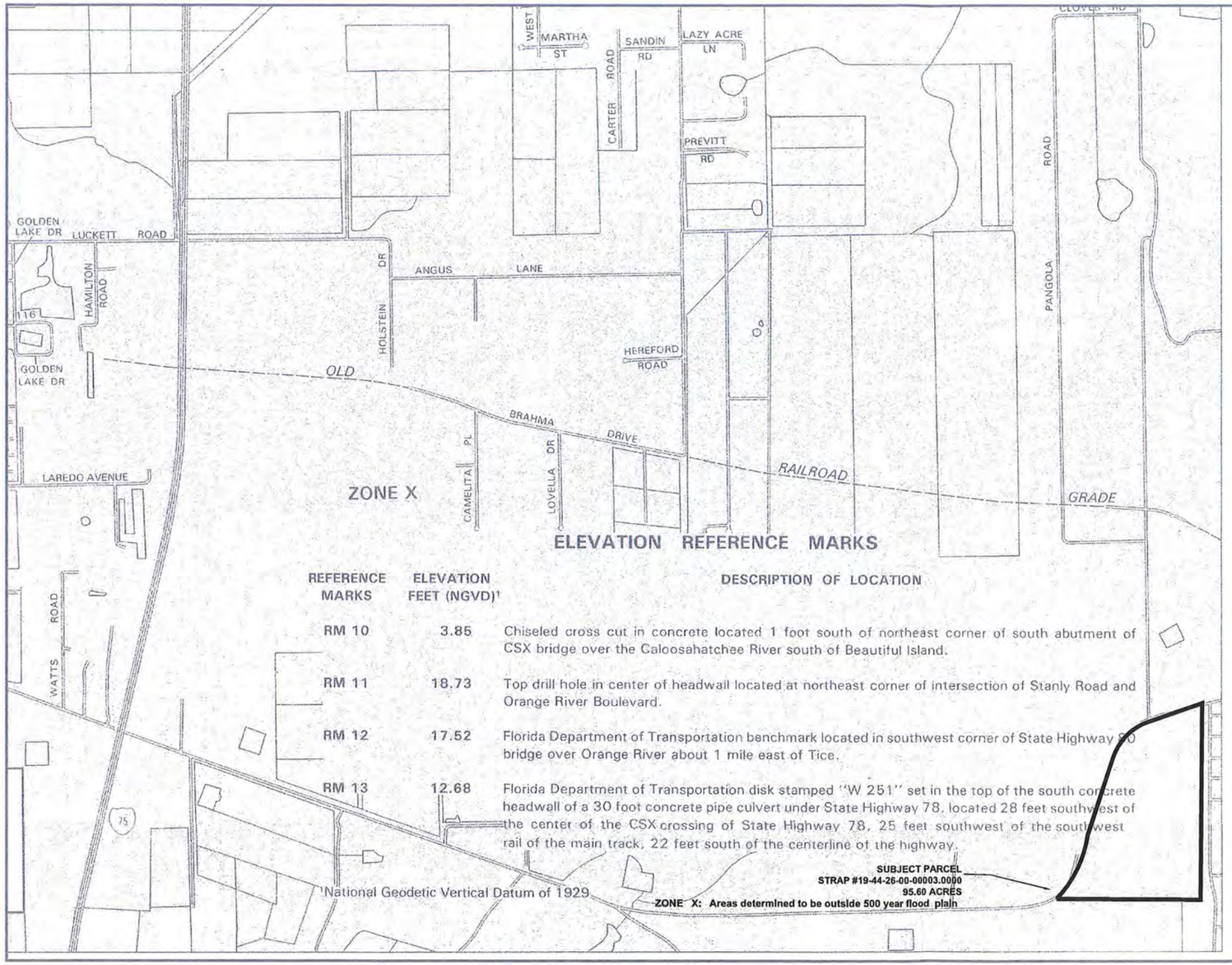
ZONE X: Area of 500 year flood; areas of 100 year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100 year flood

OTHER AREAS

ZONE X: Areas determined to be outside 500 year flood plain
ZONE D: Areas in which flood hazards are undetermined

EXPLANATION OF ZONE DESIGNATIONS

ZONE A: Areas of 100 year flood; base flood elevations and flood hazard factors not determined
ZONE A1- A30: Areas of 100 year flood; base flood elevations and flood hazard factors determined
ZONE B: Areas between limits of the 100 year flood and 500 year flood; or certain areas subject to 100 year flooding with average depths less than (1) foot or where the contribution drainage area is less than one square mile; or areas protected by levees from the base flood.
ZONE C: Areas of minimal flooding
ZONE V1 - V30: Areas of 100 year coastal flood with velocity (wave action); base flood elevations and flood hazard factors determined



APPROXIMATE SCALE
2000 0 2000 FEET

ELEVATION REFERENCE MARKS

REFERENCE MARKS	ELEVATION FEET (NGVD)[1]	DESCRIPTION OF LOCATION
RM 10	3.85	Chiseled cross cut in concrete located 1 foot south of northeast corner of south abutment of CSX bridge over the Caloosahatchee River south of Beautiful Island.
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[1] National Geodetic Vertical Datum of 1929

NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

LEE COUNTY, FLORIDA
(UNINCORPORATED AREAS)

PANEL 225 OF 550
(SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER
125124 0225 C

MAP REVISED:
MARCH 15, 1994

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

DATE | REVISIONS

WEBB BUCKINGHAM CPA
EXHIBIT C-3 FEMA FLOOD MAP
CARLTON LAND HOLDINGS, LLC
LEE COUNTY, FLORIDA

Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
11000 Metro Parkway, Suite 30 - Fort Myers, Florida 33912 - 239-936-5222
Certificate of Authorization Number: #465

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PLOTTED BY: fred
FRI, 5-5-2006 9:54 AM

C-3

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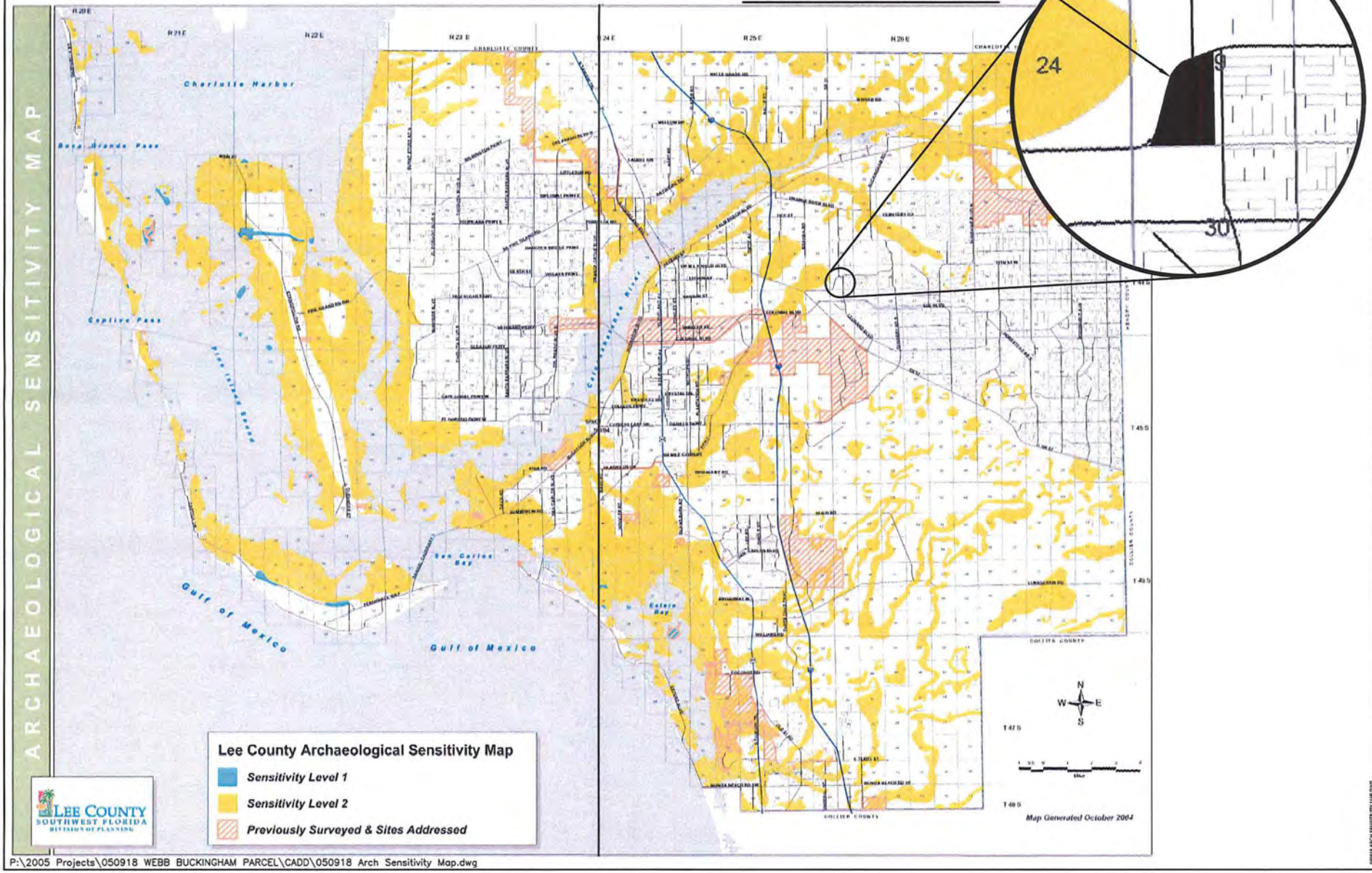
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WEBB COMPREHENSIVE PLAN AMENDMENT

9711 Buckingham Road
Lee County, Florida

Exhibit D-1:
Archeological Sensitivity Map

SUBJECT PARCEL
STRAP #19-44-26-00-00003.0000
95.60 ACRES
OUTSIDE SENSITIVITY ZONES



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REVISIONS | DATE

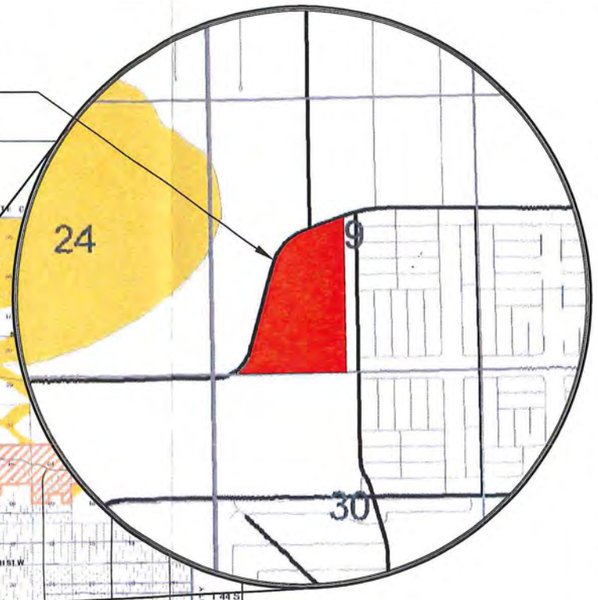
WEBB BUCKINGHAM CPA
EXHIBIT D-1
ARCHEOLOGICAL SENSITIVITY MAP
CARLTON LAND HOLDINGS, LLC
LEE COUNTY, FLORIDA

Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
11000 Metro Parkway, Suite 20 - Fort Myers, Florida 33912 - 239-936-1222
Certificate of Authorization Number 1665

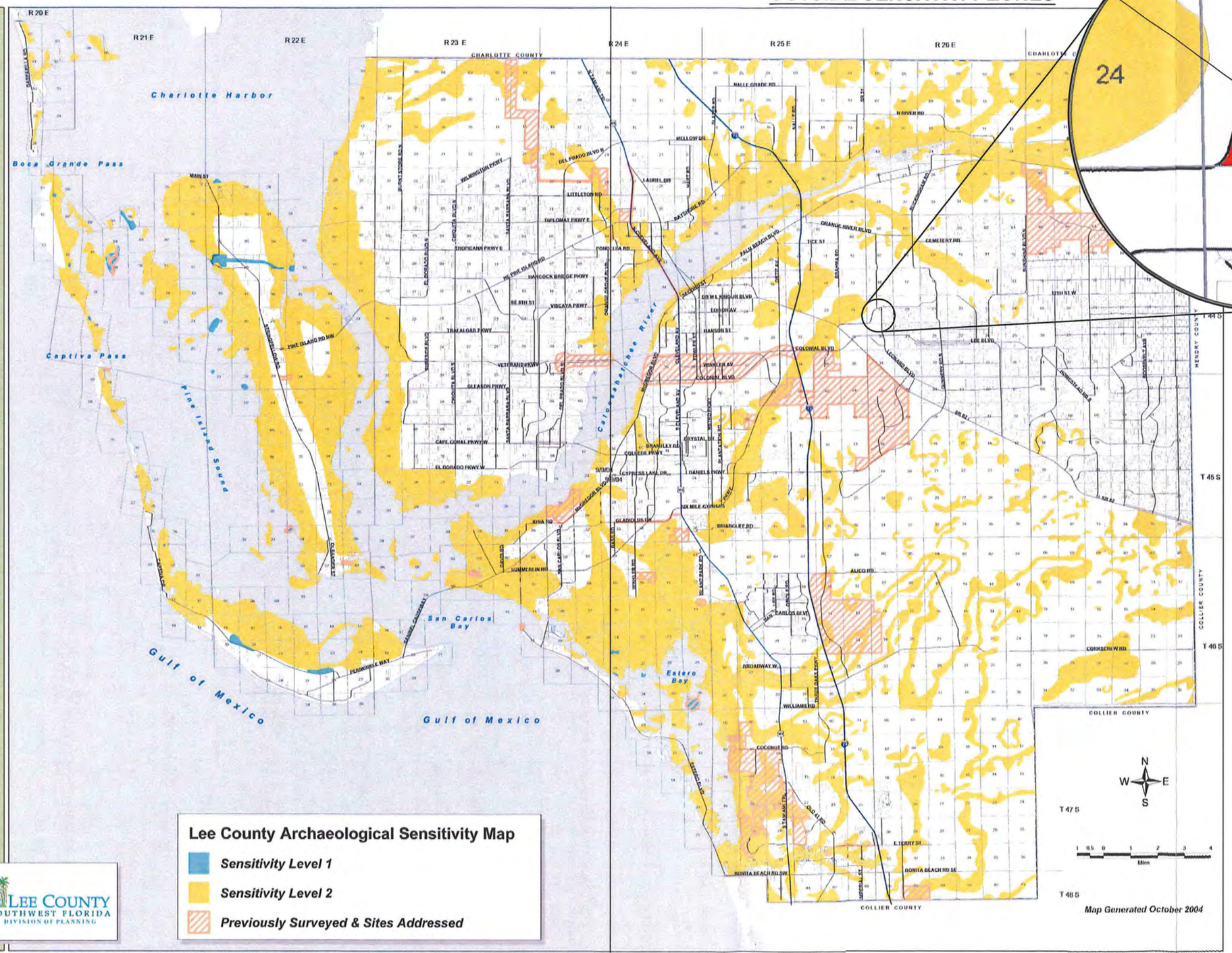
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FRI, 5-5-2006 9:45 AM

D-1

SUBJECT PARCEL
STRAP #19-44-26-00-00003.0000
95.60 ACRES
OUTSIDE SENSITIVITY ZONES



ARCHAEOLOGICAL SENSITIVITY MAP



Lee County Archaeological Sensitivity Map

- *Sensitivity Level 1*
- *Sensitivity Level 2*
- *Previously Surveyed & Sites Addressed*

LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

Map Generated October 2004

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WEBB BUCKINGHAM CPA
EXHIBIT D-1
ARCHEOLOGICAL SENSITIVITY MAP
CARLTON LAND HOLDINGS, LLC
LEE COUNTY, FLORIDA

REVISIONS | DATE

Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
11000 Metro Parkway, Suite 30 - Fort Myers, Florida 33912 - 239-936-5222
Certificate of Authorization Number: 3465

050918 ARCH SENSITIVITY MAP.DWG

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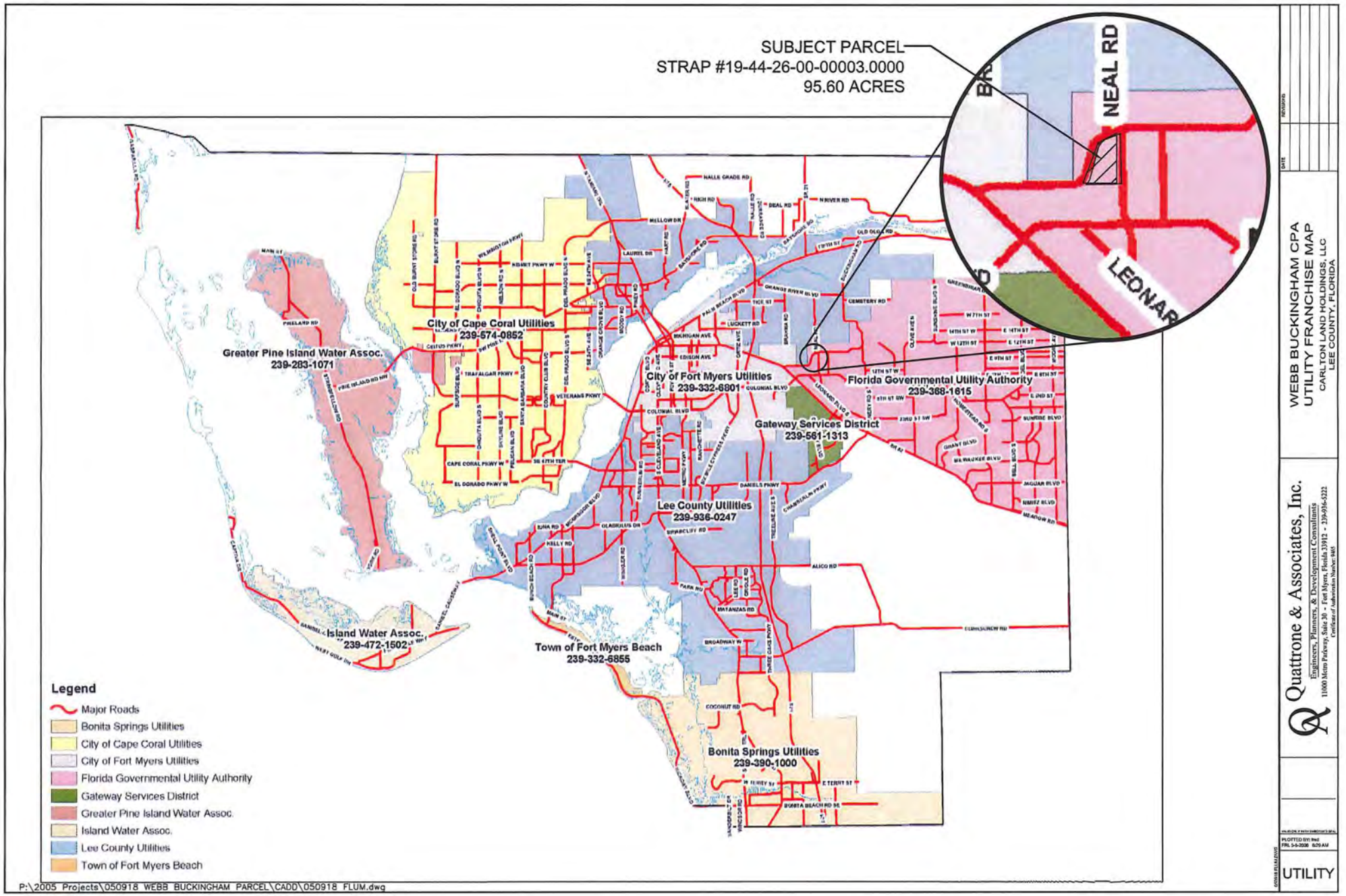
PLOTTED BY: fred
FRI, 8-5-2005 9:30 AM

D-1

WEBB COMPREHENSIVE PLAN AMENDMENT

9711 Buckingham Road
Lee County, Florida

Utility Franchise Map



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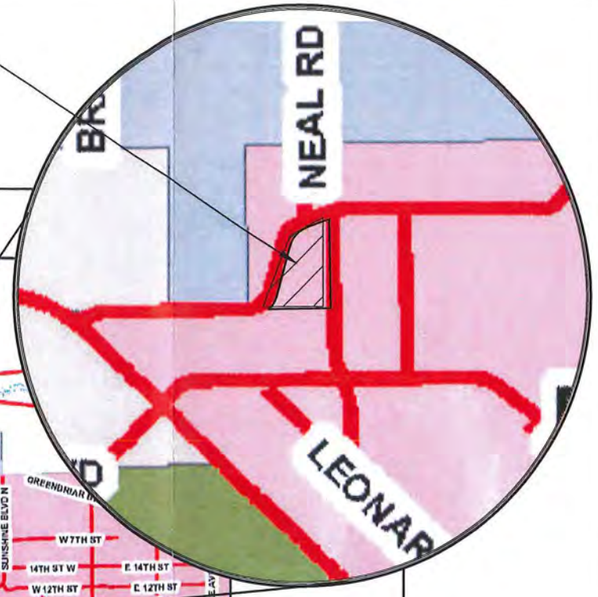
WEBB BUCKINGHAM CPA
UTILITY FRANCHISE MAP
CARLTON LAND HOLDINGS, LLC
LEE COUNTY, FLORIDA

Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
11000 Metro Parkway, Suite 20 • Fort Myers, Florida 33912 • 239-936-5222
Certificate of Authorization Number 1485

PLOTTED 5th Wed
FRI, 5-9-2008 8:29 AM

UTILITY

SUBJECT PARCEL
STRAP #19-44-26-00-00003.0000
95.60 ACRES



City of Cape Coral Utilities
239-574-0852

Greater Pine Island Water Assoc.
239-283-1071

City of Fort Myers Utilities
239-332-6801

Florida Governmental Utility Authority
239-368-1615

Gateway Services District
239-561-1313

Lee County Utilities
239-936-0247

Island Water Assoc.
239-472-1502

Town of Fort Myers Beach
239-332-6855

Bonita Springs Utilities
239-390-1000

Legend

- Major Roads
- Bonita Springs Utilities
- City of Cape Coral Utilities
- City of Fort Myers Utilities
- Florida Governmental Utility Authority
- Gateway Services District
- Greater Pine Island Water Assoc.
- Island Water Assoc.
- Lee County Utilities
- Town of Fort Myers Beach

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WEBB BUCKINGHAM CPA
UTILITY FRANCHISE MAP
CARLTON LAND HOLDINGS, LLC
LEE COUNTY, FLORIDA

DATE | REVISIONS

Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
11000 Metro Parkway, Suite 30 - Fort Myers, Florida 33912 - 239-936-5222
Certificate of Authorization Number: 9465

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FRI, 5-5-2006 8:27 AM

050918 FLUM.DWG

UTILITY

WEBB COMPREHENSIVE PLAN AMENDMENT

9711 Buckingham Road
Lee County, Florida

MCP: Regional Conceptual Site Plan

WEBB LAND USE AMENDMENT

LOCATED IN SECTION 17, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA

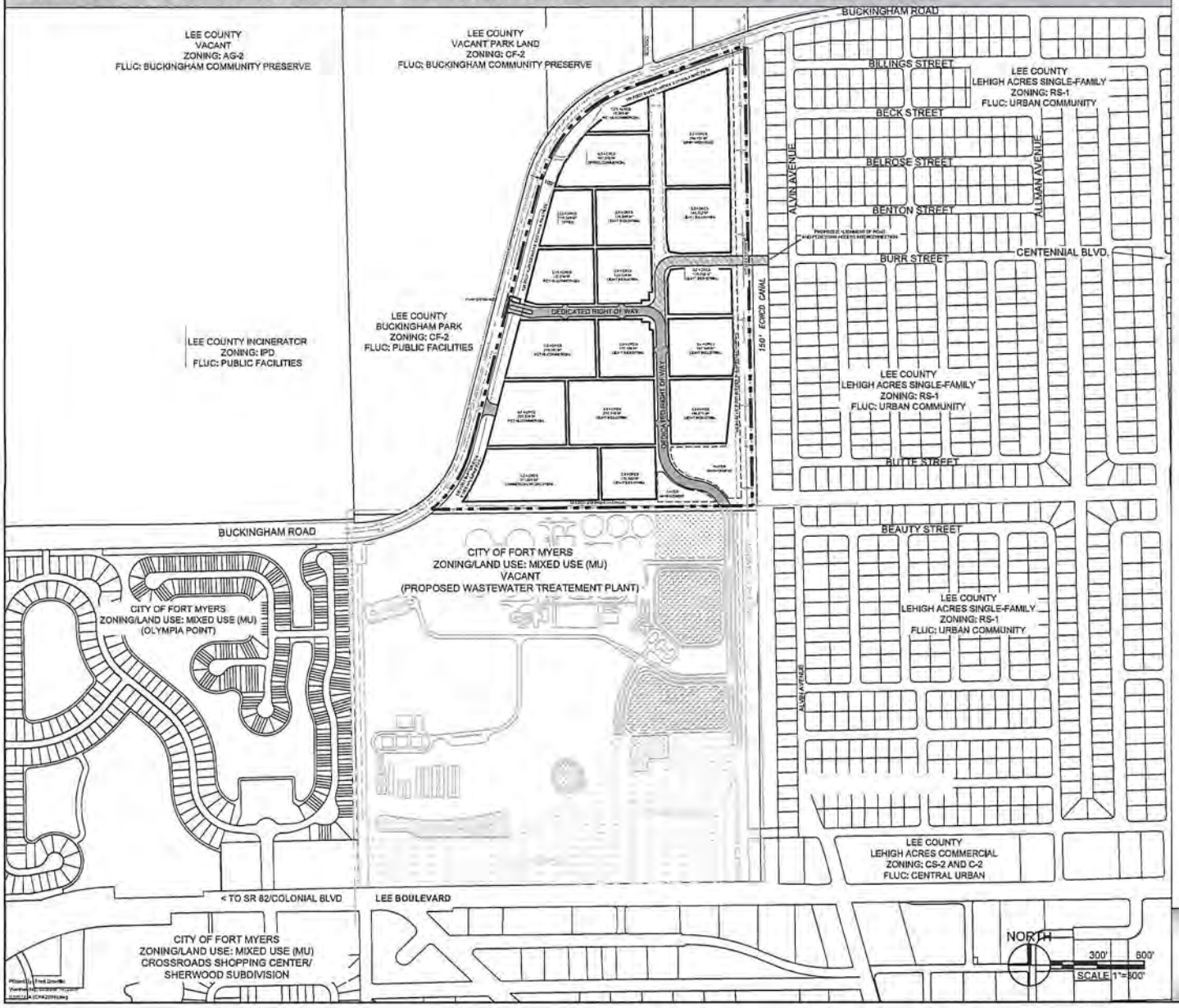


EXHIBIT
REGIONAL CONCEPTUAL SITE PLAN



LOCATION MAP

PROJECT SUMMARY:

1.) REQUEST: ASSIGN URBAN COMMUNITY LAND USE CATEGORY FROM RURAL AND MOVE PARCEL FROM THE BUCKINGHAM PLANNING COMMUNITY TO LEHIGH ACRES.

2.) STRAP NUMBER:
19-44-26-00-00003.0000

3.) OVERALL PROJECT ACREAGE:

TOTAL SITE ACREAGE:	95.6 AC. (4,164,336 SF)
DEVELOPABLE AS DEPICTED:	67.5 AC. (2,941,769 SF)
OPEN SPACE:	15.0 AC. (784,080 SF)
ROADS/OTHER:	3.3 AC. (143,748 SF)
TOTAL DEVELOPABLE AREA	67.5 AC. (2,941,769 SF) (100%)
COMMERCIAL:	29.3 AC. (1,276,500 SF) (43.4%)
INDUSTRIAL:	38.2 AC. (1,665,269 SF) (56.6%)
FAR:	0.25

4.) OPEN SPACE:
TOTAL OPEN SPACE REQUIRED:
391,180 SF x 10% = 416,434 SF (9.56 ACRES)

OPEN SPACE PROVIDED:	9.2 AC. (BUFFERS, WATER MGT)
	6.6 AC. (LCEC EASEMENT)
	2.0 AC. (BUILDING PERIMETERS)
TOTAL:	18.0 AC.

5.) INDIGENOUS OPEN SPACE:
THE EXISTING SITE IS CURRENTLY VACANT, THEREFORE INDIGENOUS PRESERVATION IS NOT APPLICABLE TO THIS PROJECT.

6.) PERIMETER BUILDING LANDSCAPING:
10% OF THE BUILDING AREA SHALL BE PROVIDED FOR EACH BUILDING:
ESTIMATED AT A MINIMUM OF = 2.0 AC. (87,500 SF)

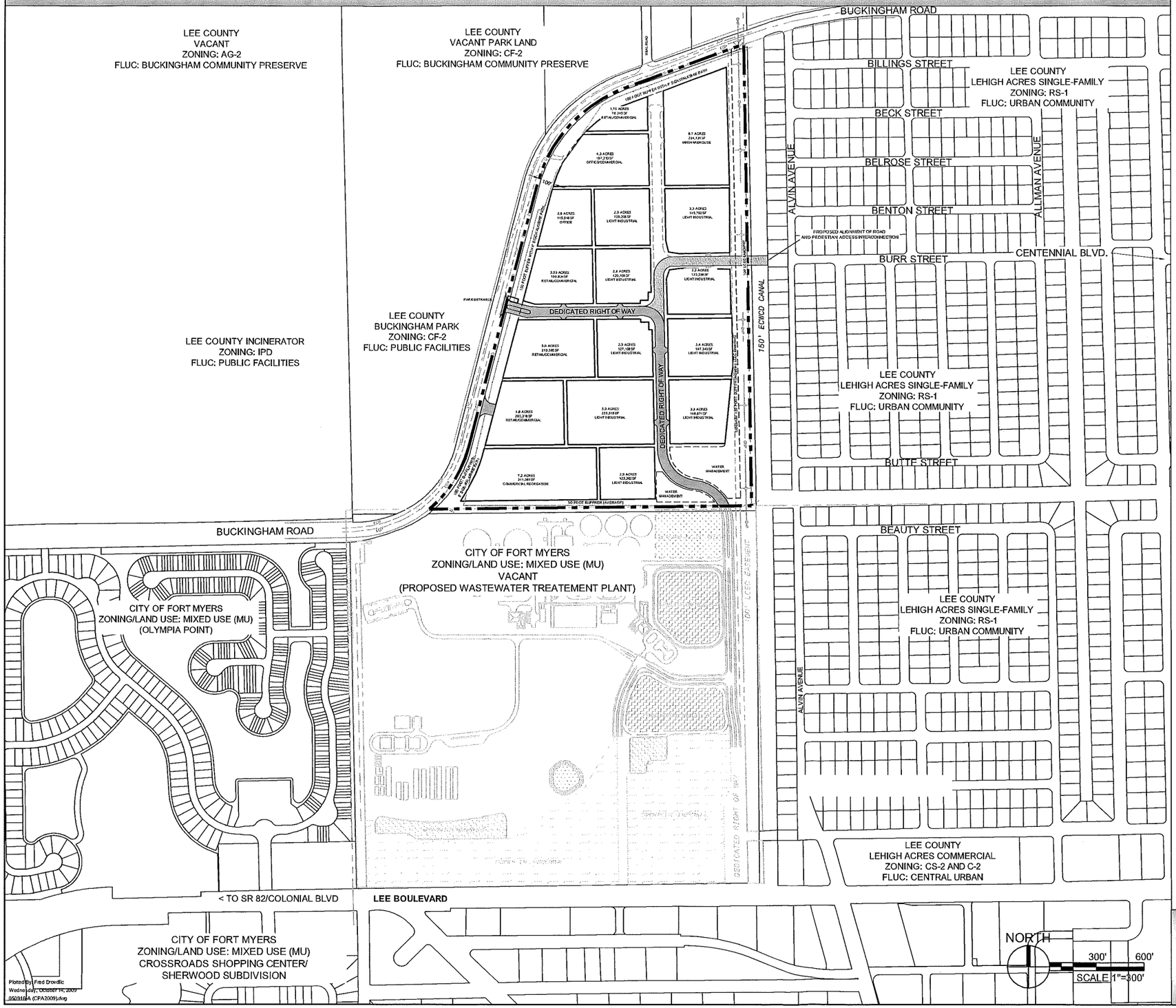
7.) BUFFERS PROVIDED:

SOUTH:	VACANT/FUTURE PUBLIC FACILITY – 50' TYPE 'F' BUFFER
WEST:	BUCKINGHAM ROAD – 100' TYPE 'D' BUFFER
EAST:	RS-1, SINGLE-FAMILY – TYPE 'F' 30' BUFFER
NORTH:	BUCKINGHAM ROAD – 100' TYPE 'D' BUFFER

Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
4301 Veronica Shoemaker Blvd. | Fort Myers, FL 33916 | 239.936.5222 | QAI.com

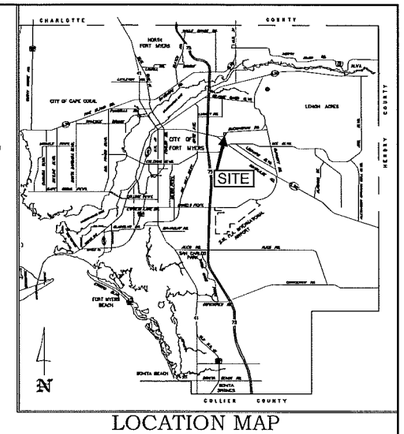
WEBB LAND USE AMENDMENT

LOCATED IN SECTION 17, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA



Plotted by: Fred Drovdic
Wednesday, October 14, 2009
0509184A (CPA2009).dwg

EXHIBIT
REGIONAL CONCEPTUAL SITE PLAN



LOCATION MAP

PROJECT SUMMARY:

1.) REQUEST: ASSIGN UBAN COMMUNITY LAND USE CATEGORY FROM RURAL AND MOVE PARCEL FROM THE BUCKINGHAM PLANNING COMMUNITY TO LEHIGH ACRES.

2.) STRAP NUMBER:
19-44-26-00-00003.0000

3.) OVERALL PROJECT ACREAGE:

TOTAL SITE ACREAGE:	95.6 AC.	(4,164,336 SF)
DEVELOPABLE AS DEPICTED:	67.5 AC.	(2,941,769 SF)
OPEN SPACE:	18.0 AC.	(784,080 SF)
ROADS/OTHER:	3.3 AC.	(143,748 SF)
TOTAL DEVELOPABLE AREA	67.5 AC.	(2,941,769 SF)(100%)
COMMERCIAL:	29.3 AC.	(1,276,500 SF)(43.4%)
INDUSTRIAL:	38.2 AC.	(1,665,269 SF)(56.6%)
FAR:	0.25	

4.) OPEN SPACE:
TOTAL OPEN SPACE REQUIRED:
391,180 SF x 10% = 416,434 SF (9.56 ACRES)

OPEN SPACE PROVIDED:	9.2 AC.	(BUFFERS, WATER MGT)
	6.8 AC.	(LCEC EASEMENT)
	2.0 AC.	(BUILDING PERIMETERS)
TOTAL:	18.0 AC.	

5.) INDIGENOUS OPEN SPACE:
THE EXISTING SITE IS CURRENTLY VACANT, THEREFORE INDIGENOUS PRESERVATION IS NOT APPLICABLE TO THIS PROJECT.

6.) PERIMETER BUILDING LANDSCAPING:
10% OF THE BUILDING AREA SHALL BE PROVIDED FOR EACH BUILDING:
ESTIMATED AT A MINIMUM OF = 2.0 AC. (87,500 SF)

7.) BUFFERS PROVIDED:

SOUTH: VACANT/FUTURE PUBLIC FACILITY – 50' TYPE 'F' BUFFER

WEST: BUCKINGHAM ROAD – 100' TYPE "D" BUFFER

EAST: RS-1, SINGLE-FAMILY – TYPE 'F' 30' BUFFER

NORTH: BUCKINGHAM ROAD – 100' TYPE "D" BUFFER

Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
4301 Veronica Shoemaker Blvd. | Fort Myers, FL 33916 | 239.936.5222 | QAInc.net

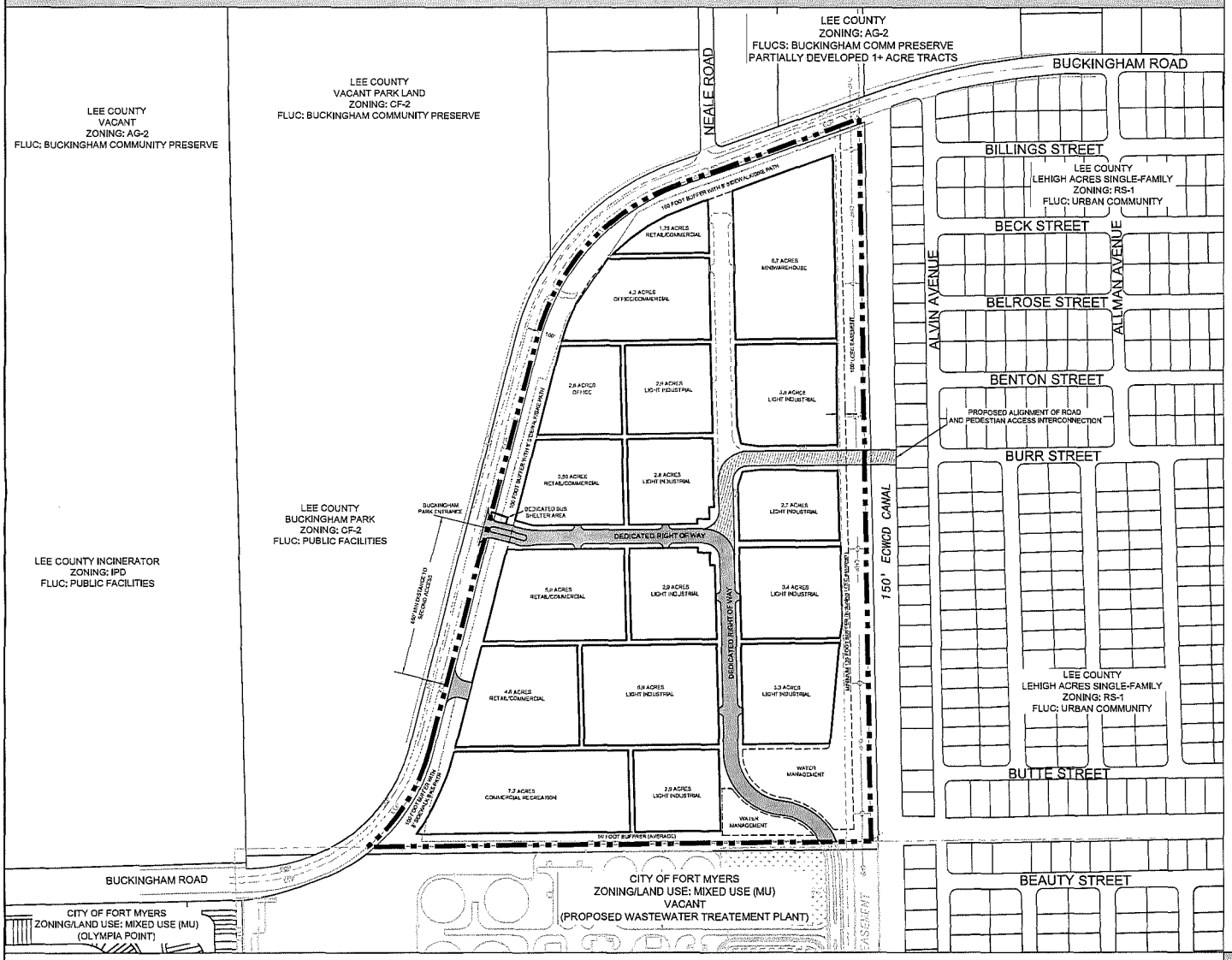
WEBB COMPREHENSIVE PLAN AMENDMENT

9711 Buckingham Road
Lee County, Florida

MCP: Conceptual Site Plan

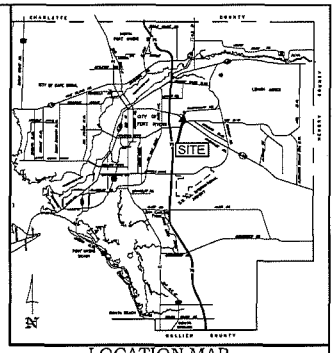
WEBB LAND USE AMENDMENT

LOCATED IN SECTION 17, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA



Plotted By: Fred Deroche
Wednesday, October 14, 2009
030910-A (CPA 2009).dwg

EXHIBIT
CONCEPTUAL SITE PLAN



LOCATION MAP

PROJECT SUMMARY:

1.) REQUEST: ASSIGN UBAN COMMUNITY LAND USE CATEGORY FROM RURAL AND MOVE PARCEL FROM THE BUCKINGHAM PLANNING COMMUNITY TO LEHIGH ACRES.

2.) STRAP NUMBER:
19-44-26-00-00003.0000

3.) OVERALL PROJECT ACREAGE:

TOTAL SITE ACREAGE:	95.6 AC.	(4,164,336 SF)
DEVELOPABLE AS DEPICTED:	67.5 AC.	(2,941,769 SF)
OPEN SPACE:	16.0 AC.	(784,080 SF)
ROADS/OTHER:	3.3 AC.	(143,746 SF)
TOTAL DEVELOPABLE AREA	67.5 AC.	(2,941,769 SF)(100%)
COMMERCIAL:	29.3 AC.	(1,276,500 SF)(43.4%)
INDUSTRIAL:	38.2 AC.	(1,665,269 SF)(56.6%)
FAR:	0.25	

4.) OPEN SPACE:
TOTAL OPEN SPACE REQUIRED:
391,180 SF x 10% = 416,434 SF (9.56 ACRES)

OPEN SPACE PROVIDED:	9.2 AC.	(BUFFERS, WATER MGT)
	6.8 AC.	(LDEC EASEMENT)
	2.0 AC.	(BUILDING PERIMETERS)
TOTAL:	18.0 AC.	

5.) INDIGENOUS OPEN SPACE:
THE EXISTING SITE IS CURRENTLY VACANT, THEREFORE INDIGENOUS PRESERVATION IS NOT APPLICABLE TO THIS PROJECT.

6.) PERIMETER BUILDING LANDSCAPING:
10% OF THE BUILDING AREA SHALL BE PROVIDED FOR EACH BUILDING:
ESTIMATED AT A MINIMUM OF = 2.0 AC. (87,500 SF)

7.) BUFFERS PROVIDED:

SOUTH: VACANT/FUTURE PUBLIC FACILITY – 50' TYPE 'F' BUFFER

WEST: BUCKINGHAM ROAD – 100' TYPE "D" BUFFER

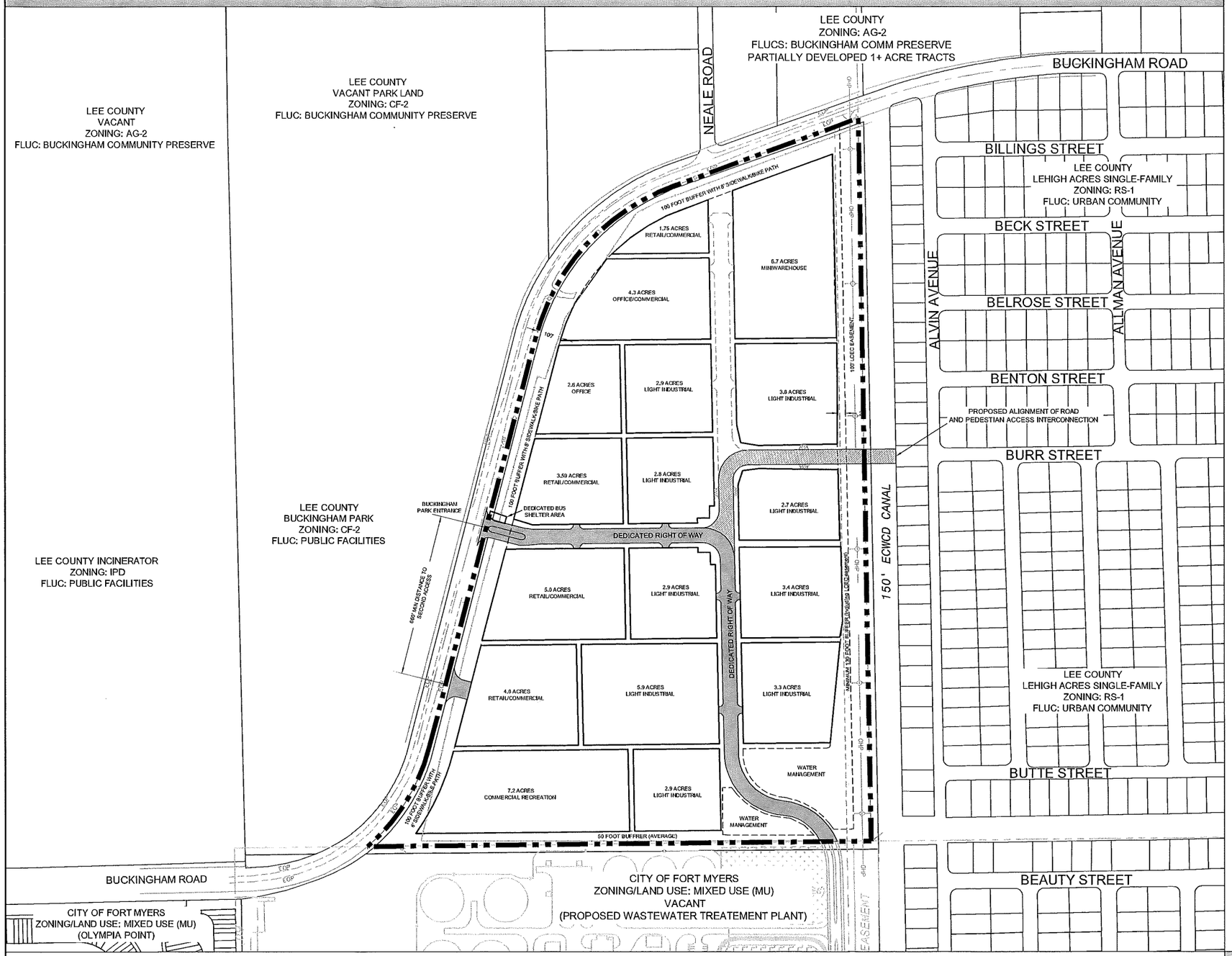
EAST: RS-1, SINGLE-FAMILY – TYPE 'F' 30' BUFFER

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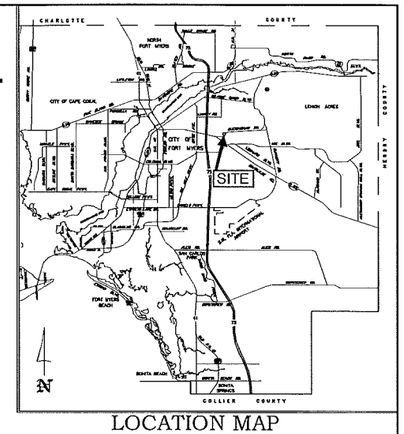
WEBB LAND USE AMENDMENT

LOCATED IN SECTION 17, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA



Plotted By: Fred Drovdlic
Wednesday, October 14, 2009
050918-A (CPA2009).dwg

EXHIBIT
CONCEPTUAL SITE PLAN



LOCATION MAP

PROJECT SUMMARY:

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2.) STRAP NUMBER:
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SOUTH: VACANT/FUTURE PUBLIC FACILITY – 50' TYPE 'F' BUFFER

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CPA2007-49
BUCKINGHAM COMMUNITY PLAN
BoCC SPONSORED
AMENDMENT
TO THE

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

LPA Public Hearing Document
for the
April 27, 2009 Public Hearing

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

April 13, 2009

SCANNED

LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2007-49

☑ **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: April 13, 2009

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 of the Lee Plan to incorporate the recommendations of the Buckingham Community Planning effort. Establish a revised Goal, and new and revised Objectives, and Policies specific to the Buckingham community.

STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

1. **RECOMMENDATION:** Staff's recommended language for transmittal is shown below. Language that is not underlined is currently in the Lee Plan. Language that is underlined is proposed new language for Goal 17, Buckingham. Language shown in strike through in this part of the report is language that is currently in the Lee Plan that staff is recommending to be removed.

Planning staff recommends that the Board of County Commissioners transmit this proposed amendment incorporating staff's revisions shown below:

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. For the purposes of this plan, the precise boundaries of Buckingham are indicated on the Future Land Use Map.

OBJECTIVE 17.1: LAND USE. The primary land use designation for the Buckingham area is "Rural Community Preserve." Other land use designations exist within the boundaries, such as Public Facilities, Rural, Sub-Outlying Suburban, Conservation Lands, and Wetlands. 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 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 Rural Community Preserve 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~~ Rural Community Preserve. With the exception of the uses identified in this policy, ~~N~~no new commercial development will be located outside of this commercial node. All new commercial ~~activities~~ 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 may this policy be construed to prohibit commercial uses allowed in agricultural zoning districts. Boarding stables throughout the Rural Community Preserve will be allowed to give lessons and clinics if the operation does not create a nuisance with respect to use, road access, or drainage to its neighbors.

POLICY 17.1.3: Except for those clustered areas approved in accordance with Policy 17.1.5, ~~A~~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. ~~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: New residential lots created in the Buckingham Rural Community Preserve with agricultural zoning must contain at least one Buildable Acre. The area of a Buildable Acre will exclude any road right of way or easement, water management areas, and natural water bodies.

POLICY 17.1.5: Clustering of residential development in the Buckingham Rural Community Preserve requires residential planned development (RPD) zoning. Density in clustered developments will be based on upland acreage. Dwelling units must be located away from the property boundaries. Clustering of residential development is limited in the following fashion:

1) Buildings must be no less than 100 feet away from the RPD boundary.
2) The RPD must have a minimum of 10 acres.

POLICY 17.1.6: When possible, residential development adjacent to the Buckingham Rural Community Preserve boundary should make appropriate transitions to the community with a graduated density as development moves away from the Rural Community Preserve boundaries.

POLICY 17.1.7: To preserve the shoreline, all new buildings 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 Road, 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 feet (except for Buckingham Road and Luckett Road extensions).

7. The extension and connection of Long Road to Ellis rRoad is prohibited.

POLICY 17.2.1: The Lee County Department of Transportation will work with the Buckingham Community to identify issues, propose options, and develop a plan directed at improving safety on roads, limiting the negative effects of traffic, and improving the overall functionality of roads within the Buckingham Community.

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 will be designed to maintain or enhance the overall community character of Buckingham.

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 Lee Plan Map 7 as Future Sanitary Sewer Service Areas, as well as the existing Resource Recovery Facility, the adjacent Lee County Parks and Recreation Facility, and any future public 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. The County may also extend central water lines through the area, if necessary. 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)

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

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

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 will provide appropriate landscaping, buffering, and community aesthetics to ensure that a rural lifestyle is preserved.

POLICY 17.4.1: 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, resource recovery facilities, and telephone facilities. Utility companies should install and maintain buffers that obscure unsightly facilities.

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 work with the Buckingham community to develop a plan for an interconnected system of parks, hiking, and horse riding trails within the Buckingham community.

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

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Buckingham Community Plan update has been sponsored and financed 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 community vision for 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 Planning Panel submitted the Buckingham Community Plan and proposed plan amendment on September 26, 2007.
- Staff presented the proposed Buckingham plan amendment to the Local Planning Agency on November 19, 2007 and the LPA recommended that the Board transmit the plan amendment as

submitted by the planning panel with changes proposed by the LPA and not as staff recommended.

- Staff presented the proposed plan amendment to the Board of County Commissioners at their October 22, 2008 transmittal hearing. Staff explained they had several concerns over the proposed language and the Board voted unanimously to not transmit CPA2007-49 and directed staff to work with the community to resolve the issues and to bring a revised amendment back in the 2008/2009 amendment cycle.

- Staff attended two community meetings in Buckingham to explain their concerns and to try and arrive at an acceptable plan amendment. The first on December 11, 2008 and the second on February 19, 2009.

- Revised amendment language was sent to staff on March 10, 2009 with very few changes to the language that was sent to the Board on October 22, 2008. Most of staff's comments were not addressed.

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. The County provided $50,000 to fund the planning effort and the BCPP hired Johnson Engineering, Inc. to assist them in writing an updated Community Plan and Lee Plan amendment. The Community Plan and plan amendment were completed in late summer of 2008 and submitted to the County on September 26, 2008.

Staff prepared the staff report and recommended several changes to the applicant's language. Comments were provided to the planning panel and their consultant. The report was sent to the Local Planning Agency and the Buckingham Community Plan amendment was heard by the LPA on November 19, 2007. Staff gave a presentation and explained the reason for their recommended changes. The LPA did not recommend that the Board transmit any of staff's recommended

changes and recommended transmittal of the language submitted by the planning panel with some additional changes recommended by the LPA.

The Buckingham Community Plan amendment was heard by the Board of County Commissioners at the October 22, 2008 Transmittal Hearing. The Board did not transmit the amendment and directed staff to meet with the community and try and arrive at language agreeable to both the community and staff and to bring the amendment back in the next round.

Staff met with the Buckingham planning panel and community members on December 11, 2008 and February 19, 2009 and explained staff's position on the items in contention. Following the February 19, 2009 meeting the planning panel voted on whether to make any changes to their original language. The planning panel made very few changes and did not make any changes to most of the Objectives and Policies that concerned staff. The applicant's last submittal is attached as Exhibit A.

PART II - STAFF DISCUSSION AND RECOMMENDED REVISIONS

A. STAFF DISCUSSION

This new revised Goal for Buckingham is intended to express the community's desire to protect and maintain the existing character of the Buckingham community. This revised Goal, and new and revised Objectives, and Policies are shown as submitted by the applicant; and, if revised by staff, the revisions are shown in **bold**. The recommended revisions to the language submitted by the Buckingham Community Planning Panel are based on comments received from Planning, Environmental Sciences, Utilities, Solid Waste, Public Works, Human Services, and the County Attorney's office. Staff's comments are shown in *italic* below the Goal, Objectives, and Policies.

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~~ **Future Land Use Map**. Lee Plan ~~Map 16, as amended August 13, 2007 (Adopted by Ordinance No. 98-09; amended by Ordinance No. 02-02, 07-09, 07-13).~~

The Buckingham Community desires to expand the boundaries of the planning area to match the Buckingham Planning Community. The Community's proposed text seems to make the whole Buckingham area subject to the Rural Community Preserve–this has Bert Harris implications. Staff does not recommend expanding the planning area to match the Buckingham Planning Community.

OBJECTIVE 17.1: LAND USE. The primary land use designation for the Buckingham area is "Rural Community Preserve." Other ~~**smaller**~~ land use designations exist **with**in the boundaries,

such as Public Facilities, **Rural, ~~Urban Community~~**, Sub-Outlying Suburban, **Conservation Lands, and Wetlands. ~~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)

Staff has no objection to Objective 17.1 as amended.

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 proposed to be 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. With the exception of uses identified in this policy, n**o 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 **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~~ may** this policy be construed to prohibit ~~the designation of or~~ commercial uses allowed in agricultural zoning districts. Boarding stables **throughout the Rural Community Preserve** will be allowed to give lessons and clinics if the operation does not create a use, road access, or drainage nuisance to its neighbors.

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 allowed in agricultural zoning districts will not be affected. Also, Boarding stables throughout the Rural Community Preserve will be allowed to give lessons and clinics if the operation does not create a use, road access, or drainage nuisance to its neighbors.

The reference to the definition of development in F.S. 380 is already in the Glossary of the Lee Plan.

POLICY 17.1.3: Except for those clustered areas **as** approved **in accordance with ~~by~~** Policy 17.1.5, ~~A~~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)

Although the phrase after the adoption of this amendment is currently in the Lee Plan in Policy 17.1.3, it is not necessary and staff recommends deleting that phrase. It is understood that existing lots are not affected by Policy 17.1.3 so the reference to existing lots is not necessary.

POLICY 17.1.4: ~~**Density within the Rural Community Preserve will be no more than one unit per buildable acre. 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 Rural Community Preserve. The community strongly recommends density of no more than one unit per acre throughout the remainder of the Buckingham Community and bonus density to be disallowed.**~~ **New residential lots created in the Buckingham Rural Community Preserve with agricultural zoning must contain at least one Buildable Acre. The area of a Buildable Acre will exclude any road right of way or easement areas, water management areas, and natural water bodies.**

Bonus Density is not allowed in the Rural Community Preserve; restating that adds nothing to the Lee Plan. The last sentence of proposed Policy 17.1.4 shown in strike-through affects one approximately 95 acre tract of land that is located in the Urban Community Future Land Use category outside of the Rural Community Preserve, but within the Buckingham Planning Community. Because this plan amendment proposes to extend the boundaries of the planning area to match the Planning Community Boundaries, that 95 acre tract of land will be affected by this policy.

The Urban Community Future Land Use category allows a range of 1 to 6 dwelling units per acre and up to 10 dwelling units per acre with Bonus Density. The last sentence of Policy 17.1.4 shown in stike-through has Bert J. Harris implications and staff does not recommend transmitting that sentence. If the community does not want density of over one dwelling unit per acre on that site the proper way to express that is through the zoning process, not through a policy in the Lee Plan.

Staff recommends transmitting Policy 17.1.4 as revised above.

POLICY 17.1.5: Clustering of residential development ~~**is allowed**~~ in the Buckingham **Rural** Community **Preserve** ~~**only with**~~ **requires** 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**~~ **upland** acreage. ~~**and**~~ **Dwelling units must** be ~~**moved**~~ **located** 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**~~ **limited** in the following fashion:

1) ~~**Homesites**~~ **Buildings** 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.

This policy also affects one approximately 95 acre tract of land and has Bert J. Harris implications as submitted. Policy 17.1.2 restricts commercial uses to specific areas in the Rural Community Preserve and Policy 17.1.3 requires a minimum lot size of 43,560 square

feet (one acre) so the language that staff struck through does not affect the Rural Community Preserve. The struck through language only affects the areas that are outside of the Rural Community Preserve, but are located in the Buckingham Planning Community and with the adoption of this amendment, as proposed, will be located in the Buckingham Planning area. Staff does not recommend expanding the Buckingham planning area.

POLICY 17.1.6: When possible, Rresidential development ~~**along**~~ **adjacent to** the Buckingham **Rural** Community **Preserve** 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~~ Rural Community **Preserve** boundaries.

The Buckingham Rural Community Preserve is adjacent to Lehigh Acres on part of its southern boundary across Buckingham Road. It will not be possible to transition density at this location because the Lehigh lots are already platted at approximately 4 dwelling units/acre. Similarly, Buckingham Park is surrounded on three sides by the Rural Community Preserve and it will not be possible to transition density at that location.

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.

The Land Development Code will need to be amended to require the 50 foot setback for all residential buildings. It should be noted that the Board of County Commissioners has been routinely requiring 50 foot setbacks from natural water bodies during the rezoning process. Environmental Sciences staff is working on land development regulations that will require a 50 foot setback from natural water bodies County wide. The recently adopted FIRM maps indicate that the floodway exceeds 50 feet south of the Orange River in most locations and those areas must be kept free of encroachment.

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~~ **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 changes to number 6 under the objective are a concern. No data and analysis was submitted to support the change from "future rights-of way" to "rights-of way". There may be existing rights-of-way in excess of 80 feet in the Rural Community Preserve. 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. Staff does not recommend changing the existing policy language.

POLICY 17.2.1: The Lee County Department of Transportation will work with the Buckingham Community to identify issues, propose options, and develop a plan directed at improving safety on roads, limiting the negative effects of traffic, and improving the overall functionality of roads within the Buckingham Community.

Staff received no comments on Policy 17.2.1.

~~**POLICY 17.2.2: The Director of Development Services shall have the authority under Section 10-104 of the LDC to grant administrative variances to Section 10-174(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.**~~

The appropriate way to achieve the intent of Policy 17.2.2 is to amend the Land Development Code. Staff does not recommend transmittal of Policy 17.2.2.

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~~ will be designed to maintain or enhance** the overall community character **~~are prohibited~~ of Buckingham**.

Objective 17.3 as proposed is not measurable. Whether a public facility would detract or diminish the overall community character is subjective. Staff believes Policy 17.3, as revised, is consistent with the intent of the subsequent policies under the objective.

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 Lee Plan Map 7 **~~(effective January 21, 2004)~~** as Future Sanitary Sewer Service Areas, **as well as** the existing Resource Recovery Facility, **~~and~~** the adjacent Lee County Parks and Recreation Facility**, and any future public facility**.

Policy 17.3.1 has the potential to affect the planned Emergency Operations Center on property the County is negotiating to acquire from Lee County Mosquito Control and other public facilities that may be needed in the future. The policy will also limit the ability of others to tie into this line, thus burdening the County with a larger portion of the cost.

It may be necessary to extend central sewer lines in the future to serve existing development such as The Hut restaurant. The HUT has a failing wastewater treatment facility and are under a FDEP consent order to either replace the wastewater treatment facility or connect to the County's force main. In order for The Hut to connect to the County's force main, Map 7, Future Sewer Service Areas, will need to be amended. The Hut is not currently in the Sewer Service Area, and as proposed Policy 17.3.1 would prevent The Hut from connecting to County sewer lines. Staff recommends transmittal of Policy 17.3.1 as revised.

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. **The County may also extend central water lines through the area, if necessary.** 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)

Staff does not object to Policy 17.3.2 as revised. Similar 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. An exception should be made for a methane gas line to the Resource Recovery Facility that does not encroach on any other property within the Buckingham~~

~~community.~~

A Teco Peoples gas line is in place along Buckingham Road, and Policy 17.3.3 would make that gas line non-conforming. If other fuel transmission lines are needed to be installed in the Buckingham community, they will be installed underground and will have no visible affect on the community.

POLICY 17.3.4: All new large developments **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 are 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 17.1.5could 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.**~~

The first sentence of Policy 17.3.5 does not add anything meaningful to the Lee Plan. The second sentence is confusing. On one hand it states that the community supports the Mosquito Control District in limiting its activities to those consistent with its purpose (eradicating mosquitos) and then allows the provision of other public services. Staff does not recommend transmittal of Policy 17.3.5.

~~**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. The Gulf Coast Center is one of only two publicly owned sites available in Lee County that meet the minimum criteria as an emergency group site for temporary housing. This language not only prohibits the County from this option, but also other facilities that might assist disaster survivors following a major or catastrophic disaster impacting our community. This site could be a critical resource needed in implementing the County's Disaster Housing Plan. Staff does not recommend transmittal of Policy 17.3.6.

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

Staff has concerns about precluding any future need for a detention or correctional facility in any part of Lee County. Although the County has no plans to locate such a facility in Buckingham, the Gulf Coast Center in Buckingham is State owned land, and if they chose to place a correctional facility on that site they could do so with or without this policy. Staff does not recommend transmittal of Policy 17.3.7.

~~**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 one or more of the facilities listed in Policy 17.3.8 in the Buckingham Community at some future time to serve the area. This policy would prevent such a facility from being constructed. Staff does not recommend transmittal of Policy 17.3.8.

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**, and improve water quality**. In addition, ECWCD is encouraged to **work with the Lee County Emergency Operations Center 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.**~~

The East County Water Control District and Lee County EOC do not object to Policy 17.3.9, as revised, and staff recommends transmittal of the policy.

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 distribution and transmission lines. Buffering requirements are regulated by Section 10-416 and Section 34-1616 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 increase the current buffer requirements and require all native plant material for public facilities then the Land Development Code will have to be amended.

~~**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 Department of Solid Waste objects to Policy 17.4.2. Solid Waste comments on policy 17.4.2 noted that they are currently providing roadway cleanup on Buckingham Road in the vicinity of the Resource Recovery Facility. Any additional "affected" roads would need to be defined, as all the roads in Lee County are affected by trash pickup. Staff does not recommend transmittal of Policy 17.4.2.

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 and Sec. 33-1086 address walls on Pine Island. The Land Development Code will need to be amended to implement Policy 17.4.3.

POLICY 14.3.5: 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)

Sec. 33-1086. Residential project fences and walls. New residential 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.

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.

Staff has no objection to Objective 17.5. If the Buckingham community would like to increase the required open space in their community then the Land Development Code will have to be amended.

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.

The County adopted the Greenways Master Plan on May 16, 2007. The Greenways Master Plan establishes the location of future multi-use trails throughout Lee County.

~~**POLICY 17.5.2: Any access to the Orange River within the Buckingham Community 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. These issues can be addressed on a case by case basis as any proposals come forward from the County or private sector and the community will have the opportunity to express their concerns and opinions.

Proposed Policy 17.5.2 is not consistent with the intent of Lee Plan Objective 82.1, Policy 82.1.1, Objective 82.2, Policy 82.2.1, and Objective 82.3.

OBJECTIVE 82.1: WATER ACCESS STANDARD-ACQUISITION. The county will maintain its current inventory of water accesses and will acquire additional water accesses whenever and wherever economically feasible ("non-regulatory" desired future level of service, see Policy 95.1.4).

POLICY 82.1.1: The county will continue to pursue grants and other initiatives such as the "Save Our Coast" program as funding sources for additional water accesses.

OBJECTIVE 82.2: WATER ACCESS STANDARD-DEVELOPMENT. Lee County will retain the current inventory of water accesses and develop and/or redevelop at least 3 water accesses per year ("non-regulatory" minimum acceptable level of service, see Policy 95.1.3).

POLICY 82.2.1: The development of each water access will be evaluated on an individual basis in order to provide the correct level of development for each site. Development of water accesses will vary from simple signage on some to parking areas, beach crossovers, and dune restoration on others.

OBJECTIVE 82.3: INVENTORY OF WATER ACCESSES. Lee County will continue to research and maintain available data to determine if there are any additional publicly owned water access which could be added to the current inventories. This research will include the Gulf of Mexico frontage as well as the back bays.

POLICY 17.5.3: The removal of invasive 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 the policies in the Buckingham Plan shall consider and under this objective will be applied in a manner that will protect agricultural activity and small family farms.**~~

The County does not have control over what the Property Appraiser does or how land is valued. Direction to the Property Appraiser is not appropriate in the Lee Plan. Staff does not recommend transmittal of Objective 17.6 or subsequent policies 17.6.1 through 17.6.5.

~~**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 if the operation does not create a use, road access, or drainage nuisance to its neighbors.**~~

Hours of operation and scope of use are typically addressed in the Land Development Code. Staff recommends incorporating Policy 17.6.6 into Policy 17.1.2 as shown above.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: April 27, 2009

A. LOCAL PLANNING AGENCY REVIEW

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

NOEL ANDRESS	_____
CINDY BUTLER	_____
CARRIE CALL	_____
JIM GREEN	_____
MITCH HUTCHCRAFT	_____
RONALD INGE	_____
CARLA JOHNSTON	_____

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	_____
FRANK 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	_____
FRANK MANN	_____

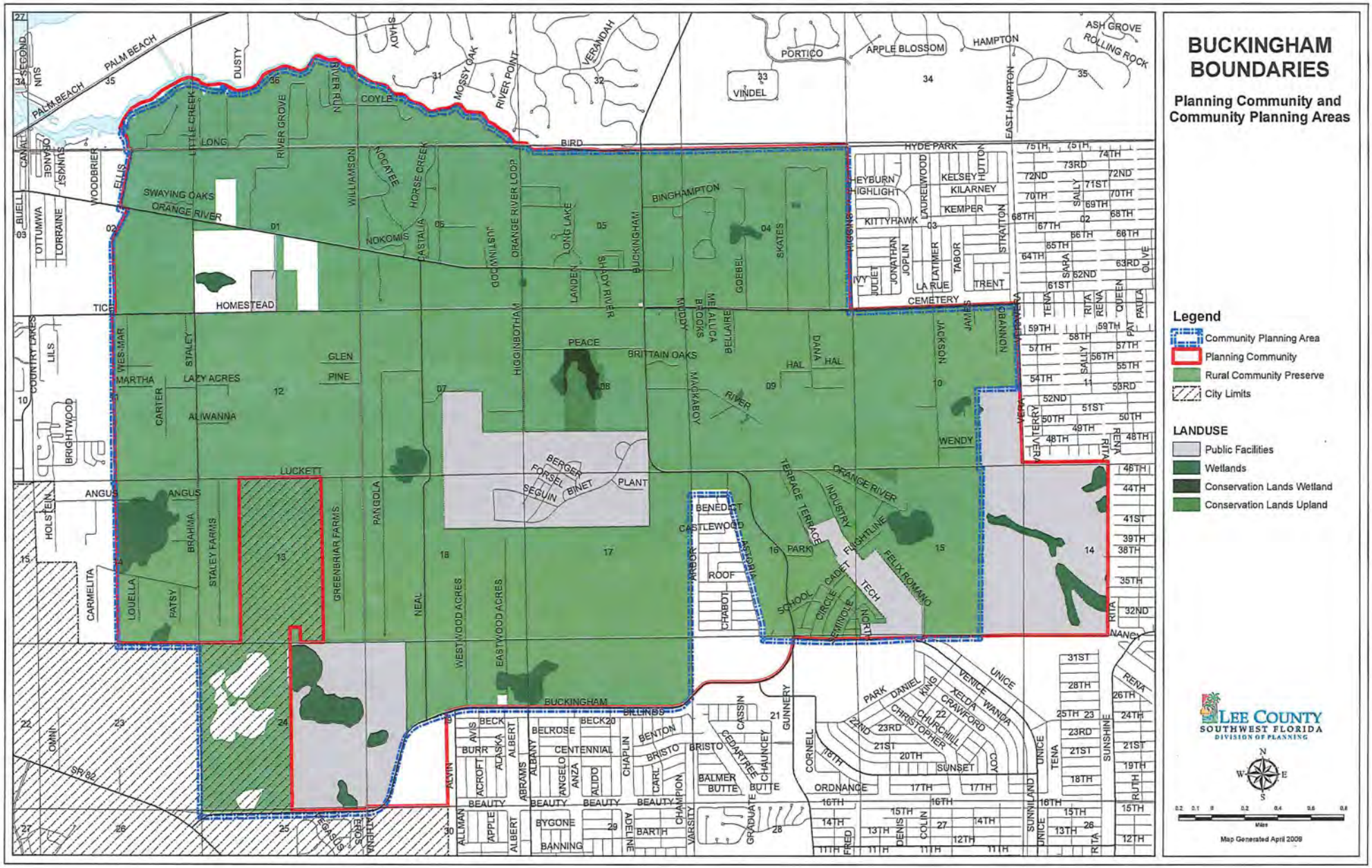

BUCKINGHAM BOUNDARIES
Planning Community and Community Planning Areas
Legend
Community Planning Area
Planning Community
Rural Community Preserve
City Limits
LANDUSE
Public Facilities
Wetlands
Conservation Lands Wetland
Conservation Lands Upland
LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING
Miles
Map Generated April 2009
PALM BEACH
DUSTY
COYLE
BIRD
LONG
SWAYING OAKS
ORANGE RIVER
HOMESTEAD
PEACE
BRITTAIN OAKS
GLEN
PINE
MARTHA
LAZY ACRES
ALIWANNA
LUCKETT
ANGUS
BERGER
FORSEL
SEQUIN
BINET
PLANT
BENEDICT
CASTLEWOOD
ROOF
CHABOT
ARBOR
ASTORIA
PARK
TERRACE
INDUSTRY
FLIGHTLINE
FELIX ROMANO
SCHOOL
CIRCLE
CADET
TECH
NORTH
WENDY
HYDE PARK
KELSEY
KILARNEY
KEMPER
KITTYHAWK
LA RUE
CEMETERY
TRENT
STRATTON
TABOR
LATIMER
JOPLIN
JONATHAN
JOLIET
IVY
SAPA
TENA
RITA
RENA
QUEEN
OLIVE
PAT
PAULA
SALLY
JAMES
JACKSON
HAL
DANA
BELLAIRE
GOEBEL
SKATES
BINGHAMPTON
BUCKINGHAM
LONG LAKE
LANDEN
SHADY RIVER
ORANGE RIVER LOOP
JUSTAMERE
NOKOMIS
CASTALIA
HORSE CREEK
WILLIAMSON
RIVER GROVE
LITTLE CREEK
ELLIS
WOODBRIER
SUNCAST
ORANGE
CANAL
BUELL
TOTTUMWA
LORRAINE
COUNTRY LAKES
LILS
WES-MAR
STALEY
CARTER
BRIGHTWOOD
HOLSTEIN
BRAHMA
STALEY FARMS
GREENBRIAR FARMS
PANGOLA
LOUELLA
PATSY
CARMELITA
NEAL
WESTWOOD ACRES
EASTWOOD ACRES
ALVIN
OMNI
SR 82
COPELAND
VARNEY
ALLMAN
APPLE
ALBERT
BANNING
BYGONE
BARTH
ADELINE
VARSITY
CHAMPION
GRADUATE
BEAUTY
BURR
ACROFT
ALASKA
ABRAMS
ALBANY
ANGELO
ANZA
ALIDO
CHAPLIN
BENTON
BRISTO
CARL
BELROSE
CENTENNIAL
BECK
BECK20
AVIS
BALMER
BUTTE
CEDARTREE
CHAUNCEY
CASSIN
GUNNERY
CORNELL
ORDNANCE
SUNSET
COVY
CHRISTOPHER
CHURCHILL
CRAWFORD
XELDA
WANDA
VENICE
KING
DANIEL
PARK
UNICE
SUNNILAND
SUNSHINE
RUTH
DENIS
COLIN
FRED
VERA
VERNA
OBANNON
TERRY
PORTICO
VINDEL
APPLE BLOSSOM
HAMPTON
EAST HAMPTON
ASH GROVE
ROLLING ROCK
SHADY
MOSSY OAK
RIVER POINT
VERANDAH
RIVER RUN
SECOND
SUN
PALM BEACH

Exhibit A – Goal, Objectives, and Policies submitted by the Buckingham Community Planning Panel.

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~~. Lee Plan Map 16, as amended August 13, 2007 (Adopted by Ordinance No. 98-09; amended by Ordinance No. 02-02, 07-09, 07-13)

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 ~~P~~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 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: Except for those clustered areas as approved by Policy 17.1.5, ~~A~~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 Rural Community Preserve will be no more than one unit per buildable acre. 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 Rural Community Preserve. The community strongly recommends density of no more than one unit per acre throughout the remainder of the Buckingham Community and bonus density to be disallowed.

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)~~.~~;

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POLICY 17.2.1: The Lee County Department of Transportation will work with the Buckingham Community to identify issues, propose options, and develop a plan directed at improving safety on roads, limiting the negative effects of traffic, and improving the overall functionality of roads within the Buckingham Community.

POLICY 17.2.2: The Director of Development Services shall have the authority under Section 10-104 of the LDC to grant administrative variances to Section 10-174(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.

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.

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 Lee Plan Map 7 (effective January 21, 2004) 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 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. An exception should be made for a methane gas line to the Resource Recovery Facility that does not encroach on any other property within the Buckingham community.

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 work with the Buckingham community to 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 invasive 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 if the operation does not create a use, road access or drainage nuisance to its neighbors.

CPA2007-49
BUCKINGHAM COMMUNITY PLAN
BoCC SPONSORED
AMENDMENT
TO THE

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

Lee County Board of County Commissioners
Sponsored Amendment and Staff Analysis

LPA Public Hearing Document
for the
June 3, 2009 Public Hearing

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

May 27, 2009

SCANNED

LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2007-49

☑ **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: May 27, 2009

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 of the Lee Plan to incorporate the recommendations of the Buckingham Community Planning effort. Establish a revised Goal, and new and revised Objectives, and Policies specific to the Buckingham community. Update Table 1 (b), Year 2030 Allocations.

STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

1. **RECOMMENDATION:** Staff's recommended language for transmittal is shown below. Language that is not underlined is currently in the Lee Plan. Language that is underlined is proposed new language for Goal 17, Buckingham. Language shown in strike through in this part of the report is language that is currently in the Lee Plan that staff is recommending to be removed.

Staff also recommends transmittal of the Year 2030 Allocation amendment described in Part II of this report.

GOAL 17: BUCKINGHAM. To manage the future growth in the Buckingham ~~area~~ community; 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 ~~C~~community. For the purposes of this plan, the precise boundaries of the Buckingham community are indicated on the Future Land Use Map Series, Map 1, Page 2 of 6, Special Treatment Areas. (Amended 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~~ community is "Rural Community Preserve." Other land use designations exist within the Buckingham community, such as Public Facilities, Rural, Sub-Outlying Suburban, Conservation Lands, and Wetlands. Public facilities have also been designated as appropriate. ~~After the adoption of this amendment n~~No land in the Buckingham community 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)

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~~ community. With the exception of uses identified in this policy, ~~N~~no new commercial ~~activities~~ development 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 may this policy be construed to prohibit commercial uses allowed in agricultural zoning districts. Boarding stables throughout the Rural Community Preserve will be allowed to give lessons and clinics if appropriate zoning approval is granted. (Amended by Ordinance No. 94-30, 98-09, 00-22)

POLICY 17.1.3: Except for those clustered areas approved in accordance with Policy 17.1.5, ~~A~~any lot created in the Rural Community Preserve ~~after the adoption of this amendment~~ land use category must have a minimum area of 43,560 square feet. ~~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: New residential lots created in the Rural Community Preserve with agricultural zoning must contain at least one Buildable Acre. The area of a Buildable Acre will exclude any road right of way or easement areas, water management areas, and natural water bodies.

POLICY 17.1.5: Clustering of residential development in the Rural Community Preserve requires residential planned development (RPD) zoning. Density in clustered developments will be based on upland acreage. Dwelling units must be located away from the property boundaries. Clustering of residential development is limited in the following fashion:

1) Buildings must be setback 100 feet from the RPD boundary.
2) The RPD must have a minimum of 10 acres in order to cluster homesites.

POLICY 17.1.6: When possible, residential development adjacent to the Rural Community Preserve boundary should make appropriate transitions to the community with a graduated increase in density as development moves away from the Rural Community Preserve boundaries.

POLICY 17.1.7: To preserve the shoreline, all new buildings must be setback 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 community, 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~~ community.

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 the Buckingham community will be no greater than 100 feet (except for Buckingham Road and Luckett Road extensions).

7. The extension and connection of Long Road to Ellis rRoad is prohibited. (Amended by Ordinance No. 94-30, 99-15, 00-22)

POLICY 17.2.1: The Lee County Department of Transportation will work with the Buckingham community to identify issues, propose options, and develop a plan directed at improving safety on roads, limiting the negative effects of traffic, and improving the overall functionality of roads within the Buckingham community.

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 will be designed to maintain or enhance the overall community character of the community.

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

POLICY 17.3.2: Central water lines may be extended along roads of the Rural Community Preserve upon request of property owners, with extension and connection fees paid by the person(s) requesting the water service. The County may also extend central water lines through the Rural Community Preserve, if necessary. 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 Rural Community Preserve.

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

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

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 will provide appropriate landscaping, buffering, and community aesthetics to ensure that a rural lifestyle is preserved.

POLICY 17.4.1: 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 Rural Community Preserve. This is to include, electrical facilities, substations,resource recovery facilities, and telephone facilities. Utility companies should install and maintain buffers that obscure unsightly facilities.

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 work with the Buckingham community to develop a plan for an interconnected system of parks, hiking, and horse riding trails within the Buckingham community.

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

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Buckingham Community Plan update has been sponsored and financed 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 community vision for the future of the Buckingham community.
- 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 Planning Panel submitted the Buckingham Community Plan and proposed plan amendment on September 26, 2007.

- Staff presented the proposed Buckingham plan amendment to the Local Planning Agency on November 19, 2007 and the LPA recommended that the Board transmit the plan amendment as submitted by the planning panel with changes proposed by the LPA and not as staff recommended.

- Staff presented the proposed plan amendment to the Board of County Commissioners at their October 22, 2008 transmittal hearing. Staff explained they had several concerns over the proposed language and the Board voted unanimously to not transmit CPA2007-49 and directed staff to work with the community to resolve the issues and to bring a revised amendment back in the 2008/2009 amendment cycle.

- Staff attended two community meetings in Buckingham to explain their concerns and to try and arrive at an acceptable plan amendment. The first on December 11, 2008 and the second on February 19, 2009.

- Revised amendment language was sent to staff on March 10, 2009 with very few changes to the language that was sent to the Board on October 22, 2008. Most of staff's comments were not addressed.

- CPA 2007-49 was presented to the LPA on April 27, 2009. The LPA made a motion to continue the Buckingham amendment to the June 3, 2009 LPA meeting with the direction for the community and staff to work together to revise the amendment.

- Staff contacted the Buckingham Community Planning Panel president on several occasions requesting a meeting with the planning panel to revise the amendment.

- Staff was informed by the Buckingham Community Planning Panel president that the panel members had not suggested any revisions and since neither the planning panel or staff propose revised language that it did not appear that a community meeting would be productive.

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 community, 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. The County provided $50,000 to fund the planning effort and the BCPP hired Johnson Engineering, Inc. to assist them in writing an updated Community Plan and Lee Plan amendment. The Community Plan and plan amendment were completed in late summer of 2008 and submitted to the County on September 26, 2008.

Staff prepared the staff report and recommended several changes to the applicant's language. Comments were provided to the planning panel and their consultant. The report was sent to the Local Planning Agency and the Buckingham Community Plan amendment was heard by the LPA on November 19, 2007. Staff gave a presentation and explained the reason for their recommended changes. The LPA did not recommend that the Board transmit any of staff's recommended changes and recommended transmittal of the language submitted by the planning panel with some additional changes recommended by the LPA.

The Buckingham Community Plan amendment was heard by the Board of County Commissioners at the October 22, 2008 Transmittal Hearing. The Board did not transmit the amendment and directed staff to meet with the community and try and arrive at language agreeable to both the community and staff and to bring the amendment back in the next round.

Staff met with the Buckingham planning panel and community members on December 11, 2008 and February 19, 2009 and explained staff's position on the items in contention. Following the February 19, 2009 meeting the planning panel voted on whether to make any changes to their original language. The planning panel made very few changes and did not make any changes to most of the Objectives and Policies that concerned staff. The applicant's last submittal is attached as Exhibit A.

Staff presented CPA 2007-49 to the Local Planning Agency on April 27, 2009 and the LPA passed a motion to continue the amendment to the June 3, 2009 LPA meeting and gave direction for the community and staff to work together to revise the amendment.

Staff contacted the Buckingham Community Planning Panel president on several occasions attempting to set up a meeting with the planning panel and was informed by the planning panel president that the panel members had not suggested any revisions and since neither the planning panel or staff propose revised language that it did not appear that a community meeting would be productive.

PART II - STAFF DISCUSSION AND RECOMMENDED REVISIONS

A. STAFF DISCUSSION

BUCKINGHAM YEAR 2030 ALLOCATION AMENDMENT:

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 Planning Community. At that time the Board asked that the issue be addressed in the ongoing Buckingham Community Planning process. The Buckingham Community Planning Panel 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.

On April 28, 2008 staff presented the LPA with a memo dated April 21, 2008 and maps of residential uses within the Urban Community portion of the Buckingham Planning Community that are 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 to the LPA 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 recommended transmittal of the Urban Community allocation.

A motion was made 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. That motion failed 4-2. According to Administrative Code 13-6 that was a recommendation to not transmit the staff recommended changes to Table 1(b).

The Buckingham Community Plan amendment was heard by the Board of County Commissioners at the October 22, 2008 Transmittal Hearing. The Board did not transmit the amendment and directed staff to meet with the community and try and arrive at language agreeable to both the community and staff and to bring the amendment back in the next round.

The following revised Goal for Buckingham is intended to express the community's desire to protect and maintain the existing character of the Buckingham community. This revised Goal, and new and revised Objectives, and Policies are shown as submitted by the applicant; and, if revised by staff, the revisions are shown in **bold**. The recommended revisions to the language submitted by the Buckingham Community Planning Panel are based on comments received from Planning, Environmental Sciences, Utilities, Solid Waste, Public Works, Human Services, and the County Attorney's office. Staff's comments are shown in *italic* below the Goal, Objectives, and Policies.

GOAL 17: BUCKINGHAM. To manage the future growth in the Buckingham ~~area~~ **community**; 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 **Series, Map 1, Page 2 of 6, Special Treatment Areas**. ~~Lee Plan Map 16, as amended August 13, 2007 (Adopted by Ordinance No. 98-09; amended by Ordinance No. 02-02, 07-09, 07-13).~~

The Buckingham community desires to expand the boundaries of the planning area to match the Buckingham Planning Community. The community's proposed text seems to make the whole Buckingham Planning Community subject to the Rural Community Preserve–this has Bert Harris implications. Staff does not recommend expanding the planning area to match the Buckingham Planning Community.

OBJECTIVE 17.1: LAND USE. The primary land use designation for the Buckingham ~~**area**~~ **community** is "Rural Community Preserve." Other ~~**smaller**~~ land use designations exist **within the Buckingham community** ~~the boundaries~~, such as Public Facilities, **Rural, ~~Urban Community~~, Sub-**Outlying Suburban, **Conservation Lands, and Wetlands**. ~~**Existing**~~ Public facilities have also been designated as appropriate. ~~**After the adoption of this amendment, n**~~No land in **the** Buckingham **community** 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)

Staff has no objection to Objective 17.1 as amended.

POLICY 17.1.1: No property within **the** Buckingham **community** 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 proposed to be added to the planning area because an existing potential to rezone those areas to RVPD is being taken away. Staff's recommendation to keep the Buckingham area as currently depicted eliminates this concern.

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~~ **community**. **With the exception of uses identified in this policy, n**o 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 **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 may** this policy be construed to prohibit ~~the designation of or~~ commercial uses allowed in agricultural zoning districts. Boarding stables **throughout the Rural Community Preserve** will be allowed to

give lessons and clinics if **appropriate zoning approval is granted.** ~~the operation does not create a use, road access, or drainage nuisance to its neighbors.~~

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 allowed in agricultural zoning districts will not be affected. Also, Boarding stables throughout the Rural Community Preserve will be allowed to give lessons and clinics if the operation does not create a use, road access, or drainage nuisance to its neighbors.

The reference to the definition of development in F.S. 380 is already in the Glossary of the Lee Plan.

POLICY 17.1.3: Except for those clustered areas ~~as~~ approved **in accordance with ~~by~~** Policy 17.1.5, ~~A~~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)

Although the phrase after the adoption of this amendment is currently in the Lee Plan in Policy 17.1.3, it is not necessary and staff recommends deleting that phrase. It is understood that existing lots are not affected by Policy 17.1.3 so the reference to existing lots is not necessary.

POLICY 17.1.4: ~~**Density within the Rural Community Preserve will be no more than one unit per buildable acre. 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 Rural Community Preserve. The community strongly recommends density of no more than one unit per acre throughout the remainder of the Buckingham Community and bonus density to be disallowed.**~~ **New residential lots created in the ~~Buckingham~~ Rural Community Preserve with agricultural zoning must contain at least one Buildable Acre. The area of a Buildable Acre will exclude any road right of way or easement areas, water management areas, and natural water bodies.**

Bonus Density is not allowed in the Rural Community Preserve; restating that adds nothing to the Lee Plan. The last sentence of proposed Policy 17.1.4 shown in strike-through affects one approximately 95 acre tract of land that is located in the Urban Community Future Land Use category outside of the Rural Community Preserve, but within the Buckingham Planning Community. Because this plan amendment proposes to extend the boundaries of the planning area to match the Planning Community Boundaries, that 95 acre tract of land will be affected by this policy.

The Urban Community Future Land Use category allows a range of 1 to 6 dwelling units per acre and up to 10 dwelling units per acre with Bonus Density. The last sentence of Policy 17.1.4 shown in stike-through has Bert J. Harris implications and staff does not recommend transmitting that sentence. If the community does not want density of over one dwelling unit per acre on that site the proper way to express that is through a Future Land Use Map change.

Staff recommends transmitting Policy 17.1.4 as revised above, keeping the Buckingham planning area as currently depicted.

POLICY 17.1.5: Clustering of residential development ~~**is allowed**~~ in the ~~**Buckingham**~~ **Rural** Community **Preserve** ~~**only with**~~ **requires** 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 upland** acreage. ~~**and**~~ **Dwelling units must** be ~~**moved**~~ **located** 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**~~ **limited** in the following fashion:

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

This policy also affects one approximately 95 acre tract of land and has Bert J. Harris implications as submitted. Policy 17.1.2 restricts commercial uses to specific areas in the Rural Community Preserve and Policy 17.1.3 requires a minimum lot size of 43,560 square feet (one acre) so the language that staff struck through does not affect the Rural Community Preserve. The struck through language only affects the areas that are outside of the Rural Community Preserve, but are located in the Buckingham Planning Community and with the adoption of this amendment, as proposed, will be located in the Buckingham Planning area. Staff does not recommend expanding the Buckingham planning area.

POLICY 17.1.6: When possible, Rresidential development ~~**along**~~ **adjacent to** the ~~**Buckingham**~~ **Rural** Community **Preserve** boundary should make appropriate transitions to the community ~~**by allowing only single-family homes**~~ with a graduated **increase in** density as development moves away from the ~~planning~~ Rural Community **Preserve** boundaries.

The Buckingham Rural Community Preserve is adjacent to Lehigh Acres on part of its southern boundary across Buckingham Road. It will not be possible to transition density at this location because the Lehigh lots are already platted at approximately 4 dwelling units/acre. Similarly, Buckingham Park is surrounded on three sides by the Rural Community Preserve and it will not be possible to transition density at that location.

POLICY 17.1.7: To preserve the shoreline, all new ~~**residential**~~ buildings~~**, including attached screen enclosures will be no closer than**~~ **must be setback** 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.

The Land Development Code will need to be amended to require the 50 foot setback for all residential buildings. It should be noted that the Board of County Commissioners has been routinely requiring 50 foot setbacks from natural water bodies during the rezoning process.

Environmental Sciences staff is working on land development regulations that will require a 50 foot setback from natural water bodies County wide.

Staff reviewed the dimensions of existing lots adjacent to the river. Through this review staff determined that because of the depth of the lots, the 50 foot setback would not preclude the construction of a single family home on each of those lots adjacent to the Orange River.

The recently adopted FIRM maps now include a provision that floodways must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood height. The floodway south of the Orange River in Buckingham exceeds 50 feet on most, if not all of the lots adjacent to the Orange River in Buckingham. Staff recommends transmittal of Policy 17.1.7 as revised.

OBJECTIVE 17.2: TRANSPORTATION AND ROADS. To protect the rural character of the Buckingham ~~area~~ **community**, 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~~ **community**.

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~~ **future** rights-of-way in **the** Buckingham **community** 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**R**oad 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 changes to number 6 under the objective are a concern. No data and analysis was submitted to support the change from "future rights-of way" to "rights-of way". There may be

existing rights-of-way in excess of 80 feet in the Rural Community Preserve. 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. Staff does not recommend changing the existing policy language.

POLICY 17.2.1: The Lee County Department of Transportation will work with the Buckingham community to identify issues, propose options, and develop a plan directed at improving safety on roads, limiting the negative effects of traffic, and improving the overall functionality of roads within the Buckingham community.

Staff received no comments on Policy 17.2.1.

~~**POLICY 17.2.2: The Director of Development Services shall have the authority under Section 10-104 of the LDC to grant administrative variances to Section 10-174(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.**~~

The appropriate way to achieve the intent of Policy 17.2.2 is to amend the Land Development Code. Staff does not recommend transmittal of Policy 17.2.2.

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~~ will be designed to maintain or enhance** the overall community character **~~are prohibited~~ of the community**.

Objective 17.3 as proposed is not measurable. Whether a public facility would detract or diminish the overall community character is subjective. Staff believes Policy 17.3, as revised, is consistent with the intent of the subsequent policies under the objective.

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 Lee Plan Map 7 **~~(effective January 21, 2004)~~** as Future Sanitary Sewer Service Areas, **as well as** the existing Resource Recovery Facility, **~~and~~** the adjacent Lee County Parks and Recreation Facility**, and any future public facility**.

Policy 17.3.1 has the potential to affect the planned Emergency Operations Center on property the County is negotiating to acquire from Lee County Mosquito Control and other public facilities that may be needed in the future. The policy will also limit the ability of others to tie into this line, thus burdening the County with a larger portion of the cost.

It may be necessary to extend central sewer lines in the future to serve existing development such as The Hut restaurant. The HUT has a failing wastewater treatment facility and are under a FDEP consent order to either replace the wastewater treatment facility or connect to the County's force main. In order for The Hut to connect to the County's force main, Map 7, Future Sewer Service Areas, will need to be amended. The Hut is not currently in the Sewer Service Area, and as proposed Policy 17.3.1 would prevent The Hut from connecting to County sewer lines. Staff recommends transmittal of Policy 17.3.1 as revised.

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. **The County may also extend central water lines through the Rural community Preserve, if necessary.** 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)

Staff does not object to Policy 17.3.2 as revised. Similar 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. An exception should be made for a methane gas line to the Resource Recovery Facility that does not encroach on any other property within the Buckingham community.**~~

A Teco Peoples gas line is in place along Buckingham Road, and Policy 17.3.3 would make that gas line non-conforming. If other fuel transmission lines are needed to be installed in the Buckingham community, they will be installed underground and will have no visible affect on the community.

POLICY 17.3.4: All new large developments **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 are 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 17.1.5could 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.**~~

The first sentence of Policy 17.3.5 does not add anything meaningful to the Lee Plan. The second sentence is confusing. On one hand it states that the community supports the Mosquito Control District in limiting its activities to those consistent with its purpose (eradicating mosquitos) and then allows the provision of other public services. Staff does not recommend transmittal of Policy 17.3.5.

~~**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. The Gulf Coast Center is one of only two publicly owned sites available in Lee County that meet the minimum criteria as an emergency group site for temporary housing. This language not only prohibits the County from this option, but also other facilities that might assist disaster survivors following a major or catastrophic disaster impacting our community. This site could be a critical resource needed in implementing the County's Disaster Housing Plan. Staff does not recommend transmittal of Policy 17.3.6.

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

Staff has concerns about precluding any future need for a detention or correctional facility in any part of Lee County. Although the County has no plans to locate such a facility in Buckingham, the Gulf Coast Center in Buckingham is State owned land, and if they chose to place a correctional facility on that site they could do so with or without this policy. Staff does not recommend transmittal of Policy 17.3.7.

~~**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 one or more of the facilities listed in Policy 17.3.8 in the Buckingham community at some future time to serve the area. This policy would prevent such a facility from being constructed. Staff does not recommend transmittal of Policy 17.3.8.

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,

and improve water quality. In addition, ECWCD is encouraged to **work with the Lee County Emergency Operations Center 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.**~~

The East County Water Control District and Lee County EOC do not object to Policy 17.3.9, as revised, and staff recommends transmittal of the policy.

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 Rural C**~~community **Preserve**. 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 distribution and transmission lines. Buffering requirements are regulated by Section 10-416 and Section 34-1616 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 increase the current buffer requirements and require all native plant material for public facilities then the Land Development Code will have to be amended.

~~**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 Department of Solid Waste objects to Policy 17.4.2. Solid Waste comments on policy 17.4.2 noted that they are currently providing roadway cleanup on Buckingham Road in the vicinity of the Resource Recovery Facility. Any additional "affected" roads would need to be defined, as all the roads in Lee County are affected by trash pickup. Staff does not recommend transmittal of Policy 17.4.2.

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 and Sec. 33-1086 address walls on Pine Island. The Land Development Code will need to be amended to implement Policy 17.4.3.

POLICY 14.3.5: 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)

Sec. 33-1086. Residential project fences and walls. New residential 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.

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.

Staff has no objection to Objective 17.5. If the Buckingham community would like to increase the required open space in their community then the Land Development Code will have to be amended.

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.

The County adopted the Greenways Master Plan on May 16, 2007. The Greenways Master Plan establishes the location of future multi-use trails throughout Lee County.

~~**POLICY 17.5.2: Any access to the Orange River within the Buckingham Community 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. These issues can be addressed on a case by case basis as any proposals come forward from the County or private sector and the community will have the opportunity to express their concerns and opinions.

Proposed Policy 17.5.2 is not consistent with the intent of Lee Plan Objective 82.1, Policy 82.1.1, Objective 82.2, Policy 82.2.1, and Objective 82.3.

OBJECTIVE 82.1: WATER ACCESS STANDARD-ACQUISITION. The county will maintain its current inventory of water accesses and will acquire additional water accesses whenever and wherever economically feasible ("non-regulatory" desired future level of service, see Policy 95.1.4).

POLICY 82.1.1: The county will continue to pursue grants and other initiatives such as the "Save Our Coast" program as funding sources for additional water accesses.

OBJECTIVE 82.2: WATER ACCESS STANDARD-DEVELOPMENT. Lee County will retain the current inventory of water accesses and develop and/or redevelop at least 3 water accesses per year ("non-regulatory" minimum acceptable level of service, see Policy 95.1.3).

POLICY 82.2.1: The development of each water access will be evaluated on an individual basis in order to provide the correct level of development for each site. Development of water accesses will vary from simple signage on some to parking areas, beach crossovers, and dune restoration on others.

OBJECTIVE 82.3: INVENTORY OF WATER ACCESSES. Lee County will continue to research and maintain available data to determine if there are any additional publicly owned water access which could be added to the current inventories. This research will include the Gulf of Mexico frontage as well as the back bays.

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

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 the policies in the Buckingham Plan shall consider and under this objective will be applied in a manner that will protect agricultural activity and small family farms.**~~

The County does not have control over what the Property Appraiser does or how land is valued. Direction to the Property Appraiser is not appropriate in the Lee Plan. Staff does not recommend transmittal of Objective 17.6 or subsequent policies 17.6.1 through 17.6.5.

~~**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 if the operation does not create a use, road access, or drainage nuisance to its neighbors.**~~

Hours of operation and scope of use are typically addressed in the Land Development Code. Staff recommends incorporating Policy 17.6.6 into Policy 17.1.2 as shown above.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF FIRST PUBLIC HEARING: April 27, 2009

A. LOCAL PLANNING AGENCY REVIEW

Staff provided background information CPA2007-49 and reviewed the staff report and recommendations.

General questions and answers ensued. Discussion took place about expanding the boundaries and including a 95 acre tract of land located south of Buckingham Park.

One LPA member expressed concerns with including the 95 acre tract of land if this has not been discussed with the property owners.

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

The Buckingham Community Planning Panel president, two Buckingham residents and their planning consultant spoke in favor of the Buckingham plan amendment as submitted by the Buckingham Community Planning Panel and asked the LPA to recommend transmittal of the amendment as submitted by the planning panel.

Two representatives of the owner of the 95 acre tract of land located south of Buckingham Park spoke generally in favor of the staff recommendation, but asked that the reference to the Buckingham community be made consistent throughout the amendment. One of the representatives noted that his client did not wish to be made part of the Buckingham community planning area.

Suggestions/Comments by the Local Planning Agency:

One LPA member felt the document is confusing as to the language that needs to be redrafted in order to implement the wishes of the community. He asked that the community continue to work with staff and come forward with a draft that answers all concerns that have been raised during today's proceedings because they are valid concerns. He also felt the community needed to recognize existing property rights on properties they want included in their area. The language needs to be drafted so those rights are protected. He asked that this item be continued to the June 3, 2009 Local Planning Agency meeting and that a new draft be provided.

Another LPA member stated he was not against what the community was trying to do, but he was concerned about using the Comprehensive Plan Amendment process to erode the rights of a piece of property without the property owner's permission by putting provisions into the Comprehensive Plan. If the community has a problem with development plans for the site, they can address those concerns during the zoning process.

Several LPA members asked that the community attempt to work with staff further to come up with something that is easier to understand and takes into account concerns expressed at this meeting.

One LPA member agreed the community should have an opportunity to establish a vision for their community and set out some guidelines, but he was concerned with some components such as NIMBYism (Not In My Backyard). He did not want to see a proliferation of that across the County. He also expressed concerns about the connection to water and sewer. If there is a water quality issue out there and the community is prohibited from connecting to central water and sewer, it could be a problem for the community.

A motion was made and seconded to continue CPA2007-49 Buckingham Community Plan to the June 3, 2009 Local Planning Agency meeting with direction for the community and staff to work together to revise the amendment prior to the June meeting. The motion passed 7-0.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

Motion to continue CPA2007-49 to the June 3, 2009 LPA meeting and give direction for the community and staff to work together to revise the amendment. Motion carried 7-0.

C. BASIS AND RECOMMENDED FINDINGS OF FACT:

The LPA accepted the Findings of Fact as advanced by staff.

D. VOTE:

NOEL ANDRESS	AYE
CINDY BUTLER	AYE
CARRIE CALL	AYE
JIM GREEN	AYE
MITCH HUTCHCRAFT	AYE
RONALD INGE	AYE
CARLA JOHNSTON	AYE

DATE OF SECOND PUBLIC HEARING: June 3, 2009

A. LOCAL PLANNING AGENCY REVIEW

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

C. BASIS AND RECOMMENDED FINDINGS OF FACT:

D. VOTE:

NOEL ANDRESS	_____
CINDY BUTLER	_____
CARRIE CALL	_____
JIM GREEN	_____
MITCH HUTCHCRAFT	_____
RONALD INGE	_____
CARLA JOHNSTON	_____

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:

BRIAN BIGELOW	_____
TAMMARA HALL	_____
ROBERT P. JANES	_____
RAY JUDAH	_____
FRANK 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:

BRIAN BIGELOW	_____
TAMMARA HALL	_____
ROBERT P. JANES	_____
RAY JUDAH	_____
FRANK MANN	_____

CPA2007-49
BUCKINGHAM COMMUNITY PLAN
BoCC SPONSORED
AMENDMENT
TO THE
LEE PLAN

LEE COUNTY COMPREHENSIVE PLAN

Lee County Board of County Commissioners
Sponsored Amendment and Staff Analysis

BoCC Public Hearing Document
for the
September 24, 2009 Transmittal Hearing

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

September 11, 2009

SCANNED

LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2007-49

✓	**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: May 27, 2009

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 of the Lee Plan to incorporate the recommendations of the Buckingham Community Planning effort. Establish a revised Goal, and new and revised Objectives, and Policies specific to the Buckingham community. Update Table 1 (b), Year 2030 Allocations.

STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

1. RECOMMENDATION: Staff's recommended language for transmittal is shown below. Language that is not underlined is currently in the Lee Plan. Language that is underlined is proposed new language for Goal 17, Buckingham. Language shown in strike through in this part of the report is language that is currently in the Lee Plan that staff is recommending to be removed.

Staff also recommends transmittal of the Year 2030 Allocation amendment described in Part II of this report.

GOAL 17: BUCKINGHAM. To manage the future growth in the Buckingham ~~area~~ community; 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 ~~C~~community. For the purposes of this plan, the precise boundaries of the Buckingham community are indicated on the Future Land Use Map Series, Map 1, Page 2 of 6, Special Treatment Areas.

OBJECTIVE 17.1: LAND USE. The primary land use designation for the Buckingham ~~area~~ community is "Rural Community Preserve." Other land use designations exist within the Buckingham community, such as Public Facilities, Rural, Sub-Outlying Suburban, Conservation Lands, and Wetlands. Public facilities have also been designated as appropriate. ~~After the adoption of this amendment n~~No land in the Buckingham community 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.

POLICY 17.1.1: No property within the Buckingham community will be rezoned to RVPD.

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~~ community. With the exception of uses identified in this policy, ~~N~~no new commercial ~~activities~~ development 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 may this policy be construed to prohibit commercial uses allowed in agricultural zoning districts. Boarding stables throughout the Rural Community Preserve will be allowed to give lessons and clinics if appropriate zoning approval is granted.

POLICY 17.1.3: Except for those clustered areas approved in accordance with Policy 17.1.5, ~~A~~any lot created in the Rural Community Preserve ~~after the adoption of this amendment~~ land use category must have a minimum area of 43,560 square feet. ~~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.~~

POLICY 17.1.4: New residential lots created in the Rural Community Preserve with agricultural zoning must contain at least one Buildable Acre. The area of a Buildable Acre will exclude any road right of way or easement areas, water management areas, and natural water bodies.

POLICY 17.1.5: Clustering of residential development in the Rural Community Preserve requires residential planned development (RPD) zoning. Density in clustered developments will be based on upland acreage. Dwelling units must be located away from the property boundaries. Clustering of residential development is limited in the following fashion:

1) Buildings must be set back 100 feet from the RPD boundary.
2) The RPD must have a minimum of 10 acres in order to cluster homesites.

POLICY 17.1.6: When possible, residential development adjacent to the Rural Community Preserve boundary should make appropriate transitions to the community with a graduated increase in density as development moves away from the Rural Community Preserve boundaries.

POLICY 17.1.7: To preserve the shoreline, a 50 feet set back is required from the Orange River. The setback will be measured from the mean high water line or from the top of bank of the Orange River, whichever is further landward.

OBJECTIVE 17.2: TRANSPORTATION AND ROADS. The Lee County Department of Transportation will work with the residents of the Buckingham community to protect the rural character of the Buckingham planning area.

POLICY 17.2.1: The following restrictions will apply to future road plans:

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~~ community.

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 the Buckingham community will be no greater than 100 feet (except for Buckingham Road and Luckett Road extensions).

7. The extension and connection of Long Road to Ellis rRoad is prohibited. (Amended by Ordinance No. 94-30, 99-15, 00-22)

POLICY 17.2.2: The Lee County Department of Transportation will work with the Buckingham community to identify issues, propose options, and develop a plan directed at improving safety on roads, limiting the negative effects of traffic, and improving the overall functionality of roads within the Buckingham community.

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 will be designed to maintain or enhance the overall rural character of the community.

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

POLICY 17.3.2: Central water lines may be extended along roads of the Rural Community Preserve upon request of property owners, with extension and connection fees paid by the person(s) receiving the water service. The County may also extend central water lines through the Rural Community Preserve, if necessary. 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 Rural Community Preserve.

POLICY 17.3.3: All new large developments as defined in chapter 10 of the Land Development Code, for which a local development order is required, must install utilities underground. Utilities include, but are not limited to, electricity, telephone, and cable lines.

POLICY 17.3.4: East County Water Control District is encouraged to continue to develop and maintain its infrastructure to minimize flooding, manage flows down the Orange River, and improve water quality. In addition, ECWCD is encouraged to work with the Lee County Emergency Operations Center to develop a system to warn residents in advance of large releases of water.

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

POLICY 17.4.1: 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 Rural Community Preserve. This is to include, electrical facilities, substations, resource recovery facilities, and telephone facilities. Utility companies should install and maintain buffers that obscure unsightly facilities.

POLICY 17.4.2: 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 must be designed to be undulating.

POLICY 17.4.3: Residential and commercial lighting must 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 work with the Buckingham community to develop a plan for an interconnected system of parks, hiking, and horse riding trails within the Buckingham community.

POLICY 17.5.2: The removal of invasive exotic plants, as defined by the state or county, is required for all new development within the Rural Community Preserve.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Buckingham Community Plan update has been sponsored and financed 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 community vision for the future of the Buckingham community.
- 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 Planning Panel submitted the Buckingham Community Plan and proposed plan amendment on September 26, 2007.

- Staff presented the proposed Buckingham plan amendment to the Local Planning Agency on November 19, 2007 and the LPA recommended that the Board transmit the plan amendment as submitted by the planning panel with changes proposed by the LPA and not as staff recommended.

- Staff presented the proposed plan amendment to the Board of County Commissioners at their October 22, 2008 transmittal hearing. Staff explained they had several concerns over the proposed language and the Board voted unanimously to not transmit CPA2007-49 and directed staff to work with the community to resolve the issues and to bring a revised amendment back in the 2008/2009 amendment cycle.

- Staff attended two community meetings in Buckingham to explain their concerns and to try and arrive at an acceptable plan amendment. The first on December 11, 2008 and the second on February 19, 2009.

- Revised amendment language was sent to staff on March 10, 2009 with very few changes to the language that was sent to the Board on October 22, 2008. Most of staff's comments were not addressed.

- CPA 2007-49 was presented to the LPA on April 27, 2009. The LPA made a motion to continue the Buckingham amendment to the June 3, 2009 LPA meeting with the direction for the community and staff to work together to revise the amendment.

- Staff contacted the Buckingham Community Planning Panel president on several occasions requesting a meeting with the planning panel to revise the amendment.

- Staff was informed by the Buckingham Community Planning Panel president that the panel members had not suggested any revisions and since neither the planning panel or staff propose revised language that it did not appear that a community meeting would be productive.

- CPA 2007-49 was presented to the LPA for the second time on June 3, 2009. The LPA made a motion to move three areas that were not in the Buckingham planning area out of the Buckingham Planning Community.

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 community, 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.

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 Goal 17 of the Lee Plan specific to the Buckingham community. The County provided $50,000 to fund the planning effort and the BCPP hired Johnson Engineering, Inc. to assist them in writing an updated Community Plan and Lee Plan amendment. The Community Plan and plan amendment were completed in late summer of 2008 and submitted to the County on September 26, 2008.

Staff prepared the staff report and recommended several changes to the applicant's language. Comments were provided to the planning panel and their consultant. The report was sent to the Local Planning Agency and the Buckingham Community Plan amendment was heard by the LPA on November 19, 2007. Staff gave a presentation and explained the reason for their recommended changes. The LPA did not recommend that the Board transmit any of staff's recommended changes and recommended transmittal of the language submitted by the planning panel with some additional changes recommended by the LPA.

The Buckingham Community Plan amendment was heard by the Board of County Commissioners at the October 22, 2008 Transmittal Hearing. The Board did not transmit the amendment and directed staff to meet with the community and try and arrive at language agreeable to both the community and staff and to bring the amendment back in the next round.

Staff met with the Buckingham planning panel and community members on December 11, 2008 and February 19, 2009 and explained staff's position on the items in contention. Following the February 19, 2009 meeting the planning panel voted on whether to make any changes to their original language. The planning panel made very few changes and did not make any changes to most of the Objectives and Policies that concerned staff. The applicant's last submittal is attached as Exhibit A.

Staff presented CPA 2007-49 to the Local Planning Agency on April 27, 2009 and the LPA passed a motion to continue the amendment to the June 3, 2009 LPA meeting and gave direction for the community and staff to work together to revise the amendment.

Staff contacted the Buckingham Community Planning Panel president on several occasions attempting to set up a meeting with the planning panel and was informed by the planning panel president that the panel members had not suggested any revisions and since neither the planning panel or staff propose revised language that it did not appear that a community meeting would be productive.

CPA 2007-49 was presented to the LPA for the second time on June 3, 2009. The LPA made a motion to move three areas that were not in the Buckingham planning area out of the Buckingham Planning Community.

PART II - STAFF DISCUSSION AND RECOMMENDED REVISIONS

A. STAFF DISCUSSION

BUCKINGHAM YEAR 2030 ALLOCATION AMENDMENT:

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 Planning Community. At that time the Board asked that the issue be addressed in the ongoing Buckingham Community Planning process. The Buckingham Community Planning Panel 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.

On April 28, 2008 staff presented the LPA with a memo dated April 21, 2008 and maps of residential uses within the Urban Community portion of the Buckingham Planning Community that are 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 to the LPA 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 recommended transmittal of the Urban Community allocation.

A motion was made 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. That motion failed 4-2. According to Administrative Code 13-6 that was a recommendation to not transmit the staff recommended changes to Table 1(b).

The Buckingham Community Plan amendment was heard by the Board of County Commissioners at the October 22, 2008 Transmittal Hearing. The Board did not transmit the amendment and directed staff to meet with the community and try and arrive at language agreeable to both the community and staff and to bring the amendment back in the next round.

On June 3, 2009 a motion was made by the LPA that would move three areas out of the Buckingham Planning Community so that the Planning Community would be consistent with the Buckingham planning area.. The LPA recommendation required that the staff recommendation for Table 1(b) in the Lee Plan presented to the LPA on April 28, 2008 was modified to account for the proposed change to

the planning community boundaries. Staff's revised recommendation includes decreasing the Urban Community allocation from 51 acres to 0 acres; increasing the Outlying Suburban allocation from 49 acres to 66 acres; decreasing the Rural allocation from 57 acres to 50 acres; and increasing the Rural Community Preserve allocation from 3,046 acres to 3,100 acres. Table 1(b) as proposed is provided in full as an attachment to this staff report.

The following revised Goal for Buckingham is intended to express the community's desire to protect and maintain the existing character of the Buckingham community. This revised Goal, and new and revised Objectives, and Policies are shown as submitted by the applicant; followed by a brief staff discussion and analysis in *italic*; and, if revised by staff, the revisions are shown following the discussion/analysis. The recommended revisions to the language submitted by the Buckingham Community Planning Panel are based on comments received from Planning, Environmental Sciences, Utilities, Solid Waste, Public Works, Human Services, and the County Attorney's office.

The Buckingham Community Planning Panel proposed the following language:

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~~ Lee Plan Map 16, as amended August 13, 2007.

The Buckingham community desires to expand the boundaries of the planning area to match the Buckingham Planning Community. The community's proposed text seems to make the whole Buckingham Planning Community subject to the Rural Community Preserve–this has Bert Harris implications. In addition, the property owners in the area proposed for inclusion do not consent to participate in the restrictions proposed by this plan. Staff does not recommend expanding the Buckingham planning area to match the Buckingham Planning Community. Without the expansion of the Buckingham planning area, staff recommends transmittal of the revised Goal 17 below.

GOAL 17: BUCKINGHAM. To manage the future growth in the Buckingham ~~area~~ community; 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 ~~C~~community. For the purposes of this plan, the precise boundaries of the Buckingham community are indicated on the Future Land Use Map Series, Map 1, Page 2 of 6, Special Treatment Areas.

The Buckingham Community Planning Panel proposed the following language:

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, 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.

Staff is concerned that the applicant's proposed addition of the language "unless property is within a pre-existing higher density" would be used by potential developers to achieve an even higher density than they currently have. This does not seem to be consistent with the vision of the Buckingham community. Staff has no objection to this objective as amended below.

OBJECTIVE 17.1: LAND USE. The primary land use designation for the Buckingham ~~area~~ community is "Rural Community Preserve." Other land use designations exist within the Buckingham community, such as Public Facilities, Rural, Sub-Outlying Suburban, Conservation Lands, and Wetlands. Public facilities have also been designated as appropriate. ~~After the adoption of this amendment n~~No land in the Buckingham community 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.

The Buckingham Community Planning Panel proposed the following language:

POLICY 17.1.1: No property within the Buckingham community will be rezoned to RVPD.

The applicant is proposing to add additional areas to the Buckingham Community planning area to be consistent with the Buckingham Planning Community If those areas are added there is a potential Burt J. Harris liability for those areas because an existing potential to rezone those areas to RVPD will be taken away. In addition, the property owners in the area proposed for inclusion do not consent to participate in the restrictions proposed by this plan. Staff's recommendation is to move these three areas between the Buckingham planning area and the Lehigh Acres Planning Community out of Buckingham Planning Community to be consistent with Map 1 page 2 of 6 of the Lee Plan. If staff's recommendation is followed for the change to the Planning Community staff has no objection to the proposed policy.

The Buckingham Community Planning Panel proposed the following language:

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.

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 currently allowed in agricultural zoning districts will not be affected. Also, Boarding stables throughout the Rural Community Preserve will be allowed to give lessons and clinics with appropriate zoning approval.

The reference to the definition of development in F.S. 380 is already in the Glossary of the Lee Plan. Staff recommends transmittal of the revised policy below.

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~~ community. With the exception of uses identified in this policy, ~~N~~no new commercial ~~activities~~ development 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 may this policy be construed to prohibit commercial uses allowed in agricultural zoning districts. Boarding stables throughout the Rural Community Preserve will be allowed to give lessons and clinics if appropriate zoning approval is granted.

The Buckingham Community Planning Panel proposed the following language:

POLICY 17.1.3: Except for those clustered areas as approved by Policy 17.1.5, ~~A~~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.~~

Although the phrase "after the adoption of this amendment" is currently in the Lee Plan in Policy 17.1.3, it is not necessary and staff recommends deleting that phrase. Because the policy states "any lot created in the Rural Community Preserve" it is understood that existing lots are not affected by Policy 17.1.3 so the reference to existing lots is not necessary. Staff recommends transmittal of the revised policy below.

POLICY 17.1.3: Except for those clustered areas approved in accordance with Policy 17.1.5, ~~A~~any lot created in the Rural Community Preserve ~~after the adoption of this amendment~~ land use category must have a minimum area of 43,560 square feet. ~~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)

The Buckingham Community Planning Panel proposed the following language:

POLICY 17.1.4: Density within the Rural Community Preserve will be no more than one unit per buildable acre. 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 Rural Community Preserve. The community strongly recommends density of no more than one unit per acre throughout the remainder of the Buckingham Community and bonus density to be disallowed.

Bonus Density is not allowed in the Rural Community Preserve; restating this fact adds nothing to the Lee Plan. The last sentence of the applicant's proposed Policy 17.1.4 directly impacts one 95 acre tract of land currently classified as Urban Community on the Future Land Use Map. This property

designated Urban Community is located outside the Rural Community Preserve, but within the current Buckingham Planning Community. The Urban Community Future Land Use category allows a range of 1 to 6 dwelling units per acre and up to 10 dwelling units per acre with Bonus Density. This plan amendment proposes to extend the boundaries of the planning area to match the Planning Community Boundaries causing the 95 acre tract of land to be directly impacted by this policy.

The last sentence of applicant's proposed policy 17.1.4 has Bert J. Harris implications. Staff does not recommend transmitting that sentence. If the community does not want density of over one dwelling unit per acre on that site the proper way to express that is through a Future Land Use Map change, however given the property owners desire to maintain the existing classification of Urban Community, it is unlikely there will be support for such an amendment to the Future Land Use Map..

Staff recommends transmitting Policy 17.1.4 as revised below. Staff is also recommends moving the three areas in question to the Lehigh Acres Planning Community, as defined by Map 16, as suggested by the LPA.

POLICY 17.1.4: New residential lots created in the Rural Community Preserve with agricultural zoning must contain at least one Buildable Acre. The area of a Buildable Acre will exclude any road right of way or easement areas, water management areas, and natural water bodies.

The Buckingham Community Planning Panel proposed the following language:

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.

This policy directly affects one 95 acre tract of land, and has Bert J. Harris implications as proposed by the applicant. Policy 17.1.2 restricts commercial uses to specific areas in the Rural Community Preserve and Policy 17.1.3 requires a minimum lot size of 43,560 square feet (one acre). The language that staff struck through does not affect the Rural Community Preserve. The struck through language only affects the areas that are outside of the Rural Community Preserve, but are currently located in the Buckingham Planning Community and with the adoption of this amendment, as proposed, will be located in the Buckingham Planning area. Staff does not recommend expanding the Buckingham planning area. Staff recommends transmittal of the revised policy below.

POLICY 17.1.5: Clustering of residential development in the Rural Community Preserve requires residential planned development (RPD) zoning. Density in clustered developments will be based on upland acreage. Dwelling units must be located away from the property boundaries. Clustering of residential development is limited in the following fashion:

1) Buildings must be set back 100 feet from the RPD boundary.
2) The RPD must have a minimum of 10 acres in order to cluster homesites.

The Buckingham Community Planning Panel proposed the following language:

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.

The Buckingham Rural Community Preserve is adjacent to Lehigh Acres on part of its southern boundary across Buckingham Road. It will not be possible to transition density at this location because the Lehigh lots are already platted at approximately 4 dwelling units/acre. Similarly, Buckingham Park is surrounded on three sides by the Rural Community Preserve and it will not be possible to transition density at that location either. Staff recommends transmittal of the revised policy below:

POLICY 17.1.6: When possible, residential development adjacent to the Rural Community Preserve boundary should make appropriate transitions to the community with a graduated increase in density as development moves away from the Rural Community Preserve boundaries.

The Buckingham Community Planning Panel proposed the following language:

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 noted that increasing the riverbank set back from 25 to 50 feet raises the potential for claims under the Bert J. Harris Act.

The Land Development Code has recently been amended to require the 50 buffer for commercial developments from natural waterways. It should also be noted that the Board of County Commissioners has routinely required 50 foot set backs from natural water bodies during the rezoning process.

Staff reviewed the dimensions of existing lots adjacent to the river. Through this review staff determined that because of the depth of the lots, the 50 foot set back would not preclude the construction of a single family home on each of those lots adjacent to the Orange River.

The recently adopted FIRM maps now include a provision that floodways must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood height. The floodway south of the Orange River in Buckingham exceeds 50 feet on most, if not all of the lots adjacent to the Orange River in Buckingham. Staff recommends transmittal of Policy 17.1.7 as revised.

POLICY 17.1.7: To preserve the shoreline, a 50 feet set back is required from the Orange River. The setback will be measured from the mean high water line or from the top of bank of the Orange River, whichever is further landward.

The Buckingham Community Planning Panel proposed the following language:

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 rRoad is prohibited.

This policy serves to expand the boundaries from the Rural Community Preserve to the whole planning community which is a concern for DOT because of the road limitations of the applicant's proposed Objective 17.2. The Luckett Road alignment study is already underway and based on the objective as currently written. A change to the wording could cause problems.

The changes to number 6 under the objective are a concern. There is no data and analysis to support the change from "future rights-of way" to "rights-of way". There may be existing rights-of-way in excess of 80 feet in the Rural Community Preserve. The change from 100 feet to 80 feet would 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. Staff only recommends changing the existing policy language to be consistent with references to the Buckingham community.

In addition to the above mentioned substantive concerns staff would also like to revise the structure of this objective to be more consistent with the structure typically found in the Lee Plan. It is typical for an objective to be a more general statement with the subsequent policies being specific strategies that will help to accomplish the objective. The revised objective and policy that follows are consistent with the Lee Plan and are recommended for transmittal:

OBJECTIVE 17.2: TRANSPORTATION AND ROADS. The Lee County Department of Transportation will work with the residents of the Buckingham community to protect the rural character of the Buckingham planning area.

POLICY 17.2.1: The following restrictions will apply to future road plans:

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~~ community.

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 the Buckingham community will be no greater than 100 feet (except for Buckingham Road and Luckett Road extensions).

7. The extension and connection of Long Road to Ellis ~~r~~Road is prohibited.

The Buckingham Community Planning Panel proposed the following language:

POLICY 17.2.1: The Lee County Department of Transportation will work with the Buckingham Community to identify issues, propose options, and develop a plan directed at improving safety on roads, limiting the negative effects of traffic, and improving the overall functionality of roads within the Buckingham Community.

Staff has no objections to this policy, and recommends transmittal as provided by the Buckingham Community Planning Panel.

The Buckingham Community Planning Panel proposed the following language:

POLICY 17.2.2: The Director of Development Services shall have the authority under Section 10-104 of the LDC to grant administrative variances to Section 10-174(4)(c) 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.

If appropriate the intent of this policy would be better achieved by an amendment to the Land Development Code. Staff does not recommend transmittal of this policy

~~**POLICY 17.2.2:** The Director of Development Services shall have the authority under Section 10-104 of the LDC to grant administrative variances to Section 10-174(4)(c) 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.~~

The Buckingham Community Planning Panel proposed the following language:

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.

This objective as proposed is not measurable. Whether a public facility would detract or diminish the overall community character is subjective. Staff believes this objective, as revised, is consistent with the intent of the subsequent policies under the objective.

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 will be designed to maintain or enhance the overall rural character of the community.

The Buckingham Community Planning Panel proposed the following language:

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 Lee Plan Map 7 (effective January 21, 2004) as Future Sanitary Sewer Service Areas, the existing Resource Recovery Facility, and the adjacent Lee County Parks and Recreation Facility.

This policy has the potential to affect public facilities that may be needed in the future. The policy will also limit the ability of others to tie into this line, thus burdening the County with a larger portion of the cost.

It may be necessary to extend central sewer lines in the future to serve existing development such as The Hut restaurant. The HUT has a failing wastewater treatment facility and are under a FDEP consent order to either replace the wastewater treatment facility or connect to the County's force main. In order for The Hut to connect to the County's force main, Map 7, Future Sewer Service Areas, will need to be amended. The Hut is not currently in the Sewer Service Area, and as proposed this policy would prevent The Hut from connecting to County sewer lines. Staff recommends transmittal of the policy as revised.

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

The Buckingham Community Planning Panel proposed the following language:

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.

Staff does not object to this policy as revised. Similar language is already in the Lee Plan in Objective 17.3.

POLICY 17.3.2: Central water lines may be extended along roads of the Rural Community Preserve upon request of property owners, with extension and connection fees paid by the person(s) receiving the water service. The County may also extend central water lines through the Rural Community Preserve, if necessary. 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 Rural Community Preserve.

The Buckingham Community Planning Panel proposed the following language:

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. An exception should be made for a methane gas line to the Resource Recovery Facility that does not encroach on any other property within the Buckingham Community.

A Teco Peoples gas line is in place along Buckingham Road, and this policy would make that gas line non-conforming. If other fuel transmission lines are needed to be installed in the Buckingham community, they will be installed underground and will have no visible affect on the community. Staff does not recommend transmittal of this policy.

~~**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. An exception~~

~~should be made for a methane gas line to the Resource Recovery Facility that does not encroach on any other property within the Buckingham Community.~~

The Buckingham Community Planning Panel proposed the following language:

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.

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 a subsequent proposed policy should help to offset those costs. Staff does not object to this policy as revised below.

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

The Buckingham Community Planning Panel proposed the following language:

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.

The first sentence of this policy does not add anything meaningful to the Lee Plan. The second sentence is confusing. On one hand it states that the community supports the Mosquito Control District in limiting its activities to those consistent with its purpose (eradicating mosquitos) and then allows the provision of other public services. Staff does not recommend transmittal of this policy.

~~**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.~~

The Buckingham Community Planning Panel proposed the following language:

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. The Gulf Coast Center is one of only two publicly owned sites available in Lee County that meet the minimum criteria as an emergency group site for temporary housing. This language not only prohibits the County from this option, but also other facilities that might assist disaster survivors following a major or catastrophic disaster impacting our community. This site could be a critical resource needed

in implementing the County's Disaster Housing Plan. Staff does not recommend transmittal of this policy.

~~**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.~~

The Buckingham Community Planning Panel proposed the following language:

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

Staff has concerns about precluding any future need for a detention or correctional facility in any part of Lee County. Although the County has no plans to locate such a facility in Buckingham, the Gulf Coast Center in Buckingham is State owned land, and if they chose to place a correctional facility on that site they could do so with or without this policy. Staff does not recommend transmittal of this policy.

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

The Buckingham Community Planning Panel proposed the following language:

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 one or more of the facilities listed in Policy 17.3.8 in the Buckingham community at some future time to serve the area. This policy would prevent such a facility from being constructed. Staff does not recommend transmittal of this policy.

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

The Buckingham Community Planning Panel proposed the following language:

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.

The East County Water Control District and Lee County EOC do not object to Policy 17.3.9, as revised, and staff recommends transmittal of the policy.

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

The Buckingham Community Planning Panel proposed the following language:

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.

Buffer 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. Staff has no objection to this objective.

The Buckingham Community Planning Panel proposed the following language:

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.

Staff does not know how the County could effectively buffer distribution and transmission lines. Buffering requirements are regulated by Section 10-416 and Section 34-1616 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 increase the current buffer requirements and require all native plant material for public facilities then the Land Development Code will have to be amended. Staff recommends transmittal of the revised policy below.

POLICY 17.4.1: 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 Rural Community Preserve. This is to include, electrical facilities, substations, resource recovery facilities, and telephone facilities. Utility companies should install and maintain buffers that obscure unsightly facilities.

The Buckingham Community Planning Panel proposed the following language:

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 Department of Solid Waste objects to Policy 17.4.2. Solid Waste staff notes that they are currently providing roadway cleanup on Buckingham Road in the vicinity of the Resource Recovery Facility. Any additional "affected" roads would need to be defined, as all the roads in Lee County are affected by trash pickup. Staff does not recommend transmittal of this policy.

~~**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 Planning Panel proposed the following language:

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.

The Lee Plan and Land Development Code (LDC) have precedent for prohibiting walls. Policy 14.3.5 of the Lee Plan and Sec. 33-1086 of the LDC address, and in some cases prohibit walls on Pine Island. The Land Development Code will need to be amended to implement this policy within the Buckingham community. Staff does not have any objection to the proposed language of this policy and recommends transmittal.

The Buckingham Community Planning Panel proposed the following language:

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. This policy is consistent with those standards. Staff does not have any objection to the proposed language of this policy and recommends transmittal.

The Buckingham Community Planning Panel proposed the following language:

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.

The Land Development Code will need to be amended to increase the required open space within the Buckingham community. Staff does not have any objection to the proposed language of this policy and recommends transmittal.

The Buckingham Community Planning Panel proposed the following language:

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.

The County adopted the Greenways Master Plan on May 16, 2007. The Greenways Master Plan establishes the location of future multi-use trails throughout Lee County. Staff does not have any objection to the proposed language of this policy and recommends transmittal.

The Buckingham Community Planning Panel proposed the following language:

POLICY 17.5.2: Any access to the Orange River within the Buckingham Community 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. This policy 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. These issues can be addressed on a case by case basis as any proposals come forward from the County or private sector and the community will have the opportunity to express their concerns and opinions.

The proposed policy is not consistent with the intent of Lee Plan Objective 82.1, Policy 82.1.1, Objective 82.2, Policy 82.2.1, and Objective 82.3, which address the provision of public water access. Staff does not recommend transmittal of this policy.

~~**POLICY 17.5.2:** Any access to the Orange River within the Buckingham Community will be limited to non-commercial residential use.~~

The Buckingham Community Planning Panel proposed the following language:

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

Staff does not object to the removal of invasive exotic plants. The removal of these plant species is required in the Land Development Code (LDC). Staff proposes transmittal of the following revised policy, which is consistent with the LDC.

POLICY 17.5.3: The removal of invasive exotic plants, as defined by the state or county, is required for all new development within the Rural Community Preserve.

The Buckingham Community Planning Panel proposed the following language:

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 under this objective will 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 farms 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.

The County does not have control over what the Property Appraiser does or how land is valued. Direction to the Property Appraiser is not appropriate in the Lee Plan. Staff does not recommend transmittal of this objective or subsequent policies.

~~**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 under this objective will 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 farms 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.~~

The Buckingham Community Planning Panel proposed the following language:

POLICY 17.6.6: Boarding stables will be allowed to give lessons and clinics if the operation does not create a use, road access, or drainage nuisance to its neighbors.

Staff is concerned that this policy is too subjective. The provision of such uses is clarified in Policy 17.1.2 of Part I of this Staff Report. Policy 17.1.2 requires "appropriate zoning approval" which will analyze the uses' impact to neighboring properties and allow for mitigation of impacts which are deemed to be negative. Staff does not recommend transmittal of this policy.

~~**POLICY 17.6.6:** Boarding stables will be allowed to give lessons and clinics if the operation does not create a use, road access, or drainage nuisance to its neighbors.~~

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF FIRST PUBLIC HEARING: April 27, 2009

A. LOCAL PLANNING AGENCY REVIEW:

Staff provided brief presentation covering the proposed changes and recommendations outlined in CPA2007-49. This was followed by general questions and answers between the LPA members and staff. There was discussion about expanding the boundaries and including a 95 acre tract of land located south of Buckingham Park.

One LPA member expressed concerns with including the 95 acre tract of land if this has not been discussed with the property owners. The LPA chairman asked if anyone from the public wished to comment on this item.

The Buckingham Community Planning Panel president, two Buckingham residents and their planning consultant, who spoke in favor of the Buckingham plan amendment as submitted by the Buckingham Community Planning Panel asked that the LPA recommend transmittal of the amendment as submitted by the planning panel.

Two representatives of the owner of the 95 acre tract of land located south of Buckingham Park spoke generally in favor of the staff recommendation, but asked that the reference to the Buckingham community be made consistent throughout the amendment. One of the representatives noted that his client did not wish to be made part of the Buckingham community planning area.

Suggestions/Comments by the Local Planning Agency:

One LPA member felt the document is confusing as to the language that needs to be redrafted in order to implement the wishes of the community. He asked that the community continue to work with staff and come forward with a draft that answers all concerns that have been raised during today's proceedings because they are valid concerns. He also felt the community needed to recognize existing property rights on properties they want included in their area. The language needs to be drafted so those rights are protected. He asked that this item be continued to the June 3, 2009 Local Planning Agency meeting and that a new draft be provided.

Another LPA member stated he was not against what the community was trying to do, but he was concerned about using the Comprehensive Plan Amendment process to erode the rights of a piece of property without the property owner's permission by putting provisions into the Comprehensive Plan. If the community has a problem with development plans for the site, they can address those concerns during the zoning process.

Several LPA members asked that the community attempt to work with staff further to come up with something that is easier to understand and takes into account concerns expressed at this meeting.

One LPA member agreed the community should have an opportunity to establish a vision for their community and set out some guidelines, but he was concerned with some components such as NIMBYism (Not In My Backyard). He did not want to see a proliferation of that across the County. He also expressed concerns about the connection to water and sewer. If there is a water quality issue out there and the community is prohibited from connecting to central water and sewer, it could be a problem for the community.

A motion was made and seconded to continue CPA2007-49 Buckingham Community Plan to the June 3, 2009 Local Planning Agency meeting with direction for the community and staff to work together to revise the amendment prior to the June meeting. The motion passed unanimously.

DATE OF SECOND PUBLIC HEARING: June 3, 2009

B. LOCAL PLANNING AGENCY REVIEW CONTINUED:

Staff presented this item. It was brought before the LPA on April 27th and the LPA continued the item to today's meeting and directed staff and the community to work together to revise the amendment. Staff noted that several attempts were made to schedule a meeting with the Planning Panel, but were told the Planning Panel felt the meeting would not be productive and that the Panel was not recommending any changes to what they originally submitted. Mr. Mudd noted he had revised the staff report and he reviewed the changes. He also reviewed two maps with the LPA on PowerPoint.

Lengthy discussion, questions, and answers ensued between the LPA and staff, particularly regarding 95 acres of property outside the boundary recommended by staff.

One member of the LPA asked if anyone from the public wished to comment on this item. Public comment was received from:

Two members of the public representing owners of the property which are outside of the Buckingham Planning area, but within the Buckingham Planning Community. These members did not consent to the restrictions placed on their property if they were to be included in the planning area. Also speaking were four members of the public supporting the Buckingham community plan as submitted by the Buckingham Community Planning Panel.

Suggestions/Concerns of the Local Planning Agency:

One member of the LPA commended staff for their multiple outreaches to the Buckingham community in an effort to work through the issues. He was unclear as to why the community chose not to work with staff. Regarding the boundary issues, LPA members stated they were in favor of preserving areas such as Buckingham, Alva, East Lee County, etc., but it should be done within the rights of the property owners. The people outside the boundary had a certain land use when they purchased their property and the LPA did not feel it was appropriate to compromise those rights. The LPA members did not see how this amendment could be moved forward with the boundary lines where they are today.

Other members of the LPA agreed and asked for more information on the parcels outside the boundary as far as what the difference is in terms of the rights that might be lost and Bert Harris issues.

One member of the LPA agreed with the earlier comments on the boundary, and recommended the Planning boundary be the same as the Community Planning Area boundary.

Other members of the LPA agreed and felt it was clear there was no support in incorporating the three parcels that are outside into the boundary.

On a separate issue, LPA members stated they were a strong proponent of community plans and felt communities should have the right for self determination. When the LPA previously reviewed this amendment and made recommendations, those recommendations were with certain language in place. He was not in favor of striking language from Policy 17.3.6, 17.5.2, and 17.6. He recommended that as part of the LPA's motion, these sections should be included, but the LPA could accept the rest of staff's recommendations.

Planning staff clarified that even though the LPA made recommendations previously, they were never officially adopted. At the Board's transmittal hearing, the amendment was sent back to staff so these policies are not currently in the plan.

A motion was made to change the boundary lines and that Policies 17.3.5, 17.3.6 (minus the last sentence), 17.5.2, and Objective 17.6 (in its entirety) remain. It was clarified that the motion would be to change the Planning Community Boundary to be the same as the Community Planning Area boundary so those parcels will be outside as they are now. They will not be included.

After further discussion, it was decided that the motion would be changed to recommend the 95 acres be added into the Lehigh Acres boundary.
Other members agreed with the map change, but felt staff outlined why Policies 17.3.5, 17.3.6, 17.5.2, and Objective 17.6 are not needed, and stated they were not prepared to support the motion with the inclusion of adding those back in.

Discussion ensued as to whether the allocation table would need to be changed because there is no residential/rural allocation currently in the Lehigh Planning Community. Now that this change is being made, there should be some rural/residential allocation added into the Lehigh portion of the table. It was decided that a separate motion would be made for that.

One member of the LPA asked if there would be any legal ramifications to keeping these policies/objective in the document and whether there would be any Bert Harris implications.

The Assistant County Attorney stated that Policy 17.3.5 would restrict the array of uses that the County could make of property that is within its ownership and control. Once the last sentence is stricken from Policy 17.3.6, it is less objectionable. The Attorney's office did not recommend adding Policy 17.5.2 because there are property owners along the Orange River that currently have the ability to have some non-residential use on the banks of the river. This Policy would preclude that and it would result in a loss of use to those property owners. It also directly affects the County as they are a property owner with property along the river in Buckingham.

One member of the LPA requested that the language in Policy 17.1.6 should be clarified because it seemed to be confusing.

There being no further discussion. The motion failed 3-3.

A motion was made to approve staff's recommendation for CPA2007-49. The motion failed 3-3.

Ms. Call made a motion to change the boundaries. The Planning Community boundary would now match the Buckingham Community as depicted on the Future Land Use Map, Map 1 (2 of 6). It would exclude the Harns Marsh area, the Lehigh Urban Reserve area, and the Rural area that is south of Buckingham Road. The motion passed unanimously.

Another motion was made to recommend that staff look into the allocation tables and bring that back to the next meeting. This motion passed unanimously.

C. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

A motion was made to accept the staffs recommendation. The motion resulted in a 3-3 tie, which according to Administrative Code 13-6 Part D(3) "the recommendation of the LPA will be conclusively presumed to be a recommendation not to transmit". Therefore the LPA does not recommend transmittal of CPA2007-49.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The LPA action did not accept the Findings of Fact as advanced by staff.

D. VOTE:

NOEL ANDRESS	NAY
CINDY BUTLER	AYE
CARRIE CALL	NAY
JIM GREEN	AYE
MITCH HUTCHCRAFT	ABSENT
RONALD INGE	AYE
CARLA JOHNSTON	NAY

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

DATE OF TRANSMITTAL HEARING: September 24, 2009

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

BRIAN BIGELOW	_____
TAMMARA HALL	_____
ROBERT P. JANES	_____
RAY JUDAH	_____
FRANK 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

C. STAFF RECOMMENDATION

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:

BRIAN BIGELOW	_____
TAMMARA HALL	_____
ROBERT P. JANES	_____
RAY JUDAH	_____
FRANK MANN	_____

PROPOSED
TABLE 1(b)
Year 2030 Allocations

	Future Land Use Classification	San Carlos	Sanibel	South Fort Myers	Pine Island	Lehigh Acres		Southeast Lee County	North Fort Myers	Buckingham		Estero	Bayshore
						Adopted	Proposed			Adopted	Proposed		
Residential By Future Land Use Category	Intensive Development	0	0	660	3	~~0~~	42	0	365	~~0~~	0	0	0
	Central Urban	17	0	3,140	0	~~8,200~~	8,200	0	2,600	~~0~~	0	0	0
	Urban Community	1,000	0	860	500	~~13,269~~	12,797	0	0	~~51~~	0	450	0
	Suburban	1,975	0	1,200	675	~~0~~	0	0	6,690	~~0~~	0	1,700	0
	Outlying Suburban	0	0	0	600	~~0~~	0	0	382	~~0~~	0	454	0
	Sub-Outlying Suburban	25	0	0	0	~~0~~	0	0	140	~~49~~	66	0	950
	Industrial Development	5	0	10	0	~~0~~	0	0	0	~~0~~	0	0	0
	Public Facilities	0	0	0	0	~~0~~	0	0	0	~~0~~	0	0	0
	University Community	850	0	0	0	~~0~~	0	0	0	~~0~~	0	0	0
	Destination Resort Mixed Use Water Dependent	0	0	0	0	~~0~~	0	0	0	~~0~~	0	0	0
	Burnt Store Marina Village	0	0	0	0	~~0~~	0	0	0	~~0~~	0	0	0
	Industrial Interchange	0	0	0	0	~~0~~	0	0	0	~~0~~	0	0	0
	General Interchange	0	0	0	0	~~0~~	0	15	7	~~0~~	0	6	12
	General/Commercial Interchange	0	0	0	0	~~0~~	0	0	0	~~0~~	0	0	0
	Industrial/Commercial Interchange	0	0	0	0	~~0~~	0	0	0	~~0~~	0	0	0
	University Village Interchange	0	0	0	0	~~0~~	0	0	0	~~0~~	0	0	0
	New Community	0	0	0	0	~~0~~	0	0	0	~~0~~	0	0	0
	Airport	0	0	0	0	~~0~~	0	0	0	~~0~~	0	0	0
	Tradeport	0	0	0	0	~~0~~	0	0	0	~~0~~	0	0	0
	Rural	90	0	0	190	~~14~~	14	0	500	~~57~~	50	635	1,350
	Rural Community Preserve	0	0	0	0	~~0~~	0	0	0	~~3,046~~	3,100	0	0
	Coastal Rural	0	0	0	1,300	~~0~~	0	0	0	~~0~~	0	0	0
	Outer Islands	0	0	0	45	~~0~~	0	0	0	~~0~~	0	0	0
	Open Lands	0	0	0	0	~~0~~	0	0	45	~~0~~	0	0	1,800
	Density Reduction/Groundwater Resourse	0	0	0	0	~~0~~	0	4,000	0	~~0~~	0	0	2,100
	Conservation Lands Uplands	0	0	0	0	~~0~~	0	0	0	~~0~~	0	0	0
	Wetlands	0	0	0	0	~~0~~	0	0	0	~~0~~	0	0	0
	Conservation Lands Wetlands	0	0	0	0	~~0~~	0	0	0	~~0~~	0	0	0
Total Residential		3,962	0	5,870	3,313	~~21,483~~	21,053	4,015	10,729	~~3,203~~	3,216	3,245	6,212
Commercial		1,944	0	2,100	226	~~1,420~~	1,420	38	1,687	~~18~~	18	1,700	139
Industrial		450	0	900	64	~~300~~	300	65	554	~~5~~	5	87	5
Non Regulatory Allocations													
Public		2,660	0	3,500	2,100	~~15,000~~	15,505	12,000	4,000	~~2,114~~	1,596	7,000	1,500
Active Agriculture		0	0	0	2,400	~~0~~	0	15,101	200	~~411~~	411	125	900
Passive Agriculture		0	0	0	815	~~0~~	0	18,000	1,556	~~3,619~~	3,619	200	4,000
Conservation (wetlands)		2,798	0	188	14,767	~~1,496~~	1,541	31,530	1,317	~~381~~	336	5,068	882
Vacant		244	0	309	3,781	~~7,377~~	8,085	500	2,060	~~1,278~~	1,000	809	530
Total		12,058	0	12,867	27,466	~~47,076~~	47,904	81,249	22,103	~~11,029~~	10,201	18,234	14,168
Population Distribution*		36,963	0	58,363	13,265	~~164,702~~	164,948	1,270	70,659	~~6,114~~	5,868	25,395	8,410

* Population for Unincorporated Area of Lee County

PROPOSED
TABLE 1(b)
Year 2030 Allocations

	Future Land Use Classification	Lee County Totals	Alva	Boca Grande	Bonita Springs	Fort Myers Shores	Burnt Store	Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway/ Airport	Daniels Parkway	Iona/ McGregor
Residential By Future Land Use Category	Intensive Development	1,367	0	0	0	20	0	27	0	250	0	0	0	0
	Central Urban	14,787	0	0	0	225	0	0	0	230	0	0	0	375
	Urban Community	18,099	520	485	0	637	0	0	0	0	0	0	0	850
	Suburban	16,623	0	0	0	1,810	0	0	0	85	0	0	0	2,488
	Outlying Suburban	4,105	30	0	0	40	20	2	500	0	0	0	1,700	377
	Sub-Outlying Suburban	1,548	0	0	0	367	0	0	0	0	0	0	0	0
	Industrial Development	79	0	0	0	0	0	0	0	39	0	20	0	5
	Public Facilities	1	0	0	0	0	0	0	1	0	0	0	0	0
	University Community	850	0	0	0	0	0	0	0	0	0	0	0	0
	Destination Resort Mixed Use Water Dependent	8	0	0	0	0	0	0	0	0	0	0	0	8
	Burnt Store Marina Village	4	0	0	0	0	4	0	0	0	0	0	0	0
	Industrial Interchange	0	0	0	0	0	0	0	0	0	0	0	0	0
	General Interchange	42	0	0	0	0	0	0	0	0	0	0	2	0
	General/Commercial Interchange	0	0	0	0	0	0	0	0	0	0	0	0	0
	Industrial/Commercial Interchange	0	0	0	0	0	0	0	0	0	0	0	0	0
	University Village Interchange	0	0	0	0	0	0	0	0	0	0	0	0	0
	New Community	900	0	0	0	0	0	0	0	0	0	900	0	0
	Airport	0	0	0	0	0	0	0	0	0	0	0	0	0
	Tradeport	9	0	0	0	0	0	0	0	0	0	9	0	0
	Rural	8,313	1,948	0	0	1,400	636	0	0	0	0	0	1,500	0
	Rural Community Preserve	3,100	0	0	0	0	0	0	0	0	0	0	0	0
	Coastal Rural	1,300	0	0	0	0	0	0	0	0	0	0	0	0
	Outer Islands	202	5	0	0	1	0	0	150	0	0	0	0	1
	Open Lands	2,805	250	0	0	0	590	0	0	0	0	0	120	0
	Density Reduction/Groundwater Resourse	6,905	711	0	0	0	0	0	0	0	0	94	0	0
	Conservation Lands Uplands	0	0	0	0	0	0	0	0	0	0	0	0	0
	Wetlands	0	0	0	0	0	0	0	0	0	0	0	0	0
	Conservation Lands Wetlands	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Residential		81,047	3,464	485	0	4,500	1,250	29	651	604	0	1,023	3,322	4,104
Commercial		12,763	57	52	0	400	50	17	125	150	0	1,100	440	1,100
Industrial		6,620	26	3	0	400	5	26	0	300	0	3,100	10	320
Non Regulatory Allocations														
Public		82,179	7,100	421	0	2,000	7,000	20	1,961	350	0	7,500	2,416	3,550
Active Agriculture		24,957	5,100	0	0	550	150	0	0	0	0	0	20	0
Passive Agriculture		45,859	13,549	0	0	2,500	109	0	0	0	0	1,491	20	0
Conservation (wetlands)		81,948	2,214	611	0	1,142	3,236	133	1,603	748	0	2,809	1,719	9,306
Vacant		21,802	1,953	0	0	226	931	34	0	45	0	300	20	975
Total		357,175	33,463	1,572	0	11,718	12,731	259	4,340	2,197	0	17,323	7,967	19,355
Population Distribution*		495,000	5,090	1,531	0	30,861	3,270	225	530	5,744	0	11,582	16,488	34,538

* Population for Unincorporated Area of Lee County

CPA2007-00049
LEE COUNTY PLANNING COMMUNITIES

ADOPTED

Year 2030

Planning Communities

- City Limits
- Areas Proposed to Change
- 1. Alva
- 2. Boca Grande*
- 3. Bonita Springs
- 4. Fort Myers Shores
- 5. Burnt Store
- 6. Cape Coral
- 7. Captiva
- 8. Fort Myers
- 9. Fort Myers Beach
- 10. Gateway/Airport
- 11. Daniel Parkway
- 12. Iona/McGregor
- 13. San Carlos
- 14. Sanibel
- 15. South Fort Myers
- 16. Pine Island*
- 17. Lehigh Acres
- 18. Southeast Lee County
- 19. North Fort Myers
- 20. Buckingham*
- 21. Estero*
- 22. Bayshore*

* Area specific Lee Plan Goals, Objectives, & Policies may apply.

The Planning Communities Map and Acreage Allocation Table (see Table 1(b) and Policies 1.1.1 and 2.2.2) depict the proposed distribution, extent, and location of generalized land uses for the year 2030.

LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

N W E S

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Miles

Map Generated: September 2009
City Limits current to date of map generation

Last Amended: August 13, 2007
Adopted by Ordinance No. 98-09
Amended by Ordinance No.
02-02, 03-01, 03-02, 03-04, 03-21, 07-09, 07-13

ADOPTED

Lee Plan Map 16

CPA2007-00049
LEE COUNTY PLANNING COMMUNITIES

PROPOSED

Year 2030

Planning Communities

- City Limits
- Areas Proposed to Change
- 1. Alva
- 2. Boca Grande*
- 3. Bonita Springs
- 4. Fort Myers Shores
- 5. Burnt Store
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LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

N W E S

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Miles

Map Generated: September 2009
City Limits current to date of map generation

Last Amended: August 13, 2007
Adopted by Ordinance No. 98-09
Amended by Ordinance No.
02-02, 03-01, 03-02, 03-04, 03-21, 07-09, 07-13

PROPOSED

Lee Plan Map 16

Exhibit A – Goal, Objectives, and Policies submitted by the Buckingham Community Planning Panel.

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 Lee Plan Map 16, as amended August 13, 2007. (Adopted by Ordinance No. 98-09; Amended by Ordinance No. 02-02, 07-09, 07-13)

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, 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 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: Except for those clustered areas as approved by Policy 17.1.5, ~~A~~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 Rural Community Preserve will be no more than one unit per buildable acre. 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 Rural Community Preserve. The community strongly recommends density of no more than one unit per acre throughout the remainder of the Buckingham Community and bonus density to be disallowed.

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: The Lee County Department of Transportation will work with the Buckingham Community to identify issues, propose options, and develop a plan directed at improving safety on roads, limiting the negative effects of traffic, and improving the overall functionality of roads within the Buckingham Community.

POLICY 17.2.2: The Director of Development Services shall have the authority under Section 10-104 of the LDC to grant administrative variances to Section 10-174(4)(c) 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.

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.

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 Lee Plan Map 7 (effective January 21, 2004) 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. An exception should be made for a methane gas line to the Resource Recovery Facility that does not encroach on any other property within the Buckingham Community.

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 work with the Buckingham community to 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 will be limited to non-commercial residential use.

POLICY 17.5.3: The removal of invasive 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 under this objective will 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.

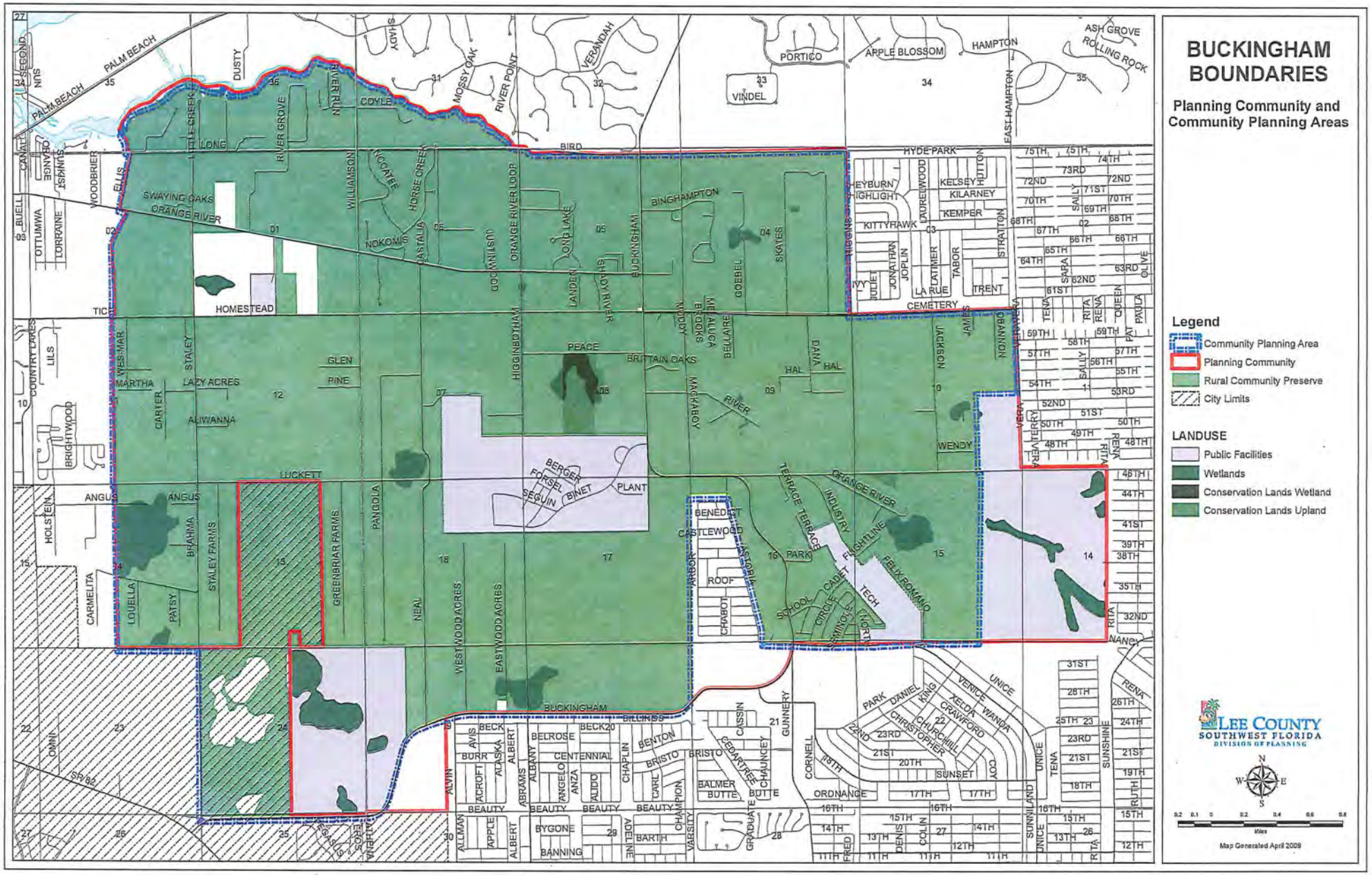
POLICY 17.6.2: The Buckingham Community Plan recognizes the land use of small family farms of no more than ten acres, where the owner resides on the property, and stipulates that it can be a viable commercial activity.

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 if the operation does not create a use, road access, or drainage nuisance to its neighbors.


BUCKINGHAM BOUNDARIES
Planning Community and Community Planning Areas
Legend
Community Planning Area
Planning Community
Rural Community Preserve
City Limits
LANDUSE
Public Facilities
Wetlands
Conservation Lands Wetland
Conservation Lands Upland
LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING
Map Generated April 2009
PALM BEACH
DUSTY
COYLE
BIRD
VINDEL
PORTICO
APPLE BLOSSOM
HAMPTON
ASH GROVE
ROLLING ROCK
HYDE PARK
EAST HAMPTON
SWAYING OAKS
ORANGE RIVER
HOMESTEAD
BINGHAMPTON
BUCKINGHAM
PEACE
BRITTAIN OAKS
LAZY ACRES
ALIWANNA
GLEN
PINE
LUCKETT
BERGER
FORSEL
SEQUIN
BINET
PLANT
ANGUS
GREENBRIAR FARMS
WESTWOOD ACRES
EASTWOOD ACRES
NEAL
PANGOLA
CASTLEWOOD
ROOF
CHABOT
ARBOR
PARK
TERRACE
INDUSTRY
FLIGHTLINE
FELIX ROMANO
CADET
TECH
SCHOOL
CIRCLE
TERMINAL
MORT
WENDY
HAL
DAVA
JACKSON
JAMES
CANNON
VERA
TERRY
RITA
RENA
NANCY
QUEEN
PAULA
OLIVE
SUNSHINE
UNICE
TENA
RUTH
SUNLAND
CEDARTREE
CHAUNCEY
CASSIN
GUNNERY
CORNELL
ORDNANCE
SUNSET
CHURCHILL
CHRISTOPHER
CRAWFORD
XELDA
WANDA
VENICE
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DANIEL
PARK
COY
DENIS
COLIN
FRED
ALVIN
BECK
BELROSE
BECK20
BENTON
BRISTO
CENTENNIAL
CHAPLIN
CARL
ALIDO
ANZA
ANGELO
ALBANY
ABRAMS
ALBERT
ALASKA
AVIS
ACROFT
BURR
BEAUTY
APPLE
BYGONE
BANNING
BARTH
VARSITY
GRADUATE
ADELINE
ALLMAN
BALMER
BUTTE
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SR 82
ALVA
LEELAND
HEIGHTS
KITTYHAWK
KELSEY
KILARNEY
KEMPER
HUTTON
LAURELWOOD
HIGHLIGHT
HEYBURN
STRAITON
TABOR
LATIMER
LA RUE
TRENT
CEMETERY
JONATHAN
JOPLIN
JULIET
IVY
SAPA
SALLY
TIC
COUNTRY LAKES
LILS
WESTMAR
MARTHA
STALEY
CARTER
BRIGHTWOOD
HOLSTEIN
BRAHMA
STALEY FARMS
CARMELITA
LOUELLA
PATSY
RIVER GROVE
RIVER RUN
LITTLE CREEK
LONG
WILLIAMSON
OCCIDENTEE
HORSE CREEK
NOKOMIS
CASTALIA
GOODMINSKI
ORANGE RIVER LOOP
LONG LAKE
LANDEN
SHADY RIVER
BUCKINGHAM
HIGGINBOTHAM
MACKABOY
RIVER
BLOOMS
ALUOA
BELLAIRE
GOEBEL
SKATES
HIGGINS
WOODBRIER
ELLIS
SUNMIST
ORANGE
CANAL
BUELL
TOTTUMWA
LORRAINE
SHADY
MOSSY OAK
RIVER POINT
VERANDAH
SECOND
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COMMUNITY DEVELOPMENT

2007-00049

Buckingham Community Plan

Buckingham Community Planning Panel
Bill Burdette, President
Michael Rippe Vice President
Gordon Brandt, Secretary
Bob Murray Treasurer
Tommy Lee Cook, Director
Tom Feminella, Director
Tim Mann, Director
Sawyer C. Smith, Director
Matt Steele, Director
Bruce Strayhorn, Director
Gloria Vernay, Director

Consultant
Dr. Margaret Banyan, Johnson Engineering, Inc.
Mike Roeder, Knott, Consoer, Ebelini, Hart & Swett, P.A.

Submitted
September 2007

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LEE COUNTY
SOUTHWEST FLORIDA

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

I. APPLICANT/AGENT/OWNER INFORMATION

Bill Burdette, Buckingham Community Planning Panel		
APPLICANT		
4931 Shady River Lane		
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		**239- 334- 3361**
TELEPHONE NUMBER		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)

[X] 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 2007, by Bill Burdette who is personally known to me or who has produced _____ as identification.

Signature of notary public

Debra Pendlebury
Printed name of notary public

(SEAL)

DEBRA L. PENDLEBURY
Notary Public - State of Florida
My Commission Expires Aug 20, 2010
Commission # DD 542044
Bonded By National Notary Assn.

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 acreas 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.

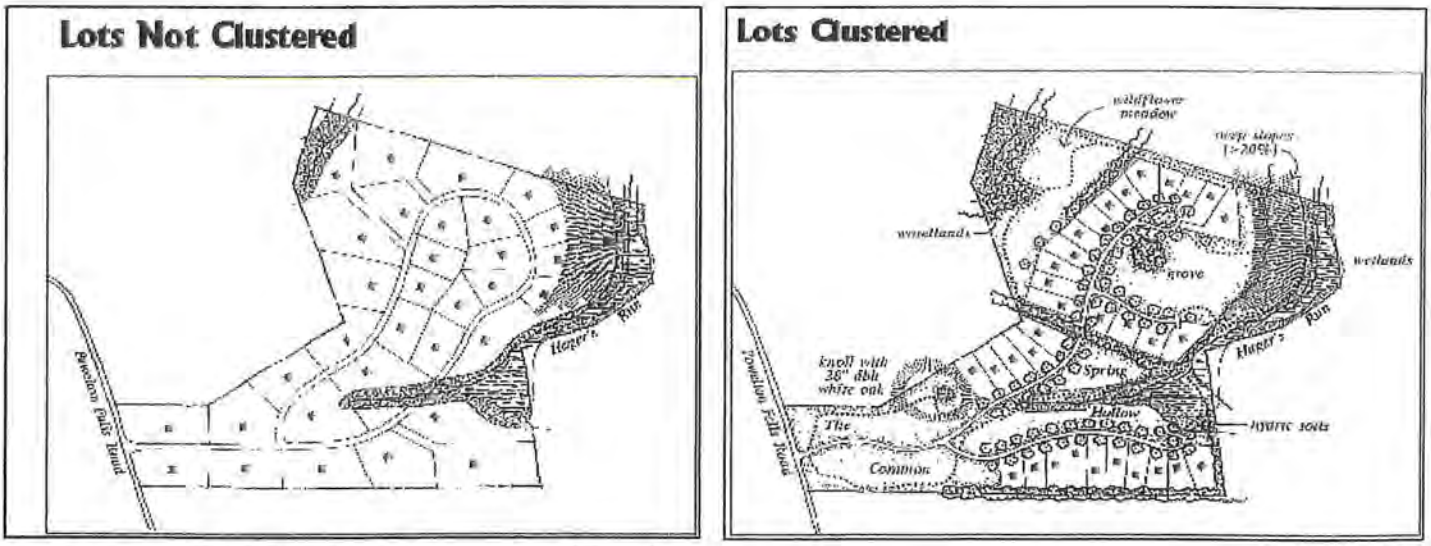


Figure 1 Source: Randall G. Arendt, Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks, Island Press, 1996.

[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 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 Polices 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 it 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

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RESERVATIONS ACCEPTED FOR PARTIES OF 7 OR MORE
*VEGETARIAN & GLUTEN-FREE FRIENDLY!

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

Figure 2: July 7 2007 Meeting Notice



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

NEWS STAR, A SECTION, WEDNESDAY, JULY 18, 2

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 ory of Jean Lee Baptist Church of 1102 Leeland Heights Lehigh Acres, FL 3 your local chapter American Cancer So

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 [illegible]

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



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

Dedicated swimmers up before dawn each school day

By Annabelle Tometich

[illegible] 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 beginning 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 are probably have no interest in being here in the long run anyway," Wagner said.

mers we want."

[illegible] 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 it's 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 [illegible] getting a win this season.

News Star pick: East Lee Mariner 35

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

Quick facts: Gateway h already beaten Moore Have this year in a scrimmage gam in which the Griffins won by score of 40-6.

This game probably wo be as big a blowout, b Gateway still will come out it with a win.

The Griffins are coming a huge 51-6 win on the ro against Academy at the Lak

If the Griffins can contin to put big numbers on offens they could end up having 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@glbrandt.net

Bob Murray
Treasurer
BobMurray@HMeng.com

Tommy Lee Cook
Director
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Tom Feminella
Director
TomCat5@comcast.net

Tim Mann
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Bruce Strayhorn
Director
Bruce@Strayhornlaw.com

Gloria Vernay
Director
ghvcountrylady@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

Buckingham Community Planning Panel, Inc.
A Florida Not for Profit Corporation

8/13/07

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
Terry Sanders	TJDaytona3@earthlink.net	694-8220
Gordon C Brandt		6944680
Karl Kauffman	KarlGump@AOL.com Karl.Kauffman@fmglobal.com	693 2696
Bonnie Kauffman	BKSCHUTZEN@AOL.com	6932696
Chris Bundschu	chrisbundschu@bundschukarroff.com	694 8991
James L. Hagen	JHAGEN@HAGEN-PALEN.com	694-5394
Gloria Verney	GHUCOUNTRYLADY@AOL.com	694-8878
Billie Betsy Burdette		694-4738
Mike Rippe	rippemj@earthlink.net	694-0451
Kimberly Simpson	RKSIMPSON@COMCAST.NET	3371764
Helen Simmons		6945946
MATT STEELE	MISTEELE14@SPRINTPCS.com	345-1965
Tim Barrett	tbarrett@[illegible]	694-0419
Kristine Barrett	[illegible]	694-0419
Tom Feminella	TOMCAT95@COMCAST.NET	6938971
Paul + Sarah Cox	Mustang2PC@Excite.com	694-8487
Peep Stevens	Peepstevens@earthlink.net	481-6504
Michael Borko	MEBorko@GATE.net	693-0909
Rose Caskey		693-1165
Carol Scherer		694-6006
Glenn Scherer		694-6006
Don Caskey	tdelnay@aol.com	693-1165
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Sharon Clarke	qkeplinski@yahoo.com	694-6261
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LAURA J. HAGEN		694-5394

SIGN IN 3/22/07 e-mail 3/29/07

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20076761 Buckingham

4/17/07

Sign-In Infrastructure / Land Use Subcommittee

Sawyer C. Smith

Bill Bordelette

Jim McKeever mckeever@LCMCD.ORG

Chris Bundschu

Bruce Strayhorn

Don Blackburn

ORIGINAL

Buckingham Planning Panel
MAY 21, 2007

NAME	PHONE	EMAIL
KARL & Darin Kritzberger	694-6795	KARL K445
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MARK McLEAN	694-9199	
Joan Brown	694-4577	Paramountchem@earthlink.net
JoANNE A WOOLSEY	693 0734	Bubbwool2@earthlink.net
JUDY MEROLA	694-2836	JUDI-33905@YAHOO.COM
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Karl Kauffman	693-2696	KarlGump@aol.com
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Tony Pellicer	694-0264	pellicla@leegov.com
Michael Barko	693-6533	
Terri Lodge	989-5690	tlodge@cai sunbelt.com

June 28, 2007 Buckingham Mtg.
Attendance

	NAME	Phone	Email
✓	Tony Pellicer	694-0266	pellicia@leegov.com
✓	EGG Schmidt	694-3245	schmidt_richprg@earthlink.net
	Richard Schmidt	"	
added ✓	Jeff Gerberick	694-5230	surfgerber@aol.com
✓	Carl & Amber Fricke	694-5278	CMF4344@msn.com
✓	Martha & Jim Scott	644-6409	
added ✓	Gordon Prescott	694 6680	Gordon@gibsonbuilt.net
	Sue & Lenny Barshinger	693-3831	Sue4simple@aol.com
	Fred & Charlotte Stump	"	
✓	Don Blackburn		donblackburn@Yahoo.com
added	Dick Workman		coastplan@embarqmail.com

Buckingham Community Planning Panel
7-12-2007

NAME	PHONE	EMAIL
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Jack i Kathi Lusic	694-3709	grovelydude@earthlink.net
JOHN MEROLA		
Jim McKeever	694-2174	MSKEEVER@LCMCD.ORG
Mike Ripple	694-0451	
JoAnne Woolsey	693 0734	Dubbwoo12@earthlink.net
Joan Brown	694-4577	BROWNJE@LEEGOV.COM
George Kaplinski	694-6261	
Sarah Clarke	694-6261	
RICHARD SCHMIDT	694 2245	SCHMIDT_RICHPIG@EARTHLINK.NET
Kerri Goldsmith	694-1418	kagoldsmith@earthlink.net

Buckingham Community Planning Panel
7/26/2007

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Vicky Schmidt	694-2245	schmidtrichpeg@earthlink.net
Carmen McKinney	694-2174	mckinney@lcmcd.org
Jessica Cavanaugh	693-9210	

Updated in e-mail list 8/2/07

8/23/07

PLANNING PANEL MEETING

NAME	PHONE	EMAIL
R.M. "Sonny" William	813 675 9939	sonny 61@ starpoint.net
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George Lagliuski	644-6261	
BOB MURRAY	1985-1200	

BUCKINGHAM COMMUNITY PLANNING PANEL
SEPT. 13, 2007 MEETING

NAME	PHONE NO.	EMAIL
PATRICK MCWILLIAMS	239-229-7216	Patrick.mcwilliams@jpe.com
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Sara Cox	694-8489	mustang2pc@ejate
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BRUCE SKAGGS	281-6258	
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Don Caskey	693-1165	
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Tim Mann	693 6189	TIM@METRONFL.COM
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Tommy Cook	565 5057	TommyLCook@AOL.com
Mike Reeder		

Page 2 of 2

Buckingham Planning Panel Mtg 9/13/07

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Gloria Vernay		
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George Kaplinski		gKaplinski
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Albert T Mosley Sr	694-1064	NA
Helen Louise Mosley	694-1064	NA
Michael Barko		
Richard Schmidt	694 22 85	SCHMIDT_RICHARD@Davidlak.k
Karl Kalfman	693-2696	KARLGUMP@AOL.COM
Tommy Cook	565-5877	TommyLCook@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

Service Letters

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, Florida 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, 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

September 21, 2007

Mr. Terry Kelly
Emergency Management Coordinator
Lee County Emergency Management
2665 Ortiz Ave
Fort Myers, Florida 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:

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

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

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

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

September 21, 2007

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

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

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

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:

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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

September 21, 2007

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

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

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, Florida 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:

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.

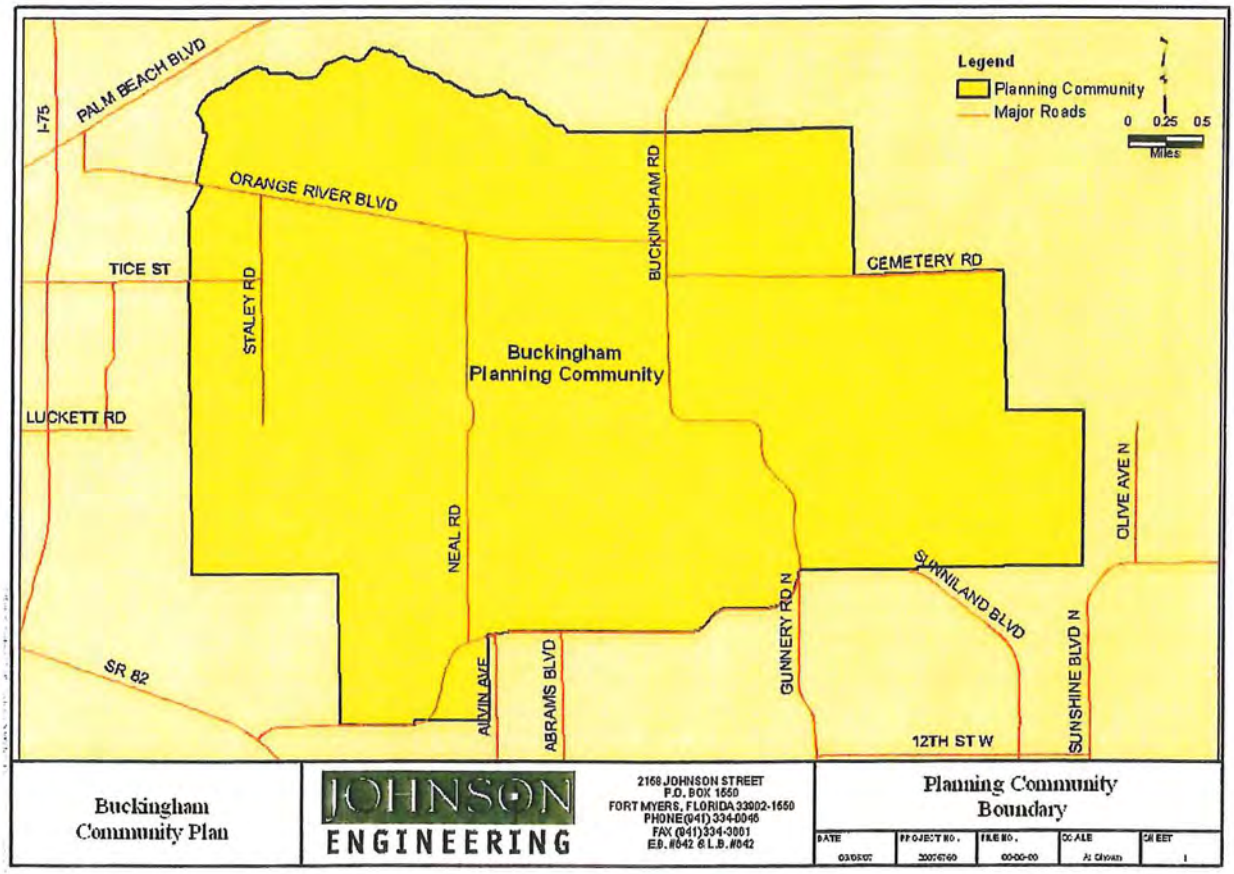
Very truly yours,

JOHNSON ENGINEERING, INC.

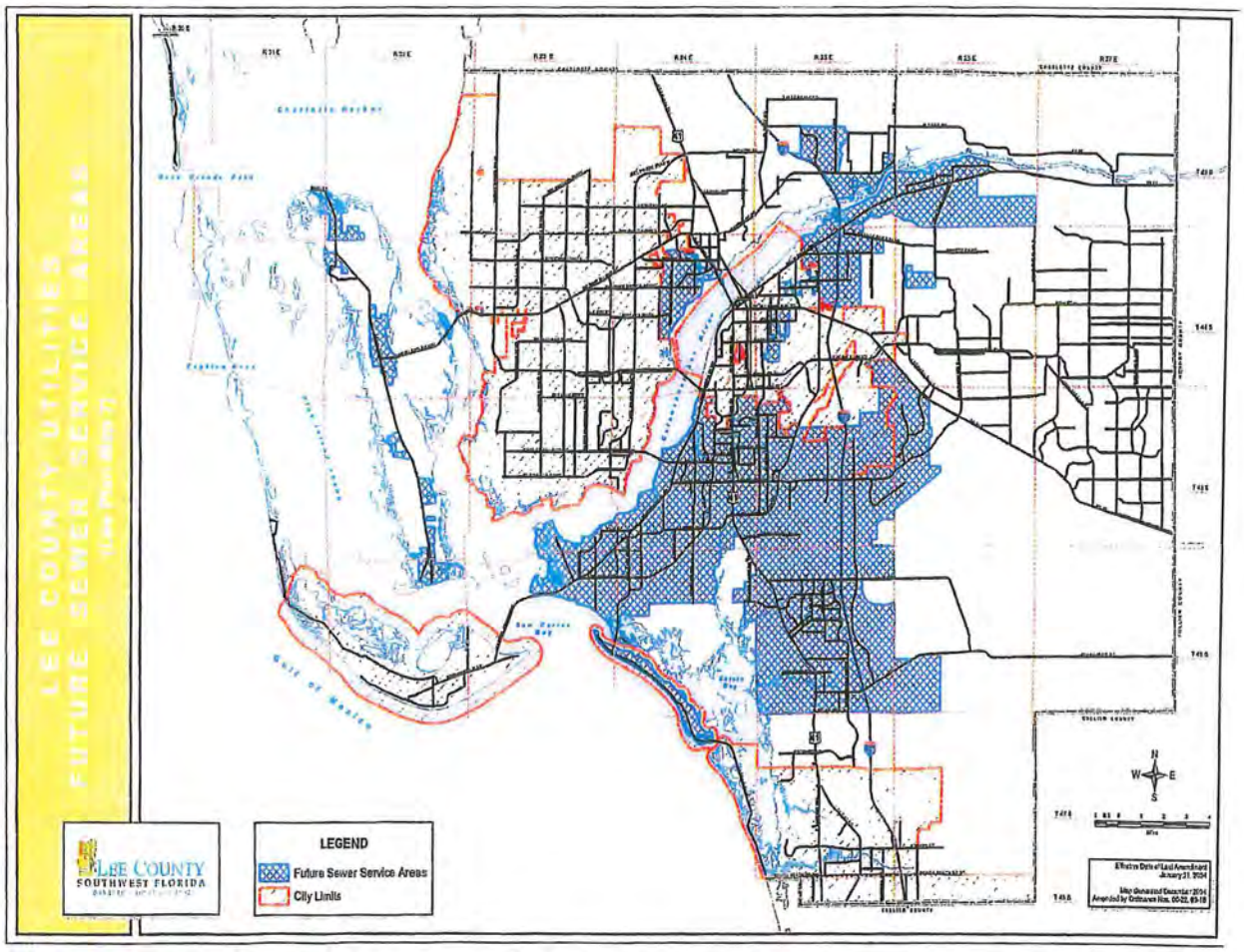
Margaret Banyan, Ph.D
Community Planner

Maps

Community Planning and Planning Community Boundary Map



Map 7


LEE COUNTY UTILITIES
FUTURE SEWER SERVICE AREAS
LEE COUNTY
SOUTHWEST FLORIDA
LEGEND
Future Sewer Service Areas
City Limits
N
W
E
S

CPA2007-49
BUCKINGHAM COMMUNITY PLAN
BoCC SPONSORED
AMENDMENT
TO THE
LEE PLAN

LEE COUNTY COMPREHENSIVE PLAN

Lee County Board of County Commissioners
Sponsored Amendment and Staff Analysis

DCA Transmittal Document

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

November 6, 2009

SCANNED

LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2007-49

[✓] **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: May 27, 2009
REVISED STAFF REPORT PREPARATION DATE: November 6, 2009

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 of the Lee Plan to incorporate the recommendations of the Buckingham Community Planning effort. Establish a revised Goal, and new and revised Objectives, and Policies specific to the Buckingham community. Update Table 1 (b), Year 2030
Allocations.

3. LANGUAGE TRANSMITTED BY BOARD OF COUNTY COMMISSIONERS:

GOAL 17: BUCKINGHAM. To manage the future growth in the Buckingham ~~area~~ Community; to preserve the existing rural and agricultural land use pattern; to diversify the choice of housing for Lee County by maintaining and enhancing the historic and rural character; and to protect the unique historical and environmental values of the Buckingham Community. For the purposes of this plan, the precise boundaries of the Buckingham Community are indicated on the Future Land Use Map Series, Map 1, Page 2 of 6, Special Treatment Areas. To help maintain the rural and historic character, and create a visually attractive community, the Buckingham Community will draft and submit amendments to the Lee County Land Development Code to implement the intent of the Buckingham Community objectives and policies for Lee County to review and consider for adoption.

OBJECTIVE 17.1: LAND USE. The primary land use designation for the Buckingham ~~area~~ Community is "Rural Community Preserve." Other land use designations exist within the Buckingham Community, such as Rural, Sub-Outlying Suburban, Conservation Lands, and Wetlands. Public Facilities have also been designated as appropriate. ~~After the adoption of this amendment n~~No land in the Buckingham Community 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. Land use decisions will be guided by preserving the rural and agricultural land use pattern.

POLICY 17.1.1: No property within the Buckingham Community will be rezoned to RVPD.

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~~ Community. With the exception of the uses and the property identified in this policy, ~~N~~no new commercial ~~activities~~ development 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. Commercial uses permitted in agricultural zoning districts, such as Feed and Tack stores, are allowed outside of the commercial node if appropriate zoning approval is granted. Commercial boarding stables throughout the Rural Community Preserve will be allowed to give lessons and clinics if lawfully existing or appropriate zoning approval is granted. Commercial uses are permitted on the property zoned C-1 located at 9140 Buckingham Road.

POLICY 17.1.3: Except for those clustered areas approved in accordance with Policy 17.1.5, ~~Any~~ all lots created in the Rural Community Preserve ~~after the adoption of this amendment~~ land use category must have a minimum area of 43,560 square feet, unless a Minimum Use Determination has been issued. Calculation of lot size must exclude any road right-of-way or easement areas, water management areas, and natural water bodies. ~~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.~~

POLICY 17.1.4: Bonus density is prohibited in the Rural Community Preserve.

POLICY 17.1.5: Clustering of residential development in the Rural Community Preserve requires residential planned development (RPD) zoning. Density in clustered developments will be based on upland acreage. Dwelling units must be located away from the property boundaries. Clustering of residential development is limited in the following fashion:

1) Buildings must be set back a minimum of 100 feet from the RPD boundary.
2) The RPD must have a minimum of 10 acres in order to cluster homesites.

POLICY 17.1.6: When possible, residential development adjacent to the Rural Community Preserve boundary should make appropriate transitions to the community with a graduated increase in density as development moves away from the Rural Community Preserve boundaries. Appropriate buffers will be established for projects adjacent to the Rural Community Preserve.

POLICY 17.1.7: To preserve the shoreline, a 50 foot set back is required from the Orange River. The setback will be measured from the mean high water line or from the top of bank of the Orange River, whichever is further landward. Docks are exempt from this setback requirement.

OBJECTIVE 17.2: TRANSPORTATION. ~~To protect the rural character of the Buckingham area, the following restrictions apply:~~ The Lee County Department of Transportation must have at least one public meeting in the Buckingham Community on any proposed road expansion or extension proposed within the community. The Lee County Board of County Commissioners must have at least one public meeting after 5:00 p.m. on any proposed road expansion or extension within the community. All roadway extensions or expansions must consider the protection of the rural character of the Buckingham Community. For purposes of this objective, safety improvements such as intersection improvements and turn lane additions or improvements, will not be deemed an expansion or extension.

POLICY 17.2.1: The following restrictions will apply to future road plans:

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.~~

   Any proposal to change the adopted alignment of Luckett Road within the Buckingham Community will require analysis and public input. The analysis must consider the community's desire to have this alignment as far south as possible, starting east of Pangola, in order to skirt the Buckingham Community.

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 the Buckingham Community will be no greater than 100 feet (except for Buckingham Road and Luckett Road extensions).

7. The extension and connection of Long Road to Ellis rRoad is prohibited. (Amended by Ordinance No. 94-30, 99-15, 00-22)

POLICY 17.2.2: The Lee County Department of Transportation will work with the Buckingham Community to identify issues, propose options, and develop a plan directed at improving safety on roads, limiting the negative effects of traffic, and improving the overall functionality of roads within the Buckingham Community.

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 will be designed to maintain or enhance the overall rural character of the community.

POLICY 17.3.1: In order to discourage unwanted urban development, central sewer lines will not be extended into the Rural Community Preserve, except to the areas identified by Lee Plan Map 7 as Future Sanitary Sewer Service Areas, the existing Resource Recovery Facility, the adjacent Lee County Parks and Recreation Facility, and any future public facility. Sewer lines may be extended to future public facilities after one or more public meetings are held in the community and a public hearing is held before the Board of County Commissioners. The County may also extend transmission/force mains through the Rural Community Preserve, if necessary. Under no circumstances will the availability of central sewer lines be accepted as justification for a density or intensity increase, or reduction of lot size requirements (except as provided in Policy 17.1.5), within the Rural Community Preserve. The County will consider waivers to Lee County Utility's central sewer mandetory connection requirement in the Buckingham Community. A waiver may not be granted unless the landowner has the approval of the Health Department, and the request is in accordance with section 381.00655(2)(b), F.S.

POLICY 17.3.2: Central water lines may be extended along roads of the Rural Community Preserve upon request of property owners, with extension and connection fees paid by the

person(s) receiving the water service. The County may also extend central water lines through the Rural Community Preserve, if necessary. Extension of public central water lines will require the Lee County Board of County Commissioners to hold at least one public meeting after 5:00 p.m. 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 or intensity increase, or reduction of lot size requirements (except as provided in Policy 17.1.5), within the Rural Community Preserve.

POLICY 17.3.3: All new large developments (as defined in chapter 10 of the Land Development Code) must install utilities underground. Utilities include, but are not limited to, electricity, telephone, and cable lines.

POLICY 17.3.4: East County Water Control District is encouraged to continue to develop and maintain its infrastructure to minimize flooding, manage flows down the Orange River, and improve water quality. In addition, ECWCD is encouraged to work with the Lee County Emergency Operations Center to develop a system to warn residents in advance of large releases of water.

POLICY 17.3.5: Any development or redevelopment of the property must be developed in a manner that does not adversely impact the rural community. Any use must provide appropriate separation, buffering, traffic mitigation and control, and environmental protection.

POLICY 17.3.6: Detention and correctional facilities are prohibited within the Buckingham Community boundaries.

POLICY 17.3.7: No new landfills or resource recovery facilities are permitted in the Buckingham Community. Expansion of the Resource Recovery facilities located on the County property is permitted, including the introduction of new operations and facilities to address solid waste needs.

OBJECTIVE 17.4: LANDSCAPING, BUFFERING, COMMUNITY AESTHETICS, AND QUALITY OF LIFE. Adequate and appropriate landscaping, open space, and buffering must be provided as a means of protecting and enhancing the Buckingham Community's historic rural character and environmental values from developments, utilities, public services, roads, and land use changes or other improvements.

POLICY 17.4.1: Essential Service and Community Facilities must provide an appropriate native vegetative buffer to address compatibility issues and to enhance the Buckingham Community's rural and low density residential character. Buffering materials must be designed to enhance and protect the aesthetic values inherent to the Buckingham Community.

POLICY 17.4.2: Lee County will continue, through Lee County Solid Waste Collection Agreements, to require all current and future solid waste collection contractors to perform weekly litter collection along approximately one and one half miles of Buckingham Road, in the vicinity of the Resource Recovery Facility.

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 must be designed to be undulating.

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

POLICY 17.4.5: Lee County is discouraged from approving any deviation that would result in a reduction of landscaping, buffering, or signage guidelines.

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 work with the Buckingham Community to develop a plan for an interconnected system of parks, hiking, and horse riding trails within the Buckingham Community.

POLICY 17.5.2: The Orange River has areas where it is narrow, with fluctuating levels of water flow and surrounding low density residential uses. Any access to the Orange River, except for single family docks, will be reviewed through the Planned Development zoning process to insure consistency with surrounding areas. Docks, except for single family docks, approved prior to [the date of adoption] may remain but may not be expanded unless the expansion complies with this policy.

POLICY 17.5.3: The removal of invasive exotic plants, as defined by the state or county, is required for all new development within the Rural Community Preserve.

OBJECTIVE 17.6: It is the policy of Lee County to protect the historical agricultural uses within the Buckingham Community. These uses include a variety of agricultural applications such as tree farms, citrus farms, stables, cattle, cows, goats, and other livestock and crops of varying sizes. Lee County will accommodate existing agriculture uses into the future.

POLICY 17.6.1: Lee County will, when asked by the Property Appraiser, advise the Property Appraiser that it is the intent of the Lee Plan to protect and maintain agriculture in the Buckingham Community.

POLICY 17.6.2: Growing of crops for alternative energy sources on an experimental basis, such as Jatropha curcas, will be considered an agricultural use.

OBJECTIVE 17.7: PUBLIC PARTICIPATION. Lee County will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals that affect the Buckingham Community.

POLICY 17.7.1: As a courtesy, Lee County will register citizen groups and civic organizations within the Buckingham Planning Community that desire notification of pending review of Land Development Code amendments and Lee Plan amendments. Upon registration, Lee County will provide registered groups with documentation regarding these pending amendments through mail, email, or other electronic means. This notice is a courtesy only and is not jurisdictional. Accordingly, the County's failure to mail/email or to timely provide the notice, or failure of a group to receive notice, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

POLICY 17.7.2: The owner or agent of a requested zoning action (planned development, conventional rezoning, special exception, or variance requests) within or adjacent to the Buckingham Planning Community, or with access to Buckingham Road must conduct one public informational session within the Buckingham Community where the agent will provide a general overview of the project for any interested citizens. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space, providing notice of the meeting, and providing security measures as needed. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. ORIGINAL RECOMMENDATION:

Staff's recommended language for transmittal is shown below. Language that is not underlined is currently in the Lee Plan. Language that is underlined is proposed new language for Goal 17, Buckingham. Language shown in strike through in this part of the report is language that is currently in the Lee Plan that staff is recommending to be removed.

Staff also recommends transmittal of the Year 2030 Allocation amendment described in Part II of this report.

GOAL 17: BUCKINGHAM. To manage the future growth in the Buckingham ~~area~~ community; 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 ~~C~~community. For the purposes of this plan, the precise boundaries of the Buckingham community are indicated on the Future Land Use Map Series, Map 1, Page 2 of 6, Special Treatment Areas.

OBJECTIVE 17.1: LAND USE. The primary land use designation for the Buckingham ~~area~~ community is "Rural Community Preserve." Other land use designations exist within the Buckingham community, such as Public Facilities, Rural, Sub-Outlying Suburban, Conservation Lands, and Wetlands. Public facilities have also been designated as appropriate. ~~After the~~

~~adoption of this amendment n~~No land in the Buckingham community 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.

POLICY 17.1.1: No property within the Buckingham community will be rezoned to RVPD.

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~~ community. With the exception of uses identified in this policy, ~~N~~no new commercial ~~activities~~ development 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 may this policy be construed to prohibit commercial uses allowed in agricultural zoning districts. Boarding stables throughout the Rural Community Preserve will be allowed to give lessons and clinics if appropriate zoning approval is granted.

POLICY 17.1.3: Except for those clustered areas approved in accordance with Policy 17.1.5, ~~A~~any lot created in the Rural Community Preserve ~~after the adoption of this amendment~~ land use category must have a minimum area of 43,560 square feet. ~~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.~~

POLICY 17.1.4: New residential lots created in the Rural Community Preserve with agricultural zoning must contain at least one Buildable Acre. The area of a Buildable Acre will exclude any road right of way or easement areas, water management areas, and natural water bodies.

POLICY 17.1.5: Clustering of residential development in the Rural Community Preserve requires residential planned development (RPD) zoning. Density in clustered developments will be based on upland acreage. Dwelling units must be located away from the property boundaries. Clustering of residential development is limited in the following fashion:

1) Buildings must be set back 100 feet from the RPD boundary.
2) The RPD must have a minimum of 10 acres in order to cluster homesites.

POLICY 17.1.6: When possible, residential development adjacent to the Rural Community Preserve boundary should make appropriate transitions to the community with a graduated increase in density as development moves away from the Rural Community Preserve boundaries.

POLICY 17.1.7: To preserve the shoreline, a 50 feet set back is required from the Orange River. The setback will be measured from the mean high water line or from the top of bank of the Orange River, whichever is further landward.

OBJECTIVE 17.2: TRANSPORTATION AND ROADS. The Lee County Department of Transportation will work with the residents of the Buckingham community to protect the rural character of the Buckingham planning area.

POLICY 17.2.1: The following restrictions will apply to future road plans:

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~~ community.

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 the Buckingham community will be no greater than 100 feet (except for Buckingham Road and Luckett Road extensions).

7. The extension and connection of Long Road to Ellis r~~R~~oad is prohibited. (Amended by Ordinance No. 94-30, 99-15, 00-22)

POLICY 17.2.2: The Lee County Department of Transportation will work with the Buckingham community to identify issues, propose options, and develop a plan directed at improving safety on roads, limiting the negative effects of traffic, and improving the overall functionality of roads within the Buckingham community.

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 will be designed to maintain or enhance the overall rural character of the community.

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

POLICY 17.3.2: Central water lines may be extended along roads of the Rural Community Preserve upon request of property owners, with extension and connection fees paid by the person(s) receiving the water service. The County may also extend central water lines through the Rural Community Preserve, if necessary. 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 Rural Community Preserve.

POLICY 17.3.3: All new large developments as defined in chapter 10 of the Land Development Code, for which a local development order is required, must install utilities underground. Utilities include, but are not limited to, electricity, telephone, and cable lines.

POLICY 17.3.4: East County Water Control District is encouraged to continue to develop and maintain its infrastructure to minimize flooding, manage flows down the Orange River, and improve water quality. In addition, ECWCD is encouraged to work with the Lee County Emergency Operations Center to develop a system to warn residents in advance of large releases of water.

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

POLICY 17.4.1: 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 Rural Community Preserve. This is to include, electrical facilities, substations, resource recovery facilities, and telephone facilities. Utility companies should install and maintain buffers that obscure unsightly facilities.

POLICY 17.4.2: 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 must be designed to be undulating.

POLICY 17.4.3: Residential and commercial lighting must 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 work with the Buckingham community to develop a plan for an interconnected system of parks, hiking, and horse riding trails within the Buckingham community.

POLICY 17.5.2: The removal of invasive exotic plants, as defined by the state or county, is required for all new development within the Rural Community Preserve.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Buckingham Community Plan update has been sponsored and financed 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 community vision for the future of the Buckingham community.
- 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 Planning Panel submitted the Buckingham Community Plan and proposed plan amendment on September 26, 2007.
- Staff presented the proposed Buckingham plan amendment to the Local Planning Agency on November 19, 2007 and the LPA recommended that the Board transmit the plan amendment as submitted by the planning panel with changes proposed by the LPA and not as staff recommended.
- Staff presented the proposed plan amendment to the Board of County Commissioners at their October 22, 2008 transmittal hearing. Staff explained they had several concerns over the proposed language and the Board voted unanimously to not transmit CPA2007-49 and directed staff to work with the community to resolve the issues and to bring a revised amendment back in the 2008/2009 amendment cycle.
- Staff attended two community meetings in Buckingham to explain their concerns and to try and arrive at an acceptable plan amendment. The first on December 11, 2008 and the second on February 19, 2009.

- Revised amendment language was sent to staff on March 10, 2009 with very few changes to the language that was sent to the Board on October 22, 2008. Most of staff's comments were not addressed.

- CPA 2007-49 was presented to the LPA on April 27, 2009. The LPA made a motion to continue the Buckingham amendment to the June 3, 2009 LPA meeting with the direction for the community and staff to work together to revise the amendment.

- Staff contacted the Buckingham Community Planning Panel president on several occasions requesting a meeting with the planning panel to revise the amendment.

- Staff was informed by the Buckingham Community Planning Panel president that the panel members had not suggested any revisions and since neither the planning panel or staff propose revised language that it did not appear that a community meeting would be productive.

- CPA 2007-49 was presented to the LPA for the second time on June 3, 2009. The LPA made a motion to move three areas that were not in the Buckingham planning area out of the Buckingham Planning Community.

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 community, 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.

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 Goal 17 of the Lee Plan specific to the Buckingham community. The County provided $50,000 to fund the planning effort and the BCPP hired Johnson Engineering, Inc. to assist them in writing an updated Community Plan and Lee Plan amendment. The Community Plan and plan amendment were completed in late summer of 2008 and submitted to the County on September 26, 2008.

Staff prepared the staff report and recommended several changes to the applicant's language. Comments were provided to the planning panel and their consultant. The report was sent to the Local Planning Agency and the Buckingham Community Plan amendment was heard by the LPA on November 19, 2007. Staff gave a presentation and explained the reason for their recommended changes. The LPA did not recommend that the Board transmit any of staff's recommended changes and recommended transmittal of the language submitted by the planning panel with some additional changes recommended by the LPA.

The Buckingham Community Plan amendment was heard by the Board of County Commissioners at the October 22, 2008 Transmittal Hearing. The Board did not transmit the amendment and directed staff to meet with the community and try and arrive at language agreeable to both the community and staff and to bring the amendment back in the next round.

Staff met with the Buckingham planning panel and community members on December 11, 2008 and February 19, 2009 and explained staff's position on the items in contention. Following the February 19, 2009 meeting the planning panel voted on whether to make any changes to their original language. The planning panel made very few changes and did not make any changes to most of the Objectives and Policies that concerned staff. The applicant's last submittal is attached as Exhibit A.

Staff presented CPA 2007-49 to the Local Planning Agency on April 27, 2009 and the LPA passed a motion to continue the amendment to the June 3, 2009 LPA meeting and gave direction for the community and staff to work together to revise the amendment.

Staff contacted the Buckingham Community Planning Panel president on several occasions attempting to set up a meeting with the planning panel and was informed by the planning panel president that the panel members had not suggested any revisions and since neither the planning panel or staff propose revised language that it did not appear that a community meeting would be productive.

CPA 2007-49 was presented to the LPA for the second time on June 3, 2009. The LPA made a motion to move three areas that were not in the Buckingham planning area out of the Buckingham Planning Community.

PART II - STAFF ANALYSIS AND RECOMMENDED REVISIONS

A. STAFF DISCUSSION

BUCKINGHAM YEAR 2030 ALLOCATION AMENDMENT:

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 Planning Community. At that time the Board

asked that the issue be addressed in the ongoing Buckingham Community Planning process. The Buckingham Community Planning Panel 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.

On April 28, 2008 staff presented the LPA with a memo dated April 21, 2008 and maps of residential uses within the Urban Community portion of the Buckingham Planning Community that are 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 to the LPA 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 recommended transmittal of the Urban Community allocation.

A motion was made 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. That motion failed 4-2. According to Administrative Code 13-6 that was a recommendation to not transmit the staff recommended changes to Table 1(b).

The Buckingham Community Plan amendment was heard by the Board of County Commissioners at the October 22, 2008 Transmittal Hearing. The Board did not transmit the amendment and directed staff to meet with the community and try and arrive at language agreeable to both the community and staff and to bring the amendment back in the next round.

On June 3, 2009 a motion was made by the LPA that would move three areas out of the Buckingham Planning Community so that the Planning Community would be consistent with the Buckingham planning area.. The LPA recommendation required that the staff recommendation for Table 1(b) in the Lee Plan presented to the LPA on April 28, 2008 was modified to account for the proposed change to the planning community boundaries. Staff's revised recommendation includes decreasing the Urban Community allocation from 51 acres to 0 acres; increasing the Outlying Suburban allocation from 49 acres to 66 acres; decreasing the Rural allocation from 57 acres to 50 acres; and increasing the Rural Community Preserve allocation from 3,046 acres to 3,100 acres. Table 1(b) as proposed is provided in full as an attachment to this staff report.

The following revised Goal for Buckingham is intended to express the community's desire to protect and maintain the existing character of the Buckingham community. This revised Goal, and new and revised Objectives, and Policies are shown as submitted by the applicant; followed by a brief staff discussion and analysis in *italic*; and, if revised by staff, the revisions are shown following the discussion/analysis. The recommended revisions to the language submitted by the Buckingham Community Planning Panel are based on comments received from Planning, Environmental Sciences, Utilities, Solid Waste, Public Works, Human Services, and the County Attorney's office.

The Buckingham Community Planning Panel proposed the following language:

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~~ Lee Plan Map 16, as amended August 13, 2007.

The Buckingham community desires to expand the boundaries of the planning area to match the Buckingham Planning Community. The community's proposed text seems to make the whole Buckingham Planning Community subject to the Rural Community Preserve–this has Bert Harris implications. In addition, the property owners in the area proposed for inclusion do not consent to participate in the restrictions proposed by this plan. Staff does not recommend expanding the Buckingham planning area to match the Buckingham Planning Community. Without the expansion of the Buckingham planning area, staff recommends transmittal of the revised Goal 17 below.

GOAL 17: BUCKINGHAM. To manage the future growth in the Buckingham ~~area~~ community; 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 ~~C~~community. For the purposes of this plan, the precise boundaries of the Buckingham community are indicated on the Future Land Use Map Series, Map 1, Page 2 of 6, Special Treatment Areas.

The Buckingham Community Planning Panel proposed the following language:

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, 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.

Staff is concerned that the applicant's proposed addition of the language "unless property is within a pre-existing higher density" would be used by potential developers to achieve an even higher density than they currently have. This does not seem to be consistent with the vision of the Buckingham community. Staff has no objection to this objective as amended below.

OBJECTIVE 17.1: LAND USE. The primary land use designation for the Buckingham ~~area~~ community is "Rural Community Preserve." Other land use designations exist within the Buckingham community, such as Public Facilities, Rural, Sub-Outlying Suburban, Conservation Lands, and Wetlands. Public facilities have also been designated as appropriate. ~~After the adoption of this amendment n~~No land in the Buckingham community 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.

The Buckingham Community Planning Panel proposed the following language:

POLICY 17.1.1: No property within the Buckingham community will be rezoned to RVPD.

The applicant is proposing to add additional areas to the Buckingham Community planning area to be consistent with the Buckingham Planning Community If those areas are added there is a potential Burt J. Harris liability for those areas because an existing potential to rezone those areas to RVPD will be taken away. In addition, the property owners in the area proposed for inclusion do not consent to participate in the restrictions proposed by this plan. Staff's recommendation is to move these three areas between the Buckingham planning area and the Lehigh Acres Planning Community out of Buckingham Planning Community to be consistent with Map 1 page 2 of 6 of the Lee Plan. If staff's recommendation is followed for the change to the Planning Community staff has no objection to the proposed policy.

The Buckingham Community Planning Panel proposed the following language:

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.

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 currently allowed in agricultural zoning districts will not be affected. Also, Boarding stables throughout the Rural Community Preserve will be allowed to give lessons and clinics with appropriate zoning approval.

The reference to the definition of development in F.S. 380 is already in the Glossary of the Lee Plan. Staff recommends transmittal of the revised policy below.

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~~ community. With the exception of uses identified in this policy, ~~N~~no new commercial ~~activities~~ development 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 may this policy be construed to prohibit commercial uses allowed in agricultural zoning districts. Boarding stables throughout the Rural Community Preserve will be allowed to give lessons and clinics if appropriate zoning approval is granted.

The Buckingham Community Planning Panel proposed the following language:

POLICY 17.1.3: Except for those clustered areas as approved by Policy 17.1.5, ~~A~~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.~~

Although the phrase "after the adoption of this amendment" is currently in the Lee Plan in Policy 17.1.3, it is not necessary and staff recommends deleting that phrase. Because the policy states "any lot created in the Rural Community Preserve" it is understood that existing lots are not affected by Policy 17.1.3 so the reference to existing lots is not necessary. Staff recommends transmittal of the revised policy below.

POLICY 17.1.3: Except for those clustered areas approved in accordance with Policy 17.1.5, ~~A~~any lot created in the Rural Community Preserve ~~after the adoption of this amendment~~ land use category must have a minimum area of 43,560 square feet. ~~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)

The Buckingham Community Planning Panel proposed the following language:

POLICY 17.1.4: Density within the Rural Community Preserve will be no more than one unit per buildable acre. 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 Rural Community Preserve. The community strongly recommends density of no more than one unit per acre throughout the remainder of the Buckingham Community and bonus density to be disallowed.

Bonus Density is not allowed in the Rural Community Preserve; restating this fact adds nothing to the Lee Plan. The last sentence of the applicant's proposed Policy 17.1.4 directly impacts one 95 acre tract of land currently classified as Urban Community on the Future Land Use Map. This property designated Urban Community is located outside the Rural Community Preserve, but within the current Buckingham Planning Community. The Urban Community Future Land Use category allows a range of 1 to 6 dwelling units per acre and up to 10 dwelling units per acre with Bonus Density. This plan amendment proposes to extend the boundaries of the planning area to match the Planning Community Boundaries causing the 95 acre tract of land to be directly impacted by this policy.

The last sentence of applicant's proposed policy 17.1.4 has Bert J. Harris implications. Staff does not recommend transmitting that sentence. If the community does not want density of over one dwelling unit per acre on that site the proper way to express that is through a Future Land Use Map change, however given the property owners desire to maintain the existing classification of Urban Community, it is unlikely there will be support for such an amendment to the Future Land Use Map..

Staff recommends transmitting Policy 17.1.4 as revised below. Staff is also recommends moving the three areas in question to the Lehigh Acres Planning Community, as defined by Map 16, as suggested by the LPA.

POLICY 17.1.4: New residential lots created in the Rural Community Preserve with agricultural zoning must contain at least one Buildable Acre. The area of a Buildable Acre will exclude any road right of way or easement areas, water management areas, and natural water bodies.

The Buckingham Community Planning Panel proposed the following language:

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.

This policy directly affects one 95 acre tract of land, and has Bert J. Harris implications as proposed by the applicant. Policy 17.1.2 restricts commercial uses to specific areas in the Rural Community Preserve and Policy 17.1.3 requires a minimum lot size of 43,560 square feet (one acre). The language that staff struck through does not affect the Rural Community Preserve. The struck through language only affects the areas that are outside of the Rural Community Preserve, but are currently located in the Buckingham Planning Community and with the adoption of this amendment, as proposed, will be located in the Buckingham Planning area. Staff does not recommend expanding the Buckingham planning area. Staff recommends transmittal of the revised policy below.

POLICY 17.1.5: Clustering of residential development in the Rural Community Preserve requires residential planned development (RPD) zoning. Density in clustered developments will be based on upland acreage. Dwelling units must be located away from the property boundaries. Clustering of residential development is limited in the following fashion:

1) Buildings must be set back 100 feet from the RPD boundary.
2) The RPD must have a minimum of 10 acres in order to cluster homesites.

The Buckingham Community Planning Panel proposed the following language:

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.

The Buckingham Rural Community Preserve is adjacent to Lehigh Acres on part of its southern boundary across Buckingham Road. It will not be possible to transition density at this location because the Lehigh lots are already platted at approximately 4 dwelling units/acre. Similarly, Buckingham Park is surrounded on three sides by the Rural Community Preserve and it will not be possible to transition density at that location either. Staff recommends transmittal of the revised policy below:

POLICY 17.1.6: When possible, residential development adjacent to the Rural Community Preserve boundary should make appropriate transitions to the community with a graduated increase in density as development moves away from the Rural Community Preserve boundaries.

The Buckingham Community Planning Panel proposed the following language:

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 noted that increasing the riverbank set back from 25 to 50 feet raises the potential for claims under the Bert J. Harris Act.

The Land Development Code has recently been amended to require the 50 buffer for commercial developments from natural waterways. It should also be noted that the Board of County Commissioners has routinely required 50 foot set backs from natural water bodies during the rezoning process.

Staff reviewed the dimensions of existing lots adjacent to the river. Through this review staff determined that because of the depth of the lots, the 50 foot set back would not preclude the construction of a single family home on each of those lots adjacent to the Orange River.

The recently adopted FIRM maps now include a provision that floodways must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood height. The floodway south of the Orange River in Buckingham exceeds 50 feet on most, if not all of the lots adjacent to the Orange River in Buckingham. Staff recommends transmittal of Policy 17.1.7 as revised.

POLICY 17.1.7: To preserve the shoreline, a 50 feet set back is required from the Orange River. The setback will be measured from the mean high water line or from the top of bank of the Orange River, whichever is further landward.

The Buckingham Community Planning Panel proposed the following language:

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 rRoad is prohibited.

This policy serves to expand the boundaries from the Rural Community Preserve to the whole planning community which is a concern for DOT because of the road limitations of the applicant's proposed Objective 17.2. The Luckett Road alignment study is already underway and based on the objective as currently written. A change to the wording could cause problems.

The changes to number 6 under the objective are a concern. There is no data and analysis to support the change from "future rights-of way" to "rights-of way". There may be existing rights-of-way in excess of 80 feet in the Rural Community Preserve. The change from 100 feet to 80 feet would 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. Staff only recommends changing the existing policy language to be consistent with references to the Buckingham community.

In addition to the above mentioned substantive concerns staff would also like to revise the structure of this objective to be more consistent with the structure typically found in the Lee Plan. It is typical for an objective to be a more general statement with the subsequent policies being specific strategies that will help to accomplish the objective. The revised objective and policy that follows are consistent with the Lee Plan and are recommended for transmittal:

OBJECTIVE 17.2: TRANSPORTATION AND ROADS. The Lee County Department of Transportation will work with the residents of the Buckingham community to protect the rural character of the Buckingham planning area.

POLICY 17.2.1: The following restrictions will apply to future road plans:

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~~ community.

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 the Buckingham community will be no greater than 100 feet (except for Buckingham Road and Luckett Road extensions).

7. The extension and connection of Long Road to Ellis rRoad is prohibited.

The Buckingham Community Planning Panel proposed the following language:

POLICY 17.2.1: The Lee County Department of Transportation will work with the Buckingham Community to identify issues, propose options, and develop a plan directed at improving safety on roads, limiting the negative effects of traffic, and improving the overall functionality of roads within the Buckingham Community.

Staff has no objections to this policy, and recommends transmittal as provided by the Buckingham Community Planning Panel.

The Buckingham Community Planning Panel proposed the following language:

POLICY 17.2.2: The Director of Development Services shall have the authority under Section 10-104 of the LDC to grant administrative variances to Section 10-174(4)(c) 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.

If appropriate the intent of this policy would be better achieved by an amendment to the Land Development Code. Staff does not recommend transmittal of this policy

~~**POLICY 17.2.2:** The Director of Development Services shall have the authority under Section 10-104 of the LDC to grant administrative variances to Section 10-174(4)(c) 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.~~

The Buckingham Community Planning Panel proposed the following language:

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.

This objective as proposed is not measurable. Whether a public facility would detract or diminish the overall community character is subjective. Staff believes this objective, as revised, is consistent with the intent of the subsequent policies under the objective.

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 will be designed to maintain or enhance the overall rural character of the community.

The Buckingham Community Planning Panel proposed the following language:

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 Lee Plan Map 7 (effective January 21, 2004) as Future Sanitary Sewer Service Areas, the existing Resource Recovery Facility, and the adjacent Lee County Parks and Recreation Facility.

This policy has the potential to affect public facilities that may be needed in the future. The policy will also limit the ability of others to tie into this line, thus burdening the County with a larger portion of the cost.

It may be necessary to extend central sewer lines in the future to serve existing development such as The Hut restaurant. The HUT has a failing wastewater treatment facility and are under a FDEP consent order to either replace the wastewater treatment facility or connect to the County's force main. In order for The Hut to connect to the County's force main, Map 7, Future Sewer Service Areas, will need to be amended. The Hut is not currently in the Sewer Service Area, and as proposed this policy would prevent The Hut from connecting to County sewer lines. Staff recommends transmittal of the policy as revised.

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

The Buckingham Community Planning Panel proposed the following language:

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.

Staff does not object to this policy as revised. Similar language is already in the Lee Plan in Objective 17.3.

POLICY 17.3.2: Central water lines may be extended along roads of the Rural Community Preserve upon request of property owners, with extension and connection fees paid by the person(s) receiving the water service. The County may also extend central water lines through the Rural Community Preserve, if necessary. 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 Rural Community Preserve.

The Buckingham Community Planning Panel proposed the following language:

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. An exception should be made for a methane gas line to the Resource Recovery Facility that does not encroach on any other property within the Buckingham Community.

A Teco Peoples gas line is in place along Buckingham Road, and this policy would make that gas line non-conforming. If other fuel transmission lines are needed to be installed in the Buckingham community, they will be installed underground and will have no visible affect on the community. Staff does not recommend transmittal of this policy.

~~**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. An exception should be made for a methane gas line to the Resource Recovery Facility that does not encroach on any other property within the Buckingham Community.~~

The Buckingham Community Planning Panel proposed the following language:

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.

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 a subsequent proposed policy should help to offset those costs. Staff does not object to this policy as revised below.

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

The Buckingham Community Planning Panel proposed the following language:

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.

The first sentence of this policy does not add anything meaningful to the Lee Plan. The second sentence is confusing. On one hand it states that the community supports the Mosquito Control District in limiting its activities to those consistent with its purpose (eradicating mosquitos) and then allows the provision of other public services. Staff does not recommend transmittal of this policy.

~~**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.~~

The Buckingham Community Planning Panel proposed the following language:

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. The Gulf Coast Center is one of only two publicly owned sites available in Lee County that meet the minimum criteria as an emergency group site for temporary housing. This language not only prohibits the County from this option, but also other facilities that might assist disaster survivors following a major or catastrophic disaster impacting our community. This site could be a critical resource needed in implementing the County's Disaster Housing Plan. Staff does not recommend transmittal of this policy.

~~**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.~~

The Buckingham Community Planning Panel proposed the following language:

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

Staff has concerns about precluding any future need for a detention or correctional facility in any part of Lee County. Although the County has no plans to locate such a facility in Buckingham, the Gulf Coast Center in Buckingham is State owned land, and if they chose to place a correctional facility on that site they could do so with or without this policy. Staff does not recommend transmittal of this policy.

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

The Buckingham Community Planning Panel proposed the following language:

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 one or more of the facilities listed in Policy 17.3.8 in the Buckingham community at some future time to serve the area. This policy would prevent such a facility from being constructed. Staff does not recommend transmittal of this policy.

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

The Buckingham Community Planning Panel proposed the following language:

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.

The East County Water Control District and Lee County EOC do not object to Policy 17.3.9, as revised, and staff recommends transmittal of the policy.

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

The Buckingham Community Planning Panel proposed the following language:

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.

Buffer 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. Staff has no objection to this objective.

The Buckingham Community Planning Panel proposed the following language:

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.

Staff does not know how the County could effectively buffer distribution and transmission lines. Buffering requirements are regulated by Section 10-416 and Section 34-1616 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 increase the current buffer requirements and require all native plant material for public facilities then the Land Development Code will have to be amended. Staff recommends transmittal of the revised policy below.

POLICY 17.4.1: 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 Rural Community Preserve. This is to include, electrical facilities, substations, resource recovery facilities, and telephone facilities. Utility companies should install and maintain buffers that obscure unsightly facilities.

The Buckingham Community Planning Panel proposed the following language:

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 Department of Solid Waste objects to Policy 17.4.2. Solid Waste staff notes that they are currently providing roadway cleanup on Buckingham Road in the vicinity of the Resource Recovery Facility. Any

additional "affected" roads would need to be defined, as all the roads in Lee County are affected by trash pickup. Staff does not recommend transmittal of this policy.

~~**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 Planning Panel proposed the following language:

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.

The Lee Plan and Land Development Code (LDC) have precedent for prohibiting walls. Policy 14.3.5 of the Lee Plan and Sec. 33-1086 of the LDC address, and in some cases prohibit walls on Pine Island. The Land Development Code will need to be amended to implement this policy within the Buckingham community. Staff does not have any objection to the proposed language of this policy and recommends transmittal.

The Buckingham Community Planning Panel proposed the following language:

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. This policy is consistent with those standards. Staff does not have any objection to the proposed language of this policy and recommends transmittal.

The Buckingham Community Planning Panel proposed the following language:

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.

The Land Development Code will need to be amended to increase the required open space within the Buckingham community. Staff does not have any objection to the proposed language of this policy and recommends transmittal.

The Buckingham Community Planning Panel proposed the following language:

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.

The County adopted the Greenways Master Plan on May 16, 2007. The Greenways Master Plan establishes the location of future multi-use trails throughout Lee County. Staff does not have any objection to the proposed language of this policy and recommends transmittal.

The Buckingham Community Planning Panel proposed the following language:

POLICY 17.5.2: Any access to the Orange River within the Buckingham Community 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. This policy 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. These issues can be addressed on a case by case basis as any proposals come forward from the County or private sector and the community will have the opportunity to express their concerns and opinions.

The proposed policy is not consistent with the intent of Lee Plan Objective 82.1, Policy 82.1.1, Objective 82.2, Policy 82.2.1, and Objective 82.3, which address the provision of public water access. Staff does not recommend transmittal of this policy.

~~**POLICY 17.5.2:** Any access to the Orange River within the Buckingham Community will be limited to non-commercial residential use.~~

The Buckingham Community Planning Panel proposed the following language:

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

Staff does not object to the removal of invasive exotic plants. The removal of these plant species is required in the Land Development Code (LDC). Staff proposes transmittal of the following revised policy, which is consistent with the LDC.

POLICY 17.5.3: The removal of invasive exotic plants, as defined by the state or county, is required for all new development within the Rural Community Preserve.

The Buckingham Community Planning Panel proposed the following language:

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 under this objective will 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 farms 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.

The County does not have control over what the Property Appraiser does or how land is valued. Direction to the Property Appraiser is not appropriate in the Lee Plan. Staff does not recommend transmittal of this objective or subsequent policies.

~~**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 under this objective will 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 farms 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.~~

The Buckingham Community Planning Panel proposed the following language:

POLICY 17.6.6: Boarding stables will be allowed to give lessons and clinics if the operation does not create a use, road access, or drainage nuisance to its neighbors.

Staff is concerned that this policy is too subjective. The provision of such uses is clarified in Policy 17.1.2 of Part I of this Staff Report. Policy 17.1.2 requires "appropriate zoning approval" which will analyze the uses' impact to neighboring properties and allow for mitigation of impacts which are deemed to be negative. Staff does not recommend transmittal of this policy.

~~**POLICY 17.6.6:** Boarding stables will be allowed to give lessons and clinics if the operation does not create a use, road access, or drainage nuisance to its neighbors.~~

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF FIRST PUBLIC HEARING: April 27, 2009

A. LOCAL PLANNING AGENCY REVIEW:

Staff provided brief presentation covering the proposed changes and recommendations outlined in CPA2007-49. This was followed by general questions and answers between the LPA members and staff. There was discussion about expanding the boundaries and including a 95 acre tract of land located south of Buckingham Park.

One LPA member expressed concerns with including the 95 acre tract of land if this has not been discussed with the property owners. The LPA chairman asked if anyone from the public wished to comment on this item.

The Buckingham Community Planning Panel president, two Buckingham residents and their planning consultant, who spoke in favor of the Buckingham plan amendment as submitted by the Buckingham Community Planning Panel asked that the LPA recommend transmittal of the amendment as submitted by the planning panel.

Two representatives of the owner of the 95 acre tract of land located south of Buckingham Park spoke generally in favor of the staff recommendation, but asked that the reference to the Buckingham community be made consistent throughout the amendment. One of the representatives noted that his client did not wish to be made part of the Buckingham community planning area.

Suggestions/Comments by the Local Planning Agency:

One LPA member felt the document is confusing as to the language that needs to be redrafted in order to implement the wishes of the community. He asked that the community continue to work with staff and come forward with a draft that answers all concerns that have been raised during today's proceedings because they are valid concerns. He also felt the community needed to recognize existing property rights on properties they want included in their area. The language needs to be drafted so those rights are protected. He asked that this item be continued to the June 3, 2009 Local Planning Agency meeting and that a new draft be provided.

Another LPA member stated he was not against what the community was trying to do, but he was concerned about using the Comprehensive Plan Amendment process to erode the rights of a piece of property without the property owner's permission by putting provisions into the Comprehensive Plan. If the community has a problem with development plans for the site, they can address those concerns during the zoning process.

Several LPA members asked that the community attempt to work with staff further to come up with something that is easier to understand and takes into account concerns expressed at this meeting.

One LPA member agreed the community should have an opportunity to establish a vision for their community and set out some guidelines, but he was concerned with some components such as NIMBYism

(Not In My Backyard). He did not want to see a proliferation of that across the County. He also expressed concerns about the connection to water and sewer. If there is a water quality issue out there and the community is prohibited from connecting to central water and sewer, it could be a problem for the community.

A motion was made and seconded to continue CPA2007-49 Buckingham Community Plan to the June 3, 2009 Local Planning Agency meeting with direction for the community and staff to work together to revise the amendment prior to the June meeting. The motion passed unanimously.

DATE OF SECOND PUBLIC HEARING: June 3, 2009

B. LOCAL PLANNING AGENCY REVIEW CONTINUED:

Staff presented this item. It was brought before the LPA on April 27th and the LPA continued the item to today's meeting and directed staff and the community to work together to revise the amendment. Staff noted that several attempts were made to schedule a meeting with the Planning Panel, but were told the Planning Panel felt the meeting would not be productive and that the Panel was not recommending any changes to what they originally submitted. Mr. Mudd noted he had revised the staff report and he reviewed the changes. He also reviewed two maps with the LPA on PowerPoint.

Lengthy discussion, questions, and answers ensued between the LPA and staff, particularly regarding 95 acres of property outside the boundary recommended by staff.

One member of the LPA asked if anyone from the public wished to comment on this item. Public comment was received from:

Two members of the public representing owners of the property which are outside of the Buckingham Planning area, but within the Buckingham Planning Community. These members did not consent to the restrictions placed on their property if they were to be included in the planning area. Also speaking were four members of the public supporting the Buckingham community plan as submitted by the Buckingham Community Planning Panel.

Suggestions/Concerns of the Local Planning Agency:

One member of the LPA commended staff for their multiple outreaches to the Buckingham community in an effort to work through the issues. He was unclear as to why the community chose not to work with staff. Regarding the boundary issues, LPA members stated they were in favor of preserving areas such as Buckingham, Alva, East Lee County, etc., but it should be done within the rights of the property owners. The people outside the boundary had a certain land use when they purchased their property and the LPA did not feel it was appropriate to compromise those rights. The LPA members did not see how this amendment could be moved forward with the boundary lines where they are today.

Other members of the LPA agreed and asked for more information on the parcels outside the boundary as far as what the difference is in terms of the rights that might be lost and Bert Harris issues.

One member of the LPA agreed with the earlier comments on the boundary, and recommended the Planning boundary be the same as the Community Planning Area boundary.

Other members of the LPA agreed and felt it was clear there was no support in incorporating the three parcels that are outside into the boundary.

On a separate issue, LPA members stated they were a strong proponent of community plans and felt communities should have the right for self determination. When the LPA previously reviewed this amendment and made recommendations, those recommendations were with certain language in place. He was not in favor of striking language from Policy 17.3.6, 17.5.2, and 17.6. He recommended that as part of the LPA's motion, these sections should be included, but the LPA could accept the rest of staff's recommendations.

Planning staff clarified that even though the LPA made recommendations previously, they were never officially adopted. At the Board's transmittal hearing, the amendment was sent back to staff so these policies are not currently in the plan.

A motion was made to change the boundary lines and that Policies 17.3.5, 17.3.6 (minus the last sentence), 17.5.2, and Objective 17.6 (in its entirety) remain. It was clarified that the motion would be to change the Planning Community Boundary to be the same as the Community Planning Area boundary so those parcels will be outside as they are now. They will not be included.

After further discussion, it was decided that the motion would be changed to recommend the 95 acres be added into the Lehigh Acres boundary.

Other members agreed with the map change, but felt staff outlined why Policies 17.3.5, 17.3.6, 17.5.2, and Objective 17.6 are not needed, and stated they were not prepared to support the motion with the inclusion of adding those back in.

Discussion ensued as to whether the allocation table would need to be changed because there is no residential/rural allocation currently in the Lehigh Planning Community. Now that this change is being made, there should be some rural/residential allocation added into the Lehigh portion of the table. It was decided that a separate motion would be made for that.

One member of the LPA asked if there would be any legal ramifications to keeping these policies/objective in the document and whether there would be any Bert Harris implications.

The Assistant County Attorney stated that Policy 17.3.5 would restrict the array of uses that the County could make of property that is within its ownership and control. Once the last sentence is stricken from Policy 17.3.6, it is less objectionable. The Attorney's office did not recommend adding Policy 17.5.2 because there are property owners along the Orange River that currently have the ability to have some non-residential use on the banks of the river. This Policy would preclude that and it would result in a loss of use to those property owners. It also directly affects the County as they are a property owner with property along the river in Buckingham.

One member of the LPA requested that the language in Policy 17.1.6 should be clarified because it seemed to be confusing.

There being no further discussion. The motion failed 3-3.

A motion was made to approve staff's recommendation for CPA2007-49. The motion failed 3-3.

Ms. Call made a motion to change the boundaries. The Planning Community boundary would now match the Buckingham Community as depicted on the Future Land Use Map, Map 1 (2 of 6). It would exclude the Harns Marsh area, the Lehigh Urban Reserve area, and the Rural area that is south of Buckingham Road. The motion passed unanimously.

Another motion was made to recommend that staff look into the allocation tables and bring that back to the next meeting. This motion passed unanimously.

C. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

A motion was made to accept the staffs recommendation. The motion resulted in a 3-3 tie, which according to Administrative Code 13-6 Part D(3) "the recommendation of the LPA will be conclusively presumed to be a recommendation not to transmit". Therefore the LPA does not recommend transmittal of CPA2007-49.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The LPA action did not accept the Findings of Fact as advanced by staff.

D. VOTE:

NOEL ANDRESS	NAY
CINDY BUTLER	AYE
CARRIE CALL	NAY
JIM GREEN	AYE
MITCH HUTCHCRAFT	ABSENT
RONALD INGE	AYE
CARLA JOHNSTON	NAY

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

DATE OF TRANSMITTAL HEARING: September 24, 2009

A. BOARD REVIEW:

Staff briefly presented the Comprehensive Plan Amendment by identifying the unresolved issues between the Goals, Policies, and Objectives of the Buckingham Planning Panel's recommendation and staff's recommendations.

Eleven members of the public spoke about the proposed amendment. Nine of the members of the public spoke in favor of transmitting the Buckingham Community Plan as proposed by the Buckingham Planning Panel. A representative of the 95 acres known as Lehigh Village stated his clients desire not to be included in the purview of Goal 17, the Buckingham Community Plan, and recommended transmittal of County staff's recommendation, which does not include this property.

Public comments were followed by questions and discussion by the Board of County Commissioners and County staff. A commissioner asked for identification of the three properties that are in contention to either be added to the Buckingham Community or added to another planning community, and clarification and explanation of the staff recommendation concerning these areas. Staff identified the three areas in question and offered further explanation of the recommendation, including implications that some of the proposed policies of the Buckingham Community Plan would have with the Burt J. Harris Act. It was suggested by two Commissioners that, as a compromise, perhaps one of these areas could be split. With some to be added to the Buckingham Community and the remainder of this area to be added to the Lehigh Acres Planning Community.

One Commissioner suggested that the proposed amendment not be transmitted at this time , but be moved to the following month to give County staff and the Buckingham Community additional time to work on these unresolved issues. The commissioners directed staff on several of the unresolved issues. One commissioner gave direction to staff concerning uses that would be, and would not be appropriate at the Gulf Coast Center, and explained to the community that some of the exclusions of uses that they were seeking may not be possible. On the issue of public access to the Orange River one commissioner expressed desire to enhance the public's connection with the environment, and saw this as a good opportunity to facilitate that connection. The other commissioners agreed but felt that access to the Orange River should be done in a way that is consistent with the community's vision. Two commissioners directed staff to meet with the property owner(s) of the 95 acre property that was part of the old Fort Myers landfill to see if they would be interested in staying in the County as opposed to annexed into the City of Fort Myers.

Following the direction to staff a commissioner moved to give the County staff and the Buckingham Planning Community an additional month to work on the unresolved issues. The Board of County Commissioners approved this motion 4-0, with Commissioner Janes being absent.

B. ACTIONS SUBSEQUENT TO THE SEPTEMBER 24, 2009 TRANSMITTAL HEARING:

Following Board direction, staff met several times with the legal representative of the Buckingham Planning Panel. In addition there were several iterations of proposed goals, policies, and objectives that were exchanged between Lee County staff and the Buckingham Planning Panel representative. On October 23, 2009 staff's final version of proposed Goal 17 language was provided to the Board of County Commissioners and the Buckingham Planning Panel in a memo from staff (attached). On October 27, 2009 the Buckingham Planning Panel responded to the October 23, 2009 staff memo with a letter from their representative (attached) that outlined the remaining issues between the Buckingham Community Planning Panel and County staff and suggested additional changes. Staff internally reviewed this letter and agreed to some of the suggested changes, however, there were still differences that could not be resolved on some of the issues.

DATE OF TRANSMITTAL HEARING: October 28, 2009

C. BOARD REVIEW:

Staff presented the revised amendment to the Buckingham Community Plan to the Board of County Commissioners, as outlined in the Buckingham Planning Panel's letter dated October 27, 2008. Most of the items had been resolved, and staff stated that there was agreement on these issues. There were two items that staff in general agreed with the suggested language from the Planning Panel. These issues were the ability to provide waivers for connection to Lee County Utility's central sewer lines, and amended language that would affect future development at the Gulf Coast Center. Staff suggested that the Buckingham Planning Panel's language from this letter , with amendments from the County Attorney's Office for consistency with the Lee Plan, should be used for those items. Staff also identified the few issues that remained unresolved.

Following staff presentation seven members of the public provided public comment. Members of the public acknowledged the work and compromises that had been made in the previous month between staff and the Community and encouraged the Commissioners to vote to transmit the proposed amendment. Some members of the public still did not feel that the proposed plan provided sufficient protection to the "rural" character of the community and felt that the County should not be concerned or afraid of liability from the Burt J. Harris Act.

One commissioner stated that they did not want to require a super majority vote of the Board to make land use changes in Buckingham and the other commissioners agreed with that. A commissioner suggested that the goal of retaining roads with rural character may be able to be accomplished without limiting right-of-way widths, and that maybe we should be focusing on pavement widths. Another commissioner pointed out that this would allow more room for facilities such as equestrian trails and open drainage which would add to the rural character of the community. This was followed by a more in depth discussion of road pavement and right-of-way widths.

The Commissioners agreed that they should go down the list of issues and make a motion on each of them individually and then make a motion to transmit the proposed amendment , as amended by their motions. The motions were as follows:

A motion was made to support the staff recommendation that does not require a super majority of the Board to make land use changes. Motion passed 4-0.

A motion was made to support staff's recommendation concerning the Minimum Use Determination versus the vested rights issue. Motion Passed 4-0.

A motion was made to support staff's recommendation to require transition and buffers adjacent to the Rural Community Preserve. Motion passed 4-0. Reference proposed Policy 17.1.6.

A motion was made to require a Board of County Commissioners meeting after 5:00 pm for extensions and expansion to roads within the community. Motion passed 4-0. Reference proposed Objective 17.2.

A motion was made to retain the current maximum road right-of-way width requirement of 100 feet instead of 80 feet. The motion passed 4-0. Reference proposed Policy 17.2.1 #6. The Board also directed staff to explore other ways to preserve the "rural character" of the roads other than limiting right-of-way width, such as pavement widths.

A motion was made to support staff's recommended language with an addition of language that clarified the process to obtain waivers from connecting to Lee County Utility's central sewer lines. The addition was proposed by the Buckingham Planning Panel, but received minor amendments from the County Attorney's Office. The motion passed 4-0. Reference proposed Policy 17.3.1.

A motion was made to not transmit language requested by the Buckingham Planning Panel that would limit the expansion of fuel transmission lines. The Board directed staff and the Buckingham Planning Panel representative to work on this issue prior to the adoption hearing. The motion passed 4-0

A motion was made to not transmit language from the Buckingham Planning Panel that would limit additional uses at the Buckingham Air Field. Motion passed 4-0.

A motion was made to not transmit language from the Buckingham Planning Panel that would require development at the Gulf Coast Center to not adversely impact the rural community. The motion passed 4-0.

D. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

The Board of County Commissioners transmitted the proposed amendment, as revised by the motions discussed above, including the allocation table and the planning community map.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The Board of County Commissioners accepted the findings of fact as advanced by Staff.

E. VOTE:

BRIAN BIGELOW	**AYE**
TAMMARA HALL	**AYE**
ROBERT P. JANES	**ABSENT**
RAY JUDAH	**AYE**
FRANK 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

C. STAFF RECOMMENDATION

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:

BRIAN BIGELOW	_____
TAMMARA HALL	_____
ROBERT P. JANES	_____
RAY JUDAH	_____
FRANK MANN	_____

PROPOSED
TABLE 1(b)
Year 2030 Allocations

	Future Land Use Classification	Lee County Totals	Alva	Boca Grande	Bonita Springs	Fort Myers Shores	Burnt Store	Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway/ Airport	Daniels Parkway	Iona/ McGregor
Residential By Future Land Use Category	Intensive Development	1,367	0	0	0	20	0	27	0	250	0	0	0	0
	Central Urban	14,787	0	0	0	225	0	0	0	230	0	0	0	375
	Urban Community	18,425	520	485	0	637	0	0	0	0	0	0	0	850
	Suburban	16,623	0	0	0	1,810	0	0	0	85	0	0	0	2,488
	Outlying Suburban	4,105	30	0	0	40	20	2	500	0	0	0	1,700	377
	Sub-Outlying Suburban	1,548	0	0	0	367	0	0	0	0	0	0	0	0
	Industrial Development	79	0	0	0	0	0	0	0	39	0	20	0	5
	Public Facilities	1	0	0	0	0	0	0	1	0	0	0	0	0
	University Community	850	0	0	0	0	0	0	0	0	0	0	0	0
	Destination Resort Mixed Use Water Dependent	8	0	0	0	0	0	0	0	0	0	0	0	8
	Burnt Store Marina Village	4	0	0	0	0	4	0	0	0	0	0	0	0
	Industrial Interchange	0	0	0	0	0	0	0	0	0	0	0	0	0
	General Interchange	42	0	0	0	0	0	0	0	0	0	0	2	0
	General/Commercial Interchange	0	0	0	0	0	0	0	0	0	0	0	0	0
	Industrial/Commercial Interchange	0	0	0	0	0	0	0	0	0	0	0	0	0
	University Village Interchange	0	0	0	0	0	0	0	0	0	0	0	0	0
	New Community	900	0	0	0	0	0	0	0	0	0	900	0	0
	Airport	0	0	0	0	0	0	0	0	0	0	0	0	0
	Tradeport	9	0	0	0	0	0	0	0	0	0	9	0	0
	Rural	8,313	1,948	0	0	1,400	636	0	0	0	0	0	1,500	0
	Rural Community Preserve	3,100	0	0	0	0	0	0	0	0	0	0	0	0
	Coastal Rural	1,300	0	0	0	0	0	0	0	0	0	0	0	0
	Outer Islands	202	5	0	0	1	0	0	150	0	0	0	0	1
	Open Lands	2,805	250	0	0	0	590	0	0	0	0	0	120	0
	Density Reduction/Groundwater Resourse	6,905	711	0	0	0	0	0	0	0	0	94	0	0
	Conservation Lands Uplands	0	0	0	0	0	0	0	0	0	0	0	0	0
	Wetlands	0	0	0	0	0	0	0	0	0	0	0	0	0
	Conservation Lands Wetlands	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Residential		81,373	3,464	485	0	4,500	1,250	29	651	604	0	1,023	3,322	4,104
Commercial		12,763	57	52	0	400	50	17	125	150	0	1,100	440	1,100
Industrial		6,620	26	3	0	400	5	26	0	300	0	3,100	10	320
Non Regulatory Allocations														
Public		81,853	7,100	421	0	2,000	7,000	20	1,961	350	0	7,500	2,416	3,550
Active Agriculture		24,957	5,100	0	0	550	150	0	0	0	0	0	20	0
Passive Agriculture		45,859	13,549	0	0	2,500	109	0	0	0	0	1,491	20	0
Conservation (wetlands)		81,948	2,214	611	0	1,142	3,236	133	1,603	748	0	2,809	1,719	9,306
Vacant		21,802	1,953	0	0	226	931	34	0	45	0	300	20	975
Total		357,175	33,463	1,572	0	11,718	12,731	259	4,340	2,197	0	17,323	7,967	19,355
Population Distribution*		495,000	5,090	1,531	0	30,861	3,270	225	530	5,744	0	11,582	16,488	34,538

* Population for Unincorporated Area of Lee County

PROPOSED

TABLE 1(b)

Year 2030 Allocations

	Future Land Use Classification	San Carlos	Sanibel	South Fort Myers	Pine Island	Lehigh Acres		Southeast Lee County	North Fort Myers	Buckingham		Estero	Bayshore
						Adopted	Proposed			Adopted	Proposed		
Residential By Future Land Use Category	Intensive Development	0	0	660	3	~~0~~	42	0	365	~~0~~	0	0	0
	Central Urban	17	0	3,140	0	~~8,200~~	8,200	0	2,600	~~0~~	0	0	0
	Urban Community	1,000	0	860	500	~~13,269~~	13,013	0	0	~~51~~	110	450	0
	Suburban	1,975	0	1,200	675	~~0~~	0	0	6,690	~~0~~	0	1,700	0
	Outlying Suburban	0	0	0	600	~~0~~	0	0	382	~~0~~	0	454	0
	Sub-Outlying Suburban	25	0	0	0	~~0~~	0	0	140	~~49~~	66	0	950
	Industrial Development	5	0	10	0	~~0~~	0	0	0	~~0~~	0	0	0
	Public Facilities	0	0	0	0	~~0~~	0	0	0	~~0~~	0	0	0
	University Community	850	0	0	0	~~0~~	0	0	0	~~0~~	0	0	0
	Destination Resort Mixed Use Water Dependent	0	0	0	0	~~0~~	0	0	0	~~0~~	0	0	0
	Burnt Store Marina Village	0	0	0	0	~~0~~	0	0	0	~~0~~	0	0	0
	Industrial Interchange	0	0	0	0	~~0~~	0	0	0	~~0~~	0	0	0
	General Interchange	0	0	0	0	~~0~~	0	15	7	~~0~~	0	6	12
	General/Commercial Interchange	0	0	0	0	~~0~~	0	0	0	~~0~~	0	0	0
	Industrial/Commercial Interchange	0	0	0	0	~~0~~	0	0	0	~~0~~	0	0	0
	University Village Interchange	0	0	0	0	~~0~~	0	0	0	~~0~~	0	0	0
	New Community	0	0	0	0	~~0~~	0	0	0	~~0~~	0	0	0
	Airport	0	0	0	0	~~0~~	0	0	0	~~0~~	0	0	0
	Tradeport	0	0	0	0	~~0~~	0	0	0	~~0~~	0	0	0
	Rural	90	0	0	190	~~14~~	14	0	500	~~57~~	50	635	1,350
	Rural Community Preserve	0	0	0	0	~~0~~	0	0	0	~~3,046~~	3,100	0	0
	Coastal Rural	0	0	0	1,300	~~0~~	0	0	0	~~0~~	0	0	0
	Outer Islands	0	0	0	45	~~0~~	0	0	0	~~0~~	0	0	0
	Open Lands	0	0	0	0	~~0~~	0	0	45	~~0~~	0	0	1,800
	Density Reduction/Groundwater Resourse	0	0	0	0	~~0~~	0	4,000	0	~~0~~	0	0	2,100
	Conservation Lands Uplands	0	0	0	0	~~0~~	0	0	0	~~0~~	0	0	0
	Wetlands	0	0	0	0	~~0~~	0	0	0	~~0~~	0	0	0
	Conservation Lands Wetlands	0	0	0	0	~~0~~	0	0	0	~~0~~	0	0	0
Total Residential		3,962	0	5,870	3,313	~~21,483~~	21,269	4,015	10,729	~~3,203~~	3,326	3,245	6,212
Commercial		1,944	0	2,100	226	~~1,420~~	1,420	38	1,687	~~18~~	18	1,700	139
Industrial		450	0	900	64	~~300~~	300	65	554	~~5~~	5	87	5
Non Regulatory Allocations													
Public		2,660	0	3,500	2,100	~~15,000~~	15,289	12,000	4,000	~~2,114~~	1,486	7,000	1,500
Active Agriculture		0	0	0	2,400	~~0~~	0	15,101	200	~~411~~	411	125	900
Passive Agriculture		0	0	0	815	~~0~~	0	18,000	1,556	~~3,619~~	3,619	200	4,000
Conservation (wetlands)		2,798	0	188	14,767	~~1,496~~	1,541	31,530	1,317	~~381~~	336	5,068	882
Vacant		244	0	309	3,781	~~7,377~~	8,085	500	2,060	~~1,278~~	1,000	809	530
Total		12,058	0	12,867	27,466	~~47,076~~	47,904	81,249	22,103	~~11,029~~	10,201	18,234	14,168
Population Distribution*		36,963	0	58,363	13,265	~~164,702~~	164,699	1,270	70,659	~~6,114~~	6,117	25,395	8,410

* Population for Unincorporated Area of Lee County

CPA2007-00049
LEE COUNTY PLANNING COMMUNITIES

ADOPTED

Year 2030

Planning Communities

- City Limits
- Areas Proposed to Change
- 1. Alva
- 2. Boca Grande*
- 3. Bonita Springs
- 4. Fort Myers Shores
- 5. Burnt Store
- 6. Cape Coral
- 7. Captiva
- 8. Fort Myers
- 9. Fort Myers Beach
- 10. Gateway/Airport
- 11. Daniel Parkway
- 12. Iona/McGregor
- 13. San Carlos
- 14. Sanibel
- 15. South Fort Myers
- 16. Pine Island*
- 17. Lehigh Acres
- 18. Southeast Lee County
- 19. North Fort Myers
- 20. Buckingham*
- 21. Estero*
- 22. Bayshore*

* Area specific Lee Plan Goals, Objectives, & Policies may apply.

The Planning Communities Map and Acreage Allocation Table (see Table 1(b) and Policies 1.1.1 and 2.2.2) depict the proposed distribution, extent, and location of generalized land uses for the year 2030.

LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

N W E S

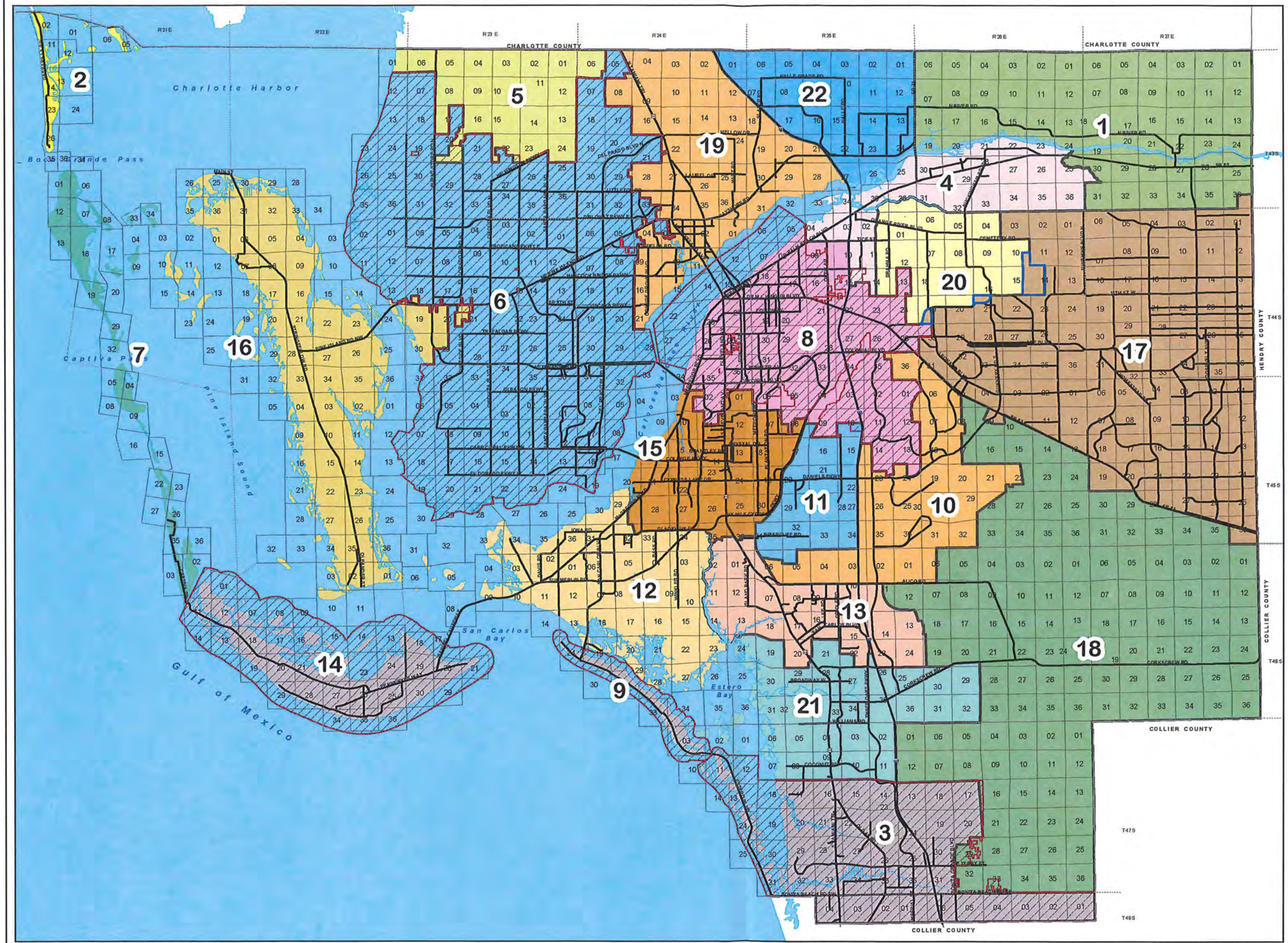
1 0.5 0 1 2 3 4
Miles

Map Generated: September 2009
City Limits current to date of map generation

Last Amended: August 13, 2007
Adopted by Ordinance No. 98-09
Amended by Ordinance No.
02-02, 03-01, 03-02, 03-04, 03-21, 07-09, 07-13

ADOPTED

Lee Plan Map 16



CPA2007-00049
LEE COUNTY PLANNING COMMUNITIES

PROPOSED

Year 2030

Planning Communities

- City Limits
- Areas Proposed to Change
- 1. Alva
- 2. Boca Grande*
- 3. Bonita Springs
- 4. Fort Myers Shores
- 5. Burnt Store
- 6. Cape Coral
- 7. Captiva
- 8. Fort Myers
- 9. Fort Myers Beach
- 10. Gateway/Airport
- 11. Daniel Parkway
- 12. Iona/McGregor
- 13. San Carlos
- 14. Sanibel
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LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

N W E S

1 0.5 0 1 2 3 4
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02-02, 03-01, 03-02, 03-04, 03-21, 07-09, 07-13

PROPOSED

Lee Plan Map 16

Buckingham Community Plan

Buckingham Community Planning Panel
Bill Burdette, President
Michael Rippe Vice President
Gordon Brandt, Secretary
Bob Murray Treasurer
Tommy Lee Cook, Director
Tom Feminella, Director
Tim Mann, Director
Sawyer C. Smith, Director
Matt Steele, Director
Bruce Strayhorn, Director
Gloria Vernay, Director

Consultant
Dr. Margaret Banyan, Johnson Engineering, Inc.
Mike Roeder, Knott, Consoer, Ebelini, Hart & Swett, P.A.

Submitted
September 2007

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LEE COUNTY
SOUTHWEST FLORIDA

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.

DATE SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

LEE COUNTY
SOUTHWEST FLORIDA

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

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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.

4/24/07 _____
DATE SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

I. APPLICANT/AGENT/OWNER INFORMATION

Bill Burdette, Buckingham Community Planning Panel		
APPLICANT		
4931 Shady River Lane		
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		**239- 334- 3361**
TELEPHONE NUMBER		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)

[X] 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 2007, by Bill Burdette who is personally known to me or who has produced _____ as identification.

Signature of notary public

(SEAL)

DEBRA L. PENDLEBURY
Notary Public - State of Florida
My Commission Expires Aug 20, 2010
Commission # DD 542944
Bonded By National Notary Assn.

Debra L. Pendlebury
Printed name of notary public

Panel Member and Consultant Contact Information

Buckingham Community Planning Panel

Bill Burdette, President
4931 Shady River Land
Fort Myers, Florida 33905
bill@burdetteinc.com

Michael Rippe, Vice-President
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Fort Myers, Florida 33905
Michael.rippe@dot.state.fl.us

Gordon Brandt, Secretary
4238 Skates Circle
Buckingham, Florida 33905
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Bob Murray, Treasurer
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BobMurray@HMeng.com

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Bruce@Strayhornlaw.com

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Sawyer Smith
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P.O. Drawer 8
Fort Myers, Florida 33902
scsmith@wilburlaw.com

Tommy Lee Cook
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Fort Myers, Florida 33905
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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 acreas 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.

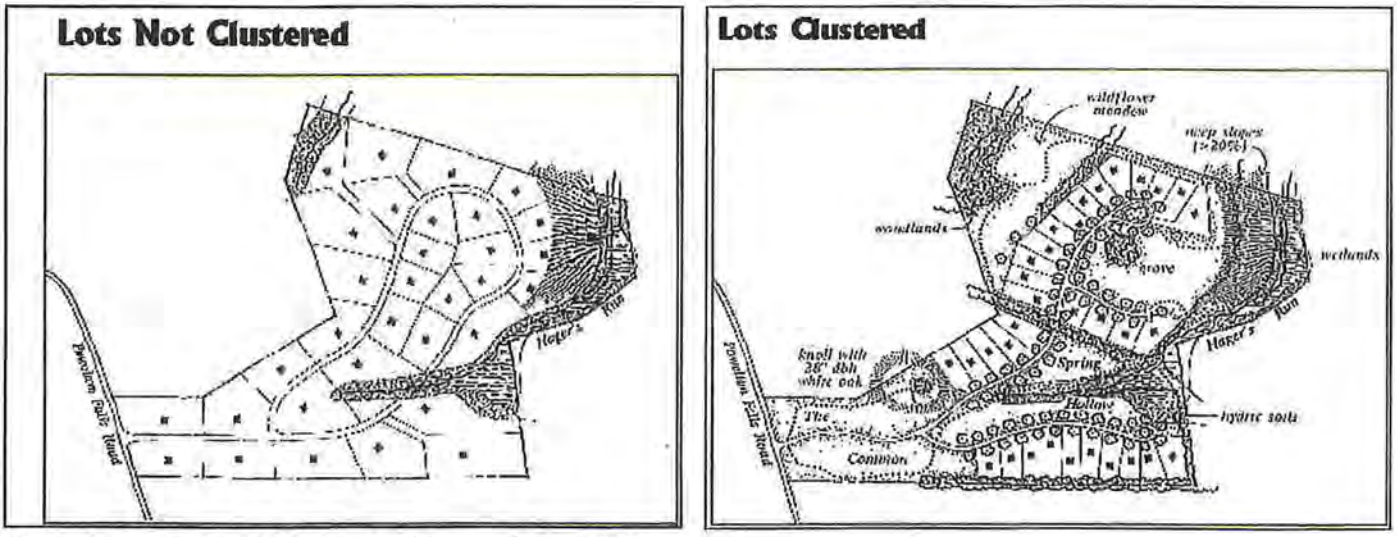


Figure 1 Source: Randall G. Arendt, Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks, Island Press, 1996.

[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 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 Polices 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 it 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

IN THE SWIM

...ns - New Construction
...ly Homes & Duplexes
...r Small Projects
...sed & Insured
For Free Estimates
...3580 • Cell: (239) 424-0141

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!

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

Figure 2: July 7 2007 Meeting Notice



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

NEWS STAR, A SECTION, WEDNESDAY, JULY 18, 2

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 ory of Jean Lee Baptist Church of 1102 Leeland Heights Lehigh Acres, FL 3 your local chapter American Cancer So

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



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 beginning, 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 are 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 it's 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 rush.

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 Kaj 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 getting a win this season.

News Star pick: East Lee Mariner 35

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

Quick facts: Gateway h already beaten Moore Have this year in a scrimmage gam in which the Griffins won by score of 40-6.

This game probably wo be as big a blowout, b Gateway still will come out it with a win.

The Griffins are coming a huge 51-6 win on the ro against Academy at the Lak

If the Griffins can contin to put big numbers on offen they could end up having 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

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Michael Rippe
Vice President
rippemi@earthlink.net

Gordon Brandt
Secretary
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Bob Murray
Treasurer
BobMurray@HMemg.com

Tommy Lee Cook
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Tom Feminella
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Tim Mann
Director
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Director
msteele14@sprintpcs.com

Bruce Strayhorn
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Gloria Vernay
Director
gbvcountrylady@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

Buckingham Community Planning Panel, Inc.
A Florida Not for Profit Corporation

8/13/07

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
Terry Sanders	TJDaytona3@earthlink.net	694-8220
Gordon L Braudt		694-6680
Karl Kauffman	KarlGump@AOL.com Karlw.Kauffman@fmr.com	693 2696
Bonnie Kauffman	BKSCHUTZEN@AOL.com	693 2696
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Dave Burr	dburr@earthlink.net	694-1617
Tom & Sue Losey	sklosey@comcast.net	694-1631

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Richard & Peggy Schmidt	SCHMIDT_RICHPEG@EARTHLINK.NET	239 694 2245
Jim McKeever	MCKEEVER@LCMCD.ORG	239-694-2774

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LAURA J. HAGER		694-5394

SIGN IN 3/22/07 e-mail 3/28/07

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2007-6761 Buckingham

4/17/07

Sign-In Infrastructure / Land Use Subcommittee

Sawyer C. Smith

Bill Bardette

Jim McKeever mckeever@LCMCD.ORG

Chris Bundschu

Bruce Strayhorn

Don Blackburn

ORIGINAL

Buckingham Planning Panel
MAY 21, 2007

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Michael Barko	693-6533	
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June 28, 2007 Buckingham Mtg.
Attendance

	NAME	Phone	E-mail
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✓	EGGY Schmidt	694-3245	Schmidt_richprg @earthlink.net
✓	Richard Schmidt	"	
added ✓	Jeff Gerberick	694-5230	surfgerber@aol.com
✓	CARL & AMBER FRICKE	694-5278	CAF4344@msn.com
✓	Martha & Jim Scott	644-6409	
✓	Gordon Prescott	694 6680	Gordon@glkwindsor.net
added	Sue & Lenny Barshinger	693-3821	~~Sue~~ Sue4simple@aol.com
	Fred & Charlotte Stump	"	
✓	Don Blackburn		donblackburn@Yahoo.com
added	Dick Workman		coastplan@embarqmail.com

BUCKINGHAM Community Planning Panel
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Sarah Clarke	694-6261	
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7/26/2007

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Jessica Cavanaugh	693-9210	

Updated in e-mail list 8/2/07

8/23/07

PLANNING PANEL MEETING

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Pat Richenbacher	694-7999	
GUY DENT	964-2572	
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Rosa Caskey	693-1165	
Tom Cagle		
L. J. Hagen		
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George Kaliwski	644-6261	
BOB MURRAY	1985-1200	

Page 1 of

BUCKINGHAM COMMUNITY PLANNING PANEL
SEPT. 13, 2007 MEETING

NAME	PHONE NO.	EMAIL
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Sara Cox	694-8489	mustang2pc@xfate
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Bruce Skaggs	281-6258	
Rose Caskey	693-1165	Cdonrose@wmconnect
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Tim Mann	693 6188	TIM@METRONET.COM
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Tommy Cook	565 5057	TommyLCook@AOL.com
Mike Reeder		

Page 2 of 2

Buckingham Planning Panel Mtg 9/13/07

Name	Telephone #	Email Address
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Gloria Vinny		
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Helen Louise Mosley	694-1064	NA
Michael Barko		
Richard Schmidt	694-2295	SCHMIDT_RICHARD@DAVEMLUCK.COM
KARL KAUFFMAN	693-2696	KARLGUMP@AOL.COM
Tammy Cook	565-5857	TammyLCook@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

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

JOHNSON ENGINEERING

SINCE 1946

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

2158 Johnson Street ▪ Post Office Box 1550 ▪ Fort Myers, Florida 33902-1550
(239) 334-0046 ▪ Fax (239) 334-3661

JOHNSON
ENGINEERING

SINCE 1946

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:

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

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Very truly yours,

JOHNSON ENGINEERING, INC.

Margaret Banyan, Ph.D
Community Planner

MEB:tem:20076760

2158 Johnson Street ▪ Post Office Box 1550 ▪ Fort Myers, Florida 33902-1550
(239) 334-0046 ▪ Fax (239) 334-3661

JOHNSON
ENGINEERING

SINCE 1946

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

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(239) 334-0046 ▪ Fax (239) 334-3661

JOHNSON
ENGINEERING

SINCE 1946

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

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Very truly yours,

JOHNSON ENGINEERING, INC.

Margaret Banyan, Ph.D
Community Planner

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(239) 334-0046 ▪ Fax (239) 334-3661

JOHNSON
ENGINEERING

SINCE 1946

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.

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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

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JOHNSON ENGINEERING

SINCE 1946

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
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JOHNSON
ENGINEERING

SINCE 1946

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:

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

2158 Johnson Street ▪ Post Office Box 1550 ▪ Fort Myers, Florida 33902-1550
(239) 334-0046 ▪ Fax (239) 334-3661

JOHNSON
ENGINEERING

SINCE 1946

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:

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,

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Margaret Banyan, Ph.D
Community Planner

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JOHNSON
ENGINEERING

SINCE 1946

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:

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

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(239) 334-0046 ▪ Fax (239) 334-3661

JOHNSON
ENGINEERING

SINCE 1946

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.

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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.

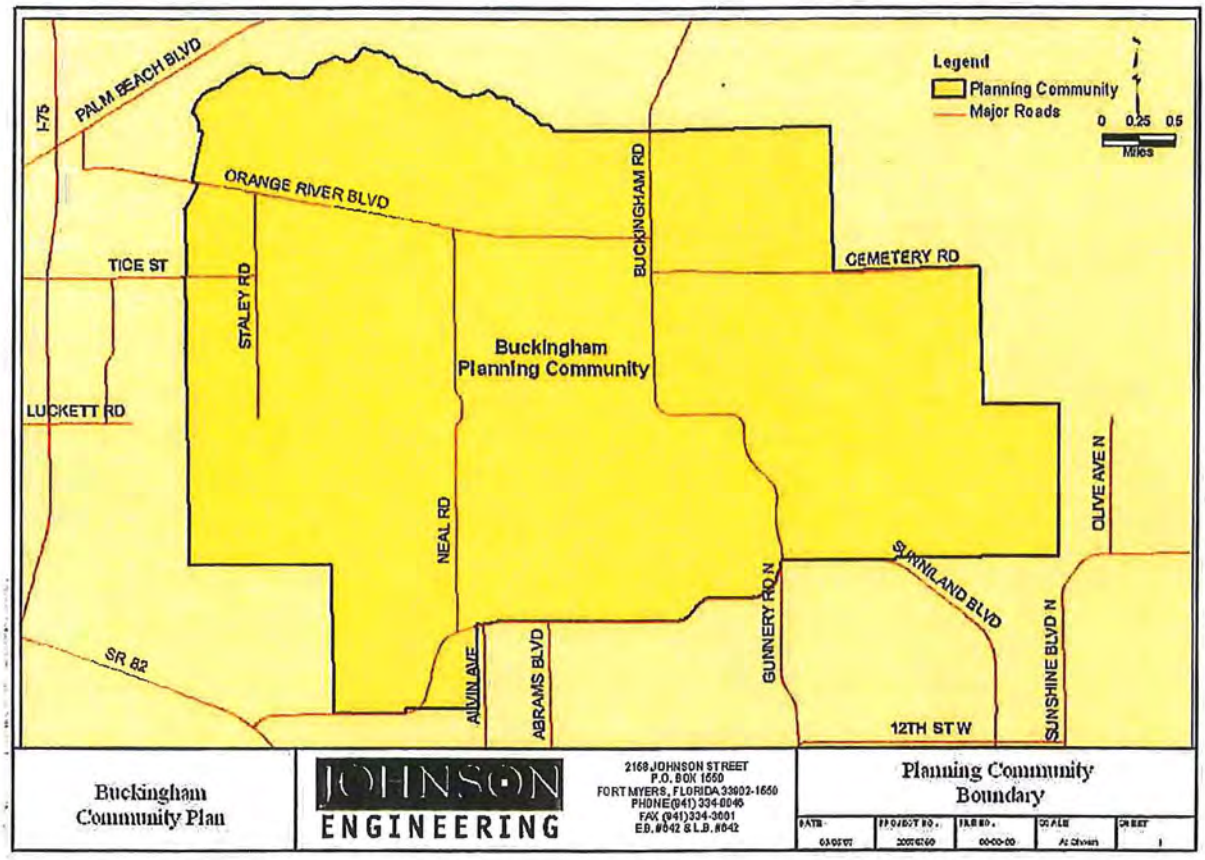
Margaret Banyan, Ph.D
Community Planner

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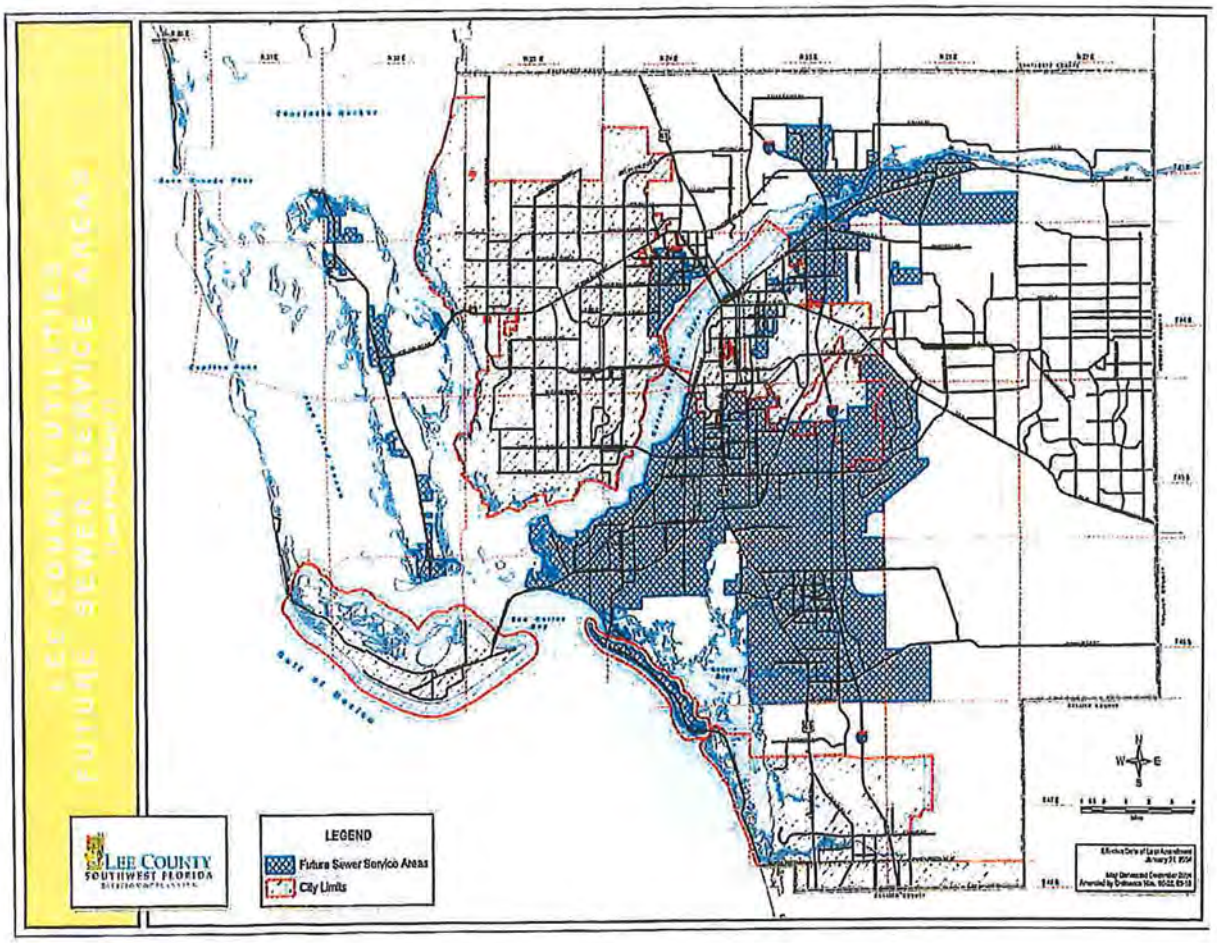
2158 Johnson Street ▪ Post Office Box 1550 ▪ Fort Myers, Florida 33902-1550
(239) 334-0046 ▪ Fax (239) 334-3661

Maps

Community Planning and Planning Community Boundary Map



Map 7


LEE COUNTY UTILITIES
FUTURE SEWER SERVICE AREAS
LEE COUNTY
SOUTHWEST FLORIDA
LEGEND
Future Sewer Service Areas
City Limits
N
W
E
S

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

CPA2007-00049
LEE COUNTY PLANNING COMMUNITIES

ADOPTED

Year 2030

Planning Communities

- City Limits
- Areas Proposed to Change
- 1. Alva
- 2. Boca Grande*
- 3. Bonita Springs
- 4. Fort Myers Shores
- 5. Burnt Store
- 6. Cape Coral
- 7. Captiva
- 8. Fort Myers
- 9. Fort Myers Beach
- 10. Gateway/Airport
- 11. Daniel Parkway
- 12. Iona/McGregor
- 13. San Carlos
- 14. Sanibel
- 15. South Fort Myers
- 16. Pine Island*
- 17. Lehigh Acres
- 18. Southeast Lee County
- 19. North Fort Myers
- 20. Buckingham*
- 21. Estero*
- 22. Bayshore*

* Area specific Lee Plan Goals, Objectives, & Policies may apply.

The Planning Communities Map and Acreage Allocation Table (see Table 1(b) and Policies 1.1.1 and 2.2.2) depict the proposed distribution, extent, and location of generalized land uses for the year 2030.

LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

N
W E
S

1 0.5 0 1 2 3 4
Miles

Map Generated: September 2009
City Limits current to date of map generation

Last Amended: August 13, 2007
Adopted by Ordinance No. 98-09
Amended by Ordinance No.
02-02, 03-01, 03-02, 03-04, 03-21, 07-09, 07-13

ADOPTED

Lee Plan Map 16

CPA2007-00049
LEE COUNTY PLANNING COMMUNITIES

PROPOSED

Year 2030

Planning Communities

- City Limits
- Areas Proposed to Change
- 1. Alva
- 2. Boca Grande*
- 3. Bonita Springs
- 4. Fort Myers Shores
- 5. Burnt Store
- 6. Cape Coral
- 7. Captiva
- 8. Fort Myers
- 9. Fort Myers Beach
- 10. Gateway/Airport
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- 12. Iona/McGregor
- 13. San Carlos
- 14. Sanibel
- 15. South Fort Myers
- 16. Pine Island*
- 17. Lehigh Acres
- 18. Southeast Lee County
- 19. North Fort Myers
- 20. Buckingham*
- 21. Estero*
- 22. Bayshore*

* Area specific Lee Plan Goals, Objectives, & Policies may apply.

The Planning Communities Map and Acreage Allocation Table (see Table 1(b) and Policies 1.1.1 and 2.2.2) depict the proposed distribution, extent, and location of generalized land uses for the year 2030.

LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

N W E S

1 0.5 0 1 2 3 4
Miles

Map Generated: September 2009
City Limits current to date of map generation

Last Amended: August 13, 2007
Adopted by Ordinance No. 98-09
Amended by Ordinance No.
02-02, 03-01, 03-02, 03-04, 03-21, 07-09, 07-13

PROPOSED

Lee Plan Map 16